



# CITY OF CRESTVIEW

## OFFICE OF THE CITY CLERK

P.O. DRAWER 1209, CRESTVIEW, FLORIDA 32536

Phone # (850) 1560 Fax # (850) 682-8077

April 27, 2020

6:00 PM

Council Chambers

### REGULAR COUNCIL MEETING

Pursuant to Executive Order No. 20-69, issued by the Office of Governor Ron Desantis on March 20, 2020, municipalities may conduct meetings of their governing boards without having a quorum of its members present physically or at any specific location, and utilizing communications media technology such as telephonic or video conferencing, as provided by Section 120.54(5)(b)2, Florida Statutes.

Procedures for the public comment will be provided via the website and social media before the scheduled meeting date. . The members of the City Council or LPA appearing remotely for this meeting will be announced at the beginning of the meeting.

1. Call to Order

2. Invocation, Pledge of Allegiance

3. Open Policy Making and Legislative Session

4. Approve Agenda

5. Presentations and Reports

5.1. Development update from Benchmark Group on incoming Shopping Center

6. Consent Agenda

Approval of minutes from the May 13, 2019 Council Meeting, January 27, 2020 City Council Meeting, February 10, 2020 City Council meeting, February 24 City Council Meeting, the  
6.1. February 24, 2020 City Council Workshop, the March 5 Joint LPA/City Council Workshop and the March 9, 2020 City Council Meeting.

7. Resolutions

8. Public Hearings / Ordinances on Second Reading

9. Ordinances on First Reading

9.1. Ordinance 1755 - Amos Street Comp Plan Amendment

9.2. Ordinance 1756 - Aplin Road Annexation

- 9.3. Ordinance 1757 - Aplin Road Comp Plan Amendment
- 9.4. Ordinance 1758 - Aplin Road Rezoning
- 9.5. Ordinance 1759 - Highway 90 East Annexation
- 9.6. Ordinance 1760 - Industrial Drive Annexation
- 9.7. Ordinance 1761 - Industrial Road Comp Plan Amendment
- 9.8. Ordinance 1762 - Industrial Road Rezoning
- 9.9. Ordinance 1763 - 971 Industrial Annexation
- 9.10. Ordinance 1764 - 971 Industrial Comp Plan Amendment
- 9.11. Ordinance 1765 - 971 Industrial Rezoning
- 9.12. Ordinance 1766 adopting Chapter 3 Administrative Procedures-Land Development Code 2020

**10. Action Items**

- 10.1. Appointment of Mayor Pro Tem
- 10.2. Request to approve an extension of the contract to purchase Foxwood Estates.

**11. City Clerk Report**

**12. City Manager Report**

- 12.1. Discussion of Small Business Grant Program

**13. Comments from the Mayor and Council**

**14. Comments from the Audience**

**15. Adjournment**

Note: The Reports section is for items that were submitted by a citizen or group of Citizens no later than the Wednesday 2 weeks prior to the meeting to the Clerk's office for approval. These items will be scheduled under the section titles Presentations and Reports. Supporting documents must be submitted at this time to be on the regular agenda. All Action Item are for staff and elected officials only and must be submitted for approval no later than the Wednesday 10 days prior to the meeting. Those not listed on the regular agenda who wish to address the council should fill out a yellow card. The Card must be submitted to the City Clerk. Speaking time should be three minutes or less, large groups may designate a spokesperson. All remarks should be addressed to the Council as a whole and not to individual members. All meeting procedures are outlined in the Meeting Rules and Procedures brochure available outside the Chambers. If any person decides to appeal any decision made by the City Council with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The City Council of the City of Crestview, Florida does not discriminate upon the basis of any individual's disability status. Anyone requiring reasonable accommodation as provided for in the American With Disabilities Act to insure access to and participation in the meeting should contact the Office of the City Clerk at (850)682-1560 prior to the meeting to make appropriate arrangements.

Any invocation that is offered before the official start of the City Council meeting shall be the voluntary offering of a private person, to and for the benefit of the City Council. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the City Council or the city staff, and the City is not allowed by law to endorse the religious beliefs or views of this, or any other speaker. Persons in attendance at the City Council meeting are invited to stand during the opening invocation and Pledge of Allegiance. However, such invitation shall

not be construed as a demand, order, or any other type of command. No person in attendance at the meeting shall be required to participate in any opening invocation that is offered. A person may exit the City Council Chambers and return upon completion of the opening invocation if a person does not wish to participate in or witness the opening invocation.



# Staff Report

CITY COUNCIL MEETING DATE: April 27, 2020

TYPE OF AGENDA ITEM: Presentation

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TO: Mayor and City Council  
CC: City Manager, City Clerk, Staff and Attorney  
FROM:  
DATE: 4/22/2020  
SUBJECT: Development update from Benchmark Group on incoming Shopping Center

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## **BACKGROUND:**

City staff has been working with Benchmark Group for the past year on a new shopping center development located between Highway 85 and Physicians Way.

## **DISCUSSION:**

At this meeting the development team will give a brief overview of where they are in the development process and a plan moving forward. The presentation will include some renderings they have been working on.

## **GOALS & OBJECTIVES**

This item is consistent with the goals in A New View Strategic Plan 2020 as follows;

**Foundational-** these are the areas of focus that make up the necessary foundation of a successful local government.

*Financial Sustainability-* Achieve long term financial sustainability

*Organizational Capacity, Effectiveness & Efficiency-* To efficiently & effectively provide the highest quality of public services

*Infrastructure-* Satisfy current and future infrastructure needs

*Communication-* To engage, inform and educate public and staff

**Quality of Life-** these areas focus on the overall experience when provided by the city.

*Community Character-* Promote desirable growth with a hometown atmosphere

*Safety-* Ensure the continuous safety of citizens and visitors

*Mobility-* Provide safe, efficient and accessible means for mobility

*Opportunity-* Promote an environment that encourages economic and educational opportunity

*Play-* Expand recreational and entertainment activities within the City

*Community Culture-* Develop a specific identity for Crestview



**FINANCIAL IMPACT**

NA

**RECOMMENDED ACTION**

NA

**Attachments**

None



# Staff Report

CITY COUNCIL MEETING DATE: April 27, 2020

TYPE OF AGENDA ITEM: Action Item

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TO: Mayor and City Council  
CC: City Manager, City Clerk, Staff and Attorney  
FROM: Elizabeth Roy, City Clerk  
DATE: 4/21/2020  
SUBJECT: Approval of minutes from the May 13, 2019 Council Meeting, January 27, 2020 City Council Meeting, February 10, 2020 City Council meeting, February 24 City Council Meeting, the February 24, 2020 City Council Workshop, the March 5 Joint LPA/City Council Workshop and the March 9, 2020 City Council Meeting.

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## **BACKGROUND:**

Minutes are presented for approval in regular or special City Council or CRA meetings.

## **DISCUSSION:**

Minutes are accomplished as soon as possible after any meeting of the City Council or CRA Board.

Council and CRA members are requested to send any corrections to the City Clerk prior to the meeting so any corrections can be made.

Any amended minutes will be presented in the meeting for approval.

## **GOALS & OBJECTIVES**

This item is consistent with the goals in A New View Strategic Plan 2020 as follows;

**Foundational-** these are the areas of focus that make up the necessary foundation of a successful local government.

*Communication-* To engage, inform and educate public and staff

## **FINANCIAL IMPACT**

There is no financial impact to the City.

## **RECOMMENDED ACTION**

Staff respectfully requests the City Council approve the minutes from the following meetings;

- May 13, 2019 Council Meeting,
- January 27, 2020 City Council Meeting,
- February 10, 2020 City Council meeting,
- February 24 City Council Meeting,
- February 24, 2020 City Council Workshop,

- March 5 Joint LPA/City Council Workshop,
- March 9, 2020 City Council Meeting.

**Attachments**

1. 19.5.13 CCM Agenda
2. 2020 01.27 CCM
3. 2020.2.10 CCM
4. 2020.02.24 CCM
5. 2020.02.24 WS
6. 2020.3.5 Joint Workshop
7. 2020.3.9 CCM

**City Council Meeting  
May 13, 2019  
6:00 PM  
Council Chambers**

The Regular Meeting of the Crestview City Council was called to order at 6:00 P.M. Members present were Shannon Hayes, Joe Blocker, Andrew Rencich, Cynthia Brown and Harry LeBoeuf. Also present were the honorable Mayor JB Whitten, City Clerk Elizabeth Roy, City Manager Tim Bolduc, City Attorney Mr. Holloway, department heads and members of the press.

**REGULAR COUNCIL MEETING**

**1. Call to Order**

The meeting was called to order by the Honorable JB Whitten, Mayor.

**2. Invocation, Pledge of Allegiance**

The invocation and Pledge of Allegiance were led by Pastor Mark Broadhead, First Presbyterian Church of Crestview

**3. Open Policy Making and Legislative Session**

**4. Approve Agenda**

Agenda was approved by unanimous decision.

**5. Special Presentations**

**6. Reports and Presentations**

Brian Hughes of the Crestview Sister City Organization gave an update to the council.

**7. Approval of Minutes**

Minutes from the March 11, 2019 City Council Meeting were approved by unanimous decision

**8. Public Hearings**

**9. Public Opportunity on Council propositions**

**10. Consent Agenda**

10.1 Approval of Allen, Norton and Blue invoice in the amount of \$331.50

10.2 Approval of Building Department Interlocal Agreement

Consent agenda was approved by unanimous decision.

## **11. Resolutions**

## **12. Ordinances on First Reading**

## **13. Ordinances on Second Reading**

### 13.1 Ordinance 1684 – Crossway Community Church Comp Plan

City Clerk Elizabeth Roy read the ordinance by title:

#### **ORDINANCE NO. 1684**

**AN ORDINANCE OF THE CITY OF CRESTVIEW, FLORIDA, AMENDING ITS ADOPTED COMPREHENSIVE PLAN; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR PURPOSE; PROVIDING FOR CHANGING THE FUTURE LAND USE DESIGNATION FROM THE DOWNTOWN MIXED USE CATEGORY TO THE COMMERCIAL FUTURE LAND USE CATEGORY ON APPROXIMATELY 0.48 ACRES, IN SECTION 17, TOWNSHIP 3 NORTH, RANGE 23 WEST; PROVIDING FOR FUTURE LAND USE MAP AMENDMENT; AND PROVIDING FOR AN EFFECTIVE DATE.**

This is the second reading of Ordinance 1684:

Discussion was held on Ordinance 1684: After Discussion, Motion was made by Mr. Blocker to adopt ordinance 1684 on second reading and send to Mayor and City Clerk for signatures, seconded by Mr. Hayes. all members voted yea.

### 13.2 Ordinance 1685 – Moratorium on Annexation Fees

City Clerk Elizabeth Roy read the ordinance by title:

#### **ORDINANCE NO. 1685**

**AN ORDINANCE OF THE CITY OF CRESTVIEW, FLORIDA, PROVIDING FOR A SIX-MONTH WAIVER PERIOD FOR THE COLLECTION OF ANNEXATION APPLICATION FEES FOR PROPERTIES OF 10 ACRES OR LESS IN AREA; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH AND PROVIDING FOR AN EFFECTIVE DATE.**

This is the second reading of Ordinance 1685:

Discussion was held on Ordinance 1685: After Discussion, Motion was made by Mr. Blocker to adopt ordinance 1684 on second reading and send to Mayor and City Clerk for signatures, seconded by Ms. Brown. all members voted yea.

## **14. Action Items**

### 14.1 Allen Turner Inventory Parking Lot Development Application

Application was presented by Growth management staff and discussion was held by council members.

Motion was made by Mr. Hayes to approve the Development Application, with the condition that all outstanding requirements will be satisfied through the Development Order and Building Permit Process, seconded by Mr. Rencich all members voted yea.

#### 14.2 Panda Express Development Application

Application was presented by Growth management staff and discussion was held by council members.

Motion was made by Mr. Blocker to approve the Development Application, with the condition that all outstanding requirements will be satisfied through the Development Order and Building Permit Process, seconded by Mr. Rencich. all members voted yea.

#### 14.3 Winkler College Reimbursement Request

Presentation was made by Fire department Chief Tony Holland requesting that Cory Winkler be reimbursed for College tuition as outlined in the Staff Report.

Motion was made by Mr. Blocker approve the reimbursement of \$372.03 for Cory Winkler tuition, seconded by Mr. Hayes. all members voted yea.

#### 14.4 PJ Adams Utility Relocation Interlocal Agreement.

Public Services Director Wayne presented the Draft Interlocal Agreement between Okaloosa County and the City of Crestview to bid Utility Adjustments as a component of the PJ Adams widening project. Estimated cost of the project is \$1,040,000 and is included in the budget for 2018-2019.

Motion by Mr. Blocker to approve the draft agreement for the relocation of utilities on PJ Adams and instruct the City Manager to work with the City Attorney to finalize the agreement for the Mayor to sign, seconded by Mr. Rencich. all members voted yea.

### **15. Comments from the Audience**

### **16. Comments from the Mayor and Council**

Mayor Whitten discussed the formation of the Community Chorus.

### **17. City Clerk Report**

#### 17.1 Request for cancellation of May 27, 2019 Council Meeting

Approved by Consensus

## 17.2 Update on upcoming Events

The City Clerk informed the Council of the upcoming events. Attendance at non-public meetings will be posted by the Clerk on the City's Website. No Action needed, information only.

Voluntary Attendance: May Day Parade and Ceremony Saturday, May 25<sup>th</sup> Memorial Day Ceremony, Live Oak Cemetery.

Required attendance: Strategic Planning Opening session, Tuesday, May 28<sup>th</sup> 4pm to 8 pm

Strategic Planning Wrap up Thursday, May 30<sup>th</sup>

The City Council members are invited, but not required to attend the Staff Strategic Planning on Wednesday, May 29 from 10am to 4pm.

Also there is a DDay Event at Warriors hall, Thursday June 6<sup>th</sup> 5:30 pm Attendance is voluntary

## 17.3 WFRPC Appointment

Motion by Mr. Blocker to appoint Mayor Whitten as a member of the West Florida Regional Planning Council Board to replace former Mayor Cadle, seconded by Mr. Hayes all members voted yea.

## 18. City Manager Report

### 18.1 EOC Meeting

Members of the City Council are invited to attend a tour and orientation of the Okaloosa County Emergency Management Facility. This tour will provide the perfect opportunity for staff and all elected officials to get a refresher or initial orientation of the facility and process. The tour will be held Monday May 20<sup>th</sup> at 9:00AM at the EOC in Niceville. No Action is needed, notice will be posted by City Clerk of Council members possible attendance.

## 19. Adjournment

Mayor Whitten adjourned the Meeting at 7:47 PM

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Elizabeth Roy, City Clerk

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JB Whitten, Mayor

Minutes approved this \_\_\_\_ day of \_\_\_\_\_ 2020.

**City Council Minutes**  
**January 27, 2020**  
**6:00 PM**  
**Council Chambers**

**1. Call to Order**

The Regular Meeting of the Crestview City Council was called to order at 6:00 P.M. by Mayor JB Whitten. Present were: Council members Andrew Rencich, Harry LeBoeuf, Cynthia Brown, and Joe Blocker. Mayor Pro Tem Shannon Hayes. Also present were the honorable Mayor JB Whitten, City Manager Tim Bolduc, City Clerk Elizabeth Roy, City Attorney John Holloway, department heads and members of the press.

**2. Invocation, Pledge of Allegiance**

The Invocation and Pledge of Allegiance were led by City Manager Tim Bolduc.

**3. Open Policy Making and Legislative Session**

**4. Approve Agenda**

There was a unanimous vote to add item 14.2 to the agenda. The agenda was then approved by Unanimous decision.

**5. Special Presentations**

no

**6. Reports and Presentations**

none

**7. Approval of Minutes**

none

**8. Public Hearings**

None

**9. Public Opportunity on Council propositions**

**10. Consent Agenda**

There was a unanimous vote to approve the consent agenda as presented.

10.1. Lift Station #1 Replacement Pump Purchase

10.2. Lift Station #69 Spare Pump Purchase

10.3. Lift Station #18 & 20 New Control Panel Purchase

10.4. MXU Smart Point Purchase



## **11. Resolutions**

### **11.1. Issuance of Capital Improvement Revenue Bonds**

City Clerk Elizabeth Roy read the Resolution by title.  
RESOLUTION 2020-3

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CRESTVIEW, FLORIDA AUTHORIZING THE ISSUANCE OF A \$10,800,000 CAPITAL IMPROVEMENT REVENUE BOND, SERIES 2020 TO FINANCE THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF VARIOUS CAPITAL IMPROVEMENTS AND REFUND CERTAIN OUTSTANDING DEBT OF THE ISSUER AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING THAT THE BOND SHALL BE A LIMITED OBLIGATION OF THE CITY PAYABLE FROM CERTAIN SALES TAX REVENUES RECEIVED BY THE CITY AND A BACKUP COVENANT TO BUDGET, APPROPRIATE AND DEPOSIT NON-AD VALOREM REVENUES AS PROVIDED HEREIN; PROVIDING FOR THE RIGHTS, SECURITIES AND REMEDIES FOR THE OWNERS OF THE BOND; MAKING CERTAIN COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH; AND PROVIDING AN EFFECTIVE DATE.

City manager Tim Bolduc presented the resolution staff report to the Council and explained the reasons behind the issuance of this bond.

A motion was made by Shannon Hayes to Adopt Resolution No. 20-03 authorizing the issuance of a \$10,800,000 Capital Improvement Revenue Bond Series to finance the acquisition, construction and equipping of various capital improvements and refund certain outstanding debt of the issuer and to award said financing to Regions Bank.. Seconded by Andrew Rencich, vote 5 yeas and 0 nays, motion carried.

### **11.2. Resolution of Support of Okaloosa County Resolution 2019-211 Second Amendment Safe-Haven**

City Clerk Elizabeth Roy read the Resolution by Title  
RESOLUTION: 2020-4

A RESOLUTION OF THE CITY OF CRESTVIEW, FLORIDA SUPPORTING THE OKALOOSA COUNTY COMMISSION'S ADOPTION OF RESOLUTION 2019-2 DECLARING OKALOOSA COUNTY A "SECOND AMENDMENT SAFE-HAVEN", AND DECLARING THE CITY OF CRESTVIEW A "SECOND AMENDMENT SAFE-HAVEN CITY; PROHIBITING THE USE CITY FUNDS ALLOCATED TO THE CRESTVIEW POLICE DEPARTMENT FOR THE USE OF MANPOWER, EQUIPMENT, OR ANY PUBLIC PROPERTY IN ANY ACTION RELATING TO FEDERAL LAW OR FEDERAL AGENCY DIRECTIVES OR REQUESTS FOR ASSISTANCE IN COLLECTING, SEIZING, OR CATALOGING PERSONAL FIREARMS OF COUNTY GUN OWNERS; AND OPPOSING ANY STATE OR FEDERAL LEGISLATION DESIGNED TO RESTRICT THE OWNERSHIP AND POSSESSION OF ANY SEMI-AUTOMATIC RIFLES OR SHOTGUNS TO INCLUDE THOSE "MISLABELED" AS "ASSAULT-WEAPONS"; SUPPORTING OUR MILITARY PERSONNEL BEING ARMED; AND MAKING OTHER LEGISLATIVE AMENDMENTS AND RECOMMENDATIONS.

City Manager Tim Bolduc presented the resolution staff report to the Council.

A motion was made by Andrew Rencich to ADOPT Resolution 20-04 supporting County Resolution 2019-211 and declaring the City of Crestview a Second Amendment Safe Haven City. Seconded by Cynthia Brown, vote 5 yeas and 0 nays, motion carried.

## **12. Public Hearings - Ordinances on Second Reading**

### **12.1. Ordinance 1738 - Amending Chapter 18 of the Code of Ordinances establishing Article IV-Remote Motor Vehicle Sales**

Staff presented to the Council and requested the City Clerk to read the ordinance:  
Ms Roy read the ordinance by Title.

ORDINANCE: 1738

AN ORDINANCE OF THE CITY OF CRESTVIEW, FLORIDA; AMENDING CHAPTER 18 TO CREATE ARTICLE IV REMOTE MOTOR VEHICLE SALES A NEW ARTICLE OF THE CITY OF CRESTVIEW CODE OF ORDINANCES; REGULATING REMOTE SALES OF MOTOR VEHICLES UNLESS CONDUCTED BY A BUSINESS WITHIN THE CITY OF CRESTVIEW; PROVIDING FOR SEVERABILITY; PROVIDING FOR SCRIVENER'S ERRORS; PROVIDING FOR LIBERAL INTERPRETATION; PROVIDING FOR REPEAL OF CONFLICTING CODES AND PROVIDING FOR AN EFFECTIVE DATE.

This is the second reading of ordinance 1738.

A motion was made by Joe Blocker to adopt Ordinance 1738 on second reading and send for signatures. . Seconded by Shannon Hayes, vote 5 yeas and 0 nays, motion carried.

12.2. Ordinance 1748 - Tom Young Annexation

Staff presented to the Council and requested the City Clerk to read the ordinance:  
Ms Roy read the ordinance by Title.

ORDINANCE 1748

AN ORDINANCE ANNEXING TO THE CITY OF CRESTVIEW, FLORIDA, 2.70 +or - ACRES OF CONTIGUOUS LANDS LOCATED IN SECTION 36, TOWNSHIP 3 NORTH, RANGE 24 WEST, AND BEING DESCRIBED AS SET FORTH HEREIN; PROVIDING FOR AUTHORITY; PROVIDING FOR LAND DESCRIPTION; PROVIDING FOR BOUNDARY; PROVIDING FOR LAND USE AND ZONING DESIGNATION; PROVIDING FOR AMENDMENT TO THE BASE, LAND USE AND ZONING MAPS; PROVIDING FOR A COMPREHENSIVE PLAN AMENDMENT; PROVIDING FOR FILING WITH THE CLERK OF CIRCUIT COURT OF OKALOOSA COUNTY, THE CHIEF ADMINISTRATIVE OFFICER OF OKALOOSA COUNTY AND THE FLORIDA DEPARTMENT OF STATE; PROVIDING FOR SEVERABILITY; PROVIDING FOR SCRIVENER'S ERRORS; PROVIDING FOR LIBERAL NTERPRETATION; PROVIDING FOR REPEAL OF CONFLICTING CODES AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

This was the second reading of Ordinance 1748

A motion was made by Joe Blocker to adopt Ordinance 1748 on second reading and send for signatures. . Seconded by Shannon Hayes, vote 5 yeas and 0 nays, motion carried.

12.3. Ordinance 1733 - Highway 85 N Annexation

Staff presented to the Council and requested the City Clerk to read the ordinance:  
Ms Roy read the ordinance by Title

ORDINANCE NO. 1733

AN ORDINANCE ANNEXING TO THE CITY OF CRESTVIEW, FLORIDA, 2.18 more or less ACRES OF CONTIGUOUS LANDS LOCATED IN SECTION 33, TOWNSHIP 4 NORTH, RANGE 23 WEST, AND BEING DESCRIBED AS SET FORTH HEREIN; PROVIDING FOR AUTHORITY; PROVIDING FOR LAND DESCRIPTION; PROVIDING FOR BOUNDARY; PROVIDING FOR

LAND USE AND ZONING DESIGNATION; PROVIDING FOR AMENDMENT TO THE BASE, LAND USE AND ZONING MAPS; PROVIDING FOR A COMPREHENSIVE PLAN AMENDMENT; PROVIDING FOR FILING WITH THE CLERK OF CIRCUIT COURT OF OKALOOSA COUNTY, THE CHIEF ADMINISTRATIVE OFFICER OF OKALOOSA COUNTY AND THE FLORIDA DEPARTMENT OF STATE; PROVIDING FOR SEVERABILITY; PROVIDING FOR SCRIVENER'S ERRORS; PROVIDING FOR LIBERAL INTERPRETATION; PROVIDING FOR REPEAL OF CONFLICTING CODES AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

This is the second Reading of Ordinance 1733

A motion was made by Andrew Rencich to adopt Ordinance 1733 on second reading and send for signatures. . Seconded by Joe Blocker, vote 5 yeas and 0 nays, motion carried.

#### 12.4. Ordinance 1734 - Highway 85 N Comprehensive Plan Amendment

Staff presented to the Council and requested the City Clerk to read the ordinance:

Ms Roy read the ordinance by Title

ORDINANCE NO. 1734

AN ORDINANCE OF THE CITY OF CRESTVIEW, FLORIDA, AMENDING ITS ADOPTED COMPREHENSIVE PLAN; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR PURPOSE; PROVIDING FOR CHANGING THE FUTURE LAND USE DESIGNATION FROM OKALOOSA COUNTY MIXED-USE (MU) FUTURE LAND USE CATEGORY TO COMMERCIAL (C) FUTURE LAND USE CATEGORY ON APPROXIMATELY 2.18 ACRES, MORE OR LESS, IN SECTION 33, TOWNSHIP 4 NORTH, RANGE 23 WEST; PROVIDING FOR FUTURE LAND USE MAP AMENDMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR SCRIVENER'S ERRORS; PROVIDING FOR LIBERAL INTERPRETATION; PROVIDING FOR REPEAL OF CONFLICTING CODES AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

This is the second reading of Ordinance 1734.

A motion was made by Shannon Hayes to adopt Ordinance 1734 on second reading and send for signatures. . Seconded by Joe Blocker, vote 5 yeas and 0 nays, motion carried.

#### 12.5. Ordinance 1735 - Highway 85 N Rezoning

Staff presented to the Council and requested the City Clerk to read the ordinance:

Ms Roy read the ordinance by Title

ORDINANCE NO. 1735

AN ORDINANCE OF THE CITY OF CRESTVIEW, FLORIDA, PROVIDING FOR THE REZONING OF 2.18 ACRES, MORE OR LESS, OF REAL PROPERTY, LOCATED IN SECTION 33, TOWNSHIP 4 NORTH, RANGE 23 WEST, FROM THE OKALOOSA COUNTY MIXED-USE (MU) ZONING DISTRICT TO THE COMMERCIAL (C-1); PROVIDING FOR AUTHORITY; PROVIDING FOR THE UPDATING OF THE CRESTVIEW ZONING MAP; PROVIDING FOR SEVERABILITY; PROVIDING FOR SCRIVENER'S ERRORS; PROVIDING FOR LIBERAL INTERPRETATION; PROVIDING FOR REPEAL OF CONFLICTING CODES

AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

This is the second reading of Ordinance 1735

A motion was made by Andrew Rencich to adopt Ordinance 1735 on second reading and send for signatures. . Seconded by Harry LeBoeuf, vote 5 yeas and 0 nays, motion carried.

#### 12.6. Ordinance 1736 - Arena Road Comprehensive Plan Amendment

Staff and citizens who wished to speak on this ordinance were sworn in by the City Clerk.

Staff presented to the Council and requested the City Clerk to read the ordinance:

Ms Roy read the ordinance by Title

ORDINANCE NO. 1736

AN ORDINANCE OF THE CITY OF CRESTVIEW, FLORIDA, AMENDING ITS ADOPTED COMPREHENSIVE PLAN; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR PURPOSE; PROVIDING FOR CHANGING THE FUTURE LAND USE DESIGNATION FROM LOW DENSITY RESIDENTIAL (LDR) FUTURE LAND USE CATEGORY TO INDUSTRIAL (IN) FUTURE LAND USE CATEGORY ON APPROXIMATELY 1.97 ACRES, MORE OR LESS, IN SECTION 19, TOWNSHIP 3 NORTH, RANGE 23 WEST; PROVIDING FOR FUTURE LAND USE MAP AMENDMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR SCRIVENER'S ERRORS; PROVIDING FOR LIBERAL INTERPRETATION; PROVIDING FOR REPEAL OF CONFLICTING CODES AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

This is the second reading of Ordinance 1736.

The Local Planning agency report from on Ordinance 1736 and 1737 was entered into the record.

John Wofford of Pandora drive spoke against the Ordinance. The City Manager addressed what is the planned development and that would come back to the council for approved. He stated that a buffer would be erected and discussed at that time. A second citizen was sworn in and questioned what type of buffer would be allowed. She objected to a sewer treatment plant in the neighborhood.

A motion was made by Andrew Rencich to adopt Ordinance 1736 on second reading provided the development order comes back to council, and send for signatures. . Seconded by Cynthia Brown, vote 4 yeas and 1 nays, Mr. Blocker voted Nay motion carried.

#### 12.7. Ordinance 1737 - Arena Road Rezoning

Staff presented to the Council and requested the City Clerk to read the ordinance:

Ms Roy read the ordinance by Title

ORDINANCE NO. 1737

AN ORDINANCE OF THE CITY OF CRESTVIEW, FLORIDA, PROVIDING FOR THE REZONING OF 1.97 ACRES, MORE OR LESS, OF REAL PROPERTY, LOCATED IN SECTION 19, TOWNSHIP 3 NORTH, RANGE 23 WEST, FROM THE SINGLE FAMILY DWELLING DISTRICT (R-1) ZONING DISTRICT TO THE INDUSTRIAL (M-1); PROVIDING FOR AUTHORITY; PROVIDING FOR THE UPDATING OF THE CRESTVIEW ZONING MAP; PROVIDING FOR SEVERABILITY; PROVIDING FOR SCRIVENER'S ERRORS; PROVIDING FOR LIBERAL INTERPRETATION; PROVIDING FOR REPEAL OF CONFLICTING CODES

AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

This is the second reading of Ordinance 1737

A motion was made by Cynthia Brown to adopt Ordinance 1737 on second reading and send for signatures. . Seconded by Harry LeBoeuf, vote 5 yeas and 0 nays, motion carried..

**12.8. Ordinance 1740 - Six Month Moratorium on Annexation Fees - Properties 10 acres or less**

Staff presented to the Council and requested the City Clerk to read the ordinance:

Ms Roy read the ordinance by Title

ORDINANCE \_1740

AN ORDINANCE OF THE CITY OF CRESTVIEW, FLORIDA, PROVIDING  
FOR A SIX-MONTH WAIVER PERIOD

FOR THE COLLECTION OF ANNEXATION APPLICATION FEES

FOR PROPERTIES OF 10 ACRES OR LESS IN AREA

This is the second reading of Ordinance 1740

A motion was made by Joe Blocker to adopt Ordinance 1740 on second reading and send for signatures Seconded by Shannon Hays, 5 yeas, 0 Nays motion carried.

**13. Ordinances on First Reading**

**14. Action Items**

**14.1. Memorandum of Understanding With the Marine Forces Special Operations Command**

Staff made a presentation of a MOU with the Marine Forces Special Operations Command to conduct operations training within the City Limits of Crestview, with the Cooperation of the Crestview Police Department.

A motion was made by Andrew Rencich to Approve the MOU Seconded by Cynthia Brown, vote 5 yeas and 0 nays, motion carried.

**14.2. Axon Body Camera Purchase Approval**

The City Council approved the 2020FY annual budget which included the purchase of the Axon Body Camera System for the Crestview Police Department.

A motion was made by Shannon Hayes to Approve the contract and addendum as presented, Seconded by Andrew Rencich, vote 5 yeas and 0 nays, motion carried.

**15. Comments from the Audience**

**16. Comments from the Mayor and Council**

Council LeBoeuf asked for an update on the annexation of Foxwood. He praised the New Year's Eve event and would like a full accounting of the Costs, and a budget for next year if it is done again, and possible sources of revenue. The City Manager addressed a portion of the questions and will send out a report.

Mr. Rencich expressed thanks for the 2<sup>nd</sup> Amendment resolution. He will be in Tallahassee rest of the week.

Ms. Brown praised the MLK day festivities. Was happy that public safety is a priority in the City of Crestview.

Mr. Blocker What is current status of dispatch (Will be covered in City Manager Report) What about the piggly wiggly property ( City Manager is meeting with county and property owner next door the next day) What about the Environmental Center ( City Manager is working with Department heads to find funds to bring down old building, City Clerk addressed the inside of the new building)

Mr. Hayes People are pleased with the job Mayor and City Manager are doing.

Mayor Whitten: Wants to move people around on the Dias. Events in the City are going well.

## **17. City Clerk Report**

### **17.1. Discussion/Approval of City Council and CRA Workshop Dates.**

There has been a request to review the City Charter.

Staff is requesting that this workshop be held at 4:30 PM on Monday, February 24th at 4:30 PM just prior to the regular council meeting.

There has been a request from Staff to have a CRA workshop to discuss parking in the Main Street Area. Staff is requesting that this workshop be held at 5:00 PM on Thursday, March 5th. Staff respectively requests that the council approve the 2 dates presented for Workshops for the City Council and the CRA Board

The council approved the two dates by consensus.

### **17.2. Appointment of New Member to the Police and Fire Retirement Board**

Staff respectively requests that the Council appoint a member to the Police and Fire Retirement Board from those presented, or table the matter until the February Council Meeting Moved to the next meeting As no names were presented, the item was tabled.

## **18. City Manager Report**

Foxwood letter of intent will be completed in the next couple of weeks, is being reviewed by attorney. Offer is \$200k less than what the council approved earlier. Foxwood neighbors have been reaching out to City Manager. If any resident says no, the Annexation will have to go to a vote. Mr. Blocker asked about a master and the Mr. Bolduc went over it. Mr. Blocker asked about the future financial stability with this purchase. Funding has been secured for the property and future developments will be a part of the budget going forward.

Mr. Bolduc address the Medical Marijuana that will be addressed in the workshop on the 30<sup>th</sup>. Current ordinance is legally sufficient. This workshop will address what the council chooses to do going forward. There will be changes to the council chambers before the next regular council meeting.

In response to the New Years event, this is the only one that has actually come out of pocket.

The City manager invited the council to do a walk-through of the new dispatch.

Mr. LeBoeuf asked that the City manager/City Clerk comments come before the Mayor and City council

comments.

**19. Adjournment**

Mayor Whitten adjourned the meeting at 7:34 PM

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**Elizabeth M. Roy**  
**City Clerk**

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**JB Whitten**  
**Mayor**

**Minutes approve this \_\_ day of \_\_, 20\_\_ .**

DRAFT

**City Council Minutes**  
**February 10, 2020**  
**6:00 PM**  
**Council Chambers**

**1. Call to Order**

The Regular Meeting of the Crestview City Council was called to order at 6:00 P.M. by the Honorable Mayor JB Whitten. Present were: Mayor Pro Tem Shannon Hayes, Council members Harry LeBoeuf, Cynthia Brown, and Joe Blocker. Also present were the City Manager Tim Bolduc, City Clerk Elizabeth Roy, City Attorney Jon Holloway, department heads and members of the press. Andrew Rencich was absent.

**2. Invocation, Pledge of Allegiance**

Invocation and Pledge were led by City manager Tim Bolduc.

**3. Open Policy Making and Legislative Session**

**4. Approve Agenda**

There was a unanimous vote to approve agenda and add special presentations

**5. Special Presentations**

**Black History Month Proclamation by Mayor JB Whitten.**

WHEREAS, Black History Month sought to level the imbalance in historical perspectives and has become an important part of multicultural and antiracism programs throughout America; and

**WHEREAS**, Black History Month is celebrated in the City of Crestview every February in recognition of the achievements by African Americans and all people of African descent within the United States; and

**WHEREAS**, Black History Month educates all American nationalities about African American History, such as the fact that slavery once existed in America and many who were enslaved against their will helped build this great nation, and fought in Civil War, World War I, and World War II for human rights; and

**WHEREAS**, Black History Month recognizes significant sacrifices and contributions in science, technology, business, arts, government, and cultural innovations by African Americans to the progress and development of America and other parts of the world; and

**WHEREAS**, we will continue to honor the accomplishments each year to come,

**NOW, THEREFORE, I, JB Whitten**, by virtue of the authority vested in me as Mayor of the City of Crestview, Florida, do hereby proclaim:

Monday, February 10th, 2020

as a day of celebration and remembrance of Black African American History Month.



**6. Reports and Presentations**

None

**7. Approval of Minutes**

None

**8. Public Hearings**

None

**9. Public Opportunity on Council propositions**

No one asked to speak at this time.

**10. Consent Agenda**

There was a unanimous vote to approve the Consent agenda items a b and c

10.1. Permission to apply for the 2020 Attorney General's Victim of Crime Act (VOCA) Assistance Grant.

10.2. Approval to Spend Forfeiture Funds

10.3. Dollar General - PJ Adams Construction Plans

**11. Resolutions**

None

**12. Public Hearings - Ordinances on Second Reading**

**12.1. Ordinance 1713 - Fratangelo Comprehensive Plan Amendment**

Staff presented the Ordinance information to the City Council and asked that the City Clerk read the ordinance

City Clerk Elizabeth Roy read the Ordinance by Title:

**Ordinance 1713**

**AN ORDINANCE OF THE CITY OF CRESTVIEW, FLORIDA, AMENDING ITS ADOPTED COMPREHENSIVE PLAN; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR PURPOSE; PROVIDING FOR CHANGING THE FUTURE LAND USE DESIGNATION FROM AN OKALOOSA COUNTY FUTURE LAND USE TO THE HIGH DENSITY RESIDENTIAL FUTURE LAND USE CATEGORY ON APPROXIMATELY 12.98 ACRES, MORE OR LESS, IN SECTIONS 28, TOWNSHIP 3 NORTH, RANGE 23 WEST; PROVIDING FOR FUTURE LAND USE MAP AMENDMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR SCRIVENER'S ERRORS; PROVIDING FOR LIBERAL INTERPRETATION; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.**

This is the Second reading of Ordinance 1713

A motion was made by Shannon Hayes to Adopt the Ordinance 1713 on second reading and send for signatures Seconded by Cynthia Brown, vote 4 yeas and 0 nays, motion carried

**12.2. Ordinance 1714 - Fratangelo Rezoning**

Staff presented the Ordinance information to the City Council and asked that the City Clerk read the ordinance

City Clerk Elizabeth Roy read the Ordinance by Title:

## ORDINANCE NO. 1714

**AN ORDINANCE OF THE CITY OF CRESTVIEW, FLORIDA, PROVIDING FOR THE REZONING OF 12.98 ACRES, MORE OR LESS, OF REAL PROPERTY, LOCATED IN SECTION 28, TOWNSHIP 3 NORTH, RANGE 23 WEST, FROM AN OKALOOSA COUNTY ZONING DISTRICT TO THE MULTI-FAMILY DWELLING DISTRICT ZONING (R-3); PROVIDING FOR AUTHORITY; PROVIDING FOR THE UPDATING OF THE CRESTVIEW ZONING MAP; PROVIDING FOR SEVERABILITY; PROVIDING FOR SCRIVENER'S ERRORS; PROVIDING FOR LIBERAL INTERPRETATION; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES AND PROVIDING FOR AN EFFECTIVE DATE.**

This is the Second reading of Ordinance 1714

A motion was made by Joe Blocker to Adopt the Ordinance 1714 on second reading and send for signatures, Seconded by Shannon Hayes, vote 4 yeas and 0 nays, motion carried.

### **13. Ordinances on First Reading**

#### **13.1. Ordinance 1741 - Linc Grant Comprehensive Plan Amendment**

Staff presented the Ordinance information to the City Council and asked that the City Clerk read the ordinance

City Clerk Elizabeth Roy read the Ordinance by Title:

:

#### **ORDINANCE: 1741**

**AN ORDINANCE OF THE CITY OF CRESTVIEW, FLORIDA, AMENDING ITS ADOPTED COMPREHENSIVE PLAN; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR PURPOSE; PROVIDING FOR CHANGING THE FUTURE LAND USE DESIGNATION FROM LOW DENSITY RESIDENTIAL (LDR) AND COMMERCIAL (C) FUTURE LAND USE CATEGORY TO MEDIUM DENSITY RESIDENTIAL (MDR) FUTURE LAND USE CATEGORY ON APPROXIMATELY 1.38 ACRES, MORE OR LESS, IN SECTION 17, TOWNSHIP 03 NORTH, RANGE 23 WEST; PROVIDING FOR FUTURE LAND USE MAP AMENDMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR SCRIVENER'S ERRORS; PROVIDING FOR LIBERAL INTERPRETATION; PROVIDING FOR REPEAL OF CONFLICTING CODES AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.**

This is the first reading of Ordinance 1741

.A motion was made by Joe Blocker to adopt Ordinance 1741 on first reading and send to second reading. Seconded by Cynthia Brown, vote 4 yeas and 0 nays, motion carried.

#### **13.2. Ordinance 1742 - Linc Grant Rezoning**

Staff presented the Ordinance information to the City Council and asked that the City Clerk read the ordinance

City Clerk Elizabeth Roy read the Ordinance by Title:

#### **ORDINANCE: 1742**

**AN ORDINANCE OF THE CITY OF CRESTVIEW, FLORIDA, PROVIDING FOR THE REZONING OF 1.38 ACRES, MORE OR LESS, OF REAL PROPERTY, LOCATED IN SECTION 17, TOWNSHIP 03 NORTH, RANGE 23 WEST, FROM THE SINGLE FAMILY DWELLING DISTRICT (R-1) AND COMMERCIAL (C-1) ZONING DISTRICT TO THE SINGLE OR MULTI FAMILY DWELLING DISTRICT (R-2); PROVIDING FOR AUTHORITY; PROVIDING FOR THE UPDATING OF THE CRESTVIEW ZONING MAP; PROVIDING FOR SEVERABILITY; PROVIDING**

**FOR SCRIVENER'S ERRORS; PROVIDING FOR LIBERAL INTERPRETATION; PROVIDING FOR REPEAL OF  
CONFLICTING CODES AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.**

This is the first reading of Ordinance 1742

A motion was made by Harry LeBoeuf to adopt Ordinance 1742 on first reading and send to second reading. Seconded by Joe Blocker, vote 4 yeas and 0 nays, motion carried.

**13.3. Ordinance 1743 - Magnolia Creeks Comprehensive Plan Amendment**

Staff presented the Ordinance information to the City Council and asked that the City Clerk read the ordinance

City Clerk Elizabeth Roy read the Ordinance by Title:

**ORDINANCE: 1743**

**AN ORDINANCE OF THE CITY OF CRESTVIEW, FLORIDA, AMENDING ITS ADOPTED COMPREHENSIVE  
PLAN; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR PURPOSE;  
PROVIDING FOR CHANGING THE FUTURE LAND USE DESIGNATION FROM THE COMMERCIAL (C)  
FUTURE LAND USE CATEGORY TO THE MIXED USE (MU) FUTURE LAND USE CATEGORY ON  
APPROXIMATELY 52.52 ACRES, MORE OR LESS, IN SECTION 28, TOWNSHIP 03 NORTH, RANGE 23  
WEST; PROVIDING FOR FUTURE LAND USE MAP AMENDMENT; PROVIDING FOR SEVERABILITY;  
PROVIDING FOR SCRIVENER'S ERRORS; PROVIDING FOR LIBERAL INTERPRETATION; PROVIDING FOR  
REPEAL OF CONFLICTING CODES AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.**

This is the first reading of Ordinance 1743

A motion was made by Shannon Hayes to adopt Ordinance on first reading and send to second reading. Seconded by Cynthia Brown, vote 4 yeas and 0 nays, motion carried.

**13.4. Ordinance 1744 - Magnolia Creeks Rezoning**

Staff presented the Ordinance information to the City Council and asked that the City Clerk read the ordinance

City Clerk Elizabeth Roy read the Ordinance by Title:

**ORDINANCE: 1744**

**AN ORDINANCE OF THE CITY OF CRESTVIEW, FLORIDA, PROVIDING FOR THE REZONING OF 52.52  
ACRES, MORE OR LESS, OF REAL PROPERTY, LOCATED IN SECTION 28, TOWNSHIP 03 NORTH, RANGE  
23 WEST, FROM THE COMMERCIAL (C-1) ZONING DISTRICT TO PLANNED UNIT DEVELOPMENT (PUD);  
PROVIDING FOR AUTHORITY; PROVIDING FOR THE UPDATING OF THE CRESTVIEW ZONING MAP;  
PROVIDING FOR SEVERABILITY; PROVIDING FOR SCRIVENER'S ERRORS; PROVIDING FOR LIBERAL  
INTERPRETATION; PROVIDING FOR REPEAL OF CONFLICTING CODES AND ORDINANCES; AND  
PROVIDING FOR AN EFFECTIVE DATE.**

This is the first reading of Ordinance 1744

A motion was made by Joe Blocker to adopt Ordinance on first reading and send to second reading. Seconded by Shannon Hayes, vote 4 yeas and 0 nays, motion carried.

**13.5. Ordinance 1745 - McKinnie Annexation**

Staff presented the Ordinance information to the City Council and asked that the City Clerk read the ordinance

City Clerk Elizabeth Roy read the Ordinance by Title:

**ORDINANCE: 1745**

**AN ORDINANCE ANNEXING TO THE CITY OF CRESTVIEW, FLORIDA, ± 2.31 ACRES OF CONTIGUOUS LANDS LOCATED IN SECTION 04, TOWNSHIP 03 NORTH, RANGE 23 WEST, AND BEING DESCRIBED AS SET FORTH HEREIN; PROVIDING FOR AUTHORITY; PROVIDING FOR LAND DESCRIPTION; PROVIDING FOR BOUNDARY; PROVIDING FOR LAND USE AND ZONING DESIGNATION; PROVIDING FOR AMENDMENT TO THE BASE, LAND USE AND ZONING MAPS; PROVIDING FOR A COMPREHENSIVE PLAN AMENDMENT; PROVIDING FOR FILING WITH THE CLERK OF CIRCUIT COURT OF OKALOOSA COUNTY, THE CHIEF ADMINISTRATIVE OFFICER OF OKALOOSA COUNTY AND THE FLORIDA DEPARTMENT OF STATE; PROVIDING FOR SEVERABILITY; PROVIDING FOR SCRIVENER'S ERRORS; PROVIDING FOR LIBERAL INTERPRETATION; PROVIDING FOR REPEAL OF CONFLICTING CODES AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.**

This is the first reading of Ordinance 1745

A motion was made by Joe Blocker to adopt Ordinance on first reading and send to second reading. Seconded by Harry Leboeuf, vote 4 yeas and 0 nays, motion carried.

**13.6. Ordinance 1746 - McKinnie Comprehensive Plan Amendment**

Staff presented the Ordinance information to the City Council and asked that the City Clerk read the ordinance

City Clerk Elizabeth Roy read the Ordinance by Title:

**ORDINANCE: 1746**

**AN ORDINANCE OF THE CITY OF CRESTVIEW, FLORIDA, AMENDING ITS ADOPTED COMPREHENSIVE PLAN; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR PURPOSE; PROVIDING FOR CHANGING THE FUTURE LAND USE DESIGNATION FROM OKALOOSA COUNTY MIXED USE (MU) FUTURE LAND USE CATEGORY TO COMMERCIAL (C) FUTURE LAND USE CATEGORY ON APPROXIMATELY 2.31 ACRES, MORE OR LESS, IN SECTION 04, TOWNSHIP 03 NORTH, RANGE 23 WEST; PROVIDING FOR FUTURE LAND USE MAP AMENDMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR SCRIVENER'S ERRORS; PROVIDING FOR LIBERAL INTERPRETATION; PROVIDING FOR REPEAL OF CONFLICTING CODES AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.**

This is the first reading of Ordinance 1747

A motion was made by Shannon Hayes to adopt Ordinance on first reading and send to second reading. Seconded by Joe Blocker, vote 4 yeas and 0 nays, motion carried.

**13.7. Ordinance 1747 - McKinnie Rezoning**

Staff presented the Ordinance information to the City Council and asked that the City Clerk read the ordinance

City Clerk Elizabeth Roy read the Ordinance by Title:

**ORDINANCE: 1747**

**AN ORDINANCE OF THE CITY OF CRESTVIEW, FLORIDA, PROVIDING FOR THE REZONING OF 2.31 ACRES, MORE OR LESS, OF REAL PROPERTY, LOCATED IN SECTION 04, TOWNSHIP 03 NORTH, RANGE 23 WEST, FROM THE OKALOOSA COUNTY MIXED USE (MU) ZONING DISTRICT TO COMMERCIAL (C-1); PROVIDING FOR AUTHORITY; PROVIDING FOR THE UPDATING OF THE CRESTVIEW ZONING MAP; PROVIDING FOR SEVERABILITY; PROVIDING FOR SCRIVENER'S ERRORS; PROVIDING FOR LIBERAL INTERPRETATION; PROVIDING FOR REPEAL OF CONFLICTING CODES AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.**

This is the first reading of Ordinance 1747

A motion was made by Joe Blocker to adopt Ordinance on first reading and send to second reading. Seconded by Shannon Hayes, vote 4 yeas and 0 nays, motion carried.

### **13.8. Ordinance 1739 - Rencich Rezoning**

Staff presented the Ordinance information to the City Council and asked that the City Clerk read the ordinance

City Clerk Elizabeth Roy read the Ordinance by Title:

#### **ORDINANCE: 1739**

**AN ORDINANCE OF THE CITY OF CRESTVIEW, FLORIDA, PROVIDING FOR THE REZONING OF 0.44 ACRES, MORE OR LESS, OF REAL PROPERTY, LOCATED IN SECTION 17, TOWNSHIP 03 NORTH, RANGE 23 WEST, FROM THE COMMERCIAL (C-1) ZONING DISTRICT TO THE COMMERCIAL (C-2); PROVIDING FOR AUTHORITY; PROVIDING FOR THE UPDATING OF THE CRESTVIEW ZONING MAP; PROVIDING FOR SEVERABILITY; PROVIDING FOR SCRIVENER'S ERRORS; PROVIDING FOR LIBERAL INTERPRETATION; PROVIDING FOR REPEAL OF CONFLICTING CODES AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.**

This is the first reading of Ordinance 1739

A motion was made by Shannon Hayes to adopt Ordinance on first reading and send to second reading. Seconded by Harry LeBoeuf, vote 4 yeas and 0 nays, motion carried.

## **14. Action Items**

### **14.1. Skateboard Park design contract with American Ramp Company**

City manager presented the Staff report on the Skate Park Product. Funds have been raised by Fund Raisers by Hub City Skate and a donation by a contractor from the Walmart remodel. City Manager is asking to move surplus funds from Disc golf to make up the differences. Motion requested is to move the surplus funds and waive the 3 quotes in the purchasing policy and approve the contract in a nnot to exceed \$9000. Total cost of the park is estimated to be \$250,000. Grants are being researched by staff.

A motion was made by Joe Blocker to Approve Staff recommendation. Seconded by Shannon Hayes, vote 4 yeas and 0 nays, motion carried.

## **15. Comments from the Audience**

None

## **16. City Clerk Report**

City clerk reminded the Council of the Chili Cook off on Saturday.

## **17. City Manager Report**

City Manager Tim Bolduc presented several items

1. Outreach meetings were held and while not as well attended were the beginning of the process of where the city wants to engage the public and where we want to go as a city.
2. Jimmy Woodley gave a presentation on how the City can help small businesses to get started. The RC park club donated approximately \$4000 for the new park.

3. Cannabis ordinance vote to be held on February 24th
4. February 22 Crestview Recreation and enrichment services Department Strategic planning starting at 9 am.
5. February 20th Police Strategic Planning
6. Workshop on the 24th for review of the Charter. From Council Term Limits, wording on City Manager/City Clerk duties, voting precincts. Workshop is at 4:30 PM

#### **18. Comments from the Mayor and Council**

Ms. Brown discussed the strategic planning meetings and asked for support for the Skate park from the public.

Mr. Blocker: What is the current status of the Walk park from Downtown to Twin Hills. Plans to be CRA board at the next meeting.

Items have been moved into the new building and next meeting will have the information on the demolition of the old building,

Sidewalks: We do not having funding in place for sidewalks but are working to include in comprehensive Plans Mr. Blocker stated he has had complaints that need more seating at the parks. will discuss at the Planning meeting.

Mr. Hayes going to Tallahassee for legislative week

Mayor Whitten: Conversation about speeding vehicles/running stop signs, does not know if City Vehicles.

#### **19. Adjournment**

This meeting was adjourned by Mayor Whitten at 6:55

\_\_\_\_\_  
Elizabeth M. Roy, City Clerk

\_\_\_\_\_  
JB Whitten, Mayor

Minutes approve this \_\_\_\_ day of \_\_\_\_\_, 2020 .

**City Council Meeting  
February 24, 2020  
6:00 PM  
Council Chambers**

The Regular Meeting of the Crestview City Council was called to order at 6:00 P.M. Members present were Shannon Hayes, Joe Blocker, Andrew Rencich, Cynthia Brown and Harry LeBoeuf. Also present were the honorable Mayor JB Whitten, City Clerk Elizabeth Roy, City Manager Tim Bolduc, City Attorney Mr. Holloway, department heads and members of the press.

**REGULAR AGENDA**

**1. Called to Order**

This meeting was called to order by the Honorable Mayor Whitten at 6:00 p.m.

**2. Invocation and Pledge of Allegiance**

The invocation and the pledge were led by Capt. Larry Ward of the Okaloosa County Sheriff's Office.

**3. Open Policy Making and Legislative session**

**4. Approval of Agenda**

Mayor Whitten stated that all Council members were in attendance for this meeting and asked if there were any changes or objections to the current Agenda.

Mayor Whitten asked for action by Council.

A motion was made by Mr. Rencich to accept the current Agenda. Seconded by Mr. LeBoeuf with 5 yeas from Mr. Rencich, Mr. LeBoeuf, Mr. Hayes, Mr. Blocker, Ms. Brown, with 0 nays, motion carried.

## **5. Presentations**

### **5.1 Presentations by Mayor JB Whitten**

Mayor Whitten and the City Clerk presented a “Recognition of Achievement” to Ms. Kadance Fredrickson.

Mayor Whitten and the City Clerk presented a “Recognition of Excellent Performance” to Mr. Cade Kootsouradis.

### **5.2 EDC Quarterly Presentation- Nathan Sparks**

Mr. Nathan Sparks, Executive Director of the EDC(Economic Development Council) of Okaloosa County gave the Council the EDC’s quarterly report. He touched on the Marketing Initiatives of the Council of participating in the NDIA Air Armament Symposium, participated in a regional presentation at Enterprise Florida’s Orlando headquarters, attended the Gulf Coast Aerospace Alliance’s Annual Conference and hosted the 3<sup>rd</sup> Annual TeCMEN (Technology Coast Manufacturing & Engineering Network). Mr. Sparks spoke heavily on the EDC’s Tri-County Partnership Initiative(TCPI) and gave an update on the current projects related to the initiative. He introduced Kevin Lovelace the new EDC Director of Business Expansion and noted that currently the EDC has 16 projects in the works.

Mr. Sparks reviewed the properties that are being reviewed on the site in the City of Crestview. He reminded Council that the EDC Roundtable breakfast will be on March 5<sup>th</sup>.

A brief discussion ensued relative to the information presented.

### **5.3 Presentation of Recreation Sponsorship**

## **6. Consent Agenda**

### **7. Resolutions**

#### **7.1 Resolution 20-05 Changes to the Council Rules**

Mayor Whitten asked the City Clerk to read Resolution 20-05 by title.

City Clerk, stated, “Resolution 20-05 reads by title,

#### **RESOLUTION NO. 20-05**

**A RESOLUTION OF THE CITY COUNCIL OF CRESTVIEW, FLORIDA, AMENDING THE CITY COUNCIL RULES OF PROCEDURE RESOLUTION 13-12, AS AMENDED BY RESOLUTION 13-17, AS AMENDED BY RESOLUTION 15-09, AS AMENDED BY RESOLUTION 16-03, AS AMENDED BY RESOLUTION 16-12, AS AMENDED BY RESOLUTION 16-18, AS AMENDED BY RESOLUTION 19-21, CRESTVIEW CITY COUNCIL RULES AND PROCEDURES, SECTION THROUGH OUT; AND PROVIDING FOR AN EFFECTIVE DATE.**

This is the reading of Resolution 20-05.”

Mr. Bolduc, City Manager reviewed the Resolution 20-05.



Mayor Whitten asked for action by Council.

A motion made by Mr. Blocker to adopt Resolution 20-05. Seconded by Mr. Hayes with 5 yeas from Mr. Blocker, Mr. Hayes, Mr. Rencich, Ms. Brown, Mr. LeBoeuf with 0 nays, motion carried.

#### **8. Public Hearings- Ordinances on Second Reading**

Mr. Duley, City Planner announced that if anyone would or may speak for or against Ordinances: 1739, 1742, 1744, 1747 to please stand so that the City Attorney may swear them in.

Mr. Holloway, City Attorney swore in the standing members of the audience.

##### **8.1 Ordinance 1739- Rencich Rezoning**

Mr. Duley, City Planner asked for the City Clerk to read Ordinance 1739 by title,

City Clerk, stated, "Ordinance 1739 reads by title,

##### **ORDINANCE: 1739**

**AN ORDINANCE OF THE CITY OF CRESTVIEW, FLORIDA, PROVIDING FOR THE REZONING OF 0.44 ACRES, MORE OR LESS, OF REAL PROPERTY, LOCATED IN SECTION 17, TOWNSHIP 03 NORTH, RANGE 23 WEST, FROM THE COMMERCIAL (C-1) ZONING DISTRICT TO THE COMMERCIAL (C-2); PROVIDING FOR AUTHORITY; PROVIDING FOR THE UPDATING OF THE CRESTVIEW ZONING MAP; PROVIDING FOR SEVERABILITY; PROVIDING FOR SCRIVENER'S ERRORS; PROVIDING FOR LIBERAL INTERPRETATION; PROVIDING FOR REPEAL OF CONFLICTING CODES AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.**

This is the Second Reading of Ordinance 1739."

Mr. Duley, City Planner informed Council that there were no comments received for or against this Ordinance. It has gone before the Local Planning Agency(LPA).

Mayor Whitten asked for any comments or questions from Council and or the Public.

There were no comments, the Mayor then asked for action by Council.

A motion was made by Mr. LeBoeuf to adopt Ordinance 1739 on Second Reading. Seconded by Mr. Blocker with 4 yeas from Mr. LeBoeuf, Mr. Blocker, Ms. Brown, Mr. Hayes with 0 nays motion carried. Mr. Rencich abstained for voting due to conflict of interest.

### **8.2 Ordinance 1741- Line Grant Comprehensive Plan Amendment**

Mr. Duley, City Planner asked the City Clerk to read Ordinance 1741 by title.

City Clerk, stated "Ordinance 1741 reads by title,

#### **ORDINANCE 1741**

**AN ORDINANCE OF THE CITY OF CRESTVIEW, FLORIDA, AMENDING ITS ADOPTED COMPREHENSIVE PLAN; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR PURPOSE; PROVIDING FOR CHANGING THE FUTURE LAND USE DESIGNATION FROM LOW DENSITY RESIDENTIAL (LDR) AND COMMERCIAL (C) FUTURE LAND USE CATEGORY TO MEDIUM DENSITY RESIDENTIAL (MDR) FUTURE LAND USE CATEGORY ON APPROXIMATELY 1.38 ACRES, MORE OR LESS, IN SECTION 17, TOWNSHIP 03 NORTH, RANGE 23 WEST; PROVIDING FOR FUTURE LAND USE MAP AMENDMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR SCRIVENER'S ERRORS; PROVIDING FOR LIBERAL INTERPRETATION; PROVIDING FOR REPEAL OF CONFLICTING CODES AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.**

This is the Second Reading of Ordinance 1741."

Mr. Duley, City Planner informed Council that Rogers And Grant, LLC, property owner, applied for a Comprehensive Plan Amendment to the Future Land Use Map for two parcels consisting of ±1.38 acres of land located at Carlton Street and Pine Avenue, generally being located in Section 17, Township 3 North, Range 23 West, Okaloosa County, Florida. The LPA recommended approval on January 21, 2020. The applicant(s) has requested the Comprehensive Plan amendment of the subject property from Commercial (C) and Low Density Residential (LDR) to the Medium Density Residential (MDR) Future Land Use. This Future Land Use amendment will allow the lands to be developed into residential use.

Mayor Whitten asked for action by Council.

A motion made by Mr. Blocker to adopt Ordinance 1741 on Second Reading. Seconded by Ms. Brown with 5 yeas from Mr. Blocker, Ms. Brown, Mr. LeBoeuf, Mr. Hayes, Mr. Rencich with 0 nays, motion carried.

### **8.3 Ordinance 1742- Line Grant Rezoning**

Mr. Holloway, City Attorney stated that the Public Hearing is open for Ordinance 1742.

Mr. Duley asked the City Clerk to read Ordinance 1742 by title.

City Clerk stated, "Ordinance 1742 reads by title,

#### **ORDINANCE 1742**

**AN ORDINANCE OF THE CITY OF CRESTVIEW, FLORIDA, PROVIDING FOR THE REZONING OF 1.38 ACRES, MORE OR LESS, OF REAL PROPERTY, LOCATED IN SECTION 17, TOWNSHIP 03 NORTH, RANGE 23 WEST, FROM THE SINGLE**

**FAMILY DWELLING DISTRICT (R-1) AND COMMERCIAL (C-1) ZONING DISTRICT TO THE SINGLE OR MULTI FAMILY DWELLING DISTRICT (R-2); PROVIDING FOR AUTHORITY; PROVIDING FOR THE UPDATING OF THE CRESTVIEW ZONING MAP; PROVIDING FOR SEVERABILITY; PROVIDING FOR SCRIVENER'S ERRORS; PROVIDING FOR LIBERAL INTERPRETATION; PROVIDING FOR REPEAL OF CONFLICTING CODES AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.**

This is the Second Reading of Ordinance 1742.”

Mr. Duley stated that for the record this is the same property that was described in Ordinance 1741 which is now in the rezoning portion. There were no comments or questions from the Public concerning the rezoning.

Mayor Whitten asked the Public for any comments or questions, there were none, he asked for action by Council.

A motion made by Mr. Hayes to adopt Ordinance 1742 on Second Reading. Seconded by Mr. Blocker with 5 yeas from Mr. Hayes, Mr. Blocker, Ms. Brown, Mr. Rencich, Mr. LeBoeuf, with 0 nays, motion carried.

#### **8.4 Ordinance 1743- Magnolia Creeks Comprehensive Plan Amendment**

Mr. Duley, City Planner asked the City Clerk to read Ordinance 1743 by title.

City Clerk stated, “Ordinance 1743 reads by title,

#### **ORDINANCE 1743**

**AN ORDINANCE OF THE CITY OF CRESTVIEW, FLORIDA, AMENDING ITS ADOPTED COMPREHENSIVE PLAN; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR PURPOSE; PROVIDING FOR CHANGING THE FUTURE LAND USE DESIGNATION FROM THE COMMERCIAL (C) FUTURE LAND USE CATEGORY TO THE MIXED USE (MU) FUTURE LAND USE CATEGORY ON APPROXIMATELY 52.52 ACRES, MORE OR LESS, IN SECTION 28, TOWNSHIP 03 NORTH, RANGE 23 WEST; PROVIDING FOR FUTURE LAND USE MAP AMENDMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR SCRIVENER'S ERRORS; PROVIDING FOR LIBERAL INTERPRETATION; PROVIDING FOR REPEAL OF CONFLICTING CODES AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.**

This is the Second Reading of Ordinance 1743.”

Mr. Duley, City Planner stated this is the Second Reading for this property that the owner applied for a Comprehensive Plan Amendment to the Future Land Use Map of a ±52.52-acre parcel of land, generally being located in Section 28, Township 3 North, Range 23 West, Okaloosa County, Florida. The Local Planning Agency (LPA) recommended approval on January 21, 2020. He stated there have been no statements received for or against this request. The applicant has

requested a Comprehensive Plan Amendment to Mixed Use (MU), and Zoning designation of PUD (Planned Unit Development), to allow for residential development.

A motion made by Mr. Rencich to adopt Ordinance 1743 on Second Reading. Seconded by Mr. Hayes with 5 yeas from Mr. Rencich, Mr. Hayes, Mr. Blocker, Ms. Brown, Mr. LeBoeuf with 0 nays, motion carried.

#### **8.5 Ordinance 1744- Magnolia Creeks Rezoning**

Mr. Duley, City Planner stated that Ordinance 1744 is Quasi-Judicial, and the Staff Report will be a matter of record. He then asked the City Clerk to read Ordinance 1744 by title.

City Clerk stated, "Ordinance 1744 reads by title,

##### **ORDINANCE 1744**

**AN ORDINANCE OF THE CITY OF CRESTVIEW, FLORIDA, PROVIDING FOR THE REZONING OF 52.52 ACRES, MORE OR LESS, OF REAL PROPERTY, LOCATED IN SECTION 28, TOWNSHIP 03 NORTH, RANGE 23 WEST, FROM THE COMMERCIAL (C-1) ZONING DISTRICT TO PLANNED UNIT DEVELOPMENT (PUD); PROVIDING FOR AUTHORITY; PROVIDING FOR THE UPDATING OF THE CRESTVIEW ZONING MAP; PROVIDING FOR SEVERABILITY; PROVIDING FOR SCRIVENER'S ERRORS; PROVIDING FOR LIBERAL INTERPRETATION; PROVIDING FOR REPEAL OF CONFLICTING CODES AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.**

This is the Second Reading of Ordinance 1744."

Mr. Duley, City Planner stated that the applicant, Magnolia Creeks LLC, has requested a Comprehensive Plan Amendment to Mixed Use (MU), and Zoning designation of PUD (Planned Unit Development), to allow for residential development. He noted that there had not been any comments from the Public since the last Council meeting.

Mayor Whitten asked if there were any questions or comments from the Public or Council. There were none, he then asked for action by Council.

A motion was made by Mr. Hayes to adopt Ordinance 1744 on Second Reading. Seconded by Mr. Blocker with 5 yeas from Mr. Hayes, Mr. Blocker, Mr. LeBoeuf, Ms. Brown, Mr. Rencich with 0 nays, motion carried.

#### **8.6 Ordinance 1745- McKinnie Annexation**

Mr. Duley asked the City Clerk to read Ordinance 1745 by title.

City Clerk stated, "Ordinance 1745 reads by title,

##### **ORDINANCE 1745**

**AN ORDINANCE ANNEXING TO THE CITY OF CRESTVIEW, FLORIDA, ± 2.31 ACRES OF CONTIGUOUS LANDS LOCATED IN SECTION 04, TOWNSHIP 03 NORTH, RANGE 23 WEST, AND BEING DESCRIBED AS SET FORTH HEREIN;**

**PROVIDING FOR AUTHORITY; PROVIDING FOR LAND DESCRIPTION; PROVIDING FOR BOUNDARY; PROVIDING FOR LAND USE AND ZONING DESIGNATION; PROVIDING FOR AMENDMENT TO THE BASE, LAND USE AND ZONING MAPS; PROVIDING FOR A COMPREHENSIVE PLAN AMENDMENT; PROVIDING FOR FILING WITH THE CLERK OF CIRCUIT COURT OF OKALOOSA COUNTY, THE CHIEF ADMINISTRATIVE OFFICER OF OKALOOSA COUNTY AND THE FLORIDA DEPARTMENT OF STATE; PROVIDING FOR SEVERABILITY; PROVIDING FOR SCRIVENER'S ERRORS; PROVIDING FOR LIBERAL INTERPRETATION; PROVIDING FOR REPEAL OF CONFLICTING CODES AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.**

This is the Second Reading of Ordinance 1745.”

Mr. Duley informed Council that the applicants Thomas L McKinnie et al, property owners, applied for voluntary annexation of a ±2.31-acre parcel of land located in Section 04, Township 3 North, Range 23 West, Okaloosa County, Florida. The parcel identification number is 04-3N-23-1840-0011-0030 in the public records of Okaloosa County. The applicant(s) has requested the Annexation, Comprehensive Plan amendment to Commercial (C), and rezoning of the subject property to Commercial (C-1). This Future Land Use amendment will allow the newly annexed lands to be developed commercially. This zoning change will implement the Future Land Use change and require any proposed development to meet the Land Development Code's C-1 zoning district requirements. The LPA recommended approval on January 21, 2020. He noted that there were no comments or questions from the Public concerning this annexation.

Mayor Whitten asked for any comments or questions from the Public and or Council. There were none so he then asked for action by Council.

A motion made by Mr. Rencich to adopt Ordinance 1745 on Second Reading. Seconded by Ms. Brown with 5 yeas from Mr. Rencich, Ms. Brown, Mr. Hayes, Mr. Blocker, Mr. LeBoeuf with 0 nays, motion carried.

#### **8.7 Ordinance 1746- McKinnie Comprehensive Plan Amendment**

Mr. Duley asked the City Clerk to read Ordinance 1746.

City Clerk stated, “Ordinance 1746 reads by title,

#### **ORDINANCE 1746**

**AN ORDINANCE OF THE CITY OF CRESTVIEW, FLORIDA, AMENDING ITS ADOPTED COMPREHENSIVE PLAN; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR PURPOSE; PROVIDING FOR CHANGING THE FUTURE LAND USE DESIGNATION FROM OKALOOSA COUNTY MIXED USE (MU) FUTURE LAND USE CATEGORY TO COMMERCIAL (C) FUTURE LAND USE CATEGORY ON APPROXIMATELY 2.31 ACRES, MORE OR LESS, IN SECTION 04, TOWNSHIP 03 NORTH, RANGE 23 WEST; PROVIDING FOR FUTURE LAND USE MAP AMENDMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR SCRIVENER'S ERRORS; PROVIDING FOR LIBERAL INTERPRETATION;**

**PROVIDING FOR REPEAL OF CONFLICTING CODES AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.**

This is the Second Reading of Ordinance 1746.”

Mr. Duley, City Planner stated that this Comprehensive Plan Amendment is to change the Future Land Use Map of a ±2.31-acre parcel of land located at 2106 Fourth Avenue NE, generally being located in Section 4, Township 3 North, Range 23 West, Okaloosa County, Florida. The LPA recommended approval on January 21, 2020.

Mayor Whitten asked for action by Council.

A motion made by Mr. Hayes to adopt Ordinance 1746 on Second Reading. Seconded by Mr. Blocker with 5 yeas from Mr. Hayes, Mr. Blocker, Ms. Brown, Mr. Rencich, Mr. LeBoeuf with 0 nays, motion carried.

**8.8 Ordinance 1747- McKinnie Rezoning**

Mr. Duley, City Planner stated that Ordinance 1747 is Quasi-Judicial, and the Staff Report and LPA minutes will be a matter of record. He then asked the City Clerk to read Ordinance 1747 by title.

City Clerk stated, “Ordinance 1747 reads by title,

**ORDINANCE 1747**

**AN ORDINANCE OF THE CITY OF CRESTVIEW, FLORIDA, PROVIDING FOR THE REZONING OF 2.31 ACRES, MORE OR LESS, OF REAL PROPERTY, LOCATED IN SECTION 04, TOWNSHIP 03 NORTH, RANGE 23 WEST, FROM THE OKALOOSA COUNTY MIXED USE (MU) ZONING DISTRICT TO COMMERCIAL (C-1); PROVIDING FOR AUTHORITY; PROVIDING FOR THE UPDATING OF THE CRESTVIEW ZONING MAP; PROVIDING FOR SEVERABILITY; PROVIDING FOR SCRIVENER’S ERRORS; PROVIDING FOR LIBERAL INTERPRETATION; PROVIDING FOR REPEAL OF CONFLICTING CODES AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.**

This is the Second Reading of Ordinance 1747.”

Mr. Duley stated that the applicant has submitted the forms for Annexation, Comprehensive Plan Amendment, and Zoning Change of the property. The proposed actions satisfy the requirements of the City of Crestview’s adopted Comprehensive Plan, and Land Development Code. This zoning change will implement the Future Land Use change and require any proposed development to meet the Land Development Code’s C-1 zoning district requirements. He noted that there have not been any Public comments or questions.

Mayor Whitten then asked for Public comments or questions, there were none then asked for action by Council.

A motion made by Ms. Brown to adopt Ordinance 1747 by Second Reading. Seconded by Mr. LeBoeuf with 5 yeas from Ms. Brown, Mr. LeBoeuf, Mr. Hayes, Mr. Blocker, Mr. Rencich with 0 nays, motion carried.

## **9. Ordinances on First Reading**

## **10. Action Items**

### **10.1 Environmental Center Demolition and Removal**

Mr. Steele, Public Services Director informed Council that after several attempts of having demolition and removal of the building from the Environmental Center there was no response. The city built a new metal building to take the place of the old Environmental Center building and we have moved all the items in this new building. The next segment of this process is to tear down the older building. An asbestos survey was conducted in August 2019 which showed the old house does contain asbestos inside and out; therefore, it must be torn down and disposed of in an environmentally safe and friendly way.

He presented the quotes from three different companies for the asbestos abatement and removal.

Mr. Blocker asked which company he would go with.

Mr. Steele answered that he would go with Jobe's Dirt Work because they also offered to demolish the house.

A brief discussion ensued.

A motion made by Mr. Hayes to award the full contract for abatement a demolition to Jobe's Dirt Work in the amount of \$31,000.00. Seconded by Mr. Rencich with 5 yeas from Mr. Hayes, Mr. Rencich, Mr. Blocker, Ms. Brown, Mr. LeBoeuf with 0 nays, motion carried.

### **10.2 Foxwood Purchase Agreement**

Mr. Bolduc, City Manager presented the Council a request for approval for a contract concerning the purchase of Foxwood Country Club, he noted that the contract had been executed by both parties. He stated that Council approved the amount of this purchase was not to exceed 1.4 million dollars. The contract is for 1.2 million dollars and that includes the building.

Ms. Brown inquired that with all of the recent purchases will the City's liability insurance cost rise.

Mr. Bolduc, City Manager stated that it would not go up until we enter into the next contract.

Brief discussion ensued.

Mayor Whitten asked for action by Council.

A motion was made by Mr. Rencich to approve the negotiated terms of this agreement. Staff additionally requests Council approval for the Mayor to execute any and all documents to accomplish this purchase. Seconded by Mr. Hayes with 5 yeas from Mr. Rencich, Mr. Hayes, Mr. LeBoeuf, Ms. Brown, Mr. Blocker with 0 nays, motion carried.

### **10.3 Discussion of Cannabis Agreement**

Mr. Bolduc, City Manager stated that in December at a regular council meeting, the City Council was approached by several residents with questions about the City's prohibition on the sale of medical marijuana within the city limits. Shortly following the meeting several City Council Members contacted the me requesting a review of the ordinance and a workshop to discuss the ordinance and any potential changes.

A brief discussion ensued.

Mr. Rencich and Mr. Hayes agreed to lift the moratorium and Mr. Blocker and Ms. Brown disagreed.

A discussion ensued.

A citizen of Crestview gave his thoughts on lifting the moratorium.

A citizen of Crestview gave her thoughts on not lifting the moratorium.

A citizen of Crestview gave his thoughts on lifting the moratorium.

Mayor Whitten asked for action by Council.

A motion made by Mr. Rencich to advise the City Manager to research the option of opening the City's borders to medical cannabis dispensaries. Seconded by Mr. Hayes with three yeas from Mr. Rencich, Mr. Hayes, Mr. LeBoeuf with 2 nays from Mr. Blocker, Ms. Brown, motion carried.

### **10.4 Set Executive Session**

Mr. Holloway, City Attorney requested and Executive Session with Council to discuss and address several legal issues facing the City. He would like to schedule this session for 4:40 pm on March 5, 2020.

A brief discussion ensued.

Council agreed on that date and time requested.

## **11. Comments from the Audience**



## **12. City Clerk Report**

### **12.1 Discussion of City Manager Evaluation**

Ms. Roy, City Clerk informed Council that the City Manager has been in his position for one year and the City Council is the evaluating body for the City Manager Position. The City Clerk's office has requested copies of several cities' City Manager/Charter officer evaluations, also requested how that evaluation is handled in other cities. The consensus received is that the City Council is provided an evaluation form, with a date to be returned to the City Clerk. The City Clerk then combines the responses from the City Council. The evaluation is then given in a public meeting of the City Council. Our office will be providing the Council members with a hard and electronic copy of the evaluation form by February 27th. Our office asks that these be returned by March 11th. Our office is asking that the Council approve a special meeting on Monday, March 23rd at 5:30 PM, just prior to the regular City Council meeting for the presentation of the evaluation.

## **13. City Manager Report**

### **14. Comments from the Mayor and Council**

Mr. Blocker stated that the meeting that took place on last Saturday was a great showing of what the City can do.

Ms. Brown stated that she enjoyed the fact that Council can have a difference of opinion and still get along with each other.

Mr. LeBoeuf agreed with Ms. Brown about being on the Council and working with the Council. He encouraged the Public to come to the Workshops and come to the Meetings because that is when we can hear your views on items and issues.

Mayor Whitten announced the first Community Unity walk on Saturday, February 29<sup>th</sup>.

## **15. Adjournment**

This meeting was adjourned by Mayor Whitten at 7:24 p.m.

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**Elizabeth M. Roy**  
**City Clerk**

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**J B Whitten**  
**Mayor**

Minutes approve this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

**Workshop Meeting  
February 24, 2020  
4:30 p.m.  
Council Chambers**

The Workshop Meeting of the Crestview City Council was called to order at 4:30 P.M. or the conclusion of the Special Meeting. Members present were: President J.B. Whitten, Vice President Bill Cox, and Doug Faircloth. Also present were the honorable Mayor David Cadle, City Clerk Elizabeth Roy, City Manager Tim Bolduc, City Attorney Bill Holley department heads and members of the press. Joe Blocker, Shannon Hayes were absent from this workshop.

**WORKSHOP**

**1. Called to Order**

This workshop was called to order by Mr. Whitten.

**2. Pledge of Allegiance**

The pledge was led by

**3. Approval of Agenda**

Mr. Whitten asked if there were any changes to the Agenda.

There were none and Council gave consensus to present Workshop Agenda.

**4. Action Items**

**4.1 Presentation of changes to Council Rules**

Mr. Bolduc, City Manager did a review of the changes to the Council Rules.

There was a lengthy discussion concerning those changes.

Council gave a consensus to the changes to Council Rules.

Mr. Bolduc, City Manager started the discussion of the changes to the Charter that concern the: City Manager, term limits, voting precincts, election date. He first reviewed a section of the charter that pertains to the City Manager providing a monthly financial statement to the Council. Mr. Bolduc, he asked Council what they would like to the statement to include and stated that he

would bring at least 3 options to the next Council meeting so that they could decide on the format they would like to review monthly.

## **4.2 Discussion of Charter Changes**

### **4.3 Term Limits**

Mr. Bolduc then moved on the subject of Term Limits in the Charter.

A discussion ensued concerning the term limits.

Mr. LeBoeuf felt that a councilmember should only serve to only two terms with each term being 4 years.

Mr. Rencich didn't agree because on a local level you don't have a lot of people in the area that run for public office.

Mr. Hayes didn't agree with term limits because a person holding a position can do a great job longer than their term or that person may start a project but may not be able to complete it because of term limits. He feels that it can take a person at least two years to learn the position and understand how municipal government works.

Mr. Blocker agreed with Mr. Hayes in not having term limits. He feels that is up to the people, he is strictly against it.

Ms. Brown stated that she was leaning towards term limits because it can bring fresh ideas to the table. She does believe in letting the Citizens decide on whether or not there are term limits.

Mr. LeBoeuf stated that we should allow this to be decided by the people and to not put it on the ballot is the Council making the decision. He noted that for his seat there were eight people interviewed besides him, so he feels that locally people do want to serve. By having term limits you open the field for others to be engaged in local politics.

Mayor Whitten feels that the current election cycle is what determines when a council person's term ends.

Mayor Whitten asked for consensus.

The Council did not give a consensus to make the term limit change.

### **4.4 Voting Precincts**

Mr. Bolduc then reviewed the populations that reside in the different precincts and the percentage of that who votes. He then reviewed three map options for Council to review.

A discussion ensued relative to the information presented.

Mr. Rencich stated that this maybe something we need to look in to.

Ms. Brown stated that with the changes with Foxwood it would something to look in to.

Discussion ensued.

Mayor Whitten suggested to having all “At-Large” positions.

Mr. LeBoeuf did not agree he stated that he did like the concept of having a person from the precinct representing that area.

Mayor Whitten asked for a consensus.

Council gave consensus in changing the voting precincts.

Mr. Bolduc, City Manager stated that a map will be presented and at a Council meeting other items concerning the change can be addressed.

#### **4.5 City Manager**

Mr. Bolduc, City Manager stated that there was an Ordinance 1675 that Council adopted that clearly defined the responsibilities and duties for the position of the City Manager that weren’t defined in the original Charter changes. If the changes are made to the Charter it would make sense to clarify the City Manager portion.

Mr. LeBoeuf asked if it would be easier to implement the language in the ordinance in the Charter if changes are made.

Mr. Bolduc answered that would be the route to take.

Discussion ensued.

Mayor Whitten asked for a consensus.

The Council gave consensus to include the changes for the City Manager in the Charter.

#### **4.6 Election Date**

Mr. Bolduc, City Manager asked the City Clerk to assist in this subject.

Ms. Roy, City Clerk explained the election date and period to the Council.

Discussion ensued.

### **5. Comments from the Audience**

**6. Comments from the Mayor and Council**

**7. Adjournment**

This meeting was adjourned by Mr. Whitten at 5:31 p.m.

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**Elizabeth M. Roy**  
**City Clerk**

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**J B Whitten**  
**Council President**

Minutes approve this \_\_\_\_ day of \_\_\_\_\_, 2020.

**Joint Workshop Minutes**  
**March 5, 2020**  
**5:30 PM**  
**Council Chambers**

**1. Call to Order**

The Joint Workshop with the City Council and Local Planning Agency was called to order at 5:30 P.M. by the Honorable Mayor JB Whitten. Present were: , Council members Andrew Rencich, Harry LeBoeuf, Cynthia Brown, and Joe Blocker. Also present were the City Manager Tim Bolduc, City Clerk Elizabeth Roy, City Attorney Jon Holloway, department heads and members of the press. Mayor Pro Tem Shannon Hayes was absent. LPA members present were Mike Roy, Doug Capps, Ellis Conner, Alton Jones, Malcolm Haynes

**2. Pledge of Allegiance**

Ellis Conner led the pledge of allegiance

**3. Open Workshop**

The purpose of this workshop is to begin the process of updating, correcting, and improving the Land Development Code.

Mr. Bolduc started the discussion by explaining where we are and where we need to go as a City. Where we need to be 5, 10, 15 and 20 years from now. Discussion about the changes in the Land Development Code were presented and discussed. A timeline for the implementation of the different aspects of the Code was Presented. Mr. Bolduc informed the boards that the changes would be sent to all members to review as they are available and asks that all members review when received and please send comments to the Community Development Department.

**4. Comments from the Audience**

**5. Comments from the Mayor and Council**

Members of both boards expressed approval of the new process and are looking forward to seeing the changes.

**6. Adjournment**

The meeting was adjourned by Mayor Whitten at 6:30 PM

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**Elizabeth M. Roy**  
**City Clerk**

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**JB Whitten**  
**Mayor**

Minutes approve this \_\_\_\_\_ day of \_\_\_\_\_, 2020 .

**City Council Minutes**  
**March 9, 2020**  
**6:00 PM**  
**Council Chambers**

**1. Call to Order**

The Regular Meeting of the Crestview City Council was called to order at 6:00 P.M. by the Honorable Mayor JB Whitten. Present were: Council members, Harry LeBoeuf, Cynthia Brown, Andrew Rencich, and Joe Blocker. Also present were the City Manager Tim Bolduc, City Clerk Elizabeth Roy, City Attorney Jon Holloway, department heads and members of the press. Mayor Pro Tem Shannon Hayes was absent

**2. Invocation, Pledge of Allegiance**

Invocation and Pledge were led by Pastor Ronnie Bearden, First United Methodist Church

**3. Open Policy Making and Legislative Session**

**4. Approve Agenda**

A motion was made by Cynthia Brown to Approve the Agenda. Seconded by Joe Blocker, vote 4 yeas and 0 nays, motion carried.

**5. Presentations and Reports**

**6. Consent Agenda**

A motion was made by Cynthia Brown to Approve the Consent Agenda, Seconded by Harry LeBoeuf, vote 4 yeas and 0 nays, motion carried.

**6.1. Minutes for approval**

Minutes from the November 13, 2019 City Council meeting, December 16, 2019 City Council Meeting, and the January 13, 2020 City Council Meeting.

**7. Resolutions**

**7.1. Creation of a Youth Council Committee**

Mayor JB Whitten explained the purposed for the formation of a youth council, then asked the City Clerk to read the resolution.

**RESOLUTION: 2020-6**  
**A RESOLUTION OF CITY COUNCIL OF THE CITY OF CRESTVIEW,**  
**FLORIDA, CREATING A YOUTH COUNCIL AND PROVIDING FOR**  
**AN EFFECTIVE DATE.**

A motion was made by Andrew Rencich to Adopt Resolution 20-06, Seconded by Joe Blocker, vote 4 yeas and 0 nays, motion carried.

**8. Public Hearings / Ordinances on Second Reading**

None

**9. Ordinances on First Reading**

None

**10. Action Items**

**10.1. Transfer of CIT Funding into the Uniform Budgetary Items Category.**

City manager Tim Bolduc presented the staff report to the council.

After Discussion:

A motion was made by Andrew Rencich to Staff to approve the transfer of the funds received in the sum of \$12,000.00 for the CIT Training. And transfer the funds into Uniform Budgetary Item for anticipated purchases to achieve the standardization of uniforms within the agency, Seconded by Joe Blocker, vote 4 yeas and 0 nays, motion carried.

**10.2. Community Development Block Entitlement Grant Plan**

City manager Tim Bolduc presented the information on the Entitlement Grant plan to the Council.

After discussion:

Motion was made by Joe Blocker to Approve to contract with an individual to draft and implement the first year plan. Seconded by Cynthia Brown, vote 4 yeas and 0 nays, motion carried.

**11. City Clerk Report**

The City Clerk reminded the Council about the League of Cities dinner in Crestview on April 2 and asked that anyone who knew of someone who could donate a door prize to contact her.

**12. City Manager Report**

City Manager updated the Council on current news and projects in the City of Crestview.

**13. Comments from the Mayor and Council**

Mayor discussed the plans for the Mayor's Prayer breakfast in April and the Sponsorship of the Crestview Area Chamber Breakfast on April 2.

**14. Comments from the Audience**

**15. Adjournment**

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Elizabeth M. Roy  
City Clerk

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JB Whitten  
Mayor

Minutes approve this \_\_\_\_\_ day of \_\_\_\_\_, 2020.





# Staff Report

CITY COUNCIL MEETING DATE: April 27, 2020

TYPE OF AGENDA ITEM: Ordinance

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TO: Mayor and City Council  
CC: City Manager, City Clerk, Staff and Attorney  
FROM: Dawn Barnes  
DATE: 4/21/2020  
SUBJECT: Ordinance 1755 - Amos Street Comp Plan Amendment

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## **BACKGROUND:**

Sunrise Properties Of Emerald Coast has applied for a Comprehensive Plan Amendment on a ±0.66-acre parcel of land. The subject property is generally located on the northeast corner of the intersection of Amos Street and East Cobb Avenue. PIN # 20-3N-23-0000-0119-0000

## **DISCUSSION:**

Staff provided a complete evaluation of the request. The details of this evaluation are found in the attached staff report.

## **GOALS & OBJECTIVES**

This item is consistent with the goals in A New View Strategic Plan 2020 as follows;

**Foundational-** these are the four areas of focus that make up the necessary foundation of a successful local government.

*Financial Sustainability-* Achieve long term financial sustainability.

*Effectiveness & Efficiency-* To efficiently & effectively provide the highest quality of public services.

**Quality of Life-** these six areas focus on the overall experience when provided by the city.

*Opportunity-* Promote an environment that encourages economic and educational opportunity.

## **FINANCIAL IMPACT**

Adoption of the Ordinance could have a small positive financial impact on the City.

## **RECOMMENDED ACTION**

Staff respectfully requests adoption of Ordinance 1755 and move to second reading.

## **Attachments**

1. Planning Staff Report - Amos Street

## **ORDINANCE: 1755**

**AN ORDINANCE OF THE CITY OF CRESTVIEW, FLORIDA, AMENDING ITS ADOPTED COMPREHENSIVE PLAN; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR PURPOSE; PROVIDING FOR CHANGING THE FUTURE LAND USE DESIGNATION FROM LOW DENSITY RESIDENTIAL (LDR) TO MEDIUM DENSITY RESIDENTIAL (MDR) ON APPROXIMATELY 0.66 ACRES, MORE OR LESS, IN SECTION 17, TOWNSHIP 3 NORTH, RANGE 23 WEST; PROVIDING FOR FUTURE LAND USE MAP AMENDMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR SCRIVENER'S ERRORS; PROVIDING FOR LIBERAL INTERPRETATION; PROVIDING FOR REPEAL OF CONFLICTING CODES AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.**

**BE IT ORDAINED BY THE CITY COUNCIL OF CRESTVIEW, FLORIDA, AS FOLLOWS:**

**SECTION 1 – AUTHORITY.** The authority for enactment of this Ordinance is Section 2 of the City Charter, §163.3187 F.S., §166.021 F.S., §166.041 F.S. and the adopted Comprehensive Plan.

**SECTION 2 – FINDINGS OF FACT.** The City Council of the City of Crestview finds the following:

- A. This amendment will promote compact, orderly development and discourage urban sprawl; and**
- B. A public hearing has been conducted after "due public notice" by the Crestview Planning Board sitting as the Local Planning Agency with its recommendations reported to the City Council; and**
- C. A public hearing has been conducted by the City Council after "due public notice"; and**
- D. This amendment involves changing the future land use designation from Low Density Residential (LDR) to Medium Density Residential (MDR) on a parcel of land containing 0.66 acres, more or less, lying within the corporate limits of the City; and**
- E. This amendment is consistent with the adopted Comprehensive Plan and is in the best interests of the City and its citizens.**

**SECTION 3 – PURPOSE.** The purpose of this Ordinance is to adopt an amendment to the "City of Crestview Comprehensive Plan: 2020." The amendment is described in Section 4 below.

**SECTION 4 – FUTURE LAND USE MAP AMENDMENT.** The Future Land Use Map is amended by changing the future land use category of a parcel containing approximately 0.66 acres of land, more or less, from Low Density Residential (LDR) to Medium Density Residential (MDR). For the purposes of this Ordinance and Comprehensive Plan Amendment, the 0.66 acres, more or less, is known as Parcel 17-3N-23-2490-0101-0010 and commonly described as:

**A PARCEL OF LAND ("the LAND") LOCATED IN SECTION 17, TOWNSHIP 3 NORTH, RANGE 23 WEST, OKALOOSA COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

**LOTS 1, 2, AND 3, BLOCK 101, AND THE SOUTH 72 FEET OF LOTS 4 AND 5, BLOCK 101, MAP OF CRESTVIEW FLORIDA, ACCORDING TO PLAT THEREOF ON FILE IN PLAT BOOK 1, PAGE 72, IN THE OFFICE OF THE CLERK OF CIRCUIT COURT, OKALOOSA COUNTY, FLORIDA.**

**SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD**

**AND TAXES FOR THE YEAR 2020 AND THEREAFTER.**

The Medium Density Residential (MDR) Future Land Use Category is hereby imposed on Parcel 17-3N-23-2490-0101-0010. Exhibit A, which is attached hereto and made a part hereof by reference, graphically depicts the revisions to the Future Land Use Map and shows Parcel 17-3N-23-2490-0101-0010thereon.

**SECTION 5 – SEVERABILITY.** If any word, phrase, sentence, paragraph or provision of this ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this ordinance are declared severable.

**SECTION 6 – SCRIVENER’S ERRORS.** The correction of typographical errors which do not affect the intent of this Ordinance may be authorized by the City Manager or the City Manager’s designee, without public hearing, by filing a corrected or re-codified copy with the City Clerk.

**SECTION 7 – ORDINANCE TO BE LIBERALLY CONSTRUED.** This Ordinance shall be liberally construed in order to effectively carry out the purposes hereof which are deemed not to adversely affect public health, safety, or welfare.

**SECTION 8 – REPEAL OF CONFLICTING CODES, ORDINANCES, AND RESOLUTIONS.** All Charter provisions, codes, ordinances and resolutions or parts of charter provisions, codes, ordinances and resolutions or portions thereof of the City of Crestview, in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

**SECTION 9 – EFFECTIVE DATE.** The effective date of this plan amendment and ordinance shall be thirty-one (31) days after adoption on second reading by the City Council, unless the amendment is challenged pursuant to §163.3187, F.S. If challenged, the effective date shall be the date a Final Order is issued by the State Land Planning Agency or the Administration Commission finding the amendment in compliance with §163.3184, F.S.

**PASSED AND ADOPTED ON SECOND READING BY THE CITY COUNCIL OF CRESTVIEW,  
FLORIDA ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.**

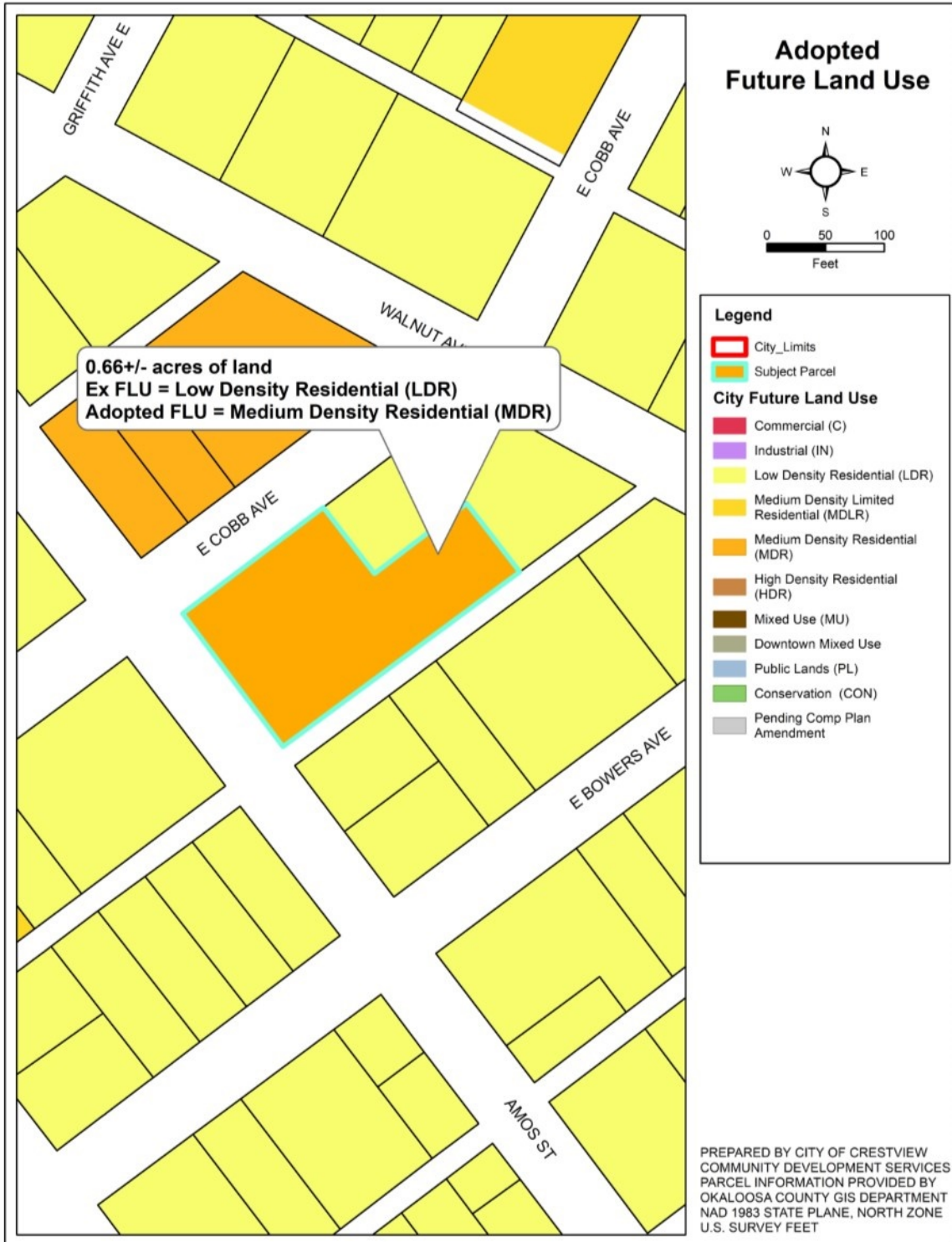
**ATTEST:**

\_\_\_\_\_  
**ELIZABETH M. ROY**  
City Clerk

**APPROVED BY ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.**

\_\_\_\_\_  
**J. B. WHITTEN**  
Mayor

# EXHIBIT A





# CITY OF CRESTVIEW

## COMMUNITY DEVELOPMENT SERVICES

### PLANNING AND ZONING STAFF REPORT

**PROJECT NAME:** Amos Street – Comp Plan Amendment

**ORDINANCE NUMBERS:** 1755      Comp Plan Amendment (Small Scale)

**SUBMITTED TO:** LPA      April 27, 2020  
City Council – First Reading      April 27, 2020  
City Council – Second Reading      May 11, 2020

**DATE:** April 14, 2020

|    |                                        |
|----|----------------------------------------|
| 1. | <b>References Reviewed and Applied</b> |
|----|----------------------------------------|

- A. Crestview Code of Ordinances, Current Edition
- B. Crestview Comprehensive Plan, Current Edition
- C. Florida Statutes, Current Edition

|    |                        |
|----|------------------------|
| 2. | <b>Project Summary</b> |
|----|------------------------|

|                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                              |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Property Owner(s)</b><br>Sunrise Prop Of Emerald Coast<br>1924 Benton Ave<br>Niceville, FL 32578<br><br><b>Applicant</b><br>Property Owner<br><br><b>Staff Planner:</b><br>Elgin A. Duley III, Planning Administrator<br>Dawn Barnes, Planner I | <b>Property Location:</b> The subject property is generally located on the northeast corner of the intersection of Amos Street and East Cobb Avenue and consists of +/- 0.64 acres. PIN # 20-3N-23-0000-0119-0000<br><br><b>Application Information:</b><br>The applicant has requested a Comprehensive Plan Amendment to Medium Density Residential (MDR) to allow for the development of apartments. | <b>Staff Recommendation:</b><br>Approval of the requested actions, subject to any conditions provided in the following report or suggested by the LPA.<br><br><b>Public Notice:</b> <ul style="list-style-type: none"><li>• Notice letters sent to property owners within 300' of the subject property on 4/6/20</li><li>• Property posting on 4/13/20</li><li>• Ad run on 4/15/20</li></ul> |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|    |                                       |
|----|---------------------------------------|
| 3. | <b>Application / Project Analysis</b> |
|----|---------------------------------------|

#### Project Description

The applicant has requested a Comprehensive Plan amendment to Medium Density Residential (MDR). This Future Land Use amendment will allow apartments to be built on the property.

#### Project Context

##### **Current Conditions:**

The subject property is currently vacant. The following table provides the surrounding land use designations, zoning districts, and existing uses.

| Direction | FLU | Zoning | Existing Use |
|-----------|-----|--------|--------------|
| North     | MDR | R-2    | Residential  |
| East      | LDR | R-2    | Residential  |
| South     | LDR | R-2    | Residential  |
| West      | LDR | R-2    | Church       |

### **Project Compatibility:**

A development application concerning the subject property has not been submitted. Based on the requested land-use designations, the property will be developed as multi-family. The uses to the north, east and south are all residential in nature. The property to the west is a church.

### **Regulatory and Statutory Compliance:**

*Florida Statute Chapter 163.* The proposed amendment is on a parcel totaling +/- 0.64 acres and is being processed as a small-scale comprehensive plan amendment to the Future Land Use Map in accordance with Florida Statutes. As such, the amendment is being brought before the Local Planning Agency in a public hearing and before the City Council in a public hearing (the adoption hearing). The Florida Department of Economic Opportunity does not require review of small-scale Future Land Use Map amendments unless challenged by an affected party within 30 days of adoption by the City Council.

*City of Crestview Comprehensive Plan.* Chapter 7 of the Comprehensive Plan establishes the various requirements for Future Land Use categories and the applicant requested amendment to designate the property as Medium Density Residential is in keeping with the Plan. The Future Land Use Map of the Comprehensive Plan has established the appropriate land uses. The appropriate intensity and impervious surface area maximums will be assured during development review. Specific Comprehensive Plan Goals Objectives and Policies in support of the requested actions are as follows:

**Policy 7.A.2.2** – Because the amendment will serve to discourage urban sprawl.

**Policy 7.A.6.3** – Because the amendment promotes infill development.

**Policy 7.A.3.2** – Because the amendment is consistent with accepted planning principals and it represents efficiency of use of the property given its location relative to other uses.

*Crestview Land Development Code.* The use of the property as an allowable residential use, provided the Comprehensive Plan change is approved, will undergo development review to ensure compliance with the Land Development Code.

### **Adequate Public Facilities:**

When a development application is made, all impacts to City services will be addressed through the staff review and Development Order approval processes.

### **Environmental Impacts:**

*Wetlands and Environmentally Sensitive Lands* – Current wetlands data indicates the absence of any jurisdictional wetlands within the subject property.

*Historical and/or Archeological Resources* – The application does not address the presence of any historical or archeological resources onsite.

### **General Staff Comments:**

*Planning and Zoning.* The requested changes are consistent with the nature of the area and are in compliance with the desired growth of that area.

|           |                 |
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| <b>4.</b> | <b>Findings</b> |
|-----------|-----------------|

- A. The request for Comprehensive Plan Amendment is consistent with the above references and will not be a detriment to the surrounding property.

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| <b>5.</b> | <b>Conditions of Approval</b> |
|-----------|-------------------------------|

- A. Staff does not apply nor recommend the application of any conditions for approval of the current requests.

|           |                                      |
|-----------|--------------------------------------|
| <b>6.</b> | <b>Conclusion and Recommendation</b> |
|-----------|--------------------------------------|

- A. The applicant has submitted the form Comprehensive Plan Amendment of the property. The proposed actions satisfy the requirements of the City of Crestview's adopted Comprehensive Plan, and Land Development Code.
- B. The Comprehensive Plan Amendment should not pose a problem if supported by proper documentation and Council intent.
- C. Please review the application based on the characteristics of the site and surrounding area; the nature of the development, including the land use type and densities; and conformity of the development with the City's Comprehensive Plan, the City's Code of Ordinances and other applicable state and city regulations, in deciding the request.

Based on the analysis above and the findings of fact, staff recommends approval of the application for Comprehensive Plan Amendment.

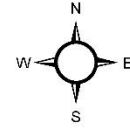
**Assigned Staff:** Elgin Duley III, Planning Administrator  
Dawn Barnes, Planner I

Received Public Comments: None





## Subject Parcel Aerial Exhibit



0 50 100  
Feet

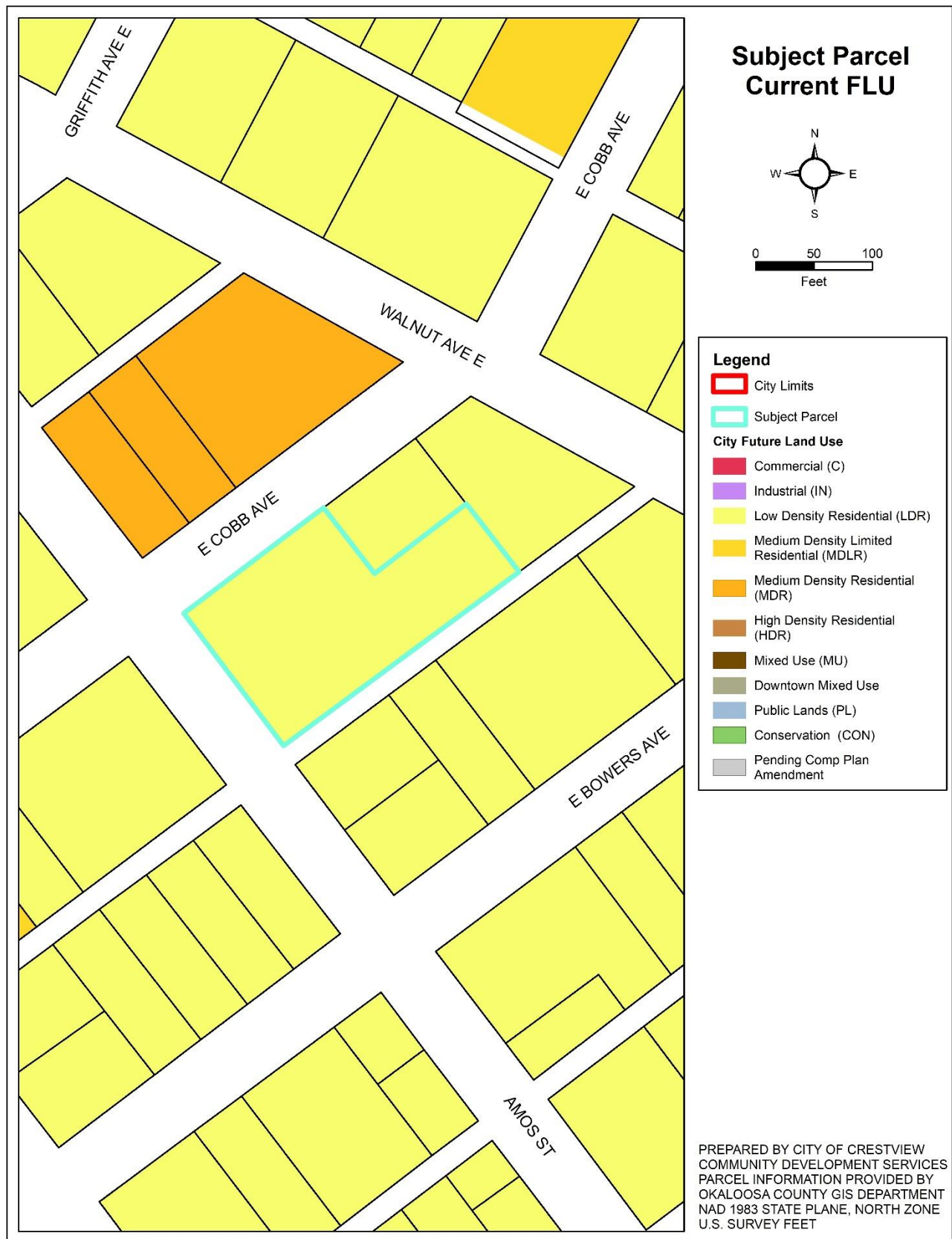
### Legend

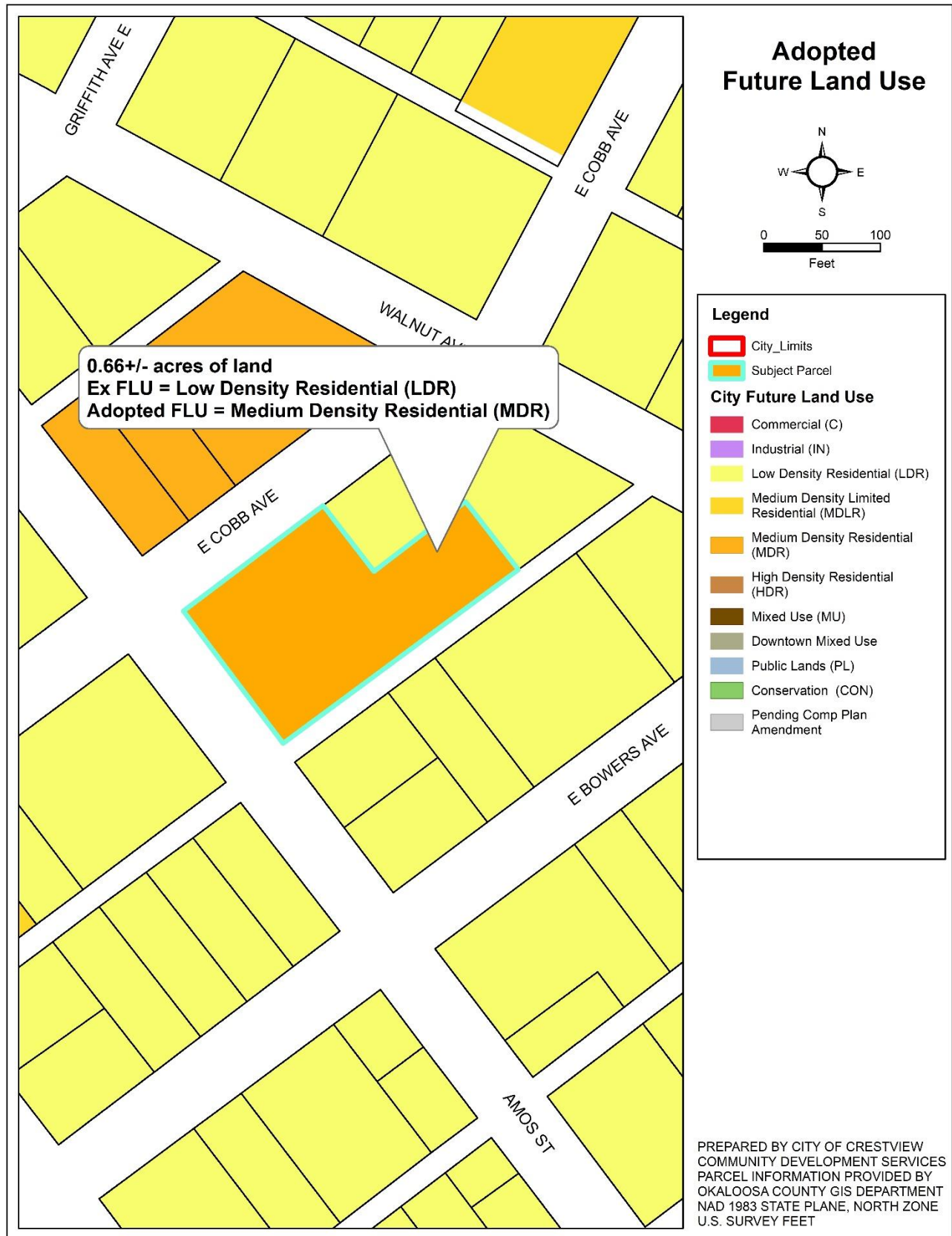
-  City Limits
-  Subject Parcel

PREPARED BY CITY OF CRESTVIEW  
COMMUNITY DEVELOPMENT SERVICES  
PARCEL INFORMATION PROVIDED BY  
OKALOOSA COUNTY GIS DEPARTMENT  
NAD 1983 STATE PLANE, NORTH ZONE  
U.S. SURVEY FEET











# Staff Report

CITY COUNCIL MEETING DATE: April 27, 2020

TYPE OF AGENDA ITEM: Ordinance

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TO: Mayor and City Council  
CC: City Manager, City Clerk, Staff and Attorney  
FROM: Dawn Barnes  
DATE: 4/22/2020  
SUBJECT: Ordinance 1756 - Aplin Road Annexation

---

## **BACKGROUND:**

Crestview Mini Storage II LLC has applied for Voluntary Annexation of a ±0.64-acre parcel of land. The subject property is generally located on the south side of Aplin Road, between Highway 85 North and South Pearl Street. PIN # 20-3N-23-0000-0119-0000

## **DISCUSSION:**

Staff provided a complete evaluation of the request. The details of this evaluation are found in the attached staff report.

## **GOALS & OBJECTIVES**

This item is consistent with the goals in A New View Strategic Plan 2020 as follows;

**Foundational-** these are the four areas of focus that make up the necessary foundation of a successful local government.

*Financial Sustainability-* Achieve long term financial sustainability.

*Effectiveness & Efficiency-* To efficiently & effectively provide the highest quality of public services.

**Quality of Life-** these six areas focus on the overall experience when provided by the city.

*Opportunity-* Promote an environment that encourages economic and educational opportunity.

## **FINANCIAL IMPACT**

Adoption of the Ordinance could have a small positive financial impact on the City.

## **RECOMMENDED ACTION**

Staff respectfully requests adoption of Ordinance 1756 and move to second reading.

## **Attachments**

1. Planning Staff Report - Aplin Road

## **ORDINANCE: 1756**

**AN ORDINANCE ANNEXING TO THE CITY OF CRESTVIEW, FLORIDA, ± 0.64 ACRES OF CONTIGUOUS LANDS LOCATED IN SECTION 20, TOWNSHIP 3 NORTH, RANGE 23 WEST, AND BEING DESCRIBED AS SET FORTH HEREIN; PROVIDING FOR AUTHORITY; PROVIDING FOR LAND DESCRIPTION; PROVIDING FOR BOUNDARY; PROVIDING FOR LAND USE AND ZONING DESIGNATION; PROVIDING FOR AMENDMENT TO THE BASE, LAND USE AND ZONING MAPS; PROVIDING FOR A COMPREHENSIVE PLAN AMENDMENT; PROVIDING FOR FILING WITH THE CLERK OF CIRCUIT COURT OF OKALOOSA COUNTY, THE CHIEF ADMINISTRATIVE OFFICER OF OKALOOSA COUNTY AND THE FLORIDA DEPARTMENT OF STATE; PROVIDING FOR SEVERABILITY; PROVIDING FOR SCRIVENER'S ERRORS; PROVIDING FOR LIBERAL INTERPRETATION; PROVIDING FOR REPEAL OF CONFLICTING CODES AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.**

**BE IT ORDAINED BY THE CITY COUNCIL OF CRESTVIEW, FLORIDA AS FOLLOWS:**

**SECTION 1 – AUTHORITY.** The authority for enactment of this ordinance is Chapter 171, Florida Statutes, and Section 2 of the City Charter.

**SECTION 2 – LAND DESCRIPTION.** The following described unincorporated area contiguous to the City of Crestview, Florida, is hereby annexed to the City:

**PIN # 20-3N-23-0000-0119-0000 (Deed recorded in Book 2788, page 4299, dated May 9, 2007)**

**BEGINNING AT A POINT WHERE THE EAST EDGE OF THE CRESTVIEW CAMP WALTON HIGHWAY RIGHT OF WAY INTERSECTS THE NORTH BOUNDARY LINE OF SOUTH EAST 1/4 OF SECTION TWENTY 20, TOWNSHIP THREE NORTH RANGE TWENTY THREE W THENCE RUN EAST 140 YARDS FOR POINT OF BEGINNING, THENCE RUN SOUTH 70 YARDS EAST 35 YARDS NORTH 70 YARDS WEST 35 YARDS TO POINT OF BEGINNING.**

**SUBJECT TO ANY INTEREST AND/OR EASEMENT GULF POWER COMPANY OR ITS SUCCESSORS, TRANSFEREES, OR ASSIGNS HAS IN AND TO THE ABOVE DESCRIBED PROPERTY.**

**SECTION 3 – BOUNDARY.** The existing boundary line of the City of Crestview, Florida, is modified to include the herein referenced tract of land and the base, zoning and land use maps shall be updated to reflect these changes pursuant to law.

**SECTION 4 – LAND USE AND ZONING.** Pursuant to general law, the property hereby annexed was subject to Okaloosa County land development, land use plan, and zoning or subdivision regulations, which shall remain in full force and effect until rezoning and land use changes are finalized by the City in compliance with the Comprehensive Plan.

**SECTION 5 – COMPREHENSIVE PLAN UPDATE.** Pursuant to Chapter 163.011, et seq. petitioner for annexation shall apply through the City for a Comprehensive Plan change which will designate the future land use category for the parcel as Commercial (C) with Commercial (C-1) to be assigned and run concurrent with the approval and adoption of the Comprehensive Plan amendment by the proper authorities.

**SECTION 6 – MAP UPDATE.** The Base, Zoning and Future Land Use Maps shall be updated at the earliest possible date.

**SECTION 7 – FILING.** Upon passage, the City Clerk is directed to file a copy of this ordinance with the Clerk of



Circuit Court of Okaloosa County and with the Florida Department of the State.

**SECTION 8 – SEVERABILITY.** If any word, phrase, sentence, paragraph or provision of this ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this ordinance are declared severable.

**SECTION 9 – SCRIVENER’S ERRORS.** The correction of typographical errors which do not affect the intent of this Ordinance may be authorized by the City Manager or the City Manager’s designee, without public hearing, by filing a corrected or re-codified copy with the City Clerk.

**SECTION 10 – ORDINANCE TO BE LIBERALLY CONSTRUED.** This Ordinance shall be liberally construed in order to effectively carry out the purposes hereof which are deemed not to adversely affect public health, safety, or welfare.

**SECTION 11 – REPEAL OF CONFLICTING CODES, ORDINANCES, AND RESOLUTIONS.** All Charter provisions, codes, ordinances and resolutions or parts of charter provisions, codes, ordinances and resolutions or portions thereof of the City of Crestview, in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

**SECTION 12 – EFFECTIVE DATE.** This ordinance shall take effect immediately upon its adoption.

**PASSED AND ADOPTED ON SECOND READING BY THE CITY COUNCIL OF CRESTVIEW, FLORIDA ON**

**THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.**

**ATTEST:**

\_\_\_\_\_  
**ELIZABETH M. ROY**

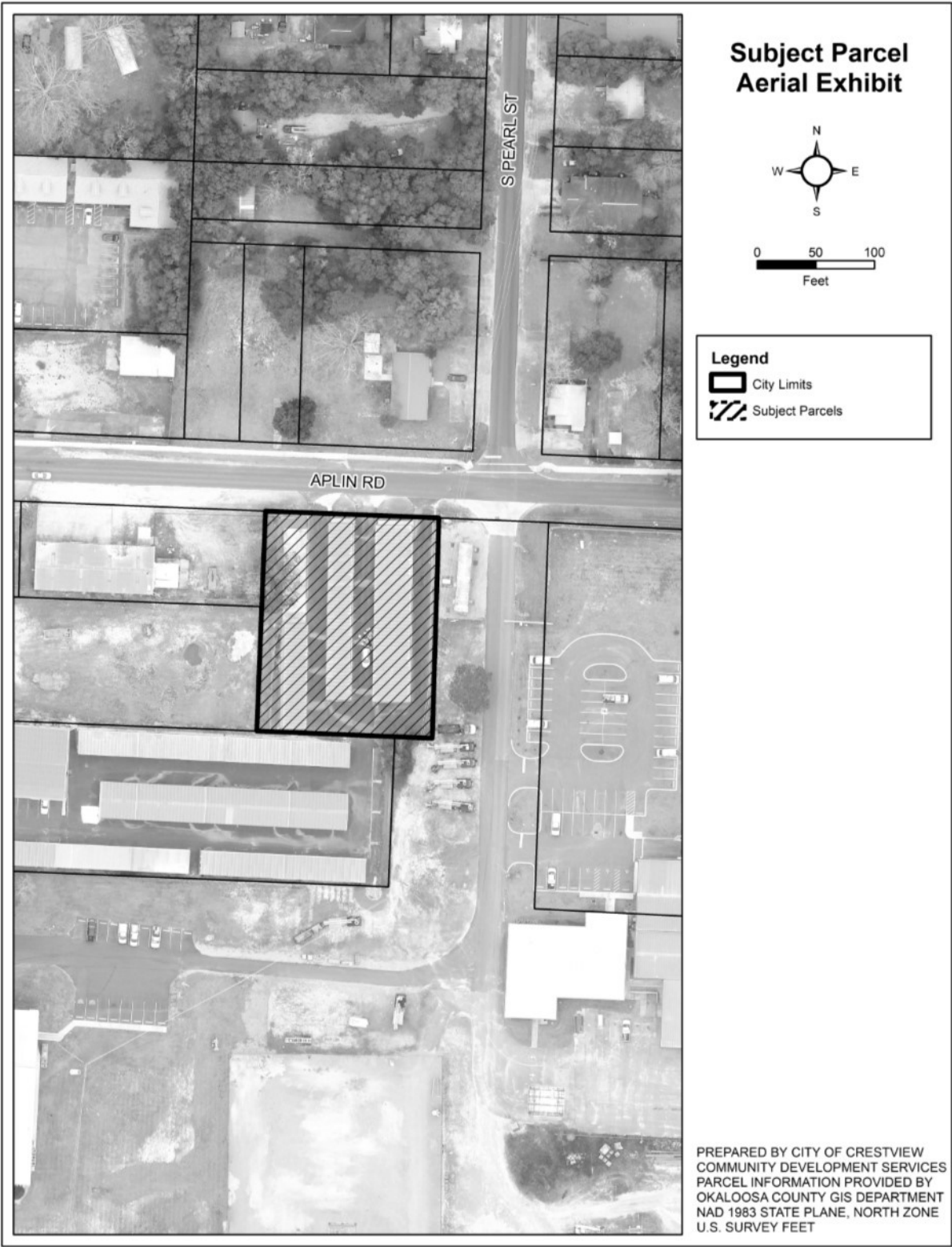
City Clerk

**APPROVED BY ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.**

\_\_\_\_\_  
**J. B. WHITTEN**

Mayor

EXHIBIT A





# CITY OF CRESTVIEW

## COMMUNITY DEVELOPMENT SERVICES

### PLANNING AND ZONING STAFF REPORT

**PROJECT NAME:** Aplin Road – Annexation, Comp Plan Amendment & Rezoning

**ORDINANCE NUMBERS:** 1756 Annexation  
1757 Comp Plan Amendment (Small Scale)  
1758 Rezoning

**SUBMITTED TO:** LPA April 27, 2020  
City Council – First Reading April 27, 2020  
City Council – Second Reading May 11, 2020

**DATE:** April 16, 2020

|    |                                        |
|----|----------------------------------------|
| 1. | <b>References Reviewed and Applied</b> |
|----|----------------------------------------|

- A. Crestview Code of Ordinances, Current Edition
- B. Crestview Comprehensive Plan, Current Edition
- C. Florida Statutes, Current Edition

|    |                        |
|----|------------------------|
| 2. | <b>Project Summary</b> |
|----|------------------------|

|                                                                                                           |                                                                                                                                                                                                                     |                                                                                                                                                                                                                                |
|-----------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Property Owner(s)</b><br>Crestview Mini Storage II LLC<br>601 Ferdon Blvd N<br>Crestview, FL 325360000 | <b>Property Location:</b> The subject property is generally located on the south side of Aplin Road, between Highway 85 North and South Pearl Street, and consists of +/- 0.64 acres. PIN # 20-3N-23-0000-0119-0000 | <b>Staff Recommendation:</b><br>Approval of the requested actions, subject to any conditions provided in the following report or suggested by the LPA.                                                                         |
| <b>Applicant</b><br>Property Owners                                                                       | <b>Application Information:</b><br>The applicant has requested Annexation, Comprehensive Plan Amendment to Commercial (C), and Zoning designation of Commercial (C-1) to allow for commercial development.          | <b>Public Notice:</b> <ul style="list-style-type: none"><li>• Notice letters sent to property owners within 300' of the subject property on 4/6/20</li><li>• Property posting on 4/13/20</li><li>• Ad run on 4/15/20</li></ul> |
| <b>Staff Planner:</b><br>Elgin A. Duley III, Planning Administrator<br>Dawn Barnes, Planner I             |                                                                                                                                                                                                                     |                                                                                                                                                                                                                                |

|    |                                       |
|----|---------------------------------------|
| 3. | <b>Application / Project Analysis</b> |
|----|---------------------------------------|

#### Project Description

The applicant has requested the Annexation, Comprehensive Plan amendment to **Commercial (C)**, and rezoning of the subject property to **Commercial (C-1)**. This Future Land Use amendment will allow the newly annexed lands to be used commercially, as they have been developed. This zoning change will implement the Future Land Use change and all the current development to meet the Land Development Code's C-1 zoning district requirements.

#### Project Context

##### **Current Conditions:**

The subject property is currently developed for commercial use. The following table provides the surrounding land use designations, zoning districts, and existing uses.



| Direction | FLU        | Zoning     | Existing Use         |
|-----------|------------|------------|----------------------|
| North     | Commercial | Commercial | Vacant & Residential |
| East      | Commercial | Commercial | Commercial           |
| South     | Commercial | Commercial | Commercial           |
| West      | Commercial | Commercial | Vacant & Commercial  |

#### **Project Compatibility:**

A development application concerning the subject property has not been submitted. Based on the requested land-use and zoning designations, the property will continue to be used commercially. The uses to the east, south and west are all commercial in nature. The property to the north currently has a residence on it but it has been used commercially in the past.

#### **Regulatory and Statutory Compliance:**

*Florida Statute Chapter 163.* The proposed amendment is on a parcel totaling +/- 0.64 acres and is being processed as a small-scale comprehensive plan amendment to the Future Land Use Map in accordance with Florida Statutes. As such, the amendment is being brought before the Local Planning Agency in a public hearing and before the City Council in a public hearing (the adoption hearing). The Florida Department of Economic Opportunity does not require review of small-scale Future Land Use Map amendments unless challenged by an affected party within 30 days of adoption by the City Council.

*City of Crestview Comprehensive Plan.* Chapter 7 of the Comprehensive Plan establishes the various requirements for Future Land Use categories and the applicant requested amendment to designate the annexed property as a Commercial Land Use is in keeping with the Plan. The Future Land Use Map of the Comprehensive Plan has established the appropriate land uses. Specific Comprehensive Plan Goals Objectives and Policies in support of the requested actions are as follows:

**Policy 7.A.6.6** – Because the proposed annexation is of unincorporated lands which are contiguous and compact; the annual maintenance costs are assumed to be less than the annual net revenue generated; and it improves the delineation of the City's boundary line.

**Policy 7.A.2.2** – Because the amendment will serve to discourage urban sprawl.

**Policy 7.A.6.3** – Because the amendment promotes infill development.

**Policy 7.A.3.2** – Because the amendment is consistent with accepted planning principals and it represents efficiency of use of the property given its location relative to other uses.

**Policy 16.A.1.5** – Because the amendment will be beneficial to existing commercial development, will encourage business retention and create a favorable business climate for existing businesses.

*Crestview Land Development Code.* The use of the property as an allowable commercial use, provided the Comprehensive Plan and Zoning change is approved, is in compliance with the Land Development Code.

#### **Adequate Public Facilities:**

Impacts to City services will be negligible as the parcel is developed as a mini-storage facility.

#### **Environmental Impacts:**

*Wetlands and Environmentally Sensitive Lands* – Current wetlands data indicates the absence of any jurisdictional wetlands within the subject property.

*Historical and/or Archeological Resources* – The application does not address the presence of any historical or archeological resources onsite.

#### **General Staff Comments:**

Planning and Zoning. The requested changes are consistent with the nature of the area and are in compliance with the desired growth of that area.

|           |                 |
|-----------|-----------------|
| <b>4.</b> | <b>Findings</b> |
|-----------|-----------------|

- A. The request for Annexation satisfies Florida Statute requirements for voluntary annexation.
- B. The request for Comprehensive Plan Amendment is consistent with the above references and will not be a detriment to the surrounding property.
- C. The request for Zoning Change is consistent with the above references and will not be a detriment to the surrounding property.

|           |                               |
|-----------|-------------------------------|
| <b>5.</b> | <b>Conditions of Approval</b> |
|-----------|-------------------------------|

- A. Staff does not apply nor recommend the application of any conditions for approval of the current requests.

|           |                                      |
|-----------|--------------------------------------|
| <b>6.</b> | <b>Conclusion and Recommendation</b> |
|-----------|--------------------------------------|

- A. The applicant has submitted the forms for Annexation, Comprehensive Plan Amendment, and Zoning Change of the property. The proposed actions satisfy the requirements of the City of Crestview's adopted Comprehensive Plan, and Land Development Code.
- B. The associated Comprehensive Plan Amendment should not pose a problem if supported by proper documentation and Council intent.
- C. Please review the applications based on the characteristics of the site and surrounding area; the nature of the development, including the land use type and densities; and conformity of the development with the City's Comprehensive Plan, the City's Code of Ordinances and other applicable state and city regulations, in deciding the request.

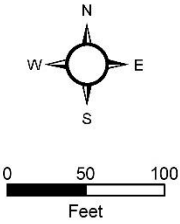
Based on the analysis above and the findings of fact, staff recommends approval of the applications for Annexation, Comprehensive Plan Amendment, and Zoning Change.

**Assigned Staff:** Elgin Duley III, Planning Administrator  
Dawn Barnes, Planner I

Received Public Comments: None



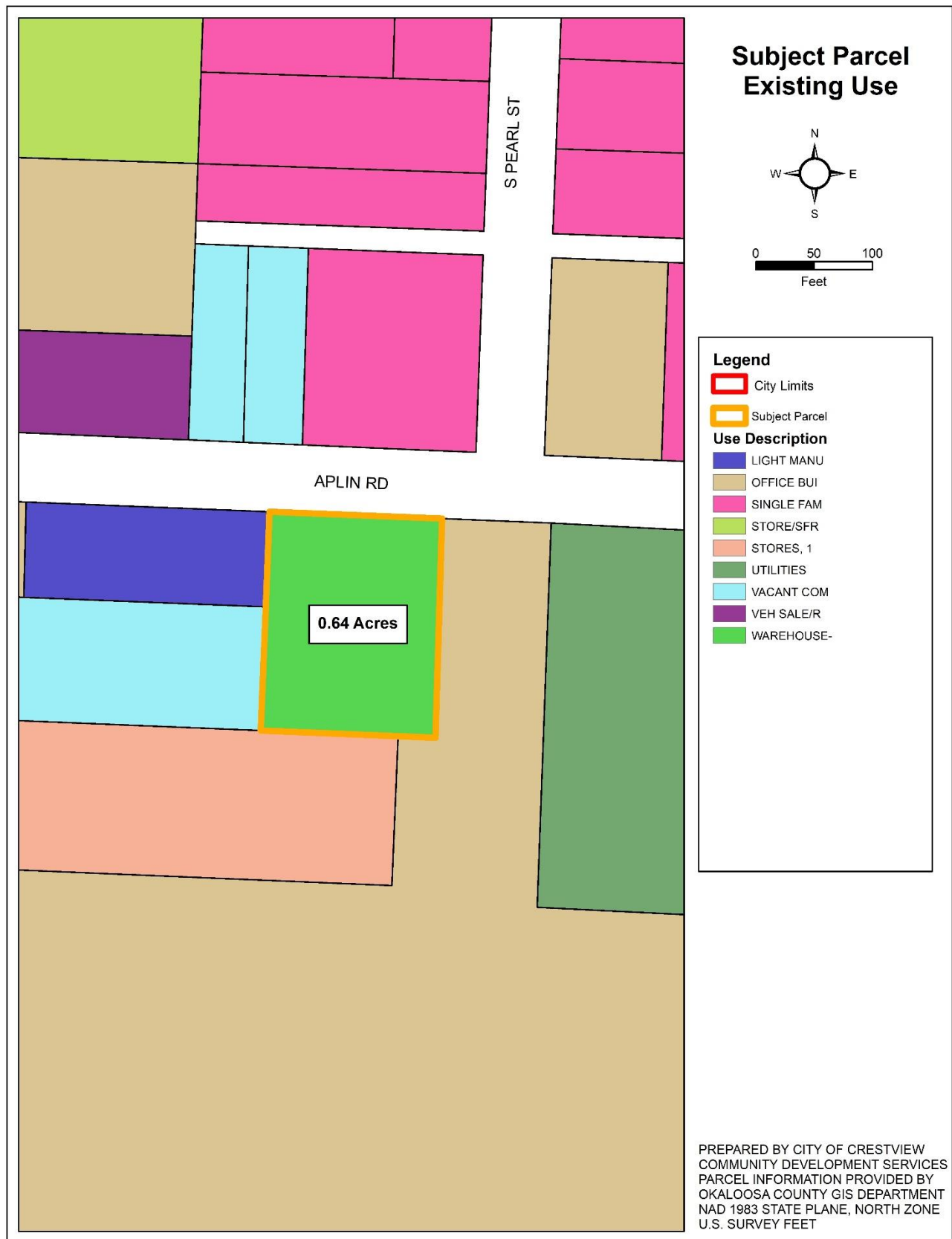
**Subject Parcel  
Aerial Exhibit**



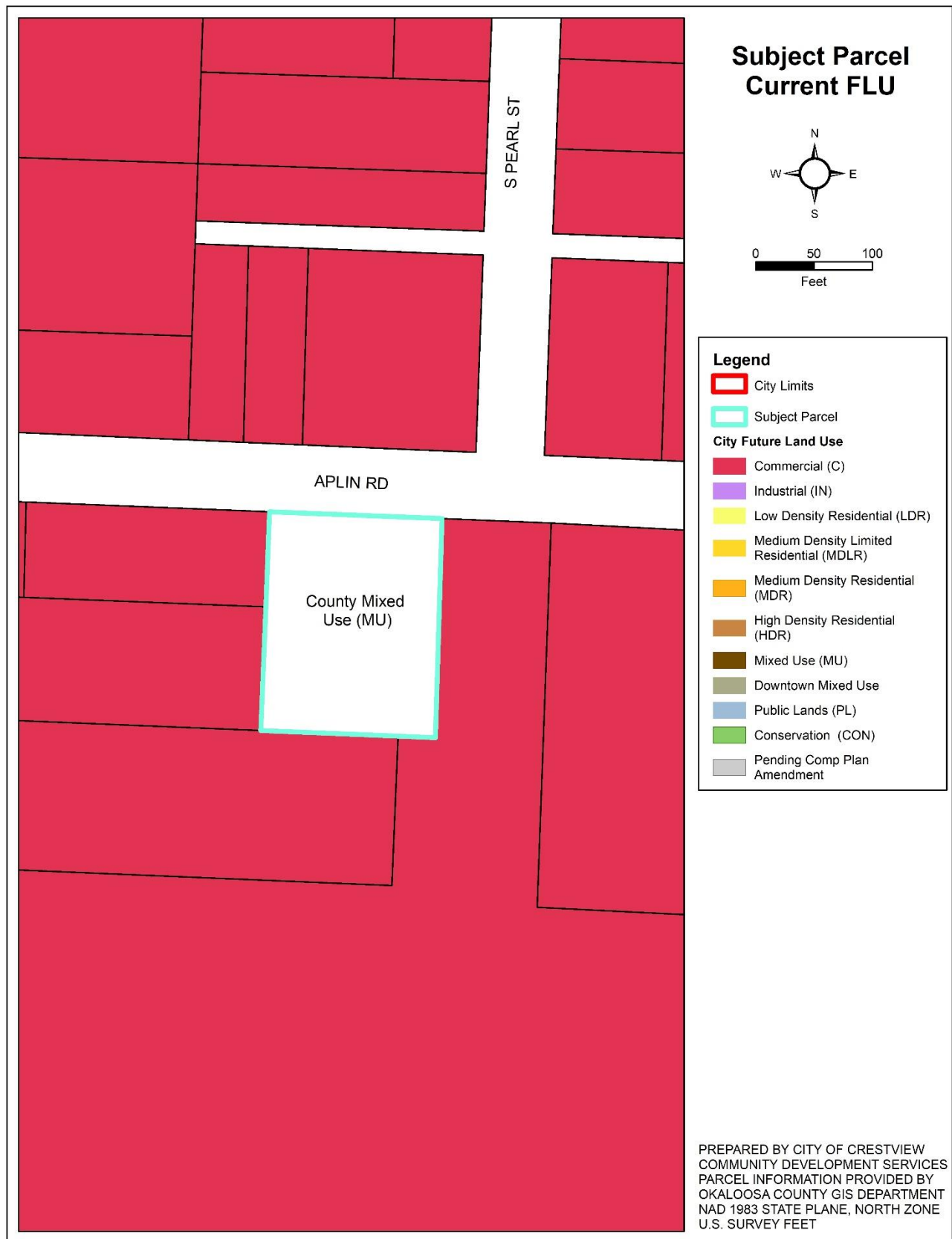
**Legend**

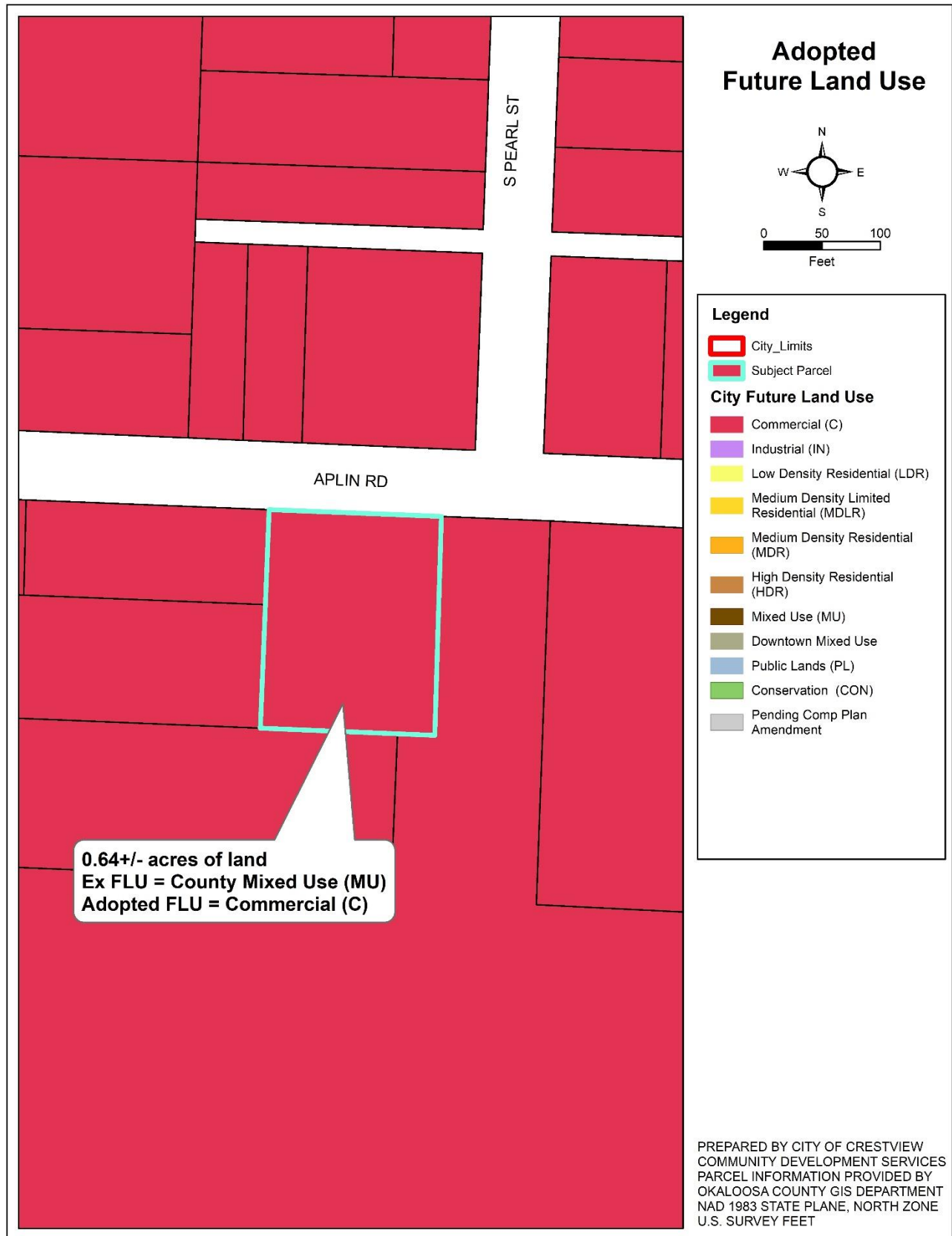
-  City Limits
-  Subject Parcel

PREPARED BY CITY OF CRESTVIEW  
COMMUNITY DEVELOPMENT SERVICES  
PARCEL INFORMATION PROVIDED BY  
OKALOOSA COUNTY GIS DEPARTMENT  
NAD 1983 STATE PLANE, NORTH ZONE  
U.S. SURVEY FEET

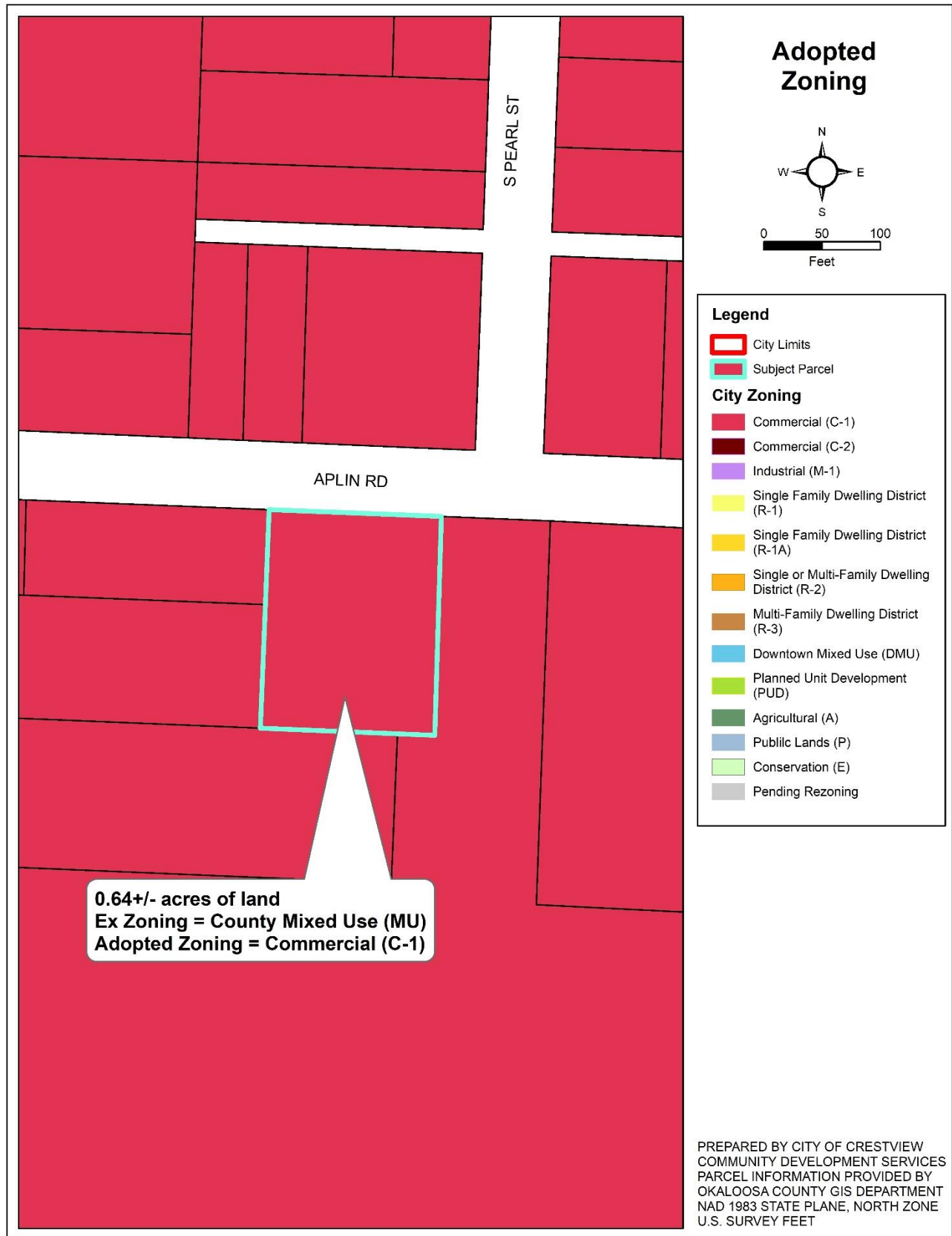
















# Staff Report

CITY COUNCIL MEETING DATE: April 27, 2020

TYPE OF AGENDA ITEM: Ordinance

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TO: Mayor and City Council  
CC: City Manager, City Clerk, Staff and Attorney  
FROM: Dawn Barnes  
DATE: 4/22/2020  
SUBJECT: Ordinance 1757 - Aplin Road Comp Plan Amendment

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## **BACKGROUND:**

Crestview Mini Storage II LLC has applied for a Comprehensive Plan Amendment on a ±0.64-acre parcel of land. The subject property is generally located on the south side of Aplin Road, between Highway 85 North and South Pearl Street. PIN # 20-3N-23-0000-0119-0000

## **DISCUSSION:**

Staff provided a complete evaluation of the request. The details of this evaluation are found in the staff report attached to agenda item 9.2.

## **GOALS & OBJECTIVES**

This item is consistent with the goals in A New View Strategic Plan 2020 as follows;

**Foundational-** these are the four areas of focus that make up the necessary foundation of a successful local government.

*Financial Sustainability-* Achieve long term financial sustainability.

*Effectiveness & Efficiency-* To efficiently & effectively provide the highest quality of public services.

**Quality of Life-** these six areas focus on the overall experience when provided by the city.

*Opportunity-* Promote an environment that encourages economic and educational opportunity.

## **FINANCIAL IMPACT**

Adoption of the Ordinance could have a small positive financial impact on the City.

## **RECOMMENDED ACTION**

Staff respectfully requests adoption of Ordinance 1757 and move to second reading.

## **Attachments**

None

## **ORDINANCE: 1757**

**AN ORDINANCE OF THE CITY OF CRESTVIEW, FLORIDA, AMENDING ITS ADOPTED COMPREHENSIVE PLAN; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR PURPOSE; PROVIDING FOR CHANGING THE FUTURE LAND USE DESIGNATION FROM OKALOOSA COUNTY MIXED USE (MU) TO COMMERCIAL (C) ON APPROXIMATELY 0.64 ACRES, MORE OR LESS, IN SECTION 20, TOWNSHIP 3 NORTH, RANGE 23 WEST; PROVIDING FOR FUTURE LAND USE MAP AMENDMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR SCRIVENER'S ERRORS; PROVIDING FOR LIBERAL INTERPRETATION; PROVIDING FOR REPEAL OF CONFLICTING CODES AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.**

**BE IT ORDAINED BY THE CITY COUNCIL OF CRESTVIEW, FLORIDA, AS FOLLOWS:**

**SECTION 1 – AUTHORITY.** The authority for enactment of this Ordinance is Section 2 of the City Charter, §163.3187 F.S., §166.021 F.S., §166.041 F.S. and the adopted Comprehensive Plan.

**SECTION 2 – FINDINGS OF FACT.** The City Council of the City of Crestview finds the following:

- A. This amendment will promote compact, orderly development and discourage urban sprawl; and**
- B. A public hearing has been conducted after "due public notice" by the Crestview Planning Board sitting as the Local Planning Agency with its recommendations reported to the City Council; and**
- C. A public hearing has been conducted by the City Council after "due public notice"; and**
- D. This amendment involves changing the future land use designation from Okaloosa County Mixed Use (MU) to Commercial (C) on a parcel of land containing 0.64 acres, more or less, lying within the corporate limits of the City; and**
- E. This amendment is consistent with the adopted Comprehensive Plan and is in the best interests of the City and its citizens.**

**SECTION 3 – PURPOSE.** The purpose of this Ordinance is to adopt an amendment to the "City of Crestview Comprehensive Plan: 2020." The amendment is described in Section 4 below.

**SECTION 4 – FUTURE LAND USE MAP AMENDMENT.** The Future Land Use Map is amended by changing the future land use category of a parcel containing approximately 0.64 acres of land, more or less, from Okaloosa County Mixed Use (MU) to Commercial (C). For the purposes of this Ordinance and Comprehensive Plan Amendment, the 0.64 acres, more or less, is known as Parcel 20-3N-23-0000-0119-0000 and commonly described as:

**A PARCEL OF LAND ("the LAND") LOCATED IN SECTION 20, TOWNSHIP 3 NORTH, RANGE 23 WEST, OKALOOSA COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

**BEGINNING AT A POINT WHERE THE EAST EDGE OF THE CRESTVIEW CAMP WALTON HIGHWAY RIGHT OF WAY INTERSECTS THE NORTH BOUNDARY LINE OF SOUTH EAST 1/4 OF SECTION TWENTY 20, TOWNSHIP THREE NORTH RANGE TWENTY THREE W THENCE RUN EAST 140 YARDS FOR POINT OF BEGINNING, THENCE RUN SOUTH 70 YARDS EAST 35 YARDS NORTH 70 YARDS WEST 35 YARDS TO POINT OF BEGINNING.**

**SUBJECT TO ANY INTEREST AND/OR EASEMENT GULF POWER COMPANY OR ITS**

**SUCCESSORS, TRANSFEREES, OR ASSIGNS HAS IN AND TO THE ABOVE DESCRIBED PROPERTY.**

The Commercial (C) Future Land Use Category is hereby imposed on Parcel 20-3N-23-0000-0119-0000. Exhibit A, which is attached hereto and made a part hereof by reference, graphically depicts the revisions to the Future Land Use Map and shows Parcel 20-3N-23-0000-0119-0000 thereon.

**SECTION 5 – SEVERABILITY.** If any word, phrase, sentence, paragraph or provision of this ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this ordinance are declared severable.

**SECTION 6 – SCRIVENER’S ERRORS.** The correction of typographical errors which do not affect the intent of this Ordinance may be authorized by the City Manager or the City Manager’s designee, without public hearing, by filing a corrected or re-codified copy with the City Clerk.

**SECTION 7 – ORDINANCE TO BE LIBERALLY CONSTRUED.** This Ordinance shall be liberally construed in order to effectively carry out the purposes hereof which are deemed not to adversely affect public health, safety, or welfare.

**SECTION 8 – REPEAL OF CONFLICTING CODES, ORDINANCES, AND RESOLUTIONS.** All Charter provisions, codes, ordinances and resolutions or parts of charter provisions, codes, ordinances and resolutions or portions thereof of the City of Crestview, in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

**SECTION 9 – EFFECTIVE DATE.** The effective date of this plan amendment and ordinance shall be thirty-one (31) days after adoption on second reading by the City Council, unless the amendment is challenged pursuant to §163.3187, F.S. If challenged, the effective date shall be the date a Final Order is issued by the State Land Planning Agency or the Administration Commission finding the amendment in compliance with §163.3184, F.S.

**PASSED AND ADOPTED ON SECOND READING BY THE CITY COUNCIL OF CRESTVIEW, FLORIDA ON**

**THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.**

**ATTEST:**

\_\_\_\_\_  
**ELIZABETH M. ROY**

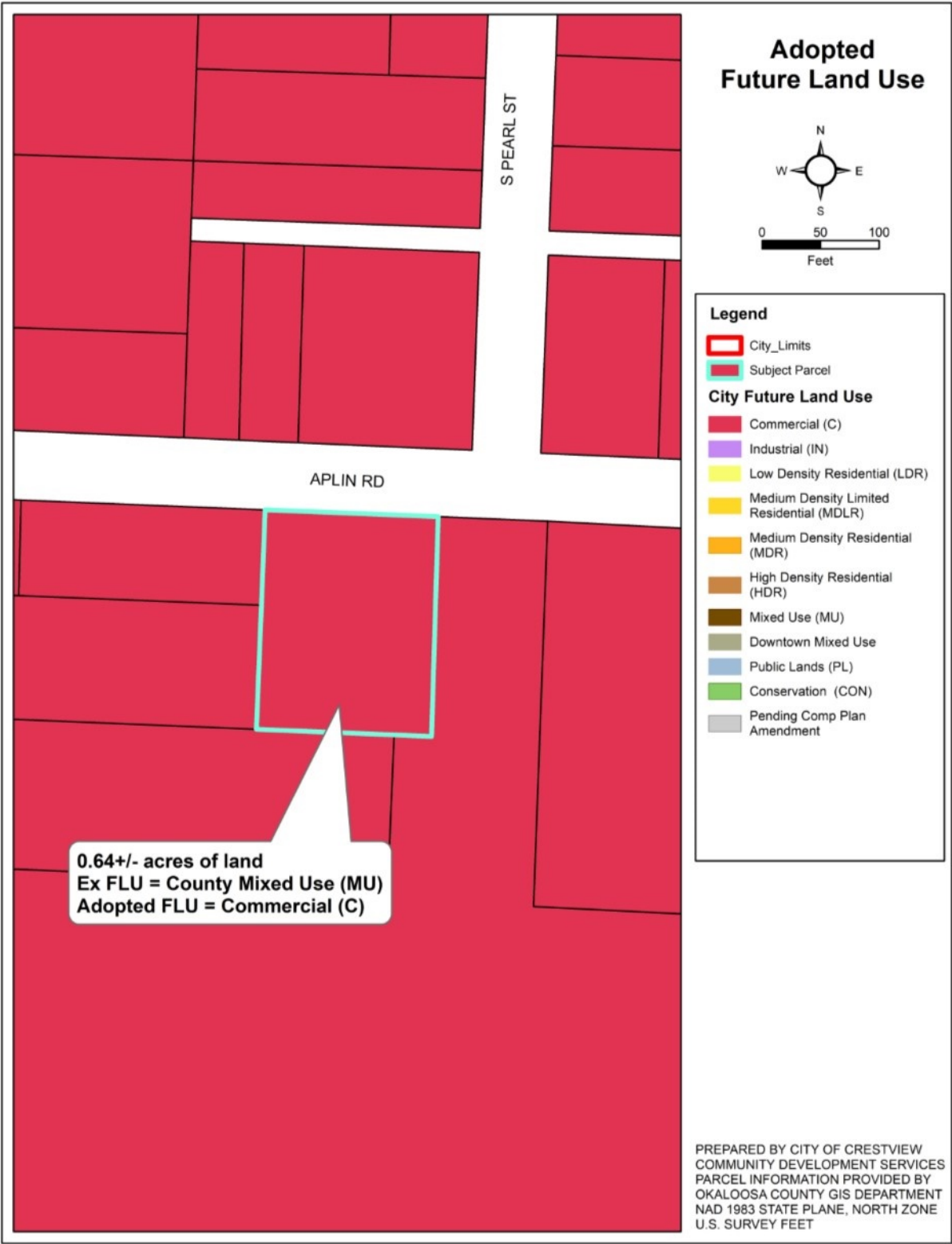
**City Clerk**

**APPROVED BY ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.**

\_\_\_\_\_  
**J. B. WHITTEN**

**Mayor**

EXHIBIT A





# Staff Report

CITY COUNCIL MEETING DATE: April 27, 2020

TYPE OF AGENDA ITEM: Ordinance

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TO: Mayor and City Council  
CC: City Manager, City Clerk, Staff and Attorney  
FROM: Dawn Barnes  
DATE: 4/22/2020  
SUBJECT: Ordinance 1758 - Aplin Road Rezoning

---

## **BACKGROUND:**

Crestview Mini Storage II LLC has applied for a Zoning Change on a ±0.64-acre parcel of land. The subject property is generally located on the south side of Aplin Road, between Highway 85 North and South Pearl Street. PIN # 20-3N-23-0000-0119-0000

## **DISCUSSION:**

Staff provided a complete evaluation of the request. The details of this evaluation are found in the staff report attached to agenda item 9.2.

## **GOALS & OBJECTIVES**

This item is consistent with the goals in A New View Strategic Plan 2020 as follows;

**Foundational-** these are the four areas of focus that make up the necessary foundation of a successful local government.

*Financial Sustainability-* Achieve long term financial sustainability.

*Effectiveness & Efficiency-* To efficiently & effectively provide the highest quality of public services.

**Quality of Life-** these six areas focus on the overall experience when provided by the city.

*Opportunity-* Promote an environment that encourages economic and educational opportunity.

## **FINANCIAL IMPACT**

Adoption of the Ordinance could have a small positive financial impact on the City.

## **RECOMMENDED ACTION**

Staff respectfully requests adoption of Ordinance 1758 and move to second reading.

## **Attachments**

None

## **ORDINANCE: 1758**

**AN ORDINANCE OF THE CITY OF CRESTVIEW, FLORIDA, PROVIDING FOR THE REZONING OF 0.65 ACRES, MORE OR LESS, OF REAL PROPERTY, LOCATED IN SECTION 20, TOWNSHIP 3 NORTH, RANGE 23 WEST, FROM THE OKALOOSA COUNTY MIXED USE (MU) ZONING DISTRICT TO THE COMMERCIAL (C-1) ZONING DISTRICT; PROVIDING FOR AUTHORITY; PROVIDING FOR THE UPDATING OF THE CRESTVIEW ZONING MAP; PROVIDING FOR SEVERABILITY; PROVIDING FOR SCRIVENER'S ERRORS; PROVIDING FOR LIBERAL INTERPRETATION; PROVIDING FOR REPEAL OF CONFLICTING CODES AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.**

**BE IT ORDAINED BY THE CITY COUNCIL OF CRESTVIEW, FLORIDA AS FOLLOWS:**

**SECTION 1 – AUTHORITY.** The authority for enactment of this ordinance is Section 166.041, Florida Statutes and Chapter 102, City Code.

**SECTION 2 – PROPERTY REZONED.** The following described 0.64 acres, more or less, of real property lying within the corporate limits of Crestview, Florida, with 0.64 acres, more or less, being formerly zoned Okaloosa County Mixed Use (MU) with the Commercial (C) Future Land Use Map designation recently ratified by the City Council through adoption of Ordinance 1757, is hereby rezoned to Commercial (C-1) to wit:

**PIN # 20-3N-23-0000-0119-0000**

**A PARCEL OF LAND ("the LAND") LOCATED IN SECTION 20, TOWNSHIP 3 NORTH, RANGE 23 WEST, OKALOOSA COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

**BEGINNING AT A POINT WHERE THE EAST EDGE OF THE CRESTVIEW CAMP WALTON HIGHWAY RIGHT OF WAY INTERSECTS THE NORTH BOUNDARY LINE OF SOUTH EAST 1/4 OF SECTION TWENTY 20, TOWNSHIP THREE NORTH RANGE TWENTY THREE W THENCE RUN EAST 140 YARDS FOR POINT OF BEGINNING, THENCE RUN SOUTH 70 YARDS EAST 35 YARDS NORTH 70 YARDS WEST 35 YARDS TO POINT OF BEGINNING.**

**SUBJECT TO ANY INTEREST AND/OR EASEMENT GULF POWER COMPANY OR ITS SUCCESSORS, TRANSFEREES, OR ASSIGNS HAS IN AND TO THE ABOVE DESCRIBED PROPERTY.**

**SECTION 3 – MAP UPDATE.** The Crestview Zoning Map, current edition, is hereby amended to reflect the above changes concurrent with passage of this ordinance, which is attached hereto.

**SECTION 4 – SEVERABILITY.** If any word, phrase, sentence, paragraph or provision of this ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this ordinance are declared severable.

**SECTION 5 – SCRIVENER'S ERRORS.** The correction of typographical errors which do not affect the intent of this Ordinance may be authorized by the City Manager or the City Manager's designee, without public hearing, by filing a corrected or re-codified copy with the City Clerk.

**SECTION 6 – ORDINANCE TO BE LIBERALLY CONSTRUED.** This Ordinance shall be liberally construed in order to effectively carry out the purposes hereof which are deemed not to adversely affect public health, safety, or welfare.

**SECTION 7 – REPEAL OF CONFLICTING CODES, ORDINANCES, AND RESOLUTIONS.** All Charter provisions, codes, ordinances and resolutions or parts of charter provisions, codes, ordinances and resolutions or portions thereof of the City of Crestview, in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

**SECTION 8 – EFFECTIVE DATE.** The effective date of this Ordinance shall be the date Comprehensive Plan Amendment is adopted by Ordinance # 1757 and becomes legally effective.

**PASSED AND ADOPTED ON SECOND READING BY THE CITY COUNCIL OF CRESTVIEW, FLORIDA ON**  
**THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.**

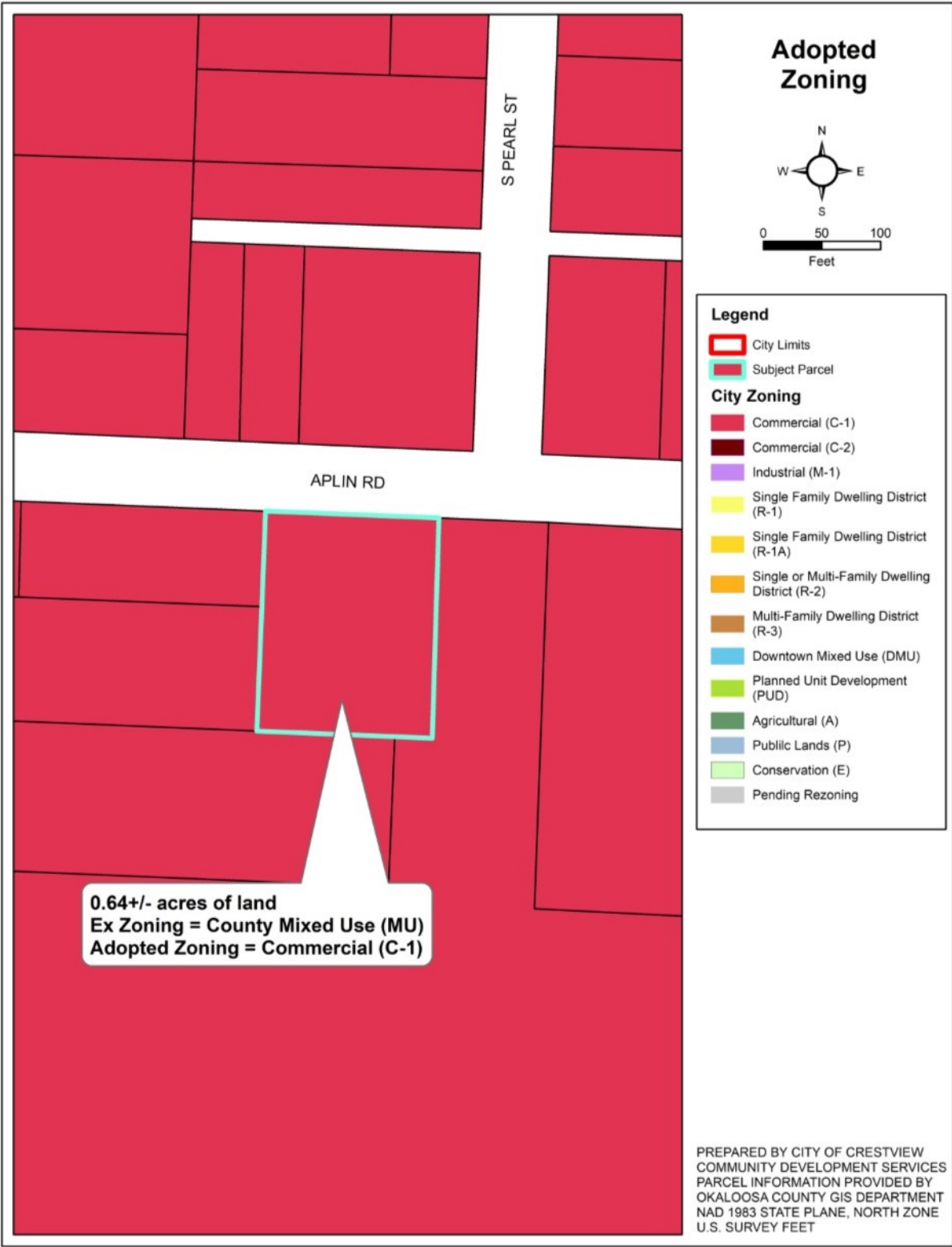
**ATTEST:**

\_\_\_\_\_  
**ELIZABETH M. ROY**  
City Clerk

**APPROVED BY ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.**

\_\_\_\_\_  
**J. B. WHITTEN**  
Mayor

EXHIBIT A







# Staff Report

CITY COUNCIL MEETING DATE: April 27, 2020

TYPE OF AGENDA ITEM: Ordinance

---

TO: Mayor and City Council  
CC: City Manager, City Clerk, Staff and Attorney  
FROM: Dawn Barnes  
DATE: 4/22/2020  
SUBJECT: Ordinance 1759 - Highway 90 East Annexation

---

## **BACKGROUND:**

John Bryan Rogers has applied for Voluntary Annexation of a ±32.49-acre parcel of land. The subject property is generally located on the north side of Highway 90 East, between Palmetto Drive and Hillcrest. PIN# 15-3N-23-0000-0070-0000

## **DISCUSSION:**

Staff provided a complete evaluation of the request. The details of this evaluation are found in the attached staff report.

## **GOALS & OBJECTIVES**

This item is consistent with the goals in A New View Strategic Plan 2020 as follows;

**Foundational-** these are the four areas of focus that make up the necessary foundation of a successful local government.

*Financial Sustainability-* Achieve long term financial sustainability.

*Effectiveness & Efficiency-* To efficiently & effectively provide the highest quality of public services.

**Quality of Life-** these six areas focus on the overall experience when provided by the city.

*Opportunity-* Promote an environment that encourages economic and educational opportunity.

## **FINANCIAL IMPACT**

Adoption of the Ordinance could have a positive financial impact on the City.

## **RECOMMENDED ACTION**

Staff respectfully requests adoption of Ordinance 1759 and move to second reading.

## **Attachments**

1. Planning Staff Report - Hwy 90 E

## **ORDINANCE: 1759**

**AN ORDINANCE ANNEXING TO THE CITY OF CRESTVIEW, FLORIDA, ± 32.49 ACRES OF CONTIGUOUS LANDS LOCATED IN SECTION 15, TOWNSHIP 3 NORTH, RANGE 23 WEST, AND BEING DESCRIBED AS SET FORTH HEREIN; PROVIDING FOR AUTHORITY; PROVIDING FOR LAND DESCRIPTION; PROVIDING FOR BOUNDARY; PROVIDING FOR LAND USE AND ZONING DESIGNATION; PROVIDING FOR AMENDMENT TO THE BASE, LAND USE AND ZONING MAPS; PROVIDING FOR A COMPREHENSIVE PLAN AMENDMENT; PROVIDING FOR FILING WITH THE CLERK OF CIRCUIT COURT OF OKALOOSA COUNTY, THE CHIEF ADMINISTRATIVE OFFICER OF OKALOOSA COUNTY AND THE FLORIDA DEPARTMENT OF STATE; PROVIDING FOR SEVERABILITY; PROVIDING FOR SCRIVENER'S ERRORS; PROVIDING FOR LIBERAL INTERPRETATION; PROVIDING FOR REPEAL OF CONFLICTING CODES AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.**

**BE IT ORDAINED BY THE CITY COUNCIL OF CRESTVIEW, FLORIDA AS FOLLOWS:**

**SECTION 1 – AUTHORITY.** The authority for enactment of this ordinance is Chapter 171, Florida Statutes, and Section 2 of the City Charter.

**SECTION 2 – LAND DESCRIPTION.** The following described unincorporated area contiguous to the City of Crestview, Florida, is hereby annexed to the City:

**PIN # 15-3N-23-0000-0070-0000 (Deed recorded in Book 3411, page 1685, dated July 29, 2019)**

**WEST ½ OF THE NORTHWEST ¼ OF NORTHWEST ¼ AND WEST ½ OF SOUTHWEST ¼ OF NORTHWEST ¼ ALL LYING AND BEING IN SECTION 15, TOWNSHIP 3 NORTH, RANGE 23 WEST, OKALOOSA COUNTY, FLORIDA, LESS AND EXCEPT THE RIGHT OF WAY OF HIGHWAY 90. AND LESS AND EXCEPT ANY PARTS SOLD.**

**SECTION 3 – BOUNDARY.** The existing boundary line of the City of Crestview, Florida, is modified to include the herein referenced tract of land and the base, zoning and land use maps shall be updated to reflect these changes pursuant to law.

**SECTION 4 – LAND USE AND ZONING.** Pursuant to general law, the property hereby annexed was subject to Okaloosa County land development, land use plan, and zoning or subdivision regulations, which shall remain in full force and effect until rezoning and land use changes are finalized by the City in compliance with the Comprehensive Plan.

**SECTION 5 – COMPREHENSIVE PLAN UPDATE.** Pursuant to Chapter 163.011, et seq. petitioner for annexation shall apply through the City for a Comprehensive Plan change which will designate the future land use category for the parcel as Pending with Pending to be assigned and run concurrent with the approval and adoption of the Comprehensive Plan amendment by the proper authorities.

**SECTION 6 – MAP UPDATE.** The Base, Zoning and Future Land Use Maps shall be updated at the earliest possible date.

**SECTION 7 – FILING.** Upon passage, the City Clerk is directed to file a copy of this ordinance with the Clerk of Circuit Court of Okaloosa County and with the Florida Department of the State.

**SECTION 8 – SEVERABILITY.** If any word, phrase, sentence, paragraph or provision of this ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provisions or applications of this ordinance which can be given effect without the invalid or

unconstitutional provision or application, and to this end the provisions of this ordinance are declared severable.

**SECTION 9 – SCRIVENER’S ERRORS.** The correction of typographical errors which do not affect the intent of this Ordinance may be authorized by the City Manager or the City Manager’s designee, without public hearing, by filing a corrected or re-codified copy with the City Clerk.

**SECTION 10 – ORDINANCE TO BE LIBERALLY CONSTRUED.** This Ordinance shall be liberally construed in order to effectively carry out the purposes hereof which are deemed not to adversely affect public health, safety, or welfare.

**SECTION 11 – REPEAL OF CONFLICTING CODES, ORDINANCES, AND RESOLUTIONS.** All Charter provisions, codes, ordinances and resolutions or parts of charter provisions, codes, ordinances and resolutions or portions thereof of the City of Crestview, in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

**SECTION 12 – EFFECTIVE DATE.** This ordinance shall take effect immediately upon its adoption.

**PASSED AND ADOPTED ON SECOND READING BY THE CITY COUNCIL OF CRESTVIEW, FLORIDA ON**

**THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.**

**ATTEST:**

\_\_\_\_\_  
**ELIZABETH M. ROY**

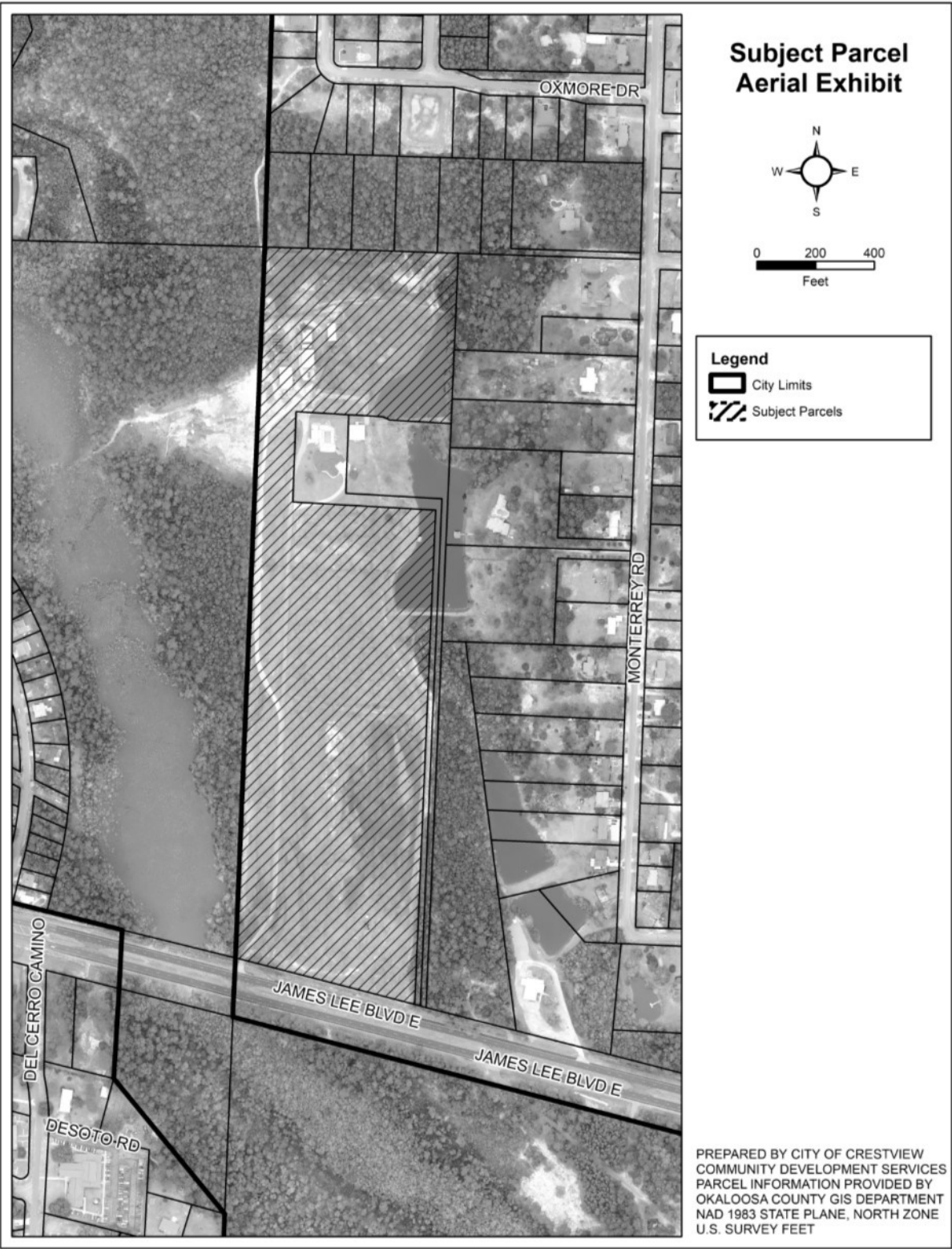
**City Clerk**

**APPROVED BY ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.**

\_\_\_\_\_  
**J. B. WHITTEN**

**Mayor**

EXHIBIT A





# CITY OF CRESTVIEW COMMUNITY DEVELOPMENT SERVICES PLANNING AND ZONING STAFF REPORT

**PROJECT NAME:** Highway 90 East – Annexation

**ORDINANCE NUMBERS:** 1759      Annexation

**SUBMITTED TO:** LPA      April 27, 2020  
City Council – First Reading      April 27, 2020  
City Council – Second Reading      May 11, 2020

**DATE:** April 16, 2020

|    |                                        |
|----|----------------------------------------|
| 1. | <b>References Reviewed and Applied</b> |
|----|----------------------------------------|

- A. Crestview Code of Ordinances, Current Edition
- B. Crestview Comprehensive Plan, Current Edition
- C. Florida Statutes, Current Edition

|                                                                                               |                        |                                                                                                                                                                                                                     |                                                                                                                                                                                                                                |
|-----------------------------------------------------------------------------------------------|------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2.                                                                                            | <b>Project Summary</b> |                                                                                                                                                                                                                     |                                                                                                                                                                                                                                |
| <b>Property Owner(s)</b><br>Rogers John Bryan<br>PO Box 7076<br>Destin, FL 325400000          |                        | <b>Property Location:</b> The subject property is generally located on the north side of Highway 90 East, between Palmetto Drive and Hillcrest Road and consists of +/- 32.49 acres. PIN #: 15-3N-23-0000-0070-0000 | <b>Staff Recommendation:</b><br>Approval of the requested actions, subject to any conditions provided in the following report or suggested by the LPA.                                                                         |
| <b>Applicant</b><br>Property Owners                                                           |                        | <b>Application Information:</b><br>The applicant has requested Annexation to allow for residential development.                                                                                                     | <b>Public Notice:</b> <ul style="list-style-type: none"><li>• Notice letters sent to property owners within 300' of the subject property on 4/6/20</li><li>• Property posting on 4/13/20</li><li>• Ad run on 4/15/20</li></ul> |
| <b>Staff Planner:</b><br>Elgin A. Duley III, Planning Administrator<br>Dawn Barnes, Planner I |                        |                                                                                                                                                                                                                     |                                                                                                                                                                                                                                |

|    |                                       |
|----|---------------------------------------|
| 3. | <b>Application / Project Analysis</b> |
|----|---------------------------------------|

### Project Description

The applicant has requested Annexation. The Comprehensive Plan amendment and rezoning of the subject property will be requested when development plans have been made.

### Project Context

#### **Current Conditions:**

The subject property is currently vacant. The following table provides the surrounding land use designations, zoning districts, and existing uses.

| Direction | FLU             | Zoning          | Existing Use         |
|-----------|-----------------|-----------------|----------------------|
| North     | County LDR      | County R-1      | Residential          |
| East      | County MU & LDR | County MU & R-1 | Vacant & Residential |
| South     | MDR, PL & CON   | Pending         | Vacant               |

|      |         |           |        |
|------|---------|-----------|--------|
| West | C & LDR | C-1 & R-1 | Vacant |
|------|---------|-----------|--------|

#### **Project Compatibility:**

A development application concerning the subject property has not been submitted. It is possible the property will be developed as a subdivision. The properties surrounding the parcel are either residences or vacant land.

#### **Regulatory and Statutory Compliance:**

*Florida Statute Chapter 163.* The proposed amendment is on three parcels totaling +/- 2.93 acres and is being processed as a small-scale comprehensive plan amendment to the Future Land Use Map in accordance with Florida Statutes. As such, the amendment is being brought before the Local Planning Agency in a public hearing and before the City Council in a public hearing (the adoption hearing). The Florida Department of Economic Opportunity does not require review of small-scale Future Land Use Map amendments unless challenged by an affected party within 30 days of adoption by the City Council.

*City of Crestview Comprehensive Plan.* Specific Comprehensive Plan Goals Objectives and Policies in support of the requested actions are as follows:

**Policy 7.A.6.6** – Because the proposed annexation is of unincorporated lands which are contiguous and compact; the annual maintenance costs are assumed to be less than the annual net revenue generated; and it improves the delineation of the City's boundary line.

*Crestview Land Development Code.* The use of the property as an allowable residential use, provided the Comprehensive Plan and Zoning change is approved once requested, will undergo development review to ensure compliance with the Land Development Code.

#### **Adequate Public Facilities:**

When a development application is made, all impacts to City services will be addressed through the staff review and Development Order approval processes.

#### **Environmental Impacts:**

*Wetlands and Environmentally Sensitive Lands* – Current wetlands data indicates possible wetlands in the northeast portion of the property.

*Historical and/or Archeological Resources* – The application does not address the presence of any historical or archeological resources onsite.

#### **General Staff Comments:**

*Planning and Zoning.* The requested changes are consistent with the nature of the area and are in compliance with the desired growth of that area.

|           |                 |
|-----------|-----------------|
| <b>4.</b> | <b>Findings</b> |
|-----------|-----------------|

- A. The request for Annexation satisfies Florida Statute requirements for voluntary annexation.

|           |                               |
|-----------|-------------------------------|
| <b>5.</b> | <b>Conditions of Approval</b> |
|-----------|-------------------------------|

- A. Staff does not apply nor recommend the application of any conditions for approval of the current requests.

|           |                                      |
|-----------|--------------------------------------|
| <b>6.</b> | <b>Conclusion and Recommendation</b> |
|-----------|--------------------------------------|

- A. The applicant has submitted the forms for Annexation.

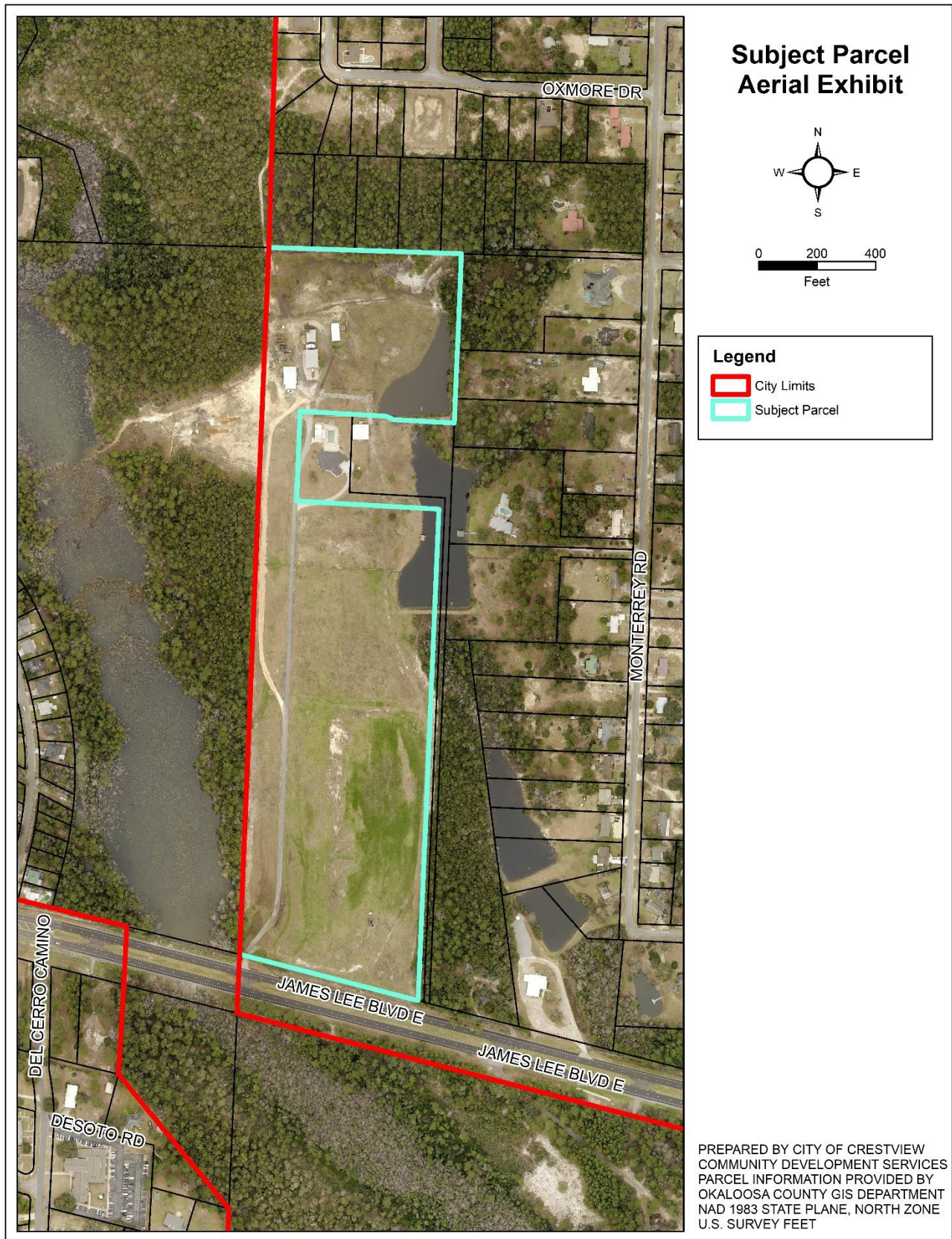
- B. Please review the application based on the characteristics of the site and surrounding area; the nature of the possible development, including the land use type and densities; and conformity of the development with the City's Comprehensive Plan, the City's Code of Ordinances and other applicable state and city regulations, in deciding the request.

Based on the analysis above and the findings of fact, staff recommends approval of the applications for Annexation, Comprehensive Plan Amendment, and Zoning Change.

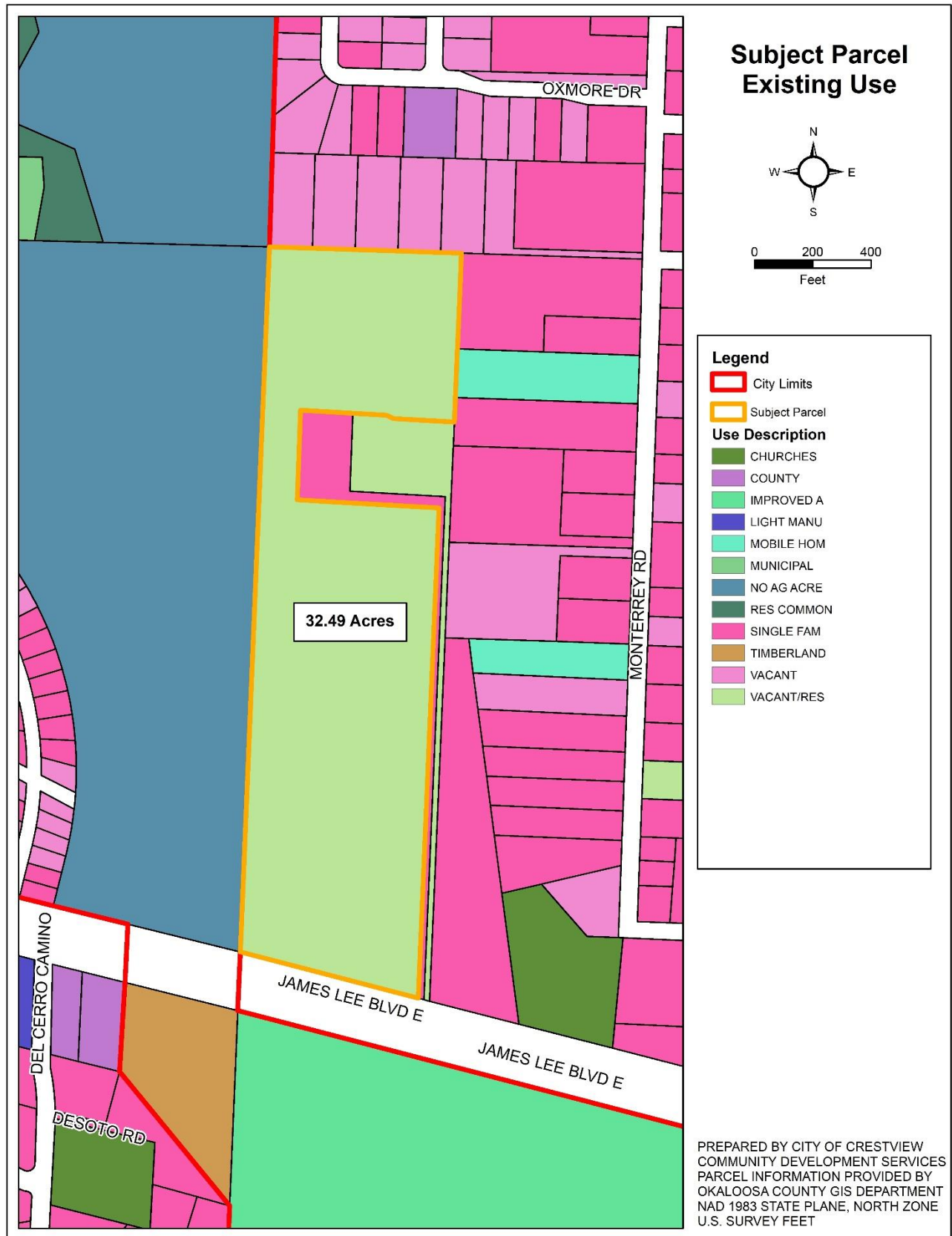
**Assigned Staff:** Elgin Duley III, Planning Administrator  
Dawn Barnes, Planner I

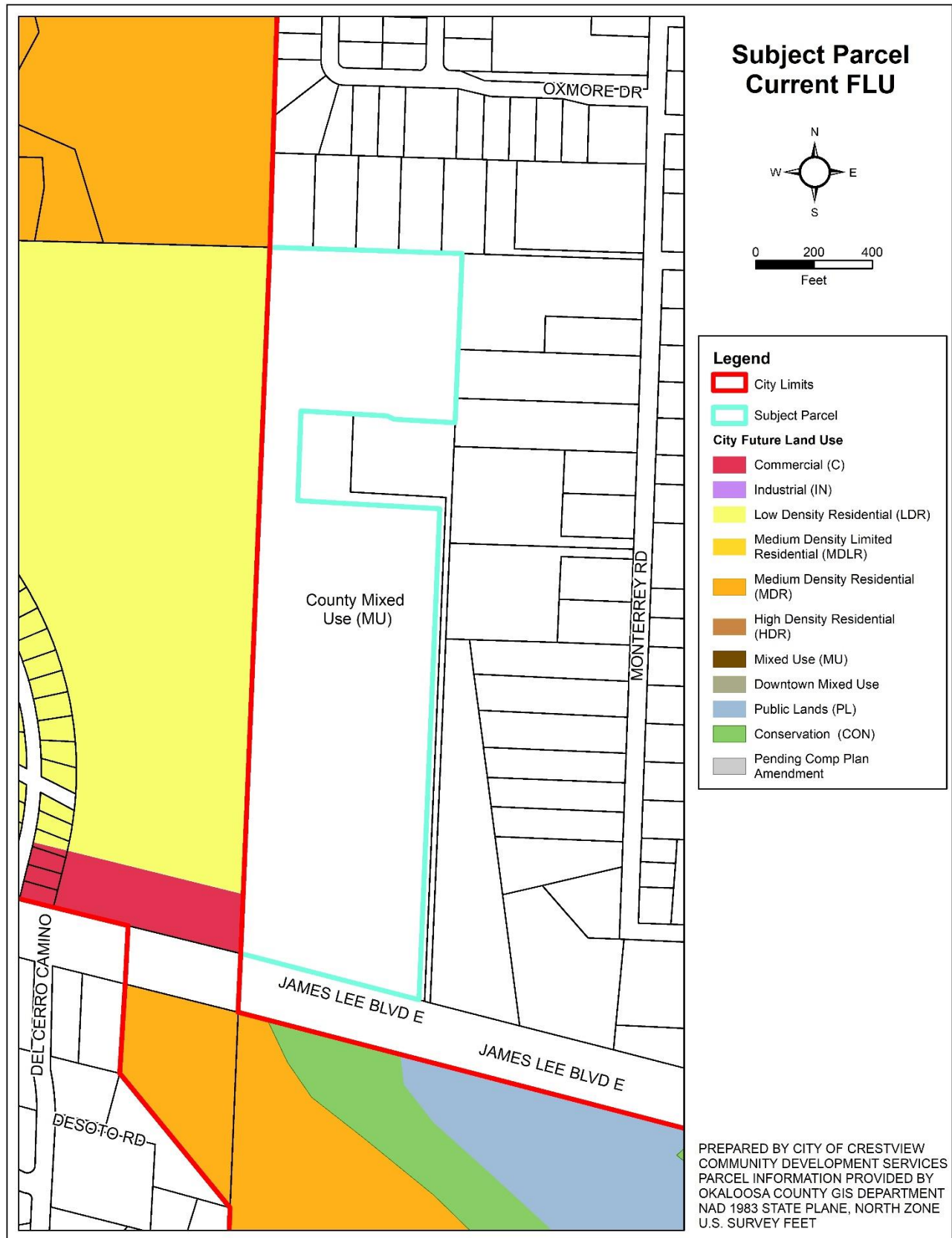
Received Public Comments: None

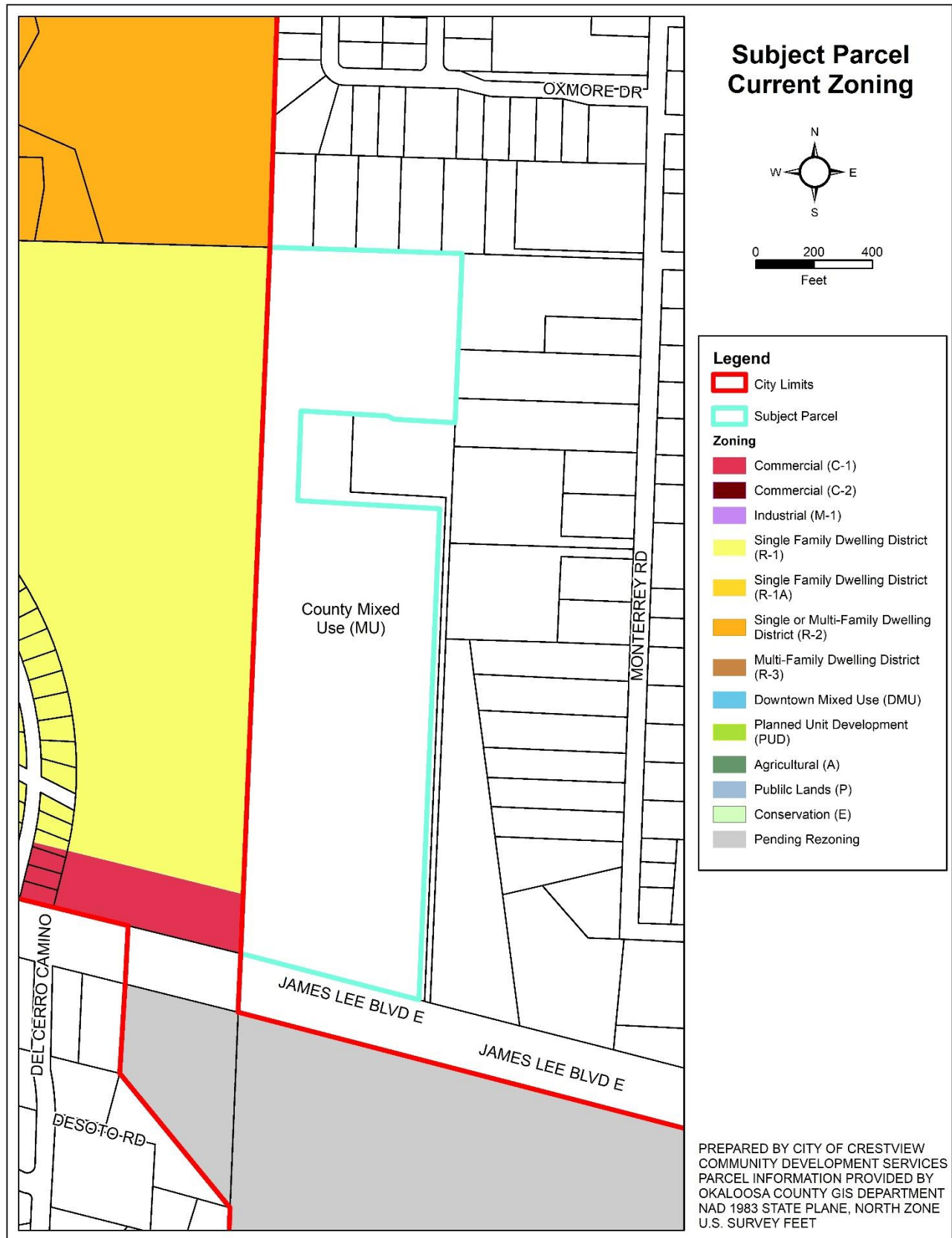














# Staff Report

CITY COUNCIL MEETING DATE: April 27, 2020

TYPE OF AGENDA ITEM: Ordinance

---

TO: Mayor and City Council  
CC: City Manager, City Clerk, Staff and Attorney  
FROM: Dawn Barnes  
DATE: 4/22/2020  
SUBJECT: Ordinance 1760 - Industrial Drive Annexation

---

## **BACKGROUND:**

The City of Crestview is requesting Voluntary Annexation of a ±5.32-acre parcel of land. The subject property is the deeded Right of Way of Industrial Drive, between Stillwell Boulevard and the north line of 971 Industrial Drive.

## **DISCUSSION:**

Staff provided a complete evaluation of the request. The details of this evaluation are found in the attached staff report.

## **GOALS & OBJECTIVES**

This item is consistent with the goals in A New View Strategic Plan 2020 as follows;

**Foundational-** these are the four areas of focus that make up the necessary foundation of a successful local government.

*Financial Sustainability-* Achieve long term financial sustainability.

*Effectiveness & Efficiency-* To efficiently & effectively provide the highest quality of public services.

**Quality of Life-** these six areas focus on the overall experience when provided by the city.

*Opportunity-* Promote an environment that encourages economic and educational opportunity.

## **FINANCIAL IMPACT**

Adoption of the Ordinance is unlikely to have any financial impact on the City.

## **RECOMMENDED ACTION**

Staff respectfully requests adoption of Ordinance 1760 and move to second reading.

## **Attachments**

1. Planning Staff Report - Industrial Dr

## **ORDINANCE: 1760**

**AN ORDINANCE ANNEXING TO THE CITY OF CRESTVIEW, FLORIDA, CONTIGUOUS LANDS LOCATED IN SECTION 8, TOWNSHIP 3 NORTH, RANGE 23 WEST, AND BEING DESCRIBED AS SET FORTH HEREIN; PROVIDING FOR AUTHORITY; PROVIDING FOR LAND DESCRIPTION; PROVIDING FOR BOUNDARY; PROVIDING FOR LAND USE AND ZONING DESIGNATION; PROVIDING FOR AMENDMENT TO THE BASE, LAND USE AND ZONING MAPS; PROVIDING FOR A COMPREHENSIVE PLAN AMENDMENT; PROVIDING FOR FILING WITH THE CLERK OF CIRCUIT COURT OF OKALOOSA COUNTY, THE CHIEF ADMINISTRATIVE OFFICER OF OKALOOSA COUNTY AND THE FLORIDA DEPARTMENT OF STATE; PROVIDING FOR SEVERABILITY; PROVIDING FOR SCRIVENER'S ERRORS; PROVIDING FOR LIBERAL INTERPRETATION; PROVIDING FOR REPEAL OF CONFLICTING CODES AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.**

**BE IT ORDAINED BY THE CITY COUNCIL OF CRESTVIEW, FLORIDA AS FOLLOWS:**

**SECTION 1 – AUTHORITY.** The authority for enactment of this ordinance is Chapter 171, Florida Statutes, and Section 2 of the City Charter.

**SECTION 2 – LAND DESCRIPTION.** The following described unincorporated area contiguous to the City of Crestview, Florida, is hereby annexed to the City:

**A PORTION OF THAT RIGHT OF WAY FOR INDUSTRIAL DRIVE AS DEEDED TO THE CITY OF CRESTVIEW AND RECORDED IN THE OKALOOSA COUNTY COURTHOUSE IN OFFICIAL RECORDS BOOK 1669, PAGES 257-260; AND BEING MORE SPECIFICALLY DESCRIBED AS BEING THE FULL WIDTH OF RIGHT OF WAY THAT LIES BETWEEN APPROXIMATE STATION 58+81, BEING AT THE CURRENT LIMITS OF THE CITY OF CRESTVIEW AT STILLWELL BOULEVARD, AND THENCE PROCEEDING NORTH TO APPROXIMATE STATION 79+96, BEING AT THE INTERSECTION OF THE NORTH LINE OF A PARCEL OF LAND CURRENTLY ADDRESSED AS 971 INDUSTRIAL DRIVE AND BEING IDENTIFIED BY PARCEL ID# 08-3N-23-0530-0001-0020; AND SAID RIGHT OF WAY BEING OF VARIABLE WIDTH AND DESCRIBED BY FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP SECTION NUMBER 57000-2803, PAGES 1 AND 2.**

**SECTION 3 – BOUNDARY.** The existing boundary line of the City of Crestview, Florida, is modified to include the herein referenced tract of land and the base, zoning and land use maps shall be updated to reflect these changes pursuant to law.

**SECTION 4 – LAND USE AND ZONING.** Pursuant to general law, the property hereby annexed was subject to Okaloosa County land development, land use plan, and zoning or subdivision regulations, which shall remain in full force and effect until rezoning and land use changes are finalized by the City in compliance with the Comprehensive Plan.

**SECTION 5 – COMPREHENSIVE PLAN UPDATE.** Pursuant to Chapter 163.011, et seq. petitioner for annexation shall apply through the City for a Comprehensive Plan change which will designate the future land use category for the parcel as Public Lands (PL) with Public Lands (P) to be assigned and run concurrent with the approval and adoption of the Comprehensive Plan amendment by the proper authorities.

**SECTION 6 – MAP UPDATE.** The Base, Zoning and Future Land Use Maps shall be updated at the earliest possible date.

**SECTION 7 – FILING.** Upon passage, the City Clerk is directed to file a copy of this ordinance with the Clerk of

Circuit Court of Okaloosa County and with the Florida Department of the State.

**SECTION 8 – SEVERABILITY.** If any word, phrase, sentence, paragraph or provision of this ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this ordinance are declared severable.

**SECTION 9 – SCRIVENER’S ERRORS.** The correction of typographical errors which do not affect the intent of this Ordinance may be authorized by the City Manager or the City Manager’s designee, without public hearing, by filing a corrected or re-codified copy with the City Clerk.

**SECTION 10 – ORDINANCE TO BE LIBERALLY CONSTRUED.** This Ordinance shall be liberally construed in order to effectively carry out the purposes hereof which are deemed not to adversely affect public health, safety, or welfare.

**SECTION 11 – REPEAL OF CONFLICTING CODES, ORDINANCES, AND RESOLUTIONS.** All Charter provisions, codes, ordinances and resolutions or parts of charter provisions, codes, ordinances and resolutions or portions thereof of the City of Crestview, in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

**SECTION 12 – EFFECTIVE DATE.** This ordinance shall take effect immediately upon its adoption.

**PASSED AND ADOPTED ON SECOND READING BY THE CITY COUNCIL OF CRESTVIEW, FLORIDA ON**

**THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.**

**ATTEST:**

\_\_\_\_\_  
**ELIZABETH M. ROY**

**City Clerk**

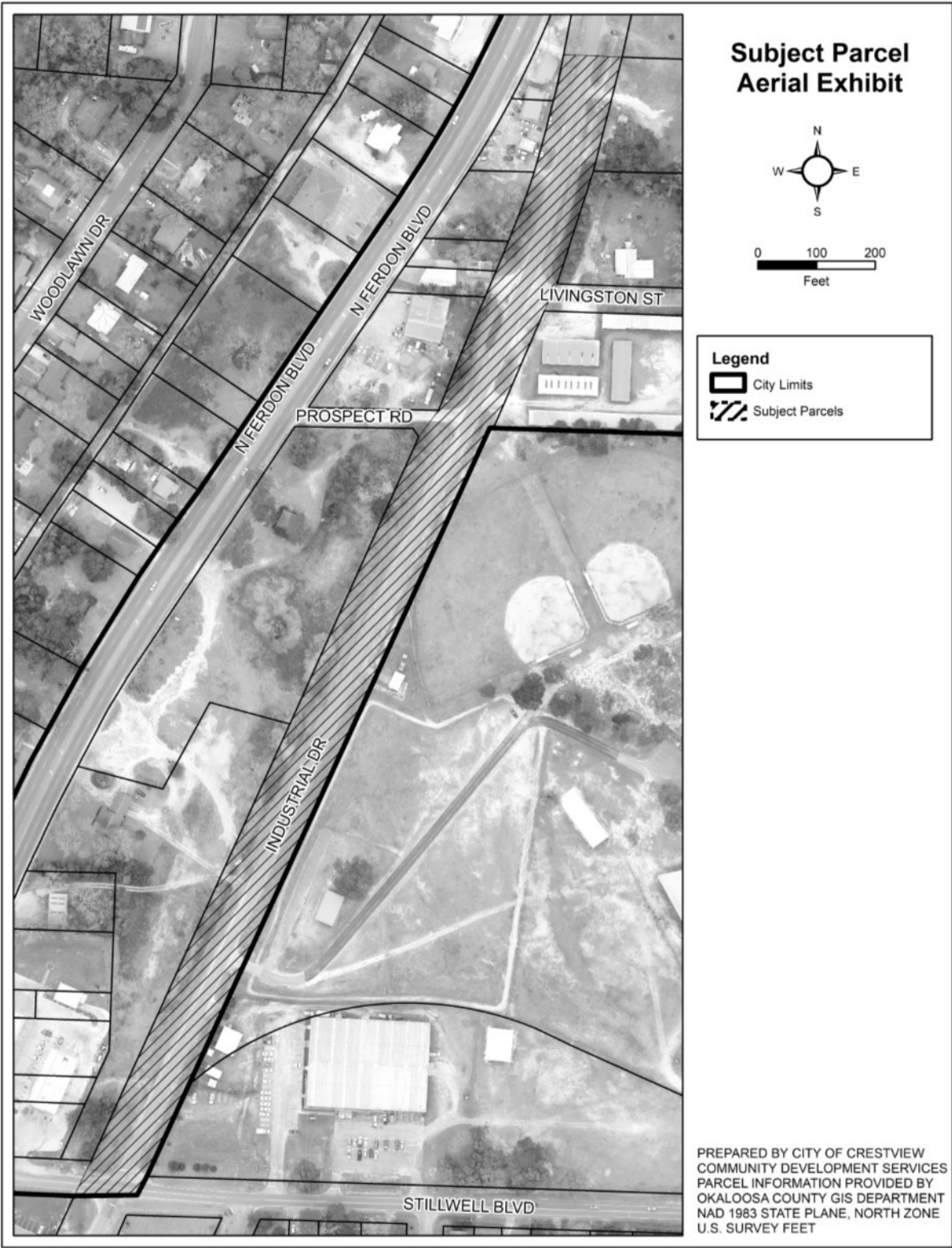
**APPROVED BY ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.**

\_\_\_\_\_  
**J. B. WHITTEN**

**Mayor**



EXHIBIT A





# CITY OF CRESTVIEW COMMUNITY DEVELOPMENT SERVICES PLANNING AND ZONING STAFF REPORT

**PROJECT NAME:** Industrial Drive – Annexation, Comp Plan Amendment & Rezoning

**ORDINANCE NUMBERS:** 1760      Annexation  
1761      Comp Plan Amendment (Small Scale)  
1762      Rezoning

**SUBMITTED TO:** LPA      April 27, 2020  
City Council – First Reading      April 27, 2020  
City Council – Second Reading      May 11, 2020

**DATE:** April 16, 2020

|    |                                        |
|----|----------------------------------------|
| 1. | <b>References Reviewed and Applied</b> |
|----|----------------------------------------|

- A. Crestview Code of Ordinances, Current Edition
- B. Crestview Comprehensive Plan, Current Edition
- C. Florida Statutes, Current Edition

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| 2. | <b>Project Summary</b> |
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|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Property Owner(s)</b><br>City of Crestview<br><br><b>Applicant</b><br>Property Owners<br><br><b>Staff Planner:</b><br>E.A. Duley III,<br>Planning Administrator<br>Dawn Barnes, Planner I | <b>Property Location:</b> The subject property is the deeded Right of Way of Industrial Drive, between Stillwell Boulevard and the north line of 971 Industrial Drive and consists of +/- 5.32 acres.<br><br><b>Application Information:</b><br>The applicant has requested Annexation, Comprehensive Plan Amendment to Public Lands (PL), and Zoning designation of Public Land (P). | <b>Staff Recommendation:</b><br>Approval of the requested actions, subject to any conditions provided in the following report or suggested by the LPA.<br><br><b>Public Notice:</b> <ul style="list-style-type: none"><li>• Notice letters sent to property owners within 300' of the subject property on 4/6/20</li><li>• Property posting on 4/13/20</li><li>• Ad run on 4/15/20</li></ul> |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

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| 3. | <b>Application / Project Analysis</b> |
|----|---------------------------------------|

## Project Description

The applicant(s) has requested the Annexation, Comprehensive Plan amendment to **Public Lands (PL)**, and rezoning of the subject property to **Public Lands (P)**.

## Project Context

### **Current Conditions:**

The subject property is currently developed as a right-of-way and will remain Right of Way. This parcel was former railroad right of way deeded to the City. City utilities have been placed within this right of way.



### **Project Compatibility:**

The subject property is entirely right of way. There are no compatibility issues with this parcel and any other adjacent parcel.

### **Regulatory and Statutory Compliance:**

*Florida Statute Chapter 163.* The proposed amendment is on a portion of former railroad right of way that was deeded to the City, totaling +/- 5.32 acres and is being processed as a small-scale comprehensive plan amendment to the Future Land Use Map in accordance with Florida Statutes. As such, the amendment is being brought before the Local Planning Agency in a public hearing and before the City Council in a public hearing (the adoption hearing). The Florida Department of Economic Opportunity does not require review of small-scale Future Land Use Map amendments unless challenged by an affected party within 30 days of adoption by the City Council.

*City of Crestview Comprehensive Plan.* Chapter 7 of the Comprehensive Plan establishes the various requirements for Future Land Use categories and the applicant requested amendment to designate the annexed property as a Commercial Land Use is in keeping with the Plan. The Future Land Use Map of the Comprehensive Plan has established the appropriate land uses. The appropriate intensity and impervious surface area maximums will be assured during development review. Specific Comprehensive Plan Goals Objectives and Policies in support of the requested actions are as follows:

**Policy 7.A.6.6** – Because the proposed annexation is of unincorporated lands which are contiguous and compact; the annual maintenance costs are assumed to be less than the annual net revenue generated; and it improves the delineation of the City's boundary line.

**Policy 7.A.2.2** – Because the amendment will serve to discourage urban sprawl.

**Policy 7.A.6.3** – Because the amendment promotes infill development.

**Policy 7.A.3.2** – Because the amendment is consistent with accepted planning principals and it represents efficiency of use of the property given its location relative to other uses.

**Policy 16.A.1.5** – Because the amendment will be beneficial to existing commercial development, will encourage business retention and create a favorable business climate for existing businesses.

*Crestview Land Development Code.* The use of the property as an allowable and existing public use, provided the Comprehensive Plan and Zoning change is approved. No changes are planned for the subject property in use or condition.

### **Adequate Public Facilities:**

This is a part of the existing infrastructure and current public facilities utilized by the City.

### **Environmental Impacts:**

*Wetlands and Environmentally Sensitive Lands* – Current wetlands data indicates the absence of any jurisdictional wetlands within the subject property.

*Historical and/or Archeological Resources* – The application does not address the presence of any historical or archeological resources onsite.

### **General Staff Comments:**

*Planning and Zoning.* The requested changes are consistent with the nature of the area and are in compliance with the desired growth of that area.

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| 4. | Findings |
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- A. The request for Annexation satisfies Florida Statute requirements for voluntary annexation.
- B. The request for Comprehensive Plan Amendment is consistent with the above references and will not be a detriment to the surrounding property.
- C. The request for Zoning Change is consistent with the above references and will not be a detriment to the surrounding property.

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| <b>5.</b> | <b>Conditions of Approval</b> |
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- A. Staff does not apply nor recommend the application of any conditions for approval of the current requests.

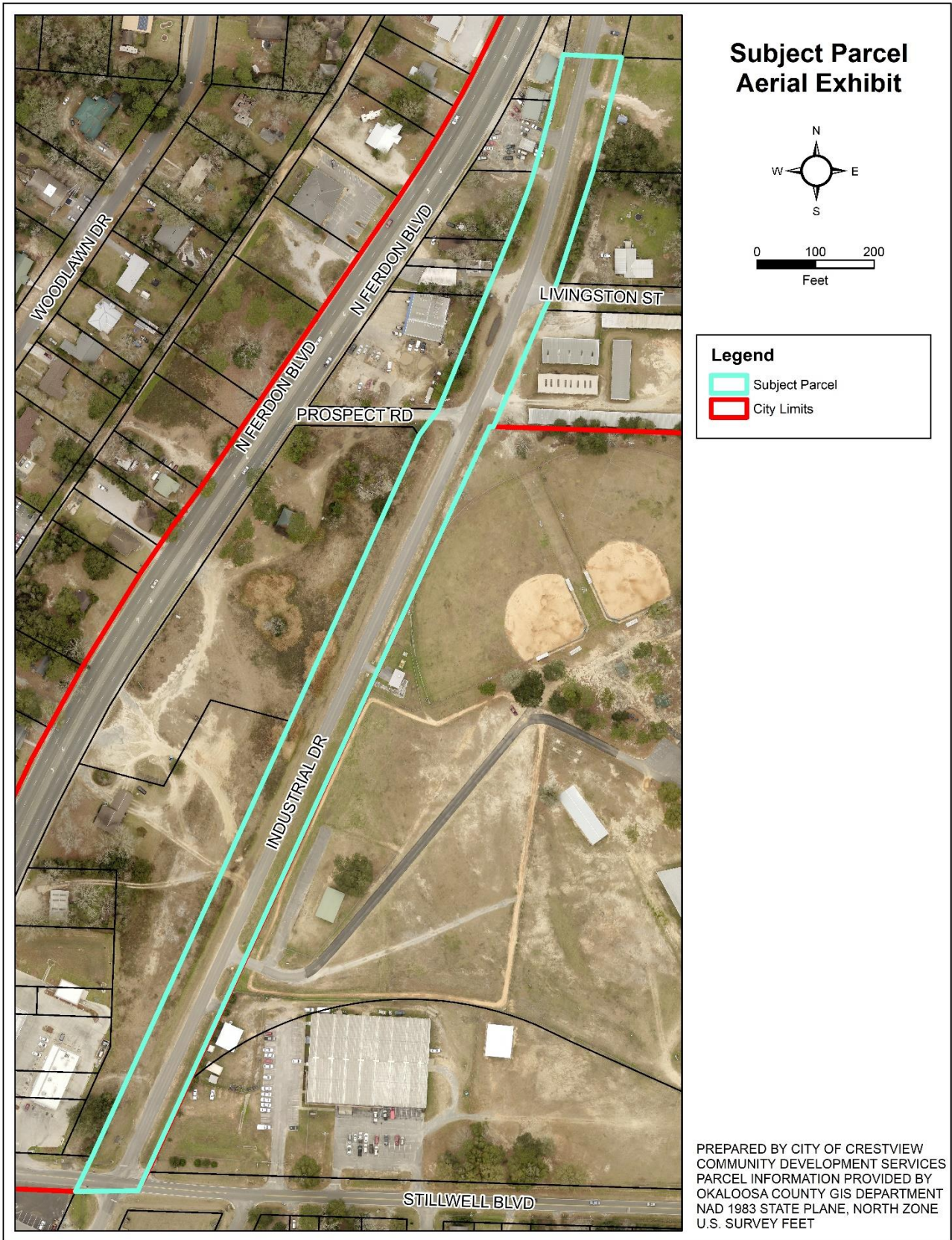
|           |                                      |
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| <b>6.</b> | <b>Conclusion and Recommendation</b> |
|-----------|--------------------------------------|

- A. The applicant has submitted the forms for Annexation, Comprehensive Plan Amendment, and Zoning Change of the property. The proposed actions satisfy the requirements of the City of Crestview's adopted Comprehensive Plan, and Land Development Code.
- B. The associated Comprehensive Plan Amendment should not pose a problem if supported by proper documentation and Council intent.
- C. Please review the applications based on the characteristics of the site and surrounding area; the nature of the development, including the land use type and densities; and conformity of the development with the City's Comprehensive Plan, the City's Code of Ordinances and other applicable state and city regulations, in deciding the request.

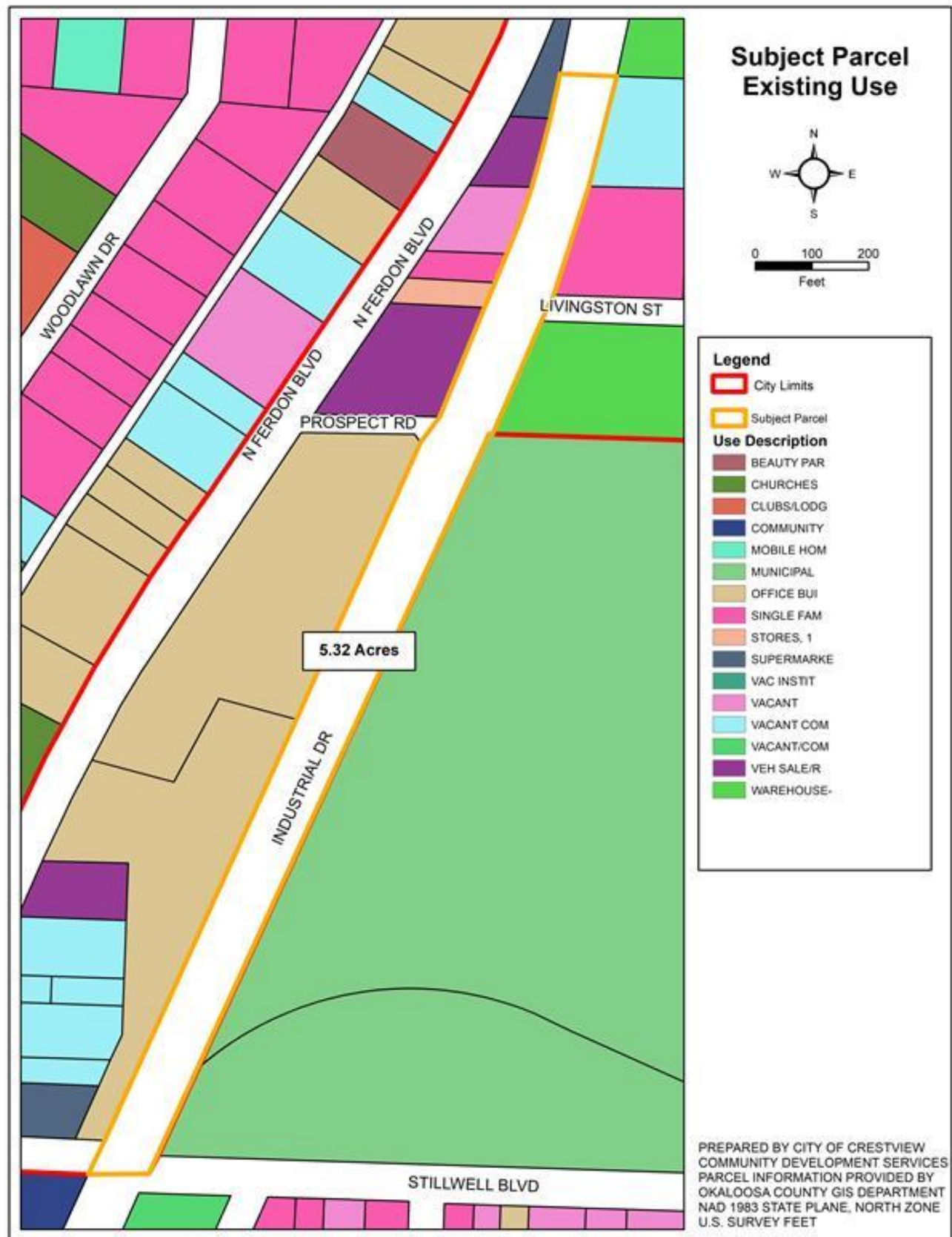
Based on the analysis above and the findings of fact, staff recommends approval of the applications for Annexation, Comprehensive Plan Amendment, and Zoning Change.

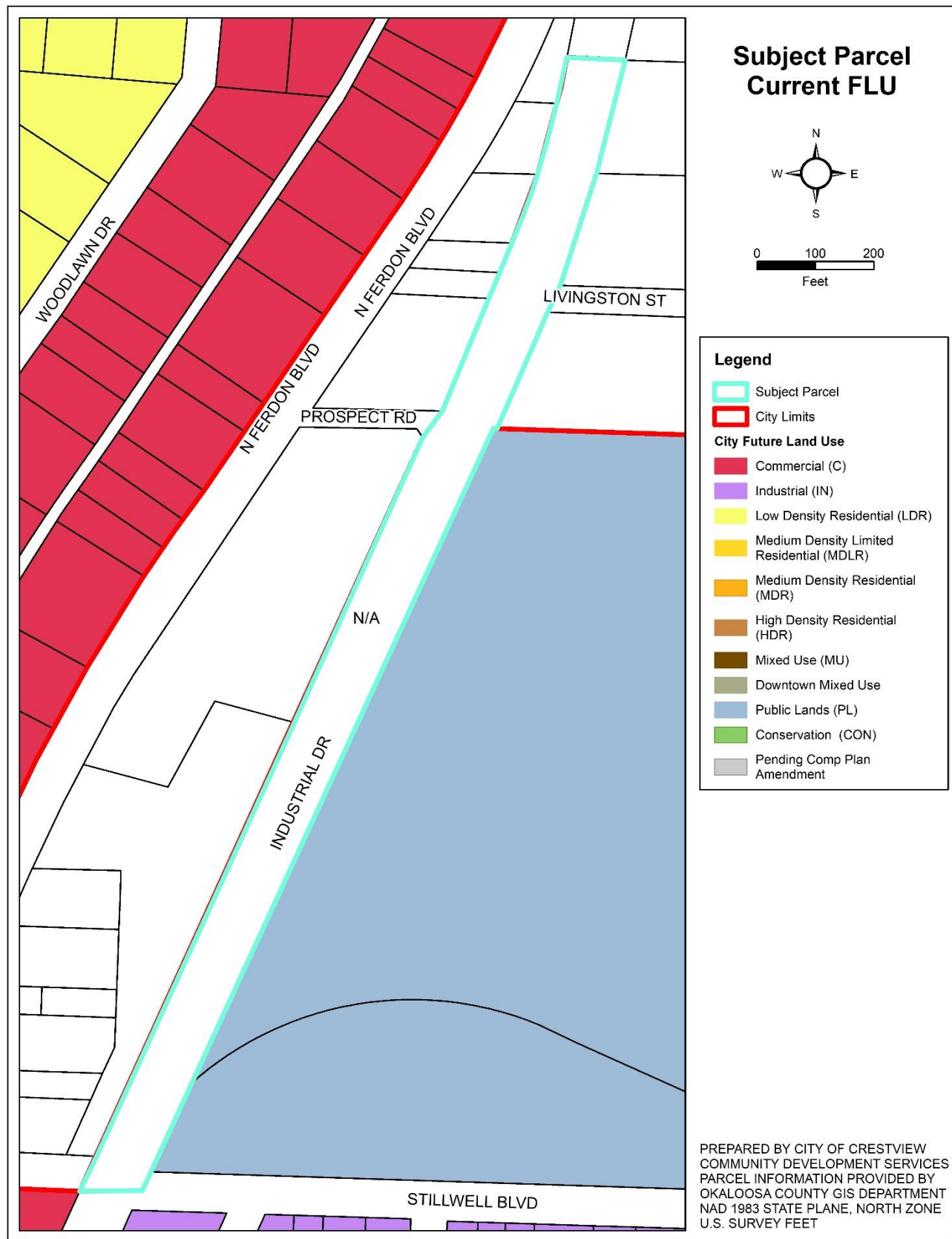
**Assigned Staff:** Elgin Duley III, Planning Administrator  
Dawn Barnes, Planner I

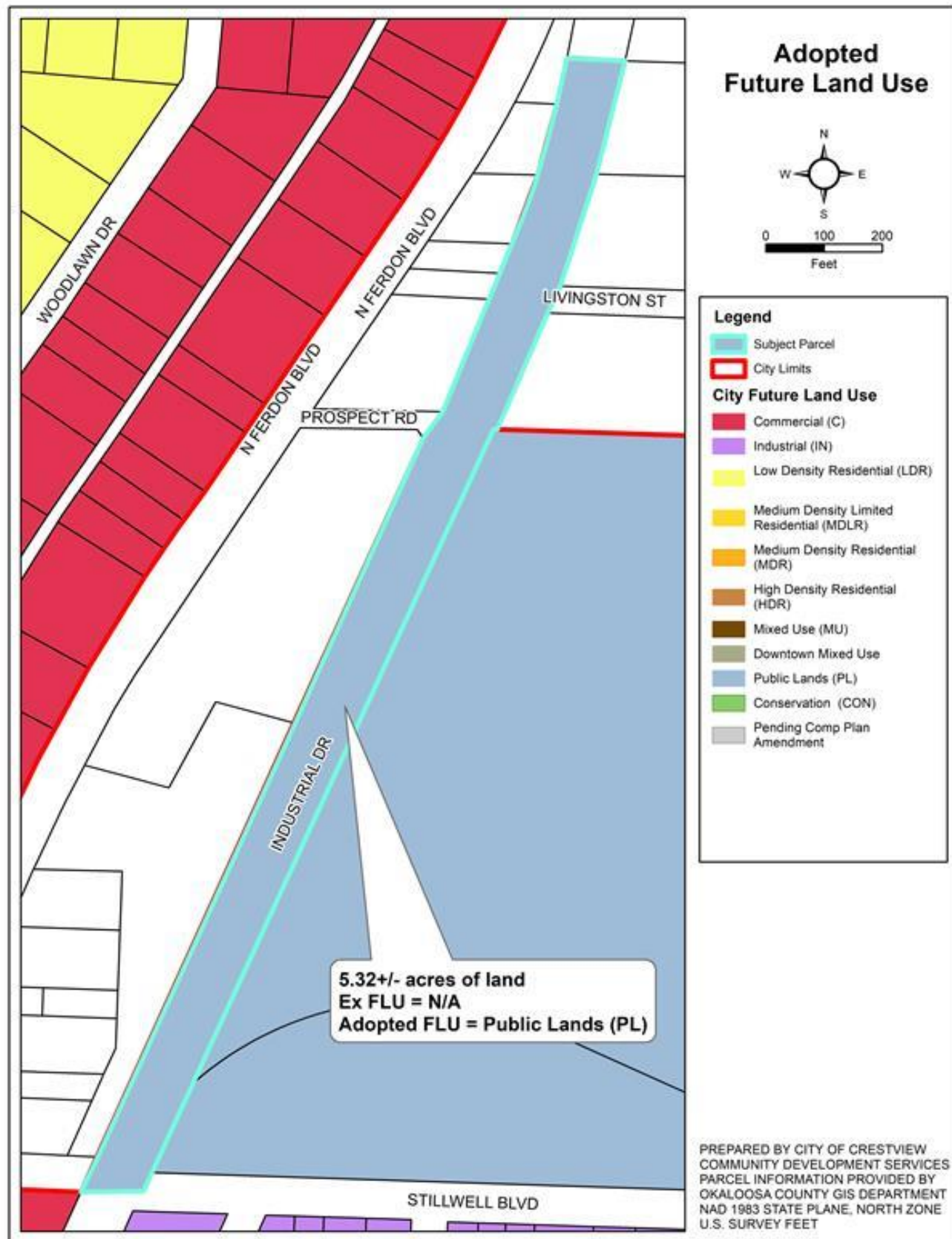
Received Public Comments: None



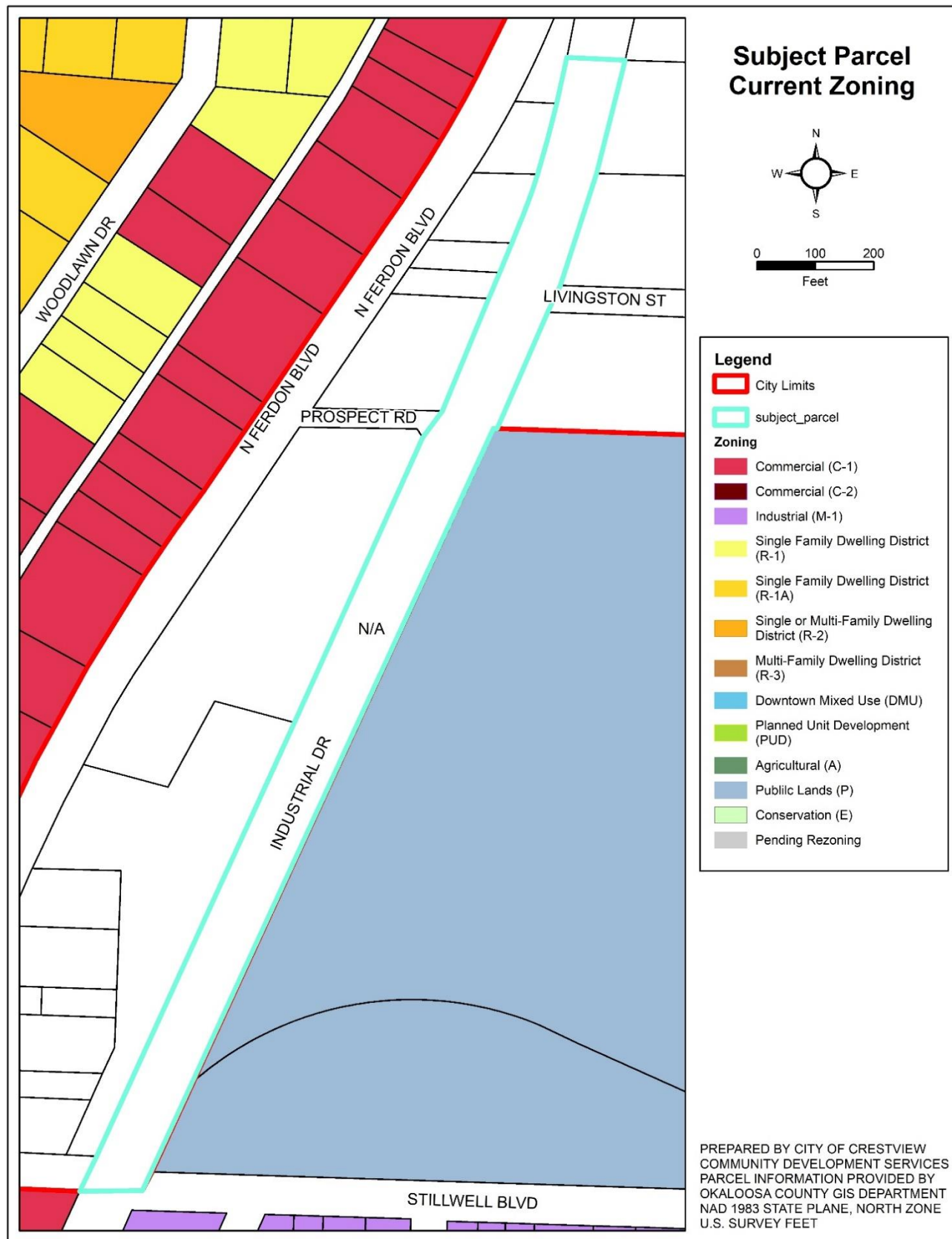


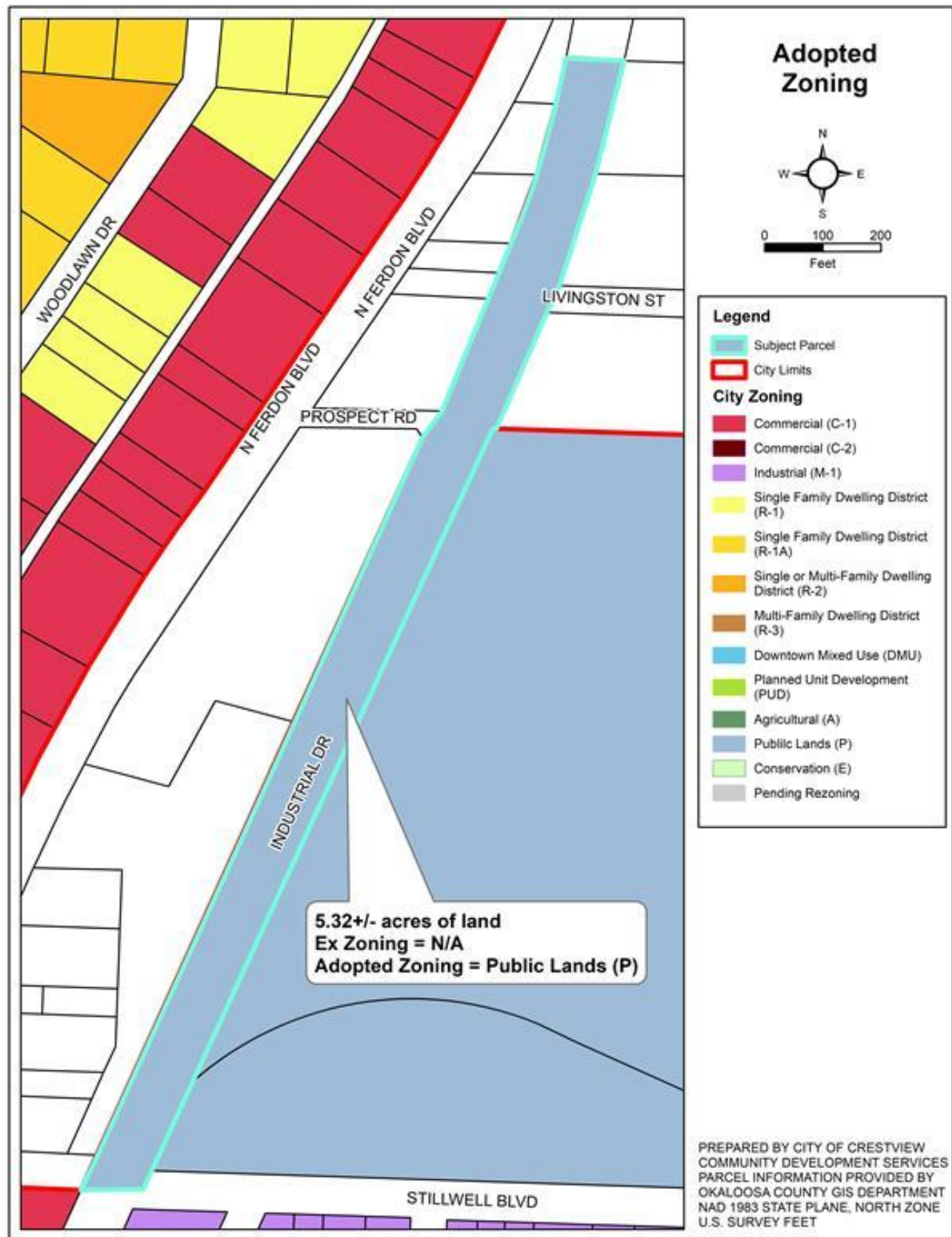
















# Staff Report

CITY COUNCIL MEETING DATE: April 27, 2020

TYPE OF AGENDA ITEM: Ordinance

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TO: Mayor and City Council  
CC: City Manager, City Clerk, Staff and Attorney  
FROM: Dawn Barnes  
DATE: 4/22/2020  
SUBJECT: Ordinance 1761 - Industrial Road Comp Plan Amendment

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## **BACKGROUND:**

The City of Crestview is requesting a Comprehensive Plan Amendment on a ±5.32-acre parcel of land. The subject property is the deeded Right of Way of Industrial Drive, between Stillwell Boulevard and the north line of 971 Industrial Drive.

## **DISCUSSION:**

Staff provided a complete evaluation of the request. The details of this evaluation are found in the staff report attached to agenda item 9.6.

## **GOALS & OBJECTIVES**

This item is consistent with the goals in A New View Strategic Plan 2020 as follows;

**Foundational-** these are the four areas of focus that make up the necessary foundation of a successful local government.

*Financial Sustainability-* Achieve long term financial sustainability.

*Effectiveness & Efficiency-* To efficiently & effectively provide the highest quality of public services.

**Quality of Life-** these six areas focus on the overall experience when provided by the city.

*Opportunity-* Promote an environment that encourages economic and educational opportunity.

## **FINANCIAL IMPACT**

Adoption of the Ordinance will have little or no financial impact on the City.

## **RECOMMENDED ACTION**

Staff respectfully requests adoption of Ordinance 1761 and move to second reading.

## **Attachments**

None

## **ORDINANCE: 1761**

**AN ORDINANCE OF THE CITY OF CRESTVIEW, FLORIDA, AMENDING ITS ADOPTED COMPREHENSIVE PLAN; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR PURPOSE; PROVIDING FOR CHANGING THE FUTURE LAND USE DESIGNATION FROM OKALOOSA COUNTY MIXED USE (MU) TO PUBLIC LANDS (PL), IN SECTION 8, TOWNSHIP 3 NORTH, RANGE 23 WEST; PROVIDING FOR FUTURE LAND USE MAP AMENDMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR SCRIVENER'S ERRORS; PROVIDING FOR LIBERAL INTERPRETATION; PROVIDING FOR REPEAL OF CONFLICTING CODES AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.**

**BE IT ORDAINED BY THE CITY COUNCIL OF CRESTVIEW, FLORIDA, AS FOLLOWS:**

**SECTION 1 – AUTHORITY.** The authority for enactment of this Ordinance is Section 2 of the City Charter, §163.3187 F.S., §166.021 F.S., §166.041 F.S. and the adopted Comprehensive Plan.

**SECTION 2 – FINDINGS OF FACT.** The City Council of the City of Crestview finds the following:

- A. This amendment will promote compact, orderly development and discourage urban sprawl; and**
- B. A public hearing has been conducted after "due public notice" by the Crestview Planning Board sitting as the Local Planning Agency with its recommendations reported to the City Council; and**
- C. A public hearing has been conducted by the City Council after "due public notice"; and**
- D. This amendment involves changing the future land use designation from Okaloosa County Mixed Use (MU) to Public Lands (PL) on a parcel of land containing +/- 5.32 acres, more or less, lying within the corporate limits of the City; and**
- E. This amendment is consistent with the adopted Comprehensive Plan and is in the best interests of the City and its citizens.**

**SECTION 3 – PURPOSE.** The purpose of this Ordinance is to adopt an amendment to the "City of Crestview Comprehensive Plan: 2020." The amendment is described in Section 4 below.

**SECTION 4 – FUTURE LAND USE MAP AMENDMENT.** The Future Land Use Map is amended by changing the future land use category of a parcel containing approximately +/- 5.32 acres of land, more or less, from Okaloosa County Mixed Use (MU) to Public Lands (PL). For the purposes of this Ordinance and Comprehensive Plan Amendment, the +/- 5.32 acres, more or less, is commonly described as:

**A PARCEL OF LAND ("the LAND") LOCATED IN SECTION 8, TOWNSHIP 3 NORTH, RANGE 23 WEST, OKALOOSA COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

**A PORTION OF THAT RIGHT OF WAY FOR INDUSTRIAL DRIVE AS DEEDED TO THE CITY OF CRESTVIEW AND RECORDED IN THE OKALOOSA COUNTY COURTHOUSE IN OFFICIAL RECORDS BOOK 1669, PAGES 257-260; AND BEING MORE SPECIFICALLY DESCRIBED AS BEING THE FULL WIDTH OF RIGHT OF WAY THAT LIES BETWEEN APPROXIMATE STATION 58+81, BEING AT THE CURRENT LIMITS OF THE CITY OF CRESTVIEW AT STILLWELL BOULEVARD, AND THENCE PROCEEDING NORTH TO APPROXIMATE STATION 84+26, BEING AT THE INTERSECTION OF THE NORTH LINE OF A PARCEL OF LAND CURRENTLY ADDRESSED AS 971 INDUSTRIAL DRIVE AND BEING IDENTIFIED BY PARCEL ID#08-3N-23-0530-0001-0020; AND SAID RIGHT OF WAY BEING OF VARIABLE WIDTH AND DESCRIBED BY FLORIDA DEPARTMENT OF**

**TRANSPORTATION RIGHT OF WAY MAP SECTION NUMBER 57000-2803, PAGES 1 AND 2.**

The Public Lands (PL) Future Land Use Category is hereby imposed on the Parcel. Exhibit A, which is attached hereto and made a part hereof by reference, graphically depicts the revisions to the Future Land Use Map and shows the Parcel thereon.

**SECTION 5 – SEVERABILITY.** If any word, phrase, sentence, paragraph or provision of this ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this ordinance are declared severable.

**SECTION 6 – SCRIVENER’S ERRORS.** The correction of typographical errors which do not affect the intent of this Ordinance may be authorized by the City Manager or the City Manager’s designee, without public hearing, by filing a corrected or re-codified copy with the City Clerk.

**SECTION 7 – ORDINANCE TO BE LIBERALLY CONSTRUED.** This Ordinance shall be liberally construed in order to effectively carry out the purposes hereof which are deemed not to adversely affect public health, safety, or welfare.

**SECTION 8 – REPEAL OF CONFLICTING CODES, ORDINANCES, AND RESOLUTIONS.** All Charter provisions, codes, ordinances and resolutions or parts of charter provisions, codes, ordinances and resolutions or portions thereof of the City of Crestview, in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

**SECTION 9 – EFFECTIVE DATE.** The effective date of this plan amendment and ordinance shall be thirty-one (31) days after adoption on second reading by the City Council, unless the amendment is challenged pursuant to §163.3187, F.S. If challenged, the effective date shall be the date a Final Order is issued by the State Land Planning Agency or the Administration Commission finding the amendment in compliance with §163.3184, F.S.

**PASSED AND ADOPTED ON SECOND READING BY THE CITY COUNCIL OF CRESTVIEW, FLORIDA ON**

**THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.**

**ATTEST:**

\_\_\_\_\_  
**ELIZABETH M. ROY**

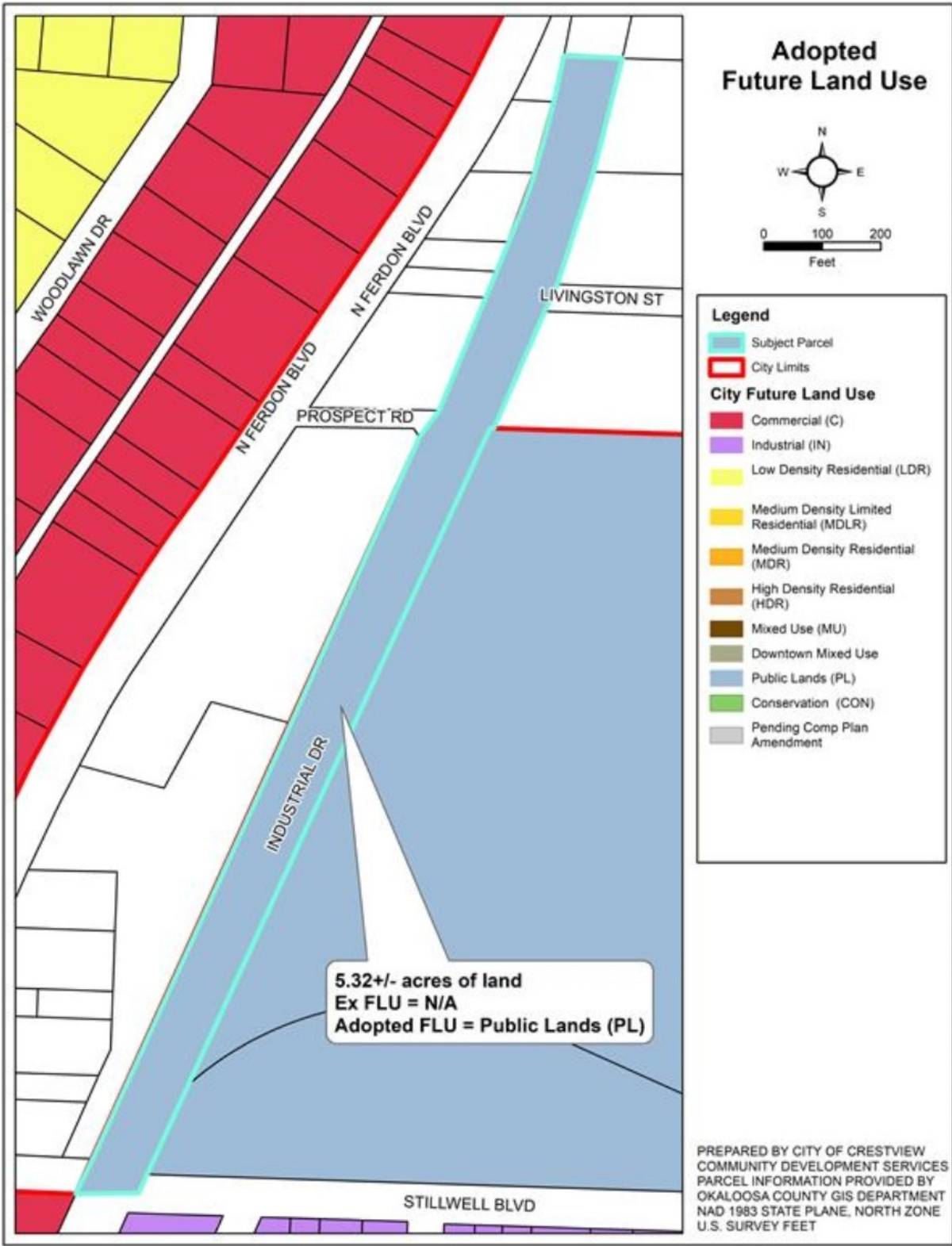
**City Clerk**

**APPROVED BY ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.**

\_\_\_\_\_  
**J. B. WHITTEN**

**Mayor**

EXHIBIT A





# Staff Report

CITY COUNCIL MEETING DATE: April 27, 2020

TYPE OF AGENDA ITEM: Ordinance

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TO: Mayor and City Council  
CC: City Manager, City Clerk, Staff and Attorney  
FROM: Dawn Barnes  
DATE: 4/22/2020  
SUBJECT: Ordinance 1762 - Industrial Road Rezoning

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## **BACKGROUND:**

The City of Crestview is requesting a Zoning Change on a ±5.32-acre parcel of land. The subject property is the deeded Right of Way of Industrial Drive, between Stillwell Boulevard and the north line of 971 Industrial Drive.

## **DISCUSSION:**

Staff provided a complete evaluation of the request. The details of this evaluation are found in the staff report attached to agenda item 9.6.

## **GOALS & OBJECTIVES**

This item is consistent with the goals in A New View Strategic Plan 2020 as follows;

**Foundational-** these are the four areas of focus that make up the necessary foundation of a successful local government.

*Financial Sustainability-* Achieve long term financial sustainability.

*Effectiveness & Efficiency-* To efficiently & effectively provide the highest quality of public services.

**Quality of Life-** these six areas focus on the overall experience when provided by the city.

*Opportunity-* Promote an environment that encourages economic and educational opportunity.

## **FINANCIAL IMPACT**

Adoption of the Ordinance will have little or no financial impact on the City.

## **RECOMMENDED ACTION**

Staff respectfully requests adoption of Ordinance 1762 and move to second reading.

## **Attachments**

None

## **ORDINANCE: 1762**

**AN ORDINANCE OF THE CITY OF CRESTVIEW, FLORIDA, PROVIDING FOR THE REZONING OF REAL PROPERTY, LOCATED IN SECTION 8, TOWNSHIP 3 NORTH, RANGE 23 WEST, FROM THE OKALOOSA COUNTY MIXED USE (MU) ZONING DISTRICT TO THE PUBLIC LANDS (P) ZONING DISTRICT; PROVIDING FOR AUTHORITY; PROVIDING FOR THE UPDATING OF THE CRESTVIEW ZONING MAP; PROVIDING FOR SEVERABILITY; PROVIDING FOR SCRIVENER'S ERRORS; PROVIDING FOR LIBERAL INTERPRETATION; PROVIDING FOR REPEAL OF CONFLICTING CODES AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.**

**BE IT ORDAINED BY THE CITY COUNCIL OF CRESTVIEW, FLORIDA AS FOLLOWS:**

**SECTION 1 – AUTHORITY.** The authority for enactment of this ordinance is Section 166.041, Florida Statutes and Chapter 102, City Code.

**SECTION 2 – PROPERTY REZONED.** The following described +/- 5.32 acres, more or less, of real property lying within the corporate limits of Crestview, Florida, with +/- 5.32 acres, more or less, being formerly zoned Okaloosa County Mixed Use (MU) with the Public Lands (PL) Future Land Use Map designation recently ratified by the City Council through adoption of Ordinance 1761, is hereby rezoned to the Public Lands (P) to wit:

### **PARCEL**

**A PARCEL OF LAND ("the LAND") LOCATED IN SECTION 8, TOWNSHIP 3 NORTH, RANGE 23 WEST, OKALOOSA COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

**A PORTION OF THAT RIGHT OF WAY FOR INDUSTRIAL DRIVE AS DEEDED TO THE CITY OF CRESTVIEW AND RECORDED IN THE OKALOOSA COUNTY COURTHOUSE IN OFFICIAL RECORDS BOOK 1669, PAGES 257-260; AND BEING MORE SPECIFICALLY DESCRIBED AS BEING THE FULL WIDTH OF RIGHT OF WAY THAT LIES BETWEEN APPROXIMATE STATION 58+81, BEING AT THE CURRENT LIMITS OF THE CITY OF CRESTVIEW AT STILLWELL BOULEVARD, AND THENCE PROCEEDING NORTH TO APPROXIMATE STATION 84+26, BEING AT THE INTERSECTION OF THE NORTH LINE OF A PARCEL OF LAND CURRENTLY ADDRESSED AS 971 INDUSTRIAL DRIVE AND BEING IDENTIFIED BY PARCEL ID#08-3N-23-0530-0001-0020; AND SAID RIGHT OF WAY BEING OF VARIABLE WIDTH AND DESCRIBED BY FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP SECTION NUMBER 57000-2803, PAGES 1 AND 2.**

**SECTION 3 – MAP UPDATE.** The Crestview Zoning Map, current edition, is hereby amended to reflect the above changes concurrent with passage of this ordinance, which is attached hereto.

**SECTION 4 – SEVERABILITY.** If any word, phrase, sentence, paragraph or provision of this ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this ordinance are declared severable.

**SECTION 5 – SCRIVENER'S ERRORS.** The correction of typographical errors which do not affect the intent of this Ordinance may be authorized by the City Manager or the City Manager's designee, without public hearing, by filing a corrected or re-codified copy with the City Clerk.

**SECTION 6 – ORDINANCE TO BE LIBERALLY CONSTRUED.** This Ordinance shall be liberally construed in order to effectively carry out the purposes hereof which are deemed not to adversely affect public health, safety, or

welfare.

**SECTION 7 – REPEAL OF CONFLICTING CODES, ORDINANCES, AND RESOLUTIONS.** All Charter provisions, codes, ordinances and resolutions or parts of charter provisions, codes, ordinances and resolutions or portions thereof of the City of Crestview, in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

**SECTION 8 – EFFECTIVE DATE.** The effective date of this Ordinance shall be the date Comprehensive Plan Amendment is adopted by Ordinance # 1761 and becomes legally effective.

**PASSED AND ADOPTED ON SECOND READING BY THE CITY COUNCIL OF CRESTVIEW, FLORIDA ON**

**THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.**

**ATTEST:**

\_\_\_\_\_  
**ELIZABETH M. ROY**

City Clerk

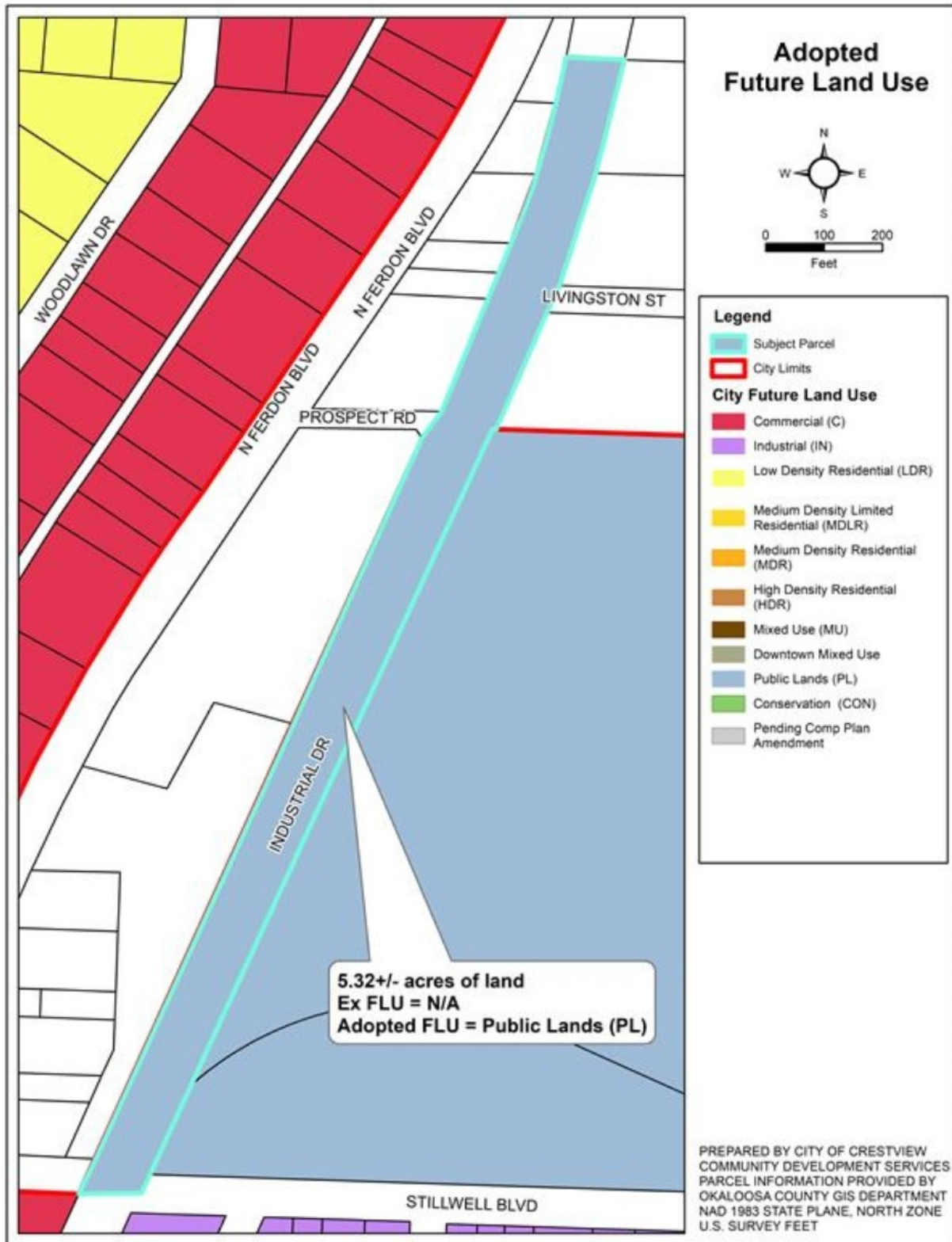
**APPROVED BY ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.**

\_\_\_\_\_  
**J. B. WHITTEN**

Mayor



# EXHIBIT A







# Staff Report

CITY COUNCIL MEETING DATE: April 27, 2020

TYPE OF AGENDA ITEM: Ordinance

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TO: Mayor and City Council  
CC: City Manager, City Clerk, Staff and Attorney  
FROM: Dawn Barnes  
DATE: 4/22/2020  
SUBJECT: Ordinance 1763 - 971 Industrial Annexation

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## **BACKGROUND:**

Oakhill Properties LLC has applied for Voluntary Annexation of a  $\pm 1.52$ -acre parcel of land. The subject property is generally located on the east side of Industrial Drive, between Livingston Street and Jones Road. PIN # 08-3N-23-0530-0001-0020

## **DISCUSSION:**

Staff provided a complete evaluation of the request. The details of this evaluation are found in the attached staff report.

## **GOALS & OBJECTIVES**

This item is consistent with the goals in A New View Strategic Plan 2020 as follows;

**Foundational-** these are the four areas of focus that make up the necessary foundation of a successful local government.

*Financial Sustainability-* Achieve long term financial sustainability.

*Effectiveness & Efficiency-* To efficiently & effectively provide the highest quality of public services.

**Quality of Life-** these six areas focus on the overall experience when provided by the city.

*Opportunity-* Promote an environment that encourages economic and educational opportunity.

## **FINANCIAL IMPACT**

Adoption of the Ordinance could have a small positive financial impact on the City.

## **RECOMMENDED ACTION**

Staff respectfully requests adoption of Ordinance 1763 and move to second reading.

## **Attachments**

1. Planning Staff Report - 971 Industrial

## **ORDINANCE: 1763**

**AN ORDINANCE ANNEXING TO THE CITY OF CRESTVIEW, FLORIDA, ± 1.52 ACRES OF CONTIGUOUS LANDS LOCATED IN SECTION 8, TOWNSHIP 3 NORTH, RANGE 23 WEST, AND BEING DESCRIBED AS SET FORTH HEREIN; PROVIDING FOR AUTHORITY; PROVIDING FOR LAND DESCRIPTION; PROVIDING FOR BOUNDARY; PROVIDING FOR LAND USE AND ZONING DESIGNATION; PROVIDING FOR AMENDMENT TO THE BASE, LAND USE AND ZONING MAPS; PROVIDING FOR A COMPREHENSIVE PLAN AMENDMENT; PROVIDING FOR FILING WITH THE CLERK OF CIRCUIT COURT OF OKALOOSA COUNTY, THE CHIEF ADMINISTRATIVE OFFICER OF OKALOOSA COUNTY AND THE FLORIDA DEPARTMENT OF STATE; PROVIDING FOR SEVERABILITY; PROVIDING FOR SCRIVENER'S ERRORS; PROVIDING FOR LIBERAL INTERPRETATION; PROVIDING FOR REPEAL OF CONFLICTING CODES AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.**

**BE IT ORDAINED BY THE CITY COUNCIL OF CRESTVIEW, FLORIDA AS FOLLOWS:**

**SECTION 1 – AUTHORITY.** The authority for enactment of this ordinance is Chapter 171, Florida Statutes, and Section 2 of the City Charter.

**SECTION 2 – LAND DESCRIPTION.** The following described unincorporated area contiguous to the City of Crestview, Florida, is hereby annexed to the City:

**PIN # 08-3N-23-0530-0001-0020 (Deed recorded in Book 3295, page 2563, dated April 17, 2017)**

**LOTS 2 AND 3, BLOCK 1, COOK'S ADDITION TO CRESTVIEW, AS PER PLAT THEREOF, RECORDED IN PLAT BOOK 1, PAGE 104, OF THE PUBLIC RECORDS OF OKALOOSA COUNTY, FLORIDA.**

**SECTION 3 – BOUNDARY.** The existing boundary line of the City of Crestview, Florida, is modified to include the herein referenced tract of land and the base, zoning and land use maps shall be updated to reflect these changes pursuant to law.

**SECTION 4 – LAND USE AND ZONING.** Pursuant to general law, the property hereby annexed was subject to Okaloosa County land development, land use plan, and zoning or subdivision regulations, which shall remain in full force and effect until rezoning and land use changes are finalized by the City in compliance with the Comprehensive Plan.

**SECTION 5 – COMPREHENSIVE PLAN UPDATE.** Pursuant to Chapter 163.011, et seq. petitioner for annexation shall apply through the City for a Comprehensive Plan change which will designate the future land use category for the parcel as Commercial (C) with Commercial (C-1) to be assigned and run concurrent with the approval and adoption of the Comprehensive Plan amendment by the proper authorities.

**SECTION 6 – MAP UPDATE.** The Base, Zoning and Future Land Use Maps shall be updated at the earliest possible date.

**SECTION 7 – FILING.** Upon passage, the City Clerk is directed to file a copy of this ordinance with the Clerk of Circuit Court of Okaloosa County and with the Florida Department of the State.

**SECTION 8 – SEVERABILITY.** If any word, phrase, sentence, paragraph or provision of this ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this ordinance are declared severable.

**SECTION 9 – SCRIVENER’S ERRORS.** The correction of typographical errors which do not affect the intent of this Ordinance may be authorized by the City Manager or the City Manager’s designee, without public hearing, by filing a corrected or re-codified copy with the City Clerk.

**SECTION 10 – ORDINANCE TO BE LIBERALLY CONSTRUED.** This Ordinance shall be liberally construed in order to effectively carry out the purposes hereof which are deemed not to adversely affect public health, safety, or welfare.

**SECTION 11 – REPEAL OF CONFLICTING CODES, ORDINANCES, AND RESOLUTIONS.** All Charter provisions, codes, ordinances and resolutions or parts of charter provisions, codes, ordinances and resolutions or portions thereof of the City of Crestview, in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

**SECTION 12 – EFFECTIVE DATE.** This ordinance shall take effect immediately upon its adoption.

**PASSED AND ADOPTED ON SECOND READING BY THE CITY COUNCIL OF CRESTVIEW, FLORIDA ON**  
**THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.**

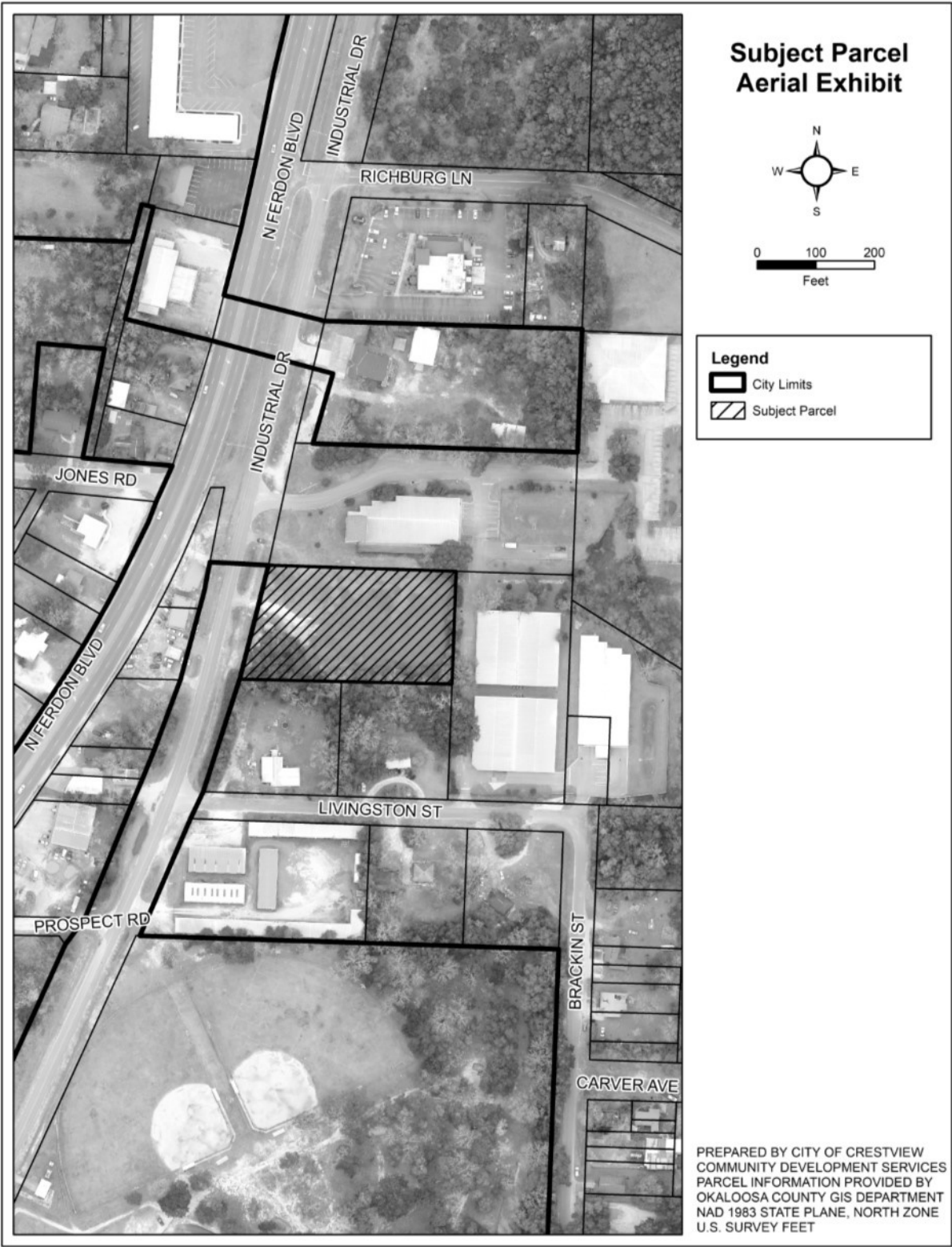
**ATTEST:**

\_\_\_\_\_  
**ELIZABETH M. ROY**  
City Clerk

**APPROVED BY ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.**

\_\_\_\_\_  
**J. B. WHITTEN**  
Mayor

EXHIBIT A





# CITY OF CRESTVIEW COMMUNITY DEVELOPMENT SERVICES PLANNING AND ZONING STAFF REPORT

**PROJECT NAME:** 971 Industrial Drive – Annexation, Comp Plan Amendment & Rezoning

**ORDINANCE NUMBERS:** 1763 Annexation  
1764 Comp Plan Amendment (Small Scale)  
1765 Rezoning

**SUBMITTED TO:** LPA April 27, 2020  
City Council – First Reading April 27, 2020  
City Council – Second Reading May 11, 2020

**DATE:** April 20, 2020

|    |                                        |
|----|----------------------------------------|
| 1. | <b>References Reviewed and Applied</b> |
|----|----------------------------------------|

- A. Crestview Code of Ordinances, Current Edition
- B. Crestview Comprehensive Plan, Current Edition
- C. Florida Statutes, Current Edition

|                                                                                                                                                                                                                                                    |                 |                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                              |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2.                                                                                                                                                                                                                                                 | Project Summary |                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>Property Owner(s)</b><br>Oakhill Properties LLC<br>2797 Phil Tyner Rd<br>Crestview, FL 32536<br><br><b>Applicant</b><br>Property Owners<br><br><b>Staff Planner:</b><br>Elgin A. Duley III, Planning<br>Administrator<br>Dawn Barnes, Planner I |                 | <b>Property Location:</b> The subject property is generally located on the east side of Industrial Drive, between Livingston Street and Jones Road, and consists of +/- 1.52 acres. PIN #: 08-3N-23-0530-0001-0020<br><br><b>Application Information:</b><br>The applicant has requested Annexation, Comprehensive Plan Amendment to Commercial (C), and Zoning designation of Commercial (C-1) to allow for commercial development. | <b>Staff Recommendation:</b><br>Approval of the requested actions, subject to any conditions provided in the following report or suggested by the LPA.<br><br><b>Public Notice:</b> <ul style="list-style-type: none"><li>• Notice letters sent to property owners within 300' of the subject property on 4/6/20</li><li>• Property posting on 4/13/20</li><li>• Ad run on 4/15/20</li></ul> |

|    |                                       |
|----|---------------------------------------|
| 3. | <b>Application / Project Analysis</b> |
|----|---------------------------------------|

## Project Description

The applicant(s) has requested the Annexation, Comprehensive Plan amendment to **Commercial (C)**, and rezoning of the subject property to **Commercial (C-1)**. This Future Land Use amendment will allow the newly annexed lands to be developed commercially. This zoning change will implement the Future Land Use change and require any proposed development to meet the Land Development Code's C-1 zoning district requirements.

## Project Context

### **Current Conditions:**

The subject property is currently vacant. The following table provides the surrounding land use designations, zoning districts, and existing uses.

| Direction | FLU        | Zoning     | Existing Use |
|-----------|------------|------------|--------------|
| North     | County MU  | County MU  | Commercial   |
| East      | County MU  | County MU  | Commercial   |
| South     | County LDR | County R-1 | Residential  |
| West      | County MU  | County MU  | Commercial   |

#### **Project Compatibility:**

A development application concerning the subject property has not been submitted. Based on the requested land-use and zoning designations, the property will be developed commercially. The uses to the north, east and west are all commercial in nature. The properties to the south currently have residences on them.

#### **Regulatory and Statutory Compliance:**

*Florida Statute Chapter 163.* The proposed amendment is a parcel totaling +/- 1.52 acres and is being processed as a small-scale comprehensive plan amendment to the Future Land Use Map in accordance with Florida Statutes. As such, the amendment is being brought before the Local Planning Agency in a public hearing and before the City Council in a public hearing (the adoption hearing). The Florida Department of Economic Opportunity does not require review of small-scale Future Land Use Map amendments unless challenged by an affected party within 30 days of adoption by the City Council.

*City of Crestview Comprehensive Plan.* Chapter 7 of the Comprehensive Plan establishes the various requirements for Future Land Use categories and the applicant requested amendment to designate the annexed property as a Commercial Land Use is in keeping with the Plan. The Future Land Use Map of the Comprehensive Plan has established the appropriate land uses. The appropriate intensity and impervious surface area maximums will be assured during development review. Specific Comprehensive Plan Goals Objectives and Policies in support of the requested actions are as follows:

**Policy 7.A.6.6** – Because the proposed annexation is of unincorporated lands which are contiguous and compact; the annual maintenance costs are assumed to be less than the annual net revenue generated; and it improves the delineation of the City's boundary line.

**Policy 7.A.2.2** – Because the amendment will serve to discourage urban sprawl.

**Policy 7.A.6.3** – Because the amendment promotes infill development.

**Policy 7.A.3.2** – Because the amendment is consistent with accepted planning principals and it represents efficiency of use of the property given its location relative to other uses.

**Policy 16.A.1.5** – Because the amendment will be beneficial to existing commercial development, will encourage business retention and create a favorable business climate for existing businesses.

*Crestview Land Development Code.* The use of the property as an allowable commercial use, provided the Comprehensive Plan and Zoning change is approved, will undergo development review to ensure compliance with the Land Development Code.

#### **Adequate Public Facilities:**

When a development application is made, all impacts to City services will be addressed through the staff review and Development Order approval processes.

#### **Environmental Impacts:**

*Wetlands and Environmentally Sensitive Lands* – Current wetlands data indicates the absence of any jurisdictional wetlands within the subject property.

*Historical and/or Archeological Resources* – The application does not address the presence of any historical or archeological resources onsite.

**General Staff Comments:**

Planning and Zoning. The requested changes are consistent with the nature of the area and are in compliance with the desired growth of that area.

|           |                 |
|-----------|-----------------|
| <b>4.</b> | <b>Findings</b> |
|-----------|-----------------|

- A. The request for Annexation satisfies Florida Statute requirements for voluntary annexation.
- B. The request for Comprehensive Plan Amendment is consistent with the above references and will not be a detriment to the surrounding property.
- C. The request for Zoning Change is consistent with the above references and will not be a detriment to the surrounding property.

|           |                               |
|-----------|-------------------------------|
| <b>5.</b> | <b>Conditions of Approval</b> |
|-----------|-------------------------------|

- A. Staff does not apply nor recommend the application of any conditions for approval of the current requests.

|           |                                      |
|-----------|--------------------------------------|
| <b>6.</b> | <b>Conclusion and Recommendation</b> |
|-----------|--------------------------------------|

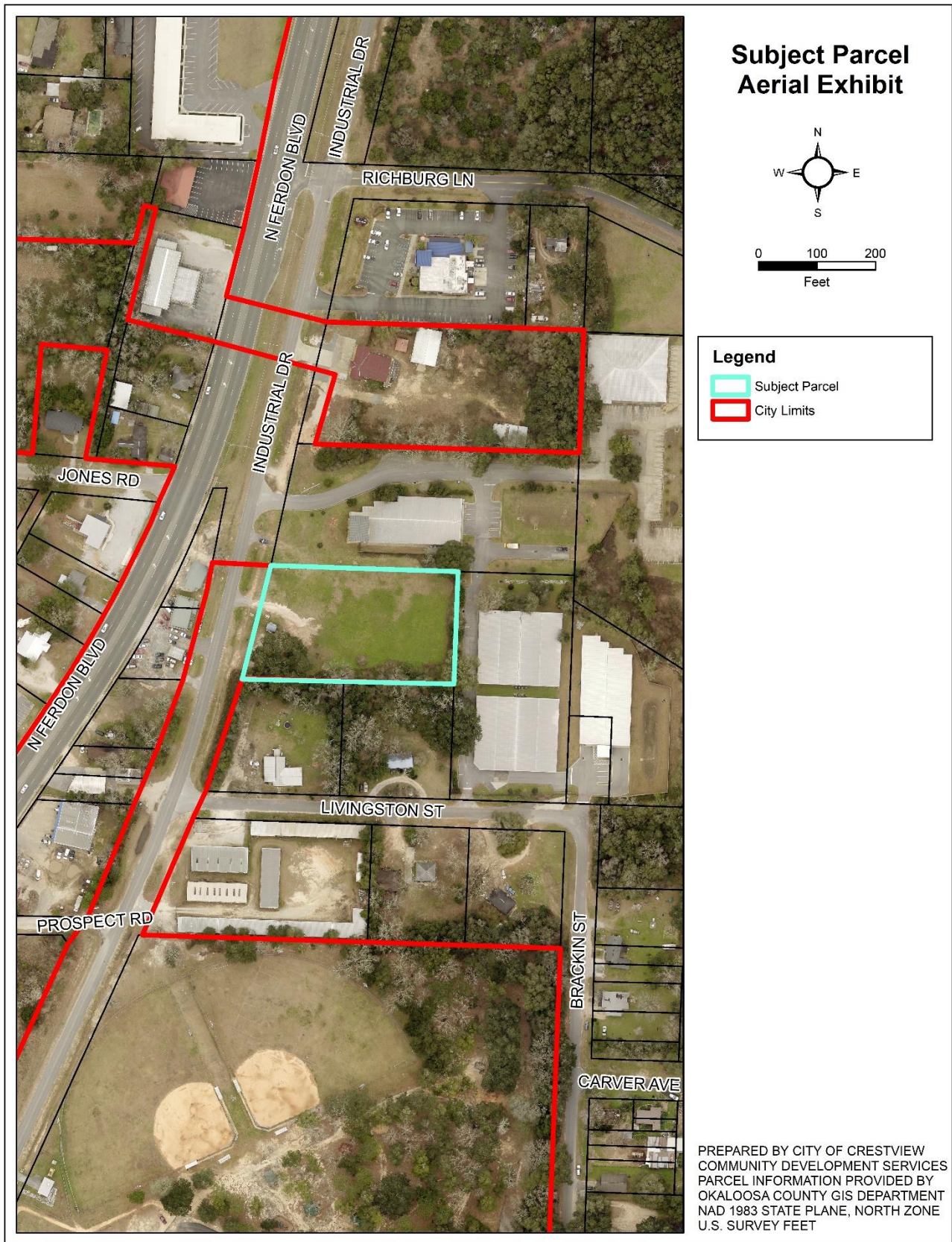
- A. The applicant has submitted the forms for Annexation, Comprehensive Plan Amendment, and Zoning Change of the property. The proposed actions satisfy the requirements of the City of Crestview's adopted Comprehensive Plan, and Land Development Code.
- B. The associated Comprehensive Plan Amendment should not pose a problem if supported by proper documentation and Council intent.
- C. Please review the applications based on the characteristics of the site and surrounding area; the nature of the development, including the land use type and densities; and conformity of the development with the City's Comprehensive Plan, the City's Code of Ordinances and other applicable state and city regulations, in deciding the request.

Based on the analysis above and the findings of fact, staff recommends approval of the applications for Annexation, Comprehensive Plan Amendment, and Zoning Change.

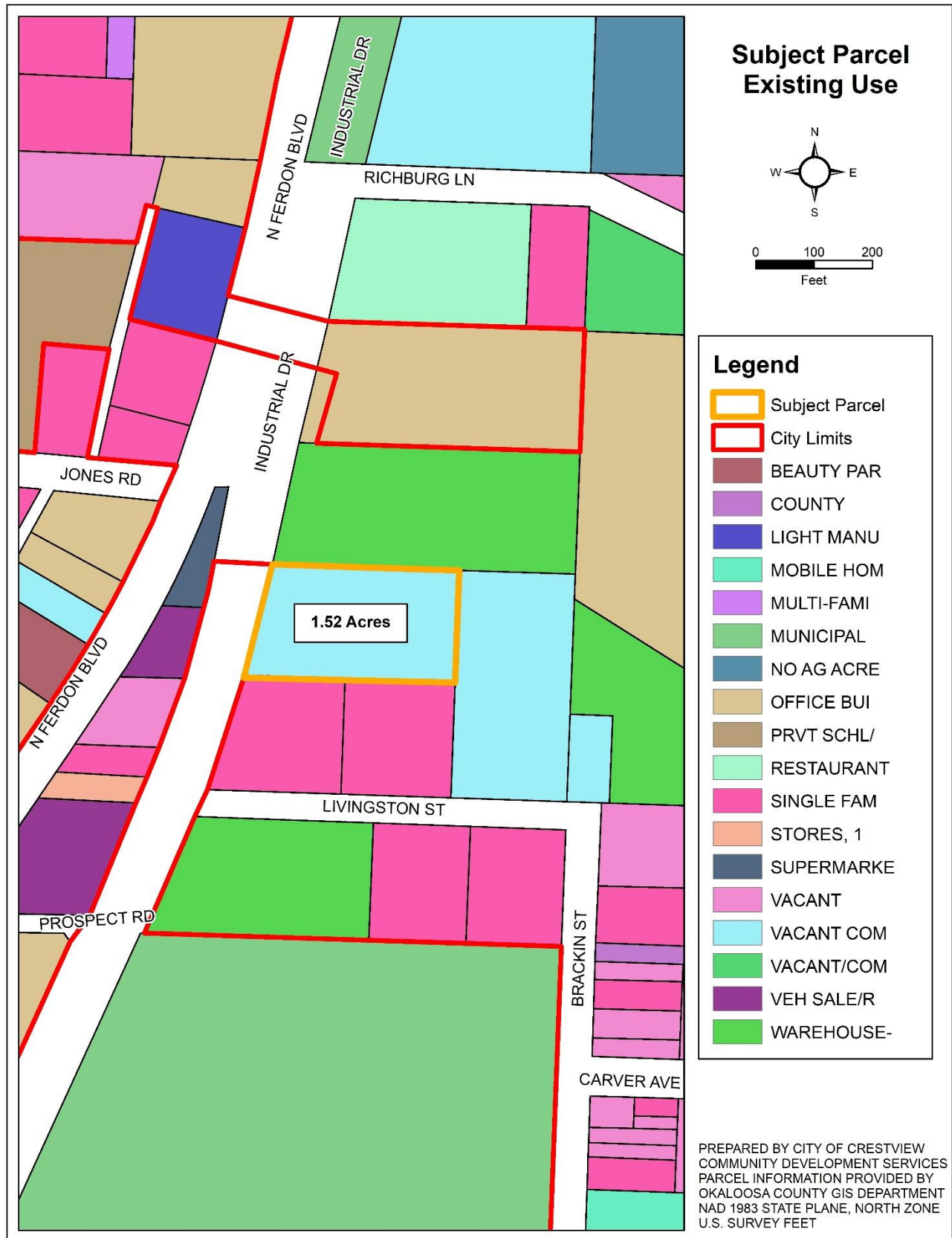
**Assigned Staff:** Elgin Duley III, Planning Administrator  
Dawn Barnes, Planner I

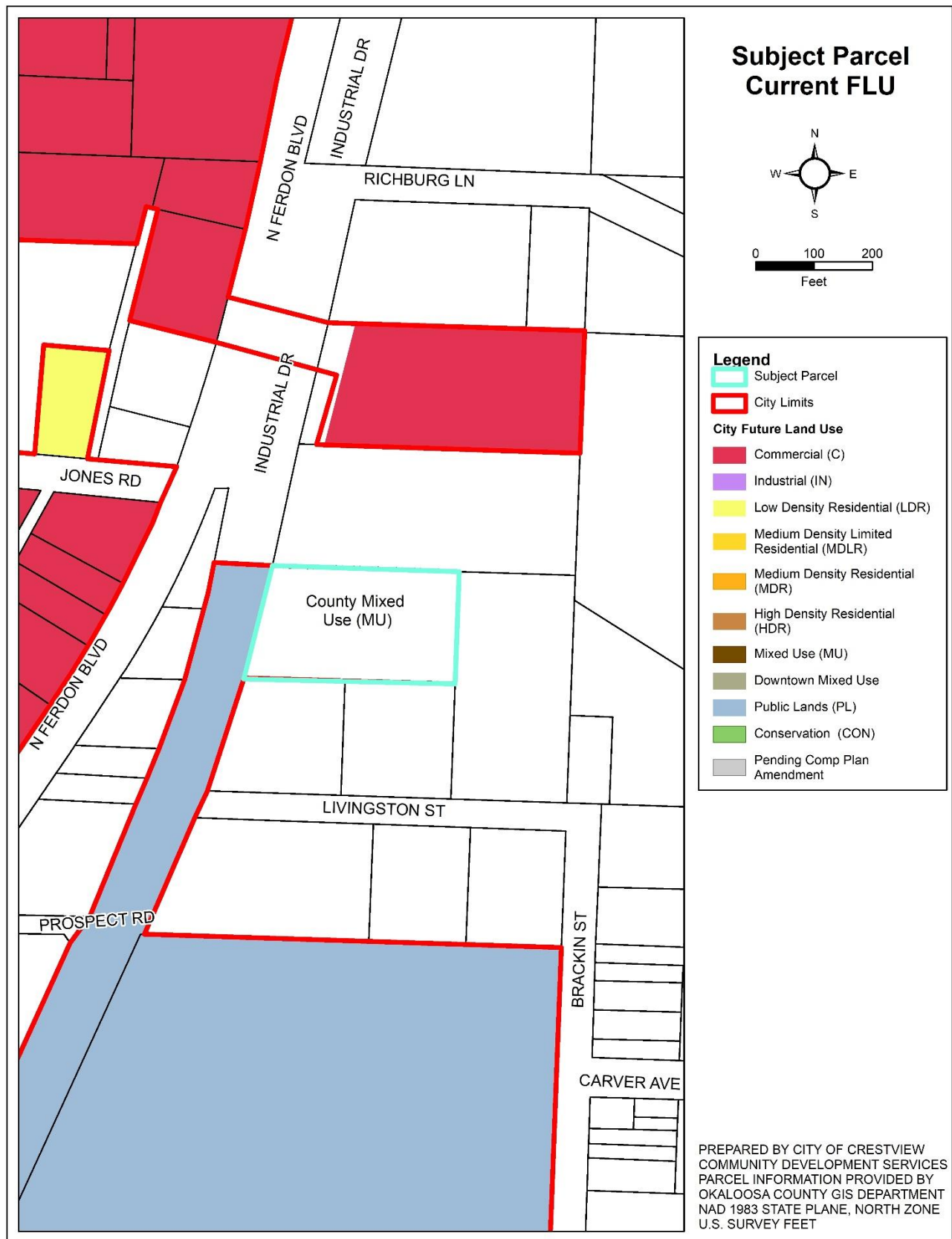
Received Public Comments: None

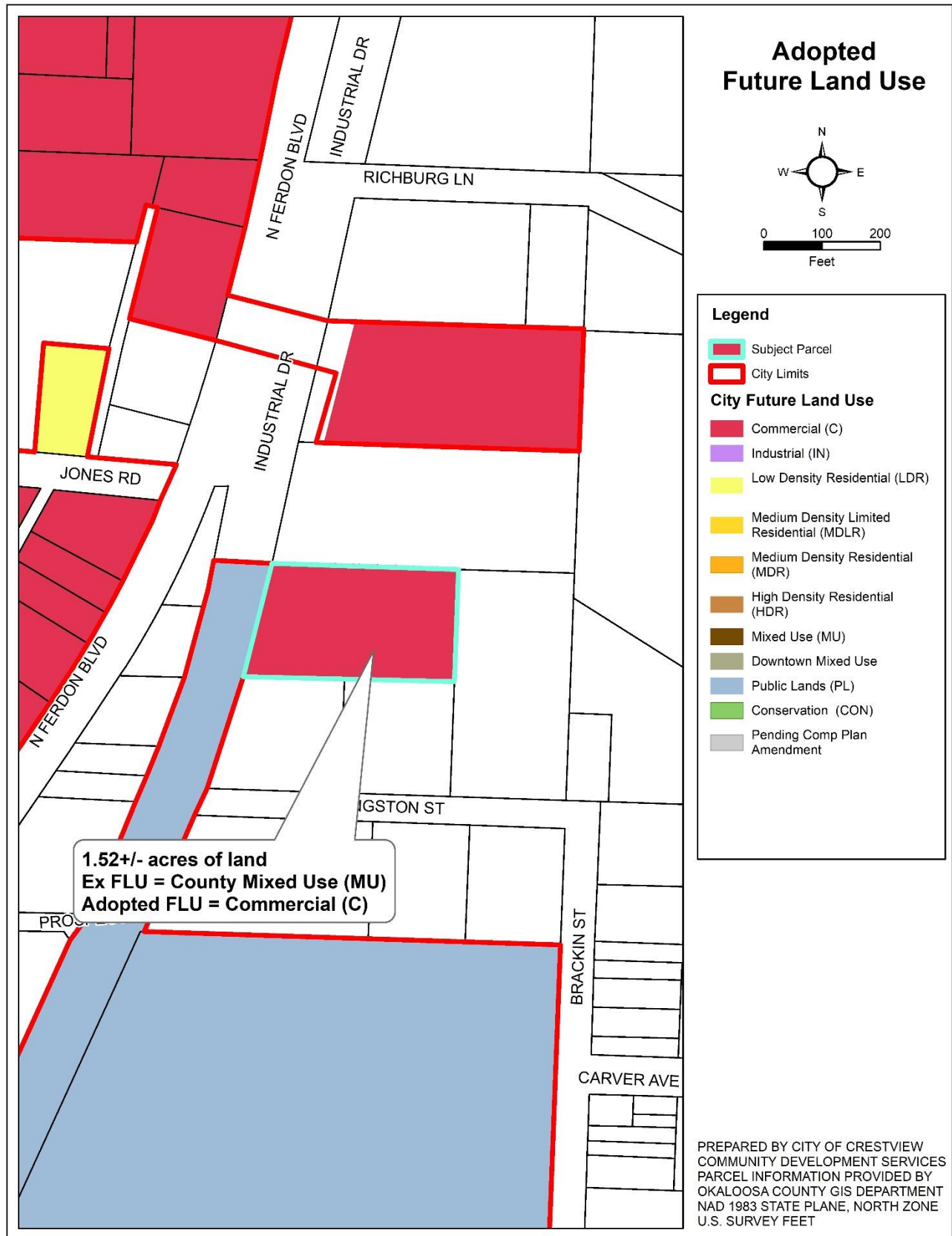


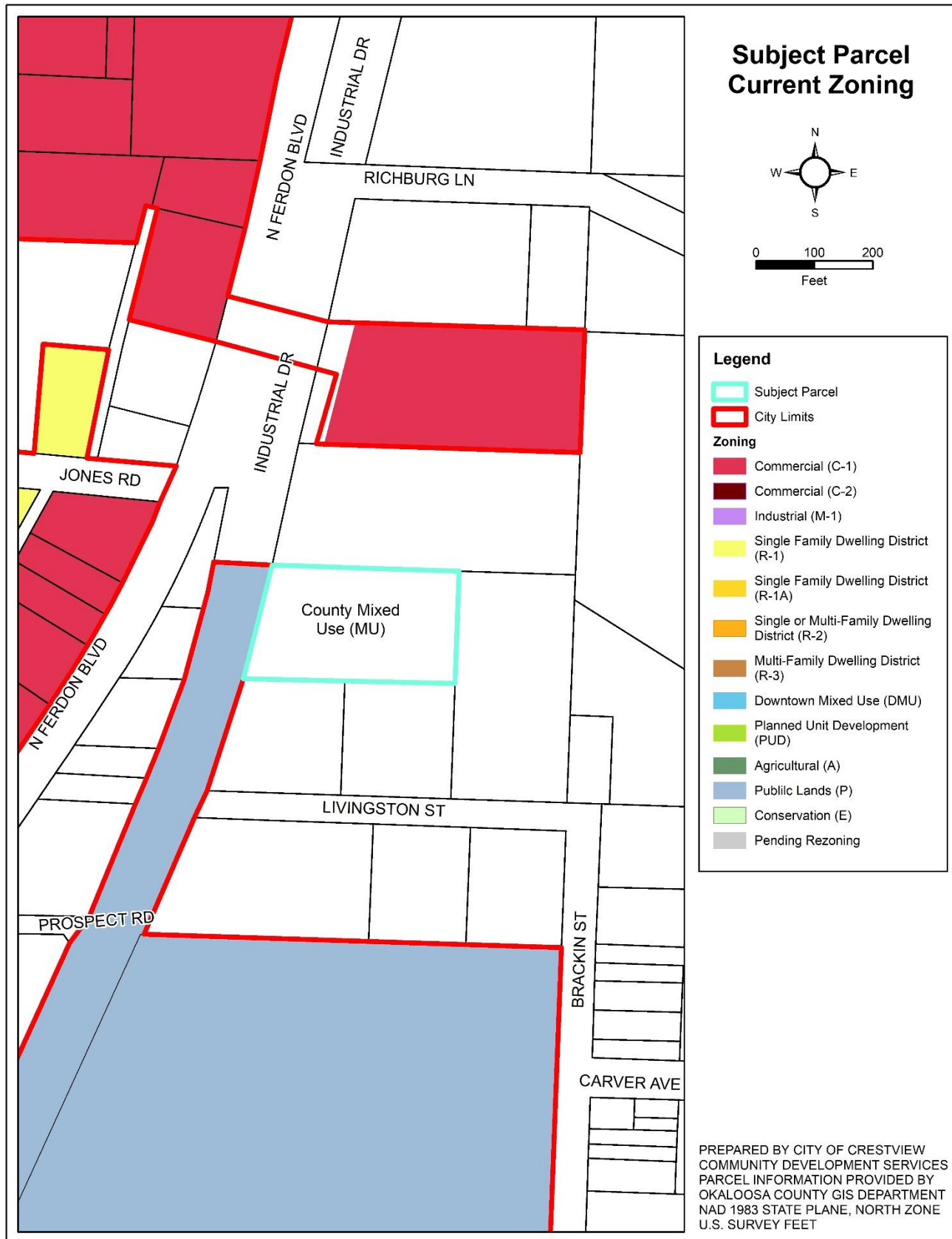




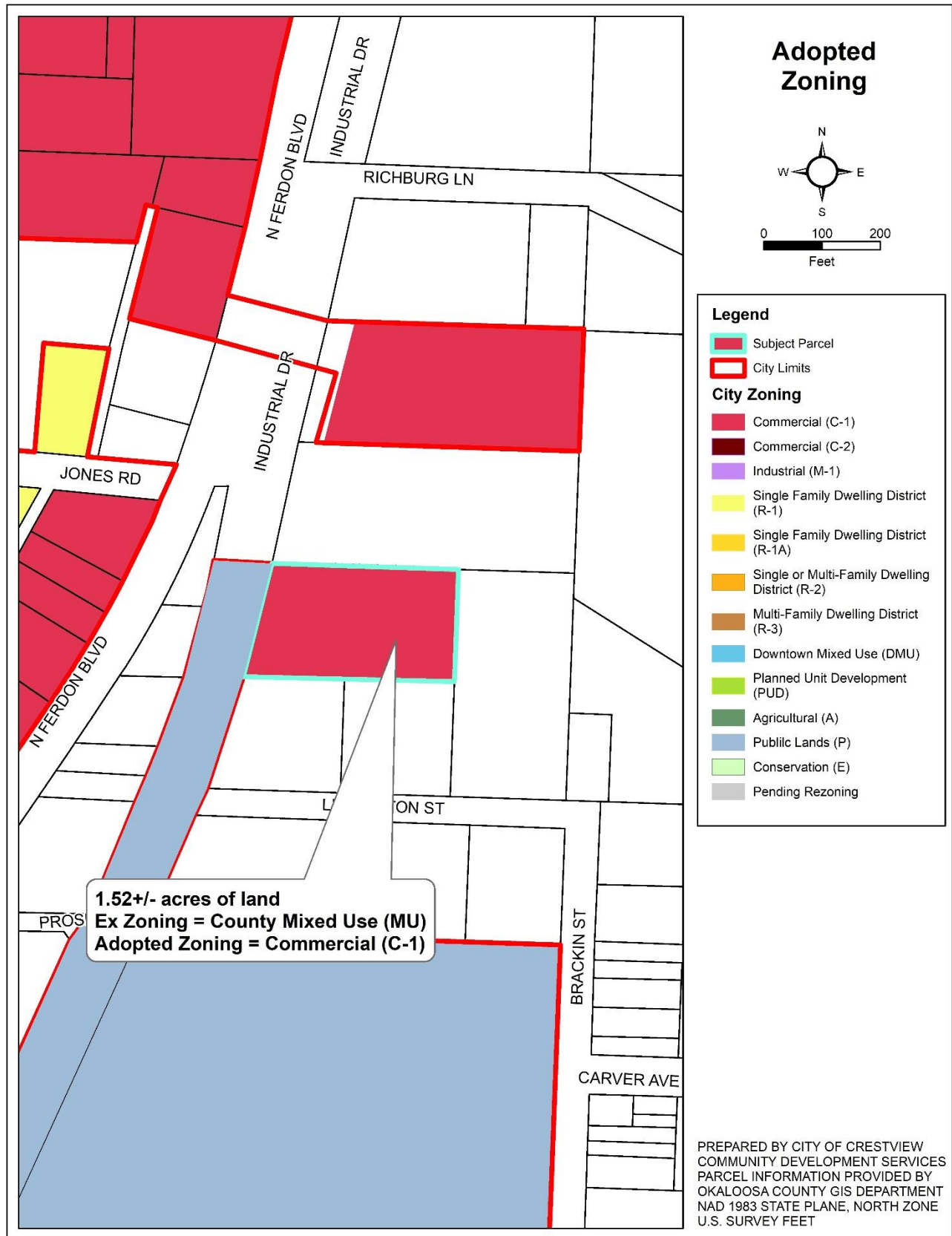














# Staff Report

CITY COUNCIL MEETING DATE: April 27, 2020

TYPE OF AGENDA ITEM: Ordinance

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TO: Mayor and City Council  
CC: City Manager, City Clerk, Staff and Attorney  
FROM: Dawn Barnes  
DATE: 4/22/2020  
SUBJECT: Ordinance 1764 - 971 Industrial Comp Plan Amendment

---

## **BACKGROUND:**

Oakhill Properties LLC has applied for a Comprehensive Plan Amendment on a ±1.52-acre parcel of land. The subject property is generally located on the east side of Industrial Drive, between Livingston Street and Jones Road. PIN # 08-3N-23-0530-0001-0020

## **DISCUSSION:**

Staff provided a complete evaluation of the request. The details of this evaluation are found in the staff report attached to agenda item 9.9.

## **GOALS & OBJECTIVES**

This item is consistent with the goals in A New View Strategic Plan 2020 as follows;

**Foundational-** these are the four areas of focus that make up the necessary foundation of a successful local government.

*Financial Sustainability-* Achieve long term financial sustainability.

*Effectiveness & Efficiency-* To efficiently & effectively provide the highest quality of public services.

**Quality of Life-** these six areas focus on the overall experience when provided by the city.

*Opportunity-* Promote an environment that encourages economic and educational opportunity.

## **FINANCIAL IMPACT**

Adoption of the Ordinance could have a small positive financial impact on the City.

## **RECOMMENDED ACTION**

Staff respectfully requests adoption of Ordinance 1764 and move to second reading.

## **Attachments**

None

## **ORDINANCE: 1764**

**AN ORDINANCE OF THE CITY OF CRESTVIEW, FLORIDA, AMENDING ITS ADOPTED COMPREHENSIVE PLAN; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR PURPOSE; PROVIDING FOR CHANGING THE FUTURE LAND USE DESIGNATION FROM OKALOOSA COUNTY MIXED USE (MU) TO COMMERCIAL (C) ON APPROXIMATELY 1.52 ACRES, MORE OR LESS, IN SECTION 8, TOWNSHIP 3 NORTH, RANGE 23 WEST; PROVIDING FOR FUTURE LAND USE MAP AMENDMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR SCRIVENER'S ERRORS; PROVIDING FOR LIBERAL INTERPRETATION; PROVIDING FOR REPEAL OF CONFLICTING CODES AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.**

**BE IT ORDAINED BY THE CITY COUNCIL OF CRESTVIEW, FLORIDA, AS FOLLOWS:**

**SECTION 1 – AUTHORITY.** The authority for enactment of this Ordinance is Section 2 of the City Charter, §163.3187 F.S., §166.021 F.S., §166.041 F.S. and the adopted Comprehensive Plan.

**SECTION 2 – FINDINGS OF FACT.** The City Council of the City of Crestview finds the following:

- A. This amendment will promote compact, orderly development and discourage urban sprawl; and**
- B. A public hearing has been conducted after "due public notice" by the Crestview Planning Board sitting as the Local Planning Agency with its recommendations reported to the City Council; and**
- C. A public hearing has been conducted by the City Council after "due public notice"; and**
- D. This amendment involves changing the future land use designation from Okaloosa County Mixed Use (MU) to Commercial (C) on a parcel of land containing 1.52 acres, more or less, lying within the corporate limits of the City; and**
- E. This amendment is consistent with the adopted Comprehensive Plan and is in the best interests of the City and its citizens.**

**SECTION 3 – PURPOSE.** The purpose of this Ordinance is to adopt an amendment to the "City of Crestview Comprehensive Plan: 2020." The amendment is described in Section 4 below.

**SECTION 4 – FUTURE LAND USE MAP AMENDMENT.** The Future Land Use Map is amended by changing the future land use category of a parcel containing approximately 1.52 acres of land, more or less, from Okaloosa County Mixed Use (MU) to Commercial (C). For the purposes of this Ordinance and Comprehensive Plan Amendment, the 1.52 acres, more or less, is known as Parcel 08-3N-23-0530-0001-0020 and commonly described as:

**A PARCEL OF LAND ("the LAND") LOCATED IN SECTION 8, TOWNSHIP 3 NORTH, RANGE 23 WEST, OKALOOSA COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

**LOTS 2 AND 3, BLOCK 1, COOK'S ADDITION TO CRESTVIEW, AS PER PLAT THEREOF, RECORDED IN PLAT BOOK 1, PAGE 104, OF THE PUBLIC RECORDS OF OKALOOSA COUNTY, FLORIDA.**

The Commercial (C) Future Land Use Category is hereby imposed on Parcel 08-3N-23-0530-0001-0020. Exhibit A, which is attached hereto and made a part hereof by reference, graphically depicts the revisions to the Future Land Use Map and shows Parcel 08-3N-23-0530-0001-0020 thereon.

**SECTION 5 – SEVERABILITY.** If any word, phrase, sentence, paragraph or provision of this ordinance or the



application thereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this ordinance are declared severable.

**SECTION 6 – SCRIVENER’S ERRORS.** The correction of typographical errors which do not affect the intent of this Ordinance may be authorized by the City Manager or the City Manager’s designee, without public hearing, by filing a corrected or re-codified copy with the City Clerk.

**SECTION 7 – ORDINANCE TO BE LIBERALLY CONSTRUED.** This Ordinance shall be liberally construed in order to effectively carry out the purposes hereof which are deemed not to adversely affect public health, safety, or welfare.

**SECTION 8 – REPEAL OF CONFLICTING CODES, ORDINANCES, AND RESOLUTIONS.** All Charter provisions, codes, ordinances and resolutions or parts of charter provisions, codes, ordinances and resolutions or portions thereof of the City of Crestview, in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

**SECTION 9 – EFFECTIVE DATE.** The effective date of this plan amendment and ordinance shall be thirty-one (31) days after adoption on second reading by the City Council, unless the amendment is challenged pursuant to §163.3187, F.S. If challenged, the effective date shall be the date a Final Order is issued by the State Land Planning Agency or the Administration Commission finding the amendment in compliance with §163.3184, F.S.

**PASSED AND ADOPTED ON SECOND READING BY THE CITY COUNCIL OF CRESTVIEW, FLORIDA ON**

**THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.**

**ATTEST:**

\_\_\_\_\_  
**ELIZABETH M. ROY**

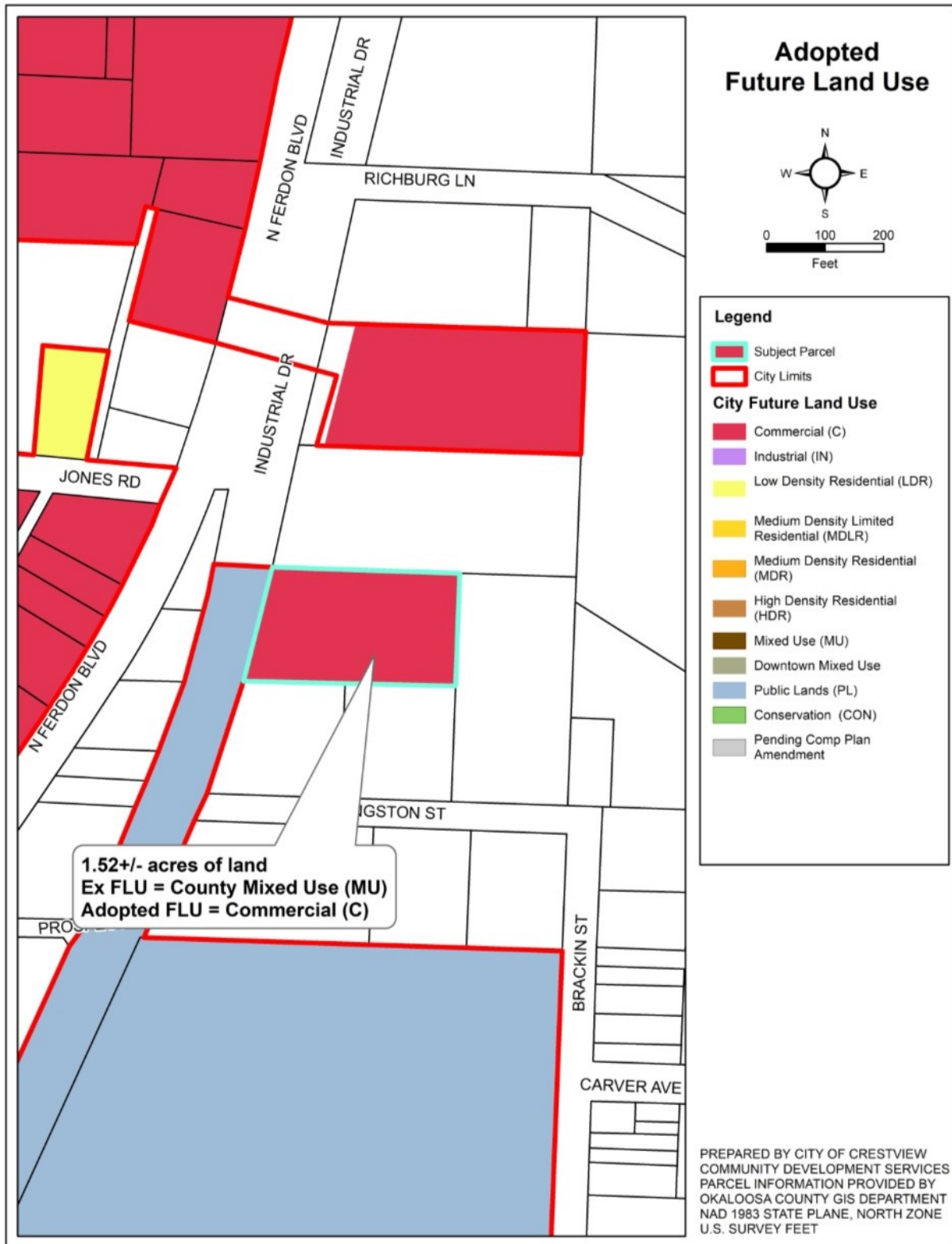
City Clerk

**APPROVED BY ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.**

\_\_\_\_\_  
**J. B. WHITTEN**

Mayor

# EXHIBIT A





# Staff Report

CITY COUNCIL MEETING DATE: April 27, 2020

TYPE OF AGENDA ITEM: Ordinance

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TO: Mayor and City Council  
CC: City Manager, City Clerk, Staff and Attorney  
FROM: Dawn Barnes  
DATE: 4/22/2020  
SUBJECT: Ordinance 1765 - 971 Industrial Rezoning

---

## **BACKGROUND:**

Oakhill Properties LLC has applied for a Zoning Change on a ±1.52-acre parcel of land. The subject property is generally located on the east side of Industrial Drive, between Livingston Street and Jones Road. PIN # 08-3N-23-0530-0001-0020

## **DISCUSSION:**

Staff provided a complete evaluation of the request. The details of this evaluation are found in the staff report attached to agenda item 9.9.

## **GOALS & OBJECTIVES**

This item is consistent with the goals in A New View Strategic Plan 2020 as follows;

**Foundational-** these are the four areas of focus that make up the necessary foundation of a successful local government.

*Financial Sustainability-* Achieve long term financial sustainability.

*Effectiveness & Efficiency-* To efficiently & effectively provide the highest quality of public services.

**Quality of Life-** these six areas focus on the overall experience when provided by the city.

*Opportunity-* Promote an environment that encourages economic and educational opportunity.

## **FINANCIAL IMPACT**

Adoption of the Ordinance could have a small positive financial impact on the City.

## **RECOMMENDED ACTION**

Staff respectfully requests adoption of Ordinance 1765 and move to second reading.

## **Attachments**

None

## **ORDINANCE: 1765**

**AN ORDINANCE OF THE CITY OF CRESTVIEW, FLORIDA, PROVIDING FOR THE REZONING OF 1.52 ACRES, MORE OR LESS, OF REAL PROPERTY, LOCATED IN SECTION 8, TOWNSHIP 3 NORTH, RANGE 23 WEST, FROM THE OKALOOSA COUNTY MIXED USE (MU) ZONING DISTRICT TO THE COMMERCIAL (C-1) ZONING DISTRICT; PROVIDING FOR AUTHORITY; PROVIDING FOR THE UPDATING OF THE CRESTVIEW ZONING MAP; PROVIDING FOR SEVERABILITY; PROVIDING FOR SCRIVENER'S ERRORS; PROVIDING FOR LIBERAL INTERPRETATION; PROVIDING FOR REPEAL OF CONFLICTING CODES AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.**

**BE IT ORDAINED BY THE CITY COUNCIL OF CRESTVIEW, FLORIDA AS FOLLOWS:**

**SECTION 1 – AUTHORITY.** The authority for enactment of this ordinance is Section 166.041, Florida Statutes and Chapter 102, City Code.

**SECTION 2 – PROPERTY REZONED.** The following described 1.52 acres, more or less, of real property lying within the corporate limits of Crestview, Florida, with 1.52 acres, more or less, being formerly zoned Okaloosa County Mixed Use (MU) with the Commercial (C) Future Land Use Map designation recently ratified by the City Council through adoption of Ordinance 1764, is hereby rezoned to the Commercial (C-1) to wit:

**PIN # 08-3N-23-0530-0001-0020**

**A PARCEL OF LAND ("the LAND") LOCATED IN SECTION 8, TOWNSHIP 3 NORTH, RANGE 23 WEST, OKALOOSA COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

**LOTS 2 AND 3, BLOCK 1, COOK'S ADDITION TO CRESTVIEW, AS PER PLAT THEREOF, RECORDED IN PLAT BOOK 1, PAGE 104, OF THE PUBLIC RECORDS OF OKALOOSA COUNTY, FLORIDA.**

**SECTION 3 – MAP UPDATE.** The Crestview Zoning Map, current edition, is hereby amended to reflect the above changes concurrent with passage of this ordinance, which is attached hereto.

**SECTION 4 – SEVERABILITY.** If any word, phrase, sentence, paragraph or provision of this ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this ordinance are declared severable.

**SECTION 5 – SCRIVENER'S ERRORS.** The correction of typographical errors which do not affect the intent of this Ordinance may be authorized by the City Manager or the City Manager's designee, without public hearing, by filing a corrected or re-codified copy with the City Clerk.

**SECTION 6 – ORDINANCE TO BE LIBERALLY CONSTRUED.** This Ordinance shall be liberally construed in order to effectively carry out the purposes hereof which are deemed not to adversely affect public health, safety, or welfare.

**SECTION 7 – REPEAL OF CONFLICTING CODES, ORDINANCES, AND RESOLUTIONS.** All Charter provisions, codes, ordinances and resolutions or parts of charter provisions, codes, ordinances and resolutions or portions thereof of the City of Crestview, in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

**SECTION 8 – EFFECTIVE DATE.** The effective date of this Ordinance shall be the date Comprehensive Plan

**Amendment is adopted by Ordinance # 1764 and becomes legally effective.**

**PASSED AND ADOPTED ON SECOND READING BY THE CITY COUNCIL OF CRESTVIEW, FLORIDA ON  
THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.**

**ATTEST:**

\_\_\_\_\_  
**ELIZABETH M. ROY**

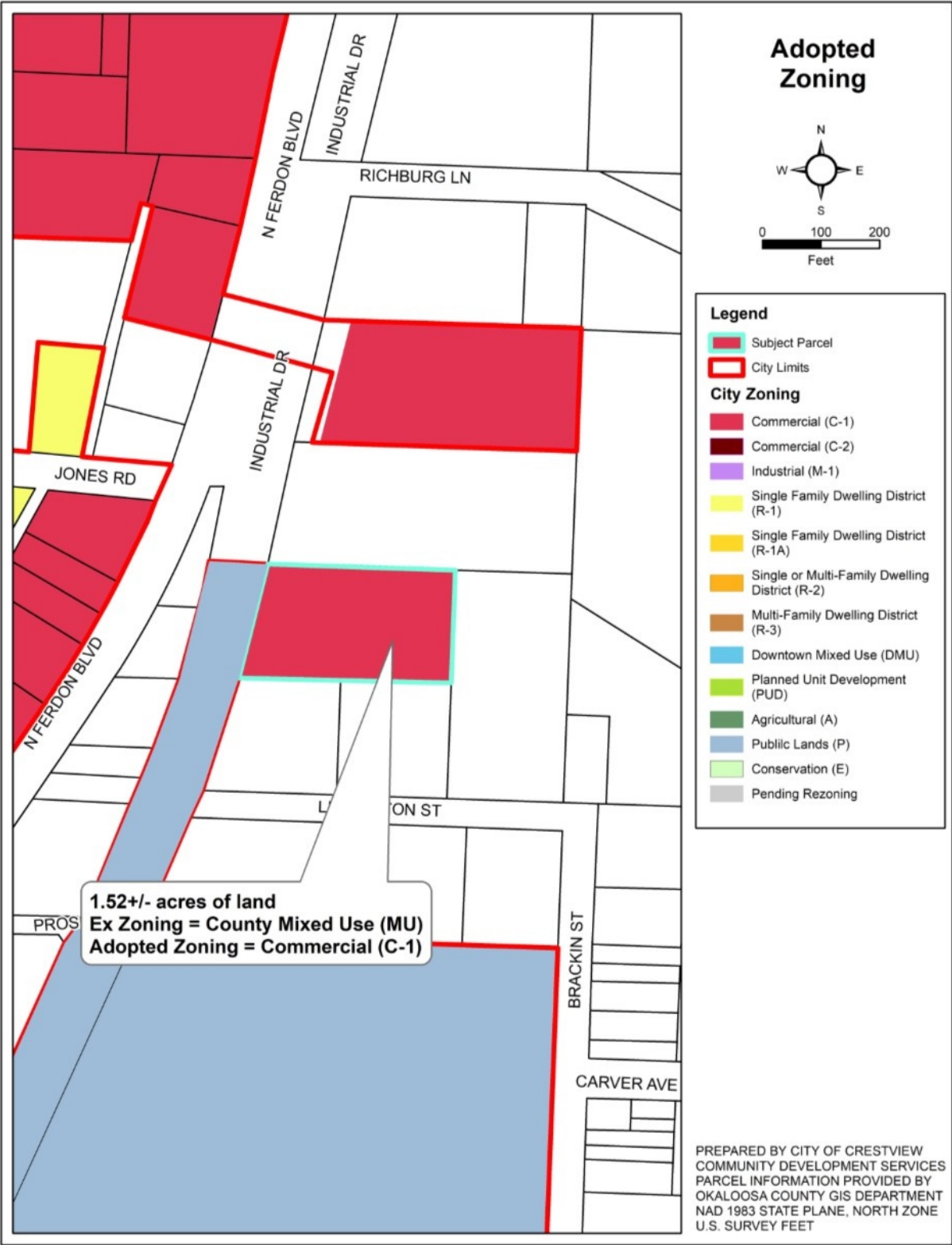
**City Clerk**

**APPROVED BY ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.**

\_\_\_\_\_  
**J. B. WHITTEN**

**Mayor**

EXHIBIT A





# Staff Report

CITY COUNCIL MEETING DATE: April 27, 2020

TYPE OF AGENDA ITEM: Ordinance

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TO: Mayor and City Council  
CC: City Manager, City Clerk, Staff and Attorney  
FROM: Trae Duley, Planner  
DATE:  
SUBJECT: Ordinance 1766 adopting Chapter 3 Administrative Procedures-Land Development Code 2020

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## **BACKGROUND:**

The current Land Development Code is based on code written in part in 1996 and updated sporadically throughout the intervening two decades. During that time, State and Federal statutes and regulations have changed as well as industry best practices. The Code had endeavored to keep up by means of a patchwork of changes and updates.

## **DISCUSSION:**

On March 5th, the City Council and the Local Planning Agency met to discuss a plan to update the Land Development Code.

During the March 5th meeting, city staff laid out a plan to systematically the code.

The item provide herein is Chapter 3 which sill replace article II of the existing code. Chapter 3 will provide a new set of administrative procedures for the implementation of the Land Development Code. The items included in this chapter include but are not limited to;

- Establishes the Planning and Development Board to serve as the Local Planning Agency (LPA). Chapter 3 further establishes the powers/ duties for this board. The establishment of this board is one of the more significant changes from the previous code. The board will consist of five (5) regular members, two (2) ex officio members and two (2) alternate members. The duties of the board have expanded as well. The members of the Board will be appointed by City Council and will serve at the pleasure of the council.
- In section 3-10, the chapter clearly defines the decision makers for every type of issue that may come up in the development or enforcement process as it relates to the Land Development Code.
- Chapter 3 also provides a clear and concise guidance for the classification of development and procedures for review.
- Table 3-11.2 provides an expected timeline for development review and approval. This is new to the code completely and will help everyone involved to understand the time necessary to complete the review process.
- The chapter establishes public notice requirements.
- Administrative deviations from the code have been addressed in section 3-17. This section provides a clear scope for this process.
- The chapter additionally provides for a clear set of standards for applications. Setting this requirement in the code will help applicants and staff to become more efficient in the permitting process.



The above list is not a comprehensive list of items included within chapter 3, but is intended to point out some of the significant changes. The format and adoption of this chapter will greatly increase the efficiency of the review process as demonstrated in Table 3-11.2.

### **GOALS & OBJECTIVES**

This item is consistent with the goals in A New View Strategic Plan 2020 as follows;

**Foundational-** these are the areas of focus that make up the necessary foundation of a successful local government.

*Organizational Capacity, Effectiveness & Efficiency-* To efficiently & effectively provide the highest quality of public services

*Infrastructure-* Satisfy current and future infrastructure needs

*Communication-* To engage, inform and educate public and staff

**Quality of Life-** these areas focus on the overall experience when provided by the city.

*Community Character-* Promote desirable growth with a hometown atmosphere

*Safety-* Ensure the continuous safety of citizens and visitors

*Opportunity-* Promote an environment that encourages economic and educational opportunity

### **FINANCIAL IMPACT**

This should have no financial impact on the existing City budget.

### **RECOMMENDED ACTION**

Staff respectfully requests approval of Ordinance 1766 on first reading and move to the second reading.

### **Attachments**

1. Administrative Procedures Article Working
2. Adoption Schedule-COVID-19 Revised

## **ORDINANCE: 1766**

**AN ORDINANCE OF THE CITY OF CRESTVIEW, FLORIDA, REPEALING AND REPLACING THE CURRENT CHAPTER 102 LAND USE REGULATIONS, ARTICLE II – ADMINISTRATION WITH A NEW LAND DEVELOPMENT CODE, CHAPTER 3, ADMINISTRATIVE PROCEDURES; PROVIDING FOR AUTHORITY; PROVIDING FOR REPEAL OF ALL CHAPTER 102 LAND USE REGULATIONS ARTICLES OR PARTS OF ARTICLES, ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR ENACTMENT OF THE NEW LAND DEVELOPMENT CODE 2020, CHAPTER 3 - ADMINISTRATIVE PROCEDURES; PROVIDING FOR COMPLIANCE WITH STATE OF FLORIDA STATUTE; PROVIDING FOR SEVERABILITY; PROVIDING FOR SCRIVENER’S ERRORS; PROVIDING FOR LIBERAL INTERPRETATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**BE IT ORDAINED BY THE CITY COUNCIL OF CRESTVIEW, FLORIDA AS FOLLOWS:**

**SECTION 1 – AUTHORITY.** The authority for enactment of this ordinance is Chapter 163, Florida Statutes, and Section 2 of the City Charter.

**SECTION 2 – REPEAL AND REPLACE.** This Ordinance will repeal all of Chapter 102 – Land Use Regulations, Article II. Administration. A new Land Development Code part of the City Charter will be created and Chapter 3 Administrative Procedures added.

**SECTION 3 – ENACTMENT.** The new Chapter 3 Administrative Procedures of the Land Development Code will be enacted upon the effective date of this Ordinance.

**SECTION 4 – COMPLIANCE WITH STATE OF FLORIDA STATUTE.** This Ordinance and the new Chapter 3 Administrative Procedures will be subject to all applicable State of Florida Statutes.

**SECTION 5 – SEVERABILITY.** If any word, phrase, sentence, paragraph or provision of this ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this ordinance are declared severable.

**SECTION 6 – SCRIVENER’S ERRORS.** The correction of typographical errors which do not affect the intent of this Ordinance may be authorized by the City Manager or the City Manager’s designee, without public hearing, by filing a corrected or re-codified copy with the City Clerk.

**SECTION 7 – ORDINANCE TO BE LIBERALLY CONSTRUED.** This Ordinance shall be liberally construed in order to effectively carry out the purposes hereof which are deemed not to adversely affect public health, safety, or welfare.

**SECTION 8 – REPEAL OF CONFLICTING CODES, ORDINANCES, AND RESOLUTIONS.** All Charter provisions, codes, ordinances and resolutions or parts of charter provisions, codes, ordinances and resolutions or portions thereof of the City of Crestview, in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

**SECTION 9 – EFFECTIVE DATE.** This ordinance shall take effect immediately upon its

**adoption.**

**PASSED AND ADOPTED ON SECOND READING BY THE CITY COUNCIL OF  
CRESTVIEW, FLORIDA ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_,  
2020.**

**ATTEST:**

\_\_\_\_\_  
**ELIZABETH M. ROY**

**City Clerk**

**APPROVED BY ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_,  
2020.**

\_\_\_\_\_  
**J. B. WHITTEN**

**Mayor**

**EXHIBIT A**

**CITY OF CRESTVIEW, FLORIDA**

**LAND DEVELOPMENT CODE**

**CHAPTER 3 – ADMINISTRATION PROCEDURES**

**Sec. 3-1. - Planning and Development Board**

- (a) Pursuant to and in accordance with F.S. § 163.3174 and the Local Government Comprehensive Planning and Land Development Regulation Act, as amended, the City Council finds that land use planning and a continuity of growth management within the City benefits the public's health, safety, and welfare.
- (b) The City Council further finds that this public purpose can best be achieved by establishing the Planning and Development Board, which is established and designated as the Local Planning Agency (LPA) for the City of Crestview.

**Sec. 3-2. - Powers and duties.**

- (a) Pursuant to and in accordance with F.S. § 163.3174 of the Local Government Comprehensive Planning and Land Development Regulation Act, the City Council finds that there is a public purpose in coordinating the planning of the City with the Okaloosa County School Board.
- (b) The Planning and Development Board/Local Planning Agency (hereinafter Board or PDB) shall have the authority and responsibility to review land use in the City and evaluate planning and regulatory methods and systems for resolving physical, economic, social, environmental and fiscal issues. The City Council directs the Board to carry out functions and powers identified in this Land Development Code.
  - 1. The Board shall use the power and authority conferred upon it by this Land Development Code (LDC) to further its stated public purposes.
- (c) The Board shall receive and hear appeals in cases involving the LDC.
- (d) The Board shall receive and hear applications for special exceptions/uses and variances to the terms of this LDC, and grant relief where authorized under this LDC. The Board shall also hear, determine and decide appeals, reviewable interpretations, applications or determinations made by an administrative official in the enforcement of this LDC, as provided herein.
- (e) The Board shall have any other powers or duties delegated by the City Council.

**Sec. 3-3. - Membership; vacancy; compensation.**

- (a) *Membership.* The Board shall consist of five core members. All members shall be residents of the City and will be appointed by a majority vote of the City Council. The term of office for each member shall be three years, or until a successor is appointed. Terms of office shall commence on the first day of March of the year in which appointed.
- (b) *Ex Officio Members.* In addition to the five members, there may be two ex officio members. One may be selected by the Okaloosa County School Board and one may be selected by the Commander at Eglin Air Force Base. Each ex officio member may participate in all discussions of the Board in the same manner and to the same extent as the other members of the Board. The ex officio member may not vote. Each ex officio member may serve at the sole discretion of their represented agency.
- (c) *Alternate Members.* In addition to the five members, two alternate members may be appointed by a majority vote of the City Council to serve as alternates for the term of one year, or until a successor is appointed. Alternate members shall be residents of the City. Alternate members shall substitute for absent members on a rotating basis. When substituting for an absent member, an alternate member may vote and participate in all discussions of the Board in the same manner

and to the same extent as the other members of the Board. When not substituting for an absent member(s), alternate members shall not vote on any matter, but may participate in all discussions in the same manner and to the same extent as the other members. Board members and alternate members shall be subject to any forfeiture of office provisions of the Crestview Code of Ordinances. Whenever a vacancy occurs on the Board, the City Council shall fill the vacancy for the remainder of the term as soon as practicable after the vacancy occurs.

- (d) *Vacancies.* If a vacancy occurs on the Board as the result of a resignation, death, or removal of a member, the senior alternate member shall temporarily fill such vacancy without action by the City Council, until the City Council appoints a successor regular member. In the event both alternates have served for the same continuous period of time then the alternate who is next scheduled to substitute for an absent regular member according to the rotation schedule shall temporarily fill the vacancy until the City Council appoints a successor. In the event that the alternate member dies, resigns, is removed, or becomes a member, the City Council shall promptly appoint a qualified person to the unexpired term of the alternate.
  - 1. In the event a vacancy occurs on the Board; an alternate member may apply to be a regular member in the same manner as other applicants. In the event an alternate member is appointed as a regular member, then such appointment shall simultaneously terminate such person's position as an alternate member. In that event, the City Council may then appoint another person to fill the resulting alternate member vacancy.
- (e) *Attendance.* In the event any member should miss three meetings in a 12-month period without justification, they shall be considered as resigned from the board. In that event, the City Council may then appoint another person to fill the resulting vacancy.
  - 1. Alternate members may be allowed to miss up to five meetings in a 12-month period without justification.
  - 2. In the event of an absence of any member, the Chairman of the Board shall determine if Staff had any contact with the absent member providing the reason for the said absence. With that information the Chairman shall ask for a motion and to excuse or not excuse the absence.
- (f) *Compensation.* Members of the Board shall receive no salary for their services but may receive such travel and other expenses while on official business for the City as are made available by the City Council for these purposes.

#### **Sec. 3-4. - Meetings; Quorum; Required vote.**

- (a) *Meetings.* The Board shall schedule and hold at least one public hearing each month unless there is no business to transact. The Board shall also meet at the call of the chairperson and other times as may be determined by a majority of the Board.
- (b) *Quorum.* Three voting members of the Board shall constitute a quorum for the transaction of business. A smaller number may act only to adjourn meetings for lack of a quorum. The affirmative vote of a majority of the quorum shall be required to pass any action of the Board.
- (c) *Officers.* The Board shall annually elect a chairperson and a vice-chairperson from among its members. All officers shall be elected for one-year terms and shall be eligible for re-election.

#### **Sec. 3-5. - Staff; Attorney.**

- (a) *Staff-* Community Development Services shall provide staff support as necessary to the planning functions of the Board, provide secretarial support for the Board in the execution of its duties, and record and transcribe in summary form, the minutes of all Board meetings.
- (b) Staff shall keep minutes of all meetings and records of all transactions and deliberations. Such minutes and records shall be filed in the appropriate offices of the City and shall be public records.

- (c) *Attorney*- The City Attorney shall serve as legal counsel to the Board.

**Sec. 3-6. - Rules and records.**

- (a) The Board shall adopt its own rules of procedure as deemed necessary; provided such rules shall not be contrary to the spirit and intent of the Land Development Code, to the policies of the City, or to the requirements of the State.
- (b) All meetings of the Board shall be open to the public.
- (c) The Board shall set up rules of procedure to monitor and oversee the effectiveness and status of the Comprehensive Plan in order to make any recommendations to the City Council for revisions to the Comprehensive Plan, consistent with the intent and purpose of the Land Development Code.

**Sec. 3-7 – 3-9. – (Reserved)**

**Sec. 3-10. - Administrative Decision Makers and Enforcement Officers**

- (a) **City Manager.** The City Manager is the chief executive officer for the City of Crestview with ultimate authority over the implementation of these regulations. The City Manager has the authority to delegate his or her authority to City staff as necessary for the effective administration and enforcement of these regulations.
- (b) **Department of Community Development Services.** Community Development Services is the City department charged with administration and enforcement of the Land Development Code.
- (c) **Community Development Services Director.** The Community Development Services Director is responsible for the administration of these regulations. Specifically, the Community Development Services Director is responsible for final approval of Development Order applications and construction authorization. The Community Development Services Director shall have administrative responsibility to interpret the Land Development Code.
- (d) **Public Services Director.** The Public Services Director is charged with the development and maintenance of the City's Code relating to the provision of services including, Potable Water, Sanitary Sewer, Drainage, Recreation and Transportation and implementation related to City maintained facilities. The Public Services Director may establish Engineering Design Standards relating to the design and construction of improvements that consume or otherwise utilize City services.
- (e) **Building Official.** The Building Official is responsible for the implementation of various building codes adopted pursuant to the Florida Building Code and other applicable state statutes. The Building Official issues building permits and certificates of occupancy, upon a determination by the City of compliance of permit applications with the City regulations and any prior approvals by the City.
- (f) **Planning Administrator.** The Planning Administrator is responsible for duties under this Code or as assigned by the Community Development Services Director. The Planning Administrator shall be responsible for receiving and reviewing for completeness and sufficiency and for coordinating review of applications for Subdivision and Planned Unit Development approvals, Development Order applications and for coordinating review of said applications, review and approval of Development Permits, Zoning Compliance Certificates, and other forms of development.
- (g) **Compliance Administrator.** The Compliance Administrator is responsible for the enforcement of the City of Crestview's Code of Ordinances, Florida Statute 162 and various state statutes. The Compliance Administrator issues Notices of Violation, Correction Notices, Stop Work Orders, Notices of Hearing, Notices of Compliance, and Notices of Non-Compliance to both the public and private sectors regarding violations of the Land Development Code, Code of Ordinances and various state statutes.

## **Sec. 3-11. - Administration and Procedures**

### **(a) Purpose.**

1. The purpose of this Section is to establish the standards and procedures for review of proposed development within the City of Crestview. This section also provides the development review processes that implement the goals, objectives, and policies of the City of Crestview Comprehensive Plan and the other regulations of this Land Development Code.

### **(b) Classification of Development Review Procedures**

1. All development applications are subject to review requirements outlined in this Section.
2. Development applications are classified according to the decision-making authority for each type of application, as set forth below.
3. *Administrative*. The following development applications shall be treated as administrative decisions:
  - a. Zoning or Flood Zone Verification Letters
  - b. Administrative Interpretations & Similar Use Determinations
  - c. Sign Permits
  - d. Lot Splits and lot line adjustments
  - e. Special Exception Uses
  - f. Administrative Deviations
  - g. Development Orders
  - h. Development Permits
  - i. Preliminary Subdivision Plans
  - j. Temporary Use Permits
  - k. Business Tax Receipts
  - l. Minor Re-plats
  - m. Alcohol Beverage License Review
4. *Quasi-judicial*. The following shall be treated as quasi-judicial decisions:
  - a. Variances
  - b. Vacations – Easement/Lot/Plat
  - c. Final Plats
  - d. PUDs and PUD Amendments – Major
  - e. Zoning Changes (Rezoning's)
  - f. Appeals
5. *Legislative*. The following shall be treated as legislative decisions:
  - a. Annexations
  - b. Land Development Code Text Amendments
  - c. Comprehensive Plan Text Amendments
  - d. Future Land Use Map Amendment

### **(c) Development Approval Process; Table 3-11.1**

1. Table 3-11.1 shows the development review process, the decision-making authority for each type of development approval, and the appeal authority for each type of decision



| Table 3-11.1 Development Approval and Required Notice |                                            |                                                             |                |                |    |          |                 |          |        |  |
|-------------------------------------------------------|--------------------------------------------|-------------------------------------------------------------|----------------|----------------|----|----------|-----------------|----------|--------|--|
| Decision Maker                                        |                                            |                                                             | Recommendation | Decision Maker |    |          | Required Notice |          |        |  |
| PA                                                    | Planning Administrator                     |                                                             |                |                |    |          | Published       | Mailed   | Posted |  |
| DIR                                                   | Director of Community Development Services |                                                             |                |                |    |          |                 |          |        |  |
| PDB                                                   | Planning and Development Board             |                                                             |                |                |    |          |                 |          |        |  |
| CC                                                    | City Council                               |                                                             |                |                |    |          |                 |          |        |  |
| Cir.Crt.                                              | Circuit Court                              |                                                             |                |                |    |          |                 |          |        |  |
| Application Type                                      |                                            |                                                             |                |                |    |          |                 |          |        |  |
| Administrative                                        | a                                          | Zoning or Flood Zone Verification Letters                   |                | PA             |    |          |                 |          |        |  |
|                                                       | b                                          | Administrative Interpretations & Similar Use Determinations |                | DIR            |    |          |                 |          |        |  |
|                                                       | c                                          | Sign Permits                                                |                | PA             |    |          |                 |          |        |  |
|                                                       | d                                          | Lot Splits and lot line adjustments                         |                | PA             |    |          |                 |          |        |  |
|                                                       | e                                          | Special Exception Uses <sup>1</sup>                         | PA             | DIR            |    |          |                 |          | X      |  |
|                                                       | f                                          | Administrative Deviations                                   | PA             | DIR            |    |          |                 |          |        |  |
|                                                       | g                                          | Development Orders                                          | PA             | DIR            |    |          |                 |          | X      |  |
|                                                       | h                                          | Development Permits                                         |                | PA             |    |          |                 |          |        |  |
|                                                       | i                                          | Preliminary Subdivision Plans                               | PA             | DIR            |    |          |                 |          | X      |  |
|                                                       | j                                          | Temporary Use Permits                                       |                | PA             |    |          |                 |          |        |  |
|                                                       | k                                          | Business Tax Receipts                                       |                | PA             |    |          |                 |          |        |  |
|                                                       | l                                          | Minor Re-plat                                               | PA             | DIR            |    |          |                 |          |        |  |
|                                                       | m                                          | Alcohol Beverage License Review                             |                | PA             |    |          |                 |          |        |  |
|                                                       |                                            | Appeals of Administrative Decisions <sup>2</sup>            | DIR            | PDB            | CC | Cir.Crt. |                 |          | X      |  |
| Quasi-Judicial                                        | a                                          | Variances                                                   | DIR            | PDB            |    |          | X               | X        | X      |  |
|                                                       | b                                          | Vacations – Easement/Lot/Plat                               | PDB            | CC             |    |          | X               | X        | X      |  |
|                                                       | c                                          | Final Plats                                                 | PDB            | CC             |    |          | X               |          |        |  |
|                                                       | d                                          | PUDs and PUD Amendments - Major                             | PDB            | CC             |    |          | X               | X        | X      |  |
|                                                       | e                                          | Zoning Changes (Rezoning)                                   | PDB            | CC             |    |          | X               | X        | X      |  |
|                                                       | f                                          | Appeals of Quasi-Judicial Decisions <sup>3</sup>            | PDB            | CC             |    |          | X               | Cir.Crt. | X      |  |
| Legislative                                           | a                                          | Annexations                                                 | PDB            | CC             |    |          | X               | X        | X      |  |
|                                                       | b                                          | LDC Text Amendments                                         | PDB            | CC             |    |          | X               |          |        |  |
|                                                       | c                                          | Future Land Use Map Amendments                              | PDB            | CC             |    |          | X               | X        | X      |  |
|                                                       | d                                          | Comprehensive Plan Text Amendments                          | PDB            | CC             |    |          | X               |          |        |  |
|                                                       |                                            | Appeals of Legislative Decisions <sup>4</sup>               | CC             | Cir.Crt.       |    |          |                 |          |        |  |

Table 3-11.1 Supplemental Notes

1. Special Use Exceptions: more information can be found at 3-34.
2. Appeals of Administrative Decisions: more information can be found at 3-12.
3. Appeals of Quasi-Judicial Decisions: more information can be found at 3-11(k).
4. Appeals of Legislative Decisions: more information can be found at 3-11(k).

**(d) Application submittals.**

1. Unless otherwise indicated by a specific provision of this Chapter, the applicant for a development order, permit, or approval under this Code must be the owner of the property that is the subject of the application or a duly authorized agent of the owner. An applicant who is a contract purchaser must provide proof that the applicant is an authorized agent for the property owner.
  - i. For applications to vacate any portion of a platted subdivision, the Homeowners Association (HOA) must provide their approval in writing.
  - ii. Unless otherwise indicated by a specific provision of this Chapter or another City ordinance or regulation, applications for development orders, permits and approvals under this Chapter shall be submitted to Community Development Services.
2. Applications shall contain all information required for the type of application being submitted and shall include all plans, data and supporting documentation as required under this code or specified within the application form(s).
3. Community Development Services shall establish application forms and submittal requirements for all development applications referenced in this Article.
4. Proof of Public Notice shall be required in accordance with Table 3-11.2.
  - i. A Public Notice sign, provided by the Department, shall be posted in a conspicuous location on the proposed development site.
  - ii. The Public Notice sign shall consist of the following:
    - a) A statement that the use or appearance of the property is subject to change.
    - b) A brief description of the proposed development activity.
    - c) A statement indicating the proposed development is under consideration by the City.
    - d) The contact information for Community Development Services.
5. Applications for various approvals and permits may be submitted for concurrent or simultaneous review.
  - i. Development order applications and permit applications may be submitted upon adoption of an annexation ordinance but will not be approved until the Comprehensive Plan amendment and zoning change ordinances are adopted.
6. The Community Development Services Director shall have the discretion to require a PDB review of a development order application, or development permit review for development of buildings, structures, improvements and installations when the director or the City Attorney deems that such review is necessary to protect due process or in cases where a conflict may exist.

**(e) Pre-application meetings.**

1. Pre-application meetings are required for all Subdivision Development and Planned Unit Development (PUD) applications.

- i. All other applications for development do not require a pre-application meeting. However, they are highly encouraged.
2. Upon request of an applicant, the Director or designee, may schedule a pre-application meeting with applicants and appropriate City staff, for the purpose of reviewing a proposed development prior to the formal submission of an application.
3. The pre-application meeting shall be informal, and its purpose shall be to discuss the proposals, views, and concepts of the applicant. The purpose is also to discuss whether any additional information will be required.
  - i. Failure of staff to identify any required permits, procedures, or improvements at a pre-application meeting shall not relieve the applicant of any such requirements or constitute waiver of the requirement by the decision-making body.
4. At the pre-application meeting staff will:
  - i. Review the proposed project and any preliminary plans with the applicant.
  - ii. Discuss and inform the applicant about the zoning requirements relevant to the proposal, information necessary for an application, and the approval process(es) for the development. This does not preclude the department from requesting additional information or waiving certain requirements for information later during the review process.
  - iii. Advise the applicant whether the proposed project conforms to the Comprehensive Plan or the requirements of this Chapter.
5. Any recommendations or determinations reached during pre-application meetings are purely advisory and shall not be binding.

**(e) Fees Required.**

1. Each applicant for a development order, permit, approval, variance or appeal under this Article shall be required to pay any application fee(s) as established by resolution.

**(f) Complete Applications Required.**

1. No application for a development order, permit, approval, variance or appeal under this Article shall be accepted or reviewed by staff that does not include all required application materials and the required application fee(s). The burden of providing complete and accurate information required by Community Development Services for each type of application shall be on the applicant.

**(g) Determination of Completeness.**

1. When an application for development order, permit, approval, variance or appeal is submitted, the Planning Administrator, or designee, where applicable, shall determine whether the application is complete and in conformance with this Land Development Code and Comprehensive Plan.
2. All applications shall be reviewed for completeness within ten days of receipt. If the application does not meet the requirements of this Article, the department shall notify the applicant or agent in writing, to include electronic messaging, stating the additional information required or the modification(s) necessary for conformance with the code.
3. No further action shall be taken on any application unless and until the additional information is submitted and determined to be complete by the administrator.
4. If the deficiency has not been remedied within sixty days of receipt of notice thereof, the application shall be automatically voided, and the Planning Administrator shall return the application to the applicant.

5. Review. When an application for development order, permit, approval, variance or appeal is determined to be complete, the department shall notify the applicant, and commence review and processing of the application in accordance with this Code.

**(h) Review for Sufficiency and Code Requirements.**

1. Once an application is determined to be complete, City staff shall review the application, consult with other agencies, issue comments to the applicant, consult with the applicant as necessary, and determine if the application and supporting materials are sufficient to proceed forward.
2. Sufficiency determination timelines will vary dependent upon the application type.
3. For the purposes of this section, "sufficiency" shall constitute an analysis of the application to ascertain if the application:
  - i. Meets the stated objective requirements of the Comprehensive Plan, this Code, and the City Code of Ordinances; and
  - ii. Includes the necessary analysis and information, in sufficient detail, to enable the decision-making body or official to make the necessary determinations under the Comprehensive Plan and this Code.
  - iii. The sufficiency and code requirements set forth herein shall be used by the City to evaluate the demands created on public services and facilities by a proposed development, as required by this code and the Comprehensive Plan, to ensure level of service standards. The following public services and facilities shall be evaluated:
    - a) Potable water;
    - b) Sanitary Sewer;
    - c) Stormwater and Drainage facilities;
    - d) Environmentally sensitive lands;
    - e) Parks and open space;
    - f) Police and Fire protection;
    - g) Solid waste;
    - h) Transportation facilities.
4. If an application is determined to be insufficient, staff shall notify the applicant or agent in writing, to include electronic messaging, stating the additional information required or the modification(s) necessary.
5. No further action shall be taken on an application which is determined to be insufficient until the insufficiencies are resolved. If the insufficiencies have not been remedied within sixty days, the Planning Administrator may void the application.

**(i) Decision-making.**

1. *Administrative approvals.* Upon determination that an application and all supporting information are sufficient to render a decision, the Planning Administrator, or designee, shall prepare a report and recommendation to the Director. The Director shall take administrative action required by this code and approve the application, approve the application with conditions, or deny the application.
2. *Quasi-judicial and Legislative approvals.* Upon determining that an application and all supporting information are sufficient to render a decision and any inadequacies have been resolved, the Director or designee shall prepare a report and recommendation to the appropriate decision-making or recommending body.

**Table 3-11.2 - Application Timelines <sup>1, 2</sup>**

| Application Types                  | Application Received | Determine Completeness | Response to Applicant | Applicant Resolve Deficiencies | Technical Review | Response to Applicant | Applicant Revisions <sup>3</sup> | Resubmittal <sup>3</sup> | Resubmittal Review <sup>3</sup> | Approval or Denial – or Resubmittal <sup>3</sup> | Minimum Days | Maximum Days |
|------------------------------------|----------------------|------------------------|-----------------------|--------------------------------|------------------|-----------------------|----------------------------------|--------------------------|---------------------------------|--------------------------------------------------|--------------|--------------|
| Annexations                        | Day 1                | Day 2                  | Day 3                 | Day 4                          | Days 5-7         | Day 8                 | Days 9-11                        | Day 12                   | Days 13-15                      | Day 16                                           | 10           | 16           |
| Comprehensive Plan Text Amendments | Day 1                | Days 2-3               | Day 4                 | Days 5-19                      | Days 20-34       | Day 35                | Days 36-50                       | Day 51                   | Days 52-66                      | Day 67                                           | 15           | 67           |
| Supplemental Standards             | Day 1                | Days 2-3               | Day 4                 | Days 5-19                      | Days 20-34       | Day 35                | Days 36-50                       | Day 51                   | Days 52-66                      | Day 67                                           | 15           | 67           |
| Development Order                  | Day 1                | Days 2-4               | Day 5                 | Days 6-20                      | Day 21-35        | Day 36                | Days 37-67                       | Day 68                   | Days 69-83                      | Day 84                                           | 15           | 84           |
| Final Plats                        | Day 1                | Days 2-3               | Day 4                 | Days 5-19                      | Days 20-34       | Day 35                | Days 36-50                       | Day 51                   | Days 52-66                      | Day 67                                           | 15           | 67           |
| Future Land Use Maps Amendments    | Day 1                | Day 2                  | Day 3                 | Day 4                          | Days 5-7         | Day 8                 | Days 9-11                        | Day 12                   | Days 13-15                      | Day 16                                           | 10           | 16           |
| LDC Text Amendments                | Day 1                | Days 2-3               | Day 4                 | Days 5-19                      | Days 20-34       | Day 35                | Days 36-50                       | Day 51                   | Days 52-66                      | Day 67                                           | 15           | 67           |
| Planned Unit Development           | Day 1                | Days 2-4               | Day 5                 | Days 6-20                      | Day 21-51        | Day 52                | Days 53-113                      | Day 114                  | Days 115-145                    | Day 146                                          | 70           | 146          |
| Preliminary Subdivision Plans      | Day 1                | Days 2-4               | Day 5                 | Days 6-20                      | Day 21-41        | Day 42                | Days 43-103                      | Day 104                  | Days 104-134                    | Day 135                                          | 70           | 135          |
| Special Exception Uses             | Day 1                | Day 2                  | Day 3                 | Day 4                          | Days 5-7         | Day 8                 | Days 9-11                        | Day 12                   | Days 13-15                      | Day 16                                           | 10           | 16           |
| Vacations – ROW/Esmnt/Plat         | Day 1                | Day 2                  | Day 3                 | Day 4                          | Days 5-7         | Day 8                 | Days 9-11                        | Day 12                   | Days 13-15                      | Day 16                                           | 10           | 16           |
| Variances                          | Day 1                | Day 2                  | Day 3                 | Day 4                          | Days 5-7         | Day 8                 | Days 9-11                        | Day 12                   | Days 13-15                      | Day 16                                           | 10           | 16           |

|                |       |       |       |       |             |       |              |           |               |           |    |    |
|----------------|-------|-------|-------|-------|-------------|-------|--------------|-----------|---------------|-----------|----|----|
| Zoning Changes | Day 1 | Day 2 | Day 3 | Day 4 | Days<br>5-7 | Day 8 | Days<br>9-11 | Day<br>12 | Days<br>13-15 | Day<br>16 | 10 | 16 |
|----------------|-------|-------|-------|-------|-------------|-------|--------------|-----------|---------------|-----------|----|----|

<sup>1</sup> The Director may extend review periods by notifying the applicant in writing prior to the due date.

<sup>2</sup> The applicant may request an extension to a time period by submitting the request in writing. The request may be approved or denied at the discretion of the Director.

<sup>3</sup> Subsequent resubmittals will follow the same number of days as stated in the above table.

Staff will provide a process calendar upon request to include all relevant dates and deadlines.

**(j) Public Hearing Scheduling and Notice Requirements.**

1. *Scheduling for consideration.* When an application is deemed sufficient pursuant to this LDC, the department shall schedule a public hearing(s). No application shall be scheduled for consideration by the Planning and Development Board (PDB), or City Council until either:
  - i. All deficiencies have been resolved; or
  - ii. The applicant has, in writing, asked to proceed notwithstanding the unresolved deficiencies, guaranteed that any insufficiencies will be resolved prior to development order issuance, and indicate that he or she is fully aware that approval is not guaranteed.
2. *Required notice of public hearings.* When required by this code, notice of public hearings shall be provided by publication of an advertisement in a newspaper of general circulation, mailed notice to surrounding property owners, or posting of the development site pursuant to the requirements of this section.
  - i. Table 3-11.3 summarizes the public hearing notice requirements for the administrative, quasi-judicial and legislative applications under this Code.
3. *Website posting.* When required by this code, notices of public hearings for development applications may be posted on the City of Crestview website. Failure to post an action on the City website shall not constitute a violation of noticing requirements. In addition, information about public notice and public hearings may be posted by the City on social media outlets.
4. *Publication.* When required by this code, publication of advertisements for public hearings shall meet the minimum requirements outlined in the various sections of Florida Statutes pertaining to individual application types and at least ten days prior to any quasi-judicial hearing taking up an application type not governed by Florida Statutes.
5. *Posting.* When required by this code, the application site shall be posted with a notice of the public hearing on a sign provided by Community Development Services at least fourteen days in advance of the first public hearing.
  - i. The number and placement of public notice signs shall be determined by the administrator.
  - ii. The signs shall be removed by the applicant or the City after a final decision.
  - iii. Application types requiring Administrative decision shall require posting, on-site, at least 14 days prior to the final decision.
  - iv. When the Director determines an application requires quasi-judicial review, the on-site posting shall be considered satisfied if not removed until after a final decision.
6. *Mailed notice.* When required by this code, notice of a public hearing on a proposed development application shall be mailed to all owners of real property within three hundred feet of the boundary line of the subject property, whose names and addresses

are listed on the latest published ad valorem tax records of the Okaloosa County Property Appraiser.

7. *Content.* Generally, all public hearing notices shall contain the following information:
  - i. The scheduled date, time, and location of the hearing(s);
  - ii. A general layman's description of the nature of the matter to be addressed;
  - iii. The address of the property or parcel identification number when an address has not been assigned;
  - iv. That persons may appear and be heard;
  - v. That written comments filed with the department will be entered into the record;
  - vi. That the hearing may be continued as necessary;
  - vii. A telephone number and contact for more information;
  - viii. The case number or title of the ordinance under consideration, if applicable; and
  - ix. Such additional information as may be required pursuant to this code or applicable law for specific types of development approval.
8. *Timing of mailed notice.* Notice shall be mailed a minimum of twenty-one days prior to the date set for the first public hearing by first class mail. A copy of the notice shall be available for public inspection during regular business hours at Community Development Services. If the application includes simultaneous or concurrent actions, such as annexation, future land use map amendment and a rezoning, the notice may include all actions.
9. *Electronic Notice.* Community Development Services may, as a courtesy, send an electronic notice to any person(s) or organization(s) in the City, or to any governmental, public, or quasi-public organization(s) regarding any matter that may affect the interests of that person or organization, or on any matter on which any such person or organization has requested notice.
  - i. The failure of the Department to send such notice or the failure of any resident or property owner to receive such courtesy notice shall not affect the validity of the public notice requirements.
10. *Exceptions to Mailing and Posting.* The mailing and posting notice requirements shall not apply to a land use map amendment initiated by the Council, in response to a judicial order or compliance agreement as described by Florida Statutes.
11. *Continued or Rescheduled Meetings.* Notice of subsequent hearings shall be mailed and published in accordance with this section for:
  - i. Any hearing for which the PDB, Community Development Services Director, City Manager, or City Attorney determines new notice should be provided, because of the time elapsed from the original notice, to correct any defect, or apprise affected parties of significant changes to the application as originally noticed;
  - ii. Any hearing continued to an unspecified date, time, and place; or
  - iii. Any hearing where such new notice is required pursuant to applicable law or this Code.

**TABLE 3-11.3 – Development Application Notice Requirements**

| Application Type                           | Notice and Timing Requirements                             |                                                                                                                   |                                                        |
|--------------------------------------------|------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------|
|                                            | Posted Notice                                              | Mailed Notice                                                                                                     | Published Notice                                       |
| <b>Development Order</b>                   | Property posted at least fourteen days prior to decision.  | N/A                                                                                                               | N/A                                                    |
| <b>Preliminary Subdivision Plans</b>       | Property posted at least fourteen days prior to decision.  | N/A                                                                                                               | N/A                                                    |
| <b>Special Events</b>                      | Property posted at least fourteen days prior to decision.  | N/A                                                                                                               | N/A                                                    |
| <b>Appeals of Administrative Decisions</b> | N/A                                                        | N/A                                                                                                               | Published at least ten days prior to public hearing.   |
| <b>Variances</b>                           | Posted at least ten days prior to the public hearing.      | Sent first-class at least ten days prior to the public hearing                                                    | Published at least ten days prior to public hearing.   |
| <b>Special Exception Uses</b>              | Posted at least ten days prior to the public hearing.      | Sent first-class at least ten days prior to the public hearing                                                    | Published at least ten days prior to public hearing.   |
| <b>Vacations – ROW/Easement/Lot/Plat</b>   | Posted at least ten days prior to the public hearing.      | Sent first-class to all affected property owners at least ten days prior to the public hearing                    | Published at least ten days prior to adoption hearing. |
| <b>Planned Unit Development</b>            | Posted at least ten days prior to the public hearing.      | Sent first-class to all property owners within three hundred feet, ten days prior to first public hearing.        | Published in conformance with Florida Statutes         |
| <b>Zoning Changes</b>                      | Posted at least fourteen days prior to the public hearing. | Sent first-class to all property owners within three hundred feet, twenty-one days prior to first public hearing. | Published in conformance with Florida Statutes         |
| <b>Appeals of Quasi-Judicial Decisions</b> | N/A                                                        | N/A                                                                                                               | Published at least ten days prior to public hearing.   |
| <b>Annexations</b>                         | Posted at least fourteen days prior to the public hearing. | Sent first-class to all property owners within three hundred feet, twenty-one days prior to first public hearing. | Published in conformance with Florida Statutes         |
| <b>Final Plats</b>                         | Posted at least ten days prior to the public hearing.      | Sent first-class to all property owners within three hundred feet, ten days prior to first public hearing.        | Published in conformance with Florida Statutes         |
| <b>LDC Text Amendments</b>                 | N/A                                                        | N/A                                                                                                               | Published in conformance with Florida Statutes         |
| <b>Future Land Use Maps Amendments</b>     | Posted at least fourteen days prior to the public hearing. | Sent first-class to all property owners within three hundred feet, twenty-one days prior to first public hearing. | Published in conformance with Florida Statutes         |
| <b>Comprehensive Plan Text Amendments</b>  | N/A                                                        | N/A                                                                                                               | Published in conformance with Florida Statutes         |



**(k) Public Hearing Procedures.**

1. *General.* All public hearings shall be open to the public. Members of the public, with standing, shall be permitted to testify at all public hearings.
2. The applicant may withdraw an application by requesting such withdrawal in writing prior to the commencement of the hearing or by withdrawing the application on the record at the start of the public hearing.
3. *Record of hearings.* The City Clerk, or designee shall attend all hearings, and the City will whenever possible record (audio, video, or both) all hearings. The City shall retain the original recording(s) in accordance with the laws of the State of Florida, and, if requested, provide a duplicate of the recording(s).
4. *Official file.* All written communication received by the decision-making body or staff concerning an application, by the public, and all other documents pertaining to the application shall be filed in the official project file, which shall be maintained by staff.
  - i. The Comprehensive Plan, the City Code of Ordinances, and the Land Development Code shall be deemed to be part of the official file. The official file shall be available for inspection during normal business hours.
5. *Order of public hearings.* The hearing shall, to the extent possible, be conducted as follows:
  - i. The Council President / Mayor shall open the Public Hearing.
  - ii. The City Clerk shall read into the record the ordinance or resolution title and number, or the applicant's name, file number, and the subject matter to be decided if there is no ordinance or resolution.
  - iii. For quasi-judicial hearings, the applicant, staff, and all parties with standing and requesting to speak or present evidence or both at the hearing, shall be collectively sworn in by an oath or affirmation by the City Attorney.
  - iv. The applicant may waive their right to a quasi-judicial or evidentiary hearing if the applicant agrees with staff's recommendation and no one from the audience wishes to speak for or against the application.
  - v. The decision-making body may then vote on the item, rule on the matter or make a recommendation, based upon the staff report and any other materials contained within the official file.
    - a) Regardless of a waiver by the applicant, a public hearing shall be held for all decisions requiring an ordinance or resolution.
  - vi. If there is a quasi-judicial hearing, the order of the presentation shall be as follows, unless the Chair / Mayor determines to proceed in a different order, taking proper consideration of fairness and due process:
    - a) Staff shall make presentation, including offering any documentary evidence, and introduce any witnesses.
    - b) Staff shall have the responsibility of presenting the case on behalf of the city. The staff report shall be made available to the applicant and the decision-making body no later than five business days prior to the quasi-judicial hearing. Staff shall present a brief synopsis of the application; introduce any additional exhibits from the official file that have not already been transmitted to the City Council with the agenda materials, summarize the issues, and make a recommendation on the application.

Staff shall also introduce any witnesses to provide testimony at the hearing.

- c) Public comment. Participants with standing, in opposition to or in support of the application shall make their presentation in any order as determined by the Chair / Mayor. The Chair / Mayor may set time limits for testimony when deemed appropriate. All participants with standing will be afforded an opportunity to speak.
  - d) Public at large. The general public, those members without standing in the quasi-judicial proceedings, shall be afforded the opportunity to speak on the subject. Each member of the general public wishing to speak shall present their argument in less than three minutes.
  - e) For hearings on quasi-judicial matters only, the applicant may cross-examine any witness and respond to any testimony presented.
  - f) For hearings on quasi-judicial matters only, staff may cross-examine any witness and respond to any testimony presented.
  - g) The Chair / Mayor may choose to allow participants to respond to any testimony if he or she deems the response to be essential in ensuring fairness and due process.
  - h) Members of the Planning and Development Board or City Council may ask any questions of the staff, applicant, and participants.
  - i) Final argument may be made by the applicant, related solely to the evidence in the record.
  - j) Final argument may be made by the staff, related solely to the evidence in the record.
  - k) For good cause shown, the PDB or City Council may grant additional time to any of the above time limitations.
  - l) The Chair or Mayor shall keep order, and without requiring an objection, may direct a party conducting the direct examination or the cross-examination to stop a particular line of questioning that, in the sole judgment of the Chair or Mayor merely harasses, intimidates, or embarrasses the individual testifying or being cross-examined; is unduly repetitious, is not relevant; or is beyond the scope of the application or, in the case of cross-examination, is beyond the scope of the testimony by the individual being cross-examined. If the party conducting the direct examination or cross-examination continues to violate directions from the Chair or Mayor to end a line of questioning deemed improper as set forth herein, the Chair or Mayor may terminate the direct examination or the cross-examination.
  - m) The PDB or City Council may, on its own motion or at the request of any person, continue the hearing to a fixed date, time, and place. The applicant shall have the right to one continuance; however, all subsequent continuances shall be granted at the sole discretion of the PDB or City Council.
- vii. *Decisions.* For all quasi-judicial hearings in which a decision is made regarding an application for any development order or development permit, the decision to approve or deny shall be based on the application meeting all applicable requirements of the Comprehensive Plan, the City Code of Ordinances, and the Land Development Code, based on the entirety of the record before the PDB or

City Council. The PDB or Council decisions must be based upon competent substantial evidence in the record.

6. *Rules of Evidence for quasi-judicial hearings.*

- i. The decision-making body shall not be bound by the strict rules of evidence and shall not be limited only to consideration of evidence which would be admissible in a court of law.
  - ii. The Chair or Mayor may exclude evidence or testimony that is not relevant, material, or competent or testimony which is unduly repetitious or defamatory.
  - iii. The Chair or Mayor, with the advice of the City Attorney, will determine the relevancy of evidence.
  - iv. Matters relating to an application's consistency with the Comprehensive Plan, the City Code of Ordinances, or the Land Development Code will be presumed to be relevant and material.
  - v. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence, but it shall not be sufficient by itself to support a finding unless it would be admissible over objection in court.
  - vi. Documentary evidence may be presented in the form of a copy of the original, if available. A copy shall be made available to the decision-making body and to the staff no later than three business days prior to the hearing on the application. Upon request, the applicant and staff shall be given an opportunity to compare the copy with the original. Oversized exhibits shall be copied and reduced for convenient record storage.
  - vii. Only the applicant, an authorized representative of the applicant, staff, and the decision-making body shall be entitled to conduct cross-examination when testimony is given, or documents are made part of the record.
  - viii. The City Attorney shall represent the decision-making body and advise it as to procedures to be followed.
  - ix. The PDB or City Council shall take judicial notice of all state and local laws, ordinances, and regulations and may take judicial notice of such other matters as are generally recognized by the courts of the State of Florida.
  - x. Supplementing the record after the quasi-judicial hearing is prohibited, unless specifically authorized by an affirmative vote of the decision-making body, or authorized under the following conditions:
    - a) The supplementation occurs after a quasi-judicial hearing is continued but prior to final action being taken on the application or appeal.
    - b) If a question is raised by the PDB or City Council at the hearing which cannot be answered at the hearing, the party to whom the question is directed will submit the requested information in writing to the City Clerk and the decision-making body after the quasi-judicial hearing, with copies to the other parties, provided the hearing has been continued or another hearing has been scheduled for a future date and no final action has been taken by the decision-making body. The information requested will be presented to the decision-making body at least two business days prior to the time of the continued hearing.
    - c) All parties and participants shall have the same right with respect to the additional information as they had for evidence presented at the hearing.
7. Final decision. The City Council shall reach a written decision without unreasonable or unnecessary delay. A copy of the decision shall be provided to the City Clerk for

transmission to the applicant, if the applicant is not the City, a copy shall be provided to the Director of Community Development Services and the City Attorney.

8. The Record. All evidence admitted into the record at the hearing, the official file, and the adopted development order, ordinance, or resolution of the City Council or the written decision shall be maintained by the City Clerk and/or Community Development Services.
9. Adjournment. The Chairperson, upon a vote of the majority present may adjourn a hearing to a date certain without the necessity of additional notice. Adjournment to an uncertain date shall require notice as required for the original hearing and by this Land Development Code.
10. Deferrals. If a hearing is concluded, but action is deferred until a future date, formal notice shall not be required prior to action being taken.
11. Joint hearings. Where deemed necessary, joint hearings may be conducted after proper public notice. In such instances, public notice need only be given by one public body, which shall be the City Council in instances where it is one of the hearing bodies.
12. Regularly scheduled public hearing dates. The City Council may establish regular dates for public hearings on zoning amendments. Such dates, if established by the City Council, shall not prevent the City Council from scheduling additional public hearings whenever such public hearings are deemed necessary.
13. Reading of ordinances. Except for ordinances initiated by the City Council which rezone a parcel or parcels of land involving ten or more contiguous acres, or change permitted, special exception, or prohibited use categories in zoning districts, all ordinances shall be read, either by title or in full, on two separate days at a duly noticed public hearing of the City Council.
14. The printed agenda for the meeting at which the quasi-judicial hearing is scheduled to take place shall identify the hearing as quasi-judicial and indicate where copies of the procedures that apply may be obtained.

**(l) Decisions under this Article.**

1. When this Article authorizes the Community Development Services Director, the PDB or City Council to make decisions under this Chapter, that decision shall be made pursuant to this Code of Ordinances and shall make the decision based on whether the application complies with this Article and any regulations authorized by this Code, and will protect the public's health, safety, and welfare.
2. Unless otherwise indicated in a provision of this Article, the Community Development Services Director, PDB, or City Council may approve the application, deny the application, or approve the application subject to conditions as stated in subsection 102-28(o), below.
3. Unless otherwise stated in this Article, or unless a different condition is attached to a development order, permit or approval, development orders, permits and approvals granted under this Article are not affected by changes in ownership or tenancy of the property. However, notice of ownership change and a copy of the deed shall be required.

**(m) Conditions on Approvals.**

1. The Community Development Services Director, PDB, or City Council may attach conditions to any quasi-judicial order, permit or approval under this Chapter, provided the condition is required to bring the development proposed in the application into compliance with the requirements of the Comprehensive Plan or this LDC.
2. The Community Development Services Director, PDB or City Council may also attach conditions to any quasi-judicial development order, permit or approval under this Code, provided the condition is necessary to minimize or ameliorate potential adverse impacts of the development proposal.

- i. Such conditions shall be reasonably related to the actual or potential impact(s) of the specific use, activity, or structure in question.

**(n) Appeals.**

1. *Review by the Director.* Applicants for administrative orders, permits and approvals may request a formal review by the Community Development Services Director, within seven days of the date the administrative decision was made. The request for review shall be accompanied by the approval or denial document, a detailed explanation of the reason(s) proposed for reversal of decision, required fees and any relevant documents related to the review as determined by the Planning Administrator. Upon formal request for review, the Administrator shall review the relevant standards and present a written finding to the Community Development Services Director.
  - i. The request for review shall be considered by the Community Development Services Director within ten days of submittal of a complete request.
  - ii. The Community Development Services Director may consult with the City Attorney's office on the matter.
  - iii. The Director shall provide a written determination to affirm the staff decision, grant the relief requested in the review, with or without conditions, or respond to the applicant or respective manager for further information, documentation, or proceedings. The written determination by the Director shall be the final administrative decision.
2. *Appeals of Community Development Services Director decisions (Administrative Appeal).* An applicant desiring to appeal a decision of the Community Development Services Director, shall, within ten days from the date of such decision, file a written Notice of Appeal with Community Development Services. The appeal shall then be heard by the PDB, acting as the Board of Adjustment, at a regularly scheduled meeting, provided there is sufficient time to review the appeal and provide the required public notice.
  - i. A staff or Director's recommendation is not a decision and is not appealable.
3. *Appeals from decisions of the City Council or PDB.* An action to review any decision of the City Council or PDB under these regulations may be taken by any person or persons aggrieved by such decision by presenting to the Circuit Court a petition for issuance of a Writ of Certiorari, duly certified, setting forth that such decision is illegal, in whole or in part, certifying the grounds of the illegality, provided same is done in the manner and within the time provided by Florida Rules of Appellate Procedure.
4. *Stay of proceedings.* An appeal shall stay all proceedings in the matter appealed from until the final disposition of the appeal by the City Council or PDB. The pendency of an appeal shall toll all time periods applicable to the decision which is subject to appeal until final disposition of the appeal by the City Council or PDB with regard to the appeal.
5. *Record.* The record to be considered in the appeal shall include any application, exhibits, appeal papers, written objections, waivers, or consents considered by staff, the PDB, or City Council, as well as transcripts and recordings taken at a public hearing, the PDB or City Council minutes, and resolutions or ordinances showing the decision or action being appealed. The record shall also include the record made as a result of any prior applications for development approval on the same property. The City Clerk shall identify all exhibits used at the hearing. All exhibits so identified or introduced shall be a part of the City record.

**(o) General Review Procedures**

1. *General Requirements for all applications.*

- i. Applications for orders, permits or approvals shall be submitted on forms supplied by the Department and any required supporting documentation, plans, or materials required by this Code or specified within the application form(s).
- ii. Applications shall include any required fee(s) as established by the City Council.
- iii. Incomplete applications will not be accepted.
- iv. Before any use of land, building, or structure is established or any established use of land, building, or structure is changed to a different use than that identified in a previously-issued certificate of occupancy, a zoning compliance certificate under this code, or a business tax receipt for the property, the person seeking to establish the use must obtain a zoning compliance certificate.
  - a) Failure to secure a zoning compliance certificate before establishing a use of land, building, or structure or before changing the use of the property from the previously recognized use to another use, shall be a violation of this Code, and punishable as such.
- 2. *Withdrawal of applications.* An applicant may withdraw an application at any time by submitting a letter of request to the department or providing testimony of the requested withdrawal in a public hearing.
- 3. *Effective date.* All permits shall take effect on the day following the expiration of any appeal period as provide in this Code.
- 4. *Reliance on permits during pendency of appeals.* Any action(s) taken by a permittee during the pendency of an administrative or quasi-judicial appeal shall be at the sole risk of the permittee.

**Sec. 3-12. - Specific Review Procedures - Administrative Orders, Permits and Approvals**

- (a) The following sections outline the various application types and approvals which shall be reviewed, considered and either approved, approved with conditions, or denied through administrative decision. Administrative decisions shall be made by the Community Development Services Director.
- (b) At the Director's discretion, when he or she finds a discrepancy in the code or a special condition of the application, may forward any application to the PDB for additional review and decision.

**Sec. 3-13. - Zoning Verification Letter or Flood Verification Letter.**

- (a) *Purpose and Intent.*
  - 1. Zoning Verification Letter. To provide an official determination of the zoning of specific property.
  - 2. Flood Zone Verification Letter. To provide an official determination of the FEMA Flood zone, as shown on the Flood Insurance Rate Map (FIRM) for specific property.
- (b) *Review Criteria.*
  - 1. The Department will review the applicable City records, maps, and any supporting information and issue a Zoning or Flood Zone verification letter.
  - 2. Verification letters are valid for the date upon which they are issued and may be subject to change.
  - 3. Zoning verification letter issuance shall require payment of an administrative fee as established by City Council.

**Sec. 3-14. - Administrative Interpretations and Similar Use Determinations.**

- (a) *Purpose and Intent.*

1. To determine whether a proposed use, activity, or site design complies with the comprehensive plan.
2. To interpret specific comprehensive plan policies.
3. To interpret whether a proposed use, activity, or site “design” complies with the LDC.
4. To determine how specific code requirements may apply to a site or a development proposal when application of such requirements is not explicitly set forth in the LDC.
5. To interpret the application of conditions of approval.
6. To determine whether a proposed use that is not otherwise classified as permitted, or permitted by special use exception, in a zoning district or is not currently defined in this code, may be classified as a similar use.

(b) *Review Criteria.*

1. To determine whether a proposed use activity or site design complies with specific provisions of the comprehensive plan and is in keeping with the spirit and intent of the comprehensive plan.
2. Consistency with the Land Development Code.
3. Whether the proposed use or activity complies with required policies and procedures.

(c) *Similar Use Determinations.*

1. Interpretation of Similar Uses. Notwithstanding the Zoning district requirements of this LDC, the Director may determine that a specific proposed use may be allowed as a permitted or as a special exception use in a specific zoning district(s).
2. Similar Use Determination Process.
  - i. A similar use determination may be issued if all of the following findings can be made:
    - a) The characteristics and activities associated with the proposed use are similar to those of one or more of the allowed uses listed in the zoning district and will not involve a greater level of activity, population density, intensity, traffic generation, parking, dust, odor, noise, or similar impacts than the uses listed in the zoning district; and
    - b) The proposed use will meet the purpose and intent of the zoning district that applies to the location of the use; and
    - c) The proposed use is consistent with the goals, objectives, and policies of the Comprehensive Plan; and
    - d) The proposed use is not listed a permitted, permitted with specific regulations, supplemental standards, or special exception use in another zoning district.
  - ii. If a similar use determination is approved, the Director shall expedite a recommendation to the PDB establishing the use to be a permitted use or special exception use. The department shall prepare a text amendment to this ordinance to include the use in the appropriate district, along with any appropriate use regulations.

**Sec. 3-15. - Lot-Splits and Lot line adjustments**

(a) *Purpose and Intent*

1. To provide standards for the split of lots and tax parcels along existing platted lot or parcel lines or for the adjustment of a common property line between two parcels.
2. To provide standards for the split of lots or tax parcels that do not require a replat.
3. To provide for the split of property when the lot split does not require approval as a new subdivision plat or replat.

4. To provide an expedited path to creating up to two separate parcels from one existing parcel.
- (b) *General Requirements*
1. All divisions of land in the City shall occur only as a new subdivision plat, a replat, or a lot split. A lot split that does not meet the requirements of this chapter is deemed a subdivision or a replat and shall be defined and processed as set forth in the Subdivision regulations of this Code.
  2. No lot split or lot line adjustment shall be recognized by the City, no lot that is a part thereof shall be sold, and no building permit shall be issued unless the lot split or lot line adjustment has been approved by the City prior to recording in accordance with the requirements of this Article.
- (c) *Review Criteria and Standards.* The Planning Administrator, where appropriate, will review applications for lot splits and lot line adjustments to establish and/or determine the following:
1. Whether the resulting lots creates nonconforming lots and structures.
  2. Ensure that the lot split or lot line adjustment does not create split zoning on a parcel.
- (d) *Application Requirements.* The following documents shall be included with the necessary forms as required by the department:
1. A survey prepared by a licensed professional surveyor indicating the legal description of the parent parcel, legal descriptions of all child parcels, boundaries, dimensions, easements, restrictions or agreements affecting the property, rights-of-way, utilities, location of existing buildings, and other pertinent information including wetland boundaries.
    - i. The survey shall be signed, sealed, dated, and certified to the City.
  2. The Deed for the property.
- (e) *Approval and recording.* Community Development Services shall review the proposed lot split for compliance with the criteria set forth in this LDC. Once approved, the applicant may proceed with the lot split and record the lot split with the Okaloosa County Property Appraiser.
1. A Lot Split Certificate shall be issued upon approval.
    - i. Approval shall expire within one (1) year of issuance if not recorded.

**Sec. 3-16. - Reserved**

**Sec. 3-17. - Administrative Deviations.**

- (a) *Purpose and Intent.*
1. To grant relief from the strict application of the Land Development Code requirements to allow for minor waivers.
  2. Any relief granted from the strict application of this Land Development Code shall not violate any goals, objectives, or policies of the adopted Comprehensive Plan.
- (b) *Scope.* Administrative Deviations may be granted only for the following:
1. Setback requirements where the setback is not decreased by more than ten percent in the applicable zoning district and the encroachment does not extend into an easement, right-of-way, or is an encroachment over the property line for a zero-lot line required site.
  2. Reduction in the overall required parking by five percent.
  3. Landscaping or buffers. Up to a ten percent reduction in the width of required buffers or the required number of trees and shrubs.
  4. Preservation of Vegetation. A deviation from the following regulations to accommodate the preservation of existing protected tree(s):
    - i. Up to five percent of a required setback; or



- ii. Up to five percent of the required parking spaces.
- 5. Minor sign deviations as set forth in the sign regulations of this code.
- 6. Maximum lot coverage. Up to a ten percent increase in the maximum percentage of lot coverage by impervious surfaces, provided the applicant submits calculations by a Florida Registered Professional Engineer showing that the conveyance system for the contributing drainage basin can accommodate the additional stormwater run-off, where applicable.
  - i. A property owner may also add retention storage on-site to compensate for the additional runoff in situations where they propose to exceed the maximum.
  - ii. All such calculations and drainage plans must be approved by the City Public Services Department prior to issuance of any building permits.
- (c) *Review Criteria.* An Administrative Deviation may be approved based on the following criteria:
  - 1. The proposed deviation will not result in development that is inconsistent with the intended character of the applicable zoning district.
  - 2. The normally required code standard(s) is determined to significantly inhibit development of the site.
  - 3. The deviation will not impede the ability of the project or site to adequately provide for service areas and other development features for the project.
  - 4. Access for service and emergency vehicles will not be impeded.
  - 5. The proposed deviations will result in a building and site design of equal or superior quality.
  - 6. The impacts of the waiver are otherwise addressed.
- (d) *Effective date of approval.* A deviation shall take effect upon signed approval by the Community Development Services Director.
- (e) If an Administrative Deviation is not approved, the applicant may subsequently apply for a Variance through the PDB.

**Sec. 3-18. - Development Orders.**

- (a) *Applicability.* The procedures contained in this Section are applicable to all projects involving land development, including Site Development Plans. Also included are projects which involve the construction of any facility, the expansion of a site through acquisition or lease, alteration or conversion of an existing site or structures, or the change of use of a site or structure where the site or structure does not meet the current standards or criteria of these regulations.
  - 1. The provisions of this Section, where appropriate, are to be applied to on-site and off-site development activity.
  - 2. No land development activity (including land clearing, excavation, or placement of fill) shall commence without obtaining the appropriate approvals and permits required by this code.
- (b) *Exceptions.* The requirements of this section do not apply to:
  - 1. Single-family dwellings; or
  - 2. Duplex dwellings on existing platted lots.
  - 3. General upkeep or cleaning of debris and dead vegetation.
- (c) *Plan Preparation.* A professional engineer registered in the state of Florida shall design all required improvements such as streets, drainage systems, water and sewage facilities, etc.
  - 1. All plans, drawings, reports, and calculations shall be prepared, signed, and sealed by the appropriate licensed professional, such as engineers, architects, landscape architects, professional surveyors and mappers, or attorneys, registered in the state of Florida.

2. Other specialized consultants, such as environmental consultants, structural engineers, archaeologists, etc., may be required to assist in the preparation of the plans, drawings, reports, or other documents required for application submittals.
- (d) *General Plan Requirements.* All site development plans submitted in conjunction with application for a Development Order shall include, at minimum, the following components as applicable:
1. A signed and sealed survey showing the location of existing property and rights-of-way lines, both for private and public property.
  2. The location of streets, sidewalks, airports, railroads, buildings, transmission lines, sewers, bridges, culverts, drainpipes, water mains, fire hydrants, and any other public or private easements.
  3. Any land rendered unusable for development purposes by easements, deed restrictions or other legally enforceable covenants or limitations.
  4. All watercourses, water bodies, floodplains, wetlands, important natural features, wildlife areas, soil types and vegetative cover on or adjacent to the site.
  5. The location of environmentally sensitive lands as designated by the US Army Corp of Engineers.
  6. The existing land use, future land use and zoning district of the lands involved in the development.
  7. The location of the proposed development as well as the intensity and/or density of the proposed development.
  8. A parking and traffic circulation plan that includes onsite traffic flow, points of ingress and egress and any planned public or private roads, rights-of-way, pedestrian ways, bicycle paths or transportation facilities.
  9. Any existing and proposed stormwater management systems on the site and proposed linkage, if any, with existing or planned public stormwater management systems.
  10. The proposed location and sizing of potable water and wastewater facilities to serve the proposed development.
  11. Proposed open space areas on the development site and types of activities proposed to be permitted on such open space areas.
  12. Lands to be dedicated or transferred to a public or private entity and the purposes for which the lands will be held and used.
  13. A description of how the plan mitigates or avoids potential conflicts between land uses to include a description of any buffering and transitions.
  14. Architectural elevations of all buildings sufficient to convey the basic architectural intent of the proposed improvements.
  15. The total project area and total disturbed area.
  16. A map of vegetative cover including the location and identity, by common name, of all protected trees.
  17. A topographic map with one foot contours of the site clearly showing the location, identification and elevation of benchmarks, including at least one benchmark for each major water control structure.
  18. The location of any underground or overhead utilities, culverts and drains on the property and within one hundred feet of the proposed development boundary.
  19. Area and percentage of total site to be covered by impervious surfaces.
  20. Grading plans specifically including perimeter grading.
  21. Construction phase lines.
  22. Building plans showing the location, dimensions, gross floor area and proposed use of buildings.

23. Building setback distances from property lines, abutting rights-of-way and all adjacent buildings and structures.
  24. The location, dimensions, type, composition and intended use of all ancillary structures.
  25. The location and specifications of any proposed garbage dumpsters.
  26. Cross sections and specifications of all proposed pavement.
  27. Typical and special roadway and drain sections and summaries of quantities.
  28. Information sufficient to determine compliance with the landscape and tree protection regulations of this Chapter.
  29. The location, accompanied by all necessary drawings, construction plans, wiring plans, etc., of all proposed signs.
  30. The proposed number, minimum area and location of lots, if the development involves a subdivision of land.
  31. All lots shall be numbered either by progressive numbers or in blocks progressively numbered or lettered except that blocks in numbered additions bearing the same name may be numbered consecutively throughout several additions.
  32. All interior excluded parcels shall be indicated and labeled accordingly.
  33. All contiguous property shall be identified by development title, plat book and page, or if the land is un-platted it shall be so designated.
  34. The total number and type of residential units categorized according to number of bedrooms.
  35. The total number of residential units per gross acre.
  36. Location of onsite wells, if any, and wells within 200 feet of any property line, if any.
  37. Restrictions pertaining to the type and use of existing or proposed improvements, waterways, open spaces, buffer strips and the like shall require the establishment of restrictive covenants and such covenants shall be submitted with the final development plan for recordation.
  38. If the development includes private streets, an ownership and maintenance association document shall be submitted with the final development plan and the dedication contained on the development plan shall clearly indicate the roads and maintenance responsibility to the association without recourse to the city or any other public agency.
  39. If the development is to be phased for any reason, a master plan for the entire project shall be submitted with the development plan for the first phase or phases for which approval is sought. In addition, a schedule indicating approximate development phasing, including the sequence for each phase, shall be included.
  40. The manner in which historic and archaeological sites on or near the site will be protected.
  41. A stormwater management plan during construction.
- (e) *Review Process.* The application review and approval process for Administrative approvals of development plans shall be in accordance with the application, review, and decision procedures as outlined above. Development Order application approval shall generally adhere to the following process:
1. A complete application is submitted by the applicant;
  2. Staff determines sufficiency and compliance through coordinated departmental review;
  3. Once sufficiency and compliance with the City's Comprehensive Plan and Land Development Code is established the Planning Administrator shall issue a final report to the Director;
  4. This report shall include the following:
    - i. Proof of completeness;
    - ii. All plans and related documents;

- iii. All staff comments and reports;
  - iv. A staff recommendation based on the approval criteria as outlined in subsection 102-29.7(f); and
  - v. All public comment received relating to the proposed development.
- (f) *Criteria.* The Director may approve, approve with conditions, or deny the application, after consideration and review of the following:
  - 1. The development, as proposed, conforms to the comprehensive plan and is consistent with the recommendations of any applicable PUD Concept Plan, Preliminary Subdivision Plan, or master plans which have been approved or accepted by the City Council;
  - 2. The proposed development plans, landscape plans, engineering plans, lighting plans, and other required plans conform or will conform with all applicable City codes, any engineering design standards, and other standards as set forth in this code;
  - 3. The development will efficiently use or will not unduly burden or deteriorate levels of service standards for the drainage, water, sewer, solid waste disposal, education, recreation, or other necessary public facilities existing, being constructed or are planned and budgeted for construction in the area;
  - 4. The development provides sufficient on-site storm water management improvements to meet state water quality and flood protection standards;
  - 5. The development will efficiently use or will not unduly burden or affect public transportation facilities, including public transit, public streets, roads, and highways which have been planned and budgeted for construction in the area,
  - 6. The development provides necessary and adequate vehicular circulation, pedestrian access, ingress and egress, and is configured in a manner to minimize hazards and impacts on adjacent properties and adjacent rights-of-way.
  - 7. The Public Services Director may require utility, drainage or other easements be accepted by City Council and recorded in the public records prior to approval of a Development Order application or development permit.
  - 8. Projects that involve a vacation of plat or release of easement may have review or approval withheld until such vacation or release of easement has been approved or recorded, as determined by the Director.
  - 9. The Director may attach any reasonable conditions, safeguards, limitations, or requirements to the approval of a plan which are found necessary and consistent with this section and to carry out the purposes of this Code and the Comprehensive Plan.
  - 10. The Director, may at his or her discretion, forward any application to the PDB for approval or review and recommendation to City Council.
- (g) *Plats.* If the development is a subdivision, a plat meeting the requirements of F.S. Ch. 177, Part 1 and all City of Crestview technical requirements for Plat Approval, which are hereby incorporated by reference, must be submitted prior to approval of Subdivision Construction Plans.
- (h) *Final Approval.* After a final development order has been issued, the applicant may, within 12 months of the issuance of the final development order, apply for the necessary construction and/or development permits. Following any required appeal period, the city shall issue the necessary permits if the proposed construction is consistent with the final development order.
  - 1. If the application for a construction permit deviates from the final development plan the Director shall notify the applicant within five working days of the permit application.
- (i) *Effect of Plan Approval.* Approved site development plans are valid for 12 months from the date of approval. If a Development Order extension has not been obtained prior to the expiration date, the approval expires and becomes null and void.

1. The issuance of a Development Order shall serve as authorization for an applicant to apply for construction and development permits only.
  2. An applicant may apply for a one-year extension for good cause. Such an extension may be granted for any plan approved after the effective date of this ordinance and two years prior to adoption. The extension request must be filed prior to the expiration date of plan approval. If the project is within a PUD, or a phased development, the expiration of plan approvals may differ, as established in the original approval.
- (j) *Pre-construction Meeting.* At the discretion of the Director, Building Official, or an Administrator, the applicant may be required to schedule a preconstruction meeting where representatives of the developer, the City, contractors, and franchise utilities shall discuss the construction of the planned improvements. No work shall take place prior to the preconstruction meeting when one is required.
- (k) *Development Order Amendments.*
1. Site Development Plan Amendments. Plan amendments include changes to projects which impact multiple aspects of the development, may affect multiple plans, and will require multiple departmental reviews to evaluate the proposed amendment to the plan(s).
    - i. The amendment process may not be used to substantively modify the scheme of development as originally approved.
    - ii. Proposed amendments that impact PUD approval criteria or conditions must receive approval of an amendment to the PUD prior to receiving approval.
    - iii. Amendments may apply to projects that are currently under review, projects under construction or phased projects that have yet to be completed.
    - iv. The applicant shall submit a letter of intent, the applicable fee, the amended plan(s) and any other documentation required to review the proposed amendment.
    - v. The Director shall determine if the proposed changes to the plan can be processed as an amendment, qualify for a lesser review process or require a complete review as equivalent to the original review process.
    - vi. Site Development Plan Amendments are subject to additional review and processing fees.
  2. Limited Review Revisions to an approved plan while under construction may be approved in writing by the Planning Administrator, where applicable, provided such revisions fully conform to all existing City regulation.
    - i. The limited review process shall be utilized when the proposed plan revisions meet the following:
      - 1) Does not affect the projects minimum technical requirements of this Code;
      - 2) Does not require review by multiple staff or departments;
      - 3) Does not change the gross square footage of a building by more than ten percent;
      - 4) Does not adversely impact compliance with the approved plan; and
      - 5) The proposed revision will not alter the required infrastructure and improvements necessary to serve the project.
    - ii. The Planning Administrator, where applicable, will determine if the revision requires an approved plan revision or if the revision can be shown on the As-built Drawings.

3. Changes that exceed the criteria or the scope of a limited review as specified in this subsection or, as determined by the Planning Administrator, where applicable, may be processed as an amendment or as a full review in accordance with this section.

#### **Sec. 3-19. - Development Permits**

- (a) Certain buildings, structures, improvements, and installations are either exempted by the Florida Building Code from building permit issuance or are required to meet the additional standards of this Land Development Code. Therefore, such buildings, structures, improvements and installations shall be subject to the various development review processes and/or the zoning compliance certificate standards contained in this Article.
- (b) A development permit is required for all development that does not necessitate the issuance of a development order or that is not otherwise exempted by this Land Development Code. In instances where the Florida Building Code requires building permit issuance, a development permit may not be issued but a site development review will occur concurrent with the building review.
- (c) **Applicability.** A development permit shall be required for the following development types and/or instances of construction, improvements and installations.
  1. Single Family and Duplex development and residential additions applications;
  2. Land Clearing and Demolition applications;
  3. Sign permit applications;
  4. Accessory Structure permit applications;
    - i. Including but not limited to fences, pools, pool enclosures, sheds, storage buildings, green houses, carports, fountains, and other;
  5. Protected Tree Removal permit applications;
  6. Manufactured Home Placement;
  7. Home Occupations;
  8. Minor non-residential additions and site improvements that create less than 1,000 sq. ft. of impervious surface area which do not necessitate additional parking (above the 1,000 square feet) or serve to increase impacts on City services;
  9. Changes of Use; and
  10. Other similar minor developments.
- (d) **Staff Approval.** A development permit application shall be approved provided all departmental reviewers have accepted the plans and/or accepted the plans with conditions.
- (e) **Review.** The applicant for a development permit shall be notified in writing, to include electronic messaging, of any deficiencies in their application within seven (7) days of submittal.
  1. Staff shall act upon complete and sufficient applications for site development permits within seven (7) calendar days from the date of a complete application submittal.
- (f) **Development Permit Approvals.**
  1. All approvals will be issued in compliance with the approved plans, if applicable, and may contain relevant conditions of the associated plan approval.
  2. If the proposed construction or alteration conforms with all applicable provisions of this Code and all other applicable laws, staff shall issue a development permit or other construction authorization.
  3. If the proposed construction or alteration fails to conform, staff shall deny the application and shall deliver written notice, to include electronic messaging, to the applicant stating the reason for denial.
- (g) **Effect of Approval, Expiration, and Extensions.** A site development order shall expire six months from the date of issuance unless the permitted improvements are under construction and have

passed a required inspection within the thirty days prior to the expiration of the approval. Erosion control inspections, if applicable, will not extend the expiration date.

1. An approval may be extended for an additional ninety days. Failure to either pass a required inspection or request an extension within the ninety-day period provided, will result in the expiration of the approval.
2. Thereafter, a new approval will be required to continue construction.

**Sec. 3-20. - Periodic inspection required; correction of deficiencies.**

- (a) Authorized City Staff, the City Engineer, and utility inspectors shall periodically inspect all phases of construction of streets, drainage improvements and utility installations including those improvements which are not to be dedicated to the public but are subject to this chapter. The City official will immediately call to the attention of the developer, or the developer's engineer, any nonconforming work or deficiencies in the work.
- (b) Correction of deficiencies in the work is the responsibility of the developer.
  1. It is the responsibility of the developer's contractor to schedule the appropriate inspections as identified on the approvals or permits.
  2. Duly authorized representatives shall have the right to enter upon the property for the purpose of inspecting the quality of materials and workmanship and reviewing the construction of required improvements during the progress of such construction.

**Sec. 3-21. - Final Inspection and Certification of Occupancy.**

- (a) Prior to the issuance of a Certificate of Occupancy an As-built Survey and Certification must be submitted which identifies and specifies the locations, dimensions, elevations, capacities, and capabilities of the infrastructure and facilities as they have been constructed.
- (b) Upon completion of all improvements required under the approved plans or phase thereof, an inspection must be performed by the developer's engineer and the landscape architect, where applicable. Upon finding the development to be completed and in substantial compliance with the approved plans, the engineer and landscape architect must each submit a letter of substantial compliance along with an As-built Survey to the City, together with certified building as-built drawings.
- (c) No final inspection will be performed by the City until the letter(s) of substantial compliance and As-built Survey have been accepted.
  1. The letter(s) of substantial compliance shall include a description of any minor changes as shown on the As-built Survey.
  2. The letter must certify that the project was completed in accordance with the plans approved and attached to the Development Order or any addendums to the Development Order.
  3. The letter must be signed and sealed by the Project Engineer of record for the project.
- (d) Only minor changes which do not substantially affect the technical requirements of the approved plans and this code are to be indicated on the As-built Survey.
- (e) Letters of substantial compliance shall be digitally signed and sealed in PDF format.
  1. Substantial compliance requires that the development, as determined by an on-site inspection by a professional engineer, is completed to all the specifications of the approved plans and that any deviation between the approved plans and actual as-built construction is so inconsequential that, on the basis of accepted engineering practices, it is not significant enough to be shown on the As-built Survey.

- (f) The respective professionals shall prepare and submit to the City, a digitally signed and sealed As-built Survey, in PDF format, of the completed project improvements. The As-Built Survey shall be provided for the complete civil engineering and landscape features of the project
- (g) The As-built survey shall be the complete set of approved plans which show strikethrough and markup of the as-built information obtained from direct field observation, survey, or contractor "as-built" drawings. Topographic surveys will not be accepted.
- (h) Upon acceptance of the letter of substantial compliance and As-built Survey, City staff shall perform final inspections.
- (i) If the final inspections reveal that the development or phase is in substantial compliance with the approved plans, a Certificate of Occupancy will be issued.
- (j) If the final inspections reveal that the development or phase thereof is not in substantial compliance with the approved plans, a list of all deviations will be forwarded to the engineer. All deviations must be corrected prior to re-inspection. A new letter of substantial compliance may be required prior to re-inspection. Re-inspection fees will be charged for each re-inspection in accordance with the adopted fee schedule and must be paid prior to receiving a Certificate of Occupancy.
- (k) Projects involving permits or approvals issued by County, State, or Federal agencies shall provide evidence that the respective agencies have approved, accepted, or certified that the improvements or work subject to their review has been satisfactorily completed and are ready for use or to be placed into service, prior to Certificate of occupancy issuance.
- (l) Turnover of developer installed improvements. Projects that include construction of improvements that will be turned over to the City for ownership and maintenance must also provide a complete package of turnover documents, acceptable to the City, as required by the Director of Public Services.
  - 1. Improvements shall be conveyed to the City by bill of sale in a form satisfactory to the City Attorney, together with such other evidence as may be required by the City that the improvements proposed to be transferred to the City are free of all liens and encumbrances.
  - 2. Turnover documents must be provided to the Director of Public Services with the submittal of a Certification of Substantial Completion and As-built Survey.
  - 3. Improvements constructed pursuant to this Section may not be placed into service or otherwise utilized until the Director of Public Services has authorized such use.
- (m) Ongoing compliance. A development project must remain in compliance with the approved development plans, including all conditions, after a letter of certificate of occupancy has been issued by the City. This requirement applies to any property covered by the development plan, whether or not it continues to be owned by the original developer. For purposes of determining compliance, the development plan as approved and constructed, or subsequently amended in accordance with this section, will control.
  - 1. The standards applicable to review for compliance purposes will be based upon the regulations in effect at the time the of plan approval and any applicable amendment, or revision was constructed.

**Sec. 3-22. - Stop work orders for Site Development.**

- (a) The Director shall have authority to stop work if improvements not authorized in approved plans are being installed or upon failure of the applicant or his engineer to coordinate the construction of the required improvements so as to minimize activities which may have adverse impacts on surrounding property.



1. Authority. Whenever the Director finds any work regulated by this code being performed in a manner either contrary to the provisions of this code or dangerous or unsafe, the Director is authorized to issue a stop work order.
2. Issuance. The stop work order shall be in writing and shall be given to the owner of the property involved, to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, all work on the construction site shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume.
3. Unlawful continuance. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.

**Sec. 3-23. - Violation of an Approved Development Plan.**

- (a) Where construction is commenced for improvements not authorized by an approved development plan, the applicant will be issued a stop work order until an application to amend or correct the respective plan approval has been submitted and approved.
  1. An application to amend or correct an approved development plan after construction has commenced in violation of the original approval will be charged an application fee equal to four times the original application base fee.
  2. The Director shall have the sole discretion to waive the above fee.
- (b) Submittal of the application and payment of the application fee does not protect the applicant from the remedies described in this Code. Any of these forms of relief can be sought or maintained by the City until the problem is abated.
- (c) Failure to maintain a development in compliance with an issued and approved Development Order and/or Certificate of Occupancy, constitutes a violation of this Code.

**Sec. 3-24. - Phased Projects.**

- (a) Development projects may be split into phases to accommodate the development plans and schedules of the developer.
- (b) Development projects may be required by the City to be split into phases in order to maintain adopted level of service standards.
- (c) Site Development Plans. The phasing plan shall show all required facilities, infrastructure, and buildings, if applicable, on the entire development site that is covered by the Development Order application.
- (d) If more than one building is covered by the development plan and the developer does not intend to receive certificates of occupancy (CO) for all the buildings at one time, a separate Site Development Permit or written construction authorization will be required for each build or buildings to receive a CO apart from the other buildings.
- (e) A certificate of compliance for streets, utilities, parking areas, and drainage serving each building(s) will be required from the engineer of record prior to the City performing final inspection and closing that phase of the project and prior to receiving a certificate of occupancy from Community Development Services.
- (f) If a final inspection is requested for only a portion of a development, that portion must be an approved phase of the development in accordance with the approved Phased Site Development Plan.

**Sec. 3-25. - Guarantees and Sureties**

- (a) *Applicability.* The provisions of this section apply to all proposed developments in the city, including private road subdivisions. Nothing in this section shall be construed as relieving the developer or applicant of any requirement relating to concurrency or maintenance of levels of service as may be required by this chapter or the Comprehensive Plan.
1. This section does not modify any existing agreements between a developer and the city for subdivisions platted and final development orders granted prior to the effective date of this chapter.
- (b) *Improvements, agreements required.* The approval of any Development Order application shall be subject to the developer providing assurance that all required improvements, including, but not limited to, storm water and drainage facilities, streets and roadways, water and sewer lines and appurtenances, parking facilities, sidewalks, curbs, gutters, markers, monuments, open space and recreation facilities, shall be satisfactorily constructed according to the approved development plan. The following information shall be provided:
1. A written agreement that all improvements, whether required by this chapter or constructed at the developer's option, shall be constructed in accordance with the standards and provisions of this chapter.
    - i. The term of the agreement indicating that all required improvements shall be satisfactorily constructed within the period stipulated. The term shall not exceed five years from the recording of the plat or thirty percent occupancy of the development, whichever comes first.
  2. The projected total cost for each improvement. Cost for construction shall be determined by:
    - i. An estimate prepared and provided by the applicant's engineer; or
    - ii. A copy of the executed construction contract;
  3. Specification of the public improvements to be made and dedicated together with the timetable for making improvements;
  4. Agreement that, upon failure of the applicant to make required improvements (or to cause them to be made) according to the schedule for making such improvements, the city shall utilize the security provided in connection with the agreement.
  5. Provision of the amount and type of security provided to insure performance.
  6. Provisions that the amount of the security may be reduced periodically as construction proceeds and improvements are made.
- (c) *Amount and type of security.*
1. The City Manager shall be responsible for determining the adequacy of the security proposed to be provided by the developer.
    - i. Security requirements may be met but are not limited to the following:
      - a) Cash in the form of cashier's check or certified check;
      - b) Provision of an interest-bearing certificate of deposit in honor of the city with interest payable to the city; or
  2. *Irrevocable letter of credit.* The amount of security shall be 120 percent of the total construction costs for the required developer-installed improvements (public and private). The amount of security may be reduced commensurate with the completion and final acceptance of required improvements. In no case, however, shall the amount of the security be less than 120 percent of the cost of completing the remaining required improvements.
  3. *Completion of improvements.* When improvements are completed, final inspection shall be conducted and corrections, if any, shall be completed before final acceptance by the

city. The recommendation for final acceptance shall be made upon receipt of a certification of project completion by the city engineer.

- i. As required improvements are completed and accepted, the developer may apply for release of all or a portion of the security consistent with the requirements above.

4. *Maintenance of improvements.*

- i. A maintenance agreement and security shall be provided to assure the city that all required improvements shall be maintained by the developer according to the requirements of this chapter relating to roads, streets, stormwater drainage, open space and recreation areas.
  - ii. The period of maintenance shall be for a period of 18 months.
  - iii. The maintenance period shall begin with the acceptance by the city of construction of the improvements.
5. The security shall be in an amount equal to 15 percent of the construction cost of the improvements and shall be in effect for a period of not less than 24 months.
  6. Whenever proposed development provides for the creation of facilities or improvements which are not proposed for dedication to the city, a legal entity shall be created that shall be responsible for the ownership and maintenance of such facilities and/or improvements.
  7. When the proposed development is to be organized as a condominium under the provisions of Florida Statutes, common facilities and property shall be conveyed to the condominium association pursuant to that law.
  8. When no condominium is to be organized, an owner's association shall be created, and all common facilities and properties shall be conveyed to that association.
  9. No Development Order shall be issued for a development for which an owner's association is required until the association is established, and proof thereof filed with the Director of Community Development Services.
  10. An organization established for the purpose of owning and maintaining common facilities not proposed for dedication to the city shall be created by covenants running with the land. Such covenant shall be included with the final plat. Such organization shall not be dissolved, nor shall it dispose of any common facilities or open space by sale or otherwise without first offering to dedicate the same to the city.

**Sec. 3-26. - Temporary Use Permits.**

- (a) *Purpose and Intent.* To authorize the temporary uses and activities which do not exceed specific time frames.
- (b) *General Standards.*
  1. Only uses listed below, or otherwise approved as temporary uses in Article VII, may be allowed as temporary uses.
  2. Each temporary use shall be evaluated by Community Development Services for compliance with the standards and conditions set forth in this LDC and the applicable zoning district.
  3. A temporary use permit shall take effect at the time of permit issuance and is in effect only for the specific time-period established in the temporary use approval.
- (c) *Review Criteria.* When considering an application for a temporary use, the Community Development Services Director or Community Recreation and Enrichment Services Director, as appropriate, shall consider whether and the extent to which:

1. The temporary use is consistent with the purposes, goals, objectives, and policies of the Comprehensive Plan;
  2. The temporary use complies with all relevant and appropriate portions of Article VI and any established Development Standards;
  3. The temporary use is not incompatible with the character of the immediate surrounding area;
  4. The design, duration, and hours of operation of the temporary use minimizes adverse impacts on nearby properties, including visual and noise impacts;
  5. Whether the use complies with all relevant standards related to health, sanitation, and transportation;
  6. The temporary use complies with all other applicable provisions of this Code;
  7. Any permanent structures used in conjunction with a temporary use must comply with the requirement for adequate public facilities; and
  8. Whether any public safety detail will be necessary.
- (d) *Allowable temporary uses.* The following temporary uses shall require a permit:
1. Firework, pumpkin, and Christmas tree sales, to include a sales office.
  2. Outdoor display of merchandise.
  3. Temporary Storage Containers.
  4. Temporary Off-Site Vehicle Sales.
  5. Tents for other than Special Events.
  6. Other events not named but similar to those enumerated in this subsection.
- (e) *Outdoor Display of Merchandise*
1. Purpose and Intent.
    - i. To provide standards and criteria for review and approval of outdoor display of merchandise.
    - ii. To provide reasonable limitations or special conditions for outdoor display to address, minimize, or ameliorate potential impacts of the use on surrounding property and for the protection of the public health, safety, and welfare.
  2. General Requirements.
    - i. Outdoor display of merchandise is prohibited in all residential districts, except within the Agricultural zoning district for approved fruit and/or vegetable sales.
    - ii. Unless otherwise permitted, outdoor display of merchandise in the C-1 and C-2 districts is prohibited, except on improved property in accordance with the following standards:
    - iii. The following items may be displayed in conjunction with an existing licensed business location which retails these items: boats; new or used cars by auto dealerships or auto rental companies; bicycles; motorcycles; garden equipment such as lawnmowers; landscaping nursery items displayed by a nursery business; tires at auto repair businesses; and temporary uses authorized by this code.
    - iv. In addition to outdoor display listed above, the outdoor displays of fruit, vegetables, flowers, jewelry, books or antiques are allowed in the C-1, C-2, and in the mixed-use zoning district in conjunction with an approved commercial use, as an approved Temporary use.
    - v. These restrictions shall not apply to approved Special Events.
      - a) If such displays are placed on a public sidewalk or right-of-way during a special event, such displays shall comply with the following regulations:

- 1) Displays may be placed on the public sidewalk only directly in front of the lawfully existing business which retails the items being displayed.
- 2) At no time shall a display create a hazard for pedestrian or vehicular traffic.
- b) Displays shall be placed on tables, shelves and/or racks that are moved indoors or off-site during any hours the business is not open or the duly approved event is not permitted.
- vi. All other outdoor display of merchandise must be approved by the City Manager or designee following review at a public meeting.

**Sec. 3-27 – 3-29. - (Reserved)**

**Sec. 3-30. - Minor Re-plat**

- (a) A minor plat shall be defined as modifying the geometry of the lots of an existing platted subdivision within the limitations of the existing zoning and future land use designations.
- (b) Where development involves a minor replat as defined by this Chapter, the City may issue a development permit without requiring an application review process and a final development order.
- (c) Developers shall be required to record the minor replat in the official county records at no expense to the city and provide a copy to the city.
- (d) Prior to approval of a minor replat by the Planning Administrator, or designee, the following standards shall be met:
  1. Each proposed lot must conform to the requirements of this chapter and adopted ordinances of the city.
  2. If any lot abuts a street right-of-way that does not conform to the design specifications provided in this chapter, the owner may be required to dedicate one-half the right-of-way width necessary to meet the minimum design requirements.

**Sec. 3-31. - Specific Review Procedures - Quasi-Judicial Permits and Approvals**

- (a) The following sections outline the various application types and approvals which shall require quasi-judicial proceedings. The Public hearing processes outlined in Sec. 3-28 shall apply.

**Sec. 3-32. - General Requirements**

- (a) Effective Date. All quasi-judicial permits where the Land Development Board issues the final decision shall take effect on the date the Order for the application in question is recorded in the public record.

**Sec. 3-33. Variances**

- (a) General.
  1. A variance may be sought from any bulk, area, or dimensional standard contained this LDC.
  2. Nonconforming use of neighboring lands, structures, or buildings in the same district, and permitted use of land, structures, or buildings in other districts, shall not be considered grounds for the issuance of a variance.
- (b) Approval Criteria. In order to authorize a variance, the PDB must find that the application meets all of following criteria:

1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;
2. That the special conditions and circumstances do not result from the actions of the applicant;
3. That granting the variance requested will not confer on the applicant any special privilege that is denied by these regulations to other lands, buildings, or structures in the same zoning district;
4. That literal interpretation of the provisions of the regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of these regulations and would cause or impart unnecessary and undue hardship on the applicant;
5. That the variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure;
6. That granting the variance will not change the use to one that is not permitted in the zoning district or different from other land in the same district; and
7. That the granting of the variance will be in harmony with the general intent and purpose of these regulations, and that the variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

(c) Effect of Approval. An approved variance shall run with the land.

#### **Sec. 3-34. - Special Exception Uses.**

##### *(a) Purpose and Intent.*

1. The intent of this section is to permit Special Exception uses which are essential to, or would promote the public health, safety, or welfare in one or more zoning districts, but which might impair the integrity and character of the zoning district or an adjoining district, such that restrictions or conditions on location, size, extent, and character of performance may be imposed in addition to those standards already imposed in the Land Development Code.

##### *(b) General.*

1. No variances shall be granted that would reduce or eliminate minimum requirements for special exception uses.
2. The PDB may prescribe appropriate conditions and safeguards in conformity with the special exception use requirements. All such conditions shall be part of the terms under which the special exception is granted approval.
3. A special exception shall run with the life of the use but shall be considered abandoned if the use is discontinued for longer than 12 consecutive months.
4. The proposed use shall comply with all requirements of the underlying zoning district(s), the Land Development Code, and all other applicable law.

(c) *Standards and Criteria.* The following standards shall apply to all applications for special exception uses. The Community Development Services Director shall submit a report and recommendation to the PDB based on these standards.

1. The proposed Special Use's consistency with the Comprehensive Plan?
2. The site must be suitable for the type of special use exception proposed by virtue of its location, shape, topography, and the nature of surrounding development.
3. All buildings shall be setback an adequate distance from property lines and rights-of-way. Greater building setbacks may be required when deemed necessary to protect surrounding properties.

4. Potential adverse impact to surrounding property must be mitigated to the maximum extent possible.

**Sec. 3-35. - Vacations of Plats, Easements, and Rights-of-way.**

*(a) Purpose and Intent.*

1. The purpose and intent of this section is to provide procedures for City Council to vacate rights-of-way, easements, and plats pursuant to authority granted under Florida law. The City Council may adopt ordinances vacating plats in whole or in part of subdivisions within the corporate limits of the city, returning the property covered by such plats either in whole or in part into acreage for the purpose of taxation, or vacating public rights-of-way, public easements, or other property in response to applications filed from adjoining property owners.

*(b) General.*

1. The city may retain an easement for utilities or drainage over any vacated right-of-way and that no use may be made of vacated right-of-way which will be inconsistent with or interfere with the retained easement. The party seeking vacation of a plat, city street, alley, other right-of-way, public easement, or other property must show or submit the following:
  - i. A completed application on forms provided by Community Development Services.
  - ii. Petitioner has title to the tract or parcel of land covered by the plat or portion of the plat of which vacation is sought, unless the petitioner is the City of Crestview;
  - iii. Letter of approval from Okaloosa County, if applicable;
  - iv. Letter of approval from affected telephone companies;
  - v. Letter of approval from affected cable companies; and
  - vi. Letter of approval from any other affected utility companies (e.g., water, sewer);
  - vii. If a Vacation is being sought, the signatures of all abutting property owners consenting to such a vacation.
2. Applicants requesting to vacate rights-of-way or easements shall provide a recent boundary survey or survey sketch of the property prepared by a registered surveyor showing the area to be vacated and provide a complete legal description(s). The survey or sketch shall show all pavement and all utility and drainage facilities, including water, sewer, cable lines, utility poles, swales, ditches, manholes, and catch basins. Separate drawings and legal descriptions are required for each vacation area when right-of-way and easement configurations differ.

*(c) Standards and Criteria.* Applications for vacations shall be reviewed in accordance with the following criteria:

1. Whether the plat, easements, or rights-of-way are required by the City for any future transportation, access, water management, or public utility purposes.
2. Whether any required easements are necessary to accommodate the vacation of any plat, easement, or right-of-way.
3. If alternate routes are required or available that do not cause adverse impacts to surrounding areas.
4. If the closure of a right-of-way negatively affects areas utilized for vehicles to turn around and exit an area.
5. Whether local utility providers have given consent to the vacation of the plat, easements, or rights-of-way. The local utility providers may require additional easements or relocation of existing utilities facilities to complete the vacation.

(d) *Additional Procedures and Noticing Requirements.* In addition to the standard notice requirements required by this Code, the following additional notice requirements apply for vacations:

1. Specific notice requirements for vacations. Public hearing notices to vacate a plat or portion thereof shall be published once a week for two consecutive weeks, the first publication being not less than two weeks prior to the date of public hearing on the petition.
2. If the parcel to be vacated includes an alley, all property owners serviced by the alley and all property owners serviced by a connecting alley shall be noticed.
3. Adoption and recording of resolution and ordinance. After public hearing, the City Council may approve an application for a vacation if it determines there is no reasonably foreseeable public use for the vacated area. Approval of a vacation shall be by resolution or ordinance. The City may retain easements for utilities or drainage in and upon the vacated area. Upon adoption of the resolution vacating the plat or portion thereof, the City Clerk shall furnish to the petitioner a certified copy thereof and the petitioner shall cause the same to be recorded in the public records of the county and shall return a copy, showing the recording information, to Community Development Services.
4. Effect. The adoption and recording of a vacation shall have the effect of vacating all streets and alleys and city-owned easements shown on the portion of the plat so vacated, unless the resolution or ordinance specifically reserved unto the city such city-owned easements or such streets or alleys. If public rights-of-way are vacated, the resolution or ordinance shall specify whether or not easements are reserved therein for utilities and drainage. The resolution or ordinance shall not have the effect of vacating any public canal shown on the portion of the plat vacated, unless the resolution or ordinance specifically so provides.
5. Petitioner's responsibility. The city, City Council, and all officers, employees, and agents thereof shall not assume any responsibility or liability for any matters and things to be done or completed by the petitioner pursuant to the provisions hereof. It is recognized that this procedure may affect substantial interests in real property and other proprietary rights, and the petitioner shall assume full and complete responsibility for compliance with the requirements of law and these procedures in connection with or arising out of any vacation proceedings instituted by the petitioner.

### **Sec. 3-36. - Zoning Change (Re-zoning)**

(a) *Initiation.* Applications for a change in zoning may be initiated in the following manner:

1. The City Council, upon its own motion;
2. The Planning and Development Board, upon its own motion;
3. The property owner(s) of at least fifty-one percent of the land in the proposed rezoning area;
4. The City Manager for a City initiated rezoning; or
5. Community Development Services, following approval of a similar use determination.

(b) *Review Criteria.* An application for a rezoning shall be reviewed in accordance with the following criteria:

1. Whether the proposed zoning district is consistent with the City Comprehensive Plan;
2. Whether the full range of uses allowed in the proposed zoning district will be compatible with existing uses in the area under consideration;
3. Whether the range of uses allowed in the proposed zoning district will be compatible with existing and potential uses in the area under consideration;



4. Whether the proposed zoning district will serve a community need or broader public purpose;
  5. The characteristics of the proposed rezoning area are suitable for the uses permitted in the proposed zoning district; and
  6. Whether a zoning district other than the district requested will create fewer potential adverse impacts to existing uses in the surrounding area.
- (c) *Effective date of approval.* A rezoning shall take effect upon City Council adoption of the ordinance approving the zoning change.
- (d) *Effect of Denial.* An application for a rezoning which has been previously denied by the City Council shall not be accepted for at least one year after the date of denial. An application to rezone property to a designation that is different than the designation which was denied by the City Council, will be accepted and considered without consideration of time since the previous application was denied.

### **Sec. 3-37. - Planned Unit Developments (PUD)**

- (a) *General.*
1. A Planned Unit Development (PUD) is an area designed for development as a cohesive unit, where uses and innovations in design and layout of the development provide public benefits when compared to standard zoning or uniform lot and block subdivision patterns and design features.
  2. In a PUD, the various land use elements are designed so that they interrelate with each other. The boundary between a PUD and adjacent land area(s) requires particular attention to ensure transition and that land use patterns are compatible.
  3. Permitted uses in a PUD must be consistent with the Comprehensive Plan future land use classification for the site(s) in question.
- (b) *Purpose and Intent.* The purpose and intent of a PUD are to:
1. Innovation in Design. To encourage innovations in residential, commercial, mixed-use, and industrial development so that the needs of the population may be met by greater variety in type, design and layout of buildings and land uses and by the conservation and more efficient use of the space.
  2. Appropriate Land Use. To promote the most appropriate use(s) of the land.
  3. High Quality Development. To improve the design, character, and quality of new development.
  4. Infrastructure. To facilitate the adequate and efficient provisions of roads and utilities.
  5. Increased Compatibility. To achieve compatibility with surrounding neighborhoods and developments.
  6. Provision of Open Space. To preserve open space as development occurs.
  7. Clustering of Uses. To provide for necessary commercial, recreational, and public facilities that are conveniently located to housing.
  8. Increased Flexibility. To provide for flexibility in design for new development and future redevelopment.
  9. Comprehensive Plan. To achieve the goals of the Comprehensive Plan.
  10. To provide a method for previously approved Planned Development Projects to continue to develop under the terms of an approved PDP Development Order and to allow modification to existing PDP approvals under the PUD procedures.
- (c) *Minimum Parcel Size.* The minimum parcel size for a PUD is:
1. Non-residential or mixed-use PUD. One acre.
  2. All other PUDs. Three acres.

- (d) *PUD approval steps.* The PUD review and approval process includes:
1. A rezoning to the PUD zoning district, which establishes the densities, intensities, and permitted uses within the PUD; and
  2. A Master Concept Plan, which establishes the design, layout, and dimensional standards of the PUD.
- (e) *Application and submittal requirements.* Application and submittal requirements for a PUD are established in this Article. A PUD requires:
1. An application for a rezoning to the PUD zoning district; and
  2. A Master Concept Plan submittal.
  3. Submittal of the specific PUD application requirements listed below.
  4. PUD application for parcels ten acres or larger may apply for a rezone to the PUD zoning district without submitting a Master Concept Plan for concurrent review and processing.
- (f) *Pre-application meeting required.* A pre-application meeting shall be held with City Staff prior to the submittal of a PUD application. The applicant shall indicate the requested PUD zoning district and a sketch of the PUD Master Concept Plan, if applicable, at the meeting.
- (g) *Specific PUD Submittal Requirements.* A PUD application shall include the following:
1. A Letter of Intent, including:
    - i. Reasons the PUD procedure is more desirable than a conventional plan;
    - ii. General site description including all parcels and acreages; and
    - iii. General project description.
  2. A PUD Master Concept Plan indicating:
    - i. Location of the uses within the site;
    - ii. Dimensional standards such as height, setbacks, and lot sizes;
    - iii. Vehicle circulation patterns, parking areas, and points of access;
    - iv. Pedestrian and bicycle circulation with links to other external path systems;
    - v. Open space plan; and
    - vi. Landscape and buffer plans.
  3. Sample formation of HOA or other organization to operate and maintain open space and other on-site public or private improvements.
  4. Phasing plan, if applicable.
- (h) *Review Standards and Criteria.*
1. Every PUD shall be in conformance with the adopted Comprehensive Plan. The maximum density and/or intensity within any PUD shall be consistent with the future land use designation of the site as determined by the Comprehensive Plan.
  2. Specific uses, densities, and intensities for each PUD shall be established in the PUD rezoning ordinance. The approved uses, densities, and intensities for a PUD shall take precedence over other standards and requirements in these regulations. The uses approved in a PUD shall be considered permitted uses.
  3. Specific bulk, area, and dimensional standards for each PUD shall be approved in the MCP for a PUD and shall take precedence over the standards and requirements in these regulations for development that are not within an approved PUD. Elements to be evaluated for a PUD shall include:
    - i. Appropriateness of the proposed density and/or intensity of the development;
    - ii. Internal and external compatibility of the development and surrounding uses;
    - iii. Transition and separation between surrounding uses;
    - iv. Public amenities, if applicable;
    - v. Access points and vehicular and pedestrian circulation patterns;
    - vi. Details and design of internal and external buffers;

- vii. Arrangement and functionality of open space; and
  - viii. Additional amenities that will serve the project.
4. Open Space.
- i. For all PUDs, a minimum of twenty percent of the total land area shall consist of open space.
    - a) The City may consider a request by the applicant for less than twenty percent open space when deemed appropriate because of size, location, or nature of the proposed development.
  - ii. The amenities or off-site improvements shall be utilized by the City or developed by the applicant to mitigate the reduction of open space or to fulfill the recreational needs of the City as required by the Comprehensive Plan.
  - iii. Areas that Do Not Count as Open Space.
    - a) Parking and loading areas,
    - b) Streets, and rights-of-way shall not count toward usable open space.
  - iv. Areas that Count as Open Space.
    - a) Water bodies,
    - b) Surface water retention areas,
    - c) Preservation areas, and riparian areas that are preserved as open space shall count towards this minimum standard, even when they are not usable by or accessible to the residents of the PUD.
    - d) All other open space shall be conveniently accessible from all occupied structures in the PUD.
  - v. Improvements Required. All common open space and recreational facilities shall be shown on the PUD Master Concept Plan and shall be constructed and fully improved according to the development schedule established for each development phase of the PUD.
  - vi. Landscaping along Sidewalks. All sidewalks within a PUD must be shaded by canopy trees. The area used for shading the sidewalks can be considered as part of the minimum open space requirement.
  - vii. Maintenance of Open Space. All open space shall continue to conform to its intended use, as specified on the PUD Master Concept Plan. To ensure that public open space identified in the PUD will be used as open space, restrictions, easements, or covenants shall be recorded in deeds or the open space areas may be dedicated to the public to ensure their maintenance and to prohibit the division of any public open space.
  - viii. Any subdivision of land will require a Property Owners Association (POA) or Home Owners Association (HOA) to ensure that open spaces within a PUD are maintained.
  - ix. The City is not required to accept dedication of open space areas.
5. PUD Perimeter Buffers. The boundary between a PUD and adjacent land uses shall be landscaped with a buffer that has sufficient width and shall include screening to ensure a proper transition and increase compatibility between land uses. The buffer shall be approved in conjunction with the Master Plan.
6. Street Standards. All streets, roads, and drive aisles shall be designed and constructed in conformance with the Right-of-way Standards identified in this Land Development Code.
7. Phasing. When a PUD is developed in phases, a proportional amount of the open space and recreation areas shall be included in each phase, in order to comply with the open space requirements of this chapter at the completion of each phase of the development.

- (i) *Master Concept Plan and concurrent Preliminary Subdivision Plan review.* The approved Master Concept Plan may be used for Preliminary Subdivision Plan approval, provided the required details and information for review are included in the Master Plan.
- (j) *Amendments to Planned Unit Developments.*
  - 1. Administrative Amendments. Amendments to an approved PUD may be approved administratively if they meet the following criteria:
    - i. Density or intensity is increased by less than ten percent.
    - ii. Open space is not decreased by more than five percent.
    - iii. There are no changes to any condition of approval.
    - iv. There is no change in permitted uses or types of structures.
    - v. Dimensional standards are changed by no more than ten percent.
  - 2. Review Standards for amendments. An approved PUD Master Concept Plan may be amended if the applicant demonstrates that the proposed modification:
    - i. Is consistent with the efficient development and preservation of the entire PUD;
    - ii. Does not affect in a substantially adverse manner either the enjoyment of the land abutting upon, adjoining or across a street from the planned unit development;
    - iii. Is not granted solely to confer a special benefit upon any person;
    - iv. Does not contain proposed uses that detract from other uses approved in the PUD;
    - v. Does not contain an open space plan that differs substantially in quantity or quality from the originally approved plan; and
    - vi. Contains streets and utilities that are coordinated with planned and existing street and utilities for the remainder of the PUD.
  - 3. Amendments that require City Council Approval. Any amendment to a PUD that does not meet the criteria in subsections 1 through 2 above, must be approved by the City Council.
- (k) *Effect of PUD approvals.*
  - 1. PUD zoning. A rezoning to a PUD zoning district shall run with the land.
  - 2. Master Concept Plans. A Master Concept Plan shall be valid for any time period established in the conditions of approval for the Plan. If a specific time period is not specified then the MCP shall run with the land.

OR

  - 3. If a Site Development Plan, a building permit for vertical construction, or a subdivision plat has not been approved within 2 years, the Master Concept Plan shall be null and void, unless an extension has been approved by the City Council.
- (l) *Extensions.* A PUD may receive one extension that is valid for two years. Upon expiration of the extension, the Master Concept Plan shall be null and void.

### **Sec. 3-38 Specific Review Procedures - Legislative Approvals**

- (a) The following sections outline the various application types and approvals which shall require legislative proceedings. The Public hearing processes outlined in Sec. 3-11(k) shall apply.

### **Sec. 3-39. - Annexations**

- (a) *Purpose of Annexations.* Annexations shall be considered for the following reasons:
  - 1. The annexation implements the Comprehensive Plan.
  - 2. The annexation increases the City's inventory of non-residential lands.
  - 3. The annexation results in the removal of enclaves.

4. The annexation results in the logical extension of City boundaries.
- (b) *Manner of Initiation.* Applications to annex property in to the City may be initiated in the following manner:
  1. The City Council; or
  2. By a petition of one or more owners of property within an area proposed for annexation.
- (c) *Review Criteria.* Proposed annexations shall be reviewed in accordance with the requirements of Chapter 171, Florida Statutes.
- (d) *Effective date of approval:* The effective date of an annexation will take place in accordance with Chapter 171, Florida Statutes.

#### **Sec. 3-40. - Final Plat Approval**

- (a) The Subdivision and Plat approval processes are required as per Article XXI.

#### **Sec. 3-41. - Future Land Use Map Amendments**

- (a) *Purpose of Amendments.* Future Land Use Map amendments shall be considered for the following reasons:
  1. The amendment implements the goals, objectives, and policies of the Comprehensive Plan.
  2. The amendment promotes compliance with changes to other city, state, or federal regulations.
  3. The amendment results in compatible land uses within a specific area.
  4. The amendment implements findings of reports, studies, or other documentation regarding functional requirements, contemporary planning practices, environmental requirements, or similar technical assessments.
  5. The amendment is consistent with the City's ability to provide adequate public facilities and services.
  6. The amendment prepares the City for future growth, such as reflecting changing development patterns, identifying demands for community services, reflecting changes necessary to accommodate current and planned growth in population, and facilitating community infrastructure and public services.
- (b) *Manner of Initiation.* Applications for a Future Land Use Map amendments may be initiated in the following manner:
  1. The City Council by its own motion;
  2. The Planning and Development Board by its own motion;
  3. The City Manager for City initiated requests; or
  4. By a petition of one or more property owners of at least 51% of the property owners of an area proposed for amendment.
- (c) *Review Criteria.* Proposed future land use map amendments shall be reviewed in accordance with the requirements of Chapter 163, Florida Statutes, and the following criteria:
  1. Whether the proposed future land use amendment is consistent with the goals, policies, and future land use designations of the City Comprehensive Plan;
  2. The amendment protects the health, safety, and welfare of the community;
  3. The proposed amendment and all of the consistent zoning districts, and the underlying permitted uses, are compatible with the physical and environmental features of the site;
  4. The range of zoning districts and all of the allowed uses in those districts are compatible with surrounding uses in terms of land suitability or density and that a change will not result in negative impacts on the community or traffic that cannot be mitigated through application of the development standards in this Code;

5. The site is capable of accommodating all of the allowed uses, whether by right or otherwise, considering existing or planned infrastructure for roads, sanitary and water supply systems, stormwater, parks, etc.; and
  6. Other factors deemed appropriate by the Planning and Development Board and City Council.
- (d) *Effective date of approval.* The effective date of a future land use map amendment shall be in accordance with Chapter 163, Florida Statutes.

#### **Sec. 3-42. - Comprehensive Plan Text Amendments**

- (a) *Purpose of Amendments.* Comprehensive Plan text amendments shall be considered for the following reasons:
1. The amendment clarifies the intent of the Comprehensive Plan.
  2. The amendment corrects an error in the Comprehensive Plan.
  3. The amendment addresses changes to state legislation, recent case law, or opinions from the Attorney General of the State of Florida.
  4. The amendment implements the Comprehensive Plan.
  5. The amendment promotes compliance with changes to other city, state, or federal regulations.
  6. The amendment results in compatible land uses within the future land use designation.
  7. The amendment implements findings of reports, studies, or other documentation regarding functional requirements, contemporary planning practices, environmental requirements, or similar technical assessments.
  8. The amendment promotes the City's ability to provide adequate public facilities and services.
- (b) *Manner of Initiation.* Comprehensive Plan Text Amendments may be initiated in the following manner:
1. The City Council;
  2. The Planning and Development Board; or
  3. The City Manager for City initiated requests.
- (c) *Review Criteria.* Proposed comprehensive plan text amendments shall be reviewed in accordance with the requirements of Florida Statutes, Chapter 163, and the following criteria:
1. The amendment is consistent with the goals and policies of the City Comprehensive Plan;
  2. The amendment protects the health, safety, and welfare of the community; or
  3. Other factors deemed appropriate by the Planning and Development Board and City Council.
- (d) *Effective date of approval.* The effective date of a comprehensive plan text amendment shall be in accordance with Chapter 163, Florida Statutes.

#### **Sec. 3-43. - Land Development Code Text Amendments**

- (a) *Purpose of Amendments.* Land Development Code (LDC) text amendments shall be considered for the following reasons:
1. The amendment clarifies the intent of the LDC.
  2. The amendment corrects an error in the LDC.
  3. The amendment addresses changes to state legislation, recent case law, or opinions from the Attorney General of the State of Florida.
  4. The amendment implements the LDC or Comprehensive Plan.
  5. The amendment promotes compliance with changes to other city, state, or federal regulations.

6. The amendment adds district uses that are consistent with the character of the current range of allowed uses.
  7. The amendment results in providing compatible land uses within the City.
  8. The amendment implements findings of reports, studies, or other documentation regarding functional requirements, contemporary planning practices, environmental requirements, or similar technical assessments.
- (b) *Manner of Initiation.* Applications for a LDC text amendment may be initiated in the following manner:
1. The City Council by its own motion;
  2. The Planning and Development Board by its own motion; or
  3. The City Manager for City initiated requests, including text amendments associated with a similar use determination.
- (c) *Review Criteria.* Proposed LDC text amendments shall be reviewed in accordance with the following criteria:
1. Whether the proposed LDC text amendment is consistent with the goals, policies, and future land use designations of the City Comprehensive Plan;
  2. The amendment results in compatible land uses within a zoning designation;
  3. The amendment protects the health, safety, and welfare of the community; or
  4. Other factors deemed appropriate by the Planning and Development Board and City Council.
- (d) *Effective date of approval.* The effective date of a LDC text amendment shall take place upon adoption.

## ***Proposed Schedule for Completing LDC***

Dates subject to current conditions.

| <b>Chapter</b>       | <b>Order</b> | <b>LPA</b> | <b>LPA 2</b> | <b>Council 1</b> | <b>Council 2</b> | <b>Go Live</b> |
|----------------------|--------------|------------|--------------|------------------|------------------|----------------|
| 1 - General Admin    | 8            | 10/26/2020 | 12/14/2020   | 1/11/2021        | 1/25/2021        | 2/8/2021       |
| 2 - Definitions      | 9            | 10/26/2020 | 12/14/2020   | 1/11/2021        | 1/25/2021        | 2/8/2021       |
| 3 - Admin Procedures | 1            | 4/27/2020  | 4/27/2020    | 4/27/2020        | 5/11/2020        | 5/12/2020      |
| 4 - Zoning           | 5            | 9/28/2020  | 12/14/2020   | 1/11/2021        | 1/25/2021        | 2/8/2021       |
| 5 - Environmental    | 7            | 10/26/2020 | 12/14/2020   | 1/11/2021        | 1/25/2021        | 2/8/2021       |
| 6 - Design           | 2            | 5/25/2020  | 12/14/2020   | 1/11/2021        | 1/25/2021        | 2/8/2021       |
| 7 - Access           | 3            | 6/22/2020  | 12/14/2020   | 1/11/2021        | 1/25/2021        | 2/8/2021       |
| 8 - Transportation   | 6            | 10/26/2020 | 12/14/2020   | 1/11/2021        | 1/25/2021        | 2/8/2021       |
| 9 - Variations       | 4            | 7/27/2020  | 12/14/2020   | 1/11/2021        | 1/25/2021        | 2/8/2021       |
| 10 - Map             | TBD          | TBD        | TBD          | TBD              | TBD              | TBD            |





# Staff Report

CITY COUNCIL MEETING DATE: April 27, 2020

TYPE OF AGENDA ITEM: Action Item

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TO: Mayor and City Council  
CC: City Manager, City Clerk, Staff and Attorney  
FROM: Elizabeth Roy, City Clerk  
DATE: 4/22/2020  
SUBJECT: Appointment of Mayor Pro Tem

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## **BACKGROUND:**

The Charter Changes that were approved by the Citizens in August of 2018 brought about changes to the structure of the City Council.

## **DISCUSSION:**

By the Charter Changes of 2018, the Mayor is the chair of the City Council.

Each year the Council must elect a Mayor Pro Tem, as soon as possible to April 1, 2020

## **GOALS & OBJECTIVES**

This item is consistent with the goals in A New View Strategic Plan 2020 as follows;

**Foundational-** these are the areas of focus that make up the necessary foundation of a successful local government.

*Organizational Capacity, Effectiveness & Efficiency-* To efficiently & effectively provide the highest quality of public services

*Infrastructure-* Satisfy current and future infrastructure needs

*Communication-* To engage, inform and educate public and staff

## **FINANCIAL IMPACT**

There is no financial impact to the City.

## **RECOMMENDED ACTION**

Staff respectfully requests that the City Council nominate and approve a Mayor Pro Tem to serve for April 2020- March 2021.

## **Attachments**

None



# Staff Report

CITY COUNCIL MEETING DATE: April 27, 2020

TYPE OF AGENDA ITEM: Action Item

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TO: Mayor and City Council  
CC: City Manager, City Clerk, Staff and Attorney  
FROM: Tim Bolduc, City Manager  
DATE: 4/22/2020  
SUBJECT: Request to approve an extension of the contract to purchase Foxwood Estates.

---

## **BACKGROUND:**

On February 24th the City Council approved the contract to purchase the golf course at Foxwood Country Club.

The purchase of this property under the agreement that was initially negotiated was contingent on a pending merger of First City Bank.

The contract as executed has closing date of April 30, 2020.

## **DISCUSSION:**

Due to the COVID-19 outbreak, the pending merger of First City Bank looks as though it will not be completed.

As a result of the change of status of the bank, the seller is seeking to extend the closing date to June 29, 2020.

Staff continues to work diligently to complete the annexation process. The requirements of this process have been made more difficult as a result of the COVID-19 outbreak as well.

With the delays in the process to complete the annexation and difficulties presented by the failed merger, Staff agrees that an extension of the closing date makes sense.

## **GOALS & OBJECTIVES**

This item is consistent with the goals in A New View Strategic Plan 2020 as follows;

**Foundational-** these are the areas of focus that make up the necessary foundation of a successful local government.

*Financial Sustainability-* Achieve long term financial sustainability

*Organizational Capacity, Effectiveness & Efficiency-* To efficiently & effectively provide the highest quality of public services

*Communication-* To engage, inform and educate public and staff

**Quality of Life-** these areas focus on the overall experience when provided by the city.

*Community Character-* Promote desirable growth with a hometown atmosphere

*Safety-* Ensure the continuous safety of citizens and visitors

*Opportunity-* Promote an environment that encourages economic and educational opportunity

*Play-* Expand recreational and entertainment activities within the City

*Community Culture-* Develop a specific identity for Crestview

### **FINANCIAL IMPACT**

The purchase price of this property has not changed. Funding to acquire the property was secured in the recent funding issuance completed earlier this year.

### **RECOMMENDED ACTION**

Staff respectfully requests approval the amendment as submitted.

### **Attachments**

1. Extension Addendum to Contract
2. Foxwood Contract

## Extension Addendum to Contract



The following date and/or time period(s) of the Contract for Residential Sale and Purchase , Residential Contract for Sale and Purchase, Vacant Land Contract, or Commercial Contract with the Effective date of 2/26/2020, between Foxwood of Crestview, LLC ("**Seller**") and City of Crestview ("**Buyer**") concerning the Property located at 4927 Antioch Rd, Crestview, FL is hereby extended. (check whichever apply)

☒ **Closing Date.** **Seller** and **Buyer** agree to extend the Closing Date until June 29, 2020.

☐ **Financing Period.** **Seller** and **Buyer** agree to extend the Commitment Period, Loan Approval Date, or Financing Period for an additional \_\_\_\_\_ days or until \_\_\_\_\_.

☐ **Inspection Period.** **Seller** and **Buyer** agree to extend the Inspection Period for an additional \_\_\_\_\_ days or until \_\_\_\_\_.

☐ **Title Cure Period.** **Seller** and **Buyer** agree to extend the Curative Period or Cure Period for an additional \_\_\_\_\_ days or until \_\_\_\_\_.

☐ **Short Sale Approval Deadline.** **Seller** and **Buyer** agree to extend the Approval Deadline for an additional \_\_\_\_\_ days or until \_\_\_\_\_.

☐ **Feasibility Study Period.** **Seller** and **Buyer** agree to extend the Feasibility Study Period for an additional \_\_\_\_\_ days or until \_\_\_\_\_.

☐ **Due Diligence Period.** **Seller** and **Buyer** agree to extend the Due Diligence Period for an additional \_\_\_\_\_ days or until \_\_\_\_\_.

This extension will be on the same terms and conditions as stated in the original contract except:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

All other non-conflicting terms of the contract remain in full force and effect.

Robert E Bennett, Jr

**Seller**

4/21/2020

**Date**

**Buyer**

**Date**

**Seller**

**Date**

**Buyer**

**Date**



# Staff Report

CITY COUNCIL MEETING DATE: February 24, 2020

TYPE OF AGENDA ITEM: Action Item

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TO: Mayor and City Council  
CC: City Manager, City Clerk, Staff and Attorney  
FROM: Tim Bolduc, City Manager  
DATE: 2/20/2020  
SUBJECT: Foxwood Purchase Agreement

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## **BACKGROUND:**

The City Council instructed the City Manager to work with the City Attorney and the representatives from LivingRight Realty to negotiate the purchase of Foxwood Country Club for the not to exceed amount of 1.4 million dollars.

## **DISCUSSION:**

The attached agreement is the result of the negotiations to purchase the Foxwood country club property.

Staff is asking for final approval of the purchase as proposed in the agreement and for permission for the Mayor to execute any documents necessary to complete the transaction.

## **GOALS & OBJECTIVES**

This item is consistent with the goals in A New View Strategic Plan 2020 as follows;

**Foundational-** these are the four areas of focus that make up the necessary foundation of a successful local government.

*Financial Sustainability-* Achieve long term financial sustainability

*Infrastructure-* Satisfy current and future infrastructure needs

*Communication-* To engage, inform and educate public and staff

**Quality of Life-** these six areas focus on the overall experience when provided by the city.

*Community Character-* Promote desirable growth with a hometown atmosphere

*Safety-* Ensure the continuous safety of citizens and visitors

*Opportunity-* Promote an environment that encourages economic and educational opportunity

*Play-* Expand recreational and entertainment activities within the City

*Community Culture-* Develop a specific identity for Crestview

## **FINANCIAL IMPACT**

The funding necessary to purchase the property was recently approved by City Council.

**RECOMMENDED ACTION**

Staff respectfully requests City Council approval of the negotiated terms of this agreement. Staff additionally requests Council approval for the Mayor to execute any and all documents to accomplish this purchase.

**Attachments**

1. FoxwoodAgreement (1)

# Commercial Contract



1 1. PARTIES AND PROPERTY: \_\_\_\_\_ City of Crestview \_\_\_\_\_ ("Buyer")

2 agrees to buy and \_\_\_\_\_ ~~Foxwood Country Club, Inc.~~ \_\_\_\_\_ ("Seller")

3 agrees to sell the property at: Foxwood of Crestview, LLC *REBJ*

4 Street Address: 4927 Antioch Road Crestview, Fl. 32536

6 Legal Description: see attached

8 and the following Personal Property: \_\_\_\_\_

10 (all collectively referred to as the "Property") on the terms and conditions set forth below.

11 2. PURCHASE PRICE: \$ 1,200,000.00

12 (a) Deposit held in escrow by: \_\_\_\_\_ n/a \$ 0.00  
13 ("Escrow Agent") (checks are subject to actual and final collection)

14 Escrow Agent's address: Jonathan Holloway Phone: 8503986808

15 (b) Additional deposit to be made to Escrow Agent

16 ☐ within \_\_\_\_\_ days (3 days, if left blank) after completion of Due Diligence Period or  
17 ☐ within \_\_\_\_\_ days after Effective Date \$ 0.00

18 (c) Additional deposit to be made to Escrow Agent

19 ☐ within \_\_\_\_\_ days (3 days, if left blank) after completion of Due Diligence Period or  
20 ☐ within \_\_\_\_\_ days after Effective Date \$ 0.00

21 (d) Total financing (see Paragraph 5) \$ 0.00

22 (e) Other \$ 0.00

23 (f) All deposits will be credited to the purchase price at closing.

24 Balance to close, subject to adjustments and prorations, to be paid  
25 via wire transfer. \$ 1,200,000.00

26 For the purposes of this paragraph, "completion" means the end of the Due Diligence Period or upon delivery of  
27 Buyer's written notice of acceptability.

28 3. TIME FOR ACCEPTANCE; EFFECTIVE DATE; COMPUTATION OF TIME: Unless this offer is signed by Seller  
29 and Buyer and an executed copy delivered to all parties on or before February 21, 2020, this offer  
30 will be withdrawn and the Buyer's deposit, if any, will be returned. The time for acceptance of any counter offer will be  
31 3 days from the date the counter offer is delivered. The "Effective Date" of this Contract is the date on which the  
32 last one of the Seller and Buyer has signed or initialed and delivered this offer or the final counter offer or  
33 \_\_\_\_\_. Calendar days will be used when computing time periods, except time periods of 5  
34 days or less. Time periods of 5 days or less will be computed without including Saturday, Sunday, or national legal  
35 holidays. Any time period ending on a Saturday, Sunday, or national legal holiday will extend until 5:00 p.m. of the next  
36 business day. Time is of the essence in this Contract.

April 30, 2020 *REBJ*

37 4. CLOSING DATE AND LOCATION:

38 (a) Closing Date: This transaction will be closed on March 31, 2020 (Closing Date), unless  
39 specifically extended by other provisions of this Contract. The Closing Date will prevail over all other time periods  
40 including, but not limited to, Financing and Due Diligence periods. In the event insurance underwriting is suspended

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on Closing Date and **Buyer** is unable to obtain property insurance, **Buyer** may postpone closing up to 5 days after the insurance underwriting suspension is lifted.

(b) **Location:** Closing will take place in Okaloosa County, Florida. (If left blank, closing will take place in the county where the property is located.) Closing may be conducted by mail or electronic means.

##### 5. THIRD PARTY FINANCING:

**BUYER'S OBLIGATION:** On or before \_\_\_\_\_ days (5 days if left blank) after Effective Date, **Buyer** will apply for third party financing in an amount not to exceed \_\_\_\_\_% of the purchase price or \$\_\_\_\_\_, with a fixed interest rate not to exceed \_\_\_\_\_% per year with an initial variable interest rate not to exceed \_\_\_\_\_%, with points or commitment or loan fees not to exceed \_\_\_\_\_% of the principal amount, for a term of \_\_\_\_\_ years, and amortized over \_\_\_\_\_ years, with additional terms as follows:

**Buyer** will timely provide any and all credit, employment, financial and other information reasonably required by any lender. **Buyer** will use good faith and reasonable diligence to (i) obtain Loan Approval within \_\_\_\_\_ days (45 days if left blank) from Effective Date (Loan Approval Date), (ii) satisfy terms and conditions of the Loan Approval, and (iii) close the loan. **Buyer** will keep **Seller** and Broker fully informed about loan application status and authorizes the mortgage broker and lender to disclose all such information to **Seller** and Broker. **Buyer** will notify **Seller** immediately upon obtaining financing or being rejected by a lender. **CANCELLATION:** If **Buyer**, after using good faith and reasonable diligence, fails to obtain Loan Approval by Loan Approval Date, **Buyer** may within \_\_\_\_\_ days (3 days if left blank) deliver written notice to **Seller** stating **Buyer** either waives this financing contingency or cancels this Contract. If **Buyer** does neither, then **Seller** may cancel this Contract by delivering written notice to **Buyer** at any time thereafter. Unless this financing contingency has been waived, this Contract shall remain subject to the satisfaction, by closing, of those conditions of Loan Approval related to the Property. **DEPOSIT(S) (for purposes of Paragraph 5 only):** If **Buyer** has used good faith and reasonable diligence but does not obtain Loan Approval by Loan Approval Date and thereafter either party elects to cancel this Contract as set forth above or the lender fails or refuses to close on or before the Closing Date without fault on **Buyer's** part, the Deposit(s) shall be returned to **Buyer**, whereupon both parties will be released from all further obligations under this Contract, except for obligations stated herein as surviving the termination of this Contract. If neither party elects to terminate this Contract as set forth above or **Buyer** fails to use good faith or reasonable diligence as set forth above, **Seller** will be entitled to retain the Deposit(s) if the transaction does not close. For purposes of this Contract, "Loan Approval" means a statement by the lender setting forth the terms and conditions upon which the lender is willing to make a particular mortgage loan to a particular buyer. Neither a pre-approval letter nor a prequalification letter shall be deemed a Loan Approval for purposes of this Contract.

**6. TITLE:** **Seller** has the legal capacity to and will convey marketable title to the Property by ☐ statutory warranty deed ☒ special warranty deed ☐ other \_\_\_\_\_, free of liens, easements and encumbrances of record or known to **Seller**, but subject to property taxes for the year of closing; covenants, restrictions and public utility easements of record; existing zoning and governmental regulations; and (list any other matters to which title will be subject) \_\_\_\_\_

provided there exists at closing no violation of the foregoing and none of them prevents **Buyer's** intended use of the Property as \_\_\_\_\_

(a) **Evidence of Title:** The party who pays the premium for the title insurance policy will select the closing agent and pay for the title search and closing services. **Seller** will, at (check one) ☐ **Seller's** ☒ **Buyer's** expense and within \_\_\_\_\_ days after Effective Date or at least \_\_\_\_\_ days before Closing Date deliver to **Buyer** (check one) ☒ (i) a title insurance commitment by a Florida licensed title insurer setting forth those matters to be discharged by **Seller** at or before Closing and, upon **Buyer** recording the deed, an owner's policy in the amount of the purchase price for fee simple title subject only to exceptions stated above. If **Buyer** is paying for the evidence of title and **Seller** has an owner's policy, **Seller** will deliver a copy to **Buyer** within 15 days after Effective Date. ☐ (ii) an abstract of title, prepared or brought current by an existing abstract firm or certified as correct by an existing firm. However, if such an abstract is not available to **Seller**, then a prior owner's title policy acceptable to the proposed insurer as a base for reissuance of coverage may be used. The prior policy will include copies of all policy exceptions and an update in a format acceptable to **Buyer** from the policy effective date and certified to **Buyer** or

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Buyer's closing agent together with copies of all documents recited in the prior policy and in the update. If such an abstract or prior policy is not available to Seller then (i.) above will be the evidence of title.

(b) **Title Examination:** Buyer will, within 15 days from receipt of the evidence of title deliver written notice to Seller of title defects. Title will be deemed acceptable to Buyer if (1) Buyer fails to deliver proper notice of defects or (2) Buyer delivers proper written notice and Seller cures the defects within \_\_\_\_\_ days from receipt of the notice ("Curative Period"). Seller shall use good faith efforts to cure the defects. If the defects are cured within the Curative Period, closing will occur on the latter of 10 days after receipt by Buyer of notice of such curing or the scheduled Closing Date. Seller may elect not to cure defects if Seller reasonably believes any defect cannot be cured within the Curative Period. If the defects are not cured within the Curative Period, Buyer will have 10 days from receipt of notice of Seller's inability to cure the defects to elect whether to terminate this Contract or accept title subject to existing defects and close the transaction without reduction in purchase price.

(c) **Survey:** (check applicable provisions below)

☒ Seller will, within 10 days from Effective Date, deliver to Buyer copies of prior surveys, plans, specifications, and engineering documents, if any, and the following documents relevant to this transaction:

prepared for Seller or in Seller's possession, which show all currently existing structures. In the event this transaction does not close, all documents provided by Seller will be returned to Seller within 10 days from the date this Contract is terminated.

☒ Buyer will, at ☐ Seller's ☒ Buyer's expense and within the time period allowed to deliver and examine title evidence, obtain a current certified survey of the Property from a registered surveyor. If the survey reveals encroachments on the Property or that the improvements encroach on the lands of another, ☒ Buyer will accept the Property with existing encroachments ☐ such encroachments will constitute a title defect to be cured within the Curative Period.

(d) **Ingress and Egress:** Seller warrants that the Property presently has ingress and egress.

**7. PROPERTY CONDITION:** Seller will deliver the Property to Buyer at the time agreed in its present "as is" condition, ordinary wear and tear excepted, and will maintain the landscaping and grounds in a comparable condition. Seller makes no warranties other than marketability of title. In the event that the condition of the Property has materially changed since the expiration of the Due Diligence Period, Buyer may elect to terminate the Contract and receive a refund of any and all deposits paid, plus interest, if applicable, or require Seller to return the Property to the required condition existing as of the end of Due Diligence period, the cost of which is not to exceed \$\_\_\_\_\_ (1.5% of the purchase price, if left blank). By accepting the Property "as is", Buyer waives all claims against Seller for any defects in the Property. (Check (a) or (b))

☐ (a) **As Is:** Buyer has inspected the Property or waives any right to inspect and accepts the Property in its "as is" condition.

☒ (b) **Due Diligence Period:** Buyer will, at Buyer's expense and within 45 days from Effective Date ("Due Diligence Period"), determine whether the Property is suitable, in Buyer's sole and absolute discretion. During the term of this Contract, Buyer may conduct any tests, analyses, surveys and investigations ("Inspections") which Buyer deems necessary to determine to Buyer's satisfaction the Property's engineering, architectural, environmental properties; zoning and zoning restrictions; flood zone designation and restrictions; subdivision regulations; soil and grade; availability of access to public roads, water, and other utilities; consistency with local, state and regional growth management and comprehensive land use plans; availability of permits, government approvals and licenses; compliance with American with Disabilities Act; absence of asbestos, soil and ground water contamination; and other inspections that Buyer deems appropriate. Buyer will deliver written notice to Seller prior to the expiration of the Due Diligence Period of Buyer's determination of whether or not the Property is acceptable. Buyer's failure to comply with this notice requirement will constitute acceptance of the Property in its present "as is" condition. Seller grants to Buyer, its agents, contractors and assigns, the right to enter the Property at any time during the term of this Contract for the purpose of conducting Inspections, upon reasonable notice, at a mutually agreed upon time; provided, however, that Buyer, its agents, contractors and assigns enter the Property and conduct Inspections at their own risk. Buyer will indemnify and hold Seller harmless from losses, damages, costs, claims and expenses of any nature, including attorneys' fees at all levels, and from liability to any person, arising from the conduct of any and all inspections or any work authorized by Buyer. Buyer will not engage in any activity that could result in a mechanic's lien being filed against the Property without Seller's prior written consent. In the event this transaction does not close, (1) Buyer will repair all damages to the

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Property resulting from the Inspections and return the Property to the condition it was in prior to conduct of the Inspections, and (2) **Buyer** will, at **Buyer's** expense release to **Seller** all reports and other work generated as a result of the Inspections. Should **Buyer** deliver timely notice that the Property is not acceptable, **Seller** agrees that **Buyer's** deposit will be immediately returned to **Buyer** and the Contract terminated.

**(c) Walk-through Inspection:** **Buyer** may, on the day prior to closing or any other time mutually agreeable to the parties, conduct a final "walk-through" inspection of the Property to determine compliance with this paragraph and to ensure that all Property is on the premises.

**8. OPERATION OF PROPERTY DURING CONTRACT PERIOD:** **Seller** will continue to operate the Property and any business conducted on the Property in the manner operated prior to Contract and will take no action that would adversely impact the Property after closing, as to tenants, lenders or business, if any. Any changes, such as renting vacant space, that materially affect the Property or **Buyer's** intended use of the Property will be permitted ☒ only with **Buyer's** consent ☐ without **Buyer's** consent.

**9. CLOSING PROCEDURE:** Unless otherwise agreed or stated herein, closing procedure shall be in accordance with the norms where the Property is located.

**(a) Possession and Occupancy:** **Seller** will deliver possession and occupancy of the Property to **Buyer** at closing. **Seller** will provide keys, remote controls, and any security/access codes necessary to operate all locks, mailboxes, and security systems.

**(b) Costs:** **Buyer** will pay **Buyer's** attorneys' fees, taxes and recording fees on notes, mortgages and financing statements and recording fees for the deed. **Seller** will pay **Seller's** attorneys' fees, taxes on the deed and recording fees for documents needed to cure title defects. If **Seller** is obligated to discharge any encumbrance at or prior to closing and fails to do so, **Buyer** may use purchase proceeds to satisfy the encumbrances.

**(c) Documents:** **Seller** will provide the deed; bill of sale; mechanic's lien affidavit; originals of those assignable service and maintenance contracts that will be assumed by **Buyer** after the Closing Date and letters to each service contractor from **Seller** advising each of them of the sale of the Property and, if applicable, the transfer of its contract, and any assignable warranties or guarantees received or held by **Seller** from any manufacturer, contractor, subcontractor, or material supplier in connection with the Property; current copies of the condominium documents, if applicable; assignments of leases, updated rent roll; tenant and lender estoppels letters (if applicable); tenant subordination, non-disturbance and attornment agreements (SNDAs) required by the **Buyer** or **Buyer's** lender; assignments of permits and licenses; corrective instruments; and letters notifying tenants of the change in ownership/rental agent. If any tenant refuses to execute an estoppels letter, **Seller**, if requested by the **Buyer** in writing, will certify that information regarding the tenant's lease is correct. If **Seller** is an entity, **Seller** will deliver a resolution of its governing authority authorizing the sale and delivery of the deed and certification by the appropriate party certifying the resolution and setting forth facts showing the conveyance conforms to the requirements of local law. **Seller** will transfer security deposits to **Buyer**. **Buyer** will provide the closing statement, mortgages and notes, security agreements, and financing statements.

**(d) Taxes and Prorations:** Real estate taxes, personal property taxes on any tangible personal property, bond payments assumed by **Buyer**, interest, rents (based on actual collected rents), association dues, insurance premiums acceptable to **Buyer**, and operating expenses will be prorated through the day before closing. If the amount of taxes for the current year cannot be ascertained, rates for the previous year will be used with due allowance being made for improvements and exemptions. Any tax proration based on an estimate will, at request of either party, be readjusted upon receipt of current year's tax bill; this provision will survive closing.

**(e) Special Assessment Liens:** Certified, confirmed, and ratified special assessment liens as of the Closing Date will be paid by **Seller**. If a certified, confirmed, and ratified special assessment is payable in installments, **Seller** will pay all installments due and payable on or before the Closing Date, with any installment for any period extending beyond the Closing Date prorated, and **Buyer** will assume all installments that become due and payable after the Closing Date. **Buyer** will be responsible for all assessments of any kind which become due and owing after Closing Date, unless an improvement is substantially completed as of Closing Date. If an improvement is substantially completed as of the Closing Date but has not resulted in a lien before closing, **Seller** will pay the amount of the last estimate of the assessment. This subsection applies to special assessment liens imposed by a public body and does not apply to condominium association special assessments.

**(f) Foreign Investment in Real Property Tax Act (FIRPTA):** If **Seller** is a "foreign person" as defined by FIRPTA, **Seller** and **Buyer** agree to comply with Section 1445 of the Internal Revenue Code. **Seller** and **Buyer** will complete, execute, and deliver as directed any instrument, affidavit, or statement reasonably necessary to comply

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with the FIRPTA requirements, including delivery of their respective federal taxpayer identification numbers or Social Security Numbers to the closing agent. If **Buyer** does not pay sufficient cash at closing to meet the withholding requirement, **Seller** will deliver to **Buyer** at closing the additional cash necessary to satisfy the requirement.

**10. ESCROW AGENT:** **Seller** and **Buyer** authorize Escrow Agent or Closing Agent (collectively "Agent") to receive, deposit, and hold funds and other property in escrow and, subject to collection, disburse them in accordance with the terms of this Contract. The parties agree that Agent will not be liable to any person for misdelivery of escrowed items to **Seller** or **Buyer**, unless the misdelivery is due to Agent's willful breach of this Contract or gross negligence. If Agent has doubt as to Agent's duties or obligations under this Contract, Agent may, at Agent's option, (a) hold the escrowed items until the parties mutually agree to its disbursement or until a court of competent jurisdiction or arbitrator determines the rights of the parties or (b) deposit the escrowed items with the clerk of the court having jurisdiction over the matter and file an action in interpleader. Upon notifying the parties of such action, Agent will be released from all liability except for the duty to account for items previously delivered out of escrow. If Agent is a licensed real estate broker, Agent will comply with Chapter 475, Florida Statutes. In any suit in which Agent interpleads the escrowed items or is made a party because of acting as Agent hereunder, Agent will recover reasonable attorney's fees and costs incurred, with these amounts to be paid from and out of the escrowed items and charged and awarded as court costs in favor of the prevailing party.

**11. CURE PERIOD:** Prior to any claim for default being made, a party will have an opportunity to cure any alleged default. If a party fails to comply with any provision of this Contract, the other party will deliver written notice to the non-complying party specifying the non-compliance. The non-complying party will have \_\_\_\_\_ days (5 days if left blank) after delivery of such notice to cure the non-compliance. Notice and cure shall not apply to failure to close.

**12. FORCE MAJEURE:** **Buyer** or **Seller** shall not be required to perform any obligation under this Contract or be liable to each other for damages so long as performance or non-performance of the obligation, or the availability of services, insurance, or required approvals essential to Closing, is disrupted, delayed, caused or prevented by Force Majeure. "Force Majeure" means: hurricanes, floods, extreme weather, earthquakes, fire, or other acts of God, unusual transportation delays, or wars, insurrections, or acts of terrorism, which, by exercise of reasonable diligent effort, the non-performing party is unable in whole or in part to prevent or overcome. All time periods, including Closing Date, will be extended a reasonable time up to 7 days after the Force Majeure no longer prevents performance under this Contract, provided, however, if such Force Majeure continues to prevent performance under this Contract more than 30 days beyond Closing Date, then either party may terminate this Contract by delivering written notice to the other and the Deposit shall be refunded to **Buyer**, thereby releasing **Buyer** and **Seller** from all further obligations under this Contract.

**13. RETURN OF DEPOSIT:** Unless otherwise specified in the Contract, in the event any condition of this Contract is not met and **Buyer** has timely given any required notice regarding the condition having not been met, **Buyer's** deposit will be returned in accordance with applicable Florida Laws and regulations.

**14. DEFAULT:**

(a) In the event the sale is not closed due to any default or failure on the part of **Seller** other than failure to make the title marketable after diligent effort, **Buyer** may elect to receive return of Buyer's deposit without thereby waiving any action for damages resulting from Seller's breach and may seek to recover such damages or seek specific performance. If Buyer elects a deposit refund, Seller may be liable to Broker for the full amount of the brokerage fee.

(b) In the event the sale is not closed due to any default or failure on the part of **Buyer**, **Seller** may either (1) retain all deposit(s) paid or agreed to be paid by **Buyer** as agreed upon liquidated damages, consideration for the execution of this Contract, and in full settlement of any claims, upon which this Contract will terminate or (2) seek specific performance. If **Buyer** fails to timely place a deposit as required by this Contract, **Seller** may either (1) terminate the Contract and seek the remedy outlined in this subparagraph or (2) proceed with the Contract without waiving any remedy for **Buyer's** default.

**15. ATTORNEY'S FEES AND COSTS:** In any claim or controversy arising out of or relating to this Contract, the prevailing party, which for purposes of this provision will include **Buyer**, **Seller** and Broker, will be awarded reasonable attorneys' fees, costs, and expenses.

**16. NOTICES:** All notices will be in writing and may be delivered by mail, overnight courier, personal delivery, or electronic means. Parties agree to send all notices to addresses specified on the signature page(s). Any notice, document, or item given by or delivered to an attorney or real estate licensee (including a transaction broker) representing a party will be as effective as if given by or delivered to that party.

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251 **17. DISCLOSURES:**

252 **(a) Commercial Real Estate Sales Commission Lien Act:** The Florida Commercial Real Estate Sales  
253 Commission Lien Act provides that a broker has a lien upon the owner's net proceeds from the sale of  
254 commercial real estate for any commission earned by the broker under a brokerage agreement. The lien upon the  
255 owner's net proceeds is a lien upon personal property which attaches to the owner's net proceeds and does not  
256 attach to any interest in real property. This lien right cannot be waived before the commission is earned.

257 **(b) Special Assessment Liens Imposed by Public Body:** The Property may be subject to unpaid special  
258 assessment lien(s) imposed by a public body. (A public body includes a Community Development District.) Such  
259 liens, if any, shall be paid as set forth in Paragraph 9(e).

260 **(c) Radon Gas:** Radon is a naturally occurring radioactive gas that, when it has accumulated in a building in  
261 sufficient quantities, may present health risks to persons who are exposed to it over time. Levels of radon that  
262 exceed federal and state guidelines have been found in buildings in Florida. Additional information regarding radon  
263 and radon testing may be obtained from your county public health unit.

264 **(d) Energy-Efficiency Rating Information:** Buyer acknowledges receipt of the information brochure required by  
265 Section 553.996, Florida Statutes.

266 **18. RISK OF LOSS:**

267 **(a)** If, after the Effective Date and before closing, the Property is damaged by fire or other casualty, **Seller** will  
268 bear the risk of loss and **Buyer** may cancel this Contract without liability and the deposit(s) will be returned to  
269 **Buyer**. Alternatively, **Buyer** will have the option of purchasing the Property at the agreed upon purchase price and  
270 **Seller** will credit the deductible, if any and transfer to **Buyer** at closing any insurance proceeds, or **Seller's** claim  
271 to any insurance proceeds payable for the damage. **Seller** will cooperate with and assist **Buyer** in collecting any  
272 such proceeds. **Seller** shall not settle any insurance claim for damage caused by casualty without the consent of  
273 the **Buyer**.

274 **(b)** If, after the Effective Date and before closing, any part of the Property is taken in condemnation or under the  
275 right of eminent domain, or proceedings for such taking will be pending or threatened, **Buyer** may cancel this  
276 Contract without liability and the deposit(s) will be returned to **Buyer**. Alternatively, **Buyer** will have the option of  
277 purchasing what is left of the Property at the agreed upon purchase price and **Seller** will transfer to the **Buyer** at  
278 closing the proceeds of any award, or **Seller's** claim to any award payable for the taking. **Seller** will cooperate  
279 with and assist **Buyer** in collecting any such award.

280 **19. ASSIGNABILITY; PERSONS BOUND:** This Contract may be assigned to a related entity, and otherwise ☒ is not  
281 assignable ☐ is assignable. If this Contract may be assigned, **Buyer** shall deliver a copy of the assignment agreement  
282 to the **Seller** at least 5 days prior to Closing. The terms "**Buyer**," "**Seller**" and "**Broker**" may be singular or plural. This  
283 Contract is binding upon **Buyer**, **Seller** and their heirs, personal representatives, successors and assigns (if  
284 assignment is permitted).

285 **20. MISCELLANEOUS:** The terms of this Contract constitute the entire agreement between **Buyer** and **Seller**.  
286 Modifications of this Contract will not be binding unless in writing, signed and delivered by the party to be bound.  
287 Signatures, initials, documents referenced in this Contract, counterparts and written modifications communicated  
288 electronically or on paper will be acceptable for all purposes, including delivery, and will be binding. Handwritten or  
289 typewritten terms inserted in or attached to this Contract prevail over preprinted terms. If any provision of this Contract  
290 is or becomes invalid or unenforceable, all remaining provisions will continue to be fully effective. This Contract will be  
291 construed under Florida law and will not be recorded in any public records.

292 **21. BROKERS:** Neither **Seller** nor **Buyer** has used the services of, or for any other reason owes compensation to, a  
293 licensed real estate Broker other than:

294 **(a) Seller's Broker:** Livin Right Real Estate, LLC Matthew McGee, Broker

(Company Name)

(Licensee)

295 102 Buck Dr. Unit C. Fort Walton Beach, FL 32548

(Address, Telephone, Fax, E-mail)

296 who ☐ is a single agent ☒ is a transaction broker ☐ has no brokerage relationship and who will be compensated by

297 ☒ **Seller** ☐ **Buyer** ☐ both parties pursuant to ☒ a listing agreement ☐ other (specify) \_\_\_\_\_

298 4% of the gross purchase price, payable from the proceeds at the time of closing

299  
300 **(b) Buyer's Broker:** \_\_\_\_\_

(Company Name)

(Licensee)

301 \_\_\_\_\_  
(Address, Telephone, Fax, E-mail)

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302 who ☐ is a single agent ☐ is a transaction broker ☐ has no brokerage relationship and who will be compensated by  
303 ☐ Seller's Broker ☐ Seller ☐ Buyer ☐ both parties pursuant to ☐ an MLS offer of compensation ☐ other (specify)  
304

305 (collectively referred to as "Broker") in connection with any act relating to the Property, including but not limited to  
306 inquiries, introductions, consultations, and negotiations resulting in this transaction. **Seller** and **Buyer** agree to  
307 indemnify and hold Broker harmless from and against losses, damages, costs and expenses of any kind, including  
308 reasonable attorneys' fees at all levels, and from liability to any person, arising from (1) compensation claimed which is  
309 inconsistent with the representation in this Paragraph, (2) enforcement action to collect a brokerage fee pursuant to  
310 Paragraph 10, (3) any duty accepted by Broker at the request of **Seller** or **Buyer**, which is beyond the scope of  
311 services regulated by Chapter 475, Florida Statutes, as amended, or (4) recommendations of or services provided and  
312 expenses incurred by any third party whom Broker refers, recommends, or retains for or on behalf of **Seller** or **Buyer**.

313 **22. OPTIONAL CLAUSES:** (Check if any of the following clauses are applicable and are attached as an addendum to  
314 this Contract):

315 ☐ (A) Arbitration ☐ (E) Seller Warranty ☐ (I) Existing Mortgage  
316 ☐ (B) Section 1031 Exchange ☐ (F) Coastal Construction Control L ☐ (J) Buyer's Attorney Approval  
317 ☐ (C) Property Inspection and Repair ☐ (G) Flood Area Hazard Zone ☐ (K) Seller's Attorney Approval  
318 ☐ (D) Seller Representations ☐ (H) Seller Financing ☐ Other \_\_\_\_\_

319 **23. ADDITIONAL TERMS:**

320 Contract is contingent on approval by the City Council after seller's acceptance

REBU Buyer and seller agree to extend the closing date by an additional 60 days if required by the seller  
322 contract is contingent upon the successful merger of Beach Community Bank and First City Bank  
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342 **THIS IS INTENDED TO BE A LEGALLY BINDING CONTRACT. IF NOT FULLY UNDERSTOOD, SEEK THE**  
343 **ADVICE OF AN ATTORNEY PRIOR TO SIGNING. BROKER ADVISES BUYER AND SELLER TO VERIFY ALL**  
344 **FACTS AND REPRESENTATIONS THAT ARE IMPORTANT TO THEM AND TO CONSULT AN APPROPRIATE**  
345 **PROFESSIONAL FOR LEGAL ADVICE (FOR EXAMPLE, INTERPRETING CONTRACTS, DETERMINING THE**  
346 **EFFECT OF LAWS ON THE PROPERTY AND TRANSACTION, STATUS OF TITLE, FOREIGN INVESTOR**  
347 **REPORTING REQUIREMENTS, ETC.) AND FOR TAX, PROPERTY CONDITION, ENVIRONMENTAL AND OTHER**

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348 **ADVICE. BUYER ACKNOWLEDGES THAT BROKER DOES NOT OCCUPY THE PROPERTY AND THAT ALL**  
349 **REPRESENTATIONS (ORAL, WRITTEN OR OTHERWISE) BY BROKER ARE BASED ON SELLER**  
350 **REPRESENTATIONS OR PUBLIC RECORDS UNLESS BROKER INDICATES PERSONAL VERIFICATION OF**  
351 **THE REPRESENTATION. BUYER AGREES TO RELY SOLELY ON SELLER, PROFESSIONAL INSPECTORS AND**  
352 **GOVERNMENTAL AGENCIES FOR VERIFICATION OF THE PROPERTY CONDITION, SQUARE FOOTAGE AND**  
353 **FACTS THAT MATERIALLY AFFECT PROPERTY VALUE.**

354 Each person signing this Contract on behalf of a party that is a business entity represents and warrants to the other  
355 party that such signatory has full power and authority to enter into and perform this Contract in accordance with its  
356 terms and each person executing this Contract and other documents on behalf of such party has been duly authorized  
357 to do so.

358 *JB Whitten* Date: 1/7/2020  
(Signature of Buyer)

359 JB Whitten Tax ID No.: \_\_\_\_\_  
(Typed or Printed Name of Buyer)

360 Title: Mayor Telephone: 850.682.3812

361 \_\_\_\_\_ Date: \_\_\_\_\_  
(Signature of Buyer)

362 \_\_\_\_\_ Tax ID No.: \_\_\_\_\_  
(Typed or Printed Name of Buyer)

363 Title: \_\_\_\_\_ Telephone: \_\_\_\_\_

364 Buyer's Address for purpose of notice \_\_\_\_\_

365 Facsimile: \_\_\_\_\_ Email: \_\_\_\_\_

366 *Robert E Bennett, Jr* Date: 2/10/2020 7:10 PM CST  
(Signature of Seller)

367 \_\_\_\_\_ Tax ID No.: \_\_\_\_\_  
(Typed or Printed Name of Seller)

368 Title: \_\_\_\_\_ Telephone: \_\_\_\_\_

369 \_\_\_\_\_ Date: \_\_\_\_\_  
(Signature of Seller)

370 \_\_\_\_\_ Tax ID No.: \_\_\_\_\_  
(Typed or Printed Name of Seller)

371 Title: \_\_\_\_\_ Telephone: \_\_\_\_\_

372 Seller's Address for purpose of notice: \_\_\_\_\_

373 Facsimile: \_\_\_\_\_ Email: \_\_\_\_\_

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Buyer *JB* and Seller *REBJ* ( ) ( ) acknowledge receipt of a copy of this page, which is Page 8 of 8 Pages.



# Staff Report

CITY COUNCIL MEETING DATE: April 27, 2020

TYPE OF AGENDA ITEM: Action Item

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TO: Mayor and City Council  
CC: City Manager, City Clerk, Staff and Attorney  
FROM:  
DATE: 4/22/2020  
SUBJECT: Discussion of Small Business Grant Program

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## **BACKGROUND:**

## **DISCUSSION:**

### **GOALS & OBJECTIVES**

This item is consistent with the goals in A New View Strategic Plan 2020 as follows;

**Foundational-** these are the areas of focus that make up the necessary foundation of a successful local government.

*Financial Sustainability-* Achieve long term financial sustainability

*Organizational Capacity, Effectiveness & Efficiency-* To efficiently & effectively provide the highest quality of public services

*Infrastructure-* Satisfy current and future infrastructure needs

*Communication-* To engage, inform and educate public and staff

**Quality of Life-** these areas focus on the overall experience when provided by the city.

*Community Character-* Promote desirable growth with a hometown atmosphere

*Safety-* Ensure the continuous safety of citizens and visitors

*Mobility-* Provide safe, efficient and accessible means for mobility

*Opportunity-* Promote an environment that encourages economic and educational opportunity

*Play-* Expand recreational and entertainment activities within the City

*Community Culture-* Develop a specific identity for Crestview

## **FINANCIAL IMPACT**

**RECOMMENDED ACTION**

Staff respectively requests

**Attachments**

None