August 8, 2020

Mayor:  Henkel
Councilperson:  Schaetzle
           Alley
           Nodjomian
           Donahoo
           Williams
Attorney:  Powell

There will be a **Regular** Council meeting at 7:00 PM, **August 11, 2020**. Please note the meeting is being moved to the Community Center because of Early Voting.

Please plan to attend in person and practice social distancing.

Sincerely,

[Signature]

D.J. Doucet
City Clerk

cc:  News Media
    City Manager
AGENDA
REGULAR COUNCIL MEETING
CITY OF NICEVILLE, FLORIDA
AUGUST 11, 2020

APPROVAL OF MINUTES:

Regular Council Meeting, July 14, 2020
Special Council Meeting, July 21, 2020
Special Council Meeting, July 23, 2020
Special Council Meeting, August 4, 2020
Planning Commission Meeting - August 3, 2020
Local Planning Agency Meeting, No Meeting Held

PUBLIC HEARINGS

PRESENTATIONS - Mayor Henkel

Niceville Soccer Team (State Championship)

Proclamation “Overdose Awareness Day” - Mrs. Maggie Halsey

Ordinance 20-08-01 - An ordinance annexing into the City of Niceville, Florida, contiguous lands described as set forth herein, providing for proper advertisement pursuant to Section 171.044, Florida Statutes; providing that the property will be zoned R-1B with a future land use of LDR, Low Density Residential; providing for severability; providing for an effective date and providing for filing with the Clerk of Court, Okaloosa County and the Department of State. Property located on 11th Street. (Final Reading)

Ordinance 20-09-01 - An ordinance for the Rezoning of certain property in the City of Niceville, Florida; providing zoning for same and an effective date. From R-1A, Single Family Residential to R-1B, One or Multi Family Residential, and have a future land use of MDR, Medium Density Residential. Property is located at 820 Cedar Avenue South. Audra Nagel and Billie Burnette. (First Reading)

Resolution 20-08-01 - A resolution granting a special exception to the Land Development Code, Section 7.07.09.C. To allow for a 4’ setback from the residence as opposed to the required 10’ setback and a 4’ setback from the side and rear property lines as opposed to the required 5’ setback at 102 Georgia Avenue, Niceville, Florida; and providing for an effective date. Metes and bounds description. Jason and Nicole Hurt.
Resolution 20-08-02 - A resolution granting a special exception to the Land Development Code, Table 7-2, R-3 zoning to allow for a 5' front setback on lots 1-8, Andi's Way Subdivision, as opposed to the require 20' front setback, Niceville, Florida; and providing for an effective date. Sycamore Property Ventures, LLC. Property is located at Andi’s Way, 8 lots on 23rd Street.

CITY MANAGER REPORTS/REQUESTS/RECOMMENDATIONS:

Water/Sewer/Drainage Projects - Update

Other Business:

Mayor Henkel

Appointment of the Mayor to serve on the Okaloosa Gas District (Board of Directors)

Planning Commission: Appointments/Reappointments

BILLS PAYABLE

Note: Other items may be added

agenda0811.20
ORDINANCE NO. 20-09-01

AN ORDINANCE FOR THE REZONING OF CERTAIN PROPERTY IN THE CITY OF NICEVILLE, FLORIDA; PROVIDING ZONING FOR SAME AND AN EFFECTIVE DATE.

WHEREAS, application has been made to the City Council by Audra Nagel and Billie Burnette, for the rezoning of their property located at 820 Cedar Street, Niceville, Florida 32578, hereinafter described, from R-1A, Single Family Residential to R-1B, One or Multi Family Residential, and have a future land use of MDR, Medium Density Residential; and

WHEREAS, the City Council has received the recommendation of the Planning Board and notice of public hearing concerning same has been duly publicized and hearing being held this date, and any objections made being heard,

NOW, THEREFORE, BE IT ENACTED AND ORDAINED:

SECTION 1. That the following described property, previously zoned R-1A, Single Family Residential is hereby zoned R-1B, One or Multi Family Residential, and have a future land use of MDR, Medium Density Residential:

LEGAL DESCRIPTION:

Begin at the Northeast corner of lot four, in section seven, township one South, range twenty-two West, and run East six chains (132 yards), thence North five hundred and fifty-four feet, thence West six chains (132 yards), thence South five hundred and fifty-four feet to Point of beginning, being in the Northwest quarter of the Northwest quarter of section eight, township one South, range twenty-two West; containing five acres more or less.

Also, beginning at the Northeast corner of lot four, thence run north 140 yards for Point of beginning; thence run West seventy yards, thence
North two hundred and eleven feet, thence East seventy yards, thence South two hundred and eleven feet to Point of beginning, being one acre, more or less, in lot one, in section seven, township one South, range twenty-two West.

Less and except the parcels set out in Exhibit “A” attached hereto.

EXHIBIT “A”

(1) Commencing at the SW corner of the NW 1/4 of the NW 1/4 of Section 8, T 1 S, R 22 W, which is the Point of beginning (POB) run N 89° 30’ E 66.0 ft., thence N 0° 00’ 30” W 618.85 ft. thence S 89° 30’ West 66.0 ft., thence S 0° 00’ 30” East 618.85 ft. to the POB, all lying in the NW 1/4 of NW 1/4 of Sec. 8, T 1 S, R 22 W, Okaloosa County, Florida, and containing .9377 acres, as recorded in Book 362 at page 725.

(2) Begin at the Northeast corner of Lot 4, Block A of the Leota Miller Subdivision as recorded in plat Book 4, page 18 as filed for record in the office of the clerk of Circuit Court, Okaloosa County, Florida; thence run North 618.25’ for POB of tract herein conveyed, thence run West 330 Feet, thence run South 25 feet, thence run East 330 feet, thence run North 25 feet to POB, situate, lying and being in Section 8, Township 1 S, Range 22 W, Okaloosa County, Florida, recorded in Book 371 at page 161.

(3) Begin at the SW corner of the NW 1/4 of the NW 1/4 of Section 8, Township 1 South, Range 22 West, North 540.25 ft., then go N 89° 30’ E, a distance of 66 ft. to Point of beginning; thence go East a distance of 330 ft.; North 53 ft.; West 330 ft.; South 53 ft., to Point of beginning, recorded in Book 721 at page 157.

(4) Beginning at the Northeast corner of Lot 4, in Section 7, Township 1 South, Range 22 West, thence run North 140 yards for a Point of beginning; thence run West 70 yards; thence North 211 feet; thence East 70 yards; thence South 211 feet to the Point of beginning, LESS AND EXCEPT the South 48 feet and the West 15.13 feet, being .73 acre more or less in Lot 1, Section 7, Township 1 South, Range 22 West, as recorded in Book 1150 at page 1916.

Parcel I.D. No.: 08-1S-22-0000-0008-0000

Property Address: 820 Cedar Street, Niceville, Florida 32578

SECTION 2. This Ordinance shall become effective upon enactment upon final reading and approval in accordance with the City Charter.
PASSED AND ENACTED in regular session upon this second and final reading this
_____ day of September, 2020.

ATTEST:

__________________________
MAYOR

__________________________
CITY CLERK
TO: City of Niceville Building Department
     212 Partin Drive North, Niceville, FL

FROM: Audra J. Nagel
      115 McEwen Drive, Niceville, FL
      Billie A. Burnette
      215 22nd Street, Niceville, FL

SUBJECT: Request to Rezone Property

Property Description. 820 Cedar Ave South, shown on Future Land Use map (attached). The size is 3.64 acres or 158,487 square feet, containing approximately 2 acres of wetland known as Thomas Branch.

Zoning. Request zoning be changed from R-1A (low density residential or LDR) to R-2 (medium density residential or MDR).

Reason. The property was inherited by Audra J. Nagel and her sister Billie A. Burnette upon the death of their mother in 2011. There have been problems selling the property due, in part, to the fact that developers are looking for property with a minimum of R-2 zoning to construct multi-family units. The change in zoning should bring the property to the attention of more buyers and also coincide with the future land use designation of MDR.

Audra J. Nagel (co-owner)
Billie A. Burnette (co-owner)

Attachment:
Niceville Future Land Use Map (Partial)
RESOLUTION NO. 20-08-01

A RESOLUTION GRANTING A SPECIAL EXCEPTION TO THE LAND DEVELOPMENT CODE, SECTION 7.07.09, C, TO ALLOW FOR A 4' SETBACK FROM THE RESIDENCE AS OPPOSED TO THE REQUIRED 10' SETBACK AND A 4' SETBACK FROM THE SIDE AND REAR PROPERTY LINES AS OPPOSED TO THE REQUIRED 5' SETBACK AT 102 GEORGIA AVENUE, NICEVILLE, FL; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, application has been made to the City Council of the City of Niceville, Florida by Jason and Nicole Hurt for a Special Exception to the Land Development Code, Section 7.07.09 C, to allow for a 4’ setback from the residence as opposed to the required 10’ setback and a 4’ setback from the side and rear property lines as opposed to the required 5’ setback on the property located at 102 Georgia Avenue, Niceville, Okaloosa County, Florida 32578, and

WHEREAS, the City Council has received the recommendation of the Planning Board and notice of public hearing concerning same has been duly publicized and a hearing being held this date, and

WHEREAS, objections, if any, have been voiced and considered to the granting of such special exception request, and

WHEREAS, the City Council has determined that such request for a special exception should be granted.

NOW, THEREFORE, BE IT RESOLVED by the City of Niceville, Florida:

Section 1. That a Special Exception to the Land Development Code, Section 7.07.09 C, to allow for a 4’ setback from the residence as opposed to the required 10’ setback and
a 4' setback from the side and rear property lines as opposed to the required 5' setback on
the property located at 102 Georgia Avenue, Niceville, Okaloosa County, Florida 32578,
is hereby granted on the following described property:

Parcel One:
Commencing at the Northeast corner of Section 7, Township 1 South,
Range 22 West, Okaloosa County, Florida; proceed South 00 degrees 12
minutes 39 seconds West 2651.26 feet to a spike marking the Southeast
corner of Government Lot 4; thence North 89 degrees 53 minutes 17
seconds West 1172.64 feet along South line of Government Lot 4; thence
North 00 degrees 12 minutes 39 seconds East 474.61 feet to the Northwest
corner of Hamilton Lot; thence South 89 degrees 53 minutes 17 seconds
East 23.92 feet; thence North 07 degrees 15 minutes 26 seconds West
127.14 feet; thence South 83 degrees 49 minutes 34 seconds West 29.85
feet to the Point of Beginning; thence South 83 degrees 49 minutes 34
seconds West 70 feet; thence South 06 degrees 51 minutes 35 seconds East
100 feet; thence North 83 degrees 49 minutes 34 seconds East 70 feet;
thence North 06 degrees 51 minutes 35 seconds West 100 feet to the Point
of Beginning.
And Parcel Two:
Commencing at the Northeast corner of Section 7, Township 1 South,
Range 22 West, Okaloosa County, Florida, proceed South 00 degrees 12
minutes 39 seconds West 2651.26 feet to a spike marking the Southeast
corner of Government Lot 4; thence North 89 degrees 53 minutes 17
seconds West 1172.64 feet along South line of Government Lot 4; thence
North 00 degrees 12 minutes 39 seconds East 474.61 feet to the Northwest
corner of Hamilton Lot; thence South 89 degrees 53 minutes 17 seconds
East 23.92 feet; thence North 07 degrees 15 minutes 26 seconds West
27.13 feet to the Point of Beginning; thence continue North 07 degrees 15
minutes 26 seconds West, 100.01 feet; South 83 degrees 49 minutes 34 seconds
West 29.95 feet; thence South 06 degrees 51 minutes 35 seconds East,
100.00 feet; thence North 83 degrees 49 minutes 34 seconds East 30.64 feet
to the Point of Beginning.
And Parcel Three:
Commencing at the Northeast corner of Section 7, Township 1 South,
Range 22 West, Okaloosa County, Florida; proceed South 00 degrees 12
minutes 39 seconds West 2651.26 feet to a spike marking the Southeast
corner of Government Lot 4; thence North 89 degrees 53 minutes 17
seconds West 1172.64 feet along South line of Government Lot 4; thence
North 00 degrees 12 minutes 39 seconds East 454.61 feet to the Point of
Beginning; thence continue North 00 degrees 12 minutes 39 seconds East,
20.00 feet to the Northwest corner of Hamilton Lot; thence South 89 degrees
53 minutes 17 seconds East 23.92 feet; thence North 07 degrees 15 minutes
26 seconds West 27.13 feet; thence South 83 degrees 49 minutes 34 seconds
West 100.64 feet; thence South 06 degrees 51 minutes 35 seconds East, 48.11 feet; thence along North edge of paving of Georgia Avenue for calls as follows: North 57 degrees 50 minutes 14 seconds East 16.23 feet; thence North 72 degrees 08 minutes 05 seconds East, 18.92 feet; thence North 81 degrees 55 minutes 16 seconds East, 13.87 feet; thence South 80 degrees 34 minutes 28 seconds East, 28.65 feet to the Point of Beginning.

AND

Commencing the Northeast corner of Section 7, Township 1 South, Range 22 West, Okaloosa County, Florida, proceed South 00 degrees 12 minutes 39 seconds West, 2651.26 feet to a spike marking the Southeast corner of Government Lot 4; thence North 89 degrees 53 minutes 17 seconds West, 1172.64 feet along the South line of Government Lot 4; thence North 00 degrees 12 minutes 39 seconds East, 474.61 feet to the Northwest corner of Hamilton Lot; thence South 89 degrees 53 minutes 17 seconds East, 23.92 feet; thence North 07 degrees 15 minutes 26 seconds West, 31.71 feet to the Point of Beginning, thence continue North 07 degrees 15 minutes 26 seconds West 95.43 feet; thence North 84 degrees 01 minutes 51 seconds East, 9.99 feet to the Northwest corner of Lot 4, Parish Waterview, as recorded in Plat Book 26, Pages 5 and 6, Public Records of Okaloosa County, Florida; thence South along the West line of said Lot 4, a distance of 95.73 feet to the Point of Beginning.

Parcel ID No. 07-1S-22-0000-0112-0000

Property Address: 102 Georgia Avenue, Niceville, FL 32578

Section 2. The City does not have authority to change, alter or disregard any restrictive covenants or restrictions in deeds pertaining to this subdivision and thus, this Resolution does not nullify any such covenants and restrictions.

Section 3. This Resolution shall become effective upon adoption and approval in accordance with the City Charter.

ADOPTED in regular session this 11th day of August, 2020.

ATTEST:

MAYOR

CITY CLERK
MEMORANDUM FOR THE NICEVILLE CITY COUNCIL

FROM: The Hurt Family

SUBJECT: Request for an exception to building code for construction of a metal RV pole barn

1. We recently moved to 102 Georgia Avenue in Niceville and formally request an exception to building code so that we may park our RV beside our house under a semi-permanent metal structure.

2. We submit to the council a request to build a metal pole barn on the West side of our lot, 4' from the west property line, 4' from the North property line and the southeast corner of the structure 4' from the west facing side of our home.

3. Please see attached drawings and photos of proposed location with measurements.

JASON G. HURT

NICOLE L. HURT

"Non Quarta"
RESOLUTION NO. 20-08-02

A RESOLUTION GRANTING A SPECIAL EXCEPTION TO THE LAND DEVELOPMENT CODE, TABLE 7-2, R-3 ZONING TO ALLOW FOR A 5' FRONT SETBACK ON LOTS 1-8, ANDI'S WAY SUBDIVISION, AS OPPOSED TO THE REQUIRED 20' FRONT SETBACK, NICEVILLE, FLORIDA; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, application has been made to the City Council of the City of Niceville, Florida by Sycamore Property Ventures, LLC, Andi’s Way, for a Special Exception to the Land Development Code, Table 7-2, R-3 Zoning, to allow for a 5’ setback on lots 1-8, Andi’s Way Subdivision, as opposed to the required 20’ front setback on the property located at 23rd Street, Niceville, Okaloosa County, Florida 32578, and

WHEREAS, the City Council has received the recommendation of the Planning Board and notice of public hearing concerning same has been duly publicized and a hearing being held this date, and

WHEREAS, objections, if any, have been voiced and considered to the granting of such special exception request, and

WHEREAS, the City Council has determined that such request for a special exception should be granted.

NOW, THEREFORE, BE IT RESOLVED by the City of Niceville, Florida:

Section 1. That a Special Exception to the Land Development Code, Table 7-2, Zoning R-3, to allow for a 5’ setback on lots 1-8, Andi’s Way Subdivision, as opposed to the required 20’ front setback on the property located at 23rd Street, Niceville, Okaloosa County, Florida 32578, is hereby granted on the following described property:
LOTS 1-8 ANDI’S WAY SUBDIVISION, SECTION 8, TOWNSHIP 1 SOUTH, RANGE 22 WEST, NICEVILLE, OKALOOSA COUNTY, FLORIDA.

LEGAL DESCRIPTION (AS RECORDED AT BOOK 3427 PAGE 2631):

BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 8, TOWNSHIP 1 SOUTH, RANGE 22 WEST, OKALOOSA COUNTY, FLORIDA; THENCE RUN NORTH 00 DEGREES 55 MINUTES 38 SECONDS EAST A DISTANCE OF 191.40 FEET; THENCE RUN NORTH 09 DEGREES 56 MINUTES 35 SECONDS WEST A DISTANCE OF 403.53 FEET; THENCE RUN SOUTH 00 DEGREES 56 MINUTES 31 SECONDS WEST A DISTANCE OF 197.36 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF 23RD STREET, SAID POINT BEING ON A CURVE CONCAVE TO THE SOUTH, HAVING A RADIUS OF (1910.08 FEET; THENCE RUN SOUTHEASTERLY ALONG SAID CURVE A DISTANCE OF 415.18 FEET, A CHORD BEARING AND DISTANCE OF SOUTH 76 DEGREES 26 MINUTES 08 SECONDS EAST 414.36 FEET; THENCE DEPARTING SAID RIGHT OF WAY LINE RUN NORTH 00 DEGREES 29 MINUTES 31 SECONDS EAST A DISTANCE OF 100.44 FEET TO THE POINT OF BEGINNING.

Parcel ID No. 08-1S-22-0000-0037-0010

Property Address: 23rd Street, Niceville, Florida 32578

Section 2. The City does not have authority to change, alter or disregard any restrictive covenants or restrictions in deeds pertaining to this subdivision and thus, this Resolution does not nullify any such covenants and restrictions.

Section 3. This Resolution shall become effective upon adoption and approval in accordance with the City Charter.

ADOPTED in regular session this 11th day of August, 2020.

MAYOR

ATTEST:

CITY CLERK
June 11, 2020

RE: Front Setback Variance Request – Sycamore Property Ventures, LLC 23rd Street Niceville, FL. Parcel ID 08-1S-0000-0037-0010

Mrs. Revell:

Please accept this letter as Sycamore Property Ventures, LLC’s (SPV’s) formal request for a front setback variance on the eight (8) lots located on the subject property/development, fronts 23rd Street. Current front setback requirements for this and surrounding properties mandate a 20’ front setback. In almost all cases, this coincides with the homes being a minimum of 20’ off of the adjacent roadway. In the case of this particular property, there is a 20’ strip of county owned property and utility easement, running adjacent to the roadway and between the front lot lines of the eight lots, owned by SPV, and the existing 23rd Street Roadway.

Given the 20’ utility easement and county owned property located between the proposed lots and the existing 23rd Street Roadway, SPV is requesting that the City’s mandated 20’ front setback for these lots be reduced to 3’, which would place the homes proposed for construction, a minimum of 25’ off of the 23rd Street Roadway.

This would enable better utilization of both the lot depth and lot topography and more importantly provide SPV with the flexibility to stagger the actual "constructed" setback distances of the homes, in relation to the roadway. Once again, if the proposed variance request is granted, the minimum front setback distance from the roadway, for all homes constructed, would be at least 25’. Actual setback depth would be staggered and would be done in a manner that would be more aesthetically pleasing for the overall community, as well as for the project/development itself.

We sincerely appreciate your consideration of this request and look forward to continuing to work with the City of Niceville on this project.

Sincerely,

Grady Anderson – President
SALT Construction Services, LLC