

**LOCAL PLANNING AGENCY
MEETING MINUTES
DECEMBER 2, 2021 - 5:30 P.M.
DESTIN CITY HALL BOARDROOM**

1. CALL TO ORDER:

Chairman Wood called the Local Planning Agency Meeting to order on Thursday, December 2, 2021, at 5:30 p.m., in the Destin City Hall Boardroom; with the Pledge of Allegiance immediately following.

2. ROLL CALL:

Members Present

James T. Wood, Jr.
Marcie Bell
Karen Hudson
Jason Klosterman
Corey Ledbetter

Staff Members Present

Kim Montgomery City Clerk
Steve O'Connor Principal Planner
Daniel Butler Senior Planner
Tunazzina Alam
Sae More
Louis Zunguze CD Director
Kim Kopp (remote)

3. AGENDA APPROVAL:

Chairman Wood moved to move up items F & E up to the A & B section of the agenda to be heard first, with Agency member Bell providing the second. A roll call vote of 5-0 was taken and the motion passed.

4. APPROVAL OF MINUTES:

September 23, 2021

Motion by Agency member Hudson, seconded by Agency member Bell to approve the September 23, 2021, minutes as written. The motion passed 5-0.

5. PUBLIC COMMENT:

There was no public in attendance for comment.

6. NEW BUSINESS:

➤ Jenkins Engineering, Inc., on behalf of Oldacre McDonald LLC, is requesting a Conditional Use (21-33-CU) approval for a 66-unit townhome complex to be located along Palm Street and 98 Palms Boulevard. The existing site is 5.59 acres. The associated Parcel IDs are 00-2S-22-0098-0000-001A, 00-2S-22-6401-0000-0040, and 00- 2S-22-0000-0013-0000.

Senior Planner Daniel Butler provided the members with the background information for this request. Adding that this is a Conditional Use only and the Major Subdivision and Major Development Order are still under TRC review. Adding that once approved by the TRC, it will then go before City Council for final approval. And lastly, staff reviewed the request with the required criteria for a

Conditional Use and determined that the request is consistent and meets all the requirements and recommends approval.

Mr. Jamie Eubanks of Jenkins Engineering explained that he is available for any questions.

Agency member Bell asked what the amenities would be, are they going to be long or short term rentals and is there a plan for a swimming pool. According to Mr. Eubanks, at this time there is not any plans for a pool but if they do decide to have one, it would be located on the northwest side of the property. And they will be long term rentals only.

Agency member Bell moved for the Local Planning Agency to recommend City Council approve Conditional Use 21-33-CU pending the issuance and approval of the subject Major Development Order, Major Subdivision, and all applicable City and State permits. With Agency member Hudson providing the second. The motion passed 5-0.

➤ **Barks and Bubbles, LLC is requesting a Conditional Use (21-35-CU) approval for a pet grooming and pet daycare business to be located at 981 Airport Road. The existing site is 0.08 acres and is located within the Harbor Breeze Office Plaza. The associated Parcel ID is 00-2S-22-1021-0000-0010.**

Senior Planner Daniel Butler provided the members with the background information on this request. Adding that this use is in line with the intent of the zoning district as well as meeting all the criteria of Article 7 in the Land Development Code (LDC), it is consistent with the standards in the LDC and the Comprehensive Plan policies. And based on these findings, staff recommends approval of the requested Conditional Use.

Agency member Bell asked if the applicant plans to have a run area in the daycare portion of the business for the dogs, and how do they plan to handle the waste. According to the applicant Rachael Hodges, on the plans, the run is separate from the lobby area but in the middle of the building. In regards to the waste disposal, there will be an indoor artificial turf area with a septic type holding tank where it collects and is disposed of in the indoor plumbing. Agency member Bell then asked how many animals they can take at a time. According to Mrs. Hodges, that would vary by breed and size and is not a question that she could readily answer, but no more than 20 dogs max.

Motion by Agency member Bell, seconded by Agency member that the Local Planning Agency recommend City Council approve Conditional Use 21-35-CU, with Agency member Klosterman providing the second. The motion passed 5-0.

➤ **Nomination of Vice-Chair for Local Planning Agency**

Agency member Klosterman made the motion to nominate Cory Ledbetter as Vice Chairman of the Local Planning Agency. Agency member Bell provided the second. With Agency member Ledbetter accepted the nomination, the motion passed 5-0.

➤ **Proposed Ordinance 21-21-CC - Required Inspections After Certificate of Occupancy**

The Land Use Attorney read the ordinance by title into the record:

ORDINANCE NO. 21-21-CC

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, PROVIDING FOR AMENDMENTS TO THE CODE OF ORDINANCES TO REQUIRE POST-OCCUPANCY INSPECTIONS FOR THRESHOLD BUILDINGS; DEFINING "THRESHOLD BUILDINGS"; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR INCORPORATION INTO THE CODE OF ORDINANCES; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

The Building Official Noelle Bell informed the Agency members that after the collapse of the structure in south Florida this past year, City Council directed staff to create an ordinance to follow up on periodic inspections of similar properties every 10-years.

Chairman Wood opened the hearing to the public for comment. With no one in the audience, he closed the public portion and turned the discussion over to the Agency members.

The Chairman asked for clarification that the inspections will not be preformed by a city staff member but by a company chosen by the condominiums based on a city requirement.

According to the Land Use Attorney, the reports are to be sent to the city, to be reviewed by a consultant, with their resulting comments sent to the condominium management company with any corrections that need to be made. Additionally, if they are not made then the city has health safety rules that have to be followed to compel the corrective work to be done to the structure. And if it's still not corrected withing a certain timeframe, then Code Compliance Action will be taken and they could be taken before the Special Magistrate.

Agency member Hudson asked how long does the structures have to get into compliance. According to the Building Official, the way the ordinance is written, the first post inspection is required by Jan 1, 2023. And if they have already had one done, they can provide an inspection report by January 2023. Mr. Zunguze added that it would also depend on the gravity of the situation and if it's a serious health issue, then it would be sped up.

Agency member Bell asked if staff felt that the older buildings shouldn't be inspected sooner then 10-years. According to the Building Official, depending on what comes down from the State Legislation and whatever they mandate, this ordinance can be amended.

Agency member Klosterman spoke of his experience with working on boats and how the older wooden boats are inspected by the Coast Guard more often than the new boats. And how this would most likely be the case for the older buildings.

Agency member Bell asked if they should add verbiage to their motion so that they revisit this after what comes down from the State Legislation.

According to Mr. Zunguze, they can certainly make that a part of their recommendation to City Council. With the building Official stating that was their intention to bring any amendments that need to be made from the State.

Chairman Wood moved to the Local Planning Agency recommends approval of proposed ordinance, 21-21-CC, with the addition of staff bringing it back to the Local Planning Agency after the closure of the upcoming legislative session, if anything is passed that should affect this ordinance that should be further discussed and then make a recommendation for approval by City Council. With Agency member Bell providing the second, the motion passed 5-0.

➤ **Proposed Ordinance 21-15-PC Property Rights Element.**

The Land Use Attorney read the ordinance by title into the record.

ORDINANCE NO. 21-15-PC

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, CREATING A NEW CHAPTER OF THE CITY OF DESTIN'S COMPREHENSIVE PLAN, "PROPERTY RIGHTS ELEMENT" PURSUANT TO STATE LAW; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR TITLE AND JURISDICTION; PROVIDING FOR TRANSMITTAL TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY; PROVIDING FOR INCORPORATION INTO THE COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

According to the Land Use Attorney, this ordinance is required by law to be created because of a statute that was recently passed by the State of Florida. Adding that it went before City Council as a discussion item and City Council directed staff to prepare it and add in the statutory language in the Policy under number 3, "Subject to State Law" for local ordinances.

Chairman Wood opened the public portion of the hearing. With no one in the audience, he closed the public portion of the meeting.

The Chairman spoke of not being agreeable to this ordinance and planned to vote no but was informed by the LUA that it has to be passed by State Law and included into the Comprehensive Plan.

Agency member Bell asked what exactly this ordinance is about.

According to the LUA, the Legislator is trying to protect private property rights in general. And although it is subjective, this ordinance is a minimum to recognize private property rights. Adding that the city is not changing any requirements, just recognizing a right that is already there.

Agency member Ledbetter asked why this is coming up now and does it change anything for property owners.

According to the LUA, it does not change anything. Adding that when an ordinance is created, private property rights are always considered. They may not explicitly discuss them, but there is always a balance under the law when anything is regulated, especially private property rights and police powers. As well as the powers to protect the health, safety and public welfare are always taken into consideration to achieve a balance. Additionally, this is not going to change their processes at all. And if this was not

passed, then the city would not be in compliance with the State's Laws and would not be able to pass any other Comprehensive Plan amendments, until this is put into place.

Agency member Klosterman asked if this language will be added to all future considerations that come before them to recommend to City Council.

According to the LUA, no, since private property rights are already in place and although they may not always be articulated, there is never an application that comes before them or City Council where the rights of the applicant or the property owner are not considered. This is just putting into place what is already being done in a review process.

Motion by Agency member Bell to recommend approval of Ordinance 21-15-PC by City Council, with Agency member Ledbetter providing the second. A roll call vote of 5-0 was taken and the motion passed unanimously.

- **Proposed Ordinances 21-24-PC and 21-25-LC - Amending the Future Land Use Map (FLUM) and rezoning properties located at 2942 & 2970 Scenic Highway 98.**

The Land Use Attorney read the ordinance by title into the record.

ORDINANCE NO. 21-24-PC

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, AMENDING THE FUTURE LAND USE MAP AS REFERENCED IN CHAPTER 1 OF THE COMPREHENSIVE PLAN TO INCLUDE A CHANGE IN THE FUTURE LAND USE DESIGNATIONS OF THE PARCELS DESCRIBED AND GENERALLY DEPICTED IN THE ATTACHED EXHIBIT A FROM CRYSTAL BEACH RESORT (CBR) AND CRYSTAL BEACH NEIGHBORHOOD (CBN) TO RECREATION (REC); PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR JURISDICTION; PROVIDING FOR FUTURE LAND USE MAP AMENDMENT; PROVIDING FOR INCORPORATION INTO THE COMPREHENSIVE PLAN; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (Parcel ID Numbers: 00-2S-22-0590-0000-00CA AND 00-2S-22-0584-0000-0030).

ORDINANCE NO. 21-25-LC

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, AMENDING THE OFFICIAL ZONING MAP AS REFERENCED IN THE LAND DEVELOPMENT CODE, SECTION 7.12.01(A)2 ZONING MAPS TO INCLUDE A CHANGE IN THE ZONING DESIGNATIONS OF THE PARCELS DESCRIBED AND GENERALLY DEPICTED IN THE ATTACHED EXHIBIT A FROM CRYSTAL BEACH RESORT (CBR) AND CRYSTAL BEACH NEIGHBORHOOD (CBN) TO RECREATION (REC); PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR JURISDICTION; PROVIDING FOR ZONING MAP AMENDMENT; PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (Parcel ID Numbers: 00-2S-22-0590-0000- 00CA AND 00-2S-22-0584-0000-0030).

According to Mr. O'Connor, these two ordinances are a result of the beach property parcels that City Council directed staff to acquire in order to meet the Strategic Goal to increase public access to the beach. And as a result, the two parcels were acquired in a 50/50 partnership with Okaloosa County and they both need to be redesignated on the FLUM and the Zoning Map to Recreation, to bring them into compliance with one another.

Chairman Wood opened the hearing to the public for comments. With no one in the audience, he closed the public portion of the hearing and asked the members for any additional comments.

Agency member Bell asked that if these are co-owned by the city and the county, why does the deeds not show the county as owners as well. And asked if at any time, can the County supersede what the city wants to use the property for. Referencing the mobile building as an example that has been sitting at the park for the TDC's use.

According to Mr. Zunguze as part of the funding arrangement that the city has with the county, the only requirements is to have them listed on the agreement and not necessarily the deed itself. And as far as the use of the property, it will be governed by the city laws. Adding that the operational use of the building would need to be discussed with the City Manager's Office.

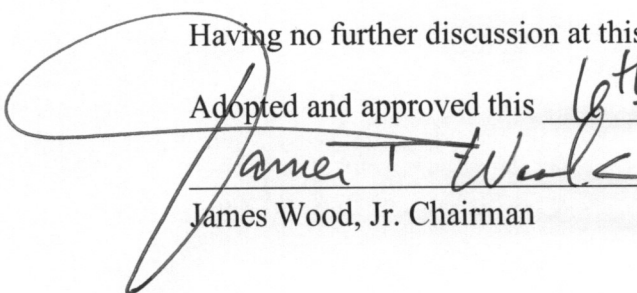
Motion by Agency member Ledbetter, second by Agency member Hudson for the LPA to recommend approval of proposed Ordinance 21-24-PC proposed Ordinance 21-25-LC by City Council. The motion passed with a unanimous vote of 5-0.

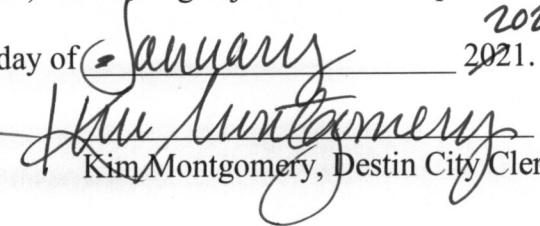
6. DIRECTORS REPORT:
None

7. ADJOURNMENT:

Having no further discussion at this time, the meeting adjourned at 6:15 p.m.

Adopted and approved this 16th day of January ²⁰²²~~2021~~.


James Wood, Jr. Chairman


Kim Montgomery, Destin City Clerk