LOCAL PLANNING AGENCY
MEETING MINUTES
JANUARY 6, 2022 - 5:30 P.M.
DESTIN CITY HALL BOARDROOM

1. CALL TO ORDER:

Chairman Wood called the Local Planning Agency Meeting to order on Thursday, January 6, 2022, at 5:30 p.m., in the Destin City Hall Boardroom; with the Pledge of Allegiance immediately following.

2. ROLL CALL:

Members Present	**Members Absent**	***Staff Members Present***
James T. Wood, Jr.	Karen Hudson	Kim Montgomery City Clerk
Jason Klosterman		Steve O'Connor Principal Planner
Corey Ledbetter		Daniel Butler Senior Planner
Beckah Manley		Tunazzina Alam Planner
Marcie Bell (remote)		Saee More Planner
		Louis Zunguze CD Director
		Kim Kopp Land Use Attorney

3. AGENDA APPROVAL:

Motion to approve the agenda as presented was made by Agency member Ledbetter with Agency member Klosterman providing the second. Motion passed 5-0.

4. APPROVAL OF MINUTES:

December 2, 2021

Motion by Agency member Ledbetter, seconded by Agency member Manley to approve the December 2, 2021, minutes as written. The motion passed 5-0.

5. PUBLIC COMMENT:

Mr. Curtis Gwin of 4 Weekewachee Circle handed out a copy of his comments in regards to the planning area statements, which the LUA read into the record for Agency member Bell's sake.
"The airport planning area intends to provide and facilitate the continued use of general aviation at the Destin Executive Airport at current and projected use levels while planning for future airport growth within its present boundaries to accomplish this, the airport planning area should align with the Destin Executive Airport. Airport, layout plan as adopted. Periodically updated. In addition, a collaborative program between airport staff City staff, the development community and residents should be developed encouraged in maintained to mitigate encroachment issues from development upon the airport and Aviation uses upon the surrounding neighborhood and other areas. That's the existing text. And then added to that in red is the following statement in addition encroachment issues from the airport. And

Aviation uses upon this sorry, around the surrounding neighborhoods and residents should be incorporated into this planning. Area including quality of life for residents."

Mr. Gwin spoke of how it is the utmost importance for the quality of life of the residents come first and foremost in the city. And feels that this or some kind of similar statement should be added to the Airport Planning Area Statement.

Mr. Larry Czar, 14 Indian Bayou Drive spoke of being wholeheartedly in agreement with what Mr. Gwin about the importance of having the language added about the airport

Mr. Gwin also informed the members that at the lower area of the map just south of the airport is not correct.

6. NEW BUSINESS:

- **Planning Areas and Planning Intent Statement**

Mr. O'Connor explained that as part of updating the Land Development Code (LDC), they have to go through the Comprehensive Plan, because it guides what the LDC implements. And part of that He added that bringing in the planning areas will introduce the various and unique areas of the city. And tonight, they're task is to look at the intense statements and to get their recommendation to City Council for an adoption, if they are agreeable. He explained further that after being presented to them this past September, it was also brought before the Harbor CRA and the Parks & Recreation Committee for their input. And as a result, is what they have for them now.

The Harbor

The Chairman spoke of how to him, the language in this statement in regard to the Festive Market Place saying it's a "Free flowing Festive Feel" says Carnival to him.

The Land Use Attorney suggested they remove the word "Festive" and just call it a Free Flowing Market Place.

The Chairman mentioned that he still is not comfortable with that term and gave an example of how now people can walk east and west as well as north and south with "stuff in their hand" that he feels should not be allowed. The Land Use Attorney spoke of how they will have another chance to further clarify when they review the LDC.

Agency member Klosterman suggested the term Market Place that fits the moniker as a World's Luckiest Fishing Village and may help alleviate the problem.

Holiday Isle

Agency member Bell questioned the gas station, shopping mall and the two restaurants on Gulf

Shore Drive not being included in the district. According to Mr. O'Connor, those are actually located in the Gulf Resort District. She then asked staff if she was allowed to discuss Norriego Point as being Conservation to Council now that she is on this board. According to Mr. Zunguze, she can or get a recommendation from the Agency as a whole and bring it before Council. Agency member Bell also stated for clarification that area also includes Parcels B and C, all the way out to the jetties and not just the park.

Gulf Resort

Mr. O'Connor informed the members that the only change to this planning area was the High Rise Resort language was changed to World Class Resort and agreed upon by both this and the Parks & Recreation Committee.

Town Center Commons

No feedback on this area therefore nothing was added or modified.

Crystal Beach

According to the Chairman, he agrees that high density residential, normally the center is built up higher and less as it's built out away from the center. This allows for less cars on the road around the center. But questioned if that really fits Destin now.

According to Mr. Zunguze, when they rewrite the LDC is where it matters in terms of what numbers are assigned for the densities.

Town Center Commons

No comment.

Crystal Beach

According to Mr. O'Connor, there was not a lot of feedback for this statement. Obviously just the conflict between long term and short-term homeowners.

Mr. Zunguze noted that the statement does recognize that conflict and staff is aware of that and will be sure to mitigate the conflict.

The Chairman mentioned how he feels that although Cobra Zones are Federal, there should be some kind of statement for the areas that are in that flood zone so the public is more aware. According to Mr. Zunguze they may be able to add it to the maps and will take that under consideration.

Henderson Beach

According to Mr. O'Connor, there was no additional statements, and everyone agreed to the statement.

The Chairman asked how the city has an ability to make any decisions on this property. According to Mr. Zunguze, the fact that it's in the city give the city the ability to and to coordinate with the state.

Agency member Manley commented on the statement "*protecting the beach access*" seems more important than protecting the eco system.

The Airport

Agency member Klosterman spoke of how to him, the way the statement reads, airport growth seems to be more important than housing growth and questioned whether or not that is the intent. Adding it seems there is a conflict between the two. He mentioned the way the noise issues that was discussed at the Council meeting by the Airport Representatives sounded as if their intent is to grow the airport further. And if so, how can they grow the airport by not going out of its physical confines.

The LUA spoke of how the airport is in the jurisdiction of the County, as far as growth. And the Comprehensive Plan provisions does not contemplate the airports physically growing outside its boundaries.

In discussion, Mr. Curtis Gwin spoke how prior to obtaining the Development Order (D.O.) they had to get approval from the FAA as well as the Okaloosa County Airport Authority, and in the D.O. they are allowed to build up to the property line of the airport. And how if anyone has issues with any type of airplane noise, they should not even consider living in Destin with Eglin being so close.

In reference to Agency Klosterman's concern regarding constraining any future residential growth, the LUA proposed to change the wording from ***"and projected use levels while planning for future airport growth within its present boundaries"*** to ***"while continuing to encourage compatible residential growth"*** to balance the statement.

Mr. Gwin's response to Agency members Klosterman's growth concerns pointed out how this is the last large parcel of land left in the city to develop.

After further discussion on this topic, the LUA suggested, ***"The Airport planning area intends to provide and facilitate the continued use of general aviation at the Destin Executive airport at current projected use levels while planning for further airport growth within its present boundaries, while continuing to protect current and future residential neighborhood quality of life."***

Mr. Zunguze spoke of how this conflict is similar to Crystal Beach with short term rentals and the residents that reside there. Adding that the key point of the statement is to recognize the conflict. And then when the LDC is being reviewed, they can then discuss it further and come up with ways to mitigate the impacts.

According to Chairman Wood, he prefers the following verbiage, ***"Within its present boundaries, while continuing to protect the current and future residential neighborhoods quality of life."*** And asked Mr. Gwin if he was agreeable to the language.

According to Mr. Gwin, all they are looking for is something that is fair and would work for the residents of the city.

The LUA recommended to clarify the language a little further and recommended, ***in addition, encroachment issues from the airport, aviation issues upon the surrounding neighborhoods and residents should be considered within this planning area. Including quality of life for the residents.***

According to Agency member Klosterman, just want language that protects the residents, and expresses that the quality of life is at least as important as the airport and its growth.

Mr. Czar suggested incorporating word, *"minimizing"* or *"avoiding encroachment issues"*, or even *"accounting for encroaching issues."*

According to the Chairman, he is good with using the word, ***"minimizing."*** So, the recommendations for word additions are as follows: Remove the word ***"Festive"*** out of the Harbor description. And add the word, ***"minimizing"*** into the Airport description.

With everyone in agreement, **Chairman Wood made the motion to accept the eight planning areas with the recommended changes of taking the word *"Festive"* out of the Harbor Planning Area and adding the word, *"minimizing"* to the Airport Planning Area. Agency member Bell provided the second.** In discussion, Agency member Bell questioned if there is interest in having a workshop on these areas, noting she has some concern with some of the other districts.

Mr. Zunguze spoke of how this is the second time this has been brought before this board and how it's already been to other committees for input. And staff has a timeline they need to stay the course with. The Chairman agreed and added that any citizen that has any additional concerns can bring it up at the public hearing when this is presented to City Council.

The Chairman called for the vote and the motion passed 4-1 with Agency member Bell dissenting.

Mr. Gwin approached the podium and explained that there is still the discrepancy with the map that needs to be addressed. He advised staff that the area in green shown as "Village" is Commercial Property and should be in the blue area.

According to the LUA, staff will take his recommendation under consideration. However, the LPA does not have the authority to discuss any zoning map changes since it has not been advertised.

Mr. Gwin added that he also wanted staff to know there is another small area on the map that has never been annexed into the city and is still under County jurisdiction that needs correcting.

- **Land Development Code Articles I & II Discussion/Workshop**

Mr. Zunguze explained that over the past three (3) years, the city staff has diligently and judiciously undertaken the task of updating and aligning the City's Comprehensive Plan with the Future Land Use Map and the Zoning Map. With the task now complete, the Land Development Code (LDC) now needs to be updated and align the recent changes to the Comprehensive Plan. He explained that what he and his staff discovered is that the LDC is difficult to work with and their goal is to make it more organized and for the content information to become simpler and easier to reference, as well as to understand. He spoke of how they have combined Articles One and Two and the General Provisions in Article Five of the old code all into Article One of the new code. They will also be removing all of the design related items and placing them into a design manual. That way, when they change, like they sometimes do, rapidly. It'll be easier to update the design manual than having to update the entire LDC.

Mr. O'Connor explained further that staff is basically asking for their input on the annotations from 3TP who are looking for guidance and direction from the LPA members and ultimately City Council. He then read the following to the members:

- **Major Subdivisions:**

The Final action for Major Subdivisions should be at the Local Planning Agency (LPA) level.

Staff's recommendation is that it should be a recommendation by the LPA to City Council for final decision. Which could be a consent agenda item or pulled off for discussion at a Council meeting.

Mr. Gwin spoke of how he feels that the LPA members are appointed, and final decisions should be at City Council level for Major Subdivisions.

According to Mr. Zunguze, staff agrees and is why they are recommending that this Board make a recommendation to City Council for final approval. The members all agreed with that statement.

- **2.05.02.C.4 - Major Developments:**

Final Action for Major Developments except for those that have Conditional Uses (CU) or Planned Unit Developments (PUD) would be changed to come before the LPA.

2.05.03.B - If the development includes a CU or PUD, the LPA will provide a recommendation to City Council. Staff has the same recommendation. Noting that currently, Major Developments are not heard by the LPA. They are solely heard at the City Council level.

According to Mr. Gwin, he agrees, the final decision should be by City Council and not appointed officials.

After a brief discussion on this, the LPA members agreed that they should come through the LPA first and they'll make a recommendation to Council.

➢ **2.05.03.D -Major Deviations:**

Staff recommends that final action for major deviations to existing development orders is by the Local Planning Agency, unless one or more of the following conditions exist:

1. A proposed change to a condition imposed by the City Council
2. Attached to a Conditional Use
3. A proposed change to a PUD, or
4. A proposed change that the City Manager determines should be reviewed by the City Council due to the community impact of the proposed change.

*If one of the above conditions exists, the LPA will provide a recommendation to City Council.

According to the Chairman, he agrees and feels that this should be consistent with the others, in that they come before the LPA first for a recommendation to City Council.

Mr. Gwin, again stated that the final decision should be by City Council and not appointed officials. The LPA members agreed.

According to Mr. O'Connor, in order to be Consistent with the Comp Plan, there are several revisions to the Planned Unit Development section.

2.05.04 - 3TP inquires if a design manual is necessary for in order to be consistent.

Staff Recommendation: No. There will not be a PUD Design Manual. However, the regulations for a PUD need to clarify what can and cannot be a PUD and be "beefed up" to require more public benefits.

The LPA members agreed. Agency member Bell asked what the public benefit would be.

According to Mr. Zunguze, they stem around infrastructure, noting that currently those requirements are not as adequate as they should be.

2.05.04 - Additionally, it is recommended that certain requirements be unable to be deviated from, such as lot size minimums, and landscaping requirements.

Staff Recommendation: The PUD process should be a creative process. The values of the community and the Comprehensive Plan should be reviewed to set a minimum of what can and cannot be deviated from, and then develop detailed PUD minimum requirements.

According to Mr. Zunguze, this is very important for the community. Noting that this would allow for certain boundaries.

Mr. Gwin agrees however he pointed out that again, that there are no more large parcels of land in the city and the smaller ones left, people are going to try to put more on them. So, to him, this is a good plan.

2.05.06.B - It is recommended this section include specific criteria related to the extension of a development order (hardships related to permits, contractors, etc.) What type of criteria would be acceptable to the city to extend a D.O.? Noting the need to delete the section related to special economic conditions – since the deadline has passed.

Staff Recommendation: Staff is researching other municipalities regulations for DO extensions. What extension criteria would the LPA recommend for DO extensions?

According to the Chairman, he feels that locally, there should not be any. And to only follow what is put in place by the Governor.

Both Agency members Ledbetter and Klosterman feel that the city should be able to make a determination outside of the Governor under certain circumstances.

According to Mr. Zunguze, right now, staff does have the ability to extend a one time, one year extension, on a case-by-case basis.

The Chairman added that he wants to be able to read what those circumstances are and have the ability to make a recommendation on whatever it is.

Agency member Bell stated she agrees with the Chairman.

2.06.02.G & 2.06.04 – According to Mr. O'Connor, 3TP is recommending that Marine Construction be reviewed solely through the building permit process unless the proposal includes a Marina (commercial or residential) with 10 or more slips. And in that case, the application will be required to be reviewed by the Harbor and Waterways Board to make recommendation City Council.

Staff Recommendation: Any self-certification from FDEP (State Level) is staff level approval. Residential docks, not qualifying for self-certification of 1,000 sq. feet or less for a residential dock or with 4-9 slips, or require U.S. Army Corps of Engineering Approval, requires Harbor and Waterways Board (HWB) recommendation to City Council for a consent agenda item. Any residential dock with 10 slips or more requires HWB recommendation and a public hearing before City Council. All Commercial docks require HWB recommendation with a public hearing before City Council.

Agency member Klosterman stated that he agrees with the statements.

Mr. O'Connor then reviewed the current planning application process with the members and the process of who and how they are approved. He then explained that staff will take their recommendations, incorporate them, and make the necessary updates then bring it back for discussion and a formal recommendation to Council.

Agency member Bell asked for assurance that a Deviation process has been updated where extra

square footage can no longer be approved by the Community Development Director, like what happened at the Emerald Grande and extra floors were able to be added to the Development.

According to the LUA, that language is already in the Code for anything more than 10,000 square feet.

7. DIRECTORS REPORT:

Mr. Zunguze informed the members of the decision that Council wanted to address for the tall condominium buildings in the community and asked the LUA to further explain the details.

According to the LUA, Council at a recently past meeting, did not want to pass an ordinance just yet in order to give the State a chance to weigh in on the issue. So, their official action was a motion to direct staff to draft a Resolution for the Mayor's signature to address the State Legislature. Specifically, State Representative Maney, Senator Gainer and Governor DeSantis requesting that they strengthen the State's oversight of condominium maintenance by raising the threshold for owners to waive raising the necessary money to protect their investment. And how the motion past 5-2 with Schmidt and Destin voting "No" the rest of Council voting, "Yes."

8. ADJOURNMENT:

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

Adopted and approved this 3rd day of February 2022

James Wood, Jr. Chairman

Kim Montgomery, Destin City Clerk