

**LOCAL PLANNING AGENCY
MEETING MINUTES
MARCH 24, 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, March 24, 2022, 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.
Karen Hudson
Marcie Bell
Todd Buhr
Jason Klosterman

Members Absent

Corey Ledbetter

Staff Members Present

Kim Montgomery City Clerk
Steve O'Connor Principal Planner
Louis Zunguze CD Director
Tunazzina Alam, Planner
Kimberly Kopp City Land Use Attorney

3. APPROVAL OF MINUTES:

February 24, 2021

Motion by Agency member Bell, seconded by Agency member Hudson to approve the February 24, 2021, minutes as written. The motion passed 5-0.

4. NEW BUSINESS: *It was agreed by the Agency members for the Conditional Use request under New Business to be moved up on the agenda to be heard first.*

- **2022 Stormwater Master Plan Project List and Study Areas ** This item was not heard****
- **Proposed Conditional Use 21-40-CU Destin Smoke Shop, and "Other Miscellaneous Store Retailers" use in the City of Destin Land Development Code**

Ms. Alam presented the request to the Agency members by explaining the request meets the following requirements of the Land Development Code:

1. LAND USE COMPATIBILITY

The proposed Conditional Use meets the intent of the CG zoning district

2. SUFFICIENT SIZE, SITE SPECIFICATIONS, AND INFRASTRUCTURE

The proposed project is compliant with the dimensional requirements listed in Section 7.12.08, as well as Table 7-3, Land Development Code.

3. PROPER USE OF MITIGATIVE TECHNIQUES

There are no additional mitigative techniques will be required. The site currently meets the stormwater requirements per Section 10.03.02, Stormwater Management, Land Development Code.

4. HAZARDOUS WASTE

There is no creation of hazardous waste anticipated with this use.

5. OVER PROLIFRATION OF USE

Smoke shops, or “other miscellaneous store retailers”, are a Conditional Use in the CG zoning district. With there being only one other smoke shop within a one mile radius of this location, the proposal of a smoke shop is compatible with the surrounding uses without an over proliferation of such use.

6. COMPLIANCE WITH APPLICABLE LAWS AND ORDINANCES

As proposed, the project meets the land development standards and regulations outlined in the Comprehensive Plan and Land Development Code.

In conclusion, the Applicant is requesting a Conditional Use (21-40-CU) approval for the location of a smoke shop. The proposed use is a Conditional Use in CG, Section 7.12.00, Land Development Code and is consistent with the following:

1. Comprehensive Plan Policy 1-2: Future Land Use Element.
2. Comprehensive Plan Policy 12-4.1.8: Multi-Modal Transportation District.
3. Land Development standards outlined in Article 7, Land Development Code.
4. Land Development standards outlined in Article 8, Land Development Code.

Based upon these findings, staff recommends approval of Conditional Use 21-40-CU, provided that the applicant provides the city with a copy of the executed shared parking agreement signed by the owner and all current tenants of the existing suites.

Ms. Kopp explained to the Agency members that at this time, the parking agreement is still being reviewed for legal sufficiency before it goes on to Council and as part of that is to verify that there are no overlapping hours for each of the businesses.

Motion by Agency member Bell that the Local Planning Agency recommend City Council approve Conditional Use 21-40-CU with the condition that the applicant provides the City with a copy of the executed shared parking agreement signed by the owner and all current tenants of the existing suites. Agency member Hudson provided the second.

In discussion, Agency member Behr questioned if everyone within the 300-feet of the request has been sufficiently noticed emphasizing on the fact that there is a church within that perimeter.

The LUA asked Mr. O'Connor the following questions:

Were the 300-feet abutters noticed? Yes.

Specifically, do you recall if the church was noticed? Mr. O'Connor answered, he cannot say for certain at this moment if they were however, if they were on the list, they were within the 300-foot and received the abutter letter.

According to Mr. Zunguze, going forward, he will ensure that they will be provided with the proof the notices were sent for any future projects such as this, in their packets.

There was a discussion regarding the notice requirements of different situations and how staff gets those out to the public based on the type of request or public hearing.

With no more discussion, **Chairman Wood called for the vote and the motion passed 5-0.**

5. OLD BUSINESS:

➤ Comprehensive Plan Chapter 1 Update Recommendation

Mr. O'Connor explained that staff has implemented their comments made at the previous meeting and Chapter One is now ready to go forward to City Council for their formal approval for the updates and changes.

Motion by Agency member Bell, seconded by Agency member Hudson, to recommend that the LPA recommend to City Council approval of the suggestions for the policies for Chapter 1 of the City's adopted Comprehensive Plan as presented. Agency member Hudson provided the second for discussion.

There was some discussion in ensuring that the following statement, "PUD submittals shall demonstrate the impact of the project on access to light, impact on airflow dynamics, as well as other visual impacts that may be deleterious to adjacent properties, motorists, pedestrians, or segments of the population." is moved to the language in Policy 1-1.1.1 (a) Building Mass & Scale, and moving it to Policy 1-3.25 (b) Mixed Use Developments, as discussed at their last meeting. Staff verified that action would be taken. Also, in the discussions at the last meeting referring to the Checklists being removed from the LDC and being maintained in the Planning Offices as well as a hyperlink on the city website, which both are already maintained in that format for anyone to access.

Mr. O'Connor clarified that they will only be removing the requirements of Article 7 to have the checklist in the LDC.

Chairman Wood called for the vote and the motion passed 5-0.

NEW BUSINESS CONTINUED:

➤ Comprehensive Plan Chapter 2 Discussion – Transportation Element Implemented Policies & Objections

- **Policy 2-1.7.2: Study Hurricane Evacuation Carrying Capacity**

Within two years of Plan adoption, the City shall conduct a study to identify the carrying capacity of all evacuation routes within the City.

Staff Comments: This has been completed as of January 2022 with updates to the City's 2021 Disaster Preparedness Plan and the County's 2021 Local Mitigation Strategy. Staff recommends a revisit of Objective 2-1.7 – Monitor and Enhance Evacuation Capacity, to ensure there is need and requirement of the Comprehensive Plan being met by this objective and if it is better served in another document, such as the Emergency Operating Plan. A plan that is readily available and better served.

The Agency members agreed.

Partially Completed Policies & Objectives:

- **Policy 2-1.3.14: Promote Water Taxi/Shuttle Service**

Prior to the next EAR, the City shall adopt a process to accept private and public contributions toward the provision of space for water taxi/shuttle docking facilities and multimodal connections to water taxi/shuttle locations, in order to promote water taxi/shuttle service in the City.

Staff Comment: Implemented through LDC Section 8.09.03(A)(9)(d) – Multimodal Transportation Design Standards, Water Taxi Stop (Requirement for water taxi spot and amenities in SHMU). This policy should be carried over and further implemented through the LDC update. In addition, the intent and title need to be reviewed and a new comprehensive program should be looked at in totality.

The Agency members agreed with the statement.

- **Policy 2-1.3.17: Prioritize Community Parking Over On-site Parking**

The City shall continue to prioritize community parking over on-site parking through the City's parking regulations contained within the Land Development Code.

Staff Comments: This policy is partially implemented through 8.06.12. - Reduction of the required number of vehicle parking spaces and also the construction of the parking lots on Zerbe Street. This policy should be carried over and further implemented through the LDC update by developing more comprehensive parking regulations that prioritize multi-use or shared lots and public parking lots.

The Agency members agreed.

Policies & Objectives to be implemented through the LDC

- **Policy 2-1.3.12: Expand and Enhance Transit Coverage and Service**

The City shall continue to coordinate with Okaloosa County and seek to identify additional financial support for Okaloosa County Transit to maintain and enhance service, and to meet adopted transit level of service standards.

Staff Comments: This policy should be carried over and should be implemented through the LDC update.

The Agency members agreed with the statement.

In closing, Mr. O'Connor, these were for discussion purposes only and staff will bring back the update for Policy 2-1.72 and separating out the language about the objective 2-1.7 to make it more clear for their formal recommendation.

Mr. Zunguze spoke up and added that if they feel comfortable with what was discussed they could just forward it on and not bring it back for additional discussions.

Chairman Wood stated that he does feel it needs to be brought back for additional discussion.

In regards to the objective, Agency member Buhr suggested that they make it in two separate paragraphs. One with language telling where it's located and break it out to make it a staff and LPA recommendation.

➤ Draft Land Development Code Article III Discussion/Workshop

Mr. O'Connor stated that just like they previous, staff is bringing before them the annotations from Article 3, which is a brand new article and specifically pulls out nonconformities through out and creates a specific Article just for nonconformities. Adding that this is very common in many Land Development Code.

3.03.02. Uses under Special Exception Provisions

It is recommended that this section be deleted – the Comprehensive Plan directs the LDC to remove nonconforming uses. This process allows unpermitted uses to be established where they are not allowed by Code.

Staff Recommendation: Staff recommends a discussion on the intent of this section. Also want to discuss the expansion of non-conforming uses that are in the public interest.

In an example, the Sheriff's Complex on Stahlman Avenue. If they had to make any major

improvements to the building, they would be required to be at a conforming location. However, to be able to continue to serve the community for safety purposes, they need to stay where they are and still make the major improvements. Staff will work further on the language for this.

3.05. Nonconforming Characteristics of Use or Site

It is recommended a new section be written to specifically address nonconforming elements of a site (for example, parking lot layout, landscaping requirements, etc.). Specific components of this article would be:

1. Modifying nonconforming characteristics to meet current LDC requirements will be linked to change of use/development process.

2. Expansion of any component which would make a characteristic more nonconforming or exacerbate the nonconformity will not be permitted until a nonconforming characteristic is corrected. For example, a restaurant could not be expanded or intensified until a nonconforming parking layout was corrected.

Staff Recommendation: Staff has the same recommendation as 3TP. However, Staff recommends removing the "use" aspect of this and leave it to just elements of the site such as Stormwater, Parking, Landscaping/Open Space, Access (ingress/egress), Lighting, Fences.

There was a brief discussion about nonconforming uses and legal nonconforming structures and how the code will apply to each if someone wants to make changes to them. Mr. O'Connor clarified that all nonconforming issues will be in Article 3 and how anytime someone wants to make a change, the site would have to be brought up to the current code standards.

The Agency members agreed with staff.

3.07. Nonconformities due to Public Agency Action

It is recommended this new section is created to address nonconformities created from City or State processes, such as eminent domain. Any nonconformity created due to City/State action would be considered legally nonconforming, and be allowed to remain, and no further action on the part of the owner would be required. However, the nonconformities created due to City/State action shall not be increased or intensified by the owner, and the appropriate section of this article will apply.

Staff Recommendation: Staff recommends this section to be developed.

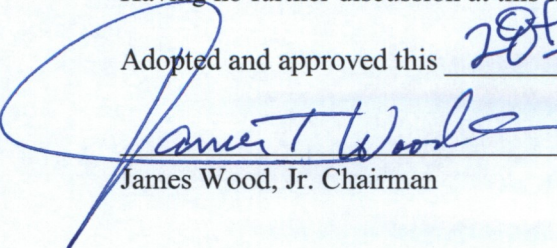
The Agency members agreed with staff to add this section.

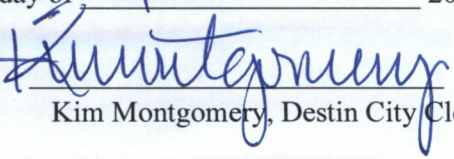
CONCLUSION: Staff is seeking input from the LPA on the annotations from the Draft LDC Articles III. Based on the discussions tonight, Staff will incorporate LPA input and bring these Articles back to the LPA for formal recommendations to the City Council.

5. **ADJOURNMENT:**

Having no further discussion at this time, the meeting adjourned at 6:40 p.m.

Adopted and approved this 28th day of April 2022.


James Wood, Jr. Chairman


Kim Montgomery, Destin City Clerk