



**AGENDA
HARBOR AND WATERWAYS BOARD MEETING
MONDAY, MAY 23, 2022
5:00 PM
DESTIN CITY HALL ANNEX COUNCIL CHAMBERS**

- 1. CALL TO ORDER/PLEDGE OF ALLEGIANCE/ROLL CALL**
- 2. APPROVAL OF MINUTES**
 - A) February 28, 2022**
 - B) April 25, 2022**
- 3. OLD BUSINESS**
- 4. NEW BUSINESS**
 - A) Proposed Residential Marine Construction Project at 132 Country Club Drive West**
- 5. BOARD MEMBER REPORTS**
 - A) Richard Hoey**
 - B) Guy Tadlock- Slip-covers and Non-conformities email**

 - C) William McKissick**
 - D) Casey Jones**
 - E) Jim Green**
 - F) John Stephens**
 - G) Harvey Hurst**
- 6. PUBLIC COMMENTS**
- 7. NEXT MEETING DATE: June 27, 2022**

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the City Clerk at (850) 837-4242 at least 48 hours prior to the hearing. If a person decides to appeal any decision made with respect to any matter considered at such meeting, such person will need a record of the proceeding and for such purpose may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based. (Sec. 286.0105, Florida Statutes)

**MINUTES OF THE
HARBOR AND WATERWAYS BOARD MEETING
DESTIN CITY HALL, FEBRUARY 28, 2022 - 5:00 P.M.**

1. CALL TO ORDER:

Chairman Hoey called the Destin Harbor and Waterways Board meeting to order at approximately 5:30 p.m. on Monday, February 28, 2022, at Destin City Hall, with the Pledge of Allegiance immediately following.

2. ROLL CALL:

Member Present:

Richard Hoey
Guy Tadlock
John Stephens
Jim Green
Bill McKissick

Members Absent

Harvey Hurst
Casey Jones

Staff:

Rey Bailey City Clerk
Daniel Butler Senior Planner
Tunazzina Alam Planner
Sae More Planner
Kyle Bauman City Attorney

3. APPROVAL OF MINUTES:

➤ **January 24, 2022**

Board member Green moved to approve the minutes of the January 24, 2022 minutes as written, with Board member Stephens providing the second; the motion passes with a 5-0 vote.

4. PUBLIC COMMENTS:

None

5. OLD BUSINESS:

None

6. NEW BUSINESS:

A. 4137 Belcourt Drive- Proposed Single-Family Residential Marine Construction

Mrs. Alam provided the members with the details of the request adding that the request meets all the requirements of the Code and staff recommends approval of the request by the applicant, Josh Reiker, of a residential construction for one (1) 110' x 5' access pier, one (1) 20' x 10' terminal platform, one (1) 15' x 4' finger pier, and one (1) 16' x 10' stepdown platform, comprising approximately 970 square feet.

Board member Green made the recommended motion to that the Harbor and Waterways Board recommends City Council approve the request located at 4137 Belcourt Drive, subject to the applicant meeting all the requirements. Board member Stephens provided the second and the motion passed with a 5-0 vote.

B. 4141 Belcourt Drive - Proposed Single-Family Residential Marine Construction

Mrs. Alam provided the Board members with the background information on the request explaining that the request meets all the requirements of the code and staff recommends approval of the request by Blase Craig for the construction of a 106.5' x 4' access pier, one (1) 16' x 10' terminal platform, two (2) 40' x 4' finger piers, one (1) 40' x 18' covered boat slip, and one (1) 20' x 1' roof overhang, comprising approximately ±1,646 square feet.

Board member Green made the recommended motion to that the Harbor and Waterways Board recommends City Council approve the request located at 4141 Belcourt Drive, subject to the applicant meeting all the requirements. Board member Stephens provided the second. In discussion, Board member Tadlock questioned the submerged land lease requirements. Board member Green noted the location of the submerged land lease information in the application. **Having no further questions, the Chairman called for the vote and the motion passed with a 5-0 vote.**

C. 130 Country Club Drive W. - Proposed Single-Family Residential Marine Construction

Mrs. Alam provided the Board members with the background information on the request explaining that the request meets all the requirements of the code and staff recommends approval of the request residential construction of a 70' long and 36" high seawall to be built in two sections of 30' and 40' on both side of the existing dock.

Board member Green asked the applicant if the project was already built prior to obtaining a city Building Department permit.

The Applicant stated that he uploaded the information to Compass and thought that was all he needed to do to get the project started since it was to be built landward.

Board member Stephens asked if the project impacted seagrass beds. According to the applicant, it did not.

Board member Green stated that since he has the letter from the FDEP which is essentially an exemption, he has no issues with the request.

Board member Green moved to approve the requested project and for the Harbor & Waterways Board to recommend City Council approve the single-family marine construction project located at 130 Country Club Dr. W., subject to the applicant meeting all applicable City permit requirements. Board member Stephens provided the second. The motions passed with a 5-0 vote.

D. 138 Durango Road a Short-Term Rental- Proposed Commercial Marine Construction

Ms. Sae More provided the members with the background information of the project request. She explained that the project meets all the requirements of the Code as well as the 25' riparian line setback requirements, and staff recommends City Council approve the request to construct eight (8) mooring pilings, consisting of 4 measuring 8'X 25' piles with wrap and another 4 measuring 6' X 16' piles with wrap.

Board member Green asked how this request meets the 25" riparian setback when it's on a cove and have there been any comments for concern from the adjacent property owners.

Mr. Butler explained that staff mailed out the required letters to the adjacent property owners and staff has not received any comments within the required timeframe from the adjacent property owners.

Motion by Board member Green seconded by Board member Stephens for the Harbor & Waterways Board recommendation that City Council approve the request for a single-family marine construction project located at 138 Durango Road, subject to the applicant meeting all applicable City permit requirements.

Board member McKissick asked why this is considered a commercial request. According, the applicant's attorney, Alicia Hurwood, the owner, Ms. McDonald has the home listed as a short term rental, therefore the city deemed it as a commercial request. Board member McKissick asked if there are plans for a boat to be present full time as part of the rental. According to the applicant, yes, her personal pontoon boat.

Board member Tadlock provided the members with the background information regarding the horseshoe shaped easement owned by the County. And spoke of several concerns that the HIIA has with the project. He also mentioned that he has obtained the deed to the upland easement owned by the County.

The City Attorney warned Board member Tadlock regarding his conflict and with this being a Quasi-Judicial request and speaking of providing potential evidence.

The applicant's attorney spoke of how the County has supplied a letter for the applicant stating they have no objection to the request and do not have any concerns. And how they have expressed their concern with Mr. Tadlock's conflict with that panel as well.

Board member Green spoke of how at this point of the project review, with the County having no objection and neither adjacent property owner has voiced any concerns, HIIA should deal with their concerns separately from this Board's decision.

Board member McKissick asked the question if the request is for installation of mooring pilings or a boat slip.

According to Mr. Butler, the request is for 8-mooring pilings which constitutes a slip and is why it is before the Board as a boatslip. He reiterated the verbiage in 11.05.01(Q), "No pier shall extend more than 6-feet into a canal or right-of-way. However, it does not say anything about a boatslip extending 6-feet, it says, pier, which is a delimited wooden structure.

Vice Chairman Green pointed out that the waterway is a canal and the pilings would not impede any navigational waters. Also, the letter from the County clearly states they have no objection to the request.

The City Attorney explained he has spoken with the Community Development Director as well as the Land Use Attorney regarding this request and it is his determination and the city's position that the Board members need to "divorce" themselves from the HIIA process. Because they are two completely separate processes and, is not a legitimate basis to deny the application request based on potential HIIA issues.

The Chairman spoke of how his concern is whether the city has the right to authorize construction based upon the fact that there are no riparian rights associated with the applicant's property based on the State's 25-foot riparian rights requirements. He also spoke concern that the city may be held liable in the future if this request were approved.

According to Vice Chairman Green, if the County owns the water and the easement, and they have stated they have no objection to the request, he questions if the HIIA even have authority over this since the easement is not State waters, and it was dug by the County. Adding that the letter from the county keeps the city from being liable for anything.

Chairman Hoey also voiced his concern for the fact that the applicant does not have their State permits for the request and feels they should not be able to make a recommendation without them.

The City Attorney advised the members that they are all aware that this board does not have the authority to hold their recommendation based on whether those permits has been obtained. Reminding them those conditions can only be held at the building permit level at time of construction, where those type permits are required.

According to Mr. Butler, staff only needs the proof of submission to the FDEP which is included in the agenda item exhibits.

Vice Chairman Green restated his motion he made earlier **for the Harbor & Waterways Board recommendation that City Council approve the request for a single-family marine construction project located at 138 Durango Road, subject to the applicant meeting all applicable City permit requirements, which involves the FDEP, the State, and everything else discussed.** Adding that everything they've been discussing has a different venue to be dealt with at that level. He also spoke of how he feels if this board denies the permit based on other board members issues and some who sit on other panels to review this application, could potentially open the city up for litigation or liability problem.

Board member Stephens asked for the explanation as to why again this was being deemed commercial at a single family residence. Staff informed the board that the request is being deemed commercial because of the short term rental of the home, and not the marine construction, which are not allowed to be rented or provide the homeowner income based on the zoning regulations.

The City Attorney advised the Chairman to open the hearing for any other public comment. With there being none, Chairman Hoey closed the public.

The City Attorney then explained he doesn't normally swear in Harbor Board attendees because its normally perfunctory however, in this project, being Quasi-Judicial in nature, he asked for everyone that provided testimony to swear and affirm the testimony they provided earlier in the hearing was whole truth earlier. The following individuals swore:

Daniel Butler

Saeed More

Missy McDonald

Alicia Hurwood

Board member Tadlock made a substitute motion to table the request until the County has resolved the ownership of the upland property. Board member McKissick provided the second.

The applicant's attorney reiterated that since the County has not conveyed the piece of property in 35 years, the idea that it's going to happen in the next month or two is farfetched. Additionally, that is not what is before the board. What is before them is the application for 8-pilings, and the county has already granted the use for those pilings and asked for the Boards vote to approve and move forward with the application. Noting that if there are later issues that come up, then it can be handled at that time.

Board member Green spoke out against the amended motion pointing out that the request is simply for 8 pilings to make a slip. Not a pier, not a dock, just a slip. And if the County has an issue with it later on, then it's up to them to make the applicant remove the pilings at a later date.

Adding that whatever issues anyone of them have with the request, there are plenty of other venues to voice those concerns.

The applicants attorney, Ms. Hurwood again spoke to the fact that Board member Tadlock has a conflict of interest with this project being that he sits on the HIIA Architectural Board and is making an amended motion to table the project.

Board member Tadlock withdrew his substitute motion.

Chairman spoke of how it's incumbent for the staff to make sure that all of the required permits are received prior to final approval of this project. **He then called for the vote and the motion passed 3-2 with Board members Tadlock and Chairman Hoey dissenting.**

7. BOARD MEMBER COMMENTS:

None

8. DIRECTOR'S REPORT:

None

9. NEXT MEETING DATE:

10. ADJOURNMENT:

With there being no further discussion, the meeting adjourned at 6:40 p.m.

Adopted and approved this _____ day of _____ 2022.

Richard Hoey, Chairman

Rey Bailey, City Clerk

**MINUTES OF THE
HARBOR AND WATERWAYS BOARD MEETING
DESTIN CITY HALL, APRIL 24, 2022 - 5:00 P.M.**

1. CALL TO ORDER:

Chairman Hoey called the Destin Harbor and Waterways Board meeting to order at approximately 5:00 p.m. on Monday, April 24, 2022, at Destin City Hall, with the Pledge of Allegiance immediately following.

2. ROLL CALL:

Member Present:

Richard Hoey
Guy Tadlock
John Stephens
Bill McKissick

Members Absent

Harvey Hurst
Casey Jones
Jim Green

Staff:

Kim Montgomery Deputy City Clerk
Daniel Butler Senior Planner
Tunazzina Alam Planner
Sae More Planner
Kyle Bauman City Attorney

3. APPROVAL OF MINUTES:

➤ **March 28, 2022**

Motion by Board member Tadlock, seconded by Board member Stephens to approve the March 28, 2022 minutes as written.

4. PUBLIC COMMENTS:

None

5. NEW BUSINESS:

A) Proposed residential marine construction project at 621 Calhoun Avenue

Ms. More explained Maraman Construction, Inc, on behalf of Leonard Emmick has submitted an application for Harbor and Waterways Board review for construction of a 95' x 5' access pier, one (1) 20' x 20' covered dock, and one (1) 12' x 8' platform, comprising 971 square feet.

Additionally, the contractor has provided the city a Florida Department of Environmental Protection (FDEP), Self-Certification File No. 0416720001EE. City staff reviewed the application and determined that the plans comply with City Codes and Regulations. Specifically, the proposed dock complies with Article 11.05.01.M., Marina Siting of the City Land Development Code, and the Coastal Management Element of the City's Comprehensive Plan (Coastal Management Element Policy 6-1.1.3). Staff recommends approval of the single-family marine construction project proposed at 621 Calhoun Avenue.

Chairman Hoey opened the hearing for public comment, there being none, he closed the public portion and called for a motion.

Motion by Board member Stephens, seconded by Board member Tadlock for the Harbor & Waterways Board to recommend City Council approve the request for the single-family marine construction project located at 621 Calhoun Avenue, subject to the applicant meeting all applicable City permit requirements. The motion passed 4-0.

B) Proposed residential marine construction project at 441 Calhoun Avenue

Ms. More explained Ben William, B&W Services LLC, on behalf of Keaton Thiem has sub-submitted an application for Harbor and Waterways Board review for construction of dock consisting of a 32' x 4' access pier, one (1) 16' x 18' terminal platform, one (1) 16' x 6' hammock platform, one (1) 8' x 6' step-down platform, one (1) 40' x 2' catwalk, one (1) 24' x 14' covered boat slip, and one (1) 16' x 1' roof overhang, comprising approximately 992 square feet and replacement of 58.8' seawall.

Additionally, the contractor has provided a Florida Department of Environmental Protection (FDEP), Permit No. 0414050-001-EE/46 & 0414050-002-EE/46 and U.S Army Corps of Engineers SAJ2022-00057 (NW/GP-SWA). City staff reviewed the application and determined that the plans comply with City Codes and regulations. Additionally, the requests meets all the requirements of the code and staff recommends approval of the single-family marine construction project proposed at 441 Calhoun Avenue.

Board member Stephens asked if there are any sea grasses present in the project location to the right of the dock. According to the applicant, it's just torpedo grass.

Board member McKissick asked if the original dock is still in place. According to the applicant, everything has been removed except for 8-pilings.

The Chairman opened the hearing to the public, with no one coming forward to comment, he closed the public for this request.

Motion by Board member Stephens, seconded by Board member McKissick for the Harbor & Waterways Board to recommend City Council approve the request for the single-family marine construction project located at 441 Calhoun Avenue, subject to the applicant meeting all applicable City permit requirements. The motion passed with a 4-0 vote.

C) Proposed residential marine construction project at 339 Calhoun Avenue

Mrs. Alam explained B&W Services, LLC, on behalf of Chatham Morgan, has submitted a permit for one (1) 56' x 4' access pier and one (1) 20' x 4' terminal platform, comprising approximately 304 square feet. The contractor provided a Florida Department of Environmental Protection (FDEP) receipt of submittal (Self-Certification File No.: 0416359001EE) for the project.

In review, staff determined that the application and plans comply with city codes and regulations, including Section 11.05.01, Marina Siting and staff recommends approval of the request, subject to the applicant meeting all applicable City permit requirements.

Board member Stephens asked if this is for the dock replacement only. According to the applicant, that is correct.

The Chairman opened the hearing to the public, with no one coming forward to comment, he closed the public for this request.

Motion by Board member Stephens, seconded by Board member Tadlock for the Harbor & Waterways Board to recommend City Council approve the single-family marine construction project located at 339 Calhoun Avenue, subject to the applicant meeting all applicable City permit requirements. The motion passed 4-0.

D) Proposed residential marine construction project at 4153 Belcourt Drive.

William F. Davis Construction, Inc., on behalf of Mark J Tenholder, is requesting approval to construct one (1) 88' x 5' access pier, one (1) 16' x 12' terminal platform, one (1) 10' x 7' step-down platform, two (2) 40' x 4' finger pier, one (1) 40' x 18' covered boat slip, one (1) 14' x 13' uncovered boatlift, 20' x 2' roof overhang, and 28' x 6' PWC lifts, comprising approximately 2,132 square feet.

In staff's findings, they determined that the applicant has provided the Florida Department of Environmental Protection (FDEP) Environmental Resource Permit (Permit No: 0396573-001-EI/46, Lease File No: 460359481) and a Department of the Army, Corps of Engineers permit (permit number: SAJ-2021-00118 (RGP-SWA)) for the project. As well as determining that the plans comply with City Codes and regulations, including Section 11.05.01, Marina Siting, and staff recommends approval of a commercial marine construction.

Board member Tadlock asked if there are any sea grasses in the proposed project location that would be impacted. According to Mr. Davis there are not any at this particular location. Mr.

Tadlock then asked what is the slope of the roof. Mr. Davis replied 5:12 and according to Mr. Butler, the slope is at the minimum requirements of the Code.

Motion Board member Stephens, seconded by Board member McKissick for the Harbor & Waterways Board to recommend City Council approve the single-family marine construction project located at 4153 Belcourt Drive, subject to the applicant meeting all applicable City permit requirements. The motion passed with a 4-0 vote.

E) Proposed commercial marine construction project at 119 Calhoun Avenue

Mr. Butler explained that Mr. Stephen Tatum of Matthews & Jones, LLP representing on behalf of Travis Glaze of Wet N' Wild. Mr. Butler continued to explain the applicant has submitted an application for Harbor and Waterways Board review of a commercial watersports docking facility at the subject property, which consists of a 144-ft by 6-ft access pier and a 50-ft by 6-ft terminal platform. The applicant will permanently moor twelve (12) 24-ft pontoon boats along the access pier and will transient moor three (3) 32-ft parasail boats off the end of the terminal platform. Additionally, there are no fueling facilities or sewage pump outs being proposed.

In staff's review, it was determined that the application and plans comply with City Codes and regulations, including Section 11.05.01, Marina Siting. The applicant has provided a receipt of permit application submittal to Florida Department of Environmental Protection (FDEP) and United States Army Corps of Engineers (USACE), and proof of approval and permits is required when submitting for the applicable building permit with the city. Staff recommends approval of the request with the following conditions:

1. The proposed dock does not propose a sewage pump-out; therefore, no vessels utilized by Wet N' Wild Watersports shall have on-board toilets, per LDC 11.05.01.I.
2. The proposed dock shall install a white navigation/security night-light installed at the furthest point seaward on said dock and such light is to be illuminated continuously from dusk to dawn every night of the year, per LDC 11.05.01.U. Such light shall be installed prior to the issuance of the Certificate of Occupancy.

The Chairman opened the hearing to the public for comment. With there being no one stepping forward, he closed the public portion of the hearing.

Board member Stephens asked if the applicant has submitted a fuel contingency plan. According to Mr. Butler, that is required when they turn in their livery application as well as the Building Permit application.

Board member McKissick asked if there are any sea grasses that would be affected by the project when the boats and personal watercrafts are leaving the docks and asked if the ACOE had any concerns about the volume of boats going over the seagrass. According to Mr. Butler, they have not received any negative comments for the ACOE regarding the sea grasses.

Chairman Hoey asked Mr. Butler how long the wooden dock supposed to be. According to Mr. Butler 139.9-feet from the MHWL and counting the 6-foot platform, its 145-feet total.

Board member Tadlock asked if the application lists the specific number of vessels. According to Mr. Butler, the project is before them because it's considered a commercial docking facility. Additionally, the LDC only regulates slips, not boat counts, which is one slip per 8-linear feet of shoreline. He further explained that the boat counts will be required in their livery application submittal as well as when they pull the building permits.

Board member McKissick asked how many linear feet is on the property. According to Mr. Butler, roughly 100 feet.

Board member Tadlock asked if waverunners were considered in the count. Mr. Butler stated that they are not. There was an additional question regarding the total boats in the diagram and the number of boats that will actually be moored. Mr. Butler explained the slips are 28-feet with two boats in each one. He explained that when he discussed this with Mr. Zunguze, they came to the agreement that the 38-foot slip with the 12 waverunners will have the same impact as the one slip of 28-feet. Therefore, they counted it as one additional slip. Reiterating to the members that the language in the Marina Siting does not specifically point out wave runners. So it's staff's discretion to base what the impacts will be on the surroundings.

With the Board members having issues with the definition of transient vessels in the code and with the applicant stating that there will be parasail vessels moored in them, and the fact that the applicant was not present to answer the Boards questions, the decision was made to continue this project request to the next meeting so that the applicant and the Land Use Attorney could be present to explained the project request.

Motion by Board member Tadlock to table this request to the next scheduled meeting to give the applicant an opportunity to be present as well as staff to answer the boards questions and explain the transient scope and the net positive benefit, based on the one slip per eight feet linear feet rule, as well as a better definition of slips for the request. Board member McKissick provided the second. The motion passed with a roll call vote of 4-0.

F) Proposed residential marine construction project at 132 Country Club Drive West

Ms. More explained Gulf Coast Maintenance and Construction, on behalf of Jean McGee, has submitted an application for Harbor and Waterways Board review of a residential construction application for construction of a 90' long and 36" high seawall and a walkway over the seawall. The applicant provided an exemption letter from Florida Department of Environmental Protection (FDEP) stating that the proposed activity does not require FDEP approval.

In staff's review, it was determined the application and plans comply with City Codes and regulations, including Section 11.05.01, Marina Siting and staff recommends approval for this request.

Board member Stephens asked the applicant what is currently at the location. According to the applicant, currently there is a partial seawall, and she intends to add to it.

Board member Tadlock asked if the project is in the footprint of the original project and if it is to be built to the 25-foot setback requirements from the adjacent property line. According to the applicant, it exactly the same and she is not aware of the setbacks but, it's going to be exactly where it was before.

Board member McKissick asked if the dock is still functional. The applicant explained that she thought it was until her neighbor fell in the water when he jumped on the boards and busted them.

Chairman Hoey pointed out that there is no receipt in the application they're reviewing that the applicant applied for an exemption from the FDEP. There was a brief discussion regarding an email from the FDEP that the exemption had been applied for. The Chairman read the section of the Code that states the receipt is necessary in order for them to make a recommendation.

Motion by Chairman Hoey to table this request to the next meeting of the Harbor & Waterways Board until the receipt for the self-certification exemption with FEDP is made available to the Board. Board member Stephens providing the second and the motion passed 4-0.

G) Proposed residential marine construction project at 516 Osceola Drive

Mrs. Alam explained ECM, on behalf of Landon Banks has submitted an application for Harbor and Waterways Board review of a residential seawall construction totaling 133.3', of which, 54.3' is along the property line. A 5-foot wide wooden walkway, along with the associated pilings, is also proposed along the seawall. The applicant has provided a receipt of permit application submittal to Florida Department of Environmental Protection (FDEP).

City staff reviewed the application and determined the plans comply with City Codes and regulations, including Section 11.05.01, Marina Siting, and staff recommends approval of the proposed project construction, subject to the applicant meeting all applicable City permit requirements.

The Chairman pointed out that the information for this request was not included in their packet and asked staff to bring the information up on the screen. The member briefly discussed the details of the project with staff.

Motion by Board member Tadlock for the Harbor & Waterways Board recommend City Council approval of a single-family marine construction project located at 516 Osceola Drive, subject to the applicant meeting all applicable City permit requirements, with Board member Stephens providing the second. The motion passed with a 4-0 vote.

6. PUBLIC COMMENT:

Mr. Wright Branson expressed concern over a project he will be bringing before the board for approval and questioned the term, “Board for board” because the original dock is beyond 1,000 feet and the property owner does not have a submerged land lease because the original dock, that was destroyed by Hurricane Sally, was built in 1959.

The City Attorney advised him to contact city staff outside of this meeting and they will inform him of the process he would need to take. Mr. Butler informed him that if he would email the information to planning@cityofdestin.com someone from staff would contact him.

7. BOARD MEMBER COMMENTS:

Board member Tadlock applauded the staff for all of their hard work and spoke of how he appreciates the engineering drawings they are now getting in their packet. However, regarding 132 Country Club Drive request, he feels they should have had additional information provided to them in the explanation of the project request. Adding that the setbacks to him, that are in question should have been included and a letter of should have been sent to the adjacent property owner to and included in the file. Additionally, the dimensions of walkway that extends over the water and how that should be counted in the total amount of square feet. If all that was in the project details that would have been helpful.

Chairman Hoey spoke of his tenure serving on the Board as Chairman and when that time is up for reelection. He was informed that now runs through November.

8. ADJOURNMENT:

With there being no further discussion, the meeting adjourned at 6:30 p.m.

DRAFT

Adopted and approved this _____ day of _____ 2022.

Richard Hoey, Chairman

Kim Montgomery, Deputy City Clerk

DRAFT

CITY OF DESTIN – COMMUNITY DEVELOPMENT



AGENDA ITEM

MEETING DATE: May 23, 2022

BOARD/COMMITTEE: Harbor & Waterways Board

TYPE OF AGENDA ITEM: Action Item

OUTLINE NUMBER: 4.A.

TO: Harbor & Waterways Board

THRU: Lance Johnson, City Manager
Louis Zunguze, Community Development Director
Kyle Bauman, City Attorney

FROM: Steve O'Connor, Principal Planner
Tunazzina Alam, Planner

DATE: April 19, 2022

SUBJECT: Proposed Residential Marine Construction Project at 132 Country Club Drive West

I. BACKGROUND: Gulf Coast Maintenance and Construction, on behalf of Jean McGee, has submitted an application for Harbor and Waterways Board review of a residential construction application for construction of a 90' long and 36" high seawall and a walkway over the seawall.

II. DISCUSSION: The applicant requests Harbor and Waterways Board approval for the proposed marine construction project located at 132 Country Club Dr W, located within the Indian Bayou, a Class II Florida Waterbody, and tributary of Choctawhatchee Bay.

The proposed marine construction project meets the requirements of **Article 11.05.00, City of Destin Land Development Code**, including the following section:

- **11.05.01.A** - Construction of new seawall.
- **11.01.06.B.3.a** – Construction of private seawalls.

COMPREHENSIVE PLAN CONSISTENCY: The proposed marine construction project is consistent with Coastal Management Element Goal 6-1, Coastal Management Element Objective 6-1.1, and Coastal Management Element Policy 6-1.1.3: Protect Coastal and Estuarine Environmental Quality and the Shoreline.

A. Link to Strategic Goals / Objectives:

- 1) Enhance Quality of Life
- 2) Enhance and Preserve Heritage and Environment.

B. Effect on Budget (EOB): There is no anticipated effect on the budget.

C. Level of Service (LOS):

There is no anticipated effect on the LOS.

D. Legislative Sponsor (Land Use Items):

III. CONCLUSION: The applicant provided an exemption letter from Florida Department of Environmental Protection (FDEP) stating that the proposed activity does not require FDEP approval. City staff reviewed the application and determined that the plans comply with City Codes and regulations, including **Section 11.05.01, Marina Siting**.

STAFF RECOMMENDATION: Staff recommends approval of a single-family marine construction project proposed at 132 Country Club Dr W, consisting of seawall construction and a walkway, subject to the applicant meeting all applicable City permit requirements.

IV. RECOMMENDED MOTION: I move that the Harbor & Waterways Board recommend City Council approval of a single-family marine construction project located at 132 Country Club Dr W, subject to the applicant meeting all applicable City permit requirements.

Attachments:

1. FDEP Exemption Letter_v1
2. Construction Plan_1_v1
3. 22-21-HWB_132 Country Club Dr
W_Abutter Notice



Gill, Blakely <Blakely.Gill@floridadep.gov>

to me, Rick ▾

Hi Sarah,

Here is the rule language to show the project as described is exempt:

62-330.051 Exempt Activities.

The activities meeting the limitations and restrictions below are exempt from permitting. However, if located in, on, or over state-owned submerged lands, they are subject to a separate authorization under chapters 253 and 258,

(12) Construction, Replacement, Restoration, Enhancement, and Repair of Seawall, Riprap, and Other Shoreline Stabilization –

(c) The construction of seawalls or riprap in wetlands or other surface waters between and adjoining existing seawalls or riprap at both ends in accordance with section 403.813(1)(o), F.S. For purposes of this exemption, length and orientation limitations as a seawall.

403.813 Permits issued at district centers; exceptions.—

(1) A permit is not required under this chapter, chapter 373, chapter 61-691, Laws of **Florida**, or chapter 25214 or chapter 25270, 1949, Laws of **Florida**, for activities associated with the following types of projects; however, except as provided in this subsection, this subsection does not relieve an applicant from any requirement to obtain permission to use or occupy lands owned by the Board of Trustees of the Internal Improvement Trust Fund or a water management district in its proprietary capacity or from complying with applicable local pollution control programs authorized under this chapter or other requirements of county and municipal governments:

(o) The construction of private seawalls in wetlands or other surface waters where such construction is between and adjoins at both ends existing seawalls; follows a continuous and uniform seawall construction line with the existing seawall; is more than 150 feet in length; and does not violate existing water quality standards, impede navigation, or affect flood control. However, in estuaries and lagoons the construction of vertical seawalls is limited to the circumstances and purposes set forth in s. [373.414](#)(5)(b)1.-4. This paragraph does not affect the permitting requirements of chapter 161, and department rules must clearly indicate that this exception does not constitute an exception from the permitting requirements of chapter 161.

Feel free to reach out with any further questions!

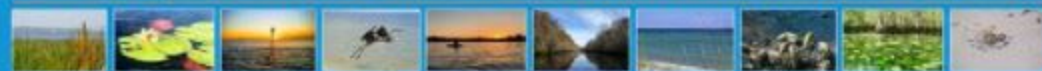
Thank you,



Ms. Blakely Gill
Florida Department of Environmental Protection
 Compliance Assurance Program
 Northwest District - Pensacola
 Environmental Specialist II
Blakely.Gill@FloridaDEP.gov
 Office: 850-595-0568



Florida Department of Environmental Protection - Northwest District

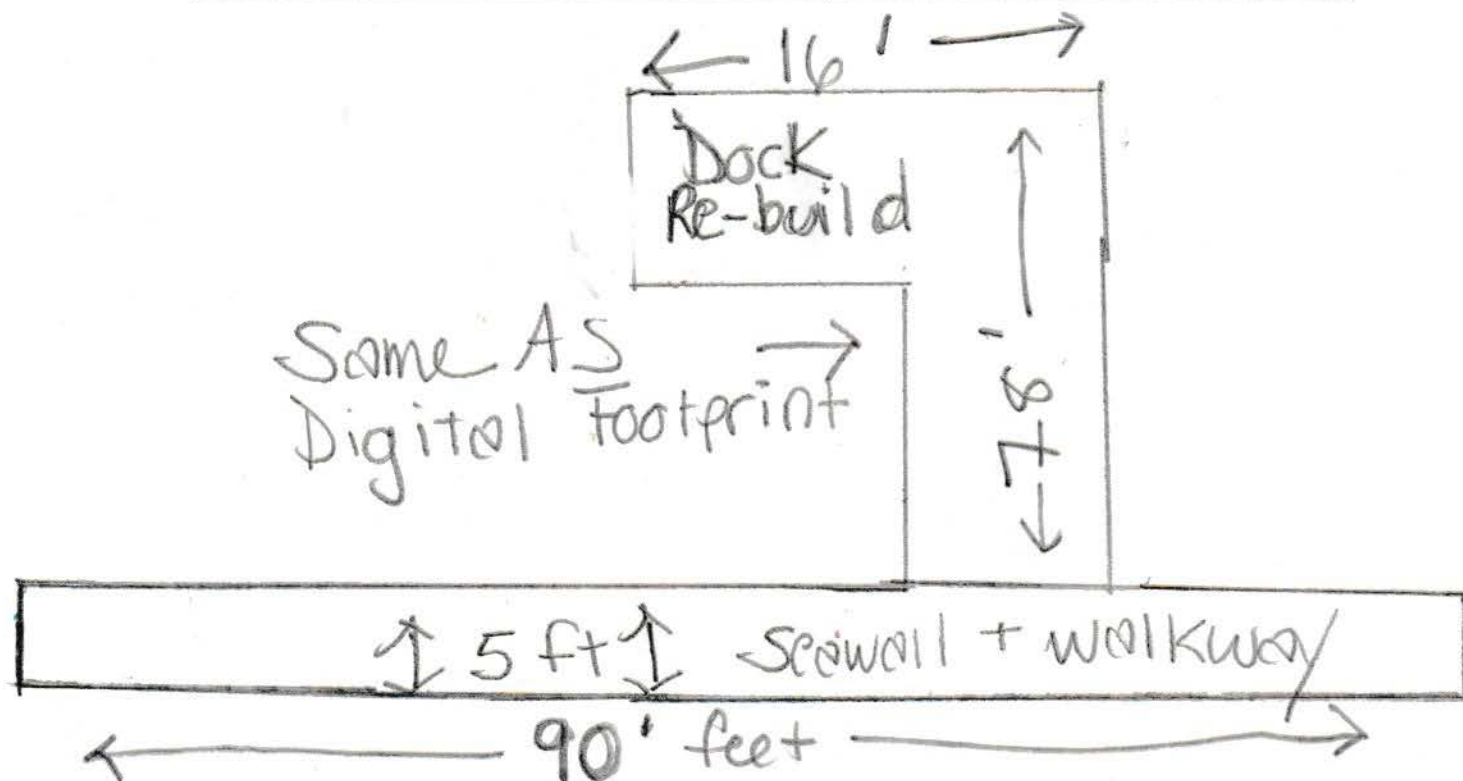


Request Pre-Application Meeting

132 County Club Dr, Destin, FL

Materials Used:

70 1x8x16 rough cut wood planks	Roll of filter cloth
11 2x6x16 rough cut wood planks	9 sticks of all thread
70 2x12x16 wood planks	Dirt and sod
32 2x12x16 wood planks	200 nuts and washers



Constructed with posts (wailers) 5' apart	Horizontal board on top (wood) 2x6 on bottom and top
Posts (wailers) are inserted into ground after water is pumped out.	Filter cloth mounted vertically to keep sediment on shoreline
Posts are inserted with an an excavator and vibrating tamp	Re-used existing pilings on dock
Posts are grounded down by anchoring them down with all thread to 'deadman' boards that are inserted into ground at a 45 degree angle	Wood walkway for topcap. 5' wide walkway



Community Development Planning Division

4200 Indian Bayou Trail | Destin, FL 32541 | Phone: 850-654-1119 | Email: planning@cityofdestin.com

April 11, 2022

Subject: Notification of Application Submittal – Single-Family Residential Seawall Construction – 132 Country Club Dr W

Dear Property Owner:

The purpose of this letter is to notify you of the Marine Construction Permit received by the Community Development Department. The Marine Construction application seeks Harbor and Waterways Board approval for construction of a seawall. **The Application will be heard by the Harbor and Waterways Board at 5:00 p.m. at Destin City Hall Annex, 4100 Indian Bayou Trail on Monday, April 25, 2022.** As an owner of property located adjacent of this project, *Article 2.17.00 of the Destin Land Development Code (LDC)* requires a written notice providing you the following information.

This notice is for informational purposes only. No action is required on your part.

1. Name of Owner: Jean McGee
2. Name of Agent: Sarah Ford
3. Address of Project: 132 Country Club Dr W
4. Parcel ID Number: 00-2S-22-1284-000J-0050
5. Project Description: The project proposes construction of a 90' long seawall and a 5' wide walkway over the seawall.
6. Location of Application Package: To request a digital copy of the application package be sent to you, please call the City Clerk at (850) 837-4242 or fill out a Public Records Request (PRR) online: <http://www.cityofdestin.com/forms.aspx?fid=121>

If you have any questions or concern regarding this letter, please do not hesitate to call (850) 654-1119 option 2 or email at planning@cityofdestin.com.

Sincerely,

Tunazzina Binte Alam
Planner

CC: Louis Zunguze, MURP, Community Development Director
Planning Division
Community Development Department Project File



Cindy Runyon

From: Guy <gtad@cox.net>
Sent: Thursday, May 5, 2022 3:50 PM
To: Cindy Runyon
Subject: Harbor Board Questions
Attachments: IMG_3684.jpg; IMG_3686.jpg; IMG_3687.jpg

[CAUTION: This email originated from outside of the City of Destin email system. DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

Cindy,

Please forward this email to the appropriate persons on staff. I could not find their email addresses. Thank you.

At the last Harbor Board meeting, a contractor in the audience came to the podium at the end of the meeting and asked staff what would the position be if an applicant applied for a “board for board” permit for a dock that does not have a submerged land lease from the State. I believed he either stated or implied that the dock was over 1000 sq.ft. (I believe I paraphrased his question correctly) That was not answered at the time.

I recall that many years ago, late 70’s early 80’s (way before the City was established) there were 5-7 very large, covered boat docks built in the Harbor. 5 were on Holiday Isle and 3 still exist. I think it was before the FDEP got its teeth so to speak. But there was an article in the Destin Log where it was explained that these structures are “grandfathered” and if any work was done to them or repaired that they would have to come into compliance and if the remaining structure was over 1000 sq ft would have to get submerged land leases. The Destin Log has long been gone but FDEP might could shed some light on this.

Living on the Harbor, I am very concerned about water quality. Everyone should be! I have seen times when water quality was atrocious . Up until now the flushing pump operation has been happen stance at best. I feel recent fixes have us on the right track. But we all know that direct shading over the water (i.e. blocking sunlight) is not good for water quality, aquatic growth, and shell fish. That is the major reason dock size is limited. The State does make concessions for larger docks but permitting is strict and water quality considerations are taken into account. Annual fees are charged in an effort to mitigate associated costs.

I believe staff needs to look into this in more detail. Just likes old houses, at some point they should come into compliance. Grandfathering should not last into perpetuity.

Another a question that I have and maybe we can discuss at the next meeting, are fabric covers now permitted over boat docks? Please see the attached photos. For years the Harbor board

was told that they were not permitted by the FDEP (maybe for the same reason as discussed before). Just recently I saw 3 of these that looked recently installed. Were they permitted and if so are these acceptable? If these are permissible, we are going to see a plethora of these go up. I do not think these should be considered temporary or disposable. The Canvas and fabrics now days easily have a 10-15 year life. If allowed, they should be counted in the dock sq. footage and permitted accordingly.

Regards,

Guy

