

**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:

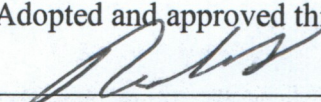
Board member Tadlock applauded the staff for all of their hard work and spoke of how he appreciates the engineering drawings they are now getting in their packet. However, regarding 132 Country Club Drive request, he feels they should have had additional information provided to them in the explanation 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.

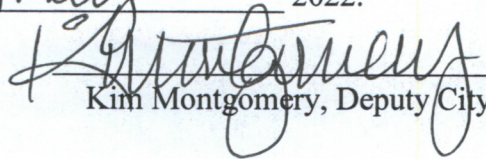
Chairman Hoey spoke of his tenure serving on the Board as Chairman and when that time is up for reelection. He was informed that now runs through November.

8. ADJOURNMENT:

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

Adopted and approved this 23rd day of May 2022.


Richard Hoey, Chairman


Kim Montgomery, Deputy City Clerk