

**LOCAL PLANNING AGENCY
MEETING MINUTES
JANUARY 19, 2023 - 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 19, 2023, 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
Corey Ledbetter
Todd Buhr
Jay Purut

Staff Members Present

Kim Montgomery City Clerk
Steven O'Connor Principal Planner
Daniel Butler, Senior Planner
Kimberly Kopp, LUA

3. ELECTION OF CHAIRMAN & VICE CHAIRMAN

Agency member Bell made the nomination for Jim Wood as Chair and Todd Buhr as Vice Chair. Agency member Hudson provided the second to the motion. They both accepted their nominations. A roll call vote was taken, and the motion passed 6-0.

Chairman Wood welcomed new member, Jay Purut to the board.

4. APPROVAL OF MINUTES:

November 17, 2022
December 1, 2022

Motion by Agency member Bell, seconded by Agency member Hudson to approve the November 17, 2022 and the December 1, 2022 minutes as written, the motion passed unanimously with a 6-0 vote.

5. NEW BUSINESS:

A. Proposed Conditional Use 22-64-CU, Valiant Court Townhomes

Mr. Butler explained to the members the background and how the applicant's request must meet the six requirements of the Conditional Use based upon the criteria set forth in the Land Development Code in order to approve the request, and staff recommends approval for Conditional Use 22-64-CU, Valiant

Court Townhomes based on the evidence provided by the applicant.

Mr. David Campbell, Engineer and Agent for the applicant stepped forward to answer any questions that the members may have.

Chairman Wood asked Mr. Campbell if the pavers they have planned for the project would be on concrete or sand and if they are considered pervious or impervious. According to Mr. Campbell, in his stormwater calculations he submitted, he considered them to be impervious, as if they were concrete.

Agency member Bell questioned the ability to ingress and egress the property.

According to Mr. Campbell, the parking is in the front of the property with the entrance and exit onto Airport Road.

Chairman Wood pointed out that the exit lines up with the median cut so, conceivably, anyone can turn right or even left, if clear.

Mr. Campbell agreed and explained that they made sure that the sight distance was appropriate so that anyone could see oncoming vehicles from either direction, and mentioned there is enough room for one car to stage, if turning left.

Chairman Wood asked Mr. Campbell to explain the algorithm of the traffic counts.

According to Mr. Campbell, the traffic counts are based on during PM-peak hour trips between 4-6 PM and that it is an estimate that conceivably, two cars would be entering and exiting between that timeframe.

Chairman Wood opened the public portion of the hearing. With no one coming forward, he closed the public and called upon the members for any additional discussion or a motion.

Motion by agency member Bell, Seconded by Agency Member Hudson that the Local Planning Agency recommend the City Council approve Conditional Use 22-64-CU.

In discussion, Agency member Buhr pointed out that the ownership for parcel 807 is shown as being a different owner on the Property Appraisers website than what is shown on the Warranty Deed.

Ms. Kopp, explained the Okaloosa County Property Appraisers website is not always up-to-date and generally not reliable and is why staff makes sure that the title work is done properly.

Agency member Buhr suggested amending the motion to say, with the intent, the applicant will attempt have the correction made with the Okaloosa County Property Appraiser before this goes before the City Council.

Ms. Kopp stated that she will make sure that a copy of the title work is included in the agenda item

when this goes before Council for final approval, rather than suggesting the applicant try to get this corrected when both the city and the applicant cannot control the Property Appraiser.

Agency member Buhr agreed and amended the motion for the title work to be included in the City Council agenda item. Agency member Bell agreed to the amendment. The motion passed with a unanimous vote of 6-0.

5. PUBLIC COMMENTS:

Mrs. Sandy Trammell spoke of her concern over short term rentals being allowed North of Highway 98 and mentioned how they are allowed under a Conditional Use request in some areas of the city, and what she is requesting is that the few locations north of Highway 98 be changed to not allow short term rentals.

She also spoke of how during the years of the recession, the condominium across from City Hall, The Palms of Destin was granted a Conditional Use by City Council to allow for short term rentals that was supposed to have only been temporary. However, they are still operating in that fashion, and she would like to request for staff to make a recommendation to City Council to have those two areas changed to reflect no short term rentals north of Highway 98.

Agency member Buhr asked the Land Use Attorney for confirmation that the city cannot, per Florida Statutes, take away a use that is already permitted in certain zones.

According to Ms. Kopp, that is correct. The city cannot prohibit short term rentals in residential areas and cannot regulate the duration or frequency of short term rentals. However, north of Highway 98, there were prohibitions already in place before the statute was enacted prior to 2011 and are considered grandfathered. Additionally, the very limited area north of Hwy. 98 Mrs. Trammell is referring to is zoned CMUV and short term rentals are a Conditional Use. Explaining that if they met the criteria, they could be allowed in that area, but that criteria would be very hard to be met, and she feels it's best to just leave it as is.

Agency member Buhr motioned to recommend staff research into the time when the temporary part was passed for CMUV in the 2008-2012 timeframe.

For clarification, Ms. Kopp stated that the Conditional Use for short term rentals was within the seven years that she has been with the city therefore, anything in the CMUV zoning district was after February 2017. However, she is not certain of the timeline for the specific condo Mrs. Trammell spoke of, because it was before she was with the city.

Agency member Buhr corrected his motion for staff to do the research and bring something back to them about the viability of undoing the temporary provision for the short term rentals allowed at the Palms of Destin condominium.

Chairman Wood asked staff if they could just research the temporary short term rentals at the Palms of Destin and bring back what is discovered to them for discussion. Ms. Kopp stated that they could do that. **The motion on the floor died for lack of a second.**

6. Sunshine Law/Public Records Presentation

Ms. Kopp provided the members with the details of the Sunshine Law explaining how they individually, cannot discuss anything amongst their fellow member about any city business that may potentially come before them for a recommendation outside of a public meeting. Additionally, they cannot and should not express how they are going to vote that could possibly be passed on to the other members prior to a public hearing. She explained the difference between quasi-judicial hearing and quasi legislative hearings and ex parte discussions and how to rectify those if it should happen. She then explained how important it is to get any public conversations regarding any city business, regardless if it's on their private email, social media or text messages forwarded to their city of Destin email address. She cautioned how city business should not be discussed outside of a public meeting but if they do, they should screenshot the conversations or comments and forward it staff and their city email address too so that it is put on the city server and is searchable.

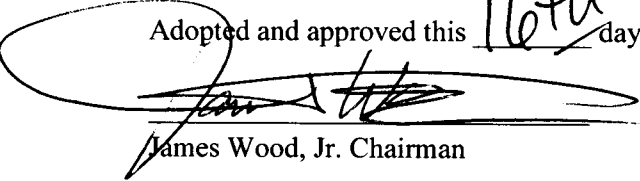
The Chairman briefly spoke of the importance of not replying to all when they receive emails from staff as well as their responsibilities of reporting to the state yearly their Statement of Financial Interest.

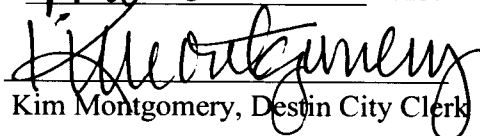
7. DIRECTOR'S REPORT: None

8. ADJOURNMENT:

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

Adopted and approved this 16th day of March 2023.


James Wood, Jr. Chairman


Kim Montgomery, Destin City Clerk