

**BOARD OF ADJUSTMENT
DESTIN CITY HALL ANNEX CHAMBERS
WEDNESDAY, MAY 1, 2024
5:30 P.M.**

1. CALL TO ORDER:

Chairman Weidenhamer called the Board of Adjustment Meeting to order at 5:30 p.m., on Wednesday, May 1, 2024, at Destin City Hall Annex Chambers.

2. ROLL CALL & PLEDGE OF ALLEGIANCE:

Present:

Tom Weidenhamer
Daniella Piper
David Emerson
James Moomaw

Absent:

Robert Pinard
Joshuah Brister

Staff Present:

Rey Bailey, City Clerk
Steven O'Connor Principal Planner
Kyle Bauman, City Attorney

3. APPROVAL OF AGENDA:

Board member Emerson moved for approval of the agenda, seconded by Board member Piper. Motion passed 4-0.

4. APPROVAL OF MINUTES:

➤ **March 6, 2024**

Motion by Board Chairman Weidenhamer, seconded by Board member Emerson, to approve the minutes of the March 6, 2024 meeting passed 4-0.

5. NEW BUSINESS:

A. LU-001390-2024 – 1209 Airport Road, STE.11 – Special Exception.

The City Attorney sworn in the following individuals for testimony:

- Jessica Carlist – representing Kreger Construction
- Josh Gregory – Owner of Food Fleet/OrgasmicEatz
- Principal Planner Steve O'Connor

The city's Principal Planner Steve O'Connor provided the following report:

The applicant is proposing a food truck commissary and prep kitchen and is requesting approval of a Special Exception for the food truck commissary under *LDC Article 7.12.02*, which allows lots divided by a zoning district boundary line to extend the regulations for either portion of the lot, not to exceed 50 feet beyond the district line, into the remaining portion of the lot. The subject property is located at 1209 Airport Rd. Ste. 11. The property is split by the Commercial General (CG) and the Industrial (IN) zoning districts. Based upon the description of the use provided by the applicant, the food truck commissary is considered storage (NAICS Code 493), which is a Conditional Use within the Commercial General zoning district and is permitted in the Industrial zoning district.

To sustain the existing and long-term market demands for commercial goods and services, properties designated CG are not intended to be used for long-term residential uses, manufacturing of goods, or other activities that may generate nuisance impacts, including glare, smoke or other air pollutants, noise, vibration or major fire hazards, or other impacts generally associated with more intensive industrial uses. The proposed Special Exception is consistent with the intent of the CG zoning district and Commercial General Future Land Use Map (FLUM) designation because the proposed use is not anticipated to generate any nuisance impacts.

To determine the potential impacts and compatibility of the proposed use, the application was evaluated per the Land Development Code Criteria for Conditional Use as follows:

1. ***Land Use Compatibility.*** The applicant shall demonstrate that the conditional use, including its proposed scale and intensity, traffic-generating characteristics, and off-site impacts are compatible and harmonious with adjacent land use and will not adversely impact land use activities in the immediate vicinity.

Staff's Findings: The subject property is adjacent to existing commercial and industrial uses, including the airport. The outdoor fenced area will only be used to store trailers when not in use, and all other commissary and prep activities will occur inside the building. There will be no manufacturing of goods, or other activities that may generate nuisance impacts, including glare, smoke or other air pollutants, noise, vibration or major fire hazards, or other impacts generally associated with more intensive industrial uses.

2. ***Sufficient site size, adequate site specifications, and infrastructure to accommodate the proposed use.*** The size and shape of the site, the proposed access and internal circulation, and the urban design enhancements must be adequate to accommodate the proposed scale and intensity of the conditional use requested. The site shall be of sufficient size to accommodate urban design amenities such as screening, buffers, landscaping, open space, off-street parking, efficient internal traffic circulation,

infrastructure and similar site plan improvements needed to mitigate against potential adverse impacts of the proposed use.

Staff's Findings: The subject property is of sufficient size to accommodate the requested use and all improvements required by the Land Development Code.

- 3. Proper use of mitigative techniques.** The applicant shall demonstrate that the conditional use and site plan have been designed to incorporate mitigative techniques needed to prevent adverse impacts to adjacent land uses. In addition, the design scheme shall appropriately address off-site impacts to ensure that land-use activities in the immediate vicinity, including community infrastructure, are not burdened with adverse impacts detrimental to the public health, safety, and welfare.

Staff's Findings: The requested use will not create any adverse impacts to adjacent land uses. There will be no manufacturing of goods, or other activities that may generate nuisance impacts, including glare, smoke or other air pollutants, noise, vibration or major fire hazards, or other impacts generally associated with more intensive industrial uses.

- 4. Hazardous waste.** The proposed use shall not generate hazardous waste or require use of hazardous materials in its operation without use of city-approved mitigative techniques designed to prevent any adverse impact to the general health, safety and welfare. The plan shall provide for appropriate identification of hazardous waste and hazardous material and shall regulate its use, storage and transfer consistent with Best Management Principles and Practices. No use which generates hazardous waste or uses hazardous materials shall be located in the city unless the specific location is consistent with the comprehensive plan and land development regulations and does not adversely impact wellfields, aquifer recharge areas, or other conservation resources.

Staff's Findings: The proposed use will not generate hazardous waste or require the use of hazardous materials.

- 5. Avoid over-proliferation of uses.** An over-proliferation of similar uses within a zoning district shall not be permitted.

Staff's Findings: This is the only known food truck commissary use within the CG or IN zoning districts.

- 6. Compliance with applicable laws and ordinances.** A conditional use application shall demonstrate compliance with all applicable federal, state, county, and city laws

and ordinances. Where permits are required from governmental agencies other than the city, these permits shall be obtained as a condition of approval. The City may affix other conditions to an approval of a conditional use in order to protect public health, safety, and welfare.

Staff's Findings: The proposed use complies with all applicable City laws and the applicant is responsible for obtaining permits from all other applicable government agencies.

As proposed, the staff has determined the requested Special Exception is consistent with the Comprehensive Plan and satisfies all the criteria for Conditional Use per the Land Development Code. Staff recommends the Board of Adjustment's approval of the proposed Special Exception subject to the approval and issuance of all applicable city and state permits.


Board Chairman Weidenhamer moved for the approval of Special Exception LU-001390-2024, subject to the approval and issuance of all applicable City and State permits. Board member Emerson provided a second to the motion, which passed 4-0.


6. OTHER BUSINESS: None

7. ADJOURNMENT:

There being no further business the meeting was adjourned at 5:45 p.m.

Adopted and approved this 17th day of August 2024.


Tom Weidenhamer, Chairman


Rey Bailey, City Clerk