

**LOCAL PLANNING AGENCY WORKSHOP
MEETING MINUTES
JUNE 6, 2024 - 5:30 P.M.
DESTIN CITY HALL BOARDROOM**

1. CALL TO ORDER:

Vice Chairman Buhr called the Local Planning Agency Workshop to order on Thursday, June 6, 2024, at 5:30 p.m., in the Destin City Annex Chambers; with the Pledge of Allegiance immediately following.

2. ROLL CALL:

Members Present

James T. Wood, Jr.
Todd Buhr
Marcie Bell
Jay Purut
Larry Cowsert
Gary Jarvis

Members Absent

Corey Ledbetter

Staff Members Present

Kimberly Montgomery Deputy City Clerk
Steven O'Connor Principal Planner
Daniel Butler Senior Planner
Joe Bodi Engineering Assistant
Tina Deater Planner
Kyle Bauman, City Attorney

3. APPROVAL OF MINUTES:

➤ **May 16, 2024, Minutes for approval.**

Motion by Agency member Bell, seconded by Agency member Cowsert to approve the May, 16, 2024 minutes as written, the motion passed with a unanimous vote of 6-0.

4. NEW BUSINESS:

A. Draft Article 1 – General Provisions/Legal & Article 2 - Administration

Mr. O'Connor informed the members that in relation to the Noise Ordinance and based on the last workshop, staff has integrated Citation Authority and the penalties on a graduated level into the Draft Article 1. As for Article 2, the only change was removing the language for a Variance for Special Exception Process.

Motion by Agency member Purut for the Local Planning Agency to recommend City Council approve Draft Article 1 - General Provisions/Legal and Draft Article 2 - Administration. Agency member Buhr seconded the motion for discussion.

In Article 2.14.04, Sign Permits, Agency member Buhr questioned staff about language in the draft that according to him, they have not seen it before. Mr. O'Connor apologized and stated that moving forward, staff will ensure they receive a redlined copy of what has been removed or changed. Additionally, if they prefer, they are welcome to ask for it to be removed from tonight's

approval and review it again at their next meeting.

Agency member Buhr stated that he just wants to make sure that at this point, they see everything so that nothing gets held up. He then pointed out that in 2.16.01, Subsection Gulf, there is a difference in language from what used to read, "***Community Development Director.***" According to Mr. O'Connor, that was a decision by staff to change it to, "***the City Manager or his designee,***" since the City Manager has the authority to direct staff.

With no further discussion, the Chairman called for the vote and the motion passed 6-0.

B. Draft Article 6 – General Development Regulations & Destin Design Manual

According to Mr. O'Connor, this is their fourth time reviewing this Article and the second with the Design Manual. All Substantive corrections have been updated and he asked the City Engineer to speak on some minor changes that were made today.

Mr. Ryan Scott City Engineer explained that for the clear sight triangle; in referencing the Florida Green Book, staff was reviewing editions and realized the table numbers had changed. Therefore, they were removed completely since they couldn't be referenced and now, they are referencing the name of the table. Additionally, for any city projects, signs are to be posted at the entrance, and staff has included an emergency contact phone number requirement for the sign posting information.

Motion by Agency member Bell, seconded by Agency member Purut, to recommend City Council approval with the two changes identified by the City Engineer.

In discussion, Agency member Buhr referred staff to 6.08.02, Subsection Gulf questioned #5, and asked definition wise, what all hardscaping elements includes and if there should be a definition of hardscaping in the Glossary. Noting that if rocks are not allowed, those and anything else that is not allowed should be referenced in the glossary.

Mr. O'Connor asked for the language Agency member Buhr wanted implemented. Agency member Buhr stated that he would like to see after the word plants, ***(Examples of things not allowed in the buffer area are, hardscaping elements; concrete, pavers, rocks).***

Agency member Buhr made a substitute motion to continue this to their next meeting for review once it is cleaned up, with Agency member Bell providing the second. The motion passed with unanimous vote of 6-0.

C. Draft Article 9 – Transportation Management Plans & Article 10 - Impact Fees

According to Mr. O'Connor, staff has not received any substantial comments on these two

articles and recommends approval.

Motion by Agency member Buhr, seconded by Agency member Bell to recommend City Council's approval of Draft Article 9 – Transportation Management Plans & Article 10 - Impact Fees. The motion passed with a unanimous vote of 6-0.

D. Net Positive Environmental Benefit (NPEB) Fee – LDC 11.05.02.N

Mr. O'Connor reminded the members how they requested staff to look at creating a funding mechanism to charge \$250.00 per slip for nonresidential slips, \$100.00 for residential slips that weren't homesteaded and zero for homesteaded slips. Additionally, staff has reached out to the property appraisers to provide a list of all properties that adjoin the water in the harbor that are nonresidential along with a slip count if they have it, and all non and residential properties that have slips on them. He explained the following has been previously discussed and proposed by the Harbor and Waterways Board (HWB) and, there are two members of the HWB in attendance for discussions and questions. He provided additional information that was also in their packet. If an individual or entity has paid the NPEB fee in the last:

- 5 years, they would not be assessed the annual slip charge for 20 years
- 5-10 years, they would not be assessed the annual slip charge for 15-years
- 10-15 years, they would not be assessed the annual slip charge for 5-years
- 15 years or more, the annual assessment would start immediately.

The HWB wanted information to see how this new structure and amortization phasing would work to fix the NPEB fund. Unfortunately, records of specific projects that paid the NPEB fee beyond 5 years are not complete and do not provide enough information for Staff to make a solid determination as to how the HWB proposed structure would work. When Staff presented this to them on April 25, 2024, they were concerned with the city double dipping the NPEB on those that have paid the fee recently. Their motion at the end of the night was to change their original proposed fee structure to:

- Category 1 projects: 10% NPEB fee
- Category 2 projects: 10% NPEB fee
- Category 3 projects: 25% NPEB fee

The Chairman opened the hearing for the public to speak.

Capt. Jim Green spoke of how the board agreed with the amortization they came up with and for those that have already paid substantial amounts into the fee, he urged everyone to consider fairness in their considerations. He referred the members to the 10/10/25% and stated that to him, it should be sufficient to maintain the harbor, as long as the fund is maintained properly. He spoke of the substantial amount of money that past City Council did not accept and allowed to go to the State of Florida and how if any such thing should happen again, then it is strictly left up to the Council, in the budgeting process, to fund any future needs.

Mr. Dick Hoey of the HWB spoke of how the harbor is the heart and soul of the city and mentioned how everyone on the board agreed that this is the direction they should go regarding the funding for the account. He also spoke of the need for a continual dredging of the harbor schedule and funding process.

Agency member Jarvis spoke of how the private and commercial property values annual worth depends on the health and wellbeing of the harbor, regardless if the property is on a canal or the harbor and he feels there is justification for the fee structure that is being discussed and does not agree there is any unfairness in the proposal. He reminded all how much the TDC funds sheriff's and lifeguards, which takes up a big chunk of the taxes.

Motion by Agency member Jarvis that the Local Planning Agency recommends the new Net Positive Environmental Benefit (NPEB) fee be structured as discussed and for staff to develop a draft ordinance for the city Comprehensive Plan and the Land Development Code concerning NPEB fees with (10/10/25%). With no second, the motion failed.

Agency member Buhr made a motion to continue this to their next meeting to give time for staff to provide them with the data as discussed, with Agency member Purut providing the second. In discussion, Agency member Jarvis asked what type of information would change their recommendation as it stands?

According to Mr. O'Connor, it was asked at their previous meeting, the members heard the 10/10/25 and asked for staff to take out charging for construction, and to bring back what the fund would look like on an annual basis if charging by slips fees for noncommercial slips \$250.00, residential properties that were not homesteaded were charged \$100.00 and residential properties that were homesteaded, \$0.00 based on that criteria. Currently, staff is looking at all the properties that are nonresidential and counting slips. As well as looking at the residential properties that are homesteaded and counting those slips, and the non-homesteaded residential properties, those won't be counted because they would not fall under this category, once that data is compiled, staff would bring it back to them to start discussions.

Agency member Buhr added that they also asked for alternative funding mechanisms other than a percentage of the cost of construction for those that need to have their marine construction work done but cannot afford to pay their part. Additionally, with a new fee structure in place, there is the possibility for those with older docks to be able start the construction process for those to be replaced. **With no further discussion, Chairman Wood called for the vote and the motion passed with a unanimous vote of 6-0.**

E. Conditional Use (LU-001409-2024) – 135 Benning Drive – **This item was heard first on the agenda**

Planner Tina Deater briefly explained the Conditional Use request to the Agency members

noting that staff sent out abutting notices to property owners and did not receive any comments.

Agency member Buhr asked if all avenues of noticing was covered for this request. Mr. O'Connor replied that abutting letters were sent out, advertising was placed in the local newspapers and signage was erected on the property for the required time period.

Agency member Bell asked if this request will be located in the old Destin Water Users Building and Mr. O'Connor answered is that it is.

Chairman Wood opened the hearing to the public for comment. With no one coming forward to speak he closed the public portion of the meeting and asked the members for any further comment or a motion.

Agency member Cowser made the motion to recommend the City Council approve the Conditional Use request LU-001409-2024, subject to approval of the Development Order Minor Deviation and the project receiving all applicable City and State permits. Agency member Bell provided the second and the motion passed 6-0.

5. PUBLIC COMMENTS:

Capt. Green urged the members to holistically consider those that have already paid a tremendous amount of money into the NPEB fee in the last 10 years.

6. DIRECTOR'S REPORT:

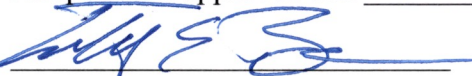
Mr. O'Connor provided the members with the schedule planned for the workshops with the City Council for the Articles. Additionally, the glossary has been sent to the City Manager for his review and once he gives approval, staff will be bringing it forward for their review.

Chairman Wood reminded the members their responsibility of being on the Local Planning Agency is that they are now working as a body to City Council regarding recommendations, and not how they may feel individually about anything that comes before them.

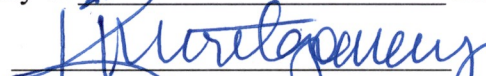
7. ADJOURNMENT:

Having no further discussion at this time, the meeting adjourned at 7:10 p.m.

Adopted and approved this 21st day of November 2024.



James Wood, Jr. Chairman



Rey Bailey City Clerk

Todd Buhr, Vice Chair

Kim Montgomery, Dep. City Clerk