

**MINUTES
SPECIAL WORKSHOP
DESTIN CITY COUNCIL
FEBRUARY 26, 2019
CITY HALL ANNEX
COUNCIL CHAMBERS
5:00 PM**

The Council for the City of Destin met in special workshop session with the following members present:

Destin City Council

Mayor Gary Jarvis
Councilmember Parker Destin
Councilmember Cyron Marler
Councilmember Prebble Ramswell

Councilmember Chatham Morgan
Councilmember Skip Overdier
Councilmember Steven Menchel

Destin City Staff

City Manager Lance Johnson
Code Compliance Manager Joey Forgione
City Planner Dawn McDonald
Community Development Dir. Louis Zunguze
Building Official Noel Bell
Land Use Attorney Kimberly Kopp

City Clerk Rey Bailey
IT Manager Webb Warren
City Planner Lauren Witt
Tim Whaler, 3TP Ventures
City Attorney Kyle Bauman

CALL TO ORDER

Mayor Gary Jarvis called the meeting to order at 5:00 PM. He called for a moment of silence; which was then followed by the Pledge of Allegiance.

1. Introduction/Workshop Overview

The Community Development Director Louis Zunguze discussed the ongoing 2019-2020 Evaluation and Appraisal Report (EAR) - Based Comprehensive Plan amendment process. He stated that the City's required EAR-based comprehensive plan amendment process has become due. State law requires municipalities to review their comprehensive plans every 7 years in order to ensure that any new State legislation is addressed as required in the current Comprehensive Plan. He stated they have submitted the City's required notification letter to the State and therefore the City is now in compliance with State law timelines for this process and can continue to process comprehensive plan amendments.

Mr. Zunguze then spoke of the current inconsistencies between the City's zoning map and the Comprehensive Plan Future Land Use Map. He stated that the City adopted a comprehensive plan; but, failed to prepare a set of regulatory mechanisms to drive that comprehensive plan submission. He continued that according to State requirements, as soon as a comprehensive plan is adopted, they have a year to accomplish that function; and that since they fell short in that regard, they now have a discrepancy between the Comprehensive Plan Future Land Use Map and the City's zoning map. He further stated that it is important for the Council to provide clarity as far as the development direction of this community so staff could confidently guide its development projects. He added that the goal of this evening's meeting is to align the City's Future Land Use Map with the Zoning Map.

Mr. Tim Whaler provided the following presentation on the 2020 Future Land Use Map and on managing future land use.

2020 Future Land Use Map

- New citywide map adopted with 2020 Comprehensive Plan update
- Florida Statutes require evaluation and appraisal of comprehensive plan
 - ❖ Address changes in State requirements since the last update of the comprehensive plan
 - ❖ Update the plan based on changes to local conditions
- Ordinance 15-17-PC
 - ❖ Adopted 2020 Comprehensive Plan Chapter 1- Future Land Use Element
 - ❖ Revised the Future Land Use Map (FLUM)
 - ❖ Added the planning areas and sub-areas
 - ❖ March 7, 2016
- Zoning map not updated to reflect amended FLUM

Managing Future Land Use/Management Tools and Criteria

- Measures
 - ❖ Allowable Uses
 - Residential Uses
 - Long-Term Residential – residential accommodation that is available for occupancy for 181 days or more
 - Short-Term Residential – residential accommodation that is available for occupancy for 180 days or less
 - Non-Residential Uses
 - Activities not defined as residential uses and connected with the sale, rental and distribution of products, or performance of services
 - Mixed Use
 - Different compatible uses located within a single structure or on the same development parcel
 - ❖ Height
 - Method of measuring building height
 - Starting from the higher of the three points
 - ✓ Crown of the road
 - ✓ Average grade of the subject property
 - ✓ Minimum Base Flood Elevation
 - Measured to the cornice line
 - Harbor Waterfront – average grade method
 - Pitched roof required in the comprehensive plan
 - ❖ Density
 - Residential uses
 - Dwelling units per acre (du/ac)
 - Maximum number of residential units allowed on a development site
 - Calculated by multiplying the gross residential land area of a proposed development project by the maximum number of residential units allowed in the FLUM designation

- Example: land area / number of dwelling units = du/ac
 $\frac{1}{4}$ acre x 9.0 dwelling units per acre = 2.25 du/ac
 2 dwelling units allowed
- ❖ Intensity
 - Non-residential uses
 - Floor Area Ratio (FAR)
 - Maximum square footage of uses allowed on a development site
 - A ratio obtained by dividing the floor area of buildings or structures by the land area of the site
 - Example: Floor area / land area = FAR
 $20,000 \text{ square feet} / 1 \text{ acre (43,560 sf)} = 0.459$
 FAR = 0.5
- ❖ Design Criteria
 - First comprehensive plan policy outlines design standards and criteria
 - Building siting
 - Off-street parking location
 - Pedestrian walkways and linkages
 - Bikeways within public ROW
 - Landscaping and open space
- Interaction of measures on site design
 - ❖ Example Development
 - 1 acre parcel
 - Town center Mixed Use (TCMU)
 - Maximum FAR = 1.5
 - Maximum height = 6 stories
 - Mixed use – retail/office and multi-family residential
 - Fronting Harbor Boulevard
 - ❖ Floor Area Ratio
 - FAR = 1.5
 - 2 story building
 - ❖ Open space and building location
 - FAR 1.5
 - 25% minimum open space
 - Frontage on public street
 - 2-story building
 - ❖ On-site parking and sidewalks
 - FAR 1.5
 - Open space 25%
 - Frontage on public street
 - Off-street parking side or rear
 - Pedestrian sidewalks
 - Required roof pitch 60%
 - 6-story building
 - ❖ Other constraints
 - FAR 1.0
 - Open space 30%
 - Frontage on public street
 - Off-street parking side or rear

- Pedestrian sidewalks
- Required roof pitch 60%
- 3-story

Next, City planners Lauren Witt and Dawn McDonald outlined zoning designations that conflict with the adopted Future Land Use Map set forth in the comprehensive plan

- Areas where the zoning is not the same as future land use
 - ❖ 484 parcels identified
 - ❖ 15 consolidated district areas
 - One area created with amendment for Capt. Leonard Destin Park
 - Area #1 - Capt. Leonard Destin Park issued August 25, 2017
 - ✓ FLUM: REC – Recreation
 - ✓ Zoning: CMU – Calhoun Mixed Use
 - Fourteen district areas created with the adoption of the 2020 Future Land Use Map (FLUM)
 - Area #2 – Land located between Calhoun and Sibert
 - ✓ No CMUV zoning category in LDC
 - ✓ FLUM: CMUV – Calhoun Mixed Use Village
 - ✓ Zoning: ROI GD – Residential Office & Institutional – General Development
 - Area #3 – Harbor Blvd just east of Marler Street
 - ✓ FLUM: NHMU – North Harbor Mixed Use
 - ✓ Zoning: INST – Institutional
 - Areas #4 & #5 – Areas south of Azalea Road stretching between Melvin and Benning
 - ✓ FLUM: ROI – Residential, Office & Institutional
 - ✓ Zoning: MDR-V – Medium Density Residential – Village
 - Area #6 – Location of the water tower
 - ✓ FLUM: ROI – Residential, Office & Institutional
 - ✓ Zoning: INST – Institutional
 - Area #7 – Area located at the corner of Beach and Harbor
 - ✓ FLUM: TCMU – Town Center Mixed Use
 - ✓ Zoning: CG – Commercial General
 - Area #8 – Post Office
 - ✓ FLUM: TCMU – Town Center Mixed Use
 - ✓ Zoning: INST – Institutional
 - Area #9 – Area located just south of Industrial Park Road
 - ✓ FLUM: IN – Industrial
 - ✓ Zoning: TCMU – Town Center Mixed Use
 - Area #10 – Area just west of Palm Street and Airport Road
 - ✓ FLUM: TCMU – Town Center Mixed Use
 - ✓ Zoning: CG - Commercial General
 - Area #11 – Area south of Quail Lake Blvd (Terrace Condo)
 - ✓ FLUM: TCMU – Town Center Mixed Use
 - ✓ Zoning: ROI GD – Residential, Office & Institutional – General Development
 - Area #12 – Office Bldg

- ✓ FLUM: TCMU – Town Center Mixed Use
- ✓ Zoning: CG – Commercial General
- Area #13 – Destin Water Users
 - ✓ FLUM: TCMU – Town Center Mixed Use
 - ✓ Zoning: INST – Institutional
- Area #14 – Crystal Beach area
 - ✓ FLUM: Crystal Beach Resort
 - ✓ Zoning: Crystal Beach Neighborhood
- Area #15 – Area adjacent to US Hwy 98
 - ✓ FLUM: CG – Commercial General
 - ✓ Zoning: ROI TD – Residential, Office & Institutional – Tourist Development

DISCUSSIONS:

Councilmember Ramswell noted that the United States Post Office parcel is marked Institutional in the 2010 FLUM. She asked why that designation was changed when clearly it is the proper designation; especially when the entire area, with the exception of that one parcel, did not change.

Mr. Zunguze stated that he has no history regarding this particular issue.

The Mayor noted that they have a lot of new employees, including a new director, in the Community Development Department; and so they could expect to run into similar issues as they move forward because they have lost a lot of the institutional knowledge and history surrounding these issues.

Mr. Zunguze stated there are two alternative approaches to resolving these conflicts. If the Council is comfortable with the current FLUM, the first alternative would be to rezone all conflicting parcels to match the FLUM. This process would involve bringing back a new zoning map which would then be in compliance with the FLUM. This would also involve at least a creation of a new zoning district in the Calhoun Mixed Use area, which is currently not available in the LDC; and then updating the LDC.

The Mayor asked what caused the conflicts.

Mr. Zunguze explains that he does not have the exact history in this case; but, speaking in general terms, every community updates its comprehensive plan time to time. Area designations that may be comfortable for Council today may be seen in a different light 5 years into the future and are given different designation, creating the disparity. He continued that the best practice is to update the zoning map so that it looks and matches the FLUM designations.

The Land Use Attorney added that the City did text amendments and addressed the specifics that would be allowed in each of the designation as far as height, intensity and density, but after the Comprehensive Plan FLUM was amended in 2015 and 2016, the rezoning did not occur.

Councilmember Marler pointed out that area #2 - land located between Calhoun and Sibert, as shown above, has a FLUM designation of CMUV and zoning of ROI GD. There are City-owned parking lots located across the street on the south side of Sibert Avenue. This is an area that they need to construct parking garages even though they are reluctant to do so at this

time. He continued that the area is not properly zoned for parking garages under the current zoning map.

According to Mr. Zunguze, they would be able to correct that problem when they perform the zoning change in the LDC. They could add uses in that particular area when they create the new zoning district.

Mr. Zunguze stated that the other alternative approach to resolving the inconsistencies between the FLUM and the zoning map is to go through a comprehensive plan amendment if the Council wishes to change something in the current FLUM.

Councilmember Destin stated that he supports rezoning the different parcels to match the current FLUM; however, he has some reservations with regards to some areas. One in particular is the TCMU area where he believes the density is still way too high and they do not have the road infrastructure to support it. He continued it is not to the public's benefit to continue to allow 3-story apartment complexes to be built. They should change the code to encourage more single-family residential homes. He added that the biggest fear for some members of this Council is for the old movie theater and Old Tyme Pottery, both with TCMU designation, to be redeveloped and encourage construction of large apartment buildings.

Mr. Zunguze noted that a master plan has supposedly been developed for the Town Center area; in which case, the Council should be able to dictate what is built in that area.

Councilmember Morgan stated that he shares Councilmember Destin's sentiments about the apartment buildings in the Town Center; adding that these apartments are not affordable housing for service industry employees and they are not good for the Town Center and the City of Destin.

Mr. Zunguze expressed that if the Council is comfortable with the majority of the current FLUM designations, they could go ahead and start updating the LDC. The Council could then identify their specific areas of concerns and staff could work on the two processes simultaneously.

Councilmember Ramswell mentioned that during her recent meeting with the owner of Old Tyme Pottery, she learned they are in negotiations with a national developer looking at different types of housing. She also stated that when the Council approved Comprehensive Plan 2020, they were very focused on the height, density and intensity. She does not recall any changes to specific parcel or on the FLUM being brought to their attention. She continued that when the zoning designation for Parcel B on Norriego Point mysteriously changed from ROI to CG, it caused major concerns among the residents in that area. She received several emails from residents of Sovereign Isle claiming they received no notice whatsoever and they are within 300 feet of the affected area, which is an LDC requirement. She now has grave concerns overall as to how and why these zoning conflicts occurred. She also pointed out that the area located at the corner of Beach and Harbor, marked as #7 on the slide, is actually part of a back parking lot to the United Methodist Church. That parcel was split in half; one part is Institutional and the other is TCMU.

Councilmember Destin opined that the comprehensive plan amendment in 2015 created a lot of the problems they are currently experiencing; adding they gave away their rights as a Council to review development by approving that amendment. He continued that they have been

trying to remedy this situation over the past two or three years and the Council has now reinserted itself in the development review process. He then expressed concern over area #15, a parcel adjacent to US Hwy 98; stating there may have been a plan to turn that area into an amusement park, which would not make the residents of Sovereign Isle very happy. He suggests staying with the current zoning for that particular parcel. He recommends directing staff to update the LDC for areas #1 thru #14, and then to pursue the process of addressing the TCMU densities because he does not want to see Old Tyme Pottery converted into apartment buildings.

Councilmember Morgan recommends addressing the densities in the TCMU expeditiously.

Councilmember Ramswell would like area #7 to be addressed as well.

The Land Use Attorney stated that if the Council wants to direct staff to do the administrative rezoning for the properties marked area #1 thru #14, except for areas #7 and #15, they could discuss and approve a motion to do so at the next regularly scheduled Council meeting. The Council could then discuss properties in areas #7 and #15 separately and request an amendment for the FLUM.

At this time, the Mayor announced he would allow public comments pertaining to this subject.

Ms. Marcie Bell, a Destin resident, asked if the Council has any recollection of the situation Ms. Diana Lynn discussed with the Council about the 2007 rezoning change to Parcel B without proper notification to the surrounding properties.

Councilmember Ramswell replied that she remembers having that discussion.

Ms. Bell noted there is no property currently zoned as Conservation within the City of Destin. The only parcel that was zoned as Conservation was Parcel B, and possibly Parcel C. In 2007, the zoning designation for these properties was changed to High Density Residential (HDR). She continued that Parcel B and Parcel C are both covered by sand dike placed there by the US Army Corps of Engineers to protect the jetties. It is a perpetual easement under private property ownership. She asked Council to consider changing the zoning designation of Parcel B and Parcel C back to Conservation.

Mr. Curtis Gwin, a Destin resident, stated that since the Council plans to pull areas #7 and #15, it would be beneficial to know which guideline to follow if they come in to apply for a development order for these areas. He suggests going through the administrative rezoning for all the identified areas to bring the zoning map into compliance with the current FLUM; adding that the Council would still have the authority to stop a development order application that comes in if they do not like what is being proposed. The only major issue is CMUV designation because there is nothing in the LDC that provides the rules and regulations for CMUV.

Ms. Rhonda Dossey, a property owner in Destin, stated that changing the zoning designation for area #15 to CG would be a nightmare for residents of Sovereign Isle. She continued that the area has been zoned ROI TD to match the area located across the street from it; which is a low density office park. If they change the zoning to CG, there could be 38 property owners that could be inconvenienced with what they decide to build on that property. She urged the Council to stay with the current zoning of ROI TD for that particular property.

Mr. Karl Seekamp, a Destin resident, noted that his home on Sovereign Isle physically borders the property in area #15; and that he has a significant concern about it. He noted that the 2010 Comprehensive Plan states that *“the primary objective of the future land use element is to preserve and enhance the City’s existing character and identity through appropriate management land use of urban design.”* He opined that changing the zoning designation for area #15 to CG would not enhance or preserve the character of his neighborhood; and he could end up having a gas station or McDonald Restaurant 10 feet from his home which would significantly lower its property value. He added it was not what he anticipated when he spent his entire life savings purchasing his property two years ago.

Councilmember Destin asked if the notice requirements for property owners also apply for FLUM changes.

According to the Land Use Attorney, the code requires sending notices in the mail to all affected property owners located within 300 feet if there is a change to the FLUM; but, they have not found any record that it was followed in the past. It seems the previous staff elected not to notify every affected property owner within the City because of the cost. However, there are proofs that all required newspaper advertising were accomplished.

Ms. Char Rohrer, a Destin resident, stated that previous staff knew about the zoning change for area #15 because she personally discussed this issue with them. She continued that she was provided a document showing proposed rezoning of that property to CG. She added that she never received an answer to her question to City staff whether affected property owners were going to be notified of the changes.

Mr. Shane Cannon, a Destin resident and a local developer, urged the Council to expedite the process of bringing the LDC to match the FLUM because it is limiting City staff’s ability to process development applications; thus putting a lot of applicants on hold. He also stated that the City has a tendency to focus on what large developers are developing while small developers such as him are getting caught in the system that is broken; and there had not been a lot of efforts on the part of the Council to help them. He asked the Council to be sensitive to other small residential areas in town.

The Mayor stated that they have a tendency to lose sight of small developers who also live in the community, and who have chosen this way of life not only to provide for their families but also to contribute to this community. He added that as they move forward they need to make sure they keep them in mind and not affect their ability to stay in business.

The Land Use Attorney noted that when someone wants to develop and the FLUM and the zoning map do not currently match, her advice to staff was not to halt anything but to process the application under the comprehensive plan to the extent there is a conflict between the comprehensive plan and the LDC. She continued there are zoning issues in the LDC that do not conflict with the comprehensive plan at all, such as setbacks, which staff would then process accordingly.

Mr. Cannon noted that when there are two zoning designations with nothing in common, such as a property with a previous zoning designation of MDR, and a new zoning designation of ROI, which does not allow single-family residential, the City staff has been directed to take the most stringent available language in the code that exists for an application. He also stated that developers are held to the FLUM; and when the zoning designation in the LDC does not match

the FLUM, City staff cannot provide a confident answer with regards to the number of units per acre because the code has not been adopted.

The Land Use Attorney noted that the FLUM takes precedence in this case. She also stated that if there is a zoning designation in the LDC that does not match a FLUM designation, the proper process is to request the rezoning of the property to match the FLUM designation. If there is zoning district that does not currently exist in the LDC for a FLUM designation, they would have to abide by the FLUM to the extent there is no conflict with the LDC.

Councilmember Marler noted that a lot of the same businesses are allowed in both CG and ROI; although a gas station, which was mentioned earlier, is only allowed in CG, not in ROI. He continued that residents of Sovereign Isle have to realize it might not benefit them much leaving the current zoning of area #15 to ROI.

The City Manager commented that the main goal for correcting the discrepancies between the FLUM and the zoning map is to give staff the tool they need to appropriately serve the public; adding that their top priority at this time is getting the LDC updated.

The Mayor stated that based on the comments by the Council members as well as the the public, it seemed there is a consensus to move forward with the zoning changes in the LDC for all the areas identified except for areas #7 and #15. And unless there are any objections, the Council could go ahead and adopt the appropriate motion giving formal direction to staff at the next regular Council meeting.

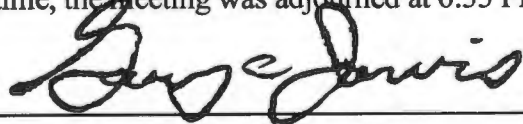
Councilmember Menchel suggests the information regarding the action they are taking is posted on the City's website in addition to advertising them in the newspaper because a lot of people do not subscribe to the newspaper.

Councilmember Ramswell recommends reaching out to the affected property owners for input, especially in area #7 where a parcel is being split in half, designating one part as Institutional and the other as TCMU.

Mr. Seekamp asked that they send a letter in the mail to each affected property owner aside from placing the information on the website and advertising it in the newspaper to make sure the public is properly notified of the actions being taken.

ADJOURNMENT

Having no further business at this time, the meeting was adjourned at 6:35 PM.



Gary Jarvis, Mayor

ATTEST:



Rey Bailey, City Clerk