

**MINUTES
LOCAL PLANNING AGENCY
THURSDAY, MARCH 21, 2019 - 5:30 P.M.
DESTIN CITY HALL BOARDROOM**

1. CALL TO ORDER:

Chairman Wood called the Local Planning Agency meeting to order on Thursday, March 21, 2019 at 5:30 p.m., in the Destin City Hall Boardroom.

2. ROLL CALL:

Members Present

James T. Wood, Jr.
Darryl Shelton
Don David
Andrew McDowell
Corey Ledbetter
Jason Klosterman

Staff Members Present

Rey Bailey, City Clerk
Dawn McDonald, Planner
Lauren Witt, Planner
Samantha Brisolara, Planner
Louis Zunguze, CD Dir.
Kimberly Kopp, LUA

Noell Bell, Building Official
Joey Forgione, CC Mgr.
Michael Burgess, PS Director
Webb Warren, DC Mgr.
Kyle Bauman, City Attorney

3. APPROVAL OF MINUTES

A. January 17, 2019

Motion by Agency member Shelton, seconded by Agency member McDowell, to approve minutes of the January 17, 2019 meeting, as amended, passed 6-0.

4. NEW BUSINESS

The City Attorney announced they will hold a quasi-judicial hearing on the following two ordinances – Ordinance 19-02-LC and Ordinance 19-03-PC – simultaneously.

- A. A public hearing regarding Ordinance 19-02-LC relating to a change to the Zoning Map, which changes a parcel of land from Recreation (REC) to Low Density Residential - Village (LDR-V).

The City Attorney read proposed Ordinance 19-02-LC by title.

**AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, AMENDING
THE OFFICIAL ZONING MAP AS REFERENCED IN THE LAND
DEVELOPMENT CODE, SECTION 7.12.01(A)2 ZONING MAPS TO**

INCLUDE A CHANGE IN THE ZONING DESIGNATION OF 75.08 ACRES OF THE SOUTHWEST PORTION OF PARCEL NUMBER 00-2S-22-0000-0046-0000, DESTIN, FLORIDA FROM RECREATION (REC) TO LOW DENSITY RESIDENTIAL-VILLAGE (LDR-V); PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR JURISDICTION; PROVIDING FOR ZONING MAP AMENDMENT; PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

- B. A public hearing regarding Ordinance 19-03-PC relating to a change to the Future Land Use Map, which changes a parcel of land from Recreation (REC) to Low Density Residential (LDR).

The City Attorney read proposed Ordinance 19-03-PC by title.

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, AMENDING COMPREHENSIVE PLAN: 2020; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR JURISDICTION; PROVIDING FOR THE ADOPTION OF A LARGE SCALE AMENDMENT TO THE COMPREHENSIVE PLAN FUTURE LAND USE MAP TO INCLUDE A CHANGE IN FUTURE LAND USE DESIGNATION OF A PARCEL OF LAND FROM RECREATION (REC) TO LOW DENSITY RESIDENTIAL (LDR); PROVIDING FOR INCORPORATION INTO THE COMPREHENSIVE PLAN; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

The City Attorney sworn in the following individuals for testimony:

Curtis Gwin, applicant
Robert Lee, applicant
Louis Zunguze, Community Dev. Director
Lauren Witt, Planner
Samantha Brisolara, Planner
Dawn McDonald, Planner
Noell Bell, Building Official
Joey Forgione, Code Compliance Manager

Ms. Lauren Witt, City Planner, explained the basis of staff's procedural requirements for the review process of this request in regards to compatibility; and that

staff recommends approval of the ordinance.

Mr. Curtis Gwin, applicant, explained that the property was purchased in the late 70's and developed into its current state. He explained that the additional 9-hole golf course was installed in 1991, with the intention to eventually develop that area as well. However, the 9-hole golf course was later closed with the pressure from additional golf course competition in the area. He spoke of their desire to still develop that area; and that they need to have the acreage rezoned from Recreation to Low Density Residential. He also noted that the property was originally zoned Medium Density Residential, and it was unknown to them how the property was rezoned to Recreation. He presented some documents to support his argument. He also stated that it is a privately owned property; and that the Recreation designation is generally for publicly owned property. He added that the property owners were unaware of the Recreation zoning designation until the City purchased a portion of the property for the installation of a round-a-bout. He also explained their desire to get an ingress and egress onto Commons Drive.

Mr. Bob Lee, applicant, stated that he has known about the Recreation zoning designation since 2007 when the agreement was made with then City Manager, Greg Kisela for the purchase of land for the round-a-bout on Commons Drive. He also knew they would eventually need to have the property rezoned appropriately. He further stated he would be willing to work with the City and the County Airport and come to an agreement with the development.

The City Attorney asked the applicant if they want the document they presented to be entered into the record. Mr. Gwinn replied affirmatively. Chairman Wood accepted the documents into the record.

At this time, the City Attorney asked if any members of the public wishes to provide testimony relating to this subject.

The City Attorney sworn in the following individuals for testimony:

Ken Ibold, Okaloosa County Airport Planner
Tracy Stage, Okaloosa County Airport Director
Chad Rogers, Okaloosa County Airport Project & General Aviation Mgr.

Mr. Ken Ibold spoke of how compatibility of residential properties and the airport is addressed in both the City's Comprehensive Plan as well as the FAA regulations. He noted there are 36 proposed lots in the development that are within the orange noise zone which are considered not compatible with the airport.

At this point, Agency member David pointed out that the LPA's responsibility is only to make a recommendation to Council for the adoption of the ordinance; adding that the airport personnel should be presenting their argument at the next level.

Chairman Wood asked if the airport is recommending that the LPA recommends disapproval of this application.

Mr. Ibold asked that the incompatibility of certain parts of the proposed parcel with the airport be taken into consideration; adding that if the property is developed within the established zones B & C, as depicted in the exhibits that have been presented, proper steps need to be taken to protect any future purchaser of the property.

Mr. Tracy Stage, Airports Director, explained they would not want the development to proceed and then the City Council has to deal with constant noise complaints and incompatible land uses from residents; which could go on for years. They felt they needed to express their concern with regards to compatibility, and that they have submitted a number of items that can be taken into consideration by Council if this development is to move forward; such as providing aviation easements to the individuals that may own properties in those areas.

Mr. Zunguze noted they are fully aware of the airport's concerns and included some information in that regard in the meeting packet that was provided to the committee.

The Chairman opened a public hearing to receive comments for or against the proposed ordinance. Having none, the Chairman closed the public hearing.

Agency member Klosterman moved to find Ordinances 19-02-LC and 19-03-PC consistent with the City's Comprehensive Plan and to recommend approval of Ordinances 19-02-LC and 19-03-PC to the City Council. Agency member David provided a second to the motion, which passes 6-0.

- C. A public hearing regarding Ordinance 18-15-LC relating to the use of wheeled vehicles on public and private areas of the beach, which amends Section 11.08.02 of the Land Development Code.

The City Attorney read proposed Ordinance 18-15-LC by title.

**AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA
RELATING TO THE USE OF WHEELED VEHICLES ON
PUBLIC AND PRIVATE AREAS OF THE BEACH; PROVIDING**

FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR AN AMENDMENT TO LAND DEVELOPMENT CODE SECTION 11.08.02, AND CREATING SUBSECTIONS C(i) THROUGH C(v); PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Ms. Samantha Brisolara, City Planner, explained that the proposed ordinance would strictly prohibits wheeled vehicles on the beach, whether the property is public or private, with the exceptions of certain permitted vehicles that will require a sticker displayed on window shield.

Agency member Ledbetter asked if this has become an issue since he was under the impression that vehicles were not allowed on the beaches.

According to the Land Use Attorney, the language was not clear in the code with regards to private and public beaches; and so the intent was to clarify that point, as well as add additional language for the permitting process to allow certain vehicles access to the beach.

The Chairman opened a public hearing to receive comments for or against the proposed ordinance.

Ms. Marcie Bell stated she is a part of the Sea Turtle Alliance and that the sea turtles have been known to nest on the East Pass beaches. She also noted that an egg that was hatched in October 2015 was identified as an endangered Loggerhead species. She supports adoption of the proposed ordinance.

Having no further comments from the public, the Chairman closed the public hearing.

Agency member Shelton moved to recommend approval of Ordinance 18-15-LC to the City Council, with Agency member Klosterman providing the second. Motion passed 6-0.

- D. A public hearing regarding Ordinance 18-30-LC relating to commercial activity in residential areas, which amends Articles 3, 7, and 9 of the Land Development Code.

The City Attorney read proposed Ordinance 18-30-LC by title.

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA RELATING TO COMMERCIAL ACTIVITY IN RESIDENTIAL AREAS; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; CREATING DEFINITIONS FOR COMMERCIAL USES, COMMERCIAL SPECIAL EVENTS, AND COMMERCIAL SPECIAL EVENT VENUES; PROVIDING FOR AMENDMENTS TO ARTICLES 3, 7, AND 9 OF THE LAND DEVELOPMENT CODE; AMENDING TABLE 7-2, TABLE OF ALLOWABLE USES IN ZONING DISTRICTS TO PROHIBIT COMMERCIAL SPECIAL EVENT VENUES IN ALL RESIDENTIAL DISTRICTS; LIMITING THE NUMBER OF SPECIAL EVENTS PERMITTED AT RESIDENCES ANNUALLY IN RESIDENTIAL ZONING DISTRICTS; PROVIDING FOR INCORPORATION INTO THE CODE OF ORDINANCES; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Ms. Brisolara explained that proposed ordinance clarifies special events and where they are allowed in the City. Two or more commercial events would be classified as a commercial venue. It limits the number of special events at a property in residential areas to 5 per year.

The Land Use Attorney explained that this ordinance has been before this agency several times, and that is back again because they needed to close a loophole discovered in the language for commercial events. She continued that the additional language now restricts the number of events to just five a year for noncommercial events at a property.

Agency member Klosterman asked what qualifies as a special event.

The Land Use Attorney noted that the proposed ordinances defines special events as *“any wedding or wedding reception, bachelor party, family reunion, class reunion, company banquet, retreat and/or picnic, or other similar event or celebration.”*

Mr. Zunguze stated that ordinance is not trying to prevent a homeowner from having a family wedding or a family reunion at their home. Its purpose is to prevent a property from having multiple events for financial gain.

The Chairman opened the hearing to the public.

Ms. Marcie Bell referred staff to Commercial Special Events paragraph on page three of the ordinance where there is an A and B definition for commercial special events

as commercial uses. She asked if A and B both apply, or on A or B applies.

The Land Use Attorney explained that holding two or more events constitutes a Prima Facie meaning that there is evidence there are commercial events taking place; adding that Code Compliance staff can determine the difference between family or commercial venue and can then proceed to cite the owner once the event is deemed commercial.

Ms. Bell spoke of property exchanges and suggested language be added to include this particular circumstance as a reference in order to avoid a loophole for those types of uses; adding there are several websites that advertise home swaps in Destin city limits.

The Land Use Attorney recommends that in-kind home exchanges be added to the Commercial Uses definition as well as the Commercial Special Event definition and that this language be included in the motion if the Agency so desire.

Mr. Guy Tadlock spoke of his concern about property owners getting around the no advertising rule by having the wedding planner advertise their locations for large weddings. He also stated that the vendors are the ones that cause the problems. They set up for the weddings and then break it down afterwards; which sometimes happens late into the evening.

Agency member Shelton moved to recommend approval of Ordinance 18-30-LC and to include a language about in-kind home exchanges as discussed; Agency member McDowell provided the second and the motion passed 6-0.

- E. A public hearing regarding Ordinance 19-04-LC, relating to pay-to-park facilities, which creates Section 8.10.00, of the Land Development Code.

The City Attorney ready proposed Ordinance 19-04-LC by title.

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA PROHIBITING PAY-TO-PARK FACILITIES FROM COLLECTING FEES AT ENTRANCE TO FACILITY; PROHIBITING BACKUP OF VEHICLES ONTO CITY, STATE AND FEDERAL HIGHWAYS, ROADS AND STREETS; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR CREATION OF LAND DEVELOPMENT CODE SECTION 8.10.00; PROVIDING FOR CIVIL AND CRIMINAL PENALTIES; PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND

PROVIDING FOR AN EFFECTIVE DATE.

Ms. Brisolara explained that the purpose of this ordinance is to prevent paid to park facilities from collecting at the front of the properties and prevent traffic pooling onto highways that can cause traffic congestion. She added there are civil and criminal penalties for noncompliance.

The Land Use Attorney added that this requires the fees to be collected at the exit or once they are already in the parking spot.

The Chairman opened the hearing to the public. With no one coming forward, he closed the public portion of the hearing and turned it over to the members for discussion.

Agency member McDowell asked if this ordinance would apply to sporting events. He stated that at times traffic gets backed up on Commons Drive from due to sports activities at Morgan Sports Center.

Mr. Zunguze explained that this ordinance addresses commercial properties that collect fees for parking on their premises.

According to the Land Use Attorney, this ordinance intends to regulate pay-to-park facilities and not sporting events.

There were some discussions regarding certain special events that take place at certain times of the year that charge for parking, typically at the entrance to the property.

The Land Use Attorney recommends adding some language to include all events that charge for parking have to collect at the exit point.

Agency member McDowell made the motion to recommend approval of Ordinance 19-04-LC, to include a language for anyone that collects money for parking would be covered under this ordinance with the exception of those organization's events that are specially permitted by the City of Destin. Agency member David providing the second and the motion passed 6-0.

- F. A public hearing regarding Ordinance 19-05-LC, relating to preserving the historic Destin Harbor area, which amends Article 7 of the Land Development Code.

The City Attorney ready proposed Ordinance 19-05-LC by title.

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA RELATING TO

PRESERVING THE HISTORIC DESTIN HARBOR AREA WITHIN THE CITY OF DESTIN; AMENDING ARTICLE 7 OF THE LAND DEVELOPMENT CODE, "LAND USE, TYPE, DENSITY, INTENSITY, ZONING AND REGULATORY CONTROLS" TO CREATE A HARBOR DISTRICT OVERLAY; PROVIDING FOR PURPOSE AND INTENT; ESTABLISHING PRINCIPLE, CONDITIONAL, AND ACCESSORY USES IN THE HARBOR DISTRICT OVERLAY; AMENDING TABLE 7-2 "TABLE OF ALLOWABLE USES"; ESTABLISHING A PROCESS FOR DESIGNATION OF STRUCTURES AND SITES SIGNIFICANT TO THE HISTORY OF THE DESTIN HARBOR; ESTABLISHING CRITERIA FOR DESIGNATION OF STRUCTURES AND SITES SIGNIFICANT TO THE HISTORY OF THE DESTIN HARBOR; ESTABLISHING A CERTIFICATE OF APPROPRIATENESS; AUTHORIZING CODE WAIVERS; PROVIDING FOR APPEALS; PROVIDING FOR PENALTIES; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Ms. Lauren Witt explained that the proposed ordinance will create a Harbor District overlay in order to preserve the historically significant aspects of the harbor area and to increase redevelopment for architecturally and historically significant area in the harbor area of Destin. She also explained the ordinance includes a waiver process to apply for necessary code waivers that may come into play in order to redevelop certain properties for commercial use; which could include setbacks, but not anything that would interfere with public health and safety. She added there is also an appeal process included in the ordinance.

The Land Use Attorney stated that she would be adding additional language before the ordinance goes to Council to clarify that that the conditional use only applies to for anyone that is applying for the historic certificate of appropriateness.

The Chairman opened the hearing to the public.

Mr. Guy Tadlock wants to make sure this would not include any areas over the water and would not apply to any residential areas.

According to the Land Use Attorney, if there is a location on the water that has a historic structure and is within the district, then it could fall under this ordinance. However, it would have to go through the review process to see if it meets the criteria.

With no other comments, the Chairman closed the public portion of the hearing and turned it over to the members for discussion.

Agency member McDowell moved that the LPA find Ordinance 19-05-LC to be consistent with the Comprehensive Plan, and recommend that the City Council approve

Ordinance 19-05-LC, with Agency member Shelton providing the second. The motion passed with a roll call vote of 6-0.

- G. A public hearing regarding Ordinance 19-06-LC, relating to establishing the Calhoun Mixed Use-Village Zoning District, which amends Article 7 of the Land Development Code.

The City Attorney read proposed Ordinance 19-06-LC by title.

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA ESTABLISHING THE CALHOUN MIXED USE-VILLAGE ZONING DISTRICT; AMENDING ARTICLE 7 OF THE LAND DEVELOPMENT CODE "LAND USE, TYPE, DENSITY, INTENSITY, ZONING AND REGULATORY CONTROLS"; AMENDING TABLE 7-2 "TABLE OF ALLOWABLE USES"; AMENDING TABLE 7-3: "SCHEDULE OF DIMENSIONAL REQUIREMENTS IN ZONING DISTRICTS"; PROVIDING FOR; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Ms. Dawn McDonald, planner, stated that Council directed staff to create a new zoning category to be compatible and consistent with the Calhoun Mixed Use Village Future Land Use Map category. She explained what the new category will allow in regards to multifamily and single family uses as well as all the nonresidential uses established for all Calhoun Mixed Use Village categories in the Comprehensive Plan.

The Chairman opened the hearing to the public. With no one coming forward to speak, he closed the hearing and asked the members for comment or a motion.

Agency member Shelton moved that the LPA recommend that the City Council approve Ordinance 19-07-LC with Agency member McDowell providing the second. A roll call vote of 6-0 was taken and the motion passed.

- H. A public hearing regarding Ordinance 19-07-LC, relating to the Town Center Mixed Use Zoning District, which amends Article 7 of the Land Development Code.

The City Attorney read proposed Ordinance 19-07-LC by title.

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA AMENDING THE TOWN CENTER MIXED USE ZONING DISTRICT; AMENDING

ARTICLE 7 OF THE LAND DEVELOPMENT CODE “LAND USE, TYPE, DENSITY, INTENSITY, ZONING AND REGULATORY CONTROLS”; AMENDING TABLE 7-2 “TABLE OF ALLOWABLE USES”; AMENDING TABLE 7-3: “SCHEDULE OF DIMENSIONAL REQUIREMENTS IN ZONING DISTRICTS”; PROVIDING FOR; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Ms. McDonald, explained that this ordinance came about by direction from Council. She stated that the existing TCMU zoning district encourages a true mixed use category and the ordinance amends the LDC to provide for increased buffering and setbacks for nearby residential developments that abut mixed use developments. It also provides planning criteria for conditional use to ensure that developments and redevelopments are compatible with the surrounding uses and will not adversely impact land use activities in their immediate vicinity.

Mr. Zunguze explained there will be future amendments to this ordinance that will be brought back before them for recommendation at a later date.

The Chairman opened the hearing to the public.

Mrs. Teresa Hebert encouraged the LPA members to approve this ordinance as she feels it needed and would encourage new startup businesses in the general area where the old cinema is located in the Town Center CRA.

With no further comment from the public to speak, the Chairman closed the public portion of the hearing and asked the members for comment or a motion.

Agency member McDowell moved for the LPA to recommend City Council approve Ordinance 19-07-LC with Agency member Shelton providing the second. A roll call vote of 6-0 was taken and the motion passed.

5. DIRECTOR’S REPORT

- Future Land Use Map/Zoning Map Alignment

Mr. Zunguze briefly explained to the members the necessary work that will be coming before them in the upcoming months to update the Comprehensive Plan and the Land Development Code.

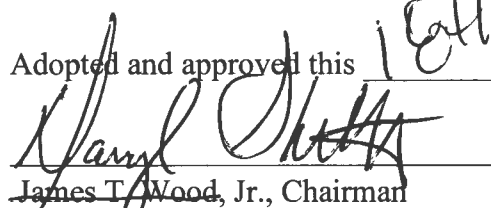
6. APPOINTMENT OF VICE-CHAIRMAN FOR THE LOCAL PLANNING AGENCY.

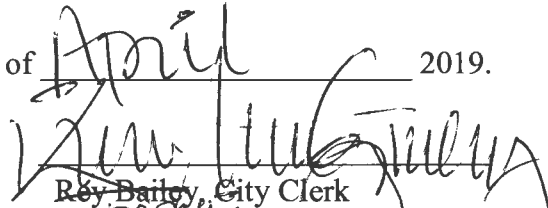
Motion by Agency member McDowell, seconded by Chairman Wood, to appoint Agency member Shelton as the Vice-Chairman of the committee passed 6-0.

7. ADJOURNMENT:

Having no further discussion at this time, the meeting adjourned at 7:30 p.m.

Adopted and approved this 16th day of April 2019.


James T. Wood, Jr., Chairman


Roy Bailey, City Clerk


Darryl Shelton, V. Chair


Kim Montgomery