

**MINUTES
SPECIAL MEETING
DESTIN CITY COUNCIL
APRIL 13, 2026
ANNEX COUNCIL CHAMBERS
6:00 PM**

The Council of the City of Destin met in special session with the following members and staff present:

Destin City Council

Mayor Bobby Wagner
Councilmember Rodney Braden
Councilmember Sandy Trammell
Councilmember Dewey Destin

Councilmember Jim Bagby
Councilmember Terésa Hebert
Councilmember Kevin Schmidt

City of Destin Staff

City Manager Larry Jones
Public Information Director Tamara Young
Comm Dev Director Tina Deater
Principal Planner Daniel Butler
City Attorney Kimberly Kopp

City Clerk Rey Bailey
Finance Director Krystal Strickland
City Engineer Robert Tomasek
Building Official Noell Bell
Senior Planner Jessie Hernandez

CALL TO ORDER/PLEDGE OF ALLEGIANCE

Mayor Bobby Wagner called the meeting to order at 6:00 PM, followed by the recitation of the Pledge of Allegiance.

PUBLIC COMMENTS

John Stevens, 4025 Indian Trail, referenced a previously submitted diagram outlining the marina layout and associated parking requirements and provided a brief overview of his findings. He expressed concern that the passenger capacities used in the city's calculations appeared to be lower than those actively advertised and used by operators on their websites and booking platforms, emphasizing that actual marketed capacities should be used for accuracy. He also noted potential inconsistencies in the application of parking formulas, stating that small charters should require 3.5 parking spaces per vessel, while large vessels should be calculated at one space per four passengers plus 1.5 spaces for crew, and that these standards were not consistently applied. Additionally, he suggested that vessels utilizing the fuel dock for passenger pick-up and drop-off should be treated the same as those using commercial slips, as they generate similar parking demand. He further pointed out a lack of clarity regarding tiki boat capacities, noting they range widely from six to over eighteen passengers, and recommended more precise definitions before applying calculations. Based on his analysis using advertised capacities and

the correct formulas, he concluded that approximately 560 parking spaces would be required compared to the 498 provided, resulting in a deficit of about 61 spaces.

Alan Osborne, 527 Gulf Shore Drive, expressed concerns about the current conditions in the harbor, describing it as overcrowded and increasingly unsafe, particularly during high-traffic periods such as spring break. He emphasized the risks associated with congestion, inexperienced vessel operators, and unsafe behaviors such as individuals swimming across the harbor. He also noted the growing size and capacity of vessels, including larger tiki boats, suggesting that regulatory definitions may be pushed beyond their original intent. He raised broader concerns about over-commercialization and cumulative impacts on harbor safety and operations, urging the city to review whether current activities align with prior approvals and to consider present-day safety and welfare conditions.

NEW BUSINESS

- A. Quasi-judicial hearing regarding a Development Order Compliance Review (in lieu of a Major Development Order amendment) for Harborwalk Village Phase II development (Application No. DEV-001575-2025), proposed for properties located at 76 and 100 Harbor Boulevard, Destin, Florida.

The City Attorney opened the hearing by outlining key procedural requirements for a quasi-judicial proceeding under Florida law. She explained that the city council would act in a judicial capacity and must base its decision solely on competent, substantial evidence presented in the record during the hearing. All testimony would be given under oath, and anyone wishing to speak must state their name and address. The parties would be allowed to present evidence, call and cross-examine witnesses, and offer rebuttal evidence. She emphasized that public comment would be permitted but would only carry weight if supported by factual, competent substantial evidence, noting that generalized opinions, speculation, or emotional statements alone could not support a decision.

The City Attorney also instructed that any council member who had ex-parte communications must disclose them and confirm their ability to remain fair and impartial. She further noted that, at the conclusion of the hearing, the council would deliberate and make findings of fact based on applicable legal standards, and any motion should include specific reasons supporting approval or denial.

The City Attorney then went down the dais asking each council member about ex-parte communications and their ability to remain impartial.

- Councilmember Schmidt stated he received emails from Mr. John Stevens and another citizen but indicated these would not affect his decision.
- Mayor Wagner disclosed speaking with the Legendary team, receiving similar emails, and participating in a staff briefing, affirming this would not impact his decision.
- Councilmember Bagby stated he received emails but did not open them and only participated in a staff briefing based on agenda materials, confirming no issue with impartiality.

- Councilmember Destin reported meetings with representatives including Peter Bos and Mr. Darden, as well as informal interactions with community members, but affirmed his decision would be based solely on the hearing.
- Councilmember Trammell noted seeing one email and attending a staff briefing, stating she could remain fair and impartial.
- Councilmember Braden stated he had not reviewed the referenced emails and only participated in a staff briefing, confirming impartiality.
- Councilmember Hebert disclosed that her husband is an employee of Legendary and formally recused herself from participation, including discussion and voting.

Following these disclosures, the City Attorney entered into the record two emails referenced by council members as public comment, without asserting their truth. She also entered proof of required public notices, including publication notices dated April 3 and April 8, and a website notice posted March 19, with no objection from the applicant.

The City Attorney then swore in the following individuals intending to provide testimony, including consultants for the applicant:

- Tina Deater – Community Development Director
- Daniel Butler – Principal Planner
- Jessie Hernandez – Senior Planner
- Noel Bell – Building Official
- Greg Darden – Legendary, Inc.

Finally, she entered into evidence the City’s Composite Exhibit A, consisting of the staff report and all associated exhibits labeled and numbered (1 through 35 & A through HH), again with no objection from the applicant.

The Community Development Director opened the staff’s presentation by explaining that the subject property, approximately 8.31 acres within the South Harbor mixed-use designation, is under review to determine whether the applicant’s proposed Phase 2 modifications comply with Development Order (DO) 10-02. A finding of compliance would allow the changes to proceed as a minor deviation; otherwise, a major deviation or revised application would be required. The proposal includes retail space, condominiums, hotel rooms, amenities, and structured parking. Staff evaluated the application using regulations in effect as of October 27, 2005, along with the 2009 multimodal transportation ordinance. Only Phase 2A has been fully detailed, while Phase 2B remains undefined and subject to change. She stated that staff identified several potential issues indicating a major deviation: insufficient information for Phase 2B, building heights exceeding the 100-foot/9-story limit, setbacks not meeting minimum requirements, modifications to a previously limited access point on Highway 98, and the inclusion of parking exceeding the maximum allowed under the applicable ordinance. She concluded by noting these concerns and offering availability for questions, including input from a parking consultant.

Attorney Dana Matthews, representing the applicant, then addressed the council, providing background on the long history of the development order dating back to 2009 and

outlining the extensive work completed over the past year in response to prior council and public concerns. He emphasized that the request is strictly a compliance review and argued that the project remains consistent with previously approved entitlements, particularly regarding density, intensity, and building zones. Attorney Matthews introduced the development team and highlighted coordination efforts with city staff, transportation consultants, and state agencies to refine the proposal.

Attorney Stephen Tatum followed, reinforcing that the central question is whether the proposal substantially complies with DO 10-02, not whether it constitutes a major deviation. He argued that residential units are fewer than previously approved and that slight increases in hotel units and retail space are permissible through reallocation of unused square footage from Phase 1. He addressed staff concerns individually, asserting that height deviations stem from minor architectural features, such as tower elements, which he argued are consistent with design intent and code allowances. He also discussed a basement level that should not count toward building height and stated that technical issues like setbacks and access could be resolved during further design stages. Regarding access, he noted efforts to secure a cross-access easement with a neighboring property had been unsuccessful, supported by an affidavit from the property owner. Attorney Tatum defended the inclusion of additional parking, arguing that although older regulations imposed a maximum, updated standards and practical needs justify surplus parking. He cited analyses showing consistent parking surpluses under multiple methodologies, including industry standards, and framed the additional parking as a public benefit.

Attorney Tatum then questioned Greg Darden, who confirmed that discussions with the Florida Department of Transportation included the possibility of adding a right-in access point for traffic efficiency, though the applicant remains willing to comply with the originally approved right-out-only design if required. Mr. Darden also presented findings on population growth and traffic patterns, noting modest increases in full-time residents and a significant volume of pass-through traffic on Highway 98. He explained that the project aims to capture more of this traffic economically. Mr. Darden summarized an economic impact analysis conducted by an external institute, indicating that the existing development already contributes substantial regional economic activity, jobs, and tax revenue, and that Phase 2 would significantly increase these benefits, including higher-paying jobs and millions in additional tax revenue.

Attorney Tatum proceeded to enter several documents into the record, including an affidavit from the property owner, an economic impact report, and a summary of project benefits. The City Attorney and Attorney Tatum clarified exhibit numbering and titles: Exhibit 1 was the affidavit; Exhibit 2 the economic impact report; and Exhibit 3 the economic benefits outline. Additional exhibits were introduced as letters of support dated January 30, 2026. These included Exhibit 4, supporting a Highway 98 right-turn lane; Exhibit 5, supporting a pedestrian walkway across Highway 98; and Exhibit 6, supporting expansion of the Destin Harbor Boardwalk beneath the bridge. The segment concluded with Tatum requesting time for rebuttal following the public hearing.

The mayor sought clarification on the tax revenue figure cited in the development impact section, specifically whether the amount was \$4.2 million or \$42 million.

Mr. Darden confirmed that the correct figure is \$42 million in taxes, explaining that this represents the total or global tax impact and that the report provides a more detailed breakdown of those figures.

Next, the mayor inquired about how building height is calculated under the code, including whether a basement and certain tower or roof areas are counted as additional floors.

Attorney Tatum explained that a true basement does not count as a floor when determining building height, and that habitable space within the roofline may also be excluded if it is fully contained within that space. However, if those areas extend beyond the roofline, staff may interpret them as additional levels above the permitted height. He added that, from the applicant's perspective, these elements are architectural features rather than extra floors, and when excluding the basement and roof/tower areas, the building is considered to have nine levels.

Public Comments:

Mr. Alan Osborne strongly opposed the proposed changes, emphasizing potential negative impacts on Destin's character, traffic, and quality of life. He warned against relying too heavily on outside experts who do not live locally, arguing their recommendations may overlook real-world consequences. Drawing on past experiences – particularly traffic issues near the harbor – he stressed that developments often create unforeseen problems that cannot be reversed once approved. He urged caution, suggesting stricter limits or even a moratorium on certain types of development to protect existing residents. He also expressed concern about vague project details (such as "basement" usage) being exploited later and criticized broader state-level policies that extend development timelines. Overall, his message was to prioritize certainty, local impact, and long-term consequences before approving anything.

Ms. Vandy Vela offered strong support for the city leadership and a more optimistic perspective. She praised Destin's progress, highlighting successful initiatives like infrastructure improvements, parks, and public-private partnerships. Speaking as an engaged resident, she described personal benefits from existing developments like Harbor Walk and emphasized the importance of community experiences. She encouraged the council to think long-term and collaboratively, suggesting that partnerships with developers could lead to even greater outcomes. She framed the decision as an opportunity to shape a positive legacy for future generations, expressing confidence in the council's innovation and leadership.

Attorney Matthews, speaking for the applicant, closed by emphasizing the broader success of prior development efforts like the Destin boardwalk, arguing that the current project similarly contributes to a walkable, economically vibrant area with restaurants, retail, and tourism benefits. He acknowledged traffic and growth pressures but framed them as inevitable given regional demand, noting millions of potential visitors now have direct access to the area. He argued the developer has acted in good faith, working with the city and voluntarily exceeding parking requirements, and maintained that the alleged deviations – such as a roughly six-foot height difference, minor setback encroachments (including a screened dumpster area), and architectural features – were technical and not substantial. He characterized these as design choices that improved aesthetics rather than meaningful departures from the approved development order. Attorney Tatum reinforced this argument, explaining that such issues could typically be resolved administratively and suggesting that "substantial deviation" is often

informally considered around a 10% threshold, implying the project's variations fall below that level. He also clarified that any remaining issues could be worked out with staff if the council found the project in substantial compliance.

Councilmember Bagby focused his questioning on the central issue of compliance with Development Order 10-02, repeatedly stressing that the council's role was not to negotiate design fixes but to determine compliance based on the presented facts. He highlighted disagreements between staff and the applicant and raised concerns about multiple deviations collectively - particularly the building height exceeding limits at three towers, which he noted included inhabitable space, as well as setback issues like the dumpster area and other design uncertainties due to the conceptual nature of the plans. He also challenged Attorney Tatum on whether multiple smaller deviations could collectively amount to a substantial deviation and expressed skepticism about relying on future staff-level fixes without more detailed, finalized plans. He also raised concerns about traffic design elements, including turn lanes and a proposed deceleration lane, emphasizing confusion and inconsistency in what had been presented. He underscored discomfort with approving a project based on assurances rather than concrete, engineered plans, stating there were too many areas where the applicant was effectively asking the council to "trust" future compliance.

Attorney Matthews suggested continuance as an alternative to a denial, arguing the applicant had only recently received the staff report identifying new issues and needed time to address them collaboratively with staff. Councilmember Bagby noted that the applicant had ample time over the past year to refine the proposal.

Mr. Peter Bos, the applicant, stated that the plans had been submitted multiple times, reviewed in several staff meetings, and that approximately \$2 million had already been spent on architectural and engineering work. He argued that many of the concerns - especially the height measurement of architectural features - were newly raised and largely technical, asserting the building was effectively compliant in substance and that adjustments being requested would only degrade the design without changing functionality. Staff responded that although plans had been reviewed multiple times, certain issues, including the interpretation of height and story count, were only recently clarified, partly due to staff turnover.

The discussion ultimately circled back to whether the project, as presented, met the requirements of the development order. Concluding that multiple elements - height, setbacks, and overall lack of detailed final plans - rendered the project non-compliant.

Councilmember Bagby made a formal motion to find the applicant not in compliance with Development Order 10-02, for the reasons set forth in the staff report; and to allow the applicant to pursue available options outlined in Exhibit A of the staff report, such as applying for a major deviation or returning to council, with additional compliance review. Motion was seconded by Councilmember Trammell

Councilmember Destin questioned the use of the older multimodal parking standards, noting that while they reduce required parking, they also prohibit excess parking - yet the proposal includes hundreds of parking spaces. He also raised uncertainty about Phase 2B, emphasizing that without floor plans or detailed unit allocations, it is impossible to accurately assess future parking demand, making it difficult to justify current decisions. Staff confirmed

that while parking and uses were presented for both Phase 2A and 2B, they lack floor plans for Phase 2B, meaning assumptions are based only on generalized metrics like units or rooms.

Councilmember Trammell added concerns about missing infrastructure elements, particularly the absence of a transit stop despite the presence of private shuttle services in the area. She also objected to the proposed eastern ingress point, arguing it could worsen traffic by requiring additional turning movements, and expressed discomfort with interchangeable land uses (hotel vs. restaurant) due to differing parking impacts.

The City Attorney clarified that if the project were deemed compliant, it would proceed with the Technical Review Committee (TRC), where detailed engineering and site plans are required. However, any elements exceeding code – such as building height – would still need to be corrected, as staff cannot approve noncompliant plans. Staff reiterated that TRC is an iterative process requiring full compliance before approval, and unresolved issues would prevent the project from advancing.

Attorney Matthews emphasized that the applicant’s intent was to gain a determination of substantial compliance and then work through remaining issues with staff during TRC, rather than returning to council repeatedly.

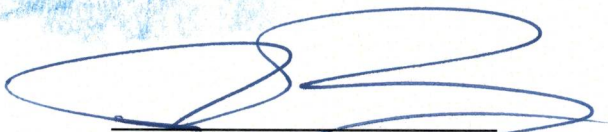
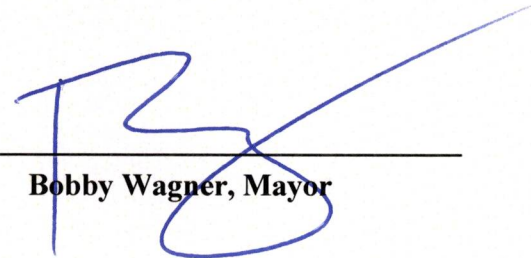
Motion passed 5-1, with Councilmember Hebert abstaining from voting.

PUBLIC COMMENTS:

ADJOURNMENT

Having no further business at this time, the meeting was adjourned at 7:57 PM.

ATTEST:


Rey Bailey, City Clerk
Bobby Wagner, Mayor