

**LOCAL PLANNING AGENCY
MEETING MINUTES
FEBRUARY 19, 2026 - 5:30 P.M.
DESTIN CITY HALL BOARDROOM**

1. CALL TO ORDER:

Chairman Wood called the Local Planning Agency Meeting to order on Thursday, February 19, 2026, at 5:30 p.m., in the Destin City Hall Boardroom; with the Pledge of Allegiance immediately following.

2. ROLL CALL:

<u>Members Present</u>	<u>Members Absent</u>	<u>Staff Members Present</u>
James T. Wood, Jr.	Bree Uptigrove	Kim Montgomery Deputy City Clerk
Todd Buhr		Daniel Butler Principal Planner
Marcie Bell		Jesse Hernandez Senior Planner
Ken Wampler		Chris Rush Planner
Tammy Weidenhamer		Krystal Strickland Financial Director
Jay Purut		Kimberly Kopp City Attorney

3. AGENDA APPROVAL:

Motion to amend the agenda was made by Agency member Bell with Chairman Wampler providing the second. The motion passed 6-0.

4. APPROVAL OF MINUTES: None

5. NEW BUSINESS:

A. Proposed Ordinance 26-12-LC Allowing indoor recreation establishments as a permitted use in the Industrial Zoning District and associated parking requirements.

Principle Planner, Mr. Daniel Butler presented proposed Ordinance 26-12 LC explaining that the ordinance was brought forward at the direction of City Council following their February 2, 2026, meeting. He explained further that this ordinance would:

- Allow indoor recreation establishments as a permitted use within the industrial zoning district.
- Establish associated parking requirements.
 - The parking proposal is based on the specific use currently being pursued:

- Two parking spaces per batting cage, plus
- One parking space per 500 square feet of gross floor area, not associated with batting cages.

Mr. Butler noted that this was a Council-directed ordinance, not a traditional applicant-driven ordinance, though the prospective property owner is present and available to answer any questions the Agency members may have.

- **Board Discussion – Scope of Use / Concern with NAICS Code**

Chairman Wood stated that in comparison to the prior coffee roaster case, it appears that the specific site under consideration tonight already has substantial parking.

Agency member Buhr shifted the discussion from the specific site to the long-term impacts of the ordinance language on the code as a whole.

- He stated that the ordinance, as written, relied on NAICS Code 713990, which is broad and could encompass many different recreational uses.
- He asked staff to confirm that if the uses were listed as permitted uses under that code, then any use under the code in industrial zoning would be automatically approvable by staff if all technical criteria were met.

City Attorney Kim Kopp confirmed that interpretation.

Agency member Buhr read and summarized portions of the industrial zoning district description from the staff packet and said the broad NAICS code might allow uses not appropriate for industrially zoned land. He then referenced examples potentially covered under the code, including uses such as:

- Archery ranges
- Billiard parlors
- Dance halls
- Curling facilities
- Flying clubs
- Fishing piers
- Go-kart racing
- Bowling-related uses
- Paintball-related uses

Agency member Buhr expressed concern that some of these could be inappropriate in the city's limited industrial areas and said he was trying to avoid "the law of unintended consequences."

The City Attorney responded that if the members are uncomfortable with the broad code reference, the code number could be removed, and the use could instead be more narrowly defined.

- **Parking Discussion Agency member Buhr**

- Agency member Buhr asked whether the parking section's listed subcategories were intended to be the only allowed uses, or whether they were simply examples of parking treatment.

Mr. Butler clarified that those were use categories expanded upon for parking purposes, and that anything else under the broader code would fall under more general parking formulas. Adding that the distinct parking ratios were intended to account for activity types with large open spaces, such as batting ranges/cages, that have lower occupancy than other recreational uses.

- **Discussion of Conditional Use vs. Permitted Use**

Agency member Buhr suggested that instead of making the use permitted, would the board consider making it a conditional use, which would require each application to come back for site-specific review by the LPA and City Council.

- Pointing out that a conditional use would provide an extra "set of eyes" and allow review for compatibility with surrounding land uses, parcel location, and future industrial land needs.
- The City Attorney confirmed that a Conditional Use would require separate approval by City Council and could be conditioned or denied based on merit and compatibility.

Motion by Agency member Buhr to recommend to the City Council for the approval of Ordinance 26-12-LC with one change, that the use be made Conditional rather than permitted, with Agency member Bell providing the second.

- The Chair summarized:
 - Conditional use so each application returns to the LPA and City Council for case-by-case review.

Agency member Bell asked whether the issue was specifically about outdoor activity versus indoor activity.

Agency member Buhr stated that the concern is not indoor versus outdoor activity, but rather the overly broad nature of the NAICS code and the possibility that future uses could be incompatible with nearby properties or with the city's limited industrial land supply. He clarified that the concern was the breadth of uses that would become allowed automatically if it is under the "P" for permitted in the table.

Chairman Wood opened the hearing to provide input.

- Potential applicant, Brendan McMahon, 4522 Old Plantation Place, asked how changing the use from permitted to conditional would affect his process.

According to the City Attorney:

- If permitted, the applicant could proceed directly through staff review and development order/permitting.
- If Conditional, that would add another application and another approval process, and if City Council denied the conditional use, the project could not proceed.

She then provided another possible approach:

- Remove the broad NAICS code referenced and instead create a more specific use entry tailored to what Council had actually directed staff to consider.
- It was acknowledged that the broad code had been included mainly for consistency with other code tables.
- Members discussed whether the ordinance should cover a more broad but limited category.
- Mr. McMahon described the concept as a family-oriented indoor sports facility where some children could use batting cages while others engaged in related entertainment or activity areas.
- The City Attorney suggested that “indoor sports recreation” might be the appropriate focus.
- It was also noted that food service would be part of the concept but would be subordinate to the primary sports use.
- Staff suggested the board could:
 - Create a new line item for indoor sports establishments, subordinate to the broader recreation code.
- Further discussion addressed whether items like cornhole, ping pong, obstacle play areas, or arcade-like elements would be accessory uses.
- Concern was also raised about avoiding an overly vague term such as “entertainment.”
- Mr. Butler suggested a possible definition based on a generalized definition of indoor recreation establishments: Indoor sports establishments are facilities situated within completely enclosed buildings offering for a fee or public use active sports active sports. Key examples include: bowling alleys, indoor skating rinks, arcades, bowling alleys, skating rinks, batting cages, swimming pools which may include accessory food service.
- Discussion also clarified that the ordinance should not be interpreted to allow sports betting or gambling-related activity.

Agency member Bur withdrew his motion on the floor with Agency member Bell withdrawing her second.

Agency member Buhr moved to recommend City Council approval of Proposed Ordinance 26-12 LC with the following modifications:

- **Create a separate line item (rather than relying on the broad NAICS reference),**

- **Add a glossary definition for the new use using the one-sentence concept discussed during the meeting, with the word “entertainment” removed,**
- **Keep the use as a permitted use**
- **Add language clarifying that leisure activities do not include sports betting.**

The motion was seconded by Agency member Bell.

• Additional Discussion Before Final Vote

- Agency member Weidenhamer asked whether the industrial district should include any limitation on hours of operation for this type of use.
- Staff noted that the code includes hour limitations for certain uses, such as alcohol sales, but not for indoor sports-type uses.
- The applicant stated they proposed operating hours were expected to be approximately:
 - Weekdays: 11:00 a.m. to 9:00 p.m.
 - Weekends: 8:00 a.m. to 9:00 p.m.
- Staff indicated that because the use would be indoors and in an industrial area, they did not foresee major noise impacts.
- A question was asked whether the applicant would have to return to the LPA if the motion passed.
- Staff clarified that if the use remained permitted, the applicant would not need to return for a conditional use hearing, though a development order would still be required.

With no further discussion, the motion passed 5-0.

Agency member Buhr asked to see the financials prior to attending the Harbor and Waterways Board meeting on February 26th.

B. Proposed Ordinance 25-24-LC - Land Development Code - Article 2 - Administration

Mr. Butler presented proposed Ordinance 26-06 LC, the rewrite of Article 7 of the Land Development Code. He further explained that Article 7 contains material drawn largely from the existing Article 11 and addresses matters such as:

- White sand shoreline protection zones
- Bay shoreline protection zones
- Marine siting / dock regulations
- Archaeological and historical resource protection
- Floodplain management
- Natural groundwater, aquifer, sand, and gravel recharge
- Illicit discharge monitoring
- Alternative energy development
- Net Positive Environmental Benefit (NPEB) fee provisions

Mr. Butler noted that since prior review sessions, staff had added several sections, including floodplain management and groundwater/aquifer recharge language.

- He stated that one unresolved component of Article 7 involved the method for calculating the NPEB fee for marine construction in the harbor.
- He explained that:
 - The current code uses a fee equal to 25% of project construction cost.
 - The LPA and Harbor & Waterways Board had recommended different methods in prior discussions.
 - City Council had asked staff for a financial analysis comparing methodologies.
- He then introduced the Finance Director, Krystal Strickland to present the analysis.

❖ **Background Framed by Agency Member Buhr**

- Prior to Krystal's presentation, Agency member Buhr provided a brief context of the history of the subject.
- He summarized that:
 - The issue had originated from citizen input in March 2024.
 - Harbor property owner Mr. Mike Abadie had raised concerns about the fairness and sufficiency of the one-time fee system.
 - The LPA studied the matter over multiple meetings and adopted a separate proposal in July/August 2024.
 - The purpose of the NPEB fee is to ensure that those who use and impact the harbor help fund harbor maintenance and environmental needs.

❖ **Financial Analysis by Finance Director, Krystal Strickland**

- Ms. Strickland explained the following to the Agency members:
 - Looking at actual fee collections from 2006 through 2025, and excluding 2024 as an outlier year, average annual NPEB collections were still just under \$25,000 per year, pointing out that the current revenue stream, is not sufficient for ongoing harbor-related costs.
 - The annual and recurring costs tied to harbor maintenance are:
 - Utilities/electricity to run the harbor pump
 - Quarterly water analysis
 - Maintenance of the five stormwater outfalls discharging into the harbor
 - Total recurring annual cost estimated to be between \$50,000 and \$60,000
- Ms. Strickland further explained capital and periodic costs:
 - The last harbor dredge in 2020 cost roughly \$350,000, shared 50/50 with the county.
 - The upcoming 2026 dredge was projected at approximately \$850,000, though about 50% grant funding was expected.
 - To maintain a dredging cycle approximately every three years, the city should be setting aside around \$66,000 annually for dredging.

- The harbor pump house and harbor pump together are about a \$1 million asset with an expected life of about 20 years, translating to another major long-term funding need.
- She stated that, in comparison, the LPA's prior proposal of:
 - \$50 per residential slip
 - \$100 per non-residential/commercial slip would generate approximately \$95,000 annually.
- This would provide a steadier and more reliable funding source than the current 25%-of-construction-cost model.

❖ **Homestead Exemption Discussion**

- The board discussed whether homesteaded properties should receive an exemption and whether homesteaded properties would pay the fee under the \$50/\$100 annual structure.

According to Ms. Strickland:

- Properties with homestead exemption on the harbor represent less than 10% of the affected dock/slip properties,
- Citywide, out of the roughly 16,000 parcels approximately 13% of parcels are homesteaded.
- Members discussed:
- A previously recommended 75% homestead exemption, and 100% homestead exemption was discussed.
- The conclusion is that a full homestead exemption would have relatively little effect on overall annual collections.
- Some members voiced support for a 100% exemption for homesteaded properties.
- Equity concerns were mentioned regarding residential versus commercial users.

❖ **Prior Contributors / Exemption Schedule**

- Members also discussed how to handle property owners who had recently paid large one-time NPEB fees under the current system.
- A prior LPA motion had created a look-back exemption schedule:
 - If an owner had paid an NPEB fee recently, that owner would receive a temporary exemption from the annual per-slip fee for a set number of years.
 - The concept was described as a sliding scale:
 - A payment in the current year = 10-year exemption
 - Prior year = 9-year exemption
 - And so on down the line.
- Ms. Strickland estimated that only a small number of people, likely fewer than 20 would be affected by this prior-payment exemption.

❖ **Alternative Methodologies Discussion**

- Agency member Buhr suggested there might be value in considering a third methodology based on the calculation already used by the Florida Department of Environmental Protection (FDEP) for submerged land leases.

- The idea was that the city might mirror or piggyback on the state's square-footage-based calculation rather than continue a construction-cost-based fee.
- Krystal stated she had not modeled that approach before the meeting but noted that FDEP's submerged land lease fee was approximately \$0.16 per square foot.
- Agency member Purut questioned whether adding a third option would unnecessarily complicate the issue.
- The board returned to the point that the current 25% methodology does not reliably fund harbor needs and that any shortfall is currently made up from the General Fund.

❖ **Placement of Fee in LDC vs. Fee Schedule**

- Krystal also raised a policy/administrative question:
 - Whether the actual fee calculation should remain embedded in the Land Development Code, or whether the code should simply state that a fee is required while the actual dollar amounts are maintained in the city's fee schedule.
- According to the City Attorney, the fee schedule is easier for Council to amend by resolution, whereas changing the LDC requires ordinance procedures and public hearings.
- Members discussed whether moving the fee out of the LDC would reduce the LPA's role in future revisions.
- Agency member Buhr responded that because the issue is already embedded in the LDC rewrite process, the board should continue moving forward with its recommendation rather than re-route the matter midstream.

❖ **Draft Clarification**

- Mr. Butler clarified that the draft Article 7, currently before the board still contains the existing 25% construction-cost methodology, because staff had to place something in the draft pending direction.
- He stated that if they wanted that replaced with the LPA's previously approved per-slip structure, staff could revise the language accordingly.

Agency member Buhr mentioned there are four courses of action that can take place:

- Send this forward as it is
- Remove what's in there now and have a 7.02.03 placeholder rewritten with what reflects the motion that was passed by the LPA, since we are by Florida statute, the recommender to City Council for the LDC.
- Provide two versions of the paragraph and have both paragraphs in the draft document when it goes for first reading the Council could choose which paragraph to read approve for the document.
- Have staff or City Manager, Mr. Jones's to bring it up and to take those two for clarification and direction before it comes back to us or have Council make the decision to have it put into chapter 7.

Agency member Bell made a motion, based on the number two scenario, with the LPA being the recommending body to City Council, that we recommend that what goes to the City Council is what we proposed initially in August 28, 2024 and based on the information that received tonight from the Finance Director, Krystal Strickland, that Article 7, draft should be revised so that the NPEB section reflects the LPA's previously approved fee structure rather than the current 25% NPEB cost of construction methodology. Chairman Wood provided the second. During discussion, the motion was amended with the following addition of:

- \$100 per non-residential slip
- \$50 per residential slip
- a 100% homestead exemption (amending the earlier 75% concept)
- and a prior-payment exemption schedule for those who recently paid NPEB fees
- Bring the revised language back to the LPA for review before it proceeds to Council.

The motion was additionally amended to include appointing the Agency member Buhr, who had carried much of the NPEB discussion, as a liaison to work with staff on the revised language.

A question was posed asking if the city could legally impose the proposed fee structure. According to the City Attorney, Ms. Kopp stated that they could. Agency member Bell mentioned the fee schedule that is adopted and amended by City Council and if this body was positive, they wanted to change the portion of the Article to turn it over to Council by Fee Schedule Resolution. According to the City Attorney, it is easier to update the fees if they are moved over to the fee schedule, which is adopted by Resolution instead of in the LDC, which has to be done in the form of an Ordinance with two public hearings at this level and two public hearing at Council level. The members agreed to turn it over to the fee schedule process. **Chairman Wood called for the vote and the motion passed 6-0.**

❖ Continued Article 7 Discussion – Floodplain Management

The board then returned to the remainder of Article 7.

Agency member Buhr raised concerns about the newly added floodplain management section, stating that:

- While he supported floodplain management itself, the section appeared to reintroduce separate permitting, variance, and procedural language that seemed inconsistent with the stated goal of the LDC rewrite, which was to consolidate and streamline permitting and procedural standards.

According to Mr. Butler the floodplain section had been kept together because it tracks State and FEMA requirements, and the variance and procedural language differs greatly from the city's general Variance procedures.

According to the City Attorney, the city must periodically adopt and submit floodplain-related ordinance language to maintain compliance and rating status.

Agency member Buhr acknowledged the explanation but noted that the section looked different from the rest of the reorganized code and created some whiplash when reading it.

He then raised a question about the removal of beach box language from one section.

Mr. Butler explained that the language had not been deleted because it is more appropriate in the Code of Ordinances. Additionally, in reviewing Beach Management in the Code it was determined that the beach box language this exact same language was in the beach management ordinance, which will be brought before them an informational item.

Motion by Agency member Bell, seconded by Agency member Wampler to recommend approval of Article 7 in total, be combined with the portion being reworked and brought back to the LPA for their review prior to going forward to Council.

C. Proposed Ordinance 26-06-LC - Land Development Code - Article 7 - Resource Conservation, Protection, Resiliency, and Sustainability

➤ **Item 4B – Article 2, LDC Rewrite**

Mr. Butler presented the final item, the rewrite of Article 2 of the Land Development Code.

- He stated that Article 2 had previously been reviewed by the LPA on December 4, 2025, and that only a few changes had been made since then.
- He summarized the changes as follows:
 - Addition of change-of-use vesting language requested by the LPA.
 - Minor formatting revisions.
 - Removal of the word “weather” from the conditional use section.
 - Addition of “Ad Hoc” language regarding the ex officio military installation representative.
 - Revisions making shared parking analysis requests consistent with recently adopted parking reduction language, so such requests would be treated as a major development order requiring Council approval.
 - Clarification to the development-order exemption language by adding “or deviation thereof,” to reflect how staff had historically interpreted those exemptions.
 - Removal of references to the Destin Design Manual.
- Agency member Buhr asked about references to “City Standards” and whether those should be defined, since the Design Manual was being removed in the glossary. Mr. Butler stated that defining “City Standards” had already been flagged from a prior meeting.
- Agency member Buhr then directed the attention to the new change-of-use vesting language and asked that it be displayed. He stated he liked the draft language and wanted to confirm that it achieved the board’s earlier intent.

- Using short-term rental and restaurant examples, he walked through how the provision would work if a use had been approved, established within two years, then later went vacant or switched temporarily without physical modifications.
- Staff confirmed that, as drafted, once the approved change of use is established within two years, it remains vested so long as the approved conditions are not materially changed or modified.

Motion by Agency member Wampler, seconded by Agency member Purut hat the LPA recommend approval of Ordinance 25-24-LC by City Council. The motion passed with a vote of 6-0.

- Chairman Wood reminded staff that, with the Design Manual going away, anything needing to be reincorporated into the LDC for clarity should be brought back appropriately.
- Mr. Butler responded that the City Engineer was actively reviewing applicable material from the Design Manual and expected most of it to be integrated into Article 6.

The Chair then moved to final comments and opened the hearing for public comments. With no public present, he closed the public comment portion of the meeting.

Agency member Bell commented that, although the meetings are long, she appreciated the input and participation from board members and staff, stating that participation is part of being “a good citizen and a participating member” of the community.

The Chair thanked everyone for their work and participation.

7. ADJOURNMENT:

Having no further discussion at this time, the meeting adjourned at 7:35 p.m.

Adopted and approved this 21st day of May 2026.

James T. Wood, Jr.
James T. Wood, Jr. Chairman

Kimberly Montgomery
Kimberly Montgomery Deputy City Clerk