



**AGENDA
LOCA PLANNING AGENCY
THURSDAY, OCTOBER 17, 2019
5:30 PM
DESTIN CITY HALL BOARDROOM**

- 1. CALL TO ORDER**
- 2. ROLL CALL/PLEDGE OF ALLEGIANCE**
- 3. APPROVAL OF MINUTES**
 - A. September 26, 2019 Local Planning Agency Meeting Minutes**
- 4. NEW BUSINESS**
 - A. Ordinance 19-31-LC**
 - B. Ordinance 19-32-LC**
 - C. Ordinance 19-33-LC**
- 5. DIRECTOR'S REPORT**
 - A. December Meeting Schedule**
- 6. NEXT MEETING DATE: TBD**
 - A. November 21, 2019**
- 7. ADJOURNMENT**

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the City Clerk at (850) 837-4242 at least 48 hours prior to the hearing. If a person decides to appeal any decision made with respect to any matter considered at such meeting, such person will need a record of the proceeding and for such purpose may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based. (Sec. 286.0105, Florida Statutes)

**MINUTES
LOCAL PLANNING AGENCY
SEPTEMBER 26, 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, September 26, 2019 at 5:30 p.m., in the Destin City Hall Boardroom; followed by the Pledge of Allegiance.

2. ROLL CALL:

Members Present

James T. Wood, Jr.
Darryl Shelton
Corey Ledbetter
Jason Klosterman
Don David
Kevin Schmidt

Staff Members Present

Rey Bailey, City Clerk
Lauren Witt, Planning Manager
Samantha Brisolara, Planner
Louis Zunguze, Comm. Dev. Director
Kyle Bauman, City Attorney
Kimberly Kopp, Land Use Attorney

3. APPROVAL OF MINUTES:

A. July 25, 2019

Agency member Shelton moved for approval of minutes of July 25, 2019 meeting; seconded by Agency member Klosterman. Motion passed 5-0. Agency member Schmidt abstained from voting.

4. NEW BUSINESS:

- A. A public hearing regarding Ordinance No. 19-23-LC relating to changes to the Zoning Map, which changes the zoning district of sixteen (16) to match the land use designations assigned in the Future Land Use Map of the Comprehensive Plan.

The City Attorney read proposed Ordinance 19-23-LC by title.

ORDINANCE NO. 19-23-LC

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
DESIGNATIONS OF THE PARCELS DESCRIBED AND
GENERALLY DEPICTED IN THE ATTACHED EXHIBIT A FROM

MEDIUM DENSITY RESIDENTIAL (MDR) TO RESIDENTIAL, OFFICE AND INSTITUTIONAL-VILLAGE RESIDENTIAL (ROI-VR); 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.

Planning Manager Lauren Witt explained the zoning designations of areas 4 and 5 is currently Medium Density Residential – Village (MDR-V), which is not consistent with the Future Land use designation of Residential, Office & Institutional (ROI). In order to correct this misalignment, the parcels that make up areas 4 and 5 should be rezoned to an ROI district. Currently, there are four zoning districts which are derived from the ROI Future Land Use classification: General Development (GD), Tourist Development (TD), Village Residential (VR) and Crystal Beach Residential (CBR). In order to maintain the long-term residential character of this area, staff is proposing these two areas be rezoned to ROI-VR

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

Mr. Shane Cannon spoke of how the current ROI-GD has certain allowable uses that, as part of this consolidation, will now require a portion of those uses to be conditional. Explaining that the problem is that a lot of money must be spent to go before City Council with a full set of engineering drawings with the application for a conditional use that may or may not pass.

The Land Use Attorney informed Mr. Cannon that his comments would apply more to Ordinance 19-28-LC, further down on the agenda.

With no one else coming forward to speak, the Chairman closed the public portion of the hearing and asked for any comments from the Agency members.

Agency member Shelton asked how this would affect permitted properties once adopted, they would become conditional.

The Land Use Attorney explained that any of the applications that are already in the review process or have been approved would not be affected by this ordinance. Adding that if adopted, only new or redevelopment applications would have to apply for a Conditional Use. Adding that any unexpired Development Orders that are in compliance, and do not violate any existing ordinances already in place, such as a change of use; they would not have to reapply by this ordinance either. Reiterating that only new Development Orders or amendments to an existing Development Order would be subject to this ordinance.

There was a discussion regarding how Development Orders get extended and the circumstances. The Land Use Attorney explained that generally, Development Orders can only have one extension unless there is a National Disaster declared in the State. Then the Governor may put forth a Resolution to extend all Development Orders for an additional length of time; if the property owner comes in and requests the extension.

Agency member Shelton moved to recommend approval of proposed Ordinance 19-23-LC to the City Council; seconded by Agency member Ledbetter. Motion passed 6-0.

- B. A public hearing regarding Ordinance No. 19-29-LC relating to changes to the Zoning Map, which changes the zoning of one parcel from multiple zoning districts (Recreation, Institutional, and Residential, Office, Institutional – General Development) to Institutional (INST).

The City Attorney read proposed Ordinance 19-29-LC by title.

ORDINANCE NO. 19-29-LC

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 THE PROPERTY DESCRIBED AND GENERALLY DEPICTED IN THE ATTACHED EXHIBIT A FROM MULTIPLE ZONING DISTRICTS TO ONE ZONING DISTRICT; SPECIFICALLY, FROM INSTITUTIONAL (INST), RESIDENTIAL, OFFICE AND INSTITUTIONAL-GENERAL DEVELOPMENT (ROI-GD), AND RECREATIONAL (REC) TO INSTITUTIONAL (INST), ONLY; 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.

Ms. Witt introduced the proposed ordinance. A parcel located at 4323 Commons Blvd West has three different zoning district designations: ROI-GD, Institutional (INST), and Recreation (REC). In order to make the entire parcel consistent, staff is proposing to amend the Zoning Map to change it to Institutional. Which will make the two existing land uses for the Mattie Kelly Arts Foundation and the Aquatic Center of Destin permitted uses in the Institutional zoning district. If approved, the future land use classification will be changed to match through the Evaluation and Appraisal Report process.

Chairman Wood opened a public hearing to receive comments for or against the proposed ordinance. Having none, the Chairman closed the public hearing and turned the matter over to the Agency members for discussion and consideration.

Motion by Chairman Wood, seconded by Agency member Schmidt, to recommend approval of Ordinance 19-29-LC to the City Council; the motion passed 6-0.

- C. A public hearing regarding Ordinance No. 19-24-LC relating to changes to the Zoning Map, which changes the zoning of multiple parcels from Residential, Office, Institutional – General Development (ROI-GD) to Residential, Office Institutional – Village Residential (ROI-VR).

The City Attorney read proposed Ordinance 19-24-LC by title.

ORDINANCE NO. 19-24-LC

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 DESIGNATIONS OF THE PARCELS DESCRIBED AND GENERALLY DEPICTED IN THE ATTACHED EXHIBIT A FROM RESIDENTIAL, OFFICE AND INSTITUTIONAL-GENERAL DEVELOPMENT (ROI-GD) TO RESIDENTIAL, OFFICE AND INSTITUTIONAL-VILLAGE RESIDENTIAL (ROI-VR); 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.

Ms. Witt noted that as a result of the proposed consolidation of ROI-GD and ROI-VR, all parcels currently zoned ROI-GD are being proposed to be rezoned to ROI-VR. And all non-residential uses currently permitted in the ROI-GD district will be converted to conditional uses in the revised ROI-VR zoning district.

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

Mr. Dean Burgess of Emerald Coast Associates spoke of his concern how this ordinance will create a lot of Conditional Uses and requested to change the Conditional Uses to Permitted in the Table of Allowable Uses.

The Chairman asked for any other comments, with no one coming forward, he closed the public portion for the ordinance and asked for comments from the LPA members.

Agency member David asked how this change affects the conditional uses in this category.

According to the Land Use Attorney, all this ordinance does is rezones the areas in question on the zoning map and essentially does nothing to the Conditional Uses under this ordinance and provided the Agency members with a brief example.

Chairman Wood moved to recommend approval of proposed Ordinance 19-24-LC to the City Council; seconded by Agency member Ledbetter. Motion passed 6-0.

- D. A public hearing regarding Ordinance No. 19-26-LC relating to changes to the Zoning Map, which changes the zoning of one parcel from Institutional (INST) and Commercial General (CG) to entirely Institutional (INST).

The City Attorney read proposed Ordinance 19-26-LC by title.

ORDINANCE NO. 19-26-LC

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 DESIGNATIONS OF THE PARCEL DESCRIBED AND GENERALLY DEPICTED IN THE ATTACHED EXHIBIT A FROM INSTITUTIONAL (INST) AND COMMERCIAL GENERAL (C-G) TO INSTITUTIONAL (INST), ONLY; 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.

Ms. Witt explained that United Methodist Church property currently has two different land use classifications. Most of the property has a Future Land Use classification and Zoning designation of Institutional (INST), while the east portion of the property has a Future Land Use of Town Center Mixed Use (TCMU) and a Zoning designation of Commercial General (CG). In order to make the entire property consistent, the future land use and zoning of this parcel should be changed to be entirely Institutional. Additionally, schools and other educational facilities are permitted in the

Institutional zoning district. If approved, the Future Land Use classification will be changed to match through the Evaluation and Appraisal Report process.

Chairman Wood opened a public hearing to receive comments for or against the proposed ordinance. Hearing none, the Chairman closed the public hearing and turned the matter over to the Agency members for discussion and consideration.

Agency member Shelton moved to recommend to the City Council approval of proposed Ordinance 19-26-LC and to direct staff to amend the Future Land Use Map during the Evaluation and Appraisal Report process passed 6-0.

- E. A public hearing regarding Ordinance No. 19-27-LC relating to changes to the Zoning Map, which changes the zoning of multiple parcels from Commercial General (CG) to Town Center Mixed Use (TCMU), to match the future land use designation assigned in the Comprehensive Plan.

The City Attorney read proposed Ordinance 19-27-LC by title.

ORDINANCE NO. 19-27-LC

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 DESIGNATIONS OF THE PARCELS DESCRIBED AND GENERALLY DEPICTED IN THE ATTACHED EXHIBIT A FROM COMMERCIAL GENERAL (C-G) TO TOWN CENTER MIXED USE (TCMU); 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.

Ms. Witt explained that the zoning of Area 7 is currently zoned Commercial General and is not consistent with the Future Land Use classification in the Future Land Use Map (FLUM), which is Town Center Mixed Use (TCMU). In order to rectify this inconsistency, Area 7 (excluding the northernmost portion which is a part of the United Methodist Church property) should be rezoned to TCMU. The entire United Methodist Church parcel is proposed to be changed to Institutional. There are two nonconformities that will be created by this change: A Storage Solution at 733 Harbor Blvd and the Circle K Gas Station at 701 Harbor Blvd. These nonconformities will be addressed by classifying them as “Conditional” in the TCMU district.

Chairman Wood opened a public hearing to receive comments for or against the proposed ordinance. Hearing none, the Chairman closed the public hearing and turned the matter over to the Agency members for discussion and consideration.

Agency member Klosterman moved to recommend approval of proposed Ordinance 19-27-LC to the City Council. Motion was seconded by Agency member Shelton and passed 6-0.

- F. A public hearing regarding Ordinance No. 19-14-LC relating to the establishment of parking requirements for outdoor dining and/or seating areas.

This item continued to the LPA meeting on October 17, 2019 at 5:30 PM.

- G. A public hearing regarding Ordinance No. 19-16-LC relating to the establishment of a “Change of Use” process which regulates changes of previously approved land uses.

The City Attorney read proposed Ordinance 19-16-LC by title.

ORDINANCE NO. 19-16-LC

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA ESTABLISHING A PROCESS FOR REGULATING AND REVIEWING CHANGES OF PREVIOUSLY APPROVED LAND USES IN THE CITY OF DESTIN; PROVIDING FOR AMENDMENTS TO ARTICLE 2 (“ADMINISTRATION”) OF THE LAND DEVELOPMENT CODE; DEFINING “CHANGE OF USE”; PROVIDING FOR AMENDMENTS TO ARTICLE 3 “DEFINITIONS” OF THE LAND DEVELOPMENT CODE; 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.

City Planner Samantha Brisolaro explained that Article 2 of the Land Development Code, which provides requirements for city development review processes, currently does not address changes of use for a parcel where the nature and intensity of a use is changed or intensified on a site. In other words, there is no clear process to review a building or parcel of land that has one use, but over time adds other uses and/or intensifies the impact of the uses on the parcel/building that have the potential to be, inconsistent with land use regulations and negatively impact surrounding properties.

For clarification, the Chairman asked if a current business such as a restaurant decided to add outdoor seating and they which creates more intensity, then they would have to first be able

to provide additional parking which currently, there is nothing staff can do as there is nothing in the Code. According to Mr. Zunguze, that is correct; and explained that lot of the growth that the city experienced in the past and a use of a property may have stayed the same but a new owner increased their intensity but there was nothing in the Code for staff to keep them from providing for that intensity or not allowing it.

Chairman Wood opened a public hearing to receive comments for or against the proposed ordinance. Hearing none, the Chairman closed the public hearing and turned the matter over to the Agency members for discussion and consideration.

Agency member Shelton stated that he supports the ordinance but asked about home offices and businesses that are common with real estate agents and wondered how the city would be able to verify those.

According to Mr. Zunguze when the person comes to renew their Business Tax Receipt they are required to provide all the information to the city pertaining to their type of business. So, the broker of the real estate office would be the person that provides the necessary information.

The Land Use Attorney suggested clarifying the language to explain the increase in impacts by including the language in their motion.

There was a lengthy discussion regarding how staff would determine a potential change of use and additional impacts, if any, when reviewing the applications for Business Tax Receipts.

Agency member David moved to recommend approval of proposed Ordinance 19-16-LC to the City Council, with City staff adding language for staff to be able to measure impact for the change of use with Agency member Ledbetter providing the second.

The Land Use Attorney stated that staff will work out the numbers and make the proper clarifications prior to the ordinance going before Council on first reading. As well as ensuring there are no additional impacts if a business increases their business volume by making any additions to what it was previously.

The Chairman called for the vote and the motion passed 6-0.

H. A public hearing regarding Ordinance No. 19-19-LC relating to the process of development application review.

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

ORDINANCE NO. 19-19-LC

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA RELATING TO THE PROCESS FOR DEVELOPMENT APPLICATION REVIEW; PROVIDING FOR AMENDMENTS TO ARTICLE 2 (“ADMINISTRATION”) OF THE LAND DEVELOPMENT CODE; PROVIDING FOR AMENDMENTS TO ARTICLE 7 “LAND USE, TYPE, DENSITY, INTENSITY, ZONING AND REGULATORY CONTROLS”) OF THE LAND DEVELOPMENT CODE; MODIFYING THE TECHNICAL REVIEW COMMITTEE PROCESS; AMENDING NOTICE REQUIREMENTS FOR DEVELOPMENT APPLICATIONS; AMENDING THE CONDITIONAL USE PROCESS; AMENDING THE THRESHOLDS FOR MAJOR DEVELOPMENT ORDER REVIEW; 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.

According to Ms. Brisolara, The City is required to update its Technical Review Committee (TRC) process currently in place to be consistent with the changes adopted in HB 7103. The change requires all development order applications to be processed under a specific timeline which includes the following: 30 days for Staff to perform a completeness review and 120 days for the City to approve, approve with conditions, or deny the project, and 180 days if the project requires a quasi-judicial hearing.

According to the Land Use Attorney, this timeline eliminates the constant back and forth of submittals and resubmittals between the Applicant and City Staff. To that end, Staff will be revising the internal process so that there is a much more robust Pre-Application process which will help eliminate the need for Technical Review Committee meetings for all projects. However, the applicant or Staff may request an additional meeting to be held with reviewers in order to discuss outstanding comments or conditions of approval. The new process will allow development orders to be reviewed completely in a more efficient manner, with a high level of consistency and predictability.

Chairman Wood opened the public hearing to receive comments for or against the proposed ordinance. Hearing none, the Chairman closed the public hearing and turned the matter over to the Agency members for discussion and consideration.

Agency member Shelton spoke of how he agrees with the ordinance and how it would help the general public especially with the new sign requirements. However, he did suggest staff add some language to stipulate that those signs be in front of the development request so they can be seen by the general public passing by.

Agency member Ledbetter asked about the 30-day review for staff and how do they determine that they have a completeness review.

According to the Land Use Attorney that is one of the new requirements and first there are application requirements. First staff determines all the initial requirements have been met and if not, then staff has that amount of time to notify the applicant that they will need to start over.

Agency member Shelton moved to recommend approval of proposed Ordinance 19-19-LC to the City Council; with an additional recommendation of adding language requiring that signs be visible to the rights-of-way. Agency member Ledbetter provided a second to the motion, which passes 6-0.

- I. A public hearing regarding Ordinance No. 19-28-LC relating to the consolidation of the Residential, Office, Institutional – General Development (ROI-GD) and Residential, Office, Institutional – Village Residential (ROI-VR) zoning districts.

The City Attorney read proposed Ordinance 19-28-LC by title.

ORDINANCE NO. 19-28-LC

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA AMENDING ARTICLE 7 OF THE LAND DEVELOPMENT CODE TO ELIMINATE THE RESIDENTIAL, OFFICE AND INSTITUTIONAL-GENERAL DEVELOPMENT ZONING DISTRICT (ROI-GD) AND CONSOLIDATE IT WITH THE RESIDENTIAL, OFFICE AND INSTITUTIONAL-VILLAGE RESIDENTIAL ZONING DISTRICT (ROI-VR); 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. Brisolara explained that both ROI-GD and ROI-VR consolidation will allow single family uses to be permitted with both focusing around long-term residential uses. ROI-VR is specifically designed to conserve long-term residential uses and does not allow any non-residential uses. ROI-GD accommodates permanent residential uses, as well as supportive uses to the neighborhoods, such as offices and institutional uses. Staff is proposing the consolidation of ROI-GD and ROI-VR, in which all non-residential uses in the ROI-GD Zoning District would become conditional and the ROI-GD Zoning District would be eliminated. Additionally, Staff is recommending that any conditional uses would be reviewed by the LPA and approved or denied by City Council.

The Chairman noted for the record that this is the ordinance where Mr. Cannon's earlier comments come into play.

The Land Use Attorney pointed out that there is a change to Table of Use Chart 7-3 regarding the old Code that used to have the tiers and building heights chart and that for whatever reason was never codified by MuniCode and staff will make the correction prior to the first reading by Council to include the correct chart with the correct heights.

Chairman Wood opened a public hearing to receive comments for or against the proposed ordinance and informed Mr. Cannon that his comments he made earlier are in the record.

Regarding Table 7-2 for multifamily attached dwellings category which has Conditional Use requirements under permanent or long term uses; and specifically, for seasonal or short term residential uses, there is not a conditional use or an allowable use at all for that category. And from that perspective, it limits what can be done with a multifamily development where it can't be short term lease and has to be long term. He asked for the Agency to recognize that concern and consider it in their decision by removing the conditional use and make Long Term Multifamily a permitted use and recognizing that short term is not an allowed use and cannot be done at all.

Mr. Curtis Gwin, 4 Weekewachee Circle spoke of how he does not want to see the city get in a bind. Adding that he is all for the consolidation of the zoning districts but spoke of his concern where they are recommending to Council to make multifamily designations conditional. Adding that he sees something similar situation happening that happened to the homes on Hutchinson Street where a Burt Harris Claim was threatened. Because he does not want to see anything to cause any more potential Burt Harris Claims.

According to the Land Use Attorney, the Hutchinson Street cases reviewed by Council are short term occupancy and have no bearing with this ordinance. Additionally, she clarified that under this ordinance, both short and long term would be conditional as it's currently proposed in the uses chart. She referred everyone to the last ordinance where they just discussed, where the criteria for the conditional uses are. And referred the members to page 15 through part 18 of Ordinance 19-19-LC. Explaining further that if someone applied for a conditional use, this allows Council to look at the scale and intensity of the project, on and off site improvements needed, the onsite proposed amenities; as well as the compatibility, size, site specifications, as well as anything that needs to be mitigated on the site, hazardous waste, and if there is an over proliferation of uses; such as multifamily: if a particular zoning district had lots of multifamily apartments and the Council didn't feel that the city needed more because of over proliferation, it could be denied on that basis or conditions could be placed to mitigate the impacts to make the development more appropriate. Explaining that this is not a denial, just a way to control a particular use or place conditions on that use.

Agency member David asked for clarification that with this ordinance, for multifamily

attached dwelling units, how would they be able to determine between short and long term.

According to the Land Use Attorney, it is the applicant's responsibility to inform the city during the review process. Adding that both are conditional uses and Council will review the criteria and make the final decision.

Mr. Zunguze explained that because the Future Land Use Map and the Zoning Map conflicted with one another, this prevented Mr. Cannon from being able to get approval for his development. Therefore, one had to change; and City Council had the choice to either change the Future Land Use Map and adopt the current Zoning Map or change the Zoning according to the Future Land Use Map; Council chose to adopt the Future Land Use Map and change the zoning map.

Agency member David asked for clarification if an applicant would have to provide the full set of engineered drawings for a Conditional Use approval by City Council. According to the Land Use Attorney, they would not since they are just asking for permission for a particular use.

Mr. Shane Cannon, 3847 Indian Trail encouraged the members for particularly the multifamily attached dwelling category for residential fee simple townhomes, that are not apartment or short term rentals, to be removed from the Conditional Use Category and include them in the Permitted Use Category.

Agency member Ledbetter asked if under these Conditions, then Mr. Cannon's project could essentially get denied.

According to the Land Use Attorney, they could but the reason why staff included it in Conditional Use Category is because of the potential significant impacts associated with certain developments of these type; which gives staff and Council the opportunity to look at it more closely and place conditions; if necessary. And it also gives them the opportunity to place restrictions on anything that needs to be mitigated to make the development more appropriate.

Agency member Schmidt moved to recommend approval of proposed Ordinance 19-28-LC to the City Council; seconded by Agency member Shelton. Motion passed 6-0.

- J. A public hearing regarding Ordinance No. 19-25-LC amending Article 7 of the Land Development Code to establish conditional uses in the Commercial General (CG) zoning district.

The City Attorney read proposed Ordinance 19-25-LC.

ORDINANCE NO. 19-25-LC

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA AMENDING THE COMMERCIAL GENERAL (C-G) 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"; ESTABLISHING CONDITIONAL USES IN THE COMMERCIAL GENERAL (C-G) ZONING DISTRICT; 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. Brisolara explained the purpose of the proposed ordinance is a proposed text amendment ordinance to the table of uses to ensure compatibility with the surrounding existing uses that are both residential and non-residential. This will make the uses that are more intense as conditional and any that may be considered

- A minimum buffer of 35' when the property is adjacent to residential uses. If the height of the proposed building exceeds 35', the buffer shall equal at least the height of the proposed building. The minimum buffer requirements may be increased in the discretion of the City Council if the use is a conditional use.
- Change to the list of allowable uses in the district (many previously permitted uses will now be conditional uses in the zoning district).

With respect to setting up a process for the approval of conditional uses, staff has determined that the best methodology for this is a process that is applicable in all zoning districts. Therefore, this process will be reviewed by the LPA via separate Ordinance No. 19-19-LC which will be applicable to all zoning districts and will not be limited to the Commercial General (CG) district.

The Land Use Attorney informed the Agency members of a couple of minor changes on page two and regarding the minimum buffer of 35-feet of the property if adjacent to residential as well as the height of the proposed building exceeds that, the buffer could be increased.

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

Ms. Rhonda Dossey homeowner in Sovereign Isle on Woodwind Drive and spoke of a petition that 150 people signed regarding changing area 15 from ROI-TD to General Commercial. She spoke of meeting with the Land Use Attorney and staff; and although she cannot speak for the other 149 people, she said for herself, she is comfortable with the

conditional uses since it allows for more oversight by City Council of what gets built. As well as giving a residential community more protection by additional buffering. Therefore, she encouraged the Agency members to recommend Council adopt the ordinance.

With no one else coming forward to speak, the Chairman closed the public hearing and asked the members for comments or a motion.

Agency member Shelton moved to recommend approval of proposed Ordinance 19-25-LC to the City Council; seconded by Agency member Ledbetter.

Agency member David asked about the City of Clearwater's issues. The Land Use Attorney explained that at City Council's July 15th meeting they adopted an Abeyance ordinance to declaring until the Official Zoning Map is updated and matches the Future Land Use Map.

According to the Land Use Attorney, he can make recommendations to Council for any of the proposed uses and change any of them to either permitted, conditional or prohibited.

Agency member Schmidt spoke of how the way he reads the Table of Allowable Uses, someone could submit an application for a department store, but multi-dwelling residential uses are conditional uses. And feels that the more intensive uses should also be included as conditional.

The Land Use Attorney stipulated that they could make that recommendation apart of the motion to Council to change permitted to conditional or prohibited.

Agency member Ledbetter asked how staff came about the conditional and permitted uses.

According to the Land Use Attorney, staff met with both residents and property owners and discussed at length the uses and the intent for the zoning district prior to bringing this ordinance forward.

Agency member Shelton offered an amended motion to recommend approval of proposed Ordinance 19-25-LC to the City Council, with the following additional recommendations: Convert department stores and office supplies, stationery and gift stores to Conditional uses in the zoning district. Amended motion was seconded by Agency member Ledbetter and passed 6-0.

5. DIRECTOR'S REPORT:

- **Bi-Monthly Meetings**

Mr. Zunguze informed the members that in order to meet the State's requirements for the

EAR, they will have to meet twice in November and December.

- **Meeting Material Distribution**

The members were polled on if they preferred getting their packets through the Dropbox link. A resounding no won out and it was determined that staff would from this meeting forward, use the CivicClerk link for meeting packets.

6. NEXT MEETING DATE: October 17, 2019

7. ADJOURNMENT:

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

Adopted and approved this _____ day of _____ 2019.

James Wood, Jr. Chairman

Rey Bailey, Destin City Clerk

**COMMUNITY DEVELOPMENT DEPARTMENT****AGENDA ITEM****LOCAL PLANNING AGENCY MEETING DATE:** October 17, 2019**TYPE OF AGENDA ITEM:** Staff Report and Recommendation

TO: Local Planning Agency

THRU: Community Development Director, Louis Zunguze
Principal Planner, Lauren Witt
Kimberly Kopp, City Land Use Attorney

FROM: Planner, Sam Brisolara
Planner, Traci Goodhart

DATE: October 10, 2019

SUBJECT: Proposed Zoning Map Amendment - 19-31-LC: Area 15

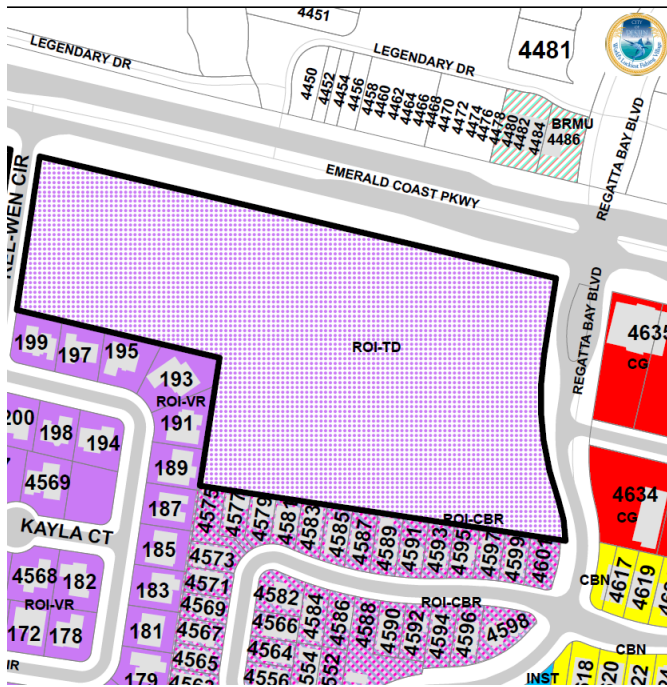
BACKGROUND:

The Community Development Department received an application for a Zoning Map Amendment from Guidry Properties August 14, 2019. The property in question is located on South of Emerald Coast Parkway, East of Kel-Wen Circle and West of Regatta Bay Blvd (Parcel ID: 00-2S-22-0000-0001-0570). The applicant has submitted the application to align the properties' zoning designation of Residential, Office, Institutional – Tourist Development (ROI-TD) to the Future Land Use Map designation of Commercial General (CG).

DISCUSSION:

The proposed Zoning Map Amendment will align the properties' zoning classification to the Future Land Use Map. If approved, the properties' zoning classification will be based on the amended Commercial General (CG) Zoning district.

As of October 7, 2019, City Council voted unanimously on 1st reading of Ordinance 19-25-LC regarding increased oversight by City Council of allowable uses in the CG zoning district. As such, the Pending Ordinance Doctrine is invoked. Pending Ordinance 19-25-LC provides increased buffering for properties adjacent to existing residential uses or residential zoning districts, changes currently permitted uses in the zoning district to conditional uses and establishes a process and criteria for approval of conditional uses. Essentially, if the zoning request for the Guidry property is approved, any future development would be held to the standards set forth by Ordinance 19-25-LC.



CONCLUSION:

Staff is supportive of the proposed zoning request due to its consistency with the Future Land Use Map and its compatibility with surrounding commercial and residential uses under Pending Ordinance 19-25-LC

STAFF RECOMMENDATION:

Staff recommends that the LPA recommend City Council approve Ordinance 19-31-LC Rezoning the parcel owned by Guidry Properties from Residential, Office, Institutional – Tourist Development (ROI-TD) to Commercial General (CG).

MOTIONS:

I move the LPA recommend City Council approve of proposed ordinance 19-31-LC.

Attachments:

- A. Zoning Map Amendment Application
- B. Ordinance 19-31-LC_Rezoning of Area 15
- C. Ordinance 19-25-LC_Commercial General

ORDINANCE NO. 19-31-LC

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 DESIGNATIONS OF THE PARCELS DESCRIBED AND GENERALLY DEPICTED IN THE ATTACHED EXHIBIT A FROM RESIDENTIAL, OFFICE, INSTITUTIONAL-TOURIST DEVELOPMENT (ROI-TD) TO COMMERCIAL GENERAL (CG); 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.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF DESTIN, OKALOOSA COUNTY, FLORIDA, AS FOLLOWS:

SECTION 1. AUTHORITY. The authority for enactment of this Ordinance is Article 1, Section 1.01(b) of the City Charter, Section 166.021, Florida Statutes and Chapter 163, Part II, Florida Statutes.

SECTION 2. FINDINGS OF FACT.

WHEREAS, after due public notice, a public hearing was conducted by the Local Planning Agency on October 17, 2019, and its recommendations reported to the City Council; and

WHEREAS, after due public notice, a public hearing has been conducted by the City Council; and

WHEREAS, the City Council has determined that this ordinance is consistent with the adopted comprehensive plan and is in the best interests of the City and its citizens.

WHEREAS, after due public notice, a public hearing has been conducted by the City Council.

SECTION 3. ZONING MAP AMENDMENT. The Official Zoning Map of the City of Destin, Florida, as referenced in the Land Development Code, section 7.12.01(A)2, Zoning Maps, is hereby amended to include a change of zoning map designation from Residential Office and Institutional – Tourist Development (ROI-TD) to Commercial – General (C-G), for Okaloosa County Property Appraiser Parcel Identification Number **00-2S-22-0000-0001-0570**, which parcel is generally depicted in Exhibit A, attached hereto and incorporated herein by this reference.

SECTION 4. INCORPORATION INTO LAND DEVELOPMENT CODE. This ordinance shall be incorporated into the City of Destin's Land Development Code and any section or paragraph number or letter and any heading may be changed or modified as necessary to effectuate the foregoing.

SECTION 5. CONFLICTING PROVISIONS. Special Acts of the Florida Legislature applicable to the incorporated area of the City of Destin, City Ordinances and City Resolutions, or parts, thereof, in conflict with the provisions of this ordinance are hereby superseded by this ordinance to the extent of such conflict.

SECTION 6. SEVERABILITY. Each separate provision of this ordinance is deemed independent of all other provisions herein so that if any portion or provision of this ordinance is declared invalid, all other provisions thereof shall remain valid and enforceable.

SECTION 7. EFFECTIVE DATE. This ordinance shall become effective upon its adoption by the City Council and signature by the Mayor.

ADOPTED THIS ____ DAY OF _____ 2019.

BY: _____
Gary Jarvis, Mayor

ATTEST:

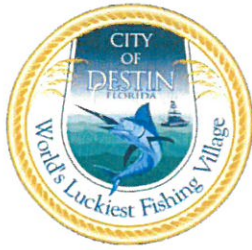
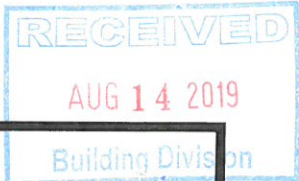
The form and legal sufficiency of the foregoing has been reviewed and approved by the City Land Use Attorney, for the City of Destin, only.

Rey Bailey, City Clerk

Kimberly Kopp, City Land Use Attorney

First Reading: _____

Second Reading: _____



City of Destin

Community Development Department

Planning Division

City of Destin Annex

4100 Indian Bayou Trail

Destin, Florida 32541

Phone (850) 654-1119 • Fax (850) 460-2171

www.cityofdestin.com

LAND DEVELOPMENT CODE ZONING MAP AMENDMENT

Does Your Property Meet the Criteria for this Application?

The subject property of the proposed amendment must have a Future Land Use Map Designation consistent with the proposed zoning; if not, then a Future Land Use Map amendment will be required prior to proceeding with amending the Official Zoning Map.

1. CONTACT INFORMATION:

A. Applicant: GUIDRY PROPERTIES LLC
Mailing Address: 1901 Manhattan Blvd. Bldg. Ste 101, Harvey, LA 70058
Business Phone: 504/666-6432 Cell: _____
Email: RJG@5starfpc.c.com

B. Property Owner: GUIDRY PROPERTIES LLC
Mailing Address: 1901 Manhattan Blvd. Bldg. Ste 101, Harvey, LA 70058
Business Phone: 504/666-6432 Cell: _____
Email: RJG@5starfpc.c.com

C. Authorized Agent (if applicable): Trey Goodwin and Ken Metcalf
Mailing Address: 98 Oak Hill Ave., Fort Walton Beach, FL 32547
Business Phone: 850/710-1980; 850/329-4848 Cell: _____
Email: trey@mygoodwinlaw.com; kmetcalf@stearnsweaver.com

*Note: Owner must complete the attached Agent Affidavit.
If there is more than one owner, each owner must complete an Agent Affidavit.*

Application – LDC Official Zoning Map Amendment

1 of 8

Note: Application will be voided if changes to this application are found.

2. **PROPERTY INFORMATION:**

A. Existing Street Address: Hwy. 98, Destin, FL

Parcel ID (s): 00-2S-22-0000-0001-0570, _____

Lot: _____ Block: _____ Plat Book: _____ Page Number: _____

Subdivision: _____

B. Existing Zoning District Classification: _____ *(To be completed by the City)*

Proposed Zoning District Classification: Commercial General

Future Land Use Map Designation: _____ *(To be completed by the City)*

C. Existing use of subject property: Vacant

3. **AMENDMENT REQUEST**

A. Explain the basis for your request. Give solid and convincing reason(s) as to why the current zoning district is not appropriate for the property, and why the requested zoning district is more suitable. Indicate the proposed specific use(s) expected to be developed if the proposed zoning district change is granted by City Council.

See attached.

B. Date of pre-application meeting: July 17, 2019

C. Total acreage of the property in the proposed amendment: 10.6 acres

D. Has the property received any waivers, special exceptions or variances? YES ☐ NO ☒

If you answered "yes" to the above question, please explain – including when approved.

- E. If you are seeking an Official Zoning Map designation of LDR-V, LDR-HI, LDR-H, MDR-V, MDR-HI, ROI-VR, ROI-GD, or ROI-TD, please explain how this designation is consistent with the underlying Future Land Use Map designation.

N/A

- F. Please explain how the proposed Official Zoning Map designation supports and is consistent with the purpose and intent of the City of Destin Zoning Districts as described in Section 7.12.06. *Zoning Districts* of the Land Development Code.

See attached.

- G. Please identify any allowable uses as listed in Table 7-2: Table of Allowable Uses for the proposed zoning district that should not be allowed in the specific location proposed for the zoning map amendment (will require a Text Amendment to the Land Development Code).

No specific use exclusions are proposed.

- H. Please identify any allowable uses not listed in Table 7-2: Table of Allowable Uses for the proposed zoning district that should be allowed in the specific location proposed for the zoning map amendment (will require a Text Amendment to the Land Development Code).

No specific use additions are proposed.

- I. Please explain the fiscal impact of the proposed amendment upon the finances of the City, if any.

The proposed CG zoning district allows a floor area ratio (FAR) of up to 1.3 as compared to the .5 allowed by the current ROI-TD zoning district.

Development of the Subject Property to the maximum FAR would increase tax revenues by 130% as compared to the current ROI-TD zoning district.

See attached for additional detail.

- J. Please explain the impact of the proposed amendment upon all public facilities, if any.

The proposed CG zoning district allows a floor area ratio of up to 1.3 as compared to the .5 allowed by the current ROI-TD zoning district.

This could potentially result in an increase in demand for water, sewer, solid waste and road capacity. However, no level of service deficiencies

are anticipated. See attached for additional detail.

- K. Please explain the impact of the proposed amendment upon the environment, natural and/or historical resources, if any.

There are no environmental, natural or historic resources on the Subject Property that would be impacted by the proposed rezoning.

Existing trees on the Subject Property will be protected to the extent required by the City's land development code.

- L. Please explain the degree of consistency of the proposed amendment with the Comprehensive Plan for the City. (*Applicant may need to refer to the Comprehensive Plan.*)

The proposed Commercial General zoning district is consistent with the Commercial General future land use category. The current Residential Office

Institutional zoning district is not consistent with the Commercial General future land use category. See attached for additional detail.

- M. Please explain the impact upon the ability of the City to provide adequate public facilities and maintain the existing level of service for public facilities as identified in the comprehensive plan, if the proposed amendment is granted.

The proposed CG zoning district allows a floor area ratio of up to 1.3 as compared to the .5 allowed by the current ROI-TD zoning district.

This could potentially result in an increase in demand for solid waste services provided by the City pursuant to its contract with Waste Management, Inc.

No problems are anticipated in maintaining the adopted level of service. See attached for additional detail.

- N. Please explain the compatibility of the proposed amendment upon the surrounding neighborhoods and land uses.

The proposed Commercial General zoning district is consistent with surrounding neighborhoods and land uses. See attached for additional detail.

4. **SUBMITTAL REQUIREMENTS FOR AN OFFICIAL ZONING MAP AMENDMENT:**

1. X Completed application - All applicable areas of the application shall be filled in and submitted to the Community Development Department Planning Division at the City of Destin Annex, 4100 Indian Bayou Trail, Destin, Florida 32541.
2. X Application Fee: \$1,200.00 – Ordinance Amendment Applications
(FY2017 Schedule of Fees, Resolution 17-05, adopted 02/22/17, effective 02/23/17)

Application fee includes First Reviews only. Subsequent Submittal Reviews and all mailing costs will be invoiced to the Applicant; invoices must be paid prior to submittal of additional Submittal Review Packages.

Accepted Payments are Cash, Check, MasterCard or Visa. Checks shall be made payable to the City of Destin and submitted to the Planning Division, Community Development Department, City Hall Annex, 4100 Indian Bayou Trail, Destin, Florida 32541
3. X Proof of Ownership - A copy of the last recorded deed for the property. The name on the deed must correspond to "Current Owner" of the property. Agent Affidavit/Special Power of Attorney is required if the applicant is someone other than the owner.
4. X Agent affidavit/Special Power of Attorney (if applicable) - If the applicant is other than the owner of the property under construction for review.

NOTE: This application must be filled out completely and must be signed by the owner or his designated agent. If the applicant is different than the owner of the subject property, then an agent affidavit is required from the owner of the property. The agent affidavit must be completely filled out and submitted with this application. If the property has multiple owners, then all owners or their designated agents must sign this application.

I HAVE READ THE INFORMATION IN THIS APPLICATION AND HAVE FILLED IN ALL ANSWERS CORRECTLY TO THE BEST OF MY ABILITY.

APPLICANT:

SIGNATURE:

DATE:

PRINTED NAME:


Robert J. Gundry
Manager

8-13-19

**AGENT AFFIDAVIT
SPECIAL POWER OF ATTORNEY**

KNOWN ALL MEN BY THESE PRESENTS, THAT I, GUIDRY PROPERTIES, LLC

am presently the owner and/or leaseholder at Parcel No. 00-2S-22-0000-0001-0570

and desiring to execute a Special Power of Attorney, have made, constituted and appointed, and by these presents do make, constitute and appoint Trey Goodwin and Ken Metcalf

whose address is 98 Oak Hill Ave., Ft Walton Beach, FL 32547, County of Okaloosa, State of Florida,

my Attorney-in-Fact to act as follows, GIVING AND GRANTING unto said attorney full power to act as my agent in any and all matters pertaining to: rezoning above parcel.

FURTHER, I do authorize the aforesaid Attorney-in-Fact to perform all necessary acts in the execution of the aforesaid authorization with the same validity as I could effect if personally present. Any act or thing lawfully done hereunder by the said attorney shall be binding on myself and my heirs, legal and personal representative, and assigns.

PROVIDED; however, that any and all transactions conducted hereunder for me or for my account shall be transacted in my name, and that all endorsements and instruments executed by the said attorney for the purpose of caring out the foregoing powers shall contain my name, followed by that of my said attorney and the designation "Attorney-in-Fact."

OWNER

Signature

Printed Name

STATE OF

COUNTY OF

The foregoing instrument was acknowledged before me this 13th day of August, 2019,

by Robert J. Guidry
(name of person acknowledging)

Signature of Notary

Printed Name of Notary or Seal
MARK S. EMBREE
NOTARY PUBLIC

Personally known X OR Produced Identification _____

Type of Identification Produced _____

Parish of Orleans, State of Louisiana
My Commission is issued for Life
Louisiana Notarial Identification No. 23187

Attachment "1"

Guidry Properties, LLC Zoning Amendment Application ROI-TD to CG (Commercial General)

The following responses provide additional detail to the findings set forth in the rezoning application form. Lettered paragraphs correspond to those set forth in the application form.

A. Explain the basis for your request. Give solid and convincing reason(s) as to why the current zoning district is not appropriate for the property, and why the requested zoning district is more suitable. Indicate the proposed specific use(s) expected to be developed if the proposed zoning district change is granted by City Council.

The Subject Property is designated Commercial General on the Future Land Use Map (FLUM), and the proposed Commercial General (CG) zoning district is defined as the primary zoning district appropriate for implementing the Commercial General FLUM category.

The Commercial General FLUM category applies along the entire south frontage of US 98 from Henderson Beach State Park to one lot west of Trista Terrace Court, a distance of over two miles. The Commercial General Zoning District has been applied to this entire two-mile stretch of US 98, except for the exclusion of the Subject Property and a 2-acre parcel immediately to the west of the Subject Property. Attached is an excerpt from the staff presentation (**Exhibit "1"**) regarding 15 Planning Areas, which the City Council previously considered in its evaluation of some 468 parcels within 15 different Planning Areas where the objective was to ensure consistency between the FLUM category and zoning district. The map has been edited to identify Planning Area #15, which consists of the Subject Parcel and the small parcel immediately to the west.

The proposed zoning change will achieve consistency with the Commercial General land use category, including the scope of permitted uses and intensity (e.g., floor area ratio) as allowed by the Comprehensive Plan. The current ROI-TD zoning is not appropriate along US 98 and essentially functions as a spot-zone as applied to the 1,000' of frontage of the Subject Property within a corridor otherwise consistently zoned as Commercial General.

Based on the criteria set forth in Objective 1-1.3, the Subject Property is equally or more suitable for the Commercial General zoning district as compared to the other properties along US 98 for the following reasons:

1. It is a relatively large property with 300' of depth, which allows for the property to respond to market demands for a variety of potential commercial uses, while ensuring compatibility through design.
2. The Subject Property is an infill property, which will achieve greater fiscal benefits for the City as compared to development within the current ROI-TD zoning district.
3. As summarized below, the Subject Property does not contain environmental resources and is highly suitable for more intensive commercial development than otherwise allowed by the ROI-TD zoning district.

4. The width and depth of the property allow for compatible design treatments, including effective buffers, to protect the ROI-TD/VR neighborhoods to the south and southwest of the Subject Property.

Policy 1-2.3.2 confirms that the Commercial General land use category is “intended to accommodate general retail sales and services; highway oriented sales and services; other commercial activities defined in the LDC...” It further specifies that CG areas are generally located along the US 98 corridor in order to service the general commercial needs of permanent and seasonal residents. Code Section 7.12.06.J mirrors the intent language of Policy 1-2.3.2 and specifically states:

The Commercial General zoning district implements Future Land Use Element Policy 1-2.3.2, Commercial General, of the Comprehensive Plan.

The ROI-TD zoning district is not intended to implement the Commercial General FLUM category. Rather, Code Section 7.12.06.M states:

The Residential Office Institutional – Tourist Development zoning district implements Future Land Use Element Policy 1-2.4.1, Residential Tourist Office of the Comprehensive Plan.

The ROI-TD zoning district is primarily intended for business and professional offices, seasonal multifamily, institutional uses, and hotel, motel and other forms of transient use. The ROI is generally not intended for commercial development, except for low intensity commercial uses integrated within a PUD for the purpose of serving only the surrounding neighborhoods. As such, it is not appropriate at this location along US 98.

The Applicant intends to develop a commercial use in accordance with the Commercial General FLUM category. Therefore, the request for the Commercial General zoning district is necessary due to the restrictive limitations applicable to commercial uses in the ROI-TD zoning district, which are in conflict with the permitted uses authorized by the Commercial General FLUM category. The Applicant is currently evaluating options for the specific types of commercial use that may be developed, which will depend on forecasted market conditions.

F. Please explain how the proposed Official Zoning Map designation supports and is consistent with the purpose and intent of the City of Destin Zoning Districts as described in Section 7.12.06, *Zoning Districts of the Land Development Code*.

Response: Section 7.12.06 states that the CG zoning district implements the CG Future Land Use Map category as referenced by Policy 1-2.3.2 and further states that the CG zoning district “shall apply to areas generally located along Harbor Boulevard/Emerald Coast Parkway and is intended to accommodate the general commercial needs of the permanent and seasonal residents.” The CG Zoning District applies extensively along this stretch of US 98 in the vicinity of the Subject Property and is contiguous to the east of the Subject Property. The Subject Property is ideally situated and sized to serve the general commercial needs of the community.

I. Please explain the fiscal impact of the proposed amendment upon the finances of the City, if any.

Response: The Subject Property is surrounded by existing development and is one of the few remaining, larger-scale, infill properties located along US-98. As such, the proposed rezoning will result in a positive fiscal impact on the City, given that:

- The property is served by an existing, signalized intersection maintained by FDOT;
- Destin Water Users, Inc., will provide potable water and sanitary sewer services; and
- Commercial General zoning does not permit permanent residential development, which will avoid impacts on parks/recreational needs, libraries and other City programs intended to serve residents.

The Commercial General zoning district permits a FAR of 1.3 as compared to the ROI-TD zoning district, which permits a FAR of .50. If the Subject Property were to be developed to the maximum permitted FAR, it would proportionately increase the property tax revenue by 130% for the same type of use. The actual tax revenue benefit for the City will depend on the exact use and permitted floor area.

J. Please explain the impact of the proposed amendment upon all public facilities, if any.

Response: The Glossary Element defines “public facilities” as including “sanitary sewer, solid waste, drainage, potable water and ground water recharge.” The following analysis addresses each of these public facilities.

Drainage: Policy 4-4.2.1.A requires that post-development run-off rate shall not exceed pre-development run-off rate based on a 100-year storm event of up to 24-hour duration. This standard will be met through on-site stormwater management facilities in accordance with the NFWFMD and City of Destin permitting requirements.

Ground Water Recharge: Policy 4-3.1.2 addresses design criteria to be met during permitting and requires compliance with the drainage level of service (LOS) standard.

Potable Water: Policy 4-1.2.2 defines the LOS standard as 166 gallons per 1,000 square feet of floor area for non-residential uses. The following calculates the maximum potential demand based on a FAR of 1.3:

$$10.6 \text{ acres} \times 43,560 \text{ s.f./acre} \times 1.3 \text{ (FAR)} \times 166 \text{ gallons/1,000 square feet} = \mathbf{99,643 \text{ gallons/day.}}$$

Sanitary Sewer: Policy 4-2.2.2 defines the LOS standard as 90% of the capacity of the wastewater treatment plant operated by DWU. Policy 4-2.2.3 defines the LOS standard for collection and treatment as 80% of the potable water usage for non-residential uses. This calculates to 132.8

gallons per 1,000 square feet of floor area. The following calculates the maximum potential demand based on a FAR of 1.3:

$$99,643 \times .80 = \mathbf{79,714 \text{ gallons/day}}$$

Solid Waste: Policy 4-5.1.4 defines the LOS standard as 6.5 pounds per 1,000 square feet of floor area. The following calculates the maximum potential demand based on a FAR of 1.3:

$$10.6 \text{ acres} \times 43,560 \text{ s.f./acre} \times 1.3 \text{ (FAR)} \times 6.5 \text{ lbs./1,000 square feet} = \mathbf{3,901 \text{ lbs/day.}}$$

MMTD: Although not defined as a public facility, the Comprehensive Plan establishes the following LOS standards for properties located within the Multi-Modal Transportation District:

Collectors (2020): LOS B (bicycle), LOS B (pedestrian) and LOS C (transit)

US 98 (2020) – LOS C (bicycle), LOS D (pedestrian) and LOS B (transit)

Concurrency and proportionate share requirements will be addressed at the time of development order application based on the specific uses and intensity of the proposed development. The above calculations are conservatively based on the maximum permitted FAR of 1.3 to calculate the maximum theoretical impact on public facilities. However, it is likely that the actual FAR will be substantially lower than 1.3, resulting in less impact than calculated. No LOS deficiencies are anticipated.

K. Please explain the impact of the proposed amendment upon the environment, natural and/or historical resources, if any.

Response: The Subject Property does not contain wetlands, floodplains or known historical resources. Existing trees will be protected to the extent required in accordance with Conservation Element Policy 5.1.7.1 and applicable land development code requirements, as determined during the site plan review/permitting process.

L. Please explain the degree of consistency of the proposed amendment with the Comprehensive Plan for the City.

Response: The Subject Property is designated Commercial General on the Future Land Use Map, which is intended to be implemented by the Commercial General zoning district. The Subject Property has already been determined suitable for the Commercial General land use category based on the criteria of the Comprehensive Plan, particularly Objective 1-1.3 and Policies 1-1.3.1 and 1-1.3.2. The proposed zoning furthers the intent of the Comprehensive Plan by allowing for general commercial uses at a location that is highly suitable as reviewed in the response to Paragraph A above.

M. Please explain the impact upon the ability of the City to provide adequate public facilities and maintain the existing level of service for public facilities as identified in the comprehensive plan, if the proposed amendment is granted.

Response: The City will provide solid waste services through its service contract with Waste Management, Inc. No LOS deficiencies are anticipated.

N. Please explain the compatibility of the proposed amendment upon the surrounding neighborhoods and land uses.

Response: The proposed Commercial General zoning district is compatible with all surrounding and nearby uses. The following table presents existing land use, future land use and zoning district for properties adjacent to the Subject Property, as depicted on the attached FLUM/Zoning map (Exhibit "2"):

	South/Southwest	East	West
Existing Uses	Residential neighborhood with mix of permanent and seasonal residents.	Office	Office
FLUM	ROI	Commercial General	ROI
Zoning	ROI-VR and ROI-CBR	Commercial General	ROI-TD

It is important to emphasize that the Comprehensive Plan has determined that Commercial General uses are compatible with Residential Office Institutional uses. Policy 1-1.3.1: General Considerations, states:

The location and distribution of specific commercial and mixed use activities shall be based on the following considerations:

6. Impact on established as well as anticipated future residential development.

The designation of Commercial General on the Future Land Use Map was determined to be compatible with the ROI residential neighborhoods to the south and southwest.

Policy 1-1.3.2 states:

Commercial and Mixed Use development shall be concentrated in strategically located areas having characteristics that best accommodate their specific land, site, public facilities and market location requirements. These criteria have informed the location of commercial and mixed use on the Future Land Use Map..."

It is important to recognize that the Subject Property's attributes ensure compatibility to a much greater degree than other properties zoned Commercial General to the east and west along US 98, which the City determined were compatible with adjacent uses. Policy 1.1.3.3 emphasizes the need to protect single-family neighborhoods located within the Crystal Beach Neighborhood. General Commercial properties to the east and west of the Subject Property abut established, single-family neighborhoods designated CBN on the FLUM and zoned CBN. In those cases, the Commercial General properties do not provide the lot acreage, lot depth or tree coverage to allow for compatibility buffers to the extent achievable on the Subject Property. Exhibit "3" shows the spatial relationship of those Commercial General zoned properties, which were deemed by the

City to be compatible with the abutting CBN neighborhoods. By comparison, the Subject Property abuts the more intensive ROI zoning districts that are not designated for special protection by the Comprehensive Plan in the same manner as the CBN zoned neighborhoods. As a matter of consistent and fair implementation of the City's land use and zoning scheme, the proposed Commercial General zoning for the Subject Property must be considered compatible with the ROI neighborhoods, particularly when considering the attributes of the Subject Property, which will ensure greater compatibility.

To further address compatibility, Policy 1-1.3.2 requires the adoption of regulations to avoid negative impacts on established residential neighborhoods. Code Section 7.09.02, *General compatibility design criteria*, ensures compatibility through design requirements regarding the location and design of mechanical equipment, outdoor display, refuse containers, parking and loading, and through specific standards applicable to particular uses. For example, building supply stores must provide a 6-8' fence around all outdoor storage areas.

Code Section 7.09.03 further defines a "tiered land use system" which allows Tier 1 uses as-of-right, subject to compliance with all applicable regulations, and Tiers 2 and 3, which require additional performance standards to be met if a development order application seeks greater height or intensity. The applicant also recognizes that the City has indicated its intention to adopt revised zoning standards for the Commercial General zoning district to require Conditional Use review for most, if not all, uses within that zoning district. The applicant looks forward to working with the City regarding the adoption and implementation of revised Commercial General zoning standards.

The proposed Commercial General zoning district on the Subject Property will be compatible with all abutting and nearby properties and land uses, including the ROI-VR and ROI-CBR neighborhoods to the south. The applicant respectfully requests that City staff, the Local Planning Agency and the City Council support this request.

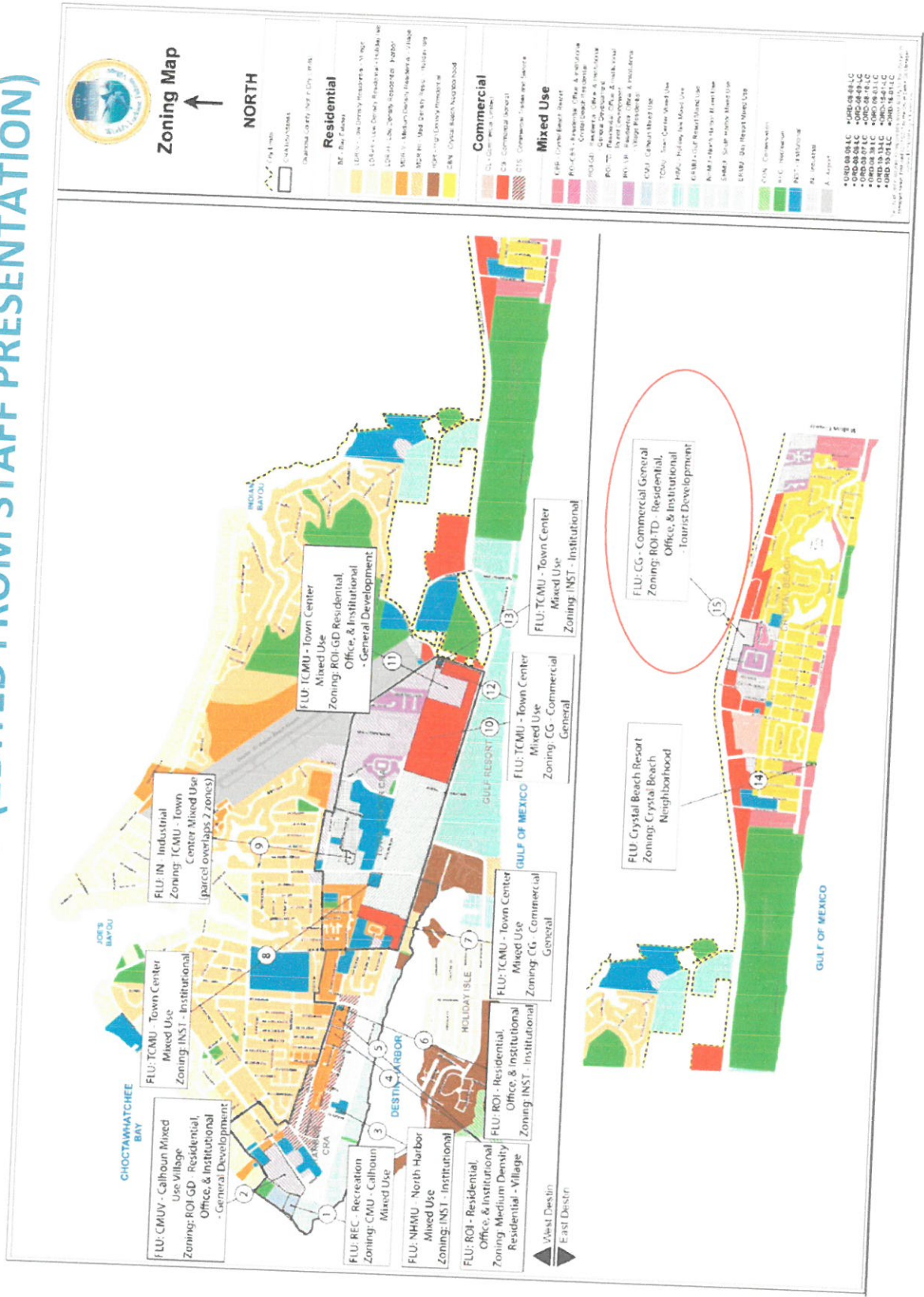
Please note that the Zoning Application also includes the following additional attachments:

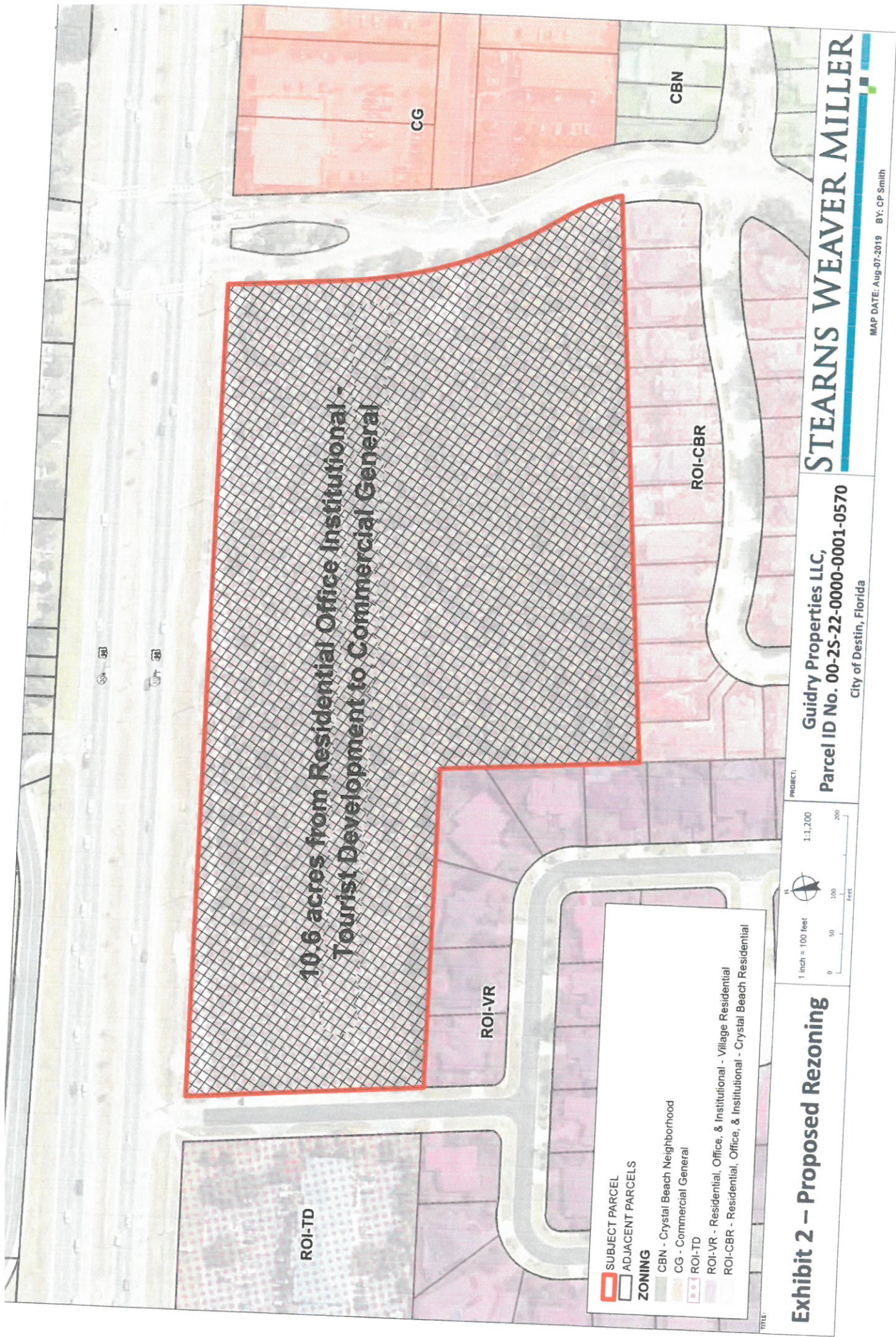
- Attachment 2 – Location Map showing Subject Property in relation to City boundary.
- Attachment 3 – Okaloosa County Property Appraiser record card and Warranty Deed.
- Attachment 4 – Survey of Subject Property

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EXHIBIT "1"

GUIDRY PROPERTY (EDITED FROM STAFF PRESENTATION)





SUBJECT PARCEL
ADJACENT PARCELS

ZONING

- CBN - Crystal Beach Neighborhood
- CG - Commercial General
- ROI-TD
- ROI-VR - Residential, Office, & Institutional - Village Residential
- ROI-CBR - Residential, Office, & Institutional - Crystal Beach Residential

Exhibit 2 – Proposed Rezoning

EXHIBIT "3"

FLU: CG - Commercial General
Zoning: CG - Commercial General

FLU: CL - Commercial Limited
Zoning: CL - Commercial Limited

FLU: ROI- Residential, Office
and Institutional
Zoning: ROI-TD - Residential,
Office, & Institutional -
Tourist Development

FLU:
ROI- Residential,
Office and
Institutional
Zoning:
ROI-VR - Residential,
Office, & Institutional
Village Residential

FLU: CBN - Crystal Beach
Neighborhood
Zoning: CBN - Crystal Beach
Neighborhood

WEST OF GUIDRY PROPERTY

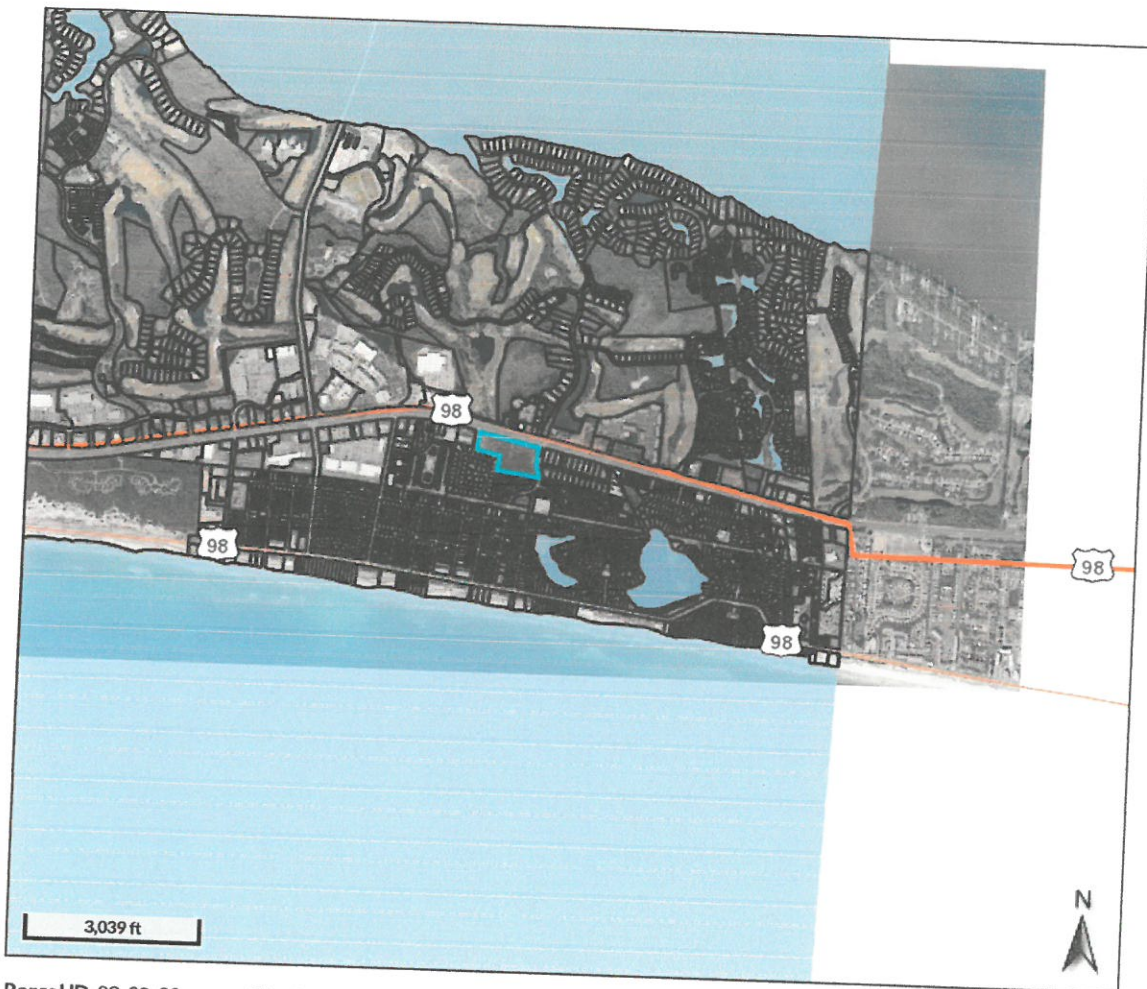
EXHIBIT "3"

FLU: CG - Commercial General
Zoning: CG - Commercial General

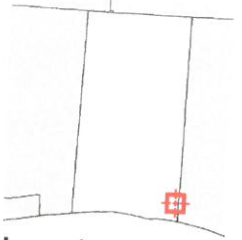
FLU: CBN - Crystal Beach Neighborhood
Zoning: CBN - Crystal Beach Neighborhood

EAST OF GUIDRY PROPERTY

Okaloosa County Property Appraiser



Overview



Legend

- Parcels
- Roads
- Water
- City Labels

Parcel ID	00-25-22-0000-0001-0570	Physical Address	HWY 98 HWY DESTIN	Land Value	\$2,208,550	Last 2 Sales				
Acres	10.61	Mailing Address	GUIDRY PROPERTIES LLC	Ag Land Value	\$0	Date	7/25/2012	Price	\$4730000	Reason
(GIS)			1901 MANHATTAN BLVD BLDG H	Building Value	\$0		1/30/2012	\$100		UNQUAL/DEED TO/FROM FINAN U
Property Class	VACANT COM		SUITE 101	Misc Value	\$0					INST
Taxing District	10		HARVEY, LA 70058	Just Value	\$2,208,548					UNQUAL/CORRECTIVE/QCD,TD U
				Assessed Value	\$2,208,550					
				Exempt Value	\$0					
				Taxable Value	\$2,208,550					

Date created: 8/13/2019
Last Data Uploaded: 8/13/2019 3:32:02 AM

Developed by  Schneider
GEOSPATIAL



Okaloosa County Property Appraiser

search...

Log In



Layers ▾

Report

Map

Search

Sales Search

Sales List

More ▾

Parcel Summary

Parcel ID	00-2S-22-0000-0001-0570
Location Address	HWY 98 HWY DESTIN 32541
Brief Tax Description*	BEG NE COR LOT 26 BLK A EMERALD BREEZE EST SUBD N76 DEG W ALG BDRY 404.27FT N8 DEG E ALG R/W 301.02FT TO S R/W HWY 98 S76 DEG E ALG R/W 1030.6FT TO E R/W REGATTA BAY BLVD THC S8 DEG W ALG R/W 150.94FT THC ALG CRV 285.93FT THC ALG CRV 79.45FT TO NORTH LINE OF SOVEREIGN ISLE SUBD N81 DEG W ALG LINE 717.76FT N8 DEG E 250.94FT TO POB <i>*The Description above is not to be used on legal documents.</i>
Property Use Code	VACANT COM (001000)
Sec/Twp/Rng	00-2S-22
Tax District	Destin (District 10)
Millage Rate	12.8406
Acreage	10.600
Homestead	N
Acreage (GIS)	10.61
Fire District	N/A

[View Map](#)

Owner Information

Primary Owner
Guidry Properties LLC
1901 Manhattan Blvd Bldg H
Suite 101
Harvey, LA 70058

Valuation

	2018 Certified Values	2017 Certified Values	2016 Certified Values
Building Value	\$0	\$0	\$0
Extra Features Value	\$0	\$0	\$0
Land Value	\$2,208,548	\$2,103,379	\$2,103,379
Land Agricultural Value	\$0	\$0	\$0
Agricultural (Market) Value	\$0	\$0	\$0
Just (Market) Value	\$2,208,548	\$2,103,379	\$2,103,379
Assessed Value	\$2,208,548	\$2,103,379	\$2,103,379
Exempt Value	\$0	\$0	\$0
Taxable Value	\$2,208,548	\$2,103,379	\$2,103,379
Maximum Save Our Homes Portability	\$0	\$0	\$0

"Just (Market) Value" description - This is the value established by the Property Appraiser for ad valorem purposes. This value does not represent anticipated selling price.

Land Information

Code	Land Use	Number of Units	Unit Type	Frontage	Depth
001000	COMM VACANT	10.60	AC	0	0

Sales

Multi Parcel	Sale Date	Sale Price	Instrument	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
N	07/25/2012	\$4,730,000	SW	3048	1130	Unqualified (U)	Vacant	HANCOCK BANK	GUIDRY PROPERTIES LLC
N	01/30/2012	\$100	MS	3019	2773	Unqualified (U)	Vacant	US DISTRICT COURT/ SARAH CRANE AS SPECIAL MAS	HANCOCK BANK
N	12/21/2004	\$100	SW	2582	238	Unqualified (U)	Vacant	SW EMERALD CORNER LTD	COLEMAN L KELLY TRUST
N	12/17/2004	\$1,127,500	SW	2582	1985	Qualified (Q)	Vacant	SW EMERALD CORNER LTD	COLEMAN L KELLY TRUST
N	10/07/2003	\$1,127,500	SW	2490	4502	Qualified (Q)	Vacant	KELLY COLEMAN L TRUST	SW EMERALD CORNER LTD
N	05/01/1991	\$100	WD	1607	1533	Unqualified (U)	Vacant		KELLY C L

Area Sales Report

From: 2015-01-01 To: 2019-08-13

Sales by Distance 1500 Feet

Tax Collector

[Click here to view the Tax Collector website.](#)

Generate Owner List by Radius

Distance:

100 Feet

Show address of: ☒ Owner ☐ Property

Additional owner options:

☒ All Owners

Additional mailing label options:

Download format:

Address labels (5160)

International mailing labels that exceed 5 lines are not supported on the Address labels (5160). For international addresses, please use the xlsx, csv or tab download formats.

Download

☐ Show parcel id on label

Skip labels: 0

No data available for the following modules: Building Information, Extra Features, Building Area Types, Sketches.

Contact Information

□ Announcements



ATTACHMENT "3"

PREPARED BY:

HANCOCK BANK

Attn: Deborah Hunt
1022 W. 23rd Street
Panama City, Florida 32405

Property: 10.6 acres, Emerald Coast Parkway, Destin, Florida

Parcel ID: 00-25-22-0000-00010570

CONSIDERATION: \$4,730,000.00

SPECIAL WARRANTY DEED

THIS INDENTURE, made as of and effective the 25th day of July, 2012, by and between Hancock Bank, as Assignee of Peoples First Community Bank, a banking corporation organized and existing under the laws of the State of Mississippi and authorized to engage in banking under the laws of the State of Florida (the "Grantor"), and Guidry Properties, LLC, a Florida limited liability company, (the "Grantee") whose current post office address is: 1901 Manhattan Blvd. Building H, Suite 101, Harvey LA 70058.

WITNESSETH:

THAT THE GRANTOR, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00), to Grantor in hand paid by the Grantee, the receipt of which is hereby acknowledged, have granted, bargained and sold to the Grantee, and does hereby grant, bargain and sell to the Grantee, its successors and assigns forever, the following described lands, situate, lying and being in the County of Okaloosa, State of Florida (the "Land"), to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

TOGETHER WITH all of the improvements now or hereafter erected on the Land, and all easements, appurtenances, and fixtures now or hereafter a part of the Land (collectively, the "Property"), subject to those matters set forth in Exhibit "A" following the legal description of the Land (the "Permitted Exceptions").

To have and to hold the Property in fee simple forever.

GRANTOR AND GRANTEE ACKNOWLEDGE AND AGREE THAT, EXCEPT FOR THE GRANTOR'S EXPRESS COVENANTS, REPRESENTATIONS AND WARRANTIES SET FORTH IN THIS SPECIAL WARRANTY DEED, THE SALE OF THE PROPERTY IS WITHOUT ANY WARRANTY, AND THAT GRANTOR HAS MADE NO, AND EXPRESSLY AND SPECIFICALLY DISCLAIMS ANY AND ALL, REPRESENTATIONS, GUARANTIES OR WARRANTIES, EXPRESS OR IMPLIED, OR ARISING BY OPERATION OF LAW OR RELATING TO THE PROPERTY.

Except as otherwise set forth in this Special Warranty Deed or in the Permitted Exceptions, the said Grantor does hereby fully warrant the title to said Property, and will defend the same against the lawful claims of all persons claiming by, through or under the Grantor, but against none other.

IN WITNESS WHEREOF, Grantor has hereunto set its hand and seal the day and year first above written.

Signed, sealed and delivered
in the presence of:

Witness Signature: Deborah Hunt
Print Name: Deborah Hunt

Witness Signature: Debie Sasser
Print Name: Debie Sasser

"GRANTOR" HANCOCK BANK

By: E. Dale Lindsey, Jr.
Title: Vice President
Address: One Hancock Plaza
P.O. Box 4019
Gulfport, MS 39502

STATE OF FLORIDA
COUNTY OF BAY

The foregoing instrument was acknowledged before me this 25th day of July 2012, by E. Dale Lindsey, Jr. Vice-President of Hancock Bank on behalf of a corporation. He is personally known to me or who produced identification and who did not take an oath.

[Signature]
Notary Public
My Commission Expires



[seal]

"Exhibit A"

Legal Description:

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF Okaloosa, STATE OF FL, AND IS DESCRIBED AS FOLLOWS:

Begin at the Northeast corner of Lot 26, Block A of Emerald Breeze Estates Subdivision as recorded in Plat Book 11, Page 71, of the Public Records of Okaloosa County, Florida; thence on the Eastern most North boundary of said Emerald Breeze Estates, and the Northern most Eastern boundary of said Emerald Breeze Estates the following two (2) calls: (1) proceed North $76^{\circ}43'33''$ West, a distance of 404.27 feet to the East right of way line of Kel-Wen Circle per the aforementioned plat of Emerald Breeze; (2) thence North $08^{\circ}33'01''$ East, on said East right of way, a distance of 301.02 feet to a point on the Southerly right of way line of State Road 30, (right of way varies); thence departing said Emerald Breeze Subdivision proceed South $76^{\circ}43'33''$ East, on said Southerly right of way line, a distance of 1030.60 feet to the point of intersection with the Westerly right of way line of Regatta Bay Boulevard South, (right of way varies); thence departing said South right of way line proceed on the West right of way line of said Regatta Bay Boulevard South the following three (3) calls: (1) thence South $08^{\circ}55'39''$ West, a distance of 150.94 feet to the point of curvature of a curve concave Easterly and having a radius of 575.00 feet; (2) thence on said curve through a central angle of $28^{\circ}29'31''$, an arc distance of 285.93 feet, (chord bearing = South $05^{\circ}19'07''$ East, chord distance = 283.00 feet), to the point of reverse curvature of a curve concave Westerly and having a radius of 234.00 feet; (3) thence on said curve through a central angle of $19^{\circ}27'12''$, an arc distance of 79.45 feet, (chord bearing = South $09^{\circ}50'16''$ East, chord distance = 79.07 feet) to the point of intersection with the North line of Sovereign Isle Subdivision, as recorded in Plat Book 15, Page 55, of the Public Records of Okaloosa County, Florida; thence on the North line of said Sovereign Isle proceed North $81^{\circ}25'22''$ West, a distance of 717.76 feet to the point of intersection with the Eastern most boundary of the aforementioned Emerald Breeze Estates Subdivision; thence on said Eastern most boundary proceed North $08^{\circ}57'20''$ East, a distance of 250.94 feet to the Point of Beginning.

Special Warranty Deed and Owner's Affidavit Exceptions:

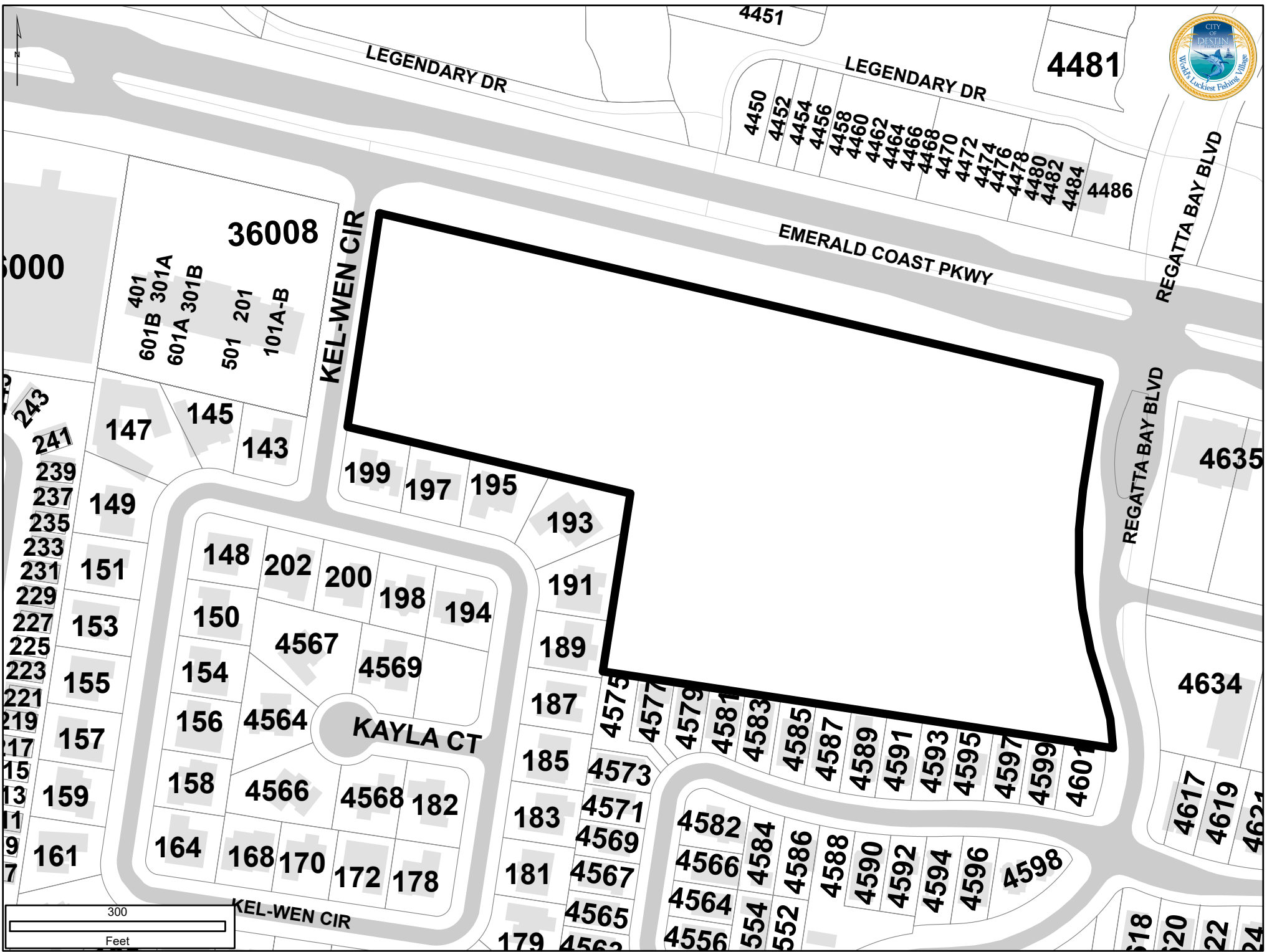
Taxes and assessments for the year 2012 and subsequent years, which are not yet due and payable.

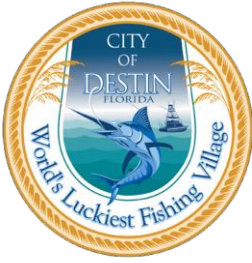
Declarations of Covenants, Conditions and Restrictions recorded in Official Records Book 1886, Page 441 and Official Records Book 1886, Page 455, of the public records of Okaloosa County, Florida,

JN

[illegible]

**GUIDRY PROPERTIES, LLC.
ALTA/ACSM LAND TITLE SURVEY**



**COMMUNITY DEVELOPMENT DEPARTMENT**

AGENDA ITEM

LOCAL PLANNING AGENCY MEETING DATE: October 17, 2019**TYPE OF AGENDA ITEM:** Staff Report and Recommendation

TO: Local Planning Agency

THRU: Community Development Director, Louis Zunguze
Principal Planner, Lauren Witt
Kimberly Kopp, City Land Use Attorney

FROM: Planner, Sam Brisolara
Planner, Traci Goodhart

DATE: October 9, 2019

SUBJECT: Proposed Zoning Map Amendment -19-32-LC: Area 6

BACKGROUND:

The proposed Zoning Map Amendment is a continuation of Ordinance 19-09-LC, which is a City initiated effort to align the current Zoning Map to the Future Land Use Map. Area 6 is currently zoned Institutional (INST) and Medium Density Residential – Village (MDR-V). The Future Land Use designation is Residential, Office and Institutional (ROI).

Additionally, two proposed Ordinances: 19-24-LC and 19-28-LC were created, under direction from City Council, which consolidate the Residential, Office, Institutional – General Development (ROI-GD) and Residential, Office, Institutional – Village Residential (ROI-VR) Zoning Districts, in which all parcels originally zoned ROI-GD become ROI-VR.

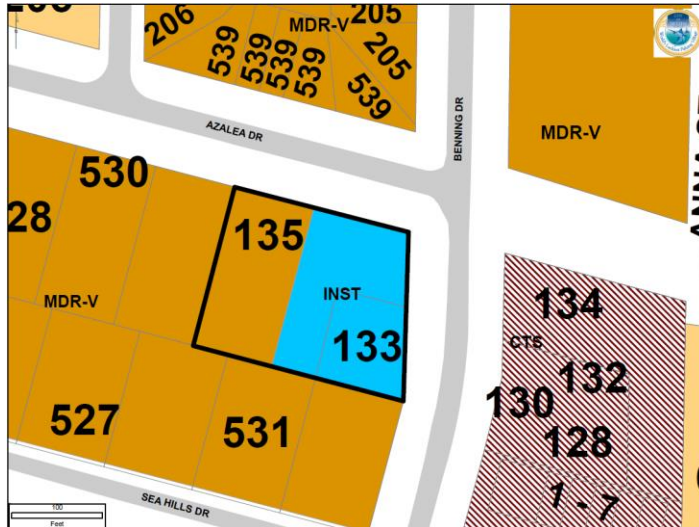
DISCUSSION:

Area 6 is comprised of two parcels (00-2S-22-0135-0000-0020, owned by Destin Water Users, and 00-2S-22-0135-0000-0010, owned by Azalea Square, LLC). The parcel owned by Destin Water Users is currently zoned Institutional. The parcel owned by Azalea Square, LLC is split zoned Institutional and Medium Density Residential – Village. In order to align the Zoning Map with the Future Land Use Map the property must be rezoned to an ROI classification.

Due to the proposed Ordinances mentioned above, there are three potential ROI classifications:

- ROI-TD (Residential, Office, Institutional – Tourist Development)
- ROI-CBR (Residential, Office, Institutional – Crystal Beach Residential)
- ROI-VR (Residential, Office, Institutional – Village Residential)

ROI-TD and ROI-CBR are location based and allow uses that do not reflect the character of the area. Therefore, Staff is recommending that Area 6 be rezoned to ROI-VR, consistent with the remainder of the parcels located south of Azalea Drive, between Melvin Street and Benning Drive, and promotes long-term residential uses and supportive services.



STAFF RECOMMENDATION:

Staff recommends that the LPA recommend City Council approve of proposed ordinance 19-32-LC.

MOTIONS:

I move the LPA recommend City Council approve proposed ordinance 19-32-LC.

Attachments:

Ordinance 19-32-LC

ORDINANCE NO. 19-32-LC

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 THE PROPERTIES DESCRIBED AND GENERALLY DEPICTED IN THE ATTACHED EXHIBIT A FROM INSTITUTIONAL (INST) AND MEDIUM DENSITY RESIDENTIAL-VILLAGE (MDR-V) TO RESIDENTIAL, OFFICE AND INSTITUTIONAL-VILLAGE RESIDENTIAL (ROI-VR); 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.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF DESTIN, OKALOOSA COUNTY, FLORIDA, AS FOLLOWS:

SECTION 1. AUTHORITY. The authority for enactment of this Ordinance is Article 1, Section 1.01(b) of the City Charter, Section 166.021, Florida Statutes and Chapter 163, Part II, Florida Statutes.

SECTION 2. FINDINGS OF FACT.

WHEREAS, Future Land Use Element Objective 1-3.6. of the City's Comprehensive Plan requires that the City ensure consistency between the City's Zoning Map, and the City's Future Land Use Map; and

WHEREAS, Future Land Use Element Policy 1-3.6.4 requires the City continually review land uses within the City and to ensure appropriate Future Land Use and Zoning Map categories that are consistent and that reflect the City's vision; and

WHEREAS, the City Council has determined that various parcels of property within the City of Destin are not currently within zoning categories that are consistent with the current Future Land Use designations in place for such properties; and

WHEREAS, the City Council desires to administratively rezone the properties listed and depicted in Exhibit A to zoning categories that are consistent with the current Future Land Use designations for such properties; and

WHEREAS, the City Council has determined that this ordinance is consistent with the adopted comprehensive plan and is in the best interests of the City and its citizens;

WHEREAS, after due public notice, a public hearing was conducted by the Local Planning Agency on October 17, 2019, and its recommendations reported to the City Council; and

WHEREAS, after due public notice, a public hearing has been conducted by the City Council.

SECTION 3. ZONING MAP AMENDMENT. The Official Zoning Map of the City of Destin, Florida, as referenced in the Land Development Code, section 7.12.01(A)2, Zoning Maps, is hereby amended to include a change of zoning map designation from Institutional (INST) and Medium Density Residential-Village (MDR-V) to Residential, Office and Institutional – Village Residential (ROI-VR), for Okaloosa County Property Identification Numbers **(00-2S-22-0135-0000-0020 and 00-2S-22-0135-0000-0010**, which parcels are generally depicted in Exhibit A, attached hereto and incorporated herein by this reference.

SECTION 4. INCORPORATION INTO LAND DEVELOPMENT CODE. This ordinance shall be incorporated into the City of Destin's Land Development Code and any section or paragraph number or letter and any heading may be changed or modified as necessary to effectuate the foregoing.

SECTION 5. CONFLICTING PROVISIONS. Special Acts of the Florida Legislature applicable to the incorporated area of the City of Destin, City Ordinances and City Resolutions, or parts, thereof, in conflict with the provisions of this ordinance are hereby superseded by this ordinance to the extent of such conflict.

SECTION 6. SEVERABILITY. Each separate provision of this ordinance is deemed independent of all other provisions herein so that if any portion or provision of this ordinance is declared invalid, all other provisions thereof shall remain valid and enforceable.

SECTION 7. EFFECTIVE DATE. This ordinance shall become effective upon its adoption by the City Council and signature by the Mayor.

ADOPTED THIS ____ DAY OF _____ 2019.

BY: _____
Gary Jarvis, Mayor

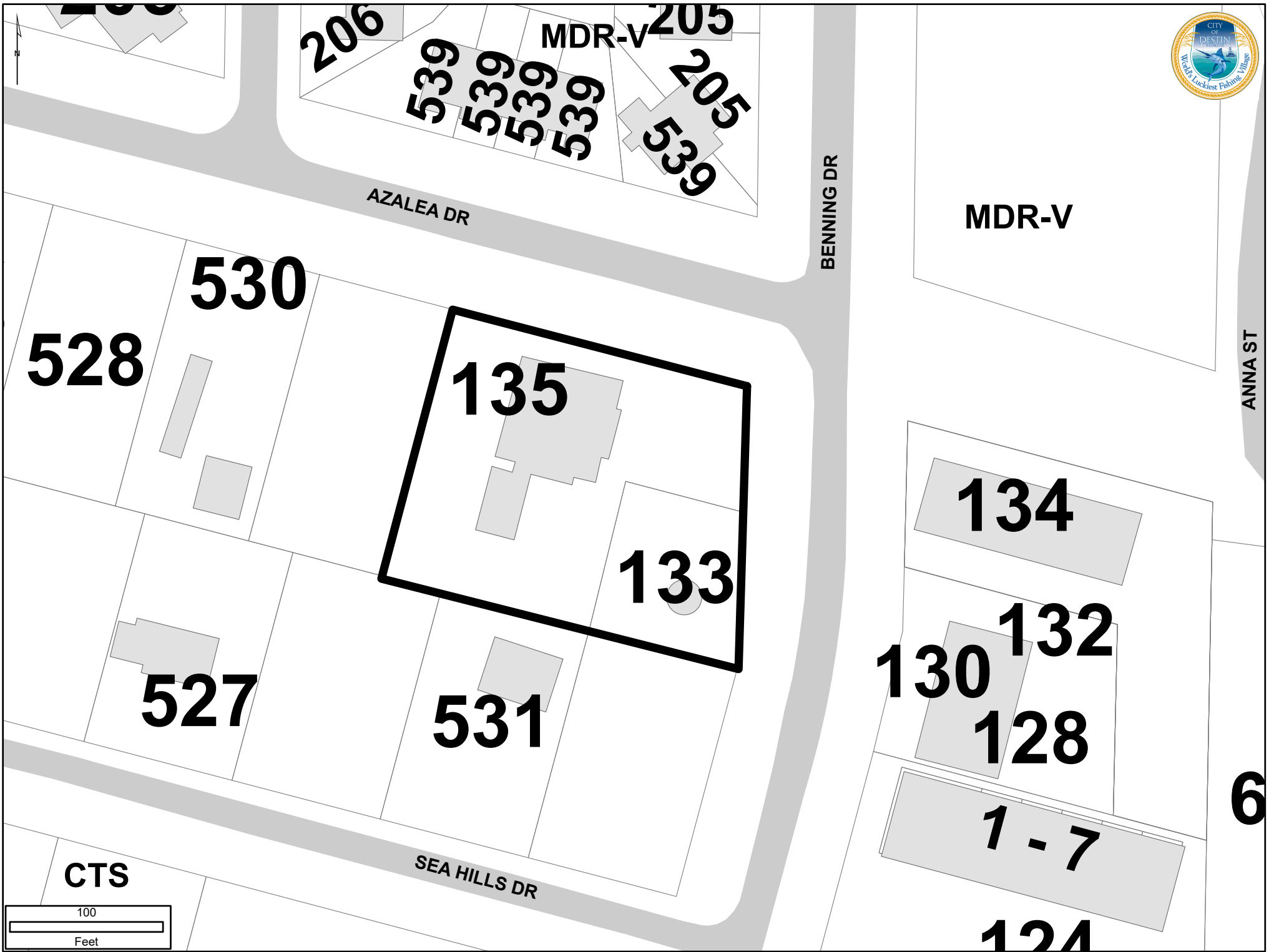
ATTEST:

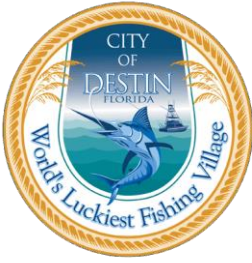
The form and legal sufficiency of the foregoing has been reviewed and approved by the City Land Use Attorney, for the City of Destin, only.

Rey Bailey, City Clerk

Kimberly Kopp, City Land Use Attorney

First Reading: _____
Second Reading: _____



**COMMUNITY DEVELOPMENT DEPARTMENT**

AGENDA ITEM

LOCAL PLANNING AGENCY MEETING DATE: October 17, 2019**TYPE OF AGENDA ITEM:** Staff Report and Recommendation

TO: Local Planning Agency

THRU: Community Development Director, Louis Zunguze
Principal Planner, Lauren Witt
Kimberly Kopp, City Land Use Attorney

FROM: Planner, Traci Goodhart
Planner, Sam Brisolaro

DATE: October 9, 2019

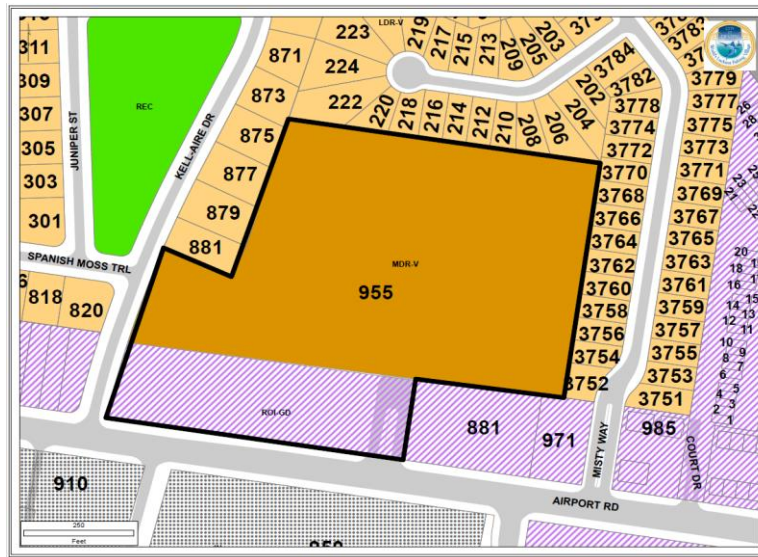
SUBJECT: Zoning Map Amendment
1. 19-33-LC: Sugarloaf Apartments

BACKGROUND:

The proposed Zoning Map amendment is a follow-up to Ordinances 19-24-LC and 19-28-LC:, which consolidated the Residential, Office and Institutional – General Development (ROI-GD) zoning district into the Residential, Office and Institutional – Village Residential (ROI-VR) district, and rezoned all parcels from ROI-GD to ROI-VR, as both zoning districts are focused on long-term residential development and supportive services. In this consolidation, all permitted uses in the ROI-GD district were converted to “Conditional” in the new ROI-VR district. This effort was directed by City Council in order to reduce the total number of zoning districts in the City of Destin. The subject property is the last parcel which has the ROI-GD zoning district designation.

DISCUSSION:

The location of the Sugarloaf Apartments is currently split zoned (Parcel ID: 00-2S-22-0000-0057-0010) ROI-GD and Medium Density Residential – Village (MDR-V). Due to the parcel’s current zoning, it could not be rezoned with the remainder of the ROI-GD parcels, and required a separate advertisement and ordinance. As a result of the proposed consolidation of ROI-GD and ROI-VR, Staff is recommending the entire parcel be zoned ROI-VR. The current use of “long-term multifamily” is a conditional use in the proposed zoning district, and therefore allowed. The proposed Zoning Map amendment provides consistency within the parcel, as well as with the surrounding land uses.

**STAFF RECOMMENDATION:**

Staff recommends that the LPA recommend approval to City Council of proposed ordinance 19-33-LC, which rezones Parcel ID 00-2S-22-0000-0057-0010 from MDR-V and ROI-GD to ROI-VR.

MOTIONS:

I move the LPA recommends approval to City Council of proposed ordinance 19-33-LC.

Attachments:

1. Proposed Ordinance 19-24-LC
2. Proposed Ordinance 19-28-LC
3. Proposed Ordinance 19-33-LC

ORDINANCE NO. 19-33-LC

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 THE PARCEL DESCRIBED AND GENERALLY DEPICTED IN THE ATTACHED EXHIBIT A FROM RESIDENTIAL, OFFICE AND INSTITUTIONAL-GENERAL DEVELOPMENT (ROI-GD) AND MEDIUM DENSITY RESIDENTIAL- VILLAGE (MDR-V) TO RESIDENTIAL, OFFICE AND INSTITUTIONAL-VILLAGE RESIDENTIAL (ROI-VR); 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.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF DESTIN, OKALOOSA COUNTY, FLORIDA, AS FOLLOWS:

SECTION 1. AUTHORITY. The authority for enactment of this Ordinance is Article 1, Section 1.01(b) of the City Charter, Section 166.021, Florida Statutes and Chapter 163, Part II, Florida Statutes.

SECTION 2. FINDINGS OF FACT.

WHEREAS, Future Land Use Element Policy 1-3.6.4 requires the City continually review land uses within the City and to ensure appropriate Future Land Use and Zoning Map categories that are consistent and that reflect the City's vision; and

WHEREAS, the City Council has determined that the Residential, Office & Institutional zoning districts in the City should be consolidated in the best interests of City residents, and as such, the Residential Office & Institutional-General Development (ROI-GD) zoning district will cease to exist and be rendered obsolete, pursuant to City of Destin Ordinance 19-28-LC; and

WHEREAS, the City Council desires to administratively rezone the parcels depicted in Exhibit A, from Residential, Office & Institutional- General Development (ROI-GD) and Medium Density Residential-Village (MDR-V) to Residential, Office & Institutional-Village Residential (ROI-VR); and

WHEREAS, the City Council has determined that this ordinance is consistent with the adopted comprehensive plan and is in the best interests of the City and its citizens;

WHEREAS, after due public notice, a public hearing was conducted by the Local Planning Agency on October 17, 2019, and its recommendations reported to the City Council; and

WHEREAS, after due public notice, a public hearing has been conducted by the City Council.

SECTION 3. ZONING MAP AMENDMENT. The Official Zoning Map of the City of Destin, Florida, as referenced in the Land Development Code, section 7.12.01(A)2, Zoning Maps, is hereby amended to include a change of zoning map designation from Residential Office and Institutional – General Development (ROI-GD) and Medium Density Residential-Village (MDR-V) to Residential, Office and Institutional – Village Residential (ROI-VR), for Okaloosa County Property Appraiser’s Parcel Identification Number: **00-2S-22-0000-0057-0010**, which parcel is generally depicted in Exhibit A, attached hereto and incorporated herein by this reference.

SECTION 4. INCORPORATION INTO LAND DEVELOPMENT CODE. This ordinance shall be incorporated into the City of Destin’s Land Development Code and any section or paragraph number or letter and any heading may be changed or modified as necessary to effectuate the foregoing.

SECTION 5. CONFLICTING PROVISIONS. Special Acts of the Florida Legislature applicable to the incorporated area of the City of Destin, City Ordinances and City Resolutions, or parts, thereof, in conflict with the provisions of this ordinance are hereby superseded by this ordinance to the extent of such conflict.

SECTION 6. SEVERABILITY. Each separate provision of this ordinance is deemed independent of all other provisions herein so that if any portion or provision of this ordinance is declared invalid, all other provisions thereof shall remain valid and enforceable.

SECTION 7. EFFECTIVE DATE. This ordinance shall become effective upon its adoption by the City Council and signature by the Mayor.

ADOPTED THIS ____ DAY OF _____ 2019.

BY: _____
Gary Jarvis, Mayor

ATTEST:

The form and legal sufficiency of the foregoing has been reviewed and approved by the City Land Use Attorney, for the City of Destin, only.

Rey Bailey, City Clerk

Kimberly Kopp, City Land Use Attorney

First Reading: _____
Second Reading: _____

