

**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 Brisolaro, 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. Brisolaro, 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**

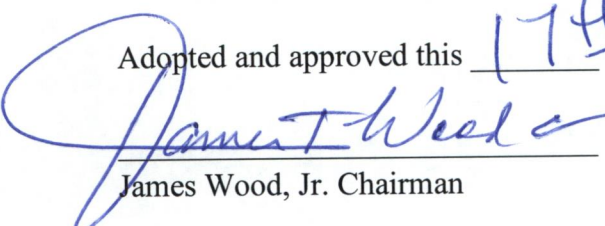
The members were polled on if they preferred getting their packets through the Dropbox link. A resounding no won out and it was determined that staff would from this meeting forward, use the CivicClerk link for meeting packets.

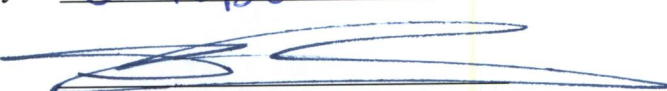
6. NEXT MEETING DATE: October 17, 2019

7. ADJOURNMENT:

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

Adopted and approved this 17th day of October 2019.


James Wood, Jr. Chairman


Rey Bailey, Destin City Clerk