

**LOCAL PLANNING AGENCY
MEETING MINUTES
OCTOBER 15, 2020 - 5:30 P.M.
DESTIN CITY HALL BOARDROOM**

1. CALL TO ORDER:

Chairman Wood called the Local Planning Agency Meeting to order on Thursday, October 15, 2020 at 5:30 p.m., in the Destin City Hall Boardroom; with the Pledge of Allegiance immediately following.

2. ROLL CALL:

Members Present

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

Staff Members Present

Kim Montgomery, Deputy City Clerk
Traci Goodhart, Stormwater Specialist/Planner
Daniel Butler, Planner
Kimberly Kopp, Land Use Attorney
Kyle Bauman, City Attorney

3. APPROVAL OF MINUTES:

January 23, 2020

August 20, 2020

Motion by Agency member Shelton seconded by Agency member David to approve the both the January 23, 2020 & August 20, 2020 minutes as written, passed with a vote of 6-0.

4. NEW BUSINESS:

A. Proposed Conditional Use 20-01-CU Harbor Place Townhomes

The Land Use Attorney read the description of the Conditional Use request and informed the members that this is a Quasi-Judicial Hearing.

Emerald Coast Associates, Inc. is requesting a Major Development Order (20-17-SP) and preliminary plat approval of a Major Subdivision (20-18-MS) and Conditional Use (20-01-CU) approval. The project consists of fifty-four (54) long-term residential townhome units, along with the associated infrastructure. The subject site contains 4.57 acres to be divided into 54 lots. The associated Parcel IDs are 00-2S-22-0310-000E-E170; 00-2S-22-0310-000E-E17B; 00-2S-22-0310-000E-E17A.

The Clerk swore in the following individuals for testimony:

Dean Burgis
Shane Cannon
Sandy Trammell

Karl Trammell

Mr. Dean Burgis, Engineer of Record for the applicant, Shane Cannon explained the location and the details of the project to the LPA members. He also stated this project meets all of the compatibility requirements in the code.

The Land Use Attorney explained to the members that this is the first Conditional Use to come before them and there are three elements within the application that they will be reviewing.

- Major Development Order. The major development order outlines the land development standards within for this project.
- Major Subdivision is essentially Platting this project and identifying setbacks, boundaries and buffers as well as all the other requirements in the LDC for this type of project, and then lastly
- The Conditional Use

She explained further that this request for a multi-family detached are considered Conditional Uses within the ROI-VR District and are required to come before them for recommendation to City Council. In addition, she explained this project was granted a Variance from the Board of Adjustment in January of this year to relocate the sidewalk because the elevation of Crane's Place would not allow sidewalks to be installed.

The Planning Staff, Traci Goodhart covered all requirements of the Land Development Code (LDC) that the application is required to meet for the Major Development Order, a Major Subdivision and the Conditional Use and informed the members project has met them all.

The Land Use Attorney informed the members their responsibility is to review the application for consistency with the Comprehensive Plan. Pointing out that staff has testified, as well as the staff report, tells you that the request is consistent with the Comprehensive Plan. Additionally, Policy 1.1-2 discusses the ROI zoning district and provides that single family and multi-family long-term residential units are allowed. Additionally, this request is for multi-family long term units meets the height requirements in both the Comprehensive Plan and the LDC and are indicated in the staff report at 35-feet / 3 Stories. She also spoke of how staff has testified that this request also meets the multimodal requirements in the Comprehensive Plan. And it is staff's opinion is that this request is consistent and should be recommended for approval.

The Chairman asked for clarification, when the motion is made, is their responsibility to approve, or not approve Conditional Use, Major Development Order (20-17-SP) and preliminary plat approval of a Major Subdivision (20-18-MS). According to the Land Use Attorney all three are a part of the approval.

Agency member Schmidt asked how the parking requirements are laid out for this proposal.

According to Mr. Burgis, there are two parking spaces per unit with one within the garage structure and the other in the driveway as well as 12 overflow spaces throughout the property.

Agency member Schmidt also asked if on street parking would be allowed and if there will be a

HOA associated with the project. According to Mr. Burgis, there will be an HOA associated with this project in order to maintain roads and parking restrictions, stormwater and general upkeep of all common areas. Agency member Schmidt then asked about the back of the units that face Azealia Drive and would the units be visible from the road similar to the ones that are on Airport Road. According to Mr. Burgis, the ones along the roadways will be privacy fenced.

Chairman Wood asked what the 37 trips generated was based on the traffic concurrency.

According to Mrs. Goodhart, the traffic concurrency analysis is determined by a Transportation Engineering Software. That looks at the peak hours, which are between 4-7 p.m. when the maximum trips are generated. And based upon the analysis, the information and the size of this project, being 54 townhome units, as proposed; it was analyzed, that 37 trips was predicted to be the maximum.

The Chairman opened the hearing to the public.

Sandy Trammell of 3823 Indian Trail spoke of owning property on Mountain Drive that abuts this project and how they agreed with the applicant for installing the sidewalks on Melvin. With the future transit stop going in, people may start walking, which would eliminate some of the traffic coming out of the project going towards Harborwalk. She did comment that she does not feel that the traffic counts are correct.

Karl Trammell of 3823 Indian Trail questioned the posting of the signage for the project and what is the required timeframe is for when it is supposed to be posted, what the requirements are for the public to be notified prior to it going before City Council. And lastly, he feels that there will be sluffing of the sand onto his property from what is left of Wildcat Mountain and other properties nearby and is concerned for his fence on his property.

Josh Tatum of 150 Azalea Drive spoke in favor of this project and how it will provide homes for some of the employees of his business.

Curtis Speagler business owner in Destin spoke of being in favor of this project because of the need for affordable housing in the city.

Michael Shoults of 913 Peacock's Point agreed with Mr. Speagler regarding need for affordable housing in the city. Adding that this is a nice, well designed project and is in favor of it.

Mr. Dean Burgis addressed each one of Mr. Trammell's concerns he broached. And staff confirmed that the signage was installed within the required 10-day notice requirements. Adding that the prior LPA meeting was delayed so, it was actually displayed longer than required.

Mr. Cannon addressed Mr. Trammell's concern for his fence by stating that their intention is to fence the entire perimeter of the property except for the areas that already has fencing. And as long as it's in good shape he has no intention of replacing what's existing. With the exception of the ingress/egress into the property.

Motion by Agency member Shelton, seconded by Agency member Ledbetter to recommend City Council approve Proposed Conditional Use 20-01-CU Harbor Place Townhomes The motion passed with a 6-0 vote.

B. Proposed Ordinance 20-06-LC Marina Siting

The City Attorney read the ordinance by title into the record.

ORDINANCE NO. 20-06-LC

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA AMENDING SECTION 11.05.00 OF THE LAND DEVELOPMENT CODE; AMENDING REGULATIONS FOR MARINA SITING; 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.

Agency member Klosterman spoke of his concerns he has regarding the language in the Commercial Marine Businesses located in the South Harbor Mixed Use and asked for clarification on commercial marine businesses who operate and have passenger vessel and must provide designated docking facilities and the requirements to pump out. As well as small charter board captains that come in and dock in the harbor to take people fishing. The Land Use Attorney explained that what they are required to look at is the language that is underlined and struck through. And any businesses that exist at this time are considered legal non-conforming and this ordinance would not affect their businesses if they are operating with a current business tax receipt.

The Chairman pointed out that there is language in the ordinance that speaks of the Tier System on page 8 of 10 that needs to be removed. The LUA took note and thanked the Chairman for bring that to staff's attention.

Agency member Shelton asked if the upland cuts pertains to other parts of the city. According to Mrs. Goodhart, the only areas of the city where upland cuts exist is on Holiday Isle. He also asked about the consequences of after-the-fact permits and how the fines need to be steeper to prohibit that action. According to the LUA, there is other language in the Code that applies to those problems. Also, Mr. Zunguze explained that staff is working to strengthening that language in the Code.

Chairman Wood opened the hearing to the public.

Mrs. Sandy Trammell questioned the requirements for pontoon boats and jet ski rentals that are docked in slips used to have a charter boat. Noting how unsafe they are because of people having to walk over the boats to get to the vessel they rented and she feels this issue needs to be addressed.

Mr. Mike Shoults questioned the requirements for docking facilities for livery vessels in the South Harbor Mixed Use and Calhoun Mixed Use zones. Adding that the language is vague and rather confusing to him. And suggested adding language after the word, "facilities" *that comply with the livery vessel permit for that property.*

Agency member Klosterman suggested that they table the ordinance so that some of the issues he brought up could be looked at by staff and then brought back to them before going to Council.

Motion by Agency member Klosterman to table this ordinance. The motion died for lack of a second.

Agency member Shelton made the motion to recommend City Council approve ordinance 20-06-LC with discussed language added and changes made as discussed with Agency member Schmidt providing the second. A roll call vote of 5-1 was taken with Agency member Klosterman dissenting.

C. Proposed Ordinance 20-18-LC eScooter Ban

The City Attorney read the ordinance by title into the record.

ORDINANCE NO. 20-18-LC

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, AMENDING ARTICLE 3 "DEFINITIONS" OF THE LAND DEVELOPMENT CODE; AMENDING ARTICLE 8 OF THE LAND DEVELOPMENT CODE TO PROHIBIT MOTORIZED SCOOTER RENTAL BUSINESSES, OFFICES, AND OTHER RELATED LAND USES WITHIN THE CITY OF DESTIN; 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.

The Land Use Attorney explained City staff reached out to the Council, on whether to create a pilot program to control or to ban commercial eScooters within the City of Destin. And last September, staff received direction to create an ordinance to ban commercial eScooters within the city. Additionally, staff noticed that Panama City Beach was trying to do the same thing and explained how they got challenged and upheld. Therefore, staff has based this code from the results of that challenge.

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

Agency member Schmidt asked if a Segway fell under the definition of a scooter. It was determined that they do not and those businesses that have tours would not be affected by this ordinance.

The Land Use Attorney pointed out that this ordinance would also not affect private use within the confines of a property, such as Harborwalk. Noting that it only prohibits the operation of commercial

businesses for this use in the city.

For clarification, Agency member David asked what exactly is being banned. According to the Land Use Attorney, the ordinance will ban the act of providing renting, delivering a motor scooter, or the solicitation of that service in the city. In essence, it will ban the businesses from operating in the city, not the uses.

Agency member Schmidt recommended staff to add to the language of the definition for eScooters in the ordinance "battery powered, or gas operated scooters."

Motion by Agency member Schmidt, seconded by Agency member Klosterman to recommend City Council adopt Ordinance 20-18-LC with the additional change to include battery powered, solar powered and other means to operate scooters. The motion passed with a 6-0 vote.

D. Proposed Ordinance 20-29-LC Luxury Motor Home Resorts/CMUV

The City Attorney read the title of the Ordinance into the record.

ORDINANCE NO. 20-29-LC

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, AMENDING ARTICLE 7, ZONING AND REGULATORY CONTROLS, OF THE LAND DEVELOPMENT CODE; CHANGING THE LIST OF PERMITTED, CONDITIONAL AND PROHIBITED USES TO INCLUDE LUXURY MOTOR HOME RESORTS AS A CONDITIONAL USE IN THE CALHOUN MIXED USE VILLAGE (CMU-V) ZONING DISTRICT; AMENDING TABLE 7-2, TABLE OF ALLOWABLE USES; PROVIDING FOR AUTHORITY; 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.

Daniel Butler, Planner explained to the Agency members that Council directed staff to create an ordinance that would regulate the zoning and regulatory controls of a luxury home motor resort within Calhoun Mixed Use Village (CMUV) Zoning District. And currently, the LDC outlines the zoning and regulatory controls for this in Article seven, adding that there is already Land Development Standards for this use, per Table 7-2, of the Table of Allowable Uses. And this is currently listed as a permitted use in the Gulf Resort Mixed Use (GRMU) Zoning District, as well as the Bay Resort Mixed Use (BRMU) Zoning District. And as defined in the city's LDC, a luxury motorhome is a motorhome longer than 26 feet, and having a current market value of not less than \$100,000.00 based on the current edition of the National Automobile Dealers Association Pricing Guide, and has to be maintained and be rust and cracked free. Additionally, staff recommends the members look at the revised Tables 7-2 of the Allowable Uses to Conditional Uses within this CMUV Zoning District.

Chairman Wood opened the hearing to the public for comment.

Mr. Mike Buckingham of 510 Calhoun Avenue spoke of recently purchasing a parcel of land and how as it relates to this ordinance where he is wanting to have high end luxury RV rentals and how his plan is to have plus or minus 16 sites. He explained that they would be equivalent to comparing a Viking Yacht to pontoon boat, And that these high-end RVs costs anywhere in the neighborhood of around a half million dollars and spoke of how the restrictions would bring in the type of customers he feels the city would want. And he is requesting their approval and recommendation of this ordinance.

The Land Use Attorney informed the Agency members that the application Mr. Buckingham is referring to has not been made yet and cannot be made until this use is allowed in the CMUV zoning district. Emphasizing that they are only considering the ordinance that would allow Luxury RVs as a conditional use in the CMUV zoning district and nothing more.

Mr. Jim Ball, Destin resident spoke of how #10 describes Luxury Motor Home Resorts and the language says a minimum parcel size lot must be 10 acres. And asked if staff plans to change the size of the acreage that would allow Luxary RV park? According to the LUA, not at this time. Mr. Ball then pointed out that there are not lot sizes in the zoning district to support this. Mr. Zunguze answered that is for the market to determine that statement. And lastly, Mr. Ball pointed out that this use is currently not allowed. According to Mrs. Goodhart, that is the reason for this ordinance to allow such as use as a Conditional Use Application if it's adopted.

Mr. Mike Shoults, 913 Peacock's Point spoke against the ordinance stating that he owns several parcels in Destin and two abut Mr. Buckingham's property. He spoke of how he has been working with the city for the past few years making upgrades to his properties in this zoning district and does not feel that recreational vehicles fits into what is in the general area of this zoning district. He addressed his concerns of these types of vehicles having to take the neighborhood streets to exit out of Destin as well as how they could potentially cause additional back ups in traffic for other vehicles truing to access properties in along Calhoun and Sibert Avenues.

Mr. Brad Shoults, 138 Calhoun and owns several parcels in the CMUV Zoning District spoke of how he is against this ordinance as well. And stated that he does not feel that this kind of use is the right thing to allow in this area of Destin.

Mr. Mike Buckingham stated for the record that there are plenty of people that own RV's in the area and can get in and out with no issues.

Agency member David asked if someone owned a parcel smaller than 10-acres in this district, would they apply for a Variance to allow this use.

The Land Use Attorney advised the members regarding the lot sizes, they could always start low, such as one acre. And that way when an application comes in, staff can make the recommendations based on the detailed criteria that is currently in the code for Conditional Uses, which is Article seven.

Agency member Schmidt asked, for procedures sake, what the next steps are for this ordinance and

request.

According to the Land Use Attorney, the ordinance will go to council, for first reading, and if it's approved on first reading, it will go to a second reading and adoption. If it's not approved on first reading, then it will end right there. Or, if approved on first reading, they could vote to send it back before the LPA for additional work if they wanted to add more to it. Then it would have to go through the 1st and 2nd readings again. And when a Conditional Use Application request comes in, just like the one they heard earlier, it would come before them first and then on to Council to be heard just once, for approval or denial.

Motion by Agency member Klosterman, seconded by Agency member Schmidt to recommend City Council adopt Ordinance 20-29-LC, with the amendment to the language by replacing the 10-acres to 1-acre parcel. A roll call vote of 3-3 was taken with Agency members Klosterman, Schmidt, and Chairman Wood in favor of the motion and Agency members Ledbetter David, and Shelton voting against the motion. So, the motion fails.

There was a procedural discussion on what steps the Agency members could take by either making a motion to table the ordinance and make recommendations on what they feel needs to be added to the ordinance or to make the recommendation for Council to not adopt the ordinance.

Motion by Agency member David to recommend City Council deny the adoption of Ordinance 20-29-LC with Agency member Ledbetter providing the second. A roll call vote of 3-3 was taken with Agency members Ledbetter, Shelton, and David voting for the motion and Agency members Klosterman, Schmidt and Chairman Wood voting against the motion.

The Land Use Attorney informed the Agency members that staff will take this ordinance to City Council and inform them in the staff report that it was a tie both ways. Therefore, they were unable to get a recommendation.

5. DIRECTOR'S REPORT:

Staff reminded the Agency members the importance for everyone to use their city issued emails for all city related business.

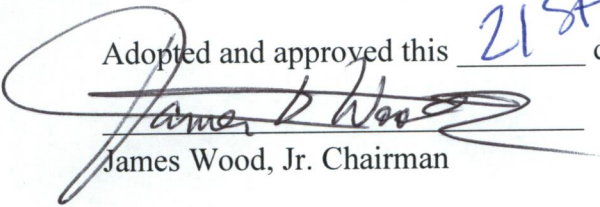
The City Attorney explained to the members reason why they were issued city e-mail addresses was for their own protection. He provided the members of an example of if the City would get into any public records litigation, and if you are still using your private e-mail address, you could be subject to court review. Which could include the court going through your private e-mails and by law they can go so far as confiscating your computer.

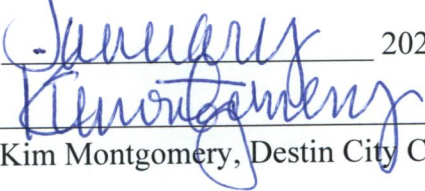
6. NEXT MEETING: November 19, 2020

7. ADJOURNMENT:

Having no further discussion at this time, the meeting adjourned at 7:45 p.m.

Adopted and approved this 21st day of January 2020


James Wood, Jr. Chairman


Kim Montgomery, Destin City Clerk