

**LOCAL PLANNING AGENCY
MEETING MINUTES
MARCH 18, 2021 - 5:30 P.M.
DESTIN CITY HALL BOARDROOM**

1. CALL TO ORDER:

Chairman Wood called the Local Planning Agency Meeting to order on Thursday, March 18, 2021 at 5:30 p.m., in the Destin City Hall Boardroom; with the Pledge of Allegiance immediately following.

2. ROLL CALL:

<u>Members Present</u>	<u>Members Absent</u>	<u>Staff Members Present</u>
James T. Wood, Jr.	Darryl Shelton	Kim Montgomery Deputy City Clerk
Marcie Bell		Lauren Witt Senior Planner
Jason Klosterman		Daniel Butler Planner
Don David		Don Smith Engineer
Karen Drexler		Joe Bodi Engineering Asst. II
Corey Ledbetter		Kimberly Kopp Land Use Attorney
		Kyle Bauman City Attorney

3. APPROVAL OF MINUTES:

February 18, 2021

Motion by Agency member Klosterman, seconded by Agency member David to approve the February 18, 2021 minutes as written. The motion passed 6-0.

4. OLD BUSINESS:

None

5. NEW BUSINESS:

Motion to set aside the order of the day and move Item E into the A position was made by Agency member Bell with Agency member Ledbetter providing the second. The motion passed 6-0.

A. Proposed Ordinance 21-07-LC relating to the creation of a historic district in the City of Destin.

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

ORDINANCE NO. 21-07-LC

**AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA RELATING TO PRESERVING
THE HISTORIC ZERBE-CALHOUN AREA WITHIN THE CITY OF DESTIN;**

AMENDING ARTICLE 7 OF THE LAND DEVELOPMENT CODE, "LAND USE, TYPE, DENSITY, INTENSITY, ZONING AND REGULATORY CONTROLS" TO CREATE A ZERBE CALHOUN HISTORIC DISTRICT OVERLAY; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR BOUNDARIES OF THE ZERBE-CALHOUN HISTORIC OVERLAY; ESTABLISHING A PROCESS FOR DESIGNATION OF STRUCTURES AND SITES SIGNIFICANT TO THE HISTORY OF THE ZERBE-CALHOUN HISTORIC OVERLAY AREA; ESTABLISHING CRITERIA FOR DESIGNATION OF STRUCTURES AND SITES SIGNIFICANT TO THE HISTORY OF THE ZERBE-CALHOUN AREA; ESTABLISHING A CERTIFICATE OF APPROPRIATENESS; AUTHORIZING CODE WAIVERS; PROVIDING FOR APPEALS; PROVIDING FOR PENALTIES; 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 informed the members that this was a Council directed ordinance for staff to create this ordinance. And the two things that this ordinance does is, it mirrors what has been done in the Harbor with the historic harbor overlay. Which allows and encourages preservation in the Comprehensive Plan. Which helps keep the Festive Market Place alive and well and it allows, through an application process, for staff and Council to review them prior to the approval process. Regarding the map, she brought to everyone's attention that the Destin Fishing Museum was inadvertently left off and will be corrected prior to this being taken before City Council.

Mrs. Witt added that the ordinance also includes language for the criteria of any other historical structures that are significant to the area to be processed and deemed appropriate.

The Chairman opened the hearing to the public.

Mrs. Jan Best of 504 Norriego Street and serves on the Harbor CRA-AC. Spoke of being the one who introduces this concept to the Harbor CRA and then to City Council. She provided additional information on how she discovered two of the founding families of Destin, the Zerbe's and the Calhoun's got together and agreed a meeting place was needed. And how Mr. Taylor Calhoun donated the property where the Community Center is located to the citizens of Destin for a meeting place.

The Chairman mentioned he does not like the term "Certificate Appropriateness." And asked if it could be changed to "Certificate of Historical Significance" instead of "Appropriateness." According to the Land Use Attorney, that is the term that was used in the Ordinance for the Harbor Area and chose it, to stay consistent.

Mr. Zunguze added that the term is what, as a community, is deemed appropriate. And it's an industry term that is used very often with these types of ordinances.

Agency member Ledbetter made the recommended motion that the Local Planning Agency recommends City Council approve proposed Ordinance 21-07-LC, with Agency member Bell

providing the second. With no further discussion, the Chairman called for the vote and the motion passed 6-0.

B. Proposed Ordinance 20-24-LC relating to Low Speed Vehicles

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

ORDINANCE NO. 20-24-LC

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, REGULATING LOW SPEED VEHICLES; AMENDING ARTICLE VIII "TRANSPORTATION" AND CREATING A NEW SECTION 8.09.04 ENTITLED "ALTERNATIVE MODES OF TRANSPORTATION"; DEFINING "LOW SPEED VEHICLES"; PROVIDING FOR LIMITED OPERATION OF LOW SPEED VEHICLES ON CERTAIN CITY STREETS; PROHIBITING LOW SPEED VEHICLES ON SPECIFIED STREETS; 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.

Engineering Assistant, Joe Bodi informed the members that the ordinance has previously come before them last year. However, when it went before Council, they directed staff to not allow LSV's on Main Street, Airport Road, portions of Indian Bayou Trail and a section of Gulfshore Drive from La Paz to the intersection of Highway 98.

The Chairman opened the hearing to the public. With no one coming forward to speak, he closed the public and turned the discussion over to the Agency members.

The members discussed moving the restrictions on Gulfshore Drive from La Paz to the intersection at Moreno Point Road because of the speeding that takes place along the area where the roadway turns into a 4-lane road up to the traffic light.

Motion by Klosterman to recommend City Council amend allowing LSV's access on Gulfshore Drive from La Paz back to Moreno & Gulfshore Drive, with Bell providing the second. Motion Failed with a 3-3 vote.

Agency member Drexler asked if there are any plans to have signage up along the routes so people will know where they are allowed and where they are not allowed. According to Mr. Bodi, staff does intend to erect signage informing the public of LSV friendly roadways.

There was a discussion regarding how the tourist are going to know what roads they will be allowed on and how there are so many rental homes that provide just plain golf carts. How are they to know they're not allowed on the roads. Also, concern was raised how is the information going to get out. According to Mr. Forgione, he will make sure to get the information is distributed to all of his the short term rental contacts.

Agency member Bell asked if LSV's count as a parking space at a rental home. According to Mr. Forgione, they do.

The Chairman spoke of how this ordinance can always be amended later after this has been in effect. And if Council feels its necessary to make additional changes to the roads where they are allowed, it can be amended.

Motion by David to recommend City Council to approve proposed ordinance 20-24-LC, with Agency member Drexler providing the second passed 6-0

C. Proposed Ordinance 21-04-PC relating to the regulation of building height in the Comprehensive Plan.

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

ORDINANCE NO. 21-04-PC

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, AMENDING ITS COMPREHENSIVE PLAN: 2020; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR TITLE; PROVIDING FOR JURISDICTION; PROVIDING FOR INTENT; AMENDING CHAPTER 1 - FUTURE LAND USE ELEMENT RELATED TO BUILDING HEIGHTS TO PROVIDE FOR CONSISTENCY WITH THE CITY CHARTER; PROVIDING FOR TRANSMITTAL TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY; PROVIDING FOR INCORPORATION INTO THE COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

The Land Use Attorney informed the members that back in November of 2020 the citizens voted to put the current maximum building height in the Comprehensive Plan in the Charter. And, to add a Variance process for those that want something higher than the six-story maximum currently allowed in the city. Additionally, the process would require that it go to public referendum vote and then back to city council for a final decision, if first approved by the voters.

The Chairman opened the hearing to the public, with no one coming forward to speak, he closed the public hearing and turned the discussion over to the Agency members.

Agency member David asked if a developer is applying for a project that will call for this Variance and a referendum has to be held, does the developer bear the cost?

According to Ms. Kopp, yes the developer will be responsible and the fees will be provided in the application process and will be based on if the developer wants it on the General Election or a Special Election.

Motion by Agency member Bell with Agency member Ledbetter providing the second, to recommend City Council approve ordinance 21-04-LC and direct staff to submit the proposed ordinance to the State Department of Economic Opportunity for review. A roll call vote of 6-0 was taken and the motion passed.

At this time, the City Attorney realized that he skipped Ordinance 21-03-LC and asked the chairman to call for a motion to change the order of the day.

Motion by Agency member Bell, seconded by Agency member Ledbetter to change the order of the day so that Ordinance 21-03-LC could be heard next. The motion passed unanimously.

D. Proposed Ordinance 21-03-LC relating to the regulation of building height in the Comprehensive Plan.

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

ORDINANCE NO. 21-03-LC

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, PROVIDING FOR AMENDMENTS TO ARTICLE 7, SECTION 7.12.08 "DIMENSIONAL REQUIREMENTS"; AMENDING TABLE 7-3 "SCHEDULE OF DIMENSIONAL REQUIREMENTS IN ZONING DISTRICTS"; PROVIDING FOR CONSISTENCY WITH THE CITY'S COMPREHENSIVE PLAN; PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE, CONFLICTING PROVISIONS, SEVERABILITY, AND AN EFFECTIVE DATE.

According to Mr. Butler, this ordinance addresses the inconsistencies between Chapter 1, Future Land Use Element and the LDC, Table 7-3, scheduled dimensional requirements. Noting, that the last time the Comprehensive Plan was amended to amend the building height requirements, there are still some inconsistencies with the Density and the FAR between those amended items and Table 7-3 in the LDC. So, this would clean up those inconsistencies.

Agency member David made the motion to recommend City Council approve ordinance 21-03-LC with Agency member Bell providing the second. With no further questions or comments, the motion passed 6-0

E. Proposed Ordinance 21-05-PC relating to the requirement for pitched roofs in the City of Destin.

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

ORDINANCE NO. 21-05-PC

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, AMENDING ITS COMPREHENSIVE PLAN: 2020; PROVIDING FOR AUTHORITY; PROVIDING FOR

FINDINGS OF FACT; PROVIDING FOR TITLE; PROVIDING FOR JURISDICTION; PROVIDING FOR INTENT; AMENDING CHAPTER 1 - FUTURE LAND USE ELEMENT, POLICY 1- 2.1.4 RELATING TO ROOFING AND ROOF PITCH; PROVIDING FOR TRANSMITTAL TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY; PROVIDING FOR INCORPORATION INTO THE COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Mrs. Witt explained currently, in the Comprehensive Plan there is a requirement that 60% of the roof on all buildings are required to be pitched, with a specific slope between a minimum pitch of 5:12 and a maximum pitch of 12:12 is required for the fully pitched roofs above the cornice line. Which certain projects are not eligible for a Variance through the Board of Adjustment process because, it is a Comprehensive Plan requirement. Additionally, staff sees this as a future problem based on the requirements of mechanical equipment required on the roofs. Which causes a hardship to meet both the requirement for the pitch roof and the spacing requirements from the Florida Building Code for mechanical equipment. It also forces the layout issues for the inside of the building, based on where their rooftop mechanical equipment is located. So, the goal of this ordinance is not to remove those requirements, but to keep the intent of the design, and remove the specific technical requirement of 60%. Which would then be housed in the Land Development Code and the Comprehensive Plan. She then provided the members with an example of this problem with the Conditional Use they approved recently for the Panda Express.

Agency member David asked why the clause is in the ordinance regarding the City Manager or his designee and why it doesn't just state the Community Development Director. The Land Use Attorney explained that ultimately the City Manager has the power to direct staff and is why the clause reads as it does.

Agency member David made the motion to recommend City Council approve proposed Ordinance 21-05-PC and direct staff to submit the proposed ordinance to the Florida Department of Economic Opportunity, with Agency member Drexler providing the second. The motion passed 6-0.

F. Proposed Ordinance 21-06-LC relating to the regulation of police and fire protection within the City of Destin.

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

ORDINANCE NO. 21-06-LC

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, PROVIDING FOR AMENDMENTS TO ARTICLE 7 OF THE LAND DEVELOPMENT CODE "LAND USE, TYPE, DENSITY, INTENSITY, ZONING AND REGULATORY CONTROLS"; AMENDING TABLE 7-2 "TABLE OF ALLOWABLE USES" TO INCLUDE POLICE PROTECTION AND FIRE PROTECTION AS A CONDITIONAL USE IN ALL CITY ZONING DISTRICTS"; PROVIDING FOR CONSISTENCY WITH THE CITY'S COMPREHENSIVE PLAN; PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE, CONFLICTING PROVISIONS, SEVERABILITY, AND AN

EFFECTIVE DATE.

City Planner Daniel Butler explained currently there is a use in table 7-2 in the Land Development Code labeled as Justice Public Order and Safety Activities which entails Fire and Police protection under the North American Industry Classification System (NAICS) code. However, this use is only permitted in two zoning districts and as a Conditional Use in one zoning district. With these being some of the city's smallest zoning districts, what this ordinance would do is it would add a NAICS code for specifically Police and Fire Protection and make them a Conditional Use in all zoning districts in the city.

The Chairman opened the hearing to the public. With no one coming forward to speak, he closed the public portion of the hearing and asked the Agency members for comments or a motion.

Motion by Agency member Ledbetter to recommend City Council approve Ordinance 21-06-LC, with Agency member David providing the second. A roll call vote of 6-0 was taken and the motion passed.

G. Proposed Ordinance 21-08-LC relating to amendments to the multi-family long term uses in the Commercial General zoning district in Article 7 of the Land Development Code.

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

ORDINANCE NO. 21-08-LC

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, PROVIDING FOR AMENDMENTS TO ARTICLE 7 OF THE LAND DEVELOPMENT CODE "LAND USE, TYPE, DENSITY, INTENSITY, ZONING AND REGULATORY CONTROLS" TO REQUIRE MULTI-FAMILY LONG-TERM USES TO INCLUDE COMMERCIAL COMPONENTS IN THE COMMERCIAL GENERAL (C-G) ZONING DISTRICT; PROVIDING FOR CONSISTENCY WITH THE COMPREHENSIVE PLAN; PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE, CONFLICTING PROVISIONS; SEVERABILITY, AND AN EFFECTIVE DATE.

Mr. Butler explained that Ordinance 21-08-LC would amend the LDC to prohibit long-term residential uses without a commercial component of at least 45% of publicly leasable commercial space. And currently, long-term residential uses are already conditional within the CG Zoning District. However, staff wants to add a minimum of 45% to keep the intent of the Commercial Zoning District.

Agency member Ledbetter asked for an example of one already built.

Mr. Butler explained that if somebody was to propose a long-term residential multicomplex units of ten units or more, at least 45% of that space would have to be publicly leasable to a commercial tenant. And explained further that if the sites 5,000 square feet then just under twenty-five hundred square foot would have to be available for public lease.

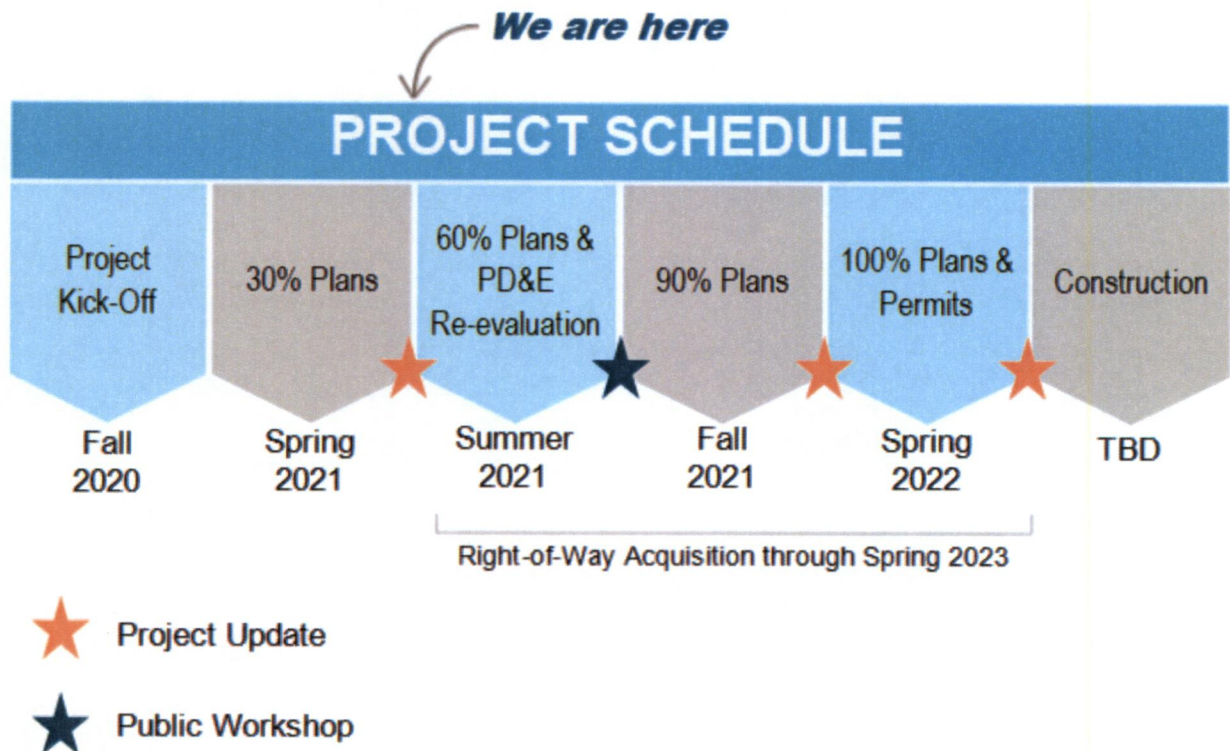
Mrs. Witt added an example of the Vintage Destin apartments near Target explaining those would not be able to be built, if this provision were already passed or, 45% of that development would be required to be commercial to keep the intent of the Commercial General District.

Agency member Bell made the recommended motion for the Local Planning Agency to recommend City Council approve proposed Ordinance 21-08-LC, with Agency member Ledbetter providing the second. A roll call vote of 6-0 was taken and the motion passed.

H. Cross Town Connector Update

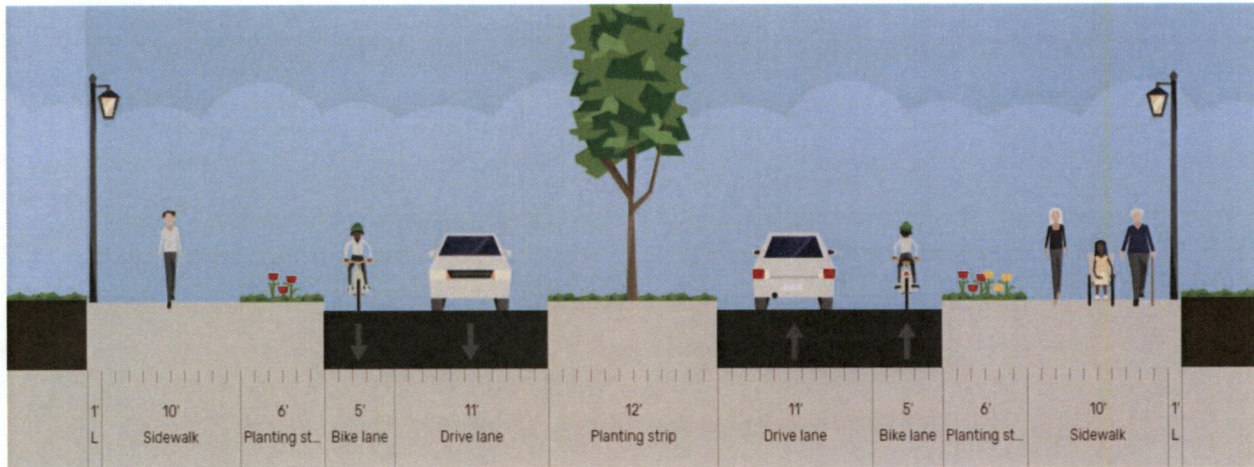
The City Engineer provided the Agency members with an update of the status of the Crosstown Connector (CTC). He provided a short Power Point Presentation of the background of the project and how currently it is at a 30% status, the following goals that have been met:

- June 1, 2020 – City Council approved the redesign of the CTC from a 4-lane to a 2-lane roadway.
- October 19, 2020 – City entered a contract with Atkins for redesign.
- February 2021 – Atkins provided 30% plans for review and comment.



CTC Design Element:

- Boulevard Style Roadway with a large, landscaped median.
- Benning Intersection Proposed All Way Stop, as directed by City Council.
- Beach Intersection Proposed Roundabout.
- Open Space –Possible Linear Park.



According to the Chairman, he checked with FDOT's 5- year work plan, prior to the meeting and they are showing in 2021 of \$5.865M in 2022 of 1.7 million and Okaloosa County has given us 1.6 million per year for three years for construction.

The City Attorney explained that the amount from the TDC was lowered to \$3.3 total and because they had to shift some funds around so that the city council complete the beach acquisition project.

6. **DIRECTOR'S REPORT:**

According to Mr. Zunguze, the long-awaited Harbor Capacity Study began last month, and the Steering Committee appointed by Council to oversee the study, has started to meet as well. The study should take about a year to establish the environmental health of the harbor, the overall safety for our visitors and workers, and the viability of the businesses on the harbor in order for City Council to be able to create potential guidelines.

Mr. Zunguze also informed the Agency members that staff has started the undertaking of the Land Development Code Update. They will be presenting the proposed budget and contract for approval at the April 5th City Council Meeting. After which staff will be bringing it before them to outline how they are going to proceed.

7. **NEXT MEETING: April 19, 2020**

8. **ADJOURNMENT:**

Having no further discussion at this time, the meeting adjourned at 7:30 p.m.

Adopted and approved this 15th day of April 2021.

James Wood, Jr.
James Wood, Jr. Chairman

Kim Montgomery
Kim Montgomery, Destin City Clerk