

**LOCAL PLANNING AGENCY
MEETING MINUTES
JULY 22, 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, July 22, 2021, 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
Karen Drexler
Corey Ledbetter

Members Absent

Jason Klosterman
Marcie Bell

Staff Members Present

Kim Montgomery City Clerk
Steve O'Connor Senior Planner
Daniel Butler Planner
Sae More
Tunazzina Alam
Don Smith
Louis Zunguze CD Director
Kim Kopp (telephone)

3. APPROVAL OF MINUTES:

June 3, 2021

Motion by Agency member Ledbetter, seconded by Agency member Shelton to approve the June 3, 2021, minutes as written. The motion passed 4-0.

4. OLD BUSINESS:

None

5. NEW BUSINESS:

A. Ordinance No. 21-14-CN relating to the abandonment of the Egret Court Right-of-Way (ROW).

Community Development Director, Mr. Louis Zunguze read the ordinance by title into the record.

ORDINANCE NO. 21-14-CN

**AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, PROVIDING FOR
AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR
ABANDONMENT OF THE ENTIRE SEGMENT OF EGRET COURT RIGHT-**

OFWAY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

The Engineering Assistant explained the applicant is requesting a Vacation of the entire ROW, which is 200' x 50' located on the north side of Mountain Drive. The request has been reviewed and meets the Section 8.01.00. § D-1 & 2 of the Land Development Code (LDC), and staff recommends approval based on the criteria of the LDC being met with the following:

According to the LDC, Article - 8, Section 8.01.00, subsection D. 1, 2, 3, 4, and 5, the Local Planning Agency (LPA) is required to make a specific list of findings in order to approve a vacation request. The LPA, in order to make a positive recommendation to City Council must find that all five (5) conditions have been met. The findings that the LPA must make are listed below, along with staff's review.

1. The requested vacation is consistent with the Comprehensive Plan.

Staff Review: The proposed vacation does not reduce public circulation and is not integral with the future corridor alignment. The vacation does not conflict with the Comprehensive Plan and specifically, Policy 2-1.1.3: Maintain New Road Corridor Alignments. Or Policy 2-1.3.23: Use Multimodal Transportation District Performance Measures.

2. The ROW does not provide the sole access to any property. Remaining access shall not be by easement.

Staff Review: No ingress and egress easement are required for sole access of any other property. The proposed access to the two properties shall remain a joint access to Mountain Drive in its current configuration.

3. The vacation would not jeopardize the current or future location of any utility.

Staff Review: All the utility agencies have submitted clearance letters identifying no significant impact as a result of this vacation however, several have requested easements.

4. The proposed vacation is not detrimental to the public interest. City ownership of the ROW is no longer necessary to accomplish any valid city purpose. The city has not granted any easements which will be adversely affected by the vacation.

Staff Review: Currently the proposed portion of right-of-way to be vacated, abandoned, discontinued, and closed and used for ingress and egress by the applicants and their guests. There is no closure of current or future planned roadway or pedestrian connectivity.

5. No city owned right-of-way, or any portion thereof, may be vacated if the city's right-of-way shares any boundary with a water body.

Staff Review: The proposed vacation does not share any boundaries with water bodies. The Vacation of right-of-way is consistent with and meets City requirements. It is also ITEM # 2021-3862 important note the specific circumstances at this location:

- This property is in the North Harbor Planning Area and is zoned as Commercial Trades and Services.
- The current use is consistent with the zoning district, but the lots size is not consistent with the anticipated businesses.
- Because of the use, an automobile repair shop, the right of way is commonly being utilized by the property owners.
- If the City were to enforce the illegal use of right of way, it would be effectively putting these businesses out of business. Auto repair shops need some amount of storage while awaiting parts. This area must leave open access to the building to operate and for safety in case of an emergency.
- Because of the nature of the businesses expected at this location, the right of way commonly has activity that restricts its use. Since some residents are aware this is public right of way, they constantly complain that the right of way should be clear. Federal and state standards require agencies to dispose of excess right of way for this reason as it often leads to misuse and/or complaints related with the property.
- It is not practical for Code Compliance to constantly enforce this area as the expected outcome. And due to the zoning, the likely result is some use of the right of way that is not for roadway or access purposes.
- It is not the intent of public agencies to hold property that does not have a public purpose. This property does not have a public purpose as stated above. As a condition to the approval, the City will require the applicant to complete the following items immediately following City Council approval:

1. Zoning Map Amendment Application
2. Future Land Use Map Amendment Application
3. Re-Plat Application
4. Development Order Application for each property.

The Agent for the Applicant, Mary Grace Rahm explained to the LPA members that this ROW is inconsequential, it has no purpose and does not go anywhere.

Mr. Guy Tadlock of 502 Gulf Shore Drive stated that he understands the request but disagrees with it and doesn't feel that it's in the best interest of the public. He spoke of a similar property that goes all the way to Azalea that is of no use. And although the current property owner uses it, it's still owned by the City. And he feels that these parcels could be used for parking in the Harbor District. He then spoke of similar properties of the same size on Mountain Drive selling for well over a Million dollars and feels that giving away the ROW would only benefit the property owner in an advantageous way.

Mr. Karl Trammell 3823 Indian Trail stated that he owns three parcels on Mountain Drive with two being within a 100-feet of this and spoke of how this particular property is in the white sand zone but has clay that has been covered by crushed stone. He spoke of how when it rains, the red clay comes out onto the street. And asked if the applicant would have to control the stormwater if this is approved. He then stated that he feels it's a mistake to give away any land away in the Harbor

District and spoke of how a similar parcel of the same size just sold for over a million dollars. Especially with the City trying to obtain million dollar beachfront property.

With no one else coming forward to speak, the Chairman closed the hearing to the public and opened the discussion with the LPA members.

Agency member Shelton spoke of being on the LPA for several years and how these vacation issues have come up from time to time, and he has never voted yes. And although some did not get approved by Council, some of them did. With the one case being the Marler Parking Lot where the city would have lost much needed parking spaces. And the other being one owned by a developer that benefited from the Vacation in the sum of near \$800k. He feels the same as Mr. Tadlock and Mr. Trammell, that it would be detrimental to the public interest of the city to give away over a quarter of an acre of land within a 5-minute walk to the harbor.

Agency member Drexler agrees as well and does not feel that the city should give any land away.

Agency member Ledbetter asked the applicant what exactly the property owner's intentions are for the land.

According to Ms. Rahm, the owner's intentions is for additional parking for his business. Adding that he was asked by the Code Compliance Department to apply for a Vacation of ROW application because they were consistently seeing cars from his business parked in the ROW. Additionally, the ROW is dedicated only for ingress/egress so it could only be used for that purpose only. She spoke of how she understands that the city does not actually own it, it's just for ingress/egress and cannot ever be converted into parking. Therefore, the city cannot sell it because they do not own a fee title to it. And since it doesn't go anywhere, it not a valuable asset to the city.

Agency member Ledbetter spoke of how because of the way the buildings are situated, and the use of the ingress/egress being the only access into the two properties, there is no other use for the parcel. Ms. Rahm affirmed his statement and added that essentially when the easement is vacated, the underlying adjacent property owners will own fee title to the center of the road.

The Land Use Attorney confirmed that the property could not be used by the city for anything other than ingress/egress. And if the vacation is approved, the city is essentially saying, it is no longer needed for that public purpose of ingress/egress, and they are willing to vacate it and give up the ROW interest.

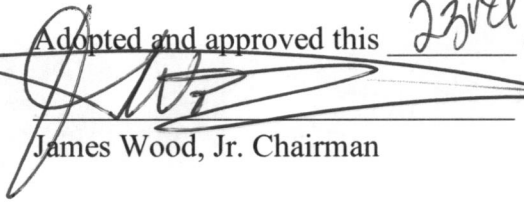
Agency member Ledbetter made the motion that the City Council recommend approval of the request to vacate, abandon, discontinue and close this portion of Egret Ct. ROW, based on findings pursuant to the five requirements identified in the Land Development Code, Section 8.01.00 § D, with Chairman Wood providing the second to the motion. A roll call vote of 2-2 was taken and the motion failed, with Chairman Wood and Agency member Ledbetter voting for the motion and Agency members Drexler and Shelton voting against the motion.

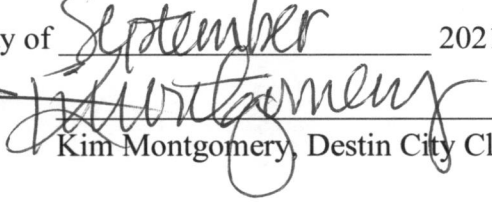
The Land Use Attorney explained to everyone that the request will go on to the City Council without a recommendation from the LPA and will be explained in the staff report.

6. **ADJOURNMENT:**

Having no further discussion at this time, the meeting adjourned at 6:05 p.m.

Adopted and approved this 23rd day of September 2021.


James Wood, Jr. Chairman


Kim Montgomery, Destin City Clerk