

**DeFuniak Springs Planning Board
Regular Meeting Minutes
City Council Chambers
October 5, 2020**

Planning Director Kelly Schultz called the meeting to order at 5:30 p.m. Planning Director Kelly Schultz announced that Steve Youell had resigned and read his resignation letter stating it was effective immediately.

2. Invocation and Pledge of Allegiance - Planning Director Kelly Schultz asked Board member B. Brown to lead the invocation and Pledge of Allegiance.

3. Roll Call – Ms. Schultz called roll. The following Planning Board members were in attendance: Graham Campbell-Work, LaKisha Brinson, Brandy Brown, Charlie Kelley, Tyrone King and Rudy Sangl. Mayor Bob Campbell was in attendance as an ex-officio member. The following were also in attendance: Planning Director Kelly Schultz, City Attorney Clay Adkinson, City Manager Mell Smigielski and City Clerk Maryanne Schrader.

Planning Director Kelly Schultz mentioned that ex-officio members Michelle Doggett and Jack Kiger were not in attendance.

Planning Director Kelly Schultz asked for a motion to elect a Chair.

Motion by Board Member B. Brown to nominate Board Member Graham Campbell-Work as Chair. Board Member Graham Campbell-Work declined. Motion died for a lack of a second.

Motion by Board Member C. Kelly and seconded by Board Member B. Brown to elect Board Member R. Sangl as Chair.

VOTE: Graham Campbell-Work, aye; Brandy Brown, aye; LaKisha Brinson, aye; Charlie Kelley, aye; and Tyrone King, aye. 5 – 0. All ayes. Motion carried.

Planning Director Kelly Schultz asked for a motion to elect a Vice-Chair.

Motion by Board Member Graham Campbell-Work and seconded by Board Member T. King to nominate Board Member B. Brown as Vice-Chair.

VOTE: all ayes. Motion carried.

4. Meeting Minutes – Chair R. Sangl asked for a motion to approve the minutes July 20, 2020.

Motion by Board Member Graham Campbell-Work and seconded by Board Member B. Brown to approve the minutes of July 20, 2020.

VOTE: Graham Campbell-Work, aye; Brandy Brown, aye; LaKisha Brinson, aye; Charlie Kelley, aye; Tyrone King, aye; and Rudy Sangl, aye. 6 – 0. All ayes. Motion carried.

Chair R. Sangl asked for a motion to approve the minutes of August 3, 2020.

Motion by Board Member G. Campbell-Work and seconded by Board Member B. Brown to approve the regular meeting minutes of August 3, 2020.

VOTE: Graham Campbell-Work, aye; Brandy Brown, aye; LaKisha Brinson, aye; Charlie Kelley, aye; Tyrone King, aye; and Rudy Sangl, aye. 6 – 0. All ayes. Motion carried.

5. New Business – Chair R. Sangl introduced the first application.

City Attorney C. Adkinson asked those who would provide public comment on a combination of Item A and Item B to be sworn in. Nolan Baker and Planning Director K. Schultz were sworn in.

A. Small Scale Map Amendment Application, File #2020-SSA-02

Applicant: Nolan Baker, Baker Engineers, LLC
 Request: To amend the FLUM from Commercial to Medium Density Residential
 Location: 537 North 20th Street (Highlander Apartments)
 Action: Make recommendation to City Council (Approve, Approve with Conditions, Continue or Deny)

Planning Director Kelly Schultz said the items A and B are linked. She said the property is located on the east side and an apartment building is already located in the area.

Planning Director Kelly Schultz explained Mr. Baker has asked the Board to amend the FLUM from Commercial to Medium Density Residential located at 537 North 20th Street. She said it was originally zoned C-1, however, the land use designation is commercial and does not have residential density. The request is to amend the FLUM to commercial R-2, with sixteen dwelling units per acre, as well as changing the map.

Planning Director Kelly Schultz stated Mr. Baker is representing the applicant. She explained the next step would be for the developer to submit development plans after approval, and the plans would have to come back to the Board and Council.

In response to Chair R. Sangl and the question on if he has planned units, Mr. N. Baker said the applicant wants to take the first step before proceeding with the design. N. Baker said the property covers about four acres. Planning Director Kelly Schultz added the property abutting Mr. Copeland’s property is also residential.

Motion by Board Member G. Campbell-Work and seconded by Board Member T. King to recommend to the City Council to approve and adopt the Ordinance amending the FLUM from Commercial to Medium Density Residential located at 537 North 20th Street and close the Public Hearing.

VOTE: Graham Campbell-Work, aye; Brandy Brown, aye; LaKisha Brinson, aye; Charlie Kelley, aye; Tyrone King, aye; and Rudy Sangl, aye. 6 – 0. All ayes. Motion carried.

B. Zoning Map Amendment Application, File #2020-RZ-03

Applicant: Nolan Baker, Baker Engineers, LLC
 Request: To amend the City’s Official Zoning Map from C-1, Commercial Restricted, to R-2, Multifamily
 Location: 537 North 20th Street (Highlander Apartments)
 Action: Make recommendation to City Council (Approve, Approve with Conditions, Continue or Deny)

Chair R. Sangl asked if anyone had public comment. No one came forward.

Motion by Board Member C. Kelly and seconded by Board Member B. Brown to recommend amending the City’s Official Zoning Map from C-1, Commercial Restricted, to R-2, Multifamily located at 537 North 20th Street.

VOTE: Graham Campbell-Work, aye; Brandy Brown, aye; LaKisha Brinson, aye; Charlie Kelley, aye; Tyrone King, aye; and Rudy Sangl, aye. 6 – 0. All ayes. Motion carried.

C. Variance Application, File #2020-VAR-04

Applicant: Kim Wennerberg
 Request: Variances from 1) 10% minimum open space requirement, allowing 100% lot coverage, and 2) to allow the removal of protected trees and waive the requirement to replace them, for the addition of a 2-story deck onto the eastern side of the existing building
 Location: 23 South 7th Street
 Action: Make recommendation to City Council (Approve, Approve with Conditions, Continue or Deny)

Chair R. Sangl recused himself from discussion on Item C, as he owns the property next door. He passed the gavel to Vice Chair B. Brown.

Vice Chair B. Brown introduced the next request for variances from 1) 10% minimum open space requirement, allowing 100% lot coverage, and 2) to allow the removal of protected trees and waive the requirement to replace them, for the addition of a 2-story deck onto the eastern side of the existing building located at 23 South 7th Street.

Planning Director Kelly Schultz stated the applicant, Kim Wennerberg, is in the process of purchasing the property located at 23 South 7th Street. She explained the property is C-1 and in an historic overlay district. It was constructed in 1937. It does not meet setback requirements. She explained there is an area to the rear that is open space. She said Ms. Wennerberg wants to remove trees in the open space, however, the trees are listed as protective trees and are very large. The ordinance states if she removes the trees, she would have to replace them at the size of the ones removed. She added Ms. Wennerberg has requested that we waive the requirement to replace the trees. There are zero lot lines in the area. She added Ms. Wennerberg wants to build a 2-story deck onto the eastern side of the existing building with stairs.

K. Wennerberg came forward and stated that she wants the area to be attractive. She plans to add flower boxes and a privacy hedge.

Chair R. Sangl stated the trees hang over his property and his insurance company advised him that it is a hazard to his property.

City Attorney Clay Adkinson stated the motion can be joined as they are interrelated.

Vice Chair B. Brown asked for public comment. No one came forward.

Motion by Board Member C. Kelly and seconded by Board Member G. Campbell-Work to recommend variances from 1) 10% minimum open space requirement, allowing 100% lot coverage, and 2) to allow the removal of protected trees and waive the requirement to replace them, for the addition of a 2-story deck onto the eastern side of the existing building located at 23 South 7th Street.

VOTE: Graham Campbell-Work, aye; Brandy Brown, aye; LaKisha Brinson, aye; Charlie Kelley, aye; Tyrone King, aye; and Rudy Sangl, aye. 6 – 0. All ayes. Motion carried.

Vice Chair B. Brown passed the gavel back to Chair R. Sangl.

Board Member G. Campbell-Work left at 5:51 p.m.

City Attorney Clay Adkinson said the Comprehensive Plan textual amendment allows for residential land uses for properties that have commercial future land use designations that are in the historic district.

D. Comp Plan Textual Amendment, File #2020-CP-02

Applicant: City of DeFuniak Springs
Request: Ordinance to revise the Comprehensive Plan to allow residential land uses (dwelling units) for properties that have commercial future land use designations that are in the historic district
Action: Make recommendation to City Council (Approve, Approve with Conditions, Continue or Deny)

Planning Director K. Schultz said they researched ways to amend the land development code. She has spoken with the DEO and a suggestion was given to not have to create a land use category, but to amend what we have and make an exception to the historic district that has a land use designation.

Planning Director K. Schultz stated the developer wants to add 24 dwelling units mentioning the area does not have the percentage mix. K. Schultz read the agenda item language stating the properties located in the historic district that are designated with the commercial land use category can be redeveloped to include a maximum residential density of 24 dwelling units per gross acre. This will not allow for a building that is just residential. There are changes to the land development code to allow the change in use.

Chair R. Sangl asked for comment. No one stepped forward.

Citizen Keenan Powell asked about what happens if the commercial property goes defunct. City Attorney Clay Adkinson said there must be a component for commercial land use. It does not define whether a business was active or not.

M. Henderson came forward as a resident of the historic district. She said mixed use is much more viable in keeping with the commercial district.

Motion by Board Member B. Brown and seconded by Board Member C. Kelley to recommend revising the Comprehensive Plan to allow residential land uses for properties that have commercial future land use designations that are in the historic district, as presented.

VOTE: Brandy Brown, aye; LaKisha Brinson, aye; Charlie Kelley, aye; Tyrone King, aye; and Rudy Sangl, aye. 5 – 0. All ayes. Motion carried.

E. Land Development Code Textual Amendment, File #2020-LDC-01

Applicant: City of DeFuniak Springs

Request: Ordinance to revise the Land Development Code, to allow residential land uses (dwelling units) on properties with C-1, Commercial Restricted zoning designations and that are in the historic district

Action: Make recommendation to City Council (Approve, Approve with Conditions, Continue or Deny)

Chair R. Sangl introduced the next request for an Ordinance to revise the Land Development Code, to allow residential land uses (dwelling units) on properties with C-1, Commercial Restricted zoning designations and that are in the historic district.

Motion by Board Member B. Brown and seconded by Board Member C. Kelley to recommend an Ordinance to as discussed.

VOTE: Brandy Brown, aye; LaKisha Brinson, aye; Charlie Kelley, aye; Tyrone King, aye; and Rudy Sangl, aye. 5 – 0. All ayes. Motion carried.

6. Old Business

A. Recreational Vehicle (RV's) Regulations in the City Limits

Planning Director K. Schultz went over the draft language that came from discussions from the Aug 3rd and July 20th minutes.

She asked if the Board was agreeable for the proposed language to forward to the Council.

Chair R. Sangl said the draft is a good start. He received comments on 4A about the word “clean” being subjective. He would like to strike “clean”. On 8A, the word other structures, he thinks it should be defined or do we need the statement.

City Attorney Clay Adkinson asked if the Board would need another structure for permitting as opposed to dwelling units. If you do not include it, it could go up against someone’s fence.

Chair R. Sangl commented that the properties are small, so the ten-foot requirement would be offset.

Board member B. Brown agreed with getting rid of the “other structure”, as long as it is not in the setback.

Chair R. Sangl brought up 9B, regarding the 14-day period for guests in a 30-day period. He asked whether it was consecutive. City Attorney Clay Adkinson said the interpretation is correct, but 9C prohibits it. If you have people coming in and out, it becomes a short- or long-term rental, adding frequency and duration becomes an issue.

Citizen Keenan Powell asked that the time period be removed, as it is no one’s business who stays in his motor home. He added neighbors should take care of their neighbors. R. Sangl mentioned it was included in the former ordinance.

Board member T. King stated an ordinance was passed in 1990 ruling a mobile home was not permitted in the city limits. He added an RV should not obstruct the driveway.

Citizen Dan Cosson agreed with K. Powell. He said as long as the RV is clean and kept in operating order, he does not think it is a problem. He said if it is a blight issue, he supports taking care of it. He said there are a lot of exceptions on why the city should not act on it.

Dr. Melinda Henderson came forward agreed that some RV’s are being used as dwelling units and some have a blight problem. She added a generator is noisy but no different than a lawn mower.

Citizen Joe Dobson agreed but added that the ordinance does not make exception for a generator. He and his wife used their RV to quarantine themselves. He mentioned the setback of 10-feet from the fence and house makes it difficult to park. For the setback from the road, there is no distinction between the setback of the new and the grandfathered setback.

Chair R. Sangl mentioned 9 (d), asking is we should include the Mayor issuing guidance in conjunction with FEMA guidelines in the event of a state or local emergency. City Attorney Clay Adkinson said it is not up to the Mayor to set policy, as he only sets the emergency policy. In 9 (d) references that “Travel trailers may be permitted for use as a temporary residence under a variance of the DeFuniak Springs Municipal Zoning code after the city Planning Board has made a recommendation using the applicable guidelines established by the City Council governing trailer and mobile home variances”. It is not a unique guideline to emergencies.

City Attorney Clay Adkinson said a state of emergency does not allow for the ordinances to be thrown out. He mentioned that under #10, the Board could add something regarding a temporary shelter in construction or an emergency circumstance and not tie it to a state of emergency.

Chair R. Sangl asked how the Board wanted to go forward, since changes have been discussed.

City Attorney Clay Adkinson said we need a recommendation to send to the Council.

Board Member C. Kelley mentioned getting rid of the 14-day and keeping the short term – long term restriction, as a neighbor would call if there was a problem. He agreed with eliminating “other structure” and adding “clean”. City Attorney Clay Adkinson suggested based on what the Board stated to delete 9 (b) and amend 9 (c), by dropping reference to short term and long term, fold #10, as #9 states “No persons should occupy a travel trailer for living purposes except: that c), stating that “Travel trailers shall not be used for short-term or long-term rentals. This needs to be its own clause, as it does not fit, as it should not be “except”. It should not be used for rentals and keeping “Except in an approved RV park” becoming (b) and dropping 10 (c).

City Attorney Clay Adkinson said by striking “clean” in (a) (4), it will read “Travel trailers must be will maintained and in working order.” In (a) (8), we will strike other structures, so it will read, “Travel trailers shall be parked or stored at least ten (10) feet from any dwelling. He added that in 9 (b), we will delete in its entirety and move 9 (c) into its own subsection, “Travel trailers shall not be used as “rentals” except in an approved RV park, and move 10 into a subsection under 9 – “A travel trailer may be used as a temporary shelter incidental to construction on or development of the premises on which the trailer is located, only during the time construction or development is actually underway”. He went on to state that Florida law has limited what we can do with RV parks.

Motion by Board Member C. Kelley and seconded by Board Member L. Brinson to recommend an Ordinance to amend Section 18-53 (Draft of 10/1/2020) which will be presented in Ordinance form with the following changes by striking in (a) (4) strike “clean”, (a) (8) strike “or other structure”, under 9 we will delete 9 (b) in its entirety and move 9 (c) into its own subsection, short-term and long-term rentals will be referenced as “rentals” except in an RV Park, and 10 will fold into a subsection under 9.

City Attorney Clay Adkinson said the language will be placed in ordinance form and go Council for to 1st reading.

K. Powell asked about the 10-foot setback requirement, but City Attorney Clay Adkinson said the comments section was closed. He added he will be able to bring it up to the Council on 1st or 2nd reading.

Dr. Henderson asked whether the setback is for the purpose of allowing passage of emergency vehicles, the Public comment section was closed.

VOTE: Brandy Brown, aye; LaKisha Brinson, aye; Charlie Kelley, aye; Tyrone King, aye; and Rudy Sangl, aye. 5 – 0. All ayes. Motion carried.

7. Citizen Comment

Chair R. Sangl opened the floor for non-agenda items.

8. Adjournment

Chair R. Sangl asked if there was any other business for consideration and hearing none asked for a motion to adjourn.

Motion by Board member C. Kelley and seconded by Board member L. Brinson to adjourn.

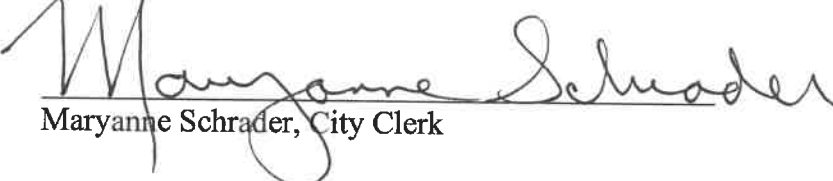
The meeting was adjourned at 6:32 p.m.

ADOPTED this 5th day of April, 2020.



R. Sangl, Planning Board Chairman

ATTEST:



Maryanne Schrader, City Clerk

