

**DeFuniak Springs Planning Board
Regular Meeting Minutes
City Council Chambers
July 6, 2020**

Chairman Youell called the meeting to order at 5:30 p.m.

2. Invocation and Pledge of Allegiance - Chairman Youell asked Mayor Campbell to lead the invocation and Pledge of Allegiance.

3. Roll Call – Ms. Schultz called roll. The following Planning Board members were in attendance: Chairman Steve Youell, LaKisha Brinson, Brandy Brown, Graham Campbell-Work, 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, and City Manager Mell Smigielski and City Clerk Maryanne Schrader. Board member was Charlie Kelley excused. Chris Strawn with Code Enforcement. a quorum was declared present.

Planning Director K. Schultz mentioned that Jackie Kite had to resign for health issues.

4. Meeting Minutes - Chairman Steve Youell asked for a motion to approve the minutes of May 4, 2020.

Board member R. Sangl asked that on Item G, 2nd to the last paragraph, the word should be “meeting” instead of “media”.

Board member R. Sangl asked for a follow up from page 6 and 7, asking if Mr. Parker submitted a detailed plan within the fifteen-day period. Planning Director K. Schultz replied the detailed plan has been received for the 200 acres that is Veterans Lodge, but we are still waiting for on items for the developer agreement. City Attorney Clay Adkinson said they have submitted the conceptual plan, but the developer cannot technically submit the other items until we finalize the process.

Motion by Board Member G. Campbell-Work and seconded by Board Member B. Brown to approve the regular meeting minutes of May 4, 2020, as amended.

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

5. New Business – Chair S. Youell introduced the first application to schedule a Public Hearing.

A. Abandonment Request, File #2020-ABANDON-01

Applicant: Andrea Q. Miley
Location: ROW Adjacent to 444 Dorsey Avenue
Request: Abandon City ROW (to allow him to construct a driveway and carport)
Action: Make recommendation to City Council (Approve, Approve with Conditions, Continue or Deny)

Chairperson Steve Youell gave a summary of the abandonment request and explained Mr. Miley is requesting the city right of way adjacent to 444 Dorsey Avenue be abandoned, so the applicant can construct a driveway and carport and asked for recommendations from the Board.

Board member R. Sangl said he was puzzled that the request is before the Planning Board, as the Board does not hear abandonment issues and is not within the Planning Board rights or powers. He stated the correct process is per Ordinance in Chapter 18 for the city staff to receive it and the Planning Director bring it before Council within thirty days of receipt. He believes the request was received in time for the issue to go before the City Council on June 22nd. He said the requester could have a valid grievance.

City Manager M. Smigielski came forward and stated he made the request to bring it to the Planning Board first. He wanted the Planning Board to review it, as the Board looks at future developments. When it comes to this property, it could have a big effect on what happens to the property to the south. He thought the Planning Board should be aware of it in the event something should happen in the future regarding this area.

In response to Board member R. Sangl on whether the ordinance needed to be changed, City Attorney Clay Adkinson referred to Ordinance 628, Section 22-2 which states the staff should submit to the Council and hear it within 30 days upon receipt. To the point made by Mr. Sangl, the powers and duties of the Board are not embodied in the Ordinance, but what your requirements and powers are. He mentioned F.S. 163-3174, stating the Planning Board as the governing local planning agency, broadly under our Ordinance, it is appropriate for staff to bring it forward if they believe it is something the Board should hear.

City Attorney Clay Adkinson went on to say recommendation could not be stated that it could not go before Council, as it would not come from the Board to approve. He added the concern in this case was brought by the city engineer, who was concerned there may be future utility issues. That goes with long range planning and similar issues. He said if the Planning Board chooses to hear it, he does not think it creates a grievance. If the Board does not wish to hear it, it could be passed to the Council without recommendation.

Chair S. Youell asked if the Board would like to hear the request.

Motion by Board member R. Sangl to not hear it. Chair S. Youell stated the motion failed for a lack of a second.

Planning Director K. Schultz explained Mr. Miley owns the property at 444 Dorsey Avenue and wishes to abandon the right-of-way (ROW). The area to the west of the property is in question. She displayed a picture of the plat that created the ROW from 1913. She said the ROW goes north and south. It would continue on South Davis Lane, if developed. This section has never been opened, but if developed it could serve two properties that are south of Mr. Miley. Mr. Miley owns both north and south of the alley. Other people own the property west of the alley. South of the alley has not been developed and is owned as investment property by another owner. The city engineer recommends the city not abandon the ROW, as it could be valuable in the future for access and utilities. Staff recommends it be forwarded to Council and denied. She added if the ROW should be abandoned, the city would give half of the ROW to both owners on either side.

In response to Chair S. Youell, Planning Director K. Schultz said no property owners have been notified, as that is done at the time of the Public Hearing.

In response to Mayor Campbell, City Attorney Clay Adkinson replied that if anyone made improvements for access to the ROW, he would have to research the deed, but someone would need the blessing of the city.

Planning Director K. Schultz said there are wetlands to the south of Mr. Miley's property. There is a 30-foot setback that would preclude any development on the property now. She added it is close to Hwy 280, in response to Board member R. Sangl.

Chair S. Youell called Mr. Miley forward.

Andrea Miley came forward. He explained the plat was done in 1913. His grandparents purchased the property in 1925 and always believed they owned the property in question. He wants to add a carport to his home. He stated the city engineer has determined the city may want the ROW for future use or ROW. However, the property is wetland. He added there are other areas for access on Douglas and North Avenue. He added that on plats 6 and 7, show there are other ways to get to the property. He just wants the first part of the ROW to build the driveway and carport. He has already spoken to the other property owner effected by the ROW. He added he had always thought the property belonged to him and has maintained it for the last seventeen years. He has not obtained a survey yet.

Mayor Campbell pointed out the County map appeared to be skewed.

In response to Chair S. Youell, Mr. Miley replied there was no other location to place the carport. He added the city engineer should walk the property to get a better look.

In reply to Board member, R. Sangl, the side yard is not suitable, as they have expanded the house. He said the west side of the home is short. He added he has not had the property surveyed yet.

Chair S. Youell suggested if the ROW is skewed and the same width of Davis, you may have room.

Mr. Miley voiced concern about the getting a survey. The Board discussed how the County lines may not be correct. Mayor Campbell added the line north of Davis appear to be in his favor and suggested getting the survey.

Motion by Board Member T. King and seconded by Board Member B. Brown to table the request until Mr. Miley gets a survey done on the property before Council can take action.

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

City Attorney Clay Adkinson said the recommendation from the Board for Mr. Miley to get the survey done before Council will take action. Planning Director K. Schultz said we would need to get a notice advertised for the Council to hear it on July 27th.

City Attorney Clay Adkinson told Mr. Miley that if he got the survey done prior to July 27th, the Council may not need to hear it. So, the abandonment is still pending until the Council hears his request.

Mayor Campbell suggested that Mr. Miley get a letter from the other neighbors prior to coming to the Council. Planning Director K. Schultz said the property will make it a corner lot, so the abandonment would be his only option. Mayor Campbell also told Mr. Miley he will need a buffer, and Planning Director K. Schultz said the buffer has to be 10 feet between the house to the carport per the fire code. Mr. Miley’s property is zoned R-2, which is a 25-foot front yard setback.

Board Member T. King said he has two front yards and added the setback issue is not coming before the Planning Board tonight.

B. Comp Plan Amendment, File #2020-CP-01

- Applicant: City of DeFuniak Springs
- Request: Ordinance to create a new future land use designation in the Comprehensive Plan to be known as Planned Development (PD)
- Action: Make recommendation to City Council (Approve, Approve with Conditions, Continue or Deny)

Chairman S. Youell introduced the Ordinance to create a new future land use designation in the Comprehensive Plan to be known as Planned Development (PD). He added it is up to the Planning Board to make a recommendation to City Council.

Planning Director K. Schultz explained that it is a text amendment to create the category for land use to be known as a Planned Development (PD). She said it is similar to mixed use, which requires a part as being residential. This PD would require 24 dwelling units an acre, the non-residential is 1.0 ratio, and permitted land use is dependent on what the developer would request under the developer’s agreement. The intent is to allow for flexibility of design. She added the need for this requirement became apparent with the submittal of Veterans Lodge. They have the conceptual plan so they know where the lines will be. They need flexibility in case they need to shift the lines with Council approval, so it would be up to the Planning Board to revise the overall conceptual plan and be approved to submit their detailed plan. She added even with the PDP, the property has to have the future land use category.

In response to R. Sangl on whether the ordinance was developer driven, City Attorney Clay Adkinson replied that the ordinance is a city-sponsored text-based amendment to the Code. The Council adopted the PDP Ordinance, but the issue becomes if someone is doing a large-scale development and wishes to do a PDP, they may have to amend their land use multiple different ways. He went on to explain, the idea of a PDP should allow for flexibility, so it is different

regarding a 1400-acre site. In the discussions, it was determined for comprehensive plan consistency, it would be safer to have a Planned Development designation. This amendment is an extension out of the original PDP ordinance regarding land use over 40 acres, which did not address property over that density, so having a large-scale amendment beyond makes it different. This Ordinance will assist us in our comprehensive plan and also aid conflicting land use designations.

In response to the question from Board member R. Sangl, Planning Director K. Schultz said we are not abandoning the requirement for the mixed use for commercial and residential integration, as the mixed-use category will remain. Whenever a developer comes in with a project, they will have the map, but we will tell them what types of industrial, commercial or residential they can place in the areas.

City Attorney Clay Adkinson said this only applies for a PDP. The project is that they can go through a conceptual phase, but the level of submittal they give to the city differs. The developer can start with a conceptual plan. After the plan is approved, they will submit a development plan and have to report to the City Council every six months, so with a PDP there is more flexibility. In exchange, they developer has to provide to the city more details on what will be done. The developer will have to work with the city on capacity and whether traffic counts are in place over a phased development. A mixed-use category will still have to exist. A PDP is based on size. This text amendment will apply to any PDP per ordinance. He added regarding ancillary projects, the developer would need to get a PDP, but would still need to come back for any changes. This ordinance sets the widest boundary.

Board member R. Sangl voiced concern about mixed-use and density issues, such as in South Walton.

Planning Director K. Schultz said it is does not have more density than our mixed-use, but it gives flexibility.

Motion by Board Member B. Brown and seconded by Board Member G. Campbell-Work to create a new future land use designation in the Comprehensive Plan to be known as Planned Development (PD) and forward to Council.

VOTE: Chairman Steve Youell, aye; Brandy Brown, aye; LaKisha Brinson, aye; and Rudy Sangl, nay; Tyrone King, aye; Graham Campbell-Work, aye. 5 – 1. Motion carried.

C. Schedule Date for Public Participation Workshop to Discuss Recreational Vehicle (RV's) Regulations in the City Limits

Chairperson Steve Youell stated Item C is the discussion on RV regulations and suggested to schedule it as soon as possible.

Planning Director K. Schultz asked that the Board schedule a date for a public participation Workshop to discuss recreational vehicle (RV's) regulations in the City Limits.

Discussion ensued on meeting publication, date and time preference.

Motion by Board member G. Campbell-Work and seconded by Board member R. Sangl to schedule the workshop to discuss recreational vehicle regulations for July 20th.

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

City Attorney Clay Adkinson recommended the Board add a time to the motion.

Motion by Board member G. Campbell-Work and seconded by Board member R. Sangl amended the motion to add the time to meet at 5:30 p.m.

Mayor Campbell suggested holding the meeting at the Community Center.

6. Old Business – None noted.

7. Citizen Comments – No comments received.

Mayor Campbell asked for clarification on whether the Board can put a condition on a request. City Attorney said the Planning Board cannot recommend the abandonment to the Council, as the Planning Board does not have the authority; however, the motion was that the Council hear it after a survey done, but he is not required to get the survey done.

Board member R. Sangl mentioned House Bill 3339 on Affordable Housing that took effect July 1 and asked if the city is going to participate in the program. City Attorney Clay Adkinson replied that the staff is working on it. He added the city can no longer regulate food trucks.

Planning Director K. Schultz said the hearing for Mr. Johnson will be heard the first meeting in August per the applicant’s request. She mentioned checking the website to obtain the most updated location for Council meetings. She also added that Ms. Permenter withdrew her request for the mobile home variance.

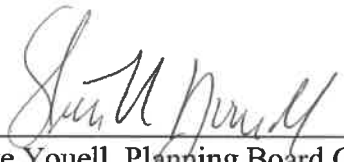
8. Adjournment

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

Motion by Board member T. King and seconded by Board member B. Brown to adjourn.

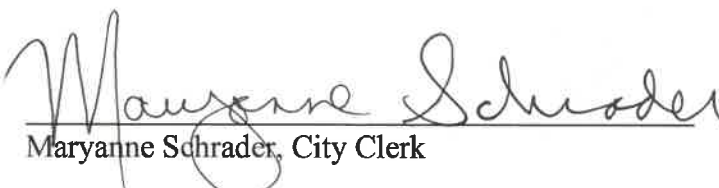
The meeting was adjourned at 6:33 p.m.

ADOPTED this 3rd day of Aug., 2020.



Steve Youell, Planning Board Chairman

ATTEST:



Maryanne Schrader, City Clerk

