

**DeFuniak Springs Planning Board
Regular Meeting Minutes
City Council Chambers
August 3, 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, Charlie Kelley, 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. Board member Graham Campbell-Work and Tyrone King were excused.

Chris Strawn, Code Enforcement Officer, was also in attendance.

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

4. Meeting Minutes - Chairman Steve Youell asked for a motion to approve the minutes of July 6, 2020.

Motion by Board Member R. Sangl and seconded by Board Member B. Brown to approve the regular meeting minutes of July 6, 2020.

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

Motion by Board Member R. Sangl and seconded by Board Member L. Brinson to table the workshop minutes of July 20, 2020.

Board Member R. Sangl stated that he would like to have the attorney's discussion added to the July 20, 2020 Workshop minutes.

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

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

A. 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)

Chairperson Steve Youell introduced the Ordinance to create a new future land use designation in the Comprehensive Plan to be known as Planned Development (PD) and asked for discussion and to make a recommendation to City Council to either approve, approve with conditions, continue or deny.

Planning Director Kelly Schultz said the Board has seen this request previously, however, during the transmittal, the DEO stated we adopted the ordinance prematurely, as the State had to review.

Chairperson Steve Youell asked for any public comment under the Public Hearing on the Comprehensive Plan amendment.

In response to Mayor Campbell's question about a technical issue regarding the word "Adopt" on 2nd reading at the Council meeting stage, City Attorney Clay Adkinson said there are additional stages that have to be done regarding proper notice in the paper with a ten day notice,

and the State will have to perform the reviews before the Ordinance is effective. Planning Director K. Schultz added there is a 30-day appeal period before approval.

Chair S. Youell closed the Public Hearing.

In response to Board member R. Sangl on when the ordinance is adopted and it becomes law, can a developer provide construction plans immediately on this Planned Development (PD), City Attorney Clay Adkinson replied the developer cannot, as the language shows the land development as a Planned Development under our Comprehensive Plan. The developer cannot apply until the plan is approved after the land use changes. Under Item 5B, once the PD is approved, the Planned Development Process, PDP, has to start. We have to approve the conceptual plan and then go to the final plan at the Council level – the two additional steps in the process.

Motion by Board Member B. Brown and seconded by Board Member L. Brinson to recommend to the City Council to approve and adopt the Ordinance to create a new future land use designation in the Comprehensive Plan to be known as Planned Development (PD).

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

B. Large Scale Map Amendment, File #2020-LSA-01, Eagles Crossing

- Applicant: Matthew R. Parker, Project Engineer and Agent
- Location: South of Coy Burgess/I-10, East of US Highway 331
- Request: Large Scale Amendment from Various FLU Categories to PD (Planned Development)
- Action: Make recommendation to City Council (Approve, Approve with Conditions, Continue or Deny)

Chairman S. Youell introduced the next request for the large-scale amendment to recommend to Council.

Planning Director K. Schultz said no changes have been made since the Ordinance was last presented. She added both Ordinances can be run concurrently, according to the DEO. She added this Ordinance converts 1400 acres to PD.

Chairman S. Youell asked if anyone had public comment. No one came forward.

Board Member R. Sangl asked when we put the PD designation, where does the planning come into if we need a school, bike trail, etc.?

City Attorney Clay Adkinson responded the planning of the site will come in the project development stage. When this Ordinance passes, they will still need to go through the process. However, we do not have authority to regulate what the developer places in the area, in reply to Board Member R. Sangl, we only have control when we are entering into negotiations for an agreement. The developer will then have to go to the City Council for final approval.

Planning Director K. Schultz said when it gets transmitted to the DEO, the Ordinance and request to change the FLU to PD will be reviewed. The different agencies have thirty days to comment to the DEO. She added Michelle Doggett has spoken to her and has had negotiations on a school with the developer.

Motion by Board Member B. Brown and seconded by Board Member L. Brinson to recommend approving with the condition on the adoption of the PD Ordinance.

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

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

Chairperson Steve Youell stated the RV Workshop was held.

Planning Director K. Schultz said they did not have a quorum. She asked for a recommendation from the Board.

City Attorney Clay Adkinson explained the city had taken the phrase “house trailer” from some of the older ordinances. However, “travel trailer” is now used. The older ordinance stated to not park a house trailer in a structure, but the intent was not to have an enclosed structure. He added the restrictions in 18.53 (a), 1, 2, 3, and 4 were never meant to apply to RV’s. He suggested the simplest solution is that RV’s be exempted on what used to be called a “house trailer”. He said it is appropriate to make a recommendation to Council.

Chair S. Youell read over Section 18.53 a. and added his comments. (1) A travel trailer shall not be considered to be permissible as an accessory building. He stated that (2) should be stricken - No person shall park or store a vacated travel trailer except in an enclosed structure. He stated in (3), No persons shall occupy a travel trailer for living purposes except:

- a. In an approved RV park.
 - b. In any residential district as a guest of the resident of the property involved, for a period of not over ~~twenty-four (24) hours~~ “should be seven days in any thirty (30) day period.” (Chair S. Youell stated to change 24 hours to seven days in order to let a relative stay, but they should get a permit from the city).
 - c. 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.
- (4) 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 (Chair Youell stated he thinks this is a legal question)

Chair S. Youell suggested the following solutions:

- 1. Strike # 2
- 2. Travel trailers shall not park within the building setback for the lot or any right of ways.
- 3. Travel trailers must be kept clean and in working order
- 4. Travel trailers must be tagged and must be current based on DMV guidelines and requirements.
- 5. Electricity must be run to the travel trailer so that they will not be any noise pollution from a generator while being used.
- 6. Place in a manner that is out of street view, if possible.
- 7. No short-term rentals. No renting whatsoever while on homeowners’ property. Family or friends, as guests, may stay up to 1 week out of a one-month period. Beyond one week requires a permit.

Chair S. Youell suggested the RV should not be parked within 10 feet of the main structure because of the fire code.

Board members B. Brown and L. Brinson agreed with his comments adding that if the RV is hooked up to the electrical and water, it should be with an agreement with the homeowner.

Board member R. Sangl agrees with striking #2. He does not think we have enough input from the other Board members. The idea of including setbacks creates an enforcement nightmare. He believes it should be resident friendly. We should not penalize the “have nots” in the city. He added he does not believe we are approaching it well. He added the Board should have a checklist. The Council said to make it friendly, as the rules were “draconian”.

Board member R. Sangl recommended setting up different standards for the historic area.

City Attorney Clay Adkinson said an agreement with a homeowner is the better method. He added we cannot regulate a RV park, so we have to keep “No person should occupy a house trailer except in a trailer park”. He also stated having more than one RV would be acceptable, as long as they adhered to the setback.

The Board discussed Code Enforcement, and City Attorney Clay Adkinson replied that if Council approves reactive enforcement, the Code Enforcement will handle. If non-reactive, Code Enforcement would need to receive a complaint. Board Member R. Sangl said there is no history of enforcement right now.

Planning Director K. Schultz said we have a moratorium now and before that, we waited for a complaint.

The Board discussed that Code Enforcement needed guidelines to go by. Planning Director K. Schultz said the main area of concern is density in the comprehensive plan, so it could be a Comp Plan violation by increasing density.

Code Enforcement Officer, Chris Strawn, came forward. He recommended a few areas stating the ordinance is too strict with the enclosed structure restrictions. He added they have violations where there is mold covering the RV. They have complaints that a parent is living "visiting" the home and living in the RV. He suggested the setback for the trailer should be on the side or behind the house for aesthetics, the RV should be in operating condition, and the RV should have a current tag. He added they prefer voluntary compliance. Presently, he cannot do anything with the violations on the books.

The committee agreed with a period not over ten days during a 30-day period.

In response to Board member B. Brown, City Attorney Clay Adkinson replied #3 means it could be a temporary residence, if they obtain a variance. Planning Director K. Schultz mentioned there could be extenuating circumstances to obtain a variance, such as health issues.

Chair S. Youell asked for public comments.

Mayor Campbell said ten days is fair. He mentioned lots in the city are small. He said a variance is critical and suggested language be added that anyone near the property must gain permission from the homeowner, as many neighbors do not have a problem with the RV parking.

However, City Attorney Clay Adkinson said we cannot do that as the law is clear we could not defer to neighbors. The public could give input, however. He added the variance provision is already available.

Resident, Melinda Henderson, came forward. She suggested a set of guidelines and the option to request a variance process. She said permits could be sold at the City Hall utility window. She said Circle Drive could have homeowners' restrictions. She said some areas might want to be more stringent. She suggested a permit for the RV be placed in the window.

Resident, Harley Henderson, came forward stating Section 18.53, must fit people in all walks of life. He does not think one should have to pay money for a variance. We should not regulate setbacks because of the different size of the lots. He agreed with a ten-day restriction with a permit to extend for emergency situations. He added some people use their RV for emergency evacuation situations.

Melinda Henderson said regulations from other areas should apply to RV's. For instance, the density requirement would be handled by Comp Plan regulations. If there are existing ordinances that would cover it, such as a permit is out of date or if it is categorized as blight, it would be a violation.

Dan Cosson came forward voicing concern that our code enforcement is not proactive, since it is complaint driven. He also voiced concern about restrictions on the length of stay. He also does not like the idea of separate rules depending on the location of the city. In his opinion, blight is not being addressed here. He added the State has a 14-day limit on how long an RV can stay in an area. He added he does not think he should have to ask for a permit for his relative.

M. Henderson asked for clarification on whether an RV cannot be used as an accessory unit or used as a camper temporarily. City Attorney Clay Adkinson said the issue is how do you create the definition of one night or one year for a dwelling unit? If it is a permitting request, it has to exceed a certain time.

Chair S. Youell said if you start charging rent, it changes it to a short-term rental.

M. Henderson said the fewer regulations, the better.

Board member C. Kelly agreed with a 14-day restriction, such as what the State Park uses, as our template.

Regarding a time, frame, City Attorney Clay Adkinson, said it could be 14-day in a 30-day period.

City Attorney Clay Adkinson said to Mr. Sangl's point, the Board should not take action tonight, as it would be helpful for the Board to have something to review. He stated he will meet with staff and present something to the Board at the next meeting. He added we are looking for voluntary compliance. We are ensuring Good Faith from the public. There has to be a reasonable amount of regulation. We need to address the exception to that by either a license or permit. This will show the level of relaxation or restriction.

Chair S. Youell and the Board agreed. City Attorney Clay Adkinson said no action is needed tonight.

6. Old Business – None noted.

7. Citizen Comments – City Attorney Clay Adkinson said no date was given to end the moratorium, in reply to M. Henderson. However, they could have something in October depending on publication restrictions.

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 R. Sangl and seconded by Board member L. Brinson to adjourn.

The meeting was adjourned at 6:57 p.m.

ADOPTED this 5th day of October, 2020.



Steve Youell, Planning Board Chairman

ATTEST:



Maryanne Schrader, City Clerk

