

Planning Commission Meeting Minutes

April 4, 2023

Minutes for the Regular Meeting for the Planning Commission of the City of Auburndale, Florida held Tuesday, April 4, 2023, at 4:00 pm in the City Commission Room at City Hall, after having been properly advertised with the following members present – Chairman Perry Price, Commissioners Danny Chandler, Mike Chevalier, Jody Miller, and Brian Toune. Also, present was Community Development Director Julie Womble, City Planner Jesse Pearson, and Secretary Marsha Johnson. Absent were Commissioners Jere Stambaugh and Matt Maloney.

Chairman Perry Price declared a quorum and the Meeting was called to order and opened with the pledge to the American Flag.

Motion was made by Commissioner Jody Miller and seconded by Commissioner Mike Chevalier to approve the minutes as written from the March 7, 2023, meeting. Upon vote all ayes.

Community Development Director Julie Womble discussed meeting etiquette.

Chairman Perry Price closed the Regular Meeting and opened the Public Hearing.

AGENDA ITEM 1: PUBLIC HEARING – FUTURE LAND USE AND ZONING MAP AMENDMENT – EPCAR PROPERTIES

City Planner Jesse Pearson stated the Planning Commission will consider and take public comment on a Future Land Use and Zoning Map amendment before making a recommendation to the City Commission.

Notice of Public Hearing 3/24/2023

The City has received a request for a Future Land Use Map Amendment and Zoning Map Amendment on the following property:

Owner/Petitioner: East Polk County Assoc. of Realtors, Inc.

Location: US Hwy 92 W. and Polk Pkwy.

Current County Future Land Use: Linear Commercial Corridor (LCC)

Proposed City Future Land Use: Commercial Corridor

Proposed City Zoning: Commercial Highway (CH)

Current use: Vacant +/- 5.83 acres)

As a result of annexation, the City has received a request to amend the City of Auburndale's Future Land Use on +/- 5.83 acres from Polk County Future Land Use of Linear Commercial Corridor (LCC) to City of Auburndale Future Land Use of Commercial Corridor and establish a zoning classification of Commercial Highway (CH). The amendments are consistent with the existing commercial development of the surrounding properties. The requested Future Land Use and Zoning Map amendments are consistent with the City of Auburndale's Comprehensive Plan and Land Development Regulations. Following Staff's presentation of the amendment and public comment, the proposed amendment will be considered by the Planning Commission for a recommendation to the City Commission. The property was shown on the screen at this time. Staff recommends approval of the proposed Future Land Use and Zoning Map amendment to the City Commission.

Chairman Perry Price asked for Public Comment. There was none.

Chairman Perry Price closed the Public Hearing and reopened the Regular Meeting.

AGENDA ITEM 2: RECOMMENDATION AMENDING THE FUTURE LAND USE MAP - EPCAR

Motion was made by Commissioner Brian Toune and seconded by Commissioner Mike Chevalier to approve the Future Land Use Map Amendment EPCAR properties.

Commissioner Danny Chandler refrained from voting. Filled out Form 8B.

Upon Vote all ayes.

AGENDA ITEM 3: RECOMMENDATION AMENDING THE ZONING MAP - EPCAR

Motion was made by Commissioner Mike Chevalier and seconded by Commissioner Jody Miller to approve Amending the Zoning Map – EPCAR properties.

Commissioner Danny Chandler refrained from voting.

Commissioner Jody Miller asked for clarification on the location of the property.

City Planner Jesse Planner explained in detail the location.

Upon Vote all ayes.

Chairman Perry Price closed the Regular Meeting and Reopened the Public Hearing.

AGENDA ITEM 4: PUBLIC HEARING – RECOMMENDATION AMENDING CHAPTER 4, DEFINITIONS, OF THE LAND DEVELOPMENT REGULATIONS-MINI-WAREHOUSES

Community Development Director Julie Womble stated the Planning Commission will take public comment and consider a proposed text amendment to the Land Development Regulations before making a recommendation to the City Commission. In working with developers, the Land Development Regulations needs a description for mini warehouses/self-storage. Chapter Four (4) of the LDR's provide terms and definitions to assist with simple interpretation and technical assistance for planning. Due to growth and new requests for self-storage, definitions are needed. The definition is recommended based on research conducted from Polk County Land Development Code and the American Planning Association, A Planners Dictionary. All development criteria, specified within the LDR's or Comprehensive Plan, will still dictate permitted or prohibited uses and standards. **Definition:** Mini warehouse: A continuous building, group of buildings, with a fixed permanent location on the ground, divided into separate compartments used to meet the temporary small storage needs of businesses and residential uses. Units are accessible to the lessees through individual doors. Mini warehouses can contain covered RV's, boats, and vehicles storage. Also defined as a self-storage facility. Following Staff's presentation of the amendment and public comment, the proposed text amendment will be considered by the Planning Commission for a recommendation to the City Commission. Staff recommends approval of the proposed Land Development Regulation text amendment.

Chairman Perry Price asked for Public Comment. There was none.

Chairman Perry Price closed the Public Hearing and reopened the Regular Meeting.

AGENDA ITEM 5: – RECOMMENDATION AMENDING CHAPTER 4, DEFINITIONS, OF THE LAND DEVELOPMENT REGULATIONS – Mini Warehouses

Motion was made by Commissioner Mike Chevalier and seconded by Commissioner Brian Toune to approve amend Chapter 4, Definitions of the Land Development Regulations – Mini Ware houses.

Upon Vote all ayes.

Chairman Perry Price closed the Regular Meeting and Reopened the Public Hearing.

AGENDA ITEM 6: PUBLIC HEARING – RECOMMENDATION AMENDING CHAPTER 5, ZONING, CHAPTER 6, SPECIAL PROVISIONS, PUDs, CLUSTERS, CHAPTER 15, SPECIAL OVERLAY DISTRICTS- SOLID WALLS

Community Development Director Julie Womble stated the Planning Commission will take public comment and consider a proposed text amendment to the Lane Development Regulations before making a recommendation to the City Commission.

Notice of Public Hearing – 3/24/2023

The City Commission has requested language in the Land Development Regulations to create consistent standards in development for solid walls between residential and commercial uses and subdivisions. Solid walls are currently required in some Planned Developments to separate uses and create a buffer. To encourage the same standards throughout the LDR's regarding solid walls research was conducted and the following language is proposed.

The Land Development Regulations would incorporate the use of solid walls:

- To minimize the impact of nonresidential development on any abutting residential district.
- May be required between mixed use development per the Administrative Official.
- All nonresidential uses adjoining residential shall require a solid six (6) foot masonry wall along all sides and rear property lines adjoining residential districts.
- The Administrative Official may also require additional appropriate fences, walls, or vegetative screening in order to protect adjacent property in residential districts from lights, noise or undesirable views.
- All residential subdivisions along collector, urban collector and arterial roads shall require a solid masonry decorative wall, a minimum of 6 feet in height. A solid fence is required along perimeter sides and rear property lines of the subdivision.
- All Residential Planned Development subdivisions, along collector, urban collector, and arterial roads, shall require a solid masonry decorative wall, a minimum of 6 feet in height.
- Takes out options of choosing a 100-foot buffer and landscaping in leu of a solid wall.
- In the Lakes District Master Planned Community Village Center, the Administrative Official may require along collector, urban collector, arterial roads, perimeter sides and in transition areas, solid walls, fences, or vegetative screening to assist in separation of uses if needed.
- In the Lakes District Master Planned Community Residential, neighborhoods shall have solid walls along collector, urban collector, and arterial roads. The Administrative official

may require solid fences along perimeter sides and rear property lines of the subdivisions to assist in separation of uses.

LAND DEVELOPMENT REGULATIONS AMENDMENT-SOLID WALLS:

Chapter 5:

5.2.1.4 A solid wall shall be provided to minimize the impact of nonresidential development on any abutting residential district as indicated in this Chapter in 5.2.17.2.3.

5.2.1.5 The Administrative Official may also require additional appropriate fences, solid walls or vegetative screening between mixed use development that includes residential.

~~5.2.17.2.3.5. As an alternate to the yard and landscaping requirements in 3. and 4. above, the property owner of nonresidential uses may elect to provide~~ All nonresidential uses adjoining any residential district shall require a solid masonry decorative fence or wall, a minimum of 6 feet in height along all sides and rear property lines adjoining a residential district, except that such wall or fence shall not project beyond the rear line of an adjacent required front yard in the residential district. Exclusions from 5.2.17.2.5. shall not be permitted.

~~5.2.17.2.3.6. Where the nonresidential property owner elects to go to yard and landscaping provisions as provided for in 3. and 4. above, the~~ The Administrative Official may also require additional appropriate fences, walls or vegetative screening in order to protect adjacent property in residential districts from lights, noise or undesirable views.

5.2.14.2.3.7 All residential subdivisions along collector, urban collector and arterial roads shall require a solid masonry decorative wall, a minimum of 6 feet in height. A solid fence is required along perimeter sides and rear property lines of the subdivision. Exclusions from 5.2.17.2.5. shall not be permitted.

Chapter 6:

6.1.1.2.3. All Residential Planned Development subdivisions, along collector, urban collector and arterial roads, shall require a solid masonry decorative wall, a minimum of 6 feet in height. A solid fence is required along perimeter sides and rear property lines of the subdivision. Exclusions from 5.2.17.2.5. shall not be permitted.

6.1.3.1.4. PD-H1 adjacent to conventional single family residential developments shall follow the rules for solid masonry walls and solid fences per 5.2.14.2.3.7. with no exceptions.

~~6.1.4.1.5.2. Uses adjacent to conventional single family residential developments. Where a PD-H2 district adjoins a single family residential development, without intervening permanent open space at least 100 feet in width serving as separation for buildable areas, the portion of the district so adjoining shall be planned and developed only for uses permitted in the adjoining residential development except as provided for herein and in accordance with all other requirements for the district.~~

~~A second option in lieu of such common boundary development, shall be the provision of an open space shall be required for the district with a minimum depth of 25 feet between the common zoning district boundaries may be permitted. No intensive recreational use or off-street parking shall be permitted in this open space setback area. Such area may be required to be maintained in landscaping including trees, shrubs, ground covers and grass for a minimum depth of 10 feet.~~

~~A third option available to the developer is the provision of a solid screening material such as a wooden fence or block wall, each of which shall be 6 feet in height and placed a minimum of 10 feet from the~~

~~property line. The 10 foot setback area between the zoning district boundary and the solid screening shall be grassed and landscaped and maintained in good condition at all times. Such areas shall be undeveloped other than landscaping, contain no accessory buildings and treated as front yards for the district.~~

PD-H2 adjacent to conventional single family residential developments shall follow the rules for solid masonry walls and solid fences per 5.2.14.2.3.7. with no exceptions.

6.1.4.1.5.3. Fences, walls, or vegetative screening within ~~and at the edges of~~ PD-H2 districts shall be provided where needed to protect residents from undesirable views, lighting, noise or other adverse off-site influences, or to protect residents of adjoining properties from similar adverse influences within the district. In both cases, screening shall at a minimum be designed to protect from existing or potential first floor residential window levels. In particular, parking areas for five or more cars, service areas for loading or unloading vehicles other than passengers, and areas for storage and collection of trash and garbage shall be so screened.

6.1.4.1.5.4. Height limitations at edges of PD-H2 districts. Except along boundaries where adjoining districts permit greater heights within similar areas, or where the district adjoins, with or without an intervening street, a waterway ~~or other permanent open space at least 100 feet in width,~~ in addition to the height limitations applying generally within PD-H2 districts, the following shall apply: No portion of any structure within the district shall project through imaginary planes leaning inward from district boundaries at an angle representing an increase of one foot in height for each 2 feet of horizontal distance and shall not exceed a maximum of 35 feet in height above grade except upon making provisions to install approved automatic sprinkler system.

Chapter 15:

Sec. 15.202. Village Center Guidelines and Standards.

(k) *Fences and Solid Walls.* The Administrative Official may require along collector, urban collector, arterial roads, perimeter sides and in transition areas, solid walls, fences or vegetative screening to assist in separation of uses.

Sec. 15.204. - Residential Neighborhood Guidelines and Standards..

(l) *Fences and Solid Walls.* Residential Neighborhoods shall have solid walls along collector, urban collector, and arterial roads. The Administrative official may require solid fences along perimeter sides and rear property lines of the subdivisions to assist in separation of uses.

Following Staff's presentation of the amendment and public comment, the proposed text amendments will be considered by the Planning Commission for a recommendation to the City Commission. Staff recommends approval of the proposed Land Development Regulation text amendment.

Chairman Perry Price asked for Public Comment. There was none.

Chairman Perry Price closed the Public Hearing and reopened the Regular Meeting.

AGENDA ITEM 7: RECOMMENDATION AMENDING CHAPTER 5, ZONING, CHAPTER 6, SPECIAL PROVISIONS, PUDs, CLUSTERS, CHAPTER 15, SPECIAL OVERLAY DISTRICTS OF THE LAND DEVELOPMENT REGULATIONS

Motion was made by Commissioner Mike Chevalier and seconded by Commissioner Jody Miller to approve amend Chapter 5 Zoning, Chapter 6, Special Provisions, PUDs, Clusters, Chapter 15, Special Overlay Districts of the Land Development Regulations. Definitions of the Land Development Regulations.

Commissioner Danny Chandler clarification on chapter 5 & 6, all new subdivisions coming in will have to do perimeter fencing.

Community Development Director Julie Womble said yes sir.

Chairman Perry Price discussed 559 Mobile Modular fencing.

Community Development Director Julie Womble stated commercial development does not require a solid wall around perimeter.

Chairman Perry Price discussed cemetery fencing.

Upon Vote all ayes.

AGENDA ITEM 8: PRELIMINARY PLAT – LAKE MATTIE PRESERVE

Community Development Director Julie Womble stated the Planning Commission will consider a preliminary plat before making a recommendation to the City Commission. The City has received a preliminary plat for Lake Mattie Preserve from Bryan Hunter, P.E. from Hunter Engineering, Inc. The property is in the Lakes District Master Planned Community. The proposal is for 223 single-family single family small lots averaging smaller than 6,000 S.F. with alley access, 45 single family standard lots of 6,001 S.F. - 8,400 S.F. with alley access, 466 single-family large lots greater than 8,400 S.F. with front access, and 90 townhome units with rear access for a total of 824 housing units on +/- 229.61 acres. The property is located on County Road 559, north of Lake Mattie Road. The property has a Future Land Use Lakes District Mixed Use (LDMU) and a zoning classification of Residential Neighborhood (RN), which allows for a mixture of various lot sizes and single family and multi-family residential uses. The property was shown on the screen at this time. In July of 2022, the City Commission recommended approval of Lakes District Master Planned Community. Access will be on Lake Mattie Road and CR 559. The subdivision will also have a solid masonry six (6) foot wall along Lake Mattie Road and CR 559. All retention areas, roads, and open spaces will be dedicated to and maintained by the Homeowner's Association. The preliminary plat has been reviewed by all City Departments and meets all City Codes and Land Development Regulations. Following the Planning Commission's recommendation, the preliminary plat will go to the City Commission for approval. Preliminary plat approval by the City Commission allows the developer to proceed with construction plan approval and final plat approval. Staff recommends approval of the Preliminary Plat to the City Commission.

Motion was made by Commissioner Mike Chevalier and seconded by Commissioner Danny Chandler to recommend approval of the Preliminary Plat – Lake Mattie Preserve.

Commissioner Brian Toune discussed passionately the community children - bus stop, school overcrowding and sufficient parking for park areas.

Commissioner Mike Chevalier left meeting at 4:40

Community Development Director Julie Womble addressed Commissioner Brian Toune's concerns and stated it is required by the school board to be made aware of subdivisions coming in way in advance.

Commissioner Jody Miller spoke approvingly regarding a similar community that she toured recently.

Chairman Perry Price asked for setbacks.

Community Development Director Julie Womble stated they have met the requirements of the Lake District Masterplan, 25' front setback, 7' on each side and 10' in the rear, standard lot.

Upon vote.

2 oppose

Chairman Perry Price asked for a roll call vote.

Chandler nay, Miller aye, Toune nay, Price.....

Roll call incomplete.

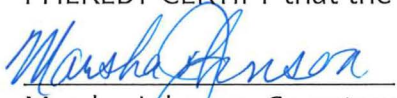
Community Development Director Julie Womble stated you cannot vote on preliminary plat it is just a recommendation to the City Commission.

Chairman Perry Price asked who made the motion.

Motion was made by Commissioner Mike Chevalier and seconded by Commissioner Danny Chandler to recommend approval of the Preliminary Plat – Lake Mattie Preserve.

Chairman Perry Price stated the meeting was adjourned at 5:50 p.m.

I HEREBY CERTIFY that the foregoing minutes are true and correct.


Marsha Johnson, Secretary

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME <i>Chandler Danny Earl</i>		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>Planning & Zoning Commission</i>	
MAILING ADDRESS <i>310 Bay St</i>		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY <i>Auburndale</i>	COUNTY <i>Polk</i>	<input type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED <i>4-4-23</i>		NAME OF POLITICAL SUBDIVISION:	
		MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTIVE	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Danny Chandler Jr, hereby disclose that on April 4th, 20 23:

(a) A measure came or will come before my agency which (check one or more)

☐ inured to my special private gain or loss;

☒ inured to the special gain or loss of my business associate, East Polk County Association of Realtors;

☐ inured to the special gain or loss of my relative, _____;

☐ inured to the special gain or loss of _____, by whom I am retained; or

☐ inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

I currently sit on the Board of Directors for the East Polk County Association of Realtors

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

4-4-23

Date Filed

[Signature]
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.