

PLANNING COMMISSION MEETING
August 27, 2024

Minutes for the Regular Meeting for the Planning Commission of the City of Auburndale, Florida held Tuesday, August 27, 2024, 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, Dave Holt, Steve Lawson, Matt Maloney and Jody Miller. Also present was Community Development Director Julie Womble, City Planner Jesse Pearson, and Secretary Marsha Johnson.

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 Danny Chandler and seconded by Commissioner Jody Miller to approve the minutes as written from the July 2, 2024, meeting. Upon vote all ayes.

Chairman Perry Price welcomed two new Planning Commission members, Steve Lawson and Tom Dudash, who was observing in audience.

Announcements were given by Community Development Director Julie Womble. She welcomed the two new commissioners and reminded all of the Auburndale Comprehensive Plan update public workshop from 5:30-8:00 p.m. today at the Senior Center. Also, our next Planning Commission Meeting is September 10, 2024.

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

AGENDA ITEM 1: PUBLIC HEARING – SMALL-SCALE FUTURE LAND USE AND ZONING MAP AMENDMENTS – ENCLAVE AT LAKE MYRTLE

Notice of Public Hearing was made on August 16, 2024.

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.

This is a City initiated request to establish land use and zoning on the following property:

Enclave At Lake Myrtle Subdivision:

<i>Petitioner:</i>	City of Auburndale
<i>Location:</i>	Berkley Road and Louise Avenue
<i>Current Future Land Use:</i>	Residential Low-1 (RL-1)/ Residential Low-2 (RL-2)
<i>Proposed Future Land Use:</i>	Low Density Residential
<i>Proposed Zoning Classification:</i>	Planned Development-Housing 2 (PD-H2)
<i>Current use:</i>	Single-Family (+/- 32.90 acres)

As a result of voluntary annexation, the City is requesting a Small-Scale Future Land Use and Zoning Map amendment on a parcel totaling +/- 32.90 acres. The property currently has a Polk County Land Use designation of Residential Low-1 (RL-1)/ Residential Low-2 (RL-2). The property is currently developed with 161 single-family homes. The requested Future Land Use and Zoning Map amendments are consistent with the City of Auburndale's Comprehensive Plan and Land Development Regulations. As

required by the Land Development Regulations this request is accompanied by a binding site plan. The plan shows a front setback of 15', a side setback of 5', a rear setback of 10'. 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. Staff recommends approval of the proposed Future Land Use Low Density Residential and Zoning Map amendment of Planned Development-Housing 2 (PD-H2) to the City Commission. The location map of the property was shown at this time.

Chairman Perry Price asked for Public comment, there was none.

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

AGENDA ITEM 2: RECOMMENDATION AMENDING THE FUTURE LAND USE

Motion was made by Commissioner Danny Chandler and seconded by Commissioner Matt Maloney to recommend approval of the small-scale Future Land Use Amendment Enclave at Lake Myrtle Subdivision.

Commissioner Dave Holt asked if this property was already in the City.

City Planner Jesse Pearson stated yes Sir, it has been annexed into the City.

Commissioner Dave Holt stated it has setbacks of 15', 5', and 10'.

City Planner Jesse Pearson stated the setbacks are based on what is already there, what was approved by the County. If we put setbacks at the site of what the County did, it could put their houses right in the setback. We have to be consistent with what is already established.

Commissioner Dave Holt asked how the City accepts that.

City Planner Jesse Pearson stated because it is in a Planned Development the City is allowed to put those setbacks on there. We could not put straight zoning because the setbacks would not have met what currently exists, it would have made them non-conforming. The City is not allowed to create non-conforming uses.

Commissioner Steve Lawson stated this an existing subdivision that was developed by the County.

Commissioner Dave Holt stated he was just wondering how it even got into the City, because 25' setbacks are the Auburndale City.

Community Development Director Julie Womble stated, you are correct. What has happened, (and you are going to see this for most of the cases today), is the properties were not touching City limits to be annexed, they were developed in the County. Now as the City has grown, we have annexed other properties and now these subdivisions are contiguous. They were receiving our utilities but were not receiving garbage and all the services from the City. They have signed voluntary annexation petitions, and they wanted to be brought into the City to be able to receive these services. Now they are contiguous, even though they are already developed. Now we can bring them in and they can receive these services. If there were empty lots in any of these subdivisions, they would have to adhere to our City Code. But because they are completely all developed, we are only establishing what they currently have. If they have a house that is setback 15' we cannot tell them, you have to move your house 10' feet. They are already built. We are not changing our standards for our normal setbacks in the City.

Commissioner Dave Holt stated so this is the way the City of Auburndale wants to go forward, is to add these enclaves in the City with these small setbacks in our City limits. Is that correct?

Community Development Director Julie Womble stated if we were building them from the ground up, no.

Commissioner Dave Holt stated I get that.

Community Development Director Julie Womble stated it is because they are already developed.

Commissioner Dave Holt stated I, understand.

Community Development Director Julie Womble stated it is not setting a precedence for future development.

Commissioner Dave Holt stated I, understand but it is what it is. I just don't know why we even accepted them in here.

Community Development Director Julie Womble stated they signed an annexation petition before it was even developed. They are required to sign an annexation petition when they receive utility services.

Commissioner Dave Holt asked, they do not have to go by the setbacks if they are going to come in later.

Community Development Director Julie Womble stated not if they are developed in the County, and you will find that any place in Florida, any place in the country, if developed in the County first versus the City.

Commissioner Dave Holt stated that is not a very good precedence.

Community Development Director Julie Womble stated that this is the standard practice. If they were outside the City limits of Lakeland and they developed in the County and then annexed into the City of Lakeland. It would be the same thing. They would establish what is currently there.

Commissioner Dave Holt stated, so Auburndale is perfectly happy with these kinds of close in proximity neighborhoods.

Community Director Julie Womble stated that she didn't think the Commission had a vision for future development to get this level of setbacks. This is just because we are establishing what has already been developed. The Commission has amended code so this won't happen here.

Commissioner Dave Holt stated said so going forward we are not going to get out of this pickle, it doesn't look like. All the building that is going to go in from the County that is eventually going to be in the City, do they know our setbacks? Futuristic in 15, 20 years they want to come in, are they still building 15' setbacks?

Community Development Director Julie Womble stated they are allowed to build in whatever jurisdiction they are in.

Commissioner Dave Holt stated they should never be in the City limits.

Community Development Director Julie Womble stated if they are in our Utility service boundaries which is actually outside of our actual City.

Commissioner Dave Holt stated then they better have the right setbacks.

Community Development Director Julie Womble stated we cannot deny service to someone if they were built in the County and want to come into the City. They may not be contiguous right now. It may be 20 years before property grows and then they become contiguous and then come into to be annexed. For us to deny them whatever jurisdiction they are in right now, would be a taking of their property rights.

Commissioner Dave Holt stated basically they do not have to go by our setbacks.

Community Development Director Julie Womble stated whatever jurisdiction they are in right now they have to follow those setbacks.

Commissioner Dave Holt stated because they know they are going to get in anyway.

Chairman Perry Price asked if there was any other discussion.

Commissioner Danny Chandler asked if one of these subdivisions had an empty lot or two. Do you have to restrict the size of the footage to meet the setback. They would have to conform to meet the current setbacks, correct?

Community Development Director Julie Womble stated that staff did an analysis on all the subdivisions before you and none of them have an empty lot. We would have looked at it much differently if they had an empty lot. All of them are completely developed.

Roll call vote Commissioner Chandler – yes, Commissioner Holt – no. Commissioner Lawson – yes, Commissioner Maloney – yes, Commissioner Miller – yes, Chairman Price – yes. 5-1 vote

AGENDA ITEM 3: RECOMMENDATION AMENDING THE ZONING MAP

Motion was made by Commissioner Chandler and seconded by Commissioner Miller to recommend approval of the Zoning Map Amendment Enclave at Lake Myrtle Subdivision.

Roll call vote Commissioner Chandler – yes, Commissioner Holt – no. Commissioner Lawson – yes, Commissioner Maloney – yes, Commissioner Miller – yes, Chairman Price – yes. 5-1 vote

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

AGENDA ITEM 4: PUBLIC HEARING – SMALL-SCALE FUTURE LAND USE AND ZONING MAP AMENDMENTS – HILLS OF ARIETTA

Notice was made on August 16, 2024.

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.

This is a City initiated request to establish land use and zoning on the following property:

Hills of Arietta Subdivision:

<i>Petitioner:</i>	City of Auburndale
<i>Location:</i>	Hwy. 559 and Gapway Road
<i>Current Future Land Use:</i>	Residential Low-1 (RL-1)/ Residential Low-2 (RL-2)
<i>Proposed Future Land Use:</i>	Low Density Residential
<i>Proposed Zoning Classification:</i>	Planned Development-Housing 2 (PD-H2)
<i>Current use:</i>	Single-Family (+/- 37.55 acres)

As a result of voluntary annexation, the City is requesting a Small-Scale Future Land Use and Zoning Map amendment on a parcel totaling +/- 37.55 acres. The property currently has a Polk County Land Use designation of Residential Low-1 (RL-1)/ Residential Low-2 (RL-2). The property is currently developed as 85 single-family houses. The requested Future Land Use and Zoning Map amendments are consistent with the City of Auburndale's Comprehensive Plan and Land Development Regulations. As required by the Land Development Regulations this request is accompanied by a binding site plan. The plan shows a front setback of 20', a side setback of 7' and a rear setback of 10'. 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. Staff recommends approval of the proposed Future Land Use Low Density Residential and Zoning Map amendment of Planned Development-Housing 2 (PD-H2) to the City Commission. Location map was shown on the screen.

Chairman Perry Price asked for Public comment, there was none.

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

AGENDA ITEM 5: RECOMMENDATION AMENDING THE FUTURE LAND USE

Motion was made by Commissioner Danny Chandler and seconded by Commissioner Steve Lawson to recommend approval of the small-scale Future Land Use Amendment Hills of Arietta Subdivision.

Roll call vote Commissioner Chandler – yes, Commissioner Holt – no. Commissioner Lawson – yes, Commissioner Maloney – yes, Commissioner Miller – yes, Chairman Price – yes. 5-1 vote

AGENDA ITEM 6: RECOMMENDATION AMENDING THE ZONING MAP

Motion was made by Commissioner Steve Lawson and seconded by Commissioner Matt Maloney to recommend approval of the Zoning Map Amendment Hills of Arietta Subdivision.

Commissioner Steve Lawson asked if these homes are built.

City Planner Jesse Pearson stated yes Sir.

Roll call vote Commissioner Chandler – yes, Commissioner Holt – no. Commissioner Lawson – yes, Commissioner Maloney – yes, Commissioner Miller – yes, Chairman Price – yes. 5-1 vote

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

AGENDA ITEM 7: PUBLIC HEARING – SMALL-SCALE FUTURE LAND USE AND ZONING MAP AMENDMENTS – CASCARA

Notice was made on August 16, 2024.

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.

This is a City initiated request to establish land use and zoning on the following property:

Cascara Subdivision:

<i>Petitioner:</i>	City of Auburndale
<i>Location:</i>	Hwy. 559 and Cascara Lane
<i>Current Future Land Use:</i>	Residential Low-1 (RL-1)
<i>Proposed Future Land Use:</i>	Low Density Residential
<i>Proposed Zoning Classification:</i>	Planned Development-Housing 2 (PD-H2)
<i>Current use:</i>	Single-Family (+/- 40.07 acres)

As a result of voluntary annexation, the City is requesting a Small-Scale Future Land Use and Zoning Map amendment on a parcel totaling +/- 40.07 acres. The project was developed in two phases and currently has a Polk County Land Use designation of Residential Low-1 (RL-1). The property is currently developed as 169 single-family houses. The requested Future Land Use and Zoning Map amendments are consistent with the City of Auburndale's Comprehensive Plan and Land Development Regulations. As required by the Land Development Regulations this request is accompanied by a binding site plan. The plan shows a front setback of 15', a side setback of 5' and a rear setback of 10'. 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. Staff recommends approval of the proposed Future Land Use Low Density Residential and Zoning Map amendment of Planned Development-Housing 2 (PD-H2) to the City Commission. Location map was shown on the screen.

Chairman Perry Price asked for Public comment, there was none.

Chairman Price Closed the Public Hearing and opened the Regular Meeting.

AGENDA ITEM 8: RECOMMENDATION AMENDING THE FUTURE LAND USE

Motion was made by Commissioner Steve Lawson and seconded by Commissioner Matt Maloney to recommend approval of the small-scale Future Land Use Amendment Cascara Subdivision.

Commissioner Dave Holt asked if Phase I and Phase II are both finished.

City Planner Jesse Pearson stated, yes Sir.

Commissioner Danny Chandler stated the utilities that are here currently, is the County servicing this?

City Planner Jesse Pearson stated they are using City services.

Commissioner Dave Holt asked if there was overflow parking.

City Planner Jesse Pearson they only have retention ponds. It was up to the County what they would have.

Commissioner Dave Holt asked if there was a line of communication between our City and the County to say if you want to come into our City someday then you have to meet our expectations, our rules.

City Planner Jesse Pearson stated we can't tell them what to do. We do have open communication with them. Currently we have a Joint Planning Agreement with them, it can be found in Chapter 15 of our LDR and it contains an overlay map of the area. The County sends us a Staff Report when a development is proposed within the JPA boundary. When we have a proposed development we send them a Staff Report. There is a lot of communication.

Commissioner Dave Holt stated then how does this happen?

City Planner Jesse Pearson this is the County's code not ours.

Commissioner Dave Holt stated they know our expectations.

City Planner Jesse Pearson stated they don't develop their code according to our rules. They have a set code that has been in place since 1996. There have been amendments over the years as ours has. Those codes are in the County. If they want to make 50' lots, if it is in their code and it is allowed, they can do it. When we bring it in, we are aware of the 50' lots but we also don't want in the long run to create enclaves. The State prohibits us to form enclaves.

Commissioner Dave Holt stated if they want to get in our City, they need to know to tell those developers.

City Planner Jesse Pearson stated they are bound to their code.

Commissioner Matt Maloney stated there is no way out of this.

City Planner Jesse Pearson stated it is beneficial for them to come because we give them breaks on their water and sewer costs. In these cases, it is what it is, we try to accommodate the setbacks. We try to keep everything consistent with what is already established, we have control with our code once they come in if they have a violation then they have to face our codes.

Commissioner Dave Holt asked if the people that represent our City, govern our City, are they happy with these setbacks.

City Planner Jesse Pearson stated he was not going to speak the Commission. That is something you would have to ask the Commission. The Commission would probably prefer bigger lots, but they also understand that this existing development is coming into the City. Because the County builds it that way, we are not going to say we are not going to bring them in or that we are going to charge them extra for the service.

Chairman Perry Price stated Mr. Holt we have been dealing with this for as long as I have been around. This is one, if I can say the word to be negative, is the worst subdivision of all of it with those 5' setbacks. You can actually run from roof to roof. But then you look at the 10' setback in the front. The parking spots are 10' by 20', you can hardly get a car in front of this house. These are items that we have all talked about. But this is what is going to give the reputation of Auburndale is building all those houses

so close together that we try to get away from of which when you mentioned changing the code. That is our reference to recommend to the City about changing the code that we can do in the future on other pieces of land that we do. We are really tied in because you are creating other problems when you don't do this. We don't want to be snobs about it and say you aren't going to be able to use our water because we have a water line out there, but you don't have the setbacks.

Commissioner Matt Maloney said I don't think we can say that. They are going to come in if they want to.

City Planner Jesse Pearson as long as they are contagious.

Commissioner Matt Maloney said we can get a tax revenue from all these crammed together houses and that tax revenue will help us beef up the infrastructure of Auburndale.

City Planner Jesse Pearson stated the Commission is proactive and they are very sensitive to the voices of the residents.

Roll call vote Commissioner Chandler – yes, Commissioner Holt – no. Commissioner Lawson – yes, Commissioner Maloney – yes, Commissioner Miller – yes, Chairman Price – yes. 5-1 vote

AGENDA ITEM 9: RECOMMENDATION AMENDING THE ZONING MAP

Motion was made by Commissioner Jody Miller and seconded by Commissioner Steve Lawson to recommend approval of the Zoning Map Amendment Cascara Subdivision.

Roll call vote Commissioner Chandler – yes, Commissioner Holt – no. Commissioner Lawson – yes, Commissioner Maloney – yes, Commissioner Miller – yes, Chairman Price – yes. 5-1 vote

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

AGENDA ITEM 10: PUBLIC HEARING – SMALL-SCALE FUTURE LAND USE AND ZONING MAP AMENDMENTS – LAKE MATTIE PARK

Notice was made on August 16, 2024.

Community Development Director Julie 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.

This is a City initiated request to establish land use and zoning on the following property:

Lake Mattie Park:

<i>Petitioner:</i>	City of Auburndale
<i>Location:</i>	Lake Mattie Road and CR 559
<i>Current Future Land Use:</i>	Agriculture/Rural Residential (A/RR)
<i>Proposed Future Land Use:</i>	City, Public Uses, Parks
<i>Proposed Zoning Classification:</i>	Open Use Agricultural (OUA)
<i>Current use:</i>	Vacant (+/- 26.49 acres)

As a result of voluntary annexation, the City is requesting a Small-Scale Future Land Use and Zoning Map amendment on a parcel totaling +/- 26.49 acres. The property currently has a Polk County Land Use designation of Agriculture/Rural Residential (A/RR). The proposed Future Land Use of City, Public Uses, Parks and the proposed Open Use Agricultural (OUA) zoning classification is consistent with other city established parks such as Lake Myrtle Sports Park. 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. Staff recommends approval of the proposed Future Land Use City, Public Uses, Parks and Zoning Map amendment of Open Use Agricultural (OUA) to the City Commission. Property was shown on the screen.

Chairman Price asked for Public comment, there was none.

Chairman Price Closed the Public Hearing and opened the Regular Meeting.

AGENDA ITEM 11: RECOMMENDATION AMENDING THE FUTURE LAND USE

Motion was made by Commissioner Jody Miller and seconded by Commissioner Matt Maloney to recommend approval of the small-scale Future Land Use Amendment Lake Mattie Park Subdivision.

Commissioner Matt Maloney asked if we knew what they were thinking about doing here.

Chairman Perry Price asked if there would be a nice entrance into it.

Community Development Director Julie Womble stated this is not a Planned Development, this is straight zoning. I do know the City would like to have more of a natural park in this area and less of a sports complex which we already have at Lake Myrtle Sports Complex. I cannot speak on behalf of what the City Commission wants to do. I'm sure there will be designs that come before the City Commission.

Chairman Perry Price stated it would make a great picnic area.

Commissioner Dave Holt asked what the zoning was around this.

Community Development Director Julie Womble stated to the west is Lake Mattie Subdivision in the Lakes District Masterplan. It was approved a few years ago. They are building it right now. The property to the East is in the County.

There was more discussion of possible uses.

Upon vote Commissioner Danny Chandler Abstained because he had excused himself during the presentation. Vote was 5-1

AGENDA ITEM 12: RECOMMENDATION AMENDING THE ZONING MAP

Motion was made by Commissioner Matt Maloney and seconded by Commissioner Steve Lawson to recommend approval of the Zoning Map Amendment Lake Mattie Park.

Upon vote Commissioner Danny Chandler Abstained because he had excused himself during the presentation. Vote was 5-1

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

AGENDA ITEM 13: PUBLIC HEARING – SMALL-SCALE FUTURE LAND USE AND ZONING MAP AMENDMENTS – HICKORY ROAD SPRAY FIELD

Notice was made on August 16, 2024.

Julie 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.

This is a City initiated request to establish land use and zoning on the following property:

Spray Fields-Hickory Road:

<i>Petitioner:</i>	City of Auburndale
<i>Location:</i>	Hickory Road and Polk County PRKWY.
<i>Current Future Land Use:</i>	Agriculture/Rural Residential (A/RR)
<i>Proposed Future Land Use:</i>	City, Public Uses, Parks
<i>Proposed Zoning Classification:</i>	Open Use Agriculture (OUA)
<i>Current use:</i>	Vacant (+/- 73.70 acres)

As a result of voluntary annexation, the City is requesting a Large-Scale Future Land Use and Zoning Map amendment on a parcel totaling +/- 73.70 acres. The proposed use is for a new spray field. Directly adjacent to the site is property owned by Polk County and State of Florida FWC Tenoroc Fish Management Area. The property currently has a Polk County Land Use designation of Agriculture/Rural Residential (A/RR). The requested Future Land Use of City, Public Uses, Parks and the proposed Open Use Agricultural (OUA) zoning classification is consistent with other city established spray fields such as the one fronting I-4 and Braddock Road. The requested Future Land Use and Zoning Map amendments are consistent with the City of Auburndale's Comprehensive Plan and Land Development Regulations. Following presentation of the amendment and public comment, the proposed amendment will be considered by the Planning Commission for a recommendation to the City Commission. Staff recommends approval of the proposed Future Land Use City, Public Uses, Parks and Zoning Map amendment of Open Use Agriculture (OUA) to the City Commission. Property was shown on the screen.

Chairman Price asked for Public comment there was none.

Chairman Price Closed the Public Hearing and opened the Regular Meeting.

AGENDA ITEM 14: RECOMMENDATION AMENDING THE FUTURE LAND USE

Motion was made by Commissioner Danny Chandler and seconded by Commissioner Matt Maloney to recommend approval of the Large scale Future Land Use Amendment Hickory Road Spray Field.

Commissioner Matt Maloney asked about the location.

Commissioner Steve Lawson stated that when you go down Braddock Road to where the Polk Parkway is, it is to the left, off Shirley Lowrance Road.

Commissioner Danny Chandler asked with this zoning does this leave the possibility of future development in a different use.

Community Development Director Julie Womble said she didn't know of any.

Chairman Perry Price asked if we will need more spray fields.

Community Development Director Julie Womble she could not speak on behalf of Utilities. This is due to growth and the City was in need of it.

Upon vote all ayes.

AGENDA ITEM 15: RECOMMENDATION AMENDING THE ZONING MAP

Motion was made by Commissioner Danny Chandler and seconded by Commissioner Matt Maloney to recommend approval of the Zoning Map Amendment Hickory Road Spray Field.

Upon vote all ayes

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

AGENDA ITEM 16: PUBLIC HEARING – COMPREHENSIVE PLAN TEXT AMENDMENT – CIP ELEMENT

Notice was made on August 16, 2024.

Community Development Director Julie Womble stated The Planning Commission will take public comment and consider a proposed Comprehensive Plan Text Amendment addressing septic to sewer feasibility before making a recommendation to the City Commission. The Florida Legislature, during its 2023 Regular Session, passed House Bill (HB) 1379 relating to pollutant load reductions, which was subsequently signed into law by the Governor. House Bill (HB) 1379 includes provisions requiring local governments to study the feasibility of converting existing septic systems to sanitary sewer and to address the feasibility of such conversions in the Comprehensive Plan. A Capital Improvement Element of the Comprehensive Plan update is required to show the feasibility of converting septic to sewer for any development of more than 50 residential lots, whether built or unbuilt, with more than one onsite sewage treatment and disposal system per one acre. The CIP element must consider feasibility of providing sanitary sewer services within a 10 year-planning horizon and identify the name and location of the wastewater facility, along with that facility's flow for the next 20 years. The City, and engineering consultant, (Chastain Skillman), have already began the feasibility study. The Comprehensive Plan Text amendment addresses updating outdated Level of Service Standards in the CIP Element. The Text Amendment also provides language requiring all new development to connect to sanitary sewer when available along with requiring all new development to dedicate public sewer collection facilities to the City. A concurrent Land Development Regulation Text Amendment will outline the requirements for connection availability. The Comprehensive Plan CIP Text Amendment shows the completion of the feasibility study for May of 2025 and will be addressed in a new Septic to Sewer Master Plan. 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 Comprehensive Plan Text Amendment for the CIP Element to the City Commission. Text amendment was shown on the screen. She stated she had worked with attorney to make sure the language is exactly what this House Bill 1379 requirement needs to be.

Chairman Price asked for Public comment there was none.

Chairman Price Closed the Public Hearing and opened the Regular Meeting.

AGENDA ITEM 17: RECOMMENDATION AMENDING THE COMPREHENSIVE PLAN – CIP ELEMENT

Motion by Commissioner Danny Chandler and seconded by Commissioner Matt Maloney to recommend amending the Comprehensive Plan – CIP Element.

Commissioner Steve Lawson asked if existing subdivisions will have to hook onto sewer.

Community Development Director Julie Womble stated our language in the next agenda item should explain that. This is just the requirement to do the feasibility study and making sure that we envision future connections for all development.

Chairman Perry Price did not want to cost our citizenry anything if they are required to connect.

Community Development Director Julie Womble stated this is not what the State is requiring. The State is requiring us to have a study to show what is the availability of this, where they would connect to, and if there those connections could take the flows for the next 20 years. The requirements of the State have not indicated who would purchase this or pay for it or convert it. They are just asking the City to have this study. Our City Attorney has advised us to adopt this language because it is a requirement of Bill 1379. It will be completed sometime next year.

Commissioner Matt Maloney stated this one is to adopt the next one is the City's implementation of it.

Commissioner Danny Chandler asked after the feasibility study would this then come back to us as a recommendation.

Community Development Director Julie Womble stated this would come back before the Commission to adopt regulations or to add in the "Septic to Sewer Master Plan" into our CIP Element so as we are talking to developers, we can refer to that Master Plan.

Commissioner Danny Chandler stated as a Real Estate Agent that I have seen with this type of Bill is where people purchase a house and then they are required to pay \$20,000 to take out the septic and hook to the City.

Community Development Director Julie Womble stated she did not know if that is what the State is intending. I think they are looking to see a lot of these rural communities that have grown a lot these last couple of years. We are just recommending.

Chairman Perry Price stated we have just brought all of these pieces of property into the City so there should be a lot of money to pay for you requiring us to connect to the City sewer system.

Upon vote all ayes.

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

AGENDA ITEM 18: PUBLIC HEARING – RECOMMENDATION AMENDING ADMINISTRATION AND PROCEDURES MANUAL OF THE LAND DEVELOPMENT REGULATIONS

Notice was made on August 16, 2024.

Community Development Director Julie Womble state 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. City Staff is proposing an amendment to the Land Development Regulations (LDRs) to correspond with the Septic to Sewer CIP Text Amendment to the City's Comprehensive Plan. The City requires connection to public sewer systems of all development where gravity, and force main(s) are considered available as determined solely by the City. The proposed Land Development Regulation Text Amendment will provide clarification on distance requirements for connection for different size developments. The proposed Text Amendment language also clarifies if the City is unable to provide public sanitary sewers an Enhanced Nitrogen Septic System shall be required as approved by the Department of Health. In the event that an Enhanced Nitrogen Septic System is permitted in areas where public sanitary sewers are planned for later extension, such systems shall be located in such a manner as to facilitate later connection with the public system. 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. She read the proposed text amendment shown on the screen at this time.

The proposed Land Development Regulation Text Amendment will provide clarification on distance requirements for connection for different size developments.

For all single-family residences, and any establishment that has an estimated sewage flow of 1,000 gallons per day or less, a sanitary sewer shall be considered available if the line is within 600 feet of the property and gravity flow can be maintained from the building to the sewer line.

For any residential subdivision, and all non-residential uses that have an estimated sewage flow of 1,000 gallons per day or more, a sanitary shall be considered available if a gravity line, force main, manhole, or lift station in an easement or right of way is existing under one of the following conditions: Is within one half of one mile (2,640 feet) of the property. Will serve ten or more ERCs (Equivalent Residential Connections) or more and is within $\frac{3}{4}$ mile (3,960 feet) of the property. Will server 20 ERCs or more and is with one mile (5,280 feet) of the property.

This is updating our standards as we have future development. These standards were given to us as a recommendation by our Public Utilities Director. This has also been vetted with our City Attorney and we looked at other cities around us and the county of what they require.

This completed her presentation.

Chairman Price asked for Public comment, there was none.

Chairman Price Closed the Public Hearing and opened the Regular Meeting.

AGENDA ITEM 19: RECOMMENDATION AMENDING ADMINISTRATION AND PROCEDURES MANUAL OF THE LAND DEVELOPMENT REGULATIONS

Motion by Commissioner Jody Miller and seconded by Commissioner Steve Lawson to recommend amending the Administration and Procedures Manual of the Land Development Regulations.

Commissioner Matt Maloney asked how this impact existing homes in the City.

Community Development Director Julie Womble stated that right now the City does not regulate when a septic system comes in. This is not a requirement. This is just for a new development coming in or if they want to connect. We are asking them to put in the Enhanced Nitrogen Septic System, which is what the health department and the State recommends as being a better septic tank.

Commissioner Matt Maloney stated in Arietta Shores just outside the City limits, if they annex in a bunch on the homes are on septic system. What happens when they annex in?

Community Development Director Julie Womble stated the feasibility study that we have to do in the CIP Element, that we just recommended approval to the Commission, has to look at current and future development at everything within our utility boundaries. We do not have any requirements for current developed or development coming into the city. The State may require us in the future. Before you right now are just the fact of future development and distance requirements. Several of the subdivisions that have been annexed recently have come before you for Future Land Use and Zoning were septic systems. In our discussion with those HOA's and communities we said the community as a whole have to want to connect to public sewer. At this time, we do not have any requirements.

Chairman Perry Price stated so they have to want to be. There is no requirement that is going to make them want to do it later on.

Community Development Director Julie Womble stated I can't say that there will be any requirements that will not make them do it later on.

Commissioner Danny Chandler asked who is responsible if they need to run that $\frac{3}{4}$ of a mile sewer line. Is that going to be on the developer, they will be responsible for the tab. Are they going to pay impact fees?

Community Development Director Julie Womble stated that would be for a discussion with the Utilities Department. There are impact fees, it is part of the normal development process.

Commissioner Danny Chandler stated everything discussed here is gravity. Does this encompass lift stations?

Community Development Director Julie Womble stated that in the CIP Element, that we just recommended approval on, it said everything that was public, and future will be included.

Chairman Perry Price asked if the system is updated enough from our least deal that can take on other subdivisions like this.

Community Development Director Julie Womble stated that is part of our feasibility study that we are doing. We have already been upgrading our sewer capacity with the improvements right now and that was taking in consideration all of the current zoning that we have even if it is undeveloped.

Chairman Perry Price stated we have talked about houses, what if a church comes in and they have to run that mile union by themselves.

Community Development Director Julie Womble stated we call it an equivalent residential connection that the Utility Department calculates. It depends on how many gallons per day. It depends on the size and the structure of the building.

Commissioner Danny Chandler stated they are going to base it on projected flow.

Community Development Director Julie Womble stated they are.

Commissioner Dave Holt asked if there are any residential lots available in the City limits that are not in a subdivision, any vacant land.

Community Development Director Julie Womble stated yes, people sell property all the time.

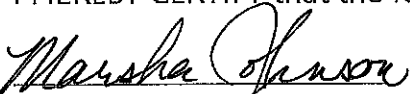
Commissioner Dave Holt asked do those people have a choice to connect or go to septic.

Community Development Director Julie Womble stated right now our current code says if they are within 600 feet they have to connect anyway. We are not changing that. All we are saying is if they are putting in a septic tank and they are not within 600 feet that they put in the Enhanced Nitrogen Septic System, which is what the state is looking at for the next level of service.

Upon vote all ayes.

Meeting was adjourned at 5:07.

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


Marsha Johnson, Secretary