

Planning Commission Minutes of April 15, 2024

Minutes of the Planning Commission Meeting of the City of Davenport, Florida, held Monday, April 1, 2024 at 6:30 p.m. in the Commission Room after having been properly advertised with the following members present: Mayor Brynn Summerlin and Vice-Mayor Jeremy Clark. Commission Members: Tom Fellows, Bobby Lynch (in at 6:31pm), and Donna Fellows-Coffey. Also present: City Manager Kelly Callihan and City Attorney Tom Cloud.

Mayor Summerlin declared a quorum present and opened the meeting.

BUSINESS

1. ORDINANCE NO. 1265 - PUBLIC HEARING AND REQUEST TO ASSIGN THE LAND USE CLASSIFICATION TO US HIGHWAY 17/92 (IGLESIA CRISTIANA PENTECOSTAL QUEBRANTANDO YUGOS INC) FROM POLK COUNTY CONVENIENCE CENTER (CC) TO CITY COMMERCE ACTIVITY CENTER (CAC)

City Planner Raymond Perez explained that this was a request to assign the Land Use Classification to property located at US Highway 17/92 for the Iglesia Cristiana Pentecostal Quebrantando Yugos, Inc. from Polk County Convenience Center (CC) to City Commerce Activity Center (CAC).

The Mayor opened and closed the Public Hearing with no public input.

Motion by Commissioner Fellows and seconded by Vice-Mayor Clark to recommend to the City Commission approval of Ordinance No. 1265.

Commissioner Fellows asked what Commerce Activity Center allow. Raymond responded that it allowed churches and further added that it was the applicant's intent to build a church.

There being no further discussion, the Mayor called for the vote. Motion carried unanimously.

2. ORDINANCE NO. 1266 - PUBLIC HEARING AND REQUEST TO ASSIGN THE ZONING CLASSIFICATION TO US HIGHWAY 17/92 (IGLESIA CRISTIANA PENTECOSTAL QUEBRANTANDO YUGOS INC) FROM POLK COUNTY CONVENIENCE CENTER (CC) TO CITY COMMERCIAL NEIGHBORHOOD (C-1)

Raymond explained that this was a request to assign the zoning classification to the same property from Polk County Convenience Center (CC) to City Commercial Neighborhood (C-1). The parcel is just east of Highway 17/92 and south of South Boulevard.

The Mayor opened and closed the Public Hearing with no public input.

Motion by Vice-Mayor Clark and seconded by Commissioner Fellows-Coffey to recommend to the City Commission approval of Ordinance No. 1266. Motion carried unanimously.

3. ORDINANCE NO. 1267 - PUBLIC HEARING AND REQUEST TO ASSIGN THE LAND USE CLASSIFICATION TO 627 POWERLINE ROAD FROM POLK COUNTY RESIDENTIAL SUBURBAN (RS) TO CITY RESIDENTIAL MEDIUM (RM)

Raymond explained that this was a request to assign the Land Use Classification to 627 Powerline Road from Polk County Residential Suburban (RS) to City Residential Medium (RM) consisting

of 4.54. This provides a density of 9.99 units per acre. He further noted that this was the most appropriate classification.

The Mayor opened and closed the Public Hearing with no public input.

Motion by Commissioner Fellows-Coffey and seconded by Commissioner Lynch to recommend approval to the City Commission of Ordinance No. 1267.

The location of the property was provided by Raymond.

Commissioner Fellows asked if there were plans for development of the property. Raymond responded not to his knowledge and right now the owner was only looking at Land Use and Zoning.

In response to Commissioner Fellows-Coffey's inquiry, Raymond responded that Staff felt that this was the most appropriate classification for this area.

The Attorney questioned the ownership of the strip of land to the east. Raymond responded that this was more than likely the right-of-way that was designated for Powerline Road.

There being no further discussion, the Mayor called for the vote. Motion carried unanimously.

4. ORDINANCE NO. 1268 - PUBLIC HEARING AND REQUEST TO ASSIGN THE ZONING CLASSIFICATION TO 627 POWERLINE ROAD FROM POLK COUNTY RESIDENTIAL SUBURBAN (RS) TO CITY LOW DENSITY RESIDENTIAL (R-5)

Raymond explained that this was a request to assign the zoning classification to the same property from Polk County Residential Suburban (RS) to City Low Density Residential (R-5).

The Mayor opened the Public Hearing.

Linda Robinson of 314 East Cypress Street accepted and pointed out that the R-5 zoning allowed homes, duplexes, and triplexes and asked if staff knew what their intentions were for this property. Raymond responded that he did not know the applicant's intent, but this zoning classification did allow all of these but if they wanted to do apartments then they would have to change it to a Multi-Family Zoning. She further asked that if they placed multi-family units on the property, how would this affect the expansion and widening of Powerline Road. Raymond responded that they would have to go through the County and depending on the number of units they would be required to install the appropriate entrances.

There being no one else, the Mayor closed the Public Hearing.

Motion by Commissioner Fellows and seconded by Vice-Mayor Clark to recommend approval to the City Commission of Ordinance No. 1268. Motion carried unanimously.

5. ORDINANCE NO. 1269 - PUBLIC HEARING AND REQUEST TO ASSIGN THE LAND USE CLASSIFICATION TO 401 WEST BAY STREET FROM CITY RESIDENTIAL LOW (RL) TO CITY COMMERCE ACTIVITY CENTER (CAC)

Raymond explained that this was a request to assign the Land Use Classification to 401 West Bay Street from City Residential Low (RL) to City Commerce Activity Center (CAC). He further added that the intent of the applicant was to do a small commercial business.

The Mayor opened the Public Hearing.

Mary Lou Neal of 411 West Bay Street took the floor and stated that her house was directly behind this property. She explained that she had no problem with free enterprise, but she did have a problem with a structure being built without the rules and laws not being followed. As far as she knew there were no variances or permits. The city had told her that they were building a garage for his private use, however there were all kinds of signs up. She informed them that this was 25 feet from her bedroom window. She stated that she had concerns about this and she had concerns with drainage and what was going to happen with her property.

Building Official Bill Nolen provided that the applicant was issued a permit for the structure. He also explained that Mr. Luciano was allowed to go 50 percent of the size of the home or 1,200 feet whichever was lower. This house was quite large so this was the size of garage that he could build. He has spoken with the applicant on many occasions and he was well aware of the neighbors and business practices and he was going to do everything he could to minimize any noise or distractions to his neighbors.

The Mayor pointed out that it was adjacent to a Commerce Activity Center to the north. Bill answered that this was correct as well as to the east which included the Wells Fargo bank, the empty lots next to the bank and to the north.

Mrs. Neal further asked if he had permission to open his business. Bill responded that the applicant did have a Business Tax Receipt and the change in zoning would offer more opportunities and allow them to place signs on the front and more things of this nature.

Mrs. Neal questioned the use of Bay Street by his customers. She was informed that they would use Davenport Boulevard.

Jose Luciano owner of 401 West Bay Street advised that before he had even bought the house, he had specifically checked with the city on all the regulations because he knew what his intent was for the property. So far, he had done everything possible and would continue to do everything possible to make sure that he respected their house and property.

He was originally from Illinois and had a business for 15 years. He had come to Davenport to better his life and the life of his kids, and he wanted to bring his business to Davenport, and he felt that it would be good for the city. He had already contacted some of the schools to give them an opportunity to send kids once a month during the school year to teach them entrepreneurship and try to be a good influence. With his business being there it would also provide the city with some revenue.

As for access to West Bay Street, he stated that he would need to use it to access his business. As far as noise, he had an audio, window tinting fabrication shop. Any noise would be for 1 or 2 minutes during business hours and he was not going to play music at 9:00 or 10:00 at night.

The Mayor stated that the City of Davenport welcomed him as a business. The city needed new business in town. He for one was happy that he had made all the efforts to find out everything he needed to do. From the sound of things, he was going to do everything he needed to do and

maybe a little over and above what was required of him. He was glad that he was there and had moved to Davenport and he felt that he was going to be a good neighbor. Promotion of Davenport was very important to them.

There being no one else the Mayor closed the Public Hearing and entertained a motion.

Motion by Vice-Mayor Clark and seconded by Commissioner Lynch to recommend to the City Commission approval of Ordinance No. 1269.

Commissioner Fellows-Coffey voiced concern with parking, pointing out that when his own vehicles are parked on the property, it was already crowded. She was concerned that once his business was thriving that there wouldn't be enough parking. She was also concerned about increased traffic and the proximity to the bus stop location. Raymond responded that it was his understanding that all the business activity would be indoors and there would be no interaction with clients.

In answer to her other question, Raymond responded that there would be a limited number of cars at any one time and they would be in the shop; and it met the parking standards of the city.

Commissioner Fellows voiced his concerns that it was a repair shop. He wanted to make sure that he was also a good neighbor. Mr. Luciano informed him that it was mainly window tinting and car audio. There wouldn't be a lot of cars parked outside. He assured him that there would be no engine work and it would not be a body shop. He would be respectful of his neighbors and unless they came to the window, they wouldn't even know what he was doing.

There being no other discussion, the Mayor called for the vote. Motion carried with Commissioner Fellows-Coffey opposing.

6. ORDINANCE NO. 1270 - PUBLIC HEARING AND REQUEST TO ASSIGN THE ZONING CLASSIFICATION TO 401 WEST BAY STREET FROM CITY SINGLE FAMILY RESIDENTIAL (RE-2) TO CITY COMMERCIAL HIGHWAY (C-3)

Raymond explained that this was a request to assign the zoning classification to the same property from City Single Family Residential (RE-2) to City Commercial Highway (C-3).

The Mayor opened and closed the Public Hearing with no public input.

Motion by Commissioner Lynch and seconded by Vice-Mayor Clark to recommend approval to the City Commission of Ordinance No. 1270.

Commissioner Fellows asked if the house was on the Historical Register. In the audience, Davenport Historical Society President Freida Linder Priest responded that it was not.

There being no other discussion, the Mayor called for the vote. Motion carried with Commissioner Fellows-Coffey opposing.

7. ORDINANCE NO. 1271 - PUBLIC HEARING AND REQUEST TO ASSIGN THE LAND USE CLASSIFICATION TO 1027 MYSTERY HOUSE ROAD FROM POLK COUNTY RESIDENTIAL SUBURBAN (RS) TO CITY COMMERCE ACTIVITY CENTER (CAC)

Raymond explained that this was a request to assign the Land Use Classification to 1027 Mystery House Road from Polk County Residential Suburban (RS) to City Commerce Activity Center (CAC).

The Mayor opened and closed the Public Hearing with no public input.

Motion by Commissioner Fellows-Coffey and seconded by Vice-Mayor Clark to recommend approval of Ordinance No. 1271 to the City Commission. Motion carried unanimously.

8. ORDINANCE NO. 1272 - PUBLIC HEARING AND REQUEST TO ASSIGN THE ZONING CLASSIFICATION TO 1027 MYSTERY HOUSE ROAD FROM POLK COUNTY RESIDENTIAL SUBURBAN (RS) TO CITY COMMERCIAL HIGHWAY (C-3)

Raymond explained that this was a request to assign the zoning classification to the same property from Polk County Residential Suburban (RS) to City Commercial Highway (C-3) consisting of 4.95 acres.

The Mayor opened and closed the Public Hearing with no public input.

Motion by Commissioner Fellows and seconded by Commissioner Fellows-Coffey to recommend to the City Commission approval of Ordinance No. 1272. Motion carried unanimously.

9. ORDINANCE NO. 1273 - PUBLIC HEARING AND REQUEST TO ASSIGN THE ZONING CLASSIFICATION TO 1760 HORSESHOE CREEK ROAD FROM CITY CONSERVATION (CN) AND AGRICULTURE (AG) TO CITY CONSERVATION (CN) AND LOW DENSITY RESIDENTIAL (R-5)

Raymond explained that this was a request to assign the Zoning Classification to 1760 Horseshoe Creek Road from City Conservation (CN) and Agriculture (AG) to City Conservation (CN) and Low Density Residential (R-5) consisting of 6.58 acres.

The Mayor opened the Public Hearing.

Jeff Sasser of 1702 Horseshoe Creek Road accepted and stated that all the properties surrounding this parcel were 1 unit per 5 acres. He further voiced his objection to the Ordinance, further stating that they needed to start looking after the people that already lived here.

There being no one else the Mayor closed the Public Hearing and entertained a motion.

Motion by Vice-Mayor Clark and seconded by Commissioner Lynch to recommend denial of Ordinance No. 1273 to the City Commission.

The Vice-Mayor voiced his agreement with Mr. Sasser. He felt that at the present time there was a lot of agriculture in this area, and he felt that they would eventually have to revisit the R-5 zoning. He was for growth but was also for protecting their history.

Commissioner Fellows agreed that they needed to look into this further before they changed it.

The Mayor voiced that he had a problem with it in that it was not conducive with the surroundings. He had a bigger issue with changing anything conservation with R-5.

Commissioner Lynch agreed that they needed to look at this a bit closer.

Commissioner Fellows-Coffey felt that this needed more discussion. Conservation and agriculture certainly gave her some pause. There was some room for change, she just didn't necessarily think that this was the appropriate change and they needed to discuss it further.

There being no other discussion, the Mayor called for the vote. Motion carried unanimously to deny recommendation of Ordinance No. 1273.

There being no other business, a motion to adjourn was made by Commissioner Lynch and carried unanimously.

Meeting adjourned at 7:14 p.m.

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


Raquel Castillo, City Clerk