

## Planning Commission Minutes of April 18, 2022

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Minutes of the Planning Commission Meeting of the City of Davenport, Florida, held Monday, April 18, 2022 at 6:30 p.m. in the Commission Room after having been properly advertised with the following members present: Mayor H.B. Robinson and Vice-Mayor Brynn Summerlin. Commission Members: Commissioner Bobby Lynch, Commissioner Tom Fellows and Jeremy Clark. Also present: City Manager Kelly Callihan and City Attorney Tom Wilkes.

Mayor Robinson declared a quorum present and opened the meeting.

### **BUSINESS**

1. **ORDINANCE NO. 1060: PUBLIC HEARING AND REQUEST TO APPROVE THE LAND USE PLANNED AMENDMENT (LUPA) TO THE BELLA VITA PHASE 3 SUBDIVISION FROM POLK COUNTY RESIDENTIAL MEDIUM (RM) TO RESIDENTIAL MEDIUM (RM)**

City Planner Raymond Perez explained that this was a request for the Land Use Planned Amendment from Polk County Residential Medium (RM) to Residential Medium (RM) and because of the size it will have to go to the Department of Economic Opportunity (DEO) for review.

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

**Motion** by Commissioner Fellows and seconded by Vice-Mayor Summerlin to recommend to the City Commission approval of Ordinance No. 1060.

The Vice-Mayor asked if this would be their first submittal under the new regulations. Raymond responded in the affirmative.

The location of the property was also pointed out.

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

2. **ORDINANCE NO. 1061: PUBLIC HEARING AND REQUEST TO REZONE THE BELLA VITA PHASE 3 SUBDIVISION FROM POLK COUNTY RESIDENTIAL MEDIUM (RM) TO PLANNED UNIT DEVELOPMENT (PUD)**

Raymond explained that this was the rezoning of the same property from Polk County Residential Medium (RM) to Planned Unit Development (PUD).

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

**Motion** by Commissioner Lynch and seconded by Commission Clark to recommend the approval of Ordinance No. 1061 to the City Commission. Motion carried unanimously with no discussion.

3. **ORDINANCE NO. 1063: PUBLIC HEARING AND REQUEST TO UPDATE THE LANGUAGE IN THE LAND DEVELOPMENT REGULATIONS RELATING TO ACCESSORY DWELLING UNITS**

Raymond explained that this was a request to update language in Article 3 to remove guest houses as accessory uses from the zoning districts of AG, TN-1, TN-2, R-1, R-2, R-3, R-4 and R-5.

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

**Motion** by Commissioner Clark and seconded by Commissioner Fellows to recommend to the City Commission approval of Ordinance No. 1063.

Discussion ensued with the Commission understanding this being an issue with smaller properties but not necessarily bigger pieces of properties. Code Enforcement Officer Steven Hunnicutt shared that the intent was that if they wanted to add the mother-in-law suite it would have to be attached to the existing property. With the bigger lots they had to be a certain amount of percentage based on the main structure. Steven further provided some examples around the city where they had issues where accessory structures were bigger than the main structure but still conformed with the way the LDR's read. There weren't that many and staff wasn't stopping them from doing it but they had to be attached to the existing structure.

The City Manager further added that what staff was trying to prevent was someone building a separate structure and renting it out.

In answer to Commissioner Clark's concern, Steven responded that they would still allow them but they had to be attached.

The Vice-Mayor wanted to make sure that they talked about this because interpretation was everything. They couldn't always police it after the fact.

Steven advised that all they were doing was basically taking out the accessory structure so that there was no confusion if somebody wanted to come in and do this and make sure that they understood what qualified as a living structure.

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

**4. ORDINANCE NO. 1072: PUBLIC HEARING AND REQUEST TO APPROVE THE LAND USE PLANNED AMENDMENT (LUPA) TO 720 MYSTERY HOUSE ROAD FROM POLK COUNTY RESIDENTIAL SUBURBAN (RS) TO RESIDENTIAL LOW (RL)**

Raymond explained that this was a request to assign the Land Use Planned Amendment from Polk County Residential Suburban (RS) to Residential Low (RL) to be consistent to the surrounding properties.

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

**Motion** by Commissioner Lynch and seconded by Vice-Mayor Summerlin to make a motion to the Commission of the approval of Ordinance No. 1072. Motion carried unanimously with no discussion.

**5. ORDINANCE NO. 1073: PUBLIC HEARING AND REQUEST TO REZONE 720 MYSTERY HOUSE ROAD FROM RESIDENTIAL SUBURBAN (RS) TO SINGLE FAMILY RESIDENTIAL (R-1)**

Raymond explained that this was the rezoning of the same property from Polk County Residential Suburban (RS) to Single Family Residential (R-1).

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

Motion by Vice-Mayor Summerlin and seconded by Commissioner Lynch to recommend to the City Commission approval of Ordinance No. 1073. Motion carried unanimously with no discussion.

There being no further business a motion to adjourn was made by Vice-Mayor Summerlin and seconded by Commissioner Lynch.

Meeting adjourned at 6:48 p.m.

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

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Raquel Castillo, City Clerk