

# Planning Commission Minutes of August 16, 2021

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Minutes of the Planning Commission Meeting of the City of Davenport, Florida, held Monday, August 16, 2021 at 6:00 p.m. in the Commission Room after having been properly advertised with the following members present: Vice-Mayor Brynn Summerlin and Commission Members: Commissioner Bobby Lynch, Commissioner Tom Fellows and Commissioner Jeremy Clark. Also present: City Manager Kelly Callihan. City Attorney Tom Wilkes. Absent and excused was Mayor H.B. Robinson.

Vice-Mayor Summerlin declared a quorum present and opened the meeting.

## **BUSINESS**

### **1. ORDINANCE NO. 1037: PUBLIC HEARING AND REQUEST TO UPDATE THE TEXT IN THE CITY'S COMPREHENSIVE PLAN TO ADD AN ADDITIONAL ELEMENT KNOWN AS PRIVATE PROPERTY RIGHTS ELEMENT**

City Planner Raymond Perez explained that this was a Text Amendment to the City's Comprehensive Plan to add an additional element known as Private Property Rights Element. Raymond outlined the Private Property Rights which included:

1. The right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.
2. The right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances.
3. The right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.
4. The right of a property owner to dispose of his or her property through sale or gift.

The Vice-Mayor opened the Public Hearing.

Joyce Hunter of 5 West Boulevard S questioned why that had to do this. She was informed that it was State law in accordance with State Statute.

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

**Motion** by Commissioner Fellows and seconded by Commissioner Clark to recommend to the City Commission approval of Ordinance No. 1037. Motion carried unanimously with no discussion.

### **2. ORDINANCE NO. 1019: PUBLIC HEARING AND REQUEST TO APPROVE THE LAND USE PLANNED AMENDMENT (LUPA) TO 1010 MYSTERY HOUSE ROAD FROM POLK COUNTY RESIDENTIAL SUBURBAN EXTRA (RSX) TO RESIDENTIAL LOW (RL)**

Raymond explained that this was a request to approve the Land Use Planned Amendment to 1010 Mystery House Road from Polk County Residential Suburban Extra (RSX) to Residential Low (RL). He further noted that the density was no more than 4.99 units per acre and added that it was consistent with the surrounding area.

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

**Motion** by Commissioner Clark and seconded by Commissioner Lynch to make a recommendation to the City Commission to approve Ordinance No. 1019. Motion carried unanimously with no discussion.

**3. ORDINANCE NO. 1020: PUBLIC HEARING AND REQUEST TO APPROVE THE REZONING TO 1010 MYSTERY HOUSE ROAD FROM POLK COUNTY RESIDENTIAL SUBURBAN (RS) TO RESIDENTIAL 5 (R-5)**

Raymond explained that this was the rezoning of 1010 Mystery House Road from Polk County Residential Suburban (RS) to Residential 5 (R-5).

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

**Motion** by Commissioner Lynch and seconded by Commission Fellows to recommend Ordinance No. 1020 to the City Commission for approval.

Discussion ensued with the Vice-Mayor asking if the adjacent property also R-5. Raymond responded that the surrounding properties were a combination of R-5 and PUD.

There being no other discussion, the Vice-Mayor called for the vote. Motion carried unanimously.

**4. ORDINANCE NO. 1023: PUBLIC HEARING AND REQUEST TO APPROVE THE LAND USE PLANNED AMENDMENT (LUPA) TO 626 SYLVAN RAMBLE ROAD FROM POLK COUNTY RESIDENTIAL SUBURBAN EXTRA (RSX) TO RESIDENTIAL LOW (RL)**

Raymond explained that this was the Land Use Planned Amendment to 626 Sylvan Ramble Road from Polk County Residential Suburban Extra (RSX) to Residential Low (RL). Raymond further advised that there would be no impact because there was a combination of manufactured homes and single family homes.

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

**Motion** by Commissioner Fellows and seconded by Commissioner Clark to recommend to the City Commission approval of Ordinance No. 1033.

There being no other discussion, the Vice-Mayor called for the vote. Motion carried unanimously.

**5. ORDINANCE NO. 1024: PUBLIC HEARING AND REQUEST TO APPROVE THE REZONING TO 626 SYLVAN RAMBLE ROAD FROM POLK COUNTY RESIDENTIAL SUBURBAN (RS) TO RESIDENTIAL 5 (R-5)**

Raymond advised that this was the rezoning of the same parcel above from Polk County Residential Suburban (RS) to Residential 5 (R-5).

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

**Motion** by Commissioner Clark to make a recommendation to the City Commission to approve Ordinance No. 1024. Motion carried unanimously with no discussion.

**6. ORDINANCE NO. 1025: PUBLIC HEARING AND REQUEST TO APPROVE THE LAND USE PLANNED AMENDMENT (LUPA) TO 632 SYLVAN RAMBLE ROAD FROM POLK COUNTY RESIDENTIAL SUBURBAN EXTRA (RSX) TO RESIDENTIAL PARK (RP)**

Raymond explained that this was a request to approve the Land Use Planned Amendment to 632 Sylvan Ramble Road from Residential Suburban Extra (RSX) to Residential Park (RP). The property consisted of .12 acres.

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

**Motion** by Commissioner Lynch and seconded by Commissioner Fellows to recommend to the City Commission approval of Ordinance No. 1025. Motion carried unanimously with no discussion.

**7. ORDINANCE NO. 1026: PUBLIC HEARING AND REQUEST TO APPROVE THE REZONING TO 632 SYLVAN RAMBLE ROAD FROM POLK COUNTY RESIDENTIAL SUBURBAN (RS) TO MANUFACTURED HOME 1 (MH-1)**

Raymond advised that this was the same property to approve the rezoning from Polk County Residential Suburban (RS) to Manufactured Home 1 (MH-1).

The Vice-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. 1026. Motion carried unanimously with no discussion.

**8. ORDINANCE NO. 1027: PUBLIC HEARING AND REQUEST TO APPROVE THE LAND USE PLANNED AMENDMENT (LUPA) TO 0 NORTH BOULEVARD ROAD FROM POLK COUNTY RESIDENTIAL LOW 1(RL-1) TO GOVERNMENTAL INSTITUTIONAL (GI)**

Raymond explained that this was a request to approve the Land Use Planned Amendment to 0 North Boulevard Road from Polk County Residential Low 1 (RL-1) to Governmental Institutional (GI). Raymond further added that this property belonged to the City, consisting of 4.85 acres.

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

The City Manager provided that the City was looking forward to the rezoning.

**Motion** by Commissioner Lynch and seconded by Commissioner Clark to recommend to the City Commission approval of Ordinance No. 1027. Motion carried unanimously with no discussion.

**9. ORDINANCE NO. 1028: PUBLIC HEARING AND REQUEST TO APPROVE THE REZONING TO 0 NORTH BOULEVARD ROAD FROM POLK COUNTY RESIDENTIAL LOW (RL) TO PUBLIC OR INSTITUTIONAL 2 (PI-2)**

Raymond advised that this was the rezoning to the same property from Polk County Residential Low (RL) to Public or Institutional 2 (PI-2), which was consistent with the surrounding City owned properties.

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

**Motion** by Commissioner Clark to make a recommendation to the City Commission to approve Ordinance No. 1028. Motion carried unanimously with no discussion.

**10. ORDINANCE NO. 1029: PUBLIC HEARING AND REQUEST TO APPROVE THE LAND USE PLANNED AMENDMENT (LUPA) TO 1212 HIGHWAY 17/92 SOUTH FROM POLK COUNTY INDUSTRIAL (IND) TO INDUSTRIAL (IND)**

Raymond explained that this was the Land Use Planned Amendment to 1212 Highway 17/92 South from Polk County Industrial (IND) to Industrial (IND). Raymond noted that this was already an industrial site and did not have to go to DEO because it was only 3.02 acres.

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

**Motion** by Commissioner Lynch and seconded by Commissioner Clark to recommend Ordinance No. 1029 to the City Commission for approval. Motion carried unanimously with no discussion.

**11. ORDINANCE NO. 1030: PUBLIC HEARING AND REQUEST TO APPROVE THE REZONING TO 1212 HIGHWAY 17/92 FROM POLK COUNTY INDUSTRIAL (IND) TO INDUSTRIAL 2 (I-2)**

Raymond explained that this was the rezoning of the same property from Polk County Industrial (IND) to Industrial 2 (I-2). He further informed them that Industrial 2 allowed outdoor storage.

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

**Motion** by Commissioner Fellows and seconded by Vice-Mayor Summerlin to recommend approval of Ordinance 1030 to the City Commission.

Discussion ensued with the Vice-Mayor voicing that it was his understanding that the owner was planning on placing heavy equipment on the property for sale, which would explain the outdoor storage portion. He also informed them that they were one of the largest, used heavy equipment sales yard in the country and shipped parts all over the world. This would definitely be a good addition to the city.

There being no other discussion, the Vice-Mayor called for the vote. Motion carried unanimously.

**12. ORDINANCE NO. 1031: PUBLIC HEARING AND REQUEST TO APPROVE THE LAND USE PLANNED AMENDMENT (LUPA) TO 1311 HIGHWAY 17/92 FROM POLK COUNTY INDUSTRIAL (IND) TO INDUSTRIAL (IND)**

Raymond advised that this property was on the opposite side of the road and they were requesting the Land Use Planned Amendment approval from Polk County Industrial (IND) to Industrial (IND). This consisted of 3.53 acres.

He also noted that the small niche to the south would be going through the same process.

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

**Motion** by Commissioner Lynch and seconded by Commissioner Clark to recommend to the City Commission approval of Ordinance No. 1031.

In answer to the Vice-Mayor's question, Raymond responded that the two small parcels would have to be approved by separate ordinances.

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

**13. ORDINANCE NO. 1032: PUBLIC HEARING AND REQUEST TO APPROVE THE REZONING TO 1311 HIGHWAY 17/92 FROM POLK COUNTY INDUSTRIAL (IND) TO INDUSTRIAL 2 (I-2)**

Raymond explained that this was the rezoning of the same parcel from Polk County Industrial (IND) to Industrial 2 (I-2).

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

**Motion** by Commissioner Clark and seconded by Commissioner Fellows to make a recommendation to the City Commission to approve Ordinance No. 1032. Motion carried unanimously with no discussion.

**14. ORDINANCE NO. 1035: PUBLIC HEARING AND REQUEST TO APPROVE THE ANNEXATION OF 0 OLSEN RD (PARCEL 272709-728000-032100) & 3920 KENNEDY ROAD (PARCEL 272709-728000-032805). OWNER OF RECORD: ALDON WALKER**

Raymond explained that this was the annexation of 0 Olsen Road and 3920 Kennedy Road consisting of 8.99 acres total. Raymond further pointed out that the owner of the development AJ Villas to the east was looking at including these two parcels to the development.

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

**Motion** by Commissioner Fellows and seconded by Commissioner Lynch to recommend to the City Commission approval of Ordinance No. 1035.

In responded to some of the Commissioners' questions, Raymond answered that the parcel to the east was almost the same size and once they were all annexed would become one big development. He also informed them that the owner was looking at townhomes. In addition, Highland Meadows property bordered it on the west side.

There being no other discussion, the Vice-Mayor called for the vote. Motion carried unanimously.

**15. ORDINANCE NO. 1036: PUBLIC HEARING AND REQUEST TO APPROVE THE ANNEXATION OF 920 GOTTS ROAD (PARCEL 272710-730000-040402). OWNER OF RECORD: STEPHEN & KATHERINE GAYMONT**

Raymond explained that this too was an annexation of 920 Gotts Road consisting of 1.0 acres. The property was contiguous to the City limits because the property to the south was inside the City limits.

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

**Motion** by Commissioner Lynch and seconded by Commissioner Fellows to recommend to the City Commission approval of Ordinance No. 1036. Motion carried unanimously with no discussion.

There being no further business, a motion to adjourn was made by Commissioner Clark.

Meeting adjourned at 6:32 p.m.

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

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Raquel Castillo, City Clerk