

Planning Commission Minutes of January 19, 2021

Minutes of the Planning Commission Meeting of the City of Davenport, Florida, held Monday, January 19, 2021 at 6:30 p.m. in the Commission Room after having been properly advertised with the following members present: Vice-Mayor Brynn Summerlin, Commissioner Bobby Lynch, Commissioner Tom Fellows and Commissioner Jeremy Clark. Also present: City Manager Kelly Callihan and City Attorney Heather Ramos. Absent and excused was Mayor H.B. Robinson.

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

BUSINESS

1. **ORDINANCE NO. 970: PUBLIC HEARING AND REQUEST TO APPROVE THE LAND USE PLANNED AMENDMENT (LUPA) OF TWO (2) PARCELS OF LAND FROM RESIDENTIAL LOW-2 EXTRA (RL-2X) TO RESIDENTIAL LOW (RL). OWNERS: BANERSY CORP. GENERAL LOCATION: EAST OF HOLLY HILL ROAD & SOUTH OF FOREST LAKE DRIVE**

City Planner Raymond Perez explained that this was a request to approve the Land Use Amendment for two (2) parcels of land from County Residential Low-2 Extra (RL-2X) to Residential Low (RL). Raymond noted that these parcels were annexed at the December 21st meeting

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. 970. Motion carried unanimously with no discussion.

2. **ORDINANCE NO. 971: PUBLIC HEARING AND REQUEST TO APPROVE THE LAND USE PLANNED AMENDMENT (LUPA) OF TWO (2) PARCELS OF LAND FROM RESIDENTIAL MEDIUM EXTRA (RMX) TO RESIDENTIAL LOW (RL). OWNERS: ISABELO & CARMEN CUEVAS. GENERAL LOCATION: SOUTH OF HORSESHOE CREEK ROAD & EAST OF WILTON PLACE & WEST OF ALTA VISTA WAY**

City Planner Raymond Perez explained that this was a request to approve the Land Use Amendment of another two (2) parcels of land from Polk County Residential Medium Extra (RMX) to Residential Low (RL). He further noted that this property consisted of 4.68 acres and did not have to go to the Department of Economic Opportunity but as a courtesy staff would provide them with the information.

The Vice-Mayor opened the Public Hearing and asked if anyone wanted to speak on this item.

Trenton Cason of 2005 Horseshoe Creek Road accepted and questioned if the applicant wanted to change the property to multiple dwellings. Raymond responded that this Ordinance changed the Land Use on the property at this time and the applicant wanted to rezone it for residential, which was Item 3 on the Agenda.

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The Vice-Mayor further informed Mr. Cason that the city did not have a Residential RMX in their Code and had to move it to match something that the City already had.

Mr. Cason further added that he had heard that they wanted to place 4 to 8 homes on the property; and this was their issue. The area was rural and did not want to see this in the area. Raymond advised him that Ordinance No. 973 on the agenda would address the zoning and he could address his concerns then.

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

Motion by Commissioner Fellows and seconded by Commissioner Lynch to recommend to the City Commission approval of Ordinance No. 971. Motion carried unanimously with no further discussion.

3. ORDINANCE NO. 972: PUBLIC HEARING AND REQUEST TO APPROVE THE REZONING OF TWO (2) PARCELS OF LAND FROM RESIDENTIAL LOW-2 EXTRA (RL-2X) TO RESIDENTIAL ESTATE 2 (RE-2). OWNERS: BANERSY CORP. GENERAL LOCATION: EAST OF HOLLY HILL ROAD & SOUTH OF FOREST LAKE DRIVE

Raymond explained that this was a request to rezone the same parcels mentioned in Ordinance 970 from Polk County Residential Low-2 Extra (RL-2X) to Residential Estate 2 (RE-2), which consisted of .92 acres.

The Vice-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. 972. Motion carried unanimously with no discussion.

4. ORDINANCE NO. 973: PUBLIC HEARING AND REQUEST TO APPROVE THE REZONING OF TWO (2) PARCELS OF LAND FROM RESIDENTIAL MEDIUM EXTRA (RMX) TO RESIDENTIAL 5 (R-5). OWNERS: ISABELO & CARMEN CUEVAS. GENERAL LOCATION: SOUTH OF HORSESHOE CREEK ROAD & EAST OF WILTON PLACE & WEST OF ALTA VISTA WAY

Raymond advised that this was the rezoning of the parcels outlined in Ordinance No. 971 from Polk County Residential Medium Extra (RMX) to Residential 5 (R-5) to allow homes at the density of 4.99 per acre. Raymond noted that the lots would be 50X100.

At this time the Vice-Mayor opened the Public Hearing.

Justin Oakes of 611 Horseshoe Creek Road accepted the invitation and stated that he had heard that the lots were going to be 50x100. He voiced his concern of possible contamination of his well and his neighbor's well from all the septic tanks from these homes. He further questioned if this would change the demographics of the area. It was currently zoned one house per 5 acres and agricultural. Were they looking at 25 homes on 4 acres? He also questioned the runoff and where was the water going to go.

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

Commissioner Clark asked how many homes were going in. Raymond responded that the Land Use for this property was Residential Low which permitted 4.99 homes per acre max. However, when the developer developed the area they had to put in a retention pond and the infrastructure. Raymond emphasized that once all this was done the density would drop and there would be less homes.

Commissioner Clark further voiced that he thought they weren't allowing any new subdivisions or homes without sewer. He was informed that this was not the case.

Vice-Mayor Summerlin further provided that they weren't going to take in any subdivision if they didn't hook up to city sewer which in their case was anything west of Highway 17/92. In this particular case, he understood what the zoning was but he didn't personally agree with the density level for this piece of property because it just didn't fit in with the neighborhood.

Commissioner Lynch stated that he would also echoed what the Vice-Mayor had just said and he too didn't feel it was the proper area for this.

Commissioner Fellows asked Raymond if there had been any conversations with the developer to place water and sewer in the area. Raymond responded that they were not at this stage yet and that they simply wanted to get it rezoned at this time.

Commissioner Fellows further suggested tabling this item and have Raymond work with the developer to come up with some kind of compromise.

Commissioner Clark wanted to go on record and stated that he was against this request in its current form.

At this time a motion was made by Commissioner Lynch and seconded by Commissioner Clark to recommend to the Commission denial of Ordinance No. 973 as it was being presented. Motion carried unanimously with no further discussion.

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

Meeting adjourned at 6:51 p.m.

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

Raquel Castillo, City Clerk