

Planning Commission Minutes of March 21, 2022

Minutes of the Planning Commission Meeting of the City of Davenport, Florida, held Monday, March 21, 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

Motion by Commissioner Clark and seconded by Vice-Mayor Brynn Summerlin to remove Items 1, 5, 7 and 8. Motion carried unanimously.

2. ORDINANCE 1064: PUBLIC HEARING AND REQUEST TO UPDATE CURRENT REGULATIONS SPECIFIC TO SMALL SCALE FUTURE LAND USE MAP AMENDMENTS

Jennifer Codo-Salisbury with Central Florida Regional Planning Council (CFRPC) presented this item and advised that this was a minor text amendment to the City's Land Development Code. She further added that Florida Statutes became effective July 1, 2021 that address Small Scale Amendments which may now encompass 50 or fewer acres rather than 10 acres.

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

Motion by Vice-Mayor Summerlin and seconded by Commissioner Lynch to approve Ordinance No. 1064 on first reading. Motion carried unanimously with no discussion.

3. ORDINANCE 1065: PUBLIC HEARING AND REQUEST TO UPDATE THE LANGUAGE IN THE LAND DEVELOPMENT REGULATIONS RELATING TO HOME OCCUPATIONS

Stephanie von Paleske-Bush presented this item and advised that Florida legislature made changes to home occupations. This Ordinance 1) prohibits local governments from taking certain actions relating to the licensure and regulation of home-based businesses, 2) specifies conditions under which a business is considered a home-based business; authorizing home-based businesses to operate in areas zoned for residential use, 3) specifies that home-based businesses are subject to certain business taxes and 4) authorizes the prevailing party in such challenge to recover specified attorney fees and costs.

More specifically:

- The business must be conducted within the principal residential dwelling.
- Clearly incidental, secondary to use of dwelling.
- May also be permitted in an accessory residential dwelling unit that is clearly subordinate to principal residential dwelling.
- Business shall not conduct retail transactions at a structure other than the residential dwelling.

- Shall not generate parking needs in greater volume than would normally be expected to serve a similar residence where no business is conducted.
- No additional parking spaces shall be provided in excess of those required to serve the residential unit.
- Vehicles, trailers associated with home occupation shall be parked in legal parking spaces and not within the right-of-way, on or over a sidewalk, or on any unimproved surfaces at the residence.
- No home occupation shall involve equipment or processes that may create or cause to be created noise, odors, vibration, glare, fumes, electrical interference, or hazards dangerous to the public health, safety and welfare.
- All home occupation practitioners shall obtain a business tax receipt.

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

Motion by Commissioner Fellows and seconded by Commissioner Clark to recommend approval of Ordinance No. 1065 to the City Commission updating the language in the Land Development Regulations relating to home occupations.

Discussion ensued with Vice-Mayor Summerlin reiterating the requirements and clarifying with staff. Stephanie also added that the City couldn't prohibit the home occupation if they met all the requirements.

In response to Commissioner Fellows' question, Stephanie answered that if someone wanted to open a business and they didn't meet these requirements, they could prohibit it. She further provided that a home occupation could be permitted in an accessory residential dwelling unit that was clearly subordinate to the principle dwelling unit.

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

4. ORDINANCE 1066: PUBLIC HEARING AND REQUEST TO UPDATE AND ADOPT THE CAPITAL IMPROVEMENTS ELEMENT (CIE) INCLUDING THE 5-YEAR SCHEDULE OF IMPROVEMENTS AFTER ADOPTION OF THE ANNUAL BUDGET AND CAPITAL IMPROVEMENTS ELEMENT (CIE)

Jennifer explained that the ordinance provided for the update of the adopted 5-year Capital Improvements Plan of the Comprehensive Plan which was consistent with the City's budget adopted 9/21/2021. The Capital Improvements Element must be reviewed on an annual basis and modified as necessary in order to maintain a financially feasible 5-year schedule of capital improvements.

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. 1066. Motion carried unanimously without discussion.

6. ORDINANCE NO. 1070: PUBLIC HEARING AND REQUEST TO ANNEX PARCEL NO. 27-26-32-709500-040200, 27-27-05-726000-030030, AND 27-27-05-726000-030070 –

GENERAL LOCATION: NORTH OF FOREST LAKE DRIVE & WEST OF HOLLY HILL ROAD (HARTFORD TERRACE SUBDIVISION)

City Planner Raymond Perez explained that this was a request to annex three (3) parcels totaling 82.02 acres. The plans for this parcel would contain 512 townhomes and single-family homes.

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

Motion by Commissioner Clark and seconded by Commissioner Fellows to recommend approval of Ordinance No. 1070.

The exact location of the property was outlined on the tv monitors.

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

9. REQUEST TO CONSIDER THE PRELIMINARY PLAT FOR TEMPLE CROSSING

Raymond explained that this was consideration of the Preliminary Plat for Temple Crossings consisting of 39.11 acres and 202 lots. This subdivision would contain two (2) accesses as required by the Land Development Regulations.

The 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 the preliminary plat for Temple Crossings.

Commissioner Clark asked how close the exit and entrance coming off of Highway 17/92 be to the other development. These were pointed out on the tv monitors however it was noted that they would basically have one entrance for now and a secondary future access to the north of the development.

In answer to Commissioner Fellows' question, the City Manager informed him that the proposed Powerline Road extension would be before this subdivision.

Raymond drew their attention to the wetlands area and informed them that the developer would be placing a walking path around it and in doing so would meet some of their green space requirement.

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

There being no further business meeting adjourned at 6:55 p.m.

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

Raquel Castillo, City Clerk