

Planning Commission Minutes of May 16, 2022

Minutes of the Planning Commission Meeting of the City of Davenport, Florida, held Monday, May 16, 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 and Commission Members: Commissioner Bobby Lynch, Commissioner Tom Fellows and Commissioner Jeremy Clark. Also present: City Manager Kelly Callihan. Absent was the City Attorney.

Mayor Robinson declared a quorum present and opened the meeting.

BUSINESS

1. **ORDINANCE NO. 1076: PUBLIC HEARING AND REQUEST TO ANNEX 1140 NORTH BOULEVARD WEST (OWNER OF RECORD: MIRABAL MATILDE FABIAN)**

City Planner Raymond Perez explained that this was an annexation of 1140 North Boulevard West consisting of .94 acres.

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 Ordinance No. 1076. Motion carried unanimously with no discussion.

2. **ORDINANCE NO. 1077: PUBLIC HEARING AND REQUEST TO ANNEX 610 HIGHWAY 17/92 – HEARTSONG SUBDIVISION (OWNERS OF RECORD: JESSE MUNRO & RHONDA HAWLEY)**

Raymond explained that this was an annexation of 610 Highway 17/92 consisting of 10.51 acres.

The 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. 1077. Motion carried unanimously.

3. **ORDINANCE NO. 1078: PUBLIC HEARING AND REQUEST TO AMEND POLICIES 3.1(A)(1) AND 3.1(M) OF THE FUTURE LANDUSE ELEMENTS OF THE COMPREHENSIVE PLAN**

Raymond explained that the proposed text amendment removed the development limitation for the Residential Low Policy 3.1(a)(1) and 3.1(m) which would reinstate the Residential Low density as 4.99 dwellings per acre in the Future Land Use Element Comprehensive Plan. The Future Land Use Map currently depicts the parcel numbers as Residential Low allowing a density of dwellings as 4.99 dwellings per acre and a current zoning of Agriculture (AG) allowing 1 dwelling per every 5 acres per the current

agricultural zoning requirements on residential development. Therefore, none of the four parcels previously indicated would be affected by this amendment. The only change that can occur is a zoning change in any of the four parcels, but they would still have a Residential Land Use density to comply with. By removing this policy 3.1 (a)(1) and 3.1(m) it would allow future development in the area of the Residential Low-density requirements of 4.99 dwellings per acre. If approved by the Planning Commission, it would go to the Department of Economic Opportunity (DEO).

At this time the Mayor opened the Public Hearing.

Mr. Jim Emery of Loughman asked that for those that were still in the agriculture zoning and were not currently included in this developer's overall plan and if they decided at some future date to do it, would they be allowed to participate in the new zoning of the 4.99 dwellings per acre. Raymond responded that if the property was outside of the city limits, he would have to annex first. They would then have the possibility of asking for a Residential Low as their land use which was the 0 to 4.99 dwellings per acre then changing their agriculture zoning to a residential zoning that would allow them this density. In response to his next question, Raymond provided the procedures to annex and change the Land Use and Zoning.

Jeff Sasser of 1702 Horseshoe Creek Road read from a prepared letter (on file/attached) which detailed his strong opposition to the ordinance and asked that they consider not approving this ordinance.

Janet Morgan of 1400 Horseshoe Creek Road stated that she had been out there 40 years and had moved out there because of restrictions of one house per 5 acres. This area was the only area in town where a lot of people used the road to walk their dogs and walk or ride their bikes. Now they were looking at dumping traffic onto this road. She too was in opposition.

Vickie Johnson of 205 E. Cypress Street voiced that it was her understanding that there were three (3) reasons that the Comprehensive Plan could be changed. These were:

- 1) A landowner desires to develop in a manner inconsistent with the Comp Plan.
- 2) The local, county or state entity can change it.
- 3) The State legislature has imposed a new planning requirement on all local governments resulting in a need for a Plan Amendment.

However, she further voiced that she didn't understand that in 2010 the Future Land Use map said 5 dwellings per acre yet why didn't the text portion say this also. She further asked was the City proposing this change for a developer or a group of developers. The Vice-Mayor answered that an owner/developer was requesting this change.

She further pointed out that if both the map and text within the Comp. Plan had said the same thing back in 2010 then they wouldn't be here tonight trying to change it. Plus knowing this also, some of the people would have gone somewhere else.

Mr. Chris Carter of 1915 Horseshoe Creek Road voiced his opposition to the ordinance and asked that they grow to the north instead of on the east side of town.

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

In the form of a motion, Commissioner Fellows voiced that it was clear from the comments received that they needed to table this item and get with staff and look for direction. The motion died for lack of a second.

For the purposes of discussion, a motion was made by Vice-Mayor Summerlin and seconded by Commissioner Clark to recommend to the City Commission approval of this ordinance.

Vice-Mayor Summerlin commented that there had been some very good points brought forward on this. He further added that he was not opposed to development, and it was inevitable whether it was inside the city or the county. However, he emphasized that if they developed inside the city then they would have to follow city rules and if they developed in the county they would be required to follow county rules which were not always as stringent as the city's. He too had serious concerns about the density and felt that 4.99 dwellings per acre was too much. He felt that the 4.99 was not consistent with the other properties out there and this needed to be reevaluated and was not prepared to recommend it to the City Commission.

Commissioner Clark voiced that he was for growth but also wanted to keep some things status quo and that more time was needed to evaluate the proposed ordinance.

Commissioner Lynch agreed and shared that he had looked out there himself to build his own house. He was for growth to a certain extent, but they had grown a lot and he felt that they needed to reevaluate it and look at it further.

There being no other discussion the Mayor called for the vote. The motion failed with everyone opposing.

There being no further business, a motion to adjourn was made by Vice-Mayor Summerlin and seconded by Commissioner Lynch. Meeting adjourned at 7:00 p.m.

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

Raquel Castillo, City Clerk