

Davenport Planning Commission Minutes of September 19, 2024

Minutes of Planning Commission Meeting of the City of Davenport, Florida, held Thursday, September 19, 2024 at 6:30 p.m. in the Commission Room after having been properly advertised with the following members present Mayor Brynn Summerlin and Vice-Mayor Jeremy Clark. Commission Members: Linda Robinson, and Donna Fellows-Coffey. Also present were City Manager Kelly Callihan and City Attorney Tom Cloud. Absent and excused was Commissioner Bobby Lynch.

Mayor Summerlin declared a quorum present and opened the meeting.

BUSINESS

1. ORDINANCE NO. 1288: PUBLIC HEARING AND REQUEST TO ASSIGN THE LAND USE CLASSIFICATION TO 0-425 SOUTH BOULEVARD EAST FROM RESIDENTIAL LOW (RL) TO COMMERCE ACTIVITY CENTER (CAC)

City Planner Raymond Perez explained that this was a request to assign the Land Use Classification to 0-425 South Boulevard East from Residential Low (RL) to Commerce Activity Center (CAC).

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

Motion Vice-Mayor Clark and seconded by Commissioner Robinson to recommend to the City Commission approval of Ordinance No. 1288.

The Mayor noted that the owners had done what the Commission had recommended on this property.

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

2. ORDINANCE NO. 1292: PUBLIC HEARING AND REQUEST TO ASSIGN THE LAND USE CLASSIFICATION TO 310 43RD STREET FROM POLK COUNTY RESIDENTIAL MEDIUM (RM) TO CITY RESIDENTIAL MEDIUM (RM)

Raymond explained that this was a request to assign the Land Use Classification to 310 43rd Street from Polk County Residential Medium (RM) to City Residential Medium (RM).

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

Motion Commissioner Fellows-Coffey and seconded by Vice-Mayor Clark to recommend approval to the City Commission of Ordinance No. 1292. Motion carried unanimously.

3. ORDINANCE NO. 1293: PUBLIC HEARING AND REQUEST TO ASSIGN THE ZONING CLASSIFICATION TO 310 43RD STREET FROM POLK COUNTY RESIDENTIAL MEDIUM (RM) TO CITY LOW DENSITY RESIDENTIAL (R-5)

Raymond explained that this was a request to assign the Zoning Classification to the same piece of property from Polk County Residential Medium (RM) to City Low Density Residential (R-5).

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

Motion by Commissioner Robinson and seconded by Commissioner Fellows-Coffey that the Planning Commission recommend Ordinance No. 1292 to the City Commission for approval. Motion carried unanimously.

4. ORDINANCE NO. 1294: PUBLIC HEARING AND REQUEST TO ASSIGN THE LAND USE CLASSIFICATION TO 623 SYLVAN RAMBLE ROAD FROM COUNTY RESIDENTIAL SUBURBAN (RS) TO CITY RESIDENTIAL LOW (RL)

Raymond explained that this was a request to assign the Land Use Classification 623 Sylvan Ramble Road from Polk County Residential Suburban (RS) to City Residential Low (RL)

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

Motion by Vice-Mayor Clark and seconded by Commissioner Robinson to recommend to the City Commission approval of Ordinance No. 1294.

In answer to Commissioner Fellows-Coffey's question Raymond answered that this was the most appropriate classification because of the surrounding properties.

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

5. ORDINANCE NO. 1295: PUBLIC HEARING AND REQUEST TO ASSIGN THE ZONING CLASSIFICATION TO 623 SYLVAN RAMBLE ROAD FROM COUNTY RESIDENTIAL SUBURBAN (RS) TO CITY LOW DENSITY RESIDENTIAL (R-5)

Raymond explained that this was a request to assign the Zoning Classification to the same piece of property from Polk County Residential Suburban (RS) to City Low Density Residential (R-5).

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

Motion by Commissioner Fellows-Coffey and seconded by Vice-Mayor Clark to recommend approval of Ordinance No. 1295 to the City Commission. Motion carried unanimously.

6. ORDINANCE NO. 1296: PUBLIC HEARING AND REQUEST TO ASSIGN THE LAND USE CLASSIFICATION TO 619 SYLVAN RAMBLE ROAD FROM COUNTY RESIDENTIAL SUBURBAN (RS) TO CITY RESIDENTIAL LOW (RL)

Raymond explained that this was a request to assign the Land Use Classification to 619 Sylvan Ramble Road from County Residential Suburban (RS) to City Residential Low (RL).

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

Motion by Commissioner Robinson and seconded by Commissioner Fellows-Coffey that the Planning Commission forward Ordinance No. 1296 to the City Commission for approval. Motion carried unanimously.

7. ORDINANCE NO. 1297: PUBLIC HEARING AND REQUEST TO ASSIGN THE ZONING CLASSIFICATION TO 619 SYLVAN RAMBLE ROAD FROM COUNTY RESIDENTIAL SUBURBAN (RS) TO CITY LOW DENSITY RESIDENTIAL (R-5)

Raymond explained that this was a request to assign the Zoning Classification to the same piece of property from County Residential Suburban (RS) to City Low Density Residential (R-5).

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

Motion Vice-Mayor Clark and seconded by Commissioner Robinson to recommend to the City Commission for approval, Ordinance No. 1297. Motion carried unanimously.

8. ORDINANCE NO. 1298: PUBLIC HEARING AND REQUEST TO ASSIGN THE LAND USE CLASSIFICATION TO 109 E. FULLER STREET FROM COUNTY RESIDENTIAL MEDIUM (RM) TO CITY RESIDENTIAL MEDIUM (RM)

Raymond explained that this was a request to assign the Land Use Classification to 109 E. Fuller Street from County Residential Medium (RM) to City Residential Medium (RM).

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

Motion by Commissioner Fellows-Coffey and seconded by Vice-Mayor Clark to recommend approval to the City Commission of Ordinance No. 1298. Motion carried unanimously.

9. ORDINANCE NO. 1299: PUBLIC HEARING AND REQUEST TO ASSIGN THE ZONING CLASSIFICATION TO 109 E. FULLER STREET FROM COUNTY RESIDENTIAL MEDIUM (RM) TO CITY LOW DENSITY RESIDENTIAL (R-5)

Raymond explained that this was a request to assign the Zoning Classification to the same piece of property from County Residential Medium (RM) to City Low Density Residential (R-5)

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

Motion by Commissioner Robinson and seconded by Commissioner Fellows-Coffey that this Planning Commission forward Ordinance No. 1299 to the City Commission and recommend approval. Motion carried unanimously.

10. ORDINANCE NO. 1300: PUBLIC HEARING AND REQUEST TO ASSIGN THE LAND USE CLASSIFICATION TO CINTRA ENTERPRISES (0 JAMES STREET) FROM COUNTY RESIDENTIAL MEDIUM (RM) TO CITY COMMERCE ACTIVITY CENTER (CAC)

Raymond explained that this was a request to assign the Land Use Classification to Cintra Enterprises located at 0 James Street and east of Highway 17/92 from County Residential Medium (RM) to City Commerce Activity Center (CAC). He noted that the applicant's desire was a land use that would permit commercial.

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

Motion by Vice-Mayor Clark and seconded by Commissioner Robinson to recommend to the City Commission approval of Ordinance No. 1300.

In answer to the Mayor's question, Raymond responded that all of these parcels were being proposed for commercial.

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

11. ORDINANCE NO. 1301: PUBLIC HEARING AND REQUEST TO ASSIGN THE ZONING CLASSIFICATION TO CINTRA ENTERPRISES (0 JAMES STREET) FROM COUNTY RESIDENTIAL MEDIUM (RM) TO CITY COMMERCIAL NEIGHBORHOOD (C-1)

Raymond explained that this was a request to assign the Zoning Classification to the same piece of property from County Residential Medium (RM) to City Commercial Neighborhood (C-1).

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

Motion by Commissioner Fellows-Coffey and seconded by Vice-Mayor Clark to recommend approval to the City Commission of Ordinance No. 1301. Motion carried unanimously.

12. ORDINANCE NO. 1302: PUBLIC HEARING AND REQUEST TO ASSIGN THE LAND USE CLASSIFICATION TO 0 HORSESHOE CREEK ROAD FROM CITY RESIDENTIAL LOW (RL) TO CITY GOVERNMENTAL/INSTITUTIONAL (GI)

Raymond explained that this was a request to assign the Land Use Classification from City Residential Low (RL) to City Governmental/Institutional (GI). He further added that the intent of the owner was to place a cell tower on the property located on the west side of the Reed Isle Subdivision.

Both the City Manager and Mayor voiced that the rendering on the monitor was not what they had approved. The City Manager advised that he would get with them.

The City Attorney asked Raymond if the City had a provision in the LDR's for approval of communication towers that required a special exception or a conditional use permit. Raymond responded that they did not. The Attorney further stated that this was very unusual and added that probably 95% of Florida cities had a provision in their Land Development Regulations that required communication towers to get a special exception or conditional use permit. He further asked if they had criteria to prevent them once they got the zoning from increasing the height. Raymond answered that it could go up to 100 feet as indicated in the LDR's, but to answer his question he responded in the negative.

Raymond also added that the LDR's specified that it had to be a certain height from any type of residential surrounding and if they went any higher then they would have to obtain a conditional permit.

As background information, the Mayor shared that the developer had expressed an interest in placing a cell tower and one of the things that they had discussed was that they didn't want it to look like a cell tower. They had selected one that looked like an old water tower which would be aesthetically pleasing to the surrounding area.

Commissioner Robinson questioned and voiced concern over the height and any health issues or hazardous predicaments with strong winds blowing it over. The Mayor responded that the property was big enough that if this did happen that it would not fall on any houses.

Adding to the discussion, Raymond advised that they were just doing a land use and zoning reclassification of the parcel of land. Any conditions that needed to be addressed of the particular cell tower, such as aesthetics, the actual development and so forth, staff would look into it in the engineering drawings as well as the vertical drawings that would be submitted.

In answer to the Attorney's question, Raymond answered that they didn't have any performance criteria to limit the height. The Attorney further suggested that they not take any action tonight. They didn't have anything in their Code book and didn't think they had anything that would give staff the ability to ensure that it didn't go above the height.

Coming up to the podium, Assistant City Manager Steven Hunnicutt informed them that there was a section in the LDR's that mentioned the height and maximum height that was allowed and there was a section strictly for cell communication towers.

In the audience, Jennifer Frost representative for the applicant stated that they were proposing a 110' cell tower that would be able to accommodate Verizon Wireless as the anchor tenant at 105 feet followed by T-Mobile at 95 feet and/or ATT for co-location for all four regional wireless carriers to be able to provide services in the area. It would not only service the residents of Reedy Isle but also the surrounding area. It would be within the 30 x 80 lease area and would be surrounded by landscaping on the ground. They are amenable to changing the design so that it wouldn't look so much like a bucket.

The Mayor informed her that he would leave that up to staff, but he just wanted to make sure that it was aesthetically pleasing and as long as they worked through the height requirement they were all for it.

The Attorney further stated that whenever he had gotten the original ordinance that there was no mention that it was going to be a cell tower. He couldn't tell from what he had heard tonight whether or not this complied with their code because he didn't see an analysis. Normally they would have a report that would be presented to them, and they would have a conditional use permit or special exception granted with conditions of approval that made sure that the height was what the applicant said it would be. Basically what they were getting tonight was just a rezoning request.

Vice-Mayor Clark suggested that they take the recommendation from the Attorney and get more information.

At this time a motion was made by Vice-Mayor Clark and seconded by Commissioner Robinson to recommend that the City Commission table this until they get an analysis as recommended by the Attorney.

Discussion ensued with Commissioner Fellows-Coffey stating that she liked the idea but anything that gave the Attorney pause should give them the need to pause and postponing it a few more weeks wasn't going to make a major difference.

As information, Building Official Bill Nolen noted that the two they had in town now were over 200' tall.

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

13. ORDINANCE NO. 1303: PUBLIC HEARING AND REQUEST TO ASSIGN THE ZONING CLASSIFICATION TO 0 HORSESHOE CREEK ROAD FROM CITY PLANNED UNIT DEVELOPMENT (PUD) TO CITY PUBLIC OR INSTITUTIONAL (PI-1)

Motion by Commissioner Robinson and seconded by Vice-Mayor Clark to table this item. Motion carried unanimously.

14. ORDINANCE NO. 1308: PUBLIC HEARING AND REQUEST TO ASSIGN THE ZONING CLASSIFICATION TO 0-425 SOUTH BOULEVARD EAST FROM CITY LOW DENSITY RESIDENTIAL (R-5) TO CITY COMMERCIAL NEIGHBORHOOD (C-1)

Raymond explained that this was a request to assign the Zoning Classification to 0-425 South Boulevard East from City Low Density Residential (R-5) to City Commercial Neighborhood (C-1).

The Mayor opened the Public Hearing.

Thomas Wodrich representative for the property owner and owner of TDW Land Planning, 218 E. Pine Street, Lakeland advised that they had modified their request at the Commission's suggestion. The owner was happy with the designation as it would allow them to utilize the property better. In addition, he had checked with the County to see what the plans were for right-of-way acquisition and the road expansion. The word from the County's Road and Drainage Department was that there was currently an alignment study going on and they were still trying to determine the road configuration. He wanted the Commission to feel confident that they had looked into this and the County did not have a set plan in place for the right-of-way they needed or any specifics or definitives. He further stated that even if right-of-way acquisition was needed it would allow for something to be built on this corner.

There being no one else the Mayor closed the Public Hearing.

Motion by Commissioner Fellows-Coffey and seconded by Vice-Mayor Clark to recommend approval of Ordinance No. 1308 to the City Commission.

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

There being no further business, the Mayor entertained a motion to adjourn which was provided by Vice-Mayor Clark and seconded by Commissioner Robinson.

Meeting adjourned at 7:14 p.m.

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



Raquel Castillo, City Clerk