

## **Special Planning Commission Meeting Minutes January 22, 2019**

Minutes for the Special Meeting for the Planning Commission of the City of Auburndale, Florida held Tuesday, January 22, 2019, at 4:00 pm in the City Commission Room at City Hall, after having been properly advertised with the following members present: Chairman Perry Price, Commissioners, Mike Mahler, Matt Maloney, Jody Miller, Jere Stambaugh and Brian Toune. Absent was Commissioner Danny Chandler. Also present was Community Development Director Amy Palmer, City Planner Jesse Pearson and Secretary Marsha Johnson.

Chairman Perry Price declared a quorum and the Special Meeting was called to order and opened with the pledge to the American Flag.

Community Development Director Amy Palmer thanked the Planning Commission for being here today and hereby called a Special Meeting of the Planning Commission of the City of Auburndale for Tuesday January 22, 2019 to consider to the following item. The item is a request for rezoning to the H Block Property. This item is scheduled for a Public Hearing before the City Commission on January 28<sup>th</sup> which is next Monday, hence the need for some expediency in calling this Special Meeting together. She said she would read the Agenda Item sent out to them and go into some explanation and turn it over to the Planning Commission for discussion. This item already held a Public Hearing. We heard from the public and the applicant. This meeting is an opportunity for the Planning Commission to discuss the item and the request and make the recommendation without hearing from the public and the applicant again.

### **AGENDA ITEM 1: CLARIFICATION OF RECOMMENDATION AMENDING THE ZONING MAP H BLOCK PROPERTY**

Community Development Director Amy Palmer stated City Staff is asking for clarification of Planning Commission action from its January 8, 2019 meeting. This item is scheduled for a public hearing before the City Commission on January 28, 2019. The Planning Commission on January 8, 2019 held a Public Hearing on a proposed change to the Zoning Map on the "H Block" property located on Adams Road. The proposed change would amend the Zoning Map from ***Residential Single Family – 1 (RS-1)*** to ***Residential Single Family – 2 (RS-2)***. Following the Public Hearing, a motion was made to keep the property zoned as RS-1. The motion died from a lack of receiving a second to the motion. No other motions were made to make a recommendation to the City Commission on this matter. The City of Auburndale Land Development Regulations in Section 21.1.4.2 require the Planning Commission to adopt by motion its recommendation(s) to be transmitted to the City Commission. Failure of the Planning Commission to report to the City Commission its recommendation shall be deemed approval by the Planning Commission of the original proposal. In this case, failure of the Planning Commission to take official action, (making recommendation) will be reported to the City Commission as approval to change the Zoning from RS-1 to RS-2. Hence the reason for City Staff to seek clarification on the recommendation of the Planning Commission on this matter. The request for the rezoning, there was no motion approved or made at the Planning Commission Meeting. Following discussion of the Planning Commission and after the Public Hearing. Staff would like to see what was the Planning Commission's intent on failing to act? It came to light following the meeting that a lack of a motion, a lack of a recommendation is deemed approval. We just wanted clarification as to what the actual motion is for the Planning Commission. She read from the section in the LDR: Section 21.1.4.2; Following the hearing Planning Commission shall prepare and by motion adopt its recommendations which may include changes from the original proposal as a result of the hearing. (So again, the request can include changes, it is a recommendation that the Planning Commission is making to the City

Commission). The Planning Commission shall transmit such written recommendations to the City Commission. (It is the Planning Commissions responsibility to make a recommendation). Failure of the Planning Commission to report within 60 days of its first meeting following receipt of the proposal unless a longer period has been agreed upon by the City Commission shall be deemed approval by the Planning Commission. She ended her presentation and recommended the Planning Commission discuss what it is their intent and recommendation for the rezoning request.

Chairman Perry Price asked the Commission what their feelings were and to start the discussion.

Commissioner Matt Maloney said he made the motion to keep it RS-1 mainly because I agree with what Commissioner Stambaugh said, that it should have been a PD to begin with. I do not feel comfortable making it RS-2 because if it changes hands the promise to stay above 1,500 sq ft might no longer hold true. If it is a PD we have those controls built in.

Commissioner Jody Miller said that is very good and I agree with that. Her concern was the community came forth and discussed with us the need for infrastructure and that the roads were not up to par and the crowding of the elementary school at Caldwell. She did not know if the developers and land holders need to look into those types of things and maybe take some ownership of improving the situation, the roads and contacting the County public school. I am under the impression it is not our job to do to contact DOT or the school board to inquire about why we do not have a school in this area, but yet we have the development.

Chairman Perry Price said we were hit with so many requirements but really it was just a lot of wants. We are still here for zoning, we can ask for changes.

Commissioner Brian Toune said I am not against what you are saying about the RS-1. I think the RS-2 serves that area. My biggest concern is over and above the RS-1 against the RS-2, is the failure to adequately maintain traffic patterns that will safely let people out onto 559 and on the other planned exit. I will have a problem with that until my dying day. As far as the RS-1 and RS-2 I have listened to what you all have said and I am flexible on that enough to be able to listen. Changing that from a dangerous situation to an un-dangerous situation for the 150 or 180 families is very important.

Chairman Price asked for a recommendation. We are going to need to vote.

Commissioner Mike Mahler said he was under the opinion we have enough small lot neighborhoods out there, I prefer to see it RS-1 or a PD reflecting an RS-1 size lots. It is my understanding with the current zoning you could do RS-1 and have to comply with whatever impacts the roads. It is not our role to make that particular call. They could come in with preliminary plat approval the next go around if it meets the code. My intent was to try and keep those bigger lots out there that would either remain RS-1 or something with a PD going in that direction.

Commissioner Jere Stambaugh said his concern was still he would like to see it be a PD.

Commissioner Jody Miller said if we make this motion the road does not change and the public schools.

Community Development Director Amy Palmer said the traffic study that was prepared by one of the projects on Adams Road addresses the intersection of 559 and Adams Road. That is where the problem is. Adams Road itself is not failing at a level of service, it is at a level of service B right now. It has

plenty of capacity. It is the intersection that is of concern. The City and the County through the jurisdictional swap of SR 559 becoming a County Road will be addressing that intersection of Adams Road and 559. There is a little bit of planning that will need to take place as these projects come on line. Whether it is RS-1 or RS-2 something will be going there eventually. There are 20 acres of commercial there. The road situation has to be addressed. There will be some planning that has to take place there to address that intersection. The time to do that becomes the question now. That has always been the question throughout the time of planning in the state of Florida is when do you address concurrency. That has got a nasty name throughout the years that word concurrency, but there is still the issues of how do you pay for the road improvements that have to take place. Really the time to address and raise those red flags is now. And do you address it at the time of plat. When you actually know what you are going to get. How many lots are going to be here and this is what the impact is going to be, and here is what is being planned, here is your developer's agreement to address those road improvements. This is the situation of Adams Road, I may have raised more questions, but Adams Road will be addressed whenever that development takes place.

Commissioner Jere Stambaugh said that another reason for the PD instead of straight zoning is the plan will come back to us for a PD has got to be approved by us before it goes to the City Commission so we get another look at it. Plus, we see everything. We are not trying to insinuate anything besides that. Also, most of everything we have done recently if I am correct a majority has been a PD is that correct Amy on residential?

Community Development Director Amy Palmer said no there has actually been 2 or 3 straight zonings subdivisions, Bolender and the one on old Lake Alfred Road being another.

Commissioner Jere Stambaugh said Watson was straight zoning.

Community Development Director Amy Palmer said David Watson was the third one, there are several.

Community Development Director Amy Palmer said about half and half PD versus regular zoning. Your PD does allow you to condition the project.

Commissioner Jere Stambaugh said and also the minimum square footage no matter who owns it is bound to that, unless they come back and request and amend the PD. Once again it is more of a security for the residents that are going to buy in there and the residents that are adjacent to it.

Community Development Director Amy Palmer said and also the size of the house.

Commissioner Matt Maloney asked if it stays RS-1 would that insure that any development is either conducive to RS-1 or it has to come back through us with a PD.

Community Development Director Amy Palmer said no it would do conventional subdivision. The difference between the whole subdivision processes is a PD versus straight RS-1 or RS-2 zoning; your PD that site plan is done during a Public Hearing so the public has an opportunity to influence the design of that neighborhood. Conventional zoning RS-1, RS-2 the plan still comes before you as the preliminary plat but it is not done during a Public Hearing. You still have an opportunity to address some of the concerns that you may have like a second entrance or a wall. Whereas your planned development is done at a Public Hearing, your straight RS-1 zoning your site plan is done just at a

regular meeting. The public would have an opportunity to speak but it is not a public hearing, not advertised.

Commissioner Brian Toune said our only 2 options today are RS-1 or RS-2, we do not have any other options are, this is what this is all about, RS-1 or RS-2 right? Or am I confused.

Commissioner Jere Stambaugh said the other option is we do nothing again and that is a vote for approval.

Commissioner Brian Toune said the City Commissioner would vote for approval or disapproval.

Community Development Director Amy Palmer said non action is deemed approval. She read from the code again; the Planning Commission shall prepare and by motion adopt its recommendation which may include changes from the original proposal as a result of the hearing that is the forth option.

Chairman Perry Price asked how long does it takes to get a road.

Commissioner Jody Miller said or a traffic light.

Community Development Director Amy Palmer said it depends how much money you have.

Commissioner Jere Stambaugh said it is basically the traffic light.

Community Development Director Amy Palmer said if it warrants it.

Chairman Perry Price said we had one road that they said moved up its status and it saved a couple of years on the agenda.

Community Development Director Amy Palmer said that may be something that is funded by DOT. In this case you are looking at a more localized process that is going to happen a lot quicker. The engineers may look at it and say we do not need a light here, we just need a turn lane. That will clear up the intersection quicker, so that it is not a minute delay it is a 20 second delay.

Commissioner Brian Toune said that being formally with the DOT at one time in the right-of-way department and also the planning department I can tell you two prospects. First, there is a process of whether you are widening road or adding a light to it, it is probably going to take 3-5 years for a simple improvement. Widening a road, putting in another lane or putting in a turning lane is probably going to take longer than a 5 year process to do. Because you will have do traffic studies, impact studies, cost, what is coming up next year and the year after that and what has already planned. There is a 20 year development planned, I do not know where we are at in the 20 year development plan any more to see where we are as far as our little home here. It is not a one day or one year process. Believe me we are no more privileged for a wider or newer road than Lake Wales is.

Commissioner Mike Mahler said can we circle back around and get everyone's opinion on this? I heard during the last hearing two different things, one was lot size people still do not like the 70 foot lots versus 80 foot lots. It seemed like most people focused on the size of house that was going in there. What is everyone's real concern? I could live with the 70 foot lots that is in RS-2 or how many square feet the lot is. I would like to see slightly larger homes in there. If we could say bring back a PD with 70

foot lots or whatever the square footage with a minimum of 1,500 would that satisfy people here to get through this? Or do we want to stick with 80 foot lots? What is everyone's feelings on it? The road is an issue we understand.

Commissioner Jere Stambaugh said I can go with that idea.

Commissioner Matt Maloney said as long as it is a PD I'm on board.

Community Development Director Amy Palmer said you all are making a recommendation to the City Commission.

**Motion** was made by Commissioner Mike Mahler and seconded by Commissioner Brian Toune that we accept the minimum sq ft lot size of an RS-2 if they come back with a PD that would allow us to have the minimum house size the minimum of 1,500 sq ft.

Community Development Director Amy Palmer repeated the motion.

Commissioner Mike Mahler said yes, that is my intent.

Commissioner Jere Stambaugh said the LDR's will control everything else is that correct as far as the minimums and road construction.

Community Development Director Amy Palmer said yes, would you prefer that plan come back before the Planning Commission or go straight to the City Commission?

Commissioner Mike Mahler said I would prefer it comes back to us.

Chairman Perry Price said at least let our eyes see it too because we are making the recommendation to the City.

Commissioner Mike Mahler he wanted to accommodate the property owner they have gone to a lot of work to try and satisfy some of our concerns. I just want to make sure that everything satisfies our concerns.

Commissioner Jody Miller said and the community.

Chairman Perry Price said there has been a motion and a second all those in favor signify by saying aye. Upon vote all ayes.

Commissioner Jere Stambaugh asked if this was opportune time for the Planning Commission in unity to also encourage the City to do whatever they can to try to get a stop light there at Adams Road or something that we endorse and hopefully the City Commission will endorse.

Community Development Director Amy Palmer said they have been in constant talks with the County on the jurisdictional swap because after the County takes ownership of 559 the City will then take ownership up to a certain road. As we continue those conversations the next meeting we will bring up Adams Road. There needs to be intergovernmental coordination.

Commissioner Jere Stambaugh said we all know it is going to take time, if you ask not, have not. A squeaky wheel gets the grease. So whatever format the Commission can put this in, it would not hurt.

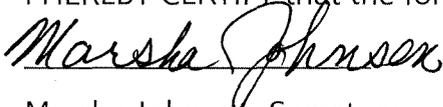
Community Development Director Amy Palmer said they will take your recommendation to the City Commission on next Monday the 28<sup>th</sup> and I will report back to you as to what the City Commission decides.

Chairman Perry Price asked if there was a motion to adjourn.

Commissioner Jody Miller gave a motion.

Chairman Perry Price said the meeting was adjourned at 4:24 p.m.

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

A handwritten signature in cursive script that reads "Marsha Johnson". The signature is written in black ink and is positioned above the printed name.

Marsha Johnson, Secretary