

Planning Commission Meeting Minutes

August 2, 2022

Minutes for the Regular Meeting for the Planning Commission of the City of Auburndale, Florida held Tuesday, August 2, 2022, 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, Vice Chairman Danny Chandler, Commissioners Mike Chevalier, Matt Maloney, Jody Miller, and Brian Toune. Also, present was Community Development Director Julie Womble, City Planner Jesse Pearson, and Secretary Marsha Johnson. Absent was Commissioner Jere Stambaugh.

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

Motion was made by Commissioner Brian Toune and seconded by Commissioner Matt Maloney to approve the minutes as written from the July 5, 2022, meeting. Upon vote all ayes.

Community Development Director Julie Womble referenced Form 8B Memorandum of Voting Conflict for County, Municipal, and other local public officers. This was pertaining to Commissioner Jere Stambaugh's conflict of interest – Enclave at Lake Arietta at the last Planning Commission Meeting on July 5, 2022.

Community Development Director Julie Womble introduced Polk County School Board, Facilities & Operations, Joshua McLemore, Senior Coordinator regarding School Concurrency. She stated we have had 23% growth consecutively for the last three years. In two years alone we have gone from 200 certificates of occupancy per year per house to almost 400. It has been a huge growth in just 18 months. He will be giving a presentation at this time and will answer questions as well.

Joshua McLemore thanked Julie and the Commission and began his presentation on how school concurrency is determined and how it actually applies and some of their methodologies.

School Concurrency Regulations History – 1998, 2005 and 2011

Statutory Requirements – Comprehensive Plans must be consistent. An adequate Level of Service for School Concurrency – Interlocal Agreement. Adopted into Capital Improvements Elements. Five Year Capital Plan – Funded & unfunded projects. Assured Construction (first 3 years of the School District's 5-year plan) - Added school capacity for concurrency.

Statutory Requirements - Comprehensive Plans must be consistent. An adequate Level of Service (LOS) for School Concurrency - Interlocal agreement. Adopted into Capital Improvements Elements. Five Year Capital Plan - Funded & unfunded projects. Assured Construction (first 3 years of the School District's 5-year plan) - Added school capacity for concurrency.

Interlocal Agreement 2013 - Defines Level of Service. Defines Capacity. Application of School Concurrency. Adjacency. Validity of School Concurrency Approvals.

Interlocal Agreement 2013: Level of Service - Defines Level of Service: (Per F.S. 163.3168(28)), is an indicator of service provided by, or proposed by, a facility based on and related to the operational characteristics of the facility.

Interlocal Agreement 2013: Defining Capacity - Defines Capacity: # of permanent student stations plus the # of portable student stations (if applicable). Total # of student station multiplied by the State

mandated FISH utilization rate to determination FISH Capacity. -100%=Elementary Schools, 90% Middle Schools and 95% High Schools.

FISH Utilization Rate – Student enrollment divided by School's FISH Capacity = % Utilization Rate (not to exceed 100% Utilization)

Interlocal Agreement 2013: Application of Concurrency - Application of School Concurrency: -Applies only to residential uses that generate demands for public school facilities. *Exempted Projects: Developments Prior to March 1, 2008, Lots of Record, Age restricted developments, Two-lot splits.

Interlocal Agreement 2013: Adjacency – Florida Statute 163.3180 (6) (i) - Where school capacity is available on a districtwide basis but school concurrency is applied on a less than districtwide basis in the form of concurrency service areas, if the adopted level-of-service standard cannot be met in a particular service area as applied to an application for a development permit and if the needed capacity for the particular service area is available in one or more contiguous service areas, as adopted by the local government, **then the local government may not deny an application** for site plan or final subdivision approval or the functional equivalent for a development or phase of a development **on the basis of school concurrency**, and if issued, development impacts shall be subtracted from the contiguous service area's capacity totals. Students from the development may not be required to go to the adjacent service area unless the school board rezones the area in which the development occurs.

Adjacency - If there is NOT capacity at either of the **zoned** elementary, middle, and/or high school, however, there is capacity at the adjacent schools this **is a finding of adequate capacity**. Capacity from assured construction of schools not built must also be used in a Concurrency finding.

Interlocal Agreement 2013: Adjacency Florida Statute 163.3180 (6) (i)

Interlocal Agreement 2013: Defines Level of Service - Defines Capacity. Application of School Concurrency. Adjacency. **Validity of School Concurrency Approvals**: Have 18 months to proceed to horizontal construction (i.e. rough lot grading).

Concurrency Requests – Two Types Non-Binding: -Fee \$150 -Provides school zoning information, possible student generation rates. - Student stations are not reserved. Binding: -Fee between \$100-\$800 - Provides school zoning information, possible student generation rates. – Capacity is reviewed – Student stations are reserved – Meets concurrency requirements.

64 Single-Family units

The schools serving the area where the development is proposed are:

Clarence Boswell (Zoned) has available capacity, J. L. Stambaugh (Zoned) does not have capacity, Tenoroc High School has available capacity

Per Statutes, you must then go to the adjacent school: Westwood (adjacent) These schools have the additional capacity needed for approval; therefore, an approval letter is issued.

Development added to our subdivision data base. Units are used to aid in future student growth projections that feed into the next years CIP.

There was discussion at the end of Mr. McLemore's presentation.

Chairman Perry Price closed the Regular Meeting and opened the Public Hearing.

AGENDA ITEM 1: PUBLIC HEARING – LARGE SCALE FUTURE LAND USE AND ZONING MAP AMENDMENTS – GAPWAY GROVES PROPERTIES

City Planner Jesse Pearson stated the Planning Commission will consider and take public comment on a Future Land Use and Zoning Map amendment before making a recommendation to the City Commission. Public Notice was given on 07/22/2022. The City has received a request to establish land use and zoning on the following properties: Gapway Grove Corp. The location of the properties are scattered throughout the City. A good number of them are located on Gapway Road and two others are located on Lake Alfred Road. The current Future Land Use for the County is Residential Low-1 (RL-1), Residential Low-2 (RL-2) and Agricultural/Rural Residential (A/RR). The proposed Future Land Use is Lakes District Mixed Use, and the proposed Zoning classification is Residential Neighborhood (RN) /Village Center (VC). Currently the properties total +/- 77.35 acres and they are vacant. As a result of annexation, the City has received a request from Gapway Grove Corp. for a Future Land Use and Zoning amendment on a total of six properties in various locations totaling +/- 77.35 acres. The properties are being reviewed independently since each parcel is technically a small scale. The properties currently have a Polk County Land Use designation of Residential Low-1 (RL-1), Residential Low-2 (RL-2) and Agricultural/Rural Residential (A/RR). The requested Future Land Use of Lakes District Mixed Use and Zoning classification of Residential Neighborhood (RN) and Village Center (VC) are consistent with Future Land Use and Zoning classifications on surrounding properties. The Lakes District Mixed Use Future Land Use category provides opportunities for a mix of open space, pedestrian and bicycle connectivity, residential, and mixed-use village centers, and the establishment of a Transfer of Development Rights program. The proposed land use of LDMU will allow up to 6 dwelling units per acre. The applicant is also requesting the zoning classification of Residential Neighborhood (RN) and Village Center (VC). The requested zoning classifications allow low to medium density areas and commercial with the intention to be scaled to the needs of pedestrians, with local destinations within walking distance such as centers, schools, and community parks. The requested Future Land Use and Zoning Map amendments are consistent with the City of Auburndale's Comprehensive Plan, Land Development Regulations and the City of Auburndale and Polk County Joint Planning Area (JPA). Staff recommends approval of the proposed Future Land Use and Zoning Amendments – Gapway Groves Properties - Lakes District Mixed Use and Zoning classification of Residential Neighborhood (RN) and Village Center (VC). At this time, he showed the properties on the screen.

There was no one in attendance from the public.

Chairman Perry Price closed the Public Hearing and reopened the regular meeting.

AGENDA ITEM 2: RECOMMENDATION AMENDING THE FUTURE LAND USE-LAKES DISTRICT MIXED USE:

2.a: PROPERTY 252736000000024000 45.4 Acres

Motion was made by Commissioner Danny Chandler and seconded by Commissioner Matt Maloney to recommend to the City Commission amending the Future Land Use-Lakes District Mixed Use property 252736000000024000 45.4 acres.

Commissioner Matt Maloney asked where the entryway was going to be.

City Planner Jesse Pearson stated right now it is Land Use and Zoning. After annexation we will consider the entryway.

Commissioner Matt Maloney said the neighborhood is not happy about that.

City Planner Jesse Pearson said yes.

Commissioner Danny Chandler asked for a breakdown on the Transfer of Development Rights Program, regarding selling off rights of property you own.

Community Development Director Julie Womble stated this is more of a density. If you are building residential and you want to build larger lots, even though you are allowed up to six units per acre, you can take that density and move it into the Village Center. We will receive these agreements and they will be part of the site plan review that staff will look at. It is more to do with the density of the Village Center, less to do with the density in the Large Estate.

Commissioner Danny Chandler stated this is how you can tradeoff between the developments.

Commissioner Mike Chevalier asked about the different types of buildings in the Village Center.

Community Development Director Julie Womble stated it is supposed to be a walkable neighborhood with services provided to the community. Not stand-alone businesses. It is supposed to be mixed use and a seamless transition between residential and commercial.

Commissioner Mike Chevalier asked if there will be future park and field space.

Community Development Director Julie Womble stated there are conversations on going regarding park space and open space in the area.

More discussion was had regarding transfers.

Upon vote all ayes.

2.b: PROPERTY 252801000000031010 **16.78 Acres**

Motion was made by Commissioner Danny Chandler and seconded by Commissioner by Mike Chevalier to recommend to the City Commission amending the Future Land Use-Lakes District Mixed Use property 252801000000031010 16.78 acres. Upon vote all ayes.

2.c: PROPERTY 252721000000022010 **4.56 Acres**

Motion was made by Commissioner Danny Chandler and seconded by Commissioner by Matt Maloney to recommend to the City Commission amending the Future Land Use-Lakes District Mixed Use property 252721000000022010 4.56 acres.

Commissioner Jody Miller asked what they could do with four acres.

Community Development Director Julie Womble stated it is now contiguous to City Limits. It is to tie into the development. It could be an entrance or a right of way dedication.

Upon vote all ayes.

2.d: PROPERTY 252728000000033040 **1.55 Acres**

Motion was made by Commissioner Mike Chevalier and seconded by Commissioner Danny Chandler to recommend to the City Commission amending the Future Land Use-Lakes District Mixed Use property 252728000000033040 1.55 acres. Upon vote all ayes.

2.e: PROPERTY 252721000000042180 **9.05 Acres**

Motion was made by Commissioner Mike Chevalier and seconded by Commissioner Matt Maloney to recommend to the City Commission amending the Future Land Use-Lakes District Mixed Use property 252721000000042180 9.05 acres. Upon vote all ayes.

2.f: PROPERTY 252727000000014180 **0.01 Acre**

Motion was made by Commissioner Mike Chevalier and seconded by Commissioner Danny Chandler to recommend to the City Commission amending the Future Land Use-Lakes District Mixed Use property 252727000000014180 0.01 acre. Upon vote all ayes.

AGENDA ITEM 3: **RECOMMENDATION AMENDING THE ZONING MAP-GAPWAY GROVES PROPERTIES RESIDENTIAL NEIGHBORHOOD (RN) AND VILLAGE CENTER (VC)**

Motion was made by Commissioner Danny Chandler and seconded by Commissioner Matt Maloney to recommend to the City Commission amending the Zoning Map-Gapway properties Residential Neighborhood and Village Center. Upon vote all ayes.

Chairman Perry Price closed the Regular Meeting and reopened the Public Hearing.

AGENDA ITEM 4: **PUBLIC HEARING – LARGE SCALE FUTURE LAND USE AND ZONING MAP AMENDMENTS – AUBURN VILLAGE PROPERTY**

City Planner Jesse Pearson stated the Planning Commission will consider and take public comment on a Future Land Use and Zoning Map amendment before making a recommendation to the City Commission. Notice of Public Hearing was made on 07/22/22. The City has received a request to establish land use and zoning on the following property owned by Mr. Strickland also known as Auburn Village located on Jersey Road. The current Future Land Use is Residential Low-3 (RL-3) and the proposed Future Land Use is Medium Density Residential. The proposed Zoning classification is General Residential-2 (RG-2) and the current Use is Multi-Family (+/- 9.54 acres). As a result of annexation, the city has received a request from Eugene Strickland for a Future Land Use and Zoning amendment on a parcel totaling +/- 9.54 acres. The property currently has a Polk County Land Use designation of Residential Low-3 (RL-3). The requested Future Land Use of Medium Density Residential and Zoning district of General Residential-2 (RG-2) is consistent with adjacent County residential land uses to the north, south, east, and west. The request is also consistent with city properties adjacent to the west and south. The property is currently developed as affordable housing, 55+ community. The requested Future Land Use and Zoning Map amendments are consistent with the City of Auburndale's Comprehensive Plan and Land Development Regulations. Following Staff's presentation of the amendment and public comment, the proposed amendment will be considered by the Planning Commission for a recommendation to the City Commission. At this time the property was shown on the screen. Staff recommends approval of the proposed Future Land Use Medium Density Residential and Zoning Map amendment of General Residential-2 (RG-2) to the City Commission.

Chairman Perry Price closed the Public Hearing and reopened the Regular Meeting.

AGENDA ITEM 5: **RECOMMENDATION AMENDING THE FUTURE LAND USE – AUBURN VILLAGE**

Motion was made by Commissioner Danny Chandler and seconded by Commissioner Mike Chevalier to recommend to the City Commission approval amending the Future Land Use – Auburn Village Property.

Commissioner Danny Chandler asked if they were going to do away with what is currently there.

Community Development Director Julie Womble stated it was built in the county and is designated as affordable housing for 55+ and over. It is a new facility. This is to bring it into the city limits and hook into our utilities.

Commissioner Jody Miller stated she has visited a friend there. It is very nice and at 100 % occupancy.

Commissioner Danny Chandler stated this is just a formality.

Community Development Director Julie Womble stated yes.

Upon vote all ayes

AGENDA ITEM 6: RECOMMENDATION AMENDING THE ZONING MAP -AUBURN VILLAGE

Motion was made by Commissioner Brian Toune and seconded by Commissioner Matt Maloney to recommend to the City Commission approval amending the Zoning Map – Auburn Grove Property. Upon vote all ayes.

Chairman Perry Price closed the Regular Meeting and reopened the Public Hearing.

AGENDA ITEM 7: PUBLIC HEARING – LAND DEVELOPMENT REGULATION TEXT AMENDMENT- FOOD TRUCKS

Community Development Director Julie Womble state the Planning Commission will take public comment and consider a proposed amendment to the Land Development Regulations before making a recommendation to the City Commission. Notice of Public Hearing was made 7/22/22. The City has received several requests to update Land Development Regulations to allow Food Trucks within City limits. Staff researched nearby jurisdiction practices along with State of Florida Food Truck regulations and propose an amendment to the Land Development Regulations Chapter 4 and Chapter 5 defining and allowing food trucks, with specifications. The proposed text defines a food truck as a mobile food unit, self-sufficient mobile food vendor or any other food service/vending motorized vehicle licensed with the state of Florida Motor Vehicle Department and that has been inspected and licensed as a mobile food unit by the appropriate state agencies. It shall be unlawful for any person or business to engage in mobile food vending within the municipal limits of the city unless the person or business has the necessary state licenses through the Department of Business and Professional Regulation (DBPR). Food Trucks would be prohibited in the following zoning classifications and areas:

- Open Use Agricultural (OUA)
- All Residential Zoning Categories, including Residential Planned Developments
- Lake Front (LF)
- All Rights-of-Way
- City-owned property or parks without authorization from City Administration

All Food Truck's shall have a notarized authorization form(s) from the legal property owner(s) of each proposed food truck site. A permit is required for each property the food truck will be in operation and proof of insurance. Staff will present the text amendment and following public comment, the proposed amendment will be considered by the Planning Commission for a recommendation to the City Commission. The proposed text amendment to the land Development Regulations is consistent with the City of Auburndale Comprehensive Plan and all other Land Development Regulations. Staff recommends approval of the proposed Land Development Regulation text amendment to the City Commission.

Proposed Text Amendment – Food Trucks

SECTION 1. AUBURNDALE LAND DEVELOPMENT REGULATIONS, CHAPTER 04, DEFINITIONS.

(Words underlined are additions to the existing text.)

FOOD TRUCK. A mobile food unit, self-sufficient mobile food vendor or any other food service/vending motorized vehicle licensed with the state of Florida Motor Vehicle Department and that has been inspected and licensed as a mobile food unit by the appropriate state agencies.

SECTION 2. AUBURNDALE LAND DEVELOPMENT REGULATIONS, CHAPTER 05, ZONING.

(Words underlined are additions to the existing text.)

CHAPTER 05, ZONING

Sec. 5.2.21 FOOD TRUCKS

5.2.21.1. INTENT

It has been found by the City Commission that certain time, place, and manner for mobile food vendors, Food Trucks, is necessary to protect the health, safety, and welfare of the citizens, residents, and members of the general public. It is therefore the intent of the City Commission and this section to recognize this specialized market segment; classify the types of permitted mobile food truck unit(s); and establish appropriate standards allowing for the typical range of activities while mitigating any associated, undesirable impacts, which the City Commission finds may be injurious to surrounding land uses and to the general public if not so regulated.

5.2.21.2. APPLICABILITY:

- A. The provisions of this section shall not apply to restaurants, caterers, or temporary food service events as defined and governed by any State of Florida licensing and permitting requirements.
- B. It shall be unlawful for any person or business to engage in mobile food vending within the municipal limits of the city unless the person or business has the necessary state licenses through the Department of Business and Professional Regulation (DBPR).
- C. Food Trucks are allowed for Special Events, as approved by the City of Auburndale.
- D. Food trucks shall be required to operate on a parcel of land or a lot with an existing, operating primary use.

5.2.21.3. LOCATION

- A. Permitted Locations: The following regulations shall apply to the approved classifications. Food Trucks shall ONLY be permitted in the following zoning classifications:
 - I. Commercial Highway (CH)
 - II. Central Business District (CBD)
 - III. Commercial General- CG

- IV. Commercial General 1- CG-1
- V. Heavy Industrial (HI)
- VI. Light Industrial (LI)
- VII. Neighborhood Commercial (CN)
- VIII. Residential, Institutional and Office (RIO)
- IX. Village Center
- X. Allowed in all Commercial Planned Developments

B. Prohibited Locations: Food Trucks are prohibited in the following zoning classifications and areas:

- I. Open Use Agricultural (OUA)
- II. All Residential Zoning Categories, including Residential Planned Developments
- III. Lake Front (LF)
- IV. All Rights-of-Way
- V. City-owned property or parks without authorization from City Administration

5.2.21.4. PERMITTING

- A. No person shall engage in business within the city as a food truck without a notarized authorization form(s) from the legal property owner(s) of each proposed food truck site, including the property utilized for utility connection. Each authorization form shall include property owner's name, mailing address, phone number and email address.
- B. All food trucks shall be current with required state licenses, through the Department of Business and Professional Regulation (DBPR), and visually displayed as required by the State of Florida.
- C. The applicant shall make the food truck available for inspection by the City of Auburndale Fire Department at their discretion. The Fire Department shall ensure compliance with all applicable federal, state, and local fire safety statutes, regulations, ordinances, and codes.
- D. To receive a permit, proof of business insurance shall also be provided, issued by an insurance company licensed to do business in the state of Florida, protecting the applicant from all claims for damage to property and bodily injury, including death, which may arise from operations under or in connection with mobile food vending.
- E. Insurance requirements. The permittee, owner or operator shall at all times maintain any insurance which the City of Auburndale determines to be necessary, which may include but is not limited to, General Liability Insurance, Commercial Automobile Liability Insurance, Worker's Compensation Insurance, and Environmental Liability Insurance, issued by an insurance company licensed to do business in the State of Florida, in amounts which shall be reasonably based on industry standards and the risk determined to exist. The permittee, owner or operator shall furnish the City with a certificate of insurance which shall be accepted by the City Community Development Department. The permittee, owner or operator shall notify the City within three (3) business days of any changes in the insurance coverage. Upon the cancellation or lapse of any policy of insurance as required by this section, the permit shall be

immediately revoked unless, prior to the expiration or cancellation date of the insurance policy, another insurance policy is obtained and a new certificate of insurance is provided.

5.2.21.4.1. Permits shall include the following:

- A. A permit is required for each property where the food truck will be in operation.
- B. Food Trucks shall maintain a 60-day permit, with location, hours of operation and property owners' authorization filed with the City.

5.2.21.5. REGULATIONS

- A. Food Trucks shall not impede the on-site circulation of vehicles.
- B. Food Trucks shall be located at least one hundred and fifty feet (150') from the closest property line of any existing, operational food service establishment, unless written approval is secured establishment(s) that qualify. The distance shall be measured from the location of the mobile food truck to the front entrance of the existing, operational food service establishment.
- C. Food Trucks shall remain at least one hundred and fifty feet (150') from any residential property line or zoning classification. The distance shall be measured from the location of the mobile food truck to the property line of the residential zoned property.
- D. Food trucks shall have clearance of at least ten feet from all buildings, structures, vehicles and combustible materials.
- E. Food trucks shall not engage in food preparation if the vehicle does not provide its own water and waste systems as required by the Florida Department of Business and Professional Regulation or otherwise fails to meet sanitation and safety requirements.
- F. Food Trucks shall only operate between the hours of 8:00 a.m. and 9:00 p.m. Monday through Sunday.
- G. Food Trucks shall only operate at authorized property locations for three (3) consecutive days and be removed from the property when not in operation.
- H. Only one (1) food truck may operate on an authorized property at a time.
- I. Food trucks and associated outdoor seating must be removed from all permitted locations during impermissible hours of operation and must not be stored, parked, or left overnight on any public street or approved operating site unless authorized by the property owner.
- J. Food Trucks shall not be located in any required setback, yard, sight distance triangle, or required buffer, and shall not block driveways or other accesses to buildings and shall not operate within any rights-of-way.
- K. Food Trucks and associated seating, if any, shall not occupy parking spaces that may be required to fulfill minimum parking requirements for existing primary uses on site or through joint-use parking agreements.

- L. Food Trucks shall be operated only by the mobile food vendor or by an insured, authorized employee of the vendor.
- M. Food Trucks shall not engage in the selling, transport, or storage of alcoholic beverages, unless at a Special Event sponsored by the City of Auburndale or other approved Special Events by City Management, and only in the designated location of the Special Event.

5.2.21.6. SIGNAGE

- A. Food Trucks are limited to one (1) sign mounted on the exterior of a food truck with one (1) sandwich board sign with dimensions no larger than six (6) square feet. Food truck signs shall be secured and mounted flat against the truck and shall not project more than six inches (6") from the sides and/or top of the truck. Sandwich boards shall not impede or obstruct pedestrian or vehicular traffic.

5.2.21.7. Food Trucks are prohibited from the following:

- A. Selling or distributing alcoholic beverages, unless authorized at a Special Event sponsored by the City of Auburndale or other approved Special Events by City Management, and only in the designated location of the Special Event.
- B. Operating in all residentially zoned neighborhoods.
- C. Operating in abandoned business locations or empty lots.
- D. Using any sound amplification equipment regardless of the intended purpose.
- E. Using banners, streamers, large flashing lights, or other similar devices to attract customers.
- F. Blocking fire hydrants, or Americans with Disabilities Act (ADA) accessible parking spaces and/or accessible ramps.
- G. Dumping grease, waste or wastewater on site, into the City's stormwater system, or at any other place in the City other than where licensed to do so.
- H. Allow any fluids to be discharged from the food truck vehicle.
- I. Connecting to potable water or wastewater utilities.
- J. Food Trucks are prohibited from parking in any driveway aisles, no parking zones, loading areas, fire lanes or blocking fire hydrants or ADA parking spaces.
- K. Leave any location without first picking up, removing and disposing of all trash, materials or refuse remaining from food truck activities.
- L. Sell anything other than that which the vendor is licensed to sell.

5.2.21.8. Revocation of Permit:

- A. Previous, unresolved violations of permits.
- B. The proposed mobile vending activity does not comply with all applicable laws including, but not limited to, the applicable building, zoning, fire safety, and health regulations.
- C. The applicant knowingly made misstatements on the application.
- D. The applicant does not possess the appropriate state licenses to operate a food truck.
- E. Failure to comply with any of the policies in the Land Development Regulations (LRDs) regarding food trucks.

Chairman Price closed the Public Hearing and reopened the Regular Meeting.

AGENDA ITEM 8: RECOMMENDATION AMENDING THE LAND DEVELOPMENT REGULATIONS – FOOD TRUCKS

Motion was made by Commissioner Brian Toune and seconded by Commissioner Danny Chandler to recommend to the City Commission approval of the Land Development Regulations – Food trucks.

Discussion was had regarding the parking of the food trucks when not in use.

Commissioner Danny Chandler asked about 5.2.21.5. REGULATIONS G. Food Trucks shall only operate at authorized property locations for three (3) consecutive days and be removed from the property when not in operation. If he shows up for an hour on Monday, Tuesday and Wednesday will that count as his three days or is it operating hours.

Community Development Director Julie Womble said yes. It is for the three days.

Commissioner Danny Chandler asked, after the three days when can he apply for a permit again.

Community Development Director Julie Womble stated talking to other cities what they do is when they apply for their permit, they will give a list of locations they will be at within those 60 days. Many try to plan out because they have patrons that want to come revisit them.

Commissioner Danny Chandler asked but if someone did, what would be the time frame that he could come and reapply? Five days?

Community Development Director Julie Womble stated no but that is a good suggestion we could add to the text.

Commissioner Danny Chandler stated he could go Monday, Tuesday, Wednesday and come back Friday and do Friday, Saturday, and Sunday.

Community Development Director Julie Womble stated if you would like to add that to your recommendation.

Commissioner Danny Chandler stated he would like to extend it to 5 days.

Community Development Director Julie Womble stated they could add it to the recommendation. When we go to approve or deny you could add that language.

Commissioner Danny Chandler asked if there would be any way to stipulate this to just event specific.

Community Development Director Julie Womble stated we could however we don't have regulations that define a food truck in our LDR right now. We have to add the definition of what that is.

Commissioner Mike Chevalier asked if someone was having a family reunion they could not get one of these trucks at their house.

Community Development Director Julie Womble stated no.

Commissioner Danny Chandler said but if they rented a city facility they could.

Community Development Director Julie Womble said yes.

Commissioner Danny Chandler withdrew his motion to recommend approval as written. He would like to approve the recommendation to amend the Land Development Regulations providing Food Trucks with adding the specification of a five-day period between reapplication between properties.

Commissioner Matt Maloney seconded the motion.

Chairman Perry Price lead further discussion regarding Food Trucks.

Community Development Director Julie Womble was able to answer all questions.

Upon vote all ayes.

Commissioner Brian Toune asked to be excused at this time.

Chairman Perry Price closed the Regular Meeting and reopened the Public Hearing.

AGENDA ITEM 9: PUBLIC HEARING – LAND DEVELOPMENT REGULATION TEXT AMENDMENT- THE LAKES DISTRICT MASTER PLANNED COMMUNITY AREA AMENDMENTS - ARCHITECTURAL STANDARDS

Community Development Director Julie Womble stated the Planning Commission will take public comment and consider a proposed amendment to the Land Development Regulations before making a recommendation to the City Commission. Public Notice was made on 7-22-22. In 2019, the City Commission endorsed "The Lakes District" Vision and Strategies for the North Auburndale area. At the end of 2021, the City Commission amended the Comprehensive Plan and the Land Development Regulations to include The Lakes District Master Planned Community Area, which is intended to implement the Vision and Strategies for The Lakes District. On July 5th, 2022, the City Commission adopted a revised version of the Lakes District Master Plan Land Development Regulations adding architectural standards. City Commission has requested staff to research and propose an amendment to the Land Development Regulations, Chapter 15, Special Overlay Districts for changes to the Architectural Standards for larger residential lots. New language is proposed to allow residential lots, over one acre, within the Estates Residential (ER) zoning in the Lakes District Master Planned Community Area, the ability to have any architectural style. This is primarily along Gapway Road that is north of the Lake. New universal architectural rules are proposed for lots over one acre within Estate Residential (ER) zoning. Lots, over one acre with ER zoning, Architectural Universal Rules are as follows:

1. Neutral or Earth-toned Exteriors
2. Enhanced Front Door and/or entryway
3. Mix of Exterior Building materials on all sides of home.

The proposed amendment also clarifies Section 15.305 – Other Setbacks and defines the minimum separation between primary buildings to be 15 feet. Language has been removed to allow for any reduction in primary building setbacks. Further clarification to Section 15.307 (a) *Starter Landscaping* proposes that a mixture of two to three varieties of shade trees shall be used in the minimum starter package for landscaping. A suggestion of shade trees such as oak, maple or magnolia trees is shown as preferred. The proposed text amendment to the land Development Regulations is consistent with the City of Auburndale Comprehensive Plan and all other Land Development Regulations. Following public comment, the proposed amendments will be considered by the Planning Commission for a recommendation to the City Commission. Staff does recommend approval. I have given you several pages. Starting at page 24 we have taken out the minimum side setback of 6 feet and added it to the next section. It makes more sense to have setbacks for rear as opposed to the side in a different section. On page 25 we have taken out what it could be reduced to because we didn't define what that was, so we decided to stay with the standard 15. That could be a variation. Minimum requirements per building code are 3 feet for utilities. It could be 7 feet on one side and 8 feet on the other. It is just to create a separation of 15 feet between the two. The property lines can vary. Also, with putting residential buildings with alley access in this category makes it clear as developers ask us the questions of where to find the setbacks. We just renumbered the rest of them in sequence, then again into the residential landscaping.



Sec. 15.304. - Front Setbacks.

Front setbacks are measured from the right-of-way line of the adjacent street. Side yard and rear yard setbacks are measured from the property line. Front setbacks shall comply with the standards identified in Figure 15-4.

Figure 15-4

Front Setback	Village Center	Residential Neighborhood	Estate Residential
Minimum Front Setbacks ^{1, 2, 3, 4}	10 feet	25 feet	35 feet
Maximum Front Setbacks	15 feet	30 feet	N/A

¹ Encroachments into Minimum Front Setbacks. Porches, awnings, and second story balconies may project into setback up to six feet. Bay windows may project into setback up to 4 feet.

² All residential buildings shall be set back at least 35 feet from arterial and collectors streets.

³ Residential buildings with ground floor retail must follow the setback standards identified in the Mixed Use Block Standards.

⁴ Residential buildings with alley access have a minimum front setback of 10 feet and minimum side setback of 6 feet.

Sec. 15.305. - Other Setbacks.

- (a) Minimum separation between primary buildings shall be 15 feet. ~~The minimum separation between residential buildings may be reduced subject to all of the following:~~
 - 1. ~~Both buildings are served by a central potable water system;~~
 - 2. ~~The buildings are within five miles of a Fire Rescue Station via the shortest road route and via any required emergency access point;~~
 - 3. ~~Improvements in the side yards are prohibited, except for HVAC, mechanical, pool, and other equipment that is either to the rear of the building or staggered so that equipment on adjacent lots is 10 feet apart. These limitations shall be included in the applicable declaration of restrictions;~~
 - 4. ~~The opposing exterior walls shall be constructed of CMU block or concrete building material with equivalent fire resistance, or both buildings shall incorporate a fire suppression system that achieves equivalent fire resistance; and~~
 - 5. ~~The reduction is otherwise consistent with applicable fire and building codes.~~
- (b) Residential buildings, with alley access, may have a minimum building separation of 12 feet. Utilities must be varied on opposite side yards for reduced building separation.
- (c) ~~(b)~~ Side driveways extending along the property line to a recessed garage are permitted and encouraged within the side yard setback.
- (d) ~~(e)~~ Rear yard setbacks in residential areas shall be a minimum of 15 feet from the rear property line, except for garages, and accessory dwelling units where the minimum setback shall be 7 feet.
- (e) ~~(d)~~ When an alley is present, the minimum rear setback shall be a minimum of 7 feet, measured from the rear property line.

Sec. 15.306. - Pedestrian Access Ways and Bicycle Circulation.

All residential developments shall be designed to promote pedestrian and bicycle circulation within the development and to promote access to surrounding areas, including schools, parks, village centers, and regional trail systems. Entry posts, columns, and/or landscaping shall be installed where an internal sidewalk intersects with a public sidewalk.

Sec. 15.307. – Residential Landscaping.

- (a) *Starter Landscaping.* To improve the appearance from the street, new residential development shall include a minimum starter package for landscaping. At a minimum, these starter packages shall include: turf grass, shrubbery, at least one street tree, a front yard tree, and an efficient irrigation system necessary to sustain the vegetation. Required tree plantings shall be shade trees. A mixture of two to three varieties of shade trees shall be used in the minimum starter package. Preferred shade trees include live oaks, maple and magnolias.
- (b) *Fencing Standards.* Two types of fences are allowed within residential areas: "picket" fences and "privacy" fences.
 - 1. *Front Yard.*

The following Architectural Guidelines shall apply to all new developments and redevelopments within the Lakes District Master Planned Community Area, unless specifically exempt. In the event of conflict between the provisions of this section and other provisions of the Land Development Code, the provisions of this Section shall apply.

~~Any deviation from the architectural code is not permitted.~~

Demonstration of compliance with the District Architectural Universal Rules is required. Applicants shall provide proof of compliance at time of building permit application. Planning staff review for compliance is required prior to issuance of building permit. Compliance shall be determined by a review of the submitted architectural elevations, rendering of the structure(s), and a list of exterior and roof materials. Please see Figure 15-11 for the Architectural Review process.

- (a) Lakes District Master Planned Community Area Architectural Universal Rules.
1. "Heavy" materials below "light" materials. For example, smaller balconies or windows on upper stories, or coarse building materials on the bottom with smooth materials above.
 2. Vertically proportioned fenestration
 3. Visible joints i.e., doors, windows, and columns, are required to have spanning lintels.

Any deviation from the architectural code is not permitted. However, residential lots, over one acre, with Estate Residential (ER) zoning in the Lakes District Master Planned Community Area, shall be exempt from the Florida Heritage Architectural Theme. Specific Universal Architectural Rules for lots over one acre with Estate Residential (ER) zoning, are as follows:

1. Neutral or Earth-toned Exteriors.
2. Enhanced Front Door and/or entryway.
3. Mix of Exterior Building materials on all sides of home.

Chairman Perry Price closed the Public Hearing and Reopened the Regular Meeting.

AGENDA ITEM 10: RECOMMENDATION AMENDING THE LAND DEVELOPMENT REGULATIONS THE LAKES DISTRICT MASTER PLANNED COMMUNITY ARCHITECTURAL STANDARDS

Motion was made by Commissioner Matt Maloney and seconded by Commissioner Mike Chevalier to recommend to the City Commission approval of the Land Development Regulations Text Amendment – The Lakes District Master Planned Community Architectural Standards as printed.

Commissioner Danny Chandler asked you are taken out the any deviation from the architectural code is not permitted and you are making it just to those lots that are over 1 acre, and you are giving them these three stipulations to go by.

Community Development Director Julie Womble stated they do not have to follow one of the four styles.

Commissioner Danny Chandler asked do they have to have approval of what they do.

Community Development Director Julie Womble stated they would still need to submit a site plan.

Commissioner Danny Chandler stated as far as exterior, you could get something crazy. If they are mixing building materials, you could get some wild design in the middle of the rest.

Community Development Director Julie Womble stated you could have something modern, a Frank Lloyd Wright or a Baynard House with a mixture of material.

Chairman Perry Price asked whenever you had these people look at this how many architects were on the committee that gave you feed back.

Community Development Director Julie Womble stated it was a firm. Kimley Horn and they contracted out with another firm for architectural.

Chairman Perry Price asked what the rear setbacks were.

Community Development Director Julie Womble stated 15 feet.

Chairman Perry Price requested fences to be looked at in this area.

Commissioner Danny Chandler stated it is not specific enough to define a minimum standard. I wish there was something to say they had to meet the minimum. When it is just mixing four materials. It could be anything.

Upon vote, all in favor ayes – opposed - nay

Roll call vote

Commissioner Danny Chandler – no, Commissioner Mike Chevalier – yes, Commissioner Matt Maloney – yes, Commissioner Jody Miller – yes, Chairman Perry Price – yes.

4 yes 1 no.

Chairman Perry Price stated the meeting was adjourned at 5:36 p.m.

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


Marsha Johnson, Secretary