

**FRUITLAND PARK CITY COMMISSION AND PLANNING AND ZONING
BOARD JOINT WORKSHOP
MEETING MINUTES**

August 10, 2019

City Hall Commission Chambers
506 W. Berckman Street
Fruitland Park, Florida 34731
9:00 a.m.

A workshop meeting of the Fruitland Park City Commission was held at 506 W. Berckman Street, Fruitland Park, Florida 34731 on Saturday, August 10, 2019 at 9:00 a.m.

Members Present: Mayor Chris Cheshire, Vice Mayor John L. Gunter, Jr., Commissioners Christopher Bell, Patrick DeGrave and John Mobilian; Planning and Zoning Board members Chairperson Al Goldberg, Vice Chair Phillip Pearle, Walter Buriel, Fred Collins, and Dan Dicus,

Also Present: City Manager Gary La Venia; City Attorney Anita Geraci-Carver; Community Development Director Tracy Kelley; Administrative Assistant Kelly Turner, Community Development Department; Human Resources Director Diana Kolcun, and City Clerk Esther B. Coulson.

1. CALL TO ORDER, AND PLEDGE OF ALLEGIANCE

Mayor Cheshire called the meeting to order at 9:00 a.m. and Vice Mayor Gunter led in the Pledge of Allegiance to the flag.

2. ROLL CALL

At Mayor Cheshire's request, Ms. Coulson called the roll and a quorum was declared present.

3. LAND DEVELOPMENT REGULATIONS

Mr. Greg A. Beliveau, LPG Urban and Regional Planners Inc. (consultants retained by the city), reviewed the changes and provisions under the following Land Development Regulations (LDRs) to conform with federal, state and local requirements and any other conflicts including the city's comprehensive plan:

- Chapter 150, General Provisions

Chapter 150, General Provisions was not addressed at this time.

- Chapter 151, Definitions and Interpretations

After Mayor Cheshire posed a question on the inclusion of Telecommunications Tower Definitions, Ms. Geraci-Carver indicated same can be referenced according to Florida Statutes and Mr. Beliveau confirmed that same will be added to the LDRs.

Commissioner Bell questioned the classifications of bed breakfast inn under Subsections 151.020 a)b), and c) and Mr. Pearle requested a change under the second sentence under Subsection 151.020.

After discussion and **by unanimous consent, the city commission and the planning and zoning board agreed with the city attorney's recommendation to report back on revisions to the second sentence under Subsection 151.020, . . . *The owner/manager of the inn shall live . . . and language under Subsections 151.020 a)b), and c), . . . which limits the number of bedrooms to be used as a guest room(s).***

- **Chapter 153, Concurrency Management System**

By unanimous consent, the city commission and the planning and zoning board accepted LPG Urban and Regional Planner's suggestion to remove the public school concurrency language shown under subsection 153.030. (The comprehensive plan element was eliminated which is referenced under subsection 153.050, Concurrency Review Procedures.)

- **Chapter 154, Zoning District Regulations**

With respect to Mr. Beliveau's inquiry on the placement of adult entertainment in the industrial zoning district as depicted on the proposed zoning map, Ms. Geraci-Carver confirmed such zoning would need to be identified as a permitted ("by-right") use with sites available -- to which Mayor Cheshire confirmed was previously addressed by the city commission (August 22, 2017 workshop) -- and outlined the various requirements of regulating same which can be established and imposed by the city commission.

After much discussion and **by unanimous consent, the city commission and planning and zoning board directed the city attorney to report back on the regulation of adult entertainment in the industrial zoning district (with distance requirements, clustering and signage) to be incorporated in the Land Development Regulations.**

After Mr. Beliveau reviewed the revised language under design standards and customary accessory structures, Commissioner DeGrave referred to the stand-alone private donation boxes (managed by for-profit-organizations) located within the city which he believes is a violation to the existing zoning code which he believes can be regulated.

Following further discussions and **by unanimous consent, the city commission and the planning and zoning board directed the city attorney to work with staff to review the regulations on stand-alone private donation boxes and identify same within the city limits and report back.**

Mr. Beliveau cited language under subsection 154.030: b) 14) A) *The following uses shall be permitted. i. Motels/Hotels; ii. Recreational Vehicle (RV) Parks* and suggested allowing same special exceptions instead of principal use and outlined the proposed procedure before the city commission.

After discussion, Commissioner DeGrave addressed the city's prohibition on RV parks, mobile homes, mobile home parks and junk yards; whether same is the highest and best

use for the city and recalled the city commission's discussions at its July 11, 2019 regular meeting regarding a proposed RV park to which Mr. La Venia recognized the impacts to the city as they relate to police and fire services;

After Ms. Geraci-Carver addressed her plan to review the taxation requirement and subsequent to further discussions, **the city commission and the planning and zoning board agreed, by unanimous consent, to allow a mechanism to discourage permitting Recreational Vehicle Parks as a special exception use.**

Following further discussions and **by unanimous consent, the city commission and the planning and zoning board agreed with LPG Urban and Regional Planner's suggestion to include recreational facilities use as a commercial recreation.**

Commissioner Bell referred to subsection 154.030:b)13)A)iv., establishment of zoning districts and official zoning map and requested that the inclusion of day care centers, permitted as a use, be removed.

After Commissioner DeGrave pointed out the big box stores under subsection 154.060:b) Design Standards , he questioned the regulation on their size.

With reference to subsection 154.060:a), landscape buffers, Ms. Lindh requested clarification on the design standards requirement of a 25-foot buffer; pointed out the city commission's adoption of same (November 10 2016 regular meeting) applying to county roadways, major arterials, or every street within the commercial designation; noted the conflict where the landscape buffer within the section requires 15 feet and gave her understanding of 25-foot applying to any and all type of commercial non-residential mixed-use development on Dixie Avenue.

In response to Commissioner Bell's inquiry on the removal of the design standards for residential-professional and his suggestion to require such zoning designation to be a 15-foot buffer, Ms. Lindh explained that a list could be provided on the specific zoning district which would apply

After much discussion, Mr. Beliveau suggested, as a minimum requirement, removing the industrial component of 25 feet (when the RVs are removed) changing it to commercial; identify the location of the zoning designations of Residential Professional (RP), Commercial-High Intensity (C-1), and Neighborhood Commercial (C-2) citywide, and for submittal purposes, review and approve the site plans from the landscaping component.

Following further discussion, Ms. Lindh explained that the landscaping design standards were previously developed based on the zoning classification of the site which did not take into consideration the adjacent zoning designations. She indicated that if there is a concern regarding the uses, buffer standards ought to be changed.

Extensive discussions ensued and **by unanimous consent, the city commission and the planning and zoning board directed LPG Urban Land Planners to review the landscaping buffer standards, make a determination on the zoning designations and report back with a plan which emulates another entity that is effective.**

Following lengthy discussion, Commissioner DeGrave pointed out the provisions under subsection 154.055, Mobile Home Park/Subdivision Design Standards and suggested implementing stringent requirements.

After Mr. Beliveau agreed with Commissioner DeGrave's suggestion on the decision-making process regarding subsection 154.060: design standards and subsection 154.070, building design and architectural standards, for materials as well as color and neutral shades.

Following much discussion and **by unanimous consent, the city commission and the planning and zoning board agreed that under building design and architectural standards:**

- subsection 154.070, b), roof design, that the words "discouraged" to be replaced with "prohibited";
- subsection 154.070, c), materials, remove the language , if approved by the community development director,
- subsection 154.070, e) colors, the words "should" be replaced with "shall", and

directed staff that further findings on the decision-making process related to similar issues be presented before the governing body for consideration.

Further discussion ensued and Mayor Cheshire referred to the definition and interpretations under subsection 151.010:b), duplex; recalled to the special exception use granted at the January 25, 2018 regular meeting and posed the question on duplex properties to become more restrictive.

After discussion, Mr. Beliveau suggested the zoning designation of single-family detached or single-family attached on two dwelling units per acre to which Ms. Geraci-Carver recognized the city's vesting requirements during the application process and the evaluation of the lot of record which staff will review.

With respect to subsection 154.030: Establishment of Zoning Districts and Official Zoning Map and in response to Mayor Cheshire's inquiry, Ms. Geraci-Carver confirmed that staff is aware of and is working on resolving same.

- **Chapter 155, Conditional Uses and Special Exceptions**

Commissioner Bell's suggested changing the provisions under subsection 155.030: b) 30) E), Bed and Breakfast Inns; . . . *No bed and breakfast inn shall allow an individual to be a guest for more than thirty (30) days in any calendar year. . . . to read: . . . 52 (fifty-two) days. . . .*

In response, Mr. Beliveau recommended revising the language to read. . *thirty (30) continuous days. . . .* and noted the additional languages under subsections 155.030: b) 31) to 155.030: b) 37).

After Commissioner DeGrave questioned the deleted language: . . . *Conditional uses run with the owner and not the property. Therefore, ownership of a conditional use cannot be transferred to another property. . . .*, subsection 155.010: e), Abandonment of a Conditional Use and questioned the process for the potential owner to appear before the governing body for consideration.

Extensive deliberations ensued and Commissioner DeGrave cited the language under Mobile Home Subdivision, subsection 155.030 b) 12), Mobile Home Subdivision . . . *A special exception may be granted under the following conditions: . . .* to which Ms. Geraci-Carver indicated that the governing body has more discretion with such uses meeting the required criteria to which she will review.

With respect to subsection 155.010 b) 36), Motor Vehicle and Boat Storage Facilities, (C-2), Commissioner DeGrave addressed the implications to the city which does not receive the highest and best use and questioned prohibiting such uses in certain zoning districts.

By unanimous consent, the city commission and planning and zoning board recessed the workshop for lunch at 11:33 a.m. and reconvened at 12:00 p.m.

By unanimous consent, the city commission and the planning and zoning board agreed with the LPG Urban and Regional Planners' recommendation to amend subsection 155.010: d), General Requirements and Conditions for planned commercial designations to include minimum criteria standards desirable to the city going forward and the previously cited identifiable uses of concern as special exception uses.

- **Chapter 156, Miscellaneous Regulations**

With respect to Accessory Uses and Structures, under subsection 156.010, Mr. Beliveau reviewed the changes by referring to the setback requirements under subsection 156.040 (noting the connection to same as outlined under subsection 154.030::d) 4), purpose and intent of zoning districts), and pointed out the minimum standards shown under subsections 156.010: f), outside storage and 156.010: f) 2), office uses.

Following extensive deliberations, Commissioner DeGrave pointed out subsection 156.010 d) 2), and voiced concerns with Spa Kingdom's business product encroaching the roadway, the parking lot is utilized as storage and the sign on the semi-tractor trailer on the property reveals the name of the business.

After lengthy discussions on signage and storage problems, Commissioner DeGrave suggested that staff review businesses initial site plans starting with Spa Kingdom Inc, before enforcing prohibition of same.

Commissioner DeGrave cited language under subsection 156.020: c) 3), permitted home occupations, Off-site Provision of Services and suggested including tattoo parlors as prohibited home occupations under subsection 156.020: d), and for staff to add language under subsection 156.020: c) 3) that such reason to be based upon traffic generated from said businesses.

After Mayor Cheshire referred to the city's adopted code of ordinances relating to Communication Towers Construction; Communications Services Permit Fees Collection; Public Facilities District Zoning and Telecommunications Tower Definition, and Accessory Structures, Mr. Beliveau addressed staff's unawareness of same and confirmed that they will be included under the subject section of the LDRs.

- **Chapter 157, Subdivisions and Plats**

After discussion and upon Commissioner DeGrave's suggestion, **the city commission and the planning and zoning board by unanimous consent, agreed to incorporate under subsection 157.080: a) 1) F), Development Design Improvement Standards (for Roadway and Street Construction Layout), the regulation of design standards to accommodate landscape islands for cul-de-sac streets as part of the review process.**

Upon Commissioner Bell's suggestion and **by unanimous consent, the city commission and planning and zoning board agreed to incorporate language under subsection 157.060: d) 3) F), the preliminary plan, review process to include the Planning and Zoning Board and the city commission as part of said process.**

- **Chapter 161, Building and Fire Codes**

Mr. Beliveau pointed out the provision under subsection 161.010: b), building codes and subsection 161.020 a), fire codes.

- **Chapter 162, Transportation Standards**

There were no changes to address on transportation standards at this time.

- **Chapter 164, Landscape Requirements and Tree Protection**

Mr. Beliveau referred to House Bill 1159, Private Property Rights prohibiting local governments from requiring notices, applications, approvals, permits, fees, or mitigation for the pruning, trimming or removal of trees on residential property. removal; a copy of which is filed with the supplemental papers to the minutes of this meeting.

After discussion, Mr. Beliveau and Ms. Lindh reviewed the changes under subsection 162.030: c), Access Control, Distance Between Access Point and Property Line and the changes under Subsection 164.080: d), Installation and Maintenance.

Mr. La Venia noted the forthcoming recommendations from Ms. Jennifer C. Bolling, Jacobs CH2M®, regarding the consumptive use permit 2020 as it relates to irrigation, water conservation, and indigenous plants which will be incorporated in the respective chapter of the LDRs.

After discussion and upon Commissioner DeGrave's suggestion, **the city commission and the planning and zoning board, by unanimous consent, agreed to revise language under subsection 164.080: d), Installation and Maintenance to read: . . . *One year from issuance of Certificate of Occupancy (CO), the city will inspect the landscape relative to continued maintenance. . . .***

In response to Mr. La Venia's remarks, Mr. Beliveau addressed the plan, at a future workshop to incorporate within the subject chapter the revisions provided by Jacobs CH2M®.

- **Chapter 165, Environmental Protection Regulations**

Vice Mayor Gunter mentioned his request for Chapter 165, Environmental Protection Regulations, which was distributed at this day's meeting and filed with the supplemental papers to the minutes of this meeting.

Later in the meeting, Mr. Beliveau reviewed the following changes:

- subsection 165.050: e), exemptions,
- subsection 165.100: a), clearing limitations and
- subsection 165.150: b), conservation easement

- **Chapter 168, Variance Procedures**

Commissioner DeGrave referred to the review criteria for variance procedures and review requirements reflected under subsection 168.010: f).

After further discussion, Ms. Geraci-Carver recognized the case law (judicial) or quasi-judicial (legislative) procedures, when the elected body considers the granting of a variance request by using discretion when making a determination once the burden has been met to meet the criteria and demonstrating that there is competence of substantial evidence as to why the variance should not be granted.

Ms. Geraci-Carver suggested that staff report ought to identify as a standard when reviewing a variance application that the request is legislative or quasi-judicial.

- **Appendix 2, Water Sewer Utilities Standard Specifications**

Mr. Beliveau reviewed the changes under Appendix 2, Water Sewer Utilities Standard Specifications.

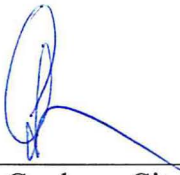
4. **OTHER BUSINESS**

Earlier in the meeting, Mayor Cheshire suggested completing what is required to be finished, revise what was presented at this day's workshop meeting and provide the revisions at the next workshop where it would be determined whether a future workshop would be required.

5. **ADJOURNMENT**

There being no further business to come before the city commission, the meeting adjourned at 1:42 p.m.

The minutes were approved at the October 10, 2019 regular meeting.

Signed 

Esther B. Coulson, City Clerk

Signed 

Chris Cheshire, Mayor