

**PLANNING AND ZONING BOARD
MINUTES
CITY COMMISSION CHAMBERS
THURSDAY, FEBRUARY 9, 2023
6:00 P.M.**

Chair Fountain called the Planning and Zoning Board to order at 6:00 p.m. in the City Hall Chambers located at 120 E. Pomelo Street, Lake Alfred, Florida.

Chair Fountain provided the invocation followed by the Pledge of Allegiance.

Board Members in Attendance: Chair Ike Fountain, Board Member Herb Nigg, Alternate Board Member John Reinert, Board Member Ganesh Nair, Alternate Member Cathy Long, and Board Member Scott Gearhart (6:05 PM). A quorum was present.

Board Members Absent: Board Member Charles Lake submitted his resignation, Brenda Arnold, and Wanda Daley.

Staff: Community Development Director Amee Bailey, City Attorney Seth Claytor, and City Planner Erika Tulloch.

Chair Fountain presented the minutes from January 12, 2023, Planning and Zoning Board meeting for approval.

Alternate Board Member Reinert made a motion to approve the meeting minutes for January 12, 2023. The motion was seconded by **Board Member Nigg**. The motion was unanimously approved.

There were no audience members so the meeting procedures were not read into the record. City Attorney Claytor swore in the staff members providing testimony.

Alternate Board Member Reinert made a motion to accept Board Member Charles Lake's resignation. The motion was seconded by **Board Member Nigg**. The motion was unanimously approved.

Chair Fountain introduced the first item of business.

1. Comprehensive Plan Amendments

Community Development Director Bailey said tonight we will not hear the transportation plan element of the comprehensive plan and that will come at a later meeting. She presented the water supply plan identifying alternative water supply sources with a ten-year planning horizon relational to the regional water supply plan. She explained the difference between the Water Master Plan which has a twenty-year horizon and the water supply plan which is a piece that comes out of the Water Master Plan. She spoke about the level of service and the Regional Water's goal of getting us down to 115 gallons per day per person. We are under 100 gallons per day per person.

Alternate Board Member Reinert asked why we would not set a goal at 110. Community Development Director Bailey said we are already under 115 and that is the number we use for all of our planning efforts when planning for concurrency. It provides limitations on the number of

units in the future based on that limitation. It would be better to be as close to what we are actually doing now.

She continued and reviewed the projected water demand based on the updated development list. She went on to say the City was a part of the Polk County Water Regional Water Cooperative and they have come up with two regional water supply projects. She reviewed both projects and their reverse osmosis processes for desalinization.

Alternate Board Member Reinert asked if these plants were already online and it was shared, they were projects.

She reviewed the text amendments for the water and wastewater with relation to the infrastructure element, the conservation element, and the capital improvements element.

Summarization of Amendments

- We are a part of the Polk Regional Water Cooperative for our alternate water supply.
- We are adopting by reference a Water Master Plan serving to provide the five-year update.
- Utilize the Master Plan for the design standards.
- Update the level of service to 100 gallons per day.
- Wastewater Master Plan – update water treatment capacity from 76 to 47 gallons per day per person
- Update the Master Plan every five years which serves that purpose.
- Includes capital improvement updates for maintenance and operation.
- Impact fee studies have been completed.
- Water and Wastewater Connection Fees and the Septic to Sewer Program
- Adopt by reference the Wastewater Master Plan and change the level of service.
- Reclaimed water system reorganized to focus on aquifer recharge and heavy industrial users in the areas near the wastewater plant.

A brief discussion ensued regarding the current water going into a spray field, and the more efficient ways to get the water back into the aquifer.

Alternate Board Member Reinert asked if the new developments could benefit from the reclamation and it was shared it was too costly to put it out to the residential areas due to a lack of infrastructure.

A brief discussion ensued regarding the more efficient ways of getting it back into the aquifer being storage tanks due to the evaporation of spray fields. That is not to say in the future we could not get it to the residents however the volume we have now after being evaluated through a cost-benefit analysis, is not there. Why make the developers run a second line for irrigation that we will just provide potable water in?

Alternate Board Member Reinert said the more water we use the more wastewater we have and said the Florida Club would have been a great development to use reclaimed water. Community Development Director explained we have no system at this point so if the developer were required to put in a second set of pipes, we would have to put potable water in and have to run those pipes back to where? It would be up to the city to put the lines in back to the plant and it has been determent it is cost prohibited.

Board Member Nigg asked if we were allowing the developers to put in irrigation wells and Community Development Director Bailey said generally no. She spoke about existing agricultural wells and said the city adopted the WaterStar standards for conservation to limit water usage and provided examples of how the standards worked with landscaping techniques and shutoff valves on irrigation as requirements. She continued and spoke about the tiered fee system, the different meters for irrigation, and the increased price of the cost of water.

She continued with the presentation and said there were updated Florida Statutes, updated measurable targets removed, and to modify the stormwater requirement to allow for a Stormwater Master Plan.

Board Member Nigg asked what substantive change was made and Director Bailey said making the Stormwater Master Plan a requirement. She spoke about the reason why and said it would be nice to have a master plan for areas of improvement. She said there were some cross-references in the capital improvement table to reference the elements better but it was not a substantive change.

Alternate Board Member Reinert moved to forward the Comprehensive Plan Elements amendments to the City Commission with a recommendation of approval. The motion was seconded by **Board Member Nigg**. The motion was unanimously approved.

2. Procedure Discussion

City Attorney Claytor presented the procedure discussion related to the By-Laws Resolution 01-21. He said this is being brought back for review and discussion. He reviewed the two capacities in which the board operates with recommendations and quasi-judicial decisions.

Overview

- The legal counsel is not your adversary and is there to provide legal counsel to the board.
- Reviewed the Membership and quorum section of the Resolution.
- Reviewed section 9.2.2 – Qualifications of the Planning and Zoning Board in Unified Land Development
- Reviewed the interpretation and recommendation procedures and said it may need to be clarified or explained in the By-Laws.
- 6 – Planning and Zoning Board's decisions – when a matter comes before you for a recommendation it has to be approved, approved with conditions, or denied. The code does not address a continuance of the matter.
- Concurrency – When evaluating concurrency city staff is going to tell you how that is to be measured and considered as to each request for a development order or approval. He provided examples. He said maybe the board could be provided training on concurrency analysis.
- 9.3 of the Unified Land Development Code

Board Fountain asked if there was a change that you have noticed that we need to make and Community Development Director Bailey said the bylaws review would be beneficial to the new members and others that may have served on a different board.

Alternate Board Member Reinert asked about board members' terms regarding vacancies and

it was shared the City Commission has provided authorization through the adoption of the Unified Land Development Code that the board can establish their own rules and procedures. The ULDC provides the framework and the Planning and Zoning Board is a statutory requirement that cannot be changed in the code. There are provisions in the ULDC that the City Commission has deemed as your role and responsibilities. The by-laws are set up as the operation of the board and those are the things you can change.

Alternate Board Member Reinert spoke about his experience of serving on other boards and having a section addressing absences for the board to have members in order to conduct meetings along with the vacancies.

City Attorney Claytor said his recommendations would be to have Section 6 (4) regarding the review of minutes also include a baseline requirement to review the fact sheets, staff report, and recommendations in order to be informed on the subject matter. The second one would be on Section 4: training and have a minimum mandatory of two because one is not enough.

Alternate Board Member Reinert asked how early the staff is able to send the documentation to the board members. City Attorney Claytor said three days prior is a monumental timeline to meet due to other city obligations and Community Development Director Bailey said when the board was meeting on Tuesday it was easier to get the packets out on Friday which would allow for a weekend to review. We will continue to try and do a better job.

Board Member Nigg said a lot of this Resolution was addressed in the Unified Land Development Code, and City Attorney Claytor asked the board to review the by-laws and come up with recommendations or not if they felt it was not necessary to amend anything.

Chair Fountain suggested adding to Section 2 that each member of the board will be responsible for reviewing the agenda packet. Community Development Director said it could be added to the board responsibilities section.

A brief discussion ensued regarding the requirement of having two trainings per year for the board's benefit.

Board Member Nigg asked if he would get paid to go to training saying the staff gets paid to go to training. **Community Development Director Bailey** said the boards serve without compensation but the City will pay for the training and food, and the travel expenses to go to the training. He said to consider people who work.

A discussion ensued regarding other training after hours and online as well as our City Attorney providing training for the board during the meetings. There is not a quorum required for training. Further discussion surrounded the different organizations that provide training. Ethics is almost always available online.

Chair Fountain asked to have language brought back at the next meeting.

Community Development Director Bailey said to take out the encouragement and require at least one training per year. An amendment will be presented at a future meeting.

3. Future Amendment Discussion

City Attorney Frederick John Murphy was in attendance and welcomed by the board.

Community Development Director Bailey presented and said there were two major documents the planning department is responsible for the Comprehensive Plan and the Unified Land Development Code. The comprehensive plan is the goals, objectives, and policies and it is the overarching idea of what the city wants to accomplish when related to planning items. The elements are chapters within the comprehensive plan: Future Land Use, Transportation, Housing, Infrastructure, Conservation, Recreation and Open Space, Intergovernmental Coordination, Capital Improvement, Public Schools, Definitions, and Acronyms. The Unified Land Development Code is the implementation document for those goals, objectives, and policies. The ULDC provides regulations and standards and the review processes. The ULDC is getting into the specifics for items such as zoning, use provisions, site development standards, public improvements, signs, forest protections, and public facilities.

The Comprehensive Plan is prepared by statutory requirements. She reviewed the process of approval through the various State agencies. She explained when we do comprehensive plan amendments, we have to have that substantial documentation, resources, and studies in regard to why we are making changes to the plan. She went on to share about the Green Swamp Area of Critical State concern. She read into the record the example of the greenhouse gas emissions goal.

She went on to talk about the Transportation Element and the Level of Service based on the Transportation Plan in relation to pedestrian access, sidewalks, and roadways. She said in the Transportation Master Plan we adopt by reference the Florida Department of Transportation's guidelines because we have a State Road going through our jurisdiction and it is the same with the County for the County roads, and then we will have our own level of service for the city roads. She spoke about the Public Schools Element and the adoption of reference of the Polk County School Boards' level of service standards.

She continued and spoke about the level of service based on the proposed Stormwater Master Plan. We have been working with Wright-Pierce on the scope of services to have the Stormwater Master Plan. She went on to speak about the administration and procedures section of Article 9 of the ULDC.

- Annexations – City Commission approval
- Land Use– Legislative Action Planning and Zoning Board Recommendation and to the City Commission for action and accompanies our Comprehensive Plan
- Zoning – Line between legislative and quasi-judicial standards and is part of the Unified Land Development Code.
- Overlay Districts – Unified Land Development Code
- Site Plan Review, Changes of Use, Planned Unit Developments, and development permits are staff-level reviews. Technical standards are reviewed by staff.
- She reviewed Section 1 of the Unified Land Development Code and said the ULDC is not to stop development it is to tell it how to occur.
- The private market dictates what commercial business is going to be.

She presented the following areas that need to be reviewed for amendments.:

Unified Land Development Code

- Article 2 – District Standards
 - 1.1 Rules for all districts – reviewed the tables.
 - 1.2 Zoning District – the addition of one more under the Urban Residential
 - 1.3 Overlay Districts – needs updates.
- Article 3 – Use Provisions – reviewed the tables.
 - 3.1 Conditional Uses – needs updates.
 - 3.4 Commercial – develop more standards.
 - 3.5 Industrial – develop more standards.
- Article 4 – Site Development Standards
 - 4.2 Access – needs updates.
 - 4.5 Landscaping – reevaluate lists.
 - 4.6 Site Lighting - review
- Article 5 – Public Improvement Standards
 - 5.2 Street Design – review for updates.
 - 5.3 Intersection Design – working with a consultant and will bring back elements for the code.
- Article 6 – Sign Standards – needs to be reevaluated and updated.
- Article 7 – Resource Protection Standards
 - 7.1 Development in Flood-Prone Areas – Five-year review process for updates. Community Rating System for discounts on insurance. We are a level 6 on a scale of ten due to a conservation-orientated Commission.
 - 7.5 Upland Buffers – review for updates due to conflicts.
- Article 8 – Public Facility Monitoring – needs to be reevaluated and updated.
- Article 9 – Administration and Procedures – was presented to the Board in December.
 - 9.2 Review and Approval Processes
 - 9.3 Summary of Review and Approval Processes
 - 9.5.3 Review Criteria (Legislative Review)
 - 9.6.3 Review Criteria 9 Site Development Plan)
 - 9.7.4 Platted Subdivisions
 - 9.9.3 Variances

She encouraged the Planning and Zoning Board to review the tables in the ULDC and said as we come forward with the different amendments staff is always willing to hear the perspective of the Board Members. These amendments will be coming forward and the Transportation Element will be the first primary focus. She said the code is not quite two years old so it is still quite new. She concluded by saying please let us know if you have any questions or comments.

Alternate Board Member Reinert said he would like to look at including a motion for continuance as an option for the board because there are times when we may need additional time for more information. He said he has not ever served on a board where there was not an option to table an item.

City Attorney Claytor said it depends on what hat you are wearing. It is a good point and, if you want to make a continuance an official procedural option, it would have to go to the City Commission because that type of procedural amendment is a substantive change. Essentially, if you are sitting in a recommendatory capacity, the applicant has a right to get that matter to the City

Commission for final official action. He continued and said the recommendations are on the record and are reviewed by the City Commission. The applicant does have the right for the City Commission to approve or not approve or continue the matter. That is why that is not an option when you are in that capacity to continue it for more information. He said you could make a recommendation not to approve with a notation in the record that there is not adequate supporting information in order to make that type of policy decision or recommend the policy decision to be made by the City Commission. To continue it at this level is something that is not considered by the code as an option.

Community Development Director Bailey said in her twenty years of experience she has only seen the Planning and Zoning Board table a decision when the Board had brought up enough questions that the applicant had said we agree and was willing to table the manner to bring back the additional information. We are on a timetable, especially with certain types of actions. It is very rare, far, few, and between when it has happened. She reiterated that what the Planning and Zoning Board says and recommends is very important to the City Commission. She provided an excerpt of the City Commission agenda packet to the Board Members with the comments regarding the Florida Club. We make sure the decision-makers have all the information needed from the Planning and Zoning Board to make an informed decision.

Board Member Nigg asked if the Florida Club was approved and Community Development Director Bailey said the second and final reading will be at the next City Commission Meeting for consideration.

There will be a Planning and Zoning Board training on Friday, February 24, 2023.

The next Planning and Zoning Board meeting is scheduled for March 9, 2023. There will be two variances and possibly the Transportation Master Plan.

Without any further business, the Planning and Zoning Board meeting was adjourned at 8:10 PM.

Respectfully submitted,



Linda Bourgeois, BAS, MMC, ADAC
City Clerk