

**PLANNING AND ZONING BOARD  
MINUTES  
CITY COMMISSION CHAMBERS  
TUESDAY, NOVEMBER 16, 2021  
6:00 P.M.**

**Chair Fountain** called the Planning and Zoning Board to order at 6:05 p.m. in the City Hall Chambers located at 120 E. Pomelo Street, Lake Alfred, Florida.

**Chair Fountain** provided the invocation, and it was followed by the Pledge of Allegiance.

**Board Members in Attendance:** Chair Ike Fountain, Vice-Chair Brenda Arnold, Board Member Joseph Hults, Board Member Charles Lake. A quorum was present.

**Board Member Absent:** Board Member Wanda Daley, Board Member Herb Nigg, Board Member Loretta Vittorio, Board, and Alternate Board Member Brandon Davis. Board Member Cathy Long resigned.

**Staff:** Community Development Director Ameé Bailey, Assistant City Attorney Seth Claytor, and City Planner Erika Green Tulloch.

**Chair Fountain** presented the minutes from the October 14, 2021, Planning and Zoning Board meeting for approval.

**Board Member Lake** made a motion to approve the October 14, 2021 meeting minutes. The motion was seconded by **Board Member Arnold**. The motion was unanimously approved.

1. Burns Variance Request

**Assistant City Attorney Claytor** read the general meeting procedures into the record and performed the testimonial oath to the members of the audience.

**Community Development Director Bailey** read the criteria for a variance into the record and defined the intent. She said the first case was for 235 S. Illakee Avenue for a variance request to construct an accessory structure at a distance of 2.5 feet from the side yard for a difference of almost eight feet from the ten-foot minimum. She reviewed the advertisement publication dates and there were 31 notification mailers sent. There was one phone call received with general questions asked about the variance request and location. The applicant wants to construct a carport at the end of the driveway where they currently park their travel trailer. She explained the specifications and said the site plan showed the driveway was 5.5 feet from the property line and the addition of the carport would reduce the existing 5.5-foot setback to 2.5 due to the overhang. She reviewed the ULDC guidelines, showed photos, and reviewed the staff recommendation, and opened the floor to comments.

**Chair Fountain** asked about the fence in the photo.

**Alicia Burns** of 235 S. Illakee Avenue said it was a chain-link fence obscured by some bushes growing up on the property alongside it.

**Board Member Hults** asked if the shrubs were on the other property, and he was told yes.

**Community Development Director Bailey** said staff has evaluated the variance request and recommends approval of the variance based on the standards with the following conditions:

1. That the applicant is permitted a reduction of five (5) feet to the accessory structure setback for the carport along the northern side of the property.
2. The setback variance shall only apply to the carport at 235 S. Ilakee Ave.
3. The carport shall meet all other requirements of the Lake Alfred Unified Land Development Code.
4. That the approval of this variance request shall not constitute a variance or additional waiver from any applicable development regulation unless specifically noted in the conditions of approval and consistent with the ULDC.
5. The applicant shall apply for, receive and finalize all necessary City of Lake Alfred building permits for this driveway by November 16, 2022, or this approval shall be void.

**Board Member Lake** asked if this was an enclosed or open carport. He was told it was not enclosed.

**Chair Fountain** opened the public hearing and seeing no one, he closed the public hearing.

**Board Member Hults** moved to grant the variance request as presented, with staff conditions of approval, after hearing competent substantial evidence that meets all the variance criteria as set forth; and I hereby authorize the Chairman to sign a Development Order to be recorded in Polk County Public Records. The motion was seconded by **Vice-Chair Arnold**. The motion was unanimously approved.

## 2. Jacobson Variance

**Community Development Director Bailey** said this was a request for a variance for 720 E. Cummings Street. The request was from the maximum of a 30 feet setback to construct a single-family dwelling at a distance of 287 feet from the primary street for a difference of 258 feet. She reviewed the advertisement publication dates and said there were 31 notification mailers sent. Staff received four phone calls and one email. She explained the advertisement misstated the distance and the email and the phone calls indicated the distance was not enough feet. They all agreed with the applicant's request. She explained the specifications and the current code. This property is a deep lot and is more lined up with the residential structure on the same street. She showed the ariel photos of the site and where the existing homes were located.

A brief discussion ensued regarding the wetlands, floodplain demarcation, and this home is closer to Ramona Avenue.

**Community Development Director Bailey** said the staff's recommendation is for approval. The staff has evaluated the variance request and recommends approval of the variance request based on the standards with the following conditions:

1. That the applicant is permitted for a primary structure setback from the primary street for 258 feet.
2. The setback variance shall only apply to the single-family residence at 720 E. Cummings Avenue.
3. The residential structure shall meet all other requirements of the Lake Alfred Unified Land Development Code.
4. That the approval of this variance request shall not constitute a variance or additional

waiver from any applicable development regulation unless specifically noted in the conditions of approval and consistent with the ULDC.

5. The applicant shall apply for, receive and finalize all necessary City of Lake Alfred building permits for this project by November 16, 2022, or this permit shall be void.

The buyer's agent was in attendance.

**Chair Fountain** opened the public hearing and seeing no one, he closed the public hearing.

**Board Member Lake** moved to grant the variance request as presented, with staff conditions of approval, after hearing competent substantial evidence that meets all the variance criteria as set forth; and I hereby authorize the Chairman to sign a Development Order to be recorded in Polk County Public Records. The motion was seconded by **Board Member Hults**. The motion was unanimously approved.

**Chair Fountain** introduced the next business item.

### 3. ULDC Text Amendments Updates

**Community Development Director Bailey** shared the legal notices were posted in the newspaper and the dates of publications. There were no emailed comments however the staff has been working with the developers and builders regarding the changes and they have been engaged the entire time. She said when looking at text amendments we are to look at consistency with the comprehensive plan, concurrency analysis, context compatibility, and community needs analysis.

She continued and said Article II and Article III were changed to address the new legislative updates. Some topics were solar facilities, home-based businesses, building design elements, and the master-planned communities. In addition, details were provided to the architectural elements in the articles. The criteria for the Green Swamp Overlay have also been better defined for clarification. Further, there were formatting amendments to the code.

#### Presentation Overview

- Forward-facing garages were preempted by the Florida Legislature where the market will decide the garage placement except for working within a Master Planned Community.
- In chapter 2 additional clarification was provided in the definitions on the architectural styles and variations. There was more detail added to section 2.5F with the different types of rooflines and embellishments to the garages. Some came from the downtown overlay language.
- Section 2.6 will now define whether the elements are required or optional.
- Section 3.1.4 Use Table was reclassified for the cluster development to a Master Planned Community.
- Section 3.6.3 will now have defined standard codes for the Master Planned Community.
- The Green Swamp Overlay District table was amended for clarification on the open space and impervious service ratio requirements.

**Planning Board Member Lake** asked if this impacted the setbacks and was answered "no" by the Community Development Director.

A brief discussion ensued regarding the Aquifer Recharge / Lot ISR Conversion amendments, the amendments were made for clarification, and to make them easier to understand.

- Section 2.3.3M Uses and Zoning Provisions; had structural changes and added prohibited uses defined.
- Section 3.6.1D Residential Density; provides clarification and was moved to this section.
- Single Unit Attached of where they could go within a mixed-use development was amended.
- Accessory Dwelling Unit (ADU) some minor changes were made because of statutory requirements.

**Assistant City Attorney Claytor** said a lot of the changes arose over the most recent legislative session revisions which preempted the local law as it related to certain design type elements and/or formed based codes. Areas affected were home-based occupations, agritourism, and agricultural uses. He said about 70% of the proposed changes were due to the most recent session. He said Community Development Director Bailey did a great job addressing the legislative changes. He mentioned the illumination section and Community Development Director Bailey said they would cover that section shortly.

- An ADU cannot be added to a lot or parcel with an existing attached dwelling unit, nor shall an attached dwelling unit serve as an Accessory Dwelling Unit.
- Home-based businesses were amended to comply with the statutory requirements. Part of this amendment was to change the name from Home Occupation.
- Section 3.8.12 Swimming pools and enclosures were a clarification on the distance of separation.
- Section 3.8.13 Sales and Storage of Gases; was moved from another section in the code.
- Section 4.3.2 Block Standards; were based upon some conflicts we were having, and it is just adding the wording “averaging” for clarification.
- 4.6.3 Lighting Zones; This section was amended due to conflicts between the measurements of footcandles and watts per square foot. Clarification was added to define the terminology and measurement criteria.
- Figure 4.6.3 has been amended to reflect footcandle measurements.
- Other changes were formatting from the movement of the sections within the code.

**Board Member Lake** asked about the LED lighting and Community Development Director Bailey responded and said this did not affect the type of light but the amount of light the unit puts out.

**Board Member Hults** spoke about the lighting requirements by a developer’s agreement and the potential to change plans from townhomes to single-family homes. He said one may require more lighting. He would like to see a paragraph that says if that event occurs the lighting has to be reconsidered.

**Community Development Director Bailey** said we do have that in the code, and it is called a change of use. The development standards in section four (4) are reapplied to the new use.

**Board Member Hults** provided an example of where this had happened.

**Community Development Director Bailey** said he was talking about lighting that some subdivisions decided to install in their development that may not have been required such as

pedestrian lights. Our code has a minimum required lighting on the street. Each Homeowner Association (HOA) handles it differently.

A brief discussion ensued about the Community Development Districts (CDD) and the choice of the homeowner to purchase them, the disclosure requirements of the CDD, and the city not being able to dictate those elements that go into an HOA.

**Board Member Lake** moved to forward the ULDC Text Amendments to the City Commission with a recommendation of approval. The motion was seconded by **Vice-Chair Arnold**. The motion was unanimously approved.

**Chair Fountain** opened the public hearing and seeing no one, he closed the public hearing.

**Community Development Director Bailey** shared the former City Planner had moved out of state and introduced the new City Planner Erika Tulloch.

**Ericka Tulloch** introduced herself and reviewed her education and experience.

The next Planning and Zoning Board meeting will be held on December 9, 2021.

Without any further business, the Planning and Zoning Board meeting was adjourned at 7:00 p.m.

Respectfully submitted,



Linda Bourgeois, BAS, MMC,  
City Clerk