

**MINUTES
PLANNING & ZONING BOARD
JULY 21, 2008
5:30 P.M.**

The Planning and Zoning Board met on Monday, July 21, 2008 at 5:30 p.m. at the Dundee Town Hall, 105 Center Street, Dundee, Florida, with Vice Chairman Ron Hall presiding until Chairman Percy arrived.

CALL TO ORDER:

Vice Chairman Hall called the meeting to order at 5:31 p.m.

PLEDGE OF ALLEGIANCE:

Board Member Hall directed the Pledge of Allegiance.

ROLL CALL:

BOARD MEMBERS PRESENT:

Board Member Hall
Board Member Burt
Board Member Brooks
Chairman Percy

BOARD MEMBERS ABSENT:

Board Member Clanton
Pam Price, Ex-Officio Member

STAFF PRESENT:

Planning Manager Barmby
Assistant Town Attorney Crawford
Asst. Town Manager/Clerk DeLegge

PARTICIPATING AUDIENCE PRESENT:

TAB 1: APPROVAL OF MINUTES

- MAY 19, 2008 MEETING MINUTES

MOTION was made by Board Member Burt, seconded by Board Member Hall, to approve the minutes of May 19, 2008 as presented.

AYE: Brooks, Hall, Burt, Percy

NAY: None

- JUNE 11, 2008 MEETING MINUTES

Board Member Burt stated that Shepard Road needed to be changed to Shepard Avenue on page 3 and page 4. Also, on the bottom of page 3 the minutes do not indicate who made the motion.

MOTION was made by Board Member Burt, seconded by Board Member Hall, to approve the minutes of June 11, 2008 as amended.

AYE: Brooks, Hall, Burt, Percy

NAY: None

TAB 2: AMENDMENTS TO THE LAND DEVELOPMENT CODE

A. ACCOMMODATE THE BUILDING OF HOMES USING FEDERAL, STATE, OR HOUSING PROGRAM MONIES

Planning Manager Barmby stated that they are looking for a recommendation for the development of an infill, pre-existing residential policy to allow for the exemption of some of the requirements that the Town has regarding single-family homes for houses that are being reconstructed following demolition. There is a section in the Code that states that every single-family dwelling must have a two-car enclosed garage and a sixteen-foot wide driveway. It also has to have landscaping, and underground irrigation for the lawn and landscaping in the front yard.

Board Member Burt asked what the term "infill" means.

Planning Manager Barmby stated that it means, "in a residential neighborhood that already exists". It would be the older parts of town. The Town is part of the State Housing Initiative Program (SHIP) which is managed by Polk County. We will also be having our Community Development Block Grant funds managed by Polk County. There were some Polk County representatives present at this meeting. These programs help low and moderate income families in various ways. The monies can be used for specific things only. Due to the requirements of the Town's Code, we cannot help our residents build new homes. The programs have specific requirements also. They do not build structures that would meet the size requirements and other restrictions that are under the Town Code. She asked the Planning and Zoning Board for a recommendation to exempt some, or all of the requirements. She read the verbiage that the Haines City policy states: **if the house is being demolished and a new one is being built with the assistance of a government or housing agency, they are exempt from the following standards: the garage requirement, and the minimum house size.** Planning Manager Barmby was mainly asking for exemptions of the garage, landscaping, and irrigation requirements. Staff felt that those were not things required to live in a home.

Chairman Percy asked if this only applies to a house that is coming down and another one replacing it.

Planning Manager Barmby stated that it does only apply to a house that is being demolished.

Board Member Burt asked if the phrase, "if approved by the administrative official", referred to the Building Inspector.

Assistant Town Attorney Crawford stated that it refers to the Development Director. He explained that there would be some type of administrative review or applied standards from the Town Development Director to protect the Town. Certain areas of the Town could be designated for that type of housing. He suggested that they consider areas where the homes are older and have smaller lots.

Planning Manager Barmby stated that these homes need to meet the Town's Code as much as possible, but in some instances the funds do not cover it.

Board Member Hall was concerned about a government agency being given benefits that were not allowed to another individual who may be purchasing a home in an older neighborhood that needed to be demolished and rebuilt.

The rehabilitation and replacement programs are only for low-income residents.

Chairman Percy stated that the Board needed to determine what they would consider to be "infill." If there were some vacant lots in The Bluffs, it could be considered to be infill. The Town does not want to anything built in that subdivision without a garage, because everyone in there has a garage.

Planning Manager Barmby stated that these programs apply only if a house is being demolished. It has to be a replacement of an existing structure. As it stands right now, the requirements of the Town and the agencies would limit it to the older neighborhoods in the Town.

Board Member Hall thought that this program sounded unfair. He wanted to know if they could make these exemptions apply to anyone who is in an infill house where the lot is too small to comply with Town Code.

Chairman Percy stated that the person with private money could request a variance.

Board Member Burt stated that it may be preserving some inadequacies that would keep the standards in the community from being raised. He thought that helping low-income people was a good thing, but did not want those types of exemptions and requirements expanded throughout the Town.

Chairman Percy stated that upgrading did not necessarily mean the size of the house.

Board Member Brooks stated that keeping it separate and just doing it in the existing neighborhoods that are not subdivisions would be something to consider. There needs to be a distinction between what they want to keep in subdivisions versus existing neighborhoods. The subdivisions need to remain restricted.

Board Member Hall asked if the same thing could be accomplished by focusing on the infill concept, whether or not it is a government program.

Planning Manager Barmby stated that if that was the Board's recommendation, it could be done that way.

Board Member Burt asked for confirmation that there would be standards for the administrative official to use as part of the process of approval.

Planning Manager Barmby stated that there would be requirements.

Board Member Burt also wanted to know if it was up to the Planning and Zoning Board to recommend to the Town Council the guidelines for the Development Director.

Planning Manager Barmby stated that Staff would work on something with the Attorney, but if this Board wanted to recommend something, they could.

Attorney Crawford stated that generally the standards would be in line with making sure the character of the neighborhood is not impaired.

Board Member Burt felt that the Town should not exempt the restrictions to that extent. He would like to hold to the standards that the Town has at this time.

Chairman Percy opened the Public Hearing.

Tanya Caton, Housing Demolition and Rehab Manager, from Polk County Housing and Neighborhood Development spoke on behalf of Mrs. Henderson. Mrs. Henderson came to them to apply for housing assistance. She qualifies for the assistance, but when they tried to pull a permit they were told that due to the Town of Dundee's restrictions, they

would not be allowed to pull a permit for the home. Mrs. Henderson has moved out of the home and is unable to return to it. The house has a tax-assessed value of \$27,000.00 and is in very poor condition. It cannot be brought up to code for less than \$50,000.00. That is the reason that it qualifies for the housing assistance. It needs to be torn down and replaced. The replacement homes have an appraised value of approximately \$120,000.00. They are energy efficient. They do not have a garage or an irrigation system. Those are considered luxury items in HUD standards. The main goal of the SHIP program is to provide affordable housing. She asked the Board to approve the waiver for Mrs. Henderson so that she could have a decent house to live in. She said that they can put in a two car-parking pad, but could not add a garage or carport.

Chairman Percy asked who does the construction on these homes.

Ms. Caton stated that they are licensed contractors. Most of them are in Polk County. They put it out to bid.

Board Member Brooks asked how it is taxed.

Ms. Caton stated that the homeowner will keep their homestead exemption, but the tax base will increase.

Board Member Burt objected to the word "variance." This Board is not authorized to grant or recommend variances. They can recommend to the Town Council that the Ordinances be changed.

Board Member Hall asked if the fairness issue had come up about government versus private individuals.

Ms. Caton stated that they have only had this same type of issue with Haines City. They put a waiver in their policy to allow for affordable housing. She is not aware of any circumstances where fairness had come up.

Bertha Henderson of 210 Jane Avenue in Dundee stated that she had gone to the County after Hurricane Charley because she had roof damage. The insurance company gave her money to fix the roof, but there was damage inside from the roof leaking. The front area of the house was rewired, but the back area of the house was never done. She has lived there since 1962. She has termites and the back room floor is falling in. She was told that it would cost more to repair it, than to tear it down and replace it. She agreed to have it demolished and a new one built. Everything had been removed before they found out that they could not get a permit. She said that she would appreciate it very much if the Board would help her with this.

With no one else wishing to speak, Chairman Percy closed the Public Hearing.

Board Member Hall asked if they could help Mrs. Henderson, but remove the "assistance of government and housing agencies" from it. That would allow housing assistance for a low-income individual that does not qualify for government assistance.

Board Member Brooks asked if the County helped with any of the rewiring. She wanted to know why the County did not suggest to Mrs. Henderson that she go to the Housing and Neighborhood Development office before she spent money on wiring in a house that is going to be demolished.

Ms. Caton stated that it was a different program that was helping to rebuild Polk County after the hurricanes.

MOTION was made by Board Member Hall, seconded by Board Member Brooks, to recommend to the Town Council to approve development of an Infill for Existing Residential policy, to allow for the exemption of the garage and irrigation requirements for a house that is being reconstructed following demolition of the previous structure, if approved by the administrative officials.

Board Member Burt opposed going so far as to weaken the existing policy that the Town has, by allowing anyone, regardless of income, to access this type of assistance. He felt that was what this motion would do.

Board Member Hall stated that it would be for infill of pre-existing structures, and includes demolition of the previous structure. It would create improvements for the neighborhood.

Board Member Burt stated that it does not ensure that it will be a better house, just a newer one. There would be no standards applied, except the weaker code, due to not requiring some of the features that were set up in it.

Board Member Brooks stated that it still has to meet the building codes and inspections. She asked how it could not be considered an upgrade.

Board Member Hall stated that if the existing structure is in bad shape and needs to be demolished, and is an infill house, and the new one is built to the current standards, it has to be a better house.

Chairman Percy stated that the only standard that they were exempting was the garage and irrigation requirement. Structurally, the house would be built as if it were a ten million dollar house with a garage. It has to meet those same codes.

AYE: Brooks, Hall, Percy

NAY: Burt

Motion passed with a vote of: 3 in favor, 1 opposed.

B. EXPANSION OF THE USE OF DAY CARE CENTERS BY ZONING DISTRICT

Planning Manager Barmby stated that she had come to the Board almost a year ago pointing out that the Town does not allow day care centers in most of the zoning districts. They are only allowed in residential two-family and residential multi-family by Special Exception. Most of the existing day care centers are non-conforming uses. They had discussed permitting them in the different commercial zones, such as general highway and service commercial, and by site development plan in all of the residential and PUD zoning districts. That would allow the Town to make sure that there is adequate parking, fencing, etc. There is currently no definition for day care centers. She checked Eagle Lake's definition for a child care center, so that the Town of Dundee could establish what a day care is. She would like to expand day care centers throughout the zoning districts.

Board Member Hall stated that they do not fit in every neighborhood.

Planning Manager Barmby pointed out the amount of residential areas versus commercial areas. She had spoken with the Town Attorneys about the possibility of developing a new use called, "Conditional Use" that would allow daycare centers in an area if they met a list of conditions.

Chairman Percy felt that it should definitely be allowed in commercial areas. They need to make sure that there is adequate parking for the employees, and enough parking for parents to pick their children up.

Planning Manager Barmby stated that if people were allowed to care for children in their home, a pick up and drop off area does not make sense.

Chairman Percy felt that day care should only be allowed in residential areas if it were zoned multi-family and two-family.

Board Member Burt asked for confirmation that the information that the Board was given, meant that they would be approved in the particular categories only if it were approved in the site development plan.

Planning Manager Barmby confirmed that for him.

Board Member Brooks thought that they could put in a stipulation in the RSF-1 category, that if the day care were within 300 feet of a school, it would be allowed.

Planning Manager Barmby stated that they would have to do a Conditional Use to specify those requirements.

They discussed Public Institutional (PI) zoning.

Attorney Crawford explained some of the uses of Public Institutional. He stated that PI would not be a compatible use for a day care.

The Board Members discussed this further including the definition of a day care and family members taking care of family members children.

Chairman Percy found the definition of day care that is used by the City of Eagle Lake to be an acceptable definition that could be used by the Town of Dundee. The State should take care of the licensing.

Planning Manager Barmby reviewed the changes for day care centers. Agriculture would be approved by site development plan. RSF-1, 2, and 3 would be Conditional Use. RTF, RMF, RMH-1, and RMH-2 would be approved by site development plan. Day care centers would be permitted in General Commercial, Highway Commercial, and Service Commercial. They would not be allowed in Industrial, Public Institutional, Public Recreation, or Conservation Districts. Planned Unit Developments would be Conditional Use also.

MOTION was made by Chairman Percy, seconded by Board Member Burt, to recommend to the Town Council, to approve the creation of a definition of a day care center, and the EXPANSION OF THE USE OF DAY CARE CENTERS BY ZONING DISTRICT as described in Table 1 and modified as discussed, with RSF-1, 2, & 3 being conditional.

AYE: Brooks, Hall, Burt, Percy
NAY: None

TAB 3: STATUS REPORTS

A. REPORT ON STATUS OF ITEMS THAT HAVE BEEN HEARD BY PLANNING AND ZONING BOARD AT PREVIOUS MEETINGS.

Board Member Hall asked if there was any Town input on where the communication towers had been placed.

Attorney Crawford stated that they have certain requirements that have to be met.

Board Member Hall asked if it had to be approved.

Planning Manager Barmby stated that it has to come before the Planning and Zoning Board. She read the requirements to the Board.

DELEGATIONS – QUESTIONS & COMMENTS FROM THE FLOOR

(Each speaker shall be limited to three (3) minutes)

None

REPORTS FROM OFFICERS

- **PLANNING DEPARTMENT COMMENTS**

Planning Manager Barmby announced the Town of Dundee's First Annual Relay For Life in April 2009. She informed them that volunteers were needed for various committees and to form teams. She also informed them of the details for the Relay For Life.

Board Member Burt asked how it was being publicized.

Planning Manager Barmby said that it is on the website, and we will be advertising with the newspapers as we go along.

Board Member Hall stated that the Board had asked for the measurements of the Lake Dell property to be brought to this meeting.

Planning Manager Barmby stated that she was not at the last meeting and was unaware of the request. She would get the information for them.

- **TOWN ATTORNEY COMMENTS**

None

- **BOARD MEMBER COMMENTS**

Board Member Burt wanted to know about the advertisement in The Ledger newspaper concerning the Polk County Comprehensive Plan. It had Item 7, which involves a site that is adjacent to the Town of Dundee. He wanted to know where it was, and how it affects the actions that the Town may take.

Planning Manager Barmby pointed out on a map where that site was located. It is a proposed school site. They want to change their land use to Institutional-2. Stalnaker Road would be improved for access to the school.

ADJOURNMENT

MOTION was made by Board Member Burt, seconded by Board Member Brooks, to adjourn the meeting at 7:04 p.m.

AYE: Brooks, Hall, Burt, Percy

NAY: None

CHAIRMAN MEL PERCY

ATTEST:

ASSISTANT TOWN MANAGER/CLERK DELEGGE