

# CITY COMMISSION WORKSHOP MINUTES

April 20, 2015

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Mayor Joe LaCascia called the meeting to order at 5:40 p.m.

**ROLL CALL** – Sheandolen Dunn

**Present:** Mayor Joe LaCascia, Vice Mayor Mike Blethen, Commissioner Don Kimsey, Commissioner Wanda Harris, City Attorney and City Manager Patricia Jackson

**Absent:** Commissioner Keith Prestage

## **ORDER OF BUSINESS**

### **Review of Properties on the north side of SR 33, between SR 33 and 1<sup>st</sup> Street and between Pope Avenue and Railroad Avenue**

Jennifer Codo-Salisbury (CFRPC) presented a thorough overview of the properties on the north side of SR 33, between SR 33 and 1<sup>st</sup> Street and between Pope Avenue and Railroad Avenue. This is an area that has some commercial land use and zoning designation. Reviewing what's been happening and looking to the future should this area remain under this designation. The majority of the property has development on it and is kind of a mix of uses. In review of the future land use map and the zoning map, the future land use on the property is commercial. This allows for any potential uses that come in would need to be consistent with the commercial land use. The current designation is commercial. The zoning tells where you can put a building, parking etc. This area was zoned commercial because of its location in the City. There is a mix of uses turning off of SR 33. Starting over to the east, the area on Commonwealth that hugs up against Railroad Avenue, there is a mix of uses turning off of SR 33, an auto repair service area, a home which also is a partial business operating out of a parcel in the area; going west on commonwealth, is a gas station, auto repair, septic service, two churches. On the map, the blue area represent institutional, the yellow and orange are residential and the gray areas are vacant properties. Pink areas are existing office and commercial areas. Photos of business in the area were reviewed. The intent of the comprehensive plan is this area is central to the part of the city. This area is approximately 9.7 acres. A Visioning process was conducted last year and hearing from the community, they saw this as an area that would continue to develop as commercial area. (maps and photographs of this area were displayed and distributed).

Commissioner Kimsey asked when the zoning designation was changed from Residential to Commercial and over the last 15 years, how many businesses have located in this area.

Mrs. Codo-Salisbury responded she was not sure when the designation changed, but did indicate that research was done dating back 15 years on the City's land use and zoning map and all indicated commercial land use and C-2 zoning. There is no available information on the number of businesses locating on that property since the zoning designation was changed.

Commissioner Kimsey asked if this took place at the same time as the mobile homes ordinance.

Attorney Cloud clarified Commissioner Kimsey questions regarding mobile homes. The State of Florida has a multi-tiered land use regulatory system. At the top of the pyramid in the Comprehensive Plan (the Constitution of Land Use approval). When property is zoned, you are sitting in land use that can be put on the property. Zoning goes back as far as the 1930's in Florida. It is believed that this city had a Zoning Ordinance as far back as 1974. Ms. Codo-Salisbury would not have this information. The Comprehensive Plan dated 1989, was approved in 1991 by the State of Florida. In 1985, the State passed a law that made planning mandatory, which meant every local government had to adopt a comprehensive plan. There is a Future Land Use Map for this property that shows a frontier along Hwy 33 to be designated Commercial along with a few others in the areas going back to First Street. Somewhere between 1989 and 1999 there was a change, assuming a change in the plan, but not sure about the zoning. At some point in the past...1995, not sure this property along the frontage of Hwy 33.....it is impossible to tell how far back it goes. The frontage is commercial, and the back may not be...just not sure. Skimming through all of the information that is available to us, it appears there was a great debate about what would get approved because of Green Swamp Designation, which means since 1974 Polk City has been singled out for special treatment by the State of Florida. This means that they really don't like development because Polk City sits so close to the Green Swamp. This could explain why there was suddenly a Planning and Zoning Commission in 1974. That was the year the legislature passed what was known as the Area for Critical State Concern Act. Polk City is in an exemption area.

Commissioner Kimsey asked if this took place at the same time as the mobile homes ordinance.

Mayor LaCascia stated in order for Polk City to move forward, we need to know whether we are in an exemption area or not.

Commissioner Kimsey asked what would happen if someone's mobile home burned down and the zoning is commercial.

It is not the City's intent to have someone not be able to live in their home that exists currently on a commercially zoned lot.

Mrs. Codo-Salisbury stated the property is C-2 and recommended Polk City choose one of three options listed. For the area itself.....If the sense of the area and the

Commission is to preserve the potential commercial here, **Option 1)** would be to amend the table of uses, existing residential or mobile homes, which means, if a home was destroyed, the owner would be able to rebuild....but this would not allow for new homes to come in, this would preserve the future commercial potential. **Option 2)** Go ahead and allow for residential in the C-2, which would be existing and residential. In order to maintain the commercial intent, go in and amend land use itself to allow for residential and amend the table of uses to allow for frontage on First Street to allow for residential. However, be mindful of wording for such, so Polk City can preserve the SR 33 frontage for commercial opportunities. **Option 3)** to look at rezoning the area. However, it appears from the visioning and talking to the residents and City Commission, sounds like the City does not want to lose that commercial potential on SR 33. But it cannot be a spot here and there.

Commissioner Kimsey asked what kind of business could be put there that would thrive and be successful.

Mrs. Codo Salisbury reiterated previous discussion about what is critically important when looking at development in this particular area. It is not going to be what's on frontage of First Street, but the frontage on SR 33 will be important. The parcels in this area are not very big, therefore, any new development, whether it's commercial or non-residential, they will need the depth from SR 33 to First Street in order to get parking, stormwater and building design in. We don't want to limit the potential there.

City Attorney Cloud recommended the Commission direct staff to implement one of the options presented. Option #1 is believed to be the best option.

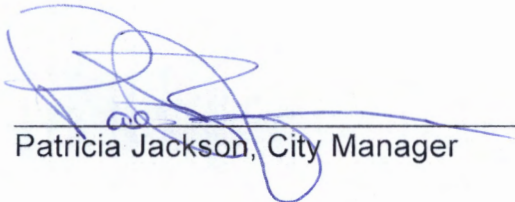
Discussion ensued.

Mrs. Codo-Salisbury and City Manager Jackson will work to get this issue resolved. Therefore, this item is being removed from the Regular Meeting Agenda.

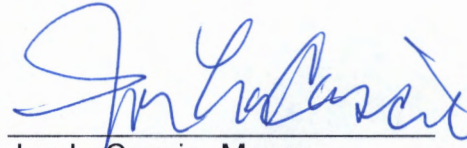
**UNFINISHED BUSINESS** - None

**PUBLIC COMMENT** – Three unidentified property owners expressed their concerns regarding the possibility of down-zoning this area.

**ADJOURNMENT** – 6:40 pm



Patricia Jackson, City Manager



Joe LaCascia, Mayor