

Planning and Zoning Board Meeting

June 3, 2024

Agenda and Video of the meeting can be found [here](#).

Present: Thomas Bien, Jon Hall, John Frankhouser, Stephen Yates, Larry Wheatcraft, Curtis Hodges, and Kip Hulvershorn.

The minutes of the February 5, 2024, meeting were approved **unanimously**.

PUBLIC PARTICIPATION

Two members of the public made comments. One resident spoke in opposition to a potential lot split on Sea Mist Drive. Another resident stated that the drainage ditches along Pioneer Trail and Airport Road do not drain properly because they were not designed correctly. He recommended that a city, county, and state task force be convened to solve the issue.

OLD BUSINESS

PUD-7-24: A request was made to review and give a recommendation to the City Commission on a proposed rezoning to Planned Unit Development (PUD) from the current zoning classifications of A-1 Prime Agriculture, Forestry Resource (FR), and Conservation (C), for approximately 1,618 acres of land located south of State Road 44 and west of I-95, known as the Deering Park Innovation Center (DPIC).

Background: The DPIC is proposed as an industrial mixed-use area. The project is being designed to allow up to 6,000,000 square feet of non-residential structures and 2,150 residential units, with at least 400 of the 1,618 acres to be designated for conservation. At its [May 6, 2024 meeting](#), the Planning and Zoning Commission considered three applications with respect to the DPIC:

- **CPA-1-24**, a Large-Scale Comprehensive Plan amendment changing the future land use from Agriculture, Forestry Resource and Conservation to Industrial Mixed-Use;
- **CPA-2-24**, to establish Deering Park Innovation Center by amending language in the Future Land Use Element of the Comprehensive Plan; and
- **PUD-7-24**, to rezone the property to a Planned Unit Development.

The P&Z approved (4-2) CPA-1-24 and CPA-2-24 and tabled PUD-7-24. Since then, on May 28, the City Commission approved 4-1 the First Reading of **CPA-1-24**, and it has been sent to the state for review. Once it comes back to the city and potential changes are made, it will be scheduled for a Second Reading.

On May 6, P&Z identified several areas of concern with respect to the PUD application. The applicant and City staff have worked together to address these issues. Atty. Glen Storch presented on behalf of the applicant. The following summarizes proposed changes and stipulations:

- **Storm water management concerns:** The applicant will add a provision to the PUD that, prior to any site development, a stormwater management and runoff study will be conducted at the applicant's expense to design an integrated master plan that directs storm water into the south conservation easement areas. The project will be designed to have no impact on existing neighborhoods. The plan is to overdesign each phase. There will be a requirement for DPIC to maintain the system. The cost for maintenance may be the responsibility of either a community development district, the potential expansion of the Deering Park stewardship district, or a property owners' association. Mr. Storch pointed out that the landowner owns 70,000 acres, of which approximately 45,000 acres are in a conservation easement.
- **Traffic concerns:** The applicant hired LTG Inc. traffic consultants to develop a traffic management plan.

- The traffic goal is to increase “internal capture,” with the mixed use (grocery store, gym, etc.) and provide monitoring, that is, to minimize the number of trips that residents need to take out of the development and shorten the trips that are made, keeping them west of I95 to lessen the impact on Rt. 44.
- The extension of Williamson Blvd. will eventually range from Pioneer Trail to Rt. 442. Segments will be built incrementally as needed and as funding is available.
- Traffic calming measures for each phase will be implemented and monitored.
- Alternative travel modes will be encouraged; there will be an extensive network of trails for foot traffic, bikes, scooters, etc. This will not reduce the availability of appropriate parking.
- Phasing of non-residential v. residential building:
 - No building permit for residential units will be issued for 3 years after PUD is approved.
 - No site/subdivision plans for residential units will be submitted until at least one million square feet of non-residential development have been approved by the city. Chair Wheatcraft expressed concern that just because City approval is given, it does not necessarily mean that the non-residential units will be built; however, residential building would be able to proceed. This would be contrary to the primary goal of the project, economic development. After discussion, the applicant agreed to modify the language to “at least 50% (500,000 square feet) of non-residential construction be completed and site plans approved for an additional 500,000 square feet” before residential permits will be issued.
 - Residential units will be phased in over five years (after the previous condition is met) for a maximum total of 2150 units. It was stipulated that there would be a maximum of 925 single family homes.
- RV/Boat storage: No more than 5% of the Innovation Park acreage (approximately 25 acres) can be used for this purpose.
- Regional Park/sports complex: The goal is that land provided to the city is not primarily wetlands. Chair Wheatcraft asked what “primarily” meant. Mr. Storch replied, “85% uplands.” It was agreed to put this into the agreement.
- Energy/water conservation: All construction will adhere to high standards to accomplish water and energy efficiency and conservation. All landscape and plant materials will be Florida native or Florida friendly to minimize need for irrigation. All residences will meet Energy Star standards. Paint colors will have higher light reflective value.

Public Hearing: Ten members of the public made comments. Concerns regarding water drainage were expressed with residents asking how to guarantee that the developer is held accountable for problems that may occur. One resident expressed concern that the city does not have the capacity to handle the number of large projects in the pipeline (Southgate, Shell Pointe and DPIC). Three members of the public voiced support for the project and commended City staff.

Additional discussion by the Board: Member Hodges stated that having a bond (10-year stormwater bond) in place would make everyone more confident about the project. Mr. Storch will discuss this with his clients. Member Bien reiterated that “the devil is in the details,” and he does not feel comfortable that all the details have been addressed. He feels we are moving too fast and would like to see additional conceptual work done.

A motion to recommend approval of PUD 7-24 with conditions listed below, passed 6-1 with Member Bien voting no. The following conditions are the following:

1. 50% buildout of the million square feet of non-residential completed and 50% with site plans approved prior to residential building approval.
2. at least 85% of land provided to city for recreation will be uplands.
3. section 3D, change “would” to “shall”; discuss stormwater bond with owner.

NEW BUSINESS

Ordinance No. 35-24: Conduct a public hearing to consider the extension of the temporary moratorium, adopted by Ordinance No.17-24, on issuance of certain building permits for a section of Venetian Bay Phase II. City staff are requesting a 6-month extension for additional data collection to identify what caused flooding and determine solutions. Seven residents spoke in favor of the extension. One person noted that the moratorium affects only a very small portion of Venetian Bay and does not consider problems in other areas. **A motion to approve Ordinance No. 35-24 passed unanimously.**

V-6-24: Review a variance request to reduce a required side yard building setback to construct an accessory structure on property located at 2555 Erena Drive. The applicant requests a reduction of the 25-foot requirement to 15 feet in order to protect a large oak tree. **A motion to approve V-6-24 with the condition that the tree be preserved passed unanimously.**

V-7-24: Review a variance application to amend a previously approved variance condition for property located at 111 North Causeway. The applicant (Kenny's Liquors) previously received a variance to operate a tasting room. Currently, the tasting is available from 5-9 p.m. The applicant is requesting a withdrawal of the time limitation because of customer requests. It was noted that the applicant himself had requested the 5-9-time frame in the original variance application. **A motion to recommend approval to the City Commission of V-7-24 was passed unanimously.**

V-3-24: Variance request at 313 Cedar Avenue to allow a driveway to exceed the maximum allowed width, a second driveway on a lot less than 75' in width, and pavers to be located within 3' of the property line. This is an after-the-fact application. Following discussion, three separate motions were made and voted upon. **A motion to allow the two driveways on a lot less than 75' wide was approved unanimously. A motion to allow pavers up to the property line was denied unanimously. A motion to allow the driveway width more than 40% or 24 feet was denied unanimously.**

ZT-2-24: Zoning text amendment to add Pain Management Clinics to the B-3 Highway Service Business District as a Special Exception. The applicant is requesting that the land use category of pain management clinic be allowed in the B-3 district as a Special Exception, with nine conditions to be added to allow the use. These conditions are intended to disallow the profusion of "pill mills" in the city. After discussion, Board members agreed to strike condition "g" which prohibits the use of words "Pain Medication" or "Pain Management" in any exterior signage or advertisement. **A motion to approve ZT-2-24 with the conditions above was passed unanimously.**

ZT-4-24: Zoning Text Amendment to the City Land Development Regulation that would remove the use of "church" and replace it with "house of worship" and add a new definition. The amendment would also replace the use of "drugstore" with "pharmacy" and add a new definition. City staff is requesting these changes to update the language in the LDR and make it more consistent. **A motion to approve ZT-4-24 was passed unanimously.**

HBOD-1-24: Review a rezoning request to add the Historic Building Overlay District, (HBOD) to a property located at 403 Magnolia Street known as the Woman's Club. Built in 1924, it is on the National Register of Historic Places and was designated as a Local Landmark by the City in 2018. The applicant is asking for rezoning to continue a non-conforming use of venue, without the required onsite parking. One resident spoke in favor of the request and noted the historic and architectural importance of the building as well as its prior use as a venue. Vice Chair Hodges recused himself. **A motion to approve HBOD-1-24 was passed unanimously.**

COMMENTS OR STATEMENTS BY MEMBERS OF THE BOARD

Chair Wheatcraft stated that the City Commission would like a P&Z Board member to attend the Commission meeting and make a statement during the public participation section regarding the Deering Park Innovation Center.

REPORTS AND COMMUNICATION BY THE STAFF

Proposed amendments to the Land Development (LDR) Section 604.04 Landscape Requirements were distributed to the Board. City staff have been working with a consultant on this. A formal presentation on the proposed changes will be made at the July P&Z meeting and at the City Commission’s June 20 workshop. Board members were asked to review the document and provide feedback to staff.