

Frequently asked questions about the rezoning application submitted by Visions Golf LLC. [This list will be updated as new questions arise, last updated 3/18/16]

(1) *When was the rezoning application for Visions Golf submitted to the City of Plant City?*

The most recent revised proposal that is currently being evaluated was submitted on April 1, 2016.

(2) *What is the applicant proposing in this rezoning application?*

The current proposal under review is to redevelop a portion of the golf course at Walden Lake with 146 single family homes and 216 multi-family units.

(3) *Have public hearings been scheduled for this rezoning application to be heard by the Planning Board or City Commission?*

The Planning Board hearing has been set for Thursday, June 16, 2016, 6:00pm, at the Trinkle Center, located 1206 North Park Road, Plant City, Florida. See attached quasi-judicial hearing procedures for guidance to appear before and present testimony to the Plant City Planning Board. A hearing date has not been set with the City Commission.

(4) *What is the current zoning of the golf course and what does that currently allow for in Walden Lake?*

Development in Walden Lake is governed by a Community Unit [also known as a Planned Development] zoning designation, which is entitled the "Walden Lake Community Unit District". This site plan specifically designates the location and limits of the Golf Course and Country Club. Therefore, uses other than these require the owner to petition the City for a modification to the "Walden Lake Community Unit District".

(5) *What is the current land use designation on the golf course and what does that allow for in Walden Lake?*

The current future land use designation for the vast majority of Walden Lake, including the entire area encompassed by the Golf and Country Club is Residential-6. A partial description of the uses that may be considered in Residential-6 is as follows: "...single-family homes on individual lots are the predominant use in these areas, although other housing and development approaches can also be integrated at lower densities..." A letter was sent to the Planning Commission requesting their assessment as to whether a corresponding plan amendment would be required in conjunction with the rezoning application submitted by Visions Golf LLC, see correspondence addressed to and the response received from Mr. Ramond Chiamonte, AICP.

(6) *What is the process and estimated time frame for a zoning modification to the golf course in Walden Lake?*

For proposed zoning changes, staff will follow the criteria set forth in Chapter 102, Plant City Zoning Code - Section 102-453, which can be reviewed on Municode [www.municode.com/Library/FL/Plant_City]. In general, once a complete zoning application is received, the rezoning process takes approximately 4 to 6 months, depending on the extent and complexity of the proposed modification.

This process requires at least two public hearings before the Planning Board (1) and City Commission (1). Property owners within 250 feet of any affected areas will be notified of the hearing dates, which will afford the opportunity for public input to the Planning Board and City Commission. Hearing dates will also be noticed by signs placed on the affected parcel(s). If you have questions about this process, please contact the Plant City Planning and Zoning Division, at (813) 659-4200 ext. 4125.

(7) *What is the process and estimated time frame if a plan amendment is required to allow the proposed uses on the golf course in Walden Lake?*

A land use plan amendment is not required for this proposed project, see letter from Mr. Ramond Chiaramonte, Executive Director of the Hillsborough County City-County Planning Commission, dated April 8, 2014.

(8) *Were specific densities addressed in the original Walden Lake Community Unit District? Meaning, when it was approved, were there limits placed on how many homes could be built on the total acreage?*

There is not an overall cap for the number of homes that may be built in the Walden Lake Community Unit District. However, the Walden Lake Community Unit District does limit the overall or gross density to five dwellings per acre (5 DU/GA).

(9) *May I discuss this rezoning with a member of the Planning Board, Planning Commission or City Commission?*

As an application has been submitted and filed, this rezoning becomes subject to a quasi-judicial process. In a quasi-judicial process an entity, such as the Planning Board or City Commission, has powers and operates under procedures resembling those of a court of law or judge, and therefore are obligated to objectively determine facts and draw conclusions from them based on evidence presented at a noticed public hearing so as to provide the basis of an official action. Because of this, elected and appointed officials that are expected to hear and formulate a position on the rezoning have been advised by the City Attorney that they must refrain from discussing [via in-person, email, text, letter, etc.] this issue outside of an advertised public hearing.

(10) May I address this issue at a public meeting of the Planning Board, Planning Commission or City Commission?

No, unless it is listed on the board's or commission's agenda as a public hearing, for further information see the response to question #9.

(11) During the public hearing may I provide handouts to the board or commission, and may I make a PowerPoint presentation?

Yes, it is recommended that handouts or a PowerPoint presentation be supplied to the Planning and Zoning Division at least 48 hours in advance on the public hearing; please call the Planning and Zoning Division at (813) 659-4200 ext. 4125.

(12) When will staff's analysis and recommendation on the rezoning application be available for review?

Plant City staff's analysis and recommendation on the rezoning application submitted by Visions Golf LLC is expected to be available about seven to ten days prior to the hearing of the Planning Board.

(13) I have concerns on how the golf course is being maintained, who should I report these issues to at the City of Plant City?

Please contact Plant City Code Enforcement, (813) 659-4200 ext. 4141.

(14) I didn't see my question addressed here, what should I do?

Contact the Plant City Planning and Zoning Division, at (813) 659-4200 ext. 4125 or email at planning@plantcitygov.com.

RULES AND PROCEDURES OF THE PLANT CITY PLANNING BOARD

In accordance with Section 2-411, of the Plant City Code, Planning Board Rules and Procedures, the following rules and procedures are hereby adopted.

Section I - OFFICERS

The Chair and Vice-Chair shall be elected annually by the members of the Board at the first meeting in June. The Chair shall conduct meetings of the Board and the Vice-Chair shall serve in his absence.

Section II - VACANCIES OF OFFICERS

In the event that either the Chair or Vice-Chair resigns, then the remaining members shall elect a new officer to fill the vacancy. In the event both the Chair and Vice-Chair are absent from a meeting, the remaining members shall elect a member to chair the meeting.

Section III - MEETINGS

Meetings shall be held on the second Thursday of each month at 8:00 a.m. for the purpose of reviewing zoning petitions, subdivision plats, and other similar cases. Meetings shall be held on the fourth Thursday of each month, if called by the board at a prior meeting, at 8:00 a.m. for purposes of discussing and determining planning policy, procedures, specific studies and other similar functions.

Special meetings may be called by the Chair, or by the City Commission in the event of joint meetings with the City Commission.

Section IV - QUORUM

Four (4) members of the Board shall constitute a quorum.

Section V - ABSENCES

When any member of the planning board has three consecutive unexcused absences from regular board meetings, the position shall become vacant. Absences shall be deemed unexcused, unless, at the next regular meeting of the planning board following a member's absence, a majority of the members of the planning board present determine that the absence was excused.

Section VI - CONDUCT OF MEETINGS

The following procedure shall apply to quasi-judicial hearings:

(a) **Definitions.** The following definitions shall apply:

(1) "Participant" shall mean any person speaking before the Planning Board who is

not a Party, Party-Intervenor, or the City or other governmental agency.

(2) "Party" shall mean the applicant (including their agents and representatives).

(3) "Party-Intervenor" shall mean a person, as determined by the Chair, being impacted by the proposed action to a greater degree than the general public.

(b) ***Time.***

(1) The time allowed for a Party (including their agents and representatives), the City (including staff and consultants) and other governmental agencies (including staff and consultants) shall be stated in the mailed notice of the public hearing, but generally a Party, the City and other governmental agencies shall be allowed no more than 15 minutes, unless additional time is requested to the City Clerk no less than 48 hours prior to the public hearing. In the event Parties request additional time, the determination of the amount of time to be allowed shall be at the discretion of the Chair.

(2) Upon advice of the City Attorney, the Chair shall determine the amount of time allowed for all Party-Intervenors (including their agents and representatives).

(3) A Participant shall be limited to no more than three minutes.

(4) Notwithstanding, the Chair shall have the discretion, even without prior request, to extend speaker times, provided that other speakers are provided a fair opportunity to be heard. Further, the Chair may restrict or terminate presentations which are determined to be frivolous, unduly repetitive or out of order.

(c) ***Order of proof.*** The order of proof shall be as follows:

(1) Representative of City staff.

(2) Party.

(3) Party-Intervenors.

(4) Participants.

(5) Staff response.

(6) Party's rebuttal (if time reserved).

(d) ***Questioning and Cross Examination.***

(1) A representative of a Party and Party-Intervenor may cross examine witnesses through the Chair, except that Attorneys shall not be subject to cross examination. If a question is to be asked by a Party or Party-Intervenor, their representative shall state the question that it is requesting and ask the Chair to have the witness answer the question. Unless the Chair determines that the question is irrelevant, immaterial, harassing, defamatory or unduly repetitive, the Chair would direct the question to the witness.

(2) Participants shall not be allowed to cross-examine witnesses.

(3) Members of the Planning Board may ask questions of any witness during testimony or after the conclusion of Party's rebuttal.

(e) **Sworn witnesses.** All witnesses shall be sworn.

(f) **Process to be a Party-Intervenor.**

(1) If any person wishes to be a Party-Intervenor, the person shall request the Chair to intervene at least 7 days prior to the public hearing and include with the request:

(a) a detailed outline of their interest in the application and argument in favor or against it; and

(b) The amount of time required for the Party-intervenor's presentation, and the justification for the time required.

(2) Upon advice of the City Attorney, the Chair shall, determine whether the person is entitled to status as an Party-intervenor.

(3) Notwithstanding, the Chair shall have the discretion, even without a prior request, to grant Party-Intervenor status to any person wishing to speak at the public hearing.

(g) **Rules of evidence.**

(1) After considering due process, the Chair, with the advice of the City Attorney, shall rule on all questions of admissibility of evidence.

(2) All evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs shall be admissible, whether or not such evidence would be admissible in a court of law in Florida. Irrelevant, immaterial, harassing, defamatory or unduly repetitive evidence shall be excluded.

(3) Documentary evidence may be presented in the form of a copy of the original. Upon request, Party and Party-Intervenor shall be given an opportunity to compare the copy with the original. A person submitting evidence may file substitution of a copy or duplicate thereof, after viewing and confirmation by the City Clerk of the copy or duplicate as being consistent with the original.

(4) Any objection to evidence must be made at the time of the hearing or is waived.

(h) **The record.**

(1) The following documents shall automatically be included in the record of the hearing:

(a) Agenda packets, staff and consultant reports on behalf of the

City.

(b) Powerpoint (or other similar software) presentation on behalf of the City, or other Governmental agency.

(c) Reports of other governmental agencies.

(d) The most recent copies of the resumes for those persons speaking on behalf of the City or other governmental agency.

(e) The resumes which had been filed with the City Clerk of persons speaking on behalf of a Party or Party-Intervenor.

(f) Comments and documents previously entered into the record at a prior Planning Board meeting on the particular matter.

(2) All other items need to be presented into the record by the witnesses at the time of their presentation.

(i) **PowerPoint presentation.** If any Party or Party-Intervenor is planning on presenting a PowerPoint (or other similar) presentation to the Planning Board, the Party or Party-Intervenor is responsible for coordinating with the City planning staff in advance. At least 48 hours is recommended. Under no circumstances shall the City planning staff allow a presentation from any media source (including flash drive and disc) to be presented from a City computer without the City staff having a reasonable opportunity to virus check the presentation.

(j) **Failure to appear.** If any Party or Party-Intervenor fails to appear at the time fixed for the hearing, the Planning Board may proceed to hear the evidence and render a decision thereon.

(k) **Planning Board.** All procedural decision of the Chair pursuant to this Resolution may be overturned by motion and vote of the Planning Board.

SECTION VII - REASONABLE OPPORTUNITY TO BE HEARD.

Subject to the exceptions herein, members of the public shall be given a reasonable opportunity to be heard on propositions before the Board. The opportunity to be heard need not occur at the same meeting at which the Board takes official action on the proposition if the opportunity occurs at a meeting that is during the decision making process and is within reasonable proximity in time before the meeting at which the Board takes the official action. This Section does not prohibit the Chair or the Board from maintaining orderly conduct or proper decorum in a public meeting. The opportunity to be heard is subject to the restrictions of this Section. The requirements of this paragraph do not apply to: (1) An official act involving no more than a ministerial act, including, but not limited to, approval of minutes; and (2) any quasi-judicial hearings.

Planning & Zoning Division Staff is hereby authorized to provide a form to any individual who desires to be heard in order to inform the Board of what proposition the individual wishes to speak and to indicate his or her support, opposition, or neutrality on a proposition; and to indicate his or her designation of a representative, if any, to speak for him or her, or his or her group, on a

proposition.

If the Chair determines that a large number of individuals wish to be heard, the Chair may request that a representative of a group or faction speak on behalf of said group or faction, rather than all members of such groups or factions. In such event, the Chair may grant the representative additional time to speak.

If a Board moves a proposition which is not on the agenda, the Board may take action at said meeting. However, prior to the vote on the matter, the Chair shall ask if anyone in attendance has any comments on the proposed motion.

Section VIII - RECORDS

Minutes shall be taken of all meetings and transcribed within ten (10) working days of the meeting date and shall be made part of the public record.

Section IX - RECONSIDERATION

Petitions for an amendment to the zoning map previously denied by the Planning Board should not be submitted by an individual petitioner or reconsidered within twelve (12) months of the date of final action on the previous petition. The petitioner must demonstrate, to the satisfaction of the planning staff, that substantial changes have occurred in the property in the petition, or in the area adjacent to the site, which would have a bearing on the zoning to be reconsidered.

In the event any petitioner shall desire reconsideration under the above provisions, petitioner shall submit his application for such rezoning to the Director of Planning and Zoning Department in the usual manner and shall pay his application fee (which shall not be refundable) and such application shall be transmitted to the planning staff for its findings as outlined above. The planning staff shall include in its recommendation whether substantial changes have occurred and forward its recommendation on the petition to the Board.

Section X - DEVELOPMENT-REVIEW PROCEDURES

- (a). Applications to be reviewed by the Planning Board shall be submitted no less than 33 working days (approximately 6.5 weeks) prior to a scheduled hearing date. Applications for which a traffic analysis is required, shall be submitted no less than one month sooner than a normal, non-traffic analysis, request. Application deadlines may be waived in cases where a special meeting is called as provided for in Section III. Applications shall include an authorization for City staff to go on the subject property for purposes of posting a notice-of-meeting sign and to take photographs and gather information necessary to prepare a report and recommendation.
- (b) All applications requiring site plan review and action by the Planning Board and/or City Commission will require applicants to meet with the Planning Staff prior to formal submittal of applications. The purpose of the pre-application conference is for the staff to advise the applicant of all appropriate submittal requirements of the Plant City Code.
- (c) Applications not in compliance with code requirements when submitted will not be processed until such time that the application is modified to meet all regulations of the Plant City Code.

- (d) Staff shall inform the applicant that the Planning Board may elect to continue their case should they, or their representative(s), not be in attendance to answer questions when the Planning Board meets to consider their application. Staff shall provide the applicant a printed schedule of meeting dates and times, but it shall be the responsibility of the applicant to confirm those meeting dates/times and to be in attendance.
- (e) The petitioner shall identify and notify the adjacent property owners within 250 feet of the petition. Notification shall be by certificate of mailing. Staff shall be provided a list of the adjacent property owners, which includes the folio numbers and a copy of the letter of notification. Staff shall review the letter prior to mailing. Notification shall be postmarked no later than fifteen days prior to the hearing before the Planning Board. Proof of notification shall be submitted to the Planning & Zoning staff seven (7) days prior to the scheduled hearing date.
- (f) Staff shall review the petition and have its recommendation submitted to each member of the City Planning Board five (5) days prior to the scheduled hearing date. A copy of the recommendation shall be sent to the Petitioner.
- (g) Staff shall prepare a notice and post the notice in a conspicuous place on the property, a minimum of 10 days prior to the Board hearing.
- (h) Planning Board action should state reasons and/or conditions upon which action is taken. The Board may vote to recommend the requested action, or to defer the recommendation until additional information is provided to the Board at the next meeting.

Approved by the Planning Board on May 11, 2000, as amended on: November 12, 2009, October 10, 2013, June 12, 2014 and December 10, 2015.