CITY OF PLANT CITY
PLANNING BOARD

October 11, 2018
Thursday, 8:00 AM
AGENDA

Call Meeting to Order

Approval of Minutes: September 13, 2018

Public Comments: Excluding any matter which is (a) scheduled for any legislative public hearing on
this agenda; or (b) the subject of any quasi-judicial hearing scheduled or to be scheduled before the
Planning Board.

New Business- Legislative Matters:


Other Business & Announcements

Discussion of Planning Board By-Law Change

Attendance Review

Adjournment

SPEAKING LIMITATIONS: At the public hearing, the applicant (including their agents and representatives), the City (including staff and consultants) and any
other governmental agency (including staff and consultants) shall each be allowed five minutes. The Chair of the Planning Board (“Chair”) shall determine the
time allowed for all Party-Intervenors (including their agents and representatives). All other speakers shall be limited to three (3) minutes. In the event
speaker(s) request additional time the determination of the amount of time to be allowed shall be at the discretion of the Chair.

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. Notwithstanding, upon proper showing, the Chair shall have the discretion, even without a
prior request, to grant Party-Intervenor status at the public hearing.

VERBATIM TRANSCRIPT MAY BE REQUIRED TO APPEAL: Any person deciding to appeal any decision made by the Planning Board, with respect to any
matter considered at such meeting, will need a record of that proceeding, and for such purpose, may need to ensure that a verbatim record be made which
record includes the testimony and evidence upon which the appeal is to be made.

SPECIAL ACCOMMODATIONS: In accordance with the Americans with Disabilities Act (ADA), any person with a disability requiring reasonable
accommodation in order to participate in this meeting should call City Hall at (813) 659-4200 ext. 4237 at least 48 hours prior to the meeting.
The City of Plant City Planning Board met in a regularly scheduled meeting on Thursday, September 13, 2018, at 8:00 A.M. in the Sadye Gibbs Martin Auditorium of the Nettie Berry Draughon Municipal Building, 302 West Reynolds Street, Plant City, Florida.

Planning Board members present were Vice Chair Art Wood, Dr. Michael Salvato, and Jeremy Burris, Bruce Rodwell, Jamey Moody and Chair Bonnie Carr. Doug Driggers was absent. Also present were Ken Buchman, City Attorney; Marlene Sanchez, Planner; applicants and interested citizens.

Chair Bonnie Carr called the September 13 Planning Board meeting to order at 8:00 a.m. A motion was made by Dr. Michael Salvato, seconded by Bruce Rodwell, and carried 6-0, to approve the minutes of August 9, 2018.

There were no public comments.

Ken Buchman swore in anyone interested in speaking to the quasi-judicial matters.

New Business- Quasi-Judicial Matters:

**PC/CPA 18-01:** An amendment to the future land use designation of two parcels along North Frontage Road from Industrial and Residential-4 to Commercial.

Mark Hudson, Executive Planner with the Hillsborough County City County Planning Commission, presented the amendment for two parcels totaling 7.49± acres.

After discussion, a motion was made by Dr. Michael Salvato, seconded by Bruce Rodwell, and carried 6-0, finding map amendment PC/CPA 18-01 proposing to change the future land use designation of the two parcels from Hillsborough County Residential-4 to Plant City Commercial consistent with the *Imagine 2040: Plant City Comprehensive Plan* and forward this recommendation to the Plant City Commission.

**PC/CPA 18-02:** An amendment to the future land use designation of one parcel along South Jackson Street from Industrial to Residential-12.

Mark Hudson, Executive Planner with the Hillsborough County City County Planning Commission, presented the amendment for one parcel totaling .37± acres.

After discussion, a motion was made by Jeremy Burris, seconded by Dr. Michael Salvato, and carried 6-0, finding map amendment PC/CPA 18-02 proposing to change the future land use designation of one parcel from Industrial to Residential-12 consistent with the *Imagine 2040: Plant City Comprehensive Plan* and forward this recommendation to the Plant City Commission.
Other Business & Announcements

Discussion of Potential Planning Board Meeting Time Change:

Planning Board members had a discussion on a potential time change for Planning Board meetings. The majority of Planning Board members stated that they preferred to push back meetings to either 8:30 or 9am or to change the meeting date.

Marlene Sanchez, Planner, stated that DRC meetings which are regularly scheduled on Thursdays at 9am might be affected by the proposed Planning Board meeting time change. Sanchez also suggested since other Planning & Zoning staff were absent and unavailable to discuss Planning Board meeting times, that this discussion should be postponed until the next meeting.

After much discussion, a motion was made by Dr. Salvato, seconded by Jeremy Burris, and carried 6-0 to direct the City Attorney to make a by-law change reflecting the Planning Board to begin meeting at 8:30 am.

Attendance Report
A motion was made by Dr. Michael Salvato, seconded by Jeremy Burris, and carried 6-0 to excuse the reported absences of Jamey Moody, Bruce Rodwel, and Bonnie Carr from the August 09, 2018, meeting.

The meeting adjourned at 8:33 a.m.

Mara Latorre
Mara Latorre, Planner II
Description of Request:

The City of Plant City Code Enforcement Division has received several complaints regarding pickup trucks with commercial markings parked in residential zoning districts. The section of the code that references commercial vehicles is being revised in order to more accurately define a commercial motor vehicle. The proposed revision changes the definition of a commercial motor vehicle to any vehicle with a Gross Vehicle Weight Rating exceeding 10,001 pounds.

The proposed amendment, if approved, would bring clarification that pickup trucks do not fall under the definition and jurisdiction of commercial vehicles in residential districts.

Recommendation:

Staff recommends that the Planning Board find the proposed modifications, which amends Section 102-1041, Plant City Code, to be consistent with the Imagine 2040: Plant City Comprehensive Plan, and for it to be forwarded to the City Commission with a recommendation of APPROVAL.
ORDINANCE NO. __________

AN ORDINANCE OF THE CITY OF PLANT CITY, FLORIDA, AMENDING SECTION 102-1041, PLANT CITY CODE, REGARDING COMMERCIAL VEHICLES IN RESIDENTIAL ZONING DISTRICTS; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Whereas, the City Commission finds that this ordinance is consistent with the City’s Comprehensive Plan and bears a substantial relationship to the public, health, safety and welfare; now, therefore

BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF PLANT CITY, FLORIDA:

Section 1. Section 102-1041, Plant City Code, is amended to read as follows:

Sec. 102-1041. Commercial vehicles in residential zoning districts.

All commercial vehicles, including self-propelled vehicles with or without trailers, having a weight class of 1½ tons or more individually or combined and all commercial trailers are prohibited from parking in any residential zoning district (street or lot) except while standing on a temporary basis for the purpose of loading or unloading. However, this Section shall not apply to tow trucks, utility service trucks and other governmental service public service trucks which are kept at residences while on call for emergencies. For the purpose of this Section, a commercial motor vehicle is any vehicle having a Gross Vehicle Weight Rating (GVWR) of 10,001 pounds or more individually or combined, and/or any Class Three or above vehicle as defined by the Federal Highway Administration.

Section 2. In accordance with Section 1-14, Plant City Code, any person violating any of the provisions of this ordinance shall, upon conviction thereof, be punished by a fine not to exceed $500.00 or by imprisonment not to exceed 60 days or by both such fine and imprisonment. Furthermore, the provisions of this ordinance may be enforced in

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CODING: Underlines indicate additions. Strikeouts indicate deletions.
accordance with Chapter 2, Article V, Division 2, Plant City Code, or any other remedy available under the ordinances of the City of Plant City or the laws of the State of Florida.

Section 3. In the event of a conflict with any other existing ordinances or parts of ordinances, the provisions of this ordinance shall control.

Section 4. If any section, sentence, clause, part, or provision of this ordinance is held to be invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby, but shall remain in full force and effect.

Section 5. This ordinance shall take effect immediately upon passage.

Read for first reading on ___________.

Read for second reading on ___________.

Adopted and certified as to passage on ___________.

_____________________________________
Rick A. Lott
Mayor-Commissioner

ATTEST:

______________________________
Kerri J. Miller
City Clerk

Approved as to form and correctness:

______________________________
Kenneth W. Buchman
City Attorney
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.

II. The following procedure shall apply for legislative public hearings:

(a) **Time.**

(1) The time allowed for the applicant (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 the applicant, 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 the applicant requests additional time, the determination of the amount of time to be allowed shall be at the discretion of the Chair.

(3) All other persons 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.

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

1. Representative of City staff.
2. Applicant.
3. Other persons.
4. Staff response.
5. Applicant’s rebuttal (if time reserved).

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.

On September 19, 2018, poll was sent to all members of our Development Review Committee to determine their interests & availability for a potential time and date change for our regularly scheduled Thursday 9am meetings. Of all the responses, the majority of respondents preferred to keep our current meeting date and time as-is.
DATE: October 11, 2018

TO: Bonnie Carr, Chair, Planning Board

FROM: Mara Latorre, Planner II

SUBJECT: September 13, 2018 Planning Board Meeting Attendance

The following Planning Board member was absent from the September 13 Planning Board meeting:

Doug Driggers - Notified staff in advance that he would not be able to attend.

cc: Planning Board Members