

**CITY OF TEMPLE TERRACE, FLORIDA
MAYOR AND CITY COUNCIL
MINUTES**

**Regular Meeting
Tuesday, August 3, 2010
Council Chambers-City Hall**

Having been duly advertised as required by law, the regular meeting of the Mayor and City Council of the City of Temple Terrace, Florida, was held on Tuesday, August 3, 2010, in the Council Chambers at City Hall.

PRESENT WERE: Mayor Joe Affronti, Sr., and Council Members Alison Fernandez, Ron A. Govin, Ken Halloway, Mark A. Knapp, and Mary Jane Neale, City Manager Kim Leinbach, City Clerk Lisa Small, and City Attorney Mark Connolly.

ALSO PRESENT WERE: Public Information Officer Michael Dunn, Human Resources Director Woody Hubbard, Police Chief Ken Albano, Community Development Director Charles Stephenson, Code Compliance Director Joe Gross, Deputy Public Works Director Ray LeBlanc, Senior Planner Brad Parrish, Joyce McKenzie, Joe Bell, Judy A. Govin, Caleb Govin, Connie Leinbach, Ron Neale, Katherine Rice, and several other persons.

Mayor Affronti called the meeting to order at 6:00 p.m., after which he led the Pledge of Allegiance to the flag and offered a brief invocation.

There were no Proclamations, Recognitions, and Special Presentations.

Minutes of Previous Meetings:

1. Minutes of the July 20, 2010, City Council Meeting.

Upon motion of Council Member Halloway, seconded by Council Member Neale, and unanimously carried, the **MINUTES** of the July 20, 2010, City Council Meeting were **APPROVED**.

Public Hearings:

1. Land Development Code Text Amendment – Presenter: Brad Parrish, Senior Planner, Community Development Department.

Mayor Affronti opened the Public Hearing and called on Community Development Department Senior Planner Brad Parrish to present the topic of the Public Hearing.

Senior Planner Parrish informed the Council that this text amendment is to amend and update Chapter 25 of the City's Land Development Code, specifically Articles IV, V, and VII, which include land uses, zoning, and design standards. He explained this text amendment incorporates in one amendment the culmination of several courses of action taken over the last year.

Senior Planner Parrish continued that the text amendment is divided into four main parts: an update to the land use categories and addition of several new land use overlays into the Land Development Code; two new zoning districts – Preservation (PRS) Zoning District and Public/Quasi-Public Zoning District; and signage criteria to these new zoning districts and existing Light Industrial-Restricted (LI-R) and Agricultural Urban (A-U) zoning districts.

Senior Planner Parrish explained the purpose of the update to the land use categories is to provide consistency with the recently adopted Comprehensive Plan. He noted highlights, as reflected in the Memorandum to the City Manager dated July 20, 2010, (a copy of which is included in the record) include the addition of a new land use category, UMU-25 (Urban Mixed Use-25), and the addition of several overlays into the Land Development Code. He cited the example of the addition of the Overlay-Urban Village-25 (O-UV-25).

Senior Planner Parrish continued that another highlight is the proposal to revise the existing land use categories. As an example, he explained that the commercial land use category now would allow residential uses up to nine units per acre. He pointed out another highlight is the removal of several descriptions of land use categories from the Land Development Code, which are already in the Comprehensive Plan and not necessary to duplicate in the Land Development Code; thereby removing the necessity to update the Land Development Code every time the Comprehensive Plan is updated. He added there are also some formatting changes in the article.

Senior Planner Parrish commented that the most important highlight is the update to the zoning and land use matrix. Referring to the displayed PowerPoint presentation, he explained the importance of the matrix is that it describes which zoning districts are allowed in each of the various land use categories. He said the most important update to the matrix is the addition of the UMU-25 land use category and the new land use overlays, which are found at the bottom of the matrix. He explained the overlays allow property owners and developers the option to have a higher intensity use and higher density than their existing land use would have otherwise allowed, subject to caveats outlined in the Comprehensive Plan, which will be detailed later with further updates to the Design Guidelines.

Senior Planner Parrish mentioned another change to the matrix includes the two new proposed zoning districts, the PRS and P/Q-P zoning districts. He explained the third change to the matrix involves the existing land use category, Parks, Recreation and Open Space (PROS); the existing matrix does not currently identify the zoning districts that are allowed in that land use category. He reviewed their proposal to add the zoning districts into that land use category.

Senior Planner Parrish noted several changes to the proposed text amendment, which occurred after the review by the Hillsborough County City-County Planning Commission. He said the most significant change was the addition of the RM-F and RM-FA, multi-family zoning districts, to the PROS land use category. He explained the reasoning that when comparing the zoning map to the Comprehensive Plan Future Land Use Map, it was found that those two zoning districts do occur within the boundaries of this land use category. Senior Planner Parrish confirmed that the City's legal staff and the Planning Commission staff both determined the change was not significant enough to warrant further review by the Planning Commission.

Senior Planner Parrish described the final change to the matrix proposes to include the Commercial General zoning district in the CMU (Community Mixed Use) land use category. He explained this change is requested by petition of the property owners of Point Plaza, who desire to rezone their property to a Commercial General zoning district; if the text amendment is adopted, their request to rezone will be brought forward.

Senior Planner Parrish reviewed the second part of the text amendment is the proposed Preservation (PRS) zoning district, which is a requirement of the Florida Communities Trust, from which the City receives funding to purchase properties within the City intended for preservation.

Senior Planner Parrish explained the uses that will be allowed in the PRS zoning district will be restricted to recreational or passive recreational uses; an example would be trails, primitive camping, or a boat launch. He noted that any improvements would require the use of best practices to minimize impacts to the environment, adding that there are several criteria within that zoning district to encourage best practices. He indicated an example would be parking lots limited by size and language to encourage the use of pervious surfaces. Senior Planner Parrish also noted that most of the criteria come from deeds to the properties that they hope to have rezoned to this new zoning district. While he did not have maps available, he indicated that, if adopted, there will be four separate properties that will be presented for rezoning to this new zoning district, with the first being ELAPP (Environmental Lands Acquisition Protection Program) property located north of Florida College on Temple Terrace Highway, known as Riverfront Park. He said there is also County-owned property northeast of that and two properties south of Riverhills Elementary School.

Senior Planner Parrish continued that the third part of the text amendment is a Public/Quasi-Public (P/Q-P) zoning district, the primary purpose of which is to apply it to the TECO substation property. He reviewed that Council recently approved a site plan for the TECO property for a new substation; when staff was reviewing the site plan, they found there was little to go on in terms of mitigating its impact on surrounding neighborhoods, because there was no existing City zoning designation on the property. He continued that when drafting this zoning district, they attempted to make it as flexible as possible to enable its use for other civic and public uses. He noted the proposed zoning district does not restrict the City's current ability to place its uses and structures anywhere in the City; it provides the ability for the City to add an extra level of scrutiny for those public uses that are significant, such as the TECO substation. He briefly described the criteria, which included the same buffering criteria found in the Light Industrial zoning district. He noted they are proposing to allow communication towers in the P/Q-P zoning district as a conditional use only, which is the same criteria as Commercial General, Light Industrial, and Agricultural-Urban zoning districts. In addition, he said any structure higher than 50 feet would also be allowed as a conditional use, as in the Commercial General zoning district. While he did not provide a map, the Senior Planner said that if this text amendment is approved, they will propose rezoning the TECO substation property and the City-owned property southeast of Interstate-75 and Fowler Avenue, the property slated for use for the proposed City wastewater treatment plant to the P/Q-P zoning district.

Senior Planner Parrish explained that the final part of the text amendment is proposing to add existing signage criteria for the new zoning districts, Preservation (PRS) and Public/Quasi-Public (P/Q-P), and signage criteria for two previously approved zoning districts, Light Industrial-Restricted (LI-R) and Agricultural Urban (A-U).

Senior Planner Parrish confirmed the Development Review Committee (DRC) reviewed the text amendment and found no significant issues; the Hillsborough County City-County Planning Commission reviewed the text amendment, held a public hearing on June 16, 2010, and found the text amendment to be consistent with the City of Temple Terrace Comprehensive Plan. Based on these findings, Senior Planner Parrish presented staff's request for consideration and approval of the text amendment. He concluded, noting that after submission of the Council Agenda packets, minor changes were made by legal staff, which included changing the reference from "Code" to "Land Development Code"; these changes were not significant enough to warrant further Planning Commission review.

Being a Public Hearing, Mayor Affronti called for questions from the public; there was no one wishing to address the Council on the topic of the hearing. Mayor Affronti called for questions from the Council.

Council Member Fernandez expressed confusion with the PROS land use section of the matrix. She explained that it talks about preservation and wondered how the City can provide for housing or commercial in the PROS.

The Senior Planner responded that the land use restricts certain development on those properties. When they compared the existing zoning district and the Future Land Use Map, he said they found that currently there are some huge properties in zoning districts within that land use category; not adding them here would make those properties non-conforming. He continued that the properties they found that were zoned RMF or RMF-A in the PROS were actually parks; he did not find any of the properties within the PROS as active developments, but they could go back and review that again.

Council Member Fernandez remarked that she was wondering about it in terms of the future; if they say they are setting aside land for preservation or recreation, but the zoning allows building four units per acre, it seems contradictory. The Senior Planner responded that Council could choose to use the Preservation zoning district that would provide an extra level of protection for those properties. He stated the land use itself restricts development on the property. Upon further questions from Council Member Fernandez concerning land use having precedence over the zoning district, the Senior Planner deferred to Planning Commission Staff Member Joe Bell.

Planning Commission Staff Member Bell came forward to address the Council. In response to Council Member Fernandez's statement that it seems contradictory to have a lot of zoning districts within the PROS, Mr. Bell gave the example that if a person came in to pull a building permit on a property already zoned a particular way when the land use category was adopted, they would be grandfathered in with that rezoning, so they could exercise their rights under that rezoning. He continued that, in the alternative, if someone came in and wanted to change their zoning from something that would not allow them to build to a zoning that *would* allow them to build, but it was not allowed by the land use category, then they would be prohibited from doing that unless they sought a plan amendment change, which would have to be adopted by Council. He summarized there is a grandfathering situation and a "new" situation; one or the other would take precedent for that situation. He said it is possible not to do that and make the property non-conforming, but there are Code provisions if they do that and start to make changes. He concluded it is City Council's choice at that point, to allow the non-conforming use to continue or the opportunity to allow that use to continue, based upon the existing zoning. He suggested they may want to look at where those situations actually apply and how many there are; however, he assumed staff has already done that and that is the basis for their recommendation.

There being no further questions or comments, Mayor Affronti closed the Public Hearing and announced that First Reading of the Ordinance would take place later in the meeting.

There were no persons wishing to be heard on items NOT listed on the Agenda. There was no Correspondence, Communications, or Petitions for Council's consideration and action. There were no presentations or site plan reviews for Council's consideration and action. There were no Resolutions for consideration and action by the Council.

Proposed Ordinances for Consideration and Action:

1. An ordinance to NOT provide early voting in the event of the necessity of a run-off election.

Council then heard **FIRST** reading, by caption, of a proposed ordinance being: **AN ORDINANCE OF THE CITY OF TEMPLE TERRACE, FLORIDA, RELATIVE TO FLORIDA STATUTES §101.657, THE EARLY VOTING STATUTE, TO PROVIDE THAT THE CITY SHALL NOT PROVIDE EARLY VOTING, AS SET FORTH IN SAID STATUTE, IN THE EVENT OF THE NECESSITY OF A RUN-OFF ELECTION, AS PROVIDED IN §2.03 AND §3.02 OF THE REVISED CHARTER OF THE CITY OF TEMPLE TERRACE, FLORIDA, RESULTING FROM THE NOVEMBER 2, 2010, REGULAR MUNICIPAL ELECTION UNLESS SUCH EARLY VOTING MAY BE PROVIDED AT NO COST TO THE CITY IN CONJUNCTION WITH A RUN-OFF ELECTION OF HILLSBOROUGH COUNTY OR THE STATE OF FLORIDA; PROVIDING A SEVERABILITY CLAUSE, EFFECTIVE DATE, AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.**

2. An ordinance approving comprehensive revisions to Chapter 25 of the City Code of Ordinances related to land development.

Council then heard **FIRST** reading, by caption of a proposed ordinance being: **AN ORDINANCE OF THE CITY OF TEMPLE TERRACE, FLORIDA, APPROVING COMPREHENSIVE REVISIONS TO THE TEMPLE TERRACE CODE, CHAPTER 25 – LAND DEVELOPMENT, AS FOLLOWS: AMENDING SECTION 25.400, PURPOSE; REPEALING SECTION 25.405, LAND USE DESIGNATION DESCRIPTIONS AND CRITERIA; AMENDING SECTION 25.410, FUTURE LAND USE MAP; AMENDING SECTION 25.415, INTERPRETATION OF LAND USE PLAN DESIGNATION LINES; AMENDING SECTION 25.420, LAND USE PLAN CATEGORY STANDARDS; AMENDING SECTION 25.425, ZONING DISTRICT CODE/LAND USE PLAN CATEGORY MATRIX; AMENDING SECTION 25.430, COMPREHENSIVE PLAN AMENDMENTS; AMENDING SECTION 25.500, PURPOSE; CREATING SECTION 25.530.15, PRS - PRESERVATION ZONING REGULATIONS; CREATING SECTION 25.530.16, P/QP PUBLIC/QUASI-PUBLIC ZONING REGULATIONS; AMENDING SECTION 25.710.2, SCHEDULE OF AREA, HEIGHT, BULK AND PLACEMENT REGULATIONS; AMENDING SECTION 25.710.3, BUILDING STANDARDS EXCLUSIVE TO ZONING DISTRICTS NOT INCLUDED ON THE “SCHEDULE OF AREA, HEIGHT, BULK AND PLACEMENT REGULATIONS”; AND AMENDING SECTION 27.765.6, PERMITTED SIGNS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; PROVIDING AUTHORITY TO CODIFY; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.**

There was no Unfinished Business to come before the Council for consideration and action.

City Manager’s Report:

The City Manager reviewed that as far back as when Council was negotiating with RAM Pinnacle, the City obligated itself to contract to provide infrastructure financial support in the amount of \$4 million.

The City Manager continued that per Council’s approval, the City advertised and solicited responses from financial institutions. He reported that out of the 10-12 Requests for Proposals the City received, there was only one that he would consider as a “close” response, but it was not considered to be in the City’s best interest. He surmised most financial institutions are leery about going out to an extended period of time – the City was requesting 20 years. Because work is progressing on the downtown redevelopment, he recommended the Council reject those bids and authorize the City to re-advertise the Request for Proposals with a shorter time frame to coincide with the City’s current debt on the property to enable it to be combined into one debt.

Upon motion of Council Member Knapp, seconded by Council Member Fernandez, **RESOLUTION NO. 079-10(m)** was **ADOPTED**, rejecting all bids to providing financing for the City’s approximate \$4 million of infrastructure improvements, as obligated in the Master Developer’s Agreement, in the downtown redevelopment area, and authorizing the administration to re-bid the Request for Proposals. Vote on the motion being: Council Members Fernandez, Govin, Halloway, Knapp, and Neale voting “aye,” no “nay.”

The City Manager noted the administration will be bringing the results to Council for consideration and approval.

There was no New Business before the Council for consideration and action.

There being no further business to be considered, upon proper motion, the meeting was adjourned at 6:24 p.m.

Joseph A. Affronti, Sr.
Mayor

Alison M. Fernandez, Council Member

Ron A. Govin, Council Member

Ken Halloway, Council Member

Attest:

Mark A. Knapp, Council Member

Melissa E. Small, MMC
City Clerk

Mary Jane Neale, Council Member