

The Wauchula Planning and Zoning Board met for its regular on Monday, October 18, 2021 at 5:30 p.m.

The following members were present: Vice-Chairwoman Donna Steffens, Chairman Garry Phillips, Wayne Johnson and Ray Graham.

Also, present were Community Development Director Kyle Long and City Clerk Holly Smith.

**Chairman Garry Phillips called the meeting to order**

**Approval of Minutes – July 26, 2021**

Steffens motioned to approve the minutes from July 26, 2021, seconded by Graham. With no further discussion, Smith polled the Board; all were in favor. Motion carried.

**Ordinance 2021-14 – Capital Improvement Element Update**

Marisa Barmby with Central Florida Regional Planning Council addressed the Board. Barmby explained the annual process for the adoption of the Capital Improvement Element which includes the 5-year Capital Improvement Plan.

Phillips announced the Public Hearing and opened discussion to the public. There were no comments from the public.

Graham motioned to approve of Ordinance 2021-14, seconded by Johnson. With no further discussion, Smith polled the Board; all were in favor. Motion carried.

**Ordinance 2021-15 – ULDC Text Amendment Updating Food Truck Regulations**

Phillips announced the Public Hearing and opened discussion to the public. There were no comments from the public.

Long addressed the Board and explained at the July meeting the Board approved a few changes within the existing food truck ordinance. Long stated the changes were state legislative changes regarding permitting, the 175-feet from property line to property line to front entrance to front entrance or a waiver from property owner the restaurant neighbor. Long noted the ordinance was adopted at the September commission meeting with those changes. Long informed the Board the Commission suggested removing the 175-feet distance completely. Long stated at the October 4<sup>th</sup> workshop staff advised he Commission they were not comfortable omitting all distance and/or density requirements on mobile food trucks. Long stated staff did not want food truck every so many feet and felt it was not aesthetically pleasing with food trucks everywhere. Long stated in the ordinance before you in section 2 the 175-feet regulation was struck out and reads food trucks would be limited to one per parcel or no more than 1 per half acre. Long commented this would allow a food truck to be on a small parcel as long as it met setbacks in C-2 and Industrial. Graham asked about lot size variations. Long stated as long as it met setbacks it could be put there.

Gary Delatorre – 203 N. Florida Avenue, Wauchula

Delatorre addressed the Board and asked the Board if they had seen the September commission meeting minutes. Delatorre stated the minutes would reflect that the commission wanted staff to bring an ordinance back before them eliminating the 175-feet distance

requirement. Delatorre stated he did not know where the ½ acre provision came from. Delatorre added he had spoken to the commissioners and they did not know where that provision came from. He stated you might as well leave it the way it currently exists because it is just playing games. He complained about the ½ acre provision and stated that verbiage did not come from the City Commission. Delatorre continued to voice his disagreement with the proposed language for 40 minutes and stated the Board should support local businesses. Steffens stated she understood where both sides were coming from. Delatorre asked the Board not to recommend the ordinance because the City Commission did not make the proposed changes of the 1 food truck per parcel or 1 per half acre. Phillips stated if the Board does approve the proposed changes the Commission has the opportunity to deny it and send it back before us with additional changes. Long explained a City Commissioner asked about mobile food truck at the end of the October 4, 2021 City Commission Workshop. Long then explained what was discussed and suggested to add the 1 food truck per parcel or 1 per ½ acre and explained regulations on other things such as fences, sheds and setbacks. Long informed the Board he would forward them the audio from the October 4, 2021 City Commission Workshop for them to listen to. Long stated he personally did not want to see food trucks everywhere in town and did believe in free enterprise but felt some type of density was needed on them. Steffens commented that discussion was not an agenda item at the commission meeting but they made decisions. Long stated they did discuss food trucks under general discussion and directed staff to do further research and bring back staffs proposed language. Graham stated he personally did not want to see food trucks on all vacant lots in Wauchula but there had to be some type of regulation. The Board stated they wish someone from the City Commission or legal counsel would have attended the meeting to answer some of their questions. Phillips spoke up and asked for his comment back to Delatorre to be on the record "It seems to me you think there is some type of conspiracy against commercial business owners or something and if there is which I do not believe there is but he was not part of it because he was all for pro-business and everything else. But I also know it does not always go the way everyone wants it to go and as far as he was concerned since the City Commission could not be present lets just leave it the way it is proposed and if they do not like it then you can plead your case to them". Delatorre stated he would. Phillips stated he did not understand why Delatorre was so fearful of going back before the City Commission and he did not feel they had any type of conspiracy but said he did not know. Delatorre stated he did too but stated it was odd the City would create an ordinance against Gary Delatorre for storage containers without even a notice. Phillips interrupted Delatorre and said that was something he would have to take up with the City Commission. Delatorre stated that issue went before this Board first. Phillips commented we could debate this all evening. Delatorre again asked for the Board to be pro-business and just to leave the ordinance "as is" instead of the proposed language. Long stated he did a quick search of C-2 and Industrial and at least 130-140 parcels were in those zoning districts and at least one food truck could go on those parcels. Long added if the ordinance was denied the existing ordinance was more restrictive than the proposed language because the food truck would have to be setback 175-feet from other restaurants. Phillips asked if there was a motion for Ordinance 2021-15. Long stated if the ordinance was denied it would remain with the 175-foot another restaurant. Long commented the ordinance could be tabled but would need input from the Board on what they would like added or deleted from the ordinance.

Graham motioned to table Ordinance 2021-15 and asked Long to send the Board the October 4, 2021 City Commission meeting minutes (audio) for them to listen to, seconded by Steffens. Graham stated he wanted more information and did not want to be prejudicial or regulatory beyond their authority and wanted to try and make everyone happy with the decisions they make. Graham noted the Board was just a representation agency. Steffens asked for Long to send the Board the audio from the October 4, 2021 City Commission Workshop for them to listen to. Long explained a lot of time had been spent in researching mobile food trucks within the surrounding counties and asked the Board for some direction on what they would like added into the proposed ordinance. Delatorre continued voicing his disapproval of the proposed ordinance. Phillips interrupted Delatorre and stated I will go back to what I said before if the City Commission does not like it, they will not approve it. Phillips commented he did not get Delatorre's point and we could continue to discuss this but we are not going anywhere. With no further discussion, Smith polled the Board; all were in favor except Phillips which voted no. Motion carried.

Long asked for clarification from the Board that he was not to do any type of research just send the Board the City Commission October 4, 2021 Workshop minutes for their review. The Board replied yes.

#### **Old/New Business**

None

#### **Public Comment**

There was no public present to comment.

Chairman Phillips adjourned the meeting at 6:33 p.m.

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Chairman Garry Phillips

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City Clerk Holly Smith