

# City Commission Meeting Minutes

August 3, 2021

(APPROVED)

8/3/2021 - Minutes

1. INVOCATION

Dr. Moyer gave the invocation.

2. PLEDGE OF ALLEGIANCE

3. CALL TO ORDER

Mayor Fultz called the meeting to order after the invocation and pledge of allegiance.

4. ROLL CALL

**Commission Members Present:** Mayor Eugene Fultz, Robin Gibson, Terrye Howell, Daniel Williams

**Staff Present:** James Slaton, City Manager; Jennifer Nanek, City Clerk; Albert C. Galloway, Jr., City Attorney

5. PROCLAMATIONS AND AWARDS

5.I. PROCLAMATION - Tonya Christian

Mayor Fultz presented a proclamation to Tonya Christian in recognition of 40 years of employment at Publix.

6. COMMENTS AND PETITIONS

Al Goldstein, resident, said he will withdraw his name for consideration for the empty City Commission Seat 4 due to the controversy regarding a recent article.

Danny Kreger, citizen, spoke in favor of Rev Jack Hilligoss for the vacant Commission Seat. We need to promote unity and understanding. He can work with the Commission for what is best for Lake Wales.

7. CITY CLERK

7.I. Board Appointments - Airport Authority, Planning And Zoning, Citizens And Police Community Relations Advisory Board

[Begin Agenda Memo]

**SYNOPSIS:** Appointments to fill vacancies on the Airport Authority

**RECOMMENDATION**

Staff recommends that the Mayor and Commission make the following appointments and reappointments as deemed appropriate.

1. Appoint Fred Halde to the Airport Authority for a new term to expire July 1, 2024
2. Appoint AJ Goin to the Airport Authority for a new term to expire July 1, 2024
3. Appoint Eric Rio to a new term on the Planning and Zoning board to expire July 1, 2024

## **BACKGROUND**

On July 1st many terms on the various boards, Commissions and Authorities expired. Here are those applying for appointments to new terms.

The Mayor makes appointments to various citizen advisory and regulatory boards, commissions, committees, and authorities with the advice and consent of the City Commission (City Charter, Sec. 3.06).

**Airport Authority** (City Code Sec. 2-41) – The board consists of seven (7) voting members and one (1) non-voting member who is a City Commissioner. At least two (2) voting members must be qualified electors of the City. The remaining members chosen may be persons owning property located within the City of Lake Wales or persons having a business tax receipt issued by the City of Lake Wales, are airport tenants, or have general aviation experience. (3-year term)

The non-voting City Commission member serves for the duration of his or her term as City Commissioner, unless such Commissioner desires to serve a shorter period of time. In such event, the Lake Wales City Commission shall appoint another city commissioner to serve in the same manner.

- There is no interview process requirement for applicants applying for appointment to this board.
- Members are not required to file an annual Form 1, Statement of Financial Interests
- Current Vacancies: 3 Vacancies due to expiring terms

Current Members: John Lodge, non-resident 10/03/12--07/01/21, P+1

Herb Gillis, non-resident, 07/01/21--07/01/24, P+1

Clarke Gerard, non-resident chair 06/05/18--07/01/19, P

Charles N. Clegg, resident 07/19/16--07/01/19, 1

Rudy Engholm, resident 11/17/20--07/01/21, P

Phillip Weikert, non-resident 11/17/20--07/01/23, 1

Barbara Pelisek, non-resident 07/01/20--07/01/22, P+2

Commissioner Daniel Williams, non-voting member 05/04/21 - 05/07/24, Applying for appointment:

Fred Halde, resident, for a term expiring on 7/1/2024.

AJ Goin, non-resident, for a term expiring on 7/1/2024

The Airport Authority has recommended Fred Halde and AJ Goin for Appointment

**Planning & Zoning Board (City Code Sec. 23-205.2)** – The board consists of seven (7) members. At least four (4) members must reside in the City and three (3) members must either reside in or own real property in the city. (3 year term)

- An interview process is required for new applicants only.
- Members are required to file an annual Form 1, Statement of Financial Interests
- Current Vacancies: 2 vacancies, must reside in or own real property in the City

Current Members: Kyra Love Harriage, Resident 7/1/21 – 07/1/24 2

Casey McKibben, resident 03/02/21 – 07/01/24, P+1

Charlene Bennett, resident 02/16/10 – 07/01/22, 4

Buck Scott, resident 03/02/21 – 07/01/23, P

Christopher Lutton, resident 07/05/17 – 07/01/23, 2

John Gravel, property owner 05/06/14 – 07/01/16, 1

Linda Bell, property owner 08/01/2017 - 07/01/21, 1

Meetings (2-133) – The planning board shall hold regular meetings at the call of the chairman on the fourth Tuesday of each month and at such other times as the planning board may determine.

Special meetings may be called by the chairman or vice-chairman with twelve (12) hours of notice.

Current Meeting Schedule: - 4th Tuesday @ 5:00 p.m.; Commission Chamber

Rules of procedure (City Code Sec. 23-205.3):

The planning board shall elect from its membership one (1) member to serve as chairman and one (1) to serve as vice-chairman.

a. The term of the chairman and vice-chairman named by the planning board shall be for a period of one (1) year with eligibility for re-election.

b. The planning board shall hold regular meetings at the call of the chairman on the fourth Tuesday of each month and at such other times as the planning board may determine. Special meetings may be called by the chairman or vice-chairman with twelve (12) hours of notice.

c. The planning board shall adopt rules for transaction of its business and shall keep a public record of its resolutions, transactions, findings and determinations which record shall be filed with the official records of the city. The planning board may set a limit on the number of applications which may be scheduled for review on an agenda.

Functions, powers and duties (City Code Sec. 23-205.4) - To act as Local Planning Agency pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act,

F.S., ch 163, part II, and perform all functions and duties prescribed therein:

1. To advise and make recommendations to the city commission regarding applications for amendments to the official zoning map and comprehensive plan, rezoning of property, preliminary planned development projects and subdivisions;
2. To consider the need for revision or addition of regulations in these land development regulations and recommend changes to the city commission;
3. To hear and decide applications for special exception use permits and site plans in compliance with these regulations;
4. To perform any other duties which are lawfully assigned to it by the city commission

Applying for Appointment: Eric Rio for a new term to expire 7/1/2024

The Planning and Zoning Board recommends this appointment.

#### Citizens and Police Community Relations Advisory Committee (Res 2020-25)

The committee shall consist of 6 members, each of whom will serve a two-year term. A quorum shall require the presence of four members. Appointments - Each Commissioner shall recommend one appointment to the Mayor. The Mayor's appointments will then be subject to approval by the City Commission. One member shall be an active police officer serving in the Lake Wales Police Department and shall be appointed by the chief of police. Citizen members shall serve no more than two consecutive terms.

With the exception of the initial appointments, terms shall begin on July 1 and expire two years later on June 30. So that term expiration dates may be staggered, the initial term of two citizen members shall expire on June 30, 2021 and the initial term of three citizen members shall expire on June 30, 2022. Initial terms of all members shall begin upon appointment.

- Appointees must be electors and residents of the City of Lake Wales
- There is no interview process requirement for applicants applying for appointment to this board.
- Members are not required to file an annual Form 1, Statement of Financial Interests
- Current Vacancies: 2 Vacancies due to expiration of terms Current Members:

Andy Oguntola (Fultz appointment) 8/13/2020 – 7/1/2021 1

Narvelle Peterson (Howell Appointment) 8/13/2020 – 7/1/2022 1

Dwight Wilson (Robin Gibson Appointment) 8/13/2020 – 7/1/2022 1 Jim

"Moe" Moyer (Goldstein Appointment) 8/13/2020 – 7/1/2021 1

Tiffany Davis (Curtis Gibson Appointment) 8/13/2020 – 7/1/2022 1

Applying for Appointment: Andy Oguntola is applying for a new term to expire 7/1/2023

The members of the Citizens and Police Community Relations Advisory Board recommend his reappointment.

#### **OPTIONS**

Do not appoint those that have applied.

## **FISCAL IMPACT**

None. These are volunteer boards.

[End Agenda Memo]

Fred Halde shared some of his background with the Commission.

Commissioner Williams said he met Mr. Halde this week and that the Airport Authority recommended his appointment

Mayor Fultz appointed Fred Halde to a term on the Airport Authority to expire July 1, 2024.

Deputy Mayor Gibson made a motion to approve his appointment. Commissioner Howell seconded the motion.

By voice vote:

Deputy Mayor Gibson "YES"

Commissioner Howell "YES"

Commissioner Williams "YES"

Mayor Fultz "YES"

Motion passed 4-0.

AJ Goin shared some of his background and experience with the Commission.

Commissioner Williams said he met Mr. Goin this week and that the Airport Authority recommends his appointment

Mayor Fultz appointed AJ Goin to a term on the Airport Authority to expire July 1, 2024.

Deputy Mayor Gibson made a motion to approve his appointment. Commissioner Howell seconded the motion.

By voice vote:

Deputy Mayor Gibson "YES"

Commissioner Howell "YES"

Commissioner Williams "YES"

Mayor Fultz "YES"

Motion passed 4-0.

Eric Rio shared some of his background and goals with the Commission.

Mayor Fultz appointed Eric Rio to a term on the Planning and Zoning Board to expire July 1, 2024.

Deputy Mayor Gibson made a motion to approve his appointment. Commissioner Howell seconded the motion.

By voice vote:

Deputy Mayor Gibson "YES"

Commissioner Howell "YES"

Commissioner Williams "YES"

Mayor Fultz "YES"

Motion passed 4-0.

Mayor Fultz reappointed Andy Oguntola to a new term on the Citizens and Police Community Relations Advisory Board to expire July 1, 2023.

Deputy Mayor Gibson made a motion to approve his appointment. Commissioner Howell seconded the motion.

By voice vote:

Deputy Mayor Gibson "YES"

Commissioner Howell "YES"

Commissioner Williams "YES"

Mayor Fultz "YES"

Motion passed 4-0.

## 8. Appointment Of An Interim City Commissioner

[Begin Agenda Memo]

**SYNOPSIS:** The City Commission will consider appointing an interim City Commissioner for Seat 4 /District 27.

### **RECOMMENDATION**

Staff recommends the City Commission discuss and appoint someone to fill Seat 4 / District 27 Commission Seat.

### **BACKGROUND**

On July 7, 2021 Governor DeSantis suspended Commissioner Kris Fitzgerald due to recent felony charges.

According to the City of Lake Wales Charter the City Commission must appoint someone to fill that seat within 30 days. This person must meet the same qualifications as an elected Commissioner. They must be a registered voter, have lived in Lake Wales for a year and currently live in District 27.

The interim Commissioner will serve until either Ms. Fitzgerald's suspension is lifted or until May 3, 2022 when a newly elected Commissioner will fill the remaining term.

## **OTHER OPTIONS**

Call a special Election

## **FISCAL IMPACT**

None

[End Agenda Memo]

Richard DeLoach, resident shared some of his background and why he is interested in serving.

Jack Hilligoss, resident, shared some of his background and why he is interested in serving.

Jacqueline Perez shared some of her background and why she is interested in serving.

Betty Wojcik, resident, shared some of her background and why she is interested in serving.

Ellis Hunt, non-resident, complimented Betty Wojcik and Rev Jack Hilligoss. Either would be good choices. He recommended Jack Hilligoss as he can handle budgets and be a peacemaker. He can benefit our Lake Wales community.

Jim Taggart, non-resident, spoke in favor of Pastor Jack Hilligoss as he is best qualified.

Carol Gillespie, resident, spoke in favor of Jacqueline Perez. She is friendly, outgoing and pulls people together. She has experience as spouse of a former commissioner.

Kevin Respress, Business owner, spoke in favor of Jack Hilligoss. He commended Betty Wojcik for coming out of retirement and being willing to serve. Jack Hilligoss can help with unity. He is an ideal fit for this position.

Bill Young, resident, spoke in favor of Jack Hilligoss. He will be a positive step forward.

Terry Christian, non-resident, spoke in favor of Richard DeLoach. He has done a lot in Lake Wales and will bring another aspect to the Commission.

Victor Story, Business Owner, said he is a former Mayor and City Commissioner. He spoke in favor of his Pastor Jack Hilligoss. He makes informed and well thought out decisions. He would make a wonderful addition to the Commission.

David Jones, resident, spoke in favor of Jacqueline Perez. We need a well-rounded City Commission. She has experience attending all of the meetings with her husband. She is knowledgeable on the issues in the city.

Greg Massey, resident, spoke in favor of Jacqueline Perez as she is a woman and Latin Culture.

Charlene Bennett, resident, spoke in favor of Jackie Perez. We need another woman on the Commission.

Deputy Mayor Gibson thanked all the speakers for being sincere and civil. A good standard to keep. All four would do a good job. One thing that helps small towns is avoiding the partisan split in DC. The leaders work for what's best for our town. The Presidential Election brought polarization to Lake Wales. We need to get away from this. He personally thinks Pastor Hilligoss has the stature to help us. All 4 would be good for

good reasons.

Commissioner Howell said all four candidates were good and all the reasons were good. She is for all of Lake Wales. She is favor of Mr. DeLoach.

Commissioner Williams said he appreciated the 4 candidates who are willing to help. He agreed with the need for diversity and the need for women. He does not personally know Ms. Wojcik or Ms. Perez. He does know Coach DeLoach and what he has done for the City and its youth. He has met Pastor Jack Hilligoss and he is the only white pastor that has invited him to preach at his church. He is a man of integrity and would serve the City well. Someone younger would be good for the Commission.

Mayor Fultz said that he knew Pastor Jack Hilligoss well as he knew him when he first came to Lake Wales. He learned a lot from Pastor Hilligoss. Mayor Fultz commended Richard DeLoach and how much he has done for Lake Wales. Mayor Fultz said he was also acquainted with Ms. Perez from working with her husband and Ms. Wojcik from working with her when he first was elected to the Commission. Mayor Fultz said he wants to pick the best qualified to sit in that seat. All 4 are great candidates. He said he was open for a motion.

Commissioner Howell made a motion to approve Richard DeLoach to serve as Interim Commissioner. Commissioner Williams seconded the motion.

Roll Call vote:

Commissioner Howell "YES"

Commissioner Williams "YES"

Deputy Mayor Gibson "NO"

Mayor Fultz "NO"

Motion failed 2-2.

Commissioner Howell made a motion to approve Jack Hilligoss to serve as Interim Commissioner. Commissioner Williams seconded the motion.

Roll Call vote:

Commissioner Howell "YES"

Commissioner Williams "YES"

Deputy Mayor Gibson "YES"

Mayor Fultz "YES"

Motion passed 4-0.

David Jones, resident, asked about votes on the other candidates. He noted that the Deputy Mayor voted for two last time.

Mayor Fultz said Jack Hilligoss has been approved. The other names did not come up as a motion. Deputy Mayor Robin Gibson explained that as the previous motion failed he voted for the next motion which also failed.

Mayor Fultz thanked the other candidates who were willing to serve. He encouraged them to consider running for office in the future.

9. CONSENT AGENDA

Deputy Mayor Robin Gibson made a motion to approve the Consent Agenda. Commissioner Howell seconded the motion.

by voice vote:

Deputy Mayor Gibson "YES"

Commissioner Howell "YES"

Commissioner Williams "YES"

Mayor Fultz "YES"

Motion passed 4-0.

9.I. Minutes - July 20, 2021, July 28, 2021,

9.II. Approval Of Contract For Law Enforcement Services: Lake Wales Housing Authority

[Begin Agenda Memo]

**Synopsis:** Commissioners will consider approving a contract with the Lake Wales Housing Authority to continue providing supplemental law enforcement services at the Grove Manor and Sunrise Park public housing complexes.

**RECOMMENDATION**

It is recommended that the City Commission:

1. Authorize the Mayor to execute a Contract for Services with the Lake Wales Housing Authority for Fiscal Year 2021-2022.

**BACKGROUND**

Since 2011/2012 the CRA Board of Commissioners have approved funding a law enforcement officer position to provide supplemental law enforcement services toward designated CRA areas and the Lake Wales Housing Authority, Grove Manor Complex.

In an effort to continue providing these supplemental law enforcement services to the Lake Wales Housing Authority, Grove Manor and Sunrise Park Complex residents, the Lake Wales Police Department seeks approval to enter into a new contract for FY2021/2022. This contract for supplemental law enforcement services provides for a monthly payment due the City in the amount of \$3,033.00 from the Housing Authority.

The Lake Wales Housing Authority Board approved the contract for services during their last meeting, held on July 21, 2021.

[End Agenda Memo]

9.III. Memorandum Of Understanding – Senior Connect Center

[Begin Agenda Memo]

**SYNOPSIS:** The proposed Memorandum of Understanding between the City of Lake Wales Public

Library and the Senior Connect Center will provide a location for Medicare eligible individuals to receive counseling on their insurance options.

**RECOMMENDATION**

Staff recommends that the City Commission approves the execution of the Memorandum of Understanding with Senior Connect Center and authorize the City Manager to sign the Memorandum of Understanding.

**BACKGROUND**

The Florida Department of Elder Affairs (Elder Affairs), through the SHINE program, trains and certifies a network of Medicare and health benefit counselors, mostly volunteers who provide information, counseling and assistance regarding health insurance and health benefit options. These services are free of charge or obligation and provided to elders and their families. Regional SHINE programs, operated under contract through the state's eleven Area Agencies on Aging, supervise and support local SHINE counselors.

The Senior Connect Center is Polk County's Area Agency on Aging. They are seeking community partners to provide services to residents through the SHINE program.

They are requesting that the City of Lake Wales and the Lake Wales Public Library become a local partner, providing space for counseling services to be conducted.

**OTHER OPTIONS**

Not approve the agreement.

**FISCAL IMPACT**

No fiscal impact.

[End Agenda Memo]

10. OLD BUSINESS

10.I. Ordinance D2021-05 Future Land Use Map Amendment – 2nd Reading And Public Hearing

[Begin Agenda Memo]

**SYNOPSIS:** Ordinance D2021-05 proposes a comprehensive Future Land Use Map Amendment to reassign certain residential Future Land Use designations based on the recently adopted EAR-Based Comprehensive Plan Amendments.

**RECOMMENDATION**

Staff recommends adoption after second reading of Ordinance D2021-05 following a public hearing.

The Planning and Zoning Board made a recommendation of approval at a regular April 27, 2021 meeting.

## **BACKGROUND**

At a March 2, 2021 Commission Meeting, the City adopted the 2040 City of Lake Wales Comprehensive Plan (Comp Plan). The Comp Plan includes elements, such as Future Land Use, which guide the future development of the City and present a future vision.

Included in the Comp Plan amendments was an adjustment in our maximum residential densities per land use category:

- Mixed-Use development in the RAC Regional Activity Center increase from 6 units per acre, to 12.
- Multi-family and mixed commercial/residential use of in the DD Downtown District increased from 12 units per acre, to 25.
- Residential uses in the NAC Neighborhood Activity Center increased from 6 units per acre, to 12.
- Residential uses in the RO Residential Office district increased from 6 units per acre, to 12.
- LDR Low Density Residential increased from 3 units per acre, to 5.
- MDR Medium Density Residential increased from 6 units per acre, to 12
- HDR High Density Residential increased from 12 units per acre, to 25.

These policy changes were suggested by staff to restore the residential densities that were included in the City's original 1991 Comprehensive Plan. Additionally, these density increases will have the effect of reducing urban sprawl by promoting high-density development in urban areas.

In order to ensure smart growth, staff has adjusted some land use categories assigned to properties in order to better reflect the densities which are most appropriate for the site– an exercise Staff refers to as “right-sizing the map”.

## **OTHER OPTIONS**

Decline to amend the Future Land Use Map.

## **FISCAL IMPACT**

None

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE D2021-05** by title only.

## **ORDINANCE D2021-05**

**AN ORDINANCE OF THE CITY OF LAKE WALES, FLORIDA, AMENDING THE OVERALL FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN TO REASSIGN CERTAIN RESIDENTIAL FUTURE LAND USE DESIGNATIONS BASED ON THE RECENTLY ADOPTED EAR-BASED COMPREHENSIVE PLAN AMENDMENTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Commissioner Howell made a motion to adopt **ORDINANCE D2021-05** after second reading and public hearing. Deputy Mayor Gibson seconded the motion.

by voice vote:

Commissioner Howell "YES"

Deputy Mayor Gibson "YES"

Commissioner Williams "YES"

Mayor Fultz "YES"

Motion passed 4-0.

10.II. Ordinance D2021-06 Future Land Use Designation – 0 3rd St. N 2nd Reading And Public Hearing

[Begin Agenda Memo]

**SYNOPSIS:** HAB Holdings LLC, owner of parcel 273002909610005030, and Development Services Staff, on behalf of the City of Lake Wales, owner of parcel

273002909610005010, request approval by City Commission to amend the Zoning Map, and the Future Land Use Map of the Comprehensive Plan on two parcels.

**RECOMMENDATION**

Adoption at second reading, following a public hearing, to re-assign the following zoning and land use designations on two parcels, as recommended by the Planning and Zoning Board at a regular meeting on May 25, 2021:

Current Zoning: Recreation Current Land Use: Public

Proposed: Zoning: R-1C Proposed Land Use: LDR

**BACKGROUND**

HAB Holdings LLC, owner of parcel 273002909610005030, acquired the subject property from the City's CRA in 2015 through a surplus property sale. The property was purchased with the Recreation and Public designations already in place. The property owner has now petitioned to re-assign those designations so that the property may be marketable for residential development.

The second subject property was not sold and is retained by the City. It was once thought it may become a public park someday, but this was never planned. City staff would also like to re-assign the designations on this property, consistent with the HAB Holdings property. The lake property just east of Alta Vista will remain Recreation/Public.

A Future Land Use Designation of LDR – Low Density Residential, and a Zoning designation of R-1C is compatible with the surrounding area and will complement the built environment.

## CODE REFERENCES AND REVIEW CRITERIA

The City Commission assigns future Land Use and zoning designations by ordinances upon a recommendation from the Planning & Zoning Board. The adopted ordinance is transmitted to the state's Department of Economic Opportunity (DEO) for review. The DEO reviews the designations as appropriate with reference to the City's Comprehensive Plan.

## OTHER OPTIONS

Decline to re-assign the land use and zoning of these parcels.

## FISCAL IMPACT

Re-assignment would enable the development of this property and the potential increase in property value. Specifically, estimating an average of \$175,000 in taxable value per unit, and assuming 7 dwelling units based on maximum density, it could potentially result in over \$1.2 million in taxable value, and generate \$8,326 in ad valorem taxes.

\*Adjusted values for potential homesteaded properties have not been factored into this estimate.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE D2021-06** by title only.

## ORDINANCE D2021-06

**(CPA/Future Land Use Map Amendment - 0 3rd Street North – approximately 2.64 acres located south of Osceola Avenue East and west of Lake Alta Street)**

**AN ORDINANCE OF THE CITY OF LAKE WALES, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN TO CHANGE LAND USE DESIGNATIONS ON 2.64 ACRES OF LAND LOCATED SOUTH OF OSCEOLA AVENUE EAST AND WEST OF LAKE ALTA STREET, FROM CITY DESIGNATION PUBLIC TO CITY OF LAKE WALES DESIGNATION LDR LOW DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Commissioner Howell made a motion to adopt **ORDINANCE D2021-06** after second reading and public hearing. Deputy Mayor Gibson seconded the motion.

by voice vote:

Commissioner Howell "YES"

Deputy Mayor Gibson "YES"

Commissioner Williams "YES"

Mayor Fultz "YES"

Motion passed 4-0.

10.III. ORDINANCE D2021-07 Zoning Designation – 0 3rd St. N, 2nd Reading And Public Hearing

[Begin Agenda Memo]

**SYNOPSIS:** HAB Holdings LLC, owner of parcel 273002909610005030, and Development Services Staff, on behalf of the City of Lake Wales, owner of parcel

273002909610005010, request approval by City Commission to amend the Zoning Map, and the Future Land Use Map of the Comprehensive Plan on two parcels.

**RECOMMENDATION**

Adoption at second reading, following a public hearing, to re-assign the following zoning and land use designations on two parcels, as recommended by the Planning and Zoning Board at a regular meeting on May 25, 2021:

Current Zoning: Recreation Current Land Use: Public

Proposed: Zoning: R-1C Proposed Land Use: LDR

**BACKGROUND**

HAB Holdings LLC, owner of parcel 273002909610005030, acquired the subject property from the City's CRA in 2015 through a surplus property sale. The property was purchased with the Recreation and Public designations already in place. The property owner has now petitioned to re-assign those designations so that the property may be marketable for residential development.

The second subject property was not sold and is retained by the City. It was once thought it may become a public park someday, but this was never planned. City staff would also like to re-assign the designations on this property, consistent with the HAB Holdings property. The lake property just east of Alta Vista will remain Recreation/Public.

A Future Land Use Designation of LDR – Low Density Residential, and a Zoning designation of R-1C is compatible with the surrounding area and will complement the built environment.

**CODE REFERENCES AND REVIEW CRITERIA**

The City Commission assigns future Land Use and zoning designations by ordinances upon a recommendation from the Planning & Zoning Board. The adopted ordinance is transmitted to the state's Department of Economic Opportunity (DEO) for review. The DEO reviews the designations as appropriate with reference to the City's Comprehensive Plan.

**OTHER OPTIONS**

Decline to re-assign the land use and zoning of these parcels.

**FISCAL IMPACT**

Re-assignment would enable the development of this property and the potential increase in property value. Specifically, estimating an average of \$175,000 in taxable value per unit, and assuming 7 dwelling units based on maximum density, it could potentially result in over \$1.2 million in taxable value, and generate \$8,326 in ad valorem taxes.

\*Adjusted values for potential homesteaded properties have not been factored into this estimate.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE D2021-07** by title only.

**ORDINANCE D2021-07**

**(Zoning Map Amendment – 0 3rd Street North– approximately 2.64 acres located south of Osceola Avenue East and west of Lake Alta Street)**

**AN ORDINANCE OF THE CITY OF LAKE WALES, FLORIDA, AMENDING THE ZONING MAP OF CHAPTER 23 ZONING, LAND USE, AND LAND DEVELOPMENT REGULATIONS TO CHANGE ZONING DESIGNATIONS ON 2.64 ACRES OF LAND LOCATED SOUTH OF OSCEOLA AVENUE EAST AND WEST OF LAKE ALTA STREET, FROM CITY DESIGNATION RECREATION TO CITY OF LAKE WALES DESIGNATION R-1C SINGLE-FAMILY RESIDENTIAL; VARIABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Commissioner Howell made a motion to adopt **ORDINANCE D2021-07** after second reading and public hearing. Deputy Mayor Gibson seconded the motion.

by voice vote:

Commissioner Howell "YES"

Deputy Mayor Gibson "YES"

Commissioner Williams "YES"

Mayor Fultz "YES"

Motion passed 4-0.

10.IV. **ORDINANCE D2021-08 Zoning Designation – WH Corp 1st Reading And Public Hearing**

[Begin Agenda memo]

**SYNOPSIS:** Winter Haven Corp, owner, requests approval of City Commission to amend the Zoning Map to assign PDMU – Planned Development Mixed Use – to the above-mentioned parcels totaling, 1,841+- acres of land.

**RECOMMENDATION**

Approval at first reading, and adoption at second reading, following a public hearing, to assign the following zoning designation, as recommended by the Planning and Zoning Board at a regular meeting on June 22, 2021:

Current Zoning: None

Proposed: Zoning: PDMU – Planned Development Mixed Use

**BACKGROUND**

Staff has been working with this large landowner and their development team to establish a zoning category, which would facilitate large-scale, unified mixed-use development. The Future Land Use designation of MU – Mixed Use was assigned to the property in May of 2020, after a recommendation from the Planning Board.

The next step is to assign the zoning to the Winter Haven Corp property.

The City Commission assigns zoning designations by ordinances upon a recommendation from the Planning & Zoning Board.

#### **OTHER OPTIONS**

Decline to re-assign the land use and zoning of these parcels.

#### **FISCAL IMPACT**

Zoning assignment would enable the development of this property and the potential increase in property value.

[End Agenda Memo]

#### **ORDINANCE D2021-08**

**(Zoning Map Amendment – approximately 1,841.50 acres located south of Thompson-Nursery Road and west of Highway 27)**

**AN ORDINANCE OF THE CITY OF LAKE WALES, FLORIDA, AMENDING THE ZONING MAP OF CHAPTER 23 ZONING, LAND USE, AND LAND DEVELOPMENT REGULATIONS TO CHANGE ZONING DESIGNATIONS ON 1841.50 ACRES OF LAND LOCATED SOUTH OF THOMPSON NURSERY ROAD AND WEST OF HIGHWAY 27, TO CITY OF LAKE WALES DESIGNATION PDMU PLANNED DEVELOPMENT MIXED USE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

#### **OPENED PUBLIC HEARING**

Bart Allen, Attorney from Petersen & Myers Law Firm, said the next item will need to be continued until the next meeting but is available for questions on this matter.

Deputy Mayor Robin Gibson asked what the changes were that delayed the vote on this at the previous meeting. Mr. Allen reviewed changes made to the site plan such as sidewalks and refinement of language.

Deputy Mayor Robin Gibson asked Mark Bennett to address urban sprawl. Mark Bennett, Development Services Director, said this is not urban sprawl as utilities are available and it is mixed use residential and commercial. Its not just single family houses. It is designed to stay out of the flood plain.

Mayor Fultz said this will be one of the biggest projects in Lake Wales for a long time.

Al Goldstein, resident, said this will be the greatest thing for Lake Wales. He is concerned about traffic on Thompson-Nursery road. It needs upgrades.

#### **CLOSED PUBLIC HEARING**

Deputy Mayor Gibson made a motion to adopt **ORDINANCE D2021-08** after second reading and public hearing. Commissioner Howell seconded the motion.

by voice vote:

Deputy Mayor Gibson "YES"

Commissioner Howell "YES"

Commissioner Williams "YES"

Mayor Fultz "YES"

Motion passed 4-0.

#### 10.V. Master Development Plan - Winter Haven Corporation - Public Hearing

[Begin Agenda Memo]

**SYNOPSIS:** Winter Haven Corporation, owner, requests approval of City Commission for a Master Development Plan (MDP) for the above -mentioned parcels totaling 1,841+- acres of land, as recommended by the Planning and Zoning Board on June 22, 2021.

#### **RECOMMENDATION**

Approval of City Commission of the Master Development Plan, with the attached conditions of approval, as recommended by the Planning and Zoning Board on June 22, 2021.

#### **BACKGROUND**

The 1,841.5 acres owned by Winter Haven Corporation have been under common ownership for 60 years. The owners are committed to the execution of a high-quality, large-scale development that respects the history and character of Lake Wales. The site was annexed into the City of Lake Wales in 1995. In 2020, the City adopted a new Future Land Use designation of Mixed Use, including an amendment to the City's Land Development Code that created a Planned Development Mixed Use zoning district as an implementation measure of the Comprehensive Plan. Later in 2020, the City's Future Land Use Map was amended to place the Mixed-Use future land use on the Winter Haven Corp property.

Utilizing master planned development encourages the preservation of open space and protection of environmentally sensitive areas, by clustering development activities. This form of development also prioritizes pedestrian and vehicular connectivity, promoting the creation of pedestrian connectivity throughout the entire site. Trail systems become an important community asset that creates recreational opportunities and provides a safer alternative to vehicular movement throughout the community.

Cohesive design and development of a roadway network also promotes a strong sense of place and enables the master developer to establish a roadway network hierarchy to guide vehicular traffic thoughtfully through the development, allowing for the prioritization of the pedestrian in areas where that is more appropriate.

Developing large tracts of land in a cohesive manner promotes the location of community uses, such as schools, libraries, public services, and places of worship. Communities are thoughtfully planned, so these community needs are located in a manner that highlights their importance and function in the community.

Development Details:

1. Project acreage is 1841.5 +/-.
2. The site lies within flood zones X, A, and AE, Flood Insurance Rate Map (firm) panel 12105C0535H, 12105C0555H, 12105C0545H and 12105C00565H, Polk County and incorporated areas.
3. Current Future Land Use designation is Mixed Use.
4. Development Table is listed below:

The Commercial/Office/Public Facilities uses may include public and private educational facilities.

Land Uses	Dwelling Units	Square Feet
Residential		
Single Family Detached	2800	
Single Family Attached (paired villas)	550	
Townhomes	950	
Multifamily	1800	
Non-Residential Commercial	400000	
Office	125,000	
Assisted Living / Public Facilities	200,000	
Total	6,100	725,000

Areas	Area Code	Gross Density
Multifamily 1	MF1	20 du/net acre
Multifamily 2	MF2	20 du/net acre
Office Commercial 1	OC1	16 du/net acre
Office Commercial 2	OC2	16 du/net acre
Residential/Institutional	RI1	8 du/net acre
Residential/Institutional	RI2	8 du/net acre
Single Family 1	SF 1	4 du/net acre
Single Family 2	SF 2	4 du/net acre
Single Family 3	SF 3	6 du/net acre
Single Family 4	SF 4	4 du/net acre

Single Family 5 SF 5 4 du/net acre

Single Family 6 SF 6 4 du/net acre

Single Family 7 SF 7 4 du/net acre

Single Family 8 SF 8 4 du/net acre

5. Permitted uses shall be consistent with the PDMU (Planned Development Mixed Use) District and Master Development Plan standards, as set forth in section 23-450, Uses Permitted, of the City of Lake Wales Code of Ordinances requiring permitted uses be included as identified below, and on the approved site plan.

6. A vertical mix of land uses shall be permitted in Office/Commercial areas.

7. Required Master Development Plan open space is 20% (368 acres). The project provides 43% open space (796 acres). The open space consists of wetlands, natural areas, perimeter buffers, common open space, linear parks, amenity centers and recreational areas. Common open space (green areas) may also be located within individual development parcels but not on individual lots. At a minimum, the open space includes 10% of usable open space (184.15 acres) which includes trails, recreational amenity centers, unprogrammed recreation areas and accessible lakes.

8. The proposed gross residential density is 3.3 du/ac.

9. The maximum allowed floor area ratio is 0.35.

10. The sizes and specific location of the community parks will be determined through the approval of final plats and accompanying construction plans. Recreational amenities shall be provided in accordance with Section 23 -450.5 through 23-450.7 of the Lake Wales Code of

Ordinances.

11. Park, recreational and municipal uses shall be allowed in all Development Areas.

12. Existing agricultural uses shall be permitted to continue on the property.

Dimensional Criteria:

13. The Master Development Plan dimensional criteria shall be as shown below.

Type	Minimum Lot Width		Minimum Lot Size		Maximum	
					(FT) Front	
Building Height Residential						
Side	Rear Single Family		40' to 60'	4,000		
20'	5'	15'	35'			
Single Family	61'	and over	6,100	25'	10'	20' 35'
Townhome	60'	2,000	20'	10 (20' between buildings)		15' 35'
Villas MultiFamily	20'	3,000	20'	10 (20' between buildings)		15' 35'

Non-Residential

Commercial N/A N/A 25' 20' 25' 35'

Office N/A N/A 25' 20' 25' 65'

Institutional N/A N/A 25' 20' 25' 45'

#### Public Infrastructure

14. Screening and buffering will be provided in accordance with Section 23 -450.5

through 23-450.7 of the City of Lake Wales Code of Ordinances.

15. The provision of off-site water and sewer, and reclaimed water improvements are subject to the approval of the Utilities Director.

16. The provision of on-site water and sewer, and reclaimed water improvements are subject to the approval of the Utilities Director.

17. All utilities shall be placed below ground except where connecting to existing above ground utilities.

18. The construction and location of any proposed wetland/other surface water impacts and mitigation plan shall be reviewed and permitted through the Southwest Florida Water Management District. Wetland buffers shall be an average of 25 feet wide.

#### Transportation

19. An interconnected system of linear parks and trails shall be provided throughout the community. Trails may be provided within road rights-of-way. The main trail along the project boulevard will be a minimum of 8 foot wide and with a 5 foot sidewalk provided on the opposite side of the boulevard.

20. Sidewalks on local and collector streets shall be installed in accordance with

#### Section 23

-450.5 through 23-450.7 of the City of Lake Wales Code of Ordinances.

21. Internal roadway alignments are conceptual. Specific location of rights-of-way will be determined through the approval of preliminary site plans and accompanying construction plans.

22. Streets are anticipated to be public (city owned), however, the Developer reserves the right to provide private streets, gated or ungated, for individual neighborhoods.

Unimpeded travel by the public shall be allowed on the boulevard shown on the plan. commercial services to residents.

g. Provide two identifiable community centers with programmed recreational amenities within short walking distance to the majority of homes.

h. Provide additional unprogrammed recreation areas within short walking distance to the majority of homes. These may include pocket parks.

i. Project shall provide a range of housing choices including multifamily, townhomes, villas and a minimum of three (3) single family detached lot sizes. The project design shall also disperse the

housing products throughout the development to provide visual interest in both design and architectural features and to avoid monotony.

27. Landscape features

- a. Street Trees - The project shall provide 1 tree per lot (typical 60 ft separation).
- b. Perimeter landscape buffers abutting property line – The project shall provide an average of a 20 ft with small to medium trees every 40 ft (25 ft to 35 ft in height at maturity) with a 6' tall hedge, wall, or 80% opaque fence
- c. Perimeter landscape buffers abutting rights of way. The project shall provide an average of a 20 ft buffer with small to medium trees every 40 ft (25 ft to 35 ft in height at maturity).

28. Fences and/or privacy walls, a maximum of 6 ft in height, may be constructed along the perimeter.

29. The project shall retain, to the greatest extent possible and where appropriate, natural features on the external perimeter boundary for use in landscape buffers and to limit the external exposure to the development. Where those features exist, they may be med to meet the landscape buffer requirement.

30. Monotony Control –

- a. Houses shall be required to have sufficient difference in both front elevation and color schemes.
- b. Front yard setbacks on non-curvilinear streets must vary by a minimum of 2 feet.
- c. Development pods of varying lot widths shall be dispersed throughout the development to avoid a repetitive pattern.

**FISCAL IMPACT**

Approval of the Master Development Plan would enable the development of this property and the potential increase in property value. Specifically, estimating a conservative median taxable value of \$100,000 per unit, it could potentially result in over \$610 million in taxable value, and generate \$4 million in ad valorem taxes. This does not include potential revenue generated for non -residential uses.

\*Adjusted values for potential homesteaded properties have not been factored into this estimate.

[End Agenda Memo]

This item was pulled from the agenda.

11. NEW BUSINESS

12. CITY ATTORNEY

Albert Galloway, Jr., City Attorney, said at a previous meeting the Deputy Mayor asked if three votes are necessary when only three commissioners are present. Mr. Galloway said according to our charter three votes are required to pass a motion even if only three members are present.

13. CITY MANAGER

James Slaton, City Manager, reported on a recent kick-off meeting concerning the CDBG Housing

Rehabilitation grant. We will soon be accepting applications.

There will be a Citizens and Police Community Relations Advisory board representative at the next meeting to give a report.

Mr. Slaton said they are reviewing speed limits on certain streets in the Northwest are to get them changed.

Tonight the Northwest Neighborhood Association is having a National night our event at the B Street Center with the Lake Wales Police Department.

Monday at 11am George O'Neill is having a groundbreaking ceremony at the Airport for his hangars.

Mr. Slaton announced that East Central will be closed for three weeks as part of the interchange project by FDOT.

On Tuesday August 10, 6PM, there will be an open house on the First Street Streetscape Project at the Austin Community Center.

Mr. Slaton said that the Back 2 School event hosted by the Northwest Neighborhood Association went well Saturday. Approximately 1200 backpacks were distributed.

#### 13.I. Tracking Report

#### 13.II. Social Media Tracking Report

#### 13.III. Commission Meeting Calendar

James Slaton, City Manager, said that next week is the CRA meeting on Tuesday and Commission Work Session on Wednesday.

#### 14. CITY COMMISSION COMMENTS

Commissioner Howell said she was glad to see in the paper that the first 8 body cameras are out being used.

Commissioner Howell said that we need sidewalks from Dinner Lake to Publix. Mayor Fultz said they have been advocating this. A path for golf carts would benefit the mall. We are down on the County's priority list.

Deputy Mayor Gibson congratulated Rev Hilligoss on his appointment and encouraged him to attend the meetings next week.

#### 15. MAYOR COMMENTS

Mayor Fultz announced that he is attending the Florida League of Cities next week and encouraged the other Commissioners to attend.

Mayor Fultz congratulated Jack Hilligoss on his appointment.

#### 16. ADJOURNMENT

The meeting was adjourned at 6:57 p.m.

Eugene L. F. [Signature]

Mayor

ATTEST:

\_\_\_\_\_

City Clerk