

**City Commission  
Meeting Minutes  
March 16, 2021  
(APPROVED)**

**This meeting was conducted partially via teleconference.  
The City of Lake Wales held this hybrid virtual public meeting using the GoToMeeting  
Web/Teleconference service.**

3/16/2021 - Minutes

1. INVOCATION

Dr. Jim Moyer gave the invocation.

2. PLEDGE OF ALLEGIANCE

3. CALL TO ORDER

Mayor Fultz called the meeting to order at approximately 6:00 p.m. after the invocation and the pledge of allegiance.

Mayor Fultz read a statement:

The Governor's Executive Order 20-246 allowing for meetings of a Municipality's governing boards without having a quorum of its members present physically or at any specific location has expired as of Nov. 1.

However due to the ongoing State of Emergency, while a majority of Commission Members must be present in the Chambers, members of the staff and public may still participate in our meetings virtually.

Members of the public are welcome to come into the Commission Chambers to participate in our Commission Meetings. We will check your temperature before entering the building, we ask that everyone be mindful of social distancing, wearing a mask is required, and please sit in designated seating.

Any member of the public may register to participate in our meetings virtually where they can speak at [www.lakewalesfl.gov/register](http://www.lakewalesfl.gov/register)

Albert Galloway, Jr., City Attorney, read a statement on Procedures for Virtual Public Meetings. Mr. Galloway asked the Commissioners, "are you comfortable with all the notice provisions set forth and these uniform rules of procedures we have established for this Virtual meeting? The Commissioners answered affirmatively.

As an alternative, members of the public may submit comments and questions at [www.lakewalesfl.gov/comments](http://www.lakewalesfl.gov/comments) for either a specific Agenda Item or for Communications and Petitions.

Additional Information and Procedures for public participation will be explained by the City Attorney shortly.

Albert Galloway, Jr., City Attorney, read a statement on Procedures for Virtual Public Meetings. Mr. Galloway asked the Commissioners, "are you comfortable with all the notice provisions set forth and these uniform rules of procedures we have established for this Virtual meeting? The Commissioners answered affirmatively.

4. ROLL CALL

**Commission Members Present:** Eugene Fultz - Mayor, Terrye Howell, Al Goldstein, Curtis Gibson, Robin Gibson

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

5. PRESENTATION/REPORT

5.I. COVID-19 Update

Joe Jenkins, Fire Chief and Emergency Operations Director, reported that the Polk average is 6.4%. The 14 day average is 5.9% which is great. Lake Wales has 2,515 cases cumulative. On the vaccine side at least 115,607 residents in Polk County have had one shot. Commissioner Goldstein asked about Spring Break if that will lead to higher cases. Chief Jenkins: said yes that's a concern. He hopes people will be vigilant.

6. COMMENTS AND PETITIONS

Dr. John Salud, Resident, requested that First Street be renamed Bolet Salud First Street. He read a letter listing her accomplishments.

7. CONSENT AGENDA

A citizen requested that Item 7.2 be removed from consent agenda.

Commissioner Curtis Gibson made a motion to approve the Consent agenda except for Item 7.2. Commissioner Howell seconded the motion.

by voice vote:

Commissioner Curtis Gibson "YES"

Commissioner Howell "YES"

Commissioner Goldstein "YES"

Deputy Mayor Robin Gibson "YES"

Mayor Fultz "YES"

Motion approved 5-0.

7.I. Minutes - January 5, 2021 And January 13, 2021

7.II. Agreement With The Center For Public Safety Management

[Begin Agenda Memo]

**Synopsis:**

Approval of this item will allow the police department to enter into an agreement with the Center for Public Safety Management (CPSM) for a Comprehensive Analysis of Law Enforcement Services.

**Recommendation:**

1. Authorize the police department to execute the agreement with the Center for Public Safety Management.

2. Approve a budget amendment in the amount of \$45,550.00

**Background:**

The International City/County Manager Association (ICMA) is the world's leading association of professional city and county managers and other employees who serve local governments. Since 1914, the ICMA has assisted local governments and their managers in providing services to its citizens in an efficient and effective manner. The ICMA Center for Public Safety Management (ICMA/CPSM) provides support to local governments in the areas of police, fire, and emergency medical services.

One of the specialized services provided by the CPSM is an analysis of law enforcement services. This comprehensive analysis exceeds that of law enforcement accreditation or similar studies and involves the following major outcomes:

- Conduct a data-driven forensic analysis to identify actual workload.
- Identify and recommend appropriate staffing and deployment levels for every operational and support function in the department.
- Examine the department's organizational structure and culture.
- Perform gap analysis, comparing the "as is" state of the department to the best practices of industry standards.
- Recommend a management framework to ensure accountability, increased efficiency, and improved performance.

The estimated duration of this initiative from beginning to end is between three to four months.

**Other Options:**

The Commission may choose not to authorize the police department to execute the agreement for services with the Center for Public Safety Management.

**Fiscal Impacts:**

The cost for the Comprehensive Analysis of Law Enforcement Services is \$45,550.00. This expenditure was not budgeted in FY20/21 and will require a budget amendment from unallocated fund balance.

One of the specialized services provided by the CPSM is an analysis of law enforcement services. This comprehensive analysis exceeds that of law enforcement accreditation or similar studies and involves the following major outcomes:

- Conduct a data-driven forensic analysis to identify actual workload.
- Identify and recommend appropriate staffing and deployment levels for every operational and support function in the department.
- Examine the department's organizational structure and culture.
- Perform gap analysis, comparing the "as is" state of the department to the best practices of industry standards.
- Recommend a management framework to ensure accountability, increased efficiency, and improved performance.

The estimated duration of this initiative from beginning to end is between three to four months.

**Other Options:**

The Commission may choose not to authorize the police department to execute the agreement for services with the Center for Public Safety Management.

**Fiscal Impacts:**

The cost for the Comprehensive Analysis of Law Enforcement Services is \$45,550.00. This expenditure was not budgeted in FY20/21 and will require a budget amendment from unallocated fund balance.

[End Agenda Memo]

James Wells, Associate member of a Church, expressed concern about spending the money for this. He expressed support for spending the money on body cameras instead. This study just kicks the can down the road. Body cameras will head off various problems. We already know what the problem is and what is needed.

James Slaton, City Manager, reviewed this item.

Mayor Fultz expressed support for this. This is an independent review that will result in a list of recommendations to improve the department overall. Our Police Department should be the best. This could help bring community and Police Department together

There was discussion concerning a current case under investigation.

Commissioner Goldstein made a motion to approve the Agreement. Deputy Mayor Robin Gibson seconded the motion.

by voice vote:

Commissioner Goldstein "YES"

Deputy Mayor Robin Gibson "YES"

Commissioner Howell "YES"

Commissioner Curtis Gibson "YES"

Mayor Fultz "YES"

Motion passed 5-0.

7.III. Grants Administration Services For The CDBG-CV Small Cities Grant And The CDBG Housing Rehab Grant.

[Begin Agenda Memo]

**SYNOPSIS:** Approval of 2 grants administration Agreements with Andy Easton & Associates for CDBG-CV Small Cities grant and the CDBG Housing Rehab grant.

**RECOMMENDATION**

Staff recommends approval of the grants administration agreements from Andy Easton & Associates for the grants administration service for the CDBG-CV Small Cities grant and the CDBG Housing Rehab grant.

**BACKGROUND**

In the beginning of February 2020, the City put out a Request for Proposal (RFP) for a grant administration service for the CDBG-CV Small Cities grant and the CDBG Housing Rehab grant.

On February 19, the evaluation and selection committee reviewed and scored proposals. Andy Easton & Associate was selected for the Grants administration service for the CDBG-CV Small Cities grant and

the CDBG Housing Rehab grant.

#### LAKE WALES CONNECTED PLAN ACTION STEPS

Action #	Description
13	Pursue funding/sponsorships for Olmsted streetscapes

#### GRANTS ADMINISTRATION SERVICE, ANDY EASTON & ASSOCIATES

Andy Easton & Associates has over 50 years of planning and grant management experience. In addition, Mr. Easton prepared the CDBG housing grant application for the City of Lake Wales. The grant funds will be used to target low income households in the North West Community.

As the grant administrator, the firm will ensure that project is successfully completed in accordance with the CDBG regulations and as directed by City staff. This includes that the proper CDBG procedures are followed, that adequate documentation is maintained, and that the outcome specified in the grant application is accomplished.

#### FISCAL IMPACT

CDBG Housing Rehab - \$102,000 (To be paid by the CDBG Grant) CDBG-CV Small Cities - \$50,000 (To be paid by the CDBG Grant)

#### OPTIONS

Not Applicable

[End Agenda Memo]

#### 7.IV. Memorandum Of Understanding – Redevelopment Of Distressed Properties

[Begin Agenda Memo]

**SUBJECT:** Memorandum of Understanding – Redevelopment of Distressed Properties

**SYNOPSIS:** The proposed Memorandum of Understanding between the City of Lake Wales and the City of Lake Wales Community Redevelopment Agency (CRA) will provide a method to redevelop or restore distressed properties within the CRA.

#### RECOMMENDATION

Staff recommends that the City Commission approve the Memorandum of Understanding and transmit to the Lake Wales CRA for consideration.

#### BACKGROUND

To address the potential redevelopment of distressed properties, staff has prepared a Memorandum of Understanding (MOU) to aid prospective redevelopers. The proposed MOU will provide a framework for the establishment of "Redevelopment Agreements" for both public and privately owned properties that are candidates for redevelopment.

Included in the MOU are provisions that allow redevelopers to use payment of outstanding code enforcement liens or payments received upon the sale of Publicly owned properties to restore the distressed properties. This would be accomplished by placing monies received into a dedicated trust fund that will be used to reimburse redevelopers for expenditures related to the redevelopment of distressed properties.

The proposed MOU and related Redevelopment Agreements will serve as incentives to facilitate redevelopment, especially in the core area of Lake Wales.

## **OTHER OPTIONS**

Not approve the agreement.

[End Agenda Memo]

### 8. OLD BUSINESS

### 9. NEW BUSINESS

#### 9.I. Notices Of Default – Dixie Walesbilt, LLC And Redevelopment Agreement For The Grand Hotel

[Begin Agenda Memo]

**SYNOPSIS:** The City Commission will consider sending notices of default to Dixie-Walesbilt, LLC.

#### **RECOMMENDATION:**

At the direction of the City Commission Staff will send notices of default to Dixie-Walesbilt, LLC.

#### **BACKGROUND**

During a recent City Commission work session, the City Commission directed staff to put on the regular Commission agenda an item to send notices of default to Dixie-Walesbilt, LLC.

This memorandum and attached letter of legal opinion contain the findings ascertained thus far.

1. Currently, the City has no active building permits, building permit applications, or plans under review related to redevelopment of the Grand Hotel. Additionally, no outstanding Code Enforcement violations or fines exist related to the Grand Hotel.
2. As indicated in Mr. Ashley's letter of opinion, Dixie-Walesbilt, LLC has committed multiple, material breaches of the original Redevelopment Agreement and a factual basis for bringing a lawsuit against Dixie-Walesbilt appears to be solid.

If the City desires to take action against Dixie-Walesbilt, LLC, any claims to be made must first be noticed to the LLC with an opportunity to cure, as provided in the original Redevelopment Agreement.

#### **FISCAL IMPACT**

None at this time, but costs will be incurred if the Commission elects to file suit following the Curative Period.

[End Agenda Memo]

James Slaton, City Manager, reviewed this item.

Ray Brown, Dixie Walesbilt, LLC., reviewed some of his challenges getting financing to help with the hotel including opportunities that he felt were inappropriate such as a casino. The timeline has really been 40 years since the hotel has been in use. This legal action will not speed up the process. The City makes it hard for developers. He said Kenneth Fields and Kathy Bangle were helpful and Deputy Mayor Robin Gibson turned them against him. Deputy Mayor Robin Gibson has tried to stop him 6, now 7 times. Mr. Brown reviewed what has been completed so far and what the Commission asked him to complete. Mr. Ray Brown reviewed past correspondence with the City.

Mayor Fultz said when we take action Mr. Brown can respond to the notice when it arrives.

Commissioner Goldstein asked how long Bay Brown has been involved in this. Mr. Brown said 10 years. Commissioner Goldstein said this is a dream that has become a nightmare. No one wants to see legal action. Commissioner Goldstein asked what it would take for Brown to walk away. Mr. Brown said legal action would squash any possible progress. Commissioner Goldstein said he knows some people that want to buy it. Mr. Brown needs to give up this dream and sell it so we can move forward.

Commissioner Curtis Gibson asked the City Attorney if this will be a drawn out costly legal process. Albert Galloway, Jr., City Attorney, said there is no way to know how long the process will be. It depends upon the response received. It won't be quickly resolved. Commissioner Curtis Gibson asked about Mr. Brown's reference to a certified contract. Mr. Galloway said he wasn't sure what that is. Mr. Galloway said that the Commission allowed for more time repeatedly to complete the contract. The letter from Mr. Ashley explains how the contract is still viable and the City can pursue legal action. Commissioner Curtis Gibson said that he is pro business. He would like to work with Mr. Brown to help him get it finished. The building once restored would benefit downtown.

Ray Brown shared other examples in nearby cities of how a restored hotel can help a downtown. He said he needed more help from the City. He said that the covid-19 pandemic has hindered his progress. These projects are hard.

Mayor Fultz said that getting the hotel up and going is Ray Brown's responsibility.

Commissioner Goldstein said he doesn't buy the Covid excuse. Lots of expansion is happening elsewhere. We can't let this situation continue. We need to move on. This may help him make a move.

Deputy Mayor Robin Gibson said the contract hasn't been fulfilled in over 10 years. This is against the LLC. All that is being decided is sending a notice. After that period of time a decision will be made concerning the LLC. This is not personal.

Commissioner Howell reviewed what has and hasn't been done. Items 2 -5 are the ones she is most concerned with. He has 45 days to complete them. She asked how long he needs to complete these items. Mr. Brown said 9 months after the use was determined. Commissioner Howell asked if he has not figured out how to use the building after all this time. Mr. Brown said it has to be determined how to use the building. Mr. Galloway said this issue will come back to the Commission depending on the response to the notice.

Deputy Mayor Robin Gibson made a motion to direct staff to send the notices. Commissioner Goldstein seconded the motion.

By Roll call vote:

Deputy Mayor Robin Gibson "YES"

Commissioner Goldstein "YES"

Commissioner Curtis Gibson "NO"

Commissioner Howell "YES"

Mayor Fultz "YES"

Motion passed 4-1.

## 9.II. Leoma's Landing Planned Development Project (PDP) Modification

[Begin Agenda memo]

**SYNOPSIS:** JSK Consulting, agent for Leoma's Landing LLC, the approval of City Commission for a modification of the Leoma's Landing Planned Development Project (PDP) modification.

### **RECOMMENDATION**

Staff recommends approval of the modification of the Leoma's Landing Planned Development Project.

At a regular meeting on February 23, 2021, the Planning and Zoning Board made a unanimous recommendation of approval to City Commission.

### **BACKGROUND**

The 94-acre site is located on the north side of Chalet Suzanne Road, just opposite Carlsberg Estates and east of the Preserve Apartments, and west of Dinner Lake Shores subdivision. It is currently vacant, unimproved property formerly used as cattle range.

The original PDP was approved in 2005 depicting 256 townhomes and 139 single-family homes. In 2014, the approved plan was modified to replace the townhomes with 281 single-family homes. The plan has received multiple extensions of time on approval at the request of the owner, as recently as 2019.

In February of 2020, the project entered into the Site Development process by submitting detailed engineering plans. As of July of 2020, the project has approved site construction plans to begin developing Phase I.

Following Site Development plan approval, the owners began discussions with a specific homebuilder. As a result of those discussions, and in direct response to current industry and market demands, the applicant has decided to modify the plan once more in order to offer a wider variety of single-family products. The modifications to the plan affect future phases only.

#### **Project Description and Proposal**

Leoma's Landing is designed to preserve and highlight two natural wetland areas. The wetland area to the north is visible from the roadway, surrounded by open space and protected by an adjacent storm water pond. The wetland area to the south is also protected by an adjacent storm water pond and is accessible via a proposed scenic active recreation trail. Additionally, another scenic active recreation trail is proposed along the east border of the community.

#### **Density and Open Space**

The maximum density of dwelling units in the MDR land use category is 6 units per gross acre; therefore, this 94-acre site could support a maximum of 564 dwelling units while still being compliant with the Comprehensive Plan. However, approximately 42% of the overall development will be preserved as open space (52.9 acres). The number of dwelling units proposed in the modified plan is still significantly lower than the maximum allowed, at 335 homes – an increase of 55 dwelling units from the originally approved plan. This creates a project density of 3.57 units per acre.

#### **Building Setbacks**

Front: 15 feet; garages must be setback a minimum of 25 feet in order to comply with residential driveway length requirements

Side: 5 feet; no obstructions will be permitted in the side-yard (AC systems, pumps, and other mechanical equipment).

45' and 55' wide lots may have fencing in the side-yard, setback 15 feet from the front plane of the home.

40' and 50' wide lots may have fencing 15 feet in front of the rear plane of the home, which pushes the fence toward the rear of the lot and leaving the majority of the side yard open.

Rear: 10 feet

#### **Streets, Sidewalks, & Parking**

The proposed PDP modification plan depicts a greenway boulevard section connecting Chalet Suzanne and C.F. Kinney. The greenway section meets the City's requirements for a minor collector roadway with 66' of right-of-way.



Five-foot sidewalks are depicted on both sides of the greenway section. Other internal local streets depict five-foot sidewalks on one side of the roadway section. In addition, a six-foot external sidewalk is depicted along the frontage of Chalet Suzanne Road. This proposed sidewalk will meander along our Landscape Buffer. It will serve as part of the Active Recreation Trail as well as the County's sidewalk along Chalet Suzanne Road.

In accordance with Polk County requirements, the proposed PDP modification plan depicts ten feet of right-of-way dedication along the frontage of Chalet Suzanne Road. The approved roadway improvement plan depicts the construction of new dedicated right-hand and left-hand turn lanes. In addition, the approved roadway improvement plan also depicts the construction of a new dedicated left hand turn into the existing development to the South.

The PDP modification plan provides for driveways which allow for at least one car and a second car in the garage. This design provides at least 2 spaces per lot which is consistent with the City's requirements.

#### Traffic Study

An updated Major Traffic Study was completed and certified for the project in January of 2021 by Stantec. The purpose of the report is to document the transportation impacts for the proposed development. According to the study, two separate elements of the analysis were completed – concurrency analysis, and operational analysis. The concurrency analysis determines the project impacts during the PM peak hour of adjacent street traffic. The operational analysis analyzes the access point of the site.

The resulting PM peak hour of adjacent street indicates that the project will generate 338 PM peak hour trips (213 inbound and 125 outbound). It was also determined that no roadway segments within the study area exceeds the adopted LOS (level- of-service) standard under total traffic conditions. In conclusion, the traffic study reported that no transportation improvements will be required in order to accommodate future traffic.

#### Landscaping, Tree Removal, & Buffers

The width of the proposed landscape buffer along Chalet Suzanne Road averages 35' with a minimum width of 20'. The plan depicts a continuous wall along the back of the landscape buffer with landscaping in front of the wall. In addition, a wall along the entrance road is proposed as part of the PDP modification. Specifically, the internal wall is proposed along the lots backing up to the entrance road.

The site does not currently have many existing trees. The proposed PDP modification site plan identifies existing Oak Tree Clusters to remain.

#### Community Standard Highlights

Metro Development has a proven track record for creating quality communities. By implementing engineering standards, strict monotony controls and builder design guidelines they are an industry leader. Specific Community Standards planned for this development include the following:

Community Architectural Review Board (ARB)

Monotony Controls (the City also has anti-monotony standards)

Restrict Against Use of Plywood, Vinyl, Aluminum Materials for Exterior Surfaces Restrictions on Types of Residential Fencing Allowed

Requirement for Minimum Residential Landscape Package Greenway Boulevard Landscaping  
Decorative Street Lighting with Potential Solar Power for Energy Conservation

#### 100-Year Flood Plain

The site is comprised of Zone X and Zone AE Areas per FEMA Insurance Rate. The approved Southwest

Florida Water Management District Environmental Resource Permit depicts compensating storage for encroachments into the existing floodplain areas.

#### Approved Waiver Request

In order to protect the wetlands, provide for recreational opportunities and develop a quality, marketable, environmentally friendly community, the applicant proposed the following waiver of strict compliance:

- A reduction in minimum lot size, street frontage and lot width to allow for a mix of 40', 50' and 55' lots.

#### Code References and Review Criteria

Specific sections of the Land Development Regulations applicable to a PDP are:

- Review Process for subdivisions/PDPs: Section 23-223 and 224
- General standards and requirements for PDPs: Section 23-441-2
- Residential PDP design standards and design guidelines: Section 23-443
- General Development Regulations for Land Development: Article III, Div. 1. (Waivers from standards in this section are requested)

#### Abutting land uses:

North – groves and scattered single-family houses East – Dinner Lake Shores single-family subdivision South – Carlsberg Estates and vacant land

West – Former railroad right-of-way, City's Fire Station #2 and The Preserve Apartments

#### Staff Comments and Findings

- The plan meets the Residential PDP standards found in Section 23-442.
- The use is compatible with the intentions of Policy 2.12: Medium Density Residential (MDR) of the City's Comprehensive Plan.
- The site is located within the City of Lake Wales utility service area.
- The Development Review Committee (DRC) reviewed the project on December 3, 2020 and had no comments or concerns at that time.
- Phase I of the project has not been modified and has Site Development approval to commence work following a pre-construction meeting with City staff.
- Staff communicated to the applicant on December 4, 2020 that a street trees plan will be required for approval by Development Services staff prior to final plat approval.

#### **OTHER OPTIONS**

Decline to approve the modification of the PDP.

#### **FISCAL IMPACT**

Approval of the PDP Modification would enable the development of this property and the potential increase in property value.

[End Agenda Memo]

#### OPENED PUBLIC COMMENT

A member of the public (unidentified) said he would like to see the presentation and possibly ask questions

#### CLOSED PUBLIC COMMENT

Michael Lawson, Director of Operations for Metro Development Group, gave a Powerpoint presentation on the requested modifications for Phases II & III. Their projects are well received elsewhere. He reviewed the recent traffic study and improvements that they will make including adding turn lanes.

Commissioner Goldstein asked when they plan to start Phase I. Mr. Lawson said it will take 8-9 months to construct that. When these homes are halfway done they will begin Phase II.

Commissioner Goldstein said that this road is very busy. We need to work with the county to improve that road. There was a big accident today.

Commissioner Curtis Gibson asked about a sidewalk. Mr. Lawson said there will be a sidewalk along the boundary that will go in and out. Commissioner Curtis Gibson said we need to put voices together to get the County to improve the road

Deputy Mayor Robin Gibson said he likes some of the innovative aspects of the development as some of the maintenance we don't have to contend with. He wants to try and limit some urban sprawl. He suggested some amenities within the development to cut down on traffic. Mr. Lawson described some of the amenities that they will have but is too small for retail interest.

Commissioner Curtis Gibson asked about another road to Serenity by Home Depot. Mayor Fultz agreed that other road would help with traffic concerns.

Mr. Slaton said that the level of service on that road is already exceeded by current traffic. Commissioner Goldstein said there have been several accidents out there. We need help on that road. He brings this up with Commissioners regularly.

Mayor Fultz encouraged citizens to communicate with the County Commission on this issue.

Commissioner Howell reviewed that what we are doing includes extra turning lanes and writing letters to the county. Is there anything else we can do? Mr. Lawson said there are plans for a beautiful entry that will help traffic slow down. We will work on getting improvements together from the Commission.

Commissioner Curtis Gibson said maybe we need more law enforcement presence out there to reduce speeding.

Mr. Slaton said we will look into other safety measures that can be done and communicate with the county.

#### **OPENED PUBLIC COMMENT**

Mr. Lewis, resident of Carlsberg, shared some of the traffic problems at that end of the City. These problems have been there a long time.

Ed Smith resident of Carlsberg said this community will be beautiful. He is not against stopping the development. He is concerned about the adding 54 homes with 40 foot lots. He compared the previously approved plan with the new proposed plans. He said the Planning & Zoning board should have had more time to review these changes.

#### **CLOSED PUBLIC COMMENT**

Commissioner Curtis Gibson made a motion to approve the modification. Commissioner Goldstein seconded the motion.

By Roll Call vote:

Commissioner Curtis Gibson "YES

Commissioner Goldstein "NO"

Commissioner Howell "YES"

Deputy Mayor Robin Gibson "YES"

Mayor Fultz "YES"

Motion passed 4-1.

9.III. Ordinance D2021-01 CPA Future Land Use Designation – Bundy Property 1st Reading And Public Hearing

[Begin Agenda Memo]

**SYNOPSIS:** Ordinance D2021-01 proposes the assignment of LDR Low-Density Residential Future Land Use;  
Ordinance D2021-02 proposes the assignment of R-1A Single-Family Residential Zoning; of 29.42 acres located south of Brookshire Subdivision and east of Scenic Hwy.

**RECOMMENDATION**

Staff recommends approval after 1st reading of Ordinances D2021-01 and D2021-02, following a public hearing. Public Hearing notice requirements have been met.

At a regular meeting on February 23, 2021, the Planning and Zoning Board made a unanimous recommendation of approval to City Commission for the zoning and land use designations.

**BACKGROUND**

The property owner petitioned for the annexation of these two parcels in December 2020. The second reading of the annexation ordinance went before City Commission on January 19, 2021 and was unanimously approved. The applicant has proposed the development of a single-family residence subdivision.

The next step is to assign Future Land Use and Zoning to the property.

Recommended Land Use: LDR Low-Density Residential, finding that it is in keeping with the surrounding land uses and will be consistent with the Comprehensive Plan.

Recommended Zoning: R-1A Single-Family Residential, finding that it is in keeping with the surrounding area and that it is compatible with the proposed land use designation.

The City Commission assigns Future Land Use and Zoning designations by ordinance upon a recommendation from the Planning & Zoning Board. The adopted Future Land Use 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**

None.

**FISCAL IMPACT**

Assigning Zoning and Land Use to the property enables the future development of the property and a potential increase in the property value.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE D2021-01** by title only.

**ORDINANCE D2021-01**

**(CPA/Future Land Use Map Amendment Bundy Property – 29.42 acres located south of Brookshire Subdivision and east of Scenic Hwy.)**

**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 29.42 ACRES OF LAND LOCATED EAST OF SCENIC HIGHWAY FROM COUNTY DESIGNATION A/RR TO CITY OF LAKE WALES DESIGNATION LDR RESIDENTIAL; PROVIDING FOR SEVERABILITY; AND PROVIDING OR AN EFFECTIVE DATE.**

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Commissioner Curtis Gibson made a motion to approve **ORDINANCE D2021-01** after first reading and public hearing. Commissioner Howell seconded the motion.

by Roll Call Vote:

Commissioner Curtis Gibson "YES"

Commissioner Howell "YES"

Commissioner Goldstein "YES"

Deputy Mayor Robin Gibson "YES"

Mayor Fultz "YES"

Motion passed 5-0.

9.IV. Ordinance D2021-02 Zoning Designation – Bundy Property 1st Reading And Public Hearing

[Begin Agenda Memo]

**SYNOPSIS:** Ordinance D2021-01 proposes the assignment of LDR Low-Density Residential Future Land

Use;

Ordinance D2021-02 proposes the assignment of R-1A Single-Family Residential Zoning; of 29.42 acres

located south of Brookshire Subdivision and east of Scenic Hwy.

**RECOMMENDATION**

Staff recommends approval after 1st reading of Ordinances D2021-01 and D2021-02, following a public hearing. Public Hearing notice requirements have been met.

At a regular meeting on February 23, 2021, the Planning and Zoning Board made a unanimous recommendation of approval to City Commission for the zoning and land use designations.

**BACKGROUND**

The property owner petitioned for the annexation of these two parcels in December 2020. The second reading of the annexation ordinance went before City Commission on January 19, 2021 and was unanimously approved. The applicant has proposed the development of a single-family residence subdivision.

The next step is to assign Future Land Use and Zoning to the property.

Recommended Land Use: LDR Low-Density Residential, finding that it is in keeping with the surrounding land uses and will be consistent with the Comprehensive Plan.

Recommended Zoning: R-1A Single-Family Residential, finding that it is in keeping with the surrounding area and that it is compatible with the proposed land use designation.

The City Commission assigns Future Land Use and Zoning designations by ordinance upon a recommendation from the Planning & Zoning Board. The adopted Future Land Use 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**

None.

#### **FISCAL IMPACT**

Assigning Zoning and Land Use to the property enables the future development of the property and a potential increase in the property value.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE D2021-02** by title only.

#### **ORDINANCE D2021-02**

**(Zoning Map Amendment - Bundy Property - 29.42 acres located south of Brookshire Subdivision and east of Scenic Hwy.)**

**AN ORDINANCE OF THE CITY OF LAKE WALES, FLORIDA, AMENDING THE ZONING MAP TO CHANGE ZONING DESIGNATIONS ON 29.42 ACRES OF LAND LOCATED EAST OF SCENIC HIGHWAY TO R-1A SINGLE-FAMILY RESIDENTIAL PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Deputy Mayor Robin Gibson made a motion to approve **ORDINANCE D2021-02** after first reading and public hearing. Commissioner Curtis Gibson seconded the motion.

by Roll Call Vote:

Deputy Mayor Robin Gibson "YES"

Commissioner Curtis Gibson "YES"

Commissioner Howell "YES"

Commissioner Goldstein "YES"

Mayor Fultz "YES"

Motion passed 5-0.

g.v. Bundy Property Planned Development Project (PDP)

[Begin Agenda Memo]

**SYNOPSIS:** Wood & Associates Engineering, LLC, agent for CL Bundy & Son Inc, owner, requests the approval of City Commission for a 142-lot single- family residential Planned Development Project (PDP) subdivision.

**RECOMMENDATION**

Staff recommends approval of the Bundy Property Planned Development Project.

At a regular meeting on February 23, 2021, the Planning and Zoning Board made a unanimous recommendation of approval to City Commission, contingent upon a re-design of the proposed neighborhood park approvable by the Administrative Official, and with the following condition of approval: All lots which abut the northern property line are subject to a 20-foot front building setback, with a 25-foot recessed garage.

The revised neighborhood park design was approved by Development Services staff on February 26, 2021.

**BACKGROUND**

The vacant 29.42-acre site is located on the west side of Scenic Highway, south of Lake Mabel Loop Road, and north of Master Piece Road.

The property owner petitioned for the annexation of these two parcels in December 2020. The second reading of the annexation ordinance went before City Commission on January 19, 2021 and was approved.

**Project Description and Proposal**

Proposed is a Planned Development Project consisting of 142 single-family lots. Approval of a PDP does not change the underlying zoning assigned to the property; it is instead a Special Exception Use Permit granted by City Commission, following a recommendation from the Planning and Zoning Board.

**Lot Layouts and Building Setbacks**

Lots will range in size to include a variety of 50-foot-wide to 80-foot-wide lots. Brookshire Subdivision, which shares a northern border, is developed as a standard subdivision; therefore, perimeter lots abutting Brookshire are designed at 70 and 80-feet in width in order to achieve compatibility.

**Front Setback:** 15 feet – garages must be setback a minimum of 20 feet in order to accommodate vehicle parking without obstructing the sidewalk.

**Second Frontage Setback – Corner Lot:** 10 feet.

**Side Setback:** 5 feet; no obstructions should be permitted in the side-yard (AC systems, pumps, and other mechanical equipment).

**Rear Setback:** 10 feet.

**Lots abutting the northern property line:**

**Front Setback:** 20 feet - garages must be setback a minimum of 25 feet. Density and Open Space  
The maximum density of dwelling units allowed in the LDR future land use category is 5 dwelling units per gross acre. This site could achieve a maximum density of 147 units.

**Required Open Space:** 6.03 acres **Provided Open Space:** 6.05 acres

## Recreation Requirements

Neighborhood Park: Required – 0.533 acres

Provided – 1.13 acres

Mini-Park: Required – 0.089 acres Provided – 0.20 acres

A natural linear park is depicted along both the southern boundary of the property, and the western boundary along Scenic Highway. Open space including retention, recreation, and the active trail which abut private lots must be buffered in order to distinguish separation.

## Streets and Access

Ingress and egress access to the site is proposed from Scenic Highway between lots 1 and 58. The 100-foot-long entrance road meets code section 23-303.4 for number of entrances and length of entrance road per number of dwelling units proposed.

A formal traffic study is required to be conducted by the applicant and reviewed by the City prior to Site Development Permit Issuance.

New local streets and sidewalks will be constructed to City standards and dedicated to the City for maintenance.

## Landscaping, Tree Removal, & Buffers

Existing vegetation on the site is required to be formally surveyed to determine if any significant trees should be retained or replaced. Credit shall be granted toward tree density requirements for trees retained on site.

Applicable landscape requirements:

? A 20-foot-wide perimeter landscape buffer in a separate tract must be planted along streets exterior to the development. Such buffer must contain a solid screen, such as a wall or hedge, at a minimum of six feet in height. Additionally, one tree per 50 linear feet is required to be planted within the perimeter buffer.

- Landscaping is required along retention areas.
- Recreation areas require a minimum of two shade trees per recreation area, or a minimum of 5 shade trees per acre, whichever is greater.
- A fee for trees that are marked for removal, but are not planned to be re-planted in order to satisfy buffering or density requirements, will be calculated according to Table 23-301A a fee will be assessed. The applicant may choose to pay into the City's Tree Replacement Fund in lieu of planting.
- Each single-family lot will be required to plant two canopy trees each prior to the issuance of a Certificate of Occupancy for the home.
- A street trees plan will be required for approval by Development Services staff prior to final plat approval.

## Waiver Requests

In order to provide for unique recreational opportunities and to develop a, marketable community, the applicant is proposing the following waivers of strict compliance:

1.) A reduction in the minimum lot size required in the R-1A zoning district from 12,000 square feet, to a minimum of 5,000 square feet in order to accommodate the most-reduced lot size proposed.

2.) A reduction in the minimum lot width required in the R-1A zoning district from 85 feet, to a minimum of 50 feet in width in order to accommodate the most reduced lot size proposed.

3.) A reduction in the required minimum building setbacks in the R-1A.

R-1A Standard: 30-foot front; 30-foot corner lot; 10-foot sides; 20-foot rear

Requested:



Front: 15 feet – garages must be setback a minimum of 20 feet in order to accommodate vehicle parking without obstructing the sidewalk.

Second Frontage – Corner Lot: 10 feet.

Side: 5 feet; no obstructions should be permitted in the side-yard (AC systems, pumps, and other mechanical equipment).

Rear: 10 feet.

#### Development Impact Data

Sanitary Sewer – Estimated at 34,080 gallons per day (gpd).

Potable Water – Estimated at 41,606 gpd.

Estimated population growth – 3.13 persons per household

Roads – Estimated traffic generated by the development is 1,340 daily trips. The existing roadway network is sufficient to handle the anticipated traffic.

#### Code References and Review Criteria

Specific sections of the Land Development Regulations applicable to a PDP are:

- Review Process for subdivisions/PDPs: Section 23-223 and 224
- General standards and requirements for PDPs: Section 23-441-2
- Residential PDP design standards and design guidelines: Section 23-443
- General Development Regulations for Land Development: Article III, Div. 1. (Waivers from standards in this section are requested)

#### **OTHER OPTIONS**

Decline to approve the PDP.

#### **FISCAL IMPACT**

Approval of the PDP would enable the development of this property and the potential increase in property value.

[End Agenda memo]

Deputy Mayor Robin Gibson made a motion to approve the Bundy Property Planned Development Project. Commissioner Curtis Gibson seconded the motion.

by Roll Call Vote:

Deputy Mayor Robin Gibson "YES"

Commissioner Curtis Gibson "YES"

Commissioner Howell "YES"

Commissioner Goldstein "YES"

Mayor Fultz "YES"

Motion passed 5-0.

9.VI. Ordinance D2021-03 CPA Future Land Use Designation – K&M Groves 1st Reading And Public Hearing

[Begin Agenda Memo]

**SYNOPSIS:** Ordinance D2021-03 proposes the assignment of LDR Low-Density Residential

Future Land Use;  
Ordinance D2021-04 proposes the assignment of R-1D Single-Family Residential Zoning; of 16.96 acres located south of Mountain Lake Cut Off Road and west of Hwy 27

## **RECOMMENDATION**

Staff recommends approval after 1st reading of Ordinances D2021-03 and D2021-04, following a public hearing. Public Hearing notice requirements have been met.

At a regular meeting on February 23, 2021, the Planning and Zoning Board made a unanimous recommendation of approval to City Commission for the zoning and land use designations.

## **BACKGROUND**

The property owner petitioned for the annexation of these two parcels in December 2020. The second reading of the annexation ordinance went before City Commission on January 19, 2021 and was unanimously approved. The applicant has proposed the development of a single-family residence subdivision.

The next step is to assign Future Land Use and Zoning to the property.

Recommended Land Use: LDR Low-Density Residential, finding that it is in keeping with the surrounding land uses and will be consistent with the Comprehensive Plan.

Recommended Zoning: R-1D Single-Family Residential, finding that it is in keeping with the surrounding area and that it is compatible with the proposed land use designation.

The City Commission assigns Future Land Use and Zoning designations by ordinance upon a recommendation from the Planning & Zoning Board. The adopted Future Land Use 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**

None.

## **FISCAL IMPACT**

Assigning Zoning and Land Use to the property enables the future development of the property and a potential increase in the property value.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE D2021-03** by title only.

## **ORDINANCE D2021-03**

**(CPA/Future Land Use Map Amendment - K&M Groves – 16.96 acres located south Mountain Lake Cut Off Road and west of Hwy 27)**

**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 16.96 ACRES OF LAND LOCATED SOUTH OF MOUNTAIN LAKE CUTOFF ROAD FROM COUNTY DESIGNATION A/RR TO CITY OF LAKE WALES DESIGNATION LDR LOW DENSITY RESIDENTIAL PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

OPENED PUBLIC COMMENT

CLOSED PUBLIC COMMENT

Commissioner Goldstein made a motion to approve **ORDINANCE D2021-03** after first reading and public hearing. Commissioner Curtis Gibson seconded the motion.

by Roll Call Vote:

Commissioner Goldstein "YES"

Commissioner Curtis Gibson "YES"

Commissioner Howell "YES"

Deputy Mayor Robin Gibson "YES"

Mayor Fultz "YES"

Motion passed 5-0.

- 9.VII. Ordinance D2021-04 Zoning Designation – K&M Groves 1st Reading And Public Hearing PID: 27-29-33-000000-011050; 27-29-34-000000-033040; 27-29-34 000000-033020

[Begin Agenda Memo]

**SYNOPSIS:** Ordinance D2021-03 proposes the assignment of LDR Low-Density Residential Future Land Use;

Ordinance D2021-04 proposes the assignment of R-1D Single-Family Residential Zoning; of 16.96 acres located south of Mountain Lake Cut Off Road and west of Hwy 27

#### **RECOMMENDATION**

Staff recommends approval after 1st reading of Ordinances D2021-03 and D2021-04, following a public hearing. Public Hearing notice requirements have been met.

At a regular meeting on February 23, 2021, the Planning and Zoning Board made a unanimous recommendation of approval to City Commission for the zoning and land use designations.

#### **BACKGROUND**

The property owner petitioned for the annexation of these two parcels in December 2020. The second reading of the annexation ordinance went before City Commission on January 19, 2021 and was unanimously approved. The applicant has proposed the development of a single-family residence subdivision.

The next step is to assign Future Land Use and Zoning to the property.

Recommended Land Use: LDR Low-Density Residential, finding that it is in keeping with the surrounding land uses and will be consistent with the Comprehensive Plan.

Recommended Zoning: R-1D Single-Family Residential, finding that it is in keeping with the surrounding area and that it is compatible with the proposed land use designation.

The City Commission assigns Future Land Use and Zoning designations by ordinance upon a recommendation from the Planning & Zoning Board. The adopted Future Land Use 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**

None.

#### **FISCAL IMPACT**

Assigning Zoning and Land Use to the property enables the future development of the property and a potential increase in the property value.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE D2021-04** by title only.

**ORDINANCE D2021-04  
(Zoning Map Amendment - Bundy Property K&M Groves - 16.96 acres located south Mountain Lake Cut Off Road and west of Hwy 27)**

**AN ORDINANCE OF THE CITY OF LAKE WALES, FLORIDA, AMENDING THE ZONING MAP TO CHANGE ZONING DESIGNATIONS ON 16.96 ACRES OF LAND LOCATED SOUTH OF MOUNTAIN LAKE CUTOFF ROAD FROM COUNTY DESIGNATION A/RR TO CITY OF LAKE WALES DESIGNATION R-1D SINGLE-FAMILY RESIDENTIAL; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Commissioner Goldstein made a motion to approve **ORDINANCE D2021-04** after first reading and public hearing. Commissioner Curtis Gibson seconded the motion.

by Roll Call Vote:

Commissioner Goldstein "YES"

Commissioner Curtis Gibson "YES"

Commissioner Howell "YES"

Deputy Mayor Robin Gibson "YES"

Mayor Fultz "YES"

Motion passed 5-0.

9.VIII. Ordinance 2021-06 Annexation – 1st Reading And Public Hearing 8.06 Acres East Of Tangelo Street

[Begin Agenda Memo]

**SUBJECT:** Ordinance 2021-06 Annexation – 1st Reading and Public Hearing  
8.06 acres east of Tangelo Street PID: 28300700000011030

**SYNOPSIS:** Ordinance 2021-06 proposes the voluntary annexation of approximately 8.06 acres of land located east of Tangelo Street, and contiguous to the incorporated City limits.

### **RECOMMENDATION**

Staff recommends approval at first reading, and adoption after second reading of Ordinance 2021-06 following a public hearing. Public Hearing notice requirements have been met.

A recommendation from the Planning and Zoning Board is not required for an annexation ordinance.

### **BACKGROUND**

James F. Kahler, Trustee on behalf of the Nancy D Trust, owner, petitioned annexation into the corporate city limits of Lake Wales on February 8, 2021.

“Attachment A” to the ordinance shows the property’s location. It is contiguous to the City Limits on its western boundary.

### **OTHER OPTIONS**

Decline to annex the property.

### **FISCAL IMPACT**

The annexation will add to the City’s tax roll. The property is valued at \$62,852, which would bring in approximately \$878.30 in additional property taxes.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE 2021-06** by title only.

### **ORDINANCE 2021-06 (Annexation – 8.06 acres east of Tangelo Street)**

**AN ORDINANCE PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 8.06 ACRES OF TERRITORY, CONTIGUOUS TO THE INCORPORATED TERRITORY OF THE CITY OF LAKE WALES, SHOWN ON ATTACHMENT “A” AND SPECIFICALLY DESCRIBED HEREIN; GIVING THE CITY OF LAKE WALES JURISDICTION OVER THE LAND ANNEXED; AND PROVIDING FOR AN EFFECTIVE DATE.**

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Commissioner Goldstein made a motion to approve **ORDINANCE 2021-06** after first reading and public hearing. Commissioner Curtis Gibson seconded the motion.

by Roll Call Vote:

Commissioner Goldstein "YES"

Commissioner Curtis Gibson "YES"

Commissioner Howell "YES"

Deputy Mayor Robin Gibson "YES"

Mayor Fultz "YES"

Motion passed 5-0.

#### 10. CITY ATTORNEY

Albert Galloway, Jr., City Attorney, reported on the status of the Seminole Hotel. Today he filed discovery and a motion to strike the affirmative defenses on the Seminole Hotel. This foreclosure has been vigorously defended. This will take time.

Mayor Fultz said we have to do some things that may appear to be mean but we have to do what's best for our citizens.

#### 11. CITY MANAGER

James Slaton, City Manager, said we are experiencing growing pains. There may be more of this in the next few years as we try to figure out the best way to deliver services to all our citizens.

Mr. Slaton said the City Attorney evaluation forms are in the Commissioner's boxes.

Mr. Slaton reported on possible funding from the American Rescue Plan. Rules haven't been written yet so we can't decide what to do with this. These funds will come in payments.

Mayor Fultz said getting these funds was a hard fought battle by the Florida League of Cities.

Mr. Slaton reported that this Thursday is MainStreet's 3rd Thursday market.

##### 11.I. Tracking Report

##### 11.II. Social Media Tracking Report

##### 11.III. Commission Meeting Calendar

The next Commission meeting will be Wednesday April 7th due to the election. The next Work Session is on the 30th.

#### 12. CITY COMMISSION COMMENTS

Commissioner Goldstein said good smart growth is important. We need good partnerships. We need to get attention from the county.

Commissioner Curtis Gibson said we need to be prepared for this growth. He said the door is open.

Deputy Mayor Robin Gibson cautioned against growth for growth's sake. We need land planning standards and cut down on urban sprawl.

Deputy Mayor Robin Gibson said we need a street naming policy.

Deputy Mayor Robin Gibson said we could use the American Rescue Plan for some of the Lake Wales Connected Plan.

#### 13. MAYOR COMMENTS

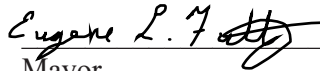
Mayor Fultz thanked those for coming out and speaking on the issues.

Mayor Fultz said he was glad to see new people stepping up to serve on boards and run for commission.

Mayor Fultz said he supported responsible development.

14. ADJOURNMENT

The meeting was adjourned at 8:22 p.m.

  
\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk