

City Commission Meeting Minutes

November 15, 2022

(APPROVED)

11/15/2022 - Minutes

1. INVOCATION

Rev Walter Nelson gave the invocation.

2. PLEDGE OF ALLEGIANCE

3. CALL TO ORDER

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

4. ROLL CALL

Members Present: Mayor Jack Hilligoss, Robin Gibson, Terrye Howell, Daniel Williams, Danny Krueger

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

5. PROCLAMATIONS AND AWARDS

5.I. Lake Wales High School Volleyball Proclamation

Mayor Hilligoss presented a proclamation to the Lake Wales High School Volleyball Team recognizing their successful season.

5.II. Proclamation National American Indian Heritage Month

Mayor Hilligoss proclaimed November as National American Indian Heritage month. Earlene Head, DAR, accepted the proclamation.

6. COMMENTS AND PETITIONS

Becky Wynkoop, resident, talked about what we want Lake Wales to be known for. We don't want to be like Winter Haven. We should have our own identity.

Charlene Bennett, resident, expressed concern that the Commission should act on citizen concerns. The Commission should be proactive in seeking more information.

7. CITY CLERK

7.I. Board Appointment - Board Of Adjustment And Appeals
[Begin Agenda Memo]

SYNOPSIS: Appointments to fill a vacancy on the Board of Zoning Adjustment and Appeals

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

1. Appoint Patrick Corwith for a term on the Board of Zoning Adjustment and Appeals expiring on 7/1/2023

BACKGROUND There is a vacancy on the Board of Zoning Adjustment and Appeals due to a resignation. 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). Board of Zoning Adjustment and Appeals (BOA) (City Code Sec. 23-206.1) The board consists of five (5) members. Members must be residents. (3 year term)

- An interview process is necessary for new applicants only.

- Members are required to file an annual Form 1, Statement of Financial Interests

- Current Vacancies: 1 vacancy

Current Members:

James Boterf, resident 10/04/11 – 07/01/23, 4

Crystal Higbee, resident 03/02/21 – 07/01/23, P

Sue Marino, resident 07/01/19 – 07/01/25, P+3

Baker, Nancy, resident 11/17/20 - 07/01/25, P+1

Turner, Warren 07/05/17 - 07/01/23, 2 resigned

Applying for Appointment: Patrick Corwith for a term expiring on 7/1/2023 The board recommends his appointment.

Meetings (City Code Sec. 23-206.2(c)) - The board of appeals shall hold regular meetings at the call of the chair and at such other times as the board may determine. Special meetings may be called by the chair or vice-chair with twelve (12) hours of notice. Current Meeting Schedule: 3 rd Monday @ 5:30 PM; Commission Chambers

Duties (City Code Sec. 23-206.3) – The Board of Appeals shall: 1. Hear and decide appeals where it is alleged that there is an error in any order, decision or determination of the administrative official in the enforcement of these zoning regulations; 2. Authorize such variance from the terms of these zoning regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of these zoning regulations would result in unnecessary and undue hardship. A variance from the terms of these zoning regulations shall not be granted until a public hearing is held before the board of appeals; 3. Hear and decide appeals where the planning board has denied an application for a

special exception use permit or site plan approval; 4. Perform any other duties which are lawfully assigned to it by the city commission.

OPTIONS Do not appoint those that have applied.

FISCAL IMPACT None. These are volunteer boards.

[End Agenda Memo]

Patrick Corwith introduced himself and shared his interest in the board and getting involved.

Mayor Hilligoss appointed Patrick Corwith to the Board of Adjustment and Appeals for a term that expires on 7/1/2023.

Commissioner Krueger made a motion to approve the appointment. Commissioner Howell seconded the motion.

by voice vote:

Commissioner Krueger "YES"

Commissioner Howell "YES"

Commissioner Williams "YES"

Deputy Mayor Gibson "YES"

Mayor Hilligoss "YES"

Motion passed 5-0.

8. CONSENT AGENDA

Catherine Price asked that item 8.III Northwest Neighborhood Zoning Study be pulled from the consent agenda.

Commissioner Krueger made a motion to approve the rest of the Consent Agenda. Commissioner Howell seconded the motion.

by voice vote:

Commissioner Krueger "YES"

Commissioner Howell "YES"

Commissioner Williams "YES"

Deputy Mayor Gibson "YES"

Mayor Hilligoss "YES"

Motion passed 5-0.

8.I. Minutes - November 1, 2022 And November 9, 2022

8.II. Special Event Permit Application From The First Institutional Missionary Baptist Church For Their Community Carnival Event On Saturday November 26th, 8:00 A.m. – 4:00 P.m.

[Begin Agenda Memo]

SYNOPSIS: Approval of the special event permit application will allow the First Institutional Missionary Baptist Church to host their event that will include a road closure of Lincoln Avenue from E Street to D Street on Saturday November 26th from 8:00 a.m. – 4:00 p.m.

RECOMMENDATION: It is recommended that the City Commission take the following action:

1. Approve the special event permit application from the First Institutional Missionary Baptist Church to host a Community Carnival event on Saturday November 26th 2022 from 9:00 a.m. – 4:00p.m.
2. Approve the temporary street closing of Lincoln Avenue from E Street to D Street between the hours of 7:00 a.m. and 4:00 p.m.

BACKGROUND: First Institutional Missionary Baptist Church has submitted a special event permit application for the church to host a Community Carnival event that will feature amusement rides, food and activities. The church has requested a road closure of Lincoln Avenue between E Street and D Street for mobile bus units that are attending.

Staff has reviewed the application and has no issues with the street closing. The church is handling all site set ups, sanitary facilities, trash receptacles and trash clean up. Insurance has been provided as required.

OTHER OPTIONS: Do not approve the event or street closing.

FISCAL IMPACT: There is no cost to the City for this event.

[End Agenda Memo]

8.III. Northwest Neighborhood Zoning Study - Lake Wales Connected Plan Action Item #15

[Begin Agenda Memo]

SYNOPSIS: The proposed Northwest Neighborhood Study intends to draft and adopt changes to the City's zoning regulations to implement the Lake Wales Connected Plan (hereafter referred to as "The Plan") recommendations; update zoning requirements to permit infill buildings according to The Plan vision; and to streamline the development approval process to reduce uncertainty.

RECOMMENDATION Staff recommends the following:

1. Approval of the Task Order: NW Neighborhood Zoning Recommendations provided by Dover, Kohl, & Partners.

2. Authorize funding of the project at an amount not-to-exceed \$50,000.

BACKGROUND Lake Wales Connected Implementation Actions includes Action #15: Development of new design standards for downtown. On September 7, City Commission adopted Design Standards for the historic core; the next step for Action #15 is the NW Neighborhood Zoning Study.

The proposed Scope of Services for this project to be executed by Dover, Kohl, & Partners (DK&P) includes the following items:

Task 1: Create draft Design Standards for the Lincoln Avenue mixed-use center.

Task 1 DELIVERABLES

1. Initial Draft Design Standards for Lincoln Avenue (PDF).
2. Final Draft Design Standards for Lincoln Avenue (PDF).
3. Map delineating the area where the Design Standards will apply (PDF).

Task 2: Analyze the existing Zoning Regulations that apply to the Northwest

Neighborhood to determine changes that are needed to implement the community vision.

Task 2 DELIVERABLES

1. Memorandum identifying needed zoning changes to implement the Lake Wales Connected vision, including impediments to remove/adjust as well as potential for new/additional standards to proactively shape future development (PDF).
2. Recommended zoning updates. This may include strategic edits to existing zoning districts, or the creation of a new district for portions of the Northwest Neighborhood. Recommended changes will be provided in Word and PDF, using strikethrough/underline to identify recommended changes to the existing zoning ordinance. At least one initial draft and one final draft will be provided; additional interim revisions may be provided as budget permits.

Task 3: Review Draft Recommendations with Community Stakeholders

Task 3 DELIVERABLES

1. Two presentations to stakeholders (Powerpoint or PDF)
2. Meeting notes documenting community input received.
3. Documentation of meeting activities which may include sign-in sheets, feedback forms and interactive polling results.

OTHER OPTIONS Decline to approve the execution of the Task Order.

FISCAL IMPACT Task Order amount: not-to-exceed \$50,000.

[End Agenda Memo]

Mark Bennett, Director of Development Services, reviewed this item.

Commissioner Howell confirmed that this is just a study. Nothing will be changed yet. Mr. Bennett confirmed this. Commissioner Howell asked to confirm that we are doing this with DoverKohl. Mr. Bennett said yes. Commissioner Howell said input will come from the community and changes will come later on. Mr. Bennett confirmed this.

Mayor Hilligoss said this will address the fact that some of the zoning in the neighborhood does not allow property owners to do much with their property.

Commissioner Howell made a motion to approve this item. Commissioner Williams seconded the motion.

by voice vote:

Commissioner Howell "YES"

Commissioner Williams "YES"

Commissioner Krueger "YES"

Deputy Mayor Gibson "YES"

Mayor Hilligoss "YES"

Motion approved 5-0.

8.IV. Purchase Authorization-Asphalt Paving Systems (APS), Inc.

[Begin Agenda Memo]

SYNOPSIS: The City Commission will consider authorizing staff to expend funds for a street resurfacing project.

RECOMMENDATION 1. Authorize a budget amendment of \$93,145.00 2. Authorize the expenditure of \$593,145.00

BACKGROUND The City's Public Services department is requesting Commission approval to expend funds for a street resurfacing project. In accordance with Sec. 2-417(d)(3) of the City's Code of Ordinances, all purchases in excess of Category 1 (\$20,000.00) require City Commission Approval.

In March 2022 the City Commission approved a piggyback agreement with Asphalt Paving Systems, Inc. for street resurfacing based on a competitively bid contract with the Sumter BOCC for similar services.

The expenditure of \$593,145.00 continues the pavement management program for street resurfacing in the City's network.

OTHER OPTIONS The City Commission may direct staff to solicit sealed proposals for pavement preservation in lieu of utilizing the agreement with Asphalt Paving Systems, Inc.

FISCAL IMPACT Funds of \$500,000.00 are available for this service in the adopted FY 22/23 capital budget. The additional funds of \$93,145.00 will come from transportation tax revenue.

[End Agenda Memo]

8.V. Park Avenue / Market Plaza Streetscape Construction Agreement With Gomez Construction
[Begin Agenda Memo]

SYNOPSIS: Staff is requesting City Commission approval to enter into an agreement with Gomez Construction for construction services related to the Park Avenue / Market Plaza Streetscape in accordance with the Lake Wales Connected Plan.

RECOMMENDATION It is recommended the City Commission take the following action(s):

1. Approve the agreement with Gomez Construction.
2. Authorize the City Manager to execute the agreement on behalf of the City of Lake Wales
3. Authorize the expenditure of \$481,000.00.

BACKGROUND In accordance with procurement procedures, the City of Lake Wales went through an extensive process that has resulted in the selection of Gomez Construction as the recommended contractor to lead construction of the Park Avenue / Market Plaza Streetscape project. The City held two rounds of competitive bidding:

1. RFQ 22-507 "Pre-Qualification for Park Ave Streetscape Project" resulting in eight submittals and six bidders being deemed qualified to bid on the project. (Attachment 1)
2. ITB 22-510 "Park Avenue / Market Plaza Streetscape" resulting in two qualified submittals and a low bid of \$12,072,834.18 by Gomez Construction. (Attachment 2)

In accordance with the Lake Wales Connected Plan, the CRA designed a full streetscape treatment to Park Avenue from Scenic Highway to Wetmore Street. At the recommendation of staff, the CRA added Market Plaza to the project to ultimately save funds on design and construction costs.

Elements of the streetscape include brick pavers, enlarged sidewalks, two-way vehicle travel, hanging-flower baskets, enhanced lighting, and "City in a Garden" landscaping. Landscape plans call for 97 cathedral live oaks, 10 sabal palmettos, and 40 Muskogee crepe myrtles among other new plantings. It is the Community Redevelopment Agency's ultimate goal to encourage redevelopment and activation of the City's Historic Downtown District. By leading the way with this significant public infrastructure investment coupled with utilizing proven streetscape techniques, staff believes that these goals will be realized.

LAKE WALES CONNECTED PLAN ACTION STEPS Action steps addressed in this proposal include: Step Number Description 1 Survey and produce construction ready design drawings for Park Avenue, from Scenic Highway to Wetmore Street (include plantings, lighting, sidewalks, parking, plaza, street furniture) 4 Implement Park Avenue street improvements (from Scenic Highway to Wetmore Street); and one block of 1st Street improvements (from Park Avenue to Stuart Avenue) 5 Improve Market Place Plaza in coordination with Park Avenue street design

OTHER OPTIONS The City Commission may direct staff to reject the proposal submitted by Gomez Construction.

FISCAL IMPACT The total fiscal impact for construction is \$12,250,468.17. A total of \$481,000.00 will be funded out of the City's Utility Fund.

Overview of Park Avenue / Market Plaza Streetscape

Funding: Funding Community Redevelopment Agency \$ 11,591,834.18

Utility Fund \$ 481,000.00

Total Gomez Construction \$ 12,072,834.18

[End Agenda Memo]

9. OLD BUSINESS

- 9.I. Ordinance 2022-50, FY21'22 Budget Amendment #1, 2nd Reading & Public Hearing
[Begin Agenda Memo]

SYNOPSIS: The City Commission will consider approval of the first amendment of FY 21'22 Budget that was adopted on September 21, 2021.

RECOMMENDATION It is recommended that the City Commission adopt Ordinance 2022-50 after second reading and public hearing. The City Commission approved first reading of the ordinance on November 1, 2022. The advertisement requirement for second reading and public reading has been met.

BACKGROUND Ordinance 2021-16 estimating revenues and appropriating funds for Fiscal Year 2021'22 was adopted by the City Commission September 21, 2021.

We are presenting Ordinance 2022-50 to modify the estimates of revenues and appropriations budgeted in various funds. This is primarily a housekeeping ordinance to conform the adopted budget to realized or expected changes within the current fiscal year. Explanation of change, for significant items has been provided on both Exhibit A and B.

OTHER OPTIONS This is a required budgetary amendment for compliance purposes relating to the City's Charter and Florida State Statute.

Per the Lake Wales City Charter, Section 6.07, upon written request by the City Manager, the City Commission may by ordinance transfer part or all of any unencumber appropriation balance from one department, office or agency to another. Per Florida State Statute, Section 166.241, the budget must regulate expenditures of the municipality. If a budget amendment is required, the amendment must be adopted in the same manner as the original budget.

FISCAL IMPACT See Exhibit A and Exhibit B attached to Ordinance 2022-50

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE 2022-50** by title only.

ORDINANCE 2022-50

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING ORDINANCE 2021-16 TO MODIFY THE ESTIMATES OF EXPENDITURES FOR THE OPERATION OF THE SEVERAL DEPARTMENTS OF SAID CITY FOR THE 2021-2022 FISCAL YEAR AND TO MODIFY THE APPROPRIATION OF FUNDS RAISED AND COLLECTED FROM ALL SOURCES SET FORTH IN THE ESTIMATE OF REVENUES FOR SAID FISCAL YEAR; REPEALING ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.

James Slaton, City Manager, reviewed this item.

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Commissioner Krueger made a motion to adopt ORDINANCE 2022-50 after 2nd reading and public hearing. Commissioner Howell seconded the motion.

By roll call vote:

Commissioner Krueger "YES"

Commissioner Howell "YES"

Commissioner Williams "YES"

Deputy Mayor Gibson "YES"

Mayor Hilligoss "YES"

Motion passed 5-0.

- 9.II. ORDINANCE D2022-33 Future Land Use Amendment For 0.16 Acres Of Land South Of Park Avenue East And West Of 3rd Street North 2nd Reading & Public Hearing

[Begin Agenda Memo]

SYNOPSIS: Owner requests approval of City Commission to amend the Future Land Use Map of the Comprehensive Plan on approximately 0.16 acres of land.

RECOMMENDATION Adoption at second reading, following a public hearing to re-assign the following land use designation, as recommended by the Planning and Zoning Board at a regular meeting on October 25, 2022:

Current Land Use: Low Density Residential (LDR)

Proposed Land Use: Downtown District (DD)

At first reading, City Commission approved Ordinance D2022-33 at a regular meeting on November 1, 2022.

BACKGROUND The subject property is located south of Park Avenue East and west of 3rd Street South. The property is situated east of Scenic Highway North, south of the City Library and Crystal Lake, and surrounded by the First Presbyterian Church's parking lot. The property contains an 8-unit multifamily building that sat vacant for over a year. Section 23.372.2(d) states "If any nonconforming use of land ceases for any reason for a period of one year, no nonconforming use may be re-established on those premises, unless a time extension is granted by the planning board prior to the end of the one year period." Since the property sat vacant for over a year, the non-conforming status of the property has expired.

The owners are requesting a zoning and land use amendment to support the prior, multifamily use. A Zoning designation of C-1 and Land Use designation of DD is appropriate and consistent with the existing designation in the surrounding area. The property sits south of the City's Library which also has designations of C-1 and DD, and is across from the downtown core.

CODE REFERENCES AND REVIEW CRITERIA The City Commission assigns future Land Use 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.

FISCAL IMPACT Assignment would enable the use of this property and potentially increase property value which would increase taxable value.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read ORDINANCE D2022-33 by title only.

ORDINANCE D2022-33 (Small-Scale CPA/Future Land Use Map Amendment for approximately 0.16 acres of land south of Park Avenue East and west of 3rd Street North.)

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 APPROXIMATELY 0.16 ACRES OF LAND SOUTH OF PARK AVENUE AND WEST OF 3RD STREET

NORTH, FROM CITY OF LAKE WALES DESIGNATION LOW DENSITY RESIDENTIAL (LDR) TO DOWNTOWN DISTRICT (DD); PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Commissioner Krueger made a motion to adopt ORDINANCE D2022-33 after 2nd reading and public hearing. Commissioner Howell seconded the motion.

By roll call vote:

Commissioner Krueger "YES"

Commissioner Howell "YES"

Commissioner Williams "YES"

Deputy Mayor Gibson "YES"

Mayor Hilligoss "YES"

Motion passed 5-0.

- 9.III. ORDINANCE D2022-34 Zoning Map Amendment For 0.16 Acres Of Land South Of Park Avenue East And West Of 3rd Street North 2nd Reading & Public Hearing
[Begin Agenda Memo]

SYNOPSIS: Owner requests approval of City Commission to amend the Zoning Map on approximately 0.16 acres of land.

RECOMMENDATION Adoption at second reading, following a public hearing to re-assign the following zoning designation, as recommended by the Planning and Zoning Board at a regular meeting on October 25, 2022:

Current Zoning: R-1B

Proposed Zoning: C-1

At first reading, City Commission approved Ordinance D2022-34 at a regular meeting on November 1, 2022.

BACKGROUND The subject property is located south of Park Avenue East and west of 3rd Street South. The property is situated east of Scenic Highway North, south of the City Library and Crystal Lake, and surrounded by the First Presbyterian Church's parking lot. The property contains an 8-unit multifamily building that sat vacant for over a year. Section 23.372.2(d) states "If any nonconforming use of land ceases for any reason for a period of one year, no nonconforming use may be re-established on those premises, unless a time extension is granted by the planning board prior to the end of the one-year period." Since the property sat

vacant for over a year, the non-conforming status of the property has expired.

The owners are requesting a zoning and land use amendment to support the prior, multifamily use. A Zoning designation of C-1 and Land Use designation of DD is appropriate and consistent with the existing designation in the surrounding area. The property sits south of the City's Library which also has designations of C-1 and DD, and is across from the downtown core.

CODE REFERENCES AND REVIEW CRITERIA The City Commission assigns Zoning designations by ordinances upon a recommendation from the Planning & Zoning Board.

FISCAL IMPACT Assignment would enable the use of this property and potentially increase property value which would increase taxable value.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE D2022-34** by title only.

ORDINANCE D2022-34

(Zoning Map Amendment for approximately 0.16 acres of land south of Park Avenue East and west of 3rd Street North.) AN ORDINANCE OF THE CITY OF LAKE WALES, FLORIDA, AMENDING THE ZONING MAP TO CHANGE ZONING DESIGNATIONS ON APPROXIMATELY 0.16 ACRES OF LAND SOUTH OF PARK AVENUE AND WEST OF 3RD STREET NORTH, FROM CITY OF LAKE WALES DESIGNATION R-1B TO C-1; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Commissioner Krueger made a motion to adopt ORDINANCE D2022-34 after 2nd reading and public hearing. Commissioner Howell seconded the motion.

By roll call vote:

Commissioner Krueger "YES"

Commissioner Howell "YES"

Commissioner Williams "YES"

Deputy Mayor Gibson "YES"

Mayor Hilligoss "YES"

Motion passed 5-0.

10. NEW BUSINESS

10.I. Ordinance D2022-27 Future Land Use Amendment For 0.3 Acres Of Land North Of Belleview Drive,

East Of Scenic Highway South, And West Of Santa Maria Road. 1st Reading And Public Hearing

[Begin Agenda Memo]

SYNOPSIS: The Peak Family requests approval of City Commission to amend the Future Land Use Map of the Comprehensive Plan on approximately 0.3 acres of land.

RECOMMENDATION Approval at first reading and adoption at second reading, following a public hearing to reassign the following land use designation, as recommended by the Planning and Zoning Board at a regular meeting on October 25, 2022:

Current Land Use: Polk County Residential Suburban (RS)

Proposed Land Use: LDR

BACKGROUND The subject property is located north of Belleview Road, east of Scenic Highway South, and west of Santa Maria Road. The property is situated within a county subdivision legally known as First Unit of Ridge Manor. The parcel is east of Belle Lago Subdivision and McLaughlin Middle School, and adjacent to Lake Lorraine on its western boundary.

The Peak Family petitioned annexation into the corporate city limits of Lake Wales on July 28, 2022 and was officially annexed on October 4, 2022. A land use designation of LDR is compatible and appropriate with the surrounding areas.

CODE REFERENCES AND REVIEW CRITERIA The City Commission assigns future Land Use 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.

FISCAL IMPACT Assignment would enable the development of this property and the potential increase in property value.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read ORDINANCE D2022-27 by title only.

ORDINANCE D2022-27 (Small-Scale CPA/Future Land Use Map Amendment for approximately 0.3 acres of land north of Belleview Drive, east of Scenic Highway South, and west of Santa Maria Road.)

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 APPROXIMATELY 0.3 ACRES OF LAND NORTH OF BELLEVIEW DRIVE, EAST OF SCENIC HIGHWAY SOUTH, AND WEST OF SANTA MARIA ROAD, FROM COUNTY DESIGNATION RESIDENTIAL SUBURBAN (RS) TO CITY OF LAKE WALES DESIGNATION LOW DENSITY RESIDENTIAL (LDR); PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Commissioner Howell made a motion to approve ORDINANCE D2022-27 after 1st reading and public hearing. Commissioner Williams seconded the motion.

By roll call vote:

Commissioner Howell "YES"

Commissioner Williams "YES"

Commissioner Krueger "YES"

Deputy Mayor Gibson "YES"

Mayor Hilligoss "YES"

Motion passed 5-0.

- 10.II. ORDINANCE D2022-28 Zoning Map Amendment For 0.3 Acres Of Land North Of Belleview Drive, East Of Scenic Highway South, And West Of Santa Maria Road. 1st Reading And Public Hearing

[Begin Agenda Memo]

SYNOPSIS: The Peak Family requests approval of City Commission to amend the Zoning Map on approximately 0.3 acres of land.

RECOMMENDATION Approval at first reading and adoption at second reading, following a public hearing to reassign the following zoning designation, as recommended by the Planning and Zoning Board at a regular meeting on October 25, 2022:

Current Zoning: Polk County Residential Suburban (RS)

Proposed Zoning: R-1C

BACKGROUND The subject property is located north of Belleview Road, east of Scenic Highway South, and west of Santa Maria Road. The property is situated within a county subdivision legally known as First Unit of Ridge Manor. The parcel is east of Belle Lago Subdivision and McLaughlin Middle School, and adjacent to Lake Lorraine on its western boundary.

The Peak Family petitioned annexation into the corporate city limits of Lake Wales on July 28, 2022 and was officially annexed on October 4, 2022.

A land use designation of LDR is compatible and appropriate with the surrounding areas. The original plat had lots that were primarily 60 feet in width by 150 feet in depth, having an average lot size of 9,000 square feet. Lot widths within the subdivision vary, however, most of

the lots in this existing neighborhood have combined lots making the majority of lot widths larger than 60 feet. In an analysis of living area for the existing homes, most homes met a 1,200 square foot living area. The City's zoning designation of R-1C Residential is most compatible with the existing conditions and would be appropriate.

CODE REFERENCES AND REVIEW CRITERIA

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

FISCAL IMPACT Assignment would enable the development of this property and the potential increase in property value.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read ORDINANCE D2022-28 by title only.

ORDINANCE D2022-28 (Zoning Map Amendment for approximately 0.3 acres of land north of Belleview Drive, east of Scenic Highway South, and west of Santa Maria Road.)

AN ORDINANCE OF THE CITY OF LAKE WALES, FLORIDA, AMENDING THE ZONING MAP TO CHANGE ZONING DESIGNATIONS ON APPROXIMATELY 0.3 ACRES OF LAND NORTH OF BELLEVIEW DRIVE, EAST OF SCENIC HIGHWAY SOUTH, AND WEST OF SANTA MARIA ROAD, FROM COUNTY DESIGNATION RESIDENTIAL SUBURBAN (RS) TO CITY OF LAKE WALES DESIGNATION R-1C; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Commissioner Krueger made a motion to approve ORDINANCE D2022-28 after 1st reading and public hearing. Commissioner Howell seconded the motion.

By roll call vote:

Commissioner Krueger "YES"

Commissioner Howell "YES"

Commissioner Williams "YES"

Deputy Mayor Gibson "YES"

Mayor Hilligoss "YES"

Motion passed 5-0.

Kinney Road And West Of Scenic Highway North

[Begin Agenda Memo]

SYNOPSIS: Ordinance 2022-43 proposes the voluntary annexation of approximately 19.18 acres of land north of C F Kinney Road and west of Scenic Highway North, and contiguous to the incorporated City limits.

RECOMMENDATION Staff recommends approval at first reading and adoption after second reading of Ordinance 2022-43 following a public hearing. A recommendation from the Planning and Zoning Board is not required for an annexation ordinance.

BACKGROUND Trust No. 22020 22030, owner, petitioned annexation into the corporate city limits of Lake Wales on August 12, 2022. "Attachment A" to the ordinance shows the property's location. It is contiguous to the City Limits along its eastern 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 a total of \$194,758 which would bring in additional property taxes.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE 2022-43** by title only.

ORDINANCE 2022-43 (Annexation – 19.18 acres of land north of C F Kinney Road and west of Scenic Highway North.) Parcel ID: 272910-000000-022020 & 272910-000000-022030

AN ORDINANCE PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 19.18 ACRES OF LAND, 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

Mark Bennett, Development Services Director, reviewed this item.

OPENED PUBLIC HEARING

Shelton Rice, attorney for Petersen & Myers representing the owner, reviewed this item. He said that specific plans for this property are not complete yet.

CLOSED PUBLIC HEARING

Commissioner Krueger made a motion to approve ORDINANCE 2022-43 after 1st Reading and Public Hearing. Commissioner Williams seconded the motion.

by roll call vote:

Commissioner Krueger "YES"

Commissioner Williams "YES"

Commissioner Howell "YES"

Deputy Mayor Gibson "YES"

Mayor Hilligoss "YES"

Motion passed 5-0.

- 10.IV. ORDINANCE D2022-29 Future Land Use Amendment For 19.18 Acres Of Land North Of C F Kinney Road And West Of Scenic Highway North. 1st Reading And Public Hearing
[Begin Agenda Memo]

SYNOPSIS: Shelton T. Rice, authorized agent for owner, requests approval of City Commission to amend the Future Land Use Map of the Comprehensive Plan on approximately 19.18 acres of land.

RECOMMENDATION Approval at first reading and adoption at second reading, following a public hearing to reassign the following land use designation, as recommended by the Planning and Zoning Board at a regular meeting on October 25, 2022:

Current Land Use: Polk County Agricultural/Rural Residential (A/RR)

Proposed Land Use: LDR

BACKGROUND The subject property is located north of C F Kinney Road and west of Scenic Highway North. The property is situated north of Dinner Lake Estates and west of Brookshire Subdivision, and is adjacent to the solar farm on the northern and western boundaries.

The owners petitioned annexation into the corporate city limits of Lake Wales on August 12, 2022. The applicant wishes to present the annexation, land use and zoning amendments together. There have been preliminary discussions regarding development of the property, however, no formal plans have been submitted to the City for review. Residential development on this property would need to come back before Planning Board for recommendation to City Commission for approval of the Preliminary Subdivision Plat.

A Zoning designation of R-1A and Land Use designation of LDR is appropriate and consistent with the existing designations surrounding the property.

CODE REFERENCES AND REVIEW CRITERIA

The City Commission assigns future Land Use 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.

FISCAL IMPACT Assignment would enable the development of this property and the potential increase in property value.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE D2022-29** by title only.

ORDINANCE D2022-29 (Small-Scale CPA/Future Land Use Map Amendment for approximately 19.18 acres of land north of C F Kinney Road and west of Scenic Highway North.)

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 APPROXIMATELY 19.18 ACRES OF LAND NORTH OF C F KINNEY ROAD AND WEST OF SCENIC HIGHWAY NORTH, FROM COUNTY DESIGNATION AGRICULTURE/RURAL RESIDENTIAL (A/RR) TO CITY OF LAKE WALES DESIGNATION LOW DENSITY RESIDENTIAL (LDR); PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

OPENED PUBLIC HEARING

Catherine Price, resident, suggested that the City needs an agriculture zoning. Not every annexation should automatically be residential.

Shelton Rice, Attorney for Peterson and Meyers, said the request is appropriate as the property surrounding it is residential.

CLOSED PUBLIC HEARING

Commissioner Krueger made a motion to approve ORDINANCE D2022-29 after 1st Reading and Public Hearing. seconded the motion.

by roll call vote:

Commissioner Krueger "YES"

Commissioner Williams "YES"

Commissioner Howell "YES"

Deputy Mayor Gibson "YES"

Mayor Hilligoss "YES"

Motion passed 5-0.

- 10.V. ORDINANCE D2022-30 Zoning Map Amendment For 19.18 Acres Of Land North Of C F Kinney Road And West Of Scenic Highway North. 1st Reading And Public Hearing
[Begin Agenda Memo]

SYNOPSIS: Shelton T. Rice, authorized agent for owner, requests approval of City Commission to amend the Zoning Map on approximately 19.18 acres of land.

RECOMMENDATION Approval at first reading and adoption at second reading, following a public hearing to reassign the following zoning designation, as recommended by the Planning and Zoning Board at a regular meeting on October 25, 2022:

Current Zoning: Polk County Agricultural/Rural Residential (A/RR)

Proposed Zoning: R-1A

BACKGROUND The subject property is located north of C F Kinney Road and west of Scenic Highway North. The property is situated north of Dinner Lake Estates and west of Brookshire Subdivision, and is adjacent to the solar farm on the northern and western boundaries.

The owners petitioned annexation into the corporate city limits of Lake Wales on August 12, 2022. The applicant wishes to present the annexation, land use and zoning amendments together. There have been preliminary discussions regarding development of the property, however, no formal plans have been submitted to the City for review. Residential development on this property would need to come back before Planning Board for recommendation to City Commission for approval of the Preliminary Subdivision Plat.

A Zoning designation of R-1A and Land Use designation of LDR is appropriate and consistent with the existing designations surrounding the property.

CODE REFERENCES AND REVIEW CRITERIA The City Commission assigns Zoning designations by ordinances upon a recommendation from the Planning & Zoning Board.

FISCAL IMPACT Assignment would enable the development of this property and the potential increase in property value.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read ORDINANCE D2022-30 by title only.

ORDINANCE D2022-30 (Zoning Map Amendment for approximately 19.18 acres of land north of C F Kinney Road and west of Scenic Highway North.)

AN ORDINANCE OF THE CITY OF LAKE WALES, FLORIDA, AMENDING THE ZONING MAP TO CHANGE ZONING DESIGNATIONS ON APPROXIMATELY 19.18 ACRES OF LAND NORTH OF C F KINNEY ROAD AND WEST OF SCENIC HIGHWAY NORTH, FROM COUNTY DESIGNATION AGRICULTURE/RURAL RESIDENTIAL (A/RR) TO CITY OF LAKE WALES DESIGNATION R-1A; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Commissioner Krueger made a motion to approve ORDINANCE D2022-30 after 1st Reading and Public Hearing. Commissioner Williams seconded the motion.

by roll call vote:

Commissioner Krueger "YES"

Commissioner Williams "YES"

Commissioner Howell "YES"

Deputy Mayor Gibson "YES"

Mayor Hilligoss "YES"

Motion passed 5-0.

- 10.VI. Preliminary Subdivision Plat Approval / Special Exception Use Permit Approval For A Residential Planned Development Project (PDP) Bok Estates PUBLIC HEARING – Requirements Have Been Met. [Begin Agenda memo]

SYNOPSIS: Bok Estates, LLC. is requesting a recommendation of approval to City Commission, of a 280-lot single-family Preliminary Subdivision Plat and a Special Exception Use Permit for a Residential PDP on approximately 29.94 acres of land south and west of Old Scenic Highway, and east of Scenic Highway North.

RECOMMENDATION The applicant requests a recommendation of approval to City Commission of a 280-lot single-family Preliminary Subdivision Plat and Special Exception Use Permit for a Residential PDP, with waivers of strict compliance and conditions of approval.

BACKGROUND

General: The subject property, comprising of approximately 29.94 acres of vacant land and citrus, is located south and west of Old Scenic Highway and east of Scenic Highway North. The project is adjacent to the Duke Energy Facility, directly south of Mountain Lake Estates, and located behind Towerview Motel and Al's Place.

The proposed single-family townhome subdivision is designed as a Planned Development Project (PDP), including requested Waivers of Strict Compliance.

The property has a land use designation of MDR Medium-Density Residential and a zoning designation of R-3. Maximum density allowed on the site is calculated at 12 units per gross acre, or 359 dwelling units, under the Comprehensive Plan for MDR Medium-Density Residential; a density of 9.35 dwelling units per acre, or 280 dwelling units, is proposed.

The development proposes single-family attached, townhome products, platted as individual lots for future flexibility. Waivers are being requested for some R-3 dimensional and area standards.

R-3 Standards per Table 23-422

Minimum Lot Size 12,000 sq. ft.

Minimum Street Frontage 50 feet

Minimum Lot Width at Building Line 100 feet

Minimum Floor Area 650 sq. ft.

Minimum Front Setback 30 feet

Minimum Side Setback 10 feet

Minimum Rear Setback 20 feet

Maximum Lot Coverage 50%

Maximum Building Height 45 feet / 2.5 stories

Dimensional requirements for the R-3 district apply for residential structures in non-residential districts.

Proposed Standards

Interior 20' Wide Townhomes

Minimum Lot Size 1,800 sq. ft.

Minimum Street Frontage 20 feet

Minimum Lot Width at Building Line 20 feet

Minimum Living Area 1,000 sq. ft.

Front Building Setback 25 feet

Side Building Setback 0 feet

Rear Building Setback 15 feet

Maximum Lot Coverage 60%

Exterior 22' Wide Townhomes

Minimum Lot Size 2,880 sq. ft.

Minimum Street Frontage 32 feet

Minimum Lot Width at Building Line 32 feet

Minimum Living Area 1,000 sq. ft.

Front Building Setback 25 feet

Side Building Setback 10 feet

Rear Building Setback 15 feet

Functional Corner-Side Setback 15 feet Maximum Lot Coverage 60%

Roadways & Access: Access to the development will be on Old Scenic Highway. Internal roadways will have a right-of-way of 50 feet, including 12 feet drive aisles and 5 feet wide sidewalks on both sides of the road. The traffic study will determine any off-site improvements needed for the development and will be reviewed and approved prior to site development approval.

Landscaping and Buffering: A landscape plan will be required at Site Development Plan submittal, and will be reviewed and approved by Staff after consultation with the City's horticulturist. The proposed buffer may be a wall or berm, and will be planted with shrubs, canopy trees, and understory trees.

Residential tree density requirements will be enforced at building permit issuance, pursuant to section 23-307.2.a.3: a minimum of three, two-inch caliper shade trees, minimum of eight feet at planting for lots less than 10,000 sq. ft. and four, two-inch caliper shade trees, minimum of eight feet at planting for lots greater than 10,000 sq. ft. At least one of the shade trees shall be a street tree. Corner lots shall have a minimum of one additional tree to ensure that each frontage has at least one street tree. NOTE: Street Trees are required to have root barriers. Root barriers shall be approved by the Administrative Official prior to planting.

The project proposes a 10' wide buffer along Old Scenic Highway, with a 6' high wall and canopy trees every 50 linear feet. A 5' wide buffer is proposed for the remaining project boundaries with a 6' high privacy fence. A condition of approval is included to implement enhanced buffering adjacent to the Duke Energy Facility.

Recreation & Open Space: The overall development provides a range of amenities including benches, outdoor shelters and picnic tables, playground equipment, dog park, and a 2,000 sq. ft. amenity center with a pool and cabana.

Open Space Calculation:

Recreation 3.11 ac.

Retention Ponds 4.06 ac.

Wetland 0.65 ac.

TOTAL 7.82 ACRES

More than 26% of the overall site will remain as open space, where 20% open space is required at a minimum by code.

Waivers of Strict Compliance: The applicant requests the following Waivers of Strict Compliance from certain dimensional and area standards in the R-3 zoning district:

1. Minimum lot size reduced from the required 7,500 sq. ft. to 1,800 sq. ft. for interior townhomes and 2,880 sq. ft. for exterior townhomes.
2. Minimum street frontage reduced from the required 50 feet to 20 feet for interior townhomes and 32 feet for exterior townhomes.
3. Side building setback reduced from the required 10 feet to 0 feet for interior townhomes.
4. Functional corner-side setback reduced from the required 25 feet to 15 feet for exterior townhomes.
5. Maximum lot coverage increased from the maximum 40% to 60%.
6. Minimum entrance road distance reduced from the required 250 feet to 150 feet.

Proposed Superior Design Standards: In exchange for the consideration of the above-mentioned Waivers of Strict Compliance requested, the applicant provided justification within the project narrative delineating the ways in which the plan is superior to a standard subdivision: "The proposed development will enhance the quality of living of the future residents as this is a family oriented residential development bringing the state of the arts services and amenities for the enjoyment of the whole family. The development will have playgrounds / toy lot areas, open space areas, amenity center for family reunions, open shelters area, a dog walk area and the existing environmental area, a wetland located on the south side, will remain untouched as an additional feature of this development."

- Recreation required: 1.31 acres; Recreation provided: 3.11 acres

- Open space required: 20% of site; Open space provided: 26% of overall site

Staff Findings

1. The use is compatible with the intentions of Policy I.1.2.13 Medium Density Residential of the City's Comprehensive Plan.
2. This site is located within the City's utility service area and will connect to municipal water and sewer.
3. The development will maximize existing infrastructure investments by connecting to municipal water and sewer.
4. Internal and external sidewalk system promotes walk-ability.

5. Proposed is a townhome development that provides additional housing types to the city's current housing inventory.

Recommended Conditions of Approval

6. Staff recommends the following conditions of approval:

a. Different architectural elevations and color schemes shall be provided to staff for approval, prior to site development approval, which meets the intent of the anti-monotony regulations.

b. The traffic study must be approved by the Administrative Official prior to issuance of Site Development Permit.

c. Decorative, dark sky friendly street lighting to minimize glare and reduce light pollution. Street lighting design/type to be approved by the City, and maintained by the developer, HOA, or similar managing entity.

d. Mechanical equipment shall be located at the rear of the home and not permitted within side yards for all lots in the development.

e. Landscaping Plan is required at Site Development plan submittal and will be reviewed and approved by Staff and the City's Horticulturist.

f. A street tree plan, tree survey, and tree removal/replacement plan will be required at Site Development plan submittal.

g. An enhanced buffer, to be determined at site development review, shall be implemented adjacent to the Duke Energy Facility.

h. Perimeter privacy fences noted on plans shall be made of PVC or Vinyl and shall be neutral/earth-toned in color

7. Staff recommends the following plan revision:

a. Adjust unit count to 280 as shown on plans.

OTHER OPTIONS Decline to recommend approval of the preliminary subdivision plat and PDP.

FISCAL IMPACT Approval of the preliminary plat and PDP would enable the development of this property and the potential increase in property value. Specifically, estimating an average of \$200,000 in taxable value per unit, it could potentially result in \$56 million in taxable value, and generate a little under \$380,000 in ad valorem taxes. *Adjusted values for potential homesteaded properties have not been factored into this estimate.

[End Agenda Memo]

Mayor Hilligoss said that staff asked that this be tabled and continued to December 6.

Commissioner Krueger made a motion to table this item. Commissioner Howell seconded the motion.

by voice vote:

Commissioner Krueger "YES"

Commissioner Howell "YES"

Commissioner Williams "YES"

Deputy Mayor Gibson "YES"

Mayor Hilligoss "YES"

Motion passed 5-0.

- 10.VII. Preliminary Subdivision Plat Approval / Special Exception Use Permit Approval For A Residential Planned Development Project (PDP) Hillpointe Apartments PUBLIC HEARING – Requirements Have Been Met.

[Begin Agenda Memo]

SYNOPSIS: Hillpointe, LLC, owner, is requesting approval of City Commission, of a 552-unit multifamily Preliminary Subdivision Plat and a Special Exception Use Permit for a Residential PDP on approximately 137.5 acres of land north of Chalet Suzanne Road and east of US Highway 27.

RECOMMENDATION The applicant requests approval of City Commission of a 552-unit multifamily Preliminary Subdivision Plat and Special Exception Use Permit for a Residential PDP, with waivers of strict compliance and conditions of approval.

Planning & Zoning Board, on October 25, 2022, recommended approval of the Preliminary Subdivision Plat and Special Exception Use Permit for a Residential PDP with revised waivers of strict compliance and conditions of approval – noted later under “Other Options” as Option B. Staff recommends approval as recommended by the Planning and Zoning Board.

BACKGROUND

General: The subject property, comprising of approximately 137.5 acres of vacant pasture, is located north of Chalet Suzanne Road and east of US Highway 27. The project is located north of Serenity Apartments and south of Pedaler’s Pond Manufactured Home Park.

The proposed multifamily development is designed as a Planned Development Project (PDP), including requested Waivers of Strict Compliance.

The property has a land use designation of MDR Medium-Density Residential and a zoning designation of R-3. Maximum density allowed on the site is calculated at 12 units per gross acre, or 1,650 dwelling units, under the Comprehensive Plan for MDR Low-Density Residential; a density of 4.01 dwelling units per acre, or 552 dwelling units, is proposed.

The development proposes three-story apartment buildings comprising of 24 or 36 units in each building. All 552 units are two-bedrooms and two-bathroom units. In addition, the development provides 92.5 acres of wetland and conservation area, 2.48 acres of recreation not including the clubhouse with amenities, and an overall open space of 108.09 acres. Waivers are being requested for some dimensional and area standards.

R-3 Standards per Table 23-422

Minimum Lot Size 12,000 sq. ft.

Minimum Street Frontage 50 feet

Minimum Lot Width at Building Line 100 feet

Minimum Floor Area 650 sq. ft.

Minimum Front Setback 30 feet

Minimum Side Setback 10 feet

Minimum Rear Setback 20 feet

Maximum Lot Coverage 50%

Maximum Building Height 45 feet / 2.5 stories

Dimensional requirements for the R-3 district apply for residential structures in non-residential districts.

Roadways & Access: The development proposes construction of 3,600 linear feet of public right-of-way to be dedicated to the City. This includes construction of 1,100 feet of Star Lake Boulevard and 2,500 feet of Serenity Boulevard. Completion of the Serenity Boulevard extension will provide additional relief from the US Highway 27 & Chalet Suzanne Road intersection. A condition of approval is in place to provide a developer's agreement to address transportation improvements resulting from the review of the traffic study.

Landscaping and Buffering: A landscape plan will be required at Site Development Plan submittal, and will be reviewed and approved by Staff after consultation with the City's horticulturist. The proposed buffer may be a wall or berm, and will be planted with shrubs, canopy trees, and understory trees.

Tree density requirements will be enforced at building permit issuance, pursuant to section 23-307.2.a.2: A minimum of three (3) trees shall be required for each one-quarter (&1/4;) acre or ten thousand eight hundred ninety (10,890) square feet of land or fraction thereof in the non-residential development.

A 10' sodded landscape buffer is proposed around the project boundaries. Requested is a waiver to eliminate landscaping within the perimeter buffer. Staff does not oppose this request

as there is an existing buffer located on Pedaler's Pond property that screens the property from the apartments; the area adjacent to commercial properties are separated by existing retention ponds; open space retention and recreation is located next to property boundaries adjacent to Serenity Apartments where uses are similar; and the remaining property boundaries encompass wetland areas.

Recreation & Open Space: The development provides a clubhouse with potential amenities such as a fitness center and pool. Potential amenities for the recreation areas include tot lots, paths, and benches. The apartments overlook 92.5 acres of preserved wetland area and substantial open space. A full amenity package will be required at site development submittal.

OPEN SPACE CALCULATION

Recreation 2.48 acres

Ponds 8.80 acres

Wetland/Conservation 92.54 acres

Open Space 4.27 acres

TOTAL 108.09 ACRES

More than 78.6% of the overall site will remain as open space, where 20% open space is required at a minimum by code.

Waivers of Strict Compliance: The applicant requests the following Waivers of Strict Compliance from certain dimensional and area standards:

1. Reduce required parking spaces from 1,104 spaces to 835 spaces.
2. Eliminate visitor parking requirement.
3. Allow 10' x 18' parking spaces where standard parking spaces are 10' x 20'.
4. Reduce front setback from Serenity Boulevard and Star Lake Drive from the required 30 feet to 10 feet.
5. Eliminate landscaping within landscape buffers, where wetland areas exist along project boundaries.

Planning and Zoning Board recommended approval of waivers #1 & #2 subject to review and approval of a parking study by the Administrative Official. The Board has also recommended approval of waiver #3 only for non-head-to-head parking spaces. The revised waivers recommended by Planning and Zoning Board is noted as Option B. Waivers #4 and #5 were recommended as proposed.

Proposed Superior Design Standards: In exchange for the consideration of the above-mentioned Waivers of Strict Compliance requested, the applicant provided justification within

the project narrative delineating the ways in which the plan is superior to a standard subdivision:

“The proposed PDP is superior to a standard subdivision because the multifamily development provides a line of buildings fronting the extensions of Star Lake and Serenity Boulevards to build a sense of space around the public right-of-way. Curvilinear road design, coupled with parallel parking and extensive pathways conform to the existing ecological conditions while providing enhanced circulation for vehicles and pedestrians. Within the complex, residents are serviced by a centrally located clubhouse and amenities facility. This facility hosts a pool and deck space for outdoor gatherings. The recreation center can be accessed via the site’s thorough road network. Streets lined by trees and parallel parking provide comfort to pedestrians walking along the sidewalks. This street network provides primary access to US 27 via Star Lake Rd and Chalet Suzanne via Serenity Blvd, as well as secondary access to the Shoppes on The Ridge which supports increased pedestrian and emergency services circulation.”

- Recreation required: 2.415 acres; Recreation provided: 2.48 acres

- Open space required: 20% of site; Open space provided: 78.6% of overall site

Staff Findings

1. The use is compatible with the intentions of Policy I.1.2.13 Medium Density Residential of the City’s Comprehensive Plan. 2. This site is located within the City’s utility service area and will connect to municipal water and sewer.

3. The development will maximize existing infrastructure investments by connecting to municipal water and sewer

4. The development will expand the roadway network by constructing 3,400 feet of roadway.

5. Internal and external sidewalk system promotes walkability and bike-ability.

6. Reduced setbacks from the roadway promotes neo-traditional design.

7. Proximity to commercial and support uses promotes reduced dependency on vehicles for short trips.

Recommended Conditions of Approval

8. Staff recommends the following conditions of approval:

a. The project building design shall be in substantial conformance with the submitted elevations.

b. The project site shall be subdivided from the parent parcel prior to site development approval.

c. The traffic study must be approved by the Administrative Official prior to issuance of Site

Development Permit.

d. The applicant shall be required to enter into a developer's agreement to address transportation improvements. This agreement may include, but are not limited to, items such as improvements to the US Highway 27/Chalet Suzanne Road intersection, US Highway 27/Star Lake Drive intersection, and/or the extension of Serenity Boulevard.

e. Decorative, dark sky friendly street lighting to minimize glare and reduce light pollution. Street lighting design/type to be approved by the City, and maintained by the developer, owner, or similar managing entity.

f. A street tree plan, tree survey, and tree removal/replacement plan will be required at Site Development plan submittal.

g. The Landscaping Plan will be reviewed and approved by Staff and the City's horticulturist during Site Development review.

OTHER OPTIONS

A. Approval of the preliminary subdivision plat and PDP with conditions of approval and waivers of strict compliance as requested by the applicant.

B. Approval of the preliminary subdivision plat and PDP with conditions of approval and revised waivers of strict compliance, with an added condition that the approval shall be contingent upon approval of the parking study by the Administrative Official.

C. Decline to approve the preliminary subdivision plat and PDP.

FISCAL IMPACT Approval of the preliminary plat and PDP would enable the development of this property and the increase in property value. Specifically, estimating an average of \$158,919 in taxable value per unit, it could potentially result in over \$87.7 million in taxable value, and generate over \$593,000 in ad valorem taxes.

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

[End Agenda memo]

Mark Bennett, Development Services Director, reviewed this item. He explained that our parking code for apartments is 1.5 spaces a unit but for residential its 2 spaces a unit. The request from the applicant for lower parking is not unusual. A parking study will be required for staff approval and for experts to review.

Commissioner Howell said she wants to say no. We should not have less parking spaces than apartments. Each apartment should have 2 spaces or the number of units should be used. She understands the desire to reduce asphalt.

Commissioner Williams said the parking study will let us know if their request is feasible. Mr. Bennet confirmed this. Staff will review and approve the request if appropriate.

Commissioner Krueger said not every apartment will have 2 occupants. One and a half spaces is adequate as determined from other complexes.

Mayor Hilligoss invited the representatives to come and share their rationale.

Jay Davoll, Traffic Planning & Design, speaking on behalf of the developer said they were hired to do the parking study. They review standards that are out there. Preliminary findings are 1.6 spaces per unit. Studies are done of actual sites. People will be parked or at home at different times.

Commissioner Howell said visitor parking is needed even if a single person living by themselves doesn't drive.

Deputy Mayor Gibson said we all want to avoid more congestion. He asked about trends that are leading to this request for reduced spaces. Mr. Davoll said more are working remotely that are changing standards. Deputy Mayor Gibson asked how much flexibility a developer has. Mr. Davoll said codes fall behind trends. They can do some adjustments but its difficult.

James Slaton, City Manager, said we have flexibility now in the PDP process.

OPENED PUBLIC HEARING

Juanita Zwaryczuk, resident, said with out good public transit people need cars to go to work. She recommended approving less apartments.

Al Goldstein, resident, said we don't have a good transit system and we need to address the roads. He disagreed with moving forward on this project.

Catherine Price. resident, expressed concern about extra traffic on Chalet Suzanne Road. As more transient people live in apartments more vans may be parked in the complex. She asked about the needed additional services for the additional people.

Hunter Nimmo, KPM Franklin, said they are in talks with Citrus Connection to provide transit. They would lose 50 units to accommodate additional parking. The developer will be paying required impact fees and addressing traffic concerns.

Mr. Bennett reviewed the conditions of approval related to addressing traffic concerns including extending Starr Lake Blvd to help direct some traffic. The current design is better than the original design.

Charlene Bennett, resident, asked if approval can wait until the study is complete.

Nick Everly, Hillpointe, LLC., commended staff for working with them on the design. They are willing to participate in the costs to extend the road. Traffic concerns are everywhere. In their other projects a 1.6 ratio is fine. If the study makes a different recommendation then we can make adjustments.

Catherine Price, resident, agreed that approval should wait until the study is complete. We

should hold firm on current codes.

Nick Everly said the 1.5 ratio is currently in the code.

Juanita Zwaryczuk, resident, encouraged the Commission to say no.

CLOSED PUBLIC HEARING

Commissioner Williams reconfirmed that the proposed parking is currently within code.

Commissioner Krueger said the developer will work out issues with staff.

James Slaton, City Manager, confirmed this and said staff supports this plan as it is less asphalt.

Mayor Hilligoss said he tries to listen and they try to address concerns about design. The developers are trying to address the concerns. The argument is that some just do not want any more development.

Deputy Mayor Gibson said we have to be mindful of property rights. He wants quality development. he approves of the staff's philosophy to hold down congestion. Most issues have been addressed.

Commissioner Krueger made a motion to approve the item. Commissioner Williams seconded the motion.

by roll call vote:

Commissioner Krueger "YES"

Commissioner Williams "YES"

Commissioner Howell "NO"

Deputy Mayor Gibson "YES"

Mayor Hilligoss "YES"

Motion approved 4-1.

- 10.VIII. Preliminary Subdivision Plat Approval / Special Exception Use Permit Approval For A Residential Planned Development Project (PDP) Regis Apartments PUBLIC HEARING – Requirements Have Been Met.

[Begin Agenda Memo]

SYNOPSIS: Charles W. Millar, Jr., authorized agent for owner, is requesting approval of City Commission, of a 272-unit multifamily Preliminary Subdivision Plat and a Special Exception Use Permit for a Residential PDP on approximately 12.1 acres of land north of Chalet Suzanne Road, west of Serenity Boulevard, and east of US Highway 27.

RECOMMENDATION The applicant requests approval of City Commission for a 272-unit multifamily Preliminary Subdivision Plat and Special Exception Use Permit for a Residential PDP, with waivers of strict compliance and conditions of approval.

BACKGROUND General: The subject property, comprising of approximately 12.1 acres of vacant land, is located north of Chalet Suzanne Road, west of Serenity Boulevard, and east of US Highway 27. The project is located along Chalet Suzanne Road, across from Eagle Ridge Mall, directly south of Serenity Apartments, and east of the Shoppes on The Ridge shopping plaza.

The property has a land use designation of RAC Regional Activity Center and zoning designation of C-3. The zoning district permits multifamily through the PDP process and the land use designation, Regional Activity Center, allows up to 30% of lands designated RAC to develop as High Density Residential. Maximum density allowed on the site is calculated at 25 units per gross acre, or 302 dwelling units, under the Comprehensive Plan for RAC Regional Activity Center; a density of 22.48 dwelling units per acre, or 272 dwelling units, is proposed.

The proposed multifamily development is designed as a Planned Development Project (PDP), including requested Waivers of Strict Compliance.

The multifamily development proposes six four-story buildings with a 10,000 square foot clubhouse. Amenities such as a pool, fitness center, and play area may be provided. A full amenity package will be required at Site Development plan submittal. Additionally, the project includes 5.46 acres of open space which is over 45% of the project where 20% is required. Waivers are being requested for some dimensional and area standards.

R-3 Standards per Table 23-422

Minimum Lot Size 12,000 sq. ft.

Minimum Street Frontage 50 feet

Minimum Lot Width at Building Line 100 feet

Minimum Floor Area 650 sq. ft.

Minimum Front Setback 30 feet

Minimum Side Setback 10 feet

Minimum Rear Setback 20 feet

Maximum Lot Coverage 50%

Maximum Building Height 45 feet / 2.5 stories

Dimensional requirements for the R-3 district apply for residential structures in non-residential districts.

Roadways & Access: Entrances to the development are located on Serenity Boulevard and Chalet Suzanne Road. A condition of approval was included to enter into a developer's agreement regarding transportation improvements at the determination of the Administrative Official. Any required off-site improvements will be determined by the review of the traffic study.

Landscaping and Buffering: A landscape plan will be required at Site Development Plan submittal, and will be reviewed and approved by Staff after consultation with the City's horticulturist. The proposed buffer may be a wall or berm, and will be planted with shrubs, canopy trees, and understory trees.

Tree density requirements will be enforced at building permit issuance, pursuant to section 23-307.2.a.2: A minimum of three (3) trees shall be required for each one-quarter ($\frac{1}{4}$;) acre or ten thousand eight hundred ninety (10,890) square feet of land or fraction thereof in the non-residential development.

Along Chalet Suzanne Road, the proposed buffer is 20' wide with a 6' high continuous wall or hedge, and includes one canopy tree and two understory trees every 50 linear feet. A waiver is requested to reduce the parking lot perimeter landscaping width from 25' to 20' along Chalet Suzanne Road. The proposed buffer along Serenity Boulevard is 10' wide with a 6' high continuous wall or hedge, and includes one overstory tree every 50 linear feet. The buffer on the western property boundary adjacent to the shopping plaza requires 5 feet, however, provided is a 10' wide buffer with a 6' high continuous wall or hedge with one overstory tree every 50 linear feet. Another waiver is being requested for the buffer adjacent to Serenity Apartments reducing the parking lot perimeter landscaping from 10' wide to 5' wide. The 5' wide buffer will provide a 6' high continuous wall or hedge and one overstory tree every 50 linear feet.

Recreation & Open Space: The multifamily development provides a clubhouse with a potential building footprint of 10,000 square feet, and lists potential amenities such as a pool, fitness center, and play areas. The clubhouse and amenities overlook 2.87 acres of ponds that will serve as an entrance feature and vista for residents to enjoy. A full amenity package will be required at site development submittal.

OPEN SPACE CALCULATION

Recreation Areas 1.22 acres

Ponds 2.87 acres

Open Space 1.37 acres

TOTAL 5.46 ACRES

More than 45.1% of the overall site will remain as open space, where 20% open space is required at a minimum by code.

Waivers of Strict Compliance: The applicant requests the following Waivers of Strict

Compliance from certain dimensional and area standards:

1. Minimum lot size reduced from the required 819,000 sq. ft. to 527,076 sq. ft.
2. Minimum floor area reduced from the required 650 sq. ft to 550 sq. ft.
3. Maximum lot coverage increased from 50% to 70%
4. Required parking reduced from 544 spaces to 477 spaces.
5. Eliminate the requirement for visitor parking.
6. Parking lot perimeter landscaping reduced from 25 feet to 20 feet along Chalet Suzanne Road.
7. Parking lot perimeter landscaping reduced from 10 feet to 5 feet on the northern boundary, adjacent to Serenity Apartments.

Proposed Superior Design Standards: In exchange for the consideration of the above-mentioned Waivers of Strict Compliance requested, the applicant provided justification within the project narrative delineating the ways in which the plan is superior to a standard subdivision:

“The proposed PDP is superior to a standard subdivision because the project will:

- Preserve and highlight natural features of the property
- Propose a coherent network of streets and paths connected internally and to the surrounding roadways
- Establish discrete and identifiable neighborhood through landscaping and amenities, as well as providing an identity and privacy for residents without isolating from the surrounding community.
- Be consistent with the City's Comprehensive land use plan
- Meet the purpose and intent of the PDP requirements and standards
- Provide a value-added, high-quality multifamily project to the city.
- Meet a housing need and demand
- Increase the City's ad valorem tax base
- Promote and protects the public's health, safety and welfare.”
- Recreation required: 1.19 acres; Recreation provided: 1.22 acres
- Open space required: 20% of site; Open space provided: 45.1% of overall site

Staff Findings 1. The use is compatible with the intentions of Policy I.1.2.2 Regional Activity Center of the City's Comprehensive Plan.

2. This site is located within the City's utility service area and will connect to municipal water and sewer.

3. The development will maximize existing infrastructure investments by connecting to municipal water and sewer.

4. The development may participate in a developer's agreement that would extend Serenity Boulevard, which would provide relief to the Chalet Suzanne and US Highway 27 intersection.

5. Internal and external sidewalk system promotes walkability and bike-ability.

6. The development provides additional inventory to the multifamily housing type within the City.

Recommended Conditions of Approval

7. Staff recommends the following conditions of approval:

a. The project building design shall be in substantial conformance with the submitted elevations.

b. The project site shall be subdivided from the parent parcel prior to site development approval.

c. The traffic study must be approved by the Administrative Official prior to issuance of Site Development Permit.

d. The applicant shall be required to enter into a developer's agreement to address transportation improvements, at the discretion of the Administrative Official. This agreement may include, but are not limited to, items such as improvements to the US Highway 27/Chalet Suzanne Road intersection and/or the extension of Serenity Boulevard.

e. Decorative, dark sky friendly street lighting to minimize glare and reduce light pollution. Street lighting design/type to be approved by the City, and maintained by the developer, owner, or similar managing entity.

f. A tree survey and tree removal/replacement plan will be required at Site Development plan submittal.

g. The Landscaping Plan will be reviewed and approved by Staff and the City's horticulturist during Site Development review.

h. A safety barrier or railing shall be utilized where ponds present safety hazards for pedestrians, to be shown in detail at site development submittal.

OTHER OPTIONS Decline to recommend approval of the preliminary subdivision plat and

PDP.

FISCAL IMPACT Approval of the preliminary plat and PDP would enable the development of this property and the increase in property value. Specifically, estimating an average of \$158,919 in taxable value per unit, it could potentially result in over \$43.2 million in taxable value, and generate over \$292,000 in ad valorem taxes.

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

[End Agenda Memo]

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Commissioner Krueger made a motion to approve this item. Commissioner Howell seconded the motion.

by roll call vote:

Commissioner Krueger "YES"

Commissioner Howell "YES"

Commissioner Williams "YES"

Deputy Mayor Gibson "YES"

Mayor Hilligoss "YES"

Motion passed 5-0.

11. CITY ATTORNEY

Albert Galloway, Jr., City Attorney, said that while some personal property remains on site the contractor has completed their work on the Estes building. The threatened litigation has not materialized.

The Care Center board has approved the agreement concerning the Park Avenue apartment building. That is ready to go as soon as they close on the purchase.

12. CITY MANAGER

12.I. Commission Meeting Calendar

James Slaton, City Manager, said that we have a week off. The next meeting is November 30.

13. CITY COMMISSION COMMENTS

Commissioner Krueger reported on the recent meeting of Florida's Natural stockholders meeting. He shared problems concerning reduced harvest this year. They are in serious trouble.

Commissioner Williams said he hears the concerns but that he trusts City staff. He does bring up issues to the City Manager about what is going on. We are not going to be Winter Haven. Our new housing developments look better than what is over there. WE will have growing pains but growth will benefit Lake Wales in the long run. He thanked those who came out to bring up concerns in a professional manner.

Commissioner Howell said the pier needs to be cleaned off the edges. There is lots of high vegetation. Can we do something?

Commissioner Howell asked about agricultural zoning. Do we have this? James Slaton, City Manager, said the zoning is requested by the applicant. The City does not impose zoning designations. Mr. Bennett said cities don't have agriculture zoning as that could allow farm animals into the City. Mr. Slaton said the real concern is conservation easements.

Commissioner Howell said she has a Housing Authority meeting tomorrow. Did anyone have anything to be brought up.

Deputy Mayor Gibson said things are moving in the right direction as far as the Park Avenue project.

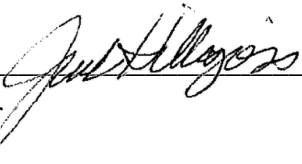
Deputy Mayor Gibson said the Commission puts in a lot of time at the work session and into the issues. Some of these are not easy.

14. MAYOR COMMENTS

Mayor Hilligoss thanked staff for their efforts in working with the public, families and other agencies these past few weeks and keeping the Commission updated.

15. ADJOURNMENT

The meeting was adjourned at 7:45 p.m.



Mayor

ATTEST:

City Clerk