

# City Commission Workshop

## Meeting Minutes

May 11, 2022

(APPROVED)

5/11/2022 - Minutes

### 1. CALL TO ORDER & ROLL CALL

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

**Staff Present:** Joanna Abernathy, Deputy City Manager, Jennifer Nanek, City Clerk, Albert C Galloway, Jr., City Attorney

Mayor Hilligoss called the meeting to order at 2:00 p.m.

### 2. City Manager Comments

Joanna Abernathy, Deputy City Manager, said the budget priority workshop is Wednesday the 18th at 2pm here in the Chambers.

She said the lease renewal for the Boys and Girls Club will be on the next agenda. It is virtually the same except the term will be longer.

The kayak and paddleboard lockers will be installed by Friday. There will be a ribbon cutting scheduled soon.

### 3. Appointment - Charter Schools Representative

Mayor Hilligoss said he has discussed the process for this for the City Attorney and reviewed the charter. There are 2 sections of the charter that apply to this. Under Functions and Powers of Mayor Section e) says *The mayor in conjunction with the city commissioners, will make appointments to the various citizen advisory and regulatory boards, commissions, committees and authorities. Each of the commissioners may suggest individuals for appointment and the appointments will be made by the mayor with the advice and consent of the city commission* Section f) says *(f) The mayor shall appoint members of the city commission to serve on other committees and boards including boards composed of members from other governmental jurisdictions.*

Albert Galloway, City Attorney, said this appointment would fall under Section f) and not the provisions of section e).

Mayor Hilligoss said he reviewed the Charter School bylaws and the precedent set by Mayor Fultz who appointed a citizen instead of a commissioner last time. Commissioner Howell said that Commissioners did not want to serve. Jennifer Nanek, City Clerk, said that Mayor Fultz stepped down from serving himself as it created a conflict of interest during votes related to the Charter Schools. Deputy Mayor Gibson said that was when we sold property to the Charter Schools. He resigned as their attorney for 6-7 months. Mayor Hilligoss said that would be a rare occurrence. Mr. Galloway advised that the Mayor give preference to a Commissioner to serve on the board. Mayor Hilligoss said this a unique authority for the elected Mayor to

have. Deputy Mayor Gibson said he assisted crafting the language in both documents.

Commissioner Krueger said it seems as if the Mayor has the prerogative to appoint this on his own.

Commissioner Howell said she did not like how this was handled previously where the member was appointed without discussion. She thought the Charter Schools wanted a City person on their board. She asked if the Charter School Board can say yes or no? Deputy Mayor Gibson said the by-laws were changed asking the city to nominate someone. We need consensus on this. Most appointments are by the mayor with consent of the commission. There's been too much division in the schools as it is. We badly need to help heal this situation.

Mayor Hilligoss said this is a difficult issue. He said he would like to offer a compromise. He is willing to nominate a commissioner if one wants to do it. If the Commissioner is not accepted then he will nominate a citizen. He would prefer to have consent. Mr. Galloway said that would be a good way to approach it. Mayor Hilligoss said several people have expressed interest. Mayor Hilligoss asked Commissioners to submit names for consideration. Citizens can submit their names to the City Clerk.

Deputy Mayor Gibson said its now a nomination according to the Charter School by-laws. Mr. Galloway said if our nominee is rejected then we start the process over.

Commissioner Krueger asked if the Charter Schools bylaws can be in conflict with our charter. Mr. Galloway said they are a separate governmental entity. Their bylaws don't conflict with ours. Deputy Mayor Gibson said the Charter School board determines its membership. They don't want the City to impose someone they do not want. He asked that we pick someone to help with the division.

#### 4. Appointment Of An Alternate To The Polk Regional Water Cooperative

There was discussion and consensus to appoint Deputy Mayor Robin Gibson as the alternate to the Polk Regional Water Cooperative. Deputy Mayor Gibson agreed to serve in this role.

#### 5. ORDINANCE 2022-17 First Reading Repealing And Reenacting Subsections (A) And (B) Of Section 20-3 Of The City's Code Of Ordinances Dealing With Obstruction Of Public Streets, Highways And Roads, Which Cited Sections Allegedly Run Afoul Of The Constitution's First Amendment Free Speech Provisions

[Begin Agenda memo]

##### **SYNOPSIS:**

On April 18, 2022, the City received correspondence from Southern Legal Counsel asserting that § 20-3 of the Lake Wales Code of Ordinances runs afoul of the free speech provisions of the United States Constitution. The letter cites numerous recent cases which have found Code provisions similar to those of the City which are unconstitutional.

**RECOMMENDATION:** That the City Commission adopt Ordinance 2022-17 to rescind and replace Subsections (a) and (b) of § 20-3 of the Lake Wales Code of Ordinances with language which will not impact free speech as alleged.

**FISCAL IMPACT:** None.

[End Agenda Memo]

Albert Galloway, City Attorney, reviewed this item.

Commissioner Howell confirmed that a person can walk up to another and beg and that is not against the law. Mr. Galloway said that is correct. It is a free speech issue. He reviewed the history of court decisions on this. There is no easy way to accomplish this. Commissioner Howell asked about a right to their space.

Mr. Galloway said that is an area to look into. This issue is common throughout the state.

Mayor Hilligoss asked about a concern brought up previously about people in the median on the highway. Mr. Galloway said that could be addressed by having specifics about when and where. Commissioner Williams said people out on SR 60 is frequent. There are often accidents out there. Mr. Galloway said a study could be done and data could be collected to support the need for this restriction.

6. Lease Purchase Of A 2022 F150

[Begin Agenda Memo]

**SYNOPSIS:** Staff is requesting Commission approval to lease purchase one utility vehicle to be added to the city's Master Lease Agreement.

**RECOMMENDATION** It is recommended that the City Commission take the following actions: 1. Approve the sixty month lease of one 2022 Ford F150 4X4 pickup truck. 2. Authorize the City Manager to execute the necessary documents on behalf of the city.

**BACKGROUND** This vehicle is an emergency replacement of a 2014 F250 which is out of service and would need a new engine. The current F250 was scheduled to be replaced during the 2023-24 budget year. This vehicle will be used to respond to medical emergencies. The vehicle will be equipped with all necessary emergency lighting and communication devices.

**OTHER OPTIONS** Purchase the vehicle out right at a cost of \$61,835.

**FISCAL IMPACT** The lease purchase would consist of sixty monthly payments of \$1,183.

[End Agenda Memo]

Joanna Abernathy, Deputy City Manager, reviewed this item.

7. Approval Of The Florida Midland Railroad Lease

[Begin Agenda Memo]

**SYNOPSIS:**

Staff seeks commission approval to enter into two railroad right-of-way lease agreements associated with the Northwest Watermain Extension project.

**STAFF RECOMMENDATION**

It is recommended that the City Commission: 1) Approve the two railroad right-of-way lease agreements associated with the Northwest Watermain Extension project.

2) Authorize the Mayor to execute the lease agreements on the City's behalf.

**BACKGROUND** The Northwest Watermain Extension project consists of extending a larger water main from Water Treatment Plant #1 (WTP #1) to various locations in the City's northwest utility service area. The extension of a larger water main allows for additional volume, which provides increased fire protection. In order for staff to be able to complete this installation, there are two sets of railroad right-of-ways that have to be crossed. The first crossing is located on First Street, between Dorsett Avenue and Seminole Ave. The second crossing is located on Lincoln Avenue between A Street and East Street. The Commission initially approved both lease agreements at the January 18, 2022 commission meeting. Upon approval, staff sent all the required documentation to the Florida Midland representative for final execution. It was at this time the

Florida Midland Representative realized the City was quoted the wrong yearly lease amount per agreement, making it necessary for staff to bring back the new agreements with the correct lease amount for authorization. The original agreements quoted each lease payment at \$350.00 per lease, when in actuality it is \$700.00 per lease. The explanation given from the Florida Midland Representative was that they were looking at the wrong area map when they were filling out the agreement for the City. Staff recommends the commission take the following action; authorize the Mayor to execute the lease agreements on the City's behalf.

**OPTIONS** None. If the commission chooses not to approve the lease agreements, the Northwest Watermain Extension project will not be able to move forward. All routes leading to the northwest service area requires crossing the railroad right of way.

#### **FISCAL IMPACT**

There are \$2,800.00 in fees associated the first year's lease payment with the initial set-up of each lease agreement. The cost of the lease thereafter is \$ 700.00 paid annually per lease, totaling \$1400 per year. The water division would budget this expense in the annual budget going forward.

[End Agenda Memo]

Joanna Abernathy, Deputy City Manager, reviewed this item.

Commissioner Howell asked about inconsistencies in amounts for leases. Some are \$350, some are \$700. Sarah Kirkland, Utilities Director, said the railroad was looking at a different city and line and gave us the wrong amounts. Commissioner Howell asked if we can avoid the tracks. Ms. Kirkland said any direction we go will cross the railroad tracks. Commissioner Howell asked if the tracks that don't go anywhere can be pulled up. Ms. Kirkland said no.

#### 8. RESOLUTION 2022-17 DW53037 Northwest Water Main Extension

[Begin Agenda Memo]

**STAFF RECOMMENDATION** Staff recommends the City Commission take the following action: 1. Adopt Resolution 2020-17 Northwest Watermain Extension project

**BACKGROUND** The main purposes of the Northwest Watermain Extension project is to replace existing water main that has reached the end of its useful service life and to improve fire flow capabilities in the area. The City of Lake Wales authorized CHA Engineering to prepare construction plans and specifications to extend a larger water main to the Northwest section of town. The project consist of the installation of approximately 5,450 LF of 12" C900 PVC Water Main between East Sessoms Avenue and the intersection of Washington Avenue and E street areas. The water main will be parallel to N 1st Street, Dr. JA Wiltshire Avenue, B Street and Washington Avenue. The project was bid and awarded and is now at the next step in the process for funding.

A request for inclusion was submitted to SRF as a part of the request for funding. The City's request was approved and placed on the SRF funding list that was announced on February 23, 2022. The next step in the process is to submit the application, an adopted resolution, letter of legal opinion and all other accompanying documentation as required. The resolution states, the Florida Administrative Code rules require authorization to apply for loans, to establish pledged revenues, to designate an authorized representative; to provide assurances of compliance with loan program requirements; and to enter into a loan agreement. Staff is recommending the City Commission adopt Resolution 2022-17 Northwest Watermain Extension.

**OPTIONS** None. Without the adoption of Resolution 2022-17, the City would not be eligible to apply or receive SRF funds for the construction of this project.

**FISCAL IMPACT** Contracts have been award for the construction of this project. The total for the construction and the associated construction phase services approved by SRF is \$2,549,100.00. This project also qualifies for loan forgiveness of \$501,630.00. Once the contract is received from SRF, it will be brought back before this Commission for approval.

[End Agenda Memo]

Joanna Abernathy, Deputy City Manager, reviewed this item.

9. RESOLUTION 2022-18 WW53036 Septic To Sewer Conversion With Forcemain Extension

[Begin Agenda Memo]

**STAFF RECOMMENDATION** Staff recommends the City Commission take the following action: 1. Adopt Resolution 2020-18 Septic to Sewer Conversion with Forcemain Extension project

**BACKGROUND** As part of serving the residents of the City of Lake Wales, and expanding the existing wastewater system, the City frequently looks for opportunities to extend sewer service to unsewered areas within the city's service boundary. The Hillcrest Avenue and Grove Avenue project is located in the southern part of the City of Lake Wales and includes 1,250 LF of 8" PVC gravity sewer and 3,300 LF of 6" PVC force main. The purpose of this project is to switch residential houses from septic to public gravity sewer and route the flow to an existing lift station. This project also includes an extension connecting to an existing 16" force main south along US 17 from Grove Avenue to a planned development Parcel 27301100000022060. This force main would be within the Right of Way with no easements required. Design of this extension would include open cut and directional drill of the force main across roadways.

The Del Ombre project is located in the eastern part of the City of Lake Wales and includes 2,750 LF of 6" force main, 2,600 LF of 8" force main, 1,000 LF of 10" force main, 1,200 LF of 8" gravity sewer line, 7 manholes, and a pump station. The purpose of this project is to switch approximately 22 homes along Del Ombre Circle from septic to public gravity sewer, to extend the force main northerly along Buck Moore Road past the Sunset Drive and Buck Moore Road intersection to a proposed lift station, and to extend the force main easterly on Sunset Drive to Evergreen Drive. It is expected for two single-family developments to flow to the new lift station and one single-family development to connect to the extended force main on Sunset Drive. The project was bid and awarded and is now at the next step in the process for funding.

A request for inclusion was submitted to SRF as a part of the request for funding. The City's request was approved and placed on the SRF funding list that was announced on February 23, 2022. The next step in the process is to submit the application, an adopted resolution, letter of legal opinion and all other accompanying documentation as required. The resolution states, the Florida Administrative Code rules require authorization to apply for loans, to establish pledged revenues, to designate an authorized representative; to provide assurances of compliance with loan program requirements; and to enter into a loan agreement. Staff is recommending the City Commission adopt Resolution 2022-18 Septic to sewer Conversion with Forcemain Extension

**OPTIONS** None. Without the adoption of Resolution 2022-18, the City would not be eligible to apply or receive SRF funds for the construction of this project.

**FISCAL IMPACT** Contracts have been award for the construction of this project. The total for the construction and the associated construction phase services approved by SRF is \$2,947,895. Once the contract is received from SRF, it will be brought back before this Commission for approval.

[End Agenda Memo]

Joanna Abernathy, Deputy City Manager, reviewed this item.

10. Ordinance 2022-12 Annexation – 1st Reading And Public Hearing 10.02 Acres Of Land North Of Linda Street And East Of Tangelo Street

[Begin Agenda Memo]

**SYNOPSIS:** Ordinance 2022-12 proposes the voluntary annexation of approximately 10.02 acres of land north of Linda Street and 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 2022-12 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** The Murphy Family petitioned annexation into the corporate city limits of Lake Wales on March 19, 2022. "Attachment A" to the ordinance shows the property's location. It is contiguous to the City Limits along 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 \$82,171, which would bring in additional property taxes. Additionally, the approval of the annexation would allow the applicant to assemble a tract of land for potential development.

[End Agenda Memo]

Autumn Cochella, Assistant Director of Development Services, reviewed this item.

Deputy Mayor Gibson asked where commercial areas are. Ms. Cochella showed on the screen where the area is and nearby commercial activity.

11. ORDINANCE D2022-11 Future Land Use Amendment For 10.02 Acres Of Land North Of Linda Street And East Of Tangelo Street

[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 10.02 acres of land.

#### **RECOMMENDATION**

Approval at first reading, and adoption at second reading, following a public hearing to re-assign to re-assign the following land use designation, as recommended by the Planning and Zoning Board at a regular meeting on April 26, 2022: Current Land Use: Polk County Residential Suburban (RS) Proposed Land Use: LDR

**BACKGROUND** The subject property is located north of Linda Street and east of Tangelo Street. This parcel is adjacent to city limits on its western boundary and is located approximately one mile south of Walmart. The owners petitioned annexation into the corporate city limits of Lake Wales on March 19, 2022 and have requested that the annexation, land use amendment, and zoning amendment be presented together. There are no immediate development plans for this parcel. However, if development is contemplated for this property, the developer or owner would be required to engage in conversations with the City to discuss development processes. A Land Use designation of LDR is appropriate with existing land use to the west and compatible with the existing county development to the south.

**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** Re-assignment would enable the development of this property and the potential increase

in property value.

[End Agenda Memo]

Autumn Cochella, Assistant Director of Development Services, reviewed this item.

12. Ordinance D2022-12 Zoning Map Amendment For 10.02 Acres Of Land North Of Linda Street And East Of Tangelo Street

[Begin Agenda Memo]

**SYNOPSIS:** Ordinance 2022-12 proposes the voluntary annexation of approximately 10.02 acres of land north of Linda Street and 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 2022-12 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** The Murphy Family petitioned annexation into the corporate city limits of Lake Wales on March 19, 2022. "Attachment A" to the ordinance shows the property's location. It is contiguous to the City Limits along 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 \$82,171, which would bring in additional property taxes. Additionally, the approval of the annexation would allow the applicant to assemble a tract of land for potential development.

[End Agenda Memo]

Autumn Cochella, Assistant Director of Development Services, reviewed this item.

13. ORDINANCE 2022-13 Annexation – 1st Reading And Public Hearing 23.66 Acres Of Land South Of Passion Play Road And West Of 11th Street South

[Begin Agenda Memo]

**SYNOPSIS:** Ordinance 2022-13 proposes the voluntary annexation of approximately 23.66 acres of land south of Passion Play Road and west of 11th Street South, and contiguous to the incorporated City limits.

**RECOMMENDATION** Staff recommends approval at first reading, and adoption after second reading of Ordinance 2022-13 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** The McKenna Family petitioned annexation into the corporate city limits of Lake Wales on November 11, 2021. "Attachment A" to the ordinance shows the property's location. It is contiguous to the City Limits along its northern and eastern boundaries.

[End Agenda Memo]

Autumn Cochella, Assistant Director of Development Services, reviewed this item.

14. Ordinance D2022-09 Future Land Use Amendment For 23.66 Acres Of Land South Of Passion Play Road And West Of 11th Street South

[Begin Agenda Memo]

**SYNOPSIS:** The McKenna Family requests approval of City Commission to amend the Future Land Use Map of the Comprehensive Plan on parcels of land totaling approximately 23.66 acres.

**RECOMMENDATION** Approval at first reading, and adoption at second reading, following a public hearing to reassign to re-assign the following land use designations, as recommended by the Planning and Zoning Board at a regular meeting on April 26, 2022: Current Land Use: Polk County Residential Suburban (RS) Proposed Land Use: LDR & NAC

**BACKGROUND** The subject property is located west of 11th Street South, south of Passion Play Road, and north of Hunt Brothers Road. This parcel is adjacent to city limits on its eastern and northern boundaries and is located south of the Congregation of Jehovah's Witness.

The owners petitioned annexation into the corporate city limits of Lake Wales on November 11, 2021 and has requested that the annexation, land use amendment, and zoning amendment be presented together. There are no immediate development plans for this parcel. However, if development is contemplated for this property, the developer or owner would be required to engage in conversations with the City to discuss development processes. Approximately 10 acres in the northwestern portion of the site, along Passion Play Road, will have a land use designation of LDR (Low-Density Residential). The remaining 13.66 acres of the site along 11th Street South and Hunt Brothers Road will have a land use designation of NAC (Neighborhood Activity Center). Neighborhood commercial uses at the corner of 11th Street South and Hunt Brothers Road provides a transition from the existing residential homes on the west from the industrial lands to the east. It will also provide support commercial uses for the growing residential communities in the surrounding areas north of the site. The portion designated as low-density residential is compatible with the assigned land use and zoning north of Passion Play Road.

#### 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** Re-assignment would enable the redevelopment of this property and the potential increase in property value.

[End Agenda Memo]

Autumn Cochella, Assistant Director of Development Services, reviewed this item.

15. ORDINANCE D2022-10 Zoning Map Amendment For 23.66 Acres Of Land South Of Passion Play Road And West Of 11th Street South

[Begin Agenda Memo]

**SYNOPSIS:** The McKenna Family requests approval of City Commission to amend the Zoning Map on parcels of land totaling approximately 23.66 acres.

**RECOMMENDATION** Approval at first reading, and adoption at second reading, following a public hearing to re assign to re-assign the following zoning designation, as recommended by the Planning and Zoning Board at a regular meeting on April 26, 2022: Current Zoning: Polk County Residential Suburban (RS) Proposed Zoning: R-1A & C-4

**BACKGROUND** The subject property is located west of 11th Street South, south of Passion Play Road,



and north of Hunt Brothers Road. This parcel is adjacent to city limits on its eastern and northern boundaries and is located south of the Congregation of Jehovah's Witness.

The owners petitioned annexation into the corporate city limits of Lake Wales on November 11, 2021 and has requested that the annexation, land use amendment, and zoning amendment be presented together.

There are no immediate development plans for this parcel. However, if development is contemplated for this property, the developer or owner would be required to engage in conversations with the City to discuss development processes.

Approximately 10 acres of land on the northwestern portion of the site, along Passion Play Road, will have a zoning designation R-1A, allowing the least intensive residential zoning district. The remaining 13.66 acres of the site, along 11th Street South and Hunt Brothers Road, will have a zoning designation of C-4. The portion zoned for residential is compatible with the existing homes along Hunt Brothers Road and the lands zoned residential to the north. Neighborhood commercial uses at the corner of 11th Street South and Hunt Brothers Road provides a transition from the existing residential homes on the west from the industrial lands to the east. It will also provide support commercial uses for the growing residential communities in the surrounding areas north of the site.

#### CODE REFERENCES AND REVIEW CRITERIA

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

**FISCAL IMPACT** Re-assignment would enable the redevelopment of this property and the potential increase in property value.

[End Agenda Memo]

Autumn Cochella, Assistant Director of Development Services, reviewed this item.

16. Ordinance D2022-15 First Reading And Public Hearing Future Land Use Amendment For 15.98 Acres Of Land North Of State Road 60 E. And East Of Evergreen Drive

[Begin Agenda Memo]

**SYNOPSIS:** Trinity Baptist Church requests approval of City Commission to amend the Future Land Use Map of the Comprehensive Plan on approximately 15.98 acres of land.

**RECOMMENDATION** Approval at first reading, and adoption at second reading, following a public hearing to re-assign to re-assign the following zoning designation, as recommended by the Planning and Zoning Board at a regular meeting on April 26, 2022: Current Land Use: Polk County Residential Suburban (RS) Proposed Land Use: LDR

**BACKGROUND** The subject property is located north of State Road 60 E. and east of Evergreen Drive, and known as the location for Trinity Baptist Church.

The owner petitioned annexation into the corporate city limits of Lake Wales on January 11, 2022 and was officially annexed on April 6, 2022.

The landowner contemplates selling off a portion of his land for development. The applicant has requested a land use designation of MDR-Medium Density Residential and zoning designation of R-3 to give the potential buyer flexibility for development. However, the Planning and Zoning Board, at a regular meeting on April 26, 2022, has recommended a land use of LDR Low-Density Residential and zoning designation of R-2.

A Land Use designation of LDR achieves the least intensive density and is compatible with the surrounding area as the property is surrounded by existing residential development on three sides.

#### 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]

Autumn Cochella, Assistant Director of Development Services, reviewed this item.

Deputy Mayor Gibson brought up strategic density and said fewer living there means that more encroachment goes out beyond the city. Ms. Cochella said it needs to fit with surrounding areas. Deputy Mayor Gibson said that there is no connection with the Country Club. Ms. Cochella said the residents in the area, not City residents were concerned about the development so the planning board recommended something less intense. The pastor of the church had no comments about the change.

Commissioner Krueger asked about strategic density. Deputy Mayor Gibson explained it that putting more residents in the City and not the country. This was discussed. Ms. Cochella said this is addressed in our comp plan.

17. ORDINANCE D2022-16 First Reading And Public Hearing - Zoning Map Amendment For 15.98 Acres Of Land North Of State Road 60 E. And East Of Evergreen Drive

[Begin Agenda Memo]

**SYNOPSIS:** Trinity Baptist Church requests approval of City Commission to amend the Zoning Map on approximately 15.98 acres of land.

**RECOMMENDATION** Approval at first reading, and 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 April 26, 2022: Current Zoning: Polk County Residential Suburban (RS) Proposed Zoning: R-2

**BACKGROUND** The subject property is located north of State Road 60 E. and east of Evergreen Drive, and known as the location for the Trinity Baptist Church.

The owner petitioned annexation into the corporate city limits of Lake Wales on January 11, 2022 and was officially annexed on April 6, 2022.

The landowner contemplates selling off a portion of the land for development. The applicant has requested a land use designation of MDR-Medium Density Residential and zoning designation of R-3 to give the potential buyer flexibility for development. However, the Planning and Zoning Board, at a regular meeting on April 26, 2022, has recommended a land use of LDR Low-Density Residential and zoning designation of R-2.

A zoning designation of R-2 would be compatible with the surrounding area as the property is surrounded by single-family and two-family dwellings, which are permitted housing types in this zoning district.

**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]

Autumn Cochella, Assistant Director of Development Services, reviewed this item.

18. ORDINANCE D2022-17 First Reading And Public Hearing - Zoning Map Amendment For 195.23 Acres Of Land North Of Chalet Suzanne Road And East Of US Highway 27

[Begin Agenda Memo]

**SYNOPSIS:**

Hillpointe LLC, authorized agent for owner, requests approval of City Commission to amend the Zoning Map on approximately 195.23 acres of land.

**RECOMMENDATION** Approval at first reading, and adoption at second reading, following a public hearing to re-assign to re-assign the following zoning designation, as recommended by the Planning and Zoning Board at a regular meeting on April 26, 2022: Current Zoning: R-1B Proposed Zoning: R-3

**BACKGROUND** The subject property is located north of Chalet Suzanne Road and east of US Highway 27. This parcel is adjacent to the Serenity Apartments and north of the Eagle Ridge Mall.

Approximately 14.42 acres of the parcel, south of the Serenity Apartments along Chalet Suzanne Road, is zoned C-3 and will remain unchanged. The remainder 195.23 acres is the subject portion of property that is requesting to be rezoned.

A portion of the site is contemplated for multifamily development; however, plans have not yet been submitted for review. Plans for a multifamily residential development will require a Planned Development Project that would be presented to Planning Board for recommendation to City Commission.

A Zoning designation of R-3 is appropriate as adjacent property to the east is zoned R-3. The zoning designation serves as a more appropriate transitional zoning from commercial to the west and residential to the east.

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

**FISCAL IMPACT** Re-assignment would enable the redevelopment of this property and the potential increase in property value.

[End Agenda Memo]

Autumn Cochella, Assistant Director of Development Services, reviewed this item. Deputy Mayor Gibson said this is a good example of strategic density.

19. Forest Lake - Preliminary Subdivision Plat Approval / Special Exception Use Permit Approval For A Residential Planned Development Project (PDP)

[Begin Agenda Item]

**SYNOPSIS:** Charles Millar, authorized agent for owners, is requesting approval of City Commission, of a 295-lot single-family Preliminary Subdivision Plat and a Special Exception Use Permit for a Residential

PDP on approximately 97.35 acres of land south of Chalet Suzanne Road and east of US Highway 27.

**RECOMMENDATION** The applicant requests approval of City Commission of a 295-lot single-family Preliminary Subdivision Plat and Special Exception Use Permit for a Residential PDP, with waivers of strict compliance and conditions of approval, as recommended by the Planning and Zoning Board at a special meeting on April 12, 2022.

**BACKGROUND** General: The subject property, comprising of approximately 97.35 acres of vacant land, is located south of Chalet Suzanne Road and east of US Highway 27. The project is located in between Eagle Ridge Mall and Carlsberg Estates, just south of the Preserve Apartments.

The property owner petitioned annexation of 0.16 acres into the corporate city limits of Lake Wales on December 2, 2021 and was officially annexed on February 15, 2022. The remainder of the project was in the existing corporate city limits. At a regular meeting on February 22, 2022, the Planning Board made a recommendation of approval to City Commission to reassign a zoning designation of R-3, and a future land use designation of MDR medium-density residential at a maximum of 12 units per gross acre. An approval of the PDP shall be contingent upon approvals of reassigning land use and zoning designations by City Commission.

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

Maximum density allowed on the site is calculated at 12 units per gross acre, or 1,168 dwelling units, under the Comprehensive Plan for MDR Medium-Density Residential; a density of only 3.03 dwelling units per acre, or 295 dwelling units, is proposed.

**PROPOSED LOT TYPES:**

40' Wide Lots 91 units

50' Wide Lots 138 units

Townhome Lots 66 units

TOTAL 295 units

The development proposes 40'-wide and 50'-wide single-family lots, along with townhomes at a minimum of 20 feet wide. In addition, the development provides a 0.52- acre commercial area to accommodate support uses for the community. All lots will meet the minimum floor area and maximum lot coverage required. Waivers are being requested for all other R-3 dimensional and area standards.

R-3 Standards per Table 23-422

Zoning Dwelling Type Minimum Lot Size (sq. feet)<sup>9</sup> Minimum Street Frontage (feet)<sup>1</sup> Minimum Lot Width at building line (feet) Minimum Floor Area (sq feet)<sup>2</sup> Minimum Setbacks\* Principal Buildings (feet) Maximum Lot Coverage 8 (percent) Maximum Building Height Front 3 Side 4 Rear 5 feet stories

R-3 Single-family 7,500 50 75 1,000 25 10 15 40 35 2&1/2;

**Proposed Standards**

*Roadways & Access:* Primary access to the development will be on Chalet Suzanne Road with a secondary access on Hickory Hammock Road. Five-foot-wide sidewalks will be constructed on both sides of interior streets. An exterior sidewalk shall be constructed on Chalet Suzanne Road along the project boundary.

*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.

A 10' wide buffer with a minimum of trees every 50 linear feet and a screening shrub is proposed along Hickory Hammock Road. A 5' buffer with sod and trees every 50 linear feet is proposed where the development abuts the existing county subdivision to the southeast. For Chalet Suzanne Road, a 20' wide buffer is provided with two understory trees in place of one canopy tree due to overhead utilities. The two understory trees in place of one overstory tree shall be clustered at every 50 linear feet to provide shading for pedestrians.

In place of the relocated buffer due to the wetland area it abuts, the City's horticulturist has provided a buffer alternative to buffer the roadway from the wetland area.

*Recreation & Open Space:* The overall development provides an amenity center and 1.39 acres of active recreation. Potential amenities include a club house, pool, walking pads, and a boardwalk. The site is constrained by wetland areas, and is designed to minimize the impacts to these areas. The conservation of wetland areas provides the opportunity to focus on open areas and creating visual relief, along with interactive amenities where possible. Any impacts to environmentally sensitive areas are required to be mitigated by standards of the Southwest Florida Water Management District (SWFWMD).

More than 26.8% 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:

Required R-1A Standards 40' wide lots 50' wide lots 20' wide interior townhomes 30' wide exterior townhomes

Minimum lot size 7,500 sq. ft. 4,800 sq. ft. 6,000 sq. ft. 2,400 sq. ft. 3,600 sq. ft.

Minimum street frontage 50 feet 40 feet N/A 20 feet 30 feet

Minimum lot width at building line 75 feet 40 feet 50 feet 20 feet 30 feet

Front building setback 25 feet 20 feet 20 feet 20 feet 20 feet

Side building setback 10 feet 5 feet 5 feet 0 feet 5 feet

Functional corner-side setback 25 feet 15 feet 15 feet 15 feet 15 feet

Maximum lot coverage 40% 60% 60% 60% 60%

Allow the neighborhood park to be further than 600 feet from some lots it serves.

*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 Forest Lake PDP intends to be a mixed-use project with townhouses, single-family

homes, and a commercial component which will become a value-added asset to the City of Lake Wales and Polk County. The project will preserve and highlight the natural features of the property; incorporating existing trees, wetlands, ponds, natural topographic variation, and proposed storm water retention areas into the site layout showcasing them as design features for common enjoyment. It will establish discrete and identifiable neighborhoods, providing a basis for varied landscaping and amenities. A coherent network of streets and paths is proposed to connect internal and surrounding roadways. Forest Lake provides an identity and privacy for future residents, but does not create a development that is isolated from the surrounding community. Additionally, the project will provide recreation and open space in excess of the minimum standards.”

- Recreation required: 1.29 acres; Recreation provided: 1.39 acres
- Open space required: 20% of site; Open space provided: 26.8% 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 lines.
4. Internal and external sidewalk system promotes walkability and bike-ability.
5. Lot sizes are reduced to minimize the area of land consumed for new development.
6. The development provides a commercial component to allow support uses for the community and reduce dependency on vehicles for short trips.

#### *Recommended Conditions of Approval*

7. Staff and Planning and Zoning Board recommends the following conditions of approval:
  - a. Fences shall be setback a minimum of 15 feet behind the front building expression line.
  - b. Housing shall adhere to the City's anti-monotony standards.
  - c. Landscape Plan is required at Site Development plan submittal and will be reviewed and approved by Staff and the City's horticulturist.
  - d. 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 HOA.
  - e. Garages for the single-family homes shall be setback a minimum of 25 feet and recessed from the front building expression line unless oriented away from the street.
  - f. Staggered front building setbacks at a minimum of two feet difference between adjacent lots for the single-family homes.
  - g. Mechanical equipment shall be located at the rear of the home and not permitted within side yards for all lots in the development.
  - h. The traffic study must be approved by the Administrative Official prior to issuance of Site Development Permit.

i. The conservation buffer, as suggested by the City's Horticulturist, shall be implemented along the wetland area along Chalet Suzanne Road, and refined at Site Development Review.

j. A sidewalk along Chalet Suzanne Road shall be built along the project boundary.

k. Tract OS-3 shall remain open and unobstructed for pedestrian accessibility.

l. The development shall enter into a utility capacity queue agreement.

m. Approval of the Residential PDP is contingent upon the Department of Economic Opportunity's approval for the land use amendment, and the approval of the land use and zoning amendment by City Commission.

8. Staff recommends the following plan revisions:

a. On the cover, under project narrative, the lot count for single-family dwellings shall be adjusted from 224 to 229.

b. On sheet C2.02, the lot counts need to be corrected for 40' and 50' lots.

c. The unit next to the amenity center needs to be adjusted to reflect a 50' lot.

d. Waivers show minimum townhome frontage as 18', same as under minimum lot size – both places need adjusted to reflect the plans that show 20' in width.

e. On sheet C2.01, the listed FLU is RAC, this shall be changed to MDR.

f. Please show garage setbacks of 25' on the typical lot layouts.

g. Show typical interior and corner lot landscaping in addition to the street tree plan provided.

h. Adjust the landscaping buffer along Chalet Suzanne for the wetland portion to reflect the city's horticulturist's proposed buffer.

**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 over \$59 million in taxable value, and generate over \$399,000 in ad valorem taxes. \*Adjusted values for potential homesteaded properties have not been factored into this estimate.

[End Agenda Memo]

Autumn Cochella, Assistant Director of Development Services, reviewed this item.

Deputy Mayor Gibson asked about the non-residential part along Chalet Suzanne Road. What will it be? Ms. Cochella said neighborhood commercial to support the residential areas.

20. Jewel Ridge - Preliminary Subdivision Plat Approval / Special Exception Use Permit Approval For A Residential Planned Development Project (PDP) - Public Hearing

[Begin Agenda Memo]

**SYNOPSIS:** Shelton T. Rice, authorized agent for owner, is requesting approval of City Commission, of a 172-lot single-family Preliminary Subdivision Plat and a Special Exception Use Permit for a Residential

PDP on approximately 43.4 acres of land north of Post Salter Road and east of 11th Street South.

**RECOMMENDATION** Applicant requests approval of City Commission of a 172-lot single-family Preliminary Subdivision Plat, and a Special Exception Use Permit for a Residential PDP, with waivers of strict compliance and conditions of approval, as recommended by Planning and Zoning Board at a special meeting on April 12, 2022.

**BACKGROUND**

General: The 43.4-acre vacant cropland is located north of Post Salter Road and east of 11th Street South. The parcels are located south of the Orange Grove Shopping Center, east of the Whispering Ridge subdivision, and west of the proposed Hunt Club Grove North subdivision.

The property is within the corporate city limits of Lake Wales and has an existing land use designation of LDR low-density residential, allowing a maximum of 5 units per gross acre, with an existing zoning designation of Residential R-1A.

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

Maximum density allowed on the site is calculated at 5 units per gross acre, or 217 dwelling units, under the Comprehensive Plan for LDR Low-Density Residential; a density of 3.96 dwelling units per acre, or 172 dwelling units, is proposed.

The project provides a range of lot sizes from 5,170 square feet to 6,820 square feet. The 62' wide lots are located along 11th Street South, 52' wide lots are located along the remainder project boundaries, and 42' wide lots are provided as interior lots of the subdivision.

The 52' wide lots and 62' wide lots meet minimum street frontage, minimum floor area, and maximum lot coverage. The 42' wide lots meet the minimum floor area and maximum lot coverage. Waivers are being requested for all other R-1A dimensional and area standards.

**R-1A Standards per Table 23-422**

Zoning Dwelling Type Minimum Lot Size (sq. feet) 9 Minimum Street Frontage (feet) 1 Minimum Lot Width at building line (feet) Minimum Floor Area (sq feet) 2 Minimum Setbacks\* Principal Buildings (feet) Maximum Lot Coverage 8 (percent) Maximum Building Height Front 3 Side 4 Rear 5 feet stories

R-1A Single-family 12,000 50 85 1,500 30 10 20 40 35 2&1/2;

**Proposed Standards** 47' wide lots 52' wide lots 62' wide lots

Minimum lot size 5,170 sq. ft. 5,720 sq. ft. 6,820 sq. ft.

Minimum street frontage 47 feet 52 feet 62 feet

Minimum lot width at building line 47 feet 52 feet 62 feet

Minimum floor area 1,200 sq. ft. 1,350 sq. ft. 1,500 sq. ft.

Front building setback 20 feet 20 feet 20 feet

Side building setback 5 feet 5 feet 5 feet

Rear building setback 10 feet 10 feet 10 feet



Functional corner-side setback 20 feet 20 feet 20 feet

Maximum lot coverage 60% 60% 60%

The applicant had requested a minimum floor area of 1,100 square feet and maximum lot coverage of 70% for all lots. Staff supports the recommendation from Planning Board for the above listed minimum floor areas and maximum lot coverage.

*Roadways & Access:* Two entrances are located on 11th Street South to serve the development. A 5' wide concrete sidewalk is proposed along 11th Street South and on both sides of the internal roadways. Additional right-of-way will be dedicated to the city for Hamlin Road and Post Salter Road. The developer has provided a future stub connection to Hamlin Road for future extension of Hamlin Road.

*Landscaping and Buffering:* The conceptual landscape plan has been reviewed and approved by City Staff and 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 site plans for this project were submitted prior to the changes to residential tree density requirements (Section 23-307.2.a.3) that requires three, two-inch caliper shade trees for lots under 10,000 sq. ft. The subdivision will be required to provide a minimum of two, two-inch caliper shade trees. The subdivision will provide an additional street tree per street frontage for corner lots.

The subdivision provides a 30' wide landscape buffer along 11th Street South containing a 6' evergreen hedge and three overstory trees for every 100 linear feet of buffer. A 20' wide landscape buffer is proposed along the remainder of the project boundary with a 6' evergreen hedge and three overstory trees for every 100 linear feet of buffer. At minimum, the development is required to provide a wall or hedge, minimum of 6 feet in height and one tree provided every 50 feet of buffer length.

*Recreation & Open Space:* The overall development provides 4.33 acres of active recreation, with a 3.6-acre neighborhood park. Proposed amenities include a tot lot, gazebos with picnic tables, and a dog park. The plans for this development were submitted prior to the Land Development Regulation text change that no longer permits private yards to be counted toward the total open space. Regardless, the subdivision meets the 20% open space requirement without using private yards in their calculation, providing 24.7% of open space.

Open Space Calculation

Buffer Area 2.64 acres

Neighborhood Park 3.60 acres

Mini Parks 0.73 acres

Other Open Space 0.73 acres Dry Retention Area 3.0 acres \*Private Yards (no more than 50% of required open space) 4.34 acres

**TOTAL W/O PRIVATE YARD 10.7 ACRES (24.7%) \*WITH PRIVATE YARD 15.04 ACRES (34.7%)**

A paved, 0.76 acre, 8' wide multi-purpose trail has been included throughout the subdivision to promote

connectivity to parks. The trail, in addition to internal sidewalks on both sides of the street, encourages walkability and bikeability for the development and provides residents accessibility to amenities. Raised crosswalks are provided for the development that doubles as a traffic calming mechanism and safety measure for pedestrians.

More than 24.7% 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-1A zoning district:

Required R-1A Standards 47' wide lots 52' wide lots 62' wide lots

Minimum lot size 12,000 sq. ft. 5,170 sq. ft. 5,720 sq. ft. 6,820 sq. ft.

Minimum street frontage 50 feet 47 feet N/A N/A

Minimum lot width 85 feet 47 feet 52 feet 62 feet

Minimum living area 1,500 sq. ft. 1,200 sq. ft. 1,350 sq. ft. N/A

Front building setback 30 feet 20 feet 20 feet 20 feet

Side building setback 10 feet 5 feet 5 feet 5 feet

Rear building setback 15 feet 10 feet 10 feet 10 feet

Functional corner-side setback 30 feet 20 feet 20 feet 20 feet

Maximum lot coverage 40% 60% 60% 60%

Length of access road: 100 feet where 200 feet is required by code.

Minimum curve radius: 60 feet where 100 feet is required by code.

Waivers were requested at Planning Board to decrease minimum living area to 1,100 square feet and increase maximum lot coverage to 70%. This request was denied by Planning Board whom recommended a maximum lot coverage of 60% for all lots, 1,200 square foot homes for 47' lots, 1,350 square foot homes for 52' lots, and 1,500 square foot homes for 62' lots. Plans and waivers have been adjusted to the recommendation by Planning Board.

*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 site plan was created with a focus on locating the smaller lot widths interior to the site and the larger lots along the exterior. By providing a multitude of lot widths, the project covers a broader range of consumer demands for housing at different price points, appealing to a diverse buyer pool. The PDP provides a large open space in the center of the project is the heart of the community and will serve as a substantial recreational/amenity area for the residents."*

Additionally, the plan will provide recreation and open space in excess of the minimum standards.

- Recreation required: 0.75 acres; Recreation provided: 4.33 acres
- Open space required: 20% of site; Open space provided: 24.7% of overall site

*Staff Findings*

1. The use is compatible with the intentions of Policy I.1.2.12 Low 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, sewer, and reclaimed water
3. The development will maximize existing infrastructure investments by connecting to municipal water, sewer, and reclaimed water.
4. Recreation trail and sidewalk system promotes walkability and bike-ability.
5. The development is infill in nature with an existing subdivision to the west and a proposed subdivision to the north and east.
6. Lot sizes proposed are compatible with the existing Whispering Ridge subdivision to the west.

*Recommended Conditions of Approval*

7. Staff and Planning and Zoning Board recommends the following conditions of approval:
  - a. Fences shall be setback a minimum of 15 feet behind the front building expression line.
  - b. Housing shall adhere to the City's anti-monotony standards.
  - c. Landscape Plan is required at Site Development plan submittal and will be reviewed and approved by Staff and the City's horticulturist.
  - d. 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 HOA.
  - e. Garages shall be setback a minimum of 25 feet from the property line and recessed from the front building expression line, unless oriented away from the street.
  - f. Staggered front building setbacks at a minimum of two feet difference between adjacent lots.
  - g. Mechanical equipment shall be located at the rear of the home and not permitted within side yards.
  - h. Front porches, verandas, porticos shall be permitted in the front yards with a minimum setback of 15 feet.
  - i. A street tree plan shall be required at site development submittal.
  - j. The development shall enter into a utility capacity queue agreement.
  - k. Reuse lines shall be installed for the development.
  - l. Additional right-of-way for Post Salter Road and Hamlin Road shall be dedicated to the City of Lake Wales as shown on the attached site plan.

**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 over \$34.4 million in taxable value, and generate over \$232,000 in ad valorem taxes. \*Adjusted values for potential homesteaded properties have not been factored into this estimate.

[End Agenda Memo]

Autumn Cochella, Assistant Director of Development Services, reviewed this item.

Shelton Rice, Peterson & Myers Law Firm representing the owners, reviewed this item.

21. Hunt Club Grove North - Modification Of A Residential Planned Development Project (PDP) Public Hearing

[Begin Agenda Memo]

**SYNOPSIS:** Dave Schmitt Engineering, Inc, agent for owners, is requesting approval of City Commission, of a modification to a 600-lot single-family Residential PDP on approximately 130.38 acres of land just west of Hunt Brothers Road, and south of State Road 60.

**RECOMMENDATION** The applicant requests approval of City Commission of a modification to a 600-lot single-family Preliminary Subdivision Plat and a Special Exception Use Permit for a Residential PDP, with conditions of approval.

**BACKGROUND**

General: The 130-acre vacant grove land is located just west of Hunt Brothers Road, south of State Road 60 and the East Gate Shopping Center (Rural King & Winn-Dixie). Portions of the subject properties were annexed into the City through petition by the owners on November 2, 2021. On October 26, 2021, the Planning Board made a recommendation to City Commission to approve a zoning of R-1C, and a future land use designation of LDR low-density residential at a maximum of 5 units per gross acre. The land use and zoning amendments were approved by City Commission at second and final reading on March 1, 2022.

The proposed single-family subdivision is designed as a Planned Development Project, including requested Waivers of Strict Compliance. At a regular Planning & Zoning Board Meeting, on December 15, 2021, the Preliminary Subdivision Plat and Special Exception Use Permit for a 600-lot Residential PDP was recommended to City Commission for approval. On January 18, 2022, City Commission approved the Preliminary Subdivision Plat and Special Exception Use Permit for the 600-lot Residential PDP. This request is for the following modifications:

- 1) Total townhome units reduced from 152 units to 147 units due to increasing townhome widths from 20' wide to 22' wide for interior townhome units and 25' wide to 28.50' wide for exterior townhome units.
- 2) Approval of 40 lots adjacent to the centrally located neighborhood park where these 40 lots were accounted for in total unit count, but not shown on plans.
- 3) Approval of 2 lots in the minipark closest to 11th Street South where lots were accounted for in total unit count, but not shown on plans.
- 4) Reduction of open space from 36.5% to 29% where open space still exceeds the required 20%.
- 5) The central neighborhood park reduced from 17.49 acres to 13.31 acres and the other parks reduced from a total of 6.85 acres to 6.65 acres.

The standards, waivers of strict compliance, and conditions of approval set forth in the Staff Report dated January 18, 2022 still apply to the approval of the PDP modification. The density for the proposed Residential PDP has not changed and remains at 4.6 dwelling units per acre, or 600 homes. Maximum density allowed on the site is calculated at 5 units per gross acre, or 652 homes, under the Comprehensive Plan for LDR Low-Density Residential.

The standards for the single-family homes remain the same, however, the townhomes have adjusted standards for minimum street frontage and minimum lot width at building line to 22 feet for interior townhomes and 28.5 feet for exterior townhomes where the units were originally 20 feet wide and 25 feet wide.

*Roadways & Access:* The modification to the PDP has not changed any egress or ingress for the site. Entrances are located on 11th Street South, Hamlin Street, and Hunt Brothers Road. The development is still required to improve Hamlin Street and extend Grove Avenue.

*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 two, two-inch caliper shade trees, minimum of eight feet at planting.

*Recreation:* The central green space has been reduced from 17.5 acres to 13.31 acres. For comparison purposes, Kiwanis Park is approximately 12 acres. This adjustment is due to the addition of 40 lots along two sides of the green space that were accounted for in total unit count, but not shown on plans. Additional active recreation space was reduced by 0.20 acres due to the addition of 2 lots in the easternmost mini-park that were accounted for in total unit count, but not shown on plans.

The additional condition to supply excess landscaping by 25% for open spaces still applies to the modification of the PDP and shall be reflected in the Landscaping Plan. Open space for the site was reduced from 36.5% to 29% due to the modification, but still exceeds the minimum 20% required.

Conditions of Approval: Staff and Planning and Zoning Board recommends conditions of approval as written in the January 18, 2022 Staff Report to City Commission, with two additional conditions:

- Right-of-way for Post Salter Road, measured 30 feet from centerline, shall be dedicated to the City.
- The two lots within the minipark closest to 11th Street South shall be relocated as determined by City Staff.

**OTHER OPTIONS** Decline to recommend approval of the modified 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 over \$89 million in taxable value, and generate \$812,364 in ad valorem taxes. \*Adjusted values for potential homesteaded properties have not been factored into this estimate.

[End Agenda Memo]

Autumn Cochella, Assistant Director of Development Services, reviewed this item.

Deputy Mayor Gibson asked if we will

22. Hunt Club Grove South - Preliminary Subdivision Plat Approval / Special Exception Use Permit Approval For A Residential Planned Development Project (PDP)

[Begin Agenda Memo]

**SYNOPSIS:** Dave Schmitt Engineering, Inc, agent for owners, is requesting approval of City Commission, of a 542-lot single-family Preliminary Subdivision Plat and a Special Exception Use Permit for a Residential PDP on approximately 104.36 acres of land just west of Hunt Brothers Road, and south of Post Salter Road.

**RECOMMENDATION** Applicant requests approval of City Commission of a 542-lot single-family Preliminary Subdivision Plat and a Special Exception Use Permit for a Residential PDP, with waivers of strict compliance and conditions of approval.

## **BACKGROUND**

General: The 104-acre vacant grove land is located just west of Hunt Brothers Road, south of Post Salter Road, and east of 11th Street South. The project is south of the proposed Jewel Ridge and Hunt Club Grove North subdivisions. The property has a land use designation of LDR Low Density Residential and zoning designation of R-1B. On October 26, 2021, the Planning Board made a recommendation to City Commission to approve a future land use designation of MDR Medium Density Residential, at a maximum of 12 units per gross acre, on the southern 24.66 acres of the site to accommodate townhome units.

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

Maximum density allowed on the northern portion of the site is calculated at 5 units per gross acre, or 398 homes, under the Comprehensive Plan for LDR Low-Density Residential; a density of only 4.4 dwelling units per acre, or 351 homes, is proposed. Maximum density for the southern portion of the site is calculated at 12 units per gross acre, or 295 homes, under the land use designation of MDR Medium-Density Residential; a density of 7.75 dwelling units per acre, or 191 townhomes, is proposed.

## **PROPOSED LOT TYPES**

40' X 110' 223 UNITS

50' X 110' 128 UNITS TOWNHOMES 191 UNITS TOTAL UNITS 542 UNITS Waivers of strict compliance are requested for all R-1B dimensional standards.

R-1B Standards per Table 23-422 Zoning Dwelling Type Minimum Lot Size (sq. feet)9 Minimum Street Frontage (feet)1 Minimum Lot Width at building line (feet) Minimum Floor Area (sq feet)2 Minimum Setbacks\* Principal Buildings (feet) Maximum Lot Coverage 8 (percent) Maximum Building Height Front 3 Side 4 Rear 5 feet stories R-1B Single-family 9,000 50 75 1,500 30 10 20 40 35 2&1/2;

## **Proposed Standards**

40' Wide Lots 50' Wide Lots 22' Wide Interior Townhomes 25' Wide Exterior Townhomes

Minimum Lot Size 4,400 sq. ft. 5,500 sq. ft. 2,200 sq. ft. 2,750 sq. ft.

Minimum Street Frontage 40 feet 50 feet 22 feet 25 feet

Minimum Lot Width at Building Line 40 feet 50 feet 22 feet 25 feet

Minimum Floor Area 1,200 sq. ft. 1,200 sq. ft. 1,200 sq. ft. 1,200 sq. ft.

Minimum Front Setback 25 feet 25 feet 20 feet 20 feet

Minimum Side Setback 5 feet 5 feet 0 feet 5 feet

Minimum Rear Setback 15 feet 15 feet 15 feet 15 feet

Maximum Lot Coverage 50% 50% 50% 50%

*Roadways & Access:* One entrance is located along Post Salter Road, directly across from where Hamlin Street would intersect Post Salter Road. The other entrance is located along Hunt Brothers Road. Post Salter Road shall be improved to minor collector standards along the project boundaries. Additional right-of-way, measured 30 feet from centerline, shall be dedicated for Post Salter Road. Right-of-way, measured 40 feet from centerline, shall be dedicated for 11th Street South. A five-foot-wide sidewalk shall be provided along Post Salter Road. Five-foot-wide sidewalks will be constructed on both sides of interior streets.

*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. 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.

The buffer along Post Salter Road will be required at minimum a 10' wide buffer with a 6' high wall and landscaping.

*Recreation:* The total acreage provided for recreation areas is 11.17 acres. The development provides five parks; one for each section of the community. One of the central parks provides a 5' park trail along a 10.75-acre retention pond.

Open Space Calculation

Open Spaces 7.91 acres Parks 7.61 acres Pond 10.75 acres \*Private Yards (no more than 50% of required open space) 10.43 acres

TOTAL W/O PRIVATE YARD 26.27 ACRES (25.2%) \*WITH PRIVATE YARD 36.67 ACRES (35%)

More than 25% of the 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-1B zoning district:

Required R-1B Standards 40' Wide Lots 50' Wide Lots 22' Wide Interior Townhomes 25' Wide Exterior Townhomes

Minimum Lot Size 9,000 sq. ft. 4,400 sq. ft. 5,500 sq. ft. 2,200 sq. ft. 2,750 sq. ft.

Minimum Street Frontage 50 feet 40 feet N/A 22 feet 25 feet

Minimum Lot Width at Building Line 75 feet 40 feet 50 feet 22 feet 25 feet

Minimum Floor Area 1,500 sq. ft. 1,200 sq. ft. 1,200 sq. ft. 1,200 sq. ft. 1,200 sq. ft.

Minimum Front Setback 30 feet 25 feet 25 feet 20 feet 20 feet

Minimum Side Setback 10 feet 5 feet 5 feet 0 feet 5 feet

Minimum Rear Setback 20 feet 15 feet 15 feet 15 feet 15 feet

Maximum Lot Coverage 40% 50% 50% 50% 50%

Functional Corner-Side Setback 30 feet 15 feet 15 feet N/A 5 feet A 10' wide

Landscape Buffer along Post Salter Road where 20' is required.

*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 flexibility provides a balance between the proposed number of lots and to maximize the open space for landscaping and active recreation. The flexibility of different type of lot sizes gives the neighborhood a diverse perception and not a flatness community. Providing two sidewalks will give future residents safe leisure around the community and provide enjoyable activities for each household. Maximizing the open space will create originality in designs for landscaping which will enhance the natural features of the property. Proposing more lots will generate new residents which will help increase revenue for the City of Lake Wales".

Additionally, the plan will provide recreation and open space in excess of the minimum standards.

- Recreation required: 2.61 acres; Recreation provided: 11.17 acres
- Open space required: 20% of site; Open space provided: 25.2% of site

Staff Findings

1. The use is compatible with the intentions of Policy I.1.2.12 Low Density Residential and 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, sewer, and reclaimed water.
3. The development will maximize existing infrastructure investments by connecting to municipal water, sewer, and reclaimed water.
4. The development provides opportunity for public transportation.
5. Recreation trail and sidewalk system promotes walkability and bike-ability.
6. Lots sizes are reduced so to minimize the area of land consumed for new development.
7. New roadways and pedestrian connectivity will be constructed to extend the city's roadway grid for future connectivity. Recommended Conditions of Approval
8. Staff recommends the following conditions of approval:
  - a. Fences shall be setback a minimum of 15 feet behind the front building expression line.
  - b. Housing shall adhere to the City's anti-monotony standards.



- c. Landscape Plan is required at Site Development plan submittal and will be reviewed and approved by Staff and the City's horticulturist.
- d. 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 HOA.
- e. Garages shall be recessed from the front building expression line unless oriented away from the street.
- f. Staggered front building setbacks at a minimum of two feet difference between adjacent lots.
- g. The traffic study must be approved by the Administrative Official prior to issuance of Site Development Permit.
- h. A development agreement is required for road improvements.
- i. A utilities agreement is required for the transfer of wells to the City of Lake Wales and to enter into a queue capacity agreement.
- j. Right-of-way, measured at 30 feet from centerline, shall be dedicated for Post Salter Road and right-of-way, measured at 40 feet from centerline, shall be dedicated for 11th Street South.

9. Staff recommends the following plan revisions prior to site development approval:

- a. Easements need to be recorded at final plat, not prior to issuing the Certificate of Occupancy and reflected on Sheet 2 under Easements.
- b. Density does not appear to be included. Please include density, minimum living areas, and maximum lot coverage on the plans.
- c. The landscape buffer details provided, do not give an idea of the standards of each buffer including width, trees per linear feet, and content of the buffer.
- d. There does not appear to be a buffer shown along the project boundary and the railroad tracks. At minimum this buffer shall be 5' in width, with a 6' high wall or evergreen hedge.
- e. Right-of-way dedications are needed for 11th Street South and Post Salter Road. Dedication for 11th Street South is 40' from center. Dedication for Post Salter Road is 30' from centerline.
- f. Post Salter Road shall have a 10' wide buffer with a 6' high wall and landscaping.
- g. Sidewalks along the exterior of the project are not shown and are required.
- h. Street tree plan shall be included in the landscaping plans.
- i. Islands shall be landscaped – one overstory tree at minimum.
- j. Amenities are not shown on the plan; please provide an amenity package.

**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 over \$108 million in taxable value, and generate over \$730,000 in ad valorem taxes. \*Adjusted values for potential homesteaded properties have not been factored into this

estimate.

[End Agenda Memo]

Autumn Cochella, Assistant Director of Development Services, reviewed this item.

23. RESOLUTION 2022-16 Tangelo Street Transfer Agreement

[Begin Agenda Memo]

**SYNOPSIS:** The Tangelo Street Transfer Agreement contemplates the transfer of Tangelo Street, a public County road, to the City of Lake Wales.

**RECOMMENDATION** The City Commission adopt Resolution 2022-16 and authorize the Mayor to execute the Agreement.

**BACKGROUND**

Tangelo Street, an unimproved County grove road, is located south of State Road 60 East, and east of the Walmart. The road extends adjacent to a Planned Development Project (PDP) called Taylor Groves (formally known as Tangelo PDP), approved by City Commission in 2021 for a 108-lot single-family residential subdivision. The plan was recommended by the Planning and Zoning Board, and approved by City Commission, with the understanding that a portion of Tangelo Street would be transferred to the City to expand the transportation network in the area. A portion of Tangelo Street will be improved to the project entrance of Taylor Groves. The remaining right-of-way will be dedicated to the City for future construction and maintenance.

**OTHER OPTIONS** Decline to adopt the Resolution.

**FISCAL IMPACT** None. The development will be required to construct a portion of the new road

Autumn Cochella, Assistant Director of Development Services, reviewed this item.

Deputy Mayor Gibson asked about the condition of the street. Ms. Cochella said terrible. The portion in the improved area is fine but the rest needs work. Deputy Mayor Gibson asked if the City will be responsible for maintenance but they do the original work. Ms. Cochella confirmed this.

24. CITY COMMISSION AND MAYOR COMMENTS

Commissioner Howell asked the ethics training forthcoming in Haines City and asked if one will be in Winter haven. Jennifer Nanek, City Clerk, said she was not aware of one at this time.

Albert Galloway, City Attorney, said a property foreclosure is almost complete and will be owned by the City soon.

25. ADJOURN

The meeting was adjourned at 3:14 p.m.

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Mayor

ATTEST

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City Clerk