

ORDINANCE D2008-02
(CPA/Zoning Hernandez Property - US27)

AN ORDINANCE OF THE CITY OF LAKE WALES, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN AND THE ZONING MAP TO CHANGE LAND USE DESIGNATIONS ON 12 ACRES OF LAND, LOCATED ON EAST SIDE OF US 27 SOUTH OF TOWER BLVD, FROM POLK COUNTY FUTURE LAND USE DESIGNATION CE - COMMERCIAL ENCLAVE AND RS – RESIDENTIAL SUBURBAN TO LAKE WALES FUTURE LAND USE DESIGNATIONS LCI – LIMITED COMMERCIAL-INDUSTRIAL AND WETLANDS OVERLAY DISTRICT AND ZONING DESIGNATION LCI – LIMITED COMMERCIAL-INDUSTRIAL; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ENACTED by the City Commission of the City of Lake Wales, Polk County, Florida:

SECTION 1 The Future Land Use Map (FLUM) of the Lake Wales Comprehensive Plan and the Zoning Map established under Section 23-402(a) of the Lake Wales Code of Ordinances are hereby amended to change the land use designations on 12 acres of property located on east side of US Highway 27 south of Tower Blvd. from Polk County Future Land Use designation CE - Commercial Enclave and RS – Residential Suburban to Lake Wales FLUM designations LCI – Limited Commercial-Industrial and Wetlands Overlay District and Zoning designation LCI – Limited Commercial-Industrial.

The property and land use designations are shown on “Attachment A,” hereby made part of this ordinance.

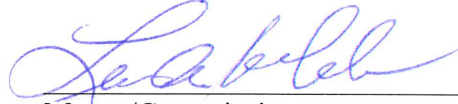
SECTION 2 The applicability and effect of the Lake Wales Comprehensive Plan, as amended, shall be as provided by the Local Government Planning and Land Development Regulation Act, Section 163.3215, Florida Statutes, and this ordinance.

SECTION 3 If any clause, section or provision of this ordinance or any fee imposed pursuant to this ordinance shall be declared unconstitutional or invalid for any reason or cause, the remaining portion of said ordinance or remaining fees shall be in full force and effect and be valid as if such invalid portion thereof had not been incorporated herein.

SECTION 4 Certified copies of the enacting ordinance, the City of Lake Wales Comprehensive Plan and any amendment thereto, and the Lake Wales Code of Ordinances shall be located in the Office of the City Clerk of Lake Wales. The City Clerk shall also make copies available to the public for a reasonable publication charge.

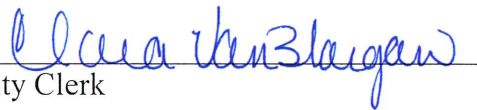
SECTION 5 This amendment shall not become effective until the state land planning agency or the Administration Commission, respectively, issues a final order determining the amendment is in compliance.

CERTIFIED AS TO PASSAGE this 21st day of October, 2008.



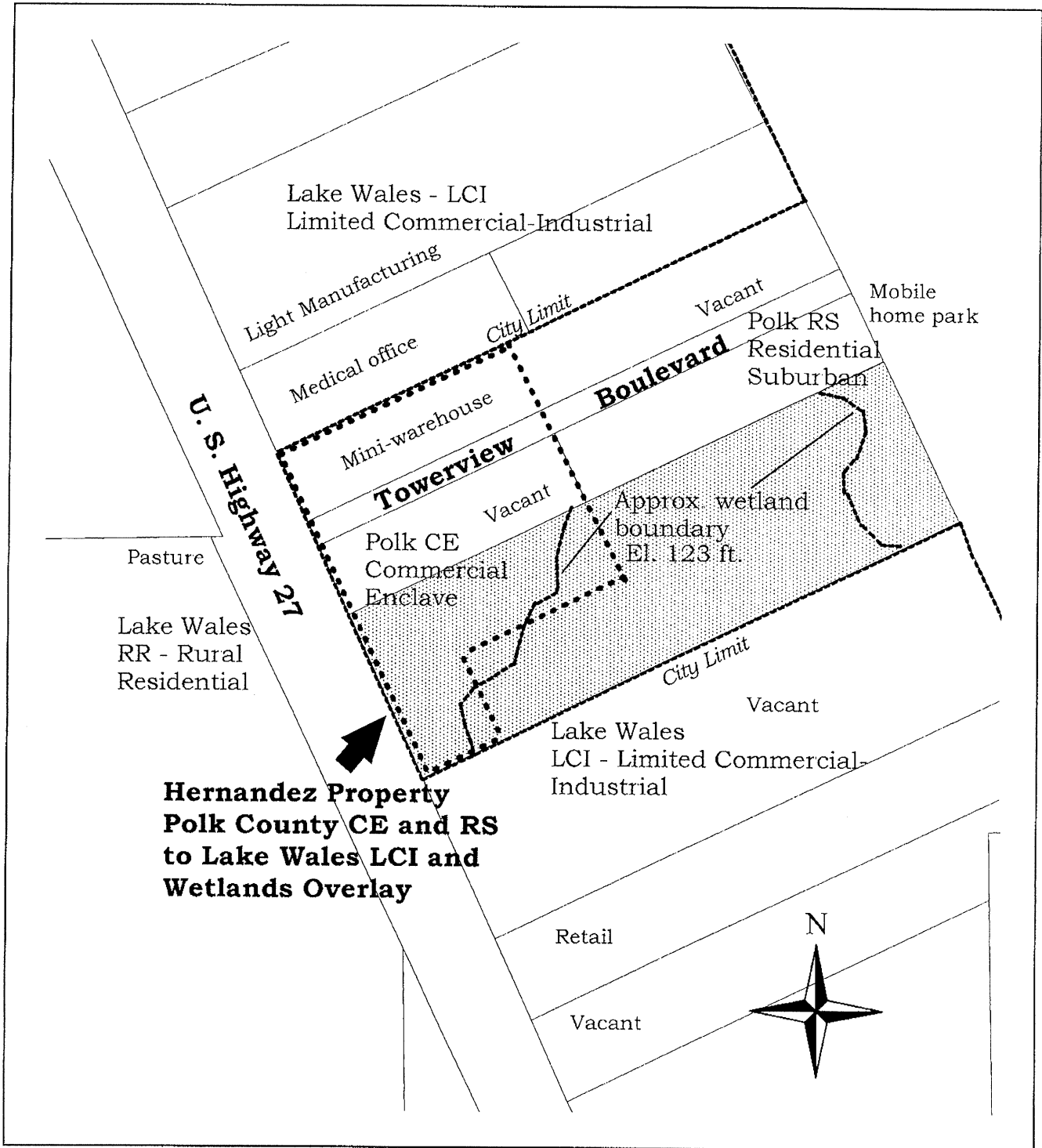
Mayor/Commissioner
City of Lake Wales, Polk County, Florida

ATTEST:



City Clerk

ATTACHMENT A
Ordinance D2008-02
CPA/Zoning
Hernandez Property





STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

"Dedicated to making Florida a better place to call home"

CHARLIE CRIST
Governor

THOMAS G. PELHAM
Secretary

September 29, 2008

The Honorable Alex Wheeler, Mayor
City of Lake Wales
Post Office Box 1320
Lake Wales, Florida 33859-1320

OCT 01 2008

Dear Mayor Wheeler:

The Department has completed its review of the proposed Comprehensive Plan Amendment for the City of Lake Wales (DCA No. 08-2), which was received on July 30, 2008. Copies of the proposed amendment have been distributed to appropriate state, regional and local agencies for their review and their comments are enclosed. The Department has reviewed the proposed amendment for consistency with Rule 9J-5, Florida Administrative Code (F.A.C.), Chapter 163, Part II, Florida Statutes, and the adopted Polk City Comprehensive Plan. The Department raises no objections to the proposed amendment. This letter serves as the Department's Objections, Recommendations and Comments Report.

This letter and the enclosed external agency comments are being issued pursuant to Rule 9J-11.010, F.A.C. Upon receipt of this letter, the City has to determine whether to adopt, adopt with changes, or not adopt the proposed amendments. For your assistance, we have attached procedures for final adoption and transmittal of the comprehensive plan amendment for your convenience.

If you have any questions or concerns regarding this matter please contact Dan Evans, Principal Planner in the Division of Community Planning at (850) 922-1805.

Sincerely,

Mike McDaniel, Chief
Office of Comprehensive Planning

MM/de

Enclosures: Review Agency Comments

cc: Mr. Patricia Steed, Executive Director, Central Florida Regional Planning Council
Kathy Bangley, Assistant Planner, City of Lake Wales

2555 SHUMARD OAK BOULEVARD ♦ TALLAHASSEE, FL 32399-2100
850-488-8466 (p) ♦ 850-921-0781 (f) ♦ Website: www.dca.state.fl.us

♦ COMMUNITY PLANNING 850-488-2356 (p) 850-488-3309 (f) ♦
♦ HOUSING AND COMMUNITY DEVELOPMENT 850-488-7956 (p) 850-922-5623 (f) ♦

TRANSMITTAL PROCEDURES

Upon receipt of this letter, the City of Lake Wales has 60 days in which to adopt, adopt with changes, or determine that the City will not adopt the proposed amendment. The process for adoption of local comprehensive plan amendments is outlined in s. 163.3184, Florida Statutes (F.S.), and Rule 9J-11.011, Florida Administrative Code (F.A.C.). The City must ensure that all ordinances adopting comprehensive plan amendments are consistent with the provisions of Chapter 163.3189(2)(a), F.S.

Within ten working days of the adoption, the City must submit the following to the Department:

1. Three copies of the adopted comprehensive plan amendment;
2. A copy of the adoption ordinance;
3. A listing of additional changes not previously reviewed;
4. A listing of findings by the local governing body, if any, which were not included in the ordinance; and
5. A statement indicating the relationship of the additional changes to the Department's Objections, Recommendations, and Comments Report.

The above amendment and documentation are required for the Department to conduct a compliance review, make a compliance determination and issue the appropriate notice of intent.

In order to expedite the Regional Planning Council's review of the amendment, and pursuant to Rule 9J-11.011(5), F.A.C., please provide a copy of the adopted amendment directly to Ms. Patricia Steed, Executive Director, Central Florida Regional Planning Council.

Please be advised that the Florida Legislature amended Section 163.3184(8)(b), F.S., requiring the Department to provide a courtesy information statement regarding the Department's Notice of Intent to citizens who furnish their names and addresses at the local government's plan amendment transmittal (proposed) or adoption hearings. In order to provide this courtesy information statement, local governments are required by the law to furnish to the Department the names and addresses of the citizens requesting this information. This list is to be submitted at the time of transmittal of the adopted plan amendment. **Please provide these required names and addresses to the Department *when you transmit your adopted amendment package for compliance review.* In the event no names/addresses are provided, please provide this information as well.** For efficiency, we encourage that the information sheet be provided in electronic format.



7 BP
8/25/08

FLORIDA DEPARTMENT OF STATE
Kurt S. Browning
Secretary of State
DIVISION OF HISTORICAL RESOURCES

August 22, 2008

Mr. Ray Eubanks
Department of Community Affairs
Bureau of State Planning
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

Re: Historic Preservation Review of the Lake Wales (08-2) Comprehensive Plan
Amendment (Polk County)

Dear Mr. Eubanks:

According to this agency's responsibilities under Sections 163.3177 and 163.3178, *Florida Statutes*, and Chapter 9J-5, *Florida Administrative Code*, we reviewed the above document to determine if data regarding historic resources have been given sufficient consideration in the request to amend the Lake Wales Comprehensive Plan.

We reviewed one proposed amendment to the Future Land Use Map to consider the potential effects of this action on historic resources. While our cursory review suggests that the proposed change may have no adverse effects on historic resources, it is the city's responsibility to ensure that the proposed revision will not have an adverse effect on significant archaeological or historic resources in Lake Wales.

If you have any questions regarding our comments, please feel free to contact Susan M. Harp of the Division's Compliance Review staff at (850) 245-6333.

Sincerely,

Frederick P. Gaske, Director

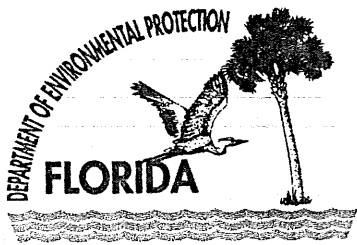
xc: Mr. Bernard Piawah

500 S. Bronough Street • Tallahassee, FL 32399-0250 • <http://www.flheritage.com>

Director's Office
(850) 245-6300 • FAX: 245-6436

Archaeological Research
(850) 245-6444 • FAX: 245-6452

Historic Preservation
(850) 245-6333 • FAX: 245-6437



Florida Department of Environmental Protection

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

August 22, 2008

7 BP
8/22/08

Mr. D. Ray Eubanks
Plan Review and DRI Processing Team
Florida Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

RE: City of Lake Wales 08-2; Comprehensive Plan Review

Dear Mr. Eubanks:

The Office of Intergovernmental Programs has reviewed the proposed Comprehensive Plan Amendments under the procedures of Chapter 163, *Florida Statutes*, and Chapters 9J-5 and 9J-11, *Florida Administrative Code (F.A.C.)*, and we offer the following comments and recommendations.

Introduction:

The City seeks a Future Land Use Map (FLUM) amendment for a 12.2-acre parcel. The amendment, if adopted, would change the parcel to a Limited Commercial Industrial land use designation.

Comments - Wetlands and Floodplains

According to the data and analysis submitted with the amendment package (and confirmed by the Department), a majority of the property is located with the 100-year floodplain and the central portion of the site is comprised of wetlands. Development within and adjacent to wetlands and floodplains alters existing surface water hydrology and natural drainage patterns, and reduces the flood attenuation capacity primarily as a result of increased impervious surface. Several important natural functions are provided by floodplains and wetlands, including the temporary storage of floodwaters, moderation of peak flows, maintenance of water quality, groundwater recharge, prevention of erosion and wildlife habitat. Development within and adjacent to floodplains and wetlands alters existing surface water hydrology and natural drainage patterns and reduces flood attenuation capacity.

Ray Eubanks
Page 2 of 2
August 22, 2008

Recommendation

Prior to finalizing infrastructure development plans for the subject parcels, the Department recommends that delineation and water management district verification of the landward extent of wetlands be obtained, in accordance with guidelines of Rule 62-340, F.A.C. To emphasize the prevention of ground water pollution, the Department recommends that the applicants consider a full range of planning strategies to minimize impacts to groundwater and adjacent wetlands by limiting impervious surfaces, clustering structures away from wetland areas, implementing water conserving xeric landscaping techniques, and reserving much of the land as open space for a common view in accordance with Rule 9J-5.006(5)(l). Stormwater treatment should be designed to maintain the natural predevelopment hydroperiod and water quality, as well as to protect the natural functions of the adjacent wetlands.

Thank you for the opportunity to comment on this proposal. If I may be of further assistance, please call me at (850) 245-2182.

Sincerely,

Robin Branda

Robin Branda
Environmental Specialist III
Office of Intergovernmental Programs

rsb/



Florida Department of Transportation

CHARLIE CRIST
GOVERNOR

605 Suwannee Street
Tallahassee, FL 32399-0450

STEPHANIE KOPELOUSOS
SECRETARY

7 BP

8/12/08

August 12, 2008

Mr. Ray Eubanks
Regional Planning Administrator
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100

RE: City of Lake Wales 08-2 Proposed Amendment Package

Dear Mr. Eubanks:

The Florida Department of Transportation, District One, has reviewed the City of Lake Wales 08-2 Proposed Comprehensive Plan Amendments in accordance with the requirements of Florida Statutes (F.S.) Section 163 and Chapter 9J-11 of the Florida Administrative Code (F.A.C.). The Department offers DCA the following comments and recommendations for your consideration in reviewing the amendments.

Tedder Property (D2008-01)

The subject property is located west of US 27 and north of Thompson Nursery Road in the City of Lake Wales, Polk County, Florida. The amendment for this location proposes a change of the Existing Future Land Use designation, from Polk County High Impact Commercial (HIC) to City of Lake Wales Regional Activity Center (RAC) for a total of 2.08 acres. This small scale amendment is not subject to review and will likely not have a significant impact on any state facilities. **We have no further comments.**

The subject property is located west of US 27. Any access to US 27 will be subject to FDOT permitting process as described in Rule Chapter 14-96 F.A.C. The anticipated trip generation is such that should access be granted, significant operational impacts could occur. FDOT may require that the applicant provide mitigation for any such impacts as a condition of a permit. The FDOT Access Management class code for US 27 in the vicinity of the project is Class 3. Standards for Class 3 requires a minimum spacing of one half of a mile for signals and full median opening, one quarter of a mile for directional median opening, and one eighth of a mile (*at greater than 45 mph*) between access points for any single parcel.

Hernandez Property (D2008-02)

The subject property is located east of US 27 North and south of Towerview Boulevard in the City of Lake Wales, Polk County, Florida. The amendment for this location proposes a change of the Existing Future Land Use designations, from Polk County Commercial Enclaves (CE) and Residential Suburban (RS) to City of Lake Wales Limited Commercial-Industrial (LCI) for a total of 12.20 acres. The

District One Headquarters Planning Office
(801) North Broadway Avenue / Post Office Box 1249 / Bartow, Florida 33831
(863) 519-2300

www.dot.state.fl.us

maximum development that can occur for the 4.0 acres of CE is 60,984 square feet of commercial (0.35 FAR) and for the 8.2 acres of RS is 25 single family DUs (3 DUs/Acre). This will result in 5,214 daily trips and 483 p.m. peak hour trips. Per the Proposed Future Land Use designation the maximum development that can occur for the 12.2 acres of LCI is 200,000 square feet of general light industrial (0.60 FAR-max allowed 200,000 square feet). This will result in 1,392 daily trips and 123 p.m. trips. **The proposed amendment will result in a net decrease of 3,822 less daily trips and 360 less p.m. peak hour trips. We have no further comments.**

Scenario	Land Use Designation	Maximum Allowed Density / Intensity	ITE Land Use Code	Size of Development		Daily Trips ¹	PM Peak Trips ¹
				Acres	Allowed Development		
Adopted	CE	0.35 FAR	820	4.00	60,984 sf	4,924	452
Adopted	RS	3 DUs/Acre	210	8.20	25	290	31
Proposed	LCI	0.60 FAR/200 ksf	110	12.20	200,000 sf	1,392	123
Change in Trips						-3,822	-360

1. Trip generation based on FDOT TIPS Software.

The subject property is located east of US 27. Any access to US 27 will be subject to FDOT permitting process as described in Rule Chapter 14-96 F.A.C. The anticipated trip generation is such that should access be granted, significant operational impacts could occur. FDOT may require that the applicant provide mitigation for any such impacts as a condition of a permit. The FDOT Access Management class code for US 27 in the vicinity of the project is Class 3. Standards for Class 3 requires a minimum spacing of one half of a mile for signals and full median opening, one quarter of a mile for directional median opening, and one eighth of a mile (*at greater than 45 mph*) between access points for any single parcel.

If you have any questions please free to contact me at (863) 519-2395 or bob.crawley@dot.state.fl.us.

Sincerely,



Bob Crawley
Growth Management Coordinator
FDOT District One

