

# City Commission Meeting minutes

July 6, 2021

(APPROVED)

7/6/2021 - Minutes

1. INVOCATION

Dr. Jim Moyer gave the invocation.

2. PLEDGE OF ALLEGIANCE

3. CALL TO ORDER

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

4. ROLL CALL

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

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

5. PROCLAMATIONS AND AWARDS

5.I. Certificate Of Recognition - Wilena Vreeland, Code Enforcement Board

Mayor Fultz presented a certificate of appreciation to Wilena Vreeland for 10 years of service on the Code Enforcement Board.

5.II. IEMO Certificate Of Completion - Kris Fitzgerald Commissioner

Mayor Fultz presented a certificate of completion to Commissioner Kris Fitzgerald for completing the Institute for Elected Municipal Officials training offered by the Florida League of Cities.

5.III. IEMO Certificate Of Completion - Daniel Williams Commissioner

Mayor Fultz presented a certificate of completion to Commissioner Daniel Williams for completing the Institute for Elected Municipal Officials training offered by the Florida League of Cities.

6. COMMENTS AND PETITIONS

Curtis Gibson, resident, announced an upcoming Young Men's empowerment session at the B Street Community Center.

7. CITY CLERK

7.I. Board Appointments - Historic District Regulatory Board, Housing Authority, Recreation Commission, Library Board And Planning And Zoning Board

[Begin Agenda Memo]

**SYNOPSIS:**

Appointments to fill vacancies on the Historic District Regulatory Board, Housing Authority, Planning & Zoning, Library, Recreation Commission boards

**RECOMMENDATION**

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

1. Reappoint Brandon Alvarado to the Historic District Regulatory Board to a new term to expire July 1, 2024.
2. Reappoint Scott Crews to the Historic District Regulatory Boards to a new term to expire July 1, 2024.
3. Reappoint Wanda Lawson to a new term on the Housing Authority to expire July 1, 2025.
4. Appoint Michelle Threatt to a new term on the Housing Authority to expire July 1, 2025.
5. Appoint Durinda Wells to a new term on the Housing Authority to expire July 1, 2025.
6. Reappoint Kyra Love Harriage to a new term on the Planning and Zoning board to expire July 1, 2024
7. Reappoint Jim Reddick to a new term on the Recreation Commission to expire July 1, 2024.
8. Reappoint Laura Donaldson to a new term on the Recreation Commission to expire July 1, 2024.
9. Reappoint Chayla Outing to a new term on the Library Board to expire July 1, 2026.

**BACKGROUND**

On July 1st many terms on the various boards, Commissions and Authorities are expiring. Here are those applying for appointment or reappointment to new terms.

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

**Historic District Regulatory Board**

Historic District Regulatory Board (City Code Sec. 23-208.2) – The board consists of five (5) regular members (appointed in accordance with section 2-26). At least 50% of the members shall reside or own property within the City. Members shall be chosen to provide expertise in the following disciplines to the extent such professionals are available in the community: historic preservation, architecture, architectural history, curation, conservation, anthropology, building construction, landscape architecture, planning, urban design, and regulatory procedures. (3-year term)

- An interview process is necessary for new applicants only.
- Members are required to file an annual Form 1, Statement of Financial Interests
- Current Vacancies: 3 vacancies, resident or own property in City;

Current Members:

Lawrence (Larry) Bossarte, business owner 02/04/20 – 07/01/22, 1  
 Jonathan Kaufman, resident 09/22/20 – 07/01/22, P  
 Robert Harriage, resident 12/01/20 – 07/01/21, 1  
 Brandon Alvarado, resident 12/18/18 - 07/01/21, 1  
 Scott Crews, resident 02/05/19 – 07/01/21, 1

Applying for Re-Appointment:

Brandon Alvarado, resident, for a new term expiring on 07/01/24  
 Scott Crews, resident, for a new term expiring on 07/01/24

The Board recommended the reappointment of Brandon Alvarado and Scott Crews

Housing Authority (F.S. 421.04) – The board consists of five (5) members. Members must reside in the City, own property in the City, or hold a valid occupational license issued by the City. One (1) member must be a resident of the housing project who is current in rent payment or a person of low income who is receiving a rent subsidy through a program administered by the Authority. No member may be an officer or employee of the City. (4-year term)

- An interview process is necessary for new applicants only.
- Members are required to file an annual Form 1, Statement of Financial Interests
- Current Vacancies: 3 vacancies due to expired term

Primary Duties: Manage and control the city's low-rent housing units.

Current Meeting Schedule: 3rd Wednesday @ 6:00 PM; Housing Authority

Current Members: Janice Snell, resident 04/17/12 – 07/01/21, 3  
 Narvell Petersen, resident Chair 07/01/20 – 07/01/24, 1  
 Wanda Lawson, resident 06/18/13 – 07/01/21, 2  
 Melissa Montgomery, resident of housing project 06/21/11 – 07/01/21, 3  
 Helen Walters, resident 11/04/14 – 07/01/22, 3  
 Albert Kirkland, Jr., Ex-officio  
 n/a Commissioner Terrye Howell, City Liaison 05/05/20 – 05/02/23

Applying for Re-Appointment: Wanda Lawson for a new term to expire 07/01/2025

Applying for appointment: Michelle Threatt for a new term to expire 07/01/2025

Durinda Wells new term to expire 07/01/2025

The Housing Authority and staff recommend these appointments.

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

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

Current Members: **Kyra Love, Resident 8/6/2019 – 7/1/21 1**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

which may be scheduled for review on an agenda.

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

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

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

Applying for Appointment: [Kyra Love Harriage for a new term to expire 7/1/2024](#)

[The Planning and Zoning Board recommends this appointment.](#)

Recreation Commission (City Code Sec. 2-161) – The Recreation Commission consists of thirteen (13) members from Community Organizations providing a recreation program for the Community and three citizen members representing the citizens at large. A Quorum shall consist of 6 members (3-year term)

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

Current Meeting Schedule is the third Mondays of the month at 12:00 p.m. noon in the City Manager's Conference Room.

Current Members: [Keri Hunt, Citizen, 07/01/2017-07/01/2020, 3](#)

[Jim Reddick, Citizen, 05/07/2019 – 7/1/2021, P](#)

[Laura Donaldson, Citizen 09/19/2019-07/01/2021, P](#)

Curtis Reddick, Lake Wales Boys and Girls Club

Scott Blackburn, Lake Wales Little League

Burney Hayes, Lake Wales PAL

Patty McKeeman, Lake Wales Pram Fleet,

Kara Wiseman, Lake Wales Public Library

Robbie Shields, Lake Wales Soccer Club Jeanne Ward, Lake Wales Steelers

Eileen Farchmin, Webber International University Vacant – Tennis

Vacant – Lake Wales YMCA Vacant - Polk County School Board

Vacant – Lake Wales Charter Schools

Applying for Re-Appointment: Laura Donaldson for a term to expire July 1, 2024. Jim Reddick for a term to expire July 1, 2024.

**Library Board** (City Code Sec. 2-26,(b)) – The board consists of five (5) members. Four members must reside in the City, own property in the City or hold a valid business tax receipt issued from by the City. One member shall be a resident of the unincorporated Greater Lake Wales area having a Lake Wales address or a resident of the City of Lake Wales if the Lake Wales Public Library is a member of the Polk County Cooperative and receives operating funds from Polk County Board of County Commissioners (Ordinance 2008-07; 02/19/08). (5-year term)

- There is no interview process requirement for applicants applying for appointment to this board.
- Members are not required to file an annual Form 1, Statement of Financial Interests
- Current Vacancies: 2 vacancies, resident & non-resident, due to resignation & expiration of terms

Current Meeting Schedule: 1st Wednesday @ 4:00 p.m.; Lake Wales Library

Primary Duties: Operate the public library; control expenditures of all monies collected or donated to the Library Fund; appoint the library staff and establish rules and regulations for operation and use of the Library subject to the supervision and control of the City Commission.

<b>Current Members:</b>	Chayla Outing, outside	11/17/20 -07/1/21, P
	Imelda Tice, resident	10/20/20 – 07/01/22, P
	Michalkiewicz, Brystal, resident	08/04/15 - 07/01/21, P+1
	Brandon Alvarado, resident	01/19/21 - 07/01/23, 1
	Allison Kapphan, resident	07/01/19 - 07/01/24, P+1

Applying for Appointment: Chayla Outing for a term expiring on 7/1/2026

The Library Board recommends her appointment.

**OPTIONS**

Do not appoint those that have applied.

**FISCAL IMPACT**

None. These are volunteer boards.

[End Agenda memo]

Historic District Regulatory Board Appointments.

Mayor Fultz reappointed Brandon Alvarado to the Historic District Regulatory Board to a new term to expire July 1, 2024.

Deputy Mayor Gibson asked Mr. Alvarado why he wishes to continue to serve

Brandon Alvarado said that he has an interest in downtown historic preservation. He would like to help move the downtown plan along.

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

By voice vote:

Deputy Mayor Gibson "YES"

Commissioner Howell "YES"

Commissioner Williams "YES"

Commissioner Fitzgerald "YES"

Mayor Fultz "YES"

Motion passed 5-0.

Mayor Fultz reappointed Scott Crews to the Historic District Regulatory Board to a new term to expire July 1, 2024.

Deputy Mayor Gibson asked Mr. Crews why he wishes to continue to serve

Scott Crews said that he has an interest in smart development and smart growth..

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

By voice vote:

Deputy Mayor Gibson "YES"

Commissioner Howell "YES"

Commissioner Williams "YES"

Commissioner Fitzgerald "YES"

Mayor Fultz "YES"

Motion passed 5-0.

Housing Authority Appointments

Mayor Fultz reappointed Wanda Lawson to a new term on the Housing Authority to expire July 1, 2025.

Deputy Mayor Gibson asked Ms. Lawson how she feels about the recent joint meeting with the CRA.

Wanda Lawson said she feels good about what we are doing and looks forward to accomplishing great things.

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

By voice vote:

Deputy Mayor Gibson "YES"

Commissioner Howell "YES"

Commissioner Williams "YES"

Commissioner Fitzgerald "YES"

Mayor Fultz "YES"

Motion passed 5-0.

Mayor Fultz appointed Michelle Threatt to a new term on the Housing Authority to expire July 1, 2025.

Deputy Mayor Gibson asked Ms. Threatt how she feels about the recent joint meeting with the CRA.

Michelle Threatt said she feels good about what we are doing and looks forward to being a part of the change.

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

By voice vote:

Deputy Mayor Gibson "YES"

Commissioner Howell "YES"

Commissioner Williams "YES"

Commissioner Fitzgerald "YES"

Mayor Fultz "YES"

Motion passed 5-0.

Mayor Fultz appointed Durinda Wells to a new term on the Housing Authority to expire July 1, 2025.

Deputy Mayor Gibson asked Ms. Wells how she feels about the recent joint meeting with the CRA.

Durinda Wells said she is excited about this new adventure and bridging the gap between the communities.

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



By voice vote:

Deputy Mayor Gibson "YES"

Commissioner Howell "YES"

Commissioner Williams "YES"

Commissioner Fitzgerald "YES"

Mayor Fultz "YES"

Motion passed 5-0.

#### Planning and Zoning Board Appointment

Jennifer Nanek, City Clerk, reported that Kyra Love Harriage could not attend.

Mayor Fultz reappointed Kyra Love Harriage to a new term on the Planning and Zoning board to expire July 1, 2024

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

By voice vote:

Deputy Mayor Gibson "YES"

Commissioner Howell "YES"

Commissioner Williams "YES"

Commissioner Fitzgerald "YES"

Mayor Fultz "YES"

Motion passed 5-0.

#### Recreation Commission

The commission discussed the appointment of Jim Reddick to a new term on the Recreation Commission to expire July 1, 2024.

Ms. Nanek reported that Mr. Reddick is not in attendance and she had not heard from him.

Mayor Fultz said we should table the appointment. Deputy Mayor Gibson received a recommendation against his appointment. He said it was important for a board to work well together and he would oppose this appointment.

Mayor Fultz Reappointed Laura Donaldson to a new term on the Recreation Commission to expire July 1, 2024.

Deputy Mayor Gibson asked Laura Donaldson why she wished to continue to serve. Ms.

Donaldson said that its important to bring our facilities up to date. Recreation is an important part of a vibrant City.

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

By voice vote:

Deputy Mayor Gibson "YES"

Commissioner Howell "YES"

Commissioner Williams "YES"

Commissioner Fitzgerald "YES"

Mayor Fultz "YES"

Motion passed 5-0.

Library Board

Mayor Fultz reappointed Chayla Outing to a new term on the Library Board to expire July 1, 2026.

Tina Peak, Library Director, said that Ms. Outing could not attend but recommended her appointment.

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

By voice vote:

Deputy Mayor Gibson "YES"

Commissioner Howell "YES"

Commissioner Williams "YES"

Commissioner Fitzgerald "YES"

Mayor Fultz "YES"

Motion passed 5-0.

## 8. CONSENT AGENDA

Mayor reported that Item 8.9 is to be removed from the agenda due to the weather as people could not attend.

Commissioner Howell moved to approved the Consent Agenda. Deputy Mayor Gibson seconded the motion.

By Voice Vote:

Commissioner Howell "YES"

Deputy Mayor Gibson "YES"

Commissioner Williams "YES"

Commissioner Fitzgerald "YES"

Mayor Fultz "YES"

Motion passed 5-0.

8.I. Minutes - April 20, 2021 And June 15, 2021

8.II. Hangar Land Lease Agreement - LW Hangar LLC

[Begin Agenda Memo]

**SYNOPSIS:**

The City Commission will consider a hangar land lease agreement at the Lake Wales Municipal Airport.

**RECOMMENDATION**

1. Authorize the mayor to execute a hangar land lease agreement between LW Hangar, LLC and the City for 49,140 square feet (1.13 acres) of land space for the purpose of developing and constructing a 4-bay aircraft hangar.

**BACKGROUND**

Chapter 3-Airport, Section 3-30 of the City of Lake Wales Code of Ordinances allows the city to lease hangars, pasture lands and other airport property to individuals, firms or corporations.

LW Hangar, LLC is requesting to lease land at the Lake Wales Municipal Airport to construct a 4-bay aircraft hangar (49,140) square feet, at a rate of (\$300.00) per month (\$3,600.00) per annum.

Rent commencement date shall be the earlier of the twelve months after the effective date or upon issuance of the Certificate of Occupancy. The annual base rent shall remain unchanged for the first five years and thereafter shall be adjusted in the amount to be determined by the percentile change in the Consumer Price Index.

Pilots with larger aircraft are accustomed to certain amenities at airports. Having their aircraft fueled by airport staff is one. The Lake Wales Municipal Airport does not provide this service; therefore, the City is allowing LW hangar, LLC to purchase a fuel truck to provide fuel delivery service to all aircraft in their hangar. Self-fueling is allowable by the Federal Aviation Administration (FAA) guidelines. When the City is able to provide such service the City will provide this service at a cost not to exceed the wholesale fuel cost per gallon plus \$1.25.

The initial term of this lease shall be for a period of thirty (30) years. Upon expiration of the initial term, Lessee shall have the option to extend the lease for one (1) additional ten (10) year renewal term. Lessee shall provide notice of electing any renewal term by providing written notice to lessor any time before the expiration of each prior term.

Proof of insurance is required before issuance of the Certificate of Occupancy (exhibit C).

## **OTHER OPTIONS**

The City Commission may choose not to authorize the execution of the lease agreement at this time.

[End Agenda memo]

### 8.III. Northwest Water Main Extension Amendment 1

[Begin Agenda Memo]

**SYNOPSIS:** This project will consist of extending a 12" water main from Water Treatment Plant #1(WTP#1) located on Market Street and Sessoms Ave to connect to Washington Avenue in the northwest section of town.

## **RECOMMENDATION**

It is recommended that Commission take the following action:

1. Approve Engineering services with CHA Consulting formally known as Reiss Engineering for \$23,657.00 for additional surveying related to the northwest water main extension.
2. Authorize the City Manager to execute the appropriate documents, on the City's behalf.

## **BACKGROUND**

The City owns and maintains One hundred seventy-six miles of water main, ranging in size from two inches to twenty-four inches. It becomes necessary from time to time to replace water main in areas where the original pipe installations are now too small to service the area with sufficient flows and pressures or have outlived its useful life. In 2011, City Staff performed a pipe-bursting project in the northwest section of town. Pipe bursting is a trenchless method of replacing buried pipelines (such as sewer, water, or natural gas pipes) without the need for a traditional construction trench. "Launching and receiving pits" replace the trench needed by conventional pipe laying. The installation of these larger pipes were in preparation of the extension and installation of a larger water main to come from WTP#1.

At the April 20, 2021 City Commission meeting, the Commission approved entering into an agreement for engineering for the above referenced project. In an attempt to avoid as many underground conflicts with installation, additional surveying is required. The extension will consist of a 12" water that will connect to connection points that were left during the pipe-bursting project. The completion of this project provides for improved pressures and flows for fire protection.

Staff recommends the Commission take the following action, approve the attached amendment 1 for \$23,657.00 for additional surveying associated with the northwest water main extension and authorize the City Manager to execute the appropriate documents, on the City's behalf.

## **OTHER OPTIONS**

The Commission could chooses not to approve the contract listed above, in turn delaying the submittal and approval of eligible State Revolving Loan Funding for construction.

[End Agenda Memo]

### 8.IV. Western Utilities Expansion-Force Main Amendment 2 To Loan Agreement WW530330

[Begin Agenda Memo]

**SYNOPSIS:** The force main extension for State Road 60 West project is now complete and the State Revolving Loan Fund (SRF) agreement WW530330 has to be closed out. Amendment 2 to loan agreement WW530330 finalizes the loan proceeds taken for the force main construction.

### **RECOMMENDATION**

Staff recommends the City Commission consider taking the following action:

1. Approve Amendment 2 to Loan Agreement WW530330 for construction and installation of approximately 5 miles of force main and lift station for a total amount of \$3,022,078.
2. Authorize the Mayor to execute the appropriate documents, on the City's behalf.

### **BACKGROUND**

The Commission, At the August 16, 2016 City Commission meeting, approved entering into an SRF agreement to accept funding for the construction of the State Road 60 Western Expansion force main. In the agreement, construction was set to be completed in September of 2018, and the first payment was to be made on March 15, 2019. Due to the delay of the land acquisition associated with the Department of Transportation's grade separation project, located west of West Lake Wales Road, extension of the force main could not be completed. This delay was communicated to the City's SFR representatives and the suggested remedy was to extend the contract dates for up to 6 months. This delay necessitated Amendment 1 to the contract. The attached Amendment 2 to the agreement sets forth the final funds received for the project and closes the project and contract out.

The total amount awarded is \$3,206,386. This is a reduction of \$41,129 from the original amount awarded. Along with capitalized interest and fees, the City's final loan amount is \$3,270,514. Due to further delay of construction, the City had already begun to make semiannual payments. The City has made three semiannual payments, reducing the principle of the loan to \$2,957,950. The total amount remaining to pay with combined service fees are \$3,022,078. Staff recommends the commission authorize Amendment 2 to SRF contract WW530330, and authorize the Mayor to execute the appropriate documents associated with the close out of agreement WW530330.

### **FISCAL IMPACT**

Agreement WW530330 Amendment 2 finalizes the funds the City received from SRF for construction of the water main. The semiannual payment amounts to \$81,677.78 for a term of 20 years (40 payments).

### **OTHER OPTIONS**

None.

[End Agenda memo]

#### 8.V. SR 60 Western Utilities Expansion Amendment 2 To Loan Agreement DW530320

**SYNOPSIS:** The water main extension for State Road 60 West project is now complete and the State Revolving Loan Fund (SRF) agreement DW530320 has to be closed out. Amendment 2 to loan agreement DW530320 finalizes the loan proceeds taken for the water main construction.

### **RECOMMENDATION**

Staff recommends the City Commission consider taking the following action:

1. Approve Amendment 2 to Loan Agreement DW530320 for construction and installation of

approximately 5 miles of water main for a total amount of \$2,043,029.50.

2. Authorize the Mayor to execute the appropriate documents, on the City's behalf.

## **BACKGROUND**

The Commission, At the August 16, 2016 City Commission meeting, approved entering into an SRF agreement to accept funding for the construction of the State Road 60 Western Expansion water main. In the agreement, construction was set to be completed in September of 2018, and the first payment was to be made on March 15, 2019. Due to the delay of the land acquisition associated with the Department of Transportation's grade separation project, located west of West Lake Wales Road, extension of the water main could not be completed. This delay was communicated to the City's SFR representatives and the suggested remedy was to extend the contract dates for up to 6 months. This delay necessitated Amendment 1 to the contract. The attached Amendment 2 to the agreement sets forth the final funds received for the project and closes the project and contract out.

The total amount awarded is \$2,132,834. Along with capitalized interest and fees, the City's final loan amount is \$2,200,951.79. Due to further delay of construction, the City was already in the payback portion of the loan. The City has made three semiannual payments, reducing the principle of the loan to \$2,000,372.50. The total amount remaining to pay with combined service fees are \$2,043,029.50.

Staff recommends the commission authorize Amendment 2 to SRF contract DW530320, and authorize the Mayor to execute the appropriate documents associated with the close out of agreement DW530320.

## **FISCAL IMPACT**

Agreement DW5330320 Amendment 2 finalizes the funds the City received from SRF for construction of the water main. The semiannual payment amounts to \$59,066.47 for a term of 20 years (40 payments).

## **OTHER OPTIONS**

None.

[End agenda Memo]

- 8.VI. Special Event Application - Pioneer Days October 23-24, 2021

[Begin Agenda Memo]

## **SYNOPSIS:**

Approval of this request will allow the Pioneer Days Celebration to take place on October 23 -24, 2021 in Lake Wailes Park, allow vendors to set up RV's in the park, and allow for the temporary street closings for the Antique Car Parade.

## **RECOMMENDATION**

It is recommended that the City Commission consider taking the following action:

1. Approve the special event permit application for the 45th Annual Pioneer Days Celebration, to be held October 23 -24, 2021

2. Approve the temporary road closing as specified in this memorandum for the Antique Car Parade on October 23 and 24, 2021 from 11:30 a.m. to 1:30 p.m.
3. Approve the request for alcohol in its designated areas.
4. Approve the request for RV's and tents to be set up by vendors in Lake Wailes Park throughout the event subject to the conditions specified by staff.

## **BACKGROUND**

The City of Lake Wales submitted a Special Event Permit Application for the 45th Annual Pioneer Days celebration to be held from October 23 and 24, 2021 at Lake Wailes Park.

Pioneer Days will include the serving and consuming of alcohol within the boundary of the park.

This application also includes a request for vendors to set up RV's and tents in Lake Wailes Park throughout the three-day event. Some vendors would like to stay on site for security reasons and protection of their property. Per Sec. 18-82 q. of the Lake Wales Code, camping is prohibited in a City park unless specifically authorized by special permit. Staff recommends that approval specify the following conditions:

- The RV's will arrive no earlier than 9 a.m. Thursday, October 21, 2021 and must depart no later than 9 p.m. on Sunday, October 24, 2021 allowing ample time for take down and clean up.
- The RV's, vehicles, and tents will be set up in areas as designated by the City.
- No parking of vehicles will be allowed off pavement except in areas approved and designated by the City.
- No vehicles shall be parked or driven within 15 feet of the trunk of any trees within the park.
- No vehicles shall drive or park on the bike path or cross the bike path.
- Vendors approved to set up inside the "horseshoe drive" across from the basketball courts, shall maintain a 15-foot distance from tree trunks.

The event will also include an Antique Car Parade on both days Saturday, October 23 & 24 2021 from approval of the temporary closing of several streets. The requested closings will involve the following:

North Lake Shore Blvd from North Wales Dr to Park Avenue and the road through Lake Wailes Park

On Friday, October 22, 2021, vendors and participants will be setting up in Lake Wailes Park beginning at 10:00 a.m. The main event will commence on Saturday, October 23, with the Pioneer Hour at 10:00 a.m. and will continue throughout the day with events and activities until 5:00 p.m. Sunday's activities will begin at 9:00 a.m. and will wrap up at 5:00 p.m.

## **OTHER OPTIONS**

Do not approve the Special Event Permit Application for the Pioneer Days Celebration or the request for the road closures.

## **FISCAL IMPACT**

In-Kind services for this event provided by the City will be approximately \$2625.

[End Agenda Memo]

8.VII. Special Event Application - Touch-A-Truck July 22, 2021

[Begin Agenda Memo]

**SYNOPSIS**

The Lake Wales Public Library is requesting a special event permit for a Touch a Truck event to be held on July 22nd, 2021 from 10:00 a.m. - 11:30 a.m. This event will close Cypress Garden Lane.

**RECOMMENDATION**

Staff recommends approval of the special event permit for the Touch a Truck event and for Cypress Garden Lane to be closed from 10:00 a.m. - 11:30 a.m.

**BACKGROUND**

As part of their summer programming the Lake Wales Public Library is hosting a Touch-a-Truck event on Thursday July 22nd from 10:00 a.m. - 11:30 a.m. This will involve several large trucks being on site. This will require that Cypress Garden Lane, where the library is located be closed during the event. The parking lot west of the Library will also be closed.

**OTHER OPTIONS**

Do not approve the event permit or the road closure.

**FISCAL IMPACT**

None

[End Agenda Memo]

8.VIII. Special Event Permit - Christmas Parade December 11, 2021

[Begin Agenda memo]

**SYNOPSIS:** Approval of the special event permit application will allow the Lake Wales Kiwanis Club to present the annual Christmas Parade on Saturday December 11, 2021 and allow for the temporary closing of several streets.

**RECOMMENDATION:**

Staff recommends that the City Commission take the following action:

1. Approve the special event permit application from the Lake Wales Kiwanis Club for the annual Christmas parade to take place Saturday evening, December 11, 2021 between the hours of 6:00 p.m. and 8:00 p.m.
2. Approve the parade route that will begin at Lake Wailes Park, travel up Central Avenue to Dr. Martin Luther King Jr. Blvd. north to Stuart Avenue where it will end.
3. Approve the temporary closing of North 5th Street, Orange Avenue, the Horseshoe Drive in Lake Wailes Park, Lake Shore Blvd. from Orange Avenue to Central Avenue, and Central Avenue from Lake Shore Blvd. to Dr. Martin Luther King Jr. Blvd. and Martin Luther King Blvd. to Stuart Avenue



**BACKGROUND:**

Larry Tonjes, on behalf of the Lake Wales Kiwanis Club, submitted a special event permit application for the Annual Christmas Parade to take place Saturday, December 11, 2021 from 6:00 p.m. to 8:00 p.m. Line up for the parade will begin at 4:00 p.m. on North 5th Street and on Orange Avenue and along the Horseshoe Drive (Park Avenue) of Lake Wailes Park.

The application also includes a request for the temporary closing of several streets as follows: 5th Street, Orange Avenue and Park Avenue (Horseshoe Drive) in Lake Wailes Park for the parade line up. The Parade will travel on Lakeshore Boulevard south to Central Avenue, west on Central Avenue crossing SR17/Scenic Highway to Dr. Martin Luther King Jr. Boulevard where the parade will end on Stuart Avenue.

The crossing of Scenic Highway requires a permit from the Florida Department of Transportation and this request is to be submitted to the Bartow office after commission has approved the event. Staff has reviewed the application and has no issues with the event or road closings. Lake Wales Police Department and VOICE will be handling pedestrian and vehicular traffic control. The Streets Department will coordinate the street closings and trash clean up. The Kiwanis Club will be responsible for the parade line up and staging and any sanitary facilities that might be necessary.

The sponsor will be required to provide insurance, which is standard.

**OTHER OPTIONS:**

Not to approve this event and road closings.

**FISCAL IMPACT:**

The total cost of in-kind services is in the proposed budget for FY21/22 s \$2174 with the Kiwanis Club being responsible for 25% of the total cost or approximately \$544.

[End Agenda Memo]

8.IX. Special Event Permit: Keystone Phase II Groundbreaking Ceremony

[Begin Agenda Memo]

**SYNOPSIS:** The City of Lake Wales will host a groundbreaking ceremony for the Keystone Challenge Fund Phase II affordable housing build. This event will take place at the intersection of Washington Avenue and B Street. Staff requests approval to close both roads between 9:00 a.m. – 9:30 a.m.

**RECOMMENDATION**

Staff recommends approval of the Special Event permit application and permission to close the roads as requested.

## **BACKGROUND**

The City of Lake Wales and the Lake Wales CRA have partnered with the Keystone Challenge Fund to build affordable houses on B Street. This groundbreaking event is for Phase II of this project. Staff requests approval of the special event application and authorization to close B Street and Washington Avenue between 9:00 a.m. and 9:30 a.m.

## **OTHER OPTIONS**

Do not approve the application or road closure.

## **FISCAL IMPACT**

None.

[End Agenda Memo]

## **9. OLD BUSINESS**

- 9.I. ORDINANCE 2021 – 08 Amending The Charter As Approved By The Electors. 2nd Reading And Public Hearing

[Begin agenda Memo]

## **SYNOPSIS**

Ordinance 2021-08 modifies the Charter in accordance with the changes approved by the Electors in April 2021.

## **RECOMMENDATION**

Staff recommends adoption of ORDINANCE 2021-08 after 2nd Reading and Public Hearing to modify the charter in accordance with the amendments approved by the voters in April 2021.

## **BACKGROUND**

On April 6, 2021 7 Charter Amendments were put before the voters all of which were approved. Ordinance 2021-08 officially changes the charter in accordance with the amendments that were approved.

## **OTHER OPTIONS**

None. These changes were approved by the voters.

## **FISCAL IMPACT**

None

[Begin Agenda memo]

Jennifer Nanek, City Clerk, read **ORDINANCE 2021-08** by title only.

**ORDINANCE 2021-08 [as approved by electors of the City of Lake Wales, 4/6/2021]**

**AN ORDINANCE AMENDING THE LAKE WALES CHARTER IN THE FOLLOWING MANNERS:**

**BY INCLUDING A MISSION STATEMENT; BY REVISING THE QUALIFICATIONS OF MEMBERS; BY REVISING THE PROCEDURE FOR FILLING A VACANCY ON THE COMMISSION; BY REVISING APPOINTMENT OF CITY MANAGER; QUALIFICATIONS; BY REVISING POWERS AND DUTIES OF THE CITY MANAGER; BY REVISING CAPITAL PROGRAM; BY REVISING FUNCTIONS AND POWERS OF MAYOR; PROVIDING FOR AN EFFECTIVE DATE.**

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Commissioner Howell asked if further changes could be made in the future. Mayor Fultz and Deputy Mayor Gibson confirmed that they could.

Commissioner Howell made a motion to adopt **ORDINANCE 2021-08** after second reading and public hearing. Deputy Mayor Gibson seconded the motion.

By roll call vote:

Commissioner Howell "YES"

Deputy Mayor Gibson "YES"

Commissioner Williams "YES"

Commissioner Fitzgerald "YES"

Mayor Fultz "YES"

Motion passed 5-0.

## 10. NEW BUSINESS

- 10.I. Ordinance 2021-13 Annexation – 1st Reading And Public Hearing 19.82 Acres Of Land At The Southwest Corner Of Sunset Drive And Buck Moore Road

[Begin Agenda Memo]

**SYNOPSIS:** Ordinance 2021-13 proposes the voluntary annexation of approximately 19.82 acres of land located at the southwest corner of Sunset Drive and Buck Moore Road, and contiguous to the incorporated City limits.

### **RECOMMENDATION**

Staff recommends approval at first reading, and adoption after second reading of Ordinance 2021-13 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**

Southwest Holdings USA, Inc, owner, petitioned annexation into the corporate city limits of Lake Wales on May 17, 2021. "Attachment A" to the ordinance shows the property's location. It is contiguous to the City Limits along all four boundary lines.

### **OTHER OPTIONS**

Decline to annex the property.

## **FISCAL IMPACT**

The annexation will add to the City's tax roll. The property is valued at \$256,100, which would bring in additional property taxes.

[End Agenda memo]

Jennifer Nanek, City Clerk, read **ORDINANCE 2021-13** by title only

## **ORDINANCE 2021-13**

**(Annexation – 19.82 acres of land at the southwest corner of Sunset Drive and Buck Moore Road)**

**AN ORDINANCE PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 19.82 ACRES OF TERRITORY, CONTIGUOUS TO THE INCORPORATED TERRITORY OF THE CITY OF LAKE WALES, SHOWN ON ATTACHMENT "A" AND SPECIFICALLY DESCRIBED HEREIN; GIVING THE CITY OF LAKE WALES JURISDICTION OVER THE LAND ANNEXED; AND PROVIDING FOR AN EFFECTIVE DATE.**

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Commissioner Howell made a motion to approve **ORDINANCE 2021-13** after first reading and public hearing. Deputy Mayor Gibson seconded the motion.

By roll call vote:

Commissioner Howell "YES"

Deputy Mayor Gibson "YES"

Commissioner Williams "YES"

Commissioner Fitzgerald "YES"

Mayor Fultz "YES"

Motion passed 5-0.

- 10.II. Ordinance 2021-14 Chapter 14 Code Of Ordinances Amendment Mobile Car Wash/Auto Detail Business Regulations 1st Reading - PUBLIC HEARING

[Begin Agenda Memo]

**SYNOPSIS:** Ordinance 2021-14 proposes an amendment to Chapter 14 – Licenses and Business Regulations, Lake Wales Code of Ordinances. This amendment is necessary to address specific concerns of the community, and to better-regulate mobile auto detailing businesses in Lake Wales.

## **RECOMMENDATION**

Staff recommends approval at first reading of Ordinance 2021-14, following a public hearing.

## **BACKGROUND**

Both the Code Compliance Division and the Police Department have recognized an increased volume of calls and complaints regarding disruptive mobile car washing practices in the City. In order to reduce certain impacts of this service type on neighborhoods and businesses, the intent of Article VIII Mobile Car Wash/Auto Detail Businesses is to provide specific guidance on lawfully conducting a mobile detailing business within the City.

## **OTHER OPTIONS**

Decline to amend Chapter 14.

## **FISCAL IMPACT**

None

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE 2021-14** by title only.

## **ORDINANCE 2021-14**

**AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER 14, AMENDING ARTICLE VIII. MOBILE CAR WASH/AUTO DETAIL BUSINESSES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

James Slaton, City Manager, reviewed this item.

## **OPENED PUBLIC HEARING**

Aaron Bagley, resident, said he has been doing mobile detailing for 15 years. He said there are some things in the proposed Ordinance that he agrees with some he doesn't. He doesn't think someone should have to sign something to get their car detailed. One car can take three hours. Those are concerns he has.

James Simmons, resident, said he agreed with Mr. Bagley's comments. The hours are reasonable. Some things he doesn't understand. He stands behind the car wash.

Durinda Wells, resident, asked if they are at a specific location can she bring her car there or do they come to her? Are two allowed in the same spot. She is trying to understand why this is an issue. Mr. Slaton said some of the problems relate to the fact that they aren't always mobile. some complaints include that they park on ROW, there is noise, litter, and blocking traffic. Ms. Wells asked who is complaining. Commissioner Howell said some complaints she gets are loud music and traffic where 4-5 cars are waiting in line. These complaints are coming from area residents. She shared some examples of problem locations. These concerns are not in our Ordinance.

Commissioner Fitzgerald said some businesses stay in one location with loud noise all day long. This is about mutual respect. Commissioner Howell said this is not every business. Some businesses don't cause a problem.

Michelle Threatt, business owner and President of the Northwest Association, asked for a clear understanding of the proposed ordinance and what the current rules are. She said she understands

some of these complaints. She suggested holding off on this. Commissioner Howell said we do not currently have an Ordinance. We need something as there have been complaints for awhile. Mayor Fultz said if some people need things clarified that Mr. Slaton will meet with them to go over this Ordinance.

Mr. Slaton said he will meet with mobile detailers and see how to make this ordinance better. We can't deal with the complaints until an ordinance is in place.

Mayor Fultz recommended tabling this to let staff meet with these businesses and modify the Ordinance. We don't want to shut the businesses down but all businesses need to follow regulations.

Curtis Gibson, resident, said not all of the businesses need to be regulated. He is in favor of educating the public on this. He asked about enforcement or monitoring. Mr. Slaton said the Police and Code Enforcement will enforce this. Mr. Gibson asked about the mobile detailers coming to an apartment complex. Will they need permission from the management? Mayor Fultz said that is a good thought and Mr. Slaton made note of it.

A resident shared problems with a mobile detailing business that recently started operating in her neighborhood. Code Enforcement had to get involved to shut it down. Mayor Fultz said regulation is important. A standard to be enforced is important.

Mr. Lawrence asked if there was a noise ordinance. Mr. Slaton said yes and asked Michael Smith with Police Department to answer this. Mr. Smith said from 11:00p.m. to 6:00p.m. Mr. Lawrence said the noise shouldn't be a concern until then. He said if one person is breaking the rules everybody should not be regulated.

Mr. Bagley said sometimes clients pull up with loud music. Its not always the business owners. Commissioner Howell said its usually the business owner that is running a generator and playing loud music out of the van.

Winston Cherry, resident, recommended a police substation on Lincoln to address some of these concerns.

#### CLOSED PUBLIC HEARING

Commissioner Howell made a motion to approve Ordinance 2021-14 after 1st reading and public hearing. The motion died for a lack of a second.

Deputy Mayor Gibson said this does not go into effect if approved after 1st reading.

Mayor Fultz said lets table this until changes are made and everyone understands what is in this.

Commissioner Howell said encouraged business owners to meet with the City staff on this. This issue will then come back to the Commission in a public work shop.

#### 10.III. ORDINANCE D2021-06 Future Land Use Designation – 0 3rd St. N Zoning Designation – 0 3rd St N 1st Reading And PUBLIC HEARING

[Begin Agenda Memo]

**SYNOPSIS:** HAB Holdings LLC, owner of parcel 273002909610005030, and Development Services Staff, on behalf of the City of Lake Wales, owner of parcel 273002909610005010, request approval by City Commission to amend the Zoning Map, and the Future Land Use Map of the Comprehensive Plan on two parcels.

#### **RECOMMENDATION**

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

Current Zoning: Recreation Current Land Use: Public

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

## **BACKGROUND**

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

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

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

## **CODE REFERENCES AND REVIEW CRITERIA**

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

## **OTHER OPTIONS**

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

## **FISCAL IMPACT**

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

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

[Begin Agenda Memo]

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

## **ORDINANCE D2021-06**

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

**AN ORDINANCE OF THE CITY OF LAKE WALES, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN TO CHANGE LAND USE DESIGNATIONS ON 2.64 ACRES OF LAND LOCATED SOUTH OF OSCEOLA AVENUE EAST AND WEST OF LAKE**

**ALTA STREET, FROM CITY DESIGNATION PUBLIC TO CITY OF LAKE WALES DESIGNATION LDR LOW DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Commissioner Howell made a motion to approve **ORDINANCE D2021-06** after 1st reading and public hearing. Deputy Mayor Gibson seconded the motion.

By Roll call vote:

Commissioner Howell "YES"

Deputy Mayor Gibson "YES"

Commissioner Williams "YES"

Commissioner Fitzgerald "YES"

Mayor Fultz "YES"

Motion passed 5-0.

10.IV. Ordinance D2021-07 Zoning Designation – 0 3rd St. N, 1st Reading And Public Hearing

[Begin Agenda Memo]

**SYNOPSIS:** HAB Holdings LLC, owner of parcel 273002909610005030, and Development Services Staff, on behalf of the City of Lake Wales, owner of parcel 273002909610005010, request approval by City Commission to amend the Zoning Map, and the Future Land Use Map of the Comprehensive Plan on two parcels.

**RECOMMENDATION**

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

Current Zoning: Recreation Current Land Use: Public

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

**BACKGROUND**

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

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



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

#### **CODE REFERENCES AND REVIEW CRITERIA**

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

#### **OTHER OPTIONS**

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

#### **FISCAL IMPACT**

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

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

[Begin Agenda Memo]

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

#### **ORDINANCE D2021-07**

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

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

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Commissioner Howell made a motion to approve **ORDINANCE D2021-07** after 1st reading and public hearing. Deputy Mayor Gibson seconded the motion.

By Roll call vote:

Commissioner Howell "YES"

Deputy Mayor Gibson "YES"

Commissioner Williams "YES"

Commissioner Fitzgerald "YES"

Mayor Fultz "YES"

Motion passed 5-0.

10.V. Preliminary Subdivision Plat Approval / Special Exception Use Permit Approval For A Residential Planned Development Project (PDP) "80 Acres Lake Wales" PUBLIC HEARING

[Begin Agenda Memo]

**SYNOPSIS:** Quigg Engineering, agent for CG Citrus, owner, is requesting approval by City Commission, of a 349-lot single-family Preliminary Subdivision Plat and a Special Exception Use Permit for a Residential PDP on 80 acres of land east of Buck Moore Road and north of Sunset Drive

**RECOMMENDATION**

Approval of a 349-lot single-family Preliminary Subdivision Plat and a Special Exception Use Permit for a Residential PDP, with conditions of approval recommended by the Planning and Zoning Board at a regular meeting on May 25, 2021.

**BACKGROUND**

General:

The 80-acre vacant grove land is located at the northeast corner of Buck Moore Road and Sunset Drive, just north of Sunset Pointe Subdivision. The site also abuts the recently-approved Buck Moore Development residential subdivision to the north.

The proposed 349-lot single-family subdivision is designed as a Planned Development Project in three phases, including requested Waivers of Strict Compliance and elevated design standards.

Maximum density on the site is calculated at 5 units per gross acre under the updated Comprehensive Plan for LDR Low-Density Residential; a density of 4.4 dwelling units per acre is proposed.

Lot sizes range from just over 5,600 square feet, to 7,800 square feet, with widths ranging from 40-feet-wide to 60-feet-wide. Lots that abut Buck Moore Road are designed larger in order to achieve compatibility with the surrounding area, with the smaller lots shown interior to the development.

Roadways & Access:

Access to the site is shown from Buck Moore Road, with a secondary entrance from Sunset Drive. An access permit for both Buck Moore Road and Sunset Drive must be obtained from Polk County, as both are County Roads. Any off-site or intersection improvement requirements will be determined by the permitting agency.

A stub out is shown which will create a cross-connection with the subdivision approved to the north. All roadways within the development will be built at 24 feet wide with curbing built to City standards.

Buck Moore Road is classified as an Urban Collector per the Polk Transportation Planning Organization 2020 Roadway Network Database. Currently, this roadway has an estimated Annual Average Daily Traffic of 9,200 trips, with 406 peak hour trips northbound and 422 southbound. The level of service standard of this roadway is LOS "C" with a maximum of 792 peak hour trips, and currently operates at LOS "B".

Transportation data for Sunset Drive, a County Road, is not available.

Traffic Generation for 80 Acres: Projected Average Daily Trips: 2,726 PM Peak Hour Trips: 353

#### Landscaping and Buffering:

The landscape plan provided exceeds the standards within the City's Landscape Code. Perimeter buffer trees are spaced at one shade tree per 30 linear feet, where one per 50 linear feet is required by code. Additionally, a street tree plan is provided with one street tree per lot throughout the development.

The Buck Moore Road perimeter landscape buffer is designed with an alternating aluminum rail fence and masonry stucco wall with landscaping. The Sunset Drive buffer is a landscaped split rail fence. Flexibility in the buffer design is requested, in the event that a landscaped berm is desired and is more cost feasible.

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:

A large, 3.23-acre centralized neighborhood park with a pool and bathhouse, and walking trails. The western mini-park will have children's playground equipment, and the eastern mini-park will have playground equipment as well as large and small dog parks.

Required neighborhood park space: 1.31 acres

Provided neighborhood park space: 3.23 acres

Required mini-park space: .22 acres

Provided mini-park space: 1.45 acres

#### Waivers of Strict Compliance:

The Planning and Zoning Board recommended approval of the applicant's requested Waivers of Strict Compliance from certain dimensional and area standards in the R-1A zoning district:

- 1.) Minimum lot area: 5,600 SF is requested where 12,000 SF is required by code.
- 2.) Minimum lot width at building line: 40 feet wide is requested where 85 feet wide is required by code.
- 3.) Front building setback: 20 feet is requested where 30 feet is required by code.
- 4.) Corner lot front/Functional side yard building setback: 15 feet is requested where 30 feet is required by code.
- 5.) Side building setback: 5 feet is requested where 10 feet is required by code.
- 6.) Rear setback: 10 feet is requested where 20 feet is required by code.
- 7.) Maximum lot coverage: 70% coverage is requested where 40% is required by code.

#### Proposed Superior Design Standards:

In exchange for the consideration of the above-mentioned Waivers of Strict Compliance requested, the applicant proposes the following elevated design elements in order to demonstrate a superior product:

1. The installation of sidewalks on both sides on interior streets (only one side is required by code).
2. Enhanced recreational amenities including a neighborhood pool and bathhouse, playground equipment, walking trails, and small and large dog park areas.
3. A fuller perimeter landscape buffer to include a tree per every 30 linear feet where only one per 50 linear feet is required.
4. Street trees throughout the development.
5. 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.
6. Staggered front building setbacks at a minimum of two feet difference between adjacent lots.
7. A required minimum front setback for garages at 25 feet.
8. Garages will be a minimum of 400 square feet.

Staff Comments and Findings:

1. The Plan meets the Residential PDP standards found in Section 23-443.
  - a. 23-443.1.a. Density does not exceed the maximum allowed.
  - b. 23-443.1.b. Open space makes up a minimum of twenty percent of the site.
  - c. 23-443.2.a. Development is not isolated from the surrounding area and provides recreational connectivity beyond the project boundary.
  - d. 23-443.2.b. Parks and open space areas are designed as focal points.
2. The use is compatible with the intentions of Policy 2.11: Low Density Residential of the City's Comprehensive Plan.
3. This site is located within the City's utility service area and will connect to municipal water and sewer.
4. The proposed plan demonstrates design elements that are superior to the requirements of a standard subdivision.

The Planning and Zoning Board recommends the following conditions of approval:

- a. Fences must be setback a minimum of 15 feet behind the front building expression line.
- b. Tract F shall be made available for additional right of way for possible future intersection improvements if needed.

**OTHER OPTIONS**

Decline to approve the preliminary subdivision plat and PDP.

### **FISCAL IMPACT**

Approval of the preliminary plat and PDP would enable the development of this property and the potential increase in property value. Specifically, estimating an average of \$175,000 in taxable value per unit, it could potentially result in over \$61 million in taxable value, and generate \$415,151 in ad valorem taxes.

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

[End Agenda Memo]

### OPENED PUBLIC HEARING

Dave Holden, representing the owner and non-resident, introduced himself and reviewed the project.

### CLOSED PUBLIC HEARING

Commissioner Howell made a motion to approve the Preliminary Subdivision Plat for "80 acres Lake Wales" after public hearing. Deputy Mayor Gibson seconded the motion.

By Roll call vote:

Commissioner Howell "YES"

Deputy Mayor Gibson "YES"

Commissioner Williams "YES"

Commissioner Fitzgerald "YES"

Mayor Fultz "YES"

Motion passed 5-0.

### 10.VI. Preliminary Subdivision Plat Approval / Special Exception Use Permit Approval For A Residential Planned Development Project (PDP) "Belle Lago" PUBLIC HEARING

[Begin Agenda Memo]

**SYNOPSIS:** ECON, agent for Tri Ben Groves, owner, is requesting approval of a 84-lot single-family Preliminary Subdivision Plat and a Special Exception Use Permit for a Residential PDP on 47.62 acres of land west of Scenic Highway, with a peninsula extending into Lake

Belle.

### **RECOMMENDATION**

Approval of an 84-lot single-family Preliminary Subdivision Plat and a Special Exception Use Permit for a Residential PDP, with conditions of approval recommended by the Planning and Zoning Board at a regular meeting on May 25, 2021.

## **BACKGROUND**

### General:

The 47.62-acre vacant grove land is located on the west side of Scenic Highway, with a peninsular extending into Lake Belle.

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

Maximum density allowed on the site is calculated at 5 units per gross acre under the updated Comprehensive Plan for LDR Low-Density Residential; a density of only 1.78 dwelling units per acre is proposed. A portion of the site extends into the lake, leaving 33.28 acres of developable land. This creates a net density of 2.52 units per acre.

Typical lot sizes range from 6,250 square feet, to 8,125 square feet, and 50 to 65 feet wide.

### Roadways & Access:

One entrance to the site is shown from Scenic Highway. Initial design for the site included two access points from Scenic Highway; however, the Florida Department of Transportation determined that only one would be permitted. An access permit for Scenic Highway must be obtained from FDOT, as it is a State Road.

State Road 17 is classified as an Urban Collector per the Polk Transportation Planning Organization 2020 Roadway Network Database. Currently, this roadway has an estimated Annual Average Daily Traffic of 6,600 trips, with 231 peak hour trips northbound and 241 southbound. The level of service standard of this roadway is LOS "D" with a maximum of 896 peak hour trips, and currently operates at LOS "B".

A 5-foot-wide sidewalk will be constructed along the perimeter of the development on Scenic Highway, as well as on both side of the streets interior to the development.

### Landscaping and Buffering:

A landscape plan will be required during the Site Development review process, which must demonstrate compliance with the City's Landscape Code.

Flexibility in the perimeter buffer design is requested, with options to include a landscaped subdivision wall or berm. The Planning Board requested that an effort be made by the developer to design around and preserve existing significant trees site-wide.

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 project is designed with an emphasis on green open space. At least twenty percent of the site, or 9.52 acres in this case, is required by code for a PDP. Over 16 acres of the site is proposed to remain as recreation and open space, meandering around Lake Belle. A .60-acre neighborhood park is proposed with a private fishing dock, and the mini-park requirement has been satisfied with a 9.24-acre linear park.

### Waivers of Strict Compliance:

The applicant requests the following Waivers of Strict Compliance from certain dimensional and area standards in the R-1C zoning district:

- 1.) Minimum lot area: 6,250 square foot interior lots is requested where 8,000 SF is required by code.
- 2.) Minimum lot width at building line: 50 feet wide is requested where 65 feet wide is required by code.
- 3.) Side building setback: 5 feet is requested where 10 feet is required by code.
- 4.) Corner lot functional side yard setback: 15 feet is requested where 25 feet is required by code.
- 5.) Increase in the allowable lot coverage not to exceed 70% where 40% is required by code.

Proposed Superior Design Standards:

In exchange for the consideration of the above-mentioned Waivers of Strict Compliance requested, the applicant proposes the following elevated design elements in order to demonstrate a superior product:

1. The installation of sidewalks on both sides on interior streets (only one side is required by code).
2. Increased open space and recreation area.

Staff Comments and Findings:

1. The Plan meets the Residential PDP standards found in Section 23-443.
  - a. 23-443.1.a. Density does not exceed the maximum allowed.
  - b. 23-443.1.b. Open space makes up a minimum of twenty percent of the site.
  - c. 23-443.2.b. Natural features of the land are preserved and integrate into the overall design, parks and open space are incorporated into natural features, and streetscapes will include enhanced landscaping.
2. The use is compatible with the intentions of Policy 2.11: Low Density Residential of the City's Comprehensive Plan.
3. This site is located within the City's utility service area and will connect to municipal water and sewer. Reclaim water is also available for connection.
4. The proposed plan demonstrates design elements that are superior to the requirements of a standard subdivision.

The Planning and Zoning Board recommends the following conditions of approval:

- a. Street Tree Plan is required.
- b. Fences must be setback a minimum of 15 feet behind the front building expression line.

At the Planning and Zoning Board hearing on Tuesday, March 25, 2021, County residents from the nearby Ridge Manor neighborhood were present and expressed opposition and concerns regarding

allowing additional development along Lake Belle, as well as additional traffic on Scenic Highway.

Lake Belle, which experienced high water levels nearly 17 years ago during an active hurricane season, has not since posed a flooding threat to residents. Lake Belle is pumped by Polk County when water rises to a certain level, a practice that proved effective during recent storms.

The project will be designed with onsite storm water ponds to support the new development. According to John McVay, a licensed surveyor working on the project, the Belle Lago site is 10 feet above lake elevation; Lake Belle did not flood during Hurricane Irma, a 20" storm event.

Staff also looked into other expressed concerns, including the condition of the City's Rapid Infiltration Basins (RIBs) just south of this site. According to the City's Utilities Director, the City's RIBs, which are permeable earthen basins, are designed and operated to treat and disperse municipal wastewater. RIBs are typically operated in conjunction with either a primary wastewater pond, or a primary and secondary wastewater pond system, in addition to a public access reuse system.

Mondays, Wednesdays and Fridays the Rib "Gates" are changed. This changes the Rib into which the reuse water is wasted. Only the Scenic Ribs are utilized. They are Mowed on an as-needed basis. Additionally, the Disc is used on them approximately once per month, and they are Rototilled twice a year.

#### **OTHER OPTIONS**

Decline to approve the preliminary subdivision plat and PDP.

#### **FISCAL IMPACT**

Approval of the preliminary plat and PDP would enable the development of this property and the potential increase in property value. Specifically, estimating an average of \$200,000 in taxable value per unit, it could potentially result in over \$17 million in taxable value, and generate \$115,555 in ad valorem taxes.

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

[End Agenda Memo]

#### **OPENED PUBLIC HEARING**

Shelby Loveless, Business Owner, said she opposed this subdivision. The density is too high, there are concerns about additions to infrastructure and speeding on Scenic Highway. The main concern is flooding from Lake Belle. They are also concerned about additional noise and street lighting.

Sarah Pace, with ECON in Lakeland, said she is the representative for the property owners. They discussed these concerns at the recent Planning and Zoning Meeting. The density is 1.17 dwelling units per acre if you count the entire parcel. Deputy Mayor Gibson asked if this included the lake bottom. Ms. Pace said yes. Deputy Mayor Gibson asked about the usable land. Mark Bennett, Development Services Director, said the density is 2.52 units with just usable land of 33 acres. Deputy Mayor Gibson shared his concerns about urban sprawl. He asked if these issues were discussed previously. Ms. Pace said FDOT would not approve two entrances so there is only one. Deputy Mayor Gibson asked if Scenic HWY is adequate for the extra traffic. Ms. Pace confirmed this. She said that the property sits 10 feet above the lake elevation. There is now a meter at Lake Belle. There was no flooding during Hurricane Irma.

Jerry Petersen, said he lives at Lake Belle, he said there is a pump but the lake is still high. With coming climate change concerns flooding is possible. pumping won't happen until it is a concern. He said he is opposed to this development. The housing market is saturated. There will be flooding at



some point.

John Hall, representing the Owner and Developer and is a former County Commissioner, said we won't have the problems as before. The flooding issue has been addressed. Commissioner Fitzgerald asked what happens if there is flooding. Mr. Hall said there would need to be a lot of rain, more than Hurricane Irma. Mr. Hall explained how the pump works. It prevented flooding in 2017. Mr. Hall said they have plans to add trees and plantings to help with the water.

Earl James, new resident on the lake, opposed the added activity. He left the big city for a bit of peace.

Tom Penney, Polk County resident near the proposed development, expressed concerns about the negative effects of this development to the area.

Deputy Mayor Gibson said there are private property rights that the owner has. We need to balance regulations with private property rights.

Commissioner Howell asked if the flooding problem was fixed. Albert Galloway, Jr., said the pump so far has addressed the issue.

There was a question about a piece of property that is a peninsula and asked what happens with it. Mr. Bennett said it will be open space. There will be a fishing dock as part of the plan. Mr. Hall said there is no lake access or boat ramp.

#### CLOSED PUBLIC HEARING

Commissioner Howell made a motion to approve the Preliminary Subdivision Plat for Belle Lago after public hearing. Deputy Mayor Gibson seconded the motion.

By Roll call vote:

Commissioner Howell "YES"

Deputy Mayor Gibson "YES"

Commissioner Williams "YES"

Commissioner Fitzgerald "YES"

Mayor Fultz "YES"

Motion passed 5-0.

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

[Begin Agenda Memo]

**SYNOPSIS:** ECON, agent for KTSN Horizon, owner, requests approval of City Commission for a 100-lot single-family Preliminary Subdivision Plat and a Special Exception Use Permit for a Residential PDP on 23.7 acres of land west of Buck Moore Road and north of Christ's Church on the Move.

#### **RECOMMENDATION**

Approval of a 100-lot single-family Preliminary Subdivision Plat and a Special Exception Use Permit for a Residential PDP, with conditions of approval recommended by the Planning and Zoning Board at a regular meeting on May 25, 2021.

## **BACKGROUND**

### General:

The 23.7-acre vacant site is located on the west side of Buck Moore Road, abutting the small Oakland Park Drive subdivision to the north, and the new Christ's Church on the Move campus to the south.

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

Maximum density on the site is calculated at 5 units per gross acre under the updated Comprehensive Plan for LDR Low-Density Residential; a density of 4.22 dwelling units per acre is proposed.

Typical lot sizes range from 6,000 square feet, to 6,500 square feet, and 50 feet wide.

### Roadways & Access:

Access to the site is shown from Buck Moore Road. The entrance road is lined with green space along both sides, leading to the mini-park and mail kiosk. An access permit for Buck Moore Road must be obtained from Polk County, as it is a County Road.

Buck Moore Road is classified as an Urban Collector per the Polk Transportation Planning Organization 2020 Roadway Network Database. Currently, this roadway has an estimated Annual Average Daily Traffic of 9,200 trips, with 406 peak hour trips northbound and 422 southbound. The level of service standard of this roadway is LOS "C" with a maximum of 792 peak hour trips, and currently operates at LOS "B".

### Landscaping and Buffering:

A landscape plan will be required during the Site Development review process, which must demonstrate compliance with the City's Landscape Code.

Flexibility in the perimeter buffer design is requested, with options to include a landscaped subdivision wall or berm.

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 .46-acre neighborhood park is positioned around the retention on the north end of the site. A .30-acre mini-park is shown to the west, just opposite the neighborhood entrance.

Additionally, the applicant has willingly worked with City staff and agreed to extend the sidewalk along Buck Moore Road to the north, approximately 500 feet past the project boundary, so to connect it with the existing City active Trail. The City will participate in this sidewalk extension by increasing the width of this portion of sidewalk to 8-feet-wide. This active trail, called "Rails to Trails" extends from Buck Moore Road to Scenic Highway.

### Waivers of Strict Compliance:

The Planning and Zoning Board recommended approval of the applicant's requested Waivers of Strict Compliance from certain dimensional and area standards in the R-1B zoning district:

- 1.) Minimum lot area: 6,000 SF is requested where 9,000 SF is required by code.
- 2.) Minimum lot width at building line: 50 feet wide is requested where 75 feet wide is required by code.
- 3.) Front building setback: 20 feet is requested where 30 feet is required by code.
- 4.) Side building setback: 5 feet is requested where 10 feet is required by code.
- 5.) Rear setback: 15 feet is requested where 20 feet is required by code.
- 6.) Neighborhood park is more than 600-feet from the furthest dwelling unit it serves.
- 7.) Increase in the allowable lot coverage not to exceed 70% where 40% is required by code.

Proposed Superior Design Standards:

In exchange for the consideration of the above-mentioned Waivers of Strict Compliance requested, the applicant proposes the following elevated design elements in order to demonstrate a superior product:

1. The installation of sidewalks on both sides on interior streets (only one side is required by code).
2. Enhanced recreational amenities, including the extension of the sidewalk to connect to an existing City active trail.

Staff Comments and Findings:

1. The Plan meets the Residential PDP standards found in Section 23-443.
  - a. 23-443.1.a. Density does not exceed the maximum allowed.
  - b. 23-4431.b. Open space makes up a minimum of twenty percent of the site.
  - c. 23-443.2.a. Development is not isolated from the surrounding area and provides recreational connectivity beyond the project boundary.
  - d. 23-443.2.b. Natural features of the land are preserved and integrate into the overall design, parks and open space are incorporated into natural features, and streetscapes will include enhanced landscaping.
2. The use is compatible with the intentions of Policy 2.11: Low Density Residential of the City's Comprehensive Plan.
3. This site is located within the City's utility service area and will connect to municipal water and sewer.
4. The proposed plan demonstrates design elements that are superior to the requirements of a standard subdivision.

The Planning and Zoning Board recommends the following conditions of approval:

- a. Garages are subject to a 25-foot minimum setback.

b. Street Tree Plan is required.

c. Fences must be setback a minimum of 15 feet behind the front building expression line.

#### **OTHER OPTIONS**

Decline to approve the preliminary subdivision plat and PDP.

#### **FISCAL IMPACT**

Approval of the preliminary plat and PDP would enable the development of this property and the potential increase in property value. Specifically, estimating an average of \$175,000 in taxable value per unit, it could potentially result in over \$17 million in taxable value, and generate \$118,954 in ad valorem taxes.

[End Agenda Memo]

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Commissioner Howell made a motion to approve the Preliminary Subdivision Plat for Buck Moore Heights after public hearing. Commissioner Fitzgerald seconded the motion.

By Roll call vote:

Commissioner Howell "YES"

Commissioner Fitzgerald "YES"

Commissioner Williams "YES"

Deputy Mayor Gibson "YES"

Mayor Fultz "YES"

Motion passed 5-0.

#### 10.VIII. Preliminary Subdivision Plat Approval / Special Exception Use Permit Approval For A Residential Planned Development Project (PDP) K&M Groves

[Begin Agenda Memo]

**SYNOPSIS:** ECON, agent for K&M Groves, owner, is requesting approval of a 67-lot single-family Preliminary Subdivision Plat and a Special Exception Use Permit for a Residential PDP on 17.33 acres of land west of US Highway 27 and south of Mountain Lake Cutoff Road.

#### **RECOMMENDATION**

Approval of a 67-lot single-family Preliminary Subdivision Plat and a Special Exception Use Permit for a Residential PDP, with conditions of approval recommended by the Planning and Zoning Board at a regular meeting on May 25, 2021.

#### **BACKGROUND**

#### General:

The 17.33-acre vacant grove land is located on the west side of US Highway 27 and south of Mountain Lake Cutoff Road. It was annexed into the City in March of 2021.

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

Maximum density allowed on the site is calculated at 5 units per gross acre under the Comprehensive Plan for LDR Low-Density Residential; a density of 3.78 dwelling units per acre is proposed.

Typical lot sizes range from 6,000 square feet, to 7,200 square feet, and 50 to 60 feet wide.

#### Roadways & Access:

One entrance to the site is shown from Mountain Lake Cutoff Road, and a stub out for future connectivity to the southern property is shown on the west side of the site. Spratt Road, an unimproved County Road that runs through the property, will be annexed and vacated through the platting process.

An access permit for Mountain Lake Cutoff Road must be obtained from Polk County, as it is a County Road.

Mountain Lake Cut Off Road is classified as a Rural Minor Collector per the Polk Transportation Planning Organization 2020 Roadway Network Database. Currently, this roadway has an estimated Annual Average Daily Traffic of 500 trips, with 23 peak hour trips northbound and 22 southbound. The level of service standard of this roadway is LOS "D" with a maximum of 792 peak hour trips, and currently operates at LOS "B".

A 5-foot-wide sidewalk will be constructed along the perimeter of the development on Mountain Lake Cutoff Road, as well as on both side of the streets interior to the development.

#### Landscaping and Buffering:

A landscape plan will be required during the Site Development review process, which must demonstrate compliance with the City's Landscape Code.

Flexibility in the perimeter buffer design is requested, with options to include a landscaped subdivision wall or berm. Per the Planning Board's recommendation, final buffer design will be reviewed by Development Services Staff.

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 project is designed with a .30-acre neighborhood park positioned along an unnamed body of water, and includes a 25-foot-wide wetland buffer along the wetland area. A 4,800 square-foot mini-park is shown at the northwest corner of the site.

#### Waivers of Strict Compliance:

The Planning and Zoning Board recommended approval of the applicant's requested Waivers of Strict Compliance from certain dimensional and area standards in the R-1D zoning district:

- 1.) Minimum lot width at building line: 50 feet wide is requested where 60 feet wide is required by code.
- 2.) Front building setback: 20 feet is requested, where 25 feet is required by code.
- 3.) Side building setback: 5 feet is requested where 7.5 feet is required by code.
- 4.) Increase in the allowable lot coverage not to exceed 70% where 40% is required by code.
- 5.) Allow neighborhood park to be more than 600 feet from the furthest dwelling unit it serves.

Proposed Superior Design Standards:

In exchange for the consideration of the above-mentioned Waivers of Strict Compliance requested,

the applicant proposes the following elevated design elements in order to demonstrate a superior product:

1. The installation of sidewalks on both sides on interior streets (only one side is required by code).
2. Increased open space and recreation area.

Staff Comments and Findings:

1. The Plan meets the Residential PDP standards found in Section 23-443:
  - a. 23-443.1.a. Density does not exceed the maximum allowed.
  - b. 23-443.1.b. Open space makes up a minimum of twenty percent of the site.
  - c. 23-443.2.b. Natural features of the land are preserved and integrate into the overall design, parks and open space are incorporated into natural features, and streetscapes will include enhanced landscaping.
2. The use is compatible with the intentions of Policy 2.11: Low Density Residential of the City's Comprehensive Plan.
3. This site is located within the City's utility service area and will connect to municipal water and sewer.
4. The proposed plan demonstrates design elements that are superior to the requirements of a standard subdivision.

The Planning and Zoning Board recommends the following conditions of approval:

- a. Garages are subject to a 25-foot minimum setback.
- b. Street Tree Plan is required.
- c. Fences must be setback a minimum of 15 feet behind the front building expression line.
- d. Driveway placement for lots 12, 13, 33, and 34 must be reviewed and approved by Staff at Site Development Permit review.

**OTHER OPTIONS**

Decline to approve the preliminary subdivision plat and PDP.

## **FISCAL IMPACT**

Approval of the preliminary plat and PDP would enable the development of this property and the potential increase in property value. Specifically, estimating an average of \$200,000 in taxable value per unit, it could potentially result in over \$13 million in taxable value, and generate \$91,085 in ad valorem taxes.

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

[End Agenda Memo]

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Commissioner Howell made a motion to approve the Preliminary Subdivision Plat for Buck Moore Heights after public hearing. Commissioner Fitzgerald seconded the motion.

By Roll call vote:

Commissioner Howell "YES"

Commissioner Fitzgerald "YES"

Commissioner Williams "YES"

Deputy Mayor Gibson "YES"

Mayor Fultz "YES"

Motion passed 5-0.

- 10.IX. Resolution 2021-06 – Resolution To Utilize The Uniform Method Of Collecting Non- Ad Valorem Assessments And Adopting The Special Assessment Roll. Requires A Public Hearing.

**SYNOPSIS:** Resolution 2021-06 declares the City's intent to utilize the uniform method of collecting non-ad valorem assessments and adopts the assessment roll for 2021.

## **RECOMMENDATION**

Staff recommends adoption of Resolution 2021-06 after a public hearing, as required by Florida Statutes.

Public notice requirements have been met.

## **BACKGROUND**

In February 2013, City commission adopted Ordinance 2013-04 – Abatement and Violation Assessment (Chapter 17.5), providing for the uniform method of collecting non- ad valorem special assessment for service liens. The City's intent is to collect service liens that are the result from services provided by the City to clean properties, repair or demolish buildings and the like, such services being a special benefit to the property owner. This does not include fines or administrative

liens.

Ordinance 2013-04 established the City of Lake Wales in its entirety, as its city boundaries exist on the date of enactment and as they may be expanded or contracted from time to time as the special assessment district for the purposes of abatement and violation correction.

The resolution has been noticed per Florida Statute at least twenty (20) days in advance of the public hearing.

Staff published a potential list of properties in the notice and provided by first class mail a letter to every property owner that may be affected by this action.

On June 15, 2021, the City Commission continued this request.

#### **OTHER OPTIONS**

Decline the adoption of Resolution 2021-06

#### **FISCAL IMPACT**

This will provide for reimbursement of funds expended in the course of abating and correcting violations of the municipal code.

[End Agenda Memo]

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

#### **RESOLUTION 2021 - 06**

**A RESOLUTION OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA AUTHORIZING TO UTILIZE THE UNIFORM METHOD OF COLLECTING NON-AD VALOREM ASSESSMENTS; ADOPTING THE SPECIAL ASSESSMENT ROLL FOR ABATEMENT OF CODE VIOLATIONS FOR CALENDAR YEAR 2020; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Commissioner Howell made a motion to approve **RESOLUTION 2021-06** after public hearing. Commissioner Fitzgerald seconded the motion.

By Roll call vote:

Commissioner Howell "YES"

Commissioner Fitzgerald "YES"

Commissioner Williams "YES"

Deputy Mayor Gibson "YES"

Mayor Fultz "YES"

Motion passed 5-0.



11. CITY ATTORNEY

Albert Galloway, Jr., City Attorney, said he had no new updates and was not aware of any pending legal action.

12. CITY MANAGER

James Slaton, City Manager, commended City staff for a good job with the Independence Day Celebration.

Tomorrow's Keystone groundbreaking is postponed.

12.I. Tracking Report

12.II. Commission Meeting Calendar

The CRA meeting about Grove Manor is Tuesday at 4pm. The Commission Agenda Work Session is Wednesday.

12.III. Social Media Tracking Report

13. CITY COMMISSION COMMENTS

Commissioner Williams said there were some teachable moments tonight regarding the mobile car washes. Its important to explain the process to the public. The commission needs to do better in explaining things to the public. The two different discussions about the car washes and the Lake Belle issue varied in tone and atmosphere. This is the responsibility of the Commission. He said trusts the staff that they did their due diligence regarding Lake Belle and the safety of our citizens and that's why he voted for it.

Commissioner Howell said that many of the turn arrows around Lake Wales need to be repainted.

Commissioner Howell said she agreed with Commissioner Williams and said we need to do our part and be sure that we listen.

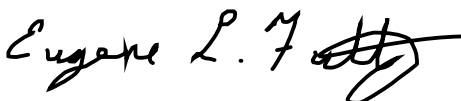
Deputy Mayor Gibson said that they discussed these issues at the Work Session but the public doesn't see or hear this. We need to be careful about how this looks.

14. MAYOR COMMENTS

Mayor Fultz said he didn't want to offend anyone with a loud voice but it was important to keep order during the discussions. We try and do our best for the citizens. All business needs to be regulated. Once the issue was tabled there was no point continuing to discuss it. He does appreciate those that came and spoke on the issues.

15. ADJOURNMENT

The meeting was adjourned at 8:10 p.m.

 Eugene L. Fultz

Mayor

ATTEST:

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City Clerk