

City Commission Meeting Minutes

June 20, 2023

(APPROVED)

6/20/2023 - Minutes

1. INVOCATION

Rev. Steve Bolden gave the invocation.

2. PLEDGE OF ALLEGIANCE

3. CALL TO ORDER

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

4. ROLL CALL

Commission Members Present: Robin Gibson, Keith Thompson, Daniel Williams, Mayor Jack Hilligoss, Danny Krueger

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

5. COMMENTS AND PETITIONS

Virgil Ullum, non-resident, spoke against President Biden and transgender children. He spoke against Marxism and governing without God.

Leroy Smith, Sr., resident, expressed concern about speeding on Lincoln Avenue on Sundays. He requested additional signs or lowering the speed limit. He said the parking spaces on Lincoln Ave are too short for his truck.

6. CITY CLERK

- 6.I. Appointments – Airport Authority, Board Of Adjustment And Appeals, Library Board, Citizens And Police Community Relations Advisory Committee, Planning And Zoning Board
[Begin Agenda Memo]

SYNOPSIS: Appointment to fill vacancies due to expiration of terms and resignations.

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

1. Re-appoint John Phillip Weikert to a new term on the Airport Authority to expire 7/1/2026
2. Re-appoint Manuel Grimaldo to a new term on the Airport Authority to expire 7/1/2026

3. Appoint Mike Bronowski to a term on the Airport Authority to a term that expires 7/1/2024
4. Reappoint Patrick Corwith to a new term on the Board of Adjustment and Appeals to expire 7/1/2026.
5. Reappoint Crystal Higbee to a new term on the Board of Adjustment and Appeals to expire 7/1/2026.
6. Re-appoint Brandon Alvarado to a new term on the Library Board expiring 7/1/2028
7. Re-appoint Al Goldstein to a new term on the Citizens and Police Community Relations Advisory Committee that expires 7/1/2025.
8. Appoint Bud Colburn to a term on the Planning and Zoning Board to expire 7/1/2026
9. Appoint Roy Wilkinson to a term on the Planning and Zoning Board to expire 7/1/2026

BACKGROUND 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). Airport Authority (City Code Sec. 2-41) – The board consists of seven (7) voting members and one (1) non-voting member who is a City Commissioner. At least two (2) voting members must be qualified electors of the City. The remaining members chosen may be persons owning property located within the City of Lake Wales or persons having a business tax receipt issued by the City of Lake Wales, are airport tenants, or have general aviation experience. (3-year term)

The non-voting City Commission member serves for the duration of his or her term as City Commissioner, unless such Commissioner desires to serve a shorter period of time. In such event, the Lake Wales City Commission shall appoint another city commissioner to serve in the same manner.

- 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: 3 Vacancies due to resignation and expired terms

Current Members:

Fred Halde, resident 08/04/21--07/01/24, 1

Herb Gillis, non-resident, 07/01/21--07/01/24, P+1

Clarke Gerard, non-resident chair 06/05/18--07/01/25, P+2

Charles N. Clegg, resident 10/18/16--07/01/25, 3

AJ Goin, non resident 08/04/21--07/01/24, 1

Phillip Weikert, non-resident 11/17/20--07/01/23, 1

Manuel Grimaldo, non-resident 10/18/22--07/01/23, P

Commissioner Danny Krueger, non-voting member 05/03/22 - 05/07/24,

The Airport Authority recommends these appointments. Applying for reappointment: Phillip Weikert, non-resident for a term expiring on 7/1/2026. Manuel Grimaldo, non-resident for a term expiring on 7/1/2026.

Applying for Appointment: Mike Bronowski for a term expiring 7/1/2024 Also Applied: Mandy Gaugh

Board of Zoning Adjustment and Appeals (BOA) (City Code Sec. 23-206.1) The board consists of five (5) members. Members must be residents. (3 year term)

- An interview process is necessary for new applicants only.

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

- Current Vacancies: 3 vacancies

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

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

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

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

Patrick Corwith 01/15/22 - 07/01/23, P

Applying for Re-Appointment: Patrick Corwith for a term expiring on 7/1/2026. Crystal Higbee for a term expiring 7/1/2026 The board recommends their reappointment

Citizens and Police Community Relations Advisory Committee (Res 2020-05) The board consists of 6 members. Terms are 2 years. One member shall be an active police officer serving in the Lake Wales Police Department and shall be appointed by the chief of police. Each Commissioner shall recommend one appointment to the Mayor.

There are currently 3 vacancies Current Members:

Andy Oguntola (Seat 1) 7/01/2021 – 07/01/2023 P+1

Tiffany Davis (Seat 2) 7/1/2022 – 7/1/2024 2

Narvell Peterson (Seat 3) 7/1/2022-7/1/2024 2

Al Goldstein (Seat 4) 9/21/2021 – 7/01/2023 P

Troy Schulze (Seat 5) 7/1/2022 – 7/1/2024 Michael Smith (appointed by police Chief) Applying for Reappointment – Al Goldstein for a term to expire 7/1/2025

Commissioner Krueger must recommend this appointment.

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.

Current Members: Jodie Schmidt, outside 2/15/22 -07/1/26, P

Kathy Manry Smith, resident 09/21/22 – 07/01/24, P

Tice, Imelda, resident 10/20/20 - 07/01/22, P

Brandon Alvarado, resident 01/19/21 - 07/01/23, 1

Allison Kapphan, resident 07/01/19 - 07/01/24, P+1

Applying for Re-appointment: Brandon Alvarado for a term expiring on 7/1/2028

The Library Board recommends his appointment.

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 Harriage, Resident 7/1/21 – 07/1/24 2

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

Courtney McCrystal, property owner 07/01/22 – 07/01/25, 1

Eugene Fultz, resident 07/01/22 – 07/01/23, P resigned

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

Larry Bossarte, property owner 07/01/22 – 07/01/25, 1

Eric Rio, property owner 08/03/2021 - 07/01/24, 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 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: 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;

1. To consider the need for revision or addition of regulations in these land development regulations and recommend changes to the city commission;
2. To hear and decide applications for special exception use permits and site plans in compliance with these regulations;
3. To perform any other duties which are lawfully assigned to it by the city commission

Applying for Appointment: Bud Colburn for a term to expire 7/1/2026 Roy Wilkinson for a term to expire 7/1/2026.

The Planning and Zoning Board recommends both appointments

OPTIONS Do not appoint those that have applied.

FISCAL IMPACT None. These are volunteer boards.

[End Agenda Memo]

Patrick Corwith, applying for Board of Adjustments, introduced himself and shared his background and why he wants to serve.

Bud Colburn, applying for Planning and Zoning, introduced himself and why he wants to serve on that board. Jennifer Nanek, City Clerk, explained that Mr. Colburn is currently serving on the Code Enforcement Board. A person cannot serve on two regulatory boards so if appointed to the Planning and Zoning he will resign from the code Enforcement board.

Al Goldstein, applying for Citizens and Police Community Relations advisory board, shared his background and interest in serving.

Phillip Weikert, applying for the Airport Authority, introduced himself and said he would like to help the Airport grow.

Brandon Alvarado, applying for the Library Board, introduced himself and expressed his interest in supporting the Library and its director in moving forward.

Manuel Grimaldo, applying for the Airport Authority, introduced himself and said he hopes to be an asset to the Airport.

Mayor Hilligoss made the following appointments:

1. Re-appointed John Phillip Weikert to a new term on the Airport Authority to expire 7/1/2026
2. Re-appointed Manuel Grimaldo to a new term on the Airport Authority to expire 7/1/2026
3. Appointed Mike Bronowski to a term on the Airport Authority to a term that expires 7/1/2024
4. Reappointed Patrick Corwith to a new term on the Board of Adjustment and Appeals to expire 7/1/2026.
5. Reappointed Crystal Higbee to a new term on the Board of Adjustment and Appeals to expire 7/1/2026.
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7. Re-appointed Al Goldstein to a new term on the Citizens and Police Community Relations Advisory Committee that expires 7/1/2025.
8. Appointed Bud Colburn to a term on the Planning and Zoning Board to expire 7/1/2026
9. Appointed Roy Wilkinson to a term on the Planning and Zoning Board to expire 7/1/2026

Mayor Hilligoss asked the Commission to approve all nine appointments at once.

Commissioner Krueger made a motion to approve all of the appointments. Commissioner Williams seconded the motion.

by voice vote:

Commissioner Krueger "YES"

Commissioner Williams "YES"

Commissioner Thompson "YES"

Deputy Mayor Gibson "YES"

Mayor Hilligoss "YES"

Motion approved 5-0.

Deputy Mayor Gibson expressed a concern about possible sunshine law violations. He asked to step down as alternate to the Polk Regional Water Cooperative.

Mayor Hilligoss asked Commissioner Thompson if he would serve as the alternate. Commissioner Thompson agreed.

Commissioner Williams made a motion to approve the appointment of Keith Thompson as the alternate to the Polk Regional Water Cooperative. Commissioner Krueger seconded the motion.

by voice vote:

Commissioner Williams "YES"

Commissioner Krueger "YES"

Commissioner Thompson "YES"

Deputy Mayor Gibson "YES"

Mayor Hilligoss "YES"

Motion approved 5-0.

7. CONSENT AGENDA

Commissioner Krueger made a motion to approve the Consent Agenda. Commissioner Williams seconded the motion.

by voice vote:

Commissioner Krueger "YES"

Commissioner Williams "YES"

Commissioner Thompson "YES"

Deputy Mayor Gibson "YES"

Mayor Hilligoss "YES"

Motion approved.

7.I. Minutes - June 6 & June 14, 2023

7.II. Community Firework Display – 4th Of July
[Begin Agenda Memo]

SYNOPSIS: The City Commission will consider a piggyback agreement to the City of Clearwater contract for the 4th of July Firework Display.

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

1. Approve the piggyback agreement.
2. Authorize the City Manager to execute the piggyback agreement on behalf of the City.

BACKGROUND The City of Lake Wales has identified a need to select a vendor to provide the firework display for the City's annual 4th of July Fireworks event that will be held Tuesday, July 4, 2023 at Lake Wailes Park. The City recommends the piggyback agreement with Pyrotechnico.

OTHER OPTIONS The Commission may choose not to approve the piggyback agreement with Pyrotechnico.

FISCAL IMPACT \$28,000 was approved by the City Commission for FY'22-23. The cost for a 21-minute show with a 2- minute grand finale is \$27,900.

[End Agenda Memo]

7.III. Permit Application From Polk State College For Start Right Campaign On Saturday July 29, 2023.
[Begin Agenda Memo]

SYNOPSIS: Polk State College has applied to host a special event called Start Right Campaign on Saturday July 29, 2023. They request closure of Central Avenue between 1st Street and Market Street at 4:00p.m. on Friday July 28 until Saturday July 29th at 5:00 p.m.

RECOMMENDATION Staff recommends that the City take the following actions:

1. Approve the special event permit application from Polk State College for their Start Right event to be held Saturday, July 29, 2023 from 9:00 a.m. to 12:00 p.m.
2. Approve the request to close Central Avenue from 1st Street to Market Street from 4:00 p.m. on Friday July 28, 2023 to 5:00 p.m. on Saturday July 29, 2023.

BACKGROUND Andy Oguntola, Director of Polk State College's JD Alexander Center, submitted a special event permit application for a special event to be held Saturday July 29,

2023 at 9:00 a.m. This is the Start Right Campaign, a Back to School Event, where free school supplies are distributed to students. The requested temporary street closing is Central Avenue between Market Street and 1 st Street. The Streets Department will be providing assistance with the street closings.

OTHER OPTIONS Do not approve the request for the permit and road closing.

FISCAL IMPACT None. All costs will be the responsibility of the sponsor.

[End Agenda Memo]

7.IV. Wastewater Manhole Rehabilitation

[Begin Agenda Memo]

SYNOPSIS: Staff recommends the City Commission approve Engineered Sprayed Solutions, LLC to epoxy coat fifteen manholes using polyurethane coating method.

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

1. Approve Engineered Sprayed Solutions, LLC to complete manhole rehabilitation on fifteen manholes using polyurethane coating method for \$74,678.50.
2. Approve for the city manager to execute all agreements pertaining to this item.

BACKGROUND The City, as part of its collection system, owns, operates, and maintains 121 Miles of 8 to 16 inch Gravity Sewer Line and 75 Miles of 2 to 16 inch Force Mains. The collection system is connected by a series of manholes which aid in the transportation of the collected waste to the wastewater treatment plant for processing. Due to the corrosive nature of raw sewage gases, it becomes necessary to perform periodic maintenance on these manholes to ensure they continue to function as intended. In July 7, 2020, the Commission approved piggybacking Sarasota's contract with Engineered Sprayed Solutions, LLC for manhole and structure rehabilitation. Sarasota County has exercised their option to utilize Engineered Sprayed Solutions for an additional year as expressed in the original contract term. Engineered Sprayed Solutions, LLC will spray coat fifteen manholes with epoxy. Staff recommends the commission authorize the expenditure of funds for \$74,678.50 to complete the rehabilitation on fifteen manholes with epoxy coating by the polyurethane coating method.

OTHER OPTIONS None. Maintenance of these wastewater system components becomes necessary from time to time to maintain the integrity of the system

FISCAL IMPACT The Wastewater Department has placed \$75,000.00 for manhole rehabilitation in the FY 22'.23'

[End Agenda Memo]

7.V. Winston Avenue And 4th St Water Line Replacement

[Begin Agenda Memo]

SYNOPSIS: Purchase of parts for 4 th St and Winston Ave water line replacement

RECOMMENDATION It is recommended that Commission take the following action:

1. Approve the purchase of supplies from Ferguson Waterworks in the amount of \$48,487.84 for the water main replacement.
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 mains, ranging in size from two inches to twenty-four inches. It becomes necessary from time to time to replace or upsize water mains in areas to improve pressure and flows for fire protection. McLaughlin middle school, at 800 S. 4th Street, is doing some onsite improvements and upon the request of the city, will be installing sidewalks on the perimeter of where the construction will be taking place. In order to install this sidewalk a water main will need to be relocated. Because the pipe needs to be relocated to facilitate the side walk installation, city staff would like to take this opportunity to upsize the water main, and improve the quality of the pipe with current industry standard. This water main was already on a listing of water mains to be replaced. The upsizing of the water main will give the residents and school in the area added volume for fire protection.

Staff recommends the Commission take the following action, approve the purchase from Ferguson Waterworks for \$48,487.84, and to authorize the City Manager to execute the appropriate documents, on the City's behalf.

OTHER OPTIONS The Commission could choose not to approve the request listed above, in turn, eliminating the installation of the sidewalk in the area of the school.

FISCAL IMPACT The 22' – 23' M & R Water mains budget line item has a budgeted amount of \$175,000.00.

[End Agenda Memo]

7.VI. Concrete Repairs At Fire Station #1

[Begin Agenda Memo]

SYNOPSIS: Staff recommends commission authorize the expenditure of \$26,099.00 to Semco Construction, Inc. for concrete repairs at fire station #1.

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

1. Authorize the expenditure for concrete repairs at fire station #1.
2. Authorize the City Manager to execute the appropriate documents, on the City's behalf.

BACKGROUND The concrete entrance just outside of one of the fire truck bay doors, on the north side of the building, has experienced so extensive cracking. To prevent the problem from getting worse, staff requested pricing to complete this repair.

Staff approached three construction companies to obtain quotes for the concrete repairs: Semco Construction, Inc., Miller Construction Management, Inc. and Concrete Construction Services. The quote from Concrete Construction Services was incomplete. Several attempts were made to have them revise their quote but they were non-responsive. Staff recommends the Commission take the following action, approve the expenditure of \$26,099.00 to Semco Construction, Inc. and authorize the City Manager to execute the appropriate documents on the City's behalf.

OTHER OPTION The commission could chose not to go forward with these needed repairs and risk further damaged being caused to this facility.

FISCAL IMPACT A budget amendment is required for \$26,099.00 to pay for the repairs.

[End Agenda Memo]

8. OLD BUSINESS

- 8.1. ORDINANCE 2023-06 Annexation 9.37 Acres Of Land South Of Waverly Drive And East Of US Highway 27 2nd Reading & Public Hearing
[Begin Agenda Memo]

SYNOPSIS: Ordinance 2023-06 proposes the voluntary annexation of approximately 9.37 acres of land south of Waverly Drive and east of US Highway 27, and contiguous to the incorporated City limits.

RECOMMENDATION Adoption after second reading of Ordinance 2023-06 following a public hearing. A recommendation from the Planning and Zoning Board is not required for an annexation ordinance.

BACKGROUND 360 Lake Wales LLC, owner, petitioned annexation into the corporate city limits of Lake Wales on December 13, 2022. "Attachment A" to the ordinance shows the property's location. It is contiguous to the City Limits along its eastern and southern boundaries.

OTHER OPTIONS Decline to annex the property.

FISCAL IMPACT The annexation will add to the City's tax roll. The property is valued at \$344,995 which would bring in additional property taxes.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE 2023-06** by title only.

ORDINANCE 2023-06 (Annexation 9.37 acres of land south of Waverly Drive and east of US Highway 27)

Parcel ID: 272908-000000-012030

AN ORDINANCE PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 9.37 ACRES OF LAND SOUTH OF WAVERLY DRIVE AND EAST OF US HIGHWAY 27, AND 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 Krueger made a motion to adopt **ORDINANCE 2023-06** after 2nd Reading and Public hearing. Commissioner Williams seconded the motion.

by roll call vote:

Commissioner Krueger "YES"

Commissioner Williams "YES"

Commissioner Thompson "YES"

Deputy Mayor Gibson "YES"

Mayor Hilligoss "YES"

Motion approved 5-0.

- 8.II. ORDINANCE 2023-07 Large Scale Future Land Use Amendment For 51.18 Acres Of Land South Of Waverly Road And East Of US Highway 27, 2nd Reading & Public Hearing
[Begin Agenda Memo]

SYNOPSIS: 360 Lake Wales LLC, owner, requests approval of City Commission to amend the Future Land Use Map of the Comprehensive Plan on parcels of land totaling approximately 51.18 acres.

RECOMMENDATION Adoption at second reading, following a public hearing to re-assign the following land use designation, as recommended by the Planning and Zoning Board at a regular meeting on February 28, 2023:

Current Land Use:

Polk County Linear Commercial Corridor (LCC), & City Business Park Center (BPC)/Neighborhood Activity Center (NAC)

Proposed Land Use: Neighborhood Activity Center (NAC)

City commission approved the first reading of Ordinance 2023-07 at a regular meeting on March 21, 2023.

BACKGROUND The subject property is located south of Waverly Road and east of US Highway 27, at the southeast corner of Cypress Gardens Boulevard/Waverly Road and US Highway 27 intersection. It is directly north of the Parc @ Lake Wales residential development that is currently permitting 480 multifamily units. Parcel 27-29-08-000000-012030 is not currently in within the City limits, however it is adjacent to city limits on its eastern and southern boundaries.

The owner petitioned annexation of the 9.37-acre parcel located at the corner of Waverly Road and US Highway 27 into the corporate city limits of Lake Wales on December 13, 2022. It has been requested that the annexation of the 9.37-acre parcel be brought together with land use and zoning amendments for all three subject parcels. The first reading for annexation was presented to City Commission at a regular meeting on March 21, 2023. The annexation, land use amendment, and zoning amendment were all approved at first reading.

There have been conceptual conversations surrounding mixed-use development, but no formal plans have been submitted to the City regarding this property. A residential and non-residential mixed-use project would be required to go through the Planned Development Project process to be reviewed by the Planning & Zoning Board for a recommendation to City Commission for approval.

The proposed designations are appropriate for the area as the designations recognize current county designated commercial corridors, and are consistent with the current city zoning. This change would be less intensive, now that Business Park uses, which include some industrial uses, would not be permitted. The land use classification of Neighborhood Activity Center is intended to support small to medium-sized commercial support uses, businesses, and personal services accessible to the surrounding community, as well as a mix of residential uses. The prime location, adjacent to an arterial roadway, makes the proposed land use designation appropriate for the site.

CODE REFERENCES AND REVIEW CRITERIA The City Commission assigns future Land Use designations by ordinances upon a recommendation from the Planning & Zoning Board. The proposed ordinance has been transmitted and reviewed by the state's Department of Economic Opportunity (DEO). The DEO reviews the designations as appropriate with reference to the City's Comprehensive Plan. Upon adoption of the ordinance, the approved ordinance is transmitted to DEO.

FISCAL IMPACT The properties are valued at a total of \$527,130 dollars, bringing in additional property taxes. Assignment would enable the development of these properties that would potentially increase property value and generate potential revenue.

[End Agenda Memo]

Jennifer Nanek, City Clerk. read **ORDINANCE 2023-07** by title only.

ORDINANCE 2023-07 (Large-Scale CPA/Future Land Use Map Amendment for approximately 51.18 acres of land south of Waverly Road and east of US Highway 27.)

AN ORDINANCE OF THE CITY OF LAKE WALES, FLORIDA, AMENDING THE FUTURE

LAND USE MAP OF THE COMPREHENSIVE PLAN TO CHANGE LAND USE DESIGNATIONS ON APPROXIMATELY 51.18 ACRES OF LAND SOUTH OF WAVERLY ROAD AND EAST OF US HIGHWAY 27, FROM COUNTY DESIGNATION LCC AND CITY DESIGNATIONS BPC/NAC TO CITY OF LAKE WALES DESIGNATION NEIGHBORHOOD ACTIVITY CENTER NAC; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Commissioner Krueger made a motion to adopt **ORDINANCE 2023-07** after 2nd Reading and Public hearing. Commissioner Williams seconded the motion.

by roll call vote:

Commissioner Krueger "YES"

Commissioner Williams "YES"

Commissioner Thompson "YES"

Deputy Mayor Gibson "YES"

Mayor Hilligoss "YES"

Motion approved 5-0.

- 8.III. ORDINANCE 2023-08 Zoning Map Amendment For 51.18 Acres Of Land South Of Waverly Road And East Of US Highway 27, 2nd Reading And Public Hearing
[Begin Agenda Memo]

SYNOPSIS: 360 Lake Wales LLC, owner, requests approval of City Commission to amend the Zoning Map of the Comprehensive Plan on parcels of land totaling approximately 51.18 acres.

RECOMMENDATION Adoption at second reading, following a public hearing to re-assign the following zoning designation, as recommended by the Planning and Zoning Board at a regular meeting on February 28, 2023:

Current Zoning: Polk County Linear Commercial Corridor (LCC), & City Business Park (BP)/C-5 Village Center District

Proposed Zoning: C-5 Village Center District

City Commission approved the first reading of Ordinance 2023-08 at a regular meeting on March 21, 2023.

BACKGROUND The subject property is located south of Waverly Road and east of US Highway 27, at the southeast corner of Cypress Gardens Boulevard/Waverly Road and US Highway 27 intersection. It is directly north of the Parc @ Lake Wales residential development

that is currently permitting 480 multifamily units. Parcel 27-29-08-000000-012030 is not currently in within the City limits, however it is adjacent to city limits on its eastern and southern boundaries.

The owner petitioned annexation of the 9.37-acre parcel located at the corner of Waverly Road and US Highway 27 into the corporate city limits of Lake Wales on December 13, 2022. It has been requested that the annexation of the 9.37-acre parcel be brought together with land use and zoning amendments for all three subject parcels. The first reading for annexation was presented to City Commission at a regular meeting on March 21, 2023. The annexation, land use amendment, and zoning amendment were all approved at first reading.

There have been conceptual conversations surrounding mixed-use development, but no formal plans have been submitted to the City regarding this property. A residential and non-residential mixed-use project would be required to go through the Planned Development Project process to be reviewed by the Planning & Zoning Board for a recommendation to City Commission for approval.

The proposed designations are appropriate for the area as the designations recognize current county designated commercial corridors, and are consistent with the current city zoning. This change would be less intensive, now that Business Park uses, which include some industrial uses, would not be permitted. The zoning classification of C-5 Village Center District is intended to support small to medium-sized commercial support uses, businesses, and personal services accessible to the surrounding community, as well as a mix of residential uses. The prime location, adjacent to an arterial roadway, makes the proposed zoning designation appropriate for the site.

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

FISCAL IMPACT The properties are valued at a total of \$527,130 dollars, bringing in additional property taxes. Assignment would enable the development of these properties that would potentially increase property value and generate potential revenue.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE 2023-08** by title only

ORDINANCE 2023-08 (Zoning Map Amendment for approximately 51.18 acres of land south of Waverly Road and east of US Highway 27.)

AN ORDINANCE OF THE CITY OF LAKE WALES, FLORIDA, AMENDING THE ZONING MAP TO CHANGE ZONING DESIGNATIONS ON APPROXIMATELY 51.18 ACRES OF LAND SOUTH OF WAVERLY ROAD AND EAST OF US HIGHWAY 27, FROM COUNTY DESIGNATION LCC AND CITY DESIGNATION BP/C-5 TO CITY OF LAKE WALES DESIGNATION VILLAGE CENTER DISTRICT C-5; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Commissioner Krueger made a motion to adopt **ORDINANCE 2023-08** after 2nd Reading and Public hearing. Commissioner Williams seconded the motion.

by roll call vote:

Commissioner Krueger "YES"

Commissioner Williams "YES"

Commissioner Thompson "YES"

Deputy Mayor Gibson "YES"

Mayor Hilligoss "YES"

Motion approved 5-0.

- 8.IV. ORDINANCE 2023-18 Amendment To Chapter 23, Zoning, Land Use, And Development Regulations
2nd Reading And Public Hearing
[Begin Agenda Memo]

SYNOPSIS: Staff proposes an amendment to Table 23-421 Permitted Uses and Special Exception Uses in Standard Zoning Districts

RECOMMENDATION Staff recommends adoption of Ordinance 2023-18 after 2nd reading and public hearing. Ordinance 2023-18 was approved by City Commission on June 6, 2023 following 1st reading and public hearing.

At a regular Planning and Zoning Board Meeting on May 23, 2023, the Planning and Zoning Board voted unanimously to recommend to City Commission the amendment of Table 23-421 Permitted Uses and Special Exception Uses in Standard Zoning Districts, to reinstall certain revisions adopted under Ordinance 2022-37 and inadvertently removed with the adoption of Ordinance 2022-45.

BACKGROUND At a regular Planning and Zoning Board Meeting on July 26, 2022, the Planning and Zoning Board made a recommendation of approval to City Commission to amend several sections of the Land Development Code as part of a larger effort to adopt Downtown Design guidelines. This included updates to the Permitted Use Chart, Table 23-421, to add the DMU – Downtown Mixed Use zoning district, as well as use categories such as Dwelling: Single-family attached and Live/Work Unit. As a result, Staff advanced Ordinance 2022-37 to City Commission which was adopted (see attachments).

On October 4, 2022, Planning Staff advanced Ordinance 2022-45 to City Commission for adoption, which revised and moved a note under Table 23-421 related to lot of record provisions within the CRA areas; the Table was included for context with that Ordinance. Staff has since found that the Table used for Ordinance 2022-45 had not been properly updated

and codified by eLaws to include the Ordinance 2022-37 revisions, and therefore inadvertently removed the amendments to the Table when it was used for a subsequent ordinance.

The purpose of this action is to correct Table 23-421 to reflect all changes already adopted.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE 2023-18** by title only.

ORDINANCE 2023-18

AN ORDINANCE OF THE CITY OF LAKE WALES, FLORIDA PERTAINING TO LAND USE; AMENDING TABLE 23-421, PERMITTED AND SPECIAL EXCEPTION USES IN STANDARD ZONING DISTRICTS, IN CHAPTER 23 OF THE CODE OF ORDINANCES OF THE CITY OF LAKE WALES; PROVIDING FOR SEVERABILITY, CODIFICATION, RATIFICATION, CONFLICTS AND AN EFFECTIVE DATE.

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Commissioner Krueger made a motion to adopt **ORDINANCE 2023-18** after 2nd Reading and Public hearing. Commissioner Williams seconded the motion.

by roll call vote:

Commissioner Krueger "YES"

Commissioner Williams "YES"

Commissioner Thompson "YES"

Deputy Mayor Gibson "YES"

Mayor Hilligoss "YES"

Motion approved 5-0.

- 8.V. ORDINANCE 2023-12 Zoning Map Amendment For 37.2 Acres South Of Sessoms Avenue, East Of Wetmore Street, North Of Tillman Avenue, And West Of 3rd Street - 2nd Hearing And Public Hearing
[Begin Agenda Memo]

SYNOPSIS: Staff proposes an amendment to the Zoning Map on parcels of land totaling approximately 37.2 acres reflecting the text amendments made to establish a Downtown Mixed-Use district.

RECOMMENDATION Staff recommends adoption of Ordinance 2023-12 after 2nd reading, following a public hearing to re-assign the following zoning designation, as recommended by the Planning and Zoning Board at a regular meeting on February 28, 2023:

Current Zoning: C-1 Downtown Commercial District & C-1A Downtown Historic District

Proposed Zoning: D-MU Downtown Mixed-Use including the Downtown Historic Overlay and Crystal Lake Overlay Districts

City Commission approved the first reading of Ordinance 2023-12 at a regular meeting on March 21, 2023.

BACKGROUND The subject properties are located south of Sessoms Avenue, east of Wetmore Street, north of Tillman Avenue, and west of 3rd Street. The rezoning of the above-mentioned parcels is in response to text changes made to replace the current C-1 and C-1A zoning designations and to implement the downtown design standards.

The Lake Wales Connected Plan has Near-Term Action Items #14 & #15 related to adopting design guidelines and zoning changes for downtown. To accomplish these action items, staff proposed a text change to the Land Development Regulations to include the new downtown design standards. Section 23-423 Downtown Mixed-Use Standards proposes a new zoning district and overlay districts that are consistent with design principles contained in Lake Wales Connected.

This amendment to the code was presented to the Historic Board on May 19, 2022 and June 16, 2022, and was recommended to the Planning and Zoning Board. At a regular meeting on July 26, 2022, the Planning and Zoning Board recommended approval of the text amendments to City Commission. City Commission approved Ordinance 2022-37 at first reading on August 16, 2022 and adopted the ordinance on September 7, 2022.

The purpose of this rezoning amendment is in succession to the City's attempt to accomplish Action Items #14 & #15 of the Lake Wales Connected Plan. Designating properties to D-MU will allow implementation of the adopted Downtown Design standards.

The property 282 Park Avenue was recently rezoned to C-1 in November of 2022. The rezoning amendment to assign subject parcels with a zoning designation of D-MU will include 282 Park Avenue and the surrounding First Presbyterian Church parking lots. If the site was not included in the D-MU district boundaries, 282 Park Avenue would be the only parcel in the vicinity remaining with a C-1 zoning designation.

Second reading of this Ordinance was continued at the April 18, 2023 City Commission meeting, awaiting corrections to the Permitted Use Chart which includes a DMU category. Second reading of Ordinance 2023-18 at this June 20, 2023 meeting accomplishes the necessary Permitted Use Chart corrections.

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

FISCAL IMPACT Assignment would allow for the implementation of the Downtown Design Standards, encouraging the quality redevelopment and revitalization of Downtown, potentially increasing property values and economic growth.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE 2023-12** by title only.

ORDINANCE 2023-12 (Zoning Map Amendment for approximately 37.2 acres of land south of Hunt Brothers Road, west of Scenic Highway South, and east of US Highway 27.)

AN ORDINANCE OF THE CITY OF LAKE WALES, FLORIDA, AMENDING THE ZONING MAP TO CHANGE ZONING DESIGNATIONS ON APPROXIMATELY 37.2 ACRES OF LAND EAST OF WETMORE STREET, WEST OF 3RD STREET NORTH, SOUTH OF SESSOMS AVENUE AND NORTH OF TILLMAN AVENUE, FROM A ZONING DESIGNATION OF C-1 AND C-1A TO ZONING DESIGNATION OF DOWNTOWN MIXED USE (D-MU); PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Commissioner Krueger made a motion to adopt **ORDINANCE 2023-12** after 2nd Reading and Public hearing. Commissioner Williams seconded the motion.

by roll call vote:

Commissioner Krueger "YES"

Commissioner Williams "YES"

Commissioner Thompson "YES"

Deputy Mayor Gibson "YES"

Mayor Hilligoss "YES"

Motion approved 5-0.

9. NEW BUSINESS

9.I. ORDINANCE 2023-17 Amend Stormwater System Article IV – First Reading [Begin Agenda Memo]

SYNOPSIS: Ordinance 2023-17 will amend Stormwater System Article IV. This update will add verbiage to the code providing definitions, findings, and legal authority to control discharges to the municipal separate storm sewer system (MS4).

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

1. Approve Ordinance 2023-17 to amend Stormwater System Article IV adding sections 21-98

through 21-111.

BACKGROUND The United States Environmental Protection Agency, pursuant to Title 40, Section 122.26 of the Code of Federal Regulations, has mandated that municipalities provide the legal authority to control discharges to the municipal separate storm sewer system (MS4) under the National Pollutant Discharge Elimination System (NPDES) in order to control the quality of discharges from the MS4. In 1996, the City Commission approved the addition of a stormwater ordinance; however, it was insufficient in definition and defining legal authority to control discharge into the MS4. The code was further amended in 2019 to include verbiage for implementing a stormwater utility fee, but was still lacking in enforcement.

The added verbiage is underlined. No change will be made to the existing Sections 21-96 and 21- 97. Staff recommends the City Commission approve Ordinance 2023-17 so that the City is in compliance with State and Federal regulation and Polk County Co-permittee permit requirements (NPDES Permit # FLS000015-004).

OTHER OPTION None. The City of Lake Wales, as a Co-Permittee of Polk County for the (MS4), under mandate by Federal Regulation is required to have Code in place which provides the legal authority to control discharge.

FISCAL IMPACT None.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE 2023-17** by title only.

ORDINANCE 2023-17

AN ORDINANCE OF THE CITY OF LAKE WALES, FLORIDA, AMENDING CHAPTER 21 "UTILITIES" OF THE CODE OF ORDINANCES OF THE CITY OF LAKE WALES, BY ADDING SECTIONS 21-98 TO 21-111 TITLED "STORMWATER QUALITY MANAGEMENT", RELATING TO THE IMPLEMENTATION OF DEFINITIONS, FINDINGS AND LEGAL AUTHORITY TO CONTROL DISCHARGES TO THE MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4); PROVIDING THAT THIS ORDINANCE IS AN ADDITIONAL AND ALTERNATIVE METHOD; PROVIDING FOR ADJUSTMENTS AND APPEALS; PROVIDING NO LIABILITY FOR FLOODING; PROVIDING FOR SEVERABILITY AND CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

Commissioner Williams made a motion to approve **ORDINANCE 2023-17** after 1st Reading. Commissioner Krueger seconded the motion.

by roll call vote:

Commissioner Williams "YES"

Commissioner Krueger "YES"

Commissioner Thompson "YES"

Deputy Mayor Gibson "YES"

Mayor Hilligoss "YES"

Motion approved 5-0.

9.II. Resolution 2023-11, Public Transportation Grant Agreement G2K90
[Begin Agenda Memo]

SYNOPSIS: The City Commission will consider approving Resolution 2023-11, authorizing an agreement with the Florida Department of Transportation (FDOT) to provide funding for T-Hangar Taxilane and Taxilane Bravo Rehabilitation (Design).

RECOMMENDATION 1. Approve Resolution 2023-11, authorizing the execution of Public Transportation Grant Agreement G2K90 by the Mayor with the Florida Department of Transportation (FDOT) for additional funding in the amount of \$11,000

BACKGROUND The Florida Department of Transportation (FDOT) has awarded a 10% match to direct Federal funding from the FAA (Federal Aviation Administration) to design the rehabilitation of T-hangar taxilane and taxilane bravo at the Lake Wales Municipal Airport. This area connects Taxiway Bravo to the existing t-hangars and it is in desperate need of rehabilitation.

OTHER OPTIONS This project is a 10% match by the Florida Department of Transportation (FDOT). The other 90% will be funded by the Federal Aviation Administration (FAA).

FISCAL IMPACT This project is fully funded by the Florida Department of Transportation (FDOT) and the Federal Aviation Administration (FAA).

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **RESOLUTION 2023-11** by title only.

RESOLUTION 2023-11

A RESOLUTION OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA AUTHORIZING THE EXECUTION OF A PUBLIC TRANSPORTATION GRANT AGREEMENT FOR FUNDING FOR ITEM-SEGMENT-PHASE-SEQUENCE NUMBER (FINANCIAL PROJECT NUMBER): 452720-1-94-01 (LAKE WALES AIRPORT TAXILANE B & T-HANGAR TAXILANE REHABILITATION) WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION TO ALLOW THEIR PARTICIPATION IN AN AVIATION PROJECT AT THE LAKE WALES MUNICIPAL AIRPORT.

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Commissioner Williams made a motion to adopt **RESOLUTION 2023-11**. Commissioner Krueger seconded the motion.

by roll call vote:

Commissioner Williams "YES"

Commissioner Krueger "YES"

Commissioner Thompson "YES"

Deputy Mayor Gibson "YES"

Mayor Hilligoss "YES"

Motion approved 5-0.

- 9.III. Preliminary Subdivision Plat Approval / Special Exception Use Permit Approval For A Residential Planned Development Project (PDP), Passion Play Estates; Public Hearing
[Begin Agenda Memo]

SYNOPSIS: Dave Holden, Engineer and authorized agent for owner, is requesting approval of an 88-unit Preliminary Subdivision Plat and a Special Exception Use Permit for a Residential PDP on approximately 18.66 acres of land south of Passion Play Road, west of 11th Street South, and north of Hunt Brothers Road.

RECOMMENDATION Staff recommends approval by City Commission of an 88-unit single-family Preliminary Subdivision Plat and Special Exception Use Permit for a Residential PDP, with waivers of strict compliance and conditions of approval.

At a regular Planning and Zoning Board Meeting on May 23, 2023, The Planning and Zoning Board voted unanimously to recommend approval to City Commission of the 88- unit single family preliminary subdivision plat and special exception use permit for a residential PDP with waivers of strict compliance and conditions of approval.

BACKGROUND Passion Play Estates PDP – General: The subject property, comprising of approximately 18.66 acres of vacant land and citrus, is located south of Passion Play Road, west of 11th Street South, and north of Hunt Brothers Road. The project is located southwest of the Congregation of Jehovah's Witnesses and adjacent to the former Passion Play Amphitheater site.

These properties were annexed into the corporate City Limits on July 6, 2022. The land use and zoning amendments were adopted with the annexation on July 6, 2022. Low Density Residential land use designation was assigned along Passion Play Road, and property at the corner of 11th Street South and Hunt Brothers Road was designated with a land use of Neighborhood Activity Center. This was intended to provide support commercial uses for the surrounding area – as Polk County had Land Use designations of commercial assigned for portions of this area along Hunt Brothers Road – and to provide a transition from the industrial zoned property on the east side of 11th Street South to the proposed and approved residential developments north of the subject property.

Under the current designations, the maximum density allowed on the lands designated as LDR Low Density Residential is calculated at 5 units per gross acre, or 50 dwelling units, under the Comprehensive Plan for LDR Low-Density Residential. A density of 2.8 dwelling units per acre, or 28 dwelling units, is proposed for the single-family detached portion. The land use designation of NAC Neighborhood Activity Center allows for 40% of the district to be residential, but not to exceed 12 units per acre. The density for the Townhome portion is 6.9 units per acre, providing 60 Townhome units, where 65 units are permitted under the Comprehensive Plan for NAC. The combined density for the entire project is 4.7 units per acre.

The applicant has requested that a land use and zoning amendment be brought back before the Planning & Zoning Board to amend the Townhome portion within the NAC district to be consistent with the remainder of the single-family project. Approximately 8.66 acres zoned C-4 with a land use designation of NAC will be amended to have a zoning designation of R-1A and land use designation of LDR. This amendment to decrease the NAC district is compatible with the findings of Plusurbia, one of the City's on-contract urban design planning firms, as their illustrative peer review design decreased the amount of space for commercial uses. If the land use and zoning amendments are approved, the maximum density for the entire project is 93 dwelling units. The project provides 88 units and has a density of 4.7 units per acre which is permitted by right.

The proposed residential subdivision is designed as a Planned Development Project (PDP), including requested Waivers of Strict Compliance. Phase one of the development will be the construction of 28 single-family homes on 75'-wide lots. Phase two will be the construction of rear-loaded townhomes with a centralized amenity center. The mix of housing types will also have internal access to the 5-acre commercial outparcel at the corner of Hunt Brothers Road and 11th Street South. Waivers are being requested for most R-1A and R-3 dimensional standards.

PROPOSED DWELLING UNITS:

Phase 1: 75' X 120' Lots 28 units

Phase 2: Townhome Units 60 units

TOTAL 88 units

R-1A Standards per Table 23-422

Minimum lot size – 12,000 sq. ft.

Minimum street frontage – 50 feet

Minimum lot width at building line – 85 feet

Minimum Floor Area – 1,500 sq. ft.

Minimum Front Setback – 30 feet

Minimum Side Setback – 10 feet

Minimum Rear Setback – 20 feet

Maximum Lot Coverage – 40%

Maximum Building Height – 35 feet/2.5 stories

R-3 Standards per Table 23-422

Minimum lot size – 12,000 sq. ft.

Minimum street frontage – 50 feet

Minimum lot width at building line – 100 feet

Minimum Floor Area – 650 sq. ft.

Minimum Front Setback – 30 feet

Minimum Side Setback – 10 feet

Minimum Rear Setback – 20 feet

Maximum Lot Coverage – 50%

Maximum Building Height – 45 feet/2.5 stories

Dimensional Requirements for the R-3 District apply for residential structures in non-residential districts

Proposed 75' X 120' Single-Family Standards (Waiver requested)**

**Minimum Lot Size – 9,000 sq. ft.

Minimum Street Frontage – 75 feet

**Minimum Lot Width at Building Line – 75 feet

Minimum Living Area – 1,500 sq. ft.

**Front Building Setback – 25 feet

**Side Building Setback – 7.5 feet

Rear Building Setback – 20 feet

**Functional Corner-Side Setback – 15 feet

** Maximum Lot Coverage – 55% Proposed Townhome Standards (**Waiver requested)

Minimum Lot Size – 12,000 sq. ft.

Minimum Street Frontage – 50 feet

Minimum Lot Width at Building Line – 100 feet

Minimum Floor Area – 650 sq. ft.

**Front Building Setback – 25 feet

**Side Building Setback – 7.5 feet

Rear Building Setback – 20 feet

**Functional Corner-Side Setback – 15 feet

** Maximum Lot Coverage – 55%

Roadways & Access: The development has an entrance along Passion Play Road for the single-family detached portion and another on 11th Street South for the Townhome portion. The residential subdivision also has an internal connection to the 5-acre commercial outparcel at the corner of Hunt Brothers Road and 11th Street South. Additional right-of-way dedication will be given for Passion Play Road. The development provides 35 parking spaces in excess of the required 18 parking spaces. Five-foot-wide sidewalks will be constructed on at least one side of interior streets.

Landscaping and Buffering: General A detailed landscape plan and plant schedule will be required at Site Development Plan submittal, and will be reviewed and approved by Staff. The proposed buffer may be a wall or berm, and will be planted with shrubs, canopy trees, and understory trees.

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

The development proposes a 10' landscaping buffer with street trees along Passion Play Road and Hunt Brothers Road; the buffer will consist of two (2) canopy trees and (4) four understory trees, without a fence, for every 100 feet. The landscaping buffer along 11th Street South will consist of four (4) canopy trees and five (5) understory trees, without a fence, for every 100 feet. A 6' hedge is proposed along the Townhome boundaries (Phase two). Trees are dispersed throughout the development, providing appropriate natural features along streets and open spaces for the residents to enjoy.

Recreation & Open Space: The overall development provides a centrally located neighborhood park with an amenity center and other potential amenities such as a pool, tot lot, and sand volleyball court on a little over 1 acre. The minipark includes a walking trail that goes around the southern retention pond which connects to the centralized park area through a green-street corridor, between the townhomes. A full amenity package will be required at site development submittal.

Recreation & Open Space

Required:

Neighborhood Park 1.5 acres per 400 dwelling units x 88 units = 0.33 acres

Mini-Park 0.25 acres per 400 dwelling units x 88 units = 0.06 acres

Total recreation required 0.39 acres

Open Space Required 20%

Provided:

Neighborhood Park 1.06 acres

Mini-Park 0.94 acres

Total recreation 2.0 acres

Common Space & Landscape Buffers 3.05 acres

Ponds 1.25 acres

Total proposed open space 4.3 acres / 18.66 acres = 23%

More than 23.5% of the overall site will remain as open space, where 20% open space is required at a minimum by code. Waivers of Strict Compliance: The applicant requests the following

Waivers of Strict Compliance from certain dimensional and area standards in the R-1A and R-3 zoning district:

Single Family (R-1A)

1. Minimum lot size reduced from the required 12,000 sq. ft. to 9,000 sq. ft.
2. Minimum lot width at building line reduced from the required 85 feet to 75 feet.
3. Minimum front setback reduced from the required 30 feet to 25 feet.
4. Minimum side setback reduced from the required 10 feet to 7.5 feet.

5. Minimum functional corner-side setback reduced from the required 30 feet to 15 feet.
6. Maximum lot coverage increased from the maximum 40% to 55%.

Townhomes (R-3)

1. Minimum front setback reduced from the required 30 feet to 25 feet
2. Minimum side setback reduced from the required 10 feet to 7.5 feet
3. Minimum functional corner-side setback reduced from the required 30 feet to 15 feet.
4. Maximum lot coverage increased from the maximum 50% to 55%.

Land Development Code | Division 4: Planned Development Project Regulations:

- The PDP process is intended to promote high quality site design
- The process allows flexibility in project layout and relief from standard subdivision grids in order to preserve natural features of the land, maximize common open space and landscaping, and create vital neighborhoods
- Creativity in housing types and site layout are encouraged
- a PDP shall be approved only if the proposed plan demonstrates that the product will be superior to that of a standard subdivision
- The PDP process is not intended to circumvent the regulations for residential development, but to allow creativity and variety - Deviation from the provisions of this chapter concerning lot size, setbacks, roadway design, and other requirements will be granted only if the proposed alternative allows for a superior project layout, provides enhanced open space and preservation of natural features, does not subvert the intent of this chapter, and does not compromise public safety

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

“Our proposed mix use development is superior to a standard subdivision because of the unique Recreation design and the use of the Townhome court yards along with using the open space, landscape areas, and the recreation sites as a central focal point of the development. In addition, we incorporated comments identified by Plusurbia in their review of our preliminary plan which are based on the active community-based growth visioning plan entitled Lake Wales Envisioned.”

The developer is invested in Passion Play Estates as he will also be the builder. He shares the City's vision of unique communities and providing superior products.

Planning in Progress Aspirations:

The applicant submitted the PDP in October of 2022, prior to the Planning in Progress resolution. This project went through multiple revisions, and have met the intentions of the design provided by Plusurbia, attached. The developer agreed to rear-loaded townhomes, front facades on lots 1-5 where double frontages exist, and relocated the recreation amenities to a centralized area and focal point of the development.

1. We will seek to assemble an enduring green network of open spaces and conservation lands; A central green network is provided for the residents of the development.
2. We will partner with landowners, investors, and the community to encourage input, collaboration, and respect property rights; The developer-builder is invested in making the City a bit more beautiful, and was open and willing to make improvements that have been requested.
3. We will make infill development and revitalization a priority; Project is not considered infill development.
4. We will emphasize economic prosperity by increasing property values through quality development; The developer-builder expressed an experienced understanding that a greater upfront investment in a development creates higher quality and a better financial return.
5. We will facilitate employment opportunities by supporting a mix of land uses and industries; The development provides cross-connectivity to future support commercial, and is adjacent to land zoned industrial.
6. We will seek to make traditional neighborhoods with walkable, connected streets that create a high-quality public realm the norm; This is achieved through the alley-loaded Townhome design, central green and community open space, and by orienting the fronts of buildings towards the streets and public realm.
7. We will discourage conventional urban sprawl as defined in Florida Statutes Chapter 163; and The project will connect to municipal water, sewer and reclaim water, will have cross-connectivity to a future support commercial site, and is adjacent to a future employment center where land is zoned industrial.
8. We will grow a livable transportation network by implementing the Lake Wales Mobility Plan and including context-sensitive Complete Streets. The development provides complete street concepts such as street trees and green streets. The internal development is walkable and interconnected with the commercial outparcel.

Staff Findings

1. The use is compatible with the intentions of Policy I.1.2.12 Low Density Residential of the City's Comprehensive Plan.
2. This site is located within the City's utility service area and will connect to municipal water,

sewer, and reclaim.

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

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

5. The development provides larger single-family detached lots, similar to the lot standards in the R-1B Zoning District.

6. The mix of housing types provides options to be inclusive of socioeconomic variety.

7. The development provides a connection to commercial property to allow opportunity for vehicular independency for short trips.

8. The developer-builder is informed of potential industrial activity on 11th Street, opposite the street-oriented townhomes.

9. Any industrial activity opposite the street-oriented townhomes along 11th Street will be heavily buffered from view. Recommended Conditions of Approval

10. Staff recommends the following conditions of approval:

a. Lots 1-5 may have ornamental privacy fences along Passion Play Road, not to exceed 4 feet in height.

b. Lots 1-5 shall be oriented towards Passion Play Road with front facades, and include driveways and facades along the internal roadway designed as dual building frontages.

c. Housing shall adhere to the City's anti-monotony standards.

d. A Detailed Landscape Plan is required at Site Development Plan Submittal and will be reviewed and approved by Staff.

e. Decorative, dark sky friendly street lighting to minimize glare and reduce light pollution. Street lighting design to be approved by the City, and maintained by the HOA.

f. Garages shall be recessed a minimum of two feet from the front expression line.

g. Mechanical equipment shall be located at the rear of the home and not permitted within side yards for all lots in the development, excluding lots 1- 5.

Mechanical equipment for lots 1-5 shall be placed within side yards and prohibited in the front and rear.

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

i. The developer must enter into a developer's agreement and/or utilities agreement, at the

administrative official's discretion. j. The developer shall enter into a capacity queue agreement.

k. Approval of the PDP shall be contingent upon adoption of Future Land Use and Zoning Map amendments to retract a portion of the NAC, re-designating 8.66 acres to LDR Low Density Residential, and R-1A single-family residential zoning.

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 \$17.6 million in taxable value, and generate a little under \$112,000 in ad valorem taxes.

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

[End Agenda Memo]

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Deputy Mayor Gibson said this adopts the traditional neighborhood development. This is our first and the developer is to be commended.

Deputy Mayor Gibson made a motion to approve this item. Commissioner Williams seconded the motion.

By roll call vote:

Deputy Mayor Gibson "YES"

Commissioner Williams "YES"

Commissioner Thompson "YES"

Deputy Mayor Gibson "YES"

Mayor Hilligoss "YES"

Motion passed 5-0.

9.IV. Preliminary Subdivision Plat Approval / Special Exception Use Permit Approval For A Residential Planned Development Project (PDP) Groves At Orchard Hills PUBLIC HEARING
[Begin Agenda Memo]

SYNOPSIS: Dave Schmitt, authorized agent for owner, is requesting approval of City Commission, for a 930-lot single-family Preliminary Subdivision Plat and a Special Exception

Use Permit for a Residential PDP on approximately 223.30 acres of land south of Belleview Drive, east of Scenic Highway South, north of Passion Play Road, and west of 11th Street South.

RECOMMENDATION The applicant requests approval of City Commission for a 930-lot single-family Preliminary Subdivision Plat and Special Exception Use Permit for a Residential PDP, with waivers of strict compliance and conditions of approval.

At a regular Planning and Zoning Board Meeting on August 23, 2022, the Planning and Zoning Board voted to recommend to City Commission approval of the preliminary subdivision plat and special exception use permit with waivers of strict compliance and conditions of approval.

BACKGROUND

General: The subject property, comprising of approximately 223.30 acres of citrus groves, is located south of Belleview Drive, east of Scenic Highway South, north of Passion Play Road, and west of 11th Street South. The project is located south of the Whispering Ridge and Belleview subdivisions and east of the Belle Lago subdivision. The property owner petitioned for annexation into the corporate city limits of Lake Wales on December 9, 2021 and was officially annexed on February 1, 2022. On February 22, 2022, the Planning & Zoning Board recommended approval of a land use and zoning amendment to assign land use of LDR Low-Density residential and zoning of R-1B to City Commission. The land use and zoning amendments were approved by City Commission at first reading on March 15, 2022 and adopted at second and final reading on June 7, 2022.

The Planned Development Project was brought to the Planning and Zoning Board at a regular meeting on July 26, 2022. The item was continued to allow the developer to bring a revised plan back to the board within three months. By August of 2022, the applicant brought forward a revised plan that was recommended for approval to City Commission by the Planning & Zoning Board. The PDP was brought to City Commission on September 20, 2022, but was tabled by Commission, whom expressed that development should not be rushed, especially with the Lake Wales Envisioned in process and the Commissioners Retreat in October to better determine what the City wants and how best to compromise.

While the developer continued to work with City staff to revise the PDP, the "Planning in Progress" Resolution 2023-02 was passed by City Commission In January of 2023. In an attempt to meet the initial aspirations, the developer worked with staff on plan design and provided revised plans in February. A peer review of the revised plan was completed by Dover, Kohl, & Partners, and comments provided to staff in late March. The City provided comments to the applicant in early April and received their final plan revision in mid-May.

Maximum density allowed on the site is calculated at 5 units per gross acre, or 1,116 dwelling units, under the Comprehensive Plan for LDR Low-Density Residential; a density of 4.2 dwelling units per acre, or 930 dwelling units, is proposed.

The proposed single-family subdivision is designed as a Planned Development Project (PDP), including requested Waivers of Strict Compliance. The mixed-use development currently proposes 40'-wide and 50'-wide single-family lots with 8.2 acres dedicated for support

commercial. Waivers are being requested for all R-1B dimensional and area standards.

PROPOSED LOT TYPES:

Phase 1A

40' Wide Lots 138 units (72%)

50' Wide Lots 53 units (28%)

TOTAL 191 units

Phase 1B

40' Wide Lots 157 units (78%)

50' Wide Lots 44 units (22%)

TOTAL 201 units

Phase 2

40' Wide Lots 147 units (59%)

50' Wide Lots 103 units (41%) **TOTAL 250 units**

Phase 3

40' Wide Lots 154 units (53%)

50' Wide Lots 134 units (47%)

TOTAL 288 units

OVERALL 930 units: 596 – 40' x 110' lots (64%); 334 – 50' x 110' lots (36%)

R-1B Standards per Table 23-422

Minimum lot size – 9,000 sq. ft.

Minimum street frontage – 50 feet

Minimum lot width at building line – 75 feet

Minimum floor area – 1,500 sq. ft.

Minimum front setback – 30 feet

Minimum side setback – 10 feet

Minimum rear setback – 20 feet

Minimum lot coverage – 40%

Maximum building height – 35 feet/2.5 stories

Proposed Standards

40' Wide Lots

Minimum lot size – 4,400 sq. ft.

Minimum street frontage – 40 feet

Minimum lot width at building line – 40 feet

50' Wide Lots

Minimum lot size – 5,500 sq. ft.

Minimum street frontage – 50 feet

Minimum lot width at building line – 50 feet

ALL Lots

Minimum living area – 1,200 sq. ft.

Front building setback – 25 feet

Side building setback – 5 feet

Rear building setback – 15 feet

Functional corner-side setback – 15 feet

Maximum lot coverage – 50%

Roadways & Access: The main boulevard for the development will be the improvement of Grove Road Three, a dirt road, into a two-lane divided boulevard with 16-foot wide drive aisles, curb and gutter, and 5-foot-wide sidewalks on both sides of the street within an 80-foot-wide right-of-way. Grove Road Three was enhanced by sagging a portion of the road, minimizing long straightaways, and functions as a vehicular slowing mechanism. Providing median islands with larger drive aisles brings character to this community, providing a cohesive landscaped boulevard that is accessible and more walkable.

The plan currently proposes six (6) access points on Grove Road Three. A round-a-bout is provided at the center of the project where Grove Road Three and 9th Street South intersect. Drive aisles for 9th Street South shall be 12-foot-wide and corrected on plans, and provides six

(6) access points. There are four (4) entrances provided along Passion Play Road. No egress/ingress accesses are proposed for Belleview Avenue, Scenic Highway South, and 11th Street South.

Internal roadways will provide 24-foot-wide roadways and 5-foot-wide sidewalks will be constructed on both sides of interior streets and along property boundaries. Right-of-way dedications at 40 feet from centerline are proposed for Passion Play Road, 9th Street South, Grove Road Three, Belleview Road, Scenic Highway, and 11th Street South.

Landscaping and Buffering: The landscape plan will be reviewed and approved by Staff after consultation with the City's horticulturist during site development review. The proposed buffer may be a wall or berm, and will be planted with shrubs, canopy trees, and understory trees. The following landscaping requirements shall be applied:

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

- Drainage retention areas shall meet all requirements of Section 23-307.4 regarding buffering and planting for retention areas, specifically Section 23-307.4(b): Buffers shall be planted at minimum of 5 shade trees per 300 linear feet.

- Recreation areas shall meet the minimum landscaping requirements per Section 23-310(d)2: A minimum of two (2) shade trees per recreation area or a minimum -- of five (5) shade trees per acre, whichever is greater, shall be provided in recreation areas.

- Landscaped buffers shall meet the minimum requirements outlined in Section 23- 307.3, and must be reviewed and approved by City Staff. Section 23-307.3(b): 1. Along a local street, the buffer shall be a minimum of ten (10) feet in width, and along collector and arterial roadways, twenty (20) feet in width. 2. The buffer shall be in a separate parcel or tract maintained by a homeowners' association or similar entity, in accordance with an approved landscaping plan. 3. The buffer shall be landscaped to provide a solid screen, such as a wall or hedge, a minimum of six (6) feet in height. One (1) tree shall be provided for every fifty (50) feet of buffer length. A 10' wide buffer with a minimum of one canopy tree every 50 linear feet and a 6' high screening shrub is proposed along Belleview Road, 9th Street South, and Passion Play Road.

A 10' wide buffer with one canopy tree every 40 linear feet is proposed along Grove Road Three. A 20' wide buffer with a minimum of one canopy tree every 50 linear feet is proposed along 11th Street South and Scenic Highway. A 6' high screening shrub is also required for Grove Road Three, 11th Street South, and Scenic Highway.

The streetscape proposed for Grove Road Three provides a tree lined street and landscaped medians, protecting pedestrians and creating a beautiful green vista for the end user. The buffer along 11th Street South is superior to the minimum standards and provides a significant

berm and landscaping to buffer from adjacent industrial zoned parcels (see Exhibit A). The developer has provided more landscaping than the code requires.

Recreation & Open Space: The development provides large recreation and open space areas for each section of the subdivision. Open space centered around the retention ponds provide areas for residents to enjoy and overlook. Provided is 10.34 acres designated as recreation areas, well in excess of the code requirement. A full amenity package will be required at site development submittal. Contemplated amenities include tot lots, amenity center and pool, and playfields/sport courts.

OPEN SPACE CALCULATION

Recreation 10.34 acres

Open Space 6.78 acres

Buffers 6.43 acres

Ponds 43.2 acres

TOTAL 66.75 acres

Approximately 29.89% of the overall site will remain as open space, where 20% open space is required at a minimum by code.

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

Waivers requested for all lots

1. Minimum living area reduced to 1,200 sq. ft. where 1,500 sq. ft. is required by code.
2. Front building setback reduced to 25 feet where 30 feet is required by code.
3. Side building setback reduced to 5 feet where 10 feet is required by code.
4. Rear building setback reduced to 15 feet where 20 feet is required by code.
5. Functional corner-side setback reduced to 15 feet where 30 is required by code.
6. Maximum lot coverage increased to 50% where 40% is allowed by code.
7. Allow the neighborhood park to be more than 600 feet from some of the lots it serves.
8. Eliminate all visitor and recreation parking requirements.
9. Length of primary entrance road reduced to 120 feet where 250 feet is required.

Waivers requested for 40' wide lots

1. Minimum lot size reduced to 4,400 sq. ft. where 9,000 sq. ft. is required by code.
2. Minimum street frontage reduced to 40 feet where 50 feet is required by code.
3. Minimum lot width at building line reduced to 40 feet where 75 feet is required by code.

Waivers requested for 50' wide lots

1. Minimum lot size reduced to 5,500 sq. ft. where 9,000 sq. ft. is required by code.
2. Minimum lot width at building line reduced to 50 feet where 75 feet is required by code.

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

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

- Recreation required: 4.07 acres; Recreation provided: 10.34 acres

- Open space required: 20% of site; Open space provided: 29.89% of overall site

Planning In Progress 1. We will seek to assemble an enduring green network of open spaces and conservation lands; [The plan provides open space in excess to minimum code requirements, and the most recent plan includes revisions to most parks and open space areas which created more functional and accessible green space. The plan does not contribute to the City's effort to minimize the footprint of developed area in order to preserve land.](#)

2. We will partner with landowners, investors, and the community to encourage input, collaboration, and respect property rights; [The developer has worked with City Staff for several months and has made multiple attempts at plan improvements in order to better align with the initial aspirations of Lake Wales Envisioned.](#)

3. We will make infill development and revitalization a priority; [The project is not considered infill.](#)

4. We will emphasize economic prosperity by increasing property values through quality development; The project quality could be improved by offering a mix of housing types, rather than homogenous tracks of single-family detached homes on reduced-sized lots. [The project is](#)

also adjacent to multiple external roadways, including a proposed landscaped boulevard, where the backs of houses will be adjacent to the roadways thus isolating the development from the surrounding area.

5. We will facilitate employment opportunities by supporting a mix of land uses and industries; The project includes support commercial and is adjacent to land outside of the project area zoned for industrial We will seek to make traditional neighborhoods with walkable, connected streets that create a high-quality public realm the norm; Revisions to the plan include deflected roads rather than long linear patterns, and sidewalks on both sides of the road. A street tree plan is included which also contributes to walkability, as it provides traffic calming and shade for the pedestrian. Because the development is isolated from the surrounding area by backs of houses, and because reduced lot widths which are not alley-loaded create excessive disruptions to the pedestrian way through driveway connections onto the sidewalk, it loses the traditional neighborhood quality. Many of the parks and open space areas were redesigned and moved from the backs of homes so to create views from the roadways, making it more functional and accessible.

6. We will discourage conventional urban sprawl as defined in Florida Statutes Chapter 163; The project includes a centralized area for support commercial uses, potentially minimizing car dependency for short trips and

7. We will grow a livable transportation network by implementing the Lake Wales Mobility Plan and including context-sensitive Complete Streets. The project is designed with complete streets.

Staff Findings

1. The use is compatible with the intentions of Policy I.1.2.12 Low Density Residential of the City's Comprehensive Plan.

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

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

4. The development is expanding roadway connections and improving roadway conditions.

5. The development provides a commercial component to allow support uses for the community and reduce dependency on vehicles for short trips. Recommended Conditions of Approval

6. Staff recommends the following conditions of approval:

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

b. Housing shall adhere to the City's anti-monotony standards.

c. Landscape Plan will be reviewed and approved by Staff and the City's horticulturist during

site development review.

d. Decorative, dark sky friendly street lighting to minimize glare and reduce light pollution. Street lighting design/type to be approved by the City, and maintained by the HOA.

e. Garages shall be recessed from the front building expression line, at a minimum of two feet, unless oriented away from the street.

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

g. A 12' wide multi-purpose trail shall be implemented along Scenic Highway.

h. Canopy trees shall be installed 1 per 100 linear feet where recreation and open spaces abut sidewalks for pedestrian shading.

i. The park situated between behind lots 429-449 shall be eliminated if park requirements are met; if the additional park acreage is needed, eliminate lots 431 & 444 to open the park more to the public instead of creating an unsafe environment behind homes.

j. Buffers adjacent to exterior roadways of the project boundary shall implement a berm similar to what is proposed along 11th Street South.

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

l. A developer's agreement is required for improvements, including but not limited to the construction of Grove Road Three and a 12' wide multi-purpose trail along Scenic Highway, prior to issuance of the Site Development Permit.

m. A financial mechanism, such as a CDD, shall be implemented to fund improvements and maintenance of this project.

n. The development shall enter into a utilities queue agreement.

o. A developer's agreement regarding utilities is required prior to issuance of the Site Development Permit issuance as it relates to the transfer of wells and implementation of reclaimed water.

p. Revisions proposed by staff, below, shall be required from the applicant prior to any site development submittal.

7. Staff recommends the following plan revisions:

a. Under the notes section on sheet 2, easements shall be recorded at final plat.

b. Under the notes section on sheet 2, listed under site data is City adjacent zoning. Adjust this note to include N: R-1A, R-1B, & R-1C; E: I-1; W: R-1A & R-1C.

- c. Under site data, the lot count is listed as 936 and shall be adjusted to 916.
- d. In the landscaping buffer details, the roads listed are from Hunt Club PDP and need to be adjusted. Passion Play Road and 9th Street South shall be listed under 10' wide buffers and Scenic Highway and 11th Street South under 20' wide buffers.
- e. The 20' landscape buffer shall have a 6' high hedge; plans currently show the 10' wide buffer with a 6' high hedge and not for the 20' wide buffer.
- f. Roadways, regarding ownership and maintenance, shall reflect the CDD ordinance which states internal roadway improvements are owned and maintained by Polk County, funded by the CDD.
- g. The cross section for Grove Road Three with the median, on sheet 2, shall be implemented and reflected on other plan sheets and the landscaping plan.
- h. Acreage of open space required and open space provided is not listed.
- i. Active recreation required includes neighborhood parks (1.5/400 x 907) AND mini-parks (0.25/400 x 907). Acreages for recreation are not included or listed on plans.
- j. Tracts do not appear to be listed. Please provide individual acreages for retention, designated recreation, buffers, and other remaining open space.
- k. An amenity package shall be submitted to City Staff for review and approval.
- l. In the waiver table on the cover page, the required minimum lot width for R-1B is 75 feet not 65 feet.
- m. Basic site data does not appear to be listed such as total acreage, minimum living area, maximum lot coverage, and impervious surface.
- n. Waivers that need to be added to the waiver table include: 1) Allow the neighborhood park to be more than 600 feet from some of the lots it serves. 2) Eliminate all visitor and recreation parking requirements. 3) Length of primary entrance road reduced to 120 feet where 250 feet is required.
- o. On sheet 4, Overall Site Plan lot count for 40' wide lots and 50' wide lots is completely different from what the color rendered Master Plan. Please reflect counts on Sheet 4 to meet the Master Plan: Phase 1A – 53 units (50'), 138 (40'); Phase 1B – 44 (50'), 157 (40'); Phase 2 – 103 (50'), 147 (40'); Phase 3 – 134 (50'), 154 (40').
- p. The 9th St. ROW Section shows 10' wide lanes, which need to be 12' wide lanes and the breakdown is showing incorrect dimensions that do not add up to an 80' wide ROW.
- q. A condition of approval was for a 12' wide multi-purpose trail that is not shown or noted on the plans along Scenic Highway.
- r. Between Groves at Orchard Hills and the adjacent residential development, note that G R

Road will need to be closed. s. Note that street trees shall be in between the curb and sidewalk – currently the street trees are shown on the lot. If provided on the lot, a separate tree easement needs to be included to be owned and maintained by the HOA.

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

FISCAL IMPACT Approval of the preliminary plat and PDP would enable the development of this property and the potential increase in property value. Specifically, estimating an average of \$200,000 in taxable value per unit, it could potentially result in over \$183 million in taxable value, and generate over \$1.16 million in ad valorem taxes.

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

[End Agenda Memo]

OPENED PUBLIC HEARING

Charlene Bennett, resident, said this project fails to meet code in many ways and shared examples. It is not a superior project, it is too cookie cutter. The lack of staff recommendation probably means that staff is not comfortable with this project.

CLOSED PUBLIC HEARING

Deputy Mayor Gibson asked for a review of the changes that have been made to this project. Autumn Cochella, Interim Development Services Director reviewed this project and its history. She said that representatives of the project are here to answer questions.

Lynn Johnson, attorney for developer, said the designer and engineer are here to also answer questions. He reviewed the changes made since March of 2022 when there were different goals in the planning process. The previous plan was approved by the Planning and Zoning Board in August. There was a time out by the Commission as new goals were put in place. Once the new aspirations were passed the team has made several efforts to meet the new criteria. He listed some of the improvements that were made. They are next to a pipe plant. They have a landscaped buffer to benefit both sides. They have been at it 15 months. It is a good design at this point. He showed picture boards of the proposed buffer.

John McVey, said he was involved with the design of this project and reviewed the different changes made to fit the aspirations. He said this design is much better. They felt the roads were too busy to face the streets making them unsafe for kids to play in the front yard. They could not hit all 8 aspirations and make the project successful.

Commissioner Krueger commended them on their effort to accommodate the Commission's changed expectations.

Deputy Mayor Gibson asked how close the current revised plan comes to the 8 aspirations. Ms. Cochella reviewed the staff findings concerning each of the 8 aspirations.

Mayor Hilligoss asked about the orientation of the houses and asked again why the houses shouldn't face the outside roads. Mr. McVey said Passion Play road would be too busy as a minor collector road. It would not be safe for children to play in a front yard. Commissioner Williams asked Ms. Cochella if it was a safety concern. Ms. Cochella said there are many different ways to design a neighborhood with out alleys. A mix of types is possible.

Dave Waronker, CDB Real Estate, said he has used market studies to determine what homes to build. Single homes are more in demand that multifamily or townhomes. He said this plan is better. He commended City Staff for working with them. He is glad for the recommendations. He said he doesn't think alleyways will work due to affordability and attainability issues. This site layout is affordable and attainable. He said he invests in communities he builds in. He confirmed that he will contribute \$500 per lot for improvements off site. In a future project there will be a more traditional neighborhood design.

Commissioner Thompson has listened to concerns on this. He feels its important to work with land owners and developers on this project. He hopes the developer will back up what he says.

Mayor Hilligoss said this is a good compromise. We didn't get everything we wanted but we got a lot. They have worked hard on this. he has no reservations approving this.

Deputy Mayor Gibson said he is concerned about the land owners. He reviewed some of the good things the Hunt Bros have done for Lake Wales. We have an obligation to the Hunt family when they need help. He said he will support the project.

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

by roll call vote:

Commissioner Williams "YES"

Commissioner Krueger "YES"

Commissioner Thompson "YES"

Deputy Mayor Gibson "YES"

Mayor Hilligoss "YES"

Motion passed 5-0.

- 9.V. Preliminary Subdivision Plat Approval / Special Exception Use Permit Approval For A Residential Planned Development Project (PDP) Steeple Chase, Public Hearing
[Begin Agenda Memo]

SYNOPSIS:

Dave Schmitt Engineering, Inc., agent for owner, is requesting the approval of City Commission, for a 300-lot single-family Preliminary Subdivision Plat and a Special Exception

Use Permit for a Residential PDP, including waivers of strict compliance, on approximately 97.85 acres of land just east of Scenic Highway South and north of Belleview Drive.

RECOMMENDATION

At a special meeting on January 5, 2023, the Planning and Zoning Board made a recommendation of approval to City Commission for the Steeple Chase PDP.

BACKGROUND The Planning and Zoning Board made a recommendation of approval to City Commission for the Steeple Chase PDP. Subsequently, on January 17, 2023, City Commission declared a “Planning in Progress” initiative through the adoption of Resolution 2023-02, which lists the 8 initial aspirations of the Lake Wales Envisioned planning effort. Staff found that the proposed plan did not align with the initial aspirations of the Planning in Progress Resolution, and therefore planned to bring the Plan before City Commission in March with a recommendation of denial; however, the applicant requested to table the item with the intention to enhance the landscaping site-wide. The revised landscape plan dated April 13, 2023 is included.

Steeple Chase PDP – General:

The 97.85-acre vacant grove land is located just east of Scenic Highway South and north of Belleview Drive. The proposed subdivision is situated east of the McLaughlin Middle School, northwest of Lake Belle, and west of Whispering Ridge subdivision.

The property is within the city limits and has an existing zoning designation of R-1A and 3.92 acres zoned PF Professional. The existing land use designation for this site is LDR Low Density Residential and 3.92 acres designated as RO Residential/Office. Maximum density allowed for land designated as Low Density Residential is calculated at 5 units per gross acre and land designated as Residential/Office is calculated at 12 units per gross acre.

Proposed is a single-family subdivision, designed as a Planned Development Project (PDP), including requested Waivers of Strict Compliance. Maximum density allowed on the 3.92-acre parcel designated as Residential/Office is 47 homes; shown on this parcel is approximately 12 homes. The remaining acreage designated as Low-Density Residential allows a maximum density of 469 homes. A density of 3.06 dwelling units per acre, or 300 homes, is proposed.

The development proposes three phases with three different lot types: 45' wide lots, 50' wide lots, and 60' wide lots. The rear setbacks meet or exceed the minimum setbacks required by R-1A and PF standards, and lots within the PF zoning district meet the minimum living area. Waivers of strict compliance is requested for all other R-1A and PF dimensional standards.

PROPOSED LOT TYPES:

45' WIDE LOTS 102 DWELLING UNITS

50' WIDE LOTS 130 DWELLING UNITS

60' WIDE LOTS 68 DWELLING UNITS

TOTAL 300 DWELLING UNITS

PHASE ONE:

45' X 110' LOTS 53 UNITS

50' X 110' LOTS 59 UNITS

60' X 110' LOTS 34 UNITS

TOTAL 146 UNITS

PHASE TWO:

45' X 110' LOTS 45 UNITS

50' X 110' LOTS 51 UNITS

60' X 110' LOTS 26 UNITS

TOTAL 122 UNITS

PHASE ONE:

45' X 110' LOTS 4 UNITS

50' X 110' LOTS 20 UNITS

60' X 110' LOTS 8 UNITS

TOTAL 32 UNITS

R-1A Standards per Table 23-422

Minimum lot size – 12,000 sq. ft.

Minimum street frontage – 50 feet

Minimum lot width at building line – 85 feet

Minimum Floor Area – 1,500 sq. ft.

Minimum Front Setback – 30 feet

Minimum Side Setback – 10 feet

Minimum Rear Setback – 20 feet

Maximum Lot Coverage – 40%

Maximum Building Height – 35 feet/2.5 stories

R-3 Standards per Table 23-422

Minimum lot size – 12,000 sq. ft.

Minimum street frontage – 50 feet

Minimum lot width at building line – 100 feet

Minimum Floor Area – 650 sq. ft.

Minimum Front Setback – 30 feet

Minimum Side Setback – 10 feet

Minimum Rear Setback – 20 feet

Maximum Lot Coverage – 50%

Maximum Building Height – 45 feet/2.5 stories

Dimensional Requirements for the R-3 District apply for residential structures in non-residential districts

Proposed Standards – Single-Family (45' wide, 50' wide, & 60' wide):

Minimum lot size – 4,950 sq. ft.

Minimum street frontage – 40 ft.

Minimum lot width at building line – 45 ft.

Minimum floor area – 1,200 sq. ft.

Front setback – 20 ft.

Side setback – 5 ft.

Rear setback – 20 ft.

Maximum lot coverage – 50%

Roadways & Access:

Five main entrances are proposed, including two entrances along 9th Street South, one on Santa Maria Road, one on Belleview Drive, and another by extension of Grove Avenue East. Currently, Grove Road East only exists on the west side of Scenic Highway South. The developer will need to close Lake Avenue to extend Grove Avenue East through the project.

This will expand our existing roadway network and provide more points of access to distribute traffic.

The subdivision has multiple connections to existing streets including 6th Street to the north of the project, and along Winston Avenue & Lorraine Circle. In addition, right-of-way will be dedicated for 9th Street South, Belleview Drive, Santa Maria Road, Winston Avenue, and Grove Avenue East. Sidewalks will be provided on both sides of the internal streets and along project boundaries.

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

Residential tree density requirements will be enforced at building permit issuance, pursuant to section 23-307.2.a.3: three, two-inch caliper shade trees, minimum of eight feet at planting. At least one of the shade trees shall be a street tree. Corner lots shall have a minimum of one additional tree to ensure that each frontage has at least one street tree. Lots 10,000 s/f or greater: four, two-inch caliper shade trees, minimum of eight feet at planting. At least one of the shade trees shall be a street tree. Corner lots shall have a minimum of one additional tree to ensure that each frontage has at least one street tree.

The proposed exterior buffers include a 6' high hedge and one overstory tree every 50 linear feet as required by code. In exchange for the waivers to reduce 6th Street South and Santa Maria Road buffer widths, a condition of approval is included to enhance landscaping within these buffers.

Recreation: The developer has designated 9.69 acres of active recreational space where 1.32 acres are required. Amenities proposed include tot lots, dog park, benches, and a walking trail. Each section of the development has its own designated open space area.

OPEN SPACE CALCULATION:

PONDS 12.46 ACRES

RECREATION 9.69 ACRES

OPEN SPACE 4.07 ACRES

TOTAL 26.22 ACRES

Approximately 26.8% of the site will remain as open space, where 20% open space is required at a minimum by code.

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

1.) Minimum lot size: 4,950 square feet is requested where 12,000 square feet is required by code.

- 2.) Minimum street frontage: 40 feet is requested where 50 feet is required by code.
- 3.) Minimum lot width at building line: 45 feet is requested where 85 feet is required by code.
- 4.) Minimum floor area: 1,200 square feet is requested where 1,500 is required by code.
- 5.) Minimum front setback: 20 feet is requested where 30 feet is required by code.
- 6.) Minimum side setback: 5 feet is requested where 10 feet is required by code.
- 7.) Minimum functional corner side setback: 15 feet is requested where 30 feet is required by code.
- 8.) Maximum lot coverage: 50% is requested where 40% is allowed by code.
- 9.) Buffers along 6th Street South and Santa Maria Road are requested to be 5 feet wide where 10 feet is required by code.

The applicant requests the following Waivers of Strict Compliance from certain dimensional and area standards in the PF zoning district for lots 295-286 and lots 269- 270:

- 1.) Minimum lot size: 4,950 square feet is requested where 7,500 square feet is required by code.
- 2.) Minimum street frontage: 40 feet is requested where 50 feet is required by code.
- 3.) Minimum lot width at building line: 45 feet is requested where 75 feet is required by code.
- 4.) Minimum floor area: 1,200 square feet is requested where 1,500 is required by code.
- 5.) Minimum front setback: 20 feet is requested where 25 feet is required by code.
- 6.) Minimum side setback: 5 feet is requested where 10 feet is required by code.
- 7.) Minimum functional corner side setback: 15 feet is requested where 30 feet is required by code.
- 8.) Maximum lot coverage: 50% is requested where 40% is allowed by code.

Land Development Code Division 4 Planned Development Project Regulations

- The PDP process is intended to promote high quality site design
- The process allows flexibility in project layout and relief from standard subdivision grids in order to preserve natural features of the land, maximize common open space and landscaping, and create vital neighborhoods
- Creativity in housing types and site layout are encouraged

- A PDP shall be approved only if the proposed plan demonstrates that the product will be superior to that of a standard subdivision

- The PDP process is not intended to circumvent the regulations for residential development, but to allow creativity and variety - Deviation from the provisions of this chapter concerning lot size, setbacks, roadway design, and other requirements will be granted only if the proposed alternative allows for a superior project layout, provides enhanced open space and preservation of natural features, does not subvert the intent of this chapter, and does not compromise public safety

Proposed Superior Design Standards per the PDP Applicant:

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

Additionally, a revised landscape plan was submitted in April of 2023 which significantly exceeds the minimum landscape code standards.

The proposed landscape plan includes:

- The addition of 295 trees and to the common areas and open space
- The addition of 1,606 shrubs to the common areas and open space
- A tree diversity to include 105 palms, 1,101 canopy trees, and 155 understory trees of 11 different species
- 120 canopy trees to be larger at time of planting than the minimum code standard (height and caliper inch)
- Naturally shaped ponds with native vegetation plantings so to create wildlife habitats

The plan provides recreation and open space in excess of the minimum standards.

- Recreation required: 1.32 acres; Recreation provided: 9.69 acres
- Open space required: 20% of site; Open space provided: 26.8% of site

Steeple Chase Site Design Review by Dover, Kohl, & Partners

Planning Staff requested a peer review of pending development plans by our on-contract Town Planning firm Dover, Kohl, & Partners (Dover Kohl). On February 9, Dover Kohl provided the

attached memorandum delineating their findings about the plan, how it relates to the Lake Wales Envisioned aspirations, and how the plan could be better refined to meet the aspirations.

On February 14, Staff shared the peer review findings with the applicant and his team, and expressed our agreement with the recommendations provided. The applicant decided to advance the original plan without revisions.

Summary of Recommendations – Dover Kohl:

1: Create Quality Public Spaces (relevant aspirations 1, 4, 6)

Recommendation: To create quality public spaces, re-organize lot orientation (and the proposed block-and-street network as needed) so that neighborhood public open spaces are lined by walkable public streets and/or faced by the front sides of surrounding buildings.

2: Provide a Walkable, Connected Street Network (relevant aspirations 6, 7, 8)

Recommendation: Reorganize lot orientation so that streets are faced by the fronts of buildings (not rear lots); Use alleys to reduce curb cuts and increase walkability of streets; Provide additional street connections to 9th Street and Santa Maria Road, and stub-outs to surrounding sites; Include streets trees and sidewalks to create walkable neighborhood streets.

3: Provide a Mix of Housing Types (relevant aspirations 6, 7)

Recommendation: Explore incorporating a greater mix of housing types in the development (such as attached townhouses, or small multiplexes).

Staff Findings

1. The development is inconsistent with Resolution 2023-02 Planning in Progress aspiration 4, “We will seek to make traditional neighborhoods with walkable, connected streets that create a high-quality public realm the norm”, citing the following:

a. 300 individual driveway connections onto the pedestrian sidewalk impedes safe and comfortable neighborhood walkability. b. Ponds, open space, and recreation areas which are tucked behind the backs of houses do not create a high-quality public realm.

c. The PDP design is not consistent with the concepts of traditional neighborhood development, which can be described as:

i. A development strategy designed to create complete neighborhoods and communities that mimic those built in pre-1950s America before the shift to low-density, automobile-dependent suburban developments (conservationtools.org).

j. Compact, mixed-use, pedestrian-oriented neighborhoods with walkable street patterns, absence of garages and curb cuts onto the public street, and centralized parks areas and neighborhood greens.

2. The development was recommended by the Planning and Zoning Board prior to the adoption of Resolution 2023-02 Planning in Progress.
3. The proposed landscape plan is greatly superior to minimum code standards.
4. This site is located within the City's utility service area and will connect to municipal water, sewer, and reuse.
5. A Planned Development Project is reviewed for approval as a Special Exception Use Permit approvable only by City Commission, and not as a zoning designation.
6. Per Section 23-431.b. a Special Exception Use Permit applied to a property makes the stipulations of approval mandatory. Conditions of Approval as recommended by the Planning and Zoning Board
7. Staff recommends the following conditions of approval:
 - a. Fences shall be setback a minimum of 15 feet behind the front building expression line.
 - b. Housing shall adhere to the City's anti-monotony standards per Section 23- 223.4(g).
 - c. Enhanced buffer plantings shall be implemented where waivers are requested to reduce buffer widths.
 - d. Decorative, dark sky friendly street lighting to minimize glare and reduce light pollution. Street lighting design/type to be approved by the City, and maintained by the HOA.
 - e. Garages shall be recessed from the front building expression line unless oriented away from the street.
 - f. Staggered front building setbacks at a minimum of two feet difference between adjacent lots.
 - g. Mechanical equipment shall be located in the rear and not within side yards.
 - h. The traffic study must be approved by the Administrative Official prior to issuance of Site Development Permit.
 - i. A development agreement will be required for roadway improvements.
 - j. A utilities agreement is required for the transfer of wells to the City of Lake Wales.
 - k. ROW shall be dedicated for Winston Ave, Grove Ave, 6th street, 9th street, Santa Maria Road and Belleview Drive as shown on plans.
 - l. The neighborhood park, identified as tract I, with the soccer field along 9th street, shall have fencing, hedging, or a combination of both to provide a safety measure adjacent to the street.

m. Street trees shall be in between the curb and sidewalk within root barriers or in the private yard within an easement to be maintained by the HOA.

n. Perimeter buffer design shall be reviewed and approved by Planning Staff at Site Development review.

8. Staff recommends the following revisions: a. On Sheet 2 – Notes & Details, under Ownership/Maintenance, Roadways are listed as, “Private: to be owned and maintained by the City of Lake Wales”, and shall be corrected at Site Development submittal.

OTHER OPTIONS Approve the PDP as submitted by the applicant, including the Conditions of Approval recommended by the Planning and Zoning Board and the revised landscape plan dated April 13, 2023. Decline to approve the PDP, and request that the applicant work with Staff to revise the plan so to better align with the Planning in Progress aspirations.

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 \$60 million in taxable value, and generate approximately \$380,000 in ad valorem taxes.

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

[End Agenda Memo]

OPENED PUBLIC HEARING

Charlene Bennett, resident, said this is the same situation as the previous one. A bunch of small houses scrunched together. This is a lot of people living near the pipe plant. its sad to her.

Brandon Alvarado, resident, spoke in favor of traditional neighborhoods. We can make county roads city roads and make them pedestrian friendly. This property will be lost for a generation. He asked the Commission to hold the line. We can do better.

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

Lynn Johnson, attorney for the developer, reviewed some of the changes they made from the original design. He showed picture boards of proposed landscaping. This is a project disrupted by adoption of the 8 aspirations. This was approved by the Planning and Zoning board 7-0. This is a nice development for the town.

Dave Waronker, CDB Real Estate, said a traditional neighborhood would not do well next to an industrial facility and railroad track. This is not a good location for a traditional neighborhood. The donation of \$500 per lot applies to this project as well.

Deputy Mayor Gibson said there is still room for adjustment to come closer to meeting the aspirations. There is a segment of the population interested in traditional neighborhoods. He

asked Ms. Cochella about flexibility in this. Ms. Cochella said with any plans there are ways to revise it to meet the aspirations.

Mayor Hilligoss noted that under options there is one to decline which is not on the others. Ms. Cochella said that was an oversight. The Commission can always decline these. Mayor Hilligoss said he wanted to be fair but asked that developers work with us. He did not see much evidence in this one as the last one.

Commissioner Krueger said we changed parameters. This is a question of fairness. Plenty of developments are coming in the future that will be after our aspirations were set.

Commissioner Williams made a motion to approve this project. Commissioner Krueger seconded the motion.

by roll call vote:

Commissioner Williams "NO"

Commissioner Krueger "YES"

Commissioner Thompson "YES"

Deputy Mayor Gibson "NO"

Mayor Hilligoss "NO"

Motion failed 3-2.

10. CITY ATTORNEY

Albert Galloway, Jr., City Attorney, said he has two more summary judgement motions pending. This is on a duplex owned by separate owners. The hearings are set for August 7.

11. CITY MANAGER

James Slaton, City Manager, said there is an online Lake Wales Envisioned event tomorrow on the big green network and land conservation.

Mr. Slaton announced the 4th of July event on July 4th 3:00 p.m. - 9:00 p.m. with fireworks at 9:00 p.m.

12. CITY COMMISSION COMMENTS

Commissioner Krueger said we did good business this evening. He hopes that with the last project the developer can come back with something we can approve.

Commissioner Williams said we need to implement the 8 aspirations. He agrees with trying to fair. The difference for him was putting money right back in the community. The first project did more as relates to the change that we did not see with the other. He is pro responsible growth. He does not want to stop growth completely. We need homes to not be cookie cutter. We need them to come up to the mark of where we want them to be.

Deputy Mayor Gibson said these are difficult decisions to wrestle with. The decisions made are based on

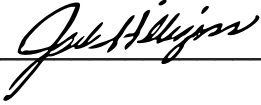
merit. Split decisions don't bother him because those differences are heart felt.

13. MAYOR COMMENTS

Mayor Hilligoss said we can't stop the growth. The question is how we handle it. He hopes work can continue on the Steeple Chase development. He says he does get the emails from citizens and he does listen. We spent a lot of time thinking through it. We made good decisions tonight.

14. ADJOURNMENT

The meeting was adjourned at 7:56 p.m.

A handwritten signature in black ink, appearing to read "Joe Hilligoss", is written over a horizontal line.

Mayor

ATTEST:

City Clerk