

# City Commission Meeting Minutes

March 21, 2023

(APPROVED)

3/21/2023 - Minutes

1. INVOCATION

Rev. Scott Markley 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

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

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

5. PROCLAMATIONS AND AWARDS

5.I. PROCLAMATION - Child Abuse Prevention Month

Mayor Hilligoss Proclaimed April as Child Abuse prevention month. Kimberly Daugherty, Heartland for Children CEO accepted the proclamation.

6. COMMENTS AND PETITIONS

Juanita Zwaryczuk, resident, said she disagreed with the decision to not issue an Equal Pay Proclamation. She shared a portion of a similar proclamation issued by the White House.

Kim Griffiths, Janie Howard Wilson Elementary, expressed concerns about pedestrian safety for students walking to their school. A crosswalk on Scenic HWY/SR 17 is needed.

Charlene Bennett, resident, reviewed a section of code on PDPs. Recent PDPs do not conform to the listed specifications. She encouraged ways to improve the developments.

Cassandra Richards, non-resident, spoke against the ADS plant and possible negative effects on nearby communities.

Mary Beth Salisbury, resident, spoke on concerns related to the ADS plant. It should not be near a residential area. She expressed concerns about a possible rail accident.

Becky Wynkoop, resident, said the ADS plant should go to the industrial park. She expressed concerns about safety and traffic. The public needs more information on this.

Catherine Price, resident, spoke on your ADS plant. Representatives of ADS should come speak to the nearby residents. It can negatively impact land values.

Bruce Francis, non-resident, spoke on the uniqueness of Lake Wales. We need to keep it unique. He recommended holding off on decisions until the planning effort is finished.

Skip Alford, President of the Chamber of Commerce, said we need to consider growth. We need clean industry and jobs. This ADS plant will provide jobs.

Ann Richards, non-resident, spoke in favor of the ADS project as it will bring in jobs.

## 7. CONSENT AGENDA

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

by voice vote:

Commissioner Krueger "YES"

Commissioner Howell "YES"

Commissioner Williams "YES"

Deputy Mayor Gibson "YES"

Mayor Hilligoss "YES"

Motion passed 5-0.

7.I. Minutes - March 7, 2023 And March 15, 2023

7.II. Parks Master Planning Agreement With Catalyst Design Group  
[Begin Agenda Memo]

**SUBJECT:** Parks Master Planning Agreement with Catalyst Design Group

**SYNOPSIS:** Staff is requesting commission approval to enter into agreement with Catalyst Design Group for professional design and planning services to develop detailed master plans for seven (7) existing parks in Lake Wales

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

1. Approve the agreement with Catalyst Design Group and the associated expenditure of \$46,850.00
2. Authorize the City Manager to execute the necessary documents on behalf of the city

**BACKGROUND** Catalyst Design Group will provide landscape architectural services to the City of Lake Wales through continuing services agreement (RFQ# 22-512). The City has previously

engaged with S&ME Inc. in the creation of the Parks, Trails, and Open Spaces Master Plan. Using this as a guiding document, Catalyst Design Group will provide further master planning and conceptual design services, identifying potential projects for seven (7) parks within the Lake Wales Park System. These parks include:

- Lake Wailes Park
- Kiwanis Park
- Crystal Lake Park
- Lake Wales Soccer Complex
- Northwest Sports Complex / Frasier Field
- North Lake Wales Park
- Little League Sports Complex

Catalyst Design Group has previously provided expert landscape architectural services to the city on the Park Avenue and Marketplace Streetscape, 1st Street Streetscape, and Crystal Lake Park Trail.

**OTHER OPTIONS** City commission may choose not to approve this agreement at this time.

**FISCAL IMPACT** The cost of this agreement is \$46,850.00.

[End Agenda Memo]

7.III. Mensth Capital, LLC, Redevelopment Of The 143 D Street Parcel  
[Begin Agenda Memo]

**Synopsis:** The City of Lake Wales and the Code Enforcement Lien foreclosure Defendants, Mensth Capital, LLC and Payet Investment Group, LLC, the owners of the subject property (collectively "Mensth"), have negotiated a Redevelopment Agreement for the property located at 143 D Street which incorporates the Memorandum of Understanding ("MOU") for the redevelopment of distressed properties which was previously approved by the City and the Lake Wales Community Redevelopment Agency. Upon approval of the Redevelopment Agreement, the sum of \$7,500.00 will be deposited with the City to be disbursed as redevelopment occurs in accordance with the provisions of the MOU and the Redevelopment Agreement. The City will also be reimbursed foreclosure costs in the sum of \$3,129.74

**Recommendation:** That the City Commission approve the Redevelopment Agreement and authorize the Mayor to sign it on behalf of the City.

**Fiscal impact:** Reimbursement of foreclosure costs as previously mentioned. Redevelopment of this distressed property should result in an increase in ad valorem tax revenue.

**Alternatives:** To continue the foreclosure action which will not result in the anticipated benefits of redevelopment of the subject property.

[End Agenda Memo]

7.IV. Planning And Engineering Services At Lake Wales Municipal Airport  
[Begin Agenda Memo]

**SYNOPSIS:** The City Commission will consider awarding Hoyle, Tanner and Associates, Inc the contract for Professional Planning Services and Professional Engineering Services at the Lake Wales Municipal Airport.

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

1. Approve the award of contract subsequent to RFQ 23-522 to Hoyle, Tanner and Associates, Inc
2. Approve the award of contract subsequent to RFQ 22-518 to Hoyle, Tanner and Associates, Inc.
3. Authorize the City Manager to execute the contract on behalf of the City

**BACKGROUND:**

On Monday, October 31, 2022 three sealed bids were received and recorded for Professional Engineering Services at the Lake Wales Municipal Airport.

On Monday, October 31, 2022 two sealed bids were received and recorded for Professional Planning Services at the Lake Wales Municipal Airport. Since three bids are required, this went back out to bid.

On Friday, January 27, 2023, three sealed bids were received and recorded for Professional Planning Services at the Lake Wales Municipal Airport. Each firm was independently evaluated by City staff against the following criteria:

- Professional Qualifications, Experience
- Past Relevant Project Performance
- Certified Minority Business, DBE, or Small Business Enterprise
- Recent, current, and projected workloads
- Willingness, ability, past performance record to meet time & budget requirements.

Proposals were ranked as follows:

**Professional Engineering Services**

1st Ranked Firm: Hoyle, Tanner and Associates Inc.

2nd Ranked Firm: Gale

3rd Ranked Firm: Tadeos

**Professional Planning Services**

1st Ranked Firm: Hoyle, Tanner and Associates, Inc.

2nd Ranked Firm: Gale

3rd Ranked Firm: APG

**OTHER OPTIONS** The City Commission may direct staff to re-advertise the Request for Qualifications or select an alternate company for these services.

**FISCAL IMPACT**

Approximately \$100,000

Future Projects

FY24 FY25 FY26 FY27

\$105,556.00 \$288,778.00 \$100,000.00 \$2,000,000.00

\$19,444.00 \$555,555.00 \$76,666.00 \$666,666.00

\$51,667.00 \$55,556.00 \$76,666.00 \$100,000.00

Sum \$176,667.00 \$899,889.00 \$176,666.00 \$2,843,332.00

Local Share @ 2% \$3,533.34 \$17,997.78 \$3,533.32 \$56,866.64

Total Amount (Share) \$81,931.08

Average Amount (Share) \$20,482.7

[End Agenda Memo]

7.V. Task Order - Zimmerman/Volk Associates, Inc. (ZVA)

[Begin Agenda Memo]

**SYNOPSIS:**

The City Commission will consider approval of a Task Order that will authorize Dover, Kohl & Partners (DK&P) to engage Zimmerman/Volk Associates, Inc. to provide an analysis of Residential Market Potential for Traditional Neighborhood Development.

**RECOMMENDATION**

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

- 1. Approve the Task Order.

2. Authorize the expenditure of \$22,000.
3. Authorize a budget amendment in the amount of \$22,000.
4. Authorize the City Manager to execute the necessary documents on behalf of the City.

## **BACKGROUND**

The Lake Wales Envisioned plan will shape and direct the form of future infill development, new neighborhoods, and conservation areas within Lake Wales' incorporated city limits and in areas in unincorporated Polk County that lie within the City's utility service area.

The proposed task order will determine if the potential housing market matches the aspirations outlined in the Lake Wales Envisioned "traditional neighborhoods with walkable, connected streets that create a high- quality public realm."

Zimmerman/Volk Associates, Inc. (ZVA) will evaluate recent market activity and geodemographic data relating to the City of Lake Wales. The analysis will establish the depth and breadth of the market for new dwelling units within TNDs in the city (target market potential), as well as the housing types, building and unit sizes and configurations, and rent and price levels (optimum market position) that will attract the draw area households.

The completed analysis will be provided within two months from the execution of an agreement and the beginning of virtual field work.

The Lake Wales Envisioned plan will ultimately serve as the guiding document for infrastructure planning in addition to future development and, as such, is eligible to be funded by the City's various impact fees and transportation funds, in addition to any other funding sources.

At this time, the City has sufficient unrestricted general revenue to cover the costs of this Task Order. As well, the City has an existing, continuing services agreement with DK&P for Professional Planning Services.

## **OTHER OPTIONS**

1. Do not approve the proposed Task Order and direct staff to search for an alternative external firm.

## **FISCAL IMPACT**

The current-year fiscal impact of the Task Order is \$22,000, of which all will be paid through unrestricted general revenue.

[End Agenda Memo]

- 8.I. Ordinance 2022-27 Annexation – 2nd Reading And Public Hearing 67.73 Acres Of Land South Of Lake Bella Road And East Of US Highway 27.

[Begin Agenda Memo]

**SYNOPSIS:** Ordinance 2022-27 proposes the voluntary annexation of approximately 67.73 acres of land south of Lake Bella Road and east of US Highway 27, and contiguous to the incorporated City limits.

**RECOMMENDATION** Adoption after second reading of Ordinance 2022-27 following a public hearing. City Commission approved Ordinance 2022-27 at first reading on September 20, 2022.

A recommendation from the Planning and Zoning Board is not required for an annexation ordinance.

**BACKGROUND** Owners, Rama Food Mart LLC, Mckenna Brothers Inc, Hunt Bros Inc, E N C Inc, and Ronald McCall, petitioned annexation into the corporate city limits of Lake Wales in November and December of 2021.

The applicant requested the second reading of the annexation to be read concurrently with the second reading of the land use and zoning amendments. The property is larger than fifty (50) acres which requires a large-scale comprehensive plan amendment to be reviewed by outside agencies prior to approval. Due to keeping the annexation with the land use and zoning amendments, and the applicant requesting continuation to have adequate representation, the second reading was moved to March 21, 2023. "Attachment A" to the ordinance shows the property's location. It is contiguous to the City Limits along its northwestern boundary.

**OTHER OPTIONS** Decline to annex the property.

**FISCAL IMPACT** The annexation will add to the City's tax roll. The properties are valued at a total of over 1.1 million, which would bring in additional property taxes.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read ORDINANCE 2022-27 by title only.

**ORDINANCE 2022-27 (Annexation – 67.73 acres of land south of Lake Bella Road and east of US Highway 27)**

**AN ORDINANCE PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 67.73 ACRES OF LAND SOUTH OF LAKE BELLA ROAD 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

Catherine Price, resident, expressed concerns that public notices were not done correct. She asked

the Commission to go slow on this project.

#### CLOSED PUBLIC HEARING

Deputy Mayor Gibson asked if this is within the confines of the 8 aspirations of the Lake Wales Envisioned. James Slaton, City Manager, said yes and the proposed land use and zoning is comparable to what it has in the county.

Commissioner Williams asked if this was properly noticed. Mr. Slaton said it was.

Commissioner Krueger made a motion to adopt ORDINANCE 2022-27 after 2nd reading and public hearing. Commissioner Williams seconded the motion.

by roll call vote

Commissioner Krueger "YES"

Commissioner Williams "YES"

Commissioner Howell "YES"

Deputy Mayor Gibson "YES"

Mayor Hilligoss "YES"

Motion approved 5-0.

- 8.II. Ordinance D2022-28 Large Scale Future Land Use Amendment For 67.73 Acres Of Land South Of Lake Bella Road And East Of US Highway 27. 2nd Hearing And Public Hearing – Notice Requirements Have Been Met.

[Begin Agenda Memo]

**SYNOPSIS:** Property owners request approval of City Commission to amend the Future Land Use Map of the Comprehensive Plan on parcels of land totaling approximately 67.73 acres.

**RECOMMENDATION** Adoption at second reading, following a public hearing to re-assign the following land use designations, as recommended by the Planning and Zoning Board at a regular meeting on August 23, 2022:

*Current Land Use:* Polk County Polk County Linear Commercial Corridor (LCC), & Agriculture/Rural Residential (A/RR) *Proposed Land Use:* Limited Commercial Industrial (LCI) – 8.54 acres, Low Density Residential (LDR) – 59.19 acres

City Commission approved Ordinance D2022-28 at first reading on September 20, 2022.

**BACKGROUND** The subject property is located south of Lake Bella Road and east of US Highway 27, just north and west of Blue Lake. This parcel is adjacent to city limits on its western and northern boundaries and is located northwest of Blue Lake.

The owners petitioned annexation into the corporate city limits of Lake Wales in November and December of 2021. It has been requested that the annexation be brought together with land



use and zoning amendments.

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

The western portion of the site along US Highway 27, comprising of 8.54 acres owned by Rama Food Mart LLC, will have a land use designation and zoning designation of Limited Commercial Industrial (LCI). This designation is consistent with the northern adjacent properties with land use and zoning designations of Business Park Center/Business Park. The remaining 59.19 acres, more or less, will have a land use of Low Density Residential and zoning of R-1A. Designations for the 59.19 acres are consistent with the surrounding county lands designated as Agriculture/Residential Rural and keep compatibility with the existing homes along Blue Lake.

At a regular meeting on July 26, 2022, the Planning and Zoning Board continued this agenda item to the August Planning and Zoning Board meeting due to concerns of compatibility. The original request proposed a land use and zoning designation of Business Park Center and Business Park for 10 acres adjacent to Lake Bella Road and the Heath Corporation. The Board's recommendations were considered by the applicant and the request now proposes a land use designation of Low Density Residential and zoning designation of R-1A, after taking their original request to the Planning and Zoning Board for a second time.

City Commission approved the first reading of Ordinance D2022-28 at a regular meeting on September 20, 2022. The proposed amendment was transmitted to the Department of Economic Opportunity where there were no opposition the proposed changes. The applicant had also requested for the second reading to be tabled to the March 21, 2023 City Commission meeting to ensure a representative could be present.

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

**FISCAL IMPACT** The properties are valued at a total of over 1.1 million 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 2022-28** by title only.

**ORDINANCE 2022-28 (Large-Scale CPA/Future Land Use Map Amendment for approximately 67.73 acres of land south of Lake Bella 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 67.73 ACRES OF LAND SOUTH OF LAKE BELLA ROAD AND EAST OF US**

**HIGHWAY 27, FROM COUNTY DESIGNATION A/RR AND LCC TO CITY OF LAKE WALES DESIGNATION LOW DENSITY RESIDENTIAL (LDR) AND LIMITED COMMERCIAL INDUSTRIAL (LCI); PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Deputy Mayor Gibson asked if the 8 standards were met. James Slaton, City Manager, said yes.

Mayor Hilligoss asked to confirm that about 8.5 acres will be commercial the rest is residential. Mr. Slaton confirmed this explaining that is similar to its current land use in the county.

Commissioner Krueger made a motion to adopt **ORDINANCE 2022-28** after 2nd reading and public hearing. Commissioner Williams seconded the motion.

by roll call vote

Commissioner Krueger "YES"

Commissioner Williams "YES"

Commissioner Howell "YES"

Deputy Mayor Gibson "YES"

Mayor Hilligoss "YES"

Motion approved 5-0.

- 8.III. Ordinance D2022-29 Zoning Map Amendment For 67.73 Acres Of Land South Of Lake Bella Road And East Of US Highway 27. 2nd Hearing And Public Hearing – Notice Requirements Have Been Met. [Begin Agenda Memo]

**SYNOPSIS:** Property owners request approval of City Commission to amend the Zoning Map on parcels of land totaling approximately 67.73 acres.

**RECOMMENDATION** Adoption at second reading, following a public hearing to re-assign the following zoning designations, as recommended by the Planning and Zoning Board at a regular meeting on August 23, 2022:

*Current Zoning:* Polk County Linear Commercial Corridor (LCC), & Agriculture/Rural Residential (A/RR)

*Proposed Zoning:* Limited Commercial Industrial (LCI) – 8.54 acres, Residential R-1A – 59.19 acres City Commission approved Ordinance D2022-29 at first reading on September 20, 2022.

**BACKGROUND** The subject property is located south of Lake Bella Road and east of US Highway 27, just north and west of Blue Lake. This parcel is adjacent to city limits on its western and northern boundaries and is located northwest of Blue Lake.

The owners petitioned annexation into the corporate city limits of Lake Wales in November and December of 2021. It has been requested that the annexation be brought together with land use and zoning amendments.

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

The western portion of the site along US Highway 27, comprising of 8.54 acres owned by Rama Food Mart LLC, will have a land use designation and zoning designation of Limited Commercial Industrial (LCI). This designation is consistent with the northern adjacent properties with land use and zoning designations of Business Park Center/Business Park. The remaining 59.19 acres, more or less, will have a land use of Low Density Residential and zoning of R-1A. Designations for the 59.19 acres are consistent with the surrounding county lands designated as Agriculture/Residential Rural and keep compatibility with the existing homes along Blue Lake.

At a regular meeting on July 26, 2022, the Planning and Zoning Board continued this agenda item to the August Planning and Zoning Board meeting due to concerns of compatibility. The original request proposed a land use and zoning designation of Business Park Center and Business Park for 10 acres adjacent to Lake Bella Road and the Heath Corporation. The Board's recommendations were considered by the applicant and the request now proposes a land use designation of Low Density Residential and zoning designation of R-1A, after taking their original request to the Planning and Zoning Board for a second time.

City Commission approved the first reading of Ordinance D2022-28 at a regular meeting on September 20, 2022. Between the first and second reading, the land use amendment was transmitted to the Department of Economic Opportunity for review. The applicant had requested the annexation, land use and zoning amendments be brought and presented together. The applicant had also requested for the second reading to be tabled to the March 21, 2023 City Commission meeting to ensure a representative could be present.

**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 over 1.1 million 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 D2022-29a by title only.

**ORDINANCE D2022-29a (Zoning Map Amendment for approximately 67.73 acres of land south of Lake Bella 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 67.73 ACRES OF LAND SOUTH OF LAKE BELLA ROAD AND EAST OF US HIGHWAY 27, FROM COUNTY DESIGNATION A/RR AND LCC TO CITY OF LAKE WALES DESIGNATION RESIDENTIAL R-1A AND LIMITED COMMERCIAL INDUSTRIAL (LCI); PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Deputy Mayor Gibson asked if this is within the 8 aspirations. James Slaton, City Manager, said yes.

Commissioner Krueger made a motion to adopt ORDINANCE D2022-29a after 2nd reading and public hearing. Commissioner Williams seconded the motion.

by roll call vote

Commissioner Krueger "YES"

Commissioner Williams "YES"

Commissioner Howell "YES"

Deputy Mayor Gibson "YES"

Mayor Hilligoss "YES"

Motion approved 5-0.

- 8.IV. ORDINANCE 2022-54 Annexation – 2nd Reading And Public Hearing 47.31 Acres Of Land South Of Hunt Brothers Road, West Of Scenic Highway South, And East Of US Highway 27  
[Begin Agenda Memo]

**SYNOPSIS:** Ordinance 2022-54 proposes the voluntary annexation of approximately 47.31 acres of land south of Hunt Brothers Road, west of Scenic Highway South, and east of US Highway 27, and contiguous to the incorporated City limits.

**RECOMMENDATION** Adoption after second reading of Ordinance 2022-54 following a public hearing. At a regular meeting, City Commission approved the first reading of Ordinance 2022-54 on February 7, 2023.

A recommendation from the Planning and Zoning Board is not required for an annexation ordinance.

**BACKGROUND** Owners, Hunt Bros Inc, petitioned annexation into the corporate city limits of Lake Wales on October 12, 2022. The first reading of the annexation was approved at a regular meeting on February 7, 2023. The applicant requested that the land use and zoning amendments be presented with the annexation. Due to advertising of the land use and zoning amendments, and the applicant requesting to continue the agenda item to ensure a representative is present, the second reading was continued to March 21, 2023. "Attachment

A" to the ordinance shows the property's location. It is contiguous to the City Limits along its northern boundary.

**OTHER OPTIONS** Decline to annex the property.

**FISCAL IMPACT** The annexation will add to the City's tax roll. The properties are valued at a total of \$461,278 which would bring in additional property taxes.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE 2022-54** by title only.

**ORDINANCE 2022-54 (Annexation 47.31 acres of land south of Hunt Brothers Road, west of Scenic Highway South, and east of US Highway 27)**

**AN ORDINANCE PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 47.31 ACRES OF LAND SOUTH OF HUNT BROTHERS ROAD, WEST OF SCENIC HIGHWAY SOUTH, AND EAST OF US HIGHWAY 27, 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

Catherine Price, resident, expressed concern that this item has not been properly noticed. Autumn Cochella, Interim Director of Development Services, said that the items on this agenda were properly noticed in the Polk News Sun. There have been records requests made about this and copies of the ads were provided.

Deputy Mayor Gibson asked if this was just annexation. Ms. Cochella confirmed this.

CLOSED PUBLIC HEARING

Commissioner Howell asked if it was properly noticed.

Commissioner Krueger made a motion to adopt ORDINANCE 2022-54 after 2nd reading and public hearing. Commissioner Williams seconded the motion.

by roll call vote:

Commissioner Krueger "YES"

Commissioner Williams "YES"

Commissioner Howell "YES"

Deputy Mayor Gibson "YES"

Mayor Hilligoss "YES"

motion passed 5-0.

- 8.V. ORDINANCE D2022-35 Small Scale Future Land Use Amendment For 47.31 Acres Of Land South Of Hunt Brothers Road, West Of Scenic Highway South, And East Of US Highway 27 - 2nd Reading And Public Hearing  
[Begin Agenda Memo]

**SUBJECT:** Ordinance D2022-35 Small Scale Future Land Use Amendment for 47.31 acres of land south of Hunt Brothers Road, west of Scenic Highway South, and east of US Highway 27 PID 273014000000021030, 273014000000023010, 273014000000023020, 273014000000023030 2nd reading and Public Hearing – Notice Requirements have been met

**SYNOPSIS:** Hunt Brothers, Inc., owner, requests approval of City Commission to amend the Future Land Use Map of the Comprehensive Plan on parcels of land totaling approximately 47.31 acres.

**RECOMMENDATION** Adoption at second reading, following a public hearing of Ordinance D2022-35 to re-assign the following land use designation, as recommended by the Planning and Zoning Board at a special meeting on January 5, 2023:

*Current Land Use:* Polk County Residential Suburban (RS)

*Proposed Land Use:* Business Park Center (BPC)

City Commission approved the first reading of Ordinance D2022-35 at a regular meeting on February 7, 2023.

**BACKGROUND** The subject property is located south of Hunt Brothers Road, west of Scenic Highway, and east of US Highway 27. The property is situated across Hunt Brothers Road from the Lake Wales Soccer Club and Lake Wales Memorial Gardens.

There have been preliminary discussions regarding potential development of the property, however, no formal plans have been submitted to the City for review. Hunt Brothers, Inc., petitioned to be annexed into the city limits on October 12, 2022. The first reading of the annexation was approved at a regular meeting on February 7, 2023. The applicant requested that the land use and zoning amendments be presented with the annexation. Due to advertising the land use and zoning amendments, and the applicant requesting to table the agenda item to ensure a representative is present, the second reading was tabled to March 21, 2023.

A land use designation of Business Park Center is appropriate as the Longleaf Business Park is located to the west of the property. Properties in the city limits, south of the subject property, are also zoned Business Park with a land use of Business Park Center.

**CODE REFERENCES AND REVIEW CRITERIA** The City Commission assigns future land use designations by ordinances upon a recommendation from the Planning & Zoning Board. The adopted ordinance is transmitted to the state's Department of Economic Opportunity (DEO) for review. The DEO reviews the designations as appropriate with reference to the City's Comprehensive Plan.

**FISCAL IMPACT** The properties are valued at a total of \$461,278 dollars, bringing in additional property taxes. Assignment would enable the potential development of these properties that would potentially increase property value and generate potential revenue.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE D2022-35** by title only.

**ORDINANCE D2022-35 (Small-Scale CPA/Future Land Use Map Amendment for 47.31 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 FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN TO CHANGE LAND USE DESIGNATIONS ON APPROXIMATELY 47.31 ACRES OF LAND SOUTH OF HUNT BROTHERS ROAD, WEST OF SCENIC HIGHWAY SOUTH, AND EAST OF US HIGHWAY 27, FROM COUNTY DESIGNATION RS TO CITY OF LAKE WALES DESIGNATION BUSINESS PARK CENTER BPC; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Deputy Mayor Gibson asked if this meets the 8 aspirations. James Slaton, City Manager, said he believes it does. This item among others don't really have proposed projects yet. Once they do the aspirations will kick in as we talk about design. We aren't there yet. Deputy Mayor Gibson said we don't want to be locked in to something that winds up being inconsistent with the final product of Lake Wales Envisioned. Commissioner Krueger said before it gets to us staff will be sure it conforms to the aspirations. Deputy Mayor Gibson said if it goes through the public process outlined yesterday everybody gets involved. Great process.

Commissioner Howell said this will be a Business Park Center and asked if this will go before citizens, not be a secret, before a decision is made. Mr. Slaton said yes and the Commission has been provided with a list of potential uses.

Commissioner Krueger made a motion to adopt **ORDINANCE D2022-35** after 2nd reading and public hearing. commissioner Williams seconded the motion.

by roll call vote:

Commissioner Krueger "YES"

Commissioner Williams "YES"

Commissioner Howell "YES"

Deputy Mayor Gibson "YES"

Mayor Hilligoss "YES"



motion passed 5-0.

- 8.VI. ORDINANCE D2022-36 Zoning Map Amendment For 47.31 Acres Of Land South Of Hunt Brothers Road, West Of Scenic Highway South, And East Of US Highway 27. 2nd Reading And Public Hearing [Begin Agenda Memo]

**SYNOPSIS:** Hunt Brothers, Inc., owner, requests approval of City Commission to amend the Zoning Map on parcels of land totaling approximately 47.31 acres.

**RECOMMENDATION** Adopt Ordinance D2022-36 after second reading, following a public hearing to re-assign the following zoning designation, as recommended by the Planning and Zoning Board at a special meeting on January 5, 2023: Current Zoning: Polk County Residential Suburban (RS) Proposed Zoning: Business Park (BP) City commission approved the first reading of Ordinance D2022-36 at a regular meeting on February 7, 2023.

**BACKGROUND** The subject property is located south of Hunt Brothers Road, west of Scenic Highway, and east of US Highway 27. The property is situated across Hunt Brothers Road from the Lake Wales Soccer Club and Lake Wales Memorial Gardens.

There have been preliminary discussions regarding potential development of the property, however, no formal plans have been submitted to the City for review. The owner petitioned to be annexed into the city limits on October 12, 2022. The first reading of the annexation was approved at a regular meeting on February 7, 2023. The applicant requested that the land use and zoning amendments be presented with the annexation. Due to advertising the land use and zoning amendments, and the applicant requesting to table the agenda item to ensure a representative is present, the second reading was tabled to March 21, 2023.

A Zoning designation of BP Business Park is appropriate as the Longleaf Business Park is located to the west of the property. Properties within the city limits, south of the subject property, are also zoned Business Park.

At the City Commission Workshop on February 1, 2023, the question of what is allowed in the Business Park zoning district was raised. Section 23-401(b) describes Business Park as, "This district is intended for discrete areas established and designed for a mixture of professional, light industrial, wholesale, and professional uses, including hotels and motels and car dealerships, and excluding retail, drive-up restaurants, service and other commercial uses catering directly to consumers except those accessory to a principal use." Permitted uses in the Business Park zoning district are outlined in Section 23-421 of the Lake Wales Land Development Regulations, and attached as "Attachment B".

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

**FISCAL IMPACT** The properties are valued at a total of \$461,278 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 D2022-36** by title only.

**ORDINANCE D2022-36 (Zoning Map Amendment for approximately 47.31 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 47.31 ACRES OF LAND SOUTH OF HUNT BROTHERS ROAD, WEST OF SCENIC HIGHWAY SOUTH, AND EAST OF US HIGHWAY 27, FROM COUNTY DESIGNATION RS TO CITY OF LAKE WALES DESIGNATION BUSINESS PARK BP; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Deputy Mayor Gibson asked for assurance that we are fulfilling the aspirations. James Slaton, City Manager, said at this stage we believe it is fulfilling the aspirations.

Commissioner Krueger made a motion to adopt **ORDINANCE D2022-36** after 2nd reading and public hearing. Commissioner Howell seconded the motion.

by roll call vote

Commissioner Krueger "YES"

Commissioner Howell "YES"

Commissioner Williams "YES"

Deputy Mayor Gibson "YES"

Mayor Hilligoss "YES"

Motion passed 5-0.

8.VII. **ORDINANCE 2023-10 Vacation Of A Portion Of Findley Drive Right-Of-Way 2nd Reading & Public Hearing**

[Begin Agenda Memo]

**SYNOPSIS:** Kendall Phillips, authorized agent for owner, has petitioned for the vacation of a portion of Findley Drive located east of Scenic Highway North.

**RECOMMENDATION** Adoption at second reading, following a public hearing, to vacate a portion of Findley Drive right-of-way as described in Ordinance 2023-10. City Commission approved the first reading of Ordinance 2023-10 at a regular meeting on February 21, 2023.

**BACKGROUND** The subject right-of-way is located east of Scenic Highway North, and adjacent to Pamlico Air and Patton Tire Inc. Kendall Phillips, P.E. with L P Engineering Services requested to vacate a portion of Findley Drive, as authorized agent for Rise Properties LLC, in November of 2022.

The portion of Findley Drive to be vacated does not impact access to other properties other than Pamlico Air, as the road terminates within property owned by Rise Properties LLC. The applicant requested to vacate a portion of the right-of-way in order to better facilitate an expansion of their existing manufacturing facility.

This item was brought before the Development Review Committee in June of 2022. It was determined that the entirety of Findley Drive could not be vacated as Patton Tires needed access to their rear drive. Another concern was access to the fire hydrant as this needed to remain within public right of way, which has since been resolved. The last concern was in regard to public utilities located within the right-of-way.

There is a water line that extends along Findley Drive from Scenic Highway North to Old Scenic Highway. The City's Utilities Department has requested that the owner provide a 30' utility easement on the north side of Findley Drive regarding the request to vacate. All other outside, private utility agencies have not identified any issues regarding the vacation of this portion of Findley Drive.

**FISCAL IMPACT** Vacation of the ROW would relieve the city from maintaining a portion of Findley Drive.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE 2023-10** by title only.

**ORDINANCE 2023-10 (Vacation of Right-of-Way – Findley Drive)**

**AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, CLOSING, VACATING, RENOUNCING AND DISCLAIMING ANY RIGHTS OF THE CITY AND THE PUBLIC IN AND TO A PORTION OF FINDLEY DRIVE RIGHT-OF-WAY LOCATED EAST OF SCENIC HIGHWAY NORTH AS SHOWN ON "ATTACHMENT A" AND SPECIFICALLY DESCRIBED HEREIN; AND PROVIDING FOR AN EFFECTIVE DATE.**

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Deputy Mayor Gibson made a motion to adopt **ORDINANCE 2023-10** after 2nd reading and public hearing. Commissioner Howell seconded the motion.

by roll call vote:

Deputy Mayor Gibson "YES"

Commissioner Howell "YES"

Commissioner Williams "YES"

Commissioner Krueger "YES"

Mayor Hilligoss "YES"

motion passed 5-0.

9. NEW BUSINESS

- 9.I. ORDINANCE 2023-06 Annexation – 1st Reading And Public Hearing 9.37 Acres Of Land South Of Waverly Drive And East Of US Highway 27  
[Begin Agenda Memo]

**SUBJECT:** Ordinance 2023-06 Annexation – 1st Reading and Public Hearing 9.37 acres of land south of Waverly Drive and east of US Highway 27 PID: 272908-000000-012030

**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** Approval at first reading and 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]

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

**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 approve **ORDINANCE 2023-06** after 1st reading and public hearing. Commissioner Williams seconded the motion.

by voice vote

Commissioner Krueger "YES"

Commissioner Williams "YES"

Commissioner Howell "YES"

Deputy Mayor Gibson "YES"

Mayor Hilligoss "YES"

Motion passed 5-0.

- 9.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. 1st Hearing And Public Hearing – Notice Requirements Have Been Met.

[Begin Agenda Memo]

**SUBJECT:** 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 PID 27290800000012030, 27290800000012070, 272909000000032010 1st Hearing and Public Hearing – Notice Requirements have been met

**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** Approval at first reading and 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)

**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 will be presented to City Commission at a regular meeting on March 21, 2023.

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 adopted ordinance is transmitted to the state's Department of Economic Opportunity (DEO) for review. The DEO reviews the designations as appropriate with reference to the City's Comprehensive Plan.

**FISCAL IMPACT** 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, 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 approve **ORDINANCE 2023-07** after 1st reading and

public hearing. Commissioner Howell seconded the motion.

by voice vote

Commissioner Krueger "YES"

Commissioner Howell "YES"

Commissioner Williams "YES"

Deputy Mayor Gibson "YES"

Mayor Hilligoss "YES"

Motion passed 5-0.

- 9.III. Ordinance 2023-08 Zoning Map Amendment For 51.18 Acres Of Land South Of Waverly Road And East Of US Highway 27. 1st Hearing And Public Hearing – Notice Requirements Have Been Met.  
[Begin Agenda Memo]

**SUBJECT:** Ordinance 2023-08 Zoning Map Amendment for 51.18 acres of land south of Waverly Road and east of US Highway 27 PID 272908000000012030, 272908000000012070, 2729090000000032010

1st Hearing and Public Hearing – Notice Requirements have been met

**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** Approval at first reading and adoption at second reading, following a public hearing to re assign the following zoning designation, as recommended by the Planning and Zoning Board at a regular meeting on 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

**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 will

be presented to City Commission at a regular meeting on March 21, 2023.

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 approve **ORDINANCE 2023-08** after 1st reading and public hearing. Commissioner Williams seconded the motion.

by roll call vote:

Commissioner Krueger "YES"

Commissioner Williams "YES"

Commissioner Howell "YES"

Deputy Mayor Gibson "YES"

Mayor Hilligoss "YES"

Motion passed 5-0.

- 9.IV. ORDINANCE 2023-09 Vacation Of A Portion Of Harding Avenue Right-Of-Way 1st Reading And Public Hearing  
[Begin Agenda Memo]

**SYNOPSIS:** Manwello Brown, property owner, has petitioned for the vacation of a portion of Harding Avenue located north of Harding Avenue, west of D Street, and south of 415 D Street.

**RECOMMENDATION** Approval at first reading and adoption at second reading, following a public hearing, to vacate a portion of Harding Avenue right-of-way (ROW) described in Ordinance 2023-09.

**BACKGROUND** The subject ROW is located north of Harding Avenue, west of D Street, and south of 415 D Street. The owner petitioned to vacate the ROW in October of 2022.

The section of Harding Avenue in between E Street and D Street was once a part of a railroad right-of-way. In 2004, a portion of the south side of Harding Avenue right-of-way adjacent to Shiloh Baptist Church was closed and vacated at the request of the property owner.

The right-of-way is not necessary to allow access to the property it serves, as there would be appropriate access from D Street. No impacts of vacating said portion of Harding Avenue have been identified. Water lines are located on the south side of Harding Avenue and goes north along the alley between E Street and D Street, where the vacation would not interfere. The sewer lines are also running north along the alleyway between E Street and D Street.

This item was discussed with Development Review Committee members and it was determined that there were no utility lines that would be impacted, and maintenance of this corner by the City would no longer be needed if acquired by the property owner. In addition, outside, private utility agencies have not identified any issues regarding the vacation of this portion of Harding Avenue.

**FISCAL IMPACT** Vacation of the ROW would relieve the city from maintaining a portion of Harding Avenue.

[End Agenda Memo]

Jennifer Nanek, City Clerk read **ORDINANCE 2023-09** by title only.

**ORDINANCE 2023-09 (Vacation of Right-of-Way – Harding Avenue)**

**AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, CLOSING, VACATING, RENOUNCING AND DISCLAIMING ANY RIGHTS OF THE CITY AND THE**



**PUBLIC IN AND TO A PORTION OF HARDING AVENUE RIGHT-OF-WAY LOCATED BETWEEN E STREET AND D STREET, AS SHOWN ON “ATTACHMENT A” AND SPECIFICALLY DESCRIBED HEREIN; AND PROVIDING FOR AN EFFECTIVE DATE.**

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Deputy Mayor Gibson made a motion to approve **ORDINANCE 2023-09** after 1st reading and public hearing. Commissioner Krueger seconded the motion.

by roll call vote:

Deputy Mayor Gibson "YES"

Commissioner Krueger "YES"

Commissioner Howell "YES"

Commissioner Williams "YES"

Mayor Hilligoss "YES"

motion approved 5-0.

9.V. Resolution 2023-03 Vacation Of A Drainage Easement  
[Begin Agenda Memo]

**SYNOPSIS:** Kendall Phillips, authorized agent for owner, has petitioned for the vacation of a drainage easement, located south of Findley Drive and east of Scenic Highway North.

**RECOMMENDATION** Adopt Resolution 2023-03 to vacate a drainage easement as described.

**BACKGROUND** The subject drainage easement is located on property owned by Rise Properties LLC, identified as parcel 272935-000000-032030. The easement is located south of Findley Drive and east of Scenic Highway North. Kendall Phillips, P.E. with L P Engineering Services requested to vacate the drainage easement, as authorized agent for Rise Properties LLC, in November of 2022.

The drainage easement was granted by the City on May 19, 1997 to the owner at the time, Findlay Industries Inc, to serve as public retention for Findley Drive and for private, on-site drainage. Since 1997, the property has changed ownership and a building addition, completed in 2021, built over a portion of the drainage easement described in “Attachment A”.

This item was brought before the Development Review Committee in June of 2022, where there were no objections to vacating the drainage easement. The manufacturing facility is currently going through a second expansion that requires an exemption determination or an update to their permit with the Southwest Florida Water Management District which would ensure the facility has adequate drainage. In addition, a portion of Findley Drive is requested

to be vacated and would become private property for Rise Properties LLC. Findley Drive was once contemplated to extend from Scenic Highway to Old Scenic Highway, but as the roadway currently terminates on property owned by Rise Properties LLC, the drainage easement is no longer needed for public use. The site would need to accommodate private, on-site drainage.

**FISCAL IMPACT** Vacation of the drainage easement does not fiscally impact the City.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read RESOLUTION 2023-03 by title only.

**RESOLUTION 2023-03**

**A RESOLUTION OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, CLOSING, VACATING, RENOUNCING AND DISCLAIMING ANY RIGHTS OF THE CITY AND THE PUBLIC IN AND TO A DRAINAGE EASEMENT DATED MAY 19, 1997, GRANTED TO THE CITY BY FINDLAY INDUSTRIES INC AND RECORDED IN OFFICIAL RECORDS BOOK 3861, PAGE 1116, PUBLIC RECORDS OF POLK COUNTY, FLORIDA, LOCATED EAST OF SCENIC HIGHWAY NORTH AND SOUTH OF FINDLEY DRIVE, ON PROPERTY OWNED BY RISE PROPERTIES LLC, AS SHOWN ON "ATTACHMENT A" AND SPECIFICALLY DESCRIBED HEREIN; AND PROVIDING FOR AN EFFECTIVE DATE.**

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Deputy Mayor Gibson made a motion to approve **RESOLUTION 2023-03**. Commissioner Howell seconded the motion.

by roll call vote:

Deputy Mayor Gibson "YES"

Commissioner Howell "YES"

Commissioner Williams "YES"

Commissioner Krueger "YES"

Mayor Hilligoss "YES"

Motion approved 5-0.

- 9.VI. 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. 1st Hearing And Public Hearing [Begin Agenda Memo]

**SUBJECT:** 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 PID:

## SEE ATTACHMENT B – LEGAL DESCRIPTIONS

1st Hearing and Public Hearing – Notice Requirements have been met

**SYNOPSIS:** Approval of City Commission to amend 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** Approval at first reading and adoption at second reading, following a public hearing of Ordinance 2023-12 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

**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 appropriate urban design and forms for the Downtown.

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.

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

**FISCAL IMPACT** Assignment would enable the redevelopment of downtown and may potentially increase property value and/or spur 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

Deputy Mayor Gibson asked if this meets the 8 aspirations. James Slaton, City Manager, said yes and is an action item of the Lake Wales Connected Plan.

Commissioner Howell asked if Central Ave is considered part of the historic area like Park and Stuart Avenues. Autumn Cochella, Interim Director of Development Services, said Central Avenue is part of the DMU project area. The C1A that was initially the historic overlay is now the historic overlay so that's the historic core. The rest of the project area is the downtown mixed use area. Deputy Mayor Gibson said that Central Avenue to Lakeshore is in the Residential Historic District. Ms. Cochella confirmed this. Commissioner Howell said this is not from 27 to Central. Deputy Mayor Gibson confirmed and said just the residential area. Ms. Cochella reviewed this item and said the downtown design standards adopted last year can now be implemented as they were tied to a downtown mixed use zoning designation that we don't yet have on the map. Commissioner Howell asked if this affects the signs allowed for the businesses on Central Ave. Ms. Cochella said no changes to the sign code are proposed as part of the approved standards. Changes to the sign code will come before Commission after recommendation from Planning and Zoning.

Deputy Mayor Gibson made a motion to approve **ORDINANCE 2023-12** 1st reading and public hearing. Commissioner Howell seconded the motion.

by roll call vote:

Deputy Mayor Gibson "YES"

Commissioner Howell "YES"

Commissioner Williams "YES"

Commissioner Krueger "YES"

Mayor Hilligoss "YES"

Motion approved 5-0.

- 9.VII. ORDINANCE 2023-13 - Amendments To Ch 23 Proposed Amendments To Land Development Regulations – Crystal Lake Overlay – 1st Reading And Public Hearing  
[Begin Agenda Memo]

**SYNOPSIS:** Staff proposes amendments to the following sections of the Land Development Regulations (LDRs) (Chapter 23, Lake Wales Code of Ordinances): 1) Section 23-423.d. Downtown Mixed-Use Design Standards: Crystal Lake Overlay

**RECOMMENDATION** Staff recommends approval of Ordinance 2023-13 after 1st reading and public hearing the proposed changes to the Land Development Regulations.

## **BACKGROUND**

Legislative History of Crystal Lake Overlay On September 7th, 2022, a new section of the Lake Wales Development Code was adopted, Section 23-423: Downtown Mixed-Use Standards. This new section implemented most of the provisions in the Lake Wales Connected Action Items. Included in this section are the following:

- Purpose & Applicability
- Downtown Historic Overlay
- Crystal Lake Overlay
- Building Form Standards
- Building Height
- Parking
- Architectural Standards
- Review Process & Administrative Waivers

The Crystal Lake Overlay was specifically included to recognize the unique environmental and historical character of the commercially zoned properties fronting Crystal Lake. The location of the Crystal Lake Overlay is shown in blue in the map attached.

### Purpose of the Proposed Crystal Lake Overlay Amendments

Following the adoption of the Crystal Lake Overlay, community stakeholders raised questions about the intent of the Crystal Lake Overlay's 70' setback from North 3rd Street. In response to these inquiries, City Planning Staff is bringing forward the following edits to clarify the use and function of the land within the North 3rd Street setback, as well as to provide design flexibility for the North 3rd Street setback based on the illustrative master plan process. Finally, a technical edit to the terminology for the public meeting was made, changing the word "charrette" to the word "meeting" to be consistent with the terminology in other sections of the Crystal Lake Overlay.

Historic District Regulatory Board The Historic District Regulatory Board (HDRB) considered these amendments on January 19th, 2023 and unanimously recommended approval of the

amendments.

During the Board meeting, the property owner of 318 N. Scenic Highway (the former Plantation Inn site) requested an additional text amendment addressing the restoration and reuse of the Historic Buildings on site, in the event that some of the buildings cannot be re-purposed on site, or are not structurally sound enough to be moved to a new location. Text amendments addressing these concerns were discussed with the Board members, as shown below. The Board approved of the changes and allowed the application to move forward to Planning and Zoning Board without returning to the HDRB for further review.

§ 23-423.d.4.v. Historic Buildings. Any structures associated with the original Lake Wales hotel that are still remaining within the Crystal Lake Overlay shall be preserved and re-purposed on site. Structures may be adaptively reused for new purposes such as commercial use, retail, housing, tourism or civic use. Structures may be relocated on site in order to better accommodate new development on site. As a measure of last resort, these structures may be relocated and preserved off-site if structurally feasible, as determined by the City Building Official. If a structure is determined not to be structurally feasible to relocate by the City Building Official, the building may be documented, dismantled, and as much of the original materials as possible should be reused. , ~~however if this~~ If relocation or dismantling of a historic building occurs, a detailed preservation and relocation plan shall be incorporated into the Site Plan application and must be approved as part of the Site Plan application.

**Planning and Zoning Board** The Planning and Zoning Board reviewed the proposed Crystal Lake Overlay text amendments and unanimously approved the amendments on February 28, 2023.

**Lake Wales Main Street** The Lake Wales Main Street Board reviewed the amendments and provided a letter of support on January 13, 2023, attached.

**CODE REFERENCES AND REVIEW CRITERIA** Section 23-423 Downtown Mixed-Use Design Standards

**FISCAL IMPACT** None

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE 2023-13** by title only.

**ORDINANCE 2023-13**

**AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER 23, ZONING, LAND USE AND DEVELOPMENT REGULATIONS AMENDING SECTION 23-423.D. DOWNTOWN MIXED-USE DESIGN STANDARDS: CRYSTAL LAKE OVERLAY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Deputy Mayor Gibson made a motion to approve **ORDINANCE 2023-13** after 1st reading and public hearing. Commissioner Howell seconded the motion.

By roll call vote

Deputy Mayor Gibson "YES"

Commissioner Howell "YES"

Commissioner Williams "YES"

Commissioner Krueger "YES"

Mayor Hilligoss "YES"

Motion passed 5-0.

10. CITY ATTORNEY

11. CITY MANAGER

James Slaton, City Manager, said the State of the City Speech is Friday at Vanguard.

Mr. Slaton said they are coordinating with Duke Energy to get lights at bus stops in Lake Wales.

11.I. Commission Meeting Calendar

James Slaton, City Manager, reminded the Commission that the next meeting is Wednesday April 5th due to the election on Tuesday April 4th.

12. CITY COMMISSION COMMENTS

Commissioner Krueger reported on his recent tour of the ADS plant. He said he asked why they are coming to Lake Wales. He said it was because of the central location of Lake Wales. He reported that nothing falls on the ground from their trains. He said they are environmentally responsible and a good corporate neighbor. There will be trees around the plant to hide the pipes. There are no smokestacks, radioactivity or loud noises. This plant will provide good jobs which are needed in this town. He is in favor of doing this. This will take two years for completion.

Commissioner Williams asked if we can do something to help the situation at Janie Howard Wilson Elementary School.

Commissioner Williams asked Mr. Galloway to prepare a response to the sections of Ordinance read earlier in the meeting about development approvals. These include 23-431 Special exception uses and 23-442 General Standards and regulations. please send that out in an email to the Commission.

Commissioner Williams said he is awaiting more information before he offers his comments on the ADS plant.

Commissioner Howell said the company will be good if they do what they say. The process should have been more open. She can't get past this. The company needs to communicate with the public.

Commissioner Howell said the Equal Pay Day for women proclamation should be issued. The Commission should honor women all year long. Disparity in pay for women should not be acceptable.

Commissioner Howell expressed support for crosswalks as requested by Janie Howard Wilson Elementary. She asked for Crosswalks and arrows around the City to be repainted.

Commissioner Howell asked for the area around the pier to be cleared for fishing.

Commissioner Howell expressed concern about vehicles parked in vacant spots in the neighborhoods.

Commissioner Howell asked again about the videotape. Mr. Slaton said the case isn't closed yet so the Sheriff's office hasn't released the video yet. Commissioner Howell said she doesn't think anyone has done anything wrong but we should see the videotape.

Commissioner Howell asked about reinstatement of Kris Fitzgerald. Mr. Galloway said only the Governor can reinstate her. The Governor has not responded as of yet.

Deputy Mayor Gibson reviewed his trip to the ADS plant. He shared a 16 point checklist and distributed copies. He encouraged everyone to review the facts. The discussion tonight was better than the past. He hopes more are becoming aware about what's going on with the plant. He said it is similar to the Liquid box plant currently in Lake Wales. There are no complaints from the nearby Bunting Tripp and Ingley firm.

Deputy Mayor Gibson reported on the Lake Wales Envisioned sessions yesterday and said they were excellent. he encouraged participation in upcoming events.

#### 13. MAYOR COMMENTS

Mayor Hilligoss agreed with the request to look into the matter at Janie Howard Wilson.

Mayor Hilligoss commended the LW Envisioned meetings yesterday and said they were well done and will serve us well.

#### 14. ADJOURNMENT

The meeting was adjourned at 7:50 p.m.

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Mayor

ATTEST:

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City Clerk