

**MINUTES  
PLANNING AND ZONING BOARD MEETING  
MEETING  
April 23<sup>rd</sup>, 2019**

The City of Lake Wales Planning and Zoning Board held a meeting on April 23<sup>rd</sup>, 2019 at 5:30 p.m. in the City Commission Chambers located in the Municipal Building at 201 W. Central Avenue.

**ATTENDANCE**

**Planning Board Members (Shaded area indicates absence):**

Chairman Christopher Lutton	Charlene Bennett Vice-Chair	John Gravel	Narvell Peterson	Linda Bell	Diane Sims	Vacant
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**City Staff:**

<b>Dept. of Planning and Development</b>
Kathy Bangley – Director of Planning and Development Services Autumn Cochella-Development Services Manager Christina Adams - Recording Secretary

1. **CALL TO ORDER** – Chairman Lutton called the meeting to order at 5:30 p.m.
2. **ROLL CALL** – All board members were present.
3. **APPROVAL OF MINUTES** – Mr. Peterson moved to motion for the approval of minutes and Ms. Bennett seconded the motion. The vote was approved unanimously by voice vote.
4. **COMMUNICATIONS AND PETITIONS** – Mr. Lutton opened the floor for any guests. Seeing no movement, he proceeded with the agenda.

**NEW BUSINESS**

**5. Special Exception Use Permit: 23 N LAKESHORE BLVD, LAKE WALES, FL 33853  
PID: 27-30-01-883000-034021**

**Public Hearing:** Required – notice requirements have been met  
**Applicant:** Brian and Courtney Schmitt  
 23 N. Lakeshore Blvd.

**Project:** Detached garage with accessory dwelling unit

**Approval Requested:** Special Exception Use Permit to allow the construction of a detached garage with accessory dwelling unit

**FLUM/Zoning:** MDR Medium Density Residential/R-1B Residential



Mrs. Bangley reviewed the staff report and recommendations and stated that all requirements are met by the proposal. Mr. Lutton asked for staff's opinion to which Mrs. Bangley responded that staff has no objections. The property owner was present and no comments or questions were asked by board members.

Mr. Lutton asked for a motion from the Board. Mr. Gravel moved to accept and grant the Special Exception Use Permit as requested and Ms. Bennett seconded the motion.

**6. Major Site Plan Approval with Waivers of Strict Compliance: BULLARD AVE, LAKE WALES, FL 33853**  
**PID: 27-30-01-883000-049050**

**Public Hearing:** Requirements have been met  
**Applicant:** Anthony Bruno, Owner  
John Schneider, Hunter Engineering, Inc.

**Project:** Bullard Outdoor Storage Facility  
Plan: Preliminary Plan for Anthony Bruno Site #2  
Dated March 11, 2019  
Prepared by: Hunter Engineering, Inc.

**Description:** Major Site Plan - Commercial  
PID: 273001883000049050

**Approval Requested:** Major Site Plan Approval with Waiver of Strict Compliance  
Special Exception Use Permit – Storage facility

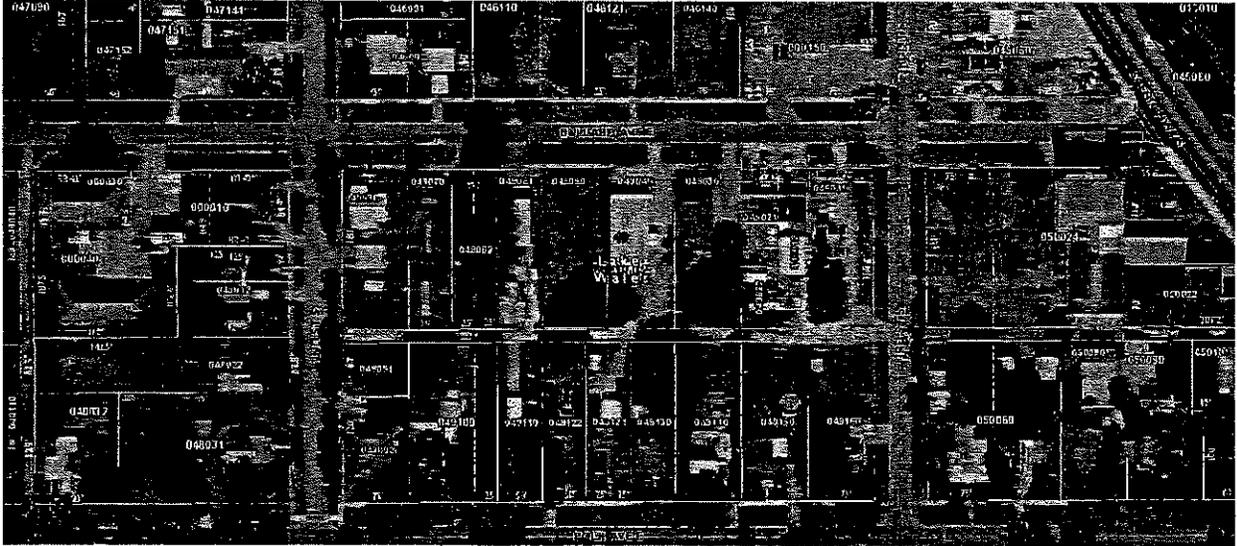
**FLUM/Zoning:** DD – Downtown District  
C2R – Commercial/Residential

**Application Request**

The owner, Anthony Bruno, is proposing the development of an outdoor storage facility with an office building.

**Background Information**

The vacant .31-acre site is an infill lot located on the south side of Bullard Avenue between Second Street and Third Street.



## Proposal

The proposed development will consist of a 744 square-foot metal building which will contain a small office and restroom facility, and storage for business-related items and equipment. The remainder of the site will be both covered and open storage space for boats, RVs, trailers, and other vehicles.

### *Roadways, Access, and Parking:*

Construction of a new 20-foot-wide driveway is proposed off of Bullard Avenue to provide access to the site, along with a paved parking lot. Minimum parking requirements are met with two parking spaces and one ADA space in front of the office building. A waiver of strict compliance is requested to allow crushed concrete material for the remainder of the stabilized surface for the storage site.



*Landscaping:*

Both trees and shrubs shall be planted in the landscape buffer to screen the existing chain link fence along the front property line. Additionally, code requires a minimum tree density calculated at two trees per 10,890 square feet of land (1/4 acre) or fraction thereof for the 13,500 square-foot site.

*Requested Waiver:*

- 23-306.2.b. Paving and Marking: Request to allow crushed concrete materials for drive aisle surface in lieu of paving.

**Code References and Review Criteria**

- Sec. 23-222 Site Plans
- Sec 23-216 Special Exception Use Permit
- 23-421 – Permitted Uses and Special Exception Uses in Standard Zoning Districts

**Staff Comments**

A storage facility, including outdoor storage, is a Special Exception Use Permit in the C-2R zoning district. Mr. Bruno has stated that this location is intended to accompany his mini-storage facility site approved in February on Scenic Highway.

The Planning Board shall either approve, approve subject to stated conditions, or deny the major site plan. In doing so, they shall enter specific findings of fact delineating their reasons.

**Attachments:**

- Preliminary Plan for Anthony Bruno Site #2, March 11, 2019 – Hunter Engineering, Inc.

Mrs. Bangley reviewed the staff report and applicant’s request. Mr. Lutton asked if the building to the East of the property is vacant to which Mrs. Bangley responded that it is and has been for a couple of years. Mr. Lutton wanted to verify that there were no comments from neighbors to this property to which Mrs. Bangley replied that there were no comments. Mr. Lutton asked the Board if they had any questions. Ms. Bennett stated she believes this project would be an improvement of the area as it currently looks neglected. She hopes the new building and landscaping would encourage neighboring properties to improve and update as well. Mrs. Bangley informed the Board there was a significant amount of Right of Way before the property begins. Mr. Lutton asked if there were any further questions or comments and with no response he asked the Board to move for a motion to approve the site plan with waiver. Ms. Bennett wanted to clarify there was only one waiver and Ms. Bangley stated the request was just for the one waiver for crushed gravel. Ms. Bennett made a motion to approve the waiver as requested and the motion was seconded by Ms. Bell.

**7. PDP Approval Extension Request: Leoma’s Landing**

**Public Hearing:** Not required  
**Applicant:** Metro Development Group, LLC  
 Michael Lawson, agent

**Project:** Leoma’s Landing

**Description:** Single-family residential PDP – 281 lots  
PID: 273001883000049050

**Approval Requested:** Recommendation to City Commission for 1-year extension of  
Preliminary Residential PDP Approval

**FLUM/Zoning:** MDR – Medium Density Residential  
R-3/R-1C

### **Application Request**

Metro Development Group, LLC, developer, is requesting an additional one-year extension of approval for a residential Planned Development Project (PDP) for 281 single-family lots first approved by City Commission in June 2014. The applicant has stated that there has been expressed interest in moving this development forward and they would like to be afforded more time.

The last extension for this project expired in June of 2018, as an additional extension was not requested at that time and the Site Development process was not initiated. Staff received the attached letter dated March 5, 2019 requesting the extension under Section 252.363 of the Florida Statute, and Executive Order No. 18.281 (Hurricane Maria). The City Attorney confirmed that the request by the applicant for an extension under this statutory provision was timely made.

### **Staff Comments**

The zoning regulations provide that the City Commission may grant one year extensions upon the recommendation of the Planning Board.

The regulations do not give specific guidelines on evaluation of an application for an extension. However, the board might have reason to deny the request if there has been a significant change from the conditions under which the development was approved. If, for instance, the zoning regulations had been amended for PDP's or there had been new development adjacent to the site, a new review might be warranted.

The board might also consider recommending denial if the board feels that revisions to the plan or conditions of approval are warranted. A PDP is a special permit that allows for deviation from the standard development regulations.

The City has not had significant changes to the regulations that would affect the approval granted to this project.

### **Attachments**

- Request for extension March 5, 2019

Site Plan – Leoma's Landing

Mrs. Bangley reviewed the request and the project's current status. The project's engineering company was requesting an extension due to Hurricane Maria causing a State of Emergency in Florida. Mrs. Bangley stated there were no significant changes to regulations that would affect the approval. She stated that staff feels the extension would be appropriate as the civil engineering is complete and ready to be initiated. Mr. Lutton voiced his concern and confusion as to why they used this executive order to

extend and Mrs. Bangley clarified that the expiration had passed and this executive order allowed for an extension request during that time frame after expiration. Mr. Lutton and Ms. Bennett asked for an update. Matthew Johnson was present to represent the Engineering company. He stated that they have completed construction plans. Mr. Lutton asked if the Developer knew when they would be breaking ground and Mr. Johnson stated it would depend on review time, but they were hopeful it would be before the end of the calendar year of 2019 and he has plans on the desk ready to move forward. Mr. Peterson asked if the housing for this project would be for low income families or just open to all and addressed some concerns of roadways and traffic. Mr. Johnson stated they do plan a re-build of the road way and a turning lane. The developer does not plan for this to be low income housing as it is projected to be mid to upper level homes.

Mr. Gravel asked what the granting of the extension would require the company to do and Mrs. Bangley responded it would just grant them one year to move forward which would put them closer to the Site Development process. She stated they were within the time frame of asking for an extension so they didn't have to start the process from the beginning again which could prevent ground breaking by 90-120 days or more.

Ms. Bennett asked if the plans Mr. Johnson previously spoke about would require any requests for waivers from the Board to which Mrs. Bangley responded they were the construction plans that the Board has already reviewed and approved. Mr. Gravel asked if the plan was to sell lots or build on lots and sell as a whole to which Mrs. Bangley and Mr. Johnson responded there has been talk with a builder as they hope to build and sell as a whole.

Mr. Lutton asked if the plan was to build out the whole area and Mr. Johnson stated their current plan was to build the homes in the neighborhood in three phases. Mr. Lutton stated the Board has seen many extension requests for other projects that have fallen through and even on this particular parcel, but he didn't see any issue with extending as a company has invested money and time already. Ms. Bell asked if Mr. Johnson knew the average selling price for the developed homes to which he stated he is only with the engineering company and doesn't know the specifics, but does know it will not be affordable low income housing. Mr. Lutton asked for a motion if there were no further questions. Mr. Gravel made a motion to grant the extension and Mr. Peterson seconded the motion. The vote was approved unanimously by a voice vote.

## **8. The Value of Community Forests Pamphlet: Board review and discussion**

Ms. Bennett addressed her concern that although we have what seems to be strong codes and regulations regarding trees and landscaping, that she feels after all is said and done we are still shy of being adequate.

Mrs. Bangley stated there was a project where Sun Rise barricaded a couple of the big trees in their development to preserve them. She mentioned the two big tree removal projects were Mayfair, which never moved forward and eventually turned into orange groves which the City has no say or control over, and Lowe's, which removed 240 trees and shifted engineering and plans to preserve larger oak trees. After 10 years they are doing miraculously quite well. Lowe's wrote a check in the neighborhood of \$75,000 to make up for what they did remove. We did recently get a check for about \$3,000 from someone for a removal situation, that went into a controlled account. We had budget issues, I can't find the \$75,000, stated Mrs. Bangley. Mrs. Bangley also stated, I have a memo from 2010 and we had approximately \$70,000, but now I am unable to locate it in the revenue budget. Staff requested the chairman put in an inquiry to find the \$70,000.

Mr. Lutton stated, I want to be able to write a letter stating the entire board has agreed to locate the money. Mrs. Bangley stated, the money could be used to plant trees throughout Lake Wales. If someone takes out a tree they owe us about 8 inches of replacement tree's, it's about \$75 per caliper inch of what they owe. They must plant the minimum density requirement; we have a minimum requirement of a 2-inch tree. For example, Wawa put in about 4-6 inches of trees, they put in more than the minimum standard. They upped what they planted and it made a difference.

Love's provided a tree survey before they removed trees. If the tree was dead, they did not get penalized for that. The survey told us what the minimum density was.

Through the cycle and approval process, they tell us what they can save and cannot. Each residential lot in the City of Lake Wales is required to have 2 canopy trees, but say they removed an 8-inch tree to build their lot, then they owe 2 trees plus the replacement of the 8-inch tree.

Ms. Bennett asked, how is this is enforced?

Mrs. Bangley responded, private plot home ownership becomes complicated, enforcement on individual lots becomes complicated. Lakes Wales has the immense luxury of numerous amounts of acres in public park land that can be enhanced.

Mrs. Cochella stated, let me clarify, there's no permit fee for residential, but there are penalties for removing without a permit.

Ms. Bennett stated, trees are vital; they are economically important as well as for health. We should make an effort to increase the number of trees. Both New York and California have added millions of trees. We have some nice areas with good canopy's and there are some areas that are desolate.

Ms. Bell asked, it would be good to have someone like David Price or Steve Morrison come and talk with us, maybe we could have a separate meeting?

Mr. Lutton stated, planting more tree's in the public area should be focus, we have multiple studies going on right now. Unfortunately, landscaping is on the tail end of the project that usually gets cut first.

Mrs. Bangley stated, we have tried 3 times in the last year and half and have not gotten anywhere. We've had these discussions with in ourselves and have not come to a decision. We lose trees every year, Oak tree's take about 20 years to grow.

Mr. Lutton continued, prudent management of facilities is to estimate if we lose 5 trees every year then we should plant 5 trees every year. We need to stagger the planting.

Mrs. Bangley stated, I was personally disappointed when they disbanded the Parks and Community Appearance Board. This board looked at the maintenance of trees, not just the ball fields. I would like to make a request that this board be revisited. We should call the city clerk's office or the city manager's office to see about reinstating these types of boards.

Mrs. Bangley explained, a person is restricted from sitting on 2 regulatory boards, but not advisory boards. It can be hard sometimes to find volunteers for these advisory boards.

Ms. Bennett stated, no requests until the \$70,000 is found, we need to recover that.

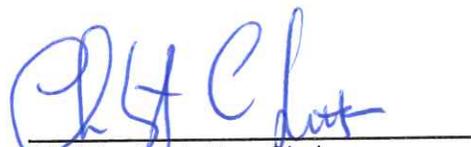
Ms. Bennett later stated, what would be wrong with asking Steve Morrison or David Price to come and recommend landscaping ideas for us? Or asking for their thoughts so we can get some kind of idea. Steve Morrison is probably our best known environmentalist in the area. Staff has information for both Mr. Morrison and Mr. Price and will reach out to ask for a presentation on trees in the city. The Board agreed to reach out to both Mr. Morrison and Mr. Price.

### OTHER BUSINESS

Mrs. Bangley stated, In May we have a request for the Spin Magnetics Building on Hwy 27. An applicant approached us to take over that building and put in a Collision center. They have a location in Haines City, their name is 'Jaime's.' Not sure if they can commit to May for consideration. The date of the meeting in May will be the 28<sup>th</sup> possibly. We'll check with board members for availability.

Meeting Adjourned.

  
Attest: Christina Adams

  
Christopher Lutton, Chairman