

**MINUTES
PLANNING AND ZONING BOARD MEETING
JUNE 28, 2022 5:30PM**

The City of Lake Wales Planning and Zoning Board held a meeting on June 28 at 5:30 p.m. in the Commission Chambers at City Hall, 201 W. Central Ave. Lake Wales Florida.

ATTENDANCE

Planning Board Members (Shaded area indicates absence):

Chairman Christopher Lutton	Vice- Chairman Charlene Bennett	John Gravel	Casey McKibben	Eric Rio	Kyra Love
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City Staff:

Dept. of Planning and Development
Mark J. Bennett – Director of Development Services
Autumn Cochella – Development Services Manager
Jasmine Khammany – Senior Planner
Shena Rowland – Recording Secretary

1. CALL TO ORDER – Ms. Bennett called the meeting to order at 5:30 p.m.
2. ROLL CALL –Mr. Lutton was not present.
3. APPROVAL OF MINUTES
Special Meeting–June 14, 2022
Ms. Love makes a motion to approve. Mr. McKibben seconds. Minutes approved unanimously by voice vote.

4. COMMUNICATIONS AND PETITIONS – Ms. Bennett reads the following:
Public participation from residents, taxpayers, business owners and utility customers is encouraged. The Planning and Zoning Board welcomes information that would assist them in considering agenda items, City Business and otherwise fulfilling the City’s mission to make Lake Wales “a bit better or more beautiful” for its citizens. Anyone wishing to speak should give their name, state if they are inside or outside the city limits and they will have 5 minutes. Courtesy and respect is the hallmark. Speakers are not expected to address the Board and audience members and not engage in back and forth discussion that can deteriorate into argument, debate and accusations. Questions about subject matter are best directed to city staff during normal business hours.

She then opens the Communications and Petitions portion of the hearing and asks if anyone has anything to bring up to the Planning and Zoning Board? She further states if you have a comment or question regarding a specific line item then you wait for that line item to be heard and there will be a time for public communication and petition.

Ms. Bennett then calls for any further communication and in seeing no one else approach, she closes the Communications and Petitions and calls for New Business.

NEW BUSINESS

5. Sunbelt – Special Exception Use Permit

Review Staff report by Jasmine Khammany
Begin Report:

PROJECT:	Sunbelt
APPLICANT:	Mark Asplund
APPROVAL:	Special Exception Use Permit
PUBLIC HEARING:	Requirements have been met.

Jasmine Khammany begins the presentation of the staff report and states the Applicant and Staff are available for questions.

Ms. Bennett asks for discussion.

Mr. McKibben asks if there are any special approvals needed and references Rural King as an example.

Ms. Cochella states that Walmart has not made any requests for that, Rural King and Lowes has built into their site plan that they can do outdoor displays and sales. Walmart has not taken that action.

Mr. Rio asks if this was already there?

Ms. Cochella stats they did, they had code compliance action and had to remove it, that is why they are here before the board now.

Mr. Landon Flannery, acting agent for the applicant, he states Sunbelt has several locations with headquarters in South Carolina. This location the outside accessory structure is housing the gas equipment. They have a team member outside that uses that as a point of sale but mostly for storage of the gas equipment.

Mr. Rio asks for confirmation on whether it is manned.

Mr. Flannery responds they are open 70 hours a week and if it open then it is manned.

Mr. McKibben asks if it is just 8 parking spots.

Mr. Flannery confirms.

Ms. Bennett asks if they will have anything outside of the structure?

Mr. Flannery responds only a small display when they are open.

Ms. Bennett asks for further questions.

Mr. Rio asks if what was there is going back up.

Mr. Flannery responds it is a similar plan.

Ms. Bennett then opens for a public hearing and in seeing no-one approach closes the public hearing and asks the Board for further comments.

Ms. Love makes a motion to approve the special exception use permit.

Mr. McKibben seconds this motion.

Ms. Bennett calls for a roll call vote.

Chairman Christopher Lutton	Vice- Chairman Charlene Bennett Yes	John Gravel Yes	Casey McKibben Yes	Eric Rio Yes	Kyra Love Yes
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Ms. Bennett makes a comment that at other stores, she has seen dangerous equipment being left out for kids to climb on and she is in hopes this will be monitored.

Ms. Bennett then asks for the next item.

6. Ford Groves – Land Use and Zoning

COMMUNICATIONS AND PETITIONS – No Public in Attendance

Review Staff report by Jasmine Khammany
Begin Report:

PROJECT: Ford Groves
APPLICANT: Sarah Case
APPROVAL: Future Land Use and Zoning Map Amendment
PUBLIC HEARING: Requirements have been met.

Jasmine Khammany begins the presentation of the staff report and states the Applicant and Staff are available for questions.

Ms. Bennett asks if there are any questions for staff and in hearing none asks the applicant to come forward.

Ms. Sarah Case introduces herself for the board and gives a brief presentation.

Ms. Bennett asks if there are questions for the applicant.

Ms. Love asks for clarification on the yellow line and project location.

Staff explains to her where it is.

There is open discussion.

Ms. Bennett then opens for a public hearing and in seeing no-one approach closes the public hearing and asks the Board for further comments.

Ms. Love makes a motion to recommend to City Commission to reassign the following Land Use from Polk County ARR to LDR and the Zoning from Polk County ARR to R1-C.

Mr. McKibben seconds the motion.

Ms. Bennett asks for a roll call.

Chairman Christopher Lutton	Vice- Chairman Charlene Bennett Yes	John Gravel Yes	Casey McKibben No	Eric Rio No	Kyra Love Yes
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Ms. Bennett calls for the next item.

7. Winter Haven Corp – Land Use and Zoning

COMMUNICATIONS AND PETITIONS – No Public in Attendance

Review Staff report by Jasmine Khammany
Begin Report:

PROJECT: Winter Haven Corp
APPLICANT: Diane Chadwick
APPROVAL: Future Land Use and Zoning Map Amendment
PUBLIC HEARING: Requirements have been met.

Jasmine Khammany begins the presentation of the staff report and states the Applicant and Staff are available for questions.

Mr. Bart Allen representing the applicant introduces the applicant and makes a brief presentation.

Ms. Bennett asks if there are any questions for the applicant or discussion.

Ms. Bennett then opens for a public hearing.

Mr. Charles Milan from Connor Road, he abuts the property and it is currently in a high recharge aquafer area. Has any consideration given to the Aquafer recharge area?

Ms. Cochella states this is very preliminary they are only adding land to the project area and it has not reached a point where they have shown how they are going to utilize this property. No environmental studies have been done at this time.

Mr. Allen responds that the master development plan is forthcoming and will specify. He assures they are taking great care in identifying wetland areas and will have environmental studies done. They are sensitive to the Peace Creek drainage canal. This is a priority to the project.

Ms. Bennett asks specifically about the aquafer.

Mr. Allen responds that once the environmental studies are identified, that is further along in the plan but making sure they do not adversely affect the environment is critical.

Mr. McKibben asks if the blue area on the map identifies the aquafer?

Mr. Allen states that the aquafer is under everything. He states they are identifying where the drainage canal flows and how all of these water bodies interconnect. They have even been in contact with the City of Winter Haven and the Sapphire Necklace program.

Mr. McKibben states the reason he is asking is because if the aquafer is tied into that then you have already had to access it.

Ms. Bennett asks if anyone else from the public would like to speak and in seeing no-one she closes the public hearing and brings it back to the Board for discussion.

Ms. Love asks how much of the land is remaining not Lake Wales. She states it isn't clear on the map.

Ms. Khammany points out the area.

Ms. Bennett asks for further discussion and in hearing none asks for a motion.

Ms. Love makes a motion to recommend to City Commission to reassign the Land Use from Polk County ARR to MU Mixed Use and the Zoning from Polk County ARR to PDMU Planned Development Mixed Use.

Mr. McKibben seconds this motion.

Ms. Bennett asks for a roll call vote.

Chairman Christopher Lutton	Vice- Chairman Charlene Bennett Yes	John Gravel Yes	Casey McKibben Yes	Eric Rio Yes	Kyra Love Yes
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Ms. Bennett calls for the next item.

8. Land Development Regulations – Amendments

COMMUNICATIONS AND PETITIONS – No Public in Attendance

Review Staff report by Autumn Cochella
Begin Report:

PROJECT:	Land Development Regulation Amendments
APPLICANT:	Autumn Cochella – Development Services
APPROVAL:	LDR (Chapter 23) Amendments
PUBLIC HEARING:	Requirements have been met.

Autumn Cochella begins the presentation of the staff report and states Staff are available for questions. She begins with Section 23-303 Streets.

Mr. McKibben asks if this is a new section.

Mr. Cochella states it is an amendment to an existing Section. She then continues with Section 23-348 which is a new Section.

Ms. Love asks about number 3, outward appearance from street. Is an alley considered a street?

Ms. Cochella states it is not.

Ms. Love asks if they can change the language from street to travel way?

Ms. Cochella states she will make this change.

Mr. McKibben states he would also expand auto to include recreational. He feels that if they can work on their auto then they can work on a side by side, motorcycle or boat. It should automobile and recreational vehicles.

Ms. Cochella agrees.

Ms. Love asks about nursery schools and daycares, many people like to do daycare from their homes. Are they filing separately?

Ms. Cochella states they are completely separate, daycare is still a conditional use under the code. This is like an instructional school.

Ms. Love asks if there is a way to word it to explain the difference?

Ms. Cochella explains that a nursery school is not the same as a home daycare. It is already defined separately.

Ms. Bennett asks what the thinking is behind the statement that they cannot sell at wholesale prices?

Ms. Cochella states they do not regulate pricing, it is not meant to be about pricing just you cannot be a wholesale distributor and sell bulk goods.

Ms. Bennett states it reads that is about pricing.

Ms. Cochella states she has nothing to regulate pricing, that is meant to be about wholesale distribution which is more intensive. She can change the language so it is not misconstrued to be about pricing.

Ms. Love asks if someone is catering an event, is that considered wholesale?

Ms. Cochella states it is not and further states she will clarify in the language.

Ms. Love asks if beauty shops and salons can be approved.

Ms. Cochella states they are not allowed and it is due to the ventilation and chemicals involved.

Mr. Gravel asks about Bed and Breakfasts?

Ms. Cochella states they do not regulate short term rentals or air bnb's. She would need several more code officers that. There is a code requirement that if you are a marketed bed and breakfast and you have the signage and special events then you need to apply for a special exception use permit.

Mr. McKibben states that in St. Petersburg, they cut out air bnb's all together and they have to file as a bed and breakfast to regulate them.

Ms. Cochella states she will listen to the community. If she starts hearing complaints that they are becoming a nuisance then she will look at ways to try and control it. She states as of now it does not appear to be an issue.

Ms. Bennett then opens to a public hearing and in seeing no one she closes the public hearing and brings it back for discussion.

Ms. Love makes a motion to recommend approval of the Land Development Regulation amendments with the discussed changes to City Commission.

Mr. McKibben seconds the motion.

Ms. Bennett calls for a roll call vote.

Chairman Christopher Lutton	Vice- Chairman Charlene Bennett Yes	John Gravel Yes	Casey McKibben Yes	Eric Rio Yes	Kyra Love Yes
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Ms. Bennett states that Autumn did a good job on these changes. She further reminds that it is her and Mr. Gravel's last time on the Board. She asks that if anyone on the Board has not read the code on PDP to please do so. She states there are two sections 23-224 and 23-442. She states 23-442 is important because it explains a PDP. She says this because what she has seen presented does not meet the requirements of a PDP.

Mr. Gravel further states that they are getting a lot of requests for an LDR with an R1-A or R1-C and then they apply for a PDP and the PDP density is two times greater. He states a lot of them have been approved as an R1-A with 40-50 ft lots and townhomes.

Ms. Bennett states they then asks for variances and waivers.

Ms. Cochella states that something very important to know is there is a two map system. The Zoning map which is the dimensional, area standards and uses, this is what states lot sizes that were mentioned. The land use map is what drives the density. This is the LDR or MDR, they cannot and do not go over the allowable density. If they come in with R-1A, this dictates the area standards, set backs etc. The LDR that is being recommended is 5 units per gross acre. They cannot go over the density. It appears that way because of layouts and smaller lots. In saying this she also encourages to read these sections.

Ms. Love then asks about the updated codes.

Ms. Cochella states that Ms. Rowland is waiting until the July meeting to present fresh books.

Ms. Love states she would rather have an electronic version.

Ms. Cochella states they are always available on the City website.

Ms. Love asks for a PDF.

Ms. Cochella states that can be done.

Mr. Gravel asks if the new Board has been appointed.

Ms. Cochella states they have and further states that there are openings on the Historic Board for anyone available.

There is open discussion regarding approved and proposed projects.

Other Business:

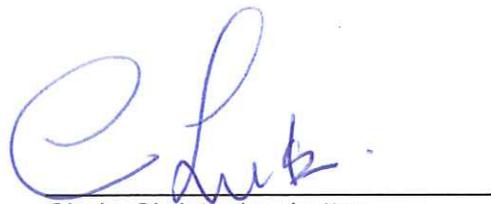
Ms. Bennett asks if there is any other business to discuss.

Ms. Cochella thanks her and Mr. Gravel for their years of service and states they will be missed.

Ms. Bennett then adjourns the meeting.

The meeting adjourned at 6:20 PM


Attest: Shena Rowland


Chair: Christopher Lutton