

City Commission Meeting Minutes

July 5, 2022

(APPROVED)

7/5/2022 - Minutes

1. INVOCATION

Rev Michael Blare gave the invocation.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Commission Members Present: Mayor Jack Hilligoss, Terrye Howell, Daniel Williams, Danny Krueger, Robin Gibson

Daniel Williams participated via phone

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

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

4. CALL TO ORDER

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

5. COMMENTS AND PETITIONS

Juanita Zwaryczuk, resident, spoke on the proposed proclamation policy. The mayor should not be able to deny a proclamation without cause.

Sam Jones, non resident, expressed concerns about hogs causing damage at the cemetery. He expressed concern about the Highlander band mural that is bad shape. He would like it fixed. He is not getting answers.

Charlene Bennett, resident, spoke on the proposed proclamation policy. The policy goes against some of the cities core values.

Anna Clarke, utility customer, spoke on the proclamation policy. She reviewed past proclamations and said many would go against the proposed policy. She said that allowing exceptions makes the policy ineffective. The 30 day rule is not necessary.

6. 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.

6.I. Minutes - June 29, 2022, June 21, 2022, February 15, 2022, March 30, 2022

6.II. Janie Howard Wilson Elementary – Florida Avenue Temporary Road Closure At Scenic Highway

[Begin Agenda Memo]

Synopsis:

The City Commission will consider a request to allow the staff of Janie Howard Wilson Elementary to close Florida Avenue at Scenic Highway on school days 30 (thirty) minutes prior to school beginning until 10 (ten) minutes after and 30 (thirty) minutes prior to dismissal until 10 (ten) minutes after.

RECOMMENDATION Staff recommends that the City Commission consider taking the following action:

1. Approve the temporary closure of Florida Avenue to and from Scenic Highway. School staff will use multiple traffic cones on Florida Avenue at Scenic Highway to accomplish this.

- School hours are 7:40am – 2:40pm (Early release days end at 12:20pm).

- Morning road closure times will be 7:10am – 7:50am.

- Afternoon road closure times will be 2:10pm – 2:50pm. (Early release 11:50pm-12:30pm).

- School staff will place and remove the cones daily at the beginning and end of each time frame.

BACKGROUND Janie Howard Wilson Elementary is located on Florida Avenue just west of Scenic Highway. Vehicular traffic for student drop off and pick up is causing traffic congestion and safety concerns extending from Florida Avenue onto Scenic Highway. Two different factors are contributing to this increased traffic congestion. Traffic volume on Scenic Highway has increased this year due to the five-year construction project at SR 60 and US 27. Local citizens are now using Scenic Highway more to avoid the US 27 at SR 60 and Central Avenue intersections, and some of the construction detours implemented by the Florida Department of Transportation use Scenic Highway. The second factor is the increase in vehicular traffic due to general population growth.

In the morning, parents arriving at the school using Scenic Highway cause traffic congestion for northbound traffic while waiting to make a left turn onto Florida Avenue. In the afternoons, parents picking up their children line Florida Avenue to Scenic Highway. This line of vehicles extends onto Scenic Highway where parents park their vehicles on the west side right-of-way. This line of vehicles obstructs the view of drivers stopped at the stop sign on Florida Avenue attempting to enter Scenic Highway. The Police Department worked with Janie Howard Wilson midway through the last school

year on rerouting the vehicular traffic for student drop off without closing Florida Avenue. The school asked parents approaching the school using Scenic Highway to turn onto Lincoln Avenue and then north on C Street to approach the school. Once parking on Florida Avenue was full, the school asked parents to park on C Street without blocking residential driveways. The Police Department did assist with the diversion of the traffic at Florida Avenue to evaluate whether or not this would be effective. This was effective and the department did not receive any complaints from residents on C Street. The Police Department attempted to make contact at eight single-family residences and one set of apartments located off Florida Avenue on a side street. These are the residents who would be most affected by the closure. Seven of the eight single-family residents said they understood and agreed with the closure as presented. The department was unable to contact the other resident. The set of apartments contained 10 units and five of the units currently have residents. Three of the five residents said they understood and agreed with the closure as presented. The department was unable to contact the other two residents. A majority of residents support this proposal, however the department will continue to seek input from those remaining to be contacted. Janie Howard Wilson Elementary has agreed to purchase the cones needed to properly close Florida Avenue. Janie Howard Wilson Elementary will place and remove cones for each time period daily to facilitate the temporary road closure during the school year.

OTHER OPTIONS Do not approve the temporary road closure.

FISCAL IMPACT There will be no fiscal impact on the City of Lake Wales.

[End Agenda memo]

6.III. Special Event Application - Start Right Campaign

[Begin Agenda Memo]

SYNOPSIS: Polk State College has applied to host a special event called Start Right Campaign on July 23, 2022. They request closure of Central Avenue between Second Avenue and Market Street between 7:00 a.m. and 2:00 p.m.

RECOMMENDATION Staff recommends that the City take the following actions: 1. Approve the special event permit application from Polk State College for their Start Right event to be held Saturday, July 23, 2022 from 9:00 a.m. to 1:00 p.m. 2. Approve the request to close Central Avenue from Scenic HWY to Market Street and Market Street from Stuart Avenue to Central Ave.

BACKGROUND Andy Oguntola, Director of Polk State College's JD Alexander Center, submitted a special event permit application for a special event to be held Saturday July 23, 2022 at 9:00 a.m. This is the Start Right Campaign, a Back to School Event, where free school supplies are distributed to students. The requested temporary street closing is Central Avenue between Scenic HWY and Market Street and Market Street between Stuart Avenue and Central Avenue. The Streets Department will be providing assistance with the street closings.

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

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

[End Agenda Memo]

7. OLD BUSINESS

7.I. ORDINANCE 2022-13 Annexation – 2nd Reading And Public Hearing 23.66 Acres Of Land South Of Passion Play Road And West Of 11th Street South

[Begin Agenda Memo]

SYNOPSIS: Ordinance 2022-13 proposes the voluntary annexation of approximately 23.66 acres of land south of Passion Play Road and west of 11th Street South, and contiguous to the incorporated City limits.

RECOMMENDATION Staff recommends adoption after second reading of Ordinance 2022-13 following a public hearing. Public Hearing notice requirements have been met. A recommendation from the Planning and Zoning Board is not required for an annexation ordinance.

BACKGROUND The McKenna Family petitioned annexation into the corporate city limits of Lake Wales on November 11, 2021. "Attachment A" to the ordinance shows the property's location. It is contiguous to the City Limits along its northern and eastern boundaries.

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 \$194,022, which would bring in additional property taxes. Additionally, the approval of the annexation would allow the applicant to assemble a tract of land for potential development.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE 2022-13** by title only.

ORDINANCE 2022-13

(Annexation – 23.66 acres of land south of Passion Play Road and west of 11th Street South)

Parcel ID: 273013-000000-012010 & 273013-000000-012020 AN ORDINANCE PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 23.66 ACRES OF LAND, CONTIGUOUS TO THE INCORPORATED TERRITORY OF THE CITY OF LAKE WALES, SHOWN ON ATTACHMENT "A" AND SPECIFICALLY DESCRIBED HEREIN; GIVING THE CITY OF LAKE WALES JURISDICTION OVER THE LAND ANNEXED; AND PROVIDING FOR AN EFFECTIVE DATE.

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Commissioner Howell made a motion to adopt **ORDINANCE 2022-13** after 2nd reading and public hearing. Commissioner Krueger seconded the motion.

by roll call vote:

Commissioner Howell "YES"

Commissioner Krueger "YES"

Commissioner Williams "YES"

Deputy Mayor Gibson "YES"

Mayor Hilligoss "YES"

Motion passed 5-0.

- 7.II. ORDINANCE D2022-15 1st Reading And Public Hearing - Future Land Use Amendment For 15.98 Acres Of Land North Of State Road 60 E. And East Of Evergreen Drive

[Begin Agenda Memo]

SYNOPSIS: Trinity Baptist Church requests approval of City Commission to amend the Future Land Use Map of the Comprehensive Plan on approximately 15.98 acres of land.

RECOMMENDATION Approval at first reading, and adoption at second reading, following a public hearing to re-assign to re-assign the following zoning designation, as recommended by the Planning and Zoning Board at a regular meeting on April 26, 2022: Current Land Use: Polk County Residential Suburban (RS) Proposed Land Use: LDR

BACKGROUND

The subject property is located north of State Road 60 E. and east of Evergreen Drive, and known as the location for Trinity Baptist Church.

The owner petitioned annexation into the corporate city limits of Lake Wales on January 11, 2022 and was officially annexed on April 6, 2022.

The landowner contemplates selling off a portion of this land for development. The applicant has requested a land use designation of MDR-Medium Density Residential and zoning designation of R-3 to give the potential buyer flexibility for development. However, the Planning and Zoning Board, at a regular meeting on April 26, 2022, has recommended a land use of LDR Low-Density Residential and zoning designation of R-2. At a regular meeting on June 17, 2022, City Commission directed staff to provide alternative options to bring back before the Board.

The applicant had requested Medium Density Residential land use, up to 12 units per acre, to justify cost feasibility of bringing City Sewer to the site. However, a land use designation of Low Density Residential, up to 5 units per acre, achieves the least intensive density and is compatible with the surrounding area as the property is surrounded by existing residential development on three sides.

OTHER OPTIONS Assign a land use designation of Medium Density Residential. Assign a land use designation of Residential-Office.

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 Assignment would enable the development of this property and the potential increase in property value.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE D2022-15** by title only.

ORDINANCE D2022-15

(Small-Scale CPA/Future Land Use Map Amendment for approximately 15.98 acres of land north of State Road 60 E. and east of Evergreen Drive)

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 15.95 ACRES OF LAND NORTH OF STATE ROAD 60 EAST AND EAST OF EVERGREEN DRIVE, FROM POLK COUNTY RESIDENTIAL SUBURBAN (RS) TO CITY OF LAKE WALES DESIGNATION _____; PROVIDING FOR SEVERABILITY; AND PROVIDING

FOR AN EFFECTIVE DATE.

OPENED PUBLIC HEARING

Diane Armington, property owner, lives in the Country Club and represents residents there. This area is pretty developed. It is better to stay low density. There is no reason to change this.

Lisa Jensen, adjacent property owner, requested lower density for this property. There is already too much traffic there.

Rev. Michael Blare, resident representing Trinity Baptist Church, said higher density would match what is in the area already. There is no current planned development. At some point with other homes in the area a traffic light will be installed. These homes will be new residents for the City. He asked for R3 higher density

John Gravel, realtor, said the prospective buyer will have to install sewer. The higher density will cover some of those costs. The buyer has no firm plans for the property. The Country Club has no access to Evergreen Drive.

CLOSED PUBLIC HEARING

Deputy Mayor Gibson asked what zoning category is most compatible with the homes that are there. There is no connection or access to the Country Club. This is classic infill.

Mark Bennett, Development Services Director, said the planning Board recommended low density residential which is consistent with what is there. R3 allows a wider range of uses than R2. R2 is recommended by the planning board.

Commissioner Krueger made a motion to approve **ORDINANCE D2022-15** after 1st reading and public hearing. Deputy Mayor Gibson seconded the motion.

by roll call vote:

Commissioner Krueger "YES"

Deputy Mayor Gibson "YES"

Commissioner Howell "YES"

Commissioner Williams "YES"

Mayor Hilligoss "YES"

Motion passed 5-0.

7.III. ORDINANCE D2022-16 1st Reading And Public Hearing - Zoning Map Amendment For 15.98 Acres Of Land North Of State Road 60 E. And East Of Evergreen Drive

[Begin Agenda Memo]

SYNOPSIS: Trinity Baptist Church requests approval of City Commission to amend the Zoning Map on approximately 15.98 acres of land.

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 April 26, 2022:

Current Zoning: Polk County Residential Suburban (RS)

Proposed Zoning: R-2

BACKGROUND The subject property is located north of State Road 60 E. and east of Evergreen Drive, and known as the location for the Trinity Baptist Church. The owner petitioned annexation into the corporate city limits of Lake Wales on January 11, 2022 and was officially annexed on April 6, 2022. The landowner contemplates selling off a portion of the land for development. The applicant has requested a land use designation of MDR-Medium Density Residential and zoning designation of R-3 to give the potential buyer flexibility for development. However, the Planning and Zoning Board, at a regular meeting on April 26, 2022, has recommended a land use of LDR Low-Density Residential and zoning designation of R-2. At a regular meeting on June 17, 2022, City Commission directed staff to provide alternative options to bring back before the Board. The applicant had requested a zoning of R-3 to provide the buyer with different options for permitted housing types. A zoning designation of R-2 would be compatible with the surrounding area as the property is surrounded by single-family and two-family dwellings, which are permitted housing types in this zoning district.

OTHER OPTIONS Assign a zoning designation of R-3. Assign a zoning designation of Professional PF.

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 development of this property and the potential increase in property value.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE D2022-16** by title only.

ORDINANCE D2022-16

(Zoning Map Amendment for approximately 15.98 acres of land north of State Road 60 E. and east of Evergreen Drive)

AN ORDINANCE OF THE CITY OF LAKE WALES, FLORIDA, AMENDING THE ZONING MAP TO CHANGE ZONING DESIGNATIONS ON APPROXIMATELY 15.98 ACRES OF LAND NORTH OF STATE ROAD 60 EAST AND EAST OF EVERGREEN DRIVE, FROM POLK COUNTY RESIDENTIAL SUBURBAN TO CITY OF LAKE WALES DESIGNATION R-2; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

OPENED PUBLIC HEARING

Lisa Jansen, adjacent property owner, said her property is adjacent to the property. The neighbors along Evergreen are also concerned about this. It is a community issue.

John Gravel, realtor representing the property owner, requested R3 which would allow small condominiums which can't go over 40 units. The buyer will have more flexibility beyond single-family houses. The numbers on the petition from the country club are off.

CLOSED PUBLIC HEARING

Deputy Mayor Gibson made a motion to approve **ORDINANCE D2022-15** 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.

7.IV. ORDINANCE 2022-21 Annexation – 2nd Reading And Public Hearing 102.06 Acres Of Land North Of Mountain Lake Cutoff Road And West Of US Highway 27

[Begin Agenda memo]

SYNOPSIS: Ordinance 2022-21 proposes the voluntary annexation of approximately 102.06 acres of land north of Mountain Lake Cutoff Road and west of US Highway 27, and contiguous to the incorporated City limits.

RECOMMENDATION Staff recommends adoption after second reading of Ordinance 2022-21 following a public hearing. Public Hearing notice requirements have been met. A recommendation from the Planning and Zoning Board is not required for an annexation ordinance.

BACKGROUND Lake Wales II Property Holdings, LLC and Lake Wales III Property Holdings, LLC applied for annexation on April 12, 2022. The previous owners petitioned annexation into the corporate city limits of Lake Wales on June 4, 2021 and June 7, 2021. "Attachment A" to the ordinance shows the property's location. It is contiguous to the City Limits along its northern and western boundaries.

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 \$298,634 which would bring in additional property taxes. Additionally, the approval of the annexation would allow the applicant to assemble a tract of land for potential development.

[End Agenda memo]

Jennifer Nanek, City Clerk, read **ORDINANCE 2022-21** by title only.

ORDINANCE 2022-21 (Annexation – 102.06 acres of land north of Mountain Lake Cutoff Road and west of US Highway 27) Parcel ID: 272928-000000-031020; 272928-000000-031010; 272928-000000-032000; 272928-000000-041010 AN ORDINANCE PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 102.06 ACRES OF LAND, 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

Bart Allen, attorney from Peterson and Myers representing the owner, reviewed this project.

Jessica Brower, property owner, asked the commission to consider all the ramifications of annexation. She shared concerns about water, traffic, and additional costs to the City.

CLOSED PUBLIC HEARING

Deputy Mayor Gibson said this is a huge annexation. This requires a measured approach. The new owners are responsive to our concerns. We are on the same page and are being responsible. He asked what kind of progressive development do we have. Mr. Allen explained this parcel will not change the number of units. This is a boundary shift not a change of units. They have a master infrastructure plan that addresses fire, police, roads and other areas. This plan will preserve the wetlands near the property. They have had discussions with the school board for a possible site on the property. This item just annexes in the property.

Mayor Hilligoss asked to confirm that this is a boundary issue? Mr. Allen clarified that this was owner by others that is contiguous to the site. Its a boundary change.

Commissioner Krueger asked if it is part of the project. Mr. Allen said it will be but a plan for it is not complete yet.

Deputy Mayor Gibson made a motion to adopt **ORDINANCE 2022-21** 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.

7.V. ORDINANCE D2022-09 2nd Reading And Public Hearing - Future Land Use Amendment For 23.66 Acres Of Land South Of Passion Play Road And West Of 11th Street South

[Begin Agenda Memo]

SYNOPSIS: The McKenna Family requests approval of City Commission to amend the Future Land Use Map of the Comprehensive Plan on parcels of land totaling approximately 23.66 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 April 26, 2022: Current Land Use: Polk County Residential Suburban (RS) Proposed Land Use: LDR & NAC The first reading to reassign land use by City Commission was approved at a regular meeting on June 21, 2022.

BACKGROUND The subject property is located west of 11th Street South, south of Passion Play Road, and north of Hunt Brothers Road. This parcel is adjacent to city limits on its eastern and northern boundaries and is located south of the Congregation of Jehovah's Witness. The owners petitioned annexation into the corporate city limits of Lake Wales on November 11, 2021 and has requested that the annexation, land use amendment, and zoning amendment be presented together.

There are no immediate development plans for this parcel. 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.

Approximately 10 acres in the northwestern portion of the site, along Passion Play Road, will have a land use designation of LDR (Low-Density Residential). The remaining 13.66 acres of the site along 11th Street South and Hunt Brothers Road will have a land use designation of NAC (Neighborhood Activity Center). Neighborhood commercial uses at the corner of 11th Street South and Hunt Brothers Road provides a transition from the existing residential homes on the west from the industrial lands to the east. It will also provide support commercial uses for the growing residential communities in the surrounding areas north of the site. The portion designated as low-density residential is compatible with the assigned land use and zoning north of Passion Play Road.

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 Re-assignment would enable the redevelopment of this property and the potential increase in property value.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE D2022-09** by title only.

ORDINANCE D2022-09 (Small-Scale CPA/Future Land Use Map Amendment for approximately 23.66 acres of land south of Passion Play Road and west of 11th Street South)

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 23.66 ACRES OF LAND SOUTH OF PASSION PLAY ROAD AND WEST OF 11TH STREET SOUTH, FROM POLK COUNTY RESIDENTIAL SUBURBAN (RS) TO CITY OF LAKE WALES DESIGNATION LOW-DENSITY RESIDENTIAL (LDR) AND NEIGHBORHOOD ACTIVITY CENTER (NAC); PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Commissioner Krueger made a motion to adopt **ORDINANCE D2022-09** 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.

7.VI. ORDINANCE D2022-10 2nd Reading And Public Hearing Zoning Map Amendment For 23.66 Acres Of Land South Of Passion Play Road And West Of 11th Street South

[Begin Agenda memo]

SYNOPSIS:

The McKenna Family requests approval of City Commission to amend the Zoning Map on parcels of land totaling approximately 23.66 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 April 26, 2022:

Current Zoning: Polk County Residential Suburban (RS)

Proposed Zoning: R-1A & C-4

The first reading to reassign zoning designations by City Commission was approved at a regular meeting on June 21, 2022.

BACKGROUND The subject property is located west of 11th Street South, south of Passion Play Road, and north of Hunt Brothers Road. This parcel is adjacent to city limits on its eastern and northern boundaries and is located south of the Congregation of Jehovah's Witness. The owners petitioned annexation into the corporate city limits of Lake Wales on November 11, 2021 and has requested that the annexation, land use amendment, and zoning amendment be presented together.

There are no immediate development plans for this parcel. 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.

Approximately 10 acres of land on the northwestern portion of the site, along Passion Play Road, will have a zoning designation R-1A, allowing the least intensive residential zoning district. The remaining 13.66 acres of the site, along 11th Street South and Hunt Brothers Road, will have a zoning designation of C-4. The portion zoned for residential is compatible with the existing homes along Hunt Brothers Road and the lands zoned residential to the north. Neighborhood commercial uses at the corner of 11th Street South and Hunt Brothers Road provides a transition from the existing residential homes on the west from the industrial lands to the east. It will also provide support commercial uses for the growing residential communities in the surrounding areas north of 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 Re-assignment would enable the redevelopment of this property and the potential increase in property value.

[End Agenda memo]

Jennifer Nanek, City Clerk, read **ORDINANCE D2022-10** by title only.

ORDINANCE D2022-10 (Zoning Map Amendment for approximately 23.66 acres of land south of Passion Play Road and west of 11th Street South) AN ORDINANCE OF THE CITY OF LAKE WALES, FLORIDA, AMENDING THE ZONING MAP TO CHANGE ZONING DESIGNATIONS ON APPROXIMATELY 23.66 ACRES OF LAND SOUTH OF PASSION PLAY ROAD AND WEST OF 11TH STREET SOUTH, FROM POLK COUNTY RESIDENTIAL SUBURBAN TO CITY OF LAKE WALES DESIGNATION R-1A AND C-4; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR

AN EFFECTIVE DATE.

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Commissioner Krueger made a motion to adopt **ORDINANCE D2022-10** 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.

- 7.VII. ORDINANCE D2022-13 2nd Reading And Public Hearing - Future Land Use For Approximately 208 Acres Of Land South Of Lake Mabel Loop Road, East Of Scenic Highway North, North Of Masterpiece Road, And West Of Tower Road

[Begin Agenda memo]

SYNOPSIS: Shelton T. Rice, authorized agent for owner, requests approval of City Commission to amend the Future Land Use Map of the Comprehensive Plan on the above-mentioned parcels totaling approximately 208 acres of land.

RECOMMENDATION Adoption at second reading, following a public hearing to re-assign the following land use designation, as recommended by the Planning and Zoning Board at a regular meeting on March 22, 2022:

Current Land Use: Polk County A/RR

Proposed Land Use: LDR

The first reading to reassign land use by City Commission was approved at a regular meeting on April 19, 2022. The large-scale land use amendment was submitted to DEO for review and no impertinent comments have been returned on the amendment request.

BACKGROUND The subject properties are located north of Masterpiece Road, east of North Scenic Highway, and just opposite the Dinner Lake community.

In November of 2021, City Commission approved a Master Annexation Agreement which provides for the eventual annexation of the Gardinier property in its entirety within the next 20 years. The land owner subsequently petitioned to annex the first 208 acres; the annexation ordinance was adopted on March 15, 2022. The Planning Board, at a regular meeting on March 22, 2022, recommended approval to reassign land use and zoning designations for the approximate 208 acres. At a regular meeting on April 19, 2022, City Commission approved the request to reassign land use and zoning.

Furthermore, City Commission approved a Preliminary Subdivision Plat and Special Exception Use Permit for a PDP at a regular meeting on April 19, 2022 as recommended by Planning Board on March 22, 2022. The approval of the PDP is contingent upon the approvals of the land use and zoning amendments.

A Future Land Use Designation of LDR – Low Density Residential is compatible with the surrounding area, as the properties are primarily surrounded by residential development.

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 Re-assignment would enable the redevelopment of this property and the potential increase in property value.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read ORDINANCE D2022-13 by title only.

ORDINANCE D2022-13 (Large-Scale CPA/Future Land Use Map Amendment for approximately 208 acres of land south of Lake Mabel Loop Road, east of Scenic Highway North, north of Masterpiece Road, and west of Tower Road)

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 208 ACRES OF LAND LOCATED SOUTH OF LAKE MABEL LOOP ROAD, EAST OF SCENIC HIGHWAY NORTH, NORTH OF MASTERPIECE ROAD, AND WEST OF TOWER ROAD, FROM POLK COUNTY AGRICULTURAL/RURAL RESIDENTIAL (A/RR) TO CITY OF LAKE WALES DESIGNATION LOW-DENSITY RESIDENTIAL (LDR); PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

OPENED PUBLIC HEARING

David Rankin, residential, expressed concern about access roads, traffic and the lack of a plan. Mayor Hilligoss said there is not a plan yet.

Mark Bennett, Development Services Director, reviewed this item. He shared his card with Mr. Rankin and said he can review the project with him.

Simone Plough, resident, asked about water concerns for such a large project. Mr. Bennett explained that SWFWMD has reviewed this and asked that this be part of the City's water supply plan but had no objections. She asked if there was a time to ask more questions. James Slaton, City Manager, invited her to meet with staff to discuss water concerns. This was discussed further. She also recommended reducing speed limits on Masterpiece Road.

Bob Clayton, nearby resident, said water and traffic concerns were legitimate. Government is always behind putting in infrastructure. The City needs to be ready for an extra 1000 homes.

Bart Allen, attorney with Peterson and Myers, representing the owners, reviewed the item and recently approved PDP plan. He offered to also meet with concerned residents.

CLOSED PUBLIC HEARING

Deputy Mayor Gibson said he had urban sprawl concerns about this project. We need to establish a city footprint. This project is premature.

Commissioner Krueger made a motion to adopt **ORDINANCE D2022-13** 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 "NO"

Mayor Hilligoss "YES"

Motion passed 4-1.

7.VIII. ORDINANCE D2022-14 2nd Reading And Public Hearing - Zoning Amendment For 208 Acres Of Land South Of Lake Mabel Loop Road, East Of Scenic Highway North, North Of Masterpiece Road, And West Of Tower Road

[Begin Agenda Memo]

SYNOPSIS: Shelton T. Rice, authorized agent for owner, requests approval of City Commission to amend the Zoning Map on the above-mentioned parcels totaling approximately 208 acres of land.

RECOMMENDATION Adoption at second reading, following a public hearing to re-assign the following zoning designation, as recommended by the Planning and Zoning Board at a regular meeting on February 22, 2022: Current Zoning: Polk County A/RR Proposed Zoning: R-1A The first reading to reassign zoning by City Commission was approved at a regular meeting on April 19, 2022.

BACKGROUND The subject properties are located north of Masterpiece Road, east of North Scenic Highway, and just opposite the Dinner Lake community.

In November of 2021, City Commission approved a Master Annexation Agreement which provides for the eventual annexation of the Gardinier property in its entirety within the next 20 years. The land owner subsequently petitioned to annex the first 208 acres; the annexation ordinance was adopted on March 15, 2022. The Planning Board, at a regular meeting on March 22, 2022, recommended approval to reassign land use and zoning designations for the approximate 208 acres. At a regular meeting on April 19, 2022, City Commission approved the request to reassign land use and zoning.

Furthermore, City Commission approved a Preliminary Subdivision Plat and Special Exception Use Permit for a PDP at a regular meeting on April 19, 2022 as recommended by Planning Board on March 22, 2022. The approval of the PDP is contingent upon the approvals of the land use and zoning amendments. A Zoning designation of R-1A is compatible with the surrounding area, as adjacent properties are zoned the same, and the property is surrounded by single family residential on the northern, western, and southern boundaries.

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

FISCAL IMPACT Re-assignment would enable the development of this property and the potential increase in property value.

[End Agenda memo]

Jennifer Nanek, City Clerk, read **ORDINANCE D2022-14** by title only.

ORDINANCE D2022-14 (Zoning Map Amendment for approximately 208 acres of land south of Lake Mabel Loop Road, east of Scenic Highway North, north of Masterpiece Road, and west of Tower Road)

AN ORDINANCE OF THE CITY OF LAKE WALES, FLORIDA, AMENDING THE ZONING MAP TO CHANGE ZONING DESIGNATIONS ON APPROXIMATELY 208 ACRES OF LAND LOCATED SOUTH OF LAKE MABEL LOOP ROAD, EAST OF SCENIC HIGHWAY NORTH, NORTH OF MASTERPIECE ROAD, AND WEST OF TOWER ROAD, FROM COUNTY DESIGNATION A/RR, TO CITY OF LAKE WALES DESIGNATION R-1A; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Commissioner Krueger made a motion to adopt **ORDINANCE D2022-14** 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 "NO"

Mayor Hilligoss "YES"

Motion passed 4-1.

8. NEW BUSINESS

8.I. RESOLUTION 2022-19 - Release Of Mineral Rights

[Begin Agenda Memo]

Synopsis: Resolution 2022-19 is for the purpose of releasing and disclaiming statutory mineral reservations which impact portions of the former Mayfair development property. §270.11(1), Florida Statutes, provides for a mineral reservation in a local government. The reservation arises automatically when a municipality conveys property. The reservation does not affect all of the property in the proposed development. The cited statutory provision provides that a local government may release the reserved interest after receipt of a petition to do so. A petition for release has been received and Ridgecrest of Lake Wales, LLC, has submitted a proposal to the City to develop certain real property impacted by the reservations as a mixed-use community with single-family and commercial/retail uses and the statutory reservations cloud the title to the property and limit its potential development.

Recommendation: That the City Commission approve the adoption of Resolution 2022- 19.

Fiscal impact: None. The Resolution, if approved, will be provided to the Developer for recording in the Public Records of Polk County, Florida.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **RESOLUTION 2022-19** by title only.

RESOLUTION 2022-19

A RESOLUTION RELEASING AND DISCLAIMING THE RIGHTS OF THE CITY OF LAKE WALES TO CERTAIN MINERAL RIGHTS RESERVED BY STATUTE AS TO PROPERTIES PREVIOUSLY TITLED IN THE CITY AND SUBSEQUENTLY CONVEYED BY THE CITY FOR PURPOSES OF FACILITATING DEVELOPMENT; MAKING FINDINGS; AND PROVIDING FOR AN EFFECTIVE DATE

Deputy Mayor Gibson made a motion to adopt **RESOLUTION 2022-19**. 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.

8.II. RESOLUTION 2022-24 Proclamation Policy

[Begin Agenda Memo]

SYNOPSIS Resolution 2022-24 adopts a Proclamation Policy.

RECOMMENDATION Staff recommends adoption of Resolution 2022-24 approving the proposed Proclamation Policy.

BACKGROUND The City Commission, at recent meetings, discussed creating a policy moving forward to outline procedures and requests for Proclamations. Upon research of several municipal and county policies, a proposed draft was created for review and comment. A draft policy was presented by staff at the June 15, 2022 City Commission Workshop. Comments were received from the Mayor and Commissioners, as well as the City Manager and incorporated into a revised draft policy. The revised policy was presented at the June 29, 2022 City Commission Workshop and additional suggestions were made.

OTHER OPTIONS Make further suggestions to be included in the policy.

FISCAL IMPACT There is no fiscal impact.

[End Agenda memo]

Jennifer Nanek, City Clerk, read **RESOLUTION 2022 -24** by title only.

RESOLUTION 2022-24 A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAKE WALES, FLORIDA; ADOPTING A PROCLAMATION POLICY FOR THE CITY AND PROVIDING AN

EFFECTIVE DATE.

Deputy Mayor Gibson said he regrets the controversy over the recent proclamation. He is glad for the policy and will vote for it. All the citizens of Lake Wales are special and worthy of respect. He expressed support for the Mayor. As Deputy Mayor he will perform any task the mayor is unable to do.

Commissioner Howell said she is glad that we have a policy. She questioned the line about 30 days. That is a long time. She said she had a problem about denying a proclamation without saying why.

James Slaton, City Manager said the number of days can be changed if the Commission wants. He asked the City clerk what time would work best. Jennifer Nanek, City Clerk, said at least 2 weeks before the meeting. Mayor Hilligoss asked if 30 days would be better. Ms. Nanek said yes but not by a lot.

Commissioner Krueger said he was comfortable with 30 days.

Commissioner Howell asked about the with or without cause segment. Mr. Slaton said the draft policy reflects what has been happening anyway. It can be changed if the commission wants.

Deputy Mayor Gibson objects the community being in opposition to each other. He researched this issue. This policy is consistent with the effort of the Charter review commission to make the mayor stronger. For the most part proclamations are determined by the mayor and not the vote of the Commission. For this the Mayor is accountable. We must align responsibility and accountability. We must respect the decision and move on.

Commissioner Krueger said he reviewed the policy. It seems fair to all parties involved. If some don't like the mayor's decisions they can speak to the Mayor especially every three years.

Commissioner Howell said she is glad that there is a policy. The Mayor should have extra power on some things. This would be about other issues that come up and could apply to anyone that is Mayor.

Commissioner Howell asked about the Pride Proclamation request if it will be acted on. Mayor Hilligoss said no.

Commissioner Williams said he echoes the Deputy Mayor's comments.

Mayor Hilligoss said this power has always been in the hands of the mayor. This is not a change. He is willing to give a cause and probably will.

Commissioner Krueger made a motion to adopt **RESOLUTION 2022-24**. Commissioner Williams seconded the motion.

By roll call vote:

Commissioner Krueger "YES"

Commissioner Williams "YES"

Commissioner Howell "NO"

Deputy Mayor Gibson "YES"

Mayor Hilligoss "YES"

Motion passed 4-1.

8.III. ORDINANCE 2022-35 Updates To Chapter 12 Health, Sanitation, Nuisances, And Minimum Property Maintenance Standards – 1st Reading And Public Hearing

[Begin Agenda Memo]

SYNOPSIS: Staff proposes amendments to sections of the Health, Sanitation, Nuisances, and Minimum Property Maintenance Standards (Chapter 12, Lake Wales Code of Ordinances).

RECOMMENDATION Staff recommends approval at first reading of Ordinance 2022-35, following a public hearing.

Background.

Staff recognizes the need to streamline and update this chapter to be cohesive with the latest versions of Chapter 162 of the Florida State Statute and the International Property Maintenance Code (IPMC). We are also reintroducing key portions that were previously removed from the Solid Waste ordinance (Chapter 17) back into chapter 12. These changes will be beneficial to the community and will aid staff in improving the Health, Safety and Welfare of our citizens

§ 12-2. Definitions and rules of construction. *Background and justification:* To update and modernize the language of this section in conjunction with Florida State Statute Chapter 162 for the purpose of clarity.

Article II. Nuisances Division 2. § 12-36 - § 12-41 *Background and justification:* To streamline by removing repeated portions of this section. These ordinances are either already located in another portion of this chapter or being moved to another more appropriate section of this chapter.

Division 5. Litter, Garbage and Refuse *Background and justification:* To streamline by removing repeated portions of this section. These ordinances are either already located in another portion of this chapter or being moved to another more appropriate section of this chapter.

§ 12-233. Exterior property areas *Background and justification:* To update the language of this section and add clarity to the ordinances.

§ 12-236. Interior structure *Background and justification:* These ordinances are from the IPMC, (International property maintenance code) the purpose of adding them to Chapter 12 is for easier accessibility of the codes by staff and the community.

§ 12-237. Rubbish and garbage *Background and justification:* Ordinances of this section were previously found in the Solid Waste Ordinance Chapter 17. This section contains a set of important ordinances to help preserve and maintain the Health, Safety and Welfare of the community regarding the handling of waste and containers.

§ 12-239 Plumbing facilities and fixture requirements. *Background and justification:* These ordinances are from the IPMC, (International property maintenance code) the purpose of adding them to chapter 12 is for easier accessibility of the codes by staff and the community.

§ 12-241. Mechanical and electrical requirements. *Background and justification:* These ordinances are from the IPMC, (International property maintenance code) the purpose of adding them to chapter 12 is for easier accessibility of the codes by staff and the community.

CODE REFERENCES AND REVIEW CRITERIA Section 12-2. Definitions and rules of construction. Section 12-7. Repeat violator status. Section Article II. Nuisances / Division 2. Debris, Weeds, Wild Growth, Dangerous and unsanitary conditions. Section Article II. Nuisances / Division 5. Litter, Garbage and Refuse. Section 12-233. Exterior property area. Section 12-236. Interior Property area. Section 12-237. Rubbish and garbage. Section 12-239. Sanitary drainage system. Section 12-241. Electrical equipment.

FISCAL IMPACT None

[End Agenda memo]

Jennifer Nanek, City Clerk, read **ORDINANCE 2022-35** by title only.

ORDINANCE 2022-35 AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER 12, HEALTH, SANITATION, NUISANCES, AND MINIMUM PROPERTY MAINTENANCE STANDARDS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Commissioner Howell made a motion to approve **ORDINANCE 2022-35** after 1st reading and public hearing. Commissioner Krueger seconded the motion.

by roll call vote:

Commissioner Howell "YES"

Commissioner Krueger "YES"

Commissioner Williams "YES"

Deputy Mayor Gibson "YES"

Mayor Hilligoss "YES"

Motion passed 5-0.

- 8.IV. **ORDINANCE D2022-19** 1st Reading And Public Hearing - Future Land Use Amendment For 16.43 Acres Of Land North Of Hunt Brothers Road, East Of US Highway 27 And Miami Street.

[Begin Agenda Memo]

SYNOPSIS: Bryan Hunter, authorized agent for owner, is requesting a recommendation to City Commission to amend the Future Land Use Map of the Comprehensive Plan on above-mentioned parcels of land totaling approximately 16.43 acres.

RECOMMENDATION Approval at first reading, and 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 June 14, 2022:

Current Land Use: Neighborhood Activity Center (NAC) & Business Park Center (BPC)

Proposed Land Use: Low Density Residential (LDR)

BACKGROUND The subject properties are located north of Hunt Brothers Road, east of US Highway 27 and Miami Street. The property is opposite of Longleaf Business Park.

The request is to change 14.26 acres north and south of Owens Road from land use designation Neighborhood Activity Center (NAC) to Low Density Residential (LDR) and 2.17 acres adjacent to the

Love's Truck Stop from land use Business Park Center (BPC) to Low Density Residential (LDR). The request reflects the project's boundaries and conforms to the project layout and design of a larger residential development project.

At a regular Planning & Zoning Board meeting, the Planning Board made a recommendation of approval to City Commission for a Residential Planned Development Project (PDP). Approvals of a Preliminary Subdivision Plat and Special Exception Use Permit for the PDP will be contingent upon approvals of the land use and zoning amendments by City Commission.

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 Re-assignment would enable the development of these properties and the potential increase in property value. Specifically, estimating an average of \$200,000 in taxable value per unit, and assuming 1,020 dwelling units based on what is proposed, it could potentially result in over \$204 million in taxable value, and generate \$1.38 million in ad valorem taxes. *Adjusted values for potential homesteaded properties have not been factored into this estimate.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE D2022 -19** by title only.

ORDINANCE D2022-19 (Small-Scale CPA/Future Land Use Map Amendment for approximately 16.43 acres of land north of Hunt Brothers Road, east of US Highway 27 and Miami Street.)

AN ORDINANCE OF THE CITY OF LAKE WALES, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN TO CHANGE LAND USE DESIGNATIONS ON APPROXIMATELY 16.43 ACRES OF LAND NORTH OF HUNT BROTHERS ROAD, EAST OF US HIGHWAY 27 AND MIAMI STREET, FROM CITY OF LAKE WALES DESIGNATION NEIGHBORHOOD ACTIVITY CENTER (NAC) AND BUSINESS PARK CENTER (BPC) TO LOW DENSITY RESIDENTIAL (LDR); PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

OPENED PUBLIC HEARING

County Commissioner George Lindsey reviewed this item and said these items is to conform the property to the commercial tracts that were part of the Ridgewood property. They are mindful of infrastructure and concurrency concerns and fluctuations in the market.

Jerry Peterson, resident, said this is a lot more homes in this area. The project is laid out well. He shared concerns with the developer who was understanding. He is opposed to the project. He asked the Commission to be mindful of the concerns they have and their rights as landowners.

Mark Bennett, Development Services Director, reviewed this item and next two items. He shared a slide of the current and proposed land use layout and reviewed it.

Jack Barron, resident, asked about the 800 units. His concern is the wildlife zone. There is all kinds of wildlife there. Its a shame to destroy it.

CLOSED PUBLIC HEARING

Deputy Mayor Gibson said this is infill and a good project.

Commissioner Howell made a motion to approve **ORDINANCE 2022-19** after 1st reading and public

hearing. Commissioner Krueger seconded the motion.

by roll call vote:

Commissioner Howell "YES"

Commissioner Krueger "YES"

Commissioner Williams "YES"

Deputy Mayor Gibson "YES"

Mayor Hilligoss "YES"

Motion passed 5-0.

- 8.V. ORDINANCE D2022-20 1st Reading And Public Hearing - Zoning Amendment For 16.43 Acres Of Land North Of Hunt Brothers Road, East Of US Highway 27 And Miami Street.

[Begin Agenda Memo]

SYNOPSIS: Bryan Hunter, authorized agent for owner, is requesting a recommendation to City Commission to amend the Zoning Map on above-mentioned parcels of land totaling approximately 16.43 acres.

RECOMMENDATION Approval at first reading, and 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 June 14, 2022:

Current Zoning: C-5 & C-3

Proposed Zoning: R-1A

BACKGROUND The subject properties are located north of Hunt Brothers Road, east of US Highway 27 and Miami Street. The property is opposite of Longleaf Business Park.

The request is to change 14.26 acres north and south of Owens Road from zoning designation C-5 to R-1A and 2.17 acres adjacent to the Love's Truck Stop from C-3 to R 1A. The request reflects the project's boundaries and conforms to the project layout and design of a larger residential development project.

At a regular Planning & Zoning Board meeting, the Planning Board made a recommendation of approval to City Commission for a Residential Planned Development Project (PDP). Approvals of a Preliminary Subdivision Plat and Special Exception Use Permit for the PDP will be contingent upon approvals of the land use and zoning amendments by City Commission.

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

FISCAL IMPACT Re-assignment would enable the development of these properties and the potential increase in property value. Specifically, estimating an average of \$200,000 in taxable value per unit, and assuming 1,020 dwelling units based on what is proposed, it could potentially result in over \$204 million in taxable value, and generate \$1.38 million in ad valorem taxes. *Adjusted values for potential homesteaded properties have not been factored into this estimate.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE D2022-20** by title only.

ORDINANCE D2022-20 (Zoning Map Amendment for approximately 16.43 acres of land north of Hunt Brothers Road, east of US Highway 27 and Miami Street.)

AN ORDINANCE OF THE CITY OF LAKE WALES, FLORIDA, AMENDING THE ZONING MAP TO CHANGE ZONING DESIGNATIONS ON APPROXIMATELY 16.43 ACRES OF LAND NORTH OF HUNT BROTHERS ROAD, EAST OF US HIGHWAY 27 AND MIAMI STREET, FROM CITY OF LAKE WALES DESIGNATION C-3 & C-5 TO R-1A; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Commissioner Howell made a motion to approve **ORDINANCE D2022-20** after 1st reading and public hearing. Commissioner Krueger seconded the motion.

by roll call vote:

Commissioner Howell "YES"

Commissioner Krueger "YES"

Commissioner Williams "YES"

Deputy Mayor Gibson "YES"

Mayor Hilligoss "YES"

Motion passed 5-0.

- 8.VI. Ridgecrest - Preliminary Subdivision Plat Approval / Special Exception Use Permit Approval For A Residential Planned Development Project (PDP) - Public Hearing

[Begin Agenda Memo]

SYNOPSIS: Bryan Hunter, authorized agent for owner, is requesting a recommendation of approval to City Commission, of a 1,020-lot single-family Preliminary Subdivision Plat and a Special Exception Use Permit for a Residential PDP on approximately 312.7 acres of land south of Russell Avenue West, west of 1st Street South, north of Hunt Brothers Road, and east of US Highway 27.

RECOMMENDATION The applicant requests a recommendation of approval to City Commission of a 1,020-lot single-family Preliminary Subdivision Plat and Special Exception Use Permit for a Residential PDP, with waivers of strict compliance and conditions of approval.

BACKGROUND

General: The subject property, comprising of approximately 312.7 acres of vacant land and citrus, is located south of Russell Avenue West, west of 1st Street South, north of Hunt Brothers Road, and east of US Highway 27. The project is located across from the Longleaf Business Park, north of the Love's Truck Stop, and east of the Lake Wales Soccer Fields and Ridge Manor subdivision. The property has land use designations of LDR Low-Density Residential and NAC Neighborhood Activity Center with

zoning designations of R-1A and C-5. The applicant has requested a land use and zoning amendment from NAC and C-5 to LDR and R-1A for portions of the project. An approval of the PDP shall be contingent upon approvals of reassigning land use and zoning designations by City Commission.

The proposed single-family subdivision is designed as a Planned Development Project (PDP), including requested Waivers of Strict Compliance.

Maximum density allowed on the site is calculated at 5 units per gross acre, or 1,564 dwelling units, under the Comprehensive Plan for LDR Low-Density Residential; a density of 3.36 dwelling units per acre, or 1,020 dwelling units, is proposed.

PROPOSED LOT TYPES:

40' Wide Lots 370 units

50' Wide Lots 448 units

Townhome Lots 202 units

TOTAL 1020 units

The development proposes 40'-wide and 50'-wide single-family lots, along with townhomes at a minimum of 20 feet wide. In addition, the development provides 9.2 acres of commercial area to accommodate support uses for the community. Waivers are being requested for all R-1A dimensional and area standards.

R-1A Standards per Table 23-422

Minimum lot size – 12,000 sq. ft.

Minimum street frontage – 50 feet

Minimum lot width at building line – 85 feet

Minimum floor area – 1,500 sq. ft.

Minimum front building setback – 30 feet

Minimum side building setback – 10 feet

Minimum rear building setback – 20 feet

Maximum lot coverage – 40%

Maximum building height – 35 feet, 2.5 stories

Proposed Standards 40' Wide Lots 50' Wide Lots

Minimum lot size 4,800 sq. ft. 6,000 sq. ft.

Minimum street frontage 40 feet 50 feet

Minimum lot width at building line 40 feet 50 feet

Minimum floor area 1,200 sq. ft. 1,200 sq. ft.

Minimum front building setback 20 feet 20 feet

Minimum side building setback 5 feet 5 feet

Minimum rear building setback 15 feet 15 feet

Minimum garage setback 25 feet 25 feet

Minimum functional corner-side setback 15 feet 15 feet

Maximum lot coverage Average 65% Average 65%

20' wide int. TH 30' wide ext. TH

Minimum lot size 2,200 sq. ft. 3,300 sq. ft.

Minimum street frontage 20 feet 30 feet

Minimum lot width at building line 20 feet 30 feet

Minimum floor area 1,000 sq. ft. 1,000 sq. ft.

Minimum front building setback 20 feet 20 feet

Minimum side building setback 0 feet 5 feet

Minimum rear building setback 15 feet 15 feet

Minimum garage setback 25 feet 25 feet

Minimum functional corner-side setback 15 feet 15 feet

Maximum lot coverage Average 65% Average 65%

Roadways & Access:

Primary access to the development will be on US Highway 27. There will be access to the development from Ray Martin Road, 1st Street South, and Russell Avenue. Five-foot-wide sidewalks will be constructed on both sides of interior streets. The developer will participate in extending an 8'-10' wide city trail along 1st Street South to connect to the soccer fields. Included in the conditions of approval is a proposed development agreement that contemplates improvements to Ray Martin Road to Scenic Highway South.

Landscaping and Buffering: A landscape plan will be required at Site Development Plan submittal, and will be reviewed and approved by Staff after consultation with the City's horticulturist. The proposed buffer may be a wall or berm, and will be planted with shrubs, canopy trees, and understory trees. *Residential tree density requirements will be enforced at building permit issuance, pursuant to section 23-307.2.a.3: a minimum of three, two-inch caliper shade trees, minimum of eight feet at planting for lots less than 10,000 sq. ft. and four, two-inch caliper shade trees, minimum of eight feet at planting for lots greater than 10,000 sq. ft. At least one of the shade trees shall be a street tree. Corner lots shall have a minimum of one additional tree to ensure that each frontage has at least one street tree. NOTE: Street Trees are required to have root barriers. Root barriers shall be approved by the Administrative Official prior to planting.*

A 10' wide buffer with a minimum of one canopy tree every 50 linear feet and a 6' high screening shrub is proposed along Russell Avenue, 1st Street South, and Miami Street. A 25' wide buffer is located along US Highway 27 and includes a 6' high wall where the townhomes abut Highway 27 and Love's Truck Stop. Recreation & Open Space: The overall development provides an amenity center with a potential building footprint of 42,000 sq. ft. with potential amenities such as a 1,300 sq. ft. cabana, pool, tot lot, and dog park. The neighborhood park where the amenity center is located is 6.8 acres. In addition, the development proposes approximately 3 miles of pedestrian trails with exercise stations. A full amenity package will be required at site development submittal.

OPEN SPACE CALCULATION:

Retention Ponds 33 acres

Recreation Areas 46.3 acres

Open Spaces 17.2 acres

Buffers 3 acres Total 99.5 Acres

More than 31% of the overall site will remain as open space, where 20% open space is required at a minimum by code.

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

1. Minimum lot size reduced from the required 12,000 square feet to the following:
 - a. 4,800 square feet for 40' wide lots
 - b. 6,000 square feet for 50' wide lots
 - c. 2,200 square feet for 20' wide interior townhome lots
 - d. 3,300 square feet for 30' wide exterior townhome lots.
2. Minimum street frontage reduced from the required 50 feet to the following:
 - a. 40 feet for 40' wide lots
 - b. 20 feet for 20' wide interior townhome lots
 - c. 30 feet for 30' wide exterior townhome lots
3. Minimum living area reduced from the required 1,500 square feet to the following:
 - a. 1,200 square feet for 40' & 50' wide single-family detached lots
 - b. 1,000 square feet for 20' & 30' wide townhome lots.
4. Minimum front building setback reduced from the required 30 feet to 20 feet for all lots within the development.
5. Minimum side building setback reduced from the required 10 feet to the following:
 - a. 5 feet for 40' & 50' wide lots

b. 5 feet for 30' wide exterior townhome lots

c. 0 feet for 20' wide interior townhome lots

6. Minimum rear building setback reduced from the required 20 feet to 15 feet for all lots within the development.

7. A functional corner-side setback reduced from the required 30 feet to 15 feet for all corner lots within the development. 8. Maximum lot coverage increased from 40% to a total average of 65% for all lots within the development.

9. Allow the neighborhood park to be further than 600 feet from some of the lots it serves.

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

"The proposed PDP is superior to a standard subdivision because the project provides significantly more and enhanced recreation and open space than the required standards. The reduced lot size and setbacks allow the developer to provide significantly increased open space within the community for the use and enjoyment of the residents. The increased density also creates the ability to improve walkability and enhance internal amenities. Sidewalks are being provided along each side of every internal street including a vast dedicated trail network through the project. In addition, a centralized pool and cabana area will be provided with multiple other parks and amenities throughout."

- Recreation required: 4.46 acres; Recreation provided: 46.3 acres

- Open space required: 20% of site; Open space provided: 31% of overall site

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

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

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

4. The development will participate in the extension of a public trail to connect to city soccer fields.

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

6. Lot sizes are reduced to minimize the area of land consumed for new development.

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

8. Staff and the Planning & Zoning Board recommends the following conditions of approval:

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

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

c. Landscape Plan is required at Site Development plan submittal and will be reviewed and approved by

Staff and the City's horticulturist.

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

e. Garages shall be setback a minimum of 25 feet and shall not exceed beyond the front building expression line more than 12 feet, as shown on Exhibit A.

f. Staggered front building setbacks at a minimum of two feet difference between adjacent lots for the single-family homes.

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

h. No constructed lake accesses are permitted within the development.

i. Maximum lot coverage for the overall development shall average 65% of all lots within the development.

j. A 50-foot wide easement, stated as access road on the PDP plans, shall be included to provide access to the water tower.

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

l. A street tree plan, tree survey and removal/replacement plan is required.

m. A developer's agreement is required for improvements, including but not limited to the construction of Ray Martin Road to Scenic Highway and participation in the 8'-10' wide city trail along 1st Street South, prior to issuance of the Site Development Permit. The developer's agreement shall provide the reference offsite public infrastructure improvements to be completed simultaneous with the onsite infrastructure improvements, and will provide for the appropriate allocation of costs with the dedication of any right-of way and/or easements as necessary.

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

o. A revised developer's agreement is required prior to Site Development Permit issuance regarding utilities, including but not limited to the transfer of wells and the implementation of reclaim water for irrigation.

p. Approval of the Residential PDP is contingent upon approval of the land use and zoning amendment by City Commission.

9. Staff recommends the following revisions:

a. Townhome lot layout details shall be revised to show the change of internal units from 22' to 20' on plans.

b. The plans shall state that the maximum lot coverage shall be an average of 65% for the residential portion of the development.

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

FISCAL IMPACT Approval of the preliminary plat and PDP would enable the development of this property and the potential increase in property value. Specifically, estimating an average of \$200,000 in

taxable value per unit, it could potentially result in over \$204 million in taxable value, and generate over \$1.3 million in ad valorem taxes.

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

[End Agenda Memo]

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Commissioner Krueger made a motion to approve the Ridgecrest PDP after public hearing. Commissioner Hilligoss 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 2022-24 Annexation – 2nd Reading And Public Hearing 17.23 Acres Of Land South Of Waverly Road And West Of C F Kinney Road

[Begin Agenda Memo]

SYNOPSIS: Ordinance 2022-24 proposes the voluntary annexation of approximately 17.23 acres of land south of Waverly Road and west of C F Kinney Road, and contiguous to the incorporated City limits.

RECOMMENDATION Staff recommends adoption after second reading of Ordinance 2022-24 following a public hearing. Public Hearing notice requirements have been met. A recommendation from the Planning and Zoning Board is not required for an annexation ordinance.

BACKGROUND Ford Groves, LLC petitioned annexation into the corporate city limits of Lake Wales on March 29, 2022. "Attachment A" to the ordinance shows the property's location. It is contiguous to the City Limits along its western boundary.

OTHER OPTIONS Decline to annex the property.

FISCAL IMPACT The annexation will add to the City's tax roll. The property is valued at \$182,817, which would bring in additional property taxes. Additionally, the approval of the annexation would allow the applicant to assemble a tract of land for potential development.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE 2022-24** by title only.

ORDINANCE 2022-24 (Annexation – 17.23 acres of land south of Waverly Road and west of C F Kinney Road) Parcel ID: 272910-000000-044040 AN ORDINANCE PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 17.23 ACRES OF LAND, CONTIGUOUS TO THE INCORPORATED TERRITORY OF THE CITY OF LAKE WALES, SHOWN ON ATTACHMENT “A” AND SPECIFICALLY DESCRIBED HEREIN; GIVING THE CITY OF LAKE WALES JURISDICTION OVER THE LAND ANNEXED; AND PROVIDING FOR AN EFFECTIVE DATE.

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Commissioner Howell made a motion to adopt **ORDINANCE 2022-24** after 2nd reading and public hearing. Commissioner Krueger seconded the motion.

By Roll Call vote:

Commissioner Howell "YES"

Commissioner Krueger "YES"

Commissioner Williams No response/disconnected

Deputy Mayor Gibson "YES"

Mayor Hilligoss "YES"

Motion passed 4-0.

9. CITY ATTORNEY

10. CITY MANAGER

James Slaton, City Manager, commended Recreation staff, Stephanie Edwards and Shay Irvis, for a good job with the 4th of July event.

Mr. Slaton reported that Monday the invitation to bid for Park Avenue and Marketplace will go out. Due date is August 11.

10.I. Commission Meeting Calendar

James Slaton, City Manager, said that next week is the CRA meeting and Commission Work Session.

11. CITY COMMISSION COMMENTS

Commissioner Howell asked about the missing Wiltshire sign. Jennifer Nanek, City Clerk, said she will check on that.

Commissioner Howell asked that Wiltshire repaving be done during the summer before school starts. James Slaton, City Manager, said as of now the start date is near the end of July.

Commissioner Howell asked about the problem with hogs at the cemetery. Mr. Slaton said we will address it.

Commissioner Howell asked what we can do about the issue of the Highlander band mural. Mr. Slaton explained that it is not a City project and the mural is on private property. Jennifer Nanek, City Clerk, reported that Main Street is trying to address the issue. Deputy Mayor Gibson said this is a heart wrenching thing for this father to frequently appear before us concerning this issue. This problem falls on the City. We need to not have an answer next time. This issue needs to be addressed. We need to decide and move. Mayor Hilligoss agreed and recommended that we communicate with Main Street about this. Mr. Slaton said that if the Commission consents the City will get involved and address it. The Commission consented.

12. MAYOR COMMENTS

Mayor Hilligoss agreed that the 4th of July event went well and said that staff did a good job.

13. ADJOURNMENT

The meeting was adjourned at 8:04 p.m.

Mayor

ATTEST:

City Clerk