

City Commission Meeting Minutes

July 19, 2022

(APPROVED)

7/19/2022 - Minutes

1. INVOCATION

Rev. Walter Nelson gave the invocation.

2. PLEDGE OF ALLEGIANCE

3. CALL TO ORDER

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

4. ROLL CALL

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

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

5. PROCLAMATIONS AND AWARDS

5.I. PROCLAMATION - Parks And Recreation Month

Mayor Hilligoss proclaimed July Park and Recreation Month. Stephanie Edwards, Support Services Manager, accepted the proclamation.

5.II. Proclamation - Library Director Tina Peak Retirement

Mayor Hilligoss read a proclamation recognizing retiring Library Director Tina Peak. Tina Peak accepted the proclamation.

James Slaton, City Manager, announced that the new Library Director will be here August 8th and Ms Peak will be available to assist with the transition.

6. COMMENTS AND PETITIONS

Tim Ratliff, resident, said the damaged guardrail outside the Library's children entrance needs to be fixed or addressed.

Steve Manwell, business owner expressed concern about vagrancy in downtown. He said this needs to be addressed as it is hurting his business.

Melissa Stoller, Executive Director of the Lake Wales History Museum, introduced herself and said she looks forward to advancing the museum.

Winston Cherry, resident, invited the Commission to walk through his project. There is some confusion with the construction. There are some misunderstandings that need to be straightened out.

7. CONSENT AGENDA

Deputy Mayor Gibson asked for agenda item 7.7, Florida Development Corporation Funding request, to be pulled from the consent agenda.

Deputy Mayor Gibson made a motion to approve the consent agenda except item 7.7. Commissioner Howell seconded the motion.

by voice vote:

Deputy Mayor Gibson "YES"

Commissioner Howell "YES"

Commissioner Williams "YES"

Commissioner Krueger "YES"

Mayor Hilligoss "YES"

Motion passed 5-0.

7.I. Minutes - February 18, 2022, April 6, 2022, July 5, 2022, July 13, 2022

7.II. Carpet Replacement – Municipal Administration Building

[Begin Agenda Memo]

SYNOPSIS: The City Commission will consider authorizing replace sections of the carpet in the Municipal Administration Building.

RECOMMENDATION It is recommended that the City Commission take the following action(s): 1. Authorize staff to expend budgeted funds in the amount of \$35,460 for the removal and replacement of carpet in the Municipal Administration Building.

BACKGROUND The carpet in the Municipal Administration Building is the original carpet installed when the building was remodeled in 1999. The carpets have been professionally cleaned on multiple occasions, and have passed their useful life. The City Commission approved \$100,000 in the FY'21-22 Capital Improvement Program budget to replace the carpet in the Municipal Administration Building. The proposal submitted by SEMCO Construction, Inc. is \$35,460.00. The City of Lake Wales entered into agreements for General/Licensed Building Contractor Services with SEMCO Construction, Inc. and Miller Construction Management, Inc. The city requested and received quotes from each of the firms. Miller Construction Management, Inc. proposed the amount of \$43,000.00 and SEMCO Construction, Inc. proposed \$35,460.00 for the same scope of work.

OTHER OPTIONS The City Commission may reject the proposal submitted by SEMCO Construction, Inc. and direct staff to initiate a sealed bid solicitation.

FISCAL IMPACT SEMCO's proposal of \$35,460 is \$64,540 less than the \$100,000 budget

appropriation.

[End Agenda memo]

7.III. Special Event Permit - Christmas Parade December 10, 2022

[Begin Agenda memo]

SYNOPSIS:

Approval of the special event permit application will allow the Lake Wales Kiwanis Club to present the annual Christmas Parade on Saturday December 10, 2022 and allow for the temporary closing of several streets.

RECOMMENDATION:

Staff recommends that the City Commission take the following action:

1. Approve the special event permit application from the Lake Wales Kiwanis Club for the annual Christmas parade to take place Saturday evening, December 10, 2022 between the hours of 6:00 p.m. and 8:00 p.m.
2. Approve the parade route that will begin at Lake Wailes Park, travel up Central Avenue to Dr. Martin Luther King Jr. Blvd. north to Stuart Avenue where it will end.
3. Approve the temporary closing of North 5th Street, Orange Avenue, the Horseshoe Drive in Lake Wailes Park, Lake Shore Blvd. from Orange Avenue to Central Avenue, and Central Avenue from Lake Shore Blvd. to Dr. Martin Luther King Jr. Blvd. and Martin Luther King Blvd. to Stuart Avenue

BACKGROUND: Larry Tonjes, on behalf of the Lake Wales Kiwanis Club, submitted a special event permit application for the Annual Christmas Parade to take place Saturday, December 10, 2022 from 6:00 p.m. to 8:00 p.m. Line up for the parade will begin at 4:00 p.m. on North 5th Street and on Orange Avenue and along the Horseshoe Drive (Park Avenue) of Lake Wailes Park.

The application also includes a request for the temporary closing of several streets as follows: 5 th Street, Orange Avenue and Park Avenue (Horseshoe Drive) in Lake Wailes Park for the parade line up. The Parade will travel on Lakeshore Boulevard south to Central Avenue, west on Central Avenue crossing SR17/Scenic Highway to Dr. Martin Luther King Jr. Boulevard where the parade will end on Stuart Avenue.

The crossing of Scenic Highway requires a permit from the Florida Department of Transportation and this request is to be submitted to the Bartow office after commission has approved the event. Staff has reviewed the application and has no issues with the event or road closings. Lake Wales Police Department and VOICE will be handling pedestrian and vehicular traffic control. The Streets Department will coordinate the street closings and trash clean up. The Kiwanis Club will be responsible for the parade line up and staging and any sanitary facilities that might be necessary.

The sponsor will be required to provide insurance, which is standard.

OTHER OPTIONS: Not to approve this event and road closings.

FISCAL IMPACT: The total cost of in-kind services is in the proposed budget for FY22/23 is \$2093 with the Kiwanis Club being responsible for 25% of the total cost or approximately \$524

[End Agenda Memo]

7.IV. Elevated Water Storage Tank Maintenance

[Begin Agenda Memo]

SYNOPSIS: Staff is seeking commission approval for the expenditure of funds of \$215,000.00 for maintenance of the Park Water Service Area (PWS) Water Storage Tank by Tank Rehab, LLC.

RECOMMENDATION It is recommended that the City Commission consider taking the following action:
1. Approve the expenditure of funds for \$215,000.00 for tank maintenance by Tank Rehab, LLC. 2. Authorize the City Manager to execute the appropriate documents, on the City's behalf.

BACKGROUND In August 2003, the Florida Department of Environmental Protection instituted more stringent regulations regarding the maintenance of water storage tanks. These regulations require annual inspections of the tanks to insure protection of the water source from contamination and identify any structural problems that may need repair. The City has an annual contract for these services with Tank Rehab, LLC. The contract was bided and awarded prior to the City purchasing the Park Water Service Area. In order to include the water storage tank in the PWS area on the previously awarded contract, Tank Rehab, LLC had to come out and assess the condition of the storage tower. The Commission approved the expenditure for the inspection at its June 7, 2022 commission meeting. Tank Rehab discovered the water storage tank was in much needed repair. It was also stipulated that until these repairs were made, the tank could not be added to the existing contract. The tank is in such bad shape that it had to be taken off line until these repairs could be made.

Staff is recommending the City Commission take the following action, approve the expenditure of funds for \$215,000.00 to Tank Rehab, LLC to repair the PWS water storage tower, utilizing the current annual contract.

OTHER OPTION The Commission could choose to not approve the expenditure; as a result, the storage tank would continue to stay off line until repairs could be made.

FISCAL IMPACT \$150,000.00 was included in the Water Division's FY21'22 M&R Storage Tanks budget line item to cover this maintenance service to the water storage towers. This budget line item did not include an additional expenditure of \$215,000.00 for the repair of the PWS water storage tower. A budget amendment would be required to fund these repairs.

[End Agenda Memo]

7.V. First Amendment To The T-Mobile Wireless Cell Site Lease

[Begin Agenda Memo]

SYNOPSIS:

Renewal of the T-Mobile Cell Site Lease for four (4) five (5) year terms for a total of 20 years.

RECOMMENDATION It is recommended that Commission take the following action:

1. Approve the First Amendment to the T-Mobile Wireless Cell Site Lease. 2. Authorize the Mayor to execute the appropriate documents, on the City's behalf.

BACKGROUND The City entered into the original lease with T-Mobile Wireless on June 28, 2000. T-Mobile Wireless desires to continue their long relationship with the City of Lake Wales by requesting the approval of attached First Amendment to their agreement. The First Amendment stipulates for the renewal of the agreement at the lease rate of \$3,561.14 per month. The rent will escalate by 3% at the beginning of each new lease term. Staff has predetermined that the modification of the T-Mobile Cell Site lease amendment will not interfere with any of the daily operational activity. Staff recommends the

Commission take the following action, approve the First Amendment to the T-Mobile Wireless Cell Site Lease and authorize the Mayor to execute the appropriate documents, on the City's behalf.

OTHER OPTIONS The Commission could choose not to approve the amendment to renew the T-Mobile Cell Site Lease.

FISCAL IMPACT The provider pays an annual lease of \$42,733.68.

[End Agenda Memo]

7.VI. SR 17 Lake Wales History Museum FDOT Stormwater Maintenance Agreement

[Begin Agenda Memo]

SYNOPSIS: The maintenance agreement sets forth what the City of Lake Wales will be responsible to maintain once the Stormwater infrastructure is installed to handle the flooding at the museum entrance.

RECOMMENDATION It is recommended that the Commission take the following action:

1. Authorize the Mayor to execute the Florida Department of Transportation maintenance agreement, on the City's behalf.

BACKGROUND

Early in 2021, City staff reached out to several Florida Department of Transportation (FDOT) representatives to discuss the problem of water puddling at the entrance to the Museum. City staff provided maps of current infrastructure in the area at FDOT's request, to see if existing infrastructure could be used to fix the flooding problem. SR 17 is a State Road, and it was quickly determined that there was not enough right-of-way for FDOT to come in and install additional piping. After several meetings to discuss possible solutions to the flooding problem, FDOT came back with two alternatives. Both were going to require the installation of additional infrastructure with no right-of-way available on the state road. FDOT researched and discovered that the City owned a piece of property that could be utilized, through the use of an easement, to help facilitate the installation of additional piping and larger catch basins to capture and dispose of the water from high rain events. FDOT would be covering the cost of construction in exchange for the City providing the easement for pipe installation. The commission approved the easement at the December 7, 2021 city commission meeting.

FDOT is now ready to move forward with construction. Once the infrastructure is installed, periodic maintenance may be required. The agreement and exhibit sets forth what the city will be responsible to maintain, and what FDOT will be responsible to maintain. The City will maintain all the infrastructure in the City's right-of-way, and FDOT will be responsible to maintain all the infrastructure in the state right-of-way.

Staff recommends the Commission take the following action, approve and authorize the Mayor to execute the appropriate documents, on the City's behalf.

OTHER OPTIONS Chose not to approve the attached documents and continue to have the flooding issue at the entrance of the Museum.

FISCAL IMPACT No fiscal impact at the time. Cost would be determined at the time maintenance is required.

[End Agenda memo]

7.VII. Florida Development Corporation Funding Request To Open A Business Incubator On Lincoln Avenue.

[Begin Agenda Memo]

SYNOPSIS: The purpose of this memorandum is to consider the funding request of \$1.2 million for the business Incubator BizLINC at 225 Lincoln Ave.

RECOMMENDATION It is recommended the City Commission consider the following action(s)

1. Authorize the Mayor to sign the operational agreement with Florida Development Corporation with a provision that the City of Lake Wales will only payout the third year of \$300,000 if the incubator BizLINC meets its two year deliverables shown in the Deliverables and Results spread sheet attached as Exhibit A.

2. Authorize a budget amendment in the amount of \$500k as an action item.

BACKGROUND On March 18th, representatives from Florida Development Corporation (FDC) presented their concept of bringing a business incubator to Lincoln Avenue, and that they were currently under contract to purchase the building at 225 Lincoln Avenue. On May 20th, Florida Development Corporation closed on this property. They purchased the property for \$230,000, with another \$10,000 spent on getting it up to code and ready for operations. On June 14th, representatives from Florida Development Corporation presented their concept of bringing a business incubator to Lincoln Avenue to the CRA Board. The concept included a financial request of 1.2 million spanning over 3 years. In the first year \$500,000 is requested, the second year \$400,000, and the third year \$300,000.

LAKE WALES CONNECTED PLAN ACTION STEPS

Action # Description

42 Organize mentors and training for entrepreneurs hoping to open business in the core of Lake Wales. Explore their space and assistance needs to determine whether a business incubator is needed. **63** Develop an incubator on Lincoln Avenue.

FLORIDA DEVELOPMENT CORPORATION

Florida Development Corp, Inc. (FDC) is a progressive real estate development company founded in 2016. Its founders have over 60 years of collective experience in affordable housing development, community & economic development, weatherization, financial and project management.

Their projects include numerous new construction homes, multi family, weatherization and single-family rehabilitation projects, and an adaptive reuse of a commercial building for a PPE (Personal Protective Equipment) manufacturing company.

Their most recent project is the building of a single-family residence on Lot 19; just south of the B Street Lot 22 they were awarded.

FDC recently purchased property on Lincoln Avenue and B Street (lot 22). They plan to build a 3600 sq. ft. mixed use building that will house two commercial rental spaces and six 2 bedroom and 1 bath affordable housing units. The building will be called, LINC Plaza.

FDC has provided services to municipalities, and nonprofit organizations in Hillsborough, Pasco, Polk and Orange Counties as well as various areas throughout Central and Western Florida.

FISCAL IMPACT FDC is requesting \$1.2 million to operate the business incubator BizLINC. The City will be using American Rescue Plan (ARP) funds to fulfill the funding requesting if approved by the City Commission. This is an eligible expense under the ARP program in the background section.

OTHER OPTIONS Not Applicable

[End Agenda memo]

Deputy Mayor Gibson reported on his tour of FDC's facility in Tampa.

Frank Cornier, Derrick Blue and Charles Young introduced themselves. Derrick Blue reviewed this project. Their base of operations will be in this Lake Wales facility.

Commissioner Krueger reported on his visit to the facility in Tampa. He looks forward to seeing what they do here.

Albert Galloway, Jr., City Attorney, said the recommended change concerning equal opportunity was added.

Deputy Mayor Gibson made a motion to approve this funding request. Commissioner Howell seconded the motion.

by voice vote:

Deputy Mayor Gibson "YES"

Commissioner Howell "YES"

Commissioner Williams "YES"

Commissioner Krueger "YES"

Mayor Hilligoss "YES"

Motion approved 5-0.

8. OLD BUSINESS

8.1. ORDINANCE D2022-15 2nd 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 request approval of City Commission to amend the Future Land Use Map of the Comprehensive Plan on approximately 15.98 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 April 26, 2022:

Current Land Use: Polk County Residential Suburban (RS)

Proposed Land Use: LDR At a regular meeting on July 5, 2022,

City Commission approved the request to reassign land use at first reading.

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 his 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. 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.

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. City Commission approved the recommendation from Planning and Zoning Board at first reading on July 5, 2022, at a regular meeting.

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 LDR LOW DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Commissioner Krueger made a motion to adopt **ORDINANCE D2022-15** 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 approved 5-0.

8.II. ORDINANCE D2022-16 2nd 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 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 At a regular meeting on July 5, 2022,

City Commission approved the request to reassign zoning at first reading.

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. A zoning designation of R-3 would permit different housing types. However, the Planning and Zoning Board, at a regular meeting on April 26, 2022, had 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. City Commission approved the recommendation from Planning and Zoning Board at first reading on July 5, 2022, at a regular meeting. 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

CLOSED PUBLIC HEARING

Commissioner Krueger made a motion to adopt **ORDINANCE D2022-16** after 2nd reading and public hearing. Commissioner Williams seconded the motion.

by roll call vote:

Commissioner Krueger "YES"

Commissioner Williams "YES"

Commissioner Howell "YES"

Deputy Mayor Gibson "YES"

Mayor Hilligoss "YES"

Motion approved 5-0.

- 8.III. Ordinance D2022-19 2nd 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 approval 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 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 special meeting on June 14, 2022:

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

Proposed Land Use: Low Density Residential (LDR) At a regular meeting on July 5, 2022,

City Commission approved the request to reassign land use at first reading.

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 special Planning & Zoning Board meeting on June 14, 2022, 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

CLOSED PUBLIC HEARING

Deputy Mayor Gibson made a motion to adopt **ORDINANCE D2022-19** after 2nd reading and public hearing. Commissioner Howell seconded the motion.

by roll call vote:

Deputy Mayor Gibson "YES"

Commissioner Howell "YES"

Commissioner Krueger "YES"

Commissioner Williams "YES"

Mayor Hilligoss "YES"

Motion approved 5-0.

- 8.IV. ORDINANCE D2022-20 2nd 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 approval to City Commission to amend the Zoning Map on above-mentioned parcels of land totaling approximately 16.43 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 special meeting on June 14, 2022:

Current Zoning: C-5 & C-3

Proposed Zoning: R-1A At a regular meeting on July 5, 2022,

City Commission approved the request to reassign zoning at first reading.

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 special Planning & Zoning Board meeting on June 14, 2022, 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 Krueger made a motion to adopt **ORDINANCE D2022-20** after 2nd reading and public

hearing. Commissioner Williams seconded the motion.

by roll call vote:

Commissioner Krueger "YES"

Commissioner Williams "YES"

Commissioner Howell "YES"

Deputy Mayor Gibson "YES"

Mayor Hilligoss "YES"

Motion approved 5-0.

8.V. ORDINANCE 2022-35 Updates To Chapter 12 Health, Sanitation, Nuisances, And Minimum Property Maintenance Standards – 2nd 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 second and final 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 adopt **ORDINANCE 2022-35** after 2nd reading and public hearing. Deputy Mayor Gibson seconded the motion.

by roll call vote:

Commissioner Howell "YES"

Deputy Mayor Gibson "YES"

Commissioner Williams "YES"

Commissioner Krueger "YES"

Mayor Hilligoss "YES"

Motion passed 5-0

9. NEW BUSINESS

9.I. Certification Of 2022 Taxable Value, Interim Millage & FY22'23 Budget Hearing Dates

[Begin Agenda Memo]

SYNOPSIS:

The City Commission will consider approval of the Polk County property appraiser's certification of taxable value for 2022, set the interim millage rate, and set the dates for the public hearings to adopt the final millage rate and the FY22'23 budget.

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

1. Approve the Property Appraiser's Certification of Taxable Value for 2022.
2. Set the interim millage rate at 6.3626 mills.
3. Set the dates for the required public hearings for the final millage rate and adoption of the FY22'23 Budget as Wednesday, September 7 and Tuesday, September 20.

BACKGROUND

Certification of Taxable Values Attached for your review and approval is the Polk County property appraiser's Certification of Taxable Value for 2022. As indicated, the City's gross taxable value for operating purposes is \$1,062,074,168. Lake Wales has experienced an increase in taxable value of \$171,947,099, since the 2021 certification. The certification for 2022 is 19.32% above 2021's final gross taxable value of \$890,127,069. It is recommended that the City Commission approve the Certification of Taxable Value for 2022.

Interim Millage Rate In order for the property appraiser to proceed with the mailing of the required TRIM notices, it will be necessary for the Commission to set an interim millage rate and establish the required public hearing dates for adoption of the final 2022 millage rate and the FY22'23 budget. Staff recommends the interim millage rate be set at the current year rolled-back rate of 6.3626. The City current millage rate is 6.7697.

The City Commission will be able to lower the millage rate throughout the budget adoption process but will be unable to raise the rate above the interim rate.

OTHER OPTIONS & FISCAL IMPACT Taxes levied by the various options are as follows:

Interim Millage Rates Rate CRA Library General Total

Roll-back Rate 6.3626 1,362,546 470,984 4,721,296 6,554,826

Current Rate 6.7697 1,449,726 501,119 5,023,380 6,974,225

Difference over Roll-back 87,180 30,135 302,084 419,399 The City does not receive 100% of ad valorem tax levy due to

1) discounts offered for early payment and

2) unpaid delinquent taxes. Staff estimates Ad Valorem for budget purposes at 97%.

The final adopted millage rate may not exceed the interim millage rate, but it may be lower than the interim millage rate.

Date and Time for Public Hearings:

State law requires that the county property appraiser notify each property owner of the interim millage rate and the dates of the meetings for adoption of the millage and budget. To give time for the mailing of this notice to the property owner, the City must, by law, adopt an interim millage rate no later than August 4.

Florida Statutes stipulate that the first public hearings can be held no sooner than 65 days after the Certification of Taxable Value by the Property Appraiser or July 1, whichever is later. Certification occurred on July 1, therefore the first public hearings can be held no sooner than Thursday, September 3 (65 days after July 1).

This year, the Board of County Commissioners has scheduled its public hearings on Monday, September 12 and Monday, September 19. The School Board's final public hearing is scheduled for Tuesday, September 6.

We are recommending the first public hearings for the millage and budget be set for Wednesday September 7, 2022. We are also recommending that the second public hearings be set for Tuesday September 20, 2022.

The City Commission is not required to make a decision on the final millage rate at this meeting. The final decision should be made after we thoroughly review and discuss the budget and all of its implications; however, we do have to make a decision on the interim millage rate at this meeting.

[End Agenda Memo]

Dorothy Abbott, Finance Director, reviewed this item.

Commissioner Krueger made a motion to approve the Property Appraiser's Certification of Taxable Value for 2022, set the interim millage rate at 6.3626 mills and to set the dates for the required public hearings for the final millage rate and adoption of the FY22'23 Budget as Wednesday, September 7 and Tuesday, September 20. Commissioner Williams seconded the motion.

by voice vote:

Commissioner Krueger "YES"

Commissioner Williams "YES"

Commissioner Howell "YES"

Deputy Mayor Gibson "YES"

Mayor Hilligoss "YES"

Motion approved 5-0.

9.II. RESOLUTION 2022-23 DW5303B Water Main Replacement Phase 2

[Begin Agenda Memo]

SYNOPSIS: In order to receive State Revolving Loan Funds (SRF) for any given project, a resolution must be adopted by the city stating its financial position and its authority to apply for these funds.

STAFF RECOMMENDATION Staff recommends the City Commission take the following action:

1. Adopt Resolution 2022-23 Water main Replacement Phase 2
2. Authorize the Mayor to sign the funding application submittal and the final loan documents upon receipt.

BACKGROUND The City owns and maintains One hundred seventy-six miles of water main, ranging in size from two inches to twenty-four inches. It becomes necessary from time to time to replace this water main in areas where the original pipe installations are now too small to service the area with sufficient flows and pressures. The pipe staff is seeking to replace are old galvanized and a/c lines that have corroded over time and are no longer functioning at peak performance. The streets that are affected by this project, to name a few, are Ridge Manor Drive, Belleview Road, Big Tank Road, Edgewater Drive, Osceola Avenue, Wildabon Avenue, Hillside Avenue and 9th Street. This project will have new water main installations and water main replacement of approximately 23,500-lf. A request for inclusion was submitted to SRF as a part of the request for funding. The City's request was approved and placed on the SRF funding list that was announced on May 25, 2022. The next step in the process is to submit the application, an adopted resolution, letter of legal opinion and all other accompanying documentation as required. The resolution states, the Florida Administrative Code rules require authorization to apply for loans, to establish pledged revenues, to designate an authorized representative; to provide assurances of compliance with loan program requirements; and to enter into a loan agreement. Staff is recommending the City Commission adopt Resolution 2022-23 Water Main Replacement Phase 2 and authorize the Mayor to sign the funding application and the final loan agreement upon receipt.

OPTIONS None. Without the adoption of Resolution 2022-23, the City would not be eligible to apply or receive SRF funds for the construction of this project.

FISCAL IMPACT The total for the construction and the associated construction phase services approved by SRF is \$3,670,000.00.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **RESOLUTION 2022-23** by title only.

RESOLUTION 2022-23

“A RESOLUTION OF CITY OF LAKE WALES, FLORIDA, RELATING TO THE STATE REVOLVING FUND LOAN PROGRAM; MAKING FINDINGS; AUTHORIZING THE LOAN APPLICATION; AUTHORIZING THE LOAN AGREEMENT; ESTABLISHING PLEDGED REVENUES; DESIGNATING AUTHORIZED REPRESENTATIVES; PROVIDING ASSURANCES; PROVIDING FOR CONFLICTS, SEVERABILITY, AND EFFECTIVE DATE.”

Commissioner Howell made a motion to adopt **RESOLUTION 2022-23**. Deputy Mayor Gibson seconded the motion.

by roll call vote:

Commissioner Howell "YES"

Deputy Mayor Gibson "YES"

Commissioner Williams "YES"

Commissioner Krueger "YES"

Mayor Hilligoss "YES"

Motion passed 5-0

9.III. RESOLUTION 2022-25 FDOT Construction Agreement – Park Avenue / Market Plaza Streetscape

[Begin Agenda Memo]

Synopsis: The City Commission will consider approving Resolution 2022-25, authorizing the City Manager to execute a Construction Agreement with the Florida Department of Transportation (FDOT) regarding improvements contemplated as part of the Park Avenue / Market Plaza Streetscape project.

RECOMMENDATION

1. Adopt Resolution 2022-25, authorizing the City Manager to execute Construction Agreement 0178162 with the Florida Department of Transportation (FDOT).

BACKGROUND In 2020, the City Commission approved an agreement with Chastain-Skillman, Inc. to design the Park Avenue / Market Plaza Streetscape as the first major capital improvement project from the Lake Wales Connected plan. In order to implement the proposed design of Park Avenue, significant enhancements to the Park Avenue and Scenic Highway intersection will be required.

In order to make the contemplated enhancements, execution of the attached Construction Agreement with the Florida Department of Transportation (FDOT) is required for the improvements scheduled to take place within FDOT's Right-of-Way (ROW).

The agreement authorizes construction within the Department's ROW and sets forth specific procedures the City shall abide by during construction. Procedures include: (2) The project shall be designed and constructed in accordance with the latest edition of the Department's Standard Specifications for Road and Bridge Construction and the Manual of Uniform Traffic Control Devices (MUTCD) (3) Notice to be provided a minimum of 48 hours before beginning construction (6) The City will have the responsibility of locating all existing utilities (12) All work and construction shall be completed within 365 days of execution of the agreement

Proposed improvements to the Park Avenue / Market Plaza intersection include narrowing Scenic Highway from three lanes to two lanes, addition of on street parallel parking, new traffic signals, and significant street trees. Park Avenue west of Scenic Highway will be converted from a one-way street to a two-way street, requiring changes to the intersection.

FISCAL IMPACT There is no fiscal impact.

OTHER OPTIONS Decline to enter into the Construction Agreement and rework the proposed Park Avenue / Market Plaza Streetscape design.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **RESOLUTION 2022-25** by title only.

RESOLUTION 2022-25

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE ON BEHALF OF THE CITY AN AGREEMENT BETWEEN THE CITY OF LAKE WALES AND THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION FOR A CONSTRUCTION AGREEMENT.

Commissioner Krueger made a motion to adopt **RESOLUTION 2022-25**. Deputy Mayor Gibson seconded the motion.

by roll call vote:

Commissioner Krueger "YES"

Deputy Mayor Gibson "YES"

Commissioner Williams "YES"

Commissioner Howell "YES"

Mayor Hilligoss "YES"

Motion passed 5-0

- 9.IV. ORDINANCE D2022-22 1st Reading And Public Hearing - Future Land Use Amendment For 102.06 Acres Of Land North Of Mountain Lake Cutoff Road And West Of US Highway 27.

[Begin Agenda Memo]

SYNOPSIS:

Diane Chadwick, authorized agent for owners Lake Wales II & III Property Holdings, LLC, requests recommendation to City Commission to amend the Future Land Use Map of the Comprehensive Plan on the above-mentioned parcels totaling approximately 102.06 acres of land.

RECOMMENDATION Approval at first reading and adoption at second reading, following a public hearing to reassign the following land use designation, as recommended by the Planning and Zoning Board at a regular meeting on June 28, 2022:

Current Land Use: Polk County A/RR (Agricultural/Rural Residential)

Proposed Land Use: MU (Mixed Use)

BACKGROUND

The subject property is located north of Mountain Lake Cutoff Road and west of US Highway 27. The parcels are east and west of Connor Road and contiguous to the city limits on the northwestern boundaries. 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, but have since sold the property to Lake Wales II & III Property Holdings, LLC prior to taking any action on their petition. The property was officially annexed into the corporate city limits on July 5, 2022.

A zoning designation of Planned Development Mixed Use (PDMU) and future land use designation of Mixed Use (MU) would allow for parcels to be assembled into the Master Development Plan (MDP) known as WH Corp. The applicant has confirmed that the land is not being utilized to add more density,

but is being added to the MDP to distribute the entitled density. Any changes as outlined in Section 23-450.9 of the Land Development Regulations would warrant a modification to the MDP to be presented to 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 proposed 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 assembly of parcels into a Master Development Plan that would potentially increase property value and generate potential revenue.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE D2022-22** by title only.

ORDINANCE D2022-22

(Large-Scale CPA/Future Land Use Map Amendment for approximately 102.06 acres of land north of Mountain Lake Cutoff Road and west of US Highway 27.)

AN ORDINANCE OF THE CITY OF LAKE WALES, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN TO CHANGE LAND USE DESIGNATIONS ON APPROXIMATELY 102.06 ACRES OF LAND NORTH OF MOUNTAIN LAKE CUTOFF ROAD AND WEST OF US HIGHWAY 27, FROM COUNTY DESIGNATION A/RR TO CITY OF LAKE WALES DESIGNATION PLANNED DEVELOPMENT MIXED USE (PDMU); PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

OPENED PUBLIC HEARING

Bart Allen, Peterson and Myers representing the owners, reviewed this item.

CLOSED PUBLIC HEARING

Deputy Mayor Gibson made a motion to approve **ORDINANCE D2022-22** after 1st Reading and Public Hearing. Commissioner Howell seconded the motion.

by roll call vote:

Deputy Mayor Gibson "YES"

Commissioner Howell "YES"

Commissioner Krueger "YES"

Commissioner Williams "YES"

Mayor Hilligoss "YES"

Motion passed 5-0

9.V. ORDINANCE D2022-23 1st Reading And Public Hearing - Zoning Amendment For 102.06 Acres Of Land North Of Mountain Lake Cutoff Road And West Of US Highway 27.

[Begin Agenda memo]

SYNOPSIS: Diane Chadwick, authorized agent for owners Lake Wales II & III Property Holdings, LLC, requests recommendation to City Commission to amend the Zoning Map on the above-mentioned parcels totaling approximately 102.06 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 June 28, 2022: Current Zoning: Polk County A/RR (Agricultural/Rural Residential) Proposed Zoning: PDMU (Planned Development Mixed Use)

BACKGROUND The subject property is located north of Mountain Lake Cutoff Road and west of US Highway 27. The parcels are east and west of Connor Road and contiguous to the city limits on the northwestern boundaries.

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, but have since sold the property to Lake Wales II & III Property Holdings, LLC prior to taking any action on their petition. The property was officially annexed into the corporate city limits on July 5, 2022.

A zoning designation of Planned Development Mixed Use (PDMU) and future land use designation of Mixed Use (MU) would allow for parcels to be assembled into the Master Development Plan (MDP) known as WH Corp. The applicant has confirmed that the land is not being utilized to add more density, but is being added to the MDP to distribute the entitled density. Any changes as outlined in Section 23-450.9 of the Land Development Regulations would warrant a modification to the MDP to be presented to 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 assembly of parcels into a Master Development Plan that would potentially increase property value and generate potential revenue.

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE D2022-23** by title only.

ORDINANCE D2022-23

(Zoning Map Amendment for approximately 102.06 acres of land north of Mountain Lake Cutoff Road and west of US Highway 27.)

AN ORDINANCE OF THE CITY OF LAKE WALES, FLORIDA, AMENDING THE ZONING MAP TO CHANGE ZONING DESIGNATIONS ON APPROXIMATELY 102.06 ACRES OF LAND NORTH OF MOUNTAIN LAKE CUTOFF ROAD AND WEST OF US HIGHWAY 27, FROM COUNTY DESIGNATION A/RR TO CITY OF LAKE WALES DESIGNATION MIXED USE (MU); PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Commissioner Krueger made a motion to approve **ORDINANCE D2022-23** after 1st Reading and Public Hearing. Commissioner Howell seconded the motion.

by roll call vote:

Commissioner Krueger "YES"

Commissioner Howell "YES"

Deputy Mayor Gibson "YES"

Commissioner Williams "YES"

Mayor Hilligoss "YES"

Motion passed 5-0

- 9.VI. ORDINANCE D2022-25 1st Reading And Public Hearing - Future Land Use Amendment For 17.23 Acres Of Land South Of Waverly Road And West Of C F Kinney Road.

[Begin Agenda Memo]

SYNOPSIS: Sarah Case, authorized agent for owner, request approval of City Commission to amend the Future Land Use Map of the Comprehensive Plan on approximately 17.23 acres of land.

RECOMMENDATION Approval at first reading and adoption at second reading, following a public hearing to reassign the following land use designation, as recommended by the Planning and Zoning Board at a regular meeting on June 28, 2022:

Current Land Use: Polk County A/RR (Agriculture/Rural Residential)

Proposed Land Use: LDR

BACKGROUND The subject property is located south of Waverly Road and west of C F Kinney Road. This parcel is adjacent to city limits on its southern boundary and is directly north of Leoma's Landing. The owners petitioned annexation into the corporate city limits of Lake Wales on March 29, 2022 and was officially annexed on July 5, 2022. There are no development plans submitted for this parcel at this time. 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. A Zoning designation of R-1C and Land Use designation of LDR is appropriate for the area, as there are other surrounding developments zoned R-1C with a land use of LDR.

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 D2022-25** by title only.

ORDINANCE D2022-25 (Small-Scale CPA/Future Land Use Map Amendment for approximately 17.23 acres of land south of Waverly Road and west of C F Kinney 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 17.23 ACRES OF LAND SOUTH OF WAVERLY ROAD AND WEST OF C F

KINNEY ROAD, FROM COUNTY DESIGNATION A/RR TO CITY OF LAKE WALES DESIGNATION LOW DENSITY RESIDENTIAL (LDR); PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Deputy Mayor Gibson said this is a good infill project.

Deputy Mayor Gibson made a motion to approve **ORDINANCE D2022-25** after 1st Reading and Public Hearing. Commissioner Howell seconded the motion.

by roll call vote:

Deputy Mayor Gibson "YES"

Commissioner Howell "YES"

Commissioner Krueger "YES"

Commissioner Williams "YES"

Mayor Hilligoss "YES"

Motion passed 5-0

9.VII. **ORDINANCE D2022-26** First Reading And Public Hearing - Zoning Map Amendment For 17.23 Acres Of Land South Of Waverly Road And West Of C F Kinney Road.

[Begin Agenda Memo]

SYNOPSIS: Sarah Case, authorized agent for owner, requests approval of City Commission to amend the Zoning Map on approximately 17.23 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 June 28, 2022: Current Zoning: Polk County A/RR (Agriculture/Rural Residential) Proposed Zoning: R-1C

BACKGROUND The subject property is located south of Waverly Road and west of C F Kinney Road. This parcel is adjacent to city limits on its southern boundary and is directly north of Leoma's Landing. The owners petitioned annexation into the corporate city limits of Lake Wales on March 29, 2022 and was officially annexed on July 5, 2022. There are no development plans submitted for this parcel at this time. 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. A Zoning designation of R-1C and Land Use designation of LDR is appropriate for the area, as there are other surrounding developments zoned R-1C with a land use of LDR.

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 D2022-26** by title only.

ORDINANCE D2022-26 (Zoning Map Amendment for approximately 17.23 acres of land south of Waverly Road and west of C F Kinney Road.)

AN ORDINANCE OF THE CITY OF LAKE WALES, FLORIDA, AMENDING THE ZONING MAP TO CHANGE ZONING DESIGNATIONS ON APPROXIMATELY 17.23 ACRES OF LAND SOUTH OF WAVERLY ROAD AND WEST OF C F KINNEY ROAD, FROM COUNTY DESIGNATION A/RR TO CITY OF LAKE WALES DESIGNATION R-1C; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Deputy Mayor Gibson made a motion to approve **ORDINANCE D2022-26** after 1st Reading and Public Hearing. Commissioner Howell seconded the motion.

by roll call vote:

Deputy Mayor Gibson "YES"

Commissioner Howell "YES"

Commissioner Krueger "YES"

Commissioner Williams "YES"

Mayor Hilligoss "YES"

Motion passed 5-0

9.VIII. **ORDINANCE 2022-30 LDR Updates Chapter 23 Land Development Regulations – 1st Reading And Public Hearing**

[Begin Agenda Memo]

SYNOPSIS: Staff proposes amendments to the following sections of the Land Development Regulations (LDRs) (Chapter 23, Lake Wales Code of Ordinances):

- a. Section 23-421 Permitted Uses
- b. Section 23-302 Definitions

RECOMMENDATION At a regular meeting on April 26, 2022, the Planning and Zoning Board made a recommendation of approval to City Commission for the proposed changes to the Land Development Regulations. On June 7, 2022, at a regular meeting, City Commission denied the recommendation with changes to Section 23-306 Off-Street and Vehicular Access. Ordinance 2022-30 without Section 23-306 is being brought back to City Commission for first reading. Staff recommends approval, following a public hearing.

Sec. 23-421 Permitted Uses Background and justification: new amendments to the Permitted Use Chart are proposed in order to strengthen the intent of recent code changes affecting the placement of

manufactured and modular homes within the city. The intent of the code is to allow manufactured homes through the PDP approval process only, to prohibit them on infill or individual lots, and to distinguish between housing types.

TABLE 23-421

PERMITTED USES AND SPECIAL EXCEPTION USES IN STANDARD ZONING

DISTRICTS

P - Permitted Use S - Special Exception Use PDP - Planned Development Project MDP - Master Development Plan

R-1A R-1B R-1C R-1D R-2 R-3 P F PDM U C-1/ C-1A C-2C-2R C-3 C - 4 C-5 1 L C I B P I - 1 I - 2 C N R

RESIDENTIAL

Dwelling: Single-family P P P P P PMDP P P

Dwelling: Two-family P P P MDP P P

Dwelling: Multi-family (up to 12 units on one parcel) P P MDP P P P P P

Dwelling: Multi-family (more than 12 units/parcel) PDP P D P MDP PD P PD P PD P PDP PD P Dwelling

unit for caretaker employed on premises S MDP S S S S S S S SSS

Dwelling, accessory to single-family house* S S S S S S S MDP P S S S S S

Mixed-use - residential and nonresidential PD P PD P PD P PD P PD P PD P S MDP P P S PDP 2 PD P

Manufactured and Modular Homes (individual lots)

Manufactured Home and Modular Home Parks Community PD P PD P PD P PD P PD P PDP

Modular Home Subdivisions PD P PD P PD P PD P PD P PDP

Manufactured Home Subdivisions

Section 23-802 Definitions *Background and justification:* The proposed definition changes should add clarity to the City's intent behind distinguishing between dwelling unit construction types.

Definitions are also included to support the Electronic Vehicle parking changes.

Dwelling unit. Quarters, including sleeping, kitchen, and bathroom facilities, for one (1) household. (See also household.)

Accessory dwelling unit means an apartment or guest house incidental to the principal structure on a lot.

Caretaker dwelling unit means an apartment or house incidental to the principal structure and use on a lot and used primarily by a person or persons responsible for the upkeep of the property.

Multi-family dwelling means a building providing quarters for three (3) or more households.

Single-family dwelling means a building providing quarters for one (1) household. For the purpose of this Chapter, a manufactured home, modular home, or shipping container shall not be considered a single-family dwelling.

Two-family dwelling means a building providing separate quarters for two (2) households.

Modular Home shall not mean a manufactured home but refers to a unit partially constructed off-site (such as trusses and wall sections) and assembled at the site as a standard home or building unit, meeting all the Southern Building Standard Code requirements. For the purposes of this Chapter, a modular home shall not be considered a single-family dwelling. Modular homes are indistinguishable from site-built homes. Modular home park or subdivision means a parcel (or contiguous parcels) of land divided into two (2) or more modular home lots for rent or sale.

Electric vehicle means any vehicle that operates, either partially or exclusively, on electrical energy.

Electric vehicle charging facility means a public or private parking space that is served by battery charging equipment for the purpose of charging electric vehicles.

Community Buildings means a place, structure, area, and/or other facility used for and providing religious, fraternal, social, and recreational programs. They are not operated for profit, and neither alcoholic beverages nor meals are normally dispensed or consumed. Also known as amenity centers, these facilities are typically located in manufactured & modular parks and subdivisions.

Community Centers means a building to be used as a place for place of meeting, recreation, or social activity. Community Centers are typically owned or operated by a government agency.

Shipping container means a container with strength suitable to withstand reuse as an article for the intermodal shipment and storage of goods.

CODE REFERENCES AND REVIEW CRITERIA

Section 23-421 Permitted Uses

Section 23-302 Definitions

FISCAL IMPACT None

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE 2022-30** by title only.

ORDINANCE 2022-30

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER 23, ZONING, LAND USE AND DEVELOPMENT REGULATIONS AMENDING TABLE 23-421 PERMITTED USES AND SECTION 23-802 DEFINITIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Commissioner Krueger made a motion to approve **ORDINANCE 2022-30** after 1st 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.

9.IX. ORDINANCE 2022-36 LDR Updates Chapter 23 Land Development Regulations – 1st Reading And Public Hearing

[Begin Agenda Memo]

RECOMMENDATION At a regular meeting on June 28, 2022, the Planning Board made a recommendation of approval for the proposed changes to the Land Development Regulations. Staff recommends approval at first reading, following a public hearing.

BACKGROUND Areas of the Land Development Regulations (LDRs) (Chapter 23, Lake Wales Code of Ordinances) have been identified as needing amendments.

Sec. 23-303 Streets *The current code access requirement calls for building frontage and primary access directly from a local street. For smaller developments of only a few lots, Staff brought code language before the Development Review Committee (DRC), which mirrors that of the City of Haines City's, allowing a private access road connecting to a local road approvable by City Commission. The DRC had no objections to the code change, finding that emergency access would not be restricted.*

Every building hereafter erected or moved shall be on a lot with a minimum width of 20 feet adjacent to or abutting on a paved public street, or with access to a paved public street by means of a private street approved by the City Commission, which has a minimum of 24 feet wide right-of-way or easement. All structures shall be located on lots so as to provide safe and convenient access for servicing, fire protection and related emergencies and required off-street parking.

Section 23-348 Home Based Businesses *The City's "Home Occupations" Section 23-348 is critically outdated due to several legislative changes that have taken place at the State-level, which have redefined how local governments can regulate these uses. The City hired Merle Bishop, FAICP, Planning Consultant with Pennoni through our Master Consulting Agreement to have this section revised. Based on legislative changes to Section 559.955, Home-Based Businesses, Government Restrictions, and after reviewing other local ordinances, the Consultant recommends a new Section 23-348 entitled Home-Based Businesses. Staff Supports the recommended changes.*

Section 23-348. Home-Based Business

a. The purposes of this section are to:

1. Permit the residents of the City of Lake Wales a choice in the use of a limited area of their home as a place of livelihood and the production or supplementing of personal and family income;

2. Permit no-nuisance commercial businesses within residences while maintaining a residential area or neighborhood without excessive noise, light, or other nuisances that undermine the purpose and character of the residential district;

3. Protect residential properties from any adverse impacts associated with home-based businesses;

4. Ensure that the rights of neighbors and other residents are not compromised by intrusive, hazardous, or environmentally degrading business activities; 5. Protect residential property values;

6. Permit "Cottage Food Operations" consistent with the provisions of the "Home Sweet Home Act" (Chapter 500, F.S.);

7. Ensure consistency with Section 559.955, F.S. (Home-based businesses); and 8. Establish performance criteria and standards for home-based businesses that will provide fair and equitable administration and enforcement of this section.

b. Home-based businesses shall include the following types or categories of activities:

1. Home occupation – a business, personal services, digital services, professional services, on-line teaching or training to individuals or groups, computer services such as repair or assembly, an occupation or trade conducted by the occupant of a dwelling as a secondary use. Usually conducted in a home office space, studio or defined workspace.

2. Telecommuting/Telework – a "work at home" arrangement between an employer and employee for performing work at a location other than the primary work location, such as at the home of an employee, and sending and receiving material by phone, email or other electronic means.

3. Cottage Food Operation – a natural person or entity that produces or packages cottage food products at the residence of the natural person or at the residence of a natural person who has an ownership interest in the entity, and sells such products in accordance with Section 500.08, F.S. (Chapter 500, F.S.)

4. Home-based cottage industry – a small-scale, light manufacturing business carried on at home by family members using their own equipment. Typically referred to as handmade, handcrafted or artisan items made using hand tools, mechanical tools and electronic tools for the manufacture of finished products or parts that are valued for their uniqueness, handmade qualities, artistic value or traditional characteristics.

c. A home-based business shall be allowed in any residence provided such home-based business is clearly incidental and secondary to the use of the dwelling as a residence and provided there are no external appearance of a business or commercial activity. Any person operating a home-based business is required to obtain a local business tax receipt pursuant to Chapter 19 of the Lake Wales Code of Ordinances.

1. Employment:

i. The home-based business shall be conducted by a member of the immediate family residing on the premises and up to a maximum of two (2) non-resident employees or independent contractors on-site at any time. [§559.955(3)(a), F.S.]

ii. A cottage food operation may employ a person who does not reside on the premises provided the residence is occupied by a person who has an ownership interest in the home-based business. [§500.03(j), F.S.]

iii. The home-based business may have additional remote employees that do not work on premise at the residential dwelling.

2. Location and area:

i. Regardless of the location of the home-based business, the principal dwelling unit on the property

shall be the bona fide residence of the home-based business practitioner. The home-based business shall be clearly incidental and secondary to the property's use for residential purposes.

ii. The floor area devoted to a home-based business shall not exceed twenty-five (25) percent of the gross floor area of conditioned air space of the dwelling.

iii. A home-based business may be conducted from a completely enclosed accessory structure with the approval of a special exception use permit pursuant to the requirements of Section 23-216 of this Code.

3. Outward Appearance: As viewed from any travelway, the use of the residential property shall be consistent with the uses of any surrounding residential uses. Outdoor storage, displays or equipment associated with a home-based business other than those that are customarily associated with a residential use are prohibited. External modifications made to a residential dwelling to accommodate a home-based business must conform to the residential character and architectural aesthetics of the neighborhood.

4. Customers and clients: Visits to the premises by customers and clients of the home-based business shall occur only by scheduled appointment and no more than two (2) customers or clients may visit the premises at one time.

5. Signage: One non-illuminated business identification sign, mounted flush to the dwelling unit and not more than two (2) square feet in area shall be allowed.

6. Nuisances: A home-based business shall not create noise, vibration, glare, fumes, odors, dust, heat, or smoke.

7. Electronic Interference: No equipment, electrical devices or processes shall be used which may cause electromagnetic disturbances, electrical interference or create visual or audible interference in any radio, television, or satellite receiver or telephone, which violates FCC standards, or which causes fluctuation in off-site voltages.

8. Hazardous Substances: No highly toxic, explosive, flammable, combustible, corrosive, radioactive, volatile organic chemical compounds or similar hazardous materials shall be used, stored, or manufactured on the premises in amounts exceeding those which are typically found in normal residential use. No chemicals or chemical equipment shall be used or stored, except those that are used for domestic or normal household purposes.

9. Vehicle Traffic: Traffic generated by the proposed use must not negatively impact the safety, ambiance and characteristics of the residential area or neighborhood. Any increase to existing traffic created by the home-based business shall not exceed ten (10) additional trips per day. Based on the assumption that a single-family residence generated ten (10) vehicle trips per day, and residence with a home-based business will not exceed a total of twenty (20) vehicle trips per day.

10.Truck traffic: Delivery and shipping of merchandise, goods, or equipment, to the site of the home-based business shall be made by a vehicle typically employed in residential deliveries and shipping, such as, passenger vehicles, mail carriers, or step vans (i.e. UPS, Federal Express, etc.). No deliveries or shipping to the site of the home-based business by semi-tractor/trailer truck or vehicles having more than two (2) axles shall be permitted. Deliveries of any kind shall not exceed one (1) per day.

11.Parking:

i. Home-based businesses shall provide adequate parking spaces for any and all anticipated increase in vehicles at the dwelling including residents, employees, visitors, clients and customers of the home-based business. Such parking shall be provided in a manner and style that does not diminish the residential quality of the surrounding area and does not create adverse parking impacts on the adjacent street or properties.

ii. All vehicles shall be parked within the driveway or in a designated parking space(s) that is located on the lot of the home-based business other than a required front yard and not within the road right-of-way unless on-street parking is legally authorized.

iii. Sufficient lane widths on the adjacent roadway shall be maintained free of parked vehicles for the safe flow of through traffic.

iv. Vehicles shall not be parked over a sidewalk or on any unimproved surfaces at the residence.

12.Sales of services or products:

i. Retail sales on-site shall be made by appointment only and are limited to services which are provided on-site; goods which are manufactured, assembled, or grown on site; or products which are directly related to the goods or services rendered by the home-based business.

ii. There shall be no sales of services or products on the premises which are not provided or produced on the premises, except those sales which are incidental to the business.

iii. The home-based business and the address of the premises shall not be advertised in such a manner that would encourage customers or salespersons to come to the property without an appointment.

iv. A cottage food operation may sell, offer for sale, and accept payment for cottage food products over the Internet or by mail order. Such products may be delivered in person directly to the customer, or a specific event venue, or by United States Postal Service or commercial mail delivery service. A cottage food operation may not sell, offer for sale, or deliver cottage food products at wholesale. [§500.80(2), F.S.]

v. All other retail or wholesale sales shall be made via telephone, Internet, or mail order. Products shall be delivered in person directly to the customer, a specific event venue, by United States Postal Service or a commercial delivery service.

13.Prohibited Business Activities: The following shall not be permitted as a home-based business:

i. Music instruction for groups of more than two (2) clients or students at one time;

ii. Group consultation or giving group instruction of any type for more than two (2) people at one time;

iii. The use of any machinery, tools, or equipment that in scale, size or numbers beyond what is typically found in a home; iv. Beauty shop/salon or barbershop

v. Private club;

vi. Antique or gift shop;

vii. Commercial kennel;

viii. Nursery school or pre-school;

ix. Public dining facility or tearoom;

x. Automotive work of any type, including that of recreational vehicles; and

xi. Repair of equipment that takes place outdoors.

Sec. 23-802 Definitions *Necessary to update our Definitions section of the code in support of the new*

Section 23- 348 Home-based businesses. Home-based business means any occupation, professional activity, business, profession, or commercial activity conducted entirely within a dwelling unit and carried on by a member or members of the immediate family or household occupying the dwelling and up to a maximum of two (2) non-resident employees or independent contractors on-site at any time. A home-based business is clearly incidental and secondary to the use of the property for residential purposes and does not change the appearance or character of the dwelling. Home-based business includes: home occupation, telecommuting/telework, cottage food operations, and home-base cottage industry.

CODE REFERENCES AND REVIEW CRITERIA

Section 23-303 Streets Section 23-348 Home Based Businesses Section 23-802 Definitions

FISCAL IMPACT None

[End Agenda Memo]

Jennifer Nanek, City Clerk, read **ORDINANCE 2022-36** by title only.

ORDINANCE 2022-36

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER 23, ZONING, LAND USE AND DEVELOPMENT REGULATIONS AMENDING SECTION 23-303 STREETS, SECTION 23-348 HOME OCCUPATIONS, AND SECTION 23-802 DEFINITIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Commissioner Howell asked how the public will know about these changes. Mark Bennett, Development Services Director, said they will work with those they receive complaints about to bring them into compliance. James Slaton, City Manager, said they will do some public education on this.

Commissioner Krueger asked to confirm that those businesses licensed properly have nothing to worry about. These rules are less restrictive. Mr. Bennett reviewed some of the additional flexibility allowed for in this ordinance.

Commissioner Howell made a motion to approve **ORDINANCE 2022-36** after first 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.

10. CITY ATTORNEY

Albert Galloway, Jr., City Attorney, said we still have a panhandling ordinance. He is talking with the chief about enforcement. He is working on finding a new version he can use that does not infringe on 1st amendment rights.

Mr. Galloway reported on another property that is being foreclosed on that may come to the CRA soon.

11. CITY MANAGER

James Slaton, City Manager, announced that Monday at 9:30 a.m. will be a ribbon cutting on B street that is complete.

There will be a groundbreaking for Keystone Phase 3 on August 9th at 9:30 a.m.

Recreation will have a Flick & Float event at the YMCA on August 6th.

11.I. Commission Meeting Calendar

12. CITY COMMISSION COMMENTS

Commissioner Krueger reported on his efforts to recruit businesses for the incubator.

Commissioner Williams asked someone to reach out to the owner of Melanie's to see if that situation can be addressed.

Commissioner Williams asked if we understood what Mr. Cherry was talking about. Mr. Slaton said yes and will brief him on details later.

Commissioner Williams said FDC is coming out to the highland Park area to help recruit possible businesses for the incubator.

Deputy Mayor Gibson reported on his appearance before the Polk County Commission this morning and said the response was favorable.

Deputy Mayor Gibson spoke on the potential of adding the huge new development across 27 to the CRA. The county is ready to talk to us about it.

Deputy Mayor Gibson expressed concern about shopping carts left about in neighborhoods near Publix and CVS. Can we help these corporate citizens recover their carts?

13. MAYOR COMMENTS

Mayor Hilligoss announced the Start Right Campaign is Saturday at Polk State College.

Mayor Hilligoss said he is excited about the Land use Study discussion and about extending the CRA across the highway.

14. ADJOURNMENT

The meeting was adjourned at 7:05 p.m.

Mayor

ATTEST:

City Clerk