

**MINUTES
PLANNING AND ZONING BOARD MEETING
MEETING
July 23, 2019, 5:30PM**

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

ATTENDANCE

Planning Board Members (Shaded area indicates absence):

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

Dept. of Planning and Development
Kathy Bangley – Director of Planning and Development Services
Autumn Cochella – Development Services Manager
Christina Adams – Recording Secretary

1. CALL TO ORDER Chairman Lutton called the meeting to order at 5:30 p.m.
2. ROLL CALL - Mr. Gravel and Ms. Bennett were absent, but a quorum was present.
3. APPROVAL OF MINUTES
Regular Minutes – April 23, 2019
Motion by Mr. Peterson to approve, seconded by Ms. Bell. The motioned was approved unanimously.
4. COMMUNICATIONS AND PETITIONS

NEW BUSINESS

5. POSH SUITES – 0 Tillman Ave - PID: 27-30-01-883000-039010
The applicant is requesting major site plan approval with waiver of strict compliance for development of a commercial building designed with individual personal services spaces

Review Staff report by K. Bangley
Begin Report:

PROJECT: Posh Suites
APPLICANT: Francis D. and Courtney E. McCrystal
PLAN: Posh Suites – Lake Wales
Received July 5, 2019
Prepared by: Validus Engineering Group, LLC

ADDRESS OR LOCATION: 0 Tillman Ave, Lake Wales, Florida
PID: 27-30-01-883000-039010

APPROVAL REQUESTED: Major Site Plan Approval with Waiver of Strict Compliance
FLUM/ZONING: DD Downton District – C-2R Commercial/Residential
PUBLIC HEARING: Not required

Request: Owners, Mr. and Mrs. McCrystal, are proposing the development of a commercial building designed with individual personal service spaces.

Background: The 0.52 acre site is located on Tillman Avenue, near the intersection of Second Street and opposite the Lake Wales Police Department.

This proposed site is modeled after the first Posh Salon Suites concept developed by the McCrystals in downtown Winter Haven which opened in 2016.

Landscaping:

A landscape buffer will be provided along the perimeter of the site, as well as a required tree density of two trees per ¼ acre. A final landscape plan will be approved by staff during the Site Development process.

List of Requested Waivers:

Sec. 23-306B – Reduce number of parking spaces from 48 to 32.

Code References:

Sec. 23-222 Site Plans

Staff Comments:

The proposed development of this corner will be a significant improvement to the area. Staff supports the reduction in required parking spaces based on the unique nature of the business.

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

Attachments

Preliminary Plan for Posh Suites – Lake Wales, July 5, 2019 – Validus Engineering Group, LLC

End Report.

Mrs. Bangley reviewed the staff report with the Board. Mr. and Mrs. McCrystal were present. Mr. Lutton asked how the parking calculation was concluded to which Mrs. Bangley and Mrs. Cochella clarified it was based on two spots per practitioner. Mr. Lutton asked how many sub suites would be designed and Mr. McCrystal responded that there would be 22 sub suites. Mrs. Bangley stated that at the preliminary meeting the owners were hoping to build 20-25 suites. Mrs. Bangley stated the owners are anticipating staggered hours for the practitioners and that flexibility would be able to accommodate the slightly smaller amount of parking spaces at the location and stated there are public parking spaces in the area as well.

Mrs. McCrystal stated that at their Winter Haven location during peak times the amount of spaces they had occupied at one time was around 30 spots. She stated the tenants have 24-hour access to the property so the hours vary on their lifestyle making it a rare occasion that all tenants are in the building at one time.

Mr. and Mrs. McCrystal officially stepped to the podium and introduced themselves for the record as non-city residents.

Mr. Lutton asked if there were any questions and clarified that the McCrystal's Winter Haven property was near Grove Roots whom they share a parking lot with. Mr. Lutton verified no public hearing was required and asked the Board to take action. Mrs. Bangley stated the action request was for Site Plan approval with a waiver for a reduction in on-site parking. She also informed the Board a landscaping plan will be required during the Site Development Process.

Mr. Lutton asked to board for a motion. Ms. Bell moved to motion for the approval of the site plan with waiver for the reduced parking and Mr. Peterson seconded the motion. The motion was approved unanimously.

After approval Mr. McCrystal stated they would hopefully be able to start building within the next 60 days.

6. CITIZEN'S BANK – 222 E SR 60 - PID: 27-30-11-914000-001010/001110
The applicant is requesting major site plan approval with waivers of strict compliance proposing the addition of an employee parking lot

Review Staff report by K. Bangley
Begin Report:

PROJECT: Citizen's Bank Lake Wales Employee Parking Lot Addition
APPLICANT: Citizen's Bank, Lake Wales
Kendall Phillips, P.E., L P Engineering Services, LLC
PLAN: **Citizen's Bank – Employee Parking**
Received June 12, 2019
Prepared by: L P Engineering Services, LLC

ADDRESS OR LOCATION: 222 E SR 60, Lake Wales, Florida
PID: 27-30-11-914000-001010/001110
APPROVAL REQUESTED: Major Site Plan Approval with Waiver of Strict Compliance
FLUM/ZONING: NAC Neighborhood Activity Center – C-5 Village Center
PUBLIC HEARING: Not required

Request: Citizen's Bank, an existing site at 222 E.State Road 60, is proposing the addition of an employee parking lot.

Background: The 2.01 acre site is located on the south side of State Road 60, having frontage on SR 60, 3rd Street, and Domaris Avenue.

The parking spaces and sidewalk surfaces will be constructed of porous concrete or aqua-bric (brick pavers). A Waiver of Strict Compliance is requested to allow gravel drive aisles where paving is required by code.

The owner is intending to use permeable surfaces so that a conventional storm water retention pond will not be required.

Landscaping:

A landscape buffer will be provided along the perimeter of the site. A final landscape plan will be approved by staff during the Site Development process.

List of Requested Waivers:

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

Code References:

Sec. 23-222 Site Plans

Staff Comments:

Staff supports the use of gravel, pavers, and other porous surfaces in place of creating additional impervious area. The Planning Board shall either approve, approve subject to stated conditions, or deny the major site plan with waiver. In doing so, they shall enter specific findings of fact delineating their reasons.

Attachments

Preliminary Plan for Citizen's Bank – Employee Parking – LP Engineering Services, LLC
End Report.

Mrs. Bangley reviewed the staff report with the Board. Mr. Lutton stated that Kendall Phillips with LP Engineering was present and asked him what type of gravel they would use in the parking area. Mr. Phillips responded they would most likely use number 57 stone and Mr. Lutton clarified for staff and the Board that number 57 is a lime rock that has been grated out to larger pieces. Mr. Phillips specified that he will request the gravel not be pressed down too tightly and it will be placed over a textile fabric to keep it from sinking into the sand which should serve well for strictly employee parking. The goal is to keep the surface acceptable for females in the office that may choose to wear heels. He stated only the drive area would be gravel and the parking surface as well as the sidewalk would be porous concrete or brick pavers.

Mr. Lutton asked if they would be fixing the existing ramp at the property and Mr. Phillips responded that he would design the plans that way. Mr. Lutton also stated he noticed new landscaping on the plans which was nice since the landscaping on Hwy 60 has deteriorated over the years.

Mr. Lutton asked if there were any questions and verified there was no public hearing required. He asked the Board to move to motion. Mr. Peterson motioned to approve the site plan with waiver and Ms. Sims seconded the motion. The motion was approved unanimously.

7. TRI TOWER SELF STORAGE – 630 Mountain Lake Cutoff Rd - PID: 27-29-27-000000-042020/042130

The applicant is requesting a one year extension of approval of the Site Plan, including a Special Exception Use Permit for outdoor display, and a Waiver of Strict Compliance to allow a six-foot front yard fence, which was granted by the Board in August 2017.

Review Staff report by K. Bangley
Begin Report:

PROJECT:	Tri-Tower Self Storage Expansion
APPLICANT:	Harold R. Baxter, Owner John A. Schneider – Hunter Engineering
PLAN:	Tri-Tower Self Storage Expansion Extension of Approval
ADDRESS OR LOCATION:	648 Mountain Lake Cutoff Rd, Lake Wales, Florida PID: 27-29-27-000000-042020/042130
APPROVAL REQUESTED:	One-year extension of August 22, 2017 site plan approval
FLUM/ZONING:	LCI – Limited Commercial-Industrial
PUBLIC HEARING:	Not required

Request: Harold Baxter, owner, is requesting a one-year extension of approval of the Site Plan, including a Special Exception Use Permit for outdoor display, and a Waiver of Strict Compliance to allow a six-foot front yard fence, which was granted by the Board in August of 2017.

Background: This site located on the north side of Mt. Lake Cutoff Road currently has an automotive repair business, self-storage buildings and an office building that houses a radio station. Overall improvement to the site to include new stormwater retention is proposed. Future addition of an additional storage building is shown on the site plan.

Code References:

Sec. 23-216 – Special exception use permit
Sec. 23-222.5 Waiver of strict compliance
Sec. 23-543 Fences and hedges

Staff Comments:

The zoning regulations provide that extensions may be granted in one year increments by the original approving authority. The regulations do not give specific guidelines on evaluation of an application for an extension. The City has not had significant changes to the regulations that would affect the approval granted to this project.

The LCI – Limited Commercial Industrial zoning district is an appropriate location for this type of business. The applicant is making improvements to the site and being mindful of the existing residential properties (county) that abut to north with opaque fencing along the shared property line.

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

Please note that the engineer of record for this project has changed from L P Engineering Services, to Hunter Engineering.

Attachments

Site plan by LP Engineering Services, LLC dated 6-9-2017

End Report.

Mrs. Bangley reviewed the staff report with the Board. Mr. Schneider with Hunter Engineering was present to answer any questions. Mr. Lutton stated that many projects have come before the Board with a plan and had to wait for economics to work before being able to move forward. Mr. Schneider stated this particular applicant has mostly been dealing in a residential market, but that he fully intends to move forward with this project.

Mr. Lutton wanted to confirmed the Board previously approved plans with specifics regarding to the fence that was proposed to which it was confirmed by Mrs. Cochella an aluminum fence with higher height.

Mr. Lutton asked the Board to move toward a motion. Ms. Bell motioned to grant the extension for one-year approval and Ms. Sims seconded this motion. The motion was approved unanimously.

8. PROPOSED AMENDMENTS TO ZONING REGULATIONS

Review Staff report by K. Bangley
Begin Report:

PROJECT:

Proposed amendments to zoning regulations

APPROVAL REQUESTED:

Discussion only. Areas of the zoning regulations (Chapter 23, Lake Wales Code of Ordinances) have been identified as needing a discussion of possible amendments in order to address the growth and needs of the community. Following is information on amendments proposed by staff. If the board decides that changes in the provisions are warranted, a recommendation should be made to the City Commission

- a. Code Updates: Table 23-421 Permitted Use Chart
- b. Code Discussion: Docks and Piers on Lake Wailes Lake Requirements met

PUBLIC HEARING:

Request: 1. Table 23-421 Permitted and Special Exception Uses allowed in Zoning Districts

- BP Zoning: Add Medical Office, Health Service, Veterinarian, and Animal Hospital as Permitted Uses in the BP zoning district.

BP zoning allows for a mixture of uses, including professional. Staff has recognized a need for creating a provision to allow Medical Office in this district and believes the use is consistent with the Comprehensive Plan for the Business Park Center classification.

- I-2 Zoning: Remove Personal Service as a Permitted Use in the I2 zoning district. I-2 is intended to facilitate infill and redevelopment in developed industrial areas to encourage industrial and manufacturing uses. Staff believes the provision for a “personal service” use in this district was added to the Permitted Use Chart in error and is not appropriate.
 - Hotel/Motel uses under Lodgings: Absorb the “motel” use into the “hotel” use, eliminating Motel from the Permitted Use Chart.
2. 23-523 Docks and Piers

Current Code:

- a. All docks and piers are subject to the dimensional requirements of this section.
- b. Docks and piers may be erected beyond the shorelines of lakes over an acre in size, provided the structure does not extend beyond the applicant's property. Docks or piers may extend beyond the applicant's property with written permission of the owner of the property. Docks and piers that extend into public waters may be permitted by special exception use permit.
- c. Docks and piers shall maintain a minimum of an eight-foot setback from the side lines of the property or the extension thereof into the water body.
- d. The height of flooring of any dock or pier shall not exceed five (5) feet above average water level of a lake.
- e. A superstructure, including railings exceeding thirty-six (36) inches in height, on any dock or pier shall require special exception approval.
- f. The maximum width of any dock or pier shall be five (5) feet and the maximum length shall not exceed whichever is the lesser of the following dimensions: Twenty (20) feet or ten (10) percent of the width of the lake measured from the foot of the dock or pier, in line with the dock or pier, to the opposite side of the lake. Depth of water at the end of the dock shall be no less than three (3) feet.

End Report.

Mrs. Bangley reviewed the staff report with the Board. She stated the new owner of the Business Park, now called the Commerce and Technology Park asked for consideration to allow medical uses that are not currently allowed by Code. Staff could not include medical marijuana dispensaries based on the rules that apply to their conditional use and the Commerce Park’s location. Staff also felt that the area would not suit a nursing care home.

There is BP zoning near Longleaf Business Park and a parcel near Hunt Brothers Packing Plant which is used as a buffer between industrial and residential zoning. Mrs. Bangley stated the initial idea for the Commerce Park was light industrial that didn’t take off, and she didn’t see why City staff would have any issues with letting the development expand. She stated that adding the medical permitted uses to the BP zoning would not require a change to the Comprehensive Plan it would just require adding to the use table for that zoning category.

Mrs. Bangley stated that staff also recommends the Personal Service use be removed from the permitted use chart in the I-2 zoning area. Mr. Lutton asked where the city’s I-2 zoning areas were to which Mrs. Bangley responded there was an area on Scenic near the Cement plant. Mr. Lutton asked what the zoning was at Patton Tire and Mrs. Bangley stated it was in the LCI zoning.

Mrs. Bangley stated one of the changes was in regards to hotel and motel uses. Previously motel uses were single story and hotel uses were two or more stories. She proposed that all areas that permit motel use also permit hotel use and vice versa while joining hotel and motel on the same use line.

Mrs. Bangley stated that these changes would require a recommendation and a public hearing. Mr. Lutton opened the floor and with no movement he closed the public hearing and asked the Board to move toward

a motion to present these changes to City Commission. Ms. Sims motioned to send the item to City Commission for approval and Mr. Peterson seconded the motion. The motion was approved unanimously.

Mrs. Bangley informed the Board of the inquiries the Development Services department has received in regards to homeowners being allowed to build docks on lakefront property. She stated that the current code is quite restrictive and mainly allows for a five-foot-wide walkway, but that during due diligence, she and Mrs. Cochella found there were a few floating docks that have appeared along Lake Wailes Lake. After further research, Mrs. Bangley and Mrs. Cochella discovered that docks and piers need approval from DEP. Mrs. Cochella clarified that if the walking pier included with any platform is less than one thousand square feet, it is exempt from the DEP permitting process and just has to go through the City's permitting process. If it is more than one thousand square feet, a permit will be required with the DEP as well as the City. Mrs. Bangley stated that one thousand square feet seems too large for the City and that if the regulations were amended, the City may not allow a bigger sizing than one thousand square feet.

Mr. Lutton asked if was correct that the lakeside properties property lines ended at the water's edge to which Mrs. Bangley replied that not all of them stop and as the water edge fluctuates some stop 30 feet before water's edge.

Mrs. Bangley stated during her time with the City a dock has been permitted in the Dinner Lake area, but the difference in that neighborhood is that those lots pie shape into the lake making the dynamics a little different than those on Lake Wailes Lake. She stated she has looked into regulations in nearby municipalities such as Winter Haven to see how they approach these situations.

Mrs. Cochella stated staff's goal was to keep docks and piers as a Special Exception Use permit that gets presented before the Planning and Zoning Board, but to start a conversation about possible sizing changes or regulations on amount of boats. She stated there would be other considerations including distance to other docks or structures.

Mrs. Bangley stated she and Mrs. Cochella would draft something showing these changes and if it's decided that the current code is adequate as is, then that would be the end of conversation. Staff is just wanting to at least review since it is unknown the last time the code had been reviewed. She clarified with the Board that once staff has drafted a new document, that doesn't mean staff is saying these changes need to be made, it is just to provoke a conversation. Mrs. Bangley stated it could be something that would need discussion with Parks and Recreation.

Mrs. Cochella stated that there is only a small portion of Lake Wailes Lake that even has an opportunity for a dock and Mr. Lutton stated the area was the east end of the Lake. Mrs. Cochella stated it was the areas of Cephia St. to Marietta St.

Mr. Lutton stated his opinion was that it should definitely stay a Special Exception Use permit that gets presented to the Board and both Mrs. Bangley and Mrs. Cochella verified it would. Mr. Lutton stated that floating docks would be less intrusive to neighbors than an affixed dock. Mrs. Cochella stated the reason code changes get presented are because staff gets asked more frequently which shows the wants and needs of the residents are changing and staff wants to listen and adhere where they can. She stated any changes they do present to the Board would have a public hearing which would most likely have public reaction. Mrs. Bangley stated that although sending out abutters is not required; staff would recommend sending them out to residents within 300 feet from the Lake itself.

Mr. Lutton stated a concern that residents don't read the newspaper where our public notice is posted, they don't review the City website, and they don't watch the live feeds of the meetings on TV. He's concerned residents won't have proper notification and will come in after with complaints. Mrs. Cochella responded that we could also attempt to post the information on the City's social media pages if the Board thought it may have a better reach. Mrs. Bangley stated staff would do their best to reach out to the City

residents. She stated no changes may even be made or need to be made, this is just to review and consider as it's been quite some time since this code has been reviewed.

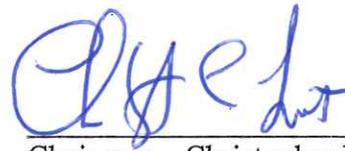
OTHER BUSINESS

Mrs. Bangley informed the Board that in September City Commission would be meeting on the fourth Tuesday of the month to discuss the new year budget. As the fourth Tuesday is when Planning and Zoning Board meets, she asked the Board if they would be willing to meet on the third Tuesday if items needed to be presented to the Board.

With no other business to be addressed by the Board, the meeting was adjourned at 6:12 PM.



Attest: Christina Adams



Chairman – Christopher Lutton