

**MINUTES  
PLANNING AND ZONING BOARD MEETING  
SPECIAL MEETING  
October 26, 2021, 5:30PM**

The City of Lake Wales Planning and Zoning Board held a meeting on October 26, 2021 at 5:30 p.m. in the Commission Chambers at City Hall, 201 W. Central Ave. Lake Wales Florida.

**ATTENDANCE**

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

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

<b>Dept. of Planning and Development</b>
Mark J. Bennett – Director of Development Services
Autumn Cochella – Development Services Manager
Jasmine Khammany – Senior Planner
Christina Adams – Recording Secretary

1. CALL TO ORDER – Mr. Lutton called the meeting to order at 5:31 p.m.
2. ROLL CALL - All Board members were present.
3. APPROVAL OF MINUTES  
Regular Meeting – September 28, 2021  
Motion by Ms. Wojcik to approve and Ms. Love seconded the motion. The minutes approved unanimously by voice vote.
4. COMMUNICATIONS AND PETITIONS – Mr. Lutton explained the process of communications and petitions for the audience.

**NEW BUSINESS**

5. SPECIAL EXCEPTION USE PERMIT – TEC SOLAR POWER GENERATION FACILITY

Review Staff report by M. Bennett  
Begin Report:

**PROJECT:** TEC Solar Power Generation Facility  
**APPLICANT:** Wheeler Farms, Inc. & Wheeler Waverly Grove, LLC,  
 Owner  
 Shelton T. Rice, Peterson Myers, Agent for BFT Holdings,  
 Applicant  
**APPROVAL REQUESTED:** Special Exception Use Permit with conditions of approval  
**PUBLIC HEARING:** Required – Continued from previous meeting

Mr. Bennett reviewed the staff report with the Board and explained the item was continued from the previous meeting as there were concerns relating to the landscape buffer. Bart Allen, with Peterson & Myers, was present to address the Board and stated the applicants listened to

concerns from the Board and residents last month and adjusted the project buffering accordingly. He stated that the applicant met with local Ag growers to discuss maintaining the existing vegetation and that cost perspective was not feasible. He stated that Shelton Rice, with Peterson & Myers, engaged in meetings with residents near the project and would present the results.

Mr. Rice presented a copy of the new landscape plan to the Board. He stated there were multiple meetings with surrounding property owners and although the fence was an issue because it is not aesthetically pleasing, it is needed for security reasons. He stated the fence would be 6 feet tall with an additional foot for the barbed wire. Mr. Lutton asked if the tree and shrub types would be mixed and Mr. Rice confirmed that the client would have the option to choose through the list provided. Ms. Bennett asked if all the recommended plantings were native and Mr. Shelton stated he did not know. Mr. Lutton had some concerns regarding the buffering along Scenic Hwy and Mr. Rice clarified that there would be 24 feet of the vegetative buffer inside of the property line then a 100 foot setback to the placement of solar panels. Mr. Lutton stated the fence may need to be further from the road. Mr. Rice stated that those would be the minimum setbacks from the property to the first panel and some will be further than the setback. Mr. Rio asked why there would not be vines on the fence along Scenic Hwy and Mr. Rice explained there would be shrubs and trees along that buffer every five feet and it should be sufficient for screening the fence from view. Mr. Lutton opened the floor to the public.

Mary Barbery, who lives outside of City limits, asked if there would be irrigation in the buffer and Mr. Lutton responded that Code requires it and she asked again if the buffer would be irrigated to which he responded yes. She asked who would maintain the buffer and if not, would they incur fines and Mr. Lutton responded that Code Enforcement would begin a case if the buffer was not maintained and each case is different regarding fines. She asked if the Board felt the vines would make a good buffer and if the applicant would be required to keep them trimmed and maintained and Mr. Lutton stated if they are properly irrigated they would make a sufficient buffer and with annual trimming they should be maintained will. She asked if the current zoning would remain and if the City property taxes would change and Mr. Bennett responded that the zoning and land use would remain and Mr. Lutton stated this project would not cause the taxes to change. Ms. Barbery asked the Board if they has a property nearby if they would build a 400-500 thousand dollar home and enjoy this view and if they thought it would increase or decrease the property value. Mr. Rio said he would build a house there, Mr. Lutton stated he believed this project would have no effect on the property values, and Mr. Gravel stated he thought this project is better than the dying groves that are currently there. With no further movement, Mr. Lutton closed the public hearing.

Mr. Rio stated he would like to ask for vines on the fence along Scenic Hwy and Ms. Love stated it might be too busy with the trees and shrubs in the landscape buffer. Mr. Lutton stated the shrubs would be 3 feet at planting and the trees and shrubs would shade out the vines or vice versa.

Ms. Bennett stated she was not at the last meeting but she read the minutes and there seemed to be a fair amount of anti-solar discussion. She stated that what is ugly is oil spills, wildlife dying from oil, smoke stacks pouring out dirty pollution, greenhouse gases causing climate change, fracking with unknown chemicals, and hundreds of pipeline spills every year. She stated solar panels are beautiful, low-lying, geometrically satisfying, do not leak, are low-maintenance, and provide wonderful high paying and fast growing jobs. She stated the Board should do what they can to support the efforts to provide solar power. Mr. Lutton asked the Board for a motion. Ms. Love made a motion to approve the Special Exception Use Permit for a solar farm subject to the conditions of approval outlined in the staff report and Ms. Wojcik seconded the motion.

## 6. PLANNED DEVELOPMENT PROJECT – TANGELO SUBDIVISION

Review Staff report by A. Cochella  
Begin Report:

<b>PROJECT:</b>	Tangelo Street Subdivision
<b>APPLICANT:</b>	Sloan Engineering Group, Agent
<b>APPROVAL REQUESTED:</b>	Recommendation of approval to City Commission
<b>PUBLIC HEARING:</b>	Required – Requirements met

Mr. Bennett reviewed the staff report with the Board and Steve Sloan, with Sloan Engineering, was in attendance. Ms. Wojcik asked if the PDP criteria that was not achieved would be in the future or if we are just not paying attention to the regulations. Mr. Bennett responded that they were guidelines for methods of achieving and it was ultimately a judgement call from the Board and Commissioners on whether or not the project meets the standards. Ms. Wojcik stated there was a lot of criteria that was not achieved and Ms. Love asked if this was normal. Ms. Bennett stated bluntly that staff started including whether criteria was met because the Board was asking to see more from PDP's causing staff to scrutinize more closely. He stated some of the criteria was not achievable at this stage of the process and some did not appear to be met and to summarize he felt it was appropriate enough to move forward. Ms. Bennet stated this project looked just like a normal subdivision and did not present as a legitimate PDP. Mr. Lutton asked where the list of criteria came from as none of the recently approved developments could check them off as achieved. Mr. Bennett stated the project area was a rectangle and asked how you could create curved and linear streets within and stated he tried to design the project and had a hard time proposing a design that met all standards.

Ms. Bennett stated there was no way to get that many lots on this size of a property without violating many principals of the PDP criteria and that this applicant should be required to place a regular subdivision meeting the requirements of the zoning district. Ms. Love asked the benefit of applying for a PDP and Ms. Bennett responded it was just so they could get smaller lots. Mr. Bennett stated again the he tried to design the project and struggled with the rectangular shape, which lends itself to a street grid, and how do you design it without that. Ms Bennett stated Mr. Bennett was implying that this shape of property should be able to become a PDP and without being able to meet the standards, maybe they shouldn't. Mr. Gravel stated that most of these development areas are dead citrus groves and they will have to meet new planting requirements. He stated a rectangular property is limited and not like Whispering Ridge which was large enough for winding streets. Ms. Love stated she understands the concept of wanting to meet a PDP, but if they can't then they can't. She stated this project only achieved 30% of those standards and asked if the Board had approved other projects that didn't meet standards. Ms. Bennett responded that this year the Board has approved projects that were questionable and just because the Board approved them in the past, it doesn't mean they can't correct that mistake in the future. Ms. Love asked again what would be the benefit of a PDP and Ms. Bennett stated it would be for the project to get smaller lots. Mr. Bennett stated the City gets more recreation and open space, a trail system they aren't required to do, and a transportation system. Ms. Love wanted to know why this couldn't be accomplished through a standard subdivision and Mr. Lutton responded a standard subdivision requires no amenities whatsoever. Mr. Lutton stated the PDP criteria was just a laundry list staff put together in hopes of being able to receive some but not all. Ms. Love asked if this project was less than staff would normally see for a PDP but still feels it should be considered and Mr. Bennett responded that he could go over many lists of what the City would like to see with each project. Mr. Lutton stated that PDP criteria is just a laundry list of ideas that gives engineers ideas of what they should try to incorporate. Ms. Bennett stated the so called trail was just a small green space and asked if it would abut any roads. Mr. Bennett responded that the trail system could utilize existing sidewalk

which will extend along Tangelo street. Ms. Bennett asked what it would about on the other side and Mr. Lutton responded orange groves.

Mr. Sloan addressed the Board and stated this was a very difficult property and worked with staff to the best extent possible. He stated the project would have significantly larger neighborhood and mini parks. He stated the laundry list for a PDP approval is desired but blending with the natural land this project doesn't have a lake and as an old orange grove, there's not a lot of blending that can be done. He stated that a denial of this project would be fine.

Mr. Lutton opened the floor for a public hearing and with no movement; he closed the public hearing and asked the Board for a motion. Ms. Wojcik stated she was impressed with some of the items proposed. Mr. Lutton stated they have learned from past projects and might even have too many projects on the books and Mr. Bennett responded that developers are constantly telling staff that the market is for 50-foot lots. Mr. Gravel made a motion to recommend approval with staffs conditions of approval. Ms. Love seconded the motion. With six votes for yes and one no, the item passed.

## 7. LAND USE & ZONING AMENDMENTS – BELLEVIEW DRIVE

Review Staff report by A. Cochella  
Begin Report:

<b>PROJECT:</b>	Belleview Drive
<b>APPLICANT:</b>	Belleview Drive LLC, Owner
<b>APPROVAL REQUESTED:</b>	Recommendation to City Commission to amend the Zoning Map and the Future Land Use Map of the Comprehensive Plan
<b>PUBLIC HEARING:</b>	Required – Requirements met

Mr. Bennett reviewed the staff report with the Board. Mr. Lutton opened the floor for a public hearing and with no movement; he closed the public hearing and asked the Board for a motion. Ms. Wojcik made a motion to approve a recommendation to City Commission a future land use designation of LDR and a zoning designation of R-1B for this property. Ms. Love seconded the motion and the item passed unanimously.

## 8. LAND USE & ZONING AMENDMENTS – HUNT CLUB GROVE NORTH & HUNT CLUB GROVE SOUTH

Review Staff report by A. Cochella  
Begin Report:

<b>PROJECT:</b>	Hunt Club Grove North Large-Scale Amendment and Hunt Club Grove South Small-Scale Amendment
<b>APPLICANT:</b>	Dave Schmitt Engineering, Inc., Agent
<b>APPROVAL REQUESTED:</b>	Recommendation to City Commission to amend the Zoning Map and the Future Land Use Map of the Comprehensive Plan
<b>PUBLIC HEARING:</b>	Required – Requirements met

Mr. Bennett reviewed the staff report with the Board and prepared a special PowerPoint presentation. Mr. Lutton opened the floor for a public hearing and with no movement; he closed the public hearing and asked the Board for a motion. Ms. Love made a motion to recommend approval to City Commission to assign LDR land use and R-1C zoning on the Hunt Club Grove

North portion and reassign MDR zoning on the Hunt Club Grove South portion. Mr. McKibben seconded the motion and the item passed unanimously.

Ms. Bennett stated that she makes site visits for each project and asked if staff could do something to help her identify the project areas better. Mr. Bennett stated that she could call staff and we would direct her.

#### 9. DISCUSS HOLIDAY MEETING DATES

Due to upcoming holidays staff research potential meeting dates for November and December for the Board to review. After discussing, the Board decided on November 30<sup>th</sup> and December 15<sup>th</sup> as the upcoming meeting dates.

#### OTHER BUSINESS

Mr. Bennett stated that he understands many projects have been presented that will be on grove property and Ellis Hunt recently gave a presentation that when he sells property he is taking that money to reinvest into his good and healthy groves. Mr. Gravel stated that a lot of groves have died in the past 5-10 years so grove owners are having to replant and that is taking time.

Mr. Bennett stated that Ms. Cochella wasn't at the meeting because she was sick and introduced Jasmine Khammany, Senior Planner. He bragged that she also came to the City from Haines City and has experienced the massive growth up there that we will be experiencing in Lake Wales.

The meeting adjourned at 7:07 PM.

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Attest: Board Secretary

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Chairman: Christopher Lutton