

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

The City of Lake Wales Planning and Zoning Board held a special meeting on November 30, 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:

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

1. CALL TO ORDER – Mr. Lutton called the meeting to order at 5:30 p.m.
2. ROLL CALL - All Board members were present.
3. APPROVAL OF MINUTES
Special Meeting – October 26, 2021
Motion by Kyra Love to approve and Eric Rio 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. There was no one in the audience to make public comment.

NEW BUSINESS

5. MAJOR SITE PLAN WITH WAIVER OF STRICT COMPLIANCE– BRAKE BURGER GARAGE

Review Staff report by Jasmine Khammany
Begin Report:

PROJECT: David C. Carter, PE
APPLICANT: Carter & Kaye Engineering
 Owner
 Dwayne McQuillen-LWBG, LLC
APPROVAL REQUESTED: Major Site Plan with Waiver Request
PUBLIC HEARING: Reduce Buffer 25 ft to 5 ft

Jasmine Khammany reviewed the staff report with the Board. David Carter with Carter & Kaye Engineering was present for any questions. Autumn Cochella further explained that they were only a major site plan because of the waiver request. The reason the staff is recommending the approval is for a few reasons. One is the site has been vacant for a number of years. Secondly, they have had projects proposed but nothing that went thru. This owner is a

seasoned restaurant owner with other successful restaurants. The staff is recommending the approval of the reduced buffer but conditioning it with enhanced landscaping within the reduced buffer.

Christopher Lutton asked for clarification if this was a new structure.

David Carter clarified that this was an existing structure and then identified himself to the board. He then clarified that Mr. McQuillen is the owner of two other restaurants. He also stated that they had a pre-app with FDOT and they are ok with the entrances. He then passed out an illustration drawing. He stated the 5 ft buffer is critical for parking. He stated they could do off-site parking for employees but for safety reasons not for patrons.

Kyra Love stated concerns in regards to the vacant building next door in which Mr. Carter replied that Mr. McQuillen would also be purchasing.

Dwayne McQuillen then addressed the board explaining the timeline of the purchases of both properties. They are going to make the second restaurant into a burrito shop so that he is offering niche restaurants.

John Gravel asked the square footage of the building.

Dwayne McQuillen replied it is 1400 sq ft. with 10-12 tables inside. They also want a curbside take out.

Betty Wojcik asked if this would have a drive thru.

Dwayne McQuillen replied that it would not.

Christopher Lutton then voiced concerns in regards to access off of Second street being so close to the intersection.

Dave Carter replied that FDOT has required the access to be wider and to be as far south as possible away from the intersection.

Kyra Love mentions that one is already in place.

Dave Carter explained that it was a gas station in the 50-60's where everything around the perimeter is paved which goes against modern traffic control. They are taking the large entrance in the front off Highway 60 out, will channel the second one and narrow down the one on Second Street to make it as far South as possible away from the intersection.

Christopher Lutton then mentions the same issue occurred at Mid Florida that they wanted the entrance pushed away from the intersection and Kyra Love agreed.

Christopher Lutton voiced the current situation of the trouble of leaving the parking lot at Mid Florida.

Betty Wojcik asked how busy Second Street is.

Kyra Love stated she exits out of the Publix parking lot every day and that it depends on the time of day. She stated that traffic on Highway 60 is constantly being cut off by exiting traffic.

John Gravel then mentions that you cannot cross over 60, you have to turn right.

Kyra Love agrees.

Charlene Bennett voiced her concerns over the waiver and states that while in support of small business she cannot approve a 4/5ths buffer reduction. She mentions other business and their buffer sizes. Ms. Bennett states she does not feel they would be doing the city justice. She would ask the applicant to come back with a

better plan. She did state that she would be more comfortable with a 15 ft buffer. She stated she would think it would be beneficial to wait for someone that can accommodate the current buffer guidelines.

Christopher Lutton stated the property has sat vacant the entire 20 years he has been here.

There was open discussion about the length of vacancy between board members.

John Gravel explains that he sees that there is no way the owner can do what he needs to do with a 25 ft buffer. He states that what the owner is proposing is better than the vacant property.

Eric Rio asked what the landscape buffer requirements are.

Autumn Cochella replies that the buffer width is 25 ft on an arterial highway. This includes shrubbery and one tree for every 50 linear ft of the roadway. She further explains that they have worked with this applicant for months and this is not the first rendition but the third or fourth. She stated they worked with the applicant to ensure that the staff was comfortable with what is being presented. She stated the position of the staff is that this is a redevelopment of a site and not a brand new site where standards can be applied. It would be ideal to have a nice 25 ft buffer along every roadway but staff would rather see this property redeveloped with enhanced landscaping. Staff is asking that the applicant go above and beyond the minimum standard which will be an improvement to what is currently at the location.

Eric Rio asked for an explanation of enhanced landscaping.

Dwayne McQuillen explains that it is extra trees and extra shrubbery and he will coordinate with Ms. Cochella on details. He wants the corner on Second Street to really show. He further explained that he has a nice neon sign he is using along with possibly something automotive related in the landscaping to dress it up. They have a little space just south of the entrance on Second Street and they can do something nice there while still incorporating a buffer along the whole length of Highway 60 closing down one whole entrance there to create extra parking. They are open to suggestions and ideas. He further addresses Mrs. Bennett's concerns of reducing the buffer by explaining the requirements for a parking space is 20 ft and an additional 24 ft is required behind that for passage of parking, and they only have 5 ft beyond that. This butts them up to the edge of the building with the plan they currently have.

Charlene Bennett then asks if what he is saying is that parking is more important than landscaping because to her it is not.

Dwayne McQuillen states that if you have ever been to Crazy Fish on a Friday or Saturday night then you would see that parking is an issue. He uses Harry's as an example when he bought the building, they parked on site and they have about 32 parking spaces and he worked out a deal with the neighbor down the street that owns a shopping plaza to park there and that gave him an additional 10 spots. This increased his sales by 30 percent. On the Brake Burger site, hopefully it will mostly be curbside and take out. He understands the need for it to look continuous but to touch on what Ms. Cochella mentioned it is not a new building and has stood vacant for a very long time. They are trying to make something out of it. He explains that if he has to adhere to the buffer at 15ft or 25ft then it will not work.

Betty Wojick states that she has worked a long time on projects that are redevelopment projects and with these projects you know that waivers will be necessary and she understands that the building is not being torn down to redo to today's standards. She is like anyone else and wants to see the landscaping but also knows he needs the room to do business. She feels that the enhanced landscape makes sense and will help lessen the blow of the reduced buffer. She would rather see that than have the building sit empty.

Chris Lutton states that the site is currently 100 percent concrete with no buffer, no green at all so they are going from zero to this. He further states that Landscape buffers are areas that the City is gaining. The City is spending 18 million dollars downtown with zero landscape buffers. The City will pay for landscaping, repaving

and parking. He thinks it is hypocritical to hold this owner to an unrealistic requirement that they are not putting on the businesses downtown.

Casey McKibben asked what minimum requirement is for this type of business regarding parking spots, he knows there is a code for that.

Jasmine Kahmanny responds that it is 1 person for 3 seats, then employee parking and 3 more for take-out.

Autumn Cochella states that one thing explored was having an agreement with Publix parking for offsite parking but it was decided that was not safe. She explains there are design constraints and that this waiver is the best alternative.

Mark Bennett follows up on Ms. Cochella's comments by stating that staff looks at this as a classic text book case of redevelopment. In redeveloping this site it offers a greater benefit and that is why they are supporting the waiver.

Chris Lutten asked if there is a landscape plan to present.

Dwayne McQuillen does show an illustration that was drawn up. It is just for this meeting and adjustments will be required. It does have a row of shrubs and the required trees. He further explains the illustration and reminds them that there is nothing currently there and ensures that they will make it pleasing to the eye.

Betty Wojick comments that they are asking for approval on a landscape plan that is not being shown.

Kyra Love answers that they are asking for a waiver.

Dwayne McQuillen explains that is not the case and that one of the conditions with approval is they would then need to go back and get the landscaping approved. If they do not get the waiver first then there will be no restaurant.

Autumn Cochella then clarifies that what the board is taking action on is a waiver request to reduce the width of the buffer. It is not a request to reduce the landscaping within the buffer. It is just a strip that is 25ft in width by code on a new site. They are asking to create a 5ft landscape buffer where one does not currently exist. They will have to put the minimum requirement by code and staff will work with them. They will be asked to go above and beyond code requirement to compensate for the reduction of the buffer.

Christopher Lutton states that you cannot enhance to the point of a blind spot.

Autumn Cochella agrees.

Dave Carter comments that they are trading width for thickness and they will do what makes sense.

Kyra Love asked what the width of the buffer is by the Center State parking lot because she knows that was less. She states it does not look like 25 ft.

Autumn Cochella answers that it probably is not and brings up another example of the WaWa site on 27. The Board took action on that and reduced the buffer for an enhanced landscape and this has occurred thru out the City.

Charlene Bennett states that she feels that they have made mistakes in the past.

Autumn Cochella concedes to the possibility but reminds the board that this waiver is the one in question.

Christopher Lutton asks for further questions.

Eric Rio then asked if a 5 ft buffer will be requested for the next restaurant?

Dwayne McQuilen states that the next restaurant is an existing restaurant that is being remodeled so no changes are required.

Charlene Bennett asked what is on the second restaurant site as far as landscaping?

Kyra Love answers a small strip of grass

Dwayne McQuillen states that they will make both properties match.

Eric Rio then asked if they will ask for a 5 ft buffer on the next restaurant?

Autumn Cochella re-explains that the only reason the applicant is here is they are going to create a landscape buffer where none exists and it will need to be 5 ft instead of 25 ft. The property next door is not in this application. The property next door has an existing landscape buffer and will not need to be brought before the board.

Chris Lutton then asked for further questions and seeing none asks for a motion.

John Gravel makes a motion to approve and Betty Wojcik seconds the motion.

Chris Lutton asks for a Roll Call Vote

Chairman Christopher Lutton Votes Yes	Vice- Chairman Charlene Bennett Votes No	John Gravel Votes Yes	Casey McKibben Votes Yes	Eric Rio Votes Yes	Kyra Love Votes Yes	Betty Wojcik Votes Yes
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Christopher Lutton – Motion Passes

6. TEXT AMENDMENTS – LAND DEVELOPMENT REGULATIONS

PUBLIC HEARING: Required – Requirements met

Review Staff report by A. Cochella
Begin Report:

Autumn Cochella introduces the next items as two amendments to land development regulations. The first one is Table 23-242 where fees are established for reviews and related items and the second one is 23-303 which is the street section. She then reads: Through the RFQ process with the City's Purchasing Department, the Planning Division retains professional planning for consulting services. Such disciplines include specialties like Historic Preservation, Environmental, Transportation and Comprehensive Planning on an as needed basis. As development in the city continues to intensify, City planning staff has recognized the increased potential need for professional consulting to supplement and assist staff. In order to share these development related consulting costs with the developer, Staff recommends the following note under the fee table regarding "extraordinary expenses." So in essence, if a large plan comes in and we need to engage our on contract consultant for transportation planning, we would work with the applicant on fees incurred and share that expense instead of the City taking on that expense.

Christopher Lutton asked what is meant by share.

Autumn Cochella replies that it depends on the project. We will go in and the City will participate and pay for a portion of it and the developer will be responsible for paying for the review fees for such elements.

Christopher Lutton asked why the City will hire someone to do Historic Preservation and Environmental Transportation that is part of an applicants' requirements.

Autumn Cochella explains that our Historic Preservation Specialist is Megan McLaughlin for Historic Board and she aides with what is Historic and what is not. It is where certain areas of expertise are required.

Christopher Lutton states that not many cases require that.

Autumn Cochella responds that what they are referring to is not people already on retainer. Staff is asking for a provision to share the expense when these consultants are used.

Kyra Love states that basically it is being requested because of the roadway that is forthcoming.

Autumn Cochella replies that there are many projects.

Mark Bennett further illustrates that as bigger projects are coming in, they mandate a more intensive review.

Kyra Love asked if that is a charge City incurs?

Mark Bennett replies yes right now, if we pay a transportation planning consultant it comes out of the City's budget. The intent of this amendment is that if we have to pay a transportation planning consultant to review and ensure the impacts are addressed then the burden should be on the developer to help provide money to pay for that consultant.

Kyra Love asks for clarification that these fees are currently all on the City.

Mark Bennett clarifies that this is the case.

Charlene Bennett asked if the City will be negotiating with the developer.

Autumn Cochella replies that it could be a possibility. There is a need to be mindful of the fact that it is a consultant that the City has employed for fees so it would need to be on a project by project bases. We would share what the consultant has estimated the cost to review a transportation or traffic study and bill it that way. The applicant would be given an opportunity to say they do not want to pay.

Mark Bennett states that it is a check and balance.

Betty Wojick asked that when it is identified that a need is there for a consultant would you then identify the fees?

Autumn Cochella states they would tell the applicant that a need is there to get their plans reviewed by a traffic engineer or planner and the cost.

Mark Bennett states that it is a common practice, some of the wording came from Dundee and a similar ordinance is in place in Haines city

Christopher Lutton voices concerns in regards to recent planning staff increase of 50 percent and this is being requested.

Mark Bennett replied that it is only needed in areas of specific expertise.

Casey McKibben asked what the fees will cover?

Autumn Cochella explains that consultants are not utilized for everything. In a larger planning department you will have a planning director, a planning manager, a long range planner, possibly a few transportation planners and there are many disciplines in the urban planning field. Currently, there is not a staff member that specializes in transportation planning so if a large project is presented with a significant impact on our transportation system, it may be internally decided to bring in a transportation consultant and then let the applicant know what that will cost.

Christopher Lutton states that typically there is a straight schedule fee structure and this amendment will go outside of that fee structure.

Autumn Cochella replies it will defer to the project.

Casey Mckibben states that 9 out of 10 times the staff can handle that it may be 1 out of 10 times this will apply.

Christopher Lutton understands this will not be done for a single commercial building, it will be done for 500 or 1000 acre project.

Autumn Cochella explains that this will be used as a check and balance. They do not always take the face value of what is being presented by the applicant.

Mark Bennett explains that most of the studies are being done by the county because of it being on county roads and while that is fair and appropriate an additional level review is a way to ensure that the City's interest is being taken into consideration on larger projects.

Autumn Cochella calls for further questions then continues to the next item concerning Roadway grid south of 60 to be added as an appendix to land development regulations. A lot of development interest has been expressed in this area whether it is old groves or unimproved grove roads it is understood that a roadway plan is needed and this is being encouraged when communicating with developers.

Mark Bennett states this will help staff in providing a template to show developers what expectations are in improving roads in this area specifically in alignment type of right of way needed based on type of road. It also facilitates the eventual development of a grid pattern and grid patterns are better regarding transportation because it gives you more ways to get around as opposed to traffic routed onto one existing road.

Charlene Bennett asked will the developers be paying impact fees to assist with this road development?

Autumn Cochella replies that one is not currently in place but a mobility fee is being worked on.

Betty Wojick asked as different development projects come online will the developer be told exactly what expectations are for development within their project ?

Autumn Cochella replies they may propose something and staff can reject them and refer to section 23-303.

Betty Wojick asked if the developers will be paying as part of their project?

Autumn Cochella replies that yes, they will be responsible for those fees.

Betty Wojick states that these different pieces will hopefully come together and form that grid.

Christopher Lutton states that he would want to hopscotch the ones that are intersecting 60(major then minor etc) otherwise you will force a stop light at each intersection.

Casey McKibben asked if lights are currently in place?

Chris Lutton replies that only the last two pictured.

Mark Bennett responds that some of the information was taking into account what is already out there. For example, Hunt Brothers is already a major collector, as well as 11 th street , these were factors taken in account when preparing the information. The concept was major collectors north and south with minor collectors east and west. The expectation being as the area develops more traffic will run north and south.

Christopher Lutton states from a planning standpoint it would be better to have the major collectors farther apart and the minors going east and west to a major and then merging onto Highway 60.

Kyra Love mentions Lewis Griffiths spot on 60 that has no stop light.

Christopher Lutton mentions that eventually the city will pay for the upgrade on these roads.

Mark Bennett states that the City cannot obligate the developer as part of the approval.

Kyra Love agrees.

Casey McKibben mentions discussion on Hunt Brothers and Tangelo.

Autumn Cochella mentions that Hunt Brothers Grove was tabled and is affected by this area.

Casey Mckibben asked if they were exempt?

Mark Bennett explains that Hunt Club North has generally laid out the property and Tangelo proposed an east west road cutting thru the north. That is the Grove Avenue extension that staff has identified. Staff was successful in convincing the developer to do that. Having this in a regulatory document saying they must adhere to this will be helpful.

Autumn Cochella further explains that if this would have been passed prior to development review then it could be enforced.

John Gravel mentions if you continue Grove Avenue all the way to Lewis Griffith Road that would help traffic coming from Babson Park. He mentions the difficulty of getting in and out of the Walmart and Rural King parking lots.

Chris Lutton reminds that in all of the new neighborhoods you have traffic from Babson Park and Frostproof cutting thru properties and it becomes complaints unless it is designed as a Boulevard. Even school drop off and pick up is impacting. He mentions the signs on Hillcrest asking people not to block the driveways. He mentions that he does not want bad design on the arterial map to impact new future homeowners. Your minor roads will need definition of speed humps, stop signs or curves to prevent it from being a cut thru.

Kyra Love mentions that Grove Avenue is already a cut thru and accepted.

Chrisopher Lutton mentions changing certain roads to a minor.

Kyra Love mentions it may help with the road between Rural King and Walmart.

Charlene Bennett asks for a motion.

Christopher Lutton opens public discussion to the floor and with no movement closes.

Charlene Bennett makes a motion to approve the amendments and Kyra Love seconds.

Chairman Christopher Lutton Votes Yes	Vice- Chairman Charlene Bennett Votes Yes	John Gravel Votes Yes	Casey McKibben Votes Yes	Eric Rio Votes Yes	Kyra Love Votes Yes	Betty Wojcik Votes Yes
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Motion Passes

Autumn Cochella states that item 7 on the Agenda regarding Hunt Club Grove North was tabled to be discussed at the future meeting of December 15th. She then continues to the next item.

8. DISCUSS DEPUTY MAYOR GIBSON'S MEMO ON QUALITY GROWTH, REDUCTION OF URBAN SPRAWL

Autumn Cochella states that at a work session Deputy Mayor Robin Gibson mentioned to her that he wanted her to share his vision on quality growth and urban sprawl so it was included in the packet for review.

Charlene Bennett asks if he is looking for comments.

Autumn Cochella replies no, that it was only to be shared and no action was required.

Charlene Bennett asked if it should be discussed now or in the future?

Autumn Cochella stated that she was only directed to share.

Betty Wojcik asked if this is something already being done?

Autumn Cochella responds one of the commissioners at the work session looked thru it and agreed that it does appear that this is being done but everyone has different opinions. She states that it is up to the board to determine, as they are the ones that make recommendations to City Commission.

Betty Wojcik states that thru the years she has been there these are things that have been considered.

Christopher Lutton states the keypoints of this memo are that people are concerned about the town being overwhelmed by coming urbanization. They want quality of life so it depends on the person, the oldtimers want large yards and big houses.

Charlene Bennett asked if he is saying that is what Mr. Gibson wants?

Christopher Lutton states that he thinks this that is what the people who are talking to him want.

Kyra Love believes that is why the memo was written to mention those concerns.

Charlene Bennett does not think it is true and she says the reason is because of email conversation with Mr. Gibson about his thinking on this issue and she knows he is taken by Greenville, South Carolina which is a smart growth city. He is taken by the concept of smart growth and has not mentioned the sizes of houses or lots. She would not make the assumption of his motivation.

Christopher Lutton responds that he is not implying that. He is saying the people that are talking to him like it the way it is now.

Charlene Bennett says it is a nice document but incomplete. If they discuss quality of life and urban sprawl they would need to review annexation policies where utilities are extended and where they are not. What

needs to be done to encourage upward growth midrise types of things in downtown and immediate vicinity. Also there are lots of things that others may know that she does not that would decrease urban sprawl. If action were to be taken, they would need a closer look at what can and cannot be done to deal with urban sprawl and quality of life. The memo discusses prioritizing trees which she is sympathetic with. She does not know what to do with the memo and will e-mail Mr. Gibson and ask.

Autumn Cochella concludes staff has no other items.

OTHER BUSINESS

Mark Bennett wanted to ensure that everyone has met the new staff. Shena Rowland is the new Executive Assistant for development services. Autumn Cochella assured introductions were made prior to the meeting beginning.

Betty Wojick asked what is by the Kia Dealer ship on US 27 North?

Autumn Cochella replies it is a Chevy dealership

Betty Wojick asked what will happen with the existing dealership?

Autumn Cochella responds it is not known and that hopefully it will come before the Board, it has lakefront so hopefully something good.

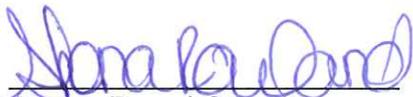
Mark Bennett states that not particularly that property but inquiries for redevelopment have been made in that area as to multi family which would add merit. The property north of Hampton Inn was mentioned and Autumn Cochella stated that is the US 27 Medical Complex. They have been moving dirt, the site is ready, the restaurant is ready and it is a mix of medical, restaurant and retail.

Betty Wojick asked what is happening with Leomas Landing.

Autumn Cochella refers to Jasmine.

Jasmine says they have phase II and III and comments were sent.

The meeting adjourned at 6:23 PM.



Attest: Board Secretary



Chairman: Christopher Luton