

**MINUTES
PLANNING AND ZONING BOARD SPECIAL MEETING
April 26, 2022 5:30PM**

The City of Lake Wales Planning and Zoning Board held a meeting on April 26 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
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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

1. CALL TO ORDER – Mr. Lutton called the meeting to order at 5:30 p.m.
2. ROLL CALL –Mr. McKibben was not present.
3. APPROVAL OF MINUTES
Special Meeting–April 12, 2022
Ms. Bennett makes a motion to approve. Ms. Love seconds. Minutes approved unanimously by voice vote.

4. COMMUNICATIONS AND PETITIONS – Mr. Lutton reads the following:
Public participation from residents, taxpayers, business owners and utility customers is encouraged. The Planning and Zoning Board welcomes information that would assist them in considering agenda items, City Business and otherwise fulfilling the City’s mission to make Lake Wales “a bit better or more beautiful” for its citizens. Anyone wishing to speak should give their name, state if they are inside or outside the city limits and they will have 5 minutes. Courtesy and respect is the hallmark. Speakers are not expected to address the Board and audience members and not engage in back and forth discussion that can deteriorate into argument, debate and accusations. Questions about subject matter are best directed to city staff during normal business hours.

He then opens the Communications and Petitions portion of the hearing and asks if anyone has anything to bring up to the Planning and Zoning Board? He further states if you have a comment or question regarding a specific line item then you wait for that line item to be heard and there will be a time for public communication and petition.

Mr. Lutton then calls for any further communication and in seeing no one else approach, he closes the Communications and Petitions and calls for New Business.

NEW BUSINESS

5. Hunt Club North – Modification of a Planned Development Project

Review Staff report by Jasmine Khammany
Begin Report:

PROJECT: Hunt Club North
APPLICANT: Dave Schmitt
APPROVAL: Preliminary Subdivision Plat Approval / Special Exception
Use Permit Approval for a Residential Planned
Development Project
PUBLIC HEARING: Requirements have been met.

Jasmine Khammany begins the presentation of the staff report and states the Applicant and Staff are available for questions.

Ms. Bennett asks for clarification of City Commission approval on this project.

Ms. Khammany confirms this.

Mr. Dave Schmitt introduces himself and gives an explanation for the necessity of the modifications.

Ms. Bennett asks for an explanation for the decreasing of the green spaces.

Mr. Schmitt responds that when it was calculated the acreage, they counted this as green space even though it was counted in the lot count. He further explains when the plan went for approval it was counted as lots and as green space. This should have been lots so in counting it as lots it decreased the green space.

Mr. Lutton asks if the houses in the upper left corner are new?

Mr. Schmitt responds no, these are townhomes that have always been there, they are just wider.

Ms. Love asks if he expects people to use the open space between the two lots by 11th street as a mini park?

Mr. Schmitt responds he does. He further states that they left it open for access as well in case it is needed by emergency vehicles. He explains that when the new boundary survey was done they lost about 20 ft so he is trying to reclaim lost lots.

Ms. Bennett explains she voted it against this project when it appeared the first time because she does not feel it is a genuine PDP. She states that since it has been passed by City Commission then that is a thing of the past. She feels this is just minor modifications to a project that was already approved so she is ready to vote for it. The only change she would like to see is where it states some Orange trees may be retained, the verbiage read some Orange trees shall be retained.

Ms. Love reminds her that they are not retaining them because they are going to die and they are going to replant them.

Ms. Bennett remembers that now,

Ms. Lutton states he does not like the two added lots.

Ms. Love agrees. She does not like them either.

Mr. Schmitt asks if they are moved to the southside with that be more amicable to the Board.

Ms. Love responds no, she does not feel they should be in the mini park at all.

Mr. Lutton agrees, it ruins the design.

Mr. Lutton then opens for Public Hearing and in seeing no one he closes the Public Hearing and brings it back to the Board for discussion.

Ms. Love states that she did go back and review the minutes from the meeting when the project was first presented. She states most of the discussion was hinged on the open space, the Board felt it was a PDP because of the open space. She feels that for the applicant to come back and ask for less open space when it was approved because of the open space and the amount of trees that were discussed to go in the open space, she cannot support it. She understands they are giving more than what is required, she is curious if the Board would have recommended this project if it were presented in this manner the first time. She does not think they would have. She has no problems with the townhomes because it is less townhomes using the same amount of space. Her issue is removing the open space. She said it is numbers 3 thru 5, on the request and she is assuming number 2 is why, adding the 40 lots decreased the open space.

Mr. Lutton states you can see along the center line where they had the space for the lots, they were just omitted from the plan.

Mr. Bennett states that Staff struggled with this because they liked the square green but on the other hand you can see where it was an honest mistake.

Ms. Love states again the two lots that are just wedged in, she does not like.

Mr. Lutton asks for any further comments from the Board.

Mr. Rio asks if they can be added to the side street that runs North and South and just make the street narrower?

Ms. Love states that is a parking area and that she is not ok with them being anywhere in the area.

Mr. Schmitt states they can be removed but if they find space after final drainage is completed where they are not sticking out or so noticeable, can they be added back in?

Mr. Lutton states they would need to be in a logical location that does not draw attention. He then points out a few areas.

Ms. Bennett asks how they would like to resolve the issue about decreasing the green space.

Ms. Love states she is concerned with more than just the two lots. She reminds the Board about the lengthy discussion at the first meeting, therefore she does not have an answer.

Mr. Rio asks if they can plant more trees.

Ms. Bennett reminds him they already increased the number of trees.

Ms. Love asks if they decrease the number of the lots in asked for in the modification by half?

Mr. Lutton states he looks at it like it is an honest mistakes that was made. The lot count was there they were just not graphically accounted for.

Ms. Love agrees with this and states that is her struggle.

Mr. Lutton states the two wedged in just does not work. He states you have this superior product and these two lots just do not work. He asks if they are the same size lots.

Mr. Schmitt responds they are. The overall project has 40's, 50's and 60's but these are all the same size.

There is open discussion regarding the placement of the two lots.

Mr. Lutton states that they can deal with staff on where to place the lots. He will leave it to staff to have them moved to a better place.

Mr. Schmitt states he is good with trying to work with staff on placement of the two lots.

Mr. Lutton asks for a motion.

Ms. Love makes a motion to recommend the approval to City Commission of the Modification of the PDP with the original conditions of approval and noting that line 3, the approval of two lots are not in the location they are shown and to be reworked with staff.

Mr. Rio seconds the motion.

Mr. Lutton calls for a roll call vote.

Chairman Christopher Lutton Yes	Vice- Chairman Charlene Bennett Yes	John Gravel Yes	Casey McKibben	Eric Rio Yes	Kyra Love Yes
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Mr. Lutton then asks for next item.

6. Hunt Club South – Planned Development Project

COMMUNICATIONS AND PETITIONS – No Public in Attendance

Review Staff report by Jasmine Khammany

Begin Report:

PROJECT: Hunt Club South
APPLICANT: David Schmitt
APPROVAL: Preliminary Subdivision Plat Approval / Special Exception
Use Permit Approval for a Residential Planned
Development Project
PUBLIC HEARING: Requirements have been met.

Jasmine Khammany begins the presentation of the staff report and states the Applicant and Staff are available for questions.

Ms. Love asks for an explanation on C on Staff recommends plan revisions, she did not see the revision.

Ms. Khammany explains this is on page two, a landscape buffer is provided but staff wants to see a top view.

Mr. Lutton asks if it is a different owner than North?

Mr. Schmitt responds it is the same owner.

Mr. Lutton asks why the CDD on one and not the other.

Mr. Schmitt responds the CDD is on both.

Ms. Bennett asks how they would explain the CDD to purchasers?

Mr. Schmitt clarifies this is not something he normally handles as the engineer.

Mr. Lutton states this is something they look at for the end uses because of rising costs.

There is open discussion to the definition of CDD.

Mr. Schmitt then clarifies they have no say as to whether they have a CDD or not. The then points out to the Board that this project has 35% open space.

Ms. Lutton asks if Hunt Brothers Road is up to higher level traffic?

Ms. Love states she believes it is.

Mr. Bennett asks for clarification on the questions.

Mr. Lutton asks if construction is good because they are dumping an exit there.

Mr. Bennett states he is unsure as to the road condition but the application would need to get permission from the county as to the driveway.

Mr. Lutton then opens for Public Hearing and in seeing no one he closes the Public Hearing and brings it back to the Board for discussion.

Ms. Bennett comments that she believes this one is a bit better of a PDP than the previous.

Mr. Lutton agrees. He then asks if the big square pond will be dry?

Mr. Schmitt responds it will.

Ms. Love makes a motion to approve the recommendation to City Commission of the 542 lots Single Family Preliminary Subdivision Plat and a Special Exception Use Permit for a Residential PDP with Waivers of Strict Compliance and Conditions of Approval.

Mr. Gravel Seconds.

Mr. Lutton calls for a roll call vote.

Chairman Christopher Lutton Yes	Vice- Chairman Charlene Bennett Yes	John Gravel Yes	Casey McKibben	Eric Rio Yes	Kyra Love Yes
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Mr. Lutton calls for the next item.

7. Hillpointe – Zoning Map Amendment

COMMUNICATIONS AND PETITIONS – No Public in Attendance

Review Staff report by Jasmine Khammany
Begin Report:

PROJECT: Hillpointe
APPLICANT: KPM Franklin
APPROVAL: Zoning Map Amendment
PUBLIC HEARING: Requirements have been met.

Jasmine Khammany begins the presentation of the staff report and states the Applicant and Staff are available for questions.

Mr. Hunter Nimmo introduces himself and gives a brief presentation.

Mr. Lutton then states he realizes because of the wetlands, they only have 47 acres that are usable. This makes his unit density at the R-1B but then need the R-3 to need multifamily development. He then asks if you get the calculations for R-3 by taking the gross acreage even though you have wetlands?

Ms. Cochella responds that R-3 is the zoning and the density is driven by the future land use which is not changing but to answer the question, it is gross acreage not developable land.

Mr. Lutton states other plans have been presented that had wetlands and they tried to jam all the units into the developable area and he just wants to make sure this is not the case.

Mr. Bennett reminds the Board that it is not at the site plan phase, this is just for Zoning.

Mr. Lutton then opens for Public Hearing and in seeing no one he closes the Public Hearing and brings it back to the Board for discussion.

Ms. Bennett makes a motion to recommend City Commission that they approve this request on the specified property from a current zoning of R-1B to that of R-3.

Ms. Love seconds the motion.

Mr. Lutton calls for a roll call vote.

Chairman Christopher Lutton Yes	Vice- Chairman Charlene Bennett Yes	John Gravel Yes	Casey McKibben	Eric Rio Yes	Kyra Love Yes
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Mr. Lutton calls for the next item.

8. McKenna Property Land Use and Zoning

COMMUNICATIONS AND PETITIONS – No Public in Attendance

Review Staff report by Mark Bennett
Begin Report:

PROJECT: McKenna Property
APPLICANT: McKenna Family
APPROVAL: Future Land Use and Zoning Map Amendment
PUBLIC HEARING: Requirements have been met.

Mark Bennett begins the presentation of the staff report.

Mr. Lutton asks about the City of Lake Wales being the applicant.

Mr. Bennett responds that the City worked out agreement with the property owner where they not only agreed to annex this property but other properties as well. As an incentive to annex the City agreed to go ahead and bring the recommended land use and zoning.

Mr. Lutton then opens for Public Hearing and in seeing no one he closes the Public Hearing and brings it back to the Board for discussion.

Ms. Love makes a motion to recommend the approval to City Commission to re-assign the Land Use from Polk County Residential Suburban to LDR and NAC and re-assign the zoning from Polk County Residential Suburban to R-1A and C-4.

Ms. Bennett seconds the motion.

Mr. Lutton calls for a roll call vote.

Chairman Christopher Lutton Yes	Vice- Chairman Charlene Bennett Yes	John Gravel Yes	Casey McKibben	Eric Rio Yes	Kyra Love Yes
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Mr. Lutton calls for the next item.

9. Murphy Property Land Use and Zoning

COMMUNICATIONS AND PETITIONS – No Public in Attendance

Review Staff report by Mark Bennett
Begin Report:

PROJECT: Murphy Property
APPLICANT: Shelton Rice from Peterson and Myers
APPROVAL: Future Land Use and Zoning Map Amendment
PUBLIC HEARING: Requirements have been met.

Mark Bennett begins the presentation of the staff report.

Mr. Lutton then opens for Public Hearing and in seeing no one he closes the Public Hearing and brings it back to the Board for discussion.

Ms. Love makes a motion to recommend approval to City Commission to re-assign the Land Use and Zoning designations with the Land Use changing from Polk County Residential Suburban to LDR the zoning change from Polk County Residential Suburban to R-1A.

Ms. Bennett seconds the motion.

Mr. Lutton calls for a roll call vote.

Chairman Christopher Lutton Yes	Vice- Chairman Charlene Bennett Yes	John Gravel Yes	Casey McKibben	Eric Rio Yes	Kyra Love Yes
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Mr. Lutton calls for next item.

10. Land Development Regulation Amendments

COMMUNICATIONS AND PETITIONS – No Public in Attendance

Review Staff report by Autumn Cochella

Begin Report:

PROJECT:	Land Development Regulation Amendments
APPLICANT:	Planning and Development Staff
APPROVAL:	Land Development Regulation Amendments
PUBLIC HEARING:	Requirements have been met.

Autumn Cochella begins the presentation of the staff report beginning with:

Sec. 23-306 Off-street and vehicular access

Sec. 23-306.4 ELECTRIC VEHICLE CHARGING FACILITIES.

TABLE 23-306B

MINIMUM AUTOMOBILE OFF-STREET

Mr. Lutton interrupts to ask about the requirement of electric vehicle charging facilities being provided in off-street parking areas at a minimum of 10% of the number of spaces required. He is curious as to where the 10% percent came from.

Ms. Cochella responds it was in research. She explains a lot of other areas like Lakeland and Winter Haven require 15% and she thought that was too much for an introduction to the code. She felt 10% would get at least one and it would need to be adjacent to an ADA space.

Mr. Lutton asks if it was to be taken to Serenity apartments, how many charging stations would be required?

Ms. Cochella responds that Serenity has 334 dwelling units at 1-1/2 units per dwelling unit, it would be 10% of all of that.

Mr. Lutton asks if multi-family means apartments complexes and not townhomes?

Ms. Cochella responds that it means 3 dwelling units and up is multi-families.

Mr. Lutton brings up concerns of requiring townhomes to have the EV spaces.

Ms. Cochella confirms they would not be required.

Ms. Bennett states she is very happy that this step is being taken.

Ms. Cochella then continues with the next section:

Sec. 23-307 Landscaping

Background and justification: Make root barriers waive-able.

Mr. Bennett reminds the staff that we do have a horticulturist on Staff to aide with these justifications. He feels that this rule should have been written in the first place.

Ms. Cochella then moves to the next section:

Table 23-421 Permitted Uses Special Exception and Section 23-802 Definitions

The goal is to add clarity to the City's intent behind distinguishing between dwelling unit construction types. She defers to Mr. Bennett to explain.

Mr. Bennett explains that our current definition of a modular home is the same as the site built home. There are modular home that have more of the look of a manufactured home. What is being proposed for this code is to differentiate between manufactured and modular. The other part of this is too identify where modular homes should be located and where manufactured homes should be located. It is proposed that it not be allowed on infill or individual lots and that any manufactured home or modular home park be allowed only thru the PDP process. They would not propose any manufactured home subdivisions and modular home subdivisions be allowed only thru the PDP process.

Ms. Love is bothered by the term in the definition of AKA mobile home.

Ms. Cochella explains that this was take before the Board and City Commission and they heard the community outcry. What is happening is permits are being applied under the guise of modular homes that are actually manufactured homes. They are trying to distinguish the difference.

Ms. Love asks if modular homes are mobile homes?

Ms. Cochella states they are not. A manufactured home and a mobile home are one and the same.

Ms. Love feels they are the same and it was not clarified.

Ms. Cochella states that is the point these definition changes is to clarify the difference.

Ms. Love asks if they can remove the AKA mobile home since this is already established.

There is open discussion as the definitions of modular home.

Ms. Cochella moves on with the definition changes.

Ms. Love asks if on the definition of Community Buildings if it can say and /or recreation programs.

Staff agrees.

Mr. Lutton then opens for Public Hearing and in seeing no one he closes the Public Hearing and brings it back to the Board for discussion.

Ms. Love makes a motion for recommendation of approval to City Commission of changes to the Land Development Regulations with changes as described.

Ms. Bennett seconds the motion.

Mr. Lutton calls for a roll call vote.

Chairman Christopher Lutton Yes	Vice- Chairman Charlene Bennett Yes	John Gravel Yes	Casey McKibben	Eric Rio Yes	Kyra Love Yes
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Mr. Lutton calls for next item.

11. Trinity Baptist Church Land Use and Zoning

COMMUNICATIONS AND PETITIONS – No Public in Attendance

Review Staff report by Autumn Cochella
Begin Report:

PROJECT: Trinity Baptist Church
APPLICANT: John Gravel
APPROVAL: Future Land Use and Zoning Map Amendment
PUBLIC HEARING: Requirements have been met.

Mr. Lutton announces that Mr. Gravel is the authorized agent and will step down from the podium.

Autumn Cochella begins the presentation of the staff report and states the Applicant and Staff are available for questions. She also mentions that Mr. Gravel has recused himself from voting.

Mr. Lutton then opens for Public Hearing.

Donna Corbeil at 113 Evergreen Drive she lives across the street from the property and does not feel it should have multi-family. There is no traffic light and she feels that this will be a problem. She also states that drainage is an issue already and is also a big concern. The water does not go to the retention pond that was built for this.

Rock Potrykus at 534 Greenway Drive his concern is if they are only going to use half of it then why change. He also feels the traffic on 60 will be a concern. He is concerned about the infrastructure on 60. He know it is not the towns problem but it is a safety concern. He feels that a multi family should not be there.

Ms. Cochella states that the reason they are assigning is because it was annexed into the City so it has to have a land use and zoning assigned, it cannot carry the County designation. Also, the land owner has the right to petition for the change. There are no presented plans at this time. The reason they are comfortable in asking for R-3 is because it does lend itself to different housing types. It very well may be a single family residence but when plans are presented it will be brought before the Board for another public hearing.

Ms. Bennett asks if we can address the question about the drainage.

Ms. Cochella states she cannot because no plans and has not been engineered.

Ms. Bennett asks if that is a solvable problem.

Ms. Cochella responds it is that all projects have to have on site drainage. She further states that in regards to traffic concerns any time a development takes place on a county road, local road or state road they have to have concurrency with those jurisdictions.

Unnamed speaker asks if a church distinction get reduced taxes and in converting to an R-3, will their taxes go up?

Ms. Cochella responds no, that is based on the use of the land. The church is asking for this, more than likely for revenue purposes.

Unnamed speaker begins to speak in regards to traffic situation from the audience.

Mr. Lutton interrupts and explains the Board understands and asks to let the speaker that has approached the podium speak.

Ken Broas at 529 Clubhouse Drive he is confused as to the site location and staff clarifies the location. He is asking about the design concept and if it will go before Board and it is confirmed that it will. He then asks if there is an agreement between the County and the City. It is clarified that we have to notify the county before annexing and the county is not consulting on design. He is concerned about the design because of the roads and the traffic flow being affected.

Ms. Cochella confirms he will be notified when the design comes back thru to the Board.

Mr. Lutton then closes the public hearing seeing no other movement and brings it back to the board for discussion.

Mr. Lutton asks staff what the density is on the three sides to the property. He does not feel it should be allowed a greater density then the surrounding properties.

Ms. Love asks if it could go for an R-1 would the church then still be allowed?

Ms. Cochella states this is what the property owner has asked for and Staff agreed but to answer the questions yes, a church would be allowed.

Mr. Lutton states he is surprised more people did not attend to speak.

Mr. Gravel state the property to the North are duplexes.

Mr. Lutton asks if that is R1-B for duplexes.

Ms. Cochella states no it is not.

Mr. Lutton asks if R-2 allows them?

Ms. Cochella responds it does and R-3 would allow for multifamily as well.

Mr. Lutton asks how high they can go?

Ms. Cochella responds it depends on the density. She reminds the board they have two maps, the zoning map drives the uses and the land use map drives the density. The MDR would give him 12 units per gross acre.

Ms. Love asks if that is comparable to what is around.

Mr. Lutton responds no, that is all R-1's.

Mr. Gravel states that whoever the future owner may be, if they want a higher density, they will need to hook into a city sewer.

Ms. Cochella states that he needs to speak on the record and she would recommend against it since he recused himself. She states that is her opinion she does not know the exact legalities.

Mr. Bennett states that normally a person that recuses himself leaves the room but this is a unique situation since he is also the agent. It is not sure as to the exact legalities so he advises to proceed with caution.

Ms. Bennett states that recusal normally means no participation.

Mr. Lutton asks for more comment from the board.

Ms. Bennett has concerns that this is not in line with the surrounding areas.

Ms. Love agrees.

Mr. Lutton states it is not consistent with surrounding homes no matter if it is on septic or pump station, he would hate to get to a design stage and a two or three story building is proposed. He asks if duplexes are under LDR and R-2?

Ms. Cochella confirms they are.

Ms. Love reminds the board they can come back later and ask for different zoning if needed.

Ms. Cochella states they can.

Ms. Bennett asks if they are suggesting they change the zoning and land use?

Mr. Lutton responds yes, that he would do no more than LDR and R-2.

Ms. Bennett makes a motion of recommendation of approval to City Commission of change in land use from RS to LDR and Zoning from RS to R-2

Chairman Christopher Lutton Yes	Vice- Chairman Charlene Bennett Yes	John Gravel Yes	Casey McKibben	Eric Rio Yes	Kyra Love Yes
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Other Business:

Mr. Lutton asks about Leoma's Landing and if they are waiting for county permitting.

Ms. Cochella responds they are waiting for final plat and she is unsure what they are doing. She does know that utilities has been doing walk thru's. She then defers to Jasmine.

Ms. Khammany confirms that they are working on final plat and with utilities.

Ms. Cochella did respond they were trying to do 25 model homes and were denied.

Mr. Bennett states they are only allowed one model home per building.

The meeting adjourned at 7:08 PM

Attest: Shena Rowland

Chairman: Christopher Lutton