

**MINUTES
PLANNING AND ZONING BOARD MEETING
February 22, 2022 5:30PM**

The City of Lake Wales Planning and Zoning Board held a meeting on February 22, 2022 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

1. CALL TO ORDER – Mr. Lutton called the meeting to order at 5:32 p.m.
2. ROLL CALL – Ms. Bennett and Ms. Wojcik were not present.
3. APPROVAL OF MINUTES
Meeting - January 25, 2022
Ms. Loves makes a motion to approve. Mr. Gravel 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.

A member of the public does approach the podium regarding Forest Lake. Mr. Lutton closes the Communications and Petitions and moves on to the first agenda item of Forest Lake explaining that that as soon as staff and applicant speak then it will be open for communications and petitions.

NEW BUSINESS

5. Forest Lake – Land Use and Zoning

Review Staff report by Jasmine Khammany
Begin Report:

PROJECT:	Forest Lake
APPLICANT:	Charles Millar, Atwell
APPROVAL:	Future Land Use of MDR & Zoning of R-3
PUBLIC HEARING:	Requirements have been met.

Jasmine Khammany presents the staff report.

Audience member does interrupt to speak. Mr. Lutton does ask him to pause to have the applicant speak first.

David Gastel from Atwell Group introduces himself for any questions.

Mr. Lutton is asking if this is going to be part of a bigger parcel?

Ms. Khammany explains that the parcel is outlined in red their packets and that the applicant is asking for Land Use and Zoning only and will be back before the board with future plans.

Mr. Lutton states they are not shown Leoma's Landing on this drawing.

Mr. Khammany explains that Leoma's landing is in pale yellow on the map and is LDR and points it out on the map that is being shown on the big screen.

Ms. Cochella further explains that the property currently has commercial zoning. In order to support a future potential residential property, it is proposed the zoning to be changed to R-3 This will also make it consistent with surrounding properties.

Mr. Gravel asks if it is already in the city.

Ms. Cochella responds that it is already in the city, it is developable and has a current zoning of commercial.

Audience member does interrupt with a question asking what LDR means and it is explained to him that he will have a chance to speak when the hearing is opened to the public.

This invokes comments from the audience in which Mr. Bennett asks informs them to have the Chair run the meeting and that they will be given an appropriate time to speak.

Mr. Gastel then asks if the Board has any other questions for him.

Mr. Lutton then asks again for clarification that Leoma's Landing is LDR.

Mr. Bennett confirms this and refers to the map he points out on the north side of Chalet Suzanne it is zoned commercial and then MDR further east and then LDR. It is staff's intent to accomplish the same, it will be a transition of uses from more intensive commercial on the west to lower density on the east.

Mr. Lutton asks if it is abutting an LDR to the north?

Mr. Bennett then points out on the map that it is MDR to the north.

Mr. Lutton asks if there are any further questions from the Board and in seeing none he opens up the Public Hearing for Forest Lake Land Use.

Jim Hightower is the first to speak. He states he was born and raised in Lake Wales and his biggest concern is the inter structure with the roads. His understanding is that traffic will be dumped onto Hickory Hammock Road. His concern is that this road will not be able to handle this. They have already had to rebuild it because it was initially built on a swamp. It will not take much traffic to cause failure. They are currently having a hard time getting out on highway 17 without the new development. Also, he voices concerns regarding the Eco system. His aunt lived in a log house for over 20 years. She could not grow a garden due to the deer eating it. He is concerned about the wildlife being displaced. He is also concerned that the Police and Fire Department will not be able to handle the new homes.

Mr. Lutton states they build it when they build the houses.

Ms. Love states that people pay taxes to cover this.

Mr. Hightower asks if they are going to build their own septic.

Mr. Lutton states they build it and tie it into the city system.

Mr. Hightower ends with he does not feel it is in the best interest and does not make sense.

Mr. Lutton then answers a question from earlier that LDR means Low Density Residential, MDR is Medium Density Residential which means it is denser that there is more houses per acre.

The next speaker is Lester Manns and he lives on Shell Road. His concern is the flood plan. He stated he has reviewed this plan and is concerned that the water will not have proper drainage and will flood the homes to the south and east. He is also concerned about the water table and running out of water and compared us to Hillsborough County which is out of water. He feels if these homes are built it will displace other homeowners He is also concerned about the traffic and how the roads will handle the extra traffic. He does not feel this is fair to other homeowners in the area and fears the impact. He is asking for the Board to review this.

Mr. Lutton addresses the flood plan and states that when engineers design out these projects they take this into consideration.

Mr. Gravel asks under the current zoning, what can be built on this property.

Ms. Cochella response it is currently zoned for intense commercial.

Mr. Gravel clarifies that as it stands now, someone could develop a commercial business.

Ms. Cochella states that is true and a point to make is that this is just to change the land use and zoning. She further states that any development plans would need come back thru the board for recommendation for approval. There are no development plans to show at this time.

The next speaker is Cindy Landis and she lives on Shell Road. She states this is just east of the future project. She has lived there about 50 years. She is concerned about the swamp area. She feels there is too much building going on now. She also states that she feels alot of things will be displaced.

Mr. Lutton then asks if anyone else wants to speak.

The next speaker is Jim Spiegal and he lives on Nursery Road. The biggest issue he feels is the water run off and flooding. He does not feel that the engineers will take it into consideration. He lived in Miami and went thru flooding once and does not want to lose everything again.

Mr. Gravel asks if the future development will have work these issues out?

Mr. Lutton responds yes, SWFMD will have to approve.

The next speaker (name and address unknown). He has lived in this area since the 60's. His biggest concern is flooding. He states you can go out there now and be knee deep in water and there has been no rain. His other concern is a traffic light on Hickory Hammock road.

Mr. Lutton states they are required to do traffic studies.

The next speaker is Janice Hightower, the wife of the first speaker. She states she drives Hickory Hammock road every morning. She states that at 6:00 am in the morning is very bad even at that earlier hour. She wants to know where the traffic will go. She also is concerned about flooding. She reminds them about the sinkhole in the mall. She is concerned no one will be able to bet insurance. She states again about traffic. She further states she does not want more neighbors living around her. She states she works for the school board and constantly sees cars running school bus lights. She feels there is a lot to consider in developing this area.

Mr. McKibben asks if Hickory Hammock Road dead ends behind Lowes.

Mr. Lutton says no but it is near the water tower.

The next speaker is Stan Dorey and lives on Nursery Road. He states he built a garage and the county made him put a drainage. He said even if you lift it, where is the water going to go. He brought in eight truck loads of dirt to lift his area. He is very concerned about flooding.

Ms. Cochella states that Staff cannot answer any questions about flooding or drainage because no plans have been submitted. She is hopeful that the citizens will return when plans are presented to the Board.

Tony no address given, he lives near Nursery Road. He stated he bought the land because of the woods and the wildlife near him. He is very worried about the animals being displaced.

Ms. Hightower further states that the property needs to be checked for gopher turtles.

Mr. Lutton states that is part of the process for development.

The next speaker is Bob Howard he lives in Carlsburg Estates. He states that a lot of discussion needs to happen regarding traffic. His initial question is at the railroad right away along the fence line plus the high tension wires. He wants an explanation as to what will happen there.

Mr. Lutton states they will not be able to build beneath them.

Mr. Howard states he understands that but there is a lot of distance between the wires and his property.

Mr. Lutton states he does not understand the question.

Ms. Cochella reminds everyone that this is a Zoning and Land Use change. They do not have answers to these questions because no plans have been submitted. These questions should be asked when these plans come before the Board.

Unknown speaker states his family owns a bit of the railroad canal behind his house.

Mr. Lutton then calls for further speakers. He then closes the public hearing and brings it back to the Board for comments and discussion.

Mr. Bennett asks to make a few comments. He states the issues and concerns raised tonight are issues that will be dealt with at site plan stage. He explains for the benefit of the audience that a site plan is a detailed drawing showing where the roads, the lots, etc will be located. The hearing tonight is to determine whether it is appropriate to change the Zoning from commercial to residential. He states that staff feels it would be appropriate to change it to residential because it is logical.

Mr. Gravel asks if a lower density would be more appropriate? He is thinking R-1 or R-2 for larger lots.

Ms. Cochella states that is the Zoning. This will likely have to go thru a PDP process which deviates from those standards so the Zoning is not as significant when you think about the potential development as the underlying land use which drives the density on the site. She asks if he is referring to the land use?

Mr. Gravel asks which is the lower density?

Ms. Cochella answers the LDR, Lower Density Residential.

Mr. Gravel asks if that would be a possibility to go with LDR over MDR? (at this time there is a lot of chatter from the Audience which warrants Mr. Lutton and Ms. Love to ask for them to refrain from talking) he understands that the current C-2 zoning would allow them to build a large project now.

Ms. Cochella answers that it has a C-2 zoning now and has not been developed for years. It is better suited for Residential development with a mixed use component. She then explains that MDR is a transition between the RAC land use which would allow up to 25 units per gross acre if they were to a multi-family component.

Ms. Love then states even if it is given a LDR that does not mean they will not come in with a PDP which would be smaller lots.

Ms. Cochella explains it would get you less units but not necessarily larger lots.

Mr. Lutton states that for the Board members the small parcel he points out has come before them for apartments previously but has changed ownership and is an MDR now.

Mr. McKibben asks what staff opinion on MDR vs LDR?

Mr. Bennet responds that Staff feels it is appropriate because it is a gradual transition in density and intensity. He explains you have intense activity in the Commercial then further east you have Lower Density Residential. In urban planning the goal is to achieve a step down in density and intensity to provide for more compatibility. That is why they are recommending MDR to accomplish that step down in intensity.

Mr. Lutton states that the R-3 will limit the developer.

Ms. Cochella states it will not. They will still have the mix.

Mr. Lutton says he knows that on this property they will have a lot of land they cannot build on.

Ms. Cochella concedes a lot can change when you get into environmental and concurrency, etc.

Mr. Lutton asks for a motion.

Ms. Love addresses the audience and explains that just because the Board makes a decision tonight, it does not mean they are approving a plan or that their comments have not been heard. She states that they are Lake Wales natives as well and that she has lived in the City her entire life. She further states the Board does not want to see an expedient rise in development. They are taking everything into consideration and if the audience chooses to stay they have a plan they will dissect and look thru. The zoning issue at hand may be approved but the developer may not come back with anything. She reassures the audience that all of their concerns will be noted and taken into consideration when and if these plans come back before them. She further makes a motion to grant the proposed Land Use to MDR and the proposed Zoning to R-3.

Mr. McKibben seconds the motion.

Mr. Lutton calls for a roll call vote.

Chairman Christopher Lutton Yes	Vice- Chairman Charlene Bennett	John Gravel No	Casey McKibben Yes	Eric Rio Yes	Kyra Love Yes	Betty Wojcik
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Mr. Lutton states the recommendation will move forward to the City Commission.

6. Story Family Property – Land Use and Zoning

COMMUNICATIONS AND PETITIONS – No Public in Attendance

Review Staff report by Jasmine Khammany

Begin Report:

PROJECT:	Story Family Property
APPLICANT:	Will Carson
APPROVAL:	Future Land Use to MDR and Zoning of R-3
PUBLIC HEARING:	Requirements have been met.

Jasmine Khammany presents the staff report.

Mr. Gravel asks if it has been annexed into the city?

Ms. Khammany responds that it was recently annexed into the city.

Mr. Lutton asks if the applicant is present?

Ms. Khammany responds he is present.

William Carson introduces himself and asks if there are any questions.

Mr. Gravel asks if it is an old grove.

Mr. Carson responds that it was and that the Story family acquired the property about 10 years ago.

Mr. Gravel states that it mostly floods on the south side.

Mr. Carson agrees it does. He also states he is in talks with Duke energy.

Mr. Lutton then opens the floor for comments from the public. He sees none and closes the public hearing and brings it back to the board for discussion.

Mr. Lutton does not feel this is mitigating down from High intensity. Duke Energy has always been there. He brings up surrounding development and doesn't feel MDR is a good fit or appropriate for this area.

Mr. Bennet then reminds the Board that the intent with MDR is to step down in intensity from the Duke facility to the East. There has been some conceptual discussion about a mixture of townhomes and single family. A staff concern is having single family homes next to Duke Energy and then future residents complaining about Duke Energy and noise when Duke was there first. He knows from experience from Haines City that there has been residential built by Duke with no issues. He feels it could be argued in different ways.

Ms. Love asks for clarification on surrounding areas.

Staff then answers her question.

Ms. Love asks if the Duke plant were part of the city what would it be for Zoning?

Ms. Cochella states it would be some type of industrial.

Mr. Gravel makes a motion to grant the proposed Land Use to MDR and the proposed Zoning to R-3.

Ms. Love seconds the motion.

Chairman Christopher Lutton No	Vice- Chairman Charlene Bennett	John Gravel Yes	Casey McKibben No	Eric Rio Yes	Kyra Love Yes	Betty Wojcik
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Mr. Lutton asks for clarification on the vote. It is stated that the majority rules so the motion is passed for recommendation to City Commission.

7. Orchard Groves – Land Use and Zoning

COMMUNICATIONS AND PETITIONS – No Public in Attendance

Review Staff report by Jasmine Khammany
Begin Report:

PROJECT: Orchard Groves
APPLICANT: Dave Schmitt Engineering
APPROVAL: Future Land Use to LDR and Zoning of R1-B
PUBLIC HEARING: Requirements have been met.

Jasmine Khammany presents the staff report.

Mr. Gravel asks if it has been annexed.

Ms. Khammany responds that it has been annexed.

Mr. Lutton asks if there are any questions for the applicant. He also opens up the floor for comments from the public. He sees none and closes the public hearing and brings it back to the board for discussion.

Mr. McKibben asks who the owner of this property is.

Ms. Khammany responds Hunt Brothers.

Mr. Gravel asks for clarification on the request to LDR and R1-B. He asks if this is minimum 9000 square feet per lot?

Ms. Cochella states that if it is built to standard regulations that is correct.

Mr. Lutton asks for motions.

Mr. Gravel makes a motion to grant the proposed Land Use to LDR and the proposed Zoning to R-1B.

Ms. Love seconds the motion.

Chairman Christopher Lutton Yes	Vice- Chairman Charlene Bennett	John Gravel Yes	Casey McKibben Yes	Eric Rio Yes	Kyra Love Yes	Betty Wojcik
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Mr. Lutton states the recommendation will move forward to the City Commission.

8. Belleview – Planned Development Project

COMMUNICATIONS AND PETITIONS – No Public in Attendance

Review Staff report by Jasmine Khammany
Begin Report:

PROJECT: Belleview
APPLICANT: Collier Engineering & Design
APPROVAL: Planned Development Project
PUBLIC HEARING: Requirements have been met

Jasmine Khammany presents staff report.

Mr. Gravel interrupts the presentation and asks if the north piece was before the Board before.

Mr. Bennett states it was. It was an approved plan but was never developed.

Ms. Khammany concludes her presentation and introduces the applicant who has a short presentation.

Susan Swift introduces herself as the Florida Planning Manager for Collier Engineering and Design. She then presents to the Board.

Mr. Lutton asks her to return to a certain slide. He asked the distance from the turn off from the main road to the first turn into the proposed subdivision.

Ms. Cochella states it is about 120 ft.

Mr. Lutton states his concern is that the first entrance is too close to the turn in from the main road and feels it should be moved over.

Ms. Swift answers that it does meet the distance requirement.

Mr. Lutton states he feels that with the subdivision next to the proposed site, it will be difficult to turn out of the site and get in que to get onto 11th street. He feels it should be redesigned. He states it isn't a 90 degree turn. He also mentions that DOT fixed the one at Central and 60 because of the accidents and fatalities. He does not want to make the same mistakes. He states everything else looks nice.

Mr. Gravel asks if they will be paving Grove Road 3?

Ms. Swift replies that they will.

Mr. Gravel asks if it will be the entire road.

Ms. Swift replies it will be along their entire frontage.

Ms. Love asks what defines the areas as parks?

Ms. Swift replies they are tot lots.

Ms. Love asks for clarification on the definition of a tot lot?

Ms. Swift replies it is a playground for children.

Ms. Love points out she only sees one bench in the park areas.

Mr. Rio asks if there is any parking at the parks?

Ms. Swift answers there is not.

Mr. Lutton responds it is called a neighborhood park so only the community can use it.

Ms. Love asks again for clarification on the park amenities.

Ms. Swift states there are benches and it is a graphic so the number of benches is not defined. There are areas they want to leave walkable and open but this is the conceptual design.

Ms. Love asks Ms. Cochella if they have the new requirement of how many trees need to be in the open space?

Ms. Cochella responds yes and that it was just increased by one tree. It went before City Commission for 1st read and that by the time they submit the site development plans, it will have more detail and it will be able to be enforced.

Ms. Love asked for clarification on the change.

Ms. Cochella responds that before it was two trees per quarter acre and now it is three per quarter acre.

Mr. McKibben asked what the current speed limit is on Belleview.

Ms. Love responds it is 35.

Mr. McKibben expresses concern in regards to the crosswalk.

Ms. Love points out that the plans include yield signs.

Ms. Swift responds that they do not have to include the crosswalk, they were just thinking it would be a nice plus.

Mr. Lutton is concerned about it being at the corner. He thinks it just needs more traffic control devices.

Mr. McKibben then states the bigger concern is the entrance at Belleview and Grove Road. It is too close.

Ms. Swift says it can be moved.

Mr. Gravel thinks it would be better to line the entrance up with the internal road.

Ms. Love agrees that cars turning in would then not have their headlights pointing at a home.

Mr. Bennett then asks there can be some flexibility on where the access place off of Grove Road does occur. Staff is okay with moving the entrance back. He further states that Orchard Hills has been submitted for review, this gives two projects presented at the same time and Staff is trying to synchronize them. He does not know if there is an access point off of Grove Road, if there is he would like them to be lined up with each other.

Mr. Lutton states he would rather have them off set.

Ms. Love states what bothers her most is she keeps seeing PDP plans that open up with headlights in someone's window. She further states that one of the stipulations of a PDP is to open up on a feature. She feels that even if it does not open up on a feature at least do not open onto someone's home. She feels this is a design elevation that should be viewed as a bare minimum.

Mr. Lutton states he has not driven on Belleview in some time. He asks about the condition of the road.

Several replies answer that it is bad.

Mr. Lutton then opens for public hearing. In seeing no one he closes the public hearing and brings it back to the board for recommendation.

Ms. Love reads that Staff recommendation states that waiver seven shall exclude the words and she is not seeing waiver seven?

Ms. Khammany directs her to where it is located.

Ms. Cochella explains that sometimes staff has minor comments on a plan that is in final form and this is done in lieu of having the client resubmit.

Ms. Love understands this and further asks when it states Park D shall remain open, what was the vision for that.

Ms. Khammany replies that on a project that has been previously viewed by the Board is adjacent to this project and the idea of open pedestrian walk way.

Mr. Bennet states it is an interconnection of parks between the two developments. He did not want a future HOA to be able to fence.

Ms. Love asks if anything is in place to prevent fencing from anywhere else?

Mr. Bennet states there is not. He also state they will have the same provision on the other project as well.

Ms. Love then asks what has been done for side building set backs? She does not feel like 7.5 feet is enough.

Mr. Lutton states they have been doing 5 feet so this is better.

Ms. Love states she was asking because she wants to stay consistent. She concedes that this better. She then points out that on a diagram it states X45 and is different than what is listed and asks for clarification. She states one says 5175 and one says 4500.

Ms. Khammany then states that is sf or square footage.

Ms. Love understands this but further states it states minimum lot size is 45 on Number One, waiver of strict compliance and the chart shows something different.

Ms. Cochella asks for a moment to clarify with the client.

Mr. Bennett states that it is 5175.

Mr. Lutton asks what they are doing on the northern triangle by the railroad tracks?

Ms. Cochella asks what he wants to see there?

Ms. Swift responds that they show the trial and will have it sodded. It will be green space.

Mr. Lutton is concerned about people walking on the track.

Ms. Love asks where the buffer will be?

Ms. Swift points them out visually on the screen.

Mr. Lutton asks if it is a condition that they use reclaimed water.

Ms. Cochella responds that it is and is in writing.

Ms. Love asks if they can discuss PDP guidelines because it does appear different.

Ms. Cochella responds that they condensed the staff report since the board does have copies of the design guidelines in 23.443. She further states that she is waiting for new codes to be codified so new books can be done.

Ms. Love asks why the urban sprawl indicator was included?

Ms. Cochella states that they use these same graphic to submit to the City Commission (work smarter not harder) and a key interest to City Commission is urban sprawl so it is already included.

Ms. Love brings up concerns regarding the water maps and water supply.

Mr. Bennett states that approval of site plan does not constitute concurrency approval. At site development stage they have to obtain concurrency approval. That is the stage where the City states whether they do or do not have enough water. Secondly, item N in the conditions of approval states that development shall enter into a utility capacity que agreement. This is stated in the LDR's. It is reaching a point where the agreements have become necessary. He further explains that the Que agreement has developers pay for reservation of capacity. This is check and balance, the developer has to put money up front to reserve capacity.

Ms. Cochella states this keeps the land and capacity from being locked up for years with no movement where something could be developed.

Mr. Bennett informs the Board in working with SWFMD on permits they have been identifying all of the groves in the area that have existing wells that are being developed. Item N speaks to the utility agreement will require the developer to turn the capacity of the wells over to the city. This will aide in allocations for future permits. He further states that only 13 percent of all the permitted usage is from the City. The bulk comes from Agriculture.

Ms. Love asks if anything is on the strict compliance that anyone is uncomfortable with?

Mr. Lutton states he does like the plan.

Ms. McKibben reminds them of the crosswalk.

Ms. Love makes a motion to recommend the approval to City Commission of 155 lot single family PDP with a Special Exception Use permit for the residential PDP with the conditions of approval listed as moving the entrance off Grove Road 3 to the west with final placement to be determined by Staff and to add enhanced traffic calming to the crosswalk on Belleview.

Eric Rio seconds the motion.

Chairman Christopher Lutton Yes	Vice- Chairman Charlene Bennett	John Gravel Yes	Casey McKibben Yes	Eric Rio Yes	Kyra Love Yes	Betty Wojcik
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Mr. Lutton states the recommendation will move forward to the City Commission.

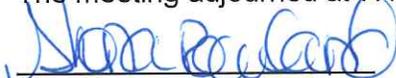
Other Business:

Ms. Cochella then asks if the Board would be interested in doing a review meeting prior to the meeting on the larger PDP's. She thinks it would be beneficial and wants to let the Board know it is an option and can be virtual. She states if it is needed to reach out to Staff to set this up.

Mr. Gravel then states he will not be in attendance for the March 22nd meeting.

Mr. Lutton then asks if there is anything further to discuss and in seeing none adjourns the meeting.

The meeting adjourned at 7:16 PM


Attest: Shena Rowland
Chairman: Christopher Lutton