

**MINUTES  
PLANNING AND ZONING BOARD MEETING  
MEETING  
May 22, 2018**

The City of Lake Wales Planning and Zoning Board held a meeting on May 22, 2018 at 5:30 p.m. in the City Commission Chambers located in the Municipal Building at 201 W. Central Avenue.

**ATTENDANCE**

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

Chairman Christopher Lutton	Charlene Bennett Vice-Chair	John Gravel	Jo Fuller	Mark Bennett (excused)	Linda Bell	Narvell Peterson
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**City Staff:**

<b>Dept. of Planning and Development</b>
Kathy Bangley - Planning Director Autumn Cochella - Planning Technician Karah Clark- Recording Secretary

1. CALL TO ORDER – Chairman Lutton called the meeting to order at 5:30 p.m.
2. ROLL CALL – Mark Bennett was not in attendance. A quorum was present.
3. APPROVAL OF MINUTES – Narvell Peterson made a motion to approve the April 4, 2018 minutes. Charlene Bennett seconded the motion. The minutes were approved unanimously.
4. COMMUNICATIONS AND PETITIONS

**NEW BUSINESS**

**5. SPECIAL EXCEPTION USE PERMIT- RENAISSANCE BUILDING  
315 LINCOLN AVENUE**

Ms. Bangley reviewed the staff report.

- Public Hearing:** Required – notice requirements have been met
- Applicant:** Kevin Blackman, Owner  
2456 Mary Jewett Circle, Winter Haven, FL 33881
- Project:** Renaissance Building  
315 Lincoln Avenue
- Description:** Convert top floor of building to Boarding House

**Approval Requested:** Special Exception Use Permit for a Boarding House use in the C-1 Zoning District

**FLUM/Zoning:** DD- Downtown District/C-1- Downtown Commercial

### **1. Application Request**

Request of Kevin Blackman, owner of 315 Lincoln Avenue, for a Special Exception Use Permit allowing a Boarding House use in the C-1 zoning district.

### **2. Background and Site Information**

The subject property is located on the corner of Lincoln Avenue and C Street in the Downtown Commercial zoning district. The owner and applicant, Mr. Kevin Blackman, proposes to renovate the existing two-story building and convert the top story to a Boarding House type facility. The intended use for the boarding house is to provide an inexpensive living opportunity for veterans. Sixteen to seventeen sleeping rooms are proposed, with common area restrooms and a small sitting area. The possible addition of a small common kitchen area is also being considered by the owner. The downstairs portion of the building will be renovated to be rented out as retail establishments.

On site is an 8,000 square-foot, two-story building with limited on-site parking available on the west side of the building. The public parking lot just south of the building is owned by the Lake Wales Community Redevelopment Agency and may also be utilized to serve the site; however, according to the applicant, most tenants will not have automobiles and will rely on other forms of transportation. Bus service is available within walking distance on the next street over.

### **3. Code References and Review Criteria**

23-431 – Special Exception Uses

23-421 – Permitted Uses and Special Exception Uses in Standard Zoning Districts

### **4. Staff Comments**

A Boarding House use is a Special Exception Use in the C-1 zoning district. The addition of the commercial component in the lower portion of the building is considered a mixed-use residential and nonresidential establishment and is permitted in the zoning district.

Ms. Bennett asked if the resident manager is required and Ms. Bangley said independent cooking facilities must be provided for resident manager if there is one. Ms. Bangley said the requirements that need to be met have been discussed by the Building Official and the Fire Marshall. Ms. Fuller asked where the kitchen would be located. Ms. Bangley told her the design professional and applicant were in attendance to answer any questions.

Kevin Blackman, of 2456 Mary Jewett Circle, Winter Haven, FL, owner of the property in question, stood to address the board. Mr. Blackman said they did not put a kitchen in the plan, but if they need to then they would. He is having someone open a delicatessen or restaurant in the bottom part of the building. Ms. Bell asked if the restaurant would be available to the tenants above and Mr. Blackman said yes. Ms. Fuller asked if the Fire Department knew the situation with the kitchen and was okay with it as opposed to the residents each having their own hot plate. Ms. Bangley said in order to be considered a boarding house by code, they must have a permanent resident in which they can decide to include a kitchen that is accessible to the rest of the tenants or they can each have a hot plate in their rooms, a kitchen is not required.

Robert Arnold, Florida Design Professional stood to address the board. Mr. Arnold said at this point, they are not sure which room would be the resident manager facility but if it was passed tonight, they would work out the plans for permitting. Mr. Gravel asked if they were planning on providing meals to their tenants and Mr. Arnold said it would be up to the resident manager if they would let the tenants use his/her kitchen. Mr. Gravel asked if they would rent on a daily basis and Mr. Blackman said it would be a weekly or monthly basis. Ms. Bangley said a boarding house could not be nightly tenants.

Mr. Arnold said it will comply with the ADA codes and have accessible restrooms and either a lift or elevator to make sure it is in compliance. Ms. Bangley said this is step one because this board needs to determine if it is an appropriate use before they go too far down the road. Mr. Peterson said this building held the same use approximately 20-25 years ago and the resident manager lived in the corner, with a kitchen and it worked and said he would really like to see something come to that area.

Chairman Lutton opened the public hearing and seeing no one, closed the public hearing.

Ms. Bennett made a motion to approve the special exception use permit as requested. Mr. Peterson seconded the motion. The motion passed by roll call vote.

## **6. PROPOSED AMENDMENTS TO ZONING REGULATIONS** **CHAPTER 23**

**Public Hearing:** Required- public notice requirements have been met

**Description:** Proposed Amendments to Zoning Regulations

**Approval Requested:** Several areas of the zoning regulations (Chapter 23, Lake Wales Code of Ordinances) have been identified as needing amendments to address issues that have arisen. Following is information on amendments proposed by staff. If the board decides that changes in the provisions are warranted, a recommendation should be made to the City Commission.

1. Landscaping requirements, 23-307
2. Table 23-522 Accessory Structures Residential Properties
3. Table 23-421 Permitted Uses and Special Exception Uses in Standard Zoning Districts
4. Sec. 23-445. Mixed-use PDPs
5. Sec. 23-217. Site development permit

## Proposed Amendments

### 1. 23-307 Landscaping Requirements

#### Residential

*Current standards require a minimum of two 2" caliper FL #1 trees, minimum of eight feet at planting, on site at completion.*

Proposed: **Sec.23-307.2.3.**

- Lots less than 10,000sf: two, two-inch caliper shade trees, minimum of eight feet at planting.
- Lots 10,000sf or greater: three, two-inch caliper shade trees, minimum of eight feet at planting.
- **Sec. 23-310.d.2. Recreation facilities:** Modify to establish two-tree minimum: "A minimum of two (2) shade trees per recreation area or a minimum of five (5) shade trees per acre, whichever is greater, shall be provided in recreation areas.
- **Sec. 23-307.3.2. Landscaped Buffers:** Modify to eliminate landscape easements: "*The buffer shall be in a separate parcel or tract maintained by a homeowners' association or similar entity, in accordance with a landscaping plan (remove "approved by the planning board" as it is not always applicable) and shall not be included in the area of the lot.*" Eliminate 3. as it is now obsolete.

Ms. Fuller asked why omitting the 8 feet in height for trees in the ordinance. Ms. Cochella said that's not exactly what the ordinance said they were abbreviating for discussion purposes.

Ms. Bennett asked if we have wording in the code that speaks to establishing or maintaining the landscaping by the developer or owner. Ms. Bangley said we have wording that speaks to maintaining landscaping however, she only has two code enforcement officers. There was discussion on raising the minimum to 4 trees and Ms. Bangley explained to the board that there needs to be a balance. Ms. Bell asked what the cost of a tree is and Mr. Luton said currently, it's between 200-500 dollars a tree plus equipment to install, etc. and that the price varies with the construction industry.

Ms. Bangley said the landscape buffer came into this discussion because of a developer who placed a wall as a landscape easement and staff is trying to remove that from the code.

Ms. Bennett expressed her dissatisfaction on the clear-cutting of the trees during projects. Mr. Gravel said most of these areas being developed are dead orange groves so there isn't anything to save. Ms. Bangley said the PDP's have landscape requirements that must be met and she doesn't want to get hung up on the minimum because there are "beefier" landscaping requirements throughout the code and Ms. Bennett understood.

Mr. Gravel made a motion to approve the first section as presented by staff to present to city commission. Mr. Peterson seconded the motion. The motion passed by roll call vote.

**2. 23-522 Accessory Structures Residential Properties - Detached carports or garages:** *Current standard reads, “footprint not to exceed 600 square feet or 40% of the footprint of the principal structure, whichever is larger.”*

- Add: On lots greater than two (2) acres in size, an accessory structure may be 1.25 times the size of the principle building.

Ms. Bangley explained that staff was approached by an owner who wanted to build a pole barn on his property larger than his home and code doesn't allow for that to happen. She said there may be a dozen of these properties in the city and it's something that won't be happening in the middle of a neighborhood so it's something staff feels it is appropriate. Ms. Fuller asked what happens if the city annexes something and it doesn't meet the code and Ms. Bangley said it would be considered pre-existing legally non-conforming until such time as a change occurs.

Mr. Gravel made a motion to accept the recommendation to city commission for the changes presented by staff. Ms. Bell seconded the motion. The motion was approved by roll call vote.

**3. Table 23-421 Permitted Uses and Special Exception Uses in Standard Zoning Districts**

*The City's comprehensive plan supports mixed-use developments and up to 25% of high density residential in the RAC land use classification; however, the Permitted Use Chart in the City's zoning code does not reflect this.*

- C-2 Zoning District: Add mixed-use residential and non-residential as permitted through the PDP process
- Add footnote 8 to reference C-2 zoning districts in the RAC land use category only
- C-2 and C-3 Zoning Districts: Add Multi-Family Dwelling (Up to 12 units on one parcel) as permitted through the PDP process.

Ms. Bangley said this was formally approved in 2005 by the City Commission and this is presented to take corrective action to memorialize what was approved to correct the permitted use table. She also said item number 3 and item number 4 are both presented for corrective action.

Ms. Bennett made a motion to approve the corrective action wording with regard to the permitted uses and special exception uses in standard zoning districts and mixed use PDPs. Ms. Fuller seconded the motion. The motion was approved by roll call vote.

**4. Sec. 23-445 Mixed-use PDPs – Add “C-2 zoning districts where allowed under the land use classification on the Future Land Use Map of the Comprehensive Plan.”**

**5. Sec. 23-217.3g – Permits from other agencies as applicable.**

*Current code reads: If such permits have not been issued at the time of application for a site development permit, copies of all required permits shall be submitted prior to the issuance of the site development permit. Required permits shall include:*

- Change to: If such permits have not been issued at the time of application for a site development permit, copies of all required permits **should** be submitted prior to the issuance of the site development permit. Required permits **may** include:
- Remove “Polk County Highway Department concurrency certification” from list of required permits, as it no longer exists.

Mr. Gravel made a motion to approve recommendation to the city commission for item number five. Mr. Peterson seconded the motion. The motion passed by roll call vote.

**OTHER BUSINESS**

Ms. Bangley told the board the Lake Wales Psychic has to come back before the board in June to amend his special exception use.

The meeting was then adjourned at 6:28 pm.

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Attest: Karah Clark

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Christopher Lutton, Chairman