

**MINUTES
PLANNING BOARD MEETING
MAY 28, 2019
6:00 P.M.**

CALL TO ORDER: CHAIR JOSEPH HULTS

INVOCATION AND PLEDGE: BOARD MEMBER BETTE BIGGAR

Members in Attendance, Chairman Joseph Hults, Vice Chair Loretta Vittorio, Member Deborah Byrne, Member Matthew Noone (arrived at 6:08), and Member Bette Biggar.

Members not in attendance: Member Karen Abdul-Hameed

Staff in attendance: Community Development Director Ameé Bailey, Deputy Clerk Mamie Drane and Pat Stead, CFRPC.

Vice Chair Vittorio moved to approve the minutes, February 26, 2019 meeting, seconded by **Member Biggar**. The motion was approved by unanimous voice call vote.

Chair Hults read the procedures of the meeting and swore in those giving testimony.

BUSINESS ITEMS - PUBLIC HEARING:

1.) ZONING AMENDMENT – TRACT 5, THE LAKES

Chair Hults announced the first item of business.

Director Bailey stated there are three cases for the Planning Board, the proposed rezoning, the Development Agreement and the preliminary plat. Each will be voted on individually. Public Notice was published in the newspaper on May 13, 2019 and there were 63 mailings sent out to residents within the 300' buffer, which is required by the Unified Land Development Code.

She said the proposed rezoning is consistent with the City of Lake Alfred Comprehensive Plan. It will not degrade the Level of Service nor will it increase the cost of improvement to be undertaken by the City. The Development Agreement provides assurances, facilitates comprehensive planning and provides conditions of approval. Several items have been included in the Development Agreement to ensure concurrency and that the development meets the intent of the Unified Land Development Code when alternate standards are requested. The preliminary plat then serves as the guide for the preparation of the final plat.

She explained the nature and the requirements of a Planned Unit Development (PUD) and how a PUD promotes the efficient use of land. She said the establishment of a PUD provides for well-planned and/or orderly mixed-use development in any area of the City.

Director Bailey provided an overview of the Lakes Subdivision from its inception in 2004 pointing out that at that time The Lakes Development was approved for 785 dwelling units with a mixture of uses including a section for adults 55 and over.

She stated the Applicant has requested to amend the zoning designation on approximately 25.78 acres for a single-family residential community known as Tract 5, The Lakes. The proposed rezoning and all permitted uses are compatible with the development on surrounding property; or compatibility can be achieved by the imposition of conditions, buffers or limitations on the uses within the zone. The Applicant has proposed a Planned Unit Development – Residential (PUD-R) to replace the current Single Family Zoning. The PUD-R provides the Applicant the opportunity to incorporate a variety of design standards within the development. The densities and intensities are regulated by the underlying future land use classifications and are not changing.

Staff has reviewed the application for the Zoning amendment from Single Family Dwelling District (R-1A-C) and Single Family Dwelling District (R-1AA-C) to Planned Unit Development – Residential (PUD-R) and finds that the request to change the zoning designation is consistent with the City of Lake Alfred Comprehensive Plan and Unified Land Development Code.

Staff recommended approval of the PUD-R with the Master Development Plan.

Chair Hults asked for clarification of Tracts 7 and 9 and if it were dedicated to the City. He also asked if there were plans to protect the canal.

Director Bailey stated Tract 7 consists of the trail and the lift station. The bridge crosses over to Tract 9 and everything north to Lake Haines will be dedicated to the City. Currently the east side of the canal is conservation and part of it already belongs to the City as it is part of Mackay Gardens and Lakeside Preserves. The future plans for the conservation area is unknown, it is under the Park and Recreation Department. Tract 9 has not been included in any of the Master Plan Development since it is not under the City's ownership.

Chair opened the Public Hearing.

George Lindsey representing Highland Homes stated the request being considered, side setbacks and impervious lot size, will allow Highland Homes to offer a greater variety and sizes of homes. Not every home will require the revised setback or modified floor, area ratio change, however, the more varieties they offer the quicker the build out.

He continued saying the second item is the Development Agreement, this is the commitments, agreements and the representation are codified and in writing. This limits Highland Homes to 75 single family detached lots. It includes their commitment to resurface the walking trail, work with the School Board on bus stop improvements and their commitment to dedicate the 11 acre conservation part.

The third item you will hear tonight is the preliminary plat drawing a picture of what the area will look like. This confirms the total area exceeds the minimum substantially. He stated he would also like to address some of the concerns he has heard from individuals that live in The Lakes. Highland Homes has been sold but they will not be changing any plans to multifamily units. Traffic is a concern, Highland Homes has committed to have a traffic study and whatever the results they will respond accordingly.

Several residents from The Lakes express their concerns and fears on the traffic throughout the subdivision especially going from Mackay Blvd. to Hwy 17 / 92. Construction traffic traveling through Tract 4 to get to building lots in Tract 5 is a concern and a route for the Construction vehicles was requested. There was also a request for an entrance to Tract 6, shown in previous plans (lot 34) , but has since been replace with a planned lot. Water was mentioned as a concern, as was school capacity. There was also a question about the existing Home Owners Association. The most vocalized apprehension was against townhomes and their impact on the HOA. The residents referred to the 'mixed-use development' definition of the Planned Unit Development as an acceptance or allowance of Townhomes. The list of residents that spoke follows:

Don Horn	1118 Alexander Way
Steve Sherlock	508 Interlock St.
Bruch and Sherri Laduc	509 Interlock St.
Sherri Parker	450 Interlock St.
Diane Zimmerman	1122 Alexander Way
Patrick Butler	1110 Alexander Way
Ricardo Perpina	486 Interlock St.
Michael Huertas	513 Interlock St.

Director Bailey stated Tract 5 is not being approved for Townhomes. In order to develop town homes the developers would have to go back through a public hearing process. Staff realizes a major concern is traffic, which is why staff has asked the applicant to go above and beyond the normal requirements and provide a traffic analysis. The City continues to work with FDOT concerning the traffic entering Hwy 17/92. FDOT has their own requirements for if / when a traffic will be warranted. The traffic analysis will also encompass the roads around The Lakes. Recently the City has taken over maintenance of roads in Tracts 1, 2, and 3, while Tract 4 is in line to be accepted. The City is currently exceeding requirements for Public Safety demands. The Bus shelter will, probably, be maintained by the City, a final determination has not been made. The School District makes their own determination on capacity, and they have their own standards that they evaluate concurrency. The School Board has given the City a letter stating they have capacity to service the development. In regard to the HOA questions she said in the beginning, when The Lakes Development was approved, all 8 Tracts were in the same community, under the same development agreement and HOA. After ownership changed on the undeveloped in Tracts 4, 5, 6, and 8 the new property owners severed the Development Agreements and the Home Owners Association. The new property owners came in with a new Development Agreement and a new Home Owner Association was created to cover all remaining Tracts, however, the city is not involved with the HOA's .

Mr. Lindsey stated he will direct his staff to reroute construction traffic to a designated pattern. Regarding the issue townhomes he said, when the plat is adopted the property is defined. It is platted as single family residential, they are asking to change the setbacks only. The Lakes project has decreased over time not increased.

Member Biggar stated what she is hearing is dis-satisfaction with the proposed setbacks. The applicant wants to go from 10' to 5', but there are people here that want the setbacks to remain at 10'. Driving through The Lakes she sees cars parking on the streets and that makes it difficult to drive through the subdivision. She asked if Highland builds larger homes on the smaller lots where will the cars park that is safe.

Mr. Lindsey stated because a home has more square footage, it does not mean it has more bedrooms.

Member Vittorio said she agreed with Member Biggar, it is hard to drive through the subdivision with the cars parking in the street. She also commented on the 5' setbacks, saying a 10' setback gives the homeowner a chance their front yard.

Bette Biggar stated the traffic is the biggest issue and FDOT will not do anything till there are many accidents at the intersection.

Director Bailey stated the City is currently working with FDOT on the entire section of Hwy 17/92 through downtown in hope of making improvements to slow traffic down and installing lights where they are most needed. Staff is working on slowing traffic down within local streets throughout the City.

She stated the first application is for the zoning Planned Unit Development, Residential with the Master Plan which includes the development criteria. The second portion includes the Development Agreement that includes the conditions of approval and the third is the plat which is the lot lay out of the site.

Chair Hults stated the PUD-R does not apply to the rest of the property left to be developed.

Director Bailey stated in one of the original plats one of the entrances has been removed due to the lay-out of Tract 5. The first piece of the process is the zoning change, if the board would like to make changes that would be addressed in the second item which is the Development Agreement.

Mr. Lindsey stated that this is not the arena to re-design or re-construct the site plan. The developers have been reduced by the original numbers of lots substantially. If the applicants had not wanted to change the setbacks and proceeded with the vested lay-out of the site there would have been a substantially greater number of houses than what has been presented tonight.

Mr. Lindsey commented that of all the values of the homes already turned over to homeowners, Highland Homes has created almost 19 million dollars in home sales for this area.

Member Vittorio asked out of all the houses that have been built have a 5' setback, the owners have a choice and they might not have chosen that setback, also what would the number of homes be without the zoning change.

Chair Hults asked what the total number of homes will be when the entire development has been completed.

Mr. Lindsey stated he does not have that information on lot setbacks readily available but he will have it for the board before the Commission Meeting on Monday. Highland Homes has over 30 different home plans that are all different. The owners that want more square footage will usually build up instead of out. The total will be 464. The engineers that have been hired for this development know all the methods to move traffic efficiently. The number of homes would not change, the only change would be the size of the homes.

Vice Chair Vittorio moved to recommend approval with changes to the City Commission of the amendment of the Official Zoning Map of approximately 25.78 acres of land known as Tract 5 to Planned Unit Development – Residential (PUD-R) with the recommendation of an additional access point and the information provided at the Commission Meeting on the percentages of homes with 5' setbacks ; seconded by **Member Biggar**. The motion was approved by unanimous voice call vote.

2.) DEVELOPMENT AGREEMENT – THE LAKES TRACT 5, 7, 9 AND A PORTION OF 4

Director Bailey stated there is development agreement (DA) in place and the Planning Board will be considering a modification to the existing agreement. Staff has reviewed the components of the DA to affirm it is in compliance with the ULDC. In addition to the required obligations the applicant shall pay all costs related to advertising, providing notice and the recording of this Tract 5 Development Agreement as required by Section 163.3225, Florida Statute.

The Applicant shall restrict the development of the property to not exceed 78 single family residential dwelling units on Tract 5. If the Board would like to request a lot be given up for an additional entrance to Tract 5, the number of restricted lots should be changed to 77.

The Applicant is to convey to the City, by statutory warranty deed, both the property identified as Tract 7 for use as a walking trail, and Tract 9 which is the eleven acres of conservation. They are to refurbish the existing walking trail, submit a traffic study, provide a Water Star certification for each unit prior to Certificate of Occupancy and provide landscaping along the right-of-way.

Before entering into, amending or revoking a development agreement, the City is required to conduct at least two (2) public hearings, one of which shall be held by the Planning Board, the second will be held at the City Commission. Staff has brought the development agreement along with the zoning request to the Planning Board together so the Board can pair up the items that are being considered with what is required within the zoning, and what is requested in the development agreement. The development agreement will remain in effect for five years or until completion of the items.

Staff has reviewed the development agreement for Tract 5, The Lakes and has worked with the Applicant to come up with conditions to offset impacts by the additional provisions in the Zoning application. Staff finds that the application is consistent with the requirements of Lake Alfred Comprehensive Plan and Lake Alfred Unified Land Development Code (ULDC), Section §6.03 regarding Development Agreements and recommends approval of the Development Agreement.

Chair Hults opened the public hearing.

Ricardo Perpina asked if the board has already approved the five foot setback and if the removal of a lot for an entrance has been decided.

Member Biggar stated that the setback will be at the discretion of the buyer and builder.

Chair Hults explained that the removal of a lot for an entrance and the setback requirements are in the motion.

Chair Hults seeing no one else closed public hearing.

Vice Chair Vittorio move the Planning Board forward the Development Agreement for The Lakes Tract 5, 7, 9, and a portion of Tract 4 of The Lakes to the City Commission with a recommendation of approval with conditions of the access point; seconded by **Member Byrne**. The motion was approved by unanimous voice call vote.

3.) PRELIMINARY PLAT – TRACT 5, THE LAKES

Director Bailey stated the Planning Board should review the preliminary plat for consistency with the Unified Land Development Code requirements as this will serve as the guide for the preparation of the final plat. For example If the developers take out lot 34 and replace it with an entrance, they may need to reshape the retention pond. They would not have to come back before the Planning Board, the change would be part of technical review as the preliminary plat has been approved and a change like this would not alter the plat. After the infrastructure is complete the developers come back with a final plat. When the final plat is approved the lots will then be divided and sold.

Staff has reviewed the proposed preliminary subdivision plat for Tract 5, The Lakes and the associated documents and finds that the application is consistent with the requirements of Lake Alfred Comprehensive Plan and the Lake Alfred Unified Land Development Code (ULDC) Section 7.06.05.01 Submission of Preliminary Subdivision Plat and recommends approval of the Tract 5, The Lakes preliminary Plat.

Member Vittorio asked if the motion for the plat approval should be with conditions the same as the Zoning and the DA.

Director Bailey stated a development plat does not generally gain approval based on conditions. We have addressed the conditions in the Zoning and the Development Agreement. The preliminary plat is a guiding plan for future development.

Chair Hults opened the public hearing.

Sherri Parker stated within Waters Edge, Tract 8, there was a limitation on the size of homes that could be built on those lots. She would like for the limitation on houses for Tract 5 be abolished.

Director Bailey stated the zoning requirement states the minimum house size is 1200 square feet there is no maximum as long as it fits on the lot.

Member Noone asked Mr. Lindsey, how does Highland Homes determine how many models are offered to their clients.

Mr. Lindsey replied not every subdivision has every home available, some because of minimum square footage and some models will not fit on the lots. Water's Edge is a lake front community that was originally zoned for 178 units. There was an economic decision made to limit that section to the larger homes. That created an enclave of 59, higher value homes.

Sherri Parker stated Mr. Lindsey answered the question of limited homes. But the question of the size of homes and how many of each size will be built was not answered.

Mr. Lindsey stated Highland Homes will let the market decide what the market wants.

Member Biggar moved the Planning Board forward the Tract 5, The Lakes Preliminary Plat to the City Commission with a recommendation of approval; motion was seconded by **Member Byrne**. The motion was approved by unanimous voice call vote.

Public comments.

Sherri Parker stated she would like to thank the Board for hearing what the residents had to say.

Board Member comments.

Member Biggar stated the Planning Board is here to help the citizens as is the City staff.

Member Vittorio thanked everyone for coming tonight and for sharing and bringing issues to the Planning Board's attention.

Director Bailey stated there will be a Planning Board meeting June 11th and there will be two items for consideration on the agenda.

With no further business the meeting was adjourned at 9:16 pm.

Respectfully submitted,



Mamie Drane