

**MINUTES  
PLANNING BOARD MEETING**

**October 13, 2017  
REGULAR MEETING 6:00 P.M.**

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**CALL TO ORDER: CHAIR JOSEPH HULTS**

**INVOCATION AND PLEDGE OF ALLEGIANCE JOE HULTS**

**ROLL CALL: ADMINISTRATIVE ASSISTANT MAMIE DRANE**

Those in attendance were Chair Joe Hults, Vice Chair Deborah Byrne, Karen Abdul-Hameed, Loretta Vittorio, Community Development Director Ameer Bailey, Administrative Assistant Mamie Drane and Jennifer Codo-Salisbury with the Central Florida Regional Planning Council.

Absent: Matthew Noone, Bette Biggar

**APPROVAL OF MINUTES: September 26, 2017 MEETING**

**Board Member Vittorio** made a motion to approve the minutes, seconded by **Board Member Abdul-Hameed** seconded the motion

**BUSINESS ITEMS - PUBLIC HEARING:**

**Chair Hults** turned the meeting over to **Community Development Director Ameer Bailey**

**1) PUBLIC HEARING: SOLAR POWER GENERATION FACILITIES  
UNIFIED LAND DEVELOPMENT CODE (ULDC) TEXT AMENDMENT ISSUE**

The Planning Board is asked to consider an applicant initiated request by the Tampa Electric Company (TECO) for a text amendment to the Unified Land Development Code of the City of Lake Alfred, Florida relating to solar power generation facilities amending Article 2 Regulations for Specific Districts to including solar power generation facilities as a primary use in the Rural Residential District (RR), Residential Estate District (RE), Single Family Dwelling District (R-1AAA), Industrial District (M-1), Light Industrial District (I-1), Heavy Industrial District (I-2), and Public Buildings and Grounds (PB) Zoning Districts within the City of Lake Alfred; establishing Development Design and Improvement Standards in Article 3 for such facilities; and adding definitions in Article 9.

This hearing was advertised in the News Chief on October 6<sup>th</sup>, mail outs were not required. An applicant initiated text amendment is not something the Board is familiar with. Staff will present the request from the applicant, then go over the staff initiated changes, and finally the applicant will go over what they have requested and why. **Director Bailey** then stated, Pursuant to Section 163.04, Florida Statutes (F.S.), an ordinance, deed restriction, covenant, declaration, or similar binding agreement promulgated by local government or a homeowners' association effectively prohibiting renewable energy devices such as solar collectors is expressly prohibited. However the statute allows the City to regulate the location and installation of renewable energy devices and facilities within the Unified Land Development Code (ULDC). Land development regulations addressing solar are generally divided into two categories

- 1) Solar energy systems as an accessory use to a principal structure for on-site use or

2.) Solar Power Generation Facility to produce electricity for use off-site. The City has received a ULDC text amendment application from the Tampa Electric Company (TECO) to permit solar power generation facilities within the City of Lake Alfred. Solar power generation facilities, frequently referred to as solar farms, are large areas of ground mounted solar panels for the conversion of sunlight into electricity for use by off-site customers. TECO is currently evaluating several site options for this use in the City. This request does not include solar energy systems such as ground or roof mounted solar panels on a home or building for on-site consumption.

The proposed text amendments include amending the Table of Uses to permit solar power generation facilities through the site plan review process (D) in the RR, RE, R-1AAA, M-1, I-1, I-2, and PB zoning districts. Requirements for the solar power generation facilities (listed below) are included in Section 3.09.15. The landscaping and buffer requirements in Section 3.07 are expanded to address this use. Definitions are added to Article 9 for clarification.

**Requirements:**

- Must be ground mounted.
- Minimum lot size of 10 acres.
- Solar panels must be placed a minimum of 50 feet from lot lines.
- Maximum height of 15 feet. All other structures meet zoning district height requirements.
- Require security fence 6 foot to 8 foot high fence.
- Must be opaque when immediately adjacent to single and multi-family residential uses, community uses and commercial uses.
- Require glare reducing panels.
- Internal access roads do not have to meet street design standards.
- Provide proof of ability to interconnect with the power grid
- Must be removed within 120 days of abandonment.
- Abandonment occurs if energy has not been produced in a one-year period.

**STAFF RECOMMENDATIONS:**

The proposed use of solar power generation is consistent with the City's Comprehensive Plan and the Unified Land Development Code. While solar power generation is a use that would be allowed by the Comprehensive Plan, locating the use within residential zoning categories is not consistent with the overall growth vision of the City. Staff has proposed limiting the zoning categories similar to the electric power generation category and suggested the following additional/modified development provisions:

- Restricting placement in wetlands or other environmentally sensitive areas.
- On-site power lines and interconnections to electric grids placed underground when possible.
- Requiring opaque fencing when adjacent to residential, commercial, or community uses.
- Buffering requirements similar to industrial uses with the ability to reduce the requirements based on existing landscaping and the type of fencing provided.
- Requiring an emergency access and submit an emergency response plan.
- Site must be maintained.
- Permitting solar power generation facilities in the same manner as an electric power plant utilizing the conditional use process (C) rather than the site plan review process (D) in most categories and limiting the use in residential categories. (See Table 2.04.01)

Staff reviewed the solar policies of other jurisdictions as part of this policy review. The development policies provided by staff are in line with other jurisdictions. There is also general consensus regarding

the placement of solar power generation facilities within industrial areas. However, very few jurisdictions allow these facilities within residential districts. When they were allowed it was limited to rural districts with limited residential allowances. For example, Polk County allows solar power generation facilities in their Agricultural Residential/ Rural District (1unit/5ac-20ac) or the Residential Suburban district (1unit/5ac). The County requires a public hearing process to allow solar power generation facilities in these Districts. The City's most similar district is the Rural Residential zoning district (RR) with a minimum lot size of 10 acres. These properties generally have little or no access to urban services such as water, wastewater, or paved roads. The Residential Estate (RE) zoning district allows limited agricultural uses on property with a dwelling unit and public uses compatible with residential uses. This zoning category allows 1unit/ac. Electric power generation is currently conditional in this category, but staff is suggesting the removal of this use in the RE zoning category due to the higher density allowance and infrastructure present as compared to the RR zoning category. Nor was the requested R-1AAA zoning category included due to the higher density allowance. Both the RR and the RE are located within the lowest density land use designation and often serve as a transitional zoning category within the land use designation. Newly annexed properties with current agricultural uses would be assigned to one of these zoning categories with the understanding that the agricultural use is permitted to continue so long as there are no infrastructure improvements installed. The primary function of these categories is to permit agricultural activities, rural density residential development, and to also serve as a reserve for future urban development. As urban services become available, the zoning category would transition to another zoning category to allow the highest and best use of the property. "The Very Low Density Land Use designation consists primarily of single family detached dwellings and agricultural uses. This Low Density residential designation shall meet Lake Alfred's housing needs for the lower density housing, promote efficient use of infrastructure, protect existing single family neighborhoods and promote compatible land uses. This classification shall permit densities up to three (3) units per acre, depending on the development suitability of the site, and availability of public facilities and services" (CP Policy 1.1.7).

Staff is recommending that the solar and electric power generation be a conditional use in the RR only due to the limited residential and larger lot size requirement. In addition the proposed development criterion for solar power generation requires a minimum of 10 acres. Lastly, the definitions were modified and additional definitions were provided to differentiate between solar power for on-site (accessory) and off-site (primary) uses

**Nick Plott, Tampa Electric, Community and Government Relations Representative for Polk County** stated this is an exciting time for Tampa Electric; eighteen months ago Tampa Electric was bought out by Emera a Canadian company. Emera has been aggressive in solar projects, the Tampa International Airport and Lego Land solar projects have received wonderful feedback.

**Darrin Stowe Environmental Consulting Technology, Certified Planner representing Tampa Electric** stated Lake Alfred's Land Development Code and the Comprehensive Plan are silent to solar generation. It has been difficult to ask for a permit, they would like to add to the City's Land Development Code that would allow solar power generation facilities. They are consistent with the Comprehensive Plan, the applications in not tied to any property at this time. There was a meeting and they agreed the changes were consistent with the company as a plan. They are looking at other sites in other counties; they are looking for land of lower value. They would like to see the addition of two other zones. They can live with all the criteria the City has stated, he then asked about a variance. They would like flexibility on the buffer. He requested the board consider a hybrid of the recommendation, to accept everything with the exception of the Table of Land Uses, he asked the board to accept their changes.

**Mark Ward, Tampa Electric Director of Solar Projects** gave an overview of Tampa Electric's solar projects. They have been working with Tampa Electric's residential, retail, industrial and commercial rate payers. As a result the commercial companies are interested in building closer to the solar projects.

Tampa Electric is looking at Lake Alfred because the City is on the edge of the service area. Tampa Electric has promised their users they would not develop solar on wet lands, they do like to locate plants as close to transmission lines as possible. Solar is a low impact infrastructure, they are quite and there will be buffers to limit the impact. The power that is produced here will flow here first. The solar power from Lake Alfred will be about seven percent of the power that Tampa Electric produces. They are focused on providing solar for their rate payers.

**Board Member Abdul Hameed** if the solar power that is generated here will be used here and will the billing be mostly for the solar. Also, are you in agreement with the changes Staff has made, and if not, why. The R1-AAA has the three to five per acre, would the proposed solar plant back up the the property on 557 on Cass Rd.

**Board Member Vittorio** asked if there is potential to go beyond Lake Alfred.

**Director Bailey**, in response to the request by **Darrin Stowe**, she stated; Mr. Stowe is asking the Board to add back the R-E and the R1-AAA as a conditional use in the Table of Land Use. The text amendment is to establish which zoning category solar would be allowed in and what the standards are that they have to adhere to. Staff is suggesting keeping solar in the more rural areas not in the R1-AAA, solar farms would not be allowed in the residential areas.

**Chair Hults** asked what would keep anyone with land leasing their property to a company for solar purposes. What if the City has a text amendment? The statement in the recommendation that states it may fit the City's overall Comprehensive plan it's not in the City's growth plan. If the Planning Board isn't careful how they change things, it's possible this could prohibit residential growth.

**Chair Hults** opened the public hearing.

**Bart Allen, Land Use Attorney, Peterson and Meyers Law Firm**, on behalf of the property owner stated, the owner is in complete support of what TECO has presented. Taking out the R1AAA will limit the available land for TECOs development usage. Adding the R1AAA as a conditional use would be the appropriate measure.

**Board Member Abdul Hameed** To add the R1AAA is not conducive to Lake Alfred; we have the industrial area where solar would be more appropriate

**Board Member Byrne** asked if this would lower property value.

**Director Bailey** stated your neighbors always have an impact on your property. The City Staff can look into how Solar Farms impacted the property around them.

**Chair Hults** closed the public hearing.

He stated residents are asking why doesn't Lake Alfred have a grocery or why doesn't other retail stores build here. The groceries and other retail stores tell the City that we have to have a certain amount of people and traffic. Going in the Solar Farm direction is the direct opposite of where we want to go in as a City. The Comprehensive Plan states clearly, the City is not against Solar Power and Wind Power is good. There should be limited use in residential areas. He asked **Director Bailey** to point out, on the map, other properties that would be more suitable for Solar Power Farms. He then asked if the Board had any more questions.

**Director Bailey** stated that the recommendations are listed on the screen, however, the Board can make a motion to change the recommendations as they see fit.

**Board Member Abdul Hameed** stated she agreed with **Chair Hults**, any change to R1AAA is not conducive to Lake Alfred, saying homes could be in this area, there are other areas for Solar Farms.

**Vice Chair Byrne** moved the Planning Board recommend approval with the staff recommended changes to the City Commission of the applicant-initiated text amendment to the City of Lake Alfred Land Development Code relating to the solar power generation facilities, amending Article 2, 3, and 9. The motion was seconded by **Board Member Abdul Hameed**. Motion carried by unanimous vote.

<b>CHAIR HULTS</b>	<b>AYE</b>
<b>VICE CHAIR BYRNE</b>	<b>AYE</b>
<b>BOARD MEMBER VITTORIO</b>	<b>AYE</b>
<b>BOARD MEMBER ABDUL-HAMEED</b>	<b>AYE</b>

## 2) THE LAKES TRACT 8 DEVELOPMENT AGREEMENT

**Community Development Director Anee Bailey** read the LAKE ALFRED LAND PARTNERS II, LLC is requesting approval of a development agreement amendment to the existing agreement previously approved in 2013. This amendment will recognize rights and obligations of the new Owner and the City concerning the Development of the Property.

Advertised Oct 6<sup>th</sup> in the paper

Before CC November 6<sup>th</sup>

Under Florida Statutes Sections 163.3220-163.3243, The City has the authority to enter into development agreements with property owners to encourage a stronger commitment to comprehensive and capital facilities planning and reduce the economic cost of development. The Lakes of Lake Alfred was first approved in concept in 2004. The total development encompasses 8 individual tracts totaling approximately 589 homes. Tracts 1-3 have been completely developed. The City acknowledged a new owner for Tracts 4, 5, 6 and 7 as a separate development project with an amended Development Agreement for The Lakes II in 2015. A Second Amendment was approved in September for The Lakes II Tracts 4 and 4A to acknowledge the recent re-zonings. Tracts 5 and 6 are vacant with some infrastructure improvements complete. Tract 7 is only an access road and lift station that serves the second half of The Lakes subdivision. Tract 8 infrastructure improvements were completed in 2006. In September of 2013, the previous owner of Tract 8 adopted Master Development Agreement and Master Homeowners Association documents to distinguish Tract 8 as a separate development (Water's Edge at The Lakes). Tract 8 was previously designed for attached multi-family units (townhomes). The development had preliminary platting and the infrastructure (roads, water, sewer, and stormwater) are in place. The new owners have proposed single-family detached units and received a zoning of Planned Unit Development – Residential (PUD-R) in August 2017. The PUD zoning allows for greater flexibility than the standard zoning districts. This flexibility is needed in order to accommodate the change from multi-family-attached units to single-family detached units within the existing infrastructure. The PUD-R request proposes the following development standards. • A change in housing product from townhomes to single family detached dwelling units for a total of 59 units on 59 residential lots. (previously approved for 105 units)

- Side yard setbacks of 5 feet.
- Rear yard setbacks of 15 feet.
- A minimum lot size of 6,400 square feet.
- A minimum lot width of 65 feet.
- Dedication Tract A to the City of Lake Alfred.

**OVERVIEW OF APPLICATION:**

The proposed Development Agreement acknowledges the new owners; establish the respective rights and obligations of the Owner and the City concerning the Development of the Property. In addition, the Development agreement includes the following items:

- History of Ownership and Development Agreements
- Recognition of new ownership
- Property Description – Exhibit A
- Recognition of new zoning and development provisions (as listed above)
- New Master Development Plan – Exhibit B Identifies property to be conveyed to the City
- New Declaration of Covenants, Conditions, Restrictions and Easements – Exhibit C

**Recognition of existing Canal Easement**

**STAFF RECOMMENDATIONS:**

The proposed development agreement amendment has been reviewed by the City Attorney. The agreement recognizes the historic and recently approved development criteria for the property. The agreement is also consistent with the City’s Comprehensive Plan and Unified Land Development Code. Therefore staff recommends approval of the agreement.

Bart Allen on behalf of the owners.

**MOTION OPTIONS:**

1. I move the Planning Board **continue this item to a date certain** to permit staff additional time to address the issue.
2. I move the Planning Board recommend **denial** to the City Commission of the applicant-initiated Development Agreement Amendment with LAKE ALFREDLAND PARTNERS II, LLC
3. I move the Planning Board recommend **denial** to the City Commission of the applicant-initiated Development Agreement Amendment with LAKE ALFREDLAND PARTNERS II, LLC

**Chair Hults** opened the public hearing.

**Chair Hults** closed the public hearing.

**Board Member Byrne** made the motion move the Planning Board recommend **approval** to the City Commission of the applicant-initiated Development Agreement Amendment with LAKE ALFREDLAND PARTNERS II, LLC. Motion was seconded by Board Member Vittorio and the motion was approved by unanimous voice call vote:

<b>CHAIR HULTS</b>	<b>AYE</b>
<b>VICE CHAIR BYRNE</b>	<b>AYE</b>
<b>BOARD MEMBER VITTORIO</b>	<b>AYE</b>
<b>BOARD MEMBER ABDUL-HAMEED</b>	<b>AYE</b>

**Community Development Director Ameer Bailey**

dates for the board to consider. Instead of a meeting in December Director Bailey would like to have a workshop January 9<sup>th</sup> at 6:00 the normal schedule for the Planning Board is for the meetings to be held in the even months. The topics for the workshop would be the By Laws, concerning the meeting days, future scheduling

**ADJOURNED AT 8:04**

Respectfully submitted,



Mamie Drane

October 13, 2017 Planning Board Meeting (Public Hearing)

November 6, 2017 City Commission (First Reading)

November 20, 2017 City Commission (Public Hearing, Second Reading)