

City of Lake Alfred  
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**Community Development**

Building | Code Enforcement | Planning | Zoning

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**AGENDA**

**PLANNING BOARD MEETING**

**CITY COMMISSION CHAMBERS  
CITY HALL**

**DECEMBER 17, 2014  
7:00 P.M.**

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**CALL TO ORDER: CHAIRMAN JOHN DAME**

**INVOCATION**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL: MAMIE DRANE, ADMINISTRATIVE ASSISTANT**

**APPROVAL OF MINUTES: OCTOBER 15, 2014 MEETING**

**BUSINESS ITEMS**

- 1) **APPOINTMENT OF 2015 CHAIR AND VICE CHAIR.**
- 2) **APPROVE 2015 MEETING SCHEDULE**
- 3) **PUBLIC HEARING: CONSIDER MAKING A RECOMMENDATION TO THE CITY COMMISSION TO AMEND SECTION 2.02.07 OF THE CITY OF LAKE ALFRED UNIFIED LAND DEVELOPMENT CODE, RELATING TO LIMITATIONS ON ANIMALS.**
- 4) **PUBLIC HEARING: CONSIDER MAKING A RECOMMENDATION TO THE CITY COMMISSION TO AMEND SECTIONS 4.03.00 AND 4.05.02 OF THE CITY OF LAKE ALFRED UNIFIED LAND DEVELOPMENT CODE, RELATING TO EXEMPTED SIGNS AND SPECIAL EVENT SIGNS.**

**PUBLIC COMMENTS**

**BOARD MEMBER COMMENTS**

**ADJOURN**

*Any person who decides to appeal any recommendation of the City Commission and/or Planning Board with respect to any matter considered at this meeting will need a record of the proceedings, and for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Persons with disabilities needing special accommodations to participate in this proceeding should contact the City Clerk no later than five days prior to the proceeding at 291-5747.*

**MINUTES  
PLANNING BOARD MEETING  
CITY COMMISSION CHAMBERS, CITY HALL  
OCTOBER 15, 2014  
7:00 P.M.**

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**CALL TO ORDER:** Chairman John Dame

**INVOCATION:** Chairman John Dame

**PLEDGE OF ALLEGIANCE**

**ROLL CALL:** Those who were in attendance were: Chair John Dame, Vice Chair Rick Roach, Board Members Karen Abdul-Hameed, Irving Spokony, Deborah Hoffman, Bette Biggar, Judy Schelfo and Alternate Board Member Joseph Hults. Also in attendance were Community Development Director Valerie Ferrell and Administrative Assistant Mamie Drane.

**Board Member Biggar** disclosed the Memorandum of Voting Conflict stating the reason for her abstention from the vote on the CRA at the July 16 2014 meeting. Form 8b, Memorandum of Voting Conflict for County, Municipal, and other Local Public Officers will be filed with the minutes of said meeting.

**APPROVAL OF MINUTES**

**Vice Chair Roach** made a motion to approve the minutes of the July 16<sup>th</sup> regular Planning Board. The motion was seconded by **Board Member Spokony** and approved by unanimous voice call vote.

**PUBLIC HEARING/BUSINESS ITEMS**

**PUBLIC HEARING: CONSIDER MAKING A RECOMMENDATION TO THE CITY COMMISSION TO AMEND THE CITY OF LAKE ALFRED OFFICIAL ZONING MAP TO ASSIGN THE ZONING CLASSIFICATION OF PUBLIC BUILDINGS AND GROUNDS (PB) TO APPROXIMATELY 44.47 ACRES AND CONSERVATION (CN) TO APPROXIMATELY 11.0 ACRES. (General location: EAST OF CR 557 BETWEEN CREEK ROAD AND EVENHOUSE ROAD. THE SUBJECT SITE IS PROPOSED TO BE A CHARTER HIGH SCHOOL.)**

**Community Development Director Ferrell** explained the existing land use for the property and the proposed land use / zoning for the property. Using color coded maps; Director Ferrell showed the surrounding areas, their zoning and uses and explained what each of the buildings are associated with the adjacent property. Director Ferrell reviewed the analysis of the subject site, stating that compatibility within the surrounding area and their uses are mixed because of the nature of the area. The future land use of the property is medium density residential which can allow for up to 12 units per acre developed, however no zoning has been assigned to the

site. Public buildings and grounds zoning designation is permitted under the Medium Density Residential land use designation. The zoning designation requested is permitted, with the impacts are about the same, medium density with a school would have approximately the same impact on facilities as the 12 units per acre. The public buildings and grounds zoning, does not demonstrate any negative impact on the City's public facilities including water, wastewater, and recreation. The transportation impact would be evaluated at the site development phase.

**Steve Lockhart, Realtor at Lockhart and Associates** introduced his associate from Lockhart and Associates, Marty Castro. He also introduced the Executive Director at Discovery Academy, Carol Fulks, and the Vice President of Envisors Engineering Firm, Chris Kaye. He explained that Ms. Fulks went before the City Commissioners in July and received a unanimous vote by the Commission in support of their efforts of locating a charter high school in Lake Alfred. Mr. Lockhart stated that the current owner A & J Land Holdings had intended to build a residential development with up to 12 units per acre, as the land use would allow. Based on this and the total developable acres, this would allow approximately 528 residential units. Preliminary traffic studies from that project projected 13,000 vehicle trips a day. The proposed school would reduce that estimate by 90% to about 1,000 - 1,300 trips a day. Minimal access points on all the roads designed to minimize impact on Creek Road and Evenhouse Road. The buses would load and unload at an on-site area. The lighting and noise will be minimized. Mr. Lockhart went on to say one of the benefits of a charter school over a public school is that charter schools tend to be smaller, have a more defined curriculum and will only have one third of a typical high schools population.

**Chair Dame** opened the public hearing.

**Kirk Conley, 352 Creek Road**, expressed concern about the increase in traffic, specifically the number of buses, He thinks the population of the school will be more than what has been projected, which will increase the traffic more.

**James Wright, 390 Creek Road**, stated he has lived on Creek Road for more than twenty years. He had been told that the surrounding property was zoned rural and that Evenhouse was in the green Swamp and there would be no more development. One of his main concerns is the underground waterway that goes from Lake Alfred under CR557 into the conservation area under Creek Road all the way to Lake Lowery. He said that CR557 is sinking again because of the underground waterway. He also disagrees the traffic projection and lighting nuisance saying he's never seen a sports field use the directional lighting.

**Tim McCauley, 408 Creek Road**, said he wanted to echo the sentiments from the other speakers. He questioned the proposed number of the buses, the general traffic and the noise. Creek and CR557 already has an issue with the traffic. He urged the Board to vote no.

**Board Member Biggar** asked if the county had been notified about the road at CR557 and Evenhouse Road. Also, she inquired if the County would fix the road if the school was permitted.

**Director Ferrell** stated that this has been a topic of discussion with the Polk County Transportation Planning Organization staff. The question is money and what is the best method to solve the problem. She stated any inadequate road infrastructure identified at site development phase would need identify proposed traffic conditions and if any improvements are needed.

**Board Member Biggar** said she remembered when this area was zoned for the housing development. The traffic projection for the school is far less than what was projected at that time. She stated that some people will be affected by the development, but as a citizen of Lake Alfred she believes we really need a school to help the other schools, and it's for the kids. She also said she felt it was up to the County and State, and if they wanted to put a school there, they should take care of the people that live on Creek Road.

**Chris Kaye, Envisiors** stated in regard to the wetland and conservation area is located in the middle of the site. The historic conditions have to be maintained. There are elaborate measures and regional analysis that Southwest Florida Water Management expects Envisiors to do on a site like this to ensure that development does not impact adjacent properties. He went on to explain that the source of the run-off is from the rain fall and the development will not change the amount of rain.

**Sandra Wright, 390 Creek Road** stated she is concerned about the number of buses and how fast they drive down Creed Road. She said that her family moved to Creek Road to be away from everything, and asked if anyone would want a school on top of their house. She questioned the noise saying she could already hear the noise from the Discovery Middle School.

**Anita McCauley, 408 Creek Road** stated she thought it would be a great impact on the area. She doesn't want the school there and urged the planning Board to vote no.

**Sherry Holbrook Director of Polk Training Center**, stated she runs a regulated nursery and training center. Being directly involved with the schools, she knows Polk County is one of the least educated systems in FL. She agrees with Board Member Biggar and that we need to look at the opportunity for Lake Alfred as a whole. She went on to say that having all the education in that one area is much better than have another housing development with 500 more houses. She does not want another housing development to move in. With the school there the County could be held accountable to make sure that the lake area and the run off is taken care of properly. She is for the school and thinks it would be great for the community.

**Alicia Tate, 307 Creek Road**, stated she is a renter but her biggest concern is with the conservation of the land. There are many animals out there that are on the protected and endangered species list. She also said she has seen flooding out there for quite some time.

**Seth Holbrook Lakeland**, Works at Polk Training Center stated that as a young person he sees the school as an investment in the future.

**Chair Dame** closed the Public Hearing

### **BOARD MEMBER COMMENTS**

**Board Member Biggar** addressed the noise issue, saying her mother's nursing home was next to a high schools soccer field in Winter Haven and the noise was negligible. She also said that she thought if the right-of-way needed widening that the additional property should be taken from the school side not the residents side. She thought that would be beneficial to everyone on Creek Road, Evenhouse Road and the School.

**Board Member Abdul-Hameed** asked about the criteria the board should use to evaluate to change zoning. What is the time vacant analysis and what is the effect on property value analysis?

**Director Ferrell** stated the criteria for evaluation is a guide to the Planning Board to weigh all aspects of the zoning change. Time vacant is an issue of how long the property has been vacant since annexed in to the city and how useful the zoning has been to this property. Is the zoning that would fall under medium density residential really benefiting the highest and best use of this property? Would the proposed assignment be a better use of this property than staying Medium density residential? Property value analysis is another consideration, if the development of a residential project or a school would be the highest and best use of the property.

**Vice Chair Roach** stated he knows it is an impact for any property to be developed anywhere and environmental studies will need to be done. Schools are needed where students are and where we have the ability to provide the incentive of greater education. He stated he is in favor of the school. It's something Polk County needs to create more job opportunities for a positive future in Lake Alfred, Polk County and the State of Florida. He looks to the members of the board to do their due diligent on the documents that will come before the board for site development, planning, water runoff and the impacts and how it will affect the wetlands. In summary, the impacts of the two types of projects have to be weighed: a proposed charter school with 600 students and 100 staff to a proposed medium density residential development with 528 units and approximately 1500 people that could move into that area at some point in time.

**Board Member Schelfo** stated that Lake Alfred Elementary is located in a very dense existing residential neighborhood and residents have become accustomed to the school and it is not a great intrusion. She asked if the initial plan from the advisor had gone through any of the approval process. When you start pulling permits there are so many hoops and the concerns and issues will be address at that point. If the problems are not addressed the site will not get the approved.

**Board Member Spokony** stated that he had heard the School Board had denied the application for the charter school and would vote no on the proposed zoning.

**Board Member Hoffman** stated she was for education but she has had experience with development coming in next to her property. She stated land now gets flooded it has caused a lot of problems. She also stated no one maintains the retention pond or wants to take responsibility.

**Alternate Board Member Joe Hults** stated this is a question of zoning, and we are far from how the property is developed. He said there are plenty of organizations that will be overseeing this to make sure everything is done right. There will be more building out there. Now there's a potential to be a school that's closed on the weekend and the trade-off for car traffic versus bus traffic he felt the bus traffic would be the better deal.

After some discussion, **Board Member Abdul-Hameed** made a motion to proceed to a vote of the zoning request; seconded by **Board Member Biggar** and approved by majority roll call vote:

CHAIR DAME		NAY
VICE CHAIR ROACH	AYE	
BOARD MEMBER BIGGAR	AYE	
BOARD MEMBER HOFFMAN		NAY
BOARD MEMBER SPOKONY		NAY
BOARD MEMBER ABDUL-HAMEED	AYE	
BOARD MEMBER SCHELFO	AYE	
ALTERNATE MEMBER HULTS	AYE	

**Vice Chair Roach** recommend approval of the zoning assignment of Public Buildings and Grounds to the property owned by A&J Lake Alfred Holdings; seconded by **Board Member Biggar** and approved by majority roll call vote:

CHAIR DAME		NAY
VICE CHAIR ROACH	AYE	
BOARD MEMBER BIGGAR	AYE	
BOARD MEMBER HOFFMAN		NAY
BOARD MEMBER SPOKONY		NAY
BOARD MEMBER ABDUL-HAMEED	AYE	
BOARD MEMBER SCHELFO	AYE	
ALTERNATE MEMBER HULTS	AYE	

**Chair Dame** declared the meeting adjourned at 8:58pm.

**CITY OF LAKE ALFRED  
PLANNING BOARD MEETING  
December 17, 2014**

**Business Item No. 1 APPOINTMENT OF 2015 CHAIR AND VICE CHAIR.**

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**Business Item No. 2 APPROVE 2015 MEETING SCHEDULE**

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Planning Board By-laws require a Chair and Vice Chair be appointed annually.

**2015 Meeting Schedule**

- February 18\*
- April 15\*
- June 17\*
- August 19
- October 21
- December 16

Regular Meetings are on third Wednesday of every other month at 7:00pm in City Hall, on the even months. If additional meetings are needed, they will be scheduled on the third Wednesday of the odd months.

\*Meetings scheduled for Planning Board Officials training to begin at 5:30pm, followed by regular meetings at 7:00pm

## 21st Century Planning Commission

A panel of presenters — including the authors of the new Planning Commissioners Guide — gives diverse perspectives and practical pointers for new planning commissioners and veterans alike.

Planning commissioners help drive the future of their communities. Need help getting up to speed? Turn to this daylong training program from APA's 2013 National Planning Conference. Part one looks at what planning commissioners do and the ethics of how they do it. Part two maps out vital issues on the planning landscape. A panel of presenters — including the authors of the new Planning Commissioners Guide — gives diverse perspectives and practical pointers for new commissioners and veterans alike.

Published by American Planning Association, 2013

Format: Streaming Media, 375 minutes

Co-sponsor: Lincoln Institute of Land Policy

**Group Viewing:** Training products for planning commissioners and the public may be used for group viewing.

### Speakers:

Ben A. Herman, FAICP, Clarion Associates; Anne McBride, FAICP, McBride Dale Clarion; Robert P. Mitchell, FAICP; W. Shedrick Coleman, Chatham County-Savannah MPC; Laurie Marston, AICP; David A. Theriaque, Theriaque Vorbeck & Spain; C. Gregory Dale, FAICP, McBride Dale Clarion; Robert W. Burchell, Ph.D., PP; Anton Nelessen, B. Arch, MCP; Clinton Andrews, Ph. D., AICP; Joseph Burgis, MCRP, AICP

### Presentation Details

#### A. Overview of the Planning Process (Wednesday, February 18)

An overview of roles and responsibilities and an introduction to the documents, tools, and procedures that planning commissioners use in carrying out their responsibilities.

Topics include:

- (1) Roles and responsibilities of a planning commissioner • Long-range planning • Development review • Planning commission authority • Staff roles and responsibilities
- (2) Long-range planning – Imagining the Future • Why do we plan? • What is a comprehensive plan? • How a plan is prepared • Other types of plans • Planning commissioners role in plan-making
- (3) Development Review • How the process works • Role of the planning commission • Role of staff and other participants • Unraveling the development application
- (4) Tools and Building Blocks of Planning • Plans • Zoning ordinance • Subdivision regulations • Design standards
- (5) Engaging the Community • Role of the public in the planning process
- (6) Putting the Pieces Together

**B. Defensible, Ethical Decision Making (Wednesday, February 18)**

Defensible and ethical decisions do not occur simply by the way a commission votes on a particular application. Learn how to ensure you have a framework in place to guide your actions and decisions in a manner that leads to fair and reasonable actions. Examine how appropriate rules, regulations and procedures can shape your final decisions. Review the significance of meeting conduct, the creation of the record and the importance of findings of fact.

Gain knowledge from experienced planning commissioners and planners on key points that will assist commissioners to write and vote on clear, fair and defensible decisions. This includes criteria that should be included in your zoning regulations and commissioner rules and regulations, consideration of appropriate conditions to impose in the decision and writing tips for the decision itself.

**C. How to Conduct a Planning Commission Meeting (Wednesday, April 15)**

Learn the nuts and bolts of the decision-making process. This session focuses on how commissions and boards can better make fair, reasonable, and defensible decisions. It discusses decision-making practices for planning and zoning commissions and covers the ways in which large and contentious crowds can be managed in a public hearing environment, the legal principles underlying decision making, how to encourage appropriate testimony, how to deliberate fairly, how to make motions, and tips for running meetings. The speaker provides perspectives from both a planning and legal perspective. Practical application of legal due process is emphasized.

**D. Legal Framework for the Planning Commission (Wednesday, April 15)**

The planning commission conducts its work within the framework of state law and specific federal statutes. It makes decisions within the context of local plans, codes and guidelines. Learn what the framework is and how it applies to your community and commission. You will also explore pertinent case law that has influenced the way planning is implemented. It is critical for all commissioners to understand their authority and responsibility and to know how the landscape of planning and land-use changes over time.

**E. Current Issues in Planning for Commissioners (Wednesday, June 17)**

This session provides a series of short overviews of critical and current issues in planning. It is ideal for new planning commissioners as it introduces them to terms and concepts such as sustainability. The session begins with an overview on the economy and how it affects and will continue to affect community planning. Planning commissioners will become familiar with concepts that are in current use in planning, such as sustainability, smart growth, and health impact assessments. They will learn what they are, how they relate to planning, and the role the planning commission may play in furthering these programs.

**CITY OF LAKE ALFRED  
PLANNING BOARD MEETING  
December 17, 2014**

**Business Item No. 3**

**PUBLIC HEARING: CONSIDER MAKING A  
RECOMMENDATION TO THE CITY  
COMMISSION TO AMEND SECTION 2.02.07 OF  
THE CITY OF LAKE ALFRED UNIFIED LAND  
DEVELOPMENT CODE, RELATING TO  
LIMITATIONS ON ANIMALS.**

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**ISSUE:** The Planning Board will consider whether to make a recommendation to change Section 2.02.07 relating to limitations on animals in specific zoning districts.

**ATTACHMENTS:**

- Proposed Amendment to Section 2.02.07

**ANALYSIS:** As a part of a comprehensive review of the City Charter, City codes, and policies, city staff has identified an opportunity to clean-up and improve Section 2.02.07 in the Unified Land Development Code relating to limitations on animals as it relates to zoning. Staff also presented a companion Ordinance to the City Commission amending Chapter 10 of the Code of Ordinances related to animals providing clarity on nuisance animals and preemption of Florida Fish and Wildlife laws as well as the Polk County Animal Control Ordinance.

The existing provisions within Section 2.02.07 provide for prohibitions to breed or maintain wild animals in the City, however Florida Fish and Wildlife is the regulatory agency who oversees permitting captive wildlife. Also, the limitation on adult dogs per residence is arbitrary and difficult to enforce by city staff. The Florida Fish and Wildlife already have definitions and procedures in place for addressing nuisance wildlife. Additionally, the county animal control ordinance that we previously adopted by reference already provides regulations and penalties related to dogs and other animals.

The proposed amendment removes these provisions within our code and better aligns it with state law and county ordinances related to the regulation of animals within the City.

**STAFF RECOMMENDATION:** Recommend approval of changes to Unified Land Development Code Section 2.02.07 as presented.

**2.02.07**

***Limitations on Animals and Zoning for Agricultural Uses (Including Farm Animals)***

- (A) ~~No person shall keep or maintain in connection with any residential dwelling unit more than two (2) dogs aged six (6) months or older. No person shall keep or maintain more than two (2) dogs in connection with any building used for commercial or industrial purposes.~~
- (B) No person shall breed or maintain farm animals, fowl, or other livestock within the City of Lake Alfred except in residential districts RR and RE with the restrictions outlined in (D) below. These shall include, but are not limited to, bees, cattle, chickens (including roosters), goats, horses, peacocks, pigeons, and pigs.
- (C) ~~No person shall breed or maintain any wild animal or poisonous reptile that, in the opinion of the Chief Building Official, poses a threat to human safety in Lake Alfred. Excluded from this restriction are animal shelters, medical or scientific facilities, pet shops, zoos or other locations where the showing or maintenance of such animals is a permitted use under the provisions of this Code. No person shall breed or maintain captive wildlife within the City of Lake Alfred without first obtaining a Captive Wildlife Permit from the Florida Fish and Wildlife Commission. Captive wildlife requiring a permit may include venomous reptiles, conditional reptiles, and Classes I, II and III Wildlife pursuant to 68A-6.002, 68A-6.0021 and 68A-6.0022 Florida Administrative Code.~~

**CITY OF LAKE ALFRED  
PLANNING BOARD MEETING  
December 17, 2014**

**Business Item No. 4**

**PUBLIC HEARING: CONSIDER MAKING A  
RECOMMENDATION TO THE CITY  
COMMISSION TO AMEND SECTIONS 4.03.00,  
AND 4.05.02 OF THE CITY OF LAKE ALFRED  
UNIFIED LAND DEVELOPMENT CODE,  
RELATING TO EXEMPTED SIGNS AND  
SPECIAL EVENT SIGNS**

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**ISSUE:** The Planning Board will consider whether to make a recommendation to change Sections 4.03.00 and 4.05.02 relating to exempted signs and special event signs.

**ATTACHMENTS:**

- Proposed Amendments to Sections 4.03.00 and 4.05.02

**ANALYSIS:** As a part of a comprehensive review of the City Charter, City codes, and policies, city staff has identified an opportunity to clean-up and improve Sections 4.03.00 and 4.05.02 in the Unified Land Development Code relating to signs.

The existing provisions restrict sandwich signs to be on-site with the business advertised on the sign. Also, it requires that all special event signs must be located on site of the business which is advertising the event. According to Article 4 definitions, commercial signs are defined as "any sign protected by the First Amendment of the U.S. Constitution which proposes a commercial transaction and is solely related to the economic interest of the user of the sign." With the message of the sign being protected by the First Amendment, the city cannot regulate content within the sign unless it is obscene, offensive and can cause confusion or safety concerns for motorists and pedestrians. Therefore, the City cannot regulate that the content of a sandwich sign must be placed on-site with the business being advertised, because the owner of the sign and property may choose to advertise another business. Also, special event signs are intended to be of general public interest, and is not effective on-site of the property where the event is hosted. The proposed amendment provides for content-neutrality, protecting First Amendment rights.

**STAFF RECOMMENDATION:** Recommend approval of changes to Unified Land Development Code Sections 4.03.00 and 4.05.02 as presented.

#### **4.03.00 Exempted Signs**

- (B) Sandwich or sidewalk signs may not exceed a dimension of 2 feet by 4 feet. One sandwich or sidewalk sign may be displayed for each business located within development site provided the business maintains a valid City issued business tax receipt. This type of sign shall follow all other sign regulations as to safety and condition, but shall not be limited as to the number of signs per development site or the total sign area restriction. All sandwich or sidewalk signs must be ~~displayed on site and~~ removed to the interior of the business at the close of each business day. All sandwich or sidewalk signs are permitted on commercial or industrial zoned property only.

#### **4.05.02 Special Event Signs**

The following signs may be allowed up to four times per calendar year in connection with a special event and shall require a permit issued by the Chief Building Official. Such permit shall be valid for a specified period not to exceed fourteen (14) days, after which time the sign or object shall be removed. ~~All special event signs must be placed on site of the permitted business.~~