

**MINUTES  
CITY OF LAKE ALFRED  
PLANNING BOARD MEETING  
TUESDAY, SEPTEMBER 8, 2020  
CITY HALL**

**Call to Order:** Chair Joseph Hults

**Invocation and Pledge of Allegiance:** Chair Joseph Hults

Board Members in attendance were Chair Joseph Hults, Vice Chair Loretta Vittorio, Wanda Daley, Karen Abdul-Hameed, and Herbert Nigg.

Board Members Absent: Matthew Noone and Bette Biggar

Staff in attendance: Community Development Director Ameen Bailey, Planner Felicia Hutchinson and City Attorney Seth Benton Claytor

**Chair Hults** asked for additions and corrections to the August 11, 2020 meeting minutes. **Board Member Nigg** made the motion to approve the minutes as written; **Board Member Abdul-Hameed** seconded the motion. The motion was approved by a unanimous voice vote.

**City Attorney Claytor** reviewed the general meeting procedures and swore in attendees and staff who would be presenting to the Board.

**Director Bailey** stated that the Planning Board would be making recommendations to the City Commission on city-initiated amendments to the Unified Land Development Code, Comprehensive Plan and Capital Improvement Plan. The Board meeting was advertised on August 24, 2020.

### **1. Unified Land Development Code (ULDC) Text Amendments**

**Director Bailey** noted that the usual timeline for code rewrites is at least 2-3 years. She recalled preceding meetings and workshops with staff, consultants, developers and stakeholders on potential updates to the code. There have been two Planning Board workshops in 2020 on the proposed text updates. The draft is still being amended by staff and the City Attorney. Changes will be made before its presentation to the City Commission on September 24, 2020.

**Director Bailey** reviewed the reasons for the update, such as outdatedness and excessive zoning districts. Zoning districts will be consolidated into 13, down from the present 26. Other changes to Article 2 include the addition of graphics and definitions. Residential districts were consolidated into 4, and the Urban Residential (UR) district was added to accommodate high-density residential uses. Overlay districts were added

to Article 2, and the Joint Planning Area overlay was added because of the existing Joint Airport Zoning District, and anticipated joint planning areas with the County and abutting municipalities. The nonconforming use section has been moved from Article 7 to Article 2, and was largely rewritten by the City Attorney.

**Director Bailey** noted that a series of maps, being updated in conjunction with the code, will be presented to the Board in future meetings. The Green Swamp Overlay District and the nonconforming use section will also undergo changes.

In Article 3, the Civic section will be changed between first and second readings of the code in order to accommodate Polk County's future government center. Alcoholic Beverage Establishment standards in the Commercial section, and the Accessory Uses and Structures and Temporary Uses sections will be changed upon further input from the City Commission. Minor changes may also be made to the Residential section, including to the standards for cluster subdivisions.

**Board Member Nigg** asked **Director Bailey** to explain Civic Uses and she responded that they include schools, government buildings and large recreational facilities.

Only minor changes are anticipated for Article 4, which contains Site Development Standards. Staff will be checking the terminology for consistency in order to eliminate conflicts between this article and other sections of the Code.

Article 5 includes utility and roadway standards. This article will not be substantially changed, however, the City Commission specifically requested the Planning Board's input on whether sidewalks should be mandatory on one or both sides of residential streets. Staff prefers sidewalks on both sides of residential streets, but would like to provide standards for administrative approval of sidewalks on one side of residential streets in situations where sidewalks on both sides are not feasible.

**Board Member Nigg** thought that sidewalks on both sides of narrow streets where there are houses is a reasonable requirement and a 'no-brainer,' and Board Members Daley and Abdul Hameed, and Vice Chair Vittorio concurred. Chair Hults thought that high-density developments should have sidewalks on both sides to separate pedestrians from traffic, and that as storm drain inlets are typically beneath sidewalks, there may be problems if there are no sidewalks under which to place them.

**Director Bailey** presented to the Board options for developers if sidewalks could not be provided on both sides: chicanes to narrow streets and calm traffic, or parking on one or both sides of streets.

**Chair Hults** thought the options were reasonable, and prefers parking on both sides of the street at the subdivision's entrance and the option for parking on one side further

into the subdivision. **Chair Hults** used 'The Lakes' subdivision as his example, where he believes one-sided sidewalks have caused problems.

**Director Bailey** responded that different types of neighborhood roads would have different standards based on street width and type in the new code.

**City Attorney Claytor** clarified that administrative decisions would be based on the same set of specific criteria in each instance, to prevent arbitrary or capricious decision-making. **Director Bailey** agreed that developers would be required to provide additional information to justify requests, and that decisions would be based on criteria listed in the code.

**Board Member Nigg** agreed with City Attorney Claytor on the need for specific criteria, and emphasized his preference for sidewalks on both sides of streets.

**Chair Hults** noted that inlets or bulbouts are needed to prevent buses from impeding traffic when they stop, once again referencing the entrance of the 'The Lakes' subdivision at Mackay Boulevard. He also mentioned his opposition to stormwater runoff from the street collecting in ponds that abut the backyards of subdivision lots.

**City Attorney Claytor** reiterated that specific criteria would be provided in the code for instances when deviations are necessary, and that administrative decisions would be subject to review by the Development Review Special Magistrate, to ensure uniform decision-making.

**Board Member Abdul Hameed** emphasized her support for sidewalks on both sides of residential streets, and stated that subdivision entrances are traffic-heavy, and traffic is impeded by drop-offs and pick-ups at the entrances.

**Board Member Daley** stated that the sidewalk criteria should be set in concrete. **Board Member Nigg** also believes that the criteria should be set in stone, and that administrative decisions may enable the flouting of standards by developers who seek to maximize density.

**City Attorney Claytor** stated unresolvable hardships may necessitate deviation from usual standards. He mentioned that administrative decisions may be appealed to the Development Review Special Magistrate by developers or residents.

**Board Member Nigg** requested clarification on the administrative standards and **Director Bailey** clarified that the standards would be stringent and not easier for developers than providing double-sided sidewalks, that sidewalks on both sides would be preferred, and that the option would be for developments where wide rights-of-way are unfeasible, such as on narrow tracts.

**Vice Chair Vittorio** emphasized the universal Board preference for sidewalks on both sides of streets because of public safety, and noted double-sided sidewalks would increase mobility for people who use wheelchairs.

**City Attorney Claytor** noted that examples of hardships include abnormal lot layout and tract size, not financial hardships, and **Director Bailey** cited potential wetland impact as a potential hardship.

**Vice Chair Vittorio** asked how developers currently request deviations from sidewalk requirements, and **Director Bailey** stated that the developers' request would require City Commission approval. **Vice Chair Vittorio** asked whether the standard can remain.

**City Attorney Claytor** clarified that the City Commission is asked to make quasi-judicial decisions. Making the sidewalk deviation an administrative decision would allow more consistent decision making.

**Chair Hults** felt that accommodations for developers could burden homeowners, and that two-sided sidewalks should be the standard, but that a set standard for potential deviations should be articulated in the code.

**Director Bailey** resumed her summary of the code updates, stating that changes to Article 6 were superficial, and that a more extensive rewrite of the article would be required in the future. Some unconstitutional language from the sign code was removed.

**City Attorney Claytor** explained that sign requirements were changed to be content neutral, per Florida Statutes, but that much more work was needed to make the article fully conforming. **Director Bailey** provided examples of the content-specific language that was removed.

Article 7 was rearranged and reformatted, and buffer requirements for wetlands, lakes and floodplains were updated. Substantial changes to floodplain regulations will be made to make the article consistent with a previous ordinance. Few changes to Article 8 were made, however, the Development Agreement section was moved to Article 9. The article will be rewritten in 2021.

The review and appeals processes in Article 9 were updated and streamlined, and specific roles were assigned to relevant Boards and Committees. Article 9 is still a work-in-progress because of the disbanding of the Board of Adjustment and the addition of the Development Review Special Magistrate. The Special Exceptions section is also being evaluated by staff and the City Attorney.

Definitions in the current Article 9 were moved to Article 10. Work is still being done to remove repetitive definitions between the code text and the definitions article.

**City Attorney Claytor** stated that Articles 9 and 10 will require further updates, right up to the code's submittal to the Department of Economic Opportunity (DEO), in part because the Development Review Special Magistrate sets the record for appeals to the Circuit Court or DEO. Thus, the role is an important one and needs more work.

**Board Member Abdul-Hameed** noted that Board Members wish to prevent developers from disregarding the code and exploiting future homeowners and the Green Swamp, but that regulations should allow for rare deviations. **Chair Hults** provided further comments on the benefits of clarity and consistency in the code.

**Vice Chair Vittorio** made the motion to recommend to the City Commission approval of Articles 1-10 of the Unified Land Development Code as presented to the Planning Board, pursuant to the future substantive and material changes and revisions specified in the September 8, 2020 meeting. **Board Member Abdul-Hameed** seconded the motion. The motion was adopted by a unanimous roll call vote.

## **2. Comprehensive Plan Text Amendments**

**Director Bailey** provided a summary of recommended changes to the Comprehensive Plan. Most changes occur in the Future Land Use Element, and support the updates to the ULDC. Some Residential uses and the two (2) Mixed Use districts were combined; the maximum residential density was updated from 12 to 24; Public Buildings and Grounds and Recreation and Open Space uses were merged; Specialty Center and Preservation uses were eliminated; language pertaining to the agreement between the City and the Department of Community Affairs (DCA), now the Department of Economic Opportunity (DEO), is being eliminated because the agreement was terminated when the City met its part of the terms; outdated level of service standards will be removed.

**Vice Chair Vittorio** requested clarification on the updates to the Greenways and Blueways system and level of service standards. **Director Bailey** answered that Polk County changed the name of the Greenways and Blueways system, and that the City will adopt the level of service standards by reference, as they are updated every 5 years.

**Vice Chair Vittorio** made the motion to recommend to the City Commission approval of the Comprehensive Plan with changes as noted. **Board Member Daley** seconded the motion. The motion was adopted by a unanimous roll call vote.

## **3. Capital Improvement Plan (CIP) Amendment**

**Director Bailey** summarized the changes to the Capital Improvement Plan (CIP), which is updated every two years, partly because of increases in the Community Redevelopment Area (CRA) funds, and partly because grant requests require updates to the Capital Improvement Element of the Comprehensive Plan. The CIP presented to

the Board may be updated by the City Manager or the City Commission upon the reading of the 2020-2021 budget.

**Board Member Abdul Hameed** asked for clarification on the color coding in the CIP. Director Bailey clarified that items in white are funded through the general fund, items in the enterprise fund are represented by green, and potentially grant-funded items are represented by orange.

**Vice Chair Vittorio** requested clarification on the City's role in the widening of County Road (CR) 557. **Director Bailey** clarified that the City has contracted with the County to relocate City utility lines located in the County's right-of-way as CR 557 is being widened by the County.

**Vice Chair Vittorio** asked about the 'vac trailer' included in the CIP, and **Director Bailey** responded that it removes water from manholes when utilities are being repaired by the City.

**Board Member Abdul-Hameed** asked about the pandemic's impact on the City's funds. **Director Bailey** noted that the City Manager, in his presentation of the budget to the City Commission, will detail the pandemic's financial impact on the City. Franchise fees to the City have been reduced, and projects have been postponed. Thus far, the impacts have been minimal.

**Vice Chair Vittorio** asked about the funds allocated to the Parks and Recreation Master Plan, and **Director Bailey** responded that the areas are within the CRA and can be covered by CRA funds.

**Board Member Abdul-Hameed** asked about the City's finance staff.

**Vice Chair Vittorio** made the motion to accept the 5-Year Schedule of Capital Improvements as presented to the Board. **Board Member Abdul-Hameed** seconded the motion. The motion passed in a unanimous roll call vote.

**City Attorney Claytor** stated for the record that there were no members of the public present, so the floor was not opened for public comments. **Chair Hults** confirmed his statement.

**City Attorney Claytor** called for votes to excuse Board members who were absent. **Director Bailey** stated that she received no requests for excuses from absent Board Members.

**Director Bailey** stated that two cases are scheduled for the October 13<sup>th</sup> Planning Board meeting. **Board Member Abdul-Hameed** asked about an extension of the executive order that allows meeting quorums to be formed by video conference. **City Attorney Claytor** responded that the order has not been extended beyond October 1<sup>st</sup>.

Discussion between Board members and **Director Bailey** ensued on paper copies of the new code, and a simplified code handout for citizens.

**Board Member Daley** left the meeting.

**Vice Chair Vittorio** made the motion to adjourn; the motion was seconded by **Board Member Abdul-Hameed**. The meeting was adjourned at 8:02 PM.

**Next Meeting:** October 13, 2020.

Respectfully submitted,

Felicia Hutchinson,

City Planner.

