LAKELAND CITY COMMISSION

Regular Session
April 4, 2022

The Lakeland City Commission met in Regular Session in the City Commission Chambers. Mayor Bill Mutz and Commissioners Chad McLeod, Bill Read, Stephanie Madden, Sara McCarley, Mike Musick, and Phillip Walker were present. City Manager Shawn Sherrouse, City Attorney Palmer Davis, Finance Director Mike Brossart, and City Clerk Kelly Koos were present.

CALL TO ORDER - 9:02 a.m.

Mayor Bill Mutz requested to moved III-A to after Utility. The Commission agreed.

PRESENTATIONS

LPD Technology Update (Chief Garcia)

Beautification Awards (Bill Koen)

- Residential: 2203 Coventry Avenue - Janice Martinez
- Commercial: 1201 Oakbridge Parkway - Encompass Health Rehabilitation Hospital of Lakeland, LLC

American Society of Civil Engineers

Shawn Sherrouse announced the City received an award for the Lakeland Park Drive Connector Roadway Project. The City was awarded the American Society of Civil Engineers Ridge Branch Project of the Year. The project was recognized because of the challenges associated with building the road through a wetland and the elevation solutions needed to connect to Carpenters Way.

PROCLAMATIONS

Child Abuse Prevention Month
Community Development Week
Drive Electric Earth Day in Lakeland
Fair Housing Month
National Borinqueneers Day
National Volunteer Appreciation Week
Parental Alienation Awareness Week
Water Conservation Month

COMMITTEE REPORTS AND RELATED ITEMS

Legislative Committee 03/21/22

Commissioner Phillip Walker presented this report to the Commission.

Motion: Commissioner Chad McLeod moved to approve the report. Commissioner Sara McCarley seconded.

Mayor Bill Mutz asked for comments from the Commission and the audience. There were no comments.

Action: Mayor Bill Mutz called for the vote and the motion carried unanimously.

Finance Committee 04/01/22

Commissioner Chad McLeod presented this report to the Commission.

Motion: Commissioner Sara McCarley moved to approve the report. Commissioner Phillip Walker seconded.

Mayor Bill Mutz asked for comments from the Commission and the audience. There were no comments.

Action: Mayor Bill Mutz called for the vote and the motion carried unanimously.

Real Estate & Transportation Committee 04/01/22

Parking License Agreement with Trinity Presbyterian Church of Lakeland, Inc.

Commissioner Mike Musick presented this item to the Commission.

Motion: Commissioner Sara McCarley moved to approve the agreement. Commissioner Phillip Walker seconded.

Mayor Bill Mutz asked for comments from the Commission and the audience. There were no comments.

Action: Mayor Bill Mutz called for the vote and the motion carried unanimously.

APPROVAL OF CONSENT AGENDA

All items listed with an asterisk (*) were considered routine by the City Commission and were enacted by one motion following an opportunity for public comment. There was no separate discussion of these items unless a City Commissioner or Citizen so requested, in which event the item was removed from the consent agenda and considered in its normal sequence.

Motion: Commissioner Chad McLeod moved to approve the Consent Agenda. Commissioner Sara McCarley seconded.

Mayor Bill Mutz asked for comments from the Commission and the audience. There were no comments.

Action: Mayor Bill Mutz called for the vote and the motion carried unanimously.

APPROVAL OF MINUTES (with any amendments)

* **City Commission March 18-21, 2022**

Action: The Commission approved this item as part of the Consent Agenda.

REQUESTS TO APPEAR FROM THE GENERAL PUBLIC - None

EQUALIZATION HEARINGS

Recess/convene: The Commission recessed the Regular Session and convened as the Equalization Board.

Palmer Davis explained the City Charter requires that prior to recording a lien against private property, the City Commission convene as the Equalization Board and grant those property owners the opportunity to object to the recording of the lien or ask any questions they might have. If someone present received a notice to appear before the City Commission re a lots cleaning/clearing or demolition assessment, this is the time to address the Commission.

Lots Clearing and Cleaning

Motion: Commissioner Phillip Walker moved to approve the assessments. Commissioner Mike Musick seconded.

Mayor Bill Mutz asked for comments from the Commission and the audience. There were no comments.

Action: Mayor Bill Mutz called for the vote and the motion carried unanimously.

Adjourn/reconvene: The Equalization Board adjourned and the City Commission reconvened in Regular Session.

COMMUNITY REDEVELOPMENT AGENCY - None

CITY MANAGER

Recommendation re: Agreement with the Florida Department of Transportation for a Cooperative Funding Grant for a Connected Vehicle Application for the Intersection Collision Avoidance Safety Program.

The City of Lakeland has been awarded a cooperative funding grant from the Florida Department of Transportation for a Connected Vehicle Application for the Intersection Collision Avoidance Safety Program (iCASP). This grant agreement will allow the City to expand its current iCASP project from four intersections to twenty-five intersections. It will also fund a study for the inclusion of data from the iCASP project into onboard vehicle systems or a cellular device application.

The total anticipated project cost is $775,000, with up to $500,000 reimbursed by the Florida Department of Transportation. The remaining $275,000 will be funded by the City of Lakeland. The City's cost share is currently budgeted in the Transportation Fund Capital Improvement Program.

Staff requested that the City Commission authorize an appropriation to increase estimated revenue in the Transportation Fund Capital Improvement Program in the amount of $500,000.

Staff recommended that the City Commission authorize the appropriate City officials to execute the Agreement with the Florida Department of Transportation accepting funding for a Connected Vehicle Application for the Intersection Collision Avoidance Safety Program.

Shawn Sherrouse presented this item to the Commission.

Motion: Commissioner Bill Read moved to approve the recommendations. Commissioner Chad McLeod seconded.

Mayor Bill Mutz asked for comments from the Commission and the audience. There were no comments.

Action: Mayor Bill Mutz called for the vote and the motion carried unanimously.

CITY ATTORNEY

Ordinances (First Reading)

Proposed 22-016; Amending Ordinance 4300, as Amended; Major Modification of PUD Zoning to Allow a Very High Turn-Over Restaurant on Property Located at 3524 Lakeland Highlands Road

AN ORDINANCE RELATING TO ZONING; MAKING FINDINGS; AMENDING ORDINANCE 4300, AS AMENDED, TO PROVIDE FOR A MODIFICATION TO PUD ZONING TO ALLOW A VERY HIGH TURN-OVER RESTAURANT ON PROPERTY LOCATED AT 3524 LAKELAND HIGHLANDS ROAD; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

The foregoing is the title of an ordinance read for the first time by short title only. The Commission will hold the second reading and public hearing on April 18, 2022.

Proposed 22-017; Amending Ordinance 3432, as Amended; Major Modification of PUD Zoning to Allow a 102,675 sq. ft. Mini Warehouse/Self-Storage Facility with Outdoor RV Storage on Property Located at 2575 Harden Boulevard

AN ORDINANCE RELATING TO ZONING; MAKING FINDINGS; AMENDING ORDINANCE 3432, AS AMENDED, TO PROVIDE FOR A MODIFICATION TO PUD ZONING TO ALLOW A 102,675 SQUARE FOOT MINI WAREHOUSE/SELF-STORAGE FACILITY WITH OUTDOOR RV STORAGE ON PROPERTY LOCATED AT 2575 HARDEN BOULEVARD; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

The foregoing is the title of an ordinance read for the first time by short title only. The Commission will hold the second reading and public hearing on April 18, 2022.

Resolutions

Resolution 5750; Proposed 22-014; Lots Cleaning and Clearing

A RESOLUTION RELATING TO ASSESSMENTS; DETERMINING THE NECESSITY FOR HAVING CLEANED AND CLEARED CERTAIN PROPERTIES WITHIN THE CITY OF LAKELAND; PROVIDING FOR THE ASSESSMENT OF LIENS AGAINST SUCH PROPERTY FOR EXPENSES INCURRED IN THE CLEANING AND CLEARING THEREOF; PROVIDING AN EFFECTIVE DATE.

Palmer Davis read the short title.

Motion: Commissioner Phillip Walker moved to approve the resolution. Commissioner Bill Read seconded.

Mayor Bill Mutz asked for comments from the Commission and the audience. There were no comments.

Action: Upon roll call vote Commissioners Phillip Walker, Mike Musick, Stephanie Madden, Chad McLeod, Bill Read, and Mayor Bill Mutz voted aye. Ayes-six. Nays-

zero. The motion carried unanimously. Commissioner Sara McCarley was absent at that time.

Resolution 5751; Proposed 22-015; Authorizing the Execution of a Grant Agreement with the Florida Department of Transportation for Financial Project No. 450204-1-94-01 for the TWY P Project at Lakeland Linder International Airport

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAKELAND, FLORIDA AUTHORIZING EXECUTION OF A PUBLIC TRANSPORTATION GRANT AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION PROVIDING FOR STATE AND LOCAL FUNDING FOR THE RELOCATION OF TAXIWAY P AT LAKELAND LINDER INTERNATIONAL AIRPORT; ADOPTING FINDINGS; PROVIDING AN EFFECTIVE DATE.

Palmer Davis read the short title.

Motion: Commissioner Phillip Walker moved to approve the resolution. Commissioner Chad McLeod seconded.

Mayor Bill Mutz asked for comments from the Commission and the audience. There were no comments.

Action: Upon roll call vote Commissioners Chad McLeod, Bill Read, Stephanie Madden, Mike Musick, Phillip Walker, and Mayor Bill Mutz voted aye. Ayes – six. Nays – zero. The motion carried unanimously. Commissioner Sara McCarley was absent at that time.

Resolution 5752; Proposed 22-016; Authorizing the Execution of a State Highway System Project Funding Agreement with the Florida Department of Transportation for Financial Project No. 448694-1-58-01 for the Connected Vehicle Application for the Intersection Collision Avoidance Safety Program

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAKELAND AUTHORIZING THE EXECUTION OF A STATE HIGHWAY SYSTEM PROJECT FUNDING AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR A CONNECTED VEHICLE APPLICATION FOR INTERSECTION COLLISION AVOIDANCE SAFETY PROGRAM WITHIN THE CITY OF LAKELAND; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

Palmer Davis read the short title.

Motion: Commissioner Phillip Walker moved to approve the resolution. Commissioner Mike Musick seconded.

Mayor Bill Mutz asked for comments from the Commission and the audience. There were no comments.

Action: Upon roll call vote Commissioners Phillip Walker, Mike Musick, Stephanie Madden, Chad McLeod, Bill Read, and Mayor Bill Mutz voted aye. Ayes-six. Nays-zero. The motion carried unanimously. Commissioner Sara McCarley was absent at that time.

Resolution 5753; Proposed 22-017; Approving a Retiree Bonus for Fiscal Year 2021-22

> A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAKELAND, FLORIDA RELATING TO PENSIONS; ACCEPTING THE RECOMMENDATION OF THE BOARD OF TRUSTEES OF THE CITY OF LAKELAND EMPLOYEES' PENSION SYSTEM TO PROVIDE A RETIREE BONUS FOR FISCAL YEAR 2021-22; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

Palmer Davis read the short title.

Motion: Commissioner Chad McLeod moved to approve the resolution. Commissioner Phillip Walker seconded.

Mayor Bill Mutz asked for comments from the Commission and the audience. There were no comments from the audience.

Retirement Services Director Cherie Watson came forward and gave a brief presentation. The Plan's unfunded liability was zero. The Board of Trustees elected to pay the retirees $2 Million. Staff hoped to complete the payments by April 30th. The bonuses would be based on years of service.

Shawn Sherrouse explained the City had a separate program to provide a bonus when the pension plan cannot. Those funds will now be held until 2 years after the last pension plan bonus.

The Commission discussed:

- The need for the public to be aware that Lakeland's General Employee Pension Plan was fully funded.
- The value of the General Fund subsidy program is the assistance to the lowest paid retirees.
- The General Employee Plan had approximately 1300 retirees. The average bonus would be approximately $800.

Action: Upon roll call vote Commissioners Chad McLeod, Bill Read, Stephanie Madden, Sara McCarley, Mike Musick, Phillip Walker, and Mayor Bill Mutz voted aye. Ayes – seven. Nays – zero. The motion carried unanimously.

Miscellaneous Reports

* **Memo re: 2022 Mayfaire Use Agreement**

Attached for your consideration is a proposed Use Agreement with Polk Museum of Art, Inc. for the Mayfaire by-the-Lake annual event scheduled for May 6, 2022 through May 8, 2022. The Agreement allows Polk Museum of Art to have exclusive use and control of the public property located around Lake Morton, including all rights-of-ways, the lakeshore, sidewalks and other public property, from 9:00 a.m. on Friday, May 6, 2022 through 6:00 p.m. on Sunday, May 8, 2022. As consideration for the use of the property, the Museum will reimburse the City for the support services provided.

Polk Museum of Art will be required to maintain general liability insurance, naming the City as an additional insured, and indemnify the City from any and all claims that may arise. The Parks and Recreation Director or his designee will serve as the City's authorized representative under the Agreement and is authorized to enter the premises during the event to perform inspections deemed necessary. Other provisions of the Agreement require Polk Museum to maintain the premises during the term of the Agreement in good order and repair any damage that occurs.

Staff recommended that the City Commission approve the Use Agreement with Polk Museum of Art, Inc. and authorize the appropriate City officials to execute the Agreement.

Action: The Commission approved this item as part of the Consent Agenda.

FINANCE DIRECTOR – None

UTILITY

Ordinances – None

Resolutions – None

Miscellaneous

Memo re: Territorial Agreement with City of Bartow for Retail Electric Service

This was a proposed Territorial Agreement with the City of Bartow (Bartow) that defines the territorial boundaries for retail electric service between Bartow and Lakeland and a corresponding Petition to submit to the Florida Public Service Commission (PSC). Pursuant to Florida Statute Chapter 366, territorial changes related to retail electric service must be approved by the PSC. On October 31, 1983, Lakeland and Bartow entered into a Territorial Agreement establishing each party's authority to furnish retail electric service, as well as identifying the areas of such service. That Territorial

Agreement, approved by the PSC in February 1984, had a term of 25 years. In 2006, Lakeland and Bartow agreed to swap a portion of their respective electric service territories, but never formally submitted the change to the PSC for approval. The original Territorial Agreement between the parties expired in 2008.

Accordingly, both Bartow and Lakeland now seek to enter into a new Territorial Agreement that identifies their respective boundaries for retail electric service. Due to the increased development in Polk County, specifically the area that includes the Wind Meadows and Wind Meadows South Subdivisions located west of US 98 on the border of Lakeland and Bartow, the need to formally recognize the retail electric service boundaries is important in ensuring that Bartow and Lakeland have adequate resources to serve their electric customers. In order to serve those customers, Lakeland is exchanging a portion of its electric territory located in the Wind Meadows Subdivision (39.65 acres) for a portion of Bartow's electric territory located in the Wind Meadows South Subdivision (58.19 acres). Such an Agreement also seeks to promote operational efficiency and improved customer service in the retail electric service territory in Polk County, while eliminating circumstances that may give rise to the duplication of services and facilities, as well as avoid hazardous circumstances.

Pursuant to the Territorial Agreement, each party has the exclusive authority to furnish retail electric service within their own designated territory, which is identified in the Agreement's territorial boundary map. However, the Agreement does enable each party to provide temporary service in another party's territorial area for new customers upon written request. Additionally, upon mutual written agreement of the parties, reallocation of territorial areas may occur during the term of the Agreement and, in such cases, both parties would jointly petition the PSC for approval of such reallocated territorial area. In conjunction with such a reallocation and if a resulting transfer of electric distribution facilities to serve those customers should occur, then the receiving party of the new territorial area would be required to compensate the transferring party for any electric distribution facilities in an amount based on replacement cost, less depreciation. Except as expressly set forth in the Agreement as it relates to reallocation of territorial areas, nothing in the Agreement will subject either party to the transfer or removal of their respective generating plants, transmission lines, substations, distribution lines or any related equipment.

The initial term of this Agreement will be for a period of fifteen (15) years. Thereafter, the Agreement will automatically extend for successive five (5) year terms, unless either party provides written notice of its intent not to extend twelve (12) months prior to the expiration of any such term. Following approval of this Agreement by Lakeland and Bartow, final approval of the PSC will be required. Specifically, the Petition to the PSC, which will include the new Territorial Agreement will be transmitted to the PSC for final approval. Following review and approval by the PSC, final approval of the Territorial Agreement is anticipated to occur in August 2022.

Staff recommended that the City Commission approve this Territorial Agreement with Bartow establishing retail electric service boundaries and authorize the appropriate

City officials to submit a Petition to the PSC, which includes the Territorial Agreement, requesting approval on behalf of Lakeland and Bartow.

Ramona Sirianni presented this item to the Commission.

Motion: Commissioner Phillip Walker moved to approve the agreement. Commissioner Sara McCarley seconded.

Mayor Bill Mutz asked for comments from the Commission and the audience. There were no comments.

Action: Mayor Bill Mutz called for the vote and the motion carried unanimously.

Memo re: Amendment No. 5 to Enterprise Services Agreement with Kubra Data Transfer Ltd.

This was proposed Amendment No. 5 to the Enterprise Services Agreement with Kubra Data Transfer Ltd. (Kubra) to provide for a one (1) year extension to the existing Agreement set to expire on April 30, 2022. In May 2014, the City Commission approved the Enterprise Services Agreement with Kubra which provides an integrated and cohesive solution for bill presentation, bill distribution and electronic billing/payment services for Lakeland Electric. Specifically, Kubra's services include printing all Lakeland utility bills, bill mailing, management of Lakeland Electric's web site, including its electronic billing options, as well as processing all electronic payment options.

Amendment No. 5 will be effective upon approval by the City Commission and continue for a period of one (1) year. Except as otherwise set forth in Amendment No. 5, there will not be any changes to the existing terms or pricing. The total cost of services for the one (1) year term, which includes postage, is estimated to be $828,000 and is included in Lakeland Electric's FY22 budget.

Staff recommended that the City Commission approve Amendment No. 5 for a one (1) year extension of the Enterprise Services Agreement with Kubra and authorize the appropriate City officials to execute all corresponding documents.

Ramona Sirianni presented this item to the Commission.

Motion: Commissioner Sara McCarley moved to approve the agreement. Commissioner Stephanie Madden seconded.

Mayor Bill Mutz asked for comments from the Commission and the audience. There were no comments from the audience.

The Commission discussed the cost increase. The actual amount may be less. This was the last extension under this agreement. Early next year, LE will competitively procure these services again.

Action: Mayor Bill Mutz called for the vote and the motion carried unanimously.

Memo re: Agreement with Williams Scotsman, Inc. for Rental of Modular Offices at McIntosh Power Plant

This was a proposed Agreement with Williams Scotsman, Inc. (WillScot) for rental of two (2) modular offices at the McIntosh Power Plant. Due to the impending demolition of Units 1, 2, and 3, the personnel presently located in the McIntosh administration and work force management offices will need to be relocated since those facilities are also slated to be demolished. In order to house the more than twenty (20) employees that will be displaced during the construction of the new administration building, it will be necessary to rent two (2) triple-wide modular offices.

The City's Purchasing Department has approved the procurement of these modular offices that will serve as administration offices from WillScot pursuant to State of Florida Omnia Partners Public Sector Contract R160101 CPN-FL-R210503-314513. Upon approval by the City Commission, the City will issue a Purchase Order to WillScot for delivery of the modular offices in early May 2022. The rental of these modular buildings will be governed by the terms and conditions set forth in the State of Florida Omnia Partners Public Sector Contract, as well as WillScot's rental agreement dated March 8, 2022. The term of the Agreement will be for a period of one (1) year for a total cost of $188,979.92, which is included in Lakeland Electric's FY22 budget.

Staff recommended that the City Commission approve this Agreement with WillScot for the rental of two (2) modular offices at the McIntosh Power Plant and authorize the appropriate City officials to execute all corresponding documents with WillScot.

Ramona Sirianni presented this item to the Commission.

Motion: Commissioner Chad McLeod moved to approve the agreement. Commissioner Phillip Walker seconded.

Mayor Bill Mutz asked for comments from the Commission and the audience. There were no comments from the audience.

The Commission discussed:

- The buildings were temporary until the new construction for the office as part of the RICE project.
- Staff planned to only need these buildings for one year. They may be able to negotiate month-to-month after the year if necessary but that would be more expensive.

Action: Mayor Bill Mutz called for the vote and the motion carried unanimously.

Commissioner Chad McLeod recognized Ramona Sirianni as the new Deputy City Attorney.

PUBLIC HEARINGS

Ordinances (Second Reading)

Palmer Davis laid out the process of today's hearing. After he reads the short title, staff will give a presentation, then the applicant will give a presentation followed by public comment, then the applicant rebuttal.

Proposed 22-013; Amending Ordinance 3449, as Amended; Major Modification of PUD Zoning to Allow an Apartment Complex with a Maximum of 244 Multi-Family Dwelling Units on Approximately 12.07 Acres Generally Located South of Lake Miriam Square Shopping Center, North of Lake Miriam Drive, East of S. Florida Avenue and West of Lakeland Highlands Middle School (1st Rdg. 03-07-22) (Continued 03-21-22)

> AN ORDINANCE RELATING TO ZONING; MAKING FINDINGS; AMENDING ORDINANCE 3449, AS AMENDED, TO PROVIDE FOR A MODIFICATION TO PLANNED UNIT DEVELOPMENT (PUD) ZONING TO ALLOW AN APARTMENT COMPLEX WITH A MAXIMUM OF 244 MULTI-FAMILY DWELLING UNITS ON APPROXIMATELY 12.07 ACRES GENERALLY LOCATED SOUTH OF LAKE MIRIAM SQUARE SHOPPING CENTER, NORTH OF LAKE MIRIAM DRIVE, EAST OF S. FLORIDA AVENUE AND WEST OF LAKELAND HIGHLANDS MIDDLE SCHOOL; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Palmer Davis read the short title.

Chuck Barmby gave a presentation and recommendation on the project. He reviewed the following:

- His professional experience and expertise.
- Project location
- History of development at that site.
- Requested Change - Replace 39,797 square feet of retail space with 244 multifamily dwelling units
- Transit Oriented Corridor (TOC)
- Consistency with the Comprehensive Plan.
- The November 16th Planning & Zoning Public Hearing objections based on increased traffic, traffic and pedestrian safety, compatibility, and the ability to turn onto Lake Miriam Drive.
- Access & Trip Distribution
- Safety: There have been 19 crashes since 2019 with 15,900 trips. That was a low crash rate.

- Safety and Access: The applicant also agreed to coordinate with LAMTD for a new transit stop and a direct pedestrian connection to the adjacent sidewalk along Lake Miriam Drive to improve access to LHMS.
- Buffer along Lake Miriam Dr.: Mr. Barmby displayed a layout of additional access, sidewalk and buffer.
- Transportation Background: SR37 was designated a TOC per the Comprehensive Plan which allowed a lower roadway level of service. The project is on LAMTD's Gold Line, one of the busiest lines in Polk County.
- Transportation Concurrency: Lakeland is a transportation concurrency exception area with locally adopted standards found in the Comprehensive Plan. The City was required to act on the standards.
- Key Transportation Concurrency Statutory Provisions.
- Traffic study: The project was expected to generate 800 fewer net external daily trips than the current allowed retail uses.
- South Florida Avenue/Lake Miriam Drive Intersection continues to fail with or without the project. Lake Miriam Drive, South Florida Avenue to Cleveland Heights Bl: The traffic study found that eastbound Lake Miriam Drive will operate at County's Level-of-Service D with or without the project. Westbound Lake Miriam Drive would continue as Level-of-Service E with or without the project.
- City County Transportation Impact Fee Comparison.
- Compatibility: in harmony with surrounding land uses
- Density: the number of dwelling units based on gross acreage of development site.
- Unit Mix and parking requirements
- Ongoing West Pipkin Rd widening project. The County was in process of adding a middle turn lane on West Pipkin Rd between Harden Boulevard and Florida Avenue.
- Additional PUD Condition (Adjacent Property to East): Addressing concerns previously raised by Mr. Oliver. Imposed condition to allow existing encroachment to remain in place until removed by existing property owner or the property is conveyed to a third party.

Elise Batsel of Stearns Weaver Miller represented the applicant. She covered the following:

- Site is located within the urban development area and a transit related corridor.
- Surrounding Zoning and Notice Boundary
- Currently Approved Zoning and Future Land Use
- Applicant's Request:
    - Modify the approved plan to develop 244 multi-family units on +/-12.07 acres on east and west side of the PUD's entrance road off of Lake Miriam Drive.
    - Develop multi-family units in six buildings with amenities
    - Modify buffer required along Lake Miriam Drive to reflect change of use from commercial to residential use
    - Provide parking in compliance with the Land Development Code.

David Smith, land planner with Stearns Weaver Miller, reviewed the following:

- His experience and expertise.
- Consistency with Comprehensive Plan.
- Compatibility
- Various sight line views of the project
- Multi-family near transit.
- Buffers
- Trip generation: proposing less trips than currently allowed entitlements. Taken steps to further reduce traffic footprint. Provided additional access point to S. Florida Ave.
- Added an additional transit stop internal to the project. The project will have 2 transit stops internal to the development.

Michael Raysor of Raysor Transportation Consulting performed a traffic study for this project with access to Lake Miriam Dr. and S Florida Ave. He reviewed those results and how this project would compare to other possible projects under the existing zoning:

- The project did not exceed the 5% significance threshold.
- The study area was limited to Lake Miriam Dr. and signalized intersection and project connections.
- Lake Miriam Dr. had transportation deficiencies.
- Development of the project would not have a material impact on those deficiencies.
- These results come out of quantitative software projects.
- The differences in speed would not be perceptible by the general public.
- Internal capture will reduce external trips. That internal capture is not included in the traffic study which provides the worst-case scenario in traffic. The proposed change would provide a reduction in trip generation as provided by right of existing zoning.

The Commission discussed:

- Trip projections which came from the Institute of Transportation Engineers' (ITE) manual. This manual provided trip generation for various categories. This project was a midrise multi-family project.
- The trip generation is based on the number of units occupied. The nature of the surrounding roadway is not part of that calculation and is not referenced in the ITE manual.
- Number of vehicles – 356 parking spots were provided. The traffic study was based on AM and PM peak hours rather than the number of vehicles.

Elise Batsel distributed a binder to each Commissioner and offered closing remarks. The question to the Commission was how the property will be developed and will it provide an appropriate transition to the surrounding development. City staff has found the project was consistent with surrounding development and compatible with surrounding development. The project will create less traffic than what is currently permitted.

Audience Comments:

Sue Nelson distributed handouts and spoke against the development. It was not consistent with the Comprehensive Plan or the Land Development Code. Fast food was prohibited on this property. Density of 20 units per acres were much higher than the surrounding parcels. The project buffer was not sufficient. SWFWMD declared this a jurisdictional wetland. One of the proposed buildings was in the wetlands. She requested the Commission deny the development.

Jeff Cox Jr of 628 Lake Miriam Bl. moved here yesterday. This would lower his property value by $200,000 according to his realtor. They were allowing 1.4 cars per unit. That was not feasible. He spoke against ITE software which was created to promote development. He asked the Commission to decline approval.

Linda Hunt spoke against the development. For the safety of school children in the area, she requested denial.

Robert Davis of Highlands Place Dr. expressed concerned about traffic and safety during, before, and after school hours. Students have been hit crossing over to the church. The project will cause additional safety concerns for students and motorists.

Debbie Walker of Liberty Lane stated that in 2007 the Ledger printed an article deeming S Florida Ave and Lake Miriam Dr. to be the worst road in all of Polk County for accidents. In 2019 there were 68 accidents, 2020 there were 42 accidents, 2021 Jan through Oct were 67 accidents. 100-125 students walk to Publix to be picked up after school. She did not think people would walk to get their groceries.

Bill Wheeler spoke against the development. He saw 3 children almost hit by cars last week because drivers refused to wait for the green light. The sign says no turn on red. Not many people use transit in the area.

Debbie Wright of Lake Miriam Circle just behind the CVS had trouble exiting their development today. She encouraged the Commission to drive Lake Miriam Dr. and her street and then try to get back out. Lake Miriam Dr. is already an issue without this development. Lake Miriam Dr. needed to be improved just like Pipkin Rd.

Bruce Jacobs expressed concern about public and student safety. Will there be a crosswalk with traffic control? Will there be construction safety? He requested a master plan for LHMS traffic flow and student safety. What about wildlife impact? The adjacent land is home to many species. The area is a wildlife habitat and should remain as such. Do they have SWFWMD approval? New construction affects wildlife. Cutting down trees affects environment. Waste removal trucks are noisy. What about noise reduction for surrounding residents? Publix is approving this project by selling the land to an out of state developer.

Rob Bolton of Stratton Dr. cautioned traffic is bad, kids walking to school was a concern. Traffic counts and the real traffic were different. He implored the Commission to look at improving Lake Miriam Dr. It must be re-evaluated and expanded. The existing right has been there 20 years but no one has acted on it. It is a Class A apartment complex. People who live in those type apartments drive and do not use public transportation.

Cindy Ross asked the Commission to vote no based on the Comprehensive Plan. The development provided limited green space, the family of otters will be disturbed, and the traffic study is not accurate. There were 4 peak hours on Lake Miriam Dr. If approved, close the Lake Miriam Dr. access road, limit the building height to 2-story high, ask for assisted living or adult community (55+). The buffer is being reduced from 500 ft to 15 ft. When built, Publix bragged about the 500 ft buffer, a recreational lake that was never built, a community space that was never built, and explained it would not be a problem because it was all commercial. The development was not compatible with the residential neighborhood. Vote no based on the City mission, the Comprehensive Plan, Quality of Life, emergency response time, and crime prevention. Do not choose impact fees over qualify of life.

Christina Jones: A moratorium was mentioned on Friday, has that been considered? Housing seems to be a big issue in Lakeland. Three different apartment complexes have already been approved at 200 units each. We have housing available. These apartments will not benefit anyone in the area. Since the City and Publix are so cohesive, why haven't the 2 agreed to work together to use that space for the community? The City should consider what they could do that was better. We have housing. This was the Commission's first time to hear from the residents. The Commission has not had enough time to decide today. There are more cons than pros.

Rebecca Renfroe, lifetime Lakeland resident, asked who profits and who loses? She asked they not develop this spot. Residential and suburban areas are being affected by the intensity of development in Lakeland. She was concerned about over development and the school children.

Chuck Hunt, state certified general contractor, builds residential and commercial. He was pro responsible growth. Lake Miriam Dr. was a funnel and this project would be a dam on the flow of traffic. The current residential development has caused the backup. Lake Miriam Dr. must be addressed and impact fees will not be enough to fix the problem. The apartments were too tall. The project will devastate the value of the surrounding homes. This area does not need more residential.

Chris Oliver, adjacent property owner. He did not realize they could sell a home without sufficient access to its garage. His driveway is encroaching. Will he lose the ability to store his landscape equipment on his property? There were 7 houses on the lake. Will they lose access to the lake for fishing and hunting? Residents on the lake are suing Publix because of their runoff into the lake. Will they maintain access to the lake?

Dennis Ross owned 13 ½ acres on Lake Miriam Dr. and wanted to talk to the Commission about their responsibility. They must decide based on competent and substantial evidence. Do not substitute what you actually know with the information provided. The 4-story building is not sensitive to the surrounding development. Not considering the surrounding roadway is not logical. Consider safety and increased hazards with additional students. Base your decision on your wisdom and knowledge and do what is right for the residents of the neighborhood. There is more than enough competent and substantial evidence to deny the development. He handed out a statement which he emailed to the Commission earlier.

Steve Sheets talked about City priorities. He was concerned about traffic and emergency response. He was concerned about school children walking to and from school. He was concerned about environmental impact on the animals. The retention pond has created a wildlife habitat. He objected to the 4-story buildings. Pipkin Rd. was staying at 3-stories.

Closed public comments.

Palmer Davis explained the applicant now has an opportunity for rebuttal. He asked the Commission if they had heard of any issues outside of the meeting today that has not been raised here this morning. The Commission should declare that now. There were no additional issues.

Elise Batsel representing the applicant offered a rebuttal:

- They added 2 pedestrian access points to accommodate students. They anticipated 11 students from this development per the school board.
- The average lease was 12 months. This was not short-term rental.
- Noise - between south neighbors and development, noise will not be an issue because of the busy roadway.
- Greenspace - they have 33% of the site reserved as green space.
- Traffic - statute did not allow the City to consider the background traffic, today's level of service. The project would have a reduction in traffic compared to what could be developed by right.
- Buffer - the 500 ft buffer has not existed for some time. That buffer was from 1973. These entitlements and conditions have changed over the years.
- The additional apartment complexes - planning for growth was required. This is the type of area the Comprehensive Plan envisioned for additional density. Polk County is the 7th fastest growing county in the country.
- Ecological impact - their plans will have to be sent to Fish and Wildlife for review. They will have to respond to any findings. State law and Federal law protect wildlife. They will follow the law.

- Mr. Oliver - We understand he did not know about the encroachment. We have accommodated that encroachment so he does not have to relocate that use. We have tried to accommodate the encroachment. They will put it in writing.
- Logic & Reason - your standard is competent and substantial evidence. That is what you must consider. With respect to substantial and competent evidence, they are aware of the transportation issues. From that perspective, whatever is built on this property will affect the traffic. This development was less than commercial. The Commission cannot consider this as if it was vacant land. They cannot review it in a vacuum.
- The burden is satisfied by the local government staff recommendation of approval. The burden now shifts to the Commission. You would have to provide a legitimate public purpose to maintain the zoning category. The Commission would have to provide substantial and competent evidence to deny the rezoning. She has not heard any evidence to retain the zoning. Stepping back, this is a good thoughtful project. She requested approval and closed discussion.

Commission discussion:

Commissioner Bill Read:

- Traffic was determined by the number of units vs the number of beds.
- Parking ratio was a major concern for him.
- Transition was different from compatibility. Most single-family homes were on a 1/2 acre or larger.
- Did not believe the data was as accurate as he would like. We have a failing intersection, a school, the inability to consider what the citizens really want. Everyone gets stuck at lights everywhere in the City.
- Growth is inevitable. The quality of life and growth was the biggest concern.

Commissioner Chad McLeod asked planning staff about density and compatibility. Considering the surrounding acreage for single homes, how is the project compatible?

Chuck Barmby: From compatibility standpoint it falls on the transit-oriented corridor (TOC) and associated activity center at that location, as shown in the Comprehensive Plan, and defined in the Land Development Code. Planners must look at what the area will look like 10 years moving forward. We know we cannot widen Florida Avenue or Lake Miriam Dr. or Cleveland Heights Bl. What staff has been trying to do is improve where they can such as accommodating driving to Publix within the site. From affordability, transportation and compatibility, we must have a way to step down from commercial to single family. Ultimately the way it is developed and maintained is the difference. The PUD should address the compatibility issues we have heard about today. That created a better chance of a logical organized development pattern. Home to work is only a small fraction of daily trips of a household. An organized development pattern with good transit is better for the public than more retail.

Commissioner Phillip Walker stated quality of life is so important. He cannot move forward until there is some way to continue to provide a quality of life for the community. The road must be redesigned or improved.

Commissioner Sara McCarley:

- We must work within our parameters. Consider all the other offices that influence our way of life in the City. Depending on who we elect to the State, that affects our quality of life. They prefer we grow like the State. They benefit from that growth. We must be mindful of who we put in those seats.
- This is hard for us because Lake Miriam Dr. is the line. The south side of Lake Miriam Dr. is in the County. Putting more commercial on Lake Miriam Dr. is not going to help.
- Changing human behavior on travel will make a difference.
- It is a very complicated process and she thanked those who came this morning. We live here. We shop here. We go to church here and have children in the schools. We must adhere to the structure with which we work.

Palmer Davis did not want the Commission to feel their hands were tied. There were arguments on both sides.

Commissioner Stephanie Madden:

- Thanked everyone who came. This is a difficult decision but this is her favorite type of meeting. This is citizens in action.
- She did not think it was fair that they could not consider existing road standards. It made sense to set the rules to encourage growth during a recession. We are not in a recession now.
- She applauded the developer for working with City staff. At least they have taken strides to work with City staff. Staff has constraints. They heard us say we do not want sprawl, we need more housing, we need greater density to take advantage of transit.
- Hearing citizen input is also very important. She heard residents have no access beyond Lake Miriam Dr. Information about carpool lines are vital information that the Commission needed to hear when making a decision. There are many complexities and we must hear from everyone. She applauded everyone involved because they all did what needed to be done.
- Her vote would be no.

Commissioner Chad McLeod:

- It is tough when you hear staff say the development is consistent and then residents say it is not consistent. It falls to us to determine. There is no argument that this land will be developed. Would we be satisfied with a commercial development later? He thought it was consistent with the Comprehensive Plan.
- His vote would be yes.
- He applauded staff and the applicant for their work on this project.

Commissioner Mike Musick:

- This was his district. He took 3 pages of notes.
- It falls to compatibility. He did not think a 4-story building was compatible. Some apartments would be compatible.
- It has been a beautiful green space but it is not going to stay. A Wawa there would bring traffic 24/7. Multi-family would be the best development there but he could not support this multi-family.

Mayor Bill Mutz:

- He travels through there every day by car and bike. He was sensitive to the current situation. He was thinking about what would be the least impactful.
- He supported multi-family there but he had trouble with 4 stories. He preferred multi-family to commercial or retail.
- He supported staff for the work.
- The development meets all the formula. It makes compliance sense.
- He would like to see another iteration of this project. That is not our role. If they were all 3 stories it would be better. It was a little large for this location.
- The danger is what we get next. There is no opportunity for us to have nothing built there. Economically is there any chance they'd consider 3 stories?

Elise Batsel asked the Commission to continue the hearing so they could consider 3 stories on all buildings.

Commissioner Phillip Walker thought what was presented was a good project it was just he had a problem moving forward, He would like to hear what they offered in height and density.

Commissioner Mike Musick: It is frustrating to get tons of material on the day of the meeting while he is supposed to listen to the speaker. He would like to continue the public hearing. All the material they received today did not come easy or cheap. He needed to see something that his constituents could support.

Mayor Bill Mutz: We want to see the most responsible compliant development that could go on that ground. The City also must work on Lake Miriam Dr.

Motion: Commissioner Mike Musick moved to continue the public hearing to allow the applicant to work with staff to modify the plans. Commissioner Phillip Walker seconded.

Mayor Bill Mutz asked for Commission comments.

Commissioner Stephanie Madden asked, with this continuance, how we best leverage these conversations to get work on Lake Miriam Dr. sooner rather than later.

Chuck Barmby: Staff has had ongoing conversations about what we can do for Lake Miriam Dr. There are pinch points for even turn lanes. We need to work with Polk County and the School District for Right-of-Way for turn lanes. That would help some of the issues. There is a power pole that LE is evaluating. There are some opportunities. We probably need to do some alignment studies and we can chip away at that.

Commissioner Stephanie Madden asked if the Commission can direct staff to work on the Lake Miriam Dr. issues as part of that continuance.

Commissioner Mike Musick and Commissioner Phillip Walker agreed to add the language that staff explore mitigation options for Lake Miriam Drive to the motion.

Amended Motion: Continue the public hearing to allow the applicant to work with staff to modify the plans and to allow staff to explore solutions for Lake Miriam Dr.

Commissioner Bill Read thanked everyone who came out today. He was concerned about parking ratios. He was going to need to see 200 units or less to support the project. Quality of life is paramount.

Commissioner Mike Musick stated that is a good point, the reason people want to be here is because of what those before us have done. We want smart growth.

Mayor Bill Mutz asked for comments on the amended motion from the public. There were no comments.

Action: Mayor Bill Mutz called for the vote and the motion carried unanimously.

AUDIENCE

MAYOR AND MEMBERS OF THE CITY COMMISSION

Commissioner Bill Read announced Sun 'n Fun starts tomorrow.

Commissioner Stephanie Madden acknowledged Annie Gibson's last day was Friday. I hope she is already on vacation. We are sad to see her go.

Commissioner Phillip Walker announced the LHCC opening was being pushed out.

CALL FOR ADJOURNMENT – 1:53 p.m.

H. William Mutz, Mayor

CITY OF LAKELAND, FLORIDA
INCORPORATED
JAN. 1, 1885

Kelly S. Koos, City Clerk