

EAGLE LAKE PLANNING COMMISSION
REGULAR MEETING
TUESDAY, JANUARY 3, 2023 at 6:30 P.M.
TO BE HELD IN THE COMMISSION CHAMBERS,
LOCATED AT 675 E EAGLE AVE
EAGLE LAKE, FLORIDA 33839

AGENDA

I. **CALL TO ORDER**

II. **INVOCATION**

III. **PLEDGE OF ALLEGIANCE TO THE FLAG**

IV. **ROLL CALL**

V. **STAFF REPORTS**

VI. **PUBLIC HEARING**

- A. Consideration of proposed Ordinance No.: O-23-03, An Ordinance Amending the City of Eagle Lake, Florida 2030 Comprehensive Plan by Revising the Future Land Use Map Series to Assign Neighborhood Activity Center Future Land Use to Two (2) Annexed Parcels; Amending the City of Eagle Lake, Florida Zoning Map to Apply General Commercial (CG) Zoning to the Same Certain Parcels; Repealing All Ordinances in Conflict Herewith; and, Providing an Effective Date. (General Location: Two parcels of land totaling approximately 3.98 acres in size, lying southeast of the intersection of Cooley Road and County Road 540, West, with a Street Address of 0 Cooley Road, Eagle Lake, Florida 338390 (A & E Property)

VII. **OLD BUSINESS**

VIII. **NEW BUSINESS**

- A. Election of Chairperson
B. Election of Vice-Chairperson

IX. **CONSENT AGENDA**

- A. Approval of the Planning Commission Minutes -----12/05/22

X. **AUDIENCE**

XI. **PLANNING COMMISSION**

XII. **ADJOURNMENT**

Please be advised that if you desire to appeal any decisions made as a result of the above hearing or meeting, you will need a record of the proceedings and in some cases a verbatim record is required. You must make your own arrangements to produce this record. (Florida Statutes 286.0105)

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact City Clerk Dawn Wright at 75 North Seventh Street, P.O. Box 129, Eagle Lake, Florida 33839 or phone (863) 293-4141 within 2 working days of your receipt of this notification; if you are hearing or voice impaired, call 1-800-955-8771.

POSTED AT CITY HALL AND THE EAGLE LAKE POST OFFICE ON
WEDNESDAY, DECEMBER 21, 2022 BY CITY CLERK DAWN WRIGHT, MMC, FCRM, PHRP

ORDINANCE NO.: O-23-03

AN ORDINANCE AMENDING THE CITY OF EAGLE LAKE, FLORIDA 2030 COMPREHENSIVE PLAN BY REVISING THE FUTURE LAND USE MAP SERIES TO ASSIGN NEIGHBORHOOD ACTIVITY CENTER FUTURE LAND USE TO TWO (2) ANNEXED PARCELS; AMENDING THE CITY OF EAGLE LAKE, FLORIDA ZONING MAP TO APPLY GENERAL COMMERCIAL (CG) ZONING TO THE SAME CERTAIN PARCELS; REPEALING ALL ORDINANCES IN CONFLICT HERewith; AND, PROVIDING AN EFFECTIVE DATE.(General Location: Two parcels of land totaling approximately 3.98 acres in size, lying southeast of the intersection of Cooley Road and County Road 540, West, with a street address of 0 Cooley Road, Eagle Lake, Florida 33839) (A & E Property)

WHEREAS, the Legislature of the State of Florida has, in Chapter 166, Florida Statutes, delegated the responsibility to local governmental units the power to adopt regulations designed to promote the public health, safety and general welfare of its citizens; and

WHEREAS, the City of Eagle Lake, Florida, pursuant to Section 163.3161, et. seq., Florida Statutes, the Community Planning Act, formerly the Florida Local Government Comprehensive Planning and Land Development Regulation Act, was required to prepare and adopt a comprehensive plan; and

WHEREAS, the City of Eagle Lake City Commission adopted the Eagle Lake 2030 Comprehensive Plan on April 18, 2011; and

WHEREAS, Chapter 163, Part II, Florida Statutes, the Community Planning Act, provides authority for local governments to amend their respective comprehensive plans and outlines certain procedures to amend adopted comprehensive plans; and

WHEREAS, the City of Eagle Lake received an application, dated November 17, 2022, for voluntary annexation of property described herein and attached as Exhibit A, pursuant to Section 171.044, Florida Statutes; and

WHEREAS, the City of Eagle Lake City Commission duly annexed the property described herein and identified as the amendment area into the corporate limits of the City of Eagle Lake on February 6, 2023; and

WHEREAS, the City of Eagle Lake received an application dated November 17, 2022 to amend the City's 2030 Comprehensive Plan Future Land Use Map by assigning

Commercial Future Land Use designation and the City's Zoning Map to assign General Commercial (CG) zoning to the property described herein; and

WHEREAS, pursuant to Section 163.3184, Florida Statutes, and Division VI of the Eagle Lake Land Development Code, after due public notice the City of Eagle Lake Planning Commission, as the "Local Planning Agency," held a public hearing on January 3, 2023 to consider making a recommendation to the City Commission regarding the application for an amendment to the Future Land Use Map and CG zoning; and

WHEREAS, pursuant to Section 163.3184, Florida Statutes, the Eagle Lake City Commission held a public hearing on January 3, 2023 and February 6, 2023 to consider the adoption of the proposed amendment to its Comprehensive Plan and Zoning Map; and

WHEREAS, the Eagle Lake City Commission considered all oral and written comments received during such public hearing, including the data and analysis provided for this amendment, and the recommendation of the Planning Commission.

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of Eagle Lake, Florida, as follows:

SECTION I. PURPOSE AND INTENT,

This Ordinance is hereby enacted to carry out the purpose and intent of, and exercise the authority set out in the Community Planning Act, Chapter 163, Part II, Florida Statutes, as amended.

SECTION II. FUTURE LAND USE MAP AMENDMENT.

The City of Eagle Lake City Commission hereby adopts the following amendment to the Eagle Lake 2030 Comprehensive Plan Future Land Use Map Series, which will be updated consistent with the action of the Eagle Lake City Commission set forth in this Ordinance.

1. The Comprehensive Plan Amendment application request an amendment to the Future Land Use Map Series designated as the amendment area described herein and consisting of 3.98 +/- acres.
2. The amendment area is specifically described by a legal description and location map attached hereto as Exhibits A and B and includes the following Parcel Identification Numbers: 262906-672000-000071 and 262906-672000-000082.
3. Prior to annexation by the amendment area was designated Residential Low (RL-2) on the Polk County Comprehensive Plan Future Land Use Map Series adopted by the Board of County Commissioners, Polk County, Florida.
4. Upon the legal effective date of this Ordinance, the Eagle Lake Future Land Use Map category for the amendment area will be designated as Neighborhood Activity Center as shown in Exhibit C, attached hereto Any future development of the

amendment area will be required to meet the standards of the Eagle Lake Comprehensive Plan.

SECTION III. ZONING ASSIGNMENT.

Upon the legally effective date of this Ordinance, the Zoning Classification for the amendment area will be designated as General Commercial (CG) as shown in Exhibit D, attached hereto, pursuant to the provisions of the Eagle Lake Land Development Code

SECTION IV. CONFLICT WITH OTHER ORDINANCES OR CODES.

All Ordinances or parts of Ordinances of the Code of Ordinances of Eagle Lake, Florida, in conflict with the provision of this Ordinance are hereby repealed to the extent of such conflict.

SECTION V. SEVERABILITY

Should any word, phrase, sentence or section of this Ordinance be held by a court of competent jurisdiction to be illegal, void, unenforceable, or unconstitutional, then such shall be severed from this Ordinance, and the remainder of the Ordinance shall remain in full force and effect.

SECTION VI. EFFECTIVE DATE.

This Ordinance shall become effective on the 31st day after its adoption by the Eagle Lake City Commission.

ADOPTED ON THIS _____, 2023

EAGLE LAKE CITY COMMISSION:

ATTEST:

DAWN WRIGHT
CITY CLERK

BY: _____
CORY COLER, MAYOR

Approved as to Form:

HEATHER R. MAXWELL, ESQ.
CITY ATTORNEY

EXHIBIT A – LEGAL DESCRIPTION

LEGAL DESCRIPTION:

The South $\frac{1}{2}$ of lot 8; and lot 7 less the South 304 feet thereof, in W.M Hampton's Subdivision, as shown by map or plat thereof recorded in the office of the clerk of the circuit court in and for Polk County, Florida, in Plat Book 2, Page 36.

AND

The South $\frac{1}{2}$ of lot 8, W.M Hampton's Subdivision of the northeast $\frac{1}{4}$ of the southwest $\frac{1}{4}$ of Section 6. Township 29 South, Range 26 East, according to the map or plat thereof as recorded in Plat Book 2, Page 36 of the public records of office of Polk County, Florida, less any part thereof conveyed to the State of Florida, Department of Transportation for road right-of-way purposes for State Road 655 as described in O.R. Book 3767, Page 2156, less a parcel of land being a portion of lot 8 of W.M. Hampton's subdivision in accordance with the Plat thereof recorded in Plat Book 2, Page 36 of the public records of Polk County, Florida, also lying in the southwest $\frac{1}{4}$ of Section 6, Township 29 South, Range 26 East, Polk County, Florida and being more particularly described as follows:

Commence at the $\frac{1}{2}$ inch iron pipe marking the northeast corner of the southwest $\frac{1}{4}$ of said Section 6; thence south $89^{\circ}54'05''$ west along the north line of said Lot 8 and the north line of the southwest $\frac{1}{4}$ of said Section 6, a distance of 23.98 feet to the westerly right-of-way line of Cooley Road (as shown on Florida Department of Transportation Right-of-way Map Section 16120-2504), said point also being the point of beginning; thence continue south $89^{\circ}54'02''$ west along the said north line of said Lot 8 and the north line of the southwest $\frac{1}{4}$ of said Section 6, a distance of 169.68 feet to a point on the northeasterly right-of-way line of State Road 540 realignment (as shown on Florida Department of Transportation Right-of-way Map Section 16120-2504); thence south $65^{\circ}13'32''$ east along the said northeasterly right-of-way line of State Road 540 realignment a distance of 148.19 feet to a point; thence north $51^{\circ}27'06''$ east along the said northeasterly right-of-way line of State Road 540 realignment a distance of 40.33 feet to a point on the aforesaid westerly right-of-way of Cooley Road; thence north $05^{\circ}30'03''$ east along the westerly right-of-way of Cooley Road a distance of 37.43 feet to the point of beginning.

Parcel Identification Number: 262906-672000-000071 and 262906-672000-000082

EXHIBIT B – LOCATION MAP

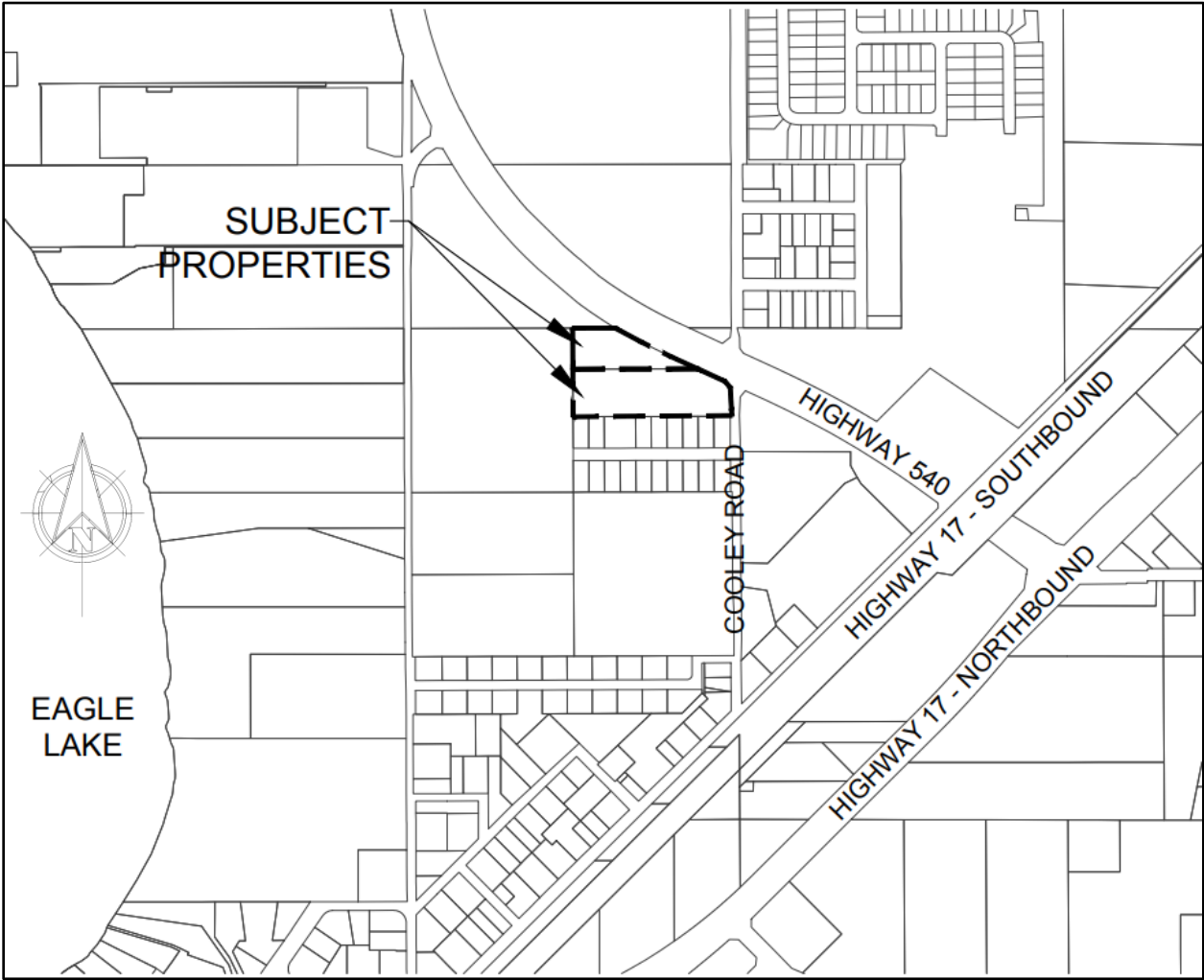


EXHIBIT C – FUTURE LAND USE MAP

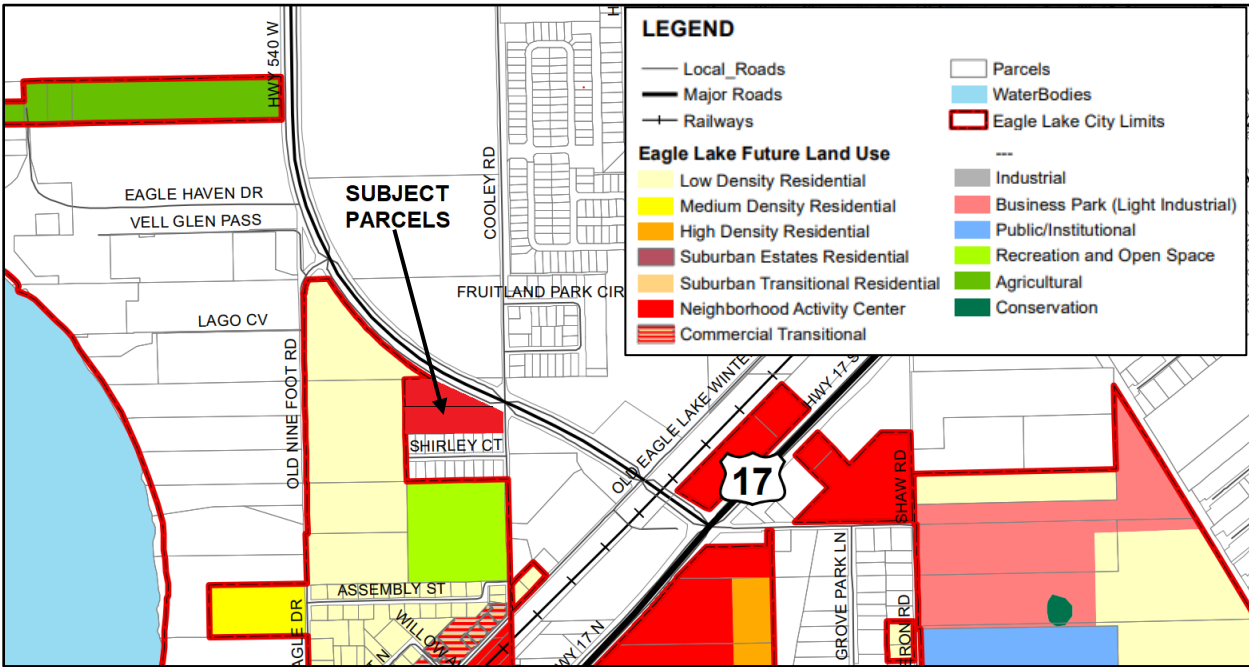
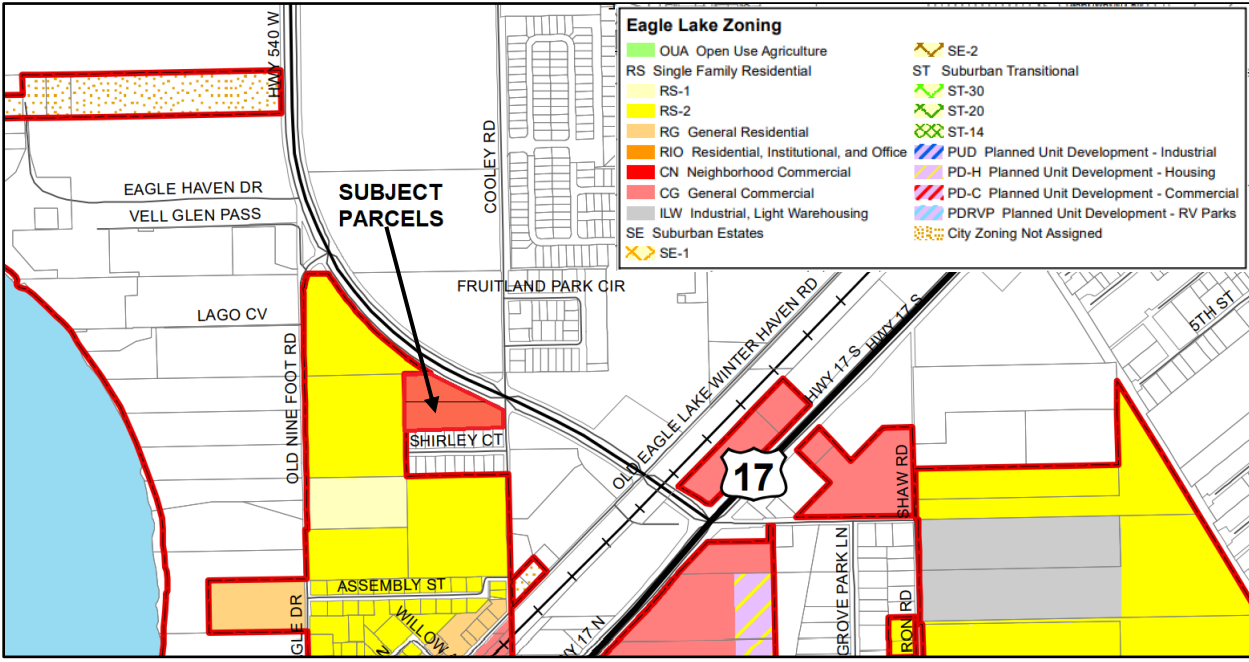


EXHIBIT D – ZONING MAP



IMPACT STUDY – A&E AUTO BODY – COOLEY ROAD

PROJECT SUMMARY

The subject property is an existing vacant property within Unincorporated Polk County's jurisdiction that has RL-2 Land Use designation. The owners, You&Me VM, LLC, purchased the property in November 2022 with the intent to relocate their existing A&E Autobody shop located 12002 Highway 17, Eagle Lake.

The current request is to Annex into Eagle Lake and assign Commercial Land Use and Zoning to allow 'Repair Garage, Minor.' The subject parcels are 232712-000000-021080 & -021350, approximately 3.98 Acres. The Polk County Property Appraiser has received a request to combine the referenced parcels for development and design purposes.

ARTICLE 3: - REQUIRED INFORMATION—GENERAL Sec. 4.7.3.10. - Provisions.

1. Will the proposed change be contrary to the established land use pattern(s) in the surrounding area? If an incompatibility would be created between the proposed and existing land uses, describe the techniques and methods to be used to minimize such differences?

The subject site is currently undeveloped. The proposed development will implement buffers, i.e. opaque fencing and vegetative, to mitigate any incompatibility, as well as to ensure protection from vandalism.

2. Describe how the proposed development would be consistent with the city comprehensive plan in relation to land use, transportation, recreation, utilities, and all related plan elements.

Consistency with City Comprehensive Plan:

FUTURE LAND USE ELEMENT

Policy 1.1 (d) - Application is compatible with surrounding land uses, with the implementation of vegetative and opaque buffers

Policy 1.2 (1-11) – Application demonstrates compliance with the eleven provisions stated

Policy 1.3 – Application is a reasonable revision to the Future Land Use map for both Polk County, and the City of Eagle Lake

Policy 1.4 – Development of the subject site will require management of stormwater runoff through the City, SWFWMD, and possibly FDOT

Policy 2.1 (8) - requested classification is Repair Garages, Minor

Policy 2.9 – implementing transit-oriented design

Policy 4.11 – Mixed Land Uses and intensities along the US 17 Corridor

Policy 9.1 & 9.2 – Application is not encouraging urban sprawl

Policy 12.2 – Application encourages compatibility between adjacent land uses

Policy 13.1 -proposed Commercial along highway corridors with emphasis on compatibility

TRANSPORTATION ELEMENT

Subject site has direct frontage onto Highway 540 W, a DOT principal arterial roadway. Site improvements will be required to comply with the FDOT's requirements for safe and efficient access & drainage.

INFRASTRUCTURE ELEMENT

Level of Service Standards implementing Potable Water, Solid Waste, and Drainage Facilities will be reviewed for any site improvements

3. What changed or changing conditions in the area make the approval of this petition necessary?

The area is vacant, and has never been developed. The specific area is situated for vehicle oriented uses; Commercial Land Use and Zoning is appropriate for the subject property.

4. Describe why the site is suitable for the intended uses.

The subject site is suitable for Commercial designation.

5. Describe the site and list all land uses (by area calculations) and structures existing on and adjacent to the site as of the petition date and how the proposed action is compatible or will be made compatible with such uses.

The subject site is comprised of two parcels, totaling approximately 3.98 acres. The subject site has never been developed, and under the County's Residential mapping designation garnered no interest to residential developers. The new site owners have owned and operated the A&E Autobody minor vehicle repair shop in unincorporated Eagle Lake for 23 years. Polk County purchased A&E's current location for pending County road improvements, forcing A&E to relocate their existing business and build new.

6. Will the proposed development materially alter the population density of the area and thereby increase the demand on public facilities, i.e. schools, parks, sewers, water, and similar public services?

There will be no additional demand for the above-mentioned public facilities with the exception of water and solid waste. Non-residential uses do not impact schools and parks.

7. Will the proposed development adversely affect property values of adjacent property?

Due to the location of the subject site along the Hwy 540 W and close proximity to the US Hwy 17 intersection, property values will not be adversely affected. Studies have shown that new construction provides an increase in value to adjacent existing properties.

8. Will the proposed development create environmental problems? How will the proposed development take into account the natural features of the site, such as topography, wetlands, and similar conditions and what steps will be taken to protect these features?

Please refer to Map Exhibits provided with this Impact Study. There are no environmentally sensitive areas within the subject site.

9. Will the proposed development encroach on or disturb rare, endangered, threatened, and special concern species wildlife habitat? What steps will be taken to protect these habitats?

No impact to threatened and endangered species or habitats is proposed.

10. Will the proposed development create or excessively increase traffic congestion or otherwise affect public safety? A traffic analysis shall be required which addresses the impact of the proposed action on all roads?

The subject application is to annex and assign Commercial designation for a site that is located along State Road.

11. Will the proposed development adversely impact quality of life conditions on adjoining properties or within the neighborhood?

No adverse impacts are proposed to surrounding neighborhoods.

12. If the proposed development is located in an area presently undeveloped, describe how the proposed development may or may not influence future land uses in the area.

The subject property is currently undeveloped.

13. Describe the availability and suitability of other sites within the city suitable for the type of development proposed on land already zoned for such use(s)?

This site was the only land available for sale in close proximity to the existing A&E facility. .

ARTICLE 4: - REQUIRED INFORMATION—SPECIFIC

Sec. 4.7.4.10. – Land use.

1. Describe each of the proposed land uses and identify the following where applicable:

- A. The density, typical floor areas, and type and number of residential dwelling units;

Commercial Lot Coverage maximum is 40% (LDR)

Floor Area Ratio (FAR) is 1.0

Site is 3.98 AC = 173,369 SF x .40 = 69,348 SF Max Lot Coverage

The site will most likely build approximately 25,000 SF of buildings - total

- B. Types of commercial, industrial, or other land uses proposed for the development;

Repair Garage, Minor

- C. The customer service base and service area for intended commercial and/or industrial land uses;

County wide

- D. The gross land area proposed for each type of use, including parking, open space, recreation, and the gross areas of pervious and impervious surfaces, including structures, for the site.

Subject site will be limited to a total footprint of 69,348 SF however only 25,000 SF is anticipated

Sec. 4.7.4.20. - Population.

1. The anticipated population to be generated by the proposed action.

Application for Annexation, Land Use, and Zoning will not generate additional population.

2. Calculate the projected permanent and seasonal population of the proposed development and/or the population generated in the case of commercial or industrial land uses.

No seasonal population is proposed with this development.

3. If the proposed development is a commercial or industrial use, describe the employment characteristics, including the anticipated number of employees, type of job skills or training required for the new jobs, percentage of local people that will be employed and/or will be brought in from other locations, number of shifts per day, and peak shift employees.

Hours of Operation are typically Monday through Friday; one-shift of employees 8am – 5pm.

4. Describe the demographic composition of any additional population generated as a result of the proposed development.

No additional population projected

Sec. 4.7.4.30. - Streets and access.

1. Estimate the number of vehicle trips per day based upon the Institute of Transportation Engineers Trip Generation Manual (most current edition) expected to be generated and for the peak hour(s), for all streets impacted by the development. Establish background traffic counts and determine the impact on those streets affected by the proposed development. Provide a trip distribution model and traffic analysis prepared by a licensed traffic engineer, subject to approval by the administrative official as to the methodology.

Average Annual Daily Trips anticipated for Automobile Care Center (ITE Land Use Code 942) is:

[See attached from Institute of Transportation Engineers excerpt]

2.94 AADT per 1,000 SF x 25,000 SF

2.94 x 25 = 73.5 USE 74 Average Annual Daily Trips

Describe what modifications would be required of the present transportation system (streets) of the city, county, and/or state to meet the needs of the proposed development.

Highway 540 W is a State Principal Arterial. Future development of the subject site would require compliance with all applicable regulations.

2. Describe the off street parking facilities to be used and the total number of spaces required for the proposed development.

Typically, one space per employee (avg 20 – 25) and gated storage yards for vehicles pending repair.

3. Describe the methods to be utilized for provision of ingress and egress to the site.

Existing Ingress/egress is via HWY 540W, a divided highway via a right in/right out, with potential secondary access on to Cooley Road.

4. Describe the walkway or other systems planned for accommodating pedestrian traffic.

Sidewalks are existing along the 540 W Highway corridor adjacent to the site

Sec. 4.7.4.40. - Site conditions, surface and stormwater management, wildlife habitat.

1. Describe the impact the proposed development will have on surface and stormwater management, including methods to be utilized to control off-site discharges and surface runoff.

Development of the subject site will require compliance with all applicable regulations.

2. Describe any alteration of the site's natural drainage features or systems that would be necessary for the proposed development.

The site's natural drainage pattern is from Northwest to Southeast. Future development on site will require stormwater treatment permitted through SWFWMD and FDOT.

3. Describe the local aquifer recharge system, groundwater conditions, well cones of influence, and any changes to these water supplies which would result from the proposed development.

No changes are anticipated.

4. Identify all rare, endangered, threatened, and special concern species of wildlife and their habitats found on the site. Describe the impact of the proposed development on this wildlife and the proposed mitigation of these impacts.

There are no threatened or endangered species on site.

Sec. 4.7.4.50. - Potable water, waste water, solid waste, and recreation. **[Note: Demand Ratios sourced from the City of Lakeland Concurrency Determination]**

1. Indicate the location of the nearest city water supply that will serve the proposed development, size of line, length of extensions required, number of equivalent residential units or customers to be served, estimated gallons per day required, and impact and connection fees to be paid to the city.

Non-Residential Uses – Potable Water - 315 gallons per day per 2,000 SF

25,000 SF Building = $25,000/2000 = 12.5$ – $12.5 \times 315 \text{ GPD} = 3,938 \text{ GPD}$ estimated water generation

2. Indicate the location of the nearest city sewer main that will serve the proposed development, size of line, length of extensions required, number of units or customers to be served, estimated gallons per day to be generated, and impact and connection fees to be paid to the city.

Non-Residential Uses - Wastewater – 85% of potable water GPD demand

$3,938 \times 0.85 = 3,347 \text{ GPD}$ estimated wastewater generation

3. Calculate the solid waste volume anticipated to be generated in pounds per capita per day or tons per day, as a result of the proposed development. If contract services are to be considered, identify the solid waste disposal site and the entity responsible for collection and disposal.

Solid Waste = 11 pounds per day per 2,000 SF

$12.5 \times 11 = 138 \text{ pounds per day}$ estimated solid waste generation

Sec. 4.7.4.60. - Level of services.

Calculate the number of users as a result of the proposed development, on the following. Use the LOS standards contained in the concurrency management system (division IX, appendix B of the land development regulations) as the basis for calculations. [APPROXIMATE]

1. Recreation; **non-residential**
2. Educational facilities **non-residential**
3. Health care; Winter Haven Hospital – 12 Minutes, 3.9 miles
4. Fire protection; Polk County Fire Rescue 17 station – 3 min – 1.1 miles
5. Police protection; Eagle Lake City Hall – 3 min 1.1 miles
6. Electric power, gas, and phone. TECO Electric – 8 min 4.2 miles, Gas Services, Inc. – 7 min 3.5 miles

Sec. 4.7.4.70. - Taxes.

Calculate the estimated ad valorem tax yield to the city government, school board, and any special taxing districts that levy taxes on the property, for the next five years.

The subject property is vacant and will be assessed based on improvement value. Additionally that assessed value will also be taxed under the City's tax rate of 7.651600.

Sec. 4.7.4.80. - Required exhibits and maps.

PLEASE SEE ATTACHED EXHIBITS

Exhibits and maps shall be of sufficient size and type to facilitate understanding of the components of the proposed development. The scale shall be dependent upon the specific application and the applicable requirements detailed in the land development regulations. Dates of preparation and any amendments shall be noted on all exhibits and maps. The following exhibits and maps shall be provided as a part of all impact statements:

1. A location map showing the proposed development in relationship to streets, community facilities, schools, and natural features of the area such as lakes and drainage ways.

2. A topographic map with contour intervals meeting the requirements as spelled out for the particular petition and delineation of areas of special flood hazard (100-year flood plain) as identified on the flood insurance rate maps (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the city or for Polk County in the case of annexation.
 3. An existing land use and zoning map of the site and the abutting properties.
 4. A soils map with the accompanying soils classifications as provided by the Soils Conservation Service. If other sources are utilized for this information, such data and maps shall be fully explained and interpreted.
 5. A traffic circulation map identifying existing streets on or adjacent to the proposed development site, identifying them by name,
 6. maintenance responsibility, pavement width, and right-of-way dimensions.
 7. A site plan meeting the requirements of the specific petition but in any case showing at a minimum the proposed land uses, type, and maximum density for each residential area, typical minimum lot sizes and dimensions for each use and unit by type, dimensions of buffers, easements, open space areas, parking and loading areas, setbacks, and circulation routes.
8. A drainage plan showing existing and proposed drainage areas, water retention sites, structures, easements, canals, wetlands, water courses, and any other drainage features that may be necessary for the proposed development.

Land Use: 942

Automobile Care Center

Description

An automobile care center houses numerous businesses that provide automobile-related services, **such as repair and servicing**, stereo installation and seat cover upholstery. Quick lubrication vehicle shop (Land Use 941) and automobile parts and service center (Land Use 943) are related uses.

Additional Data

The p.m. peak hour of the generator typically coincided with the peak hour of the adjacent street traffic.

The sites were surveyed in 1988 and 1994 in Florida and California.

Source Numbers

267, 273, 439

SITE LOCATION
PARCEL NUMBERS:
262906-672000-000071
262906-672000-000082
ADDRESS: HWY 540 W
& COOLEY RD

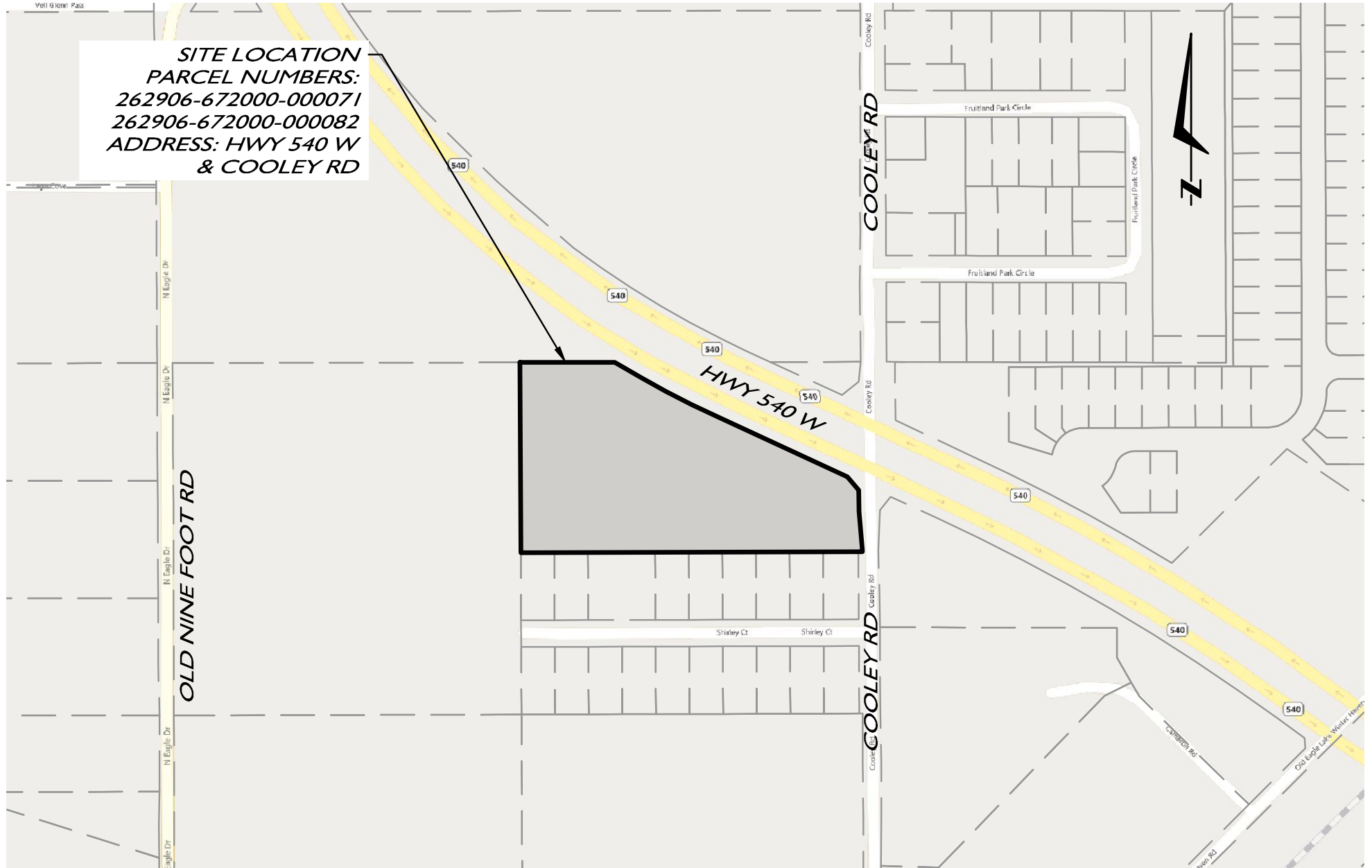


EXHIBIT A

LOCATION MAP

A & E
AUTOBODY
COOLEY ROAD



SITE LOCATION
PARCEL NUMBERS:
262906-672000-000071
262906-672000-000082
ADDRESS: HWY 540 W
& COOLEY RD

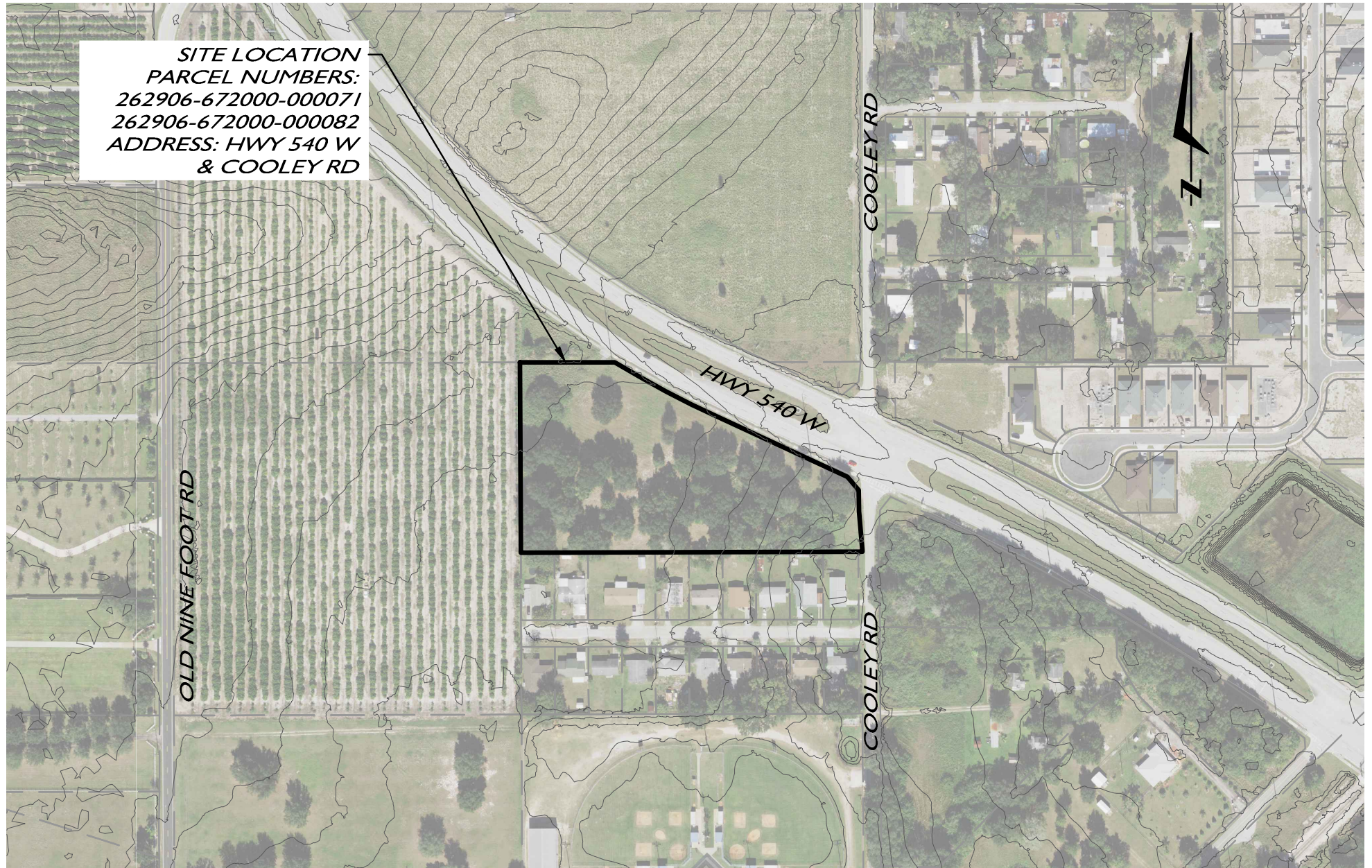


EXHIBIT B TOPOGRAPHICAL MAP

**A & E
AUTOBODY
COOLEY ROAD**



SITE LOCATION
PARCEL NUMBERS:
262906-672000-000071
262906-672000-000082
ADDRESS: HWY 540 W
& COOLEY RD

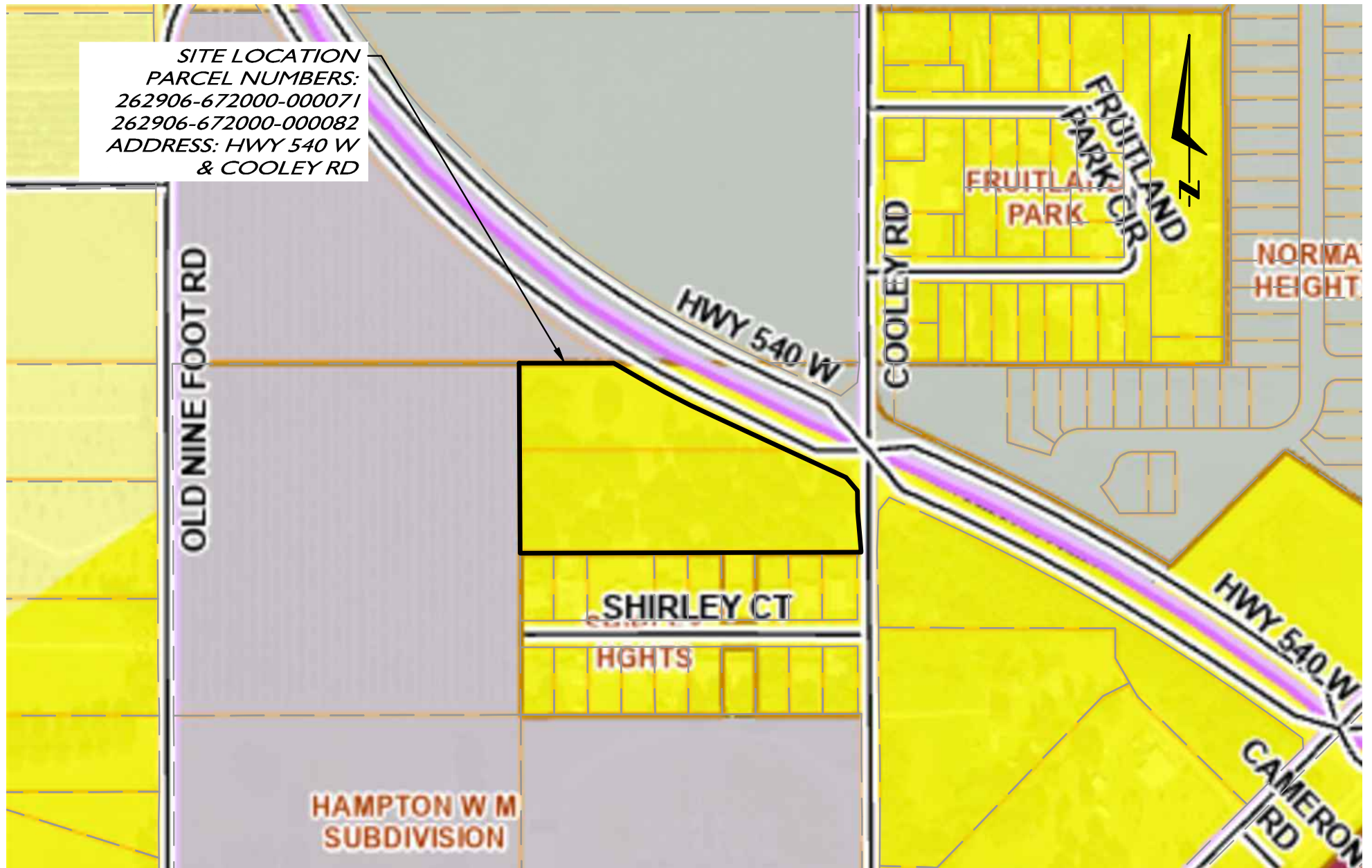
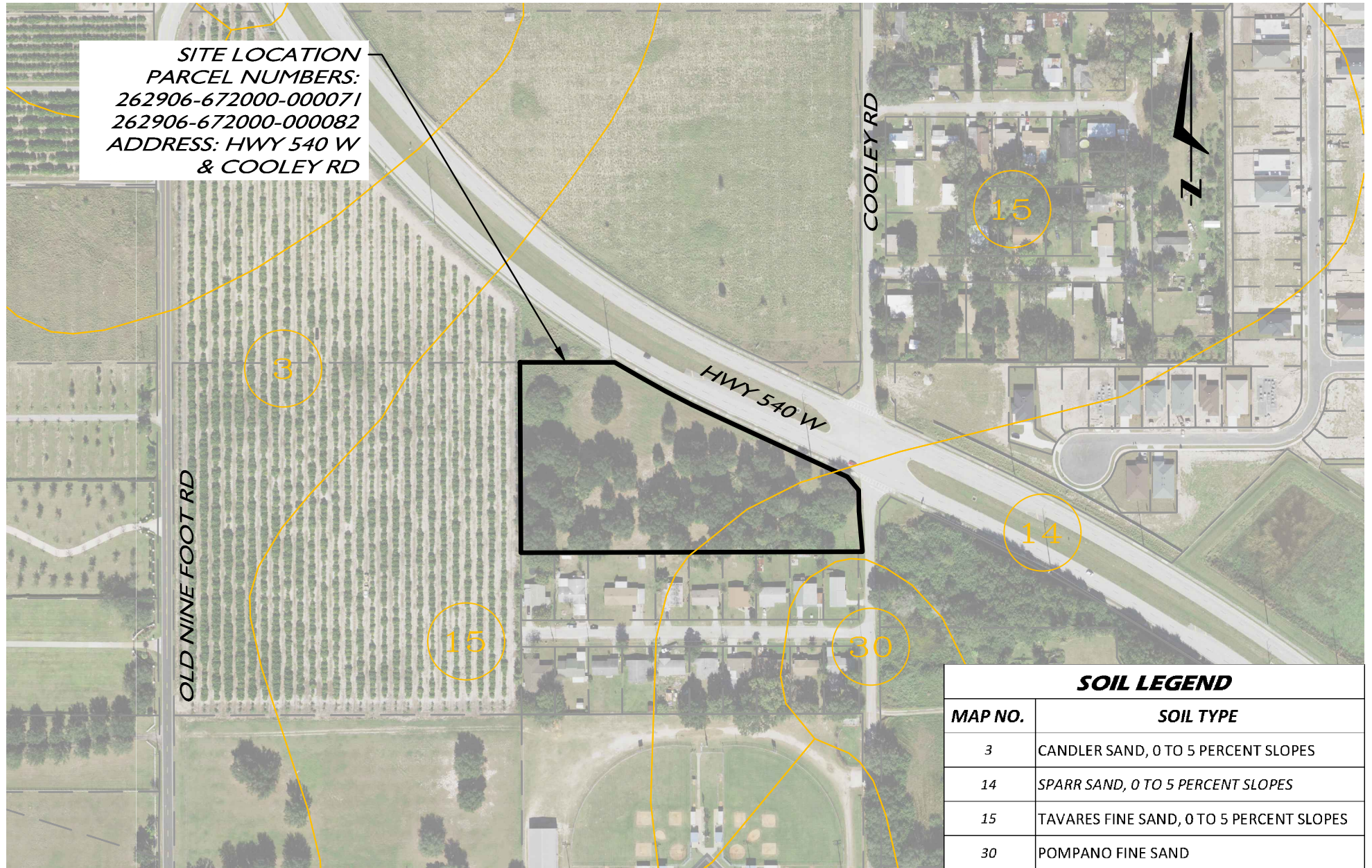


EXHIBIT C LAND USE MAP

**A & E
AUTOBODY
COOLEY ROAD**



SITE LOCATION
PARCEL NUMBERS:
 262906-672000-000071
 262906-672000-000082
ADDRESS: HWY 540 W
& COOLEY RD



SOIL LEGEND

MAP NO.	SOIL TYPE
3	CANDLER SAND, 0 TO 5 PERCENT SLOPES
14	SPARR SAND, 0 TO 5 PERCENT SLOPES
15	TAVARES FINE SAND, 0 TO 5 PERCENT SLOPES
30	POMPANO FINE SAND

EXHIBIT D
SOILS MAP

A & E
AUTOBODY
COOLEY ROAD



SITE LOCATION
PARCEL NUMBERS:
262906-672000-000071
262906-672000-000082
ADDRESS: HWY 540 W
& COOLEY RD

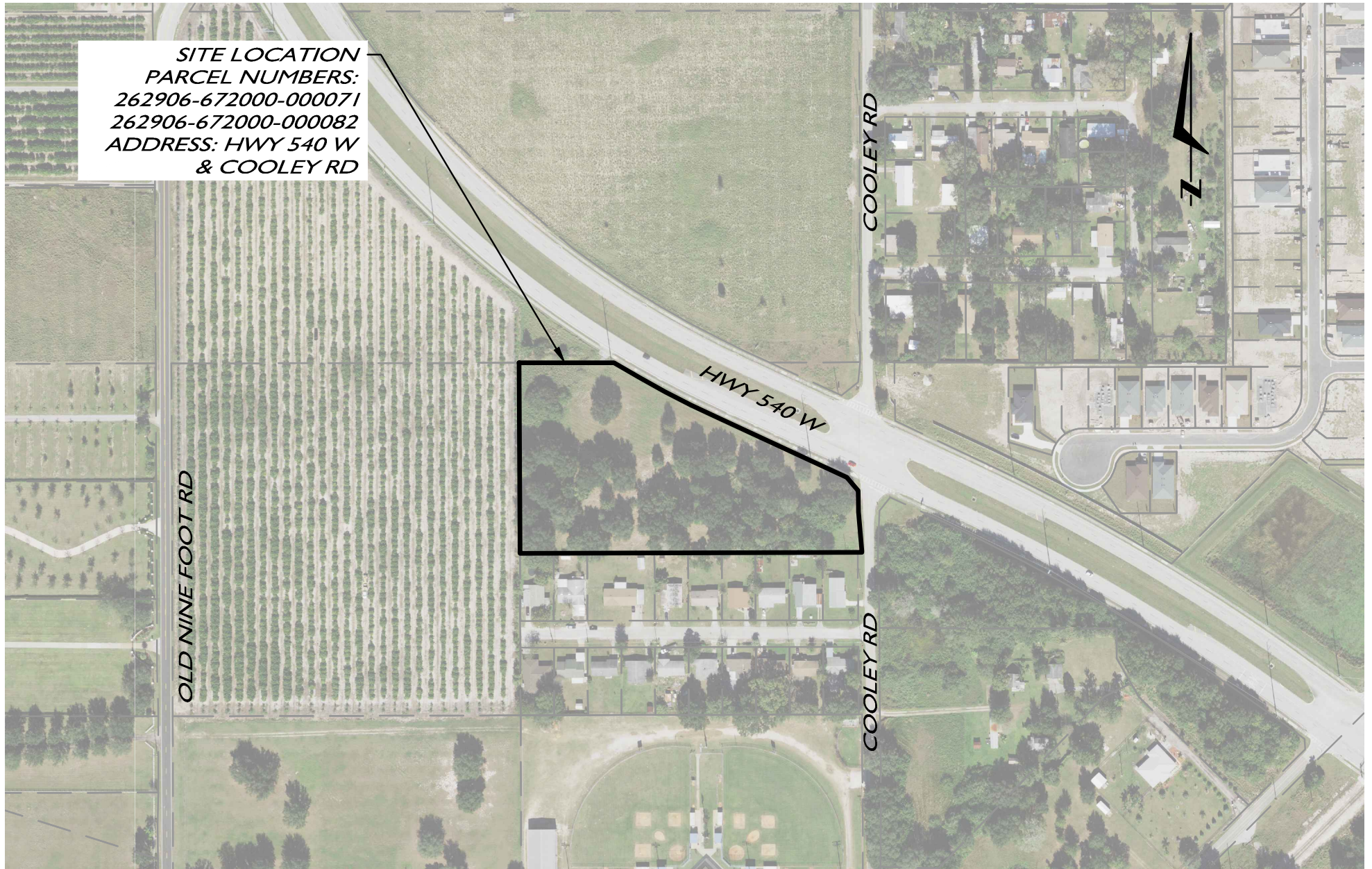


EXHIBIT E

AERIAL MAP

A & E
AUTOBODY
COOLEY ROAD



SITE LOCATION
PARCEL NUMBERS:
262906-672000-000071
262906-672000-000082
ADDRESS: HWY 540 W
& COOLEY RD

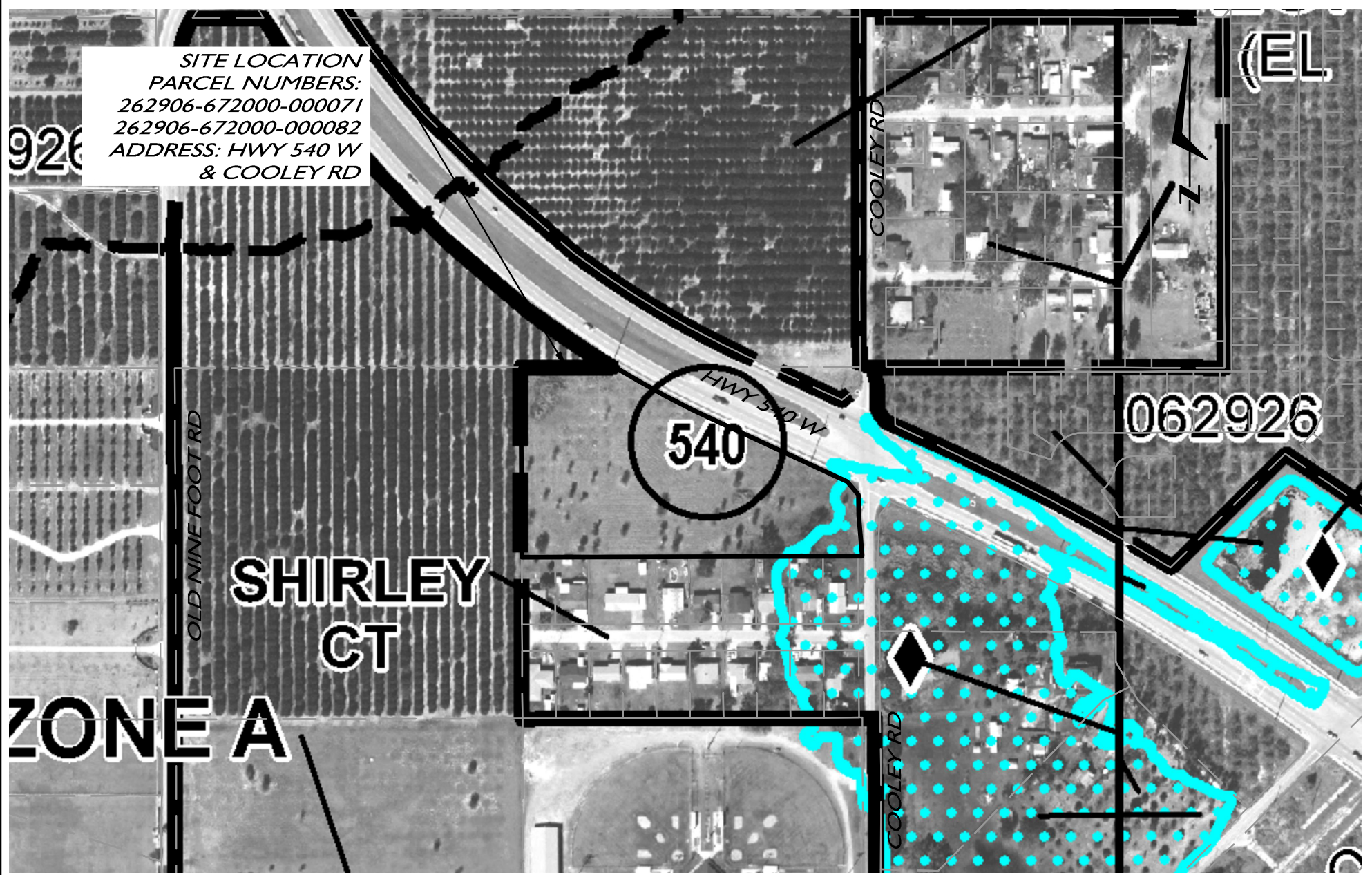


EXHIBIT F
F.E.M.A. MAP

A & E
AUTOBODY
COOLEY ROAD



SITE LOCATION
PARCEL NUMBERS:
262906-672000-000071
262906-672000-000082
ADDRESS: HWY 540 W
& COOLEY RD



EXHIBIT G WETLANDS MAP

**A & E
AUTOBODY
COOLEY ROAD**



Automobile Care Center (942)

Average Vehicle Trip Ends vs: 1000 Sq. Feet Occ. Gr. Leasable Area
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 7 and 9 a.m.

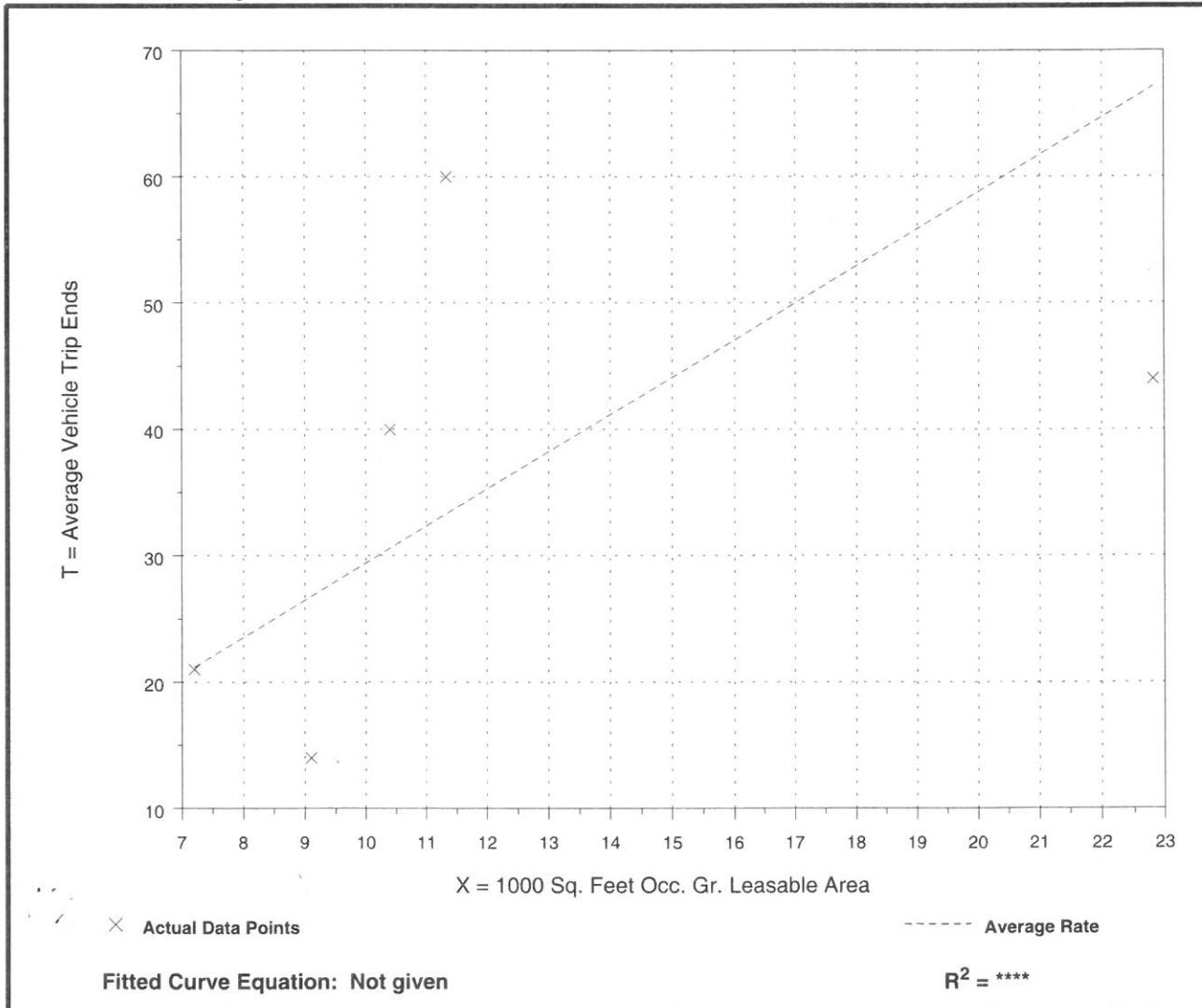
Number of Studies: 5
 Average 1000 Sq. Feet OGLA: 12
 Directional Distribution: 65% entering, 35% exiting

Trip Generation per 1000 Sq. Feet Occ. Gr. Leasable Area

Average Rate	Range of Rates	Standard Deviation
2.94	1.54 - 5.29	2.15

Data Plot and Equation

Caution - Use Carefully - Small Sample Size



MEMORANDUM

TO: Tom Ernharth, City Manager, City of Eagle Lake
FROM: Merle Bishop, FAICP, Senior Planner
DATE: December 15, 2022
SUBJECT: A&E Autobody (A&E Auto annexation/Comprehensive Plan Amendment/zoning)
PROJECT: ELAKX22020 – A&E SR540 Annexation

In response to the City's request, we have completed our review of the annexation/Comprehensive Plan (Map) Amendment/Zoning application submitted by Sarah Case, Next Level Planning & Permitting, on 11/17/22 to the City of Eagle Lake for two parcels totaling approximately 3.98 acres and generally located immediately southwest of the intersection of State Road 540 and Cooley Road.

BACKGROUND:

Property Owner(s): Phillip Newbold, Cherie Gamble, Todd Barrow, and Pamela Mott Borrow.

Applicant: A&E Auto Body, Inc.
12002 U.S. Highway 17, N.
Eagle Lake, FL 33839-5401

Site Location: SW of the intersection of SR 540 and Cooley Road
Eagle Lake, FL 33839-5401

Parcel ID #: 262906-672000-000071 and 262906-672000-000082

Total Site Size: 3.98 acres +/-

Current Land Use: Vacant

Future Land Use Designation: Polk County – Residential Low (RL)

Zoning Designations: Polk County – Residential Low (RL-2)

Proposed Future Land Use Designation: Neighborhood Activity Center

Proposed Zoning Districts: General Commercial (CG)

BACKGROUND:

The applicant requests the City annex the parcels and amend its Comprehensive Plan by adding the parcels to the Future Land Use Map with a Neighborhood Activity Center (NAC) designation. Additionally, the applicant requests that the parcel be assigned a General Commercial (CG) zoning designation. The CG zoning classification is consistent with the NAC future land use designation and will permit general commercial and automotive oriented uses requiring a conspicuous and accessible location convenient to streets carrying substantial volumes of traffic (§2.3.1.60, LDC). These uses include general retail stores, restaurants, gas stations, personal service, and professional offices. Additionally, CG zoning permits minor repair garages with conditions (PC) as identified in Table 2.4.2.10(A). It is the applicant's intention to relocate the existing A&E Autobody vehicle repair operation from its current location at the intersection of S.R. 540 and U.S. Highway 17 to the subject 3.98 +/- acres.

A minor autobody repair garage falls under the definition of “garage, repair – minor” as defined in the Land Development Code under Section 8.1.1.20. This definition, which provides guidelines for the use, is restated below:

The building(s) and premises or portions thereof designed and intended for some or all of the purposes indicated under “service stations” but which, unlike a service station, include provisions for small-scale mechanical work on motor vehicles. Small-scale work shall include inspection, maintenance, repair or replacement of the following: break systems; ignition and electrical systems; carburetor and fuel systems; batteries; oil; anti-freeze and other fluids; tires, tuning and adjustments; provided, that body work and painting shall be conducted within a completely enclosed but safely vented building. Such garages may also be used for hiring, renting, indoor storing, or selling of motor vehicles when directly supporting the operations of the minor repair garage. Moving trucks and trailer rental may be permitted consistent with Section 2.6.2.275 (Truck and Trailer Rental). Large-scale work including engine removal; disassembly or re-assembly; transmission removal or installation; or storage of vehicles or motor vehicle materials or parts is prohibited. (Section 8.1.1.20, LDC)

Additionally, Section 2.6.2.195 – Repair garages, minor and major, provides conditions for this use within the CG zoning district. This Section is restated the following:

1. No outside storage of any motor vehicle supplies or parts is permitted. All material must be stored inside a building each night.
2. All large-scale repairs must be done in an enclosed building.
3. No inoperable vehicle will be on the premises more than ten consecutive days. Time extensions may be granted by the code enforcement officer in ten consecutive day increments up to two months from the date the vehicle arrived on the premises. An extension may be granted if the code enforcement officer concludes that the repair garage has proceeded with due diligence and in good faith in repair attempts to make the vehicle operable or to have the vehicle removed. All such request for extensions shall be submitted in writing not less than five days before the expiration of the time-period, stating the reason for the time extension request and providing proof of the need for extension.
4. All repair garages must meet all Environmental Protection Agency, Florida Department of Environmental Protection, and Florida Department of Transportation regulations.

The combined parcels have approximately 525 feet of frontage on State Road 540 (Winter-Lake Road), a divided, four lane minor arterial roadway maintained by the State of Florida; and 115 feet of frontage on Cooley Road, a local collector road owned and maintained by Polk County. The existing right-of-way width for SR 540 at this location is approximately 135 feet. Any new access to these roads will require a roadway access permit from Florida DOT, District 1 for SR 540 and Polk County for Cooley Road.

SURROUNDING LAND USES:

NW – citrus grove (City of Eagle Lake)	N – S.R. 540; vacant land owned by the Village Church of God (City of Winter Haven)	NE – S.R. 540; single family homes in the Fruitland Park and Normandy Heights subdivisions. (City of Winter Haven)
W – citrus grove (City of Eagle Lake)	Subject Property (vacant w/scattered oak trees)	E – Cooley Road; vacant overgrown large lot (unincorporated Polk County)
SW – citrus grove (City of Eagle Lake)	S – single family homes in the Shirley Heights Subdivision (unincorporated Polk County)	SE – vacant property and scattered single family homes (unincorporated Polk County)

PUBLIC INFRASTRUCTURE:

The existing (Polk County) RL-2 zoning would permit 2 dwelling units for a total of 7 single family homes on the 3.98 acres. Additional residential density/units may potentially be achieved up to 5.0 dwelling units per acre for a total of 19 dwelling units through the achievement of density bonus points and approval of a Planned Development pursuant to public hearing as required by the Polk County Land Development Code. The applicant states that the property will most likely be developed for a total of 25,000 square feet for a “minor repair garage.” However, the request is for CG zoning which includes all permitted uses within this zoning classification and is not limited to a specific site plan, use or square feet. Therefore, the demand for public infrastructure should be based on the development potential of CG zoning for the 3.98 acres.

The requested Neighborhood Activity Center Future Land Use and CG zoning for 3.98 acres potentially permits an estimated maximum of 69,348 square feet of commercial retail space (based on 40% lot coverage for buildings in CG zoning). However, due to the maximum impervious lot coverage of 70%, the geometric shape of the parcels, off-street parking and loading requirements, drainage/retention, utilities, location of adjoining roads and access limitations, etc. the most probable development scenario would be approximately 40,000 square feet for retail commercial uses.

The City’s Level of Service (LOS) for City facilities and services is established in the 2030 Comprehensive Plan. Impacts on LOS should be evaluated based on the impact resulting from the potential development of the property for 40,000 square feet of retail space since the request is not limited to a specific site plan or development conditions.

POTENTIAL INFRASTRUCTURE IMPACTS			
Current Available Capacity	Current Vested Demand	Demands from 40K sq. ft Commercial Retail	Remaining Capacity
Potable Water (LOS: 300 gpd¹/ERC²)			
1.584 mgpd	899,423 gpd	7,200 gpd	677,377 gpd
Sanitary Sewer (LOS: 275 gpd¹/ERC²)			
750,000 gpd	619,789 gpd	2,508 gpd	127,703 gpd
Recreation (LOS: 4.5 acres/1,000 population³)			
17.45 acres	11.34 acres	0.00 acres	6.11 acres
Transportation – S.R. 540 – LOS: C			
2,000 trips ⁴ (PM Peak Hr.)	N/A	529.60 trips ⁵ (PM Peak Hr.)	1,470 trips

¹ City of Eagle Lake 2030 Comprehensive Plan, Administrative Section, Capacity Needs Assessment (pages 9 & 22)

² Equivalent Residential Connection (dwelling unit) for retail commercial is calculated based on 0.6 ERU/1,000 sq. ft.

³ City of Eagle Lake, 2030 Comprehensive Plan, Recreation and Open Space Element, Policy 6.1 (page 2)

⁴ Polk TPO Roadway Database 2022 (Effective date: April 2022)

⁵ ITE TripGen – Retail Shopping Plaza <40K Sq. ft. (Trip Generation Manual, 11th Edition)

Sufficient capacity exists for all of the infrastructure areas evaluated for a development of 40,000 square feet of retail commercial development without diminishing the adopted level of service.

CONSISTENCY WITH COMPREHENSIVE PLAN:

The consistency of the proposed amendment with the Comprehensive Plan has been reviewed. Specifically, we find that the proposed amendment is consistent with or complies with the following applicable policies.

A. FUTURE LAND USE ELEMENT

Policy 2.8, Neighborhood Activity Centers: *Neighborhood Activity Centers are intended to accommodate the shopping, business, and service needs of residents of the City and the adjacent surrounding population. Permitted uses include supermarkets, office, convenience store, service station, Post Office, and related commercial services. Neighborhood Activity Centers must be located at the intersections of major collectors and arterial roadways or along an arterial road.*

The requested Neighborhood Activity Center Future Land Use and CG zoning designation is located at the intersection of a minor arterial roadway (SR 540) and a local collector (Cooley Road) with access to existing infrastructure with sufficient capacity for development of the property for commercial uses. There is no other commercial uses or land use located in the immediate vicinity of the requested amendment. The closest commercial future land use designation and zoning is located approximately 1,300 feet to the southeast at the intersection of SR 540 and US Highway 17. This location is a logical location for establishing a NAC with connectivity to regional roadway network.

Policy 3.1, *The City shall identify development constraints created by soil conditions, topography, natural features, and resources and regulate densities and intensities where such constraints exist.*

The property is generally located above the flood zone for Eagle Lake and has well-drained soils which are suitable of a low-rise multi-family development on the property. The Federal Emergency Management Agency (FEMA) flood maps indicated that a small portion of the easternmost edge of the property, next to Cooley Road is located in flood zone “AE.” This should not present a restriction for development of the site for commercial uses.

There are two soil classifications identified on the property by the USDA, Natural Resources Conservation Service, Soil Survey: Sparr sand (83.5% of the site) and Tavares fine sand (16.5% of the site). The Sparr sand soil is described as “somewhat poorly drained” with the depth to water table of greater than 80 inches and no flooding or ponding. The Tavares fine sand is described as moderately well drained with the depth to water table greater than 80 inches and no flooding or ponding.

Policy 4.1, *The City shall direct development to areas where public facilities and services are available or shall be available at the time of development. High density/intensity land uses shall be directed to areas where the greatest level of service of public facilities and services exist.*

Policy 4.2, *The City shall issue development orders and plan public facility improvements and expansions in a manner which supports implementation of the Future Land Use Element and Map and is consistent with the Capital Improvements Element.*

The location of the property will enable development to be served by public facilities and services that are currently available or will be available prior to the issuance of any development orders.

Policy 9.1, *The City shall locate Future Land Uses at densities and intensities that will discourage urban sprawl and leap-frog development patterns.*

The proposed Neighborhood Activity Center Future Land Use and CG zoning will allow for the continuation of the existing commercial development of the property and expansion of the established commercial development pattern at the intersection of two arterial roadways.

Policy 12.2, *The City shall enforce land development regulation criteria to achieve compatibility between adjacent land uses.*

The proposed Neighborhood Activity Center Future Land Use and CG zoning will allow commercial development on a minor arterial highway. However, the adjacent land use located immediately south of the property is zoned and used for subdivision of 19 single family homes, which is not compatible with potential commercial uses or a “minor repair garage.” Development of the site for these uses can achieve some degree of compatibility by installing a solid, opaque fence and retaining existing vegetation/trees along the south property line; directing lighting away from adjacent property to prevent glare; limiting outside storage in compliance with §2.6.2.295, LDC; conducting all repairs inside enclosed buildings; and limiting hours of operation to prevent interference with resident’s enjoyment of their property.

B. TRANSPORTATION ELEMENT

Policy 4.1, *When reviewing development proposals for properties abutting or impacting traffic on State or County-maintained roadways, coordinate with the FDOT and Polk TPO to ensure consistency with state, regional and county standards, and determine impacts on adopted levels of service.*

The property has access to State Road 540, which is a State maintained minor arterial road, and Cooley Road, a local collector road, owned and maintained by Polk County. Prior to final construction plan approval, the applicant will be required to coordinate a traffic analysis and driveway access with the Florida DOT, District 1 and/or Polk County.

C. INFRASTRUCTURE ELEMENT

The requested Neighborhood Activity Center Future Land Use and CG zoning will permit development consistent with several policies of the Infrastructure Element with respect to maximizing the use of existing facilities to ensure capacity is available for existing and proposed development throughout the City.

CONCLUSION:

The Eagle Lake Land Development Code requires that the Planning Commission shall consider the rezoning petition and base its recommendation to the City Commission upon a determination that the following conditions are satisfactorily met (Division VI, Article 2, Section 6.1.2.10 – General(4))

- A. The rezoning petition is consistent with the City of Eagle Lake Comprehensive Plan;
- B. The rezoning petition will not lower the adopted level of service below the minimum level of services as set forth in the comprehensive plan for any public facilities or services; unless binding commitments for mitigation to maintain the adopted level(s) of service established in the comprehensive plan have been or will be written into a developer’s agreement between the city and applicant;
- C. The proposed rezoning and all permitted uses within the category sought will be compatible with the development of surrounding property;
- D. The need and justification for the change;
- E. The effect of the change, if any, on the particular property and on surrounding properties;
- F. The amount of undeveloped land in the general area and in the city having the same classification as that requested; and
- G. The proposed rezoning and all permitted uses are compatible with development on surrounding property; or compatibility can be achieved with a zoning district of lesser density or lesser intensity which is specified in the planning commission’s recommendation.

The intended use of the property for a minor repair garage must comply with the requirements of the land development code, specifically Section 2.6.2.195 and the definition of a “garage, repair – minor” under Section 8.1.1.20 as restated above.

The requested CG zoning is not compatible with the adjacent single-family subdivision, which has a land use of Residential Low (RL-2) in unincorporated Polk County and the Polk County Comprehensive Plan. However, compatibility can be achieved by incorporating design and operational techniques, to include: installing a solid, opaque fence and retaining existing vegetation/trees along the south property line; directing lighting away from adjacent property to prevent glare; limiting outside storage in compliance with §2.6.2.295, LDC; conducting all repairs inside enclosed buildings; and limiting hours of operation to prevent interference with resident’s enjoyment of their property. The requested Future Land Use Map Amendment to assign Neighborhood Activity Center Land Use and assign General Commercial (CG) zoning to the property are consistent with the Eagle Lake Comprehensive Plan. Additionally, the Neighborhood Activity Center Future Land Use and CG zoning is consistent with the future land use designation and zoning of the adjacent parcel, west of Eagle Avenue.

Based on this analysis, we find that the requested Neighborhood Activity Center Future Land Use designation and CG zoning are consistent with the applicable goals, objectives and policies of the Eagle Lake 2030 Comprehensive Plan, as amended. Furthermore, the requested future land use and zoning is consistent and compatible with the existing Neighborhood Activity Center and CG zoning located adjacent to the eastern and southern property boundary and north, across U.S. Highway 17.

RECOMMENDATION:

The requested Comprehensive Plan Amendment to amend the Future Land Use Map and assign Neighborhood Activity Center to the subject parcel and assign General Commercial (CG) zoning is hereby recommended for approval.

ATTACHMENTS:

- EXHIBIT A – Location Map
- EXHIBIT B – Aerial Photograph
- EXHIBIT C – Future Land Use
- EXHIBIT D – Zoning Map
- EXHIBIT E – Legal Description

EXHIBIT A – LOCATION MAP

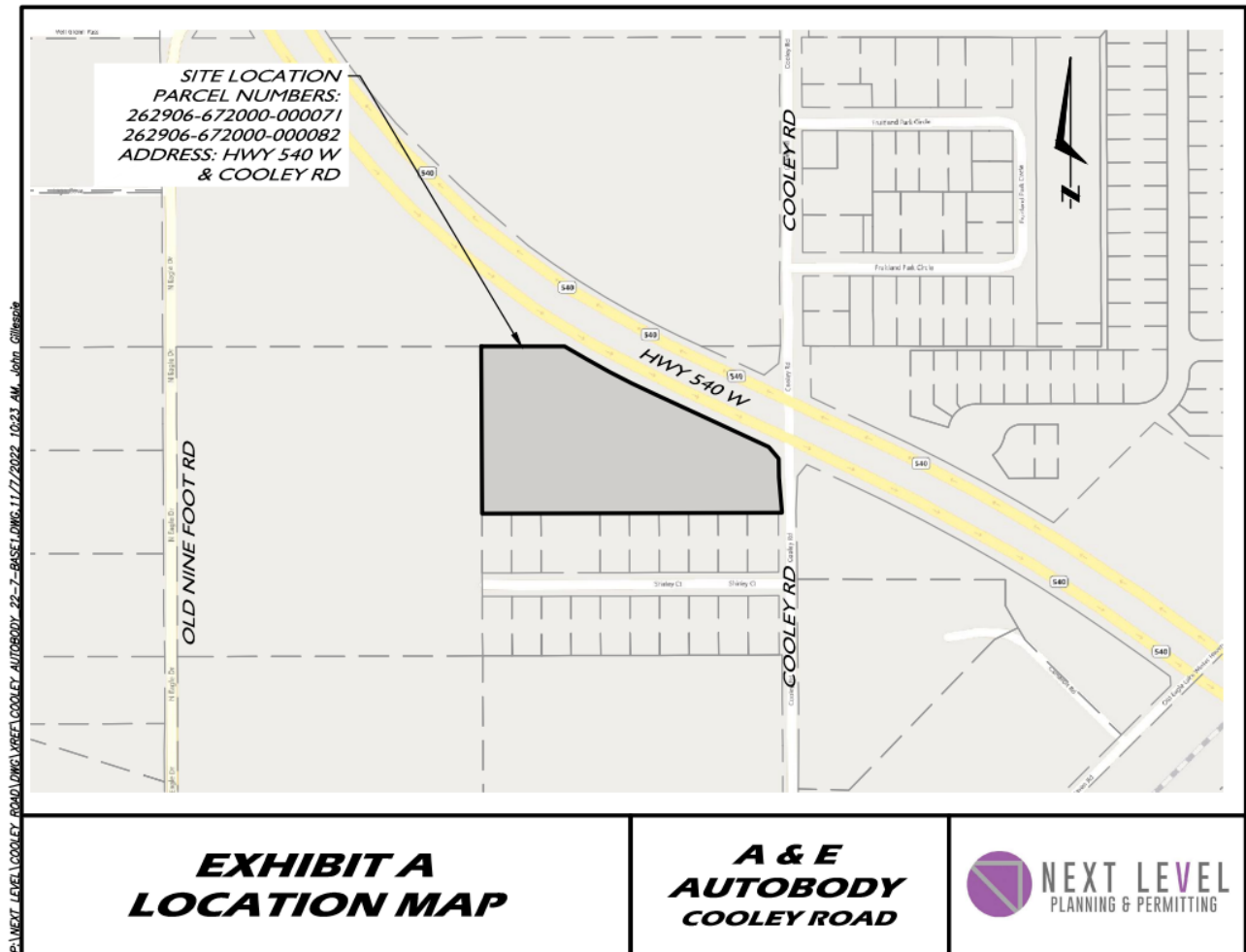


EXHIBIT B – AERIAL PHOTOGRAPH

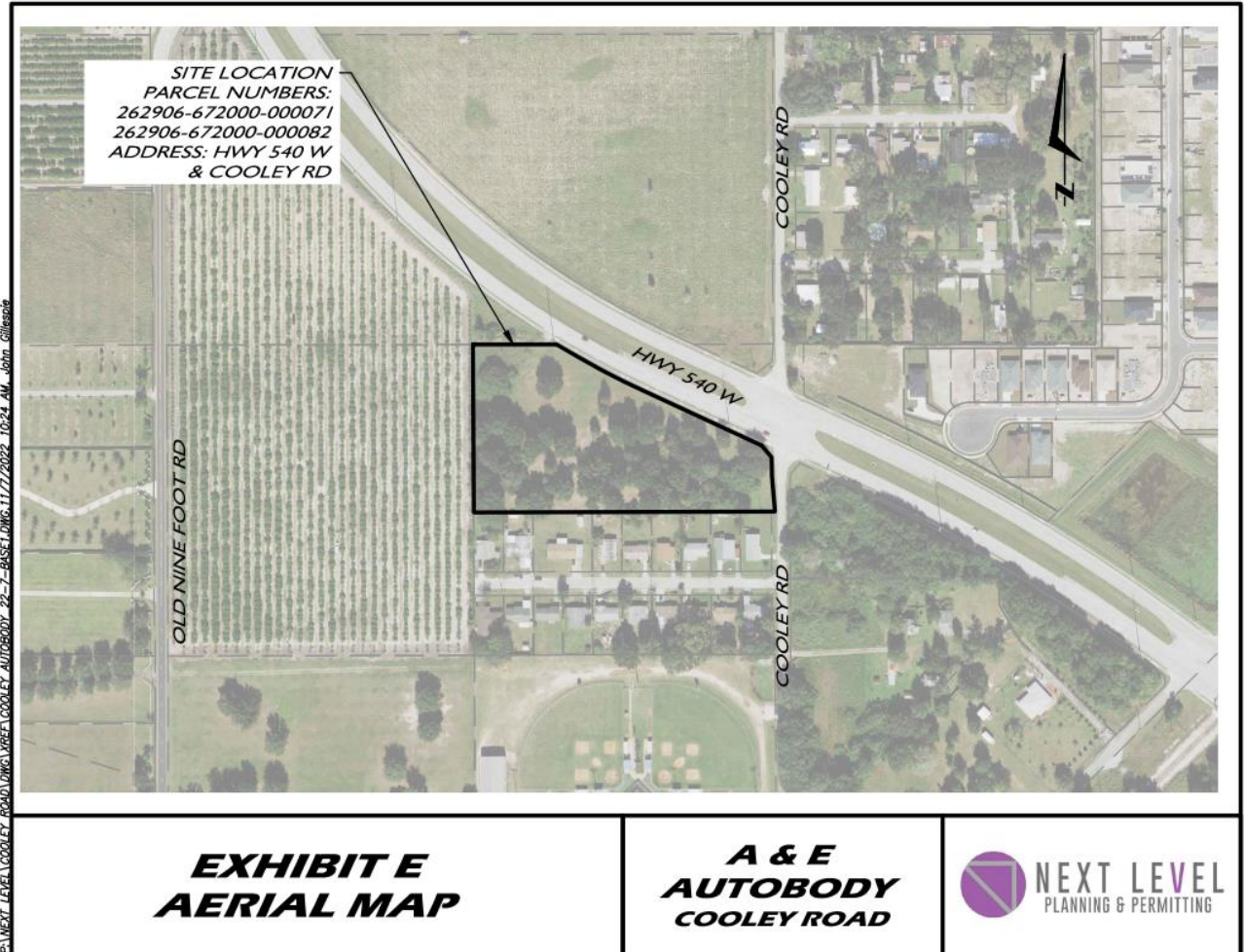


EXHIBIT C – FUTURE LAND USE

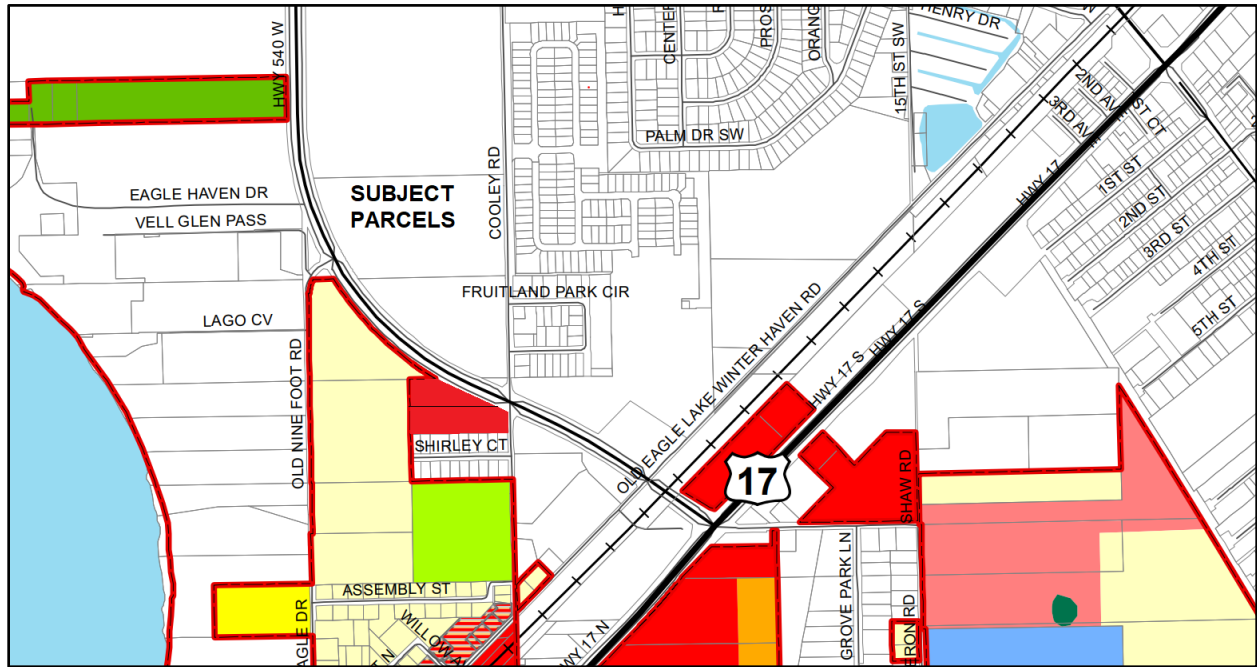


EXHIBIT D – ZONING MAP

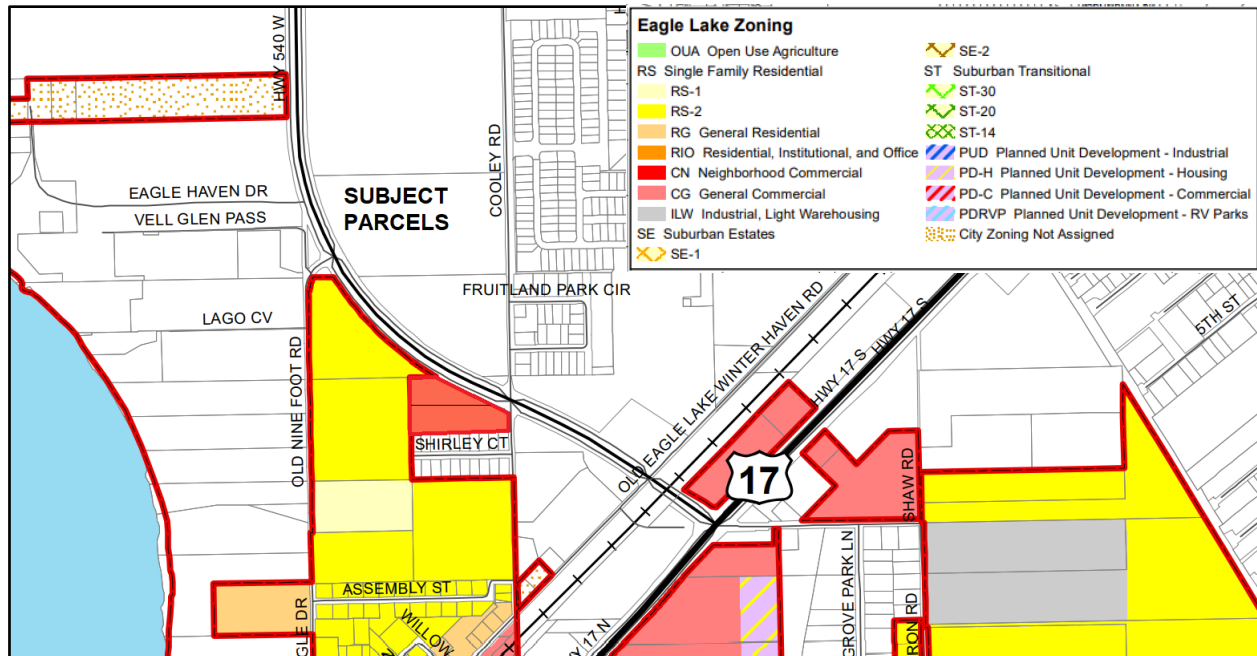


EXHIBIT E – LEGAL DESCRIPTION

The South $\frac{1}{2}$ of lot 8; and lot 7 less the South 304 feet thereof, in W.M Hampton's Subdivision, as shown by map or plat thereof recorded in the office of the clerk of the circuit court in and for Polk County, Florida, in Plat Book 2, Page 36.

AND

The South $\frac{1}{2}$ of lot 8, W.M Hampton's Subdivision of the northeast $\frac{1}{4}$ of the southwest $\frac{1}{4}$ of Section 6. Township 29 South, Range 26 East, according to the map or plat thereof as recorded in Plat Book 2, Page 36 of the public records of office of Polk County, Florida, less any part thereof conveyed to the State of Florida, Department of Transportation for road right-of-way purposes for State Road 655 as described in O.R. Book 3767, Page 2156, less a parcel of land being a portion of lot 8 of W.M. Hampton's subdivision in accordance with the Plat thereof recorded in Plat Book 2, Page 36 of the public records of Polk County, Florida, also lying in the southwest $\frac{1}{4}$ of Section 6, Township 29 South, Range 26 East, Polk County, Florida and being more particularly described as follows:

Commence at the $\frac{1}{2}$ inch iron pipe marking the northeast corner of the southwest $\frac{1}{4}$ of said Section 6; thence south $89^{\circ}54'05''$ west along the north line of said Lot 8 and the north line of the southwest $\frac{1}{4}$ of said Section 6, a distance of 23.98 feet to the westerly right-of-way line of Cooley Road (as shown on Florida Department of Transportation Right-of-way Map Section 16120-2504), said point also being the point of beginning; thence continue south $89^{\circ}54'02''$ west along the said north line of said Lot 8 and the north line of the southwest $\frac{1}{4}$ of said Section 6, a distance of 169.68 feet to a point on the northeasterly right-of-way line of State Road 540 realignment (as shown on Florida Department of Transportation Right-of-way Map Section 16120-2504); thence south $65^{\circ}13'32''$ east along the said northeasterly right-of-way line of State Road 540 realignment a distance of 148.19 feet to a point; thence north $51^{\circ}27'06''$ east along the said northeasterly right-of-way line of State Road 540 realignment a distance of 40.33 feet to a point on the aforesaid westerly right-of-way of Cooley Road; thence north $05^{\circ}30'03''$ east along the westerly right-of-way of Cooley Road a distance of 37.43 feet to the point of beginning.

Parcel Identification Number: 262906-672000-000071 and 262906-672000-000082

EAGLE LAKE PLANNING COMMISSION
REGULAR MEETING
MONDAY, DECEMBER 5, 2022 at 6:30 P.M.
TO BE HELD IN THE COMMISSION CHAMBERS
LOCATED AT 675 E EAGLE AVE
EAGLE LAKE, FLORIDA 33839

AGENDA

I. CALL TO ORDER

Chairwoman Metosh called the meeting to order at 6:30 p.m.

II. INVOCATION

Commissioner Eriksen gave the invocation.

III. PLEDGE OF ALLEGIANCE TO THE FLAG

The Commission and audience said the Pledge of Allegiance to the Flag.

IV. ROLL CALL

PRESENT: Spofford, Aleman, Eriksen, Roe, Metosh

ABSENT: None

V. STAFF REPORTS

There were no Staff Reports.

VI. PUBLIC HEARING

There were no public hearings.

VII. OLD BUSINESS

There was no old business.

VIII. NEW BUSINESS

A. Consideration of Windsor Reserve (Spruce/Tedder) Phase 3 Plan Review

MOTION was made by Commissioner Eriksen and seconded by Commissioner Aleman to recommend approval of Windsor Reserve (Spruce/Tedder) Plan Review Phase 3 to include the City Engineers comments and forward to the City Commission for approval.

Chairwoman Metosh asked for audience and Commission discussion; there was none.

The vote was as follows:

AYES: 5

NAYS: 0

IX. CONSENT AGENDA

A. Approval of the Planning Commission Minutes -----08/15/2022

MOTION was made by Commissioner Eriksen and seconded by Commissioner Spofford to approve the Planning Commission Meeting Minutes of 08/15/2022.

Chairwoman Metosh asked for audience and Commission discussion; there was none.

The vote was as follows:

AYES: 5

NAYS: 0

X. AUDIENCE

There were no comments from the audience.

XI. PLANNING COMMISSION

There were no comments from the Planning Commission.

XII. ADJOURNMENT

MOTION was made by Commissioner Eriksen and seconded by Commissioner Spofford to adjourn at 6:32 p.m.

The vote was as follows:

AYES: 5

NAYS: 0

CHAIRWOMAN MICHELLE METOSH

ATTEST:

CITY CLERK DAWN WRIGHT