

CITY OF EAGLE LAKE  
REGULAR CITY COMMISSION MEETING  
MONDAY, AUGUST 7, 2023  
7:00 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. AUDIENCE**

**VI. SPECIAL PRESENTATIONS/RECOGNITIONS/PROCLAMATIONS, REQUESTS**

- A. Staff Reports
- B. City Manager Report

**VII. PUBLIC HEARINGS**

- A. Consideration of the second reading of **Ordinance No.: O-23-09**, An Ordinance Amending the City of Eagle Lake, Florida 2030 Comprehensive Plan by Changing the Future Land Use Designation from Low Density Residential to Medium Density Residential Future Land Use for One (1) Parcel; Amending the City of Eagle Lake, Florida Zoning Map by Changing Zoning for the Same Certain Parcel from Single Family Residential (RS-1) to General Residential (RG); Repealing all Ordinances in Conflict Herewith; and, Providing an Effective Date. (General Location: One parcel of land totaling approximately 3.45 acres in size and comprising one city block lying between Laurel Avenue, East and Brookins Avenue, East; and, 6<sup>th</sup> Street, South and 7<sup>th</sup> Street South; with a street address of 0 Laurel Avenue, E., Eagle Lake, Florida 33839) effective upon second reading
- B. Consideration of the first reading of **Ordinance No.: O-23-11**, An Ordinance of the City Commission of the City of Eagle Lake, Florida, Amending Chapter 16, Article II, Section 16-27, Water Rates, of the Code of Ordinances of the City of Eagle Lake, Florida, Providing an Increase in Residential and Commercial Water Rates Inside and Outside the City; and Amending Chapter 16, Article III, Section 16-59, Sewer Rates, of the Code of Ordinances, Providing an Increase in Residential and Commercial Sewer Rates Inside and Outside the City; Providing a Conflict and Severability Clause and an Effective Date.
- C. Consideration of the first reading of **Ordinance No.: O-23-12**, An Ordinance Amending the City of Eagle Lake, Florida Code of Ordinances by Amending Chapter 12, Solid Waste, Article III Collection and Disposal, Sec. 12-54 Service Fees – Regular Garbage and Trash Collection, To Update the Charges for Solid Waste Collection and Disposal Authorized therein; Providing for Conflicts, Severability and an Effective Date.

**VIII. OLD BUSINESS**

- A. 2023/2024 Budget

**IX. NEW BUSINESS**

- A. Consideration of the Amendment #4 to Cooperation Agreement between Polk County and the City of Eagle Lake - Department of Housing and Urban Development (HUD)
- B. Consideration of the City of Eagle Lake Parks and Recreation Master Plan
- C. Consideration of **Resolution No.: R-23-09**, A Resolution of City of Eagle Lake Florida, Relating to the State Revolving Fund Loan Program; Making Findings Authorizing the Loan Application; Authorizing the Loan Agreement; Establishing Pledged Reserves; Designating Authorized Representatives; Providing Assurances; Providing for Conflicts, Severability, and Effective Date.
- D. Consideration of Architectural and Engineering Design Services Agreement for City Hall Complex Demolition and Replacement

**X. CONSENT AGENDA**

- A. Approval of the Regular City Commission Minutes -----06/05/2023
- B. Approval of the Financials May
- C. Approval of Financials June
- D. Approval of Bad Debt List ----- \$591.72
- E. Approval of Proposed Plat of Village at Windsor Reserve

**XI. AUDIENCE**

**XII. CITY ATTORNEY**

**XIII. CITY COMMISSION**

**XIV. 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 Statute 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 the City Clerk's Office 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 meeting notification; if you are hearing or voice impaired, call 1-800-955-8771.

POSTED AT CITY HALL ON TUESDAY, AUGUST 1, 2023  
BY CITY CLERK DAWN WRIGHT, MMC, FCRM, PHRP AND  
POSTED AT POST OFFICE ON TUESDAY, AUGUST 1, 2023  
BY CITY MANAGER TOM ERNHARTH

# FROM THE DESK OF THE CITY MANAGER

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Memo To: Mayor and Commissioners

Date: August 7, 2023

Ref: Monthly Report

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**2023/2024 Budget** – We have another strong budget proposed for 2023/24 with the General Fund expected to increase by 12.02% to \$3,157,127.00.

The Utility Fund Budget is proposed to decrease by 17.5% to \$2,412,200. This decrease is due to the removal of the American Rescue Funds that the city received during the last budget year.

However, if we remove the rescue funds from the 2022/23 utility budget and compare it to the proposed budget, we see a healthy increase of 9.82%.

**Building Official** – Our Code Enforcement Official, is beginning to come in on Saturdays for inspections. Our feeling is that people feel safe because they know the office is closed on the weekends.

**Developments** – Several of our new Developments have sewer issues and we are working with them to resolve them. Sutton Preserve's new pump station is undersized and they are only allowed 24 CO's until they upgrade the station. The Ranches are trying to reduce the number of pump stations from 5 to 3 and this will reduce our maintenance but their sewer lines will be deeper than we typically allow and Phase 3 of Windsor Reserve will not move forward until they construct a new force main to the Bartow Airport to relieve the pressure on the small pump station along 17.

**Fireworks** – We had a tremendous event and tremendous weather for our celebration on June 24<sup>th</sup>. This was one for the record books compared to our event last year when we had all that rain!!

**Insurances** – All of our insurances are expected to significantly increase this year due to the current economic times. We are now accepting quotes for our property, liability health and disability insurances from the Florida League of Cities hoping that they will come in lower than our current estimated costs from our current provider.

**International Institute of Municipal Clerks (IIMC) Region III position** – Dawn has been asked to by the Florida Association of City Clerks President, Angie Guy, to see if she would be interested in applying to be the IIMC Region III Director; it is Florida's turn to have representation on the board. The position of Region Director is

for a 3-year term. This will include additional travel and she will need a letter of support from the commission.

FACC will provide an expense reimbursement up to \$2,500 per year for the Florida representative to the IIMC Region III Director position.

**Library Openings** – With the departure of both Dale and Paula from the library staff, we have hired Kristen Barnes as our new library director. Kristen has 15 years of library experience with an emphasis on children’s programming.

**Permit Tech** – The city is growing faster than any one has expected and as a result we need to hire a full-time permit tech to assist us with permits. With the increase in building permit fees, we can pay for this new position with these fees. According to state law if we do not spend our overage, we need to return it. According to our accountant we can use these fees to pay for the position. As an example, here are the past 2 years and I am sure 2023 will be higher.

At 9-30-2021 there was \$71,954 of unspent building permit fees... slightly over the 4-year average cap by \$835

At 9-30-2022 there was \$461,284 of unspent building permit fees... over the 4-year average cap by \$363,965

**Rate Study** – The preliminary findings of our rate study are in and based on our expected payments to the water cooperative that we are looking at 10% water increases moving forward.

**Sheriff Department** – We recently purchased 5 Flock Cameras for the Sheriff Department and they have proven successful as we have arrested/criminally charged 82 subjects in June and conducted 304 traffic stops.

After looking around the city, we feel it would be very helpful to add four Flock cameras to improve coverage.

1. Bomber Road EB just east of Spruce Road.
2. Eagle Avenue SB just south of Hwy 17.
3. N. Eagle Drive SB just south of 540A.
4. West of Cooley Road on 3<sup>rd</sup> Street WB.

If we feel this is beneficial, it would cost us \$2,000 annually per camera for maintenance and pay about \$500 per camera for installation. These costs will be added to our yearly contract with the Sheriff Department

Additionally, we would like to move three that are currently established because these are located as vehicles exit the city instead of entering. There are no costs to relocate the existing cameras.

1. Eagle Lake Loop Road EB moved to Spruce Road NB just south of Hwy 17.



2. Crystal Beach Road WB moved to 3<sup>rd</sup> Street EB in the area of Hampton Street.
3. Gerber Dairy Road NB moved to Eagle Lake Loop Road WB just west of Gerber Dairy Road.

**Water Cooperative** – The City will be required to provide a report to the CFWI (potentially by the end of this year) outlining our plan to meet the City's water supply demands beyond 2025. A second concern, is that we have been assuming (based on PRWC representations) that the city could count on continuing to pump its current allocated quantities. However, we have found out that is not accurate. SWFWMD has reserved the right to reduce that quantity based on environmental considerations. Given the proximity of our wells to Eagle Lake and Lake McLeod, we feel that they will find a way to create environmental issues when we apply for our WUP renewal and force us to buy more water from the cooperative.

I would like to request a \$30,000 expenditure to allow our engineer to work with SWFWMD and the Polk County Water Cooperative Cooperation and Water Supply Planning to address these issues.

Also based on the preliminary information, the Water Cooperative is planning to connect into our Green Acres Plant. Since we are upgrading that plant, we will need additional land and have tried to contact the property owner but have not received a response. We might be forced to acquire the property through condemnation.

# Memo

**Date:** 07/10/2023

**To:** Mayor Coler, City Commission and City Manager Ernharth

**From:** Dawn Wright, MMC, City Clerk

**Re:** International Institute of Municipal Clerks (IIMC) Region III position

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I have been approached by the Florida Association of City Clerks President, Angie Guy, to see if I would be interested in applying to be the IIMC Region III Director; it is Florida's turn to have representation on the board. The position of Region Director is for a 3-year term.

Region III is comprised of Alabama, Florida, Georgia, North Carolina, and South Carolina. IIMC has 12 Regions, and each Region has 2 representatives. Florida won't be eligible for representation again until 2031.

Like the position of FACC Central West District Director, the IIMC Region III Director position will require additional travel. IIMC will assist with some of these expenses for the mid-year meeting. IIMC will assist with additional expenses at the Annual Conference; these expenses would be additional nights at the hotel, food, and parking due to attending early for the board meetings.

I respectfully ask the Commission for approval to apply to serve as IIMC Region III Director.

Thank you.

ORDINANCE NO.: O-23-09

AN ORDINANCE AMENDING THE CITY OF EAGLE LAKE, FLORIDA 2030 COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE DESIGNATION FROM LOW DENSITY RESIDENTIAL TO MEDIUM DENSITY RESIDENTIAL FUTURE LAND USE FOR ONE (1) PARCEL; AMENDING THE CITY OF EAGLE LAKE, FLORIDA ZONING MAP BY CHANGING THE ZONING FOR THE SAME CERTAIN PARCEL FROM SINGLE FAMILY RESIDENTIAL (RS-1) TO GENERAL RESIDENTIAL (RG); REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND, PROVIDING AN EFFECTIVE DATE. (General Location: One parcel of land totaling approximately 3.45 acres in size and comprising one city block lying between Laurel Avenue, East and Brookins Avenue, East; and, 6<sup>th</sup> Street, South and 7<sup>th</sup> Street South; with a street address of 0 Laurel Avenue, E., Eagle Lake, Florida 33839)

**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, 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 property described herein is located within the corporate limits of the City of Eagle Lake, Florida; and

**WHEREAS**, the City of Eagle Lake received an application dated April 3, 2023 to amend the City's 2030 Comprehensive Plan Future Land Use Map by changing the existing Low Density Residential designation to Medium Density Residential; and, amend the City's Zoning Map to change the existing Single Family Residential (RS-1) to General Residential (RG) 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 May 15, 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 May 15, 2023 and June 5, 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 ORDANDED** 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 3.45 +/- 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 Number: 262907-680500-001010.
3. Upon the legal effective date of this Ordinance, the Eagle Lake Future Land Use Map category for the amendment area will be designated as Medium Density Residential 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 Residential (RG) 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 31<sup>st</sup> day after its adoption by the Eagle Lake City Commission.

ADOPTED ON THIS AUGUST 7, 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

Lots 1 to 23, inclusive, Block One (1), of the LAKE McLEOD HEIGHTS SUBDIVISION, according to plat recorded in Plat Book 20, Page 30, Public Records of Polk County, Florida.

## EXHIBIT B – LOCATION MAP

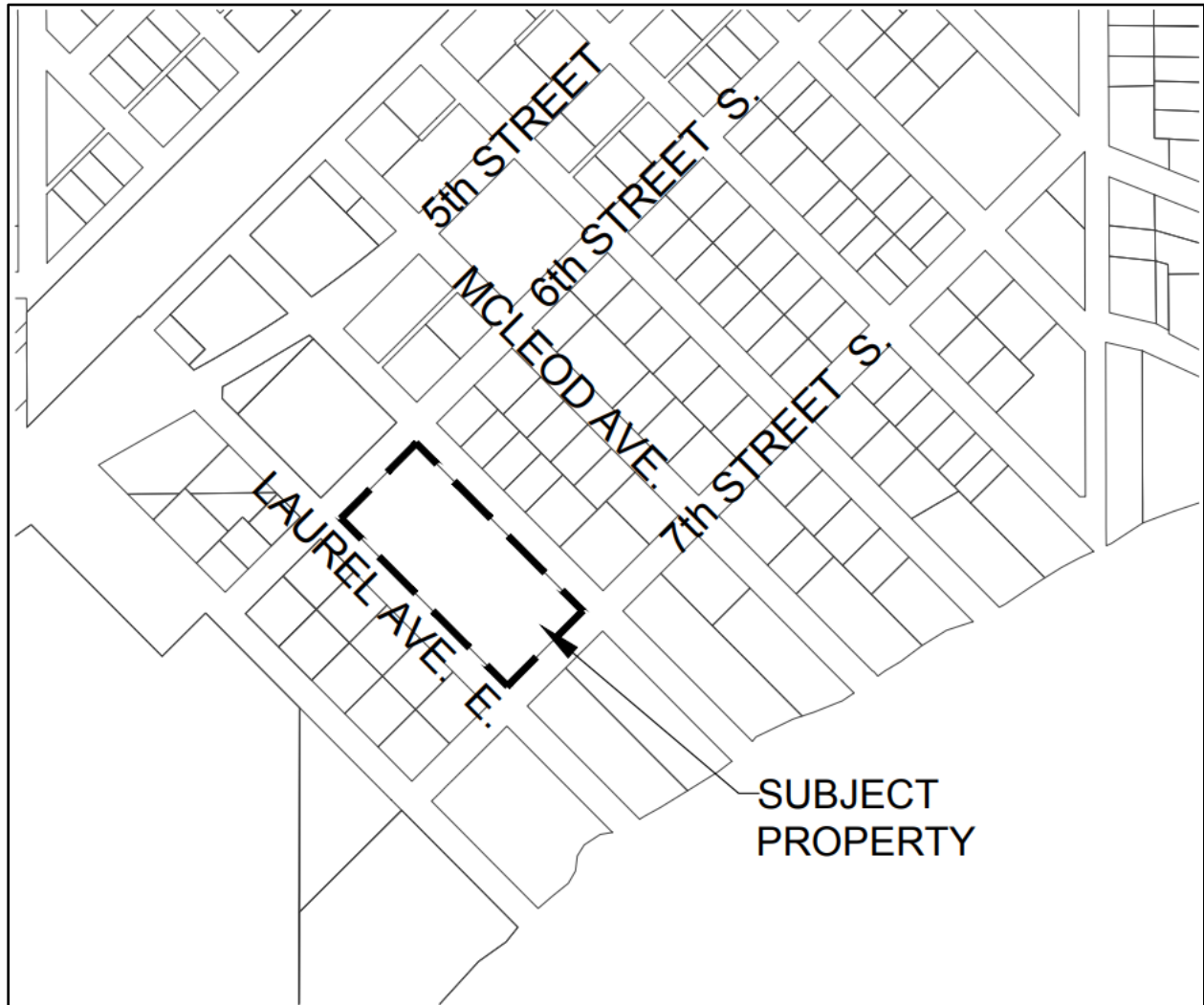


EXHIBIT C – FUTURE LAND USE MAP

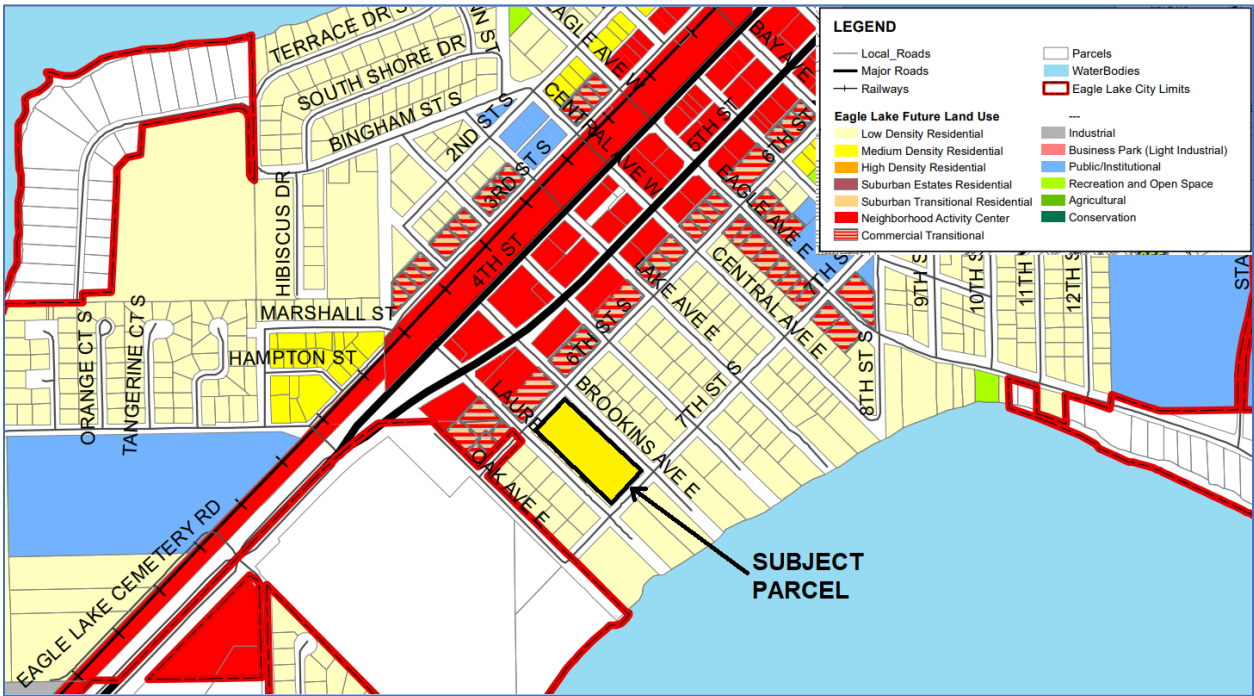
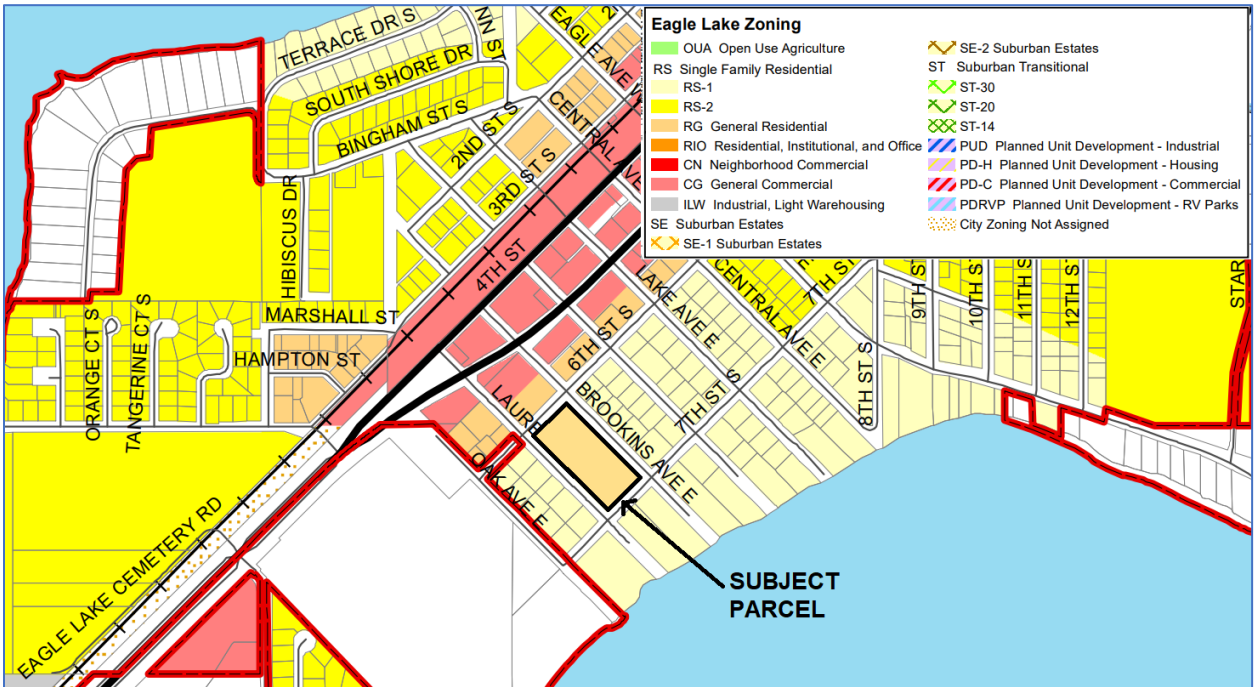


EXHIBIT D – ZONING MAP



## MEMORANDUM

TO: Tom Ernharth, City Manager, City of Eagle Lake  
FROM: Merle Bishop, FAICP, Senior Planner  
DATE: April 21, 2023  
SUBJECT: Property Brothers, LLC (Jesus Canales) CPA/Rezoning  
PROJECT: ELAKX21013, Phase 04 (Canales Rezoning)

In response to the City's request, we have completed our review of the Comprehensive Plan (Map) Amendment/Zoning application submitted by Jesus Canales, Property Brothers, LLC, on 4/04/23 to the City of Eagle Lake for one parcel totaling approximately 3.45 acres in size, comprising one city block lying between Laurel Avenue, East and Brookins Avenue, East; and, 6<sup>th</sup> Street, South and 7<sup>th</sup> Street South; with a street address of 0 Laurel Avenue, E., Eagle Lake, Florida.

### BACKGROUND:

**Property Owner(s):** Russel C. Hart

**Applicant:** Jesus Canales  
Property Brothers, LLC  
6474 Horizon Point Drive  
Lakeland, FL 33813

**Site Location:** Between Laurel Avenue, E. and Brookins Avenue, E.; and, 6<sup>th</sup> Street, S. and 7<sup>th</sup> Street S.  
Eagle Lake, FL 33839-5401

**Parcel ID #:** 262907-680500-001010

**Total Site Size:** 3.45 acres +/-

**Current Land Use:** Vacant

**Future Land Use Designation:** Low Density Residential

**Zoning Designations:** Single Family Residential (RS-1)

**Proposed Future Land Use Designation:** Medium Density Residential (Exhibit D)

**Proposed Zoning Districts:** General Residential (RG) (Exhibit E)

### BACKGROUND:

The subject parcel currently has a Future Land Use classification of Low Density Residential, which would allow a maximum of 5.0 single family dwelling units per acre or 17 single family lots on the 3.45 acres. The current zoning, Single Family Residential (RS-1), allows single family lots with a minimum size of 10,000 square feet and a minimum lot width of 80 feet. Based on the size (3.45 acres) and dimensions (578' X 260') of the parcel, the maximum number of lots allowed would be 14.

The applicant plans to develop 18 single family lots 60 feet wide by 130 feet deep for a minimum size of 7,800 square feet. This development scenario would yield 5.22 dwelling units per acre, which requires a change in the Future Land Use classification from Low Density Residential (0 to 5.0 dwelling units per acre) to Medium Density Residential (maximum of 10 dwelling units per acre). Additionally, the requested lot size requires a



change in the existing zoning designation from RS-1 to General Residential (RG), which permits a minimum lot size of 6,000 square feet with a minimum lot width of 60 feet. Based on the size and dimensions of the parcel, the maximum number of lots that could be developed with a Medium Density Residential Future Land Use and RG zoning designation would be 18 lots.

The parcel is comprised of a full city block which was platted in 1926 for 23 single family lots as the Lake McLeod Subdivision (Plat Book 20, Page 30) and shown in Exhibit D. Based on Section 2.1.3.20, *Nonconforming lot(s) of record*, Land Development Code, the platted lots qualify as “lots of record” and could be developed for a single-family house on each lot. Development of all 23 lots would yield a density of 6.67 dwelling units per acre. This section of the Code states that “yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located.”

Any configuration of developed lots on the property would have frontage and access to an existing local road, which is owned and maintained by the City of Eagle Lake.

#### **SURROUNDING LAND USES:**

The subject property is surrounded by single family homes on lots ranging in size from 9,750 square feet to over one acre; however, the predominate lot size appears to be ¼ acre.

<b>NW</b> – 6 <sup>th</sup> Street/single family house/vacant lot	<b>N</b> – intersection of 6 <sup>th</sup> and Brookings/single family homes	<b>NE</b> – Brookins Ave./single family homes
<b>W</b> – intersection of 6 <sup>th</sup> and Laurel Ave./single family homes	<b>Subject Property</b> <b>(vacant w/scattered oak trees)</b>	<b>E</b> – intersection of 7 <sup>th</sup> St. and Brookins Ave./Single family homes
<b>SW</b> – Laurel Ave./single family homes	<b>S</b> – Laurel Ave. & 7 <sup>th</sup> St./ single family homes	<b>SE</b> – 7 <sup>th</sup> St./single family home/vacant lot

#### **PUBLIC INFRASTRUCTURE:**

The subject parcel is served by existing public infrastructure and services within the City, including an existing local roadway network, potable water and sanitary sewer lines. Emergency, fire, police services and an elementary school are all located less than 0.5 mile from the property.

As stated above, the existing RS-1 zoning and the dimensions of the property would permit 14 dwelling units on the 3.45 acres. Using the existing platted lots which are generally 50’ X 130’ or 6,500 square feet, a total of 23 lots could be developed. The requested change to Medium Density Residential Future Land Use and RG zoning would permit a maximum of 18 lots. This is only 4 additional lots from the RS-1 zoning allowance and 5 lots less than the Lake McLeod Subdivision Plat. Therefore, any additional impacts to public infrastructure for the development of 18 lots on the property is negligible and is not evaluated as part of this report.

Sufficient capacity exists for all of the infrastructure areas needed for a development of 18 single family lots without diminishing the adopted level of service for transportation, potable water, sanitary sewer, recreation and open space, or public school facilities.

#### **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 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 public facilities and services exist.*

The requested Medium Density Future Land Use classification and General Residential zoning will allow the development of a vacant block within the existing residential developed area of the City. This development will maximize available public facilities and services of the City.

**Policy 4.3,** *The City shall encourage infill development by providing utilities and related services to developments that take place in areas already served by public facilities and services on a first priority basis.*

The property is located on a vacant block surrounded by existing single family development and is a perfect example of “infill development.”

**Policy 4.11,** *The City shall encourage and incentivize mixed land uses and higher density and intensities within the US 17 Corridor to promote energy efficient land use patterns and the reduction of infrastructure costs, vehicle miles traveled, and greenhouse gas emissions.*

The property is located approximately 390 feet from 5<sup>th</sup> Street (US Highway 17). The requested change in residential density will achieve an increase in density in an appropriate location to promote an energy efficient land use pattern consistent with this policy.

**Policy 6.2,** *The City shall coordinate the implementation of the Future Land Use Map and the Transportation Element to ensure that land development is supported by existing and new transportation facilities or improvements.*

The location of the property will utilize the existing local road network withing the City.

**Policy 8.1,** *Direct higher densities and intensities of use to areas where public facilities and services are available or are projected to be available. Limit the density and intensity of use in areas where public facilities and services are not available.*

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

**Policy 10.1,** *The City shall give first priority to those property owners located within the corporate limits prior to extending facilities and services to properties located in the unincorporated area of the County.*

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

#### B. TRANSPORTATION ELEMENT

**Policy 3.3,** *The City shall permit development only in areas where a peak hour LOS as outlined in Policies 1.1 and 1.2 can be met or exceeded consistent with the requirements of the Florida Community Planning Act.*

#### C. INFRASTRUCTURE ELEMENT

The requested Medium Density Residential Future Land Use and RG 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.

Based on this analysis, we find that the requested Medium Density Residential Future Land Use designation and RG 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 Commercial Transition Future Land Use classification located immediate to the Northwest, across 6<sup>th</sup> Street, South (see Exhibit E). Although, the Medium Density Residential Future Land Use and RG zoning introduces a slightly higher density than the surrounding area, the configuration of the property limits the total number of lots and density. The use as a single family detached development is consistent with and compatible with the surrounding single family residential development. The proposed development is an excellent example of infill development which is encouraged by the comprehensive plan and should be approved.

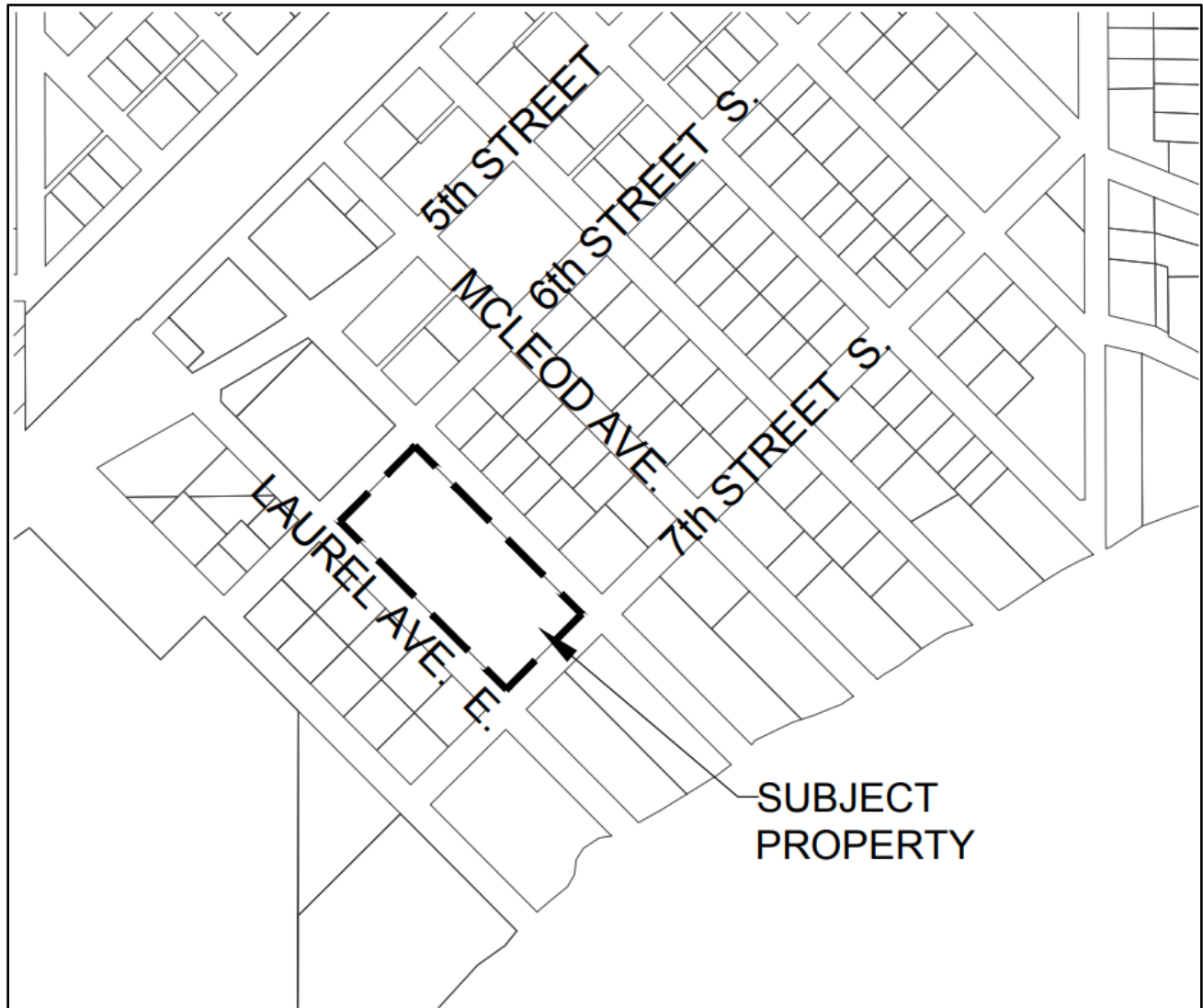
**RECOMMENDATION:**

The requested Comprehensive Plan Amendment to amend the Future Land Use Map and assign Medium Density Residential to the subject parcel and assign General Residential (RG) zoning is hereby recommended for approval.

**ATTACHMENTS:**

- EXHIBIT A – Location Map
- EXHIBIT B – Legal Description
- EXHIBIT C – Aerial Photograph
- EXHIBIT D – Lake McLeod Height Subdivision
- EXHIBIT E – Future Land Use
- EXHIBIT F – Zoning Map

### EXHIBIT A – LOCATION MAP



### EXHIBIT B – LEGAL DESCRIPTION

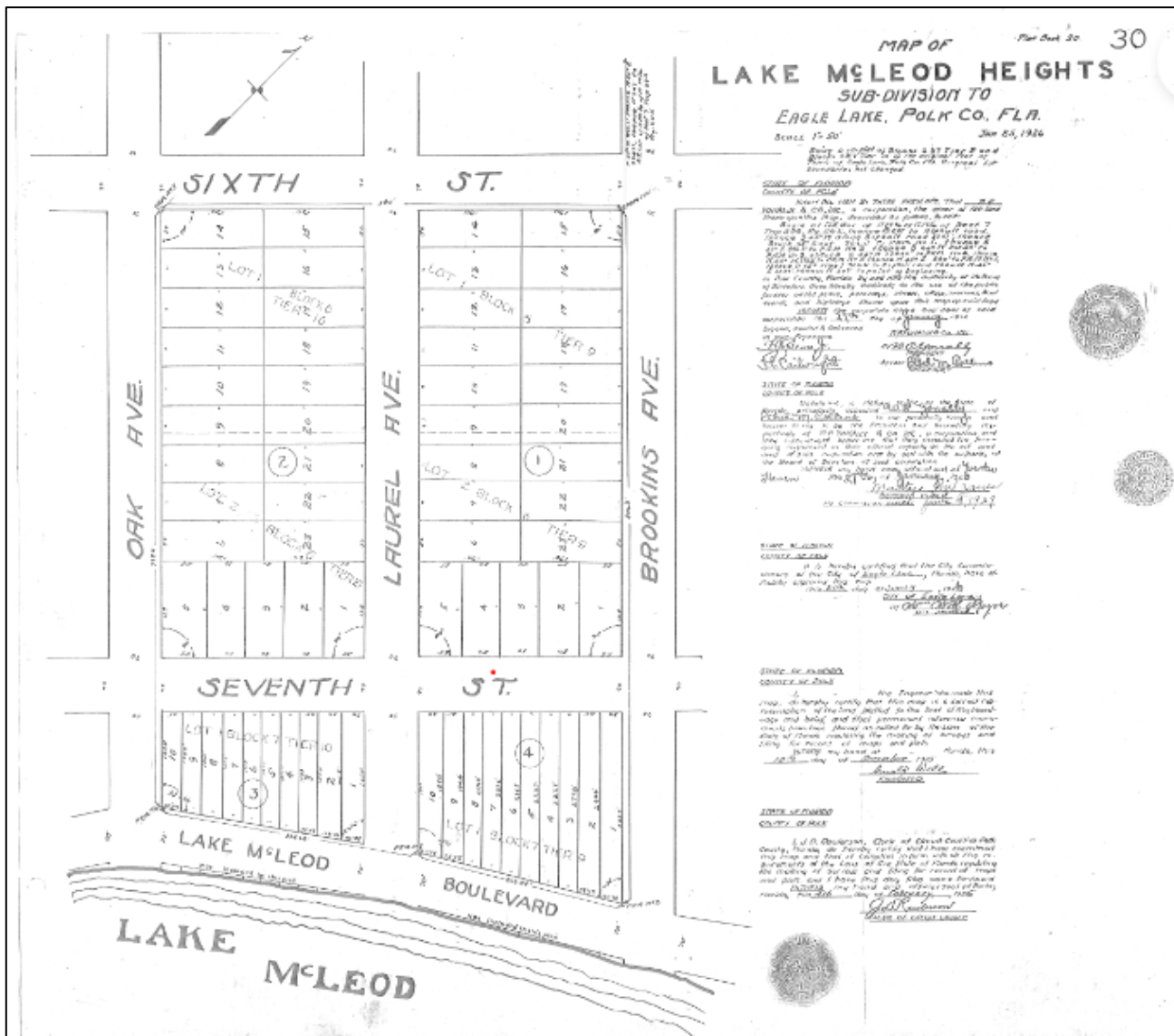
Lots 1 to 23, inclusive, Block One (1), of the LAKE McLEOD HEIGHTS SUBDIVISION, according to plat recorded in Plat Book 20, Page 30, Public Records of Polk County, Florida.



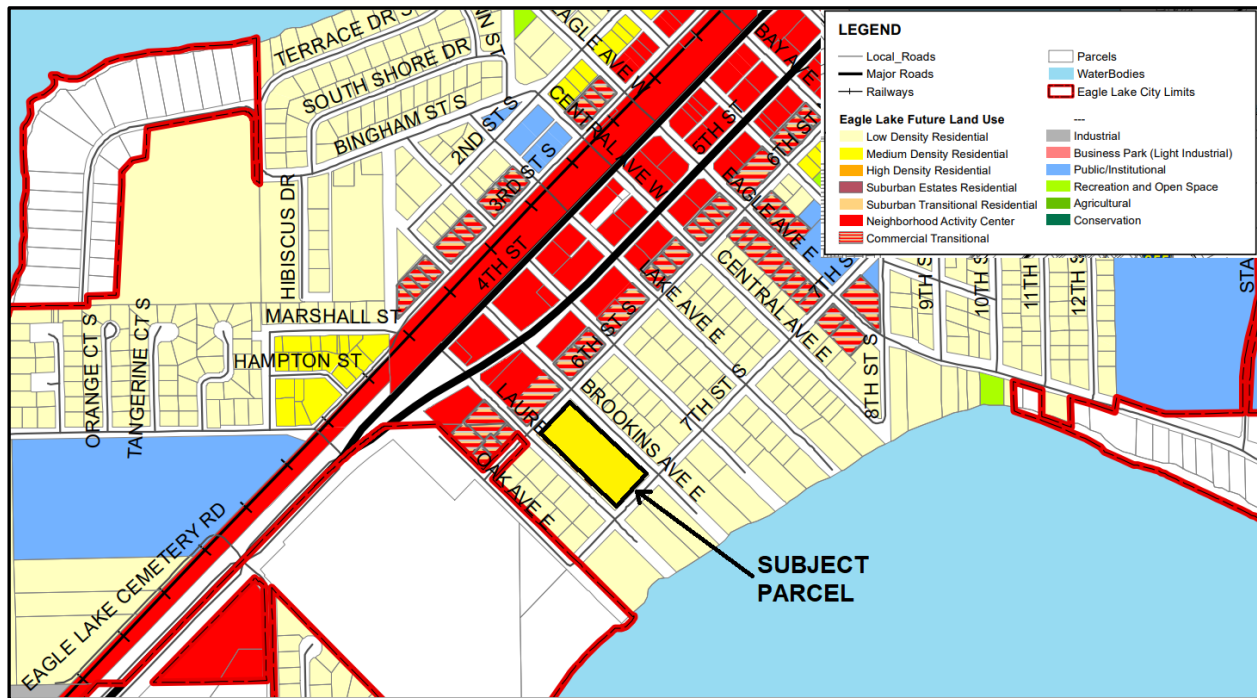
## EXHIBIT C – AERIAL PHOTOGRAPH



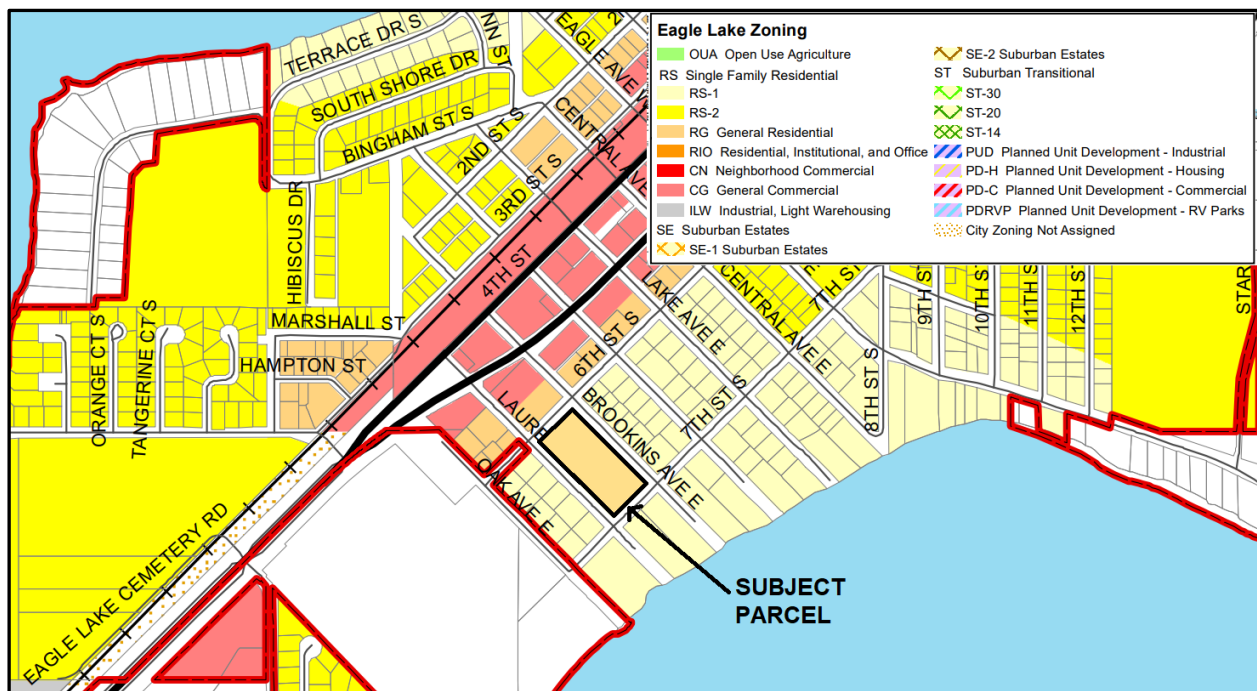
## EXHIBIT D – McLEOD HEIGHTS SUBDIVISION



### EXHIBIT E – PROPOSED FUTURE LAND USE



### EXHIBIT F – PROPOSED ZONING MAP





# COMPREHENSIVE PLAN AMENDMENT (CPA)/ZONING APPLICATION

CITY OF EAGLE LAKE, FLORIDA

*"Growing With People In Mind"*

75 N. 7<sup>th</sup> Street, P.O. Box 129, Eagle Lake, FL 33839

Phone: (863) 293-4141

Fax: (863) 294-3590

## FOR OFFICIAL USE ONLY

Date Received: \_\_\_\_\_ Fee Received: \_\_\_\_\_

Case/Ordinance Number(s): \_\_\_\_\_ Date Found Complete: \_\_\_\_\_

Planning Commission Hearing Date: \_\_\_\_\_

City Commission Hearing Date(s): \_\_\_\_\_

Date of Application: 4-4-2023

Type of Application: CPA Large Scale ☐

(check any that apply) CPA Small Scale ☒

Zoning ☒

## I. CONTACT INFORMATION

Name of Applicant/Property Owner: Property Brothers LLC - "Jesus Canales"

Mailing Address: 6474 Horizon Point drive

Lakeland, FL 33813

Phone: 863-852-0558 E-mail: TheCanalesTeam@gmail.com

Name of Agent (if applicable): N/A

Mailing Address: N/A

Phone: N/A E-mail: N/A

## II. PROPERTY INFORMATION

Property Location (include location map): 0 Laurel Ave. Eagle Lake, FL 33839

Parcel I.D. Number(s)<sup>1</sup>: 26-29-07-680500-001010

Legal Description (attach if more space is needed): Lake McLeod heights sub  
pb 20 pg 30 blk 1 lots thru 23

Size of Property (acres): 3.45 acres

Existing Use of the Property: RS-1



### III. AMENDMENT INFORMATION

Existing Future Land Use Category: Residential Low

Requested Future Land Use Category: Residential Medium

Existing Zoning District(s): ~~RS-1~~ RS-1

Requested Zoning District(s): RG

### IV. SITE INFORMATION

#### A. Surrounding properties existing land use (vacant, residential/density, commercial, etc.)

Provide a discussion of how the proposed future land use/zoning and how the proposed residential density or non-residential intensity is compatible with the surrounding property; or how compatibility can be achieved.

(Sec. 6.1.2.10(4)(G), Land Development Regulation, City of Eagle Lake)

North: RG - the adjacent zoning is RG

South: RS-1

East: RS-1

West: RS-1

#### B. Natural Features (You may attach maps that help describe the physical features listed)

1. Topography: high and dry w/ no low lands

2. Soils: high and dry vacant land

3. Vegetation: grassy vacant land

4. Flood Prone Areas: No flood areas

5. Wetlands: No wetlands areas

6. Wildlife Habitat: No wildlife noted

#### C. Proposed Land Use

1. Current Development Potential: RS1

2. Proposed Development Potential: RG

3. Current Population: 14 lots to 18 lots

4. Estimated Population Projection: 14 lots to 18 lots

## D. Public Facilities and Services

### 1. Potable Water

- a. Estimated Incremental Demand: 14 lots to 18
- b. Impact on Level of Service (LOS)<sup>2</sup>: N/A
- c. Improvements needed: N/A

### 2. Sanitary Sewer

- a. Estimated Incremental Demand: 14 lots to 18
- b. Impact on Level of Service (LOS)<sup>3</sup>: N/A
- c. Improvements needed: N/A

### 3. Transportation

- a. Roadway(s) impacted: 14 lots to 18
- b. Roadway functional classification: N/A
- c. Estimated incremental traffic generation<sup>4</sup>: N/A
- d. Impact on Level of Service (LOS)<sup>5</sup>: N/A
- e. Improvements Needed: N/A
- f. Is the property on a fixed mass transit route (Citrus Connection)? NO
- g. If yes, where is the closest transit stop? N/A

### 4. Drainage

- a. Facilities Servicing the Site: Eagle Lake City
- b. Impact on Level of Service (LOS)<sup>6</sup>: N/A
- c. Improvements Needed: N/A

### 5. Recreation

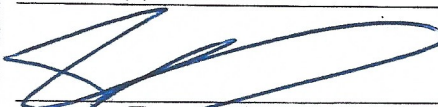
- a. Incremental Demand: 14 lots to 18
- b. Impact on Level of Service (LOS)<sup>7</sup>: N/A
- c. Improvements Needed: N/A

## V. Required Attachments

1. Location Map
2. Conceptual Site Plan
3. Impact Statement – The following developments are required to submit an impact statement: (Sec. 4.7.1.30, Land Development Regulations, City of Eagle Lake)
  - a. Institutional, commercial, office, or industrial development involving land in excess of 2-acres.
  - b. Residential development involving one or more of the following:
    - i. More than 5-acres;
    - ii. More than 20 dwelling units
    - iii. More than 3-acres at a density of six to eight dwelling units per acre;
    - iv. More than 2-acres at a density greater than 8 but not more than 12 dwelling units per acre;
    - v. More than 12 dwelling units per acre;
    - vi. Planned Unit Developments (PUD) as applicable to the specific PUD classification.
    - vii. Mixed use developments.
4. Large Scale Comprehensive Plan Amendments (Expedited Review Process):
  - a. Existing Future Land Use Map showing the property's existing Future Land Use classification.
  - b. Zoning Map showing the properties existing zoning designation.
  - c. Future Land Use Map showing the property's requested Future Land Use classification.
  - d. Zoning Map showing the property's requested zoning designation.

The above application for an amendment to the City of Eagle Lake's Comprehensive Plan Future Land Use Map and/or Zoning Map is submitted for the City's review by the legal owner(s) or authorized agent of the property subject to the request, whose name(s) and signature(s) follows and that the foregoing statements and answers herein contained and other information attached hereto are in all respects true and correct to the best of (my) (our) knowledge.

### OWNER(S) OR AGENT:

 Signature <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Agent	Jesus Canales-UC manager 4-4-23 Name Printed _____ Date _____
Signature <input type="checkbox"/> Owner <input type="checkbox"/> Agent	Name Printed _____ Date _____
Signature <input type="checkbox"/> Owner <input type="checkbox"/> Agent	Name Printed _____ Date _____

### End Notes:

<sup>1</sup>Parcel Identification Numbers are available from the Polk County Property Appraiser ([polkpa.org](http://polkpa.org))

<sup>2</sup>Potable Water LOS: 110 gallons per day (gpd) per capita (person) (Policy 2.5-B, *Potable Water*, Eagle Lake 2030 Comprehensive Plan)

<sup>3</sup>Sanitary Sewer LOS: 110 gpd per day per capita (Policy 2.5-C., *Sanitary Sewer*, Eagle Lake 2030 Comprehensive Plan)

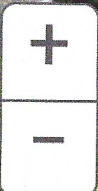
<sup>4</sup>Use Institute of Transportation Engineers (ITE) Trip Generation Manual, 10<sup>th</sup> Edition; alternative trip generation estimates may be provided from documented trip counts of the same or similar uses.

<sup>5</sup>See Policy 2.5-A., *Traffic Circulation*, Eagle Lake 2030 Comprehensive Plan; County and State Road information available from Polk TPO Roadway Database 2020 (March 16, 2020)

<sup>6</sup>See Policy 2.5-E, *Drainage*, Eagle Lake 2030 Comprehensive Plan, and Article 2 – *Stormwater Management*, Eagle Lake Land Development Regulations.

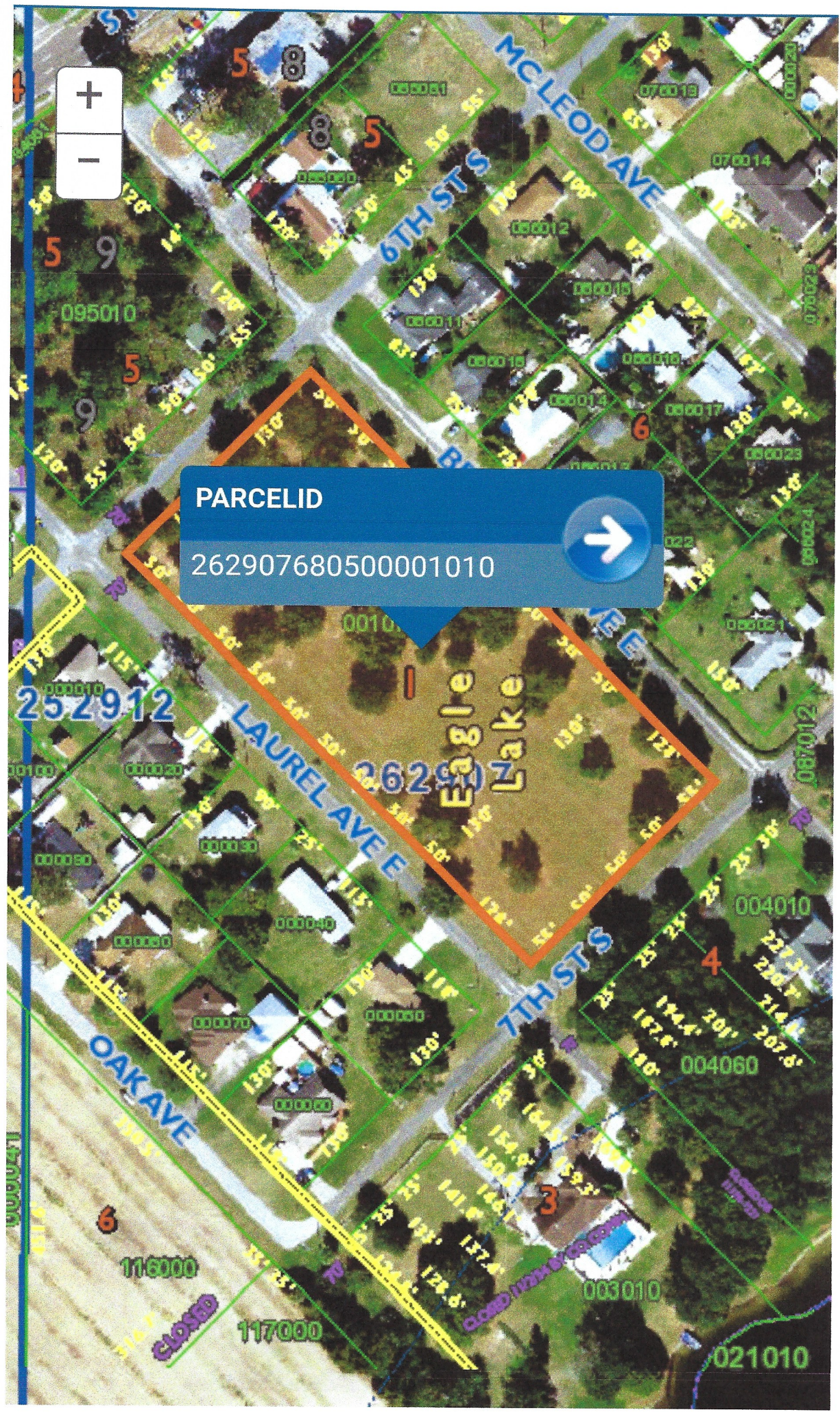
<sup>7</sup>Recreation LOS: 4.5 acres per 1,000 population (Policy 2.5-F., *Recreation*, Eagle Lake 2030 Comprehensive Plan)





PARCELID

262907680500001010









ORDINANCE NO.: O-23-11

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF EAGLE LAKE, FLORIDA, AMENDING CHAPTER 16, ARTICLE II, SECTION 16-27, WATER RATES, OF THE CODE OF ORDINANCES OF THE CITY OF EAGLE LAKE, FLORIDA, PROVIDING AN INCREASE IN RESIDENTIAL AND COMMERCIAL WATER RATES INSIDE AND OUTSIDE THE CITY; AND AMENDING CHAPTER 16, ARTICLE III, SECTION 16-59, SEWERS, RATES, OF THE CODE OF ORDINANCES, PROVIDING AN INCREASE IN RESIDENTIAL AND COMMERCIAL SEWER RATES INSIDE AND OUTSIDE THE CITY; PROVIDING FOR CONFLICT AND SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

WHEREAS, Article VIII of the State Constitution and Chapter 166 of the Florida Statutes provide that municipalities shall have the government, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal services, and exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, following due and proper notice as required by Florida Statute Section 180.136, the City Commission held a public hearing to consider a water and sewer rate increase at the City Commission meeting on September 6, 2023; and

WHEREAS, at said hearing, the City Commission considered testimony of all interested persons and the documents in the file; and

WHEREAS, pursuant to Section 180.13(2), Florida Statutes, the City Commission is authorized to establish just and equitable rates and charges to be paid for the use of the municipal utility by each person, firm, or corporation whose premises are served thereby.

**NOW, THEREFORE**, be it ordained and enacted by the people of the City of Eagle Lake, Florida:

1. Chapter 16, Utilities, Article II, Water, Section 16-27, Water Rates, of the Code of Ordinances of the City of Eagle Lake, Florida is hereby amended to provide an increase in residential and commercial water rates inside and outside the City as shown on Exhibit “A” attached hereto and made a part hereof. (Strikethrough language deleted and underlined language added.) The rates adopted herein shall be implemented on the first day of the October 2018 billing cycle, and will begin to be reflected on the billing statements scheduled to be received by customers during the first week of November 2021.

2. Chapter 16, Utilities, Article III, Sewers, Section 16-59, Rates, of the Code of Ordinances of the City of Eagle Lake is hereby amended as shown on Exhibit “B” attached hereto and made a part hereof. (Strikethrough language deleted and underlined language added.) The rates adopted herein shall be implemented on the first day of the October 2022 billing cycle, and will begin to be reflected on the billing statements scheduled to be received by customers during the first week of November 2023.

2. All ordinances in conflict herewith are hereby repealed to the extent necessary to give this ordinance full force and effect.

3. Should any section, paragraph, clause, sentence, item, word or provision of this Ordinance be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any part hereof, not so declared to be invalid.

4. This ordinance shall take effect immediately upon its adoption by the City Commission of the City of Eagle Lake, Florida.

INTRODUCED on first reading this 7<sup>th</sup> day of August 2023.

PASSED on second reading this \_\_\_ day of \_\_\_\_\_ 2023.

CITY OF EAGLE LAKE, FLORIDA

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CORY COLER, MAYOR  
COMMISSIONER

ATTEST:

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CITY CLERK DAWN WRIGHT

Approved as to form:

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CITY ATTORNEY HEATHER R. MAXWELL



## Sec. 16-27. Water Rates.

The rates and the charges for the use and service of the water system for the city shall be based on the minimum charges or the amount of water supplied to the user by the city waterworks system as shown on the meter readings for each month. The rates are as follows: (~~strikethrough~~ language deleted, underline language added)

## WATER RATE STRUCTURE

*Based on Gallons*

	<i>Residential</i>	<i>Residential</i>	<i>Commercial</i>	<i>Commercial</i>
	<i>Inside City</i>	<i>Outside City</i>	<i>Inside City</i>	<i>Outside City</i>
0-4,000	<del>\$16.27</del> <u>\$16.51</u>	<del>\$20.33</del> <u>\$20.63</u>	<del>\$18.33</del> <u>\$18.60</u>	<del>\$22.90</del> <u>\$23.24</u>
4,001-8,000	<del>\$2.76/1,000</del> <u>\$2.80/1,000</u>	<del>\$3.46/1,000</del> <u>\$3.51/1,000</u>	<del>\$2.74/1,000</del> <u>\$2.80/1,000</u>	<del>\$3.46/1,000</del> <u>\$3.51/1,000</u>
8,001-12,000	<del>\$3.46/1,000</del> <u>\$3.51/1,000</u>	<del>\$4.31/1,000</del> <u>\$4.37/1,000</u>	<del>\$3.46/1,000</del> <u>\$3.51/1,000</u>	<del>\$4.31/1,000</del> <u>\$4.37/1,000</u>
12,001-18,000	<del>\$4.47/1,000</del> <u>\$4.54/1,000</u>	<del>\$5.61/1,000</del> <u>\$5.69/1,000</u>	<del>\$4.47/1,000</del> <u>\$4.54/1,000</u>	<del>\$5.61/1,000</del> <u>\$5.69/1,000</u>
18,001-over	<del>\$5.52/1,000</del> <u>\$5.60/1,000</u>	<del>\$6.89/1,000</del> <u>\$6.99/1,000</u>	<del>\$5.52/1,000</del> <u>\$5.60/1,000</u>	<del>\$6.89/1,000</del> <u>\$6.99/1,000</u>

## IRRIGATION RATE STRUCTURE

*Based on Gallons*

	<i>Residential</i>	<i>Residential</i>	<i>Commercial</i>	<i>Commercial</i>
	<i>Inside City</i>	<i>Outside City</i>	<i>Inside City</i>	<i>Outside City</i>
0-4,000	<del>\$16.27</del> <u>\$16.51</u>	<del>\$20.33</del> <u>\$20.63</u>	<del>\$18.33</del> <u>\$18.60</u>	<del>\$22.90</del> <u>\$23.24</u>
4,001-8,000	<del>\$2.76/1,000</del> <u>\$2.80/1,000</u>	<del>\$3.46/1,000</del> <u>\$3.51/1,000</u>	<del>\$2.76/1,000</del> <u>\$2.80/1,000</u>	<del>\$3.46/1,000</del> <u>\$3.51/1,000</u>
8,001-12,000	<del>\$3.46/1,000</del> <u>\$3.51/1,000</u>	<del>\$4.31/1,000</del> <u>\$4.37/1,000</u>	<del>\$3.46/1,000</del> <u>\$3.51/1,000</u>	<del>\$4.31/1,000</del> <u>\$4.37/1,000</u>
12,001-18,000	<del>\$4.47/1,000</del> <u>\$4.54/1,000</u>	<del>\$5.61/1,000</del> <u>\$5.69/1,000</u>	<del>\$4.47/1,000</del> <u>\$4.54/1,000</u>	<del>\$5.61/1,000</del> <u>\$5.69/1,000</u>
18,001-over	<del>\$5.52/1,000</del> <u>\$5.60/1,000</u>	<del>\$6.89/1,000</del> <u>\$6.99/1,000</u>	<del>\$5.52/1,000</del> <u>\$5.60/1,000</u>	<del>\$6.89/1,000</del> <u>\$6.99/1,000</u>

(a) There are hereby established rates and the charges for the use and service of the sewerage system of the city. Such rates shall be based on the minimum charges stated or the amount of water supplied to the user by the city waterworks system as shown on the water meter readings for each month as follows:

(1) For system users who are water customers, the rate shall be:

a. *Residential rates:*

1. *Inside city:*

i. First 1,000 gallons .....	<del>\$29.82</del>	<u>\$30.27</u>
ii. Over 1,000 gallons, per 1,000 gallons .....	<del>\$ 5.26</del>	<u>\$ 5.34</u>

2. *Outside city:*

i. First 1,000 gallons .....	<del>\$36.61</del>	<u>\$37.06</u>
ii. Over 1,000 gallons, per 1,000 gallons .....	<del>\$ 6.59</del>	<u>\$ 6.69</u>

b. *Commercial rates:*

1. *Inside city:*

i. First 1,000 gallons .....	<del>\$29.82</del>	<u>\$30.27</u>
ii. Over 1,000 gallons, per 1,000 gallons .....	<del>\$ 6.67</del>	<u>\$ 6.77</u>

2. *Outside city:*

i. First 1,000 gallons .....	<del>\$36.61</del>	<u>\$37.06</u>
ii. Over 1,000 gallons, per 1,000 gallons .....	<del>\$ 8.34</del>	<u>\$ 8.47</u>

c. Amounts charged for the first 1,000 gallons are minimums regardless of the usage.

(2) For those who use the sewerage system but not water, the rate shall be as follows:

a. *Residential rate:*

- |                                  |                     |                 |
|----------------------------------|---------------------|-----------------|
| 1. Inside city, per month .....  | <del>\$95.23</del>  | <u>\$96.66</u>  |
| 2. Outside city, per month ..... | <del>\$114.91</del> | <u>\$116.63</u> |

b. *Commercial rate:*

- |                                  |                     |                 |
|----------------------------------|---------------------|-----------------|
| 1. Inside city, per month .....  | <del>\$123.70</del> | <u>\$125.56</u> |
| 2. Outside city, per month ..... | <del>\$154.63</del> | <u>\$156.95</u> |

(b) All potential users required by this article or by state law or regulation to connect to the system shall be charged the appropriate monthly user charge regardless of whether or not their structure is actually connected to the system.

(c) Exemptions from sewer charges shall be as follows:

- (1) Users that have a separately metered ice machine shall not be subject to sewer charges for water used in this machine.
- (2) Users that have a separately metered irrigation system shall not be subject to sewer charges for water used in this system.

## ORDINANCE O-23-12

AN ORDINANCE AMENDING THE CITY OF EAGLE LAKE, FLORIDA CODE OF ORDINANCES BY AMENDING CHAPTER 12, SOLID WASTE, ARTICLE III COLLECTION AND DISPOSAL, SEC. 12-54 SERVICE FEES – REGULAR GARBAGE AND TRASH COLLECTION, TO UPDATE THE CHARGES FOR SOLID WASTE COLLECTION AND DISPOSAL AUTHORIZED THEREIN; PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City of Eagle Lake provides its residents and businesses solid waste collection and disposal through contracted vendors; and,

WHEREAS, the fees charged by vendors have increased over time thereby requiring the City to pass along said increases to its residents and businesses.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE PEOPLE OF THE CITY OF EAGLE LAKE, FLORIDA:

1. That Chapter 12, Solid Waste, Article III Collection and Disposal, Sec. 12-54 Service Fees – Regular Garbage and Trash Collection of the Code of Ordinances of the City of Eagle Lake, Florida is hereby modified, as set forth at Exhibit “A” attached hereto and made a part hereof.

2. All ordinances in conflict herewith are hereby repealed to the extent necessary to give this ordinance full force and effect. If any portion of this Ordinance is determined to be void, unconstitutional or invalid, the remainder of this Ordinance shall remain in full force and effect. This Ordinance may be codified and made a part of the City’s Code of Ordinances and the Sections and exhibits to this Ordinance may be renumbered or re-lettered to accomplish such intention.

3. This ordinance shall become effective on the date of passage by second reading.

INTRODUCED AND PASSED on first reading this 7<sup>th</sup> day of August 2023.

PASSED AND ADOPTED on second reading this \_\_\_\_ day of \_\_\_\_\_ 2023.

CITY OF EAGLE LAKE, FLORIDA

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CORY COLER, MAYOR

ATTEST:

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CITY CLERK DAWN M. WRIGHT

Approved as to form:

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CITY ATTORNEY HEATHER R. MAXWELL

Exhibit "A"

Sec. 12-54. - Service fees—Regular garbage and trash collection.

The following fees shall be charged for collection services described at Section 12-53 above, for each single-family residential dwelling unit and for each licensed commercial establishment, without regard to whether or not the service is actually used:

- (1) *Single-family residential dwelling unit:*
  - a. —~~\$27.34~~ \$29.12 per month for service once per week for either 65 or 95 gallon carts.
  - b. Additional service beyond the service established by city or city's duly authorized service provider is subject to additional charge by city or city's duly authorized service provider.
- (2) *Commercial collection rates:*
  - a. —~~\$27.34~~ \$29.12 per month per cart assigned to the customer for service once per week for either 65 or 95 gallon carts regardless of the number of carts put out by the customer for collection. I.e., if a customer requests and is assigned two carts, said customer will be charged ~~\$54.67~~ \$58.22 per month which is the charge for two carts whether or not two carts are presented for collection each week.
  - b. Any commercial account requiring additional service beyond the service established by the city or city's duly authorized service provider is subject to additional charge by city or city's duly authorized service provider.
- (3) *Unusual locations, accumulations.* Reasonable charges for unusual locations, types and accumulations of garbage and trash shall be determined by the city manager and subject to approval by the city commission.
- (4) *Commercial bulk containers:*
  - a. ~~\$13.65~~ \$14.54 per cubic yard per pickup.
  - b. Commercial bulk container customers are required to utilize containers adequately sized to service the commercial account. Frequency of collection and container size (either 2, 4, 6, or 8 cubic yards) shall be within customers discretion.
- (5) *Rate adjustments.* The city manager shall increase or decrease each of the above rates in an amount equal by percentage to the amount of each appropriate increase or decrease or imposed or assessed by the city's service provider.