

EAGLE LAKE PLANNING COMMISSION
REGULAR MEETING
MONDAY, FEBRUARY 7, 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**

II. **INVOCATION**

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

IV. **ROLL CALL**

V. **STAFF REPORTS**

VI. **PUBLIC HEARING**

- A. Consideration of a **Proposed Ordinance No.: O-22-04**, An Ordinance An Ordinance of the City of Eagle Lake, Florida, providing for Implementation of Water Conservation Measures; Recommended by the Southwest Florida Water Management District; Providing Definitions; Providing for Efficient Indoor Plumbing Requirements; Providing for Landscape Design and Installation Standards; Providing for Irrigation System Design and Installation Standards; Providing for Enforcement; Providing for Codification; Providing for Conflicts; Providing for Severability; and Providing an Effective Date.
- B. Consideration of **Proposed Ordinance No.: O-22-06**, An Ordinance Amending the City of Eagle Lake, Comprehensive Plan by Revising the Future Land Use Map Series to Assign Medium-Density Residential Future Land Use to Two (2) Annexed Parcels; Amending the City of Eagle Lake, Florida Zoning Map to Apply General Residential (RG) 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 19.96 acres in size, lying West of N. Eagle Drive and East of Eagle Lake, with a street address of 0 Eagle Drive and 555 Eagle Drive, Eagle Lake, Florida 33839) Donley 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 -----12/06/2021

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
TUESDAY, FEBRUARY 1, 2022 BY CITY CLERK DAWN WRIGHT, MMC, FCRM, PHRP

ORDINANCE NO.: O-22-04

AN ORDINANCE OF THE CITY OF EAGLE LAKE, FLORIDA, PROVIDING FOR IMPLEMENTATION OF WATER CONSERVATION MEASURES RECOMMENDED BY THE SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT; PROVIDING DEFINITIONS; PROVIDING FOR EFFICIENT INDOOR PLUMBING REQUIREMENTS; PROVIDING FOR LANDSCAPE DESIGN AND INSTALLATION STANDARDS; PROVIDING FOR IRRIGATION SYSTEM DESIGN AND INSTALLATION STANDARDS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Southwest Florida Water Management District (District) has the responsibility under Chapter 373, Florida Statutes (F.S.), for regulating the consumptive use of water; and

WHEREAS, the District has provided recommendations to certain local governments regarding implementing requirements for efficient indoor plumbing, landscape design and installation, and irrigation system design and installation, in order to promote more efficient water usage; and

WHEREAS, the City Commission of the City of Eagle Lake has determined adoption of water efficiency measures recommended by the District are in the public interest of the community; and

WHEREAS, the City Commission desires to adopt a water efficiency ordinance as encouraged by the District.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF EAGLE LAKE, FLORIDA, AS FOLLOWS:

Section 1. INTENT AND PURPOSE

It is the intent and purpose of this Ordinance to implement procedures that promote water conservation through the efficient use of landscape irrigation.

Section 2. DEFINITIONS

For the purpose of this Ordinance, the following terms, phrases, words, and their derivatives shall have the meaning listed below. When not inconsistent with the context, words used in the present tense include the future, words in the plural include the singular, and words in the singular include the plural.

- (1) “Address” means the “house number” (a numeric or alphanumeric designation) that, together with the street name, describes the physical location of a specific

property. This includes “rural route” numbers, but excludes post office box numbers. If a lot number in a mobile home park or similar community is used by the U.S. Postal Service to determine a delivery location, the lot number shall be the property’s address. If a lot number in a mobile home park or similar residential community is not used by the U.S. Postal Service (e.g., the park manager sorts incoming mail delivered to the community’s address), then the community’s main address shall be the property’s address. If a property has no address, it shall be considered “even-numbered.”

- (2) “Athletic Play Area” means all golf course fairways, tees, roughs, greens, and other athletic play surfaces; including, football, baseball, soccer, polo, tennis, and lawn bowling fields, and rodeo, equestrian, and livestock arenas.
- (3) “Consumptive Use Permit” (CUP) means a permit issued pursuant to Chapter 40E-2, F.A.C., authorizing the consumptive use of water.
- (4) “District” means the Southwest Florida Water Management District, a government entity created under Chapter 373, F.S.
- (5) “Even Numbered Address” means an address ending in the numbers 0, 2, 4, 6, 8, or rights-of-way or other locations with no address, or the letters A-M.
- (6) “Existing landscaping” means any landscaping which has been planted and in the ground for more than ninety (90) days.
- (7) “Landscaping” means shrubbery, trees, lawns, sod, grass, ground covers, plants, vines, ornamental gardens, and such other flora not intended for resale, which are situated in such diverse locations as residential landscapes, recreation areas, cemeteries, public, commercial, and industrial establishments, public medians, and rights-of-way, except athletic play areas, as defined in Section 2(2).
- (8) “Landscape Irrigation” means the outside watering of shrubbery, trees, lawns, sod, grass, ground covers, plants, vines, ornamental gardens, and such other flora not intended for resale, which are planted and situated in such diverse locations as residential landscapes, recreation areas, cemeteries, public, commercial, and industrial establishments, public medians, and rights-of-way, except athletic play areas.
- (9) “Law Enforcement Officials” means City or Polk County Sheriff’s Office deputies, as the case may be.
- (10) “Low Volume Hand Watering” means the watering of landscape by one (1) person, with one (1) hose, fitted with a self-canceling or automatic shutoff nozzle.

- (11) “Low Volume Irrigation” means the use of equipment and devices specifically designed to allow the volume of water delivered to be limited to a level consistent with the water requirement of the plant being irrigated, and to allow that water to be placed with a high degree of efficiency in the root zone of the plant. The term also includes water used in mist houses and similar establishments for plant propagation. Overhead irrigation and flood irrigation are not included.
- (12) “Micro-irrigation” means the application of small quantities of water on or below the soil surface as drops or tiny streams of spray through emitter or applicators placed along a water delivery line. Micro-irrigation includes a number of methods or concepts, such as bubbler, drip, trickle, mist or microspray, and subsurface irrigation.
- (13) “New landscaping” means any landscaping which has been planted in the ground for ninety (90) days or less.
- (14) “Odd Numbered Address” means an address ending in the numbers 1, 3, 5, 7, 9, or the letters N-Z.
- (15) “Reclaimed Water” means wastewater that has received at least secondary treatment and basic disinfection, and is reused after flowing out of a wastewater treatment facility as defined by Rule 62-40.210, F.A.C.
- (16) “User” means any person, individual, firm, association, organization, partnership, business trust, corporation, company, agent, employee, or other legal entity whether natural or artificial, the United States of America, and the State and all political subdivisions, regions, districts, municipalities, and public agencies thereof, which directly or indirectly takes water from the water resource, including uses from private or public utility systems, uses under water use permits issued pursuant to Chapter 40E-2, F.A.C., or uses from individual wells or pumps.
- (17) “Wasteful and Unnecessary” means allowing water to be dispersed without any practical purpose to the water use; for example, excessive landscape irrigation, leaving an unattended hose on a driveway with water flowing, allowing water to be dispersed in a grossly inefficient manner regardless of the type of water use; for example, allowing landscape irrigation water to unnecessarily fall onto pavement, sidewalks, and other impervious surfaces; or allowing water flow through a broken or malfunctioning water delivery or landscape irrigation system.
- (18) “Water Resource” means any and all water on or beneath the surface of the ground, including natural or artificial watercourses, lakes, ponds, or diffused surface water,

and water percolating, standing, or flowing beneath the surface of the ground.

- (19) “Water Shortage” means when the District determines there is the possibility that insufficient water will be available to meet the present and anticipated needs of the users, or when conditions are such as to require a temporary reduction in total use within a particular area to protect water resources from serious harm. A water shortage usually occurs due to drought.
- (20) “Water Shortage Emergency” means when the District determines the provisions listed in Part II of Chapter 40E-21, F.A.C., are not sufficient to protect the public health, safety, or welfare, the health of animals, fish, or aquatic life, a public water supply, or commercial, industrial, agricultural, recreational, or other reasonable-beneficial uses.

Section 3. APPLICABILITY

The provisions of this Ordinance shall apply to each user, as defined in Section 2(16), providing landscape irrigation from all water resources within the boundaries of the City of Eagle Lake with the following exceptions:

- (a) The use of reclaimed water, which may or may not be supplemented from another source;
- (b) Irrigation at agricultural and nursery operations; and
- (c) Irrigation of athletic play areas.

Section 4. YEAR-ROUND LANDSCAPE IRRIGATION CONSERVATION MEASURES

The City of Eagle Lake adopts the rules of the South Florida Water Management District, listed in Subsection 40E-24.201 (1)-(6), F.A.C., including subsequent additions or corrections which are set out as follows:

- (1) The year-round landscape irrigation conservation measures contained in this Ordinance are applicable to all users including permitted and exempt users under Chapter 40E-2, F.A.C., unless otherwise indicated. These conservation measures apply to all water resources, unless otherwise indicated. In addition to the requirements of this Section, all permitted users under Chapter 40E-2, F.A.C., are required to maintain compliance with all CUP conditions and terms, including requirements to implement water conservation practices.
- (2) It shall be the duty of each user to keep informed as to the landscape irrigation conservation measures within this Ordinance which affect each particular water use.
- (3) In addition to the specific conservation measures, all wasteful and unnecessary water use, as defined in Section 2(17), is prohibited.
- (4) The following requirements shall apply to all users, unless specified in Section 3 or Section 5.
 - (a) Landscape irrigation shall be prohibited between the hours of 10:00 a.m. and 4:00 p.m., except as otherwise provided.
 - (b) Irrigation of existing landscaping shall comply with the following provisions:

- i. Even addresses, as defined in Section 2(5), installations with irrigation systems that irrigate both even and odd addresses within the same zones, such as multi-family units and homeowners' associations, and rights-of-way or other locations with no address shall have the opportunity to accomplish necessary landscape irrigation two (2) days a week, only on Thursday and/or Sunday.
 - ii. Odd addresses, as defined in Section 2(13), shall have the opportunity to accomplish necessary landscape irrigation two (2) days a week, only on Wednesday and/or Saturday.
- (c) Irrigation of new landscaping shall comply with the following provisions:
 - i. New landscaping may be irrigated once on the day it is installed without regard to the listed watering days and times. Irrigation of the soil immediately prior to the installation of the new landscaping is allowed without regard to the normal watering days and times.
 - ii. A ninety (90) day establishment period begins on the day the new landscaping is installed. The new landscaping shall be installed within a reasonable time from the date of purchase, which may be demonstrated with a dated receipt or invoice.
 - iii. Irrigation of new landscaping which has been in place for thirty (30) days or less may be accomplished on Monday, Tuesday, Wednesday, Thursday, Saturday, and/or Sunday.
 - iv. Irrigation of new landscaping which has been in place for thirty-one (31) to ninety (90) days may be accomplished on Monday, Wednesday, Thursday, and/or Saturday.
 - v. Irrigation of new landscaping is limited to areas only containing the new landscaping. An entire zone of an irrigation system shall only be utilized for landscape irrigation under this Subsection if the zone contains at least 50% new landscaping. If a zone contains less than 50% new landscaping, or if the new landscaping is in an area that will not typically be irrigated by an irrigation system, only the individual new plantings are eligible for additional irrigation. Targeted watering may be accomplished by low volume hand watering, as defined in Section 2(10), or any appropriate method which isolates and waters only the new landscaping.
- (5) Any water shortage, as defined in Section 2(19), restrictions or other measures declared pursuant to Chapter 40E-21, F.A.C., or related District Governing Board or Executive Director orders which are more restrictive than a measure contained within this Ordinance, shall supersede this Ordinance for the duration of the applicable water shortage declaration.

Section 5. EXCEPTIONS TO THE LANDSCAPE IRRIGATION SCHEDULES

Landscape irrigation scheduling shall be subject to the following exceptions:

- (1) Landscape irrigation systems may be operated during restricted days and/or times for cleaning, maintenance, and repair purposes with an attendant on site in the area being tested. Landscape irrigation systems may routinely be operated for such purposes no more than once per week, and the run time for any one (1) test should not exceed ten (10) minutes per zone.
- (2) Landscape irrigation for the purpose of watering-in fertilizers, insecticides, pesticides, fungicides and herbicides, where such watering-in is recommended by the manufacturer, or by federal, state or local law, or best management practices, shall be allowed under the following conditions:
 - (a) Such watering-in shall be limited to one (1) application, unless the need for more than one (1) application is stated in the directions for application specified by the manufacturer; and
 - (b) Such watering-in shall be accomplished during normally allowable watering days and times set forth in Subsection 4(4)(a) and (b), unless a professional licensed applicator has posted a temporary sign containing the date of application and the date(s) of needed watering-in activity.
- (3) Any plant material may be watered using low volume irrigation, as defined in Section 2(11), micro-irrigation, as defined in Section 2(12), low volume hand watering method, rain barrels, cisterns, or other similar rain-harvesting devices without regard to the watering days or times allowed pursuant to this Section.

Section 6. ADDITIONAL REQUIREMENTS

Any user who purchases and installs an automatic landscape irrigation system shall properly install, maintain, and operate technology that inhibits or interrupts operation of the system during periods of sufficient moisture in accordance with Section 373.62, F.S.

Section 7. VARIANCES

- (1) A variance from the specific day or days identified in Subsection 4(4)(b) may be granted by the City of Eagle Lake if strict application of the restrictions would lead to unreasonable or unfair result; provided the applicant demonstrates with particularity that compliance with the schedule will result in substantial economic, health, or other hardship on the applicant or those served by the applicant. If granted, the applicant shall be required to post a notice at each parcel to which the variance pertains. Relief may be granted only upon a demonstration that such hardship exists, is peculiar to the person or the affected property, is not self-imposed, and further demonstrates that granting the variance would be consistent with the general intent and purpose of this division.
- (2) The City of Eagle Lake recognizes all irrigation variances or waivers issued by the District under Rule 40E-24.501, F.A.C.

Section 8. DECLARATION OF WATER SHORTAGE OR WATER SHORTAGE EMERGENCY

Declaration of a water shortage condition and/or water shortage emergency, as defined in Section

2(20), within all or parts of the City of Eagle Lake by the District's Governing Board or Executive Director shall supersede this Ordinance for the duration of the applicable water shortage declaration. A water shortage usually occurs due to drought.

Section 9. ENFORCEMENT

- (1) In the absence of a declaration of water shortage or water shortage emergency within all or any part of the City by the District's Governing Board or Executive Director, the listed landscape irrigation restrictions shall be subject to enforcement action. Any violation of the provisions of Section 4 and 5 shall be a violation of this Section.
- (2) The City of Eagle Lake authorizes law enforcement officials, as defined in Section 2(9), having jurisdiction in the area governed by this Ordinance, to enforce the provisions of this Ordinance. In addition, the City Commission or City Manager may delegate this Ordinance's enforcement responsibility to agencies and departments within the City government.

Section 10. PENALTIES

Violations of any provision of this Ordinance may be punished pursuant to Section 162.21, F.S., as amended, as a civil infraction as set forth in the code enforcement citation ordinance of City Ordinance as may be amended from time to time.

Section 11. CODIFICATION

Codification of this Ordinance is directed and authorized.

Section 12. ORDINANCES REPEALED.

Any conflicting rules or Ordinances of the City of Eagle Lake are hereby repealed to the extent of such conflict.

Section 13. SEVERABILITY

If any Section, Subsection, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

Section 14. EFFECTIVE DATE

This Ordinance shall take effect immediately upon adoption.

PASSED AND DULY ADOPTED by the City Commission of the City of Eagle Lake, Florida
on this _____ day of _____ 2022.

CITY OF EAGLE LAKE

Cory Coler, Mayor

ATTEST WITH SEAL:

Dawn Wright, City Clerk

APPROVED AS TO FORM:

Heather Maxwell, City Attorney

ORDINANCE NO.: O-22-06

AN ORDINANCE AMENDING THE CITY OF EAGLE LAKE, FLORIDA 2030 COMPREHENSIVE PLAN BY REVISING THE FUTURE LAND USE MAP SERIES TO ASSIGN MEDIUM-DENSITY RESIDENTIAL FUTURE LAND USE TO TWO (2) ANNEXED PARCELS; AMENDING THE CITY OF EAGLE LAKE, FLORIDA ZONING MAP TO APPLY GENERAL RESIDENTIAL (RG) 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 19.96 acres in size, lying West of N. Eagle Drive and east of Eagle Lake, with a street address of 0 Eagle Drive and 555 Eagle Drive, Eagle Lake, Florida 33839) Donley 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 March 29, 2021, 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 March 7, 2022; and

WHEREAS, the City of Eagle Lake received an application for Annexation, Comprehensive Plan Amendment and Zoning, dated January 3, 2022, to amend the 2030

Comprehensive Plan Future Land Use Map by assigning a Residential Medium (RM) Future Land Use designation and assign 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 February 7, 2022 to consider making a recommendation to the City Commission regarding the application for an amendment to the Future Land Use Map and RG zoning; and

WHEREAS, pursuant to Section 163.3184, Florida Statutes, the Eagle Lake City Commission held a public hearing on February 7, 2022 to consider the adoption of the proposed amendment to its Comprehensive Plan and Zoning Map and transmittal of the amendment to the Florida Department of Economic Opportunity, as the State Planning Agency; 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 19.96 +/- acres.
2. The amendment area is specifically described by a legal description and location map attached hereto as Exhibit “A” and includes the following Parcel Identification Numbers: 262906-673000-000020, and 262906-673000-000041.
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 Medium Density Residential as shown in Exhibit B, 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 3, 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 _____, 2022

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 AND LOCATION MAP

LEGAL DESCRIPTION:

LAWTEY & THOMPSONS SUB PB 1 PG 18 LYING IN SECTION 1, TOWNSHIP 29, RANGE 25, AND SECTION 6, TOWNSHIP 29, RANGE 26, LOT 4 EAST 640 FEET & LOT 5 LESS NORTH 130 FEET & LESS SOUTH 10 FEET OF EAST 640 FEET.

AND

LAWTEY & THOMPSONS SUB PB 1, PG 18, SECTION 1, TOWNSHIP 29, RANGE 26 LOTS 2 & 3 LESS 1 ACRE IN SE CORNER OF 2 & LESS COMM SE CORNER OF LOT 2 N89-30-00W 208.71 FEET TO POB N89-30-00W 209.78 FEET N00-01-27W 207.53 FEET S89-30-00E 209.78 FEET S00-01-27E 207.76 TO POB.

LOCATION MAP:

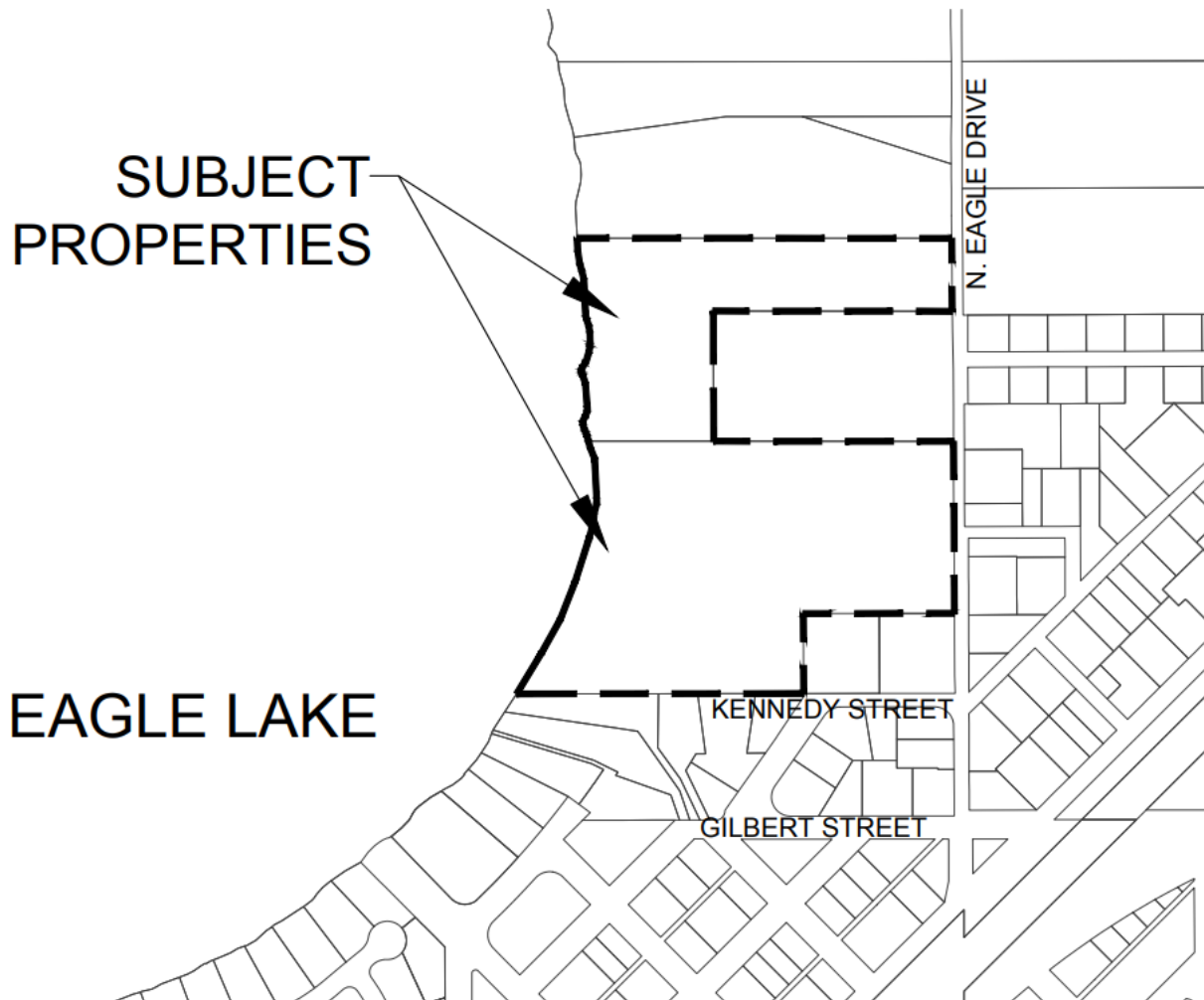
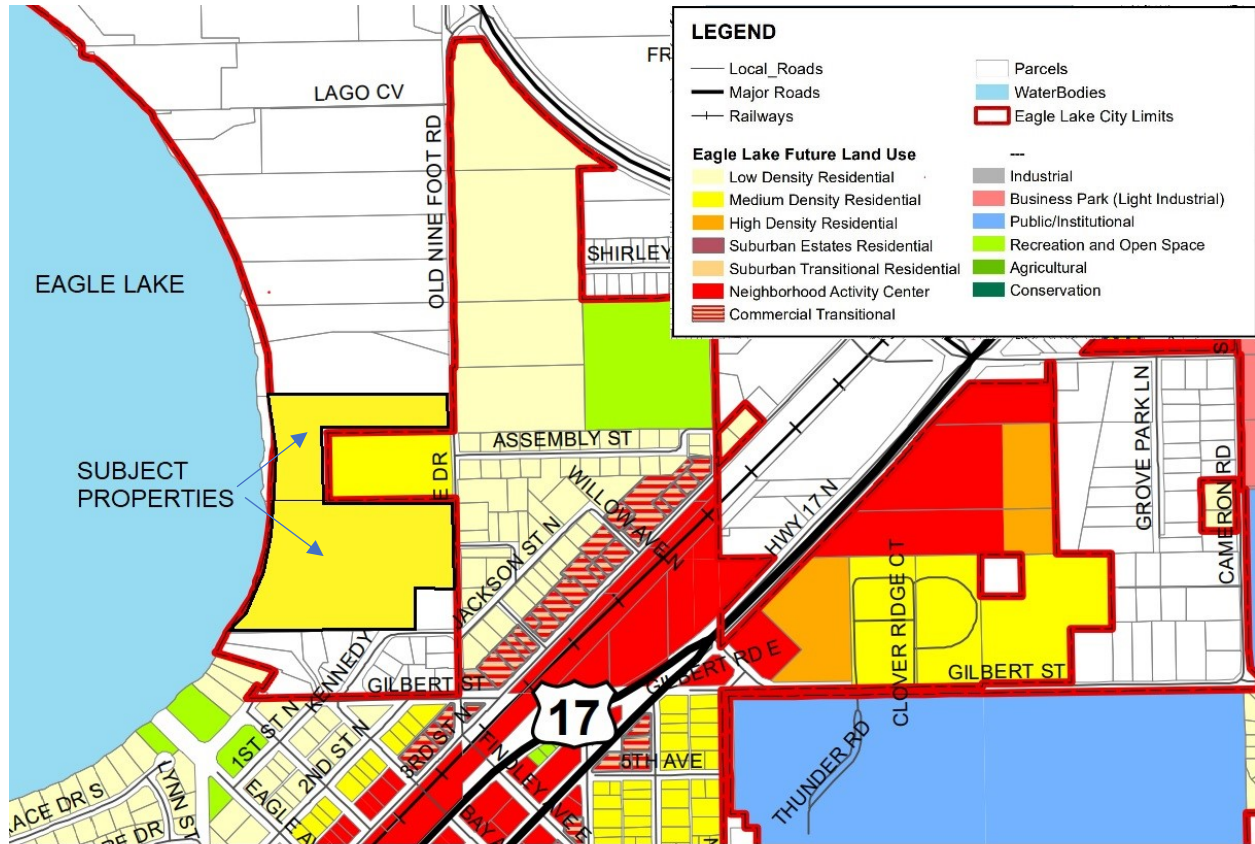


EXHIBIT B – FUTURE LAND USE MAP



MEMORANDUM

TO: Tom Ernharth, City Manager, City of Eagle Lake
FROM: Merle Bishop, FAICP, Senior Planner
DATE: January 24, 2022
SUBJECT: Donley property annexation/Comprehensive Plan Amendment
PROJECT: ELAKX22001

In response to the City's request, we have completed our review of the annexation/Comprehensive Plan (Map) Amendment application submitted by Mr. John Donley on 1/03/22 to the City of Eagle Lake for two parcels totaling approximately 19.96 acres and generally located on the west side of North Eagle Drive on the eastern shore of Eagle Lake.

BACKGROUND:

Applicant/Owner: John R. Donley
154 2nd Street, SW
Winter Haven, FL 33881

Site Location: O and 555 N. Eagle Drive (Old 9-Foot Road)
Eagle Lake, FL 33839

Parcels: 262906-673000-000020 (13.15 acres)
262906-673000-000041 (6.81 acres)

Total Site Size: 19.96 acres +/-

Current Land Use: Vacant; one single family house.

Future Land Use Designation: Polk County – Residential Low (RL-2)

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

Proposed Future Land Use Designation: Medium Density Residential (5.01 to 9.99 dwelling units/acre)

Proposed Zoning Districts: General Residential (RG) (single-family, duplex, multi-family)

The applicant requests the City annex the parcels and amend its Comprehensive Plan by adding the parcels to the Future Land Use Map as Medium Density Residential. Additionally, the applicant request that the parcels be assigned a zoning designation of General Residential. There is no site development plan proposed for the property at the time of the application.

The parcels have a combined total of approximately 520 feet frontage on N. Eagle Drive (aka Old Nine Foot Road), an urban collector maintained by the Polk County Board of County Commissioners. The existing right-of-way for N. Eagle Drive varies from approximately 30 to 40 feet. Any new access to this road will require a roadway access permit from Polk County and development of the property will require the donation of property for additional right-of-way pursuant to Polk County Land Development Regulations. Additionally, the parcels have approximately 1,370 feet of shoreline along the eastern shore of Eagle Lake.

SURROUNDING LAND USES:

NW – Eagle Lake	N – Single-family houses	NE – Vacant parcel; citrus grove
W – Eagle Lake	Subject Property (vacant/sf house)	E – Church; single family houses
SW – Eagle Lake	S – Single family houses	SE – single family houses

PUBLIC INFRASTRUCTURE:

The existing RS-2 zoning would permit approximately 40 dwelling units. The requested Residential Medium Future Land Use and RG zoning would potentially permit a maximum of approximately 180 dwelling units, an increase or difference of 140 dwelling units. This also equals a potential increase in population of approximately 360 persons (based on an average household size of 2.57 persons as identified in the Eagle Lake 2030 Comprehensive Plan).

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 actual development proposed rather than impact resulting from the incremental increase in demand since the potential dwelling units (and population) are not vested for concurrency.

POTENTIAL INFRASTRUCTURE IMPACTS			
Current Available Capacity	Current Vested Demand	Demands from 180 DU	Remaining Capacity
Potable Water (LOS: 300 gpd¹/ERC²)			
1.584 mgpd	670,187 gpd	54,000 gpd	859,813 gpd
Sanitary Sewer (LOS: 275 gpd¹/ERC²)			
750,000 gpd	412,164 gpd	49,500 gpd	288,336 gpd
Recreation (LOS: 4.5 acres/1,000 population³)			
17.45 acres	11.34 acres	0.81 acres	5.3 acres
Transportation – Eagle Drive – LOS: B			
792 trips ⁴ (PM Peak Hr.)	N/A	104 trips ⁵ (PM Peak Hr.)	688 trips (87% of capacity remaining)
Solid Waste (LOS: 8.0 lbs. per capita per day⁶)			
N/A (Polk Co. Land Fill)	N/A	2,302 lbs./day	NA

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

²Equivalent Residential Connection (dwelling unit)

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

⁴Polk TPO Roadway Database 2020 (Effective date: March 16, 2020)

⁵ITE TripGen Single Family Residential (Trip Generation Manual, 10th Edition)

⁶City of Eagle Lake 2030 Comprehensive Plan, Infrastructure Element, Policy 1.1.1 (page1)

⁷Polk County School Board

⁸Housing Generation Rates for Public School, Polk County School Board, Modified 2015

Sufficient capacity exists in all of the infrastructure areas evaluated for a proposed 180 multi-family 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 2.6, Medium Density Residential: *The primary intent of the Medium Density Residential classification is to encourage the continuation of mixtures of housing types. These units should include one and two-story apartments, townhouses, duplexes, and single-family dwellings. Development activities within the intent of this classification can be achieved where such requirements as minimum land areas are met, open space provided, public facilities and services are available, and access to principal streets is safe and convenient*

Maximum Density: > 5 but < 10 dwelling units per acre.

The requested Medium Density Residential Future Land Use and RG zoning designation is located on an urban collector roadway with access to existing infrastructure with sufficient capacity for development of the property for low-rise (one and two story) multi-family residential. The requested medium density future land use is consistent with the existing medium density of the adjacent parcel west of Eagle Drive. The property is of sufficient size to allow for the development of low-rise multi-family housing and provide sufficient buffers from adjacent single-family homes. Multi-family development will enable the continuation of a mixture of housing units within the City.

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 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.

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 Residential Medium Density Future Land Use and RG zoning will allow for residential development that is tantamount to infill development with existing residential development on three sides of the property, along Eagle Avenue.

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 Eagle Avenue, which is a County maintained urban collector road. Prior to final construction plan approval, the applicant will be required to coordinate a traffic analysis and driveway access with the Polk County TPO.

C. HOUSING ELEMENT

Policy 5.1, *The City shall, through its Land Development Regulations, promote a mix of housing types, densities, and affordable housing.*

The proposed Comprehensive Plan Amendment will allow for the development of additional single-family and/or multi-family housing that creates opportunity for a mix of housing types and densities consistent with this policy

D. RECREATION AND OPEN SPACE ELEMENT

Policy 6.2, *The City will continue to ensure through the enforcement of Land Development Regulations and a Concurrency Management System that no development order will be issued for any development that would result in failure of the recreation and park system to meet the adopted LOS standards.*

The property is of sufficient size that future development can incorporate open space and on-site recreational amenities to satisfy recreational demand. Additionally, the property has a significant amount of lake frontage that provides opportunity for a unique recreation/open space amenity.

E. CONCLUSION

The requested Future Land Use Map Amendment to assign Residential Medium Land Use and assign General Residential (RG) zoning to the property are consistent with the Eagle Lake Comprehensive Plan. Additionally, the Residential Medium Future Land Use and RG 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 Residential Medium Future Land Use designation and RG zoning are consistent with the applicable goals, objectives and policies of the Eagle Lake 2030 Comprehensive Plan. All City requirements must be met related to the future development of the property.

CONCLUSION:

As required by Section 6.1.2.10 of the City's Land Development Regulations, our findings after review of the application for a Comprehensive Plan Amendment to assign Residential Low future land use and assign a zoning designation of PD-H to the property are the following conditions are satisfactorily met:

- A. The rezoning petition is consistent with the City of Eagle Lake Comprehensive Plan.
- B. The rezoning petition will not result in a lowering of the adopted level of service below the minimum level of service 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 properties;
- D. The need and justification for the change has been satisfactorily demonstrated by the applicant;
- E. There will be no detrimental effect of the change on the property and on surrounding properties;
- F. There is not sufficient undeveloped land in the general area and in the City with the same classification as the request to allow for the proposed development;
- G. The proposed rezoning and all permitted uses are compatible with development on surrounding property; or compatibility can be achieved.

RECOMMENDATION:

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

ATTACHMENTS:

EXHIBIT A – Location Map

EXHIBIT B – Aerial Photograph

EXHIBIT C – Future Land Use

EXHIBIT D – Legal Description

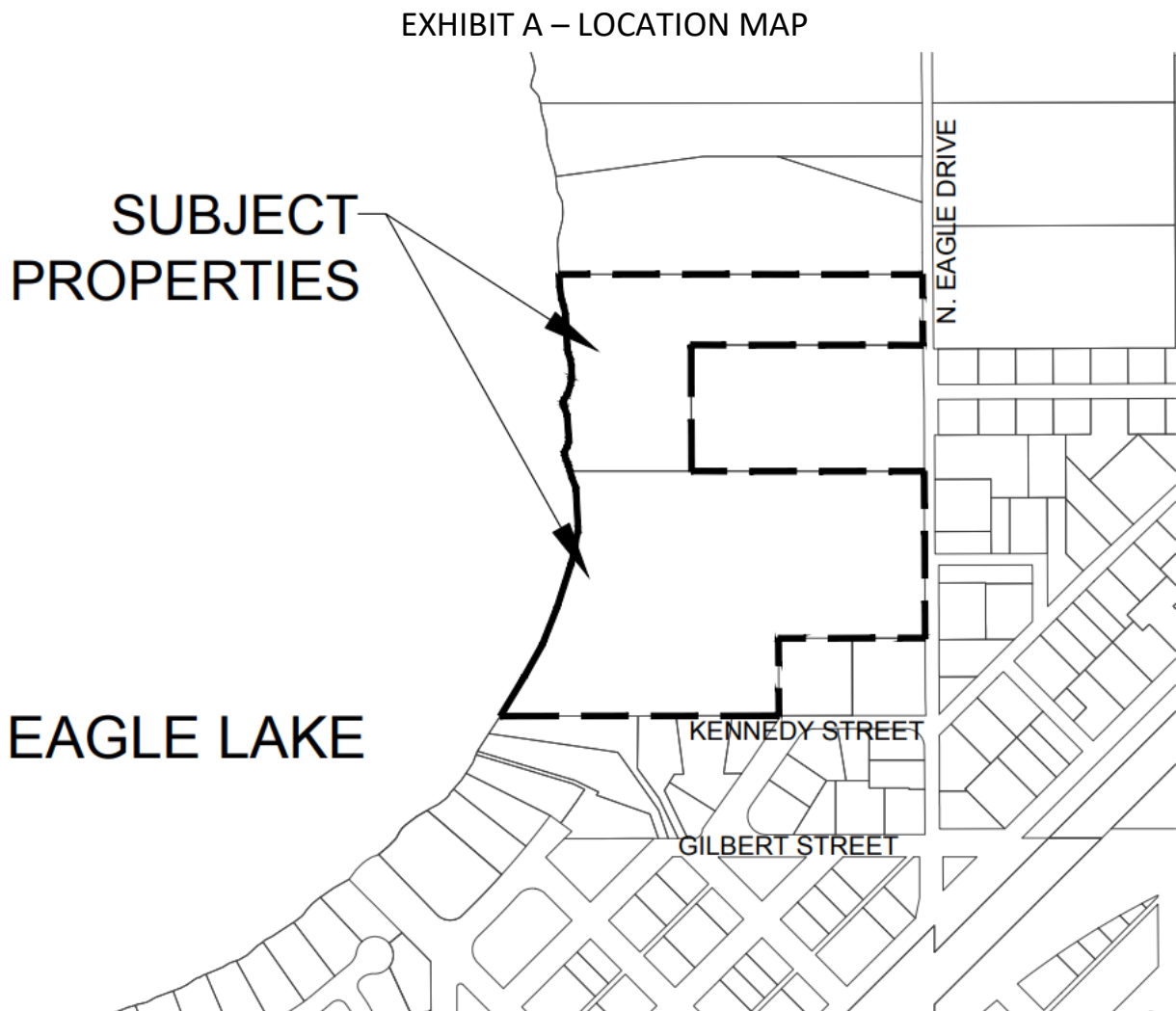


EXHIBIT B – AERIAL PHOTOGRAPH

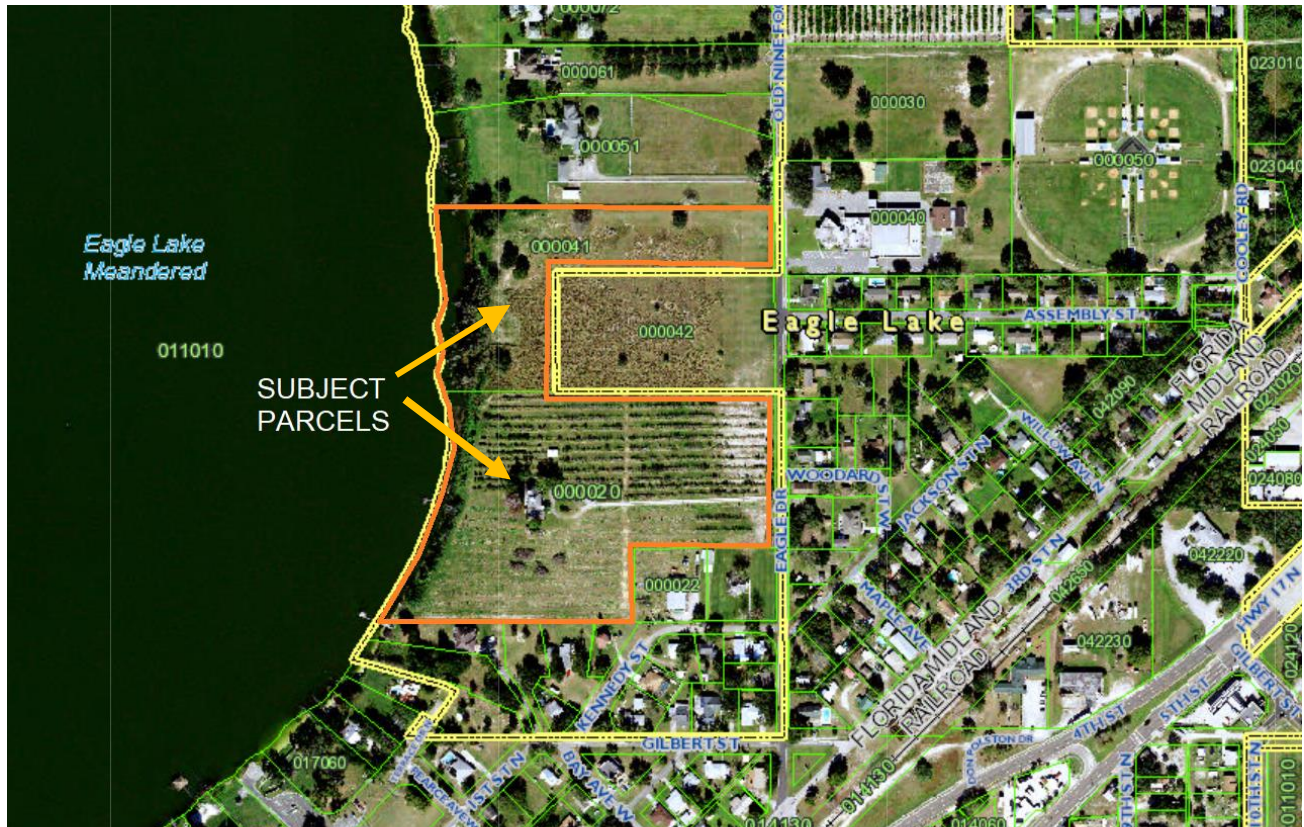


EXHIBIT C – FUTURE LAND USE

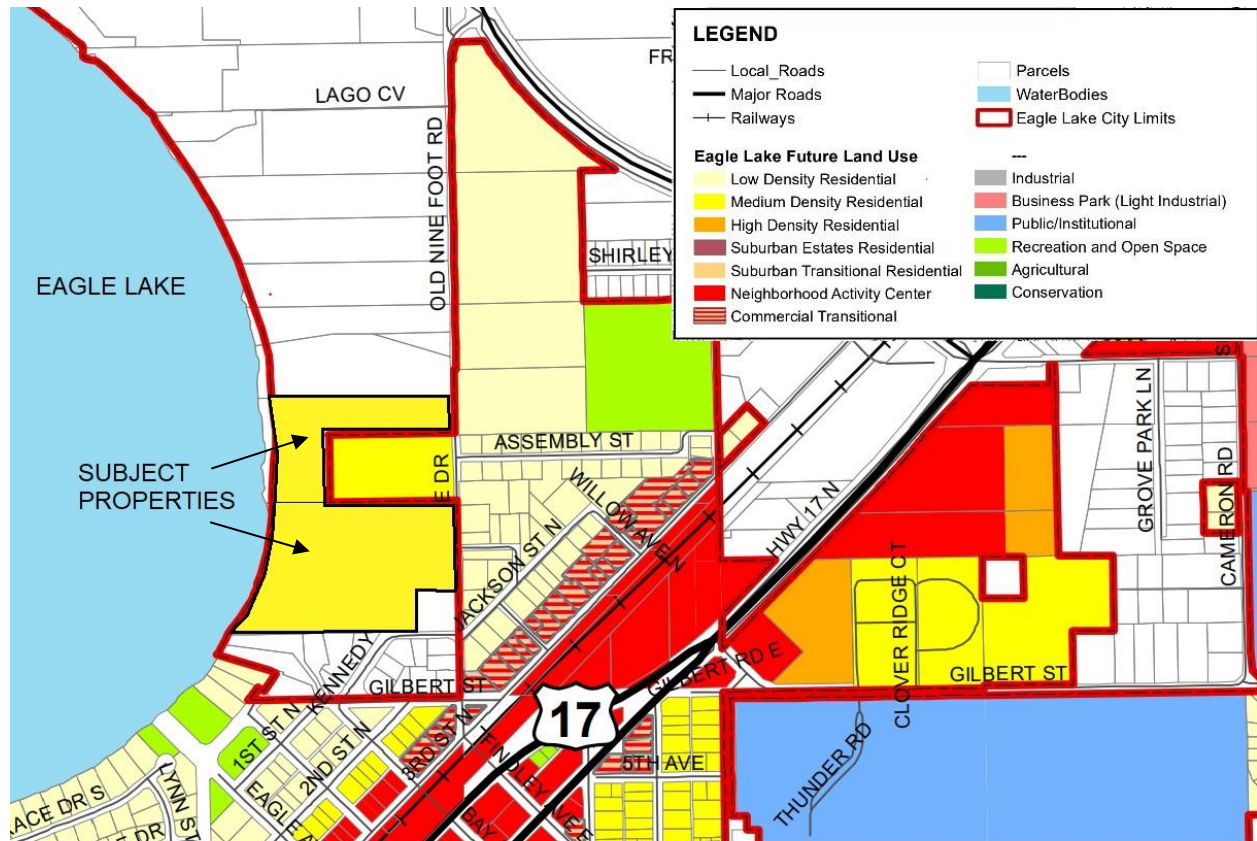


EXHIBIT D – LEGAL DESCRIPTION

LEGAL DESCRIPTION:

LAWTEY & THOMPSONS SUB PB 1 PG 18 LYING IN SECTION 1, TOWNSHIP 29, RANGE 25, AND SECTION 6, TOWNSHIP 29, RANGE 26, LOT 4 EAST 640 FEET & LOT 5 LESS NORTH 130 FEET & LESS SOUTH 10 FEET OF EAST 640 FEET.

AND

LAWTEY & THOMPSONS SUB PB 1, PG 18, SECTION 1, TOWNSHIP 29, RANGE 26 LOTS 2 & 3 LESS 1 ACRE IN SE CORNER OF 2 & LESS COMM SE CORNER OF LOT 2 N89-30-00W 208.71 FEET TO POB N89-30-00W 209.78 FEET N00-01-27W 207.53 FEET S89-30-00E 209.78 FEET S00-01-27E 207.76 TO POB.

EAGLE LAKE PLANNING COMMISSION
REGULAR MEETING
MONDAY, DECEMBER 6, 2021 at 6:30 P.M.
COMMISSION CHAMBERS,
675 E EAGLE AVE
EAGLE LAKE, FLORIDA 33839

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, Eriksen, Roe, Metosh

ABSENT: Aleman

V. STAFF REPORTS

There were no Staff Reports.

VI. PUBLIC HEARING

- A.** Consideration of a **Proposed Ordinance No.: O-22-02**, An Ordinance Amending the City of Eagle Lake Comprehensive Plan to Revise and Update the Plan to Address Changes in Florida Statutes, to Update Dates for Completion of Specific Requirements, to Clean up Duplicate Sections, to Update Maps to Reflect City Limit Expansions, and to Remove the Administrative and Technical Support Sections from the Document; Repealing all Ordinances in Conflict Herewith and Providing an Effective Date.

Chairwoman Metosh read proposed Ordinance No.: O-22-02 by title only.

MOTION was made by Commissioner Eriksen and seconded by Commissioner Spofford to recommend approval of the proposed ordinance and forward to the City Commission for approval.

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

The roll call vote was as follows:

AYES: Spofford, Eriksen, Roe, Metosh

NAYS: None

VII. OLD BUSINESS

There was no Old Business.

VIII. NEW BUSINESS

There was no New Business.

IX. CONSENT AGENDA

A. Approval of the Planning Commission Minutes -----10/04/2021

MOTION was made by Commissioner Eriksen and seconded by Commissioner Roe to approve the Planning Commission Meeting Minutes of 10/04/2021.

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

The vote was as follows:

AYES: 4

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 6:35 p.m.

The vote was as follows:

AYES: 4

NAYS: 0

CHAIRWOMAN MICHELLE METOSH

ATTEST:

CITY CLERK DAWN WRIGHT