

**Planning Board's Findings and Recommendation to the City Commission
(PB 2020-17)**

On January 31, 2023 and February 8, 2023, the City Planning Board conducted hearings on the rezoning application for Walden Lake Community Unit District filed by Walden Lake, LLC, in accordance with Section 102-447, Plant City Code. The Board heard testimony of witnesses, including numerous expert witnesses, and received evidence into the record.

After hearing the testimony and hearing all evidence, this Board finds that the proposed application is inconsistent with the City's Comprehensive Plan, incompatible with surrounding uses, does not meet the requirements of Chapter 102, Plant City Code, and is not in the public interest.

The Board recommends that the City Commission disapprove the proposed rezoning application. Upon consideration, the Planning Board makes the following findings of fact and conclusions as to the law:

I. Background.

1. The property which is now the Walden Lake Community Unit District was originally annexed into the City in the 1970's. This development proved to be very successful, incorporating over 2,000 homes, which was built-out around 2002. (*Plant City Comprehensive Plan, Future Land Use Element Introduction*).
2. Walden Lake was developed as a residential development around a golf course and other recreational amenities, with non-residential uses located at the boundary of the development of Turkey Creek and Alexander Street.
3. The applicant, who is now the owner of the former golf course and clubhouse, had previously submitted an amendment to the Community Unit District, which was heard by the Planning Board at two public hearings on February 9, 2022 and February 23, 2022. On March 23, 2022, the Planning Board issued its written findings and recommendations to the City Commission finding the proposed application inconsistent with the City's Comprehensive Plan, incompatible with the surrounding uses, did not meet the requirements of Chapter 102, Plant City Code, and was not in the public interest ("Planning Board's 2022 Findings").
4. The applicant has substantially revised their previous application and has submitted another proposed modification to the existing Walden Lake Community Unit to the Planning Board with a Planned Development Site Plan consisting of three sheets ("Site Plan"). The proposed development would add 550 total residential units, 154 single family lots, 98 villas (two attached units, i.e. duplex), and 200 townhomes to the current Walden Lake development.
5. The adopted future land use designation of the subject property is Residential-6 (R-6).

II. Definitions.

1. *Compatibility* is defined in the City’s Comprehensive Plan and Section 163.3164, Florida Statutes, as:

“A condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition.” (F.S. 163.3164; *Plant City Comprehensive Plan, Definitions*).

2. *Consistency*. Section 163.3194(3), Florida Statutes, provides as follows:

“(3)(a) A development order or land development regulation shall be consistent with the comprehensive plan if the land uses, densities or intensities, and other aspects of development permitted by such order or regulation are compatible with and further the objectives, policies, land uses, and densities or intensities in the comprehensive plan and if it meets all other criteria enumerated by the local government.

(b) A development approved or undertaken by a local government shall be consistent with the comprehensive plan if the land uses, densities or intensities, capacity or size, timing, and other aspects of the development are compatible with and further the objectives, policies, land uses, and densities or intensities in the comprehensive plan and if it meets all other criteria enumerated by the local government.”

3. *Infill development* is defined in the City’s Comprehensive Plan as “Development on scattered vacant sites within the urbanized area of a community.” (Emphasis added.)

4. Land Use Policy 7.4.5 of the City’s Comprehensive Plan provides:

“Development and redevelopment shall be integrated with adjacent land uses through:

Creation of like uses;

Creation of complimentary uses; or

Mitigation of adverse impacts.”

5. Land Use Policy 7.4.7 of the City's Comprehensive Plan provides:

“Redevelopment projects shall not destroy the existing social/cultural framework and character of the area.”

6. Land Use Policy 8.3.5 provides:

“Compatible Design Objectives. Ensure high-quality development through the standards of the Land Development Regulations that promotes development that is compatible with abutting land uses in Plant City and Hillsborough County. Compatibility shall be achieved through standards that address the landscaping, height, scale, use and design of target development abutting residential development and environmental features. Also, for applicable lands, ensure these targeted developments are compatible and support the overall concepts of the Northeast Plant City Area Master Plan. Sustainability shall be encouraged through site and building practices that address low impact development, energy efficient building design/construction, improved mobility, and ecological conservation through an incentive based program outlined in the Land Development Regulations.”

7. Land Use Objective 1.3 provides:

“LU Objective 1.3: Protect single family residential neighborhoods by requiring that any other land uses within single family areas meet applicable locational criteria.”

8. Land Use Objective 1.4 provides:

“HSG Objective 1.2: Continue to implement a strategy designed to preserve existing neighborhoods as well as maintain housing in standard condition, promote rehabilitation when necessary and demolish those housing units that are not suitable of rehabilitation.” (Emphasis added.)

9. Property Rights Policy 1.1.1 provides:

“The following rights shall be considered in the local decision-making process:

- The right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.
- The right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances.
- The right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.
- The right of a property owner to dispose of his or her property through sale or gift.”

III. Planned Development Districts.

1. Chapter 102, Plant City Code, provides additional requirements on PD zoning applications.

2. Section 102-441, Plant City Code, provides that the purpose of the PD Planned Development District (previously referred to as the Community Unit District) is:

“to provide generally superior design development compared to standard zoning districts. Such districts shall be in harmony with reasonable area, building coverage, height, setback and service requirements...”

3. Section 102-443, Plant City Code, provides, in part, that:

“[u]ses proposed must be found to be of such types and to be so located and arranged as to ensure compatibility and connectivity among themselves and with adjacent existing or future land uses upon adjacent property.”

4. Section 102-444, Plant City Code, provides for review standards by the Planning Board and City Commission, which addresses among other things, compatibility, transitions, transportation, neighborhood compatibility, and other impacts on surrounding properties, safety hazards, design quality, density and intensity, building height, fencing, and yards and setbacks.

5. Section 102-444(3), Plant City Code, provides that Planned Development Districts “shall be so designed, as to provide access to and from such districts without creating excessive traffic along minor streets in residential neighborhoods outside the district.” Although Section 102-444(3), Plant City Code, refers to streets in residential neighborhoods “outside the district”, as this Planned Development modification affects an established residential development, the same principals apply.

6. Section 102-444(4), Plant City Code, provides that Planned Development Site Plans “shall be designed so as to minimize the negative effects of external impacts...Project control shall be accomplished through such techniques as buffering, architectural design, site design, height limitations, and density or intensity limitations.” (Emphasis added.)

7. Section 102-444(5), Plant City Code, provides that “Planned Development Site Plans shall be responsive to the character of the area. When located in an area where land use types and/or intensities or densities vary, Planned Development districts shall be designed in such a manner as to provide for gradual changes in intensity and/or density.” (Emphasis added.)

8. Section 102-444(6), Plant City Code, provides that “[a]ll Planned Development Site Plans shall be designed in such manner to address all of the criteria as set forth in this section and shall generally be superior in design to conventional development site plans, and consistent with all other factors in this Section.” (Emphasis added)

9. Section 102-444(7), Plant City Code, provides that “[p]lanned Development Site Plans shall include screening, buffering, transitional uses or other design features as necessary to adequately protect existing or probable uses of surrounding property; and shall provide functional and logical linkages to activity centers and circulation facilities on such adjacent property.”

10. Section 102-444(12), Plant City Code, provides that "[d]ensities and intensities shall not exceed maximums established in the Comprehensive Plan. Planned Development district densities and intensities shall be established after consideration of the Comprehensive Plan criteria and limits, neighborhood compatibility, transitions, and site design." (Emphasis added.)

11. Section 102-444(13), Plant City Code, provides that "[h]eights of structures in a Planned Development district shall be determined after review of the nature of area being developed and the surrounding land uses to ensure that the proposed development will not create any external impacts that would adversely affect surrounding development, existing or proposed." (Emphasis added)

12. Section 102-444(14), Plant City Code, provides that "[f]ences or vegetative screening at periphery of Planned Development district shall be provided, where appropriate, to protect occupants from undesirable views, lighting, noise or other off-site influence, or to protect the occupants of adjoining districts from similar adverse influences.

13. Section 102-444(15), Plant City Code, provides that "[y]ard and setback requirements shall be consistent in the Planned Development district to promote general health, safety, welfare, design excellence and neighborhood compatibility. Notwithstanding other required wetland and jurisdictional buffer requirements, all setbacks within a Planned Development district shall maintain consistency with the approved Planned Development Site Plan." (Emphasis added.)

14. Section 102-444(19), Plant City Code, provides that creative site development concepts shall be used to promote water conservation, provides for minimum open space, and the preservation of existing plant communities.

15. Section 102-444(24)d, Plant City Code, provides that other factors shall be applied, which among other things, "maximize use of buffers berms and, where practical, utilize Green Infrastructure".

16. Section 102-445(1)c, Plant City Code, provides that:

"c. Planned Development Site Plan conditions shall require building features that will require design and facade standards that guarantee a substantial appearance variety and facade mix, and shall include:

1. Limitations on building massing;
2. Façade articulation;
3. A combination of at least two colors per building;
4. Roof designs to include gables or cornice treatments or a parapet for flat roof systems; and

5. Commitment to monotony control where no building next to, across or diagonal from will have the same color, model nor architectural features.” (Emphasis added).

17. Section 102-455(1)d, Plant City Code, provides that “[t]he City may require building elevations and architectural renderings for all development within the proposed development. If elevations or architectural renderings are presented, the development shall be in substantial compliance with the elevations presented.” (Emphasis Added)

IV. Review of the Proposed Planned Development Site Plan.

1. In reviewing the proposed rezoning application, the Planning Board is persuaded by the testimony and report of the planning expert retained by the Walden Lake HOA, Frances Chandler Marino, President of femme by design, LLC, who is a planner with over 37 years’ experience, both in the public and private sector, and concurs with her findings. The Planning Board was also persuaded by the factual testimony of lay witnesses at the hearings.

2. The proposed development would add 550 total residential units, consisting of 154 single family lots, 98 villas (196 units), and 200 townhome units.

3. The existing built neighborhoods within Walden Lake were master planned and ultimately constructed in the form of a suburban golf course community.

4. The rezoning proposes to repurpose and redevelop tracts of land that were originally planned and constructed as an integral part of the design of the community, including the former clubhouse area and portions of the golf course fairways, into new residential uses. The introduction of villas and townhomes and smaller lot single family detached in the middle of a stable, successful, built neighborhoods represents a significant intrusion into the existing fabric of the community.

5. The Planning Board finds that the proposed rezoning is not consistent with Section 102-443(2), Plant City Code, which requires that uses proposed must ensure compatibility among themselves and with adjacent existing or future land uses upon adjacent property, because the uses are not compatible with adjacent uses and would constitute a significant change to the current development pattern.

6. The Planning Board finds that the proposed rezoning is not consistent with Land Use Policy 7.4.5 inasmuch as it does not integrate the redevelopment activities with adjacent land uses through either the creation of like uses, complimentary uses, or the mitigation of adverse impacts.

7. The Planning Board finds that the proposed rezoning is not consistent with Land Use Policy 7.4.7 inasmuch as it would destroy the existing social/cultural framework and character of the area by introducing uses and intensities of uses in form, manner and locations that are not consistent with the existing and established character of the community.

A. *Single Family Detached.*

1. The proposed single family detached lots are proposed to have a minimum 9,600 square foot lots with a minimum lot width of 80'. These new lots are proposed in locations that are adjacent to existing development with larger lots that generally range between 15,000-30,000 square feet per lot with building lot widths of 100' or larger.
2. The proposed single family detached residential uses are considerably smaller than the adjacent existing family detached residential uses. The proposed lots are one-third to one-half the size of the average existing lots.
3. The minimum lot widths of the proposed lots are substantially smaller than the lot widths of the existing built lots (the minimum lot widths of the existing adjacent lots range from 95 feet to 120 feet).
4. The introduction of these smaller lot size configurations into the middle of built neighborhoods is an intrusion into the existing fabric of the community. The proposed lots do not reflect the existing development standards since they are one-third to one-half the size of the average existing lots with significantly smaller lot widths. This is particularly relevant because the proposed new development is not located adjacent to the Walden Lake Planned Community but rather is proposed to occur within the existing developed Walden Lake Planned Community.
5. The Walden Lake Community Unit District includes well established residential neighborhoods that have a consistent and cohesive community character that is reinforced by the location of planned recreational and open spaces, the internal street network, and the general form (including lot size and lot width) and the location of various uses.
6. The proposed single family detached Pods include sensitive incompatible adjacencies that are not mitigated, including the introduction of a new access road adjacent to the existing single family detached residential lots in Fairway Woods along the western boundary of the new Pod 62 and various portions that do not have sufficient buffer or separation from the adjacent single-family neighborhood consistent with the existing development form and community character already established for Walden Lake.
7. The Planning Board finds that the proposed single family detached residential uses are not compatible with the adjacent uses and the general nature of the Walden Lake Community Unit District and there are portions where there is insufficient mitigation of this incompatibility.

B. *Villas/Townhomes.*

1. Seventy-two percent (72%) of the proposed units are either in the form of villas or townhome units. Thirty-six percent (36%) of the proposed units are in the form of townhome units, and thirty-six percent (36%) of the proposed units are in the form of villas.

2. Although the predominant use within the Walden Lake Community Unit District is single family detached residential units, the proposed rezoning is predominantly villas and townhomes. The existing development in the Walden Lake Community Unit District only includes 205 villas or townhome units. The proposed rezoning would triple the amount of such units in Walden Lake.
3. The proposed rezoning includes a disproportionate amount of attached villas and townhome units which is not consistent with the existing character of the Walden Lake community.
4. In general, the location of the proposed attached villas and townhomes Pods does not conform to the general design framework of the existing Walden Lake Community Unit District, in which all of the existing attached villas/townhomes has direct access or is adjacent to West Timberlane Drive. Only proposed Pod 63 has direct access or is adjacent to West Timberlane Drive. None of the other proposed villas or townhomes neighborhoods in Pods 57, 58, 59, 60, and 70 have direct access or adjacent to West Timberlane Drive.
5. Unlike the existing villas and townhomes in Walden Lake, the layout of the proposed villas and townhomes in Pods 58, 59, 60 and 70 are designed to have traffic go through neighborhoods, which is incompatible with the design of the existing Walden Lake Community Unit District.
6. Villa neighborhoods do not have sufficient buffer or separation from adjacent large lot single-family detached neighborhoods consistent with the existing design and community character of Walden Lake.
7. The application does not mitigate the level of impacts from the villas and townhomes that are proposed. For example, Pods 57, 58, and 59 propose villas located adjacent to very large lot detached residential uses (lot size average depends on the adjacent neighborhood but ranges from 17,113 square feet to 30,111 square feet) with an average lot width of 110'. The application asserts that the introduction of villas within the golf course will give the "impression of larger homes, while creating a barrier between the tracks and the existing homes." However, the application does not include sufficient standards to address architectural consistency between villa construction and single-family home construction consistent with the character of the adjacent homes, does not require that the building placement, building width or building separation be in character with the adjacent homes, or include any special buffer or additional separation of these units to create an aesthetic buffer consistent with the existing separations/buffers provided in the existing development.
8. Pods 60 and 63 propose villas located adjacent to both single-family detached lots and existing villas. The villas that are proposed adjacent to existing villas have a minimum width of 70' while the existing villas have a minimum width of 90'.
9. Pod 70 has the largest concentration of units being introduced in the Walden Lake Community Unit District and includes 200 townhome units. Having such a large

concentration of villas and townhome units is completely out of the character with the current development form, type and layout of the community. The existing villas and townhome neighborhoods within Walden Lake clusters these uses into smaller neighborhoods and intersperses the larger scale townhome units with villas in neighborhoods where approximately 50% of the uses are villas and the other 50% are townhomes. These smaller, compact villa and townhome neighborhoods protect the character of Walden Lake by ensuring that these buildings have consistent, visual integrity with a scale and layout that is compatible with the nearby single-family detached neighborhoods. The proposed villa and townhome cluster does not have consistent, visual integrity with the scale and form that would be compatible to the single family detached neighborhoods.

10. A portion of the proposed townhome development is immediately adjacent to single-family detached lots. There is not a sufficient buffer or separation from the adjacent single-family neighborhood consistent with the existing development form and community character already established for Walden Lake.

11. There are only 13 buildings of townhome units in development today in Walden Lake (a total of 58 units) and most of these units are in buildings with no more than four attached units. This size/design limitation is another tool used in the Walden Lake Community Unit District to preserve the character of each neighborhood and the community as a whole. The proposal does not include design standards that establish the maximum number of attached units within a townhome structure nor any other size limitation that would address the maximum size/width of each building.

12. The proposed townhomes have a minimum width of 20', which is considerably smaller than any existing villa or townhome unit within Walden Lake.

13. The Planning Board finds that there are insufficient standards that address architectural consistency or compatibility with the existing character of the Walden Lake community.

14. The Planning Board finds that the proposed attached villas and townhome uses are not compatible with the adjacent uses and general character of the Walden Lake community in both location and form.

15. Pursuant to Section 102-455(1)d, Plant City Code:

The City may require building elevations and architectural renderings for all development within the proposed development. If elevations or architectural renderings are presented, the development shall be in substantial compliance with the elevations presented.

16. Pursuant to Section 102-455(1)c, Plant City Code, the Planned Development Site Plan shall show a "commitment to monotony control where no building next to, across or diagonal from will have the same color, model nor architectural features."

17. The applicant presented only one rendering for the townhome and villas respectively.
18. The monotony control provision in the bottom right corner of Sheet 1 of the Site Plan states that “[a]rchitectural features and monotony control on villa and townhomes to be based on the building, not individual residential unit.”
19. Because only one rendering for the villas was submitted, the Planning Board finds that the proposed Site Plan is inconsistent with the monotony control requirements of Section 102-445, Plant City Code, which states that “no building next to, across or diagonal from will have the same color, model nor architectural features.” With one rendering, even if the color or architectural features varied, there is only one model.
20. The sole rendering presented for the villas shows a one-story villa. In response to a question by a Board member at the February 8, 2023 hearing, the applicant’s representative agreed that the villas would be one story, and if the developer wanted to propose a two-story villa in the future, they would have to come back to the Planning Board and City Commission. Any future Planned Development Site Plan should include this condition.
21. Because only one rendering for the proposed townhomes was submitted, the Planning Board finds that the proposed Site Plan is inconsistent with the monotony control requirements of Section 102-445, Plant City Code, which states that “no building next to, across or diagonal from will have the same color, model nor architectural features.” With one rendering, even if the color or architectural features varied, there is only one model.
22. The Planning Board finds that the rendering submitted on the townhome is incompatible with the existing development within Walden Lake. The submitted rendering for the townhomes is very different in character from what is currently in Walden Lake. The rendering shows 5 or 6 attached two-story building units, in a different form and scale of the existing development. This is significant as the townhomes are not proposed at the outer boundaries of the Walden Lake development, but are proposed to be located within an existing neighborhood.
23. The note regarding minimum architectural features does not assure that the new residential units will have architectural consistency with the character of existing residences in Walden Lake. The Planning Board finds that the proposed rezoning does not provide sufficient design standards for either the villa or townhome uses to insure design compatibility with the character of the existing Walden Lake community.
24. If the proposed Planned Development Site Plan is approved by the City Commission, the development of townhomes has an additional step pursuant to Section 102-353, Plant City Code, and final approval of the townhomes would be submitted back to the Planning Board for special approval. The developer acknowledges that it will need to comply with Section 102-353 when it comes back to the Planning Board for special approval. At that point, the Planning Board’s review will be as to whether the project meets Section 102-353, is

substantially compliant with the rendering(s) submitted, and other technical requirements of the Code. However, now is the time to review the proposed townhomes for compatibility and consistency with the City's Comprehensive Plan.

25. The Planning Board finds that the proposed townhome development, with its high density, its design in form and character, its remote location from West Timberlane Drive, is incompatible with the Walden Lake development and inconsistent with the requirements of the City's Comprehensive Plan and the Plant City Code.

C. Height of proposed structures.

1. Section 102-444(13), Plant City Code, provides that "[h]eights of structures in a Planned Development district shall be determined after review of the nature of area being developed and the surrounding land uses to ensure that the proposed development will not create any external impacts that would adversely affect surrounding development, existing or proposed." (Emphasis added)

2. Property Rights Policy 1.1.1 recognizes the right of property owners to privacy.

3. The use of two-story residences adjacent to existing homes with pools is an intrusion on the privacy of the adjacent landowner, and is inconsistent with Section 102-444(13), Plant City Code and the Property Rights Policy 1.1.1.

4. This issue may be mitigated by additional buffering to screen the residence with the pool from the two-story building. In order to assure compatibility and consistency with the City's Comprehensive Plan, any future development plan needs to include a note that prohibits, two-story residences adjacent to an existing residence with a pool, unless it can be adequately mitigated with a vegetative buffer.

D. Previous Findings and Recommendations to the City Commission.

1. The applicant contends that it has "addressed all 42 of the Planning Board comments" in the Planning Board's 2022 Findings. While the Planning Board recognizes that the applicant has made significant improvements from the previously submitted 2022 Planned Development Site Plan, the applicant respectfully did not address all the concerns of the Planning Board.

2. On pages 8 and 9 of the Planning Board's 2022 Findings, the Board addressed incompatibility of the residential component of the Village Center. While the developer has eliminated the Village Center concept and commercial uses that was in the previous plan, the developer has replaced the Village Center with Pod 70, which has the highest residential density of its plan, including 200 townhomes. Since last year, the applicant has decreased the number of single-family detached homes from 220 to 154, and increased townhomes from 70 to 200. As previously stated, the Planning Board finds that proposed villas and townhomes are incompatible with the existing form of the built neighborhoods of Walden Lake.

3. On page 11 of the Planning Board's 2022 Findings, there were concerns raised that no architectural renderings were provided for the townhome proposed. In response, the developer provided a single rendering, which for reasons stated herein, are inadequate.

4. On page 13 of the Planning Board's 2022 Findings, the Board addressed concerns that fences would be placed near the back window of existing units. The Planning Board finds that this was not addressed in the proposed plan. At the hearing, City staff proposed adding a condition and the developer committed to adding a note that no fence shall be allowed within 30 feet of an existing building. Any future development plan should include this condition.

5. In page 12 of the Planning Board's 2022 Findings, the Board addressed concerns with how the proposed single family residential development is not compatible with the existing form of the built neighborhoods in Walden Lake and that the existing residential neighborhood lots adjacent to the proposed development have significantly larger lot sizes than that which have been proposed. Although the lots have increased in size, for the reasons stated herein, the Planning Board finds that the proposed single family detached residential development is incompatible with the existing form of the built neighborhoods of Walden Lake.

6. In page 14 of the Planning Board's 2022 Findings, the Board addressed the traffic impacts on Clubhouse Drive, which would have negative impacts on the neighborhood and is incompatible with the existing development along Clubhouse Drive. In its presentation materials, the applicant states that it has redesigned the street grid to direct traffic off Clubhouse Drive and onto the street facing Pod 70. The applicant has failed to show as to how the traffic would be directed off Clubhouse Drive.

7. In its submitted plan, the developer has proposed two alternative roadways. However, the new road in Pods 57, 58 and 59, may never get built. Note 4 on page 2 of the proposed Site Plan makes it clear that:

“the development of the Northern portion of Pod 57, as well as Pods 58 and 59 are conditional on the developer's ability to satisfy the City's right of way cross section requirements in accordance with the provisions of the land development code. The Southern portion of Pod 57 may be developed with a cul-de-sac in accordance with the provisions of the land development code.”

8. At last year's hearing, the applicant had previously requested a specific approval for a right-of-way width of 39.67 feet as it was unable to meet the requirements of a 50-foot right-of-way. The staff report indicated that the City Engineer had no objection and the attorney for the applicant testified that the property was constrained. Because there was no engineering evidence provided to the Board justifying the specific approval, the Board recommended denial of the request. In this application, the applicant has chosen not to request a specific approval in this application. Nothing has been introduced to show that the

property is no longer constrained. Therefore, the Planning Board has to assume that the reason that Note 4 was added is that this alternate route will not get built.

9. At the January 31st hearing, Planning and Zoning Manager Julie Ham testified that there has not been a traffic study on the traffic consequences if this road is not built.

10. The second alternate road would be located within Pods 64 and 68 ending at Griffin Road. There is no traffic analysis showing how the traffic impacts along Clubhouse Drive and other local streets within Walden Lake would be mitigated by this alternate road.

11. In the Planning Board's 2022 Findings, the Planning Board stated that the traffic analysis:

“did not fully consider the impact of traffic on Clubhouse Drive from the Village Center. In responding to questions from the Board, Mr. Petritsch did not know whether there were sidewalks on Clubhouse Drive or that cars were parked along the street. He testified that he only considered the width of the road. Clubhouse Drive is a local street with homes along the route. As designed, the traffic from the Village Center feeding into Turkey Creek through Griffin Road would by necessity impact the residences of Clubhouse Drive.

12. The 2019 traffic impact study prepared by Theo Petritsch with Landis Evans, the Traffic Consultant retained by the City, were based on traffic counts in October, 2019. Since the 2022 Planning Board hearings, no new traffic impact study was done by Landis Evans, although Michael Yates with Palm Traffic, the applicant's traffic consultant, obtained new traffic counts in May, 2022 based on the prior Landis Evans study.

13. At the January 31st hearing, Mr. Petritsch testified that the reason he did not restudy the traffic impacts was that the traffic impacts of the proposed 2023 Planned Development Site Plan would be less than what was previously studied. However, at the same hearing, Theo Petritsch testified that the existing condition of Clubhouse Drive (lack of sidewalks, mailboxes at the end of the road, children in the street, etc.) was not considered in his 2019 traffic study.

14. At the February 8, 2023 hearing, both Theo Petritsch with Landis Evans, and Michael Yates with Palm Traffic testified that the transportation study did not include a link analysis on the impacts on Clubhouse Drive if the road in Pods 57, 58, and 59 was built or not built. The traffic study only looked at the traffic at the intersections. This analysis would only show whether Clubhouse Drive would fail at the intersection, which Mr. Petritsch and Mr. Evans testified meant that Clubhouse Drive itself wouldn't "fail." However, this analysis does not address whether the residents on Clubhouse Drive would be "unduly negatively impacted directly or indirectly" by the additional traffic on Clubhouse Drive. The transportation analysis also did not address how the alternate roadways would reduce traffic on Clubhouse Drive, particularly if the Northern route was not constructed.

15. Accordingly, the Planning Board finds that the developer did not address the impacts on Clubhouse Drive, which the Board had expressed concerns in the Planning Board's previous findings.

16. In addition, at the January 31, 2022 hearing, concern was addressed about the possibility of backups on Trapnell Road because of the current proximity of the guardhouse to Trapnell Road. There is nothing in the record which shows that Landis Evans considered this as part of their analysis in the traffic study.

17. On page 14 of the Planning Board's 2022 Findings, the Planning Board found that the "proposed rezoning does not provide any standards or provisions for ensuring that the open green spaces are compatible with adjacent residential development." Although the developer now has included a Vision Plan, there is inadequate detail to show the type of recreational amenity to be placed in any proposed Pod.

E. Notes on the Site Plan.

1. The Developer has added a third sheet which shows a Master Recreation and Open Space Plan, which is also referenced in notes 9, 10, and 11 on sheet 2 ("Recreations and Open Space Areas") of the submitted Site Plan.

2. During the January 31, 2023 and February 8, 2023 hearings, several questions came up regarding the notes on the Site Plan.

3. On sheet 2 of the Site Plan under Recreations and Open Space Areas, paragraph 3 provides that "[p]arks and open spaces that serve the entire development will be privately owned and maintained or may be transferred to a HOA for ownership and maintenance." (Emphasis added). Under the current language in the Site Plan is not clear which development they are referring, i.e. the Walden Lake development or just Pods 57-64 and 68-71. At the February 8, 2023 hearing, the developer represented that it would be accessible by all the residents of Walden Lake. However, this is not expressed clearly in the proposed Site Plan. As for paragraph 3, the importance is that any park and open spaces will have a maintaining entity, regardless of whether it serves the entire development or just the Pods proposed by the Developer. Because there are other notes that address who has the use of recreation and open spaces, the conditional language "that serves the entire development" is unnecessary in paragraph 3.

4. Paragraph 4 on sheet 2 of the Site Plan under Recreations and Open Space Areas provides that "certain temporary agricultural or recreation uses shall be allowed on any undeveloped portion of the Planned Development." Because this project is not phased, there should be no temporary uses. The word "certain" is also not specified, and the Planning Board does not know what agricultural uses the Developer is proposing. The Planning Board is concerned that most, if not all, agricultural uses would be incompatible with the surrounding homes. This is especially a concern for Pods 57, 58 and 59, as it is unclear on the Site Plan what would happen on this property if Pods 57, 58 and 59 are not completed.

5. Paragraph 5 on sheet 2 of the Site Plan under Recreations and Open Space Areas has a sentence which reads "Each subdivision will be provided access to active and passive recreation areas within Walden Lake." The recreation areas outside of Pods 57-64 and 68-71 are private parks maintained by the Walden Lake HOA. The City cannot mandate that such active and passive recreation areas within Walden Lake would be available to the proposed development. This sentence needs to be deleted.
6. Paragraph 9 on sheet 2 of the Site Plan under Recreations and Open Space Areas provides that "the developer shall provide a minimum of 15 acres of active park areas that shall be open to the public. It is not clear what is meant by "open to the public." The existing parks within Walden Lake are private parks owned and operated by the HOA.
7. Paragraph 10 on sheet 2 of the Site Plan under Recreations and Open Space Areas also states that the trail system would be "open to the public". Again, it is not clear what is meant by "open to the public." The existing parks within Walden Lake are private parks owned and operated by the HOA.
8. At the February 8, 2023 meeting, Carmine Zayoun, co-partner of Walden Lake, LLC, testified that the intent of the word "public" was the "Walden Lake community as a whole, ... not the outside public." Any future Planned Development Site Plan should include the above revisions to the notes.
9. In the notes on public facilities and utilities on sheet 2, paragraph 2 states that "Walden Lake reserves the right of site and architectural approval of all facilities constructed, but will not unreasonably withhold approval." At the February 8, 2023 hearing, questions were raised as to whether the phrase "Walden Lake" was referring to the Walden Lake HOA. The developer's response was that this language was intended to mean the developer (Walden Lake, LLC). The Planning Board finds that this response is illogical as it would mean that the developer would be granting approval for site and architecture on its own proposed facilities, which they would not "unreasonably withhold". More importantly, this sentence is inconsistent with the Code which provides that the City Commission approves the design based on the renderings submitted, and the buildings as constructed must be substantially compliant with those renderings.
10. During the January 31, 2023 hearing, a member of the Planning Board expressed concern of the impact on existing residents during the period of construction. The developer committed to a traffic management plan and adding a note that during construction, access to the construction site and parking for construction areas will be designed and operated to minimize impact on roadways and existing homes. At the February 8, 2023 hearing, in response to a board member, Carmine Zayoun, co-partner of Walden Lake, LLC, further clarified that the developer would add a note that during construction, the route and access that would be used by the workers would be separate from the existing roads of Walden Lake, so long as the area of construction was accessible at all times. In order to protect the impacts of this development during construction, any future Planned Development Site Plan should include the above note.

11. Robert C. Schmid, Manager of JMB Partnership LLC had initially raised an objection regarding the impacts of residential uses close to their existing industrial business. Although not in the Site Plan, at the January 31, 2023, the following additional language agreed upon by the applicant and JMB Partnership LLC was submitted on the record to be added as subsection (E) to the Pod 57 Condition on sheet 1 of the Site Plan:

“(E) Buffer and screening – Parcel Folio 203274-2000: Prior to the issuance of the first certificate of occupancy for any building on any lot adjacent to Parcel Folio 203274-2000, along the entire eastern property line of the parcel with tax folio 203274-2000, the developer, and any successor community association, shall construct, maintain, and repair, one of the following 2 options:

(1) a 20-foot wide buffer area, including a durable concrete wall adjacent to the common boundary with a minimum height of nine feet (9’), and containing within the buffer area either the existing vegetation, or a row of evergreen trees, no less than 10 feet apart, and evergreen shrubs three feet in height will be planted between the evergreen trees and shall be placed within 10 feet of the fence. Newly planted trees shall be a minimum of two inch caliper at the time of planting and shall be placed on the east side of the fence. The height of the concrete wall shall be measured from the existing grade along the common boundary with parcel 203274-2000.

(2) a physical barrier identical to the type described in POD 57 CONDITION Note (A) above, with a total height no lower than 12’ above the existing grade along the common boundary with parcel 203274-2000.”

12. The Planning Board finds that the concerns addressed by JMB Partnership LLC to be a legitimate concern. Any future Planned Development Site Plan should include the above note.

13. The Planning Board finds that the note in the bottom right portion on sheet 1 of the proposed Site Plan does not meet the requirements of Section 102-445(1), Plant City Code, regarding monotony control. The Code applies to buildings “next to, across or diagonal”. At the January 31st hearing, at the request of a Planning Board member, the Developer committed to revising this note. Any future Planned Development Site Plan should include a note consistent with this Code requirement.

14. On sheet 2 of the proposed Site Plan, there are requirements for screening. The note states that “[s]creening consisting of a non-white opaque fence six feet in height, and a row of evergreen trees, no less than 10 feet in height, planted no more than 20 feet apart. Evergreen shrubs three feet in height will be planted between the evergreen trees and shall

be placed within 10 feet of fence. Trees shall be a minimum of two inch caliper at the time of planting and shall be planted on the outside of the fence adjacent to the neighboring lot.”

15. The developer is proposing approximately 3,000 feet of fencing. The Board finds that the use of fencing as a buffer to separate the Pods is incompatible with the character and aesthetic of the existing development of Walden Lake. Further, the Board finds that the use of PVC material for fences is not compatible with the character and aesthetic of the community.

16. Similar to the concern of fencing within 30 feet of an existing building, Section 102-1256, Plant City Code, allows for screened enclosures (including pools), accessory uses and accessory buildings to be located as close as three feet from any rear property line and five feet from any side property line. To mitigate the negative impact of these uses and structures on existing homes, any future Planned Development Site Plan should include a note that no pools, screened enclosures, accessory uses or accessory buildings shall be located within 33 feet of an existing building at the time of approval.

F. Revision to Pod 70.

At the February 8, 2023 hearing, a board member expressed concern about a lack of transition in Pod 70 and that the neighborhoods of Wedgewood and Tanglewood are taking the brunt of Pod 70’s density. At the hearing, the developer’s representative responded that they could commit to provide for single-family homes in the areas adjacent to Wedgewood and Tanglewood, rather than the proposed villas. Any future Planned Development Site Plan would need to be revised to incorporate this change.

V. 1973 and 1976 letters from the State of Florida, Department of Administration.

1. The Developer has asserted that a binding letter of interpretation of vested rights for Walden Lake dated October 3, 1973 from Earl N. Starnes, Director of the Division of State Planning for the State of Florida, and September 9, 1976 follow up vested rights determination letter from R.G. Whittle, Jr., State Planning Director of the Division of State Planning for the State of Florida, provides them vested rights to develop their property in accordance with their proposed Site Plan. We disagree.

2. The City staff, in its rebuttal, clarified that the vested rights determination related to a 1973 plan that had industrial, commercial, park and recreation facilities, including a golf course. The 1973 letter excepted the developer from having to comply with the provisions of Section 380.06, Florida Statutes, for a development of regional impact. Notably, the 1973 letter further states that “[t]his determination does not obviate the need to comply with other applicable state or local permitting procedures.”

3. The 1976 letter notes that:

“[r]ights have vested for the proposed development based on the plan certified by N. M. Draughon, City Clerk, City of Plant City, as a true and correct copy of

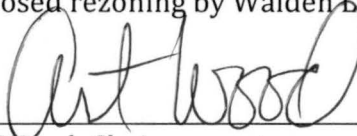
the plan filed and accepted by the Board of City Commissioners according to Ordinance No. 23-1973 passed on June 11, 1973. Development in accordance with that plan, including the allowance for a project density not to exceed 5 units per gross acre, will maintain the vested rights...Modification of land use elements within the overall plan or other proposed revisions, additions and deletions might have the effect of divesting rights. (Emphasis added.)

4. Since the vested rights determination was made, the Walden Lake CU has been significantly modified and Walden Lake is now built out. The application proposes to change the existing Planned Development Site Plan further by rezoning the former golf course property, which was an integral component of the original DRI, to residential uses.

5. The Planning Board concurs with City staff that the Developer does not have vested rights to develop the former golf course property as residential uses. Having said that, the Planning Board recognizes that zoning matters are quasi-judicial matters to be decided in accordance with the standard legal requirements for rezonings.

VI. Conclusion.

After hearing all the evidence at the hearings, for all the reasons stated herein, the City Planning Board finds that the proposed application is inconsistent with the City's Comprehensive Plan, incompatible with the surrounding uses, does not meet the requirements of Chapter 102, Plant City Code, and is not in the public interest and recommends that the City Commission deny the proposed rezoning by Walden Lake, LLC.



Art Wood, Chair

Dated: 3/22/2023