

**ORDINANCE NO. \_\_\_\_\_**

**PROPOSED ORDINANCE NO. 18-014**

**AN ORDINANCE RELATING TO ZONING; PROVIDING FOR MF-12 (MULTI-FAMILY) ZONING ON APPROXIMATELY 18.97 ACRES LOCATED AT 1425 AND 1461 SOUTH WESTGATE AVENUE; PROVIDING CONDITIONS; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Planning and Zoning Board held a public hearing on January 17, 2018, to consider the request of James Edwards to establish MF-12 (Multi-Family) zoning on approximately 18.97 acres located at 1425 and 1461 South Westgate Avenue, more particularly described in Attachment “A” and graphically depicted on Attachment “B”, attached hereto; and

**WHEREAS**, the Planning and Zoning Board, at its regular meeting on February 20, 2018, approved MF-12 (Multi-Family) zoning on the subject property, and recommended same to the City Commission; and

**WHEREAS**, the City Commission of the City of Lakeland, Florida, after publication of a notice of its consideration of this ordinance, has determined that it is in the best interests of the City of Lakeland to approve MF-12 (Multi-Family) zoning on approximately 18.97 acres located at 1425 and 1461 South Westgate Avenue.

**WHEREAS**, the City Commission, having held a public hearing pursuant to said notice, where interested parties were given opportunity to be heard, finds the property should be classified or zoned as recommended by the Planning and Zoning Board.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF  
THE CITY OF LAKELAND, FLORIDA:**

**SECTION 1.** The foregoing findings are incorporated herein by reference and made a part hereof.

**SECTION 2.** The property more particularly described on Attachment "A", owned by Sands Living Revocable Trust, and located within the City of Lakeland is zoned MF-12 (Multi-Family).

**SECTION 3.** The City Commission does hereby expressly find that the provisions of this ordinance are in conformity with the Comprehensive Plan of the City of Lakeland adopted by Ordinance 5188.

**SECTION 4.** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 5.** If any word, sentence, clause, phrase, or provision of this ordinance, for any reason, is held to be unconstitutional, void, or invalid, the validity of the remainder of this ordinance shall not be affected thereby.

**SECTION 6.** This ordinance shall take effect immediately upon its adoption.

**PASSED AND CERTIFIED AS TO PASSAGE** this 19th day of March, A.D. 2018.

ATTEST: \_\_\_\_\_  
KELLY S. KOOS, CITY CLERK

\_\_\_\_\_  
H. WILLIAM MUTZ, MAYOR

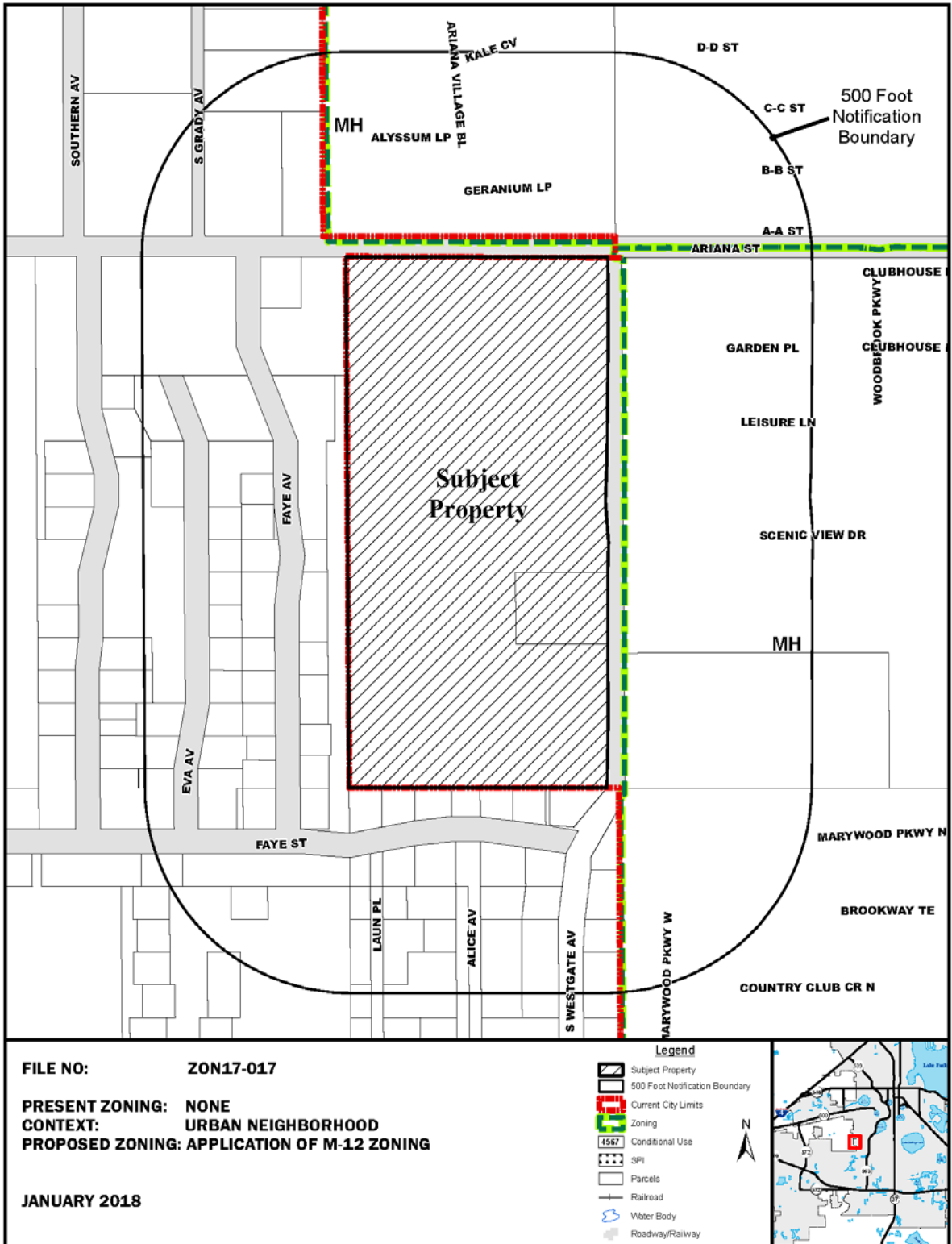
APPROVED AS TO FORM AND CORRECTNESS: \_\_\_\_\_  
TIMOTHY J. McCAUSLAND  
CITY ATTORNEY

## ATTACHMENT "A"

### Legal Description of Parcels

1. E1/2 OF NE1/4 OF NW1/4 LESS N 25 FT FOR RD & LESS S 175 FT OF N 310 FT OF E 250 FT OF SE1/4 OF NE1/4 OF NW1/4 & LESS MAINT R/W
2. S 175 FT OF N 310 FT OF E 250 FT OF SE1/4 OF NE1/4 OF NW1/4 LESS RD R/W

# ATTACHMENT "B"



**MEMORANDUM**

DATE: MARCH 5, 2018

TO: MAYOR & CITY COMMISSION

FROM: STEPHANIE FRANKLIN, CHAIR  
PLANNING & ZONING BOARD

SUBJECT: APPLICATION OF MF-12 (MULTI-FAMILY) ZONING  
ON APPROXIMATELY 18.97 ACRES LOCATED AT  
1425 & 1461 SOUTH WESTGATE AVENUE

CASE NUMBER: ZON17-017

OWNER: SANDS LIVING REVOCABLE TRUST

APPLICANT: JAMES EDWARDS

P&Z HEARING: JANUARY 17, 2018

P&Z FINAL DECISION: FEBRUARY 20, 2018

**LEGAL DESCRIPTION:**

A legal description of the subject property is included as Attachment "A."

Background

James Edwards requests the application of MF-12 (Multi-Family Residential) zoning on approximately 18.97 acres located at 1425 and 1461 S. Westgate Avenue. A map of the subject property is included as Attachment "B."

The subject property consists of two parcels located south of W. Ariana Street and west of S. Westgate Avenue. The subject property was annexed into the City in 2008. In 2011, a City future land use designation of RM (Residential Medium) was assigned. Zoning, however, was not applied at that time.

The subject property is located within the Urban Neighborhood (UNH) context district. To the north and east, the property is bounded by mobile home parks. To the south and west, the property abuts two mobile home subdivisions which are located within the jurisdiction of Polk County. The purpose of this request is to apply conforming city zoning which will allow for the marketing and future development of the property for multi-family residential uses. No specific development is proposed at this time.

<b>Existing Land Use, FLUM and Zoning/Context of Adjacent Properties</b>			
<b>Adjacent to</b>	<b>Existing Land Use</b>	<b>FLUM</b>	<b>Zoning/Context</b>
North	Mobile Home Park	RM	MH/UNH
South	Mobile Home Subdivision	County RL-4	N/A
East	Mobile Home Park	RM	MH/UNH
West	Mobile Home Subdivision	County RL-4	N/A

### Discussion

The subject property is an appropriate location for multi-family residential uses. The property is well-sited in respect to existing infrastructure, access to goods and services, and proximity to transit. While MF-12 is primarily intended for multi-family, it allows single-family attached (townhomes) by right and two-family (duplexes) as a conditional use. Although future development of the property with any of these unit types will ultimately be dependent upon market demand and development costs, multi-family housing is the highest and best use and is not incompatible with surrounding densities and development patterns. The property has been vacant for many years and the market has shown little interest in developing the property for single-family or mobile home units. Market data however indicates a need for workforce apartments within the City.

The proposed MF-12 zoning allows for up to 12 dwelling units per acre which equates to 228 dwelling units on the 18.97-acre parcel. This is only slightly higher than that of the nearby mobile home parks to the north and east which have a gross density ranging from approximately six to ten dwelling units per acre. The maximum number of units ultimately will be dependent upon infrastructure improvements, such as stormwater and parking, needed to support the development. Development of the site will be in accordance with the MF-12/UNH urban form standards and subject to the standard Land Development Code requirements pertaining to access management, connectivity, buffering and civic open space. Prior to any construction, a concurrency determination will be required to confirm that adequate services are in place to serve the proposed use.

According to the Polk County School Board, a potential multi-family development is projected to generate 35 elementary school students, 13 middle school students and 16 high school students. The zoned schools for the subject property are Jesse Keen Elementary, Sleepy Hill Middle and Kathleen Senior High. Jesse Keen Elementary and Kathleen Senior High both have capacity to meet the projected demand. Sleepy Hill Middle, however, is currently over capacity. To address this, seats would need to be assigned to one of the middle schools in an adjacent zone (Southwest, Crystal Lake, Lake Gibson or Kathleen). This estimate is non-binding

and any future development of the site will require an application for a school capacity determination at the time of site plan review.

Prior to the hearing, staff received emails from three different property owners in the surrounding neighborhood. A Mr. Robert Scrima, whom owns a total of 10 residential properties to the south and the west, indicated he was in favor of the request. Mr. Scrima believes multi-family zoning would be the best use for the land and add to the quality of life in the neighborhood. Ms. Crystal Tyson, whom resides at 1504 S. Westgate Avenue, stated she was in opposition to the request due to concerns about traffic and an increase in crime if more people move into the area. Mr. Vince Gallagher, whom owns a residential property located at 1607 Faye Street, but currently resides out of state, stated that he was opposed to the request due to the proximity to three retiree mobile home parks, increase in traffic and crime, and concerns about the impact of apartment type development on adjacent property values. Impacts on the local road system will be addressed at the time of site plan review. Any perceived impacts related to crime and property values cannot be quantified.

The Community Development Department and the Board reviewed this request for compliance with Lakeland Comprehensive Plan: 2010-2020 and it is our opinion that the request is consistent with the Comprehensive Plan. All roadway levels of service are acceptable. Other essential services are presently available to provide concurrency for the proposed use. Actual construction is subject to final concurrency determinations at the time of site plan review.

The Community Development Department reviewed this request and recommended the application of MF-12 zoning. Letters of notification were mailed to 60 property owners within 500 feet of the subject property with two objections as noted above.

This recommendation was approved by a 6 – 0 vote of the Board.

#### Recommendation

It is recommended that the request for the application of MF-12 zoning, as described above and in Attachments “A” and “B,” be approved.