

ORDINANCE NO. _____

PROPOSED ORDINANCE NO. 14-027

AN ORDINANCE RELATING TO LOCAL GOVERNMENT COMPREHENSIVE PLANNING; PROVIDING FOR TEXT AMENDMENT CPA14-005 TO THE LAKELAND COMPREHENSIVE PLAN 2010-2020, AS ADOPTED BY ORDINANCE 5188, WITHIN THE CAPITAL IMPROVEMENTS AND PUBLIC SCHOOL FACILAITES ELEMENTS, GOALS, OBJECTIVES AND POLICIES SECTIONS, TO ADJUST LEVEL OF SERVICE STANDARDS; MAKING A DETERMINATION THAT THIS ACTION IS EXEMPT FROM REVIEW BY THE DEPARTMENT OF ECONOMIC OPPORTUNITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on August 16, 2010, the City Commission of the City of Lakeland, Florida, by Ordinance 5188, adopted the Lakeland Comprehensive Plan 2010-2020; and

WHEREAS, since that adoption, an item has come to the attention of the City Community Development Department which requires a text amendment to the Comprehensive Plan; and

WHEREAS, the Planning and Zoning Board held a public hearing on May 20, 2014 to consider the text amendment to the Comprehensive Plan to update the Goals, Objectives, and Policies sections of the Capital Improvements and Public Schools Facilities Elements of the Comprehensive Plan which Amendment is known as CPA14-005; and

WHEREAS, the Planning and Zoning Board, at the conclusion of its regular meeting on June 17, 2014, approved and recommended to the City Commission that this text amendment to the Comprehensive Plan be adopted.

WHEREAS, The City of Lakeland complies in all respects with the requirements of Florida Statute 163.3246, The Local Government Comprehensive Planning Certification Program.

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 relevant portions of the Lakeland Comprehensive Plan 2010-2020, are amended as set forth in Attachment "A", attached hereto and made a part hereof.

SECTION 3. The City Commission of the City of Lakeland finds that, pursuant to Florida Statute 163.3246, The Local Government Comprehensive Planning Certification Program, this action is exempt from review by the Florida Department of Economic Opportunity.

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 All ordinances or parts of ordinances in conflict herewith are hereby repealed.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. The effective date of this ordinance shall be thirty-one (31) days after adoption.

PASSED AND CERTIFIED AS TO PASSAGE this 21st day of July, A.D. 2014.

R. HOWARD WIGGS, MAYOR

ATTEST: _____
KELLY S. KOOS, CITY CLERK

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

ATTACHMENT "A"

Chapter IX: Capital Improvements Element: Goal, Objectives & Policies
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PUBLIC SCHOOL FACILITIES:

Consistent with the Interlocal Agreement for Public School Facilities, the uniform, district-wide level-of service standards for elementary, middle and high schools are established as a 100 percent of permanent Florida Inventory of School Houses (FISH) capacity and relocatables, as defined further in the Schools Element. The LOS standards are set as follows for special school types:

TIERED LEVEL OF SERVICE – SCHOOL YEAR 2008-2013					
Facility Type	Year				
	2008-09	2009-10	2010-11	2011-12	2012-13
Elementary	122%	122%	115%	100%	100%
Middle	113%	113%	110%	100%	100%
High School	110%	110%	105%	100%	100%

- a. Magnet and School of Choice: One hundred percent (100%) of enrollment quota as established by the School Board or court ordered agreements and as adjusted by the school board annually.
- b. Other: K-8, 6th grade centers, 9th grade centers, 6-12 are at one hundred percent (100%) of permanent DOE FISH capacity.
- c. Special: Including alternative education or special programmatic facilities will be determined by the type and use of programs for each facility
- d. Conversion Charter Schools: The capacity is set during contract negotiations and the School Board has limited or no control over how many students the schools enroll. The School Board is unable to “rezone” students to a conversion charter to maximize utilization.

~~**Note:** Description of how the level of service was determined for each facility type is outlined within the comprehensive plan element which addresses each facility.~~

Policy 2B: The City of Lakeland will provide, or require others to provide, public facilities and services needed to support development concurrent with the impacts of such development.

Policy 2C: The City of Lakeland will coordinate proposed development or redevelopment with State and regional agencies to consider whether the proposed action will affect State agency, water management district, or school district facility plans.

Policy 2D: The City of Lakeland ~~will~~ adopts by reference the Polk County School Board's Fiscal Year ~~2009-10 through 2013-14~~ 5-Year District Facilities Work Program, as approved and amended annually by the School Board, that includes school capacity sufficient to meet anticipated student demands projected by the County and municipalities and based on the adopted level of service standards for public schools. The 5-year schedule of improvements ensures the level of service standards for public schools are achieved and maintained within the 5-year period. Annual updates to the schedule shall ensure levels of service standards are achieved and maintained within each year of subsequent 5-year schedule of capital improvements. Annual updates by the School Board will be adopted by reference as the City annually updates its CIE and CIP.

Policy 2E: The City of Lakeland ~~will~~ adopts by reference the FDOT's ~~Fiscal Year 2009-10 through 2013-14~~ 5 Year Work Program for District One as approved and amended annually by the FDOT. Annual updates by the FDOT as pertain to Lakeland will be ~~adopted by reference as~~ incorporated in the City's annual updates to its CIE and CIP each year.

Policy 2F: The City of Lakeland will account for de minimis project trips through the application of annual growth rates (as developed by the Polk Transportation Planning Organization) for all monitored roadway links in public or private traffic analyses conducted within the City. These growth rates shall be applied in addition to "reserved" trips tracked in the City's Concurrency Management Database.

Objective 3: Future development will bear a proportionate cost of facility improvements necessitated by development in order to maintain adopted level of service standards. For capital improvements that will be funded by the developer, financial feasibility shall be demonstrated by being guaranteed in an enforceable development agreement or interlocal agreement, or other enforceable agreement. These development agreements and/or interlocal agreements shall be reflected in the 5-year schedule of capital improvements if the capital improvement is necessary to serve development within the 5-year schedule.

Policy 3A: The City of Lakeland will continue to implement its impact fee ordinances in order to assess new development a pro rated share of the costs required to provide public facilities and services.

Policy 3B: The City of Lakeland will continue to negotiate with private development in the provision of capital facilities to serve proposed development. Lakeland's Proportionate Fair-Share Program provides a method by which the impacts of development on transportation facilities can be mitigated by the cooperative efforts of the public and private sectors and includes a methodology for assessing proportionate fair-share mitigation options. This proportionate share program shall provide for the following:

- a. A developer may apply for approval to satisfy all transportation concurrency requirements by contributing or paying proportionate fair-share mitigation if

construction or implementation for transportation facilities identified as mitigation for transportation system impacts are specifically identified for funding in the City's 5-year schedule of capital improvements program (CIP), including those portions of the CIE which reference State and County funded transportation improvements, or if the City Commission approves adding the facilities to the next annual update of the 5-year CIP;

- b. Proportionate fair-share mitigation shall be applied as a credit against impact fees to the extent that all or a portion of the proportionate fair-share mitigation is used to address the same capital infrastructure improvements contemplated by local impact fee ordinances;
- c. Mitigation for development impacts to facilities on the State Strategic Intermodal System made pursuant to an approved proportionate fair-share agreement requires the concurrence of the Florida Department of Transportation; and
- d. Nothing in the ordinance shall require the City of Lakeland to approve a development that is not otherwise qualified for approval pursuant to the City's Concurrency Management system.

Policy 3C: School facility concurrency mitigation options shall be available to address the impacts of residential developments when applicable elementary, middle, or high schools to which the development is assigned or districted by the PCSB, and all applicable schools in adjacent zones, are at maximum capacity and/or exceed adopted levels of service standards. The school concurrency mitigation options shall be incorporated into the City's ordinance for concurrency management and shall be consistent with those options identified within the Polk County Interlocal Agreement for Public School Facility Planning and Chapter 163.3180, but at a minimum include donation, construction or funding of school improvements sufficient to offset the demand created by the proposed development. School facility mitigation must be reflected in the PCSB's adopted 5 Year Program of Work, or approved as an update to same. The City's annual CIE update will include this Program of Work by reference.

Chapter X: Public School Facilities Element
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SUMMARY OF FINDINGS

Essential to the preparation of the Public Schools Facilities Element is the inventory and analysis of existing school facilities. The Polk County School Board maintains an extensive inventory and analysis of school district's existing school facilities up to date through periodic revisions of the inventory. The primary purpose for the inventory of school facilities is to analyze how the existing facilities meet present needs and how it can be expected to meet future needs. This analysis examines the historic and current utilization of school facilities and level of service, projected student enrollment, funding for capital improvements, and 15 year capital outlay costs.

The following is a summary of the Polk County Public Schools Facilities Element Data and Analysis found in TSD X-Five of the *Technical Support Document*.

EXISTING CONDITIONS

According to population estimates from the Bureau of Economic and Business Research at the University of Florida (BEBR), Polk County had grown by 12 percent between 2001 and 2006. During the same time school enrollment in Polk County increased commensurately with total population growth. Since 2006 growth had steadily declined much the same as the rest of the State due to the economy. As recently as 2009 Polk County and most of its municipalities lost population for the first time since World War II. Lakeland was one of only 6 municipalities in the school district that experienced an increase in population.

As a result of this stagnation in growth occurring throughout Polk County, the School Board has registered a decrease in student enrollment growth. In 2009 the total student enrollment for the school district increased by only 4 students over last year. At the beginning of the 2009-10 school year, Polk County had 72 elementary schools, 17 middle schools, 12 high schools, 9 charter schools and 14 special education schools serving a total of 92,520 students.

District level analysis of the three different school levels (elementary, middle, and high) reveals that there is sufficient capacity at the elementary level. According to Department of Education's standards for capacity on a district-wide basis, as of ~~2009~~ 2013 Polk County high schools ~~were~~ were operating at ~~80~~ 78 percent, middle schools ~~are~~ were operating at ~~83~~ 79 percent and elementary schools ~~are~~ were operating at ~~91~~ 83 percent of their respective total permanent capacity per the Florida Inventory of School Housing or FISH methodology for measuring capacity.

FUTURE CONDITIONS

According to the Polk County School Board (PSCB), student enrollment based on 2009 levels is projected to remain flat until 2015. This projection is a result of the current economic conditions that have slowed home sales and residential housing development throughout the county. The School Board's 5-Year Work Plan

addresses long range facilities objectives based on anticipated funding ~~from FY 2009 to FY 2014~~. This plan ~~currently~~ projects a budget of \$44.9 million for capital costs to ensure sufficient classrooms. In addition to the School Board's capital facilities improvements, school concurrency mitigation measures are expected to help meet needs for additional capacity created by future residential development.

CAPACITY, UTILIZATION AND LEVEL OF SERVICE

According to the PCSB Educational Plant Survey, a school site should be adequate to address existing needs based on school programs and enrollment and to allow economical future expansion and development. The choice of sites for new schools is of critical concern in the overall development of a school facilities program. New sites should be located to minimize transportation and infrastructure costs and should be sized so that they provide adequate space for school buildings, stormwater retention, off street parking, queuing for parent and bus loading and unloading, and playground areas.

The Educational Plan Survey presents minimum space requirements based on program needs, pursuant to the Florida Administrative Code. The minimum space requirements include student capacity, student stations, gross square footage of buildings, and facilities utilization. Student capacity is the maximum number of students a school facility is designed to accommodate. A student station is the area necessary for a student to engage in learning activities and varies with particular types of activities.

According to State criteria, student capacity in elementary schools can be equated to the number of student stations, since elementary school students are assigned to one classroom throughout the day. In secondary schools, however, students move from classroom to classroom depending on their subjects. Scheduling then becomes a factor in calculating capacity as well as the number of students and student stations. Therefore, 90% of total permanent student stations in middle schools and 95% in high schools are said to be available for purposes of determining permanent capacity at the post-elementary level.

According to the Educational Plant Survey, the typical or standard size for new elementary schools is 850 students. This standard is educationally and economically desirable for an elementary school to be large enough to justify a full time principal, a librarian, and instructional and clerical services. In Polk County, the standard for middle schools is 1,200 student stations and the standard for high schools is 1,900 student stations. The School Board will consider the optimum number of student stations for all schools that do not fall within one of the above categories of schools.

The School Board has adopted the following minimum space requirements which are within or higher than those recommended by the State:

**TABLE X-1
POLK COUNTY STANDARDS
SCHOOL CAPACITY, BY SCHOOL LEVEL**

SCHOOL LEVEL	TYPE OF USE	SPACE REQUIREMENT
Elementary Schools (Grades Pre-K – 5)	Student Capacity	850 (State: 600 – 800)
	Student Stations	850 (State: 600 – 800)
	Gross sq. ft.	123,006
	Utilization	100%
Middle Schools (Grades 6 – 8)	Student Capacity	1,080 (State: 900 – 1,080)
	Student Stations	1,200 (State: 1,000 – 1,200)
	Gross sq. ft.	188, 356
	Utilization	90%
High Schools (Grades 9 – 12)	Student Capacity	1,805 (State: 1,620 – 1,800)
	Student Stations	1,900 (State: 1,800 – 2,000)
	Gross sq. ft.	303,419
	Utilization	95%

Source: Polk County School Board, 2007.

The Polk County School District reports capacity to the Department of Education using the Florida Inventory of School Houses (FISH) standard. FISH capacity is reported in a variety of ways including: permanent satisfactory student stations, satisfactory student stations assigned to relocatables (portables) and total capacity from permanent facilities and from portables.

To implement school concurrency, the Polk County School Board uses permanent capacity as the principle method for measuring the capacity of schools. Program capacity is based on the actual use of a school's space, taking into account special needs students and special programs that may or may not be counted as capacity (for example ESOL or English for Speakers of Other Languages class or computer labs). In some instances, specialized programs may be recognized as legitimate classroom uses and therefore may add capacity to FISH. In other instances, program capacity may reduce FISH capacity. If these factors are not considered when discussing capacity, the result may be a mistaken impression that classrooms are being under or over utilized. Thus while the analysis of school capacity and its impact on adopted LOS standards is ideally determined based on permanent capacity, program capacity would be a more conservative indicator of a school's ability to house students.

Where the Department of Education's FISH capacity is determined by formulas applied to each school's design, program capacity is a District-determined measure based upon the actual use of the school. However, program capacity measurement is a more accurate method of determining the true capacity of a school. Major capacity issues are constitutional class size limits, student educational needs, and staff scheduling. Finally, the capacity of schools was adjusted based on the planned addition of permanent and relocatable spaces over the five or ten year period corresponding to the long term concurrency program. Please see PSFE tables 6-17 in the supporting data and analysis found in the *Technical Support Document*.

Chapter X: Public School Facilities Element: Goals, Objectives & Policies
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GOAL 2: The City will implement public school facilities concurrency uniformly with other local jurisdictions in order to ensure the availability of public school facilities consistent with an adopted level of service providing adequate school capacity and eliminating overcrowded conditions in existing and future schools.

Objective 2-A: Establish a minimum level of service for schools and consider school capacity within development impact reviews, e.g. for Planned Developments, re-zoning requests, site plans, **DRIs**, or where there are specific development plans proposed.

Policy.2-A1: The long term target for Polk County Schools shall be 100% of permanent student stations capacity (PSSC) based upon the State Requirements for Education Facilities (SREF).

Policy.2-A2: The City shall collaborate with the School Board to identify methods to achieve targeted utilization that include:

- (a) Improvements to existing school facilities (shared facilities, redistricting, expansion or remodeling, etc.)
- (b) Retrofitting of existing structures
- (c) New school construction
- (d) Encouraging multi-story school facilities in an urban environment
- (e) Exploring re-use of former non-residential centers as potential urban school sites.

Objective 2-B: Through its review of proposed development, the City shall ensure that the capacity of schools is sufficient to support students at the adopted level of service (LOS) standards within the period covered by the Five Year Program of Work. These standards shall be consistent with the Interlocal Agreement.

Policy.2-B1: The City shall apply the LOS standards set forth herein consistently with all local jurisdictions and the School Board on a district-wide basis within the adopted concurrency service areas for each school type.

Policy.2-B2: The uniform, district-wide level-of service standards for elementary, middle and high schools are established as a 100 percent of permanent Florida Inventory of School Houses (FISH) capacity. Capacity from relocatables acquired after 1998 and planned for continued long-term use for the first three years of implementation must be included. The LOS standards are set as follows for special school types:

Facility Type	2008-09	2009-10	2010-11	2011-12	2012-13
Elementary	122%	122%	115%	100%	100%
Middle	113%	113%	110%	100%	100%
High School	110%	110%	105%	100%	100%

- (a) Magnet and School of Choice: One hundred percent (100%) of enrollment quota as established by the School Board or court ordered agreements and as adjusted by the school board annually.
- (b) Other: K-8, 6th grade centers, 9th grade centers, 6-12 are at one hundred percent (100%) of ~~permanent~~ DOE FISH capacity
- (c) Special Facilities: Including alternative education or special programmatic facilities are designed to serve the specific population on a countywide basis or for temporary need and are not zoned to any specific area. Therefore, they are not available or used for concurrency determinations.
- (d) Conversion Charter Schools: The capacity is set during contract negotiations and the School Board has limited or no control over how many students the schools enroll.

Policy 2-B3: Where schools operate below their respective LOS standard, their facility needs should be addressed in the School Board's Five Year Program of Work. Facility needs which cannot be addressed by the Five Year Program of Work would require a long-term concurrency management program to be adopted by the School Board.

Policy 2-B4: The City shall coordinate with the School Board to achieve an acceptable LOS at all applicable schools as part of the School Board's financially feasible Five Year Program of Work concurrency management program. The student population ~~shall~~ should not exceed the core dining capacity at any time.

...

Policy 2-D6: In the event that there is not sufficient capacity in the affected concurrency service areas based on the adopted level of service standard to address the impacts of a proposed development, and the availability standard for school concurrency cannot be met, one of the following shall apply:

- (a) The project shall provide capacity enhancement(s) sufficient to meet its impact through school board approved mitigation; or,
- (b) The project shall be delayed to a date when the level of service can be ensured through capital enhancement(s) or planned capacity increases; or,
- (c) A condition of approval of the subdivision or site plan shall be that the project's impact shall be phased and each phase shall be delayed to a time when capacity enhancement and level of service can be ensured; or,
- (d) The project shall not be approved.

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GOAL 3: Partner with the school board and other jurisdictions to promote schools as focal points of existing and future neighborhoods through siting for new schools, redevelopment of existing school facilities, and co-location and shared use of facilities and services.

...

Objective 3-E: Strengthen existing neighborhoods and enhance community and neighborhood design through the co-location and joint use of educational facilities.

Policy 3-E1: The City, in cooperation with the School Board and other jurisdictions, shall whenever possible coordinate the co-location and shared use of school facilities, parks, community facilities, and other facilities compatible with schools.

Policy 3-E2: The City and other jurisdictions in cooperation with the School Board shall jointly plan jurisdictional co-location or joint use projects which overlap boundaries within areas defined for civic purposes. Civic uses near or adjacent to schools shall be a preferred land use in regard to land use decision making.

Policy 3-E3: Continue to exercise joint use agreements between the School Board, the City, and other relevant agencies regarding shared use of facilities, including schools, community centers, libraries, parks, and other compatible facilities. Agreements shall include shared costs where feasible.

Policy 3-E4: Support and encourage community-based programs for children's athletics, performing arts, and after-school enrichment in conjunction with school facilities. This may include exploring and supporting economically feasible multi-modal transportation system options that will enhance such opportunities.

Policy 3-E5: ~~Each year u~~Upon adoption of the School Board's Five Year Program of Work, and as coordinated by Polk County and the School Board, the City will participate in meetings of relevant agencies to discuss planning and budgeting for possible co-located facilities. This coordination may include staff from the affected local government's planning, parks and recreation, library, law enforcement, civic groups, and other agencies as necessary. The coordination will focus upon financially feasible co-location opportunities which may exist prior to commencement of school construction.

MEMORANDUM

DATE: JULY 7, 2014

TO: MAYOR AND CITY COMMISSION

FROM: EDWARD LUNZ, CHAIR
PLANNING & ZONING BOARD

SUBJECT: PROPOSED TEXT AMENDMENT TO THE LAKELAND COMPREHENSIVE PLAN: 2010-2020 WITHIN THE CAPITAL IMPROVEMENTS AND PUBLIC SCHOOL FACILITIES ELEMENTS, GOALS, OBJECTIVES AND POLICIES SECTIONS, TO ADJUST LEVEL OF SERVICE STANDARDS

AMENDMENT: CPA14-005

APPLICANT: CITY OF LAKELAND

P&Z HEARING: MAY 20, 2014

P&Z RECOMMENDATION: JUNE 17, 2014, APPROVED, 5-0

I. SUMMARY

A. Proposed Amendment:

The proposed text amendment will bring the Goals, Objectives and Policies sections of the Capital Improvements and Public Schools Facilities Elements in accord with the adjusted level of service standard as reflected within an update to the City-County-School Board signed Interlocal Agreement on School Facilities and as approved by the City on May 5, 2014. Other minor changes to the Goals, Objectives and Policies or elements' text are made where appropriate for clarification and/or updating purposes. The proposed changes are found in Attachment "A".

B. Discussion:

The Polk County School Board, Board of County Commissioners and all 15 non-exempt cities in Polk County have a standing Interlocal Agreement regarding public school facilities. This agreement includes coordination and sharing of population projections, data regarding residential development, annual school summit meetings, school site selection and the level of service standard (LOS)

adopted for elementary, middle and high schools. Implemented in 2008, the tiered LOS was gradually phased in over time to 100% of the Florida Inventory of School Houses (FISH) for all schools. To date, most schools in Polk County are below 100% capacity. State law allows school concurrency to be met if the attendance zone for a residential project can accommodate the additional projected number of school age students, or if the adjacent school zones for that level of school (elementary, middle or high) can accommodate the project. State legislation and a previous City text amendment to these two elements reflect an ability to also use existing re-locatables, commonly referred to as portables, as permanent capacity available to meet school concurrency demands. However, the Interlocal Agreement does not allow portables to be used for mitigation of new residential projects.

C. Comments From Other Agencies:

The proposed text amendment is not related to a new statutory mandate, the Green Swamp Area of Critical State Concern, or other criteria which would trigger State review. Thus, this amendment is determined to be *exempt* from review by the Florida Department of Economic Opportunity (FDEO) in accordance with the City's Comprehensive Plan Certification Agreement of July 2004, as amended.

II. CONCLUSION & RECOMMENDATION

The Community Development Department and the Lakeland Planning and Zoning Board reviewed the proposed text amendment CPA14-005 and it is our opinion that the request is consistent with the Lakeland Comprehensive Plan: 2010 - 2020.

It is recommended that the proposed text amendment, as described above and in Attachment "A," be approved. Exempt amendments, once adopted, have a 30 day appeal period prior to going into effect.