

CITY OF LABELLE  
REGULAR COMMISSION MEETING

Mayor Lyons called the meeting to order at 7:28 p.m. Finance Director Ron Zimmerly led the opening prayer followed by the Pledge of Allegiance. A roll call was taken and all Commissioners were present.

CONSENT AGENDA

1. Consider approval of the December 2018 vouchers and paid bills
2. Minutes from the November 8, 2018 L.P.A. and Commission Meetings. **Commissioner Zimmerly made a motion to approve the Consent Agenda. Commissioner Akin seconded the motion. Motion carried 5-0.**

PUBLIC HEARINGS, RESOLUTIONS, ORDINANCES AND CITIZENS CONCERNS

1. D.A.V. LaBelle Chapter 144 had been moved to the February meeting
2. First Reading of proposed Ordinance No. 2019-01 JAB PUD Rezone was moved to the February meeting.
3. First Reading of proposed Ordinance No. 2019-02 City Initiated Future Land Use Element Land Use Category was moved to the February meeting.
4. First Reading of proposed Ordinance No. 2019-03 City Initiated Design Standards for Developments with frontage on SR 80 was also moved to the February meeting.
5. First Reading on proposed Ordinance No, 2019-04 City Village PUD Rezone. The Deputy Clerk read by title proposed ORDINANCE NO. 2019-04 AN ORDINANCE OF THE CITY OF LABELLE, FLORIDA, AMENDING THE CITY OF LABELLE ZONING MAP FOR PROPERTY LOCATED SOUTH OF BROWARD AVENUE, EAST OF MISSOURI STREET AND WEST OF LEE STREET, CITY OF LABELLE, HENDRY COUNTY, FLORIDA; AMENDING THE ZONING DESIGNATION FROM MULTI-FAMILY RESIDENTIAL (R-3) TO PLANNED UNIT DEVELOPMENT (PUD); PROVIDING FOR IDENTIFICATION OF THE SUBJECT PROPERTY; PROVIDING FOR INTENT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE. As it was a first reading, no further action was required. It was noted that the L.P.A. had recommended that the Commission deny the request and have the applicant bring it back to the Board at the next meeting with the changes indicated.
6. Mayor Lyons opened the Public Hearing on proposed Ordinance No. 2018-14 Sandy Oaks PUD Rezone. The Deputy Clerk read by title proposed ORDINANCE NO. 2018-14 SANDY OAKS PLANNED UNIT DEVELOPMENT REZONE. AN ORDINANCE OF THE CITY OF LABELLE, FLORIDA, AMENDING THE CITY OF LABELLE ZONING MAP FOR PROPERTY LOCATED AT 1050 SHADY OAKS AVENUE, CITY OF LABELLE, HENDRY COUNTY, FLORIDA; AMENDING THE ZONING DESIGNATION FROM SINGLE-FAMILY – LOW DENSITY RESIDENTIAL (R1-A) TO PLANNED UNIT DEVELOPMENT (PUD); PROVIDING FOR IDENTIFICATION OF THE SUBJECT PROPERTY; PROVIDING FOR INTENT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE. Attorney Rooney reminded everyone that the earlier ground rules he and Mayor Lyons had laid out, still applied to this meeting. Commissioners Wilkins and Akin disclosed their ex parte communications with the applicant, staff and neighbors. Mayor Lyons, Commissioner Zimmerly and Commissioner T.A. Smith disclosed that they too had spoken with people on the matter. The Deputy Clerk swore in all those who wanted to give testimony on the matter.

City Planner, Alexis Crespo told the Board that she had already given a detailed presentation at the L.P.A. and the first reading but, would review again if they wanted her to do that. The Board asked that she just review the changes that had been made since then. Ms. Crespos first spoke about the Belle

Arbor development and compared the density and intensity of that development compared to the Shady Oaks development. She then reviewed the changes made to the 15 conditions for approval as presented in her Staff Report. In addition to those changes she told the Board that the maximum living area for the units had been reduced to 700 square feet. Also the accessory structure size was reduced to 100 square feet. She concluded by telling the Board that Staff was recommending approval based upon compliance with the Outlying Mixed Use Future Land Use Category and the Land Development Code along with the surrounding density within the Aqua Isles community.

Attorney Rooney advised that not all of the conditions as outlined by Ms. Crespo from her Staff Report are in the ordinance that the Board has in front of them but, would be added to the final ordinance upon approval. There was some additional discussion on the H.O.A. establishment.

Mayor Lyons then called for the applicant. Attorney Jeff Wright with the Henderson/Franklin Law Firm addressed the Board on behalf of the applicant. With Mr. Wright were the applicants, the Quinn Brothers, the firm's Planner, Stacy Hewitt, with Banks Engineering and their Transportation Engineer, Mr. Larry Bennett. Mr. Wright brought a presentation and quickly reviewed what the applicants were requesting. He told the Board that the power point presentation would be their only exhibit and provided each of them with a copy. He also provided the Board with the resume of Ms. Hewitt and asked that Ms. Hewitt be recognized as an Expert Witness in the matter. **Commissioner Akin made a motion to accept Ms. Hewitt as an Expert Witness. Commissioner Wilkins seconded the motion. Motion carried 5-0.** Next Mr. Wright asked that Mr. H.L. Bennett also be recognized as an Expert Witness. . **Commissioner Akin made that motion. Commissioner Wilkins seconded the motion. Motion carried 5-0.**

Mr. Wright told the Board that they agree with Staff's recommendation of approval and with the conditions of approval. He then introduced one of the applicants, Mr. Brian Quinn to address the Board. Mr. Quinn advised that they had worked closely with City Staff to try and address any issues of concern. He spoke briefly about some of the changes that had been made. He also talked about how the H.O.A. would make sure the property was properly maintained.

Next, Ms. Stacy Hewitt with Banks Engineering addressed the Board. She went through the power point presentation giving details on the many slides. She told the Board that the Outlying Mixed Use Category, specifically the Neighborhood Center, on the Future Land Use Map strongly encourages higher density residential development. She further advised that although the property is currently vacant, a prior owner had proposed the property for development and the internal roadway that terminates in a cul de sac was installed. She spoke about the adjacent properties, their uses and compatibility as well. She told the Board that although residential single-family dwellings in a residential zoning district were exempt from buffering requirements, the development is proposing a 10 foot buffer on both the east and west property lines in order to be compatible.

Ms. Hewitt reviewed in great detail the development's Comprehensive Plan Compliance, specifically the Future Land Use Element and, the conditions listed on the Staff Report. She then turned the presentation over to Mr. Larry Bennett.

Mr. Bennett told the Board that the Traffic Impact Study was prepared and submitted based on the proposed 58 single -family homes. It was concluded that the Level of Service on the roadways would continue to operate at an acceptable Level of Service. He concluded that based on his review and preparation of the request, it was his professional opinion that the proposed PUD is consistent with the Comprehensive Plan.

Regarding a letter from Hendry County Planning and Zoning Department, Mr. Bennett told the Board that the County was basing their comments on a dwelling unit of 1,200 square feet which would generate more traffic than the smaller units currently proposed. He responded to each of the questions and concerns expressed by the County. He then turned the presentation back over to Ms. Stacy Hewitt.

Ms. Hewitt concluded the presentation by telling the Board that based on her experience and review of the request, that it was her professional opinion that the requested rezoning was consistent with the intent of the Comprehensive Plan, Land Development Code and other applicable codes and regulations. That it was for infill development compatible with surrounding uses. She concluded by telling the Board that they were in agreement with the Staff Report and the Local Planning Agency's recommendation for approval. And respectfully asked that it be approved. Ms. Hewitt then turned the matter back over to Mr. Jeff Wright.

Mr. Wright told the Board that they had demonstrated by competence substantial evidence that the request meets the standard for approval and that they respectfully request the Board's approval. He also asked to reserve the right to respond to comments by the public.

Mayor Lyons then opened the Public Hearing to Public Comments. Attorney Kate English addressed the Board telling them she was there representing landowners around the proposed project. She began by discussing the City's Comprehensive Plan. She concluded by telling the Board that as the objectors of the project, they would prove with competent substantial evidence that the project is neither compatible nor consistent with the adjacent land uses.

Mayor Lyons called for Andrew Jones. Mr. Jones brought a power point presentation and provided the Board with a rendering of a view down the center of the property showing the number of vehicles. The power point contained information on potential tax revenue that could be generated for the City from the proposed project.

Mayor Lyons called on Mr. John Yaun. Mr. Yaun told the Board the he and his wife live at 325 River Oaks Avenue, ¼ mile east of the proposed project and that they walk Shady Oaks Avenue daily. He further advised that the street was a two lane road with several points narrowing to one lane. He said that he disagreed with Mr. Bennett's assessment that most of the traffic from the project would exit to the west. He also advised that the ordinance as written had discrepancies and would not be effective. He concluded by telling the Board that the amount of traffic that would be added to Shady Oaks Avenue would be too much. He asked the Board to deny the request.

Mayor Lyons called on Alex Caldwell. Mr. Caldwell told the Board that he and his family live at 423 Live Oak Lane. He expressed his concern about the traffic issues the project would bring along with the increased density. He told the Board that the project was not compatible with the neighborhood and asked them to deny the request.

Mayor Lyons called on Robert Chapman. Mr. Chapman told the Board that he didn't live on Live Oak Lane but was related to Tris Chapman and Andrew and Lindsey Jones. He expressed his concerns on the effectiveness of the H.O.A.

Mayor Lyons called on Laura Pawelek. Ms. Pawelek spoke about the problems and issues connected to what she called "micro cottages".

Mayor Lyons called on Lindsey Jones. Ms. Jones spoke about living in close proximity to the proposed development with it's sites, sounds and smells. She asked the Board to deny the application.

Mayor Lyons called on Estella Hernandez. Ms. Hernandez told the Board that she lives on Live Oak Lane and expressed concerns about the property values if the project was approved. She asked the Board to deny the request.

Mayor Lyons called on Brent Beer. Mr. Beer told the Board that he is a life long resident of LaBelle. He also advised that he thought this kind of development did not belong on the river.

Mayor Lyons called on Glenn Finks. Mr. Finks told the Board he lived at 175 Live Oak Lane. He and his wife bought the home 27 years ago, it is a residential neighborhood. He told the Board the development was not responsible growth.

Mayor Lyons called on Donna Chapman who told the Board she came representing John and Julie Paul. She read a letter from the Pauls who couldn't be at the meeting, strongly opposing the development.

Mayor Lyons called on Rhonda Langford. Ms. Landford told the Board that she lives at 505 Live Oak Lane. She expressed her concerns on the increased traffic that would be generated in the neighborhood for people who walk and ride their bikes. She asked the Board to deny the request.

Mayor Lyons called on Joel Conner. Mr. Conner asked the Board to put themselves in the shoes of the people who will be most effected.

Mayor Lyons called on Tom Conner. Mr. Conner asked the Board to consider all of the negative

impact that will occur to the residents of the neighborhood.

Mayor Lyons called on Tris Chapman. Mr. Chapman told the Board that the development was inappropriately placed and not congruent with the neighborhood.

Mayor Lyons called on Pat Langford. Mr. Langford told the Board the he and his wife live at 505 Live Oak Lane. He told them that he wasn't against growth but, this development would be bad for the neighborhood.

Mayor Lyons called on Joanna Chapman who read a letter from Jerry Finks with the concern about property being devalued.

Attorney Kate English, in her conclusion statement, discussed the comprehensive plan and it's purposes. She told the Board that their task was to weigh the facts and the testimony heard and determine whether the project as proposed, meets the comprehensive plan. That it may be a fine project but, it is in the wrong space. She concluded by telling the Board that concerning the project, the roads don't support it, the testimony doesn't support it and the neighborhood doesn't support it. That she believes the zoning change as requested is fundamentally inconsistent with the requirement of the City's Comprehensive Plan and requested that the Board deny the request.

Mayor Lyons called on Sheriff Steve Whidden. Sheriff Whidden told the Board that he has know Brian Quinn for a long time and that he would never do anything to jeopardize the neighborhood or the City of LaBelle which he loves. He spoke on the need for housing in the City for public service officials.

Mayor Lyons called on Myron Daniel. Mr. Daniel told the Board that he is a resident of Moss Landing and he was concerned about the additional traffic the development would bring.

Mayor Lyons called on Randy Davis, also a resident of Moss Landing, who too was concerned about the traffic problems.

Mayor Lyons called on Donna Davis, a Moss Landing resident, who too was concerned about the traffic issues.

Mayor Lyons called on Bianca Ross. Ms. Ross told the Board that all of the concerns expressed were worst case scenarios. She spoke about many of the positive aspects the development would provide for the community and the City.

Mayor Lyons called on Mrs. Lynda Smith who told the Board that she felt it was a good project.

Mayor Lyons then closed the Public Comment portion of the meeting and called on Brian Quinn for his final comments. Mr. Quinn addressed some of the many concerns he heard earlier from the public. He told the Board that he was very proud of his workmanship and of this project.

Attorney Wright addressed the Board with his final comments. He told the Board that they have made significant efforts to address everyone of the concerns expressed by the neighbors and by the County as well. He told them that consistency with the Comprehensive Plan is the standard that guides them. He also told them that approval was appropriate where there is competent substance evidence in the record that the project is consistent with the Comprehensive Plan. He advised that the record before them today, contains ample competent substantial evidence to support approval. Testimony from multiple experts including the City's own Staff, that have testified on the record, that the project is consistent with the Comprehensive Plan, and clearly recommending approval with the project. He also advised that there was little, if any, competent substantial evidence in the record to support denial. He closed by telling the Board that they respectfully requested approval of the application and were available for any questions they may have.

During the deliberation period, Commissioner Zimmerly told the Board that every time a developer comes along, they want to change the zoning and she was against that. She also expressed her concerns about the size of the units and the limitations for potential families along with the additional traffic it would generate. She added that the HOA had some very stringent rules and that she could not agree with it.

Commissioner T.A. Smith told the Board that he had a lot of good friends in the room and that he had a

lot of phone calls from people who couldn't come to the meeting but were in favor of the development. He further advised that there were a lot of good people that need a place to live in LaBelle like what will be developed. That it seemed like a case of the haves and have nots.

Commissioner Akin told Mr. Quinn that he was a great builder and would produce a great building but, that it just wasn't the right place for it and that he just couldn't agree with the project. Mr. Quinn advised that he did look at other places for the project within the City that had the river, the acreage and the comp plan and density and this property was the only place that had all of that.

Commissioner Wilkins advised that she loved and respected the neighbors. She told them that she had looked at the property and has talked to people who want the small homes. She reminded everyone that the property had been on the market for 13 years and zoned R-1A. She further advised that with the mobile home park next door to the property, no one was going to buy and build a large estate home on that property.

**Commissioner Akin made a motion to deny the application based on the incompatibility with the homes to the west. Commissioner Zimmerly seconded the motion. A roll call was made Commissioner Akin, Commissioner Zimmerly and Mayor Lyons voted to deny the application. Motion carried 3-2.**

OLD BUSINESS

NEW BUSINESS

STAFF REPORTS

Fire Chief – Josh Rimes told the Board that the department ran 89 calls in December.

Hendry County Sheriff's Office-Lt. Shawn Reed was not available

Attorney Rooney – had no additional report

Superintendent of Public Works – James Maddox gave a very brief update.

City Planner - Alexis Crespo had no additional report.

Finance Director - Ron Zimmerly – reported that the Staff level meetings had begun again, the employee evaluations forms had gone out and that the bathroom at Barron Park had been vandalized. The bathrooms would now be closed every evening and reopened each morning.

CORRESPONDENCE REQUESTING ACTION

CORRESPONDENCE NOT REQUESTING ACTION

BUSINESS BY COMMISSIONERS

As there was no further business, the meeting was adjourned.

**APPROVED:**

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David A. Lyons, Mayor-Commissioner

**Attest:**

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Thomas A. Smith, Clerk-Commissioner