

Minutes of the Regular Meeting of the City Commission of the City of Auburndale held December 17, 2018 at 7:00 p.m. in the Commission Room of City Hall, after having been properly advertised, with the following members present: Mayor Tim Pospichal, Commissioners: Dorothea Taylor Bogert, Keith Cowie, Richard Hamann, and Bill Sterling. Also present were: City Manager Robert R. Green, Finance Director/City Clerk Shirley Lowrance, City Attorney V. Patton Kee, and Police Chief Andy Ray.

Mayor Tim Pospichal declared a quorum present and the Meeting was opened with prayer by Pastor John Gullett of St. Albans Episcopal Church and a salute to the flag.

**Motion** by Commissioner Keith Cowie, seconded by Commissioner Dorothea Taylor Bogert, to approve the City Commission Minutes of the December 3, 2018 Meeting. Upon vote, all ayes.

City Manager Green said the Florida Department of Transportation was holding a Public Hearing on Wednesday, December 19 at 5:30 in the Recreation Hall to discuss the transfer of SR 559 to the County and for the transfer of Berkley Road and C. Fred Jones from the County system to the State system. He said the Board of County Commissioners will hold a Public Hearing on January 8, 2019 at 1:30 p.m. on the Pace Road distribution center. He said the Board of County Commissioners are expected to approve a consulting engineer's agreement with Chastain-Skillman to provide the Professional Engineering Design Services for the Bridgers Avenue Stormwater Improvements. That project on the County Road system will be very similar to the City's PK Avenue system. The project will be from US Hwy. 92 to McKean Street for stormwater improvements. He said the Commissioners were provided a copy of the public notice from Duke on their preferred route for their Kathleen to Haines City transmission line improvements. He said at their website, they had a good interactive map. Land surveying will begin early next year and will take approximately six months. The company intends to complete easement acquisitions through 2020, begin construction in 2021 and the line scheduled to be in service in 2024.

Mayor Tim Pospichal asked for public comment. There was no other public comment.

#### **1. ORDINANCE NO. 1579 ANNEXING PROPERTY INTO CITY LIMITS – T.E. WILLIAMS ROAD**

City Manager Green said the City has initiated the annexation of .15 acres of property into the City limits. The property is located adjacent to 319 T. E. Williams Road. The City of Auburndale recently took deed to both of the subject property and 319 T. E. Williams Road due to code violations within the City and County. The City has been working to clean up the property and the County has waived all code enforcement liens placed on the parcel located in unincorporated Polk County. The property is contiguous with existing City limits and does not create an enclave. The property contains a single-family structure and several out buildings. The City is currently securing bids for demolition of the house and other structures on the property. The City will petition the Polk County Property Appraiser's Office to subdivide the property to create two buildable lots. The City would then donate both lots to Habitat for Humanity, complimentary to that project. Establishing a Future Land Use and Zoning classification on the property will be considered at Public Hearings before the Planning Commission and City Commission at later dates. The action currently before the City Commission is only on the annexation of the property into the City. The proposed Ordinance was prepared by the Community Development Department and reviewed by the City Manager and City Attorney. The proposed Ordinance was approved on first reading December 3, 2018 and is being presented for second and final reading.

City Attorney Kee read Ordinance No. 1579, as passed on December 3, 2018, by title only.

City Manager Green said Staff recommended approval of the Ordinance annexing the property into the City.

Mayor Tim Pospichal asked for citizen comment. There was no citizen comment.

**Motion** by Commissioner Richard Hamann, seconded by Commissioner Keith Cowie, to approve Ordinance No. 1579, as read on second reading by title only. Upon vote, all ayes.

## **2. PUBLIC HEARING – FUTURE LAND USE AND ZONING MAP AMENDMENTS**

Mayor Tim Pospichal closed the Regular Commission Meeting and opened the Public Hearing.

City Manager Green said the purpose of the Public Hearing was to consider a change in the City's Comp Plan and Future Land Use and Zoning Map on property located on Pearce Road.

Community Development Director Amy Palmer said the City has received a request for a Large-Scale Future Land Use Map Amendment and Zoning Map Amendment for property owned by Berkley Ranch LLC. The property is located on Pearce Road. The current use is vacant and the current Polk County Future Land Use is Residential Low 4X and Preservation-X. The proposed City Future Land Use is Low Density Residential and the proposed City Zoning is Planned Development Housing 2. Phase I of the Berkley Ranch Subdivision was approved by the City Commission in September 2018, with a Future Land Use designation of Low Density Residential. The investors of the subdivision have under contract an adjacent 19.52 acres owned by Andrew and Margaret Hanzlik which is now being considered as Phase II of the Berkley Ranch Subdivision. The property is currently vacant and is proposed for a 60-lot single-family residential subdivision. The proposed City Future Land Use of Low Density Residential on Phase II is consistent with the Polk County Future Land Uses of Residential Low - 4X and Preservation-X, which are currently applied to the property. The proposed Land Use is also consistent with surrounding development including Phase I of the subdivision, the City's Land Development Regulations, Comprehensive Plan, and the Joint Planning Agreement with Polk County. As a result of the annexation of the adjacent property into the Auburndale City limits in September 2018, the proposed land use designation was transmitted to the Florida Department of Economic Opportunity or DEO for compliance review. The City has received notice from the State of no comments or objections to the Amendment. The proposed City Zoning on Phase II is Planned Development – Housing 2. As required by Chapter 6 of the City's Land Development Regulations, this proposed PD-H2 is accompanied by a binding site plan that demonstrates the appropriate buffering, setbacks, open space, access and other requirements of the Land Development Regulations. The Planning Commission recommended approval of the Future Land Use Map Amendment and the Zoning Map Amendment. For the PD, they made a recommendation of roadway extension between Phase I and Phase II and Staff also recommended approval of the Map Amendments. She displayed the location map for the property – Phase 2 of Berkley Ranch. The display showed what was presented to the Planning Commission and is different than what is proposed in the Ordinance. She said the Planning Commission recommended the eastern roadway that runs north and south be connected to the Phase 1 roadway. She said this was to address travel through the neighborhood, so they would not have to travel to the west and then come down. She displayed the proposed binding site plan that was recommended by the Planning Commission and Staff. She displayed a picture of Phase I and Phase II together, with the north - south roads connected. She said there would be five or six cross over roads within the subdivision. She introduced John Schneider for questions on the site plan.

Mayor Tim Pospichal asked for citizen comment.

John Schneider, Hunter Engineering, said he was available for any questions. He said the road connection was the smart thing to do.

Commissioner Bill Sterling asked about the north and south end of the subdivision regarding the little road. He asked if the road just services those lots.

John Schneider said yes, it was just to serve the lots in the development. He said it helps with the layout, to be able to get a few more lots when configured that way. He said it was not a problem as far as the Fire Department and gave the benefit of a couple of lots.

Mayor Tim Pospichal asked for public comment. There was no public comment.

Mayor Tim Pospichal closed the Public Hearing and reopened the City Commission Meeting.

### **3. ORDINANCE NO. 1580 AMENDING FUTURE LAND USE MAP – BERKLEY RANCH PHASE II**

City Manager Green said Ordinance No. 1580 amends the Future Land Use Map on the Phase 2 property by changing the Future Land Use from Polk County Residential Low-4X and Preservation-X to the City's designation of Low Density Residential.

City Attorney Kee read Ordinance No. 1580 entitled: **AN ORDINANCE OF THE CITY OF AUBURNDALE, FLORIDA, AMENDING ORDINANCE NO. 752, THE COMPREHENSIVE PLAN OF THE CITY OF AUBURNDALE, FLORIDA, BY AN AMENDMENT TO THE FUTURE LAND USE MAP RECLASSIFYING A PARCEL OF LAND TOTALING +/- 19.52 ACRES FROM RESIDENTIAL LOW-4X (RL-4X); PRESERVATION-X (PRESV-X) TO CITY OF AUBURNDALE LOW DENSITY RESIDENTIAL; AND PROVIDING AN EFFECTIVE DATE** (General Location: Pearce Road), by title only:

**Motion** by Commissioner Bill Sterling, seconded by Commissioner Richard Hamann, to approve Ordinance No. 1580, as read on first reading by title only.

Commissioner Dorothea Taylor Bogert asked if this was a gated community and why not have another exit out of the community.

John Schneider said no, there is just the one connection there. There was consideration to connect to Pearce Road; however it would trigger things with Polk County for significant improvements necessary to Pearce Road.

Upon vote, all ayes.

### **4. ORDINANCE NO. 1581 AMENDING ZONING MAP – BERKLEY RANCH PHASE II**

City Manager Green said Ordinance No. 1581 establishes the zoning as Planned Development Housing 2 or PDH2 and requires a binding site plan. He said the binding site plan in the Commission packet is as it was presented to the Planning Commission. He said as Community Development Director Amy Palmer suggested and the developer agreed the original Ordinance will have the exhibit showing both accesses back up to Phase I. Staff recommended approval of the Ordinance.

City Attorney Kee read Ordinance No. 1581 entitled: **AN ORDINANCE OF THE CITY OF AUBURNDALE, FLORIDA, AMENDING ORDINANCE NO. 764, THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF AUBURNDALE, FLORIDA, BY AN AMENDMENT TO THE OFFICIAL ZONING MAP ESTABLISHING A CITY OF AUBURNDALE ZONING MAP CLASSIFICATION OF PLANNED DEVELOPMENT – HOUSING 2 (PD-H2) AND ON A PARCEL OF LAND TOTALING +/- 19.52 ACRES; AND PROVIDING AN EFFECTIVE DATE** (General Location: Pearce Road), by title only.

Mayor Tim Pospichal asked for citizen comment. There was no citizen comment.

**Motion** by Commissioner Dorothea Taylor Bogert, seconded by Commissioner Richard Hamann, to approve Ordinance No. 1581, as read on first reading by title only. Upon vote, all ayes.

### **5. SUBORDINATION OF EASEMENTS TO DEPARTMENT OF TRANSPORTATION – BRADDOCK ROAD**

City Manager Green said in development of the SunTrax Test Facility north of Braddock Road, the Florida Department of Transportation or FDOT Turnpike Enterprise acquired considerable acreage. Two of the parcels contain utility easements granted to the City of Auburndale for public utilities. The Subordination of Utility Interest Agreement recognizes the FDOT, as the new owner. The City maintains the rights to operate, maintain and/or upgrade its utilities within the easements. FDOT would pay the City to have the utilities relocated, if necessary. Currently, there are no conflicts between the utilities located within the easements and the SunTrax facility. The proposed Subordination of Utility Interest Agreement was prepared by the FDOT Florida's Turnpike Enterprise and reviewed by the Public Works Director, City Manager and City Attorney. Staff recommended approval of the Subordination Agreement with the Florida Department of Transportation. FDOT is now the new owner of the property and we are subordinating those easements.

Mayor Tim Pospichal asked for public comment. There was no public comment.

**Motion** by Commissioner Keith Cowie, seconded by Commissioner Richard Hamann, to approve the subordination of easements to the Department of Transportation.

Commissioner Dorothea Taylor Bogert asked if there was a strong likelihood, we will have to move the utilities.

City Manager Green said no, and if we do and they are in a FDOT easement, FDOT would pay for the relocations.

Upon vote, all ayes.

#### **6. CITY DEED OF PARCEL TO FLORIDA DEPARTMENT OF TRANSPORTATION – BRADDOCK ROAD**

City Manager Green said in July 2017, the City of Auburndale accepted transfer of a County-owned right-of-way running north of Braddock Road and parallel to the west side of the Polk Parkway. The frontage road, known as "Road G", also serves as access to the City's Regional Wastewater Treatment Facility and spray field property. Road G will be realigned by the Florida Department of Transportation or FDOT, as part of the widening of the Polk Parkway and construction of the new interchange at Braddock Road. The City Commission on December 3, 2018 approved an Agreement taking ownership of the right-of-way for the new alignment connecting Road G to Braddock Road. The proposed deed transfers that portion of the old Road G alignment owned by the City to the State and needed for construction of the new interchange. He said it was a little sliver of property. He displayed on the location map the property and explained the realignment of the road. Staff recommended approval of the City Deed to the Florida Department of Transportation. He said the FDOT document was about 27 pages long.

Mayor Tim Pospichal asked for citizen comment. There was no citizen comment.

**Motion** by Commissioner Bill Sterling, seconded by Commissioner Dorothea Taylor Bogert, to deed the property to the Florida Department of Transportation. Upon vote, all ayes.

City Manager Green said the next Commission Meeting was on January 7, 2019.

Meeting adjourned at 7:22 p.m. I HEREBY CERTIFY that the foregoing Minutes are true and correct.

  
Shirley A. Lowrance, Finance Director/City Clerk