

Minutes of the Regular Meeting of the City Commission of the City of Auburndale held February 4, 2019 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 Jerrod Brooks of Church at Auburndale 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 January 28, 2019 Meeting. Upon vote, all ayes.

Mayor Tim Pospichal asked for public comment.

Dennis Young, 254 Lake Tennessee Drive, asked if there would be public comment for Agenda Item 3, as he would like to speak on that item.

Mayor Tim Pospichal replied yes, comments would be taken at end of the analysis.

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

## **1. ORDINANCE NO. 1586 AMENDING FUTURE LAND USE MAP – T E WILLIAMS ROAD**

City Manager Green said the Agenda Item #1 and 2 were old business. The City initiated its own request for a small scale Future Land Use Map Amendment and Zoning Map Amendment on property located at 319 T.E. Williams Road. In December 2018, the City initiated the annexation of .15 acres of property into the City limits. This is located adjacent to and part of 319 T.E. Williams Road. The City recently took deed to both the subject property and 319 T. E. Williams Road due to code violations within the City and County. The proposed City Future Land Use classification of Low Density Residential and the Zoning classification of Single Family Residential-3 would be applied to that portion of the property that was within the County and annexed into the City. The proposed land use and zonings are identical to those applied to the portion of the same property within the City limits. The City plans to petition the Polk County Property Appraiser's Office to subdivide the property to create two buildable lots for donation to Habitat for Humanity. The proposed Ordinances were prepared by the Community Development Department and reviewed by the City Manager and City Attorney. The proposed Ordinances were approved on first reading on January 28 and are being presented for second and final reading. Both the Land Use Map Amendment and Zoning Amendment come to the Commission with the 7-0 unanimous vote from the Planning Commission, from their meeting of January 8, 2019. Staff recommended approval of the Land Use Map Amendment – Ordinance No. 1586.

City Attorney Kee read Ordinance No. 1586, which was presented and passed on first reading on January 28, 2019, by title only.

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

**Motion** by Commissioner Richard Hamann, seconded by Commissioner Keith Cowie, to approve Ordinance No. 1586, as read on second and final reading by title only. Upon vote, all ayes.

## **2. ORDINANCE NO. 1587 AMENDING OFFICIAL ZONING MAP – T E WILLIAMS ROAD**

City Manager Green said Ordinance No. 1587 establishes the zoning as Single Family Residential-3. This also comes with the recommendation of the Planning Commission with the vote of 7-0 from their meeting and the City Commission approval at the last meeting.

City Attorney Kee read Ordinance No. 1587, which was presented and passed on first reading on January 28, 2019, by title only.

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

**Motion** by Commissioner Dorothea Taylor Bogert, seconded by Commissioner Richard Hamann, to approve Ordinance No. 1587, as read on second and final reading by title only. Upon vote, all ayes.

### **3. MEMORANDUM OF AGREEMENT FOR NORTH AUBURNDALE MASTER PLANNING AREA**

City Manager Green said this was an item we wanted to bring to you for sometime. We made the announcement in August on Commission Day related to staff working with property owners in the North Auburndale area to bring them to the table to work with them and have them understand the needs that the City was looking at in the North Auburndale area.

Community Development Director Amy Palmer said judging by the crowd tonight, this is an important mission for the City and she thought we could all agree on how special this area of Auburndale is, especially as it transitions from agriculture use to other uses. She said before she started talking about the analysis and the Memorandum of Agreement with the property owners and our consultant, we wanted to show off this area a little bit with a video prepared by Communication and Information Manager Seth Teston. She thanked Seth Teston for creating the video. She said one of the main take aways from the video to were really see how the character of the area was with the residential nestled in there between the lakes and orange groves. Moving forward with the consultant or Master Plan the goal would be to capture that essence and character that Auburndale has. She asked how can we keep it and hang onto that, as we move forward and grow. The Joint Planning Agreement or JPA adopted by the City and Polk County Board of County Commissioners in 2009 identifies the two north-south corridors in the City – Berkley Road and SR 559 - as residential corridors. The Joint Planning Agreement established Desired Development Patterns, as a guide to maintain the residential character in these corridors. She displayed Exhibit C of the JPA, where both government organizations agreed we need to maintain that residential character north and south along SR 559 and Berkley Road. Along the SR 559 corridor, there remains only a handful of property owners that still own the majority of the agricultural properties with the potential of developing in the future. She said she thought that was critical, as she did not think there were many places that have that opportunity where there are only a few property owners that own a majority of the land still to be developed. These properties are located in both the city limits and in unincorporated Polk County. The City has identified these property owners as Lanier Groves, Gapway Groves, and Wheeler Farms. She displayed on the map the property ownerships for the three owners. In August 2018 at Commission Day, City Staff announced that the City was working towards a partnership with these property owners along SR 559 to complete a blueprint or Master Plan for the area. Each of the property owners suggested their desire to create a vision of improved quality of life and development for the area. She displayed a drawing prepared by Max Strang, with his architectural firm, and he is calling it the Lakes Districts. She said that may become the name of this Master Plan, as we move forward. He took the liberty to identify the property owners in the area, key economic drivers, key transportation corridors, key intersections for commercial activity, and possibly some gateway features into this area. The City believes that a Master Plan would improve their property values, as well as positively impact the lives of current and future residents along the SR 559 corridor. Staff reached out to Kimley-Horn and Associates, who was already under contract with Lanier Groves, to propose completing a Master Plan for the larger area. Planners with Kimley-Horn provided a scope of services and a Contract for Professional Planning Consulting Services. All parties have agreed to share in the cost to complete the Master Plan. The proposed cost of the consultant services agreement is \$30,000. The City of Auburndale will contribute one-half the cost and the remaining half will be split among the property owners based on the total number of acres that each party owns. Staff is very pleased to have the support of the property owners, as their support of this initiative is vital to its success. Public support and that of the elected officials, City

and County, is also crucial to the Plan. There will be several opportunities for the public to participate in review and comment before adoption of the Master Plan. Public Hearings will be advertised and City Staff has suggested one or more "Town Hall" open information type settings going forward. She said this evening she met with our Planner, Kelley Klepper with Kimley Horn, and started talking about ways to get the public involved in this process. There are numerous growth management issues that need to be discussed in this process. They include transportation and transit, water management, school locations, park space, location of neighborhood commercial tracts, and many others. The proposed Agreement pulling the parties together is the first step. In this first phase, the consultant will meet with the property owners and City Staff to study existing conditions and seek the various visions that the owners may have regarding development in the area. This collaboration will eventually produce a blueprint or an action plan, on how to achieve the vision identified during the meetings. The action before the City Commission is only on the Memorandum of Agreement between the City and three property owners and the Contract for Planning Services with Kimley-Horn and Associates. She said she wanted to include the County Future Land Use Map and the City of Auburndale's Future Land Use Map. She said these property owners are already vested with rights to go out and develop their property under the County and the City Future Land Use Maps and the Comprehensive Plan. It is extremely important that we have these property owners involved with us to ensure that we do not piece mill development in this area of the City. The desire is to come up with a greater plan and understand the direction that the City is headed, as we continue to grow. Staff recommended approval of the Memorandum of Agreement and the Contract for Professional Services with Kimley-Horn and Associates. She introduced Kelley Klepper with Kimley Horn, who will be consulting with us on this project. She said two of the property owners were represented here tonight - she introduced David Wheeler, John Strang and Bud Strang. She said no one from Lanier was able to make the meeting this evening.

Kelley Klepper, with Kimley Horn and Associates, said as Amy Palmer said we are asking for approval on the contract. The contract will allow us to start moving forward with a lot of the initial community outreach and work with the City Staff. We will be working with a number of outside sources whether it is the transportation planning organization, Central Florida RPC, or the water management district. This is a comprehensive look at an area you have identified as a gateway to the City. We have one chance to get it right. He said there are plenty of examples around the State and around this region where with a little foresight or planning would have been great, instead of trying to react after the fact. He said from their perspective, they are coming into this with their eyes wide open. We have no preconceived ideas, because the last thing we want to do is come in and say we know how to do it better than anyone else. He said we will have in-depth discussions with the Commission and with the residents throughout this process. He asked if the Commission had any questions.

Mayor Tim Pospichal said Kimley-Horn does great work and we look forward to seeing what you bring to the table for this project.

Commissioner Keith Cowie said he thought this was a great idea and he thanked City Staff for working to bringing this together. He said he certainly thanked the property owners for their willingness to participate in this, as they certainly are not obligated to do this. He said he thought this was a great testament to them that they want to get involved in the project and that they want to make sure that these areas are developed correctly. He said he certainly thanks everyone on that. As many of the audience was here last week, they know we talked about transportation, groves, schools, and water – all those questions that came up as a developer is getting ready to move forward. This project or plan will help address some of those items ahead of time. He said he thought this was a great idea. He asked about the opportunity for public comment and public input and asked what ideas he had for that – a public forum, an email portal, or other ideas.

Kelley Klepper said as he and Community Development Director Amy Palmer were talking tonight, they will come with a formalized public involvement plan. We will let City Staff look at what they think would be best, but typically there will be email blasts and information on the City website, with their opportunity

for comment. Within the Scope of Services, we can have targeted stakeholder meetings as well as community workshops. He said they will ask the City for approval on the type of workshop where there are different stations with different topics. This way we are able to get the most amount of comments on specific topics, without one workshop with one microphone. We have found that people are less apt to provide comments if they have to stand up in front of the entire group. We try to provide as many opportunities whether written or verbal for citizen comment. He provided examples of the stations: land use, environmental, transportation and then we will have target experts and resources at each station. As part of their Contract, any comments they receive written or verbal will all get incorporated into the Master Plan document. He said they do not edit the comments down. We record the comments verbatim.

Commissioner Keith Cowie said as there was a lot of public here tonight, he thought it was important for them to know they will have input along the way.

Kelley Klepper said we have to finalize a few things with Amy Palmer and the City and we will be transparent with what we are doing.

Commissioner Richard Hamann thanked Amy Palmer, her staff, and the City Manager for getting this underway. He said he would like to thank the property owners too because they do not have to do this. They could just march forward as they do not need our consent for anything. We thank you for being part of this visionary thing. He said we just spent a lot of money on stormwater fixing PK Avenue and with a vision; we can plan something that will protect our lakes, as we move forward. He said he thought it was real important to protect the character of our City. He thanked everyone for getting involved in this.

Commissioner Dorothea Taylor Bogert said she concurs and would like to thank property owners. She said coming from a real estate background, it was extremely important to consider that we have a limited amount of space in Auburndale and have one time to get it right. She said she was grateful for landowners and grateful for all the public who have come out tonight to show their concern because that is our entrance way into Berkley Road, Hwy. 559, and Auburndale. She said she appreciated that the consultant will take time for public comment, whether through town halls with separate stations or not. She said some may have more concern about transportation and schools and it was important to take all of that into consideration. She said she loved the idea of a Master Plan because we can take a lot of this into consideration and make it the best. She said thank you for doing this.

Commissioner Bill Sterling said he concurred with what the other Commissioners have said. He said he thought it was nice that were being proactive here instead of acting after the fact. He thanked the property owners for their vision and hoping to make Auburndale a better place to live, work, and play. Some people do not concur, they like for things to be in the past. He said there was one thing you can be sure of - there is going to be change, whether you like it or not. You want to control the change as much as you can. He said it is better for change the way you want it to change, than change the way you do not want it to change.

Mayor Tim Pospichal said he agreed with the Commissioners and what they had to say. He said he was very happy that the property owners want to work like this with the City. He said this was a wonderful partnership and this does not happen everywhere. It was a sign of good government and great partnership. He said as Kelley Klepper stated you get one shot at this and if you make mistakes, you cannot go back. We have an opportunity to do things as eloquently stated by the Commission "to do things right". He said he was proud that you want to work with us on this and work with Kimley-Horn, as they do great work and we can only expect great things.

Community Development Director Amy Palmer said this completes the presentation and Staff recommends approval of the Memo of Agreement with the property owners and recommend approval of the contract with Kimley-Horn.

Mayor Tim Pospichal asked for public comment.

Dennis Young, 254 Lake Tennessee Dr., said he would like to commend Staff and the property owners for having a Master Plan for this area. He said most of his questions have been answered regarding public meetings for public input. He said he thought this very conducive to the further approvals of any building that would happen and accelerate the process through the planning phase. He asked about the timeline of when the Master Plan may be developed and when there would be an opportunity for public input. He said obviously the people here are very concerned about what is going to happen in the North Auburndale area and proper notice ahead of time so people may attend. He said he would use the example they had with the Prologis warehouse on C. Fred Jones Blvd. There were seven very concerned residents who met with Jason Lewis with Kimley-Horn and the Prologis representative and worked through all of the issues that were presented: the berm, landscaping, setback, traffic flow, etc. He said we would like that same type of opportunity working on the Master Plan. He said he thought it was the key to a successful Master Plan to have public input and to answer questions the public may have. He thanked the Commission for their time.

**Motion** by Commissioner Keith Cowie, seconded by Commissioner Richard Hamann, to approve the Memorandum of Agreement and the Contract for Professional Planning Services with Kimley-Horn and Associates, Inc. Upon vote, all ayes.

City Manager Green said there was a comment asked at the last meeting and it does bring up the importance of the Joint Planning Agreement between the City and County. As indicated in Amy Palmer's presentation, it is a large tract of property and not all of that is in our City limits. The Joint Planning Agreement we entered into with the County really spelled out a lot of the things as far as the City and the County agreeing as to the particular land uses in those areas. He said he thinks this was discussed at the last meeting where we have had discussion with the County and they have agreed to move that back to their front burner. Hopefully these two things can run parallel – bringing the Joint Planning Agreement between the City and County back. Because we are dealing with two different jurisdictions, and the whole idea of the Joint Planning Agreement is you cannot have the City of Auburndale planning something to the North and a property owner outside the City limits under a whole different playbook. We have to tie those two things together and will keep you updated on that, as far as bringing that back. He said he thought that Master Planning and a Joint Planning Agreement really are hand-in-hand and we have to make sure that happens.

#### **4. FINAL PLAT APPROVAL – SANTO LAGO SUBDIVISION (FORMERLY LIGHTERLOG SUBDIVISION)**

City Manager Green said will consider the final plat for the Santa Lago subdivision, which was formerly the LighterLog Subdivision

Community Development Director Amy Palmer said the City has received a request to plat the Santo Lago Subdivision located on Berkley Road near Braddock Road. The project was formerly called the Lighter Log Subdivision and received preliminary plat approval on April 17, 2017. The property is zoned Single Family Residential 1 or RS-1 and contains eight single-family lots. The development has been reviewed by all City Departments and meets all Land Development Regulations including lot size, setbacks, open space, and sidewalk requirements. The City's consultant engineer, Chastain-Skillman has reviewed the final plat and also confirmed that the plat meets all City and State survey requirements. All streets, sidewalks, retention and drainage areas will be dedicated and maintained by the Homeowner's Association. All infrastructure has been installed with the exception of connecting to the City's offsite potable water system. To accomplish the necessary improvement, the developer's engineer is securing various easements and has estimated the cost at \$121,759. In accordance with the City's Land Development Regulations, the City has received a certified check in the amount of \$146,110, or 120% of the cost of the connection in lieu of a surety bond. Approval of the Final Plat would acknowledge acceptance of the list of items to be completed (connection to potable water), timeframe and cost. Staff recommended approval of the Final

Plat for the Santo Lago Subdivision. She displayed the location of the property. She displayed the plat layout for the property. Travis Avery and family are the property owners for the project. Staff recommended approval.

Mayor Tim Pospichal asked for public comment.

Ron Holzman, 173 Paradise Lane, said he lives directly across from the subdivision, in the Ariana Shores manufactured home subdivision, only 25 feet from the border line. He said he has read over some of the plans and was also lake watch volunteer for the lake watch program. He said he has been a volunteer on Lake Arietta for 17 years. He said he has reports on a lot of the things that have happened to our lakes over 23 years. He said he was a dive instructor and done many dives in Lake Arietta to the bottom of the lake. He said over the past 22 years he has seen a drastic change in the Lake Arietta and this worries him. With all the developments happening on the lake, he knew change was inevitable, as one of the Council said. He said he was all about change, but knew that change can also be done right or wrong. He said one of the things that concerns him was the impact of all the building we are doing on the lake. He said he has all the figures and facts on the condition of the lake. He said he just spoke to one of the counselors in Tallahassee today and there was a time when we stood number four in the County in lake quality and right now, we are not even on the charts. We are in big trouble. He said he tests the lake for chloroform, phosphorus, and nitrogen, which is almost non-existent. He said our aquatic plants are disappearing at an astounding rate. People are pulling weeds like you would not believe, weeds grow fish, and weeds grow healthy water. This is what concerns him and that is why he wanted to speak this evening. The community is right across the street from where he lives and he sees it every night at sunset. He said he and Travis use to be neighbors in Quail Hollow Rd. He said he does have all these records and cannot present it in three minutes and does test for these things in the lake. He said his biggest concern is the quality of the water we are dealing with in Lake Arietta, in what I see is going to be a productive next decade. He said it was one of those things he thought we should take into consideration. He said he saw a lot of his neighbors here tonight. He said he was that guy who wind sails on the lake, sails on the lake, and teaches kids how to ski. He said this is where his concerns were.

Kay Waterman, 126 Arietta Shores, in the subdivision right next to the property in question. She said when she saw the site plan she saw the eight houses or eight lots. She said there is a big section that borders Berkley Road and did not see any plans for that. She said she heard it was going to be commercial and she would like to know what the plan is. She said she has been watching that vacant lot for a long time, waiting to see what you are going to do with it.

Community Development Director Amy Palmer said she can tell you what the property is zoned for right now – single family residential and the Future Land Use is also residential. If that were to change, it would have to come back before this board for approval.

Kay Waterman said the plan that was up here before. Those two areas for future use were all residential along Berkley Road. She said she was hoping that had some input. She said we have a problem, as right across the street is Braddock Road and we are going to have a red light there and there is an orange grove on the corner. She said she would sure hate to see a nice big WaWa gas station there. She said she hoped the Commission was in consideration for all these people here who want to keep our nice residential area.

Kathy Webb, 125 Melissa Trail, said she was encouraged that input is being taken and that the residential character of the lands will be protected. She said she was happy to hear that. As most of the people here know, she has been pretty concerned about short-term rentals. As your City Manager stated a little while ago, one of the things that would have been a conundrum is that Polk County has very specific regulations about short-term rentals, which went into effect prior to the 2011 statute that limited cities. She said her question was if these parcels of land do go into short-term rentals and we know that one of them will be, and her question was to some of the developers here, "how do we decide if we are working with the

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County and the City and Polk County has very stringent regulations on this is the City going to make sure that people are notified that short-term rentals are going to be there". She asked if this was part of the notification process. She asked if the City was going to work in conjunction with the County to do whatever they can do under the statutory limitations we have to make sure we are consistent. The reason she asks was looking at Ordinance 98-23 with Polk County, they have very specific requirements on how people are to be notified. She said some people may not realize that if you have a residence there is nothing in State law that can prohibit you from renting those as short-term rentals. She said they did have a meeting with the Strang brothers a while back asking about that and appreciated their time and cooperation. She said it was something that concerned many people on the lake and a big reason for that is what Mr. Holzman just said and some of the commercial enterprises that may come up from that. When you have short-term rentals, you really do not have residents you have commercial enterprise. She asked if there was any plans to work in conjunction with the County to try and regulate what we can.

City Manager Green said as we bring the Joint Planning Agreement back up, we can make note of this as far as an issue that needs to be incorporated.

Kathy Webb said when they get annexed, the City does not have a regulation so there is a conundrum. She thanked the Commission for their time.

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

**Motion** by Commissioner Bill Sterling, seconded by Commissioner Keith Cowie, to approve the Final Plat for the Santo Lago Subdivision. Upon vote, all ayes.

Meeting adjourned at 7:44 p.m.

I HEREBY CERTIFY that the foregoing Minutes are true and correct.

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Shirley A. Lowrance, Finance Director/City Clerk

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Shirley A. Lowrance, Finance Director/City Clerk