

Planning Commission Meeting Minutes
February 5, 2019

Minutes for the Regular Meeting for the Planning Commission of the City of Auburndale, Florida held Tuesday, February 5, 2019, at 4:00 pm in the City Commission Room at City Hall, after having been properly advertised with the following members present: Chairman Perry Price, Commissioners, Mike Mahler, Danny Chandler, Matt Maloney, Jody Miller, Jere Stambaugh and Brian Toune. Also present was Community Development Director Amy Palmer, City Planner Jesse Pearson and Secretary Marsha Johnson

Chairman Perry Price declared a quorum and the Meeting was called to order and opened with the pledge to the American Flag.

Motion was made by Commissioner Jody Miller and seconded by Commissioner Matt Maloney to approve the minutes as written from the January 8, 2019 and the January 22, 2019 meetings. Upon vote all ayes.

Community Development Director Amy Palmer announced a training workshop that the City is hosting for all of our advisory board members. This will be held on Thursday, February 21st at 4:00 p.m. This will be a four hour training session. We will be providing dinner and are holding it at the Women's Club. It will cover topics such as Sunshine Laws, Ethics Laws and how to be an effective board member. We have also invited the Board of Adjustment, Historic Preservation, Community Redevelopment Agency as well as the City Commission. I highly encourage you to attend. You will see a letter in front of you from the Mayor with information about the workshop. Please RSVP to me or to Jesse in order to plan for dinner and how many seats we need. Also at last night's City Commission Meeting, they approved a Memorandum of Agreement with three large property owners in the North Auburndale area up and down 559 and along Old Lake Alfred Road. Lanier Groves, Gapway Groves and Wheeler Farms. The City is fortunate to have three large property owners left with properties that still have to be developed and who are willing to partner with us to complete a Master Plan. Within the next three to four months we will be working with Kimley Horn. The three property owners have agreed to share in the contract with Kimley Horn with us to pay for their planning services. We will be taking a look at what their properties have the potential to develop and how that will impact things such as roads, parks and schools. There will be opportunities for public input as we do those visioning sessions with the property owners. We will also be holding some visioning sessions with the public. I would like to show you a video that I showed the City Commission last night that our Communications Manager Seth prepared for us. This shows the aerial footage and how special that area of Auburndale is and how important it is that we do this Master Plan. The video was shown at this time. It is a very exciting project to be able work on. This will of course come before you as the Planning Commission as we look into amending our codes, amending our Comp Plan and also let you provide an opportunity to have your input into the plan as well. We have seen a lot of projects over the last month. We are hoping this allows us to get ahead of some of those projects as these property owners intend to develop their properties as their groves come out of production. That completes my announcements.

Chairman Perry Price closed the Regular Meeting and opened the Public Hearing.

AGENDA ITEM 1: PUBLIC HEARING – Future Land Use and Zoning Map Amendment – Bell Property

City Planner Jesse Pearson stated the Planning Commission will consider and take public comment on a Future Land Use and Zoning Map amendment before making a recommendation to the City Commission. As a result of annexation the City has received a request for a Future Land Use Map Amendment and Zoning Map Amendment. On January 28th the City annexed approximately 0.5 acres

into the Auburndale City Limits owned by Elton Bell. The property is located on US Hwy 92 and 2nd Street. This was advertised in the News Chief on January 25th. The property currently has a Polk County Land Use designation of Linear Commercial Corridor. The requested Future Land Use of Commercial Corridor and Zoning district of Commercial Highway is consistent with Future Land Use and Zoning on adjacent properties to the east, west, and south. The amendments are consistent with adjacent County commercial land uses to the east and south. The requested Future Land Use and Zoning Map amendments are consistent with the City of Auburndale's Comprehensive Plan and Land Development Regulations. Following Staff's presentation of the amendment and public comment, the proposed amendment will be considered by the Planning Commission for a recommendation to the City Commission. At this time the property was shown on the screen. Staff recommends approval of the proposed Future Land Use and Zoning Map amendment to the City Commission.

Chairman Perry Price asked for public comment. There was none.

Chairman Perry Price closed the Public Hearing and reopened the Regular Meeting.

AGENDA ITEM 2: Recommendation Amending the Future Land Use Map

Motion was made by Commissioner Mike Mahler and seconded by Commissioner Danny Chandler to recommend to the City Commission Amending the Future Land Use Map – Bell Property. Upon vote all ayes.

AGENDA ITEM 3: Recommendation Amending the Zoning Map

Motion was made by Commissioner Mike Mahler and seconded by Commissioner Danny Chandler to recommend to the City Commission to amend the Zoning Map – Bell Property. Upon vote all ayes.

Chairman Perry Price closed the Regular Meeting and reopened the Public Hearing.

AGENDA ITEM 4: PUBLIC HEARING – Future Land Use and Zoning MAP Amendment – Head Property

City Planner Jesse Pearson stated the Planning Commission will consider and take public comment on a Future Land Use and Zoning Map amendment before making a recommendation to the City Commission. Notice of Public Hearing – 01/25/2019. As a result of annexation the City has received a request for a Future Land Use Map Amendment and Zoning Map Amendment. On January 28th the City annexed approximately 0.15 acres into the Auburndale City Limits owned by Theodore Head. The property is located on 405 2nd Street north of US Hwy 92 and 2nd Street. The property currently has a Polk County Land Use designation of Linear Commercial Corridor. The requested Future Land Use of Commercial Corridor and Zoning district of Commercial Highway is consistent with Future Land Use and Zoning on adjacent properties to the east, west, and south. The amendments are consistent with adjacent County commercial land uses to the east. The requested Future Land Use and Zoning Map amendments are consistent with the City of Auburndale's Comprehensive Plan and Land Development Regulations. Following Staff's presentation of the amendment and public comment, the proposed amendment will be considered by the Planning Commission for a recommendation to the City Commission. The property was shown on the screen at this time. Staff recommends approval of the proposed Future Land Use and Zoning Map amendment to the City Commission.

Chairman Perry Price asked for public comment. There was none.

Chairman Perry Price closed the Public Hearing and reopened the Regular Meeting.

AGENDA ITEM 5: Recommendation Amending the Future Land Use Map

Motion was made by Commissioner Mike Mahler and seconded by Commissioner Matt Maloney to recommend to the City Commission to amend the Future Land Use Map – Head Property. Upon vote all ayes.

AGENDA ITEM 6: Recommendation Amending the Zoning Map

Motion was made by Commissioner Mike Mahler and seconded by Commissioner Matt Maloney to recommend to the City Commission to amend the Zoning Map – Head Property. Upon vote all ayes.

Chairman Perry Price closed the Regular Meeting and reopened the Public Hearing.

AGENDA ITEM 7: PUBLIC HEARING – Zoning Map Amendment – Enclave at Lake Arietta Property

Community Development Director Amy Palmer said before she began the agenda item for the Enclave at Lake Arietta she wanted to talk about the difference between Planned Developments and Regular Zoning. At our last couple of Planning Commission Meetings there has been some good discussion about the difference between Planned Developments and maybe just a Regular subdivision. On today's agenda we actually have an example of both. The Enclave at Lake Arietta is coming to you as a request for Planned Development which means the binding site plan that will be looked at and reviewed by you is done during Public Hearing. It becomes the Zoning District. Usually a developer requests a Planned Development because they want to do something a little bit different than what is allowed in the code under your standard selection if you will of Zoning Districts. The second subdivision you will be reviewing today is 5-Point Estates. It has a regular Zoning District of General Residential -1, RG-1. It is already zoned. They are only asking for Preliminary Plat approval or Site Plan approval. They are looking for their Site Plan to be approved. The difference between the Planned Development and just the Regular subdivision Preliminary Plat is that the Planned Development they are looking to do something a little bit different than what is allowed by the code. It could be a clubhouse, it could be a mix of residential units like we are seeing in this one. It could be a change of lot size and what is allowed by the Regular Zoning District. It could be different setbacks and the like. That is the main difference between going through a Planned Development versus your standard Zoning District. She began with next agenda item which is the Zoning Map Amendment for the Enclave at Lake Arietta. This property was noticed in the Ledger two times, once on 01/26/2019 and another time on 1/31/19 to correct an incorrect heading that was in the Public Notice. The property was posted this afternoon to advertise the City Commission Meeting which will be held on February 18, 2019. Notices were also sent out to the surrounding property owners within 300 feet because this is a Re-Zoning Request. The property owner is Gapway Grove Corp and the petitioner and developer is Cannatelli Homes. The property is located at Berkley Road and Lake Myrtle Drive. The current Future Land Use is Low Density Residential. It has a current Zoning district of Planned Development-Housing 1 or PDH1. The request is to modify that Planned Development. It is currently a Vacant, Grove, about 78.77 acres. This property has a long history. Its Planned Development has gone through several amendments. In July 2004, the Gapway Groves Corporation brought it into the City Limits and established a City of Auburndale Future Land Use classification of Low Density Residential and Zoning classification of Open Use Agricultural. Four years later in 2008 the zoning was reclassified from Open Use Agricultural to Planned Development Housing that allowed for 96 single-family dwelling units. That was a conventional subdivision with 96 homes. Several years later in 2015 the property received an approval for a modification to the PD to

reduce the number of dwelling units, allow for single family as well as multi-family and to also allow for short-term rentals. The approved binding Site Plan in 2015 included 39 single family residential lots and 15 multi-family duplex lots for a total of 69 residential units. That modification brought it from 96 to 69 residential units. The applicant is requesting a modification to the Planned Development to allow for 41 single family units and 25 two-family detached short term rental homes (50 units) for a total of 91 residential units. So the 41 Single Family units and 25 duplexes. The duplexes would be the only Use that would have the short term rental in it. There is also a 7.48 acres out on Berkley Road reserved for future development. This would be zoned Planned Development Housing, Future Land Use still the same as low density residential. Again, it would only be used for residential uses at this time. Setbacks will be as follows: Front 25', side 7'5", rear 10', corner 20', PD Perimeter 25'. The minimum lot size is 13,000 sq. ft. I should mention that is well above any of our zoning district regulations. The project includes amenities such as recreational facilities (pool, boat docks, boat ramp) and common areas (ponds, trails, parks, open space, etc.). Also included will be a security gate, guard house, clubhouse as well as gym, spa, restaurant and gift shop. Planned Developments do allow these types of uses within that zoning district and within these types of neighborhoods. The duplexes will be located at the front of the development in Phase 2 of the project and the 41 single family residential units will be on the interior of the site and along Lake Arietta's shoreline to the east. The project will have a single access on Berkley Road. The requested modification to the Planned Development-Housing Zoning classification is consistent with the City's Land Development Regulations, and existing development patterns in the area. Following Staff's presentation of the amendment and public comment, the proposed Zoning Map amendment will be considered by the Planning Commission for a recommendation to the City Commission. Staff recommends approval of the modification to the Planned Development-Housing 1 Zoning District. At this time the property and the layout of the subdivision Phase 1 and Phase 2 was shown on the screen. For everyone's benefit on the Planning Commission you looked at this plan back in 2015 and approved the short term rentals for the entire subdivision at that time. There is a reduction in short term rental uses here and it should also be noted that State Statute prevents the City from regulating short term rentals. The way the statute reads, if we had regulations on the book in 2011 we would be able to keep those moving forward. But because we had no short term rentals, no regulations regarding short term rentals, we are unable to then regulate short term rentals. Whether it is to deny their use or allow their use or to dictate how many trash cans they have, how many cars they are allowed and noise ordinances. There is nothing you can do to regulate short term rentals. Keep that in mind as we talk about the zoning for this property. The Clubhouse for the project would be located in Phase 2 and parking along the north side of the property.

Claude Cassanol with GTC Engineering of 98 South Simaron Blvd. Orlando, FL 32807, said I just wanted to point out one thing that the dock that is shown is a dock that has always been on any plans that they have done. It is a private dock, it is listed as community but community in a sense of a development not community as in all of Auburndale.

Ron Holzman of 173 Paradise Lane. I live 25 feet from the water. I have a modular home there, I'm very happy on Paradise Lane. I'm here to talk about Lake Arietta. I am a resident I am also a Lake Watch volunteer. The program works under the University of Florida the Division of Fisheries and Aquatic Sciences. I have been testing Lake Arietta for 17 years since 1997. That consists of me going out to three stations which are GPS located on Lake Arietta on various locations throughout the lake. I do several things for the University for the State of Florida. I test for no bacteriological at all it is all chemical. Its chlorine your nitrogen's and your phosphorus in the lake. We are classified in different trophic as far as lakes go. Regarding the health of our lake it is 158 acres, the old name is Lake Lighterlog. It is a clear hard water lake. Not spring fed. It is capable of growing some vegetation and

some fish but not healthy to all. Decrease in clarity from 2012. That tells us our lake is in a little bit of trouble. One of the reasons is because of development and a lot of nitrogen being put into the lake from the various houses that surround it. The chlorophyll in Lake Arietta is a number that really isn't all that important but it places it into that range where it does not support all vegetation nor all fish and wildlife. The average depth of the lake in the middle is 34-36 feet deep. I've been to the bottom of it on numerous occasions. I'm a dive instructor. I've done some certifications out there over the years. It's a gathering lake, meaning that all the water that falls onto the ground gathers from around it, drains into the lake and also anything that is on the land runs into the lake. All these numbers are all high. The average is a certain number and we are well above all of those numbers. I don't need to go into all of the numbers, they are available to anyone who wants to look them up by going to Lake Watch. Our phosphorus is high, nitrogen is high, and chlorophyll is high. Our depth average - I have three stations, one station could be 11 feet at the maximum depth which is very close to this community here. It is right in front of the community we were speaking about last night at the meeting. The other station is on the northeast side of the lake and that is a deep one at 31 feet deep, another station is 16 feet deep. Our lake is kind of cool when it comes down to where it goes in and slopes down to the middle. It is very nice. When I first started to dive that lake back in 1996 when I first moved to Florida it was a white sandy bottom. Now, I can take my arm and stick it down to the bottom and come up with muck up to my shoulder. It tells us that our lake is not as healthy as it used to be. We used to be number 4 in the county, we are not on the charts right now. Vegetation has been removed at an alarming rate and as we all know about lakes and any estuary or any body of water, weeds are healthy for lakes, they are a cleansing agent, just like when we take a shower. That is how our lakes survive. I just wanted to bring these things out regarding the Lake Watch program and what we have been doing on Lake Arietta. There is a lot of science going on regarding it. I do a little bit of chemistry and I take up those three readings, I send them in to the college up to Tallahassee and they do their work and they send me back these reports that I just got done reading. We wanted to bring an awareness factor to exactly what is happening with Lake Arietta. Of course I'm here because I'm concerned. There is going to be a lot of houses going in and we all care about our lake and we want to take care of it. We are looking out for ourselves to make sure that's done and everything that we do is done the right way. Change is progress. Progress is good. I understand that and it is a good that we have this going on. Thank you for letting me speak.

Kay Waterman 126 Arietta Shores Drive. I have been here for 36 years. When I came here I was told that Lake Arietta was the cleanest lake in the County. At that time there was public boat ramp. It was a disaster. The amount of garbage and trash that would wash up on the shore was unbelievable. My concern is the lake. The quality has deteriorated as Mr. Holzman mentioned but it is still clear enough to swim and waterski and I would not hesitate to eat the fish out of the lake. I think it would be a shame to have another lake that you can't do those things in. As there are more developments being planned along the north shore of the lake, who wants to buy a house when you say, oh this is a lovely property it overlooks the lake but you cannot swim in it, you cannot eat the fish. That would be a disaster. It sure wouldn't be any selling point for any houses being built. I care about this lake. The fact that many residents on this lake contribute money. We have Mike Mahler spray the lake for water hyacinth which really are bad for the lake and bad for the wildlife as well. But we do that on a volunteer basis. Nobody monitors our lake nobody else has the responsibility of our lake even though it is in the City of Auburndale. I see that there is a boat dock what I'm concerned about is a boat ramp. Is there a boat ramp being planned and who would have access to that boat ramp? Certainly it would be nice for the residents that live on the lake to have access to that boat ramp. I'm concerned about it being a public boat ramp or even a boat ramp that would be used in the short term rentals. I don't know what the restrictions will be on the short term rentals. Can people come in for 3-4 days while their kids are

playing baseball across the street. Will they come in with a big boat and trailer behind them expecting to use the lake? That would vastly increase the amount of traffic on our lake if that was going to be allowed. With respect to the short term rentals, I don't know what the restrictions will be as Amy said the City does not have a way of restricting or regulating the short term rentals. That to me is a problem. I was told even the ones on the lake could be short term rentals. What is to stop a resident? Maybe he lives in Canada or Michigan someplace, he comes down here for part of the year and the rest of the year he has it out as a short term rental. There are a lot of concerns here about access to the lake with a boat ramp. People who live on the lake generally care about the lake. You still see people driving down the road throwing a styrofoam cup out or a can or a bottle. If they don't live here, they don't care. That is what we are concerned about on our lake. I'm concerned about the wildlife. We have alligators in our lake. There are not as many as there used to be but we still do have alligators. Do people who come in for 2-3 days do they know they are not supposed to harass alligators? There could be problems, short term use on the lake. I'm not going to take any more time. I just wanted to express these concerns and questions for our people on our Planning Commission to consider. Thank you.

Kathy Webb 125 Melissa Trail, Auburndale, Florida. I live in a lake community but not specifically with lakefront access. I have been very concerned about Lake Arietta. My husband fishes the lake, my family members fish the lake, and we enjoy the lake. My main concern has been short term rentals. I am very familiar with the law that says that they cannot be prohibited as of 2011. That law in 2104, I'm going to read straight from the Florida League of Cities brief that came out in December 2018: In 2014 the legislative passed senate bill 356, which diminished the preemption on short term rentals. The 2014 law does allow local governments to adopt ordinances specific to these rentals so that they can address some of the noise, parking, trash, and the life safety issues created by the proliferation in residential neighborhoods. Unfortunately the bill did leave in place existing statutory language that says Cities can not prohibit them or regulate the duration or frequency of the rental. So we all understand that, but in keeping with what Miss Palmer said, if there is an opportunity for the City of Auburndale to at least do what regulating they can, has the City done any of that homework? If so what kinds of regulations will be put into place? Since we know this is going to happen.

Chairman Perry Price said we will have to find out from the City Commission.

Kathy Webb said okay so we don't have an answer to that.

Chairman Perry Price said no.

Kathy Webb said as a citizen I think it is going to be very important. I'm not, I don't think anyone in my family is against development. We are not against seeing the City grow. But, we have been for balanced growth and for protecting the lake very strongly. I really think it is very important that we look at this and the example that I am going to give is that I did make a phone call to Polk County today. Polk County because they do have an Ordinance in place since 1998 they are grandfathered in so they can regulate short term rentals. But, one of the things they do is they make it their business to make sure that in their regulatory process which is allowed, and I think the City can do this, is they allow other people in the neighborhoods to know and they also let perspective buyers know before they even approve the PUD that short term rentals will be a part of the neighborhood. I don't know if that is anything that is going to happen in Auburndale, but considering the joint agreement that happened between Polk County and Auburndale, I think it is very important that perspective buyers know and if there is a way to put that in place I think it would be important to do it. Because my son was looking in this area, and if he was going to pick a neighborhood the way one of the neighborhoods I called to

check on is organized right now, he would have no idea that short term rentals would be allowed. Even the persons that are selling in the office can't tell him that. They are saying no they are not allowed because it is residential zoning. But that is not necessarily true. So another question we had was, will the HOA standards and the HOA guidelines in this neighborhood prohibit? Are there going to be any prohibitions against having that boat ramp accessible to the public? Do we know? As in say like Lake Myrtle people.

Claude Cassanol said only in the neighborhood.

Kathy Webb said so the short term rental people will have access to the boat ramp right, okay. So those 50 units would have access to the boat ramp. Who will be collecting the bed taxes?

Claude Cassanol said the only people that will have access to the lake are the people in the development. The people in the short term rental will have access to the boat ramp just as they had previously when the whole development was short term rental.

Kathy Webb said okay and the last thing would be, is there anything in the HOA documents that would prevent the lake owners, the homes on the lakeshore from renting as short term rentals? Now the HOA documents can govern that, the City can't but the HOA documents can. So that is why I'm asking that question.

Claude Cassanol said there will be an HOA. Whether or not someone living on the lake or on the single family side would be prohibited from doing that I can't say right now, it is really up to the developer. I cannot speak from a legal stand point whether someone living on the lake or anywhere within the development would be prohibited from doing that, because it is like telling someone anywhere within the County that you can't rent your house out for 6 months. I don't know what the legal aspect of that is so it is probably best that I don't comment whether or not the developer would or what would prevent them from doing that.

Kathy Webb said her last question then is who collects the bed tax from that. I know that in Polk County they collected \$1.6 million last year on Airbnb. Does the City get that or does the County.

Community Development Director Amy Palmer said the tax collector collects that I believe and it goes to the Visitors and Convention Bureau which in our County is Tourism and Sports Marketing Group.

Kathy Webb said thank you.

Bud Strang of 1733 East Lake Cannon, Winter Haven, Florida. Gapway has quite a bit of property in this area and we are equally concerned about Lake Arietta and on a larger scale how north Auburndale develops. That is one of the reasons we are participating in the joint development effort with the City and some of the other owners. Claude I will need to confirm this, we are the current owners of the property and we have a contract to sale to the developer who Claude represents. We will need to confirm with them but I'm not actually certain that the boat ramp would be open to the short term rental. The Enclave which is roughly 30 acres that is being developed on a single family basis. This is going to be a higher end development, in the \$400 - \$450,000. Homes is what is planned in there. Gated. Don't hold me to it we will find out, but I believe that the boat ramp will only be for the residents of the Enclave itself. But we will confirm that.

Commissioner Matt Maloney said Bud real quick I'm sorry, you said

Chairman Perry Price said wait a minute we will have our questions later.

Bud Strang said another thing he wanted to point out is the lake quality. This is going to be a brand new development with water and sewer. One of the biggest problems on Lake Arietta is the number of septic tanks that are around the lake, and that in terms of water quality is one of the biggest problems. It's a tough problem to solve too. An expensive problem to solve. The third thing I wanted to point out is that the short term rental, this is not like there is an existing neighborhood where there is one property owner decides to put their house into the short term rental pool. This is a development that is just short term rental. It is really to address the issue of Lake Myrtle Sports Park, SunTrax, Poly, there is no place for people to stay in north Auburndale. There is a real need. This was going to be designed from the ground up to be a short term rental where you have a short term rental property, a single family home with a full time resident next to it. This will all be short term rentals and it will be managed in that fashion. I think it will end up being a real asset to the community. We need places for people to stay when they come for these soccer tournaments and things such as that. I just wanted to make those points.

Claude Cassinol said from the beginning the first PD that was done on this from a water quality stand point, Bud and John water quality has always been a concern. Number one as Bud mentioned this is all going to be public sewer no septic tanks. The other thing we did and this goes back to the first when this all used to be all single family. The triangular pond that you see there is actually a dry retention pond. The water goes down far enough that we can't make it wet. From the stand point that it benefits that there is going to be a lot of water that perks into the ground. Another thing I wanted to point out is the out fall to the lake is up toward the north east corner there. There is a long rectangular portion there that is also filled with large riprap that the outfall from the lake will go to the west of that one lot and then will sheet flow through that riprap and into the lake. We also, this goes way back had worked with the County as far as with that pond. That was something that was really important from the stand point of Gapway development of this that the state did not have a direct pipe going into the lake. It goes into that same area where there is a lot of rock. There is a lot that we have done to make sure that we are doing our part from a water quality stand point. As Bud said, septic tanks on a lake is one of the biggest problems on a lot of Florida Lakes. As engineers we have seen that be an issue. We have had projects retro fix that we have done where older developments have been taken off of septic, put on public sewer to keep those areas from draining to lakes that have problems with septic tanks.

Ron Holzman 173 Paradise Lane said Mr. Strang nice to see you again. I'm counting 14 lots on the lake, is that correct or is it more than that? 14 private homes. I'm a former board member from the Ariana Shores manufactured home community. I served on the board for 4 years. That really doesn't mean anything except that we have a very strong HOA in our community. We have 128 homes. We talked a little bit about retention ponds, I know about retention ponds. We talked a little bit about lake quality which is where my caveat happens to be, that is what I am concerned about mostly. I know we have a problem in fact I was instrumental in putting a gate up on our community to keep outsiders out of Lake Arietta. Lake Arietta is a private lake. I think we all know that. There is no public access. The public access used to be in the cow pasture. I remember when I moved down here it was there. You are right, it was a mess, it was a mess. Bottom line is I'm a little bit crazy wondering if whether or not we are going to be a strong HOA in this community to be able to say no. For instance in my community I cannot not allow a friend to come in and launch his boat from our ramp unless, I'm in the boat. Nobody gets a chance to come on our lake unless I'm in the boat. Now that does not mean I can't get out of

the boat in 5 minutes and go home and have my coffee. But, I need to be in that boat when a friend of mine wants to come and launch his boat. My driver for the Lake Watch community is right here. Dave and I have been friends for a lot of years. We both know that boats bring seeds from other lakes. This is a problem. USA Waterski is going to be big. I'm a USA Waterski level two instructor. We are going to hold a lot of tournaments at that Lake Myrtle Complex. We are going to have a lot of people come in, we are going to bring a lot of boats from a lot of different states to do the tournaments. A skier does not want to ski behind somebody else's boat, they want to ski behind their boat. Where has that boat been? I don't know. These are the kind of things that concern me and I'm sure concern a lot of our neighbors. Maybe we don't think outside that box, I don't think that much outside the box as much as I would like to sometimes, but when I hear these things come up I understand the retention ponds, I get how they work, they are filtering. Remember I said this is a run off lake, this is a gathering lake, and everything that falls on the ground around that lake goes into that lake. Right now there is nothing there but trees it is a dead grove, I got that. But I was just curious you said the upper limit you said will be \$450 that is going to be a nice house. Once again I go to that question where Kathy was talking earlier about are we going to be able to rent those houses, I hope not, but we will just see, just curious.

Bruce Eelman of 524 Shalisa Blvd, Auburndale, said he had a question for Bud Strang. Is it my understanding that the duplexes and Phase 2 which are the only ones that will be for short term rentals, that they will be short term rental only and not residents as well? Or there will be residents that are optional for short term rentals? There will be no people residing in those year around in those 25 duplexes.

Bud Strang said that is not the current plan. This is a horizontal hotel except it will be one owner owning all of them and will be operating even the short term rentals. It won't be from the north east part of the County there are a lot of houses sold, people buy them and they operate them as a short term rental. This would be one owner for all of the units.

Bruce Eelman said the owner will typically be then the management company that is managing this HOA?

Bud Strang said Cannatelli homes who is the developer of the Enclave which is a high end residential project, I do not know what their HOA plans are but my guess is they have been doing this for a long time and is their HOA is something you would find in a development of that caliber. We can't control that, the market is going to dictate that. As far as the short term rental the plan is not to sell these units like up in the northeast part of the County where they will sell it to an investor who will put it in a rental pool. This is going to be one owner, most likely Gapway that will own all 25 units and it will be managed as one project that is our current plan.

Bruce Eelman said just to follow up on Mr. Holzman earlier prior to moving to Florida we lived at a lakefront property up in Pennsylvania. It was a smaller lake than Lake Arietta it did not have a HOA but it had a club that over saw the care of the lake to make sure the water quality was good. They had restrictions it was a private lake and it was also required to be documented by a sticker on the boat before you could put that boat into the water on that lake. Any homeowner that was found to have a boat that was non stickered on there would lose their boating privileges on the lake. Just to make sure that the water quality was maintained. I know that type of thing would be possibly impossible to regulate here in Auburndale because there are so many communities around the lake itself. Whereas the place we had in Pennsylvania was a single community. I thank you for my time.

Chairman Perry Price said last time anyone else?

Chairman Perry Price closed the Public Hearing and reopened the Regular Meeting.

Commissioner Matt Maloney asked where is the gate going to go.

Claude Cassinol said there is actually going to be two gates, it is a little bit in flux right now but the plan is to have a gate at the entrance and another gate at the entrance for the high end development. That is what Bud would be checking on to see from the stand point of whether or not these would have access. Two gates are planned currently, one at the main entrance and another one Cannatelli would like to construct a gate so the residents would have the only access to the single family.

Commissioner Jody Miller asked about the clubhouse is that only for Phase 2.

Response from the audience inaudible.

Commissioner Danny Chandler said Amy just to clarify this zoning already exists on the property correct?

Community Development Director Amy said yes this is a modification to the Planned Development.

Commissioner Danny Chandler said all we are doing is really just changing the number of dwellings on the property?

Community Development Director Amy Palmer said you are changing the number of dwellings to a little bit higher because they have taken out a clubhouse on the lakefront so where that clubhouse was there are now single family lots and the other thing we are doing is reducing the number of short term rentals. So short term rentals were allowed throughout now it is only for Phase 2 where the duplex is.

Commissioner Danny Chandler said actually reduce and sectionalized.

Community Development Director Amy Palmer said correct.

Commissioner Brian Toune asked if in the previous 2015 the binding agreement called for multiple single family rentals right.

Community Development Director Amy Palmer said right, those were duplexes.

Commissioner Brian Toune said at what point do we know this is going to be 25, two families? Can it come back 43 families?

Commissioner Danny Chandler said by the site plan.

Commissioner Brian Toune said this is the site plan that will be final?

Community Development Director Amy Palmer said yes.

Commissioner Brian Toune said because the other one was binding too.

Community Development Director Amy Palmer said yes that is the reason why there are requesting a modification. That plan was never built and they are requesting the modification.

Commissioner Danny Chandler said if we do nothing today they can technically go build a complete community of short term rentals, as it sits right now.

Community Development Director Amy Palmer said correct.

Commissioner Jere Stambaugh said on the timeline hasn't that expired.

Community Development Director Amy Palmer said the timeline has expired they would have to come back for approval for that.

Commissioner Jere Stambaugh said the PD we passed before has expired, and they are coming back to amend it and reinstate it. What I'm hearing here is basically two concerns at least. The quality of the lake and also short term rentals. For the lake, I used to swim in Lake Arietta as a kid in the 60's. I agree with what everybody says it was very clear. For years the whole lake was circled basically with citrus groves. Being a citrus grower as Gapway Groves is orange trees loved a lot fertilizer. We used to put a lot of fertilizer on what was permitted. Ten years ago everybody got concerned about what citrus growers and any agricultural and any homeowner were doing so there was a system created called BMP (Best Management Practices). At that point citrus growers were limited to how much fertilizer we could put on in one application. These soils are very leachable. You can't hold water on it. You can't hold fertilizer in it. If you put on a heavy application of fertilizer at one time and you get a 2-3 inch gully washer that fertilizer goes right through the soil and has a potential to even get into the aquifer. We became very mindful of this years ago so we started modifying how we applied fertilizers. Now because of greening this grove is out of production because of the citrus greening. Just like all of mine are and most of everybody else's is. That is good because you won't be putting fertilizer on for groves but then when houses come the yards will be fertilized. Many counties and cities have put on restrictions on how much fertilizer you can put on during the rainy season of the summer. That is in essence to stop or slow down this leaching of the fertilizer which gets into the lakes. You get a positive that there is no more agricultural fertilizer going on but then it is going to be basically replaced with some form of fertilization for the yards. There are controls that are bettering it. Will the lake ever get back to the 60's? I don't think so. Will it get better? Yes it will with these types of practices. So I think that yes with more development there is potential for the concern of the lake. We all are concerned for the lake. Those are our pride and joys especially in Polk County and the area. The second thing is the concern for the short term rentals. I like this design where you are going to cluster them in a different unit, what I'm wanting to hear is that you won't allow any especially along the lake short term rentals. Bud speaks that they are not the developer. We do have the ability to have that in the Planned Development language to say that you cannot allow any short term rentals on that part of it. Then of course the deed restrictions will regulate that. We do have the ability if I am correct Amy that we would like to state that we do not want any short term rentals.

Community Development Director Amy Palmer said it is her understanding that the state has taken that right away from the local jurisdiction. We are unable to zone or regulate any type of short term rental use. Anybody can turn their house into a short term rental unit.

Commissioner Jere Stambaugh said he agreed with Bud that the quality of this development probably - probably is a getcha word, like when you assume you wish you hadn't assumed that. Probably it won't but as Amy says we can't demand it. I hear people talk about will there be a HOA. The Water Management years ago said that some entity has got to be created in every development to maintain the ponds. That is an HOA. Unless I am mistaken an HOA is basically mandatory in all developments. So sure there will be an HOA. The deed restrictions will be drafted by the developer. The developer wants to do an HOA because they want to sell \$400, \$500, \$600 thousand dollar homes.

Bud Strang said I really do think for the reading I have been doing I think the market will take care of it. What happens is if you are trying to sell houses with Airbnb the buyer wants to know that he has got protection that the house right next to him is not going to be operated as a short term rental. I can't speak for the developer but I would be absolutely amazed if there wasn't something in their HOA or whatever because that diminishes their development and their houses.

Chairman Perry Price asked if this is one of the only developments that has City sewer on that lake now.

Community Development Director Amy Palmer said yes there are other subdivisions that have waste water service. Mr. Chair we are out of the Public Hearing and staff recommends approval of the Zoning Map Amendment.

Commissioner Matt Maloney said I'm hung up on the gates. If we don't talk about the gates this binding site plan has none. Could they potentially build this thing and say yeah we are going to have two gates and production ends and there are no gates and short term rentals have full access.

Community Development Director Amy Palmer said Mr. Maloney that could be a condition of approval.

Chairman Perry Price said if they are drawn of this piece of paper they will be installed.

Commissioner Matt Maloney said he loved the idea of having the short term rentals separated.

Commissioner Jere Stambaugh said the gates if there is two of them, that is two gates to prevent people from getting to the boat ramp. I like that idea and the developer I am sure will like that too. I think that is a good point.

Commissioner Brian Toune said so we are saying an access gate and a control gate for the private area.

AGENDA ITEM 8: Recommendation Amending the Zoning Map Amendment – Enclave at Lake Arietta

Motion was made by Commissioner Matt Maloney and seconded by Commissioner Brian Toune approval of staff recommendation with the amendment that we include gates separating the short term rentals and the single family units and an entrance way gate.

Chairman Perry Price said there is a motion made and second that we recommend to the City Commission approval based on the amendment of two gates added for the separation of the Phase 1 and Phase 2. All those in favor signify by saying aye. Upon vote all ayes.

Community Development Amy Palmer thanked the Planning Commission saying she appreciated the conversation and the recommendation that we will take to the City Commission.

AGENDA ITEM 9: PRELIMINARY PLAT – 5 POINTS ESTATES – OLD LAKE ALFRED ROAD

Community Development Director Amy Palmer stated the Planning Commission will consider a preliminary plat before making a recommendation to the City Commission for 5 Point Estates. The City has received a preliminary plat from property owner Will Carson for a 63-unit single-family dwelling development on 18.33 acres located on Old Lake Alfred Road, near 5 Points. The preliminary plat has been reviewed by all City Departments and meets all City Codes and Land Development Regulations. The property is zoned General Residential-1 and meets or exceed all Land Development Regulations, including minimum lot size, minimum setbacks, and minimum house size. The RG-1 zoning district requires 25' front yard setbacks, 10' side yard setbacks, and 10' rear setbacks. The minimum lot size proposed will be 7,200 sq. ft., as required by the zoning code. Access to the subdivision will be from Old Lake Alfred Road, a County maintained road. Five-foot sidewalks will be provided on both sides of the street. All retention areas, roads, sidewalks, and open spaces will be dedicated to and maintained by the Homeowner's Association. Following the Planning Commission's recommendation, the preliminary plat will go to the City Commission for approval. Preliminary plat approval by the City Commission allows the developer to proceed with construction plan approval and final plat approval, which would be the final stage of the subdivision. Staff recommends approval of the Preliminary Plat to the City Commission. At this time the property was shown on the screen. This Preliminary Plat does not show 5' sidewalks that were mentioned in the analysis. That was shown on other planning sheets that the City has received and reviewed. That is being provided on both sides of the street. The engineer is with us this afternoon from Sloan Engineering if there are any questions regarding the plan.

Commissioner Jere Stambaugh asked if this zoning allow duplexes.

Community Development Director Amy Palmer said this zoning does allow duplexes. The way these lots are designed they would only allow for a single family lot.

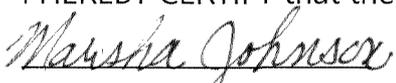
Commissioner Jere Stambaugh said the design and layout of the lot would not accommodated the duplex.

Community Development Director Amy Palmer said it would prevent the duplex from being developed, yes. Good question, thank you.

Motion was made by Commissioner Mike Mahler and seconded by Danny Chandler to recommend to the City Commission the Preliminary Plat. Upon vote all ayes.

Chairman Perry Price stated the meeting was adjourned at 5:12 p.m.

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



Marsha Johnson, Secretary