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Minutes of the Regular Meeting of the City Commission of the City of Auburndale held March 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 Jim Mitchell of the First United Methodist Church and a salute to the flag lead by Boy Scout Troop 115.

The members of the Boy Scout Troop were: Caleb Williams, Matt Williams, Wiley Durrance, and Trenton.

**Motion** by Commissioner Keith Cowie, seconded by Commissioner Dorothea Taylor Bogert, to approve the City Commission Minutes of the February 18, 2019 Meeting. Upon vote, all ayes.

City Manager Green said next week Monday and Tuesday is Polk County Day in Tallahassee and the March meeting for the Ridge League of Cities is on Thursday in Bartow at the Civic Center.

Police Chief Andy Ray asked Thrasey Tucker and Deputy Chief Carin Ketcham to come forward. He said the Florida Department of Law Enforcement, the Florida Commission on Law Enforcement Accreditation, accredits the Department. He introduced Thrasey Tucker, the agency's Accreditation Manager and Carin Ketcham, who oversees that responsibility within the Police Department. On February 20, they went to St. Augustine for the re-accreditation process. The Police Department was initially accredited in 2010 and re-accredited in 2013, 2016, and now 2019. He said they were on their way to reaching Excelsior status, which is our fifth re-accreditation process. He said it was a privilege for us to where we are now from the beginning in 2010 in getting all the documents and files ready. The initial accreditation is a big deal and there was a lot of work that goes into the process. He said the harder thing is to be reaccredited, as you have to have all the policies in place and have the ability to show proof that we follow our policies. Those proofs usually involve a proof from each year for the three years for each of the 238 standards for the Police Department. Basically, it shows the Auburndale Police Department is committed to accreditation, we are a professional organization, we hold our people accountable and we hold ourselves accountable as leaders of the organization. They had an initial presentation at 8 a.m. and then went before the full panel of the Commission at 10 a.m. The panel consists of 18 police chiefs and sheriffs from across the State. We talked about our agency, our great city, about the support from each of you, support from the City Manager, and he said he even called it utopia. He said you are leading utopia here in Auburndale and we are glad to be a part of it. He said he was pleased to have the City Manager at the 10 a.m. meeting for support. He said it was a good experience and we want to make sure we are back again. It is going to be hard work, but we have a great team. He said he wanted to show the Commission the re-accreditation certificate, to call attention to the great work these two do, and all the personnel at the Police Department.

City Manager Green said when you get introduced to the accreditation process, it is one thing. But, when you see the full Accreditation Commission and see another agency lose their accreditation for whatever reason, it makes you appreciate yours all the more.

Mayor Tim Pospichal introduced Daren Vierday with Congressman Soto's office.

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

## **1. ORDINANCE #1588 FUTURE LAND USE MAP AMENDMENT – BELL PROPERTY**

City Manager Green said under old business the first eight items on the agenda are eight ordinances that are coming to you for second and final reading. All eight items were approved on first reading in February and there have been no changes to any of the eight items being presented this evening. As we go through the City Attorney will be reading the Ordinances and then Commission action. He said if there was a need for any further explanation or discussion, please slow him down and he would expand on the item. Ordinance No. 1588 amends the Elton Bell property on the corner of US 92 and Second Street. It establishes the Future Land Use designation on the property from the County's Linear Commercial Corridor to the City of Auburndale Commercial Corridor.

City Attorney Kee read Ordinance No. 1588, which was presented and passed on first reading on February 18, 2019, by title only.

City Manager Green said the Planning Commission voted to recommend approval on February 5, 2019, and Staff recommended approval.

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

**Motion** by Commissioner Dorothea Taylor Bogert, seconded by Commissioner Richard Hamann, to approve Ordinance No. 1588, as read on second and final reading by title only. Upon vote, all ayes.

## **2. ORDINANCE #1589 OFFICIAL ZONING MAP AMENDMENT – BELL PROPERTY**

City Manager Green said now that the Future Land Use designation was established on the Bell property, Ordinance No. 1589 establishes the zoning as Commercial Highway.

City Attorney Kee read Ordinance No. 1589, which was presented and passed on first reading on February 18, 2019, by title only.

City Manager Green said the Planning Commission voted to recommend approval on February 5, 2019, and Staff recommended approval.

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

**Motion** by Commissioner Keith Cowie, seconded by Commissioner Bill Sterling, to approve Ordinance No. 1589, as read on second and final reading by title only. Upon vote, all ayes.

**3. ORDINANCE #1590 FUTURE LAND USE MAP AMENDMENT – HEAD PROPERTY**

City Manager Green said the Head property sits adjacent to the Bell property and is located at 405 Second Street. Ordinance No. 1590 amends the Future Land Use Map from Linear Commercial Corridor in the County to City of Auburndale Land Use Commercial Corridor.

City Attorney Kee read Ordinance No. 1590, which was presented and passed on first reading on February 18, 2019, by title only.

City Manager Green said the Planning Commission voted to recommend approval on February 5, 2019, and Staff recommended approval.

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

**Motion** by Commissioner Bill Sterling, seconded by Commissioner Keith Cowie, to approve Ordinance No. 1590, as read on second and final reading by title only. Upon vote, all ayes.

**4. ORDINANCE #1591 OFFICIAL ZONING MAP AMENDMENT – HEAD PROPERTY**

City Manager Green said now that the Future Land Use designation has been established the Head Property at 405 Second Street, the petitioner has requested the same land use and zoning as the Bell Property. Ordinance No. 1591 establishes the Head property as Commercial Highway City of Auburndale Zoning.

City Attorney Kee read Ordinance No. 1591, which was presented and passed on first reading on February 18, 2019, by title only.

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

**Motion** by Commissioner Richard Hamann, seconded by Commissioner Bill Sterling, to approve Ordinance No. 1591, as read on second and final reading by title only. Upon vote, all ayes.

**5. ORDINANCE #1592 OFFICIAL ZONING MAP AMENDMENT – ENCLAVE AT LAKE ARIETTA**

City Manager Green said Ordinance No. 1592 was approved on first reading at your last meeting for the Enclave at Lake Arietta. The approved Binding Site Plan would change from the current zoning classification of Planned Development Housing Development 1 or PD-H1 to a modified Planned

Development Housing 1 on the vacant 78.8-acre grove. He said the owner and applicant is requesting the modification specifically the change would increase the single-family units from 39 to 41 and increase the duplexes 15 to 25 for total dwelling count of 91. Similar as the previously approved plan, the duplexes will be located at the front of the development in Phase 2, 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 25 duplex lots are proposed to accommodate short-term rental use. This is a reduction from the previously approved 69 lots. A reduction from two previously approved clubhouses to one located in the duplex section or Phase 2 of the project. The clubhouse may include related services and facilities such as a pool, gym, spa, meeting rooms, gift shop, restrooms, and administrative offices. As recommended by the Planning Commission, the project will have two gates – one at the entrance to the subdivision and one at the entrance to "Phase 1", the single-family residential community. The developer has shown two gates on the binding site plan – one at the entrance to the duplex/short-term rentals, and one at the entrance to the single-family residences. Setbacks will be as follows: Front 25', side 7'5", rear 10', corner 20', Planned Development Perimeter 25'. The minimum lot size is 13,000 sq. ft. The project includes a boat dock and a boat ramp. The project will have a single access on Berkley Road at the stop light for the Lake Myrtle Sports Park. As with the previous approved binding site plans, 7.48 acres fronting Berkley Road is being reserved for future development. The 7.48 acres will maintain a Future Land Use designation of Residential Low and Zoning designation of Planned Development Housing-1 consistent with the balance of the property. Any development of the 7.4 acres will require an amendment to the Zoning Map and Public Hearings before the Planning Commission and City Commission. The requested modification to the Planned Development-Housing 1 Zoning classification is consistent with the City's Land Development Regulations, and existing development patterns in the area. 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 February 18, 2019 and was being presented for second and final reading. The Planning Commission voted to recommend approval of the modification to the Planned Development Housing 1. However, the Planning Commission did recommend two gates, one at the entrance to the subdivision and one at the entrance to the residential community by unanimous vote February 5, 2019. The Binding Site Plan showed the Planning Commission recommendation of the two gates. Staff recommend approval of the Ordinance amending the Planned Development Zoning and Binding Site Plan.

City Attorney Kee read Ordinance No. 1592, which was presented and passed on first reading on February 18, 2019, by title only.

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

**Motion** by Commissioner Keith Cowie, seconded by Commissioner Bill Sterling, to approve Ordinance No. 1592, as read on second and final reading by title only. Upon vote, all ayes.

## **6. ORDINANCE #1593 ANNEXING PROPERTY INTO CITY LIMITS – WILSON PROPERTY, GANDY ST**

City Manager Green said the Ordinances under Agenda Item No. 6 and No. 7 annex property that are adjacent to each other. The Edward Hicks property, the .88 acres, is located on Gandy Street. The annexation request was as a result of the petitioner needing potable water back in 2006. Desiring to have additional annexations on the street, the City never acted on the annexation. The property has since been split into two separate parcels. The vacant neighboring property to the south, what we call the Johnson Property, has requested annexation in order to construct a house. Mr. Joe Johnson has signed a separate annexation petition. The property is contiguous with existing City limits and does not create an enclave. The property to the north, the Wilson Property, currently contains a mobile home and has water service. Both properties currently have a Polk County Land Use designation of Residential Suburban (RS). Establishing a City Future Land Use and Zoning will come before the City Commission later this month. The action currently before the City Commission is only on the annexation of the property into the city. The Ordinances were prepared by the Community Development Department. The proposed Ordinances were approved on first reading February 18, 2019 and are being presented for second and final reading. The first Ordinance annexes the Hicks property.

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City Attorney Kee read Ordinance No. 1593, which was presented and passed on first reading on February 18, 2019, by title only.

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

**Motion** by Commissioner Dorothea Taylor Bogert, seconded by Commissioner Keith Cowie, to approve Ordinance No. 1593, as read on second and final reading by title only. Upon vote, all ayes.

**7. ORDINANCE #1594 ANNEXING PROPERTY INTO CITY LIMITS--JOHNSON PROPERTY, GANDY ST**

City Manager Green said as noted the Johnson property sits adjacent to the Wilson property, both on Gandy Street. We have a second signed petition by Mr. Johnson to annex that property.

City Attorney Kee read Ordinance No. 1594, which was presented and passed on first reading on February 18, 2019, by title only.

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

**Motion** by Commissioner Keith Cowie, seconded by Commissioner Richard Hamann, to approve Ordinance No. 1594, as read on second and final reading by title only. Upon vote, all ayes.

**8. ORDINANCE #1595 ANNEXING PROPERTY INTO CITY LIMITS – WURTZ PROPERTY, EAKER ST**

City Manager Green said Ordinance No. 1595 annexes the Betty Wurtz property - 2.42 acres. The property location is at the end of Bridgers Avenue at U.S. Highway 92 and Eaker Street. The property is contiguous with existing City limits and does not create an enclave. The property currently contains several vacant buildings. Annexation will allow the property owner to redevelop the property to include self-storage, recreational vehicle storage, and a small business selling storage sheds. The property currently has a Polk County Land Use designation of Commercial Enclave. Establishing Future Land Use and Zoning classification will come before City Commission, at later dates. The action before the City Commission is only on the annexation of the property into the City.

City Attorney Kee read Ordinance No. 1595, which was presented and passed on first reading on February 18, 2019, by title only.

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

**Motion** by Commissioner Richard Hamann, seconded by Commissioner Bill Sterling, to approve Ordinance No. 1595, as read on second and final reading by title only. Upon vote, all ayes.

**9. PUBLIC HEARING – COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING**

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

City Manager Green stated the Public Hearing was to receive input on the Fiscal Year 2019/2020 Community Development Block Grant funding cycle. The Commission was provided a copy of the letter from Polk County Department of Housing and Neighborhood Development suggesting our CDBG allocation for next year is \$83,488.90.

Assistant City Manager Jeff Tillman said in two previous CDBG funding cycles, FY 2009-2010 and FY 2013-2014, the City Commission entered into agreements with the Town of Dundee that allowed Dundee to utilize the City of Auburndale's CDBG funding allocation to complete several large projects that would not have been possible, if not for the cities working together. Dundee reimbursed Auburndale each year with their full allocation until the City of Auburndale was totally repaid. The Town of Dundee has requested Auburndale to enter into similar agreement this year. The City of Auburndale is scheduled to receive \$83,488.90 of CDBG funding in FY 2019-2020. Under the proposed agreement: 1) Auburndale would allocate its FY 2019-2020 CDBG funding in the amount of \$83,488.90 to the Town of Dundee and 2) The Town of Dundee would allocate future CDBG funding to totally reimburse the City of Auburndale. The current Dundee allocation is \$22,285.22 for FY 2019-2020. With the Auburndale allocation, Dundee would have \$105,000 to do a substantial project. In addition, the City anticipates rollover funds from previous funding cycles, FY 2017-2018 and FY 2018-2019, to spend during FY 2019-2020 funding cycle. The City plans to continue property acquisition of vacant lots within CDBG Target Areas for donation to Habitat for Humanity as previously approved in prior funding cycles. Staff recommended approval of the proposed projects for the FY 2019-2020 Community Development Block Grant funding.

City Manager Green said in compliance with Community Development Block Grant regulations the City of Auburndale is holding a Public Hearing for the purpose of receiving direct citizen input on suggested proposals. After the presentation by City Staff, the Commission will entertain public comment on these and other community development needs.

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

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

## **10. APPROVAL OF COMMUNITY DEVELOPMENT BLOCK GRANT PROJECTS**

City Manager Green said he could not say enough about these two particular projects. The partnership with another municipality in the County has been heralded by the CDBG folks all the way up to Washington as the way government should work. Also, the use of our CDBG allocations to buy vacant properties and donate them to Habitat in the CDBG target area has also been viewed by the CDBG as an excellent project to help in community development. The funds have to be spent in the target area. Staff recommended approval of the proposed projects for FY 2019-2020 CDBG allocation.

**Motion** by Commissioner Dorothea Taylor Bogert, seconded by Commissioner Bill Sterling, to approve the proposed projects for the FY 2019-2020 Community Development Block Grant funding.

Commissioner Bill Sterling said it has worked well in the past. It has really helped the City of Dundee do some things they were not able to do, if we did not partner together. He said he was glad we were doing this again to assist them in future development. He said this is what government was about – working for the people.

Upon vote, all ayes.

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**11. PUBLIC HEARING – OFFICIAL ZONING MAP AMENDMENT – CG JEANS PROPERTY**

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

City Manager Green said the Public Hearing was to consider the first reading of an ordinance that would amend Ordinance No. 764, the Land Development Regulations and City's official zoning map.

Community Development Director Amy Palmer said the City has received a request for a zoning map amendment from petitioner Kyle Wilkes of Poulos and Bennett Engineering, for property owner Susan Collins. The property is located between Adams Road and Lake Van Road. She showed the aerial view for the property. The property was annexed in 2005 and a Future Land Use of Low Density Residential was established at that time. She said no zoning classification was established. They are here today to request a zoning of Planned Development-Housing 1. She displayed a zoning map of the property and said it was surrounded by Planned Developments and RS-2. The property is 120.56 acres. Kyle Wiles of Poulos and Bennett Engineering, on behalf of property owner Ms. Susan Collins has requested to establish a zoning district of Planned Development Housing 1 on 120.56 acres. As required by the Land Development Regulations or LDR's, this request was accompanied by a binding site plan, which was shown on the screen. The request will allow the applicant to construct a 249 lot single-family residential subdivision. She displayed a close up of the plan and described the boundaries for the property and wetlands that would be preserved and provide a buffer. The proposed development would allow a minimum lot size of 6,900 square feet and minimum lot width of 60 feet. She said this was included in the Ordinance. There were some additions to Exhibit B at the Commissioner's seats this evening, which includes a little different site plan, setbacks, and a few other notes that will be included as part of the Binding Site Plan. These notes are included in the Ordinance and this would show the minimum lot size of 6,900 square feet, minimum lot width of 60 feet, and setbacks. The original setbacks, which were presented to the Planning Commission, were changed on Friday from 20 feet to 23 feet. Staff had raised some concerns with the setback, with the developer, since it had been proposed to the Planning Commission. There are several subdivisions along that street that have 20 foot setbacks and the Fire Department has had some issues making their way down that street because of cars parked in the road. In addition, our Building Department has had a few issues with the interior side setbacks of five feet mainly because the mechanical equipment is so close to each other and sometimes it is difficult to get through with the mechanical equipment being right next door to each in those five-foot setbacks. She said also when the house is being constructed, when you get ten feet between homes, you have to be very accurate when you are building the house. So the developer has made some changes to the site plan including an increase from the 20 foot setback to 23 foot and they are proposing that the mechanical equipment not be placed on the side, but be set to the rear of the house. AC units and other allowable items are prohibited and have to be relocated to the rear of the house. The rear setback is proposed at 15 feet. She said you would see a note for the binding site plan that air conditioning units and other allowable accessory structures will be prohibited within the five-foot side yard setbacks and shall be located in the rear yard. The proposed lot dimensions are consistent with several of the neighboring subdivisions including Diamond Ridge, Lake Van Estates and Watercrest. She displayed a table of the City's residential zoning districts. She said one of the reasons for doing a Planned Development is because you want to do something a little bit different than what is allowed in the regular zoning district. She said this is the case in this subdivision. We have a minimum lot size of 6,900 square feet. The minimum lot size for RG-1 zoning district is 7,200 square feet, so this one is smaller. The setbacks are different, which is another reason for doing the Planned Development, if you want to do something different than the regular zoning district allows. They are requesting the 23 front, the 5 on the side, and 15 in the back. She said she wanted to show you the lot dimensions are consistent with several of the neighboring subdivisions. The two Indian Springs are zoned RS-2 and are a little bit larger lot size, with a lot width of 75 feet and 70 feet and lot sizes of 9,500 square feet. Eagle Point is a Planned Development and again is smaller than what is allowed by your zoning code, so you have lot sizes that vary between 47 feet and 62 feet with lot sizes of 6,200 to 6,900 and the setbacks are different at 20 front, 7 side, and 10 rear. At Meadowview Lane, the zoning is RS-2 with an 83-foot lot and just over a ¼-acre size lot if 11,600. Farther east adjacent to the subdivision, you have Diamond Ridge Subdivision, which is another Planned Development, with a minimum lot width of 57 up to 65 feet. The lot sizes are 6,300 to 6,900 and the setbacks are: 20 front, 7 side and 10 rear. Lake Van Estates, which is a Planned Development similar to Diamond Ridge and the Watercrest subdivision, which is the 230-lot subdivision currently under construction, were approved as a Planned Development with 50-foot lots by 120. They have 6,000 square feet and the setbacks are 20, 5 and 15. She said as we move on and talk about the rest of the subdivision,

five-foot wide sidewalks are shown on both sides of the street and road widths meet the Land Development Regulations. The binding site plan includes open space and a recreation tract. The requested zoning district of Planned Development-Housing 1 is compatible with the existing underlying land use of Low Density Residential and Chapter 6, Planned Developments, of the City's Land Development Regulations. Significant discussion was held during the Planning Commission meeting on January 8, 2019 not only related to lot size but also related to traffic concerns, especially along Adams Road. The traffic study completed by the engineer showed that following complete build-out of the subdivision, the intersection of Hwy. 559 and Adams Road would be a level of service "D" at peak hours. That is currently our level of service standard for all roads in the City. Further discussions with the traffic engineer, provide for the inclusion of the new subdivisions on Adams Road, including the Watercrest subdivision and the H-Block subdivision. If you will recall, Watercrest was just platted and is under construction and H-Block is at the intersection of Adams Road and 559 and has gone to the Planning Commission two times and will be going back a third time tomorrow for zoning approval. The Planning Commission kept denying that one basically because of lot sizes and also issues with Adams Road and the 559 intersection. She said these two kind of go hand-in hand with related issues. With the inclusion of the new subdivisions on Adams Road, the Watercrest and the H-Block, it would create a failing intersection during peak hours. The developer has agreed to contribute their proportionate share towards the improvements of the Hwy. 559 and Adams Road intersection. The developer will enter into a Developer's Agreement with the City prior to platting to address these improvements and a financial commitment. The City and County are partnering with the developer of this project and the H-Block project to identify what improvements will be required to alleviate the failing level of service. On the Binding Site Plan, the developer has included a note – the note states that they will participate in their potential fair share in order to achieve concurrency for the project. We are at the point of zoning right now. The point when concurrency is determined is a long way, it helps us plan when we are the zoning stage, but is really when we get to platting and know exactly how many lots there will be. At this stage, a Note like this allows developer and City to work together to put a plan into action to address the concurrency issues and to address what improvements are needed at the intersections and how much it is going to cost and at what time do we need to put those improvements into place. We may not get to a failing intersection until you have 200 homes there, that timing plays an important role this concurrency question as well. The requested zoning designation of Planned Development-Housing 1 is consistent with the City's Comprehensive Plan and Land Development Regulations. The Planning Commission recommended not to approve the request, in a 7 to 0 vote on January 8, 2019. Staff recommends that given the compatibility with the existing development trends in the neighborhood and the opportunity to address the needed improvements of Adams Road, Staff would recommend approval of the Zoning Map Amendment. At this time during the Public Hearing, she introduced Bart Allen, with Peterson Myers who is representing the property owner. She said they have a presentation to make.

Bart Allen, Land Use Attorney with Peterson Myers, 225 E. Lemon St., Lakeland, said he was here tonight on behalf of the applicant. He said he was looking forward to walking through the rest of their presentation but wanted to thank Staff for continuing to work with us. We have been working on this project since between the Planning Commission meeting and tonight. We were trying to work through some issues that were raised by the Planning Commission and make sure that what you are being presented tonight is a good project for this property that is going to solve or hopefully solve future improvements and be a real asset to this community. He introduced their team present tonight: on behalf of Jeans Road Land Investment, he had Mr. Tom Chapman and Susan Collins. They are the owners of the property and they will be responsible for working through the development issues. Also introduced from Poulos and Bennett was Mr. Lance Bennett, who is a professional engineer and will talk about engineering issues that are relevant at this point and Kathy Hattaway who is an AIC Planner and will talk about compatibility and consistency with the Comprehensive Plan. The Traffic and Mobility Consultants was Mr. Ayman As-Saidi and he will talk about transportation and help assess from a transportation perspective what is going on with the project and hopefully alleviate any concerns that you have. Mr. Dillan Reeves, with Bio-Tech Consulting Inc., was here and he can address any wetland or environmental issues you may have. We have a full gamut here and will try to keep it reasonably brief. Ms. Palmer did give you a very good history of the project and he wanted to touch on a few more things. Currently, under your Code the property is designated as Low Density Residential, which allows up to six dwelling units per acres. We are not proposing to change anything on that. There are some areas that are in conservation as wetland areas that are near the lake. All that is staying the same and as Mr. Bennett goes through the site plan, you will see that those protected areas, those sensitive areas are not being disturbed and will remain as wetland.

There is no zoning currently that is kind of a thing that happened back in the day where the property was annexed and not zoned. We would like to give you an opportunity to review our Planned Development, which is what we are asking for on the 120.56 acres. Of the 120.56 acres, 35 to 36 of those acres are wetlands, so that will not be developed and will stay in conservation use. That equates to 3 or 2.9 units per acre, which is half of what the low density rate for the future land use designation is. There is a Staff recommendation of approval, even though the Planning Commission denied it or recommended to deny it. He said he thought there were some substantial changes that have happened since that denial. We have worked with staff, met with your City Manager, met with Ms. Palmer a couple of times, and have had numerous conversations. The big issues seem to be the transportation and we have now added that condition to allow us to work with your Staff to enter into a Development Agreement. One of the great things about Development Agreements in a Planned Development is that it allows a lot of flexibility to address those impacts. Often times a developer comes in and does what is adjacent to their project that is all they have power or control over. The Development Agreement allows you an opportunity to create some flexibility through the proportionate share, through the Florida Statutes; you can funnel instead of spending money not as purposefully as you might have off site. We can work with the City to identify a sum of money that can then be allocated or earmarked to go into the Adams/559 intersection at the time it is appropriate in the future. That will all be worked through with our traffic study; we will be working with Ms. Palmer and your staff to identify how that would work. One of the other issues were setbacks and you heard Ms. Palmer talk to you about setbacks. We are proposing to go to a 23-foot setback. With going from a 20 foot to 23-foot setback, this allows for 34 to 37 feet of stacking in front of the house, before the garage, off the right of way. That is adequate room to have two cars vertically stacked assuming it is not one that is a long dually vehicles. For typical passenger cars, this is adequate room to add two cars vertically stacked, off the right-of-way. We have also addressed the side yard setback issue - moving the air conditioning units and equipment from the side yard to the rear yards will maintain 10 feet of open space. The property owners could put a fence up, if that was their prerogative and still have plenty of room to mow and get access if there was drainage or some other sort of maintenance issue that needs to be addressed. He introduced Ms. Kathy to speak about the project and talk about it from a pure planning prospective – compatibility, consistency and things of that nature.

Kathy Hattaway, said she works for Poulos and Bennett, 2602 E. Livingston St. Orlando. She said she leads the planning group of Poulos and Bennett and has been a practicing planner for over 25 years and holds the AICP certification of the American Planning Association. She said she would like to take a few moments this evening to talk specifically about how our project and proposal tonight complies with your Comprehensive Plan. As has been stated, the property has a Future Land Use of low density residential, but also has a second Future Land Use of Conservation and Wetlands around Lake Van. The Low Density Residential is your least dense Future Land Use designation allowing from zero to six units per acre and as has been stated our proposed density of 2.292 is less than half of the maximum density allowed under Low Density Residential. This is also the same Future Land Use that is around all of the properties within the City to the south of our site. They are all Low Density Residential, which provides an appropriate transition between your higher density and the more interior areas of the City emitting out to the northern areas that are in the County. So this transition area of Low Density Residential at this density at this density of around three units per acre is an appropriate one. In addition to the Future Land Use density requirement in your Future Land Use element, you also have another of goals, objectives, and policies in your Future Use Land Use element, that discourage sprawl. They are intended to prevent sprawl and encourage compact, contiguous development within the City and that is particularly beneficial in that it provide proximity to existing City services and these criteria are all met by our project. It is a contiguous, compact development, as you have seen from both the aerial and site plan. There are existing neighborhoods surrounding it. The second Future Land Use is that of Conservation and Wetlands. We have over 30 acres of wetlands on the property that will remain so and provide a buffer between Lake Van and the residential development area. No residential development is allowed in that area and it will remain in its natural state. She said in consideration of your time this evening, she was not going through every policy of your Comprehensive Plan our project complies with. But, she would point out that our application package included a very comprehensive impact analysis and justification statement that addressed how we did comply with those policies, not only in the area of Future Land Use and Conservation, transportation, infrastructure, schools, capital improvements, and also recreation and open space. She said they appreciate the time this evening and was available for any questions.

Lance Bennett, Poulos and Bennett, said he was a registered engineer in Florida. He said as Mr. Allen already mentioned Ms. Palmer did an excellent overview to the project, so he will be very brief. The project site is roughly 120 acres, we have 35 acres that we preserve, leaving 85 acres that are developable, and the proposed site plan has 249 units on it, which equates to 2.9 units per acres. The minimum lot size, as Ms. Palmer mentioned, is 6,900 square feet with 23-foot front setback allowing the stacking of cars between the garage and the travel lane of the streets. The side yard setback as stated per concerns about drainage and maintenance, we are going to move the ac to the back of the homes. Each road will have five-foot sidewalks. We have provided three recreational areas that are disbursed throughout the community. The proposed densities and lot widths are consistent with the adjacent neighborhoods, as Ms. Palmer walked through earlier. Our proposed site plan has 65-foot wide lots minimum on the perimeter and 60-foot wide lots on the interior and that will be depicted on the graphic. He displayed the master site plan and described the lots, wetland conservation area, buffer, stormwater ponds, and boundaries for the property. He said access to site was Adams Road and Lake Van Road.

Ayman As-Saidi, Traffic and Mobility Consultants, said he was the Traffic Engineer on the project. He said he was registered XX in State of Florida with 23 years' experience in traffic engineering. He said his company did the traffic study and he wanted to give a brief as possible description of what we went through for the traffic analysis to give an idea of how we do things and some of the work behind the scenes. We start with a Trip Generation Analysis, which uses a standard trip generation manual, which is used nationwide that has different trades for different land uses. Traffic studies are focused on peak hours, which is the morning peak typically from 7 a.m. to 9 a.m. and the evening peak, which is from 4 p.m. to 6 p.m. Using those rates for 249 units, the morning trip generation is 180 trips and the evening is 244 trips. Next, we estimate the trips and have to assign those project trips throughout the road network and the methodology to do that is called a trip distribution analysis that is typically done using an approved transportation long-range model, which is a model of the network with a lot of different factors, productions, calculations, and employment. Using the model, it assigns the different project trips throughout the network. Using that model, we are showing 40% of the project traffic exiting to north, of that 20% goes to State Road 559, and 20% goes west to Gapway Road. And 60% of the project traffic exits on Adams Road of that 50% goes left to Mohawk Road and 10% goes to the right or west on Adams Road. Now that they have the distribution, they go through the analysis of the roads and intersections. He said he was just going to focus on the intersection of Adams and 559, as that was where they have the issue. He went over what the levels of A, B, and C mean for the roads. He said it is kind of similar to your grades in school, if you were a good student you would have a level of service A otherwise a level of service F, which is not good. He said in this case for intersections it is measured by the delay per vehicle in the intersection. Any delay from zero to 10 seconds is A and so on and then at the end anything over 80 seconds per vehicle becomes a level service F. He said this was a quick Traffic Engineering 101. When we did the traffic study analysis the first time and presented back in January, we did the analysis by assigning only the traffic from the Jeans property. By doing that, we were showing a level of service existing today with 25 seconds and adding the traffic just from the Jeans property the delay goes up to 33.7 seconds, which is a service D. After the Planning Hearing, we went back and had several additional discussions with the City and we talked about adding the additional developments that were not accounted for. We took information from the H-Block project and Watercrest and assigned similar methodology as explained earlier. By doing that, we analyzed the intersection of Adams Road and 559 and we are way beyond the 80 seconds vehicle delays - so that caused the intersection to fail. We looked at what are the options to fix the intersection, but really there was not many. Really, the only solution was by signaling the intersection. If we put a traffic signal in the analysis with the traffic light, the delay goes down to 9.9, which is a level service A. He said obviously the intersection would tremendously improve and even allow for additional growth in the future, so the traffic light would serve the area for a long time.

Bart Allen asked Mr. Chapman, owner/developer of the project to speak. He said he has a very broad and diverse history in development in the County and in the central Florida area.

Tom Chapman, Senior Partner for the development, 1901 Ulmerton Road, Clearwater, said he was not going to address any technical issues. He thanked the Mayor, Commission and residents for the opportunity to address them. He said was not going to address any technical issues as his very capable staff has covered that. He said he would address relationship issues. He displayed a map of projects they have developed just in Polk County. He said he was going to share a lot of the information tonight because you have every right to understand whom you are dealing with and the residents have every right

to understand who is coming into their community, whether we are going to affect them negatively or positively. He said he has been doing this for 45 years and developed a lot of property in Polk County. He displayed a map of developments he has developed. All of these developments we have negotiated with the Planning Department, the County Commissioners, and the residents and never had a problem. He said they have an outstanding reputation with every municipality we have worked with in Polk County. He said they have also enjoyed our reputation with Auburndale. He said he would guess that most of the residents here either live in the Estates of Auburndale or Lake Van Estates. He said he did not know how many of you know it or how many of the Commissioners know it, but we purchased Estates of Auburndale and Lake Van Estates. Nine or ten years ago, you will remember the grass was that tall on the lots. We have pictures of the beautiful entrance you have now where plants were dying, grass was dying, the rec centers were not kept up to par, and the homeowners association had no money. The property values tanked. We stepped in and try to put yourself in our position. We purchased the properties and purchased them at a very low price. He said by the way, we pay cash for everything and I am not saying that bragadotiously. He said he was going to explain why they do. He said we had two options, we could go in there and clean it up and put a builder in there right away, but remember the market was very slow back then and no builder would go in there unless the price was right. The other option was, we could have held onto the property for 2 to 3 years for the market to come back strong. He said this was his fifth recession he had been through in development. In that event, we probably would have gotten three to four times as much for the lots. We had a lot of issues to deal with. One of the major issues was the consideration of the residents for having to live in those conditions. The sooner we turn that around the happier the residents were going to be. We chose to do exactly that and began selling lots. We first brought MI Homes into the Estates of Auburndale and the first lots were sold to them at \$16,000 per lot. We got up to \$18,000 and we probably could have sold those lots for \$35,000 to \$45,000 two or three years later, but the residents would have lived with high grass that tall, in the meantime if we just put it on the shelf. He said that was not acceptable. He said they are developers that care not only about our bottom line. We want to make a fair profit, but we want the Municipality, Commissioners, Planning staff and residents to be happy with our work and we always want to leave a community and project in better condition than before we began. He said that was their goal and it may sound altruistic, but it has served us well. We get along well with every Planning Department, every Commissioner, and most of the residents in all of these projects. The projects represent just slightly under 3,000 lots in Polk County. He said they develop from Manatee County and Hernando County on the west coast to the east coast. He said most of their developments were in and around Orlando and Hillsborough County. We have come to really enjoy Polk County and Auburndale has been very good to us and we have been good to them. He said we are also the developer of Watercrest, the 233 lots at the end of Adams Road and our staff worked through all of the issues with you. He said he thought it was important that you know that. He said let me address the cash because many of you read the same articles as I do. He said he read the Wall Street Journal every day and takes all the industry publications. He said you cannot open one without an article on when the next recession will be, they have started saying sometime this year or next year. He said that is very important to you, as you do not want another Estates of Auburndale or Lake Van on your hands. We believe we are the developer that will prevent that. We have never had and never will have a project in the state of those two projects. The reason is, we pay cash for the land and development. We have three projects in Ashville, North Carolina where we build a house and pay cash as well. We are not trying to suck every dollar out of every project. When you finance a development, you only put usually 20% of the development in cash and the bank or the joint venture partners or whoever put in the balance. So your return on investment is quite a bit higher than if you pay cash. He said he has been in this for 45 years and has no intentions of going belly up though a recession, no intentions of leaving a project in the shape of Estates of Auburndale or Lake Van. It gives the residents of the City and actually builder's great satisfaction. One reason we do as many projects as we do - builders call us, as they would prefer a developer who pays cash. The developers are in a mess and if the developer goes under, they do not want to be in that situation. If there is a recession next year, as they are saying, we simply will renegotiate with the developer and if they were going to take down 50 lots a quarter then they will take down 20. He said it does not matter to them, what matters is our long-term relationship with those builders, with the City, and with the residents. We will sail through any downturn. He said in fact believe it or not, you will never hear this from another developer, we make most of our money at the bottom of a recession because we have cash and we buy cheap. He said it does not matter to us whether it is a good economy or a bad economy because we are going to be there and do the best job we can. He said he thought the Planning staff will tell you, we have complied with every request to try to satisfy all possible issues with this project. He said he certainly hoped so because that was their goal. He said he would be happy to answer about

their company, about this project or any other questions. He thanked the Commission for allowing him to explain.

Bart Allen said he would wrap up and get this to a point where the Mayor could open up the Public Hearing for public comment. He said he would refocus us back on land uses. This is a 120 plus acres, 35 acres in wetlands and conservation, and we have 2.92 dwelling units on the overall project. That is consistent and compatible, as you have heard from your Staff and our experts with your Comprehensive Plan and Land Development Regulations. We are asking for some modifications to the minimum lot sizes and setbacks, but believe we have addressed those issues that fall out of this request through the conditions to force any accessories, equipment, and things of that nature to the rear yard for access. We have provided for adequate parking in the front with the increase of the front yard setback to 23 feet, as provided in our site plan. As much as anything, we are also working for an overall solution in the transportation issue for Adams Rd and 559. Going into this Development Agreement is going to allow us to pay our proportionate share and funnel it into the improvement and make sure it goes to fix a problem that clearly is going to be one in the future. With that, the request before you tonight is consistent with the Comprehensive Plan. You have seen all the surrounding developments that have smaller lots, similar size lots, maybe a little larger or a little smaller. He said that was a sign of a good diverse residential community. He said he knew recently there were 60-foot lots in the Highland Homes community on Berkley Road. He said he is working on 50's and 40's in Lakeland. So the market is really changing from the 80's and 85's. We think with the conditions we proposed tonight to address the concerns of the small setbacks that this project is right for approval and we request favorable vote. He said they can stand to address questions now or address questions on the fly. If there are members of the public that would like to speak, we would request a couple of minutes to speak after them that address their concerns at one time.

Mayor Tim Pospichal said we would do that.

Berne Beckman, 214 Diamond Ridge Blvd., said this was his third time speaking, twice at the Commission meeting and once at the Planning Commission. He said the Planning Commission did turn it down. He said he wanted to remind you of that. It was a very intelligent discussion that evening and was turned down. He said he sees the analysis that was presented and he sees key words – failing intersection, what does that mean; intersection; but how about the road itself of Adams Road. We mention 249 houses on the Jean property, with Watercrest that is 460 cars – 498 cars that is 958 automobiles on Adams Road, not only at the intersection, that is two cars per family. He said he was glad to see that the wetlands are being left alone, that did not come up in the Planning Commission because that was not going to be tampered with. He said it really annoys him, when he sees the staff recommendation of compatibility. He said he did not think it was very compatible not for all the residents of Adams Road. A little curve ball he wanted to throw, there was no notice on that road for the Estates of Auburndale or anything about the meeting tonight. He said he has not seen one and sees one for H-Block, which is going to take place tomorrow at 4 o'clock. But, there is no notice for all those residents of Auburndale Estates, Lake Van, Diamond Ridge, you name it. There was no notice. He said it was a wonderful presentation, but there are two sides to a story. As you go along that road, there are no sidewalks. There are school buses and children walking on easements and now we have this. Keep in mind also that if that subdivision goes through that traffic, how do they get to Winter Haven. It was demonstrated that 60% of the traffic flow would go right down to Bolender Road, as it is a short cut. Is there a solution as a City? To him, when they say the word compatibility and needed improvements, how vague can that be? Please do not tell me it is a turning lane or a traffic light. Nine seconds at a traffic light, I have not been at a traffic light in this County that I have a 9 second wait. He said he knows right now that he stands at Adams and 559 for over a minute easily, just for safety. So, a traffic light or turning lane maybe, but that Adams Road was a dangerous road and God forbid that people have children or anything down that road. He said if you want to put this through, Lake Van Road has nothing going that way. He said maybe you should split this thing up into two subdivisions to ensure that all those people that live there do not have the option to come to Adams Road. It was a thought; it was one way to appease things. Interesting thing at the Planning Commission they voted it down immediately. He said he thought he used up his time. He said he would like to see notices posted. He said there are a lot of intelligent people down that road that have no clue this meeting is going on. He thanked them.

Robert Stiegel, 163 Lake Arietta Court, off Gapway Road, said they mentioned the exit onto Lake Van Road. Lake Van Road will not handle any more traffic and at Gapway and 559 that is going to be a tough entrance for us. At the entrance to our neighborhood, we have already had one fatality. He asked that the Commission think more about Gapway and Lake Van Road, as opposed to Adams Road.

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

Bart Allen said he would like Mr. Ayman to touch on some of the transportation issues that were mentioned here, as it relates to the capacity of Adams Road and Gapway Road.

Ayman As-Saidi said the reason he did not mention the roads was the roads are operating at C or better. He said not having sidewalk does not affect the level of service of the road itself. For the roads, it is directly related to the number of lanes on the road itself. A sidewalk is not a capacity related item and is more safety. The level of service for all the roads in the surrounding areas are within the acceptable range, so there is no problem with roads. The same thing goes for Lake Van. He said he did not talk about Lake Van and 559, as they had no issues.

Bart Allen said he will bring this back to a close. The sidewalk issue along Adams Road was raised, we will be required as part of the Land Development to put sidewalks along our frontage. The Developer Agreement allows us to help fix the intersection at Adams Road. So with that based upon Staff report, based on expert testimony here tonight, Adams Road and Lake Van Road have capacity at the intersection with all the other projects it will reach a failure. We will address that with the Developer Agreement. We have also addressed parking off the right-of-way and side yard setback issues. With that, this project is consistent with your Comprehensive Plan and Land Development Regulations. As you saw from the aerials, the project is compatible with the adjacent neighborhoods, like Diamond Ridge and like Watercrest. Those have 57 to 60 foot lots and we are proposing 60 to 65 foot lots. He said he believed this was a good project and we would request favorable vote. He said his entire team was here, if there were any questions for any of the technical members, they would be happy to answer and they request a favorable vote.

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

## **12. ORDINANCE NO. 1596 – OFFICIAL ZONING MAP AMENDMENT – CG JEANS PROPERTY**

City Manager Green said before we get into the presentation of the Ordinance, it would probably be appropriate for Commissioners to address the issue.

Commissioner Keith Cowie asked about the failing intersections. He said we talked about when it becomes a failing intersection it could be any development in that area that pushes it over a certain number. He asked what happens then.

Community Development Director Amy Palmer said if it triggers a concurrency issue, we would not be able to issue a development permit until that issue is resolved.

Commissioner Keith Cowie said so it would stop any building. If we build a hundred houses out there and that triggers it, no more building occurs until that intersection improvement is complete.

Community Development Director Amy Palmer said correct, so we are planning for it right now.

Commissioner Keith Cowie said the developer is willing to put funds towards that, as they said tonight. He asked what the process looked like. It was a State road now and would possibly be a County road.

Community Development Director Amy Palmer said we have been in discussions with the Polk Transportation Planning Organization as well as the Roads Division. We put it on their radar that the intersection of 559 and Adams Road will become an issue that we need to address. We are working with

the projects Transportation Engineer as well to figure out what that looks like and it looks like it is a traffic light, which will bring that level of service from the failing to a level of service A.

Commissioner Keith Cowie asked if the County or State determined the funding for that.

Community Development Director Amy Palmer said we would be working with developer and the County to figure out what that cost was and start budgeting for it.

Commissioner Keith Cowie said however long that improvement takes until it is complete, there would be no further building.

Community Development Director Amy Palmer said correct.

Commissioner Richard Hamann said he still has a little heartburn over the five-foot setback. He asked about the difference of lot sizes and said they are asking for 6,900 square foot lot size. He asked what the lot size was for RS-3.

Community Development Director Amy Palmer said RS-3 is a 65-foot lot with a minimum square footage of 8,400 square feet.

Commissioner Keith Cowie said the last gentleman that spoke brought up the intersection at Gapway.

Community Development Directory Amy Palmer said developer will be working with Polk County on that intersection because those are County roads, where Adams Road is a City road. So, the City will be addressing the southern road.

Commissioner Keith Cowie asked if we would need a separate agreement with the County to address that intersection.

Bart Allen said we would be working with the County through the typical development review process with their Transportation Organization and their engineering group to address access onto Lake Van Road and any improvements down 559 that might get triggered. We will work through those issues with the County. Whether or not it necessitates a Development Agreement will depend on how significant or if there are any improvements that need to be done. He said he could not tell you what that is right now because typically we do not go to that process until you get your zoning. This developer has gotten a little bit ahead of that game as it relates to transportation analysis and studies due to what we perceived as the significant issue. We wanted to make sure we were able to talk to you smartly about what transportation might look like. He said it was a long answer to say maybe, if we have to we certainly will. We are doing whatever is required to address any issues. The Developer Agreement we are talking about here will come back before you for a Public Hearing and approval. It is not as if this Development Agreement and the condition is something that you will never see. Before we ever get the plat approved that will be reflected in your document and will be approved by all of you. You will have an opportunity to vet it and you will have an opportunity to vet the solution we present and all the terms and conditions of that document. We believe that issue addresses that and if we have to get into that with Polk County we will. We just have not gotten there yet.

Commissioner Dorothea Taylor Bogert said we have been talking about the intersection and signalization of Adams and 559. She said she was concerned about Adams and Mohawk because I know you said it does not affect the service of the road, but that is just not a great road period. There are a lot of vehicles coming in and out near Mr. Beckman. She said she knew they did a small widening of the road, like an 18-inch section. She asked if that would include the whole road include H-Block and others to fix it from their entrance all the way down to Adams Road and then accommodating something on Mohawk because that is a pretty windy, dangerous road. She said she was really concerned about 50% that are taking Mohawk

to Winter Haven versus coming down to 559 that accommodates more traffic. She asked if there was anything in place for that.

Community Development Director Amy Palmer said no, there is nothing in place that would address the roads Mohawk or Adams and that would be because the level of service would not be failing. The actual capacity of the road would not be failing. The condition of road would be something that would have to be addressed separately outside of concurrency. She said she personally did not know what that mechanism would be.

Commissioner Dorothea Taylor Bogert said she had a lot of concern about that. She asked about the triggering and did we have to wait for it to trigger in order to get it done or was that something that was required.

Community Development Director Amy Palmer said when it is triggered, we could address that in the Developers Agreement to get some type of trip number or the number of houses that are built, which would have also correlated to the number of trips at the intersection. It would be triggered somewhere when we get to a level of service D and E, then we are starting to put the plan in place.

Commissioner Dorothea Taylor Bogert asked why do we have to wait until it fails to put the plan in place. Can we make that up front as part of the requirement to get that in place before they start building house one?

Community Development Director Amy Palmer said we would get that done before it fails.

Commissioner Dorothea Taylor Bogert asked when you say before it fails is that in the plans or before it fails in reality.

Community Development Director Amy Palmer said in reality.

Commissioner Dorothea Taylor Bogert asked if there was a way to get it done before they ever start and if this was a viable option.

Community Development Director Amy Palmer said she imagined the timing of it is an option that could be negotiated in the Developers Agreement.

Bart Allen said you are asking a hard question as we are kind of looking out in the future. He said he thought it was important that we circle back to our project and what our analysis show. If it is just our project, including what is approved in our project, excluding the H-Block and maybe some other future projects, the intersection does not fail. It meets your current adopted level of service. From a purely technical legal perspective at that point the answer is no. However, going through the Developer Agreement process allows us some flexibility on some timing for funding and things of that nature to address just your concern. What happens if we develop and another project does not develop immediately? We are developing concurrent then there is a potential we could go without ever triggering that improvement. However, through the Developer Agreement process we have ability to negotiate that trigger from a funding prospective from our proportionate share. How all that works – we will have to put some pieces together. It gets a little more intricate traffic modeling exercise. We have not quite taken that step yet. That would be the next step we need to take. As you heard from Mr. Chapman, he wants to get this project done, he wants to do good project, and he wants to be a good corporate citizen as he has been. He said we are going to be very open and cooperative to negotiating terms and will be favorable for all parties involved.

Commissioner Keith Cowie said he certainly appreciated the willingness to help with the road and the intersection and we have talked a lot about that. He asked if there was any willingness to work on the

number of lots. He said he knew there was a little give with the three feet put in the front yard and to move the air conditioner to the back, but we did not change the number of lots. He said he understood the compatibility of the neighborhoods, as we looked at that. He said his concern was the number of lots.

Bart Allen said he will answer your question in a different way. One of the gentleman stood up and spoke about making it two different subdivisions. Well we looked at that and there was a scenario from a purely project level prospective of maybe we could have made it work. However, the downside to it was, now our impacts were less on Adams Road. Our proportionate share, our ability to fund a portion of the project was reduced. We saw it as a two-edged sword. On the flip side of that, we have looked at moving things around, but at the end of the day 60 and 65 are compatible and consistent. He said he thought whether there are 5 or 10 plus or minus units at the end of the day that change is negligible. This project was proposed and designed for development. He said he was going to lean back and look over his shoulder at Mr. Chapman and see if he is smiling or frowning at me. He said he will let him speak to whether or not there is any appetite to reduce. He said this was a business decision.

Tom Chapman said that would be pushing the envelope, as to whether we will be the developer there or someone else. He said let him explain. Every one of those 20 projects you saw that we developed, every single one was 50 foot lots. The reason being is that your prospective residents, residents that just want to move up the majority do not want lots larger than 50 feet. Secondly, because the demand is not there for larger lots, the national homebuilders, you do not want a regional home built there, as they are the ones that go under first in a recession. The national homebuilders will not pay a dime more for 60-foot or 65-foot lot. In fact, they would prefer to pay less that is not what their customers want. The other issue is, from our prospective, we have to compete now with our own project. We have sold half to Portland and half to Richmond. So our costs to develop this even with 60 to 65 feet lots is going to be substantially higher than Watercrest. He said just so you understand, we have a certain amount of linear feet of roads in the project and the cost of the roads, water and sewer and the like. If you divide that out by 50 foot lots versus dividing that out by 60 foot and 65 foot you end up with a 20 to 23 % higher cost with a 65 foot lot. He said it was hard to get a lot developed for less than \$30,000 and add 23% to that. He said that was a lot of money, as you were up to \$45,000 per lot. He said it just was not profitable to us. If we have to build 65-foot lots across the board here, we are out. He said he would just sell the property. We have already bought it. He said he would sell the property, get his money out of it, and let some other developer develop it. He said that developer by the way will not be successful because he cannot. He said he had a discussion with Mr. Green that probably before you get too hung up on 65-foot lots; you probably should ride around Lake Wales, and Volusia County. Their budgets are failing; their facilities and Courthouse etc. are in shambles, as they hold to large lots. The national homebuilders are not going to enter that market. They are going to build all around the perimeter of Auburndale. If you hold to 65, this will be our last project in Auburndale because we cannot compete because the other builders are going to buy all the massive property all around the perimeter of the City of Auburndale and they are going to use the infrastructure of Auburndale. The County will collect all the taxes and they are going to use your infrastructure. He said he would be very carefully about pushing too hard for 65-foot lots, as we cannot make the ends meet.

Commissioner Keith Cowie thanked him for the comments.

Mayor Tim Pospichal said when he reads the Planning Commission minutes and he sees they all turned it down due to size limits. Now the 5-foot side setbacks, Auburndale is not like Winter Haven, Lakeland, Lake Wales, or Haines City. We are in the middle of everybody; we have a box. We have to fill it up the best way we know how for our future. He said do you understand what I am saying and we have to be very careful with this. We want to save a no and just ask if you could come back and we could massage for lack of a better term lot sizes. The five-foot setbacks just is something that... He said he just did not think it was something he wanted to look at or they want to see in this City. He said he did not want to give a no and is this something that we can talk about, that you can get with Amy and the City and discuss this lot size and the setbacks.

Tom Chapman asked what specifically are you asking for.

Mayor Tim Pospichal said he personally would like 25-foot setbacks and he does not like a five-foot setback. He said that is just five feet that is nothing for me. He said he was giving his opinion and telling you how I am looking at this. As we do have a box, Auburndale is filling up. We try to do the best job we can for the citizens to put the best projects. He said his nephew lives in Estates of Auburndale and he loves it. It is a great neighborhood, with great neighborhoods all around there. He said he was just saying we want it and can you just work with us on this instead of just saying, if we don't do it we are just not going to build it. We want you to be here, but can you look at these side setbacks, look at this and maybe instead of a 23 maybe a 25-foot setback.

Tom Chapman said he was not saying no. He was saying it makes little sense for us to put \$6 million or \$7 million into a development and not make even a fair profit. He said he would love to build whatever you want me to build. We just cannot sell the lots for a price that will give us a fair profit. We want to cooperate with you and everyone we deal with, but you also have to cooperate with us. He said it was just not profitable. If we had \$37,000 or \$38,000 in a lot, where is the profit? He said it just was not there and all we want is a fair profit. You are going to have this problem with anybody that wants to develop anything where you are going to hold to 65-foot lots other than the small guy who build four to six homes per year, custom builders. They are the guys who ought to be building on larger lots. He said it would take forever to get through a project this size if you only sell five or six a year. This requires one of the big builders. It is a big project. He asked how about a compromise with the setback of 25-feet and keep our five feet, as we have to put the utilities on the back of the house and that seems to be acceptable to every other municipality in Polk County that we build in. He asked if that would be acceptable.

Mayor Tim Pospichal asked if we can sit down with our Community Development Director Amy Palmer and City Manager Green to discuss this. He said take this opportunity and come back. He said he listened to the Planning Commission and read their recommendation. He said he was going to hang his hat on "our box is filling up". If we do not put the best that we humanly can in our City, then what do we have at the end of the day. He said he knew of the quality of work that Mr. Chapman does, we are well aware of the quality of work, appreciate the work you want to do, and work on improving Adams Road. But can you give us the opportunity to come and meet with us one more time to discuss and see if we can come up with a compromise with the side setback and the front setback.

Tom Chapman said two things. He said would you like to address that with Mr. Green and Lance could you do a quick calculation to see how many less lots, if we go to a seven foot versus five. He said he would just need a ballpark number.

Bart Allen said as he was hearing Mr. Mayor speak about maybe tabling this and meeting with Amy and Mr. Green, if we can table it for two weeks and come back at your March 18 meeting that would be acceptable to them to work on the issues.

**Motion** by Commissioner Keith Cowie, seconded by Commissioner Dorothea Taylor Bogert, to table this item and allow the developer to meet with City Staff and bring it back to us in two weeks, at our next Agenda.

Tom Chapman asked would your votes be yes, if we went with a seven foot setback.

Mayor Tim Pospichal asked the Commission if this was something they wanted to table or push back to the Community Development Director. He asked for ideas.

Commissioner Keith Cowie said he was willing to do that, if the developer was willing to meet with City Staff and review that. He said he was willing to table the item tonight, not take a vote tonight, and allow

them to meet with City Staff and bring the item back to see if we can reach an agreement.

Mayor Tim Pospichal said he is asking if we would accept the 25 and seven-foot side setback.

Commissioner Keith Cowie said he would prefer they work through City Staff and bring it back to us.

Tom Chapman asked if you had more issues than that. He said that is all he has heard.

Commissioner Bill Sterling said he had two concerns he was going to ask Amy about. The five foot setback on the side, does that open Pandora's box for swimming pools in the future, with people coming to the City to say I have my air conditioning unit sitting out back and need to come to you to get an easement to put the swimming pool in. When he talked about 40% to the north and 60% to the south, then he showed 10% going west on Adams Road going to 559, he only showed 10% going that way and 50% going Mohawk. He said he would if he lived in that subdivision, he would go up Adams Road instead of going the other way. There are some concerns there and he felt the failing rate looked better with 50% going to the east. If you are going to the west up Adams Road, he thought the calculations would not have been as favorable for the developer. He said this was with what little bit he knows about engineering, he was just a science major. He said if he lived in that subdivision on the north side, he would go north up to Lake Van Road and go out. If he lived in the bottom half, he would come down to Adams Road and go west to 559. He said he guessed 20% were going Gapway and 20% were going north, he did not know if 20% would be going to Gapway. He said he had concerns for the road traffic. He said initially here tonight and reading the Planning Board minutes, there was a great presentation, he was not going to vote for this the way it is. There was some great information tonight. He said this was just his feeling. Adams Road is a failing road and it definitely needs signalization, but we need something along that road there. He said it would be nice to pick up on the H-Block side of Adams Road going all the way down to their property picking enough room for at least a third lane there. So when you come up there, you would be able to have three lanes there at 559, one going north, one going south and one turning into Adams Road. He said he thought Adams Road definitely needed some improvements with sidewalks and signalization. He said that was just his two cents.

Mayor Tim Pospichal said he needed to get a consensus on how we are going to address this. We have a motion from Commissioner Cowie, but do we want to accept Mr. Chapman's recommendation that he would take a 25-foot setback with a seven-foot side setback. He asked if this was something you want to vote on.

Commissioner Keith Cowie said he did not want to vote on it. He wanted to see it before he took a vote personally.

Commissioner Dorothea Taylor Bogert said she was much more amenable to that, as her biggest issue were the setback for this layout. She said five foot is just not enough.

Commissioner Richard Hamann said the lot size was the big concern. He was willing to table it to discuss it some more.

Commissioner Bill Sterling said let them go back to Amy and Bobby and Staff and see what is fair to us, what is fair to them, what is fair to the community, and what is fair for Adams Road. He said the bottom line is we have the problem with Adams Road, the pressing issue. Adams Road has problems and it going to do nothing but get worse.

City Manager Green said we have a motion and a second. He said by tabling the discussion, it was mentioned earlier the H-Block goes before your Planning Commission tomorrow. The recommendation of the Planning Commission will go to the City Commission at the next meeting also. By having both of those discussions come before you at the same time really addresses somewhat of the same issues of

Adams Road and the like. He said Staff is receptive to that and your Agenda would allow for that. He said be mindful that as you bump that to the next meeting, it is pretty timely to also have H-Block on the same Agenda. Staff would have no objections to meeting with the developer to further the discussions along.

Bart Allen said for purpose of that follow up hearing, we would not put on our full-blown presentation, but reference back to comments tonight if that was acceptable to the Commission.

Mayor Tim Pospichal said thank you Mr. Allen.

Mayor Tim Pospichal said we have a motion and second. Upon vote, all ayes. Motion approved.

City Manager Green said to follow up and for clarification that will not be an advertised Public Hearing because the advertised Public Hearing was this evening. The H-Block will be an advertised Public Hearing and then under old business you would consider this matter first and then the H-Block, unless you wanted to reverse that. He said your public comment would be allowed to address both issues for somebody that was at one of the hearing and not here for the other hearing.

Commissioner Dorothea Taylor Bogert said she liked that, as she understands there was no zoning and therefore it did not require any type of publication. She said she thought it should and she was not sure what we needed to do to change that. She said she thought the people around it need to know what is coming into the vacant land next to their neighborhood. She said that would give the opportunity for individuals because she thought everybody had the issue with this particular project and this project has the same issues as H-Block, which is Adams Road, the sizes of the lots, and the number of cars.

City Manager Green said this would address Mr. Beckman's concern. He said we have only been able to present the H-Block acceptance of a Developers Agreement to address Adams Road and the intersection there. This would allow you to see that as well, to tie both of those together.

A recess was taken at 8:56 p.m. and the Meeting was reconvened at 9:04 p.m.

City Manager Green said if we leave the old business at the next meeting being the CG JEANS as the first item on the Agenda, the second item on the Agenda could be your Public Hearing on the H-Block. The third item would be the Ordinance adopting H-Block. It may be the Commission or the Mayor could suggest that the first item will be moved item #3. This would then allow the Public Hearing and public comment for all these items addressing Adams Road. He said that would allow the Ordinance numbers and everything to be in order, as we go forward.

### **13. PRESENTATION OF VEHICLE REPLACEMENT PROGRAM – POLICE DEPARTMENT**

City Manager Green said the next item on the Agenda is the presentation of a vehicle replacement program in the Police Department. He said this is something we have talked about for several years over different budget cycles. He said Chief Ray came to him with a lot of homework done on the proposal.

Chief Andy Ray introduced Steven Atwood with Enterprise Leasing. He said we have talked and he has been patient, persistent and available for the many questions. He said historically in the budget, we have replaced three to four vehicles each year. We usually do three marked cars and set aside \$10,000 and then in the next year three marked vehicles and a match the \$10,000 with \$15,000 and purchase a new unmarked car. As you know from this discussion tonight, the City is growing. We had a conversation with Mr. Green a couple of years ago. We were given permission to add a position last year, add a position this year, and two positions next year. He said this will help us with our increasing need for service in the City. We answered about 27,000 calls for service last year. We are busy and the opportunities for growth are continuing. We have had to add cars because of those positions and are budgeting for those. He went over the schedule showing the Current Plan for Vehicle Purchase and the Enterprise Lease Option 2. The

current plan is the outright purchase of 20 cars over the next five years for \$151,000, plus County maintenance per vehicle at the cost of \$95,800, less the sale of five vehicles -\$5,000 for a total of \$241,800 for the first year. The County charges the City per vehicle for maintenance with the most expensive vehicles being the oldest vehicles at \$345 monthly. The oldest 12 cars in our fleet cost us \$48,000 annually to maintain and the newest 12 vehicles cost \$10,000 – this is a \$38,000 difference for just those 24 cars. As the cars get older and have high mileage, all kinds of things may start going wrong. We have a few cars with high mileage: 170,000, 165,000, 140,000, and these are three of the first cars that we will be trading in. He said we auction the vehicles through Govdeals and get about \$1,000 per car based upon the mileage and use. He showed how the cost, with the purchase of four cars each year, over five years would cost \$1,092,000. The Enterprise Lease Option 2 was to purchase 40 cars over five years without equipment. The Lease would be \$42,394 with an open-end lease with Enterprise for the purchase of eight vehicles. The \$45,450 price would be the emergency equipment that goes on those vehicles – lights, sirens, prisoner partitions, gun racks, console, push bumper, and all the other items. The \$45,450 would outfit seven marked and one unmarked. The County maintenance fee would be adjusted to \$74,000 due to the number of new cars. In the first year, the cost would be \$161,844 less the sale of the old cars of \$8,000 for a grand total of \$153,844. We are buying twice as many cars and it is costing us \$87,000 less in the first year. The auction amount increases as part of the agreement involves Enterprise Leasing taking our cars back at the end of five years and selling those for us. When they go to auction, they will be five years instead of 12 years and have about 50,000 to 60,000 instead of 100,000 miles. Enterprise has estimated \$8,000 to \$9,000 at auction. We order the cars in black and put the 3m vinyl wrap on the vehicles from the window sill down. The wrap can be taken off, the car buffed, and then sold. Also there will be some smaller agencies that may purchase the older vehicles at \$8,000 and buy a whole fleet for their department. He said \$997,160 is the grand total over the five years, which is about \$95,000 over the five years of the plan. The benefits are we have replaced 40 cars rather than 20 cars and saved \$95,000 over the five years. The benefit to the City would be the Police Officers will be real excited and there will be a sense of pride with the equipment. This is a great opportunity to improve, as we know we are professional and take seriously what we do. We are given an opportunity to make a difference in our community everyday and we appreciate that and we want people to see that as well. He said this is our plan and it calls for eight new cars each year. It would basically turnover the fleet of patrol cars every five years. It is as cheap or cheaper than the way we are doing it now and provide better equipment. He said this was the recommendation of the Police Department.

City Manager Green said in the early days of the Comprehensive Plan and we spoke of concurrency in planning, we had to meet concurrency in your Public Works and Utilities Department, but you did not have to meet concurrency in your Public Safety Departments. One of the things we did as part of our two year budgeting and also our five-year Capital Improvement Plan is put both Police and Fire under a five year CIP that put them in the same concurrency need. He asked what was a level of service in Public Safety. He said by replacing the vehicles over the five year period is an optimal opportunity, if we can do that. He said the reason it is coming to the Commission this evening, was the funds are available in the current year for the first year. Instead of waiting until October to give approval for the first, we are in the first year now and you would see the second year come in after October. Staff recommended approving the lease agreement with Enterprise Fleet Management and authorize the City Manager to execute on behalf of the City.

Mayor Tim Pospichal asked about the K9 vehicle.

Chief Andy Ray said both the K9 vehicles are newer, a 2015 and 2016 Ford Utility Vehicle. He said you will see a little different look of the patrol cars, as we are going to put our Sergeants in a 4 wheel drive Chevy Silverado pickup truck, a special service vehicle. As there is all this development, we do not have the ability to get out in those areas. We have the Test Track and the things that are going on there. We would have to call the Sheriff's office if we need 4-wheel drive. There will be a sergeant on each shift with a Silverado. We will replace the K9 units into our replacement plan also.

Commissioner Keith Cowie asked if the County would still handle the vehicle maintenance.

Police Chief Andy Ray said yes, the County will continue with the maintenance. In our newer Dodge Chargers, we gave a three-year or 36,000-mile warranty in the patrol cars. This keeps our costs low, as they generally only take care of oil changes, batteries, tires, and brakes. In the first three years, the Dodge

Chargers are costing us \$75 monthly and the Chevy Impala costs \$69 a month. The average of our vehicles in the first five years is about \$80 per month versus the other vehicles at \$240 monthly and nine of those at \$345 currently. He said the maintenance is projected to move from \$74,000 to \$42,000.

Commissioner Bill Sterling said he read an article recently that Detroit was doing away with a lot of the patrol cars and switching to SUV's. He said it seemed like we should be doing SUV's and trucks, instead of cars. He said he thought Ford was doing away with theirs, Chevrolet is phasing their patrol cars out, and Dodge may eventually. He suggested moving to SUV's now, as all the officers have all that personal equipment and sometimes it is hard to get into a car.

City Manager Green said we will be working toward that.

Police Chief Andy Ray said Chevrolet is out of the sedan business for patrol cars and Ford also with the exception of smaller hybrid sedan. Dodge is the only one making a sedan and now offers a SUV in a police package. He said he sees us moving to the use of SUV's for everyone.

City Manager Green said that is not what is in the spec for this plan, but we are working toward that. He said you can already see the Highway Patrol is already there.

Commissioner Bill Sterling asked what the SUV would be.

Steve Atwood thanked the Commission for allowing him to address them. He said he did not have that information today, but knew that Dodge has the Durango and others.

Commissioner Bill Sterling said it seemed the trade-in value of the trucks and SUV's after year five would be better for the City than for cars.

Steven Atwood said this was right. He said that is how Enterprise Fleet Management evaluates our own fleet of vehicles for the total cost of ownership, what it costs to acquire the vehicle, what it costs to maintain the vehicle, and eventually what is the return on the investment of the vehicle. He said that is part of the analysis we will be providing to the City, not only to the Police Department, but hopefully Citywide as well. We currently work for 100 cities across the State of Florida.

City Manager Green said this was something we will be working toward. He said right now the cost of maintenance of those vehicles is more than the Dodges. He said there are a lot of different numbers but we felt very comfortable with the proposal being presented this evening.

**Motion** by Commissioner Keith Cowie, seconded by Commissioner Dorothea Taylor Bogert, to approve the Lease Agreement with Enterprise Fleet Management and authorize the City Manager to execute on behalf of the City. Upon vote. All ayes.

Meeting adjourned at 9:24 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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