

Minutes of the Regular Meeting of the City Commission of the City of Auburndale held May 21, 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 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 Kevin Chisholm, Word of Fire Ministries, and a salute to the flag.

Motion by Commissioner Keith Cowie, seconded by Commissioner Dorothea Taylor Bogert, to approve the City Commission Minutes of the May 6, 2019 Meeting. Upon vote, all ayes.

City Manager Green reminded the Commission of the Ethics and Sunshine Law training in Winter Haven on June 1 from 9 to 1. He said Florida Statutes require the elected officials to have four hours of training each year on this topic. One half of the requirement was met when Auburndale hosted some Ethics and Sunshine Law training for our Boards and Commissions. He said the Ridge League of Cities meeting will be held in Lakeland on June 6. He said he would like to announce and thank at the same time the City of Auburndale's Rotary Club for their sponsorship of the City's Butterfly Garden, located in our Park. We are near completion and set an opening date of June 25. The Rotary Club is raising \$20,000 to offset the cost of the butterfly garden. A section of the Butterfly Park will be dedicated to the Interact Club from Auburndale High School and the Rotaract Club from Florida Poly. The two clubs will maintain their sections within the park.

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

1. ORDINANCE NO. 1607 AMENDING POLICE OFFICER'S PENSION PLAN

City Manager Green said the first three items on the Agenda are for second and final reading.

Assistant City Manager Jeff Tillman said proposed Ordinances are housekeeping in nature and amends the Police Officers' Pension Trust Fund, the Firefighters' Pension Trust Fund, and the General Employees' Pension Trust Fund to be compliant with recent changes to the Internal Revenue Code and its associated Regulations, as well as guidance from the Internal Revenue Service and recent litigation. The actuary of the three plans, Foster & Foster, issued letters indicating that there are no costs associated with the adoption of the proposed Ordinances. The proposed Ordinances were prepared by the Pension Plan Attorney for the three plans, Christiansen & Dehner, P.A., and reviewed by the City Clerk, City Manager and City Attorney. The proposed Ordinances were approved on first reading May 6, 2019 and are being presented for second and final reading. At the meetings of each board, they all gave unanimous approval of the Ordinances. Staff recommended approval of the Ordinances amending the City's Pension Plans.

City Attorney Kee read Ordinance No. 1607, which was presented and passed on first reading on May 6, 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. 1607, as read on second and final reading by title only. Upon vote, all ayes.

2. ORDINANCE #1608 AMENDING FIREFIGHTER'S PENSION PLAN

City Attorney Kee read Ordinance No. 1608, which was presented and passed on first reading on May 6, 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. 1608, as read on second and final reading by title only. Upon vote, all ayes

3. ORDINANCE #1609 AMENDING GENERAL EMPLOYEE'S PENSION PLAN

City Attorney Kee read Ordinance No. 1609, which was presented and passed on first reading on May 6, 2019, by title only.

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

Motion by Commissioner Bill Sterling, seconded by Commissioner Dorothea Taylor Bogert, to approve Ordinance No. 1609, as read on second and final reading by title only. Upon vote, all ayes.

4. TRANSMITTAL PUBLIC HEARING – LAND USE MAP AMENDMENT – OLD BERKLEY ROAD

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

City Manager Green said before we get into the Transmittal Public Hearing we have three Public Hearings tonight related to land use and zoning. Before we get into the Public Hearings, he asked Community Development Director Amy Palmer to provide a presentation regarding the process that you may find yourself in this evening as you appear before the City Commission on each of these items.

Community Development Director Amy Palmer said as Mr. Green said, this evening's Agenda provides a good example of several different Public Hearings we go through in order to entitle a piece of property. The road map will go through the process a property must go through from the time of annex to the time something is built on it. Every piece of property must have a Future Land Use category and a Zoning category, in order to use that piece of property, whether for residential, agricultural, or manufacturing. The Future Land Use comes out of our Comprehensive Plan and must be consistent with our Comprehensive Plan. If a property is greater than 10 acres, that Future Land Use as established is sent to the Department of Economic Opportunity for review to make sure it is consistent with the comprehensive plan. The Transmittal Public Hearing is when we are holding a Public Hearing for the City Commission to decide whether that Future Land Use should be sent to the State for that review process. If not, then the property owner would have to request another type of Future Land Use. Following the establishment of Future Land Use and zoning, which is also established at a Public Hearing by the City Commission and the two, must be consistent, the property moves forward. We have two examples of zonings tonight. One is a conventional zoning on the Gilileo property, which is a 4.5 acres property requesting a residential zoning in order to build a barn. The other is the land development of the C G Jeans. The Planned Development is one type of zoning district, but it includes a site plan that gets approved by the City Commission. If it is not a Planned Development zoning district and it is a large piece of property that is going through zoning and the property owner wants to subdivide into three or more lots to sell, that goes through the preliminary plat process, which goes to the City Commission for approval and gives the developer the green light to move forward with construction plans. Staff would review the construction plans at the point that the preliminary plat is approved, following zoning. Staff would review the construction plan to make sure that everything built on the site conforms with our Land Development Regulations. The last is a conventional development such as the Gilileo property. Staff would receive the construction application and it receives a full review from staff or outside agencies such as a county road or for retention from the Water Management District. This may be the next step, which the Commission may never hear about until you see something being constructed. The final step of any development process would either be final approval by Staff in the form of a building permit such as for the Gilileo property or for a subdivision, it will come back to the City Commission in the form of a plat. The final plat is a legal document that allows the developer to sell lots to the future property owners of the subdivision. She said this is our generic roadmap and as we get into each case, she will tweak the roadmap so it is specific for the case.

City Manager Green said the purpose of the Public Hearing was to consider a proposed amendment to Ordinance No. 752 the City's Comprehensive Plan and our Future Land Use and if approved it will be submitted to the Florida State Land Planning Agency for an expedited review of State law. A second and final Public Hearing to hear an ordinance that would amend the City's Comprehensive Plan and Future Land Use Map and an ordinance that would amend the City's Land Development Regulations and our official zoning map would be held at a later date, following the review of the State review submittal.

Community Development Director Amy Palmer said as a result of annexation, the City has received a request for a large-scale Future Land Use map amendment. The property is owned by Gapway Grove Corporation and located on Old Berkley Road and Gapway Road. It is currently a vacant piece of land consisting of 18.21 acres. The current County Future Land use is RL-1 and because it is now in the City limits, the City has to approve the Future Land Use category. The proposed City Future Land Use is Low Density Residential, very similar to the County zoning. The Gapway Grove Corporation property consists of 18.21 acres that was annexed into the City Limits on May 6, 2019. Because the property is larger than 10 acres, it is required to go through a Large-Scale Future Land Use Map amendment and must be submitted to the Department of Economic Opportunity (DEO) for an Expedited State Review. The applicant has requested Future Land Use of Low Density Residential that would accommodate the development of a single-family residential subdivision. The requested Future Land Use of Low Density Residential is consistent with the City's Comprehensive Plan, Joint Planning Agreement with Polk County, and with surrounding development. Upon receipt of the State review, the City Commission will hold an additional Public Hearing on the adoption of the Future Land Use Amendment and Zoning Map Amendment. The Planning Commission held a meeting on May 7, 2019 and recommended approval. Staff also recommended approval of the Transmittal Resolution, transmitting to the State. She displayed the location of the property on the map and went over the roadmap for the property. She said we are here today to determine whether the Future Land Use should be transmitted to the State of Florida for review. When the Planning Commission heard this case, they heard the Future Land Use Map amendment and the Zoning Map amendment. After the State review, the City Commission will consider adoption of the Future Land Use Map amendment and the Zoning amendment. The process is to have the State review whether the Land Use is consistent with the Comprehensive Plan and then adopt the Future Land Use and Zoning Map amendment. Following that, this property owner is requesting Planned Development for their zoning category. The Planning Commission heard that in early May at another Public Hearing. This will come back to the City Commission at later dates, probably in July or August. Following the Planned Development and zoning approval by the City Commission, they will submit construction plans to move forward with construction of the property and development of the subdivision. They would request the final plat approval before the City Commission.

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

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

5. RESOLUTION #2019-03 TRANSMITTING MAP AMENDMENT TO STATE – OLD BERKLEY ROAD

City Attorney Kee read Resolution No. 2019-03 entitled: **A RESOLUTION PROPOSING AN AMENDMENT TO THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN OF THE CITY OF AUBURNDALE, FLORIDA AND TRANSMITTING SUCH PROPOSED AMENDMENT TO THE FLORIDA STATE LAND PLANNING AGENCY FOR AN EXPEDITED STATE REVIEW**(General Location: Old Berkley Road and Gapway Road), by title only.

Motion by Commissioner Keith Cowie, seconded by Commissioner Richard Hamann, to approve Resolution No. 2019-03, as read by title only. Upon vote, all ayes.

6. PUBLIC HEARING – ZONING MAP AMENDMENT – GILILEO PROPERTY

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

City Manager Green said the Public Hearing was to consider the first reading of an ordinance amending the City's Land Development regulations and official zoning map. The property has already been given a Land Use and they are asking for a Zoning Map Amendment.

Community Development Director Amy Palmer said the City has received a request for a zoning map amendment on property owned by Danny Gilileo located at 219 Bolender Road. The property is vacant and consists of 4.65 acres. The current City Land Use is Low Density Residential and when it was annexed, it was only given Land Use, no zoning. The proposed zoning classification is RS-2 or Single Family Residential-2. The property was annexed in 2006 and given a Future Land Use designation of Low Density Residential. Zoning was postponed until a later date. The applicant, who lives next door to the property, plans to establish a pole barn for agricultural purposes and storage. The requested zoning classification of Single Family Residential-2 or RS-2 is primarily intended to include land developed for low to medium density single-family detached residences. The RS-2 district also permits citrus groves; plant nurseries with greenhouses not exceeding 200 square feet in area, and similar agricultural uses and structures, which would include pole barns. The requested zoning map amendment is consistent with surrounding zoning classifications, the City's Land Development Regulations, and the Comprehensive Plan. The Planning Commission recommended approval of the Zoning Map Amendment in a 5-0 vote on May 7, 2019. Staff recommended approval of the Ordinance amending the Official Zoning Map. She displayed the location of the property on the map. She went over the "roadmap" for the property, as it goes through development process.

City Manager Green said staff would recommend approval of the ordinance.

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

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

7. ORDINANCE #1610 ZONING MAP AMENDMENT – GILILEO PROPERTY

City Attorney Kee read Ordinance No. 1610 entitled: **AN ORDINANCE OF THE CITY OF AUBURNDALE, FLORIDA, AMENDING ORDINANCE NO. 764, THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF AUBURNDALE, FLORIDA, BY AN AMENDMENT TO THE ZONING MAP ESTABLISHING SINGLE FAMILY RESIDENTIAL-2 (RS-2) ON A PARCEL OF LAND TOTALING +/- 4.65 ACRES AND PROVIDING AN EFFECTIVE DATE** (General Location: Bolender Road), by title only.

Motion by Commissioner Bill Sterling, seconded by Commissioner Keith Cowie, to approve Ordinance No. 1610, as read on first reading by title only. Upon vote, all ayes.

8. PUBLIC HEARING – ZONING MAP AMENDMENT – CG JEANS ROAD PROPERTY

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

City Manager Green said the Public Hearing was to consider an amendment to Ordinance No. 764 the City's Land Development Regulations and City's official zoning map.

Community Development Director Amy Palmer said the City has received a request to rezone property owned by Susan Collins. The petitioner for the property is Kyle Wilkes of Poulos and Bennett Engineering firm. The property is located between Adams Road and Lake Van Road; it is bordered on the north by Lake Van Road and on the south by Adams Road. The current Future Land Use is Low Density Residential, which was established on the property when it was annexed, but no zoning category was established at that point. The property owner is requesting a Planned Development 1 category, in order to develop a subdivision on the property. The property consists of 120.56 acres of vacant land. As required by the Land Development Regulations (LDR's) for Planned Developments, this request is accompanied by a binding site plan. The

request will allow the applicant to construct a 259-lot single-family residential subdivision. This project was presented to the Planning Commission on January 8, 2019 as a 249-lot subdivision with minimum lot size of 6,900 SF, minimum lot width of 60 feet, and setbacks of 20' front, 5' side, and 15' rear. The Planning Commission recommended denial of the proposal based on the discussion of lot sizes and setbacks not being compatible with the area, the poor condition of Adams Road, and the failing level of traffic capacity at the intersection of Adams Road and SR 559. The developer presented the project to the City Commission during a Public Hearing on March 4, 2019, which included discussion of increasing the side setbacks from 5 feet to 7 feet and the relocation of the air conditioning units from the side yards to the back of the houses. The developer also committed to finding a solution to the failing intersection at Adams Road and SR 559 and entering into a Developer's Agreement to fund a proportion of the costs of the intersection improvements. Following the presentation and discussion, the City Commission tabled the item and requested that the developer meet with City Staff to discuss lot setbacks, lot sizes, and Adams Road. After meeting with City Staff, the developer requested to withdraw the proposal and planned to resubmit plans before the Planning Commission and City Commission in May. The new proposal includes an increased minimum lot size of 7,200 sq. ft. The minimum lot size of 7,200 sq. ft. exceeds the minimum lot sizes of the neighboring subdivisions of: Eagle Point, Diamond Ridge, Lake Van Estates, and Water Crest Subdivisions. The proposal also includes a minimum lot width of 60 feet, which is comparable to the Eagle Point, Diamond Ridge, and Lake Van Estates Subdivision and exceeds the Water Crest Subdivision. The proposed setbacks are now 25' front, 15' front setback on the side of the house for corner lots, 7' interior side, and a 15' rear setback. Air conditioner units would be able to be placed on the side yards. The front setback of 25' exceeds all of the same subdivisions and the side and rear setbacks are either consistent or exceed them as well. The minimum living area provided of 1,500 sq. ft. exceeds the minimum living area of the Single Family Residential-1 (RS-1) zoning designation, which is our most restrictive zoning district. Overall density for the project is 3.05 units per acre, which is consistent with the Comprehensive Plan and Future Land Use designation of Low Density Residential. That 3.05 unit density is based on the upland area of the property and does not include the wetlands area of the property. All other requirements of the Land Development Regulations are met, including sidewalks on both sides of the street and street width. The binding site plan includes 3.37 acres of open space, landscaping, and recreation tracts. Included in the "Notes" section of the binding site plan is the developer's commitment addressing the improvements to Adams Road to include constructing an additional 1-2 feet of pavement on Adams Road, sidewalk along the road, relocating telephone poles along the road and as well as committing to fund the proportionate fair share of intersection improvements to Adams Road and SR 559. The Planning Commission recommended approval of the Zoning Map Amendment, with a vote of 3-2 for approval at their meeting. Staff had no objections and would recommend approval of Ordinance No. 1611 Amending Official Zoning Map. She displayed the property location on the map. She said SR 559 will soon be a County road after the two jurisdictions complete their jurisdictional transfer. She said Adams Road is a City road; Lake Van is a County road. She went over the development "roadmap" for this property. They are requesting PD-H1 with a minimum lot size of 7,200 sq. ft., minimum lot width of 60', and minimum house size of 1,500 sq. ft. The binding site plan includes the developers commitment for the Adams Road Improvements, including their proportional fair share of the intersection improvements, which we understand will become a failed intersection at the build out of all the homes planned along Adams Road and the improvements to Adams Road for the road width to be increased up to two feet, poles will be relocated and the sidewalks will be improved. Their binding site plan is their preliminary plat. If approved this evening, this allows the developer to submit construction plans and to also start planning for their off-site improvements, which includes Adams Road and Adams Road intersection at 559. This is like a green light for the developer to move forward with planning for their offsite improvements. Their construction plans would be submitted to the staff as well as any outside agencies, including SWFWMD, Polk County School Board, and the County for driveway access, the Health Department and others. The final step after construction plans are approved is platting of the subdivision. They would come back to the City Commission for final plat approval, which would actually be subdividing the property into the individual lots. She displayed the site plan for the 259 lots, with two entrances. She described the site plan with lot sizes. She said there are several subdivisions that are comparable in terms of lot width and lot area to the proposed subdivision. The Eagle Point subdivision has a minimum lot size of 6,100 sq. ft. and minimum lot width of 57 feet. Diamond Ridge subdivision has a minimum lot size of 6,500

sq. ft. and minimum lot width is 57 feet. Lake Van subdivision, to the east, the minimum lot size is 6,100 sq. ft. and minimum lot width is 56 feet. Water Crest subdivision on Mohawk has a minimum lot size of 6,000 and minimum lot width is 50 feet. Farther expanding on the lot dimensions, included in the binding site plan, which is included in the Ordinance is a table showing the lot dimensions would have to be, as they move forward with construction plan approval and final plat approval. She went over the Note section, which talks about the Developer Agreement to improve Adams Road and what those improvements are as well as the developer's intent to enter into a Developer's Agreement that would provide for his financial commitment to the intersection improvements at Adams Road and 559. This is part of the adopting Ordinance should it be approved. She said the applicant is here and they want to present before we get into the public hearing.

Bart Allen, Land Use Attorney with Peterson Meyer, 225 E. Lemon St., Lakeland, said he is happy to be here on behalf of the applicant. He said this is not the first time you have seen me on behalf of this case. He said he thought it was a good case and he thought this project and developer was trying to do the right thing. He said their team has not changed since the last time we were here. He said he had with him: Mr. Tom Chapman, Miss Susan Collins, who are the applicant and land owner. He introduced Shelton Rice, an associate with Peterson and Meyer, the Site Planning Engineers from Poulos & Bennett - Lance Bennett, Traffic and Mobility Consultant - Mohamad Abdulla, Traffic engineer. We want to be brief tonight and some of the members of the public have not heard all the details. He said Ms. Palmer and her staff have done a wonderful job in preparing the slides and going through a lot of the details that typically we would get into. As Ms. Palmer pointed out on her "roadmap", we were previously annexed with a Low Density Residential Land Use designation that allows up to 6 dwelling units per acre. At the time of Land Use and annexation, the zoning was not put into place. We are here asking for the PD-H1 zoning classification. We are asking for 259 units, which is about 3.05 dwelling units per acre. From a density perspective, we are at about one half what would be allowed in the Land Use category. Some of the changes were gone over by Ms. Palmer. We sat down with staff and went over it and brought it back. We asked what do we need to do for this project, let us look at the surrounding properties, let us look at the Code, and create a PD that addresses the issues in your Code. He displayed a table that showed how they were consistent with the Land Development Code and categories. From a lot area, we are with the RG-1 classification of 7,200 sq. ft.; we have increased that since our last Hearing. We have gone to 25' front yard setback, which is an increase from our last Hearing that is going to provide plenty of stacking for the cars. We increased the side setback to 7' and the rear setback will be 15'. We are going with a required 1,500 sq. ft. home, which is your most restrictive zoning category and also requiring the two-car garage. We are potentially in excess of the RS zoning classification. Between the two car garage and the additional front yard setback, we can easily have four cars cueing on a piece of property or a large dually type truck to keep the vehicles off the roads and insure they are not impeding any emergency vehicles with the residential development. He showed a slide of lot sizes or lot frontage for the surrounding properties - 50', 60', 70', 85' there is a mix. He said everybody equates lot frontage to a value of a lot, but he said that was a misnomer. Lot frontage is not necessarily a driver of the value of the property, but is what you are doing on the property. What are you building, what is the overall community like, what are the amenities, are there sidewalks and open space, do you have a good transportation system, those are the keys to making a home more valuable. It is not driven by lot size. He said Mr. Chapman is a well-known, well-respected developer in Central Florida. He has done a number of projects in Polk County, he has been involved in Estates of Auburndale and Water Crest, and he is putting those projects together and those are becoming very nice community assets. This is hopefully the next one. He said it was the quality of the developer and the quality the development that drives and brings a good development, not necessarily related to the lot front. From a compatibility of lots, when you look at what is out there today and adjacent to the property - 60-foot lots fit squarely within what is out there. Mohammed Abdallah will speak on transportation, but he will speak on it briefly prior to his presentation. We have spent some time analyzing our traffic impacts. As we worked through this process, we have had two Planning Hearings and City Commission Hearings. Transportation has been the biggest and loudest concern we have heard from the residents. It is safety, Adams Road, and the intersection of Adams Road and 559 have been the biggest issues of the residents. The biggest change this development has been is how are we going to address that - we have heard their concerns. We propose some conditions: 1) the developer

is proposing to relocate the power poles on Adams Road, moving them over to increase the drivability. 2) We are going to add one to two extra feet of pavement onto the existing surface, that is going to make the lanes feel wider and the driver more comfortable. 3) We are going to add sidewalks on Adams Road in front of our development. H Block will have sidewalks also. We will continue it out where there are holes to provide a complete pedestrian pathway to 559. He said that will improve that drivability, as you will not have the pedestrian and vehicular conflict. We are doing a Development Agreement to address our proportional fair share of the impacts. This will allow us to funnel money from our project into the intersection of Adams and 559. Many times in straight zoning situation, we could get our several hundred units and could pay our impact fees to go to that jurisdiction. The Developer Agreement will allow us to focus our money into the intersection. H Block also did a kind of sister condition on their project. This will allow these developments to funnel that money so a real improvement may be made. It does not include piece meal improvements. It will still have to meet several warrants and all the technical reviews. What it will do is bind the developers and bind the land to address those issues. The Developer Agreement gets into these issues and becomes a part of the title. It is an Agreement we negotiate. We will come back before you with a Development Agreement. If the Commission, does not approve the terms we will work on those terms more. This project will not be allowed to develop until that Developer Agreement is approved by this board and possibly the County depending upon how we have to go about it. It will still be a large undertaking to get a Developer Agreement for this project. What is important is that will be memorialize and that is what will force these developers to have all the triggers on when certain things will have to happen. He said he did not have all those details today, as he has not been authorized by Mr. Chapman to go quite that far. That is the next step in the process. He said that is the hook, if the zoning is in place, now the developer knows what he is going after. We go do our conditional transportation analysis and he starts putting pen to paper and we figure it out. He said he thought that was a huge benefit that is coming out of this project. Otherwise, it would not necessarily come out of this project if we were in just a straight zoning.

Mohammed Abdallah, Traffic and Mobility Consultants 3101 Maguire Blvd. Suite 265, Orlando, said his firm prepared a traffic analysis for the project. The traffic analysis was done in accordance with the City requirements, the Polk TPO requirements, which coincide with the Polk County requirements. It was also submitted for peer view and the TPO has it for review. Our results were looked at by other professionals. Essentially, we found that the roadway network in this area has the capacity to accommodate the proposed development. From a carrying capacity or prospective, we meet those requirements at build out. There is sufficient capacity in the network to accommodate what we are doing. We have heard about the intersection of Adams Road and 559. As this project as a stand alone, what we found is that by and of itself does not create the deficiency. However we are not the only ones doing work. We understand we have to fit into the whole here, as we are not just the one. He said that is what you heard Mr. Allen talk about. We know as other projects and this project come online, there is going to be a point where that intersection goes from working fine as a stop sign to needing some other traffic control. Right now, we are looking at a traffic signal. We did a preliminary review and determined that a traffic signal will become a need with roughly about 460 new units coming on line, before we start to get to the level where the Federal warrants apply. We all have to abide by the Federal warrants, which are established in the manual for traffic control devices, basically the law of the land as far as installing traffic signals. That will be the point where we start getting the traffic thresholds that would say, yes now you need to switch over to put in a traffic signal. As you heard, the Agreement would provide the proportion fair share.

Bart Allen said as Mr. Abdulla said right now Adams Road itself without putting aside what the developer is proposing for additional improvements, it currently operates within acceptable limits. The intersection will operate at a level of service. We are trying to get ahead of issues here to address when the projects reach a critical mass and not just our projects, but all projects including H Block. We are remembering there is also a piece of property on the corner that is commercial. It is not this piece of property or this developer, but all the pieces will come together to address that intersection. In this conversation, we have primarily focused on Adams Road, which is a City Road. We will begin to have to go through Polk County and will have to address them as well for their jurisdiction. We do not have the detailed engineering analysis for Lake Van. He said there will likely be improvements on Lake Van, which is a different jurisdiction. He said

this was a good project, it is consistent with your Comprehensive Plan, it meets your design zoning codes, and we are preserving 35 acres of wetlands. We have 80 acres of developable land and 35 acres of wetlands, all being preserved on the lakefront. This project will not have any impacts on the lake and there will not be any docks. It will be on centralized sewer and water. This property will have stormwater treatment and there will not be any drainage off site. We are doing as much as we can to address what we heard from the residents. We will address Adams Road, have sidewalks, move the poles off, and intersection improvements once necessary. He said his team was here for questions and they would like to address the Commission at the end of the Public Hearing.

Mayor Tim Pospichal said on the last slide it showed Lake Van, he asked him to please expand on Lake Van Road and what that was going to take.

Bart Allen said he cannot expand in too much detail, as they have not done detailed engineering. The traffic study showed that about 40% of the traffic will be going north. Lake Van Road is a County road and it currently has plenty of capacity based upon the traffic count. They went out and did the traffic count as part of the study. The majority of the traffic will go left to Lake Van, as Lake Van is a dead-end. We will go to Polk County and submit our site plan to show where our proposed driveways will go and they may shift it. We understand there is a little jog in the road, so Polk County may want us to shift it. We are looking at a right turn and additional improvements and it will all go through Polk County as part of that review process with Polk County.

Mayor Tim Pospichal asked Community Development Director Amy Palmer to go back to the roadmap flowchart to show the process of where they would be for the road improvement on Lake Van Road.

Community Development Director Amy Palmer said any road improvements would take place following zoning establishment and during the construction plan approval process. After zoning that is the green light that gives the developer the green light to go ahead and start planning the offsite improvements, whether it is a right turn lane on Lake Van Road, a turn lane on Adams Road, what the intersection improvements may be at 559 and Adams. All that would take place during this process during the construction plan review process.

City Manager Green said if they were to go before the County to do some offsite improvements on Lake Van Road that was part of that process as well.

Community Development Director Amy Palmer said yes, that is part of all offsite agencies as well as the City's approvals that would be needed. We would ensure that all of the outside agencies have given their approval before we take it to final plat before the City Commission for approval. The County would have to approve whatever improvements they require first before the developer would be allowed to plat the subdivision.

Mayor Tim Pospichal asked for any public comment.

Richard Stallard, 124 Cherokee Road, said he has lived in Auburndale right at 40 years. He asked why the lot to house ratio for square footage of house to ratio of lots shrink. He asked if it was to bring in more tax money. He said the houses are getting so close and he has seen this the County and City reduce the lot sizes considerably. He said he remembered when you could have a 100-foot wide lot and have plenty of room. He said down here in Florida, you get these houses with a lot of pavement and less area for water absorption. You get 2 to 4 inches of rain per hour sometimes and that is a lot of water hitting the pavement. He asked where is it going to go. He said that project and the improvements on Adams will happen at the same time. We already have a problem on Adams Road. He said he has sat there at the intersection for 15-20 minutes waiting on traffic to clear. The County and State are trying to remove the trucks off Highway 559, as truck traffic is terrible. We get trucks coming around the lake and they may back up 25 to 30 cars off of Lake Ariana. They are trying to work on getting from Magnolia or Highway 92 to the new County

Parkway. He said trucks cannot technically run on a County road and they can remove the trucks by doing that. He said he did know when they were going to do this, but it would remove a lot of traffic of Hwy. 559.

Bonnie Smith, 386 Lake Van Road, said she was concerned about the number of houses. She asked if this had already been rezoned.

Mayor Tim Pospichal said this is what we are discussing tonight.

Bonnie Smith said personally she thought this was too many houses per acres. When she built her house, she had to have a whole acre. She said she thought this was way too many houses and it will affect Lake Van Road more than what anybody thinks. If they cannot get down Adams Road, they will come to Lake Van and Gapway and it is going to affect a lot of traffic. She said she thought there were too many houses per acres.

Ernest or Mike Legge, 110 Eagle Point Blvd., said he had a lot concerns about Adams Road, but he was also concerned about Mohawk Road and Bolender Road. He said he has not heard anybody address how the feeder roads will be impacted, should people decide to use these roads. He said he was concerned about the existing retention systems that are in their neighborhood. He said he knows Eagle Point has a ditch system from the retention pond to the back of the neighborhood, which would be adjacent to their project. He said he did not know how it will affect their retention system, when they add their retention system. He said he did not know whether it will flood our neighbor's homes. He said he was the President of the HOA and he was getting a complaint from one resident whose property borders. He said Auburndale currently has a road that washed out in 2004 that was never repaired. It is impacting our retention ditch. At this point, the resident's back yard floods when we have a significant rain and the person next to him is holding water as he has impacted the retention blocked off to protect his property. He said he was a little concerned on how the retention will work. He said despite the assumptions of the Traffic Engineers regarding Adams Road, there is already a lot of traffic on Adams Road. He said there is discussion of expanding the road by a couple of feet. He asked in the older neighborhoods, where is it coming from and asked if it would come from property owners. At this point, it was expanded last year or the year before and it took away some or most of the easement. The road is almost up to the sidewalk in places. He said he was not sure how you will handle that. He said right now Adams Road could use a right turn lanes and 559 could use a left turn lane.

Ashley Garcia, 392 Lake Van Rd, said she agrees with a lot people here that building this will cause a lot of issues. She said she was here to speak for the animals. We have a lot of raptor species that are protected by the State of Florida. She asked what was going to be done with the animals out there. She said she understands the protected part, but you have a lot of nature out there that will be wiped out. She said she has lived on Lake Van, she has seen two fatal accidents. She said this is going to cause a lot of problems.

George Brooks, 931 Van Drive, said he lives in the older subdivision on the lake. He said it was a quite roomy subdivision, with two houses per acre. We are in the original Van Lakes subdivision and been kind of spoiled with that much room. He said he has seen much smaller subdivisions and noticed one on 559 to the north where they took out the orange grove and plan a 4 to 6 home per acre subdivision with about 100 homes. He said this will be a little north of Lake Van Road. He said Lake Van and Gapway form sort of a crossing X and everybody he knows says the will need a stop light there. There are certain times of the day, if you are on Lake Van Drive even without the extra traffic, you cannot turn toward Auburndale. You will have to go north instead of south and turn around, as it is quite congested. He said this will add to it on Lake Van Road. He said Lake Van is a small two lane county road winding through the orange trees. He said there are no sidewalks presently. When you get to the 559 intersection that is an intersection from east to west, the traffic will make it even more of a nightmare at certain times of the day. The traffic planning on Lake Van will be seriously needed and most people say a stop light is needed. In August and September, the flooding is immense. When we get the rainstorms and the lake is rising fast and the drainage situation is such that his yard is completely flooded. Some of the last houses developed in his subdivision required maybe 50

trucks of dirt and make a three-foot hill to put the house on. He said his house is on the ground level and he carries flood insurance because in August and September he expects the rain and the lake is already up high. He said this will add more runoff into the lake and that will have to be considered. He said that and the traffic pattern on Lake Van should seriously be considered, as it will make it almost impossible to cross over 559.

James Truitt, 360 Lake Van Road, said he was Auburndale class of 1978. He said a lot of us took our Driver Ed classes out in this area, because there was nobody on that road. He said as he looks around for those of us born around here, how many of us want that to change compared to the way it used to be. He said he sees a little bit of a battle. For people who would want a quality of life that quality of life is based upon house density and he understood that strongly. He said when he sees someone willing to give up all this telephone poles and sidewalks that tells me they are going to make a lot of money, if they are going to give all this up. He said they do not necessarily have to make that much money and possibly could make fewer homes. He said he felt it was like an insurance company. He said he was a dentist in Winter Haven and insurance companies always present these great brochures and they come dressed better than anyone else in the audience and they tell you how great it is going to be and you pay that price. But, when you get sick, guess what – you realize that those insurance companies are not really there to help you get better and you to live better. They are there to make money for the people that start those insurance companies. He said he sees the struggle of how much money are we going to allow them to make versus how is that going to affect the quality of our lives. He said he really wished the Commission would say, "Is this really Auburndale or is this going to be Poinciana or Champion's Gate", where you cannot even get by there, because that is what it is going to be.

Jerry Truitt said he has a formal background in chemistry, engineering, environmental work, and industry for a number of years. He said he has lived in shadows of this property, not very far away, and has lived there for over 20 years. He said this was rural area. If there was ever an example of a race to build houses in this area – it is now. He said we do not need that, this is a rural area. He said he sees one big glaring error – look at the retention ponds. They are close to the lake. He asked what is going to happen when we have storms through here? Do we have any monitoring equipment such as analyzer to tell when the elevation is too high and it is going to spill into Lake Van with all the nutrients and pollutant? One big thing the developers failed to mention, they may not know it, but this property has been severely abused over the years. Whether they know it or not, one of the previous owners was cited for dredge and fill, encroachment into conservation areas and destroying a lot of native vegetation. He was assessed a \$50,000 fine. An order was issued for restoring or reclamation of all the plants. A lot of people and the ones that are in the know say this has not been completed. The wetlands have not been destroyed. They have not been totally replaced. What are we going to do about the traffic? He said that has already been addressed. Well what are we going to do about the oil and grease from all these homes? He said 50-foot lots are unheard of in a rural area. He said all the oil, grease, and fertilizer will end up in the retention ponds and our aquifer. He asked where the water was coming from that these people will need to drink. He said everyone says there is a shortage and we need to address that. He said there have been a lot of mistakes made and what he is bringing up is the facts – nothing but the facts. We have to live with them. He said when these retention ponds overflow where is that water going to go, if we do not monitor it. He said it was going into our back yards, into campgrounds, going into our Lake Van. He said we do not need that. He asked what is going to cause all that. He said all the houses there with no drainage area near the homes. He said look at PK Avenue here in Auburndale and what has happened there. He said he suggested we hold up on any kind of zoning to allow these people to come back and make a decent presentation on what would help the neighbors and what would be suitable for the neighborhood and by all means not 50 and 60-foot lots. He said thank you for listening to him. He said he has given you the facts and nothing but the facts. He said let your heart be the guide – do not do it.

Pam Hattaway, 903 Liberty Lane, said lives in the Van Lakes neighborhood and uses Lake Van Road. She said in answer to your questions and since you have not done investigative engineering, when she leaves for work in the morning 559 is so busy in the morning, as other people have said. Sometimes it takes her

15 minutes to 20 minutes to make a right hand turn onto 559 with traffic. She said she was echoing some of the other concerns. This is way too many homes for this property. She said she did not understand why we have to go to 60' lots versus 100' width. She said the 7' setback, so you have 14' between each house. She said if you and your neighbor are both in the back yard and you both stretch, you could poke each other in the eye. She asked with the developments already underway north of us, the one across from Sutton Place and the one right down from Lake Mattie Road, what are we going to do to conserve all of our lake areas with all of this impact. She said she saw the video on the City site referred to as the North Lakes Area and it is a beautiful aerial video of Lake Juliana, Lake Ariana, and Lake Van. She said she thought that video was shot in the middle of day not during morning work traffic or school traffic because there were probably no more than two cars on 559 at the time, when she watched that beautiful flowing video of how everything is wonderful. She said safety issue is not just Adams and 559 – safety issues is Lake Van at Gapway and 559. She said they have witnessed more accidents there. She spoke of a person she knows who lives on Lake Mattie Road and 559, who rushes out to help on a weekly basis before emergency service gets there. She asked what were we going to do, if you average the number of cars per home at two cars and a lot of them will have more than two cars, and you are proposing 259 homes – we are looking at 500 cars from this one. The development to the north has 171 home, so that is over 300 to 400. We have no idea how many home sites are going into the neighborhood beside the curve. She said this is not just how many homes are here, it is that whole corridor. She asked if we have emergency services and law enforcement services ready for the impact this, many people will bring.

Mayor Tim Pospichal said we have heard a lot about the roads, so we know about the roads.

Tim Humphrey, 144 Brighton Circle, said he has attended the Public Hearings for the H Block. He said H Block is in cahoots with this one, trying to get the roads taken care of. He said his biggest concern is what is coming out of these subdivisions. He said the engineer is saying over toward Gapway only 40%, but he feels 60% will go to Gapway. Adams is already an F grade road. They are trying to get away from making a light at the intersection. He said the biggest thing is that 559 needs to be a signal. He said his concern is that this is going to be a deeded neighborhood and are they going to be able to have sheds inside this neighborhood. If not, four cars are not going to be able to fit in a driveway. Right now with a 25' setback, four cars will not fit unless you have two in the garage. We are going back to the same situation, as everybody else around where you have cars in the road and create these issues of swerving in and out of cars and kids playing in the road. He said it was very dangerous by adding all of this between the H Block and this neighborhood. You are adding over 500 homes going in. We have to stop somewhere. Stop because you are destroying the lands and wildlife. He said he has wildlife running through his yards now because of all the development. He said it was very dangerous having the wild animals – coyote and stuff in the back yard.

Mayor Tim Pospichal asked for any other citizen comment. There were no more citizens. He asked Mr. Bart Allen to come forward and address the citizen concerns.

Bart Allen asked Lance Bennett with Poulos & Bennett to address the drainage concern and Mr. Abdallah to speak on the transportation issues.

Lance Bennett, engineer with Poulos & Bennett, Orlando, said there were a couple of questions regarding the stormwater design, analysis, site-plan design regarding the stormwater locations, off-site drainage. He said he will give a brief discussion on why the ponds are located where they are and how we have accounted for the surrounding developments. He said first and foremost the ponds are in that location because that is where drainage goes today and that is where it is going to go after it is developed. If you look at the topography map for the property, the site falls 8' to 12' toward the wetland system. The ponds need to reside at the bottom of the hill. From an offsite standpoint, we take the Eagle Point drainage in the ditch and it goes into this property today. We did recognize that and there is a planned easement along the border to accommodate and pick up that drainage coming from that community. We would pipe it into our stormwater pond. He said it is contemplated in the site plan and this is typical in developments all across

Central Florida. If the drainage comes onto your property, we have to pick it up and accommodate it not dam it off or in any way impede that flow. There was discussion related to drainage design for the roads. He said to be clear the stormwater design for the road is a deflection system designed for 10 year and 25-year storm events. From a rain flow amount that equates to 7 to 9 inches of rainfall and it is what the deflection point is designed for. From an intensity standpoint, that is 2-4 inches per hour. The pipes are designed for 4-6 inches per hour. It is to collect that drainage, so it does not back up into the yards. It is to stay in the pipes and move to the pond. The stormwater ponds are designed based upon the Water Management District, City, and County very specific design criteria. Those ponds cannot discharge more rate after development than the predevelopment rate. If the water discharge was 10 before construction, the current conditions after construction cannot allow discharge more than 10. This system would not have impacts offsite not upstream or downstream.

Mohammed Abdallah said we heard some testimony on traffic and he wanted to address a couple of items. He said a lot of the comments were really looking at the specific operation of the intersection. We certainly understand the present experience. We have been out here multiple times during the rush hour looking at the conditions, counting cars, counting turns. We have done quite a bit of work and looking at how these things operation and movement. He said Adams Road at the stop sign for 15-20 minutes, he said he gets it. He said when he is sitting at a stop sign it feels like forever, but the reality is these things are currently operating within acceptable standards. The wait times feel much more than they are. We are looking at doing the light and once it comes in at Adams and 559; it will act like a gate and it helps Lake Van as well. When the light is red on 559, you will have a gap in traffic. This is not to say there will not be more evaluation. This is only for zoning and there is still engineering to go and more evaluation to be done. As you heard Mr. Allen say, we have to go through the County and look at some of those details and address some of those issues. Those are engineering issues we will look at. Overall we have taken a very hard look at this thing and feel we are bringing a solution. Without this additional subdivision, what you are experiencing today we would not be able to help provide those engineering solutions. He said he was available for any questions.

Bart Allen said we will close with Mr. Chapman, the developer. He said he wanted to echo some of the comments the engineer has made. From a design prospective, the developments are required to have stormwater ponds, they are not allowed to drain onto other people's property, and this is all designed to be monitored by SWFWMD. There is operating and there are inspections to be done. This is not just pie in the sky development. This project will have appropriate stormwater. There were some comments about environmental species. There may very well be environmental species when we do those detailed studies. If there is a gopher tortoise or other wild life, they will have to be taken care of within the guidelines of the Fish and Wildlife. This is not passed over by the zoning, there is a tremendous amount of engineering and analysis still to be done. If there is a bald eagle there, those are all protected. They are no longer endangered, but they are still protected and we will go over those issues with the appropriate permitting agency. The Adams Road signal is really the key to this entire project and there was a comment made that this developer is in fact hitting it head on. As you have heard from Mr. Abdallah, we have done additional traffic studies and analysis, than we typically would have. We are working toward a solution, rather than walking away from a solution. This signal is driven. It is a double-edged sword. We have heard a lot about a rural area, but we have also heard about a number of developments going on in the area. So it is a double-edged sword. Development drives traffic and traffic creates congestion. How do you fix that? Well you put in a signal, but you have to have a critical mass of traffic or homes to get to that signal. Our studies show that without the commercial development to get to the signal, this road would need 460 units before that triggers a signal. This developer is walking into that and going we are willing to step up to the table and do some extra things and we are going to make this an improvement. We are going to go that extra mile. The signal helps Lake Van as it creates a break. He said he was in a Public Hearing in the City of Lakeland this morning where a signal had been taken out and a three-way stop placed. The residents complained, as they could no longer get a traffic break and they could not make their turns, as this three-way stop did not provide for their longer sections of breaks in traffic. They were asking for the signal to be put back in. It is in reality an improvement to not only Adams Road but the intersection of Lake Van and Gapway, where most

of the traffic is already on 559. He said this will be helped by a signal. He said this project is consistent with your Comprehensive Plan, which would allow 6 per acre on the property and we are at three. We are meeting your zoning codes. This developer is standing up and doing everything he can to address issues, going above and beyond with improvements on Adams Road. He asked Mr. Chapman to close. He thanked the Commission for the time.

Tom Chapman, developer, said he thought it was important as we try our very best to work with every municipality. He said he did not know how many were here at the last Commission meeting, but we have developed 20 projects in the last few years in Polk County. Every one of them have been 50-foot lots. He said he totally understands and knows where you are coming from as it is like a replay with every Commission meeting with every property. Everyone is concerned about traffic, safety, and schools. We deal with this over and over. It is a matter of compromise. He said there is no other way out, but he could tell you one thing someone referenced the big money developers make. He said we have developed over 100 subdivisions and Polk County is not our largest county. We do not have to make or bleed every project for a ton of money. All we ask for is a fair profit and in return, we try to give the municipalities as much as we possibly can to solve their problems because we have great relationships and we want to keep them. This is the fourth project in Auburndale. Auburndale has been good to us and we have been good to them. We have spent many hours addressing these very same items, right here with this group and with the Planning Commission. Where our focus has been and what we hear over and over again primarily is traffic and safety. The tradeoff is this, if we go to a larger lot say 60 to 70 – that is 35 less homes. Those 35 less homes are not going to solve your traffic and safety problem. What is going to solve that problem is a signal light. In the meantime the safety issued is going to be greatly enhanced with the sidewalk, getting those poles away from the street, and widening the road. That will give everyone more confidence driving the road. We are going to do whatever it takes to the best of our ability to solve the problem. We are a quality developer. You can drive through Water Crest and look at what we are doing there. We have already demonstrated our concern with the community with Estates of Auburndale and Lake Van. We bought those from the bank about nine or ten years ago very cheaply. We could have sat on it for three years until the lots increased tremendously. We did not, we went in and cleaned it up, we got the green slime out of the swimming pool, we picked up the HOA budget and kept everything moving, cut the grass, and turned those into fine developments. He said that was our style. We do not build as cheap as we could. He said Poulos and Bennett is one of the finest engineering firms in Central Florida. They handle projects with thousands of units per project. He said he was going to try to explain why 50 foot lots. First of all the demand is there all over the nation. Your new home buyers want 50-foot lots that is what they prefer. We came in asking for 50, because that is what we got at Water Crest and we thought that is what the community wanted because of all the subdivisions we have developed are at 50-foot lots. He said this is what your new residents are demanding. He said he was with you, he prefers the bigger lot. Your millennial and retirees are leaning to less lot sizes. He said secondly, your homebuilders will hardly go into a subdivision with more than 60 feet, because the larger lots cost more and the higher the homeowner fees. You take a project like this and place a 75-foot lot then you have less dues coming in as you have less lots but have the same maintenance, so the dues have to go up. When they sell their home, the buyers have to qualify for a mortgage including the HOA. They have to landscape the whole area, maintain it, irrigate it and they will actually pay less for a 70 foot lot than a 50 foot. The problem from a developer standpoint is, if we build from a 50' lot to a 70' lot that means our development cost per lot is 25% higher. We cannot compete with all the 50-foot lot projects around your projects. If you look outside the Auburndale city limit, there is a lot of land and every one of those is going to be 50' lots. We are going to 60-foot lots and that is a huge stretch because we have to compete with all those 50-foot projects. Those people who are buying those 50' lots are going to use your infrastructure. He said that was just how it works. You have to be competitive and he hoped everyone understood that. He said they have spent many hours trying to figure out how to solve these problems and there is give and take. He said he had to tell you, signal lights are costly. Widening roads is costly. Sidewalks are costly. He said that to them solves the problem and is more preferable than having 30 less homes. He said 30 less homes is not going to solve this problem and what you need is 460 homes built as fast as they can be built. At Water Crest, we have 30 -35 homes and they are going to blow through the project. They are going to do the same thing here. We are going to deal with quality builders and as soon as you get 460

units all of the traffic concerns I have heard are going to be solved. One fellow said he was scared to come out on 559, as the trucks are barreling down at 55 mph. He said nothing will solve that other than a signal. He said we are doing the best we can and he could commit to you a quality project. He said he hoped you understood their position.

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

9. ORDINANCE #1611 ZONING MAP AMENDMENT – CG JEANS ROAD PROPERTY

City Manager Green said before the City Commission through Parliamentary procedure can act on the ordinance the City Attorney will read the Ordinance and then entertain a motion for the purpose of discussion.

City Attorney Kee read Ordinance No. 1611 entitled: **AN ORDINANCE OF THE CITY OF AUBURNDALE, FLORIDA, AMENDING ORDINANCE NO. 764, THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF AUBURNDALE, FLORIDA, BY AN AMENDMENT TO THE OFFICIAL ZONING MAP BY ESTABLISHING AUBURNDALE ZONING MAP CLASSIFICATION OF PLANNED DEVELOPMENT- HOUSING 1 (PD-H1) ON A PARCEL OF LAND TOTALING +/- 120.56 ACRES; AND PROVIDING AN EFFECTIVE DATE** (General Location: Adams Road), by title only.

Motion by Commissioner Richard Hamann, seconded by Commissioner Dorothea Taylor Bogert, to approve Ordinance No. 1611, as read on first reading by title only.

Commissioner Keith Cowie asked Community Development Director Amy Palmer what the minimum lot size were for RS-1.

Community Development Director Amy Palmer said 10,800 sq. ft.

Commissioner Keith Cowie said from looking at the last presentation 6,900 sq. ft. was the lot size and now we are at 7,200 sq. ft., but have 10 more lots than last time. He asked for an explanation.

Community Development Director Amy Palmer said in the first proposal the minimum lot size of 60 feet and 6,900 sq. ft. was the minim. There were varying lot sizes, so there were lots that were larger than 6,900. The proposal now is for all the lots to be 7,200 sq. ft., which is how you gain the additional 10 lots. There are more lots and they are all the same size.

Commissioner Keith Cowie asked about the couple of lots highlighted in red on the drawing.

Community Development Director Amy Palmer said those changes were provided by the engineer for flag lots, which are discouraged by our Code. We had them corrected. The Commission has the correct copy and we kept them in red to notate the change. The houses will be oriented with the fronts toward the street and not the front toward another house.

Commissioner Keith Cowie said from the traffic study and he knew we talked a lot tonight about Lake Van Road and the developer going to the County for Lake Van Road, the situation may show that Lake Van may be failing as well, so possibly that could be two signals. He asked if that was possible.

Community Development Director Amy Palmer said yes, that could occur and the County and the developer would have to work something out to alleviate Lake Van Road and Lake Van intersection.

Commissioner Keith Cowie asked about the 460 more homes discussion for a signal. He asked if that was 460 homes from today.

Community Development Director Amy Palmer said yes.

Commissioner Keith Cowie said technically Water Crest and the H Block, which is already approved could put it up to 460. He said at that time we would not issue any more building permits. He said regardless with what has already been approved in house counts that will happen.

Community Development Director Amy Palmer said yes, the road would have to be fixed. She said Water Crest would not be party to the Developer's Agreement because it has been platted. H Block and CG Jeans have agreed to do the Developer's Agreement. As we get closer to the engineering of the project and the Developer's Agreement, we will have to freeze it in time and figure out what the traffic counts are at that time and move forward with the plans.

Commissioner Keith Cowie said if that 460 number is true, we are going to hit it without this development and something will have to be done with H Block contributing.

Community Development Director Amy Palmer said it was 460 units not trips. There are about 227 in H Block and 230 in Water Crest. She said it was a timing question and H Block and this developer are working together to figure out the timing of the proportionate fair share.

Commissioner Dorothea Taylor Bogert asked how many homes were in Water Crest.

Community Development Director Amy Palmer said 230 units with 30 to 60 permits issued at this time. She said they are moving rapidly.

Commissioner Richard Hamann asked if they just went conventional and not a Planned Development. He said there would not be a need for them to do all the expansion of the road or developer agreement.

Community Development Director Amy Palmer said the developer would most likely have to do a Developer's Agreement to address the failing intersection, as that is a concurrency question. We would review the traffic study during construction plan approval. The City would have to form a Developer's Agreement to address that intersection. The improvements to Adams Road are extra. We are only getting that as it is a Developer's Agreement.

Commissioner Dorothea Taylor Bogert asked if this would be done at the beginning for the removal of poles. She said she knew the intersection would be done based upon the trigger of the number of units.

Community Development Director Amy Palmer said we would require that before the plat was approved or we would accept a bond to do the work ourselves if they wanted to go ahead and subdivide the project. Our Land Development Regulations allow the developer to bond offsite improvement or even bond onsite improvements in order to subdivide the property and sell lots.

Commissioner Dorothea Taylor Bogert said they would still have to go through Polk County and get all those approvals before that is considered, even if it is not our jurisdiction and have no say over Lake Van Road.

Community Development Director Amy Palmer said correct.

Commissioner Bill Sterling said he was glad you explained the 259 lots versus the 249 lots for the request. He said usually you decrease lots. He said in a perfect world, if the H Block developer and this developer could guarantee that before any lots can be built on the intersection of 559 would have signalization. He said he thought everybody here would be a happy camper. We want to wait for 400 and some odd lots to build houses, because it will be there eventually. He said he would like for Mr. Chapman and H Block to say we will have that intersection taken care of before anyone could occupy the homes. They can go ahead and develop and buy the lot, but not occupy. If those people are from outside the area, they do not know

anything about how bad Adams Road is. He said his concern is that he would like for them to say we will have this signalization fixed before anyone builds and moves into those two subdivisions. He said that was his vote tonight.

Bart Allen said in an ideal world, he would agree with him. The problem is the law does not allow for that. We are doing what we can with the Developer's Agreement. We are stepping up to the plate and putting up the proportionate share on the table. We cannot advance past the warrant signals that are dictated by DOT and the State. We are bound by that.

Commissioner Bill Sterling asked if they could not do the signalization before it fails.

Bart Allen said those are all DOT. Until the intersection meets the warrant, we cannot do anything. What we are doing is putting all those additional terms on paper that then becomes part of the title for the property. If Mr. Chapman sold the property to Commissioner Cowie, he would be obligated to do exactly what we agree to. The point is it becomes a part of the title, just like a deed restriction or easement. Whoever picks it up would have to do it. If it went into foreclosure, this would not be extinguished by a foreclosure. The next person who picked the project up from the bank would still have the obligation to do it, as it becomes a title issue. He said that is why Developer's Agreements are such a useful tool in the developer world, as they can tie the requirements and commitments. He said we are making the commitment to make this happen as early as we possibly can. With the Developer's Agreement, we can put in the provisions related to the commercial property coming online. He said for the record he is just hypothesizing and possibly, with the commercial property the number is 200 residential units. He said those are the kinds of things we can put into a Developer's Agreement that could expedite the signal. He said this will all be market driven, as to what develops. He said we will be addressing the Developer's Agreement.

Commissioner Bill Sterling asked how many units in the H Block.

Community Development Director Amy Palmer said H Block has 227 units.

Commissioner Bill Sterling said basically those two subdivisions could be built out before the road fails and the road is bad as it is now.

Community Development Director Amy Palmer said correct, as between the two subdivisions that would be 460 units.

Commissioner Dorothea Taylor Bogert said someone mentioned that Adams Road was an F grade road. She asked if this was accurate.

Community Development Director Amy Palmer said no it is not a failing road, according to the traffic study.

Commissioner Dorothea Taylor Bogert said we have a restriction regarding parking all over the streets in a subdivision. She said they are not allowed to park on the street based on Fire Code. She asked for clarification.

Community Development Director Amy Palmer said the Fire Marshal is trying to prevent parking on the street in the residential neighborhoods. She said the HOA would be the one to enforce that.

Commissioner Dorothea Taylor Bogert said there was a clarification on the retention so basically there should be no effect on the lake with the subdivision based on all the new requirements. She said she knew SWFWMD was big on the sewer and all that is in place to protect. She said regarding the environmental protection for the animals it would be mitigated before anything could be done.

Community Development Director Amy Palmer said correct on both of these items. The Stormwater Management and if there are any endangered species that would take place after zoning.

Commissioner Dorothea Taylor Bogert said if any of that fails, there may not be a final plat or there may be changes.

Community Development Director Amy Palmer said yes, that is one of the reasons you may not see a final plat for months or over a year as they are dealing with those issues and resolving those issues.

Commissioner Dorothea Taylor Bogert said she just wanted to clarify those issues, as she did not know that also. She said a lot of those things we have not got to that stage and we want all those answers now and she knew Commissioner Sterling did too and everything in place right now before we do the zoning, but that is actually the next step. A lot of these serious concerns will be addressed before we get to the Board.

Commissioner Keith Cowie said he wanted to close up with his portion. He said he knew this does not have a zoning and we talked about all the things that happen afterward. He said it does sometimes seem backwards, as Commissioner Sterling alluded to. Why would we not put the traffic signalization in now as we know it is going to fail anyway? He said he voted against the H Block because it was a zoning change going from one to two and it increased the number of houses and put more cars on the road. He said it was his stance on this one as well. He said he was not going to put any more cars on the road until we get to a point where we can get the issue fixed. He said his point was that we are already going to fail that intersection with the two that are already approved. He said this one will put it over the top and make sure it fails. He said he was not in favor of doing that and felt it was the wrong direction to go.

Mayor Tim Pospichal asked for a roll call vote.

Upon vote: Commissioner Dorothea Taylor Bogert yes, Commissioner Keith Cowie no; Commissioner Richard Hamann yes, Commissioner Bill Sterling no; and Mayor Tim Pospichal yes. Motion carries (3/2).

City Manager Green asked Public Works Director John Dickson to provide Mr. Legge with his business card so they may speak about the stormwater in the subdivision. He asked Community Development Director Amy Palmer about the issue as it goes to the Board of County Commission does this go before the elected body or to County staff.

Community Development Director Amy Palmer said it will be reviewed by staff.

City Manager Green said if the County residents wanted to call a County Commissioner, they may.

Community Development Director Amy Palmer said yes, they can call a County Commissioner to voice their concern about the project and call County staff to find out where it is in the review process.

Bart Allen thanked the Commission for their time and everyone for their comments.

City Manager Green said there is a CRA Meeting after the Commission Meeting and they would reconvene shortly.

Meeting adjourned at 9:06 p.m. I HEREBY CERTIFY that the foregoing Minutes are true and correct.

Shirley A. Lowrance, Finance Director/City Clerk

Community Development Director Amy Palmer said correct on both of these items. The Stormwater Management and if there are any endangered species that would take place after zoning.

Commissioner Dorothea Taylor Bogert said if any of that fails, there may not be a final plat or there may be changes.

Community Development Director Amy Palmer said yes, that is one of the reasons you may not see a final plat for months or over a year as they are dealing with those issues and resolving those issues.

Commissioner Dorothea Taylor Bogert said she just wanted to clarify those issues, as she did not know that also. She said a lot of those things we have not got to that stage and we want all those answers now and she knew Commissioner Sterling did too and everything in place right now before we do the zoning, but that is actually the next step. A lot of these serious concerns will be addressed before we get to the Board.

Commissioner Keith Cowie said he wanted to close up with his portion. He said he knew this does not have a zoning and we talked about all the things that happen afterward. He said it does sometimes seem backwards, as Commissioner Sterling alluded to. Why would we not put the traffic signalization in now as we know it is going to fail anyway? He said he voted against the H Block because it was a zoning change going from one to two and it increased the number of houses and put more cars on the road. He said it was his stance on this one as well. He said he was not going to put any more cars on the road until we get to a point where we can get the issue fixed. He said his point was that we are already going to fail that intersection with the two that are already approved. He said this one will put it over the top and make sure it fails. He said he was not in favor of doing that and felt it was the wrong direction to go.

Mayor Tim Pospichal asked for a roll call vote.

Upon vote: Commissioner Dorothea Taylor Bogert yes, Commissioner Keith Cowie no; Commissioner Richard Hamann yes, Commissioner Bill Sterling no; and Mayor Tim Pospichal yes. Motion carries (3/2).

City Manager Green asked Public Works Director John Dickson to provide Mr. Legge with his business card so they may speak about the stormwater in the subdivision. He asked Community Development Director Amy Palmer about the issue as it goes to the Board of County Commission does this go before the elected body or to County staff.

Community Development Director Amy Palmer said it will be reviewed by staff.

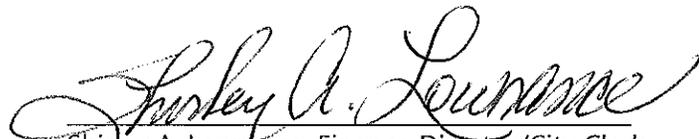
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