

Minutes of the Regular Meeting of the City Commission of the City of Auburndale held January 19, 2021 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 Jack Myers. Also present were: City Manager Robert Green, City Attorney Frederick J. Murphy, Jr., Police Chief Andy Ray, and Assistant City Manager Jeff Tillman.

Mayor Tim Pospichal declared a quorum present and the Meeting was opened with prayer by Pastor Kevin Chisholm of Move Church and a salute to the flag.

**Motion** by Commissioner Keith Cowie, seconded by Richard Hamann, to approve the Minutes of the Regular Meeting January 4, 2021. Upon vote, all ayes.

City Manager Green said one announcement this evening is a presentation that we are very pleased to make. We have special guest with us this evening that will be receiving a commendation from the City Commission. He yielded to Communications and Information Manager Seth Teston for presentation.

Communications and Information Manager Seth Teston said tonight I would like to bring forward to you a commendation for one of our young residents here in Auburndale. It goes to Amaya Brannon, who is the 2021 NFL PLAY 60 Super Kid. On January 18, 2021, Auburndale resident Amaya Brannon was announced on national television as the grand prize winner of the NFL PLAY 60 Super Bowl Contest during ABC's Good Morning America (GMA) program. The NFL PLAY 60 is the National Football League's youth health and wellness campaign that encourages kids to get physically active for at least 60 minutes a day. Amaya has been a participant of their Fuel Up to Play 60 program at the encouragement of her school's physical education teacher, rising to the level of Ambassador in the state of Florida. Amaya had learned about the NFL PLAY 60 Super Bowl Contest and decided to enter by submitting a sixty (60) second video detailing how she was staying physically active and living the NFL PLAY 60 lifestyle. She was selected out of eight (8) finalists to become this year's NFL PLAY 60 Super Kid, winning an eight (8) day trip for four (4) to Super Bowl LV, hosted in Tampa, Florida. During Super Bowl Week, Amaya will take part in exclusive events such as the Super Bowl Opening Night. She will also receive a one-of-a-kind game day experience for the big game. For 6 years, ABC's Good Morning America has teamed up with the NFL to name the NFL PLAY 60 Super Kid as the GMA Kid Correspondent. This year, Amaya will be reporting her experiences during Super Bowl Week events and even get a chance to interview the NFL's top players. The Auburndale City Commission congratulates Amaya for being selected as the NFL 60 PLAY Super Kid and becoming the GMA Kid Correspondent for Super Bowl LV. He played a video of the announcement on ABC's Good Morning America.

City Manager Green said let us welcome Amaya who is with us this evening. Now Amaya, you are going to be a correspondent on Good Morning America. The Mayor has a commendation that has been signed by all of the elected officials. I need you to turn around and grab the microphone behind you because you are going to be a correspondent.

Amaya Brannon took a photo with the Auburndale City Commission.

City Manager Green said Amaya was with her family, and if you have not connected the dots, she is the daughter of our Fire Chief Brian Bradway. We are glad for him. On the way to Orlando to the studios, where you were being interviewed, I told you that I had a tough decision to make. It was Brees or Brady and I cannot remember what you told me. Who was I supposed to pull for?

Amaya Brannon said I would go with Brady.

City Manager Green said you did say go Bucs.

Amaya Brannon said yes.

City Manager Green said well that works. Are you excited about all the things at the Super Bowl?

Amaya Brannon said yes.

City Manager Green asked what are you really looking forward to?

Amaya Brannon said I am really looking forward to seeing the Bucs.

City Manager Green said that is a big prediction there. You know our Police Chief has suggested that you might need security. The Utilities Director was scared that the irrigation was going to go on. Everybody is trying to tag along with those extra tickets. Who are you taking to the Super Bowl with you?

Amaya Brannon said me, Jayla, Brian, and Michelle.

City Manager Green said well there you go. Let us congratulate them one more time. Real proud of you. During Super Bowl week we will have to get up to watch Good Morning America and their kid correspondent will be reporting from the Super Bowl. Pretty exciting from a nationwide search.

City Attorney Murphy said certainly would like to congratulate Amaya. That is something really to look forward to and be quite proud of.

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

## **1. ORDINANCE #1653 RESTATED POLICE OFFICER'S PENSION PLAN**

City Manager Green said the first two items are coming to you under old business. The proposed Ordinances restate the City's Police Officer's and Firefighters' Employee Pension Plans to reflect relevant changes required by the Internal Revenue Code. The adoption of the changes provided in the restatement do not have an impact on the City's funding of both of the plans. The benefits provided in the restatement are the same as in the current plans, including normal, early, and late retirement, disability and pre-retirement benefits, vesting eligibility, and the employee contribution rate. The restatement of the Police and Fire Plans are very similar to the changes approved to the General Employees Plan approved by the Commission in August 2020. The proposed Ordinances would take effect upon second and final reading of the Ordinances. The proposed Ordinances and Restated Plans were prepared by the Police and Fire Pension Plan Attorney Scott Christiansen, and reviewed by the City Clerk, City Manager and City Attorney. The proposed Ordinances were approved on first reading at your last meeting of January 4, 2021 and are being presented for second and final reading. There have been no changes to the proposed Ordinances since the first reading. The Police Pension Board vote to approve the Restated Plan at their meeting of October 27, 2020 with a 4 to 0 vote. The Fire Pension Board recommended approval at their meeting of October 27, 2020 with a 3 to 0 vote. Staff recommended approval of the Ordinances and the Restated Pension Plans.

City Attorney Frederick J. Murphy Jr. read Ordinance No. 1653, which was presented and passed on first reading on January 4, 2021, by title only.

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

**Motion** by Commissioner Dorothea Taylor Bogert, seconded by Commissioner Keith Cowie, to approve Ordinance No. 1653 restating the Police Officer's Pension Plan. Upon vote, all ayes.

## **2. ORDINANCE #1654 RESTATED FIREFIGHTER'S PENSION PLAN**

City Attorney Frederick J. Murphy Jr. read Ordinance No. 1654, which was presented and passed on first reading on January 4, 2021, by title only.

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

**Motion** by Commissioner Richard Hamann, seconded by Commissioner Dorothea Taylor Bogert, to approve Ordinance No. 1654, as read on second and final reading by title only. Upon vote, all ayes.

### 3. PRELIMINARY PLAT APPROVAL – ENCLAVE AT LAKE ARIANA

City Manager Green said the next two items are plat approvals. The first is a preliminary plat for the Enclave at Lake Ariana and the second is a final plat approval for the Auburn Grove subdivision. He yielded to Community Development Director Amy Palmer for presentation.

Community Development Director Amy Palmer said the City has received a preliminary plat from Chad Booker of Sloan Engineering, on behalf of property owner Diane Augspurger for a 25-lot single-family dwelling development on +/-11.24 acres located on Lake Ariana Boulevard west of Seminole Avenue and east of the Ariana Shores Mobile Home Park. The preliminary plat has been reviewed by all City Departments and meets all City Codes and Land Development Regulations. The property is zoned Single Family Residential-1 (RS-1) and meets or exceeds all Land Development Regulations, including minimum lot size, minimum setbacks, and minimum house size. The RS-1 zoning district requires a 25 foot setback in the front yard, a 10 foot setback in the side yard, and a 10 foot setback in the rear yard. The minimum lot size proposed is 10,800 square feet. Access to the subdivision will be from Lake Ariana Boulevard, a County maintained road. Five-foot sidewalks will be provided on both sides of the street. All retention areas, roads, sidewalks, and open spaces will be dedicated to and maintained by the Homeowner's Association. Preliminary plat approval by the City Commission allows the developer to proceed with construction of infrastructure including roads and utility improvements. Final plat approval will be considered by the City Commission, at a later date. The Planning Commission recommended approval of the Preliminary Plat in a 6 to 0 vote on January 5, 2021. Staff would also recommend approval of the Preliminary Plat. She presented a location map of the property and explained the development process for the property. Once this is approved by the City Commission, it would allow the developer to submit construction plans and proceed with construction of the site. Putting in utilities. Putting in the roads, etc. After it is completing constructed it would come back to you for final plat approval, which would allow the developer to sell lots and proceed with building permits. She presented the preliminary plat. She stated the engineer, Steve Sloan, is present with us tonight if there are any questions.

City Manager Green said staff's recommendation is approval of the preliminary plat.

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

**Motion** by Commissioner Richard Hamann, seconded by Commissioner Jack Myers, to approve the Preliminary Plat for the Enclave at Lake Ariana.

Commissioner Keith Cowie said I have a question. Amy, my question is about some of the lot orientations and which way the houses face on lot 18 and 19 and how those houses are going to lay out. As I have stated before, my concern is that somebody's back yard is in somebody else's front yard.

Community Development Director Amy Palmer asked are you asking about how it would be situated with lot 17?

Commissioner Keith Cowie said either way they face that house, the back yard is going to be in somebody's front yard right.

Community Development Director Amy Palmer said the front yard will be 25 feet across the entire corner lot. All corner lots in the city have two front yards. Those front yards will both be 25 feet. The house really

could be situated with the front of the house facing either way, but the yard amount will be the same across both sides of the block.

Commissioner Keith Cowie said whatever side the backyard whines up in, in those lots, those are still 10 feet.

Community Development Director Amy Palmer said yes. It would be 10 on the side and 10 in the rear for any of those lots.

Commissioner Keith Cowie asked it would be 20 feet between the houses regardless of how it is situated?

Community Development Director Amy Palmer said correct.

Commissioner Keith Cowie said I am just not a fan of those situations that we create sometimes.

Upon vote, all ayes.

#### **4. FINAL PLAT APPROVAL – AUBURN GROVE (FORMERLY H BLOCK PROPERTY) – ADAMS ROAD**

Community Development Director Amy Palmer said the last item was the beginning of the development process. Here we are with a project that is at the end of the development process. We are looking at a final plat for what was formerly called the H Block property. The subdivision now has a name and it is called Auburn Grove. The City has received a request from the property owner, H Block Development LLC, to plat Phase I of the Auburn Grove subdivision. The subdivision is located at the corner of Adams Road and CR 559 (formerly known as the H-Block Property). The final plat has been reviewed by all City Departments and the City's Consultant Engineers and Surveyor. Phase I of the subdivision will contain 113 lots. The property is zoned Planned Development Housing-1 (PD-H1). The Planned Development meets all Land Development Regulations required within the Single Family Residential-2 (RS-2) zoning classification, including minimum lot size, minimum setbacks, and minimum house size. Access to Phase I will be from Adams Road, a City maintained road. Five-foot sidewalks will be provided on both sides of the street. All retention areas, roads, sidewalks, and open spaces will be dedicated to, and maintained by the Homeowner's Association. The plat dedicates ownership and maintenance of the wastewater lift station to the City. On January 4, 2021, the City Commission approved a Developer's Agreement with various parties, including the Auburn Grove subdivision for improvements to Adams Road. The proposed Final Plat dedicates addition right-of-way to the City to accommodate the widening of traffic lanes and a sidewalk along Adams Road. As provided for in the Developer's Agreement, the developers will construct the improvements in the public right-of-way and the City will then be responsible for maintenance. As provided for in the Land Development Regulations, the developer is requesting Final Plat approval before all infrastructure improvements are made. The developer has provided a certified check payable to the City in the amount of \$112,800, which is 120% of the estimated completed construction costs as determined by their engineer. Improvements still required by City specifications and covered by the check include signage and road striping, landscaping, irrigation, and completing the as-built. The developer has stated that all improvements should be completed by February 22, 2021. The certified check ensures that the City can complete the improvements if the developer does not. Approval of the Final Plat would acknowledge acceptance of the certified check and timeframe for completion. Final plat approval by the City Commission allows the developer to proceed with the sale of lots for the construction of housing. Staff would recommended approval of the Final Plat. She presented a location map of the property and explained the development process for the Auburn Grove subdivision. It is almost completed construction as stated. There are a few little things within the subdivision including landscaping and striping of the roads. That is why the City has received a check in order to ensure that would be completed. Tonight the final approval and the final plat allows the developer to then proceed with sale of the lots to a home builder. She presented the final plat.

City Manager Green said staff would recommend approval of the final plat.

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

**Motion** by Commissioner Dorothea Taylor Bogert, seconded by Commissioner Richard Hamann, to approve the final plat for Auburn Grove, formerly H Block. Upon vote all ayes.

## **5. PUBLIC HEARING – OFFICIAL ZONING MAP AMENDMENT – KEYSTONE ROAD**

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

City Manager Green said notice is hereby given that the City Commission of the City of Auburndale will hold a Public Hearing on Tuesday, January 19, 2021 at 7:00 p.m. in the City Commission Room of City Hall. The hearing will consider the first reading of a proposed Ordinance amending Ordinance No. 764, which is the City's Land Development Regulations and our Official Zoning Map. He yielded to Community Development Director Amy Palmer for presentation.

Community Development Director Amy Palmer said before I get into the actual presentation for the Zoning Map Amendment and the request before you tonight from the property owner, I wanted to review what is called the Cluster Development section of our Land Development Regulations. Once the Zoning is approved for this piece of property, the developer is requesting a cluster development. It is not something that we see all the time. In fact, maybe once a decade. The last one that was approved was the Water Ridge subdivision over on Adams Barn Road. A cluster development, I have also heard it called a conservation subdivision, is a common term in other jurisdictions as well. The Land Development Regulations state that purpose of a cluster development is to modify the minimum yard, the lot area, and open space requirements allowing for a grouping of structures pursuant to a development plan. It is to promote more economic development of land, encourage residential dwelling variety, provide for creativity, and originality in subdivision design. The purpose of it is to preserve open space and for that open space to serve as recreational scenic and other related public purposes. She presented cluster developments that she found online. In our Code, it states that these developments shall be permitted in residential zoning districts after city staff plan review and recommendations, Planning Commission recommendations, and City Commission approval. It goes on to further state that no advertised Public Hearings are required for these reviews. This is the starting point. We need a residential zoning district, which states what the minimum lot size is. Then it can be reduced from there per the Code. It goes on to state that the minimum lot area and width may be reduced from that allowed in the district by as much as 40% in the Cluster Subdivision. It then goes on to say that that lot area reduction amount shall be combined to form an equivalent land area of clustered open space to be preserved and maintained for recreation, conservation, scenic, or related purposes. I have an example of this in use. She presented an example of how the Cluster Development regulations are applied to a residential zoning district. What we have this evening is the Keystone Subdivision located on Old Lake Alfred Road and Keystone Road. The City has received a request to rezone the property from Econ South, LLC on behalf of property owner Keystone Developers of Polk County, LLC. The current Future Land Use is Low Density Residential and the current City Zoning is Planned Development-Housing 1 (PD-H1). The proposed Zoning classification is Single Family Residential-2, or RS-2, and the current use is vacant on approximately 65.38 acres. In July 2019, the City approved a Planned Development-Housing 1 (PD-H1) zoning classification, which included a binding site plan, for a 203 single family residential development on 65.38 acres with access off of Keystone Road and Lake Alfred Road. Econ South, LLC on behalf of property owner Keystone Developers of Polk County, LLC is requesting a zoning change from Planned Development-Housing 1 (PD-H1) to Single Family Residential-2 (RS-2). The City is also requested to approve the concept of a Cluster Subdivision as provided for in the City's Land Development Regulations. The requested zoning district of Single Family Residential-2 (RS-2) is consistent with the existing underlying Future Land Use of Low Density Residential and the Land Development Regulations. The current Planned Development-Housing 1 (PD-H1) zoning on this piece of property requires a minimum lot size of 8,400 square feet, which is the same as RS-3, with 70 feet of frontage, which is the same as RS-2, and a minimum setback of 25 feet in the front, 10.5 feet on the side, and 15 feet in the rear. The proposed Single Family Residential-2, or RS-2, zoning requires a minimum lot size of 9,500 square ft. with 70 feet of frontage, and setbacks of 25 feet in the front, 10 feet

on the side, and 10 feet in the rear. The property owner is also requesting a Cluster Subdivision. In order to request a Cluster Subdivision, you need a starting point. You need a minimum lot size. In this case, they are requesting RS-2 as the minimum lot size standard and then they are requesting to cluster the homes within this piece of property. As permitted by the City's Land Development Regulations, the applicant is requesting a cluster development be approved for use with the RS-2 zoning designation. The cluster development code allows the minimum lot area and width to be reduced by as much as 40%, with the lot area reduction amount to be combined and preserved as open space for recreation, conservation, scenic, or related purposes, but not retention areas. No increase in density is allowed in the cluster development than permissible in the applicable zoning district. The density would be the same as a conventional subdivision in the RS-2 district versus a clustered development. As it relates to the Keystone Road subdivision, the zoning district is requested to be changed to Single Family Residential-2 (RS-2). The proposed cluster design includes 200 residential lots. 121 lots have a minimum lot size of 6,720 square feet, 70 lots are at various sizes up to 9,500 square feet, and 9 lots meet the RS-2 standard or are above the 9,500 square feet. Proposed setbacks would be 20 feet in the front, 8 foot on the side, and 20 feet in the rear and this is allowed in the Cluster Subdivision. If the concept of a cluster design is approved by the City Commission, the property owner would proceed with further design of the development and submit a preliminary plat to the Planning Commission for a recommendation to the City Commission. The Planning Commission action at their meeting of January 5, 2021, considered a rezoning request from Planned Development- Housing 1 (PD-H1) to Single Family Residential-3 (RS-3). The request failed on a 3-3 vote. Subsequently, the Planning Commission voted 6 to 0 to recommend approval of Single Family Residential-2 (RS-2) zoning district. The Planning Commission then voted 6 to 0 to reject the request for a cluster development. Staff would recommend approval of the Rezoning Ordinance and no objections to the cluster development. She presented a location map of the property located on Old Lake Alfred Road and Keystone Road and explained the development process for the Keystone Road subdivision. If the Cluster Subdivision is approved, you would then receive the preliminary plat at a later date once the developer works on the preliminary plat plans. It would then follow the conventional development process. She presented the Planned Development site plan that was approved in 2019.

Commissioner Jack Myers asked they could build that today?

Community Development Director Amy Palmer said yes. She presented the site plan for what is being proposed as the Cluster Subdivision. She stated this is a concept only. Again, a preliminary plat would come back before you if this was approved. What they are planning is a variety of different lots. They are requesting 200 lots. The minimum lot size would be 6,720 square feet. The minimum amount of frontage is 56 feet. With us this evening is John McVay. She yielded to John McVay for presentation.

John McVay, 6700 S. Florida Avenue, Lakeland, representing Keystone Development, said Amy did a very good presentation on what we are trying to accomplish. Let me say thank you for being able to hear us face to face and not in a Zoom meeting. We understand the urgency and seriousness of this epidemic. I also want to congratulate, she is already gone, the young lady. I am an Auburndale boy. I grew up in Auburndale and it is very good to see people like that from Auburndale that can accomplish those things. If Richard can do it anybody can do it. This is the original PD that was approved for the development. If you look at this project we have a new potential owner now or buyer who is buying the property. His name is Gian Marsan. He is out of Quebec, Canada, but his office is in Orlando. He has this property that he is purchasing and he has also purchased another site in North Auburndale that will be coming in within the next month or so. This site is PD, which is a mixture of RS-2 and RS-3. On this particular site, it is either lots or it is retention. There is 20 lots along 559. There is another 20 to 25 along Keystone Drive. In looking at what the potential buyers and home builders want, the market. That really is, I do not want to say old school, but it is the ordinary.

Commissioner Jack Myers said they use to call that rack 'em and stack 'em.

John McVay, 6700 S. Florida Avenue, Lakeland, representing Keystone Development, said right. You have to remember that the other project had 203 lots. We are proposing 200 lots, so three lots is not a big deal. There set backs were 10 ours are 8. There lot sizes were 70 feet. Our smallest is 56, but what that allows us to do is put almost 14 acres in open space, recreation, and retention. If you look at that, 50% of the homes back up to a green area. Commissioner Keith said something early about backing up the lots. What we have done here is, the ones that are here that back up to lots, we have actually put a pedestrian or a green space between that lot and the other lot in order to separate it out for landscaping. Also, what this has that the other one did not have is around the whole site we are putting a landscape buffer. So that we are not backing backyard to backyard to any of the existing residents. We have also taken the majority of the houses off of the 559, not 559, Old Lake Alfred Road and the railroad tracks. We do not have anything that is butted up directly against the right-of-way. We have got a setback there with a green area. These are going to be dry retention ponds. They are going to be about three feet deep roughly. They will be used as multipurpose fields during the dry season. They will be used as retention during the rainy season. There is a lot of interconnection. We have got walking paths. We have got some active recreation. We have got interconnectivity from almost anywhere in the subdivision. Very easy to get to the green space. It is kind of a tradeoff. He described the benefits of a Cluster Subdivision. He stated the price of the houses are going to be the same. Somebody made the statement that you can condense the lot size to save on the development cost, which is it true, but it allows you to put more money into the house. He explained the cost savings of having smaller lots and where the savings could be reinvested. He described particular benefits of the Keystone Road Subdivision including its uniqueness, good traffic flow in the development, a trail, sidewalks, and a lot of recreation, open space and buffering.

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

## **6. ORDINANCE #1655 AMENDING OFFICIAL ZONING MAP – KEYSTONE ROAD**

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

City Manager Green said as the staff was putting these items together because it is somewhat unique that the consideration of the cluster development has to be brought in at the same time. You did see where the original request from the petitioner was to go to an RS-3. The Planning Commission, as Amy reported, did vote that down on a tied 3 to 3 vote. Following that they then recommended that we go to an RS-2 recommendation to the City Commission. You have been copied to a letter from the engineering firm suggesting that they were receptive to the RS-2 zoning. The Ordinance that you have before would amend the Zoning Map on the entire parcel to an RS-2 zoning. That would then allow for future development of a cluster development, if that were to be considered by the Commission. He provided an example of how a property owner or developer can request a cluster development. He explained that a cluster development proposal does not require a Public Hearing as it does not increase the density. He suggested in other cities cluster developments are more common, but it is provided in our Code, and that is the reason that staff has no objections. But, before you can consider the cluster development, you need to have that minimum starting point, which would be the RS-2 zoning. The RS-2 zoning is consistent with the other surrounding developments on Keystone and staff would recommend approval of the Ordinance.

City Attorney Frederick J. Murphy Jr. read Ordinance No. 1655 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 RECLASSIFYING AN AUBURNDALE ZONING MAP CLASSIFICATION ON A PARCEL OF LAND TOTALING +/- 65.38 ACRES FROM CITY OF AUBURNDALE ZONING CLASSIFICATION PLANNED DEVELOPMENT-HOUSING 1 (PD-H1) TO SINGLE FAMILY RESIDENTIAL-2 (RS-2); AND PROVIDING AN EFFECTIVE DATE. (General location: Keystone Road and Old Lake Alfred Road),** by title only.

**Motion** by Commissioner Jack Myers, seconded by Commissioner Keith Cowie, to approve Ordinance No. 1655 to RS-2 Single Family Residential zoning.

Commissioner Dorothea Taylor Bogert said I have a question and it kind of ties into the second request as it is something that would effect this. The 40%, that is strictly lot size right. Then the 20, 8, and 20. The RS-2 is a 1,200 minimum square foot with a 220 square foot garage. Would that still be applicable to any home that went in there regardless of the size of the lot?

Community Development Director Amy Palmer said that is correct. Everything else would apply.

Commissioner Dorothea Taylor Bogert said they just have to have the 8 foot setback.

Community Development Director Amy Palmer said the house size would apply.

Commissioner Dorothea Taylor Bogert said it is my preference that it would from an RS-1. Shrinking down would make it a little bigger lots, but I can see originally it was 1,000 feet that came up in the Planning Commission. That is when it was RS-3 right?

Community Development Director Amy Palmer said that is when the request was RS-3. Correct.

Upon vote, all ayes.

## **7. CONSIDER CLUSTER DEVELOPMENT KEYSTONE HILLS SUBDIVISION – KEYSTONE ROAD**

Commissioner Jack Myers said there is no need for a Public Hearing.

City Attorney Murphy said correct.

City Manager Green said just to give you an explanation to that. The reason for no Public Hearing is you are not changing zoning.

Commissioner Jack Myers said this allowed by our code.

**Motion** by Commissioner Jack Myers, seconded by Commissioner Dorothea Taylor Bogert to approve the Official Zoning Map to a Cluster Development.

Commissioner Dorothea Taylor Bogert said I like the green space and the concept. I absolutely think Conservation Subdivision is far superior than Cluster Development. When you think of cluster, you think of all these tiny houses slammed together. I know this is totally conceptual, but my concern was that they dropped three houses off and it is still 200 families. In the original PD they had entrances on Old Lake Alfred Road and Keystone. This has two and it is a very nice, but is that going to be a real issue. I am concerned about traffic. I know they have to meet certain requirements. I know on the TECO trail any subdivision coming in would require them branch out to the residents. We are going to have a trail along there that connects the Old Dixie Trail. These are things for them to think conceptually about. If they bring it back to us like this without some of those things, I just want to put that out there because I do not know if that is going to affect how this does. The concerns I have is traffic and I know we always do traffic studies and all of that is after the fact. If they have this in place and it does not change. I do not know if that is a financial issue.

Commissioner Jack Myers said that has to come back to us. Is that correct?

Commissioner Dorothea Taylor Bogert said yes. The preliminary plat would come back. Then a final one, but I am just curious as to how that works.

Community Development Director Amy Palmer said the preliminary plat would come back to you for approval of the subdivision layout. Road entrances and the like. We would encourage pedestrian access to the trail. As far as access to the subdivision, both of those roads are County roads. The applicant is going to have to go to Polk County to request permission to access either of those roads. I will let John address the access question a little bit more.

John McVay, 6700 S. Florida Avenue, Lakeland, representing Keystone Development, said yes Commissioner. We have met with the County a couple of times and also talked to the trail people. They did not like additional crossings on the trail. It is kind of like a railroad track. Every time you cross the trail it creates a pedestrian hazard. In talking to the County with our traffic engineer, by coming on Keystone Road we limit the access to Old Lake Alfred Road to the original point of intersection, which is there now. That intersection would be improved based upon the traffic study. It is kind of a spacing issue. If I am going toward Keystone south towards Dairy Road there is a spacing issue. They want to keep it as much as they can as it is cheaper for the County to widen the roads. We will take that into consideration.

Commissioner Richard Hamann said I have a problem with some of this. Looking at the lot and everything else. This Commission wanted larger lots and voted to make the lots larger in the RS-3, 2 and 1 earlier. You are talking about 56 foot lots on there. I think we are stepping back instead of going forward. It is a great concept and everything like that, but this Commission decided we want larger lots. Larger fronts on the lots. I am going to go with the Planning Commission recommendation on this one.

Commissioner Keith Cowie said along the lines of Commissioner Hamann, we closed some of the loop holes on lot sizes and this is another loop hole to get through it. I hate say that because I do think there is some benefit to the cluster concept. To Commissioner Hamann's point, I think we are going against what we were trying to do in that aspect. I am not in favor of the way this one is laid out. Not saying I am not in favor of the cluster concept and I understand this would come back to us. This would not be the one we would approve obviously. I have concerns that what the developer is trying to do is basically get smaller lots. It kind of goes against what we are trying to do as a Commission and what we have stated.

Commissioner Jack Myers said if I am hearing my fellow Commissioner's correct. They changed the lot sizes to larger lots, however this was approved and this stands with entitlements before that change was made. You are going down a slippery slope. You are going to have to give a better reason if you are going to defend this anywhere else, other than I just do not like it because our Code allows exactly what they are asking for here. If we do not like our Code, we need to go change our Code. Am I wrong in saying that Mr. Murphy?

City Attorney Murphy said no you are not wrong the Code does provide and allow for you all to make the decision as it relates to the Cluster Subdivision. Generally speaking, as Commissioner Cowie has noted, you as policy makers need to change the laws in the Code if that is the concern. I guess what I am saying is you are both correct.

City Manager Green said an objection to the size as a reason.

City Attorney Murphy said the reason I heard, based on depending on what you all do, is the size of the lots given that this zoning would be RS-2. Again, that is what I heard. Keep in mind there are two issues you have considered tonight. We have already passed on first reading and Public Hearing the zoning Ordinance allowing for a rezoning to RS-2. This now is the Cluster Subdivision request, which is another part of the Code. Does not require a Public Hearing. That is what you are being asked to vote on now. If you looked at the Code, I do not know that that would be considered a change in the zoning. For legal purposes I think that is significant because is one of the reasons that it does not require a Public Hearing. Another reason

why it does not require an affirmative vote of 4 members of this Commission to overturn the Planning Commission decision.

Commissioner Jack Myers said if I am hearing my Commissioners right, you would rather have this right here that is approved over that.

Commissioner Dorothea Taylor Bogert said that is the Planned Development. That is expired. What we have now is an RS-2 that still has a 70 foot width. I think that is biggest thing we have talked about in the past is the width of the lot.

Commissioner Jack Myers asked can they build this today under the zoning.

Community Development Director Amy Palmer said the lot size would need to increase. The lot size in that Planned Development is 8,400 square feet. So they could not.

Commissioner Jack Myers said they would have to go to 9,600.

Community Development Director Amy Palmer said it would have to go to 9,500 square feet. So they would have to be deeper lots.

Commissioner Jack Myers said this does not have any green space. It has more pervious surface. Is that correct, than what this has?

Mayor Tim Pospichal said it will still have to have retention areas.

Commissioner Richard Hamann said they are using the retention areas for the green space for recreation.

Mayor Tim Pospichal said exactly, so if it rains all year that is all wet anyway.

Commissioner Keith Cowie said it is my understanding that the retention cannot be included in that trade off.

Commissioner Dorothea Taylor Bogert said that is correct.

Mayor Tim Pospichal said my concern is that we worked very hard to get up and away from the 50 foot lots. I know they are asking for 56 foot lots. We are looking at 20 foot setbacks and I know this was the discussion at the Planning Commission. When I go into a subdivision that has 20 foot setbacks and they have two cars in front of their garage. One always covers the sidewalk. Even if it is a Code, and it is in the book, that does not mean we have to accept that Code. That is our job as elected officials to really do what we believe is best for the city of Auburndale. In concept, this is real nice. 56 foot lots with 20 foot setbacks. That puts us back. Where we worked to get up to our RS-3 lots at 65 feet. I believe we are just losing too much. They are going to be small. I know this statement was brought up in the Planning Commission, but there will be undoubtedly parking issues. From the research that I have done, there are more people leaving at home. People are turning their kitchens into offices because more people are telecommuting. I would not be a fan of this. I like the green space. I just do not think it is a fit.

John McVay, 6700 S. Florida Avenue, Lakeland, representing Keystone Development, said I respect everybody's view and what they are doing. One of the things we are trying to do with this development is under the old PD there were 8,400 foot lots. We came here, you gave us RS-2. Which is 9,500 square foot lots. We lost 1,100 square foot per lot based upon changing it from the old zoning to the new zoning on that. The Ordinance allows us to reduce by 40%. We only reduced it by 20%. The square footage requires us to reduce it by 40%. We only reduced it by 20% of the new zoning, RS-2. These lots are about 15 or 20 feet deeper than the original PD lots. If the 20 foot setback in the front is a problem we do not have a problem

doing the 25 from that scenario. The retention is all outside of the recreation. We are getting three units per acre. There are 11 acres. We are only required to have 10.4. We have a little more recreation. We also have active recreation. The retention is retention. It cannot be used, but it is extra area in case it is dry. I know you all do not want to hear it, but the market trends are trending to these areas where people want to have a community they can get involved in. They want that interconnectivity. They want that open space. They want that recreation. I understand the City's concerns and their questions.

Commissioner Jack Myers said on this. I know it is not binding the site plan here, but looks like to me from the outside of the sidewalk to the other side of the sidewalk is 30 feet. That should not be correct because do not we have minimum width.

John McVay, 6700 S. Florida Avenue, Lakeland, representing Keystone Development, said it is 50 feet.

Commissioner Jack Myers said he could not read that. It is too small. How wide are the streets?

John McVay, 6700 S. Florida Avenue, Lakeland, representing Keystone Development, said whatever City Code is. 24 foot of asphalt. The only thing we are asking different than a standard subdivision is that we are able to reduce the lot size. It is not the house size. The lot size in order to get more open space so that we do not have nothing for the home owners and the property owners. It gives them a recreation area. Now this active recreation it may have tennis courts. It may have hand ball courts. It may have basketball. It may have tot-lots. I do not know for sure because they have not decided on that yet. If there is no place to put it. There is no place to put it.

Commissioner Keith Cowie said as Commissioner Myers said I am not totally against the idea of this. I do like having the open space. My concern, and I know this is not a final draft, is as I look at this some of this open space I do not know if it is accessible open space. It is just an extension of my back yard a little bit. It is not that the community can really use that. Like around this dry retention area. There is open space around that, but I am not sure who is really going to use that or do anything with that. Except the people that live there. It is just going to be a little bit bigger backyard. My thing would be, I would want to see it redesigned. If we are going to give up that lot size to make open space, or recreation area, that it would be more accessible and useful to everybody in that community.

John McVay, 6700 S. Florida Avenue, Lakeland, representing Keystone Development, said in this particular area the active recreation is in the exact center of the property.

Commissioner Keith Cowie said I see that one, but this other space that is called open space that is part of your 20%.

John McVay, 6700 S. Florida Avenue, Lakeland, representing Keystone Development, said it meets the City's definition for the City's open space.

Commissioner Keith Cowie said but it is not useful space.

John McVay, 6700 S. Florida Avenue, Lakeland, representing Keystone Development, said it is probably 60 feet wide between there and the pond. I am not trying do semantics and all, but it gives them some access to the trail, which then is even more recreation area.

Commissioner Keith Cowie said I see the access to the trail up here off of Lake Alfred Road. That does not concern me so much as this one in middle and some of this other little stuff that you are using to get some of your space to basically just to make the lot size smaller. If you are going to do that. I am not totally against that. I would rather see the space used in a more useful way to the community.

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John McVay, 6700 S. Florida Avenue, Lakeland, representing Keystone Development, said it can be done that way. Then you have everything gridded in the middle.

Commissioner Keith Cowie said I am not saying to put everything in the middle. That is not what I am getting at. I would want it to be more useful to everybody in the community.

Commissioner Richard Hamann said more accessible too.

Commissioner Keith Cowie said again, I understand the Code allows it. I think that is what the Code was intending. If you are going to trade off some space, and make a smaller lot, that that space would be useful to the folks in that community. Some of it is. I am not saying it is not. There is other stuff in here that is not. I get it. It will not be every square inch.

John McVay, 6700 S. Florida Avenue, Lakeland, representing Keystone Development, said it is not a binding site plan.

Commissioner Jack Myers said if we were to approve the request here before us right now in the motion. That we can deny a plan that comes back to us.

City Manager Green said or you can do it another way. To table the discussion on the cluster tonight given that you have only approved the zoning on first reading. It has to come back to you on second reading February 1<sup>st</sup>. You would establish the zoning as RS-2 and that becomes the zoning on the property. Now that it would have a zoning of an RS-2, we could pull off the table the discussion of cluster that might have some of the other suggestions that he has heard tonight from the Commission. You could make that final decision at that point.

City Attorney Murphy said that would be recommendation based on what I have heard.

John McVay, 6700 S. Florida Avenue, Lakeland, representing Keystone Development, said we do not want to give up the PD for a lot bigger lots if it has already been approved.

**Motion rescinded** by Commissioner Jack Myers, and second rescinded by Commissioner Dorothea Taylor Bogert.

Mayor Tim Pospichal said as Mr. Murphy suggested. Would you give him that suggestion?

City Attorney Murphy said I think it has been taken care of by Commissioner Myers perhaps withdrawing the motion. I think maybe it will come back to you for a second reading on the RS-2 on February 1<sup>st</sup>.

City Manager Green said I was just asking Amy. The question came up about the PD that is in place and can you build on that today. When a PD expires it either has to be renewed, which would be the request, or it would need to be changed. The proposal that is coming to you tonight is to change it. If you did not change to the RS-2, that is a request that the petitioner could make to you at the next meeting. If they saw that we are just going to stay with the PD. They could just ask you to reaffirm the PD that you have already approved. They can still do that. They could ask for some changes, an amendment to the PD. That could be looked at and considered by the Commission. They are going back to a conventional zoning that sets you the base or the minimum.

City Attorney Murphy said if that were the case, just hypothetically speaking. If the scenario was that at the applicants request they say well we would like to renew the existing PD that had expired. Would that require Planning Commission reconsideration and would that require a Public Hearing in front of this Commission? I am not prepared to answer that question tonight. That is certainly a scenario. I think that is the issue we need to clearly articulate to the Commission so you know what staff and the recommendation may be in

conjunction with the applicant. As you see, before you tonight, is the applicants request to assign RS-2. That is what is before you tonight and the cluster. I think if you do not take action on the cluster tonight that is fine. There is no harm, no foul. That does not mean they cannot reiterate that request later. There can be other options perhaps to explore.

John McVay, 6700 S. Florida Avenue, Lakeland, representing Keystone Development, said Mayor maybe I can help out. We request that the RS-2 go to the second reading. We want to postpone or continue the cluster until the next City Commission Meeting allowing us time to get with staff and everyone to make sure we can come back with a viable cluster. That way there is no action taken other than to continue it to the next meeting.

City Attorney Murphy said the record will reflect that the applicant requested that on the record.

## **8. DISCUSS CITY MANAGER POSITION – MAYOR TIM POSPICHAL**

Mayor Tim Pospichal said this is something that I requested to put on the agenda. The pending retirement of Mr. Green is approaching us in April. As the City Charter applies, it is our job to appoint the next city manager by a majority vote. As we go about it the City Charter is silent. In other words, they do not tell us how to do it. Am I correct on that Mr. Murphy?

City Attorney Murphy said you are correct. The City Charter is very silent on that issue, which means you have a lot of flexibility.

Mayor Tim Pospichal said the reason we are doing this tonight is to seek consensus on how to move forward in our next move. Time is moving on. I know we can do a state-wide and we can do a national search. We can go through the FCCMA. We can get a recruiter. I believe we have a wonderful opportunity to consider the promotion of our current Assistant City Manager, Mr. Tillman. Mr. Tillman has been here since October of 2016. He has shared interest in the position. A little bit of his history is he has served as a Management Analyst for the City of Kissimmee, Parks and Rec. Manager in Lake Alfred, and then he was the Assistant City Manager in Panama City. He holds a Master's Degree in Public Administration. Mr. Green, counting Mr. Tillman, you have had seven Assistant City Managers. Six of them worked under you and they have all went off and did great things throughout the state of Florida and the United States. The last one, Mr. Sherrouse, who went off to Lakeland. Now is the City Manager in Lakeland. I believe that Mr. Tillman is somebody that we should consider heavily and I would suggest, if it be the pleasure of the Commission, that we publicly interview Mr. Tillman at our next City Hall meeting February 1<sup>st</sup> and ask him to present us with an employment agreement for us to consider during the interview. Of course, this will be done during the meeting so it will have complete transparency to the public. Then if we are so inclined we may offer Mr. Tillman a position, or just take direction and go in a different approach. I have had my say. Commissioners share with me your thoughts.

Commissioner Jack Myers said I cannot disagree with anything you just said.

Commissioner Richard Hamann said I think before we do anything we should look in our own house and see if there is a viable replacement for Mr. Green. I do not have any objections interviewing him and have him bring a contract for us to look at on the next meeting, February 1<sup>st</sup>.

Commissioner Dorothea Taylor Bogert said I am usually an advocate of doing searching to see what is out there. However, in this situation, I think we are in a very unique situation. That we have a very extraordinary individual who is already in house with us. That has shown us his expertise and his abilities. I thinking about not only the availability of such an extraordinary individual, but also the cost of doing a search and we have

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pretty strong feelings of where we stand at this point, or at least I do. I can speak for myself. That expending that money of our taxpayers that can be used in better purposes. I agree with you 100%. I think we should at least give him the initial interview and if there is something that comes up at that then we will address it at that point. If we feel like we need to move further beyond that or he changes his mind, whatever the case may be. If initially he comes and presents a contract for us to interview him. I do like the fact that it is going to be public and open and that anyone can come and address that. I agree with you.

Commissioner Keith Cowie said I agree as well. I think we have a highly qualified candidate in house. I am as well in favor of the public interview process and asking Mr. Tillman to also have a contract at that time that we would be able to review.

Mayor Tim Pospichal said this is wonderful. Mr. Green, I will tell you, the first time I went to a conference in Orlando and all of the sudden these five guys come running up. I thought who are these guys. These were all of your past mentees. I was very green. I had a seat and Richard leaned over to me and said those are all former Assistant City Managers and they had all went off and done good things. It is a pleasure of the Commission. If we could get an employment agreement, would that be in our next package?

City Manager Green said we can set that up for your next agenda.

Mayor Tim Pospichal said if we could set that up. That would be something I would like to do and thank you Commissioners for your input on this and I think that we can move on without creating a ripple.

Assistant City Manager Jeff Tillman said I would like thank everybody for the comments and the opportunity to interview with you moving forward. Look forward to the chance. Thank you.

Meeting adjourned at 8:25 p.m.

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

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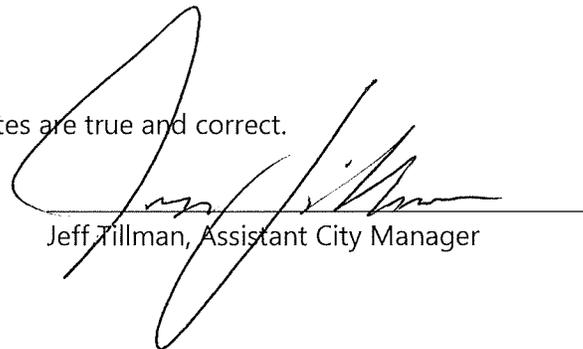
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