

Minutes of the Regular Meeting of the City of Auburndale held May 17, 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 Jeff Tillman, Finance Director/City Clerk Shirley Lowrance, City Attorney Fredrick J. Murphy Jr., and Police Chief Andy Ray.

Mayor Tim Pospichal declared a quorum present and the Meeting was opened with prayer by Pastor Michael Robinson of Lakes Church Auburndale Campus and a salute to the flag. He asked the Commissioners to lean into their microphone. when they speak as we have citizens in another room listening to the Meeting.

**Motion** by Commissioner Keith Cowie, seconded by Commissioner Richard Hamann, to approve the Minutes of the Regular Meeting of May 3, 2021. Upon vote, all ayes.

City Manager Tillman said he was excited to make the next announcement. The Florida City and County Managers Association has what they call the Lifesaver Award for a Manager that they call in transition, who is between municipalities. A City Manager reaches out and brings them into their organization, both for the benefit of the member in transition, as well as the organization. He introduced Jeff Brown who will work as the Special Projects Director. He will help with the election with the announcement of Finance Director/City Clerk Shirley Lowrance's retirement in July. He will get his hands around the November election, work on the construction downstairs of the new Commission Room, and other projects. Jeff started out as a planner with the County, came to the City of Auburndale as the Assistant City Manager for Auburndale in 1994, he went on to be the City Manager for Frostproof for a number of years, and served Panama City as their Assistant City Manager for over a decade and then ultimately was promoted to their City Manager. He said he served under him for a number of years. He said he brings a wealth of knowledge to our organization to help us out with special projects. As we get into the Capital Improvement discussion, you will see how many projects we have. He said he was excited to welcome him back to the City of Auburndale.

Parks and Recreation Director Cody McGhee said they held the Touch-a-Truck event on May 8 and had a great turnout. It was our first event since the pandemic. He displayed pictures of some of the trucks from the event. We served free hotdogs, chips, and drinks. Bond Clinic was there as one of our vendors and provided temperature checks. We had plenty of sanitation stations and a good handle on the event. He said kudos to Parks and Recreation for their first event. He said the Pickle Ball Gang operates at the Community Center and have upwards to 115 people, who play for free on eight courts. They collect a donation from their members for our fireworks fund and have provided their funds to the City. Brian Toune normally comes to the Meeting, but was unable to be present tonight. He said they make the donation out of the goodness of their heart.

Public Works Director John Dickson gave an update on the paving project, which was going very well. He said crews will be back on site tonight working north on Main Street and around Lake Stella toward Lake Ariana Blvd. The goal was to complete up to the "s" curve on Lake Ariana Blvd. this week. They will be moving to the Somerset area later. He said we are happy with the project.

City Attorney Fredrick J. Murphy, Jr said on Friday, he received from Bart Allen, the attorney representing the Adams Road Fund LLC, a proposed draft of an Agreement for the County Road 559 and Adams Road Intersection Infrastructure project, which is the signalization for the intersection. We are reviewing it, but the good news it – this Agreement is real and moving forward and there will be tangible improvements made that will address some of the issues related to this matter.

Mayor Tim Pospichal asked for public comment.

Richard Stallard, 124 Cherokee Drive, Auburndale, said he noticed there were not as many trucks on the roads. He asked that signs be placed on Dairy Road by the Caldwell School, as he saw several trucks turning left

going down Dairy Road and Old Lake Alfred Road. We need some signs in front of the intersection to show the truck routes and let them know the road has moved from SR 559 to CR 559. He said people need signs or they do not pay attention.

Fire Chief Brian Bradway said we have a commendation for Amir Coston. Easter Sunday the fire crew was toned out for an outside fire, which could be an illegal burn someone was concerned about to a full-size brush fire. Little did we know we already had a potential future firefighter on scene. Amir is a 15 year old, Auburndale High School student, who lives in the area. He and his family were celebrating Easter, when he noticed there was a fire in the neighbor's yard, and he reacted with a fire extinguisher and garden hose and put the fire out. When the fire crews arrived, there was not much to do, but say thank you Amir. We want to recognize him for his efforts. Amir recognized he could step into action and save property. He has a special trait and he may have an interest in firefighting after this. His family said he went on line and looked up what it takes to be a firefighter. We had him and nine of his family members come to the Fire Station for an in-house recognition. He has a great family, he is a great Auburndale Freshman, and maybe a future firefighter, if he wants. He thanked Amir.

Commissioner Dorothea Taylor Bogert read the commendation for Amir Coston. Pictures were taken and the commendation presented to him.

#### **1. ORDINANCE #1659 AMENDING LAND USE MAP – AUBURN GROVE PROPERTY**

Assistant City Manager Amy Palmer said the City has received a request to amend the Future Land Use and a Planned Development zoning classification for property located on Hwy. 559. The property is about 2.8 acres. In April 2019, the City approved a Planned Development-Housing 1 (PD-H1) zoning classification, for a 227 single-family residential development, known as Auburn Grove, on 104 acres. JSK Consulting on behalf of property owner H-Block, LLC is requesting to amend 2.8 acres of a 31.53-acre tract of land adjacent to Auburn Grove from a Future Land Use of Neighborhood Activity Center to a Future Land Use of Low Density Residential to allow for ten additional residential lots to the approved Auburn Grove subdivision. The request is compatible with adjacent Future Land Use classifications. The requested zoning amendment from Planned Development Commercial-1 to Planned Development-Housing 1 is consistent with the proposed Future Land Use of Low Density Residential. As required by the Land Development Regulations for Planned Developments, the request is accompanied by a binding site plan. The zoning request would accommodate the expansion of the Auburn Grove subdivision by 2.8 acres and ten single-family residential lots. The previous standards approved for the subdivision by the City will apply, including the minimum lot size of 9,500 SF, the minimum lot width of 70-feet, and minimum setbacks of 25-foot in the front and 10-foot on the side and rear. The Planned Development will also require a 1,500 SF minimum house size, consistent with the previously approved PD-H1 zoning classification. The Future Land Use and Zoning Map request meet the requirements of the Comprehensive Plan and the amended binding site plan meets the Land Development Regulations. The Planning Commission recommended approval of the proposed Future Land Use and Zoning Map Amendments, in a 5-0 vote on April 6, 2021. Staff recommended approval of the proposed Ordinances. She displayed the location of the property on CR 559. She displayed the Future Land Use Map and Zoning Map.

City Manager Tillman said the proposed Ordinance was prepared by the Community Development Department and reviewed by the City Manager and City Attorney. The proposed Ordinance was approved on first reading and is being presented for second and final reading. The ordinance amends the Future Land Use Map, Auburn Grove.

City Attorney Frederick J. Murphy, Jr. read Ordinance No. 1659, which was presented and passed on first reading on May 3, 2021, by title only.

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

**Motion** by Commissioner Dorothea Taylor Bogert, seconded by Commissioner Keith Cowie, to approve Ordinance No. 1659, as read on second and final reading by title only. Upon vote, all ayes.

## **2. ORDINANCE #1660 AMENDING OFFICIAL ZONING MAP – AUBURN GROVE PROPERTY**

City Manager Tillman said Ordinance No. 1660 amends the Official Zoning Map on the Auburn Grove Subdivision.

City Attorney Frederick J. Murphy, Jr. read Ordinance No. 1660, which was presented and passed on first reading on May 3, 2021, by title only.

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

**Motion** by Commissioner Keith Cowie, seconded by Commissioner Richard Hamann, to approve Ordinance No. 1660, as read on second and final reading by title only. Upon vote, all ayes.

## **3. ORDINANCE #1661 AMENDING LAND USE MAP – SHARRETT PROPERTY**

Assistant City Manager Amy Palmer said the two Ordinances are for second reading. The City has received a request for a Future Land Use Map Amendment and Zoning Map Amendment for property owned by Sharrett Land, LLC. The location is C. Fred Jones Blvd. and I-4. The Sharrett property was originally annexed into the City in March of 2009, as part of a larger annexation of 207.56 acres. This Sharrett Property represents about 52.39 acres. In March of 2010, the City established a Future Land Use designation of Business Park Center and Conservation Wetlands. Zoning was not established on this 52.39 acres of the site at the owner's request. JSK Consulting on behalf of property owner Sharrett Land, LLC is requesting to amend the Future Land Use on 48.97 acres from Business Park Center to Tourism Commercial Center. Approximately 3.42 acres are existing Conservation-Wetlands and are not included in the Future Land Use change request. The applicant is also requesting to establish a zoning district of Planned Development-Commercial 1 or PD-C1 on 52.39 acres. The request will allow the applicant to construct a private motor sport track, clubhouse, and 75 garage condominiums. As required by the Land Development Regulations for Planned Developments, this request is accompanied by a binding site plan. The binding site plan shows the layout of the motor sports track, clubhouse, condo garages, and parking areas. All requirements of the Land Development Regulations are met. Included in the "Notes" section of the binding site plan is a statement that proposed residential uses are accessory and incidental to the primary use of the project. The Planned Development is proposed to expire on December 31, 2026 unless sufficient application for construction plans have been submitted. Following the Public Hearing at the March 2 Planning Commission meeting, the developer of the Motorsports Club has provided additional notes on the binding site plan to address operational and design features about the use of the track and private motorsports club. These notes and conditions will become part of the adopted binding site plan. The City Commission held a Transmittal Public Hearing on March 15, 2021 prior to sending the proposed Future Land Use Map amendments to the State for a compliance review. The State responded with no objections to the map amendment. The proposed Future Land Use Map amendments and Zoning Map amendments are consistent with the City of Auburndale's Comprehensive Plan and Land Development Regulations. The Planning Commission recommended approval of the Future Land Use and Zoning Map Amendments, in a 5 to 1 vote on March 2, 2021. Staff recommended approval of the proposed Ordinances. She displayed the location of the property. She displayed the Future Land Use Map for the area and stated it is proposed to be changed to Tourism Commercial. Tourism Commercial zoning was east of the site and north of the site, which is the Fantasy of Flight property. The proposed Zoning Map Amendment was Planned Development Commercial. She said the proposed Future Land Use of Tourism Commercial and the Planned Development Commercial are consistent with one another. She provided a display of the notes to the binding site plan and stated they remain the same, as discussed at the first meeting.

City Manager Tillman said the proposed Ordinances were prepared by the Community Development Department and reviewed by the City Manager and City Attorney. The proposed Ordinances were approved on first reading and are being presented for second and final reading.

City Attorney Frederick J. Murphy, Jr. read Ordinance No. 1661, which was presented and passed on first reading on May 3, 2021, by title only.

Mayor Tim Pospichal asked for citizen comment.

Dennis Young, 254 Lake Tennessee Drive, Auburndale, said the notes have changed from the original meeting. At the last meeting, he was very vocal in regard to the muffled engine noise. On the notes there now, it is indicated all of vehicles on the race track will have mufflers, which he thought was a very positive thing for the residents in his neighborhood, as there are a quite a few of them that work third shift. One of the items said no professional racing nor hosting of in person racing events, so there is nothing that will be paid. On one of the other notes, practice sessions for professional race teams will be allowed. He asked are those professional race teams going to be muffled. He said one seems to be contrasting the other statement. There are two notes: full configuration of the asphalt track and full design of the buildings shall be designed later or in compliance with. He asked how binding is this site plan. It seems it will be changing as it goes through. He commended JSK and the developers for making those extra notes, as he thought it was very positive. He said if they could answer those two questions, he would greatly appreciate it.

Pam Hattaway, 903 Liberty Lane, Auburndale, said at the last meeting, Vice Mayor Bogert asked a direct question regarding had there been any investigation or consideration given for noise obstruction type structures. Instead of a yes or no answer, there was a little bit of tap dancing and reiterating what they felt the natural noise absorption structures were. She said she would like an answer to that. She would like to know if there has been any type of review or investigation regarding noise absorption structures. She said she thought it was a blow off of her question to not answer it. She said this is going to be zoned Tourism Commercial. She said she could go visit the Cabana Club or Fantasy of Flight, but if she did not have \$90,000 to \$100,000 in her pocket, she cannot go visit this place. It is going to be a private club. She asked how that was going to be in the long term a benefit to our community. She said once the construction is complete, she did not see where it will bring any significant employment opportunities for the people in the community. As much as we disliked Amazon, it brought jobs to our community. The developer says this is a great location for it. She asked why and were the property values less here than Orlando and Winter Park where they are from and this is something they can take advantage of. She said other than Auburndale having bragging rights – we have a private race track in Auburndale. She said she could drive by and look at it. We have Touch-a-Truck, which is a great thing. She asked if they were going to have Touch-a-Porsche or have your picture with a Ferrari or host any kind of events that benefit our community. They are going to open it up to professional drivers to practice - why not open it up to driver's education and let our kids learn how to drive on an enclosed track with no traffic around. She said there are too many questions she has and three minutes to speak is not enough time. She said she could not see how this is going to benefit our community overall for the future other than taxes and utilities.

Angela Page, 124 Sunrise, Auburndale, said she did a little googling and found out Tom Scarpello owns a business in Davenport where he makes approximately \$200,000 mustangs and even higher than that. Some of the words on his website are "features serious go fast and super charged" to describe some of cars that he revamps. Along with those words goes the noise. She said she live on Berkley a little farther than the gentleman on Lake Tennessee and so far it is a family area. As she and her husband both have very busy, stressful lives, they try to catch up with cup of coffee on their back porch. She said they do not want it interrupted by this noise. There were other cars mentioned by Mr. Scarpello at the last meeting – more expensive than these. She said she did not see where someone would purchase a car at that price and be told

he cannot hear that engine roar. She asked how this was going to be enforced. They brought out that the track would be open approximately 8 a.m. to dark. She asked what is to stop these cars from using Fred Jones Blvd. as a drag strip at night, when no one is around. She said these are concerns. She said she saw this track furthers the Revology business that Mr. Scarpello owns in Davenport. He can use it as his personal race track for his clients to test these cars he makes before they buy them. Also, she noticed on a couple of the motor track websites they even offered driving schools, which does not sound private to her. She said as a resident of area, she feels there is a lot of unanswered questions and things that has not been talked about.

Paul Scarpello, 1741 Palmer Ave, Winter Park, said he heard the comments and took notes. He said everybody will be required to have mufflers and it is on the site plan, even professional racing teams will be required to put mufflers on. When they are practicing, they have to abide by the same rules, as everyone else. We are doing that for noise purposes. The question came up about the track and the site plan changes. He said he was very close to hiring a track designer, who is an engineer who specializes in track design internationally. He has interviewed three engineers and he is about to make the decision on the one to work with. He said he wanted to get through this process and that was the next step. They have seen this track and said generally speaking there is only so much you can do with a rectangular shape. They will focus on the turns for fun and safety. They will have all the railings, soft impact protection, guards, and run-off areas. Any tweaking will be at the turns. We are limited to the 75 condos and might be under that number. The multi-purpose building has a clubhouse, restaurant, meeting area, training rooms with a simulator, and lounge area. There will be outdoor parking spaces. The building will be on the east side of the property to help with the noise. The noise will be bounced back from Amazon on one side, there are wetlands on one side, and I-4 to north. The potential changes will be tweaking turns and elevations – not a material change, but a design change based on what the track designer proposes. The question came up about noise absorption. He said one of the things the track designer does is lay out the track taking into account the elevation and where the noise will travel. Based on the configuration, he will know the pattern as far as where the noise will go. He talked to the track designer about where needed they can design some noise barriers and they said they do this all the time, as part of the process. At the end of the day, if we are creating a nuisance to the neighbors, that is not a good business practice. We are going to do what we can to minimize. We have the rule of the muffler for everyone to comply with. We benefit because of Amazon and that is great, but there could be areas to the east, west, or south where we need to do a little bit of noise barrier or walls there to deflect the noise back to us. We do not know this yet, as the track designer will factor that. The question came up about it being a private club. He said yes, it is a private club. Members will pay an annual fee and have certain days they may use the track and entire facility. Other days we will have training. We are private, but do open it up for public instruction. He said private means you are not going to drive down I-4 and say "I see this track" and pull in and all of a sudden you are taking your car on the track. The members will have to sign up ahead of time and have a training class. We realize there is a tourism component here that we would be silly not to take advantage of. We are 20 minutes from Disney and we know there will be a tie in there, but it will be planned. Even members will plan their visit and go through basic instruction depending on their level of experience and proficiency before using the track and facility. There will be other uses beyond just members. We hope we can work with governments such as local law enforcement where they can rent the track to practice their maneuvers and training with their vehicles. He said this was common with this type of facility. As far as car events, he thought there would be car clubs who would use the facility to get together. We have 72 parking spaces open to the public. Member will use their covered parking. We do not anticipate a gate. There was a question about why we picked this location and about the land values being cheaper. He said anything off I-4 is not that cheap. The fact we have the OUC utility huge tower-structures every so often allows this use to be workable. If we did not have the OUC structures there, the land would be a lot more expensive, there would be other feasible uses, and it probably would not work for us. From talking to the three track designers, they said they see things like the OUC structures on other designed tracks. He said it was a good use of that land for us. He said there was a comment about what was to prevent people once the track closes from going on C. Fred Jones Blvd. and using it for a drag strip. He said the whole point of having a track was to prevent people from doing that – to get it out of their system in a safe and controlled environment.

**Motion** by Commissioner Dorothea Taylor Bogert, seconded by Commissioner Richard Hamann, to approve Ordinance No. 1661, as read on second and final reading by title only.

Commissioner Keith Cowie asked who decides what a significant change to the plan is.

Assistant City Manager Amy Palmer said we had this discussion on the first reading of the Ordinance. When we talk about the development roadmap for a property, first comes zoning, then comes construction, civil plans, and engineering. If this overall concept changes drastically, we would bring it back to the Commission. At this point in the game, we do not have the engineer to design the track and they are looking for their approval before they do their final engineering. She said Staff would decide, if the concept changed completely; then we would bring it back to the City Commission.

Commissioner Keith Cowie said it was mentioned about the noise absorption structures and not knowing what the track design will be. He asked how we incorporate the noise absorption into the plan, as we are depending on the track engineer who may or may not decide it is needed.

Assistant City Manager Amy Palmer suggested Note #15 if noise barriers are required, they would be constructed.

Commissioner Keith Cowie asked if that would be at the discretion of the track designer.

Assistant City Manager Amy Palmer said yes, that would be the professional who would decide if that was required or not.

Commissioner Richard Hamann asked about the configuration and if they decided to move the condos to the other end. He asked if that would be major.

Assistant City Manager Amy Palmer said that the City's Land Development Regulations state that minor amendments can be made to the Planned Development. If there are major amendments, it would have to come back to the Planning Commission and City Commission.

Commissioner Keith Cowie asked if we would be able to add Note #15 to the Motion, if the Commission was in favor.

Commissioner Dorothea Taylor Bogert said it might be under the Zoning Map Ordinance discussion.

Upon vote, all ayes.

#### **4. ORDINANCE #1662 AMENDING OFFICIAL ZONING MAP – SHARRETT PROPERTY**

City Manager Tillman said Ordinance No. 1662 establishes a Planned Development Commercial -1 zoning classification.

City Attorney Frederick J. Murphy, Jr. read Ordinance No. 1662, which was presented and passed on first reading on May 3, 2021, by title only.

**Motion** by Commissioner Richard Hamann, seconded by Commissioner Jack Myers, to approve Ordinance No. 1662, as read on second and final reading by title only.

Commissioner Dorothea Taylor Bogert said she knew she wanted to put in what Commissioner Cowie mentioned about the noise absorption. She asked if we could require some around the track and how we would do that. She thanked Ms. Hattaway for bringing that to our attention.

Assistant City Manager Amy Palmer said conditions can be placed on a Planned Development, if the Commission agrees. A note could be placed on the plan.

City Attorney Frederick J. Murphy, Jr. asked how the Note would be worded.

After discussion, Assistant City Manager Amy Palmer said we will rely on the track design engineer's professional opinion. She said the noise would be outside the scope of the Land Development Regulations and our City Code, in addressing if a noise barrier is required. A noise barrier is not something that is typically required.

Commissioner Dorothea Taylor Bogert said she agreed with Commission Cowie about adding Note #15 where we would require noise barriers, based on the professional opinion of the engineer. She said she appreciated the property having the Amazon building there, I-4, and the wetlands, but again we want to try to accommodate our citizens, as much as possible. She said it seems Mr. Scarpello thinks there may be some additional noise barriers to be placed.

The Meeting was stopped at 7:57 and the Commission Room was cleared due to a medical emergency.

The Commission Meeting began again at 8:30 p.m. after roll call with the following members present: Mayor Tim Pospichal, Commissioners: Dorothea Taylor Bogert, Keith Cowie, Richard Hamann, and Jack Myers.

Parks and Recreation Director Cody McGhee prayed for Perry Price's recovery, his family, and a calmness over the Commission Meeting.

Assistant City Manager Amy Palmer stated there was a motion on the floor and we were discussing noise abatement. There is no Code to address noise. We follow the County's noise ordinance, which does not have decibel levels. She said Mr. Scarpello is hiring the track engineer and as part of that evaluation of noise - if it is his recommendation that noise abatement be provided on the track that it be constructed. She suggested a statement to that effect be placed on the binding site plan.

City Attorney Frederick J. Murphy, Jr. said to be clear on what Mrs. Palmer suggested, we would simply clarify and restate what Mr. Scarpello was going to do, which is hire a professional design engineer for the track design once he obtains approval and as part of that whatever the design professional may recommend by way of noise abatement would be incorporated into the plan. This notation would be added.

**Motion to amend:** Commissioner Jack Myers amended his second and Commissioner Richard Hamann amended his motion. City Attorney Fredrick J. Murphy, Jr. phrased the amended motion – A motion to amend Ordinance No. 1662 to add as a condition Note #15 to the binding site plan the verbiage about deferring to the professional engineer noise as to noise abatement recommendation.

Commissioner Dorothea Taylor Bogert asked City Attorney Murphy if we needed to put in Note #15 that if they (the design engineer) do require it, it must be put in.

City Attorney Fredrick J. Murphy, Jr. said yes, that was the recommendation, whatever the professional design engineer recommended that would be placed on the plans.

Vote on motion to amend, all ayes.

City Attorney Frederick J. Murphy, Jr. said now the motion is on Ordinance No. 1662, as amended by adding the verbiage for condition #15, as suggested by the Assistant City Manager.

**Motion** by Commissioner Jack Myers, seconded by Commissioner Richard Hamann to approve Ordinance No. 1662, as amended by adding the verbiage for condition #15, as suggested by the Assistant City Manager. Upon vote all ayes.

## **5. PUBLIC HEARING - OFFICIAL ZONING MAP AMENDMENT – H BLOCK COMMERCIAL PROPERTY**

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

City Manager Tillman said the purpose of the Public Hearing was to hear and consider a proposed Ordinance amending the City's Land Development Regulations and Official Zoning Map.

City Attorney Frederick J. Murphy, Jr. announced the rules of the public hearing to abide by. He asked that everyone turn off their cell phones, so as not to distract from the Public Hearing. Staff will first present the staff report and recommendation, the applicant will be given time to present their respective positions, others in support or opposition will then be given their opportunity to speak, which will be limited to three minutes. If you are speaking, please adjust the microphone to your height and please state your full name and address for the record before you begin speaking on a topic. The Commission expects civility at all times during the Public Hearings held by the Auburndale City Commission. Speaking out of turn, shouting from the audience, disrespectful sounds while another is speaking are not acceptable. After the Commission has heard from members of the public, the Commission will close the Public Hearing and ask questions of staff and the applicant before voting on the merits of the matter. He said he will guide where he can, as far as the legal ramifications of actions taken by the City Commission. The City Commission must make decisions based upon the competent, substantial evidence. He said he will help in this regard, if there are questions.

Assistant City Manager Amy Palmer said the City has received a request to amend the zoning on property owned by H Block, LLC. The location of the property is Hwy 559 and Adams Road. The current City zoning classification is Planned Development-Commercial 1 on an expired Planned Development previously approved in 2008. They are requesting another Planned Development-Commercial on the property. It is a vacant piece of land, about 28.65 acres. In March 2008, the City approved a Planned Development-Commercial 1 district, as part of a development known at the time as Auburndale Manor. The overall development was envisioned to be mixed-use, including residential dwelling units, a grocery store, and property for a school. In the fall of 2008, the State and nation experienced an economic downturn and the project was abandoned. No activity has occurred on this property since then. The Land Development Regulations give Planned Developments an expiration of 12 months unless construction is occurring, or the applicant proposes a longer development timeline. The requested timeline extension must be approved by the City Commission. JSK Consulting on behalf of H Block, LLC has requested to re-establish the zoning district of Planned Development-Commercial 1 on the 28.65 acres. As required by the Land Development Regulations for Planned Developments, this request is accompanied by a binding site plan. The applicant is seeking to develop 80,000 SF of personal storage on 10 acres of the 28.65 acres. The remaining acreage will be reserved for future commercial development. The request is consistent with the existing Future Land Use of Neighborhood Activity Center and consistent with our Land Development Regulations. Access to the mini storage will be off County Road 559 and the driveway provides an internal connection to the Auburn Grove subdivision, as was required in the approved binding site plan for Auburn Grove. The mini-storage development will have to apply the applicable policies of Chapter 15, Special Overlay Districts, with regards to façade articulation, architectural treatments, parking, signage, etc. A solid wall and landscaping will be provided along the northern boundary of the mini-storage site on Adams Road. A solid fence or wall will be provided between the residential portion on the eastern and southern border of the commercial site. Two large wet-retention ponds lie to the south of the

project and a retention pond stretches from north to south along the eastern border. No other commercial development is proposed for the remainder of the site, at this time. However, the site plan contains a list of permitted and prohibited uses for future development, that if approved would undergo review by City Staff and not need to come back for site plan approval by the Planning Commission and City Commission. This is a similar process to what was approved for eight acres of undeveloped commercial property on the Amazon binding site plan. The permitted uses that are listed are similar in nature to the General Commercial Zoning District. Expansion of the mini-storage use would be prohibited. Any future gas station proposed on the site would have conditions placed on it, which are similar in nature to Polk County's neighborhood-scale gas station requirements. All guidelines of the Land Development Regulations, including architectural standards, as described in Chapter 15, Overlay Districts, would apply to the future development. Additional future access will be provided along Adams Road and CR 559, as the future commercial development occurs. All notes on the plan are binding and include the requested expiration date of March 31, 2026. The Planning Commission recommendation was denial of the Future Land Use and Zoning Map Amendments, with a four to one vote with one abstaining on April 6, 2021. Staff recommended approval of Ordinance No. 1663 amending the Official Zoning Map. She displayed the location of the property. She went over the development Road Map for the property. The requested zoning district is Planned Development Commercial 1, which is consistent with the Future Land Use of Neighborhood Activity Center. The Future Land Use and zoning district must be consistent. As was discussed with the Motor Sports Track, the site plan is more conceptual, as it has not undergone engineering. After the concept is approved, it undergoes final engineering and permitting through the various agencies. She displayed the Auburndale Manor plan, which was proposed in 2008. The shopping center proposed here was 87,000 SF, with a grocery store as well as five outparcels proposed. They did not have an end user at the time. It also included an elementary school site and additional residential property now known as the Auburn Grove project. This project expired in 2009, as it did not move forward. The request is for 80,000 SF of mini storage, with a masonry wall on the northern side of the property along Adams Road, a masonry wall proposed on the southern border, and the entrance road into the Auburn Grove subdivision, a 50-foot buffer between the edge of the building and residential area as well as landscaping and a fence or a wall. There is a landscape buffer and a fence or wall on the western border that would border the rest of the commercial. The site plan shows the Adams Road intersection, which Mr. Murphy announced we do have a draft of the Developer's Agreement, which describes how that intersection will be funded. The site plan also shows a list of allowable uses and prohibited uses for the 12.5 acres. She spoke about the Note regarding the probation for the extension of the mini storage. She displayed the notes. The approval of the Plan Development expires on March 31, 2026. The applicant has several experts here this evening to discuss the application and the request.

Bart Allen, Land Use Attorney for Peterson Myers, 225 E. Lemon St, Lakeland, said he was here on behalf of H Block owners: John Strang, Bud Strang, Zac Strang, and principals behind that entity are Mr. Eric Colombo, a consultant with the team and on behalf of Auburndale SecureStorage who is the owner operator in combination with the Strang Family we have Mr. Randy Knapp. JSK Consulting has been our engineer for land planning; Mathew Johnson is a professional engineer, licensed with the State and can answer any technical questions on the site plan. Also, with us from Lasater Transportation Group is Mathew West, who is an AICP in transportation planning. He performed some additional transportation analysis that we will dive into, as our presentation moves forward. He said their presentation is through, as we have had a number of meetings and hearings that have gone along with this project. He said he thought it was important to get a lot of facts out on the table about what this project is and is not. Mathew Johnson and the Strangs came to him, as they were looking at this site for a personal storage facility and going through the PD process. Before we filed the application, we held a Town Hall meeting in January 2021, which was well attended. We know we have a particular user with the personal storage on a piece of the property, but we do not know what we are going to do with the commercial. It was an opportunity to hear from the residents on what they would want and not want. We heard a number of issues: traffic, noise, we do not want industrial, and we do not want a warehouse. We prepared our application and came to the Planning Commission. We had a very good Planning Commission meeting, which was well attended and a thorough discussion earlier this year. Out of

that came some additional ideas, such as a condition that we are not going to expand the commercial storage onto the additional property. We heard this at the Planning Commission and have now added this to our site plan. We also talked about traffic again and made some modifications to the site plan to address traffic concerns. He said the point in giving the background was to show this has not been in a vacuum application, like some applications. This application has been out in the public, through community meetings, and the Planning Commission. We have addressed as many of the concerns as we can. We have put together a very good site plan, we have addressed transportation issues, traffic circulation, compatibility, as well as aesthetics and architectural design criteria. In order to develop the site, we developed under the Neighborhood Activity criteria. In 2008, there was a commercial site plan or PD on the site, they did not develop within the one-year timeframe, and therefore it has expired. We are not asking to entitle this property for commercial use, as it has been in this posture since 2008. We are asking for our site plan, our uses, and the conditions. We are asking, as it is a good plan. He said aside is it consistent with the Comprehensive Plan and consistent with your Land Development Code and your Land Development Regulations. He said Staff has certainly agreed with us and our engineers agree that is the case. Adams Road and the 559 intersection has been the topic of discussion, in many Public Hearings. By way of update, the HV Development behind Auburn Grove is under development. Jeans Road was the client he was representing during those hearings. There was a tremendous amount of concern for the current status of Adams Road and how it was operating. We entered into a Developer's Agreement between Jeans Road and HV Development. Even though they were not at the table at the time, the Strangs and H Block joined into that Agreement. That Agreement is in place and it is fully funded. There is \$460,000 in transportation improvement that will occur along Adams Road as far as repaving, adding a multi-use trail, and relocating poles. These things will be done to make that road operate, function, and drive better. He said he reviewed contracts on the relocation of the poles. We have been working with the County to coordinate the funding of that signal. Jeans Road, HV Development, and H Block have come together and are fully funding that signal, as part of that Agreement. Once the Agreement is in place, the money will be placed into an escrow account to be held by City for that signal to be fully constructed. While these things have taken some time to get those conversations moving, they are working their way through the process for that signal. He said there is still some wordsmithing to do and he knew Mr. Murphy, he, and the County Attorney would be sending some emails and working on that Agreement. He said that was another \$500,000 worth of intersection improvements that will occur in this area. He said he thought that was important, when you think about what these projects are doing and how this intersection will function looking forward. Going into the request, this is a request for a Planned Development. We are looking for 80,000 SF of personal storage, internal to the site are covered and non-covered parking for boats and RV's. We have reorganized the property intersection at 559. We are maintaining the two access points identified and approved in 2008 as part of the PUD. In 2008, there was also an access point on Adams Road. We are effectively mimicking what was approved in 2008 and yet adding in the personal storage. As our expert, Mr. West, will tell you this reduces the overall traffic generation and traffic impacts of the site to almost 50% compared to what was approved in 2008 and in place. This is going to have a much less impact on the transportation. Within the site we are extending the multi-use trail to connect into Auburn Grove and increasing pedestrian opportunities. We have been working on the architectural aesthetics and have some examples of the colors – muted neutral colors. This is not an industrial facility and this is for personal storage for the surrounding area. The hours of operation will be limited from 9 a.m. to 6 p.m. Monday to Saturday and 9 a.m. to 5 p.m. on Sunday. The hours of operation are off peak, so you are not going to have the impact for the most part. He displayed roadway for the revised entrance into the site and said they have added dedicated left turn lanes for queuing and stacking. He said Mrs. Palmer went over the list of uses. He went over some of the prohibited uses: automotive repair, junk yards, etc. We have tried to limit the commercial out parcels to community-oriented services: retail, restaurants, bank, office, etc. We have not shown how that site plan will be laid out, as we do not have any end users. We may end up with one user, for instance an Aldi, a small coffee shop, etc. We do not have any users at the table and have limited ourselves through these conditions, so it is those kind of users for the out parcel. We are also talking about our architectural controls, in accordance with your overlays and making sure this is not just a big block of concrete. We want to make

sure there is architectural and aesthetics that are built in so it looks and feels the way it should for the neighborhood. He asked Mr. West to speak on the transportation aspect.

Mathew West, with LTG Inc. also known as Lasater Transportation Group, 1450 W. Granada Blvd. Ormond Beach, said he was going to talk a little bit like a planner and then like a transportation planner. He said he wanted to compare the Neighborhood Activity Land Use, which is your Comp Plan with what is requested in the PD C1 zoning and show you that what is being requested is consistent with your Comp Plan. The Comp Plan says the Neighborhood Activity Center has 20,000 to 120,000 SF of commercial and has a maximum FAR of .5. FAR stands for floor area ratio. It is the ratio of your building size to your lot. We are proposing in the PD C1 150,000 SF on the 28 acres, which comes out to .12 - well below the maximum FAR of the Comprehensive Plan. The Comprehensive Plan also has policies that the Neighborhood Activity Center must be located in an urban development area. As I read the Comp Plan, the entire City is designated an urban development area, so this is appropriate and it meets that criteria. The City's Comprehensive Plan also has policies in it encouraging a mix of land use. In this case, the Neighborhood Activity Center has commercial or non-residential uses, the fact that Auburn Grove is sharing the access road out to Dickey Road and 559 allows homeowners or people making vehicle trips from Auburn Grove to get into the commercial site without having to get out and get on an exterior road. These two uses are now linked together sharing that access point. You have what we call internal capture. Some of these people can remain within these two developments and never get out on an exterior road. Having this Neighborhood Activity Center that has been in the City's Comp Plan for over a decade, the intent is to reduce the vehicle miles traveled when it is fully developed. Possibly you will have a pharmacy, barber shop, and a grocery store; they can travel a shorter distance to get to those goods and services. This zoning is doing exactly what your Neighborhood Activity Center is asking it to do. He discussed trips analysis daily and went over a model displaying less trip generation from the proposed zoning for the mini warehouse. The old zoning for the 150,000 SF PD would generate about 6,600 trips daily one way and the proposed zoning for the mini warehouse would be about 3,560 trips per day. The people store their stuff and do not go visit it every day. By replacing this use and replacing one half your commercial with mini warehouse, you cut down the trips. Polk County uses the FDOT District One Regional Planning Model, which is a model made by the Florida Department of Transportation in cooperation with the Polk County Transportation Planning Organization of Bartow and all the local governments. When they update this model, the cities usually give copies of their Comp Plan. We ran this model at the 2040 year, as we wanted to see at build out what the traffic patterns would be like, if built as residential or as we propose as commercial. He explained they compared the traffic within a two-mile area in the model. The site built with 150,000 SF commercial would generate less trips than residential use. He said residents generate trips for work and going off site. From the data into their model, the commercial promotes shorter trip lengths and alternate trip distributions. He said he looked at the City's Lakes District Vision Plan and in that Plan, this property shows it is part of a Mixed-Use Village Center. This Vision plan that was created is also showing this area should have some mix of uses. By sharing access with Auburn Grove, we are creating internal capture where those residential users do not have to get out on the road. In your Land Development Regulations in the general commercial and commercial zoning, it specifically permits mini warehouses as a special exception, but warehouses and distribution centers are prohibited in these districts. There is a distinction in your Code. He said he read from the Planning Commission minutes that some people thought this was going to be the equivalent to an Amazon or some other industrial warehouse. It is not. Even in your Code, a mini warehouse is differentiated. In your light industrial zoning, it does permit wholesale warehouses. This is not putting industrial uses there. It is like a retail service; you are paying to store your personal belongings. We will have to do a detailed traffic analysis at the next stage because County Road 559 is a County road and we have to get permits to access that road. They are going to dictate to us the length of the turn lane, length of the decel lanes, what the radius has to be, and also that even goes along with the traffic signal at Adams and 559. The County will be involved in that design and we have to meet their standards as well.

Bart Allen said at the end of day, this will be a neighborhood use, so that the neighborhood will have a service and that is why your Code is set up this way it is. Your Neighborhood Activity Center is designed for a 1 to 1

½ mile radius that is where the consumers are. This is not a big box Target, Best Buy, or larger scale commercial development. This is for the neighborhood. He displayed architectural renderings for the site. They will do a pre-cast concrete wall, enhanced landscaping and buffering along Adams Road with three-inch caliper trees for more screening, and more effective buffering with additional shrubs along the trees. With the personal storage in the rear and the commercial in front you will not be able to see the personal storage in rear. The buildings, landscaping, and buffering will all be screening the storage. By the time we get finished with all the landscaping and six-foot pre-cast concrete wall, the only way you will be able to see inside would be if you are looking directly inside the gate. The entire site will be fully screened from view. He showed various site views and aerial views. StorQuest Self Storage will be the operator. He showed pictures of their St. Cloud FL site, which was adjacent to residential along a two to four-lane road. There has been some discussion on how do we make sure it is operated properly and it does not turn into a problem with vehicles left there to rot. We have a detailed agreement that every user will sign and be bound by. It states no businesses, no residences, no living in these units, if the vehicle becomes in disrepair or does not have tags it will be towed. He said this is how you enforce this, with good operators and good restrictions. He showed the proposed color scheme, which was a muted neutral background with white doors. He showed an analysis regarding the need for personal storage. At the Planning Commission, there was a lot of discussion whether there was a need for personal storage in the area. The one-mile radius showed 2,100 single family units with a lot width ranging from 50 feet to 125 feet. We looked at the restrictions and in most respects boats and RV's have to be stored in the garage or not on the property, as there are restrictions. He said there was some discussion at the Planning Commission on wanting a moratorium on the 50 foot lots. While it may correlate that a lot of our new developments have restrictions on RV's and vehicles, that is not what is causing those restrictions - it is to make sure the neighborhoods are clean, that people can have safe access and that there are not cars out in the middle of the road, that is the cause. The fact that they are small lots is just a correlation not causation. You have 95 feet to 125 feet of garage space or temporary holding. He said it is not a lot size that creates the restriction on the storage of RV's. It is people who want their neighborhoods to be nice. The more the HOA's are professionally managed there is a definite need for storage in this area. We looked at a three-mile ring for self storage businesses; we have four self storage within that ring. All of them are 85% to 90% occupied and KB Storage at Five Points on Stadium Road and Old Lake Alfred currently has a three to five month wait list. It is built immediately adjacent to a single-family subdivision. He said he will ask Mr. Bud Strang to speak on some points. He said we are asking for a Commercial PD on this property. Specifically, we are asking for 80,000 SF of personal storage, as well as the 200 rentable spaces. We have all the architectural criteria, limited hours of operation, and this is consistent with what was previously approved on this site by this Board, as it relates to access but with half the trips generated. It is the same property with similar uses, less impacts and providing additional benefits like the multi-use trails, and different architectural restrictions. There will be shield lighting, so the lighting will not be shining up high into the residential neighborhoods. It will be building level, shielded and directed internal to the site. This is something the developer is committed to, but it is also required by your Land Development Codes.

Bud Strang, 1733 E. Lake Cannon Dr., Winter Haven, said he was a principal in H Block LLC and Gapway Grove Corp. He said they are committed to good planning. For the last 20 years, we have been working with the City of Auburndale and City staff to make sure that this north Auburndale corridor develops in the most high-quality fashion as it can. We are committed to that. We brought most of our property into the City early on. We have been working with staff for a long time now. We were active participants in the Joint Planning exercise with the City and the County about 12 years ago. We are currently supporting the Kimley Horn North Auburndale Corridor Study and we made a contribution to that effort and fully support that. As Bart Allen pointed out we are also participating from a financial standpoint in the improvements to Adams Road and Adams Road/559 intersection. We are committed to good planning, as we think it is best for our company, the City of Auburndale, and its citizens. We think this project represents just that planning. Of all the potential commercial uses, this is one of the least intensive from a transportation point. He said he knew transportation was on everyone's mind. We think this is a good fit with the personal storage. He said he thought the engineers came up with a great design, in that the mini storage is buried in the back of property, it is

significantly buffered and shielded and over time it will just sort of disappear, as the frontage develops. There has been a number of things said tonight about how as the residential develops it generates that need for this self storage and we think this location and this project does it in a harmonious fashion, with the surrounding area. He asked for approval of the project, not because we have been here for a long time or because we have been interacting with the City of Auburndale for a long time, but because it is a good plan. He thanked them for their consideration.

Dennis Young, 254 Lake Tennessee Drive, Auburndale, asked about the outline on the road diagram, if that was a middle turn lane and will it be funded by the project. He said if it were a middle turn lane it would be a nice starting point for the improved overall traffic flow of CR 559. For the north, we have a County Planning meeting on June 2 to discuss the corner of Lake Van and 559. If we are starting this with a center turn lane, maybe the City can partner with the County and say if you can extend that middle turn lane all the way up into the Gapway/Lake Van intersection. We have a major problem now at Adams Road and he did not want to move that same problem farther north. He asked for an explanation. He said he would say to the traffic engineer that he was comparing the 150,000 SF to 28 acres to get the FAR at .12 - well really we are talking about 10 acres. He asked if he could recalculate the FAR based upon a 10-acre site, he thought the FAR would go up.

Bernie Beckmand, 214 Diamond Ridge Blvd., Auburndale, said he was sorry, but he just cannot go along with this personally. He said to him it was an eye sore. He said you cannot tell me; we cannot do better than this on the only entrance into Auburndale. If you want to see another entrance, go to Hwy. 92 and look at that trash – that is a three lane or six lane road. Keep in mind 559 is a two-lane road and we are pretending we have access to go in and out and traffic is just stop and go. He said there is a lot of variations he thought the Commission should take into account. We have a warehouse of 10 acres and a commercial property of 18 acres and you are trying to combine this into nice package. They are completely different. The warehouse is off to the side with RV's and it is an eye sore in his opinion. The commercial has nothing specific being said on what is to come there. It is very, very vague. The last paragraph Assistant City Manager Amy Palmer read "you do not have to come back for a site plan on this. It is up to the City Staff". He said if it does not have to come back to the Planning Commission or the City Commission that 18.5 acres has a free reign to do whatever they want in there. If we sat here and said it was a Publix, everyone would be peachy keen, but we do not know what will be going in there. You are allowed a liquor store and the sky is the limit. It is going to be a strip mall and it is ugly. It is the only entrance to Auburndale and if you want to compare that take a look at Hwy. 92 and the trash that is out there. He said when he first moved here, we had a Beautification Program for the City of Auburndale that fell apart. He said when the Commission votes he never knows how they vote individually. He said he would like to know how you vote. It happened at the Planning Commission meeting and they did not know who said no. He said traffic is a nightmare and that gentleman just said you are going to move it up to Lake Van and south to Dickey Road also. He said we can do better than that – a mini warehouse I am afraid not.

Austin Broer, 372 Renssalaer Avenue, Auburndale, said he will be directly affected by these plans, as he lives off Dickey Road off Lake Arietta. He said he has lived there a large portion of his life and just finished building his house after 2.5 years. The one thing I am going to say and a lot of us are going to say is – this does not benefit the Auburndale community what so ever. The only people who will benefit have the monetary incentive to keep a storage unit. He said his family lives here and he knows everybody in the neighborhood. He asked 19 of his neighbors who live off Dickey Road about the storage units and not one single one want this. As the previous gentleman said, if we are talking about having a commercial facility in this whole area with a nice coffee shop and nice restaurant, we are totally about that. This is a complete open book right now. They are making sure they are bringing in the commercial setting in front of the storage units with an open table to put whatever they want in the future with no restrictions. He said storage units are not what they are trying to portray them to be. He said he worked for ICF Builders for four years and we used a significant amount of storage units to store our material. They can come up with the crazy, great, fantastic looking

contracts but they do not enforce them, they do not abide by them and the only one this will benefit at the end of the day are the people making sure those storage units are filled up 24/7 - 365. He said his family, his friends, and all those he is representing asked me to say this is not what we want here. If we want to look at a commercial facility here, doing small businesses and something that would benefit the Auburndale community, we are all for it. He said this was way too vague and not anything any of us want in the area. He said he really hoped the Commission voted no to this and he was diametrically opposed to it.

Les Dunson, 6755 Winterset Gardens Road, Winter Haven, said he was here to represent Auburn Grove Community directly to the east and south of this project. He gave his support for the project. The need we see from HOA's and not just this community is that there is a great need. Residents in Auburn Grove will be able to come into here or to the commercial, which hopefully is coffee shops and stores. Your planners have expected this for a long time. We are supportive of the buffering, as it enhances and helps buffer the community next door. We think it is a good plan and professional run, by Mr. Allen's representation of the owners. We are in favor of it and think you should support it.

Sharon Broer 370 Renssalaer Ave., Auburndale, said she was coming as a mother and grandmother and also representing her two neighbors, who were unable to attend. She said they are really concerned as Auburndale is exploding with residential subdivisions going in. We love our town and see we are not equally balancing it out as far as parks and things for our children. She said this was their main concern and they were opposed to this. We need to do more for citizens and making it more balanced as far as all these houses and all these new people coming in – we have to have a place for the children and activities.

Tye Broer, 370 Renssalaer Ave., Auburndale, said we have a problem here. We have Dickey Road here with no red-light. Every neighbor we talked to does not want storage units. He said it did not make sense for the neighbors who are not there yet to be discussed. Sometimes we get six to eight cars on Dickey Road and it is a nightmare with no ingress or egress. He said he lived here for 55 years and he cannot understand why we are doing this, as we do not need it. He said Mr. Knapp put together one heck of a presentation team, but it does not make any difference on how great the presentation was - we do not want it. The Planning Commission vote was four to zero against this. The last time we had the meeting, there were a lot more people here. With what happened this evening, he offered his deepest condolences to the family. We had a lot more people coming but they left. This thing has been like a filibuster in the Senate. The reality is we do not feel like we want storage units. The storage unit at Five Points has a big sign out front for units available, it is not sold out. He asked why not take this area and turn it into a park and put slides out there for kids. He said that was not the maximum return on investment. He said he was not about not making money. The point is we have RV's sitting here and how do we know what they will be selling out of storage units during the day. He said he has a friend who is a Sheriff and he said they are constantly being called to storage units to stop dope trafficking. He asked who is going to be policing the gates. He said there are too many questions here. He said let's put a big park here, nice stuff for the children. He said he knew the Commission was trying to keep semi-truck traffic off 559, but it was a nightmare. We got stuck around Lake Stella today behind two semi-trucks doing about three miles an hour. He said this was awful and now, we are going to add more traffic and more stuff. He said let's put a park in here and buy this back from these guys and let them make some money and put some real nice stuff out for the children. Auburndale Park is always packed out on the weekends. He said he liked Auburndale when it was like Mayberry and we had Taylor's Drug Store downtown. He said he did not like what we are doing for the town with all the development. This is the nicest entrance down 559 into the town and we are going to do this to it. He said like his son, Austin, he is diametrically opposed to this and the Planning Commission said no.

Kathy Webb, 125 Melissa Trail, Auburndale, said they have lived here since 2008 and seen the City grow. We have been pretty active in some of the things. We have paid a lot of attention to this, when we saw the sign for the mini warehouses. We did go to meetings for the Lakes District plan, as we wanted to know what was happening in the City. She pulled the Lakes District Plan and when the City put out a memo to have people

come and provide input it read "whereas the parties want to see a vision of improved quality of life focused on quality development for the area and a blueprint that will help them achieve their vision". She said a common theme through all of this is the vision for the City. The meeting was held April 23, 2019 and a couple 100 people attended for input. They asked more or less of what -- we wanted more residential, parks, less of warehouses, less of RV storage, and less of truck stops. Those are the things the citizens asked for. They have a vision as well. In keeping with that she looked up an industrial code with Polk County and how things are taxed. The attorney did say this was not going to be an industrial type of development, but all the codes are industrial. She read counts from the Property Appraiser statistics tax code: there are four entries for vacant RV lots, 273 for vacant condo RV lots, warehouse distribution centers 20,000-50,000 SF 127, mini warehouses 127, flex buildings 30, warehouses over 50,000 SF 162, warehouse under 20,000 SF 871, open storage 7. She said she did not see where the need was, if you have all this storage. She said the storage does not have to be right on 559. We could go somewhere else and put these buildings. In the Agenda, it says the permitted uses that are listed are similar in nature to general commercial zoning districts. Then it says expansion of the mini storage will be prohibited, but on the permitted uses it says self storage was prohibited. She read from the City's Code and asked for clarification on this. In the Lakes District Plan, there is a lot in here about character of our community and the word vision is used about six or seven times and she did not see where more warehouses are in the vision, from the people who have expressed what they wanted.

Pam Hattaway, 903 Liberty Lane, Auburndale, said well done to Mrs. Webb. To piggy back on some of the things she pointed out, she talked about the Vision Plan and in the Vision Plan it says peaceful, beautiful balanced. She said this to the Planning Commission so she will say it to the City Commission, the concept of needing a storage facility here just points directly to the lack of balance, in the types of neighborhoods as far as their density and their lot sizes are concerned that are being developed right now. She knew there were HOA's that do not want you to park your boats and RVs. Water Bridge has supplied them. It was suggested at the Planning Commission that perhaps future neighborhoods require them to put in place RV storage or mini storage or better yet, let's up the game and allow for more space on lots for people to put their own storage unit. She did hear now there is going to be a 6-foot wall and in the Planning Commission it might have been alluded to that it might be an 8-foot wall. She said if she put on a 1 1/2 inch heel, she would be six feet tall. She said she has not taken a measuring tape to an RV, but she was not stupid. It is pretty common that the average RV is roughly 12 to 13 feet tall. We are going to have a 6-foot-tall fence, with 3-inch caliber trees, which are probably only about 8 to 9 feet tall to begin with. She asked how tall were the buildings going to be and they will have to be at least 10 feet tall have room to put things in them. Now, you have 13-foot RVs, so the covered portion will have to extend at least 15 feet above that to get the RVs under the cover and it will be lit. She said now we have created this pyramid that is going to be seen from everywhere until the commercial strip is developed, in the front, and that could be another five to ten years. You are asking us to say "oh yeah this is a great idea" instead of making adjustments to the type of developments you are putting in. If this is truly a good idea for Auburndale and Auburndale really needs this, there are a number of other places this could be built. There is a lot of vacant land out by the Cabana Club. She said that was a perfect opportunity for people to come and visit and want to store their RVs and stuff while they go back north and come back. She said this to the Planning Commission and will say it to all of you, respectfully, if a storage facility is beautiful and peaceful then let's rezone vacant land near your neighborhoods and build it there. She said she did not mean that to be ugly. It is just like with the other project, she is here to fight for her community. She said she loved her community, has been in her same house for 26 years, went to school here, and was in the band with Vice Mayor Bogert. She said she did not see that this facility was going to overall benefit our community. Again, the people who are going to benefit are the people who own it. Yes, there will be some tax revenue for the City, but overall it is not going to benefit the community. She said she would like to see something here we could all benefit from.

Allen Webb Sr., 125 Melissa Trail, Auburndale thanked the Commission for the opportunity to speak tonight. He said he was trying to prepare his thoughts to speak on what drew us to this area. We wanted to come here and enjoy our retirement, it was close to water, fishing, water skiing, and we have beautiful sunsets on Lake

Arietta. It is a beautiful place to retire to. When we first came here in 2008, we were involved with our HOA and took it over from the developer and started coming to the City Commission Meetings. At one of those Meetings Hwy. 559 and various items were discussed. He said how could he describe how he feels about the area and what is important to the people of Auburndale. He said those Minutes and thoughts are from the Minutes of that Meeting of April 21, 2008, which he will review. There was a representative that spoke he said, "he has concerns because the area itself is framed by four lakes, this area is surrounded by lakes, it is a small area, and all the property in the area has already been developed as residential or it carries future land use designation as residential." The representative went on to say "it is not by accident and it is obviously the lakes that make this area attractive for residential development. A Commercial Center located here would be contrary to the established residential pattern and the surrounding area. It is a unique and special area and it makes Auburndale a unique and special place. There are not many cities that have an area like this left." The representative went on to say, "this might be your only chance to preserve the character of this area". He said he wished those were his words, but they are not and he is right. He went on to talk about the City and the gentleman was Mayor Ronnie Spears. He made a comment "he knew everyone here was concerned about Auburndale and its growth or they would not be here. This is a tough decision and we know that 559 will be our gateway. We brought it in and we indicated we want to limit the business on 559. We mentioned that when we bought it into our City limits." A letter noted in the notes from the Meeting talked about the sense of the Planning Commission and encapsulates exactly the feeling of what is going on here in Auburndale today. He read "the central premise of the plan has been to limit the amount of commercial development on 559, to encourage most of the higher intensive uses along Berkley and west, thus preserve the attractiveness of the areas around Auburndale's beautiful lakes. These are things you cannot replace. There are three Gateways into the residential areas surrounded by the lakes. Our company believes that locating a fourth commercial site in the middle of the heart of residential area is neither necessary nor desirable and would be a significant departure from the planning that has gone into Auburndale in the past. We feel it is not in the best interest of the City or current or future residents." He thanks them for their consideration. He said he will leave you with that and by the way what they voted not to allow in the neighborhood was a Publix.

Jack Lawson, 810 Arietta Drive, Auburndale, said he came to the Meeting at the last minute to hear about the motor sport club. He said he was actually excited about that and excited for the development. He said every time he drove by the sign for the storage units coming soon, it put a bad taste in his mouth. He said he thought we could do a lot better in Auburndale. You have a blank slate and he thought we did not need a storage unit in this particular location. There are plenty of other locations farther away from 559 that would be amazing places for it, not saying we do not need it, but right there we could do much better.

Richard Stallard, 124 Cherokee Dr. Auburndale said he has been in Auburndale for around 53 years. He came to Auburndale and lived on the west side off Berkley Road, on Mason Street. We had a house built in Winter Haven and lived there for six or seven years and said we need to go back to Auburndale. We bought property from Jim Spivey who was developing Indian Springs I and Indian Springs II. He said he loved this area, as it is nice. He said he has seen Auburndale do some wonderful things like beautification, that wonderful park, which is the only park we have, and built the Community Center, which is nice. He asked where else do the kids have to go, when they are out of school in the summer time to have a place to play or do recreation. Lake Myrtle Park was built, and it is a beautiful place. He said you did a good job on that and he was proud of them. He said we need a little bit more. We have all kinds of houses going in and figure each house will have at least two cars that is more vehicles coming off these streets. This being commercial stuff around that area is not needed. You need to duplicate Myrtle Park with this over here. He asked how many kids are you going to have in all these developments and they need some place to go, instead of way over there. He said he has seen Auburndale do some good stuff, wonderful stuff and he has seen the City of Auburndale do some stupid stuff and he thought this was one of the stupid ones.

As there were no other speakers, Mayor Tim Pospichal closed the Public Hearing and reopened the Regular Meeting.

**6. ORDINANCE #1663 AMENDING OFFICIAL ZONING MAP – H BLOCK COMMERCIAL PROPERTY**

City Attorney Frederick J. Murphy, Jr. asked Assistant City Manager Amy Palmer to come up to make sure we were clear on the record and he discussed this with the City Manager prior to the meeting. He asked Mrs. Palmer if her previous testimony in the presentation provided to the City Commission addressed the consistency that this proposed zoning district has with the Comprehensive Plan. He said he wanted to make sure if this proposed zoning ordinance was consistent with the Comprehensive Plan in accordance with your professional opinion.

Assistant City Manager Amy Palmer said yes it was.

City Attorney Frederick J. Murphy, Jr. said number two, he wanted to make sure that he understood what the presentation was with regard to the compatibility of this proposed zoning application, as it relates to the adjoining properties and the general development patterns in this area. He asked is this proposed zoning classification and proposed uses set forth were compatible with the adjoining properties, as well as the development patterns in your professional opinion as you see them developing in Auburndale.

Assistant City Manager Amy Palmer said yes sir.

City Attorney Frederick J. Murphy, Jr. said finally in this particular zoning matter before the City Commission, he wants to make sure it is clear it complies in all respects with the City's Land Development Regulations, as they may relate to the uses being contemplated.

Assistant City Manager Amy Palmer said yes, it is consistent with the City's Land Development Regulations.

City Attorney Frederick J. Murphy, Jr. said he wanted the Commission to make sure they understood and heard that from the City's professional staff, who is tasked with evaluating these matters and frankly who a court would likely give great weight to if they were to evaluate this record.

City Manager Tillman said the proposed Ordinance was prepared by the Community Development Department and reviewed by the City Manager and City Attorney. If approved on first reading, the proposed Zoning Ordinances will be presented on second and final reading on June 7, 2021. Staff recommended approval of the Ordinance 1663 amending the official zoning map.

City Attorney Frederick J. Murphy Jr. read Ordinance No. 1663 entitled: **AN ORDINANCE OF THE CITY OF AUBURNDALE, FLORIDA, AMENDING ORDINANCE NO. 764, THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF AUBURNDALE, FLORIDA, BY RE-ESTABLISHING AN EXPIRED CITY OF AUBURNDALE ZONING MAP CLASSIFICATION OF PLANNED DEVELOPMENT-COMMERCIAL 1 (PD-C1) ON +/-28.65 ACRES; AND PROVIDING AN EFFECTIVE DATE** (General Location: Hwy 559 and Adams Road), by title only.

**Motion** by Commissioner Richard Hamann, seconded by Commissioner Jack Myers, to approve Ordinance No. 1663, as read on first reading by title only.

Commissioner Jack Myers asked Assistant City Manager Amy Palmer about the allowed uses listed. He asked if all those were allowed by our Code or if there were any exceptions to it. He said the one he is struggling with is convenience store/gas station. He said he thought our Code only had the gas station allowed on Berkley Road, Havendale Blvd., and Hwy 92.

Assistant City Manager Amy Palmer said the uses and this list are most consistent with commercial, which does not restrict location of gas stations. The Commercial Highway zoning district, which is more intense does

restrict the location, as stated. These uses must be consistent with the General Commercial zoning districts. There are a few exceptions such as the package sale of alcohol. There are a few changes, but for the most part this list is consistent with the less intense commercial districts of General Commercial.

Commissioner Jack Myers asked if the ones that are prohibited would normally be allowed.

Assistant City Manager Amy Palmer said they would normally be prohibited, in that zoning district, as well.

Commissioner Jack Myers questioned the developer on the spacing for the 1.5 inch to 3-inch caliper trees.

Bart Allen said in preparation for the Hearing he looked at this and did not see a specific spacing requirement. In talking to Mr. Strang when we were discussing the plans, he looked at your City Park and those are planted on 35-to-50-foot trees. This is what your park has and we would be similar to that. He said 35 feet. He said on the convenience store there are some restrictions on sizes.

Commissioner Jack Myers said we just approved one through a PD on an out parcel for Publix on 559. He asked if their plan could live without that.

Bart Allen said he will discuss this with Mr. Strang and Mr. Knapp.

Commissioner Richard Hamann asked Assistant City Manager Amy Palmer to explain the difference between the commercial sites give the Amazon and Walmart parcel examples.

Assistant City Manager Amy Palmer said sometimes there is no end user for the rest of the parcel and this happened in the case of the Walmart Supercenter and in the case of the Amazon Distribution Center. They approached that vacant commercial land separately. Amazon did it the way this is proposing. There is 12.5 acres of commercial with no end user in sight. On the site plan there is a list of approved uses, which she believed was worked out with the property owners. In the Walmart model, they built the store; they had no end user on the out parcels. Those out parcels were part of Planned Development, but came back individually as there became an end user. Mid-Florida, Wendy's, and the strip center each have their own Planned Development. She said those are the two different ways to do this.

Commissioner Richard Hamann said he would prefer to see us do it the Walmart way, with each end user coming back to City Commission and the residents would have a voice for or against what transpires on the property. He said he also had a problem going to the five-year plan. He said he thought it should be a one-year plan for the property and then revert it back into part of the Lakes District after a year. If they did not do something with the vacant property, it would be swept into the Lakes District, with the same zoning.

Commissioner Keith Cowie said he agreed with Commissioner Hamann, as he has concerns with the part of land not being designated now and allowing users to come in later that we would not get to see and there are these accepted uses and not allowed uses. He said he would prefer, as Commissioner Hamann stated, to have them use the Walmart example, as Assistant City Manager Amy Palmer explained. Those properties would come back to us, when there are end users so we can take a look at them at that time.

Commissioner Dorothea Taylor Bogert said she concurred. She said one of the biggest issues she has with this is less the storage facility, as she is in real estate and she understands the concerns and understands Mrs. Hattaway's concerns about the bigger lots, and what the developers have put out there for residences, and the HOA's are not going to go back. Very few of them will put in a storage space and a lot of them that have they do not maintain them very well, whereas with a managed facility, they are better maintained. She said her concern was we have no idea what is going up here. She said she had issues with the package liquor store and the convenience/gas place with drive ins and drive throughs. She said she would like to see the parcels

brought back for the end users and knew it was a little more work on the developer's part, our part, and the Planning Commission, but to have public input. To address a couple of things, some people talked about a park and most of them will not stay until the end of our meeting, but in our CIP, we do have acquisition of land for parks in the north district, as part of the Lakes District. We do not disagree with that, we need more properties, we need parks, and that is in the planning and acquisitions, as the LDR restrictions for the Lakes District come into play. They are not here right now. Hopefully our LDR's for the Lakes District will be in before one year. If we do it for one year, they would have to adhere to those rules as well. She said she had a few issues to address as far as the storage facility goes.

Commissioner Jack Myers asked when you the split commercial property, is it not State Statute that you have to go through the platting process at that point in time. He asked what is the threshold to when you have to come before the City Commission with a plat for the remainder of this property.

City Attorney Frederick J. Murphy, Jr. said probably Chapter 177 would govern the provisions of land boundaries in Florida. He said he thought it was three lots or more would require platting. He said he wanted to interject, as you may know and Assistant City Manager Amy Palmer can confirm, because this comes to the City Commission with a denial from the Planning Commission thus whatever moves forward has to be approved by a 4 – 1 vote. There is a super majority requirement based upon our own Code provisions. He said he knew the developer was aware of it, he spoke with Mr. Allen, and he knew the Mayor and City Commission were probably aware of it, since it is in our Code. From a procedural standpoint, if it is going to move forward, it needs to be a 4 - 1 vote. He said he was not suggesting that it move forward, but wanted to make sure the Commission was aware of the requirement of our Code for this particular matter.

Bart Allen said to follow up on the issues from Commissioner Myers and Commissioner Hamann, he has discussed this with the Strang family. He suggested something that would be a good solution would be to leave the uses as they are. Then Commissioner Cowie's comments requires us to come back for a PD for each particular end user and the listed uses we have on the table would stay the same. Instead of going straight to the site plan, we would come back before the Commission and the public would have an opportunity to see it and vet it in a Public Hearing. We would allow this PD to stay in place for two years and the reasoning behind the two years is just in case there is some delay in different things in the Lakes District. The property owner is putting a significant investment into the ground today, as it relates to transportation improvements within the area just to get us a little certainty on some of those investments. He said this would be his suggestion to limit the PD to two years, require the PD approval for the out parcels, and this would be amicable to us.

Commissioner Dorothea Taylor Bogert asked how many out parcels were there and would all of this area be considered an out parcel.

Bart Allen said it was one out parcel, as it stands today. In 2008 in the plan Mrs. Palmer showed, it had six. We do not know exactly what it will be. It could be someone takes up four of the acres or someone who takes up a half-acre. We just do not know and that is why we have left it as it is. We tried to put through the best certainty of uses and you have heard support for coffee shops and retail and those kinds of things that are allowed in our list. We will come back and do a PD for individual site plans.

Mayor Tim Pospichal asked Mr. Allen if he would like to address some of the prior public comments.

Bart Allen said on the first question for transportation, this is just primarily stripping. It is not a raised median but will be striping to control traffic flow along 559. There will be a directional left to maintain the traffic flow. The right turn and designated thru lane are part of the Adams Road intersection and as part of the signalization, there is additional alignment modifications on Adams Road also. Some of the concerns he heard from the residents was what is going to go here – he thought we talked about that already. We will stand by

those requests. The mini storage or self storage is a special exception in your commercial zoning classification. We are asking for this approval as part of the PD. Overall, the concept he heard was to preserve the area. What we are proposing here tonight does exactly that. It is establishing site specific development criteria, putting in buffering, putting in landscaping, putting in design criteria that is far above standard land development code requirements. We are putting in user restrictions, all of which are consistent with the commercial land use classification that has been on the property since 2008. The assertion of "don't approve commercial on this property" with all due respect is just misguided. It is a commercial property today; it is a commercial land use today and has been since 2008. What this site plan does is frame the uses that are allowed that are otherwise permissible. You heard Mrs. Palmer say very clearly that the uses that are allowed in the PD we are proposing are consistent with Comprehensive Plan and the Land Development Code and they are compatible. What this plan does is enhance landscaping, enhance buffering, and enhance architectural. So, this is good for the neighborhood and Neighborhood Activity Centers serve the neighborhood. They pick up the trips off the road that exist today, that is why it is defined convenience. It is for the people that are on the road today, so you are picking up passerby trips, but not drawing as many trips as a Target or another kind of use, those are not neighborhood uses they are more like regional uses. We are committed to this property and committed to this community. With the modifications requested tonight, we would request at least a 4 - 1 vote to advance this to a second hearing. He said they would stand for questions and the engineers and property representatives are here to address any concerns.

Commissioner Dorothea Taylor Bogert asked Bart Allen to address the height concerns versus the walls. She said she knew the lighting was all phased and shielded, so that was not a concern.

Bart Allen said the actual personal storage units will be 12 to 13 feet, the walls will be at least 6 feet, and there will be buffering and plants. The RV's are 15 to 16 feet tall and they may peek out over the top. He said keep in mind all those trees are going to be much taller than 16 feet tall, when they grow out. You have all the commercial to the west that will be blocking the view. It will not be sitting right on the frontage on 559, where you see those buildings right on the frontage road, this will be set back.

Commissioner Dorothea Taylor Bogert said she knew this would be covered up, but until it is was there something that could be temporarily put in front.

Bart Allen said this will be fully fenced and there will be landscape along the boundary. The fence will be precast concrete on the eastern boundary, north-south boundary and then the stormwater ponds and 50 feet between the property line. The fence will stay up permanently for security purposes. There will be a locked gate when the facility is closed. There will be a code to go in and out from 9 a.m. to 6 p.m. It will be a closed facility and not open 24 hours or accessible after hours.

Mayor Tim Pospichal said he understood from Mr. Allen that he and the developers would have no problem with keeping the land use, but bringing each property back with a PD, as a modification.

Bart Allen said yes, he would prefer to not, but was agreeable to that.

Commissioner Dorothea Taylor Bogert asked Assistant City Manager Amy Palmer for a better clarification. She asked if they bring it back for individual PDs and it is not the whole thing, if they bring that on one of these allowed uses and it comes before us, what restrictions we have for that. She asked if we can we say no, if we do not like what they are bringing to the table.

City Attorney Frederick J. Murphy, Jr. said it certainly makes it more difficult to say no. He said he understands there is a motion that we are now discussing to approve Ordinance No. 1663, as presented. Now there is a lot of good discussion from the Commission, which he thinks is very healthy and that is what we are here for. The question is that the self storage units and the plan associated with that would move forward, but that the

out parcel, the balance of the acreage, would maintain the uses but they would have to come back at an individual end user opportunity to obtain a PD binding site plan approval. He said he was not clear.

Assistant City Manager Amy Palmer said she thought Vice Mayor Bogert's question was if the uses are kept on the land and an acre of the out parcel comes for approval and it is a gas station, do they have an option to deny it.

City Attorney Frederick J. Murphy, Jr. said his sense is that the City Commission would be very limited in denying. You could probably place appropriate conditions or additional conditions that is the whole point of a Planned Development to tailor the ultimate end use for the specific piece for property. From a planning perspective, he did not like doing this on the fly, in terms of recommendation on these concepts or issues discussed. He asked would it not be clearer or better from a process standpoint to move forward with the self storage units and the binding site plan that is attributable to that and leave the out parcels as neighborhood commercial or whatever the existing land use is and require PDs to come back for those. He said he knew this is not what the developer offered, but from a planning perspective he is trying to get the greatest amount of flexibility.

Assistant City Manager Amy Palmer said the way we have done it in the past, if the mini storage is moving forward per the Commission, they can address the out parcel with this Planned Development but just do it different than what was being proposed today, as what was requested. As far as our process and the LDR's are concerned, she thought the entire 28 acres can be approved as a Planned Development. It is just how you are going to address that future development on the future 12.5 acres. She said she thought the discussion now was we would like to see that come back on a case-by-case basis, as there is an end user. If that is the case, we would be amending Ordinance No. 1663. We would be amending this Planned Development for this piece of property. If it is the case that these allowable uses with this Planned Development for whatever time period, whether it is the two years or five years or 12 months these uses would remain in place for this Planned Development.

City Attorney Frederick J. Murphy, Jr. said then the PD would have to be consistent with and compatible with those uses, as it relates to an evaluation by both the Planning Commission and the City Commission.

Commissioner Dorothea Taylor Bogert asked if there were things, we do not want in there could we strike them now and if they wanted them, they would come back as an exception to what is in place. Right now, we are not wanting a convenience store.

City Attorney Frederick J. Murphy, Jr. said yes, he thought that was what Mrs. Palmer was saying, that was a possible way of proceeding. We have to be mindful here that the City Commission cannot be arbitrary or capricious. In this case they have to base their decision, a quasi-judicial decision, on competent substantial evidence, fact based, expert testimony, not conjecture, not speculation, not emotion, or other issues. He said he wanted to make it clear that was applicable across the board for both the applicant and anyone. He wanted to be real clear that what we ultimately come up with is appropriate from a legal standpoint. At the end of the day, you all make the decisions, set the policies, assign the land use, and assign the zoning.

Commissioner Jack Myers said when they come back for the PD on a separate parcel, would they be required to show what the build will look like, show what the landscape will look like, we are going to know what the façade will be, and we would know what the end use will be. If the convenience store remains in here and they come back, they will have to have a plan to show us that it will palatable.

City Attorney Frederick J. Murphy, Jr. said yes, they will have to have a binding site plan, which is the end product.

Commissioner Jack Myers said he just did not know about the architectural drawings and if it had to be part of it. He said he would definitely want to see that.

Commissioner Richard Hamann asked how close we are to seeing a plan from the Lakes District.

Assistant City Manager Amy Palmer said we have the final draft that Staff is reviewing now. We expect to have the final draft out for public consumption by the middle to end of June. Once that final draft is out in the public, she anticipates getting it adopted before the end of the year. We are hopeful for October, which is our timeline with the consultant. We anticipate the new Lakes District Code in the fall.

Commissioner Keith Cowie asked if we were to separate these or eliminate the uses that are allowed and not allowed, if they were to come to us after the Lakes District was adopted, they would fall under those restrictions.

Assistant City Manager Amy Palmer said that was correct. If these uses are eliminated from the plan.

Commissioner Keith Cowie said if we leave them in there tonight, then this would supersede the Lakes District.

Assistant City Manager Amy Palmer said for however long this time period is allowed.

Commissioner Dorothea Taylor Bogert said that was her concern because as we said we have a vision in place. She said she thought this could work very well with the vision, as a Neighborhood Activity Center. She said she might have asked City Manager Tillman this question; if we dropped it down to the one year if we adopt the LDR's, they are not beholden to adhere to our Lakes District documentation. She said she wanted to limit it to a year and did not know if we can get a commitment from them that they will adhere to it once it is adopted. She said she was not sure what the proper way to do this was. She said she wanted that overlay to be in place, as we all know it is coming. We have this under the JPA overlay, which is very effective with the facades and everything and the fence across the mini storage that kind of hides it. She said she did not know if the Lakes District will be distinctly different, as she has not read the LDR's for the Lakes District, as they are not in play yet. We know it is coming and what we want. She said she would like to see that frontage adhere to the Lakes District. She said she did not necessarily consider that area our gateway, as our gateway has moved farther and farther north. If anything, Gapway would probably be our gateway into the City. She said that is what she would like to see and that is why she would like it for the one year. Once the Lakes District restrictions are in place and they come back after the year, if they want a two year or three year that would adhere to that it might be something we could consider at that time.

Bart Allen said the reason they were asking for the two years was we are six to nine months out on the Lakes District, if we do not have this in place, we cannot try to utilize the property. If we wait for six months, now we begin to market and now someone has another six or nine months to get through development, so we are looking at a year and a half. This is why we are asking for two years now. We know what we are asking for and we know we have allowed uses on the site and can go ahead and market, after your next hearing assuming this is approved. That developer can immediately get into the development process, which quite candidly is not quick even when you have the property fully entitled and know exactly what the permitted use is. It takes nine to 12 months to get through engineering and design. If we only allowed this for a year, it is like we are starting the clock over again in six to nine months and that from a land owner prospective is problematic. He said the owners would take the convenience store off the permitted uses, leave the rest of the permitted uses, two years, and when the Lakes comes in, we will start abiding by the Lakes District. He said he thought this has always been the Strang's intent. They have been a part of that process for a long time. If we can get these uses on the books so we can at least start marketing it and moving it forward within the two years, this will give somebody some certainty and take the gas off, as well as the other things discussed.

Commissioner Jack Myers said he was not saying you could not come back with a gas station-convenience store PD for a parcel on this site. He said he was not saying we would not allow it.

Bart Allen said as long as it is clear for the record, it was not a forever prohibited use and something that might be considered in the future. He said he was not saying that was binding.

City Attorney Frederick J. Murphy, Jr. said he thought we just take it off the permitted uses and we do not list it anywhere in the prohibited uses that way it leaves it open.

Commissioner Richard Hamann asked if nothing happens when you market it, the overlay comes in for the Lakes District then would you agree to adhere to the Lakes District, if you do not have anything in place after the two years.

Bart Allen said after the two years - 100%.

City Attorney Frederick J. Murphy, Jr. said he thought one of the issues was – it is hard to ask someone to adhere to something that they do not really know what it is. We all understand the vision and the concepts and where we are going, but until you have specific regulations, that product is not here yet, it is really hard for someone to say, yes, I will agree or abide by those regulations, when you do not know what they are. He said from his way of looking at it, the best way to ensure compliance was to have your stakeholders to include the property owners to be involved in the process where you are developing the land development regulations. He said that is a better way to ensure there is buy-in by the development community and he is assuming we are working with our consultant and that is coming forward soon. He said it would seem like you would be having interaction with the developers and property owners.

Assistant City Manager Amy Palmer said the entire vision was developed with the property owners, as well as the residents. The LDR's we are writing, the Code that we are writing is the implementation for that vision. She said that was the outcome.

Commissioner Dorothea Taylor Bogert asked for clarification on the permitted uses and she thought this would address Mrs. Webb's question. We have self storage on the prohibited uses, but that is applicable to what is there vacant for the future commercial. She said Mrs. Webb's sister brought up the concern that they could come back and do the whole thing, because we have allowed this. This is what prohibits any additional ones. She said she knew the big ones are not permitted and the self storage was an exception. She asked if it was necessary to add or to put for any type of self storage, mini storage, or warehousing will not be permitted in that area.

Assistant City Manager Amy Palmer said no, mini storage is different than warehouses, per our Code. The use in front of self storage is limited to wholesaling and distribution services. other than that, warehouses are prohibited in commercial zoning districts and only allowed in industrial zoning. She said the prohibited use is self storage and she thought that was pretty self-explanatory, as far as mini warehouse or self storage, those terms are interchangeable. They are not permitted and they would not be able to expand onto the 12.5 acres.

Commissioner Dorothea Taylor Bogert said she appreciated the convenience store. She said she grew up in Auburndale from a relatively conservative background and she thought we have several places that have packaged liquor sales. She asked if this was something they would be willing to exempt. She said a retail package store would be something like an ABC store.

Assistant City Manager Amy Palmer said ABC, package sale of alcohol, it could be like a convenience store or even a retail center. If you are selling package sale of alcohol, you need a license to do that. This opens the door for any of that type of package sale rather it is a standalone liquor store like ABC or a little grocery store.

Commissioner Dorothea Taylor Bogert said she did not think the neighborhood would be really happy, if we had an ABC move into that corner. She said we rely on our LDRs and your professional opinion and we want to make sure.

Assistant City Manager Amy Palmer said Mr. Allen said it would be fine, if standalone package stores were stricken from the list of uses.

Commissioner Jack Myers asked City Attorney Murphy with the motion on the floor how was the best way to proceed.

City Attorney Frederick J. Murphy, Jr. said the best way was to make a motion to amend Ordinance No. 1663 to strike those permitted uses you have discussed and are not allowable, amend the length of time for the duration of the PD, and include them coming back for planned development consideration on the out parcels.

Allen Bart said that his clients would concur with that.

City Attorney Frederick J. Murphy, Jr. said Ordinance No. 1663, as it is now currently being proposed would strike under the allowed uses the package sale of alcohol, convenience store with gas station subject to the following condition, this would be in place for two years, and it would require an application to come back for any out-parcel development in the 12 acres. We would get this all taken care of prior to bringing it back for a second reading. He said the two years would be tied into, so there could be some aspiration that they would allow the Lakes District regulations to be a part of future development that would be appropriate from a timing perspective.

Allen Bart said that his clients concurred.

**Motion** by Commissioner Richard Hamann, seconded by Commissioner Jack Myers to amend Ordinance No. 1663 with the conditions stated by City Attorney Murphy. Upon vote on motion to amend, all ayes. The vote was a unanimous vote.

City Attorney Frederick J. Murphy, Jr. said it would be in order to receive a motion to approve on first reading Ordinance No. 1663, as amended.

**Motion** by Commissioner Jack Myers, seconded by Commissioner Richard Hamann, to approve Ordinance No. 1663, as amended. Upon vote, all ayes. The vote was a unanimous vote.

The Commission recessed from 10:52 p.m. to 11:00 p.m.

Mayor Tim Pospichal called the Meeting back to order.

## **7. ORDINANCE #1664 ANNEXATION OF PROPERTY - ROWE PROPERTY**

Assistant City Manager Amy Palmer said the City has received a petition from property owner Janice Rowe to annex 8.00 acres of property into the City limits. The property is located south of Pace Road on Bryan Lane, adjacent to the Henderson property, which was recently annexed. The annexation does not create an enclave. The Rowe property contains several residential and agricultural uses. The proposed annexation is a result of the owner's request for utilities and proposed mixed-use development. Establishing a Future Land Use and Zoning classification on the property will be considered at Public Hearings, at later dates. The action currently before the City Commission is only on the annexation of the property into the City limits. Staff recommendation was approval of Ordinance #1664 annexing the Rowe property into the City limits.

City Manager Tillman said the proposed Ordinance was prepared by the Community Development Department and reviewed by the City Manager and City Attorney. If approved on first reading, the proposed Ordinance will be presented on second and final reading on June 7, 2021.

City Attorney Frederick J. Murphy Jr. read Ordinance No. 1664 entitled: **AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF AUBURNDALE, FLORIDA, SO AS TO INCLUDE THEREIN ADDITIONAL TERRITORY LYING CONTIGUOUS AND ADJACENT TO THE PRESENT BOUNDARIES OF THE CITY; DESCRIBING SAID ADDITIONAL TERRITORY; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE** (General Location: Bryan Lane).

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. 1664, as read on first reading by title only. Upon vote, all ayes.

## **8. FINAL PLAT APPROVAL – LAKE LENA OAKS PHASE 2A**

Assistant City Manager Amy Palmer said the City has received a request to approve the final plat of the Lake Lena Oaks Phase 2A subdivision. The property is located on Abundant Life Drive, east of Gabarone Boulevard and north of US Hwy 92 and the Walmart store. The City Commission approved the Preliminary Plat for Phase 2A of the subdivision on August 19, 2019. The subdivision will contain 32 attached townhouses on 13 acres. The property has a Future Land Use designation of Medium Density Residential and a Zoning classification of General Residential-1, which allows for attached townhouses. As provided for in the LDR's, the developer is requesting Final Plat approval before all infrastructure improvements are completed. This is allowed only after a bond or letter of credit is posted for 120% of the costs of the improvements. The remaining infrastructure to be completed include earthwork, stormwater improvements, water and sewer improvements, and minor repairs to the existing roads. The Engineer's Opinion of Probable Cost is \$206,960. The City has received a Letter of Credit from the developer in the amount \$248,352 for approval of the Final Plat for the Lake Lena Oaks Phase 2A subdivision. Staff recommended approval of the Final Plat. She displayed the property location on the map.

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

City Manager Tillman said Staff recommends approval of the final plat for the Lake Lena Oaks Phase 2A subdivision.

**Motion** by Commissioner Keith Cowie, seconded by Commissioner Dorothea Taylor Bogert, to approve the Final Plat for the Lake Lena Oaks Phase 2A Subdivision.

Commissioner Richard Hamann asked if this was a continuance of Phase I.

Assistant City Manager Amy said yes, this was a continuance of Phase I.

Commissioner Dorothea Taylor Bogert asked if there were any changes from the original plat and if this plat looks exactly the same.

Assistant City Manager Amy Palmer said yes.

Upon vote, all ayes.

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**Motion** by Commissioner Jack Myers, seconded Commissioner Richard Hamann to strike Agenda Item No. 9 from the Agenda because of the timeframe and rehear that at the next meeting. Upon vote all ayes.

City Manager Tillman said Staff will bring back the Capital Improvements discussion at the June 7 meeting.

The meeting was adjourned at 11:06 p.m. with the CRA Meeting to follow, after a recess.

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

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Shirley A. Lowrance, Finance Director/City Clerk

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Shirley A. Lowrance, Finance Director/City Clerk