



City of Auburndale
AUBURNDALE, FLORIDA 33823

Office of the City Manager

P.O. Box 186
(863) 965-5530
Email: cmo@auburndalefl.com

CITY COMMISSION MEETING
November 15, 2021 - 7:00 P.M.
COMMISSION ROOM/CITY HALL

CALL TO ORDER – Mayor Tim Pospichal

INVOCATION – Pastor Jim Mitchell, First United Methodist Church

PLEDGE OF ALLEGIANCE – Mayor Tim Pospichal

ROLL CALL – City Clerk Jeff Brown

APPROVE COMMISSION MINUTES – Regular Meeting – 11/01/2021

ANNOUNCEMENTS – City Manager and City Attorney

REQUEST TO ADD ADDITIONAL ITEMS TO AGENDA –

REQUEST FROM THE GENERAL PUBLIC –

AGENDA

1. **PUBLIC HEARING** – COMPREHENSIVE PLAN TEXT AMENDMENT – PROPERTY RIGHTS
2. ORDINANCE #1678 ADOPTING COMPREHENSIVE PLAN TEXT – PROPERTY RIGHTS
3. **PUBLIC HEARING** – OFFICIAL ZONING MAP AMENDMENT – K-VILLE PHASE 3
4. ORDINANCE #1679 AMENDING OFFICIAL ZONING MAP – K-VILLE PHASE 3
5. **PUBLIC HEARING** – LAND DEVELOPMENT REGULATIONS TEXT AMENDMENT – THE LAKES DISTRICT
6. ORDINANCE #1680 AMENDING THE LAND DEVELOPMENT REGULATIONS – THE LAKE DISTRICT
7. **TRANSMITTAL PUBLIC HEARING** – LANDUSE MAP AMENDMENT – AUBURN LAKES
8. TRANSMITTAL RESOLUTION #2021-13 TRANSMITTING MAP AMENDMENT TO STATE
9. ORDINANCE #1681 AMENDING FISCAL YEAR 2020-2021 ANNUAL BUDGET

Community Redevelopment Agency (CRA) Meeting to following City Commission Meeting

F.S. 286: If an individual decides to appeal any decision made by the City Commission with respect to this meeting, a verbatim transcript may be requested. If so, the individual should make provisions for a transcript to be made at the meeting. Persons with disabilities needing special accommodations to participate in this proceeding should contact the City Clerk no later than five days prior to the proceeding at 968-5133.

**City Commission Meeting
November 15, 2021**

AGENDA ITEM 1: PUBLIC HEARING – COMPREHENSIVE PLAN TEXT AMENDMENT – PROPERTY RIGHTS

AGENDA ITEM 2: ORDINANCE #1678 ADOPTING COMPREHENSIVE PLAN TEXT – PROPERTY RIGHTS

 INFORMATION ONLY

 X ACTION REQUESTED

ISSUE: The City Commission will take public comment and consider a proposed Comprehensive Plan Text Amendment regarding Property Rights.

ATTACHMENTS:

- . Notice of Public Hearing – 11/06/2021
- . Objections, Recommendations, and Comments Report from Department of Economic Opportunity
- . Proposed Ordinance #1678 adopting Comprehensive Plan Text – Property Rights
- . Excerpt from Planning Commission Meeting – 08/03/2021

ANALYSIS: Growth management legislation enacted by the Florida Legislature in House Bill 59, Property Rights, requires all unincorporated and incorporated jurisdictions to update their Comprehensive Plans to ensure property owners’ rights are more clearly addressed. Specific language regarding property owner rights was suggested in the State’s legislation.

Following a Transmittal Public Hearing on September 9, 2021, the City transmitted to the State the Text Amendment to the Comprehensive Plan to be consistent with Florida Statutes.

On November 2, 2021, the City received the Objections, Recommendations and Comments Report from the Florida Department of Economic Opportunity (DEO) that included an objection and a comment to the Text Amendment. The objection stated that the proposed Text Amendment includes the statement of rights as a policy within the Future Land Use Element of the City of Auburndale’s Comprehensive Plan rather than as its own, separate Property Rights Element in the Comprehensive Plan. The DEO recommended creating a separate Property Rights Element in the Comprehensive Plan. The DEO also recommended that the Property Rights Element include a goal and an objective in order to clarify the role of the policy.

The suggested recommendations have been incorporated in the proposed Ordinance adopting the Comprehensive Plan Text and addresses the DEO objection. 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 for second and final reading on December 6, 2021.

PLANNING COMMISSION RECOMMENDATION: Approval of the proposed Comprehensive Plan Text Amendment for Property Rights (6-0, 08/03/2021).

STAFF RECOMMENDATION: Approval of Ordinance #1678 adopting the Comprehensive Plan Text Amendment for Property Rights.

**City Commission Meeting
November 15, 2021**

AGENDA ITEM 3: PUBLIC HEARING – OFFICIAL ZONING MAP AMENDMENT – K-VILLE PHASE 3

AGENDA ITEM 4: ORDINANCE #1679 AMENDING OFFICIAL ZONING MAP – K-VILLE PHASE 3

 INFORMATION ONLY

 X ACTION REQUESTED

ISSUE: The City Commission will consider and take public comment on an Ordinance amending the Official Zoning Map.

ATTACHMENTS:

- . Notice of Public Hearing – 10/22/2021
- . Proposed Ordinance #1679 Amending Official Zoning Map – K-Ville Phase 3
- . Excerpt from Planning Commission Meeting – 11/02/2021

ANALYSIS: The City has received a request to rezone the following property:

Jernigan Property:

Owner/Petitioner:	Wood & Associates Engineering, LLC on behalf of Dustin Jernigan
Location:	K-Ville Avenue and Polk County Parkway
Current Future Land Use:	Low Density Residential
Current City Zoning:	Open Use Agricultural (OUA)
Proposed Zoning Classification:	Single Family Residential-2 (RS-2)
Current use:	Vacant (+/- 27.45 acres)

In March 2017, the City approved a zoning change for Dustin Jernigan from Planned Development-Housing 1 (PD-H1) to Open Use Agriculture (OUA) on +/- 69.02 acres. Wood and Assoc. Engineering, LLC, on behalf of property owner Dustin Jernigan, is requesting a zoning change on +/- 27.45 acres of the property from **Open Use Agriculture (OUA)** to a zoning classification of **Single Family Residential-2 (RS-2)**. The remainder of the property is not included in the request.

The requested zoning district of Single Family Residential-2 (RS-2) is consistent with the existing underlying Future Land Use of Low Density Residential, the City's Land Development Regulations, and existing residential subdivisions to the north and to the east. The requested Single Family Residential-2 (RS-2) requires a minimum lot size of 9,500 sq. ft. with a minimum lot width of 70'. The setbacks are 25' in the front, 10' on the side and 10' in the rear. The proposal is to develop a 64-lot subdivision with a minimum lot size of 70'x155'. The site will access City water and utilize septic tanks. The City's sewer system is not available in this area.

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 for second and final reading on December 6, 2021.

PLANNING COMMISSION RECOMMENDATION: Approval of the proposed Zoning Map Amendment of Single Family Residential-2 (RS-2) (6-0, 11/02/2021).

STAFF RECOMMENDATION: Approval of Ordinance #1679 amending the Official Zoning Map.

**City Commission Meeting
November 15, 2021**

AGENDA ITEM 5: PUBLIC HEARING – LAND DEVELOPMENT REGULATIONS TEXT AMENDMENT – THE LAKES DISTRICT

AGENDA ITEM 6: ORDINANCE #1680 AMENDING THE LAND DEVELOPMENT REGULATIONS – THE LAKES DISTRICT

 INFORMATION ONLY

 X ACTION REQUESTED

ISSUE: The City Commission will take public comment and consider a proposed amendment to the Land Development Regulations.

ATTACHMENTS:

- . Notice of Public Hearing – 10/22/2021
- . Proposed Ordinance #1680 amending the Land Development Regulations
- . Excerpt from Planning Commission Meeting – 11/02/2021

ANALYSIS: In February 2019, the City Commission approved a Memorandum of Agreement with three major property owners in the North Auburndale Area and a Contract for Planning Consultant Services with Kimley-Horn and Associates for Master Planning the North Auburndale area, which has been experiencing rapid growth and development, and a change in land use patterns from agricultural to residential. Following several planning workshops with the property owners and the public, the City Commission endorsed “The Lakes District” Vision and Strategies. The Lakes District Vision is a master planned community that incorporates greenway and trail corridors, mixed-use centers, walkability enhancements, and protection of environmental resources and agricultural character.

The next phase of The Lakes District Vision and Strategies was to draft amendments to the City’s Comprehensive Plan and Land Development Regulations that would implement the master planned community. During workshops with the Planning Commission and City Commission in August 2021, presentation of The Lakes District’s major themes was made, which include mixed-use village centers, pedestrian and bicycle connectivity, regulations for open space and residential neighborhoods, and the creation of a Transfer of Development Rights program.

In September of 2021, the City Commission transmitted a Comprehensive Plan Amendment establishing Lakes District Mixed Use as a new Future Land Use to the Department of Economic Opportunity for a State review. The City is currently awaiting the State’s review comments and/or approval. Concurrently, during the State review process, City Staff is proposing an amendment to the Land Development Regulations, Chapter 15, Special Overlay Districts. These proposed policies are intended to implement the new Future Land Use once adopted and ultimately, the master planned community.

The text amendment to the Land Development Regulation creates a new Special Overlay District called “The Lakes District Master Planned Community Area”. The new development standards are intended to establish coherent and compact interconnected districts and neighborhoods, mixed and integrated uses, provide for a range of housing options, sizes, and prices, develop a balanced transportation system that provides alternatives to driving, ensure a connected and walkable street network, and to enhance public spaces. Several new zoning districts are also proposed to help implement The Lakes District Vision. Each of the following zoning districts may incorporate Transfer of Development Rights

(TDRs) as proposed in the accompanying attachment, The Lakes District Master Planned Community Area.

Zoning Districts in the proposed overlay are to include:

Village Centers. This zoning classification provides a variety of shops, services, restaurants, medium density housing, and civic facilities that serve the needs of the surrounding neighborhoods. Village Centers have a base density of 6 dwelling units per acre, which may be increased through the Transfer of Development Rights (TDR) process.

Residential Neighborhood. These low density areas shall be scaled to the needs of pedestrians, with local destinations, such as schools and community parks, within walking distance. Residential neighborhoods have a base density of 6 dwelling units per acre.

Estate Residential. Areas within the Lakes District where rural development patterns recognize unique environmental conditions and incorporate them into larger single-family residential lots. Estate Residential neighborhoods have a base density of 6 dwelling units per acre.

Parks/ Open Space. This zoning category is applied to proposed locations for parks and other open space or institutional uses. Lands in these areas may also be a TDR sending zone and have a base density of 6 dwelling units per acre.

Conservation Network. Establishes an interconnected open space system that protects wetland habitat along with communities and protected wildlife species while allowing passive recreation uses such as pedestrian and bike trails where appropriate. Lands in these areas may be a TDR sending zone and have a base density of 6 dwelling units per acre.

Transfer of Development Rights (TDR) encourages the implementation of higher density Village Centers, as well as preserve other important uplands, agriculture areas, water reuse area, aquifer recharge, wetland connections and wildlife corridors. The City of Auburndale may allow the transfer of development rights from sending areas to receiving areas in the Lakes District. Sending Zones include Estate Residential, Parks/Open Space, Conservation Network, Residential Neighborhood. Receiving Zones would be Village Centers and Residential Neighborhoods. It is understood that only Site Plans approved following the adoption date of The Lakes District Master Planned Community Area are eligible to send and receive TDRs.

Staff will make further presentation of the new development standards for The Lakes District Master Planned Community.

The proposed text amendment to the Land Development Regulations is consistent with the City of Auburndale Comprehensive Plan, all other Land Development Regulations, and the Joint Planning Agreement with Polk County.

The proposed Ordinance was prepared by the City Manager's Office and reviewed by the Community Development Director and City Attorney.

PLANNING COMMISSION RECOMMENDATION: Approval of the proposed Land Development Regulation Text Amendment (6-0, 11/2/2021).

STAFF RECOMMENDATION: Approval of Ordinance #1680 amending the Land Development Regulations for the Lakes District Master Planned Community Area.

**City Commission Meeting
November 15, 2021**

AGENDA ITEM 7: TRANSMITTAL PUBLIC HEARING – FUTURE LAND USE MAP AMENDMENT – AUBURN LAKES

AGENDA ITEM 8: TRANSMITTAL RESOLUTION #2021-13 TRANSMITTING MAP AMENDMENT TO STATE

___ INFORMATION ONLY

X ACTION REQUESTED

ISSUE: The City Commission will consider and take public comment on Future Land Use Map Amendment before transmitting to the State for a compliance review.

ATTACHMENTS:

- . Notice of Public Hearing – 10/22/2021
- . Resolution #2021-13 Transmitting Future Land Use Map Amendment to State and Location Map
- . Excerpt from Planning Commission Meeting – 11/02/2021

ANALYSIS: The City has received a request to amend the Future Land Use Map for the following property:

Auburn Lakes Subdivision:

Owner/Petitioner:	Vacant Land of Polk County, LLC on behalf of Gus Wong
Location:	Old Dixie Hwy and Polk County Parkway
Current Future Land Use:	Tourism Commercial Center (TCC)
Proposed Future Land Use:	Low Density Residential (181.88+/- acres) and Medium Density Residential (73.17+/- acres)
Current City Zoning:	Commercial Highway (CH)
Proposed Zoning Classification:	General Residential-1 (RG-1) on (181.88+/- acres) and General Residential-2 (RG-2) on (73.17+/- acres)
Current use:	Vacant

In February 2012, the City approved a Future Land Use classification of Tourism Commercial Center (TCC) and established a zoning classification of Commercial Highway (CH) on 255.05 +/- acres with ingress and egress on Old Dixie Hwy. The original proposal was to establish a soccer camp. Vacant Land of Polk County, LLC, on behalf of property owner Gus Wong, is requesting to amend the Future Land Use from **Tourism Commercial Center (TCC)** to **Low Density Residential** on 181.88 acres +/- and to **Medium Density Residential** on 73.17 acres +/-.

Because the property is larger than 50 acres, it is required to go through a Large-Scale Future Land Use Map Amendment and must be submitted to the Department of Economic Opportunity (DEO) for Expedited State Review. Upon receipt of the State review, the City Commission will hold an additional Public Hearing on the adoption of the proposed Future Land Use Map Amendment and proposed Zoning Map Amendment.

The Future Land Use of Low Density Residential allows for single family detached dwelling units, schools, parks, and related public uses with residential densities of 0-6 units per acre. The Future Land Use of Medium Density Residential allows for 7 to 10 dwelling units per acre. The primary intent of Medium Density Residential areas is to encourage the continuation of mixtures of housing types. These dwelling units should include one and two story apartments, townhouses, duplexes, and single family dwellings.

The request also includes a zoning classification amendment from Commercial Highway (CH) to General Residential-1 (RG-1) on (181.88+/- acres) and General Residential-2 (RG-2) on (73.17 acres +/-). The applicant proposes to develop a 350-lot single family subdivision and a 360-unit apartment complex. The request is compatible with the proposed zoning and adjoining Future Land Use classifications.

The requested Future Land Use of **Low Density Residential** and **Medium Density Residential** is consistent with the City's Comprehensive Plan, the Joint Planning Agreement with Polk County and surrounding Development.

The action before the City Commission is only to take public comment on the proposed Future Land Use and authorize transmittal to the Florida Department of Economic Opportunity for a compliance review.

The proposed Transmittal Resolution was prepared by the Community Development Department and reviewed by the City Manager and City Attorney.

PLANNING COMMISSION RECOMMENDATION: Approval of the proposed Future Land Uses of Low Density Residential and Medium Density Residential (6-0, 11/02/2021).

STAFF RECOMMENDATION: Approval of Resolution #2021-13 transmitting the Future Land Use Map Amendment to the State for a Compliance Review.

**City Commission Meeting
November 15, 2021**

AGENDA ITEM 9: ORDINANCE #1681 AMENDING FISCAL YEAR 2020-2021 ANNUAL BUDGET

 INFORMATION ONLY

 X ACTION REQUESTED

ISSUE: The City Commission will consider an Ordinance amending the FY 2020-2021 Annual Budget.

ATTACHMENTS:

Proposed Ordinance #1681 Amending the FY 2020-2021 Annual Budget

ANALYSIS: In accordance with Florida Statutes, adopted auditing practices, and on the recommendation of the City's Auditor, the City needs to amend by Ordinance the FY 2020-2021 Annual Budget to properly appropriate for revenue and expenditures that may exceed budgeted amounts. As provided by Ordinance No. 1026, the level of budgetary control for the City's Annual Budget is at the Fund Level. Events occur during each fiscal year, which were not anticipated at the time of budget approval. The proposed Ordinance amends the FY 2020-2021 Budget to reflect the collection of unanticipated revenue and appropriation for unanticipated expenditures.

The amended budget totals for each City Fund are as follows:

**CITY OF AUBURNDALE
SUMMARY BY FUND BUDGET AMENDMENT FY 2020 - 2021**

SUMMARY OF FUNDS	CURRENT BUDGET	CHANGE +/-	AMENDED BUDGET
General Fund (001)	\$23,452,292	\$2,256,000	\$25,708,292
General Fund Impact Fee (110)	\$370,500	\$875,000	\$1,245,500
Community Redevelopment Agency (151)	\$3,293,966	-\$998,000	\$2,295,966
Water & Sewer Fund (430)	\$16,467,425	\$95,000	\$16,562,425
Water & Sewer Impact Fee (440)	\$1,410,400	\$5,527,000	\$6,937,400
TOTAL BUDGET	\$44,994,583	\$7,755,000	\$52,749,583

The proposed Ordinance was prepared by the Finance Director and reviewed by the City Manager and City Attorney. If approved on first reading, the proposed Ordinance will be presented for second and final reading on December 6, 2021.

STAFF RECOMMENDATION: Approval of the Budget Amending Ordinance #1681.