



City of Auburndale
AUBURNDALE, FLORIDA 33823

Office of the City Manager

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CITY COMMISSION MEETING
December 6, 2021 - 7:00 P.M.
COMMISSION ROOM/CITY HALL

CALL TO ORDER – 2021 Mayor Tim Pospichal

INSTALL COMMISSIONERS ELECT – Dorothea Taylor Bogert, Keith Cowie, Bill Sterling

ELECT AND INSTALL 2022 MAYOR AND VICE MAYOR – City Clerk Jeff Brown

RECOGNIZE OUTGOING COMMISSIONER – Tim Pospichal

INVOCATION – Pastor Dave Melendez, Life Church Auburndale

PLEDGE OF ALLEGIANCE – 2022 Mayor

ROLL CALL – City Clerk Jeff Brown

APPROVE COMMISSION MINUTES – Regular Meeting – 11/15/2021

ANNOUNCEMENTS – City Manager and City Attorney

REQUEST TO ADD ADDITIONAL ITEMS TO AGENDA –

REQUEST FROM THE GENERAL PUBLIC –

AGENDA

1. ORDINANCE #1678 ADOPTING COMPREHENSIVE PLAN TEXT – PROPERTY RIGHTS
2. ORDINANCE #1679 AMENDING OFFICIAL ZONING MAP – K-VILLE PHASE 3
3. ORDINANCE #1680 AMENDING THE LAND DEVELOPMENT REGULATIONS - THE LAKES DISTRICT
4. ORDINANCE #1681 AMENDING FISCAL YEAR 2020-2021 ANNUAL BUDGET
5. APPROVE CONTRACT FOR SALE OF PROPERTY – 113 MCKEAN STREET

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
December 6, 2021**

ELECT AND INSTALL MAYOR AND VICE MAYOR

INFORMATION ONLY

ACTION REQUESTED

ISSUE: The City Commission will elect a mayor and vice mayor in accordance with the City Charter.

ATTACHMENTS:

. None

ANALYSIS: In accordance with the City Charter, the City Commission is to elect one of its members as mayor and another as vice mayor.

Only Commissioners who have held office for more than ten (10) months immediately preceding the nomination shall be eligible as candidates for nomination as mayor and vice mayor. Only City Commissioners Dorothea Taylor Bogert, Keith Cowie, Richard Hamann and Jack Myers are eligible.

The City Clerk will conduct the election by accepting nominations from the Commission.

Upon election of the Mayor and Vice Mayor, the City Clerk will administer the Oath of Office.

**City Commission Meeting
December 6, 2021**

AGENDA ITEM 1: 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:

. Proposed Ordinance #1678 adopting Comprehensive Plan Text – Property Rights

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. The proposed Ordinance was approved on first reading November 15, 2021 and is being presented for second and final reading.

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
December 6, 2021**

AGENDA ITEM 2: 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:

Proposed Ordinance #1679 Amending Official Zoning Map – K-Ville Phase 3

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. The proposed Ordinance was approved on first reading November 15, 2021 and is being presented for second and final reading.

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
December 6, 2021**

**AGENDA ITEM 3: 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:

Proposed Ordinance #1680 amending the Land Development Regulations

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. The proposed Ordinance was approved on first reading November 15, 2021 and is being presented for second and final reading.

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
December 6, 2021**

AGENDA ITEM 4: 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. The proposed Ordinance was approved on first reading November 15, 2021 and is being presented for second and final reading.

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

**City Commission Meeting
December 6, 2021**

AGENDA ITEM 5: APPROVE CONTRACT FOR SALE OF PROPERTY – 113 MCKEAN STREET

 INFORMATION ONLY

 X ACTION REQUESTED

ISSUE: The City Commission will consider a Purchase and Sale Agreement for City-owned property located at 113 McKean Street.

ATTACHMENTS:

- . Invitation to Bid
- . Purchase and Sale Agreement

ANALYSIS: In March 2021, the City acquired the property located at 113 McKean Street through the Code Enforcement lien foreclosure process. For many years, the property had accumulated numerous fines for code violations including high grass and weeds, junk, trash, and debris, and other health and safety violations. The City's expenses for legal fees, on-going lawn maintenance, and demolition of the house that was on the property totaled approximately \$25,000.

On October 9, 2021, the City advertised an invitation to bid in the local media and on the City's website to submit bids to purchase the +/- 0.34 acre property. The request for bids was also distributed to five (5) individuals who had expressed an interest in the property. The minimum bid requested was \$25,000 for the property. The property is zoned Single Family Residential (RS-1) and the development intent stated in the bid was to construct one single-family residence on the parcel.

On November 12, 2021, the City received one bid from the following:

Larry McCarty and Charles McCorquodale	\$31,250.50
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All required information from the bidder was included. The Purchase and Sale Agreement was prepared by the City Attorney and defines the terms of the sale. If approved by the City Commission, a closing date will be set within 45 days. Approval of the Purchase and Sale Agreement authorizes the City Manager to close on the property.

STAFF RECOMMENDATION: Approval of the Purchase and Sale Agreement and authorize the City Manager to execute all closing documents.