

## City of Auburndale Commission Minutes January 9, 2023

Minutes of the Regular Meeting of the City Commission of the City of Auburndale held January 9, 2023, at 7:00 p.m. in the Commission Room of City Hall, after having been properly advertised, with the following members present: Mayor Dorothea Taylor Bogert, Commissioners: Keith Cowie and Bill Sterling. Commissioners Richard Hamann and Jack Myers were absent. Also, present were: City Manager Jeffrey Tillman, Assistant City Attorney Seth Claytor, City Clerk Brandon Henry, and Police Lieutenant John Cruz.

Mayor Dorothea Taylor Bogert declared a quorum present, and the Meeting was opened with prayer by Curtis Johnson, New Life & Praise Tabernacle, and a salute to the flag.

**Motion** by Commissioner Cowie, seconded by Commissioner Sterling, to approve Minutes of the City Commission Meeting of December 19, 2022. Upon vote, all ayes.

City Manager Jeffrey Tillman announced that the next Ridge League of Cities meeting will be on Thursday, February 9<sup>th</sup>. He announced that the environmental survey for the J. Everett Allen & sons, Inc. Property has come back from Chastain Skillman with the recommendation that suggests there is nothing environmentally that precludes the City from moving forward with the purchase. There were recommendations on items that needed to be completed, but it is something we can hopefully work out with the property owner. Mr. Tillman asked for a motion and second to move forward with the property purchase subject to the property owner complying with the recommendations by the engineer, and to allow the City Manager to sign off on any amendments and on any and all closing documents.

Mayor Taylor Bogert asked if Mr. Tillman wants to add that as an agenda item?

Commissioner Cowie asked if we need to make a motion to add this as an agenda item?

Assistant City Attorney Seth Claytor answered we do not need an agenda item and offered to phrase the motion to assist the Commission.

Mayor Taylor Bogert answered yes.

Assistant City Attorney Claytor said it would be a motion to authorize the City Manager to take all necessary further actions which includes but shall not be limited to entering into agreements and negotiating same, for purposes of the subject contract in accordance with the recommendations by Chastain Skillman.

**Motion** by Commissioner Cowie, seconded by Commissioner Sterling, to authorize the City Manager to take all necessary further actions which includes but shall not be limited to entering into agreements and negotiating same, for purposes of the subject contract in accordance with the recommendations by Chastain Skillman.

Upon vote, all ayes.

Assistant City Attorney Claytor announced that it is a pleasure to be in attendance. It is his first night filling in for City Attorney Frederick J. Murphy Jr. He further introduced himself.

Mayor Taylor Bogert thanked Mr. Claytor.

She said she would like to remind everyone we are in committee weeks with the Legislature. She encourages everyone to go to [www.FLcities.com](http://www.FLcities.com) and sign up for updates to stay on top of what is going on with municipalities at the state level.

She recognized Greater Auburndale Chamber of Commerce President Alex Cam, who was in attendance.

Mayor Taylor Bogert asked if there was public comment on any item not on the agenda.

Anthony Lawrence, 2542 Sand Hill Court, Davenport, thanked the Commission and wished a Happy New Year. He said he came here several years ago to ask about a fence that was in the City graveyard. He was told by a citizen that it was there to separate the Blacks and the Whites. He said he spoke to the City, who told him the fence was taken down. Now, he comes to ask the Commission to have something named after Dr. Martin Luther King Jr., such as a street or monument. He said he was told to ask for both a street and a monument. Someone suggested Reverend Wright Park, but a lot of people said that is not putting his name to touch every type of race, creed, color, and nationality. He is just asking the Commission to please consider it one day.

Mr. Lawrence recalled a woman and her husband whom he helped and prayed with after the husband was injured. He thinks about that woman often. After her husband passed, she invited him and his wife into her home. She introduced them to her daughter. Auburndale is a great city. He said we thank you for all the great work you are doing.

Mayor Taylor Bogert closed the Regular Meeting and opened the Public Hearing.

**1. PUBLIC HEARING – OFFICIAL ZONING MAP AMENDMENT – SPANN PROPERTY**

City Manager Tillman said notice is hereby given that the City Commission of the City of Auburndale, Florida, will hold a Public Hearing on Monday, January 9<sup>th</sup>, 2023 at 7:00 p.m., in the City Commission Room, City Hall, to hear and consider the first reading of a proposed Ordinance amending No. 764, the City’s Land Development Regulations and Official Zoning Map.

Community Development Director Julie Womble said the City has received a request from property owner Mark Spann for an Official Zoning Map Amendment on approximately +/- 0.15 acres. The Spann property is located at 312 Main Street, north of the intersection of Main Street and Charles Avenue.

The requested change in Zoning classification from General Residential-1 (RG-1) to General Commercial-1 (CG-1) is consistent with the underlying Future Land Use of Community Activity Center (CAC). The General Commercial Zoning classification allows for the proposed mixed-use development of office on the first floor and residential on the second floor.

The proposed Official Zoning Map Amendment is consistent with the City of Auburndale’s Comprehensive Plan, Land Development Regulations, and is compatible to existing Zoning classifications adjacent to the subject site.

She presented a graphic depicting the proposal, and a graphic depicting the City’s planning and development timeline.

She said staff recommends approval of proposed Ordinance #1725 amending the Official Zoning Map. The Planning Commission recommended approval of the Official Zoning Map Amendment (7-0, 01/03/2023)

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 considered for second and final reading on January 23, 2023. Staff recommends approval.

Mayor Taylor Bogert asked for public comment. There was no public comment.

Mayor Taylor Bogert closed the Public Hearing and reopened the Regular Commission Meeting.

**2. ORDINANCE #1725 AMENDING THE OFFICIAL ZONING MAP – SPANN PROPERTY**

City Manager Tillman said staff recommends approval of proposed Ordinance #1725 amending the Official Zoning Map

Assistant City Attorney Seth Claytor read Ordinance No. 1725 entitled: **AN ORDINANCE OF THE CITY OF AUBURNDALE, FLORIDA, AMENDING ORDINANCE NO. 764, THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF AUBURNDALE, FLORIDA, BY AN AMENDMENT TO THE ZONING MAP RECLASSIFYING AN AUBURNDALE ZONING MAP CLASSIFICATION ON A PARCEL OF LAND TOTALING +/- 0.15 ACRES FROM CITY OF AUBURNDALE ZONING CLASSIFICATION GENERAL RESIDENTIAL-1 (RG-1) TO GENERAL COMMERCIAL-1 (CG-1); AND PROVIDING AN EFFECTIVE DATE. (General Location: Main Street and Charles Avenue),** by title only.

**Motion** by Commissioner Sterling, seconded by Commissioner Cowie, to approve Ordinance #1725 amending the Official Zoning Map – Spann Property, as read on first reading by title only. Upon vote, all ayes.

Mayor Taylor Bogert closed the Regular Meeting and opened the Public Hearing.

### **3. PUBLIC HEARING – FUTURE LAND USE AND OFFICIAL ZONING MAP AMENDMENT – RITCHEY/CEM DEVELOPMENT PROPERTIES**

City Manager Tillman said notice is hereby given that the City Commission of the City of Auburndale, Florida, will hold a Public Hearing on Monday, January 9, 2023, at 7:00 p.m., in the City Commission Room, City Hall, to hear and consider the first reading of a proposed Ordinance amending Ordinance No. 752 the City's Comprehensive Plan and Future Land Use Map and Ordinance No. 764, the City's Land Development Regulations and Official Zoning Map.

Community Development Director Womble said the City has received a request from Shelton Rice of Peterson & Myers P.A., on behalf of property owner CEM Development, for a Future Land Use Map Amendment on approximately +/- 32.52 acres and Zoning Map Amendment on approximately +/- 18.13 acres. The property consists of five separate parcels that are currently vacant or occupied with mobile homes or single-family residential structures. The property includes the +/- 1.22 acres Ritchey property which was annexed in December 2022.

The properties have been annexed over a period of time and have a variety of County and City Future Land Use designations, and either no Zoning classification or a Zoning classification of General Residential-2. The proposed Amendment will designate all the properties into a single Future Land Use of High Density Residential, will delineate the appropriate Conservation/Wetland Future Land Use, and will designate one Zoning classification of General Residential-2.

The proposed Future Land Use of High Density Residential and proposed Zoning of General Residential-2 (RG-2) would permit a proposed multi-family development. Currently, +/- 4.51 acres of the southern portion of the east parcel has a City of Auburndale Future Land Use of Conservation/Wetland, which was assigned to reflect the "wetland" area of the parcel. A wetland delineation was conducted on this parcel which shows the wetland/upland line south of the current Conservation/Wetlands Future Land Use line. As part of this request, the applicant is requesting to shift the Conservation/Wetlands Future Land Use line to match the wetland delineation line. This reduces the Conservation/Wetlands Future Land Use to +/- 1.02 acres.

Community Development Director Womble presented a graphic depicting the proposal, and a graphic depicting the City's planning and development timeline.

The proposed Future Land Use and Official Zoning Map Amendments are consistent with residential uses to the east and south in the County and 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 Official Zoning Map Amendments (6-1, 01/03/2023).

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City Manager Tillman said the proposed Ordinances were prepared by the Community Development Department and reviewed by the City Manager and City Attorney. If approved on first reading, the proposed Ordinances will be considered for second and final reading on January 23, 2023.

Staff recommends approval of proposed Ordinance #1726 amending the Future Land Use Map and proposed Ordinance #1727 amending the Official Zoning Map.

Mayor Taylor Bogert asked for public comment. There was no public comment.

Mayor Taylor Bogert closed the Public Hearing and reopened the Regular Commission Meeting.

#### **4. ORDINANCE #1726 AMENDING THE FUTURE LAND USE MAP – RITCHEY/CEM DEVELOPMENT**

City Manager Tillman said staff recommends approval of proposed Ordinance #1726 amending the Future Land Use Map and proposed Ordinance #1727 amending the Official Zoning Map.

Assistant City Attorney Seth Claytor read Ordinance No. 1726 entitled: **AN ORDINANCE OF THE CITY OF AUBURNDALE, FLORIDA, AMENDING ORDINANCE NO. 752, THE COMPREHENSIVE PLAN OF THE CITY OF AUBURNDALE, FLORIDA, BY AMENDING THE FUTURE LAND USE MAP RECLASSIFYING PARCELS OF LAND FROM POLK COUNTY FUTURE LAND USE CLASSIFICATION RESIDENTIAL LOW-1 (RL-1) ON +/- 1.22 ACRES AND CITY OF AUBURNDALE FUTURE LAND USE COMMUNITY ACTIVITY CENTER (CAC) ON +/- 17.11 ACRES AND CONSERVATION/WETLANDS ON +/- 3.49 ACRES TO CITY OF AUBURNDALE FUTURE LAND USE CLASSIFICATION HIGH DENSITY RESIDENTIAL; AND PROVIDING AN EFFECTIVE DATE (GENERAL LOCATION: SADDLE CREEK ROAD AND POLK COUNTY PARKWAY),** by title only.

**Motion** by Commissioner Cowie, seconded by Commissioner Sterling, to approve Ordinance #1726 amending the Future Land Use Map – Ritchey/CEM Development, as read on first reading by title only.

Commissioner Cowie said in reading through the Planning Commission meeting, this property will be developed as apartments?

Community Development Director Womble answered yes. To the west is the old Ebersbach property, which was soccer, turned into multi-family and single-family. It is consistent with the zoning that was established there. It is also consistent with some of the residential around it. The concern mostly from one member of the Planning Commission is capacity for schools, which is determined when they bring in their site plan – and they have to have a letter from the school district saying that there is capacity at that time.

Commissioner Cowie asked if there is any definition between the houses to the east? There is a house to the front of the cutout to the top – do they have to do anything there?

Community Development Director Womble answered they will be given access from that road. They will also be given access off of Old Dixie Highway, which is a County road. So the County will be giving them recommendations of how to improve that entrance so it will not affect the other residents.

Commissioner Cowie asked so there is no bordering the side of the house? And you can build an apartment complex next to my house?

Community Development Director Womble answered there is no bordering technically. But there will be some landscaping and buffering in regards to that.

Commissioner Cowie asked if that is something that comes to the Commission to look at?

Community Development Director Womble answered no, we would use the normal standards that we have in the Land Development Regulations right now. We would encourage clustering of the landscaping as we work

with the developer when they bring the site plan, so that we can have a better buffer between the current residential. She also believes the amenities center and open space would be in a central location so they will be away from the current residential.

Commissioner Cowie asked so when they go for a traffic study, the entrance off Old Dixie Highway could change?

Community Development Director Womble said they have to work with the County. They would have their own entrance off that frontage road and will not affect the residential. There may be required improvements based on what the County recommends.

Commissioner Cowie said he is just concerned that it is a lot of apartments and cars. He said he understands it goes through a traffic study – but in his experience, they have a different definition of traffic than he does.

Community Development Director Womble said they look at PM peak hours just like they would for any kind of commercial use.

Mayor Taylor Bogert asked if there is a requirement for a wall?

Community Development Director Womble answered only if it is a Planned Development. And this is a straight zoning, so there are no conditions.

Mayor Taylor Bogert asked if there are any other questions.

Community Development Director Womble added that to the south it is primarily wetland, so it will not have any development on it.

Shelton Rice, Peterson & Myers, 225 Lemon Street, Lakeland, thanked staff. Regarding the school issue, they have submitted their request for a non-binding school concurrency determination on Friday last week. He spoke with somebody with the School Board today, so those conversations are ongoing. We have nothing definitive as of now, but have started that conversation. We have engaged a traffic engineer to begin work on the traffic study. There is nothing we have committed to or are promising, but our hope is that we will have the results from the traffic study in the next three to four weeks. It may not be in time for this hearing, but it will go through the typical engineering processes. As far as intensity, the Community Activity Center as is entitled on the western portion of the property allows up to 14 units per acre. The High Density Residential on the eastern side also allows up to 14 units per acre. The limitation in the Community Activity Center is that it can only be for 25% of any given Community Activity Center. Because of that limitation, we have requested it be changed to High Density Residential. They are not asking for additional intensity, but to allow for a little more residential and not have those commercial components that would otherwise have been required in the Community Activity Center. He said there are a lot of other reasons and justifications for why the Community Activity Center does not really fit the western parcel, one of those being location criteria - the usable space which is 20 to 60 acres. This is about 20 acres with some of it in the wetlands on the southern end. It does not quite meet some of those criteria anymore. For those reasons, we think the request makes sense. It is not more intensive; it is shifting it more from residential and commercial - to where we can utilize all of it for multi-family.

Upon vote, all ayes.

**5. ORDINANCE #1727 AMENDING THE OFFICIAL ZONING MAP – RITCHEY/CEM DEVELOPMENT**

City Manager Tillman said Ordinance #1727 amends the Official Zoning Map.

Assistant City Attorney Seth Claytor read Ordinance No. 1727 entitled: **AN ORDINANCE OF THE CITY OF AUBURNDALE, FLORIDA, AMENDING ORDINANCE NO. 764, THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF AUBURNDALE, FLORIDA, BY AN AMENDMENT TO THE OFFICIAL ZONING MAP BY**

**ESTABLISHING AUBURNDALE ZONING MAP CLASSIFICATION OF GENERAL RESIDENTIAL-2 (RG-2) ON PARCELS OF LAND TOTALING +/- 18.33 ACRES; AND PROVIDING AN EFFECTIVE DATE (General Location: Saddle Creek Road and Polk County Parkway), by title only.**

**Motion** by Commissioner Sterling, seconded by Commissioner Cowie, to approve Ordinance #1727 amending the Official Zoning Map – Ritchey/CEM Development, as read on first reading by title only. Upon vote, all ayes.

**6. 2023 COMMITTEE APPOINTMENTS**

City Manager Tillman said the Commission has been copied to a list of reappointments to several boards, as follows:

Board of Adjustments

- Jerry Gaddis, Re-Appointment (Through 01/26)
- Terry Hancock, Re-Appointment (Through 01/26)
- Jim Thompson, Re-Appointment (Through 01/26)

Planning Commission

- Mike Chevalier, Re-Appointment (Through 01/26)
- Jere Stambaugh, Re-Appointment (Through 01/26)
- Matt Maloney, Re-Appointment (Through 01/26)

Community Redevelopment Agency

- Ellie Harper – Chair, Re-Appointment (Through 01/24)
- Tim Pospichal – Vice Chair, Re-Appointment (Through 01/26)

Joint Airport Zoning Board

- Mickey Matison. Re-Appointment (Through 01/26)
- City Planner, Re-Appointment (Through 01/26)
- Community Development Director, Alternate, Re-Appointment (Through 01/26)

Staff recommends approval of the 2023 Committee Appointments.

Mayor Taylor Bogert asked for public comment. There was no public comment.

**Motion** by Commissioner Cowie, seconded by Commissioner Sterling, to approve the 2023 Committee Appointments. Upon vote, all ayes.

The Meeting was adjourned at 7:30:30 PM.

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



Brandon Henry, City Clerk