

## City of Auburndale Commission Minutes December 19, 2022

Minutes of the Regular Meeting of the City Commission of the City of Auburndale held December 19, 2022, 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, Richard Hamann, Jack Myers, and Bill Sterling. Also, present were: City Manager Jeffrey Tillman, City Attorney Frederick J. Murphy Jr., City Clerk Brandon Henry, and Police Chief Terry Storie.

Mayor Dorothea Taylor Bogert declared a quorum present, and the Meeting was opened with prayer by Pastor Charles Harkala, Good Shepherd Hospice, and a salute to the flag.

**Motion** by Commissioner Cowie, seconded by Commissioner Hamann, to approve Minutes of the City Commission Meeting of December 5, 2022. Upon vote, all ayes.

City Manager Jeffrey Tillman introduced Executive Director Sandra Hall of the Greater Auburndale Chamber of Commerce.

Sandra Hall introduced the 2022 Ms. Auburndale and her court.

City Manager Tillman thanked Executive Director Hall and the Ms. Auburndale court.

City Librarian Wayne McCarty presented Amber Caves and Christian Bruland with their longevity plaques.

Public Works/Public Utilities Director John Dickson presented Patrick Staveley with his longevity plaque for 10 years of service.

Police Chief Terry Storie presented Officers Presley Hart and Patty Rieger with their longevity plaques.

City Manager Tillman said this is the last meeting for 2022 and wished the Commission a Merry Christmas and Happy New Year.

City Attorney Frederick J. Murphy Jr. announced that there is another incoming Opioid Settlement, with Walmart for approximately \$73,169.63. He stated he will go ahead and complete the appropriate forms received from the Florida Attorney General's Office, as agreed upon by the Commission at a previous meeting. Mr. Murphy said his law partner Seth Claytor will be attending on his behalf during the January Commission meetings, as he has a conflict. He wished everyone a blessed holiday season, and thanked the Commission and staff for their leadership.

Mayor Taylor Bogert said she would like to recognize those employees honored tonight with their longevity plaques, and that the City of Auburndale has the best employees in the country. She also 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. There was no public comment.

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

## **1. PUBLIC HEARING – ESTABLISHING COMMUNITY DEVELOPMENT DISTRICT – WATERSIDE SHORES**

City Manager Tillman said in compliance with the provisions of Chapter 190, Florida Statutes, a public hearing will be held by the City Commission of the City of Auburndale on the 19th day of December 2022 at 7:00 p.m, or as soon thereafter as the matter may be heard, at the Auburndale City Hall Commission Room, to consider an ordinance to grant a petition to establish the Waterside Shores Community Development District. He yielded to Community Development Director Julie Womble.

Community Development Director Womble said Clayton Properties Group, Inc. has filed a petition with the City of Auburndale pursuant to Section 190.005(2)(a), Florida Statutes to establish the Waterside Shores Community Development District (CDD), formerly known as the Wheeler Farms Property.

Chapter 190 of Florida Statutes allows a developer to petition to establish a CDD for the purpose of managing the provision of infrastructure improvements and public services including funding. The proposed CDD is comprised of approximately +/- 118.25 acres, generally located north of Lake Mattie Road and east of Lake Mattie Boat Landing Road. The subject site is located in the Lakes District Master Planned Community and has a Future Land Use of Lakes District Mixed Use (LDMU) and a Zoning of Residential Neighborhood (RN).

The petitioner has proposed to establish the CDD to finance, construct, and install improvements and facilities to benefit the lands within the District in two (2) phases over an estimated two (2) year period from 2023 through 2024. The petitioner has proposed a summary of infrastructure that will be constructed through the establishment of the CDD such as offsite improvements, stormwater facilities, water, sewer, lift stations, street lighting, conduit, roadways and parking areas, entry features, signs, and parks and recreational features. Costs not funded by bonds will be funded by the developer.

The Waterside Shores CDD will consist of a five (5) member Board of Supervisors having the authority to oversee the installation of infrastructure improvements, secure financing within its boundaries. All meetings are open to the public and are subject to all applicable Government in the Sunshine laws. In the event that the established CDD is terminated for any reason, the City shall in no way be required to accept ownership and/or maintenance responsibility for any proposed infrastructure that is necessary for the development in the District without the City's express written consent. In the event of termination, the CDD shall be responsible for ensuring the transfer of such ownership and maintenance responsibilities to an appropriate entity other than the City as authorized by law.

In accordance with Chapter 190 of Florida Statutes, the petitioner published public notice of this request in a local newspaper for four (4) consecutive weeks prior to the second reading on December 19, 2022 and public hearing of the Ordinance.

There is no direct financial impact to the City as a result of this request; however, upon development of the CDD, the City will receive a budget and schedule of meetings annually.

Staff recommends approval of Ordinance #1722 establishing the Community Development District for Waterside Shores.

City Manager Tillman said the proposed Ordinance and Petition for the Community Development District were prepared by the attorney representing the development with extensive review by the Community Development Department, City Manager and the City Attorney. The proposed Ordinance was approved on first reading November 21, 2022, and is being considered for second and final reading. Staff recommends approval of Ordinance #1722 establishing the Community Development District for Waterside Shores.

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 #1722 ESTABLISHING COMMUNITY DEVELOPMENT DISTRICT – WATERSIDE SHORES**

City Attorney Frederick J. Murphy Jr. read Ordinance No. 1722 entitled: **AN ORDINANCE OF THE CITY OF AUBURNDALE FLORIDA, ESTABLISHING THE WATERSIDE SHORES COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES NAMING THE DISTRICT; DESCRIBING THE EXTERNAL BOUNDARIES OF THE DISTRICT; DESCRIBING THE FUNCTIONS AND POWERS OF THE DISTRICT; DESIGNATING**

**FIVE PERSONS TO SERVE AS THE INITIAL MEMBERS OF THE DISTRICT'S BOARD OF SUPERVISORS; PROVIDING NOTICE OF REQUIREMENTS; PROVIDING FOR THE ADMINISTRATIVE CORRECTION OF SCRIVENER'S ERRORS; A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE (General Location The area covered by this request is generally located north of Lake Mattie Road and east of Lake Mattie Boat Landing Road in Auburndale, Florida. The area covered by this request is 118.25± acres.),** by title only.

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

**Motion** by Commissioner Hamann, seconded by Commissioner Sterling, to approve Ordinance #1722 establishing Community Development District – Waterside Shores, as read on second and final reading by title only. Upon vote, all ayes.

### **3. ORDINANCE #1724 ANNEXING PROPERTY INTO CITY LIMITS – RITCHEY PROPERTY**

Community Development Director Womble said the City has received a petition from property owner Diane Ritchey 1205 Old Dixie Hwy. Auburndale, FL. 33823 to annex 1.22+/- acres of property into the City limits. The property is located south of Old Dixie Highway, east of the Polk Parkway. The property is adjacent to City limits to the south and east. The annexation does not create an enclave. The proposed annexation is as a result of the owner's request for city utilities and proposed mixed use development.

Establishing a Future Land Use and Zoning classification on the property will be considered at Public Hearings before the Planning Commission and City Commission at later dates. The action currently before the City Commission is only on the annexation of the property into the City.

Staff recommends approval of Ordinance #1724 annexing the Ritchey 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. The proposed Ordinance was approved on first reading December 5, 2022, and is being considered for second and final reading. Staff recommends approval of Ordinance #1724 annexing the Ritchey property into the City limits.

City Attorney Frederick J. Murphy Jr. read Ordinance No. 1724 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: Old Dixie Hwy. and Polk County Prkwy.),** by title only.

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

**Motion** by Commissioner Sterling, seconded by Commissioner Cowie, to approve Ordinance #1724 annexing property into City limits – Ritchey Property, as read on second and final reading by title only. Upon vote, all ayes.

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

### **4. TRANSMITTAL PUBLIC HEARING – FUTURE LAND USE MAP AMENDMENT – INTERSECT PROPERTY**

City Manager Tillman said notice is hereby given that the City Commission of the City of Auburndale, Florida, will hold a Transmittal Public Hearing on Monday, December 19, 2022 at 7:00 p.m., in the City Commission Room, City Hall, to hear and consider a proposed amendment to Ordinance No. 752, the City's Comprehensive Plan and Future Land Use Map.

Community Development Director Womble said as a result of annexation, a Future Land Use Map Amendment has been requested by Peterson & Myers, P.A. on behalf of Intersect Development Group to amend the Future

Land Use on +/- 66.3 acres from a Polk County Future Land Use of Business Park Center-1X (BPC-1X) to a City of Auburndale Future Land Use of Regional Activity Center (RAC). She presented graphics depicting the proposal.

The properties were originally annexed into the City in February and December of 2022. The Future Land Use request of Regional Activity Center (RAC) would accommodate a mixture of commercial and light industrial uses and is the second phase of the applicant's project. The first phase, adjacent to the north, was approved by the City in November 2021. Zoning for these parcels will come before the City Commission at a later date following the State's review of the large-scale map amendment.

The request is consistent with the City of Auburndale Comprehensive Plan and the Joint Planning Agreement with Polk County and is located in the Central Florida Innovation District.

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. Upon receipt of the State Review, the City Commission will hold an additional Public Hearing on the adoption of the Future Land Use designation.

The Planning Commission recommended approval of the proposed Future Land Use of Regional Activity Center (RAC) (5-0, 12/06/2022). Staff recommends approval of Transmittal Resolution #2022-09 transmitting the Future Land Use Map Amendment to the State for a compliance review.

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

Mayor Taylor Bogert asked for public comment.

Bart Allen, Peterson & Myers, P.A., 225 E Lemon Street, Lakeland, thanked City staff. He looks forward to working through the rest of the process.

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

## **5. RESOLUTION #2022-09 TRANSMITTING FUTURE LAND USE MAP AMENDMENT TO STATE**

City Manager Tillman said staff recommends approval of Transmittal Resolution #2022-09 transmitting the Future Land Use Map Amendment to the State for a compliance review.

City Attorney Frederick J. Murphy Jr. read Transmittal Resolution No. 2022-09 entitled: **A RESOLUTION PROPOSING AN AMENDMENT TO THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN OF THE CITY OF AUBURNDALE, FLORIDA AND TRANSMITTING SUCH PROPOSED AMENDMENT TO THE FLORIDA STATE LAND PLANNING AGENCY FOR AN EXPEDITED STATE REVIEW (GENERAL LOCATION: Pace Road and Bryan Lane)**, by title only.

**Motion** by Commissioner Cowie, seconded by Commissioner Hamann, to approve Resolution #2022-09 transmitting Future Land Use Amendment to State. Upon vote, all ayes.

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

## **6. TRANSMITTAL PUBLIC HEARING – FUTURE LAND USE MAP AMENDMENT – NORTH PACE ROAD**

City Manager Tillman said notice is hereby given that the City Commission of the City of Auburndale, Florida, will hold a Transmittal Public Hearing on Monday, December 19, 2022 at 7:00 p.m., in the City Commission Room, City Hall, to hear and consider a proposed amendment to Ordinance No. 752, the City's Comprehensive Plan and Future Land Use Map.

Community Development Director Womble said as a result of annexation on December 5, 2022, a Future Land Use Map Amendment has been requested by Knights PC Holdings, LLC to amend the Future Land Use on +/- 75.70 acres from a Polk County Future Land Use of Interchange Activity Center-X (IAC-X) to a City of Auburndale Future Land Use of Regional Activity Center (RAC).

The Future Land Use request would accommodate development of a mixed-use project, which will incorporate commercial lots along the frontage of Pace Road and office, commercial, distribution and research and development buildings on the interior of the property. By providing commercial outparcels along Pace Road, the mixed-use corridor intent for the region will be maintained. The request is consistent and compatible with the previously approved development directly adjacent to the south across Pace Road.

The requested Future Land Use of Regional Activity Center (RAC) is intended to accommodate regional shopping centers, other regional attractors, residential development, and community facilities. This request for a mixed-use is consistent with the intent of the Regional Activity Center (RAC) Future Land Use category.

The request is consistent with the City of Auburndale Comprehensive Plan and the Joint Planning Agreement with Polk County and is located in the Central Florida Innovation District.

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.

Community Development Director Womble presented graphics depicting the proposal.

The Planning Commission recommended approval of the proposed Future Land Use of Regional Activity Center (RAC) (5-0, 12/06/2022). Staff recommends approval of Transmittal Resolution #2022-10 transmitting the Future Land Use Map Amendment to the State for a compliance review.

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

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

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

## **7. TRANSMITTAL RESOLUTION #2022-10 TRANSMITTING MAP AMENDMENT TO STATE**

City Manager Tillman said staff recommends approval of Transmittal Resolution #2022-10 transmitting the Future Land Use Map Amendment to the State for a compliance review.

City Attorney Frederick J. Murphy Jr. read Transmittal Resolution No. 2022-10 entitled: **A RESOLUTION PROPOSING AN AMENDMENT TO THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN OF THE CITY OF AUBURNDALE, FLORIDA AND TRANSMITTING SUCH PROPOSED AMENDMENT TO THE FLORIDA STATE LAND PLANNING AGENCY FOR A COORDINATED STATE REVIEW (GENERAL LOCATION: North Pace Road and Polk County Parkway)**, by title only.

**Motion** by Commissioner Cowie, seconded by Commissioner Myers, to approve Resolution #2022-10 transmitting Future Land Use Amendment to State. Upon vote, all ayes.

## **8. FINAL PLAT – BROOKLAND PARK**

Community Development Director Womble said the City has received a request to plat the Brookland Park Subdivision, formerly known as Keystone Hills. The property is located on Keystone Road and Lake Alfred Road and has a Zoning classification of Planned Development-Housing 1 (PD-H1).

The City Commission approved the Zoning and binding site plan on April 19, 2021. The Brookland Park Subdivision consists of 197 lots and the minimum lot size is 8,400 SF, which meets the Planned Development-Housing 1 Zoning regulations. The development meets all Land Development Regulations including lot size, setbacks, open space, and sidewalk requirements.

As provided for in the Land Development Regulations (LDR's), the developer is requesting Final Plat approval before all infrastructure improvements are made. The LDR's allow a developer to execute a surety bond, which is available to the City, in an amount 120% of the estimated completed construction cost as determined by the engineer. The Bond paperwork includes the list of improvements that need to be made, which will be covered by the bond, and a timeframe of May 21, 2023, to complete the work. The developer estimates that all necessary infrastructure improvements will be made within this time period and that the purpose of bonding is to expedite sales of the lots. The bond ensures that the City can complete improvements if the developer does not.

Infrastructure required by City specifications and covered by the bond include: Earthwork and grading, maintenance of traffic, storm drainage, a sewer lift station, paving and material costs for road base and concrete and road striping and signage.

To accomplish the necessary improvements, the developer's engineers have estimated the cost at \$1,021,891.48. In accordance with the City's LDR's, the bond amount is \$1,226,269.78, or 120% of the cost of improvements. Approval of the Final Plat would acknowledge acceptance of the terms of the performance bond. Approval of the Final Plat allows the developer to sell the lots and begin building houses.

Community Development Director Womble presented a graphic depicting the proposal.

Staff recommends acceptance of the performance bond and approval of the Final Plat for the Brookland Park Subdivision.

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

**Motion** by Commissioner Myers, seconded by Commissioner Hamann, to approve Final Plat – Brookland Park.

Commissioner Hamann asked if there is a retaining wall or wall going down Lake Alfred Road, heading down Keystone? He said he sees open areas, berm areas, and retention areas, but he thought there was a wall.

Community Development Director Womble said usually we only have solid walls between commercial and residential.

City Manager Tillman said he does not see it on the plat suggesting a wall, but a recent City code amendment would require a wall around a subdivision.

Mayor Taylor Bogert said that amendment was in 2021. They need to put that on there if it is not on there. She said she could not see if it was on there.

Commissioner Hamann said he could not see it either, hence why he brought it up.

Danny Kovacs, Terravest Engineering, 5137 S Lakeland Road, Lakeland, said there are fences along both sides of the property, but does not believe there is a wall.

Mayor Taylor Bogert said so there is no wall but fences. What kind of fences?

Mr. Kovacs answered vinyl opaque.

Mayor Taylor Bogert said so vinyl fencing.

Commissioner Hamann said that is what we are trying to get away from.

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City Manager Tillman and Commissioner Hamann said it would have to be a concrete wall.

Community Development Director Womble said we can make a note of it.

Mayor Taylor Bogert and Commissioner Cowie asked should we push this item?

Commissioner Hamann withdrew his second.

Commissioner Myers withdrew his motion.

City Manager Tillman said we can approve with the condition of a concrete wall as required by code be noted in the final plat.

City Attorney Murphy asked if this provision is something the developer is in agreement of?

Mr. Novacs said the developer will abide by this condition.

City Attorney said the Commission can move forward.

**Motion** by Commissioner Myers, seconded by Commissioner Hamann, to approve Final Plat – Brookland Park, with a note to be added and confirmed by the developer that there will be a wall that meets City's code along Lake Alfred Road and Keystone Road. Upon vote, all ayes.

Mayor Taylor Bogert wished everyone a Merry Christmas and Happy Hanukkah, and a happy 2023.

The Meeting was adjourned at 7:39:12 PM.

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



Brandon Henry, City Clerk