



Office of the City Manager

City of Auburndale
AUBURNDALE, FLORIDA 33823

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CITY COMMISSION MEETING
November 20, 2023 - 7:00 P.M.
COMMISSION ROOM/CITY HALL

CALL TO ORDER – Mayor Dorothea Taylor Bogert

INVOCATION – Pastor Jarvis Marshall, Spirit Life Ministries

PLEDGE OF ALLEGIANCE – Mayor Dorothea Taylor Bogert

ROLL CALL – City Clerk Brandon Henry

APPROVE COMMISSION MINUTES – Special Workshop – 11/06/2023
Regular Meeting – 11/06/2023

ANNOUNCEMENTS – City Manager and City Attorney

REQUEST TO ADD ADDITIONAL ITEMS TO AGENDA –

REQUEST FROM THE GENERAL PUBLIC –

AGENDA

1. **PUBLIC HEARING** – AMENDING FUTURE LAND USE AND OFFICIAL ZONING MAPS - LINCOLN
2. ORDINANCE #1761 AMENDING THE FUTURE LAND USE MAP – LINCOLN GROUP PROPERTY
3. ORDINANCE #1762 AMENDING THE OFFICIAL ZONING MAP – LINCOLN GROUP PROPERTY
4. ORDINANCE #1764 AMENDING UTILITY USER RATES / 2023 RATE UPDATE
5. ORDINANCE #1765 AMENDING UTILITY CONNECTION FEES / 2023 RATE UPDATE
6. ORDINANCE #1766 AMENDING UTILITY DEPOSIT AND TAP FEES
7. ORDINANCE #1767 AMENDING FISCAL YEAR 2022-2023 ANNUAL BUDGET
8. RESOLUTION #2023-04 SUPPORTING THE SUN TRAIL GRANT APPLICATION
9. CONSIDER DEVELOPER'S AGREEMENT WITH F3 MT OLIVE RD OWNER LLC
10. FINAL PLAT APPROVAL – RESERVE AT VAN OAKS PHASE 2

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 accommodation 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 20, 2023**

**AGENDA ITEM 1: PUBLIC HEARING – FUTURE LAND USE AND OFFICIAL ZONING MAP
AMENDMENTS – LINCOLN GROUP PROPERTY**

**AGENDA ITEM 2: ORDINANCE #1761 – AMENDING THE FUTURE LAND USE MAP – LINCOLN
GROUP PROPERTY**

**AGENDA ITEM 3: ORDINANCE #1762 – AMENDING THE OFFICIAL ZONING MAP – LINCOLN
GROUP PROPERTY**

 INFORMATION ONLY

 X ACTION REQUESTED

ISSUE: The City Commission will take public comment on and consider a proposed Future Land Use and Official Zoning Map amendment.

ATTACHMENTS:

- . Notice of Public Hearing – 11/10/2023
- . Proposed Ordinance #1761 – Amending the Future Land Use Map – Lincoln Group Property
- . Proposed Ordinance #1762 – Amending the Official Zoning Map – Lincoln Group Property
- . Excerpt from Planning Commission Minutes – 12/06/2022
- . Excerpt from Planning Commission Minutes – 10/03/2023

ANALYSIS: As a result of annexation, the City has received a request for a Future Land Use and Official Zoning Map amendment on the following property:

Lincoln Group LLC Property:

<u>Owner/Petitioner:</u>	The Lincoln Group, LLC
<u>Location:</u>	N. Pace Road and Polk County Parkway
<u>Current Future Land Use:</u>	Interchange Activity Center-X (IACX)
<u>Proposed Future Land Use:</u>	Regional Activity Center (RAC)
<u>Current Zoning Classification:</u>	None
<u>Proposed Zoning Classification:</u>	Industrial Planned Development (IPUD) +/-75.89 acres
<u>Current use:</u>	Vacant

Lincoln Group, LLC (Lincoln) has requested to establish a Future Land Use designation of **Regional Activity Center (RAC)** on +/- 75.89 acres located north of Pace Road and east of the Polk Parkway. In December 2022, the property was annexed into City limits and the City Commission held a Transmittal Public Hearing prior to sending the proposed Future Land Use Map amendment to the Department of Economic Opportunity (DEO) for an expedited State review. The State reviewed the requested land use change and had no comments. On September 19th, 2023, a Developer's Agreement, regarding sewer capacity improvements, was signed between the City and the Property Company of Florida (Lincoln). The request was originally scheduled to be considered by the City Commission on October 16, 2023 and was continued by the developer for further discussion of the project.

Lincoln has requested to establish the Zoning classification of **Industrial Planned Unit Development (IPUD)** on the property. The Zoning classification would allow the applicant to construct two research and development buildings, approximately 462,840 sq.ft. total, one 499,575 sq.ft. e-commerce and logistic building and five commercial outparcels.

As required by the Land Development Regulations (LDR's) for Planned Developments, this request is accompanied by a binding site plan. Conditions have been placed on the binding site plan regarding allowable and prohibited uses. Buildings #1 and #2 are reserved for research and development, light manufacturing, financial institutions and/or information sciences. Building #1 and #2 would prohibit distribution as the primary use or any outdoor storage. Building #3 allows for E-Commerce, distribution, industrial mixed use, research and development, light manufacturing, health technology, office space and vocational institutions. Building #3 prohibits outdoor storage, car lots, and gas stations. The outparcels allow a variety of commercial uses. Outparcels 1 and 2 would allow a 16 pump, 4 island gas station accompanied by a 10,000 square foot convenience store use. Specific prohibited uses on the outparcels include truck stops and truck terminals, public or private schools, junk yards, childcare facilities, single family residential development, mining operations and fire stations.

The binding site plan depicts a solid six-foot masonry wall along the north property line to separate the use from the residential to the north. A solid six-foot wall is depicted behind each commercial outparcel and stormwater pond to help as a visual barrier to the heavier industrial uses. The applicant has also placed a Type C landscape buffer along Pearce Road and behind all the commercial outparcels to assist as visual barrier and provide higher landscaping requirements.

The proposed binding site plan meets all requirements for parking, landscape buffers and building setbacks per the Land Development Regulations. The requested Zoning District of Industrial Planned Development (IPUD) is consistent with the requested Future Land Use of Regional Activity Center, City of Auburndale Comprehensive Plan and all Land Development Regulations.

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 presented for second and final reading on December 4, 2023.

PLANNING COMMISSION RECOMMENDATION: Approval of the Future Land Use Map amendment (5-0, 12/06/2022); Motion to approve the Official Zoning Map amendment was denied (3 no - 2 yes, 10/03/2023).

STAFF RECOMMENDATION: Approval of the proposed Ordinances amending the Future Land Use and Official Zoning Maps.

**City Commission Meeting
November 20, 2023**

AGENDA ITEM 4: ORDINANCE #1764 AMENDING UTILITY USER RATES / 2023 RATE UPDATE

AGENDA ITEM 5: ORDINANCE #1765 AMENDING UTILITY CONNECTION FEES / 2023 RATE UPDATE

____ INFORMATION ONLY

X ACTION REQUESTED

ISSUE: The City Commission will consider Ordinances amending user rates and connection fees for water service and sewer service.

ATTACHMENTS:

- . 5-Year Public Utilities Capital Improvements Plan (CIP)
- . 2023 Utility Rate and Connection Fee Update - Raftelis Financial Consultants, Inc.
- . Proposed Ordinance #1764 Amending Water and Wastewater Rates
- . Proposed Ordinance #1765 Amending Water and Wastewater Connection Fees

ANALYSIS: In May 2023, the City Commission authorized Raftelis Financial Consultants, Inc. to update the 2021 Water and Wastewater Rate Study to determine the adequacy of the user rates, fees and charges taking into consideration the significant growth and cost increases to provide the necessary wastewater treatment and collection facilities. Raftelis also conducted an update to the water and wastewater connection fees to ensure they are based on recent and local data, as well as put the City in a position to collect adequate fees from growth that reflect the current cost of providing utility service.

The 2023 Utility Rate and Connection Fee Study (Study) completed by Raftelis provides a thorough review of projected water and wastewater revenues compared to the City's Two-Year Budget, Five-Year Capital Improvement Plan, Polk Regional Water Cooperative projects and expenses, operational expenses, transfers, estimated inflation, and debt service requirements. The proposed Ordinances adjust utility rates and connection fees based on the findings and recommendations of the Study.

City Staff will present the 2023 Utility Rate and Connection Fee Update completed by Raftelis during a Special City Commission Workshop on Monday, November 20, 2023 at 6:30 P.M. in the Commission Room at City Hall prior to the Regular City Commission Meeting.

Ordinance #1764 implementing the proposed **water and wastewater rate structure** has an effective date of **October 1, 2024** and Ordinance #1765 implementing the proposed **water and wastewater connection fee structure** has an effective date of **March 1, 2024**. This will allow any development currently in the works to take advantage of the current rates.

The proposed Ordinances were prepared by the Finance Director and reviewed by the City Manager, Public Utilities Director, and City Attorney. The proposed Ordinances were approved on first reading November 6, 2023 and are being presented for second and final reading.

STAFF RECOMMENDATION: Approval of the proposed Ordinances.

**City Commission Meeting
November 20, 2023**

AGENDA ITEM 6: ORDINANCE #1766 AMENDING CITY CODE – UTILITY DEPOSITS

____ INFORMATION ONLY

X ACTION REQUESTED

ISSUE: The City Commission will consider an Ordinance making revision to deposit fees.

ATTACHMENTS:

- . Proposed Ordinance #1766 Amending City Code – Deposit Fee
- . Utility Deposit Fee Rate Comparison

ANALYSIS: Section 23-47 of the City Code provides for collection of utility deposits based on the size of the water meter. The most recent adjustment in deposit fees was from \$100 to \$150 for residential customers in June 2012 (Ordinance #1382). Non-residential deposits were raised from \$130 x meter size to \$150 x meter size.

The proposed Ordinance raises both the residential deposit and the non-residential (commercial) base deposit to \$220. Commercial deposits are multiplied by the meter size. *Example: 2" meter would result in a \$440 deposit (currently \$300).* The proposed fee is consistent with a recent survey of the cities of Haines City, Lake Alfred, Lake Wales and Winter Haven.

The proposed Ordinance was prepared by the City Manager's Office and reviewed by the Public Utility Director, Utility Billing Superintendent, Finance Director and City Attorney. The proposed Ordinance was approved on first reading November 6, 2023 and is being presented for second and final reading.

The effective date of the **new deposit rate schedule** will be **January 1, 2024**.

STAFF RECOMMENDATION: Approval of the Ordinance revising deposit fees.

**City Commission Meeting
November 20, 2023**

AGENDA ITEM 7: ORDINANCE #1767 AMENDING FISCAL YEAR 2022-2023 ANNUAL BUDGET

___ INFORMATION ONLY

X ACTION REQUESTED

ISSUE: The City Commission will consider an Ordinance amending the FY 2022-2023 Annual Budget.

ATTACHMENTS:

Proposed Ordinance #1767 Amending the FY 2022-2023 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 2022-2023 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 2022-2023 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 2022 - 2023**

SUMMARY OF FUNDS	CURRENT BUDGET	CHANGE +/-	AMENDED BUDGET
General Fund (001)	\$27,972,817	\$6,457,000	\$34,429,817
General Fund Impact Fee (110)	\$1,052,650	\$658,000	\$1,710,650
Community Redevelopment Agency (151)	\$1,651,400	\$281,011	\$1,932,411
Water & Sewer Fund (430)	\$33,771,222	-\$4,618,000	\$29,153,222
Water & Sewer Impact Fee (440)	\$9,170,938	-\$1,070,000	\$8,100,938
TOTAL BUDGET	\$73,619,027	\$1,708,011	\$75,327,038

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 4, 2023.

STAFF RECOMMENDATION: Approval of Ordinance #1767 Amending the Budget.

**City Commission Meeting
November 20, 2023**

AGENDA ITEM 8: RESOLUTION #2023-04 - SUN TRAIL GRANT APPLICATION

___ INFORMATION ONLY

X ACTION REQUESTED

ISSUE: The City Commission will consider a Resolution supporting the SUN Trail Grant Application.

ATTACHMENTS:

. Resolution #2023-04 Supporting SUN Trail Grant Application for Old Dixie Trail

ANALYSIS: On September 21, 2021, the City Commission of Auburndale approved Resolution #2021-09 supporting the selection of Alternative 1 for the Old Dixie Trail to provide regional trail connectivity through the cities of Lake Alfred, Auburndale, and Haines City. In 2023, the Florida Legislature passed SB 106 to amend the Shared Use Non-Motorized (SUN) Trail System to appropriate additional trail funding, prioritize regionally significant trails, critical linkages and trail connectedness, and provide public access to the Florida Wildlife Corridor.

In Polk County, SUN Trail network contains 119 miles of existing and planned trails including the Van Fleet State Trail, Auburndale Trail, Old Dixie Trail, Lake Alfred Trail, Chain of Lakes Trail, Ridge Scenic Highway Trail, portions of Lakeland's Lake-to-Lake Bikeway, Tenoroc Trail and the Fort Fraser Trail. The Polk Transportation Planning Organization's (TPO) Trails Master Plan and Florida's SUN Trail Plan have identified the Old Dixie Trail between Auburndale and Haines City as an important priority trail corridor that will connect the existing trails in these communities.

In response to the TPO's prioritization of the Old Dixie Trail, the Florida Department of Transportation (FDOT) has funded and prepared a Project Development and Environmental (PD&E) Study for the Old Dixie Trail. The jurisdictions of Auburndale, Lake Alfred, Polk County and Winter Haven wish to apply for SUN Funds for the Old Dixie Trail between Auburndale and Lake Alfred segments one through six as depicted in Exhibit "A." This would provide a valuable linkage between the Chain of Lakes/Lake Alfred Veterans Memorial Trail and the Auburndale Trail, ultimately providing a direct connection to the State's Coast to Coast Connector System.

Should the City endorse Resolution #2023-04, the City will assist with the development of the SUN Trail grant application and if awarded, enter into any necessary mutually agreed upon agreement between the City, the County, and the Florida Department of Transportation for segments of the Trail falling within their jurisdiction. Polk County Board of County Commissioners has agreed to submit the SUN Trail Grant Application and manage the project in various phases pending project funds awarded from the FDOT.

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

STAFF RECOMMENDATION: Approval of Resolution #2023-04 in support of the SUN Trail Grant Application.

**City Commission Meeting
November 20, 2023**

AGENDA ITEM 9: CONSIDER DEVELOPER'S AGREEMENT WITH F3 MT OLIVE RD OWNER LLC

___ INFORMATION ONLY

___X___ ACTION REQUESTED

ISSUE: The City Commission will consider a Developer's Agreement between F3 Mt Olive Rd Owner, LLC. and the City for sewer capacity.

ATTACHMENTS:

Developer's Agreement with F3 Mt Olive Rd Owner LLC

ANALYSIS: F3 Mt Olive Rd Owner LLC, owns 35.27+/- acres on Mt. Olive Road, south of I-4 and west of Berkley Road. The property has established an established Future Land Use designation of Business Park Center and Zoning classification of Light Industrial. The developer intends to build a 375,000 square feet cold storage facility and potentially, at F3's discretion in the future, an additional building of approximately 115,000 square feet to be used for either cold storage or distribution which are consistent with the Future Land Use and Zoning.

In 2023 at the time of F3 Mt Olive Rd Owner LLC (F3) application, the City notified F3 that the City's wastewater collection system needed upgrades to support development. In 2022, the City initiated a comprehensive, city-wide review of its existing sanitary sewer system, which was completed by Chastain-Skillman. The City's Regional Wastewater Treatment Plant Service Area Evaluation identified certain necessary improvements to allow any future development in the area. The Evaluation shows that development of the Mt. Olive property cannot discharge into the City's wastewater system until the Pace Road Master Lift Station Utility Improvements are permitted, completed, and operational, along with the planning and design phase of the Regional Wastewater Treatment Plant expansion.

The Developer's Agreement between F3 and the City states that development and construction on the Mt. Olive property shall be permitted to go vertical, so long as F3 at its sole expense develops and constructs a private wastewater disposal system on the property, which includes but is not limited to a septic tank. The Developer's Agreement states that F3 agrees to connect to the City's Collection System when it becomes available within the timelines provided. The Agreement further provides that any decommissioning and/or closure expenses of the private wastewater disposal system on the Property shall be borne solely by the developer. The Agreement acknowledges that the City makes no representation or warranty as to when it will commence or complete the Utility Improvements.

The City and F3 Mt Olive Rd Owner, LLC., desire to enter into the Agreement to establish the respective rights and obligations between F3 Mt Olive Rd Owner LLC and the City, in accordance with the terms and conditions of the proposed Developer's Agreement. The improvements listed in the Development Agreement plan for current and future development.

The proposed Developer's Agreement was prepared by F3 Mt Olive Rd Owner LLC and reviewed by the Community Development Director, City Manager's Office, City Public Works Director and the City Attorney.

STAFF RECOMMENDATION: Approval of the proposed Developer's Agreement with F3 Mt Olive Rd Owner LLC and the City of Auburndale.

**City Commission Meeting
November 20, 2023**

AGENDA ITEM 10: FINAL PLAT APPROVAL – RESERVE AT VAN OAKS PHASE 2

 INFORMATION ONLY

 X ACTION REQUESTED

ISSUE: The City Commission will consider the Final Plat for the Reserve at Van Oaks Phase 2.

ATTACHMENTS:

- . Final Plat – Reserve at Van Oaks Phase 2
- . Performance Bond

ANALYSIS: The City has received a request to plat Phase 2 of the Reserve at Van Oaks Subdivision, formerly the CG Jeans Road property. The property is located between Adams Road and Lake Van Road, adjacent to Jeans Road.

The City Commission approved the Zoning and binding site plan for the +/- 120.56-acre Reserve at Van Oaks Subdivision on June 3, 2019. The Planned Development was approved for a total of 259 single-family lots. Phase 1 of the development was 139 single-family units and received final plat approval on December 20, 2021. Phase 2 of the subdivision is 120 single-family lots. The Reserve at Van Oaks Phase 2 is consistent with Phase 1 with a minimum lot size of 7,500 SF, front setbacks of 25 feet, side setbacks of 7 feet, and rear setbacks of 15 feet.

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 August 20th, 2024, to complete the work. 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: Onsite and offsite earthwork, roadways, stormwater utilities, sewer utilities, and water utilities. To accomplish the necessary improvements, the developer's engineers have estimated the cost at \$1,710,463.88. In accordance with the City's LDR's, the bond amount is \$2,052,556.66, or 120% of the cost of improvements. Approval of the Final Plat would acknowledge acceptance of the terms of the performance bond and allows the developer to sell the lots and begin building houses.

STAFF RECOMMENDATION: Acceptance of the Final Plat for the Reserve at Van Oaks Phase 2 Subdivision.