

Minutes of the Regular Meeting of the City Commission of the City of Auburndale held June 2, 2025, 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, Vice Mayor Alex Cam, Commissioners: Keith Cowie, Jordan Helms, 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 Chad Ritch, Strait Gate Bible Church, and a salute to the flag.

**Motion** by Vice Mayor Cam, seconded by Commissioner Cowie, to approve Minutes of the City Commission Meeting of May 19, 2025. Upon vote, all ayes.

City Manager Jeffrey Tillman announced that an Auburndale High School student, Bray Weinacker, is being featured on *American Ninja Warrior* on NBC tonight – he wished him best of luck. City Manager Tillman wished Commissioner Helms a happy birthday.

City Attorney Frederick J. Murphy Jr. wished Commissioner Helms a happy birthday.

City Manager Tillman requested to add "First Amendment to Developer's Agreement – F3 Mt Olive Road" as Agenda Item #7.

**Motion** by Commissioner Cowie, seconded by Commissioner Helms, to add "First Amendment to Developer's Agreement – F3 Mt Olive Road" as Agenda Item #7. Upon vote, all ayes.

Mayor Taylor Bogert asked if there was public comment on any item not on the agenda. There was no public comment.

## **1. ORDINANCE #1823 AMENDING THE FUTURE LAND USE MAP – DUKE ENERGY**

City Manager Tillman said as a result of annexation, the City has received a request to amend the Future Land Use on +/- 2.44 acres from Polk County Future Land Use of Business Park Center-1 (BPC-1) to City of Auburndale Future Land Use of Business Park Center and establish a zoning classification of Light Industrial (LI). The property is adjacent to the Duke Osprey Energy Center and City limits to the south and has access off W. Derby Avenue. Duke Energy has recently constructed the Duke Osprey Substation on the property.

The Future Land Use and Official Zoning Map Amendments are consistent with the existing industrial development adjacent to the south, the City of Auburndale's Comprehensive Plan, and Land Development Regulations.

The proposed Ordinances were prepared by the Community Development Department and reviewed by the City Manager and City Attorney. The proposed Ordinances were approved on May 19, 2025, and are being presented for second and final reading.

The Planning Commission recommended approval of the Future Land Use and Official Zoning Map Amendments for the Duke Energy Property (6-0, 05/06/2025). Staff recommends approval of Ordinance #1823 and Ordinance #1824 amending the Future Land Use and the Official Zoning Map – Duke Energy Property. City Manager Tillman presented a graphic depicting the proposal.

City Attorney Frederick J. Murphy Jr. read Ordinance No. 1823 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 A PARCEL OF LAND TOTALING +/- 2.44 ACRES FROM POLK COUNTY FUTURE LAND USE CLASSIFICATION BUSINESS PARK CENTER-1 (BPC-1) TO CITY OF AUBURNDALE FUTURE LAND USE CLASSIFICATION BUSINESS PARK**

**CENTER; AND PROVIDING AN EFFECTIVE DATE (General Location: W. Derby Avenue and Chamber Road),** by title only.

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

**Motion** by Commissioner Helms, seconded by Commissioner Sterling, to approve Ordinance #1823 amending the Future Land Use Map – Duke Energy Property, as read on second and final reading by title only. Upon vote, all ayes.

## **2. ORDINANCE #1824 AMENDING THE OFFICIAL ZONING MAP – DUKE ENERGY**

City Manager Tillman said staff recommends approval of Ordinance #1824 amending the Official Zoning Map – Duke Energy Property.

City Attorney Frederick J. Murphy Jr. read Ordinance No. 1824 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 LIGHT INDUSTRIAL (LI) ON A PARCEL OF LAND TOTALING +/- 2.44 ACRES; AND PROVIDING AN EFFECTIVE DATE (General Location: W. Derby Ave and Chambers Road),** by title only.

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

**Motion** by Commissioner Sterling, seconded by Vice Mayor Cam, to approve Ordinance #1824 amending the Official Zoning Map – Duke Energy Property, as read on second and final reading by title only. Upon vote, all ayes.

## **3. ORDINANCE #1825 AMENDING THE OFFICIAL ZONING MAP – GAPWAY COMMONS PROPERTY**

Community Development Director Julie Womble said the City has received a request for an Official Zoning Map Amendment on approximately +/- 11.41 acres for Gapway Commons, formerly known as H Block. The property is located at Adams Road and CR-559. In June of 2021, the City approved a Planned Development-Commercial 1 (PD-C1) to allow for a self-storage facility. Allowed uses on the undeveloped property included retail; grocery, variety, drug store, hardware store (with alcohol); barber and beauty shops; laundry and dry cleaning; restaurants including drive through (with alcohol); medical and dental clinics; professional business and offices; banks and financial institutions; dance, art, and music studios; and child care facilities.

In 2022, the underlying Future Land Use was amended to Lakes District Mixed Use (LDMU), however the property retained the Planned Development Zoning classification of PD-C1. At the time the current Zoning classification of PD-C1 was approved, the Lakes District Village Center Zoning was not available. The applicant's request is to amend the Zoning classification from PD-C1 to Village Center, which would be consistent with the existing underlying Future Land Use of Lakes District Mixed Use (LDMU). The amendment would allow for uses consistent with the intent and goals of the established Lakes District Master Planned Community.

Community Development Director Womble presented slides depicting and outlining the proposal.

The intent is to allow for mixed-use as professional services, shops, sit down restaurants, and civic facilities. Village Centers have a base density of six dwelling units per acre which may be increased through the Transfer of Development Rights (TDR) with at least one Green and/or Plaza. She presented draft renderings of the proposal, but emphasized that the proposal is not yet permitted or gone through the site-plan process.

The proposed Official Zoning Map Amendment is compatible with existing Zoning classifications adjacent to the subject site. The requested Official Zoning Map Amendment is also consistent with the City's Comprehensive Plan and Land Development Regulations.

The Planning Commission recommended approval of the Official Zoning Map Amendment of the Gapway Commons Property. (6-0, May 6, 2025). Staff recommends approval of proposed Ordinance #1825 amending the Official Zoning Map – Gapway Commons Property.

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 May 19, 2025, and is being presented for second and final reading. Staff recommends approval of proposed Ordinance #1825 amending the Official Zoning Map – Gapway Commons Property.

City Attorney Frederick J. Murphy Jr. read Ordinance No. 1825 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 BY RECLASSIFYING +/- 11.41 ACRES FROM PLANNED DEVELOPMENT -COMMERCIAL 1 (PD-C1) TO AN AUBURNDALE ZONING MAP CLASSIFICATION OF VILLAGE CENTER (VC); AND PROVIDING AN EFFECTIVE DATE (General Locations: CR-559 and Adams Road),** by title only.

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

**Motion** by Vice Mayor Cam, seconded by Commissioner Cowie, to approve Ordinance #1825 amending the Official Zoning Map – Gapway Commons Property, as read on second and final reading by title only. Upon vote, all ayes.

#### **4. ORDINANCE #1826 ANNEXING PROPERTY INTO CITY LIMITS – BERARDI PROPERTY**

City Manager Tillman said the City received a petition from Jacob Berardi of 5885 Transit Road, East Amherst , NY, to annex a parcel totaling +/-8.73 acres into the City limits. The property is located on Haire Lane along US Highway 92 W, east of the Polk Parkway. He presented a graphic depicting the proposal. The property is adjacent to City limits to the east and annexation of the parcel does not create an enclave. The proposed annexation is as a result of the owner's request for City utilities and proposed development of an indoor tent manufacturing facility.

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.

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 May 19, 2025, and is being presented for second and final reading. Staff recommends approval of proposed Ordinance #1826 annexing the Berardi Property into the City limits.

City Attorney Frederick J. Murphy Jr. read Ordinance No. 1826 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: Haire Lane and US Hwy 92.),** by title only.

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

**Motion** by Commissioner Cowie, seconded by Commissioner Helms, to approve Ordinance #1826 annexing the Berardi Property into the City limits., as read on second and final reading by title only. Upon vote, all ayes.

## **5. PRESENTATION – COMPREHENSIVE PLAN UPDATE**

City Manager Tillman explained that at the last Commission meeting, we discussed moving the Capital Improvement Element Update presentation from that meeting to tonight's meeting, so that we can incorporate a recently adopted ordinance (Ordinance No. 1796).

Community Development Director Womble said tonight's presentation will go over a general overview of updates to the Capital Improvement Element of the Comprehensive Plan.

She presented a brief summary of what a Comprehensive Plan is. She presented what the different sections (i.e. elements) of the Comprehensive Plan are.

Community Development Director Womble presented the proposed new numbering system, and an example.

She presented proposed updates regarding the Capital Improvement Element, along with an example of a proposed goal and proposed objectives. She further clarified the proposed objectives.

Community Development Director Womble presented an update on the timeframe of the Comprehensive Plan Update. Staff plans on taking it to the Planning Commission in July, and to the City Commission in July for transmittal to the State. This still gives us plenty of time to make sure we are meeting the State's requirements for the "Evaluation and Appraisal Review" process. She summarized the "Evaluation and Appraisal Review" process. She summarized why the timeframe update is needed. The City Commission will soon receive a "red-line" and "clean" copy of the Comprehensive Plan Update.

City Manager Tillman expressed gratitude to staff.

## **6. COMMITTEE APPOINTMENTS – VARIOUS COMMITTEES**

City Manager Tillman said the City Commission in January of 2018 appointed Danny Chandler to serve as a member on the Planning Commission. Mr. Chandler has suggested he is no longer able to serve. Mrs. Donishia Yarde is a City resident and has agreed to fill the unexpired term through January 2027.

He said the City Commission in January of 2017 appointed Jim Thompson to serve as a member on the Board of Adjustments. Mr. Thompson has suggested he is no longer able to serve. Mr. Skiles Jones is a City resident and has agreed to fill the unexpired term through January 2026.

City Manager Tillman said Mrs. Yarde would be on both the Planning Commission and Board of Adjustments. The City's Land Development Code allows for this. Staff has no objections to the appointments.

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

**Motion** by Commissioner Cowie, seconded by Commissioner Helms, to approve the committee appointments. Upon vote, all ayes.

## **7. CONSIDER DEVELOPER'S AGREEMENT AMENDMENT WITH F3 MT OLIVE RD OWNER, LLC.**

City Manager Tillman introduced Item #7.

Community Development Director Womble said on November 20, 2023, the City Commission approved a Developer's Agreement with the F3 Mt Olive Rd Owner, LLC. (F3) stating the necessary wastewater improvements required to allow development on their property. F3 owns 35.27 +/- acres on Mount Olive Road, south of I-4 and west of Berkley Road and has built a 375,000 square foot cold storage facility on the property. The City's Utility

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System Study showed that development and construction on the Mount Olive Road property could not discharge into the wastewater system until the Pace Road Master Lift Station Utility Improvements were completed, permitted, and operational along with the planning and design phase of the Regional Wastewater Treatment Plant expansion, or F3 at its sole cost and expense developed and constructed a private wastewater disposal system on the property, which system may include, but is not limited to, a septic tank.

F3 Mt Olive Rd Owner, LLC. desires to amend the Developer's Agreement in order to supplement and memorialize the protocols and parameters under which F3 will be permitted and allowed to utilize a temporary private wastewater disposal system for the Mount Olive Road property until the Pace Road Utility Improvements have been completed, as determined solely by the City and accepted by the City in accordance with the terms and provisions set forth of Section 2.1 of the Agreement.

The amended agreement also states that the Florida Department of Environmental Protection (DEP) had to give approval of the temporary private wastewater disposal system with review of the plans by the Florida Department of Health. The amendment also states that daily manifests would be provided to the City showing the daily offsite hauling of the sanitary holding tank for proper disposal in any facility other than a City of Auburndale Wastewater Treatment Plant. If any of the above requirements are not performed by F3 and/or its agents, then it shall be required to immediately cease utilizing the temporary private wastewater disposal system.

The City and F3 Mt Olive Rd Owner, LLC., desire to enter into the first amendment of the Development Agreement, established on November 14, 2023, showing 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.

She clarified the relation between the amendment and the original agreement. She summarized the coordination efforts with the Department of Environmental Protection.

City Manager Tillman explained and clarified the requirement regarding the developer tying into the sewer system. The proposed first amendment of the 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 Utility Director and the City Attorney. Staff recommends approval of the proposed First Amendment to the Developer's Agreement with F3 Mt Olive Rd Owner, LLC., and the City of Auburndale.

City Attorney Murphy indicated he has no comment other than that he concurs with staff.

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

**Motion** by Commissioner Sterling, seconded by Vice Mayor Cam, to approve the First Amendment to the Developer's Agreement with F3 Mt Olive Rd Owner, LLC., and the City of Auburndale.

Commissioner Cowie asked how will the daily manifest be delivered?

Community Development Director Womble answered that we agreed to receive those via email, so long as they are signed and timestamped. John Dickson will receive them.

Commissioner Cowie said other municipalities have had issues of where that waste product would go.

Community Development Director Womble said in the proposed amendment, the waste product cannot go to any City facility. The developer has contracted with an outside source. It is not the City's responsibility to receive, because at that point, it is sewage.

Commissioner Cowie said he wants to make sure there is accountability.

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Community Development Director Womble said the developer is aware. She said she believes we will also be providing the manifests to the Department of Environmental Protection.

Mayor Taylor Bogert asked if the waste product will be transported every day?

Community Development Director Womble said correct. She said the Department of Environmental Protection said they would not be approving this unless the developer transports the waste product everyday, because the temporary facility there cannot contain more than a day's worth of waste product.

Upon vote, all ayes.

Mayor Taylor Bogert wished Commissioner Helms a happy birthday.

The Meeting was adjourned at 7:30:23 p.m.

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



Brandon Henry, City Clerk