



CITY OF WINTER GARDEN

CITY COMMISSION REGULAR MEETING MINUTES

May 11, 2017

A **REGULAR MEETING** of the Winter Garden City Commission was called to order by Mayor Rees at 6:30 p.m. at City Hall, 300 West Plant Street, Winter Garden, Florida. An Opening Invocation and Pledge of Allegiance were given.

Present: Mayor John Rees, Commissioners Lisa Bennett, Bob Buchanan, Mark A. Maciel, and Colin Sharman

Also Present: City Manager Mike Bollhoefer, City Attorney A. Kurt Ardaman, City Clerk Kathy Golden, Assistant City Manager of Administrative Services Frank Gilbert, Community Development Director Steve Pash, Economic Development Director Tanja Gerhartz, Finance Director Laura Zielonka, Fire Chief Matt McGrew, Information Technology Director Chad Morrill and Police Chief George Brennan

1. **APPROVAL OF MINUTES**

Motion by Commissioner Buchanan to approve the regular meeting minutes of April 27, 2017 as submitted. Seconded by Commissioner Maciel and carried unanimously 5-0.

2. **FIRST READING AND PUBLIC HEARING OF PROPOSED ORDINANCES**

A. **Ordinance 17-06:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, CREATING ARTICLE XIV OF CHAPTER 118 OF THE CITY OF WINTER GARDEN CODE OF ORDINANCES PROVIDING FOR THE EAST PLANT STREET CHARACTER AREA AND THE EAST PLANT OVERLAY DISTRICT, GATEWAY OVERLAY DISTRICT AND PACKING PLANT OVERLAY DISTRICT CONCERNING PROPERTIES GENERALLY LOCATED BETWEEN SOUTH DILLARD STREET AND S.R. 429 (WESTERN BELTWAY); ADOPTING DESIGN STANDARDS, REGULATIONS AND ZONING OVERLAY MAPS FOR SAID OVERLAY DISTRICTS; PROVIDING FOR CODIFICATION, CONFLICTS, AND SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 17-06 by title only. City Manager Bollhoefer stated that after having discussions with members of the City Commission, it was determined that more time would be needed to review this very important and significant ordinance. Staff recommends postponement and suggested the first and second hearings be held in June. Since it is important to protect the Plant Street area, he requested that Resolution [17-09] be considered to extend the existing moratorium until June 30, 2017. He recommended subsequent to the vote on this Ordinance that Resolution 17-09 be acted upon (*Item 4.1*).

Commissioner Sharman shared that it is a good idea to allow people more time for review and also get comments back from businesses.

Mayor Rees felt that there was a lot of information and more time was needed for review and discussion with staff.

Motion by Commissioner Buchanan to take no action at this time on Ordinance 17-06. Seconded by Commissioner Sharman and carried 5-0.

Mayor Rees moved to Regular Business Item 4.I. to be acted upon at this time.

4. **REGULAR BUSINESS**

I. **Resolution 17-09:** A RESOLUTION OF THE CITY OF WINTER GARDEN, FLORIDA, EXTENDING UNTIL JUNE 30, 2017 THE TEMPORARY MORATORIUM ESTABLISHED IN ORDINANCE 16-21 ON THE ACCEPTANCE, PROCESSING, AND CONSIDERATION OF APPLICATIONS FOR DEVELOPMENT ORDERS AND BUILDING PERMITS FOR PROPERTIES ADJACENT TO EAST PLANT STREET BETWEEN DILLARD STREET AND STATE ROAD 429 (WESTERN BELTWAY); PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

City Attorney Ardaman read Resolution 17-09 by title only. City Manager Bollhoefer explained that this item extends the moratorium to ensure that the City has a moratorium in place until Ordinance 17-06 is considered and voted on.

Motion by Commissioner Buchanan to approve Resolution 17-09. Seconded by Commissioner Maciel and carried unanimously 5-0.

The City Commission resumed at agenda Item 2.B. at this time.

B. **Ordinance 17-08:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING THE CITY OF WINTER GARDEN FISCAL YEAR 2016-2017 BUDGET; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

City Manager Bollhoefer noted that this item is being postponed to give the City Commission more time for review.

Motion by Commissioner Sharman to POSTPONE Ordinance 17-08 until May 25, 2017 at 6:30 p.m. Seconded by Commissioner Buchanan and carried unanimously 5-0.

C. **Ordinance 17-09:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING ORDINANCE 06-05 ESTABLISHING PUD ZONING ON CERTAIN REAL PROPERTY GENERALLY DESCRIBED AS APPROXIMATELY 232 ACRES OF LAND GENERALLY LOCATED AT THE NORTHWEST CORNER OF AVALON ROAD AND MARSH ROAD (ALSO KNOWN AS THE HICKORY

HAMMOCK PLANNED UNIT DEVELOPMENT); PROVIDING FOR AMENDMENT OF THE HICKORY HAMMOCK PUD TO MODIFY SETBACKS AND LOT WIDTH FOR TOWNHOME LOTS, TO MODIFY IMPERVIOUS SURFACE AREA RATIOS FOR SINGLE-FAMILY AND TOWNHOME LOTS AND TO GRANT RELATED WAIVERS FROM APPLICABLE CITY STANDARDS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 17-09 by title only. Community Development Director Pash stated that this is an amendment to the Hickory Hammock PUD Ordinance changing the impervious surface ratio will be 40 percent on the lakefront lots and 65 percent on the interior lots and townhome lot. He described other changes and mentioned requests for waivers to the City requirements on stormwater. The requests for waivers have been reviewed and approved by the St. Johns River Water Management District through the permitting process. Staff has reviewed the request and recommends approval of Ordinance 17-09.

Mayor Rees inquired about the changes having any impact on lake pollution. Mr. Pash explained there is no change in the density; all of the lakefront lots have an environmental swale on the back of the very large lots.

Mayor Rees opened the public hearing; hearing and seeing none, he closed the public hearing.

Motion by Commissioner Sharman to approve Ordinance 17-09 with the second reading and public hearing being scheduled for May 25, 2017. Seconded by Commissioner Bennett and carried unanimously 5-0.

- D. **Ordinance 17-10**: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.88 ± ACRES LOCATED AT 14131 TILDEN ROAD ON THE NORTH SIDE OF TILDEN ROAD, WEST OF GROVE VIEW DRIVE AND SOUTH OF STONEYBROOK WEST PARKWAY INTO THE CITY OF WINTER GARDEN FLORIDA; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE
- E. **Ordinance 17-11**: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING THE FUTURE LAND USE MAP OF THE WINTER GARDEN COMPREHENSIVE PLAN BY CHANGING THE LAND USE DESIGNATION OF REAL PROPERTY GENERALLY DESCRIBED AS APPROXIMATELY 0.88 ± ACRES LOCATED AT 14131 TILDEN ROAD ON THE NORTH SIDE OF TILDEN ROAD, WEST OF GROVE VIEW DRIVE AND SOUTH OF STONEYBROOK WEST PARKWAY FROM ORANGE COUNTY RURAL TO CITY LOW DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

- F. **Ordinance 17-12:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.88 ± ACRES LOCATED AT 14131 TILDEN ROAD ON THE NORTH SIDE OF TILDEN ROAD, WEST OF GROVE VIEW DRIVE AND SOUTH OF STONEYBROOK WEST PARKWAY FROM ORANGE COUNTY A-1 CITRUS RURAL DISTRICT TO CITY R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinances 17-10, 17-11, and 17-12 by title only. Community Development Director Pash stated that this is a voluntary annexation and described the location. They are requesting future land use designation as low density residential and R-1 zoning. Staff recommends of approval of Ordinance 17-10, 17-11, and 17-12. It was confirmed that this is residential and would remain that way.

Mayor Rees opened the public hearing; hearing and seeing none, he closed the public hearing.

Motion by Commissioner Sharman to approve Ordinances 17-10, 17-11, and 17-12 with the second reading and public hearing being scheduled for May 25, 2017 at 6:30 p.m. Seconded by Commissioner Buchanan and carried unanimously 5-0.

3. **SECOND READING AND PUBLIC HEARING OF PROPOSED ORDINANCES**

- A. **Ordinance 17-03:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING ORDINANCE 16-41, THE CITY OF WINTER GARDEN FISCAL YEAR 2016-2017 BUDGET TO CARRY FORWARD PRIOR YEAR APPROPRIATIONS; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 17-03 by title and an excerpt from Section 1 as follows:

REVENUES	
General Fund	\$ 2,021,686
Community Redevelopment Agency Fund	91,457
Local Option Gas Tax Fund	1,624,643
General Fund Police Impact Fee Fund	12,453
Transportation Impact Fee Fund	2,107,184
Utilities Operating Fund	7,960,629
Utilities Impact Fee Fund	2,631,893
Utilities Renewal & Replacement	5,622,721
Stormwater Fund	519,550
Solid Waste Fund	<u>201,788</u>
	\$22,794,004

City Attorney Ardaman stated that the expenditures were itemized identical to the revenues.

Finance Director Zielonka stated that this is the second reading of the carry-forward budget. She noted that Ordinance Exhibit 1 contains the same projects as the first reading.

Mayor Rees sought clarification for Exhibit [CRA] entry titled "Improvements Other Than Buildings" \$200,000 East Winter Garden Zone 1. Mr. Bollhoefer explained it is funding received by the City from Florida Hospital to pay for a future pavilion. The funds were received and placed into an account set aside for this project.

Mayor Rees inquired about the pier's completion. Mr. Bollhoefer responded that it would be completed in less than a month.

Mayor Rees opened the public hearing; hearing and seeing none, he closed the public hearing.

Motion by Commissioner Maciel to adopt Ordinance 17-03. Seconded by Commissioner Sharman and carried unanimously 5-0.

- B. **Ordinance 17-14:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA VACATING A PORTION OF THE PLAT DEDICATED DRAINAGE AND UTILITY EASEMENTS OVER LOTS 1, 2, 3, 4, AND 5 OF WINTER GARDEN COMMERCE CENTER PHASE I, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 72, PAGES 133 AND 134 OF THE PUBLIC RECORDS OF ORANGE COUNTY (LOCATED AT 621, 661, 671, 681, AND 691 GARDEN COMMERCE PARKWAY, WINTER GARDEN, FLORIDA) OWNED BY TSM INDUSTRIAL PARK, LLC AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE AND RECORDING

City Attorney Ardaman read Ordinance 17-14 by title only. Community Development Director Pash described the location of the property and stated the applicant is requesting to vacate utility and drainage easements originally platted with these five lots. He explained that their intention is to develop this property with four buildings containing office and industrial uses, which is the next agenda item. Staff recommends approval of Ordinance 17-14.

Mayor Rees opened the public hearing; hearing and seeing none, he closed the public hearing.

Motion by Commissioner Buchanan to adopt Ordinance 17-14. Seconded by Commissioner Maciel and carried unanimously 5-0.

4. **REGULAR BUSINESS**

A. **Recommendation to approve Site Plan for 621 through 691 Garden Commerce Parkway subject to conditions**

Community Development Director Pash stated that this item is the site plan to build four new buildings that will contain industrial and office uses. The buildings are approximately 141,000 square feet. All the uses will be consistent with the Planned Industrial Development (PID) ordinance and zoning requirements. He noted that in reviewing the architecture they have made good improvements on the buildings. The site plan has been reviewed and approved by the Development Review Committee and staff recommends approval subject to the conditions as noted in the report provided.

Mayor Rees confirmed that staff was happy with the landscaping and beautification efforts going down Story Road. Mr. Pash responded that it would be consistent with other new developments in the area.

Motion by Commissioner Buchanan to approve the site plan for 621 through 691 Garden Commerce Parkway, subject to conditions. Seconded by Commissioner Bennett and carried unanimously 5-0.

B. **Recommendation to approve Binding Lot Combination Agreement for 621 through 691 Garden Commerce Parkway**

Community Development Director Pash stated that this is the binding lot combination agreement that will combine all five lots for those buildings to be built under common ownership. Staff recommends approval.

Motion by Commissioner Buchanan to approve Binding Lot Combination Agreement for 621 through 691 Garden Commerce Parkway. Seconded by Commissioner Sharman and carried unanimously 5-0.

C. **Recommendation to approve Site Plan for Sonata West Orange Campus Medical Office Building at 2020 Daniels Road**

Community Development Director Pash described the location of the property and stated that the owners are requesting site plan approval to develop approximately 12,000 square feet of medical office space. All the related site improvements are consistent with the Planned Unit Development (PUD) zoning ordinance. It has been reviewed and approved by the Development Review Committee (DRC) and staff recommends approval, subject to the conditions stated in the DRC report.

Motion by Commissioner Sharman to approve site plan for Sonata West Orange Campus Medical Office Building at 2020 Daniels Road, subject to conditions. Seconded by Commissioner Maciel and carried unanimously 5-0.

D. **Recommendation to approve Site Plan for Palm Coast Collision located at 917 and 933 Carter Road**

Community Development Director Pash described the location of the property and stated that the owners annexed this property a couple years ago to receive City services and to develop the site. They are now requesting the site plan approval to build a new approximately 20,000 square foot auto repair center with a 9,000 square foot office and warehouse. This is consistent with the I-2 industrial zoning and the plans have been reviewed and approved by the Development Review Committee. Staff recommends approval.

Motion by Commissioner Maciel to approve the site plan for Palm Coast Collision located at 917 and 933 Carter Road, subject to conditions. Seconded by Commissioner Sharman and carried unanimously 5-0.

E. **Recommendation to approve Binding Lot Agreement for Palm Coast Collision located at 917 and 933 Carter Road**

Community Development Director Pash stated that this is a binding lot agreement that would take the two lots and combine them for the development of the prior agenda item project.

Motion by Commissioner Sharman to approve Binding Lot Agreement for Palm Coast Collision located at 917 and 933 Carter Road. Seconded by Commissioner Bennett and carried unanimously 5-0.

F. **Request for reduction of Code Enforcement fines imposed against 315 E. Smith Street Case #05-061 to \$2,000 if paid by May 25, 2017**

Community Development Director Pash stated that in 2005 the Code Enforcement Department issued a warning notice and a notice of violation to the owners at 315 E. Smith Street. The issues were for accumulation of junk and debris. There were un-useable trusses scattered around the property. The owners did not clean it up and the City removed the debris. The City was forced to place a lien on the property. He noted that the current owner now wants to develop the site or sell it to someone else. As such, staff recommends reducing the fine to \$1,271.90.

Mayor questioned the state of the property since removal of the debris. Mr. Pash advised that the property has been properly maintained.

Motion by Commissioner Sharman to approve reduction of Code Enforcement fines imposed against 315 E. Smith Street Case #05-061 to \$1,271.90 if paid within 30 days, and if not paid by then the lien reverts back to the full amount. Seconded by Commissioner Buchanan and carried unanimously 5-0.

G. **Resolution 17-07:** A RESOLUTION OF THE CITY OF WINTER GARDEN, FLORIDA, ENCOURAGING ECONOMIC DEVELOPMENT AND SUPERIOR ARCHITECTURE OF DOWNTOWN WINTER GARDEN BY PROVIDING FOR

WAIVER OF TRANSPORTATION IMPACT FEES AND DOWNTOWN PARKING USER FEES IN FAVOR OF BLUE HOUSE DEVELOPMENT, LLC CONCERNING THE PROPOSED DEVELOPMENT OF 360 WEST PLANT STREET SUBJECT TO CERTAIN CONDITIONS; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

City Attorney Ardaman read Resolution 17-07 by title only. Community Development Director Pash stated that this property is just west of City Hall. They are building a 12,000 square foot building that will have three restaurants on the first floor and office space on the second floor. He shared that the property owners have worked with City staff to redesign the building to meet all our requirements. He expressed that City is trying to encourage economic development of the downtown area. Staff recommends waiving the transportation impact fees up to a maximum of \$118,920.32 and waiver of the downtown parking fees up to a maximum of \$155,000.

Commissioner Sharman inquired as to whether staff feels the improvements would be above and beyond or equal to the waived amounts. Mr. Pash responded that after multiple meetings and redesigns, he thinks the building will fit very well. City Manager Bollhoefer added that he believes more than the waived amount has been invested in the building and architectural improvements.

There was discussion on the impact of parking on the new garage and surrounding areas. Commissioner Maciel addressed other fees the property owner may be paying and Mr. Pash confirmed that they have paid a lot of other fees and are building 31 other parking spaces.

Motion by Commissioner Buchanan to approve Resolution 17-07. Seconded by Commissioner Maciel and carried unanimously 5-0.

H. Appointment to the Planning and Zoning Board of a seat for either District 2 or 4

Community Development Director Pash stated that there is one vacancy on the Planning and Zoning Board. The code requires one member from each district with no more than two members from any one district. Staff recommends one member appointment from either District 2 or 4.

The City Commission discussed whether they had been approached by applicants from these districts. City Manager Bollhoefer noted that it is not critical to appoint someone at this time as there are sufficient members. He also noted that the City Clerk has mentioned placing an advertisement to possibly spur interest.

Motion by Commissioner Sharman to POSTPONE appointing to Planning and Zoning Board until June 8, 2017 at 6:30 p.m. Seconded by Commissioner Buchanan and carried unanimously 5-0.

- I. **Resolution 17-09:** A RESOLUTION OF THE CITY OF WINTER GARDEN, FLORIDA, EXTENDING UNTIL JUNE 30, 2017 THE TEMPORARY MORATORIUM ESTABLISHED IN ORDINANCE 16-21 ON THE ACCEPTANCE, PROCESSING, AND CONSIDERATION OF APPLICATIONS FOR DEVELOPMENT ORDERS AND BUILDING PERMITS FOR PROPERTIES ADJACENT TO EAST PLANT STREET BETWEEN DILLARD STREET AND STATE ROAD 429 (WESTERN BELTWAY); PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

This item was handled earlier in the meeting.

5. **MATTERS FROM PUBLIC** – There were no items.
6. **MATTERS FROM CITY ATTORNEY** – There were no items.
7. **MATTERS FROM CITY MANAGER**

• **Request for Proposal to sell 271 W. Plant Street**

City Manager Bollhoefer stated that he has distributed a folder of materials to the City Commission for consideration. The first item was a Request for Proposal for the old Planning and Zoning building at 271 W. Plant Street. He asked the City Commission to review the material for discussing at the next meeting.

• **Draft Ordinance 17-15 on Medical Marijuana Dispensary Locations**

City Manager Bollhoefer noted with the changes in the laws all cities and counties will have to draft ordinances on how to address the handling of dispensaries. City Attorney Ardaman explained that the proposed Ordinance 17-15 deals with medical marijuana dispensaries and proposed locating them in the State Road 50 Overlay with certain criteria. The cities and counties are very restricted in what they can regulate and this ordinance does what the law allows as far as the area of regulation.

Mayor Rees asked for clarification as to whether the City has to allow it. City Attorney Ardaman responded yes, but we have the right to regulate it. City Manager Bollhoefer noted that part of the regulation is where they will be allowed.

Commissioner Sharman asked if the City can limit the number of dispensaries in the City or just the location. Mr. Ardaman responded that he believes that Florida Statute provides for location and some other regulation. He noted that he would send the City Commission a list of what can and can't be done so the City Commission can have the ability to tweak this ordinance as necessary.

Commissioner Buchanan addressed the enclaves being regulated by Orange County and Commissioner Maciel asked if the City was working with Orange County. Mr. Ardaman stated that Orange County has actually adopted an ordinance which might be helpful for the City of Winter Garden Commission to see, so he will provide them with a copy.

Commissioner Maciel asked that the City Attorney also provide his opinion with the information he provides.

- **Project on Ninth Street with Shepherd's Hope**
City Manager Bollhoefer stated that part of the deal is to work with Louis Dreyfus to create an easement to allow them to get their vehicles in and out. This was distributed for review so it can be addressed at the next meeting.
- **Proposal to install a covered porch area between the Winter Garden Heritage Museum and the Winter Garden Heritage Foundation Building**
City Manager Bollhoefer stated this request has gone through a review by staff and it has been approved architecturally. He noted that technically this does not need to be brought to the City Commission. However, the Foundation had some concerns because this project is to be attached to a City building and they felt more comfortable bringing this to the City Commission for review.

Commissioner Bennett inquired as to whether an insurance issue could affect the City since it would be attached to the City's building. Larry Cappleman, representative for the Winter Garden Heritage Foundation, came forward and stated that property insurance for the Heritage Foundation building would include coverage for the new attached structure. Commissioner Bennett confirmed liability would fall upon the Winter Garden Heritage Foundation. Mr. Cappleman stated that if not, some type of hold harmless agreement could be provided, if necessary. Each entity has liability insurance coverage that would apply. There was discussion on the aesthetics of the buildings and the area. *There were no objections noted on the proposed project.*

At this time Mayor Rees reopened **MATTERS FROM THE PUBLIC**.

Jimmy Carter, 1601 N. Fullers Cross Road, Winter Garden, Florida, noted that he has spoken with the Little League presidents about Winter Garden being a couple fields short of being able to bring tournaments to the City and inquired as to the progress on this issue. City Manager Bollhoefer noted that staff is working on an overall plan for the City's entire park expansion which will be brought back to the City Commission for their review very soon.

8. **MATTERS FROM MAYOR AND COMMISSIONERS**

Commissioner Maciel expressed that there are a lot of great projects and exciting things happening in Winter Garden and thanked staff for all their work.

Commissioner Sharman thanked the City Manager for his call back on the weekend.

Mayor Rees shared that the Crossings Church picked a project in the City of Winter Garden at Lakeview Middle School and had about 60 people from their church working all day. He expressed that it is nice to see churches getting involved in the community and they do a very good job.

The meeting adjourned at 7:14 p.m.

APPROVED:

_____/S/_____
Mayor Pro-Tem Bob Buchanan

ATTEST:

_____/S/_____
City Clerk Kathy Golden, CMC