



# CITY OF WINTER GARDEN

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## CITY COMMISSION REGULAR MEETING MINUTES

June 8, 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 Consultant Ed Williams, 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 May 25, 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. Community Development Consultant Williams shared the history of partnering with the City of Ocoee and the City's vision as it relates to the [East] Plant Street Overlay. He shared that this ordinance will establish three distinct areas; the Gateway area around the interchange, East Plant Street, then the Packing Plant to the south. He addressed the development, detailing some of the overlay district uses and also spoke of the vision for parking and landscaping. He mentioned the designation of non-conforming uses within the new districts and stressed that the City is not making anything non-conforming within these overlays. The only time there will be a change to the buildings is when a property owner or developer

proposes to redevelop. He believes the new wording incorporates the representations made to the public.

Economic Development Director Gerhartz indicated that tonight's meeting was the culmination of five years of planning. She addressed the direction given in 2013, when the City of Winter Garden, the City of Apopka, and the City of Ocoee entered into a partnership by hiring an economic development consultant to plan the key interchanges along State Road 429. She shared some of the recommendations given by the consultant. In order to stay ahead of the coming growth, the consultant advised a well-planned, mixed use business park at State Road 429, Plant Street, and Franklin Street have the potential of being an economic powerhouse within our region. A master plan was adopted by the City of Winter Garden and the City of Ocoee more than a year ago. This latest effort is a vision between both cities; ensuring that we will have quality and consistent development on both sides of State Road 429. Hence the master plan standards are before the City Commission for consideration.

City Urban Designer Kelly Carson addressed the establishment of certain design criteria and goals and what those standards are meant to accomplish. Some of those goals involved new development building on and reinforcing the existing character of the corridor; while providing a welcoming front door to the downtown area. She shared and elaborated on the focuses of quality architecture and pedestrian experience. Ms. Carson also addressed providing character and consistency throughout the corridor. This is accomplished by requiring all new development and re-development to meet these corridor design standards.

City Manager Bollhoefer read the new language to be used in order to provide clear language clarifying this ordinance does not change anyone's use.

Mayor Rees sought clarification and use of the term redeveloped. Mr. Bollhoefer responded that this is based on 50 percent of the total value of the building.

City Manager Bollhoefer stated this item is not our only effort to move forward; at the last meeting the planning firm of Dover Kohl was approved to look at our whole East Winter Garden District. He also mentioned this is a great opportunity to increase the number of quality jobs along East Plant Street. He assured the Commission that there would be clean up of the language between the public hearings to designate the locations of 3 and 5 story buildings; with 5 story buildings ending at West Crown Point Road.

Mr. Bollhoefer commented that there were some key property owners whose properties were not included in some these meetings. He recommended that the Packing Plant District Overlay be approved with the standards and allow staff to meet with the property owners before the next reading. Alternatively, leave it [Packing Plant District] out and do it as a whole separate overlay area but staff would like to do it as one overlay area.

Mr. Bollhoefer assured the City Commission that there would be opportunities for modifications in what he called “glitch” ordinances that address any minor items that may have been missed or want done differently.

Mayor Rees asked the City Commission if they had any comments.

Commissioner Maciel addressed issues of some concerned neighbors and their questions on how this would affect the creation of jobs for East Winter Garden which is the goal. He feels that this will be a positive impact for Winter Garden.

Mayor Rees opened the public hearing.

George Douglas Laman, owner of 1150 E. Plant Street, Winter Garden, Florida, stated that his main concern in the past was the creation all of the non-conforming buildings that appears to have been addressed in change of verbiage submitted and voiced his concerns regarding the creation of the new zoning districts. He explained that by changing setbacks, uses, and heights, these are in affect zoning changes. He suggested that the property owners, who do not conform to the setbacks, delineate what is allowed and what the rules are and allow people to request a rezoning and gave some examples. He noted there are a lot of ambiguities in the proposed ordinance which staff suggests give them flexibility. However, the owner should be able to read the rules and have a project designed to fit the rules. He also addressed changes being made between the first and second reading and whether or not it should be perfect and be the same at both readings. He has presented staff with his ideas and shared they had a good meeting. He again addressed the impact of the State Road 50 Overlay District on development in Winter Garden.

City Manager Bollhoefer shared that there had been meetings with most of the owners regarding this issue. There has been almost unanimous support for this project; especially for the owners of the larger properties. He expressed that he and staff are proud that the City of Winter Garden has higher standards which leads to good quality development and a good quality city.

City Attorney Ardaman noted that the only substantial change could be at the second reading would be the removal of the Packing Plant District, if so decided which would not be something new beyond what is in this ordinance. There is no problem with deleting. Unless there is some major re-write of the ordinance that would require re-advertising, he thinks the City will be fine.

Jay Straits, representing Straits Property Limited, stated that he does not feel that any property would be more affected by this ordinance than their 70+ acres on the southwest point of the interchange. At all the meetings they have attended in the past five years, all of their input has been taken into account. He even sought feedback from developers interested in developing at the interchange. He wanted to see if anything would stand in

the way or drive costs of development up to a point where it would make it economically infeasible. He expressed that he has not had any negative feedback. He does have concerns about the setbacks because putting everything on the street restricts exposure to the areas in the back in particular on their very deep parcel. However, he did voice concerns that if the overlay is not put in place, it will be difficult to bring in high quality developer. They would not want their higher quality development next to a lower quality development which could bring down the value.

Lynette Fields, (*address not given*), asked how residents could be more involved through community meetings and integrating themselves into the planning process after the ordinance is passed. **Mr. Bollhoefer** responded that this ordinance includes the design details and architectural standards for all the business along East Plant Street and gave a brief explanation of the process. **Ms. Fields** re-emphasized that as long as there is an opportunity each step of the way there will be an opportunity for participation. **Mr. Bollhoefer** responded that is correct for the large projects.

George Douglas Laman, owner of 1150 E. Plant Street, Winter Garden, Florida, clarified his position on this issue and voiced that he is not saying take the architectural excellence away; not allowing a metal building next to millions of dollars investment. His concern is his C-1 or C-2 zoning has a minimum front setback of 25 feet but these design standards states the maximum front setback is 10 feet so nothing can be built. **Mr. Bollhoefer** clarified that even though Mr. Laman has a C-1 zoning, his setbacks will be based on what this overlay states and will supersede what the C-1 zoning setbacks currently state. **City Attorney Ardaman** concurred. **Mr. Laman** asked if this is true without ever rezoning. **Mr. Bollhoefer** responded correct.

Mayor Rees closed the public hearing.

**Motion by Commissioner Maciel to approve Ordinance 17-06 replacing section 118-1639 with the handout provided, with the second reading and public hearing being scheduled for June 22, 2017. Seconded by Commissioner Buchanan and carried unanimously 5-0.**

- 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 Attorney Ardaman read Ordinance 17-08 by title and an excerpt from Section 1: That the sum of \$12,003,633 to be appropriated as follows:

<b>REVENUES</b>	
General Fund	\$2,333,341
Community Redevelopment Agency Fund	35,250
Law Enforcement Trust Fund	13,729

Local Option Gas Tax Fund	22,000
Transportation Impact Fee-General Fund	480,000
Utility Operating Fund	6,418,033
Utility Renewal and Replacement Fund	2,477,892
Stormwater Fund	38,797
Solid Waste Fund	184,591
	<u>184,591</u>
	\$12,003,633

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

City Manager Bollhoefer stated that after meetings with the Mayor and some Commissioners there were some changes and recommendations made that changes this ordinance significantly and he asked to postpone this item until the next meeting to incorporate the changes.

**Motion by Commissioner Buchanan to POSTPONE Ordinance 17-08 with the second reading and public hearing being scheduled for June 22, 2017 at 6:30 p.m. Seconded by Commissioner Sharman and carried unanimously 5-0.**

- C. **Ordinance 17-13:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 3.07 ± ACRES OF CERTAIN REAL PROPERTY GENERALLY LOCATED ON THE NORTHEAST CORNER OF WEST PLANT STREET AND BRAYTON ROAD, AT 707 WEST PLANT STREET, FROM R-2 (RESIDENTIAL) TO PUD (PLANNED UNIT DEVELOPMENT); PROVIDING FOR CERTAIN PUD REQUIREMENTS AND DESCRIBING THE DEVELOPMENT AS THE GARDEN WEST PUD; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 17-13 by title only. Community Development Consultant Williams stated that this item will need to be postponed due to the Planning and Zoning Board not having a quorum at its last meeting.

**Motion by Commissioner Sharman to POSTPONE Ordinance 17-13 to a date uncertain. Seconded by Commissioner Buchanan and carried unanimously 5-0.**

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

- A. **Ordinance 17-18:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, RELATED TO MEDICAL CANNABIS AND CANNABIS DISPENSING FACILITIES; EXTENDING AND REIMPOSING FOR 90 DAYS THE TEMPORARY MORATORIUM ON CANNABIS DISPENSING FACILITIES AND MEDICAL CANNABIS ACTIVITIES AS ESTABLISHED BY ORDINANCE NO. 16-45; PROVIDING FOR SEVERABILITY, NONCODIFICATION, CONFLICTS, CORRECTION OF SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 17-18 by title only. Community Development Consultant Williams stated that staff is still studying this issue. There are not a large number of studies on the positive and negative impacts of dispensaries. Staff is trying to research this in order to provide the best recommendation. He requested that the 90 day temporary moratorium be re-imposed.

Commissioner Buchanan inquired as to how some facilities are able to open when there has not been a determination of the legality and regulation. **Mr. Williams** shared that there are jurisdictions that have not imposed moratoriums or completed their work on their local ordinances. Whether they comply with the state or not they are not worried at this point and there are dispensaries or buildings. He noted that many are relying on delivery services even though they are building the dispensaries to provide the product to the patients.

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

Mayor Rees shared that seeing that this business was in Winter Garden on the news made him feel that it did not shed a good light on the community, but he's since moved on past it.

**Motion by Commissioner Sharman to adopt Ordinance 17-18. Seconded by Commissioner Bennett and carried unanimously 5-0.**

#### 4. REGULAR BUSINESS

##### PUBLIC HEARING MATTER

- A. **Resolution 17-11:** A RESOLUTION OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING ORDINANCE 17-04 ESTABLISHING THE PUD ZONING ON CERTAIN REAL PROPERTY GENERALLY DESCRIBED AS APPROXIMATELY 2.29 ± ACRES OF CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF EAST DIVISION STREET, EAST OF NORTH DILLARD STREET, AND WEST OF SURPRISE DRIVE AT 555 NORTH DILLARD STREET (AS KNOWN AS THE DILLARD POINTE PUD), AMENDING THE CONCEPTUAL PUD PLAN AS WELL AS CERTAIN SETBACK REQUIREMENTS, DESIGN CRITERIA, AND ARCHITECTURAL STANDARDS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Resolution 17-11 by title only. Community Development Consultant Williams stated that on April 13, 2017 the City Commission approved this project. He shared that this is an infill project in a developed area so there is a great deal of sensitivity with the neighbors. The developer was very good at working with the neighbors. It was approved at the meeting with still some minor unresolved issues about the architectural design of some of the homes. The developer, despite the approval, had agreed to meet with the residents and work out the rest of those issues. They have since

completed their meetings and the agreed upon changes are herewith submitted for approval.

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

**Motion by Commissioner Sharman to approve Resolution 17-11. Seconded by Commissioner Buchanan and carried unanimously 5-0.**

**B. Recommendation to approve issuing Request for Proposals #17-001 for 270 W. Plant Street**

Economic Development Director Gerhartz stated that City staff has prepared a request for proposal for City owned property located at 270 W. Plant Street. This is an invitation to developers to submit a proposal to purchase and redevelop the property. It is the City's goal to select a developer that will redevelop the property with a multi-story, mixed-use project that will be 2 to 3 stories in height. Ms. Gerhartz shared some of the publications where this request for proposal will be advertised.

City Manager Bollhoefer shared some of the design requirements that will fit in with the rest of the downtown area. He also stated that the packet includes a date of July 21<sup>st</sup> which may have to changed based on when the advertisement comes out which will be 45 days from that date.

Commissioner Maciel commented that this would not be about the highest bidding but about those who present the best project. **Mr. Bollhoefer** stated the selection can be made based on the criteria selected or not select a proposal at all; there is no requirement.

**Motion by Commissioner Sharman to approve issuing Request for Proposal #17-001 for 270 W. Plant Street. Seconded by Commissioner Maciel and carried unanimously 5-0.**

**C. Recommendation to authorize the Mayor to sign a Declaration of Restrictive Covenant for 848 E. Plant Street**

City Manager Bollhoefer shared that the City has gone through a long clean up on this property in order to develop or sell this property or whatever is decided. Regardless, this Restrictive Covenant is a State requirement. It will in no way impact or stop anything from happening regarding this property and it is fairly standard in this type of clean up.

**Motion by Commissioner Buchanan to authorize the Mayor to sign a Declaration of Restrictive Covenant for 848 E. Plant Street. Seconded by Commissioner Sharman and carried unanimously 5-0.**

**D. Appointments to the Election Canvassing Board**

City Clerk Golden stated that this item is required annually, particularly when an election is scheduled for the following year which there is for Districts 2, 3, and 4. The current [regular] members have confirmed their interest to continue serving on this board. She noted that Mr. LaTorre has declined reappointment and Mr. Murphy Jr. has been unresponsive to follow ups. There is one interest application on file which is for Ms. Reyes.

Commissioner Sharman noted that he did receive an email from Ms. Reyes stating that she was interest in serving the City and it is the only one he has received thus far.

There was discussion on the board interest needed for the Planning and Zoning appointment and also discussion on advertisements and publication efforts to recruit volunteers.

**Motion by Commissioner Sharman to appoint Andy Bruns (*Regular*), Lee Douglas (*Regular*), and Jillian Reyes (*First Alternate*) to the Election Canvassing Board. Seconded by Commissioner Buchanan and carried unanimously 5-0.**

**5. MATTERS FROM PUBLIC**

Joseph Richardson, 220 N. Highland Avenue, Winter Garden, Florida, asked for the Commission's complete attention and shared that he enjoys and appreciates the local artwork displayed in the lobby. He also voiced his concerns regarding invocations and the need for diversity and equitability.

**6. MATTERS FROM CITY ATTORNEY** – There were no items.

**7. MATTERS FROM CITY MANAGER** – There were no items.

**8. MATTERS FROM MAYOR AND COMMISSIONERS**

**Commissioner Sharman** complimented Mayor Rees for a great speech at Veteran's Memorial Park service and stated it was good to honor those fallen soldiers from Winter Garden.

**Mayor Rees** shared that Mr. Graham (prior Commissioner) started the Memorial Day program 25 years ago and has continued this program. He expressed that City staff does a great job and it is nice to have people in our community willing to honor our soldiers and fallen heroes; it was a great event.

The meeting adjourned at 7:32 p.m.

APPROVED:

\_\_\_\_/S/\_\_\_\_\_  
Mayor John Rees

ATTEST:

\_\_\_\_/S/\_\_\_\_\_  
City Clerk Kathy Golden, CMC