



# CITY OF WINTER GARDEN

## CITY COMMISSION REGULAR MEETING MINUTES

May 28, 2020

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 given.

**Present:** Mayor John Rees and Commissioners

Lisa L. Bennett – District 1

Bob Buchanan – District 2

Mark A. Maciel – District 3

Colin Sharman – District 4

**Also Present:** City Manager Mike Bollhoefer, City Attorney A. Kurt Ardaman, City Clerk Angee Grimmage, Assistant City Manager of Administrative Services Frank Gilbert, Assistant City Manager of Public Services Jon Williams, Community Development Director Stephen Pash, Information Technology Director Chad Morrill, Fire Chief Matt McGrew

### 1. **APPROVAL OF MINUTES**

**Motion by Commissioner Buchanan to approve regular meeting minutes of May 14, 2020 as submitted. Seconded by Commissioner Bennett and carried unanimously 5-0.**

*(Addressed at this point in the meeting: Agenda Items 3.C, 2.A and 2.B, respectively.)*

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

- A. **Ordinance 19-47:** 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 0.58 ± ACRES LOCATED AT S PARK AVENUE, NORTH OF W PLANT STREET, WEST OF S PARK AVENUE, AND SOUTH OF W BAY STREET, FROM NO FUTURE LAND USE TO MEDIUM DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE
- B. **Ordinance 19-48:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING CERTAIN REAL PROPERTY GENERALLY DESCRIBED AS APPROXIMATELY 0.91 +/- ACRES OF LAND GENERALLY LOCATED AT 30 N PARK AVENUE AND S PARK AVENUE, NORTH OF WEST PLANT STREET, WEST OF N/S PARK AVENUE, AND SOUTH OF W BAY STREET, FROM R-2 (RESIDENTIAL) AND NZ (NO ZONING) TO PUD (PLANNED UNIT DEVELOPMENT); PROVIDING FOR CERTAIN PUD REQUIREMENTS AND DESCRIBING THE DEVELOPMENT AS THE 30 NORTH PARK PUD; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

Community Development Director Pash stated that the applicant for 30 North Park Avenue is requesting acquisition of the 0.58± acres of land from the City. He displayed a map, described the size of the property, and noted the applicant's need for the land in the proposed planned development of nine town homes, parking lot and pond area. He described some of the other proposed improvements and the need for relocating a

sanitary force main and reclaimed water line at an estimated cost of \$235,000. Mr. Pash described details in the agreement, noted that this actually gives them the land and recognized City Manager Bollhoefer to offer further details.

City Manager Bollhoefer explained there is actually no sale amount listed for this land because the sale would be an amount of zero dollars. The City wants the developer to put all of their funds into the development of the project. He described how paying those relocation costs plus a sale amount would drive up the numbers, thereby jeopardizing the quality of the construction. He further expressed that the property, which the City received at no cost, would have a return on this investment in the area of tax revenue for years to come.

There was discussion on the land, gifted by the railroad, only has value when connected to the other land and how by itself, there is no value.

City Manager Bollhoefer explained the reason for moving this agenda item before the zoning hearing, noting that without this agreement, the zoning is moot.

Mr. Bollhoefer also noted onerous language included in the agreement allowing reversion of the land back to the City under certain circumstances. Community Development Director Pash added that this is why the cash escrow of \$235,000 was included, for relocation of the pipes in the event the work was not completed.

Community Development Director Pash explained the zoning by describing the total size of the combined properties to rezone from planned unit development. Also, change of the future land use from no future land use to medium density residential. He described the development, design guideline changes to a section from 1,000 square feet to 2,000 square feet. Staff recommends approval of Ordinance 19-47 and 19-48 with the proposed changes as noted.

Mayor Rees noted that the Purchase and Sale Agreement does not require a public hearing; however, the ordinances will. Therefore, he consulted with City Attorney Ardaman on the reading of the ordinance, as they all tied in together.

City Attorney Ardaman read Ordinance 19-47 and 19-48 by title only.

Mayor Rees questioned building height, buffering, trees, and visibility. Mr. Pash responded that the trees would come down, replacements provided and there would be additional landscaping. Discussion ensued regarding the need for a buffer, the building's height, existing trees that would remain and their location. They discussed an aerial view of the location and noted some trees at the adjacent apartment.

Mayor Rees opened the public hearing; reading a dedicated phone number and instructions for the public's participation in this meeting. After waiting several minutes and receiving no public calls or comments, he closed the public hearing.

**Motion by Commissioner Bennett to approve Ordinance 19-47 and 19-48 with the proposed changes as noted and with a second reading and public hearing June 11, 2020. Seconded by Commissioner Maciel and carried unanimously 5-0.**

- C. **Ordinance 20-20:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE WINTER GARDEN COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE DESIGNATION OF REAL PROPERTY GENERALLY DESCRIBED AS APPROXIMATELY 6.01 ± ACRES LOCATED AT 1577 & 894 BEARD ROAD, WEST OF BEULAH ROAD, EAST OF 9TH STREET, AND SOUTH OF BEARD ROAD FROM LOW DENSITY RESIDENTIAL TO COMMERCIAL; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE
- D. **Ordinance 20-21:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING CERTAIN REAL PROPERTY GENERALLY DESCRIBED AS APPROXIMATELY 6.01 ± ACRES LOCATED AT 1577 & 894 BEARD ROAD, WEST OF BEULAH ROAD, EAST OF 9TH STREET, AND SOUTH OF BEARD ROAD, FROM R-1 (RESIDENTIAL DISTRICT) TO PCD (PLANNED COMMERCIAL DEVELOPMENT); PROVIDING FOR CERTAIN PCD REQUIREMENTS AND DESCRIBING THE DEVELOPMENT AS THE WINTER GARDEN SELF STORAGE PCD; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinances 20-20 and 20-21 by title only. Community Development Director Pash stated that this is an application to change the future land use from low density residential to commercial. He also noted that this rezones the approximately 6.01 ± acre property from R-1 to planned commercial development for a self-storage facility. He described the proposed development and other land improvements. He disclosed that a community meeting had been held and discussions included the corner, the S-Curve in Beard Road, sidewalks, as well as potential environmental easements. He noted building of the proposed development on the upland portion only, having no impact on the wetlands. He expressed that unfortunately, there is insufficient right-of-way to make changes to the S-curve, meaning it will remain the same. Staff recommends approval of Ordinances 20-20 and 20-21.

Commissioner Sharman asked if the Planning and Zoning Board voted unanimously in favor of this item. Mr. Pash responded yes.

Commissioner Maciel inquired whether the small piece on the S-curve, containing the mobile homes, was Orange County. Mr. Pash responded that this is part of the development and is in the City and that it would remain.

Commissioner Bennett noted that historically storage units have less impact on traffic than other possible uses that could go on the property. Mr. Pash agreed, stating that this is correct. City Manager Bollhoefer noted that storage facilities have the least amount of traffic of any project and noted that the discussion regarding this was that it faces the turnpike and puts the least amount of burden on existing infrastructure.

Mayor Rees opened the public hearing; reading a dedicated phone number and instructions for the public's participation in this meeting.

Ron Mueller, 709 Lake Cove Pointe Circle, Winter Garden, Florida, spoke of debated discussions held at the Planning and Zoning meeting regarding the property. He stated that it is not consistent with the surrounding area and voiced opposition to this type of business at this location. He encouraged a review between now and the second hearing.

City Manager Bollhoefer noted that the Planning and Zoning Board did debate this issue and in their final determination, after hearing all the facts, voted unanimously. Mr. Bollhoefer informed that residential would not be the highest and best use for this location due to its proximity to the turnpike; describing it as ideal for a storage unit. He addressed the areas current speeding issues; noting this as the reason the S-curve should not change. The development having no impact on the wetlands and some undevelopable areas also discussed.

Mr. Mueller mentioned another discussion of the Planning and Zoning Board was regarding other options for the property.

After waiting several minutes and receiving no public calls or comments, he closed the public hearing.

Mayor Rees noted Beard Road would be a challenge going forward and he described the area.

**Motion by Commissioner Maciel to approve Ordinance 20-20 and 20-21 with a second reading and public hearing scheduled for June 11, 2020. Seconded by Commissioner Bennett and carried unanimously 5-0.**

### 3. **REGULAR BUSINESS**

#### A. Recommendation to approve SITE PLAN for 1200 Daniels Road (Daniels Road Business Park), subject to conditions

Community Development Director Pash noted that this is the site plan for 1200 Daniels Road. He noted a past reviewed and denial due to impact on the wetlands and the need to save them. He shared that the applicant returned with a revised set of plans. He described that it has two single story office and retail buildings, as well as two two-story commercial buildings; a total of 65,000 square feet. He described other proposed

improvements and noted the saving of the wetlands as requested in the past. He informed of the project's review and approval by the Development Review Committee (DRC) and staff, who recommend approval, subject to the conditions in the DRC report.

Mayor Rees inquired about the development's access and the challenges it would bring to already challenged areas. City Manager Bollhoefer acknowledged this would be a challenge and described a solution of the cut-through road at the church allowing options for those wanting to go northbound. Discussion ensued on the challenges and safe alternatives.

**Motion by Commissioner Buchanan to approve site plan for 1200 Daniels Road (Daniels Road Business Park), subject to conditions. Seconded by Commissioner Maciel and carried unanimously 5-0.**

B. Recommendation to approve SITE PLAN for 504 West Plant Street (504 Building), subject to conditions

Community Development Director Pash noted this as the site plan review for 504 West Plant Street. He informed of the proposal to develop a two-story, approximately 10,000 square foot office building. The property is zoned Planned Commercial Development (PCD). He noted a change from on street parking to parking within the property, using the property at Smith Street and Park Avenue for overflow. He informed of the project's review and approval by the Development Review Committee (DRC) and staff, who recommend approval, subject to the conditions in the DRC report.

City Manager Bollhoefer noted that staff really liked the parking on Plant Street and on Park Avenue. He explained the issues this would cause and the reason for choosing other options for traffic control. Discussion ensued on areas for parking. Commissioner Bennett asked if there was ingress and egress on Park, as well as Plant Street. Mr. Pash responded that it is only on Park Avenue.

**Motion by Commissioner Bennett to approve the site plan for 504 West Plant Street (504 Building), subject to conditions. Seconded by Commissioner Sharman and carried unanimously 5-0.**

C. Recommendation to approve Purchase and Sale Agreement for a portion of 30 North Park Avenue (City Property)

This item addressed earlier in the meeting with items 2.A and 2.B.

**Motion by Commissioner Buchanan to approve the Purchase and Sale Agreement for a portion of 30 North Park Avenue (City Property). Seconded by Commissioner Maciel and carried unanimously 5-0.**

4. **MATTERS FROM PUBLIC** – There were no items.

Mayor Rees opened the public hearing; reading a dedicated phone number and instructions for the public's participation in this meeting. After waiting several minutes and receiving no public calls or comments, he closed the public hearing.

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

6. **MATTERS FROM CITY MANAGER**

City Manager Bollhoefer gave updates regarding the changes due to the COVID-19 Coronavirus. He informed of reopening the day camp and noted the pool would reopen using appointment time blocks for safety.

Mr. Bollhoefer noted that the City has followed the Governor's executive orders relating to the virus with the one exception of hours of operation for restaurants. He indicated receiving a request for the City to follow State guidelines. Mr. Bollhoefer suggested reverting to the City's normal business hours and discussion ensued on the restaurants open until 2:00 a.m. and returning to the City's ordinance. Mr. Bollhoefer noted that this is for restaurants; however, the City only has one bar that always closed before midnight.

Commissioner Bennett sought clarification on the request and Commissioner Buchanan inquired if this was for the historic district. Mr. Bollhoefer advised that the City Commission could make in-district regulations if they so desired; however, this request is for everyone. He suggested revisiting the issue if desired on a permanent basis.

**Motion by Commissioner Sharman for the City to revert to its regular hours for restaurants. Seconded by Commissioner Maciel and carried unanimously 5-0.**

Supplies in Chambers

City Manager Bollhoefer apologized regarding supplies in the chambers and indicated that they were for the food drop-offs, done in partnership with Lakeside Church, noting also church volunteers from East Winter Garden who assisted with food deliveries.

Cessation of Hot Meal Delivery

Mr. Bollhoefer informed of the cessation of hot meal deliveries due to dietary restrictions of the recipients.

7. **MATTERS FROM MAYOR AND COMMISSIONERS**

**Commissioner Maciel** thanked staff and the first responders for their efforts, noting the great feedback received from residents.

**Commissioner Buchanan** shared an update received from a resident regarding Friends of Lake Apopka and the West Orange Trail System around Lake Apopka. He noted that it was quite refreshing to hear about how they are still working and partnering efforts with Orange County. He encouraged the City Commission receiving an update at some point.

