

## **CITY COMMISSION**

### **WORKSHOP MINUTES**

**June 27, 2002**

A **WORKSHOP** of the Winter Garden City Commission was convened at 7:21 p.m. after the regular City Commission meeting was adjourned.

**PRESENT:** Mayor Jack Quesinberry, Commissioners John Rees, Theo Graham, Mildred Dixon and John Harriman; City Manager Hollis Holden, City Attorney Dykes Everett, City Planner Mark Cechman, City Clerk Kathy Montoya, Assistant to the City Manager Marshall Robertson, Police Chief Jimmie Yawn, Planner Kelly Randall, Public Works Director Bob Smith, Assistant City Attorney Lionel Rubio and Michael Laval of The West Orange Times

#### **STATE ROAD 50 OVERLAY DISTRICT:**

City Manager Holden stated that over the past year the West Orange Task Force Group and planners from West Orange, in conjunction with the County, have been working on an overlay district for SR 50. Oakland and Ocoee have already adopted their overlay districts. The County has a draft and they will be conducting a series of workshops. From these meetings, the framework for an ordinance was created with an initial draft being given to the City Commission in early March. Subsequently, a public workshop was held at Tanner Hall whereby comments were incorporated by staff into the draft ordinance being discussed tonight. This workshop is an opportunity for the Commission to ask questions and gain an understanding of what the public has commented on. On July 31<sup>st</sup> at Tanner Hall there will be another public workshop. Staff will combine comments received tonight and from the public workshop, to determine what additional work, if any, needs to be done to take the ordinance to the formal public hearing process. Staff has also been attempting, with the help of consultants, to come up with an estimated cost for the city incentive improvements to the SR 50 corridor. The rough estimate amounts to \$500,000 - \$600,000 for roughly 100 properties, if they all participated at the maximum amount allowed and utilize the proposed amortization.

City Planner Cechman gave the presentation as follows:

#### **Landscape design standards for new development:**

- 15 - 30 feet buffer
- Number and size of plants are proportional to width of buffer

Commissioner Rees asked staff if they knew when the State plans to widen SR 50. Mr. Holden stated that DOT is in the planning stages and already have the right-of-way (ROW) and he anticipates it to be less than 10 years. Commissioner Rees asked how far from centerline does the ROW extend. Mr. Holden stated it is 75 feet and it will be curbed, guttered and side walked. The major issue for the business owners will be storm water retention. Mr. Cechman stated that DOT is not looking for a small portion off everyone's property, but large parcels. Mr. Holden stated that it is his understanding that DOT will either buy or condemn the property in order to get the required storm water retention area. Mr. Cechman stated that DOT is looking at 4 or 5 semi-basins and selecting 3 spots per basin, realizing that once they are ready to buy the land, in about 5 years, it may already have been developed, as is the case with the new Publix location that was one of DOT's choices. Mr. Holden stated that Friends of Lake Apopka (FOLA) waste allocation rule has not yet been passed and if there is compliance, it will triple the size of retention ponds.

- 10 foot side and rear buffer
- Screening wall needed when abutting residential property
- Decorative fencing required along SR 50

Landscape design standards for existing development:

- 5 - 30 feet buffer
- Number and size of plants are proportional to width of buffer
- 5' side and rear buffer
- No screening wall is required
- Decorative fencing required along SR 50
- Ten year amortization on landscaping and fence requirements

Building perimeter plantings

- Minimum of 5 foot wide landscaped area around buildings that face a public street
- Average of 1 tree for every 30 feet around the perimeter of building
- Shrubs and groundcover around all edges of building

Three ways to comply with the landscape design standards for existing development:

- § Wait for ten years and then provide all of the improvements

§ Provide the improvements incrementally each year

§ Apply for a partial City grant

Landscaping incentives for existing businesses:

§ Eligible parcels can be reimbursed for landscaping costs

“ Up to 50% or \$5,000 within 2 years

“ Up to 30% or \$3,000 within 3 years

“ Up to 20% or \$1,500 within 4 years

§ All existing businesses must comply within 10 years

This reimbursement proposal was developed as the result of the business owners asking if the City could help pay for some of the costs.

Signage standards for free standing signs:

§ Monument signs only

§ 100 Square foot maximum for a single parcel

§ 150 Square foot maximum for each of two or more parcels sharing the same sign

§ No closer than 100 feet from another sign

Signage amortization:

Existing pole signs must be converted to monument signs according to this time table:

<u>Sign Cost</u>	<u>Amortization Period</u>
\$0-3,000	4 years
\$3,001-5,000	5 years
\$5,001-10,000	6 years
Greater than \$10,000	7 years

### Signage incentives for existing business:

Eligible parcels can be reimbursed for sign costs

Up to 50% or \$5,000 within 2 years

Up to 30% or \$3,000 within 3 years

Up to 20% or \$1,500 within 4 years

### Building design standards

#### New Development

Increased architectural standards and controls color, materials, windows, roofs

#### Existing Development

No changes required, unless a substantial modification is done such as doubling their size

### Site specific standards

#### New Development

Requires enhanced parking standards, pedestrian walkways, lighting standards, and storm water standards

#### Existing Development

No changes required

### Uses

- Permitted, prohibited and special exceptions remain the same
- Special exception required for outdoor display, sales, or storage

Mr. Everett stated that the only exception to being grandfathered in and not be required to obtain a special exception would be for the businesses that have conducted periodic display of wares, merchandise or sales. The model code presented would require the outdoor recreational supply merchant to obtain a special exception. There is no existing time limit under the model code, but the Planning and Zoning Board could set a limit.

### Variances

- May be granted for properties that would suffer hardships

Mr. Cechman stated that DOT is going to go down SR 50 and put 30 foot driveways wherever they want. The Country House was displayed as a sample hardship case. Mr. Cechman stated that the first requirement imposed will be for the business to comply with the sign requirement by changing their sign to a monument sign within approximately 4-7 years, depending on the cost of the sign, and within 10 years they would have to landscape and could apply for a variance. Mr. Everett emphasized that the City Commission needs to understand the timeframes of the application of the proposed ordinance. Mr. Robertson stated that when DOT widens SR 50 to 6-lanes, there will not be any parking available in the front of The County House Restaurant as evidenced in the picture that shows the DOT right-of-way utility lines are directly over the current front parking spaces. Mr. Cechman estimated that the work on the right-of-way construction will begin in 7-10 years. Mr. Holden stated that all previous estimates, like the Expressway, have been wrong and have begun earlier. Commissioner Rees stated that timing becomes important when the property owners are required to add landscaping and put in monument signs and then three years later, DOT takes a portion of the frontage that they have landscaped to make the road improvements. Mr. Holden stated that these types of issues will be taken into consideration as part of the variance process through the Planning and Zoning Board on a case-by-case basis. Mr. Everett stated that he would urge the City Commission to think about setting the vision for staff on how they want highway 50 to look and the timing as to when it would apply to the typical property and even some of the more difficult properties. Mr. Holden stated that this sample property is not going to lose any parking spaces because of this proposed ordinance, they will lose them because of DOT's road improvements. Mr. Cechman stated that the community brought up a concern that there may be some historical signs that may need to be preserved such as the Harvey RV sign. Commissioner Harriman asked about regulating flag poles. Mr. Everett stated that the City can regulate flag poles as any other exterior structure. He urged everyone to not pre-judge a property for variance appropriateness or what impact the ordinance will have because it is several years out and it may change hands, redevelop or go out of business. It is how SR 50 will look years from now and we are setting a vision for the future. Commissioner Rees asked if the County is implementing a plan similar to this proposed plan. Mr. Holden stated that the County has a copy of Winter Garden's proposal and he does not believe the County has an amortization or incentive program in their plan.

Mr. Holden stated that there is no provision for amortization for existing buildings, or a requirement to change a building's color. The proposed requirements are for landscaping, signage and fencing, if they choose to have a fence. Commissioner Harriman stated that he received a phone call from Mr. Joiner stating that if this ordinance passes, it will cost him \$100,000-\$250,000, which he finds hard to believe. Mr. Holden stated it would be the world's most expensive sign and landscaping if that were true. Commissioner Graham stated that the landscaping will include irrigation. Mr. Holden stated that he can't give the particulars on each lot for existing water lines or irrigation, but they may need some improvements.

Mr. Cechman invited the public to speak with staff regarding any concerns, questions or suggestions regarding the proposed ordinance. Mr. Holden stated that the City Commission has several choices and can choose to do nothing. He noted that the West Orange Chamber of Commerce Board of Directors supports the proposal, Representative Johnson supports improving SR 50 and staff needs to determine what the Commission wants SR 50 look like and help in crafting an ordinance. Commissioner Rees stated that the City needs to do something with SR 50. It is an opportunity for the City to do something in conjunction with the widening of SR 50 by DOT. There are a number of business owners on SR 50 and it is not the intent to make their viability seem uncertain, but it is wise on the City's part to let them become part of a joint

committee to head off all the discussions that will ensue otherwise. Mr. Holden stated that is exactly what staff has been doing since March and he offered the business owners the opportunity to re-write the ordinance and give their version to the Commission. Commissioner Rees stated that all things need to be considered because the County is developing their own ordinance and if they are more stringent, he foresees the property owners annexing into the City, so the ordinances should be similar. Mr. Holden stated that while he favors the businesses annexing into the City, he is not aware of a more effective manner to accomplish this task than the way it has been done with staff drafting an ordinance and submitting it to the public for comments. Staff has received, for the most part, comments such as "throw it out" or "we don't want it at all". He and Mr. Cechman have made the offer to the business owners to revise what has been proposed or draft one of their own and staff will look at it. They have been open and asked for input. Commissioner Dixon stated that yesterday was her birthday and everybody on SR 50 called her and if what Mr. Holden is saying is true, why didn't the people call her before? If staff had done what Commissioner Rees stated with a committee and discussed the issues she would not be asked to vote on something the people on SR 50 are saying they don't know anything about. Mr. Holden stated the Commission is not being asked to vote on anything. Commissioner Harriman asked if the County overlay would allow for higher signs than the City's. Mr. Holden stated that the County concept for sign and landscape is parallel and the County is just not amortizing. Mr. Everett urged everyone to make comments and give input because the more data staff has before the public workshop, the more effective the public workshop will be.

The workshop was adjourned at 8:31 p.m.