



CITY OF WINTER GARDEN

CITY COMMISSION BUDGET HEARINGS AND REGULAR MEETING MINUTES September 27, 2012

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

Present: Mayor John Rees, Commissioners Bob Buchanan, Kent Makin, Robert Olszewski and Colin Sharman

Also Present: City Manager Mike Bollhoefer, City Attorney Kurt Ardaman, City Clerk Kathy Golden, Assistant to the City Manager – Administrative Services Frank Gilbert, Assistant to the City Manager - Public Services Don Cochran, Community Development Director Ed Williams, Economic Development Director Tanja Gerhartz, Finance Director Laura Zielonka, Recreation Director Jay Conn, Fire Chief John Williamson, and West Orange Times Reporter Kelsey Tressler

1. **SECOND READING AND PUBLIC HEARING TO ADOPT THE PROPOSED MILLAGE RATE AND BUDGETS FOR FISCAL YEAR 2012/2013**

- A. **Ordinance 12-45:** AN ORDINANCE LEVYING TAX UPON ALL TAXABLE PROPERTY WITHIN THE CITY OF WINTER GARDEN, FLORIDA, FOR THE TAX YEAR BEGINNING ON OCTOBER 1, 2012 AND ENDING ON SEPTEMBER 30, 2013

City Attorney Ardaman read Ordinance 12-45 by title and stated that the ordinance establishes a millage rate of 4.2500 mills with the millage rate being less than the roll back rate of 4.3585 mills by 2.49 percent.

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

Motion by Commissioner Buchanan to adopt ordinance 12-45. Seconded by Commissioner Makin and carried unanimously 5-0.

- B. **Ordinance 12-46:** AN ORDINANCE APPROPRIATING AND ALLOCATING ALL REVENUE AND FUNDS OF THE CITY OF WINTER GARDEN, FLORIDA, FOR THE TAX YEAR BEGINNING ON OCTOBER 1, 2012 AND ENDING ON SEPTEMBER 30, 2013

City Attorney Ardaman read Ordinance 12-46 by title only and read the following excerpt from Ordinance 12-46:

Collection of Ad Valorem	\$ 7,770,831
Revenue other than Ad Valorem	<u>16,622,056</u>
TOTAL REVENUES	\$24,392,887
Appropriations from Fund Balance	<u>46,344</u>
TOTAL AVAILABLE FOR EXPENDITURES	\$24,439,231

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

Motion by Commissioner Buchanan to adopt Ordinance 12-46. Seconded by Commissioner Sharman and carried unanimously 5-0.

- C. **Ordinance 12-47:** AN ORDINANCE APPROPRIATING AND ALLOCATING ALL REVENUE AND FUNDS OF THE COMMUNITY REDEVELOPMENT AGENCY (CRA) OF THE CITY OF WINTER GARDEN, FLORIDA, FOR THE TAX YEAR BEGINNING ON OCTOBER 1, 2012 AND ENDING ON SEPTEMBER 30, 2013

City Attorney Ardaman read Ordinance 12-47 by title and the following excerpt from Ordinance 12-47

Collection of Ad Valorem	\$ 305,342
Revenue other than Ad Valorem	<u>7,069,860</u>
TOTAL REVENUES	\$7,375,202
Appropriations from Fund Balance	<u>576,596</u>
TOTAL AVAILABLE FOR EXPENDITURES	\$7,951,798

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

Motion by Commissioner Makin to adopt Ordinance 12-47. Seconded by Commissioner Sharman and carried unanimously 5-0.

- D. **Ordinance 12-48:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, AUTHORIZING THE APPROPRIATIONS OF CITY FUNDS FOR FISCAL YEAR 2012-13 IN ACCORDANCE WITH ARTICLE 3 SECTION 30 (5) OF THE CITY CHARTER OF THE CITY OF WINTER GARDEN, FLORIDA AND FLORIDA STATUTE 166.241 FOR THE PURPOSE OF FULFILLING THE FINANCIAL OBLIGATIONS OF THE CITY

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

Motion by Commissioner Sharman to adopt Ordinance 12-48. Seconded by Commissioner Buchanan and carried unanimously 5-0.

REGULAR CITY COMMISSION MEETING

2. **APPROVAL OF MINUTES**

- A. Executive Session, Budget Hearings and Regular Meeting of September 13, 2012
- B. Special Meeting of September 20, 2012

Motion by Commissioner Buchanan to approve the Executive Session, Budget Hearings and Regular meeting minutes of September 13, 2012 and Special Meeting Minutes of September 20, 2012. Seconded by Commissioner Makin and carried unanimously 5-0.

3. **PRESENTATION**

Proclamation 12-26 was read by Mayor Rees to recognize the Winter Garden Farmers Market as America's Favorite Farmers Market in the medium size category and was presented to Dana Brown et al.

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

- A. **Ordinance 12-44:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 105.68 ± ACRES OF CERTAIN REAL PROPERTY GENERALLY LOCATED EAST OF WILLIAMS ROAD AND WEST OF AVALON ROAD(CR 545) ON THE NORTH AND SOUTH SIDE OF MARSH ROAD, AT 17201, 17301 AND 17310 MARSH ROAD AND 1751 WILLIAMS ROAD, FROM NO ZONING (NZ) TO URBAN VILLAGE PLANNED UNIT DEVELOPMENT (UVPUD); PROVIDING FOR CERTAIN UVPUD REQUIREMENTS AND DESCRIBING THE DEVELOPMENT AS THE WATERSIDE ON JOHN'S LAKE PHASE 2 URBAN VILLAGE PUD; PROVIDING FOR NON-SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 12-44 by title only.

Community Development Director Williams stated that this is the second reading and public hearing on this rezoning application for the urban village planned unit development (UVPUD) designation as submitted by Centerline Homes and the property owners. This is the second phase of the previous project approved to the east. The project has been reviewed by staff and consultants. The project was reviewed against the City's adopted comprehensive plan, future land use map, zoning requirements for consistency with Joint Planning Area 6 interlocal agreement with Orange County, consistency with the requirements of the Wekiva Protection Act, and the City's concurrency requirements.

Mr. Williams stated that a community meeting was held and many area residents, especially the rural settlement attended. While they did have questions and issues, after

seeing and discussing the plans they were very supportive of the project. The appropriate buffers per joint area six, next to the rural settlement, had been provided on the plans. They were very happy with the approach on transportation, providing the roundabouts, and lowering the speed limits on Marsh Road and making it more of a residential character.

Mr. Williams noted that in the report is staff's recommendation which includes an analysis of the comprehensive plan as it applies to this application and a review of the criteria for rezoning requests as it applies to this application.

Mr. Williams stated that staff believes that this planned development which is 296 single family residential units on various lot sizes and 17 live and work units that justify giving it the planned unit development designation. He noted that this planned development has less units than if a standard subdivision were proposed. It has more open space, recreation area, preserves lake frontage by putting park and open space along the lake, diversity in lot sizes and housing types, better environmental controls and the traffic conditions required will improve the transportation system in that area. Included is a lakeside park and a large trail along the road that will tie into the pedestrian/ bicycle trail down on Stoneybrook and to other areas in the City.

Mr. Williams stated that before development occurs on the property a developer's agreement will be entered into memorializing all the conditions and responsibilities of the development. Staff recommends approval of the planned unit development (PUD) subject to the conditions provided in the staff report.

Commissioner Olszewski asked about the buffer being implicitly included in the development agreement. **Mr. Williams** responded that not only is it implicit, but has been drawn in and shown on the concept land use plan and cannot be removed without another series of hearings.

Commissioner Olszewski asked if there was indigenous wildlife in this area and what precautionary steps were being taken by the developer to ensure it is preserved. **Mr. Williams** responded that any species of special concern or threatened and endangered species would have to be protected. Studies thus far have not shown these kinds of species but what is typical of the area. Large open areas will maintain those populations with some relocating because they are not typically happy in the middle of a development.

At this time, Mayor Rees opened the public hearing.

Tom Sullivan, representative for the applicant Centerline Homes, stated that they are in complete agreement with the staff report and the detailed professional analysis attached to the report recommending approval of Phase 2 of this PUD.

Mr. Sullivan noted that this project offers a continuation of the multi-purpose trail, a large waterfront community park, and an additional roundabout on Marsh Road. He stated that this project is compatible with the surrounding area, is consistent with the City's Comprehensive Plan, Joint Planning Agreement 6, and also meets the approval criteria in the City's code as noted in detail in the staff report.

Mr. Sullivan submitted the professional resumes of Mike Holbrook and Scott Stearns to the City Clerk for inclusion in the record because they are experts in their field and will be providing the City with competence of substantial evidence in support of this PUD rezoning request.

Mike Holbrook, Director of Planning for Boyer, Singleton and Associates, 520 S. Magnolia Avenue, Orlando, Florida, shared his educational background. He noted that on the south side of Marsh Road they have preserved a 100 foot natural buffer and if additional buffering is needed, they would come back and supplement it if necessary. He shared that there is a community path system that will link residents so they will have pedestrian access to the lake. There are no homes fronting the lake. In this next phase they are introducing a front loaded 55 foot unit and rear loaded 40 foot unit. The unique item in this phase is the introduction of the live/work product with rear alleys to provide for resident use. There is specific language included on how these units will work.

Mr. Holbrook noted that they have taken extraordinary care on their recreation element with the addition of 1.34 acres. He noted that to the north is a five acre lakefront park which includes gazebos, access to waterfront, and is within easy walking distance of their higher density 40 foot units. He stated that they do concur with staff's recommendations.

Scott Stearns, Vice President of Land Development for Boyer, Singleton and Associates and one of the civil engineers associated with this project. He noted his educational background and professional experience. He stated that all regulating entities for stormwater and environmental issues will be met and exceeded for this project. Some of the measures will include stormwater ponds and protection of the wetlands.

Kyle Stevens, Esq., with the Law Firm of Kirwin Norris, 15 W. Church Street, Orlando, Florida, stated that he represents Ivan and Mala Lindsay who are homeowners on John's Lake and are surrounded by the proposed rezoning. They are challenging Ordinance 12-44 based on violations of the City of Winter Garden Land Development Code. He noted that at this City Commission meeting they are not challenging the ordinance based on its violations but the City of Winter Garden's comprehensive plan; that challenge will be presented at a later date. Mr. Stevens submitted eight sets of documents to the City Clerk for the record.

Patricia Tice, of Crews LLC, stated that she is a licensed professional engineer and a certified planner. Ms. Tice gave her educational and experience history. Ms. Tice stated that she has a list of ordinance issues that are not in compliance in this particular

application. Ms. Tice's arguments are briefly noted below (*Note: Material was submitted into the record providing details.*)

- Section 118-834(b)(7) addresses proposed square footage of non-residential uses. Ms. Tice stated that there are 17 live/work units but the square footage for the work portion has not been designated.
- Section 118-834(b)(12) addresses common open space. Ms. Tice stated that this is not on the plan.
- The traffic study submitted for this project does include the land use for the Waterside Project (Phase 1) but no other projects along 545, Marsh Road or Stoneybrook Parkway have any vested traffic assigned to the roadway system in this particular study.
- The design is inconsistent with Section 110.
- Section 118-833(b)(6) The application is inconsistent with this section. There is no pedestrian or bicycle circulation plan.
- Section 118-1063 states that all development within the Urban Village future land use classification follows a specific set of design principles. The project should be able to stand alone and meet the requirements of the UVPUD, as should each phase.
- Section 118-1063 (b)(2) There should be an integrated park and trail system; one park is not a system. Only one trail has been identified.
- Section 118-1063 (b)(5) and (d) Mixed Use Character and Housing Diversity. The project includes exclusively residential land uses; all single family detached.
- Section 118-1063 (b)(6) Creating a focus center within the urban village. The focus center is to come at a later date in future development not yet proposed. The ordinance states that every single UVPUD must meet all of the guidelines; this is not the case.
- Section 118-1063 (c) To provide a compact integrated development pattern with a park or central feature located within a quarter mile walking distance of the majority of the residences. Eighty percent of the units in this project will not be within quarter mile walking distance.
- Section 118-1063 (d) To ensure adequate housing diversity, the urban village planned should generally contain a variety of housing types which may include both attached and detached housing product with ownership and rental opportunities. There is one housing type that will be detached and all will be owned with no rental opportunities.
- Section 118-1063 (e) Roadway cross sections shall be designed to accommodate multiple modes of transportation. No accommodations are shown for bicycle or bus service.
- Section 118-1063 (f) Emphasis shall be placed on pedestrian and bike paths. A five foot sidewalk accommodates two people side by side. There will be conflicts between bicycles and vehicles.
- Section 118-1063 states the standards of the urban village planned unit development are intended to promote flexibility of design and to permit planned diversification and integration of uses and structures. There is no flexibility in this design. There are 313 residential lots. This has not been addressed yet in the remaining 657 acres.

In closing Ms. Tice stated that because this is inconsistent with the City's ordinances, it should not be approved.

Glenda Eldridge, 16673 Sandhill Road, Winter Garden (*unincorporated Orange County*), Florida, stated that she is a property/homeowner in the rural settlement. Ms. Eldridge stated that the City is putting an urban development in a rural area. She addressed the issue of the 100 foot buffer zone as being nothing for the wildlife that will relocate to other areas. She voiced her opposition to this development with 40 or 50 foot lots that does not fit the area.

Tom Sullivan noted that he has heard that the site is not urban enough and another that stated that it was too urban. He feels that they struck the right balance which is consistent with the City's regulations. He also reiterated Mr. Williams's comments that there was a tremendous amount of input from a number of folks from the Avalon rural settlement area and they were supportive.

Mr. Sullivan addressed Ms. Tice's statement; on behalf of Mr. and Mrs. Lindsay that the problem with the application is that it does not cover the entire 658 acres of the urban village. He stated that of course it doesn't because it only covers the acreage for which the application was submitted.

Mr. Sullivan addressed the mix of uses and stated that he thought it was worth noting that this is one of the many criticisms they have heard from the representative for the Lindsay's at the hearing on Phase 1, was that somehow every PUD in the city had to have multiple land uses. He thought it was ridiculous for them to think that you cannot have only single family homes within a PUD when you read the City's regulations and look around at other PUDs in the City that are only single family in nature. He noted that Phase 2 has live/work units that allow a number of nonresidential activities and they are still hearing objections. He submitted that they just simply do not want these properties developed.

Mr. Sullivan addressed what urban means by stating the City's policy 1-1.2.12 of the Future Land Use Element of the Comp Plan that these properties are required to be developed at a residential density of not greater than four dwelling units an acre, except in the village center where you can't exceed twelve dwelling units an acre. This project is outside the village center and is at less than three dwelling units an acre and clearly meets the Comp Plan.

Michael Holbrook, Director of Planning, Boyer, Singleton and Associates, stated that he took exception to two comments. One deals with pedestrian and bicycle circulation because on sheet three of their plans it clearly shows the main collector road system with a 67 foot right-of-way of which they are providing pedestrian sidewalks and bike lanes on each side of the road. Regarding statements about not having minimum square footage for the live/work units; they have been exploring this and they have gone through

extensive design details which are included in the plan. He noted that based on his professional opinion, this project is compatible with the surrounding area and is consistent with the applicable goals, objectives, and policies of the City's Comprehensive Plan.

Ed Williams noted that there are a couple of issues that staff needs to address what Ms. Tice has submitted. In Ms. Tice's opinion, this plan does not meet the intent of the City's ordinance; however staff and the Planning and Zoning Board, who is charged with the creation of this ordinance and passing it onto the City Commission, found it to be consistent with the City's Comprehensive Plan.

Mr. Williams addressed concerns about the rural settlement by noting that this area was part of the County's Horizons West property and was designated for ten to twelve dwelling units per acre. The rural settlement was and still is a protected area. The property owners in that area came to the County and the City and said they did not want to be a part of Horizons West at those high densities and would rather lower the density to four units per acre. They proposed to leave the County's jurisdiction and into the City's jurisdiction with certain protections as listed in the Joint Planning Area 6 agreement. Those were adopted and these projects are consistent with those provisions.

Mr. Williams noted that every item Ms. Tice stated were not in the plans, are actually in the plans. If it is not adequately in the plans, it is covered by a condition of approval that requires very specific actions. Staff and the Planning and Zoning Board recommend approval of this ordinance.

Commissioner Sharman thanked Mr. Williams for stating that this is less homes per acre than what would have been on this property under the County's plan at ten per acre.

Commissioner Makin noted that it was stated that there would be approximately four units per acre but is actually three. **Mr. Williams** responded that in this phase there is actually three and explained the village center could be above three but you will never see four especially with the environmental conditions within the lakefront park areas.

Mayor Rees closed the public hearing.

Motion by Commissioner Olszewski to adopt Ordinance 12-44 approving the Waterside on John's Lake Phase 2 Urban Village PUD and its associated preliminary development plan based on the Planning and Zoning Board recommendation for approval and competent, substantial evidence in the record indicating that Ordinance 12-44 is consistent with the Comprehensive Plan and meets the criteria set forth in the Comprehensive Plan, JPA 6, the Future Land Use Map, land development regulations including Sections 118-827, 118-828 and 118-834, Code of Ordinances for rezoning the property to UVPUD and this motion

incorporates the City staff's report findings and testimony as the basis for adoption. Seconded by Commissioner Sharman and carried unanimously 5-0.

5. **REGULAR BUSINESS**

- A. **Resolution 12-20:** A RESOLUTION BY THE GOVERNING BOARD OF THE CITY OF WINTER GARDEN, FLORIDA, RECOMMENDING STORAGE MANAGEMENT AND LEASING COMPANY LLC, BE APPROVED AS A QUALIFIED TARGET INDUSTRY BUSINESS PURSUANT TO S.288.106, FLORIDA STATUTES; AFFIRMING THE SITE OF THIS PROJECT IS IN A DESIGNATED BROWNFIELD AREA; PROVIDING FOR LOCAL FINANCIAL SUPPORT IN THE FORM OF CASH FOR THE QUALIFIED TARGET INDUSTRY TAX REFUND WITH HIGH-IMPACT SECTOR BONUS; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Resolution 12-20 by title only. Economic Development Director Gerhartz shared that a new headquarters for Storage Management and Leasing Company, also known as iStorage, has signed a short term lease at 132 W. Plant Street in Winter Garden. They contemplate growing their company and their headquarters right here in Winter Garden. The business buys and renovates storage facilities all over the country. They qualify for incentives under the State's program and through Enterprise Florida as a corporate headquarters. They currently have 16 employees and plan on adding 36 employees over the next three to four years paying an average salary of \$46,638.00 without benefits. The local match in incentives would be \$54,000 for a total amount of \$270,000 and not paid until after the jobs are created.

Christopher Miller, 132 W. Plant Street, Winter Garden, Florida, Chief Executive Officer of iStorage introduced his staff and shared some history of the company's start up. He noted that they have grown to become over a \$200 million company that operates in eight different states. He expressed that he loves Winter Garden.

Motion by Commissioner Buchanan to adopt Resolution 12-20. Seconded by Commissioner Olszewski and carried unanimously 5-0.

6. **MATTERS FROM CITIZENS**

Andy Bruns, 3 Palm Drive, Winter Garden, Florida, thanked the City of Winter Garden staff for their efforts in the monthly car show held every third Saturday. He also thanked Commissioners Sharman and Makin for their participation in selecting the cars for their 4th anniversary. He noted that 80 to 85 percent of the participants in the car show are from outside of Winter Garden. He also thanked the West Orange Times for their article on the car show.

Mayor Rees thanked Mr. Bruns for a job well done regarding the car shows.

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

8. **MATTERS FROM CITY MANAGER**

City Manager Bollhoefer noted that he has distributed a proposed ordinance for the City Commission's review relating to the elimination of the CR 545 Special Benefit Overlay District Road impact fee.

9. **MATTERS FROM MAYOR AND COMMISSIONERS**

Commissioner Sharman shared that he and his son enjoyed the car show.

Commissioner Olszewski announced the MusicFest event on October 5, 6, and 7th. He also announced and invited everyone to attend the East Winter Garden Community Development Corporation black tie gala on October 6th.

Commissioner Buchanan thanked City staff for all their preparations for the downtown events. He also mentioned a few projects that are looking good such as the sidewalks near Tanner Hall on Lake Apopka and the area in front of the Post Office. He stated that the City is looking real good and staff is doing a great job.

Commissioner Makin commended Andy Bruns for doing a great job with the car show event and the work he's done with the Merchants Guild and the restaurants. He stated that it brings a diverse group of people and cars and again commended Andy Bruns for a great job.

Mayor Rees noted that the music was nice and uniform throughout the historic district.

The meeting adjourned at 7:50 p.m.

APPROVED:

_____/S/_____
Mayor John Rees

ATTEST:

_____/S/_____
City Clerk Kathy Golden, CMC