



CITY OF WINTER GARDEN

CITY COMMISSION REGULAR MEETING MINUTES

August 8, 2013

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. 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 City Manager – Administrative Services Frank Gilbert, Community Development Director Ed Williams, Finance Director Laura Zielonka, Fire Chief John Williamson, Police Chief George Brennan, Economic Development Director Tanja Gerhartz, Recreation Director Jay Conn, and West Orange Times Reporter Kelsey Tressler

1. **APPROVAL OF MINUTES**

Motion by Commissioner Olszewski to approve the regular meeting minutes of July 25, 2013 as submitted. Seconded by Commissioner Makin and carried unanimously 5-0.

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

A. **Ordinance 13-42:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING CERTAIN REAL PROPERTY GENERALLY DESCRIBED AS APPROXIMATELY 44.14 ACRES OF LAND LOCATED GENERALLY SOUTH OF GARDEN COMMERCE PARKWAY AND EAST OF 9TH STREET AND WEST OF CARTER ROAD GENERALLY KNOWN AS THE WINTER GARDEN COMMERCE CENTER, FROM I-1 (LIGHT INDUSTRIAL AND WAREHOUSING DISTRICT) TO PID (PLANNED INDUSTRIAL DEVELOPMENT); PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 13-42 by title only. Community Development Director Williams stated this parcel has 17 partially developed lots. There are also 18 acres to the south that has not yet been subdivided. The bank took ownership of this property and has a prospective buyer who would like to add outside storage. Staff has worked with them and has come up with a screen to keep it from view from all public right-of-ways and properties. Mr. Williams distributed a handout showing the landscaping and walls provided with plantings. The second page of the hand out shows what the view would look like in 18 months. He also advised the Commission that there are three lots that are not owned by the bank and are not in the planned development.

They will be developed under the current restrictions. Staff and the Planning and Zoning Board have reviewed this PID and recommend approval subject to the conditions provided.

Commissioner Makin asked if the three adjacent lots have access. Mr. Williams responded yes.

Mayor Rees asked what type of materials will be stored. Mr. Williams responded that it would be different with each project. The first concern is with a company that refrigerates tractor trailer trucks that can be 16 to 18 feet high. Since the six-foot wall would not screen them, they went with 14 to 16 foot oak trees. To get a solid canopy there are additional trees to fill in the gaps. There is also a limitation on outside materials stored to 20 feet.

Mayor Rees asked if the neighboring businesses are in favor of this project. Mr. Williams responded yes because it is more like a business park as opposed to an industrial park.

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

Motion by Commissioner Buchanan to approve Ordinance 13-42 with the second reading and public hearing being scheduled for August 22, 2013. Seconded by Commissioner Sharman and carried unanimously 5-0.

- B. **Ordinance 13-45**: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.24 ± ACRES LOCATED AT 750 SOUTH PARK AVENUE ON THE WEST SIDE OF SOUTH PARK AVENUE, NORTH OF JACKSON STREET AND SOUTH OF WEST STORY ROAD 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
- C. **Ordinance 13-46**: 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 0.24 ± ACRES OF LAND LOCATED AT 750 SOUTH PARK AVENUE ON THE WEST SIDE OF SOUTH PARK AVENUE, NORTH OF JACKSON STREET AND SOUTH OF WEST STORY ROAD FROM ORANGE COUNTY LOW DENSITY RESIDENTIAL TO CITY LOW DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

- D. **Ordinance 13-47:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.24 ± ACRES OF REAL PROPERTY GENERALLY LOCATED AT 750 SOUTH PARK AVENUE ON THE WEST SIDE OF SOUTH PARK AVENUE, NORTH OF JACKSON STREET AND SOUTH OF WEST STORY ROAD FROM ORANGE COUNTY R-2 RESIDENTIAL DISTRICT TO CITY R-2 RESIDENTIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinances 13-45, 13-46 and 13-47 by title only. Community Development Director Williams stated this is a voluntary annexation that is consistent with our comprehensive plan. Staff recommends approval.

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

Motion by Commissioner Olszewski to approve Ordinances 13-45, 13-46 and 13-47 with the second reading and public hearing being scheduled for August 22, 2013. Seconded by Commissioner Sharman and carried unanimously 5-0.

- E. **Ordinance 13-48:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 11.1 ± ACRES LOCATED AT 1205 EAST FULLERS CROSS ROAD ON THE NORTH SIDE OF EAST FULLERS CROSS ROAD, EAST OF NORTH WEST CROWN POINT ROAD AND WEST OF EAST CROWN POINT ROAD 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
- F. **Ordinance 13-49:** 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 11.1 ± ACRES LOCATED AT 1205 EAST FULLERS CROSS ROAD ON THE NORTH SIDE OF EAST FULLERS CROSS ROAD, EAST OF NORTH WEST CROWN POINT ROAD AND WEST OF EAST CROWN POINT ROAD FROM ORANGE COUNTY PLANNED DEVELOPMENT – LOW DENSITY RESIDENTIAL TO CITY LOW DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE
- G. **Ordinance 13-50:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 11.1 ± ACRES LOCATED AT 1205 EAST FULLERS CROSS ROAD ON THE NORTH SIDE OF EAST FULLERS CROSS ROAD, EAST OF NORTH WEST CROWN POINT ROAD AND WEST OF EAST CROWN POINT ROAD FROM ORANGE COUNTY A-2 FARMLAND RURAL

DISTRICT TO CITY R-1B RESIDENTIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinances 13-48, 13-49, and 13-50 by title only. Community Development Director Williams stated this is a voluntary annexation. He noted that because this is an 11.1 acre parcel that under the county was designated for future planned unit development (residential). At the community meeting there were positive comments because they have anticipated development for quite some time with no issues being identified. Staff and the Planning and Zoning Board have reviewed this item and recommend approval. He noted that because of the parcel's size it is a large scale comprehensive plan amendment that must first go to the state for their review.

Mayor Rees asked how much of a lot difference is there between the R-1B zoning (26 lots) and R-1. Mr. Williams responded there are some R-1B zonings in the area and apologized for them not appearing on the location map. He noted that because of the odd configuration to the parcel, they should not get any more lots even with the smaller lots in R-1B compared to R-1. A larger zoning map will be provided for the next reading.

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

Motion by Commissioner Olszewski to approve Ordinances 13-48, 13-49, and 13-50 with the public hearing being scheduled after the state's review. Seconded by Commissioner Makin and carried unanimously 5-0.

- H. **Ordinance 13-51:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.24 ± ACRES LOCATED AT 950 VINELAND ROAD ON THE WEST SIDE OF VINELAND ROAD NORTH OF WEST MORGAN STREET AND SOUTH OF BROAD STREET 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
- I. **Ordinance 13-52:** 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 0.24 ± ACRES LOCATED AT 950 VINELAND ROAD ON THE WEST SIDE OF VINELAND ROAD NORTH OF WEST MORGAN STREET AND SOUTH OF BROAD STREET FROM ORANGE COUNTY LOW MEDIUM DENSITY TO CITY RESIDENTIAL NEIGHBORHOOD COMMERCIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE
- J. **Ordinance 13-53:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.24 ± ACRES LOCATED AT 950

VINELAND ROAD ON THE WEST SIDE OF VINELAND ROAD NORTH OF WEST MORGAN STREET AND SOUTH OF BROAD STREET FROM ORANGE COUNTY R-2 RESIDENTIAL DISTRICT TO CITY R-NC RESIDENTIAL NEIGHBORHOOD COMMERCIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinances 13-51, 13-52, and 13-53. Community Development Director Williams stated that this is a voluntary annexation. He noted there is a change occurring from State Road 50 to downtown along Vineland Road from residential to a mixture of residential and office. The R-NC is primarily office with very limited retail/commercial uses. This item has been reviewed by staff and the Planning and Zoning Board who recommend approval.

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

Motion by Commissioner Buchanan to approve Ordinances 13-51, 13-52, and 13-53 with the second reading and public hearing being scheduled for August 22, 2013. Seconded by Commissioner Makin and carried unanimously 5-0.

- K. **Ordinance 13-54:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.55 ± ACRES LOCATED AT 948 VINELAND ROAD ON THE WEST SIDE OF VINELAND ROAD NORTH OF WEST MORGAN STREET AND SOUTH OF BROAD STREET FROM CITY R-2 RESIDENTIAL DISTRICT TO CITY R-NC RESIDENTIAL NEIGHBORHOOD COMMERCIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 13-54 by title only. Community Development Director Williams stated that the property owner is requesting rezoning with the intent of developing at some point into an office. This item has been reviewed by Planning and Zoning Board and staff who are recommending approval.

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

Motion by Commissioner Olszewski to adopt Ordinance 13-54 with the second reading and public hearing being scheduled for August 22, 2013. Seconded by Commissioner Sharman and carried unanimously 5-0.

- L. **Ordinance 13-55:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING POLICY 1-1.2.12 OF THE FUTURE LAND USE ELEMENT OF THE WINTER GARDEN COMPREHENSIVE PLAN TO INCREASE THE NUMBER OF ACRES OF LAND WITHIN THE URBAN VILLAGE LAND USE

CATEGORY AND REDEFINE THE NUMBER OF ACRES FOR RESIDENTIAL USE AND NATURAL USE WITHIN THE URBAN VILLAGE LAND USE CATEGORY AND MAKING OTHER AMENDMENTS TO ADDRESS ANNEXATIONS, CLARIFY THE INTENT OF POLICY 1-1.2.12 CONCERNING PROJECT SPECIFIC REZONINGS TO URBAN VILLAGE PUD; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 13-55 by title only. Community Development Director Williams stated that there has been a lot of activity along Marsh Road and for some reason the comprehensive plan policy was very specific to how much acreage would be in the urban village. Since we have additional properties coming in that want to be a part of the urban village, it needs to be addressed. The second part of the proposed change has to do with mother-in-law units within the urban village that was unclear on whether it counted towards the density. This clarifies that the City Commission will have the ability to say, if you build a mother-in-law apartment it doesn't count towards the density restriction on the overall project.

Mayor Rees asked if this fits in with what other developments are doing because when he looks at it, the natural space is 107 acres and residential is 531 acres and we are going to 641 and 144, which is 22%. Is there room to go up on the natural space? Mr. Williams responded that as this project is evaluated, it may be found that the wetlands are larger than anticipated or the buffer areas around karst features have to be larger so it may grow as we go along. He noted that whenever there is conflict between development and the natural environment, we will error on the side of the natural environment.

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

Motion by Commissioner Buchanan to approve Ordinance 13-55 with the second reading and public hearing being scheduled for August 22, 2013. Seconded by Commissioner Makin and carried unanimously 5-0.

3. **REGULAR BUSINESS**

A. **Recommendation to approve final plat for Alexander Ridge**

Community Development Director Williams stated that this project has been reviewed for compliance with all City codes and prior approvals on the project. Staff recommends approval and authorization for the Mayor to sign.

Motion by Commissioner Makin to approve final plat for Alexander Ridge. Seconded by Commissioner Buchanan and carried unanimously 5-0.

B. Recommendation to approve entering into a Development Agreement for Highland Groves

Community Development Director Williams stated that this developer's agreement memorializes all the conditions and restrictions including the pre-payment of a large portion of their impact fees so the City can proceed with installing a signal and turn lanes at Fuller's Cross and E. Crown Point Road ahead of schedule.

Commissioner Makin asked if a traffic study has been done. Mr. Williams responded no, they are waiting for school to start so the volumes will be sufficient enough that there is no question it is warranted.

Motion by Commissioner Buchanan to approve entering into the Development Agreement for Highland Groves. Seconded by Commissioner Makin and carried unanimously 5-0.

C. Request approval to solicit requests for qualifications and development proposals in conjunction with the sale of 7,500± square feet of the City owned vacant lot located at 127 S. Boyd Street

Community Development Director Williams stated staff is requesting permission to solicit requests for qualifications and development proposals for a lot that would be cut out of the old fire station site. We are receiving many requests from developers to sell city owned surplus property that they can build on downtown and noted that vacancies are just not occurring. There is a concern about tying in the development of this parcel with the old fire station. Staff has discussed joint use of some patio space or tie together with an open area. The property has been appraised at approximately \$80,000.00 with an assumption that the proposal will come in higher. The proposals would be reviewed by what the proposed projects will do for downtown, how it ties into the existing character and architecture, how it works with the fire station, how many jobs it brings in, and what type of jobs. Mr. Williams stated that these factors are more important than the price of the property and asked the Commission to consider this request.

City Manager Bollhoefer explained that a group of artists in Winter Garden has approached him about setting up an art community, garden, and incubator at the old fire station. Conceptual renderings were handed out and displayed.

Commissioner Olszewski indicated he likes the idea of an artist's studio and asked would the City Commission's wishes have to be accepted by whoever wants to purchase the lot.

Mr. Bollhoefer responded absolutely. There would be a design package with restrictions to ensure there would be a quality building built at least 7,500 square feet. The purpose is to get more space downtown so we don't have to turn away businesses because there is no space to lease. Mr. Williams clarified he anticipates a two or three story building will be built.

Motion by Commissioner Buchanan to approve of staff soliciting development proposals for 7,500± of 127 S. Boyd Street, Winter Garden, Florida. Seconded by Commissioner Makin and carried unanimously 5-0.

D. Recommendation to approve entering into an Emergency Medical Services Agreement with Orange County to allow the City to receive one Simon Multipurpose Airway Trainer through grant funds

Fire Chief Williamson stated he is requesting approval for the Mayor to sign an interlocal agreement with Orange County Emergency Medical Services (EMS) regarding the purchase of the referenced equipment through grant funding of just under \$1,000.00. The City would be responsible for replacement supplies to keep it running.

Motion by Commissioner Sharman to approve the request as submitted. Seconded by Commissioner Buchanan and carried unanimously 5-0.

4. **MATTERS FROM CITIZENS** – There were no items.
5. **MATTERS FROM CITY ATTORNEY** – There were no items.
6. **MATTERS FROM CITY MANAGER**

A. Discussion on scrap metal ordinance

City Manager Bollhoefer stated that subsequent to distributing the County ordinance to the City Commission, he asked the City Attorney to research this subject and it has been determined that State statutes prohibit the City from drafting any ordinance on secondary metal recyclers. He handed out copies of the related statutes and shared that they are required to pay for anything over \$1,000.00 in the form of a check, a thumbprint, and a photograph of the materials being sold. He will be getting with the Police Chief to look at other ways to help control this type of crime.

7. MATTERS FROM MAYOR AND COMMISSIONERS

Commissioner Sharman shared that a friend of his, who is visiting Winter Garden, let him know we need more parking downtown and needs to be motorcycle friendly.

Commissioner Olszewski thanked Orange County Commissioner Scott Boyd, Oakland Commissioner Joe McMullen, and city staff Sabrina Brown for their help with the West Orange Backpack giveaway this past weekend in Oakland, which was a huge success. He announced that tomorrow at 2:00 p.m. at the Maxey Center the remaining book bags will be handed out. Also, this Saturday the Unity in the Community event will be held at Zander's Park from 1:00 p.m. until 8:00 p.m. and invited everyone to attend.

The meeting adjourned at 7:13 p.m.

APPROVED:

 /S/
Mayor John Rees

ATTEST:

 /S/
City Clerk Kathy Golden, CMC