



CITY OF WINTER GARDEN

City Commission and Community Redevelopment Agency REGULAR MEETING MINUTES

June 22, 2023

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
Commissioner District 1 - Lisa L. Bennett
Commissioner District 2 - Ron Mueller
Commissioner District 3 - Mark A. Maciel

Also Present:

City Manager Jon C. Williams
City Attorney A. Kurt Ardaman
City Clerk Angee Grimmage

Absent: Commissioner District 4 - Colin Sharman

1. **APPROVAL OF MINUTES**

Regular meeting minutes for June 8, 2023 were postponed.

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

- A. **Ordinance 23-08:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING CERTAIN REAL PROPERTY GENERALLY DESCRIBED AS APPROXIMATELY 0.73 +/- ACRES OF LAND GENERALLY LOCATED AT 11 W SMITH STREET & 186 S MAIN STREET, ON THE NORTHWEST CORNER OF W SMITH STREET AND S MAIN STREET; FROM CITY C-1 (CENTRAL COMMERCIAL DISTRICT), CITY R-2 (RESIDENTIAL DISTRICT), TO PCD (PLANNED COMMERCIAL DEVELOPMENT) AS SET FORTH IN THIS ORDINANCE; PROVIDING FOR CERTAIN PCD REQUIREMENTS AND DESCRIBING THE DEVELOPMENT AS THE SMITH AND MAIN PCD; AND PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE

City Attorney A. Kurt Ardaman read Ordinance 23-08 by title only. **Planning Director Kelly Carson** stated that this is the second reading and public hearing for Ordinance 23-08. She noted that the applicant is requesting to rezone the property from C-1 and R-2 to Planned Commercial Development (PCD) in order to construct a new two-story building on the property. She addressed plans for 38 parking spaces and noted that a live oak tree on the property would be protected. She stated that the building would feature a second-floor patio restaurant and noted that there had been changes to the ordinance to address any noise concerns related to the patio. Ms. Carson noted that the conditions included sit-down only service, last seating for the outdoor area no later than 9:00 p.m., restricted decibel levels, and no live amplified entertainment. **Ms. Carson** stated that with these additions, staff recommends approval of Ordinance 23-08.

Mayor Rees sought and received clarification that the sit-down seating would mean meals are served and does not include drinking, as he noted that Smith Street is across the street. **Ms. Carson** described the arrangement, noting that it is not a bar party area.

Commissioner Mueller stated that it is all residential in this area and inquired why the staff recommendation. **Ms. Carson** responded by noting that it is not completely surrounded by residential. She noted that there is commercial use to the north, multifamily to the east, and an office building to the west. She agreed that there is residential to the south and the multifamily is residential, but given this type of use, staff felt that this mitigates the noise concerns. Furthermore, she expressed that it is thought to be compatible in the downtown area, where there are a lot of mixed uses.

Commissioner Mueller spoke of the Smith & Main development and questioned if the recommendation was in the best interest of the City. He spoke of this proposed development: amending the regulations so that they have to operate differently from everyone else. He mentioned wanting a proclamation for Pride Month at the last meeting and was told, "If we do it for one, we have to do it for all." He spoke of the application of that rule to all things, then noted that the City is trying to place a business here and set separate standards. Furthermore, he noted that if this were going to move forward, he would remove the restrictions and spoke of other surrounding businesses in the downtown Plant Street and Main Street area.

Planning Director Kelly Carson explained that this property already has commercial zoning for commercial use and described surrounding properties. She explained that the request to zone this as PCD is because of the proximity to residential areas, and the City wanted the ability to address these on a case-by-case basis. Furthermore, she explained how the special cases are mitigated with additional regulation and why PCD was recommended in this case.

Commissioner Mueller suggested removing the restrictions, which were not part of the first reading. He then addressed parking, street parking, and potential overflow parking that the city cannot accommodate.

City Manager Jon C. Williams addressed having no other PCD zoning this close to a residential neighborhood and expressed that this is the reasoning behind why staff felt these restrictions should be added to this project. This allows them to operate, have outdoor dining, and minimize the impact it would have on those residential homes.

Commissioner Mueller spoke of not getting any closer to residential than the Crooked Can business. **City Manager Williams** expressed that the Crooked Can was there first. **Commissioner Mueller** spoke of past noise concerns and some residential properties being in proximity. **Ms. Carson** noted that a lot of these regulations came from experiences with the Crooked Can and feedback from the neighbors, which is why the

placement of these regulations. **Mayor Rees** noted the proximity of the homes on Smith Street and nearby, versus those on Highland Avenue, and their proximity to the Crooked Can, and noted that the condos were later built.

Commissioner Maciel noted serving on the Planning and Zoning Board and now the City Commission and having 15 years of experience with this issue. He spoke of the past plans of Plant Street being the heavy commercial street and Smith Street as a transition. He explained the intended commercial-to-residential transition.

Commissioner Mueller noted that the project went through all the committees and asked what happened between two weeks ago and today that made the City go back and reevaluate how this business should operate. He asked what change occurred that made this happen. **Mayor Rees** responded that he met with City Manager Jon C. Williams before the last meeting regarding his concerns about the upstairs, outside dining. **Commissioner Bennett** noted that she was thinking about resident Phil Baker and his concerns with the Crooked Can and the lessons learned from that experience. **City Manager Williams** noted how those mentioned concerns made staff go back and really review this item at its proposed use. He noted working with the applicant and staff being prompted to impose the restrictions so that noise would not become a problem in the future. **Commissioner Mueller** voiced that establishing the upstairs outdoor dining mitigated that; it is not going to be an upstairs bar, and this is another layer of restrictions. He would rather have the dining, but he loathes putting such restrictions on that business. **Mayor Rees** spoke of other restaurants and what is served after 9:00 p.m. **Commissioner Mueller** restated his concerns.

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

Motion by Commissioner Bennett to adopt Ordinance 23-08. Seconded by Commissioner Maciel 3-1; Commissioner Mueller opposed.

- B. **Ordinance 23-13:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, RELATING TO WATER AND WASTEWATER UTILITIES; AMENDING THE CITY'S FEE SCHEDULE TO ADOPT REVISED WATER, SEWER, RECLAIMED WATER, AND IRRIGATION UTILITY RATES AND FEES; PROVIDING FOR ANCILLARY REGULATIONS RELATED TO SUCH RATES AND FEES; AND PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE

City Attorney A. Kurt Ardaman read Ordinance 23-13 by title only. City Engineer Jim Monahan stated that this is the second reading for Ordinance 23-13, which is a proposed increase in water, sewer, and reclaimed rates. Staff recommends adoption of Ordinance 23-13.

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

Motion by Commissioner Maciel to adopt Ordinance 23-13. Seconded by Commissioner Bennett and carried unanimously 4-0.

- C. **Ordinance 23-15:** AN ORDINANCE OF THE CITY OF WINTER GARDEN FLORIDA, AMENDING CHAPTER 2, ARTICLE V, SECTION 2-151 OF THE CITY'S CODE OF ORDINANCES TO ACCOUNT FOR CHARTER AMENDMENT PROVIDING FOR 4-YEAR TERMS FOR CITY COMMISSIONERS; AND PROVIDING FOR SEVERABILITY, CODIFICATION, CONFLICTS, AND AN EFFECTIVE DATE

City Attorney A. Kurt Ardaman read Ordinance 23-15 by title only. City Clerk Grimmage stated that Ordinance 23-15 amends Chapter 2 of the City Code. She noted that this brings up-to-date the changes made in the recent charter amendment. This changes the City Commission's term of office from 3-year to 4-year terms. She noted that this ordinance brings the code up-to-date. Staff recommends approval of Ordinance 23-15.

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

Motion by Commissioner Mueller to adopt Ordinance 23-15. Seconded by Commissioner Maciel and Bennett simultaneously and carried unanimously 4-0.

- D. **Ordinance 23-16:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA MODIFYING THE CITY'S GENERAL MUNICIPAL ELECTION DATES TO COINCIDE WITH THE PRESIDENTIAL PREFERENCE PRIMARY DATE IN 2024; PROVIDING FOR A 7-DAY QUALIFYING PERIOD AND SCHEDULE FOR RUN-OFF ELECTION TO BE APPLIED IN CONJUNCTION WITH SAID ELECTION; AND PROVIDING FOR CONFLICTS, SEVERABILITY, NON-CODIFICATION AND AN EFFECTIVE DATE

City Attorney A. Kurt Ardaman read Ordinance 23-16 by title only. **City Clerk Grimmage** stated that Ordinance 23-16 modifies the dates of the 2024 general election. She noted that this piggybacks the Presidential Preference Primary election as established in our City Code Chapter 2. She informed that the 2024 General Election would be canvassed by the Orange County Supervisor of Elections Canvassing Board. Ms. Grimmage noted that the ordinance changes the standard qualifying period to November 7, 2023, through November 14, 2023. Ms. Grimmage indicated it also establishes the April 16, 2024, runoff date, if necessary. Staff recommends approval of Ordinance 23-16, which piggybacks the 2024 Election, allows Orange County to canvass the votes, and changes the qualifying period, the election date and run-off date. There was discussion about the change being a cost-savings opportunity.

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

Motion by Commissioner Mueller to adopt Ordinance 23-16. Seconded by Commissioners Maciel and carried unanimously 4-0.

3. **REGULAR BUSINESS**

- A. **Resolution 23-03:** A RESOLUTION OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING ORDINANCE 17-22 ESTABLISHING THE PCD ZONING ON CERTAIN REAL PROPERTY GENERALLY DESCRIBED AS APPROXIMATELY 1.25 ± ACRES OF CERTAIN REAL PROPERTY GENERALLY LOCATED AT 304, 310, 314 W. BAY STREET, 419, 429, 439, AND 455 W. PLANT STREET ON THE NORTH SIDE OF W. PLANT STREET, WEST OF N. CENTRAL AVENUE AND SOUTH OF W. BAY STREET; APPROVING A MINOR AMENDMENT TO EXTEND THE PCD FOR THREE ADDITIONAL YEARS AND CLARIFY THE CHARACTER AND SETBACK REQUIREMENTS FOR BAY STREET ORIENTED PROPERTIES AND ADD CERTAIN HOURS OF OPERATION REQUIREMENTS FOR PLANT STREET ORIENTED PROPERTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney A. Kurt Ardaman read Resolution 23-03 by title only. **Planning Director Kelly Carson** stated that this is a proposed resolution that affects seven properties located on Plant Street and West Bay Street. She noted the history of the property's rezoning in Ordinance 17-22. She explained that some began to make their way through the approval process, but were delayed due to COVID-19. Furthermore, she noted that the approval required that the projects break ground within three years of the approval, which deadline has since passed. Furthermore, she noted that the property owner requested an extension, and the City has included some additional provisions. She noted that they include noise restrictions, character clarifications, and setback requirements for the Bay Street-oriented properties and added certain hours of operation requirements for the Plant Street-oriented properties. Staff recommends approval.

Commissioner Mueller asked what the developer wants to build at this location. **Ms. Carson** explained that there are currently two proposed projects, which she described as making their way through approval channels. She noted one live-work project, which has one residential unit on top of a two-story building and some professional offices on the first floor. Secondly, she noted another proposed project as a multi-story mixed-use development on the corner with two townhome buildings that wrap around Bay Street and Central. **Planning Director Kelly Carson** expressed that those projects have not completed review and that staff is not bringing them forward at this time.

Commissioner Mueller voiced concerns about encroachment into residential areas. **Ms. Carson** explained that this PCD establishes two different sets of regulations depending on the properties' orientation. She spoke of an intended soft transition from

commercial to residential and described the area, zoning designations, and the intended transition from commercial to town homes to residential.

There was discussion on the homes that would be demolished, the community's input, neighboring concerns, cut-through traffic, and residential parking. **Ms. Carson** reiterated that this is not what is up for discussion tonight, but the current proposal would address all the parking that would be needed.

There was discussion on truck traffic routes for servicing commercial businesses, possible added restrictions, and design proposals. The Dillard Street project was mentioned, and it was noted that both would not be under construction at the same time.

Commissioner Mueller questioned the passing of the resolution while design work is still in the works, noting that he has concerns and would rather wait. **City Manager Jon C. Williams** noted that staff does not see any reason to hold up this project. He noted Ms. Carson's suggestion of working with them through the process but reiterated that there is no reason to hold up this project.

Commissioner Bennett inquired if this resolution was because the PCD was going to expire. Discussion ensued, with a response of yes and that this project is ready to go and they have been waiting to build. There was discussion that the realignment would not affect any of the design aspects.

There was discussion on concerns about the removal of the existing homes, an upcoming charm ordinance, and restaurants facing Plant Street.

Motion by Commissioner Bennett to approve Resolution 23-03. Seconded by Commissioner Maciel 3-1; Commissioner Mueller opposed.

B. Recommendation to approve site plan for 553 W. Plant Street

Planning Director Kelly Carson stated that this is a request for site plan approval for a property located at 553 Plant Street West. She mentioned that there is a warehouse on the property that has been vacant for a number of years. Ms. Carson noted that it was built in 1947 and spoke of its various uses over the years. She noted the applicant's proposed renovations, which included new elements on the interior and exterior of the building as well as repaving of the parking area, a new walkway, a dumpster enclosure, and landscaping. Staff has reviewed the application and recommends approval of the site plan. There was discussion that the use would be for an office or past use.

There was discussion about in-ground dumpsters still being in the testing phase.

Motion by Commissioner Mueller to approve site plan for 553 W. Plant Street. Seconded by Commissioner Bennett and carried unanimously 4-0.

- C. Recommendation to approve SPECIAL EVENT – Winter Garden First Annual Pickleball Tournament at Veterans Park, Thursday, March 14 through Saturday March 16, 2024
Planning Director Kelly Carson stated that the City is requesting approval to host a pickleball tournament at Veteran’s Park in March of next year. She noted the event would be held from Thursday, March 14 through Saturday, March 16, 2024, from 8:00 a.m. to 7:00 p.m. each day. She noted that it would feature vendor and registration tents. Staff recommends approval. **Commissioner Mueller** inquired if this aligns with the moratorium on special events. Ms. Carson responded that the moratorium sunsets at the end of the year, and this item is in 2024. There was discussion on funding for the pickleball complex and demand for the sport.

Motion by Commissioner Mueller to approve the special event for the Winter Garden First Annual Pickleball Tournament at Veterans Park on Thursday, March 14 through Saturday, March 16, 2024. Seconded by Commissioner Bennett and carried unanimously 4-0.

Dispensed as the City Commission and convened as the Community Redevelopment Agency (CRA) at 7:05 p.m.

Members Present: CRA Chairman John Rees and CRA Members Mark A. Maciel, Lisa L. Bennett, Ron Mueller, CRA Advisory Board Member Larry Cappleman and Orange County Appointee Charlie Mae Wilder

Members Absent: CRA Members Colin Sharman

- D. Recommendation to approve Dyson’s Plaza Commercial Revitalization Grant Agreement and authorize City Manager to make minor changes not to exceed grant in the amount of \$232,000

Economic Development Director Tanja Gerhartz noted that this item would be postponed as all adjoining agreements need to be finalized and then brought back for consideration. **CRA Member Larry Cappleman** noted that the CRA Advisory Board has been working with staff in review of this project, and it is thought to be a wonderful project to kick-off renovations in the Center Street area of East Winter Garden. He noted the strong endorsement from the CRA Advisory Board to proceed with this item.

CRA Member Mark A. Maciel noted that one of the reasons the CRA is contributing to this item is because it would have a big economic impact for East Winter Garden and kick-off the redevelopment of East Winter Garden, and he voiced that it is money well spent.

Adjourned as the Community Redevelopment Agency and reconvened as the City Commission at 7:06 p.m.

4. **MATTERS FROM PUBLIC**

Joseph Richardson, 220 N. Highland Avenue, Winter Garden, Florida, proclaimed that he is an LGBTQ ally, addressed concerns regarding the mayor's email, spoke of comments Commissioner Sharman made at a prior meeting, and voiced concerns regarding the City of Winter Garden's stance on Pride Month.

David Williamson, Central Florida Free Thought, 83 Geneva Drive, Oviedo, Florida, shared issues regarding the LGBTQ+ community in Oviedo.

Doug Zhang, Former resident of Winter Garden, proclaimed that he is an LGBTQ ally, mentioned a prior resolution passed by the City of Winter Garden, and voiced concerns regarding the City of Winter Garden's stance on Pride Month.

Barbara Boudokhane, a resident of Park Avenue Villas in Winter Garden, Florida, voiced safety concerns regarding a local business during Cinco de Mayo.

Beatriz Macias, 375 N. Boyd Street, Winter Garden, Florida, proclaimed that she is an LGBTQ ally and read a social media post from a resident of Winter Garden.

Norine Dworkin, of VoxPopuli news organization in Winter Garden, Florida, spoke of Neo-Nazi hate speech, their impact on the Jewish community, and she asked for a statement of condemnation of the Nazis that came through Winter Garden.

Mayor Rees noted not seeing anything that was distributed, but thinks we all, as human beings, have to agree that we do not believe in hate or what the Nazis did during World War II. He noted that this applies to any hate group.

There was discussion that this issue was still under investigation.

Commissioner Ron Mueller noted that he has made comments on social platforms that he condemns these horrendous acts, and he commended the Winter Garden and Oakland Police for their efforts in cleaning up these items.

5. **MATTERS FROM CITY ATTORNEY**

A. Commission discussion to hold ethics training as a separate workshop or during regular commission meeting

City Attorney A. Kurt Ardaman inquired about when the City Commission would like to hold another ethics training workshop, whether it be during a City Commission meeting or a separate workshop. There was discussion that this has to be completed anyway, and it was decided it would be better accomplished as a workshop before a City

