

TOWN OF WINDERMERE

Town Council Meeting Minutes

January 13, 2015

CALL TO ORDER:

Present were Mayor Gary Bruhn, Council Members Jim O'Brien, Molly Rose, Mike Pirozzolo, Richard Gonzalez and John Armstrong. Town Attorney Heather Ramos, Town Manager Robert Smith, Chief Dave Ogden, Public Works Director Dave Grimm and Clerk Dorothy Burkhalter were also present.

Mayor Bruhn called the Council meeting to order at 6:00 pm and determined that a quorum was present.

1. OPEN FORUM/PUBLIC COMMENT:

Mr. Nick Vitani of 507 Jennifer Lane deferred until the Rosser Reserve agenda items.

2. SPECIAL PRESENTATION/PROCLAMATION/AWARDS:

a. MAYORAL PROCLAMATION RECOGNIZING FLORIDA'S FIRST RESPONDER APPRECIATION WEEK IN THE TOWN OF WINDERMERE

Mayor Bruhn read and proclaimed January 5 -9, 2015 as Florida First Responder Appreciation Week in the Town of Windermere.

3. TIMED ITEMS AND PUBLIC HEARINGS:

a. ORDINANCE 2015-01: Rosser Reserve PUD Rezoning (First Reading Public Hearing)

ORDINANCE 2015-01

AN ORDINANCE OF THE TOWN COUNCIL OF WINDERMERE, ORANGE COUNTY, FLORIDA, PERTAINING TO REZONING; AMENDING THE TOWN OF WINDERMERE'S ZONING MAP FOR 10+/- ACRES OF REAL PROPERTY LOCATED AT 9501 CONROY WINDERMERE ROAD (PROPERTY APPRAISER PARCEL IDENTIFICATION NUMBER 09-23-28-0000-00-035) FROM TOWN OF WINDERMERE AGRICULTURE TO THE TOWN OF WINDERMERE PLANNED UNIT DEVELOPMENT (PUD) TO BE KNOWN AS "ROSSER RESERVE"; PROVIDING FOR SEVERABILITY; SUPERSEDING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREOF; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

b. Rosser Reserve Developers Agreement

c. Rosser Reserve Preliminary Development Plan

Mayor Bruhn introduced this item. He then closed the Council meeting at 6:05pm and opened the Public Hearing. Mayor Bruhn read the title of Ordinance 2015-01 for the record. He commented that in addition to the Ordinance, the Developers Agreement and Preliminary Development Plan will be discussed. Manager Smith introduced Mr. Doug Kelly with GAI to

present the staff report. Mr. Kelly explained that the property is located at 9501 Conroy-Windermere Road. He then reviewed the process that will need to take place for final approval. Mr. Kelley stated that the designation from Agricultural to Single Family Residential happened in July 2010. He then commented on the process that has taken place which has led up to this meeting. Mr. Kelly explained that the applicant is requesting a waiver to the side setback. He stated that the current code is 10' minimum – 15' maximum and the applicant would like a 20' setback. Mr. Kelly stated that all other zoning requirements will be met. He commented on the gated entrance and the revised plans, walls and columns, height of walls and columns, fence height, applicant to own and maintain the roads, waiver for no sidewalks, signage, ex-filtration system, water and waste water, traffic, a right hand turn lane with staging, access easement on the west side of the property, no waivers for FAR and impervious areas. Mr. Kelley stated that the Council has four options. He explained that the action required would be to approve, approve with conditions, deny or ask for a continuance. Mr. Kelly stated that the Developers Agreement is a "work in progress". He then commented on the methodology that was used in determining the \$40,000.00 to the Town of Windermere. He explained that the owner shall pay the Town and it's to be used by the Town only to pay the cost of transportation improvements to address the impacts of the project. Mr. Kelly commented that if approval is obtained, it will convey the zoning to the property. He stated that it would be ten units per ten acres. Member Armstrong questioned the need to approve the 20' side yard setbacks. Mr. Kelly explained that due to the maximum of 15', it needed to be documented. Member Armstrong questioned if an owner chooses in the future to extend to the 10' setback, would a variance be needed. Mr. Kelly stated that a formal action by the town would be needed to make the change. Member Rose questioned the column height of 6'. Mr. Kelly stated he is unaware of any columns that are 6' but is aware of gates that are. Member O'Brien questioned the width of the shoreline on the five eastern lots. Mr. Kelly stated that Mr. Allen would answer the question. Mr. Allen stated that the lots are at 130'. Member Gonzalez stated that he would like to see swales, not ditches for water retention. Discussion followed regarding ex-filtration, easements, property lines and water/sewer. Member Gonzalez questioned if the three current property owners within Rosser Grove would have the option to tie into the water and sewer system at their own costs. Mr. Kelley stated that the legal could have it incorporated into the Developers Agreement. Member Gonzalez questioned the 12' columns. Manager Smith stated that the Developer will address the columns in their presentation. Mayor Bruhn clarified that the three existing lots would be using the main street to access their homes. Mr. Kelly stated that the primary entrance would be thru the subdivision. Member O'Brien commented on his concerns regarding access for emergency vehicles. Mayor Bruhn questioned if the homes will be built by one developer or many individuals. Mr. Steve Allen of 465 Maitland Avenue, Civil Engineer of the project introduced himself. He stated that the lots will be sold individually by a few different builders. Mr. Allen then stated that he would like to clarify the 20' setback. He explained that 10' would be side yard setback. Mr. Allen commented that the run-off will drain towards the lots. He then stated that there will be something in place to protect the lakes from runoff. Mr. Allen commented on the ex-filtration system, including the three northern lots into the development, which will include utilities, connecting of water and sewer, vehicle recognition system for emergency vehicles, 20' wide roads, and easements. He then presented a 3-D simulation of the proposed development. Member Pirozzolo commented on his concerns regarding access of fire trucks in the roundabout. Mr. Allen stated that it will be verified so the emergency vehicles can maneuver through the roundabout. Mr. Corey Mills, Landscape Architect introduced himself. He then commented on the height of the walls and columns. Mr. Mills commented that the 12' column has been removed and there will be two 10' columns at the main entrance. He then stated that the height of the wall would be 6' with a cap. Mr. Allen explained that the proposed signage does not meet code and will be addressed later. Discussion was made regarding the material of the wall, height and number of columns, landscaping, and sound absorbing materials. Member Rose questioned the need for the magnitude of the wall, columns and signage. Mr. Allen stated that it was due to the aesthetics of the neighborhood, level of homes that will be built, and the neighboring walls. After some discussion was made, Mr. Terry Irwin, Architect, introduced himself. He stated that his involvement is with the HOA and architectural review. Mr. Irwin commented on design standard manuals and his involvement with this project. Irhelma Pieterse of 3057 Kenshire Blvd, realtor with Stockworth Realty Group and Rob Rahter of 2601 Windsor Hill Drive Windermere introduced themselves. Ms. Pieterse commented on why the gate and walls are needed. Mr. Rodder stated that their company is a part of Tavistock. Mayor Bruhn commented on the security of the entrance. Mr. Allen explained that there will be a licensed virtual gate system at the entrance for added security. Mr. Allen introduced the legal team that will clarify the easement issue. Ms. Jacquelyn Best, Attorney with Broad Cassel introduced herself. She then explained the easements and road delineations located to the west of the

property and north of Jennifer Lane. Ms. Best commented that the road will not be impacted by the developer's wall. Mr. Allen explained that the Jennifer Lane owner's rights stop at the developer's property line. Some discussion followed. Mr. Wayne Rich, Attorney with Brodick Kassel, introduced himself. He then commented on the security issues and the need for the gate. Mr. Rich explained why the gated community should be approved. After Mr. Rich spoke, Mayor Bruhn opened the floor to the public. Mr. Nick Vitani of 507 Jennifer Lane introduced himself. He questioned the access that the Jennifer Lane residents will be able to access. Mr. Vitani stated that the Rosser Road has been deeded to Jennifer Oaks. He commented that the road is used frequently by Jennifer Oaks residents. Mr. Vitani stated his concerns with accessing the rear of his property. Member Pirozzolo commented that the developer is only developing the property that they own and have the legal right to do so. Some discussion followed. Mr. Vitani commented on his displeasure of the subdivision sign; it doesn't fit the Town's character. Mr. John Witherington of 511 Jennifer Lane introduced himself. He then questioned the height of the fence on the west side of the property. Mr. Allen stated it would be a 6' wall. Mr. Witherington questioned if the water runoff would be retained on each lot. Mr. Allen stated yes. Mr. Witherington questioned if emergency vehicles could access the three homes to the north on the easement. He then stated that Mr. Weeks is building his home with the ingress/egress access from the easement. Mr. Witherington gave a brief history of the easement access for the east side of Jenner Lane residents. He then questioned the footage that will be able to be utilized. Manager Smith explained that the easement is 15'. He then explained that a 10' utility easement is included in the 15'. Ms. Sue Prosser, one of the current owners of the grove, introduced herself. She then commented on the history of the property regarding the boat ramp, Rosser Road, access for Jennifer Lane residents, the wall, waste water, runoff, and gate system/security systems. There being no further public comments, Mayor Bruhn closed the Public Hearing at 7:31pm. Member Gonzalez made a motion to proceed with approval Ordinance 2015-01, Rosser Reserve Developers Agreement and the Rosser Reserve Preliminary Development Plan. Member Armstrong seconded the motion. Member Armstrong questioned the removal of the sidewalk. Manager Smith explained that due to the subdivision being secured and the set back of the houses, he didn't feel that sidewalks would be warranted in the subdivision. Member Pirozzolo questioned the \$40,000.00. Manager Smith explained that the funds would be used for any impacts the development might have on the Town. Member Pirozzolo commented on his concerns regarding no left hand turning lane, size/scale of the sign, consistency with the Town, emergency vehicle access in the north end roundabout, the gate and column heights. He also stated that he would like the town's engineers to review the ex-filtration system, at the owner's cost. Manager Smith explained that the system will be reviewed in the process by the Town. Discussion was made regarding the sewer/water lines and the lift station. Member Rose requested that the scale of the wall be reviewed. She commented that the wall at Isleworth sits back off the road. Member Rose then stated that the sign could be scaled back. Member O'Brien agreed with Member Rose's comments. There being no further comments, roll call vote was as follows: Armstrong – yes, Gonzalez – yes, Pirozzolo – yes, Rose – yes and O'Brien – yes. Motion carried 5-0.

Mayor Bruhn recessed the meeting at 7:39pm. He then reconvened the Council meeting at 7:42pm.

4. CONSENT AGENDA:

a. Variance Request: Case No. Z15-002 Corey & Susan Shea 306 Palm ST:

Mayor Bruhn introduced this item. Member Rose made a motion to approve the variance request. Member Gonzalez seconded the motion. Mayor Bruhn opened the floor for discussion. Member Pirozzolo questioned the hardship. Mr. Brad Cornelius with Wade Trim reviewed the variance request. Member Rose stated the uniqueness of the property. Member Gonzalez questioned the historical issue with the home. Manager Smith explained that legal has researched the issue and has concluded that the criteria were not complied with fully; therefore the designation would not be valid. Member O'Brien stated that there are a list of people interested in the hard pine wood. Mr. Corey Shea, owner of 306 Palm Street, introduced himself. He stated that the family has requested that certain items in the house be incorporated into the new house. Member Armstrong suggested that the town work with the owner to get the hard pine wood if it's going to be thrown out. Manager Smith stated he would work with the homeowner. After some discussion followed, roll call vote was as follows: Armstrong – yes, Gonzalez – yes, Pirozzolo – yes, Rose – yes and O'Brien – yes. Motion carried 5-0.

5. **OLD BUSINESS: NONE**

6. **NEW BUSINESS:**

a. **MINUTES: Town Council Meeting Minutes – December 9, 2014**

Member Pirozzolo made a motion to approve the minutes as presented. Member O'Brien seconded the motion. Roll call vote was as follows: O'Brien - yes, Rose – yes, Pirozzolo – yes, Gonzalez – yes and Armstrong - yes. Motion carried 5-0.

b. **ORDINANCE FIRST READING ONLY: NONE**

c. **RESOLUTION FOR APPROVAL**

d. **APPOINTMENTS: COMMITTEES AND BOARDS:**

e. **CONTRACT AND AGREEMENTS:**

i. **2015 Vote Processing Equipment Use Agreement and Elections Services Contract for Municipal Elections**

Mayor Bruhn introduced this item. Member Pirozzolo made a motion to approve the contract. Member O'Brien seconded the motion. Roll call vote was as follows: Armstrong – yes, Gonzalez – yes, Pirozzolo – yes, Rose – yes and O'Brien – yes. Motion carried 5-0.

f. **FINANCIAL: NONE**

g. **GENERAL ITEMS FOR DISCUSSION**

i. **Town of Windermere Sponsored Functions and Elected Officials Attendance**

Mayor Bruhn introduced this item. Member Rose explained that she placed this on the agenda for discussion. She commented that the Council should be able to attend town sponsored events without having to pay for it. Mayor Bruhn stated he had concerns with the value. Attorney Ramos explained that the functions that Member Rose is referring to would be Town sponsored. She then stated that each event can be reviewed. After some discussion was made, Manager Smith will notify the Mayor and Council of events that will be paid for by the Town.

Member Gonzalez gave information to the Mayor and Council regarding tree canopies.

7. **MAYOR & COUNCIL LIAISON REPORTS**

a. **MAYOR GARY BRUHN** – Mayor Bruhn reported on the Holiday Social, movie night, boat parade, Duke Energy meeting, and MetroPlan voting membership.

b. **COUNCIL MEMBER JOHN ARMSTRONG** – Mr. Armstrong reported on the Historical Preservation Board meeting and the School House keys and locks and the well.

c. **COUNCIL MEMBER RICHARD GONZALEZ** – Mr. Gonzalez did not have a report.

d. **COUNCIL MEMBER MIKE PIROZZOLO** – Mr. Pirozzolo reported that the Food Truck event was a success.

e. **COUNCIL MEMBER MOLLY ROSE** – Ms. Rose did not have a report.

f. **COUNCIL MEMBER JIM O'BRIEN** – Mr. O'Brien stated that the Windermere Wine and Dine has been sold out.

8. **STAFF REPORTS:**

a. **TOWN MANAGER ROBERT SMITH** – Mr. Smith reported on the pavement RFQ,

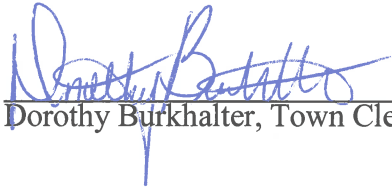
IPO #4, compensation study, project meetings, the projector, events, NFL committee, WPD Foundation committee, arbor day event, Wine and Dine, Big Orange Awards, movie night, fundraisers - family fun day/softball tournament/Sweetwater car wash/Chik-Fil-a, website for donations, committee/board workshop, annexation and rescheduling of the stormwater workshop scheduled for February 27th.

b. **TOWN ATTORNEY HEATHER RAMOS** – No report.

c. **POLICE CHIEF OGDEN** – Chief Ogden reported on the camera meeting, tazers, Sgt. Eastwood's training, DUI story in WO Times, and handing out awards at the next Council meeting.

d. **PUBLIC WORKS DIRECTOR DAVID GRIMM** –Mr. Grimm reported on holiday decorating, set-up and take down of rentals, Lee Street/Ridgewood Drive project, Stormceptor clean outs, stormwater projects, and the library electric work for the food trucks.

After some discussion was made, Mayor Bruhn adjourned the meeting at 8:44pm.



Dorothy Burkhalter, Town Clerk



Gary Bruhn, Mayor