

* * * * AMENDED * * * *
CITY COMMISSION AGENDA
CITY OF WINTER GARDEN
TANNER HALL
29 W. Garden Avenue

**BUDGET HEARINGS AND
REGULAR MEETING**

September 28, 2006

6:30 P.M.

CALL TO ORDER

Roll Call and Determination of a Quorum

Invocation and Pledge of Allegiance

1. **SECOND READING AND PUBLIC HEARING TO ADOPT THE PROPOSED
MILLAGE RATE AND BUDGETS FOR FISCAL YEAR 2006-2007**

- A. **Ordinance 06-42:** AN ORDINANCE LEVYING TAX UPON ALL TAXABLE PROPERTY WITHIN THE CITY OF WINTER GARDEN, FLORIDA, FOR THE TAX YEAR BEGINNING ON OCTOBER 1, 2006 AND ENDING ON SEPTEMBER 30, 2007
- B. **Ordinance 06-43:** AN ORDINANCE APPROPRIATING AND ALLOCATING ALL REVENUE AND FUNDS OF THE CITY OF WINTER GARDEN, FLORIDA, FOR THE TAX YEAR BEGINNING ON OCTOBER 1, 2006 AND ENDING ON SEPTEMBER 30, 2007
- C. **Ordinance 06-44:** 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, 2006 AND ENDING ON SEPTEMBER 30, 2007
- D. **Ordinance 06-45:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN AUTHORIZING THE APPROPRIATIONS OF CITY FUNDS FOR FISCAL YEAR 2006-2007 IN ACCORDANCE WITH ARTICLE 3 SECTION 30.4 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

REGULAR CITY COMMISSION MEETING AGENDA

2. **APPROVAL OF MINUTES**

Regular Meeting and budget hearings of September 14, 2006

FIRST READING OF PROPOSED ORDINANCE

- A. **Ordinance 06-41:** 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 40.9 ACRES OF LAND LOCATED SOUTH AND WEST OF SIPLIN ROAD AND EAST OF CR 545 FROM ORANGE COUNTY AGRICULTURE TO CITY PUBLIC FACILITY AND EDUCATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. (**Second reading and public**

**hearing will be scheduled when the amendment is returned from the State) - Sessions OCPS
Property LSCPA – City Planner Cechman**

3. SECOND READING AND PUBLIC HEARING OF PROPOSED ORDINANCES

- A. **Ordinance 06-29:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS .41 ACRES LOCATED AT 21 AND 35 BROAD STREET, AND MORE SPECIFICALLY DESCRIBED HEREIN 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 – City Planner Cechman
- B. **Ordinance 06-30:** AN ORDINANCE AMENDING THE FUTURE LAND USE MAP OF THE CITY OF WINTER GARDEN'S COMPREHENSIVE PLAN BY CHANGING THE DESIGNATION FROM ORANGE COUNTY LOW-MEDIUM DENSITY TO CITY LOW DENSITY RESIDENTIAL OF PROPERTY GENERALLY DESCRIBED AS .41 ACRES OF LAND LOCATED AT 21 AND 35 BROAD STREET: PROVIDING FOR AN EFFECTIVE DATE – City Planner Cechman
- C. **Ordinance 06-31:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING A 0.41 ACRE PROPERTY LOCATED AT 21 & 35 BROAD STREET, MORE SPECIFICALLY DESCRIBED HEREIN FROM ORANGE COUNTY R-2 TO CITY R-2; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE – City Planner Cechman

4. REGULAR BUSINESS

- A. Recommendation to approve a replat of [The Orchard](#) – Chief Planner Randall
- B. Recommendation to approve [Baer Furniture](#) store on State Road 50 site plan – Chief Planner Randall
- C. Recommendation to approve disposal of surplus vehicles and equipment – Public Works Director Smith
- D. *Proposal by Collegiate Prospects Development Group Inc. for monetary assistance and lawn care service to property adjacent to the Health Alliance – Everard Morgan
- E. *Presentation and request for sponsorship by Westside Vo-Tech for Odyssey Day – Roy Dolley and John Brennan
- F. *Recommendation to approve a letter of understanding with The Trust for Public Land for feasibility research, recommendations, and public opinion survey – Recreation Director Conn

5. MATTERS FROM CITIZENS

6. MATTERS FROM CITY ATTORNEY – A. Kurt Ardaman

7. MATTERS FROM CITY MANAGER – Michael Bollhoefer

- A. Financial Statement for August 2006

8. MATTERS FROM MAYOR AND COMMISSIONERS

9. ADJOURN to a regular meeting on October 12, 2006 in Tanner Hall

City of Winter Garden Commission Agenda
September 28, 2006

Please Note: In accordance with Florida Statutes 286.0105: Any person who desires to appeal any decision at this meeting will need a record of the proceedings and for this purpose may need to ensure that a verbatim record of the proceedings is made which includes the testimony and evidence upon which the appeal is based, which such written record is not provided by the City of Winter Garden.

Also, in accordance with Florida Statute 286.26: Persons with disabilities needing assistance to participate in any of these proceedings should contact the Office of the City Clerk, 251 W. Plant Street, Winter Garden, FL 34787, (407) 656-4111 x 2254 48 hours in advance of the meeting.

Ord. 06-31

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING A 0.41 ACRE PROPERTY LOCATED AT 21 & 35 BROAD STREET, MORE SPECIFICALLY DESCRIBED HEREIN FROM ORANGE COUNTY R-2 TO CITY R-2; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE (21 & 35 Broad Street Rezoning)

WHEREAS, the owner of real property generally described as 0.41 acres located at 21 and 35 Broad Street and legally described in Section 1 of this ordinance has petitioned the City to zone said property from Orange County R-2 to the City's R-2 zoning classification, therefore;

BE IT ENACTED BY THE CITY OF WINTER GARDEN, FLORIDA:

SECTION 1: After due notice and public hearing, the zoning classification of real property legally described on ATTACHMENT "A," is hereby rezoned from Orange County R-2 to R-2 in the City of Winter Garden, Florida.

SECTION 2: The City Planner is hereby authorized and directed to amend the Official Winter Garden Zoning Map in accordance with the provisions of this ordinance.

SECTION 3: Should any portion of this Ordinance be held invalid, then the entire Ordinance shall be null and void.

SECTION 4: This Ordinance shall become effective upon the amendment of the City of Winter Garden Comprehensive Land Use Plan for the property described herein providing for a land use designation which allows the zoning that is to be established by this ordinance.

FIRST READING: _____ 2006.

SECOND READING AND PUBLIC HEARING: _____ 2006.

APPROVED:

JACK QUESINBERRY, Mayor/Commissioner

ATTESTED:

KATHY GOLDEN, City Clerk

Ord. 06-29

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS .41 ACRES LOCATED AT 21 AND 35 BROAD STREET, AND MORE SPECIFICALLY DESCRIBED HEREIN 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.

WHEREAS, the owners of the lands generally described as 0.41 acres located at 21 and 35 Broad Street and legally described in Section 2 of this Ordinance, which land is contiguous to the corporate limits of the City of Winter Garden, Florida, have pursuant to the prerequisites and standards as set forth in Chapter 171, F.S., petitioned the City Commission of the City of Winter Garden for voluntary annexation;

BE IT ENACTED BY THE CITY OF WINTER GARDEN, FLORIDA:

SECTION 1: That the City Commission through its Planning and Zoning Board has conducted an investigation to determine whether the described property meets the prerequisites and standards set forth in Chapter 171, F.S. and has held a public hearing on said petition and made certain findings.

SECTION 2: That, after said public hearing and having found such petition meets said prerequisites and standards, the property legally defined in ATTACHMENT "A" and graphically shown on the attached map shall be annexed into the City of Winter Garden, Florida, and

SECTION 3: That the City of Winter Garden, Florida, shall have all of the power, authority, and jurisdiction over and within the land as described in Section 2 hereof, and of the inhabitants thereof, and property therein, as it does and have over its present corporate limits and all laws, ordinances, and resolutions of said City shall apply and shall have equal force and effect as if all the territory had been part of said City at the time of the passage of such laws, ordinances, and resolutions.

SECTION 4: The area annexed to the City shall be subject to the taxes and debts of the City upon the effective date of the annexation. However, the annexed area shall not be subject to municipal ad valorem taxation for the current year if the effective date of the annexation falls after the City levies such tax.

SECTION 5: Should any portion of this Ordinance be held invalid, then such portions as are not declared invalid shall remain in full force and effect.

SECTION 6: This Ordinance shall become effective upon adoption at its second reading.

READ FIRST TIME: _____, 2006.

READ SECOND TIME AND PUBLIC HEARING HELD: _____, 2006.

APPROVED:

JACK QUESINBERRY, Mayor/Commissioner

ATTEST:

KATHY GOLDEN, City Clerk
(21 & 35 Broad Street annex ord)

Attachment "A"

ORDINANCE 06-30

AN ORDINANCE AMENDING THE FUTURE LAND USE MAP OF THE CITY OF WINTER GARDEN'S COMPREHENSIVE PLAN BY CHANGING THE DESIGNATION FROM ORANGE COUNTY LOW-MEDIUM DENSITY TO CITY LOW DENSITY RESIDENTIAL OF PROPERTY GENERALLY DESCRIBED AS .41 ACRES OF LAND LOCATED AT 21 AND 35 BROAD STREET: PROVIDING FOR AN EFFECTIVE DATE. (21 & 35 Broad Street SSCPA)

WHEREAS, on the 13 of June, 1991, the City Commission of the City of Winter Garden adopted Ordinance 91-16 which adopted a new Comprehensive Plan for the City of Winter Garden, and

WHEREAS, the owners of land generally described as approximately .41 acres located at 21 and 35 Broad Street have petitioned the City to amend the Future Land Use Map of the Comprehensive Plan by changing the designation of said property from Orange County Low-Medium Density to City Low Density Residential, and

WHEREAS, the City Commission has conducted the prerequisite advertised public hearings as per Chapter 163 regarding the adoption of this ordinance for a Small Scale Comprehensive Plan Amendment, and

WHEREAS, the aforesaid petition complies with the Florida Statutes as a Small Scale Comprehensive Plan Amendment,

THEREFORE BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WINTER GARDEN FLORIDA:

SECTION 1: The City of Winter Garden hereby amends The Future Land Use Map of the Comprehensive Plan with ATTACHMENT A.

SECTION 2: The City Planner is hereby authorized and directed to amend the Official Winter Garden Future Land Use Map in accordance with the provisions of this Ordinance.

SECTION 3: Should any portion of this Ordinance be held invalid, then the entire Ordinance shall be null and void.

SECTION 4: This Ordinance shall become effective upon the later of:

- (i) adoption at its second reading; and
- (ii) the date the Department of Community affairs renders a letter identifying the Department will not conduct a compliance review or issue a Notice of Intent in accordance with procedures contained in Section 163.3187(3)(a), Florida Statutes,

or
- (iii) when a final order issued by the Department of Community Affairs finding the amendment to be in compliance is accordance with Chapter 163.3184, F.S., or

(iv) the date a final order is issued by the Administration Commission finding the amendment to be in compliance in accordance with Chapter 163.3184, F.S.

The Department's Notice of Intent to find an amendment in compliance is deemed a final order if no timely petition challenging the amendment is filed.

READ FIRST TIME: _____, 2006.

READ SECOND TIME: _____, 2006.

APPROVED:

JACK QUESINBERRY, Mayor /Commissioner

ATTEST:

KATHY GOLDEN, City Clerk
(21 & 35 Broad Street _ sscpa ord 9/26/2006)

ORDINANCE 06-45

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, AUTHORIZING THE APPROPRIATIONS OF CITY FUNDS FOR FISCAL YEAR 2006-07 IN ACCORDANCE WITH ARTICLE 3 SECTION 30.4 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

WHEREAS, the City Manager of the City of Winter Garden, Florida has submitted an estimate of the expenditures necessary to carry on the City government for the Fiscal Year beginning October 1, 2006 and ending September 30, 2007; and

WHEREAS, the estimated revenues to be received by the City during said period from ad valorem taxes and other sources has been submitted to the City Commission; and

WHEREAS, all applicable legal requirements pertaining to public notices and hearings have been satisfied within specified deadlines and prior to final adoption of this Ordinance; and

WHEREAS, the City Commission has examined and carefully considered the proposed budget;

NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, AS FOLLOWS:

SECTION 1. Authority. The City Commission of the City of Winter Garden has the authority to adopt this Ordinance pursuant to Article VIII of the Constitution of the State of Florida and Chapters 166 and 200, Florida Statutes.

SECTION 2. Adoption of Final Budget. Attached hereto as Exhibit "A" and incorporated herein by reference is the final budget for the City of Winter Garden for the Fiscal Year beginning October 1, 2006 and ending September 30, 2007, said final budget being hereby confirmed, adopted and approved in all respects by the City Commission of the City of Winter Garden.

SECTION 3. Appropriations. There are hereby expressly appropriated out of anticipated revenues all funds and monies necessary to meet the appropriations stipulated by and in said final budget.

SECTION 4. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion hereto.

SECTION 5. Effective Date. This Ordinance shall become effective immediately upon it becoming a law.

READ FIRST TIME AND PUBLIC HEARING HELD: _____

READ SECOND TIME AND PUBLIC HEARING HELD: _____

APPROVED:

CITY OF WINTER GARDEN,

FLORIDA

Commissioner H. Gerald Jowers

Mayor/Commissioner Jack L. Quesinberry

Commissioner Theo E. Graham

Commissioner Mildred L. Dixon

Commissioner Colin P. Sharman

ATTEST:

Kathy Golden, City Clerk

ORDINANCE 06-41

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 40.9 ACRES OF LAND LOCATED SOUTH AND WEST OF SIPLIN ROAD AND EAST OF CR 545 FROM ORANGE COUNTY AGRICULTURE TO CITY PUBLIC FACILITY AND EDUCATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. (Sessions OCPS Property LSCPA)

WHEREAS, on the 13th of June, 1991, the City Commission of the City of Winter Garden adopted Ordinance 91-16 which adopted a new Comprehensive Plan for the City of Winter Garden; and

WHEREAS, the owner of that certain real property generally described as 40.9 ACRES OF LAND LOCATED SOUTH AND WEST OF SIPLIN ROAD AND EAST OF CR 545, and legally described in ATTACHMENT "A" has petitioned the City to amend the Winter Garden Comprehensive Plan to change the Future Land Use classification from Orange County Agriculture to City Public Facility and Education.

WHEREAS, the City of Winter Garden's Local Planning Agency and City Commission have conducted the prerequisite advertised public hearings pursuant to Chapter 163, Florida Statutes, regarding the adoption of this ordinance; now, therefore,

BE IT ENACTED BY THE CITY OF WINTER GARDEN, FLORIDA:

SECTION I. The City of Winter Garden hereby amends the Future Land Use Map of the City of Winter Garden Comprehensive Plan by designating the aforesaid property to Winter Garden Public Facility and Education as set forth in ATTACHMENT "B".

SECTION II. This Ordinance shall become effective upon the later of:

- (i) adoption at its second reading; and
- (ii) the date the Department of Community affairs renders a letter identifying the Department will not conduct a compliance review or issue a Notice of Intent in accordance with procedures contained in Section 163.3187(3)(a), Florida Statutes, or

when a final order issued by the Department of Community Affairs finding the amendment to be in compliance is accordance with Chapter 163.3184, F.S., or

the date a final order is issued by the Administration Commission finding the amendment to be in compliance in accordance with Chapter 163.3184, F.S.

The Department's Notice of Intent to find an amendment in compliance is deemed a final order if no timely petition challenging the amendment is filed.

READ FIRST TIME AND PUBLIC HEARING HELD: _____, 2006.

READ SECOND TIME AND PUBLIC HEARING HELD: _____, 2006.

APPROVED:

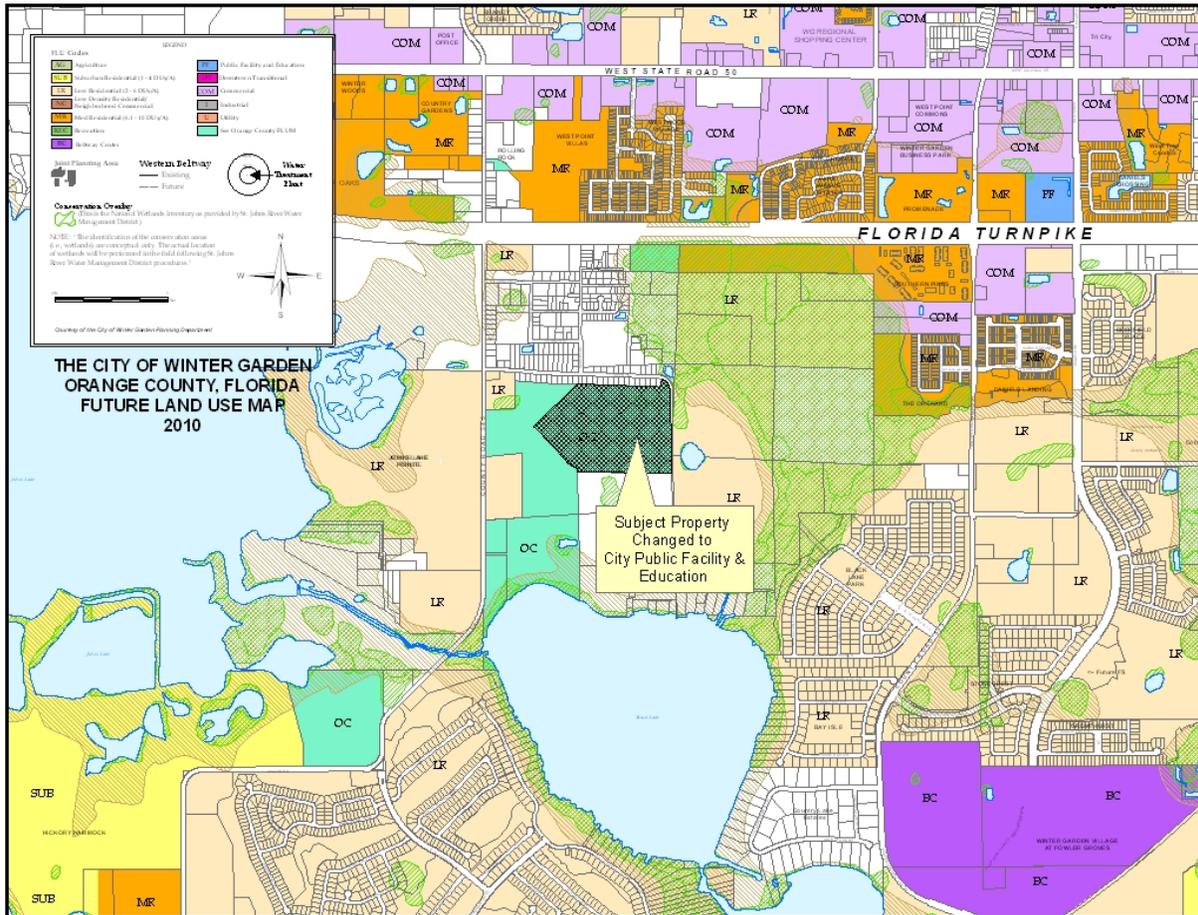
JACK QUESINBERRY, Mayor/Commissioner

ATTEST:

KATHY GOLDEN, City Clerk

ATTACHMENT "A"

ATTACHMENT "B"



ORDINANCE 06-42

**AN ORDINANCE LEVYING TAX UPON ALL TAXABLE PROPERTY
WITHIN THE CITY OF WINTER GARDEN, FLORIDA, FOR THE TAX
YEAR BEGINNING ON OCTOBER 1, 2006 AND ENDING ON
SEPTEMBER 30, 2007**

WHEREAS, in order to provide the revenue necessary for the operation of the City for its Fiscal Year beginning October 1, 2006 and ending September 30, 2007, the City Commission of the City of Winter Garden has determined the rate of ad valorem tax levy that must be assessed for the year 2006; and

WHEREAS, the provisions of Chapter 200 of the Florida Statutes prescribing the method of fixing millage has been complied with.

**NOW, THEREFORE, BE IT ENACTED BY THE CITY OF WINTER GARDEN,
FLORIDA:**

SECTION 1: The City Commission of the City of Winter Garden hereby adopts, establishes and levies a millage rate for ad valorem taxation of real and tangible personal property within the City of Winter Garden for the Fiscal Year beginning October 1, 2006 and ending on September 30, 2007, at the rate of 4.3040 mills (\$4.3040 for every \$1,000 of assessed valuation) upon the assessed valuation of property within the corporate limits of the City of Winter Garden, Florida. This millage rate exceeds the rolled back rate of 3.5080 mills by 22.69 percent.

SECTION 2: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION 3: Should any portion of this Ordinance be held invalid, then such portions as are not declared to be invalid shall remain in full force and effect.

SECTION 4: This Ordinance shall become effective immediately upon its becoming a law.

READ FIRST TIME AND PUBLIC HEARING HELD: _____

READ SECOND TIME AND PUBLIC HEARING HELD: _____

APPROVED:

Mayor/Commissioner Jack L. Quesinberry

ATTEST:

Kathy Golden, City Clerk

ORDINANCE 06-43

AN ORDINANCE APPROPRIATING AND ALLOCATING ALL REVENUE AND FUNDS OF THE CITY OF WINTER GARDEN, FLORIDA, FOR THE TAX YEAR BEGINNING ON OCTOBER 1, 2006 AND ENDING ON SEPTEMBER 30, 2007

WHEREAS, the amount necessary as determined by the City Commission of the City of Winter Garden, Florida to defray the actual operating requirements of the municipal government of said City for the Tax Collection Year which begins October 1, 2006 and which ends on September 30, 2007 is the sum of \$27,802,510; and

WHEREAS, tax levy on all taxable real and tangible personal property within said City is necessary to be made in the total amount of 4.3040 mils (\$4.3040 for every \$1,000 of assessed valuation) to be allocated to the General Fund; and

WHEREAS, it is anticipated that there will be available for use and disbursement from the general funds of said City, revenue in the following amounts:

Collection of Ad Valorem	\$ 8,182,875
Revenue other than Ad Valorem	<u>19,619,635</u>
TOTAL REVENUES	\$27,802,510

BE IT ENACTED BY THE CITY OF WINTER GARDEN, FLORIDA:

SECTION 1: That the sum of \$27,802,510 and such portion thereof as may be realized from the collection of the remainder of current taxes and other anticipated revenue is hereby allocated and appropriated to the General Fund of said City.

SECTION 2: All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

SECTION 3: Should any portion of this Ordinance be held invalid, then such portions as are not declared to be invalid shall remain in full force and effect.

SECTION 4: This Ordinance shall become effective immediately upon its becoming a law.

READ FIRST TIME AND PUBLIC HEARING HELD: _____

READ SECOND TIME AND PUBLIC HEARING HELD: _____

APPROVED:

Mayor/Commissioner Jack L. Quesinberry

ATTEST:

Kathy Golden, City Clerk

ORDINANCE 06-44

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, 2006 AND ENDING ON SEPTEMBER 30, 2007

WHEREAS, the amount necessary as determined by the City Commission of the City of Winter Garden, Florida to defray the actual operating requirements and appropriations to Fund Balance of the CRA of said City for the Tax Collection Year which begins October 1, 2006 and which ends on September 30, 2007 is the sum of \$846,981; and

WHEREAS, tax levy on all taxable real and tangible personal property within said CRA in excess of the base year 1991 taxable value of \$23,063,944 is necessary to be allocated to the CRA for Area I; and

WHEREAS, tax levy on all taxable real and tangible personal property within said CRA in excess of the base year 1996 taxable value of \$548,114 is necessary to be allocated to the CRA for Area II; and

WHEREAS, it is anticipated that there will be available for use and disbursement from the CRA funds of said City, revenue in the following amounts:

Collection of Ad Valorem	\$366,390
Revenue other than Ad Valorem	<u>480,591</u>
TOTAL REVENUES	\$846,981

BE IT ENACTED BY THE CITY OF WINTER GARDEN, FLORIDA:

SECTION 1: That the sum of \$846,981 and such portion thereof as may be realized from the collection of the remainder of current taxes and other anticipated revenue is hereby allocated and appropriated to the CRA of said City.

SECTION 2: All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

SECTION 3: Should any portion of this Ordinance be held invalid, then such portions as are not declared to be invalid shall remain in full force and effect.

SECTION 4: This Ordinance shall become effective immediately upon its becoming a law.

READ FIRST TIME AND PUBLIC HEARING HELD: _____

READ SECOND TIME AND PUBLIC HEARING HELD: _____

APPROVED:

Mayor/Commissioner Jack L. Quesinberry

ATTEST:

Kathy Golden, City Clerk

THE CITY OF WINTER GARDEN
CITY COMMISSION AGENDA ITEM

From: Mark Cechman, Planning Director

Via: City Manager Mike Bollhoefer

Date: September 26, 2006 **Meeting Date:** September 28, 2006

Subject: 21 & 35 Broad Street Annexation, Rezoning, and Comp Plan Amendment

Issue: Second Reading (and Public Hearing) of:

- Ordinance 06-29, annexation ordinance;
- Ordinance 06-30, changing the comprehensive plan to Low Density Residential; and
- Ordinance 06-31, rezoning subject property to City R-2

for the properties located at 21 and 35 Broad Street.

Supplemental Material/Analysis:

Owner/Applicant: Jose Conty Email: conty@earthlink.net

Current Zoning: Orange County R-2

Proposed Zoning: City R-2

Current FLU: Orange County Low-Medium Residential

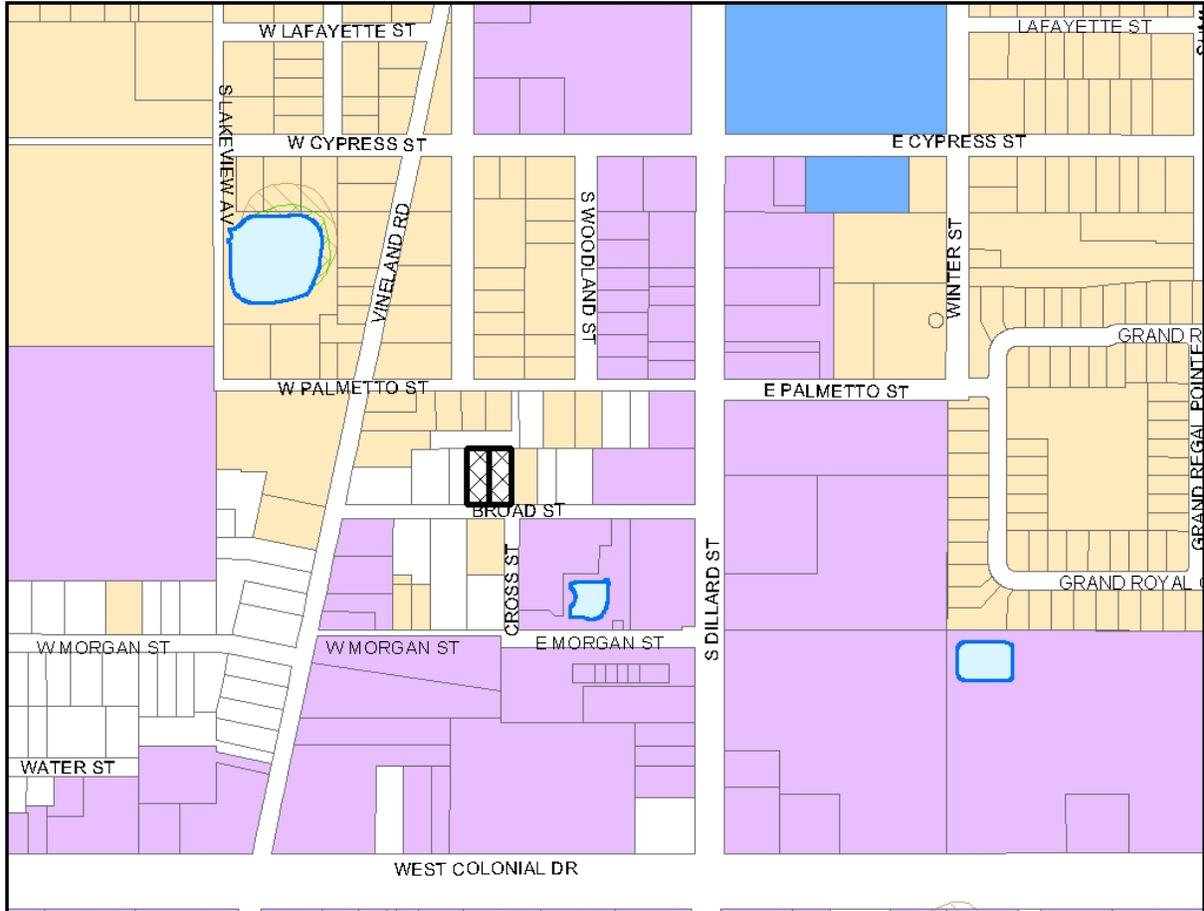
Proposed FLU: City Low Density Residential

P&Z Board Recommendation: The P&Z Board recommended approval at their August 7, 2006 meeting.

Staff Recommendation: Staff recommends approval of Ordinance 06-29, Ordinance 06-30, and Ordinance 06-31 which, in tandem, will annex, change the future land use, and rezone the properties located at 21 & 35 Broad Street.

Attachments/References: Ordinance 06-29
Ordinance 06-30
Ordinance 06-31

21 & 35 Broad Street



THE CITY OF WINTER GARDEN
CITY COMMISSION AGENDA ITEM

From: Mark Cechman, Planning Director
Via: City Manager Mike Bollhoefer
Date: September 26, 2006 **Meeting Date:** September 28, 2006
Subject: Sessions OCPS Property Large-Scale Comp Plan Amendment
Issue: Transmittal Public Hearing for Ordinance 06-41, amending the Future Land Use Map of the City of Winter Garden's Comprehensive Plan by changing the Future Land Use designation of the property generally described as 40.9 acres of land located south and west of Siplin Road and East of CR 545 from Orange County Agriculture to City Public Facility and Education.

Supplemental Material/Analysis:

Applicant: Orange County Public Schools
Zoning: Area inside City Limits not zoned
Existing FLU: Orange County Agriculture
Proposed FLU: City Public Facility and Education
Summary: On December 22, 1994, the City Commission approved Ordinance 94-35, annexing the subject property. The next step in the process is to send the comp plan amendment to the State for review. The City will amend the Future Land Use Map of the City of Winter Garden's Comprehensive Plan by changing the Future Land Use designation from Orange County Agriculture to City Public Facility and Education once the state review and approval has been received. The zoning ordinance for this property will be placed before the P & Z Board and City Commission for approval at a later date.

Additional Materials: Ordinance 06-41

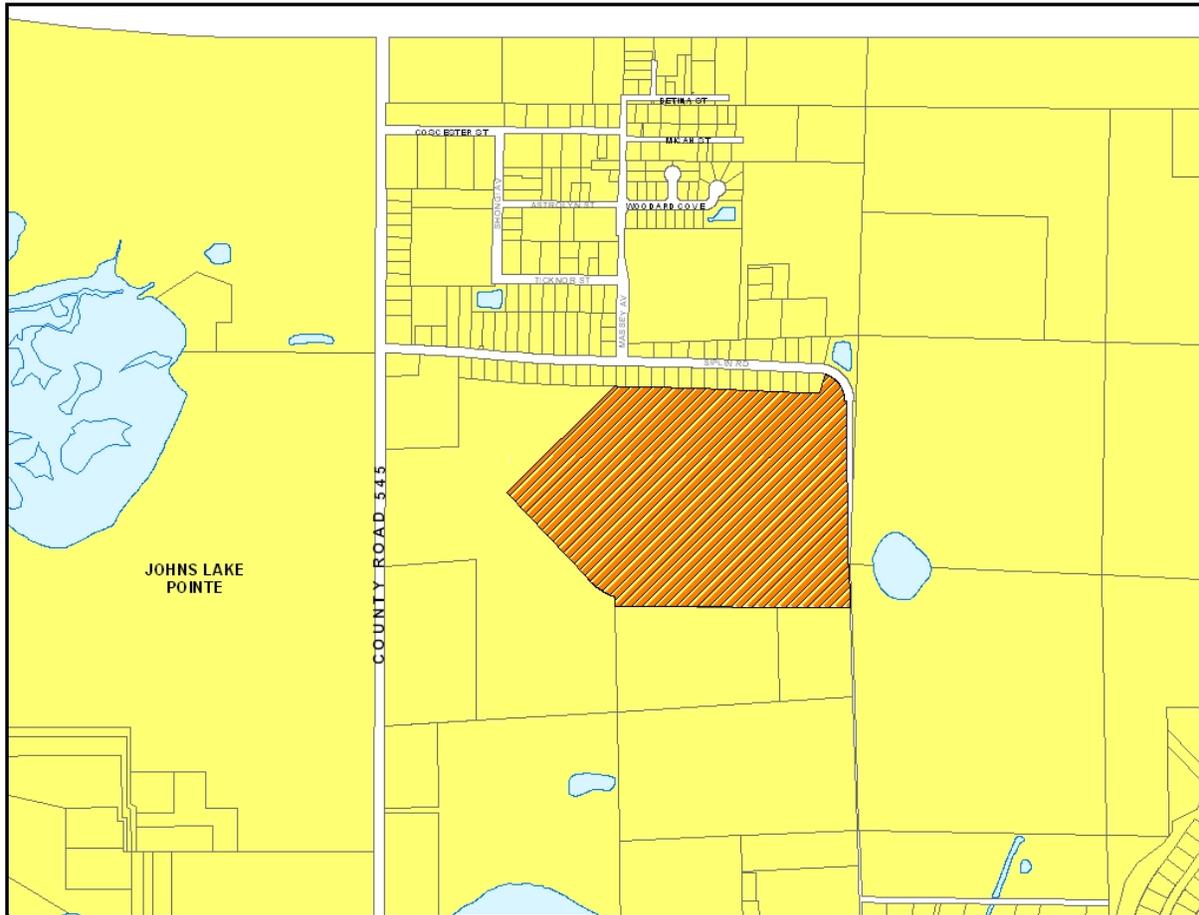
**Staff
Recommendation:**

Staff recommends transmittal of Ordinance 06-41, amending the Future Land Use Map of the City of Winter Garden's Comprehensive Plan by

changing the Future Land Use designation of the property generally described as 40.9 acres of land located south and west of Siplin Road and East of CR 545 from Orange County Agriculture to City Public Facility and Education.

Next Step: Once the State Department of Community Affairs has reviewed and approved the comp plan amendment, an adoption hearing will be scheduled.

SouthStar OCPS Property



THE CITY OF WINTER GARDEN
CITY COMMISSION AGENDA ITEM

From: Mark Cechman, Planning Director

Via: City Manager Mike Bollhoefer

Date: September 26, 2006 **Meeting Date:** September 28, 2006

Subject: The Orchard Replat

Issue: Request approval of a partial replat of the final plat for The Orchard subdivision located on the west side of CR 535. This plat was previously approved by the Planning & Zoning Board on May 2, 2005. However, drainage issues required the developer to replat some of the lots.

Supplemental Material/Analysis:

Owner/Applicant: Ryan Bredahl, KB Homes FAX: (407) 351-2629

Zoning: PUD

FLU: Medium Residential (MR)

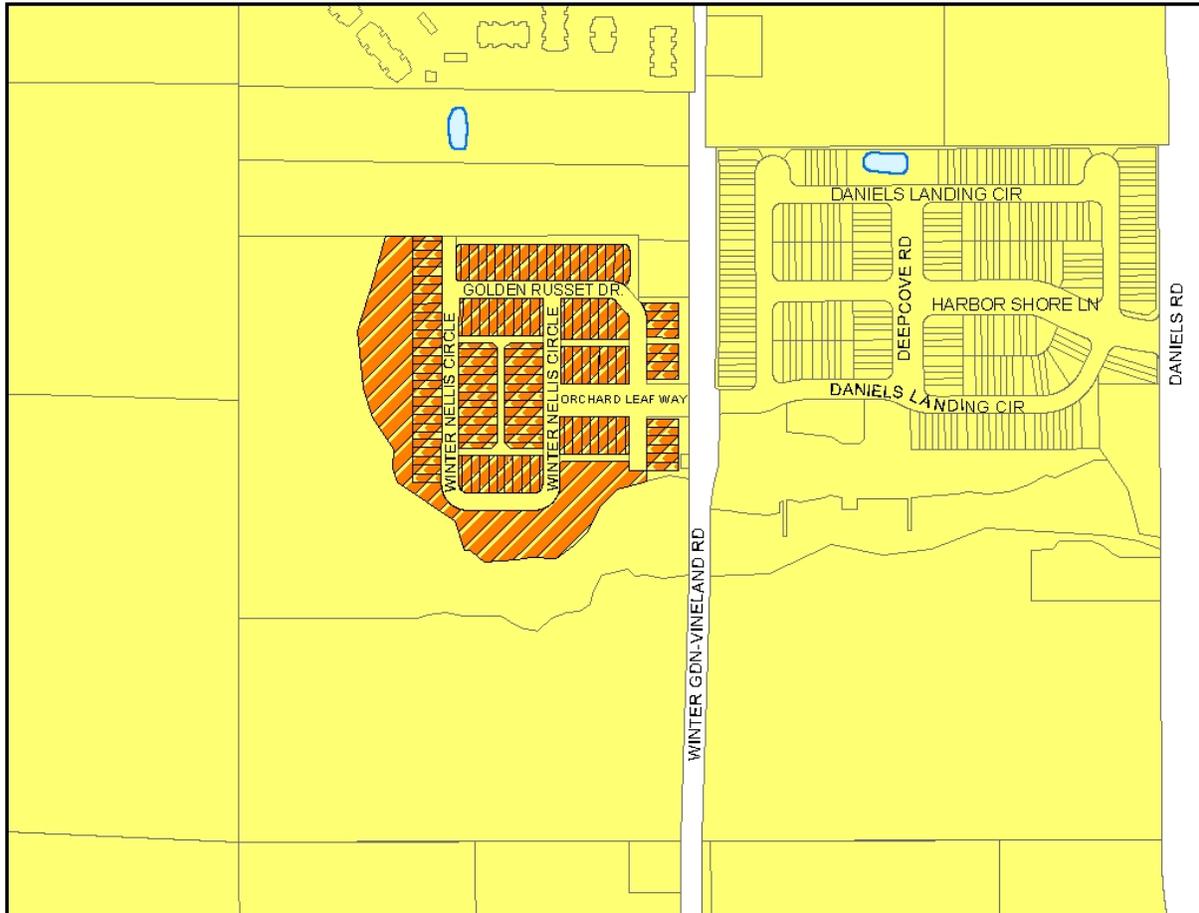
Staff

Recommendation:

Staff recommends approval with the conditions in the Engineering Department's memorandum of August 30, 2006.

Next Step: Prior to being scheduled for the City Commission, the applicant will need to work out a few minor technical details on the plat.

The Orchard



THE CITY OF WINTER GARDEN
CITY COMMISSION AGENDA ITEM

From: Mark Cechman, Planning Director

Via: City Manager Mike Bollhoefer

Date: September 26, 2006 **Meeting Date:** September 28, 2006

Subject: Baer Furniture Site Plan

Issue: Request approval of the site plan for Baer Furniture located at 12105 W. Colonial Drive for an 80,950 s.f. furniture store and an additional 20,600 s.f. of general retail.

Supplemental Material/Analysis:

Owner/Applicant: Bobby Baer

FAX: 954-389-3070

Zoning: C-2

FLU: Commercial

Issues: Staff is hesitant to approve new developments that will generate a large number of trips on SR50. As a compromise, Baer Furniture is willing to construct their project in two phases, with the 80,950 s.f. furniture store and all the horizontal site work as Phase I, and the additional 20,600 s.f. of general retail as Phase II. Phase I will be constructed immediately and Phase II would only be allowed to move forward once the traffic issues have been resolved. Since the furniture store actually has the smaller trip generation of the two phases (the City's consultant stated it has the same trip characteristics as warehousing, i.e. not a significant trip generator), Staff agrees with this compromise.

Staff

Recommendation:

Staff recommends approval with the phasing condition identified above and with the conditions identified in the Engineering Department's memorandum of June 12, 2006, the Stormwater Engineer's memo dated June 7, 2006, and the Fire Department's email of May 31, 2006. Also, all architecture and signage must comply with the City's SR50 Overlay Ordinance.

Next Step: Apply for Building Permits

Baer Furniture

