

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

REGULAR MEETING

January 25, 2007

6:30 P.M.

CALL TO ORDER

Roll Call and Determination of a Quorum
Invocation and Pledge of Allegiance

1. **APPROVAL OF MINUTES**

Regular Meeting of January 11, 2007

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

- A. **Ordinance 06-35:** AN ORDINANCE AMENDING THE FUTURE LAND USE MAP OF THE CITY OF WINTER GARDEN'S COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE DESIGNATION OF CERTAIN REAL PROPERTY GENERALLY DESCRIBED AS 27.32 ACRES OF LAND LOCATED AT 355 SOUTH NINTH STREET FROM ORANGE COUNTY INDUSTRIAL TO CITY INDUSTRIAL PROVIDING FOR AN EFFECTIVE DATE. (Dreyfus Citrus Property LSCPA) – City Planner Williams
- B. **Ordinance 06-37:** 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 79 ACRES OF LAND LOCATED ON THE EAST SIDE OF COUNTY ROAD 545, AND NORTH OF BLACK LAKE FROM ORANGE COUNTY RURAL TO CITY SUBURBAN RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. (Sessions-Schneider-Ross /Southstar Property LSCPA) **Note: The advertised public hearing will not be held because there has been no response from the state. This ordinance will be readvertised at least ten days prior to the public hearing.**
- C. **Ordinance 06-49:** AN ORDINANCE AMENDING THE FUTURE LAND USE MAP OF THE CITY OF WINTER GARDEN'S COMPREHENSIVE PLAN BY CHANGING THE DESIGNATION FROM CITY SUBURBAN TO COMMERCIAL FOR PROPERTY GENERALLY DESCRIBED AS 8.52 ± ACRES OF LAND LOCATED ON THE NORTHEAST CORNER OF AVALON ROAD AND TILDEN ROAD; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE (Belle Meade) **AND A DEVELOPER'S AGREEMENT** - Planning Director Williams
- D. **Ordinance 06-50:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 8.52 ± ACRES OF CERTAIN REAL PROPERTY GENERALLY LOCATED ON THE NORTHEAST CORNER OF AVALON ROAD AND TILDEN ROAD FROM CITY PUD TO CITY PCD; PROVIDING FOR CERTAIN PCD REQUIREMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE (Belle Meade) - Planning Director Williams
- E. **Ordinance 07-02:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA; EMPOWERING THE CITY TO REQUIRE, AS CONDITIONS TO DEVELOPMENT, REDEVELOPMENT, AND SITE PLAN APPROVALS, JOINT USE DRIVEWAYS, CROSS

ACCESS CORRIDORS, AND UNIFIED ACCESS AND PARKING SYSTEMS; REQUIRING EASEMENTS, AGREEMENTS, AND STIPULATIONS FOR USE AND MAINTENANCE OF JOINT USE DRIVEWAYS, CROSS ACCESS CORRIDORS, AND UNIFIED ACCESS AND PARKING SYSTEMS; REQUIRING SUCH EASEMENTS TO BE PUBLICLY RECORDED; PROVIDING FOR ENFORCEMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE - Planning Director Williams

3. **REGULAR BUSINESS**

- A. Recommendation to approve site plan for AmSouth Bank located on the southeast corner of Stoneybrook West Parkway and CR 545 – Planning Director Williams
- B. Recommendation to approve site plan for Fette Commercial Center located at 12788 West Colonial Drive – Planning Director Williams
- C. Recommendation to designate Sines, Girvin, Blakeslee & Campbell, C.P.A.'s, P.A., as independent auditor for fiscal year ending September 30, 2007 – Finance Director Strobeck
- D. **Resolution 07-02:** A RESOLUTION OF THE CITY OF WINTER GARDEN, URGING MEMBERS OF THE FLORIDA LEGISLATURE TO SUPPORT THE FOLLOWING ISSUES DURING THE 2007 LEGISLATIVE SESSION – City Manager Bollhoefer

PUBLIC HEARING

- E. *SIXTH AMENDMENT TO THE RESTATED INTERLOCAL AGREEMENT FOR JOINT PLANNING AREA BETWEEN ORANGE COUNTY AND THE CITY OF WINTER GARDEN – City Planner Williams

4. **MATTERS FROM CITIZENS**

5. **MATTERS FROM CITY ATTORNEY** – Kurt Ardaman

6. **MATTERS FROM CITY MANAGER** – Mike Bollhoefer

- A. Financial Statement for December 2006

7. **MATTERS FROM MAYOR AND COMMISSIONERS**

8. **ADJOURN** to a regular City Commission meeting on February 8, 2007

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.

ORDINANCE 06-37

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 79.95 ACRES OF LAND LOCATED NORTH OF BLACK LAKE FROM ORANGE COUNTY AGRICULTURE TO CITY SUBURBAN RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. (Sessions-Schneider-Ross (Southstar) 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 79.95 ACRES OF LAND LOCATED NORTH OF BLACK LAKE, 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 Suburban Residential.

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 LOW DENSITY RESIDENTIAL 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 06-35

AN ORDINANCE AMENDING THE FUTURE LAND USE MAP OF THE CITY OF WINTER GARDEN'S COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE DESIGNATION OF CERTAIN REAL PROPERTY GENERALLY DESCRIBED AS 27.32 ACRES OF LAND LOCATED AT 355 SOUTH NINTH STREET FROM ORANGE COUNTY INDUSTRIAL TO CITY INDUSTRIAL PROVIDING FOR AN EFFECTIVE DATE. (Dreyfus Property LSCPA)

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, on December 8, 2005 the City of Winter Garden Annexed into the City with Ordinance 05-57, PROPERTY GENERALLY DESCRIBED AS 27.32 ACRES OF LAND LOCATED AT 355 SOUTH NINTH STREET, the owners of said property has petitioned the City to amend the Future Land Use Map of the Comprehensive Growth Management Plan by changing the Future Land Use from Orange County Industrial to City Industrial, and

WHEREAS, the City of Winter Garden's Local Planning Agency and City Commission has conducted the prerequisite advertised public hearings as per Chapter 163 regarding the adoption of this ordinance,

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

SECTION I - The City of Winter Garden hereby amends The Future Land Use Map of the Comprehensive Plan with ATTACHMENT "A".

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: _____ 2006.

PASSED AND ORDAINED this _____ day of _____, 2006, by the City Commission of the City of Winter Garden, Florida.

Jack Quesinberry, Mayor/Commissioner

ATTEST:

KATHY GOLDEN, City Clerk
(06-35 Dreyfus LSCPA_01/25/07)

SESSIONS
AMENDMENT TO THE FUTURE LAND USE MAP OF THE
COMPREHENSIVE PLAN

LEGAL DESCRIPTION:

(Sessions Parcel LESS SCHOOL SITE)

The South 1/2 of the Southwest 1/4 of Section 27, Township 22 South, Range 27 East, Orange County, Florida, and the East 3/4 of the North 1/2 of the Northwest 1/4 of the Northwest 1/4 of Section 34, Township 22 South, Range 27 East, Orange County, Florida, and BEGIN at the North 1/4 corner of Section 34, Township 22 South, Range 27 East, run S02°09'34"E along the center section line 231.90 feet; thence N89°52'25"W, 1259.87 feet to the 40-acre line, thence N01°12'10"W, 123.77 feet to the Northwest corner of the Northeast 1/4 of the Northwest 1/4 of said Section 34, thence N85°12'00"E, 1258.17 feet to the POINT OF BEGINNING; LESS Avalon Road on West and right-of-way for Siplin Road, and LESS the following portions of the above-described property:

1) BEGINNING at the Northwest corner of the Southwest 1/4 of the Southwest 1/4 of said Section 27, thence run East 421.00 feet; thence run South 517.34 feet; thence run West 421.00 feet; thence run North 517.34 feet to the POINT OF BEGINNING.

2) BEGIN at the Northwest corner of said Section 34, thence run North 185.00 feet; thence run East 515.00 feet; thence run South 845.00 feet; thence run West 185.00 feet; thence run North 660.00 feet; thence run West 330.00 feet to the POINT OF BEGINNING.

3) That part of the South 1/2 of the Southwest 1/4 of Section 27, Township 22 South, Range 27 East, Orange County, Florida, lying North of the following described line: Commence at the Northeast corner of the South 1/2 of the Southwest 1/4 of said Section 27; thence run S01°53'34"W, 348.53 feet along the East line of the Southwest 1/4 of said Section 27; thence S89°33'55"W, 60.46 feet to a point on the Westerly right-of-way line of Siplin Road, also being the point of curvature of a curve concave Northeasterly having a radius of 150.00 feet and a tangent bearing of N00°26'05"W, thence Northwesterly along said curve with a central angle of 70°00'15", an arc length of 183.27 feet to a point on the curve also being the Northeasterly corner of Lot 27, SIPLIN HEIGHTS, as recorded in Plat Book 21, Pages 49 and 50, of the Public Records of Orange County, Florida, thence S19°33'39"W, 108.35 feet along the East line of said Lot 27 to the Southerly plat line of said SIPLIN HEIGHTS, thence N87°45'06"W, 665.65 feet along said plat line, thence N88°43'39"W, 798.94 feet along said plat line, thence N85°26'19"W, 457.01 feet along said plat line to the Southwest corner of Lot 1 of said SIPLIN HEIGHTS, thence N00°00'00"E, 149.56 feet along the West line of said Lot 1, extended to a point on the North line of the South 1/2 of the Southwest 1/4 of said Section 27, thence S87°49'18"W, 421.00 feet to the Northwest corner of the Southwest 1/4 of said Section 27.

4) That part of Sections 27 and 34, Township 22 South, Range 27 East, Orange County, Florida, described as follows:

Commence at the Northwest corner of the Southwest 1/4 of the Southwest 1/4 of Section 27, Township 22 South, Range 27 East, and run S00°07'58"W along the West line of said Southwest 1/4 of the Southwest 1/4 for a distance of 616.91 feet; thence run S89°52'02"E for a distance of 369.95 feet to the point of curvature of a curve concave Southwesterly having a radius of 430.00 feet and a chord bearing of S67°09'09"E; thence run Southeasterly along the arc of said curve

through a central angle of 45°25'45" for a distance of 340.94 feet to the POINT OF BEGINNING; thence continue Southeasterly along the arc of said curve having a chord bearing of S43°42'18"E through a central angle of 01°27'57" for a distance of 11.00 feet to the point of tangency; thence run S42°58'20"E for a distance of 619.75 feet to the point of curvature of a curve concave Northeasterly having a radius of 370.00 feet and a chord bearing of S66°20'36"E; thence run Southeasterly along the arc of said curve through a central angle of 46°44'32" for a distance of 301.85 feet to the point of tangency; thence run S89°42'52"E along a line parallel with and 30.00 feet Northerly of the South line of lands described in Official Records Book 7743, Page 4158, of the Public Records of Orange County, Florida, for a distance of 1128.72 feet; thence run N01°18'30"W along the West right-of-way line of Siplin Road, as described in a Right-of-way Agreement, recorded in Official Records Book 1753, Page 559, of said Public Records for a distance of 201.20 feet; thence run S85°21'34"W along the South line of the South 1/2 of the Southwest 1/4 of said Section 27 for a distance of 7.03 feet; thence run N00°19'41"W along the West right-of-way line of Siplin Road, as described in a Right-of-way Agreement, recorded in Official Records Book 1147, Page 362, of said Public Records for a distance of 873.47 feet; thence run S89°40'19"W along the Westerly right-of-way line of Siplin Road, as described in a Warranty Deed, recorded in Official Records Book 3878, Page 2312, of said Public Records for a distance of 10.00 feet to a point on a non-tangent curve concave Southwesterly having a radius of 150.00 feet; thence from a tangent bearing of N00°19'41"W run Northwesterly along the arc of said curve and said Westerly right-of-way line through a central angle of 69°58'49" for a distance of 183.21 feet; thence run S19°41'30"W radial to said curve along the East line of Lot 27, SIPLIN HEIGHTS, according to the plat thereof, as recorded in Plat Book 21, Pages 49 and 50, of said Public Records for a distance of 108.35 feet; thence run N87°37'16"W along the Southerly line of said SIPLIN HEIGHTS for a distance of 665.65 feet; thence run N88°35'49"W along said Southerly line for a distance of 423.41 feet; thence run S45°33'44"W for a distance of 807.72 feet to the POINT OF BEGINNING.

Containing 30.983 acres more or less and being subject to any rights-of-way, restrictions and easements of record.

And;

(Schneider Parcel)

The West 421 feet of the North 517.34 feet of the South 1/2 of the Southwest 1/4 LESS the West 209.43 feet of the North 130 feet LESS right-of-way on the North of Section 27, Township 22 South, Range 27 East, ALSO LESS that part of the Southwest 1/4 of the Southwest 1/4 of Section 27, Township 22 South, Range 27 East, Orange County, Florida, described as follows:

From the Northwest corner of said Southwest 1/4 of the Southwest 1/4 run N87°49'18"E along the North line thereof 87.71 feet to the intersection with the existing South right-of-way line of Siplin Road; thence S88°07'33"E along said right-of-way line 121.84 feet to the POINT OF BEGINNING; thence S88°07'33"E 92.63 feet; thence S85°26'40"E 119.06 feet; thence South 10.03 feet; thence N85°26'40"W 20.22 feet to the point of curvature of a curve concave Southwesterly having a radius of 4247.81 feet; thence along said curve through a central angle of 02°34'56" for an arc length of 191.43 feet; thence North 10.01 feet to the POINT OF BEGINNING.

Containing 3.947 acres more or less and being subject to any rights-of-way, restrictions and easements of record.

And;

(Ross parcel)

The South 1/2 of the Northwest 1/4 of the Northwest 1/4 and the Southwest 1/4 of the Northwest 1/4 (less West 317 feet of the North 452 feet and less West 317 feet of the South 1498 feet) in Section 34, Township 22 South, Range 27 East, Orange County, Florida.

Containing 45.02 acres, more or less, including lake and wetlands.

For a total of 79.95 acres.

ORDINANCE 06-50

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 8.52 ± ACRES OF CERTAIN REAL PROPERTY GENERALLY LOCATED ON THE NORTHEAST CORNER OF AVALON ROAD AND TILDEN ROAD FROM CITY PUD TO CITY PCD; PROVIDING FOR CERTAIN PCD REQUIREMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owners of real property generally described as APPROXIMATELY 8.52 ± ACRES OF CERTAIN REAL PROPERTY GENERALLY LOCATED ON THE NORTHEAST CORNER OF AVALON ROAD AND TILDEN ROAD, (hereinafter known as the Owners) desire to rezone their property from City PUD to City PCD, and

WHEREAS, said property is identified in the Future Land Use Map of the Comprehensive Plan as Commercial, and

WHEREAS, the City desires to rezone said property to PCD with certain restrictions, then

WHEREAS, the City and the property owner have agreed to the specific PCD requirements identified herein, therefore;

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

Section I – PCD Rezoning

After due notice and public hearing, the zoning classification of real property legally described in Exhibit “A” is hereby rezoned from City PUD to City PCD in the City of Winter Garden, Florida with the following provisions and restrictions:

Section II – General Requirements

- (1) **Intensity** – The maximum combined size of all the buildings on site shall not exceed 110,000 square feet.
- (2) **Zoning** – Unless specifically noted otherwise within this ordinance, all development must comply with the general zoning requirements of the C-2 zoning district. These requirements include any approval procedure of the C-2 zoning district.
- (3) **Setbacks & Height Restrictions** - The setbacks for the subject property will be:
 - 40 feet in the front yard;
 - 20 feet on each side yard (40 feet when adjacent to Avalon Road; 50 feet when adjacent to Tilden Road);
 - 20 feet in the rear yard;The maximum height of any building will be 50 feet.

- (4) **Permitted Uses** - The permitted uses allowed on the subject property are those allowed in the C-2 zoning district.
- (5) **Special Exception Uses** - The Special Exception uses allowed on the subject property are those allowed in the C-2 zoning district with a Special Exception Permit.
- (6) **Prohibited Uses** - The prohibited uses on the subject property are those prohibited in the C-2 zoning district.
- (7) **Vehicular Connections** – Principal access to the property will be from Belle Meade Drive, with secondary ingress/egress points on Avalon Road and Tilden Road.
- (8) **Pedestrian Connections** – Bicycle and pedestrian connections must be provided to adjacent properties including vehicular walkways, and pedestrian access and circulations. Trash receptacles, bike racks and benches must be provided. Five foot sidewalks are required to provide internal access from Avalon and Tilden Roads.
- (10) **Utilities and equipment** - All utilities must be underground. All utility equipment (i.e. compactors, dumpsters, transformers, etc.) must be properly screened with walls and/or landscaping or hidden from public view if on top of a roof. All loading docks and loading areas must be screened from public view with appropriate screen walls, which are architecturally integrated with the main structure.
- (11) **Screen Walls** – Minimum 6’ high brick screen walls must be provided between the commercial development and all adjacent residential developments.
- (12) **Retention Ponds** – All retention ponds must comply with the Winter Garden Commercial Corridor Overlay Standards, Ordinance 03-30, City Code Section 118.400.
- (13) **Impervious Surface Ratio**- The maximum impervious surface ratio shall not exceed 80%, or the maximum impervious surface allowance of the St. Johns River Water Management District permit for the master stormwater system, whichever is less.
- (14) **Design Criteria** – **The following design criteria shall be applicable to the entire subject site. Must comply with the Winter Garden Commercial Corridor Overlay Standards; Ordinance 03-30, City Code Section 118.400 which includes lighting, landscaping, buffers, fencing, parking, curbing, dumpsters, and signage.**

Buildings shall be designed to avoid large, uninterrupted facades. Thus, no wall facing a street or connecting walkway shall have a blank, uninterrupted façade that exceeds the following lengths, determined by area of the building footprint:

Square Footage of Building	Maximum Length of Blank Wall
0 – 5,000 sf	5 feet
5,000 – 10,000 sf	10 feet
10,000 – 40,000 sf	20 feet
Above 40,000 sf	60 feet

Blank walls facing a street or connecting walkway shall not exceed these lengths without at least two of the following:

- Cornices
- Soffit projections
- Pilasters
- Columns
- Canopies/Porticoes
- Arcades
- Colonnades
- Variation in color, texture or material pattern
- Windows or window frames (opaque, translucent, or transparent)
- Wall landscaping (e.g. trellises with vines)
- Planters
- Doors

The architectural treatment of all sides of buildings facing neighboring properties, public roads, pedestrian ways, vehicular drives and parking areas and public spaces, must be compatible with the design theme applied to the main facade of each building.

The Planning and Zoning Board shall approve the specific architectural details at the time the site plan is approved.

- (15) **Outdoor Storage** – Outdoor storage of materials or equipment is a prohibited use.
- (16) **Recording** - The Developer will pay for the recording of this ordinance.
- (17) **Amendments** – Minor amendments to this ordinance may be approved by Resolution of the City Commission. Major amendments will need to be approved by the City Commission by Ordinances.

Section VI The City Clerk and the City Manager are hereby authorized and directed to amend the Official Winter Garden Zoning Map in accordance with the provisions of this ordinance.

Section VII All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

Section VIII This Ordinance shall become effective upon:

- 1) approval by the City Commission, and
- 2) upon the execution of the Developer Agreement between the property owner and the City of Winter Garden concerning the improvement of County Road 545 and the intersection of County Road 545 and Tilden Road.

FIRST READING: _____ 2006.

SECOND READING AND PUBLIC HEARING: _____ 2007.

APPROVED:

JACK QUESINBERRY, Mayor/Commissioner

ATTESTED:

KATHY GOLDEN, City Clerk

{ Belle Meade Commercial PCD ord/ 01/25/2007 }

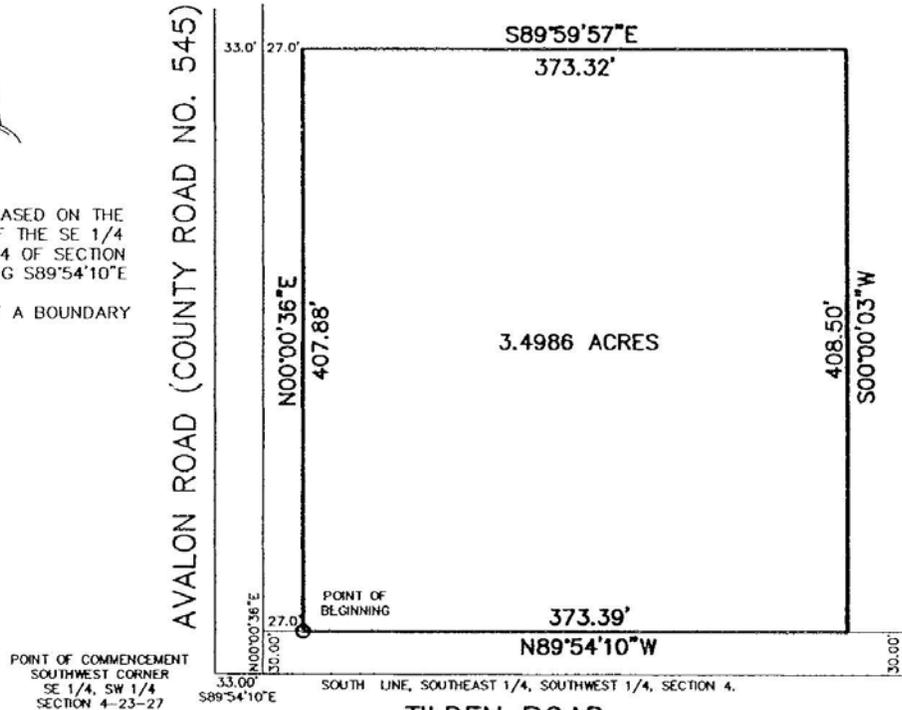
Exhibit "A"

SKETCH OF DESCRIPTION

DESCRIPTION: THAT PART OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 4, TOWNSHIP 23 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA DESCRIBED AS FOLLOWS: COMMENCE AT THE SOUTHWEST CORNER OF THE SAID SOUTHEAST 1/4 OF THE SOUTHWEST 1/4, THENCE RUN S89°54'10"E ALONG THE SOUTH LINE OF SAID SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 A DISTANCE OF 33.00 FEET; THENCE RUN N00°00'36"E A DISTANCE OF 30.00 FEET; THENCE RUN S89°54'10"E A DISTANCE OF 27.00 FEET FOR THE POINT OF BEGINNING; THENCE RUN N00°00'36"E A DISTANCE OF 407.88 FEET; THENCE RUN S89°59'57"E A DISTANCE OF 373.32 FEET; THENCE RUN S00°00'03"W A DISTANCE OF 408.50 FEET; THENCE RUN N89°54'10"W A DISTANCE OF 373.39 FEET TO THE POINT OF BEGINNING.



NOTES:
 - BEARINGS BASED ON THE SOUTH LINE OF THE SE 1/4 OF THE SW 1/4 OF SECTION 4-23-27 BEING S89°54'10"E
 - THIS IS NOT A BOUNDARY SURVEY.



[Signature]
 JAMES R. SHANNON JR., P.L.S. #4671
 NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

SHANNON SURVEYING INC.
 499 NORTH S.R. 434, SUITE 2153
 ALTAMONTE SPRINGS, FLORIDA, 32714
 (407) 774-8372 LB # 6898

DATE OF SURVEY: January 15, 2003
 FIELD BY: N/A SCALE: 1" = 100'
 FILE NUMBER: tilden-outpar-1(Rev1-15-04)

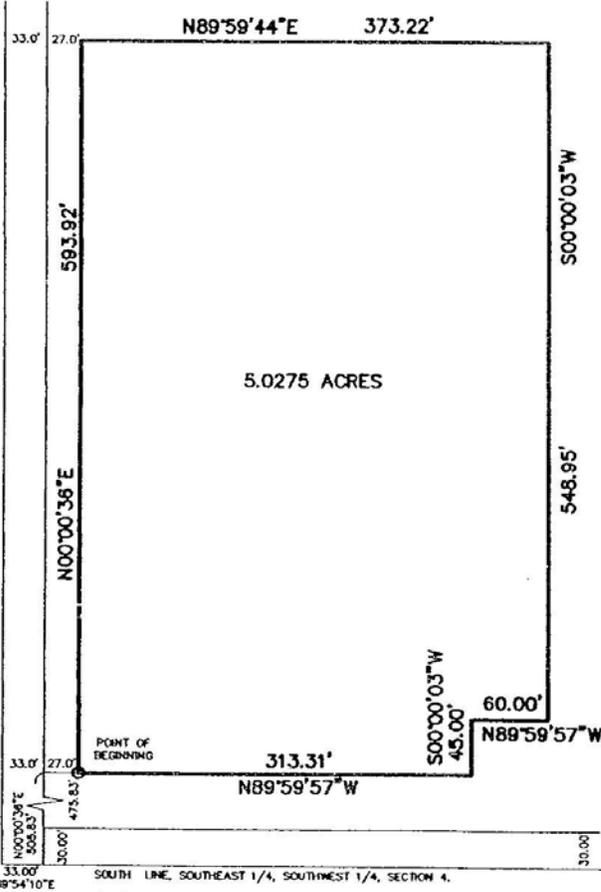
SKETCH OF DESCRIPTION

DESCRIPTION: THAT PART OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 4, TOWNSHIP 23 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA DESCRIBED AS FOLLOWS: COMMENCE AT THE SOUTHWEST CORNER OF THE SAID SOUTHEAST 1/4 OF THE SOUTHWEST 1/4, THENCE RUN S89°54'10"E ALONG THE SOUTH LINE OF SAID SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 A DISTANCE OF 33.00 FEET; THENCE RUN N00°00'36"E A DISTANCE OF 505.83 FEET; THENCE RUN S89°59'57"E A DISTANCE OF 27.00 FEET FOR THE POINT OF BEGINNING; THENCE RUN N00°00'36"E A DISTANCE OF 593.92 FEET; THENCE RUN N89°59'44"E A DISTANCE OF 373.22 FEET; THENCE RUN S00°00'03"W A DISTANCE OF 548.95 FEET; THENCE RUN N89°59'57"W A DISTANCE OF 60.00 FEET; THENCE RUN S00°00'03"W A DISTANCE OF 45.00 FEET; THENCE RUN N89°59'57"W A DISTANCE OF 313.31 FEET TO THE POINT OF BEGINNING.



NOTES:
 - BEARINGS BASED ON THE SOUTH LINE OF THE SE 1/4 OF THE SW 1/4 OF SECTION 4-23-27 BEING S89°54'10"E
 - THIS IS NOT A BOUNDARY SURVEY.

AVALON ROAD (COUNTY ROAD NO. 545)



[Signature]
 JAMES R. SHANNON JR., P.L.S. #4671
 NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

SHANNON SURVEYING INC.
 499 NORTH S.R. 434, SUITE 2153
 ALTAMONTE SPRINGS, FLORIDA, 32714
 (407) 774-8372 LB # 6898

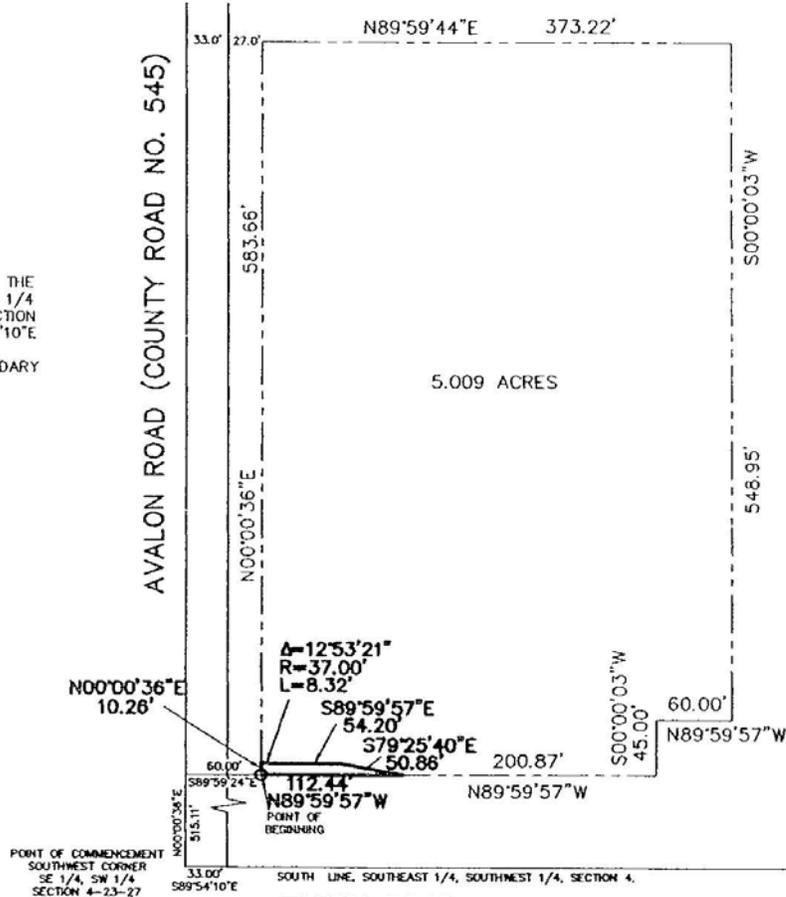
DATE OF SURVEY: January 15, 2004
 FIELD BY: N/A SCALE: 1" = 120'
 FILE NUMBER: tilden-outpor-2(Rev1-15-04)

SKETCH OF DESCRIPTION

DESCRIPTION: THAT PART OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 4, TOWNSHIP 23 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA DESCRIBED AS FOLLOWS: COMMENCE AT THE SOUTHWEST CORNER OF THE SAID SOUTHEAST 1/4 OF THE SOUTHWEST 1/4, THENCE RUN N00°00'36"E ALONG THE WEST LINE OF SAID SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 A DISTANCE OF 515.11 FEET; THENCE RUN S89°55'24"E A DISTANCE OF 515.83 FEET FOR THE POINT OF BEGINNING; THENCE RUN N00°00'36"E A DISTANCE OF 10.26 FEET TO A POINT ON A CURVE, CONCAVE TO THE NORTH, HAVING A RADIUS OF 37.00 FEET; THENCE FROM A RADIAL BEARING OF N12°53'24"E RUN EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 12°53'21", AN ARC DISTANCE OF 8.32 FEET; THENCE RUN S89°59'57"E A DISTANCE OF 54.20 FEET; THENCE RUN S79°25'40"E A DISTANCE OF 50.86 FEET; THENCE RUN N89°59'57"W A DISTANCE OF 112.44 FEET TO THE POINT OF BEGINNING. CONTAINING 818.4 SQUARE FEET.



NOTES:
 - BEARINGS BASED ON THE SOUTH LINE OF THE SE 1/4 OF THE SW 1/4 OF SECTION 4-23-27 BEING S89°54'10"E
 - THIS IS NOT A BOUNDARY SURVEY.



[Signature]
 JAMES R. SHANNON JR., P.L.S. #4671
 NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

SHANNON SURVEYING INC.
 499 NORTH S.R. 434, SUITE 2153
 ALTAMONTE SPRINGS, FLORIDA, 32714
 (407) 774-8372 LB # 6898

DATE OF SURVEY: APRIL 12, 2005
 FIELD BY: N/A SCALE: 1" = 120'
 FILE NUMBER: tilden-outpar-2 additional R/W

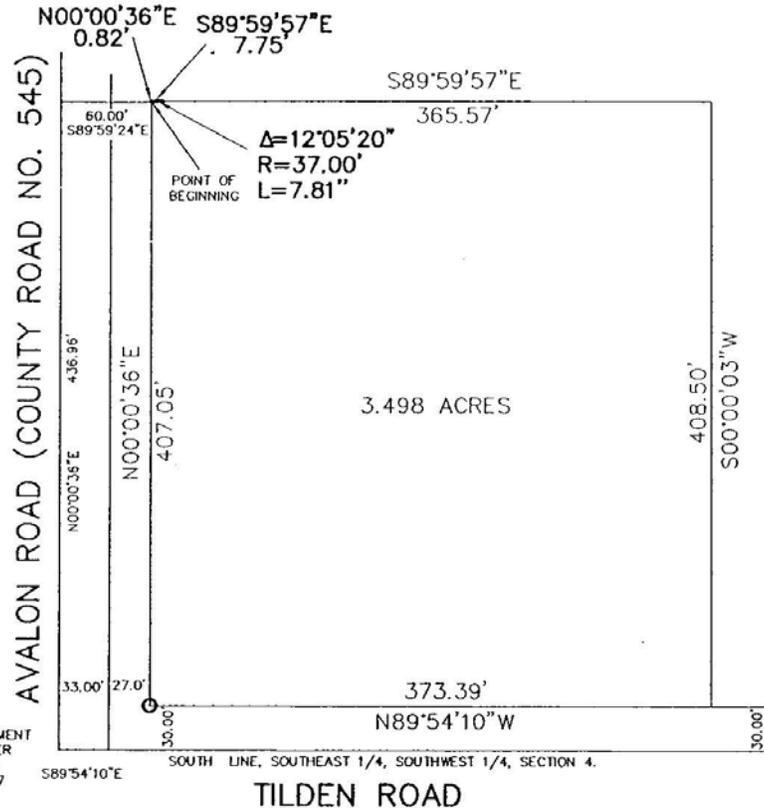
SKETCH OF DESCRIPTION

DESCRIPTION: THAT PART OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 4, TOWNSHIP 23 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA DESCRIBED AS FOLLOWS: COMMENCE AT THE SOUTHWEST CORNER OF THE SAID SOUTHEAST 1/4 OF THE SOUTHWEST 1/4, THENCE RUN N00°00'36"E ALONG THE WEST LINE OF SAID SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 A DISTANCE OF 436.96 FEET; THENCE RUN S89°59'24"E A DISTANCE OF 60.00 FEET FOR THE POINT OF BEGINNING; THENCE RUN N00°00'36"E A DISTANCE OF 0.82 FEET; THENCE RUN S89°59'57"E A DISTANCE OF 7.75 FEET TO A POINT ON A CURVE, CONCAVE TO THE SOUTH, HAVING A RADIUS OF 37.00 FEET; THENCE FROM A RADIAL BEARING OF S00°00'03"W RUN WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 12°05'20", AN ARC DISTANCE OF 7.81 FEET TO THE POINT OF BEGINNING. CONTAINING 2.11 SQUARE FEET.



NOTES:
 - BEARINGS BASED ON THE SOUTH LINE OF THE SE 1/4 OF THE SW 1/4 OF SECTION 4-23-27 BEING S89°54'10"E
 - THIS IS NOT A BOUNDARY SURVEY.

0.82' 7.75'
 L=7.81"
 DETAIL
 1" = 10'



[Signature]
 JAMES R. SHANNON JR., P.L.S. #4671
 NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

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 ALTAMONTE SPRINGS, FLORIDA, 32714
 (407) 774-8372 LB # 6898

DATE OF SURVEY: APRIL 12, 2005
 FIELD BY: N/A SCALE: 1" = 100'
 FILE NUMBER: tilden-outpor-1 additional R/W

ORDINANCE 07-02

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA; EMPOWERING THE CITY TO REQUIRE, AS CONDITIONS TO DEVELOPMENT, REDEVELOPMENT, SUBDIVISION, SPECIAL EXCEPTION AND SITE PLAN APPROVALS, JOINT USE DRIVEWAYS, CROSS ACCESS CORRIDORS, AND UNIFIED ACCESS AND PARKING SYSTEMS; REQUIRING EASEMENTS, AGREEMENTS, AND STIPULATIONS FOR USE AND MAINTENANCE OF JOINT USE DRIVEWAYS, CROSS ACCESS CORRIDORS, AND UNIFIED ACCESS AND PARKING SYSTEMS; REQUIRING SUCH EASEMENTS TO BE PUBLICLY RECORDED; PROVIDING FOR ENFORCEMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Policy 1.1(h) of the City Comprehensive Plan requires the City to pursue methods of ensuring safe and convenient onsite traffic flow and vehicle parking needs; and

WHEREAS, the City of Winter Garden (the “City”) desires to minimize overall congestion and delay on streets throughout the City and provide adequate and safe access between adjoining lands and between streets and abutting properties; and

WHEREAS, the City desires to discourage multiple access points in close proximity along streets within the City by requiring shared access between adjoining parcels,

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

Section I Section 110-206 is hereby added to the City of Winter Garden Code and reads as follows

(words that are ~~stricken out~~ are deletions; words that are underlined are additions):

Sec. 110-206. Cross Access Corridors and Joint Use Driveways.

(a) Generally. The City may require Cross Access Corridors and/or Joint Use Driveways on properties adjacent to arterial, collector, and minor streets as defined in Sections 62-26 and 62-27 of the Code. Such requirement may be made in connection with the approval of any subdivision, special exception, site plan, or other development or redevelopment approval within the affected area, or as part of an overall planning program.

(b) Definitions.

1. Cross Access Corridor – shall mean and refer to a service driveway designed in conformance with the standards set forth in the Code and providing vehicular access

between two or more contiguous sites so that vehicles need not enter the public street system to access the adjacent property or properties.

2. Joint Use Driveway – shall mean and refer to a driveway designed and built in conformance with the standards set forth for driveways in this Code and connecting two or more contiguous sites to the public street system.

(c) Design of Cross Access Corridors – Cross Access Corridors shall be designed to provide unified access and circulation among parcels on each block of a City street in such a way as to assist in local traffic movement. Each Cross Access Corridor shall be designed and built to include the following elements:

1. A continuous linear travel corridor extending the entire length of the developed portion of the block the corridor serves.
2. A design speed of ten (10) miles per hour and sufficient width to accommodate two-way travel aisles designed to accommodate automobiles, service vehicles, and loading vehicles.
3. Stub-outs and other design features to make it visually obvious that the corridor serves abutting properties.
4. A unified access and circulation system plan that provides for linkage to other Cross Access Corridors in the area and, where the City determines it is feasible, includes mutually coordinated or shared parking areas. All unified access and circulation systems shall be governed by the following provisions:

(i) Development Prior to Abutting Use. In the event that a lot, parcel, or site is developed or redeveloped prior to an abutting property, such lot, parcel, or site shall be designed to ensure that its parking, access and circulation will be a functional part of the Cross Access Corridor and Joint Use Driveway.

(ii) Existing Abutting Uses. In the event that a lot, parcel or site abuts an existing developed property, the lot, parcel or site shall be so designed as to tie into the

abutting parking, access, and circulation to create a unified system unless the City determines that such design would be impractical.

iii) Design to Accommodate Service Vehicles. Each unified access and circulation system shall be so designed that the Cross Access Corridor(s), Joint Use Driveway(s), and coordinated parking systems will allow adequate access for service and loading vehicles to each lot, parcel or site.

(d) Joint Use and Maintenance. Wherever a Cross Access Corridor or Joint Use Driveway is required, no subdivision plat, special exception, site plan, or other development or redevelopment shall be approved unless the property owner grants all appropriate easements, running with the land, allowing the Cross Access Corridor and Joint Use Driveways. Furthermore, each applicant for subdivision plat, special exception, site plan approval or other development or redevelopment shall provide such additional easements, agreements, and stipulations as may be necessary to ensure that adjoining properties have joint maintenance responsibilities for such easements. All such easements, agreements, and stipulations required by this paragraph shall provide that they may not be eliminated or restricted without the City's prior written approval and shall be recorded in the public records of Orange County and constitute a covenant running with the land.

(e) Special Provisions Concerning Tie-Ins with Abutting Properties.

1. Phased Development in Same Ownership. Where abutting properties are in the same ownership, no subdivision plat, special exception, site plan or other development or redevelopment shall be approved unless all building sites within the affected area are made subject to the necessary easements, agreements, and stipulations required by this Section, which shall be recorded prior to the issuance of any building permits.

2. Leasing Situations. Where individual building site(s) within an overall development or redevelopment site are leased rather than owned in fee-simple, the development or redevelopment site shall be subject to all requirements of this Section. The owner of the development or redevelopment site and lessees of building sites and buildings shall be

jointly and severally responsible for compliance with these requirements. Failure to comply shall be considered a violation of this Chapter subject to enforcement in accordance with Division 2, Article II of Chapter 2 of the City Code. In such cases, citations of violation shall be issued to both the owner of the development or redevelopment site and to all lessees within the affected area.

3. *Abutting Properties in Different Ownership.* Where abutting properties are in different ownership, cooperation is encouraged between the various owners but is not required. Only the lot(s), parcel(s), or site(s) under consideration for plat, special exception, site plan or other development or redevelopment approval shall be required to be subject to the necessary easements, agreements and stipulations required by this Section. In the City's discretion, such easements, agreements and stipulations may allow temporary use of a Cross Access Corridor for parking by the subject lot, parcel or site until the abutting property is developed or redeveloped. Abutting properties developed or redeveloped at a later date shall provide unified access and circulation, together with all necessary reciprocal easements, agreements, and stipulations at the time of such later development approvals.

4. *Where Unified Access and Circulation is Not Practical.* The City shall be authorized to modify the requirements of this Section where it finds that abutting properties have been so developed or redeveloped that it is clearly impractical to create a unified access and circulation system within part or all of the affected area.

Section II Section 118-69 of the Winter Garden Code is hereby amended to reflect the following changes (words that are ~~stricken out~~ are deletions; words that are underlined are additions):

Sec. 118-69. Principal uses.

Under this division, all principal uses shall be subject to site plan review by the development review committee and the other city departments as designated by the city manager. This procedure requires submission of a development plan to the director of planning which sets forth specific land use,

circulation and access, building arrangement and overall site layout. The city manager may require conditions such as performance standards, screening or landscaping as well as time limitations or other similar requirements. Specifically, the City is authorized to require, as a condition to granting site plan approval, provision for cross access corridors and joint use driveways pursuant to Section 110-206 of this Code, regardless of whether the subject property qualifies as Subdivision pursuant to Section 110-1 of this Code.

Section III Section 118-97(a) of the Winter Garden Code is hereby amended to reflect the following changes (words that are ~~stricken out~~ are deletions; words that are underlined are additions):

Sec. 118-97. Use requirements.

(a) Any special exception use shall be permitted as specified in individual zoning district regulations, when such use is compatible to surrounding uses, will not create traffic hazards or parking problems, or does not deviate from the terms of this chapter. All special exceptions shall be subject to site plan review by the planning and zoning board. This procedure requires submission of a development plan which sets forth specific land use, circulation and access, building arrangement and overall site layout. The planning and zoning board may require conditions such as performance standards, screening or landscaping as well as time limitations or other similar requirements. Specifically, the planning and zoning board is authorized to require, as a condition of granting a special exception, provision for cross access corridors and joint use driveways pursuant to Section 110-206 of this Code, regardless of whether the subject property qualifies as a Subdivision pursuant to Section 110-1 of this Code.

Section IV In the event of a conflict or conflicts between this ordinance and other ordinances, this Ordinance controls.

Section V If any portion of this Ordinance is determined to be void, unconstitutional, or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall remain in full force and effect.

Section VI This Ordinance shall become effective upon approval by the City Commission at its second reading.

FIRST READING: _____ December 28 _____, 2006.

SECOND READING AND PUBLIC HEARING: _____ 2007.

APPROVED:

Jack Quesinberry, Mayor/Commissioner

ATTEST:

KATHY GOLDEN, City Clerk

ORDINANCE 06-49

AN ORDINANCE AMENDING THE FUTURE LAND USE MAP OF THE CITY OF WINTER GARDEN'S COMPREHENSIVE PLAN BY CHANGING THE DESIGNATION FROM CITY SUBURBAN TO COMMERCIAL FOR PROPERTY GENERALLY DESCRIBED AS 8.52 ± ACRES OF LAND LOCATED ON THE NORTHEAST CORNER OF AVALON ROAD AND TILDEN ROAD; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

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 8.52 ± acres located at THE NORTHEAST CORNER OF AVALON ROAD AND TILDEN ROAD have petitioned the City to amend the Future Land Use Map of the Comprehensive Plan by changing the designation of said property from "SUBURBAN" to "COMMERCIAL", 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 Exhibit "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 upon the execution of the Developer Agreement between the property owner and the City of Winter Garden concerning the improvement of County Road 545 and the intersection of County Road 545 and Tilden Road.; 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.

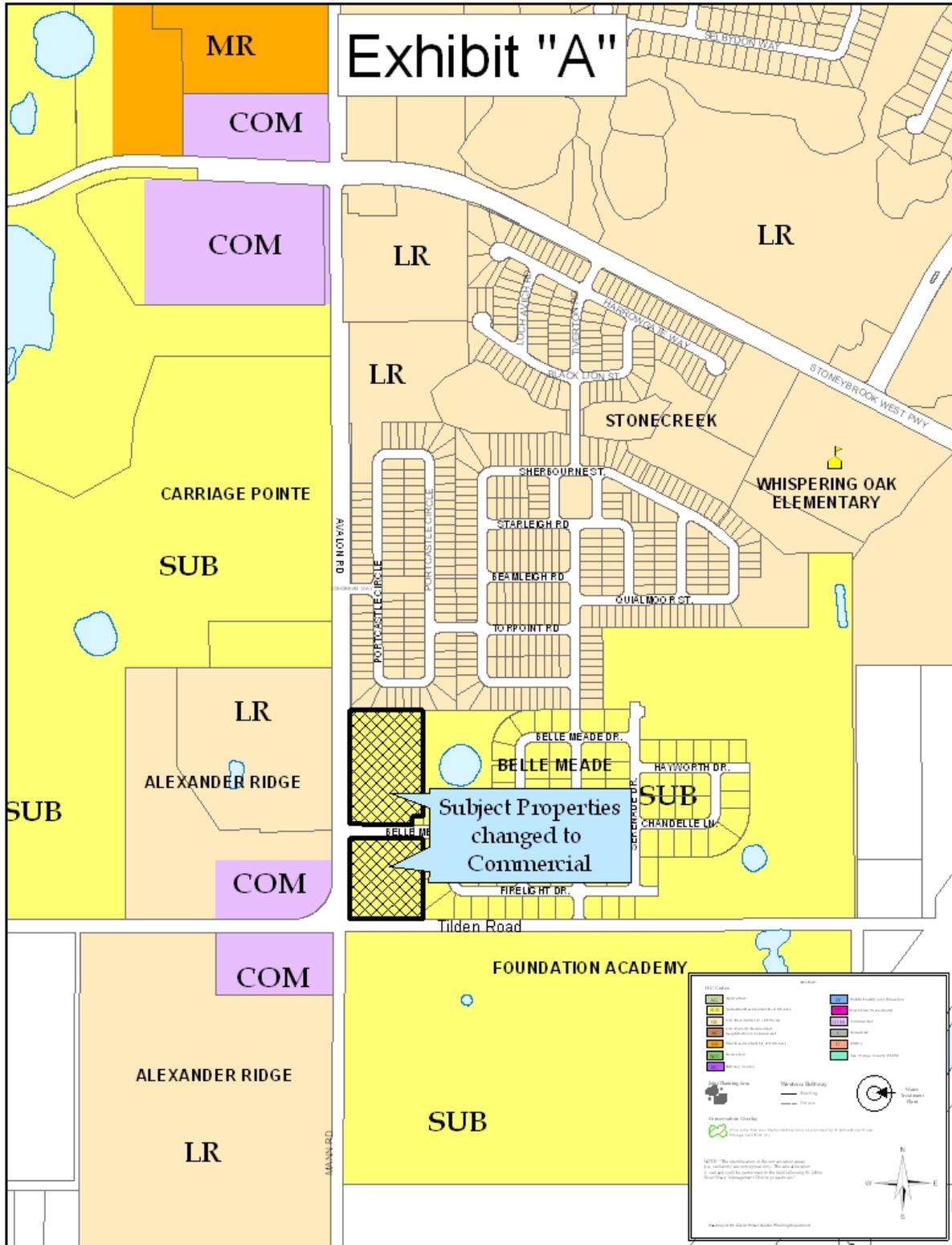
READ SECOND TIME: _____, 2007.

APPROVED:

JACK QUESINBERRY, Mayor /Commissioner

ATTEST:

KATHY GOLDEN, City Clerk
(belle meade commercial_sscpa ord 1/25/2007)



Resolution 07-02

A RESOLUTION OF THE CITY OF WINTER GARDEN, URGING MEMBERS OF THE FLORIDA LEGISLATURE TO SUPPORT THE FOLLOWING ISSUES DURING THE 2007 LEGISLATIVE SESSION

WHEREAS, municipal self-determination and local self-government are constantly under attack from a variety of public and private interests; and

WHEREAS, numerous counties have recently proposed revisions to their charters that would adversely impact the Home-Rule powers of municipalities within those counties; and

WHEREAS, a majority of Florida's municipalities have experienced negative impacts to infrastructure, housing stock and employment base from a series of natural disasters; higher than expected increases in the cost of building products; double-digit increases in the cost of property insurance; and inequities in the existing property-tax system; and

WHEREAS, Florida's continuing population increase has presented a challenge to cities struggling to meet the infrastructure needs required to accommodate new growth and development without an infrastructure revenue source dedicated to municipalities; and

WHEREAS, various proposed revisions to the property-tax system would have substantial adverse impacts for all municipalities in Florida should they be adopted; and

WHEREAS, Florida's municipalities are dependent on other governmental entities for financial stability and under the current system the state, counties, and school districts, control all funding sources authorized for implementing capital improvements and complying with concurrency requirements; and

WHEREAS, Governor Charlie Crist and Florida's House and Senate leaders have an opportunity to address the unique concerns of municipalities during the upcoming 2007 legislative session.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF WINTER GARDEN::

Section 1. That the City of Winter Garden urges Governor Charlie Crist and members of the Florida Legislature to support legislation during the 2007 legislative session that:

- Restores and maintains municipal Home-Rule authority for municipalities located within charter counties;
- Supports a tax structure that is fair and equitable, and is competitively neutral and allows municipalities the flexibility to provide adequate services in their communities.
- Preserves the dedicated documentary stamp fees as a funding source for the State and Local Government Housing Trust Fund (Sadowski Trust Fund), eliminates the cap

placed on fund distribution, and prohibits any of these trust fund dollars from being diverted to the General Revenue Fund.

- Provides a comprehensive and uniform workers' compensation system for all municipal employees, regardless of employee classification, at a reasonable cost to employers.
- Provides a dedicated and recurring source of revenue, including municipal local-option fuel taxes, rental-car surcharges, or other taxes or fees, for municipalities to fund transportation projects such as TRIP, urban arterial and other projects. Furthermore, the existing distribution formula for local-option transportation taxes imposed by a county should be revised to allow for a more equitable distribution to municipalities and provides for indexing of local-option fuel taxes.
- Requires legislative authorization prior to the Florida Department of Transportation removing or delaying any project that is contained in the FDOT Five-Year Work Plan.
- Preserves municipal authority to franchise cable and video services.

Section 2. That a copy of this resolution shall be provided to Governor Charlie Crist, Senate President Ken Pruitt, House of Representatives Speaker Marco Rubio and members of the Florida Legislature.

PASSED AND ADOPTED by the City of Winter Garden, Florida, this _____ day of _____, 2007.

THE CITY OF WINTER GARDEN, FLORIDA

By: _____
MAYOR JACK QUESINBERRY

ATTEST:

By: _____