

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

REGULAR MEETING

October 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 October 11, 2007

2. FIRST READING AND PUBLIC HEARING OF PROPOSED ORDINANCES

- A. **Ordinance 07-51:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS 4.06 ± ACRES LOCATED AT 510 WINTER GARDEN-VINELAND ROAD, 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 **with the Second Reading and Public Hearing being scheduled for November 8, 2007** – City Planner Williams
- B. **Ordinance 07-52:** AN ORDINANCE AMENDING THE FUTURE LAND USE MAP OF THE CITY OF WINTER GARDEN'S COMPREHENSIVE PLAN BY CHANGING THE DESIGNATION FROM ORANGE COUNTY RURAL TO CITY LOW DENSITY RESIDENTIAL FOR PROPERTY GENERALLY DESCRIBED AS 4.06 ± ACRES LOCATED AT 510 WINTER GARDEN-VINELAND ROAD; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE **with the Second Reading and Public Hearing being scheduled for November 8, 2007** – City Planner Williams
- C. **Ordinance 07-53:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 4.06 ± ACRES OF CERTAIN REAL PROPERTY LOCATED AT 510 WINTER GARDEN-VINELAND ROAD FROM ORANGE COUNTY CITRUS RURAL TO CITY R-1; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE **with the Second Reading and Public Hearing being scheduled for November 8, 2007** – City Planner Williams

3. SECOND READING AND PUBLIC HEARING OF PROPOSED ORDINANCES

- A. **Ordinance 07-42:** AN ORDINANCE AMENDING THE FUTURE LAND USE MAP OF THE CITY OF WINTER GARDEN'S COMPREHENSIVE PLAN BY CHANGING THE DESIGNATION FROM CITY LOW DENSITY RESIDENTIAL TO COMMERCIAL FOR PROPERTY GENERALLY DESCRIBED AS 0.67 ACRES OF LAND LOCATED AT 1 AND 27 NORTH DILLARD STREET; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE - SSCPA – City Planner Williams
- B. **Ordinance 07-43:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 0.67 ACRES OF CERTAIN REAL PROPERTY LOCATED AT 1 AND 27 NORTH DILLARD STREET AND MORE SPECIFICALLY DESCRIBED HEREIN FROM CITY R-2 TO CITY C-1; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE (227 N. Dillard Street Rezoning) – City Planner Williams
- C. **Ordinance 07-55:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN FLORIDA, AMENDING SECTION 118-70 OF THE WINTER

GARDEN CODE OF ORDINANCES RELATING TO PROCEDURES FOR SITE PLAN APPROVALS; PROVIDING FOR CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE - City Planner Williams

4. **REGULAR BUSINESS**

- A. Recommendation to approve a development agreement with Foundation Academy for a campus at Tilden and Avalon Roads (postponed from October 11, 2007) – City Planner Williams
- B. Recommendation to approve a Right-of-Way Maintenance Agreement with Lake Roberts Landing Homeowners Association – City Planner Williams
- C. Recommendation to rescind the Commission’s prior motion of July 12, 2001 approving the Water Conserve II agreement for the Delivery and use of Reclaimed Water and approve the agreement for the Delivery and use of Reclaimed Water with the City of Orlando and Orange County – Public Services Director Cochran

5. **MATTERS FROM CITIZENS**

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

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

8. **MATTERS FROM MAYOR PRO TEM AND COMMISSIONERS**

9. **ADJOURN** to a regular City Commission meeting on November 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 07-51

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS 4.06 ± ACRES LOCATED AT 510 WINTER GARDEN-VINELAND ROAD, 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 land generally described as 4.06 ± acres located at 510 Winter Garden – Vineland Road 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: _____, 2007.

READ SECOND TIME AND PUBLIC HEARING HELD: _____, 2007.

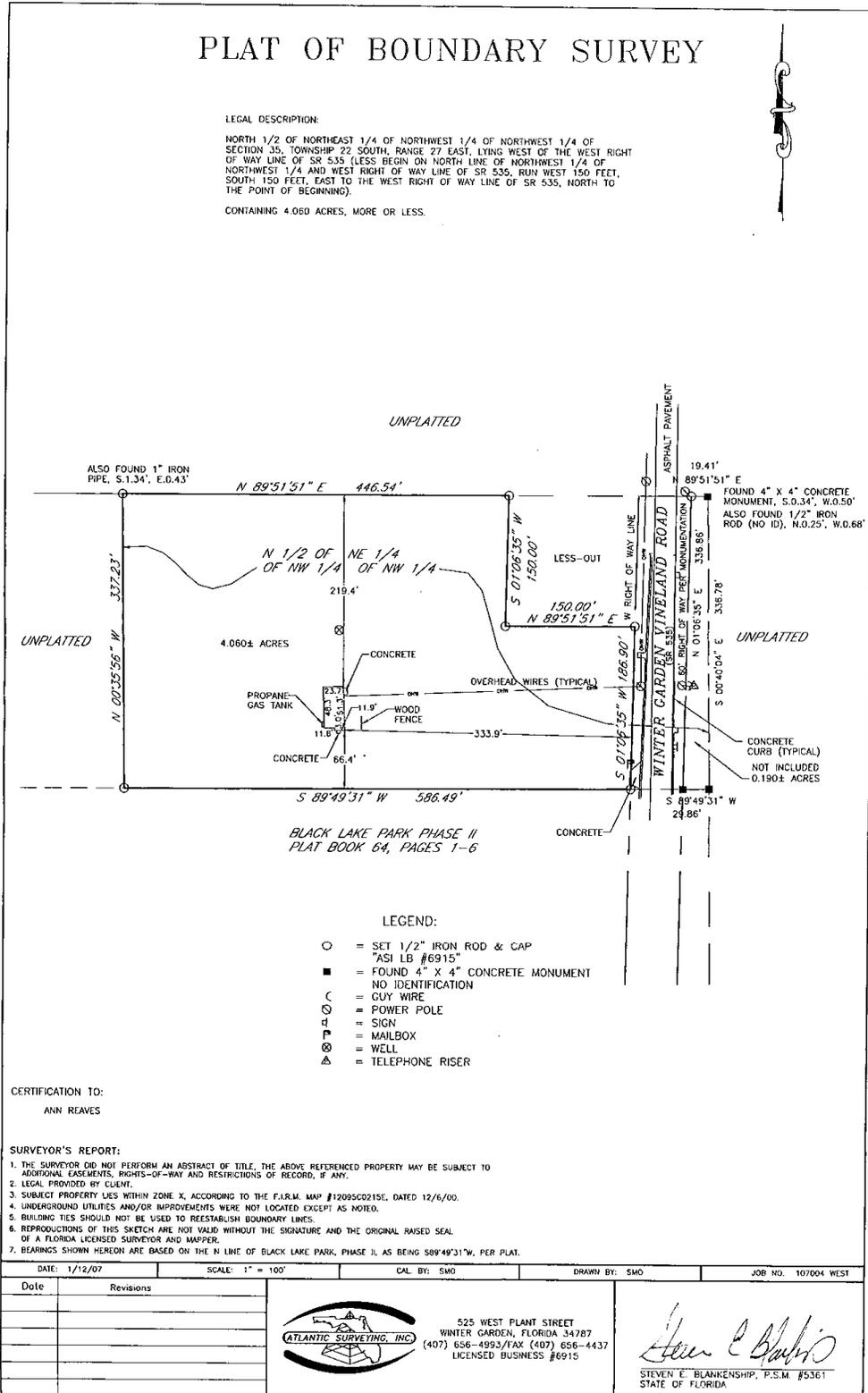
APPROVED:

ATTEST:

JACK QUESINBERRY, Mayor/Commissioner

KATHY GOLDEN, City Clerk

Attachment "A"



ORDINANCE 07-52

AN ORDINANCE AMENDING THE FUTURE LAND USE MAP OF THE CITY OF WINTER GARDEN'S COMPREHENSIVE PLAN BY CHANGING THE DESIGNATION FROM ORANGE COUNTY RURAL TO CITY LOW DENSITY RESIDENTIAL FOR PROPERTY GENERALLY DESCRIBED AS 4.06 ± ACRES LOCATED AT 510 WINTER GARDEN-VINELAND 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 4.06 ± acres located at 510 Winter Garden – Vineland Road 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 RURAL” 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 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
- (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: _____, 2007.

READ SECOND TIME: _____, 2007.

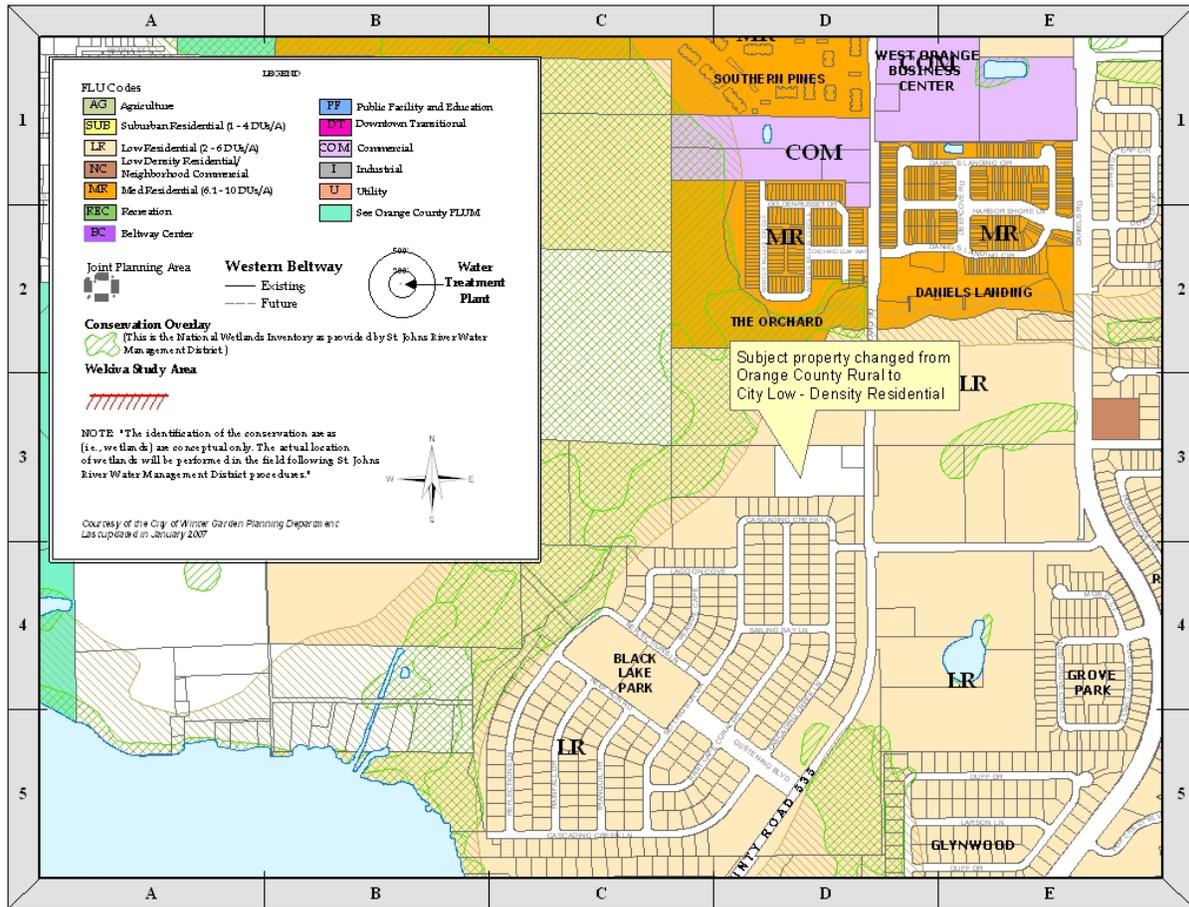
APPROVED:

JACK QUESINBERRY, Mayor /Commissioner

ATTEST:

KATHY GOLDEN, City Clerk

Exhibit "A"



ORDINANCE 07-53

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 4.06 ± ACRES OF CERTAIN REAL PROPERTY LOCATED AT 510 WINTER GARDEN-VINELAND ROAD FROM ORANGE COUNTY CITRUS RURAL TO CITY R-1; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner of real property generally described as approximately 1.79 ± acres located at 12921 Reaves Road and legally described in Section 1 of this ordinance has petitioned the City to zone said property from Orange County Citrus Rural to the City's R-1 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 Citrus Rural to City R-1 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: _____ 2007.

SECOND READING AND PUBLIC HEARING: _____ 2007.

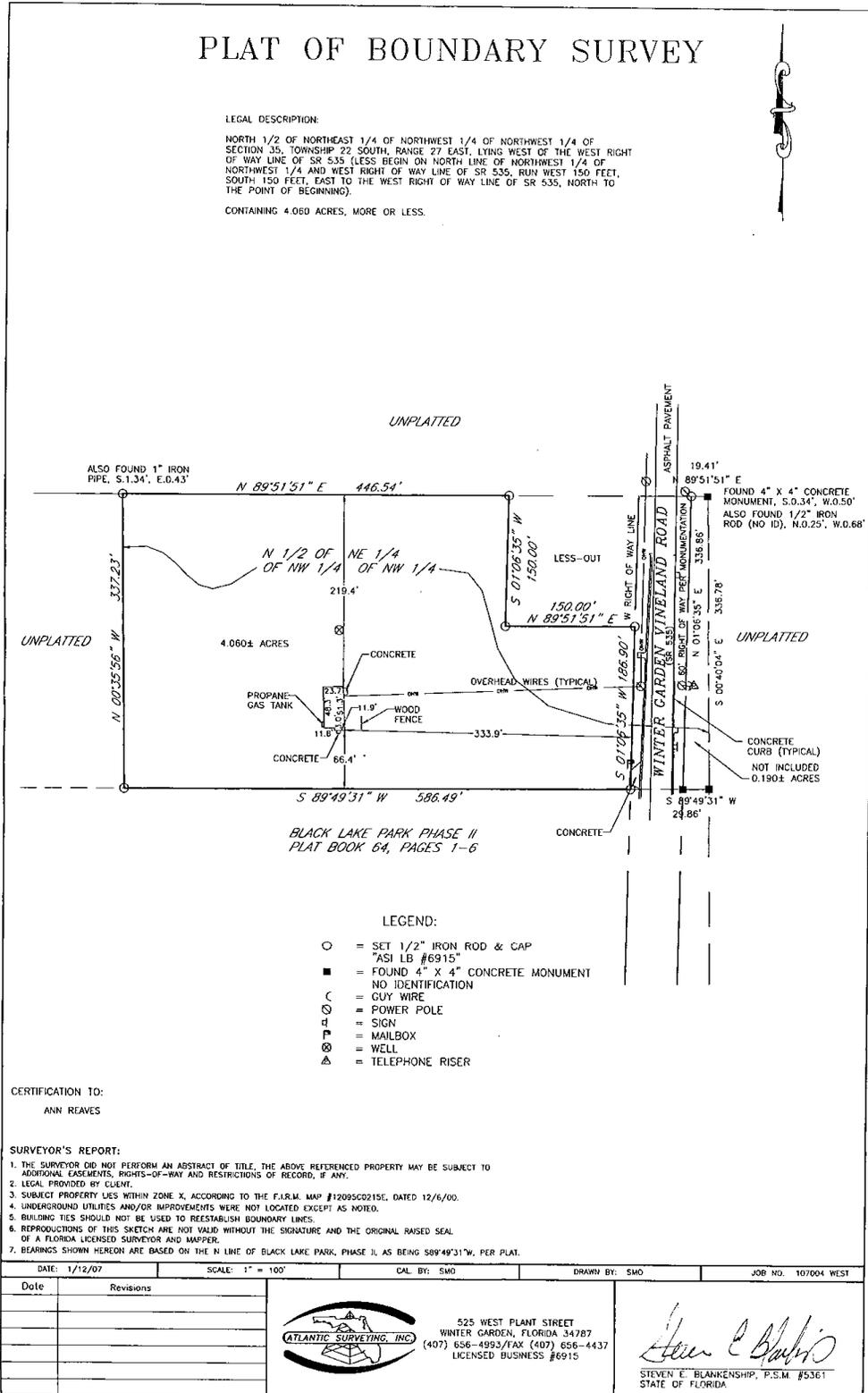
APPROVED:

JACK QUESINBERRY, Mayor/Commissioner

ATTESTED:

KATHY GOLDEN, City Clerk

Attachment "A"



ORDINANCE 07-42

AN ORDINANCE AMENDING THE FUTURE LAND USE MAP OF THE CITY OF WINTER GARDEN'S COMPREHENSIVE PLAN BY CHANGING THE DESIGNATION FROM CITY LOW DENSITY RESIDENTIAL TO COMMERCIAL FOR PROPERTY GENERALLY DESCRIBED AS 0.67 ACRES OF LAND LOCATED AT 1 AND 27 NORTH DILLARD STREET; 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 0.67 acres located at 1 and 27 NORTH DILLARD STREET have petitioned the City to amend the Future Land Use Map of the Comprehensive Plan by including said property as 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 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
- (iii) 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.

ORDINANCE 07-43

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 0.67 ACRES OF CERTAIN REAL PROPERTY LOCATED AT 1 AND 27 NORTH DILLARD STREET AND MORE SPECIFICALLY DESCRIBED HEREIN FROM CITY R-2 TO CITY C-1; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE (227 N. Dillard Street Rezoning)

WHEREAS, the owner of real property generally described as approximately 0.67 acres located at 1 and 27 N. Dillard Street and legally described in Section 1 of this ordinance has petitioned the City to zone said property from R-2 to the City's C-1 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 R-2 to C-1 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: September 27 2007.

SECOND READING AND PUBLIC HEARING: October 25 2007.

APPROVED:

H. GERALD JOWERS, Mayor Pro Tem/Commissioner

ATTEST:

ANGELA GRIMMAGE, Assistant City Clerk

(1 & 27 North Dillard Street rezoning 10/3/07)

ORDINANCE NO. 07-55

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING SECTION 118-70 OF THE WINTER GARDEN CODE OF ORDINANCES RELATING TO PROCEDURES FOR SITE PLAN APPROVALS; PROVIDING FOR CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Winter Garden hereby finds and declares the adoption of this ordinance is necessary, appropriate, and in the public interest of the citizens of Winter Garden, Florida;

WHEREAS, the City of Winter Garden desires to expedite the review of small development proposals throughout the City;

WHEREAS, the City of Winter Garden desires to ensure compliance with appropriate regulations and provide for a reasonable expiration date for unused permits.

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

SECTION I: Authority. 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 Chapter 166, Florida Statutes.

SECTION II: Adoption. Section 118-70 of the City of Winter Garden Code of Ordinances is hereby amended as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions):

Sec. 118-70. Procedures.

Under this division, all uses shall be subject to the general regulations for structures and uses, lots and yards and vehicles contained in this chapter. The City Manager shall review with the appropriate department heads and the Development Review Committee, the site plan along with the application for the development use permit. Site plans greater than 25,000 square feet of land area shall also require City Commission approval after completion of staff review and approval. ~~Upon the city manager's approval of the site plan, the director of planning shall submit the plan to the planning and zoning board for its comments and recommendations. The director of planning shall present the site plan for final approval to the city commission at its next regular meeting day along with the recommendations and comments of the planning and zoning board.~~ All site plans approved by the City Staff or Commission pursuant to this division shall expire and become null and void if the building or improvement or other matters authorized by the site plan approval have not received an approved building permit for the principal structure or building within 365 days of the date of the approval. The City Engineer, if shown good cause, may extend the approval one time for a period not to exceed an additional 365 days. The extension request shall be filed with the City Engineer in writing at least two weeks prior to the expiration of the initial 365 day approval period.

SECTION III. Codification. Section 2 of this Ordinance shall be codified and made a part of the City of Winter Garden Code of Ordinances.

SECTION IV. Effective Date. This Ordinance shall become effective immediately upon its passage and adoption.

SECTION V. Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Commission declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, despite the fact that any one or more of section, subsection, sentence, clause, phrase or portion would be declared invalid or unconstitutional.

FIRST READING: October 11, 2007.

SECOND READING AND PUBLIC HEARING HELD: October 25, 2007.

APPROVED:

H. GERALD JOWERS, Mayor Pro Tem/Commissioner

ATTEST:

ANGELA GRIMMAGE, Assistant City Clerk