



**CITY COMMISSION AGENDA
CITY HALL COMMISSION CHAMBERS
300 W. Plant Street**

REGULAR MEETING

OCTOBER 23, 2008

6:30 P.M.

CALL TO ORDER

Determination of a Quorum

Invocation by Bishop Scott Cookson

Pledge of Allegiance

1. APPROVAL OF MINUTES

Regular Meeting Minutes of October 9, 2008

2. PRESENTATION

[Proclamation 08-14](#) for the Week of Family October 25 through November 1, 2008 to Victoria Laney

3. FIRST READING OF PROPOSED ORDINANCE

A. **ORDINANCE 08-52:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS 13.46 ± ACRES LOCATED AT 1006 EAST CROWN POINT 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 scheduled for November 13, 2008** – Planning Director Williams

4. SECOND READING AND PUBLIC HEARINGS OF PROPOSED ORDINANCES

A. **Ordinance 08-44:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS 0.50 ACRES LOCATED AT 422 MAGNOLIA 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 - Planning Director Williams

B. **Ordinance 08-45:** 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 DENSITY RESIDENTIAL; TO CITY COMMERCIAL OF PROPERTY GENERALLY DESCRIBED AS 0.50 ACRES OF LAND LOCATED AT 422 MAGNOLIA STREET: PROVIDING FOR AN EFFECTIVE DATE (SSCPA) - Planning Director Williams

C. **Ordinance 08-46:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING A 0.50 ACRE PROPERTY LOCATED AT 422 MAGNOLIA STREET, MORE SPECIFICALLY DESCRIBED HEREIN FROM ORANGE COUNTY RURAL TO CITY C-2;

PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE - Planning
Director Williams

5. **REGULAR BUSINESS**

- A. Request for open-air vendor and tent permit by Newo Enterprises, Inc. to sell Christmas trees November 20, 2008 to December 24, 2008 at the Shoppes at Lake Butler, 4008 Winter Garden Vineland Road – Building Official Lukert
- B. Request for open-air vendor and tent permit by Lowe’s Home Center to sell Christmas trees November 15, 2008 to December 15, 2008 in their parking lot in the Winter Garden Village at Fowler Groves on Daniels Road – Building Official Lukert
- C. Recommendation to approve a site plan for Quality Health Care Center parking lot addition at 12751 W. Colonial Drive, with conditions – Planning Director Williams
- D. Appointment to the Planning and Zoning Board expiring term of Mr. Snell (*continued from September 25 and October 9, 2008*) – City Clerk Golden
- E. Appointment to the Community Redevelopment Agency for the expiring term of Larry Cappleman – City Clerk Golden

6. **MATTERS FROM CITIZENS** (*Limited to 3 minutes per speaker*)

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

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

9. **MATTERS FROM MAYOR AND COMMISSIONERS**

ADJOURN to a regular City Commission meeting on November 13, 2008 at 6:30 p.m. in City Hall Commission Chambers, 300 W. Plant Street, 1st floor

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, 300 W. Plant Street, Winter Garden, FL 34787, (407) 656-4111 x 2254 48 hours in advance of the meeting.

Proclamation

08-14

Whereas, the City of Winter Garden is blessed with a multitude of families – an essential part of the cultural, social, and spiritual fabric of our community; and

Whereas, the City of Winter Garden recognizes that strong families are at the center of strong communities; that children live better lives when their families are strong; and that families are strong when they live in communities that connect them to economic opportunities, social networks, and services; and

Whereas, everyone has a role to play in making families successful, including neighborhood organizations, businesses, non-profit agencies, policymakers, and families themselves; and

Whereas, during the week of October 25 through November 1, 2008 City of Winter Garden residents should take time to honor the importance of families and recommit to enhancing and extending the special connections that support and strengthen them throughout the year; and

Whereas, during this week, we urge the residents of the City of Winter Garden to join other agencies and organizations throughout the county to honor and celebrate our families;

Now, therefore, I, John Rees, Mayor of Winter Garden, do hereby proclaim the week of October 25 through November 1, 2008 as

“WEEK OF THE FAMILY”

in the City of Winter Garden, and urge all citizens to share in this occasion.

In Witness Whereof, I hereunto have set my hand and caused the Seal of the City of Winter Garden to be affixed this ____ of October, 2008.

Mayor John Rees

Attest:

Kathy Golden, City Clerk

ORDINANCE 08-44

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS 0.50 ACRES LOCATED AT 422 MAGNOLIA 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 0.50 acres located at 422 Magnolia 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: _____, 2008.

READ SECOND TIME AND PUBLIC HEARING HELD: _____, 2008.

APPROVED:

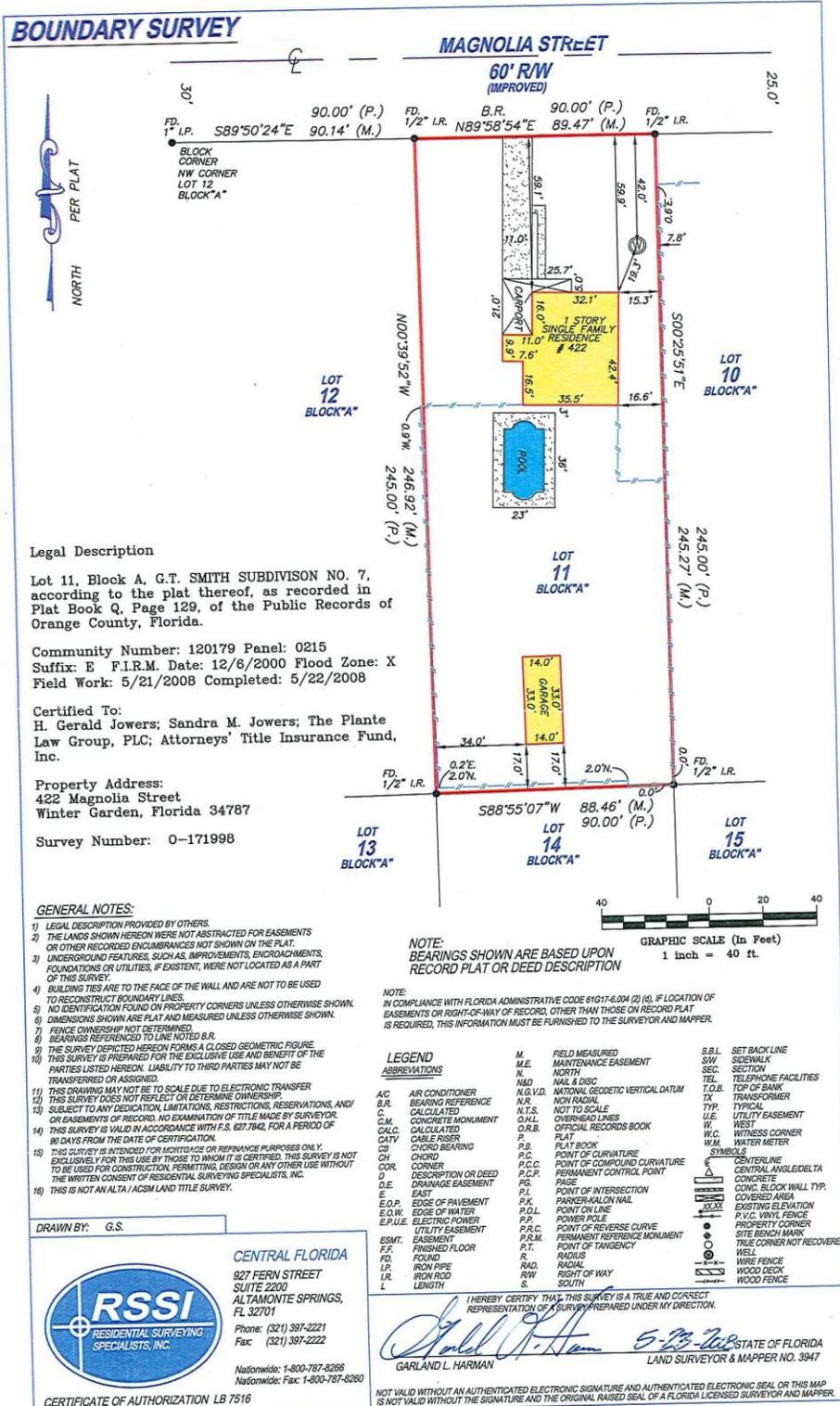
JOHN REES, Mayor/Commissioner

ATTEST:

City of Winter Garden City Commission
Regular Meeting Agenda for October 23, 2008

KATHY GOLDEN, City Clerk
(422 magnolia street annex ord)

Attachment "A"



ORDINANCE 08-45

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 DENSITY RESIDENTIAL; TO CITY COMMERCIAL OF PROPERTY GENERALLY DESCRIBED AS 0.50 ACRES OF LAND LOCATED AT 422 MAGNOLIA STREET: PROVIDING FOR AN EFFECTIVE DATE.
(422 MAGNOLIA 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 0.50 acres located at 422 Magnolia 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 Density Residential to City 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
- (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: _____, 2008.

READ SECOND TIME: _____, 2008.

APPROVED:

JOHN REES, Mayor /Commissioner

ATTEST:

KATHY GOLDEN, City Clerk
(422 Magnolia Street _ sscpa ord 10/17/2008)

ORDINANCE 08-46

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING A 0.50 ACRE PROPERTY LOCATED AT 422 MAGNOLIA STREET, MORE SPECIFICALLY DESCRIBED HEREIN FROM ORANGE COUNTY RURAL TO CITY C-2; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE (422 MAGNOLIA STREET REZONING)

WHEREAS, the owner of real property generally described as 0.50 acres located at 422 Magnolia Street and legally described in Section 1 of this ordinance has petitioned the City to zone said property from Orange County Rural to the City's CF-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 Rural to C-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: _____ 2008.

SECOND READING AND PUBLIC HEARING: _____ 2008.

APPROVED:

JOHN REES, Mayor/Commissioner

ATTESTED:

KATHY GOLDEN, City Clerk