



**CITY COMMISSION AND
COMMUNITY REDEVELOPMENT AGENCY AGENDA
CITY HALL COMMISSION CHAMBERS
300 W. Plant Street**

REGULAR MEETING

JULY 12, 2012

6:30 P.M.

CALL TO ORDER

Determination of a Quorum

Invocation and Pledge of Allegiance

1. APPROVAL OF MINUTES

Regular Meetings of June 14, 2012 and June 28, 2012

2. PUBLIC HEARING MATTER

A. Appeal by A. Jay and Lydia Cummings of the Planning and Zoning Board decision to approve a special exception permit for a columbarium at the First United Methodist Church of Winter Garden located at 125 N. Lakeview Avenue

3. SECOND READING AND PUBLIC HEARING OF PROPOSED ORDINANCES

A. **Ordinance 12-25:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 5.44 ± ACRES LOCATED AT 12201 WEST COLONIAL DRIVE ON THE NORTH SIDE OF WEST COLONIAL DRIVE, EAST OF CARTER ROAD AND WEST OF STATE ROAD 429 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 (*Postponed June 28, 2012*) – Community Development Director Williams

B. **Ordinance 12-26:** 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 APPROXIMATELY 5.44 ± ACRES LOCATED AT 12201 WEST COLONIAL DRIVE ON THE NORTH SIDE OF WEST COLONIAL DRIVE, EAST OF CARTER ROAD AND WEST OF STATE ROAD 429 FROM ORANGE COUNTY COMMERCIAL TO CITY COMMERCIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE (*Postponed June 28, 2012*) – Community Development Director Williams

C. **Ordinance 12-27:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 5.44 ± ACRES OF REAL PROPERTY GENERALLY LOCATED AT 12201 WEST COLONIAL DRIVE ON THE NORTH SIDE OF WEST COLONIAL DRIVE, EAST OF CARTER ROAD AND WEST OF STATE ROAD 429 FROM ORANGE COUNTY C-3 COMMERCIAL DISTRICT TO

CITY C-2 ARTERIAL COMMERCIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE (*Postponed June 28, 2012*) – Community Development Director Williams

4. **REGULAR BUSINESS**

- A. Recommendation to approve bids and award contract for Crest Avenue/Lulu Creek Culvert Replacement Project to Valencia Construction in the amount of \$218,889.41 that includes a 10 percent contingency – Public Services Director Cochran
- B. **Resolution 12-11:** A RESOLUTION OF THE CITY OF WINTER GARDEN, FLORIDA SUPPORTING THE WAYFINDING SIGN SYSTEM PLAN TO EFFICIENTLY AND SAFELY GUIDE MOTORISTS AND PEDESTRIANS TO KEY PUBLIC FACILITIES SUCH AS CIVIC, CULTURAL, VISITOR, AND RECREATIONAL DESTINATIONS WITHIN THE CITY OF WINTER GARDEN – Community Development Director Williams
- C. Appointments to the Architectural Review and Historical Preservation Board for expiring three year terms of residents Christopher Lee and Charles Simikian – City Clerk Golden
- D. Recommendation to approve setting the proposed tax millage rate at 4.2500 mills for Fiscal Year 2012/2013 – City Manager Bollhoefer

Dispense as the City Commission and convene as the Community Redevelopment agency

- E. Appointments to the Community Redevelopment Area/Brownfield Advisory Board for expiring four year terms of Larry Cappleman, John Kirby, Kelly Randall, and Sandy Schupp – CRA Advisory Board Chairman/CRA Member Larry Cappleman

Adjourn as the Community Redevelopment Agency and reconvene as the City Commission

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

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

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

- A. Presentation on future capital projects

8. **MATTERS FROM MAYOR AND COMMISSIONERS**

ADJOURN to a Regular Meeting on July 26, 2012 at 6:30 p.m. in City Hall Commission Chambers, 300 W. Plant Street, 1st floor

NOTICE: In accordance with Florida Statutes 286.0105, if any person decides to appeal any decision made by said body with respect to any matter considered at such meeting, he/she will need a record of the proceedings and, for that purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The City of Winter Garden does not prepare or provide such record.

	Those needing assistance to participate in any of these proceedings should contact the City Clerk's Office at least 48 hours in advance of the meeting (407) 656-4111 x2254.		Help for the hearing impaired is available through the Assistive Listening System. Receivers can be obtained at the meeting from the Information Technology Director.
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CITY OF WINTER GARDEN

CITY COMMISSION REGULAR MEETING MINUTES

June 14, 2012

A **REGULAR MEETING** of the Winter Garden City Commission was called to order by Mayor Rees at 6:30 p.m. at City Hall, 300 West Plant Street, Winter Garden, Florida. The invocation and Pledge of Allegiance were given.

Present: Mayor John Rees, Commissioners Bob Buchanan, Kent Makin and Robert Olszewski

Absent: Commissioner Colin Sharman

Also Present: City Manager Mike Bollhoefer, City Attorney Kurt Ardaman, City Clerk Kathy Golden, Assistant to the City Manager - Public Services Don Cochran, Community Development Director Ed Williams, Recreation Director Jay Conn, Information Technology Director Bob Reilly, Fire Chief John Williamson, Police Chief George Brennan, Building Official Skip Lukert and West Orange Times Reporter Michael Laval

1. **APPROVAL OF MINUTES**

Motion by Commissioner Olszewski to approve the regular meeting minutes of May 10, 2012, as submitted. Seconded by Commissioner Makin and carried unanimously 4-0.

2. **PRESENTATION**

A. **Proclamation 12-10** declaring June 15, 2012 as America in Bloom Day was read and presented by Mayor Rees and the Commissioners to Mary Zahl, Sue Amatangelo, Ed Hooker, Billy Butterfield, Sue Crabtree and Katy Moss Warner.

B. **Comprehensive Annual Financial Report by Sines, Blakeslee and Madyda, Public Accounts, P.A., for Fiscal Year ending September 30, 2011**

Curt Binney, stated he was the auditor in charge of the audit performed for Fiscal Year ending September 30, 2011 for the City of Winter Garden. He presented the annual financial report, as prepared by management of Sines, Blakeslee and Madyda, who is responsible for presenting an opinion on its fairness. He is proud to present an unqualified opinion, which means the financial statements are fairly stated in accordance with accounting principles generally accepted in the United States. There is an additional report on internal control and again they have no comments. There is a management letter as required by the State of Florida Auditor General and his firm has no comments.

Mr. Binney expressed his appreciation to the Finance Department, Human Resources Department and the City Clerk who each bears the brunt of these audits every year.

Mayor Rees stated that the City Commission reserves their right to review this report and get back to him if they have any questions.

3. **FIRST READING AND PUBLIC HEARING OF PROPOSED ORDINANCES**

A. **Ordinance 12-11:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.22 ± ACRES LOCATED AT 710 SOUTH PARK AVENUE ON THE WEST SIDE OF SOUTH PARK AVENUE, NORTH OF JACKSON STREET AND SOUTH OF WEST STORY ROAD 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 Attorney Ardaman read Ordinance 12-11 by title only. Community Development Director Williams asked if the next three ordinances could be opened at the same time as they all pertain to the same piece of property. City Attorney Ardaman then read Ordinances 12-12 and 12-13 by title only.

B. **Ordinance 12-12:** 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 0.22 ± ACRES OF LAND LOCATED AT 710 SOUTH PARK AVENUE ON THE WEST SIDE OF SOUTH PARK AVENUE, NORTH OF JACKSON STREET AND SOUTH OF WEST STORY ROAD FROM ORANGE COUNTY LOW DENSITY RESIDENTIAL TO CITY LOW DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

C. **Ordinance 12-13:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.22 ± ACRES OF REAL PROPERTY GENERALLY LOCATED AT 710 SOUTH PARK AVENUE ON THE WEST SIDE OF SOUTH PARK AVENUE, NORTH OF JACKSON STREET AND SOUTH OF WEST STORY ROAD FROM ORANGE COUNTY R-2 RESIDENTIAL DISTRICT TO CITY R-2 RESIDENTIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

Mr. Williams stated that this is a piece of property that is vacant on Park Avenue just south of Story Road on the west side of Park Avenue. Habitat for Humanity would like to construct a home on the parcel. In order to accomplish that they are requesting annexation, designation of residential under the City's comprehensive plan and giving it a residential zoning. The lot is a platted lot that meets all of the City's requirements but has an unusual situation of having a drainage pipe run on a portion of the property. Habitat for Humanity has determined that they can build on this lot without encroaching on the drainage pipe.

Commissioner Makin noted that he would have to abstain from voting on these three ordinances because he has a financial gain in relationship to this property.

Mayor Rees opened the public hearing; hearing and seeing none, he closed the public hearing.

Motion by Commissioner Olszewski to approve Ordinances 12-11, 12-12 and 12-13 with the second reading and public hearing being scheduled for June 28, 2012. Seconded by Commissioner Buchanan and carried 3-0-1; Commissioner Makin abstained.

- D. **Ordinance 12-25:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 5.44 ± ACRES LOCATED AT 12201 WEST COLONIAL DRIVE ON THE NORTH SIDE OF WEST COLONIAL DRIVE, EAST OF CARTER ROAD AND WEST OF STATE ROAD 429 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 Attorney Ardaman read Ordinance 12-25 by title only. Community Development Director Williams requested the next three Ordinances 12-25, 12-26 and 12-27 be opened at the same time as they all pertain to the same piece of property. City Attorney Ardaman read Ordinances 12-26 and 12-27 by title only.

- E. **Ordinance 12-26:** 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 APPROXIMATELY 5.44 ± ACRES LOCATED AT 12201 WEST COLONIAL DRIVE ON THE NORTH SIDE OF WEST COLONIAL DRIVE, EAST OF CARTER ROAD AND WEST OF STATE ROAD 429 FROM ORANGE COUNTY COMMERCIAL TO CITY COMMERCIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE
- F. **Ordinance 12-27:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 5.44 ± ACRES OF REAL PROPERTY GENERALLY LOCATED AT 12201 WEST COLONIAL DRIVE ON THE NORTH SIDE OF WEST COLONIAL DRIVE, EAST OF CARTER ROAD AND WEST OF STATE ROAD 429 FROM ORANGE COUNTY C-3 COMMERCIAL DISTRICT TO CITY C-2 ARTERIAL COMMERCIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

Mr. Williams stated that this five acre parcel was [is] in the County on State Road 50. It has been the City's objective to bring as many of these County parcels into the City as we can. He noted that Camping World has relocated their business onto this property and has already received County permits. Camping World came to the City to receive water service for this property and have agreed to annex as part of the position of getting our utility service. Staff recommends approval of the annexation, comprehensive plan designation of commercial and the commercial rezoning with the second hearing being scheduled for June 28, 2012.

Mayor Rees opened the public hearing; hearing and seeing none, he closed the public hearing.

Motion by Commissioner Buchanan to approve Ordinances 12-25, 12-26 and 12-27 with the second reading and public hearing being scheduled for June 28, 2012. Seconded by Commissioner Makin and carried unanimously 4-0.

- G. **Ordinance 12-29:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REPEALING ORDINANCE 11-35 AND REPLACING IT WITH THE REZONING AND URBAN VILLAGE PLANNED UNIT DEVELOPMENT (UVPUD) REQUIREMENTS CONTAINED WITHIN THIS ORDINANCE; PROVIDING FOR REZONING APPROXIMATELY 75.94 ± ACRES OF CERTAIN REAL PROPERTY GENERALLY LOCATED ON THE NORTH SIDE OF MARSH ROAD, EAST OF WILLIAMS ROAD AND WEST OF AVALON ROAD (CR 545) AT 16851 AND 17001 MARSH ROAD, FROM NO ZONING (NZ) TO URBAN VILLAGE PLANNED UNIT DEVELOPMENT (UVPUD); PROVIDING FOR CERTAIN UVPUD REQUIREMENTS AND DESCRIBING THE DEVELOPMENT AS THE WATERSIDE ON JOHN'S LAKE URBAN VILLAGE PUD; PROVIDING FOR NON-SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE (Waterside at John's Lake)

City Attorney Ardaman read Ordinance 12-29 by title only. Community Development Director Williams stated that this planned development has been reviewed by the Planning and Zoning Board and the City Commission under a different application. That application was approved but the adjoining property owner has raised objections and a hearing is scheduled in July regarding those objections. Rather than waiting until July to resolve the objections, staff felt it was most appropriate to come back through the process, at the developer's request and correct any potential issues for the City Commission's consideration prior to the hearing with the judge. He stated that what we have today before the City Commission is a new application which was determined to be complete and sufficient for the urban planned unit development (PUD). Mr. Williams indicated that a thorough analysis of the proposed PUD has been completed and provided. Staff is recommending approval based on finding that this is PUD is consistent with the City's Codes and Ordinances, Comprehensive Plan, and the Future Land Use Map. Because of the legal challenge, staff is required to go through more detailed steps, analysis, and presentation to the City Commission, which has been provided in the agenda packet.

Mr. Williams specifically noted that at the time this PUD was last reviewed by the City Commission there was a great deal of traffic on Marsh Road with approximately 10,900 cars a day impacting the road. The traffic count raised concerns about this project providing adequate transportation measures to accommodate the added traffic. Staff proposed mitigation measures such as roundabouts and a second parallel road. Since then, the traffic counts have dropped to about 8,500 cars per day; a substantial reduction which staff contributes to the opening of State Road 50. The counts continue to decline and will continue to be monitored. In abundance of caution, staff will still require mitigation measures.

In addition, staff was asked to compare this project with a typical R-1 subdivision. While there would be better open space and wetlands protection, you actually get seven less lots than under a standard normal subdivision of R-1.

Tom Sullivan of Lowndes, Drosdick, Doster, Kantor, and Reed, P.A., 215 N. Eola Drive, Orlando, Florida, representing the applicant Centerline Homes, stated he is in complete agreement with the staff report and detailed analysis provided in the agenda packet recommending approval. He noted that the project is compatible with the surrounding area and consistent with the City's Comprehensive Plan. Mr. Sullivan submitted resumes into the record for Mr. Holbrook and Mr. Luke.

Michael Holbrook, Director of Planning for Boyer Singleton and Associates, 520 S. Magnolia Street, Orlando, Florida, stated his credentials for his testimony on the proposed PUD project Waterside at John's Lake. The current plan is better than one from eleven months ago. Special attention has been given to existing site conditions and protecting the shoreline along John's Lake. His proposal includes a roundabout at the main entrance, which will eliminate the need for a traffic signal or four-way stop. They have provided for extraordinary open space along the frontage of property to extend the trail system to link to the county line. They have recognized the Joint Planning Agreement (JPA) the City has with Orange County to make sure that their architecture will be consistent with the JPA.

Commissioner Makin asked about the roundabout referenced on page 11 of the ordinance. In the middle, coming up to the roundabouts, are there islands between the lanes?

Mr. Holbrook responded that they will have some separation to allow the through traffic to continue to come around the roundabout and to exit. Where traffic turns into the community, there will be separate decelerate lanes into the main entrance.

Tony Luke, President of Luke Transportation Engineering Consultants, 29 E. Pine Street Orlando, Florida, came forward and stated that they could be designed as flat with striping, raised or landscaped. Mr. Luke stated his credentials for the record. His traffic study for this project was coordinated with staff and agrees with staff in the amount of

traffic to be created by the Waterside PUD. He also agrees with the mitigation strategies identified including the roundabouts and parallel connections. He is aware of the traffic count reductions and generally concurs with the reasons for the reductions.

Commissioner Makin asked where the cross access point, to be constructed by others shown by an arrow heading east, is going to be located.

Mr. Williams responded that the one to the east is shown in the wrong location. It was originally approved for south of the sink hole heading into Cra-Mar's property. Staff has asked them to relocate it to the north and he believes it has been agreed. To the west there will be a major connection into the Boyd property and there will be a parallel road connection.

Mayor Rees opened the public hearing; hearing and seeing none, he closed the public hearing.

Motion by Commissioner Buchanan to approve Ordinance 12-29 with the second reading and public hearing being scheduled for June 28, 2012. Seconded by Commissioner Makin and carried unanimously 4-0.

- H. **Ordinance 12-30:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 63.06 ± ACRES OF CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF ROPER ROAD ON THE EAST AND WEST SIDE OF WINTER GARDEN VINELAND ROAD (CR 535) AND ON THE WEST SIDE OF DANIELS ROAD AT 420 AND 421 WINTER GARDEN VINELAND ROAD, FROM SINGLE-FAMILY RESIDENTIAL DISTRICT (R-1) TO PLANNED UNIT DEVELOPMENT (PUD); PROVIDING FOR CERTAIN PUD REQUIREMENTS AND DESCRIBING THE DEVELOPMENT AS THE BRADFORD CREEK PUD; PROVIDING FOR NON-SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE (Bradford Creek PUD)

City Attorney Ardaman read Ordinance 12-30 by title only. Community Development Director Williams stated that staff is requesting the postponement of this item because it has not finished going through the Planning and Zoning Board process and there are unresolved issues.

City Attorney Ardaman confirmed that this item would be re-advertised when it is ready to come back before the City Commission. Mr. Williams responded yes.

Motion by Commissioner Buchanan to postpone Ordinance 12-30 to a date uncertain. Seconded by Commissioner Makin and carried unanimously 4-0.

- I. **Ordinance 12-31:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA VACATING UTILITY, DRAINAGE AND LANDSCAPING EASEMENTS OVER THE SOUTHERN TEN FEET OF LOT 15,

DANIELS CROSSING, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 37, PAGES 23 AND 24 OF THE PUBLIC RECORDS OF ORANGE COUNTY (LOCATED AT 256 DANIELS POINTE DRIVE, WINTER GARDEN, FLORIDA) OWNED BY DUANE BRUCE WOLFE, JR. AND DANIEL JAMES DUNHAM; PROVIDING FOR AN EFFECTIVE DATE AND RECORDING

City Attorney Ardaman read Ordinance 12-31 by title only. Community Development Director Williams stated that the applicants would like to construct a swimming pool in the rear yard of the property that would encroach into a platted utility easement. The applicants have to go through a very thorough process in order to be able to do this. They have obtained letters of no objection from all of the utility companies and the homeowners association. Staff recommends approving the vacation of the utility easement.

Commissioner Makin voiced his concern about drainage from the back edge of the pool. Mr. Williams stated that the issue will be taken into consideration with the permitting process. He also noted that staff has also stopped approving five to six foot drainage easements with condensers. Staff recommendations that come to the City Commission usually require a ten foot unobstructed area.

Commissioner Makin shared that air conditioning condensers and pool pumps off to the side could create drainage problems. Mr. Williams replied that it is going to be very tight and staff will have to work with them.

Mayor Rees opened the public hearing; hearing and seeing none, he closed the public hearing.

Motion by Commissioner Makin to approve Ordinance 12-31 with the second reading and public hearing being scheduled for June 28, 2012. Seconded by Commissioner Olszewski and carried unanimously 4-0.

- J. **Ordinance 12-32:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA PARTIALLY VACATING THE NORTH THREE FEET OF WALL, LANDSCAPE AND UTILITY EASEMENTS OVER THE SOUTHERN TEN FEET OF LOT 32, BELLE MEADE, PHASE 1 ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 62, PAGES 21 THROUGH 23 OF THE PUBLIC RECORDS OF ORANGE COUNTY (LOCATED AT 15508 FIRELIGHT DRIVE, WINTER GARDEN, FLORIDA) OWNED BY BRIAN BERNATE AND DANIELLE L. BURNARD; PROVIDING FOR AN EFFECTIVE DATE AND RECORDING

City Attorney Ardaman read Ordinance 12-32 by title only. Community Development Director Williams stated that in this request the property owner is asking to remove only three feet of the ten foot easement; they will retain seven feet. The minimum amount was requested to accomplish the install of the pool. The property owners have obtained all

required no objection letters and sign offs. Staff recommends approval subject to staff conditions.

Mayor Rees opened the public hearing; hearing and seeing none, he closed the public hearing.

Motion by Commissioner Olszewski to approve Ordinance 12-32 with the second reading and public hearing being scheduled for June 28, 2012. Seconded by Commissioner Makin and carried unanimously 4-0.

4. **FIRST READING OF PROPOSED ORDINANCE**

- A. **Ordinance 12-33:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING ARTICLE IV OF CHAPTER 38 OF THE WINTER GARDEN CITY CODE; PROVIDING FOR EXTENDED HOURS FOR CONSTRUCTION OPERATIONS; PROVIDING FOR ADDITIONAL ABATEMENT OF NOISE IN RESIDENTIAL AND OTHER AREAS; PROVIDING FOR ENFORCEMENT OF NOISE ORDINANCE VIA AN ALTERNATIVE OBJECTIVE STANDARD OF REASONABLENESS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 12-33 by title only. City Manager Bollhoefer stated that over the past few years the City has had issues with noise. He noted that some of the issues the City has had in the past has made it difficult to enforce the noise ordinance. He thinks that this new ordinance will hold up in court. He recommended a change to Item 11 on page 4 under public entertainment changing it from 9:00 p.m. to 11:00 p.m. Mr. Bollhoefer also suggested changing Item 16 under activities in the vicinity of the sleeping quarters from 9:00 p.m. to 11:00 p.m. and the related chart shown under Section III for commercial zonings. He noted that staff will be responding to noise complaints. Additional changes may be needed in the future.

Mr. Ardaman noted that there will probably be additional minor changes made prior to the second reading after conferring with the Police Chief. Noises from vehicles can now be regulated by the city and he will speak with the Police Chief about it.

Commissioner Olszewski asked the City Manager to speak to the extension of construction hours.

Mr. Bollhoefer responded by stating that the ordinance will restrict when construction can take place by limiting the number of hours they operate on Saturday and forbid any construction activity on Sundays. Mr. Ardaman added that the ordinance provides for a variance on the time restriction from the Planning and Zoning Board (P&Z). Specifically on Page 8 there is a provision that allows them to request an administrative variance.

Mr. Bollhoefer asked the City Commission to consider allowing staff to have administrative variance authority for businesses wanting to extend their hours instead of

requiring them to go to the P&Z Board, which may not be a timely option for their event. Mr. Ardaman asked for direction.

It was a **consensus** of the City Commission to amend the proposed ordinance to replace P&Z approval with administrative variance approval for extending commercial hours for special events.

Motion by Commissioner Buchanan to approve Ordinance 12-33, with the changes discussed, with the second reading and public hearing being scheduled for June 28, 2012. Seconded by Commissioner Makin and carried unanimously 4-0.

5. **SECOND READING AND PUBLIC HEARING OF PROPOSED ORDINANCE**

- A. **Ordinance 12-28:** AN ORDINANCE OF THE CITY OF WINTER GARDEN AMENDING ARTICLE II OF CHAPTER 30, ARTICLE II OF CHAPTER 26, AND ARTICLE IV OF CHAPTER 38 OF THE WINTER GARDEN CODE OF ORDINANCES TO REMOVE REFERENCES AND APPLICABILITY OF SUCH PROVISIONS TO THE REGULATION OF FIREARMS AND AMMUNITION IN ACCORDANCE WITH SECTION 790.33, FLORIDA STATUTES; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 12-28 by title only. City Manager Bollhoefer stated the State statute preempted the City's ability to pass ordinances or put any restrictions on gun laws. This is now under the purview of the State and this ordinance removes any related provisions under of Code of Ordinances since we are no longer able to enforce them.

Mayor Rees opened the public hearing; hearing and seeing none, he closed the public hearing.

Motion by Commissioner Makin to adopt Ordinance 12-28. Seconded by Commissioner Olszewski and carried unanimously 4-0.

6. **REGULAR BUSINESS**

- A. **Recommendation to approve construction plans, with conditions, for Carriage Pointe Reserve**

Community Development Director Williams stated that in the last six months this property has come before the City Commission and received planned development zoning, preliminary subdivision pre-plat, platting and now the final construction plans. Staff recommends approval subject to conditions.

Motion by Commissioner Olszewski to approve construction plans as submitted, with conditions (See attached Exhibit A), for Carriage Pointe Reserve. Seconded by Commissioner Makin and carried unanimously 4-0.

B. Recommendation to approve bids and award contract to T. D. Thomson for North Dillard Street improvements Phase II from Newell Street to Tilden Street in the amount of \$406,850.62 that includes a 10 percent contingency

Public Services Director Cochran stated the City received bids for the second phase of the Dillard Street improvements. T. D. Thomson Construction was the lowest responsible bidder with a bid of \$369,864.20. Staff recommends approving the bids and awarding the contract to T.D. Thomson to include a 10 percent contingency, bringing the total project amount to \$406,850.62.

Commissioner Buchanan expressed his concerns that the transition from asphalt to brick from the Baptist Church to the new part better than it is right now. Mr. Cochran replied that staff would take a look to make sure it is done better.

Motion by Commissioner Buchanan to approve bids and award contract to T. D. Thomson for North Dillard Street improvements Phase II from Newell Street to Tilden Street in the amount of \$406,850.62 that includes a 10 percent contingency. Seconded by Commissioner Makin and carried unanimously 4-0.

C. Request to block Plant Street between Central and Woodland Streets for the 4th of July Kid's Parade

Parks and Recreation Director Conn stated that this request is from the Winter Garden Masonic Lodge which is working with the Winter Garden Heritage Foundation to conduct the annual kid's parade. Staff recommends approval.

Motion by Commissioner Makin to approve request to block Plant Street between Central and Woodland Streets for the 4th of July Kid's Parade. Seconded by Commissioner Buchanan and carried unanimously 4-0.

D. Request to block various streets downtown on April 26 and 27, 2013 for the annual Relay for Life American Cancer Society fundraiser event

Parks and Recreation Director Conn stated that the American Cancer Society would like to hold their annual Relay for Life event in downtown Winter Garden. They are requesting to hold the event the 26th and 27th of April 2013. This has been a well-received event and the downtown merchants are happy to receive the additional foot traffic. Staff recommends approval.

Motion by Commissioner Olszewski to approve blocking various downtown streets April 26 and 27, 2013 for the annual Relay for Life American Cancer Society fundraising event. Seconded by Commissioner Buchanan and carried unanimously 4-0.

E. Request to block Plant Street between City Hall Parking lot and the vacant lot on Dillard and Plant Street on October 13, 2012 for the annual West Orange High School Homecoming Parade

Parks and Recreation Director Conn stated that the West Orange High School has requested to hold their annual homecoming parade on Saturday, October 13, 2012.

Motion by Commissioner Makin to approve blocking Plant Street between City Hall Parking lot and the vacant lot on Dillard and Plant Street on October 13, 2012 for the annual West Orange High School Homecoming Parade. Seconded by Commissioner Olszewski and carried unanimously 4-0.

F. Appointment to the Code Enforcement Board for expiring terms of Mr. Lomneck, Ms. Patterson, and Mr. Skubas until July 1, 2015

City Clerk Golden stated this is the annual request to fill expiring seats of Bradley Lomneck, Wanda Patterson, and Joseph Skubas on the Code Enforcement Board. The members are eligible for one more appoint and have expressed their desire to be reappointed. In addition, current interest applications on file have been provided for consideration.

Motion by Commissioner Buchanan to reappoint Mr. Lomneck, Ms. Patterson and Mr. Skubas to a three-year term. Seconded by Commissioner Olszewski and carried unanimously 4-0.

7. **MATTERS FROM CITIZENS** – There were no items.
8. **MATTERS FROM CITY ATTORNEY** – There were no items.
9. **MATTERS FROM CITY MANAGER** – There were no items.
10. **MATTERS FROM MAYOR AND COMMISSIONERS**

Commissioner Olszewski thanked Theo Graham for putting on the Veterans Day event and staff who assisted. He also thanked the America in Bloom Society for being in Winter Garden.

The meeting adjourned at 7:36 p.m.

APPROVED:

Mayor John Rees

ATTEST:

City Clerk Kathy Golden, CMC



CITY OF WINTER GARDEN

CITY COMMISSION REGULAR MEETING MINUTES

June 28, 2012

A **REGULAR MEETING** of the Winter Garden City Commission was called to order by Mayor Rees at 6:30 p.m. at City Hall, 300 West Plant Street, Winter Garden, Florida. The invocation and Pledge of Allegiance were given.

Present: Mayor John Rees, Commissioners Bob Buchanan, Kent Makin, Robert Olszewski and Colin Sharman in at 6:32 p.m.

Also Present: City Manager Mike Bollhoefer, Assistant City Attorney Dan Langley, City Clerk Kathy Golden, Assistant to the City Manager - Administrative Services Frank Gilbert, Assistant to the City Manager - Public Services Don Cochran, Community Development Director Ed Williams, Recreation Director Jay Conn, Information Technology Director Bob Reilly, Deputy Police Chief Bill Sullivan, Economic Development Director Tanja Gerhartz, Fire Chief John Williamson, Finance Director Michael Givens and West Orange Times Reporter Michael Laval

1. **APPROVAL OF MINUTES**

Regular meeting minutes of June 14, 2012 were postponed until July 12, 2012.

2. **PRESENTATION**

A. **Advocacy by Florida League of Cities**

Kathy Till, Advocacy Consultant for Florida League of Cities, shared the importance of advocacy relationships and building on them. The Florida League of Cities (FLC) is working on such programs and there are quick tips available on their website. The league's conference in August in Hollywood, Florida will include an hour workshop on advocacy, which is new this year. They are also working on a guide they believe will be beneficial to cities. Ms. Till shared that the FLC will be hosting a candidate forum on September 13, 2012 at the City of Maitland's new city hall and is open to everyone.

Ms. Till shared that during the last legislative session they tried to repeal occupational taxing; even though it was not a complete repeal, it did give some exemptions. Others will be asking for the same exemption in the future. She encouraged everyone to address what those funds are used for with state elected officials. She shared what the FLC believes the legislature will be looking at in the coming year and handed out an Advocacy Planner and encouraged everyone to actively seek support for local issues.

3. **FIRST READING OF PROPOSED ORDINANCE**

- A. **Ordinance 12-43:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING THE CITY OF WINTER GARDEN FISCAL YEAR 2011-2012 BUDGET; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

Assistant City Attorney Langley read Ordinance 12-43 by title only. City Manager Bollhoefer explained that because of our growth, the police department communications back-up system is in peril. They need to go from individual back-ups to one unit. The funding would be from impact fees for police.

Motion by Commissioner Buchanan to approve Ordinance 12-43 with the second reading and public hearing on July 26, 2012. Seconded by Commissioner Olszewski and carried unanimously 5-0.

4. **SECOND READING AND PUBLIC HEARING OF PROPOSED ORDINANCES**

Mayor Rees announced that the next three ordinances would be opened simultaneously as they relate to the same parcel.

- A. **Ordinance 12-11:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.22 ± ACRES LOCATED AT 710 SOUTH PARK AVENUE ON THE WEST SIDE OF SOUTH PARK AVENUE, NORTH OF JACKSON STREET AND SOUTH OF WEST STORY ROAD 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
- B. **Ordinance 12-12:** 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 0.22 ± ACRES OF LAND LOCATED AT 710 SOUTH PARK AVENUE ON THE WEST SIDE OF SOUTH PARK AVENUE, NORTH OF JACKSON STREET AND SOUTH OF WEST STORY ROAD FROM ORANGE COUNTY LOW DENSITY RESIDENTIAL TO CITY LOW DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE
- C. **Ordinance 12-13:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.22 ± ACRES OF REAL PROPERTY GENERALLY LOCATED AT 710 SOUTH PARK AVENUE ON THE WEST SIDE OF SOUTH PARK AVENUE, NORTH OF JACKSON STREET AND SOUTH OF WEST STORY ROAD FROM ORANGE COUNTY R-2 RESIDENTIAL DISTRICT TO CITY R-2 RESIDENTIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

Assistant City Attorney Langley read Ordinances 12-11, 12-12 and 12-13 by title only. Community Development Director Williams stated the lot is vacant that is being

purchased by Homes in Partnership to develop a single family residency. Staff recommends approval of all three ordinances with conditions provided in the agenda packet.

Commissioner Makin announced he would be abstaining from the vote because he has a financial interest in the action.

Mayor Rees opened the public hearing; hearing and seeing none, he closed the public hearing.

Motion by Commissioner Olszewski to adopt Ordinances 12-11, 12-12, and 12-13. Seconded by Commissioner Sharman and carried 4-0-1; Commissioner Makin abstained.

- D. **Ordinance 12-25:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 5.44 ± ACRES LOCATED AT 12201 WEST COLONIAL DRIVE ON THE NORTH SIDE OF WEST COLONIAL DRIVE, EAST OF CARTER ROAD AND WEST OF STATE ROAD 429 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
- E. **Ordinance 12-26:** 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 APPROXIMATELY 5.44 ± ACRES LOCATED AT 12201 WEST COLONIAL DRIVE ON THE NORTH SIDE OF WEST COLONIAL DRIVE, EAST OF CARTER ROAD AND WEST OF STATE ROAD 429 FROM ORANGE COUNTY COMMERCIAL TO CITY COMMERCIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE
- F. **Ordinance 12-27:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 5.44 ± ACRES OF REAL PROPERTY GENERALLY LOCATED AT 12201 WEST COLONIAL DRIVE ON THE NORTH SIDE OF WEST COLONIAL DRIVE, EAST OF CARTER ROAD AND WEST OF STATE ROAD 429 FROM ORANGE COUNTY C-3 COMMERCIAL DISTRICT TO CITY C-2 ARTERIAL COMMERCIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

Community Development Director Williams stated staff is requesting postponement of these three ordinances until July 12, 2012.

Motion by Commissioner Sharman to postpone Ordinances 12-25, 12-26, and 12-27 until July 12, 2012. Seconded by Commissioner Makin and carried unanimously 5-0.

- G. **Ordinance 12-29**: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REPEALING ORDINANCE 11-35 AND REPLACING IT WITH THE REZONING AND URBAN VILLAGE PLANNED UNIT DEVELOPMENT (UVPUD) REQUIREMENTS CONTAINED WITHIN THIS ORDINANCE; PROVIDING FOR REZONING APPROXIMATELY 75.94 ± ACRES OF CERTAIN REAL PROPERTY GENERALLY LOCATED ON THE NORTH SIDE OF MARSH ROAD, EAST OF WILLIAMS ROAD AND WEST OF AVALON ROAD (CR 545) AT 16851 AND 17001 MARSH ROAD, FROM NO ZONING (NZ) TO URBAN VILLAGE PLANNED UNIT DEVELOPMENT (UVPUD); PROVIDING FOR CERTAIN UVPUD REQUIREMENTS AND DESCRIBING THE DEVELOPMENT AS THE WATERSIDE ON JOHN'S LAKE URBAN VILLAGE PUD; PROVIDING FOR NON-SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE (Waterside at John's Lake).

Assistant City Attorney Langley read Ordinance 12-29 by title only. Community Development Director Williams stated that the applicant would present their project first and then staff will come back with its recommendations as well as recommendations from the Planning and Zoning Board and public hearing.

Assistant City Attorney Langley swore in everyone who anticipated submitting testimonies in the proceedings related to Ordinance 12-29, which included those claiming to be experts, City staff members, applicants, and opponents.

Tom Sullivan, of the Lowdness law firm, 215 N. Lake Eola Drive, Orlando, Florida, on behalf of the applicant Centerline Homes for the Waterside Planned Unit Development (PUD) stated that he was present and with him was the project team which includes the planning expert Mike Holbrook, civil engineer Scott Sterns, and traffic expert Tony Gluten.

Mr. Sullivan stated that they are in complete agreement with staff's report and professional analysis recommending approval of this PUD. This project is compatible with the surrounding area and is consistent with the City's comprehensive plan. He noted the support of the property owners to the east and west of the project. He then submitted the expert's resumes into the record.

Michael Holbrook, Director of Planning for Bowyer, Singleton and Associates, 520 South Magnolia Avenue, Orlando, Florida, explained his qualifications as an expert for testimony on this issue. He noted that they have worked closely with staff and the main issue is to have Marsh Road as a two-lane road. He noted that a roundabout at the main entrance will be provided as well as a secondary emergency access to the east. The plan will slow the through traffic but allow for the continuous movement of traffic on Marsh Road. There will be no need for a stop light or four-way stop at the main entrance because of the roundabout. Mr. Holbrook stated that it is his professional opinion that this project is compatible with the surrounding areas and is consistent with the applicable goals, objectives and policies of the City's Comprehensive Plan.

Scott Stearns, Bowyer, Singleton, and Associates Vice President of Land Development, 520 South Magnolia Avenue, Orlando, Florida, gave a history of his expertise. He then stated that the environmental and stormwater regulations of the water management district, City, and State requirements will be met and exceeded for this project. Some of the measures that will be included in the plan are stormwater plans, open space and setbacks from karst features, protection of wetlands, trees along John's Lake, buffers, and conservation easements.

Tony Luke of Luke Transportation Engineering Consultants, Inc., 29 E. Pine Street, Orlando, Florida, gave a history of his expertise. He noted that his firm conducted a traffic impact study to address the City's adopted concurrency management system requirements. He noted that their firm is in agreement with City staff regarding the identification of the impacts and mitigation strategies to address the impacts. He concurred with City staff that a recent Marsh Road traffic count resulted in a significant reduction from 2011 to the year 2012.

Ed Williams, Community Development Director for City of Winter Garden stated that the Development Review Committee (DRC) not only accepted reports but did their own review. In addition to the information the DRC submitted, staff conducted their own independent analysis of the property, environment, wetland and tree issues. The project was reviewed against the Comprehensive Plan and was consistent with the plans, policies and goals within the Comprehensive Plan. The proposal was reviewed against the future land use map and the project was determined to be consistent with urban village designation on the land use map. The proposal was reviewed against the Joint Planning Area (JPA) agreement that is currently active with Orange County and the project that is proposed is consistent with the JPA Six agreement. He stated that they looked at protection of the karst feature, interconnectivity within the project, pedestrian, and traffic connections. They reviewed the zoning criteria, concurrency requirements, police, fire and schools. The Planning and Zoning Board found this project to be consistent with the Comprehensive Plan, the urban village PUD and recommend an approval of the project. Mr. Williams submitted his vitae into the record.

Mr. Williams added that if this property were to be developed as a typical R-1 subdivision versus the planned development (PD), staff has determined it would be between eight to ten more lots on the property. However, a standard subdivision would not have the added protection of the trees, lakeshore, the larger setbacks and more open space. Staff feels that the protection and benefits of the PD more than offsets the change in lot sizes to support the request.

Mayor Rees opened the public hearing.

Doug Ackerman, Esq. stated that he represents Ivan and Mila Lindsey who are the adjacent property owners to the proposed development. He submitted a packet of documents for the record. He noted that he previously objected to a virtually identical

development some months ago. The City's response is to basically concede that what staff had done before was not in compliance with the Comp Plan or code. The last four months have basically been an attempt to redo and run it through the system to be upheld. He stated that they feel the Comprehensive Plan and Code are being violated and asked that the City Commission reject the application.

Assistant City Attorney Langley stated that he disagrees with Mr. Ackerman. The City has not in any way acknowledged that any previous development order related to the property was inconsistent with the Comprehensive Plan and he believes that was not a correct statement.

Mr. Ackerman responded that the City would never concede this, but what has happened since that challenge is an obvious, concerted effort to both readopt an entirely new ordinance and resubmit it through the process to try and make it work.

Tom Pelham, attorney and certified planner, stated that he is appearing this evening as an expert witness on behalf of Ivan and Mila Lindsey. Mr. Pelham gave history of his experience and noted his resume has been provided. He stated that the reason he is present is to give expert testimony about proposed Ordinance 12-29 and whether it complies with the City's Code of Ordinances as amended by Ordinance 12-24. He noted that he previously testified on the prior application to this project on February 9, 2012. Since then, the ordinances have changed but the plan itself has not changed at all. This is the reason in his opinion Ordinance 12-29 and the PUD and the preliminary development plan within it does violate the City's Code of Ordinances as amended by Ordinance 12-24. He noted that it is important to note that a record is being built here and it is important that he gets the specifics into the record.

The plan does not create a series of walkable residential neighborhoods as required by Section 118-1063 (b) (1). The proposed UV PUD is a conventional single use residential subdivision that has no convenient, non-residential uses within easy or convenient walking distances of the residences within that plan. There is no school within easy or convenient walking distance. The proposed minimalist park of .92 acre is located to the far west of the project and is not convenient to many of the residents. No provision for sidewalks on both sides of the internal streets. He noted that the City staff report fails to mention most of the points he has mentioned.

The plan does not develop an integrated park and trail system to facilitate pedestrian travel and recreation as required by Section 118-1063 (b) (2). The park is not within a quarter of a mile, as required in the code, of most of the residences.

The plan does not create or insure a mixed use character through the integration of a diversity of uses as required by Section 118-1063 (b) (5). The proposed development has only one use of single family residential and has no diversity of uses and no integration of the diversity of uses as required by the City's code.

The plan does not create a focus center within the urban village as required by Section 118-1063 (b) (6). The proposed UV PUD creates neither a focus center nor an urban village; it lacks the integrated mix of uses. Ordinance 12-29 does not ensure there will be a focal or village center, or an integrated mixture of diverse uses on the remaining 657 acres designated UV PUD. The City staff report on Page 9 erroneously states that this requirement is not applicable to the UV PUD. He stated that the City staff relies entirely on speculation about possible future development of a village center somewhere else on this 657 acre tract. Mr. Pelham stated that the staff report on Page 9 indicating that the park is centrally located is not true and that it is located at the far western end.

The plan does not have adequate housing diversity as per Section 118-1063 (c). Page 10 of the staff report does acknowledge that there is a requirement of housing diversity and then points out that there is no diversity of housing in this plan.

The proposed UV PUD does not include, promote, or permit the plan diversification and integration of uses in structures as required by Section 118-1063 (g). It consists of 172 single family residential lots and has no commercial retail office or other non-residential uses. It does not ensure that such diversification will occur somewhere on the additional 657 acres.

Mr. Pelham stated that he believes these violations are the result in part in the highly irregular way that the zoning of the John's Lake PUD has been handled. He noted that there were three different ordinances in an effort to rezone a project that does not fit. He stated that it is a piecemeal approach that is inconsistent with the notion of comprehensive plan. He urged the City to recognize that this is yet another failed effort and attempt to fix the situation after the fact by adopting still another ordinance with provisions that have been designed to possibly eliminate possible objections, which is not the way the City should go. He suggested stepping back and doing what the comprehensive plan requires and comprehensively plan the 657 acres as an urban village.

Patricia Tice, President of Creative Resources Enhancing Workable Sustainability gave her history of her experience. She stated that she would focus specifically on the code provisions within the City's ordinances that are inconsistent with the application.

In Section 110, under streets, the code requires that minor streets will be laid out so that their use by through traffic is discouraged. The primary through street shown on the plan is nearly straight and provides no impediment to through traffic in the east bound direction and only minor impediments in the west bound direction.

Section 110-204 (b) states block lengths are not to exceed 1400 feet or be less than 500 feet. The interior blocks fit this criteria, however, the entire length of the blocks surrounding the outside of the project are by far greater than 1400 feet. They show no pedestrian connections, provide no impediment to the through traffic, or even high speed traffic along these long uninterrupted stretches of roadway.

Ms. Tice stated that the application is inconsistent with the urban village PUD ordinance in multiple ways. She noted that Section 118-134 (b) (6) requires that the preliminary development plan include a pedestrian circulation system identified on the plan, which she states is not in the plan. Section 118-34 (c) (4) indicates that the required review criteria for this project include the nature intent and compatibility of any common open space including the proposed method for the maintenance and conservation of that common open space. She stated that there is no evidence in this plan that documents how the open space is to be maintained, particularly Wekiva study area open space, on private lots, which are back yards that could be fenced.

Ms. Tice stated that the Section 118-1063 criteria listed are not met by this plan and that she would highlight the most egregious of them.

Section 1180-1603 (b) (1); the project size precludes it from being walkable

Section 118-1063 (b) (2); one park does not create a system; sidewalks barely are for pedestrians and 24 foot wide roadways do not accommodate bicycles.

Section 118-1063 (b) (4); establishing connectivity to natural systems is not possible when they are contained within private lots and not public lots.

Section 118-1063 (b) (5); states it should create a mixed use character and the project has no mixed uses.

Section 118-1063 (b) (6); should create a focus center within the urban village. There is a central park that is not centered or focal.

Section 118-1063 (c); requires a park or central feature located within a quarter mile walking distance of the majority of residents. However, the map says 60 percent are not a quarter of a mile walk.

Section 118-1063 (d); ensures adequate housing diversity should contain a variety of housing types. One type of housing is not a mix.

Section 118-1063 (e); street network shall be designed to create a hierarchy of interconnected streets and traffic calming solutions. One type of street is not hierarchy. No calming solutions are proposed or contemplated.

Section 118-1067 (b); states privately owned common open space shall continue to conform to its intended purpose with appropriate restrictions to ensure that the common open space is permanently preserved. There is no methodology provided in the application to ensure the homeowners can or will manage the conservation resource to the Wekiva Protection Act.

Section 118-1082 (a) (2); specifies none of the Wekiva open spaces can be chemically treated except to establish sensitive habitat. This is a specialized task that requires professional expertise beyond that of a normal landscaping professional.

Ms. Tice stated that this is a half-hearted attempt. The City's laws are not being followed in the application being submitted. This project design does not support public health and is unsafe. She noted a failing level of service on Marsh Road. She feels this will only be a benefit to the developer and will not benefit the City.

Commissioner Sharman asked for clarification on Ms. Tice's description of the park not providing everyone sufficient access to the natural resources, being the lake, and that

every lot should touch the lake. **Ms. Tice** responded no, she explained that if this project had been planned appropriately the roadway in front of the lots would run alongside the lake so that every lot would have access to the lake within a reasonable walking distance. That land would be buffered from any private residences but would instead be common space.

Commissioner Sharman asked if she was saying that this park would not allow anyone access to the lake. **Ms. Tice** responded that the park is not within walkable distance of 60 to 70 percent of the lots in this project, which means only maybe 30 percent of the lots will have access.

City Manager Bollhoefer asked for clarification on Ms. Tice's issue with Marsh Road. **Ms. Tice** responded that she would like to see Marsh Road widened to meet the traffic requirements. She noted that a multiuse trail cannot be unbuffered near a roadway that at the moment is posted at 45 mph. **City Manager Bollhoefer** noted that increasing lanes attracts more traffic. Staff is trying to turn Marsh Road into a local type road so it will accommodate pedestrians and bicycles. **Ms. Tice** ultimately expressed that Marsh Road should be a four-lane road.

Tom Sullivan, stated Mr. Pelham's point of it not being a mixed use within the PUD is clearer now that there is no requirement for single use. Mr. Sullivan noted that Ms. Tice spoke of this project as not being consistent with the comprehensive plan as originally envisioned for this area. Mr. Sullivan noted that he has been involved with the development for at least three to four years during which time he has never seen Ms. Tice or Mr. Pelham participate in the early discussions. The property owner and developer have the right to reasonably develop the property as per the City's code. There has been residential density established for this area of the City at a density not to exceed four dwelling units per acre for years. The residential density is at 2.6 dwelling units per acre which is in keeping with the vision for this area, which has been in existence for many years. He thanked the City Commission for their consideration of this application.

Mr. Williams stated that one of the main issues is that in the advertising requirement for the urban village PUD zoning ordinance the staff did not meet the ten days spacing requirement for the hearings. Rather than go to court on this issue, staff chose to fix the problem. That is not admitting any wrong doing but rather that put everyone to the expense and aggravation, we chose to fix it. Mr. Williams voiced his disappointment in Mr. Pelham's, whose career has been so tied in comprehensive plans for the state, comment that the comprehensive plan for this City that was approved by the DCA, means nothing.

Mr. Williams explained the comments about there being no mixture of uses, no diversity of housing types, no rental units, means you can't be an urban village. The ordinance says that every property in the village will not have every type of use, residential or commercial. He noted that the statement regarding there being no guarantee in the future; there is no guarantee the village will happen or that the commercial center will

happen. The comprehensive plan and future land use map say there will be a center here. The comprehensive plan as written is a guarantee that if the development happens, this plan shows how it will happen.

Mr. Williams expressed it was difficult to follow Ms. Tice's argument when the West Orange Bike trail is an integral part of this City to say the quarter mile is the criteria for walking. While it may be for walking, it is not for biking.

Another problem with Ms. Tice's testimony is that she did not offer a traffic study, traffic analysis, traffic counts or reviews of their report. He felt she was arguing both sides of the issue.

Mr. Williams stated that these issues that were raised tonight were not presented to the Planning and Zoning Board and were brought only to the City Commission. He explained that the Planning and Zoning Board was an integral part in the development of the comprehensive plan and its adoption. The City's current comprehensive plan was approved by the DCA, including the urban village component.

Mr. Williams stated that the Planning and Zoning Board recommended that the City Commission find this consistent with the comprehensive plan and all other provisions of the ordinance. The arguments on the development are premature as this part of the project is only related to the future land use. The development of the property is the next step in this plan. The City Commission will see the next piece of the project when it is submitted for review. They will then see that many of these issues have been addressed.

Mr. Williams addressed the fertilizer argument given by Ms. Tice by explaining that the City of Winter Garden has some relief from some of the requirements of the Wekiva Act due to the different conditions in Winter Garden. He noted that 80 to 90 percent of the City is not a prime recharge area; this particular area is prime recharge and does meet that criteria. Staff recommends approval.

Commissioner Olszewski asked Assistant City Attorney Langley if the project as it stands is defensible. **Mr. Langley** responded that should the City Commission choose to approve this ordinance; legal counsel will stand behind its decision. Mr. Langley also noted that enough painstaking efforts and comprehensive research by staff would lead him to believe that it is defensible.

Commissioner Olszewski asked about the accusation of the City changing the ordinance. **Mr. Williams** replied that the ordinance was not changed but reissued to meet the advertising requirements. He clarified that there was a change to the name of the application from Waterside Residential Planned Unit Development to Waterside Urban Village Planned United Development to match the criteria in the new ordinance.

Motion by Commissioner Buchanan to adopt Ordinance 12-29 approving the Waterside on John's Lake Urban Village PUD and its associated preliminary

development plan based on the Planning and Zoning Board recommendation for approval and competent, substantial evidence in the record indicating that Ordinance 12-29 is consistent with the Comprehensive Plan and meets the criteria set forth in the Comprehensive Plan JPA 6, the Future Land Use Map, land development regulations including Sections 118-827, 118-828 and 118-834, Code of Ordinances for rezoning the property to UVPUD and this motion incorporates the City staff's report findings and testimony as a basis for adoption. Seconded by Commissioner Makin and carried unanimously 5-0.

- H. **Ordinance 12-31:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA VACATING UTILITY, DRAINAGE AND LANDSCAPING EASEMENTS OVER THE SOUTHERN TEN FEET OF LOT 15, DANIELS CROSSING, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 37, PAGES 23 AND 24 OF THE PUBLIC RECORDS OF ORANGE COUNTY (LOCATED AT 256 DANIELS POINTE DRIVE, WINTER GARDEN, FLORIDA) OWNED BY DUANE BRUCE WOLFE, JR. AND DANIEL JAMES DUNHAM; PROVIDING FOR AN EFFECTIVE DATE AND RECORDING

Assistant City Attorney Langley read Ordinance 12-31 by title only. Community Development Director Williams stated this item is to vacate a draining easement to accommodate a pool. The applicant has obtained letters from all the utility companies stating they would and will not use the easement. Staff recommends approval.

Mayor Rees opened the public hearing; hearing and seeing none, he closed the public hearing.

Motion by Commissioner Olszewski to adopt Ordinance 12-31. Seconded by Commissioner Sharman and carried unanimously 5-0.

- I. **Ordinance 12-32:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA PARTIALLY VACATING THE NORTH THREE FEET OF WALL, LANDSCAPE AND UTILITY EASEMENTS OVER THE SOUTHERN TEN FEET OF LOT 32, BELLE MEADE, PHASE 1 ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 62, PAGES 21 THROUGH 23 OF THE PUBLIC RECORDS OF ORANGE COUNTY (LOCATED AT 15508 FIRELIGHT DRIVE, WINTER GARDEN, FLORIDA) OWNED BY BRIAN BERNATE AND DANIELLE L. BURNARD; PROVIDING FOR AN EFFECTIVE DATE AND RECORDING

Assistant City Attorney Langley read Ordinance 12-32 by title only. Community Development Director Williams stated this ordinance is for a partial vacation of three feet of the ten foot easement to accommodate a future pool. They have obtained the necessary letters from the utilities and staff is recommending approval.

Motion by Commissioner Olszewski to adopt Ordinance 12-32. Seconded by Commissioner Sharman and carried unanimously 5-0.

- J. **Ordinance 12-33:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING ARTICLE IV OF CHAPTER 38 OF THE WINTER GARDEN CITY CODE; PROVIDING FOR EXTENDED HOURS FOR CONSTRUCTION OPERATIONS; PROVIDING FOR ADDITIONAL ABATEMENT OF NOISE IN RESIDENTIAL AND OTHER AREAS; PROVIDING FOR ENFORCEMENT OF NOISE ORDINANCE VIA AN ALTERNATIVE OBJECTIVE STANDARD OF REASONABLENESS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

Assistant City Attorney Langley read Ordinance 12-33 by title only. City Manager Bollhoefer stated the current code is not sufficient to control noise problems. Staff's goal is not to go looking for violators but answer complaints. The City Attorney has made changes as requested at the first reading.

Mayor Rees opened the public hearing; hearing and seeing none he closed the public hearing.

Motion by Commissioner Sharman to adopt Ordinance 12-33. Seconded by Commissioner Buchanan and carried unanimously 5-0.

5. **REGULAR BUSINESS**

- A. **Resolution 12-11:** A RESOLUTION OF THE CITY OF WINTER GARDEN, FLORIDA SUPPORTING THE WAYFINDING SIGN SYSTEM PLAN TO EFFICIENTLY AND SAFELY GUIDE MOTORISTS AND PEDESTRIANS TO KEY PUBLIC FACILITIES SUCH AS CIVIC, CULTURAL, VISITOR, AND RECREATIONAL DESTINATIONS WITHIN THE CITY OF WINTER GARDEN

City Manager Bollhoefer requested postponement of this item with no objections noted.

- B. **Recommendation to approve the revised Final Plat C 90 two-unit fee simple townhomes for the Villas at Tucker Oaks**

Community Development Director Williams stated staff has reviewed the plat and it is correct in all regards and recommend approval.

Motion by Commissioner Olszewski to approve revised Final Plat C 90 for Villas at Tucker Oaks. Seconded by Commissioner Buchanan and carried unanimously 5-0.

- C. **Recommendation to approve the distribution of the \$10,947.00 awarded Justice Assistance Grant (JAG) to fund the Police Department's purchase of riot response equipment**

Deputy Police Chief Sullivan stated that this request is to purchase riot equipment that the City currently does not have.

Motion by Commissioner Buchanan to approve the purchase of riot response equipment from JAG grant funds as requested. Seconded by Commissioner Sharman and carried unanimously 5-0.

D. Recommendation to close Plant Street between 7:00 - 8:30 a.m. on November 10, 2012 to accommodate the “Winter Garden” 5K road race

Parks and Recreation Director Conn stated that the owner of Tri & Run has requested that Plant Street be closed to accommodate a 5K race. There is really no effect to the downtown area at this time of morning. The Winter Garden Merchant’s Association has already given their approval.

Motion by Commissioner Makin to approve closing Plant Street between 7:00 a.m. and 8:30 a.m. on November 10, 2012 as requested. Seconded by Commissioner Olszewski and carried unanimously 5-0.

6. **MATTERS FROM CITIZENS** – There were no items
7. **MATTERS FROM CITY ATTORNEY** – There were no items
8. **MATTERS FROM CITY MANAGER**

Community Development Director Williams asked the City Commission to consider approving the purchase agreement for 6,000 square feet for \$30,000, as provided, which is for right-of-way on East Plant Street from Cemex Construction Materials, LLC. The agreement does take out the first row of parking. In addition, the City will take the drainage off their parking lot into our system, landscape the front of the property. He asked that the City Commission authorize the City Manager to sign the agreement.

Motion by Commissioner Olszewski to approve the acquisition of right-of-way for Plant Street from Cemex Construction Materials, LLC as submitted and authorize the City Manager to sign the agreement. Seconded by Commissioner Sharman and carried unanimously 5-0.

Mr. Bollhoefer stated that the Winter Garden Merchant’s Association met this week and has requested to hold their art show, which has been significantly improved. He invited Wendy Byrd to address the City Commission.

Wendy Byrd stated that they are requesting to hold the art show November 24th and 25th this year. Mr. Bollhoefer added that they are requesting to close the downtown streets and a separate area for wine.

Motion by Commissioner Makin to approve changing the Merchant’s Association dates for their art festival to November 24th and 25th, 2012, closing downtown streets and having a wine venue. Seconded by Commissioner Buchanan and carried unanimously 5-0.

Mr. Bollhoefer gave high praise and thanked all the City staff who worked so hard on getting ready for the visit by the America in Bloom judges and to all the crews clearing all the debris after the recent storms.

Mr. Bollhoefer introduced the new Finance Director, Michael Givens, who is a CPA and has worked with the City of Jacksonville. He is very qualified, very knowledgeable, and he is happy to have him on board.

9. **MATTERS FROM MAYOR AND COMMISSIONERS**

Commissioner Sharman shared that Florida Hospital has presented their proposal and all the feedback he has had is somewhat positive. There are major concerns with the height; if it happens at all. He does think it is important for the City Commission to think about it and give the height some thought.

Mayor Rees indicated that a lot will depend on the number of beds they will need to be profitable and look at the acreage.

Commissioner Olszewski asked Commissioner Sharman what he thought the height range would be.

Commissioner Sharman stated a balloon test will be done to show the neighbors just how high the stories would look from their back yards. He is reserving his judgment until he sees the test results.

Commissioner Makin stated he has heard comments about a helicopter pad and flight patterns.

Mr. Bollhoefer stated that further research has revealed that it averages one helicopter per week. Staff is going out to sites with helicopters to see what sound impact it has on the communities. He will invite the HOA boards to witness the real sound. The size of the land does limit them and the height range would be from five to eight stories.

Commissioner Makin wants to make sure that what is being said and what is being proposed is going to be consistent with everything because he is getting so much different information.

Mr. Bollhoefer indicated it would all be clarified at community meetings. What matters is what is put into the documentation. It will be a long process with numerous meetings. The answers will come during the process.

Commissioner Sharman stated that he wants the Commissioners to think over such items as the building height and the helicopter. He asked the City Manager if there was anything else.

Mr. Bollhoefer stated there were three items; the sirens, the helicopter, and height.

Commissioner Olszewski thanked Mayor Rees for appointing him to the Metro Plan Orlando Municipal Advisory Board; he attended his first meeting. He also thanked Orange County Mayor Jacobs and County Commissioners for appointing him to the Orange County Community Action Board to which has attended his first meeting.

Commissioner Olszewski echoed the City Manager's comments regarding staff's response to the storm.

Commissioner Olszewski addressed the Windermere Road at Windermere Crossing Subdivision site plan submittal that he has been made aware of and wanted citizens to know he hears their concerns loud and clear. Staff will be working with the developers to make sure the esthetics and neighborhood standards will be met. He is fully up to date and will be proactive on this matter as it moves forward.

Commissioner Buchanan stated that he walked by house that a tree limb had fallen on at 1:00 a.m. and by 3 a.m. it had been cut up and put on the side of the road by staff doing a great job. Even during the flash flood, there was no water going up resident's driveways across the street from him.

Commissioner Buchanan stated that he personally believes Joy Robertson and her crew should be recognized for what they did in making the City shine as it did when the America in Bloom judges came through.

Commissioner Makin echoed the comments made by the Commission and State Road 50 is looking good. The planting of the oak trees really look good. He thanked the City Manager for getting the recyclable hobs out.

Mr. Bollhoefer stated that staff is working with FDOT and Clear Channel to enable us to get more trees on State Road 50.

Mayor Rees stated City staff did a superb job getting ready for America in Bloom. He really appreciates what staff does and it makes it a great place to live and a lot easier to be on the Commission. Thank you everyone.

The meeting adjourned at 8:50 p.m.

APPROVED:

Mayor John Rees

ATTEST:

City Clerk Kathy Golden, CMC



**Community Development
Planning & Zoning**

JUN 19 2012

Received By *C. Williams*
72-089

CITY OF WINTER GARDEN
300 WEST PLANT STREET
WINTER GARDEN, FL 34787

P: 407.656.4111
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WINTER GARDEN • A charming little city with a juicy past.

**APPLICATION FOR AN APPEAL OF
A PLANNING AND ZONING BOARD DECISION**

SECTION 98-31 OF THE CITY CODE OF ORDINANCE ALLOWS FOR ANYONE AGGRIEVED BY A DECISION OF THE PLANNING AND ZONING BOARD TO APPEAL SAID DECISION TO THE CITY COMMISSION. THIS DOCUMENT IS THE OFFICIAL APPEALS APPLICATION. PLEASE COMPLETE THIS FORM, SUPPLY ALL REQUIRED INFORMATION, AND PROVIDE THE APPROPRIATE FEE.

1. NAME & ADDRESS OF PETITIONER:

A. Jay and Lydia Cummings
112 North Lakeview Avenue
Winter Garden, Florida 34787

FAX: _____ PHONE NUMBER: _____

2. CONTACT PERSON/MAILING ADDRESS (IF DIFFERENT):

Karen Z. Consalo, Esquire c/o Rolun D. Munns, Esquire
PO BOX 2807
Orlando, Florida 32802

FAX: (407) 578-2347 PHONE NUMBER: (407) 578-1334

3. IF CORPORATION, NAMES OF PRESIDENT AND SECRETARY:

PRESIDENT: _____ SECRETARY: _____

4. PROPERTY ID NUMBER: 14-22-27-1728-06-030

5. ADDRESS OF SITE: 125 North Lakeview Avenue, Winter Garden, Florida

6. PROVIDE A FULL LEGAL DESCRIPTION: Plat of Winter Garden D/32 Lots 76-83 & N 427.71ft of Lot 90

7. DECISION TO BE APPEALED (DATE, NATURE OF THE DECISION)

As of 6/18/12, the 6/4/12 Planning & Zoning Minutes and Order have not yet been published. However, the Petitioner observed P&Z verbally recommend approval of a Special Exception Permit for a columbarium at the First United Methodist Church, to be located directly across from Petitioner's home.

8. I UNDERSTAND THAT THE CITY OF WINTER GARDEN REQUIRES THAT THE APPLICANT BE RESPONSIBLE FOR REIMBURSING THE CITY FOR ALL ADVERTISING COSTS ASSOCIATED WITH THIS APPLICATION, INCLUDING POSTAGE FOR NOTICES TO ADJACENT PROPERTY OWNERS, AND FOR NEWSPAPER ADVERTISING AS REQUIRED BY THE FLORIDA STATUTES AND THE CITY CODE. I UNDERSTAND THAT I WILL BE BILLED FOR THESE COSTS AND WILL BE RESPONSIBLE FOR PAYING THEM, WHETHER OR NOT MY APPLICATION FOR AN APPEAL IS SUCCESSFUL.

IN ADDITION, IF THIS APPLICATION IS DEEMED TO REQUIRE REVIEW BY THE CITY ENGINEER, CITY SURVEYOR AND/OR CITY ATTORNEY, I UNDERSTAND THAT I OR MY COMPANY WILL BE RESPONSIBLE TO PAY FOR ANY AND ALL REASONABLE LEGAL, ENGINEERING, OR SURVEYING FEES INCURRED BY THE CITY OF WINTER GARDEN IN THE PROCESS OF REVIEWING THE ABOVE PROJECT. I ALSO UNDERSTAND THAT IF THIS PROJECT PROPERTY IS SOLD, I OR MY COMPANY WILL BE RESPONSIBLE TO ENSURE THAT THE NEW OWNER WRITES A SIMILAR LETTER ACCEPTING ALL THE RESPONSIBILITY TO PAY FOR ANY AND ALL REASONABLE LEGAL, ENGINEERING, OR SURVEYING FEES INCURRED BY THE CITY OF WINTER GARDEN IN THE PROCESS OF REVIEWING THIS PROJECT FROM THE DATE THE PROPERTY IS SOLD.



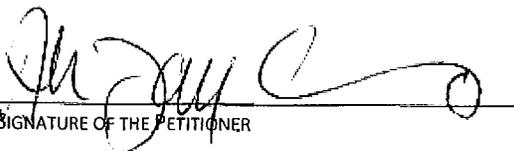
CITY OF WINTER GARDEN
300 WEST PLANT STREET
WINTER GARDEN, FL 34787

P: 407.656.4111
WWW.WINTERGARDEN-FL.GOV

AN APPLICANT SHALL PROVIDE PROMPT WRITTEN NOTICE TO THE CITY MANAGER IN THE EVENT OF A CHANGE IN OWNERSHIP OF ALL OR A PORTION OF A LOT, TRACT, OR PARCEL OF REAL PROPERTY WITH THE RESPECT TO WHICH AN APPLICATION, OR PROJECT IS PENDING BEFORE THE CITY.

INVOICES FOR THE COSTS ASSOCIATED WITH 125 N Lakeview Avenue (PROJECT NAME OR ADDRESS)
SHOULD BE SENT TO (NAME AND ADDRESS OF RESPONSIBLE PARTY):

A, Jay Cummings
112 North Lakeview Avenue
Winter Garden, Florida 34787



SIGNATURE OF THE PETITIONER

A. Jay Cummings
PRINT NAME:

6/19/2012
DATE

IF PETITIONER IS A LEGAL REPRESENTATIVE OF THE OWNER, AN AFFIDAVIT SIGNED BY THE OWNER MUST ACCOMPANY THIS PETITION.

SUBMITTAL REQUIREMENTS:

1. A LETTER DESCRIBING:
 - A. THE NATURE AND REASON FOR YOUR APPEAL,
 - B. A DESCRIPTION OF THE DETERMINATION OF THE PLANNING AND ZONING BOARD.
 - C. THE REASON FOR OVERTURNING THE DETERMINATION (I.E., WHY YOU BELIEVE THE P&Z BOARD DECISION IS INCORRECT.)
2. FEE: A NON-REFUNDABLE FEE OF \$300 IS REQUIRED.

THE PLANNING AND ZONING DIRECTOR MAY REQUIRE ADDITIONAL INFORMATION. RETURN THIS FORM AND THE ABOVE SUBMITTAL REQUIREMENTS TO THE PLANNING DIRECTOR AT THE ADDRESS ABOVE.

PROCEDURE:

CITY STAFF WILL REVIEW THE APPEAL AND PLACE IT ON THE NEXT AVAILABLE CITY COMMISSION AGENDA AFTER PROPER NOTIFICATION.



**Bogin, Munns
& Munns, P.A.**

Attorneys at Law ■ Since 1979

Community Development
Planning & Zoning

JUN 19 2012

Received By: *William*

Karen Z. Consalo
Attorney At Law
2001 Technology Drive, Orlando, FL 32804
P.O. Box 2807, Orlando, FL 32802
P: (407) 578-1334
F: (407) 578-2347
kconsalo@boginmunns.com

SUMMARY OF APPEAL (SUPPLEMENT TO NOTICE OF APPEAL)

The application under appeal is a request by the First United Methodist Church for a Special Exception Permit to construct a columbarium on the southwest side of their property. Upon information and belief, the P&Z board has recommended approval of this Special Exception Permit without any changes or amendments to the Church's application.

The Winter Garden Code does not include any criteria specific to a Special Exception for a columbarium. In fact, the Winter Garden Code does not provide criteria specific to any type of Special Exception Permit. The Code only provide one general set of criteria to be applied for any Special Exception use of any type. This one-size-fits-all approach to review of Special Exceptions does not comport with Florida's requirements for specific and objective criteria in granting Special Exceptions.

To further render this application questionable, the Winter Garden Code does not even define what a columbarium is, provide any zoning district in which it may be permitted as a Special Exception, or regulate its size, construction or location. There is simply no Code provision allowing or even contemplating this type of use anywhere other than the Winter Garden Cemetery. (There is a vague, anything goes, provision for Special Exceptions in the C-1 zoning district. However, this provision is so utterly vague as to be unconstitutional in a zoning context.)

As such, granting a Special Exception Permit to this use would be creating a new category of allowable use within the C-1 zoning district. Should the City decide that columbariums should be allowed in certain zoning districts, per Florida law, the City must amend the City Code to allow such uses either "by right" or as Special Exceptions. Amendment of City Code requirement drafting of an ordinance to be adopted and public hearings preceded by specified advertising. If columbariums are

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Lakeview Avenue N - 125

APPEAL - SEP

Cummings, Jay Alvin and Lydia A.
14-22-27-5656-00-760

to be allowed as Special Exceptions, then Florida law requires specific and objective criteria to govern the review of such Special Exception applications. For the City to simply create a zoning entitlement to a columbarium, not otherwise authorized by City Code, through the general Special Exception process is a violation of chapter 163, Florida Statutes.

Even hypothetically, if the Winter Garden Code did permit columbariums as a Special Exception use in the C-1 zoning district and governed by the general Special Exception criteria in the Code, this particular application should not be approved. Winter Garden's Special Exception criteria require a use to be "compatible to surrounding uses." A columbarium, which is essentially an outdoor warehouse for the ashes of deceased persons, might be compatible in a conservation, commercial, or industrial area. However, it is utterly incompatible, and an intrusion upon citizens right to quiet enjoyment of their homes, in a residential area.

The present application seeks to locate a columbarium adjacent and across from a residential neighborhood of homes facing the proposed location. Approval of this use will foist a perpetual and unrelenting air of death for these neighbors. The proposed columbarium wall is not high enough to shield the view of row upon row of urn niches from the neighbors front rooms. Further, the proposed iron gate forces unremitting view into the columbarium from Petitioners home.

The P&Z recommendation does not impose any restrictions upon funerals, memorial services or hours of visitation. However, the Church has asked to locate a sidewalk along Lakeview connecting its sanctuary to the columbarium. This sidewalk will invite funerals and visitors to stroll in and out of the columbarium, further adding to the air of death for the neighbors also causing noise and traffic appropriate to a commercial area.

A representation from the church that there will not be crowds or funerals at the location is nearly impossible to enforce as such events are likely to occur during evenings and weekends when code enforcement is not on patrol. Further, by the time code enforcement might arrive to verify the event, it would likely be over. In any event, if a Special Exception permit is granted, it would be easily modified in a few years to allow such services.

It is likely that the church does not wish to locate the columbarium within their inner courtyard, although it is a quiet and lovely space with ample room for the

columbarium, for the very same reason which concerns the neighbors. Church members do not want to view this perpetual reminder of death every time they walk through the courtyard. It is much easier for church members to force it daily upon the neighbors by erecting it on the exterior of the main facility than to locate it within their own courtyard.

A columbarium use is so incompatible with residential uses that studies have shown the immediate decline of property values when such a use is constructed near a residential neighborhood. Considering that the home is the single-most significant investment most people make in their lifetimes and that Central Florida is already in a deeply troubled housing market, to allow a use which will further reduce residential property values is in no way in the public interest.

The church has not demonstrated any need for this columbarium. In fact, the church has operated for over 100 years at this location without a columbarium. There is no indication of any creed or requirement in the Methodist religion that its houses of worship must include a columbarium. Many Methodist churches successfully operate without any on-site location for their dead. This request for a Special Exception Permit to build a columbarium is simply the preference of the current church congregation. A mere preference should not be allowed to wreak havoc upon the property values and quiet enjoyment of surrounding homes.

The Planning and Zoning Board's recommendation of approval of this Special Exception was based upon significant procedural errors. First, the public notices of this Special Exception were conflicting and confusing. The posted and mailed notices alternatively advised neighbors that the proposed Special Exception was for a cemetery, then for a columbarium, then a cemetery as a columbarium. Perhaps this confusion is due to Winter Garden's lack of a definition of either cemetery or columbarium. However, the effect was a lack of true notice to interested parties as to what the proposed Special Exception actually was to be.

Further, two of the voting members of the P&Z were clearly biased in their vote to recommend this Special Exception. Two active members of the Church congregation participated in the discussion and voted, to approve, the application. It is debatable as to whether members of the church are considered conflicts pursuant to chapter 112, Florida Statutes. However, it is indisputable that members of the very church applying for this Special Exception application were biased in favor of it. As

such, they should have recused from voting on this matter. It is difficult for citizens to have faith in a government system where such clear bias is evident in a voting body.

Should the Church be allowed this Special Exception Permit, the columbarium it should not be located at the most incompatible location on the entire Church property--that facing a residential neighborhood. The Church has several alternative locations within its existing campus, such as the courtyard or behind the church along Boyd Street where it would not front upon and abut residential homes. Keeping the columbarium within the courtyard will also give the facility an air of peace and quiet not available next to a road and residential neighborhood. Location within the courtyard will also safeguard the columbarium from vandalism and mischief often associated with columbariums and cemeteries.

This written summary of the appeal is provided without the benefit of a written order or minutes from the June 4, 2012 Planning & Zoning meeting as such order and minutes are published as of the deadline date for filing this appeal. As such, Petitioner reserves the right to supplement, amend or correct this appeal upon publication of such order and minutes. Further, at this time, Petitioner makes a public records request for the approved minutes and order as soon as they become available.

THE CITY OF WINTER GARDEN
CITY COMMISSION AGENDA ITEM

From: Ed Williams, Community Development Director

Via: City Manager Mike Bollhoefer

Date: July 5, 2012

Meeting Date: July 12, 2012

Subject: **125 N. Lakeview Avenue (Special Exception Permit – APPEAL)**
First United Methodist Church
PARCEL ID# 14-22-27-5656-00-760

Issue: An appeal of the Planning and Zoning Board's decision to grant a Special Exception Permit has been filed in accordance with Chapter 98, Article II, Section 98-31 of the City of Winter Garden Code of Ordinances which states:

“Any person aggrieved by any decision of the planning and zoning board may file a notice of appeal to the city commission within 15 days after such decision is rendered by the board.”

Discussion:

An appeal has been filed by A. Jay Cummings against the decision of the Planning and Zoning Board to grant a Special Exception Permit to allow the property located at 125 N Lakeview Avenue in Winter Garden, Florida to be used for a columbarium which is regulated under state cemetery provisions.

Recommended Action:

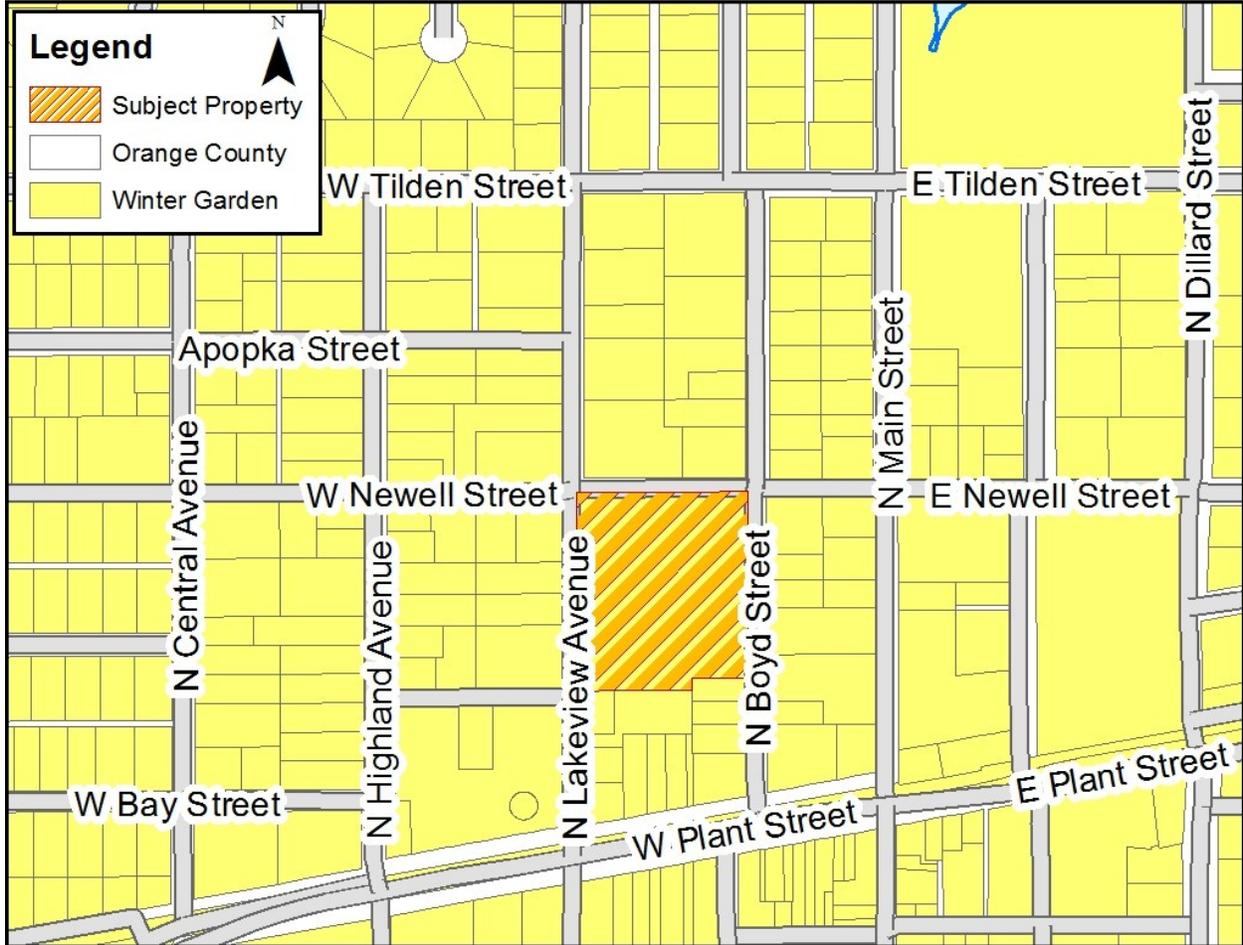
Staff recommends affirming the decision of the Planning and Zoning Board to grant the Special Exception Permit for the property located at 125 N. Lakeview Avenue to allow the use of a columbarium which is regulated under state cemetery provisions be approved with staff conditions specified by the City staff report.

Attachment(s)/References:

Location Map
P & Z Board Meeting Cover Memo & Staff Report
Community Letters in Support
Community Letters in Opposition
Power Point Presentation
June 4, 2012 P & Z Meeting Minutes

LOCATION MAP

125 N. Lakeview Avenue
First United Methodist Church



THE CITY OF WINTER GARDEN
PLANNING AND ZONING BOARD AGENDA ITEM

ITEM # 4 (Public Hearing)

DATE: MAY 31, 2012

MEETING DATE: JUNE 4, 2012

SUBJECT: 125 N LAKEVIEW AVE (SPECIAL EXCEPTION PERMIT)
PROJECT NAME FIRST UNITED METHODIST CHURCH
PARCEL ID# 14-22-27-5656-00-760

ISSUE: THE APPLICANT IS REQUESTING A SPECIAL EXCEPTION PERMIT TO ALLOW FOR THE PROPERTY LOCATED AT 125 N LAKEVIEW AVENUE TO BE USED FOR A COLUMBARIUM WHICH IS REGULATED UNDER STATE CEMETERY PROVISIONS.

SUPPLEMENTAL MATERIAL/ANALYSIS:

OWNER/APPLICANT: FIRST UNITED METHODIST CHURCH OF WINTER GARDEN, INC.

CURRENT ZONING: C-1

PROPOSED ZONING: N/A

CURRENT FLU: TRADITIONAL DOWNTOWN

PROPOSED FLU: N/A

SUMMARY:

APPLICANT PROPOSES TO CONSTRUCT A COLUMBARIUM WHICH IS REGULATED UNDER STATE CEMETERY PROVISIONS ON THE PROPERTY CONNECTING TO THE SOUTH SIDE OF THE EXISTING PRINCIPAL STRUCTURE. THE PROPOSAL INCLUDES CONSTRUCTION OF A MEMORIAL GARDEN AND COLUMBARIUM IN THE 11,875 SQUARE FOOT AREA BETWEEN THE EXISTING PRINCIPAL STRUCTURE AND ACCESSORY STRUCTURE LOCATED ALONG N LAKEVIEW AVENUE.

STAFF RECOMMENDATION(S):

STAFF RECOMMENDS APPROVAL OF THE PROPOSED SPECIAL EXCEPTION PERMIT WITH THE CONDITIONS AS SHOWN IN THE ATTACHED STAFF REPORT.

NEXT STEP(S):

SUBMIT FOR BUILDING PERMIT

ATTACHMENT(S):

STAFF REPORT
COMMUNITY LETTERS IN SUPPORT
COMMUNITY LETTERS IN OPPOSITION

CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

300 West Plant Street - Winter Garden, Florida 34787-3011 • (407) 656-4111

STAFF REPORT

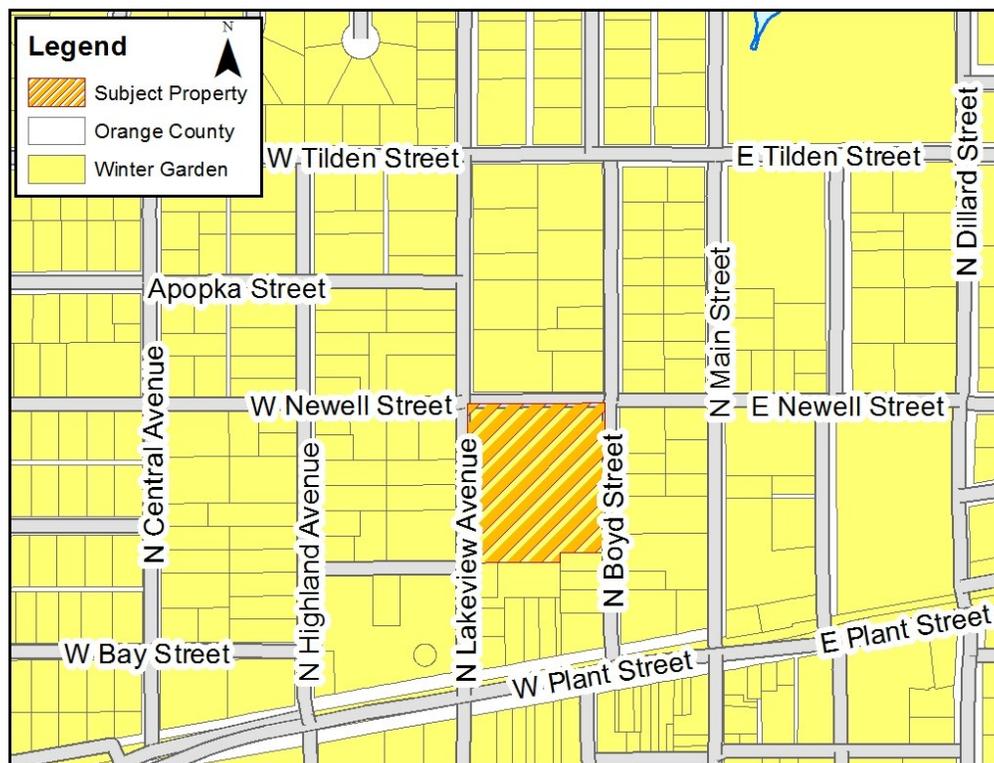
TO: PLANNING AND ZONING BOARD
PREPARED BY: LAURA SMITH, SENIOR PLANNER
DATE: MAY 31, 2012
SUBJECT: SPECIAL EXCEPTION PERMIT
125 North Lakeview Avenue (First United Methodist Church)
PARCEL ID # 14-22-27-5656-00-760

APPLICANT: First United Methodist Church of Winter Garden

INTRODUCTION

The purpose of this report is to evaluate the proposed project for compliance with the City of Winter Garden Code of Ordinances and Comprehensive Plan.

The subject property is generally located on the south side of West Newell Street, between North Lakeview Avenue and North Boyd Street at 125 North Lakeview Avenue. The map below depicts the location of the subject property within the City of Winter Garden municipal limits:



The applicant is requesting a Special Exception to allow for the subject property to be used for a columbarium which is regulated under state cemetery provisions. The subject property is located within the City of Winter Garden municipal limits, and carries the zoning designation C-1. The subject property is designated Traditional Downtown on the Future Land Use Map of the Comprehensive Plan.

EXISTING USE

The property contains the following facilities which are occupied by the First United Methodist Church of Winter Garden, Inc.: approximately 20,265 square foot principal use structure, approximately 2,324 square foot accessory office/residential structure, basketball court, playground, shed, carport, and parking facilities.

ADJACENT LAND USE AND ZONING

The properties located to the north and west of the subject property are single family residential properties zoned R-2 within the City of Winter Garden. The properties located to the east of the subject property consist of single family residences zoned R-2, and a commercial warehouse zoned C-1 located within the City of Winter Garden; the property located to the south is a developed commercial property zoned C-1 within the City of Winter Garden.

PROPOSED USE

The applicant proposes to construct a columbarium which is regulated under state cemetery provisions on the property connecting to the south side of the existing principal structure. A columbarium is defined in Chapter 497 of Florida Statutes to mean a structure or building that is substantially exposed above the ground and that is intended to be used for the inurnment of cremated remains. In accordance with Florida Statutes, all of the following fall under the classification of cemetery: land or earth interment, mausoleum, vault, crypt interment, columbarium, ossuary, scattering garden, or other structure or place used or intended to be used for the interment or disposition of cremated remains.

The applicant proposes to construct a memorial garden and columbarium in the 11,875 square foot area between the existing principal structure and the accessory residential/office structure located along North Lakeview Avenue.

The proposed memorial garden includes a fountain, benches, landscaping, and a brick wall to extend approximately 20 feet south along the east and west boundary of the garden area from the existing brick façade of the principal structure (as shown on the attached drawings).

The proposed columbarium includes the construction of a 16 inch deep brick niche wall along the south side of the principal structure to accommodate approximately 63 niches, and another 16 inch brick niche wall located approximately 20 feet south of the principal structure running east/west parallel to the principal structure to accommodate approximately 42-45 niches. A niche is defined as a recessed compartment designed to house an urn.

NEIGHBORHOOD ISSUES

Attached to this staff report are the letters of support and opposition, which were submitted to the city, regarding the request for a Special Exception Permit to allow for the subject property to be used for a columbarium which is regulated under state cemetery provisions at the existing church facility located at 125 N Lakeview Avenue. City staff have facilitated the occurrence of two community meetings (March 19, 2012 & April 30, 2012) to allow for the applicant to present the proposal to interested parties, allow for questions and discuss concerns.

The following issues have been raised by neighboring property owners:

- Parking on adjoining streets (North Lakeview Avenue, West Newell Street, North Boyd Street) preventing emergency access and blocking driveways. Potential for additional traffic on North Lakeview Avenue.
- Maintenance of the memorial garden and columbarium area (flowers and other items placed on the niche walls deteriorating and littering the surrounding area).
- Possibility of the property being used for any type of cemetery in the future (burial ground, mausoleum, crypt, scattering garden, etc.).
- Compatibility of the proposed memorial garden and columbarium with the surrounding residential community and the traditional downtown area.
- Potential impact on the surrounding property values.

As a result of the community meetings the design of the project was changed to reduce the height of the niche walls so that they do not protrude above the perimeter walls of the gardens.

SUMMARY

City Staff recommends approval of the proposed use subject to the following conditions.

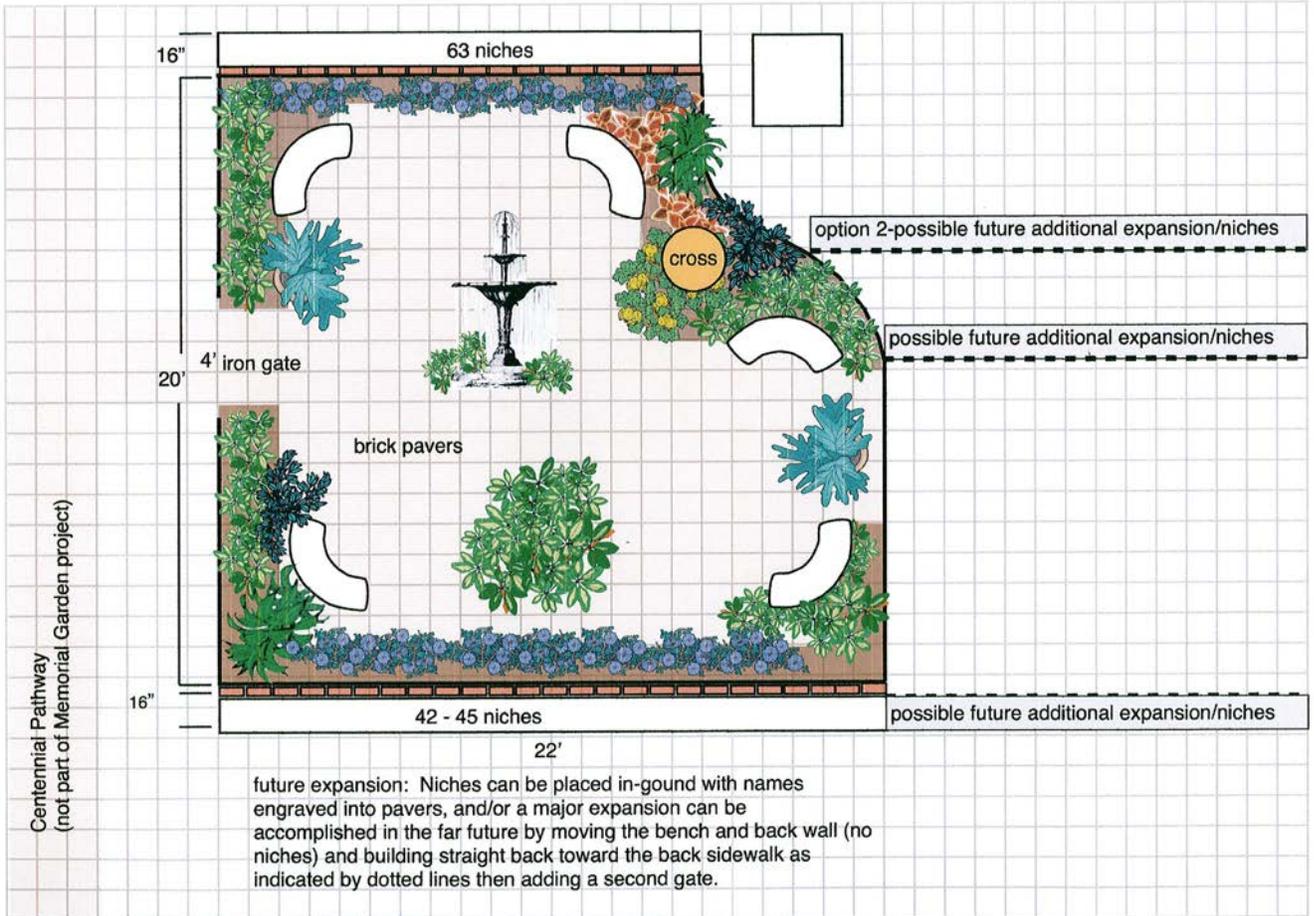
- Parking for the columbarium shall be restricted to the existing parking facilities located on the subject property; no parking will be permitted on the adjoining streets.
- A maximum of 110 niches may be constructed on the subject property under the approval of this special exception permit, expansion of the memorial garden and/or columbarium area or construction of additional niches would require amendment to this special exception permit and approval of the Planning and Zoning Board.
- Construction of the memorial garden and columbarium shall substantially conform to the attached renderings, substantial deviation from the proposed design as depicted in the attached rendering may require additional approval by the Planning and Zoning Board. All materials used for construction of the memorial garden and columbarium facility shall be of similar materials to the principal structure.
- Memorial garden and columbarium facility shall not be open for access earlier than dawn or later than dusk.

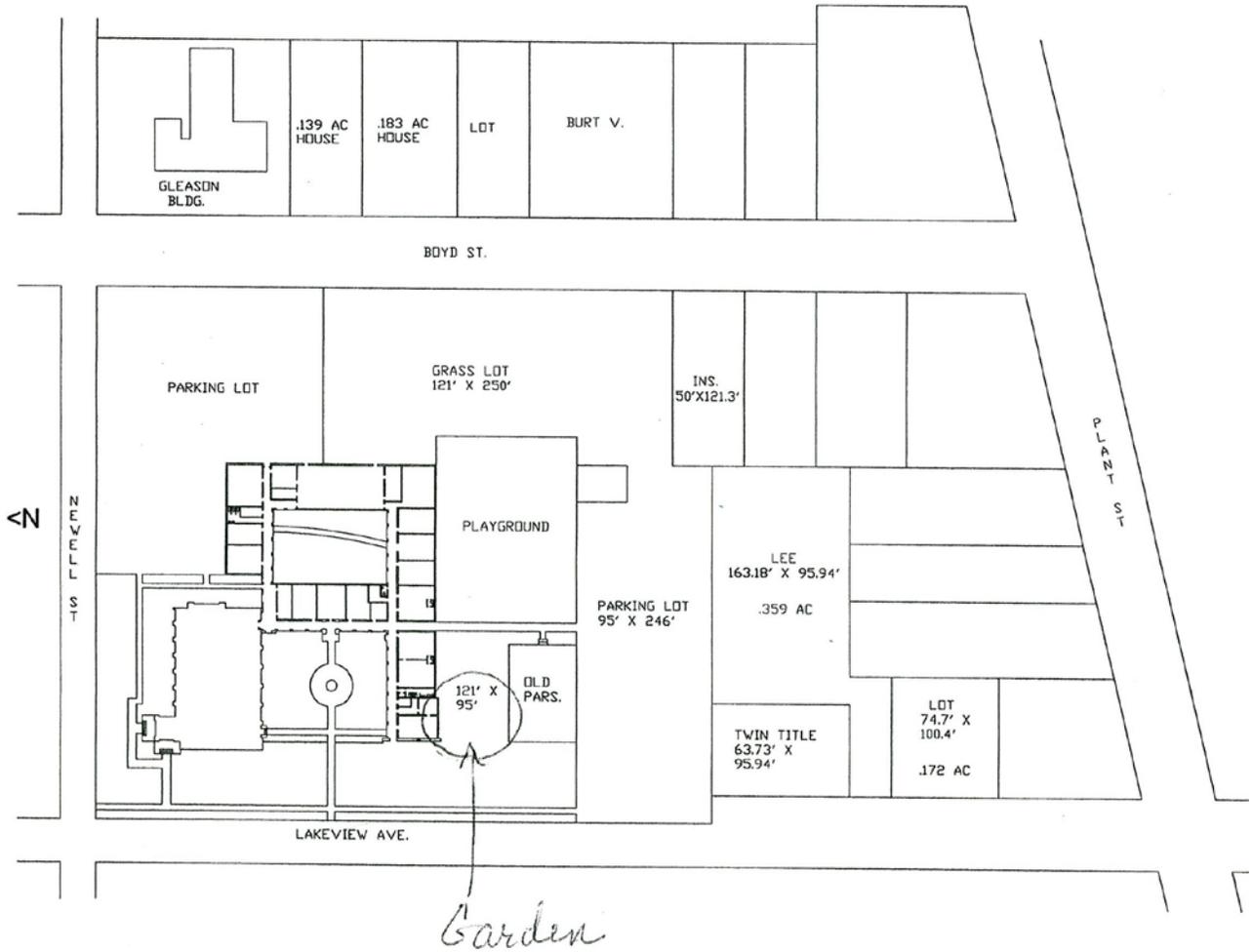
MAPS/EXHIBITS

AERIAL PHOTO
125 N Lakeview Avenue











END OF STAFF REPORT

In support of First United Methodist Church of Winter Garden.....

Dear Sirs:

My husband and I live in this community by choice. We actually surveyed all the choices we had for retirement and we deliberately chose Winter Garden. This is where we wanted to spend our golden years and where we wanted to be laid to rest. Our family is here and we have many close friends here.

The First United Methodist Church played a huge role in our decision to make this our home. We love everything about our Church—the lovely facility, the warm, energetic congregation, the outreach and compassion of the members, the leadership of a learned and caring Pastor and the integrity of spirit for all who work and attend there. It is a House of God that blends the best of History and Tradition with a genuine awareness of the needs of a contemporary world. Like all the beautiful places of Worship in this community, First United Methodist Church takes its place as a beacon to all that Winter Garden is a wonderful “place to be”. Winter Garden is like our Church, a loving, giving, understanding community of good people who live their lives in peaceful harmony adhering to the laws of God and Man.

Having this perception of Winter Garden, I find myself dismayed that the plans for a Columbarium on the campus of the Church have become an issue of discord. The Law is clear on the matter—I find nothing in the Florida Statutes that prohibits a Columbarium on Church property and certainly there is nothing on the books that says a handful of private citizens can dictate to a religious institution of 700 people how they choose to honor their loved ones who have passed away. Legalities are moot.

So then, what is all this discussion about? Isn't it about opposing belief systems? If that is the situation, then I am no longer just dismayed. I am now-SHOCKED! I am fully aware that all people do not believe the same in regards to death and I respect that. I don't argue, complain or intrude on other's beliefs. However, I am astounded when other's then wish to deny me what I believe. Methodists are not afraid of death—certainly we mourn our personal loss but we celebrate the life and its meaning of the one who has passed. We revere and respect the lives that contributed to the world and we want to remember them not discard them or isolate them in faraway places. WE WANT TO STAY CONNECTED for generations to come. We are not scared or mad at those who have left us—they were a part of us—they were special to us. We do not believe that the folks resting in the Columbarium will rise up as ghosts, or evil spirits that will haunt or scare anyone. For those who do believe that is possible, the solution is simple—don't visit the Columbarium.

It is difficult for me to understand how an argument can be made against the Columbarium based on property values. A Columbarium is by definition so small and discreet. A Columbarium in and of itself does not possess traffic powers. It does not follow that there will be an increase in funerals just because we have a Columbarium on the property. Logically, the number of people who die and have funerals will be the number of people who die and have funerals—whatever number that is—whether there is a Columbarium or not. It is my sincere desire that this issue be laid to rest quickly and that our Church moves forward with the plans for the Columbarium. This project has been the wish of the congregation for many, many years.

Blessings on all of us, Andrea H. White (member of FUMC since 1997)

Submitted: May 29, 2012



Corrina Williams

From: Dixie Thompson <dixiethompson27@gmail.com>
Sent: Saturday, May 26, 2012 11:34 AM
To: Corrina Williams
Subject: First United Methodist Church
Attachments: PlanningZoning20120526

Ms. Williams:

Please find attach a letter for Mr. Jim Gentry, Chairman of the Planning and Zoning Board. Bob and I support the addition of a memorial garden/columbarium on the grounds of the First United Methodist Church.

Thank you for putting the letter in proper hands.
Dixie

Dixie Thompson
dixiethompson27@gmail.com
c 407-765-5013

382 Grove Court
Winter Garden, FL 34787
May 26, 2012

Mr. Jim Gentry
Chairman, Planning and Zoning
City of Winter Garden, FL

Dear Mr. Gentry:

As Winter Garden residents for more years than we can count (Bob was born here) and living for 43 years within a few blocks of First United Methodist Church, we have long admired the historic building and property. While Bob taught school to most of Winter Garden teens between 1959 and 2002, I drove to Winter Park to work and we attended church in Winter Park. In recent years, we have retired and joined with the FUMC, making it our church family and wondering why we waited so long. We have discovered a rich, rich heritage that belongs to our lovely town and have come to appreciate more than ever our beautiful Winter Garden and the people who choose it as home.

We continue to discover what a very kind and caring congregation makes up the church and the significance of the impact they make on our community. Winter Garden is stronger and more desirable as a family town because of church families who populate the area. Everyone benefits from those who live by Christian principles. It seems only fitting to support First United Methodist Church in adding a memorial garden on their beautiful property as they have dutifully requested.

Bob and I regularly pray for the leadership of our city, state, and nation. We pray that you walk uprightly and govern according to sound principles based on God's Word. Please know that our prayers will continue for you and for all our neighbors. We firmly believe that local, self-governing communities make a stronger, healthier nation. Your job is significant and far-reaching. Many blessings to you and the board as you govern wisely.

Sincerely,

Dixie B. Thompson

From: [C. Brooks](#)
To: [Corrina Williams](#)
Subject: First United Methodist Church - Memorial Garden
Date: Tuesday, May 29, 2012 3:10:40 PM

May 29, 2012

Winter Garden Planning and Zoning Board Members:

I have been an active member of the First United Methodist Church of Winter Garden since 1999 and a resident of Winter Garden since 1998. I am writing to ask that you favorably consider our request to build a walled and landscaped Memorial Garden on our church property. We have worked for some time now to plan a beautiful addition to our church and the neighborhood with this Garden. We have altered our original plan to accommodate the concerns of our neighbors and feel the current plan meets those needs.

Our Memorial Garden would be a place for meditation and prayer for anyone desiring that, and a beautiful, quiet respite from the continuous activity of the rest of the church grounds and surrounding areas. Those passing by would see only a brick wall, closely matching the existing brick building, and beautiful landscaping with a fountain and an iron gate, all aesthetically pleasing.

Thank you for your time and consideration of our request.

Sincerely,

Carol Brooks
630 Lake Beulah Cove
Winter Garden, Fl. 34787

From: LowellTeal@aol.com
To: [Corrina Williams](mailto:Corrina.Williams)
Cc: rbelcher@fumcwg.org
Subject: First United Methodist Church
Date: Wednesday, May 30, 2012 9:45:41 AM



May 30, 2012

Being long standing active members of First United Methodist Church, Winter Garden, we urge the Planning and Zoning Committee make a recommendation to the Commissioners for a proposed Memorial Garden for our church. This garden will not only be an asset to our facility, but also the city of Winter Garden. More and more people are coming to this area and are impressed with the architectural features of this historic church. A well planned garden such as this will not only add aesthetic beauty to this church but its surrounding neighborhood. Yes, it will include a low bearing brick wall in which there will be niches for the interment of ashes for the deceased (a columbarium - not a cemetery). None of the interments will be visible from Lakeview Avenue. There will be no funeral or memorial services held in this garden. Such services will be, as have always been, in the sanctuary or chapel.

There has been a total misunderstanding of this proposed project by objecting neighbors. Members of our congregation sincerely regret this.

Thank you for your time and consideration by permitting the creation of this garden.

Lowell and Jackie Teal

From: [Corrina Williams](#)
To: [Laura Smith](#)
Subject: FW: Jim Gentry-Planning & Zoning Chairman-Memorial Garden
Date: Tuesday, May 15, 2012 9:44:12 AM

Ms. Laura

This is a letter that has come in support of the memorial garden project file. How do I proceed with it?

Corrina Williams
The City of Winter Garden
Community Development, Administrative Specialist
300 W. Plant Street
Winter Garden, FL 34787
(407) 656-4111 ext. 5149
(407) 654-1258 facsimile
cwilliams@cwgd.com

 **Please consider the environment before printing this e-mail.**

From: Joyce/Larry [<mailto:joycewggrammy@aol.com>]
Sent: Tuesday, May 15, 2012 9:09 AM
To: Corrina Williams
Subject: Jim Gentry-Planning & Zoning Chairman-Memorial Garden

May 15, 2012

Dear Mr. Gentry,

We are asking you and your Planning and Zoning members to please consider our proposed Memorial Garden at The First United Methodist Church of Winter Garden, FL.

We have worked very hard to make this a wonderful addition to our church, while taking into consideration the thoughts of the members of our church and the neighbors. We feel it will be very pleasing to the eye, blend well with the existing structure and give some comfort to family members in the loss of a loved one while being in a very respectful spot on church property.

Respectfully,

Your Neighbors, Larry & Joyce McWilliams, 302 W. Tilden St., Winter Garden, FL. 34787 Phone 407-656-3971



May 24, 2012

Mr. Jim Gentry, Chairman
Winter Garden Planning and Zoning
City Hall
251 W. Plant Street
Winter Garden, FL 34787

Dear Mr. Gentry

We are both very pleased that our Church has plans for a Memorial Garden with Columbarium!

We have been Winter Garden residents for over 34 years and members of First United Methodist Church for 33 years. We believe this will be a beautiful addition and ministry for our Church. The Garden will be an outside place for meditation and prayer in a quieter spot away from all of the activities and events within the church--yet physically connected to the church buildings.

The proposed Memorial Garden will be a restful place as it will have a fountain and benches surrounded by attractive landscaping. Memorials honoring past members will be given by families of the church. Also, the columbarium will allow those who want to remain with their Faith Family to always be surrounded by beauty and those who loved them.

As we wish to maintain the look of our church, which has been an integral part of Winter Garden for over 100 years, all of the architectural details of the existing church buildings are incorporated in the Garden plans--matching brickwork, walls and iron gates. This has been designed so that all that can be seen from Lakeview Avenue is an attractive, private meditative garden area.

The Memorial Garden is dedicated to glorifying God.

Sincerely


Gay and Dan Annis, Long-time Winter Gardenians

MAY 30 2012

Received By: _____

Attention: Winter Garden Planning & Zoning Board Members

My name is Harriette W. Grimes. I lived at 104 N. Lakeview Ave. from about 1968 to about 1996. I am a member of the FUMC of Winter Garden.

My sons didn't learn about death because of funerals when they lived across the street from the FUMC. They learned about death as my husband and I helped them through the loss of beloved pets and beloved family members.

In my opinion, what the young children living across the street should learn about death should come from what their parents teach them. The proposed columbarium across the street can not teach them anything about death. Also, it will not change the number of funerals - no more - no less - just the same number, with or without the proposed columbarium.

Maybe semantics got a little out-of-control concerning what is hoped to be added to the FUMC facility.

I looked up numerous definitions of cemetery, church, columbarium, and funeral - never did find one that read, "wall of death" or a "blight and traumatizing intrusion" on a neighborhood.

Sacred Destinations, Graves, Tombs, and Shrines states the names of deceased saints, spiritual leaders, artists, etc., associated with religion or religious places and it states where their remains are. One of those places is St. Peter's Basilica in Rome. It is the largest Christian church in the world.

John Wesley, English preacher and founder of Methodism is in Wesley's Chapel in London, England. He died in 1791. Pope John Paul II is in St. Peter's Basilica. He died in 2005. Also, a total of 91 popes are buried in crypts in the grotto in St. Peter's Basilica. In some churches, actual bodies are on display in glass tombs.

I've never heard a church called a cemetery but according to Steven Jett's definition of a cemetery, a place to store what is left of people who have died, is a church a cemetery?

A columbarium is a place for respectful and usually public storage of cinerary urns. They date from the ancient Roman times. Columbaria, can be found free-standing, and in many cemeteries and churches around the world,

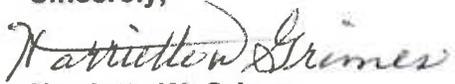
The columbarium plans have been changed so that nothing can be seen outside the church but a landscaped garden wall. That was not good enough for a few people. "They" want it put where "they" want it, regardless of how that place is already used. It is funny - "they" don't want it but if it is put where "they" say to put it, it will be all right.

I know for a fact that all people who live near the proposed columbarium aren't opposed to having it.

Thank you for your time and attention to this matter. I respectfully ask you to

carefully consider all information you have and hope you can offer a decision in favor of the planned, redesigned columbarium to be added to the grounds of the FUMC of Winter Garden.

Sincerely,

A handwritten signature in cursive script that reads "Harriette W. Grimes". The signature is written in dark ink and is positioned above the printed name.

Harriette W. Grimes

May 30, 2012

5-30-12
(M)

Jack and Gloria Quesinberry

900 West Plant Street, Winter Garden, Florida 34787

Community Development
Planning & Zoning
MAY 30 2012
Received By: _____

May 30, 2012

To the members of the Winter Garden Planning & Zoning Board,

We are longtime members of the First United Methodist Church of Winter Garden, and we are writing to ask you to please approve the church's request to create a columbarium on its property at 125 N. Lakeview Ave.

The advertisement that ran in the May 24 issue of The West Orange Times – placed by a resident who lives near the church – was very misleading. The church will NOT be holding 100 funerals each month. The columbarium will NOT be a cemetery, and it will NOT be a “blight” and “traumatizing intrusion” in the neighborhood.

Thank you in advance for your consideration of our church's request.

Sincerely,

Jack Quesinberry
Gloria Quesinberry
Jack and Gloria Quesinberry

May 29, 2012

City of Winter Garden
Planning and Zoning Dept.
300 West Plant St
Winter Garden, FL 34787

Community Development
Planning & Zoning

MAY 31 2012

Received By: _____

Re: Recent Article in West Orange Times
Columbarium at First United Methodist Church

Attention: Mr. Jim Gentry and Members of the Zoning Board

Dear Sirs,

I am writing as a member of First United Methodist Church or Winter Garden (FUMCWG) to express my support for the Columbarium that is currently being proposed by FUMCWG and as one who plans for his remains to rest in the columbarium inside the memory garden setting which is planned by the Church.

I have attended the two public hearings which have been conducted at City Hall. I have listened to those that are opposed. While I have felt only a little resentment about their opinions they voiced them at an appropriate meeting and I just listened. I found their comments to be repetitious, self serving and without any legal foundation. However, their misrepresentation and accusations in the WOTs last week have moved me beyond just resentment.

The Memory Garden with the Columbarium has been discussed within the church for several years and the actual planning has been in the works for over a year. It was well thought out by several members of the church and even with that after the initial meeting the church made changes to the original plan in response to the objections raised. These changes did not seem to register with those opposed to the plans and the way that registered with me was that they feel they should be allowed to control what the church does even when their numbers are few compared to number of members in the church. By their own admission they have been members of this community for only a few years. Our church and its members have been an active part of this community for over 100 years and have served it well.

In the meetings and in the newspaper article they have been allowed to constantly refer to the memory garden and columbarium as a cemetery. This has been allowed to go unchecked. However, in my research of the Florida Statue 497 the term Columbarium is clearly defined in definition # 16 as "a structure or building that is substantially exposed above the ground and that is intended to be used for the inurnment of cremated remains". The same statue exempts the church from any sanctions or provisions set forth for interment facilities and so then differentiates the structure for the term "cemetery". Perhaps the City needs to clear up the use of the term "cemetery".

My intent was to keep this to one page. I could go on for several more, but I will close here and again urge the Planning and Zoning Board to support the First United Methodist Church by approving their current plans.

Sincerely,



Ken White
995 Tildenville School Rd
Winter Garden, FL 34787

Planning & Zoning
MAY 18 2012
Received By: _____

May 16, 2012

Dear Winter Garden Planning & Zoning,

We are members of First United Methodist Church of Winter Garden. In addition we are on the Memorial Prayer Garden Committee at our church.

This garden has been talked about, dreamed about, and planned for for many years. It is not a plan that was hatched quickly or without a lot of thought.

It will be a beautiful garden with a bubbling water fountain, lush plants and blooming flowers. The wall that will be seen from the street will match the existing buildings and the gate on Lakeview Ave. will be built like the other gates that enter the courtyard & entrances to the church property.

We hope that this garden will come into being? It is the desire of some of us to sit in that garden to pray and seek God there when we have life decisions to make.

Thank you for your deliberation on this garden of peace & tranquility.

Sincerely,
Laura Karney & Bob Karney

No. 4585 P. 1

Lee A. Grimes, II
104 N. Lakeview Ave.
Winter Garden, FL 34787
March 17, 2012

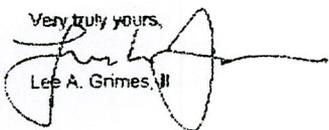
City of Winter Garden
Community Development Department
Planning & Zoning Division
300 West Plant St.
Winter Garden, FL 34787

To Whom It May Concern,

I do not have any problems with the proposed Columbarium built at the
First United Methodist Church at 125 North Lakeview Ave., Winter Garden, FL 34787.

I will be out of town on Monday, March 19, 2012.

Very truly yours,



Lee A. Grimes, II

Magnuson Hotel Marina Cove

Mar. 18. 2012 8:06PM

From: [Dan Smithwick](#)
To: [Corrina Williams](#)
Subject: Letter of concern
Date: Tuesday, May 29, 2012 1:29:04 PM
Attachments: [CityofWG.doc](#)

Please use the attached letter as my input to the matter being discussed in your office regarding First United Methodist Church.

Dan

		<p>"Come, let us build..." Neh. 2:17</p>
<p>Dan Smithwick <i>President</i></p> <p>dan@nehemiahinstitute.com</p>	<p>Nehemiah Institute 554 Groves End Lane Winter Garden, FL 34787</p> <p>tel: 800-948-3101</p>	
<p>Want to always have my latest info?</p>		<p>Want a signature like this?</p>

Nehemiah Institute, Inc.

554 Groves End Lane
Winter Garden, FL 34787
T 1(800) 948-3101 1(407) - 654-8580
E dan@nehemiahinstitute.com

Community Development
Planning & Zoning

MAY 15 2012

Received By: _____

Daniel J. Smithwick
Founder & President

May 12, 2012

Mr. Jim Gentry
Planning and Zoning Commission
City of Winter Garden
300 West Plant Street
Winter Garden, FL 34787

Dear Mr. Gentry,

I have come to know of a 'controversy' regarding the desire of First United Methodist Church to build a Columbarium in a garden setting on their property. I am writing to express my support for this project.

Columbariums are a 2,000 year old practice of churches, mosques and other religious sites for the respectful interment of loved ones. First United Methodist Church is a longtime, respected community of believers in the Christian faith in Winter Garden.

It seems to me that denying a longtime, honored religious practice, to an institution in good standing in our community, simply because of the dislikes of a few (1-3 families) is neither good democratic practice of government or wise establishment of precedence. What else might be denied- a structure, a garden park, a betterment project for the community, only because a precedence was set in allowing a handful of people to derail this garden project?

I ask that this letter be read at the next hearing and kept on file regarding this matter.

Thank you,





Dear Sir,

I wish to express my support for the 1st United Methodist Church in their efforts to build a columbarium on their property. It will be a beautiful addition to our Community.

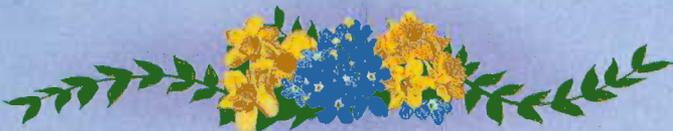
Sincerely

Linda C. Severance
235 E. Maple St
W.G., WI 54787

Community Development
Planning & Zoning

MAY 25 2012

Received By: _____



May 29, 2012

Dear Mr. Gentry,

I am writing this letter to express my support for the F.U.M.C. of Winter Garden to build a columbarium on the grounds of the church property. Many religious institutions plan and build special areas for their members' ashes. This is not a foreign idea.

I am confident that this addition will be done tastefully and beautifully and will not impact the neighborhood.

Community Development
Planning & Zoning

MAY 30 2012

Received By: _____

Sincerely,
Mary Ann McMillan

Corrina Williams

From: okeneipp@cfl.rr.com
Sent: Monday, May 28, 2012 2:13 PM
To: Corrina Williams
Subject: in favor of gardens

I wonder why Mr. Jett kept referring to "cemetery" in his letter to the WO Times. Clearly, he MUST be an informed and educated man. Otherwise, why would he make mention in the same letter about the Church's agreement to "reduce the original plan by one row of niches for remains"? Surely, an informed and educated person, such as he, knows that caskets are found in cemeteries and urns are found in niches. And it is not in the plans of the Church to put caskets on our church property. It is the Church's desire to provide a quiet place to meditate and reflect on the lives of our loved ones by creating a beautiful garden with space for their ashes. "May he rest in peace" is a common expression often used when someone dear passes on to eternity. Many times, I have prayed a different version of that expression for the loved ones who are left behind in this worldly place as they go about the healing process that comes with grieving. "May the family find peace" is a more appropriate expression. And, I believe that the Church can provide that serenity in the Memorial Gardens. It is my hope that the city of Winter Garden will allow the First United Methodist Church to be able to complete their plans.

Prayerfully,
Millie Keneipp

From: [Nancy Barber](#)
To: [Laura Smith](#)
Subject: Special Exemption Permit March 19, 2012
Date: Saturday, March 10, 2012 7:37:30 PM

I received your notice about the meeting. I will be unable to attend but would like to say that as a neighbor of the church, living at 244 N. Lakeview Ave., I wholeheartedly support the building of the columbarium, I do not feel that it would adversely affect the area in any way. I do not attend the Methodist Church but believe they have been good neighbors for the 37 years I have resided at this address. I appreciate your sending the design plans. They look like a tasteful, lovely addition to the area. Please register my approval if it has any bearing on the situation. Thank you. Winter Garden is a great place to live. Nancy Barber

If I need to do anything else to affect this project in a positive manner, please let me know.

Jim Sentry, Chairman
Planning & Zoning Board
City Hall - Winter Garden

Dear Mr. Sentry:

My husband and I are
members of the First United
Methodist Church of Winter
Garden on Lakeview Ave.
We approve of the garden
being a part of the church
property. It will be a
beautiful and peaceful
place to go for prayer,
comfort, peace and
meditation.

Community Development
Planning & Zoning

MAY 29 2012

Received By: _____

Sincerely,
Nick & Sallie Bosco

Planning and Zoning Board
City of Winter Garden
300 West Plant Street
Winter Garden, FL 34787



Dear Board Members,

I am shocked at the half page ad I just read in the West Orange Times about our proposed Columbarium Memory Garden at First United Methodist Church. I find it hard to believe that the person writing the ad (Mr. Jett) has attacked my church in such a hurtful and malicious manner. Our church has been here over one hundred years and has been an active and supportive part of the Winter Garden Community its entire existence. We lend our parking lots to all who visit the downtown Winter Garden area for its various festivals and the weekly farmer's market. We support the children of Winter Garden through our Pre-school Program as well as with our VBS, Scout Troops and many of our members are either teachers at area schools or are Volunteers for them.

Our Columbarium Committee has worked diligently to make this Memory Garden a beautiful and peaceful garden that will blend in with our current architecture as well as be a space where some of us indeed might have a small urn of our ashes stored inside a brick wall that would in no way be seen from the outside or for that matter even be thought of by a child as a burial plot. The idea that this Memory Garden Columbarium is being tagged as a cemetery is ridiculous. And if the thought of a beautiful garden with a fountain seen from the street inside a gated area is going to be traumatic for Winter Garden's children then might I suggest that we also get rid of the Funeral home on Plant Street across from the Bike Park where I see children playing.

I appeal to your sense of community and intelligence to see that the few who are requesting this Memory Garden be moved or denied have no valid reason for calling it a cemetery or for thinking it is in any way harmful to the well being of Winter Garden's children. As I stated earlier we have been a fixture in Winter Garden for over 100 years and never had any complaints that I am aware of for holding funerals for our members so even the idea that a funeral would be upsetting now is again just a smoke screen for wanting to make a mountain out of a mole hill.

Thank you for your time and consideration in allowing First United Methodist Church of Winter Garden to build a beautiful Memory Garden for our members and anyone else in the community who might want to use or visit it.

Thank you,

A handwritten signature in cursive script that reads "Penny J Fullmer".

Penny J Fullmer

May 18, 2012

TO:
Planning and Zoning Board
c/o Mr. Jim Gentry, chair



Gentlemen,

The letter our church Memorial Committee wrote for presentation at the last Community Meeting addressed our perspective re: the proposed First United Methodist Memorial Prayer Garden.

We have been very concerned about the controversy with a couple of our church neighbors, and have listened and responded in a positive way. We have looked at the church property carefully and discovered that the area selected is the only practical church area that allows for quiet meditation while not being used by the pre-school or weddings or expanded dinners, and will not be in the way of any possible future expansions to church buildings. It may be difficult for people who do not attend the church and participate in our many activities to fully comprehend the current uses of our inner courtyard.

We have adjusted our plans so that nothing is seen from outside our beautiful Garden but a brick wall and a glimpse of the fountain in the center.

Frankly, we find it very difficult to understand some of the objections presented, and are puzzled at the refusal of a few to differentiate between a full-blown cemetery with headstones and caskets and a columbarium designed as a garden with very small urns placed **unseen** inside the brick of a landscaped garden wall.

We earnestly hope that you will approve this plan for what it is:

A quiet, separated area for prayer and meditation
A place to remember loved ones
A beautifully landscaped upgrade to our church property

Sincerely,

Handwritten signatures of Sam and Marian Wagster in cursive script.

Sam and Marian Wagster
383 Grove Court
Winter Garden, FL 34787

Corrina Williams

From: Sandi Luss <sandiluss@yahoo.com>
Sent: Tuesday, May 15, 2012 11:10 AM
To: Corrina Williams
Subject: Memorial Garden

I have been a member of the First United Methodist Church since 1984. To me this is a church not only of love and caring, but of peace. Having a memorial garden would be such a wonderful addition to this peaceful feeling. We all need a place to go, sit and reflect and remember. with this garden, we will have that opportunity.

Please let us have a good vote on having this garden built at the church.

Sandra Luss

Community Development
Planning & Zoning

MAY 30 2012

Received By: _____

May 24, 2012

Planning and Zoning Board
Attn: Jim Gentry

Gentleman:

Please allow the Memorial Garden we are requesting at 125 N Lakeview on the First United Methodist Church grounds.

The area planned for the Memorial Garden will be enclosed with a brick wall allowing only a glimpse of the fountain.

The purpose of the Memorial Garden will be to have a quiet place for prayer and meditation as we honor and remember our loved ones.

We have been planning this for a couple of years and have worked very hard to position it in the best possible place and make it a pleasing addition to our church and our neighborhood as well.

Thank you for your consideration on this matter.

Sincerely,



Sue Norton
PO Box 127
Killarney FL 34740

Tim & Margie Gooch
225 James Dr.
Winter Garden, FL 34787



May 20, 2012

Planning and Zoning Board
City of Winter Garden
300 West Plant Street
Winter Garden, FL 34787

Members of the Board:

Please consider approving the Memorial Garden that many at the First United Methodist Church want to build.

It is a lovely and respectful garden and will be a place of comfort for those that choose to have their loved ones here.

I feel that most people who come to or pass by the campus will not even realize that the garden is anything but a beautiful and peaceful area to sit in silence and meditate.

A lot of thought and planning has been put into the layout and it will be a beautiful addition to the grounds.

By approving, you will be giving peace of mind to those that have worshiped here and want to call the garden a place to rest.

Thank you for your consideration in this matter.

Sincerely,

Timothy Gooch
Margie Gooch
Tim and Margie Gooch

Community Development
Planning & Zoning

MAY 24 2012

Received By: _____

May 22, 2012

Planning & Zoning Board
Winter Garden City Hall
251 Plant St.
Winter Garden, Fl. 34787

Attention: Jim Gentry, Chairman

Re: proposed First United Methodist Memorial Prayer Garden

Dear Mr. Gentry,

I am writing in favor of the First United Methodist Memorial Prayer Garden. I feel this Garden will be a beautiful asset to our church property and a place to lift our prayers to God.

Thank you for consideration in this matter.

Sincerely,



Vikki A. Chitwood
1300 Eastern Pecan Pl.
102
Winter Garden, Fl. 34787

Corrina Williams

From: VIVIAN BRACK <vbrack@cfl.rr.com>
Sent: Thursday, May 17, 2012 6:40 PM
To: Corrina Williams
Cc: Carol Brooks; Joyce/Larry; Gay Annis; Russell T. Belcher; Sandi Luss; Marian Wagster
Subject: FUMC of Winter Garden's Memorial Garden

Jim Gentry
Chairman of Planning and Zoning

Re: FUMC of Winter Garden's Memorial Garden

Dear Jim Gentry,

I am Vivian Brack an eight year residence of Winter Garden and a four year member of FUMC of Winter Garden. I look forward to the purposed Memorial Garden as a place to have a quite time of prayer and revisit my memory's.

I work with the committee that is trying to make the Memorial Garden a reality. We have located the Garden in the quietest part of the Church property and have taken all steps necessary to keep the inside of the garden a very private place. We planned it so you will not be able to see in or out of the garden.

I hope you will find this garden to be a beautiful and peaceful environment for very private meditation.

Thank you ,

Vivian A. Brack

1325 Cardinal Ln.

Winter Garden, FI 34787

MAY 29 2012

Received By: _____

Proposed Cemetery, 125 North Lakeview Avenue

Since we were first made aware of the churches plan to install a cemetery on their property, we made it abundantly clear to both the minister and the church members that we are extremely disturbed and uncomfortable with the idea and especially with their selected site. They told us that there are some church members who wish to have their remains left on the church property after they die. They told us they wanted a quiet place for prayer and meditation. They also told us they need an affordable funeral alternative.

These are many of the most affluent people in our community but they are suggesting that even the most modest of funeral plans would be a strain on them. The proposed \$1000 cost at the Methodist Church exceeds Winter Garden Cemetery cost by \$400 and it is double the cost of other church cemeteries. The Church of the Messiah, Episcopal Church in Winter Garden charges nothing to its members for its services.

Two key characteristics of the proposed cemetery that the church members have not wavered from are that, they want it to be of monumental scale and they want it to be placed in full public view, facing the busiest street bordering the church property. Throughout the public meetings held on this issue, the church members have heard what they wanted to hear and just pushed aside and ignored what they didn't. At the second of the public meetings, the group's leader, Miriam, gave us a long list of fabricated excuses as to why they want to install the cemetery facing Lakeview Avenue.

They claim that the view of the niches was a primary concern to the neighbors. This is not the least bit true. The deposition of human remains and the direct view of the cemetery from our homes are and always have been our primary objections. Considering other locations for their cemetery, they claim that they wouldn't be able to attach the walls to an existing building. We have not found anything in the building codes that dictates these type structures must be attached to an existing building at all.

One of their selling points for this cemetery has been its relatively small footprint on their property and yet, they claim that placing their cemetery on the Boyd Street side of the property will interfere with possible future building plans. If its footprint is so small, it should be easy to work around any future building plans. Also, if the Lakeview Avenue site is large

enough for a cemetery, it is large enough for any possible future building plans as well. They never gave us any indication that they actually have any future building plans.

A cemetery in any form clearly does not belong on a property that is such an integral part of a residential neighborhood like ours. But, we have let the church members know that we will drop our opposition if they would just simply place their cemetery within the existing building complex of the church, in the privacy of their inner courtyard. At first they claimed that it wouldn't fit. When we measured the courtyard, we found their current design would fit in that space nine times. Their design would easily fit numerous times in the courtyard without relocating any of the existing paved areas or sidewalks. Then they claimed some imaginary safety concerns for the day care children with the courtyard location. They never could reasonably explain the safety concern. They claimed that the inner courtyard is gated during the day and wouldn't be accessible to them. In fact, the gates to the building are unlocked at 8 o'clock every morning and not locked again until about 6 in the evening, seven days a week. It has been only in recent months that the building complex has been locked up for the evening at all.

If you look at the illustration of the proposed cemetery, provided by the church, there is an existing building with three arched windows. These windows look out from the church's prayer chapel. This chapel has been open to the public and to church members for the past three or four years and has been open from 8AM until 6PM, seven days a week. During that time, we have observed only about a half a dozen people actually use this prayer chapel during its operating hours. Their prayer chapel sits empty virtually all the time. They are not using their existing facility for meditation but they are claiming to need yet another. They expect us to believe that they will sit out under the sun, next to the busiest and noisiest street in the neighborhood, in the heat and humidity and meditate in a cemetery when, there is an unused air-conditioned prayer chapel at their disposal only steps away.

The members of this congregation have not been honest with their neighbors and they have not been honest with themselves. Until now, they have refused to admit to themselves and to all of us that what they want to install is actually a cemetery. We have noticed, more than once, the city has removed the word "cemetery" from signage and omitted it from correspondence concerning this issue. We believe the church has pressured the city to do this.

This church group is able to achieve their stated goals without inflicting this cemetery on its neighbors. They have a great number of options available to them in its design and in its placement. It has become clear to us that what this group truly wants is a large monument dedicated to themselves and, most important to them, one that is clearly visible to the entire community. We have visited numerous church cemeteries in the area and have found that in every case, they are designed and placed with respect and sensitivity to neighboring residential properties.

In the not too distant future, every one of us will be deceased. Within a just few generations thereafter, there will not be anyone around who will actually remember any of us. Soon enough, all of us will be reduced to just a name on a grave marker. But for the present, this is our time to live. These are our days and our occasions to celebrate. These are our children to raise. These are our homes. This is where we live our lives, we enjoy our liberties and we pursue our happiness. We are doing our best to raise our children to have a healthy perspective on life. When they reach an appropriate age, we will do our best to give them a healthy perspective on death. We will not be able to do either with a monument of death facing them and us, every moment of every day of their childhood. If you allow this cemetery to be installed, you will render our neighborhood unhealthy for families and children.

The quality of rest and refuge we maintain in our home, is that not grandfathered in? The sense of safety and security we provide to our children, is that not grandfathered in? The innocence of their precious years, is that not grandfathered in? If you allow this cemetery to be installed in front of us, you won't only be diminishing the value of our home; you will be destroying what we value most in our home, everyday. We are not willing to just be collateral damage for these people who wish to erect a monument, glorifying themselves. We are imploring you to do the right thing. Deny this application for a permit. Require these people to be respectful and considerate of those who live in this community with them. Allow us to live and sleep in our own homes peacefully.

Jay Cummings
112 N. Lakeview Ave.

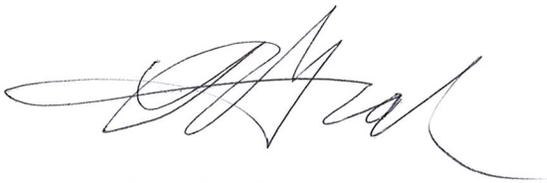
PLANNING & ZONING DIVISION

APRIL 30, 2012

WINTER GARDEN

Since the First United Methodist Church at 125 N. Lakeview Avenue is not zoned for a cemetery (Columbarium); this request must be denied.

The remains of people who have passed must not be displayed on this Church Property.

A handwritten signature in black ink, appearing to read 'Ray Graber', with a long, sweeping underline.

Ray Graber

365 Grove Ct.

Winter Garden

From: [Kaye Gerding](#)
To: [Laura Smith](#)
Cc: [Laura Smith](#)
Subject: Special Exception Permit for 125 N. Lakeview Avenue/Planning & Zoning Board
Date: Friday, May 25, 2012 6:16:09 PM

Hi Laura,

This is in response to the "Notice of Public Hearing" for June 4, 2012 concerning the proposed columbarium in a C-1 zoning district. I believe, as do all the neighbors of the church, that we have valid objections to this proposal :

1. Studies have shown that a columbarium (cemetery) devalues the nearby properties. There is even a term to describe this, "incurable defect". The neighbors of the church would never have bought their homes if there had been a cemetery there already.
2. There is no incentive for the neighbors to continue investing in their homes when they are already devalued because of the economy and will be further devalued if this special exception is approved. We have all been fixing up our homes because we have faith that the Town of Winter Garden will continue to improve. A cemetery is not an improvement...just the opposite.
3. Downtown Winter Garden has become a vibrant community, and a cemetery will detract from this vibrancy. The Farmer's Market, the many festivals, Friday nights, and the Winter Garden Theatre, the restaurants, and the shops have all brought a new life to Downtown Winter Garden ! A columbarium (cemetery) doesn't fit this category.
4. Approving this special exception will set a precedent for expansion (already in the plans for the church before they even have approval) and for columbariums for this and other churches. First United Methodist Church has existed without a cemetery for 100 years. There is no valid reason to have one now.
5. A columbarium (cemetery) is disturbing to the neighbors affected by this request and will be disturbing to many of the visitors to Winter Garden. The church members can go to their homes. It is not possible for the neighbors to get away.
6. It will bring even more traffic to North Lakeview Avenue. It will not be the quiet, contemplative, peaceful respite that the church members envision. Lakeview is a very busy, noisy street even on a normal day. It is not safe to have cars parked on North Lakeview Avenue at any time. The proposed gate opens onto North Lakeview Avenue.
7. A columbarium (cemetery) will detract from the Downtown Winter Garden footprint, especially with any expansion.
8. Studies have shown that there is the threat of crime, or at the very least mischief, during the night at cemeteries.
9. How will this affect the Downtown businesses ? Are they aware of this proposal ?
10. Since donations are down for most churches due to the economy, is this a way for the church to make money ? Why do they want this now ? Their donations would be better spent caring for the living.
11. What do the church members know about running a cemetery ? For example, you cannot leave flowers in the heat for a week as the time frame suggested in their proposal.

12. Why are the church members so determined to have the columbarium located where it is disturbing to their neighbors ? They are totally disregarding the feelings of the people who live across the street and nearby. "Love Thy Neighbor" !

On a personal note, I worked in Winter Garden for about four years forty years ago. I loved working in Winter Garden, and it has been incredible to see how beautifully it has grown into a thriving community. I got to know many of the old families and have a special place in my heart for the Town. My husband and I were so thrilled to find a home for our daughter across from the Church (not across from a cemetery), where we felt she would be safe and comfortable. Now she even works in the Town and loves living there. We are heart-broken that this could change if this special exception is approved. As a young woman, she should not have to be across the street from a cemetery. My heart goes out as well to my daughter's neighbors who have two young children and are as distraught as we are over this request.

Please do not approve this special exemption !

Thank you for your consideration,

Kaye Gerding (on behalf of myself, my husband, Paul, and most of all, our daughter, Margi.)

June 4, 2012 Zoning & Planning Board Meeting

Subject: A Special Exception Permit to allow the addition of a cemetery at property located at 125 N. Lakeview Ave., Winter Garden

Speaker: Debbie Arnold

The project in question is for the exclusive use of members of the First United Methodist Church of Winter Garden. As such, any member of this board who is also a member of this organization, should recuse themselves due to this obvious conflict of interest.

Variations to zoning statutes, policies & associated ordinances and regulations can only be properly granted when such variations are not contrary to the public interest or when literal enforcement of the zoning code would result in unnecessary or undue hardship to the applicant.

It is clear that denying this request would not result in undue hardship to the applicant. The church has functioned, and indeed has grown, for 100 years without a cemetery. There are columbaria available in the area, including in Woodlawn Memorial Park (which has a meditation labyrinth that is open to the public) and in the Winter Garden municipal cemetery. Indeed, the city offers columbarium niches to its residents for \$600 while the proposed project will be charging \$1000-\$1100 per niche.

By contrast, undue hardship would be created for others if this special exception is approved. A cemetery/columbarium would substantially devalue adjacent residences. As discussed in the *Wall Street Journal* in its Oct 31, 2011 issue, not only are homes nearby cemeteries difficult to sell, those home within a two-block street radius sell for an average of 10-15% less.

Homeowners have an expectation of reasonable enjoyment of their property. Homes directly across the street will have the constant reminder of death with this structure, when their only view would be that of a cemetery. Residents cannot be expected to have anticipated this unforeseeable use of the land when they purchased their homes when no other publicly visible cemetery has been permitted by the city within residential areas. Indeed, when the city established its cemetery in 1924 it was on the southern edge of the city, a rural, undeveloped site.

Beyond the adverse economic impact on nearby residences, the project is against the public interest of the city at large. The city in the past 20 years has spent significant amounts of time and money to recreate and preserve the historic downtown, a "renaissance of a vibrant community", as described in the city's website. This project places all these efforts in jeopardy.

Specifically, in 1992, the city created the Community Redevelopment Agency or CRA. A CRA is created when the governing body finds one or more areas within the city that are in a "slum" condition and have a need to rehabilitate, conserve and redevelop that area. Dedicated funds from the special taxing district and grants have permitted the city to complete many successful projects including: altering the traffic pattern on Plant St (effectively stopping the county's plan for widening this road), repaving streets in the historic district with bricks, and installing decorative lighting and landscaping.

In 1994, the Historic Building Survey of Winter Garden was completed using funds and services from sources including the City of Winter Garden, the National Park Services, the Florida Department of State and the Florida Historic Preservation Advisory Council. As discussed at page 39 of this document “The introduction of unharmonious elements within a historic setting may destroy the integrity of a historic resource...The conversion of residential buildings into professional office space or the introduction of commercial buildings into a residential neighborhood, for example, often leads to the neighborhood’s eventual demise, and typically compromises the historic character of that neighborhood”. Surely, the examples of inappropriate development discussed in this document are not nearly as extreme changes of use as the introduction of a new cemetery in a historic residential neighborhood as requested in this Special Exception.

Based on this report, the City of Winter Garden on January 19, 2010, passed Ordinance 10-05 to amend the zoning ordinances for the Historic Downtown District which includes the property in question. Section 98-186 of Article VII, Chapter 98, Part II of the Winter Garden Code of Ordinances, provides that the purpose of the article is to “promote the historic downtown district as an interesting, unique, and walkable environment” including improving the visual appearance and physical access to sides streets to Plant St., including Lakeview, promoting pedestrian activity and interconnectivity between the business district and the residential district.

The project in question is on the primary route between the historic business district and the historic residential district used by families to access the West Orange Trail, the children’s splash fountain, downtown businesses and city sponsored events such as the Farmers’ Market to the south and Tanner Auditorium and the adjacent playground and other city sponsored events on Lake Apopka such as the Fourth of July Celebration to the north. The proposed cemetery is prominently situated with its access directly on N. Lakeview Ave. Anyone traveling on N. Lakeview Ave, whether on foot, skateboard, bicycle or stroller, will have to pass directly in front of the cemetery.

The City is continuing its investment in the historic residential area. For example, the city is currently participating in the America In Bloom national initiative. On April 12, the Winter Garden City Commission supplied \$10,000 in seed money to two projects in conjunction with this initiative. Far from abandoning the historic residential area, they chose N. Lakeview Ave as the first street to receive free live oaks to improve the tree canopy.

A cemetery is a constant reminder of death and is inconsistent with the vibrant family oriented atmosphere the city has worked so hard to achieve. If the cemetery is approved in the heart of the historic downtown district, dangerous precedents will be set. A cemetery is inconsistent with the uses and fundamental character of the specially designated historic area; and such a variance will render further preservation and the existence of a historic district with special regulation moot. Some of the drawings shared with the public were labeled “Phase I”. It will be more difficult for the city to justify denial of expansion of an already existing cemetery, than it is to deny the creation of a new cemetery. Additionally, the city will have difficulty justifying the inappropriateness of other new cemeteries anywhere else in the city if this location is deemed appropriate. This potential scattering of cemeteries throughout the city would fundamentally change the character of the city as a whole.

This project is in clear violation of public policy which has so consistently been set by the City of Winter Garden and comes at too high a cost to its citizens. Do not risk the considerable financial investment the city has made in its historic downtown or change our town from "Mayberry" to the city of the dead.

Thank you for your time and earnest consideration of the serious issues raised by this request.

To our friends and members of the First United Methodist Church of Winter Garden

(125 N. Lakeview Ave, Winter Garden, FL. 34787)

Please don't build a cemetery in downtown Winter Garden

Some folks in your membership are trying to put a cemetery on your church property. They are calling it by the gentle euphemism of "Columbarium". A rose is a rose is a rose. It is a cemetery. It is a place to store what is left of people that have died. After you attend church, you go home. We are the folks that will get to live with your cemetery.

There are young children that live right across the street from the proposed cemetery. They will have the joy of having death explained to them when they are three or four years old; may get to watch up to 100 funerals before they go to high school; and will spend their entire childhood with a constant reminder of death right across the street.

The proponents of the project say they want a quiet place that families can come and meditate with their loved ones. However, it will face N. Lakeview Avenue, one of the busiest streets in the area (the direct route too, between the children's fountain and bike trail on Plant street and the Park at Tanner Auditorium).

Folks from our neighborhood have met with your church representatives.

We appealed to them, asking them not to burden our lovely neighborhood with a cemetery. They are still pushing ahead with the plan. When we couldn't change their minds about building a cemetery, we asked them to relocate the cemetery so that our residential area would feel less of a negative impact. We suggested 5 alternative sites on your property. They are brushing our ideas aside and are pushing ahead with the original plan. The only change they are willing to consider is to put a taller brick wall in front of their proposed cemetery and reduce the original plan by one row of niches for remains.

That changes nothing! We bought our homes knowing there was a church across the street. As a matter of fact we liked the idea of having a stable neighbor next door. We bought into the bell in the tower. We bought into the occasional wedding. We bought into the Boy Scout troop meeting there. We bought into the occasional rummage sale. Yes, you increase our traffic but, all of these things were expected and many of the activities are wonderful. **What we didn't buy into was having a cemetery next door.** Your church is getting ready to spend a lot of money to put, what we consider to be, a blight and traumatizing intrusion in our lovely neighborhood.

A neighborhood that most of you don't live in.

Please don't force us to live with your wall of death.

Can't you figure out something better to do with that money?

Don't you have missionaries that could use that money?

Don't you have school programs that could use that money?

Don't you have daycare programs that could use that money?

Don't you have outreach programs that could use that money?

Shouldn't that money be spent spreading the Lord's word instead of building monuments to yourselves?

Are you sure your leadership's priorities are straight here?

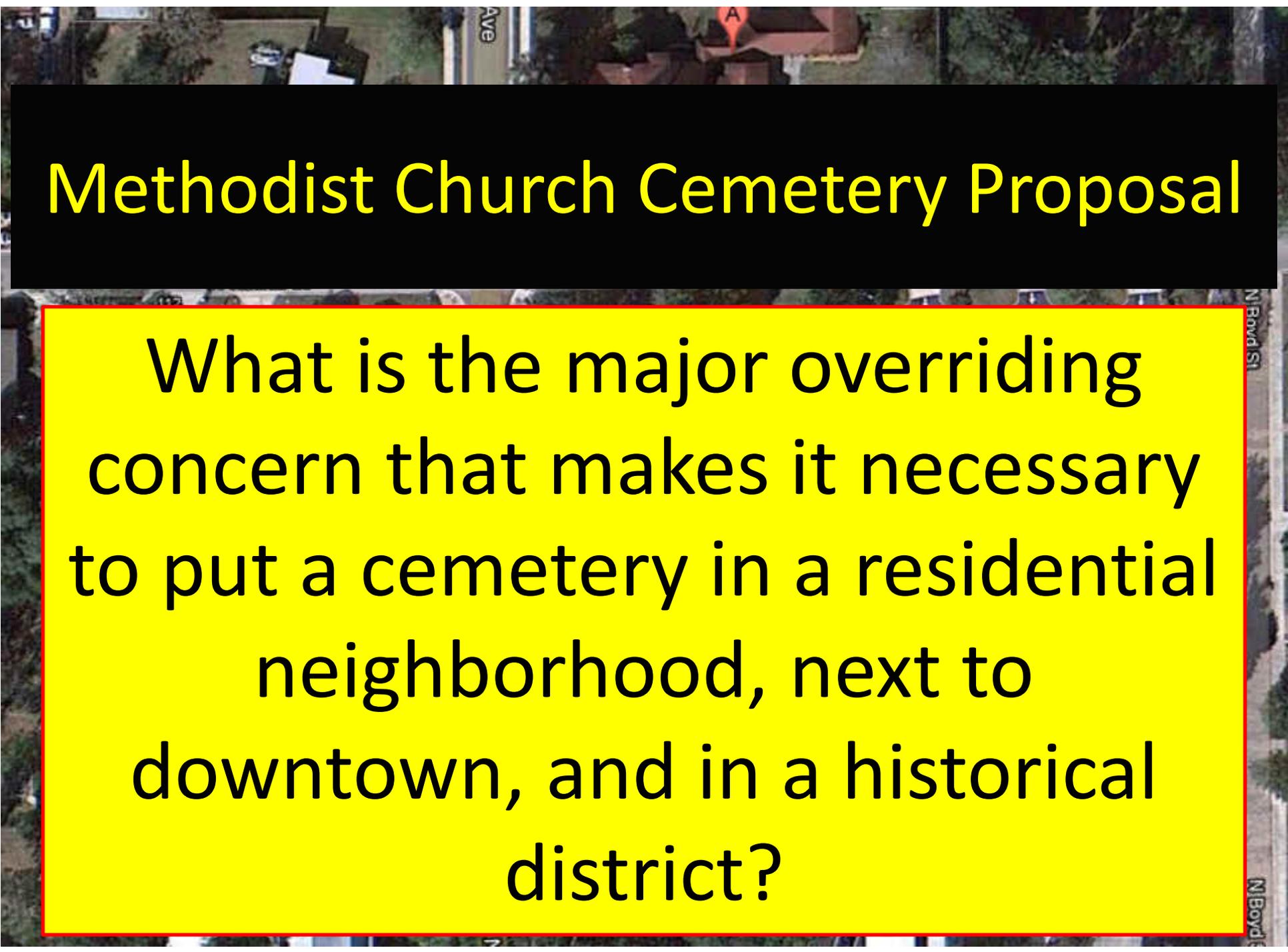
This is your tithing and offering money. A Cemetery? In a residential neighborhood?

Please, talk to your representatives and stop this plan.

Thank you,

Your Friends on Lakeview Avenue

Sponsored by Steven Jett, Winter Garden

An aerial photograph of a residential neighborhood. A red pin with the letter 'A' is placed on a house. The street name 'Ave' is visible on the left side of the image. A black banner with yellow text is overlaid on the top portion of the image.

Methodist Church Cemetery Proposal

What is the major overriding concern that makes it necessary to put a cemetery in a residential neighborhood, next to downtown, and in a historical district?



77 North Lakeview Avenue, Winter Garden, Florida, United States

Address is approximate

Look down

Proposed
Cemetery

These folks get to look at the cemetery everyday, all day.

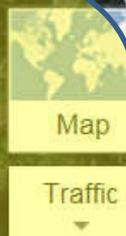


View from the proposed cemetery area



Residential Area

Single Family Homes



Single Family Homes

Residential Area

Proposed Cemetery

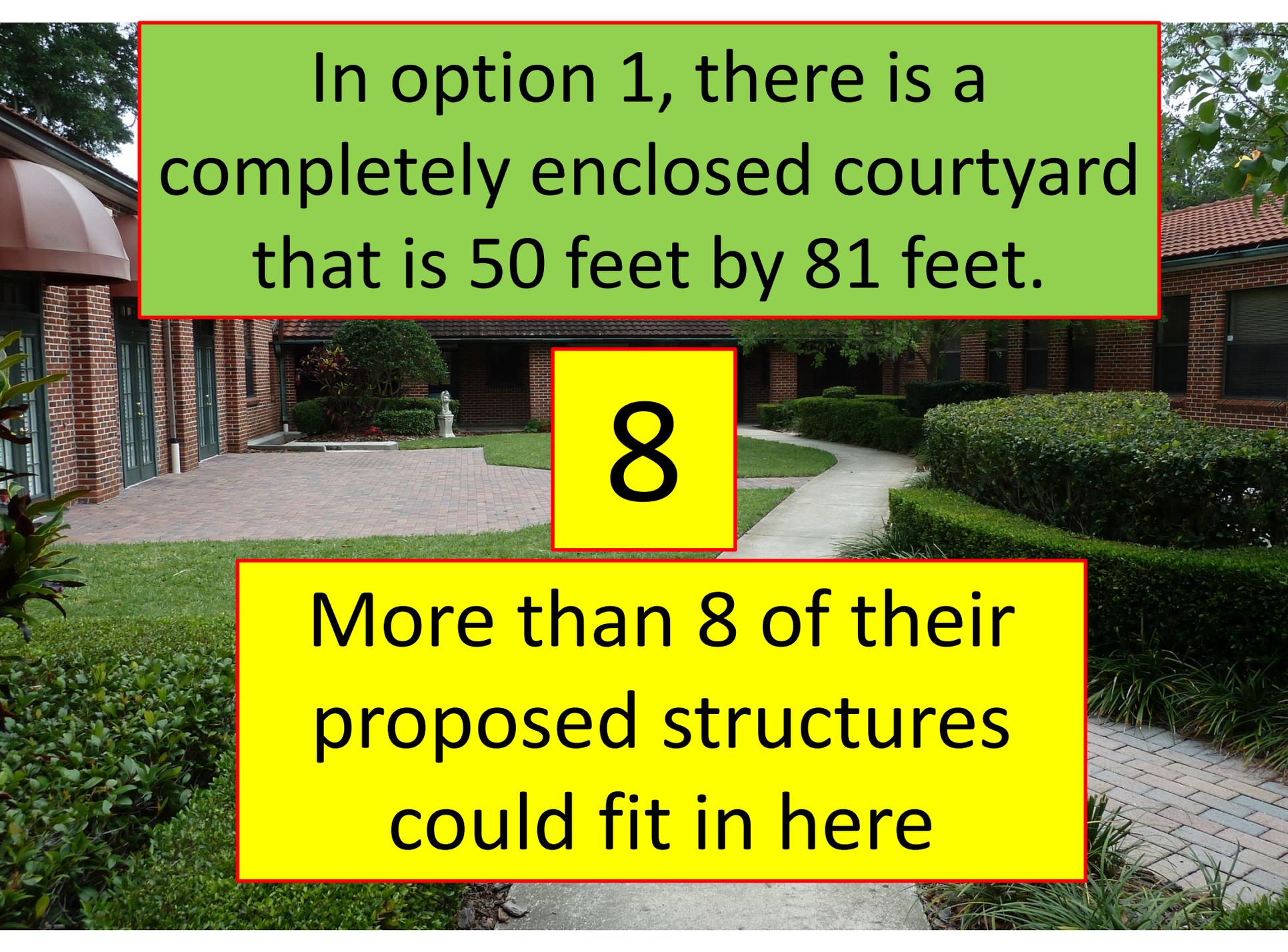


First United Methodist Church

We asked the church to consider
5 different options



We would prefer not
to have a cemetery
in our neighborhood
at all,



In option 1, there is a completely enclosed courtyard that is 50 feet by 81 feet.

8

More than 8 of their proposed structures could fit in here

What's the difference between a low brick wall and a bush, as far as "traffic" is concerned?





**Another view of
the unused space**

It's 81 feet long

Three of their proposed projects could fit in this area alone



The enclosed courtyard



The project could be built here and the church loses nothing but a row of shrubs.

This space is completely unused except for shrubs and a hose reel



Again, the project could be built here and the church loses nothing but a row of shrubs.

We asked them to consider 5 different options.

Residential Area

Single Family Homes

Single Family Homes

Residential Area

-
- Option 1
 - Option 2
 - Option 3
 - Option 4
 - Option 5

They chose to push forward in
the exact same place and just
make the brick wall,
two feet higher

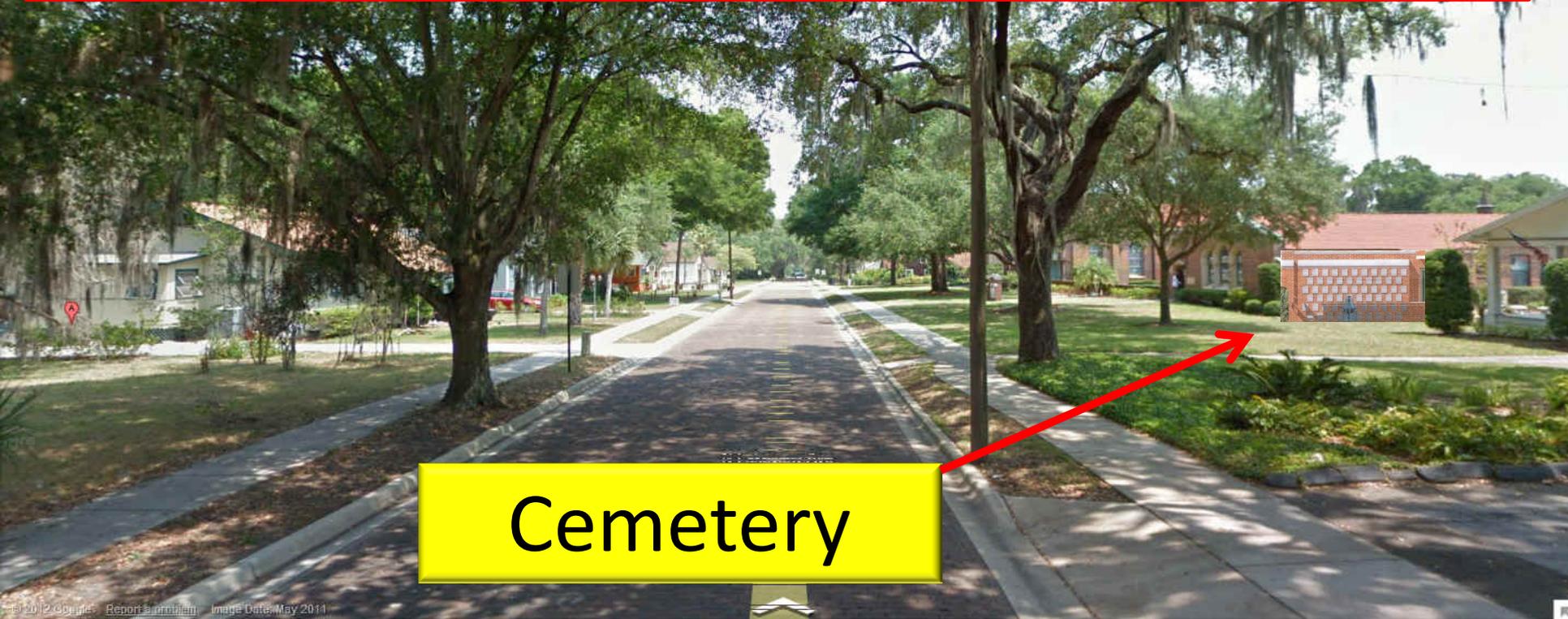


Cemetery

A photograph of a brick building with a courtyard. The building has a dark brown tiled roof and red brick walls. On the left, there are several green-framed glass doors with brown awnings. A paved walkway leads from the foreground towards the building. The courtyard is surrounded by green grass, manicured hedges, and trees. A yellow text box with a red border is overlaid on the image.

You tell me

Why is the burden being placed on our neighborhood?



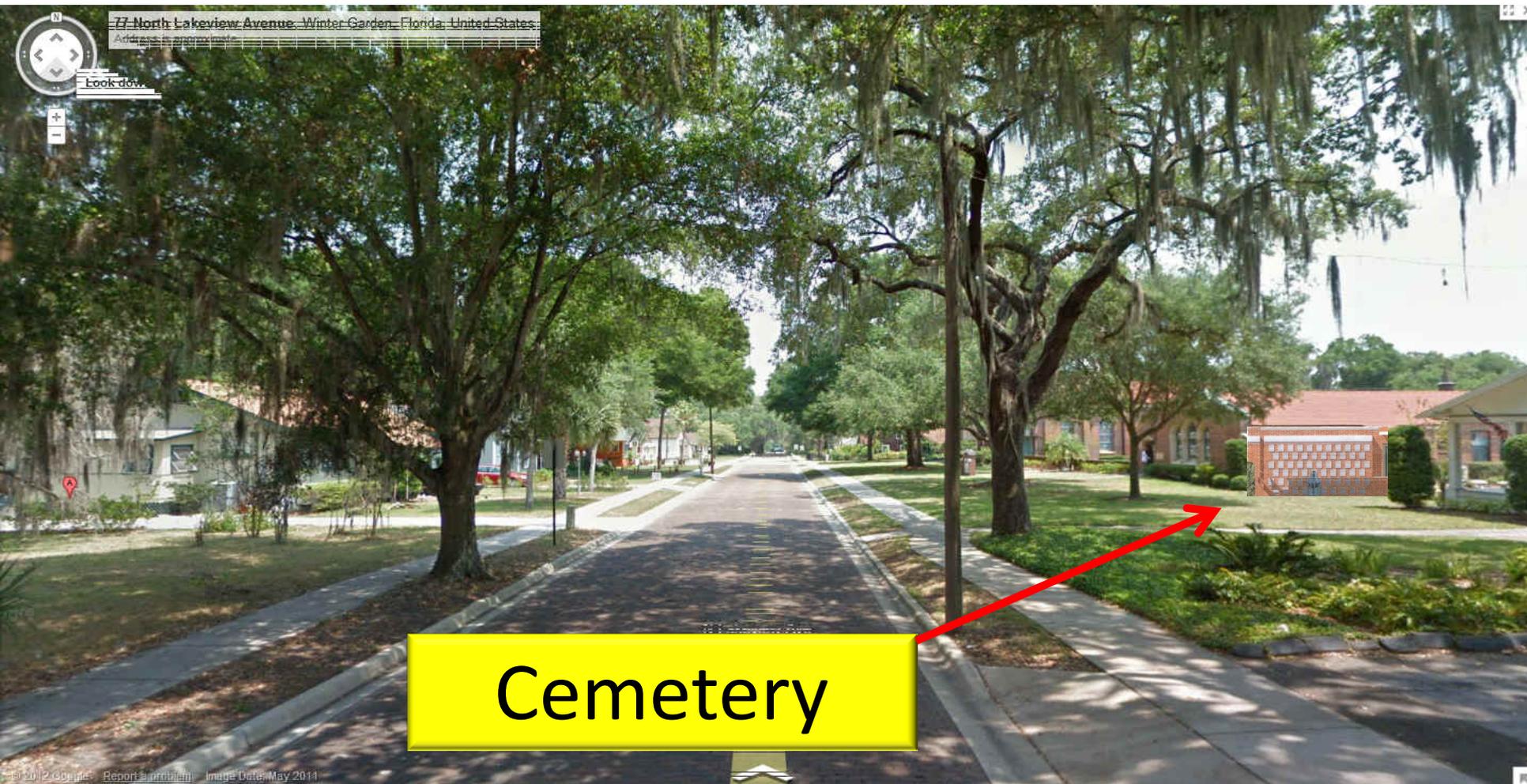
Cemetery

The neighborhood is taking a hit just by having a cemetery on the church property.

Three of their proposed projects could fit in this area alone



Why can't the church give something up?



77 North Lakeview Avenue, Winter Garden, Florida, United States

Address is approximate

Look down

Cemetery

Planning and Zoning Board

Implement the comprehensive plan adopted by the City with reasonable consideration, among other things, to the prevailing land uses, growth characteristics and the character of the respective districts and their peculiar suitability for peculiar uses and to encourage the most appropriate use of the land throughout the city, from time to time revising and amending the plan.

- **Members**
 - Jim Gentry, Chair
 - James "Jimmy" Dunn, Vice Chair
 - Kent Horsley
 - Mark Maciel
 - Mac McKinney
 - Rohan Ramlackhan
- **Meetings**
 - 1st Monday of Each Month
 - 6:30pm
 - City Hall Commission Chambers

Cemetery

Single Family
Homes



77 North Lakeview Avenue, Winter Garden, Florida, United States

Address is approximate

Look down

Cemetery ? Here?



**A REGULAR MEETING MINUTES
PLANNING AND ZONING BOARD
JUNE 4, 2012**

1. CALL TO ORDER/INVOCATION/PLEDGE OF ALLEGIANCE

Vice Chairman James Dunn called the meeting of the City of Winter Garden Planning and Zoning Board to order at 6:35 p.m. in the City Hall Commission Chambers. The invocation was given followed by the Pledge of Allegiance.

2. ROLL CALL AND DETERMINATION OF QUORUM

The roll was called and a quorum was declared present.

MEMBERS PRESENT:

Vice-Chairman James Dunn, Board Members: Kent Horsley, Mark Maciel, Mac McKinney, Rohan Ramlackhan, and Eric Weiss.

MEMBERS ABSENT/ARRIVED LATE:

Chairman James Gentry (Un-excused)

STAFF PRESENT:

City Attorney Kurt Ardaman, City Manager Michael Bollhoefer, Community Development Director Ed Williams, Senior Planner Laura Smith, Senior Planner Stephen Pash, Planner I Alejandra Fazekas and Administrative Specialist Corrina Williams.

3. APPROVAL OF MINUTES

Approval of minutes from the regular meeting held May 7, 2012.

Motion by Kent Horsley to approve the May 7, 2012 minutes, seconded by Mac McKinney, the motion carried unanimously 6-0.

SPECIAL EXCEPTION PERMIT(Public Hearing)

4. 125 N. Lakeview Avenue - First United Methodist Church Memorial Garden

Community Development Director Ed Williams presented a couple bookkeeping items as they pertain to this item on the agenda. 1) The City has received a request for Board Members that were also members of the First United Methodist Church (Applicant), to

recuse themselves from taking part in any action on this special exception permit request. By direction of the City Attorney, members of the Board are only to recuse themselves if they have a potential for personal financial gain from the decision of the Board. 2) This particular application generated a large attendance tonight and all written correspondence from citizens, either for or against, have been provided to the board in their package for consideration. Director Williams asked all speakers to limit their comments to non-repetitive factual data and to remain courteous and brief for all who wish to speak on this item this evening.

Director Williams presented the special exception permit request for a columbarium to allow for urns with ashes to be stored on the property, which would be in addition to the existing structures on the property. Several community meetings were held by the applicant to provide community input and Director Williams summarized the community issues and responses to the Board. The applicant has made changes to its original plans to accommodate various requests of the community.

Director Williams advised the Board that City Staff reviewed the history of where this type of use is typically located and found that it has been historically a part of religious facilities. City Staff also included all community comments into consideration along with the review of the revised plans for this project and recommends the Boards approval of this special exception permit subject to the conditions of the City staff report.

Citizen, Lydia Cummings, 112 N. Lakeview Avenue, Winter Garden, FL made a statement in opposition of the proposed special exception permit.

Citizen, Steven Jett, 205 N. Lakeview Avenue, Winter Garden, FL provided a powerpoint presentation (Attached Exhibit "A") to the Board in opposition of the proposed special exception permit.

Citizen, Debbie Arnold, 205 N. Lakeview Avenue, Winter Garden, FL – read a prepared statement and provided a copy to the Board (Attached Exhibit "B") in opposition of the proposed special exception permit.

Citizen, Jay Cummings, 112 N. Lakeview Avenue, Winter Garden, FL made a statement in opposition of the proposed special exception permit.

Applicant, Reverend Rusty Belcher, 315 W. Tilden Street, Winter Garden, FL reviewed the suggested alternate locations with the Board and summarized that the proposed location is the only one that would work for this project. The Board had general discussion with the Applicant and Applicants Architect, Michael Morrissey, 1435 Eastover Loop, Winter Garden, FL and continued to hear from citizen input on this application.

Citizen Kaye Gerding, 118 N. Lakeview Avenue, Winter Garden, FL, representing her family, made a statement in opposition of the proposed special exception permit.

Citizen, Penny Fullmer, 280 Baywest Neighbors Circle, Orlando, FL, member of the First United Methodist Church, made a statement in favor of the proposed special exception permit.

Citizen, H. Gerald Jowers, 235 N. Lakeview Avenue, Winter Garden, FL, made a statement in favor of the proposed special exception permit.

Citizen, Bert Valdes, 255 Temple Grove Drive, Winter Garden, representing his family who own property at 99 N. Boyd Street and 38 N. Boyd Street, Winter Garden, FL, made a statement in favor of the proposed special exception permit.

Citizen, Jay Cummings, 112 N. Lakeview Avenue, Winter Garden, FL made an additional statement to the Board in reference to the use of the church court yard as an alternate location for the columbarium.

Citizen, Lydia Cummings, 112 N. Lakeview Avenue, Winter Garden, FL made an additional statement in opposition of the proposed special exception permit.

Citizen, Keelee Aaron, 10419 Windermere Chase Blvd, Gotha, FL, member of the First United Methodist Church School program, made a statement on behalf of her parents in favor of the proposed special exception permit.

Citizen, Sharon Sines, 12 West Smith Street, Winter Garden, FL, made a statement in favor of the proposed special exception permit.

The Board had general discussion and asked questions of City Staff for clarification on terms discussed.

Motion by Kent Horsley for the special application requesting special exception permit to allow for the property located at 125 N. Lakeview Avenue to allow the use of a columbarium which is regulated under state cemetery provisions be approved with staff conditions (Attached Exhibit "C") specified by the City staff report. Seconded by Eric Weiss, the motion carried unanimously 6-0.

ANNEXATION, REZONING AND FUTURE LAND USE AMENDMENTS, PLATS (Public Hearing)

5. 710 S. Park Avenue – West Orange Habitat for Humanity

Community Development Director Ed Williams presented a voluntary annexation of a parcel that had been previously tabled, staff is recommending approval of the annexation. The continuation of this application was to allow the applicant time to design a house that could be put on this lot without encroaching on a drainage easement.

Board had general discussion and questions of City Staff regarding the contiguity of the property location.

Motion by Mark Maciel to recommend the approval of 710 S. Park Avenue – Annexation - Ordinance 12-11, Future Land Use Amendment – Ordinance 12-12, and Rezoning –

Ordinance 12-13 with staff recommendations (Attached Exhibit “D”). Seconded by Kent Horsley, the motion carried unanimously 6-0.

6. 12201 W. Colonial Drive – National Retail Properties

Community Development Director Ed Williams presented a voluntary annexation of a parcel located on West State Road 50 for Camping World. City Staff recommends approval.

Motion by Kent Horsley to recommend the approval of 12201 W. Colonial Drive – Annexation - Ordinance 12-25, Future Land Use Amendment – Ordinance 12-26, and Rezoning – Ordinance 12-27 with staff recommendations (Attached Exhibit “E”). Seconded by Mac McKinney, the motion carried unanimously 6-0.

7. 2911 Avalon Road – Carriage Pointe Reserve (f/k/a Cantero Property)

Community Development Director Ed Williams presented a preliminary subdivision plan plat for the project, Carriage Pointe Reserve, has been reviewed by staff and recommend approval subject to conditions.

Applicant, Chris Tyree, Land Development Manager for Taylor Morrison Homes, 295 Lakeside Avenue, Umatilla, FL, made a statement to the Board commending staff support on the application process.

Board had general discussion and questions of City Staff regarding school concurrency and ingress – egress access of the project.

Motion by Mac McKinney to recommend the 2911 Avalon Road – Carriage Pointe Reserve Preliminary Subdivision Plan Plat for approval with staff recommendations (Attached Exhibit “F”). Seconded by Eric Weiss, the motion carried unanimously 6-0.

8. 420 Winter Garden Vineland Road – Bradford Creek Subdivision

Community Development Director Ed Williams presented a planned unit development (PUD) application for the project, Bradford Creek Subdivision. The request is to rezone sixty-three (63) acres of land from City R-1 to City PUD. The property is located within the City municipal limits and is designated low-density residential on the future land use plan. The property is split by Winter Garden Vineland Road. A community meeting was held for citizen input and the application has been reviewed by the Development Review Committee (DRC) and has made a recommendation for approval with conditions of approval. Four issues of inconsistency with the plans and the DRC approval have arisen and City Staff recommends this item be tabled to allow these issues to be re-reviewed by the DRC.

Miranda Fitzgerald, attorney with Lowndes, Drosdick, Doster, Canter and Reed Law Firm, 215 N. Eola Drive, Orlando, FL, representing the applicant, the Bradford Family Trust, requested the Board to not table their application and addressed resolutions to three of the four City Staff issues.

Jay Lewis, with Standard Pacific Homes, addressed the board as the proposed developer of the project and discussed with the Board, City Staff, and Attorney Fitzgerald the issue of the proposed square footage for the project.

Citizen, Theresa Soo, 557 First Cape Coral Drive, Winter Garden, FL, requested clarification of the developments impact to the traffic on State Road 535. City Staff provided response.

Citizen, David Heinkel, 555 Groves End Lane, Winter Garden, FL, requested clarification of the developments impact to the water needs of the City. City Staff provided response.

Board had general discussion and questions of City Staff and determined issues were still outstanding on this application.

Motion by Kent Horsley recommending the 420 Winter Garden Vineland Road, Bradford Creek Subdivision Preliminary-Plat Application be tabled for thirty days while these issues are resolved and we get a document that we can send to the City Commission that's clean and ready to go. Seconded by James Dunn, the motion carried 4 for and 2 opposed.

9. 16851 & 17001 Marsh Road – Waterside on Johns Lake

Community Development Director Ed Williams presented an urban village planned unit development (UVPUD) application for the project, Waterside on Johns Lake. The request is to rezone 75.94 +/- acres of land from City No Zoning (NZ) to City UVPUD. The property is located within the City municipal limits located on the south side of Johns Lake and the north side of Marsh Road. This application was heard by the P & Z a couple of months ago and is under a challenge by an adjoining property owner to the zoning and the comprehensive plan approvals previously approved by the Board. The planned development regulations have been amended to clarify the guidelines for Urban Village Planned Unit Developments (UVPUD). City Staff has provided an extensive report to include the staff review of the criteria for rezoning planned unit development, the staff analysis of each criteria, the specific guidelines in the UVPUD and the staff analysis of this projects compliance to these criteria. In addition is a forty (40) page summary of the City's goals, objectives, and policies from the comprehensive plan that apply to the review of this particular project and a staff analysis after each item. The applicant is required to present the project with their experts and City staff will provide the resumes of the Development Review Committees staff to the Board and the decision by the Board is to be based on the substantial competent evidence provided.

Director Williams also advised the Board in considering this project the projected transportation impact on Marsh Road was at Level of Service (LOS) "F" (10,890 vehicles per day), with the West State Road 50 road widening traffic has reduced down to 8,900 vehicles per day which is a LOS "C" and is still dropping. City still has transportation mitigation elements in place to assist getting traffic on and off the road, and discourages thru traffic.

Attorney Tom Sullivan, with Lowndes, Drosdick, Doster, Canter and Reed Law Firm, 215 N. Eola Drive, Orlando, FL , on behalf of Centerline Homes, the Applicant for the Waterside on Johns Lake UVPUD. Attorney Sullivan introduced the project experts present this evening

for questions; Planning expert, Michael C. Holbrook of Bowyer, Singleton & Associates, 520 S. Magnolia Avenue, Orlando, FL, civil engineer, Scott Stearns, P.E., LEED-AP, Bowyer, Singleton & Associates, 520 S. Magnolia Avenue, Orlando, FL, Traffic expert, J. Anthony Luke, P.E., Luke Transportation Engineering Consultants, 29 East Pine Street, Orlando, FL. Attorney Sullivan concurs with City Staff that this project is compatible with the surrounding area and is consistent with the City's comprehensive plan meeting the City's approval criteria for the UVPUD set forth in the City's code of ordinances.

Project planning expert, Michael C. Holbrook, Director of Planning of Bowyer, Singleton & Associates, 520 S. Magnolia Avenue, Orlando, FL provided a summary of his qualifications (Attached Exhibit "G") to the Board and the presentation of the Waterside on Johns Lake UVPUD project.

Scott Stearns, P.E., LEED-AP, Bowyer, Singleton & Associates, 520 S. Magnolia Avenue, Orlando, FL, provided a summary of his qualifications (Attached Exhibit "H") to the Board and a summary of the City, State and Water Management District requirements that will be met by the Waterside on Johns Lake UVPUD project.

Anthony Luke, P.E., Luke Transportation Engineering Consultants, 29 East Pine Street, Orlando, FL, provided a summary of his qualifications (Attached Exhibit "I") to the Board and a summary of the transportation plan that is in concurrence with the City code requirements.

Board had general discussion with City Staff and the project experts.

Motion by Eric Weiss to recommend to the City Commission the adoption of Ordinance 12-29 approving the Waterside on John's Lake Urban Village PUD and its associated preliminary development plan based on competent, substantial evidence in the record indicating that Ordinance 12-29 is consistent with the Comprehensive Plan and meets the criteria set forth in the Comprehensive Plan and meets the criteria set forth in the Comprehensive Plan, JPA 6, the Future land Use Map, land development regulations including Sections 118-827, 118-828 and 118-834, Code of Ordinances for rezoning the Property to UVPUD and this motion incorporates the City staff's report findings ngs and testimony as part of this recommendation for approval. Seconded by James Dunn, the motion carried unanimously 6-0.

SPECIAL EXCEPTION PERMIT(Public Hearing)

10.13501 W. Colonial Drive – Ice House (Lee & Park LLC)

Senior Planner, Stephen Pash presented a special exception permit application to allow for the construction of a kiosk at the site addressed as 13501 W. Colonial Drive, Sunoco gas station. The kiosk would be used as a bulk ice sales/dispenser. The proposed location of the machine is not in compliance with City code 118-1310(b), and allowing the proposed kiosk is not consistent with the West State Road 50 Commercial Corridor Overlay and recommends the denial of the special exception permit application as proposed. Staff does support the special exception permit if the kiosk is relocated to the northwest corner of the

property behind the existing window tinting business located on the property subject to conditions of the City Staff report Development Review Committee memorandum.

Applicant, Jason Cleghorn, representing Ice House America – Kiosk Machine, 13361 Atlantic Boulevard, Jacksonville, FL, presented a powerpoint presentation to the board for the proposed special exception permit for a kiosk at 13501 W. Colonial Drive.

City Staff and Applicant discussed with the Board issues of the application and the placement of the kiosk on the property.

Applicant, Joe Huckabee, from Stellar Window Tinting, LLC, representing the 13501 W. Colonial Drive project site, discussed with the Board the economic need for the project to be at this site and the proposed future improvements to the property.

Board Member Rohan Ramlackhan left the Chambers at 9:45 p.m.

Board continued general discussion with City Staff and Applicant.

Motion by Kent Horsley that the special exception permit to allow for the property located at 13501 West Colonial Drive to allow for the use of a kiosk within the West State Road 50 Overlay be denied based on Staffs recommendation. Seconded by Mack McKinney, the motion carried unanimously 5-0.

7. ADJOURNMENT

There being no further business, the meeting was adjourned at 9:52 p.m.

APPROVED:

ATTEST:



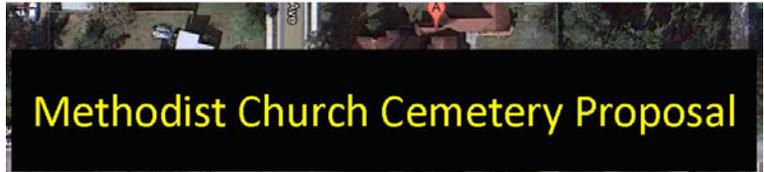
Chairman James Gentry



Administrative Specialist Corrina Williams

EXHIBIT "A"

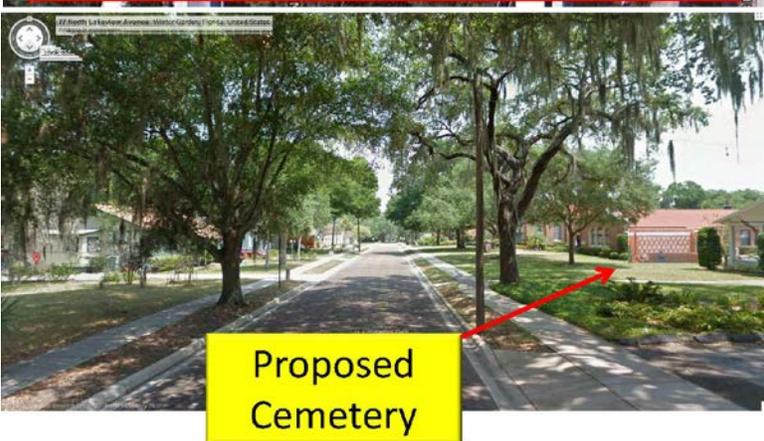
Powerpoint Presentation – Citizen, Steven Jett

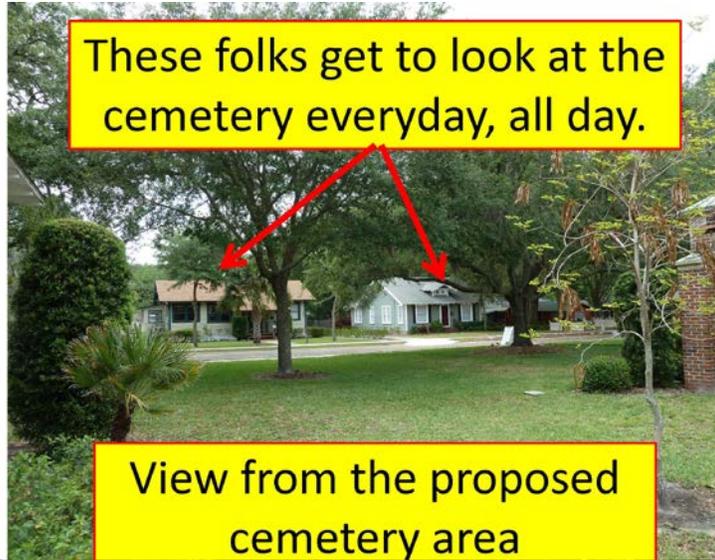


What is the major overriding concern that makes it necessary to put a cemetery in a residential neighborhood, next to downtown, and in a historical district?



What is the major overriding
Are we running out of space in the Winter Garden cemetery?
district?





We asked the church to consider 5 different options

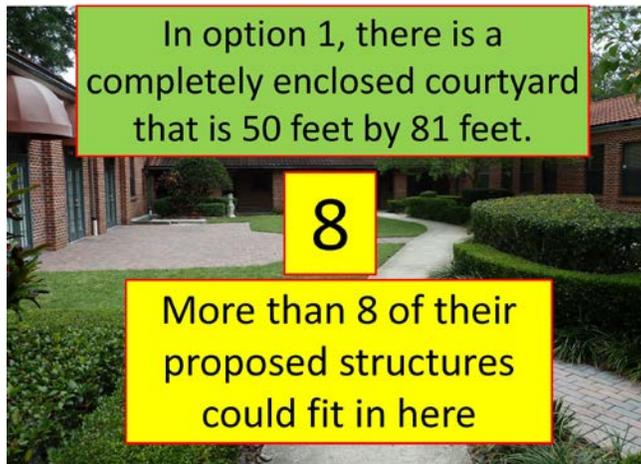


We asked the church to consider 5 different options



We would but when we couldn't convince the church not to build this, at all,

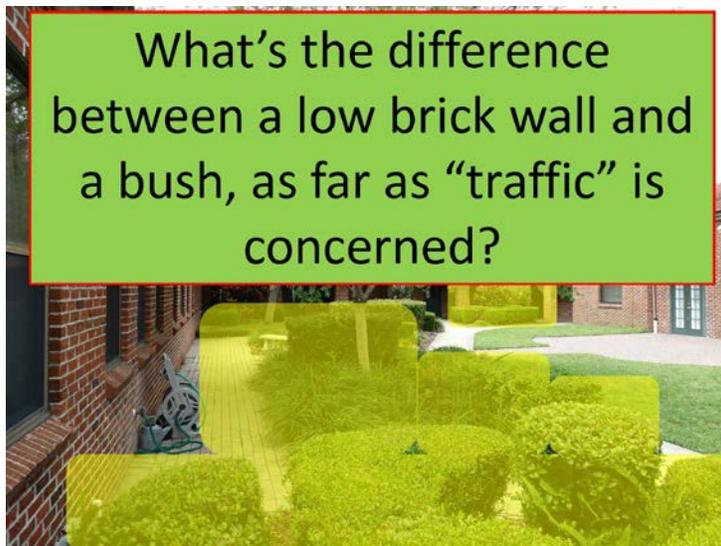
In option 1, there is a completely enclosed courtyard that is 50 feet by 81 feet.

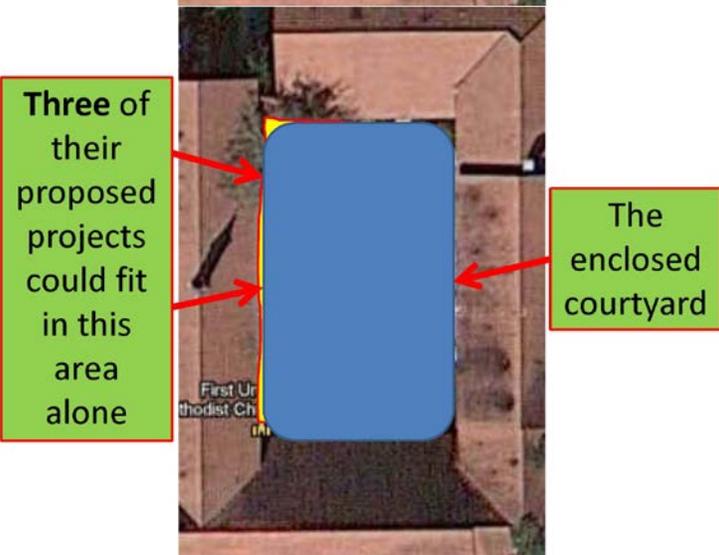
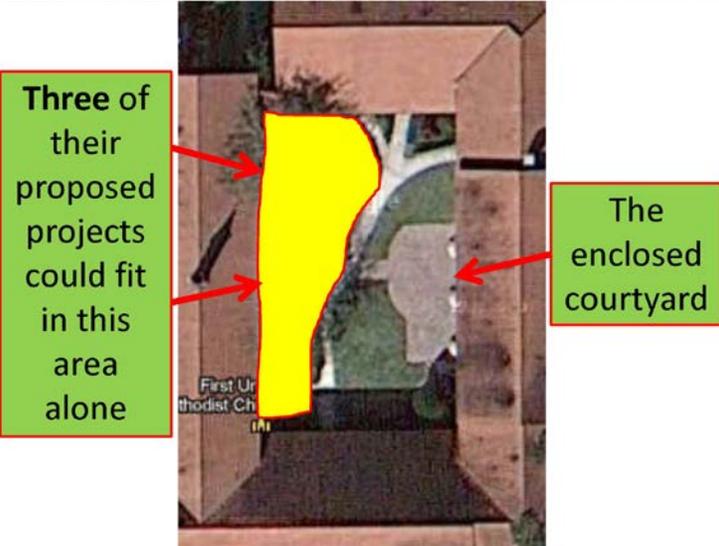


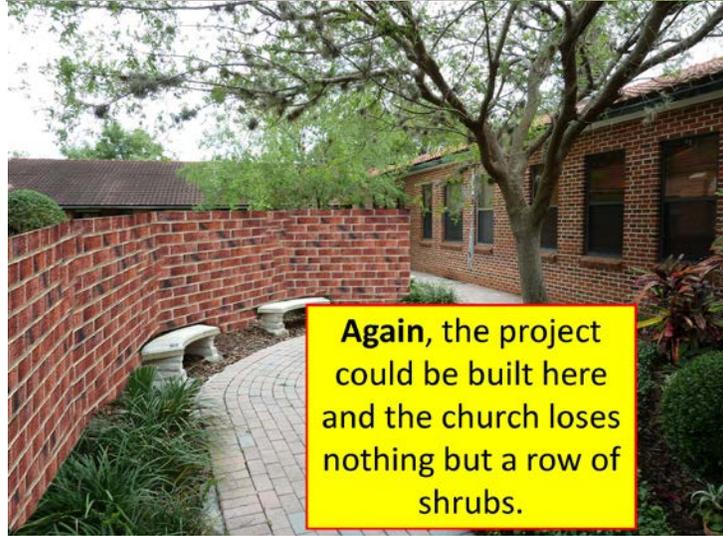
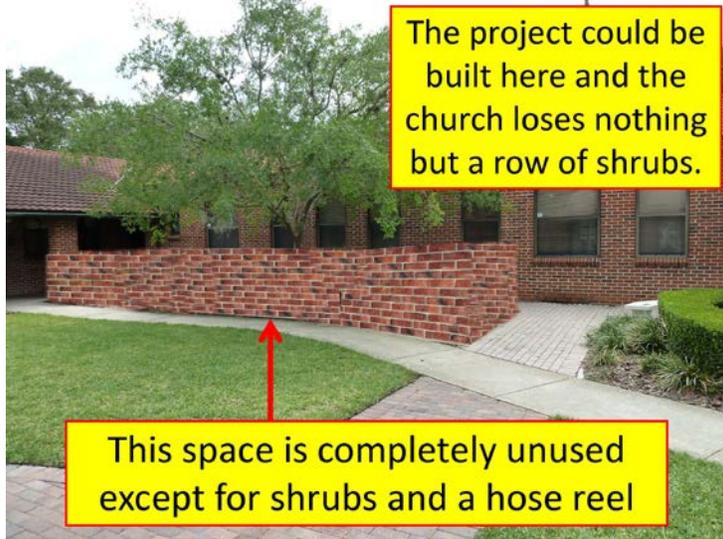
8

More than 8 of their proposed structures could fit in here

What's the difference between a low brick wall and a bush, as far as "traffic" is concerned?



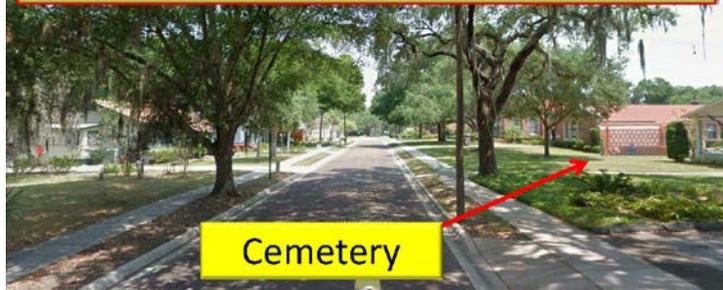




They chose to push forward in the exact same place and just make the brick wall, **two feet higher**



Why is the burden being placed on our neighborhood?



The neighborhood is taking a hit just by having a cemetery on the church property.

Three of their proposed projects could fit in this area alone



Why can't the church give something up?

If the need for this is so overwhelming, why isn't the church willing to compromise on location?

The church members get to go home after church.
We get to live with their cemetery, **every day.**



Planning and Zoning Board

Implement the comprehensive plan adopted by the City with reasonable consideration, among other things, to the prevailing land uses, growth characteristics and the character of the respective districts and their peculiar suitability for peculiar uses and to encourage the most appropriate use of the land throughout the city, from time to time revising and amending the plan.

Members:
James W. Bishop, Chairman
Mark Turley
Mark Miller
M. A. Williams
Robert Goodrich

Meetings:
1st Monday of Each Month
7:00 PM
City Hall Conference Room

Cemetery

Single Family Homes

Planning and Zoning Board

Taken directly from the city of Winter Garden website

Cemetery

Single Family Homes

Please don't force our neighborhood to live with **their** wall of death

Cemetery ? Here?

EXHIBIT “B”

Letter Read at Meeting – Citizen, Debbie Arnold

June 4, 2012 Zoning & Planning Board Meeting

Subject: A Special Exception Permit to allow the addition of a cemetery at property located at 125 N. Lakeview Ave., Winter Garden

Speaker: Debbie Arnold

The project in question is for the exclusive use of members of the First United Methodist Church of Winter Garden. As such, any member of this board who is also a member of this organization, should recuse themselves due to this obvious conflict of interest.

Variations to zoning statutes, policies & associated ordinances and regulations can only be properly granted when such variations are not contrary to the public interest or when literal enforcement of the zoning code would result in unnecessary or undue hardship to the applicant.

It is clear that denying this request would not result in undue hardship to the applicant. The church has functioned, and indeed has grown, for 100 years without a cemetery. There are columbaria available in the area, including in Woodlawn Memorial Park (which has a meditation labyrinth that is open to the public) and in the Winter Garden municipal cemetery. Indeed, the city offers columbarium niches to its residents for \$600 while the proposed project will be charging \$1000-\$1100 per niche.

By contrast, undue hardship would be created for others if this special exception is approved. A cemetery/columbarium would substantially devalue adjacent residences. As discussed in the *Wall Street Journal* in its Oct 31, 2011 issue, not only are homes nearby cemeteries difficult to sell, those home within a two-block street radius sell for an average of 10-15% less.

Homeowners have an expectation of reasonable enjoyment of their property. Homes directly across the street will have the constant reminder of death with this structure, when their only view would be that of a cemetery. Residents cannot be expected to have anticipated this unforeseeable use of the land when they purchased their homes when no other publicly visible cemetery has been permitted by the city within residential areas. Indeed, when the city established its cemetery in 1924 it was on the southern edge of the city, a rural, undeveloped site.

Beyond the adverse economic impact on nearby residences, the project is against the public interest of the city at large. The city in the past 20 years has spent significant amounts of time and money to recreate and preserve the historic downtown, a “renaissance of a vibrant community”, as described in the city’s website. This project places all these efforts in jeopardy.

Specifically, in 1992, the city created the Community Redevelopment Agency or CRA. A CRA is created when the governing body finds one or more areas within the city that are in a “slum” condition and have a need to rehabilitate, conserve and redevelop that area. Dedicated funds from the special taxing district and grants have permitted the city to complete many successful projects including: altering the traffic pattern on Plant St (effectively stopping the county’s plan for widening this road), repaving streets in the historic district with bricks, and installing decorative lighting and landscaping.

In 1994, the Historic Building Survey of Winter Garden was completed using funds and services from sources including the City of Winter Garden, the National Park Services, the Florida Department of State and the Florida Historic Preservation Advisory Council. As discussed at page 39 of this document "The introduction of unharmonious elements within a historic setting may destroy the integrity of a historic resource...The conversion of residential buildings into professional office space or the introduction of commercial buildings into a residential neighborhood, for example, often leads to the neighborhood's eventual demise, and typically compromises the historic character of that neighborhood". Surely, the examples of inappropriate development discussed in this document are not nearly as extreme changes of use as the introduction of a new cemetery in a historic residential neighborhood as requested in this Special Exception.

Based on this report, the City of Winter Garden on January 19, 2010, passed Ordinance 10-05 to amend the zoning ordinances for the Historic Downtown District which includes the property in question. Section 98-186 of Article VII, Chapter 98, Part II of the Winter Garden Code of Ordinances, provides that the purpose of the article is to "promote the historic downtown district as an interesting, unique, and walkable environment" including improving the visual appearance and physical access to sides streets to Plant St., including Lakeview, promoting pedestrian activity and interconnectivity between the business district and the residential district.

The project in question is on the primary route between the historic business district and the historic residential district used by families to access the West Orange Trail, the children's splash fountain, downtown businesses and city sponsored events such as the Farmers' Market to the south and Tanner Auditorium and the adjacent playground and other city sponsored events on Lake Apopka such as the Fourth of July Celebration to the north. The proposed cemetery is prominently situated with its access directly on N. Lakeview Ave. Anyone traveling on N. Lakeview Ave, whether on foot, skateboard, bicycle or stroller, will have to pass directly in front of the cemetery.

The City is continuing its investment in the historic residential area. For example, the city is currently participating in the America In Bloom national initiative. On April 12, the Winter Garden City Commission supplied \$10,000 in seed money to two projects in conjunction with this initiative. Far from abandoning the historic residential area, they chose N. Lakeview Ave as the first street to receive free live oaks to improve the tree canopy.

A cemetery is a constant reminder of death and is inconsistent with the vibrant family oriented atmosphere the city has worked so hard to achieve. If the cemetery is approved in the heart of the historic downtown district, dangerous precedents will be set. A cemetery is inconsistent with the uses and fundamental character of the specially designated historic area; and such a variance will render further preservation and the existence of a historic district with special regulation moot. Some of the drawings shared with the public were labeled "Phase I". It will be more difficult for the city to justify denial of expansion of an already existing cemetery, than it is to deny the creation of a new cemetery. Additionally, the city will have difficulty justifying the inappropriateness of other new cemeteries anywhere else in the city if this location is deemed appropriate. This potential scattering of cemeteries throughout the city would fundamentally change the character of the city as a whole.

This project is in clear violation of public policy which has so consistently been set by the City of Winter Garden and comes at too high a cost to its citizens. Do not risk the considerable financial investment the city has made in its historic downtown or change our town from "Mayberry" to the city of the dead.

Thank you for your time and earnest consideration of the serious issues raised by this request.

EXHIBIT “C”

**CITY OF WINTER GARDEN
PLANNING & ZONING DIVISION**

300 West Plant Street - Winter Garden, Florida 34787-3011 • (407) 656-4111

STAFF REPORT

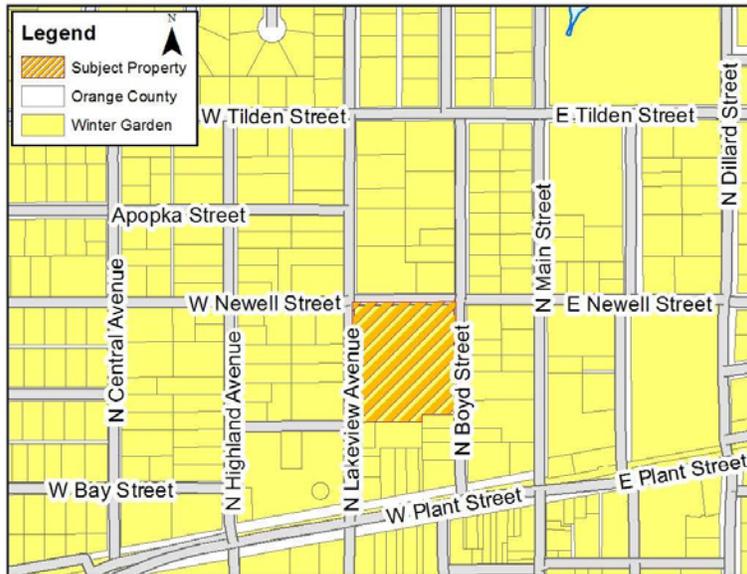
TO: PLANNING AND ZONING BOARD
PREPARED BY: LAURA SMITH, SENIOR PLANNER
DATE: MAY 31, 2012
SUBJECT: SPECIAL EXCEPTION PERMIT
125 North Lakeview Avenue (First United Methodist Church)
PARCEL ID # 14-22-27-5656-00-760

APPLICANT: First United Methodist Church of Winter Garden

INTRODUCTION

The purpose of this report is to evaluate the proposed project for compliance with the City of Winter Garden Code of Ordinances and Comprehensive Plan.

The subject property is generally located on the south side of West Newell Street, between North Lakeview Avenue and North Boyd Street at 125 North Lakeview Avenue. The map below depicts the location of the subject property within the City of Winter Garden municipal limits:



The applicant is requesting a Special Exception to allow for the subject property to be used for a columbarium which is regulated under state cemetery provisions. The subject property is located within the City of Winter Garden municipal limits, and carries the zoning designation C-1. The subject property is designated Traditional Downtown on the Future Land Use Map of the Comprehensive Plan.

EXISTING USE

The property contains the following facilities which are occupied by the First United Methodist Church of Winter Garden, Inc.: approximately 20,265 square foot principal use structure, approximately 2,324 square foot accessory office/residential structure, basketball court, playground, shed, carport, and parking facilities.

ADJACENT LAND USE AND ZONING

The properties located to the north and west of the subject property are single family residential properties zoned R-2 within the City of Winter Garden. The properties located to the east of the subject property consist of single family residences zoned R-2, and a commercial warehouse zoned C-1 located within the City of Winter Garden; the property located to the south is a developed commercial property zoned C-1 within the City of Winter Garden.

PROPOSED USE

The applicant proposes to construct a columbarium which is regulated under state cemetery provisions on the property connecting to the south side of the existing principal structure. A columbarium is defined in Chapter 497 of Florida Statutes to mean a structure or building that is substantially exposed above the ground and that is intended to be used for the interment of cremated remains. In accordance with Florida Statutes, all of the following fall under the classification of cemetery: land or earth interment, mausoleum, vault, crypt interment, columbarium, ossuary, scattering garden, or other structure or place used or intended to be used for the interment or disposition of cremated remains.

The applicant proposes to construct a memorial garden and columbarium in the 11,875 square foot area between the existing principal structure and the accessory residential/office structure located along North Lakeview Avenue.

The proposed memorial garden includes a fountain, benches, landscaping, and a brick wall to extend approximately 20 feet south along the east and west boundary of the garden area from the existing brick façade of the principal structure (as shown on the attached drawings).

The proposed columbarium includes the construction of a 16 inch deep brick niche wall along the south side of the principal structure to accommodate approximately 63 niches, and another 16 inch brick niche wall located approximately 20 feet south of the principal structure running east/west parallel to the principal structure to accommodate approximately 42-45 niches. A niche is defined as a recessed compartment designed to house an urn.

NEIGHBORHOOD ISSUES

Attached to this staff report are the letters of support and opposition, which were submitted to the city, regarding the request for a Special Exception Permit to allow for the subject property to be used for a columbarium which is regulated under state cemetery provisions at the existing church facility located at 125 N Lakeview Avenue. City staff have facilitated the occurrence of two community meetings (March 19, 2012 & April 30, 2012) to allow for the applicant to present the proposal to interested parties, allow for questions and discuss concerns.

The following issues have been raised by neighboring property owners:

- Parking on adjoining streets (North Lakeview Avenue, West Newell Street, North Boyd Street) preventing emergency access and blocking driveways. Potential for additional traffic on North Lakeview Avenue.
- Maintenance of the memorial garden and columbarium area (flowers and other items placed on the niche walls deteriorating and littering the surrounding area).
- Possibility of the property being used for any type of cemetery in the future (burial ground, mausoleum, crypt, scattering garden, etc.).
- Compatibility of the proposed memorial garden and columbarium with the surrounding residential community and the traditional downtown area.
- Potential impact on the surrounding property values.

As a result of the community meetings the design of the project was changed to reduce the height of the niche walls so that they do not protrude above the perimeter walls of the gardens.

SUMMARY

City Staff recommends approval of the proposed use subject to the following conditions.

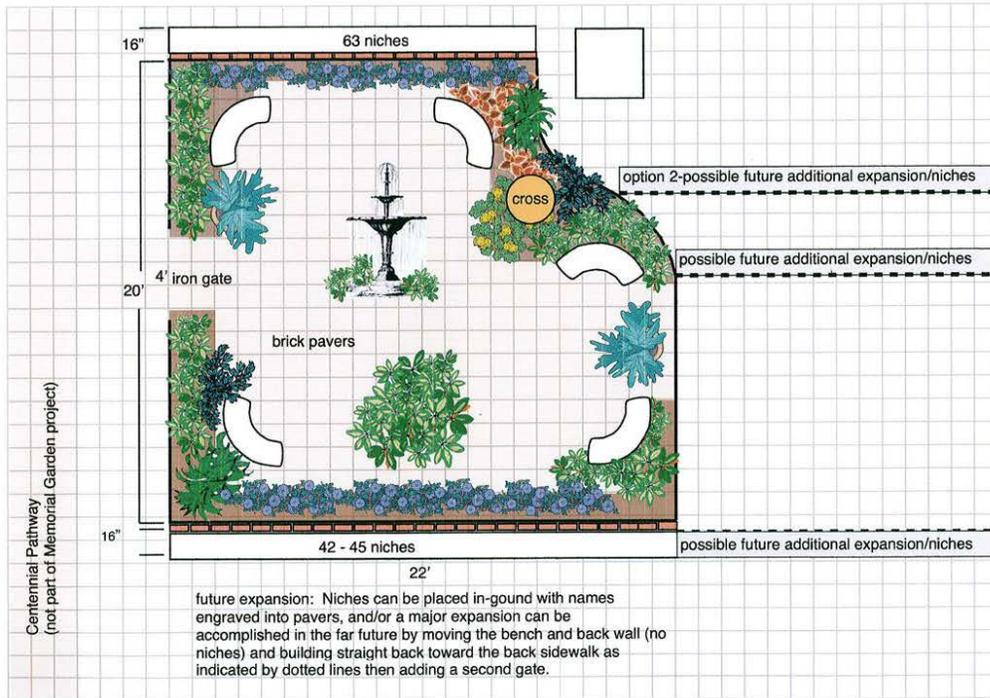
- Parking for the columbarium shall be restricted to the existing parking facilities located on the subject property; no parking will be permitted on the adjoining streets.
- A maximum of 110 niches may be constructed on the subject property under the approval of this special exception permit, expansion of the memorial garden and/or columbarium area or construction of additional niches would require amendment to this special exception permit and approval of the Planning and Zoning Board.
- Construction of the memorial garden and columbarium shall substantially conform to the attached renderings, substantial deviation from the proposed design as depicted in the attached rendering may require additional approval by the Planning and Zoning Board. All materials used for construction of the memorial garden and columbarium facility shall be of similar materials to the principal structure.
- Memorial garden and columbarium facility shall not be open for access earlier than dawn or later than dusk.

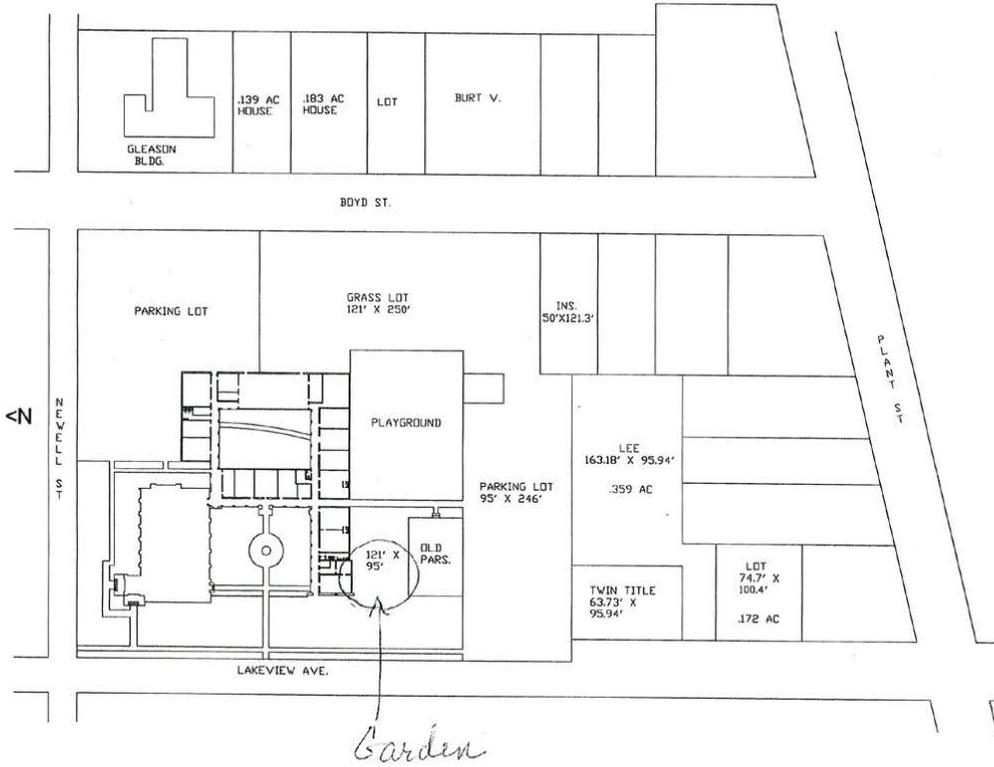
MAPS/EXHIBITS

AERIAL PHOTO
125 N Lakeview Avenue











END OF STAFF REPORT

EXHIBIT “D”

**CITY OF WINTER GARDEN
PLANNING & ZONING DIVISION**

300 West Plant Street - Winter Garden, Florida 34787-3011 • (407) 656-4111

STAFF REPORT

TO: PLANNING AND ZONING BOARD
PREPARED BY: STEVE PASH, SENIOR PLANNER
DATE: MARCH 16, 2011
SUBJECT: ANNEXATION – ZONING – FLU AMENDMENT
710 SOUTH PARK AVE UNUE (0.22 +/- ACRES)
PARCEL ID #: 22-22-27-1084-01-110
APPLICANT: WARREN A. & GERALDINE M. LEWIS

INTRODUCTION

The purpose of this report is to evaluate the proposed project for compliance with the City of Winter Garden Code of Ordinances and Comprehensive Plan.

The subject property is located at 710 South Park Avenue and is approximately 0.22 ± acres. The map below depicts the proximity of the subject property to the City’s jurisdictional limits:



The applicant has requested annexation into the City, amendment to the Future Land Use Map (FLUM) of the City's Comprehensive Plan to designate the property as Low Density Residential, and rezoning the property to R-2 Residential District.

In accordance with the City's Comprehensive Plan, permitted uses within the Low Density Residential land use include single family homes, and churches and school through a Special Exception Permit. The zoning classifications that are consistent with the Low Density Residential land use designation include PUD, R-1A, R-1, R-2, R-1B, and INT.

The City endorses infill of its jurisdictional limits through voluntary annexation of enclaves. The elimination of enclaves through voluntary annexation furthers the goals, objectives, and policies of the City's Comprehensive Plan.

EXISTING USE

The subject property is currently vacant. The applicant intends to develop the property with a new duplex once the annexation, FLU, and zoning process is complete.

ADJACENT LAND USE AND ZONING

The property located to the north is a single family house, zoned R-2 and located in Orange County. The properties located to the east are developed with a single family and the Orange Tree Mobile Home Park, zoned R-2 and located in the City. The property to the south is a single family house, zoned R-2 and located in Orange County. The properties to the west are developed as single family homes, zoned R-2 and located in Orange County.

PROPOSED USE

The owner is proposing to annex the property, then construct a new duplex home.

PUBLIC FACILITY ANALYSIS

The City will provide garbage collection, police protection, and all other services regularly provided to City of Winter Garden residents including building permits. The property will be served by both Orange County Fire and Rescue and the City of Winter Garden Fire Department under the First Response System.

SUMMARY

City Staff recommends approval of the proposed Ordinances. Annexation will provide a more efficient delivery of services to the property and further the goals and objectives of the City of Winter Garden's Comprehensive Plan to eliminate enclaves. The property is currently vacant and the proposed development will be consistent with the surrounding area.

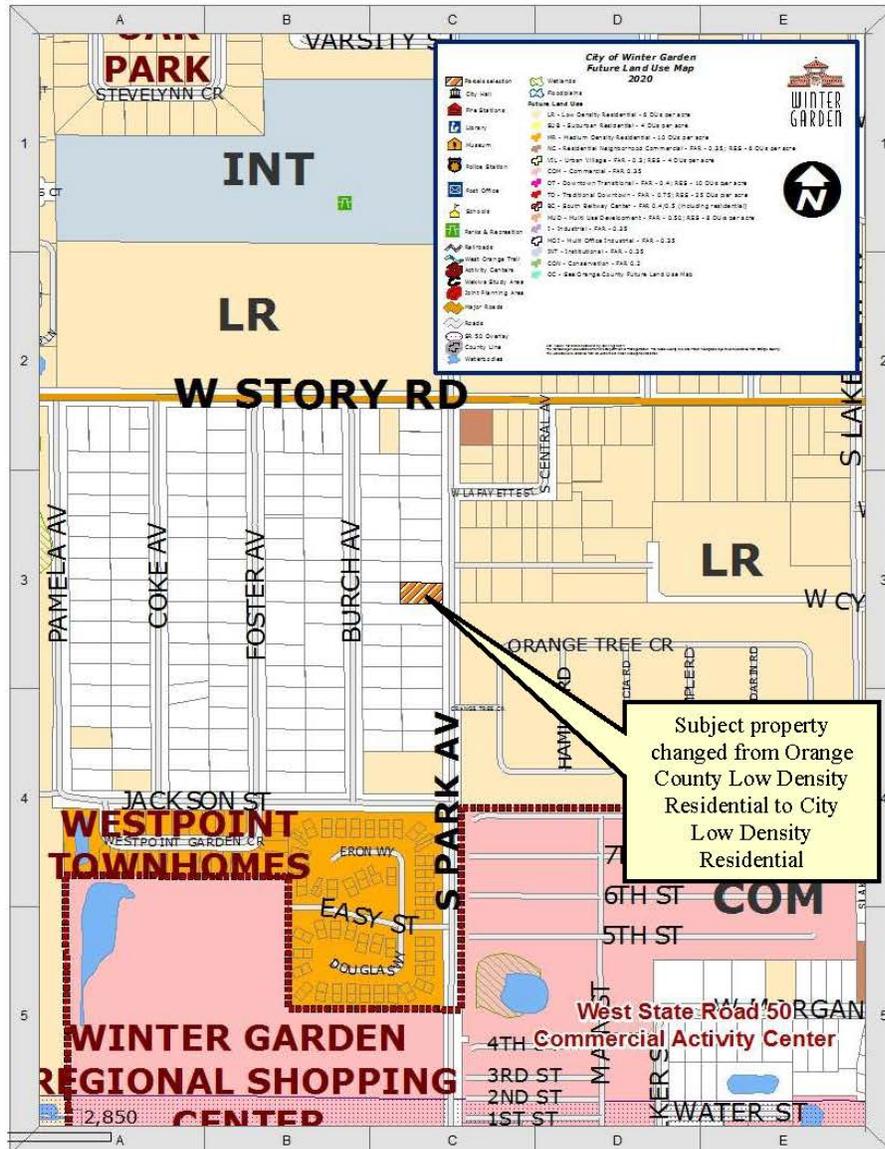
MAPS

AERIAL PHOTO

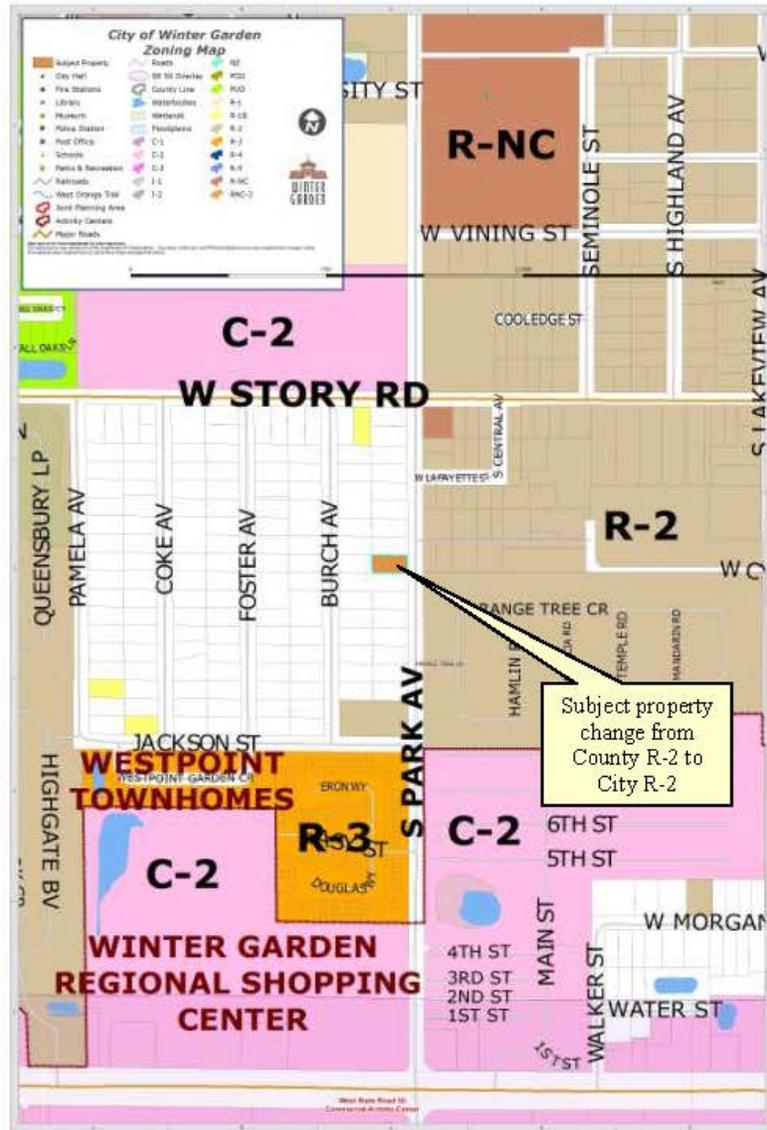
710 South Park Avenue



**FUTURE LAND USE MAP
 710 South Park Avenue**



ZONING MAP
710 South Park Avenue



END OF STAFF REPORT

EXHIBIT “E”

CITY OF WINTER GARDEN PLANNING & ZONING DIVISION

300 West Plant Street - Winter Garden, Florida 34787-3011 • (407) 656-4111

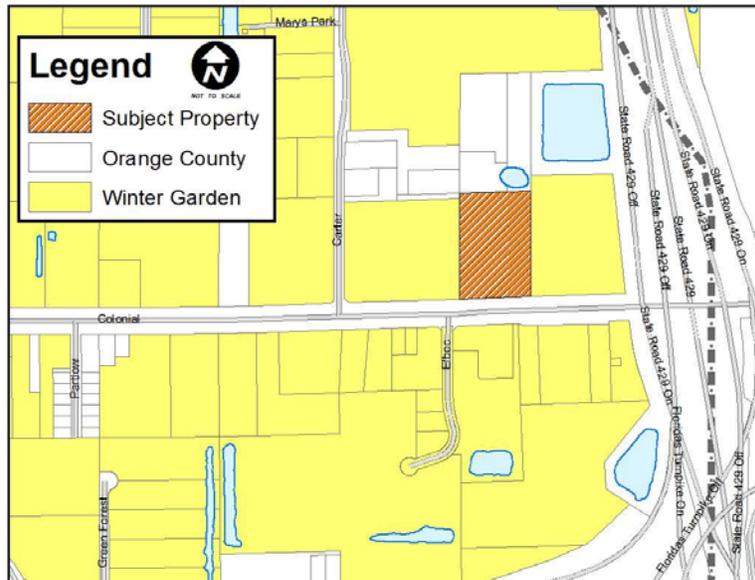
STAFF REPORT

TO: PLANNING AND ZONING BOARD
PREPARED BY: STEVE PASH, SENIOR PLANNER
DATE: MAY 29, 2012
SUBJECT: ANNEXATION - REZONING - FLU AMENDMENT
12201 WEST COLONIAL DRIVE (5.44 +/- ACRES)
PARCEL ID #: 24-22-27-0000-00-014
APPLICANT: NATIONAL RETAIL PROPERTIES, LP

INTRODUCTION

The purpose of this report is to evaluate the proposed project for compliance with the City of Winter Garden Code of Ordinances and Comprehensive Plan.

The subject property is located at 12201 West Colonial Drive and is approximately 5.44 ± acres. The map below depicts the proximity of the subject property to the City's jurisdictional limits:



The applicant has requested annexation into the City, amendment to the Future Land Use Map (FLUM) of the City's Comprehensive Plan to designate the property as Commercial, and rezoning the property to C-2 Commercial Arterial District. This property is also within the West State Road 50 Overlay, which has additional development standards.

The subject property is located within the West State Road 50 Commercial Activity Center which allows for the following land use categories: Commercial, Medium Density Residential, Industrial, and Multi Use Development. The majority of the properties located within the West State Road 50 Commercial Activity Center are designated Commercial on the Future Land Use Map, with the only exceptions being several apartment complexes and a senior living facility on the south side of the road at the western edge of the city limits which are designated Medium Density Residential on the Future Land Use Map and total about 35 acres of land.

In accordance with the City's Comprehensive Plan, permitted uses within the Commercial land use include retail, service, and professional activities. The zoning classifications that are consistent with the Commercial land use designation include C-1, C-2, C-3, C-4, PCD, and INT.

The City endorses infill of its jurisdictional limits through voluntary annexation of enclaves. The elimination of enclaves through voluntary annexation furthers the goals, objectives, and policies of the City's Comprehensive Plan.

EXISTING USE

The subject property is developed as a recreational vehicle sales company and contains an 8,904 square foot vehicle / parts sales room and an 16,100 square foot vehicle service area.

ADJACENT LAND USE AND ZONING

The property located to the north is a single family house and vacant land, zoned A-1 and located in Orange County. The property located to the east is vacant commercial land, zoned C-2, and located in the City. The properties to the south are developed as commercial buildings, zoned C-2, and in the City. The property to the west is a commercial development, zoned C-2, and in the City.

PROPOSED USE

The owner is proposing to annex the property and keep operating the existing recreational vehicle sales and repair facility.

PUBLIC FACILITY ANALYSIS

The City will provide garbage collection, police protection, and all other services regularly provided to City of Winter Garden residents including building permits. The property will be served by both Orange County Fire and Rescue and the City of Winter Garden Fire Department under the First Response System.

SUMMARY

City Staff recommends approval of the proposed Ordinances.

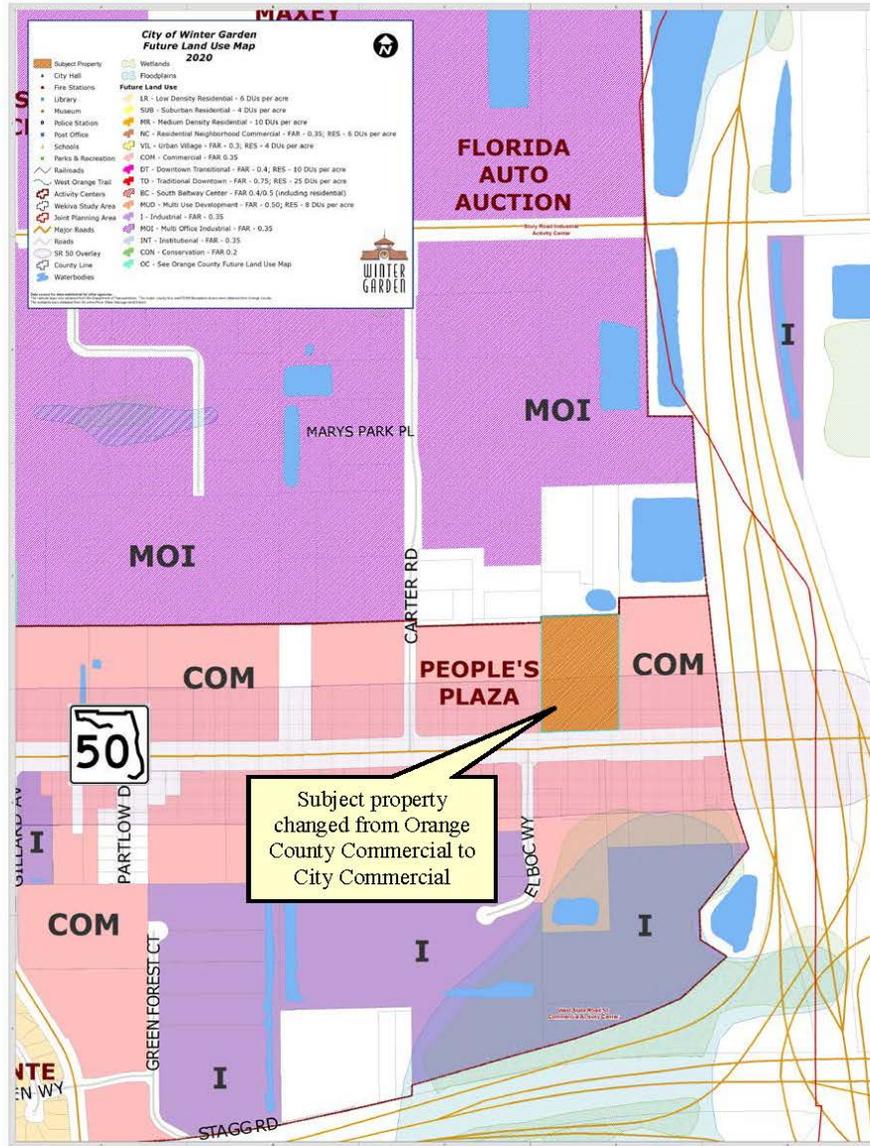
MAPS

AERIAL PHOTO

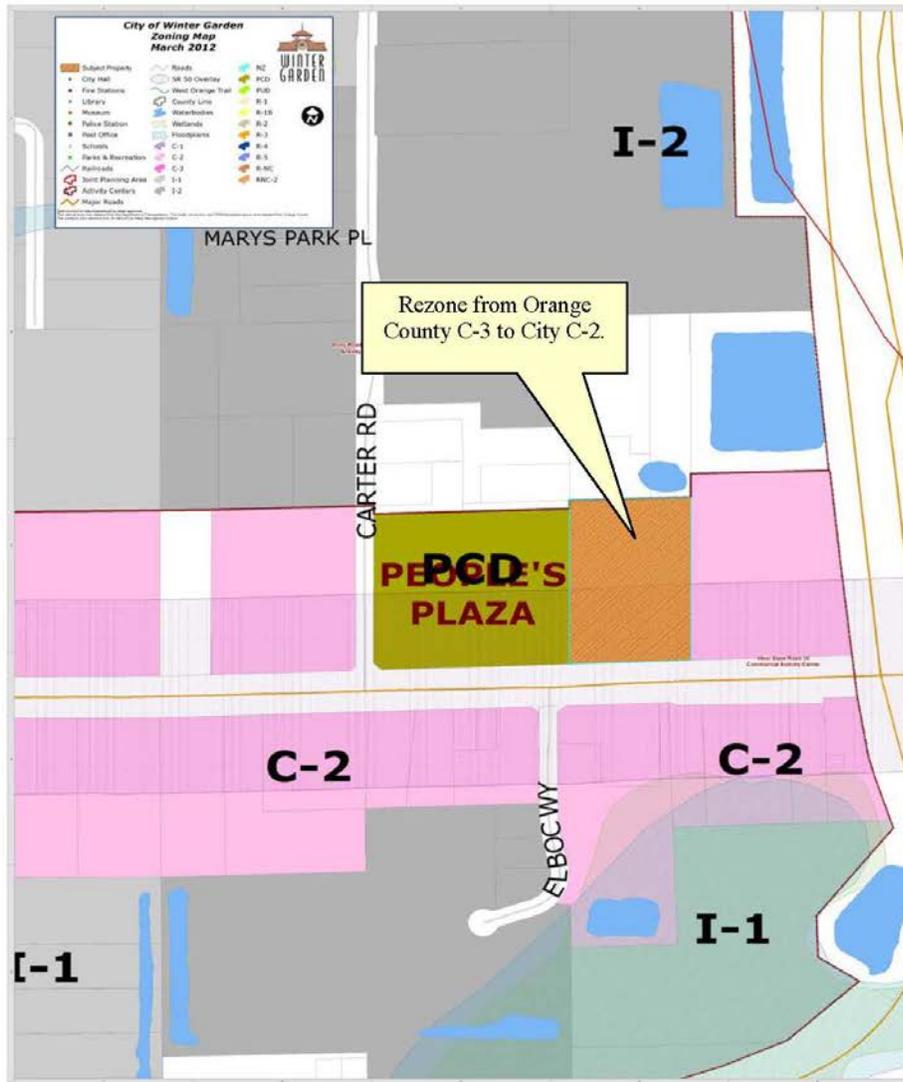
12201 West Colonial Drive



**FUTURE LAND USE MAP
12201 West Colonial Drive**



ZONING MAP
12201 West Colonial Drive



END OF STAFF REPORT

EXHIBIT "F"

CITY OF WINTER GARDEN PLANNING & ZONING DIVISION

300 West Plant Street - Winter Garden, Florida 34787-3011 • (407) 656-4111

STAFF REPORT

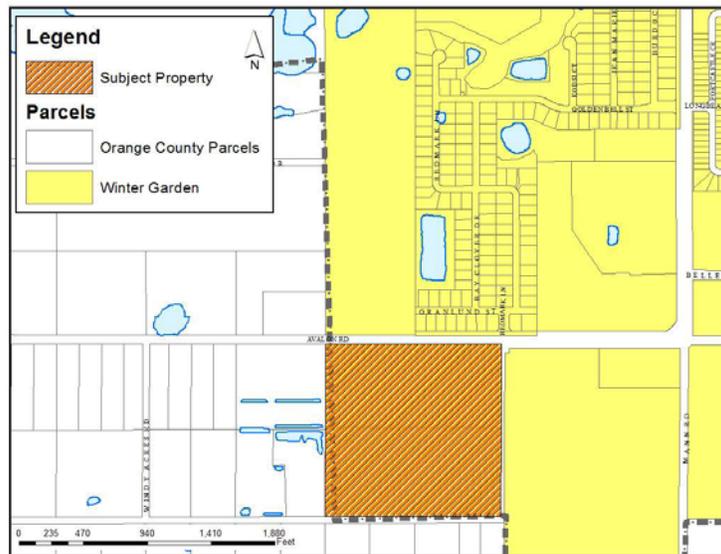
TO: PLANNING AND ZONING COMMITTEE
PREPARED BY: LAURA SMITH, SENIOR PLANNER
DATE: MAY 31, 2012
SUBJECT: PRELIMINARY PLAT
Avalon Road (37.8+/- ACRES)
PARCEL ID # 06-23-27-4284-04-010

APPLICANT: TAYLOR MORRISON OF FLORIDA, INC.

INTRODUCTION

The purpose of this report is to evaluate the proposed project for compliance with the City of Winter Garden Code of Ordinances and Comprehensive Plan.

The subject property, located on the south west corner of the intersection of Avalon Road and Davenport Road, is approximately 37.8± acres. The map below depicts the location of the subject property within the City of Winter Garden municipal limits.



P&Z: PH11-043

EXISTING USE

The subject property does not presently contain any structures and is agricultural use (planted pine trees).

ADJACENT LAND USE AND ZONING

The properties located to the north are a vacant property of 39.45 ± acres zoned NZ in the City and Carriage Pointe PUD. The properties located to the south are in unincorporated Orange County and are large-lot (e.g., 1 to 5 acres) single-family homes and vacant properties currently zoned A-1. The property to the east is Alexander Ridge, an undeveloped PUD with 72.54 ± acres. The properties to the west are Green Machine with 9.55 ± acres and Hodges Green Houses, Inc with 4.86 ± acres.

The subject property as well as some of the surrounding properties are located within the JPA expansion area as adopted by the Sixth Amendment to the Restated Interlocal Agreement for Joint Planning Area between Orange County and the City of Winter Garden dated January 24, 2007. Additionally, the subject property as well as many properties in the area (a total of 596 acres) were annexed into the City of Winter Garden by Ordinance 07-34. At the time the properties were annexed into the City they were not assigned zoning or future land use designation in the City of Winter Garden.

PROPOSED USE

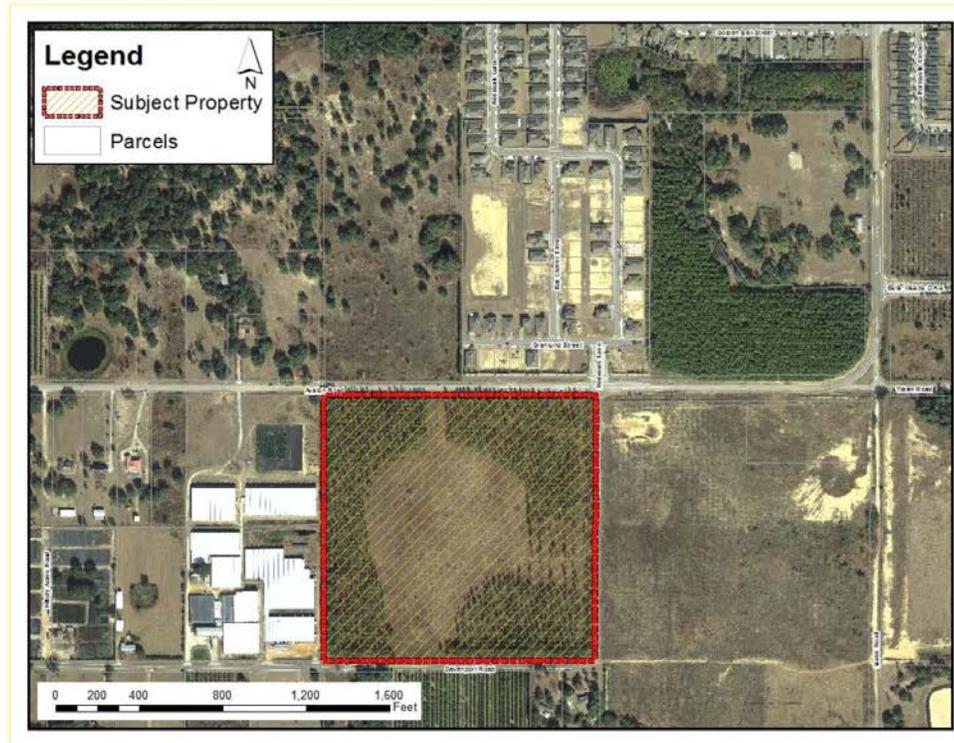
The applicant is requesting preliminary plat approval to move forward with development plans and the final plat. The preliminary plat will subdivide Carriage Pointe Reserve PUD, a 37.8 ± acre PUD into 90 lots, a community park, and common open space with rural settlement buffers along the south and east sides of the property.

SUMMARY

City Staff recommends conditional approval of the proposed Preliminary Plat. Conditional approval of the Preliminary Plat will allow the owner to proceed with development plans as well as the final plat.

MAPS

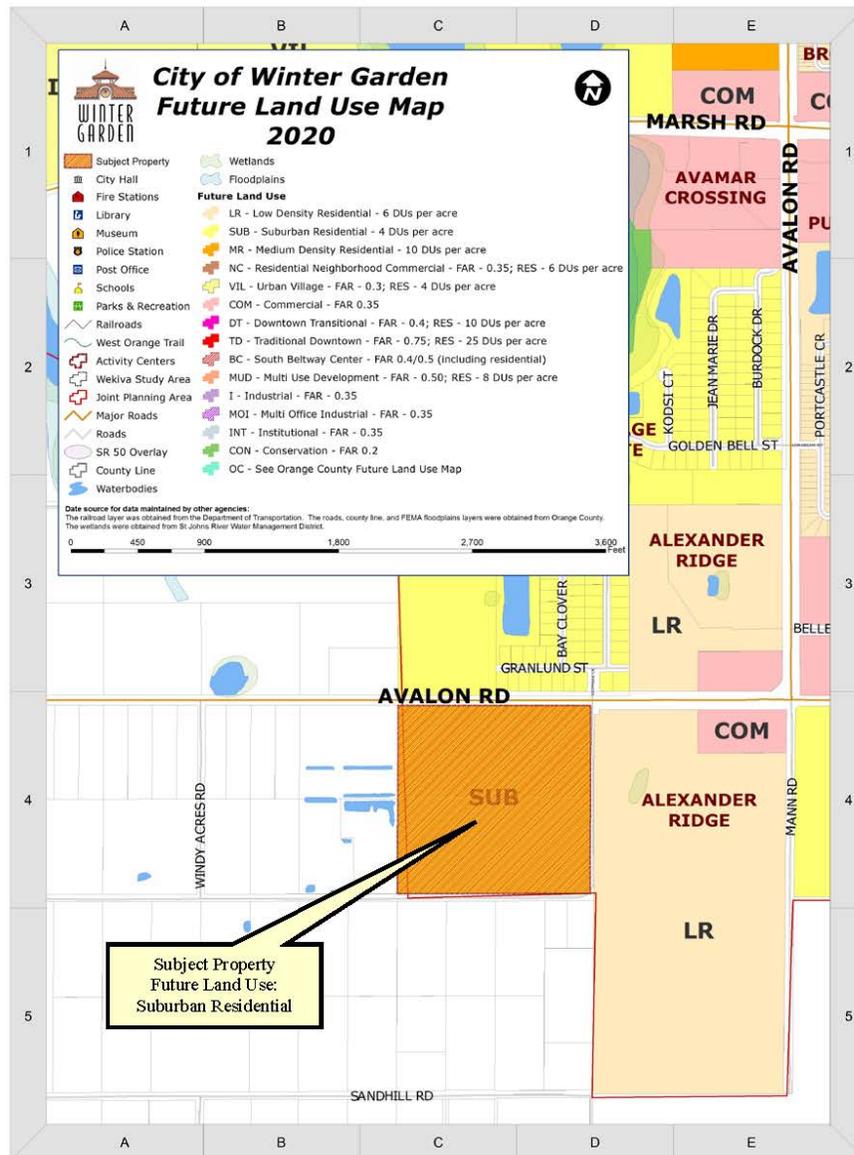
AERIAL PHOTO
Carriage Pointe Reserve



ZONING MAP
Carriage Pointe Reserve



**FUTURE LAND USE MAP
 Carriage Pointe Reserve**



SITE PHOTOS
Carriage Pointe Reserve



AVALON ROAD





DAVENPORT ROAD



END OF STAFF REPORT

EXHIBIT "G"

Michael C. Holbrook, RLA Senior Planner & Landscape Architect



Professional Registration

Registered Landscape Architect
in Florida
Number 742

Education and Training

University of Florida
Bachelor of Landscape Architecture
Master of Arts in Urban and Regional Planning

Harvard University
Graduate School of Design
Professional Development Program

Professional Affiliations

American Society of Landscape
Architects, Member

American Planning Association,
Member

Urban Land Institute - Member

Over 30 Years Experience

Diversified Background in
the Design and Permitting of
Infrastructure Systems,
including Airports, Golf
Courses, Commercial
Developments, and
Industrial Developments

Extensive Knowledge of
Permitting Requirements



Mike Holbrook, Director of Planning at Bowyer-Singleton, is a planning professional with 34 years experience. He is experienced in all aspects of urban planning, landscape architecture, site planning and design, and project management. His responsibilities have ranged from developing the Master Plan for an international airport in the West Indies and preparing Land Use Plans for a 27,000-acre project in Central Florida, to designing and implementing the Development Plan for a major resort in Central Florida. He has consulted for a variety of public and private clients involving commercial, industrial, resort and residential projects. He brings this unique understanding to each assignment.

Project Related Experience

Cascades PUD / CDD, Groveland, Florida – Lead Planner Cascades at Groveland is a 751.9-acre master planned, residential community located in Lake County. The Development is approved as a planned development for 999 single-family units, an Amenity Center and a Horticultural Center, approximately 31 acres of commercial development and a North-South Infrastructure Road (Wilson Lake Parkway). BSA provided services that obtained entitlements and approvals for the infrastructure, mass grading and the final construction of the project which is divided in 5 phases. We also worked with Lake County by designing and coordinating the approval of the North-South Road (Wilson Lake Parkway) to serve as a main connector road for the area. Additional work included the necessary improvements on US 27 for the main entrance road, the extensive design and permitting of both the water line to service the project and the sewer forcemain for connection of the sewer system to the City of Groveland facilities.

Fore Ranch PUD, Ocala, Florida – Senior Site Planner Fore Ranch PUD is located one mile south of the I-75 / SR200 intersection. The property consists of 636 single-family homes and 486 town homes. In six months, Bowyer-Singleton permitted 2.3 miles of infrastructure roadway, 313 single-family lots, 286 townhomes and 170 condominium units. Bowyer-Singleton assembled and designed Preliminary Plats, Improvement Plans, and Final Plats, as well as provided a broad range of surveying services, from site design surveys and special purpose surveys, to housing mortgage surveys.

Vista Lakes, Orlando, Florida - Senior Site Planner This project is located east of Narcoossee Road and north of the Beeline, on the future eastern extension of Lee Vista Boulevard. With over 200 acres of existing on-site wetlands and lakes, this project presents some unique design challenges. The main challenge is creating a viable community that balances the developable parcels with existing ecological systems. Additional challenges relate to the need to tie into both existing and proposed roadways and proposed master utilities serving the project. The 750-acres include a residential element of single-family and multi-family parcels, as well as commercial parcels.

Orlando Tradeport, Drive Entrance Feature and Roadway Landscaping, Greater Orlando Aviation Authority, Orlando, Florida – Landscape Architect The Orlando Tradeport is a 1,600-acre business and industrial park located on the west side of the Orlando International Airport. Mr. Holbrook was the project Landscape Architect for the main entrance feature at the Orlando Tradeport, located on the westside of Orlando International Airport. Tradeport Drive is the main collector road for the 1,400 acre mixed business and industrial park. The main entrance feature at Tradeport Drive and the Beachline Expressway (SR 528) provides both a vehicular and aviation solution for a main entrance. On either side of the entrance, pools, fountains and earth berms with extensive landscaping provided the project's sense of arrival. The main entrance feature is visible to approaching and departing aircraft.

Stetson University, DeLand, Florida – Stetson University The Stetson University Dormitories, completed in 2007, included site layout and design for seven new dormitory buildings on campus to house new and returning Stetson University students. Site design included all necessary infrastructure needed to support the new buildings and also included revising existing parking lots for a nearby dormitory and administrative offices. The dormitories were located at two different locations on campus, but close enough to provide shared parking and a shared stormwater treatment system. Bowyer-Singleton was responsible for all site engineering and the permitting through the City of DeLand, St. Johns River Water Management District, Florida Department of Environmental Protection, and the Volusia County Environmental Health Unit. Bowyer-Singleton was able to obtain the required approvals within a short timeframe and allow construction to begin quickly. During construction, Bowyer-Singleton provided Construction Administration Services, providing immediate response to contractor and construction issues.

Orange Lake Resort and Country Club – Director of Planning/Landscape Architect Mr. Holbrook served as the Director of Planning and was the resident Landscape Architect for Orange Lake for a period of 4 years. During his tenure, he was responsible for all planning, design, permitting and implementation of the resort and more than doubling its size. As the nation's largest single-site timeshare community, Mr. Holbrook was able to implement a community-wide landscape, hardscape and signage program that

Michael C. Holbrook, RLA
Page 1 of 2



competed with its adjacent neighbor, Walt Disney World and the next generation of timeshare communities from Marriott and Hilton. Mr. Holbrook's primary responsibility was to understand what the "latest and greatest" ideas the competition was implementing and provide that level of design to Orange Lake, on their budget and schedule. Mr. Holbrook continues to serve as a reviewing Landscape Architect on new phases of development at Orange Lake.

Little Lake Bryan, Orange County, Florida– Lead Planner/Landscape Architect Little Lake Bryan is located in Southwest Orange County at the intersection of Interstate 4 and State Road 535. This 300-acre mixed-use development includes medium density multi-family communities and commercial with an urban environment. Bowyer-Singleton is serving as the primary civil and planning consultant. Our services include surveying, environmental, development planning, permitting, landscape architecture, project management, and construction administration and management of the project. Engineering services included the infrastructure and utility design for Phase II. From a planning perspective, Bowyer-Singleton has assisted in site planning of parcels within Phase II, provided planning reviews of the community recreation areas, roadway layouts, right-of-way widths, and utilities location. Our Planning & Landscape Architecture section wrote the scope of services for Little Lake Bryan's Common Area Design Contract, administered the bidding process and is currently acting as the Project Manager for the contract.

Other Relevant Project Include:

- Lost Lake Reserve Planned Development, Clermont, Florida – Joe Zaciari
- Baldwin Park Towers, Orange County, Florida – Penco Corporation
- Lake Nona South, 54-hole Golf Course Facility Master Plan, Orlando, Florida, Lake Nona Corporation
- Commercial Properties Master Plan, Orlando Executive Airport, Orlando, Florida – Greater Orlando Aviation Authority
- Hunter's Creek (2 School Sites), Orange County, Florida – Newland Communities
- Daytona Beach Community College, Volusia County, Florida – DBCC
- Colonial Center Heathrow (aka Heathrow International Business Center), City of Lake Mary and Seminole County, Florida – Colonial Properties Trust
- Downtown Master Plan, City of Orlando, Florida – City of Orlando
- Waterford Lakes, Orlando, Florida – Waterford Property Holdings, Inc.
- Orange Avenue Landscape Plan - Orange County, FL.
- Conway Road Landscape Plan - Orange County, FL.



Michael C. Holbrook, RLA, ASLA
Page 2 of 2

EXHIBIT "H"

M. Scott Stearns, P.E., LEED-AP

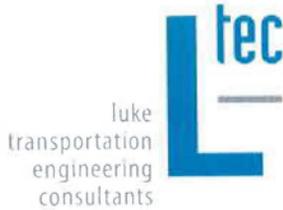
Vice President & Director of Land Development
Bowyer-Singleton & Associates, Inc.
520 South Magnolia Avenue
Orlando, Florida 32801
407-843-5120, ext. 3190 (phone)
407-649-8664 (fax)
sstearns@bsa-civil.com

Scott Stearns, Vice President and Director of Land Development at Bowyer-Singleton, is a Registered Professional Engineer in Florida with a Bachelor of Science in Civil Engineering from the University of Florida. Mr. Stearns received Leadership in Energy and Environmental Design (LEED) accreditation in 2009. He is an active member of Urban Land Institute (ULI), International Council of Shopping Centers (ICSC), National Association of Industrial and Office Properties (NAIOP) and Home Builders Association (HBA) and serves as the Secretary of HBA of Metro Orlando, as well as serves on the Executive Board of HBA of Metro Orlando.

Mr. Stearns has 15 years of experience in development of all types and scales of projects in Central Florida ranging from mixed-use, such as the award winning Colonial Town Park, to the premier golf resort at Reunion. He has extended experience in managing and designing Residential, Multi-Family, Commercial, Office, Industrial and Resort development projects from Master Planning to Final Project certification. He has managed the design and construction of more than 10,000 residential units and 1.4 million SF of commercial projects during his 13 years with the firm. Mr. Stearns was the Engineer of Record for the Colonial Properties first LEED (Leadership in Energy and Environmental Design) certified office building in Central Florida.

He is very familiar with the regional and local regulatory agencies, including Department of Community Affairs, Florida Department of Environmental Protection, Orange County, Osceola County, Marion County, Seminole County and the City of Orlando, as well as the State's Water Management Districts. Scott has worked with a wide array of clients including Land Bankers, Land Developers and Production Builders.

EXHIBIT "I"



J. ANTHONY LUKE, P.E.
PRESIDENT

transportation engineering + planning



AREAS OF EXPERTISE

- ▶ Traffic Operations Analysis
- ▶ Transportation Corridor Studies
- ▶ Traffic Impact Analysis
- ▶ Traffic Data Collection and Analysis
- ▶ Transportation Systems Analysis
- ▶ Travel Forecast Modelling

EDUCATION / REGISTRATION

- ▶ Bachelor of Science in Engineering, University of Central Florida, 1984
- ▶ Professional Engineer in Florida No. 42642

PROFESSIONAL AFFILIATIONS

- ▶ Institute of Transportation Engineers
- ▶ Florida Planning & Zoning Association

J. Anthony Luke, a native of Florida, has over twenty-five years of experience in transportation engineering and planning. Mr. Luke's experience has been accumulated as Director of Transportation Planning at Transportation Consulting Group and President of Luke Transportation Engineering Consultants. He has provided consulting services to wide range of public agency and private sector clients, in the form of project management, development of solutions to complex traffic engineering and transportation planning issues, and representation at public hearings and meetings.

Mr. Luke has extensive experience with the application of travel forecast models- he was involved with the development of the first PC regional transportation model used in the Orlando Metropolitan Area. He also has completed numerous projects utilizing analysis procedures from the Highway Capacity Manual, Synchro, and other traffic operation analysis techniques. Mr. Luke serves in the capacity as project manager, contributing to and overseeing production of studies and tasks, and providing strategic consulting advice to LTEC's clients.

His experience includes signal-retiming projects, signal warrant studies, design traffic studies for roadways and interchanges, access management analysis, transportation master planning, and multimodal transportation systems studies. In addition, he has managed the production of over 25 DRI applications.

Professional Experience

- City of Apopka Concurrency Management System Updates
- Orange County Transportation Planning- Continuing Services
- Florida DOT Statewide Highway System Transit Safety Study
- Florida DOT Access Management Classifications Development for all District Five Facilities
- Seminole County Travel Time & Delay Studies
- Orange County Alternative Road Impact Fee Monitoring
- LYNX Regional Intermodal Center
- Central Florida Research Park
- International Corporate Park
- Alafaya Trail Widening Project Design Traffic Study

[mailing address] po box 841556 maitland florida 32794-1556 • 29 east pine street orlando florida 32831 [phone] 407.423.8055 [fax] 407.423.8022
www.Ltec-FL.com

THE CITY OF WINTER GARDEN
CITY COMMISSION AGENDA ITEM

From: Ed Williams, Community Development Director

Via: City Manager Mike Bollhoefer

Date: July 5, 2012

Meeting Date: July 12, 2012

Subject: **12201 West Colonial Drive (5.44 +/- Acres)**
National Retail Properties
Ordinance 12-25
Ordinance 12-26
Ordinance 12-27
PARCEL ID# 24-22-27-0000-00-014

Issue: Request approval of Ordinance 12-25 (Annexation OF 5.44± Acres located at 12201 W. Colonial Drive), Ordinance 12-26 (Amending Future Land Use Map of the City's Comprehensive Plan for 5.44± acres located at 12201 W. Colonial Drive from Orange County Commercial to City Commercial) Ordinance 12-27 (Rezoning 5.44± acres located at 12201 W. Colonial Drive from Orange County C-3 to City C-2 Arterial Commercial District).

Discussion:

The City encourages infill of its jurisdictional limits through voluntary annexation of enclaves. The subject property makes up a 5.44+/- acre enclave located 12201 W. Colonial Drive. The Applicant has requested annexation into the City, amendment to the Future Land Use Map of the City's Comprehensive Plan to designate the property as commercial, and rezoning of the property to City C-2 Arterial Commercial District. (See Attached staff report).

Recommended Action:

Staff recommends adoption of Ordinance 12-25, Ordinance 12-26 and Ordinance 12-27.

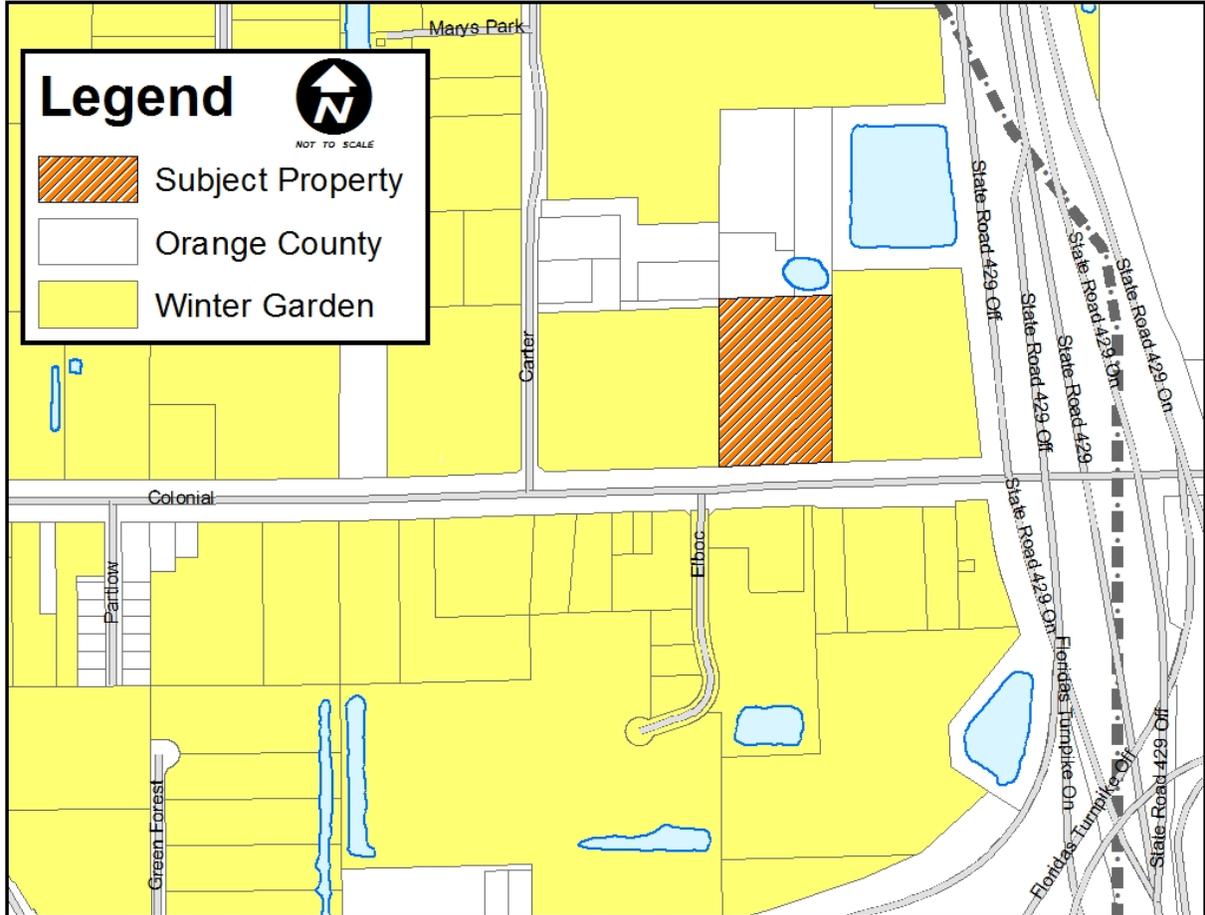
Attachment(s)/References:

Location Map
Ordinance 12-25
Ordinance 12-26
Ordinance 12-27
Staff Report

LOCATION MAP

Ordinance 12-25;12-26 and 12-27

12201 W. Colonial Drive - 5.44 +/- Acres



ORDINANCE 12-25

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 5.44 ± ACRES LOCATED AT 12201 WEST COLONIAL DRIVE ON THE NORTH SIDE OF WEST COLONIAL DRIVE, EAST OF CARTER ROAD AND WEST OF STATE ROAD 429 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 owner of the land, generally described as approximately 5.44 ± acres located at 12201 West Colonial Drive, on the north side of West Colonial Drive, east of Carter Road and west of State Road 429 and legally described in Section 2 of this Ordinance, which land is reasonably compact and contiguous to the corporate limits of the City of Winter Garden, Florida (“City”), has, pursuant to the prerequisites and standards set forth in § 171.044, Fla. Stat., petitioned the City Commission for voluntary annexation;

WHEREAS, the petition for voluntary annexation referenced herein bears the signatures of all owners of the property or properties described in Section 2 of this Ordinance (*i.e.*, the property or properties to be annexed); and

WHEREAS, the City has determined that the property described in Section 2 of this Ordinance is located in an unincorporated area of the County and that annexation of such property will not result in the creation of an enclave.

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

SECTION 1: *Annexation.* 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, Fla. Stat. and has held a public hearing and said petition and made certain findings.

SECTION 2: *Description of Area Annexed.* 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.

SECTION 3: *Effect of Annexation.* 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 the inhabitants thereof, and property therein, as it does and have

over its present corporate limits and laws, ordinances, and resolutions of said City shall apply and shall have equal force and effect as if all territory had been part of said City at the time of the passage of such laws, ordinances, and resolutions.

SECTION 4: *Apportionment of Debts and Taxes.* Pursuant to § 171.061, Fla. Stat., the area annexed to the City shall be subject to all taxes and debts of the City upon the effective date of 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: *Instructions to Clerk.* Within seven (7) days following the adoption of this Ordinance, the City Clerk or his/her designee is directed to file a copy of this ordinance, including ATTACHMENT "A" hereto, with the clerk of the circuit court and the chief administrative officer of Orange County as required by § 171.044(3), Fla. Stat.

SECTION 6: *Severability.* 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 7: *Effective Date.* This Ordinance shall become effective upon adoption at its second reading.

FIRST READING AND PUBLIC HEARING: _____, 2012.

SECOND READING AND PUBLIC HEARING: _____, 2012.

ADOPTED this _____ day of _____, 2012, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

JOHN REES, Mayor/Commissioner

ATTEST:

KATHY GOLDEN, City Clerk

ATTACHMENT "A"

LEGAL DESCRIPTION

PARCEL ID#: 24-22-27-0000-00-014

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 24, TOWNSHIP 22 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA; THENCE RUN S 88°06'01" W ALONG THE SOUTH LINE OF THE SOUTHEAST ¼ OF THE SOUTHEAST ¼ OF SAID SECTION 24, A DISTANCE OF 941.52 FEET TO THE WEST LINE OF THE EAST 941.00 FEET OF SAID SOUTHEAST ¼ OF THE SOUTHEAST ¼ OF SECTION 24; THENCE RUN N 00°00'38" E ALONG SAID WEST LINE OF THE EAST 941.00 FEET, A DISTANCE OF 75.04 FEET TO THE NORTH RIGHT-OF-WAY LINE OF STATE ROAD NO. 50 AND THE POINT OF BEGINNING; THENCE RUN S 88°06'01" W ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 397.98 TO THE WEST LINE OF AFORESAID SOUTHEAST ¼ OF THE SOUTHEAST ¼ OF SECTION 24; THENCE RUN N 00°01'39" W ALONG SAID WEST LINE OF THE SOUTHEAST ¼ OF THE SOUTHEAST ¼, A DISTANCE OF 597.48 FEET TO THE SOUTH LINE OF THE NORTH 660.00 FEET OF SAID SOUTHEAST ¼ OF THE SOUTHEAST ¼; THENCE RUN N 88°33'29" E ALONG SAID SOUTH LINE, A DISTANCE OF 398.28 FEET TO THE AFORESAID WEST LINE OF THE EAST 941.00 FEET OF THE SOUTHEAST ¼ OF THE SOUTHEAST ¼; THENCE RUN S 00°00'38" W ALONG SAID WEST LINE, A DISTANCE OF 594.31 FEET TO THE POINT OF BEGINNING.

CONTAINING 5.444 ACRES, MORE OR LESS.

ORDINANCE 12-26

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 APPROXIMATELY 5.44 ± ACRES LOCATED AT 12201 WEST COLONIAL DRIVE ON THE NORTH SIDE OF WEST COLONIAL DRIVE, EAST OF CARTER ROAD AND WEST OF STATE ROAD 429 FROM ORANGE COUNTY COMMERCIAL TO CITY COMMERCIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

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 on the 24th of June, 2010, the City Commission of the City of Winter Garden adopted Ordinance 10-19 readopting and amending the Comprehensive Plan for the City of Winter Garden;

WHEREAS, the owner of that certain real property generally described as 5.44 ± acres of land located at 12201 West Colonial Drive, on the north side of West Colonial Drive, east of Carter Road and west of State Road 429, and legally described in ATTACHMENT "A" (the "Property") has petitioned the City to amend the Winter Garden Comprehensive Plan to change the Future Land Use classification from Orange County Low Medium Residential to City Commercial; and

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. *FLUM Amendment.* 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 City Commercial within the West State Road 50 Commercial Activity Center as set forth in ATTACHMENT "B".

SECTION II. *Effective Date.* Provided that the Property described herein is annexed into the City of Winter Garden pursuant to Ordinance 12-25, this Ordinance shall become effective 31 days after adoption, unless the Ordinance is timely challenged pursuant to § 163.3187(5), Fla. Stat., in which case, the Ordinance shall not be effective until the state

land planning agency or the Administrative Commission, respectively, issues a final order determining that the adopted Ordinance is in compliance.

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

FIRST READING AND PUBLIC HEARING: _____, 2012.

SECOND READING AND PUBLIC HEARING: _____, 2012.

ADOPTED this _____ day of _____, 2012, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

JOHN REES, Mayor/Commissioner

ATTEST:

KATHY GOLDEN, City Clerk

ATTACHMENT "A"

LEGAL DESCRIPTION

PARCEL ID#: 24-22-27-0000-00-014

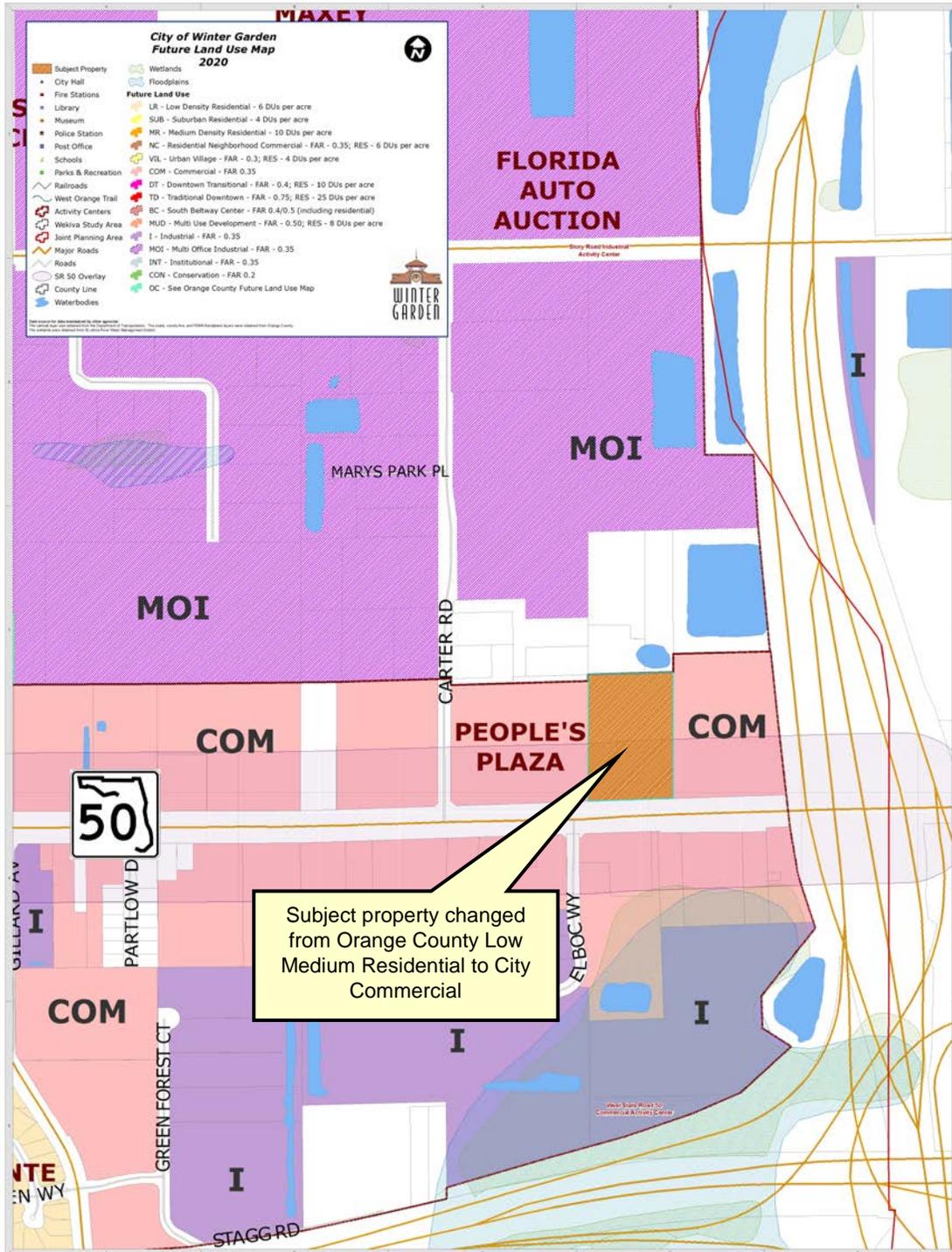
COMMENCE AT THE SOUTHEAST CORNER OF SECTION 24, TOWNSHIP 22 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA; THENCE RUN S 88°06'01" W ALONG THE SOUTH LINE OF THE SOUTHEAST ¼ OF THE SOUTHEAST ¼ OF SAID SECTION 24, A DISTANCE OF 941.52 FEET TO THE WEST LINE OF THE EAST 941.00 FEET OF SAID SOUTHEAST ¼ OF THE SOUTHEAST ¼ OF SECTION 24; THENCE RUN N 00°00'38" E ALONG SAID WEST LINE OF THE EAST 941.00 FEET, A DISTANCE OF 75.04 FEET TO THE NORTH RIGHT-OF-WAY LINE OF STATE ROAD NO. 50 AND THE POINT OF BEGINNING; THENCE RUN S 88°06'01" W ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 397.98 TO THE WEST LINE OF AFORESAID SOUTHEAST ¼ OF THE SOUTHEAST ¼ OF SECTION 24; THENCE RUN N 00°01'39" W ALONG SAID WEST LINE OF THE SOUTHEAST ¼ OF THE SOUTHEAST ¼, A DISTANCE OF 597.48 FEET TO THE SOUTH LINE OF THE NORTH 660.00 FEET OF SAID SOUTHEAST ¼ OF THE SOUTHEAST ¼; THENCE RUN N 88°33'29" E ALONG SAID SOUTH LINE, A DISTANCE OF 398.28 FEET TO THE AFORESAID WEST LINE OF THE EAST 941.00 FEET OF THE SOUTHEAST ¼ OF THE SOUTHEAST ¼; THENCE RUN S 00°00'38" W ALONG SAID WEST LINE, A DISTANCE OF 594.31 FEET TO THE POINT OF BEGINNING.

CONTAINING 5.444 ACRES, MORE OR LESS.

ATTACHMENT "B"

FUTURE LAND USE MAP

12201 West Colonial Drive



ORDINANCE 12-27

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 5.44 ± ACRES OF REAL PROPERTY GENERALLY LOCATED AT 12201 WEST COLONIAL DRIVE ON THE NORTH SIDE OF WEST COLONIAL DRIVE, EAST OF CARTER ROAD AND WEST OF STATE ROAD 429 FROM ORANGE COUNTY C-3 COMMERCIAL DISTRICT TO CITY C-2 ARTERIAL COMMERCIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner of that certain real property generally described as 5.44 ± acres of land located at 12201 West Colonial Drive, on the north side of West Colonial Drive, east of Carter Road and west of State Road 429, and legally described in Section 1 of this ordinance has petitioned the City to rezone said property from Orange County C-3 Commercial District to the City's C-2 Arterial Commercial District zoning classification and with the West State Road 50 Commercial Overlay Standards, therefore;

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

SECTION 1: *Rezoning.* After due notice and public hearing, the zoning classification of real property legally described on ATTACHMENT "A," is hereby rezoned from Orange County C-3 Commercial District to City C-2 Arterial Commercial District, within the West State Road 50 Commercial Overlay District in the City of Winter Garden, Florida.

SECTION 2: *Zoning Map.* 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: *Non-Severability.* Should any portion of this Ordinance be held invalid, then the entire Ordinance shall be null and void.

SECTION 4: *Effective Date.* This Ordinance shall become effective simultaneously upon the effective date of Ordinance 12-26 which is an amendment to the Future Land Use Map of the City of Winter Garden Comprehensive Plan that allows the property described herein to be zoned as provided in this Ordinance.

FIRST READING AND PUBLIC HEARING: _____, 2012.

SECOND READING AND PUBLIC HEARING: _____, 2012.

ADOPTED this _____ day of _____, 2012, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

JOHN REES, Mayor/Commissioner

ATTEST:

KATHY GOLDEN, City Clerk

ATTACHMENT "A"

LEGAL DESCRIPTION

PARCEL ID#: 24-22-27-0000-00-014

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 24, TOWNSHIP 22 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA; THENCE RUN S 88°06'01" W ALONG THE SOUTH LINE OF THE SOUTHEAST ¼ OF THE SOUTHEAST ¼ OF SAID SECTION 24, A DISTANCE OF 941.52 FEET TO THE WEST LINE OF THE EAST 941.00 FEET OF SAID SOUTHEAST ¼ OF THE SOUTHEAST ¼ OF SECTION 24; THENCE RUN N 00°00'38" E ALONG SAID WEST LINE OF THE EAST 941.00 FEET, A DISTANCE OF 75.04 FEET TO THE NORTH RIGHT-OF-WAY LINE OF STATE ROAD NO. 50 AND THE POINT OF BEGINNING; THENCE RUN S 88°06'01" W ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 397.98 TO THE WEST LINE OF AFORESAID SOUTHEAST ¼ OF THE SOUTHEAST ¼ OF SECTION 24; THENCE RUN N 00°01'39" W ALONG SAID WEST LINE OF THE SOUTHEAST ¼ OF THE SOUTHEAST ¼, A DISTANCE OF 597.48 FEET TO THE SOUTH LINE OF THE NORTH 660.00 FEET OF SAID SOUTHEAST ¼ OF THE SOUTHEAST ¼; THENCE RUN N 88°33'29" E ALONG SAID SOUTH LINE, A DISTANCE OF 398.28 FEET TO THE AFORESAID WEST LINE OF THE EAST 941.00 FEET OF THE SOUTHEAST ¼ OF THE SOUTHEAST ¼; THENCE RUN S 00°00'38" W ALONG SAID WEST LINE, A DISTANCE OF 594.31 FEET TO THE POINT OF BEGINNING.

CONTAINING 5.444 ACRES, MORE OR LESS.

CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

300 West Plant Street - Winter Garden, Florida 34787-3011 • (407) 656-4111

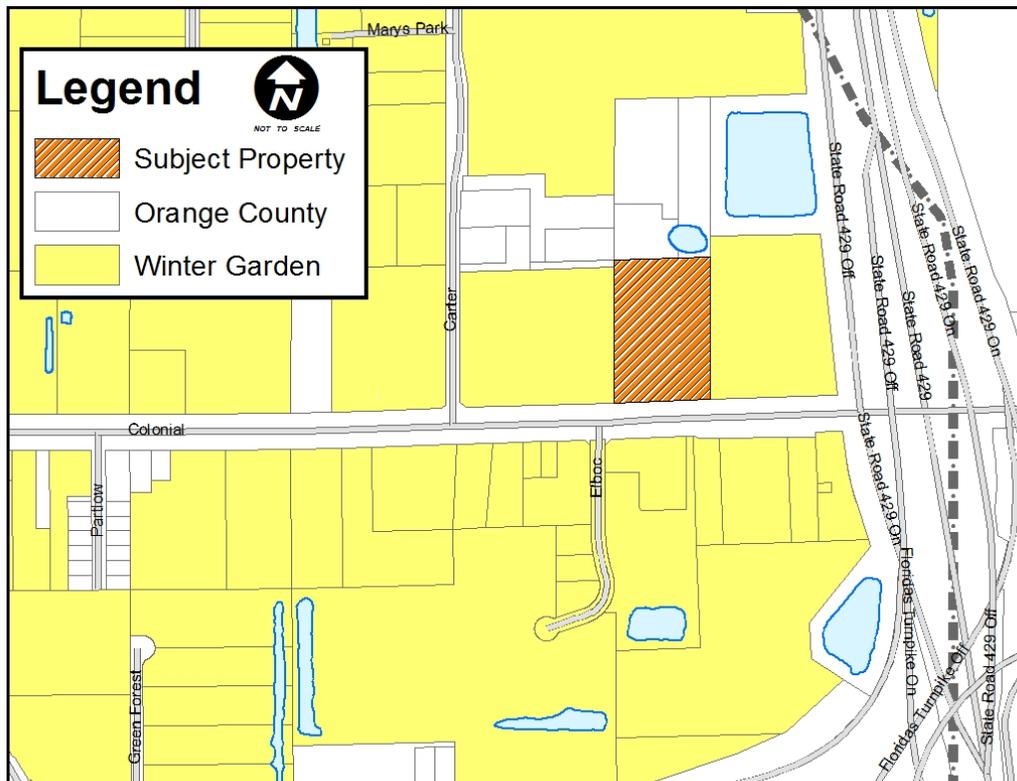
STAFF REPORT

TO: PLANNING AND ZONING BOARD
PREPARED BY: STEVE PASH, SENIOR PLANNER
DATE: MAY 29, 2012
SUBJECT: ANNEXATION - REZONING - FLU AMENDMENT
12201 WEST COLONIAL DRIVE (5.44 +/- ACRES)
PARCEL ID #: 24-22-27-0000-00-014
APPLICANT: NATIONAL RETAIL PROPERTIES, LP

INTRODUCTION

The purpose of this report is to evaluate the proposed project for compliance with the City of Winter Garden Code of Ordinances and Comprehensive Plan.

The subject property is located at 12201 West Colonial Drive and is approximately 5.44 ± acres. The map below depicts the proximity of the subject property to the City's jurisdictional limits:



The applicant has requested annexation into the City, amendment to the Future Land Use Map (FLUM) of the City's Comprehensive Plan to designate the property as Commercial, and rezoning the property to C-2 Commercial Arterial District. This property is also within the West State Road 50 Overlay, which has additional development standards.

The subject property is located within the West State Road 50 Commercial Activity Center which allows for the following land use categories: Commercial, Medium Density Residential, Industrial, and Multi Use Development. The majority of the properties located within the West State Road 50 Commercial Activity Center are designated Commercial on the Future Land Use Map, with the only exceptions being several apartment complexes and a senior living facility on the south side of the road at the western edge of the city limits which are designated Medium Density Residential on the Future Land Use Map and total about 35 acres of land.

In accordance with the City's Comprehensive Plan, permitted uses within the Commercial land use include retail, service, and professional activities. The zoning classifications that are consistent with the Commercial land use designation include C-1, C-2, C-3, C-4, PCD, and INT.

The City endorses infill of its jurisdictional limits through voluntary annexation of enclaves. The elimination of enclaves through voluntary annexation furthers the goals, objectives, and policies of the City's Comprehensive Plan.

EXISTING USE

The subject property is developed as a recreational vehicle sales company and contains an 8,904 square foot vehicle / parts sales room and an 16,100 square foot vehicle service area.

ADJACENT LAND USE AND ZONING

The property located to the north is a single family house and vacant land, zoned A-1 and located in Orange County. The property located to the east is vacant commercial land, zoned C-2, and located in the City. The properties to the south are developed as commercial buildings, zoned C-2, and in the City. The property to the west is a commercial development, zoned C-2, and in the City.

PROPOSED USE

The owner is proposing to annex the property and keep operating the existing recreational vehicle sales and repair facility.

PUBLIC FACILITY ANALYSIS

The City will provide garbage collection, police protection, and all other services regularly provided to City of Winter Garden residents including building permits. The property will be served by both Orange County Fire and Rescue and the City of Winter Garden Fire Department under the First Response System.

SUMMARY

City Staff recommends approval of the proposed Ordinances.

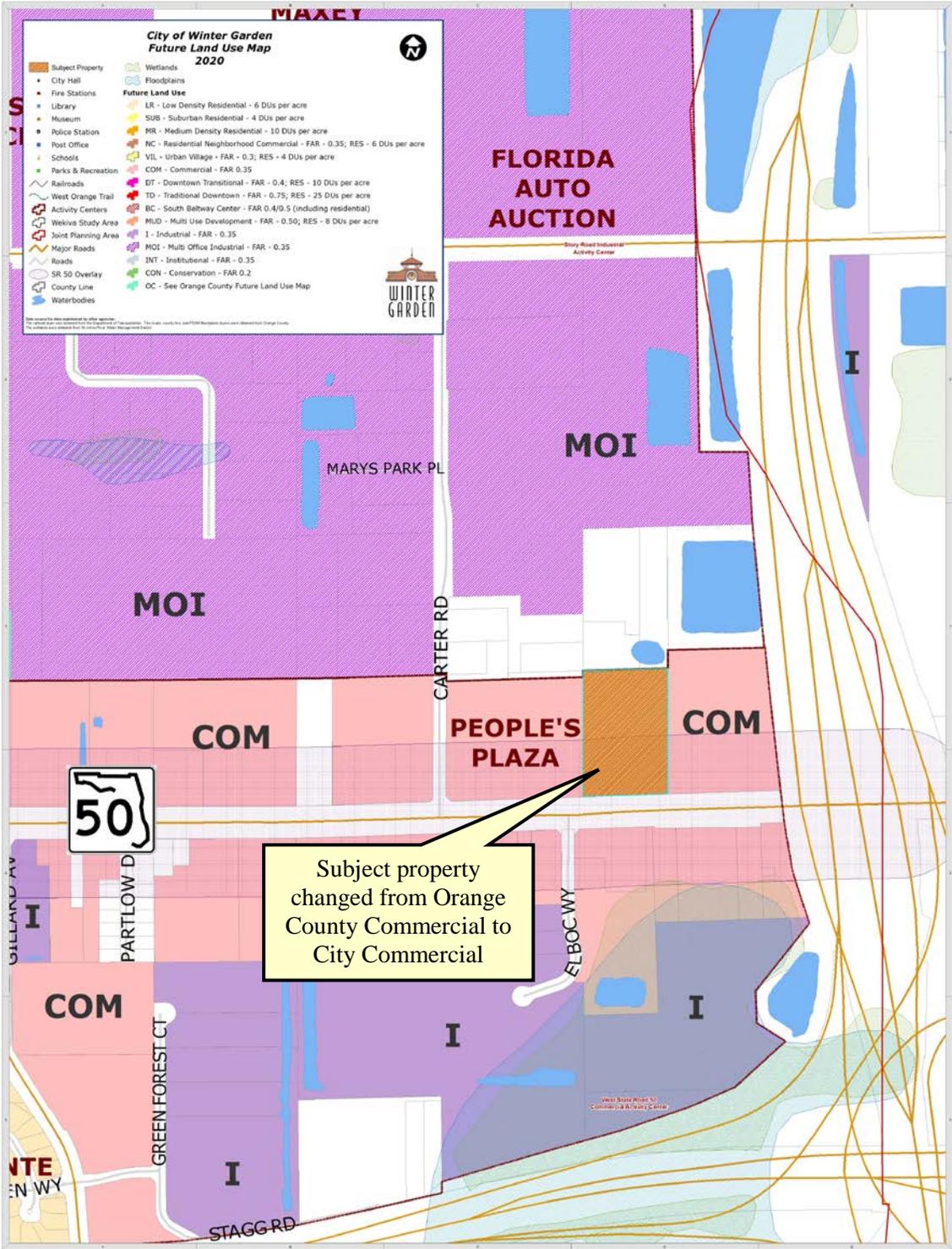
MAPS

AERIAL PHOTO

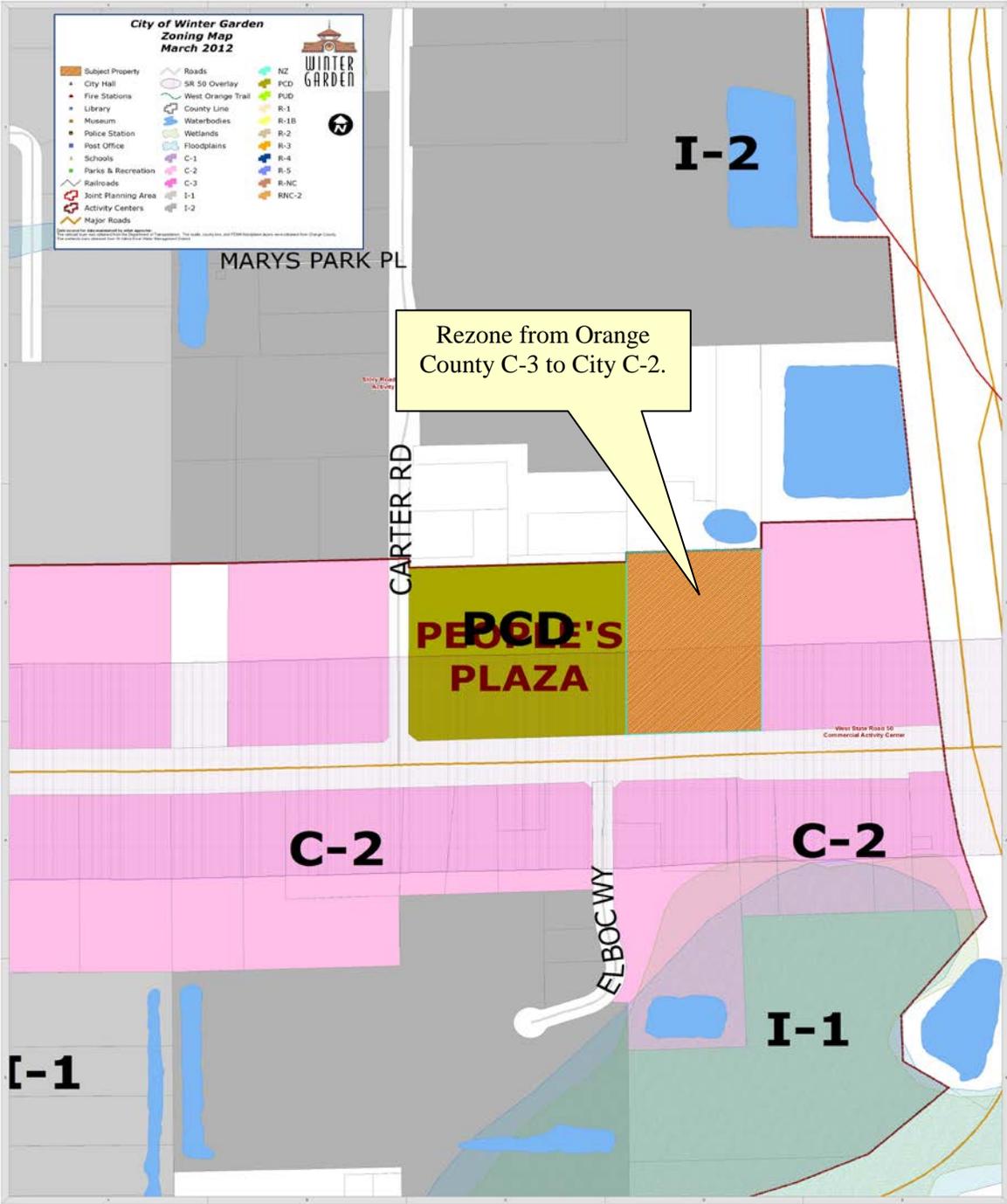
12201 West Colonial Drive



FUTURE LAND USE MAP
12201 West Colonial Drive



ZONING MAP
12201 West Colonial Drive



END OF STAFF REPORT

THE CITY OF WINTER GARDEN
CITY COMMISSION AGENDA ITEM

From: Don Cochran, Public Services
Via: Mike Bollhoefer, City Manager
Date: July 3, 2012 **Meeting Date:** July 12, 2012
Subject: Approve Bids for the Crest Ave./Lulu Creek Culvert Replacement Project
Issue: On June 26, 2012, four contractors submitted bids for the Crest Ave./Lulu Creek Culvert Replacement Project. The lowest three bids are as follows:

- Atlantic Civil Construction	\$316,183.31
- Conpilog	\$272,896.76
- Valencia Construction	\$198,990.37

Valencia Construction was the lowest responsive bidder with a bid of \$198,990.37.

The engineer's recommendation letter is attached, recommending Valencia Construction for this project.

Recommended action:

Approve the bids and award the contract for the Crest Ave./Lulu Creek Culvert Replacement Project to Valencia Construction in the amount of \$198,990.37 and include a 10% contingency, bringing the total approved amount to \$218,889.41.

Attachments/References:

- Bid Tabulation Form
- Engineer's Recommendation

CREST AVE./LULU CREEK CULVERT REPLACEMENT PROJECT
City of Winter Garden PN 11-003

PAY ITEM NO.	PAY ITEM DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	Valencia		Conpilog		Atlantic	
					UNIT PRICE	COST	UNIT PRICE	COST	UNIT PRICE	COST
101-1	MOBILIZATION	LS	1	5%	\$ 21,000.00	\$ 21,000.00	\$ 7,490.00	\$ 7,490.00	\$ 25,833.00	\$ 25,833.00
102-1	MAINTENANCE OF TRAFFIC	LS	1	5%	\$ 2,000.00	\$ 2,000.00	\$ 9,540.00	\$ 9,540.00	\$ 23,192.00	\$ 23,192.00
104-1	STORMWATER POLLUTION PREVENTION PLAN	LS	1	5%	\$ 4,250.00	\$ 4,250.00	\$ 31,610.00	\$ 31,610.00	\$ 745.00	\$ 745.00
110-1-1	CLEARING AND GRUBBING	AC	0.2	\$ 13,000.00	\$ 38,000.00	\$ 7,600.00	\$ 85,575.00	\$ 17,115.00	\$ 31,000.00	\$ 6,200.00
110-4	REMOVAL OF EXISTING CONCRETE	SY	94.8	\$ 13.82	\$ 16.50	\$ 1,564.20	\$ 20.00	\$ 1,896.00	\$ 19.00	\$ 1,801.20
110-	REMOVAL , STORAGE AND REPLACEMENT, PED. BRIDGE	LS	1	\$ 5,000.00	\$ 1,450.00	\$ 1,450.00	\$ 9,850.00	\$ 9,850.00	\$ 5,157.00	\$ 5,157.00
120-1	EXCAVATION	CY	52.6	\$ 3.03	\$ 7.00	\$ 368.20	\$ 213.00	\$ 11,203.80	\$ 107.00	\$ 5,628.20
120-4	SUBSOIL EXCAVATION	CY	10.0	\$ 15.00	\$ 45.80	\$ 458.00	\$ 423.00	\$ 4,230.00	\$ 80.00	\$ 800.00
120-6	EMBANKMENT	CY	111.5	\$ 4.16	\$ 17.10	\$ 1,906.65	\$ 71.00	\$ 7,916.50	\$ 63.00	\$ 7,024.50
160-4	STABILATION	SY	1005.95	\$ 3.06	\$ 3.60	\$ 3,621.42	\$ 7.60	\$ 7,645.22	\$ 6.00	\$ 6,035.70
285-7	ASPHALT BASE COURSE	SY	1005.95	\$ 10.47	\$ 18.80	\$ 18,911.86	\$ 16.30	\$ 16,396.99	\$ 18.50	\$ 18,610.08
327-70-1	MILLING EXISTING ASPHALT PAVEMENT, 3/4"	SY	1208.86	\$ 1.37	\$ 3.40	\$ 4,110.12	\$ 5.80	\$ 7,011.39	\$ 3.75	\$ 4,533.23
334-1	ASPHALT, TYPE S	TN	166.03	\$ 79.15	\$ 87.90	\$ 14,594.04	\$ 103.60	\$ 17,197.60	\$ 115.00	\$ 19,093.45
334-1-22	SUPERPAVE ASP CONC. TRAFFIC B, PG76-22	TN				\$ -		\$ -	\$ 165.00	\$ -
337-7-5	ASPH CONC. FRICTION COURSE, INC. BIT, RUBBER, FC-5, 1"	TN	48.35	\$ 116.42	\$ 151.00	\$ 7,300.85	\$ 126.90	\$ 6,135.62	\$ 255.00	\$ 12,329.25
337-7-5	ASPH CONC. FRICTION COURSE, INC. BIT, RUBBER, FC-5, 3/4"	TN	22.64	\$ 116.42	\$ 191.00	\$ 4,324.24	\$ 183.00	\$ 4,143.12	\$ 255.00	\$ 5,773.20
337-7-22	ASPH CONC. FRICTION COURSE, INC. BIT, PG 76-22, FC-5, 1"	TN				\$ -		\$ -	\$ 300.00	\$ -
337-7-22	ASPH CONC. FRICTION COURSE, INC. BIT, PG 76-22, FC-5, 3/4"	TN				\$ -		\$ -	\$ 300.00	\$ -
400-2-2	CONCRETE CLASS II, ENDWALLS	CY	13.86	\$ 668.80	\$ 782.00	\$ 10,838.52	\$ 614.00	\$ 8,510.04	\$ 600.00	\$ 8,316.00
407-1-21	PRECAST CONCRETE BOX CULVERT	FT	36.0	\$ 895.54	\$ 903.00	\$ 32,508.00	\$ 1,074.00	\$ 38,664.00	\$ 1,926.00	\$ 69,336.00
410-70-1	PRECAST CONCRETE BOX CULVERT, THREE SIDED	FT	7.0	\$ 690.40	\$ 1,475.00	\$ 10,325.00	\$ 742.00	\$ 5,194.00	\$ 1,989.00	\$ 13,923.00
415-1-3	REINFORCING STEEL, RETAINING WALL	LB	975.3	\$ 0.75	\$ 1.20	\$ 1,170.36	\$ 1.30	\$ 1,267.89	\$ 2.00	\$ 1,950.60
425-1351	CURB INLET TYPE P-5	EA	4	\$ 2,939.91	\$ 2,090.00	\$ 8,360.00	\$ 3,320.00	\$ 13,280.00	\$ 2,540.00	\$ 10,160.00
425-1361	CURB INLET TYPE P-6	EA	1	\$ 3,457.77	\$ 2,400.00	\$ 2,400.00	\$ 4,260.00	\$ 4,260.00	\$ 2,860.00	\$ 2,860.00
425-1885	BARRIER WALL INLET, RIGID CURB AND GUTTER, PARTIAL	LF	2.0	\$ 3,590.00	\$ 1,500.00	\$ 3,000.00	\$ 337.00	\$ 674.00	\$ 1,610.00	\$ 3,220.00
430-175-118	18" REINFORCED CONCRETE PIPE	LF	602.0	\$ 37.21	\$ 25.25	\$ 15,200.50	\$ 33.00	\$ 19,866.00	\$ 31.50	\$ 18,963.00
520-1-10	CONCRETE CURB AND GUTTER, TYPE F	LF	534.2	\$ 16.46	\$ 13.25	\$ 7,078.15	\$ 10.00	\$ 5,342.00	\$ 14.50	\$ 7,745.90
521-72-5	SHOULDER CONC. BARRIER WALL, RIGID, C&G	LF	150.0	\$ 130.78	\$ 75.00	\$ 11,250.00	\$ 72.00	\$ 10,800.00	\$ 225.00	\$ 33,750.00
570-1-2	PERFORMANCE TURF, SOD	SY	374.2	\$ 1.63	\$ 2.30	\$ 860.66	\$ 3.00	\$ 1,122.60	\$ 2.50	\$ 935.50
710-11-111	PAINTED PAVEMENT MARKING, WHITE, SOLID, 6"	LF	902	\$ 0.32	\$ 0.40	\$ 360.80	\$ 1.00	\$ 902.00	\$ 0.40	\$ 360.80
710-11-211	PAINTED PAVEMENT MARKING, YELLOW, SOLID, 6"	LF	912	\$ 0.32	\$ 0.40	\$ 364.80	\$ 1.00	\$ 912.00	\$ 0.40	\$ 364.80
711-11-111	THERMOPLASTIC STANDARD, WHITE, SOLID 6"	LF	902	\$ 1.16	\$ 1.00	\$ 902.00	\$ 1.50	\$ 1,353.00	\$ 0.85	\$ 766.70
711-11-211	THERMOPLASTIC STANDARD, YELLOW, SOLID 6"	LF	912	\$ 1.16	\$ 1.00	\$ 912.00	\$ 1.50	\$ 1,368.00	\$ 0.85	\$ 775.20
				GRAND TOTAL		\$ 198,990.37		\$ 272,896.76		\$ 316,183.31

PAY ITEM NOTES:

101-1, 102-1, 104-1 UNIT COST IS ESTIMATED AT 5% OF TOTAL NOT INCLUDING ITEMS 101-1, 102-1 AND 104-1.

120-1 CONSISTS OF EXCAVATION OF CREEK SLOPES, ASSUMED SUITABLE FOR USE AS TOPSOIL ONLY.

334-1-22, 337-7-22 ALTERNATE PAVEMENT DESIGN, REQUIRES ENGINEER'S APPROVAL.



Mellen Consulting
1700 Walnut Ave.
Winter Park, FL 32789

June 28, 2012

Mr. Don Cochran
City of Winter Garden Utilities
300 West Plant Street
Winter Garden, FL 34787

Re: Lulu Creek Culvert Replacement (at Crest Ave.)
City of Winter Garden Project No. 11-003

Dear Mr. Cochran:

I have evaluated the construction bids received on the Lulu Creek Culvert Replacement Project on June 26, 2012. My comments on the three lowest are as follows:

Valencia Construction Group \$198,990.37. This bid is approximately 2% higher than the engineers' cost estimate. I found that their unit prices were significantly lower for a few items including drainage inlets, curb, concrete pipe, and barrier wall, as well as maintenance of traffic and erosion control. However, their estimate of mobilization was approximately \$12,500 higher. I did not find any errors or other significant deviations of the unit prices.

Conpilog International Company \$ 272,896.76. This bid is approximately 40% higher than the engineers' cost estimate. A majority of the unit prices were higher, significantly for erosion control, excavation and clearing and grubbing. The bid had a slight error in calculating the total cost of Type S Asphalt.

Atlantic Civil Construction Corp. \$316,183.31. This bid is approximately 62% higher than the engineers' cost estimate. A majority of the unit prices were higher, significantly higher for mobilization, maintenance of traffic, the precast box culverts and barrier wall. There were no errors.

Given that the bid meets all the City's bid requirements, I recommend that the City accept the bid from **Valencia Construction Group**. Feel free to contact me if you have any concerns or questions.

Sincerely,

Tonya S. Mellen, PE
Project Manager

cc: Art Miller
Jamie Poulos

THE CITY OF WINTER GARDEN
CITY COMMISSION AGENDA ITEM

From: Ed Williams, Community Development Director

Via: City Manager Mike Bollhoefer

Date: July 6, 2012

Meeting Date: July 12, 2012

Subject: **Wayfinding Signs**
Resolution 12-11

Issue: Request approval of Resolution 12-11 (Wayfinding Signs).

Discussion:

Staff is proposing to replace the existing vehicular, pedestrian, and parking wayfinding signs throughout the city with newly designed signs that will provide better direction and better fit into the surrounding area. The Wayfinding Resolution will also be used to show the Commissions support for the proposed signs and be submitted to the Florida Department of Transportation to request permission to install new welcome signs at the main entry points into the City limits.

Recommended Action:

Staff recommends adoption of Resolution 12-11.

Attachment(s)/References:

Resolution 12-11

RESOLUTION 12-11

A RESOLUTION OF THE CITY OF WINTER GARDEN, FLORIDA SUPPORTING THE WAYFINDING SIGN SYSTEM PLAN TO EFFICIENTLY AND SAFELY GUIDE MOTORISTS AND PEDESTRIANS TO KEY PUBLIC FACILITIES SUCH AS CIVIC, CULTURAL, VISITOR, AND RECREATIONAL DESTINATIONS WITHIN THE CITY OF WINTER GARDEN.

WHEREAS, the revitalization of the Downtown of the City of Winter Garden has been a major focus and objective of the City Commission of the City of Winter Garden; and

WHEREAS, City staff have prepared city wide wayfinding sign criteria to evaluate and process future wayfinding and destination sign requests; and

WHEREAS, these factors and criteria have been utilized to develop a preliminary location master plan (Attachments "A" & "B") and designs (Attachments "C" & "D") for wayfinding signs within the City of Winter Garden; and

WHEREAS, other requirements will be further developed by City staff after approval by the Florida Department of Transportation (FDOT); and

WHEREAS, City staff will continue to support the activities to revitalize the Historic Downtown of the City of Winter Garden through activities and programs such as the development and implementation of the Wayfinding Sign System Plan,

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

SECTION I. *Approval.* The City of Winter Garden City Commission hereby approves the Wayfinding Sign System Plan, which includes the wayfinding sign criteria; preliminary sign location master plan, and the signage designs as developed by City staff. The City Commission finds that the actions taken by this Resolution will efficiently and safely guide motorists and pedestrians to key City facilities and locations including, but not limited to, civic, cultural, visitor, and recreational destinations within the City of Winter Garden.

SECTION II. *Support.* The City Commission also supports the wayfinding sign criteria and the signage design to be utilized in determining the sign location and design within the City of Winter Garden.

SECTION III. *Severability.* Should any portion or section of this Resolution prove to be

invalid, unlawful, or unconstitutional, then such portions as are not declared invalid shall remain in full force and effect.

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

PASSED AND ADOPTED: _____, 2012.

ADOPTED this _____ day of _____, 2012, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

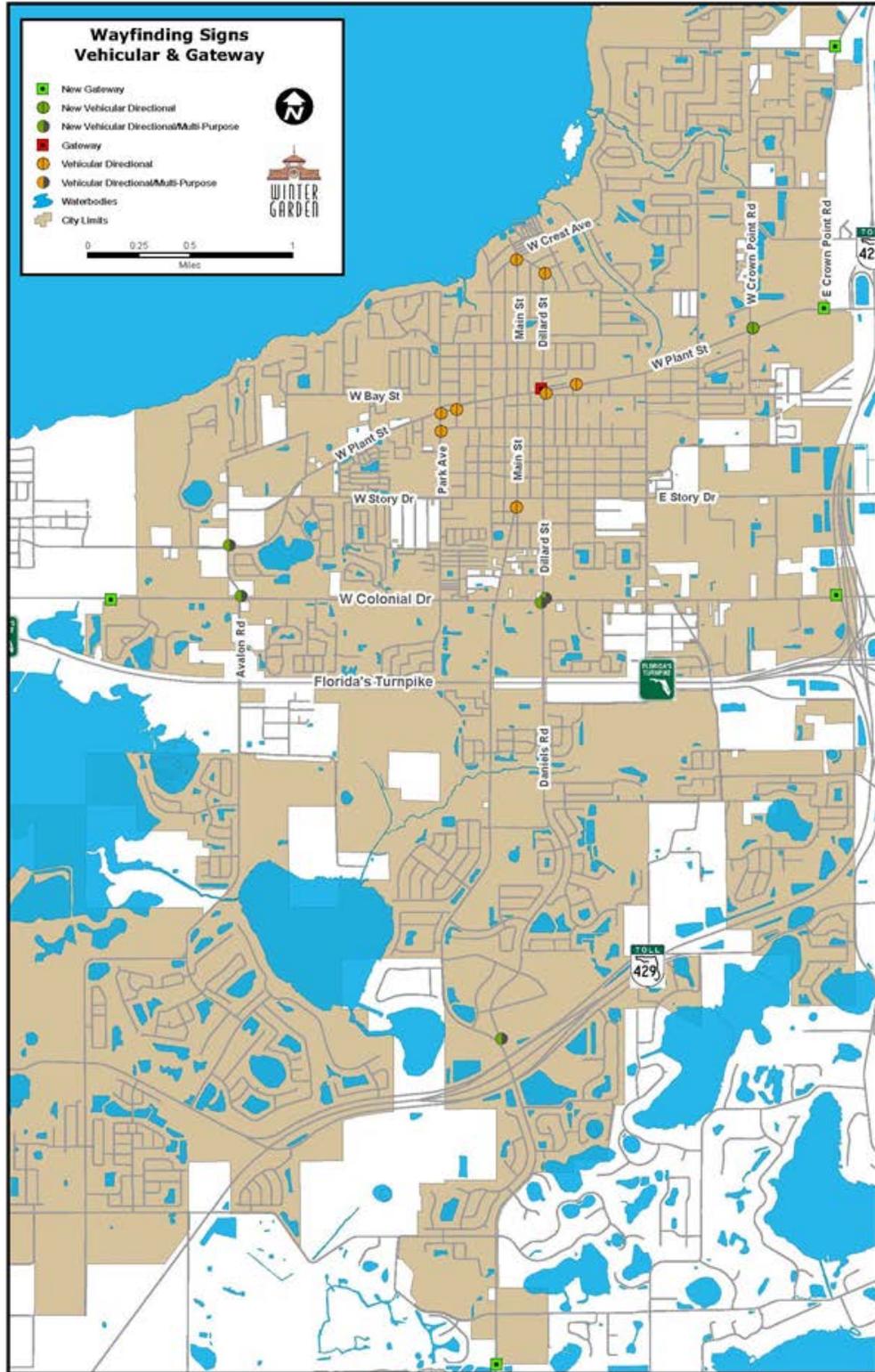
JOHN REES, Mayor/Commissioner

ATTEST:

KATHY GOLDEN, City Clerk

ATTACHMENT "A"

WAYFINDING VEHICULAR AND GATEWAY LOCATION MAP



ATTACHMENT "B"

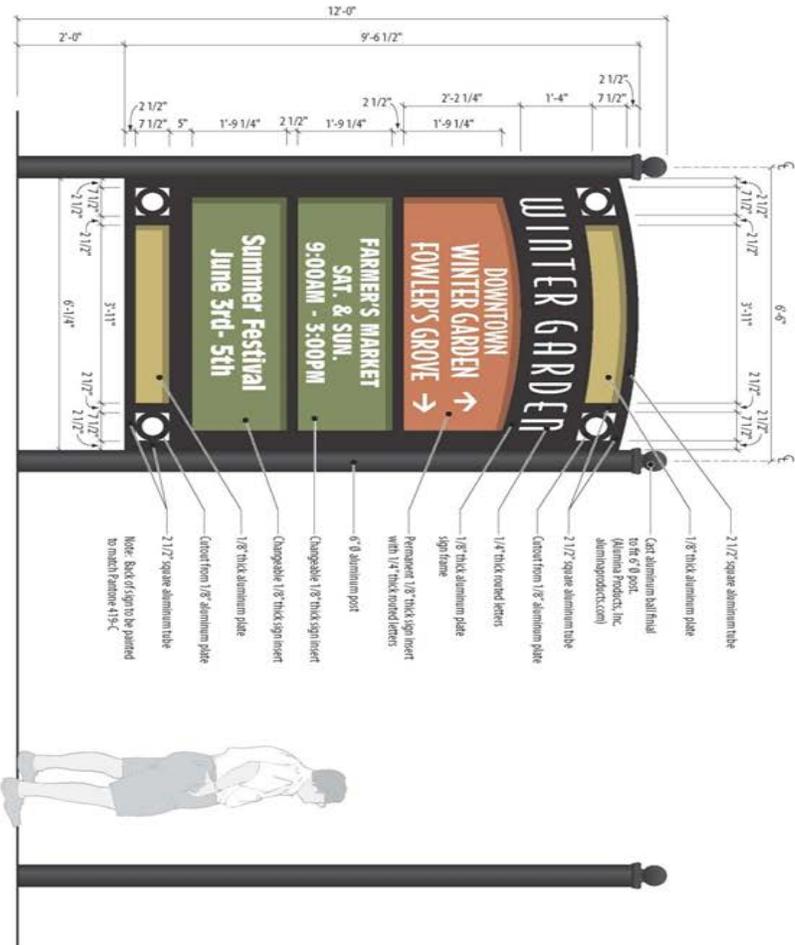
WAYFINDING DOWNTOWN LOCATION MAP



ATTACHMENT "C"

WAYFINDING VEHICULAR AND GATEWAY SIGN DESIGNS





1 Front Elevation - Post Mounted Sign
Scale: 1/2" = 1'-0"

2 End View
Scale: 1/2" = 1'-0"

COLORS:	
●	Pantone 7407-C
●	Pantone 7414-C
●	Pantone 5757-C
●	Pantone 419-C
○	Opflake
	Bodega Sans



MILLER CLARK DESIGN

7716 High Pine Road
Orlando, FL 32819
millerclark@mc.com

PHOENIX RISING



City of Winter Garden

CLIENT
City of Winter Garden
PROJECT
Vehicular Wayfinding
Signage Package

TITLE
G-302

DESIGN INTENT
DESIGN PHASE

DATE
08/11/09

APPROVED BY

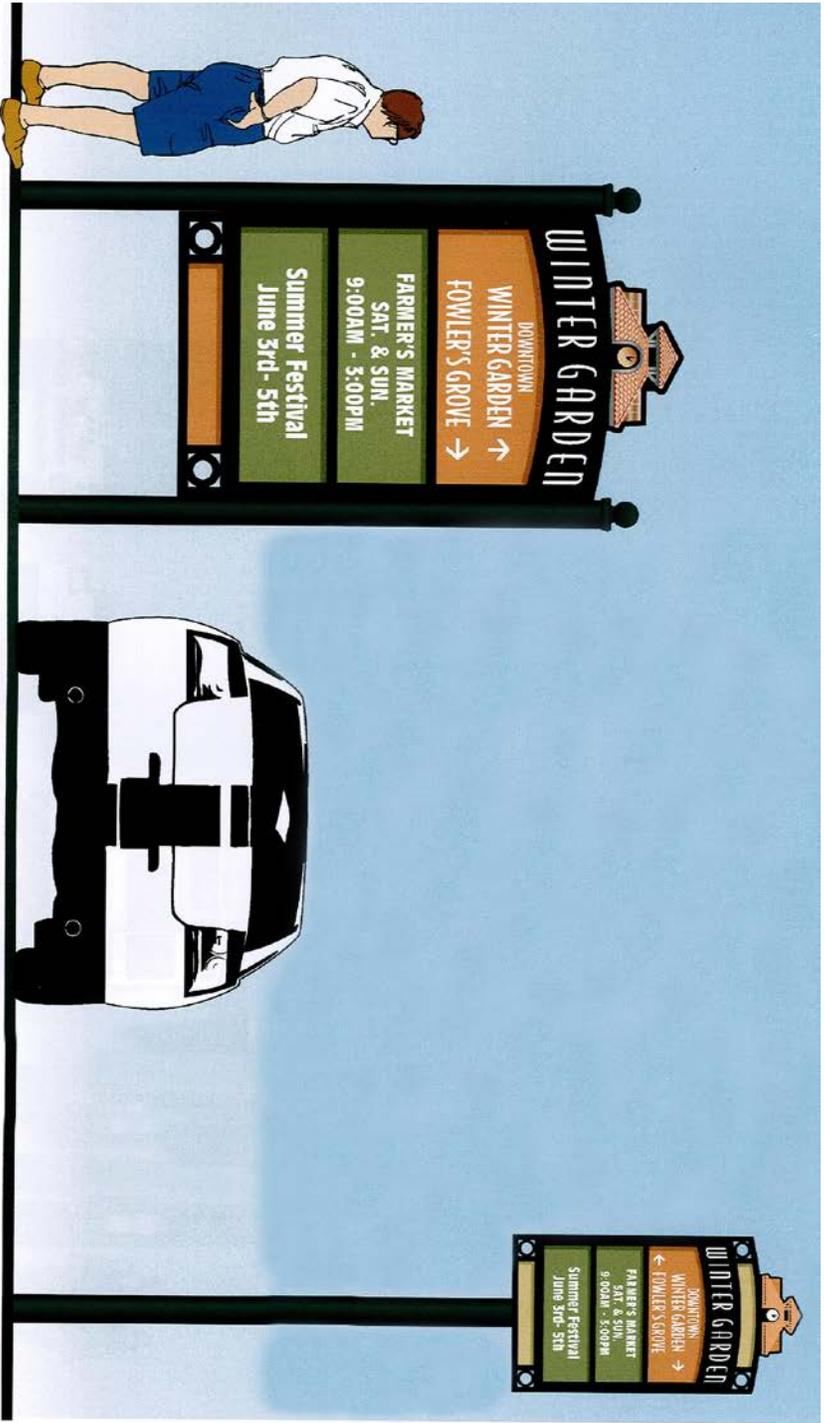
APPROVAL DATE

REVISIONS

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G-301.0

SHEET NUMBER



A Concept Elevations - Freestanding Post Mounted Signs
Scale: None

millierclark@mac.com

PHOENIX RISING



City of Winter Garden

CLIENT

Vehicle Wayfinding

Signage Package

PROJECT

G-03

TITLE

Conceptual

DESIGN PHASE

05/19/09

DATE

APPROVED BY

APPROVAL DATE

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G-03.1

SHEET NUMBER

ATTACHMENT "D"

WAYFINDING PARKING AND PEDESTRIAN SIGN DESIGNS

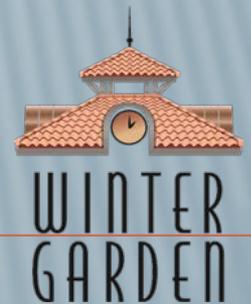




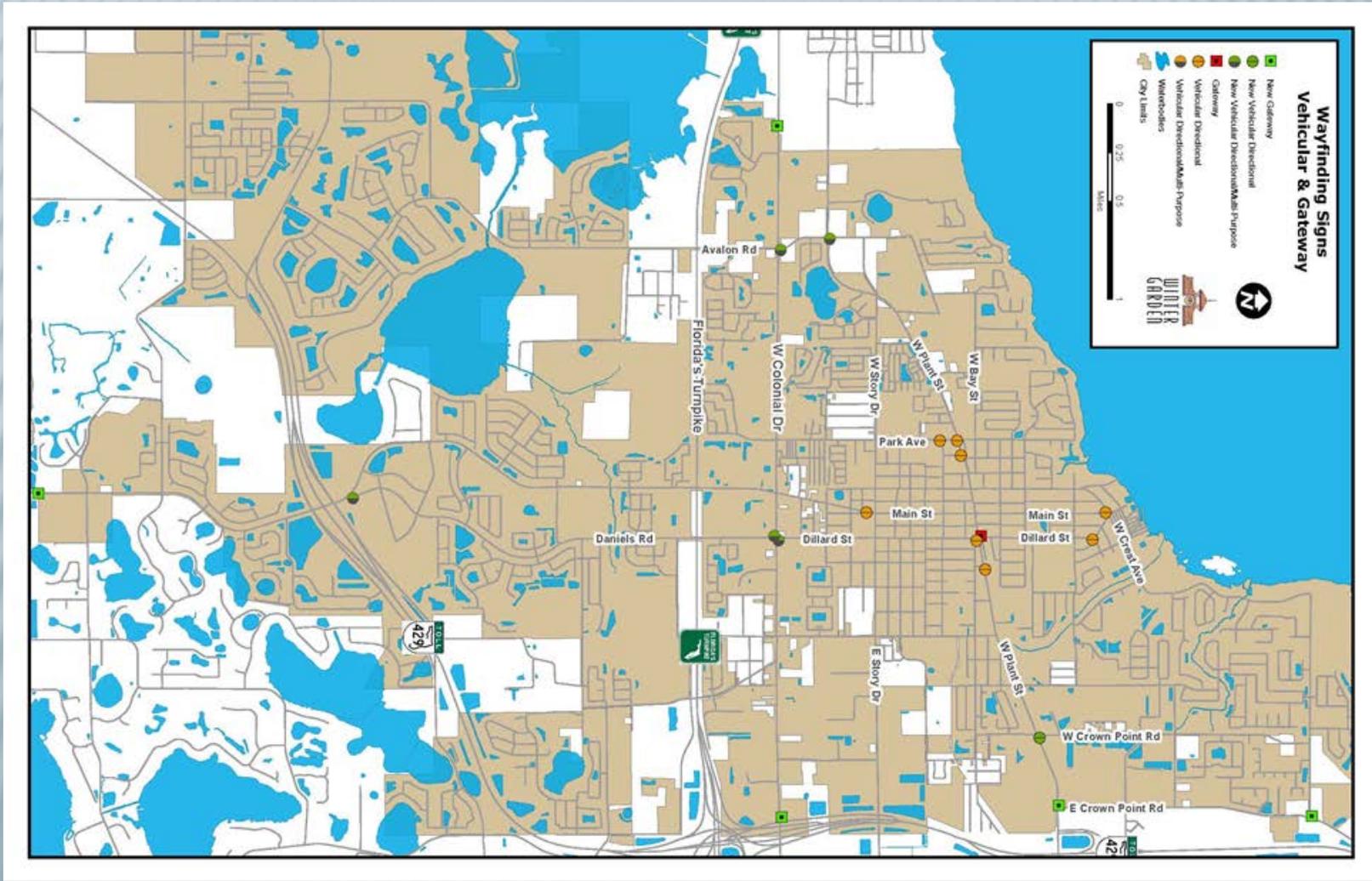


City of Winter Garden

WAYFINDING SIGN RESOLUTION



VEHICULAR AND GATEWAY SIGNS



VEHICULAR SIGNS

Replace existing
vehicular signs
with a new design.



GATEWAY SIGNS



1 Front Elevation - Post Mounted Sign
Scale: 1/2" = 1'-0"

2 End View
Scale: 1/2" = 1'-0"

COLORS:	
●	Pantone 7407-C
●	Pantone 7414-C
●	Pantone 5757-C
●	Pantone 419-C
●	
TYPEFACES:	
	OptiJuke
	Bodega Sans

MC
MILLER CLARK DESIGN
7716 High Pine Road
Orlando, FL 32819
millerclark@mac.com

PHOENIX RISING

WINTER GARDEN
City of Winter Garden
CLIENT

Vehicular Wayfinding
Signage Package
PROJECT

G-302
TITLE

Design Intent
DESIGN PHASE

08/11/09
DATE

APPROVED BY

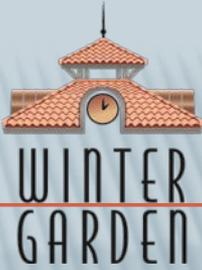
APPROVAL DATE

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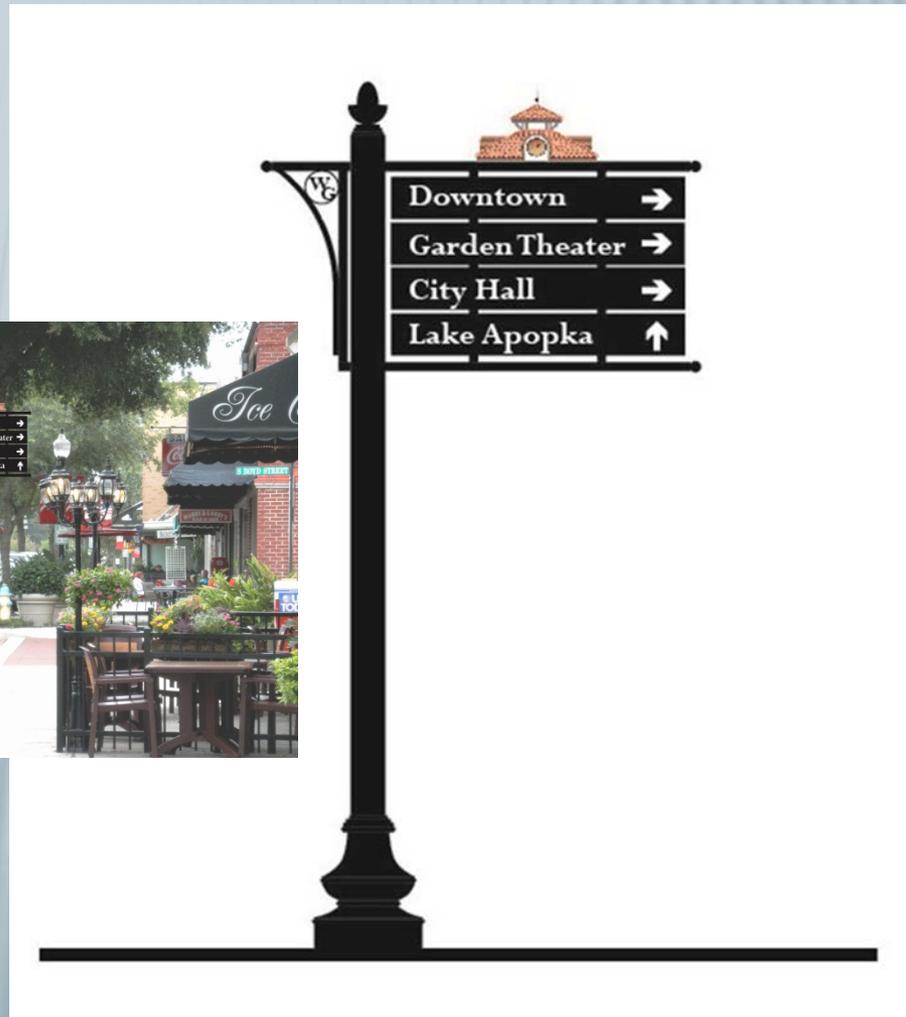
G-301.0
SHEET NUMBER

PARKING SIGNS



DOWNTOWN PEDESTRIAN SIGNS

Replace existing pedestrian signs with a new design.



THE CITY OF WINTER GARDEN
CITY COMMISSION AGENDA ITEM

From: Kathy Golden, City Clerk

VIA: Mike Bollhoefer, City Manager

Date: July 6, 2012

Meeting Date: July 12, 2012

Subject: Expiring terms of two Architectural Review and Historic Preservation Board members

Issue: Christopher Lee (city resident) and Charles Simikian (city resident) terms are scheduled to expire. In accordance with the City Code, appointments should be considered during the first City Commission meeting in July 2012.

Mr. Simikian and Mr. Lee have expressed their desire to be reappointed to this board.

In addition, attached are the current interest applications on file.

Reference: The board ("board or ARHPB") shall have seven members appointed by the city commission. One member of the board shall be an **architect**. One member shall be a **licensed general contractor**, preferably with experience with historical renovations. One member shall be a **member of the Winter Garden Heritage Foundation Board**. One member shall **own commercial property in Winter Garden's Historic Downtown District**. One member shall **own property within the district and reside within the city**. The **remaining two member appointments shall be City of Winter Garden residents** and be made on the basis of civic pride, integrity, experience, and interest in the field of historic preservation.



CITY OF WINTER GARDEN
 CITY CLERK'S OFFICE
 300 WEST PLANT STREET
 WINTER GARDEN, FL 34787

P: 407.656.4111
 WWW.WINTERGARDEN-FL.GOV

Rec'd 1-5-11

BOARD APPOINTMENT INTEREST FORM

THANK YOU FOR YOUR INTEREST IN SERVING ON ONE OF THE CITY'S BOARDS/COMMITTEES. VOLUNTEERS LIKE YOU ARE ESSENTIAL TO ENSURING THAT YOUR CITY GOVERNMENT IS RESPONSIVE TO THE NEEDS OF THE COMMUNITY. PLEASE HELP US PLACE YOU ON THE MOST APPROPRIATE COMMITTEE BY COMPLETING THIS QUESTIONNAIRE.

FEEL FREE TO ATTACH A RESUME.

5-24-12

DATE: 1/5/2011 VERIFIED INTEREST ON: _____

LAST NAME: WILLIAMS FIRST: ROCCO MIDDLE: WAYNE

HOME ADDRESS: 414 S. LAKEVIEW AVE. WINTER GARDEN, FL 34787

OFFICE ADDRESS: 935 LAKE BALDWIN LANE ORLANDO, FL 32814

HOME PHONE: _____ CELL PHONE: 321-217-4713 WORK PHONE: 407-767-5188

EMAIL: ROCK_1961@HOTMAIL.COM FAX #: _____

CURRENT EMPLOYER: SGM ENGINEERING, INC. LENGTH: 2.5 YEARS

POSITION: QA/QC ENGINEER CONSTRUCTION ADMINISTRATION

EDUCATION: HIGH SCHOOL GRADUATE YES NO UNDERGRADUATE COLLEGE DEGREE IN: BUILDING CONSTRUCTION ELECTRICAL AND FIRE

ADVANCED COLLEGE DEGREE IN: _____ OTHER: INSPECTOR CERTIFICATIONS FOR BUILDING AND FIRE

PLEASE STATE YOUR EXPERIENCE, INTERESTS OR ELEMENTS OF YOUR HISTORY THAT YOU THINK QUALIFY YOU FOR APPOINTMENT:

14 years experience in project management, construction administration and design for commercial, industrial, high-rise, multi-family, retail, institutional and assembly projects. My experience has given me the knowledge to assist design consultants in the office and the field with engineering, design, product selection, specifications and review of drawings and completed work for quality control. My familiarity with Florida state and local code requirements, NFPA and International Code Council standards.

COMMUNITY INVOLVEMENT: Past Elder for Roper YMCA Indian Guides/Princesses 15+ years, Volunteer work with Coalition for Homeless

INTERESTS/ACTIVITIES: Fishing, Geocaching, Hiking, Bike Riding, Camping

WHY DO YOU DESIRE TO SERVE ON THIS/THESE BOARDS? To give back to the community and aid in maintaining the standards established.

NAME ANY BUSINESS, PROFESSIONAL, CIVIC OR FRATERNAL ORGANIZATIONS OF WHICH YOU ARE A MEMBER AND THE DATES OF MEMBERSHIP.
MOKANNA #329 FLORIDA F & AM SINCE 4/2004, CENTRAL FLORIDA FIRE MARSHALS AND INSPECTORS ASSOCIATION SINCE 1998, INTERNATIONAL CODE COUNCIL SINCE 2008

ARE YOU A RESIDENT OF WINTER GARDEN? YES NO IF YES, CONTINUOUS RESIDENT SINCE? APPROXIMATELY 1981

ARE YOU A REGISTERED VOTER OF ORANGE COUNTY? YES NO WHICH CITY DISTRICT? DISTRICT 1

ARE YOU CURRENTLY SERVING ON ANY OTHER BOARDS? YES NO IF YES, PLEASE STATE NAME OF BOARD: _____

HAVE YOU EVER SERVED ON A GOVERNMENT BOARD? YES NO IF YES, PLEASE STATE NAME OF BOARD:
CITY OF WINTER GARDEN CODE ENFORCEMENT BOARD

REFERENCES:

SKIP LUKERT BUILDING OFFICIAL CITY OF WINTER GARDEN, BOB BUCHANAN DISTRICT 2 COMMISSIONER CITY OF WINTER GARDEN, HAROLD BOULER COMMISSIONER DISTRICT 3 CITY OF WINTER GARDEN, COLIN SHARMAN COMMISSIONER DISTRICT 4 CITY OF WINTER GARDEN, S. SCOT BOYD ORANGE COUNTY COMMISSIONER DISTRICT 1

WHICH BOARD(S) ARE YOU INTERESTED?

- *CODE ENFORCEMENT BOARD
 - *PLANNING & ZONING BOARD
 - *COMMUNITY REDEVELOPMENT AGENCY
 - *COMMUNITY REDEVELOPMENT ADVISORY BOARD - *CIRCLE ALL THAT APPLY TO YOU WITHIN THE CRA: RESIDE / OWN / OPERATE A BUSINESS / OTHER*
 - *GENERAL EMPLOYEES PENSION BOARD
 - *FIRE/POLICE PENSION BOARD
 - *ARCHITECTURAL REVIEW AND HISTORIC PRESERVATION BOARD
- CIRCLE ALL THAT APPLY TO YOU: ARCHITECT / LICENSED GENERAL CONTRACTOR / WG HERITAGE FOUNDATION BOARD MEMBER / OWN COMMERCIAL PROPERTY IN THE HISTORIC DISTRICT / OWN COMMERCIAL PROPERTY IN THE HISTORIC DISTRICT & RESIDE IN THE CITY / RESIDE IN THE CITY*
- ELECTION CANVASSING BOARD

PLEASE NOTE: MEMBERS SERVING ON BOARDS WITH AN ASTERISK (*) ARE REQUIRED TO FILE AN ANNUAL FINANCIAL DISCLOSURE FORM WITH THE ORANGE COUNTY SUPERVISOR OF ELECTIONS OFFICE ON OR BEFORE JULY 1ST OF EACH YEAR. APPLICANTS FOR BOARD APPOINTMENT ARE REMINDED OF THE PROVISIONS OF THE FLORIDA STATUTES AS APPLICABLE TO CONFLICTS OF INTEREST. ALL BOARD APPLICATIONS ARE KEPT ON FILE FOR ONE YEAR AND ARE SUBMITTED TO THE CITY COMMISSION WHENEVER A VACANCY OCCURS. UPDATED INFORMATION SHOULD BE SUBMITTED AND MAY BE REQUESTED AT ANY TIME.

DIRECT INTEREST FORM AND QUESTIONS TO THE CITY CLERK'S OFFICE AT 407-656-4111 EXT. 2254

THANK YOU FOR YOUR INTEREST IN SERVING YOUR COMMUNITY.

Board Appointment Interest Form 06-10

WINTER GARDEN • A charming little city with a juicy past.



CITY OF WINTER GARDEN
CITY CLERK'S OFFICE
300 WEST PLANT STREET
WINTER GARDEN, FL 34787

P: 407.656.4111
WWW.WINTERGARDEN-FL.GOV

BOARD APPOINTMENT INTEREST FORM

THANK YOU FOR YOUR INTEREST IN SERVING ON ONE OF THE CITY'S BOARDS/COMMITTEES. VOLUNTEERS LIKE YOU ARE ESSENTIAL TO ENSURING THAT YOUR CITY GOVERNMENT IS RESPONSIVE TO THE NEEDS OF THE COMMUNITY. PLEASE HELP US PLACE YOU ON THE MOST APPROPRIATE COMMITTEE BY COMPLETING THIS QUESTIONNAIRE. FEEL FREE TO ATTACH A RESUME.

DATE: 17 May 2010 VERIFIED INTEREST ON: _____

LAST NAME: CLARK FIRST: ROBERT MIDDLE: JOHNNY
HOME ADDRESS: 620 Heathglen Blvd, Winter Garden, FL 34787
OFFICE ADDRESS: N/A
HOME PHONE: (407) 212-9091 WORK PHONE: N/A FAX: N/A
CURRENT EMPLOYER: Retired city of Winter Garden LENGTH: 5 years
POSITION: Code Enforcement manager + Trailer City Manager
EDUCATION: 14 yrs HIGH SCHOOL UNDERGRADUATE COLLEGE DEGREE IN: AA in Criminal Justice
ADVANCED COLLEGE DEGREE IN: N/A OTHER: N/A

PLEASE STATE YOUR EXPERIENCE, INTERESTS OR ELEMENTS OF YOUR HISTORY THAT YOU THINK QUALIFY YOU FOR APPOINTMENT:

35 years in Law Enforcement, previous Code Enforcement Manager & Trailer City Manager for city of Winter Garden (born and raised in Winter Garden)
COMMUNITY INVOLVEMENT: Routinely attend Commission meetings to keep up with what is going on in the city of Winter Garden
INTERESTS/ACTIVITIES: what is going on in the city of Winter Garden
WHY DO YOU DESIRE TO SERVE ON THIS/THESE BOARDS? To be involved in the city of W.G.'s growth

NAME ANY BUSINESS, PROFESSIONAL, CIVIC OR FRATERNAL ORGANIZATIONS OF WHICH YOU ARE A MEMBER AND THE DATES OF MEMBERSHIP.

NONE

ARE YOU A RESIDENT OF WINTER GARDEN? yes IF YES, CONTINUOUS RESIDENT SINCE? _____
ARE YOU A REGISTERED VOTER OF ORANGE COUNTY? yes WHICH CITY DISTRICT? District 1
ARE YOU CURRENTLY SERVING ON ANY OTHER BOARDS? No IF YES, PLEASE STATE NAME OF BOARD: _____

HAVE YOU EVER SERVED ON A GOVERNMENT BOARD? yes IF YES, PLEASE STATE NAME OF BOARD: General Employee Pension Board for the city of Winter Garden.

REFERENCES: Mayor John Rees, Commissioner Gerald Towers, City Manager, Michael Bollhoefer

WHICH BOARD(S) ARE YOU INTERESTED?

- *CODE ENFORCEMENT BOARD
- *PLANNING & ZONING BOARD
- *COMMUNITY REDEVELOPMENT AGENCY
- *COMMUNITY REDEVELOPMENT ADVISORY BOARD
- *GENERAL EMPLOYEES PENSION BOARD
- *FIRE/POLICE PENSION BOARD
- *ARCHITECTURAL REVIEW AND HISTORIC PRESERVATION BOARD

PLEASE NOTE: MEMBERS SERVING ON BOARDS WITH AN ASTERISK (*) ARE REQUIRED TO FILE AN ANNUAL FINANCIAL DISCLOSURE FORM WITH THE ORANGE COUNTY SUPERVISOR OF ELECTIONS OFFICE ON OR BEFORE JULY 1ST OF EACH YEAR. APPLICANTS FOR BOARD APPOINTMENT ARE REMINDED OF THE PROVISIONS OF THE FLORIDA STATUTES AS APPLICABLE TO CONFLICTS OF INTEREST. ALL BOARD APPLICATIONS ARE KEPT ON FILE FOR ONE YEAR AND ARE SUBMITTED TO THE CITY COMMISSION WHENEVER A VACANCY OCCURS. UPDATED INFORMATION SHOULD BE SUBMITTED AND MAY BE REQUESTED AT ANY TIME.

DIRECT INTEREST FORM AND QUESTIONS TO THE CITY CLERK'S OFFICE AT 407-656-4111 EXT. 2254.

THANK YOU FOR YOUR INTEREST IN SERVING YOUR COMMUNITY.



CITY OF WINTER GARDEN
CITY CLERK'S OFFICE
300 WEST PLANT STREET
WINTER GARDEN, FL 34787
P: 407.656.4111
WWW.WINTERGARDEN-FL.GOV

BOARD APPOINTMENT INTEREST FORM

THANK YOU FOR YOUR INTEREST IN SERVING ON ONE OF THE CITY'S BOARDS/COMMITTEES. VOLUNTEERS LIKE YOU ARE ESSENTIAL TO ENSURING THAT YOUR CITY GOVERNMENT IS RESPONSIVE TO THE NEEDS OF THE COMMUNITY. PLEASE HELP US PLACE YOU ON THE MOST APPROPRIATE COMMITTEE BY COMPLETING THIS QUESTIONNAIRE. FEEL FREE TO ATTACH A RESUME.

DATE: April 7, 2011

VERIFIED INTEREST ON: 8-24-11
5-24-12

LAST NAME: Rainville FIRST: Eric MIDDLE: John
 HOME ADDRESS: 416 Courtlea Oaks Blvd, Winter Garden, FL 34787
 OFFICE ADDRESS: 2314 Circuit Way, Brooksville, FL 34604
 HOME PHONE: 407-877-9660 CELL PHONE: 407-913-7135 WORK PHONE: 352-848-2588
 EMAIL: erainville@therainvilles.com FAX #: 352-848-2592
 CURRENT EMPLOYER: Regions Facility Services LENGTH: _____
 POSITION: Director of Facility Support Services
 EDUCATION: HIGH SCHOOL GRADUATE Yes No UNDERGRADUATE COLLEGE DEGREE IN: BS in Building Construction
 ADVANCED COLLEGE DEGREE IN: _____ OTHER: _____

PLEASE STATE YOUR EXPERIENCE, INTERESTS OR ELEMENTS OF YOUR HISTORY THAT YOU THINK QUALIFY YOU FOR APPOINTMENT:
Seasoned in facilities, owners representation and construction management with expertise in portfolio and asset management, maintenance capital planning and facilities management; utilities, fuels and futures purchasing; cost control, estimating, scheduling, development, preconstruction and construction phase administration. Certified General Contractor.
 COMMUNITY INVOLVEMENT: Member of the Winter Garden Heritage Foundation, Dillard St. PTA and 90% of community events
 INTERESTS/ACTIVITIES: Enjoy cooking (placed best overall Uncle Don's Chili Cook-off), Biking with my kids, building.
 WHY DO YOU DESIRE TO SERVE ON THIS/THESE BOARDS? Desire to contribute and make a positive impact on the City of Winter Garden
 NAME ANY BUSINESS, PROFESSIONAL, CIVIC OR FRATERNAL ORGANIZATIONS OF WHICH YOU ARE A MEMBER AND THE DATES OF MEMBERSHIP.

Facilities Management Professionals International 2009- Present, Restaurant Facility Management Association 2005-Present

ARE YOU A RESIDENT OF WINTER GARDEN? Yes No IF YES, CONTINUOUS RESIDENT SINCE? April 2007
 ARE YOU A REGISTERED VOTER OF ORANGE COUNTY? Yes No WHICH CITY DISTRICT? District 1
 ARE YOU CURRENTLY SERVING ON ANY OTHER BOARDS? Yes No IF YES, PLEASE STATE NAME OF BOARD:

HAVE YOU EVER SERVED ON A GOVERNMENT BOARD? Yes No IF YES, PLEASE STATE NAME OF BOARD:

REFERENCES:
Jay Conn, Director Parks and Recreation, City of Winter Garden, 407-656-4155
Howard Long, Project Executive, Roy Anderson Construction, 228-297-4104

- WHICH BOARD(S) ARE YOU INTERESTED?**
- *CODE ENFORCEMENT BOARD
 - *PLANNING & ZONING BOARD
 - *COMMUNITY REDEVELOPMENT AGENCY
 - *COMMUNITY REDEVELOPMENT ADVISORY BOARD - CIRCLE ALL THAT APPLY TO YOU WITHIN THE CRA: RESIDE / OWN / OPERATE A BUSINESS / OTHER
 - *GENERAL EMPLOYEES PENSION BOARD
 - *FIRE/POLICE PENSION BOARD
 - *ARCHITECTURAL REVIEW AND HISTORIC PRESERVATION BOARD
 CIRCLE ALL THAT APPLY TO YOU: ARCHITECT / LICENSED GENERAL CONTRACTOR / WG HERITAGE FOUNDATION BOARD MEMBER / OWN COMMERCIAL PROPERTY IN THE HISTORIC DISTRICT / OWN COMMERCIAL PROPERTY IN THE HISTORIC DISTRICT & RESIDE IN THE CITY / RESIDE IN THE CITY
 - ELECTION CANVASSING BOARD

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DIRECT INTEREST FORM AND QUESTIONS TO THE CITY CLERK'S OFFICE AT 407-656-4111 EXT. 2254

THANK YOU FOR YOUR INTEREST IN SERVING YOUR COMMUNITY.



Rec'd: 9-1-11

CITY OF WINTER GARDEN
CITY CLERK'S OFFICE
300 WEST PLANT STREET
WINTER GARDEN, FL 34787

P: 407.656.4111
WWW.WINTERGARDEN-FL.GOV

BOARD APPOINTMENT INTEREST FORM

THANK YOU FOR YOUR INTEREST IN SERVING ON ONE OF THE CITY'S BOARDS/COMMITTEES. VOLUNTEERS LIKE YOU ARE ESSENTIAL TO ENSURING THAT YOUR CITY GOVERNMENT IS RESPONSIVE TO THE NEEDS OF THE COMMUNITY. PLEASE HELP US PLACE YOU ON THE MOST APPROPRIATE COMMITTEE BY COMPLETING THIS QUESTIONNAIRE.

FEEL FREE TO ATTACH A RESUME.

DATE: 08/30/11

VERIFIED INTEREST ON: _____

LAST NAME: Gantt FIRST: Heather MIDDLE: Marie

HOME ADDRESS: 540 Lake Cove Pointe Circle

OFFICE ADDRESS: _____

HOME PHONE: _____ CELL PHONE: 407-758-3802 WORK PHONE: _____

EMAIL: heather.gantt@disney.com FAX #: _____

CURRENT EMPLOYER: Walt Disney Co. LENGTH: 10 1/2 years

POSITION: Project Manager

EDUCATION: HIGH SCHOOL GRADUATE Yes No UNDERGRADUATE COLLEGE DEGREE IN: BS - Biology

ADVANCED COLLEGE DEGREE IN: MS - Management OTHER: _____

PLEASE STATE YOUR EXPERIENCE, INTERESTS OR ELEMENTS OF YOUR HISTORY THAT YOU THINK QUALIFY YOU FOR APPOINTMENT:

Served 5yrs as officer in the U.S. Army Signal Corps. After achieving the rank of Captain, began a career in IT Project Management at The Walt Disney Co. Since 2007, logged over 950 hours of volunteer service to the Central Florida community. Recipient of the Presidential Volunteer Service Award (2009, 2010, 2011). Recipient of the Chapin-Hood Award.

COMMUNITY INVOLVEMENT: Volunteer at children's school (Foundation Academy) and children's ministry at church.

INTERESTS/ACTIVITIES: Family, Volunteer Service, Travel

WHY DO YOU DESIRE TO SERVE ON THIS/THESE BOARDS? I love Winter Garden and am amazed with the successful growth of the city!

NAME ANY BUSINESS, PROFESSIONAL, CIVIC OR FRATERNAL ORGANIZATIONS OF WHICH YOU ARE A MEMBER AND THE DATES OF MEMBERSHIP.

Active member of the Junior League of Greater Orlando since 2003. Board Member 2006 (VP of R&D) and 2009 (Treasurer).

ARE YOU A RESIDENT OF WINTER GARDEN? Yes No IF YES, CONTINUOUS RESIDENT SINCE? 2005

ARE YOU A REGISTERED VOTER OF ORANGE COUNTY? Yes No WHICH CITY DISTRICT? 2

ARE YOU CURRENTLY SERVING ON ANY OTHER BOARDS? Yes No IF YES, PLEASE STATE NAME OF BOARD:

HAVE YOU EVER SERVED ON A GOVERNMENT BOARD? Yes No IF YES, PLEASE STATE NAME OF BOARD:

REFERENCES:

Stephanie Garris (407-619-5310) - Past President, Junior League of Greater Orlando; Executive Director of GRACE Medical Home

WHICH BOARD(S) ARE YOU INTERESTED?

- *CODE ENFORCEMENT BOARD
 - *PLANNING & ZONING BOARD
 - *COMMUNITY REDEVELOPMENT AGENCY
 - *COMMUNITY REDEVELOPMENT ADVISORY BOARD - CIRCLE ALL THAT APPLY TO YOU WITHIN THE CRA: RESIDE / OWN / OPERATE A BUSINESS / OTHER
 - *GENERAL EMPLOYEES PENSION BOARD
 - *FIRE/POLICE PENSION BOARD
 - *ARCHITECTURAL REVIEW AND HISTORIC PRESERVATION BOARD
- CIRCLE ALL THAT APPLY TO YOU: ARCHITECT / LICENSED GENERAL CONTRACTOR / WG HERITAGE FOUNDATION BOARD MEMBER / OWN COMMERCIAL PROPERTY IN THE HISTORIC DISTRICT / OWN COMMERCIAL PROPERTY IN THE HISTORIC DISTRICT & RESIDE IN THE CITY / RESIDE IN THE CITY
- ELECTION CANVASSING BOARD

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DIRECT INTEREST FORM AND QUESTIONS TO THE CITY CLERK'S OFFICE AT 407-656-4111 EXT. 2254

THANK YOU FOR YOUR INTEREST IN SERVING YOUR COMMUNITY.

Board Appointment Interest Form 06-10

Rec'd. 7-21-11



CITY OF WINTER GARDEN
CITY CLERK'S OFFICE
300 WEST PLANT STREET
WINTER GARDEN, FL 34787
P: 407.656.4111
WWW.WINTERGARDEN-FL.GOV

BOARD APPOINTMENT INTEREST FORM

THANK YOU FOR YOUR INTEREST IN SERVING ON ONE OF THE CITY'S BOARDS/COMMITTEES. VOLUNTEERS LIKE YOU ARE ESSENTIAL TO ENSURING THAT YOUR CITY GOVERNMENT IS RESPONSIVE TO THE NEEDS OF THE COMMUNITY. PLEASE HELP US PLACE YOU ON THE MOST APPROPRIATE COMMITTEE BY COMPLETING THIS QUESTIONNAIRE.

FEEL FREE TO ATTACH A RESUME.
DATE: 7/18/2011 VERIFIED INTEREST ON: _____

LAST NAME: Dotson FIRST: Ryan MIDDLE: Matthew
 HOME ADDRESS: 1166 Priory Circle, Winter Garden, FL 34787-5568
 OFFICE ADDRESS: 4900 North World Drive, Lake Buena Vista, FL 32830
 HOME PHONE: 407-347-8673 CELL PHONE: 407-257-1168 WORK PHONE: 407-824-3873
 EMAIL: dotson.ryan@gmail.com FAX#: _____
 CURRENT EMPLOYER: Wat Disney Parks & Resorts LENGTH: 5 years
 POSITION: Resort Guest Service Manager
 EDUCATION: HIGH SCHOOL GRADUATE Yes No UNDERGRADUATE COLLEGE DEGREE IN: Communications
 ADVANCED COLLEGE DEGREE IN: _____ OTHER: _____

PLEASE STATE YOUR EXPERIENCE, INTERESTS OR ELEMENTS OF YOUR HISTORY THAT YOU THINK QUALIFY YOU FOR APPOINTMENT:
I have a great interest in history and city planning. As a resort manager, I am accustomed to handling complex situations which require compromise and creative solutions.

COMMUNITY INVOLVEMENT: _____
INTERESTS/ACTIVITIES: _____

WHY DO YOU DESIRE TO SERVE ON THIS/THESE BOARDS? I love living in Winter Garden and want to become more involved.

NAME ANY BUSINESS, PROFESSIONAL, CIVIC OR FRATERNAL ORGANIZATIONS OF WHICH YOU ARE A MEMBER AND THE DATES OF MEMBERSHIP.

ARE YOU A RESIDENT OF WINTER GARDEN? Yes No IF YES, CONTINUOUS RESIDENT SINCE? February 2009

ARE YOU A REGISTERED VOTER OF ORANGE COUNTY? Yes No WHICH CITY DISTRICT? 4

ARE YOU CURRENTLY SERVING ON ANY OTHER BOARDS? Yes No IF YES, PLEASE STATE NAME OF BOARD:

HAVE YOU EVER SERVED ON A GOVERNMENT BOARD? Yes No IF YES, PLEASE STATE NAME OF BOARD:

REFERENCES:

WHICH BOARD(S) ARE YOU INTERESTED?

- *CODE ENFORCEMENT BOARD
- *PLANNING & ZONING BOARD
- *COMMUNITY REDEVELOPMENT AGENCY
- *COMMUNITY REDEVELOPMENT ADVISORY BOARD - CIRCLE ALL THAT APPLY TO YOU WITHIN THE CRA: RESIDE / OWN / OPERATE A BUSINESS / OTHER
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 CIRCLE ALL THAT APPLY TO YOU: ARCHITECT / LICENSED GENERAL CONTRACTOR / WG HERITAGE FOUNDATION BOARD MEMBER / OWN COMMERCIAL PROPERTY IN THE HISTORIC DISTRICT / OWN COMMERCIAL PROPERTY IN THE HISTORIC DISTRICT & RESIDE IN THE CITY / RESIDE IN THE CITY
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DIRECT INTEREST FORM AND QUESTIONS TO THE CITY CLERK'S OFFICE AT 407-656-4111 EXT. 2254

THANK YOU FOR YOUR INTEREST IN SERVING YOUR COMMUNITY.

Board Appointment Interest Form 06-10

Rec'd. 4-30-08

Still interested 10-1-09 JB
" " UM 7-6-12 10-5-10

CITY OF WINTER GARDEN
BOARD APPOINTMENT INTEREST FORM

Date: 4/29/08

Last name: MITCHELL III First: ARTHUR Middle: L.

Home Address: 204 TRAIL BLISS CT

Office Address: Same

Home Phone: 407-287-7624 Work Phone: 914-262-6601 Fax: 407-287-7624

Place of employment: Commerce Bank Length: 4.5 years

Educational Information: School Name PACE UNIVERSITY

Location: PLEASANTVILLE, NY Degree Earned: BBA Dates Attended:

Please state your experience, interests or elements of your history that you think qualify you for appointment:
See Resumé + Attached Letter

Community involvement: WEST ORANGE REALTY RESERVE (WARR)

Interests/activities: OUTDOORS, GARDENING, POLITICS + BASEBALL

Why do you desire to serve on this/these boards? TO SERVE MY CITY AND MAKE IT BETTER

Name any business, professional, civic or fraternal organizations of which you are a member and the dates of membership. WEST ORANGE REALTY RESERVE SINCE 10/07

Are you a resident of Winter Garden? [checked] If yes, continuous resident since? 4/07

Are you a registered voter of Orange County? [checked] Which precinct? 1103 (On voter registration)

Are you currently serving on any other boards? NO If yes, please state name of board:

Have you ever served on a government board? NO If yes, please state name of board:

References: KENNETH MAKIN - 407-877-8620
KARLA VAHAGAREC (407) 253-4550, James Mitchell 407-649-4688

Which city board(s) are you interested? Code Enforcement Board Planning & Zoning Board
 Community Redevelopment Agency or Advisory Board General Employees Pension Board
 Fire/Police Pension Board ARCHITECTURAL REVIEW BOARD
Please attach any additional information.

Note: Interest forms are maintained for a period of one year. Should any information change, please notify the City Clerk's Office at (407) 656-4111 x2254. Thank you for your interest in serving your community.

Arthur Mitchell III
204 Trail Bridge Ct
Winter Garden, Fl 34787
April 30, 2008

Dear Mayor Reese:

I am submitting my application to serve the City of Winter Garden on the Architectural Review Board or the Community Redevelopment Agency or Advisory Board. If it is possible I would like to serve on both if my schedule permits. I will leave up to you to see which board you think I qualify for best.

I feel that I would be an asset to boards for various reasons. One being married to an owner of a business downtown, we have a vested interest in seeing Winter Garden grow and expand into an even better city than it currently is. Being in the lending business for years, I have seen many municipal and private projects that have helped revitalize and grow downtown areas. Growing up outside of New York City I have seen how public and private partnerships and investments have turned around downtown areas from virtual ghost towns to destination places and areas that people want to live. I come from a construction family. My father owns a plumbing business back in New York and I have been around the trades my whole life. I also renovated a 130 year Victorian House back in New York. Having swung a hammer myself I have an idea with what's involved with some construction projects. I am also a big advocate of keeping the downtown charm and architectural integrity, while attracting new construction and business at the same time. I think the two can go hand in hand. I see a great potential in Winter Garden and I truly love the city and the people that live here. I feel the need to serve my city to make it a better place for ourselves as well as our children.

I respectfully submit my application to you and I hope to serve my city and all residents of Winter Garden to the best of my ability. Thank You for your consideration.

Sincerely,



Arthur W. Mitchell III

Enclosures

Arthur W. Mitchell III
204 Trail Bridge Ct.
Winter Garden, Florida 34787
e- mail:arthur42@optonline.net
914-262-6601

Professional Experience:

Loan Officer; Commerce Bank Purchase, West Palm Beach, Florida: November 2003 - Present

- Originated and closed an average of \$16 million in residential mortgages annually.
- Service 4 bank branches in Florida to address customers mortgage needs.
- Responsibilities include being on call seven days a week to adhere to Commerce Bank's "Wow" philosophy of meeting and exceeding customer's expectations.
- Conduct first time home buyers seminars for the public, not for profits and real estate brokers in order to market Commerce Banks mortgage products.

Loan Officer; Sleepy Hollow Bank, Sleepy Hollow, New York: May 2002 – September 2003

- Originated and closed approximately \$30 million in residential and commercial mortgages.
- Origination on multi- family and commercial mortgages included cash flow analysis and valuation using the Income Capitalization approach.
- Responsibilities included being on call seven days a week via pager for lead calls and to service loans in process.
- Serviced three bank branches in Westchester County for all customers mortgage needs.

Loan Officer; Yonkers Savings and Loan, Yonkers, New York: August 2000 – April 2002

- Originated and closed approximately \$50 million in residential and commercial mortgages.
- Responsibilities included being on call seven days a week via pager for lead calls and to service loans in process.
- Serviced six bank branches for all customers mortgage needs in the counties of Westchester, Rockland, Putnam, Orange, Dutchess, and the five boroughs of New York City.

Loan Officer; The Community Preservation Corporation, (CPC), Hawthorne, New York: Jan. 1998 - Aug. 2000

- Originated and underwrote 1 - 4 family, multifamily and mixed-use acquisition, refinance, and construction loans.
- Prepared a detailed narrative, valuation, cost, and equity analysis for formal presentation to CPC's loan committee.
- Marketed CPC's loan products to mortgage brokers and real estate brokers throughout the Hudson Valley region.
- Worked with local not for profits and city agencies to provide low interest rate gap financing for CPC's borrowers.
- Performed engineering inspections with CPC's engineer and the borrower to assess the work scope and costs on construction and rehab loans.
- Performed annual Freddie Mac and CPC building inspections and repair escrow releases.

Multifamily Asset Management Specialist; Freddie Mac, New York, New York: 1992 -1998

- Analyzed cash flow and resolved problem loans through restructuring of debt, resulting in reduction of bad debt write off.

- Recommended receivers and supervised property management companies for over 200 properties.
- Performed hundreds of physical inspections of multifamily properties for valuation, budgeting and business plan purposes resulting in a 20% savings of operating expenses.
- Revised and approved hundreds of building budgets submitted by property management companies to ensure stabilization of the asset and positioning for sale.
- Negotiated sales of properties through local brokers maximizing recovery on bad debt.

Originator/Multifamily Inspector; Columbia Equities, Tarrytown, New York: 1988 -1992

- Originator of first and second Freddie Mac/ Fannie Mae and sub prime mortgages.
- Performed hundreds of physical inspections and write -ups of single and multifamily dwellings to fulfill seller/servicer obligations with Freddie Mac.

Senior Loan Officer/Office Manager; Integrity Mortgage, White Plains, New York: 1987-1988

Sales/Broker Representatives; Advanta Mortgage, White Plains, New York: 1986 – 1987

Educational Background:

Pace University, Pleasantville, New York: Earned a **Bachelor of Arts Degree in Marketing** in May 1996.

Organizations:

Associate member of the West Orange Realty Resource Organization



Still interested 10-1-09
Still interested 10-5-10
LM 7-6-12

CITY OF WINTER GARDEN
300 WEST PLANT STREET
WINTER GARDEN, FL 34787

P: 407.656.4111
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WINTER GARDEN • A charming little city with a juicy past.

CITY OF WINTER GARDEN BOARD APPOINTMENT INTEREST FORM

over →

Rec'd. 9-23-09

THANK YOU FOR YOUR INTEREST IN SERVING ON ONE OF THE CITY'S BOARDS/COMMITTEES. VOLUNTEERS LIKE YOU ARE ESSENTIAL TO ENSURING THAT YOUR CITY GOVERNMENT IS RESPONSIVE TO THE NEEDS OF THE COMMUNITY. PLEASE HELP US PLACE YOU ON THE MOST APPROPRIATE COMMITTEE BY COMPLETING THIS QUESTIONNAIRE. FEEL FREE TO ATTACH A RESUME.

DATE: Sept 9, 2009 VERIFIED INTEREST ON: _____

LAST NAME: Leda FIRST: Loretta MIDDLE: Lynn

HOME ADDRESS: 1233 Castleport Rd.

OFFICE ADDRESS: P.O. Box 146, Oakland, FL 34760

HOME PHONE: 407.654.8810 WORK PHONE: 321.438.0838 FAX: Not in service

CURRENT EMPLOYER: Florida Spa Girls LENGTH: 1yr. (new business)

POSITION: CEO / founder

EDUCATION: HIGH SCHOOL UNDERGRADUATE COLLEGE DEGREE IN: Business

ADVANCED COLLEGE DEGREE IN: Journalism / Communication OTHER: Sports + fitness

PLEASE STATE YOUR EXPERIENCE, INTERESTS OR ELEMENTS OF YOUR HISTORY THAT YOU THINK QUALIFY YOU FOR APPOINTMENT:
was on board - Lake County Library; also on Parks + Rec. - City of Clermont; currently serve on board - Orange Audubon Society, (see attached)

COMMUNITY INVOLVEMENT: Kiwanis, Chamber (previously - mem. Downtown Partnership) →

INTERESTS/ACTIVITIES: Outdoor activities; hiking, kayaking, etc, reading, writing, organizing events

WHY DO YOU DESIRE TO SERVE ON THIS/THESE BOARDS? to gain more, to make a difference, to better my community

NAME ANY BUSINESS, PROFESSIONAL, CIVIC OR FRATERNAL ORGANIZATIONS OF WHICH YOU ARE A MEMBER AND THE DATES OF MEMBERSHIP.
Kiwanis (west Orange); Chamber of Commerce, F.O.W.A, Orange Audubon Society

ARE YOU A RESIDENT OF WINTER GARDEN? Yes IF YES, CONTINUOUS RESIDENT SINCE? 2004

ARE YOU A REGISTERED VOTER OF ORANGE COUNTY? Yes WHICH CITY DISTRICT? 4

ARE YOU CURRENTLY SERVING ON ANY OTHER BOARDS? Yes IF YES, PLEASE STATE NAME OF BOARD: Orange Audubon Society, W.O. Kiwanis

HAVE YOU EVER SERVED ON A GOVERNMENT BOARD? Yes IF YES, PLEASE STATE NAME OF BOARD: Lake County, + city of Clermont - Parks + Rec.,

REFERENCES: Shira Dura @ Chamber, John Hambuch - W.O. Kiwanis, Linda Ostenberg - Mortgage Solutions

- WHICH BOARD(S) ARE YOU INTERESTED?**
- CODE ENFORCEMENT BOARD
 - PLANNING & ZONING BOARD
 - COMMUNITY REDEVELOPMENT AGENCY OR ADVISORY BOARD
 - GENERAL EMPLOYEES PENSION BOARD
 - FIRE/POLICE PENSION BOARD
 - METRO PLAN CITIZENS ADVISORY BOARD
 - STATE ROAD 50 COMMERCIAL CORRIDOR REVIEW BOARD (SUNSETS 4/24/2010)
 - DOWNTOWN ARCHITECTURAL REVIEW BOARD
 - ELECTION CANVASSING BOARD

PLEASE NOTE: MEMBERSHIP ON THE FOLLOWING BOARDS REQUIRE THAT AN ANNUAL FINANCIAL DISCLOSURE FORM BE FILED ON OR BEFORE JULY 1ST OF EACH YEAR: CODE ENFORCEMENT BOARD PLANNING AND ZONING BOARD, COMMUNITY REDEVELOPMENT AGENCY, GENERAL EMPLOYEES PENSION BOARD AND FIRE/POLICE PENSION BOARD APPLICANTS FOR BOARD APPOINTMENT ARE REMINDED OF THE PROVISIONS OF THE FLORIDA STATUTES AS APPLICABLE TO CONFLICTS OF INTEREST. ALL BOARD APPLICATIONS ARE KEPT ON FILE FOR ONE YEAR AND ARE SUBMITTED TO THE CITY COMMISSION WHENEVER A VACANCY OCCURS. UPDATED INFORMATION SHOULD BE SUBMITTED AND MAY BE REQUESTED AT ANY TIME.

DIRECT INTEREST FORM AND QUESTIONS TO THE CITY CLERK'S OFFICE AT 407-656-4111 EXT. 2254.

Volunteer with W. G. Theatre & Oakland Nature Preserve

Loretta Lynn Leda

1233 Castleport Road
Winter Garden, FL 34787
Email: lorettalynn@mac.com

Phone: 407.654.8810
Cell 321.438.0838
Website: www.fit-4-sports.net

SUMMARY

Approximately twenty years experience in communications/marketing and journalism. Strong progressive record of achievement in all areas of communications. Unique ability to sell concepts, products and people. Proficient with Mac, QuarkXpress, Microsoft Office (Mac & PC), Windows and Word, Quickbooks, Lotus 1-2-3 and others. Digital camera, photoshop, some web design, layout, copywriting, ads, GoogleAds, affiliate, blogging, podcasting.

PROFESSIONAL EXPERIENCE

FIT-4-SPORTS, Clermont, FL **2003 - Present**
(Monthly sports and fitness magazine for children and adults)
Publisher/Editor.

Distributed through local schools (public and private, elementary to college), racks, retail, fitness centers, etc. Spotlights on local athletes, interviews with professional athletes, coaches and trainers, nutrition, and contributing doctors articles. Kids page and more. Write articles, conduct interviews, sell advertising, design ads, layout paper, edit freelance/contributor's articles, distribute papers, prepare invoices and performed all accounting functions.

CROSSQUE, Winter Garden, FL **1990 - Present**
Owner, Marketing Consultant

Responsible for planning overall marketing strategies and tactics, as well as individual campaigns. Created, wrote and designed collateral materials; corporate newsletters, annual reports, direct mail and brochures. Website design and marketing. Negotiate billboards, coordinate & implement events for the clients; sponsoring chamber functions, trade shows, realtor programs. Obtain sponsorships, design logos, increase revenue through employee-incentive programs, Media marketing and buying, business plans, and successful in obtaining editorial coverage for clients, write articles for consumer and trade publications.

ORLANDO SENTINEL, The Reporter, Lakeland Ledger, NY Times **2004 - Present**
Freelance writer - sports, adventure, Feature Writer

Cover; government, human interest, health, religion, science, etc.

CITY OF OCOEE, Ocoee, FL **2002**
Office Manager/Administrative Assistant- Community Relations and OGTV (Channel 10)

Planned interdepartment and community meetings, TV station programming, wrote monthly employee newsletter, wrote commercial spots for sponsors and press releases, media relations, designed brochures and invitations, coordinated activities, collected money, kept records for annual festival, managed departments budget, ordering of supplies and services, responsible for payroll logging, personal leave, etc. Coordinated and implemented community events.

SOUTH LAKE PRESS Clermont, FL
Editor

1998 -1998

Responsible for assigning stories, editing, writing copy and articles, layout of paper, content, photos, pagination and typesetting. Hired staff writers, recruited and trained correspondents. Enhanced format of paper, easier to read and better coverage. Represented the South Lake Press at city and county functions.

The KUPP Inc. Longwood, FL.
Marketing and Public Relations Manager

1997-1998

Planned, directed and coordinated the marketing and public relations of products and services. Established marketing goals, developed and executed marketing plans and programs, research, analyze and monitor financial, technological and demographic factors. Planned and oversaw the advertising and promotion activities in print, electronic, direct mail and outlets. Responsible for copy writing, design, layout and production of promotional materials. Evaluate market reactions, conduct market surveys, plan and implement public relations policies and procedures.

ACOUSTIC ENGINEERING Inc. Sanford, FL
Executive Assistant and Marketing Director

1996 - 1997

Responsible for internal and external communications, prepared sales proposals, company literature, builder portfolio, planned '97 marketing plan (overall and for AE's speaker line) nationwide. Designed warranty/marketing registration form, developed policy and procedure manual. Created databases for sales, vendors, prospective customers. Performed human resource and office management duties.

EDUCATION

A.A., Sports & Fitness, emphasis on Journalism, Lake Sumter Community College, Clermont, FL
A.A., Journalism/Communications, Mira Costa College, Oceanside, CA

PROFESSIONAL ASSOCIATIONS

Florida Public Relations Association
Founded South Lake Writers Group
Florida Outdoor Writers Association, 2nd Vice President
NATJA, Active member, North American Travel Journalists Association

COMMUNITY INVOLVEMENT

Make A Wish Foundation, Wish Granter
West Orange Kiwanis, Marketing Coordinator (Incoming Pres. Elect),
The Haven of Lake & Sumter Co's, Board member
Lake County Library Board, board member
Clermont Parks & Rec. Board, board/committee member
South Lake County Community Foundation-Development Committee,
South Lake Chamber of Commerce, Ambassador-
Home Builders Assn., Golf, Sales & Marketing Committee, Communications.

NAWBO-National Association of Women Business Owners.
Habitat for Humanity.
Palomar Airport Toastmasters.
South Lake Kiwanis Club., previously active member and committee chair
Volunteer with American Red Cross and American Cancer Society.

AWARDS

Article on Mold, won First Place in the State of Florida at College level
Able Toastmaster, Charter Member, 3 consecutive terms Admin. V.P., Implemented club
newsletter-top ten in world, Toastmasters International.
Founded local chapter of Professional Women's Network, Nafe Affiliate.
Numerous awards for Sales/Advertising and Business Leadership.
Named Who's Who among Professionals, 2000 Most Notable Women, Named again in 2007 and
2008, 2009

**CITY OF WINTER GARDEN
BOARD APPOINTMENT INTEREST FORM**

Date: 3/28/08

Last name: DANIELS First: MERV Middle: _____

Home Address: 433 N MAIN ST WINTER GARDEN 34787

Office Address: _____

Home Phone: 407 656 9283 Work Phone: _____ Fax: _____

Place of employment: RETIRED WALT DISNEY WORLD Length: 16 yrs

Educational Information: School Name DM TECH

Location: DES MOINES, IOWA Degree Earned: GEN/COM ART Dates Attended: 1955-1957

Please state your experience, interests or elements of your history that you think qualify you for appointment:

FORTY YEARS EXPERIENCE IN THE FIELD OF VISUAL DISPLAY, WHICH INCLUDED DESIGNING RETAIL STORE INTERIORS. THE LAST 16 YRS AS VISUAL MGR AT DISNEY WHERE I WORKED CLOSELY WITH WDI AND WED ON PROJECTS TO THEME TO THE AREA

Community involvement: MAIN ST RESTORATION COMMITTEE, HERITAGE FOUNDATION LANDSCAPING, PHOTOGRAPHY

Interests/activities: INTERIOR AND EXTERIOR DESIGN & DECORATING TO HELP MAINTAIN THE INTEGRITY OF OUR HISTORICAL IDENTITY THROUGH
Why do you desire to serve on this/these boards? THE PROPER APPLICATION OF ARCHITECTURAL DESIGN AND ELEMENTS USED

Name any business, professional, civic or fraternal organizations of which you are a member and the dates of membership. _____

Are you a resident of Winter Garden? YES If yes, continuous resident since? 1982

Are you a registered voter of Orange County? YES Which precinct? 134 1103 (On voter registration)

Are you currently serving on any other boards? NO If yes, please state name of board: _____

Have you ever served on a government board? NO If yes, please state name of board: _____

References: JACK QUESIN BERRY, BARBARA PENNINGTON
MIKE YOUNG BLOOD

- Which city board(s) are you interested? Code Enforcement Board Planning & Zoning Board
- Community Redevelopment Agency or Advisory Board General Employees Pension Board
- Fire/Police Pension Board DOWNTOWN ARCHITECTURAL REVIEW BOARD

Please attach any additional information.

Note: Interest forms are maintained for a period of one year. Should any information change, please notify the City Clerk's Office at (407) 656-4111 x2254. Thank you for your interest in serving your community.

**CITY OF WINTER GARDEN
BOARD APPOINTMENT INTEREST FORM**

Out to Tues.

Date: April 8, 2008 _____

Last name: Baker _____ First: Phillip _____ Middle: Craig _____

Home Address: 125 west Smith Street Winter Garden, FL 34787 _____

Office Address: Walt Disney Entertainment, PO Box 10000, Lake Buena Vista, FL 32830 _____

Home Phone: 407.877.7185 _____ Work Phone: 407.397.3757 _____ Fax: 407.397.3750 _____

Place of employment: Walt Disney World _____ Length: 32 years _____

Educational Information: School Name: Oakland University _____

Location: Rochester, MI _____ Degree Earned: None _____ Dates Attended: 1966-67 _____

Please state your experience, interests or elements of your history that you think qualify you for appointment:

Please see attachment, Item 1 _____

Community involvement: Winter Garden Heritage Foundation - Theatre Board
Member & Past-President, Central Florida Chapter, National Railway Historical Society

Interests/activities: Architecture, Railroads, History, Camping and travel _____

Why do you desire to serve on this/these boards? Please see attachment, Item 2 _____

Name any business, professional, civic or fraternal organizations of which you are a member and the dates of membership. _____

Are you a resident of Winter Garden? Yes _____ If yes, continuous resident since? 1985 _____

Are you a registered voter of Orange County? Yes _____ Which precinct? 134 _____ (On voter registration)

Are you currently serving on any other boards? Yes ___ If yes, please state name of board: WGHF Theatre Board

Have you ever served on a government board? No ___ If yes, please state name of board: _____

References: The Garden Theatre, Winter Garden _____

Which city board(s) are you interested? Code Enforcement Board Planning & Zoning Board
 Community Redevelopment Agency or Advisory Board General Employees Pension Board
 Fire/Police Pension Board Downtown Architectural Review Board

Please attach any additional information.

Note: Interest forms are maintained for a period of one year. Should any information change, please notify the City Clerk's Office at (407) 656-4111 x2254. Thank you for your interest in serving your community.

Phillip Craig Baker
125 West Smith Street
Winter Garden, Florida 34787

April 8, 2008

ITEM 1

- I have a lifelong passion and reverence for architecture.
- I have a good working knowledge of architectural styles and details.
- I am acquainted with the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation.
- I have a basic knowledge and understanding of building and safety codes and engineering in general.
- I can read and understand blueprints and construction drawings.
- I have become knowledgeable of Winter Garden's history and architectural styles through research done at the WGHF History Center archives while working on the preservation and documentation of our historic 1905 home in Downtown Winter Garden.
- Garden Theatre, Winter Garden
 - Chairman of the Design Committee.
 - I worked with the architect and contractor to assure historical accuracy of the interior and exterior of the building while incorporating current technologies and codes.
 - I designed the marquee, incorporating elements of 3 historic designs when a complete reference to any single design could not be found.
 - I worked closely with designers and vendors to select appropriate materials and finishes for the interior and exterior.
 - I generated 3D computer models of the interior and exterior of the building to help others visualize the project.
- Garden Building, Winter Garden
 - I worked with the architect to incorporate elements of the historic façade of the original Winter Garden Theatre into the west half of the Garden Building façade, recreating a bit of lost Winter Garden.
- As a Scenic Designer with Walt Disney Entertainment I have interfaced with our Architects and Imagineers on many Disney projects over the years.
- I have 25 years experience using AutoCAD for design and drafting and 3D computer modeling. I am also proficient utilizing 3DS Max software for design visualization and presentation.
- I have over 40 years experience in the Entertainment Industry.

ITEM 2

I love Winter Garden and would like to actively participate in its future by helping to preserve its architectural heritage. Growth is inevitable, but it should be responsible growth within the historic context of our charming Downtown.

THE CITY OF WINTER GARDEN
CITY COMMISSION AGENDA ITEM

From: Michael Bollhoefer, City Manager

Date: July 6, 2012

Meeting Date: July 12, 2012

Subject: Establish proposed millage rate for fiscal year 2012/2013

Issue: The Truth in Millage (TRIM) legislation timetable requires us to advise the Property Appraiser of the proposed millage rate by August 3, 2012. The following is submitted to assist you in making a decision:

1. The Gross Taxable Property Value for the coming year is projected at \$1,900,763,855. This represents a 0.1% decrease in taxable value over the final fiscal year 2011/2012 value, a decrease of \$2,389,407. Of this amount, \$45,744,645 was due to new construction, additions, rehabilitative improvements increasing assessed value by at least 100%, and annexations and tangible personal property value in excess of 115% of the previous year's value.
2. One (1) mill will generate approximately \$1,824,733 in revenue (budgeting at 96% of the estimated amount levied).
3. The 2011/2012 fiscal year's budgeted Ad Valorem Tax Revenue (AVTR) is \$7,810,811. We should achieve the budgeted amount. We budgeted \$8,355,184 in fiscal year 2010/2011 and recorded \$8,331,456.
4. If the current millage rate of 4.2500 is adopted, the projected AVTR is calculated at \$7,755,117 (budgeting at 96% of the estimated amount levied).
5. The rollback/rollup rate of 4.3585 per \$1,000 would produce \$7,953,100 or \$197,983 more revenue than the 4.2500 rate.
6. Proposing a millage rate up to 5.7761 would require a majority vote of the Commission. Proposing a rate between 5.7761 and 6.3537 would require a two-thirds vote of the Commission. Any rate proposed in excess of 6.3537 would require a unanimous vote of the Commission or referendum of the voters.
7. The TRIM Act states that the millage rate established by the commission through a vote and provided to the Property Appraiser cannot be increased after August 3, 2012, unless each property owner is notified by mail; however, it may be lowered at either the first or second public budget hearing without any required notification. The millage rate propose by the commission will be sent to all property owners within Winter Garden directly after August 3, 2012.

Recommended Action: Motion to set the proposed millage rate for fiscal year 2012/2013 at the current rate of 4.2500 mills, set the first public hearing for September 13, 2012 at 6:30 p.m., and set the second public hearing for September 27, 2012 at 6:30 p.m.