



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

AUGUST 9, 2012, 6:30 P.M.

BUDGET WORKSHOP AND REGULAR MEETING

CALL TO ORDER

Determination of a Quorum
Invocation and Pledge of Allegiance

1. **PRESENTATIONS**

- A. **Proclamation 12-15** recognizing the accomplishment of the Winter Garden Little League Association as one of the top under 10 baseball teams in the entire State of Florida
- B. St. Johns River Water Management District on dredging of Lake Apopka

2. **WORKSHOP ON PROPOSED BUDGET FOR FISCAL YEAR 2012/2013**

3. **APPROVAL OF MINUTES**

Regular Meeting of July 26, 2012

4. **FIRST READING OF PROPOSED ORDINANCES**

- A. **Ordinance 12-37:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING CHAPTER 54, PENSIONS AND RETIREMENT, ARTICLE III, PENSION PLAN FOR FIREFIGHTERS AND POLICE OFFICERS, OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN; AMENDING SECTION 54-186, DEFINITIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE **with the Second Reading and Public Hearing being scheduled for August 23, 2012** - City Manager Bollhoefer

PUBLIC HEARINGS

- B. **Ordinance 12-34:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.897 ± ACRES LOCATED AT 399 RAILROAD AVENUE AND AT 404 N. WEST CROWN POINT ROAD; AT THE SOUTHEAST CORNER OF RAILROAD AVENUE AND RAILROAD AVENUE AND AT THE SOUTHWEST CORNER OF RAILROAD AVENUE AND N. WEST CROWN POINT 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 **with the Second Reading and Public Hearing being scheduled for August 23, 2012** – Community Development Director Williams
- C. **Ordinance 12-35:** 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 0.897 ± ACRES OF LAND LOCATED AT 399 RAILROAD AVENUE AND AT 404 N. WEST CROWN POINT ROAD; AT THE SOUTHEAST CORNER OF RAILROAD AVENUE AND RAILROAD AVENUE AND AT THE SOUTHWEST CORNER OF RAILROAD AVENUE AND N. WEST CROWN POINT ROAD FROM ORANGE COUNTY LOW DENSITY RESIDENTIAL TO CITY LOW DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE **with the Second Reading and Public Hearing being scheduled for August 23, 2012** – Community Development Director Williams
- D. **Ordinance 12-36:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.897 ± ACRES OF REAL PROPERTY GENERALLY LOCATED AT 399 RAILROAD AVENUE AND AT 404 N. WEST CROWN POINT ROAD; AT THE SOUTHEAST CORNER OF RAILROAD AVENUE AND RAILROAD AVENUE AND AT THE SOUTHWEST CORNER OF RAILROAD AVENUE AND N. WEST CROWN

POINT ROAD FROM ORANGE COUNTY R-2 RESIDENTIAL DISTRICT TO CITY R-1B SINGLE FAMILY RESIDENTIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE **with the Second Reading and Public Hearing being scheduled for August 23, 2012** – Community Development Director Williams

- E. **Ordinance 12-40:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.405 ± ACRES LOCATED AT 12750 WEST COLONIAL DRIVE; ON THE SOUTH SIDE OF WEST COLONIAL DRIVE EAST OF GILLARD AVENUE AND WEST OF PARTLOW DRIVE INTO THE CITY OF WINTER GARDEN FLORIDA; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE **with the Second Reading and Public Hearing being scheduled for August 23, 2012** – Community Development Director Williams
- F. **Ordinance 12-41:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING THE FUTURE LAND USE MAP OF THE WINTER GARDEN COMPREHENSIVE PLAN BY CHANGING THE LAND USE DESIGNATION OF REAL PROPERTY GENERALLY DESCRIBED AS 0.405 ± ACRES OF LAND LOCATED AT 12750 WEST COLONIAL DRIVE; ON THE SOUTH SIDE OF WEST COLONIAL DRIVE EAST OF GILLARD AVENUE AND WEST OF PARTLOW DRIVE FROM ORANGE COUNTY COMMERCIAL TO CITY COMMERCIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE **with the Second Reading and Public Hearing being scheduled for August 23, 2012** – Community Development Director Williams
- G. **Ordinance 12-42:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.405 ± ACRES OF REAL PROPERTY GENERALLY LOCATED AT 12750 WEST COLONIAL DRIVE; ON THE SOUTH SIDE OF WEST COLONIAL DRIVE EAST OF GILLARD AVENUE AND WEST OF PARTLOW DRIVE FROM ORANGE COUNTY C-3 COMMERCIAL DISTRICT TO CITY C-2 ARTERIAL COMMERCIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE **with the Second Reading and Public Hearing being scheduled for August 23, 2012** – Community Development Director Williams

5. **REGULAR BUSINESS**

- A. Appointment of between five and seven members to the Citizen Advisory Task Force to support the City’s Community Development Block Grant Program – Economic Development Director Gerhartz

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

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

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

9. **MATTERS FROM MAYOR AND COMMISSIONERS**

ADJOURN to a Regular Meeting on August 23, 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.

	<p>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.</p>		<p>Help for the hearing impaired is available through the Assistive Listening System. Receivers can be obtained at the meeting from the Information Technology Director.</p>
---	---	---	--



CITY OF WINTER GARDEN

CITY COMMISSION REGULAR MEETING MINUTES

July 26, 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

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, Economic Development Director Tanja Gerhartz, Recreation Director Jay Conn, Police Chief George Brennan, Fire Chief John Williamson, Building Official Skip Lukert and West Orange Times Reporter Michael Laval, and Orlando Sentinel Reporter Stephen Hudak

1. **APPROVAL OF MINUTES**

Motion by Commissioner Buchanan to approve regular meeting minutes of July 12, 2012. Seconded by Commissioner Sharman and carried unanimously 5-0.

2. **PRESENTATION**

A. Mayor Rees and the City Commission presented a Certificate of Completion to Commissioner Olszewski for his completing the 2012 Institute for Elected Municipal Officials.

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

A. **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

City Attorney Ardaman read Ordinance 12-30 by title only. Community Development Director Williams stated that this planned development is on two parcels totaling 63 acres. The PUD will have lots from 60 to 70 feet wide, with additional lots on the west

side above 70 feet wide and a total of 118 units. The property is participating in a portion of the signalization at Roper and Daniels Road. He noted that community meetings were held and that the Planning and Zoning Board and staff are recommending approval subject to conditions.

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

Motion by Commissioner Buchanan to approve Ordinance 12-30 with the second reading and public hearing being scheduled upon receipt of school concurrency and capacity enhancement determination by Orange County Public Schools. Seconded by Commissioner Olszewski and carried unanimously 5-0.

4. **SECOND READING AND PUBLIC HEARING 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**

City Attorney Ardaman read Ordinance 12-43 by title and the following excerpt from Section 1 that the sum of \$27,300 is to be appropriated as follows:

REVENUES	General Impact Fee Fund	\$27,300
EXPENDITURES	General Impact Fee Fund	\$27,300

Police Chief Brennan stated that these funds are to be used for upgrading the City's dispatch center back-up system, which reached its electrical capacity. During the generator testing, the back-up functions did not work so this expense will get the system upgraded and working properly.

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

Motion by Commissioner Buchanan to adopt Ordinance 12-43. Seconded by Commissioner Sharman and carried unanimously 5-0.

5. **REGULAR BUSINESS**

A. **Request by Anthony Peterson to waive special event and staff fees to hold their annual Unity in the Community event at Zanders Park on Saturday, August 18, 2012**

Recreation Director Conn stated that a request has been received from Anthony Peterson to hold their fifth annual Unity in the Community Festival at Zanders Park. Mr. Conn stated that Mr. Peterson has complied with the City's request to identify parking areas that will be used for this festival. Mr. Conn recognized Mr. Peterson to address the City Commission regarding the event and the fee waiver request.

Mr. Anthony Peterson stated that he started this event in 2000 and shared his story of coming out of the Federal prison with a different mindset to hopefully change the youth in the community. Once he saw the kids on the streets with nothing to do, he felt that they were in need of role models. He shared that event includes basketball, car show, and entertainment that are used to grab their attention. People from all walks of life are brought in to share their stories and encourage the youth. He asked for permission to continue the event this year.

Motion by Commissioner Olszewski to approve waiving the special event and staff fees to hold their Unity in the Community event at Zanders Park on Saturday, August 11, 2012. Seconded by Commissioner Makin and carried unanimously 5-0.

6. **MATTERS FROM CITIZENS**

Mattie Wilson, 1015 Lincoln Terrace, Winter Garden, Florida, stated that the Bay Street Church of God In Christ is giving away school supplies at an event on July 28, 2012 on the church campus. She asked the City Commission for their support by providing funds for the school supplies.

Commissioner Olszewski acknowledged the upcoming event and encouraged everyone to participate and that he will personally be by with a donation and supplies.

City Manager Bollhoefer asked if the supplies are for the Bay Street School or the public school. **Ms. Wilson** responded for the community. **Mr. Bollhoefer** shared that the Community Relations Manager, Andrea Vaughn works on raising funds for the backpacks and supplies. He advised that Ms. Vaughn will get with Ms. Wilson on how the funds get distributed.

Kenneth Wood, resident of Crown Point Springs subdivision, stated that he has saw a fire truck from Winter Park being used in Winter Garden and is concerned about the safety issue of our staff utilizing equipment they are unfamiliar with and are not trained on. We should have our own trucks and our fleet is quite old. **City Manager Bollhoefer** stated there is a fire truck in next year's budget. It is standard business practice in fire departments in Florida to share fire engines. He will be bringing back this budget item to the City Commission for their review.

Commissioner Makin stated that he understands we borrowed a fire truck from the City of Ocoee. **Mr. Bollhoefer** replied yes. **Commissioner Makin** asked if it was because a unit was down and we needed a back-up. **Mr. Bollhoefer** replied that a few units are down. He noted that we have frequently utilized other city fire trucks and loaned fire trucks. Sharing makes it so we can keep our costs down. Smaller fire departments have consolidated to cut the cost of the assets. A new fire engine can cost from \$600,000 to \$800,000, which will be included in the upcoming proposed budget. He shared that three years ago the Commission considered a fire fee to residents to upgrading our assets and it was decided not to. Staff has

looked at barely used fire trucks that are significantly less. He shared that there have not been any incidents to date with this practice.

7. **MATTERS FROM CITY ATTORNEY**

Mr. Ardaman advised that the City Commission passed a resolution to take a parcel on Plant Street and that negotiations failed prior to the taking, so the condemnation case was filed. There is a hearing scheduled for August 9th. After extensive negotiations, there was an agreement arrived at just yesterday.

Community Development Director Williams came forward and shared that the agreement deals with two buildings on the property, with four businesses that have been in the buildings during the course of the negotiations. On the property there is a billboard and parking. The parking needs to be removed from the front of the building and that would cause a parking lot to be built in the rear; Mr. Williams indicated that the issues go on and on. The approach by staff has been a partial taking for the road right-of-way and the owner wants the City to consider buying the entire property. After doing the business damage analysis and receiving the final appraisal, we are down to \$750,000 to purchase the entire property. Staff recommends that this amount is fair and equitable for the property owner and the City. The City will be able to sell the excess land, after the road is widened, and recoup a lot of the funds invested. He noted that this purchase is from impact fee funding and not tax funds.

Mayor Rees asked Mr. Williams what he thought the figure would be if we went to the hearing to condemn the property. **Mr. Williams** gave a range of \$600,000 to \$700,000. **Mr. Bollhoefer** clarified that the figures Mr. Williams is giving is for the 15 foot strip and not the entire property.

Mr. Ardaman stated that when government, in Florida, takes a portion of a piece of property, it creates two separate claims for a property owner and a business owner. Taking the whole property limits them to one claim. **Mr. Bollhoefer** stated he believes Mr. Williams has saved the City millions of dollars by negotiating for right-of-way on Plant Street.

Mayor Rees asked Mr. Williams what he believes the remaining piece would sell for. **Mr. Williams** believes the present market would be in the \$300,000 to \$400,000 range. **Mayor Rees** stated his opinion is to purchase the entire property.

Commissioner Makin stated he would like to go through the proposed agreement before making a decision. He asked if there was a timeframe that the impact fees collected would have to be spent. **Mr. Bollhoefer** responded that it is generally six to seven years.

Commissioner Olszewski asked about the billboard on the property. **Mr. Williams** responded that if the City purchases the property, the City would become the owner of the lease, and not the structure, at \$200 a month for the next 18 years.

Motion by Commissioner Sharman to approve of the City Manager signing the settlement agreement, as presented, on Monday, July 30, 2012, by 5:00 p.m. pending the review by the City Commission and if any one Commissioner objects to the settlement agreement, then a special meeting will be scheduled. Seconded by Commissioner Buchanan and carried unanimously 5-0.

8. **MATTERS FROM CITY MANAGER**

A. Discussion on public use of City owned property. *This item was not discussed.*

B. **Discussion on ambulance service**

City Manager Bollhoefer stated that Rural Metro has been providing Winter Garden with ambulance services and the contract is scheduled to expire. He shared that we have almost a year's worth of data and he would like to exercise the renewal option in the contract for one year and to hire an outside consultant to help us analyze the data to see whether or not it is financially feasible to bring the service in-house. If the City Commission would like a consultant do the analysis, he would bring the contract back to the next City Commission meeting.

Mayor Rees asked how much the City Manager thought the contract would be. Mr. Bollhoefer responded that his guess would be \$15,000, but he doesn't know exactly. It was the **consensus** of the City Commission for the City Manager to proceed as he has presented the matter.

C. Discussion on tent sales. *This item was not discussed.*

• **Alcohol Sales Downtown**

Mr. Bollhoefer stated that when alcohol sales was approved for downtown outside the businesses a few years back, there was concern expressed at that time that we would start to see open bars. Residents have been sharing that there are some that are trying to open outside bars without a meal. He would like the City Attorney to review the existing ordinance to see if any changes could be made to ensure alcohol will only be served in restaurant type settings. He asked the City Commission if they would like to move forward with the attorney making his review and submitting an ordinance that addresses this issue. It was the **consensus** of the City Commission to have the City Attorney review the existing ordinance and bringing back to them any proposed changes.

9. **MATTERS FROM MAYOR AND COMMISSIONERS**

Commissioner Olszewski shared the following items:

- Congratulated all the Winter Garden Elementary and Middle Schools receiving an A or B State grade.
- On July 27 to 28, the St. Paul AME Church on Center Street will conduct a Winter Garden Community Health weekend event.
- On July 28, the Bay Street Church of God in Christ will be collecting school supplies.

- The 10 and under Winter Garden All Star Little League team lost in the State Championship in Fort Lauderdale. This team has had the most All Star wins of any little league team in Winter Garden history.
- Congratulated Jeff Demps on being named to the U.S. Olympic Team for the 4x100 relay team.

Mayor Rees also congratulated the Winter Garden Little League for doing so well.

Commissioner Sharman announced that residents will be seeing a hot air balloon on the Fowler property Sunday morning 7:30 to 9:30. **Mr. Bollhoefer** shared that there will be a reverse 911 call going out to residents to let them know. **Commissioner Sharman** stated that at the community meeting the issues of traffic and the helicopter came up. **Mr. Bollhoefer** stated that there was an economic analysis done which shows that the impact to Winter Garden over a five to eight year period will generate \$3.5 billion into Winter Garden.

The meeting adjourned at 7:24 p.m.

APPROVED:

Mayor John Rees

ATTEST:

City Clerk Kathy Golden, CMC

THE CITY OF WINTER GARDEN
CITY COMMISSION AGENDA ITEM

From: City Manager, Mike Bollhoefer

Date: 08/02/12

Meeting Date: 08/09/12

Subject: Amending Definition of Salary in Chapter 54, Article III, Pension Plan for Firefighters and Police Officers

Issue: The current definition of salary is not in compliance with state law. This ordinance will bring the pension plan into compliance with state law.

Recommended action: Approve Ordinance 12-37, amending the definition of salary in Chapter 54, Article III, Pension Plan for Firefighters and Police Officers, with the second reading at the public hearing scheduled for August 23, 2012.

ORDINANCE NO. 12-37

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING CHAPTER 54, PENSIONS AND RETIREMENT, ARTICLE III, PENSION PLAN FOR FIREFIGHTERS AND POLICE OFFICERS, OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN; AMENDING SECTION 54-186, DEFINITIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1: That Chapter 54, Pensions and Retirement, Article III, Pension Plan for Firefighters and Police Officers, of the Code of Ordinances of the City of Winter Garden, Section 54-186, Definitions, to amend the definition of *Salary*, to read as follows:

* * * * *

Salary means the total cash remuneration including “overtime” paid by the ~~primary~~ employer City to a firefighter or police officer for services rendered, but not including any payments for extra duty or a special detail work performed on behalf of a second party employer. For service earned after July 1, 2011, Salary shall not include more than three hundred (300) hours of overtime per calendar year and shall also not include payments for accrued unused sick or annual leave. Provided however, in any event, payments for overtime in excess of three hundred (300) hours per year or accrued unused sick or annual leave accrued as of July 1, 2011 and attributable to service earned prior to July 1, 2011, may still be included in Salary for pension purposes even if the payment is not actually made until on or after July 1, 2011. Additional hours worked pursuant to the Fair Labor Standards Act (FLSA) shall not be deemed to be overtime. In any event, with respect to unused sick leave and unused annual leave accrued prior to July 1, 2011, Salary will include the lesser of the amount of sick or annual leave time accrued on July 1, 2011 or the actual amount of sick or annual leave time for which the retiree receives payment at the time of

retirement, regardless of whether the amount of sick or annual leave was, at some time prior to retirement, reduced below the amount on July 1, 2011.

Compensation in excess of the limitations set forth in section 401(a)(17) of the Code as of the first day of the plan year shall be disregarded for any purpose, including employee contributions or any benefit calculations. The annual compensation of each member taken into account in determining benefits or employee contributions for any plan year beginning on or after January 1, 2002, may not exceed \$200,000, as adjusted for cost-of-living increases in accordance with Internal Revenue Code Section 401(a)(17)(B). Compensation means compensation during the fiscal year. The cost-of-living adjustment in effect for a calendar year applies to annual compensation for the determination period that begins with or within such calendar year. If the determination period consists of fewer than 12 months, the annual compensation limit is an amount equal to the otherwise applicable annual compensation limit multiplied by a fraction, the numerator of which is the number of months in the short determination period, and the denominator of which is 12. If the compensation for any prior determination period is taken into account in determining a member's contributions or benefits for the current plan year, the compensation for such prior determination period is subject to the applicable annual compensation limit in effect for that prior period. The limitation on compensation for an "eligible employee" shall not be less than the amount which was allowed to be taken into account hereunder as in effect on July 1, 1993. "Eligible employee" is an individual who was a member before the first plan year beginning after December 31, 1995.

* * * * *

SECTION 2: Specific authority is hereby granted to codify and incorporate this Ordinance in the existing Code of Ordinances of the City of Winter Garden, Florida.

SECTION 3: All Ordinances or parts of Ordinances in conflict herewith be and the same are hereby repealed.

SECTION 4: If any section, subsection, sentence, clause, phrase of this ordinance, or the particular application thereof shall be held invalid by any court, administrative agency, or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses, or phrases under application shall not be affected thereby.

SECTION 5: That this Ordinance shall become effective upon adoption.

PASSED ON FIRST READING, this _____ day of _____, 2012.

PASSED AND ADOPTED ON SECOND READING, this _____ day of _____, 2012.

APPROVED:

JOHN REES, MAYOR/COMMISSIONER

ATTEST:

KATHY GOLDEN, CITY CLERK

THE CITY OF WINTER GARDEN
CITY COMMISSION AGENDA ITEM

From: Ed Williams, Community Development Director

Via: City Manager Mike Bollhoefer

Date: August 2, 2012

Meeting Date: August 9, 2012

Subject: **399 Railroad Avenue & 404 N. West Crown Point Road**
(Lyles & Rodgers - Annexation-Zoning-FLU Amendment)
Ordinance 12-34
Ordinance 12-35
Ordinance 12-36
PARCEL ID # 13-22-27-5624-00-010
PARCEL ID # 13-22-27-5624-00-290

Issue: The applicant is requesting voluntary Annexation into the City of Winter Garden, Zoning, and a Future Land Use Amendment.

Discussion: The City encourages infill of its jurisdictional limits through voluntary annexation of enclaves. The subject property makes up a 0.897 ± acre enclave located at the northwest corner of Railroad Avenue and N West Crown Point Road. 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 Low Density Residential, and Rezoning of the property to City R-1B Residential District. (See attached Staff Report)

Recommended Action:

Staff recommends approval of Ordinance 12-34, Ordinance 12-35 and Ordinance 12-36 with the second reading and public hearing being scheduled for August 23, 2012.

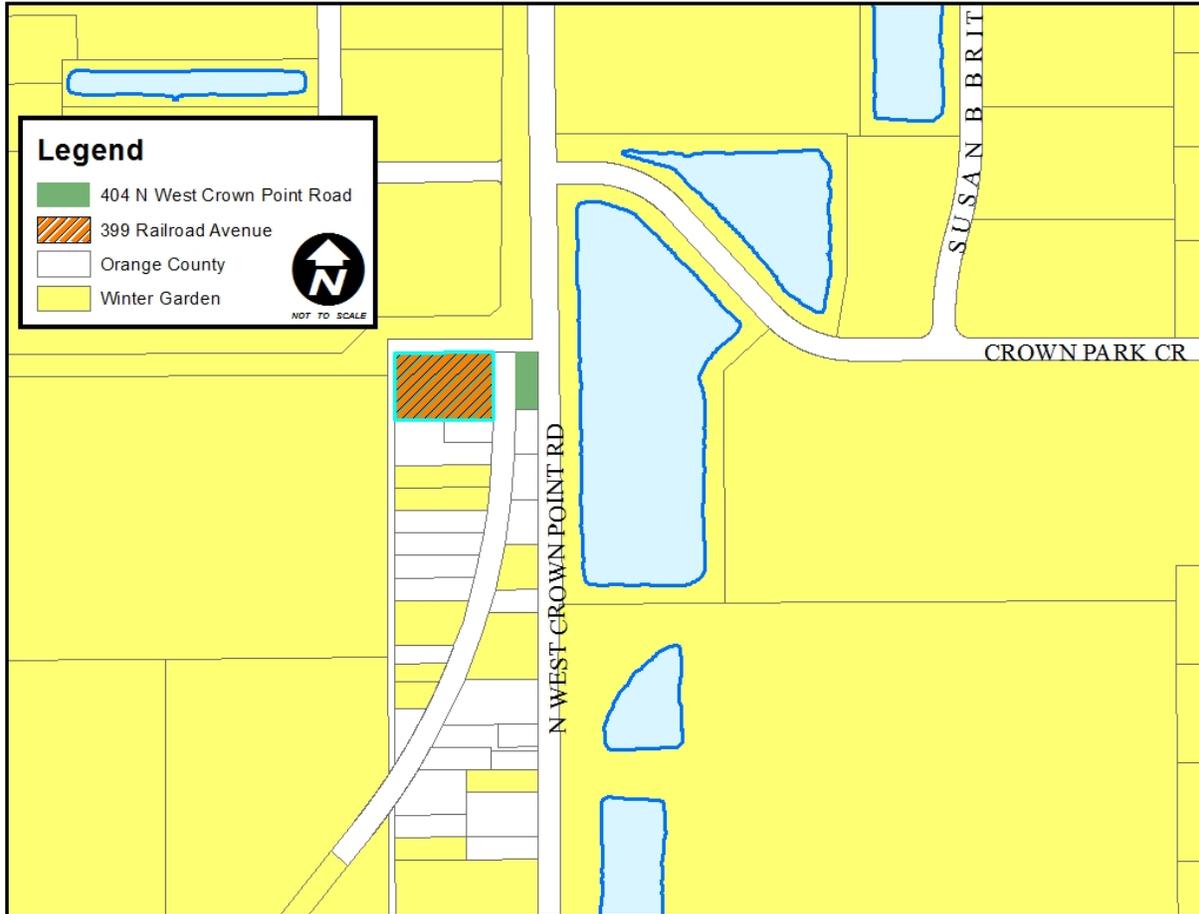
Attachments/References:

Location Map
Ordinance 12-34
Ordinance 12-35
Ordinance 12-36
Staff Report

LOCATION MAP

Ordinance #12-34; 12-35; and 12-36

399 Railroad Avenue & 404 N West Crown Point Road



ORDINANCE 12-34

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.897 ± ACRES LOCATED AT 399 RAILROAD AVENUE AND AT 404 N. WEST CROWN POINT ROAD; AT THE SOUTHEAST CORNER OF RAILROAD AVENUE AND RAILROAD AVENUE AND AT THE SOUTHWEST CORNER OF RAILROAD AVENUE AND N. WEST CROWN POINT 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.

WHEREAS, the owner of the land, generally described as approximately 0.897 ± acres located at 399 Railroad Avenue and at 404 N. West Crown Point Road; at the southeast corner of Railroad Avenue and Railroad Avenue and at the southwest corner of Railroad Avenue and N. West Crown Point Road 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#: 13-22-27-5264-00-010 & 13-22-27-5264-00-290

DESCRIPTION:

LOTS 1, 2, 3 AND 29, J.S. LOVELESS AND J.R. SEWELL SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK F, PAGE 8, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

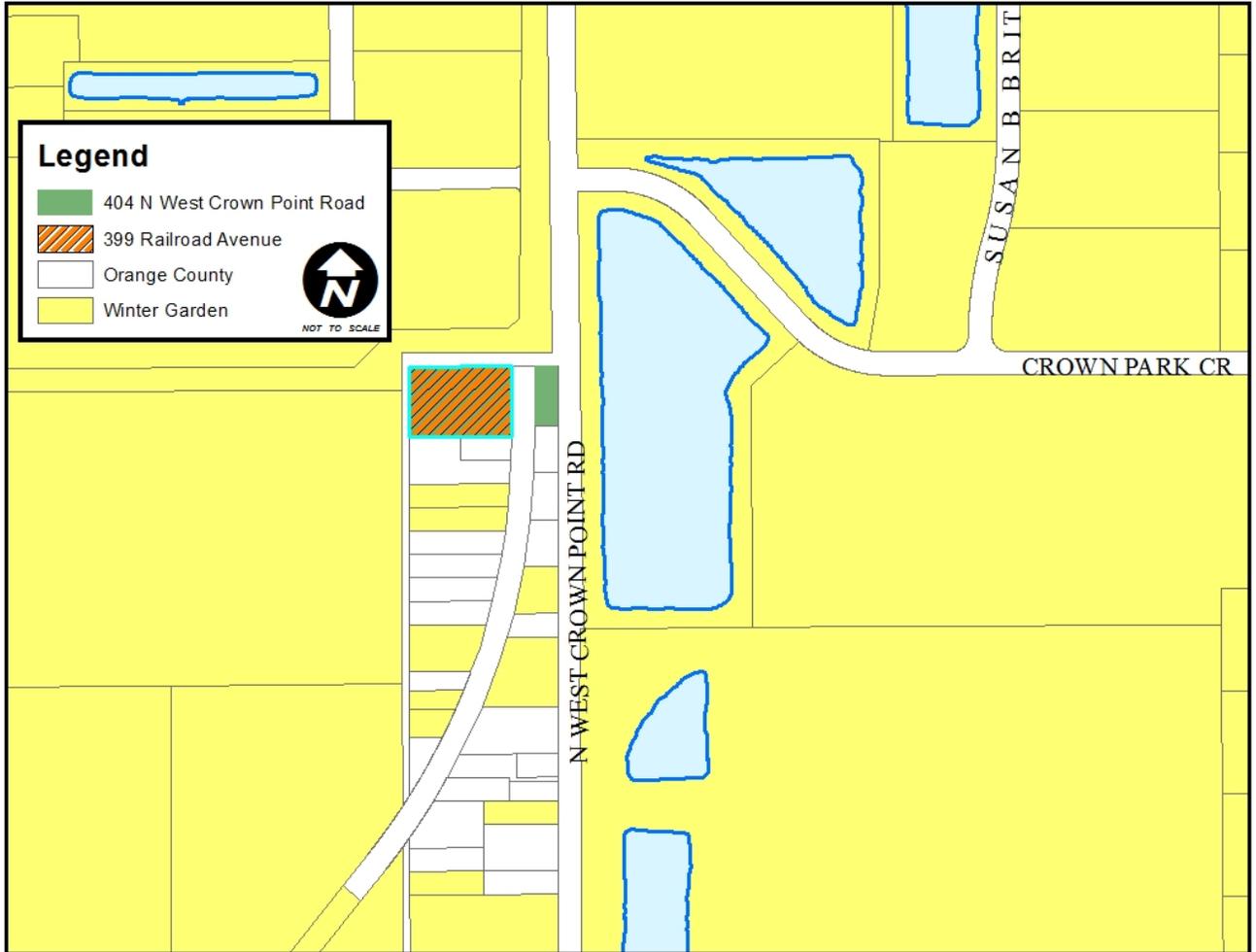
BEGIN AT THE NORTHEAST CORNER OF LOT 29, J.S. LOVELESS AND J.R. SEWELL SUBDIVISION, SAID POINT ALSO BEING THE NORTHEAST CORNER OF SAID SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK F, PAGE 8, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE RUN S00°10'33"E ALONG THE EAST LINE OF SAID J.S. LOVELESS AND J.R. SEWELL SUBDIVISION, A DISTANCE OF 128.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 29; THENCE RUN S89°47'53"W, A DISTANCE OF 50.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 29; THENCE RUN N00°43'12"E A DISTANCE OF 128.02 FEET TO THE NORTHWEST CORNER OF SAID LOT 29; THENCE RUN N89°47'53"E A DISTANCE OF 48.00 FEET TO THE POINT OF BEGINNING.

AND

COMMENCE AT THE NORTHEAST CORNER OF LOT 29, J.S. LOVELESS AND J.R. SEWELL SUBDIVISION, SAID POINT ALSO BEING THE NORTHEAST CORNER OF SAID SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK F, PAGE 8, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE RUN S89°47'53"W ALONG THE NORTH LINE OF SAID J.S. LOVELESS AND J.R. SEWELL SUBDIVISION, A DISTANCE OF 98.00 FEET TO THE NORTHEAST CORNER OF LOT 1 OF SAID J.S. LOVELESS AND J.R. SEWELL SUBDIVISION, THENCE RUN S00°43'14"W A DISTANCE OF 150.02 FEET TO THE SOUTHEAST CORNER OF LOT 3 OF SAID J.S. LOVELESS AND J.R. SEWELL SUBDIVISION, THENCE RUN S89°47'53"W A DISTANCE OF 218.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 3; THENCE RUN N00°08'51"E A DISTANCE OF 150.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 1; THENCE RUN N89°47'53"E A DISTANCE OF 219.50 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.897 ACRES, MORE OR LESS.

POINT OF COMMENCEMENT
POINT OF BEGINNING



ORDINANCE 12-35

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 0.897 ± ACRES OF LAND LOCATED AT 399 RAILROAD AVENUE AND AT 404 N. WEST CROWN POINT ROAD; AT THE SOUTHEAST CORNER OF RAILROAD AVENUE AND RAILROAD AVENUE AND AT THE SOUTHWEST CORNER OF RAILROAD AVENUE AND N. WEST CROWN POINT ROAD FROM ORANGE COUNTY LOW DENSITY RESIDENTIAL TO CITY LOW DENSITY RESIDENTIAL; 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 0.897 ± acres of land located at 399 Railroad Avenue and at 404 N. West Crown Point Road; at the southeast corner of Railroad Avenue and Railroad Avenue and at the southwest corner of Railroad Avenue and N. West Crown Point Road, 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 Density Residential to City Low Density Residential; 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 Low Density Residential 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 12-34, 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#: 13-22-27-5264-00-010 & 13-22-27-5264-00-290

DESCRIPTION:

LOTS 1, 2, 3 AND 29, J.S. LOVELESS AND J.R. SEWELL SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK F, PAGE 8, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF LOT 29, J.S. LOVELESS AND J.R. SEWELL SUBDIVISION, SAID POINT ALSO BEING THE NORTHEAST CORNER OF SAID SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK F, PAGE 8, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE RUN S00°10'33"E ALONG THE EAST LINE OF SAID J.S. LOVELESS AND J.R. SEWELL SUBDIVISION, A DISTANCE OF 128.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 29; THENCE RUN S89°47'53"W, A DISTANCE OF 50.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 29; THENCE RUN N00°43'12"E A DISTANCE OF 128.02 FEET TO THE NORTHWEST CORNER OF SAID LOT 29; THENCE RUN N89°47'53"E A DISTANCE OF 48.00 FEET TO THE POINT OF BEGINNING.

AND

COMMENCE AT THE NORTHEAST CORNER OF LOT 29, J.S. LOVELESS AND J.R. SEWELL SUBDIVISION, SAID POINT ALSO BEING THE NORTHEAST CORNER OF SAID SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK F, PAGE 8, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE RUN S89°47'53"W ALONG THE NORTH LINE OF SAID J.S. LOVELESS AND J.R. SEWELL SUBDIVISION, A DISTANCE OF 98.00 FEET TO THE NORTHEAST CORNER OF LOT 1 OF SAID J.S. LOVELESS AND J.R. SEWELL SUBDIVISION, THENCE RUN S00°43'14"W A DISTANCE OF 150.02 FEET TO THE SOUTHEAST CORNER OF LOT 3 OF SAID J.S. LOVELESS AND J.R. SEWELL SUBDIVISION, THENCE RUN S89°47'53"W A DISTANCE OF 218.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 3; THENCE RUN N00°08'51"E A DISTANCE OF 150.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 1; THENCE RUN N89°47'53"E A DISTANCE OF 219.50 FEET TO THE POINT OF BEGINNING.

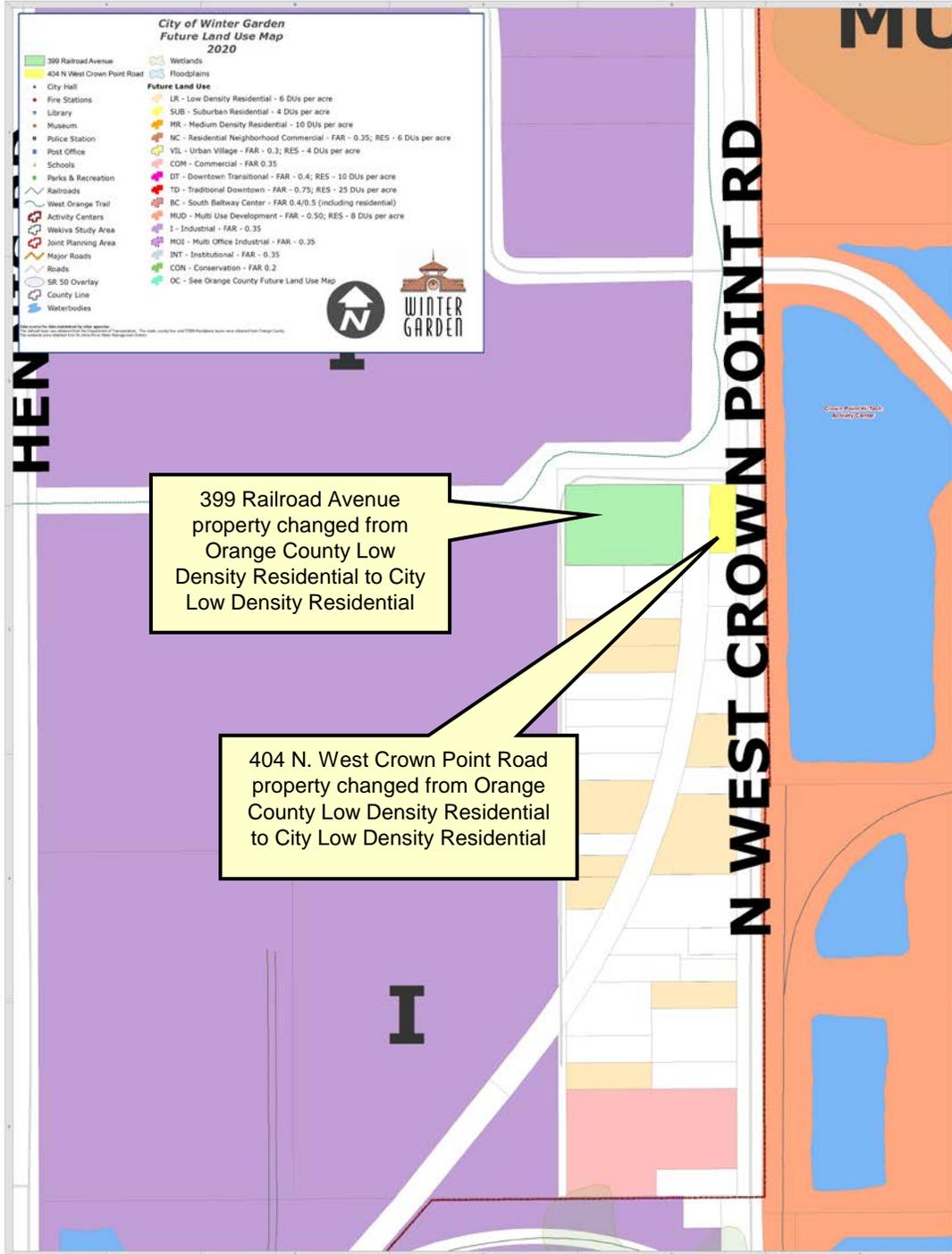
CONTAINING 0.897 ACRES, MORE OR LESS.

POINT OF COMMENCEMENT
POINT OF BEGINNING

ATTACHMENT "B"

FUTURE LAND USE MAP

399 Railroad Avenue & 404 N. West Crown Point Road



ORDINANCE 12-36

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.897 ± ACRES OF REAL PROPERTY GENERALLY LOCATED AT 399 RAILROAD AVENUE AND AT 404 N. WEST CROWN POINT ROAD; AT THE SOUTHEAST CORNER OF RAILROAD AVENUE AND RAILROAD AVENUE AND AT THE SOUTHWEST CORNER OF RAILROAD AVENUE AND N. WEST CROWN POINT ROAD FROM ORANGE COUNTY R-2 RESIDENTIAL DISTRICT TO CITY R-1B SINGLE FAMILY RESIDENTIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner of that certain real property generally described as 0.897 ± acres of land located at 399 Railroad Avenue and at 404 N. West Crown Point Road; at the southeast corner of Railroad Avenue and Railroad Avenue and at the southwest corner of Railroad Avenue and N. West Crown Point Road, and legally described in Section 1 of this ordinance has petitioned the City to rezone said property from Orange County R-2 Residential District to the City’s R-1B Single Family Residential District zoning classification, 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 R-2 Residential District to City R-1B Single Family Residential 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 12-35 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#: 13-22-27-5264-00-010 & 13-22-27-5264-00-290

DESCRIPTION:

LOTS 1, 2, 3 AND 29, J.S. LOVELESS AND J.R. SEWELL SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK F, PAGE 8, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF LOT 29, J.S. LOVELESS AND J.R. SEWELL SUBDIVISION, SAID POINT ALSO BEING THE NORTHEAST CORNER OF SAID SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK F, PAGE 8, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE RUN S00°10'33"E ALONG THE EAST LINE OF SAID J.S. LOVELESS AND J.R. SEWELL SUBDIVISION, A DISTANCE OF 128.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 29; THENCE RUN S89°47'53"W, A DISTANCE OF 50.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 29; THENCE RUN N00°43'12"E A DISTANCE OF 128.02 FEET TO THE NORTHWEST CORNER OF SAID LOT 29; THENCE RUN N89°47'53"E A DISTANCE OF 48.00 FEET TO THE POINT OF BEGINNING.

AND

COMMENCE AT THE NORTHEAST CORNER OF LOT 29, J.S. LOVELESS AND J.R. SEWELL SUBDIVISION, SAID POINT ALSO BEING THE NORTHEAST CORNER OF SAID SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK F, PAGE 8, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE RUN S89°47'53"W ALONG THE NORTH LINE OF SAID J.S. LOVELESS AND J.R. SEWELL SUBDIVISION, A DISTANCE OF 98.00 FEET TO THE NORTHEAST CORNER OF LOT 1 OF SAID J.S. LOVELESS AND J.R. SEWELL SUBDIVISION, THENCE RUN S00°43'14"W A DISTANCE OF 150.02 FEET TO THE SOUTHEAST CORNER OF LOT 3 OF SAID J.S. LOVELESS AND J.R. SEWELL SUBDIVISION, THENCE RUN S89°47'53"W A DISTANCE OF 218.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 3; THENCE RUN N00°08'51"E A DISTANCE OF 150.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 1; THENCE RUN N89°47'53"E A DISTANCE OF 219.50 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.897 ACRES, MORE OR LESS.

POINT OF COMMENCEMENT
POINT OF BEGINNING

CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

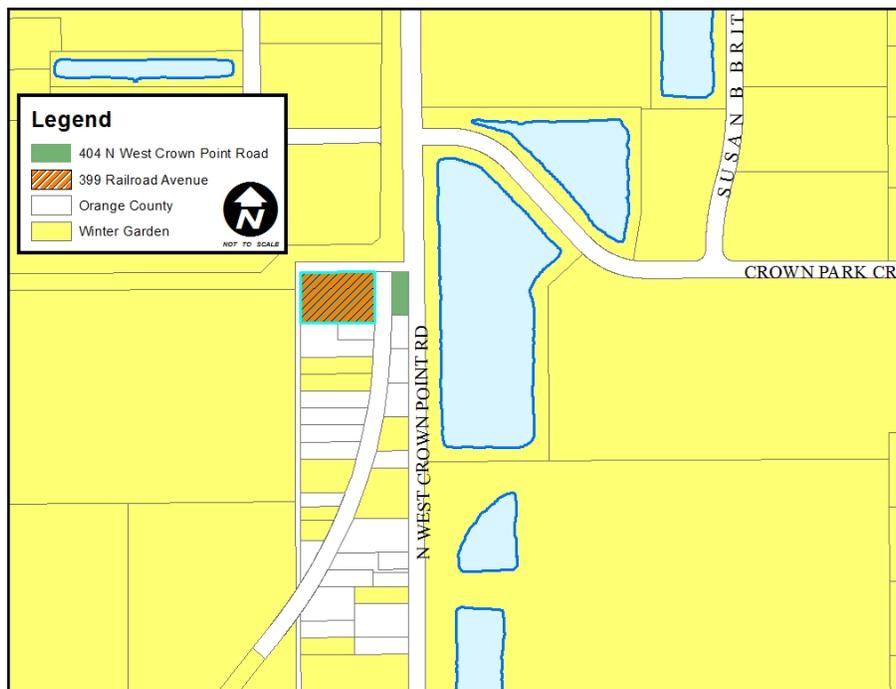
STAFF REPORT

TO: PLANNING AND ZONING BOARD
PREPARED BY: STEVE PASH, SENIOR PLANNER
DATE: JULY 1, 2012
SUBJECT: ANNEXATION - REZONING - FLU AMENDMENT
**399 RAILROAD AVENUE & 404 N. WEST CROWN POINT ROAD
(0.897 +/- ACRES)**
PARCEL ID #: 13-22-27-5264-00-010 & 13-22-27-5264-00-290
APPLICANT: SHARON LYLES, & DIANA RODGERS

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 399 Railroad Avenue and 404 West Crown Point Road and is approximately 0.897 ± 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-1B 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 schools. 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 located at 399 Railroad Avenue is currently developed with a 1,438 square foot single family house. The subject property located at 404 North West Crown Point Road is vacant. The properties are owned by the same owner and split by the CSX railroad.

ADJACENT LAND USE AND ZONING

The property located to the north is a trucking company, zoned I-2 and located in the City. The property located to the east is a pond, zoned I-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 property to the west is undeveloped industrial land, zoned I-2, located in the City.

PROPOSED USE

The owner is proposing to annex the property and leave the existing house.

PUBLIC FACILITY ANALYSIS

The City will provide water, sewer, 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.

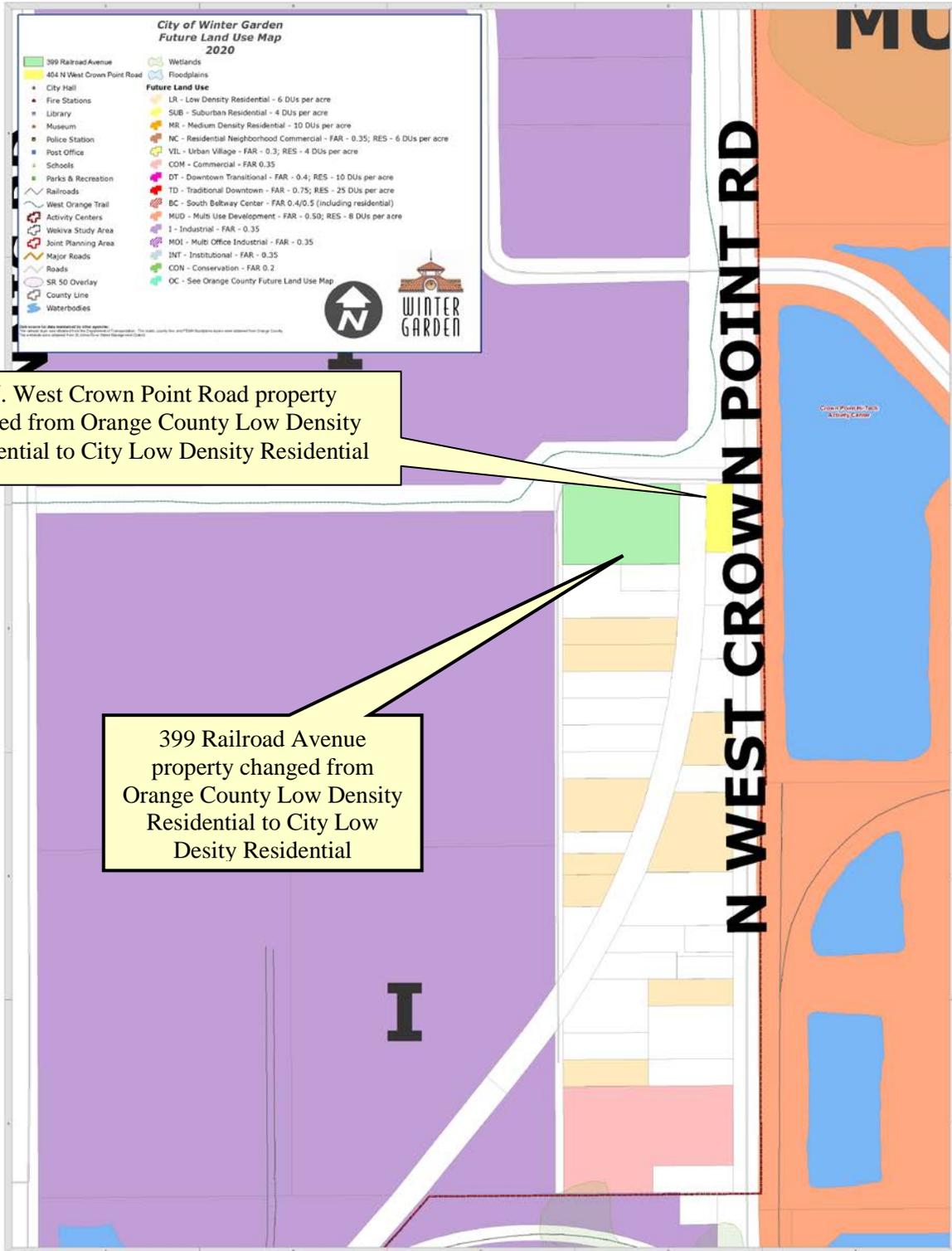
MAPS

AERIAL PHOTO

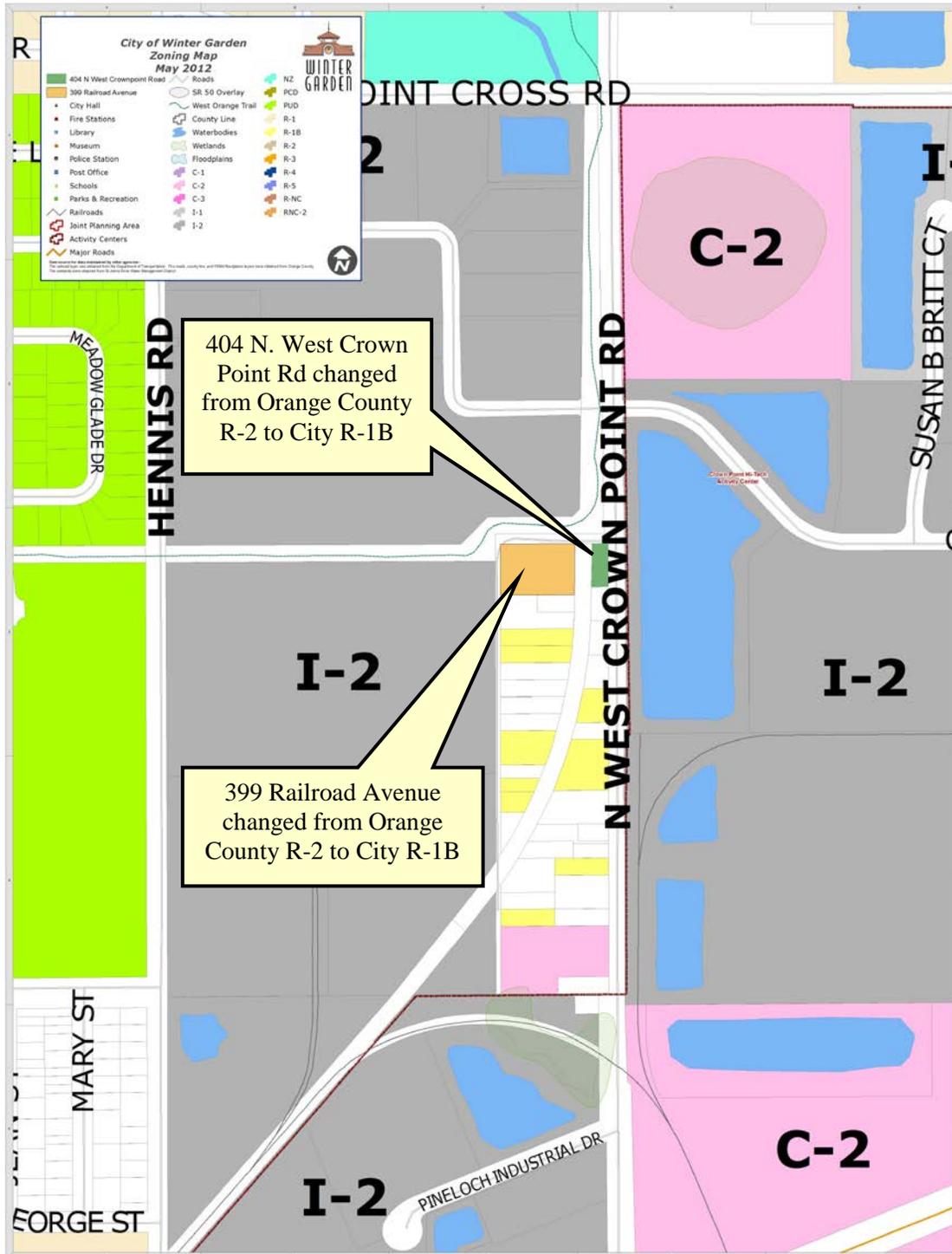
399 Railroad Ave & 404 N. West Crown Point Rd



FUTURE LAND USE MAP
399 Railroad Ave & 404 N. West Crown Point Rd



ZONING MAP
399 Railroad Avenue & 404 N. West Crown point Road



THE CITY OF WINTER GARDEN
CITY COMMISSION AGENDA ITEM

From: Ed Williams, Community Development Director

Via: City Manager Mike Bollhoefer

Date: August 2, 2012

Meeting Date: August 9, 2012

Subject: **12750 West Colonial Drive**
(Lyles & Rodgers - Annexation-Zoning-FLU Amendment)
Ordinance 12-40
Ordinance 12-41
Ordinance 12-42
PARCEL ID # 12-22-27-6496-23-004

Issue: The applicant is requesting voluntary Annexation into the City of Winter Garden, Zoning, and a Future Land Use Amendment.

Discussion: The City encourages infill of its jurisdictional limits through voluntary annexation of enclaves. The subject property makes up a 0.405 ± acre enclave located on the south side of West State Road 50 east of Gillard Avenue and west of Partlow 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 approval of Ordinance 12-40, Ordinance 12-41 and Ordinance 12-42 with the second reading and public hearing being scheduled for August 23, 2012.

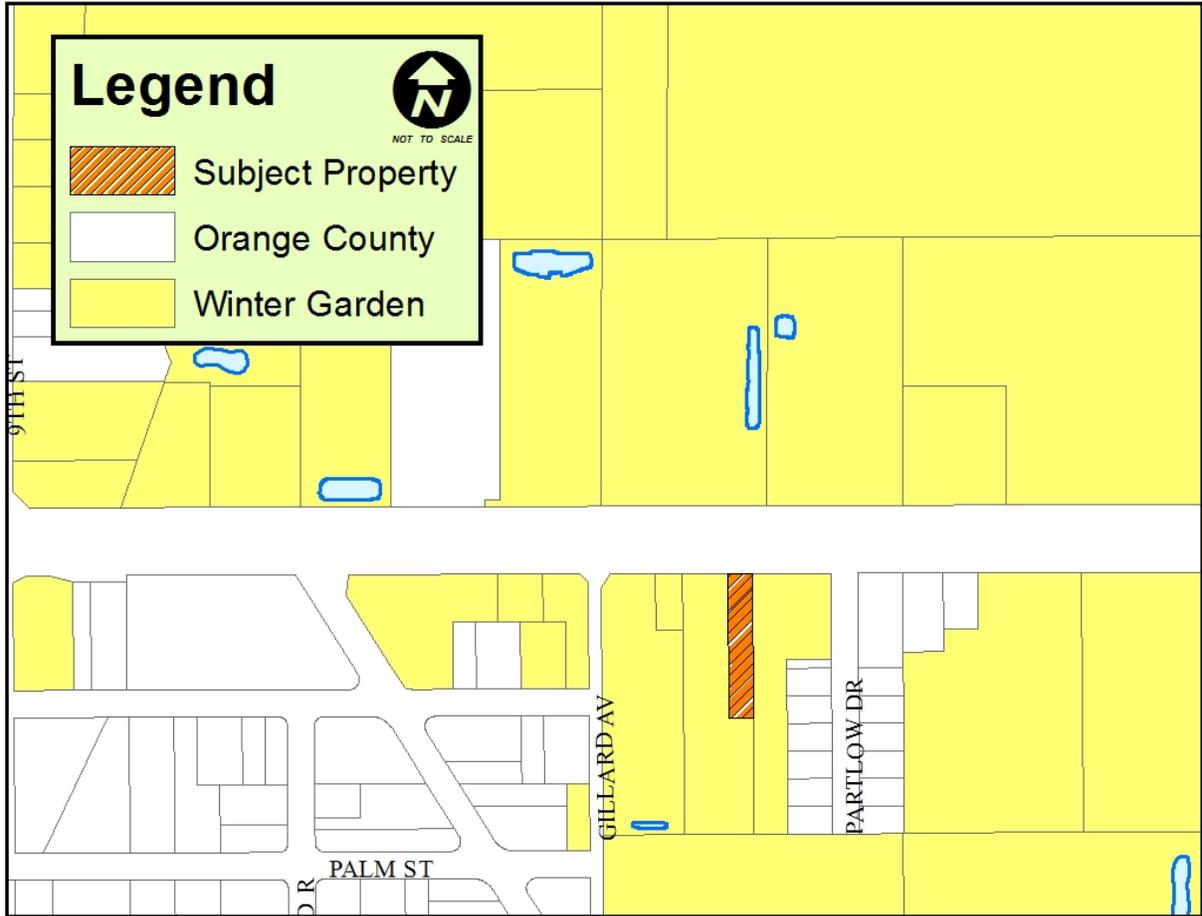
Attachments/References:

Location Map
Ordinance 12-40
Ordinance 12-41
Ordinance 12-42
Staff Report

LOCATION MAP

Ordinance #12-40; 12-41; and 12-42

12750 West Colonial Drive



ORDINANCE 12-40

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.405 ± ACRES LOCATED AT 12750 WEST COLONIAL DRIVE; ON THE SOUTH SIDE OF WEST COLONIAL DRIVE EAST OF GILLARD AVENUE AND WEST OF PARTLOW DRIVE 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 0.405 ± acres located at 12750 West Colonial Drive; on the south side of West Colonial Drive east of Gillard Avenue and west of Partlow Drive 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

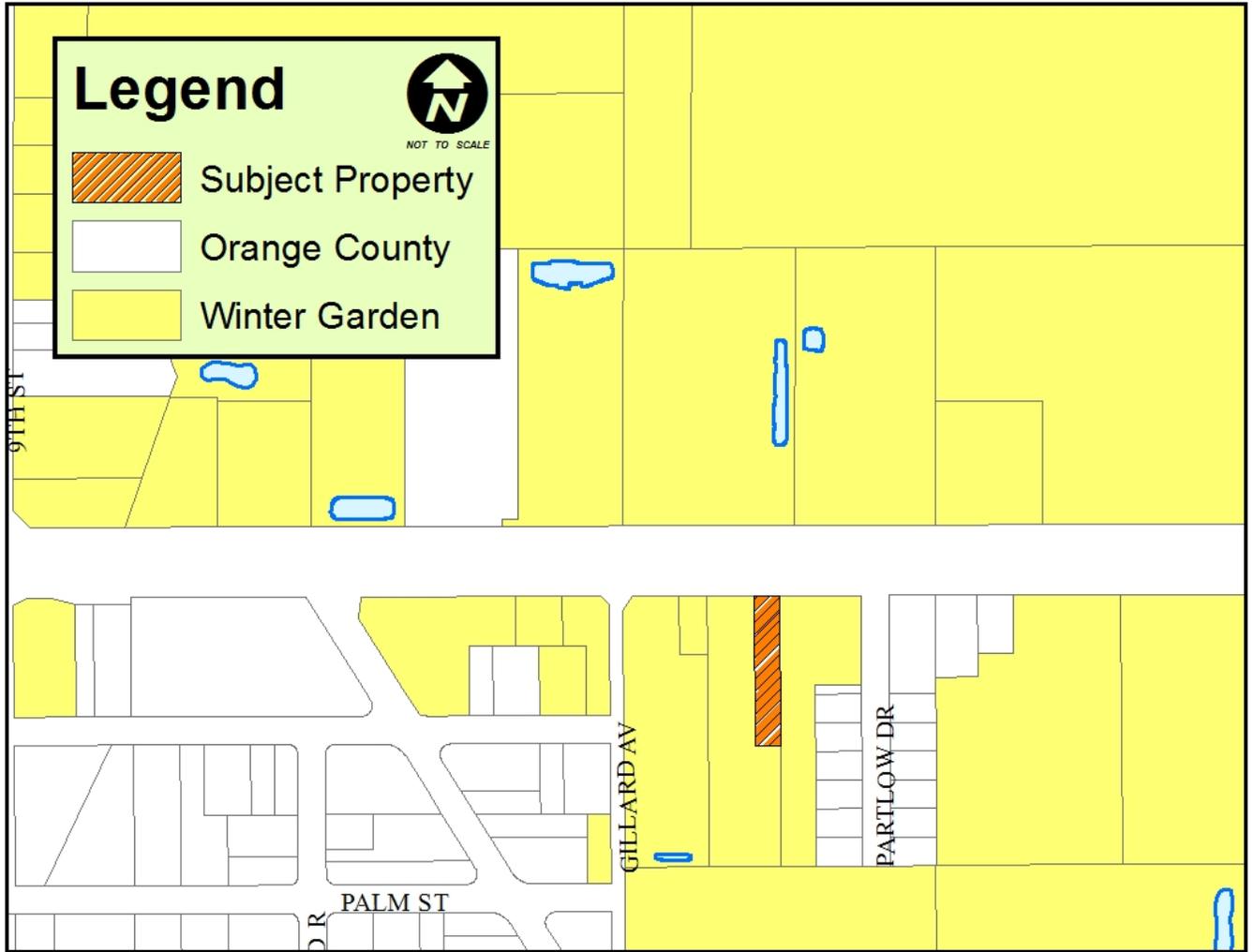
ATTACHMENT "A"
LEGAL DESCRIPTION

PARCEL ID#: 12-22-27-6496-23-004

DESCRIPTION:

COMMENCE AT THE NORTHEAST CORNER OF THE WEST $\frac{1}{2}$ OF THE NORTHWEST $\frac{1}{4}$ OF BLOCK "W", OVERSTREET CRATE COMPANY SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK F, PAGE 9, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE RUN S00°49'24"E ALONG THE EAST LINE OF SAID WEST $\frac{1}{2}$ OF THE NORTHWEST $\frac{1}{4}$ OF BLOCK "W", A DISTANCE OF 75.00 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF STATE ROAD NO. 50, AND THE POINT OF BEGINNING; THENCE CONTINUE S00°49'24"E A DISTANCE OF 321.00 FEET; THENCE RUN S89°00'06"W A DISTANCE OF 55.00 FEET; THENCE RUN N00°49'24"W A DISTANCE OF 321.00 FEET TO THE AFORESAID SOUTH RIGHT-OF-WAY LINE; THENCE RUN N89°00'06"E A DISTANCE OF 55.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.405 ACRES, MORE OR LESS.



ORDINANCE 12-41

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING THE FUTURE LAND USE MAP OF THE WINTER GARDEN COMPREHENSIVE PLAN BY CHANGING THE LAND USE DESIGNATION OF REAL PROPERTY GENERALLY DESCRIBED AS 0.405 ± ACRES OF LAND LOCATED AT 12750 WEST COLONIAL DRIVE; ON THE SOUTH SIDE OF WEST COLONIAL DRIVE EAST OF GILLARD AVENUE AND WEST OF PARTLOW DRIVE 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 0.405 ± acres of land located at 12750 West Colonial Drive; on the south side of West Colonial Drive east of Gillard Avenue and west of Partlow Drive, 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 Commercial 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 12-40, 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#: 12-22-27-6496-23-004

DESCRIPTION:

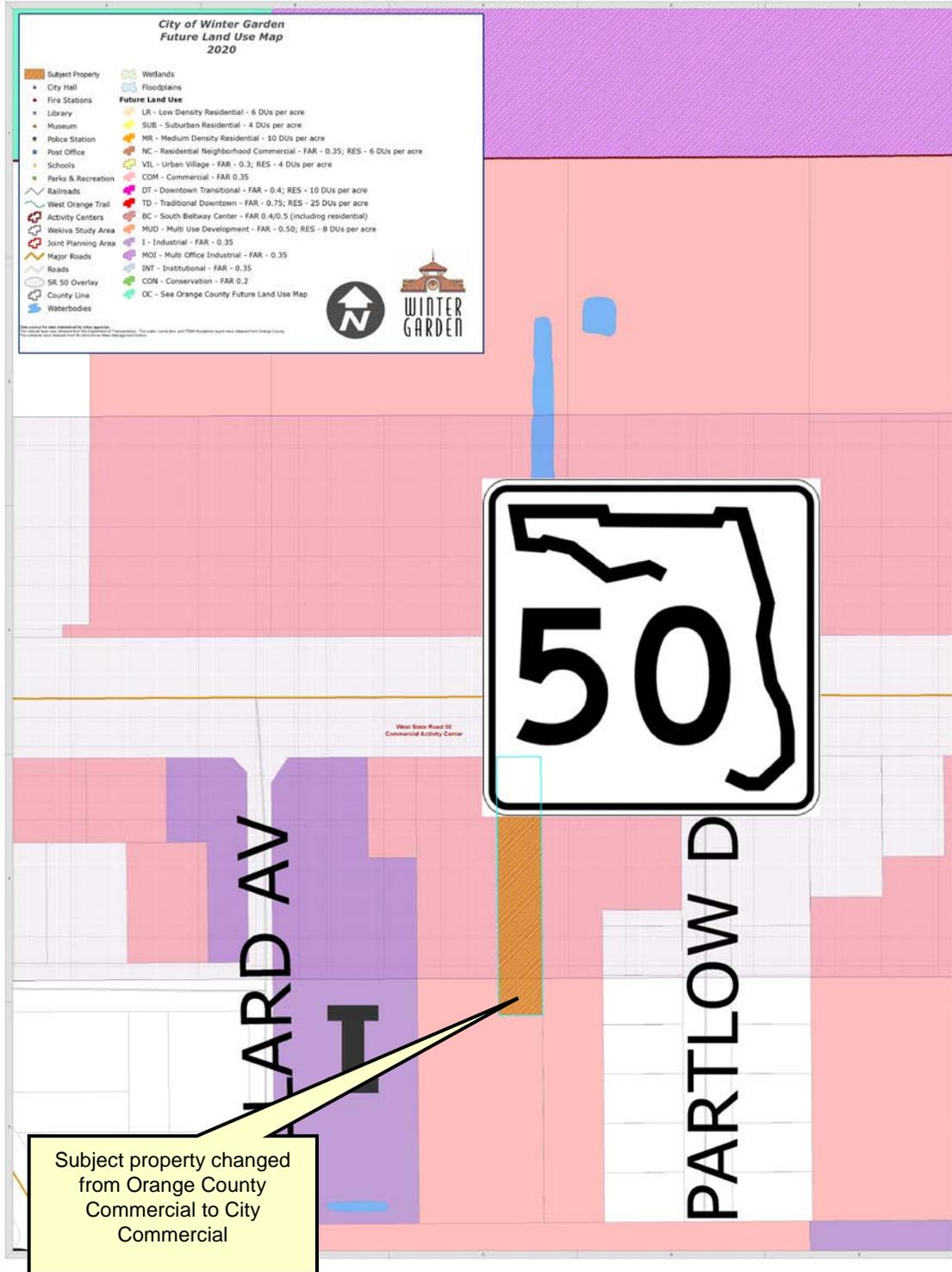
COMMENCE AT THE NORTHEAST CORNER OF THE WEST $\frac{1}{2}$ OF THE NORTHWEST $\frac{1}{4}$ OF BLOCK "W", OVERSTREET CRATE COMPANY SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK F, PAGE 9, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE RUN S00°49'24"E ALONG THE EAST LINE OF SAID WEST $\frac{1}{2}$ OF THE NORTHWEST $\frac{1}{4}$ OF BLOCK "W", A DISTANCE OF 75.00 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF STATE ROAD NO. 50, AND THE POINT OF BEGINNING; THENCE CONTINUE S00°49'24"E A DISTANCE OF 321.00 FEET; THENCE RUN S89°00'06"W A DISTANCE OF 55.00 FEET; THENCE RUN N00°49'24"W A DISTANCE OF 321.00 FEET TO THE AFORESAID SOUTH RIGHT-OF-WAY LINE; THENCE RUN N89°00'06"E A DISTANCE OF 55.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.405 ACRES, MORE OR LESS.

ATTACHMENT "B"

FUTURE LAND USE MAP

12750 West Colonial Drive



ORDINANCE 12-42

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.405 ± ACRES OF REAL PROPERTY GENERALLY LOCATED AT 12750 WEST COLONIAL DRIVE; ON THE SOUTH SIDE OF WEST COLONIAL DRIVE EAST OF GILLARD AVENUE AND WEST OF PARTLOW DRIVE 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 0.405 ± acres of land located at 12750 West Colonial Drive; on the south side of West Colonial Drive east of Gillard Avenue and west of Partlow Drive, 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, 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 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 12-41 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#: 12-22-27-6496-23-004

DESCRIPTION:

COMMENCE AT THE NORTHEAST CORNER OF THE WEST $\frac{1}{2}$ OF THE NORTHWEST $\frac{1}{4}$ OF BLOCK "W", OVERSTREET CRATE COMPANY SUBDMISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK F, PAGE 9, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE RUN S00°49'24"E ALONG THE EAST LINE OF SAID WEST $\frac{1}{2}$ OF THE NORTHWEST $\frac{1}{4}$ OF BLOCK "W", A DISTANCE OF 75.00 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF STATE ROAD NO. 50, AND THE POINT OF BEGINNING; THENCE CONTINUE S00°49'24"E A DISTANCE OF 321.00 FEET; THENCE RUN S89°00'06"W A DISTANCE OF 55.00 FEET; THENCE RUN N00°49'24"W A DISTANCE OF 321.00 FEET TO THE AFORESAID SOUTH RIGHT-OF-WAY LINE; THENCE RUN N89°00'06"E A DISTANCE OF 55.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.405 ACRES, MORE OR LESS.

CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

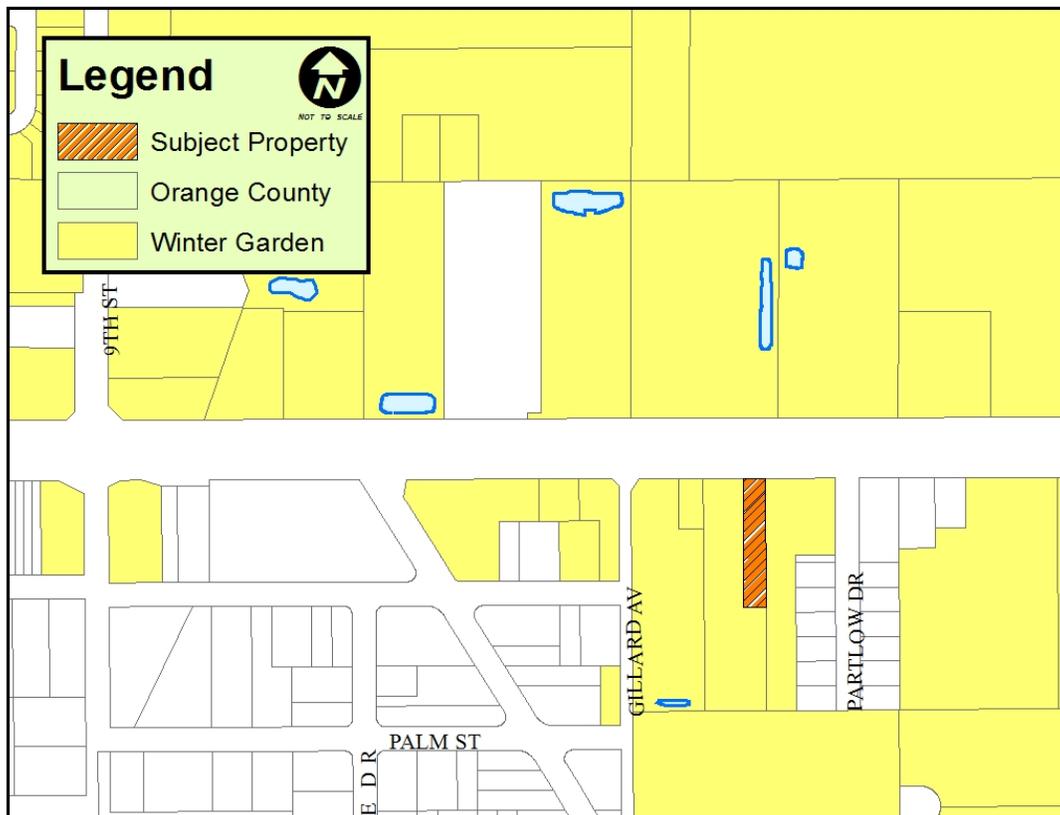
STAFF REPORT

TO: PLANNING AND ZONING BOARD
PREPARED BY: STEVE PASH, SENIOR PLANNER
DATE: AUGUST 6, 2012
SUBJECT: ANNEXATION - REZONING - FLU AMENDMENT
12750 WEST COLONIAL DRIVE (0.405 +/- ACRES)
PARCEL ID #: 12-22-27-6496-23-004
APPLICANT: JOYCE E. THOMAS TRUST

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 12750 West Colonial Drive and is approximately 0.405 ± 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 currently developed with an 1,376 square foot commercial building with a residential unit.

ADJACENT LAND USE AND ZONING

The properties located to the north are developed commercial properties with an assisted living facility, an RV sales center, a gas station, zoned C-2 and located in the City. The property located to the east is a car wash facility, zoned C-2 and located in the City. The properties to the south are vacant commercial buildings and property, zoned C-2 and located in the City. The property to the west is a vacant commercial building, zoned C-2, and located in the City.

PROPOSED USE

The owner is proposing to annex the property because they need to connect to the City potable water. The existing commercial building will remain.

PUBLIC FACILITY ANALYSIS

The City will provide water, sewer, 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.

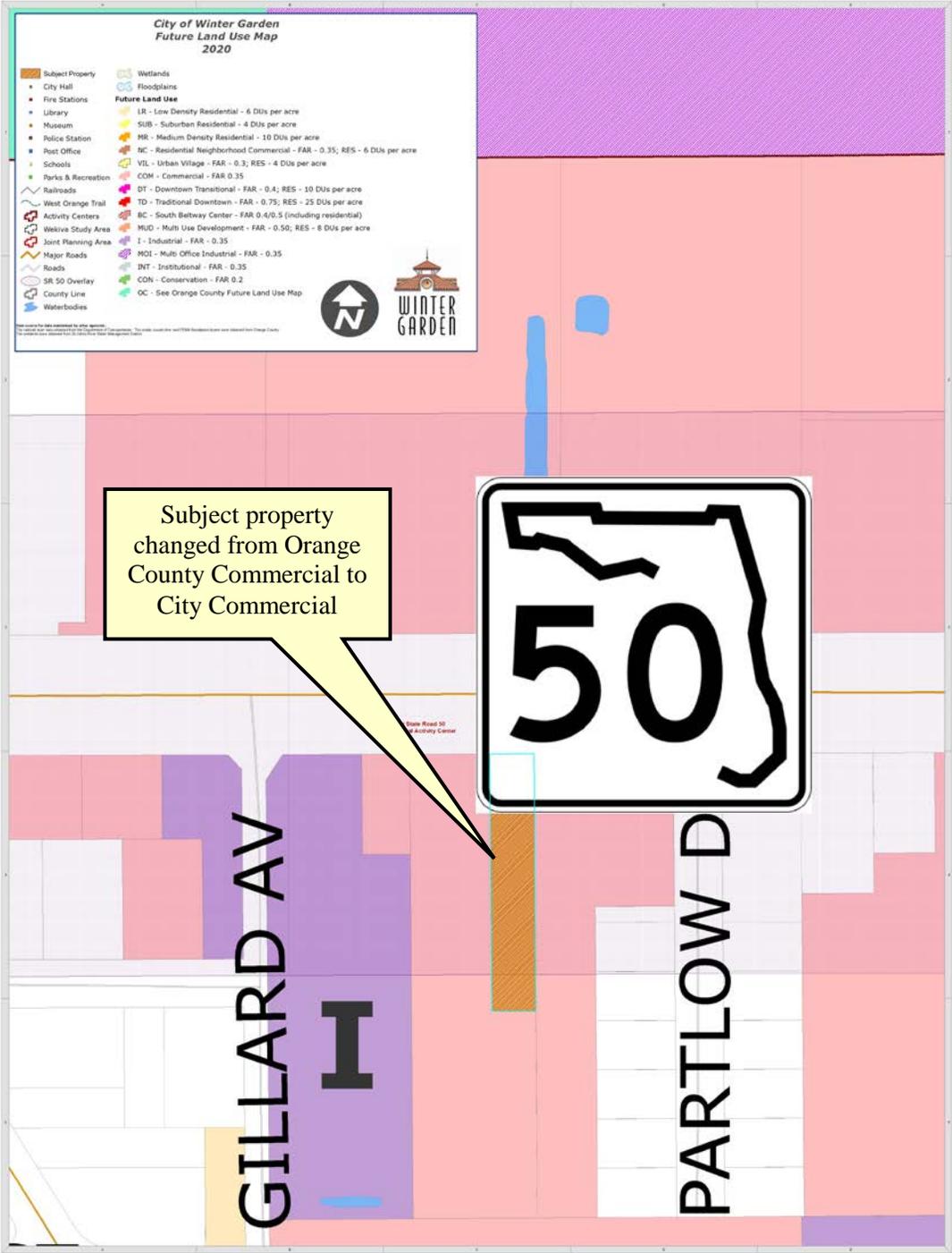
MAPS

AERIAL PHOTO

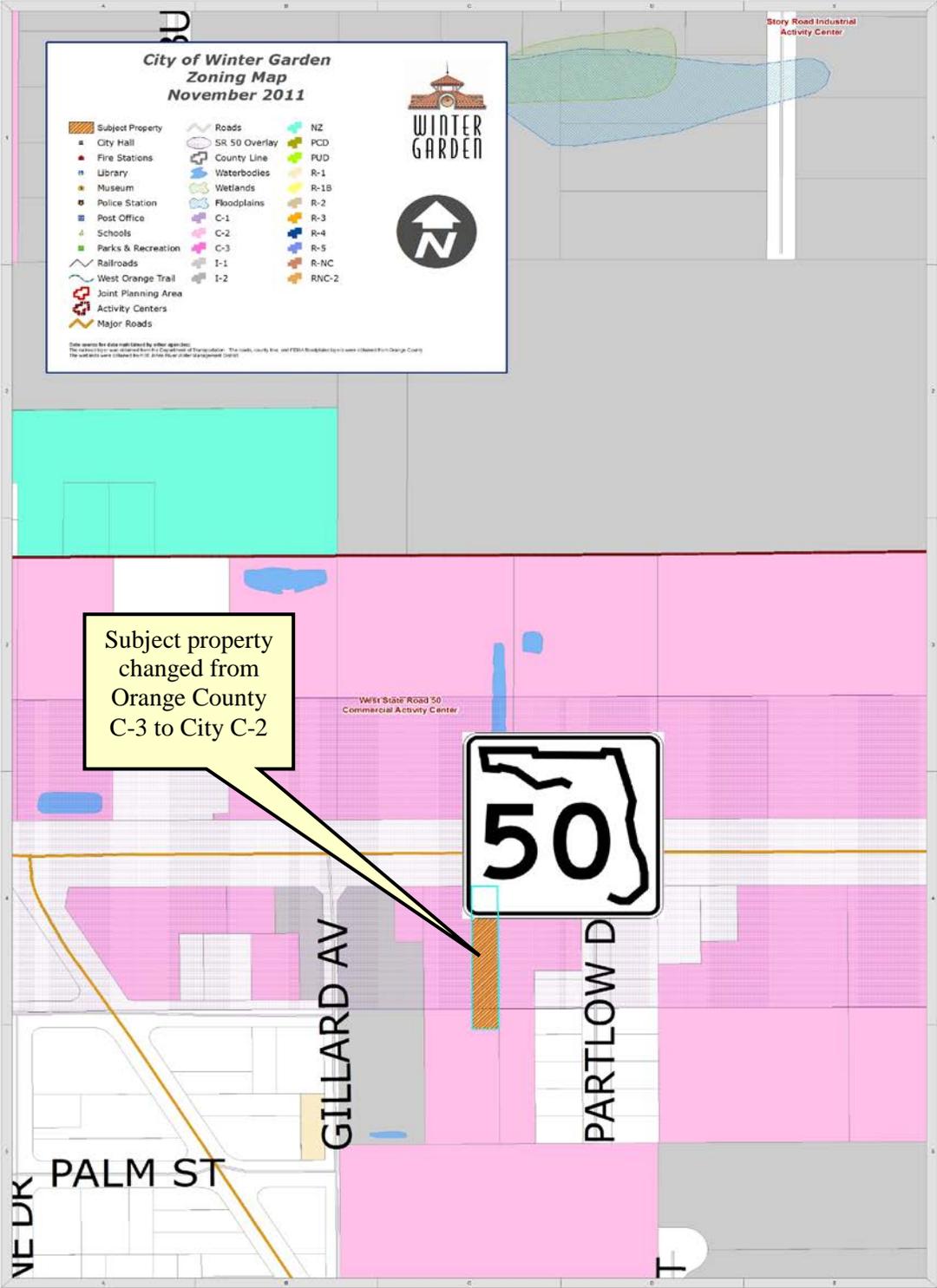
12750 W Colonial Drive



**FUTURE LAND USE MAP
12750 W Colonial Drive**



ZONING MAP
12750 W Colonial Drive



END OF STAFF REPORT

THE CITY OF WINTER GARDEN

AGENDA ITEM

From: Tanja Gerhartz, Economic Development Director

Via: Mike Bollhoefer, City Manager

Date: July 30, 2012 **Meeting Date:** August 9, 2012

Subject: Community Development Block Grant (CDBG) Small Cities Entitlement Program – Establishing the Citizen Advisory Task Force (CATF)

Discussion:

The City has qualified for the CDBG Small Cities Program through the State of Florida and is on the eligibility list for funding next year. This is a competitive grant process with the application due on October 1, 2012.

The City qualifies for a grant of up to \$750,000. Grant funds can be used to improve the community in the following categories:

- Housing
- Neighborhood Revitalization
- Commercial Revitalization
- Economic Development
- Section 108 Loan Guarantee Program

In order to initiate the process, the City Commission must appoint a Citizen Advisory Task Force to assist in identifying priorities for funding.

The City Commission shall establish a Citizen Advisory Task Force for all CDBG projects other than economic development projects, which shall consist of no less than three (3), not more than seven (7) members appointed by the City Commission in a manner, which will ensure substantial representation of low and moderate income persons and minorities.

Committee members shall serve until they resign from the board or their position is re-appointed by the City Commission. CATF members shall be City residents and shall not be elected officials of the City. A maximum of one City employee shall serve on the CATF board at any point in time.

The CATF will meet approximately 3 to 4 times during the implementation of a CDBG Housing Grant in addition to meeting a minimum of one time prior to the submittal of the CDBG application.

The Board shall serve as a focal point or liaison between the City and its constituents in regard to CDBG project development and implementation. The Committee shall have the following duties and responsibilities:

1. Disseminate information concerning eligible activities, proposed projects, and the status of current projects.
2. Coordinate various groups which choose to participate in the implementation of community development activities.
3. Review written comments assessing the implementation of the CDBG program.
4. Monitor the overall implementation of the CDBG program and review program status with administrative personnel.
5. Monitor the citizen participation process and program progress and propose such amendments as may be necessary to this Participation Plan.

Recommended Action:

Move to appoint between five and seven members to the Citizen Advisory Task Force to support the City's CDBG program.

Attachments/References:

City of Winter Garden CDBG Grant Application Timeline

**City of Winter Garden
CDBG Timeline**

August 9 CC -	CC appoint Citizen Advisory Task Force
August 13	Notice for 1 st Reading/Hearing –Aug. 16 WO Times
August 23	Citizen Advisory Task Force Meets at 4:00 pm (Follow the City's Notice Requirements)
August 23	Fred Fox Enterprises attends meeting 1 st Public Hearing (Must be advertised) 1 st Reading Fair Housing Ordinance (Must be advertised) Adopt the following: Affirmative Action Plan, Anti-Displacement and Relocation Policy, Citizens Participation Plan Procurement Policy, Complaint and Grievance Procedures Adoption of Housing Assistance Plan
September 3	Notice for 2 nd Reading/Hearing/Workshop – Sept. 6 WO Times
September 13	2 nd Public Hearing (Must be advertised) 2 nd Reading Fair Housing Ordinance (Must be advertised) Resolution to submit the application Resolution to adopt a Community Development Plan Resolution for the \$125,000 Match
September 13	1 st Fair Housing Workshop (Requires Notice)
September 20	2 nd Fair Housing Workshop (Banks, Realtors)
September 28	Submit Grant Application