



**CITY COMMISSION &
COMMUNITY REDEVELOPMENT AGENCY AGENDA
REVISED AGENDA 1/9/13*
CITY HALL COMMISSION CHAMBERS
300 W. Plant Street**

REGULAR MEETING **JANUARY 10, 2013** **6:30 P.M.**

CALL TO ORDER

Determination of a Quorum
Invocation and Pledge of Allegiance

1. **APPROVAL OF MINUTES**

Regular Meeting of December 19, 2012

2. **PRESENTATIONS**

- A. Lake Apopka improvements by Dennis Renfro, Florida Fish and Wildlife Conservation Commission
- B. Lake Apopka dredging by Commissioner Makin
- C. International City/County Management Association awards for Voice of the People for Transformation and Excellence (*Postponed 10/25/12, 11/8/12 and 12/4/12*) – City Manager Bollhoefer
- D. *Winter Garden in Bloom – Mary Zahl

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

- A. **Ordinance 13-01:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 6 ± ACRES LOCATED AT 12900 ROPER ROAD ON THE SOUTH SIDE OF ROPER ROAD, EAST OF DANIELS ROAD AND WEST OF BEULAH 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 13-02:** 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 6 ± ACRES LOCATED AT 12900 ROPER ROAD ON THE SOUTH SIDE OF ROPER ROAD, EAST OF DANIELS ROAD AND WEST OF BEULAH ROAD FROM ORANGE COUNTY RURAL AGRICULTURAL TO CITY LOW DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE
- C. **Ordinance 13-03:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 6 ± ACRES LOCATED AT 12900 ROPER ROAD ON THE SOUTH SIDE OF ROPER ROAD, EAST OF DANIELS ROAD AND WEST OF BEULAH ROAD FROM ORANGE COUNTY A-1 CITRUS/AGRICULTURAL DISTRICT TO CITY R-1B RESIDENTIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

All three ordinances with the second reading and public hearing being scheduled for January 24, 2013 – Community Development Director Williams

- D. **Ordinance 13-05:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 35.176 ± ACRES LOCATED AT 14288, 14350, AND 14362 SIPLIN ROAD AT THE SOUTHWEST CORNER OF SIPLIN ROAD AND SUNRIDGE BOULEVARD 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 January 24, 2013 – Community Development Director Williams**

4. **REGULAR BUSINESS**

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

- A. Recommendation to approve, with conditions, an application for a facade matching grant not to exceed \$10,000 for Winter Garden Urban Flats located at 132 W. Plant Street – Economic Development Director Gerhartz

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

- B. Recommendation to approve Covington Chase Subdivision Phase 2B Final Plat (*postponed 11/8/12*) – Community Development Director Williams
- C. Recommendation to authorize the Mayor to execute an agreement for dispatching services for the Town of Oakland – Police Chief Brennan
- D. *Authorization to use confiscation funds to start police canine services – Police Chief Brennan

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. Discussion on application process for historic downtown events

8. **MATTERS FROM MAYOR AND COMMISSIONERS**

ADJOURN to a Regular Meeting on January 24, 2013 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

December 19, 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 City Manager – Administrative Services Frank Gilbert, Assistant City Manager - Public Services Don Cochran, Community Development Director Ed Williams, Finance Director Laura Zielonka, Fire Chief John Williamson, Police Chief George Brennan, Economic Development Director Tanja Gerhartz, Parks and Recreation Director Jay Conn, Network Specialist George Strobel, Building Official Skip Lukert, and Orlando Sentinel Reporter Stephen Hudak

1. **APPROVAL OF MINUTES**

Motion by Commissioner Buchanan to approve the regular meeting minutes of December 4, 2012 as submitted. Seconded by Commissioner Olszewski and carried unanimously 5-0.

At this time, Mayor Rees moved **Regular Business Item J.** to be acted upon at this time because students were present in support of this resolution.

Resolution 12-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA URGING TOBACCO RETAILERS TO STOP THE SALE AND MARKETING OF FLAVORED TOBACCO PRODUCTS TO UNDERAGED YOUTH IN THE CITY OF WINTER GARDEN, FLORIDA; PROVIDING FOR SEVERABILITY; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE

City Attorney Ardaman read Resolution 12-21 by title only. City Manager Bollhoefer stated that this resolution is on the agenda to let the stores in Winter Garden know that we are opposed to the sale of these types of products to our children.

Motion by Commissioner Olszewski to adopt Resolution 12-21. Seconded by Commissioner Makin and carried unanimously 5-0.

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

A. **Ordinance 12-54:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING SECTION 2 OF ORDINANCE 05-24 GENERALLY KNOWN

AS THE WINTER GARDEN VILLAGE AT FOWLER GROVES PCD PERTAINING TO DEVELOPMENT AND PERMITTED USES WITHIN THE 54 +/- ACRE PORTION OF THE 174.8 +/- ACRE PROPERTY GENERALLY LOCATED NORTH OF THE WESTERN BELTWAY AND EAST OF COUNTY ROAD 535 IDENTIFIED ON EXHIBIT "B" OF ORDINANCE 05-24 AS THE RESIDENTIAL TRACT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

- B. **Ordinance 12-55:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING THE DEVELOPMENT ORDER OF THE WINTER GARDEN VILLAGE AT FOWLER GROVES DEVELOPMENT OF REGIONAL IMPACT, CONSISTING OF 174.8 +/- ACRES OF LAND GENERALLY LOCATED NORTH OF THE WESTERN BELTWAY AND EAST OF COUNTY ROAD 535; PROVIDING FOR APPROVAL AND EXECUTION OF SECOND AMENDMENT TO CITY OF WINTER GARDEN DEVELOPMENT ORDER FOR WINTER GARDEN VILLAGE AT FOWLER GROVES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinances 12-54 and 12-55 by title only. Community Development Director Williams advised that staff has handed out an errata sheet (*see attached Exhibit A*) of minor typographical errors that staff is requesting be included in the final motion. He asked that the applicant make the first presentation, staff would give their presentation, and then open the matter for public comment.

Borron Owen, Esq. with Gray Robinson law firm, 301 E. Pine Street, Orlando, Florida, came forward and shared the process they have been through to get to this point. He stated they are supportive of the staff report and conditions therein. There are additional conditions that Mr. Williams will be presenting and they are supportive of those as well. He urged the City Commission to approve the ordinances so they might bring superior community based healthcare through a neighborhood facility that brings the full spectrum of Florida Hospital's significant medical expertise and experience.

Mr. Williams stated staff's review of a hospital is slightly different than most development proposals as it basically provides an essential public service. Staff's efforts have been to try and mitigate any adverse impacts that could occur from the development of a hospital on this site. Staff is asking for action on two ordinances; Ordinance 12-54 which amends the PCD (Planned Commercial Development) and Ordinance 12-55 which is the development order, and a transportation improvement agreement. Mr. Williams summarized what will occur and shared that the initial hospital construction will be an emergency room of 25,000 to 30,000 square feet, and 50,000 to 75,000 square feet of medical office. The second phase would be the 200 bed hospital and the additional medical office facility. The development order ties a large portion of the medical office building to the bed construction. If they did not receive the certificate of need for the hospital beds, they just could not go out and build 400,000 square feet of medical office; the two are tied together.

Mr. Williams shared how the development evolved and become what it is today. Since the last Commission meeting, staff has met with residents and height issues have come up. Therefore, staff is proposing some additional conditions to Ordinance 12-54 specifically in Section 4 subsections (15) (a) and (16) (b) and (h) (*see attached Exhibit B*).

Mayor Rees opened the public hearing for Ordinances 12-54 and 12-55.

Those speaking in favor were:

Daryl M. Baer, 2125 Tall Oak Drive, Winter Garden, Florida

Stuart J. Beebe, 1635 Lookout Landing Circle, Winter Park, Florida representing Sonata Health Care that will be opening in Winter Garden in a couple of weeks.

At this time, **City Attorney Ardaman** advised the City Commission to disclose any ex-parte communications they have had on this matter since the last public hearing.

Disclosures

Commissioner Olszewski stated he received e-mails from Courtney Stock, Jeff Jonasen, Debbie Clemens, Craig Swygert, Claudia Martinez, Doug Vaught and Roy Beatty. He has met with George Munson, Country Lakes Estates HOA President, Rob Fulbright, Borron Owen, and Susana Molina. He also had a conversation with Karen Flood. The conversation was about the hospital coming so close to Country Lakes Estates.

Mayor Rees disclosed he had several e-mails, most of which he thinks Commissioner Olszewski has mentioned, and he met with Mr. Munson.

Commissioner Buchanan announced he met with Mr. Munson and Jerry Chicone.

Commissioner Makin disclosed that he had the same e-mails. He has had conversations with Mary Zahl, Mark Macial, George Munson, and Gerald Jowers, and attended a HOA meeting in Trailer City to give them an update.

Mr. Williams disclosed that a number of e-mails were received by staff and submitted those for the record.

Commissioner Sharman clarified that he did receive e-mails but did not attend any meetings. Mayor Rees asked if his e-mails were the same as the rest of the City Commissioners received. Commissioner Sharman responded yes.

End of Disclosures

Continuation of those speaking in favor.

Nancy Wilson-Mosley, 530 Hearthglen Boulevard, Winter Garden, Florida

Dona Gussow, 13537 Glynschel Drive, Winter Garden, Florida, stated she favors the proposal with the added limitations to the noise and lighting.

Jeff Jonasen, 794 Avalon Road, Winter Garden, (*Unincorporated Orange County*) Florida

Craig Swygert, 2365 Hammock View Drive, Winter Garden, Florida

Curt Majors, 7236 Londale Boulevard, Windermere, (*Unincorporated Orange County*) Florida

Jim Gustino, 13914 Eylewood Drive, Winter Garden, Florida

Martin King, 415 Cobblestone Pointe Drive, Winter Garden, Florida

Rupert Peters, 771 Rainfall Drive, Winter Garden, Florida

Alexandra Crosby, 14105 Hampshire Bay Circle, Winter Garden, Florida

Rafael Olivo, 776 Rainfall Drive, Winter Garden, Florida

Andy Bruns, 3 Palm Drive, Winter Garden, Florida

Those speaking in favor with concerns were:

George Munson, 14028 Lake Tilden Boulevard, Winter Garden, (*Unincorporated Orange County*) Florida, stated his concern with the wording regarding the wetlands protection being put in the City's hands. He was hoping it would be more concrete and be left alone. Most of his concerns have been met. Overall the height is still a concern, but he supports the hospital. **City Manager Bollhoefer** responded to the wetland concern by offering further research on how to protect the wetlands. **City Attorney Ardaman** stated that ultimately the land would come back to the City even with an absolute prohibition; it still could come back to the City Commission who could change it. **Mr. Bollhoefer** stated that it could be memorialized for future City Commissions. **Mr. Ardaman** affirmed that is an option.

Tom Reedy, 14217 Country Estate Drive, Winter Garden, (*Unincorporated Orange County*) Florida stated he appreciates staff's efforts. He is in favor of the hospital but he believes the seven story height limit is too much; make it five stories.

Speaking neither in favor nor against:

Jennifer Carr, 14052 Lake Tilden Boulevard, Winter Garden, (*Unincorporated Orange County*) Florida, noted she has firsthand knowledge of how emergency rooms can have a negative impact on a community. She can't say she is for it or against it. Everyone needs to work together to make it a great place to live.

Those speaking against were:

Mike Maddux, 2216 Rickover Place, Winter Garden, Florida, noted he is against the placement of the hospital. He believes his tree view will be compromised; there will be noise, traffic, and eventually crime.

Susan Gill, 14126 Lake Tilden Boulevard, Winter Garden, (*Unincorporated Orange County*) Florida, stated it has never been a question about the good care Florida Hospital gives and she appreciates the additional changes. She opposes a seven story concrete mass of a hospital but she believes it is a done deal and asked that it only be five stories. Keep in mind beyond the top story there will be elevator shafts and antennas.

City Attorney Ardaman advised that these meeting minutes should include the ex-parte communication disclosures from the December 4, 2012 public hearing and are herewith included.

Commissioner Sharman disclosed attending an initial meeting this past summer with Florida Hospital representatives and discussed helicopter, ambulance, and building height. **Mr. Ardaman** added there were open community meetings and focus groups attended by City Commissioners with multiple discussions and multiple issues that don't need to be detailed here. **Commissioner Sharman** stated that he attended a follow-up meeting after the initial meeting and discussed the same items. There was a community meeting at City Hall with some of the homeowner association presidents, quasi community leaders and a few people who live close by; community meeting with Stoneybrook West with Commissioners Buchanan and Olszewski being present; a focus group met to discuss the building height; a public community meeting was held at City Hall; and he attended two helicopter tests. He added that he attended the balloon test, a meeting with Stonecrest residents, and he met the landscape architect to discuss buffering and the exit. Commissioner Sharman added that he has spoken with some of the residents of Country Lake Estates, Black Lake Park, Bay Isle, Stonecrest, and Stoneybrook.

Commissioner Olszewski stated he had two meetings with Florida Hospital staff in City Hall; attended Stoneybrook West community meeting; attended the noticed City Commission meeting. He stated he has had conversations with Borron Owen with Gray Robinson, Rob Fulbright, Karen Flood, and Susan Molina who are Florida Hospital staff. He received three e-mails on this issue, as did the other Commissioners, and attended the balloon test.

Commissioner Buchanan stated he attended the same meetings as Commissioner Olszewski and received the same three referenced e-mails. He also attended the Planning and Zoning Board meeting when they approved this project. In addition, he spoke with Dean Engstrom in Kelso/Windermere who gave him some information.

Commissioner Makin stated he attended the initial meeting at City Hall, received the e-mails referenced by Commissioner Olszewski, and attended the site balloon test.

Mayor Rees stated he has had a couple of meetings with the City Manager and the Florida Hospital group. He has spoken with residents whose names he doesn't remember except Cliff Hiatt. He also attended a portion of the Planning and Zoning Board meeting, and received e-mails.

End of the December 4, 2012 public hearing disclosures.

Mr. Owen came forward and explained they are a not-for-profit organization and their net income is reinvested in the community. The height is driven by what happens within it. Current state regulations require every bed be in a private room and every room has to have a window. Their current thinking is that seven stories will provide the most efficient opportunity to provide superior health care to the Winter Garden area.

Hearing no other comments, Mayor Rees closed the public hearings and opened it up to Commission discussion.

Mayor Rees asked what a six story compromise would do. **Mr. Owen** responded that hospital floors are designed around the number of beds per floor. In a community hospital such as this, the beds are 24 to 40 per floor. At 40 beds per floor, they anticipate they need five floors with two floors for support services, which they believe is what Winter Garden needs.

Commissioner Buchanan asked Mr. Owen to address the West Orange Times concerned citizen about building this hospital without a Certificate of Need. **Mr. Owen** responded that they cannot operate a hospital unless it is licensed by the State of Florida. The Agency for Health Care Administration (AHCA) determines who gets the Certificate of Need. The emergency department and medical office space does not need a Certificate of Need; beds do need the certificate prior to operating. They will not build a hospital without a Certificate of Need because they could not operate it.

Commissioner Olszewski asked if seven stories was definite or was it the ability to build to up to seven stories. How soon would they come? **Mr. Owen** responded that they anticipate coming to the City next year with a proposal for an emergency department and medical office space; the first phase being a three story building. It takes more than a year to get a Certificate of Need; it could be four to seven years before there is a hospital. The design will go through a process with seven floors being the limit.

Commissioner Buchanan asked about there being other roof top items making it higher than the seven stories. **Mr. Owen** responded that the limit is seven stories but what pops up on top, that are set back from the perimeter of the building, is an elevator shaft and access for roof repairs. They have agreed that nothing can go on top beyond a certain height.

Mr. Williams added that the development order states that if the developer doesn't get approval for the 200 beds or less, they can't keep building. They would have to come back to do something different.

Commissioner Makin asked what the maximum height is. **Mr. Williams** noted that what goes on the roof will be screened. **Mr. Ardaman** clarified the maximum height is 136 feet.

Commissioner Sharman stated there have been a lot of concessions and requests made; what it comes down to for him is five or seven stories. He wants to hold them to what it looks like architecturally so it will be a gorgeous building. Overall, he thinks it will be good for the community.

Commissioner Olszewski shared how impressed he is with how accommodating Florida Hospital has been. They have expressed how they want to partner with Winter Garden

and how much they care. Everything has been addressed and he looks forward to supporting the project.

Mayor Rees stated that he probably would have preferred a different location and five stories if he were living next to it. He thinks that providing health care to our citizens is one of their tasks. He hopes that in the future people will say the Commission had the foresight and did the right thing.

Motion by Commissioner Olszewski to adopt Ordinances 12-54 and 12-55 with the staff recommended corrections, additional conditions, including the Transportation Agreement (see attached Exhibits A and B). Seconded by Commissioner Sharman and carried unanimously 5-0.

- C. **Ordinance 12-63:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE WINTER GARDEN COMPREHENSIVE PLAN BY CHANGING THE DESIGNATION FROM ORANGE COUNTY RURAL/AGRICULTURAL TO CITY CONSERVATION FOR PROPERTY GENERALLY DESCRIBED AS 209 ± ACRES LOCATED AT 100 AVALON ROAD ON THE WEST SIDE OF AVALON ROAD AND SOUTH OF THE FLORIDA TURNPIKE; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE (Tucker Ranch)

City Attorney Ardaman read Ordinance 12-63 by title only. Community Development Director Williams stated this ordinance is to establish the future land use designation to allow for future development of the recreation and park area. Staff recommends approval.

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

Motion by Commissioner Makin to adopt Ordinance 12-63. Seconded by Commissioner Buchanan and carried unanimously 5-0.

- D. **Ordinance 12-64:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.408 ± ACRES LOCATED AT 13675 WEST COLONIAL DRIVE ON THE NORTH SIDE OF WEST COLONIAL DRIVE, EAST OF WINTER GARDEN VINELAND ROAD AND WEST OF SOUTH DILLARD STREET 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 12-65:** 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 0.408 ± ACRES LOCATED AT 13675 WEST COLONIAL DRIVE ON THE NORTH SIDE OF WEST COLONIAL DRIVE, EAST OF WINTER GARDEN VINELAND ROAD AND WEST OF SOUTH DILLARD STREET FROM ORANGE COUNTY COMMERCIAL TO CITY COMMERCIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

- F. **Ordinance 12-66:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.408 ± ACRES OF REAL PROPERTY GENERALLY LOCATED AT 13675 WEST COLONIAL DRIVE, EAST OF WINTER GARDEN VINELAND ROAD AND WEST OF SOUTH DILLARD STREET FROM ORANGE COUNTY C-2 COMMERCIAL DISTRICT TO CITY C-2 ARTERIAL COMMERCIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinances 12-64, 12-65, and 12-66 by title only. Community Development Director Williams stated this is the Maryland Fried Chicken facility and staff recommends approval.

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

Motion by Commissioner Buchanan to adopt Ordinances 12-64, 12-65 and 12-66. Seconded by Commissioner Makin and carried unanimously 5-0.

- G. **Ordinance 12-67:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 6.3 ± ACRES LOCATED AT 12902 ROPER ROAD ON THE SOUTH SIDE OF ROPER ROAD, EAST OF DANIELS ROAD AND WEST OF BEULAH 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
- H. **Ordinance 12-68:** 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 6.3 ± ACRES LOCATED AT 12902 ROPER ROAD ON THE SOUTH SIDE OF ROPER ROAD, EAST OF DANIELS ROAD AND WEST OF BEULAH ROAD FROM ORANGE COUNTY RURAL AGRICULTURAL TO CITY LOW DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE
- I. **Ordinance 12-70:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 6.3 ± ACRES LOCATED AT 12902 ROPER ROAD ON THE SOUTH SIDE OF ROPER ROAD, EAST OF DANIELS ROAD AND WEST OF BEULAH ROAD FROM ORANGE COUNTY A-1

**CITRUS/AGRICULTURAL DISTRICT TO CITY R-1B RESIDENTIAL DISTRICT;
PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE**

City Attorney Ardaman read Ordinances 12-67, 12-68 and 12-70 by title only. Community Development Director Williams stated this is a voluntary annexation on the south side of Roper Road just west of Beulah. The applicant is trying to acquire two adjoining properties to make it one parcel. Staff recommends approval.

Mayor Rees noted in Ordinance 12-68 second paragraph states .57 instead of 6.3 acres. Mr. Williams responded it is a typo and will be corrected.

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

Motion by Commissioner Olszewski to adopt Ordinances 12-67, 12-68, and 12-70 with the acreage correction to Ordinance 12-68. Seconded by Commissioner Buchanan and carried unanimously 5-0.

- J. **Ordinance 12-69:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING SECTION 118-1064 IN DIVISION 4 OF ARTICLE V OF CHAPTER 118 OF THE WINTER GARDEN CODE OF ORDINANCES TO REMOVE LANGUAGE CONCERNING URBAN VILLAGE PLANNED UNIT DEVELOPMENTS WHICH THE STATE OF FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY DETERMINED TO BE INCONSISTENT WITH THE CITY OF WINTER GARDEN COMPREHENSIVE PLAN; PROVIDING FOR CODIFICATION; PROVIDING FOR CONTROL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 12-69 by title only. Community Development Director Williams stated staff is proposing two changes to the Urban Village PUD ordinance that resulted from issues raised by the State in conjunction with the lawsuit filed by the Lindsay's against the Waterside at Johns Lake project. Changing these two sentences does not affect the overall ordinance of what is trying to be accomplished. Staff recommends approval.

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

Motion by Commissioner Buchanan to adopt Ordinance 12-69. Seconded by Commissioner Sharman and carried unanimously 5-0.

3. **REGULAR BUSINESS**

At this time, Mayor Rees moved **Regular Business Item I.** to be heard at this time.

I. **Special event request by Winter Garden Wheel Works to close various streets downtown from 7 a.m. until 9 p.m. April 6, 2013 to accommodate a bike festival and waiver of fees**

Parks and Recreation Director Conn stated this request is from business owner Dennis Jones who would like to hold his second annual bikefest in the downtown area. He would like to basically close Plant Street April 6, 2013. The event benefits the non-profit organization Noah's Light Foundation. Staff recommends approval and Mr. Jones has agreed to the conditions.

Mr. Jones came forward and gave details of the event. **Mayor Rees** asked if a majority of the downtown merchants were in favor of the event. **City Manager Bollhoefer** responded that the downtown merchant's board voted in favor of the event. **Mr. Conn** added that Mr. Jones is asking that staff and event permit fees be waived for this event.

Mayor Rees asked how it is determined who will have their event and staff fees waived. **Mr. Conn** responded it is ultimately the City Commission's decision and in this case, staff is supportive of this event. This event does meet one of the target markets we try to reach in relationship to health and wellness. He hopes this event will grow in the future and become a staple event downtown. **City Manager Bollhoefer** added that waivers are somewhat subjective with no standard but what staff tries to look at is what the event does for downtown, the businesses, and the city as a whole. This event brings in entirely different demographics to downtown and it does have an international aspect, which is a great way to market Winter Garden.

Mr. Bollhoefer shared that staff is in the process of creating a presentation for the next meeting with a new form to be used in the future. The requestor will have to show the City Commission the vendor layout, if they propose selling alcohol where and how. The information will be provided upfront and it should make it easier going forward.

Commissioner Buchanan stated that the biggest concern he heard during the last bike race was with so many streets being closed that people had difficulty trying to get to work. **Mr. Bollhoefer** responded that lessons were learned from the first event and there will be a better system; we will get better with these ongoing events.

Commissioner Makin added that he thinks the events are great but this last 5k he had resident complaints about not being able to get in or out of their driveways. **Mr. Bollhoefer** noted that the runs tend to be much more successful in the mornings.

Motion by Commissioner Sharman to approve the request as submitted. Seconded by Commissioner Makin and carried unanimously 5-0.

A. **Recommendation to approve site plan for 519 S. Woodland Street (Ace Hardware)**

Community Development Director Williams stated this item is for the expansion of Ace Hardware by adding a 3,680 square foot building to house primarily lumber. They will have a loading area, parking, and retention. Staff recommends approval.

Mayor Rees asked what truck traffic will be added to Woodland. **Mr. Williams** responded that the design restricts access out to Woodland as a one-way; not in from Woodland. **City Manager Bollhoefer** added that the truck traffic will remain the same as it is now; no increase.

Commissioner Makin asked if delivery times will be restricted. **Mr. Bollhoefer** replied there is a hearing scheduled in January to determine the delivery days and noise issues.

Motion by Commissioner Buchanan to approve the site plan as requested for 519 S. Woodland Street. Seconded by Commissioner Sharman and carried unanimously 5-0.

B. **Recommendation to approve site plan for 12100 W. Colonial Drive (Bella Room Reception Hall f/k/a Portuguese American Club)**

Community Development Director Williams stated that during the condemnation action for widening SR 50, the front parking was removed. This site plan restores parking to the rear, landscaping, and retention for the paved area. The site does not have sufficient parking so they have entered into agreements with the adjoining properties to use their parking areas for overflow with insurance and liability protection. Staff recommends approval.

Motion by Commissioner Makin to approve the request as submitted. Seconded by Commissioner Sharman and carried unanimously 5-0.

C. **Recommendation to approve site plan for 21 E. Plant Street (Winter Garden Heritage Foundation, Inc.)**

Community Development Director Williams stated this is a site plan to expand the existing facility by 5,182 square feet on the north side of Plant Street. Staff has reviewed the request and worked on parking and landscaping issues, and recommends approval.

Motion by Commissioner Makin to approve the request as submitted. Seconded by Commissioner Sharman and carried unanimously 5-0.

D. **Recommendation to authorize the City Manager to execute a contract to purchase property located at 63 N. Boyd Street from Embarq Florida, Inc. d/b/a CenturyLink for \$170,000.00 to accommodate additional downtown parking**

Community Development Director Williams noted the location is already a parking lot and if a parking garage is approved, this site could be utilized. **Commissioner Makin** asked if there was an appraisal done. **Mr. Williams** responded yes and it came in at \$169,900.00.

Mayor Rees asked about the agreement provision that reserves ten parking spaces for Embarq and asked what would happen to those spaces if a parking garage is built or if CenturyLink moved out. **Mr. Williams** responded there was no discussion on

CenturyLink leaving. If the garage is built, they would still have ten reserved spaces. **Mayor Rees** stated he meant during construction. **Mr. Williams** responded they are fine. **Mayor Rees** indicated that he would think the spaces would revert back to the City if CenturyLink vacated the building. **Mr. Williams** replied that would have to be negotiated because CenturyLink could let the purchaser know they have the ten spaces to meet the requirements of their building. **City Attorney Ardaman** added that under the agreement, it does bind the respective successors and they would be entitled to the same parking rights.

Motion by Commissioner Sharman to approve the purchase agreement as recommended. Seconded by Commissioner Olszewski and carried unanimously 5-0.

E. **Recommendation to approve purchasing a new Boom Truck under the Florida Sheriffs Association contract not to exceed \$90,614.00**

Public Services Director Cochran stated that this boom truck would be for sewer lift station repairs and gave the details as provided in the agenda packet.

Motion by Commissioner Sharman to approve the purchase as requested. Seconded by Commissioner Buchanan and carried unanimously 5-0.

F. **Recommendation to approve purchasing a new tractor under the Florida Sheriff's Association contract not to exceed \$100,886.00**

Public Services Director Cochran stated that this tractor replaces an existing unit and gave the details as provided in the agenda packet.

Motion by Commissioner Olszewski to approve the purchase as requested. Seconded by Commissioner Sharman and carried unanimously 5-0.

G. **Recommendation to approve purchasing a new fire engine for \$444,519.00**

Fire Chief Williamson noted that this item was originally budgeted for \$460,000.00. This unit will replace Engine 23 located at Fuller's Cross Fire Station that has been out for frequent service. Staff recommends approval.

Mayor Rees asked what will be done with the old fire engine. Fire Chief Williamson responded that the oldest engine, a 1988 Grumman, will be disposed of and Engine 23 will become a reserve truck.

Motion by Commissioner Makin to approve the purchase as requested. Seconded by Commissioner Olszewski and carried unanimously 5-0.

H. **Special event request by Tri & Run of West Orange to close Plant Street from 6:30 a.m. until 8:30 a.m. February 16, 2013 to accommodate a 10K Run/Walk fundraiser**

Parks and Recreation Director Conn stated this request is from the owner of Tri & Run Jerry Pegram. The merchants have pointed out that they are in support of morning races with little impact to downtown and minimal impact on city staff.

Motion by Commissioner Sharman to approve the request as submitted. Seconded by Commissioner Buchanan and carried unanimously 5-0.

- I. **Special event request by Winter Garden Wheel Works to close various streets downtown from 7 a.m. until 9 p.m. April 6, 2013 to accommodate a bike festival and waiver of fees** (*This item was acted upon earlier in the meeting.*)

- J. **Resolution 12-21:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA URGING TOBACCO RETAILERS TO STOP THE SALE AND MARKETING OF FLAVORED TOBACCO PRODUCTS TO UNDERAGED YOUTH IN THE CITY OF WINTER GARDEN, FLORIDA; PROVIDING FOR SEVERABILITY; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE (*This item was acted upon earlier in the meeting.*)

- K. **Reappointment of Mark Griffith as a trustee on the General Employee Pension Board for a term of two years**

City Clerk Golden stated that Mr. Griffith's term expires the end of this year and in accordance with the City's Code, the General Employee Pension Board is recommending reappointment of Mr. Griffith.

Motion by Commissioner Buchanan to reappoint Mark Griffith to the General Employee Pension Board for a two-year term. Seconded by Commissioner Makin and carried unanimously 5-0.

- L. **Recommendation to approve renewal of the West Orange Narcotics Task Force Agreement**

Police Chief Brennan stated that this agreement expires the end of this year and he is requesting renewal for another four years.

Motion by Commissioner Sharman to approve renewal of the West Orange Narcotics Task Force Agreement as submitted. Seconded by Commissioner Makin and carried unanimously 5-0.

- M. **Recommendation on City and employees sharing the increase in health insurance premiums for 2013**

City Manager Bollhoefer shared that negotiations for employee health insurance premiums has been going on right up until the last minute. Insurance costs are driven by what is called "experience", i.e. how many get sick and what types of sicknesses there are. This past year was a bad year and staff was able to get the increase down to approximately 12.5 percent overall. The past four years there was a total of a 4 percent increase. We have been hit hard this year and the increase is approximately \$224,000. The recommended increase was split in half with the City paying half and the other half being paid by the employees. The analysis shows the different plans with the left side showing current costs and the right side showing the proposed costs.

Mayor Rees asked how was the different contribution amounts computed between employee/family and employee/children because there is quite a difference in the percentages. **Assistant City Manager–Administrative Services Gilbert** stated that along with the experience factor they also are rated for each category within their group experience and UnitedHealth Care gave us what each should pay. **Mayor Rees** clarified that the experience rating for employee/spouse was greater than the family rating. **Mr. Gilbert** responded yes.

Motion by Commissioner Buchanan to approve raising employee contribution to health insurance premiums as recommended. Seconded by Commissioner Sharman and carried unanimously 5-0.

4. **MATTERS FROM CITIZENS** – There were no items.
5. **MATTERS FROM CITY ATTORNEY** – There were no items.
6. **MATTERS FROM CITY MANAGER**

City Manager Bollhoefer advised that Orange County Mayor Jacobs has put officers in the elementary schools and there has been a lot of buzz about what other county and cities are going to do. Staff has been looking at this and is not yet sure what is best in the long term. Police Chief Brennan has already assigned police officers to the Winter Garden elementary schools for the rest of this week. He will come back to the City Commission with some ideas at the next meeting.

7. **MATTERS FROM MAYOR AND COMMISSIONERS**

Commissioner Olszewski stated that at the last meeting he spoke to responsiveness to our citizens whom he believes are their bosses. He knows the City Manager takes pride in customer service for our City staff and the City Manager advised at a senior staff meeting about being responsive within 24-hours and he is excited about this direction.

Commissioner Olszewski announced that the City Manager will keep him updated about any process relating to any 7-Eleven at Windermere / Roberson Road activity and there is talk of a community meeting sometime in January. **Mr. Bollhoefer** stated that the community meeting is almost finished being scheduled for January 16, 2013.

Commissioner Olszewski asked City Attorney Ardaman about the Florida Sunshine Laws with regard to more than one Commissioner being in attendance at a meeting or function. As he understands it, they can attend as long as they don't have a conversation or meet. A Commissioner can voice their opinion at a public meeting as long as someone doesn't respond otherwise it would be a violation of the law and asked for clarification.

Mr. Ardaman stated that attending a meeting as an audience member and listening is not a violation but to be careful about having any discussion. If there are multiple City Commissioners at a meeting and a Commissioner speaks about a matter that foreseeably will

come before the City Commission and another City Commissioner speaks, it becomes questionable. He cautioned the Commissioners that while there is no problem with attending as a member of the audience and there are matters that are likely or foreseeable to come before the City Commission it is best not to speak.

Commissioner Olszewski gave an example of a West Orange Chamber committee meeting with two Commissioners present and if there was information that would be voted on by the City Commission, as long as no one makes a comment that would be alright. **Mr. Ardaman** responded that just attending a meeting and listening, with no discussion on matters that foreseeably will come before the City Commission, is not a problem. **Commissioner Olszewski** restated that as long as a Commissioner is quiet and just listens there is no violation of the Florida Sunshine law. **Mr. Ardaman** responded that is correct.

Commissioner Buchanan expressed that if he is the Commission's designated Commissioner to attend West Orange Chamber committee meetings, then he wants to be the only one there and he doesn't want to have worry about another Commissioner being in the same room. **Mr. Ardaman** responded that a non-advertised West Orange Chamber committee meeting, that is not open to the public, has no minutes being taken, with two Commissioners present, should not have any public business discussed. Since a committee may well consider something that will come before the City Commission that may not be known until you are in the meeting, he recommends not putting yourself in a situation where there are two Commissioners on the same committee. It can be done, but the problem is it gets so close to being a potential violation.

Commissioner Olszewski asked if the advice is to no longer allow more than one Commissioner to attend the Winter Garden Merchant's Association or Rotary functions, because something could foreseeably come up in a meeting. **Mr. Ardaman** responded that he has not looked at each of these situations. However, if they are public meetings and two or more Commissioners want to attend, the problem arises if the Commissioners begin to speak about a matter that foreseeably will come before the City Commission; that situation would be getting close to a violation. **Commissioner Olszewski** confirmed that as long as Commissioners remain silent, there is no Florida Sunshine violation. **Mr. Ardaman** responded that is correct.

Commissioner Makin thanked the Winter Garden Fire Department for the Santa Run he participated in last Thursday. It was nice to see all the families come out and enjoy it. He thanked Mr. Bruns for inviting him to attend the Trailer City HOA meeting and it was great. He also mentioned that Mr. Bruns put on a great car show this last month. He thanked all the staff and their hard work this holiday season.

Mayor Rees thanked the Police and Fire Departments for the Santa Run that our residents really enjoyed.

The meeting adjourned at 8:50 p.m.

APPROVED:

Mayor John Rees

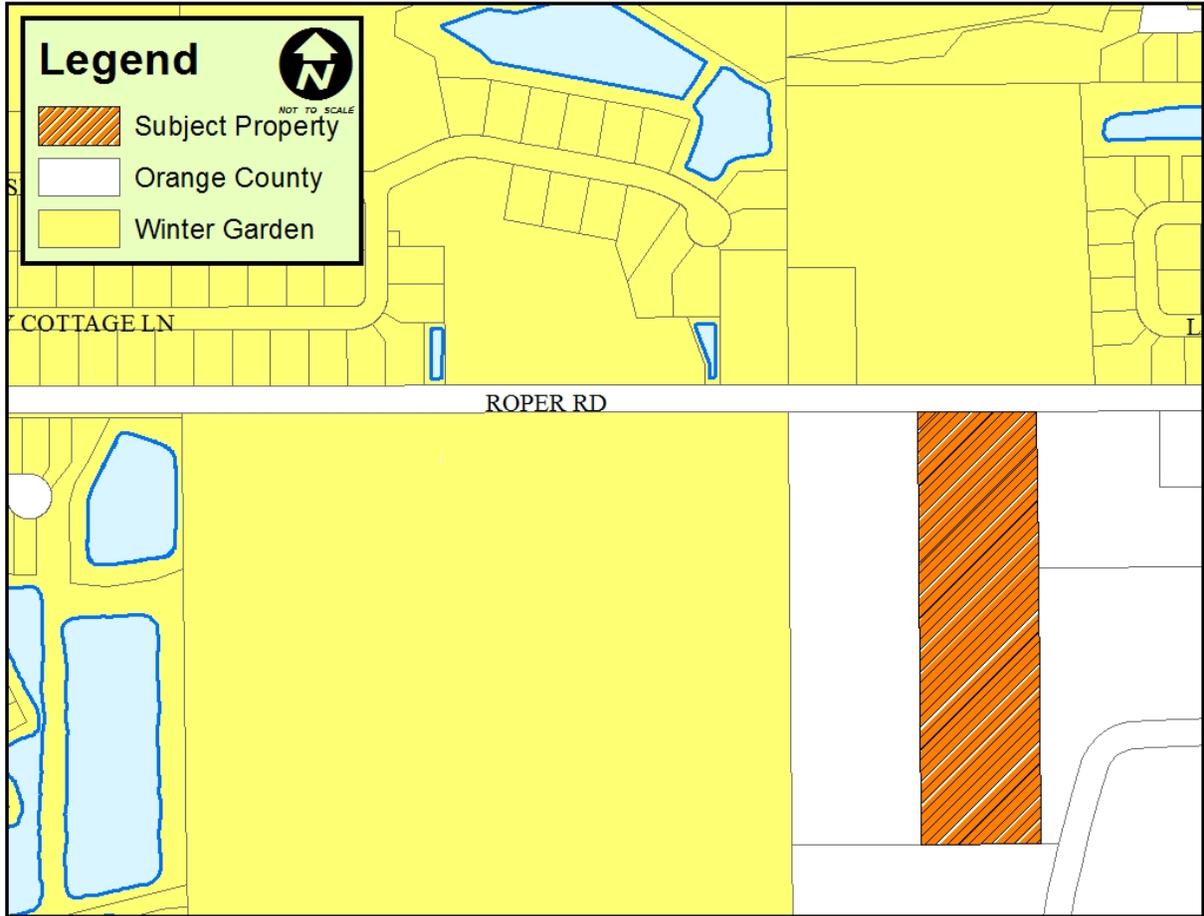
ATTEST:

City Clerk Kathy Golden, CMC

DRAFT

LOCATION MAP

12900 Roper Road
Parcel ID # 36-22-27-0000-00-011



ORDINANCE 13-01

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 6 ± ACRES LOCATED AT 12900 ROPER ROAD ON THE SOUTH SIDE OF ROPER ROAD, EAST OF DANIELS ROAD AND WEST OF BEULAH 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 6 ± acres located on the south side of Roper Road, east of Daniels Road and west of Beulah 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: _____, 2013.

SECOND READING AND PUBLIC HEARING: _____, 2013.

ADOPTED this _____ day of _____, 2013, 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#: 36-22-27-0000-00-011

Begin 286 feet East of the NW corner of Section 36, Township 22 South, Range 27 East, Orange County Florida; run South 990 feet, East 264 feet, North 990 feet, West 264 feet to the Point of Beginning.

ORDINANCE 13-02

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 6 ± ACRES LOCATED AT 12900 ROPER ROAD ON THE SOUTH SIDE OF ROPER ROAD, EAST OF DANIELS ROAD AND WEST OF BEULAH ROAD FROM ORANGE COUNTY RURAL AGRICULTURAL 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 6 ± acres of land located at 12900 Roper Road on the south side of Roper Road, east of Daniels Road and west of Buelah 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 Rural Agricultural 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 13-01, 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: _____, 2013.

SECOND READING AND PUBLIC HEARING: _____, 2013.

ADOPTED this _____ day of _____, 2013, 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

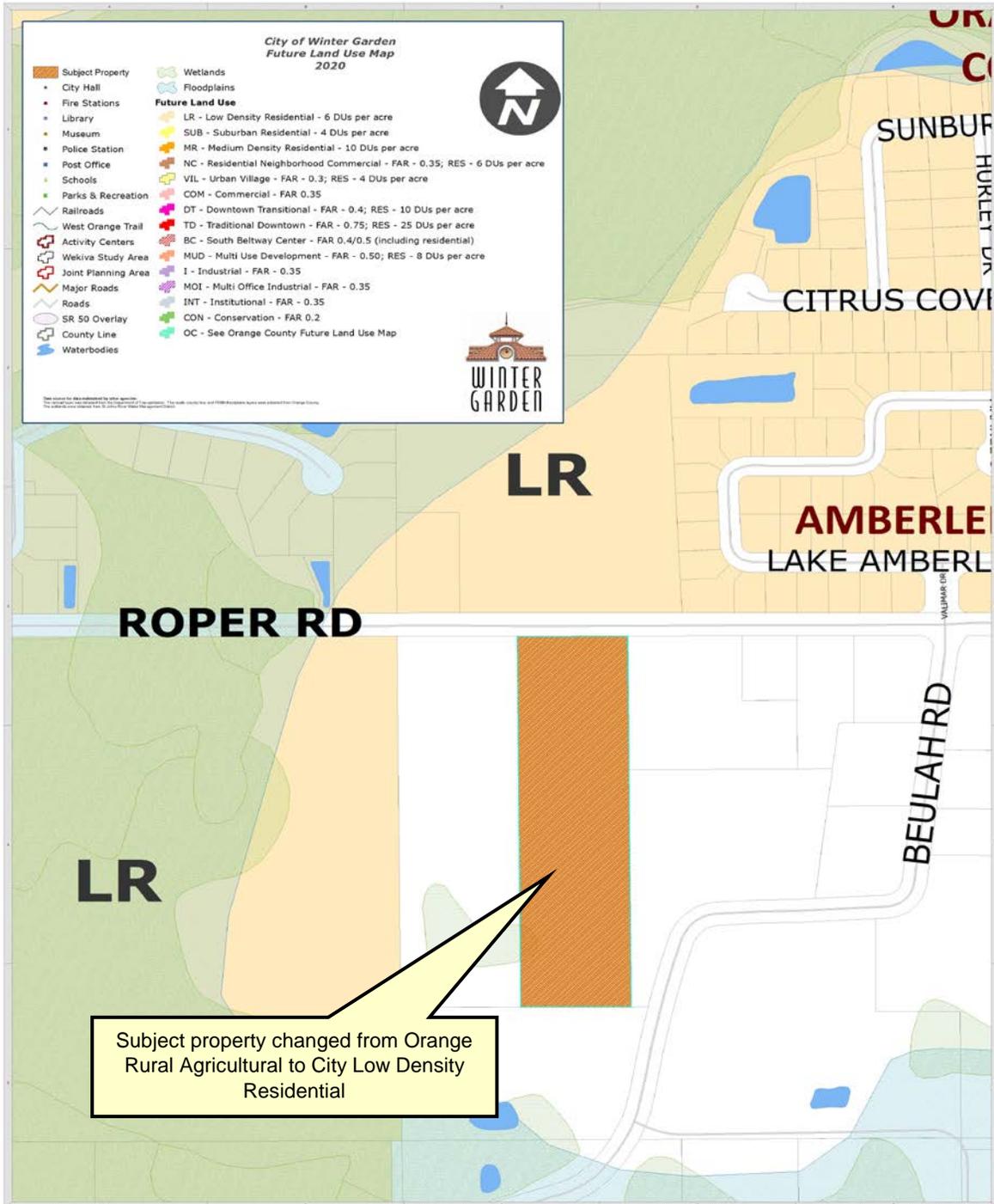
PARCEL ID#: 36-22-27-0000-00-011

Begin 286 feet East of the NW corner of Section 36, Township 22 South, Range 27 East, Orange County Florida; run South 990 feet, East 264 feet, North 990 feet, West 264 feet to the Point of Beginning.

ATTACHMENT "B"

FUTURE LAND USE MAP

12900 Roper Road



ORDINANCE 13-03

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 6 ± ACRES LOCATED AT 12900 ROPER ROAD ON THE SOUTH SIDE OF ROPER ROAD, EAST OF DANIELS ROAD AND WEST OF BEULAH ROAD FROM ORANGE COUNTY A-1 CITRUS/AGRICULTURAL DISTRICT TO CITY R-1B RESIDENTIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner of that certain real property generally described as 6 ± acres of land located on the south side of Roper Road, east of Daniels Road and west of Beulah Road, and legally described in Section 1 of this ordinance has petitioned the City to rezone said property from Orange County A-1 Citrus Agricultural to the City’s R-1B Residential District zoning classification, therefore; and

WHEREAS, after public notice and due consideration of public comment, the City Commission of the City of Winter Garden hereby finds and declares the rezoning approved by this Ordinance is consistent with the City of Winter Garden Comprehensive Plan; and

WHEREAS, further, the City Commission finds that based on competent, substantial evidence in the record, the rezoning approved by this Ordinance meets all applicable criteria for rezoning the Property to R-1B Residential District contained within the City of Winter Garden Comprehensive Plan and the Code of Ordinances.

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

SECTION 1: *Rezoning.* The above “Whereas” clauses constitute findings by the City Commission. After due notice and public hearing, the zoning classification of real property legally described on ATTACHMENT “A,” is hereby rezoned from Orange County A-1 Citrus Agricultural District to City R-1B 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 13-02 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: _____, 2013.

SECOND READING AND PUBLIC HEARING: _____, 2013.

ADOPTED this _____ day of _____, 2013, 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#: 36-22-27-0000-00-011

Begin 286 feet East of the NW corner of Section 36, Township 22 South, Range 27 East, Orange County Florida; run South 990 feet, East 264 feet, North 990 feet, West 264 feet to the Point of Beginning.

CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

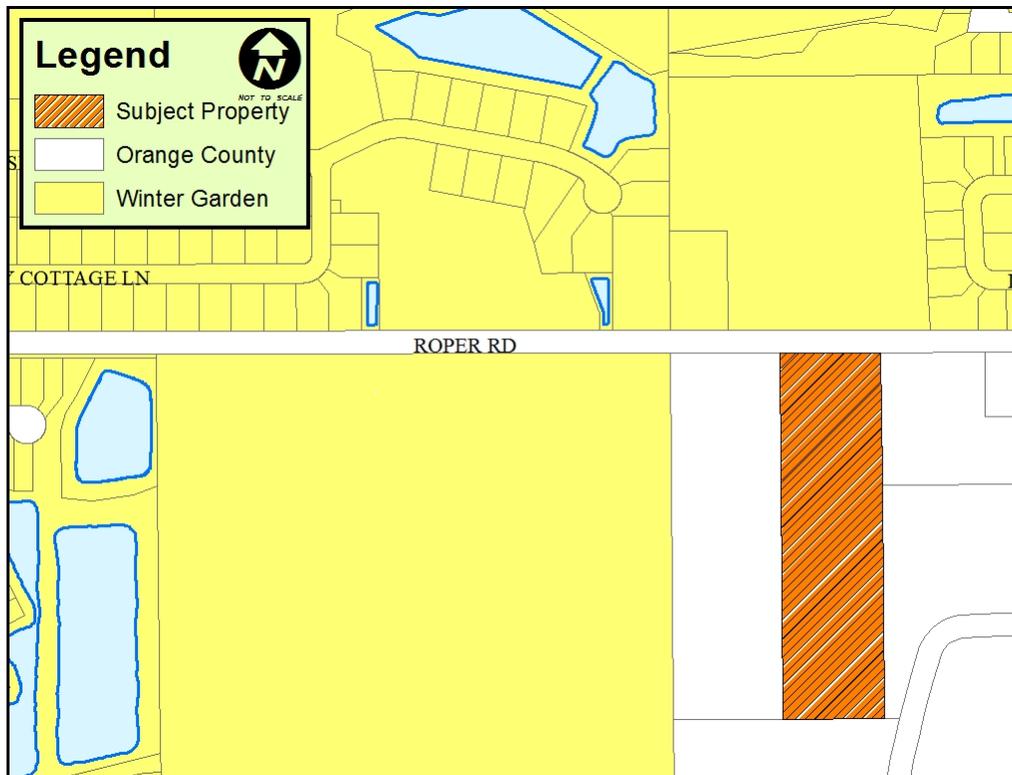
STAFF REPORT

TO: PLANNING AND ZONING BOARD
PREPARED BY: STEVE PASH, SENIOR PLANNER
DATE: DECEMBER 30, 2012
SUBJECT: ANNEXATION – ZONING – FLU AMENDMENT
12900 ROPER ROAD (6 +/- ACRES)
PARCEL ID #: 36-22-27-0000-00-011
APPLICANT: GLENDA LOEW, ET AL

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 12900 Roper Road and is approximately 6 ± 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 Single-Family 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 is currently vacant. However, the property does contain approximately a 0.05 acre portion of the 0.78 acre wetland/pond which is located largely on the adjoining property to the west of the subject property.

ADJACENT LAND USE AND ZONING

The properties located to the north are several single-family homes on large tracts and two subdivisions, zoned R-1, R-1B, and PUD, and located in the City. There are two properties located to the east and one is developed with a single-family house, zoned A-1 and located in Orange County; the other is owned by Orange County Public Works. The property to the south is owned by Orange County, used by their Public Works Department for storage, zoned R-1 and located in the County. The property to the west is developed with a one story manufactured home, a trailer, five sheds, a barn, and was just annexed into the City with a proposed zoning of R-1B.

PROPOSED USE

The applicant intends to annex the property and sell it to a developer who will submit plans to build a subdivision once the annexation, FLU, and zoning process is complete.

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.

In conjunction with application for development of the property, the owner and/or developer will be required to submit a traffic analysis and participate in agreement(s) for any improvements to road, utility and other infrastructure improvements, extensions and/or expansions necessary to support development of the property.

SUMMARY

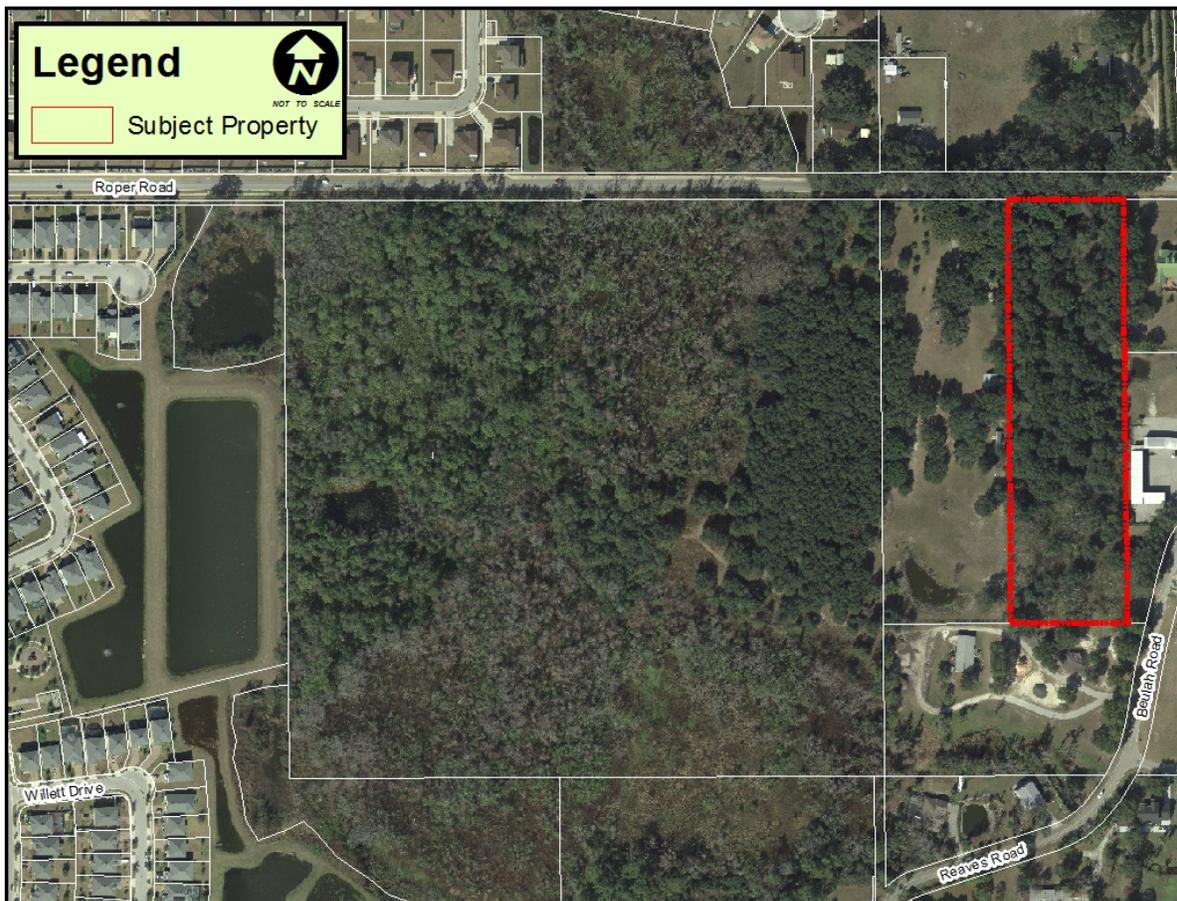
Annexation will provide a more efficient delivery of services to the property and further the goals and objectives of the City of Winter Garden’s Comprehensive Plan to eliminate enclaves. City Staff recommends approval of the proposed Ordinances subject to the following conditions:

1. Future development plans for the property will be reviewed by staff and the board to ensure consistency with the surrounding area.
2. In conjunction with application for preliminary development of the property, the owner and/or developer shall submit a traffic analysis and participate in agreement(s) for improvements to road, utility and other infrastructure improvements, extensions and/or expansions necessary to support development of the property.

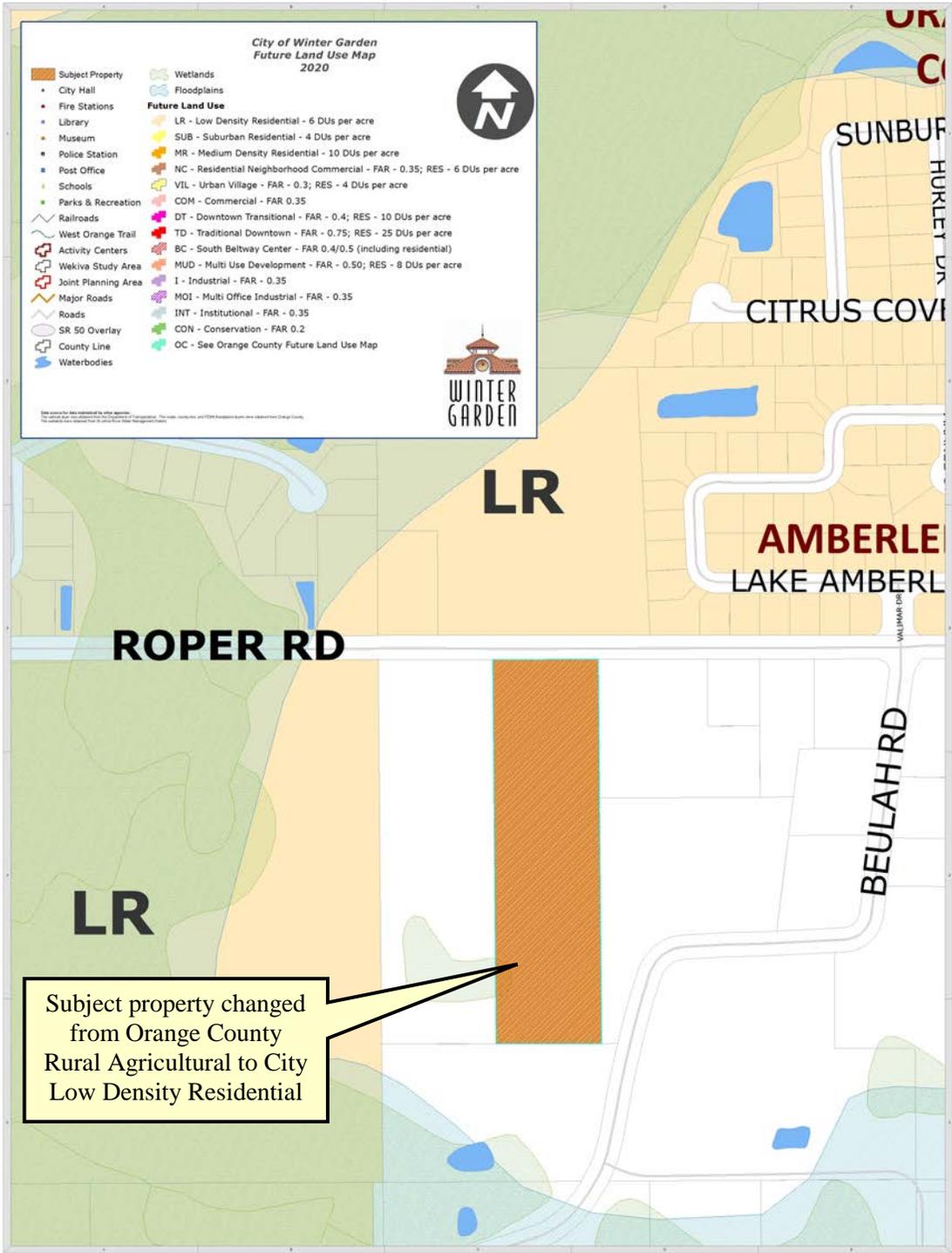
MAPS

AERIAL PHOTO

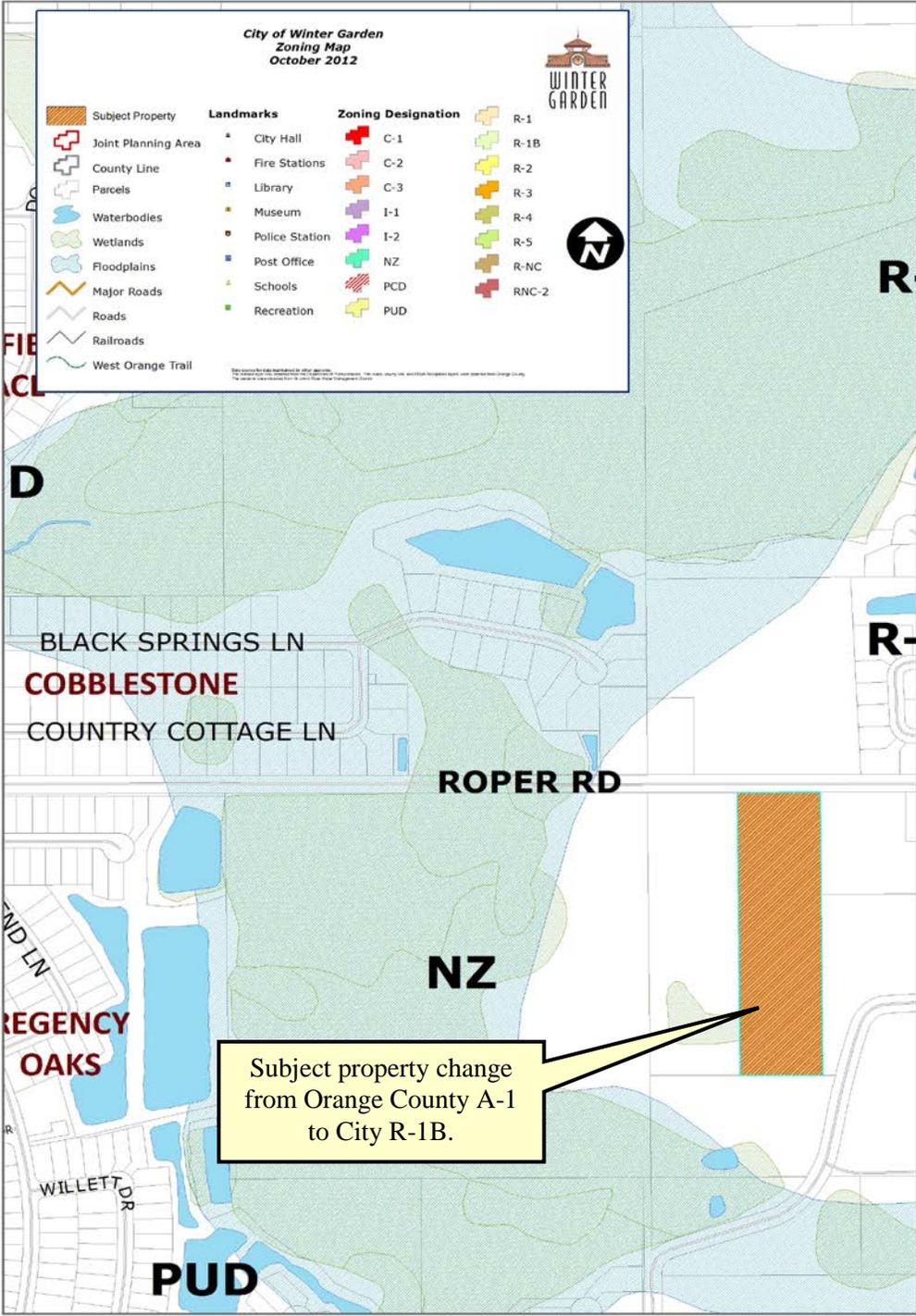
12900 Roper Road



FUTURE LAND USE MAP
12900 Roper Road



ZONING MAP
12900 Roper Road



END OF STAFF REPORT

THE CITY OF WINTER GARDEN
CITY COMMISSION AGENDA ITEM

From: Ed Williams, Community Development Director

Via: City Manager Mike Bollhoefer

Date: January 2, 2013

Meeting Date: January 10, 2013

Subject: **14288, 14350 & 14362 Siplin Road**
Poole, Gemeiner, Solomon Annexation
Ordinance 13-05 Annexation
PARCEL ID# 34-22-27-0000-00-007, 34-22-27-0000-00-008
& 34-22-27-0000-00-029

Issue: The applicant is requesting Annexation of 35.176± acres of property located at 14288, 14350 & 14362 Siplin Road.

Discussion: The City encourages infill of its jurisdictional limits through voluntary annexation of enclaves. The subject property is a 35.176± acre property surrounded by the City of Winter Garden on three sides (north, east and west) and is located at the southwest corner of Siplin Road and Sunridge Boulevard. The applicant has requested Annexation into the City, and expressed their intent to submit application for rezoning and future land use map amendment in the future. (See attached Staff Report).

Recommended Action:

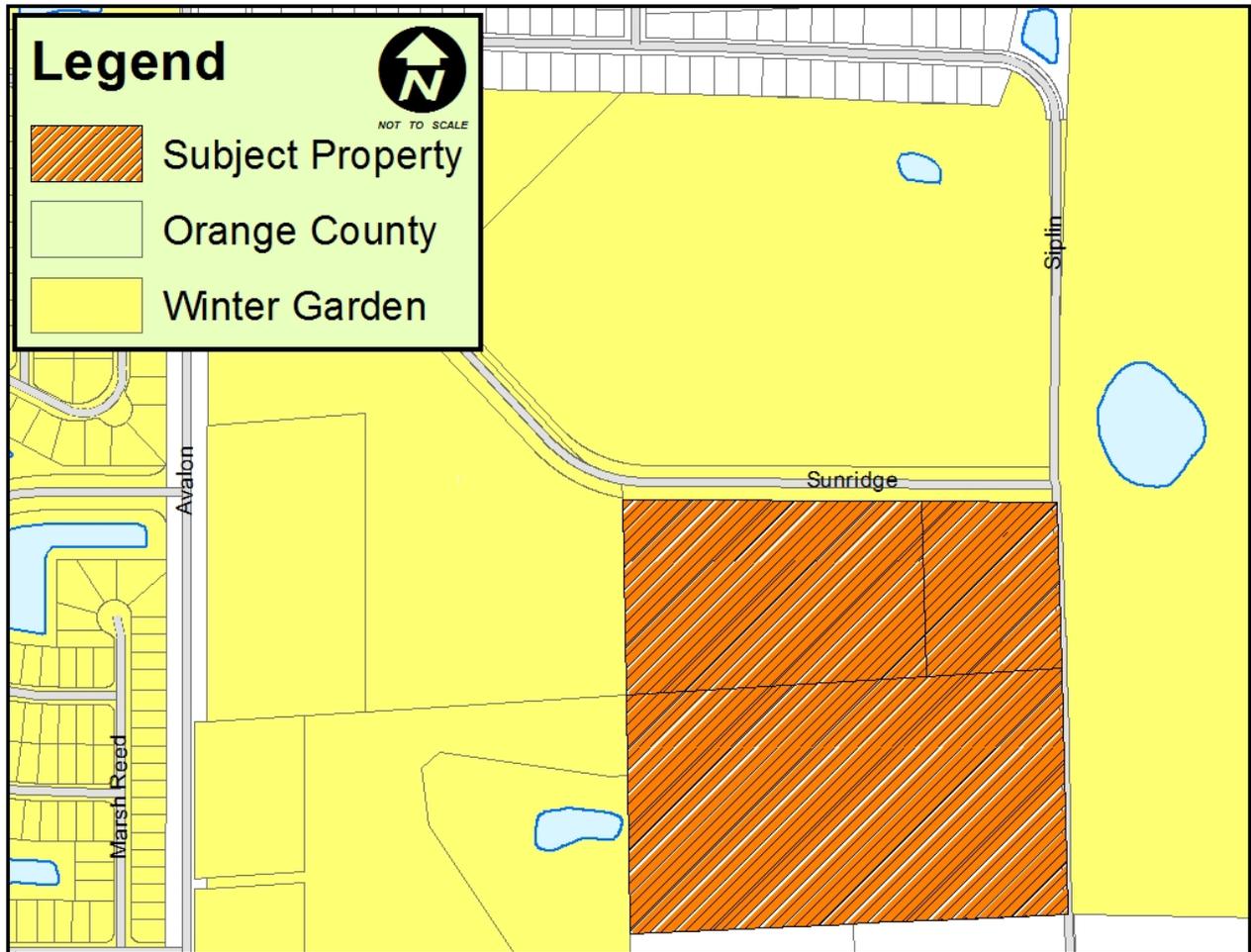
Staff recommends approval of Ordinance 13-05 with the second reading and public hearing being scheduled for January 24, 2013.

Attachment(s)/References:

Location Map
Ordinance 13-05
Staff Report

LOCATION MAP

14288, 14350 & 14362 SIPLIN ROAD
Poole, Gemeiner, Solomon Annexation



ORDINANCE 13-05

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 35.176 ± ACRES LOCATED AT 14288, 14350, AND 14362 SIPLIN ROAD AT THE SOUTHWEST CORNER OF SIPLIN ROAD AND SUNRIDGE BOULEVARD 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 35.176 ± acres located at the southwest corner of Siplin Road and SunRidge Boulevard 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: _____, 2013.

SECOND READING AND PUBLIC HEARING: _____, 2013.

ADOPTED this _____ day of _____, 2013, 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#: 34-22-27-0000-00-029 & 34-22-27-0000-00-008

LEGAL DESCRIPTION:

A PARCEL OF LAND BEING A PORTION OF THE NORTH HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 22 SOUTH, RANGE 27 EAST BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTH QUARTER CORNER OF SAID SECTION 34 FOR A POINT OF REFERENCE; THENCE RUN SOUTH 01°18'35" EAST, ALONG THE EAST LINE OF THE NORTHWEST CORNER OF SAID SECTION 34, A DISTANCE OF 231.90 FEET; THENCE DEPARTING SAID EAST LINE RUN SOUTH 89°42'54" EAST, 8.00 FEET TO THE WEST LINE OF THAT CERTAIN RIGHT-OF-WAY AGREEMENT RECORDED IN OFFICIAL RECORDS BOOK 1753, PAGE 564 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA AND THE POINT OF BEGINNING; THENCE RUN SOUTH 01°18'35" EAST, ALONG SAID WEST LINE, 478.23 FEET TO THE SOUTH LINE OF THE NORTH HALF OF THE NORTHEAST QUARTER, OF THE NORTHWEST QUARTER OF SAID SECTION 34; THENCE RUN SOUTH 86°25'20" WEST, ALONG SAID SOUTH LINE, 1256.43 FEET TO THE WEST LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 34; THENCE RUN NORTH 00°43'13" WEST, ALONG SAID WEST LINE, 562.75 FEET TO A POINT ON SAID WEST LINE, BEING 123.77 FEET FROM THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 34; THENCE DEPARTING SAID WEST LINE, RUN SOUTH 89°42'58" EAST, 1250.14 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL OF LAND LIES IN ORANGE COUNTY, FLORIDA AND CONTAINS 14.966 ACRES MORE OR LESS.

PARCEL ID#: 34-22-27-0000-00-007

LEGAL DESCRIPTION:

A PARCEL OF LAND BEING THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 22 SOUTH, RANGE 27 EAST BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTH QUARTER CORNER OF SAID SECTION 34 FOR A POINT OF REFERENCE; THENCE RUN SOUTH 01°18'35" EAST, ALONG THE EAST LINE OF THE NORTHWEST CORNER OF SAID SECTION 34, A DISTANCE OF 709.57 FEET; TO THE NORTHEAST CORNER OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 34 AND THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 01°18'35" EAST, ALONG SAID EAST LINE, 709.57 FEET TO THE SOUTHEAST CORNER OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 34; THENCE RUN SOUTH 87°28'30" WEST, ALONG THE SOUTH LINE OF THE SOUTH HALF OF THE NORTHEAST QUARTER, OF THE NORTHWEST QUARTER OF SAID SECTION 34 A DISTANCE OF 1270.79 FEET TO THE SOUTHWEST CORNER OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 34; THENCE RUN NORTH 00°43'13" WEST, ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 34, A DISTANCE OF 686.52 FEET TO THE NORTHWEST CORNER OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 34; THENCE RUN NORTH 86°25'20" EAST, ALONG THE NORTH LINE OF THE SOUTH HALF OF THE NORTHEAST QUARTER, OF THE NORTHWEST QUARTER OF SAID SECTION 34, A DISTANCE OF 1264.44 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL OF LAND LIES IN ORANGE COUNTY, FLORIDA AND CONTAINS 20.299 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

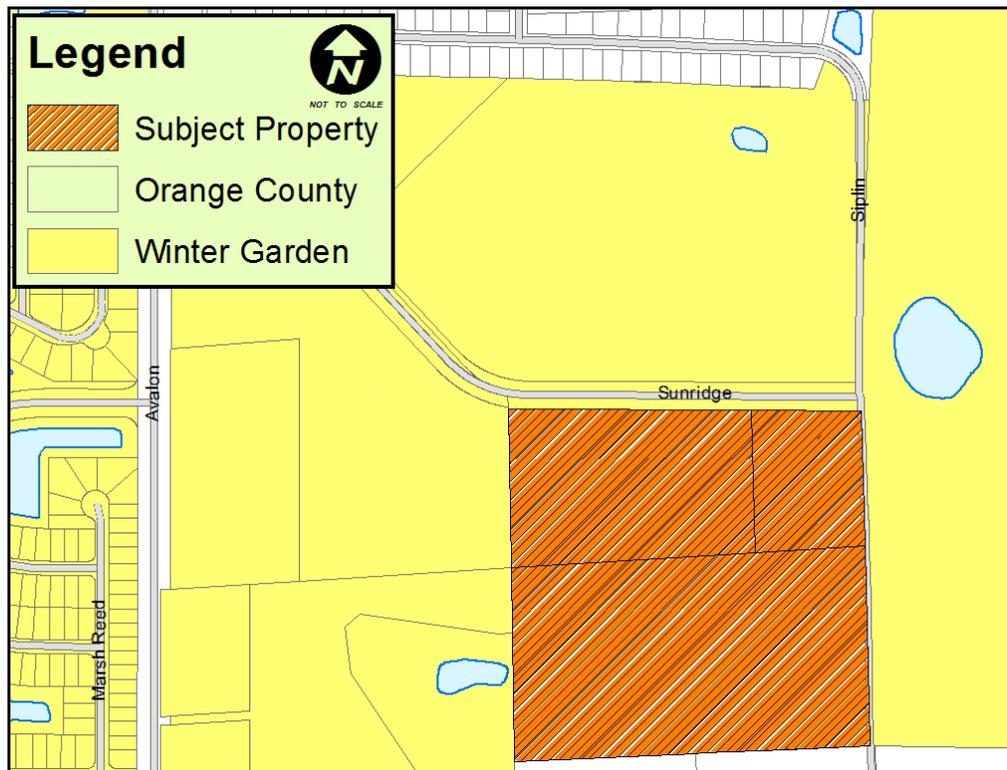
TO: PLANNING AND ZONING BOARD
PREPARED BY: LAURA SMITH, SENIOR PLANNER
DATE: JANUARY 2, 2013
SUBJECT: ANNEXATION
14288, 14350 & 14362 SIPLIN ROAD (35.176 +/- ACRES)
PARCEL ID #: 34-22-27-0000-00-007, 34-22-27-0000-00-008
& 34-22-27-0000-00-029

APPLICANT: Eric J. Poole, George H. and Muriel Gemeiner Family Trust & Solomon Family Irrevocable 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 14288, 14350 & 14362 Siplin Road and is approximately 35.176 ± acres. The map below depicts the proximity of the subject property to the City's jurisdictional limits:



The applicant has requested annexation of the subject property located at the southwest corner of Siplin Road and Sunridge Boulevard into the City of Winter Garden. The subject property is bordered on the north, east and west sides by properties which are within the City of Winter Garden and to the south by land located in Unincorporated Orange County.

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 primarily vacant unimproved land; however there is one existing single family residential structure located on the portion of the property addressed at 14362 Siplin Road. Additionally, the properties addressed at 14288 & 14362 contain wetlands which total approximately 3.63 acres.

ADJACENT LAND USE AND ZONING

The property located to the north of the subject property is the new school site of Sunridge Middle School and Sunridge Elementary School which opened last year in the City. The properties located to the west are vacant properties located within the City of Winter Garden, one containing an Orange Grove and the other is owned by the City of Winter Garden. The properties located to the south include vacant unimproved land located in Unincorporated Orange County and a Single Family Residential structure also located in Unincorporated Orange County. The property to the east is primarily vacant land, zoned R-2 and located in the City.

PROPOSED USE

The owner(s) are currently requesting annexation and propose to submit application in the future to rezone and amend the future land use designation of the property for residential development.

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.

In conjunction with rezoning and/or future land use map amendment for the property, the owner and/or applicant will be required to submit a traffic study and participate in agreements for any improvements to road, utility and other infrastructure improvements, extensions and/or expansions necessary to support development of the property.

SUMMARY

Annexation of the subject property 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

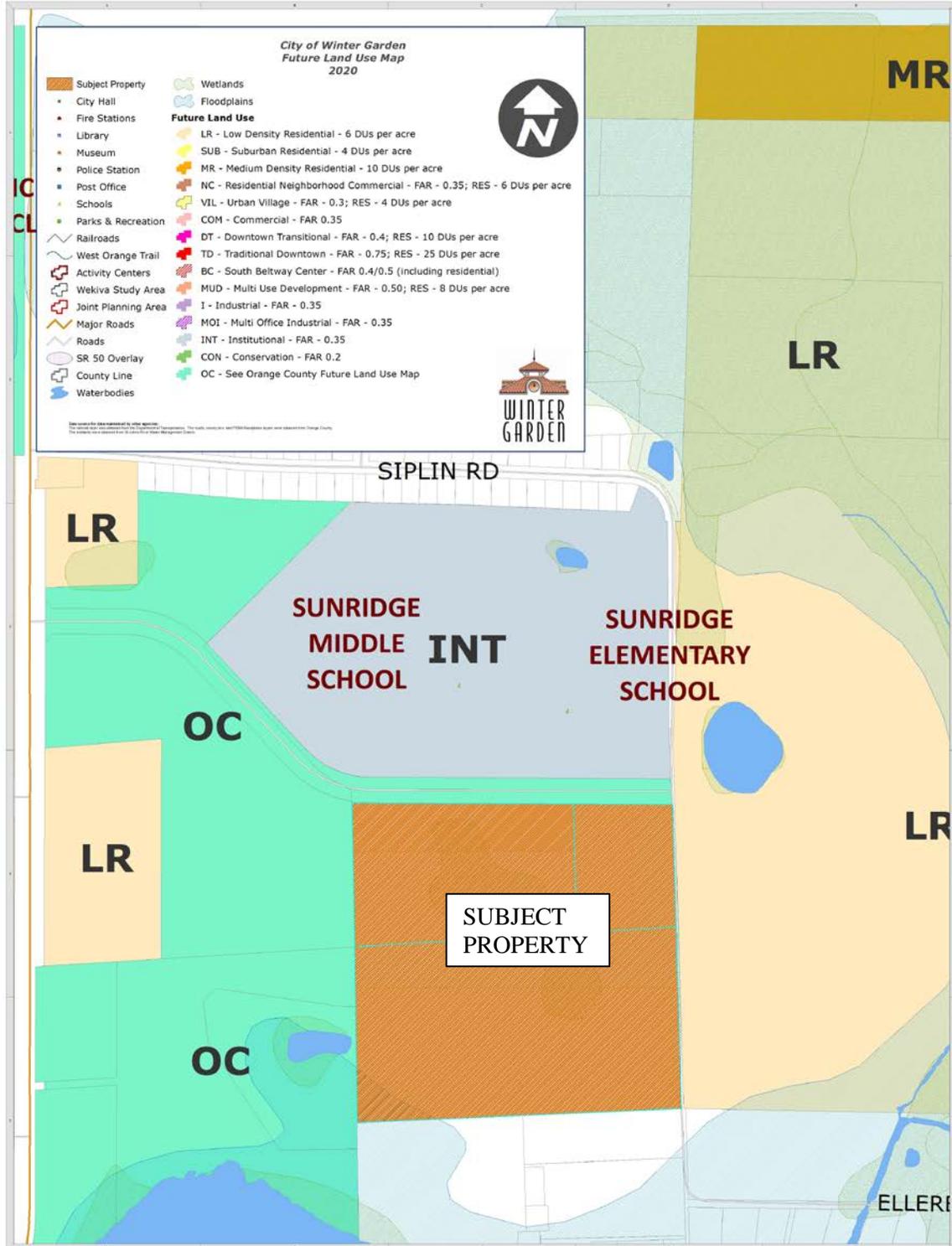
to eliminate enclaves. City Staff recommends approval of the proposed Ordinance subject to the condition that prior to rezoning and/or future land use map amendment for the property, the owner and/or applicant shall participate in agreement(s) for improvements to road, utility and other infrastructure improvements, extensions and/or expansions necessary to support development of the property.

MAPS

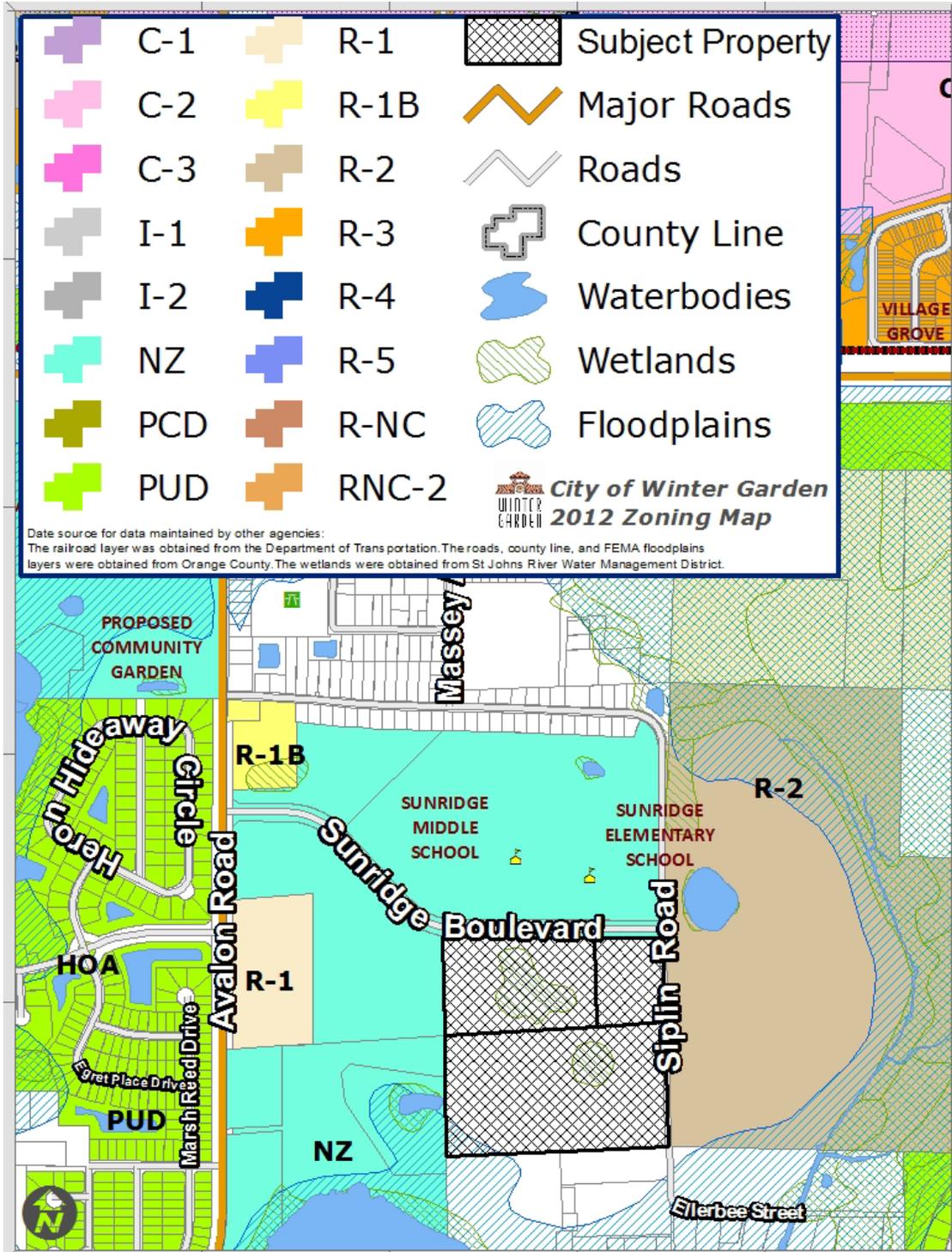
AERIAL PHOTO
14288, 14350 & 14362 SIPLIN ROAD (35.176 +/- ACRES)



FUTURE LAND USE MAP
14288, 14350 & 14362 SIPLIN ROAD (35.176 +/- ACRES)



ZONING MAP
14288, 14350 & 14362 SIPLIN ROAD (35.176 +/- ACRES)



END OF STAFF REPORT

THE CITY OF WINTER GARDEN

CRA AGENDA ITEM

From: Tanja Gerhartz, Economic Development Director

Via: Mike Bollhoefer, City Manager

Date: January 2, 2013 **Meeting Date:** January 10, 2013

Subject: Facade Matching Grant Application for 132 W. Plant Street

Applicant: David Downs, Owner of Winter Garden Urban Flats

Discussion: The CRA Advisory Board recommended approval of the attached Facade Matching Grant application on December 11, 2012, which is coming before the CRA for final approval on January 10, 2013. The following matching grant is being recommended for approval:

David Downs, Winter Garden Urban Flats at 132 W. Plant Street - up to \$10,000 for facade improvements on Tremaine Street and an awning for the outdoor seating area.

Recommended Action:

Move to approve the application and authorize the City Manager to execute agreement with the applicant for a grant no to exceed \$10,000 with the following conditions.

- 1) Any resulting sidewalk area must be in compliance with ADA and City Codes.
- 2) Any tenant improvements made in conjunction with this application are to remain the property of the landlord.

Attachments/References:

Facade Matching Grant Application and Supporting Materials



CRA Advisory Board
Facade Matching Grant Application
STAFF REPORT

Subject Property:

CRA BFMGP-05A & B
132 W. Plant Street

Business Owner:

David Downs
Orlando Flatbread d/b/a Urban Flats

Property Owner:

Cappleman, Inc. - Larry Cappleman

Project Description:

The City has received a request from David Downs, owner of the Winter Garden Urban Flats, who will be the first floor tenant for a Facade Matching Grant. The project will consist of installing an awning on the west side of the building to create an outdoor seating area (A) and creating a faux front door (B) and street presence on the rear of the building facing Tremaine Street.

The applicant is adding an outdoor seating area on the west side of the building and installing an awning. The applicant is creating a walled area on the back of the building to shield back of the house operations. A secondary purpose is to develop a positive street presence by creating a front facade to the back of the building. The applicant is also installing a sign and landscaping to assist in creating a front facade.

Project Budget:

	Estimate 1	Estimate 2
New Awning (A)	\$11,150	\$ 8,690
Back Wall and Faux Doors (B)	\$13,614	\$11,610
Permit Fees	\$ 650	\$ 650
Total	\$25,414	\$20,950

City Approvals:

The applicant received approval from the Architectural Review Board on July 17, 2012, August 21, 2012 and September 18, 2012. The Board gave staff authorization to rework the back wall area on November 20, 2012.

Recommendation:

Recommend approving “a not to exceed” Facade Matching Grant of \$10,000 for eligible improvements which qualifies as a 50% match and prepare an agreement to be executed.

Summary of Eligible Facade Improvements:

132 W. Plant Street is not a contributing structure within the historic district.

Attachments:

Business Facade Matching Grant Program Application/Documentation

**“EXHIBIT A”
SUBJECT PROPERTY**

132 W. Plant St.



“EXHIBIT B”

EXISTING CONDITIONS

132 W. Plant Street



**“EXHIBIT C”
PROPOSED FACADE IMPROVEMENTS**

132 W. Plant Street

ARHPB Approvals

Awnings on West Side of Building



Awnings on South Side of Building



Proposed Outdoor Seating Area with Fence and Awning (A)



Proposed Addition on South Side of Building (B)



REVISED PER ARHPB ON NOV. 20, 2012

Proposed Addition West Side of Building



Proposed Addition East Side of Building



REVISED PER ARHPB ON NOV. 20, 2012



BUSINESS FACADE MATCHING GRANT PROGRAM COMMUNITY REDEVELOPMENT AGENCY (CRA)

PROGRAM OBJECTIVES:

THE PRIMARY OBJECTIVE OF THE PROGRAM IS TO ENCOURAGE REHABILITATION AND PRESERVATION OF COMMERCIAL BUILDINGS BY OFFERING FINANCIAL AND TECHNICAL ASSISTANCE FOR FACADE REHABILITATION AND IMPROVEMENTS. THIS, IN TURN, IMPROVES THE AESTHETICS OF THE ENTIRE DOWNTOWN DISTRICT AND ENCOURAGES PRIVATE INVESTMENT THAT LEADS TO INCREASED PROPERTY VALUES. THIS PROGRAM SUPPORTS THE CRA PLAN AS ENVISIONED UNDER 7.4 ECONOMIC PROGRAMS.

APPLICATION PROCESS:

YOU MUST SUBMIT A WRITTEN APPLICATION. STAFF WILL WORK WITH YOU TO MEET PROGRAM CONDITIONS THAT ARE REQUIRED FOR A COMMITMENT OF FUNDS. INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED.

CRITERIA:

- MUST BE A SMALL BUSINESS AS DEFINED BY THE U.S. SMALL BUSINESS ADMINISTRATION. (FOR MORE INFORMATION, VISIT WWW.SBA.GOV/SIZE).
- MUST BE A BUSINESS AND/OR PROPERTY OWNER IN GOOD STANDING. (CURRENT BUSINESS TAX RECEIPT, PROPERTY TAXES, NO FINES, ETC.)
- APPLICANT MUST SHARE 50% OF THE COST. THE MAXIMUM GRANT THE CITY WILL PROVIDE IS \$20,000. BUT, ANY GRANTS OVER \$10,000 SHALL BE FOR HIGH IMPACT PROJECTS REPRESENTING PRIVATE INVESTMENTS AT OR ABOVE \$500,000.
- THE BUSINESS MUST BE LOCATED WITHIN THE BOUNDARIES OF CRA (SEE MAP) AND ALONG DESIGNATED STREETS.
- THE BUSINESS OWNER AND PROPERTY OWNER MUST JOINTLY APPLY.
- THE IMPROVEMENTS MUST MEET WITH THE CITY'S APPROVAL AND WILL REQUIRE BOARD APPROVAL.

ELIGIBILITY:

ELIGIBLE APPLICANTS INCLUDE BOTH COMMERCIAL PROPERTY OWNERS AND BUSINESS LESSEES WITH WRITTEN AUTHORIZATION OF THE PROPERTY OWNER.

ELIGIBLE WORK: REHABILITATION AND IMPROVEMENTS OF EXISTING BUILDING FACADES VISIBLE TO THE STREET OR PUBLIC RIGHT-OF-WAY, INCLUDING STOREFRONTS; CORNICES; GUTTERS AND DOWNSPOUTS; SIGNS (SIGN STRUCTURE ONLY-EXCLUDES BUSINESS COPY); EXTERIOR LIGHTING; CANOPIES AND AWNINGS; PAINTING AND MASONRY CLEANING. PERMIT AND DESIGN REVIEW FEES CAN BE REIMBURSED THROUGH THE PROGRAM.

INELIGIBLE WORK: ANY ROOFS; STRUCTURAL FOUNDATIONS; BILLBOARDS; SECURITY SYSTEMS; NON-PERMANENT FIXTURES; INTERIOR WINDOW COVERINGS; PERSONAL PROPERTY AND EQUIPMENT; SECURITY BARS; RAZOR/BARBED WIRE FENCING; STREETScape, LANDSCAPING, SIDEWALKS AND PAVING.

THE FOLLOWING ARE INELIGIBLE FOR GRANT FUNDS:

- NATIONAL CORPORATE FRANCHISES
- GOVERNMENT OFFICES AND AGENCIES (NON-GOVERNMENTAL, FOR-PROFIT, TENANTS ARE ELIGIBLE) PROPERTIES PRIMARILY SUPPORTING A RESIDENTIAL USE
- PROPERTIES EXEMPT FROM PROPERTY TAXES

CONTRACTURAL AGREEMENT

Accepted applicants will have to enter a contractual grant agreement with the CRA prior to disbursement of grant funds.

DESIGN

Design and planning costs directly related to the application for grant funds under the facade program may be reimbursed from grant monies once improvements are completed.

APPROVALS

The City and CRA have the sole authority to determine eligibility of proposed work and confirmation of completed work. Certain work may be required or precluded as a condition of funding. Applicants will be responsible for obtaining necessary regulatory approvals, including any needed by City departments or boards and including, but not limited to building permits and any other necessary permits. All work must comply with city, state and federal regulations.

The City has adopted a historic architectural overlay district for the downtown core area. A separate application will be needed for exterior facade improvements. A determination will need to be made by City staff for compliance to the standards and guidelines of the overlay. Projects that meet the standards and guidelines will be able to proceed for building permits if necessary. Projects that do not meet the guidelines will need to be reviewed by the Architectural Review & Historic Preservation Board.



COMPETITIVE BIDDING

Applicants are required to obtain two (2) competitive bids. If the lowest bid is not chosen, the applicant will have to match the cost to the lowest bid or provide justification why they want to use the higher bid and the City will consider waiving the requirement if it is justified. For every type of proposed work, the CRA will match half of the cost of the lowest bid up to twenty thousand dollars (\$20,000) inclusive of any design or planning costs being reimbursed. All contractors must be insured and licensed by the State of Florida. All construction contracts will be between the applicant and contractor.



BUY LOCAL AND COMMUNITY SUPPORT

Applicants are encouraged to hire locally-owned businesses and contractors for the work outlined in the grant agreement.

COMMITMENT OF FUNDS

The grant available for each property is 50 percent of the cost of eligible improvements and associated design fees, up to \$20,000. Accepted applicants may draw on up to 50% of the estimated grant monies to be awarded, as determined by the lowest bid on the application, with proof of invoices paid. The remaining grant payment will be paid once the project is complete (This requirement can be waived by the Community Redevelopment Agency Advisory Board (CRAAB) with special conditions). Grants are awarded as long as funding remains available in the program. Once program funds have been allocated, the program will accept applications and create a waiting list, until additional funds are approved.

PROGRAM REUSE RESTRICTION

A grant recipient's business location may not be the beneficiary of another Business Facade Matching grant until after a 5-year time frame. If a business is sold and the new owner wishes to apply for the grant, the five-year time frame still applies. The five-year time frame begins at the date the improvements are completed.

GENERAL CONDITIONS

The following general conditions will apply to all projects:

- Based on the discretion of the advisory Board and the CRA.
- Improvements funded by the grant must be approved by the City and properly maintained.
- Property taxes must be current, have a business license and applicants may have no debts in arrears to the City when a contract is signed.
- Applicants must show proof of current property insurance.
- No work shall commence until authorized by the CRA. The application process will consist of being first reviewed by the CRAAB and recommended to the CRA and upon approval enter into an agreement.
- All projects shall obtain a building permit and will display signage indicating the CRA's involvement in the improvement work. Signs will be provided by the CRA.

QUESTIONS OR INQUIRES MAY BE DIRECTED TO THE ECONOMIC DEVELOPMENT DIRECTOR AT 407.656.4111 EXTENSION 2308.

SUBMITTAL REQUIREMENTS		STAFF
<i>PLEASE BRING ALL OF THE FOLLOWING ITEMS THAT APPLY WHEN SUBMITTING YOUR REQUEST</i>		
APPLICATION	INCOMPLETE APPLICATIONS WILL NOT BE PROCESSED.	<input type="checkbox"/>
BUSINESS TAX RECEIPT	PROVIDE A COPY OF THE CURRENT BUSINESS TAX RECEIPT.	<input type="checkbox"/>
INSURANCE CERTIFICATE	PROVIDE A COPY OF THE CURRENT PROPERTY INSURANCE.	<input type="checkbox"/>
PROPERTY TAX VERIFICATION	PROVIDE A COPY OF THE PROPERTY'S PROPERTY TAX PAYMENTS CURRENT.	<input type="checkbox"/>
DRAWINGS, RENDERINGS, SKETCHES	PROVIDE A DRAWING, RENDERING OR SKETCH FOR ENCOMPASSING SCOPE OF WORK.	<input type="checkbox"/>
FEE	NO FEE REQUIRED	



BUSINESS FACADE MATCHING GRANT PROGRAM COMMUNITY REDEVELOPMENT AGENCY (CRA)

PLEASE SUBMIT THIS COMPLETED APPLICATION ALONG WITH ANY SUPPORTING DOCUMENTATION TO THE PLANNING AND ZONING DIVISION OF THE COMMUNITY DEVELOPMENT DEPARTMENT. (AN INCOMPLETE FORM WILL CAUSE A DELAY IN PROCESSING.)

APPLICANT / BUSINESS INFORMATION:

NAME OF BUSINESS: Orlando Flatbread, LLC d/b/a Urban Flats
ADDRESS: 132 W Plant Street
CITY: Winter Garden STATE: FL ZIP: 34787
TELEPHONE: 407-782-0209 FACSIMILE: _____ EMAIL: ddowns@urbanflats-wintergarden.com
CONTACT NAME: David Downs
FEDERAL IDENTIFICATION # 56-2651750 OR SOCIAL SECURITY # _____
(REQUIRED TO PERFORM DUE DILIGENCE)
 CORPORATION NON-PROFIT
 SOLE PROPRIETORSHIP FOR-PROFIT STATE OF INCORPORATION FL
 PARTNERSHIP OTHER LLC

PROJECT/SITE INFORMATION:

PROJECT NAME: _____
PROJECT ADDRESS: 132 W Plant St. Winter Garden, FL 34787
PROPERTY LOCATED IN HISTORIC DOWNTOWN DISTRICT OVERLAY: Yes No CONTRIBUTING STRUCTURE: Yes No
COUNTY PROPERTY APPRAISER TAX PARCEL ID NUMBER(S): 23 - 22 - 27 - 2888 - 03 - 020
LEGAL DESCRIPTION: See attached

DESCRIPTION OF PROPOSED EXTERIOR IMPROVEMENT (ATTACH PLANS IF AVAILABLE):

EXTERIOR IMPROVEMENTS (IN DETAIL EXPLAIN SCOPE OF WORK): Install Canopy style awning over mid-patio section.

BID ESTIMATES FOR PROPOSED SCOPE OF WORK (Exterior Work Only):

APPLICANT MAY MAKE MULTIPLE COPIES OF THIS PAGE IF THE APPLICANT IS ACTING AS THEIR OWN GENERAL CONTRACTOR AND MORE THAN ONE TYPE OF WORK IS BEING PERFORMED. LIST EACH TYPE OF WORK SEPARATELY UNDER A BID ESTIMATE.

BID ESTIMATE #1	BID ESTIMATE #2
COMPANY NAME: <u>The Awning Factory</u>	COMPANY NAME: <u>Universal Awning & Sign</u>
CONTACT NAME: <u>ERIC MEYERS</u>	CONTACT NAME: <u>Ray Nuzum</u>
CONTACT PHONE NUMBER: <u>407-648-2476</u>	CONTACT PHONE NUMBER: <u>407-328-7781</u>
CONTACT EMAIL: <u>ERIC@THEAWNINGFACTORY.COM</u>	CONTACT EMAIL: <u>UNIVERSALRAYNUZUM@GMAIL.COM</u>
BID AMOUNT FOR TOTAL WORK: <u>\$4,995.00</u>	BID AMOUNT FOR TOTAL WORK: <u>\$7,885.00</u>

Both bids are for Black Sunbrella Fire Retardant material. Aluminum frame mounted to building without supporting poles.

INVESTMENT VALUE OF WORK BEING PERFORMED BY APPLICANT: _____
VALUE OF INTERIOR IMPROVEMENTS: \$400,000
VALUE OF EXTERIOR IMPROVEMENTS: \$18,000
VALUE OF TOTAL IMPROVEMENTS: \$418,000

SOURCE OF MATCHING FUNDS: _____

PROPERTY OWNER INFORMATION / AUTHORIZATION:

OWNER NAME: CAPPLEMAN, INC.
ADDRESS: P.O. Box 771583
CITY: WINTER GARDEN STATE: FL ZIP: 34777
TELEPHONE: 407 656-2211 FACSIMILE: 407 654-8753 EMAIL: Larrycappleman@yahoo.com

I, LAWRENCE E. CAPPLEMAN AS OWNER OF THE PROJECT PROPERTY I HEREBY PROVIDE AUTHORIZATION TO THE APPLICANT TO REHABILITATE THE SAID PROPERTY AND THAT THE APPLICANT HAS THE AUTHORITY TO SIGN AND ENTER INTO AN AGREEMENT TO PERFORM THE REHABILITATION WORK ON THE PROPERTY.

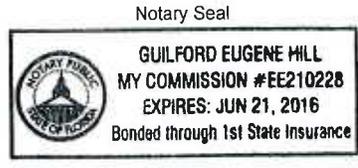
OWNER ALSO HEREBY ACKNOWLEDGES THE FOLLOWING:

- OWNER HAS BEEN PROVIDED A COPY OF THE PROGRAM GUIDELINES, AND HAVE READ AND UNDERSTANDS THEM.
- OWNER AGREES TO THE CONDITIONS AND RESTRICTIONS OF THE CRA BUSINESS FAÇADE MATCHING GRANT PROGRAM.

Lawrence E. Cappleman, Pres
OWNER'S SIGNATURE

SWORN TO (OR AFFIRMED) AND SUBSCRIBED BEFORE ME THIS 1st DAY OF NOVEMBER, 2012 BY Guilford Eugene Hill WHO DID NOT TAKE AN OATH.

PERSONALLY KNOWN OR;
 PRODUCED IDENTIFICATION / TYPE OF ID PRODUCED _____



SEE ABOVE

SIGNATURE OF NOTARY

CERTIFICATION / SIGNATURE OF APPLICANT:

I, DAVID DOWNS CERTIFY THAT ALL INFORMATION IN THIS APPLICATION, AND ALL INFORMATION FURNISHED IN SUPPORT OF THIS APPLICATION, IS GIVEN FOR THE PURPOSE OF OBTAINING A 50/50 GRANT AND IS TRUE AND COMPLETE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

IF THE APPLICANT IS NOT THE OWNER OF THE PROPERTY TO BE REHABILITATED OR, IF THE APPLICANT IS NOT THE SOLE OWNER OF THE PROPERTY, THE APPLICANT CERTIFIES THAT HE/SHE HAS THE AUTHORITY TO SIGN AND ENTER INTO AN AGREEMENT TO PERFORM THE REHABILITATION WORK ON THE PROPERTY.

SUCCESSFUL APPLICANTS IN THE CRA BUSINESS FAÇADE MATCHING GRANT PROGRAM ARE ENCOURAGED TO CONTRACT WITH LOCALLY OWNED BUSINESSES WHEN AVAILABLE FOR THE PURPOSES OF FULFILLING THIS GRANT.

VERIFICATION OF ANY INFORMATION CONTAINED IN THIS APPLICATION MAY BE OBTAINED ON BEHALF OF THE CRA FROM ANY AVAILABLE SOURCE.

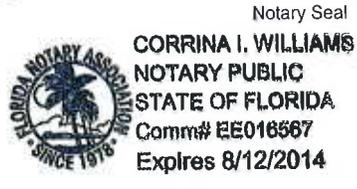
APPLICANT ALSO HEREBY ACKNOWLEDGES THE FOLLOWING:

- APPLICANT HAS READ AND UNDERSTANDS THE PROGRAM GUIDELINES AND CRITERIA.
- APPLICANT MUST MEET ALL CITY REQUIREMENTS AND CODES.
- APPLICANT UNDERSTANDS THAT FINAL APPROVAL MUST COME FROM ALL CITY DEPARTMENTS AND BOARDS CONCERNED WITH ANY IMPROVEMENT.

David Downs
APPLICANT'S SIGNATURE

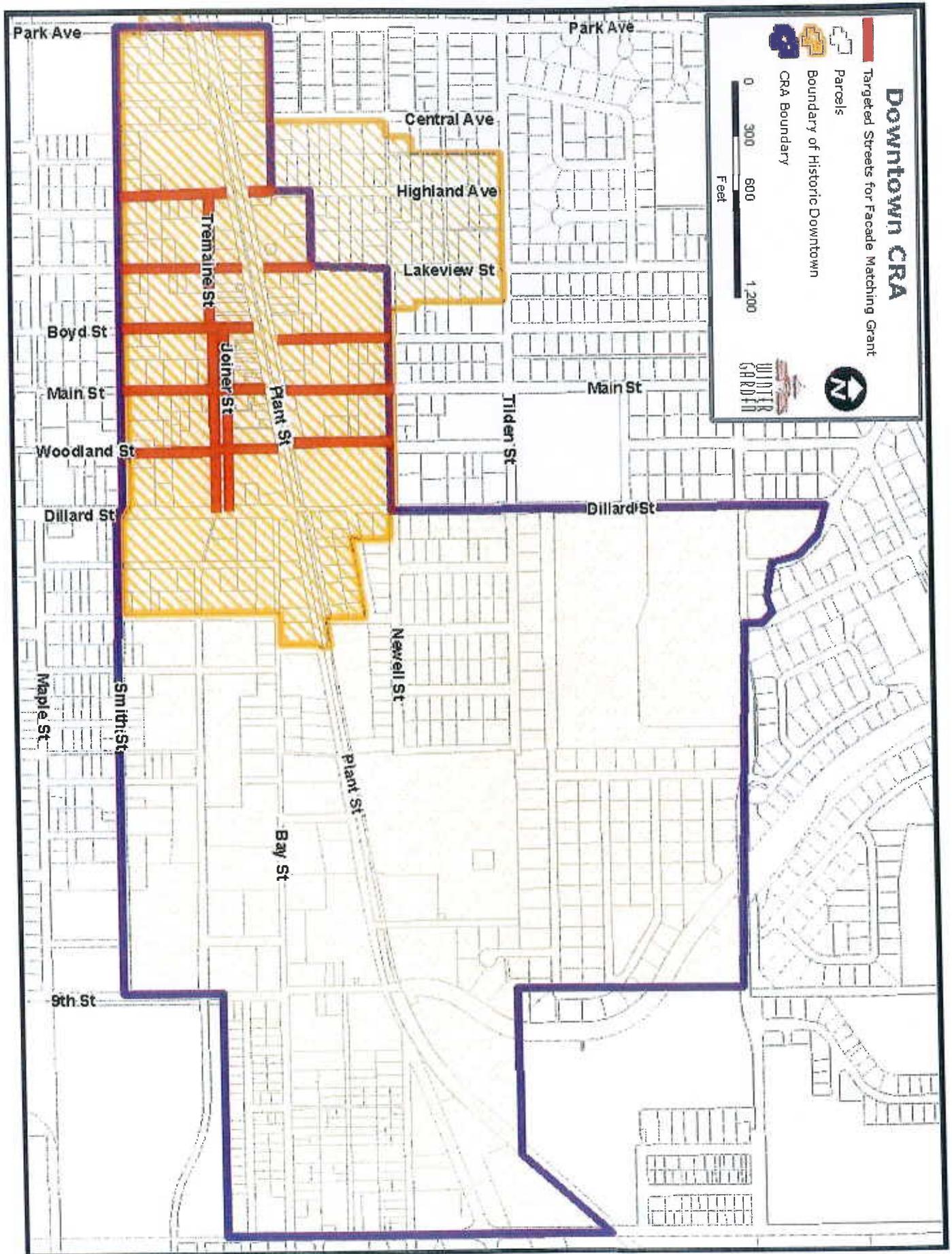
SWORN TO (OR AFFIRMED) AND SUBSCRIBED BEFORE ME THIS 16th DAY OF December, 2012 BY David Downs WHO DID NOT TAKE AN OATH.

PERSONALLY KNOWN OR;
 PRODUCED IDENTIFICATION / TYPE OF ID PRODUCED FL Driver License D920-264-59-060-0



Corrina Williams
SIGNATURE OF NOTARY

FOR OFFICE USE ONLY		Community Development PLATE STAMP DEC 06 2012 Received By: _____
CRA SUBMISSION _____	CRA BFMGP- <u>5A</u> APPLICATION NUMBER _____	
DATE _____		





We've got you covered

Customer David Down
Address 123 Plant St.
City/State/Zip Winter Garden Fl. 34787
Phone 407-782-0209
Attention David Down

Install At same
Address same
City/State/Zip same
Fax n/a
Date 9/24/2012

Recover [] Y [x] N ** All Manufacturing and Deliver Times are subject to change based on permits, engineering and approvals

New complete awning frame and cover installed. Approx. dim; 50' x 3' 6" x 6' 6"

Firesest Sunbrella; \$7,885.00
Vinly \$3,265.00

Permits would be \$675.00 includes eng drawings

Permit: [x] Y [] N (Manufacturing and delivery begin after obtaining permit)

Est. Completion Time** 3 to 4 weeks from dp Number of Awnings 1 awning
Fabric to be chosen Color: black Number tbc
Fabric (2nd Color) n/a Color: n/a Number n/a
Applique: Up/ Down n/a Material Binding Color n/a
Valance rigid Size 8" Painted Frame yes Color black
Graphics n/a Size n/a Digital/ Vinyl/ Painted n/a Color n/a
Description

TERMS: 50% Deposit, Balance Due Upon Completion and Before final inspections Initial:
Failure to comply with your payment terms could jeopardize all warranties

Customer Signature* Contract Amount
*(BY SIGNING YOU ARE CONSENTING TO THE TERMS & CONDITIONS ON BOTH THE FRONT AND SECOND PAGE OF CONTRACT)
Date Deposit (Date)
Sales Rep Ray L. Nuzum Balance Due

Includes: ~12 Month Workmanship Warranty ~Fabric Warranty From The Manufacturer (No Labor Included) ~Welded Aluminum Frame Construction ~Installation
Does Not Include: (Unless Stated Above) ~Main Source Electrical Hook-Up ~Permit & Engineering



Partnered with *The Canvas Shop*
Since 1973

Customer Urban Flats
Address 132 W. Plant St.
City Winter Garden, FL.
Phone 407-782-0209
Attention David Downs

Install at Same
Address _____
City _____
Email downs@urbanflatswintergarden.co
Date 9/25/2012

Recover Y N

I P/U D

Design And Built By The Awning Factory

Manufacture and Install Standard Concave Awning:

1 @ 50' wide x 3' drop x 7' projection

Price: \$4995.00

Sunbrella

Manufacture Decorative Fence:

1 @ 50' wide x 3' Ht.

Price: \$1850.00

Includes: Prime, Paint

1 @ 9' x 21' wide x 3' Ht.

Price: \$1095.00

Install

Note: Total below includes: Permits, Signed and Sealed Engineer Drawings

Permit Y N

The Awning Factory is not responsible for timeframe of permitting process. Completion time begins when permit is approved

Completion Time Estimated 4-6 weeks Number of Awnings 3
Fabric Type Sunbrella Color: TBS/Solid Number _____
Fabric (2nd Color) Aluminum Color: Black Number N/A
Soffit N/A Applique-Up N/A Down N/A Binding N/A
Valance Style Rigid Size 8" Painted Frame Yes Color Black
Lights N/A Number of Rows _____
Graphics No Letter Size _____ Vinyl/ Painted _____ Color _____
Description graphics to be submitted to The Awning Factory in ai or eps format by the customer for all logos

TERMS:

50% Deposit- Balance Upon Completion

This estimate is valid for 30 days

Transfer of ownership begins only after we are paid in full

PERMIT CUSTOMERS
ONLY: final inspections
only after payment has
been made in full

Customer Signature _____	Contract Amount	\$ <u>8690.00</u>
Date _____	Deposit (Date _____)	\$ <u>4345.00</u>
Sales Rep <u>Eric Meyers</u>	Balance Due	\$ <u>4345.00</u>

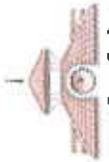
Includes:

12 Month Workmanship Warranty
7 Year Fabric Warranty From The Manufacturer
Welded Steel/Aluminum Frame Construction
Installation
All Applicable Taxes

Does Not Include

Additional Permit Fees that may be required
Main Source Electrical Hook-Up

1203 W. Robinson St. Orlando, FL 32805 Tel: 407-648-2476 / 407-898-6001 Fax: 407-852-1313
info@theawningfactory.com website: www.theawningfactory.com



WINTER GARDEN

Project:

URBAN FLATS
OUTDOOR PATIO
Facade Improvement

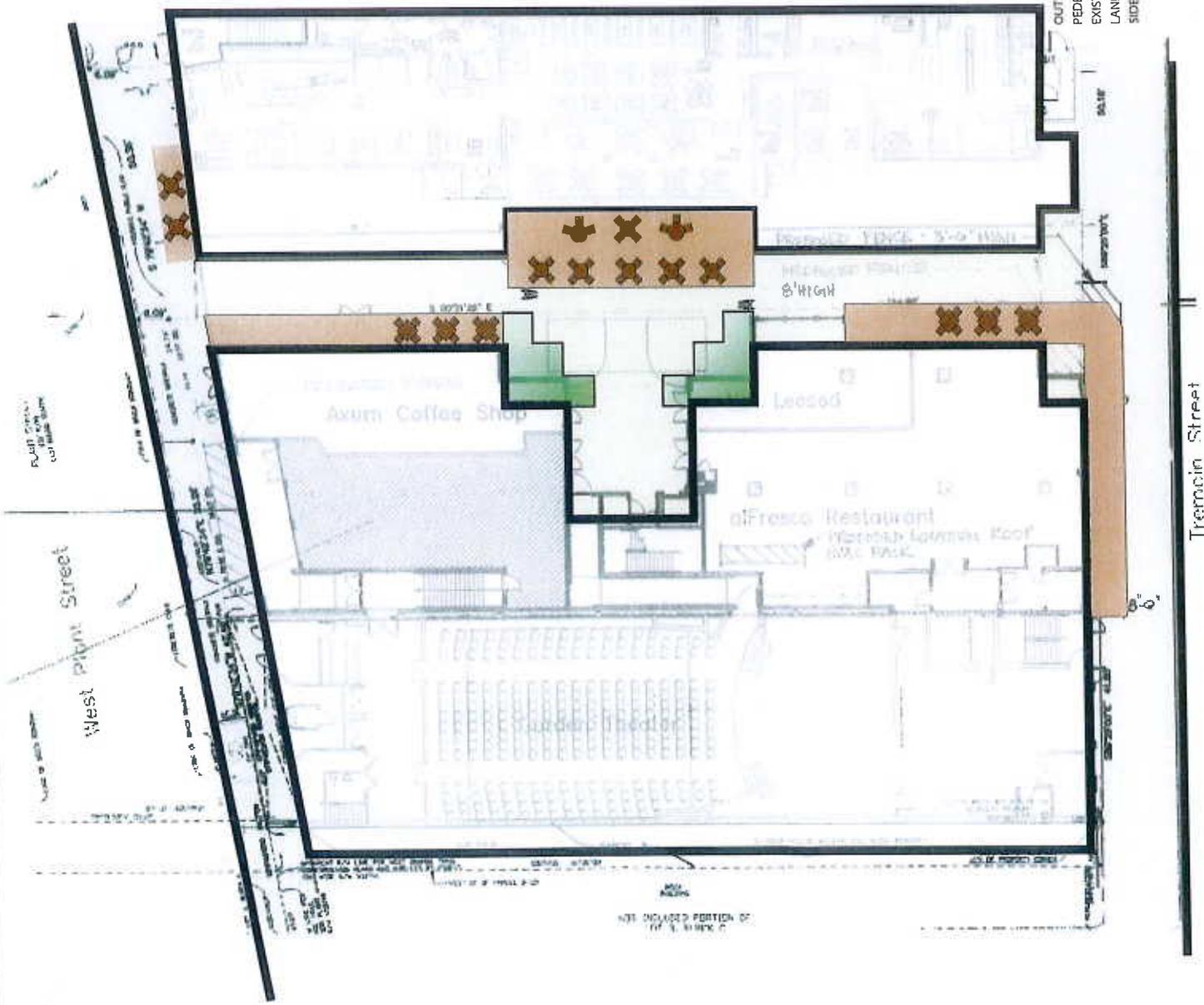
Address:

140 West Plant Street
Winter Garden, FL 34787

Date:

July 30, 2012

Proposed by City Staff



-  OUTDOOR PATIOS
-  PEDESTRIAN CIRCULATION
-  EXISTING BUILDINGS
-  LANDSCAPE AREA
-  SIDEWALK

Outdoor Seating Area with Fence and Awning



Addition on South Side of Building



REVISED PER ARHPB ON NOV. 20, 2012



BUSINESS FACADE MATCHING GRANT PROGRAM COMMUNITY REDEVELOPMENT AGENCY (CRA)

PROGRAM OBJECTIVES:

THE PRIMARY OBJECTIVE OF THE PROGRAM IS TO ENCOURAGE REHABILITATION AND PRESERVATION OF COMMERCIAL BUILDINGS BY OFFERING FINANCIAL AND TECHNICAL ASSISTANCE FOR FACADE REHABILITATION AND IMPROVEMENTS. THIS, IN TURN, IMPROVES THE AESTHETICS OF THE ENTIRE DOWNTOWN DISTRICT AND ENCOURAGES PRIVATE INVESTMENT THAT LEADS TO INCREASED PROPERTY VALUES. THIS PROGRAM SUPPORTS THE CRA PLAN AS ENVISIONED UNDER 7.4 ECONOMIC PROGRAMS.

APPLICATION PROCESS:

YOU MUST SUBMIT A WRITTEN APPLICATION. STAFF WILL WORK WITH YOU TO MEET PROGRAM CONDITIONS THAT ARE REQUIRED FOR A COMMITMENT OF FUNDS. INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED.

CRITERIA:

- MUST BE A SMALL BUSINESS AS DEFINED BY THE U.S. SMALL BUSINESS ADMINISTRATION. (FOR MORE INFORMATION, VISIT WWW.SBA.GOV/SIZE).
- MUST BE A BUSINESS AND/OR PROPERTY OWNER IN GOOD STANDING. (CURRENT BUSINESS TAX RECEIPT, PROPERTY TAXES, NO FINES, ETC.)
- APPLICANT MUST SHARE 50% OF THE COST. THE MAXIMUM GRANT THE CITY WILL PROVIDE IS \$20,000. BUT, ANY GRANTS OVER \$10,000 SHALL BE FOR HIGH IMPACT PROJECTS REPRESENTING PRIVATE INVESTMENTS AT OR ABOVE \$500,000.
- THE BUSINESS MUST BE LOCATED WITHIN THE BOUNDARIES OF CRA (SEE MAP) AND ALONG DESIGNATED STREETS.
- THE BUSINESS OWNER AND PROPERTY OWNER MUST JOINTLY APPLY.
- THE IMPROVEMENTS MUST MEET WITH THE CITY'S APPROVAL AND WILL REQUIRE BOARD APPROVAL.

ELIGIBILITY:

ELIGIBLE APPLICANTS INCLUDE BOTH COMMERCIAL PROPERTY OWNERS AND BUSINESS LESSEES WITH WRITTEN AUTHORIZATION OF THE PROPERTY OWNER.

ELIGIBLE WORK: REHABILITATION AND IMPROVEMENTS OF EXISTING BUILDING FACADES VISIBLE TO THE STREET OR PUBLIC RIGHT-OF-WAY, INCLUDING STOREFRONTS; CORNICES; GUTTERS AND DOWNSPOUTS; SIGNS (SIGN STRUCTURE ONLY-EXCLUDES BUSINESS COPY); EXTERIOR LIGHTING; CANOPIES AND AWNINGS; PAINTING AND MASONRY CLEANING. PERMIT AND DESIGN REVIEW FEES CAN BE REIMBURSED THROUGH THE PROGRAM.

INELIGIBLE WORK: ANY ROOFS; STRUCTURAL FOUNDATIONS; BILLBOARDS; SECURITY SYSTEMS; NON-PERMANENT FIXTURES; INTERIOR WINDOW COVERINGS; PERSONAL PROPERTY AND EQUIPMENT; SECURITY BARS; RAZOR/BARBED WIRE FENCING; STREETScape, LANDSCAPING, SIDEWALKS AND PAVING.

THE FOLLOWING ARE INELIGIBLE FOR GRANT FUNDS:

- NATIONAL CORPORATE FRANCHISES
- GOVERNMENT OFFICES AND AGENCIES (NON-GOVERNMENTAL, FOR-PROFIT, TENANTS ARE ELIGIBLE) PROPERTIES PRIMARILY SUPPORTING A RESIDENTIAL USE
- PROPERTIES EXEMPT FROM PROPERTY TAXES

CONTRACTURAL AGREEMENT

Accepted applicants will have to enter a contractual grant agreement with the CRA prior to disbursement of grant funds.

DESIGN

Design and planning costs directly related to the application for grant funds under the facade program may be reimbursed from grant monies once improvements are completed.

APPROVALS

The City and CRA have the sole authority to determine eligibility of proposed work and confirmation of completed work. Certain work may be required or precluded as a condition of funding. Applicants will be responsible for obtaining necessary regulatory approvals, including any needed by City departments or boards and including, but not limited to building permits and any other necessary permits. All work must comply with city, state and federal regulations.

The City has adopted a historic architectural overlay district for the downtown core area. A separate application will be needed for exterior facade improvements. A determination will need to be made by City staff for compliance to the standards and guidelines of the overlay. Projects that meet the standards and guidelines will be able to proceed for building permits if necessary. Projects that do not meet the guidelines will need to be reviewed by the Architectural Review & Historic Preservation Board.



COMPETITIVE BIDDING

Applicants are required to obtain two (2) competitive bids. If the lowest bid is not chosen, the applicant will have to match the cost to the lowest bid or provide justification why they want to use the higher bid and the City will consider waiving the requirement if it is justified. For every type of proposed work, the CRA will match half of the cost of the lowest bid up to twenty thousand dollars (\$20,000) inclusive of any design or planning costs being reimbursed. All contractors must be insured and licensed by the State of Florida. All construction contracts will be between the applicant and contractor.



BUY LOCAL AND COMMUNITY SUPPORT

Applicants are encouraged to hire locally-owned businesses and contractors for the work outlined in the grant agreement.

COMMITMENT OF FUNDS

The grant available for each property is 50 percent of the cost of eligible improvements and associated design fees, up to \$20,000. Accepted applicants may draw on up to 50% of the estimated grant monies to be awarded, as determined by the lowest bid on the application, with proof of invoices paid. The remaining grant payment will be paid once the project is complete (This requirement can be waived by the Community Redevelopment Agency Advisory Board (CRAAB) with special conditions). Grants are awarded as long as funding remains available in the program. Once program funds have been allocated, the program will accept applications and create a waiting list, until additional funds are approved.

PROGRAM REUSE RESTRICTION

A grant recipient's business location may not be the beneficiary of another Business Facade Matching grant until after a 5-year time frame. If a business is sold and the new owner wishes to apply for the grant, the five-year time frame still applies. The five-year time frame begins at the date the improvements are completed.

GENERAL CONDITIONS

The following general conditions will apply to all projects:

- Based on the discretion of the advisory Board and the CRA.
- Improvements funded by the grant must be approved by the City and properly maintained.
- Property taxes must be current, have a business license and applicants may have no debts in arrears to the City when a contract is signed.
- Applicants must show proof of current property insurance.
- No work shall commence until authorized by the CRA. The application process will consist of being first reviewed by the CRAAB and recommended to the CRA and upon approval enter into an agreement.
- All projects shall obtain a building permit and will display signage indicating the CRA's involvement in the improvement work. Signs will be provided by the CRA.

QUESTIONS OR INQUIRES MAY BE DIRECTED TO THE ECONOMIC DEVELOPMENT DIRECTOR AT 407.656.4111 EXTENSION 2308.

SUBMITTAL REQUIREMENTS		
<i>PLEASE BRING ALL OF THE FOLLOWING ITEMS THAT APPLY WHEN SUBMITTING YOUR REQUEST</i>		STAFF
APPLICATION	INCOMPLETE APPLICATIONS WILL NOT BE PROCESSED.	<input type="checkbox"/>
BUSINESS TAX RECEIPT	PROVIDE A COPY OF THE CURRENT BUSINESS TAX RECEIPT.	<input type="checkbox"/>
INSURANCE CERTIFICATE	PROVIDE A COPY OF THE CURRENT PROPERTY INSURANCE.	<input type="checkbox"/>
PROPERTY TAX VERIFICATION	PROVIDE A COPY OF THE PROPERTY'S PROPERTY TAX PAYMENTS CURRENT.	<input type="checkbox"/>
DRAWINGS, RENDERINGS, SKETCHES	PROVIDE A DRAWING, RENDERING OR SKETCH FOR ENCOMPASSING SCOPE OF WORK.	<input type="checkbox"/>
FEE	NO FEE REQUIRED	



BUSINESS FACADE MATCHING GRANT PROGRAM COMMUNITY REDEVELOPMENT AGENCY (CRA)

PLEASE SUBMIT THIS COMPLETED APPLICATION ALONG WITH ANY SUPPORTING DOCUMENTATION TO THE PLANNING AND ZONING DIVISION OF THE COMMUNITY DEVELOPMENT DEPARTMENT. (AN INCOMPLETE FORM WILL CAUSE A DELAY IN PROCESSING.)

APPLICANT / BUSINESS INFORMATION:

NAME OF BUSINESS: Orlando Flatbread LLC d/b/a Urban Flats

ADDRESS: 132 W. Plant St

CITY: Winter Garden STATE: FL ZIP: 34787

TELEPHONE: 407-782-0209 FACSIMILE: _____ EMAIL: ddowns@urbanflats-wintergarden.com

CONTACT NAME: David Downs

FEDERAL IDENTIFICATION # 56-2651750 OR SOCIAL SECURITY # _____

(REQUIRED TO PERFORM DUE DILIGENCE)

CORPORATION NON-PROFIT
 SOLE PROPRIETORSHIP FOR-PROFIT
 PARTNERSHIP STATE OF INCORPORATION _____

OTHER LLC

PROJECT/SITE INFORMATION:

PROJECT NAME: Rear Façade

PROJECT ADDRESS: 132 W. Plant Street, Winter Garden, FL 34787

PROPERTY LOCATED IN HISTORIC DOWNTOWN DISTRICT OVERLAY: Yes No CONTRIBUTING STRUCTURE: Yes No

COUNTY PROPERTY APPRAISER TAX PARCEL ID NUMBER(S): 23 - 22 - 27 - 2888 - 03020

LEGAL DESCRIPTION: _____

DESCRIPTION OF PROPOSED EXTERIOR IMPROVEMENT (ATTACH PLANS IF AVAILABLE):

EXTERIOR IMPROVEMENTS (IN DETAIL EXPLAIN SCOPE OF WORK): Erect a service yard for the rear of the restaurant. Constructed from 8X8X16 concrete block. All dimensions listed on drawing.

BID ESTIMATES FOR PROPOSED SCOPE OF WORK (Exterior Work Only):

APPLICANT MAY MAKE MULTIPLE COPIES OF THIS PAGE IF THE APPLICANT IS ACTING AS THEIR OWN GENERAL CONTRACTOR AND MORE THAN ONE TYPE OF WORK IS BEING PERFORMED. LIST EACH TYPE OF WORK SEPARATELY UNDER A BID ESTIMATE.

BID ESTIMATE #1	_____	BID ESTIMATE #2	_____
COMPANY NAME:	_____	COMPANY NAME:	_____
CONTACT NAME:	_____	CONTACT NAME:	_____
CONTACT PHONE NUMBER:	_____	CONTACT PHONE NUMBER:	_____
CONTACT EMAIL:	_____	CONTACT EMAIL:	_____
BID AMOUNT FOR TOTAL WORK:	_____	BID AMOUNT FOR TOTAL WORK:	_____

INVESTMENT VALUE OF WORK BEING PERFORMED BY APPLICANT: _____

VALUE OF INTERIOR IMPROVEMENTS: _____

VALUE OF EXTERIOR IMPROVEMENTS: _____

VALUE OF TOTAL IMPROVEMENTS: _____

SOURCE OF MATCHING FUNDS: _____

PROPERTY OWNER INFORMATION / AUTHORIZATION:

OWNER NAME: Cappleman, Inc.
ADDRESS: P.O. Box 771583
CITY: WINTER GARDEN STATE: FL ZIP: 34777
TELEPHONE: 407 656-2211 FACSIMILE: 407 654-8753 EMAIL: LarryCappleman@yahoo.com

I, LAWRENCE E Cappleman AS OWNER OF THE PROJECT PROPERTY I HEREBY PROVIDE AUTHORIZATION TO THE APPLICANT TO REHABILITATE THE SAID PROPERTY AND THAT THE APPLICANT HAS THE AUTHORITY TO SIGN AND ENTER INTO AN AGREEMENT TO PERFORM THE REHABILITATION WORK ON THE PROPERTY.

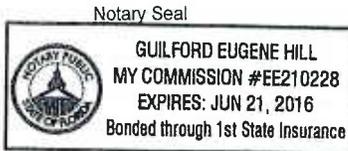
OWNER ALSO HEREBY ACKNOWLEDGES THE FOLLOWING:

- OWNER HAS BEEN PROVIDED A COPY OF THE PROGRAM GUIDELINES, AND HAVE READ AND UNDERSTANDS THEM.
- OWNER AGREES TO THE CONDITIONS AND RESTRICTIONS OF THE CRA BUSINESS FAÇADE MATCHING GRANT PROGRAM.

Lawrence E Cappleman, Pres
OWNER'S SIGNATURE

SWORN TO (OR AFFIRMED) AND SUBSCRIBED BEFORE ME THIS 1st DAY OF November, 2012 BY Guilford Eugene Hill WHO DID NOT TAKE AN OATH.

PERSONALLY KNOWN OR;
 PRODUCED IDENTIFICATION / TYPE OF ID PRODUCED _____



SEE ABOVE

SIGNATURE OF NOTARY

CERTIFICATION / SIGNATURE OF APPLICANT:

I, DAVID DOWNS CERTIFY THAT ALL INFORMATION IN THIS APPLICATION, AND ALL INFORMATION FURNISHED IN SUPPORT OF THIS APPLICATION, IS GIVEN FOR THE PURPOSE OF OBTAINING A 50/50 GRANT AND IS TRUE AND COMPLETE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

IF THE APPLICANT IS NOT THE OWNER OF THE PROPERTY TO BE REHABILITATED OR, IF THE APPLICANT IS NOT THE SOLE OWNER OF THE PROPERTY, THE APPLICANT CERTIFIES THAT HE/SHE HAS THE AUTHORITY TO SIGN AND ENTER INTO AN AGREEMENT TO PERFORM THE REHABILITATION WORK ON THE PROPERTY.

SUCCESSFUL APPLICANTS IN THE CRA BUSINESS FAÇADE MATCHING GRANT PROGRAM ARE ENCOURAGED TO CONTRACT WITH LOCALLY OWNED BUSINESSES WHEN AVAILABLE FOR THE PURPOSES OF FULFILLING THIS GRANT.

VERIFICATION OF ANY INFORMATION CONTAINED IN THIS APPLICATION MAY BE OBTAINED ON BEHALF OF THE CRA FROM ANY AVAILABLE SOURCE.

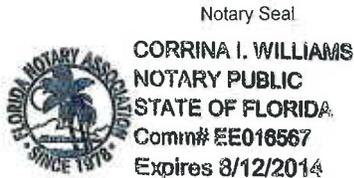
APPLICANT ALSO HEREBY ACKNOWLEDGES THE FOLLOWING:

- APPLICANT HAS READ AND UNDERSTANDS THE PROGRAM GUIDELINES AND CRITERIA.
- APPLICANT MUST MEET ALL CITY REQUIREMENTS AND CODES.
- APPLICANT UNDERSTANDS THAT FINAL APPROVAL MUST COME FROM ALL CITY DEPARTMENTS AND BOARDS CONCERNED WITH ANY IMPROVEMENT.

David Downs
APPLICANT'S SIGNATURE

SWORN TO (OR AFFIRMED) AND SUBSCRIBED BEFORE ME THIS 6th DAY OF DEC, 2012 BY DAVID DOWNS WHO DID NOT TAKE AN OATH.

PERSONALLY KNOWN OR;
 PRODUCED IDENTIFICATION / TYPE OF ID PRODUCED FL Drivers License D520-269-59-060-0



Corrina I. Williams
SIGNATURE OF NOTARY

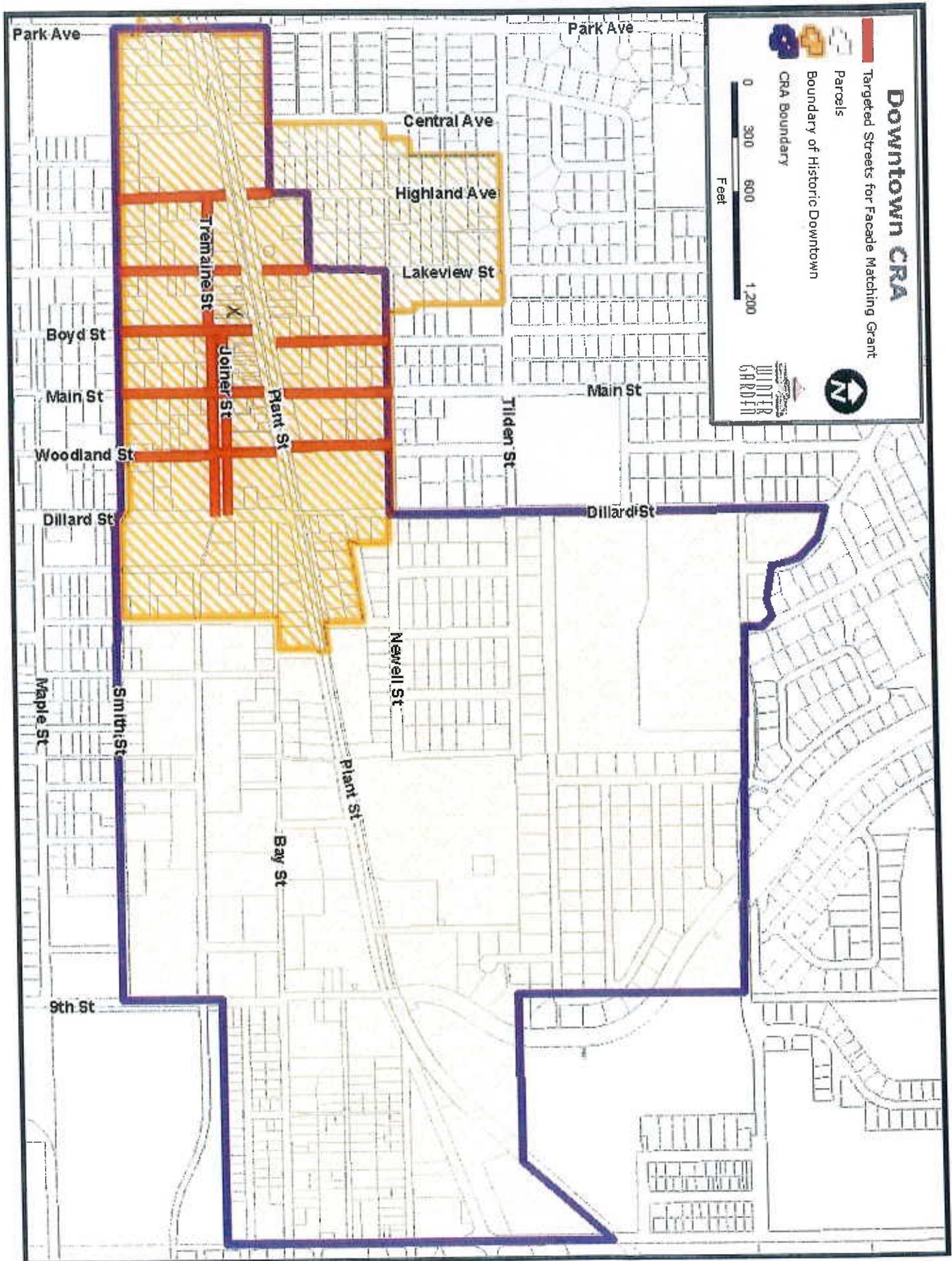
FOR OFFICE USE ONLY

CRA SUBMISSION _____

CRA BFMGP-50
APPLICATION NUMBER

DATE _____





THE CITY OF WINTER GARDEN
CITY COMMISSION AGENDA ITEM

From: Ed Williams, Community Development Director

Via: City Manager Mike Bollhoefer

Date: **January 3, 2013** **Meeting Date: January 10, 2013**

Subject: Final Plat
Covington Chase Phase 2B (25.2+/- ACRES)

Issue: The applicant is requesting approval of Final Plat of 44 lots in the 25.2+/- acre portion of the Covington Chase subdivision to be platted as Phase 2B. The subject property is located within the City of Winter Garden municipal limits, and carries a zoning designation of PUD (Planned Unit Development).

Discussion:

Due to the failure of the applicant to disclose a transfer of ownership of property totaling 6 lots by metes and bounds description within the 25.2+/- acre property, which is the subject of the Final Plat, prior to the Planning and Zoning Board Meeting on November 26, 2012 the Final Plat Mylar and other plat related documents were required to be changed after the Planning and Zoning Board approved the Final Plat on November 26, 2012. As a result the Final Plat was re-presented to the Planning and Zoning Board for approval in its corrected form on January 7, 2013.

The applicant is requesting approval of Final Plat of 44 lots in the 25.2+/- acre portion of the Covington Chase subdivision to be platted as Phase 2B. The Final Plat is consistent with the Preliminary Plat of the Covington Chase subdivision for a total of 346 lots which was approved by the Planning and Zoning Board on January 13, 2005.

Recommended Action:

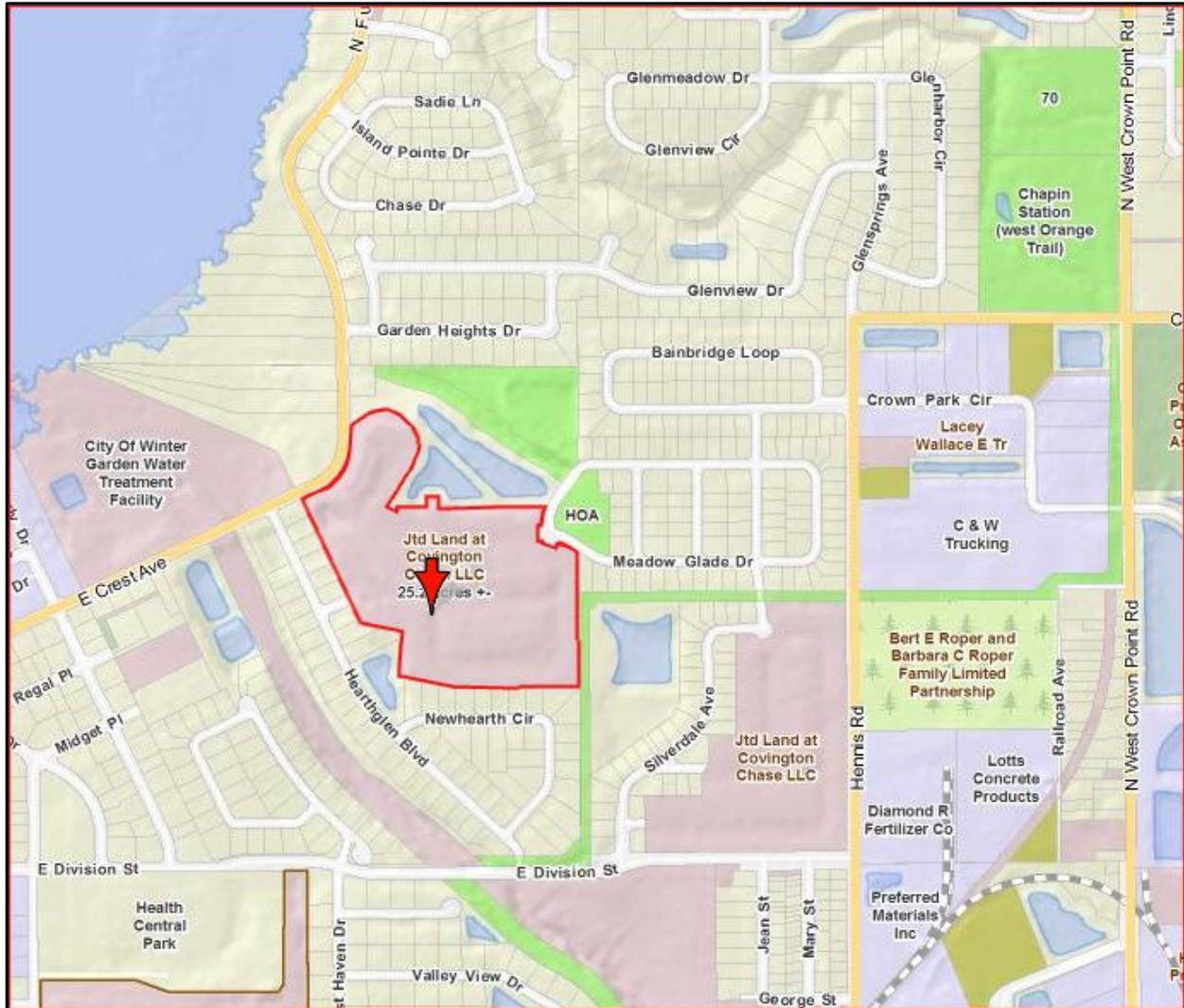
Staff recommends approval of the Covington Chase Phase 2B Final Plat (See attached Staff Report).

Attachments/References:

Location Map
Staff Report
Final Plat

LOCATION MAP

Meadow Glade Drive
Parcel ID # 13-22-27-1793-00-008



CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

STAFF REPORT

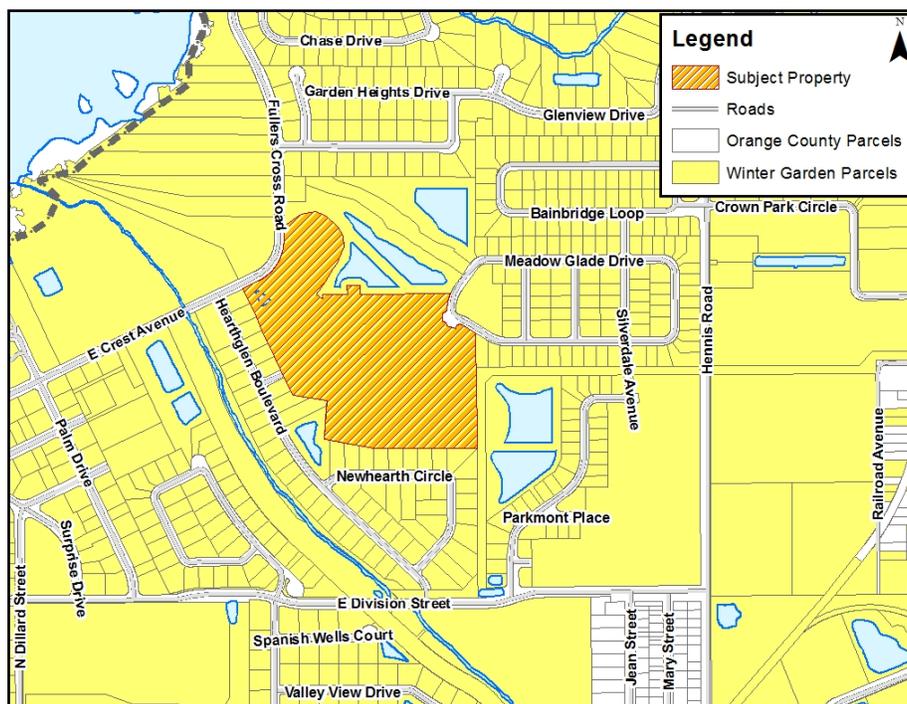
TO: PLANNING AND ZONING COMMITTEE
PREPARED BY: LAURA SMITH, SENIOR PLANNER
DATE: JANUARY 2, 2013
SUBJECT: FINAL PLAT
Covington Chase Phase 2B (25.2+/- ACRES)
PARCEL ID # 13-22-27-1793-00-008

APPLICANT: JTD Land at Covington Chase, LLC.

INTRODUCTION

The purpose of this report is to evaluate the proposed Final Plat of a portion of Covington Chase phase 2 for compliance with the Preliminary Plat for the Covington Chase Property, the City of Winter Garden Code of Ordinances and Comprehensive Plan.

The subject property located north of E Division Street and south of East Crest Avenue in the Covington Chase PUD subdivision is a 25.2± acre portion of the 114.86 ± acre Covington Chase PUD subdivision. The map below depicts the location of the subject property within the City of Winter Garden municipal limits:



The applicant is requesting approval of Final Plat of the 25.2± acre property to be platted as the Covington Chase Phase 2B for 44 single family residential lots. The subject property is located within the City of Winter Garden municipal limits, and carries the zoning designation PUD (Planned Unit Development) in the City of Winter Garden. The subject property is designated Low Density Residential on the Future Land Use Map of the Comprehensive Plan. The applicant requests to plat Phase 2 of the project in 2 phases (Phase 2A and Phase 2B). The 25.2± acre site proposed for Final Plat encompasses the entire Phase 2 future development tract of the 114.86+/- acres Covington Chase PUD subdivision, however only 44 lots will be platted through this Final Plat as Phase 2B and an additional 42 lots will be submitted for Final Plat at a later date as Phase 2A.

EXISTING USE

The 114.86± acre Covington Chase PUD subdivision has been partially platted; Phase 1 was platted as Covington Park and contained 177 single family residential lots on approximately 71.5± acres. The remaining 71.4 ± acres of unplatted land are proposed to be platted in multiple phases; the 25.2 ± acre portion of the remaining unplatted land that is located just south of East Crest Avenue is the subject area of the proposed Final Plat and is proposed to be platted for 44 single family residential lots as Covington Chase Phase 2B.

ADJACENT LAND USE AND ZONING

The properties located to the north of the subject property are made up of single family residential homes within subdivisions zoned R-1 (Glenview Estates and Garden Heights). The subject property abuts another R-1 zoned single family residential subdivision on the south and west side (Oak Glen). The properties located to the east of the subject property are part of Phase 1 of the Covington Chase PUD subdivision.

PROPOSED USE

The applicant proposes to plat the 25.2± acre site to construct 44 single family residential homes as Covington Chase Phase 2B.

PUBLIC FACILITY ANALYSIS

The Covington Chase PUD subdivision was approved for 345 single family residential lots to be developed in multiple phases. Infrastructure in the form of roads, water, sewer, and reclaimed water systems have been installed to support the approved subdivision.

SUMMARY

City Staff recommend approval of the proposed Final Plat for Covington Chase Phase 2B.

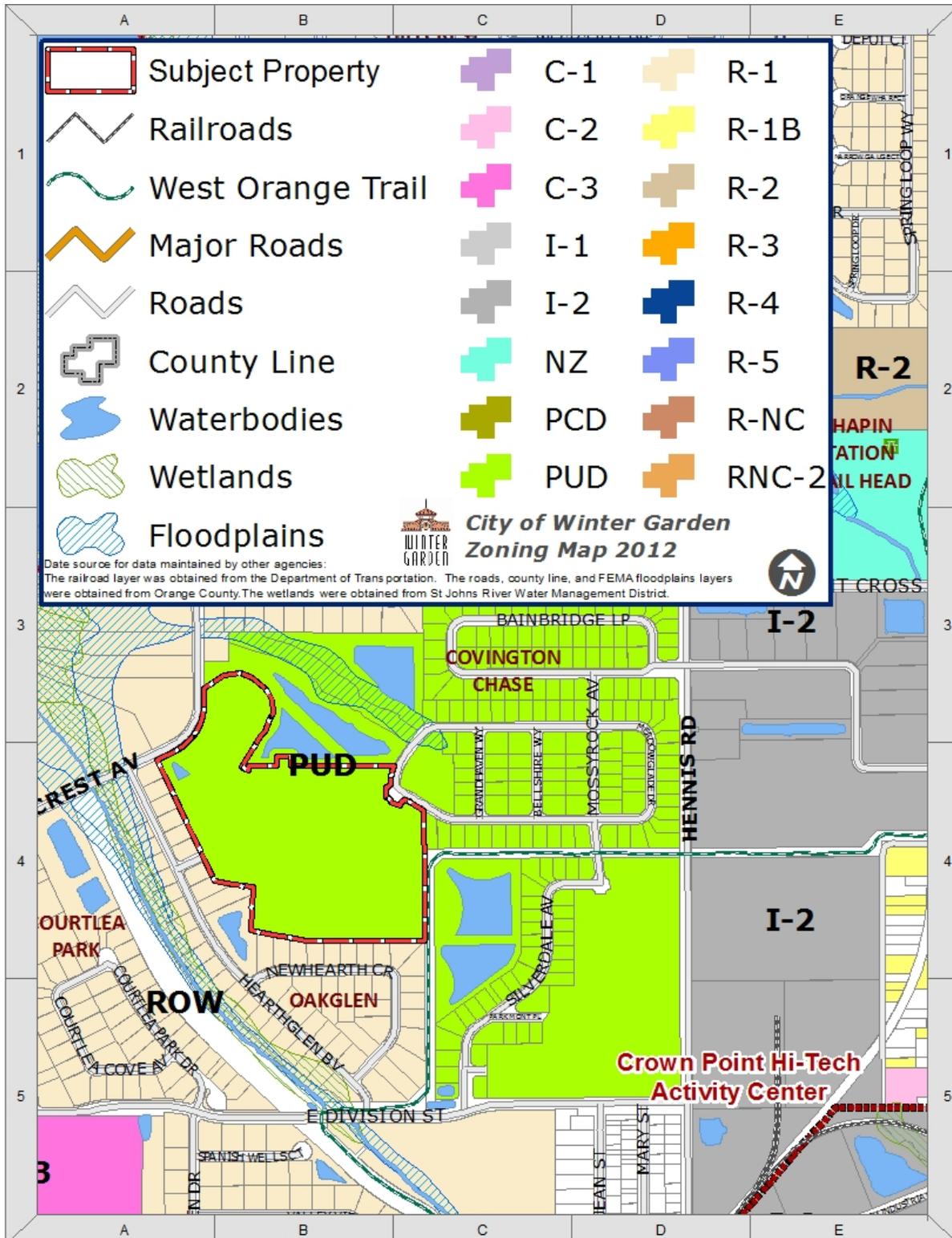
Staff has coordinated with the applicant to ensure that the Final Plat is consistent with the Code of Ordinances regarding Final Plat approval, the property specific PUD Zoning Ordinance and the approved Preliminary Plat. Additionally, staff have worked with the applicant to address concerns related to the subdivision wall located on the north side of the subject property along East Crest Avenue. Due to the ground elevation and location of the existing wall, the applicant has agreed to relocate the existing wall to provide for proper screening/buffering upon development of Phase 2A which will be the remaining portion of Phase 2 after recording of the Final Plat for the subject property.

MAPS

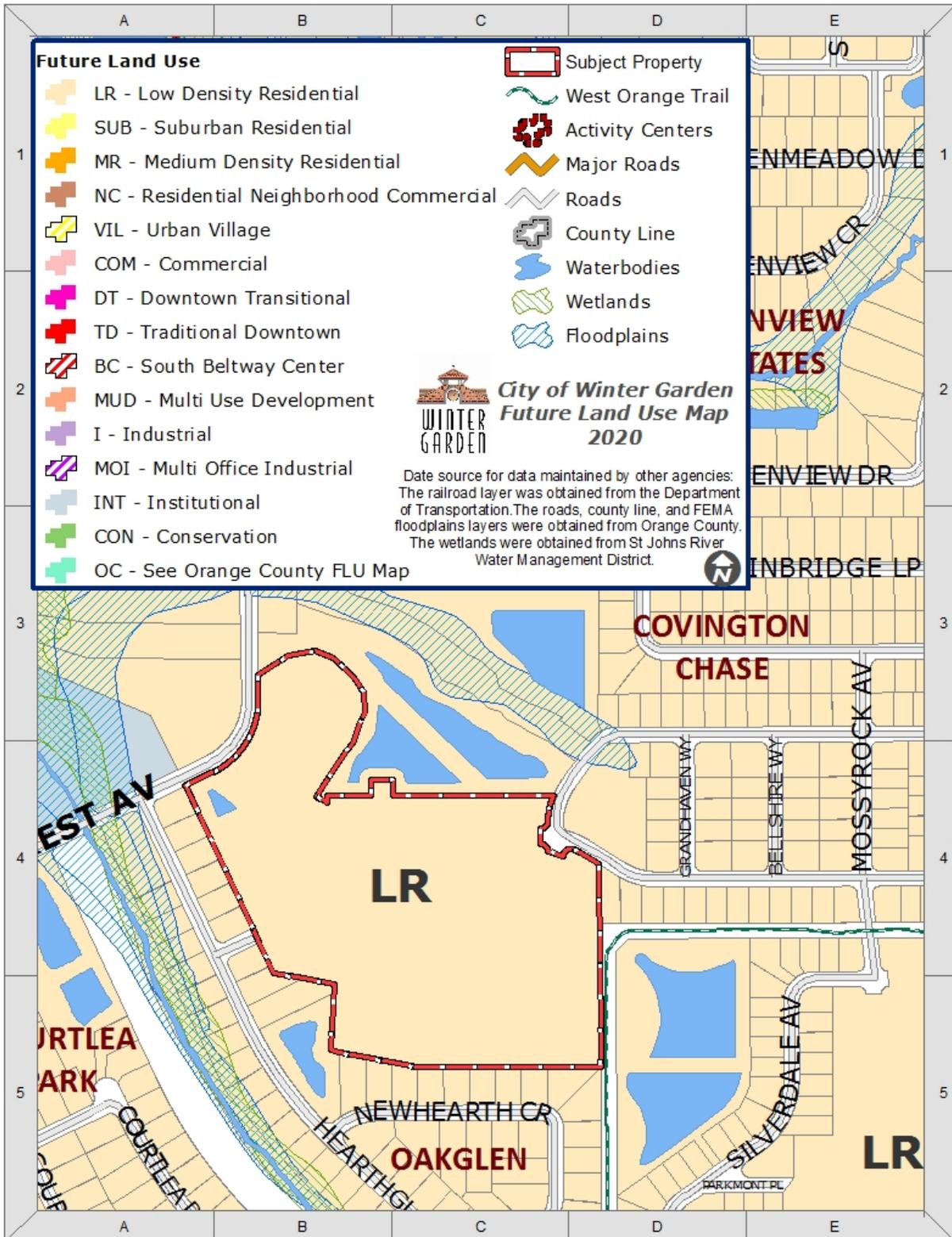
**AERIAL PHOTO
COVINGTON CHASE PHASE 2B**



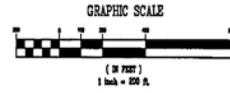
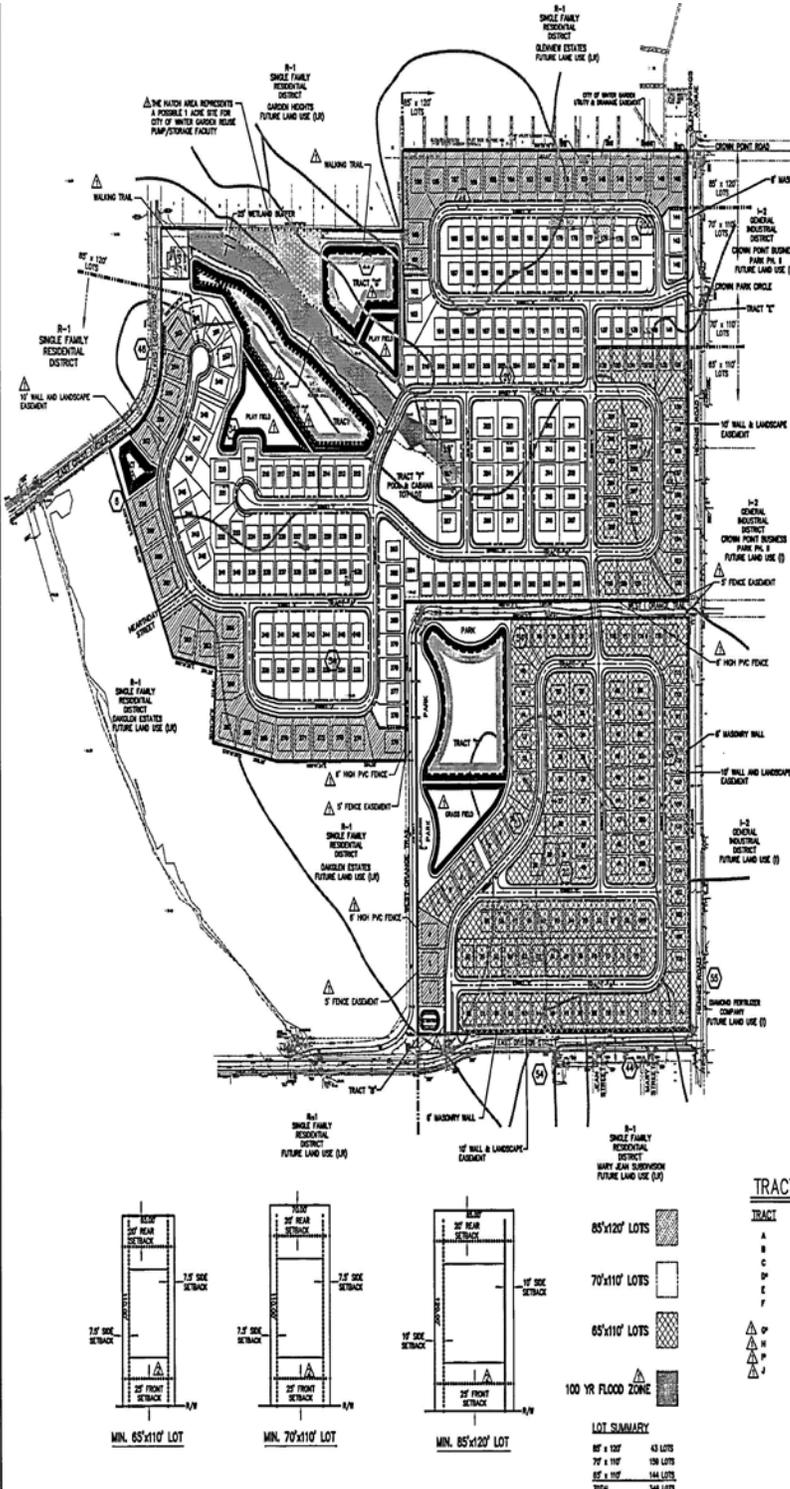
ZONING MAP
Covington Chase Phase 2B



FUTURE LAND USE MAP
Covington Chase Phase 2B



Covington Chase
APPROVED - Preliminary Plat



PROJECT TEAM MEMBERS:

OWNER / DEVELOPER
AMERICAN LAND DEVELOPMENT
3811 SHAGLE LAKE DRIVE
ORLANDO, FL 32817
PHONE: (407) 810-8700

ENGINEER
MADDEN ENGINEERING, INC.
431 E. FLORIDA AVE., SUITE 200
WINTER GARDEN, FLORIDA 32787
PHONE: (407) 825-8230

SURVEYOR
LLOYD T. SHAW, P.E.
110 OLD MCKAY COURT
LAKELAND, FL 34106
PHONE: (407) 860-9400

UTILITY COMPANIES

TELEPHONE
SPRINT FLORIDA, INC.
P.O. BOX 77020
WINTER GARDEN, FL 32777-0200
PHONE: (407) 814-5346
AT&T: DAVID BROOKS

WATER AND SEWER
CITY OF WINTER GARDEN
816 W. HIGHLAND AVE.
WINTER GARDEN, FL 32787
PHONE: (407) 824-4100

ELECTRIC
FLORIDA POWER & LIGHTS
3200 BARNETT CREEK ROAD
LAKE BUENA VISTA, FL 32830
PHONE: (407) 844-8000
AT&T: ED STEVENS

SITE DATA:

- SECTION 15-14, TOWNSHIP 22 SOUTH, RANGE 27 EAST.
- EXISTING ZONING: PUD.
- OVERALL SITE CONTAINS 14.66 ACROSS ACRES.
- SUBJECT PROPERTY IS UNDER CONTROL OR OWNED BY APPLICANT.
- TOTAL NUMBER OF LOTS: 348.
- PROPOSED DEVELOPMENT: SINGLE FAMILY RESIDENTIAL.
- RESIDENCIAL DENSITY = 2.38 UNITS/ACROSS ACRES = 814 S.F./ACROSS ACRES.
- PROPOSED SCHOOL AGE POPULATION = 648/2004 = 3.24.
- MINIMUM LOT SIZE: 65' x 110'.
- MINIMUM FRONT SETBACK = 30 FEET.
- STREETS:
FRONT: 25'
REAR: 25'
SIDE: 7.5' (1/2' FOR INTERLOCK LOTS)
STREET WIDTH: 15'
- FLOOD HAZARD FOR THE AREA IS ZONE "X" AND ZONE "A".
ACCORDING TO FLOOD INSURANCE RATE MAP PANELS COVERING OF ORANGE COUNTY
ZONE "X" AREAS ARE DESIGNATED TO BE OUTSIDE OF THE 100 YEAR FLOODPLAIN.
ZONE "A" AREAS ARE SPECIAL FLOOD HAZARD AREAS MARKED BY 100 YEAR FLOOD ZONE
WITH NO BASE FLOOD ELEVATION DETERMINED.
- TOPOGRAPHY PROVIDED BY LAND T. SHAW, P.E.
- UTILITY EXPOSURES TO BE DEDICATED TO THE CITY OF WINTER GARDEN.
- DRAINAGE EXPOSURES TO BE DEDICATED TO THE HOME OWNERS AND WALLS.
- THE HOME OWNERS ASSOCIATION WILL OWN AND MAINTAIN ALL COMMON AREAS AND WALLS.
- STREETS TO BE CONSTRUCTED THROUGHOUT THE ENTIRE PROJECT IN COMPLIANCE WITH THE
CITY OF WINTER GARDEN.
- NO SPOTS FOR PUBLIC USE ARE PROPOSED.
- TOTAL OPEN SPACE PROVIDED: 28.87 AC. (26.00%).
TOTAL OPEN SPACE REQUIRED: 28.87 AC. (26.00%).
- ALL DESIGN AND CONSTRUCTION SHALL CONFORM TO CITY OF WINTER GARDEN STANDARDS,
SPECIFICATIONS & ORDINANCES.
- THE OWNER AND CONTRACTOR ARE RESPONSIBLE FOR MEETING ALL PROVISIONS OF ASA
AND FLORIDA ACCESSIBILITY CODE.
- THE CONTRACTOR IS RESPONSIBLE FOR NOTIFICATION, LOCATION AND PROTECTION OF ALL
UTILITIES THAT MAY EXIST WITHIN THE PROJECT LOTS.
- EROSION PROTECTION PLAN WILL BE SUBMITTED AT FINAL ENGINEERING.
- MINIMUM HOUSE SIZE = 1,000 S.F.
- HENNES ROAD APPROXIMATES WILL BE SUBMITTED AT FINAL ENGINEERING.
- A FINAL SOIL REPORT WILL BE SUBMITTED AT FINAL ENGINEERING ALONG WITH A
FINAL DRAINAGE REPORT.
- ALL ORDINANCES WILL COMPLY WITH APPROXIMATE A, SECTION 2.10 (1) OF THE CITY CODE
COVERING RESIDENTIAL DEVELOPMENT.
- LANDSCAPE PLANS FOR SIDE AREA & POND AREAS ETC. WILL BE SUBMITTED AT FINAL
ENGINEERING.
- LIFT STATION TRACT SHALL BE DEDICATED TO THE CITY OF WINTER GARDEN.
- THE OWNER AND CONTRACTOR ARE RESPONSIBLE FOR MEETING ASA AND FLORIDA
ACCESSIBILITY CODE.
- ALL PIPES INSTALLED IN THE CITY OF WINTER GARDEN SHALL HAVE MIN. 3 FT. OF COVER
FROM THE TOP OF THE PIPE.
- LIFT TRUNK LINE AT HENNES ROAD & PLANT ST. WILL BE SUBMITTED AT FINAL
ENGINEERING.
- ADDITIONAL 10' DRAINAGE & UTILITY EXPOSURE ADJACENT TO PROPOSED R/W.

SOIL LEGEND

1. CANYON/APPOKA	14. SHIRAZ
2. FELSA	15. TAMPAVE
3. MAROULLE	16. WABASSO
4. LUCKLOUSA	17. SOFTO
5. PONDLO	18. TOLU/URBAN LAND

TRACT TABLE

TRACT	LAND USE	OWNERSHIP / MAINTENANCE	LOT SIZE
A	ROOF OF BAY	CITY OF WINTER GARDEN	18.25 AC. (0.7500)
B	RETENTION	HOA	0.23 AC. (0.2300)
C	LIFT STATION	HOA	0.14 AC. (0.0000)
D	RETENTION/RETENTION	HOA	0.85 AC. (0.0000)
E	OPEN SPACE	HOA	0.10 AC. (0.1000)
F	PARK AREA	HOA	1.80 AC. (0.1000)
G	RETENTION/RETENTION	HOA	4.50 AC. (2.0000)
H	WELAND	HOA	2.17 AC. (0.0000)
I	RETENTION/RETENTION	HOA	6.40 AC. (0.0000)
J	RETENTION	HOA	0.50 AC. (0.4000)

TOTAL SITE AREA 114.86 AC (100%)
* NOTE: APPROXIMATELY 50% OF TRACTS B WILL BE A BAY
DETENTION POND TO BE UTILIZED AS A SPORTS FIELD.
APPROXIMATELY 10% OF TRACTS H AND J WILL BE
ADVERTISED AND USED FOR RECREATION.



PRELIMINARY DEVELOPMENT PLAN
FOR
YOUNGBLOOD ROPER GROVES
WINTER GARDEN, FLORIDA

CLIENT
AMERICAN LAND DEVELOPMENT
3811 SHAGLE LAKE DRIVE
ORLANDO, FL 32817
(407) 810-8700

ENGINEER IN CHARGE
MADDEN ENGINEERING, INC.
431 E. FLORIDA AVENUE, SUITE 200
WINTER GARDEN, FL 32787
(407) 825-8230

DATE	REVISIONS

JOB # - 24111
DATE - 10/12/04
SCALE - 1"=200'
DESIGNED BY - CMW
DRAWN BY - JMY
APPROVED BY - CMW

PDP-1

THE CITY OF WINTER GARDEN

CITY COMMISSION AGENDA ITEM

From:  George Brennan, Police Chief

Via: City Manager Mike Bollhoefer

Date: December 14, 2012 **Meeting Date:** January 10, 2013

Subject: Agreement for dispatching services for the Town of Oakland – Police Chief Brennan.

Issue: The Town of Oakland wants the Winter Garden Police Department to provide dispatching services for their police department.

Recommended action: Authorize the Mayor to execute the Agreement for Dispatching Services for the Town of Oakland.

Attachment: Copy of agreement to be executed.

AGREEMENT FOR DISPATCHING SERVICES

Town of Oakland

This AGREEMENT is entered into by and between the **Town of Oakland**, Florida, a municipal corporation existing under the laws of the State of Florida (referred to as "CONTRACTOR") and the **City of Winter Garden**, Florida, a municipal corporation existing under the laws of the State of Florida (referred to as "VENDOR").

WHEREAS, the VENDOR maintains an around-the-clock Communications Center which provides 911 call taking and dispatching services for the **Winter Garden Police Department**; and

WHEREAS, the police department for the **Town of Oakland** requires dispatching services; and

WHEREAS, the VENDOR is willing to provide police dispatching services to the CONTRACTOR.

NOW, THEREFORE, the parties hereby agree as follows:

A. SERVICES TO BE PROVIDED BY THE VENDOR:

The VENDOR agrees to:

1. Provide all police dispatching services required within the corporate limits of CONTRACTOR's jurisdiction. Calls for such services are to be directed to telephone numbers provided by the VENDOR, in addition to 911 calls, and the VENDOR will dispatch the CONTRACTOR's police units in response to such calls.
2. Provide necessary instruction and training in the proper use of radios and other communications equipment utilized by the parties.
3. Maintain an appropriate means of identifying Calls for Service generated within the CONTRACTOR's jurisdiction.
4. Keep adequate records, including the assignment of appropriate case/event numbers, in regard to the handling of calls for the CONTRACTOR.

5. Agree to provide to CONTRACTOR with access 24 hours a day, 7 days a week, in accordance with state and federal laws and regulations and with various contractual agreement, to information contained in the Florida Crime Information Center System (FCIC), National Crime Information Center System (NCIC), National Law Enforcement Telecommunications System (NLETS), other state and national criminal justice information systems, motor vehicle registry, driver license registry, boat registry, and administrative information systems as required to perform their law enforcement functions.
6. Provide programming changes to the CONTRACTOR's equipment to the extent such is available through the VENDOR to ensure it remains functional and can interface with the VENDOR's Communications Center.

B. CONTRACTOR'S RIGHTS AND RESPONSIBILITIES:

The CONTRACTOR agrees to:

1. Comply with the procedures and policies implemented by the VENDOR for the use of radios and for coordination of dispatching efforts under this Agreement.
2. Provide adequate radio equipment compatible with radio equipment utilized by the VENDOR for use by CONTRACTOR's police units.
3. Supply the VENDOR's Communications Section with a list of persons who are authorized to direct the dispatching of police units for CONTRACTOR's agency.
4. Supply and maintain all hardware/equipment and software required to provide or maintain connectivity to the VENDOR's Communications Center and Records Management System.

C. MUTUAL COOPERATION AND INDEMNIFICATION:

1. The VENDOR agrees, based upon the availability of resources, to dispatch the VENDOR's units into CONTRACTOR's jurisdiction when:

- a. A felony-in-progress or life-threatening situation is reported, or
- b. A police unit from CONTRACTOR's agency is unable to respond. VENDOR's police units that have been so dispatched will do what is necessary upon arrival on the scene to assume control of the situation until the CONTRACTOR's agents arrive and are able to assume control unless it is more expedient for the VENDOR's agents to just handle the call for service.

2. Any response by VENDOR's units per the terms of "C. 1." of this agreement will be deemed to be a formal request for assistance by the CONTRACTOR in accordance with the Municipal Inter-Local Voluntary Cooperation Mutual Aid Agreement.

D. MUTUAL AID:

This agreement does not provide CONTRACTOR's sworn law enforcement officers with any authority to take law enforcement action within the City of Winter Garden other than that provided pursuant to any separate Mutual Aid Agreement in effect between the parties.

F. INDEMNIFICATION

The VENDOR and CONTRACTOR do not assume any liability for the acts, omissions, or negligence of the other. To the extent permitted by Section 768.28, F.S., each shall indemnify and hold the other harmless from all claims, damages, losses, and expenses arising out of or resulting from the performance of their respective operations under this agreement.

G. TERM OF AGREEMENT

1. This Agreement shall take effect upon execution and approval by the hereinafter named officials, and shall continue in full force and effect until September 30, 2015, unless terminated prior thereto by any and all parties herein.

2. Either party may terminate this Agreement for convenience by providing advance written notification to the other party, at least sixty (60) days prior to any termination.

In the event of such termination, payment will be made on a pro rata basis to the date of termination.

H. COMPENSATION

During the term of this Agreement, the cost to the CONTRACTOR will be calculated as follows:

1. The BASE Cost will be \$36,000 for the fiscal year beginning October 1, 2012 and ending September 30, 2013, or \$3,000 per month from the mutually agreed upon effective date.

- a. The CONTRACTOR shall pay the BASE Cost in installments of \$9,000 per quarter in accordance with the schedule fees listed below. The first quarterly payment will be pro-rated based upon the mutually agreed upon effective date.

- b. The schedule of fees to be paid to the VENDOR is as follows:

First Quarter (10/01/12 – 12/31/12)

Base Fee: Not applicable.

Second Quarter (01/01/13 – 03/31/13)

Base Fee: Not applicable.

Third Quarter (04/01/13 – 06/30/13)

Base Fee: \$9,000.00 (Due 04/01/2013)

Fourth Quarter (07/01/13 – 09/30/13)

Base Fee: \$9,000.00 (Due 07/01/2013)

2. The BASE Cost for the fiscal year beginning October 1, 2013 and ending September 30, 2014, shall not exceed a 10% increase above the previous fiscal year Base Cost.

a. Fees will be paid in equal quarterly payments and will be due on October 1st, January 1st, April 1st, and July 1st.

3. The BASE Cost for the fiscal year beginning October 1, 2014 and ending September 30, 2015, shall not exceed a 10% increase above the previous fiscal year Base Cost.

a. Fees will be paid in equal quarterly payments and will be due on October 1st, January 1st, April 1st, and July 1st.

I. MISCELLANEOUS PROVISIONS

1. It is understood that the services called for in the Agreement do not include telephone complaint report writing or walk-in complaint handling by the VENDOR.

2. The following individuals are hereby appointed by the respective parties to address and resolve any questions or complaints regarding matters covered under this Agreement.

VENDOR – George Brennan, Chief of Police

CONTRACTOR – Steve Thomas, Chief of Police

3. All amendments to the Agreement shall be in writing and signed by all parties.

4. The written Agreement supercedes all previous agreements between the parties and is the total and complete agreement between the parties.

IN WITNESS OF THE FOREGOING, the parties have executed this Agreement on the date indicated below.

TOWN OF OAKLAND

CITY OF WINTER GARDEN

By: _____
Mayor

By; _____
Mayor

Date: _____

Date: _____

ATTEST BY:

ATTEST BY:

City Clerk

City Clerk

THE CITY OF WINTER GARDEN
CITY COMMISSION AGENDA ITEM

From: George Brennan, Police Chief

Via: City Manager Mike Bollhoefer

Date: January 4, 2013

Meeting Date: January 10, 2013

Subject: Authorization to use confiscation funds to start police canine services – Police Chief Brennan.

Issue: The police department wants to start providing canine services and is requesting to utilize confiscation funds to cover the start-up and operational costs for FY13. No additional staff is being requested. Funds will be utilized to purchase a dog, vehicle equipment, vet services, training equipment, etc.

Recommended action: Authorize the police department to utilize confiscation funds for the start-up and operational costs to provide canine services for FY13.