



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

**Amended Items 5.B & 5.E to include public hearing date**

**REGULAR MEETING**

**APRIL 11, 2013**

**6:30 P.M.**

**CALL TO ORDER**

Determination of a Quorum

Invocation and Pledge of Allegiance

1. **APPROVAL OF MINUTES**

Regular Meeting of March 28, 2013

2. **OATHS OF OFFICE AND INTRODUCTION OF NEW POLICE OFFICERS**

3. **PRESENTATION**

**Proclamation 13-06** declaring the Month of April as Water Conservation Month

4. **PUBLIC HEARING MATTER**

A. Appeal of Planning and Zoning Board's denial of a variance request to reduce the 10-foot side yard setback to 6.86 feet and to reduce the minimum 10-foot wide landscaping around the building to no more than 50 percent landscaping around the building at 1089 Walker Street; Applicants George L. and Maria P. Bori (AutoZone parts store CPH Engineers, Inc.) (*continued from February 28, 2013*) Staff is requesting **postponement** until May 23, 2013 – Community Development Director Williams

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

A. **Ordinance 13-06:** 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 SUBURBAN RESIDENTIAL FOR PROPERTY GENERALLY DESCRIBED AS 35.176 ± ACRES LOCATED AT 14288, 14350, AND 14362 SIPLIN ROAD AT THE SOUTHWEST CORNER OF SUNRIDGE BOULEVARD AND SIPLIN ROAD; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; **staff recommends approving transmittal to the State Department of Economic Opportunity** - Community Development Director Williams

B. **Ordinance 13-13:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 10.475 ± ACRES GENERALLY LOCATED SOUTH OF SUNRIDGE BOULEVARD, NORTH OF BLACK LAKE, EAST OF AVALON ROAD, AND WEST OF SIPLIN ROAD INTO THE CITY OF WINTER GARDEN FLORIDA; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE **with the second reading and public hearing being scheduled for April 25, 2013**

C. **Ordinance 13-15:** 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 SUBURBAN RESIDENTIAL FOR PROPERTY GENERALLY DESCRIBED AS 10.475 ± ACRES GENERALLY LOCATED SOUTH OF SUNRIDGE BOULEVARD, NORTH OF BLACK LAKE, EAST OF AVALON ROAD, AND WEST OF SIPLIN ROAD; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; **staff recommends approving transmittal to the State Department of Economic Opportunity** - Community Development Director Williams

D. **Ordinance 13-14:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING POLICY 1-1.2.13 OF THE FUTURE LAND USE ELEMENT OF THE WINTER GARDEN COMPREHENSIVE PLAN TO INCLUDE PUD AND PCD AS ZONING CLASSIFICATIONS THAT ARE CONSISTENT WITH THE TRADITIONAL DOWNTOWN

LAND USE DESIGNATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; **staff recommends approving transmittal to the State Department of Economic Opportunity** - Community Development Director Williams

- E. **Ordinance 13-16:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 127.42 ± ACRES LOCATED AT 16846, 17000, AND 17166 MARSH ROAD ON THE SOUTH SIDE OF MARSH ROAD, EAST OF WILLIAMS ROAD AND WEST OF AVALON ROAD INTO THE CITY OF WINTER GARDEN FLORIDA; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE **with the second reading and public hearing being scheduled for April 25, 2013**
- F. **Ordinance 13-17:** 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 127.42 ± ACRES LOCATED AT 16846, 17000, AND 17166 MARSH ROAD ON THE SOUTH SIDE OF MARSH ROAD, EAST OF WILLIAMS ROAD AND WEST OF AVALON ROAD FROM ORANGE COUNTY VILLAGE TO CITY URBAN VILLAGE; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; **staff recommends approving transmittal to the State Department of Economic Opportunity** - Community Development Director Williams
- G. **Ordinance 13-19:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE AMENDMENT OF CHAPTER 102 OF THE WINTER GARDEN CODE OF ORDINANCES ENTITLED “SIGNS”, AND SECTION 98-195 OF ARTICLE VII OF CHAPTER 98 OF THE WINTER GARDEN CODE OF ORDINANCES WITHIN THE CITY OF WINTER GARDEN HISTORIC DOWNTOWN DISTRICT OVERLAY WHICH SECTION IS ENTITLED “SIGN STANDARDS FOR COMMERCIAL PROJECTS”, AND SECTION 22-154 OF ARTICLE VI OF CHAPTER 22 OF THE CITY OF WINTER GARDEN CODE OF ORDINANCES UNDER INTERANT AUTOMOTIVE SALES WHICH SECTION IS ENTITLED “GENERAL; LIMITATIONS”, AND SECTION 62-230 OF ARTICLE VII OF CHAPTER 62 OF THE CITY OF WINTER GARDEN CODE OF ORDINANCES UNDER SIDEWALK CAFÉ AND MERCHANDISE DISPLAY WHICH SECTION IS ENTITLED “STANDARDS, CRITERIA AND CONDITIONS FOR SIDEWALK CAFÉ AREAS”; DELETING DIVISION 2 OF ARTICLE X OF CHAPTER 118 OF THE WINTER GARDEN CODE OF ORDINANCES ENTITLED “SIGN REGULATIONS” AND DIVISION 3 OF ARTICLE IX OF CHAPTER 118 OF THE WINTER GARDEN CODE OF ORDINANCES ENTITLED “SIGNAGE WITHIN THE COMMERCIAL CORRIDOR”; CREATING A COMPREHENSIVE SIGN CODE; PROVIDING DEFINITIONS, REGULATING SIGNAGE FOR THE CITY OF WINTER GARDEN HISTORIC DOWNTOWN DISTRICT OVERLAY AND RESIDENTIAL AND NON-RESIDENTIAL AND OTHER AREAS AND USES; REMOVING REDUNDANT AND INCONSISTENT LANGUAGE FOR SIGN STANDARDS AND REGULATIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE **staff requests postponement until May 9, 2013** - Community Development Director Williams
- H. **Ordinance 13-20:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING ARTICLE VII OF CHAPTER 62 OF THE WINTER GARDEN CITY CODE; PROVIDING FOR DEFINITIONS AND REVISED DEFINITIONS; PROVIDING FOR REVISED STANDARDS, REQUIREMENTS, CRITERIA AND CONDITIONS FOR SIDEWALK CAFES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE **staff requests postponement until May 9, 2013** - Community Development Director Williams
6. **SECOND READING AND PUBLIC HEARING OF PROPOSED ORDINANCE**
- A. **Ordinance 13-18:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING ARTICLE IV OF CHAPTER 38 OF THE WINTER GARDEN CITY CODE; PROVIDING FOR CLARIFICATIONS AND OBJECTIVE GUIDELINES TO ENFORCE THE NOISE ORDINANCE VIA AN ALTERNATIVE OBJECTIVE STANDARD OF REASONABLENESS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE – City Manager Bollhoefer

7. **REGULAR BUSINESS**

- A. Recommendation to approve entering into a Right-of-Way Maintenance Agreement with Hanover Avalon Reserve, LLC and Avalon Reserve Homeowners Association, Inc. for Avalon Reserve - Village 1 – Community Development Director Williams
- B. Recommendation to approve request for qualification rankings and contracts for continuing professional engineering services with Pegasus Engineering, Tetra Tech Engineering, and BFA Engineering – Public Services Director Cochran
- C. Recommendation to approve request for qualification rankings and contracts for continuing professional surveying services with Southeastern Surveying, Atlantic Surveying, CPH Engineering and Surveying, and Allen & Company, Inc. - Public Services Director Cochran
- D. Appointment to the Architectural Review and Historic Preservation Board to fill the unexpired term, until July 2, 2015, of resigning board member Chuck Simikian - City Clerk Golden

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

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

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

11. **MATTERS FROM MAYOR AND COMMISSIONERS**

**ADJOURN** to a Regular Meeting on April 25, 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.

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

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## CITY COMMISSION REGULAR MEETING MINUTES

March 28, 2013

A **REGULAR MEETING** of the Winter Garden City Commission was called to order by Mayor Pro-Tem Buchanan 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 Pro-Tem Bob Buchanan, Commissioners Kent Makin and Robert Olszewski

**Absent:** Mayor John Rees and Commissioner Colin Sharman

**Also Present:** City Manager Mike Bollhoefer, City Attorney Kurt Ardaman, City Clerk Kathy Golden, 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, Network Specialist George Strobel, and Building Official Skip Lukert

### 1. **APPROVAL OF MINUTES**

**Motion by Commissioner Olszewski to approve regular meeting minutes of March 14, 2013 as submitted. Seconded by Commissioner Makin and carried unanimously 3-0.**

### 2. **PRESENTATIONS**

A. **Proclamation 13-02** declaring April as Sexual Assault Awareness Month was read and presented by Mayor Pro-Tem Buchanan to Gina Costa

B. **Proclamation 13-03** declaring April 2<sup>nd</sup> as World Autism Awareness Day and April as Autism Awareness Month was read and presented by Mayor Pro-Tem Buchanan to Mr. Henry Wright

### 3. **REGULAR BUSINESS**

#### A. **Recommendation to approve Final Plat for Avalon Reserve Village 1**

Community Development Director Williams stated that this is the final approval for a single family subdivision consisting of 66 lots. This was formerly a townhouse development that has converted to single family lots. Staff has reviewed it for technical compliance with all of the City requirements. It is consistent with the prior submittals and staff recommends approval.

**Motion by Commissioner Olszewski to approve the final plat submitted for Avalon Reserve Village 1. Seconded by Commissioner Makin and carried unanimously 3-0.**

### 4. **MATTERS FROM CITIZENS** - There were no items.

5. **MATTERS FROM CITY ATTORNEY**

City Attorney Ardaman addressed ongoing litigation between the City and the Lindsay's, stating that there have been approximately seven different lawsuits filed against the City on matters out on Hardwood Marsh Road. Two of the lawsuits were combined and is set for mediation on April 9, 2013. He stated that the mediation will likely involve the other lawsuits and asked the City Commission to designate the City Manager, Mike Bollhoefer, as the City's representative for the purpose of mediation, with full authority to act at the mediation on behalf of the City and bring back a recommendation to the City Commission for consideration.

**Motion by Commissioner Olszewski to authorize City Manager, Michael Bollhoefer, to be the City's designee and representative with full authority to act on behalf of the City of Winter Garden at the Lindsay case mediation hearing on April 9, 2013 and to bring back a recommendation to the City Commission. Seconded by Commissioner Makin and carried unanimously 3-0.**

6. **MATTERS FROM CITY MANAGER**

City Manager Bollhoefer added that the judge has ruled in the City's favor on one matter.

City Attorney Ardaman stated that the City filed a motion for summary judgment with respect to the constitutional arguments that the Lindsay's had made against the City on a number of matters. Today the court handed down an order denying the plaintiff's (Lindsay's) motion for summary judgment on count two of one of their complaints and granting the City of Winter Garden's counter-motion for summary judgment as to count two on the second of many complaints. It is a good victory for the City although not a complete victory but these are done in increments and clearly show that the City has done the right thing with respect to those two points and this is two major victories for the City. He noted that the issuing judge of the judgments was Circuit Court Judge Thomas Mihock.

7. **MATTERS FROM MAYOR PRO-TEM AND COMMISSIONERS**

**Commissioner Olszewski** stated that last week he represented the City of Winter Garden on behalf of the Florida League of Cities in Tallahassee. He heard some outstanding feedback and compliments regarding the City of Winter Garden from officials around the state.

**Commissioner Olszewski** noted upcoming plans for a District 3 community meeting to discuss redevelopment on Center Street and to head in the right direction as far as development issues.

**Mayor Pro-Tem Buchanan** thanked everyone for their assistance and efforts with the recent storms and also thanked staff for their efforts with the Pops event that was perfect.

**Mayor Pro-Tem Buchanan** asked everyone to keep the Petro family in their thoughts and prayers as Dan Petro recently passed away; he shared some notable facts about Mr. Petro's impact on this community.

**Commissioner Olszewski** thanked Chuck Simikian, who was in the audience, for his service on the Architectural Review and Historic Preservation Board.

The meeting adjourned at 6:45 p.m.

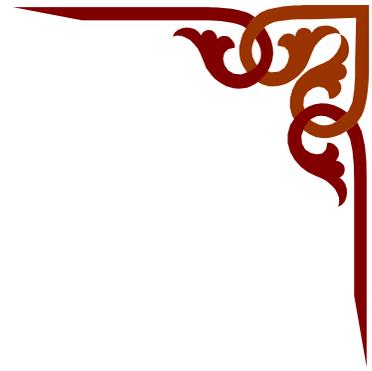
APPROVED:

\_\_\_\_\_  
Mayor John Rees

ATTEST:

\_\_\_\_\_  
City Clerk Kathy Golden, CMC

DRAFT



## **Proclamation** **13-06**

**Whereas,** water is a basic and essential need of every living creature; and

**Whereas,** the State of Florida, Water Management Districts and the City of Winter Garden are working together to increase awareness about the importance of water conservation; and

**Whereas,** the City of Winter Garden and the State of Florida have designated April, typically a dry month when potable water demands are most acute, Florida's Water Conservation Month, to educate citizens about how they can help save Florida's precious water resources; and

**Whereas,** the City of Winter Garden has always encouraged and supported water conservation, through various educational programs and special events; and

**Whereas,** every business, industry, school, and citizen can make a difference when it comes to conserving water; and

**Whereas,** each business, industry, school, and citizen can help save water and thus promote a healthy economy and community; and

**Now, therefore,** be it resolved that by virtue of the authority vested in me as Mayor of the City of Winter Garden and Commissioners do hereby proclaim the month of April 2013 as

### **“WATER CONSERVATION MONTH”**

And call upon each citizen and business to help protect our precious resource by practicing water saving measures and becoming more aware of the need to save water.

**In witness whereof,** I have hereunto set my hand and caused the City Seal to be affixed this 11th day of April, 2013.

**Mayor John Rees**

Attest:

**Kathy Golden, City Clerk**

**THE CITY OF WINTER GARDEN**  
**CITY COMMISSION AGENDA ITEM**

**From:** Ed Williams, Community Development Director

**Via:** City Manager Mike Bollhoefer

**Date:** February 20, 2013                      **Meeting Date:** February 28, 2013

**Subject:** 1089 Walker Street  
**AutoZone**  
PARCEL ID# 23-22-27-8104-00-470  
PARCEL ID# 23-22-27-8104-00-460  
PARCEL ID# 23-22-27-8104-00-332  
PARCEL ID# 23-22-27-8104-00-341  
PARCEL ID# 23-22-27-8104-00-331  
PARCEL ID# 23-22-27-8104-00-360

**Issue:** The applicant appealed the Planning and Zoning Board's February 4, 2013 recommendation of denial for a variance to the minimum required side yard setback of 10 feet to allow a side yard setback of 6.86 feet and denial of a variance to the minimum required 10 foot landscape area around the building to allow no landscaping in over 50% of the area next to the building. This appeal occurred at the February 28, 2013 City Commission meeting and the board tabled the hearing until the April 11, 2013 meeting to allow them time to submit for Site Plan Review.

**Discussion:** The applicant has submitted for Site Plan Review and the Development Review Committee (DRC) is in the process of reviewing the proposed plans. The applicant is submitting revisions that need to be reviewed again by DRC to verify that the site meets code requirements.

**Recommended Action:** Staff recommends that the City Commission allow additional time for DRC to review the project and defer the Site Plan Review / Appeal of the Planning and Zoning Boards recommendation of Denial to the May 23, 2013 City Commission meeting.

**THE CITY OF WINTER GARDEN**  
**CITY COMMISSION AGENDA ITEM**

**From:** Ed Williams, Community Development Director

**Via:** City Manager Mike Bollhoefer

**Date:** April 3, 2013

**Meeting Date:** April 11, 2013

**Subject:** **Ordinance 13-06** Future Land Use Map Amendment  
**Black Lake Preserve (35.2+/- Acres)**  
14288, 14350, 14362 Siplin Road  
Parcel ID# 34-22-27-0000-00-007  
Parcel ID# 34-22-27-0000-00-008  
Parcel ID# 34-22-27-0000-00-029

**Issue:** Request for approval of Ordinance 13-06 to recommend that staff be allowed to transmit a Large Scale Comprehensive Plan Amendment to the Florida Department of Economic Opportunity, amending the Future Land Use Map of the Comprehensive Plan by changing the future land use designation of the 35.2 +/- acre Black Lake Preserve property from Orange County Rural/Agricultural to City Suburban Residential.

**Discussion:**

At the request of the property owner, the City has annexed the subject property into the City and the owner now requests to amend the future land use designation of the property from Orange County Rural/Agricultural to City Suburban Residential. The property owner has submitted application for a rezoning of the subject property to Planned Unit Development (PUD); upon completion of the future land use map amendment for the subject property City staff will proceed with review of the application for rezoning to ensure compliance with the City's Comprehensive Plan and Code of Ordinances.

**Recommended Action:**

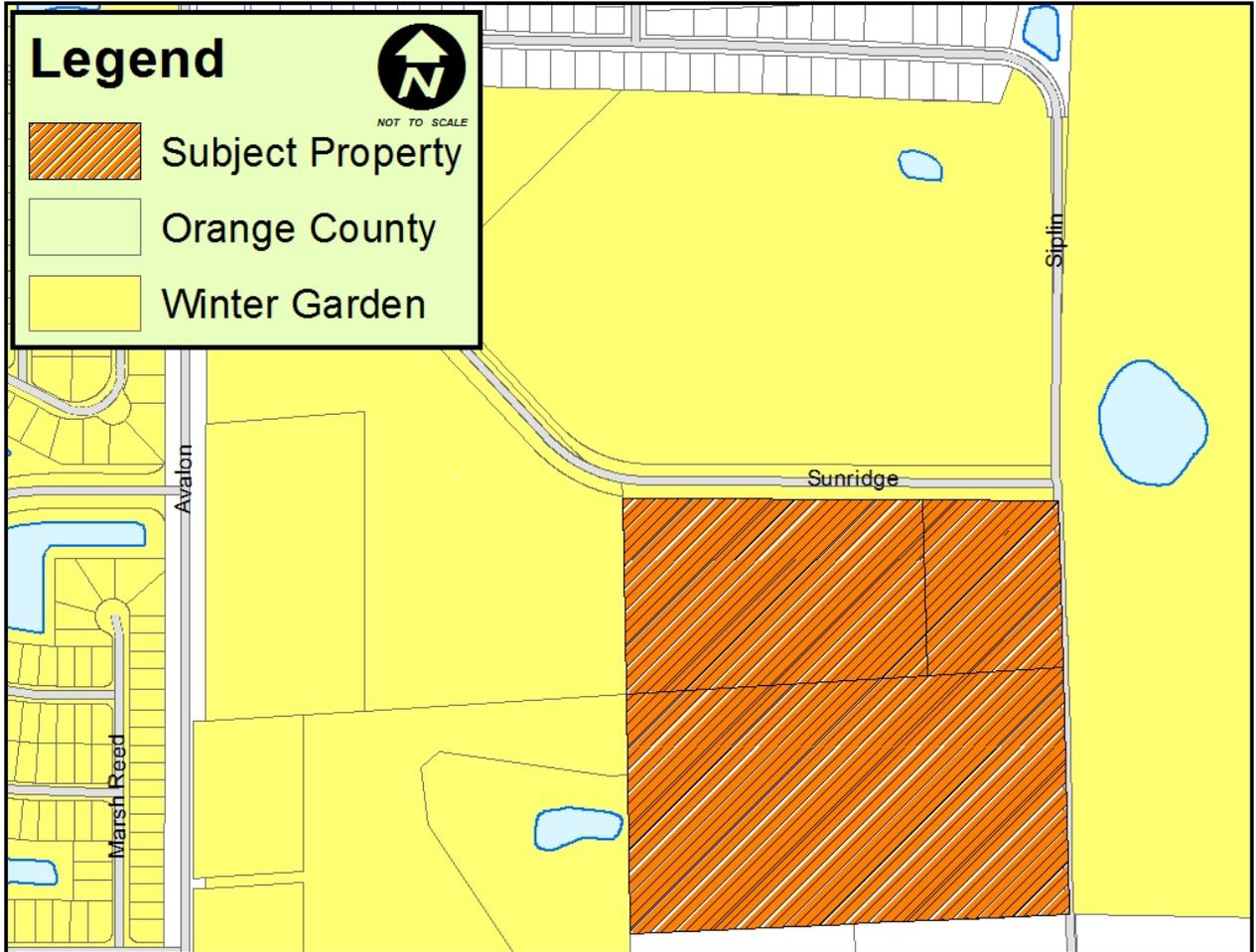
Staff recommends approval of Ordinance 13-06, recommending that staff be allowed to transmit a Large Scale Comprehensive Plan Amendment to the Florida Department of Economic Opportunity, amending the Future Land Use Map of the Comprehensive Plan by changing the future land use designation of the 35.2 +/- acre property from Orange County Rural/Agricultural to City Suburban Residential.

**Attachment(s)/References:**

Location Map  
Ordinance 13-06  
Staff Report

# LOCATION MAP

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



ORDINANCE 13-06

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 SUBURBAN RESIDENTIAL FOR PROPERTY GENERALLY DESCRIBED AS 35.176 ± ACRES LOCATED AT 14288, 14350, AND 14362 SIPLIN ROAD AT THE SOUTHWEST CORNER OF SUNRIDGE BOULEVARD AND SIPLIN ROAD; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, on the 13<sup>th</sup> 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 24<sup>th</sup> 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 35.176 ± acres of land located at 14288, 14350, and 14362 Siplin Road, at the southwest corner of SunRidge Boulevard and Siplin 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 Rural/Agricultural to City Suburban 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 Suburban Residential as set forth in ATTACHMENT "B".

**SECTION II.** *Effective Date.* 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#: 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**

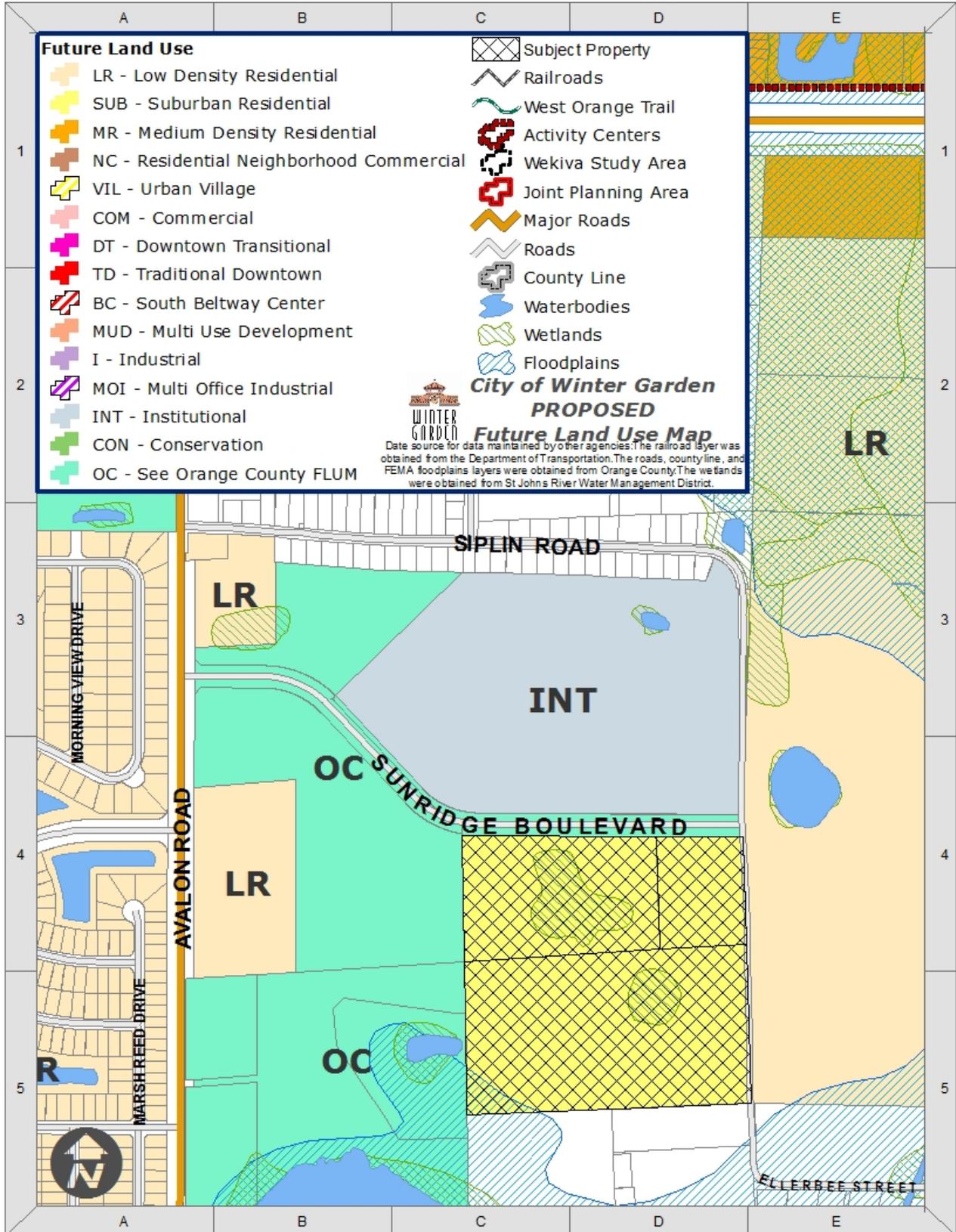
LEGAL DESCRIPTION:

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.

# ATTACHMENT "B"



# 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:** MARCH 27, 2013

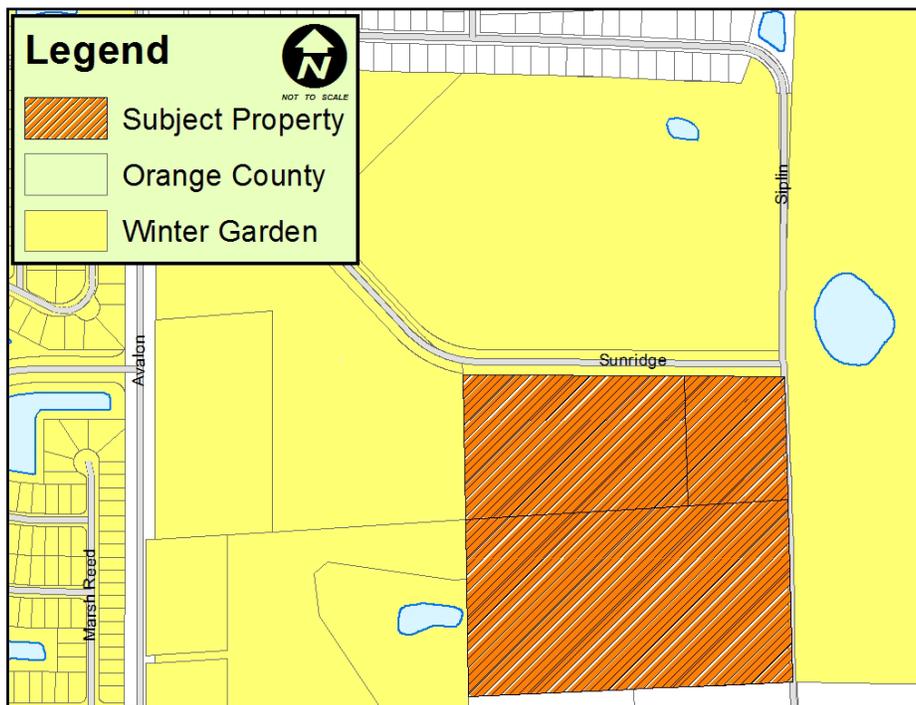
**SUBJECT:** FUTURE LAND USE MAP AMENDMENT  
**BLACK LAKE PRESERVE PROPERTY**  
**14288, 14350 & 14362 SIPLIN ROAD (35.2 +/- ACRES)**  
**PARCEL ID #:** 34-22-27-0000-00-007, 34-22-27-0000-00-008  
& 34-22-27-0000-00-029

**APPLICANT:** HANOVER CAPITAL PARTNERS, LLC

### INTRODUCTION

The purpose of this report is to evaluate the proposed future land use map amendment 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 35.2± acres. The map below depicts the proximity of the subject property to the City's jurisdictional limits:



At the request of the property owner, the City has annexed the subject property into the City and the owner now requests to amend the future land use designation of the property from Orange County Rural/Agricultural to City Suburban Residential. The property owner has submitted application for a rezoning of the subject property to Planned Unit Development (PUD); upon completion of the future land use map amendment for the subject property City staff will proceed with review of the application for rezoning to ensure compliance with the City's Comprehensive Plan and Code of Ordinances.

The City's Comprehensive Plan policy for the future land use designation of Suburban Residential states:

**Policy 1-1.2.2: Suburban Residential.** Properties designated with the Suburban Residential land use category are required to be developed at a gross residential density no greater than 4 dwelling units per acre and will be identified on the Future Land Use Map only in areas that are either similar in nature (i.e. have the same type of density of existing neighborhoods) or where environmental factors require low residential densities. Factors in determining this land use category included proximity to natural resources and urban services, availability of public facilities, and the characteristics of nearby existing and future neighborhoods. Churches and schools may be allowed via a Special Exception Permit. The zoning classifications that are consistent with the Suburban Density classification are PUD, R-1A, R-1, and INT.

### **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 of Winter Garden, the Future Land Use Designation of the property is Institutional. 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, since their annexation these properties have not been assigned Zoning or Future Land Use Designation on the Future Land Use Map of the City's Comprehensive Plan. 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, the Future Land Use Designation of the property is Low Density Residential and the Zoning is R-2 in the City of Winter Garden.

### **PROPOSED USE**

The owner proposes to a single family residential development plan for the property to include approximately 97 single family residential dwelling units, parks and recreation areas and stormwater retention ponds.

### **PUBLIC FACILITY ANALYSIS**

The property's primary point of transportation access is currently from SunRidge Boulevard. The existing property access is along the north side of the property. Through the review of the proposed rezoning of the property to PUD, access points will be analyzed to determine the exact location of the future primary access point.

The City will provide potable water, reclaimed water and sewer service to the property. The City has facilities adjacent to the property on SunRidge Boulevard. The City will provide utilities for the future development of this property.

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 Fire Department under the First Response system.

### **SUMMARY**

The City Planning Department has reviewed the proposed ordinance and recommends approval.

**MAPS**

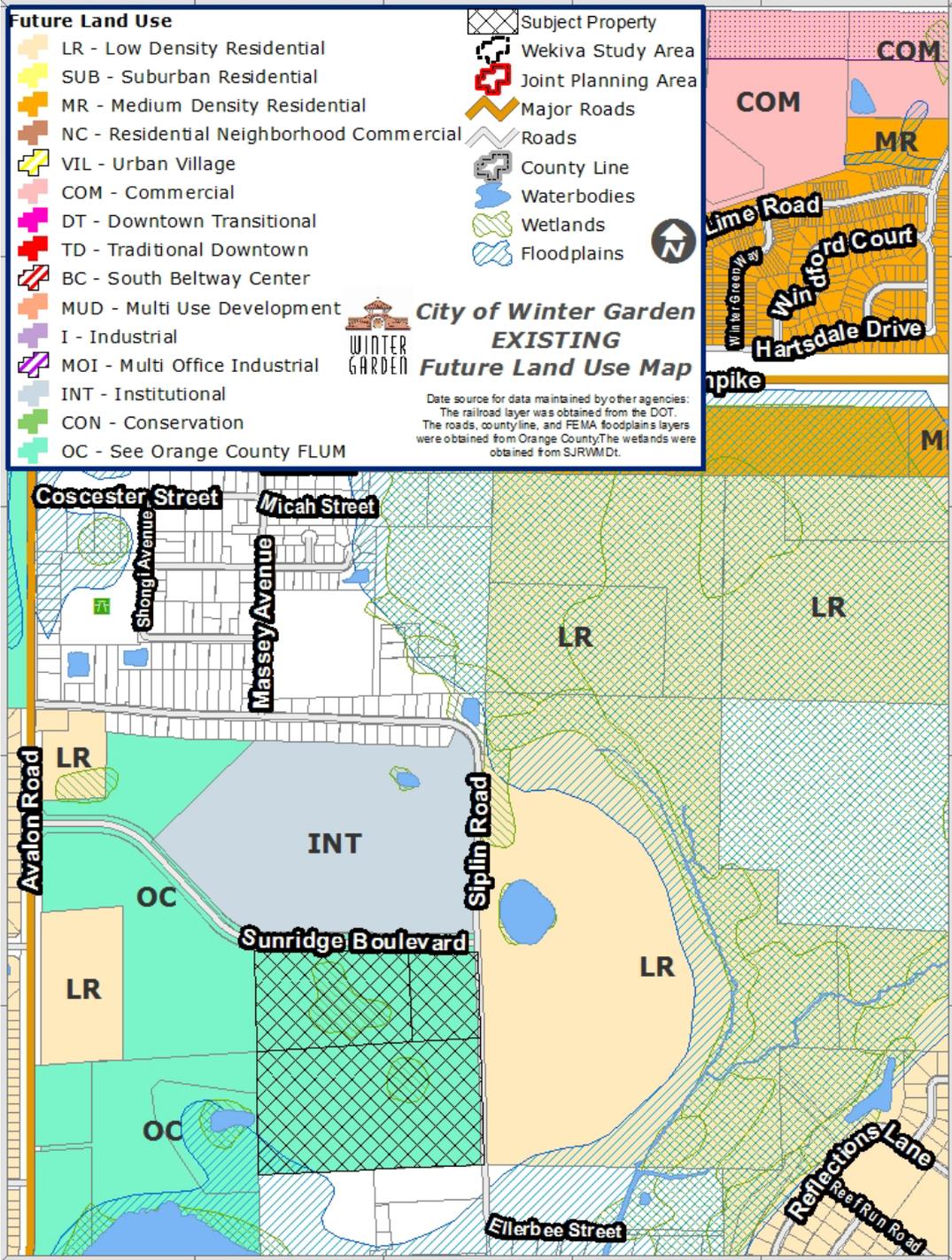
**AERIAL PHOTO**  
**14288, 14350 & 14362 SIPLIN ROAD (35.176 +/- ACRES)**



**WINTER GARDEN  
 FUTURE LAND USE MAP**

**EXISTING**

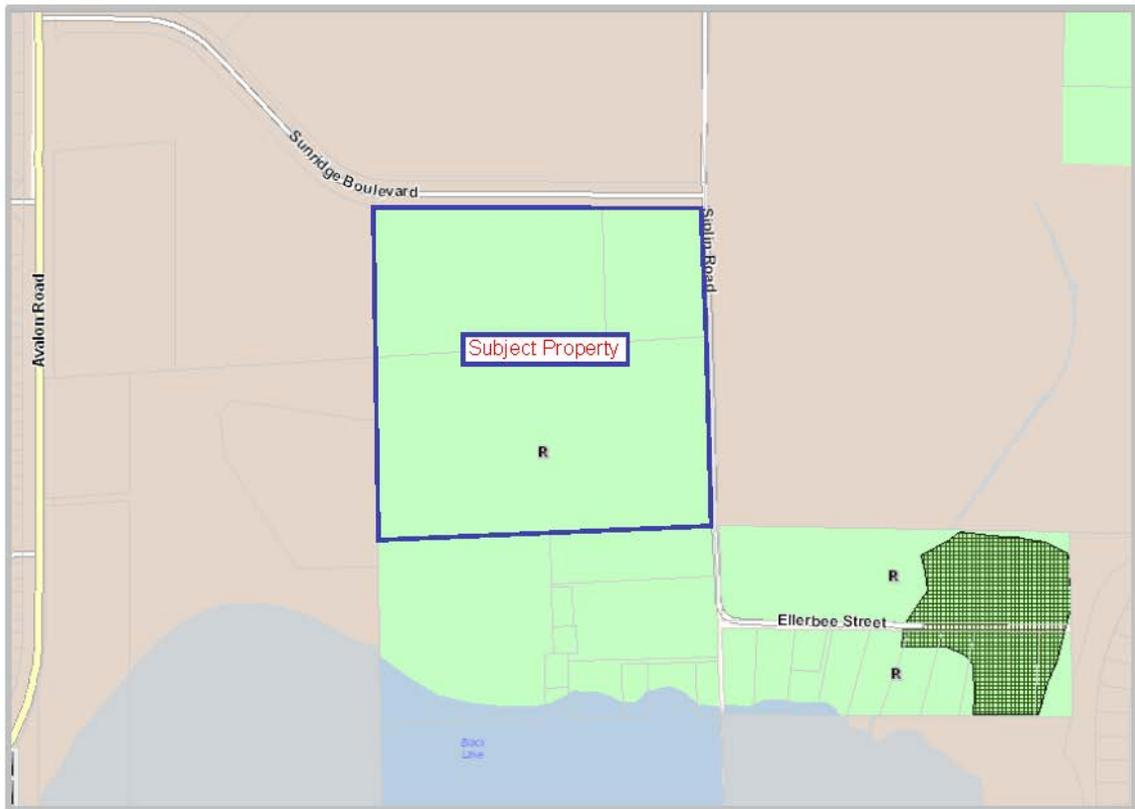
**14288, 14350 & 14362 SIPLIN ROAD (35.176 +/- ACRES)**



**ORANGE COUNTY  
 FUTURE LAND USE MAP**

**EXISTING**

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

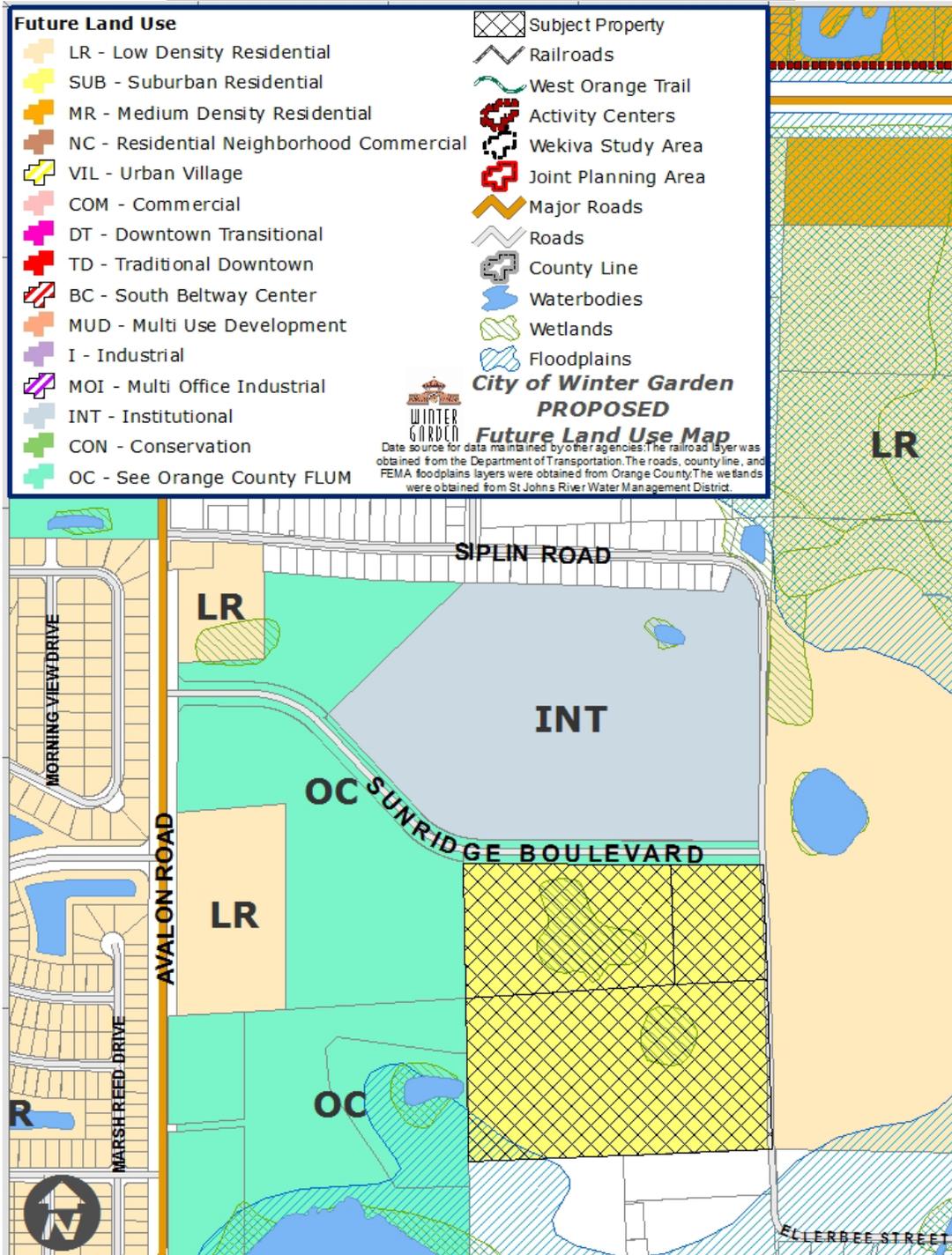


Rural	Low-Medium Density	Neighborhood Center	Village	Education
Rural 1/1	Medium Density Residential	Neighborhood Residential	Office	Parks/Recreation
Rural 1/2	High Density Residential	Activity Center Residential	Commercial	Preservation
Rural 1/5	Traditional Neighborhood	Activity Center Mixed Use	Industrial	Planned Development
Low Density Residential	Neighborhood Activity Corridor	Community Village Center	Institutional	Water Body

**WINTER GARDEN  
 FUTURE LAND USE MAP**

**PROPOSED**

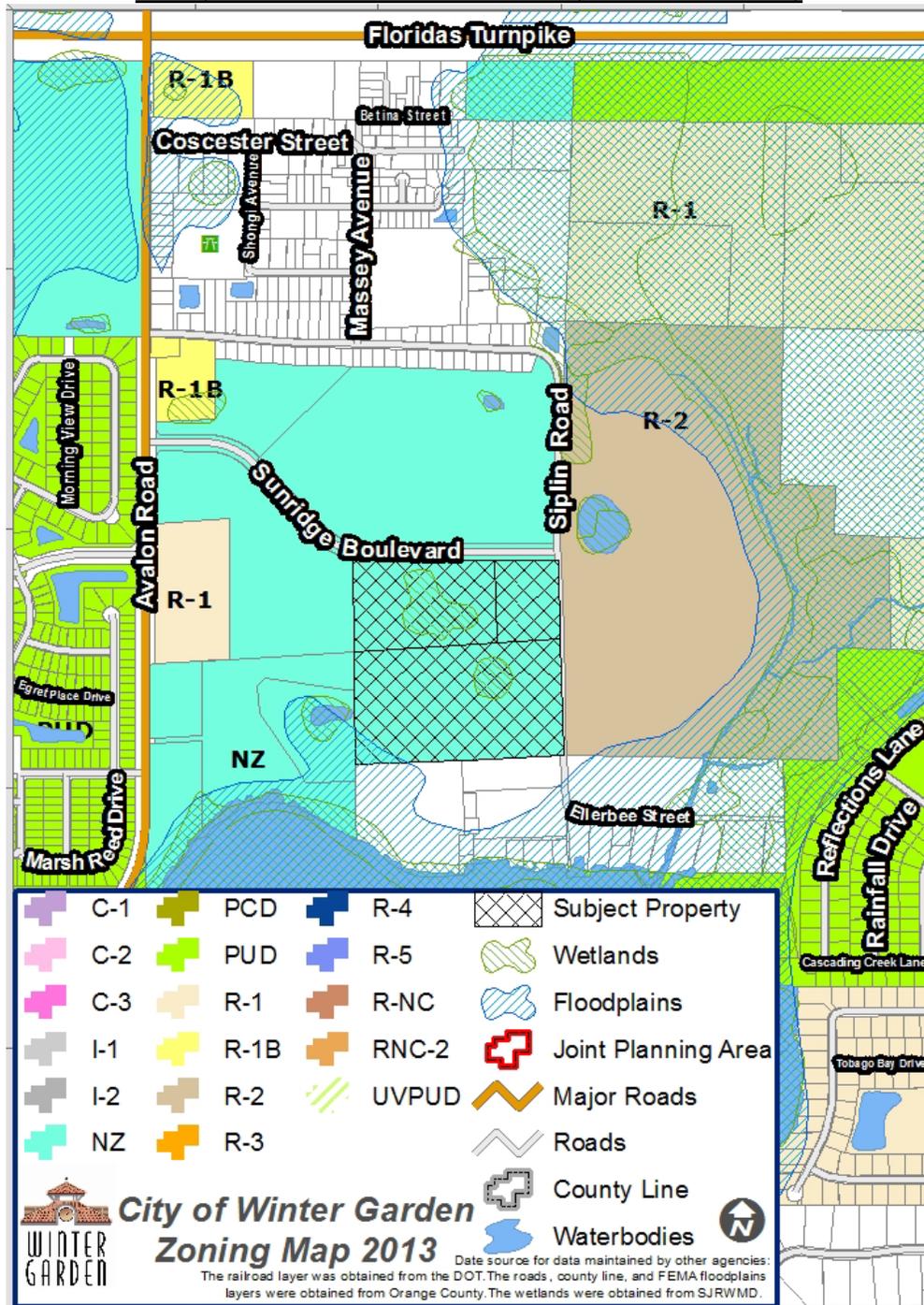
**14288, 14350 & 14362 SIPLIN ROAD (35.176 +/- ACRES)**



**WINTER GARDEN  
 ZONING MAP**

**CURRENT**

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



**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:** April 3, 2013

**Meeting Date:** April 11, 2013

**Subject:** **Ordinance 13-13** Annexation  
**Ordinance 13-15** Future Land Use Map Amendment  
**Tilden Groves Property (10.475+/- Acres)**  
14400 Siplin Road  
Parcel ID# 34-22-27-0000-00-005

**Issue:** The applicant is requesting Annexation and Future Land Use designation on property located at on Siplin Road, Parcel I.D. # 34-22-27-0000-00-005.

**Discussion:**

The City encourages infill of its jurisdictional limits through voluntary annexation of enclaves. The subject property makes up a 10.475 ± acre enclave generally located south of Sunridge Boulevard, north of Black Lake, east of Siplin Road, and west of Avalon Road. The applicant has requested Annexation into the City and Amendment to the Future Land Use Map of the City's Comprehensive Plan to designate the property as Suburban Residential. (See attached Staff Report).

**Recommended Action:**

Staff recommends approval of first reading of Ordinance 13-13 with second reading and adoption scheduled for April 25, 2013.

Staff recommend approval of Ordinance 13-15, recommending that staff be allowed to transmit a Large Scale Comprehensive Plan Amendment to the Florida Department of Economic Opportunity, amending the Future Land Use Map of the Comprehensive Plan by changing the future land use designation of the 10.475 +/- acre property from Orange County Rural/Agricultural to City Suburban Residential.

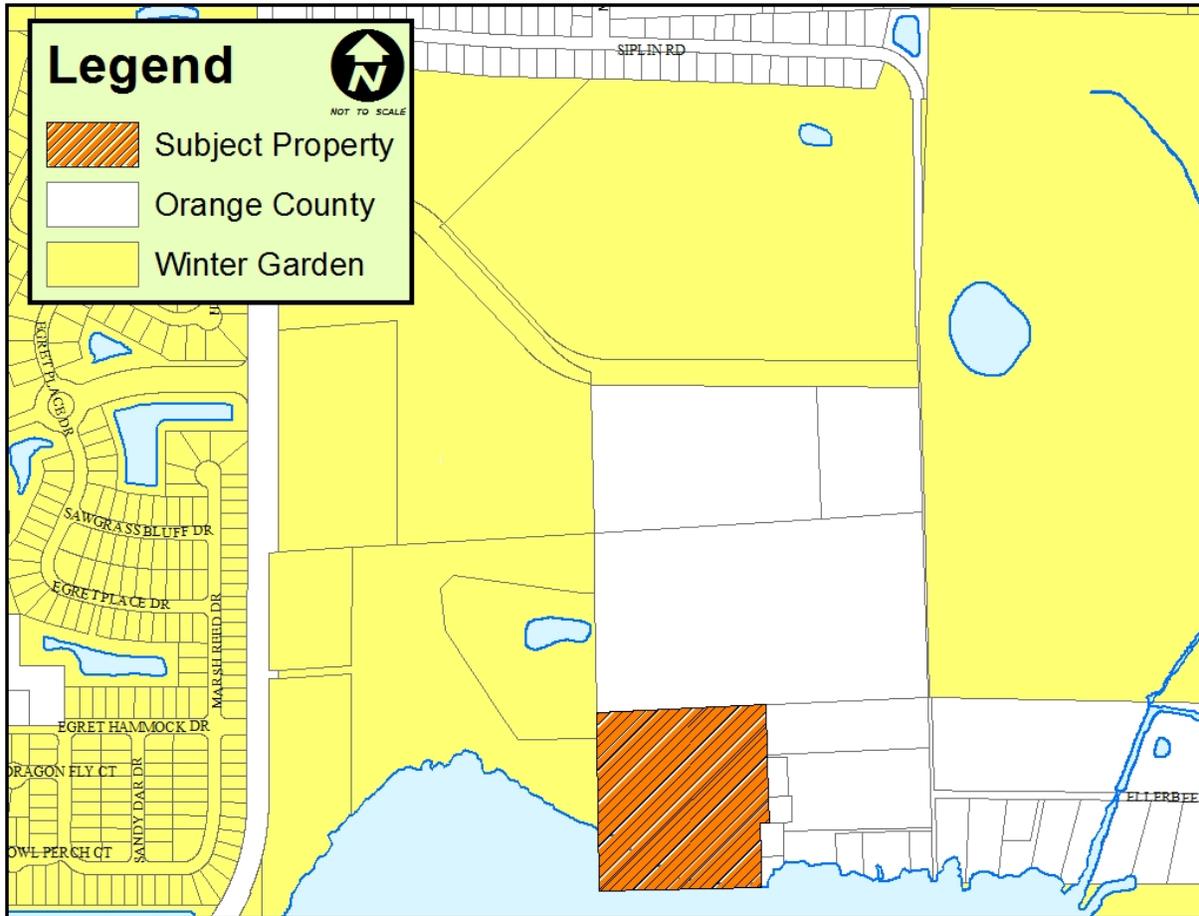
**Attachment(s)/References:**

Location Map  
Ordinance 13-13  
Ordinance 13-15  
Staff Report

# LOCATION MAP

14400 Siplin Road  
Ordinance #: 13-13 and 13-15

Parcel ID # 34-22-27-0000-00-005



## ORDINANCE 13-13

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 10.475 ± ACRES GENERALLY LOCATED SOUTH OF SUNRIDGE BOULEVARD, NORTH OF BLACK LAKE, EAST OF AVALON ROAD, AND WEST OF SIPLIN 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 10.475 ± acres located west of the south of Sunridge Boulevard, north of Black Lake, east of Avalon Road and west of Siplin 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#: 34-22-27-0000-00-005**



TILDEN GROVES  
BLACK LAKE PARCEL

**DESCRIPTION:**

That part of the Southeast 1/4 of the Northwest 1/4 of Section 34, Township 22 South, Range 27 East, Orange County, Florida, described as follows:

Commence at the North 1/4 corner of Section 34, Township 22 South, Range 27 East, Orange County, Florida, and run S01°18'30"E, along the East line of the Northwest 1/4 of said Section 34 for a distance of 1419.17 feet to the Northeast corner of the Southeast 1/4 of the Northwest 1/4 of said Section 34; thence S87°28'23"W along the North line of said Southeast 1/4 of the Northwest 1/4 for a distance of 635.38 feet to the POINT OF BEGINNING; thence, departing said North line, run S01°01'05"E, along the East line of the West 33.00 feet of the Northeast 1/4 of the Southeast 1/4 of the Northwest 1/4 of said Section 34, for a distance of 453.00 feet; thence S87°28'23"W along the South line of the North 453.00 feet of said Northeast 1/4 of the Southeast 1/4 of the Northwest 1/4, for a distance of 33.00 feet to the East line of the Northwest 1/4 of the Southeast 1/4 of the Northwest 1/4 of said Section 34; thence S01°01'05"E along said East line 245.83 feet; thence S88°32'13"W along the South line of said Northwest 1/4 of the Southeast 1/4 of the Northwest 1/4 for a distance of 638.78 feet; thence N00°43'04"W along the West line of said Northwest 1/4 of the Southeast 1/4 of the Northwest 1/4 for a distance of 687.04 feet; thence N87°28'23"E along the North line of the aforesaid Southeast 1/4 of the Northwest 1/4 for a distance of 688.38 feet to the POINT OF BEGINNING.

Containing 10.475 acres more or less and being subject to any rights-of-way, restrictions and easements of record.

Description prepared by Donald W. McIntosh Associates, Inc. (DWMA) based on Official Records Book 2915 Page 391 and on a Boundary Survey by DWMA dated 9/21/2012.

**DONALD W. McINTOSH ASSOCIATES, INC.**  
**2200 Park Avenue North, Winter Park, FL 32789**  
(Certificate of Authorization No. LB68)

  
\_\_\_\_\_  
KEITH RUDDICK  
Florida Registered Surveyor and Mapper  
Certificate No. 2617

NOT VALID WITHOUT THE  
SIGNATURE AND THE ORIGINAL  
RAISED SEAL OF A FLORIDA  
LICENSED SURVEYOR AND  
MAPPER.

Siplin Road (Tilden Property)  
**ANNEXATION**  
Tilden Groves Holding Corp.  
34-22-27-0000-00-005

ORDINANCE 13-15

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 SUBURBAN RESIDENTIAL FOR PROPERTY GENERALLY DESCRIBED AS 10.475 ± ACRES GENERALLY LOCATED SOUTH OF SUNRIDGE BOULEVARD, NORTH OF BLACK LAKE, EAST OF AVALON ROAD, AND WEST OF SIPLIN ROAD; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, on the 13<sup>th</sup> 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 24<sup>th</sup> 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 10.475 ± acres of land generally located south of Sunridge Boulevard, north of Black Lake, east of Avalon Road, and west of Siplin 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 Rural/Agricultural to City Suburban 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 Suburban 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 13-13, 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"**

**PARCEL ID#: 34-22-27-0000-00-005**



**TILDEN GROVES  
BLACK LAKE PARCEL**

**DESCRIPTION:**

That part of the Southeast 1/4 of the Northwest 1/4 of Section 34, Township 22 South, Range 27 East, Orange County, Florida, described as follows:

Commence at the North 1/4 corner of Section 34, Township 22 South, Range 27 East, Orange County, Florida, and run S01°18'30"E, along the East line of the Northwest 1/4 of said Section 34 for a distance of 1419.17 feet to the Northeast corner of the Southeast 1/4 of the Northwest 1/4 of said Section 34; thence S87°28'23"W along the North line of said Southeast 1/4 of the Northwest 1/4 for a distance of 635.38 feet to the POINT OF BEGINNING; thence, departing said North line, run S01°01'05"E, along the East line of the West 33.00 feet of the Northeast 1/4 of the Southeast 1/4 of the Northwest 1/4 of said Section 34, for a distance of 453.00 feet; thence S87°28'23"W along the South line of the North 453.00 feet of said Northeast 1/4 of the Southeast 1/4 of the Northwest 1/4, for a distance of 33.00 feet to the East line of the Northwest 1/4 of the Southeast 1/4 of the Northwest 1/4 of said Section 34; thence S01°01'05"E along said East line 245.83 feet; thence S88°32'13"W along the South line of said Northwest 1/4 of the Southeast 1/4 of the Northwest 1/4 for a distance of 638.78 feet; thence N00°43'04"W along the West line of said Northwest 1/4 of the Southeast 1/4 of the Northwest 1/4 for a distance of 687.04 feet; thence N87°28'23"E along the North line of the aforesaid Southeast 1/4 of the Northwest 1/4 for a distance of 688.38 feet to the POINT OF BEGINNING.

Containing 10.475 acres more or less and being subject to any rights-of-way, restrictions and easements of record.

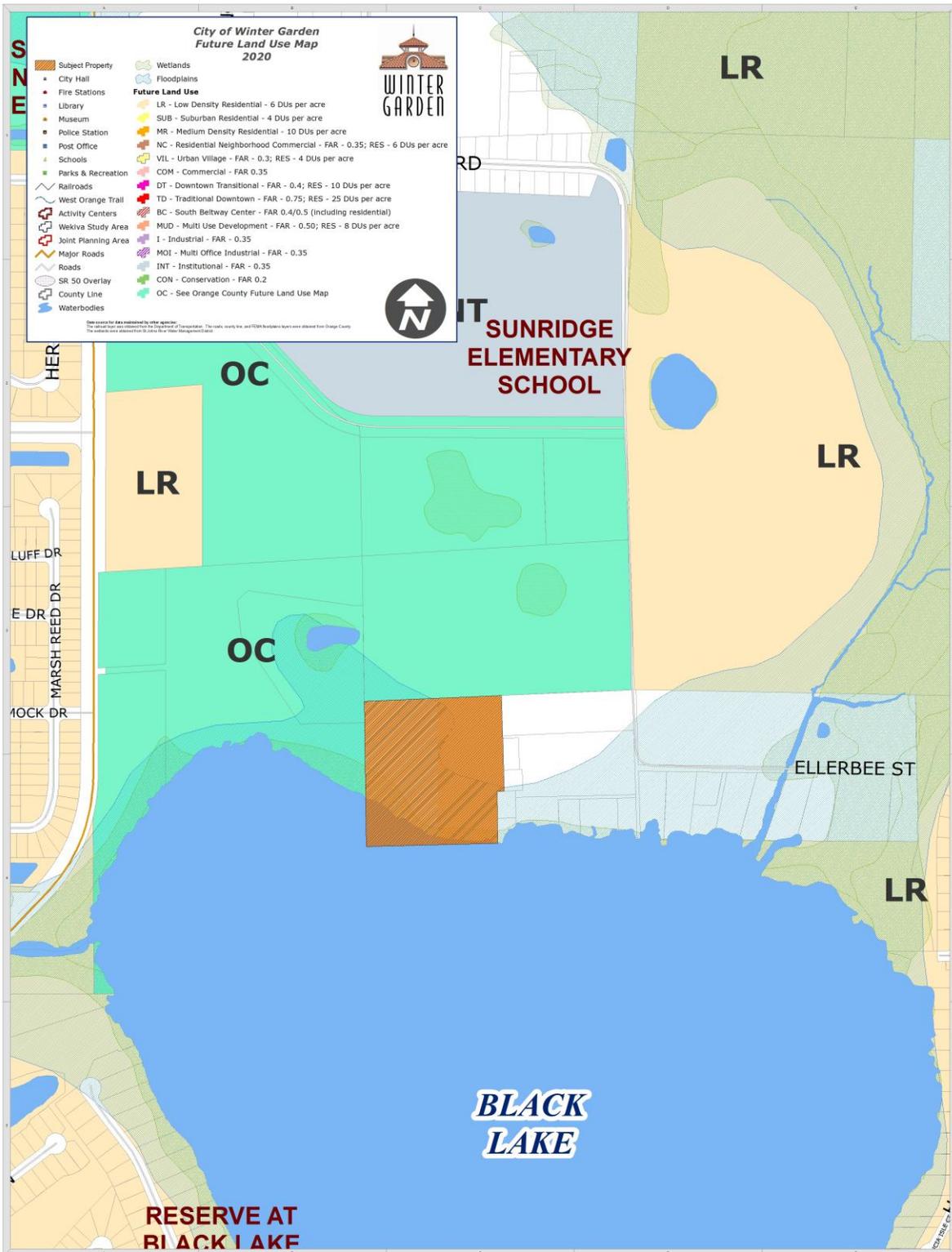
Description prepared by Donald W. McIntosh Associates, Inc. (DWMA) based on Official Records Book 2915 Page 391 and on a Boundary Survey by DWMA dated 9/21/2012.

**DONALD W. McINTOSH ASSOCIATES, INC.**  
2200 Park Avenue North, Winter Park, FL 32789  
(Certificate of Authorization No. LB68)

  
\_\_\_\_\_  
KEITH RUDDICK  
Florida Registered Surveyor and Mapper  
Certificate No. 2617

NOT VALID WITHOUT THE  
SIGNATURE AND THE ORIGINAL  
RAISED SEAL OF A FLORIDA  
LICENSED SURVEYOR AND  
MAPPER.

**Siplin Road (Tilden Property)  
ANNEXATION**  
Tilden Groves Holding Corp.  
34-22-27-0000-00-005



# CITY OF WINTER GARDEN

## PLANNING & ZONING DIVISION

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

# STAFF REPORT

**TO:** PLANNING AND ZONING BOARD

**PREPARED BY:** STEVE PASH, SENIOR PLANNER

**DATE:** MARCH 28, 2012

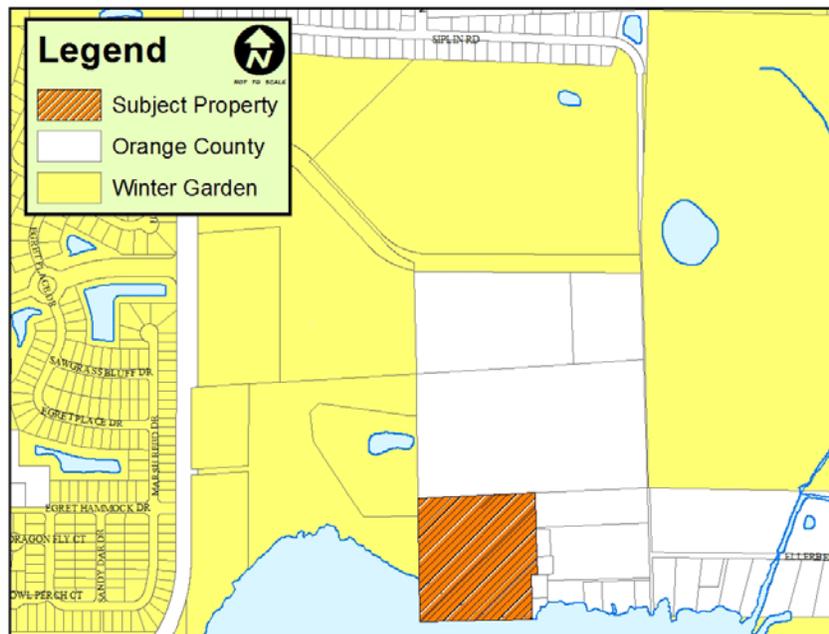
**SUBJECT:** ANNEXATION/FUTURE LAND USE MAP AMENDMENT  
**14400 SIPLIN ROAD (TILDEN GROVES PROPERTY) (10.475 +/- ACRES)**  
**Parcel ID # 34-22-27-0000-00-005**

**APPLICANT:** DONALD W. MCINTOSH ASSOCIATES, INC.

### INTRODUCTION

The purpose of this report is to evaluate the proposed annexation and future land use map amendment for compliance with the City of Winter Garden Code of Ordinances and Comprehensive Plan.

The subject property is generally located south of Sunridge Boulevard, north of Black Lake, east of Siplin Road, and west of Avalon Road and is approximately 10.475 +/- acres. The map below depicts the location of the property within the City's jurisdictional limits:



The applicant has requested annexation into the City and amendment to the Future Land Use Map (FLUM) of the City's Comprehensive Plan to designate the property as Suburban Residential.

In accordance with the City's Comprehensive Plan, permitted uses within the Suburban Residential land use include single family homes, and churches and schools are allowed through Special Exception Permit. The zoning classifications that are consistent with the Suburban Residential land use designation include PUD, R-1A, R-1, 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.

The City's Comprehensive Plan policy for the future land use designation of Suburban Residential states:

**Policy 1-1.2.2: Suburban Residential.** Properties designated with the Suburban Residential land use category are required to be developed at a gross residential density no greater than 4 dwelling units per acre and will be identified on the Future Land Use Map only in areas that are either similar in nature (i.e. have the same type of density of existing neighborhoods) or where environmental factors require low residential densities. Factors in determining this land use category included proximity to natural resources and urban services, availability of public facilities, and the characteristics of nearby existing and future neighborhoods. Churches and schools may be allowed via a Special Exception Permit. The zoning classifications that are consistent with the Suburban Density classification are PUD, R-1A, R-1, and INT.

### **EXISTING USE**

The property is currently vacant and covered with hard woods, water, and wetlands. The property has always been used for agricultural uses.

### **ADJACENT LAND USE AND ZONING**

To the north of the property is a property that has been used for agricultural purposes, was recently annexed into the City of Winter Garden and has submitted for a Planned Unit Development (PUD) zoning to construct a new subdivision. To the south is Black Lake. To the east are several properties with single-family homes, located in unincorporated Orange County with A-1 zoning. The property to the west consists of orange groves, is in the City and proposals have been submitted for a PUD to develop a single-family neighborhood, but nothing has been approved.

### **PROPOSED USE**

There is no current proposal to develop the property and the agricultural use will remain. When the owner decides to develop the property, they will be required to submit an application for zoning.

### **PUBLIC FACILITY ANALYSIS**

The property currently does not front on any street; however the primary point of transportation access would most likely be from Siplin Road through one of the properties to the east or from the property to the north. In order to develop the property access is required. The applicant needs to be aware that Siplin Road may need substantial improvements and may also require additional right-of-way. Any connections will be analyzed when they submit for zoning.

The City will provide potable water, reclaimed water, and sewer service to the property. The City will provide utilities for the future development of this property.

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 Fire Department under the First Response system.

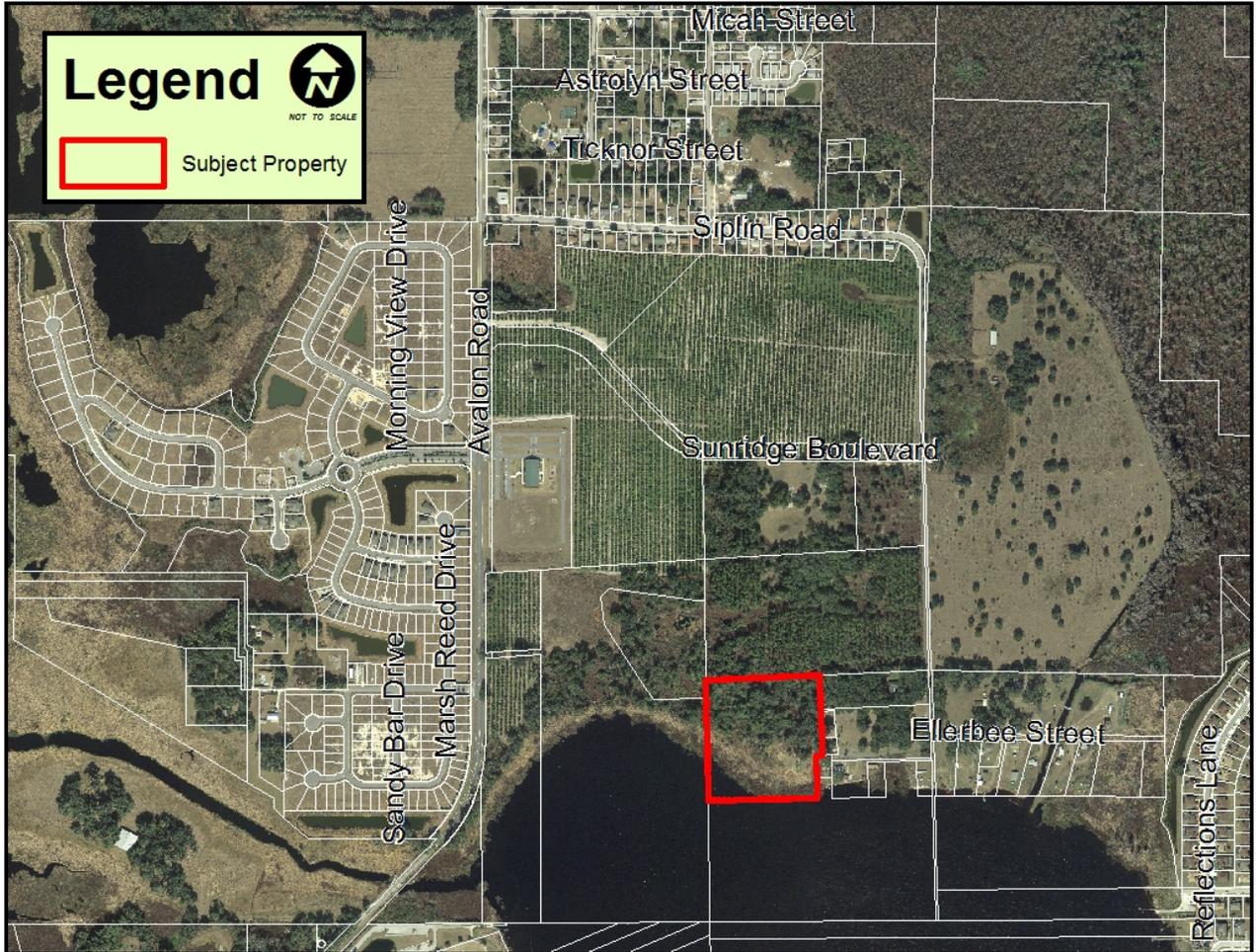
### **SUMMARY**

The City Planning Department has reviewed the proposed ordinances and recommends approval.

**MAPS**

**AERIAL PHOTO**

**Siplin Road**

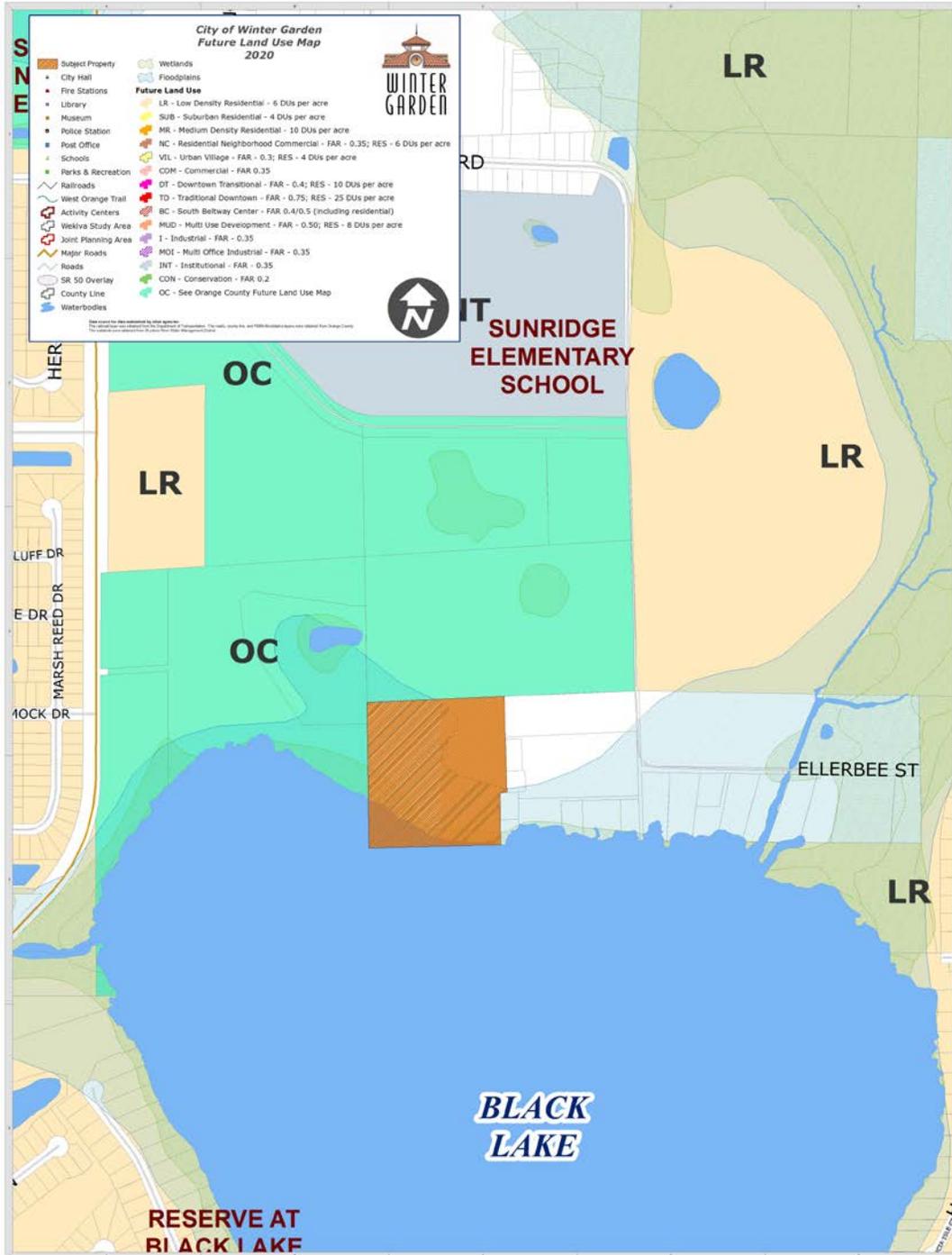


**WINTER GARDEN**

**FUTURE LAND USE MAP**

**EXISTING**

**Siplin Road**

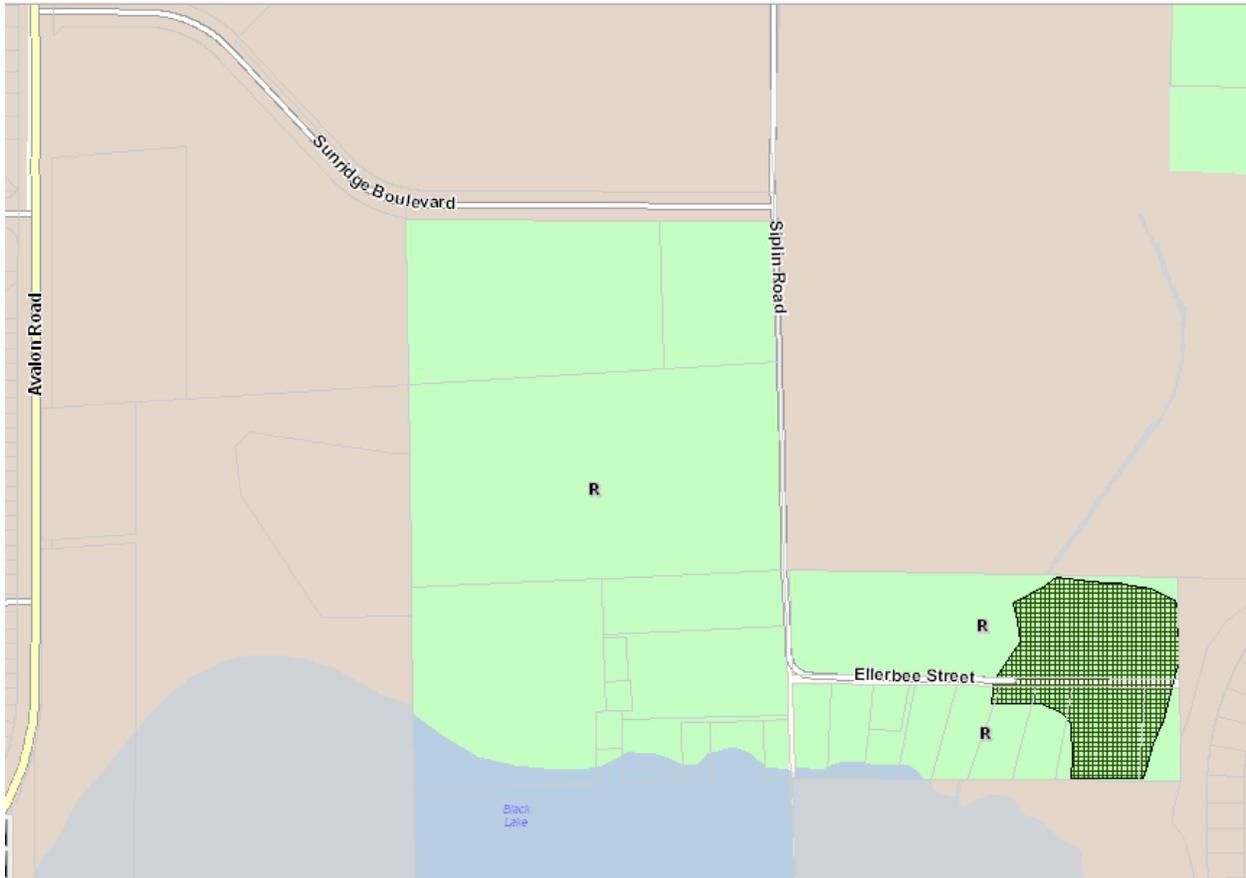


**ORANGE COUNTY**

**FUTURE LAND USE MAP**

**EXISTING**

**Siplin Road**

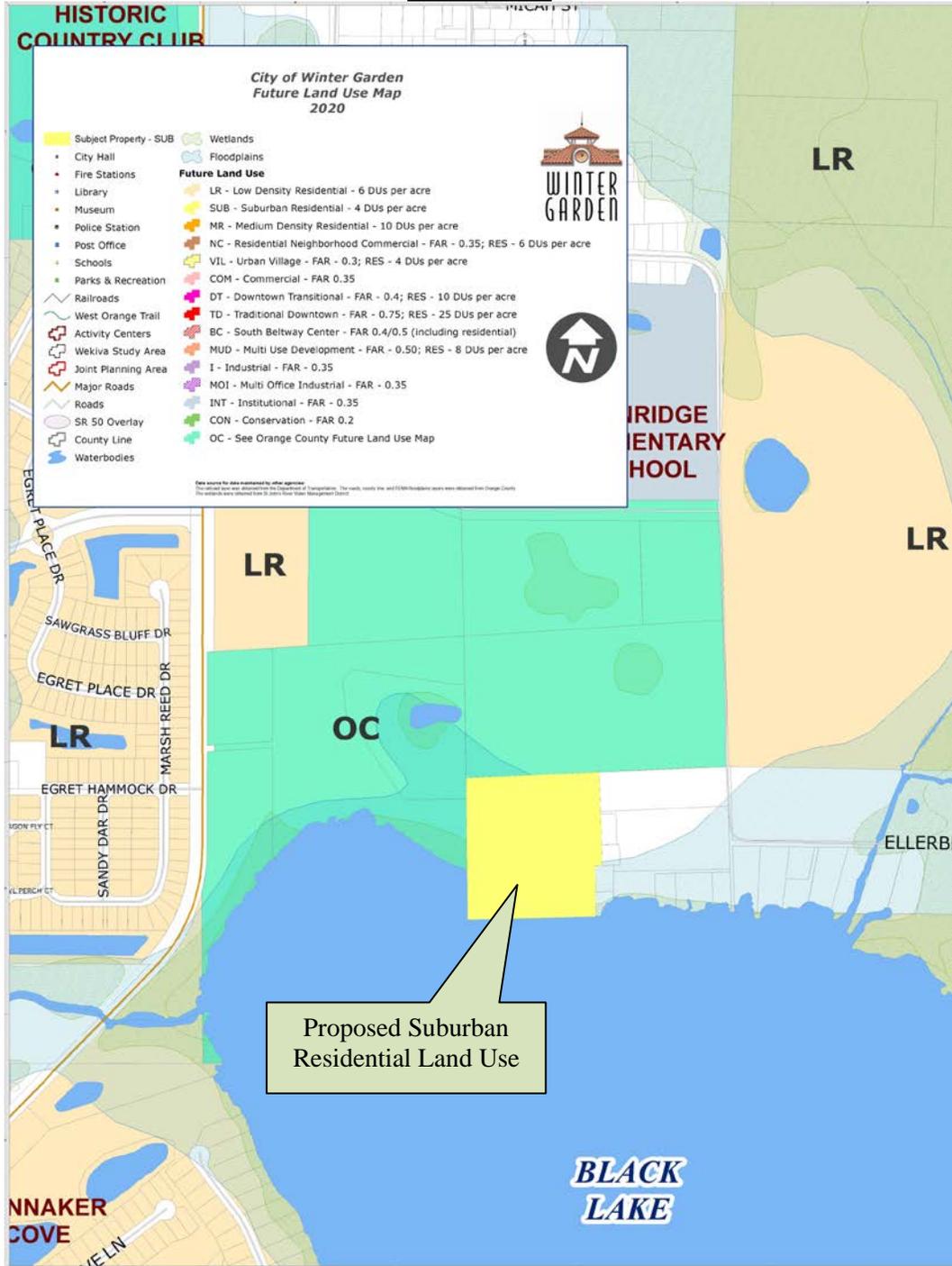


**WINTER GARDEN**

**FUTURE LAND USE MAP**

**PROPOSED**

**Siplin Road**



**WINTER GARDEN**





ORDINANCE 13-14

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING POLICY 1-1.2.13 OF THE FUTURE LAND USE ELEMENT OF THE WINTER GARDEN COMPREHENSIVE PLAN TO INCLUDE PUD AND PCD AS ZONING CLASSIFICATIONS THAT ARE CONSISTENT WITH THE TRADITIONAL DOWNTOWN LAND USE DESIGNATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, on the 13<sup>th</sup> 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 24<sup>th</sup> 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; and

**WHEREAS**, the City of Winter Garden desires to update the Future Land Use Element of said plan to provide for additional zoning classifications to be identified as consistent with the Traditional Downtown land use designation; 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.** *Future Land Use Element Amendment.* Policy 1-1.2.13 of the Future Land Use Element of the Winter Garden Comprehensive Plan is hereby amended to read as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions):

**Policy 1-1.2.13:** Traditional Downtown. Properties designated with the Traditional Downtown land use category are required to be developed at a floor area ratio not greater than 0.75 and up to a floor area ratio of 4.0 by development bonuses. Gross residential density shall be not greater than 25 dwelling units per acre and up to 50 dwelling units per acre by development bonus. Maximum building height is three stories and up to five stories by development bonus in activity centers. This land use is to include a variety of housing types and land uses in the defined downtown area. Any proposed residential development shall only be allowed as part of a mixed-use development with non-residential uses. Developments designed without

adequate parking facilities will be required to participate in the downtown parking program. The variety of uses permits educational facilities, civic buildings and commercial establishments to be located within walking distance of private homes. The area is to be served by a network of paths, streets and lanes suitable for pedestrians as well as multimodal transportation alternatives. This provides residents the options of walking, biking or driving to places within the downtown area. Present and future modes of transit are also considered during the planning stages. The Traditional Downtown land use designation shall be allowed only within the Traditional Downtown Activity Center. Development may exceed the stated 0.75 floor area ratio or 25 dwelling units per acre only by development bonus, no development rights are guaranteed at intensities or densities above the stated permitted range. The zoning classifications that are consistent with the Traditional Downtown land use designation include PUD, PCD, R-NC, RNC-2, C-1, C-2, C-3, C-4, and INT.

**SECTION II.** *Effective Date.* 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

**THE CITY OF WINTER GARDEN**  
**CITY COMMISSION AGENDA ITEM**

**From:** Ed Williams, Community Development Director

**Via:** City Manager Mike Bollhoefer

**Date:** April 3, 2013

**Meeting Date:** April 11, 2013

**Subject:** **Ordinance 13-16** Annexation  
**Ordinance 13-17** Future Land Use Map Amendment  
**Premier Pangborn Property (127.42+/- Acres)**  
16486, 17000 & 17166 Marsh Road  
Parcel ID# 05-23-27-0000-00-002 – 16846 Marsh Road  
Parcel ID# 05-23-27-0000-00-006 – 17000 Marsh Road  
Parcel ID# 05-23-27-4272-00-010 – 17166 Marsh Road

**Issue:** The applicant is requesting Annexation and Future Land Use designation on property located at 16846, 17000, and 17166 Marsh Road.

**Discussion:** The City encourages infill of its jurisdictional limits through voluntary annexation of enclaves. The subject properties make up a 127.42 ± acre enclave located on the south side of Marsh Road east of Williams Road and west of Avalon Road. The applicant has requested Annexation into the City and Amendment to the Future Land Use Map of the City's Comprehensive Plan to designate the property as Urban Village. (See attached Staff Report).

**Recommended Action:** Staff recommends approval of first reading of Ordinance 13-16 with second reading and adoption scheduled for April 25, 2013.

Staff recommend approval of Ordinance 13-17, recommending that staff be allowed to transmit a Large Scale Comprehensive Plan Amendment to the Florida Department of Economic Opportunity, amending the Future Land Use Map of the Comprehensive Plan by changing the future land use designation of the 127.42 +/- acre property from Orange County Urban to City Urban Village.

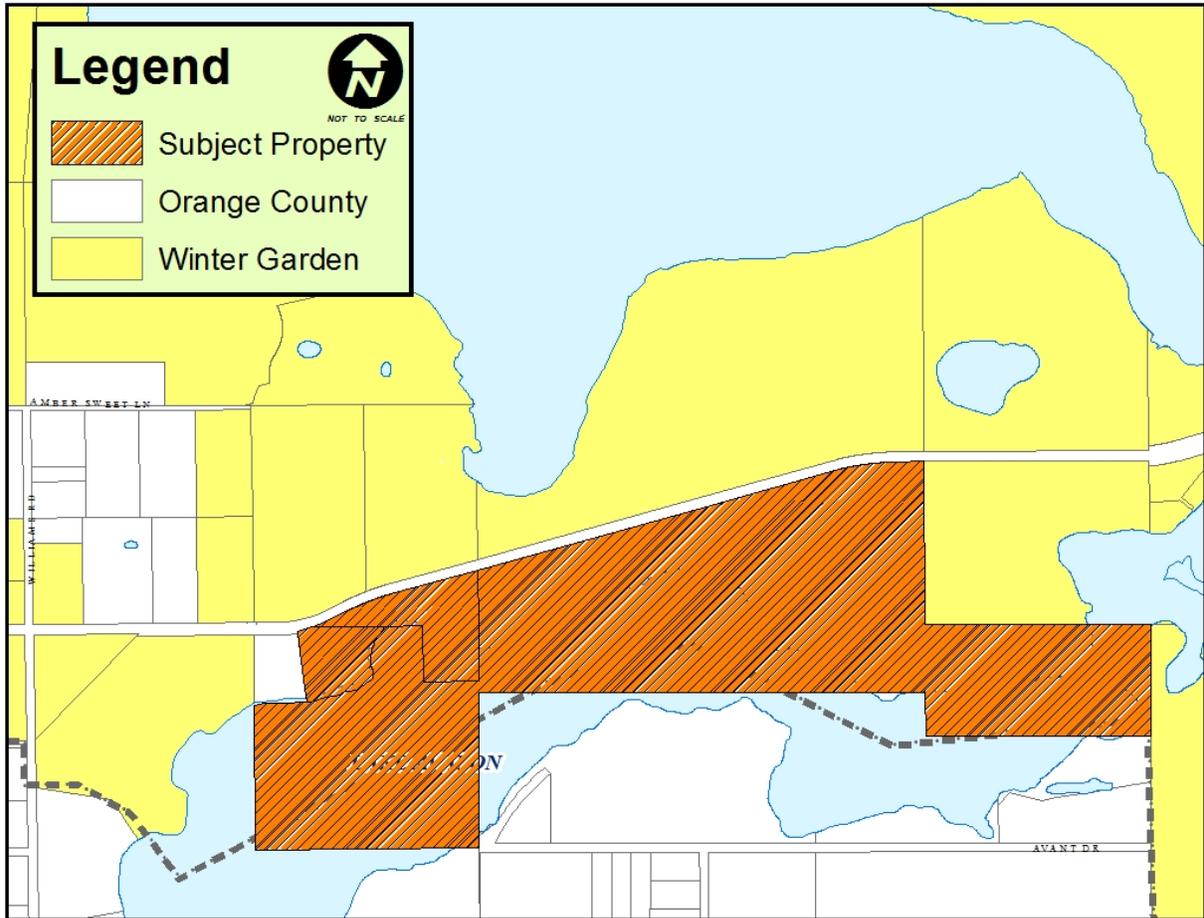
**Attachment(s)/References:**

Location Map  
Ordinance 13-16  
Ordinance 13-17  
Staff Report

# LOCATION MAP

16846; 17000; and 17166 Marsh Road  
Ordinance #: 13-16 and 13-17

Parcel ID # 05-23-27-0000-00-002  
Parcel ID # 05-23-27-0000-00-006  
Parcel ID # 05-23-27-4272-00-010



ORDINANCE 13-16

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 127.42 ± ACRES LOCATED AT 16846, 17000, AND 17166 MARSH ROAD ON THE SOUTH SIDE OF MARSH ROAD, EAST OF WILLIAMS ROAD AND WEST OF AVALON 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 127.42 ± acres located on the south side of Marsh Road, east of Williams Road and west of Avalon 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**

DESCRIPTION: (16846 MARSH ROAD - PARCEL ID#05-23-27-0000-00-002)

THAT PORTION OF THE FRACTIONAL NW 1/4 LYING SOUTH OF MARSH ROAD, AND THE NORTH 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4, AND THE NORTH 400 FEET OF THE SOUTHWEST 1/4 OF SECTION 5, TOWNSHIP 23 SOUTH, RANGE 27 EAST, AND THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 6, TOWNSHIP 23 SOUTH, RANGE 27 EAST LYING SOUTH OF MARSH ROAD; LESS THAT PORTION OF THE FRACTIONAL EAST ONE-HALF OF THE NORTHEAST 1/4 LYING SOUTH OF MARSH ROAD, AND LESS THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 6, TOWNSHIP 23 SOUTH, RANGE 27 EAST; AND LESS THAT PORTION LYING WITHIN THE PLAT OF LAKE AVALON ESTATES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK R, PAGE 52, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

ALSO DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF THE SOUTHEAST 1/4 OF SECTION 6, TOWNSHIP 23 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA, THENCE RUN N01°05'41"W ALONG THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 6, A DISTANCE OF 329.45 FEET TO THE SOUTHERLY LINE OF MARSH ROAD; THENCE RUN N74°25'18"E ALONG THE SOUTHERLY LINE OF MARSH ROAD, A DISTANCE OF 2160.03 FEET TO A POINT OF CURVE, CONCAVE SOUTHERLY HAVING A RADIUS OF 1570.00 FEET, AND A CENTRAL ANGLE OF 15°28'12"; THENCE RUN EASTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 423.90 FEET TO THE POINT OF TANGENCY; THENCE RUN N89°53'30"E A DISTANCE OF 132.46 FEET TO THE EAST LINE OF THE NORTHWEST 1/4 OF SECTION 5, TOWNSHIP 23 SOUTH, RANGE 27 EAST; THENCE RUN S00°24'08"E ALONG SAID EAST LINE A DISTANCE OF 963.88 FEET TO THE SOUTHEAST CORNER OF SAID NORTHWEST 1/4 OF SECTION 5; THENCE RUN N89°55'22"E ALONG THE NORTH LINE OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 5, A DISTANCE OF 1330.79 FEET TO THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 5; THENCE RUN S00°12'06"E A DISTANCE OF 658.01 FEET TO THE SOUTHEAST CORNER OF NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 5; THENCE RUN S89°57'02"W A DISTANCE OF 1328.49 FEET TO THE SOUTHWEST CORNER OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 5; THENCE RUN N00°24'08"W ALONG THE EAST LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 5, A DISTANCE OF 257.37 FEET TO THE SOUTH LINE OF THE NORTH 400.00 FEET OF THE SOUTHWEST 1/4 OF SAID SECTION 5; THENCE RUN S89°55'22"W ALONG SAID

SOUTH LINE A DISTANCE OF 2633.73 FEET TO THE E LINE OF THE SOUTHEAST 1/4 OF AFORESAID SECTION 6; THENCE RUN S00°11'38"E A DISTANCE OF 912.21 FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 6; THENCE RUN S89°26'11"W A DISTANCE OF 1319.00 FEET TO THE SOUTHWEST CORNER OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 6; THENCE RUN N00°28'13"W ALONG THE WEST LINE OF SAID NORTHEAST 1/4 OF THE SOUTHEAST 1/4 A DISTANCE OF 884 FEET MORE OR LESS TO THE SHORELINE OF LAKE AVALON; THENCE RUN EASTERLY AND NORTHERLY ALONG SAID SHORELINE A DISTANCE OF 1034 MORE OR LESS TO A POINT ON THE NORTH LINE OF SAID NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 6; THENCE RUN N89°28'15"E ALONG THE SAID NORTH LINE A DISTANCE OF 219.59 FEET TO THE NORTHEAST CORNER OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 6; THENCE RUN S00°15'47"E A DISTANCE OF 328.10 FEET TO THE SOUTHWEST CORNER OF SAID NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4; THENCE RUN N89°27'44"E A DISTANCE OF 330.94 FEET TO THE SOUTHEAST CORNER OF SAID NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4; THENCE RUN N00°11'38"W A DISTANCE OF 328.05 FEET TO THE POINT OF BEGINNING.

CONTAINING 117.14 ACRES, MORE OR LESS.

DESCRIPTION: (17000 MARSH ROAD - PARCEL ID#06-23-27-0000-00-006)

THAT PORTION OF THE FRACTIONAL EAST ONE -HALF OF THE NORTHEAST 1/4 LYING SOUTH OF MARSH ROAD, AND THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 6, TOWNSHIP 23 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA.

ALSO DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF THE SOUTHEAST 1/4 OF SECTION 6, TOWNSHIP 23 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA, THENCE RUN S00°11'38"E ALONG THE EAST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 6, A DISTANCE OF 328.05 FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 6; THENCE RUN S89°27'44"W A DISTANCE OF 330.94 FEET TO THE SOUTHWEST CORNER OF SAID NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4; THENCE RUN N00°15'47"W A DISTANCE OF 328.10 FEET TO THE NORTHWEST CORNER OF SAID NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE

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CONTAINING 6.72 ACRES, MORE OR LESS.

DESCRIPTION: (17166 MARSH ROAD - PARCEL ID#06-23-27-4272-00-01 0)

LOT 1, LAKE AVALON ESTATES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK R, PAGE 52, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

ALSO DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF LOT 1, LAKE AVALON ESTATES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK R, PAGE 52, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, SAID POINT LYING 982.37' WEST OF THE NORTHEAST CORNER OF THE SOUTHEAST 1/4 OF SECTION 6, TOWNSHIP 23 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA, THENCE RUN N89°28'15"E ALONG THE NORTH LINE OF SAID LOT 1 AND THE SOUTH LINE OF THE NORTHEAST 1/4 OF SAID SECTION 6, A DISTANCE OF 431 FEET MORE OR LESS TO THE SHORELINE OF LAKE AVALON; THENCE RUN SOUTHERLY AND WESTERLY ALONG SAID SHORELINE A DISTANCE OF 722 FEET MORE OR LESS TO THE WESTERLY LINE OF SAID LOT 1; THENCE RUN N07°19'45"W ALONG SAID WESTERLY LINE A DISTANCE OF 372.77 FEET; THENCE RUN N74°35'15"E A DISTANCE OF 91.20 FEET TO THE POINT OF BEGINNING.

CONTAINING 3.56 ACRES, MORE OR LESS.

ORDINANCE 13-17

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 127.42 ± ACRES LOCATED AT 16846, 17000, AND 17166 MARSH ROAD ON THE SOUTH SIDE OF MARSH ROAD, EAST OF WILLIAMS ROAD AND WEST OF AVALON ROAD FROM ORANGE COUNTY VILLAGE TO CITY URBAN VILLAGE; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, on the 13<sup>th</sup> 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 24<sup>th</sup> 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 127.42 ± acres located on the south side of Marsh Road, east of Williams Road and west of Avalon 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 Village to City Urban Village; 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 Urban Village 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 13-16, 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**

DESCRIPTION: (16846 MARSH ROAD - PARCEL ID#05-23-27-0000-00-002)

THAT PORTION OF THE FRACTIONAL NW 1/4 LYING SOUTH OF MARSH ROAD, AND THE NORTH 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4, AND THE NORTH 400 FEET OF THE SOUTHWEST 1/4 OF SECTION 5, TOWNSHIP 23 SOUTH, RANGE 27 EAST, AND THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 6, TOWNSHIP 23 SOUTH, RANGE 27 EAST LYING SOUTH OF MARSH ROAD; LESS THAT PORTION OF THE FRACTIONAL EAST ONE-HALF OF THE NORTHEAST 1/4 LYING SOUTH OF MARSH ROAD, AND LESS THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 6, TOWNSHIP 23 SOUTH, RANGE 27 EAST; AND LESS THAT PORTION LYING WITHIN THE PLAT OF LAKE AVALON ESTATES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK R, PAGE 52, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

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CONTAINING 117.14 ACRES, MORE OR LESS.

DESCRIPTION: (17000 MARSH ROAD - PARCEL ID#06-23-27-0000-00-006)

THAT PORTION OF THE FRACTIONAL EAST ONE -HALF OF THE NORTHEAST 1/4 LYING SOUTH OF MARSH ROAD, AND THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 6, TOWNSHIP 23 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA.

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CONTAINING 6.72 ACRES, MORE OR LESS.

DESCRIPTION: (17166 MARSH ROAD - PARCEL ID#06-23-27-4272-00-01 0)

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ALSO DESCRIBED AS FOLLOWS:

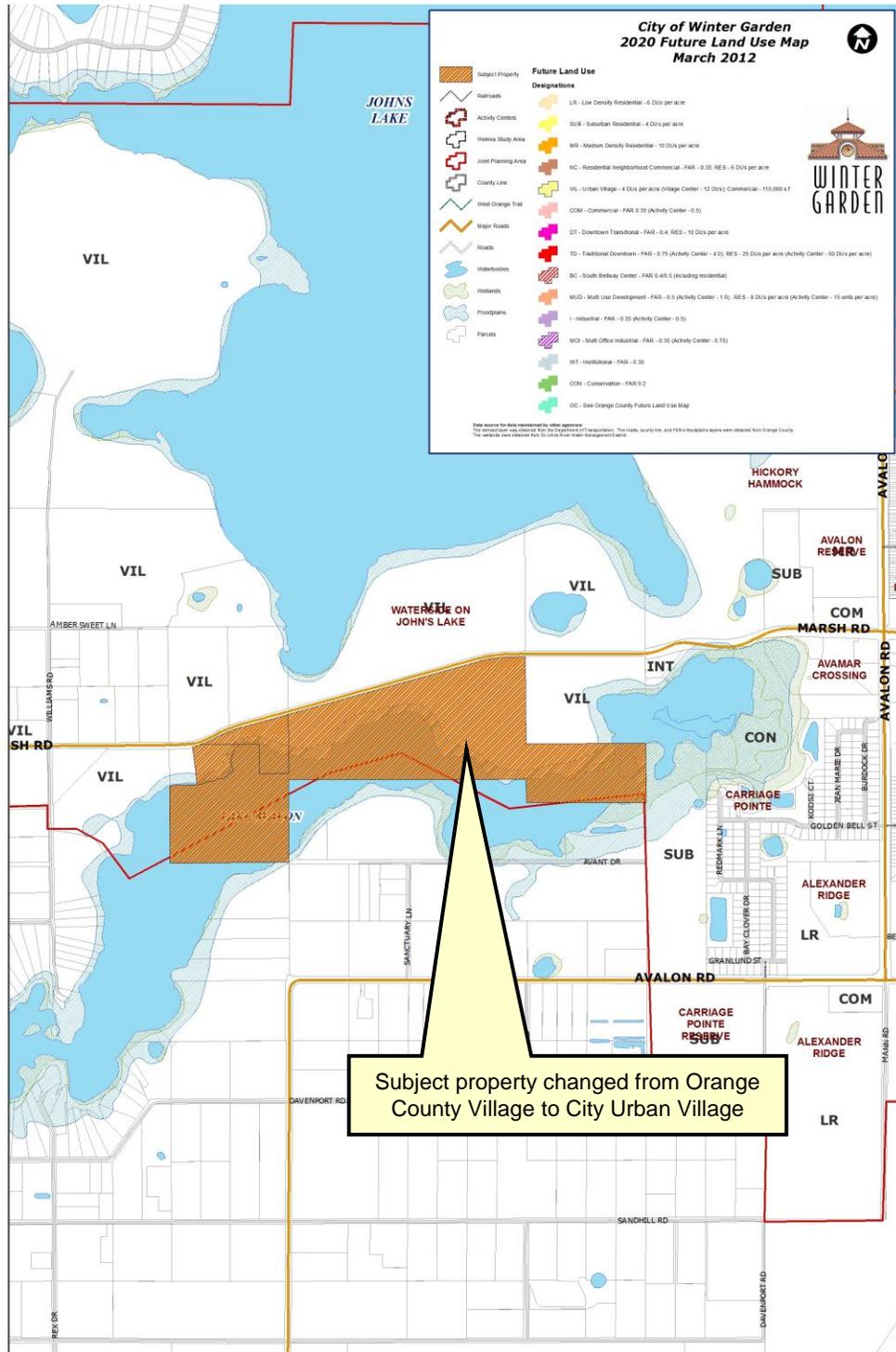
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CONTAINING 3.56 ACRES, MORE OR LESS.

# ATTACHMENT "B"

## FUTURE LAND USE MAP

**16846, 17000, 17166 Marsh Road**



# CITY OF WINTER GARDEN

## PLANNING & ZONING DIVISION

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

# STAFF REPORT

**TO:** PLANNING AND ZONING BOARD

**PREPARED BY:** STEVE PASH, SENIOR PLANNER

**DATE:** MARCH 28, 2012

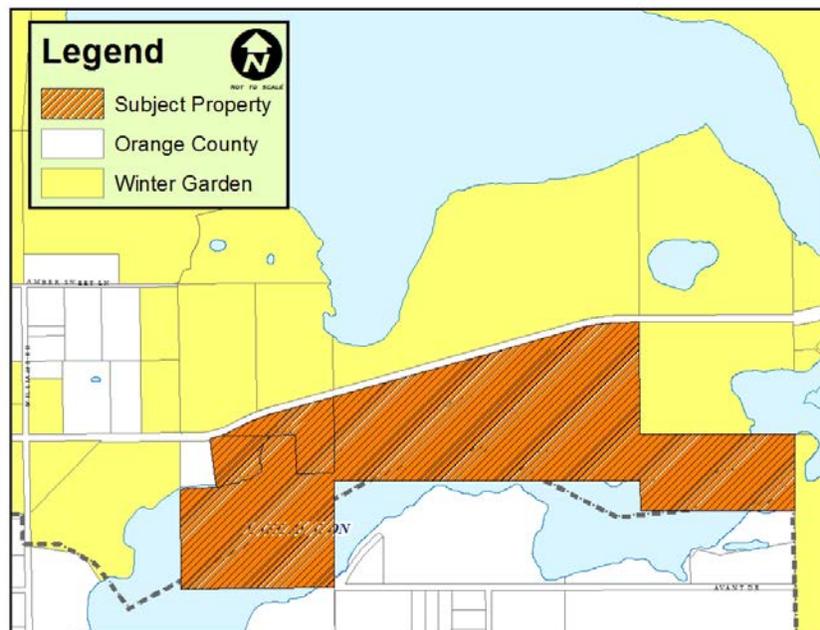
**SUBJECT:** ANNEXATION/FUTURE LAND USE MAP AMENDMENT  
**PREMER PANGBORN PROPERTY (127.42 +/- ACRES)**  
**Parcel ID # 05-23-27-0000-00-002** – 16846 Marsh Road  
**Parcel ID # 05-23-27-0000-00-006** – 17000 Marsh Road  
**Parcel ID # 05-23-27-4272-00-010** – 17166 Marsh Road

**APPLICANT:** MELISA L. PREMER & CAROLYN P. PANGBORN

### INTRODUCTION

The purpose of this report is to evaluate the proposed annexation and future land use map amendment for compliance with the City of Winter Garden Code of Ordinances and Comprehensive Plan.

The subject property is located on the south side of Marsh Road and east of Williams Road and west of Avalon Road and is approximately 127.42 +/- acres. The map below depicts the location of the property within the City's jurisdictional limits:



The applicant has requested annexation into the City and amendment to the Future Land Use Map (FLUM) of the City's Comprehensive Plan to designate the property as Urban Village.

In accordance with the City's Comprehensive Plan, permitted uses within the Urban Village land use include single family homes and churches and schools. The zoning classifications that are consistent with the Urban Village land use designation include Urban Village PUD 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..

The City's Comprehensive Plan policy for the future land use designation of Urban Village states:

**Policy 1-1.2.12:** Urban Village. Properties designated with the Urban Village land use category are required to be developed at a floor area ratio not greater than 0.3, and a residential density not greater than 4 dwelling units per acre, except in the Village Center where the residential density shall be not greater than 12 units per acre. This land use designation is limited to those 658 ± acres identified on Figure 1.2. These parcels are located within the JPA-6 area as shown on Exhibit —B|| of the Sixth Amendment to the Restated Interlocal Agreement for Joint Planning Area Between Orange County and the City of Winter Garden, Dated January 24, 2007 and were formally part of the Horizon West development in unincorporated Orange County that proposed the same type of development. Development in this area shall be characterized by a community Village structure that includes a Village, Village Center, and neighborhoods that may vary in size to facilitate recreation and pedestrian traffic while preserving natural systems and shall follow the development program below:

Use	Acres	Amount
Residential	531 ±	2,140
Commercial	20 ±	115,000 Sq Ft
Natural	107 ±	N/A

Notes: All parcel acreages and natural delineations are estimated.

Actual determination of acreage shall be made at time of the PUD rezoning.

Development in this land use shall also be subject to the regulations found in the Urban Village PUD zoning designation. The zoning classifications that is consistent with the Urban Village land use designation is the Urban Village PUD and INT.

### **EXISTING USE**

The property is mainly orange groves, planted pines, and water except for one abandoned building that is located on the northeast section of 16846 Marsh Road (Parcel I.D. #05-23-27-0000-00-002). The property has always been used for agricultural uses.

### **ADJACENT LAND USE AND ZONING**

To the north of the property is another property that was orange groves and recently was approved for an Urban Village Planned Unit Development (UVPUD) zoning to construct a new subdivision with 172 single-family homes. To the south is Lake Avalon and agricultural land in unincorporated Orange County with A-1 zoning. To the east is vacant land with no zoning, located in the City of Winter Garden. To the west of the property is a single family house and a vacant property, both with agricultural uses.

### **PROPOSED USE**

There is no current proposal to develop the property and the agricultural use will remain. When the owner decides to develop the property, they will be required to submit an application for Urban Village Planned Unit Development.

### **PUBLIC FACILITY ANALYSIS**

The property's primary point of transportation access is from Marsh Road. The existing property access is in several locations along Marsh Road, and any future connections will be analyzed when they submit for the UVPUD.

The City will provide potable water, reclaimed water, and sewer service to the property. The facilities are currently being installed adjacent to the property on the north side along Marsh Road. The City will provide utilities for the future development of this property.

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 Fire Department under the First Response system.

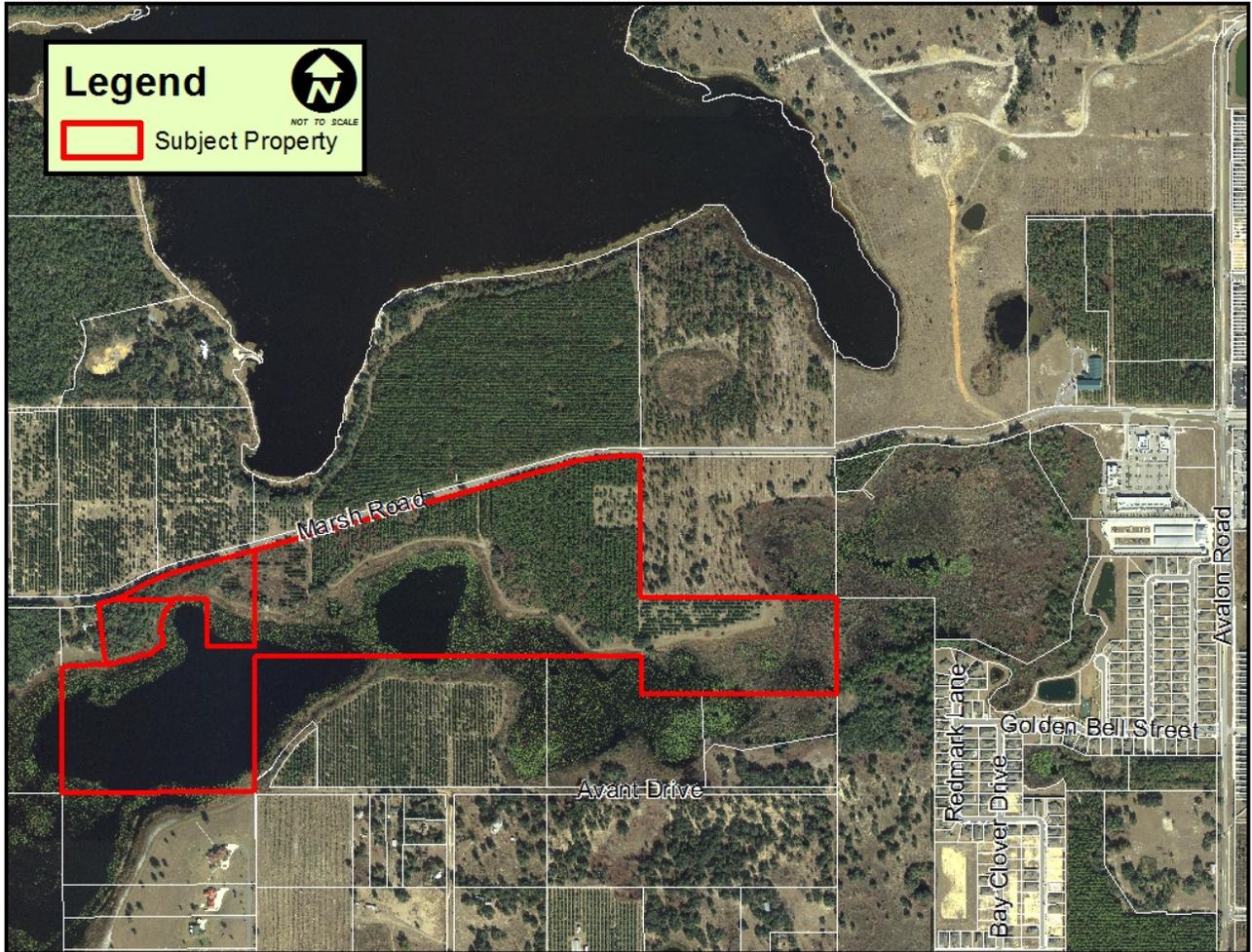
### **SUMMARY**

The City Planning Department has reviewed the proposed ordinances and recommends approval.

**MAPS**

**AERIAL PHOTO**

**16846, 17000, & 17166 Marsh Road**





**ORANGE COUNTY  
FUTURE LAND USE MAP**

**EXISTING**

**16846, 17000, & 17166 Marsh Road**

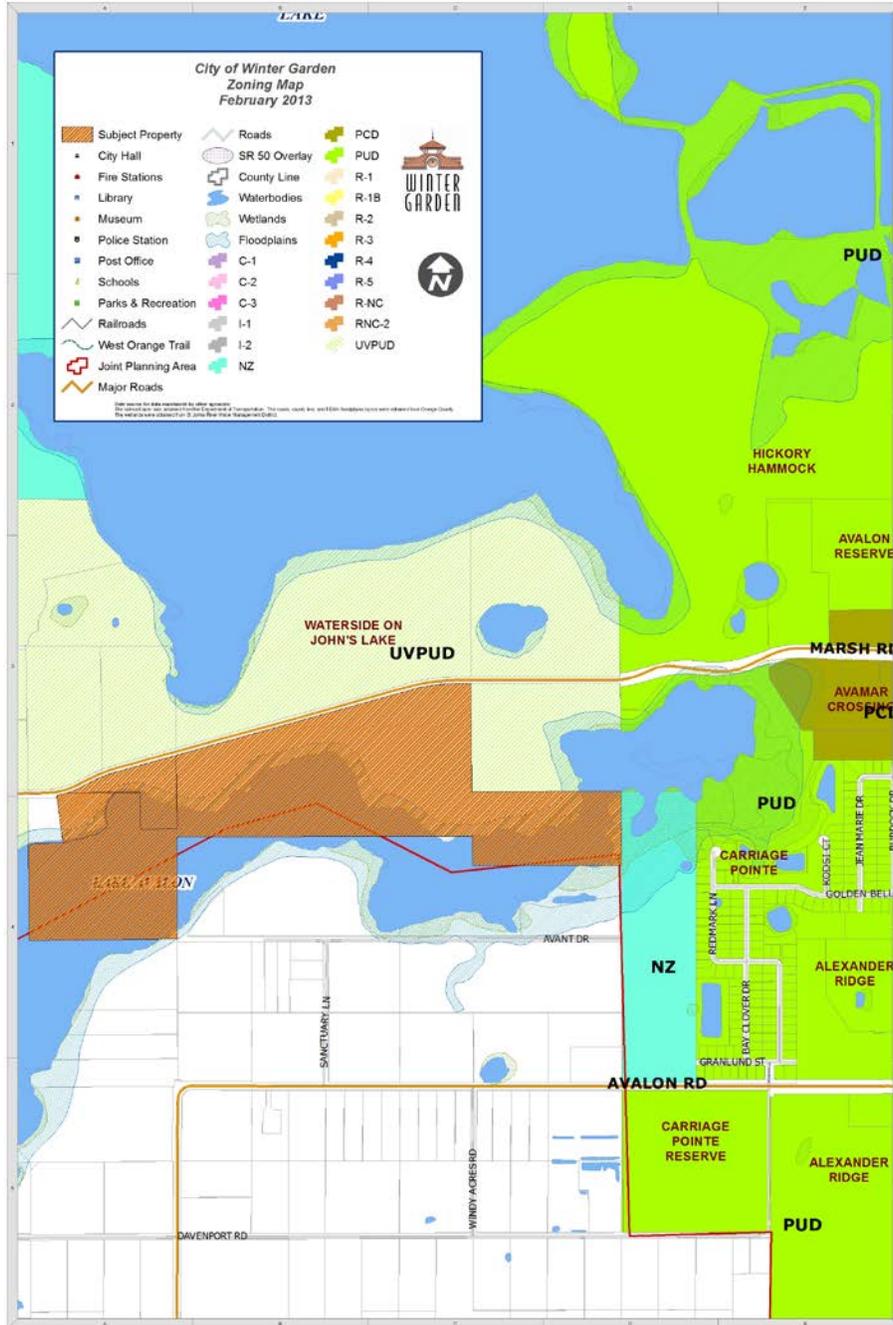




## WINTER GARDEN ZONING MAP

CURRENT

### 16846, 17000, & 17166 Marsh 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:** **April 3, 2013**

**Meeting Date: April 11, 2013**

**Subject: Ordinance 13-19**

**Issue:** Amending Chapter 22, Chapter 67, Chapter 98, and Chapter 102 of the Code of Ordinances of the City of Winter Garden relating to signage. Creating a Comprehensive Sign Code; providing definitions, regulating signage for the Historic Downtown District Overlay, Residential, Non-Residential and other areas and uses, removing redundant and inconsistent language for sign standards and regulations.

**Recommended Action:**

Staff request that first reading of Ordinance 13-19 be tabled to Thursday, May 9, 2013 meeting of the City Commission.

**THE CITY OF WINTER GARDEN**  
**CITY COMMISSION AGENDA ITEM**

**From:** Ed Williams, Community Development Director

**Via:** City Manager Mike Bollhoefer

**Date:** April 3, 2013

**Meeting Date:** April 11, 2013

**Subject:** Ordinance 13-20

**Issue:** Amending Article VII of Chapter 62 of the Winter Garden City Code; providing for definitions and revised definitions; providing for revised standards, requirements, criteria and conditions for sidewalk cafes.

**Discussion:** An Ordinance of the City of Winter Garden, Florida amending Article VII of Chapter 62 of the Winter Garden City Code; providing for definitions and revised definitions; providing for revised standards, requirements, criteria and conditions for sidewalk cafes.

**Recommended Action:**

Staff request that first reading of Ordinance 13-20 be tabled to the Thursday, April 25, 2013 meeting of the City Commission and the second reading to be scheduled for the May 9, 2013 City Commission meeting.

**THE CITY OF WINTER GARDEN**  
**CITY COMMISSION AGENDA ITEM**

**From:** Michael Bollhoefer, City Manager

**Date:** April 5, 2013

**Meeting Date:** April 11, 2013

**Subject:** Ordinance 13-18 amending the current noise ordinance

**Issue:** This ordinance amends our existing code to authorize the City to cite operators of motor vehicles for noise violations emanating from their motor vehicle

**Recommended action:** Adopt Ordinance 13-18

**Ordinance 13-18**

**AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING ARTICLE IV OF CHAPTER 38 OF THE WINTER GARDEN CITY CODE; PROVIDING FOR CLARIFICATIONS AND OBJECTIVE GUIDELINES TO ENFORCE THE NOISE ORDINANCE VIA AN ALTERNATIVE OBJECTIVE STANDARD OF REASONABLENESS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Winter Garden (“City”) desires to amend Article IV of Chapter 38 of its Code of Ordinances relating to the abatement of noise levels within the City to add clarifying objective guidelines for determining violations of the City’s Noise Ordinance; and

**WHEREAS**, the City recognizes recent increases in complaints within residential areas of loud, raucous, or otherwise unduly jarring noise occurring at night during customary periods of slumber and of other times, and the City also recognizes recent increases in disturbances relating to noise in other parts of the City; and

**WHEREAS**, it has been held by courts within this state that both the U.S. and Florida Constitutions permit the enforcement of noise ordinances by and through the evaluation of noise in light of an objectively determined reasonable person standard providing objective criteria; and

**WHEREAS**, the City recognizes that Florida legislative enactments may preempt or otherwise effectively preclude the City in certain circumstances from enforcing the City’s Noise Ordinance,

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

**SECTION I:** SECTION 38-155. PROHIBITED ACTS, Section 38-155 is hereby amended to reflect the following changes (~~struckout text~~ indicates deletions while underlined text indicates additions):

(a) It shall be unlawful for any person to produce, cause to be produced, allow to be produced or project, by any means, any sound or noise across a property line in such manner as to create a sound level which exceeds the limits set forth for the receiving land use listed in section 38-156 when measured at or within the property line of the receiving property. For any activity or use of land or buildings not expressly listed in the zoning districts in the city, the city commission, upon notice to the owner or occupant of the property producing sound, may determine the category of use under this article for which the activity or use is to be considered. Notwithstanding the foregoing, the existence of a noise which relates to the receiving land use listed in 38-156 may be

determined by the City's law enforcement officers, code enforcement officers, code inspectors, and/or their agents pursuant to section 38-160(a)(1).

(b) Notwithstanding any violation of subsection (a) above, the following specific uses, activities and circumstances are declared to be in violation of this article:

- (1) *Radios, television sets, exterior loudspeakers, musical instruments, and similar devices.* Operating or permitting the use or operation of any radio receiving set, exterior loudspeaker, amplified sound equipment, musical instrument, phonograph, television set, or other machine or device for the production or reproduction of sound in such a manner as to create a noise across the boundary of the property, including, without limitation, public and private rights of way from which the noise originates. In addition to the preceding, radios, cassette players, disk players and similar devices associated with motor vehicles or motorboats, shall not be operated or amplified in such a manner as to be felt or clearly heard at 25 feet or more from such device, when operated or parked on a public or private right-of-way or public or private space. In determining whether such devices may be clearly heard, the City's law enforcement officers, code enforcement officers, code inspectors, and/or their agents must utilize their normal auditory senses without any enhancements or hearing aids. Particular words or phrases or the name of any song or artist are not required to be identified. The detection of a rhythmic bass reverberating sound shall be sufficient to determine if a violation has occurred. To the extent that the Florida Uniform Traffic Control Law provisions regulate noise originating from within public or private rights of way, those provisions shall apply where currently existing or as amended.

All other provisions remain the same.

**SECTION II:** Sec. 38-158. Exceptions. Section 38-165 is hereby amended to reflect the following changes (~~struckout text~~ indicates deletions while underlined text indicates additions):

(a) The following noise and sounds are exempt from this article:

- (1) Noise and sounds caused by or related to emergency vehicles, equipment, and personnel during emergencies, which shall be deemed to include all work made necessary by an emergency to restore property to a safe condition, all work made necessary by an emergency to restore public utility service and all work made necessary by an emergency to protect persons or property from imminent injury, death, or substantial harm.
- (2) Noise and sounds produced by city, county, state, and federal government vehicles, equipment and personnel during the pursuit of official duties of the respective governments, including but not limited to public works construction

and maintenance, authorized safety signals, warning devices and emergency testing.

(3) Noise and sounds produced by public utility vehicles, equipment and personnel during the pursuit of the public duty of such public utility.

(4) Noise and sounds produced by activities or events approved by the city commission where the person responsible for such activities or events obtains the city commission's approval after such person clearly and expressly has advised the city commission that the noise or sounds associated with the activities or events would be in violation of this article but for this exemption.

(5) Noise and sounds produced between the hours of 7:00 a.m. and 9:00 p.m. by the mowing of grass; the operation of other yard maintenance equipment; the construction of properly permitted buildings, structures and other improvements; and the operation of farm equipment during farming activities.

(6) Railway locomotives and railway cars.

(7) Aircraft and airport activity conducted in accordance with federal laws and regulations.

(8) Motor vehicles operating on a public right-of-way subject to F.S. § 316.293 or other provisions of the Florida Uniform Traffic Control Law that regulate noise and sounds originating from within public or private right-of-way where currently existing or as amended.

(9) Organized athletic contests.

(10) Noise and sounds produced from churches between the hours of 7:00 a.m. and 10:00 p.m.

(11) Community events, such as fairs, school activities, community festivals and the like which do not extend their activities beyond 11:00 p.m. or commence before 7:00 a.m. Any community activity which extends beyond 11:00 p.m. or commences before 7:00 a.m. and would otherwise violate this article must apply for and receive prior approval from the city.

(12) Noise and sounds produced by an electrical generator during a time period in which regular electrical utility service is temporarily unavailable to the property upon which the generator is located.

(13) Noise and sound associated with uses or activities for which a variance has been obtained from the city approving such noises and sounds contrary to the restrictions of this article.

(b) To the extent any portion of this article covers a matter covered by F.S. § 403.415, the Florida Motor Vehicle Noise Prevention and Control Act of 1974, or any other provisions of the Florida Uniform Traffic Control Law, the provisions of this article covered by such act or law shall be of no effect. For matters not covered by the act or law, all of the sections of this article are in full force and effect. Additionally, any violation of such act within the city shall be a violation of this article, and such violation may be penalized and such act may be enforced through the enforcement provisions of this article and this Code.

**SECTION III: INCONSISTENCY.** If any Ordinances or parts of Ordinances are in conflict herewith, this Ordinance shall control to the extent of the conflict.

**SECTION IV: SEVERABILITY.** If any portion of this Ordinance is determined to void, unconstitutional, or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall remain in full force and effect.

**SECTION V: CODIFICATION.** That Sections I through II of this Ordinance shall be codified and made a part of the City of Winter Garden Code of Ordinances; that the Sections of this Ordinance may be renumbered or relettered to accomplish such intention; the word "*Ordinance*" may be changed to "*Section*", "*Article*", or other appropriate word.

**SECTION VI:** This Ordinance shall become effective upon approval by the City Commission at its second reading.

FIRST READING: \_\_\_\_\_ March 14 \_\_\_\_\_, 2013.

SECOND READING AND PUBLIC HEARING: \_\_\_\_\_ April 11 \_\_\_\_\_, 2013.

APPROVED:

\_\_\_\_\_  
John Rees, Mayor/Commissioner

ATTEST:

\_\_\_\_\_  
Kathy Golden, City Clerk

**THE CITY OF WINTER GARDEN**  
**CITY COMMISSION AGENDA ITEM**

**From:** Ed Williams, Community Development Director

**Via:** City Manager Mike Bollhoefer

**Date:** APRIL 4, 2013

**Meeting Date:** APRIL 11, 2013

**Subject:** 1400 AVALON ROAD  
**AVALON RESERVE VILLAGE 1**  
**RIGHT-OF-WAY MAINTENANCE AGREEMENT**  
**PARCEL ID# 04-23-27-0000-00-033**

**Issue:** The developer wants to install landscaping, irrigation, and signs within the right-of-way and wants to enter into an agreement that the HOA will maintain all of these items.

**Recommended Action:**

Staff recommends approval of the Avalon Reserve – Village 1 Right-Of-Way Maintenance Agreement.

**Attachment(s)/References:**

Right-of-Way Agreement

This instrument was prepared  
by and should be returned to:

City of Winter Garden  
Attn: City Clerk  
300 West Plant Street  
Winter Garden, Florida 34787

## **RIGHT-OF-WAY MAINTENANCE AGREEMENT**

THIS RIGHT-OF-WAY MAINTENANCE AGREEMENT (the "Agreement") is made and entered into this \_\_\_ day of \_\_\_\_\_, 2013, by and among the CITY OF WINTER GARDEN, a Florida municipality (the "City"), HANOVER AVALON RESERVE, LLC, a Florida limited liability company, having an address of 911 Outer Road, Orlando, Florida 32814, hereinafter referred to as "Developer", and AVALON RESERVE HOMEOWNERS ASSOCIATION, INC. a Florida not for profit corporation, hereinafter referred to as "HOA".

### **WITNESSETH:**

**WHEREAS**, Developer is the owner of the fee simple title to that certain real property located within the City, which is more particularly described on Exhibit "A," attached hereto and incorporated herein by this reference (the "Subject Property"); and

**WHEREAS**, Developer is in the process of developing the Subject Property as a residential project known as the Avalon Reserve (the "Project"); and

**WHEREAS**, the HOA is the Homeowners association for the Project; and

**WHEREAS**, the Developer and the HOA desire to obtain the non-exclusive right to provide, install and maintain certain landscaping, irrigation, medians, signage, retaining walls and other improvements as may be constructed along and within certain rights-of-way which are within or adjacent to the Project from time to time (hereinafter collectively referred to as the "Landscaping and Improvements"); and

**WHEREAS**, said Landscaping and Improvements require substantially more extensive maintenance than is typical for the City to perform within and along public rights-of-way, including, without limitation all street and roads, including, without limitation, as on Exhibit "B," attached hereto and incorporated herein by this reference (collectively, the "Roads"); and

**WHEREAS**, the City, Developer and HOA, in order to facilitate the installation and maintenance of the Landscaping and Improvements in the public right-of-way, have agreed to the terms, conditions and requirements set forth in this Agreement; and

**WHEREAS**, the Landscaping and Improvements to be provided, installed and maintained by the Developer and the HOA shall be as set forth in (i) this Agreement, (ii) that certain Landscaping Plan prepared by June Engineering Consultants, Inc. dated May 22, 2012, a copy of which is attached

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hereto as Exhibit "B" (the "Landscape Plan"), and (iii) those various improvements depicted on the attached Exhibit "C" (collectively, the "Landscaping and Improvement Plans"); and

**WHEREAS**, the Landscaping and Improvement Plans been approved and accepted by the City; and

**WHEREAS**, the Developer and HOA are willing to provide, install and maintain the Landscaping and Improvements pursuant to this Agreement.

**NOW, THEREFORE**, for and in consideration of the above premises, the promises and provisions contained herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby mutually acknowledged by the parties, the Developer, the HOA, and the City agree as set forth herein.

1. **Recitals.** The above premises are true and correct and are incorporated herein as material provisions of this Agreement.

2. **License.** Subject to the terms and conditions provided in this Agreement, the City hereby grants Developer and the HOA the non-exclusive right, privilege and license to use the Roads for the purposes hereinafter described. The license granted hereby by the City is terminable upon the City as provided for in this Agreement. Termination of the Agreement shall constitute termination of the license. It is expressly stipulated that this Agreement shall not operate to create or vest any property rights to any portion of the Roads in the Developer or HOA.

3. **Construction and Maintenance of Landscaping and Improvements.**

A. **Installation of Landscaping.** The Developer, at the Developer's sole cost and expense, shall design, permit, construct, provide and install the Landscaping and Improvements within, along and for the Roads within and adjacent to the Subject Property in accordance with the Landscape Plan and this Agreement.

B. **Maintenance.** Any and all Landscaping and Improvements installed, constructed or maintained shall be operated and maintained by the HOA in good, clean, attractive, sanitary, safe and serviceable condition, order and repair in accordance with the Landscape Plan and this Agreement. No portion of the Landscaping and Improvements shall be maintained in such a manner as may interfere with the use of the Roads by the public or create a safety hazard, as determined by the City in the City's sole discretion.

C. **Compliance with the Law.** Unless otherwise provided for herein, in designing, constructing, installing and maintaining the Landscaping and Improvements, the HOA shall comply with any and all laws, ordinances, and regulations of the City, county, state and federal governments, related to its activities, including but not

limited to laws and regulations concerning landscaping, trees, planting, maintenance, and signage within and along public and private rights-of-way.

- D. **Road Work.** Developer, the HOA, or their agents, shall not, while installing or maintaining the Landscaping and Improvements, damage or disturb any portion of the Roads without the prior written approval of the City and the City's prior written approval of a plan to restore the Roads. The Developer, the HOA, or their agents, shall take all safety measures required by law for construction and maintenance work in and along public rights-of-way, including the placing and display of caution signs and signals, when working in the Roads, and shall prevent any obstructions to the Roads which are or may become dangerous to the traveling public. In the event that any work to be conducted by the Developer or the HOA requires streets or traffic lanes to be closed or obstructed, the Developer or HOA shall, pursuant to the City ordinances, obtain all permits from and pay all applicable fees to the City, and shall obtain approval of its maintenance of traffic plan from the City's Police and Public Works Departments prior to commencing such work. In the event that the Developer, or the HOA, or their agents, damages any portion of the Roads while maintaining or installing the Landscaping and Improvements, the Developer or the HOA, as the case may be, at its sole cost and expense, shall restore such portion of the Roads to their prior condition.
  
- F. **Changes to the Landscape Plan.** Variations from the Landscape Plan must be reviewed and approved by the City in writing prior to any work commencing.
  
- G. **Irrigation.** All irrigation arising from matters contained in the Landscaping Plan for the Project shall be compatible with future connection to the City's reclaimed water system.
  
- H. **Water Conservation.** Developer and the HOA shall encourage water conservation in the design and development of the Landscaping and Improvements, including but not limited to, water conserving techniques, water efficient landscaping, proper soil preparation, irrigation systems and equipment and the use of reclaimed water, upon its availability.
  
- I. **Impact Fees.** Neither the Developer nor the HOA shall receive any compensation, impact fee or tax credits for any landscaping or improvements described herein.
  
- J. **Non-Interference with Other Interests.** Developer and the HOA, in the performance and exercise of their rights and obligations under this Agreement, shall not interfere in any manner with the existence and operation of any public or private rights-of-way, sanitary sewers, water mains, storm drains, gas mains, poles, aerial and underground electrical and telephone wires, electroliers, cable television, rights of adjoining property owners, and other telecommunications, utility, or municipal

property, without the express written approval of the owner or owners of the affected property or properties, except as expressly permitted by applicable laws. Developer and the HOA, jointly and severally, shall be liable to the City or to the third party owner, as the case may be, for the cost of any repairs made necessary by any displacement, damage, or destruction of City or third party property and shall pay such costs upon written demand within thirty (30) days of receipt of such demand. In addition, Developer and the HOA, jointly and severally, shall be responsible for any and all damage to street pavements, curbs, gutters, sidewalks and other improvements on, above, below or adjacent to the Roads arising from the installation, maintenance, repair or removal of the Landscaping and Improvements, and shall repair, replace and restore in kind, the said damaged property at its expense.

**4. Removal/Relocation.** If, in the sole discretion of the City, all or any portion of the Landscaping and Improvements, or maintenance thereof: (a) interferes with any construction, widening, reconstruction, alteration or improvement which the City desires to perform on, around, over, through or under the Roads or Subject Property; or (b) said Landscaping and Improvements, or maintenance thereof, unreasonably interferes in any way with the convenient, safe, or continuous use of the Roads; or (c) the non-emergency removal of any or all Landscaping and Improvements is necessary to serve the health, safety or general welfare of the citizens of Winter Garden, the HOA, upon receipt of written notice from the City to either of them, shall remove or relocate that portion of the Landscaping and Improvements as requested by the City within thirty (30) days of receipt of said notice. Any such relocation or removal of any or all Landscaping and Improvements shall be at the sole expense of the HOA and the HOA shall restore the Roads, if applicable, to their prior condition save for the removal of the Landscaping and Improvements. Notwithstanding anything to the contrary, no Landscaping and Improvements may be removed without the prior written consent of the City, except that fallen vegetation and signage may be removed without prior written consent when reasonably necessary to remedy a threat to public safety.

**5. Inspection; Violations; Remedies.**

- A. Inspection.** At all times, the City shall have the right to inspect the installation, construction, and maintenance of the Landscaping and Improvements to ensure compliance with the terms of this Agreement.
  
- B. Breach.** In the event any of the parties violate any material provision of this Agreement, the violating party shall be given thirty (30) days to cure such violation upon receipt of written notice of the violation from a non-violating party. Notwithstanding the preceding, no cure period need be given for a violation by the Developer or HOA which results in a threat or danger to the public health or safety. In the event a violation is not cured within the applicable cure period or the City is required to act without a cure period to remedy a threat to the public health or safety, the City shall have the right to pursue any and all legal and equitable remedies available to it, including the right to seek specific performance of this Agreement.

- C. **City's Right to Take Remedial Action.** In addition to the provisions and remedies set forth above, in the event that Developer or the HOA fail to take any action as required by the City to cure a violation within any applicable cure period, in addition to any and all other rights available to the City, the City shall have the right, but not the obligation to take the required action on behalf of Developer or the HOA. Notwithstanding the preceding, in the event that the City determines in its sole discretion that for reasons of public health or safety, immediate action is required to remedy a violation of this Agreement by Developer or the HOA, the City shall have the right, but not the obligation, to repair, replace, maintain or otherwise take such action as may be necessary to remedy the threat to public health or safety without prior written notice to the Developer or the HOA. In the event that for any reason the City repairs, replaces, maintains or otherwise services the Landscaping and Improvements or takes any other action as may be necessary to remedy a violation of this Agreement, the HOA shall be responsible for the payment of all of the reasonable costs incurred by the City and its agents in taking such action. Said payment by Developer or the HOA shall be made within thirty (30) days of written demand by the City. The City's exercise of its right to remedy a violation of this Agreement shall not limit the City from exercising any other rights or remedies available to it arising from such violation or impose any future or ongoing obligation on the City to continue to maintain, repair, replace or otherwise care for the Landscaping and Improvements thereafter.

6. **Indemnification.**

- A. **Developer.** Developer shall save, defend, indemnify, release, and hold harmless City and City's employees, agents, contractors, and commission members against and from all disputes, lawsuits, injuries, losses, liabilities, obligations, damages, penalties, claims, costs, charges and expenses, including reasonable consultants' and attorneys' fees which may be imposed upon, incurred by or asserted or claimed against them, resulting or arising from any or all of the following (i) the performance by Developer or its agents of any action required to be undertaken by the Developer under this Agreement, (ii) Developer's failure to perform, or caused to be performed, any required action or obligation of Developer pursuant to this Agreement; (iii) the exercise or attempted exercise by Developer of any rights, privileges, or obligations under this Agreement, (iv) the City's or an agent of the City's performance of any obligation of Developer pursuant to Paragraph 5.C. of this Agreement, or (v) any damage to the Landscaping and Improvements which may result from the use of the Roads by the City or other governmental authority or their agents due to maintenance, construction, widening, installation or other proper use within the Roads.
- B. **HOA.** HOA shall save, defend, indemnify, release, and hold harmless City and City's employees, agents, contractors, and commission members against and from all

disputes, lawsuits, injuries, losses, liabilities, obligations, damages, penalties, claims, costs, charges and expenses, including reasonable consultants' and attorneys' fees which may be imposed upon, incurred by or asserted or claimed against them, resulting or arising from any or all of the following (i) the performance by HOA or its agents of any action under this Agreement or otherwise related to the Landscaping and Improvements or the Roads, (ii) HOA's failure to perform, or cause to be performed, any required action or obligation of HOA pursuant to this Agreement; (iii) the exercise or attempted exercise by HOA of any rights, privileges, or obligations under this Agreement, (iv) the City's or an agent of the City's performance of any obligation of Developer or HOA pursuant to Paragraph 5.C. of this Agreement, or (v) any damage to the Landscaping and Improvements which may result from the use of the Roads by the City or other governmental authority or their agents due to maintenance, construction, widening, installation or other proper use within the Roads.

- C. **Release of Developer.** At such time as the Developer has facilitated turnover of control of the HOA, Developer shall be released from its obligations and responsibilities as provided for in this Agreement, except that Developer shall continue to indemnify and hold the City harmless as provided in Paragraph 6.A., above. From and after the release of Developer, any amendments or modifications to this Agreement may be made by written agreement between the City and HOA without the consent of the Developer, provided, however, that no retroactive amendment or modification affecting the rights or obligations of Developer may be made without the prior written consent of the Developer.

7. **Non-Approval.** Unless expressly authorized or granted herein, nothing in this Agreement shall constitute or be deemed to constitute any approval by the City of any rezoning, Comprehensive Plan amendment, variance, special exception, site plan, preliminary subdivision plan, final subdivision plan, or any other land use or development approval. Further, nothing in this Agreement shall be deemed to reduce, eliminate, derogate from or otherwise adversely affect or modify the approved Landscape Plans. Developer and the HOA shall be solely responsible for obtaining all governmental and private approvals which may be necessary or desirable for the performance of Developer's or the HOA's obligations under this Agreement and it is expressly understood and agreed upon that the City does not assume any responsibility for the securing of any such approvals, permits, licenses, easements or other interests, including but not limited to any necessary agreement with utility providers.

8. **Termination.** This Agreement may be terminated by the Developer, HOA or the City at any time with or without cause upon thirty (30) days advance written notice (the "Termination Notice") to the other party. Unless otherwise agreed to in writing by the City, in the event of termination of this Agreement, whether at the election of the Developer, HOA or the City, the HOA at its sole expense shall remove all Landscaping and Improvements to the extent located on or within a public right of way promptly upon the termination of this Agreement. If the HOA fails to timely remove the

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Landscaping and Improvements as aforesaid, the City may remove such improvements and invoice the HOA for the costs of such removal and such invoice shall be immediately due and paid by the HOA.

9. **Other Provisions.**

A. **Warranty of Authority and Ownership.** Developer and the HOA represent and warrant that it has all necessary power and authority to enter into and consummate the terms and conditions of this Agreement, that all acts, approvals, procedures, and similar matters required in order to authorize this Agreement have been taken, obtained, or followed, as the case may be, and that, upon the execution of this Agreement by all parties, this Agreement shall be valid and binding upon the parties hereto and their successors in interest and assigns. In addition, Developer represents and warrants to City that Developer is the owner of the Subject Property in fee simple.

B. **Notice.** All notices required or permitted to be given under this Development Agreement must be in writing and must be delivered to the City, the HOA or the Developer at its address set forth below (or such other address as may hereafter be designated by such party in writing). The parties' addresses for the delivery of all such notices are as follows:

City: City Manager  
City of Winter Garden  
300 West Plant Street  
Winter Garden, FL 34787  
Facsimile: (407) 656-4952

With a copy to: City Attorney  
City of Winter Garden  
300 West Plant Street  
Winter Garden, FL 34787  
Facsimile: (407) 656-4952

Developer: Hanover Avalon Reserve, LLC,  
911 Outer Road  
Orlando, Florida 33434  
Facsimile: (407) 206-9333

With a copy to: *(which copy shall not constitute notice):*

Lowndes, Drosdick, Doster, Kantor & Reed, P.A.  
Attn: Andrew J. Orosz, Esq.

Post Office Box 2809  
Orlando, Florida 32802  
Facsimile: (407) 843-4444

HOA: Avalon Reserve Homeowners Association, Inc.  
911 Outer Road  
Orlando, Florida 33434  
Facsimile: (407) 206-9333

Notices shall be either: (1) personally delivered (including delivery by Federal Express or other courier service) to the addresses set forth above, in which case they shall be deemed delivered on the date of delivery; (2) sent by certified mail, return receipt requested, in which case they shall be deemed delivered on the date shown on the receipt unless delivery is refused or intentionally delayed by the addressee, in which event they shall be deemed delivered on the date of deposit in the U.S. Mail; or (3) transmitted via telecopier using a telecopier number provided above, if any (or such other number as receiving party may have designated in writing), in which case the delivery shall be deemed to have occurred on the day of the transmission, provided that the day of transmission is a normal business day or, if not, the first normal business day after the transmission. Notices or communications to or from parties' attorneys will be deemed to be to or from that party.

- C. **Amendment.** This Agreement constitutes the entire agreement of the parties, and there are no understandings dealing with the subject matter of this Agreement other than those contained herein. This Agreement may not be modified, changed or amended, except by writing signed by the parties hereto or their authorized assignees; provided, however, that upon release of Developer in accordance with Paragraph 6.C. above, any amendments or modifications to this Agreement may be made by written agreement between the City and HOA without the consent of the Developer, provided that no retroactive amendment or modification affecting the rights or obligations of Developer may be made without the prior written consent of the Developer.
- D. **Severability.** If any portion of this Agreement is finally determined by a court of competent jurisdiction to be invalid, unconstitutional, unenforceable or void, the balance of the Agreement shall continue in full force and effect.
- E. **Governing Law.** This Agreement shall be governed by and construed in accordance with the laws of the State of Florida. Exclusive venue in any action to construe or enforce the provisions of this Agreement shall be in the circuit court of and for Orange County, Florida.
- F. **Effective Date.** The effective date of this Agreement, for purposes of the

performance of obligations by the parties under this Agreement, shall be the date the last of the parties hereto executes the Agreement.

- G. **Binding Effect and Successors.** The obligations under this Agreement shall benefit, burden, and bind the successors, heirs and assigns of all parties to this Agreement.
- H. **Reimbursement.** On or before ten (10) days after the date of invoicing, Developer shall reimburse the City for the City's engineer and attorney fees for negotiations, inspections, conferences relating to or drafting of this Agreement for the City.
- I. **Time is of the Essence.** Time is hereby declared to be of the essence in the performance of the duties and obligations of the respective parties to this Agreement.
- J. **Captions.** The captions or paragraph headings of this Agreement are provided for convenience only and shall not be deemed to explain, modify, amplify or aid in the interpretation, or meaning of this Agreement.
- K. **Counterparts.** This Agreement may be executed in any number of counterparts; each of which when executed and delivered, shall be an original, but all counterparts shall together constitute one and the same Agreement.
- L. **Independent Parties.** The parties are not partners and this Agreement is not a joint venture and nothing in this Agreement shall be construed to authorize any of the parties hereto to represent or bind any other party to matters not expressly authorized or provided in this Agreement.
- M. **Informed Execution.** This Agreement is entered into voluntarily by the Developer and HOA without duress and after full review, evaluation and consideration by the Developer and HOA. Developer and HOA are represented by counsel, or alternatively, have been afforded an opportunity to retain counsel for review of this Agreement.
- N. **Recording.** At any time during the term of this Agreement, the City may record this Agreement with the cost thereof to be borne by the Developer.
- O. **Interpretation.** None of the parties shall be considered the drafter of this Agreement for purposes of interpreting this Agreement, it being recognized that all parties have contributed substantially and materially to the preparation of this Agreement.
- P. **Non-Waiver of Sovereign Immunity.** Nothing contained in this Agreement or in any instruments executed pursuant to the terms of this Agreement shall be construed as a waiver or attempted waiver by the City of its sovereign immunity under the

Constitution and laws of the State of Florida.

- Q. Police Power; City Ordinances.** Developer and HOA acknowledge that at all times during the term of this Agreement, their rights shall be subject to all lawful exercise of the police power of the City, and to such reasonable regulation of the Public Rights-of-Way as the City shall hereafter by resolution or ordinance provide in the interests of health, safety and welfare of the public. Any inconsistency or ambiguity between the provisions of this Agreement and the lawful exercise of the City's police power shall be resolved in favor of the latter. Additionally, this Agreement and the privileges granted hereunder to Developer and HOA are subject to the general ordinance provisions now in effect and hereinafter made effective by the City.

**IN WITNESS WHEREOF**, the Developer, the HOA and the City have executed this Agreement as of the day and year approved and accepted by the City.

Signed, sealed and delivered in  
the presence of:

**“CITY”**

**CITY OF WINTER GARDEN, FLORIDA**

**By:** \_\_\_\_\_  
John Rees, Mayor

Date: \_\_\_\_\_

**ATTEST:**

**By:** \_\_\_\_\_  
Kathy Golden, City Clerk

Date: \_\_\_\_\_

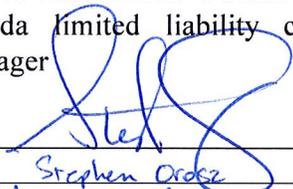
**“DEVELOPER”**

**HANOVER AVALON RESERVE, LLC**, a  
Florida limited liability company

By: HANOVER LAND COMPANY, LLC, a  
Florida limited liability company, its  
Manager

  
\_\_\_\_\_  
Print Name: Ben Snyder  
Witness

  
\_\_\_\_\_  
Print Name: Peggy Jensen  
Witness

Sign:   
\_\_\_\_\_  
By: Stephen Ordez  
As: Vice President

Date: 3/11/13

“HOA”

**AVALON RESERVE HOMEOWNERS ASSOCIATION, INC.,**

a Florida non-profit corporation

Jamie Mitro  
Print Name: JAMIE MITRO  
Witness

Peggy Jensen  
Print Name: Peggy Jensen  
Witness

Sign: [Signature]  
By: \_\_\_\_\_  
Print Name: Stephen Orosz  
Its: President  
Date: 3/11/13

STATE OF FLORIDA  
COUNTY OF ORANGE

The foregoing instrument was sworn to, signed and acknowledged before me this 11<sup>th</sup> of March, 2013, by \_\_\_\_\_, as the Mayor, of the City of Winter Garden, Florida. He/She (check one)  is personally known to me, or  has produced a valid driver's license or \_\_\_\_\_ as identification.

\_\_\_\_\_  
Notary Public, State and County Aforesaid  
Name: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_  
My Commission Number is: \_\_\_\_\_

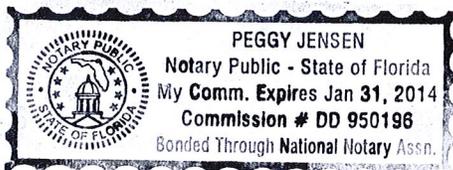
STATE OF FLORIDA  
COUNTY OF ORANGE

~~The foregoing instrument was sworn to, signed and acknowledged before me this \_\_\_ of \_\_\_\_\_, 2013, by \_\_\_\_\_, as the City Manager of the City of Winter Garden, Florida. He (check one)  is personally known to me, or  has produced a valid driver's license or \_\_\_\_\_ as identification.~~

~~\_\_\_\_\_  
Notary Public, State and County Aforesaid  
Name: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_  
My Commission Number is: \_\_\_\_\_~~

STATE OF FLORIDA  
COUNTY OF Orange

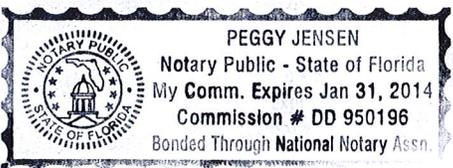
The foregoing instrument was acknowledged before me this 11<sup>th</sup> day of ~~September~~ March, 2013, by Stephen Drosz, as Vice President of HANOVER LAND COMPANY, LLC, a Florida limited liability company, as Manager of HANOVER AVALON RESERVE, LLC, a Florida limited liability company, on behalf of the company. He (check one)  is personally known to me, or  has produced a valid driver's license as identification.



Peggy Jensen  
Notary Public, State and County Aforesaid  
Name: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_  
My Commission Number is: \_\_\_\_\_

STATE OF FLORIDA  
COUNTY OF Orange

The foregoing instrument was executed, sworn to and acknowledged before me this 11<sup>th</sup> of March 2013, by Stephen Drosz, as President of Avalon Reserve Homeowners Association, Inc., a Florida non-profit corporation, on its behalf. He (check one)  is personally known to me, or  has produced a valid driver's license as identification.



Peggy Jensen  
Notary Public, State and County Aforesaid  
Name: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_  
My Commission Number is: \_\_\_\_\_



**EXHIBIT "A"**

**LEGAL DESCRIPTION OF THE SUBJECT PROPERTY**

A PORTION OF THE WEST ONE-HALF (W 1/2) OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF SECTION 4, TOWNSHIP 23 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SECTION 4, TOWNSHIP 23 SOUTH, RANGE 27 EAST; THENCE NORTH 89°53'58" EAST ALONG THE NORTH LINE OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF SAID SECTION 4, A DISTANCE OF 398.54 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 89°53'58" EAST, 901.59 FEET; THENCE SOUTH 00°27'00" EAST ALONG THE WESTERLY RIGHT-OF-WAY OF AVALON ROAD (COUNTY ROAD 545), 983.59 FEET; THENCE SOUTH 89°30'06" WEST, 750.31 FEET; THENCE NORTH 00°31'24" WEST, 334.66 FEET; THENCE NORTH 88°03'18" WEST, 150.14 FEET; THENCE NORTH 00°31'24" WEST, 648.80 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THAT PORTION OF THE ABOVE DESCRIBED PROPERTY CONVEYED TO THE CITY OF WINTER GARDEN BY WARRANTY DEED RECORDED IN O.R. BOOK 8814, PAGE 4080, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHWEST CORNER OF SECTION 4, TOWNSHIP 23 SOUTH, RANGE 27 EAST; THENCE NORTH 89°53'58" EAST ALONG THE NORTH LINE OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF SAID SECTION 4, A DISTANCE OF 1270.14 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 89°53'58" EAST ALONG SAID LINE, 30.00 FEET; THENCE SOUTH 00°27'00" EAST ALONG THE WESTERLY RIGHT-OF-WAY OF AVALON ROAD (COUNTY ROAD 545), 983.59 FEET; THENCE SOUTH 89°30'06" WEST, 30.00 FEET; THENCE NORTH 00°27'00" WEST, 983.80 FEET TO THE POINT OF BEGINNING.

**EXHIBIT "B"**

**DESCRIPTION OF THE ROADS**

**TRACT E, AVALON RESERVE – VILLAGE 1, ACCORDING TO THE PLAT THEREOF,  
AS RECORDED IN PLAT BOOK \_\_\_\_, PAGES \_\_\_\_, PUBLIC RECORDS OF ORANGE  
COUNTY, FLORIDA**

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**THE CITY OF WINTER GARDEN**  
**CITY COMMISSION AGENDA ITEM**

**From:** Don Cochran, Public Services  
**Via:** City Manager Mike Bollhoefer  
**Date:** April 2, 2013      **Meeting Date:** April 11, 2013  
**Subject:** Approval of the rankings and contracts for continuing professional engineering services  
**Issue:** Staff has completed the request-for-qualifications process for continuing consulting contracts for professional engineering services. The following three firms have been selected for the City Commission's consideration:

Pegasus Engineering  
Tetra Tech Engineering  
BFA Engineering

The engineering services will be related to water, wastewater, stormwater, roadway and traffic control, engineering design, and construction services.

The work will be performed on an as-needed basis. Compensation is based on an hourly fee schedule.

**Recommended Action:**

Approve the RFQ rankings and the contracts for continuing professional engineering services with the following companies:

Pegasus Engineering  
Tetra Tech Engineering  
BFA Engineering

**Attachments/References:**

- Ranking sheet

**Continuing Services Contracts for  
Professional Engineering Services**

**RFQ Rankings**

<i>Companies</i>	<i>Total Points Awarded (300 maximum)</i>
Pegasus	280
Tetra Tech	267
CPH	258
BFA	257
Poulos & Bennett	243
Kirby Engineering	235
AMEC	211
Building Technology Association, Inc.	111

**THE CITY OF WINTER GARDEN**  
**CITY COMMISSION AGENDA ITEM**

**From:** Don Cochran, Public Services  
**Via:** City Manager Mike Bollhoefer  
**Date:** April 2, 2013      **Meeting Date:** April 11, 2013  
**Subject:** Approval of the rankings and contracts for continuing professional surveying services  
**Issue:** Staff has completed the request-for-qualifications process for continuing consulting contracts for professional surveying services. The following four firms have been selected for the City Commission's consideration:

Southeastern Surveying  
Atlantic Surveying  
CPH Engineering and Surveying  
Allen & Company, Inc.

The surveying services will be related to water, wastewater, stormwater, and roadway projects; to engineering design; and to property boundaries.

The work will be performed on an as-needed basis. Compensation is based on an hourly fee schedule.

**Recommended action:**

Approve the RFQ rankings and the contracts for continuing professional surveying services with the following companies:

Southeastern Surveying  
Atlantic Surveying  
CPH Engineering and Surveying  
Allen & Company, Inc.

**Attachments/References:**

- Ranking sheet

**Continuing Services Contracts for  
Professional Surveying Services**

**RFQ Rankings**

<i>Companies</i>	<i>Total Points Awarded (300 maximum)</i>
Southeastern Surveying	274
Atlantic Surveying	265
CPH	239
Allen & Company, Inc.	221
Bowyer Singleton	212
Doudney Companies, Inc.	210
AMEC	203
DRMP	198
BESH	190
Caltrop	160

**THE CITY OF WINTER GARDEN**  
**CITY COMMISSION AGENDA ITEM**

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**From:** City Clerk Golden  
**Date:** March 26, 2013                      **Meeting Date:** April 11, 2013  
**Subject:** Architectural Review and Historic Preservation Board Vacancy  
**Issue:** Resignation of Board Member Chuck Simikian

Attached is Mr. Simikian’s resignation and for your consideration are the interest forms on file with the City Clerk’s office.

The appointment to fill the vacancy would be for the remainder of Mr. Simikian’s term in accordance with City Code Sec. 98-189(2)(a)(4) “*When a position becomes vacant before the end of the term, the city commission shall appoint a substitute member within 60 days to fill the vacancy for the remainder of the vacated term. A member whose term expires may continue to serve on the board until a successor is appointed and qualified*”. This seat’s term expires July 1, 2015.

In accordance with City Code, this board does have membership requirements; Code Section 98-189(2)(a)(1) states: “*The board ("board or ARHPB") shall have seven members appointed by the city commission. One member of the board shall be an architect. One member shall be a licensed general contractor, preferably with experience with historical renovations. One member shall be a member of the Winter Garden Heritage Foundation Board. One member shall own commercial property in Winter Garden's Historic Downtown District. One member shall own property within the district and reside within the city. The remaining two member appointments shall be City of Winter Garden residents and be made on the basis of civic pride, integrity, experience, and interest in the field of historic preservation.*”

Therefore, here is the current board composition:

<b>Name</b>	<b>Qualifying Criteria</b>
Michael Morrissey	Architect
Timothy Keating	Licensed General Contractor
John Murphy	WG Heritage Foundation
Wendy Byrd Jung	Owns Commercial property within the District
Christopher Lee	City Resident (District 2)
Andy Crabtree	Owns Property within the District & lives in the City
<b>VACANT</b>	<b>City Resident (Previously from District 1)</b>

**Reference:**

**Board Appointment Interest Forms on file as of 3/19/13**

<b>Name</b>	<b>District</b>	<b>Interest verified</b>
Phillip Baker	1	Yes
Ryan Dotson	4	Yes
Lee Douglas	4	Yes
Heather Gantt	2	Yes
Arthur Mitchell III	1	Left Message
Eric Rainville	1	Yes

**Attachment:** Resignation Letter

**Note:** *There are no district appointment requirements.*

March 13, 2013

Dear Corrina.....

Please accept this letter as my resignation from the Architectural Review Board.

Due to a personal situation in my life I do not believe that I could represent the Board in a fair non-partial manner towards specific residents of our town, certain community organizations, and some local business owners that might at some time appear before us.

Please know that this is NO reflection on anyone currently on our Board. But to fulfill my duties I may need to make decisions surrounding individuals in our town that I have strong personal differences with....and therefore it will affect my judgment.

I have enjoyed being a part of our city as it blooms and grows into a wonderful community. I have learned a lot and I also appreciate everyone's friendship and helpfulness.

But at this point I have lost my passion and prefer to be less "involved" within the community as a leader.

Thank You

Chuck Simikian

**CITY OF WINTER GARDEN  
BOARD APPOINTMENT INTEREST FORM**

Date: April 8, 2008 \_\_\_\_\_  
Verified 3-22-13

Last name: Baker \_\_\_\_\_ First: Phillip \_\_\_\_\_ Middle: Craig \_\_\_\_\_

Home Address: 125 west Smith Street Winter Garden, FL 34787 \_\_\_\_\_

Office Address: Walt Disney Entertainment, PO Box 10000, Lake Buena Vista, FL 32830 \_\_\_\_\_

Home Phone: 407.877.7185 \_\_\_\_\_ Work Phone: 407.397.3757 \_\_\_\_\_ Fax: 407.397.3750 \_\_\_\_\_

Place of employment: Walt Disney World \_\_\_\_\_ Length: 32 years \_\_\_\_\_

Educational Information: School Name: Oakland University \_\_\_\_\_

Location: Rochester, MI \_\_\_\_\_ Degree Earned: None \_\_\_\_\_ Dates Attended: 1966-67 \_\_\_\_\_

Please state your experience, interests or elements of your history that you think qualify you for appointment:

Please see attachment, Item 1 \_\_\_\_\_

Community involvement: Winter Garden Heritage Foundation - Theatre Board  
Member & Past-President, Central Florida Chapter, National Railway Historical Society

Interests/activities: Architecture, Railroads, History, Camping and travel \_\_\_\_\_

Why do you desire to serve on this/these boards? Please see attachment, Item 2 \_\_\_\_\_

Name any business, professional, civic or fraternal organizations of which you are a member and the dates of membership. \_\_\_\_\_

Are you a resident of Winter Garden? Yes \_\_\_\_\_ If yes, continuous resident since? 1985 \_\_\_\_\_

Are you a registered voter of Orange County? Yes \_\_\_\_\_ Which precinct? 134 1 (On voter registration)

Are you currently serving on any other boards? Yes \_\_\_ If yes, please state name of board: WGHF Theatre Board

Have you ever served on a government board? No \_\_\_\_\_ If yes, please state name of board: \_\_\_\_\_

References: The Garden Theatre, Winter Garden \_\_\_\_\_

- Which city board(s) are you interested?  Code Enforcement Board  Planning & Zoning Board  
 Community Redevelopment Agency or Advisory Board  General Employees Pension Board  
 Fire/Police Pension Board  Downtown Architectural Review Board

Please attach any additional information.

**Note: Interest forms are maintained for a period of one year. Should any information change, please notify the City Clerk's Office at (407) 656-4111 x2254. Thank you for your interest in serving your community.**

Phillip Craig Baker  
125 West Smith Street  
Winter Garden, Florida 34787

April 8, 2008

## ITEM 1

- I have a lifelong passion and reverence for architecture.
- I have a good working knowledge of architectural styles and details.
- I am acquainted with the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation.
- I have a basic knowledge and understanding of building and safety codes and engineering in general.
- I can read and understand blueprints and construction drawings.
- I have become knowledgeable of Winter Garden's history and architectural styles through research done at the WGHF History Center archives while working on the preservation and documentation of our historic 1905 home in Downtown Winter Garden.
- Garden Theatre, Winter Garden
  - Chairman of the Design Committee.
    - I worked with the architect and contractor to assure historical accuracy of the interior and exterior of the building while incorporating current technologies and codes.
    - I designed the marquee, incorporating elements of 3 historic designs when a complete reference to any single design could not be found.
    - I worked closely with designers and vendors to select appropriate materials and finishes for the interior and exterior.
    - I generated 3D computer models of the interior and exterior of the building to help others visualize the project.
- Garden Building, Winter Garden
  - I worked with the architect to incorporate elements of the historic façade of the original Winter Garden Theatre into the west half of the Garden Building façade, recreating a bit of lost Winter Garden.
- As a Scenic Designer with Walt Disney Entertainment I have interfaced with our Architects and Imagineers on many Disney projects over the years.
- I have 25 years experience using AutoCAD for design and drafting and 3D computer modeling. I am also proficient utilizing 3DS Max software for design visualization and presentation.
- I have over 40 years experience in the Entertainment Industry.

## ITEM 2

I love Winter Garden and would like to actively participate in its future by helping to preserve its architectural heritage. Growth is inevitable, but it should be responsible growth within the historic context of our charming Downtown.

Rec'd 7-21-11

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

P: 407.656.4111  
WWW.WINTERGARDEN-FL.GOV



### BOARD APPOINTMENT INTEREST FORM

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

3-22-13

DATE: 7/18/2011 VERIFIED INTEREST ON: \_\_\_\_\_

LAST NAME: Dotson FIRST: Ryan MIDDLE: Matthew

HOME ADDRESS: 1166 Priory Circle, Winter Garden, FL 34787-5568

OFFICE ADDRESS: 4900 North World Drive, Lake Buena Vista, FL 32830

HOME PHONE: 407-347-8673 CELL PHONE: 407-257-1168 WORK PHONE: 407-824-3873

EMAIL: dotson.ryan@gmail.com FAX #: \_\_\_\_\_

CURRENT EMPLOYER: Walt Disney Parks & Resorts LENGTH: 5 years

POSITION: Resort Guest Service Manager

EDUCATION: HIGH SCHOOL GRADUATE  Yes  No UNDERGRADUATE COLLEGE DEGREE IN: Communications

ADVANCED COLLEGE DEGREE IN: \_\_\_\_\_ OTHER: \_\_\_\_\_

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

I have a great interest in history and city planning. As a resort manager, I am accustomed to handling complex situations which require compromise and creative solutions.

COMMUNITY INVOLVEMENT: \_\_\_\_\_

INTERESTS/ACTIVITIES: \_\_\_\_\_

WHY DO YOU DESIRE TO SERVE ON THIS/THESE BOARDS? I love living in Winter Garden and want to become more involved.

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

\_\_\_\_\_

ARE YOU A RESIDENT OF WINTER GARDEN?  Yes  No IF YES, CONTINUOUS RESIDENT SINCE? February 2009

ARE YOU A REGISTERED VOTER OF ORANGE COUNTY?  Yes  No WHICH CITY DISTRICT? 4

ARE YOU CURRENTLY SERVING ON ANY OTHER BOARDS?  Yes  No IF YES, PLEASE STATE NAME OF BOARD: \_\_\_\_\_

\_\_\_\_\_

HAVE YOU EVER SERVED ON A GOVERNMENT BOARD?  Yes  No IF YES, PLEASE STATE NAME OF BOARD: \_\_\_\_\_

\_\_\_\_\_

REFERENCES:

\_\_\_\_\_

**WHICH BOARD(S) ARE YOU INTERESTED?**

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

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

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

THANK YOU FOR YOUR INTEREST IN SERVING YOUR COMMUNITY.





## BOARD APPOINTMENT INTEREST FORM

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

FEEL FREE TO ATTACH A RESUME.

DATE: 1/28/13 VERIFIED INTEREST ON: \_\_\_\_\_

LAST NAME: Douglas FIRST: Lee MIDDLE: E

HOME ADDRESS: 562 Home Grove Drive Winter Garden, FL 34787

OFFICE ADDRESS: \_\_\_\_\_

HOME PHONE: 407 497 4077 CELL PHONE: 407 497 4077 WORK PHONE: \_\_\_\_\_

EMAIL: ldouglas0107@centurylink.net FAX #: \_\_\_\_\_

CURRENT EMPLOYER: Walt Disney World Co. LENGTH: 18 years

POSITION: Scheduler

EDUCATION: HIGH SCHOOL GRADUATE  Yes  No UNDERGRADUATE COLLEGE DEGREE IN: Liberal Studies - Political Science, Social

ADVANCED COLLEGE DEGREE IN: MBA OTHER: \_\_\_\_\_

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

I have studied politics for years and understand how the role of government affects the citizens that are involved. I am experienced in business. I teach both Politics and Business.

COMMUNITY INVOLVEMENT: Volunteer at Orange County History Center and other volunteering activities

INTERESTS/ACTIVITIES: Sports and political involvement

WHY DO YOU DESIRE TO SERVE ON THIS/THESE BOARDS? I like to serve the community that I live in.

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

ARE YOU A RESIDENT OF WINTER GARDEN?  Yes  No IF YES, CONTINUOUS RESIDENT SINCE? Dec 2003

ARE YOU A REGISTERED VOTER OF ORANGE COUNTY?  Yes  No WHICH CITY DISTRICT? 4

ARE YOU CURRENTLY SERVING ON ANY OTHER BOARDS?  Yes  No IF YES, PLEASE STATE NAME OF BOARD: \_\_\_\_\_

HAVE YOU EVER SERVED ON A GOVERNMENT BOARD?  Yes  No IF YES, PLEASE STATE NAME OF BOARD: \_\_\_\_\_

**REFERENCES:**

Paul Caswell - 407 929 7358  
Jennifer Meyers - 407 925 2584  
Sheri Morton - 407 396 0152

**WHICH BOARD(S) ARE YOU INTERESTED?**

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

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

THANK YOU FOR YOUR INTEREST IN SERVING YOUR COMMUNITY.

Board Appointment Interest Form 06-10

# Lee Douglas

562 Home Grove Drive Winter Garden, FL 34787  
lee.douglas@earthlink.net 407-497-4077

## Area of Experience

Experienced in building motivated teams in hospitality to create strong business results and a reduction of turnover. Additional experience instructing students in business, communication, and political science to create an enlightened future workforce.

## Education

Stetson University Masters of Business Administration	Celebration, FL	March 2006
University of Central Florida Bachelor of Arts in Liberal Studies; specializing in Education, Political Science, and Humanities with a minor in Political Science	Orlando, FL	July 2003
Valencia Community College Associate of Arts in Social Science Education	Orlando, FL	December 2002

## Work History

Walt Disney World Resort Scheduler	Workforce Management	Lake Buena Vista, FL May 2008 - Present
<ul style="list-style-type: none"><li>• Schedule up to 500 Cast Members for food and beverage, while adhering to employee handbook and union contracts</li><li>• Research staffing trends</li><li>• Implement plans to create lower cost staffing needs while maintaining high service</li><li>• Liason for labor operations to assist location leaders in day to day operation</li><li>• Assist Cast with vacation and schedule concerns and needs</li></ul>		

Walt Disney World Resort Instructor	Disney Internships & Programs Education (TA)	Lake Buena Vista, FL September 2011 - December 2011
<ul style="list-style-type: none"><li>• Facilitate classes totaling over 200 international and domestic students</li><li>• Subject expert in Corporate Communications</li><li>• Partner with design and redevelopment of course</li><li>• Instruct classes regarding media relations, community relations, government relations, and research</li><li>• Assist in learning for students of a diverse population</li><li>• Complete Welcome Days of new participates to ensure smooth welcome</li></ul>		

University of Phoenix Online - Adjunct Professor	Business Education	Phoenix, AZ June 2006 - Present
<ul style="list-style-type: none"><li>• Instruct classes on Critical Thinking, Advanced Practices of Hospitality, and Food and Beverage Management</li></ul>		
Utilize on-line platform to connect with student and provide next generation learning tools International		

Academy of Design and Technology Adjunct Professor	General Education	Orlando, FL June 2006 - August 2011
<ul style="list-style-type: none"><li>• Develop curriculum for private college in Political Science, Business, Mass Communication, and Geography</li><li>• Primary instructor and advisor of Political Science program</li></ul>		

# Lee Douglas

Lee Douglas for Florida House District 41

Winter Garden, FL

Candidate

Campaign

September 2009 – November 2010

- Public speaking in regards to policy choices to inform prospective voters
- Compile media press releases to communicate events and policy plans
- Create events that are both entertaining and strong fund raising
- Raise funds for the operational expense of a campaign and budget expenses
- Lead a team of 124 volunteers throughout district 41
- Exceed expectations by receiving 38% of vote
- Utilization of new media including social media to facilitate a message

Stewarding Manager

Disney's Yacht and Beach Club

August 2006 – May 2008

- Manage three dishrooms being utilized by two casual dining, one buffet, one signature restaurants, two quick service restaurants, and a convention center.
- Coach and mentor coordinators to allow them to better run their individual area
- Partner with outside contractors to ensure Disney quality
- Liaison for Green Lodging Certification

Restaurant Guest Service Manager

Disney's Yacht and Beach Club

March 2005 – August 2006

- Manage Private dining for a four star convention resort
- Coordinate labor and scheduling for Private Dining
- Plan and implement in room parties/functions
- Roll out Disney Basics while serving on Basics Test Team

Guest Show Manager

Disney's Polynesian Resort

February 2001 – March 2005

- Duty Manager for Disney's Polynesian Resort and Disney's Grand Floridian Beach Resort during 3<sup>rd</sup> shift.
- Assist Reedy Creek as first responder including emergency evacuations, AED activations, guest medical and emergency needs, and resort liaison
- Inspire, coach, and instruct Cast Members in multiple business units including custodial, front desk, bell services, and food and beverage
- Control labor budget and act as liaison between cast and schedulers
- Provide training and development to make a stronger team and improve resort operations
- Schedule daily assignments of work and verify that work is done to Disney standards

Coordinator of Training

Disney's Caribbean Beach

March 2000 – February 2001

- Coordinate training program for six shop food court, 200 seat full service restaurant, pool bar, merchandise shop, and resort recreation.
- Raise and maintain regulatory percentage to 100%
- Facilitate regulatory classes
- Update and implement new training manuals by coordinating area trainers

Guest Communication Specialist

Guest Communications

September 1999 – March 2000

- Respond via e-mail to correspondence from Guests
- Handle crisis communication for specific issues
- Develop and implement response guidelines dealing with park closures



Rec'd: 9-1-11

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

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DATE: 08/30/11 VERIFIED INTEREST ON: \_\_\_\_\_  
LAST NAME: Gantt FIRST: Heather MIDDLE: Marie  
HOME ADDRESS: 540 Lake Cove Pointe Circle  
OFFICE ADDRESS: \_\_\_\_\_  
HOME PHONE: \_\_\_\_\_ CELL PHONE: 407-758-3802 WORK PHONE: \_\_\_\_\_  
EMAIL: heather.gantt@disney.com FAX #: \_\_\_\_\_  
CURRENT EMPLOYER: Walt Disney Co. LENGTH: 10 1/2 years  
POSITION: Project Manager  
EDUCATION: HIGH SCHOOL GRADUATE  Yes  No UNDERGRADUATE COLLEGE DEGREE IN: BS - Biology  
ADVANCED COLLEGE DEGREE IN: MS - Management OTHER: \_\_\_\_\_

PLEASE STATE YOUR EXPERIENCE, INTERESTS OR ELEMENTS OF YOUR HISTORY THAT YOU THINK QUALIFY YOU FOR APPOINTMENT:  
Served 5yrs as officer in the U.S. Army Signal Corps. After achieving the rank of Captain, began a career in IT Project Management at The Walt Disney Co. Since 2007, logged over 950 hours of volunteer service to the Central Florida community. Recipient of the Presidential Volunteer Service Award (2009, 2010, 2011). Recipient of the Chapin-Hood Award.  
COMMUNITY INVOLVEMENT: Volunteer at children's school (Foundation Academy) and children's ministry at church.  
INTERESTS/ACTIVITIES: Family, Volunteer Service, Travel  
WHY DO YOU DESIRE TO SERVE ON THIS/THESE BOARDS? I love Winter Garden and am amazed with the successful growth of the city!  
NAME ANY BUSINESS, PROFESSIONAL, CIVIC OR FRATERNAL ORGANIZATIONS OF WHICH YOU ARE A MEMBER AND THE DATES OF MEMBERSHIP.

Active member of the Junior League of Greater Orlando since 2003. Board Member 2006 (VP of R&D) and 2009 (Treasurer).

ARE YOU A RESIDENT OF WINTER GARDEN?  Yes  No IF YES, CONTINUOUS RESIDENT SINCE? 2005  
ARE YOU A REGISTERED VOTER OF ORANGE COUNTY?  Yes  No WHICH CITY DISTRICT? 2  
ARE YOU CURRENTLY SERVING ON ANY OTHER BOARDS?  Yes  No IF YES, PLEASE STATE NAME OF BOARD:

HAVE YOU EVER SERVED ON A GOVERNMENT BOARD?  Yes  No IF YES, PLEASE STATE NAME OF BOARD:

REFERENCES:

Stephanie Garris (407-619-5310) - Past President, Junior League of Greater Orlando; Executive Director of GRACE Medical Home

**WHICH BOARD(S) ARE YOU INTERESTED?**

- \*CODE ENFORCEMENT BOARD
- \*PLANNING & ZONING BOARD
- \*COMMUNITY REDEVELOPMENT AGENCY
- \*COMMUNITY REDEVELOPMENT ADVISORY BOARD - CIRCLE ALL THAT APPLY TO YOU WITHIN THE CRA: RESIDE / OWN / OPERATE A BUSINESS / OTHER
- \*GENERAL EMPLOYEES PENSION BOARD
- \*FIRE/POLICE PENSION BOARD
- \*ARCHITECTURAL REVIEW AND HISTORIC PRESERVATION BOARD  
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THANK YOU FOR YOUR INTEREST IN SERVING YOUR COMMUNITY.

Rec'd. 4-30-08

Still interested 10-1-09 JS  
" " 10-5-10  
3-22-13

CITY OF WINTER GARDEN  
BOARD APPOINTMENT INTEREST FORM

Date: 7/29/08

Last name: MITCHELL III First: ARTHUR Middle: L.

Home Address: 204 TRAIL BLISS CT

Office Address: Same

Home Phone: 407-287-7624 Work Phone: 914-262-6601 Fax: 407-287-7624

Place of employment: Commerce Bank Length: 4.5 years

Educational Information: School Name PACE UNIVERSITY

Location: PLEASANTVILLE, NY Degree Earned: BBA Dates Attended:

Please state your experience, interests or elements of your history that you think qualify you for appointment:  
See Resumé + Attached Letter

Community involvement: West Orange Realty Reserve (WARR)

Interests/activities: OUTDOORS, BADMINTON, POLITICS + BASEBALL

Why do you desire to serve on this/these boards? To serve my city and make it better

Name any business, professional, civic or fraternal organizations of which you are a member and the dates of membership. West Orange Realty Reserve since 8/07

Are you a resident of Winter Garden? Yes If yes, continuous resident since? 4/07

Are you a registered voter of Orange County? Yes Which precinct? 1103 (On voter registration)

Are you currently serving on any other boards? No If yes, please state name of board:

Have you ever served on a government board? No If yes, please state name of board:

References: KENNETH MAKIN - 407-877-8620

CARLA VALLADARUC (407) 253-4550, JAMES MITCHELL 407-649-7688

Which city board(s) are you interested?  Code Enforcement Board  Planning & Zoning Board  
 Community Redevelopment Agency or Advisory Board  General Employees Pension Board  
 Fire/Police Pension Board ARCHITECTURAL REVIEW BOARD  
Please attach any additional information.

Note: Interest forms are maintained for a period of one year. Should any information change, please notify the City Clerk's Office at (407) 656-4111 x2254. Thank you for your interest in serving your community.

Arthur Mitchell III  
204 Trail Bridge Ct  
Winter Garden, Fl 34787  
April 30, 2008

Dear Mayor Reese:

I am submitting my application to serve the City of Winter Garden on the Architectural Review Board or the Community Redevelopment Agency or Advisory Board. If it is possible I would like to serve on both if my schedule permits. I will leave up to you to see which board you think I qualify for best.

I feel that I would be an asset to boards for various reasons. One being married to an owner of a business downtown, we have a vested interest in seeing Winter Garden grow and expand into an even better city than it currently is. Being in the lending business for years, I have seen many municipal and private projects that have helped revitalize and grow downtown areas. Growing up outside of New York City I have seen how public and private partnerships and investments have turned around downtown areas from virtual ghost towns to destination places and areas that people want to live. I come from a construction family. My father owns a plumbing business back in New York and I have been around the trades my whole life. I also renovated a 130 year Victorian House back in New York. Having swung a hammer myself I have an idea with what's involved with some construction projects. I am also a big advocate of keeping the downtown charm and architectural integrity, while attracting new construction and business at the same time. I think the two can go hand in hand. I see a great potential in Winter Garden and I truly love the city and the people that live here. I feel the need to serve my city to make it a better place for ourselves as well as our children.

I respectfully submit my application to you and I hope to serve my city and all residents of Winter Garden to the best of my ability. Thank You for your consideration.

Sincerely,



Arthur W. Mitchell III

Enclosures

**Arthur W. Mitchell III**  
204 Trail Bridge Ct.  
Winter Garden, Florida 34787  
e- mail:arthur42@optonline.net  
914-262-6601

## **Professional Experience:**

### **Loan Officer; Commerce Bank Purchase, West Palm Beach, Florida: November 2003 - Present**

- Originated and closed an average of \$16 million in residential mortgages annually.
- Service 4 bank branches in Florida to address customers mortgage needs.
- Responsibilities include being on call seven days a week to adhere to Commerce Bank's "Wow" philosophy of meeting and exceeding customer's expectations.
- Conduct first time home buyers seminars for the public, not for profits and real estate brokers in order to market Commerce Banks mortgage products.

### **Loan Officer; Sleepy Hollow Bank, Sleepy Hollow, New York: May 2002 - September 2003**

- Originated and closed approximately \$30 million in residential and commercial mortgages.
- Origination on multi- family and commercial mortgages included cash flow analysis and valuation using the Income Capitalization approach.
- Responsibilities included being on call seven days a week via pager for lead calls and to service loans in process.
- Serviced three bank branches in Westchester County for all customers mortgage needs.

### **Loan Officer; Yonkers Savings and Loan, Yonkers, New York: August 2000 - April 2002**

- Originated and closed approximately \$50 million in residential and commercial mortgages.
- Responsibilities included being on call seven days a week via pager for lead calls and to service loans in process.
- Serviced six bank branches for all customers mortgage needs in the counties of Westchester, Rockland, Putnam, Orange, Dutchess, and the five boroughs of New York City.

### **Loan Officer; The Community Preservation Corporation, (CPC), Hawthorne, New York: Jan. 1998 - Aug. 2000**

- Originated and underwrote 1 - 4 family, multifamily and mixed-use acquisition, refinance, and construction loans.
- Prepared a detailed narrative, valuation, cost, and equity analysis for formal presentation to CPC's loan committee.
- Marketed CPC's loan products to mortgage brokers and real estate brokers throughout the Hudson Valley region.
- Worked with local not for profits and city agencies to provide low interest rate gap financing for CPC's borrowers.
- Performed engineering inspections with CPC's engineer and the borrower to assess the work scope and costs on construction and rehab loans.
- Performed annual Freddie Mac and CPC building inspections and repair escrow releases.

### **Multifamily Asset Management Specialist; Freddie Mac, New York, New York: 1992 -1998**

- Analyzed cash flow and resolved problem loans through restructuring of debt, resulting in reduction of bad debt write off.

- Recommended receivers and supervised property management companies for over 200 properties.
- Performed hundreds of physical inspections of multifamily properties for valuation, budgeting and business plan purposes resulting in a 20% savings of operating expenses.
- Revised and approved hundreds of building budgets submitted by property management companies to ensure stabilization of the asset and positioning for sale.
- Negotiated sales of properties through local brokers maximizing recovery on bad debt.

**Originator/Multifamily Inspector; Columbia Equities, Tarrytown, New York: 1988 -1992**

- Originator of first and second Freddie Mac/ Fannie Mae and sub prime mortgages.
- Performed hundreds of physical inspections and write -ups of single and multifamily dwellings to fulfill seller/servicer obligations with Freddie Mac.

**Senior Loan Officer/Office Manager; Integrity Mortgage, White Plains, New York: 1987-1988**

**Sales/Broker Representatives; Advanta Mortgage, White Plains, New York: 1986 – 1987**

**Educational Background:**

Pace University, Pleasantville, New York: Earned a **Bachelor of Arts Degree in Marketing** in May 1996.

**Organizations:**

Associate member of the West Orange Realty Resource Organization



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DATE: April 7, 2011

VERIFIED INTEREST ON: 8-24-11 1-9-13  
5-24-12

LAST NAME: Rainville FIRST: Eric MIDDLE: John  
 HOME ADDRESS: 416 Courtlea Oaks Blvd, Winter Garden, FL 34787  
 OFFICE ADDRESS: 2314 Circuit Way, Brooksville, FL 34604  
 HOME PHONE: 407-877-9660 CELL PHONE: 407-913-7135 WORK PHONE: 352-848-2588  
 EMAIL: eric@therainvilles.com FAX #: 352-848-2592  
 CURRENT EMPLOYER: Regions Facility Services LENGTH: \_\_\_\_\_  
 POSITION: Director of Facility Support Services  
 EDUCATION: HIGH SCHOOL GRADUATE  Yes  No UNDERGRADUATE COLLEGE DEGREE IN: BS in Building Construction  
 ADVANCED COLLEGE DEGREE IN: \_\_\_\_\_ OTHER: \_\_\_\_\_

PLEASE STATE YOUR EXPERIENCE, INTERESTS OR ELEMENTS OF YOUR HISTORY THAT YOU THINK QUALIFY YOU FOR APPOINTMENT:  
**Seasoned in facilities, owners representation and construction management with expertise in portfolio and asset management, maintenance capital planning and facilities management; utilities, fuels and futures purchasing; cost control, estimating, scheduling, development, preconstruction and construction phase administration. Certified General Contractor.**  
 COMMUNITY INVOLVEMENT: Member of the Winter Garden Heritage Foundation, Dillard St. PTA and 90% of community events  
 INTERESTS/ACTIVITIES: Enjoy cooking (placed best overall Uncle Don's Chili Cook-off), Biking with my kids, building.  
 WHY DO YOU DESIRE TO SERVE ON THIS/THESE BOARDS? Desire to contribute and make a positive impact on the City of Winter Garden

NAME ANY BUSINESS, PROFESSIONAL, CIVIC OR FRATERNAL ORGANIZATIONS OF WHICH YOU ARE A MEMBER AND THE DATES OF MEMBERSHIP.  
Facilities Management Professionals International 2009- Present, Restaurant Facility Management Association 2005-Present

ARE YOU A RESIDENT OF WINTER GARDEN?  Yes  No IF YES, CONTINUOUS RESIDENT SINCE? April 2007  
 ARE YOU A REGISTERED VOTER OF ORANGE COUNTY?  Yes  No WHICH CITY DISTRICT? District 1  
 ARE YOU CURRENTLY SERVING ON ANY OTHER BOARDS?  Yes  No IF YES, PLEASE STATE NAME OF BOARD: \_\_\_\_\_

HAVE YOU EVER SERVED ON A GOVERNMENT BOARD?  Yes  No IF YES, PLEASE STATE NAME OF BOARD: \_\_\_\_\_

REFERENCES:  
Jay Conn, Director Parks and Recreation, City of Winter Garden, 407-656-4155  
Howard Long, Project Executive, Roy Anderson Construction, 228-297-4104

- WHICH BOARD(S) ARE YOU INTERESTED?**
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  - \*PLANNING & ZONING BOARD
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  - \*COMMUNITY REDEVELOPMENT ADVISORY BOARD - CIRCLE ALL THAT APPLY TO YOU WITHIN THE CRA: RESIDE / OWN / OPERATE A BUSINESS / OTHER
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