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

REGULAR MEETING AUGUST 8, 2013 6:30 P.M.

CALL TO ORDER
Determination of a Quorum
Invocation and Pledge of Allegiance

1. **APPROVAL OF MINUTES**
   Regular Meeting of July 25, 2013

2. **FIRST READING AND PUBLIC HEARING OF PROPOSED ORDINANCES**
   A. **Ordinance 13-42**: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING CERTAIN REAL PROPERTY GENERALLY DESCRIBED AS APPROXIMATELY 44.14 ACRES OF LAND LOCATED GENERALLY SOUTH OF GARDEN COMMERCE PARKWAY AND EAST OF 9TH STREET AND WEST OF CARTER ROAD GENERALLY KNOWN AS THE WINTER GARDEN COMMERCE CENTER, FROM I-1 (LIGHT INDUSTRIAL AND WAREHOUSING DISTRICT) TO PID (PLANNED INDUSTRIAL DEVELOPMENT); PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE **with the second reading and public hearing being scheduled for August 22, 2013** – Community Development Director Williams

   B. **Ordinance 13-45**: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.24 ± ACRES LOCATED AT 750 SOUTH PARK AVENUE ON THE WEST SIDE OF SOUTH PARK AVENUE, NORTH OF JACKSON STREET AND SOUTH OF WEST STORY ROAD INTO THE CITY OF WINTER GARDEN FLORIDA; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE
   C. **Ordinance 13-46**: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING THE FUTURE LAND USE MAP OF THE WINTER GARDEN COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE DESIGNATION OF REAL PROPERTY GENERALLY DESCRIBED AS 0.24 ± ACRES OF LAND LOCATED AT 750 SOUTH PARK AVENUE ON THE WEST SIDE OF SOUTH PARK AVEUNE, NORTH OF JACKSON STREET AND SOUTH OF WEST STORY ROADFROM ORANGE COUNTY LOW DENSITY RESIDENTIAL TO CITY LOW DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE
   D. **Ordinance 13-47**: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.24 ± ACRES OF REAL PROPERTY GENERALLY LOCATED AT 750 SOUTH PARK AVENUE ON THE WEST SIDE OF SOUTH PARK AVENUE, NORTH OF JACKSON STREET AND SOUTH OF WEST STORY ROAD FROM ORANGE COUNTY R-2 RESIDENTIAL DISTRICT TO CITY R-2 RESIDENTIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE **with the second reading and public hearing being scheduled for August 22, 2013** – Community Development Director Williams

   E. **Ordinance 13-48**: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 11.1 ± ACRES LOCATED AT 1205 EAST FULLERS CROSS ROAD ON THE NORTH SIDE OF EAST FULLERS CROSS ROAD, EAST OF NORTH WEST CROWN POINT ROAD AND WEST OF EAST CROWN POINT ROAD INTO THE CITY OF WINTER GARDEN FLORIDA; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE
   F. **Ordinance 13-49**: 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 11.1 ± ACRES LOCATED AT 1205 EAST

FULLERS CROSS ROAD ON THE NORTH SIDE OF EAST FULLERS CROSS ROAD, EAST OF NORTH WEST CROWN POINT ROAD AND WEST OF EAST CROWN POINT ROAD FROM ORANGE COUNTY PLANNED DEVELOPMENT – LOW DENSITY RESIDENTIAL TO CITY LOW DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

G. **Ordinance 13-50**: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 11.1 ± ACRES LOCATED AT 1205 EAST FULLERS CROSS ROAD ON THE NORTH SIDE OF EAST FULLERS CROSS ROAD, EAST OF NORTH WEST CROWN POINT ROAD AND WEST OF EAST CROWN POINT ROAD FROM ORANGE COUNTY A-2 FARMLAND RURAL DISTRICT TO CITY R-1B RESIDENTIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE **with the second reading and public hearing being scheduled for August 22, 2013** – Community Development Director Williams

H. **Ordinance 13-51**: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.24 ± ACRES LOCATED AT 950 VINELAND ROAD ON THE WEST SIDE OF VINELAND ROAD NORTH OF WEST MORGAN STREET AND SOUTH OF BROAD STREET INTO THE CITY OF WINTER GARDEN FLORIDA; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

I. **Ordinance 13-52**: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING THE FUTURE LAND USE MAP OF THE WINTER GARDEN COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE DESIGNATION OF REAL PROPERTY GENERALLY DESCRIBED AS 0.24 ± ACRES LOCATED AT 950 VINELAND ROAD ON THE WEST SIDE OF VINELAND ROAD NORTH OF WEST MORGAN STREET AND SOUTH OF BROAD STREET FROM ORANGE COUNTY LOW MEDIUM DENSITY TO CITY RESIDENTIAL NEIGHBORHOOD COMMERCIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

J. **Ordinance 13-53**: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.24 ± ACRES LOCATED AT 950 VINELAND ROAD ON THE WEST SIDE OF VINELAND ROAD NORTH OF WEST MORGAN STREET AND SOUTH OF BROAD STREET FROM ORANGE COUNTY R-2 RESIDENTIAL DISTRICT TO CITY R-NC RESIDENTIAL NEIGHBORHOOD COMMERCIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE **with the second reading and public hearing being scheduled for August 22, 2013** – Community Development Director Williams

K. **Ordinance 13-54:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.55 ± ACRES LOCATED AT 948 VINELAND ROAD ON THE WEST SIDE OF VINELAND ROAD NORTH OF WEST MORGAN STREET AND SOUTH OF BROAD STREET FROM CITY R-2 RESIDENTIAL DISTRICT TO CITY R-NC RESIDENTIAL NEIGHBORHOOD COMMERCIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE **- with the second reading and public hearing being scheduled for August 22, 2013** – Community Development Director Williams

L. **Ordinance 13-55:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING POLICY 1-1.2.12 OF THE FUTURE LAND USE ELEMENT OF THE WINTER GARDEN COMPREHENSIVE PLAN TO INCREASE THE NUMBER OF ACRES OF LAND WITHIN THE URBAN VILLAGE LAND USE CATEGORY AND REDEFINE THE NUMBER OF ACRES FOR RESIDENTIAL USE AND NATURAL USE WITHIN THE URBAN VILLAGE LAND USE CATEGORY AND MAKING OTHER AMENDMENTS TO ADDRESS ANNEXATIONS, CLARIFY THE INTENT OF POLICY 1-1.2.12 CONCERNING PROJECT SPECIFIC REZONINGS TO URBAN VILLAGE PUD; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE **with the second reading and public hearing being scheduled for August 22, 2013** – Community Development Director Williams

3. **REGULAR BUSINESS**

A. Recommendation to approve the final plat for Alexander Ridge – Community Development Director Williams

B. Recommendation to approve entering into a Development Agreement for Highland Groves – Community Development Director Williams

C. Request approval to solicit request for qualifications and development proposals in conjunction with the sale of 7500± square feet of the City owned vacant lot located at 127 N. Boyd Street - Community Development Director Williams
D. Recommendation to approve entering into an Emergency Medical Services Agreement with Orange County to allow the City to receive one Simon Multipurpose Airway Trainer through grant funds – Fire Chief Williamson

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

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

6. **MATTERS FROM CITY MANAGER** – Mike Bollhoefer
   A. Discussion on scrap metal ordinance

7. **MATTERS FROM MAYOR AND COMMISSIONERS**

ADJOURN to a **Budget Workshop** and Regular Meeting on August 22, 2013 at 6:30 p.m. in City Hall Commission Chambers, 300 W. Plant Street, 1st floor

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

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

CITY OF WINTER GARDEN

CITY COMMISSION AND
COMMUNITY REDEVELOPMENT AGENCY
REGULAR MEETING MINUTES
July 25, 2013

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

Present: Mayor John Rees, Commissioners Bob Buchanan, Kent Makin, Robert Olszewski and Colin Sharman (*arrived at 6:51 p.m.*)

Also Present: City Manager Mike Bollhoefer, Acting City Attorney Christopher Conley, City Clerk Kathy Golden, Assistant to City Manager - Public Services Don Cochran, Assistant to City Manager – Administrative Services Frank Gilbert, Community Development Director Ed Williams, Finance Director Laura Zielonka, Fire Chief John Williamson**,** Police Chief George Brennan, Economic Development Director Tanja Gerhartz, Recreation Director Jay Conn, and West Orange Times Reporter Kelsey Tressler

1. **APPROVAL OF MINUTES**
   Motion by Commissioner Buchanan to approve the regular meeting minutes of July 11, 2013 as submitted. Seconded by Commissioner Makin and carried unanimously 4-0.

2. **SECOND READING AND PUBLIC HEARING OF PROPOSED ORDINANCES**
   A. **Ordinance 13-32**: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 81 ± ACRES OF CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF EAST FULLERS CROSS ROAD, EAST OF LAKE APOPKA AND WEST OF EAST CROWN POINT ROAD AT 315 EAST FULLERS CROSS ROAD, FROM SINGLE-FAMILY RESIDENTIAL DISTRICT (R-1) TO PLANNED UNIT DEVELOPMENT (PUD); PROVIDING FOR CERTAIN PUD REQUIREMENTS AND DESCRIBING THE DEVELOPMENT AS THE HIGHLAND GROVES PUD; PROVIDING FOR NON-SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

   Acting City Attorney Conley read Ordinance 13-32 by title only. Community Development Director Williams stated that this planned development has been reviewed by staff and the Planning and Zoning Board and both recommend approval.

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

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Motion by Commissioner Makin to adopt Ordinance 13-32. Seconded by Commissioner Buchanan and carried unanimously 4-0.

B. **Ordinance 13-33**: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 32.884 ± ACRES LOCATED NORTH OF THE INTERSECTION OF NORTH FULLERS CROSS ROAD AND EAST FULLERS CROSS 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

Acting City Attorney Conley read Ordinance 13-33 by title only. Community Development Director Williams stated that this property is a wetland area located adjacent to the previous public hearing matter 2.A. The developer has arranged to purchase this property and will include portions of it within the property but with no additional lots for development. Staff recommends approval.

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

Motion by Commissioner Makin to adopt Ordinance 13-33. Seconded by Commissioner Buchanan and carried unanimously 4-0.

C. **Ordinance 13-35**: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 1.0 ± ACRES LOCATED AT 1288 NORTH WEST CROWN POINT ROAD, ON THE WEST SIDE OF NORTH WEST CROWN POINT ROAD, NORTH OF MACY DU LANE, SOUTH OF EAST FULLERS CROSS ROAD, AND WEST OF THIRD AVENUE 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

D. **Ordinance 13-36**: 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 1.0 ± ACRES LOCATED AT 1288 NORTH WEST CROWN POINT ROAD ON THE WEST SIDE OF NORTH WEST CROWN POINT ROAD, NORTH OF MACY DU LANE, SOUTH OF EAST FULLERS CROSS ROAD, AND WEST OF THIRD AVENUE FROM ORANGE COUNTY LOW DENSITY RESIDENTIAL TO CITY LOW DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

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E. **Ordinance 13-37**: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 1.0 ± ACRES LOCATED AT 1288 NORTH WEST CROWN ON THE WEST SIDE OF NORTH WEST CROWN POINT ROAD, NORTH OF MACY DU LANE, SOUTH OF EAST FULLERS CROSS ROAD, AND WEST OF THIRD AVENUE FROM ORANGE COUNTY A-1 CITRUS/AGRICULTURAL DISTRICT TO CITY R-1 RESIDENTIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

Acting City Attorney Conley read Ordinances 13-35, 13-36, and 13-37 by title only. Community Development Director Williams stated that these three ordinances deal with a piece of property that is part of an enclave in unincorporated Orange County. The property owner is voluntarily requesting annexation to get future land use designation and zoning within the City. They are requesting R-1 zoning which is similar to the zoning in the area. Staff recommends approval of all three ordinances.

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

Motion by Commissioner Makin to adopt Ordinances 13-35, 13-36, and 13-37. Seconded by Commissioner Olszewski and carried unanimously 4-0.

F. **Ordinance 13-38**: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 8.24 ± ACRES LOCATED AT 12552 STONEYBROOK WEST PARKWAY, ON THE SOUTH SIDE OF STONEYBROOK PARKWAY, EAST OF LAKE ROBERTS LANDING DRIVE, AND WEST OF SCARLETT SAGE COURT 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

G. **Ordinance 13-39**: 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 8.24 ± ACRES LOCATED AT 12552 STONEYBROOK WEST PARKWAY, ON THE SOUTH SIDE OF STONEYBROOK PARKWAY, EAST OF LAKE ROBERTS LANDING DRIVE, AND WEST OF SCARLETT SAGE COURT FROM ORANGE COUNTY RURAL/AGRICULTURAL TO CITY LOW DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

H. **Ordinance 13-40**: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 8.24 ± ACRES LOCATED AT 12552 STONEYBROOK WEST PARKWAY, ON THE SOUTH SIDE OF STONEYBROOK PARKWAY, EAST OF LAKE ROBERTS LANDING DRIVE, AND WEST OF

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SCARLETT SAGE COURT FROM ORANGE COUNTY A-1 CITRUS/AGRICULTURAL DISTRICT TO CITY R-1 RESIDENTIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

Acting City Attorney Conley read Ordinances 13-38, 13-39, and 13-40. Community Development Director Williams stated that these three ordinances deal with a small piece of property on Stoneybrook located on Lake Reaves. He noted that the vast majority of the property is actually within the lake and is not buildable land which is not being proposed for development. He stated that it has been reviewed by staff and the Planning and Zoning Board and both recommend approval of all three ordinances.

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

Motion by Commissioner Olszewski to adopt Ordinances 13-38, 13-39, and 13-40. Seconded by Commissioner Makin and carried unanimously 4-0.

I. **Ordinance 13-41**: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 78.3 ± ACRES OF CERTAIN REAL PROPERTY GENERALLY LOCATED EAST OF WILLIAMS ROAD AND WEST OF AVALON ROAD (CR 545) ON THE NORTH AND SOUTH SIDE OF MARSH ROAD, AT 16303 MARSH ROAD, FROM NO ZONING (NZ) TO URBAN VILLAGE PLANNED UNIT DEVELOPMENT (UVPUD); PROVIDING FOR CERTAIN UVPUD REQUIREMENTS AND DESCRIBING THE DEVELOPMENT AS THE CROOKED LAKE PRESERVE URBAN VILLAGE PUD; PROVIDING FOR NON-SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE (*Crooked Lake*)

Acting City Attorney Conley read Ordinance 13-41 by title only. Community Development Director Williams stated that this property was formerly known as the Cra-Mar property. It is on Marsh Road and John's Lake and has been reviewed for compliance with the urban village planned unit development requirements. He noted that it is very similar to the Waterside project located to the west. It is a little different from the Hickory Hammock project that borders it on the east side. The property does meet all of the City's requirements and code. It has been reviewed by staff and the Planning and Zoning Board and both recommend approval subject to conditions as noted in the report.

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

Motion by Commissioner Buchanan to adopt Ordinance 13-41. Seconded by Commissioner Makin and carried unanimously 4-0.

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J. **Ordinance 13-44**: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING CERTAIN REAL PROPERTY GENERALLY DESCRIBED AS APPROXIMATELY 0.27± ACRES OF LAND LOCATED AT 55 NORTH DILLARD STREET, FROM R-2 (RESIDENTIAL DISTRICT) TO C-1 (CENTRAL COMMERCIAL DISTRICT); PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

Acting City Attorney Conley read Ordinance 13-44 by title only. Community Development Director Williams stated that this is an existing developed piece of property that the zoning does not match what the comprehensive plan is calling for in that area. Staff and the Planning and Zoning Board recommend approval to make the zoning consistent with the uses of the property and the intended future use.

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

Motion by Commissioner Makin to adopt Ordinance 13-44. Seconded by Commissioner Buchanan and carried unanimously 4-0.

3. **REGULAR BUSINESS**

A. **Recommendation to approve final plat for Covington Chase Phase 2-C**

Community Development Director Williams stated that staff has reviewed the plat against the preliminary plat and the prior approvals with conditions to the City codes. Staff recommends approval of the final plat.

Motion by Commissioner Buchanan to approve final plat for Covington Chase Phase 2-C with conditions (*see attached Exhibit A*). Seconded by Commissioner Makin and carried unanimously 4-0.

B. **Recommendation to approve the Crooked Lake Preserve Developer's Agreement**

Community Development Director Williams stated that this developer's agreement goes with the ordinance previously approved earlier in the meeting. The developer's agreement addresses a large number of issues and conditions on the property, including sharing the cost for extending the utilities and other such issues to insure that the City has a quality development. Staff recommends approval. He noted that he has given the City Clerk the original copy of the Joinder and Consent. He mentioned one change to Exhibit "B" that addresses the round-a-bout on Marsh Road; there have been some final clarifications that changes some of the dimensions. He asked that this sheet be changed in the report. Staff recommends approval of the development agreement with the changes he mentioned.

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Motion by Commissioner Buchanan to approve the Crooked Lake Preserve Developer's Agreement. Seconded by Commissioner Olszewski and carried unanimously 4-0.

C. **Recommendation to approve distribution of the awarded Justice Assistance Grant (JAG) of $10,481.00 to fund the Police Department's purchase of portable radios and accessories for the Police Explorers**

Police Chief Brennan stated that the Federal fiscal year 2013 Edward Byrne Memorial Justice Assistance Grant under the County wide State solicitation was earmarked for a number of funds to be used by Orange County Police agencies. He noted that since the agenda packet was issued this amount has been increased by $19,874. The police executives had a meeting and decided it was best to split these funds to the six smallest agencies: Belle Isle, Eatonville, Edgewood, Maitland, Oakland, and Windermere. It does not change the allotment of $10,481.00, which is earmarked for Winter Garden. He requested use of these funds for the purchase of radio equipment to be used by the City's Police Explorers.

At this time Mayor Rees opened the item for public comments; hearing and seeing none, he closed the matter for public comment.

Motion by Commissioner Olszewski to approve distribution of the awarded Justice Assistance Grant (JAG) of $10,481.00 to fund the Police Department's purchase of portable radios and accessories for the Police Explorers. Seconded by Commissioner Buchanan and carried unanimously 4-0.

Dispensed as the City Commission and convened as the Community Redevelopment Agency at 6:49 p.m.

Members Present: Chairman John Rees, Members Bob Buchanan, Kent Makin, and Robert Olszewski

Members Absent: Colin Sharman and Community Redevelopment Agency Advisory Board (CRAAB) Chairman Larry Cappleman

D. **Appointments to fill the expiring seats of Bob Battaglia, Charles Roper, Joy Knight-Bouler, and Alan Haughey; three year terms**

CRAAB Vice-Chairman Battaglia stated that the CRAAB is recommending the reappointment of Bob Battaglia, Charles Roper, Joy Knight-Bouler, and Alan Haughey.

Motion by Member Buchanan to reappoint Bob Battaglia, Charles Roper, Joy Knight-Bouler, and Alan Haughey. Seconded by Member Olszewski and carried 4-0.

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Adjourned as the Community Redevelopment Agency and reconvened as the City Commission at 6:50 p.m.

Commissioner Sharman arrived at this time.

E. **Appointments to fill expiring seats of Andy Crabtree, Wendy Byrd-Jung and Michael Morrissey on the Architectural Review and Historic Preservation Board; term is three years**

City Manager Bollhoefer stated that none of the applicants actually meet the requirements and staff would like to review the absenteeism records. He requested that this item be tabled until the next meeting.

Motion by Commissioner Buchanan to postpone appointments to fill expiring seats of Andy Crabtree, Wendy Byrd-Jung and Michael Morrissey on the Architectural Review and Historic Preservation Board; term is three years until next meeting. Seconded by Commissioner Makin and carried unanimously 5-0.

4. **MATTERS FROM CITIZENS**

Andy Bruns, 3 Palm Drive, Winter Garden, Florida, thanked Bob Buchanan for his attendance and invited the other City Commissioners to attend the Car Show event held every third Saturday of the month. Mr. Bruns thanked the merchants for their support and shared information on the sponsor's giveaways. He noted that it was not an easy job and shared about some of the required efforts to make this happen. He acknowledged and presented Officer Garcia with a plaque for showing up on his time off with his car which was number 192 in the show. Officer Garcia grabbed a lot of attention with his car and Mr. Bruns shared that he was proud of what Officer Garcia had done.

Police Chief Brennan noted that this was Officer Garcia's idea and commended him for coming out to the car show on his day off.

Officer Garcia shared his pride in this City and his thankfulness to the administration for allowing him to participate.

Mr. Bruns asked if the Police Chief could provide a police car in early November and December car shows as these are the months they collect toys for the needy. He asked, if possible, it be Officer Garcia but not on his own time.

Mr. Bruns asked the City Manager to relay a special thank you to the staff members responsible for putting up the barriers; noting that they were very prompt and wanted to be sure they were thanked.

5. **MATTERS FROM CITY ATTORNEY –** There were no items.

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6. **MATTERS FROM CITY MANAGER**

A. **Discussions on the Orange County ordinance on secondary metals recyclers**

City Manager Bollhoefer stated that the ordinance was distributed and that he would like to bring back a City ordinance for first reading at the next meeting. He explained that the ordinance requires that the items generally stolen by thieves for scrap metal be recorded by the scrapping yards. Also it requires electronic payments as a deterrent for those seeking fast cash.

- **Award for Landscaping**

City Manager Bollhoefer stated that another award has been won in Winter Garden. The Florida Chapter of American Society Landscape Architects has awarded the City's Pavilion area the Award of Merit.

- **Unity in the Community Day**

City Manager Bollhoefer requested permission to hold the Unity in the Community Day on August 10th in east Winter Garden. This event has been held several times in the past and he is asking for approval because it may require shutting down one street.

Commissioner Olszewski thanked Anthony Peterson, who was present in the audience, for his efforts in making this event happen.

Motion by Commissioner Olszewski to approve the Unity in the Community event for August 10, 2013 from 1:00 p.m. to 8:00 p.m. Seconded by Commissioner Makin and carried unanimously 5-0.

7. **MATTERS FROM MAYOR AND COMMISSIONERS**

Commissioner Makin thanked citizen Andy Bruns for his efforts in the car show event and commended him on his hard work, noting that it is a community event that brings a family atmosphere.

Commissioner Buchanan shared that he also felt that the car show was a success and shared in the excitement with the Police car, noting that it is not often one can stand by a police car with its lights flashing and take a picture of getting a hug from a police officer. He stated that it was fun and he enjoyed it.

Commissioner Olszewski thanked Andy Bruns for his efforts in the car show and also the City staff.

Commissioner Olszewski reminded everyone that the West Orange Back to School event will be held on Saturday, August 3rd, in conjunction with Tildenville, Oakland, and Orange County. He thanked Commissioner Scott Boyd, who was present in the audience and Commissioner Joseph McMullen for getting backpacks for the needy in the community. He noted that next year the City of Winter Garden will host this event.

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Commissioner Olszewski noted the little league team made it to the finals but lost to the same team as they did last year and congratulated them for making it to the end.

Commissioner Sharman thanked Andy Bruns for his efforts in the car show and expressed that even his boss likes Winter Garden who had the opportunity to eat at Chef's Table and see the car show.

Mayor Rees thanked Andy Bruns and Officer Garcia for their efforts in the car show. He expressed that is why he loves our town because of a great bunch of people here and employees and thanked them for all that they do.

The meeting adjourned at 7:12 p.m.

APPROVED:

_____
Mayor John Rees

ATTEST:

_____
City Clerk Kathy Golden, CMC

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THE CITY OF WINTER GARDEN

CITY COMMISSION AGENDA ITEM

From: Ed Williams, Community Development Director

Via: City Manager Mike Bollhoefer

Date: AUGUST 2, 2013 **Meeting Date:** AUGUST 8, 2013

Subject: **Garden Commerce Parkway (44.14+/- Acres)**
Winter Garden Commerce Center (REZONING-PID)
PARCEL ID # 24-22-27-9385-00-200, 24-22-27-9385-00-190, 24-22-27-9385-00-180, 24-22-27-9385-00-170, 24-22-27-9385-00-160, 24-22-27-9385-00-120, 24-22-27-9385-00-110, 24-22-27-9385-00-100, 24-22-27-0000-00-021, 24-22-27-9385-00-090, 24-22-27-9385-00-080, 24-22-27-9385-00-070, 24-22-27-9385-00-060, 24-22-27-9385-00-050, 24-22-27-9385-00-040, 24-22-27-9385-00-030, 24-22-27-9385-00-020, and 24-22-27-9385-00-010

Issue: Rezoning approximately a 44.14+/- acre portion of the Industrial Subdivision known as the Winter Garden Commerce Center from I-1 (Light Industrial and Warehousing District) to PID (Planned Industrial District).

Discussion: The applicant proposes to develop the 17 lots within the industrial subdivision and the 18+/- acres parcel on the south side of the platted subdivision as an industrial business park. The applicant has requested rezoning because they seek to allow outdoor storage within the subdivision. Under the current zoning of I-1 the properties are prohibited from having outdoor storage of materials.

Recommended Action:

Staff recommends approval of Ordinance 13-42, rezoning approximately 44.14+/- acres from I-1 to PID subject to the conditions of the attached staff report with second reading by City Commission to be held on August 22, 2013.

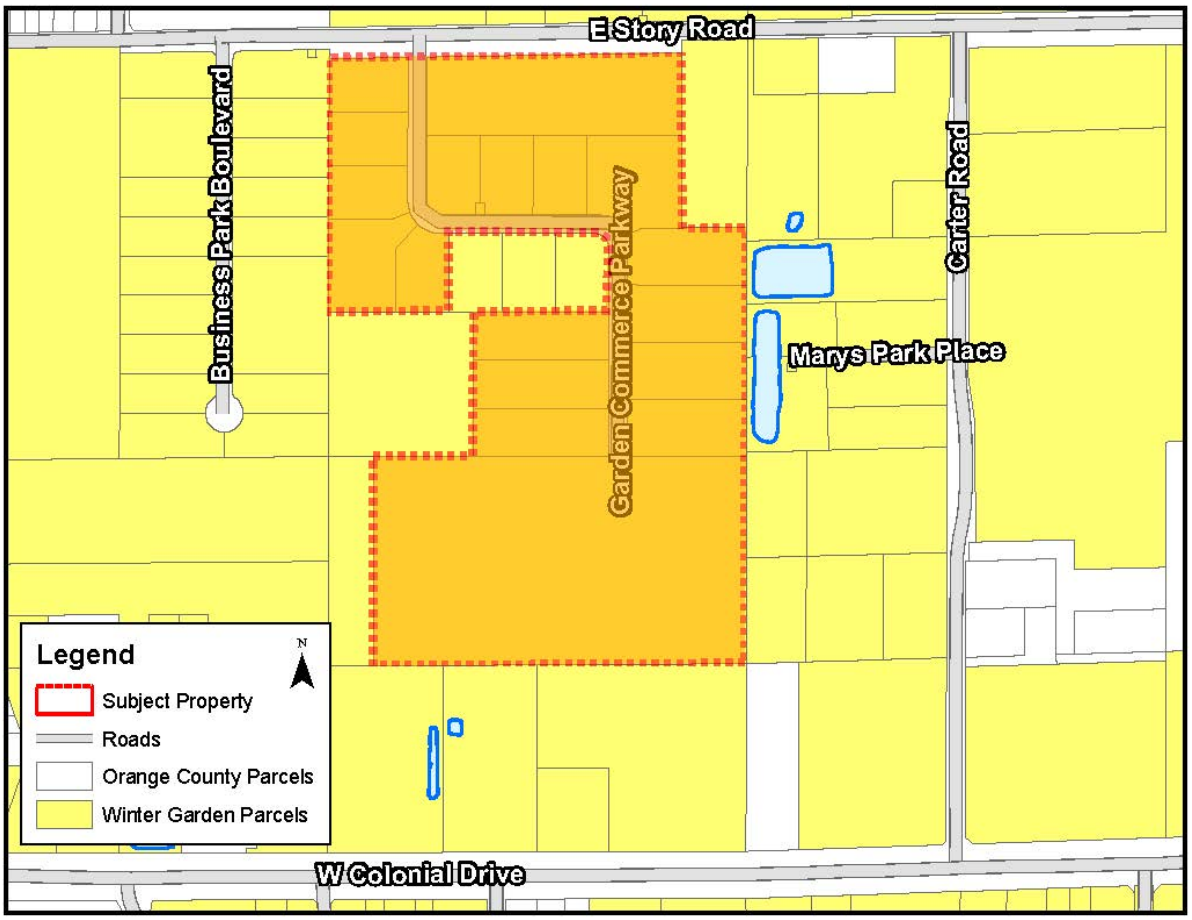
Attachment(s)/References:

Location Map
Staff Report
Ordinance 13-42

LOCATION MAP

Winter Garden Commerce Center

REZONING



ORDINANCE 13-42

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING CERTAIN REAL PROPERTY GENERALLY DESCRIBED AS APPROXIMATELY 44.14 ACRES OF LAND LOCATED GENERALLY SOUTH OF GARDEN COMMERCE PARKWAY AND EAST OF 9TH STREET AND WEST OF CARTER ROAD GENERALLY KNOWN AS THE WINTER GARDEN COMMERCE CENTER, FROM I-1 (LIGHT INDUSTRIAL AND WAREHOUSING DISTRICT) TO PID (PLANNED INDUSTRIAL DEVELOPMENT); PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, RBC Bank (USA), a North Carolina banking corporation as assignee from First National Bank of Central Florida (the "Owner") is the Owner of that certain parcel of real property located, being more particularly described on Exhibit "A" attached hereto and incorporated herein by this reference (the "Property"); and

WHEREAS, TSG Development, Inc., a Florida corporation ("Purchaser"), is the contract purchaser of the Property; and

WHEREAS, the Purchaser is authorized to act as agent for the Owner in connection with obtaining necessary approvals and permits for developing and operating the Property and executing agreements in connection therewith; and

WHEREAS, the Purchaser intends to develop a light industrial and warehousing center and other compatible uses (the "Project"); and

WHEREAS, the Owner and Purchaser desire to rezone the Property from I-1 (Light Industrial and Warehousing District) to PID (Industrial Planned Unit Development) in order to facilitate the development and operating of the Project; and

WHEREAS, pursuant to Section [118-961] of the City Code, a PID classification is appropriate when flexibility is needed to provide proper growth; and

WHEREAS, after public notice and due consideration of public comment, the City Commission of the City of Winter Garden hereby finds and declares the adoption of this Ordinance is necessary and appropriate to advance and serve the health, safety and general welfare of the citizens of Winter Garden, Florida and encourage proper development within the City; and

WHEREAS, the City Commission finds that based on competent, substantial evidence in the record, the rezoning approved by this Ordinance meets all applicable criteria for rezoning the Property to PID contained within the City of Winter Garden Comprehensive Plan and the Code

of Ordinances; and

WHEREAS, further, the City Commission finds that this Ordinance is consistent with the Comprehensive Plan.

NOW, THEREFORE,

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

SECTION 1. AUTHORITY. The City Commission of the City of Winter Garden has the authority to adopt this Ordinance pursuant to Chapters 163 & 166, Florida Statutes.

SECTION 2. REZONING. The zoning classification of the Property, as described in Exhibit "A" attached hereto, is hereby rezoned from I-1 to PID (Industrial Planned Unit Development) subject to the following conditions, provisions and restrictions:

(a) Applicability/Conflict. All development of or within the Property shall comply with and is subject to the requirements set forth in this Ordinance. Unless specifically identified in this Ordinance, all development on the Property identified in Exhibit "A" must comply with the general development standards of the I-1 light industrial and warehousing zoning district. Notwithstanding anything to the contrary herein, all development of or within the Property shall comply with and is subject to all requirements in the City Code, and ordinances, resolutions, and policies of the City. To the extent of any express conflicts between the express provisions of this Ordinance pertaining to permitted uses, special exception uses, prohibited uses, floor area ratio, architectural design criteria, architectural review, and signage and the City Code and ordinances, resolutions, and policies of the City, the requirements set forth herein shall apply. The Property shall comply with the terms, restrictions and conditions of the Declaration of Easements, Covenants, Conditions and Restrictions for Winter Garden Commerce Center recorded on October 31, 2008 at Official Records Book 9783, Page 6573, *et. seq*., Public Records of Orange County, Florida (the "Declaration"). To the extent of a conflict between the provisions of the Declaration and this Ordinance, the more restrictive provisions as determined by the City shall control and govern against the Property and shall be enforceable by the City. It being the express intent of the City Commission that such City Code and ordinances, resolutions, and policies of the City shall address and control over other matters not expressly provided for in this Ordinance.

(b) Intent. This Ordinance is intended to provide flexibility in the development of the Property in order to provide for proper growth and to guide development and construction in an integrated approach in order to promote an enjoyable, aesthetically pleasing, pedestrian friendly and economically thriving industrial development.

(c) Permitted Uses. The following uses and structures are permitted on the Property:

(i) Warehousing, wholesaling, and storage facilities within

enclosed structures.
(ii) Light manufacturing, processing, and assembly, including precision manufacturing, electrical machinery, instrumentation, and similar uses.
(iii) Research and development facilities, provided that all activities are within an enclosed structure.
(iv) Public utility equipment and facilities.
(v) Commercial Garages, excluding service or repair of passenger automobiles for the public.
(vi) Professional and business offices.

(d) Accessory Uses and Structures. The following accessory uses and structures are permitted on the Property in conjunction with legally operating permitted principal uses:

(i) Customary accessory uses clearly incidental and subordinate to one of the principal uses.
(ii) Retail sales of products manufactured and/or processed on the premises of a principal use.
(iii) Offices clearly accessory to one or more principal uses.
(iv) Outside display or storage on the premises of a principal use; provided, however, the design and improvement criteria set forth in the following subsection (e) shall apply to any areas used for such outside display or storage.

(e) Outside Display and Storage Criteria. The following design and improvement criteria shall apply to areas which are used for outside display or storage:

(i) Criteria. All areas used for outside display or storage areas shall have designed, constructed and placed along such boundary line a wall with a height of six feet (6') designed to achieve screening with a one hundred percent (100%) opacity. Examples of such screening are set forth on Exhibit B. Items stored outside shall not be stored in such a way to cause them to be visible from adjacent properties or from any public right-of-way or private roadway.

(A) *Walls.* Walls shall conform to the following requirements:
(a)Walls shall be six feet (6') in height;
(b)Walls may be constructed of concrete block (stuccoed or painted), brick, masonry, stone, prefabricated concrete fence panel; and
(c) If security fencing, it shall be placed on the interior side of the wall.

(B) *Landscape.* In the event the outside storage exceeds the height of the wall (as explained above); a landscape buffer shall be used in conjunction with the wall to provide appropriate screening. Options for plant material and

spacing along the wall are as follows:
(a) Canopy Trees – 1 per 50 feet, minimum plant size shall be 12 feet – 14 feet at time of planting (Laurel Oak, Shumard Oak, Live Oak, Magnolia, or other material sufficient to screen the proposed outdoor storage)
(b) Understory Trees – 2 per 50 feet, minimum plant size shall be 8 feet – 10 feet at time of planting (Loquat, Holly, Elm, Crape Myrtle, Ligustrum, Wax Myrtle)

(C) Materials, merchandise, equipment and any other items stored outdoors on a specific lot shall not exceed a maximum height of twenty (20) feet or five (5) feet lower than the principal structure, whichever is less.

(f) Special Exception Uses. The uses permitted as special exceptions are as follows:

(i) Mini storage warehouse facilities and dwelling unit for caretaker or watchman employed on the premises.
(ii) Vocational and trade schools when adequate parking is provided.

(g) Prohibited Uses and Structures. The uses and structures prohibited are as follows:

(i) Residential uses, except as provided under subsection (f)(i) above for a special exception use.
(ii) Motels, hotels, roominghouses.
(iii) Concrete, block, and asphalt plants including batch plants.
(iv) Automobile junkyards, scrap yards, and salvage yards.
(v) Any use deemed objectionable by the City because such use may be noxious or injurious because of the production or emission of dust, smoke, refuse matter, odor, gas, fumes, noise, vibration or similar substances or conditions, or any combination of thereof.
(vi) Storage of liquefied petroleum products and petrochemical products.
(vii) Pain management clinics.
(viii) Massage establishments.
(ix) Offsite signs and billboards.
(x) Adult entertainment establishments, adult dancing establishments, adult bookstores, adult motion picture theaters, adult arcades and the production, storage or sale of adult materials, or any combination thereof.
(xi) Any use not specifically permitted or allowed by a special exception use by this Ordinance.

(h) Building Architectural Standards. All buildings and structures under the PID shall conform to the following standards (examples of the Building Architectural Standards

can be evidenced in Exhibit C):

(i) Building elevations facing a right-of-way. Any building elevation that fronts a right-of-way (either within the Property or outside of the Property) shall be constructed of one or more of the following materials: concrete block (stuccoed or painted), split faced concrete block, brick, masonry, EIFS, stone, prefabricated metal panels, (as long as they are combined with decorative reveals as evidenced in Section (i)(ii) below); or any other similar building material deemed compatible by the City Planner.

(A) *Architectural details.* Building elevations facing a right-of-way shall include one or more of the following architectural details:

(a) Combination of materials;
(b) Glass entryway;
(c) Decorative wall reveal;
(d) Decorative awning(s);
(e) Elevated or tiered parapet wall; and/or
(f) Decorative cornice(s).

(ii) Building elevations facing side yards. Any building elevation that faces the side yard may be constructed of one or more of the following materials: painted concrete block, split faced concrete block, stucco, masonry, EIFS, painted prefabricated metal panels or any other similar material. Any building elevations constructed of painted, prefabricated metal panel shall include a minimum of eight feet (8') of concrete block, split faced block or masonry at the base of the elevation. However, if elevations facing side yards will be visible from the right-of-way following development of adjacent lot(s) then the building architectural standards identified in paragraph (i) above shall apply.

(iii) Building elevations facing rear yards. Any building elevation that faces the rear yard may be constructed of one or more of the following: materials: painted concrete block, stucco, masonry, EIFS, painted prefabricated metal panels or any other similar material.

(i) Landscape design standards for each individual lot shall comply with the landscape design standards for specified commercial corridors in accordance with Chapter 118, Article X, Division 3 of the City of Winter Garden Code of Ordinances with the modifications shown in the attached Exhibit D.

(j) Expiration/Extension. Expiration of this PID shall be governed in accordance with Section 118-830, City of Winter Garden Code of Ordinances. Time extensions may be granted in accordance with Section 118-829, City of Winter Garden Code of Ordinances.

(k) Amendments. Minor amendments to this Ordinance will be achieved by Resolution of the City Commission of the City of Winter Garden. Major amendments to this Ordinance will require approval of the City Commission of the City of Winter Garden by Ordinance.

SECTION 3. Zoning Map. The City Planner is hereby authorized and directed to revise the Official Zoning Map of the City of Winter Garden in order to incorporate the rezoning enacted by this Ordinance.

SECTION 4. Effective Date. This Ordinance shall become effective upon its approval by the City Commission.

SECTION 5. Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Commission declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, despite the fact that any one or more of section, subsection, sentence, clause, phrase or portion would be declared invalid or unconstitutional.

FIRST READING AND PUBLIC HEARING: _____

SECOND READING AND PUBLIC HEARING: _____

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

EXHIBIT "A" - PROPERTY LEGAL DESCRIPTION

LOTS 1 – 12, 16 – 20, AND TRACT A OF THE WINTER GARDEN COMMERCE CENTER PHASE I, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 72, PAGES 133 AND 134, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

THE ADDRESSES FOR ABOVE LOTS ARE AS FOLLOWS: 621, 661, 671, 681, 691, 695, 700, 711, 721, 731, 720, 730, 710, 660, 650, 640, 630 & 620 GARDEN COMMERCE PKWY, WINTER GARDEN, FL 34787.

AND

Legal Description for the 18.08 acres of Winter Garden Commerce Center Phase II

PARCEL 1:

THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 24, TOWNSHIP 22 SOUTH, RANGE 27 EAST AND THE EAST 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 24, TOWNSHIP 22 SOUTH, RANGE 27 EAST, LESS THE NORTH 30, FEET THEREOF FOR ROAD RIGHT OF WAY; LESS THE EAST 208.73 FEET OF THE NORTH 626.16 FEET OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 24, TOWNSHIP 22 SOUTH, RANGE 27 EAST, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; LESS AND EXCEPT THE SOUTH 132 FEET OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 24, TOWNSHIP 22 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA, LESS ROAD RIGHT OF WAY ON EAST.

PARCEL 2:

THAT PORTION OF THE NORTHWEST QUARTER (NW 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 24, TOWNSHIP 22 SOUTH, RANGE 27 EAST LYING NORTH OF A LINE 257.68 FEET SOUTH OF AND PARALLEL TO THE NORTH LINE OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 24, TOWNSHIP 22 SOUTH, RANGE 27 EAST; LESS THE NORTH 30 FEET THEREOF FOR ROAD RIGHT OF WAY.

PARCEL 3:

THAT PORTION OF THE NORTHWEST QUARTER (NW 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 24, TOWNSHIP 22 SOUTH, RANGE 27 EAST, LYING SOUTH OF A LINE 257.68 FEET SOUTH OF AND PARALLEL TO THE NORTH LINE OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 24, TOWNSHIP 22 SOUTH, RANGE 27 EAST.

PARCEL 4:

THAT PART OF THE SOUTHWEST 1/4 OF SECTION 24, TOWNSHIP 22 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE SOUTH 1/4 CORNER OF SAID SECTION 24; THENCE RUN N.00°03'40"E. ALONG THE EAST LINE OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 24 A DISTANCE OF 75.00 FEET FOR A POINT OF BEGINNING, SAID POINT BEING ON THE NORTH RIGHT OF WAY LINE OF COLONIAL DRIVE (STATE ROAD NO. 50); THENCE RUN S.89°57'06"W. ALONG SAID NORTH RIGHT OF WAY LINE, BEING 75.00 FEET NORTH OF AND PARALLEL WITH WHEN MEASURED PERPENDICULAR TO THE SOUTH LINE OF SAID SECTION 24, A DISTANCE OF 334.01 FEET; THENCE RUN N.00°03'40"E. ALONG A LINE PARALLEL WITH THE EAST LINE OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 24 A DISTANCE OF 1266.49 FEET TO A POINT ON THE NORTH LINE OF THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF SAID SECTION 24; THENCE RUN N.89°33'22"E. ALONG THE NORTH LINE OF THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF SAID SECTION 24 A DISTANCE OF 334.02 FEET TO THE NORTHEAST CORNER OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 24; THENCE RUN S.00°03'40"W. ALONG THE EAST LINE OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 A DISTANCE OF 1288.80 FEET TO THE POINT OF BEGINNING.

PARCEL 6:

THAT PART OF SOUTHWEST 1/4 OF SECTION 24, TOWNSHIP 22 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE SOUTH 1/4 CORNER OF SAID SECTION 24; THENCE RUN NORTH 00 DEGREES 03'40" EAST ALONG THE EAST LINE OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 24 A DISTANCE OF 75 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF COLONIAL DRIVE (STATE ROAD NO. 50); THENCE RUN SOUTH 89 DEGREES 57'06" WEST ALONG SAID NORTH RIGHT OF WAY LINE BEING 75.00 FEET NORTH OF AND PARALLEL WITH WHEN MEASURED PERPENDICULAR TO THE SOUTH LINE OF SAID SECTION 24 A DISTANCE OF 334.01 FEET; THENCE RUN NORTH 00 DEGREES 03'40" EAST 520.268 FEET TO THE POINT OF BEGINNING; THENCE RUN SOUTH 89 DEGREES 57'06" WEST A DISTANCE OF 232.836 FEET; THENCE RUN NORTH 00 DEGREES 03'40" EAST A DISTANCE OF 744.62 FEET ALONG A LINE PARALLEL WITH THE EAST LINE OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE SAID SECTION 24, TO A POINT ON THE NORTH LINE OF THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF THE SAID SECTION 24; THENCE RUN NORTH 89 DEGREES 33'22" EAST ALONG THE NORTH LINE OF THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF THE SAID SECTION 24 A DISTANCE OF 232.836 FEET; THENCE RUN SOUTH 00 DEGREES 03'40" WEST A DISTANCE OF 746.224 FEET TO THE POINT OF BEGINNING.

PARCEL 7:

THAT PART OF THE SOUTHWEST 1/4 OF SECTION 24, TOWNSHIP 22 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE SOUTH 1/4 CORNER OF SAID SECTION 24; THENCE RUN N 00°03'40" E. ALONG THE EAST LINE OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 24 A DISTANCE OF 75.00 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF COLONIAL DRIVE (STATE ROAD 50); THENCE RUN S 89°57'08"W. ALONG SAID NORTH RIGHT OF WAY LINE BEING 75.00 FEET NORTH OF AND PARALLEL WITH WHEN MEASURED PERPENDICULAR TO THE SOUTH LINE OF SAID SECTION 24 A DISTANCE OF 334.01 FEET FOR A POINT OF BEGINNING; THENCE CONTINUE S 89°57'06" W. ALONG SAID LINE A DISTANCE OF 333.70 FEET; THENCE RUN N 00°04'63" E. ALONG THE WEST LINE OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 24 A DISTANCE OF 520.266 FEET THENCE RUN EAST 333.70 FEET; THENCE RUN S 00°03'40" WEST A DISTANCE OF 520.266 FEET TO THE P.O.B.

LESS AND EXCEPT:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN THE SOUTHWEST 1/4 OF SECTION 24, TOWNSHIP 22 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE SOUTH 1/4 CORNER OF SAID SECTION 24; THENCE RUN N. 00°03'40" E., ALONG THE EAST LINE OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 24, A DISTANCE OF 75.00 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF COLONIAL DRIVE (STATE ROAD 50); THENCE RUN S.89°57'06"W., ALONG SAID NORTH RIGHT OF WAY LINE, BEING 75.00 FEET NORTH OF AND PARALLEL WITH WHEN MEASURED PERPENDICULAR TO THE SOUTH LINE OF SAID SECTION 24, A DISTANCE OF 437.65 FEET TO THE POINT OF BEGINNING: THENCE CONTINUE S.89°57'06"W., ALONG SAID NORTH RIGHT OF WAY LINE A DISTANCE OF 230.00 FEET TO A POINT ON THE WEST LINE OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF

SAID SECTION 24; THENCE RUN N.00°06'16"E., ALONG SAID WEST LINE A DISTANCE OF 265.00 FEET; THENCE RUN N.89°57'06"E., A DISTANCE OF 230.00 FEET; THENCE RUN S.00°06'16"W., A DISTANCE OF 265.00 FEET TO THE NORTH RIGHT OF WAY LINE OF COLONIAL DRIVE (STATE ROAD 50) AND THE POINT OF BEGINNING.

LESS THE FOLLOWING PARCELS (AS WRITTEN BY SURVEYOR):

LESS OUT #1:

COMMENCE AT THE SOUTH 1/4 CORNER OF SECTION 24, TOWNSHIP 22 SOUTH, RANGE 27 EAST; THENCE RUN N00°03'40"E ALONG THE EAST LINE OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 24, 75.00 FEET TO THE POINT OF BEGINNING, SAID POINT BEING ON THE NORTH RIGHT OF WAY LINE OF COLONIAL DRIVE (STATE ROAD NO. 50); THENCE RUN S89°57'06"W ALONG SAID NORTH RIGHT OF WAY LINE BEING 75.00 FEET NORTH OF AND PARALLEL WITH WHEN MEASURED PERPENDICULAR TO THE SOUTH LINE OF SAID SECTION 24, A DISTANCE OF 437.65 FEET; THENCE RUN N00°03'28"E, 265.00 FEET; THENCE RUN S89°57'06"W, 230.00 FEET TO A POINT ON THE WEST LINE OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 24; THENCE RUN N00°04'53"E ALONG SAID WEST LINE, 329.47 FEET TO THE NORTHWEST CORNER OF SAID SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 24; THENCE RUN N89°45'14"E ALONG THE SOUTH LINE OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 24, 667.13 FEET TO THE NORTHEAST CORNER OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 30; THENCE RUN S00°03'40"W ALONG SAID EAST LINE OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 24, 596.85 FEET TO THE POINT OF BEGINNING.

ALSO LESS AND EXCEPT:

ALL OF WINTER GARDEN COMMERCE CENTER PHASE 1, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 77, PAGES 133 END 134, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

EXHIBIT “B” – EXAMPLES OF 100% OPACITY SCREENING

Example 1

Example 2

Example 3

Example 4

Example 5

EXHIBIT “C” – EXAMPLES OF BUILDING ELEVATIONS

Example 1

Example 2

EXHIBIT “D” – EXCEPTIONS TO CHAPTER 118, ARTICLE X, DIVISION 3

Sec. 118-1522. - Building open areas.

~~(4) Landscaping shall be required around the perimeter of large strip commercial centers or "big box" structures with a continuous building length of at least 250′—0″ along the primary street frontage as follows:~~

~~a. Rear/service area does not require planting.~~

~~b. The remaining three sides of building perimeter shall include a 5′—0″ minimum continuous sidewalk as well as landscape planter areas along at least 60 percent of that linear distance.~~

~~c. The required 60 percent landscape coverage shall be in at-grade or raised planters at least 5′—0″ deep and 5′—0″ wide. Raised planters shall not exceed 24″ overall height.~~

~~d. Planters may be located along building edge, or along street, drive or parking edge. Planters along head-in parking shall be located at least 2′-0″ clear from edge of curb to allow for continuous pedestrian access without stepping in landscape area.~~

~~e. All required planters shall be planted 100 percent with shrubs and groundcovers. Sod is prohibited.~~

~~f. An average of one canopy tree per 50 linear feet shall be required for the remaining three sides of building perimeter. Trees may be placed in planter areas.~~

Sec. 118-1523. - Landscape buffer along public streets.

~~STATE ROAD 50~~RIGHT-OF-WAY FRONTAGE BUFFER REQUIREMENTS:

Canopy Trees (per 70 LF)	One per 70 linear feet (LF) or fraction thereof.		
Buffer width (ft.)		15′	10′
CAL		~~3.5~~3″	~~4~~ 3″
Height		13′-0″	~~14~~ 13′-0″
Container size		65 gal.	~~100~~ 65 gal.
Understory trees (per 100 LF)	Three per 100 linear ft.		
Buffer width (ft.)		15′	10′
Tree height (ft.)		11′-0″	11′-0″
Container size		30 gal.	65 gal.
Buffer width (ft.)		15′	10′
Shrub screen (per 100 LF) Quantity of shrubs	(33) three-gallon plants, per 100 linear feet; a continuous hedge at least ~~36~~ 24 inches high at time of planting to create a continuous landscape screen with a 90 percent opacity within one year of planting.		
Container size	3 gal.		
Groundcovers (per 100 LF)			
# of plants	As needed in combination with shrubs to meet total required landscaped area percentage.		
Container size	1 gal.		
Total required % landscaped area (shrubs & groundcovers vs. sod)		50%	75%

Sec. 118-1524. - Landscape buffers between parcels.

Table 3.4.1 - Rear Yard Landscape Buffer Requirements

Canopy Trees (per 100 LF)	2 per 100 linear feet.
Tree CAL/height	2″ cal, ~~12~~11′ overall height
Container size	30 gal.
Understory trees (per 100 LF)	Three per 100 linear feet.
Tree CAL/Height	1½″-2″ cal, 7′ overall height
Container size	15 gal.
Shrub screen (per 100 LF) Quantity of shrubs	(33) three-gallon plants, 24″ minimum at installation to create 36″—42″ high by 36″-wide hedge or continuous landscape screen with 90 percent opacity within one year of planting.
Container size	3 gal.

Table 3.4.2 - Side Yard Landscape Buffer Requirements

Canopy Trees (per 50 LF)	1 canopy tree per 50 linear feet
Tree CAL/height	3″ cal, ~~12~~11′ overall height
Container size	30 gal.
Shrub screen (per 50 LF) Quantity of shrubs	(33) three-gallon plants, a minimum ~~36~~24″ continuous hedge or landscape screen at time of planting with 90 percent opacity within one year of planting.
Container size	3 gal.

Sec. 118-1529. - Storage areas and site utilities.

(a) All storage or dumpster/solid waste areas**, except when permitted to be located within an outside display and storage area as described by Ordinance13-42,** shall be designed with a six-foot masonry wall. The wall shall be of a decorative "split face" concrete masonry, "Norman" brick or standard concrete masonry clad with painted stucco or other masonry veneer. The wall shall include a continuous cap feature and closing gate.

(b) In addition to the masonry enclosure, storage and dumpster/solid waste areas shall be treated with a 24-inch high planted hedge that shall reach 36″—42″ height and 90 percent opacity within one year.

(c) Other above-ground utility elements such as pull boxes, transformers, and backflow preventers shall be located and designed to permit convenient maintenance access, painted dark green and screened with a 24-inch planted hedge that shall reach 36″—42″ height and 90 percent opacity within one year.

(d) Long-term storage containers are prohibited unless located on a parcel with a fully screened masonry or brick enclosure designed and constructed for that purpose.

CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

STAFF REPORT

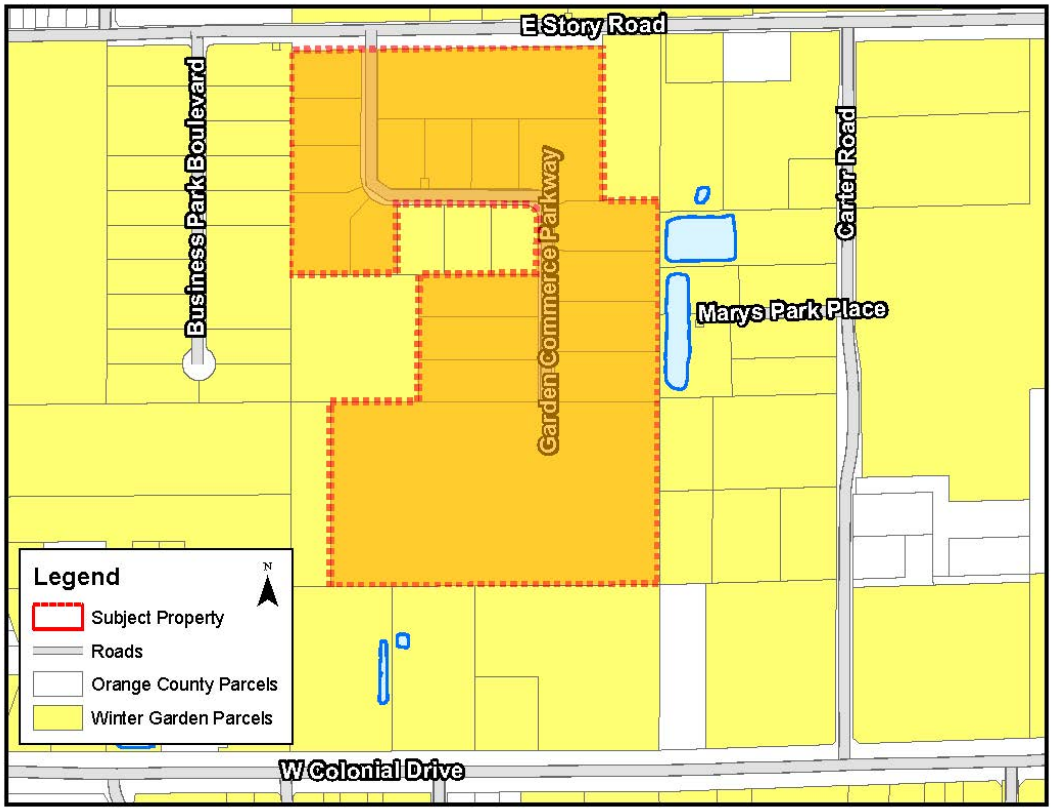
TO: PLANNING AND ZONING BOARD
PREPARED BY: LAURA SMITH, SENIOR PLANNER
DATE: AUGUST 1, 2013
SUBJECT: REZONING – WINTER GARDEN COMMERCE CENTER
Garden Commerce Pkwy (44.14+/- ACRES)
PARCEL ID #

APPLICANT: PNC Bank, National Association

INTRODUCTION

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

The subject properties, located on the Garden Commerce Parkway on the south side of Story Road, are approximately 44.14± acres. The map below depicts the location of the subject property within the City of Winter Garden municipal limits.



The applicant is requesting to rezone 44.14± acres of land. The subject property is located within the City of Winter Garden municipal limits, and carries the zoning designation I-1 (Light Industrial and Warehousing District). The subject property is designated Multi Office Industrial on the Future Land Use Map of the City's Comprehensive Plan and is located within the Story Road Industrial Activity Center (see attached map).

EXISTING USE

The subject properties were partially platted into an industrial subdivision of 20 lots, 17 of which are included in the proposed rezoning in addition to an 18 acre parcel which is a future phase of the partially platted industrial subdivision. The platted portion of the properties has been improved with roads, stormwater retention and utilities however the 18 acre parcel has not been improved. All lots including the 18 acre parcel are presently vacant with no existing structures.

The subdivision is also subject to the Covenants, Conditions and Restriction of the Winter Garden Commerce Center which were established and recorded with the platting of the 20 lots. The Covenants, Conditions and Restrictions were put in place to ensure higher standards of development for the subdivision through building and use restrictions.

ADJACENT LAND USE AND ZONING

The properties located on the north side of the subject properties are an orange grove with a single family home which is zoned C-2 in the City of Winter Garden and an I-1 zoned property containing approximately a 100,000 square feet of industrial manufacturing and warehousing. The properties located to the south of the subject properties are all zoned C-2 in the City of Winter Garden, one contains a 33,000 square foot building occupied by Quality Health Care, another is occupied by Independence RVs, and the third is a 7.73+/- acre vacant unimproved property. The properties located to the east of the subject properties are zoned I-2 within the City of Winter Garden and include 5 properties which are all developed and operating industrial manufacturing and warehouse type businesses. The properties located to the west of the subject properties are zoned I-1 in the City of Winter Garden, 8 of the neighboring properties are developed and operating light manufacturing and warehousing type businesses and 2 of the neighboring properties are vacant unimproved property.

Within the subject industrial subdivision there are 3 lots which are not owned by the applicant and are not included in the properties proposed for rezoning, those properties are vacant and do not contain any buildings and are zoned I-1 within the City of Winter Garden.

PROPOSED USE

The applicant proposes to develop the 17 lots within the industrial subdivision and the 18+/- acres parcel on the south side of the platted subdivision as an industrial business park. The applicant has requested rezoning because they seek to allow outdoor storage within the subdivision. Under the current zoning of I-1 the properties are prohibited from having outdoor storage of materials.

The applicant proposes rezone the properties to PID (Industrial Planned Unit Development) to include outdoor storage as a permitted use with specific screening and buffering regulations which include walls and landscape material with limitations on the maximum height of materials

stored outdoors. Additionally, the applicant has prohibited uses such as automobile repair to insure that the subdivision functions as an industrial business park and not a heavy industrial corridor.

PUBLIC FACILITY ANALYSIS

Potable Water, Reclaimed Water, and Wastewater Services

The proposed development will be served by and required to connect to City of Winter Garden water, wastewater, and reclaimed water which are available and have adequate capacity to serve the proposed development. At such time that each property is developed, all necessary utility connections will be made, all connection costs shall be borne by the property owner.

Stormwater

The stormwater retention/detention facilities designed to service the proposed development have been constructed and meet the LOS Standards stated in Policy 4-1.1.1 of the Public Facilities Element included in the City of Winter Garden Comprehensive Plan. In addition, the unimproved 18+/- acres parcel will also be required to comply with the LOS standards referenced above and all additional stormwater facilities will be designed in accordance with St. Johns River Water Management District and City of Winter Garden requirements.

Transportation

The subdivision is limited to a single access point on Story Road and access points to all lots within the subdivision will be from Garden Commerce Parkway.

Other Services

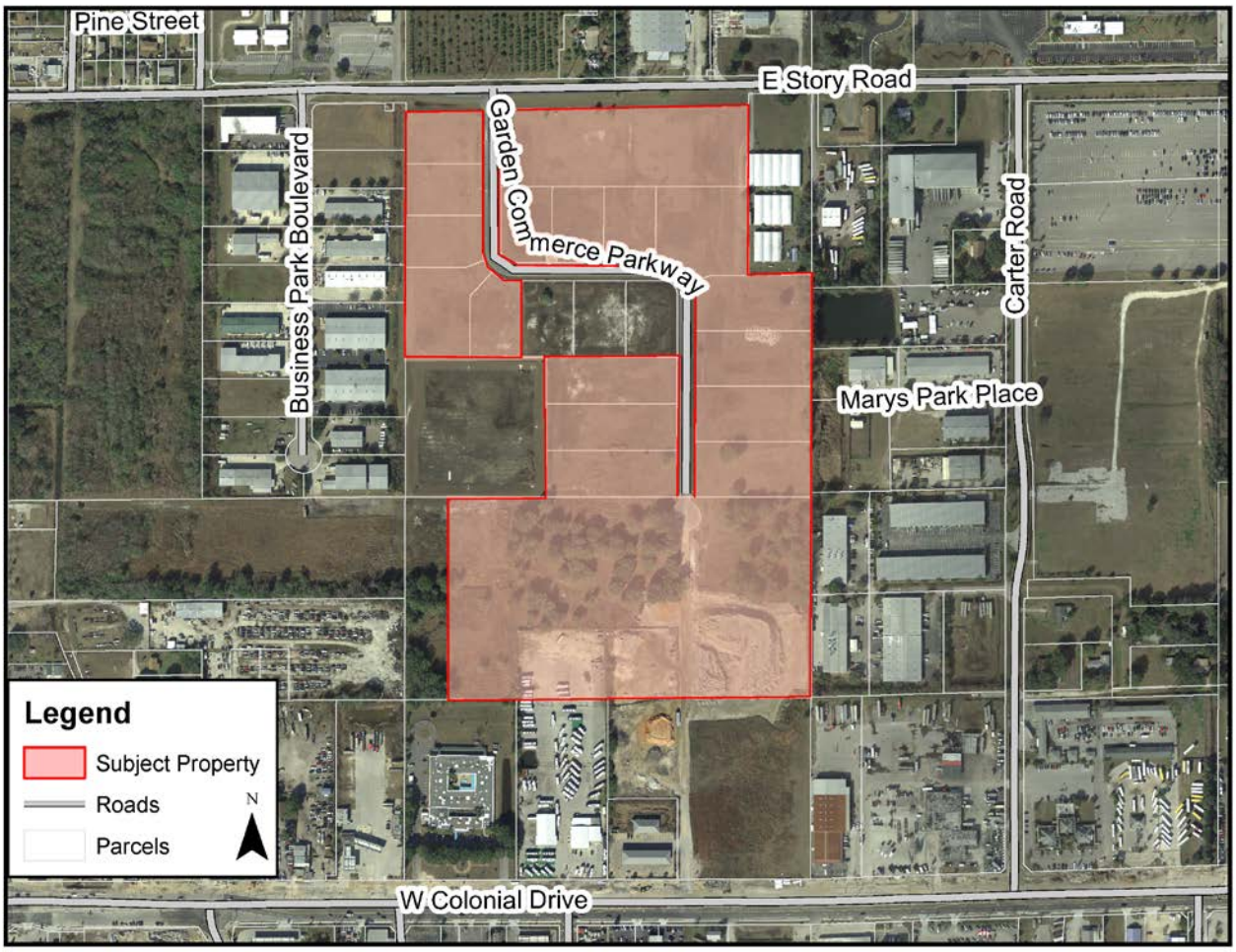
The City will provide garbage collection, police protection, and all other services regularly provided to City of Winter Garden residents including building permits. The property will be served by both Orange County Fire and Rescue and the City of Winter Garden Fire Department under the First Response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

SUMMARY

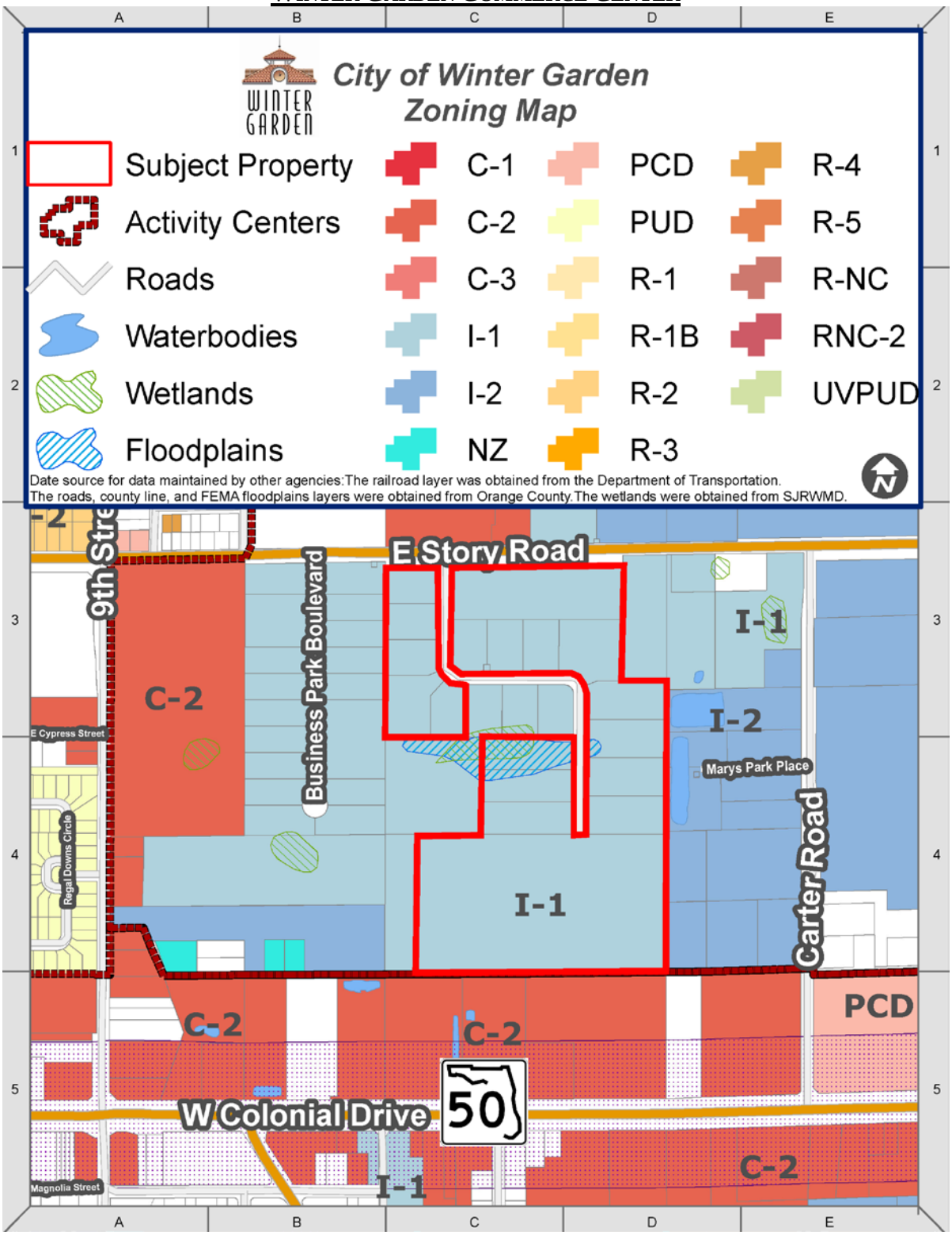
City Staff recommends approval of the proposed Ordinance subject to the conditions and restrictions contained within Ordinance 13-42 and other City development codes and regualtions. Rezoning the subject property form City I-1 to City PID is consistent with the Future Land Use Map of the City's Comprehensive. The proposed PID is consistent with surrounding development in the area and is compatible with the uses in the surrounding area. The proposed development of the subject property is consistent with the goals, objectives and policies of the City's Comprehensive Plan and land development regulations.

MAPS

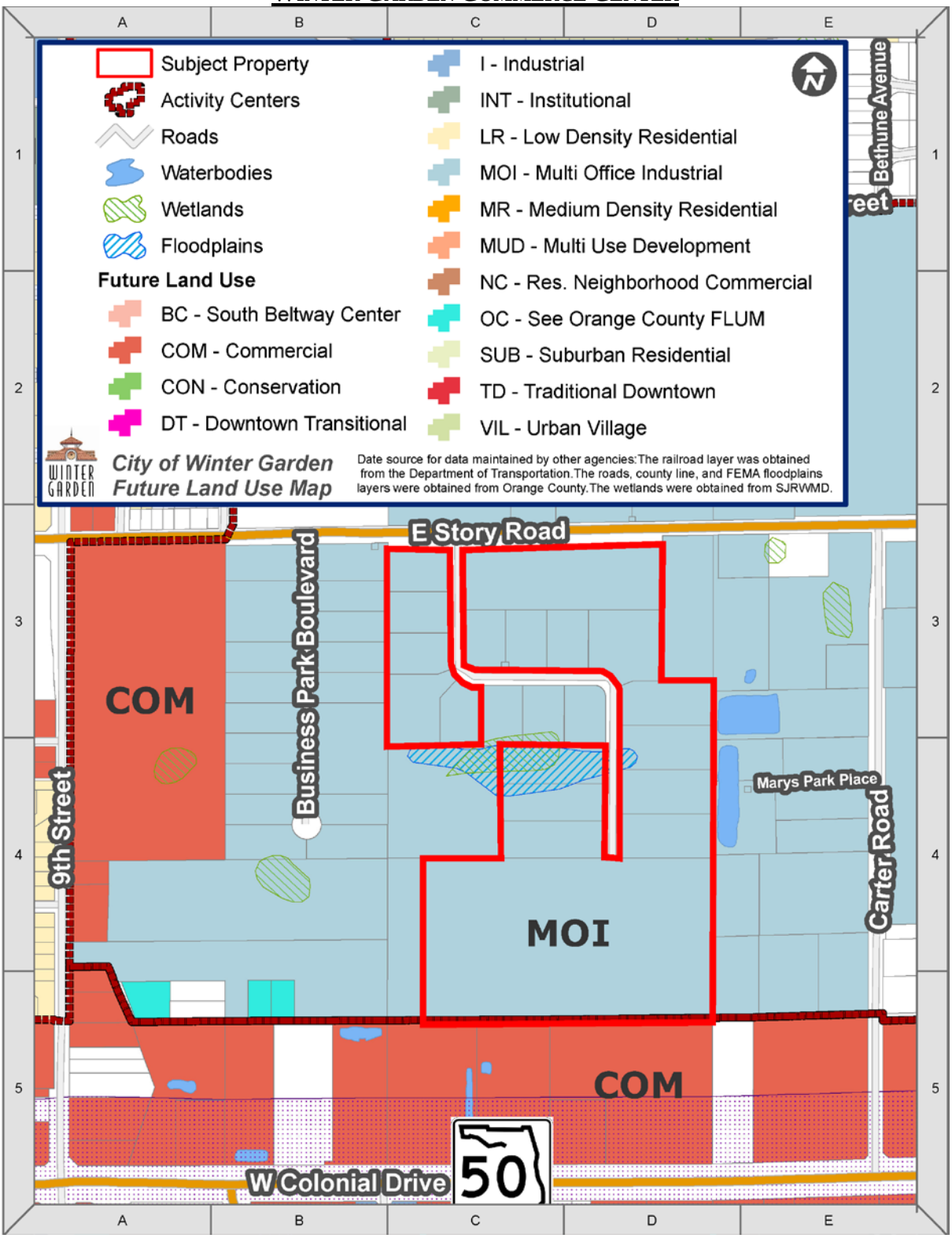
AERIAL PHOTO
WINTER GARDEN COMMERCE CENTER



ZONING MAP
WINTER GARDEN COMMERCE CENTER



FUTURE LAND USE MAP
WINTER GARDEN COMMERCE CENTER



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: July 31, 2013 **Meeting Date:** August 8, 2013

Subject: 750 S PARK AVENUE
DELOACH ANNEXATION
ORDINANCE 13-45
ORDINANCE 13-46
ORDINANCE 13-47
PARCEL ID# 22-22-27-1084-01-150

Issue: The applicant is requesting Annexation, Future Land Use designation, and initial Zoning for the property located at 750 S. Park Avenue.

Discussion:

The City encourages infill of its jurisdictional limits through voluntary annexation of enclaves. The subject property makes up a 0.22 ± acre enclave generally located on the west side of S Park Avenue, north of Jackson Street and south of W Story Road. The applicant has requested Annexation into the City, Amendment to the Future Land Use Map of the City's Comprehensive Plan to designate the property as Low Density Residential, and initial zoning of R-2. (See attached Staff Report).

Recommended Action:

Staff recommends approval Ordinance 13-45, Ordinance 13-46, and Ordinance 13-47 with the second reading scheduled for August 22, 2013.

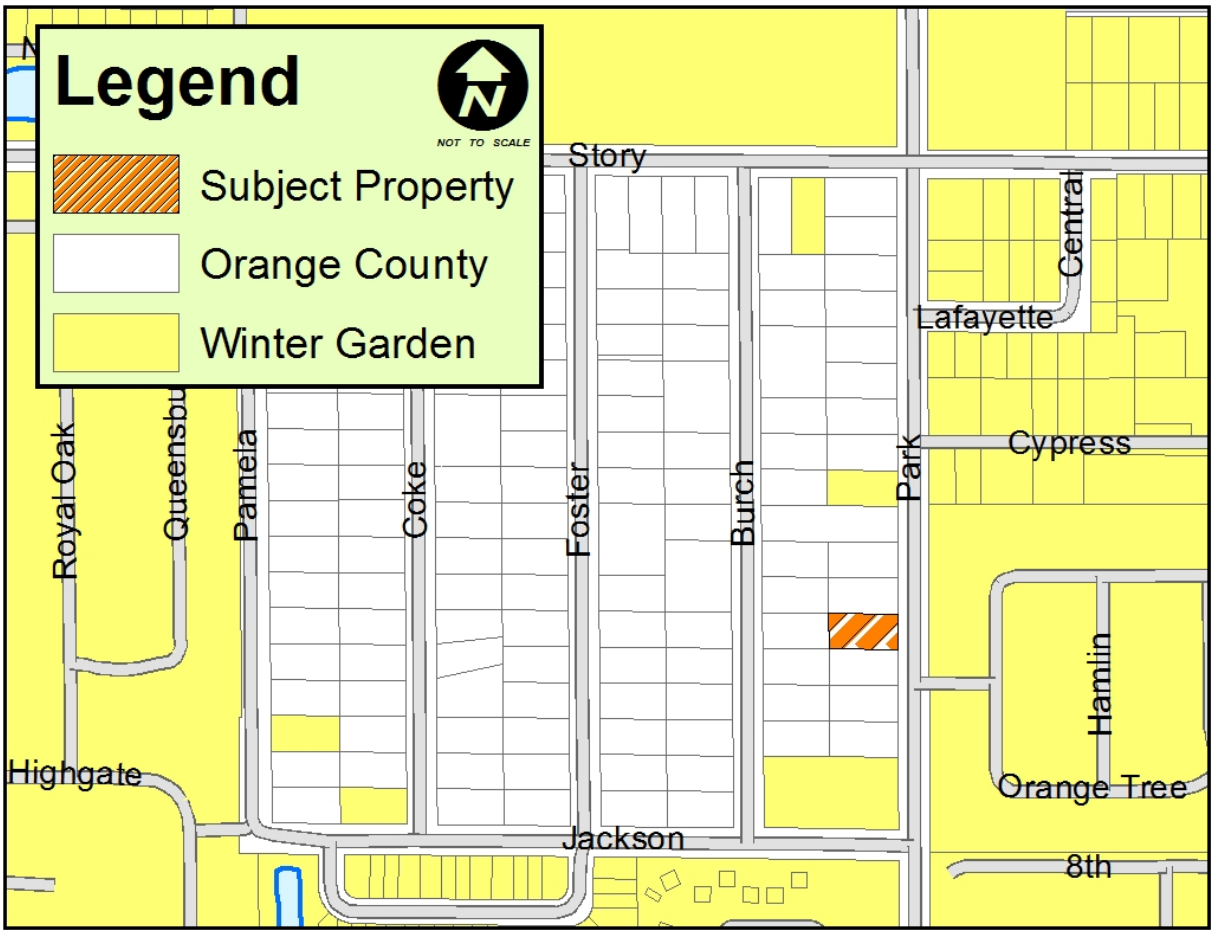
Attachment(s)/References:

Location Map
Ordinance 13-45
Ordinance 13-46
Ordinance 13-47
Staff Report

LOCATION MAP

750 Park Ave

<u>Annexation/Zoning/FLU Amendment</u>



ORDINANCE 13-45

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.24 ± ACRES LOCATED AT 750 SOUTH PARK AVENUE ON THE WEST SIDE OF SOUTH PARK AVENUE, NORTH OF JACKSON STREET AND SOUTH OF WEST STORY ROAD INTO THE CITY OF WINTER GARDEN FLORIDA; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner of the land, generally described as approximately 0.24 ± acres located at 750 South Park Avenue on the west side of South Park Avenue, north of Jackson Street and south of West Story 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#: 22-22-27-1084-01-150

LOT 15, BLOCK 'A', BURCHSHIRE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK Q, PAGE 138, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

ALSO DESCRIBED AS A PARCEL OF LAND COMPRISING A PORTION OF SECTION 22, TOWNSHIP 22 SOUTH, RANGE 27 EAST, ORANGE COUNTY FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF LOT 20, BLOCK 'A' BURCHSHIRE ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK A, PAGE 138 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA. SAID POINT ALSO LYING ON THE WESTERLY RIGHT OF WAY OF SOUTH PARK AVENUE, THENCE RUN NORTH 00°24'01" EAST ALONG SAID WESTERLY RIGHT OF WAY FOR A DISTANCE OF 349.96 FEET TO THE POINT OF BEGINNING; SAID POINT ALSO BEING THE SOUTHEASTERLY CORNER OF LOT 15 OF SAID BURCHSHIRE PLAT; THENCE RUN NORTH 88°53'59" WEST FOR A DISTANCE OF 135.81 FEET; THENCE RUN NORTH 00°01'59" WEST FOR A DISTANCE OF 70.00 FEET; THENCE RUN SOUTH 88°53'59" EAST FOR A DISTANCE OF 136.34' TO THE SAID WESTERLY RIGHT OF WAY OF SOUTH PARK AVENUE; THENCE RUN SOUTH 00°24'01" WEST ALONG SAID RIGHT OF WAY FOR A DISTANCE OF 69.99 FEET TO THE AFORESAID POINT OF BEGINNING.

ORDINANCE 13-46

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING THE FUTURE LAND USE MAP OF THE WINTER GARDEN COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE DESIGNATION OF REAL PROPERTY GENERALLY DESCRIBED AS 0.24 ± ACRES OF LAND LOCATED AT 750 SOUTH PARK AVENUE ON THE WEST SIDE OF SOUTH PARK AVEUNE, NORTH OF JACKSON STREET AND SOUTH OF WEST STORY ROADFROM ORANGE COUNTY LOW DENSITY RESIDENTIAL TO CITY LOW DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on the 13th of June, 1991, the City Commission of the City of Winter Garden adopted Ordinance 91-16 which adopted a new Comprehensive Plan for the City of Winter Garden, and on the 24th of June, 2010, the City Commission of the City of Winter Garden adopted Ordinance 10-19 readopting and amending the Comprehensive Plan for the City of Winter Garden;

WHEREAS, the owner of that certain real property generally described as 0.24 ± acres of land located at 750 South Park Avenue on the west side of South Park Avenue, north of Jackson Street and south of West Story Road, and legally described in ATTACHMENT "A" (the "Property") has petitioned the City to amend the Winter Garden Comprehensive Plan to change the Future Land Use classification from Orange County Low Density Residential to City Low Density Residential; and

WHEREAS, the City of Winter Garden's Local Planning Agency and City Commission have conducted the prerequisite advertised public hearings pursuant to Chapter 163, Florida Statutes, regarding the adoption of this ordinance; now, therefore,

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

SECTION I. *FLUM Amendment.* The City of Winter Garden hereby amends the Future Land Use Map of the City of Winter Garden Comprehensive Plan by designating the aforesaid Property to City Low Density Residential as set forth in ATTACHMENT "B".

SECTION II. *Effective Date.* Provided that the Property described herein is annexed into the City of Winter Garden pursuant to Ordinance 13-45, 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#: 22-22-27-1084-01-150

LOT 15, BLOCK 'A', BURCHSHIRE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK Q, PAGE 138, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

ALSO DESCRIBED AS A PARCEL OF LAND COMPRISING A PORTION OF SECTION 22, TOWNSHIP 22 SOUTH, RANGE 27 EAST, ORANGE COUNTY FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF LOT 20, BLOCK 'A' BURCHSHIRE ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK A, PAGE 138 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA. SAID POINT ALSO LYING ON THE WESTERLY RIGHT OF WAY OF SOUTH PARK AVENUE, THENCE RUN NORTH 00°24'01" EAST ALONG SAID WESTERLY RIGHT OF WAY FOR A DISTANCE OF 349.96 FEET TO THE POINT OF BEGINNING; SAID POINT ALSO BEING THE SOUTHEASTERLY CORNER OF LOT 15 OF SAID BURCHSHIRE PLAT; THENCE RUN NORTH 88°53'59" WEST FOR A DISTANCE OF 135.81 FEET; THENCE RUN NORTH 00°01'59" WEST FOR A DISTANCE OF 70.00 FEET; THENCE RUN SOUTH 88°53'59" EAST FOR A DISTANCE OF 136.34' TO THE SAID WESTERLY RIGHT OF WAY OF SOUTH PARK AVENUE; THENCE RUN SOUTH 00°24'01" WEST ALONG SAID RIGHT OF WAY FOR A DISTANCE OF 69.99 FEET TO THE AFORESAID POINT OF BEGINNING.

ATTACHMENT "B"

FUTURE LAND USE MAP

<u>750 South Park Avenue</u>

ORDINANCE 13-47

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.24 ± ACRES OF REAL PROPERTY GENERALLY LOCATED AT 750 SOUTH PARK AVENUE ON THE WEST SIDE OF SOUTH PARK AVENUE, NORTH OF JACKSON STREET AND SOUTH OF WEST STORY ROAD FROM ORANGE COUNTY R-2 RESIDENTIAL DISTRICT TO CITY R-2 RESIDENTIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner of that certain real property generally described as 0.24 ± acres of land located at 750 South Park Avenue on the west side of South Park Avenue, north of Jackson Street and south of West Story Road, and legally described in Section 1 of this ordinance has petitioned the City to rezone said property from Orange County R-2 Residential District to the City's R-2 Residential District zoning classification, therefore;

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

SECTION 1: *Rezoning.* After due notice and public hearing, the zoning classification of real property legally described on ATTACHMENT "A," is hereby rezoned from Orange County R-2 Residential District to City R-2 Residential District in the City of Winter Garden, Florida.

SECTION 2: *Zoning Map.* The City Planner is hereby authorized and directed to amend the Official Winter Garden Zoning Map in accordance with the provisions of this ordinance.

SECTION 3: *Non-Severability.* Should any portion of this Ordinance be held invalid, then the entire Ordinance shall be null and void.

SECTION 4: *Effective Date.* This Ordinance shall become effective simultaneously upon the effective date of Ordinance 12-46 which is an amendment to the Future Land Use Map of the City of Winter Garden Comprehensive Plan that allows the property described herein to be zoned as provided in this Ordinance.

FIRST READING AND PUBLIC HEARING: _____ , 2013.

SECOND READING AND PUBLIC HEARING: _____ , 2013.

ADOPTED this _____ day of _____, 2013, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

_____
JOHN REES, Mayor/Commissioner

ATTEST:

_____
KATHY GOLDEN, City Clerk

ATTACHMENT "A"

LEGAL DESCRIPTION

PARCEL ID#: 22-22-27-1084-01-150

LOT 15, BLOCK 'A', BURCHSHIRE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK Q, PAGE 138, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

ALSO DESCRIBED AS A PARCEL OF LAND COMPRISING A PORTION OF SECTION 22, TOWNSHIP 22 SOUTH, RANGE 27 EAST, ORANGE COUNTY FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

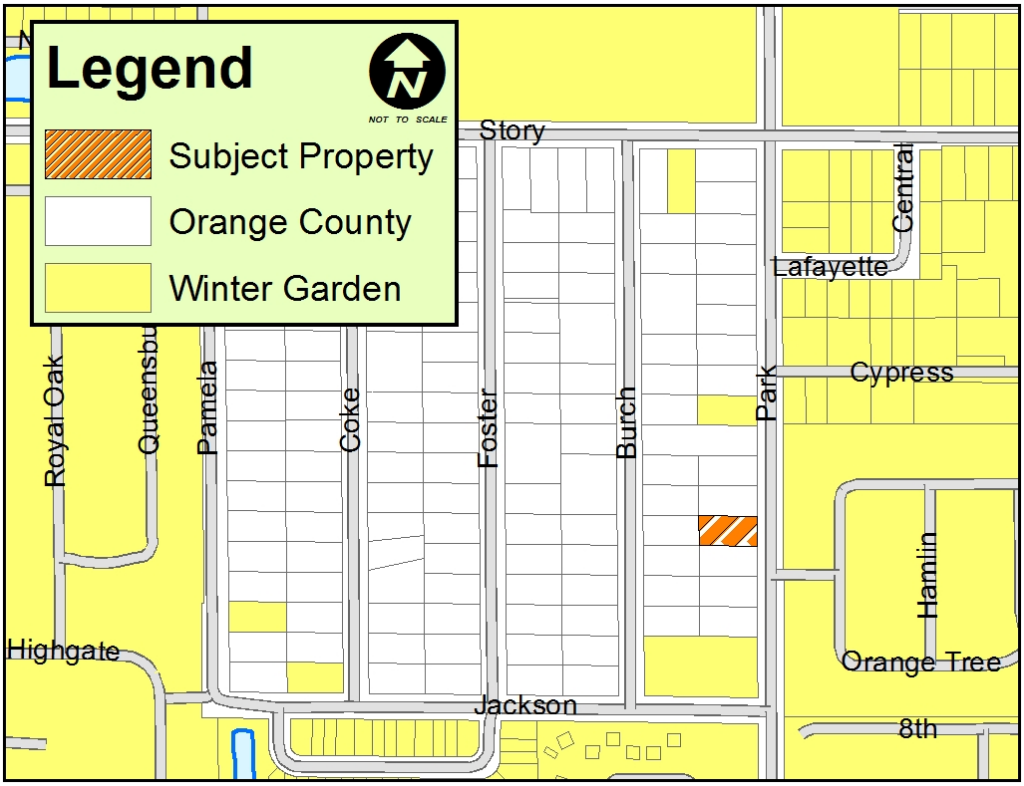
STAFF REPORT

TO: PLANNING AND ZONING BOARD
PREPARED BY: STEVE PASH, SENIOR PLANNER
DATE: JULY 29, 2013
SUBJECT: ANNEXATION – FLU AMENDMENT – ZONING
750 SOUTH PARK AVENUE (0.22 +/- ACRES)
PARCEL ID #: 22-22-27-1084-01-150
APPLICANT: THOMAS & DAWN DELOACH TRUST

INTRODUCTION

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

The subject property is located at 750 South Park Aveune and is approximately 0.22 ± acres. The map below depicts the proximity of the subject property to the City's jurisdictional limits:



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

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

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

EXISTING USE

The subject property is currently developed with a single family home.

ADJACENT LAND USE AND ZONING

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

PROPOSED USE

The owner is proposing to leave the existing single family home and connect to City sewer and water once the annexation is complete.

PUBLIC FACILITY ANALYSIS

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

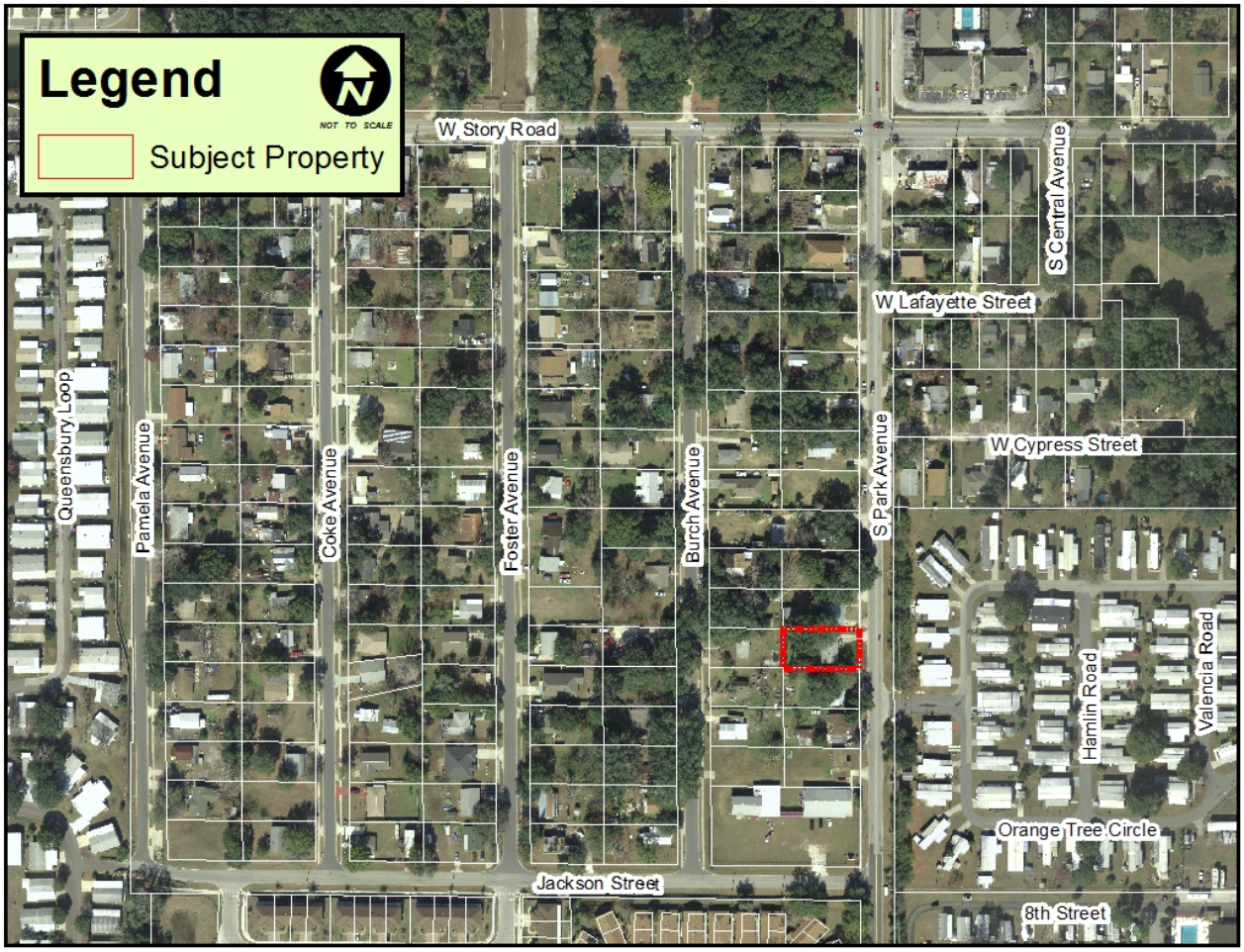
SUMMARY

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

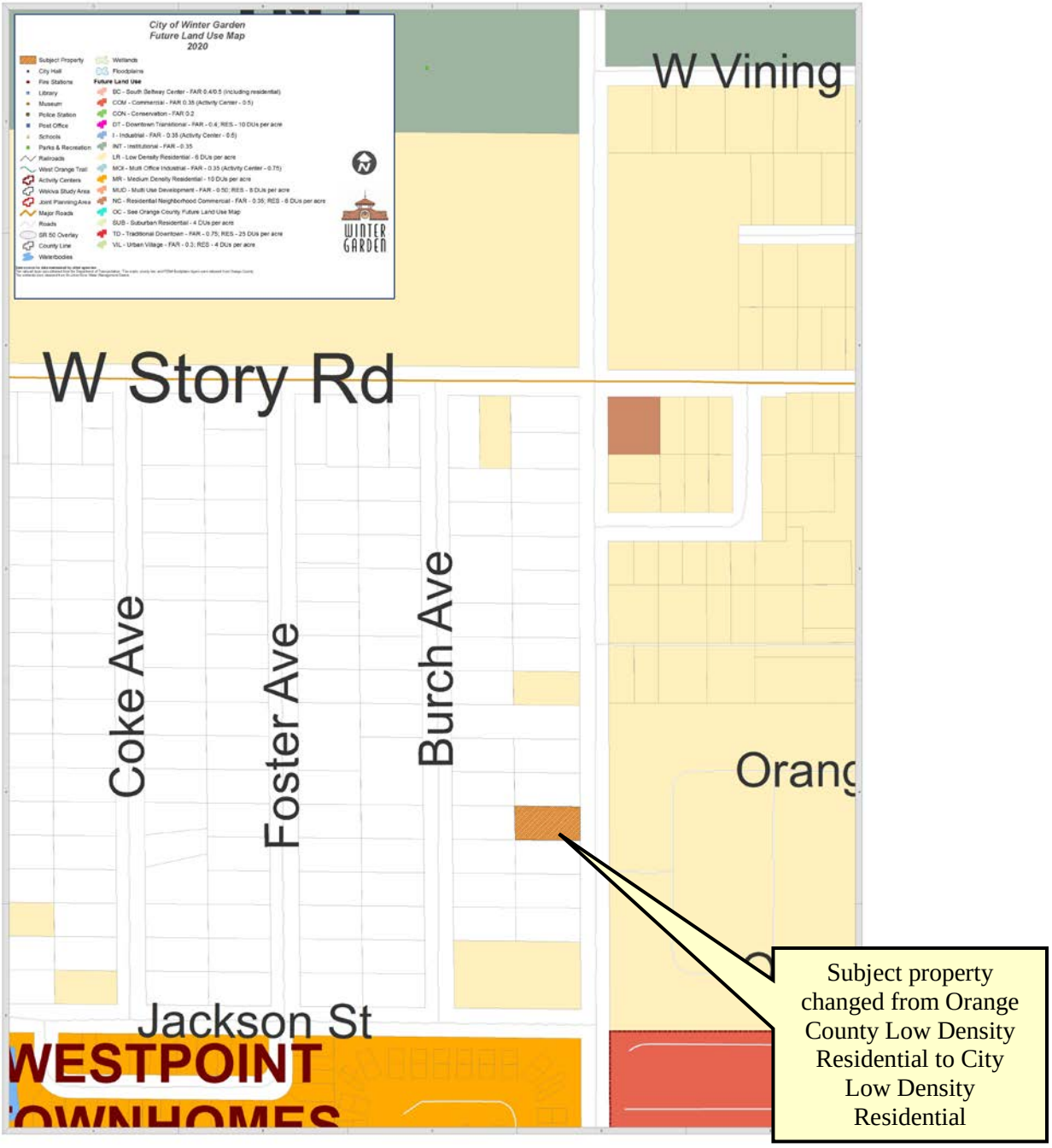
MAPS

AERIAL PHOTO

750 South Park Avenue



FUTURE LAND USE MAP
750 South Park Avenue



ZONING MAP
750 South Park Avenue

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: July 29, 2013 **Meeting Date:** August 8, 2013

Subject: 1205 East Fullers Cross Road
Oak Trail
Ordinance 13-48
Ordinance 13-49
Ordinance 13-50
Parcel ID # 12-22-27-0000-00-005

Issue: The applicant is requesting Annexation, Zoning, and Future Lands Use designation on property located at 1205 East Fullers Cross Road.

Discussion:

The City encourages infill of its jurisdictional limits through voluntary annexation of enclaves. The subject property makes up a 11.1 ± acre enclave located on the north side of East Fullers Cross Road, east of North West Crown Point Road and west of East Crown Point Road. The applicant has requested Annexation into the City, Initial Zoning of R-1B, and Amendment to the Future Land Use Map of the City's Comprehensive Plan to designate the property as Low Density Residential. (See attached Staff Report).

Recommended Action:

Staff recommends approval of Ordinance 13-48, Ordinance 13-49, and Ordinance 13-50 with second reading scheduled for August 22, 2013.

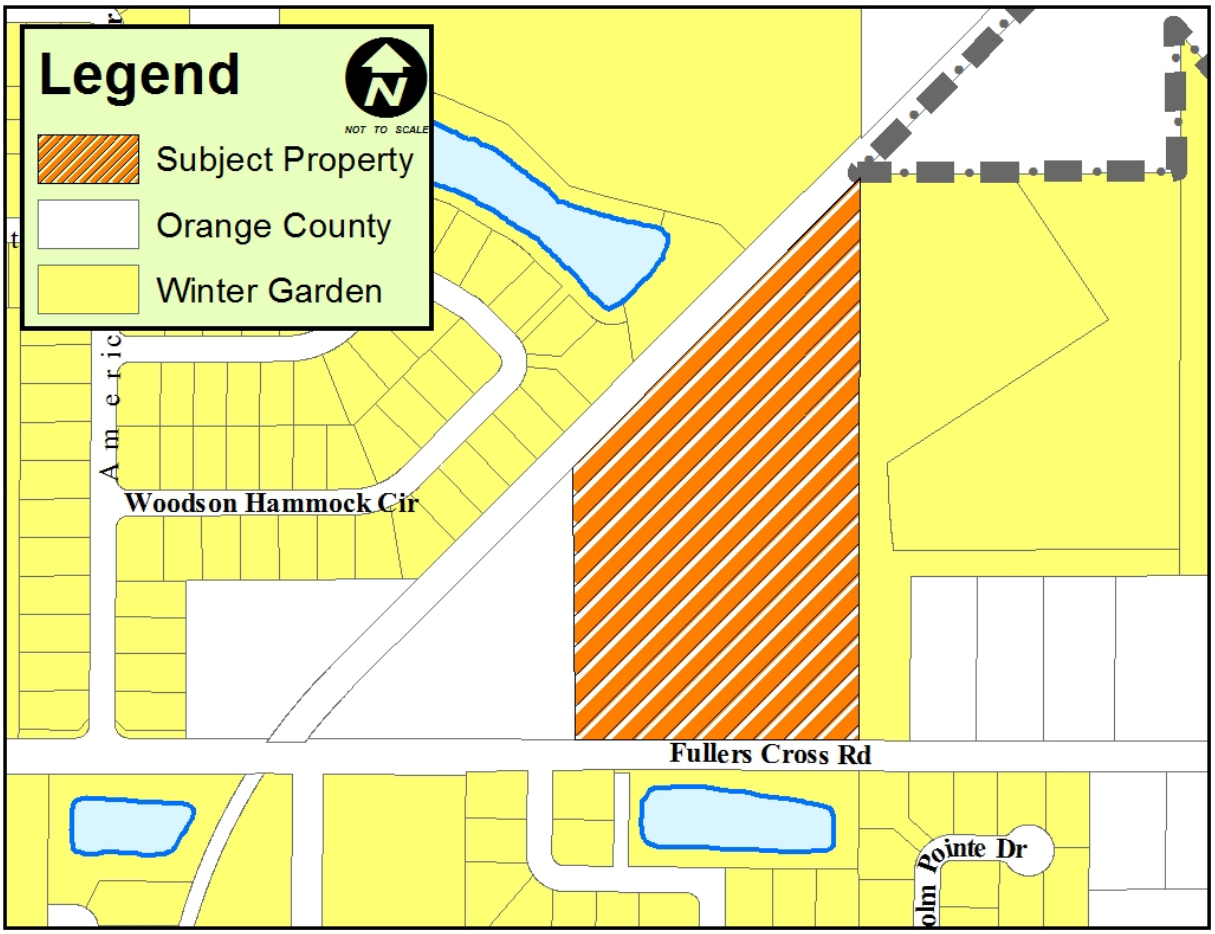
Attachment(s)/References:

Location Map
Ordinance 13-48
Ordinance 13-49
Ordinance 13-50
Staff Report

LOCATION MAP

1205 E Fullers Cross Road

<u>Annexation/Zoning/FLU Amendment</u>



ORDINANCE 13-48

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 11.1 ± ACRES LOCATED AT 1205 EAST FULLERS CROSS ROAD ON THE NORTH SIDE OF EAST FULLERS CROSS ROAD, EAST OF NORTH WEST CROWN POINT ROAD AND WEST OF EAST CROWN POINT ROAD INTO THE CITY OF WINTER GARDEN FLORIDA; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner of the land, generally described as approximately 11.1 ± acres located at 1205 East Fullers Cross Road on the north side of East Fullers Cross Road, east of North West Crown Point Road and west of East Crown Point Road and legally described in Section 2 of this Ordinance, which land is reasonably compact and contiguous to the corporate limits of the City of Winter Garden, Florida ("City"), has, pursuant to the prerequisites and standards set forth in § 171.044, Fla. Stat., petitioned the City Commission for voluntary annexation;

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

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

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

SECTION 1: *Annexation.* That the City Commission through its Planning and Zoning Board has conducted an investigation to determine whether the described property meets the prerequisites and standards set forth in Chapter 171, Fla. Stat. and has held a public hearing and said petition and made certain findings.

SECTION 2: *Description of Area Annexed.* That, after said public hearing and having found such petition meets said prerequisites and standards, the property legally defined in ATTACHMENT "A" and graphically shown on the attached map shall be annexed into the City of Winter Garden, Florida.

SECTION 3: *Effect of Annexation.* That the City of Winter Garden, Florida, shall have all of the power, authority, and jurisdiction over and within the land as described in

Section 2 hereof, and the inhabitants thereof, and property therein, as it does and have over its present corporate limits and laws, ordinances, and resolutions of said City shall apply and shall have equal force and effect as if all territory had been part of said City at the time of the passage of such laws, ordinances, and resolutions.

SECTION 4: *Apportionment of Debts and Taxes.* Pursuant to § 171.061, Fla. Stat., the area annexed to the City shall be subject to all taxes and debts of the City upon the effective date of annexation. However, the annexed area shall not be subject to municipal ad valorem taxation for the current year if the effective date of the annexation falls after the City levies such tax.

SECTION 5: *Instructions to Clerk.* Within seven (7) days following the adoption of this Ordinance, the City Clerk or his/her designee is directed to file a copy of this ordinance, including ATTACHMENT "A" hereto, with the clerk of the circuit court and the chief administrative officer of Orange County as required by § 171.044(3), Fla. Stat.

SECTION 6: *Severability.* Should any portion of this Ordinance be held invalid, then such portions as are not declared invalid shall remain in full force and effect.

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

FIRST READING AND PUBLIC HEARING: _____ , 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#: 12-22-27-0000-00-005

PARCEL A:

THE NORTH 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4, LYING EAST OF FORMER SCL RAILROAD RIGHT-OF-WAY AND THE NORTHWEST 1/4 OF THE NORTHEAST 1/4, LYING SOUTH AND EAST OF FORMER SCL RAILROAD RIGHT-OF-WAY, ALL LYING IN SECTION 12, TOWNSHIP 22 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA. LESS AND EXCEPT ROAD RIGHT-OF-WAY FOR FULLERS CROSS ROAD ON SOUTH. ALSO LESS AND EXCEPT THAT PART PREVIOUSLY CONVEYED BY WARRANTY DEED RECORDED IN DEED BOOK 624, PAGE 109, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN IN THE CENTER OF THE INTERSECTION OF A.C.L. RY TRACKS AND THE COUNTY HARD ROAD, AT CROWN POINT, FLORIDA, (THE HARD ROAD FROM WINTER GARDEN TO FULLERS), RUN THENCE EAST 520 FEET, NORTH 528 FEET TO INTERSECT SAID RY., THENCE SOUTHWESTERLY 748 FEET ALONG RY. TO POINT OF BEGINNING. THIS LAND IS IN SECTION 12, TOWNSHIP 22 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA (LESS RIGHTS OF WAY)

SAID PARCEL A, ALSO DESCRIBED AS THE FOLLOWING DESCRIBED PARCEL B :

PARCEL B:

A PORTION OF LAND LYING IN SECTION 12, TOWNSHIP 22 SOUTH, RANGE 27 EAST, IN ORANGE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH 1/4 CORNER OF SECTION 12, TOWNSHIP 22 SOUTH, RANGE 27 EAST BEING MARKED BY A 4"x4" CONCRETE MONUMENT "NO ID" C.C.R. #066512 RUN N89°42'06"E ALONG THE NORTH LINE OF SAID SECTION, 1310.50 FEET TO THE INTERSECTION OF SAID NORTH LINE AND THE EAST LINE OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 12; THENCE DEPARTING SAID NORTH LINE RUN S00°11'45"W ALONG SAID EAST LINE, 540.94 FEET TO THE INTERSECTION OF SAID EAST LINE AND THE EASTERLY RIGHT OF WAY LINE OF RAILS TO TRAILS/APOPKA TO MABEL PROJECT OF THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION AGENCY MAPS PREPARED BY JONES, WOOD & GENTRY; THENCE CONTINUE ALONG SAID EAST LINE AND EASTERLY RIGHT OF WAY LINE S00°11'45"W, 7.12 FEET TO THE POINT OF BEGINNING; THENCE DEPARTING SAID EASTERLY RIGHT OF WAY LINE CONTINUE S00°11'45"W ALONG SAID EAST LINE, 1097.46 FEET TO THE INTERSECTION OF SAID EAST LINE AND THE NORTH RIGHT OF WAY LINE OF FULLERS CROSS ROAD PER ORANGE COUNTY ROAD BOND BOOK 1 PROJECT 5; THENCE DEPARTING SAID EAST LINE RUN N89°43'54"W ALONG SAID NORTH RIGHT OF WAY LINE, 614.58 FEET; THENCE DEPARTING SAID NORTH RIGHT OF WAY LINE RUN N00°00'00"E, 474.88 FEET TO THE AFOREMENTIONED EASTERLY RIGHT OF WAY LINE OF THE RAILS TO TRAILS/APOPKA TO MABEL PROJECT; THENCE RUN N44°56'12"E ALONG SAID EASTERLY RIGHT OF WAY LINE, 875.41 FEET TO THE POINT OF BEGINNING.

ORDINANCE 13-49

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 11.1 ± ACRES LOCATED AT 1205 EAST FULLERS CROSS ROAD ON THE NORTH SIDE OF EAST FULLERS CROSS ROAD, EAST OF NORTH WEST CROWN POINT ROAD AND WEST OF EAST CROWN POINT ROAD FROM ORANGE COUNTY PLANNED DEVELOPMENT – LOW DENSITY RESIDENTIAL TO CITY LOW DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on the 13th of June, 1991, the City Commission of the City of Winter Garden adopted Ordinance 91-16 which adopted a new Comprehensive Plan for the City of Winter Garden, and on the 24th of June, 2010, the City Commission of the City of Winter Garden adopted Ordinance 10-19 readopting and amending the Comprehensive Plan for the City of Winter Garden;

WHEREAS, the owner of that certain real property generally described as 11.1 ± acres located at 1205 East Fullers Cross Road on the north side of East Fullers Cross Road, east of North West Crown Point Road and west of East Crown Point Road, and legally described in ATTACHMENT "A" (the "Property") has petitioned the City to amend the Winter Garden Comprehensive Plan to change the Future Land Use classification from Orange County Planned Development – Low Density Residential to City Low Density Residential; and

WHEREAS, the City of Winter Garden's Local Planning Agency and City Commission have conducted the prerequisite advertised public hearings pursuant to Chapter 163, Florida Statutes, regarding the adoption of this ordinance; now, therefore,

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

SECTION I. *FLUM Amendment.* The City of Winter Garden hereby amends the Future Land Use Map of the City of Winter Garden Comprehensive Plan by designating the aforesaid Property to City Low Density Residential as set forth in ATTACHMENT "B".

SECTION II. *Effective Date.* Provided that the Property described herein is annexed into the City of Winter Garden pursuant to Ordinance 13-48, 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#: 12-22-27-0000-00-005

PARCEL A:

THE NORTH 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4, LYING EAST OF FORMER SCL RAILROAD RIGHT-OF-WAY AND THE NORTHWEST 1/4 OF THE NORTHEAST 1/4, LYING SOUTH AND EAST OF FORMER SCL RAILROAD RIGHT-OF-WAY, ALL LYING IN SECTION 12, TOWNSHIP 22 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA. LESS AND EXCEPT ROAD RIGHT-OF-WAY FOR FULLERS CROSS ROAD ON SOUTH. ALSO LESS AND EXCEPT THAT PART PREVIOUSLY CONVEYED BY WARRANTY DEED RECORDED IN DEED BOOK 624, PAGE 109, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN IN THE CENTER OF THE INTERSECTION OF A.C.L. RY TRACKS AND THE COUNTY HARD ROAD, AT CROWN POINT, FLORIDA, (THE HARD ROAD FROM WINTER GARDEN TO FULLERS), RUN THENCE EAST 520 FEET, NORTH 528 FEET TO INTERSECT SAID RY., THENCE SOUTHWESTERLY 748 FEET ALONG RY. TO POINT OF BEGINNING. THIS LAND IS IN SECTION 12, TOWNSHIP 22 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA (LESS RIGHTS OF WAY)

SAID PARCEL A, ALSO DESCRIBED AS THE FOLLOWING DESCRIBED PARCEL B :

PARCEL B:

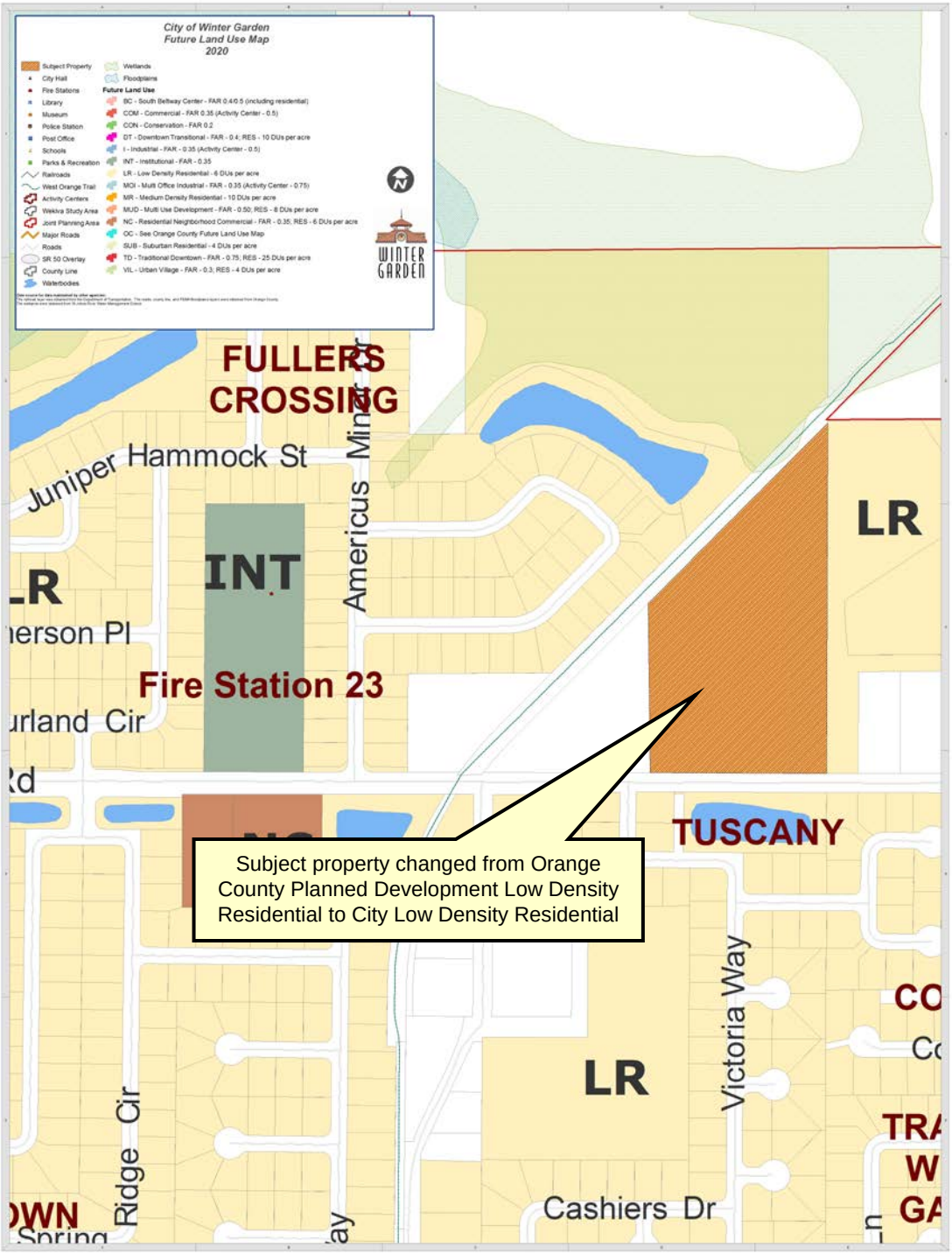
A PORTION OF LAND LYING IN SECTION 12, TOWNSHIP 22 SOUTH, RANGE 27 EAST, IN ORANGE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH 1/4 CORNER OF SECTION 12, TOWNSHIP 22 SOUTH, RANGE 27 EAST BEING MARKED BY A 4"x4" CONCRETE MONUMENT "NO ID" C.C.R. #066512 RUN N89°42'06"E ALONG THE NORTH LINE OF SAID SECTION, 1310.50 FEET TO THE INTERSECTION OF SAID NORTH LINE AND THE EAST LINE OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 12; THENCE DEPARTING SAID NORTH LINE RUN S00°11'45"W ALONG SAID EAST LINE, 540.94 FEET TO THE INTERSECTION OF SAID EAST LINE AND THE EASTERLY RIGHT OF WAY LINE OF RAILS TO TRAILS/APOPKA TO MABEL PROJECT OF THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION AGENCY MAPS PREPARED BY JONES, WOOD & GENTRY; THENCE CONTINUE ALONG SAID EAST LINE AND EASTERLY RIGHT OF WAY LINE S00°11'45"W, 7.12 FEET TO THE POINT OF BEGINNING; THENCE DEPARTING SAID EASTERLY RIGHT OF WAY LINE CONTINUE S00°11'45"W ALONG SAID EAST LINE, 1097.46 FEET TO THE INTERSECTION OF SAID EAST LINE AND THE NORTH RIGHT OF WAY LINE OF FULLERS CROSS ROAD PER ORANGE COUNTY ROAD BOND BOOK 1 PROJECT 5; THENCE DEPARTING SAID EAST LINE RUN N89°43'54"W ALONG SAID NORTH RIGHT OF WAY LINE, 614.58 FEET; THENCE DEPARTING SAID NORTH RIGHT OF WAY LINE RUN N00°00'00"E, 474.88 FEET TO THE AFOREMENTIONED EASTERLY RIGHT OF WAY LINE OF THE RAILS TO TRAILS/APOPKA TO MABEL PROJECT; THENCE RUN N44°56'12"E ALONG SAID EASTERLY RIGHT OF WAY LINE, 875.41 FEET TO THE POINT OF BEGINNING.

ATTACHMENT "B"

FUTURE LAND USE MAP

<u>1205 East Fullers Cross Road</u>



ORDINANCE 13-50

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 11.1 ± ACRES LOCATED AT 1205 EAST FULLERS CROSS ROAD ON THE NORTH SIDE OF EAST FULLERS CROSS ROAD, EAST OF NORTH WEST CROWN POINT ROAD AND WEST OF EAST CROWN POINT ROAD FROM ORANGE COUNTY A-2 FARMLAND RURAL DISTRICT TO CITY R-1B RESIDENTIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner of that certain real property generally described as 11.1 ± acres located at 1205 East Fullers Cross Road on the north side of East Fullers Cross Road, east of North West Crown Point Road and west of East Crown Point Road, and legally described in Section 1 of this ordinance has petitioned the City to rezone said property from Orange County A-2 Farmland Rural to the City's R-1B Residential District zoning classification, therefore; and

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

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

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

SECTION 1: *Rezoning.* The above "Whereas" clauses constitute findings by the City Commission. After due notice and public hearing, the zoning classification of real property legally described on ATTACHMENT "A," is hereby rezoned from Orange County A-2 Farmland Rural District to City R-1B Residential District in the City of Winter Garden, Florida.

SECTION 2: *Zoning Map.* The City Planner is hereby authorized and directed to amend the Official Winter Garden Zoning Map in accordance with the provisions of this ordinance.

SECTION 3: *Non-Severability.* Should any portion of this Ordinance be held invalid, then the entire Ordinance shall be null and void.

SECTION 4: *Effective Date.* This Ordinance shall become effective simultaneously upon the effective date of Ordinance 13-49 which is an amendment to the Future Land Use Map of the City of Winter Garden Comprehensive Plan that allows the property described herein to be zoned as provided in this Ordinance.

FIRST READING AND PUBLIC HEARING: _____ , 2013.

SECOND READING AND PUBLIC HEARING: _____ , 2013.

ADOPTED this _____ day of _____, 2013, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

_____
JOHN REES, Mayor/Commissioner

ATTEST:

_____
KATHY GOLDEN, City Clerk

ATTACHMENT "A"

LEGAL DESCRIPTION

PARCEL ID#: 12-22-27-0000-00-005

PARCEL A:

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CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

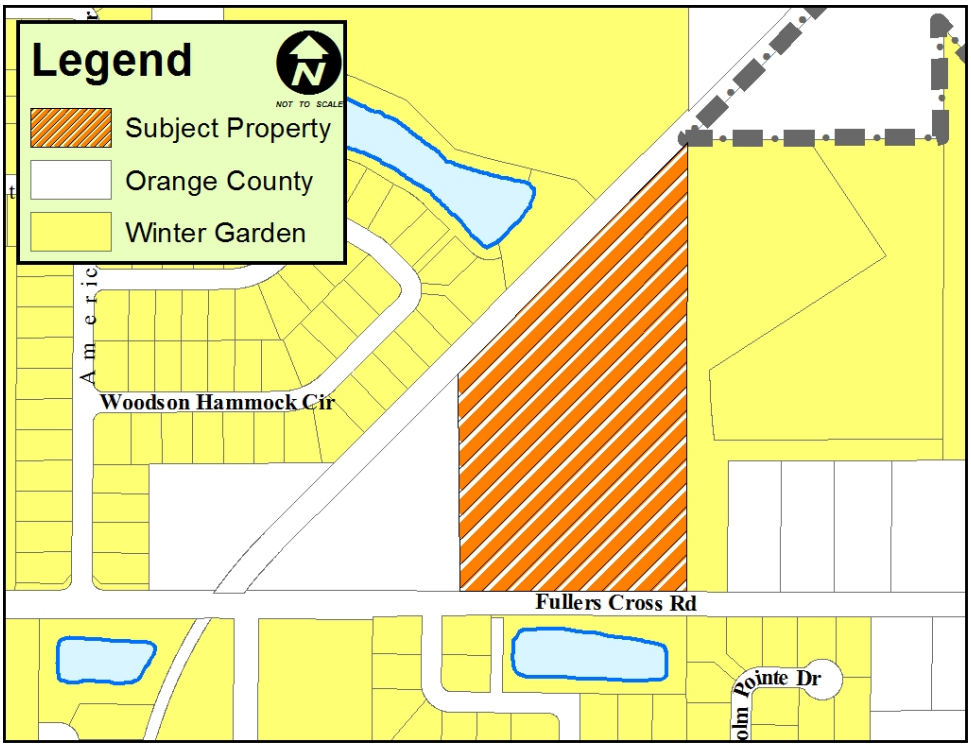
STAFF REPORT

TO: PLANNING AND ZONING BOARD
PREPARED BY: STEVE PASH, SENIOR PLANNER
DATE: JULY 29, 2013
SUBJECT: ANNEXATION – FLU AMENDMENT – ZONING
1205 EAST FULLERS CROSS ROAD (11.1 +/- ACRES)
PARCEL ID #: 12-22-27-0000-00-005
APPLICANT: GILKEY ORGANIZATION, LLC

INTRODUCTION

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

The subject property is located at 1205 East Fullers Cross Road, on the north side of East Fullers Cross Road, east of North West Crown Point Road and west of East Crown Point Road and is approximately 11.1 ± acres. The map below depicts the proximity of the subject property to the City's jurisdictional limits:



The applicant has requested annexation into the City, amendment to the Future Land Use Map (FLUM) of the City's Comprehensive Plan to designate the property as Low Density Residential, and rezoning the property to R-1B Single-Family Residential District.

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

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

EXISTING USE

The subject property currently contains one house, one manufactured home, and the remainder is wooded vacant land.

ADJACENT LAND USE AND ZONING

The property located to the north is developed with the Fullers Crossing single family neighborhood, zoned PUD, and located in Winter Garden. The property located to the east is 6 +/- acre property developed with a single family house, zoned R-1, and located in Winter Garden. The property to the south is developed with the Tuscany single family neighborhood, zoned R-1, and located in Winter Garden. The property to the west is 3.2 +/- acre property developed with a single family house and a citrus grove, zoned A-2, and located in Orange County.

PROPOSED USE

The applicant intends to annex the property and submit for a Preliminary Subdivision Plan, then Construction Plans to develop it with a single family neighborhood with approximately 26 lots.

PUBLIC FACILITY ANALYSIS

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

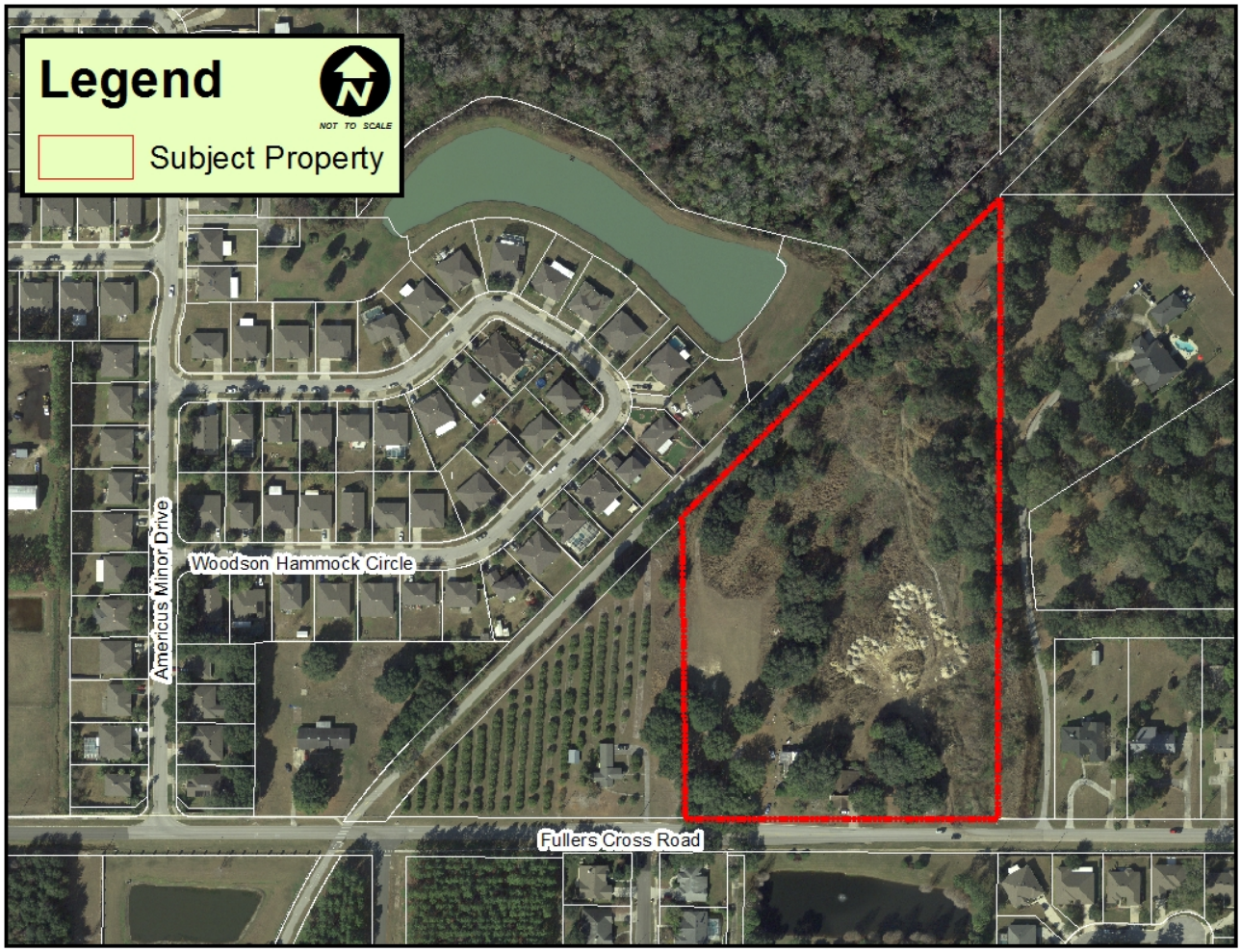
SUMMARY

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

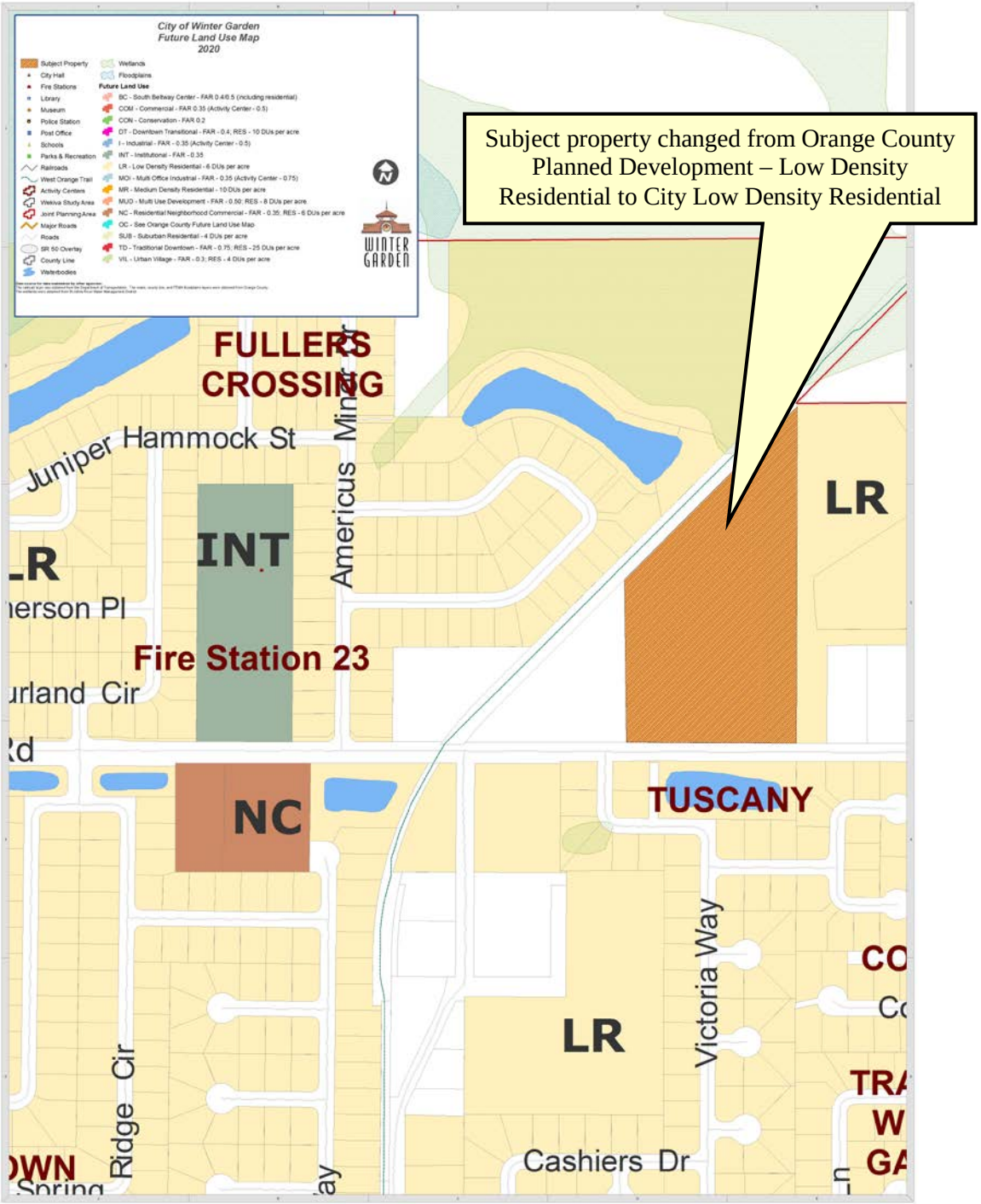
MAPS

AERIAL PHOTO

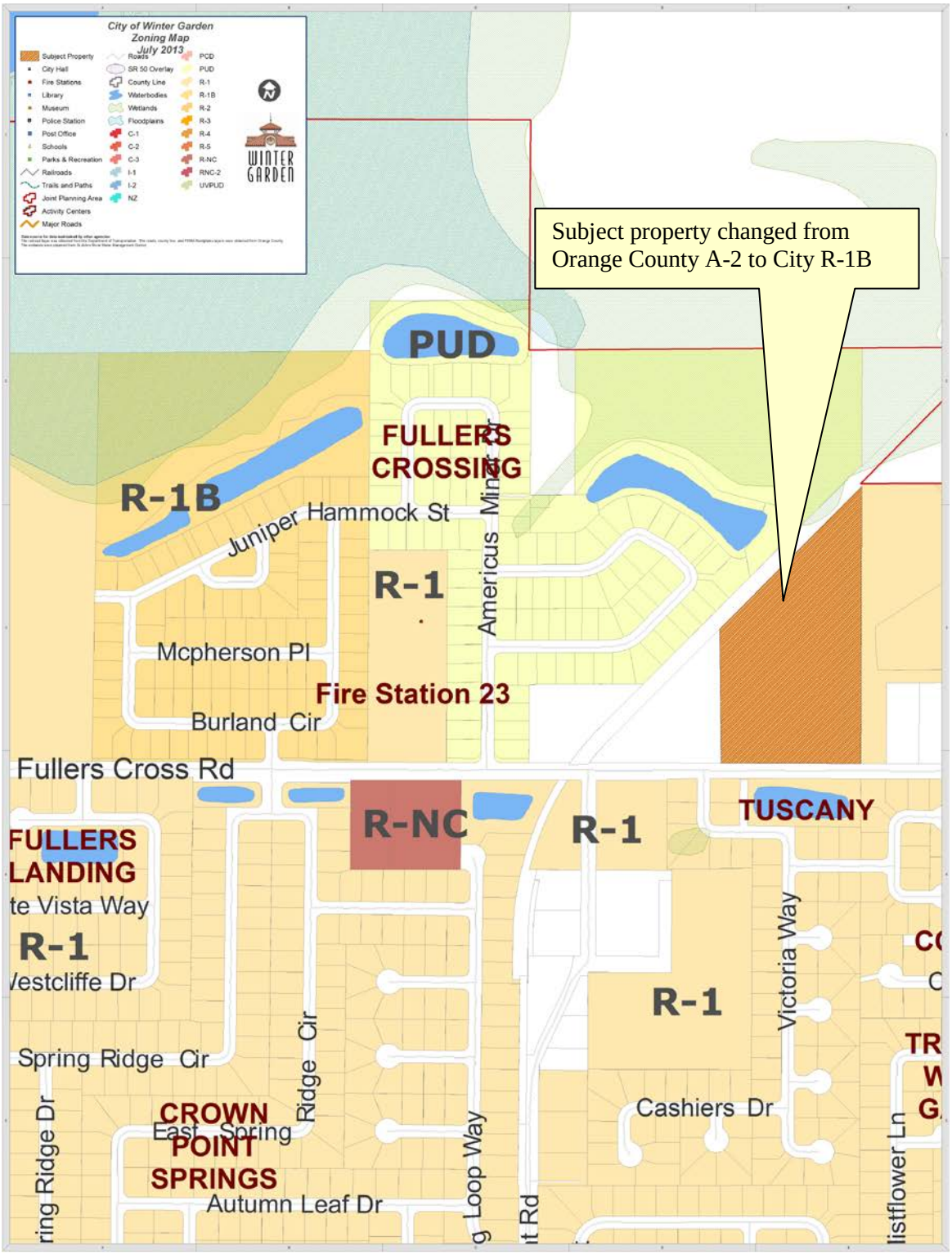
1205 East Fullers Cross Road (Oak Trail)



FUTURE LAND USE MAP
1205 East Fullers Cross Road (Oak Trail)



ZONING MAP
1205 East Fullers Cross Road (Oak Trail)



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: July 29, 2013 **Meeting Date:** August 8, 2013

Subject: 950- VINELAND ROAD
CRUCITA CARRASQUILLO
ORDINANCE 13-51, ORDINANCE 13-52, & ORDINANCE 13-53
PARCEL ID# 23-22-27-8199-00-100

Issue: The applicant is requesting Annexation, Future Lands Use designation, and initial zoning on property located at 950 Vineland Road.

Discussion:

The City encourages infill of its jurisdictional limits through voluntary annexation of enclaves. The subject property makes up a 0.24 ± acre enclave located on the west side of Vineland Road, north of West Morgan Street and south of Broad Street. The applicant has requested Annexation into the City, Amendment to the Future Land Use Map of the City's Comprehensive Plan to designate the property as Residential Neighborhood Commercial, and initial Zoning of R-NC. (See attached Staff Report).

Recommended Action:

Staff recommends approval of Ordinance 13-51, Ordinance 13-52, and Ordinance 13-53 with the second reading scheduled for August 22, 2013.

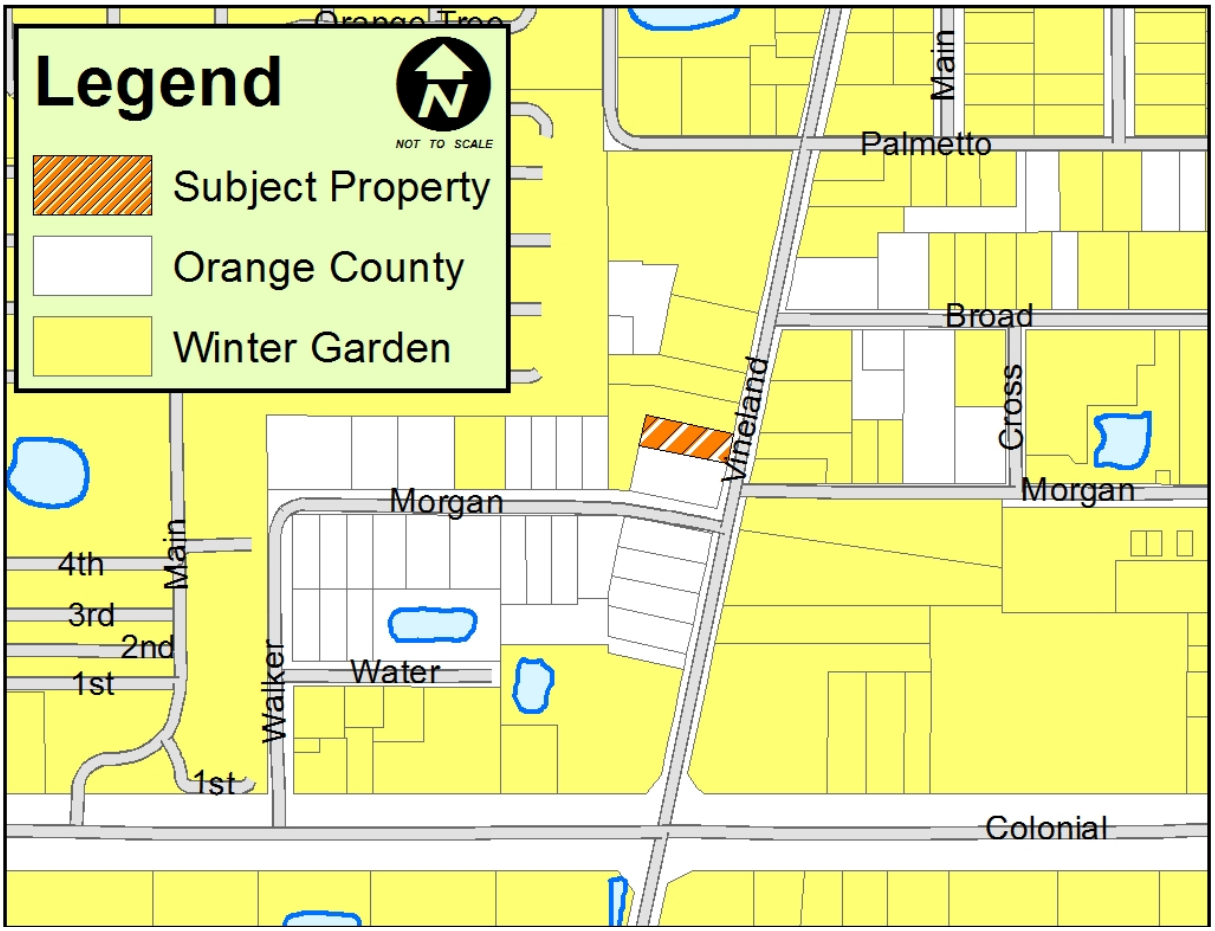
Attachment(s)/References:

Location Map
Ordinance 13-51
Ordinance 13-52
Ordinance 13-53
Staff Report

LOCATION MAP

950 Vineland Road

<u>Annexation/Zoning/FLU Amendment</u>



ORDINANCE 13-51

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.24 ± ACRES LOCATED AT 950 VINELAND ROAD ON THE WEST SIDE OF VINELAND ROAD NORTH OF WEST MORGAN STREET AND SOUTH OF BROAD STREET INTO THE CITY OF WINTER GARDEN FLORIDA; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner of the land, generally described as approximately 0.24 ± acres located at 950 Vineland Road on the west side of Vineland Road, north of West Morgan Street and South of Broad Street 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#: 23-22-27-8199-00-100

LOT 10, SOUTHERN BOULEVARD, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK J, PAGE 13, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

ALSO DESCRIBED AS A PARCEL OF LAND COMPRISING A PORTION OF SECTION 23, TOWNSHIP 22 SOUTH, RANGE 27 EAST, ORANGE COUNTY FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF LOT 1 SOUTHERN BOULEVARD ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK J, PAGE 13 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA. SAID POINT ALSO LYING ON THE WESTERLY RIGHT OF WAY OF VINELAND ROAD, THENCE RUN SOUTH 12°03'28" WEST ALONG SAID WESTERLY RIGHT OF WAY FOR A DISTANCE OF 563.33 FEET TO THE POINT OF BEGINNING; SAID POINT ALSO BEING THE NORTHEASTERLY CORNER OF LOT 10 OF SAID SOUTHERN BOULEVARD PLAT; THENCE CONTINUE SOUTH 12°03'28" WEST ALONG SAID WESTERLY RIGHT OF WAY FOR A DISTANCE OF 60.00 FEET; THENCE DEPARTING SAID WESTERLY RIGHT OF WAY, RUN NORTH 77°56'32" WEST FOR A DISTANCE OF 175.00'; THENCE RUN NORTH 12°03'28" EAST FOR A DISTANCE OF 60.00 FEET; THENCE RUN SOUTH 77°56'32" E

ORDINANCE 13-52

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING THE FUTURE LAND USE MAP OF THE WINTER GARDEN COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE DESIGNATION OF REAL PROPERTY GENERALLY DESCRIBED AS 0.24 ± ACRES LOCATED AT 950 VINELAND ROAD ON THE WEST SIDE OF VINELAND ROAD NORTH OF WEST MORGAN STREET AND SOUTH OF BROAD STREET FROM ORANGE COUNTY LOW MEDIUM DENSITY TO CITY RESIDENTIAL NEIGHBORHOOD COMMERCIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on the 13th of June, 1991, the City Commission of the City of Winter Garden adopted Ordinance 91-16 which adopted a new Comprehensive Plan for the City of Winter Garden, and on the 24th of June, 2010, the City Commission of the City of Winter Garden adopted Ordinance 10-19 readopting and amending the Comprehensive Plan for the City of Winter Garden;

WHEREAS, the owner of that certain real property generally described as 0.24 ± acres of land located at 950 Vineland Road on the west side of Vineland Road north of West Morgan Street and south of Broad Street, and legally described in ATTACHMENT "A" (the "Property") has petitioned the City to amend the Winter Garden Comprehensive Plan to change the Future Land Use classification from Orange County Low Medium Density to City Residential Neighborhood Commercial; and

WHEREAS, the City of Winter Garden's Local Planning Agency and City Commission have conducted the prerequisite advertised public hearings pursuant to Chapter 163, Florida Statutes, regarding the adoption of this ordinance; now, therefore,

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

SECTION I. *FLUM Amendment.* The City of Winter Garden hereby amends the Future Land Use Map of the City of Winter Garden Comprehensive Plan by designating the aforesaid Property to City Residential Neighborhood Commercial 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 13-51, 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#: 23-22-27-8199-00-100

LOT 10, SOUTHERN BOULEVARD, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK J, PAGE 13, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

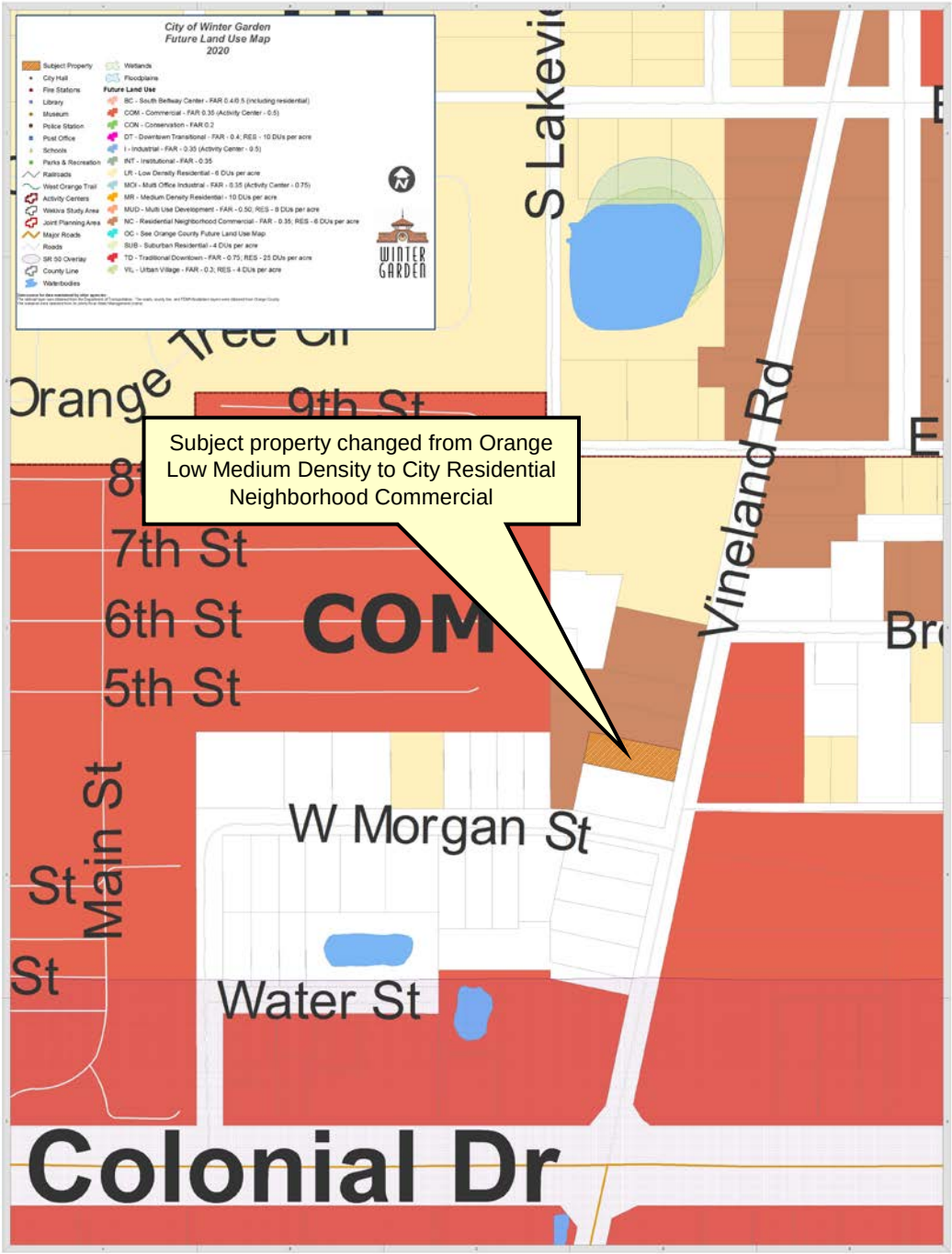
ALSO DESCRIBED AS A PARCEL OF LAND COMPRISING A PORTION OF SECTION 23, TOWNSHIP 22 SOUTH, RANGE 27 EAST, ORANGE COUNTY FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF LOT 1 SOUTHERN BOULEVARD ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK J, PAGE 13 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA. SAID POINT ALSO LYING ON THE WESTERLY RIGHT OF WAY OF VINELAND ROAD, THENCE RUN SOUTH 12°03'28" WEST ALONG SAID WESTERLY RIGHT OF WAY FOR A DISTANCE OF 563.33 FEET TO THE POINT OF BEGINNING; SAID POINT ALSO BEING THE NORTHEASTERLY CORNER OF LOT 10 OF SAID SOUTHERN BOULEVARD PLAT; THENCE CONTINUE SOUTH 12°03'28" WEST ALONG SAID WESTERLY RIGHT OF WAY FOR A DISTANCE OF 60.00 FEET; THENCE DEPARTING SAID WESTERLY RIGHT OF WAY, RUN NORTH 77°56'32" WEST FOR A DISTANCE OF 175.00'; THENCE RUN NORTH 12°03'28" EAST FOR A DISTANCE OF 60.00 FEET; THENCE RUN SOUTH 77°56'32" E

ATTACHMENT "B"

FUTURE LAND USE MAP

950 Vineland Road



ORDINANCE 13-53

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.24 ± ACRES LOCATED AT 950 VINELAND ROAD ON THE WEST SIDE OF VINELAND ROAD NORTH OF WEST MORGAN STREET AND SOUTH OF BROAD STREET FROM ORANGE COUNTY R-2 RESIDENTIAL DISTRICT TO CITY R-NC RESIDENTIAL NEIGHBORHOOD COMMERCIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner of that certain real property generally described as 0.24 ± acres of land located at 920 Vineland Road on the west side of Vineland Road north of West Morgan Street and south of Broad Street, and legally described in Section 1 of this ordinance has petitioned the City to rezone said property from Orange County R-2 Residential District to the City's RN-C Residential Neighborhood Commercial District zoning classification, therefore; and

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

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

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

SECTION 1: *Rezoning.* The above "Whereas" clauses constitute findings by the City Commission. After due notice and public hearing, the zoning classification of real property legally described on ATTACHMENT "A," is hereby rezoned from Orange County R-2 Residential District to City RN-C Residential Neighborhood Commercial District in the City of Winter Garden, Florida.

SECTION 2: *Zoning Map.* The City Planner is hereby authorized and directed to amend the Official Winter Garden Zoning Map in accordance with the provisions of this ordinance.

SECTION 3: *Non-Severability.* Should any portion of this Ordinance be held invalid, then the entire Ordinance shall be null and void.

SECTION 4: *Effective Date.* This Ordinance shall become effective simultaneously upon the effective date of Ordinance 13-52 which is an amendment to the Future Land Use Map of the City of Winter Garden Comprehensive Plan that allows the property described herein to be zoned as provided in this Ordinance.

FIRST READING AND PUBLIC HEARING: _____ , 2013.

SECOND READING AND PUBLIC HEARING: _____ , 2013.

ADOPTED this _____ day of _____, 2013, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

_____
JOHN REES, Mayor/Commissioner

ATTEST:

_____
KATHY GOLDEN, City Clerk

ATTACHMENT "A"

LEGAL DESCRIPTION

PARCEL ID#: 23-22-27-8199-00-100

LOT 10, SOUTHERN BOULEVARD, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK J, PAGE 13, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

ALSO DESCRIBED AS A PARCEL OF LAND COMPRISING A PORTION OF SECTION 23, TOWNSHIP 22 SOUTH, RANGE 27 EAST, ORANGE COUNTY FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF LOT 1 SOUTHERN BOULEVARD ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK J, PAGE 13 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA. SAID POINT ALSO LYING ON THE WESTERLY RIGHT OF WAY OF VINELAND ROAD, THENCE RUN SOUTH 12°03'28" WEST ALONG SAID WESTERLY RIGHT OF WAY FOR A DISTANCE OF 563.33 FEET TO THE POINT OF BEGINNING; SAID POINT ALSO BEING THE NORTHEASTERLY CORNER OF LOT 10 OF SAID SOUTHERN BOULEVARD PLAT; THENCE CONTINUE SOUTH 12°03'28" WEST ALONG SAID WESTERLY RIGHT OF WAY FOR A DISTANCE OF 60.00 FEET; THENCE DEPARTING SAID WESTERLY RIGHT OF WAY, RUN NORTH 77°56'32" WEST FOR A DISTANCE OF 175.00'; THENCE RUN NORTH 12°03'28" EAST FOR A DISTANCE OF 60.00 FEET; THENCE RUN SOUTH 77°56'32" E

CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

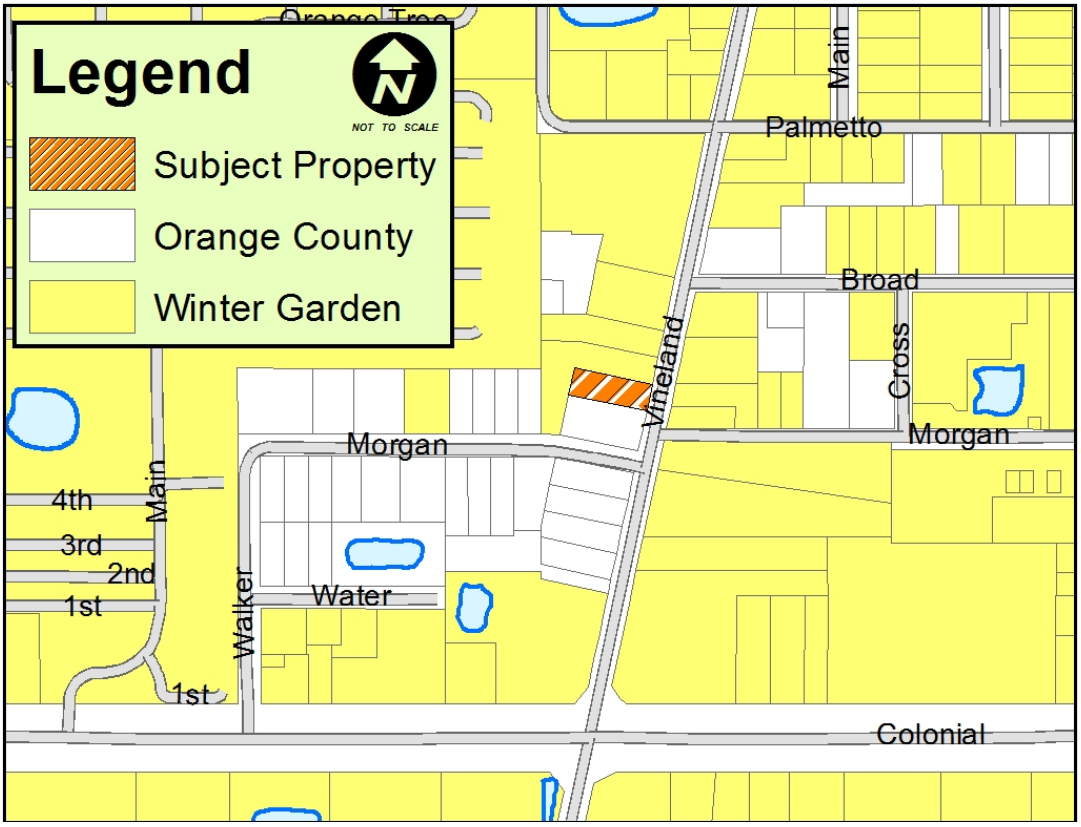
STAFF REPORT

TO: PLANNING AND ZONING BOARD
PREPARED BY: STEVE PASH, SENIOR PLANNER
DATE: JULY 29, 2013
SUBJECT: ANNEXATION – FLU AMENDMENT – ZONING
950 VINELAND ROAD (0.24 +/- ACRES)
PARCEL ID #: 23-22-27-8199-00-100
APPLICANT: CRUCITA CARRASQUILLO

INTRODUCTION

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

The subject property is located at 950 Vineland Road and is approximately 0.24 ± acres. The map below depicts the proximity of the subject property to the City's jurisdictional limits:



The property is currently zoned R-2 in Orange County and carries a Future Land Use designation of Low Medium Density Residential. The existing zoning and land use allow single-family detached and attached dwellings.

The applicant has requested annexation into the City, amendment to the Future Land Use Map (FLUM) of the City's Comprehensive Plan to designate the property as Residential Neighborhood Commercial, and initial zoning of R-NC. This zoning and land use is consistent with the surrounding area.

Properties designated with the Residential-Neighborhood Commercial land use category are required to be developed at a floor area ratio not greater than 0.35. Gross residential density shall be not greater than 6 dwelling units per acre. All uses shall have a maximum height of 35 feet. This designation shall provide for permitted low density residential uses and neighborhood commercial and professional uses. The mix should have a minimum of 80% residential uses. Uses should be located on collector and minor arterial streets close to low density residential areas. The zoning classifications that are consistent with the Residential Neighborhood Commercial classification is RNC and INT.

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

EXISTING USE

The subject property is currently developed and used as a single-family house.

ADJACENT LAND USE AND ZONING

The property located to the north and west is developed as a duplex, is currently requesting a rezoning to R-NC, and is located in the City. The property located to the east is developed with a pool construction company, zoned C-2 and located in the City. The property to the south is developed with a single family house, zoned R-2, and located in Orange County.

PROPOSED USE

The applicant intends to annex the property, continue using the single-family home, and later convert the home into an office. Converting the house into an office can be done through Special Exception process.

PUBLIC FACILITY ANALYSIS

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

SUMMARY

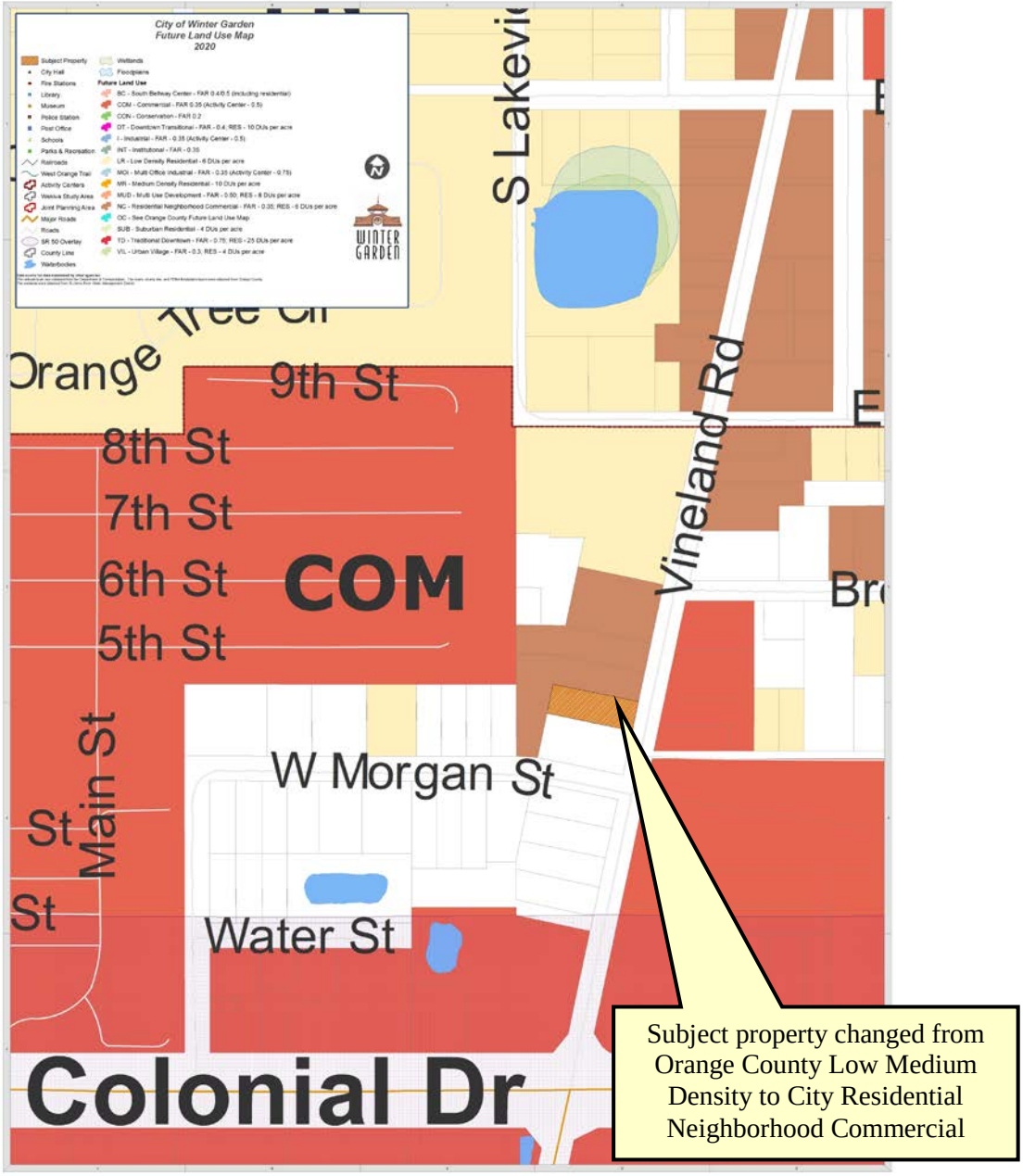
Annexation will provide a more efficient delivery of services to the property and further the goals and objectives of the City of Winter Garden's Comprehensive Plan to eliminate enclaves. City Staff recommends approval of the proposed Ordinances.

MAPS

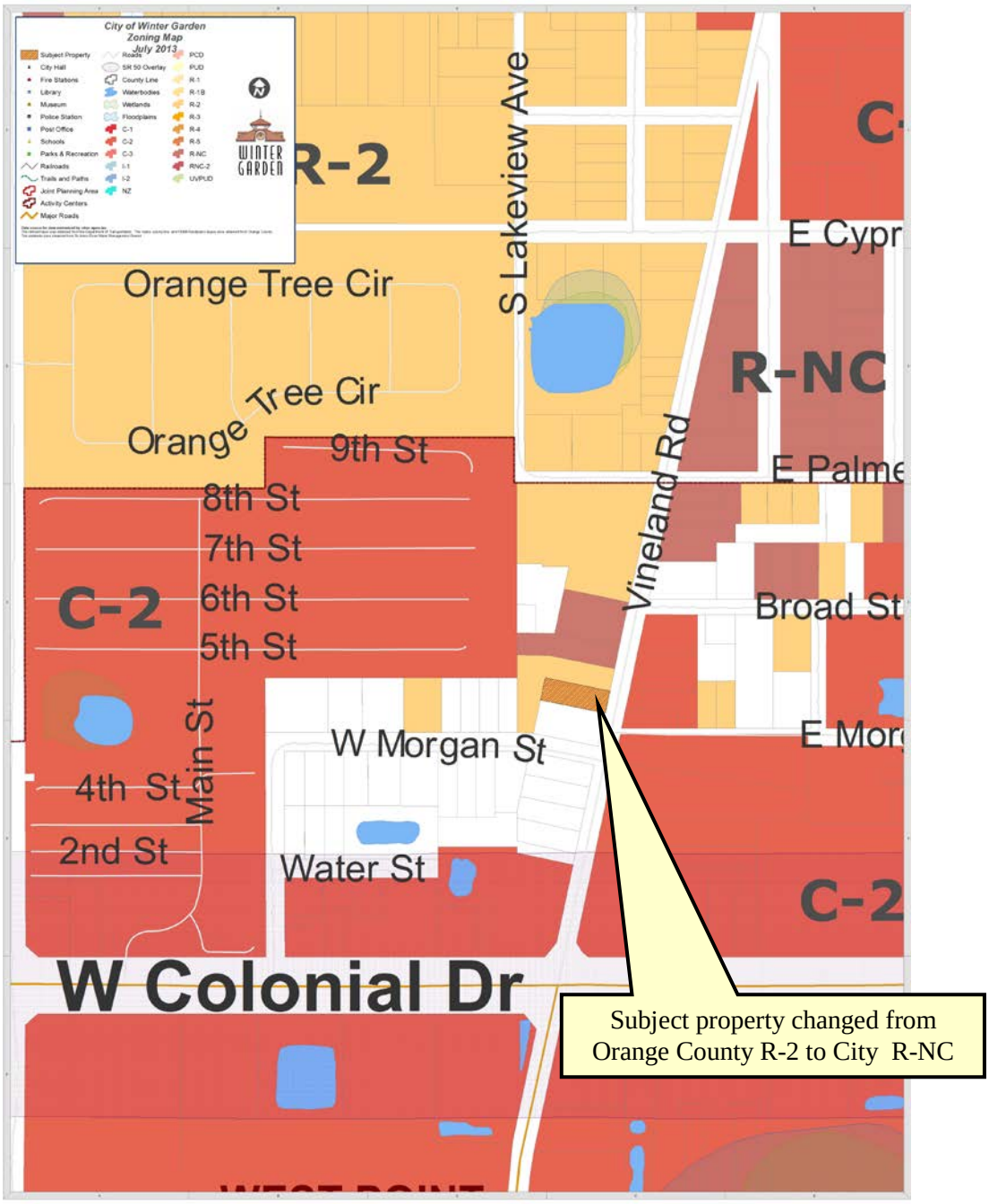
AERIAL PHOTO

950 Vineland Road

FUTURE LAND USE MAP
950 Vineland Road



ZONING MAP
<u>950 Vineland Road</u>



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: JULY 29, 2013 **Meeting Date:** AUGUST 8, 2013

Subject: 948- VINELAND ROAD
ANTONIO CONCALVES
ORDINANCE 13-54
PARCEL ID# 23-22-27-8199-00-090

Issue: The applicant is requesting Rezoning on property located at 948 Vineland Road.

Discussion:

The applicant is requesting to rezone the +/- 0.55 acre property from R-2 (Residential District) to R-NC (Residential Neighborhood Commercial). The existing Future Land Use designation is consistent with the proposed zoning. The property owner is considering applying of a Special Exception to use the existing building for an office, but at this time will keep renting the duplex. (See attached Staff Report).

Recommended Action:

Staff recommends approval of Ordinance 13-54 with the second reading scheduled for August 22, 2013.

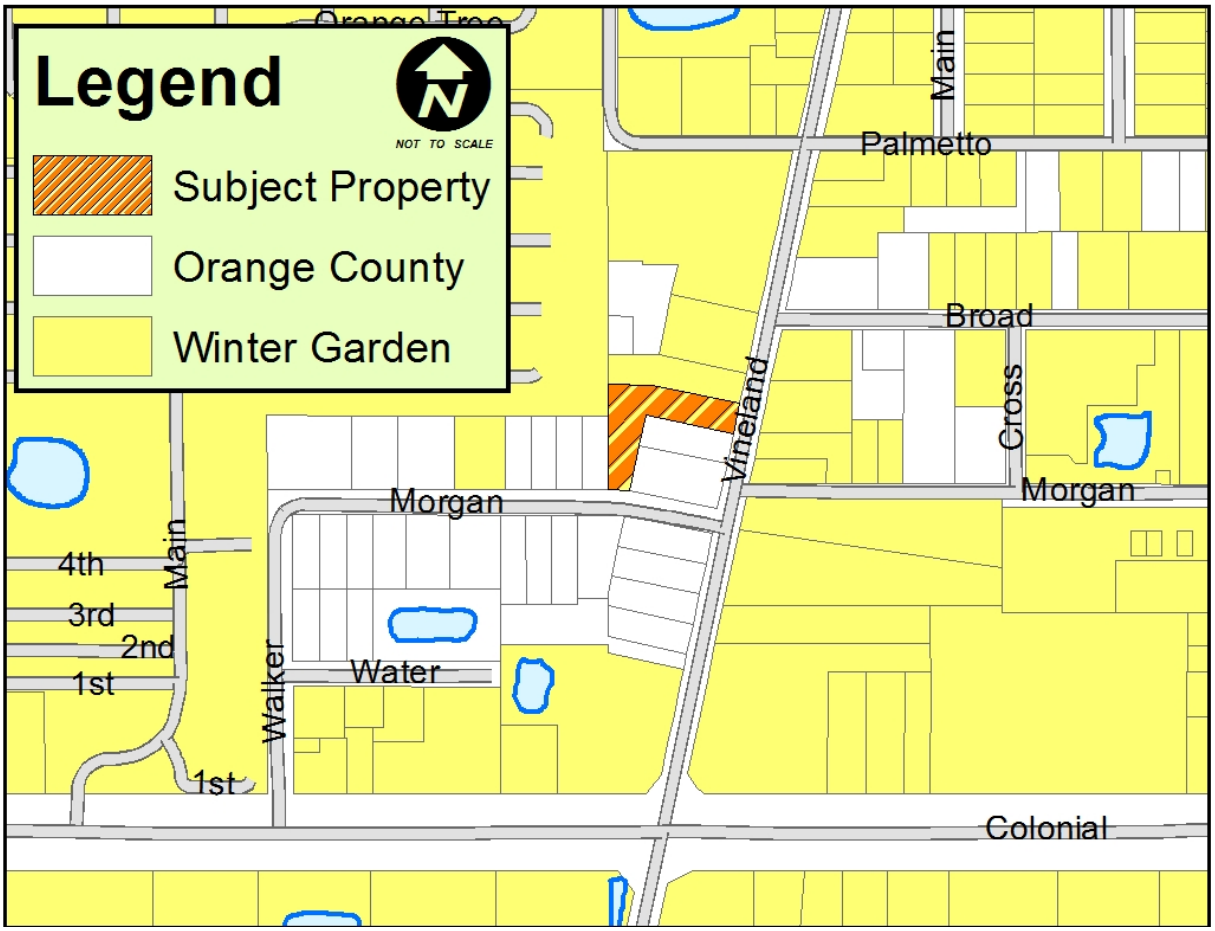
Attachment(s)/References:

Location Map
Ordinance 13-54
Staff Report

LOCATION MAP

948 Vineland Road

<u>Annexation/Zoning/FLU Amendment</u>



ORDINANCE 13-54

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.55 ± ACRES LOCATED AT 948 VINELAND ROAD ON THE WEST SIDE OF VINELAND ROAD NORTH OF WEST MORGAN STREET AND SOUTH OF BROAD STREET FROM CITY R-2 RESIDENTIAL DISTRICT TO CITY R-NC RESIDENTIAL NEIGHBORHOOD COMMERCIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner of that certain real property generally described as 0.37 ± acres of land located at 948 Vineland Road on the west side of Vineland Road north of West Morgan Street and south of Broad Street, and legally described in Section 1 of this ordinance has petitioned the City to rezone said property from City R-2 Residential District to the City's RN-C Residential Neighborhood Commercial District zoning classification, therefore; and

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

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

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

SECTION 1: *Rezoning.* The above "Whereas" clauses constitute findings by the City Commission. After due notice and public hearing, the zoning classification of real property legally described on ATTACHMENT "A," is hereby rezoned from City R-2 Residential District to City RN-C Residential Neighborhood Commercial District in the City of Winter Garden, Florida.

SECTION 2: *Zoning Map.* The City Planner is hereby authorized and directed to amend the Official Winter Garden Zoning Map in accordance with the provisions of this ordinance.

SECTION 3: *Non-Severability.* Should any portion of this Ordinance be held invalid, then the entire Ordinance shall be null and void.

SECTION 4: *Effective Date.* This Ordinance shall become effective upon its adoption.

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#: 23-22-27-8199-00-090

LEGAL DESCRIPTION

Lot 9 and that part of Lot 22, lying West of Lots 9 and 10, SOUTHERN BOULEVARD, according to the Plat thereof, as recorded in Plat Book "J", Page 13, Public Records of Orange County, Florida.

CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

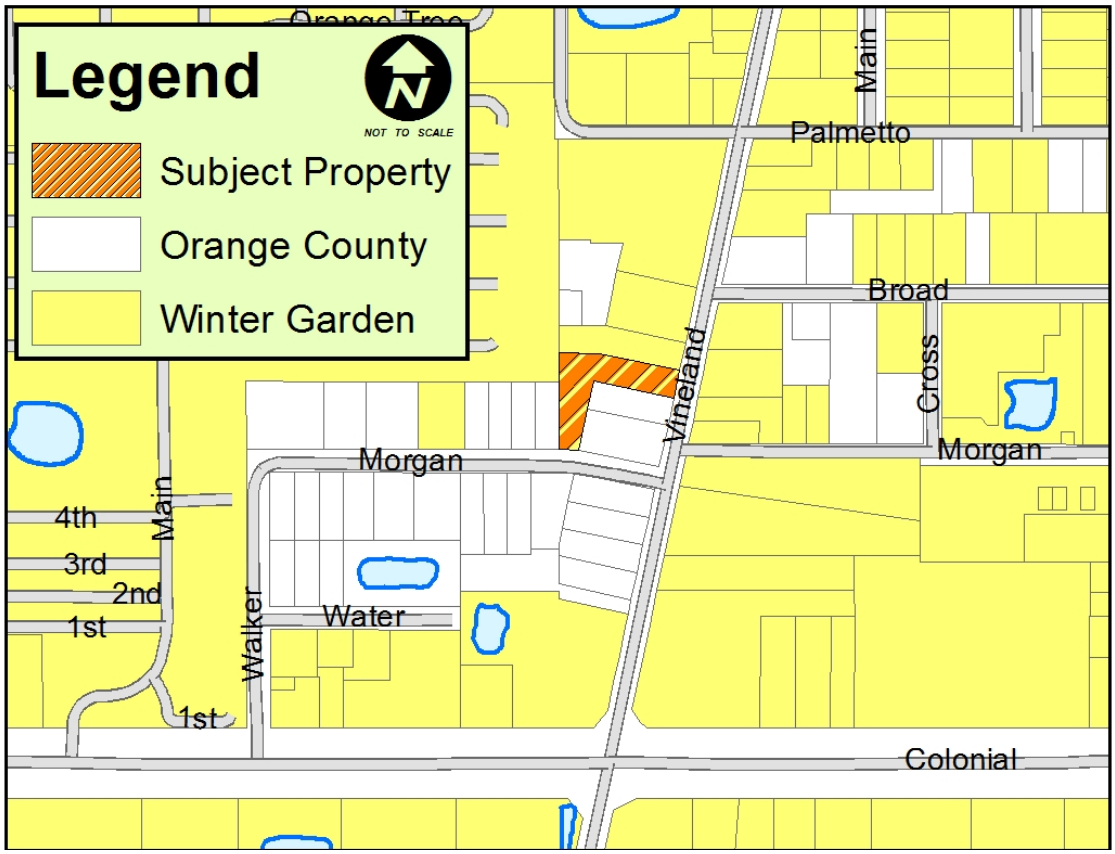
STAFF REPORT

TO: PLANNING AND ZONING BOARD
PREPARED BY: STEVE PASH, SENIOR PLANNER
DATE: JULY 29, 2013
SUBJECT: REZONING
948 VINELAND ROAD (0.55 +/- ACRES)
PARCEL ID #: 23-22-27-8199-00-090
APPLICANT: ANTONIO GONCALVES

INTRODUCTION

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

The subject property is located at 948 Vineland Road and is approximately 0.55 ± acres. The map below depicts the proximity of the subject property to the City's jurisdictional limits:



The applicant is requesting to rezone the 0.55 ± acre property which is located within the City of Winter Garden and carries a Future Land Use Designation of R-NC (Residential Neighborhood Commercial) on the Future Land Use Map of the City's Comprehensive Plan from R-2 (Residential District) to R-NC (Residential Neighborhood Commercial District)..

EXISTING USE

The subject property is currently developed and used as a duplex.

ADJACENT LAND USE AND ZONING

The property located to the north is developed as a single family house, located in the City, and zoned R-NC. The property located to the east is developed with a pool construction company, zoned C-2 and located in the City. The property to the south is developed with a duplex, and currently being annexed into the City. The property to the west is developed with Winter Garden RV Resort, zoned C-2 and located in the City.

PROPOSED USE

The applicant intends to annex the property and at a later date convert it into an office. Converting the house into an office can be done through Special Exception process.

PUBLIC FACILITY ANALYSIS

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

SUMMARY

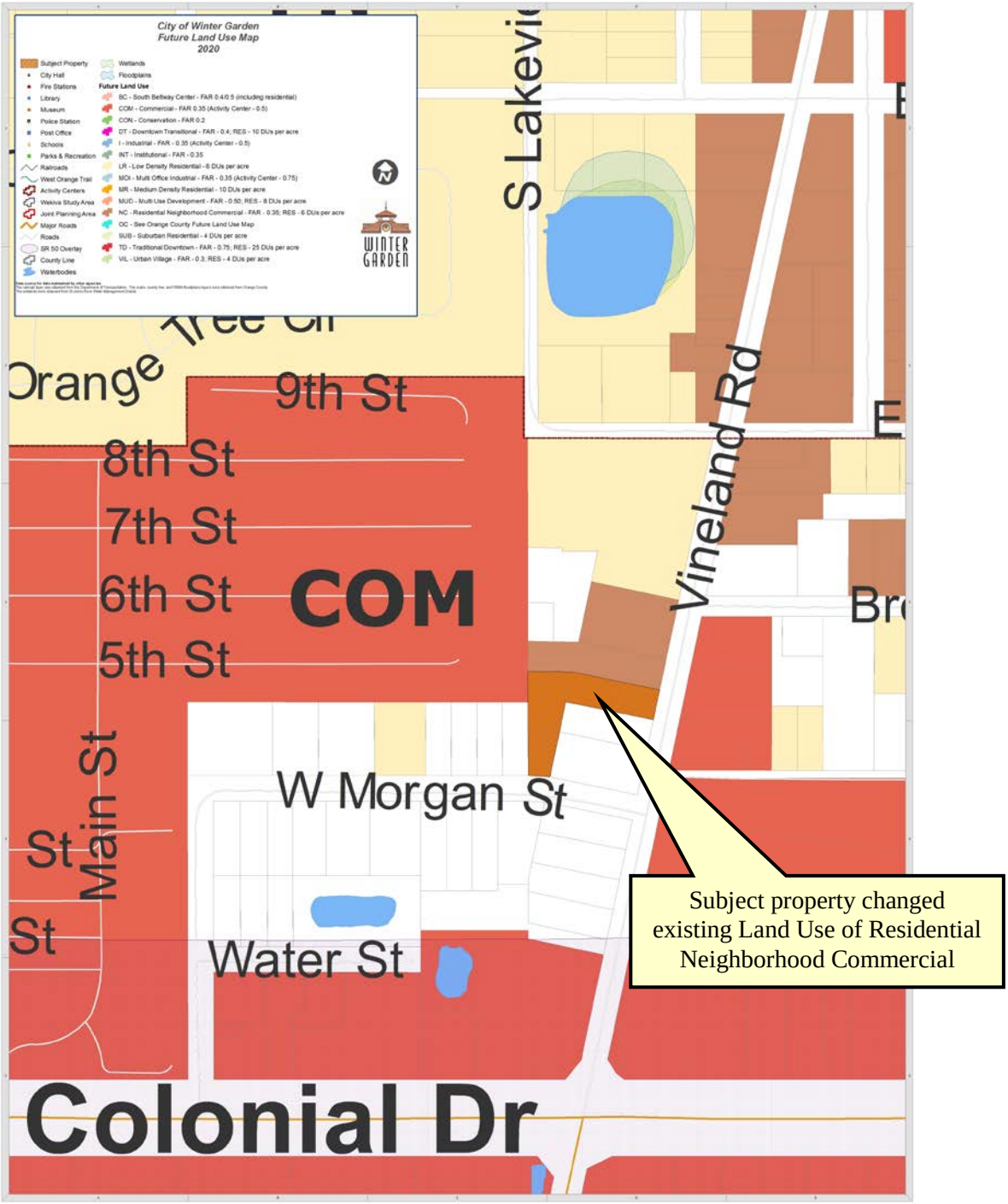
Annexation will provide a more efficient delivery of services to the property and further the goals and objectives of the City of Winter Garden's Comprehensive Plan to eliminate enclaves. City Staff recommends approval of the proposed Ordinances.

MAPS

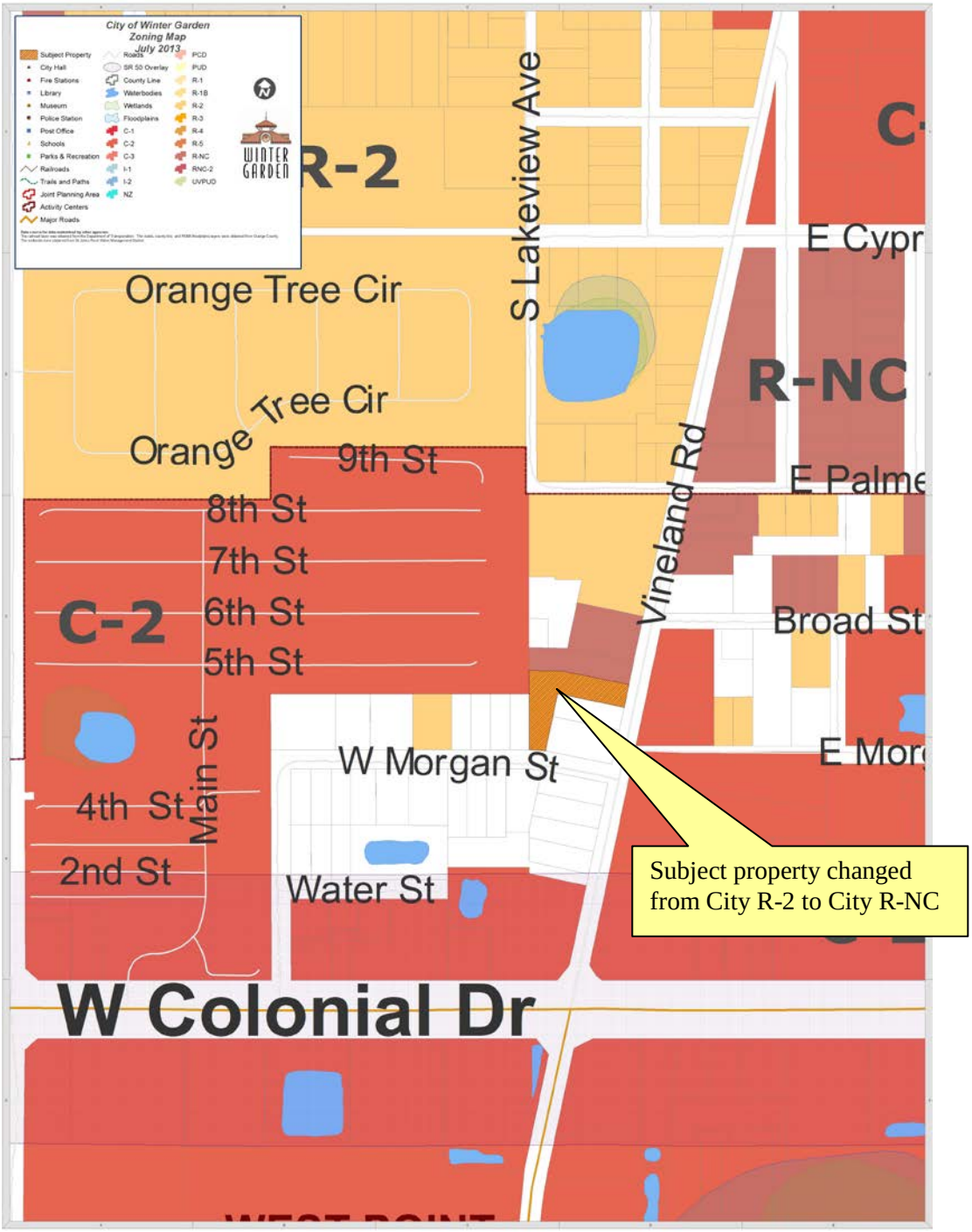
AERIAL PHOTO

948 Vineland Road

FUTURE LAND USE MAP
948 Vineland Road



ZONING MAP
948 Vineland 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: AUGUST 2, 2013 **Meeting Date:** AUGUST 8, 2013

Subject: **Ordinance 13-55**
City of Winter Garden Comprehensive Plan Amendment

Issue: Amending Policy 1-1.2.12 of the City of Winter Garden Comprehensive Plan to increase the number of acres of land within the Urban Village Land Use Category and redefine the number of acres for Residential Use and Natural Use within the Urban Village Land Use Category and to make other amendments to Policy 1-1.2.12 concerning annexations and clarifying the intent of Policy 1-1.2.12 with regard to project specific rezonings.

Discussion: The proposed Comprehensive Plan Amendment is in response to Technical Assistance Comments received from the Florida Department of Economic Opportunity (DEO) regarding a Large Scale Comprehensive Plan Amendment to the Future Land Use Map which was transmitted to the DEO in June 2013.

Recommended Action:

Staff recommends approval of Ordinance 13-55, with second reading by the City Commission scheduled for August 22, 2013.

Attachment(s)/References:

Ordinance 13-55

ORDINANCE 13-55

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING POLICY 1-1.2.12 OF THE FUTURE LAND USE ELEMENT OF THE WINTER GARDEN COMPREHENSIVE PLAN TO INCREASE THE NUMBER OF ACRES OF LAND WITHIN THE URBAN VILLAGE LAND USE CATEGORY AND REDEFINE THE NUMBER OF ACRES FOR RESIDENTIAL USE AND NATURAL USE WITHIN THE URBAN VILLAGE LAND USE CATEGORY AND MAKING OTHER AMENDMENTS TO ADDRESS ANNEXATIONS, CLARIFY THE INTENT OF POLICY 1-1.2.12 CONCERNING PROJECT SPECIFIC REZONINGS TO URBAN VILLAGE PUD; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on the 13th of June, 1991, the City Commission of the City of Winter Garden adopted Ordinance 91-16 which adopted a new Comprehensive Plan for the City of Winter Garden, and on the 24th of June, 2010, the City Commission of the City of Winter Garden adopted Ordinance 10-19 readopting and amending the Comprehensive Plan for the City of Winter Garden; and

WHEREAS, the City of Winter Garden desires to update the Future Land Use Element of said plan concerning Policy 1-1.2.12 Urban Village to account for additional properties that have been annexed into the City of Winter Garden that are 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

WHEREAS, the City of Winter Garden desires to make further revisions to Policy 1-1.2.12 Urban Village consistent to the City Commission’s original intent and purpose for creating the Urban Village future land use; 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; and

WHEREAS, the City of Winter Garden Local Planning Agency and the City Commission each find this Ordinance and the comprehensive plan amendment contained therein to be internally consistent with the City of Winter Garden Comprehensive Plan; and now, therefore,

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

SECTION I. *Future Land Use Element Amendment.* Policy 1-1.2.12 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 1-1.2.12:** 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~~805 ± 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~~ 641 ±	~~2,140~~ 2,580
Commercial	20 ±	115,000 Sq Ft
Natural	~~107~~ 144 ±	N/A

> Notes: All parcel acreages and natural delineations are estimated.
>
> Actual determination of acreage shall be made at time of ~~the~~ project specific Urban Village PUD rezonings. Through the annexation and initial comprehensive plan future land use map designation process involving parcels within the JPA-6 area annexed into the City's municipal boundaries, the City Commission may designate additional parcels with the Urban Village future land use designation and accordingly, make administrative adjustments to the above referenced acreages, densities and intensities.
>
> Development in this future land use shall also be subject to the land development regulations adopted by the City for ~~found in~~ the Urban Village PUD zoning designation and project specific Urban Village PUDs. The City Commission shall have the authority when approving project specific Urban Village PUDs to not count accessory dwelling units towards maximum residential densities of this policy. The zoning classifications that is consistent with the Urban Village land use designation is the Urban Village PUD 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: AUGUST 2, 2013 **Meeting Date:** AUGUST 8, 2013

Subject: **2203 Avalon Road**
Alexander Ridge (72.5± ACRES)
PARCEL ID # 09-23-27-0000-00-003

Issue: Consideration of Final Plat of 198 lots in the 72.5+/- acre Alexander Ridge subdivision. The Preliminary Plat of the Alexander Ridge subdivision was approved by the Planning and Zoning Board on November 6, 2006.

Recommended Action:
Staff recommends approval of the Alexander Ridge Final Plat.

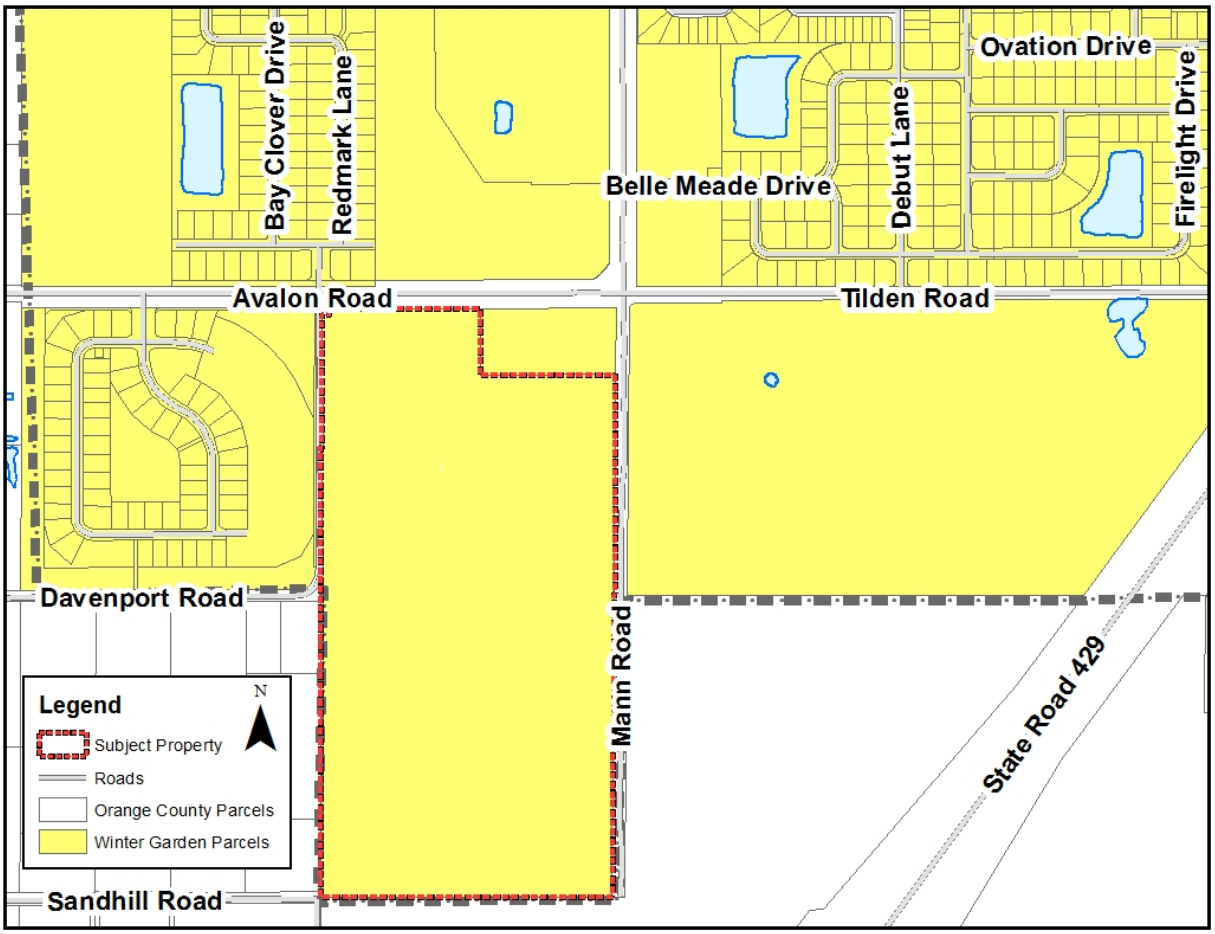
Attachment(s)/References:

Location Map
Staff Report
Final Plat

LOCATION MAP

Alexander Ridge

<u>Final Plat</u>



CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

STAFF REPORT

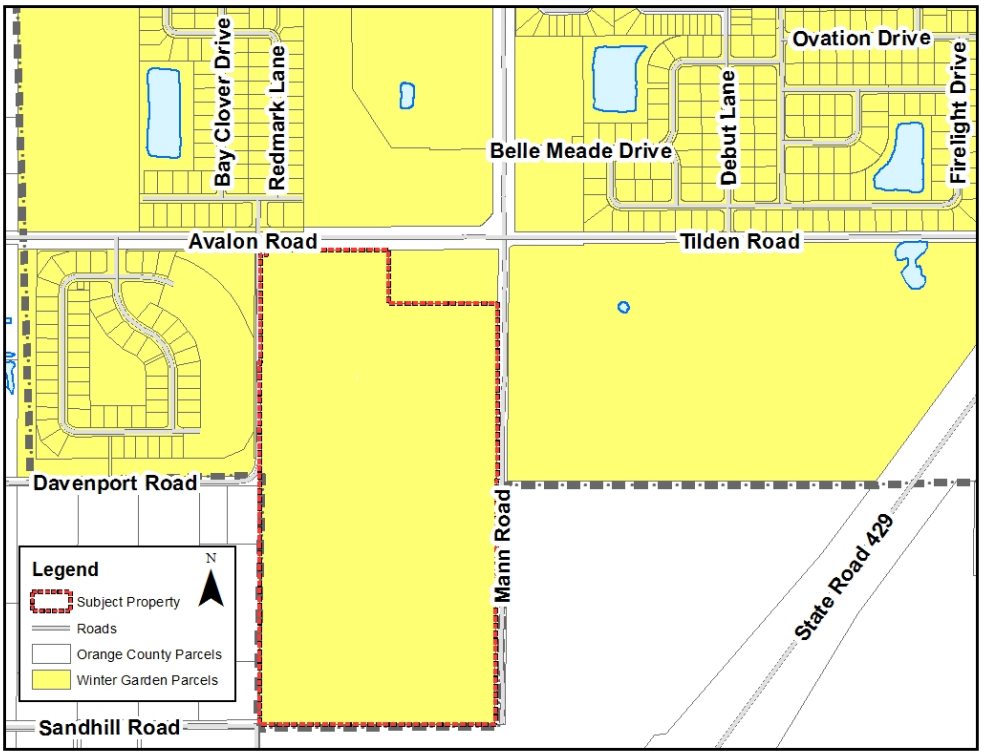
TO: PLANNING AND ZONING COMMITTEE
PREPARED BY: LAURA SMITH, SENIOR PLANNER
DATE: AUGUST 2, 2013
SUBJECT: FINAL PLAT
Alexander Ridge (72.5± ACRES)
PARCEL ID # 09-23-27-0000-00-003

APPLICANT: Lennar Homes

INTRODUCTION

The purpose of this report is to evaluate the proposed Final Plat of Alexander Ridge for compliance with the Preliminary Plat for the Alexander Ridge Property, the City of Winter Garden Code of Ordinances and Comprehensive Plan.

The 72.5 ± acre subject property is located on the southwest corner of the intersection of Avalon Road and Tilden Road. The map below depicts the location of the subject property within the City of Winter Garden municipal limits:



The applicant is requesting approval of Final Plat of the 72.5± acre property to be platted as Alexander Ridge for 198 single family residential lots. The subject property is located within the City of Winter Garden municipal limits, and carries the zoning designation PUD (Planned Unit Development) in the City of Winter Garden. The subject property is designated Low Density Residential on the Future Land Use Map of the Comprehensive Plan.

EXISTING USE

The preliminary plat for the 72.5± acre Alexander Ridge PUD was approved by the Planning and Zoning Board on November 6, 2006; Construction Plans for the subdivision were approved by the Development Review Committee on January 23, 2013. Site work for the subdivision is currently underway.

ADJACENT LAND USE AND ZONING

The property located to the north is a vacant property of 15 ± acres which is part of the Alexander Ridge PUD in the City of Winter Garden. The property located to the south is located in unincorporated Orange County and owned by Orange County as part of Conserve II zoned A-1. The property to the east is zoned R-1 in the City of Winter Garden and is occupied by Foundations Academy. The property to the west is the Reserve at Carriage Pointe PUD which contains 90 single family residential lots.

PROPOSED USE

The applicant proposes to plat the 72.5± acre site to construct 198 single family residential homes as Alexander Ridge.

PUBLIC FACILITY ANALYSIS

The Alexander Ridge subdivision was approved for 200 single family residential lots to be developed. Infrastructure in the form of roads, water, sewer, and reclaimed water systems are being installed to support the approved subdivision.

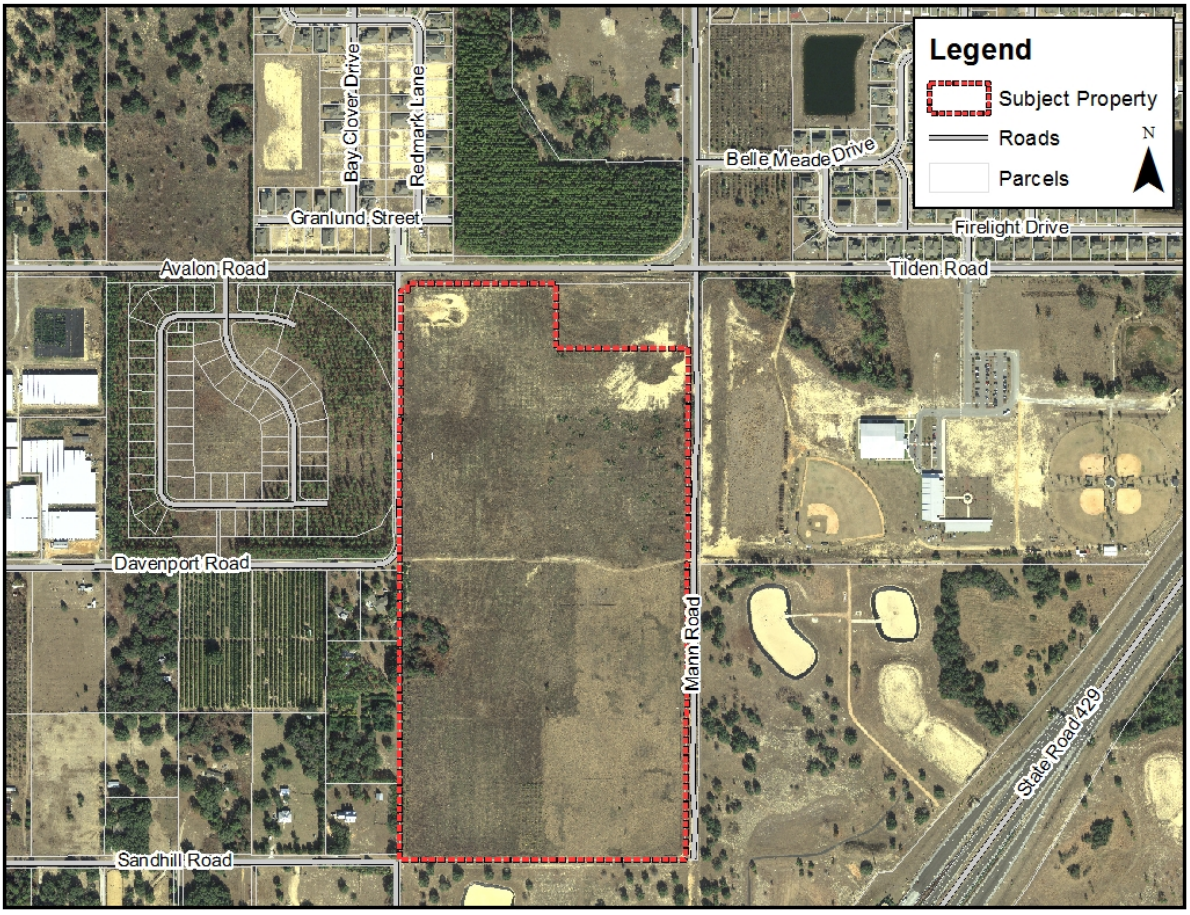
SUMMARY

City Staff recommend approval of the proposed Final Plat for Alexander Ridge.

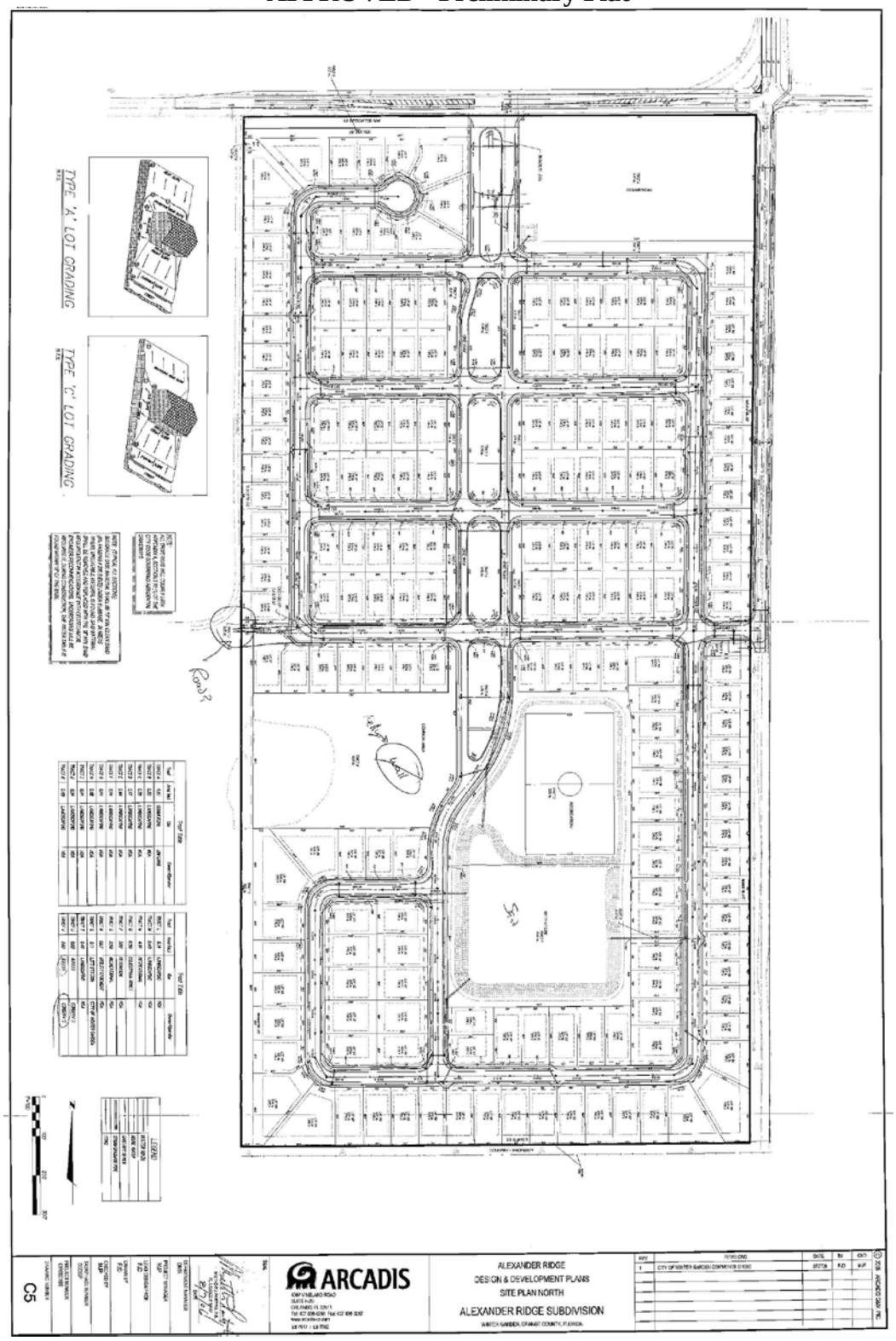
Staff has coordinated with the applicant to ensure that the Final Plat is consistent with the Code of Ordinances regarding Final Plat approval, the property specific PUD Zoning Ordinance and the approved Preliminary Plat.

MAPS

AERIAL PHOTO
ALEXANDER RIDGE



ALEXANDER RIDGE
APPROVED - Preliminary Plat



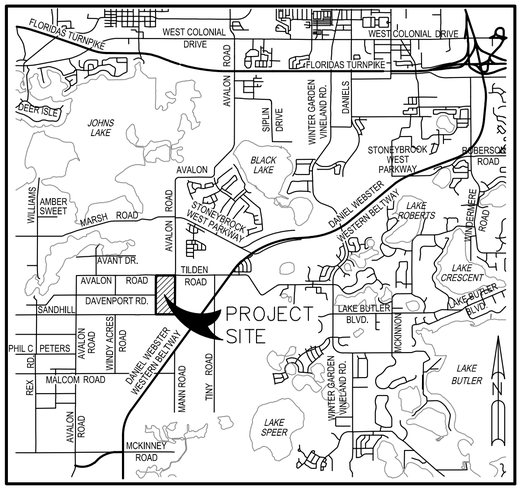
END OF STAFF REPORT

ALEXANDER RIDGE

SECTION 9, TOWNSHIP 23 SOUTH, RANGE 27 EAST
CITY OF WINTER GARDEN ORANGE COUNTY, FLORIDA

JUNE, 2013

PLAT BOOK PAGE



LOCATION MAP

NOT TO SCALE

LEGAL DESCRIPTION:

PARCEL 1
THE WEST ONE-HALF OF THE NORTHWEST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SECTION 9, TOWNSHIP 23 SOUTH,RANGE 27 EAST, LYING AND BEING SITUATE IN ORANGE COUNTY, FLORIDA.

LESS, THE NORTH 35 FEET FOR ROAD RIGHT OF WAY; ALSO LESS, ROAD RIGHT OF WAY FOR AVALON ROAD CONVEYED IN OFFICIAL RECORDS BOOK 9798, PAGE 1008 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

AND ALSO:

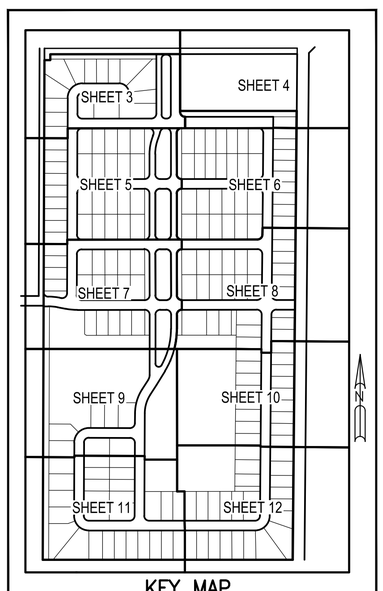
PARCEL 2
THE EAST 1/2 OF THE NORTHWEST 1/4 OF THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 23 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA,

LESS THE EAST 30 FEET AND THE NORTH 35 FEET FOR ROAD RIGHT OF WAY. ALSO LESS, THAT PARCEL CONVEYED IN OFFICIAL RECORDS BOOK 10225, PAGE 5910 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

AND ALSO:

PARCEL 3
SOUTHWEST QUARTER OF NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 23 SOUTH, RANGE 27 EAST, IN ORANGE COUNTY, FLORIDA. LESS THE EAST 30 FEET FOR ROAD RIGHT OF WAY.

CONTAINING 72.544 ACRES, MORE OR LESS



KEY MAP
N.T.S.
SEC. 9, TWP. 23. S., RGE. 27. E.

DEDICATION AND NOTES:

1. TRACT RW, AS SHOWN HEREON, IS HEREBY DEDICATED FOR PUBLIC STREET PURPOSES AND SHALL BE CONVEYED TO THE CITY OF WINTER GARDEN IN FEE SIMPLE.

2. TRACTS B, C, D, E, F, G, H, I, J, K, L AND M, TRACTS Q, R, S, AND TRACTS U, V, W, X, Y AND Z, AS SHOWN HEREON, ARE HEREBY RESERVED AS COMMON AREAS AND SHALL BE CONVEYED TO ALEXANDER RIDGE COMMUNITY ASSOCIATION, INC., ITS SUCCESSORS AND ASSIGNS, FOR OPEN SPACE AND DRAINAGE PURPOSES AND ARE THE PERPETUAL MAINTENANCE OBLIGATION OF SAID ASSOCIATION, ITS SUCCESSORS AND ASSIGNS, WITHOUT RECOURSE AGAINST THE CITY OF WINTER GARDEN.

3. TRACTS N AND REC AS SHOWN HEREON ARE HEREBY RESERVED AS COMMON AREAS AND SHALL BE CONVEYED TO ALEXANDER RIDGE COMMUNITY ASSOCIATION, INC., ITS SUCCESSORS AND ASSIGNS, FOR RECREATIONAL PURPOSES AND ARE THE PERPETUAL MAINTENANCE OBLIGATION OF SAID ASSOCIATION, ITS SUCCESSORS AND ASSIGNS, WITHOUT RECOURSE AGAINST THE CITY OF WINTER GARDEN.

4. TRACT O AS SHOWN HEREON IS HEREBY RESERVED FOR AND SHALL BE CONVEYED TO ALEXANDER RIDGE COMMUNITY ASSOCIATION, INC., IT'S SUCCESSORS AND ASSIGNS, FOR EQUESTRIAN PURPOSES AND IS THE PERPETUAL MAINTENANCE OBLIGATION OF SAID ASSOCIATION, ITS SUCCESSORS AND ASSIGNS, WITHOUT RECOURSE AGAINST THE CITY OF WINTER GARDEN.

5. TRACT P AS SHOWN HEREON IS HEREBY RESERVED FOR AND SHALL BE CONVEYED TO ALEXANDER RIDGE COMMUNITY ASSOCIATION, INC., ITS SUCCESSORS AND ASSIGNS, FOR STORMWATER MANAGEMENT PURPOSES AND IS THE PERPETUAL MAINTENANCE OBLIGATION OF SAID ASSOCIATION, ITS SUCCESSORS AND ASSIGNS. A DRAINAGE EASEMENT OVER, UNDER AND THROUGH ALL OF TRACT P IS HEREBY DEDICATED TO THE CITY OF WINTER GARDEN TO ACCOMMODATE STORMWATER DRAINAGE FROM PUBLIC RIGHTS-OF-WAY, INCLUDING TRACT RW.

6. TRACT T AS SHOWN HEREON IS A LIFT STATION TRACT AND AS SUCH SHALL BE CONVEYED TO THE CITY OF WINTER GARDEN IN FEE SIMPLE.

7. THE BUFFER EASEMENTS, AS SHOWN HEREON, ARE HEREBY DEDICATED TO ALEXANDER RIDGE COMMUNITY ASSOCIATION, INC., ITS SUCCESSORS AND ASSIGNS, FOR BUFFER PURPOSES AND ARE THE PERPETUAL MAINTENANCE OBLIGATION OF SAID ASSOCIATION, ITS SUCCESSORS AND ASSIGNS, WITHOUT RECOURSE AGAINST THE CITY OF WINTER GARDEN. THERE SHALL BE NO LANDSCAPING WITHIN ANY PORTION OF A BUFFER EASEMENT THAT OVERLAPS ANOTHER EASEMENT EXCEPT IN ACCORDANCE WITH SURVEYOR'S NOTE 8.

8. THE WALL, LANDSCAPE AND DRAINAGE EASEMENTS, AS SHOWN HEREON, ARE HEREBY DEDICATED TO ALEXANDER RIDGE COMMUNITY ASSOCIATION, INC., ITS SUCCESSORS AND ASSIGNS, FOR INSTALLATION AND MAINTENANCE OF SITE WALLS, DRAINAGE, IRRIGATION AND LANDSCAPING AND ARE THE PERPETUAL MAINTENANCE OBLIGATION OF SAID ASSOCIATION, ITS SUCCESSORS AND ASSIGNS, WITHOUT RECOURSE AGAINST THE CITY OF WINTER GARDEN. THERE SHALL BE NO CONSTRUCTION AND/OR LANDSCAPING WITHIN ANY PORTION OF A BUFFER EASEMENT THAT OVERLAPS ANOTHER EASEMENT EXCEPT IN ACCORDANCE WITH SURVEYOR'S NOTE 8.

9. THE ACCESS, DRAINAGE AND UTILITY EASEMENTS, AS SHOWN HEREON, ARE HEREBY DEDICATED TO THE CITY OF WINTER GARDEN. IN PERPETUITY FOR THE CONSTRUCTION AND MAINTENANCE OF SIDEWALKS, DRAINAGE AND UTILITY FACILITIES AND SHALL BE THE PERPETUAL MAINTENANCE OBLIGATION OF THE ALEXANDER RIDGE COMMUNITY ASSOCIATION, INC., IT'S SUCCESSORS AND/OR ASSIGNS. THE UTILITY, DRAINAGE AND ACCESS EASEMENTS SHALL ALSO BE EASEMENTS FOR THE CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION OF CABLE TELEVISION SERVICES; PROVIDED, HOWEVER, NO SUCH CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION OF CABLE TELEVISION SERVICES SHALL INTERFERE WITH THE FACILITIES AND SERVICES OF AN ELECTRIC, TELEPHONE, GAS, OR OTHER PUBLIC UTILITY. IN THE EVENT A CABLE TELEVISION COMPANY DAMAGES THE FACILITIES OF A PUBLIC UTILITY, IT SHALL BE SOLELY RESPONSIBLE FOR THE DAMAGES.

10. THE DRAINAGE EASEMENTS, AS SHOWN HEREON, ARE HEREBY DEDICATED TO THE CITY OF WINTER GARDEN. IN PERPETUITY FOR DRAINAGE PURPOSES AND SHALL BE THE PERPETUAL MAINTENANCE OBLIGATION OF THE ALEXANDER RIDGE COMMUNITY ASSOCIATION, INC., IT'S SUCCESSORS AND/OR ASSIGNS.

11. EASEMENTS FOR DRAINAGE AND UTILITIES AS SHOWN HEREON ARE ALSO DEDICATED TO THE PERPETUAL USE OF THE CITY OF WINTER GARDEN AND SHALL BE THE PERPETUAL MAINTENANCE OBLIGATION OF THE ALEXANDER RIDGE COMMUNITY ASSOCIATION, INC., IT'S SUCCESSORS AND/OR ASSIGNS.

12. THE HOMEOWNERS ASSOCIATION, AS OWNER OF THE SUBDIVISION INFRASTRUCTURE NOT OTHERWISE DEDICATED TO THE PUBLIC USE OR THE CITY OF WINTER GARDEN, COMMON PROPERTIES, AND AMENITIES, AND THE INDIVIDUAL LOT OWNERS TO EXTENT OF THEIR INTEREST IN THE FOREGOING, SHALL RELEASE, DEFEND, INDEMNIFY AND HOLD THE CITY OF WINTER GARDEN, OTHER GOVERNMENTAL ENTITIES AND PUBLIC UTILITIES HARMLESS FROM ANY AND ALL COSTS, EXPENSES, SUITS, DEMANDS, LIABILITIES, DAMAGES, INJURIES (INCLUDING DEATH), OR OTHERWISE INCLUDING ATTORNEY'S FEES AND COSTS OF SUIT, IN CONNECTION WITH THE REASONABLE USE OF SAID SUBDIVISION INFRASTRUCTURE, COMMON AREAS, OR AMENITIES, OR SAID PARTIES' MAINTENANCE THEREOF, OR SAID PARTIES' EXERCISE OF RIGHTS PERMITTED IN THE DECLARATION OF THE HOMEOWNERS ASSOCIATION, THIS PLAT, OR AS OTHERWISE PERMITTED BY LAW.

13. THE LOTS WITHIN THIS SUBDIVISION ARE GOVERNED BY A MANDATORY HOMEOWNERS ASSOCIATION REQUIRING THE PAYMENT OF FEES AND WITH THE POWER TO ASSESS THE LOTS. THE HOMEOWNERS ASSOCIATION IS THE OWNER OF AND/OR RESPONSIBLE FOR THE MAINTENANCE, REPAIR, AND REPLACEMENT OF ALL PRIVATE COMMON AREAS, DRAINAGE SYSTEMS, INCLUDING WITHOUT LIMITATION, THE RETENTION/DETENTION AREAS AND UNDERDRAINS, COMMON PROPERTIES, PRIVATE ROADS, SCREENING WALLS, AND SUCH OTHER SUBDIVISION INFRASTRUCTURE NOT OTHERWISE DEDICATED TO THE PUBLIC USE OR THE CITY OF WINTER GARDEN, INCLUDING, WITHOUT LIMITATION, ALL TRACTS AND STREETS THAT ARE NOT A NUMBERED LOT AND THE IMPROVEMENTS THEREON. EVERY LOT OWNER WITHIN THIS SUBDIVISION MUST BE A MEMBER OF THE HOMEOWNERS ASSOCIATION. FAILURE TO PAY SUCH FEES OR ASSESSMENTS SHALL RESULT IN THE ATTACHMENT OF A LIEN ON THE PROPERTY OF THE OWNER WHICH FAILS TO PAY SUCH FEES OR ASSESSMENTS BY THE HOMEOWNERS ASSOCIATION, WHICH MAY RESULT IN THE FORECLOSURE OF SAID PROPERTY. THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS SHALL BE RECORDED IN OFFICIAL RECORDS OF ORANGE COUNTY, FLORIDA.

14. THE CITY OF WINTER GARDEN SHALL HAVE THE RIGHT, BUT NOT THE OBLIGATION, TO ACCESS, MAINTAIN, REPAIR, REPLACE AND OTHERWISE CARE FOR OR CAUSE TO BE CARED FOR, ANY AND ALL PRIVATE AREAS, DRAINAGE SYSTEMS, INCLUDING WITHOUT LIMITATION, THE RETENTION/DETENTION AREAS AND UNDERDRAINS, COMMON PROPERTIES, PRIVATE ROADS, SCREENING WALLS, AND SUCH OTHER SUBDIVISION INFRASTRUCTURE NOT OTHERWISE DEDICATED TO THE PUBLIC USE OR THE CITY OF WINTER GARDEN, INCLUDING, WITHOUT LIMITATION, ALL TRACTS AND STREETS THAT ARE NOT A NUMBERED LOT AND THE IMPROVEMENTS THEREON. IN THE EVENT ANY OR ALL OF THE SAID AREAS, SYSTEMS, IMPROVEMENTS, PROPERTIES OR AREAS ARE NOT MAINTAINED, REPAIRED, OR REPLACED IN ACCORDANCE WITH THE STANDARDS OF THE CITY OF WINTER GARDEN CODE OF ORDINANCES, GOOD ENGINEERING PRACTICES, OR BECOME A NUISANCE OR IN THE EVENT THE CITY OF WINTER GARDEN EXERCISES ITS AFOREMENTIONED RIGHT, EACH OF THE LOT OWNERS OF THE SUBDIVISION ARE HEREBY ULTIMATELY RESPONSIBLE FOR PAYMENT OF THE COST OF MAINTENANCE, REPAIR, REPLACEMENT AND CARE PROVIDED BY THE CITY OF WINTER GARDEN OR ITS CONTRACTORS AND AGENTS, PLUS ADMINISTRATIVE COSTS AND ATTORNEYS' FEES AND COSTS INCURRED BY THE CITY OF WINTER GARDEN. IF SAID COSTS ARE NOT PAID WITHIN 15 DAYS OF INVOICING, THEN SAID COSTS SHALL CONSTITUTE A LIEN ON THE PROPERTY OF THE OWNERS WHICH FAIL TO PAY SUCH COSTS AND MAY BE ENFORCED, WITHOUT LIMITATION, BY FORECLOSURE, SPECIAL ASSESSMENTS, OR AS MAY OTHERWISE BE PERMITTED BY LAW. THIS RIGHT, AND THE CITY OF WINTER GARDEN'S EXERCISE OF SAID RIGHT, SHALL NOT IMPOSE ANY OBLIGATION ON THE CITY OF WINTER GARDEN TO MAINTAIN, REPAIR, REPLACE, OR OTHERWISE CARE FOR SAID PRIVATE AREAS, DRAINAGE SYSTEMS, INCLUDING WITHOUT LIMITATION, THE RETENTION/DETENTION AREAS AND UNDERDRAINS, COMMON PROPERTIES, PRIVATE ROADS, SCREENING WALLS, AND SUCH OTHER SUBDIVISION INFRASTRUCTURE NOT OTHERWISE DEDICATED TO THE PUBLIC USE OR THE CITY OF WINTER GARDEN, INCLUDING, WITHOUT LIMITATION, ALL TRACTS AND STREETS THAT ARE NOT A NUMBERED LOT AND THE IMPROVEMENTS THEREON.

15. BEARINGS SHOWN HEREON ARE ASSUMED AND BASED ON THE NORTH LINE OF THE NORTHWEST ONE-QUARTER OF SECTION 9, TOWNSHIP 23 SOUTH, RANGE 27 EAST, HAVING A BEARING OF N89°56'13"E.

16. NO BUILDING OR ANY KIND OF CONSTRUCTION OR TREES OR SHRUBS SHALL BE PLACED ON ANY EASEMENT WITHOUT PRIOR WRITTEN CONSENT OF ALL EASEMENT BENEFICIARIES AND ALL APPLICABLE COUNTY APPROVALS OR PERMITS AS REQUIRED FOR SUCH ENCROACHMENTS.

17. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF ORANGE COUNTY.

18. IN THOSE CASES WHERE EASEMENTS OF DIFFERENT TYPES CROSS OR OTHERWISE COINCIDE, DRAINAGE EASEMENTS SHALL HAVE FIRST PRIORITY, UTILITY EASEMENTS SHALL HAVE SECOND PRIORITY, ACCESS EASEMENTS SHALL HAVE THIRD PRIORITY, AND ALL OTHER EASEMENTS SHALL BE SUBORDINATE TO THESE WITH THEIR PRIORITIES BEING DETERMINED BY USE RIGHTS GRANTED.

19. VEHICULAR ACCESS RIGHTS FROM TRACTS "A" AND "B" TO AVALON ROAD, LOTS 11 THROUGH 28 AND TRACT "U" TO DAVENPORT ROAD AND TRACTS "A", "Y" AND "Z" TO MANN ROAD ARE CONTROLLED BY AND DEDICATED TO THE CITY OF WINTER GARDEN, FLORIDA.

20. ALL PLATTED UTILITY EASEMENTS SHALL PROVIDE THAT SUCH EASEMENTS SHALL ALSO BE EASEMENTS FOR THE CONSTRUCTION, INSTALLATION, MAINTENANCE AND OPERATION OF CABLE TELEVISION SERVICES; PROVIDED, HOWEVER, NO SUCH CONSTRUCTION, INSTALLATION, MAINTENANCE AND OPERATION OF CABLE TELEVISION SERVICES SHALL INTERFERE WITH THE FACILITIES AND SERVICES OF AN ELECTRIC, TELEPHONE, GAS, OR OTHER PUBLIC UTILITY. IN THE EVENT A CABLE TELEVISION COMPANY DAMAGES THE FACILITIES OF A PUBLIC UTILITY, IT SHALL BE SOLELY RESPONSIBLE FOR THE DAMAGES. THIS SECTION SHALL NOT APPLY TO THOSE PRIVATE EASEMENTS GRANTED TO OR OBTAINED BY A PARTICULAR ELECTRIC, TELEPHONE, GAS, OR OTHER PUBLIC UTILITY. SUCH CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION SHALL COMPLY WITH THE NATIONAL ELECTRICAL SAFETY CODE AS ADOPTED BY THE FLORIDA PUBLIC SERVICE COMMISSION.

NOTICE:
THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

THIS INSTRUMENT PREPARED BY ,
WILBUR F. DIVINE P.S.M. LS-4190, STATE OF FLORIDA
ARCADIS U.S., INC.
2081 VISTA PARKWAY, SUITE 305
WEST PALM BEACH, FLORIDA 33411
EB 7917 / LB 7062

LENNAR HOMES

WILBUR F. DIVINE P.S.M. 4190

NOTARY

ALEXANDER RIDGE DEDICATION

KNOW ALL MEN BY THESE PRESENTS, THAT LENNAR HOMES, LLC BEING THE OWNER IN FEE SIMPLE OF THE LANDS DESCRIBED IN THE FOREGOING CAPTION TO THIS PLAT, HEREBY DEDICATES SAID LANDS AND PLAT FOR THE USES AND PURPOSES EXPRESSED HEREIN, INCLUDING THOSE EASEMENTS DEDICATED IN THE PLAT NOTES AND DEDICATES THOSE DRAINAGE EASEMENTS AND UTILITY EASEMENTS SHOWN HEREON TO THE PERPETURAL USE OF THE CITY OF WINTER GARDEN.

IN WITNESS WHEREOF, HAS CAUSED THESE PRESENTS TO BE SIGNED AND ATTESTED TO BY THE OFFICER NAMED BELOW AND ITS SEAL AFFIXED HERETO THIS _____ DAY OF _____, 2013.

BY: LENNAR HOMES, LLC, A FLORIDA LIMITED LIABILITY COMPANY

SIGNED: _____
MARVIN L. METHENY, VICE PRESIDENT

SIGNED AND SEALED IN THE PRESENCE OF:

_____ _____
PRINTED NAME PRINTED NAME

COUNTY OF ORANGE
STATE OF FLORIDA

THIS IS TO CERTIFY, THAT ON _____ BEFORE ME, AN OFFICER DULY AUTHORIZED TO TAKE ACKNOWLEDGEMENTS IN THE STATE AND COUNTY AFORESAID, PERSONALLY APPEARED MARVIN L. MATHENY, VICE PRESIDENT OF THE ABOVE NAMED COMPANY, INCORPORATED UNDER THE LAWS OF FLORIDA, HE IS PERSONALLY KNOWN TO ME OR PRODUCED _____ AS IDENTIFICATION AND DID/DID NOT TAKE AN OATH AND WHO EXECUTED THE FOREGOING DEDICATION AND SEVERALLY ACKNOWLEDGED THE EXECUTION THEREOF TO BE THEIR FREE ACT AND DEED AS SUCH OFFICER THEREUNTO DULY AUTHORIZED; THAT THE OFFICIAL SEAL OF SAID CORPORATION AFFIXED HERETO; AND THAT THE SAID DEDICATION IS THE ACT AND DEED OF SAID CORPORATION.

IN WITNESS WHEREOF, I HAVE HERETO SET MY HAND AND SEAL ON THE ABOVE DATE

SIGNATURE OF NOTARY PUBLIC: _____

COMMISSION NO. _____

MY COMMISSION EXPIRES: _____

QUALIFICATION STATEMENT OF SURVEYOR AND MAPPER

KNOW ALL MEN BY THESE PRESENTS, THAT THE UNDERSIGNED, BEING A PROFESSIONAL SURVEYOR AND MAPPER THAT HAS PREPARED THE FOREGOING PLAT AND WAS MADE UNDER MY DIRECTION AND SUPERVISION AND THAT THE PLAT COMPLIES WITH ALL OF THE SURVEY REQUIREMENTS OF CHAPTER 177, FLORIDA STATUES; AND THAT SAID LAND IS LOCATED IN THE CITY OF WINTER GARDEN, ORANGE COUNTY, FLORIDA.

DATED: _____ SIGNED: _____
P.S.M. #4190

WILBUR F. DIVINE, P.S.M.
ARCADIS U.S., INC.
2081 VISTA PARKWAY, SUITE 305
WEST PALM BEACH, FLORIDA 33411

CERTIFICATE OF REVIEW BY CITY SURVEYOR

I HEREBY CERTIFY, THAT I HAVE REVIEWED THE FOREGOING PLAT AND THAT IT IS IN CONFORMITY WITH CHAPTER 177, FLORIDA STATUTES.

_____ _____
CITY SURVEYOR DATE

PRINTED NAME: _____

COMPANY: _____

ADDRESS: _____

REGISTRATION NO.: _____

CERTIFICATE OF APPROVAL BY MUNICIPALITY

THIS IS TO CERTIFY THAT ON _____ THE CITY COMMISSION OF THE CITY OF WINTER GARDEN APPROVED THE FOREGOING PLAT.

_____ _____
MAYOR OF WINTER GARDEN CITY CLERK

CERTIFICATE OF COUNTY COMPTROLLER

I HEREBY CERTIFY, THAT THE FOREGOING PLAT WAS RECORDED IN THE ORANGE COUNTY OFFICIAL RECORDS ON

_____ AT _____

FILE NO. _____

_____
COUNTY COMPTROLLER
IN AND FOR ORANGE COUNTY, FL

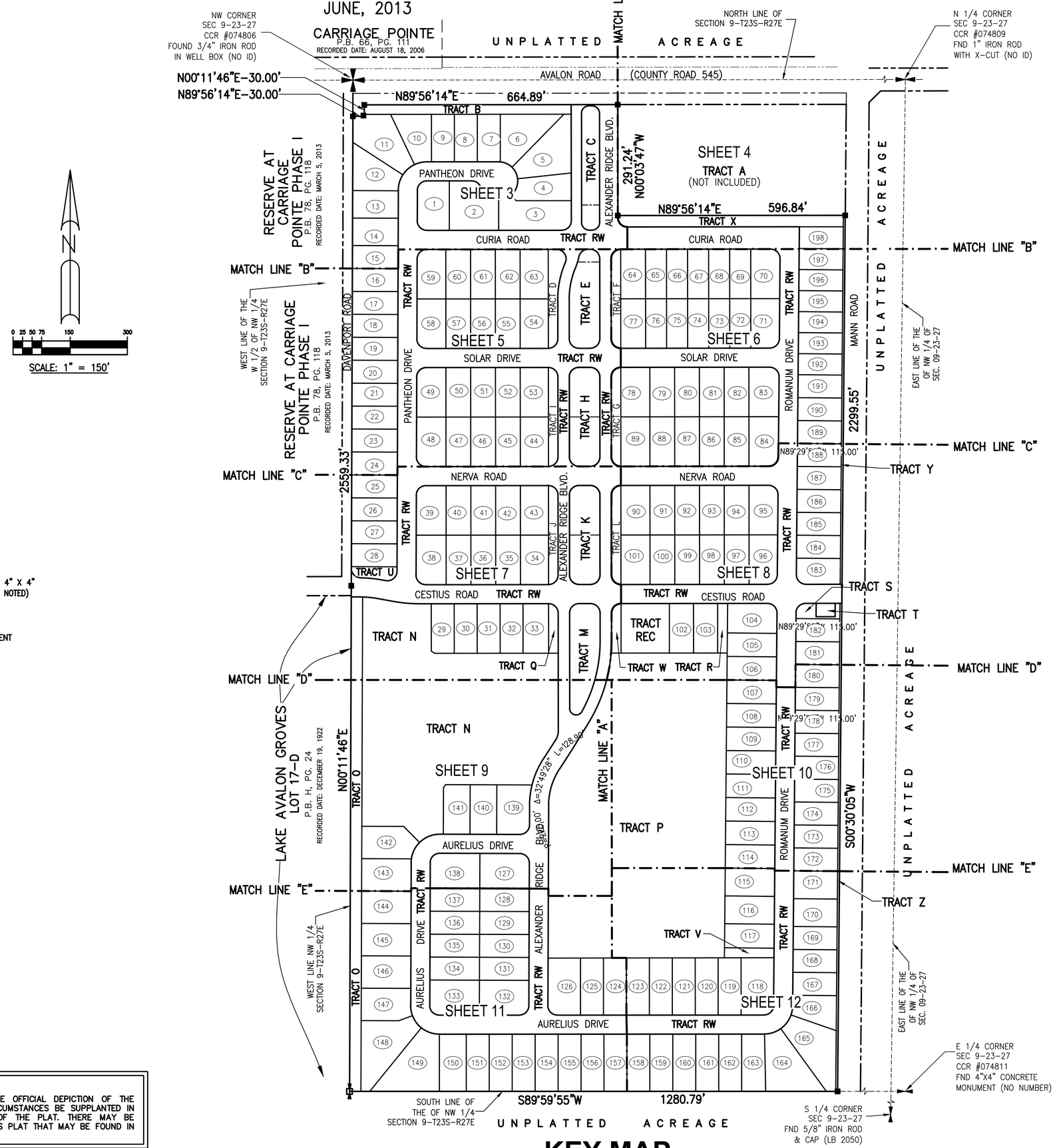
BY: _____ D.C.

THIS INSTRUMENT PREPARED BY ,
WILBUR F. DIVINE P.S.M. LS-4190, STATE OF FLORIDA
ARCADIS U.S., INC.
2081 VISTA PARKWAY, SUITE 305
WEST PALM BEACH, FLORIDA 33411
EB 7917 / LB 7062

ALEXANDER RIDGE

SECTION 9, TOWNSHIP 23 SOUTH, RANGE 27 EAST
CITY OF WINTER GARDEN ORANGE COUNTY, FLORIDA
JUNE, 2013

PLAT BOOK PAGE



KEY MAP

LEGEND:

●	=DENOTES PERMANENT CONTROL POINT TO BE SET
■	=DENOTES SET PERMANENT REFERENCE MONUMENT 4" X 4" CONCRETE MONUMENT LB 7062 (UNLESS OTHERWISE NOTED)
℄	=DENOTES CENTER LINE
(166)	=DENOTES LOT NUMBER
A. D. & U.E.	= DENOTES ACCESS, DRAINAGE AND UTILITY EASEMENT
BLVD.	= DENOTES BOULEVARD
D.E.	= DENOTES DRAINAGE EASEMENT
EB	= DENOTES ENGINEERING BUSINESS
Δ	= DENOTES CENTRAL ANGLE
L	= DENOTES ARC LENGTH
CB	= DENOTES CHORD BEARING
CCR#	= DENOTES CERTIFIED CORNER RECORD/NUMBER
CH	= DENOTES CHORD LENGTH
ID	= DENOTES IDENTIFICATION
LB	= DENOTES LICENSED SURVEYING BUSINESS
NTS	= DENOTES NOT TO SCALE
OS	= DENOTES OPEN SPACE
O.R.B	= DENOTES OFFICIAL RECORD BOOK
P.B.	= DENOTES PLAT BOOK
PG.	= DENOTES PAGE
PC	= DENOTES POINT OF CURVATURE
PCC	= DENOTES POINT OF COMPOUND CURVATURE
PI	= DENOTES POINT OF INTERSECTION
PRC	= DENOTES POINT OF REVERSE CURVE
PRM	= DENOTES PERMANENT REFERENCE MONUMENT
PT	= DENOTES POINT OF TANGENCY
(N.R.)	= DENOTES NON RADIAL
R	= DENOTES RADIUS
(RAD.)	= DENOTES RADIAL
RAD. PT.	= DENOTES RADIUS POINT
REC	= DENOTES RECREATION
R/W	= DENOTES RIGHT-OF-WAY
TYP.	= DENOTES TYPICAL
U.D.E.	= DENOTES UTILITY AND DRAINAGE EASEMENT
U.E.	= DENOTES UTILITY EASEMENT

NOTICE:

THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

THIS INSTRUMENT PREPARED BY ,
WILBUR F. DIVINE P.S.M. LS-4190, STATE OF FLORIDA
ARCADIS U.S., INC.
2081 VISTA PARKWAY, SUITE 305
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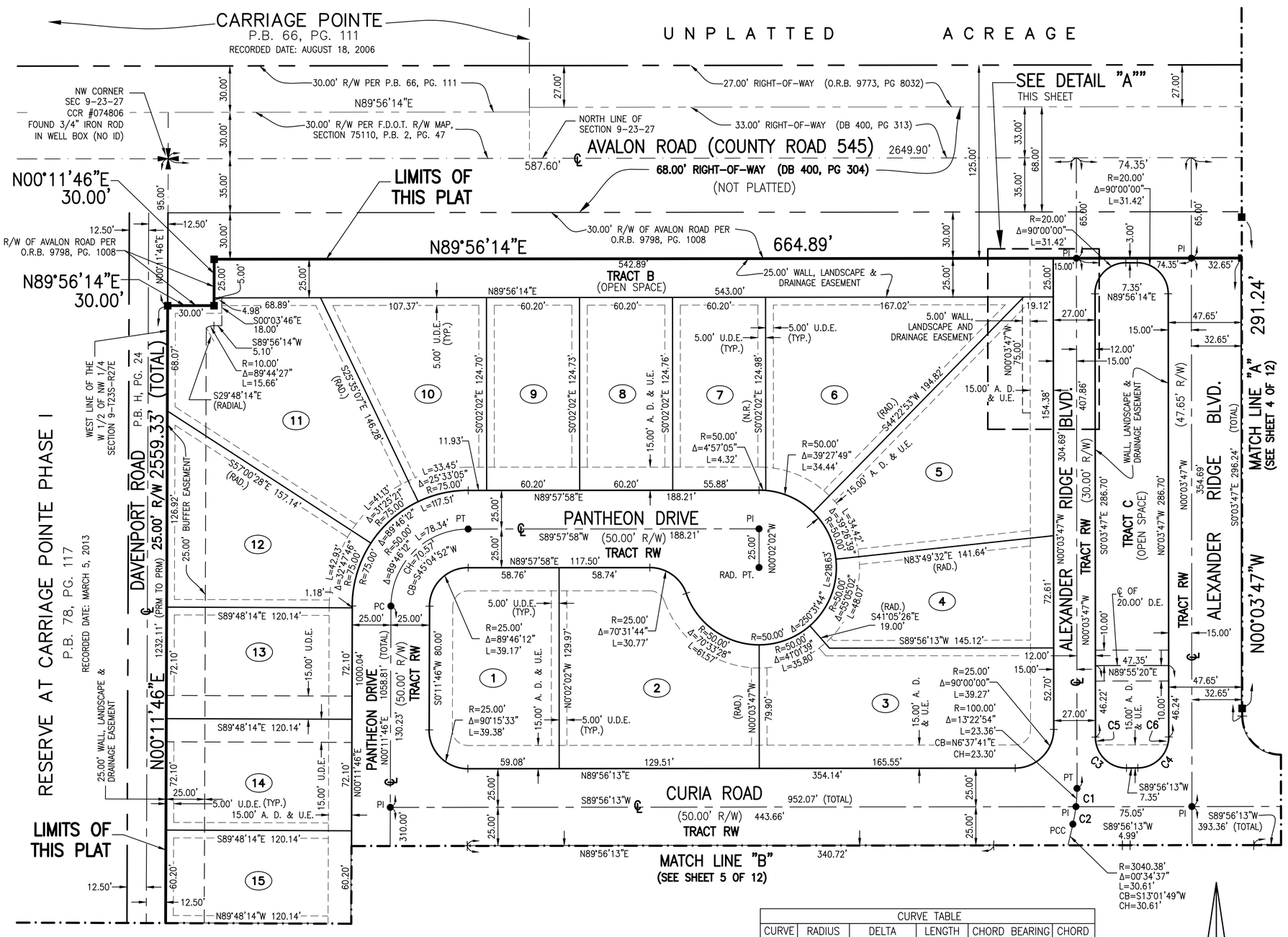
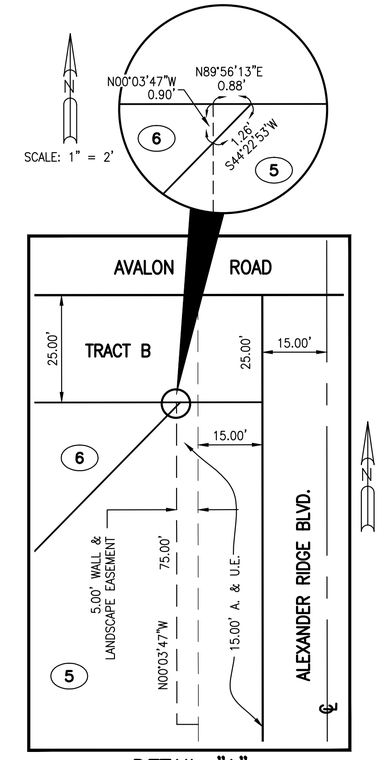
ALEXANDER RIDGE

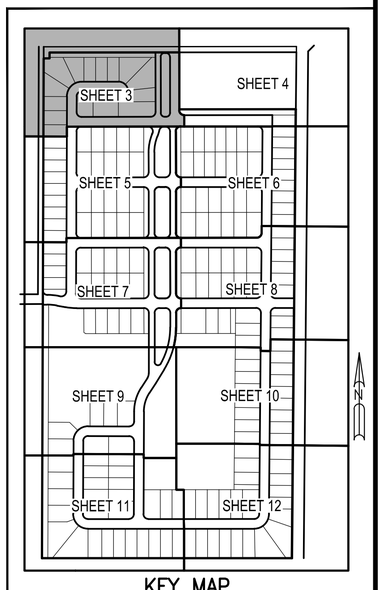
SECTION 9, TOWNSHIP 23 SOUTH, RANGE 27 EAST
CITY OF WINTER GARDEN ORANGE COUNTY, FLORIDA
JUNE, 2013

PLAT BOOK PAGE





DETAIL "A"
SCALE: 1" = 20'



KEY MAP
N.T.S.
SEC. 9, TWP. 23. S., RGE. 27. E.

CURVE TABLE					
CURVE	RADIUS	DELTA	LENGTH	CHORD BEARING	CHORD
C1	100.00'	06°47'33"	11.86'	N03°20'00"E	11.85'
C2	100.00'	06°35'21"	11.50'	N10°01'27"E	11.49'
C3	20.00'	90°00'00"	31.42'		
C4	20.00'	90°00'00"	31.42'		
C5	20.00'	14°28'39"	5.05'		
C6	20.00'	14°28'39"	5.05'		

LEGEND:

- ● =DENOTES PERMANENT CONTROL POINT TO BE SET
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0 8 20 40 80 120
SCALE: 1" = 40'

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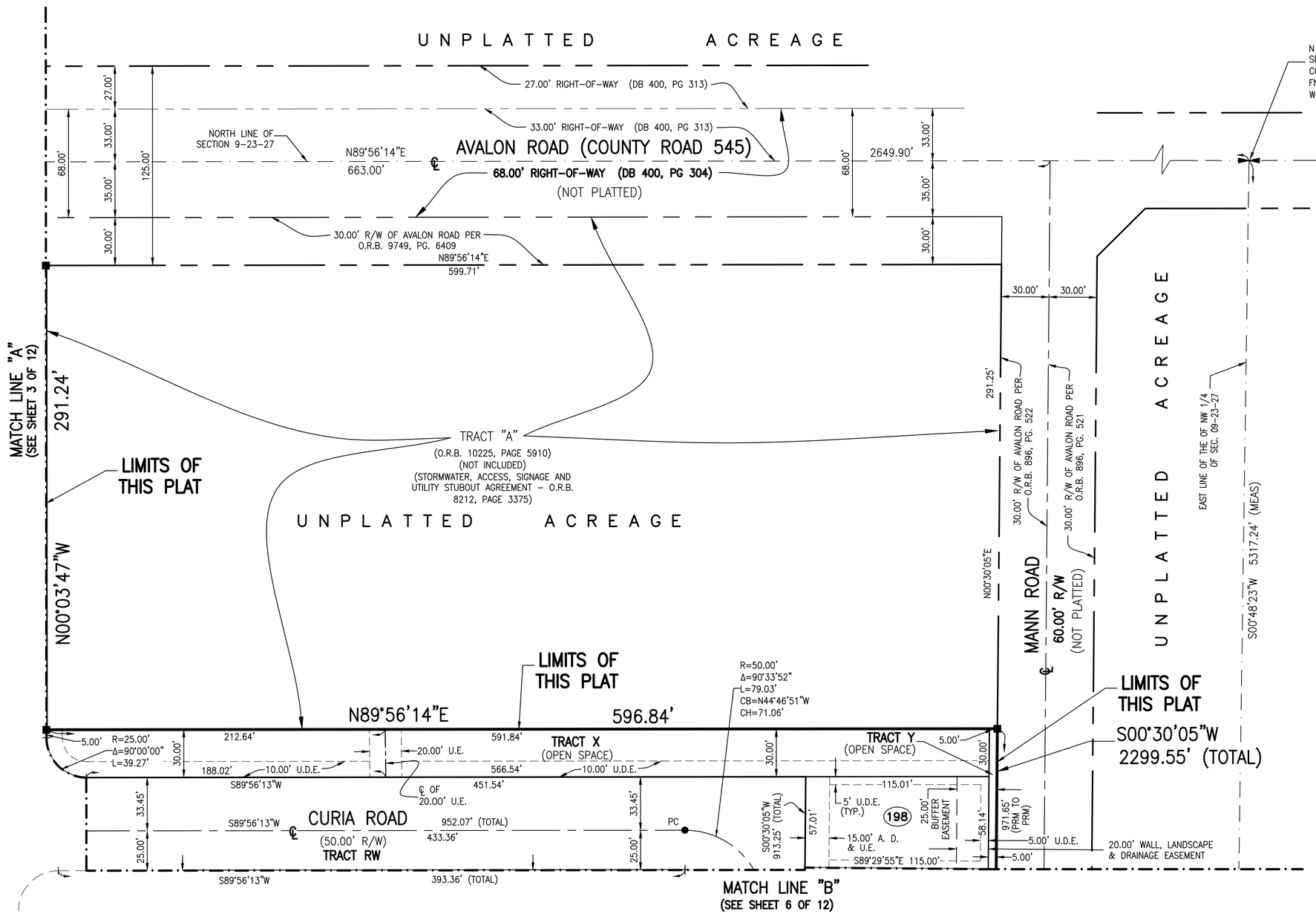
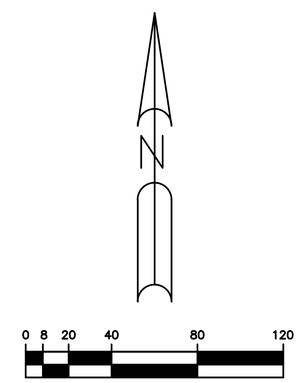
2081 VISTA PARKWAY, SUITE 305
WEST PALM BEACH, FLORIDA 33411
EB 7917 / LB 7062

ALEXANDER RIDGE

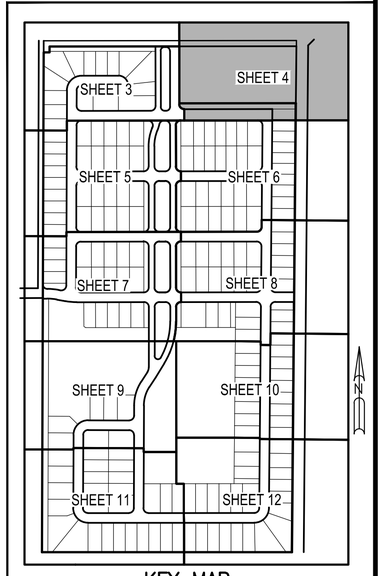
SECTION 9, TOWNSHIP 23 SOUTH, RANGE 27 EAST
CITY OF WINTER GARDEN ORANGE COUNTY, FLORIDA
JUNE, 2013

PLAT BOOK PAGE





SCALE: 1" = 40'



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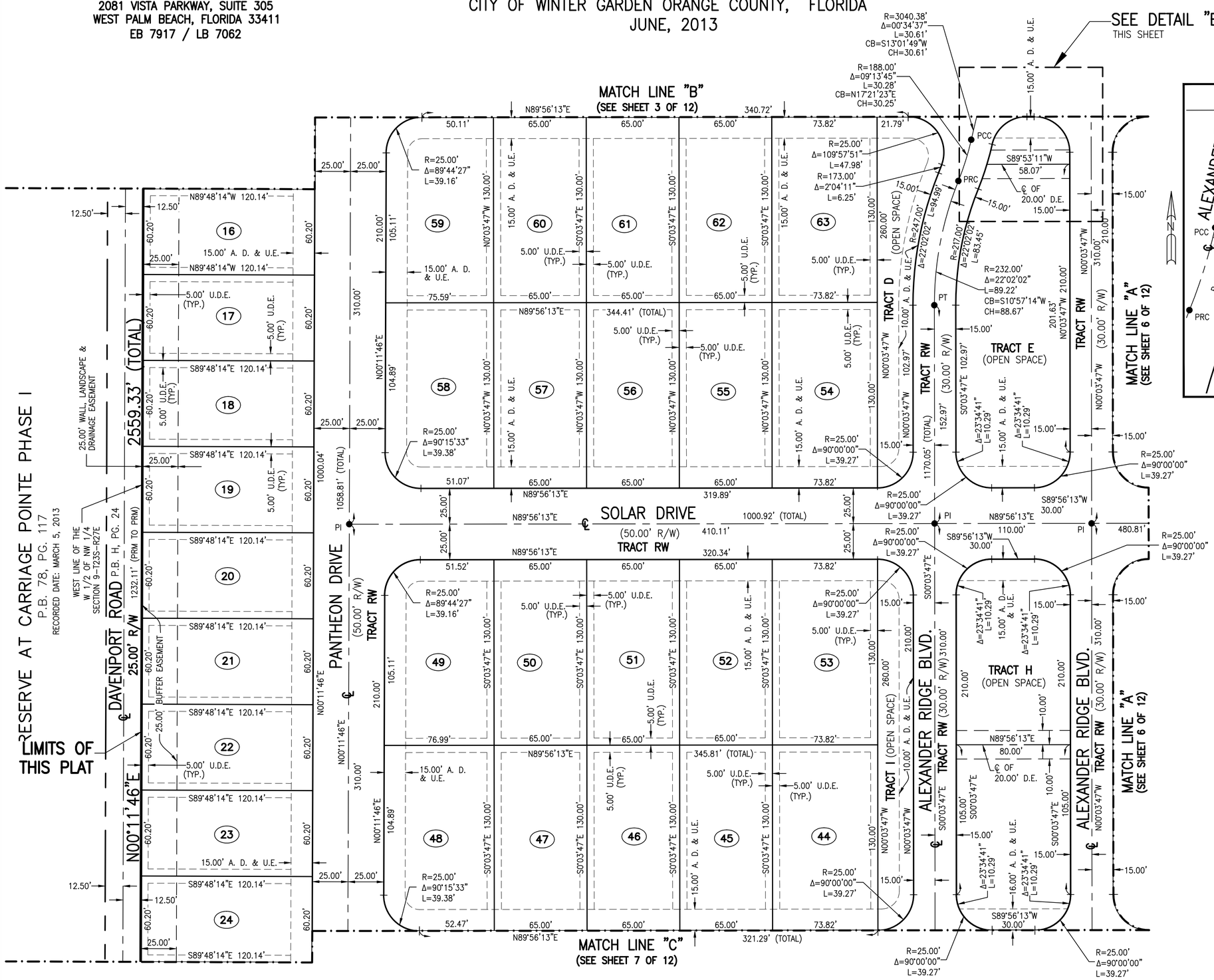
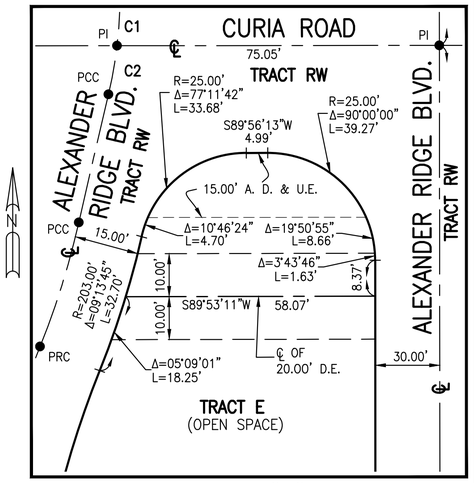
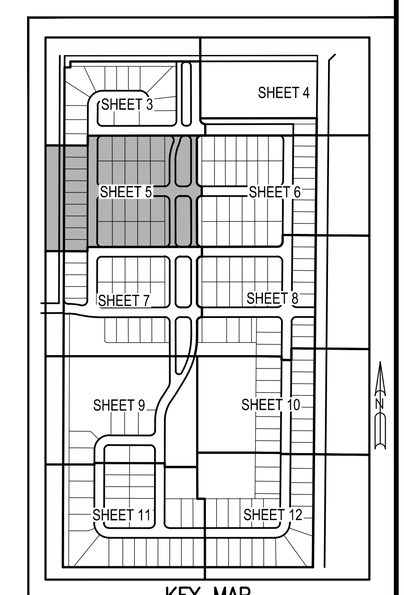




DETAIL "B"
SCALE: 1" = 20'



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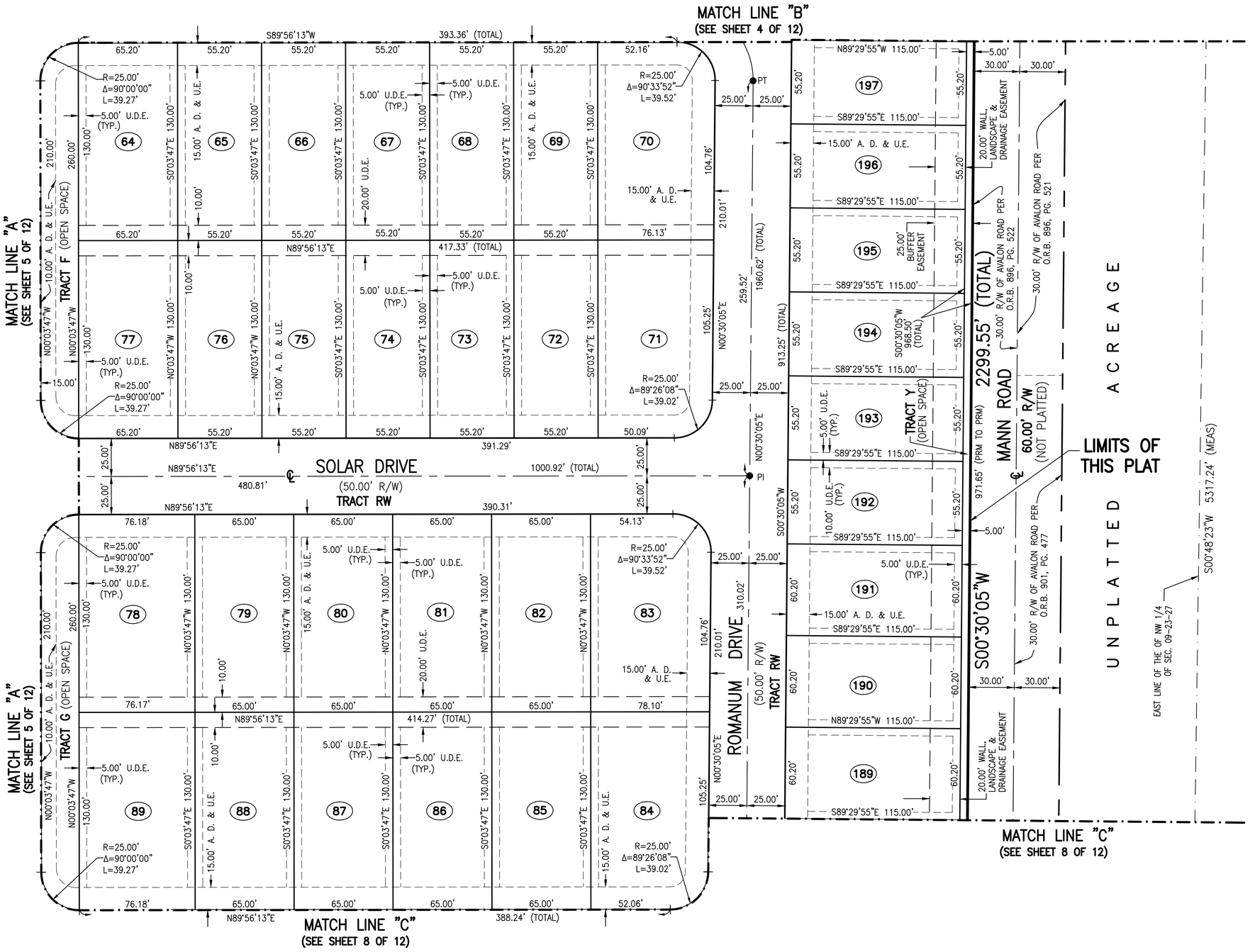

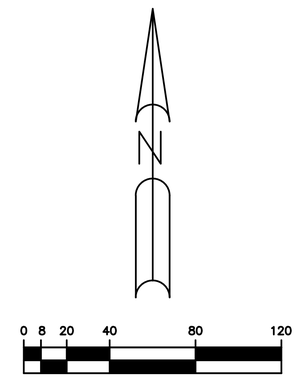

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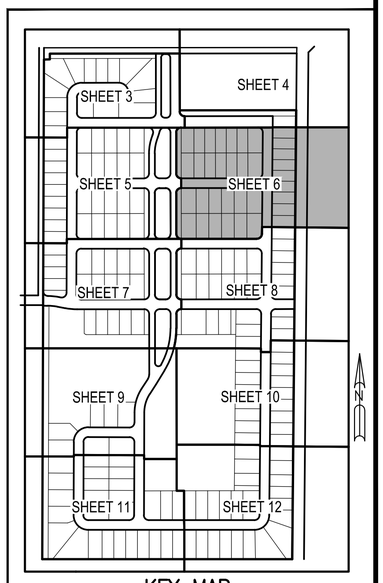

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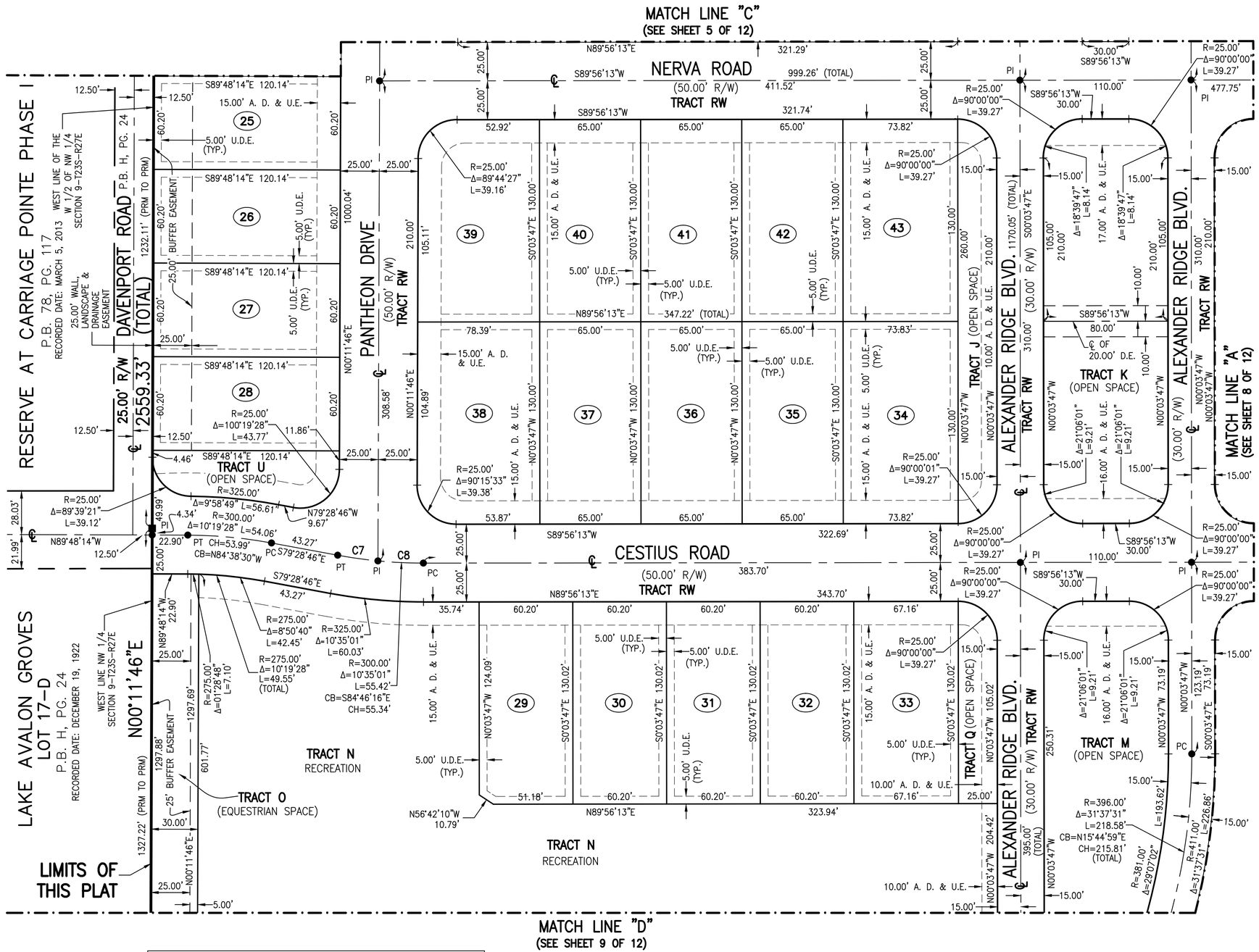

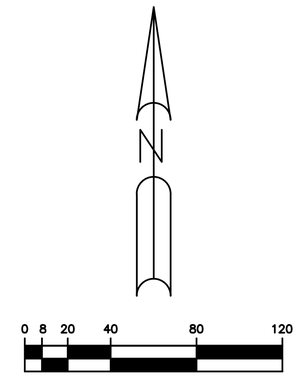

CURVE TABLE					
CURVE	RADIUS	DELTA	LENGTH	CHORD BEARING	CHORD
C7	300.00'	04°59'42"	26.15'	N81°58'36"W	26.14'
C8	300.00'	05°35'19"	29.26'	N87°16'07"W	29.25'

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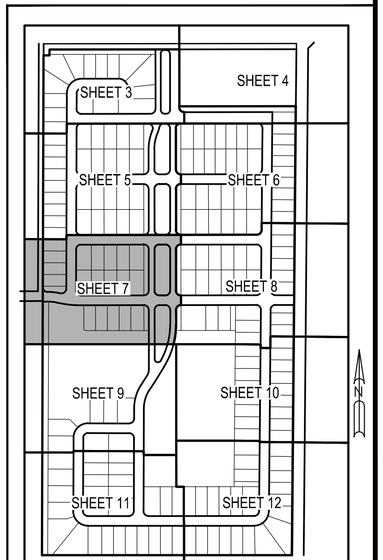

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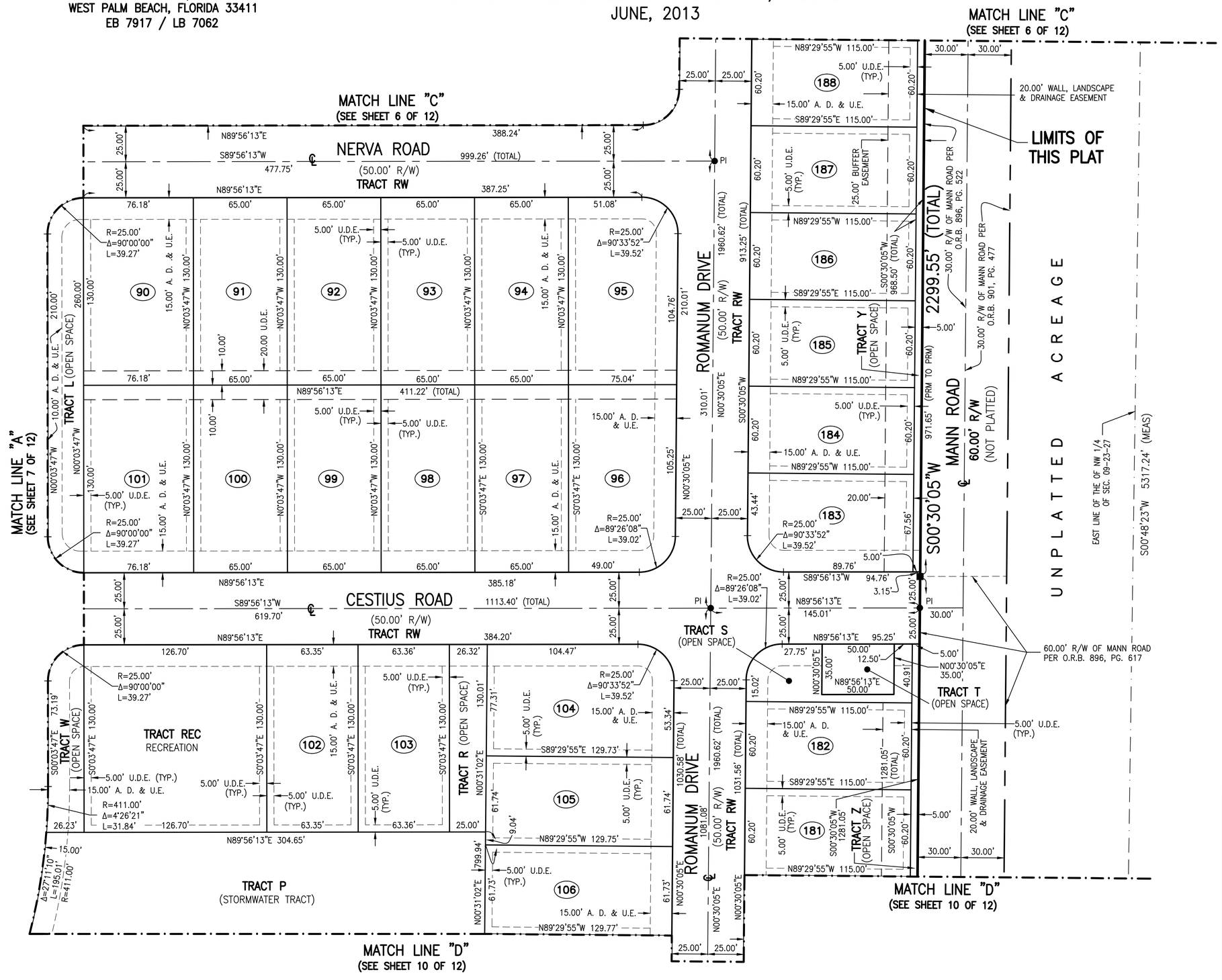

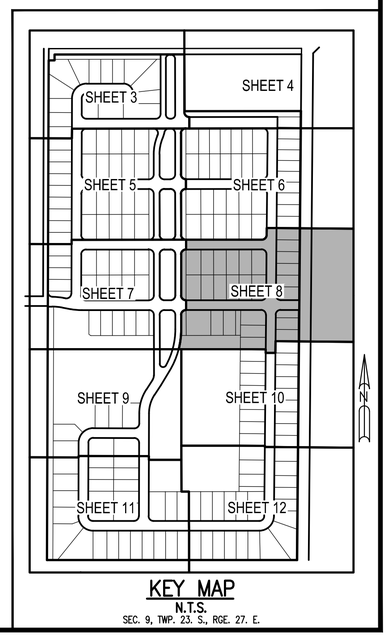

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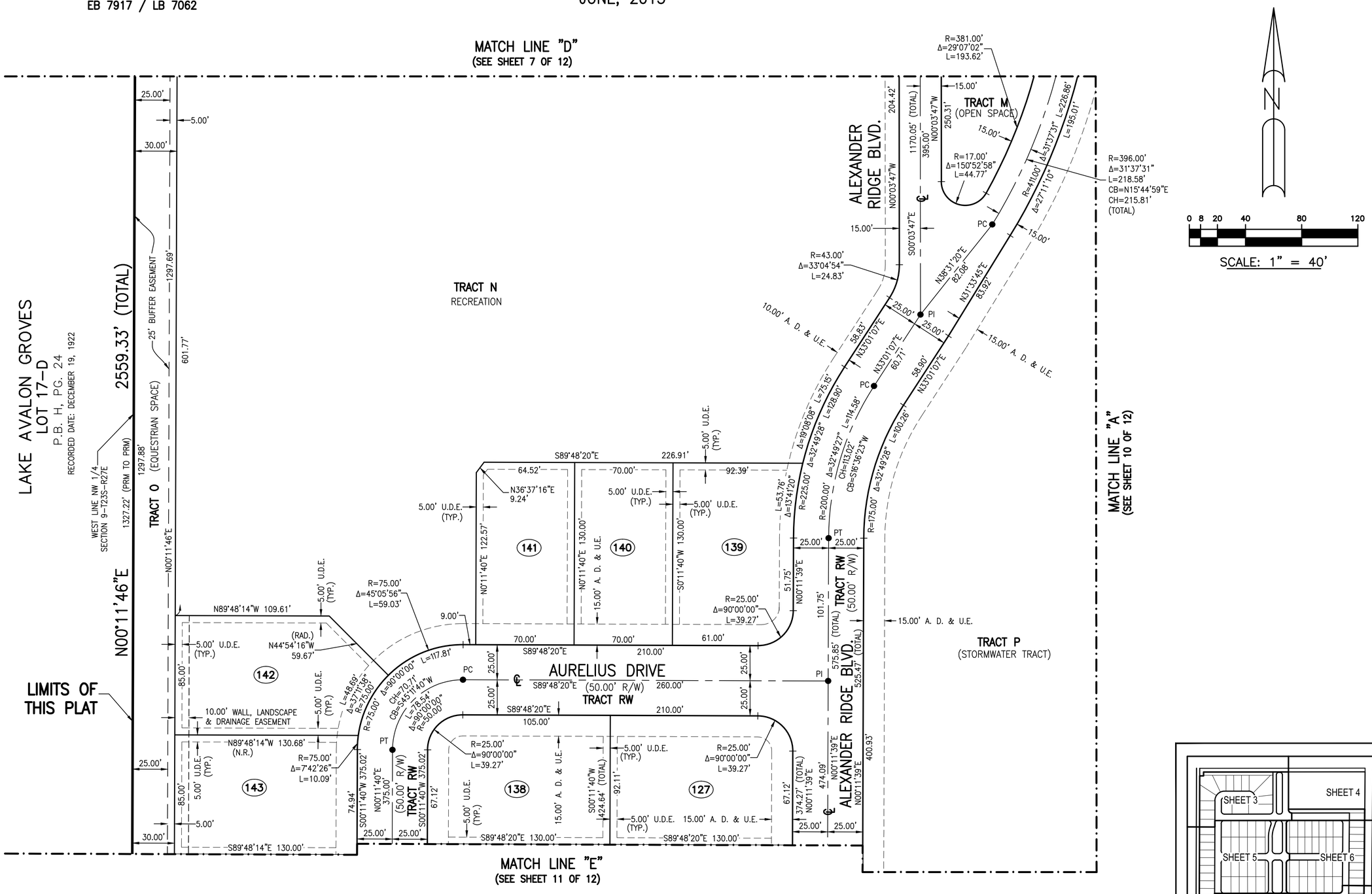

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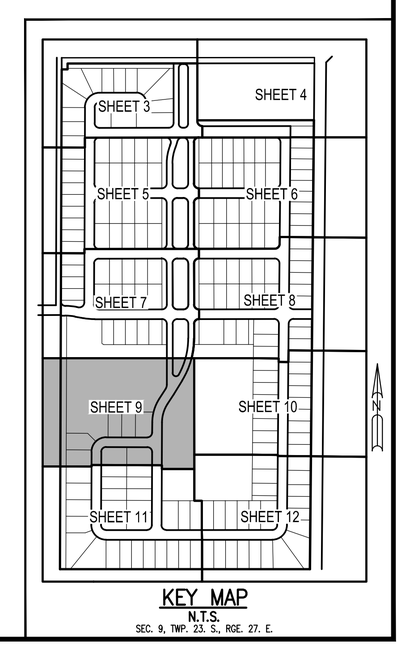

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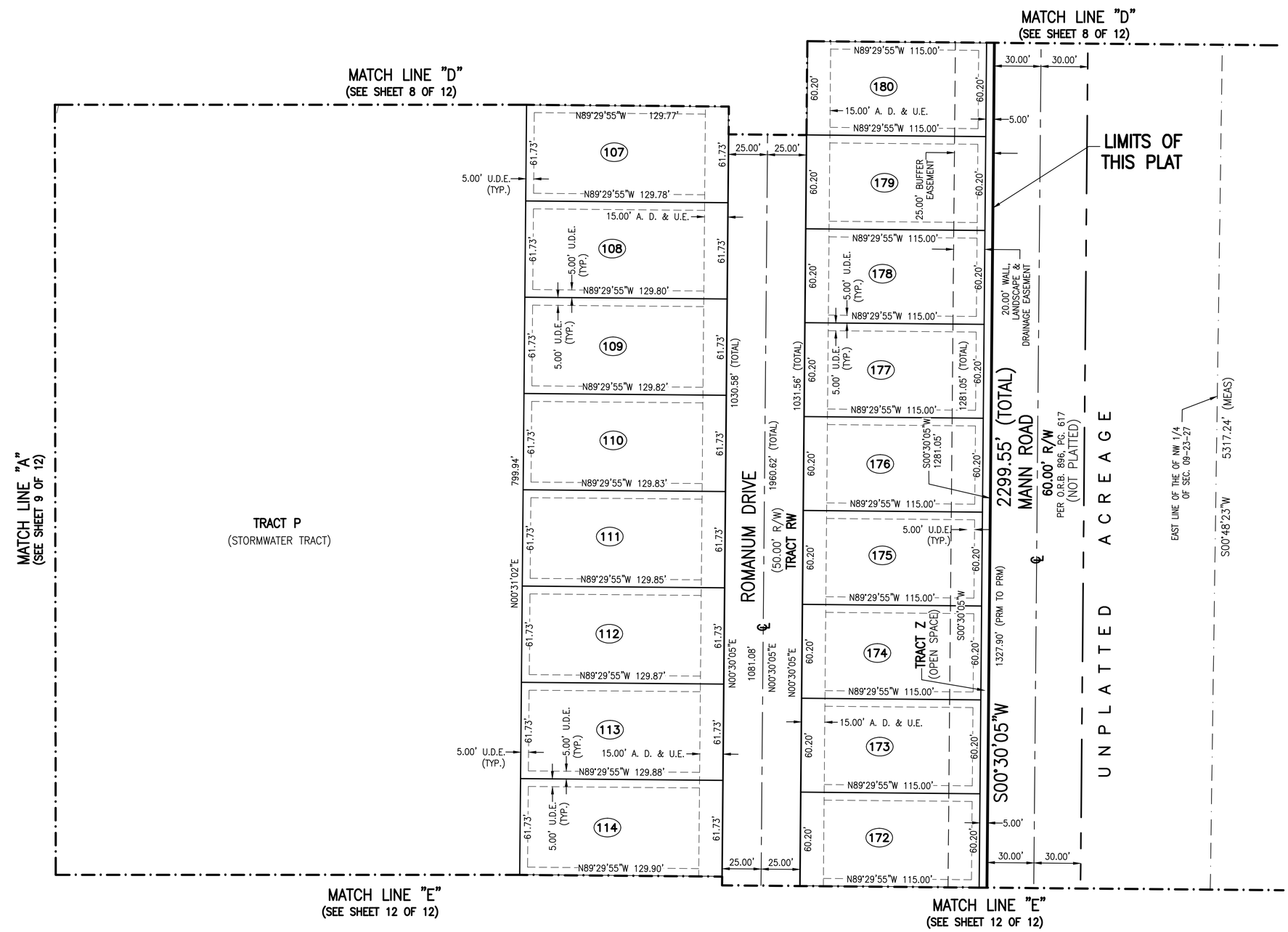
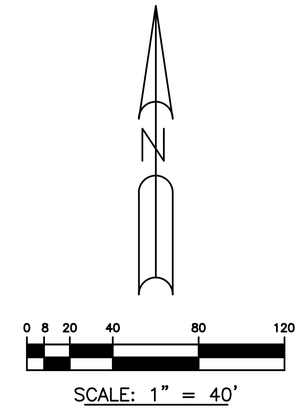
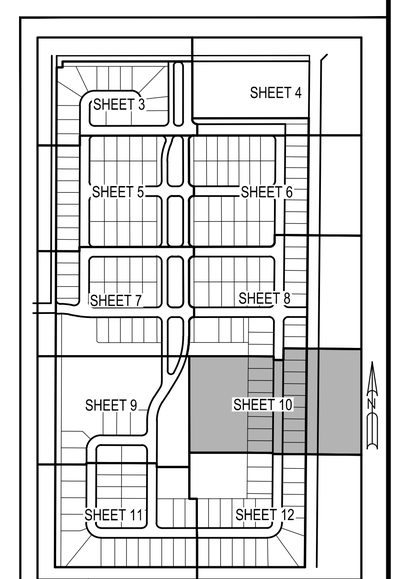
ALEXANDER RIDGE

SECTION 9, TOWNSHIP 23 SOUTH, RANGE 27 EAST
CITY OF WINTER GARDEN ORANGE COUNTY, FLORIDA
JUNE, 2013

PLAT BOOK PAGE







KEY MAP
N.T.S.
SEC. 9, TWP. 23. S., RGE. 27. E.

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D.E.	=	DENOTES DRAINAGE EASEMENT
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THIS INSTRUMENT PREPARED BY ,
WILBUR F. DIVINE P.S.M. LS-4190, STATE OF FLORIDA
ARCADIS U.S., INC.
2081 VISTA PARKWAY, SUITE 305
WEST PALM BEACH, FLORIDA 33411
EB 7917 / LB 7062

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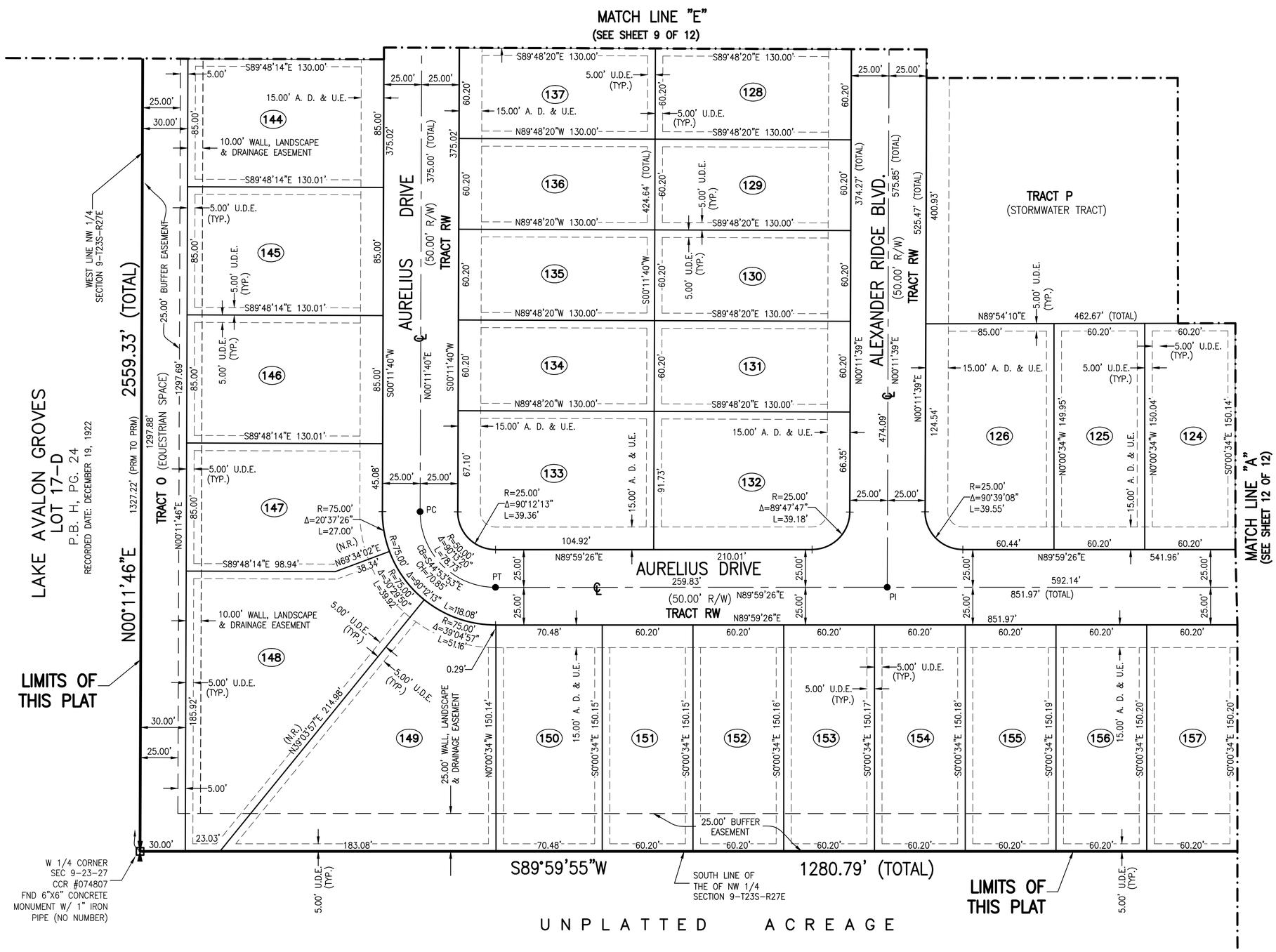

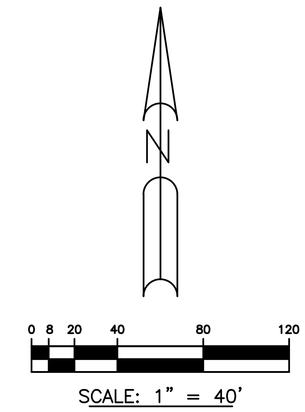

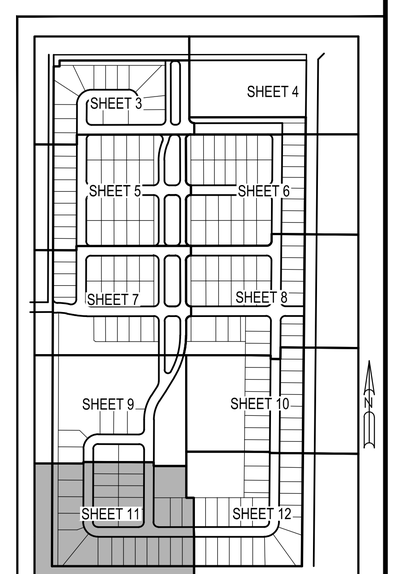

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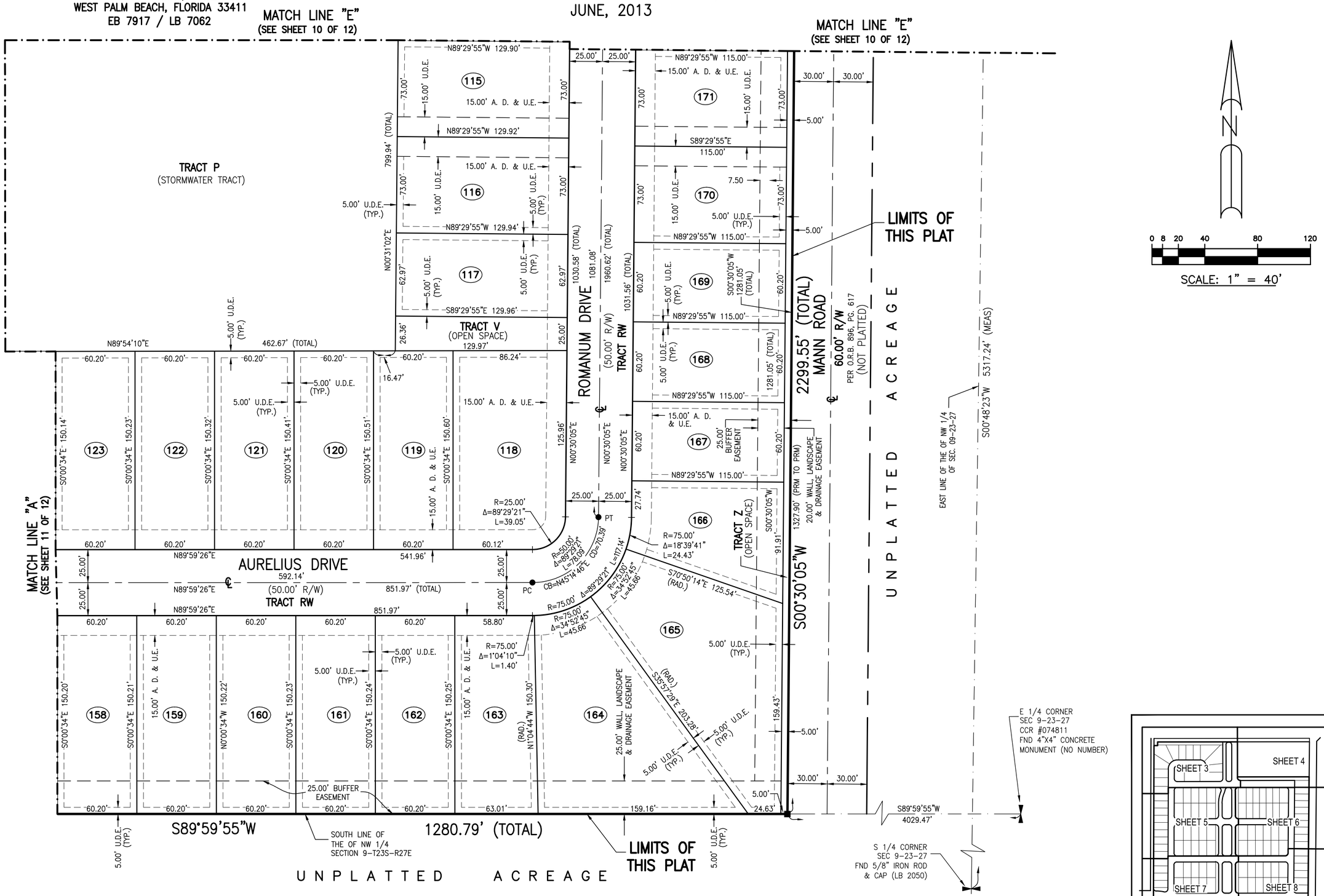

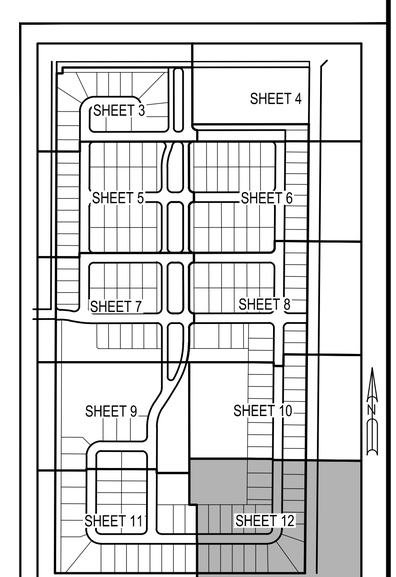

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THE CITY OF WINTER GARDEN

CITY COMMISSION AGENDA ITEM

From: Ed Williams, Community Development Director

Via: City Manager Mike Bollhoefer

Date: AUGUST 2, 2013 **Meeting Date:** AUGUST 8, 2013

Subject: **315 E Fullers Cross Road**
Highland Groves PUD Developer's Agreement

Issue: Developer's Agreement for the Highland Groves Subdivision.

Recommended Action:

Staff recommends approval of the Developer's Agreement for the Highland Groves Subdivision.

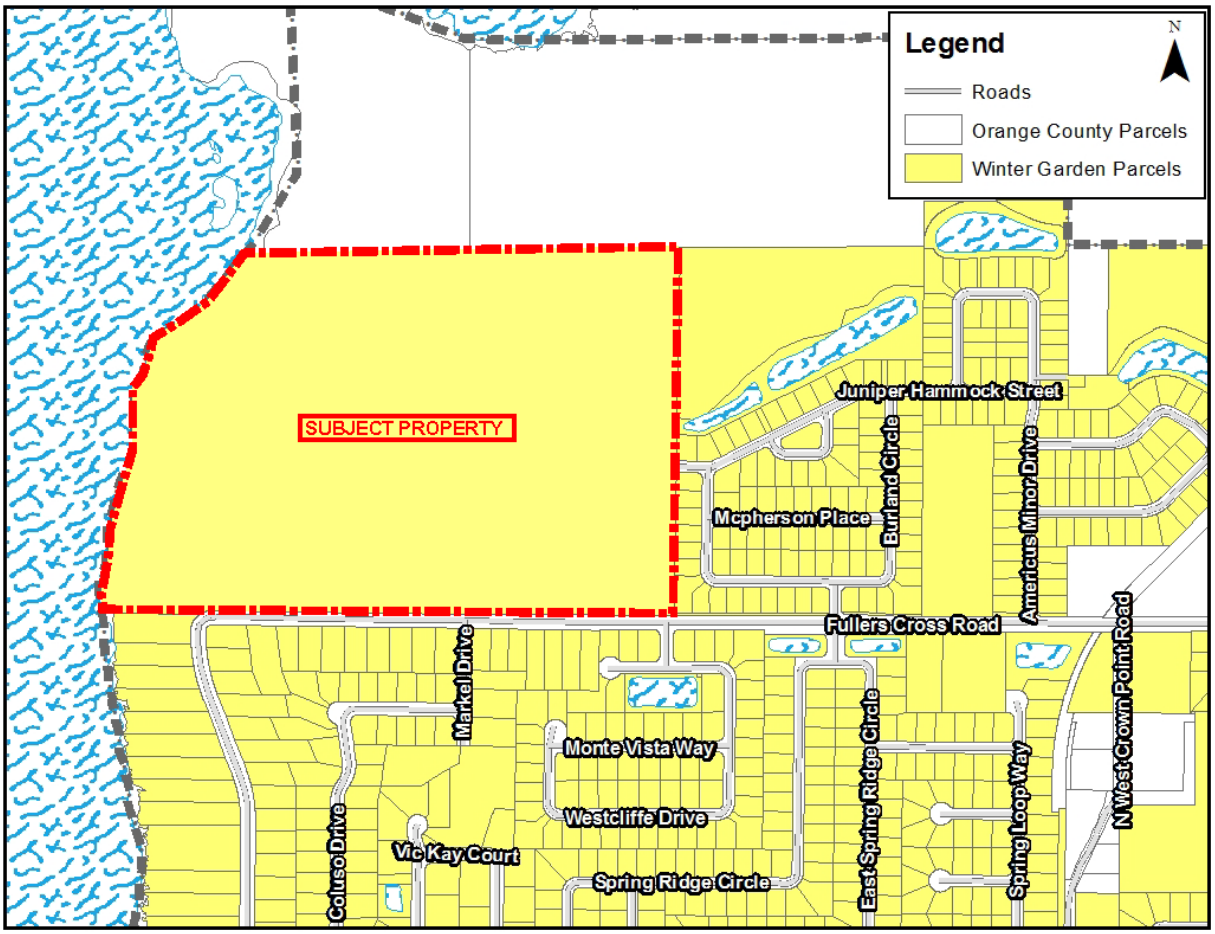
Attachment(s)/References:

Location Map
Developer's Agreement

LOCATION MAP

315 E Fullers Cross Road

<u>Highland Groves PUD</u>



This Instrument Prepared by and Return to:

Daniel W. Langley
Fishback, Dominick, Bennett, Ardaman,
Ahlers, Langley & Geller LLP
1947 Lee Road
Winter Park, Florida 32789-1834

Tax Parcel Numbers: 11-22-27-0000-00-003
Portion of 02-22-27-0000-00-002

HIGHLAND GROVES
DEVELOPER'S AGREEMENT

THIS DEVELOPER'S AGREEMENT (the "**Agreement**") is made this ____ day of _____, 2013, by and among the CITY OF WINTER GARDEN, a Florida municipal corporation (the "**City**"), AMERICAN LAND INVESTMENTS OF WINTER GARDEN, LLC (the "**Developer**"), Raymer F. Maguire, III, whose address is 605 E. Robinson St., # 140, Orlando, FL 32801(the "Owner Maguire"), and L. F. ROPER TRUST, whose address is 146 W. Plant Street, Suite 250, Winter Garden, Florida 34787 (the "Owner Roper").

RECITALS:

A. Owner Maguire and Owner Roper shall sometimes collectively be referred to herein as the "Owner"; and

B. Owner Maguire and Owner Roper are the fee simple owners of separate parcels collectively constituting that certain real property generally located north of East Fullers Cross Road on the eastern shore of Lake Apopka and west of East Crown Point Road in Winter Garden, Orange County, Florida, being more particularly described on **Exhibit "A"** (the "**Subject Property**"); and

C. The Subject Property is zoned PUD, Planned Unit Development, and subject to and governed by City of Winter Garden Ordinance No. 13-32 adopted June 25, 2013 (the "PUD Ordinance"); and

D. Owner has given Developer a limited power of attorney to seek and obtain development orders and approvals for the Subject Property; and

E. Owner hereby joins into and consents to this Agreement and agrees that this Agreement is binding upon the Subject Property; and

F. The Owner and Developer shall comply with all provisions of the PUD Ordinance in the development of the Subject Property in addition to other approvals by the City; and

G. This Agreement is a requirement of the PUD Ordinance which establishes Project densities, uses and development requirements and conditions, and this Agreement is not a statutory development agreement pursuant to Chapter 163, Florida Statutes (Florida Local Government Development Agreement Act), and is being entered into by the City pursuant to the City's home rule authority; and

H. The Developer desires to purchase the Subject Property and to develop the Subject Property as a residential subdivision to be known as Highland Groves consisting of a total of not more than 186 residential single-family units and related amenities and infrastructure (the "**Project**"); and

I. Development of the Project remains subject to certain approvals by the City, including, but not limited to, final plat approval, and issuance of building permits, certificates of occupancy and certificates of completion; and

J. Developer acknowledges that there are inadequate public facilities, infrastructure and services existing at this time to adequately serve the Project and, therefore, the Developer will need to provide certain public facilities, infrastructure and services for the Subject Property, perform certain obligations and provide for certain mitigation of impacts of such development in order to comply with the City's Code of Ordinances, Comprehensive Plan, regulations, policies and state law; and

K. The Developer acknowledges that construction of the improvements and obligations required herein, which are necessary to serve the Project and the Subject Property, will be of direct benefit to the Developer and the Subject Property; and

L. Pursuant to the Code of Ordinances and the PUD Ordinance, Developer is required to cause the installation, construction and extension of all public utility mainlines and other infrastructure to adequately serve the Project and the development of the Subject Property based on minimum design requirements established by the City; and,

M. In conjunction with the Developer's development of the Subject Property and as a condition of approval of the Project, the City requires the "oversizing" of certain public infrastructure (i.e., the public utility mainlines) which are to be constructed, installed and extended for and to the Subject Property for the Project (i.e., that portion of the public utility mainlines exceeding the minimum standards for the Project as established by the City and as provided in this Agreement, with said oversizing and extension at times collectively referred to herein as "Oversizing"); and

N. Said Oversizing is required for the purpose of ensuring that the City maintains the minimum standards for health, safety and welfare in the most cost-effective manner and to promote the convenience, comfort, public interest, and general welfare of the citizens of the City and to meet present and future local needs; and

O. Because certain required public infrastructure for the Project entails Oversizing to meet present and future local needs, City and Developer have agreed, as more particularly set forth herein, that the City shall pay for the additional costs associated with the Oversizing of public utility mainlines beyond that which is necessitated by development of the Project, as provided for in this Agreement; and

P. The payment by the City for the required Oversizing of public infrastructure improvements as provided for in this Agreement will allow the construction of said improvements to occur in a more cost-effective and timely manner; and

Q. The Developer and City agree, as more particularly set forth herein, that the Developer, or its independent contractors, shall install, construct and extend certain

oversized public utility mainlines and other public infrastructure, in consideration of City's financial contribution to the costs associated with the Oversizing of public infrastructure beyond that which is necessitated by the development of the Project; and

R. The City and the Developer desire to enter into this Agreement to memorialize certain promises, agreements, covenants and expectations pertaining to the Oversizing of the infrastructure and road improvements, the development of the Project and Subject Property, and other matters as provided for herein.

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 acknowledged, the Developer, Owner and the City agree as follows:

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

2. City Approvals. In addition to the requirements and obligations of the Developer herein, the development of the Subject Property and the Project shall be subject to the PUD Ordinance, City Code requirements, the preliminary plat, the final plat, construction plans and other development orders and permits for the Project and Subject Property, including the conditions of such development orders, approvals and permits.

3. Potable Water Lines.

A. Potable Water Lines Described. As part of the Developer's construction of the site infrastructure for the first phase of the Project subsequent to the Developer's receipt of preliminary subdivision plan (a/k/a preliminary plat) approval, the Developer shall diligently pursue the design, permitting, installation and construction of a sixteen inch (16") diameter potable water main from the existing point of connection on Fullers Cross Road east of the Subject Property and continuing west approximately 1,716 linear feet to the Subject Property and along the entire frontage of the Subject Property along Fullers Cross Road along with gate valves, tees and blow off (the "**Water Line**"). The route of the Water Line is depicted on **Exhibit "B,"** attached hereto and made a part hereof. Said Water Line shall be designed, permitted, installed and constructed in accordance with the City's Code, regulations, policies and requirements. Developer shall control all aspects of the construction and installation of the Water Line and shall select and hire any independent contractors to complete the work as it shall determine. The parties acknowledge that the design, permitting, installation and construction of the Water Line is an obligation of the Developer and that the Developer desires to assume such obligation for its own purposes and benefit and provide for its design, permitting, installation and construction as part of this Agreement.

B. Oversizing Reimbursement. The parties further acknowledge and agree that the City is requiring the Water Line to be oversized from an eight inch (8") diameter water main to sixteen inch (16") diameter water main for an approximately 1,716 linear foot, subject to Developer constructing the Water Line in compliance with this Section and City's review and approval of all contractors' bids and pricing and of all contracts and change orders, City shall reimburse Developer for the actual direct material costs associated with such oversizing ("Water Line Oversizing"). Within 30 days of Developer accomplishing Water Line Completion (as defined herein) the City shall reimburse the Developer for the Water Line Oversizing costs.

C. Completion. Upon completion of the Water Line, the Developer shall have the City Engineer inspect such improvements, obtain a certificate of completion from the City Engineer for such improvements and as a condition precedent to receiving a certificate of completion Developer shall execute and deliver to the City: (i) invoices for construction costs of the Water Line, (ii) a two (2) year maintenance bond or irrevocable letter of credit in an amount equal to 20 percent of the Water Line construction costs (construction cost amount to be approved by City Engineer) and in a form approved by the City Attorney, (iii) the design engineer of record certification to the City that the Water Line have been completed in accordance with approved design plans, and (iv) a bill of sale, release of liens from contractors, subcontractors, materialmen and laborers, and assignment of contractor's warranties, if any, for the for the Water Line. The Water Line shall be deemed completed upon Developer satisfying all of the conditions of this Section 3 ("Water Line Completion").

D. Certificates of Occupancy. No certificates of occupancy shall be issued for any part of the Project until the occurrence of the Water Line Completion. Upon the occurrence of Water Line Completion, the City will take over ownership, operation and maintenance of the Water Line.

4. Lift Station. Prior to the issuance of any certificate of occupancy related to any building associated with the Project, the Developer shall design, permit, locate and install, and construct, in accordance with City regulations, a lift station of a size and capacity and in a location required by conditions of development approvals to accommodate the anticipated sanitary sewer flow requirements of the Project (the "**Lift Station**"). Upon completion of the Lift Station, the City Engineer shall inspect such improvements, and Developer shall seek to obtain a certificate of completion from the City Engineer for such improvements. As a condition precedent to receiving such certificate of completion, Developer shall execute and deliver to the City: (i) invoices for construction costs of the Lift Station, (ii) a 2 year maintenance bond or irrevocable letter of credit in an amount equal to 20 percent of the Lift Station construction costs (construction cost amount to be approved by City Engineer) and in a form approved by the City Attorney, (iii) the design engineer of record provides a certification to the City that the Lift Station has been completed in accordance with approved designed plan, (iv) a bill of sale, release of liens from contractors, subcontractors, materialmen and laborers, and contractor warranties, if any, for the Lift Station after the City Engineer certifies that the Lift Station is properly constructed, (v) a warranty deed conveying the area on which the Lift Station is located (the "Lift Station Tract"), free and clear of all encumbrances not reasonably unacceptable to the City, to the City concurrently with the recording of the final plat, or after the City Engineer certifies that the Lift Station is properly constructed, whichever occurs first, and (vi) access easement in favor of the City for ingress and egress to and from the Lift Station Tract. The Lift Station shall be deemed completed upon Developer satisfying all of the conditions of this Section 4 ("**Lift Station Completion**"). No certificates of occupancy shall be issued for any part of the Project until the occurrence of Lift Station Completion. Upon the occurrence of the Lift Station Completion, the City will take over ownership, operation and maintenance responsibility for the Lift Station.

5. Plan Approval. The City shall have final approval of all plans, calculations, designs, locations and specifications for the foregoing Water Line, Lift Station and Internal Utility Lines as defined herein (hereinafter collectively referred to as the "Public Infrastructure Improvements"). The Developer acknowledges and agrees that its design, permitting, installation and construction of the Public Infrastructure Improvements (less Water Line Oversizing costs to be reimbursed by the City) are proportionate to the impacts of the

development of the Subject Property and that such improvements provide a direct benefit to the Subject Property. Except as otherwise extended by the City, once the Developer commences construction of the Public Infrastructure Improvements, such improvements shall be completed no more than 365 days from the commencement of construction, unless a shorter period of time is required by applicable permits, then such shorter period shall apply.

6. Dedications/Conveyances. It is an express condition of this Agreement and a condition of approval of final plat for the Project that, Developer shall convey or caused to be conveyed to the City fee simple title or dedicate to the City certain real property to be identified on the final plat. Any dedications and/or conveyances to the City required under this Agreement or as part of final plat approval shall be dedicated and/or conveyed, as applicable (warranty deed), unencumbered by any lien, mortgage, easement or any other encumbrance or restriction not reasonably unacceptable to the City. Developer hereby indemnifies and holds the City harmless from any and all claims, damages, penalties, fines, attorneys' fees (at appellate and trial levels), costs, including but not limited to clean-up costs and other matters arising out of or any way related to environmental pollution and contamination on any and all real property interest granted, dedicated, gifted, and otherwise conveyed by the Developer to the City, but excluding any environmental pollution or contamination that occurs after the date of such conveyance unless such environmental pollution or contamination is caused by Developer.

7. Utility Improvements.

(a) The development of the Subject Property must connect to the City's potable water, reclaimed water, and wastewater facilities at the Developer's expense, except for reimbursements provided to Developer herein. Minimum 8" potable water (internal), 8" reuse water, and minimum 6" sanitary force main are required. Utilities shall be extended along the full road frontage of the Subject Property in accordance with City's Code. Potable water and reuse lines shall be looped and connected into the existing stubouts in Fullers Crossing. Reuse water main shall be extended on Fullers Cross Road to connect to existing stubout approximately 640 feet east of the entrance. All of the City's Code requirements and specifications concerning utility connections and all of the City's Code requirements and specifications concerning solid waste collection apply to the Subject Property and development thereof.

(b) The Developer shall obtain water and sewer capacity through the City's established reservation procedures.

(c) The Developer shall provide the design, permitting and construction of reclaimed (reuse) water systems throughout the development for future service and meter connection in accordance with the applicable City Codes. This reclaimed system may initially be supplied by the City's potable water, and will be supplied in the future with reclaimed water.

(d) Nothing in this Agreement is intended to relieve or release third parties from their obligations under the City Code of Ordinances and applicable development orders and developer's agreements with the City concerning fair share contributions, utility extension and oversizing, road improvements and other infrastructure improvements.

(e) It is an express condition of this Agreement that the City's maximum monetary liability and obligation under this Agreement shall be the Water Line Oversizing cost, and that the City shall have no liability therefor if the bids, pricing, contracts and change orders are not reviewed and approved by the City prior to construction of such items.

8. Internal Sidewalks. Prior to the issuance of a certificate of occupancy related to any residential unit associated with the Project, the Developer shall cause its builders to construct sidewalks in accordance with the approved construction plans along the internal street in front of the particular residential dwelling for which a certificate of occupancy is sought.

9. Performance Bond. Prior to final plat approval for the first phase of the Project, if Public Infrastructure Improvements are not then completed, Developer shall, as a condition precedent to obtaining final plat approval, provide or shall cause its contractor to provide to the City a performance bond or irrevocable letter of credit, acceptable to and in favor of the City in an amount which is one hundred twenty percent (120%) of the total design, permitting and construction costs of the Public Infrastructure Improvements and which bond or irrevocable letter of credit shall be subject to approval by the City Attorney and City Engineer.

10. Internal Utility Lines. Prior to and as a condition precedent to receipt of a certificate of completion from the City Engineer for sewer, water and reclaimed water utility lines internal to and extended in support of the Project (the **"Internal Utility Lines"**) and before issuance of any certificates of occupancy for any dwelling units for the Project, Developer shall execute and deliver to the City: (i) invoices for construction costs of such Internal Utility Lines, (ii) a two (2) year maintenance bond or irrevocable letter of credit in an amount equal to 20 percent of the Internal Utility Lines construction costs (construction cost amount to be approved by City Engineer) and in a form approved by the City Attorney, (iii) the design engineer of record provides a certification to the City that the Internal Utility Lines have been completed in accordance with approved design plans, and (iv) a bill of sale, release of liens from contractors, subcontractors, materialmen and laborers, and assignment of contractor warranties, if any, for the Internal Utility Lines. The Internal Utility Lines shall be deemed completed upon Developer satisfying all of the conditions of this Section 10 (**"Internal Utilities Lines Completion"**). No certificates of occupancy shall be issued for any part of the Project until the occurrence of Internal Utilities Lines Completion. Upon the occurrence of Internal Utilities Lines Completion, the City will take over ownership, operation and maintenance responsibility of the Internal Utility Lines.

11. Community Subdivision Infrastructure Improvements. Developer shall provide all bonds covering the community subdivision infrastructure improvements required by the City's Code of Ordinances, as such may be amended from time to time. Community subdivision infrastructure improvements include stormwater systems, roadways, gates, walls, streetlights, sidewalks and other subdivision infrastructure improvements (including common areas and/or common property and the improvements thereon) to be ultimately owned or maintained by the homeowner's association for the Subject Property/Project. The Developer shall have account funding and maintenance responsibility for the community subdivision infrastructure improvements until turnover of the homeowner's association occurs as set forth in Chapter 110, City of Winter Garden Code of Ordinances. Until turnover of the HOA occurs, Developer shall ensure that HOA accounts concerning the operation, replacement, repair and maintenance of community subdivision infrastructure improvements shall be established and adequately funded in accordance with the requirements of Chapter 110, City of Winter Garden Code of Ordinances, as such may be amended from time to time.

12. Compliance with Law. Nothing in this Agreement shall allow, or be construed to allow the Developer or Developer's successors and assigns to avoid or delay compliance with any or all provisions of the City's Comprehensive Plan, the City Code, City resolutions and other requirements pertaining to the use and development of the Subject Property.

13. Indemnity. The Developer hereby indemnifies and holds City and its elected and appointed officials, employees and agents harmless from and against any and all claims, disputes, lawsuits, injuries, damages, attorneys' fees (including trial and appellate fees), costs and experts' fees, interest and all adverse matters in any way arising out of or relating to the Developer's and its officers', employees' and agents' negligent acts, negligent omissions, negligence, negligent misrepresentation and default under this Agreement, or any combination thereof, arising from or related to the Developer's exercise of (or failure to exercise) the rights or obligations of the Developer under this Agreement and for the risk assumed by Developer under this Agreement.

14. Validity. 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.

15. Notices. Any notices required or permitted under this Agreement, and copies thereof, shall be addressed to the City and the Developer at the following addresses, or at such other addresses designated in writing by the party to receive notice.

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

With a copy to:
City Attorney
City of Winter Garden
300 West Plant Street
Winter Garden, Florida 34787

Developer: American Land Investments of Winter Garden, LLC
7575 Dr. Phillips Blvd., Suite 265
Orlando, Florida 32810

Notices shall be either: (i) personally delivered (including delivery by Federal Express or other overnight courier service) to the addresses set forth above, in which case they shall be deemed delivered on the date of delivery; or (ii) 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.

16. Attorney's Fees. In any lawsuit between the parties to this Agreement arising from this Agreement, each party shall bear their own respective attorneys' fees and costs.

17. Entire Agreement. This Agreement embodies the entire understanding of the parties with respect to the matters specifically enumerated herein, and all negotiations, representations, warranties and agreements made between the parties are merged herein. The making, execution and delivery of this Agreement by all parties have been induced by no representations, statements, warranties or agreements that are not expressed herein. There are no further or other agreements or understandings; written or oral, in effect between or among the parties related to the subject matter hereof.

18. Interpretation. None of the parties shall be considered the drafter of all or any portion of this Agreement for the purposes of interpreting all or any portion of this Agreement, it being recognized that all parties have contributed substantially and materially to the preparation of this Agreement.

19. Binding Effect and Successors. This Agreement shall run with the Subject Property and the rights and the obligations under this Agreement shall benefit, burden, and bind the successors, heirs and assigns of all parties to this Agreement. The Developer shall remain responsible for the performance of its obligations under this Agreement in the event of assignment of this Agreement and/or the conveyance or transfer of the Subject Property unless Developer obtains a release from the City; such requested release will not be unreasonably withheld if Developer is not in default of this Agreement and the City has reasonable assurance that the Developer's obligations hereunder will be satisfied by the proposed assignee of this Agreement and proposed owner of the Subject Property. In the event all obligations under this Agreement have been completed, no such approval from the City shall be required. Excluding the City, homeowner's association and any homeowner who is conveyed a lot within the Project after a certificate of occupancy is issued for a dwelling unit on such lot, Developer and all transferees, transferor, grantees, grantors, assignees and assignors relating to the Subject Property are jointly and severally liable for the Developer's obligations under this Agreement. The rights granted to Developer under this Agreement relate specifically to the Subject Property and are not permitted to be transferred to any other property.

20. Local Development Approvals and Permits. Notwithstanding anything herein to the contrary, all development of the Project shall be in compliance with all applicable federal, state, county and municipal laws and ordinances, rules and regulations (including, but not limited to, the City's land development regulations, zoning requirements and comprehensive plan). Unless expressly authorized or granted herein, nothing in this Agreement shall constitute or be deemed to constitute or require the City to issue any approval by the City of any rezoning, Comprehensive Plan amendment, variance, special exception, final site plan, preliminary subdivision plan, final subdivision plan, building permit, grading, stormwater drainage, engineering, or any other land use or development approval. Nor shall this Agreement be deemed to reduce, eliminate, derogate from or otherwise adversely affect any such approvals, permissions or rights. These and any other required City development approvals and permits shall be processed and issued by the City in accordance with procedures with respect to same as otherwise set forth in the City's Code of Ordinances and subject to any conditions of approval thereof. Nothing in this Agreement shall constitute or be deemed to constitute a limitation, restriction or any other type of waiver of Developer's right or ability to seek a rezoning, comprehensive plan amendment, variance, special exception, site plan, preliminary subdivision plan, final subdivision plan, or any other land use or development approval.

21. Rights-of-Way. The City shall be under no obligation to condemn any rights-of-way, easement or other property rights for the construction of the Project or for any of Developer's obligations provided for herein.

22. Impact Fees.

(a) Transportation Impact Fees. **Developer shall pre-pay to the City $250,000.00 in transportation impact fees for Project dwelling units promptly upon the recording of the first plat (no later than 3 business days after plat recording) for the Project and prior to issuance of any certificates of occupancy for Project dwelling units.**

No certificates of occupancy shall be issued for Project dwelling units and no building permits requested after the recording of the first plat shall be issued until such pre-paid transportation impact fee payment have been paid. Pre-paid transportation impact fees will be attributed to building permits for dwelling units in the order in which they are issued. All other transportation impact fees are due and shall be paid as provided in the City's Code of Ordinances. The $250,000.00 in pre-paid transportation impact fees is in part to fund a warrant study for and the potential signalization of the intersection of East Crown Point Road and East Fullers Cross Road. Transportation impact fees shall be paid at rates applicable within the City at the time of issuance of each building permit sought by the Developer for a Project dwelling unit. The Developer and the Project shall not receive any compensation or impact fee credits for the transportation-related obligations of the Developer provided in this Agreement, the PUD Ordinance or other development orders.

(b) Water and Sewer Impact Fees. Water and sewer impact fees shall be paid in accordance with the City of Winter Garden Code of Ordinances.

(c) Police, Fire and Parks/Recreation Services Impact Fees. Applicants for building permits within the Subject Property shall comply with the City Code, as it may from time to time be amended, imposing impact fees for police, fire, and parks/recreation facilities and/or services. In addition, impact fees, which may be adopted in the future or which currently exist, applicable to the development of the Subject Property, will be paid consistent with the applicable adopted ordinance or inter-local agreement at time of building permit issuance.

(d) The impact fee determination of subsections (a) through (c) above shall be determined pursuant to City Code as such may be amended from time to time. The Developer shall not receive any compensation or impact fee credits for improvements described herein and/or the dedication or conveyance of any land to the City.

23. Permit Approvals. Developer shall be responsible for providing to City and obtaining any and all approval and permits for, by way of example not limitation, all drainage improvements, drainage connections, driveway connections, and utility connections from all applicable governmental agencies or jurisdictions, including but not limited to, the St. John's River Water Management District ("SJRWMD"), Orange County and the Florida Department of Environmental Protection ("FDEP"). If permit requirements and conditions imposed by Orange County, the St. John's River Water Management District, the Florida Department of Environmental Protection, the Florida Department of Transportation, or any other applicable jurisdiction significantly change the design of the Project or create conflict or inconsistencies with the conditions of this Agreement, the Agreement must be amended and approved by the City prior to the continuation of any development activities within the Subject Property.

24. Authority. Each party represents and warrants to the other parties 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 the event Developer fails to pay the monies, dedicate the lands so required by this Agreement, or otherwise fails to meet Developer's obligations under this Agreement, no further development (including without limitation the issuance of permits, review of applications, or construction) of the Subject Property shall continue until such obligations are met. This Agreement is approved under the City's home rule authority and is not a statutory development agreement under Chapter 163, Florida Statutes.

Furthermore, Owner represents and warrants to City that it is the fee simple owner of the Subject Property, free and clear of any encumbrances including but not limited to mortgages, liens or easements, or, in the event an encumbrance exists, Owner at Owner's and Developer's sole cost, shall obtain and record in the public records the necessary joinders and consents and subordinations to this Agreement (and documents called for herein) or releases from the appropriate parties with an interest in the Subject Property within five (5) days from the Effective Date. Developer shall provide to City, certified surveys, title reports or other documents evidencing said ownership interest.

25. Effective Date. This Agreement shall become effective upon execution by all parties (the "**Effective Date**").

26. Breach. In the event of a breach, default, or violation of one or more of the provisions herein by the Owner, Developer or the City, the violating party shall be given ten (10) days to cure such violation upon receipt of written notice of the violation from a non-violating party. In the event such violation is not cured within said period, the City, Owner or the Developer, as the case may be, shall have the right to pursue any and all legal and equitable remedies available provided by law. Notwithstanding the foregoing, the City shall be permitted to without notice immediately withhold the issuance of, and revoke, certificates of occupancy or building permits associated with the Project in the event Developer is in violation of any provision of this Agreement. In addition to any of the above stated remedies, in the event the Developer fails to timely complete the Public Infrastructure Improvements or any portion thereof, the City may record a Notice of Lien against the Subject Property in an amount equal to the design, permitting, installation and construction costs of such improvements (less City's share of such improvements provided herein). In addition, if Developer fails to timely pay the City any monies due pursuant to this Agreement, the City may record a Notice of Lien against the Subject Property in the amount owed to the City. A copy of such Notice of Lien shall also be delivered to Developer (and to Owner, if Owner owns the Subject Property at that time) in the same manner as required under this Agreement for delivery of written notices. The recorded Notice of Lien shall constitute a lien upon the Subject Property and the lien may be foreclosed upon for the benefit of the City any time after ten (10) days after the Notice of Lien has been recorded in the public records. The City may foreclose the lien in accordance with the procedures established in Section 702.10, Florida Statutes, or successor or other statute providing for lien foreclosure procedures. The Owner and Developer may obtain a release from the lien by paying the amount stated in the lien, plus accrued interest of twelve percent (12%) per annum, plus attorney's fees and costs incurred by the City in filing and collecting upon the lien.

27. Amendment. This Agreement may be amended, modified or cancelled by mutual consent of the parties hereto as represented by a written document executed by the City and the Developer.

28. 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.

29. Recording. Within fourteen (14) days after the execution of this Agreement by the parties, the City shall record this Agreement with the cost thereof to be borne by the Developer.

30. Non-Waiver of Sovereign Immunity. Nothing contained in this Agreement nor 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.

31. Informed Execution. This Agreement is entered into voluntarily by the Developer and Owner without duress and after full review, evaluation and consideration by the Developer. Developer and Owner are represented by counsel, or alternatively, has been afforded an opportunity to retain counsel for review of this Agreement.

32. Reimbursement. On or before ten (10) days after the date of invoicing, Developer shall reimburse the City for all the City's direct costs, expenses and fees incurred relating to the review, processing, inspection, and regulation (or any combination thereof) of applications related to the Project, including without limitation, the City's consultants', engineers' and attorneys' fees, concerning the preparation of this Agreement and for other development review expenses in accordance with Chapter 88, City of Winter Garden Code of Ordinances.

33. 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.

34. Captions. The captions or section 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.

35. Independent Parties. City, Owner and Developer are not partners and this Agreement is not a joint venture and nothing in this Agreement shall be construed to authorize the Owner or Developer to represent or bind the City to matters not expressly authorized or provided in this Agreement.

36. Full Compensation and Release. Developer agrees that the consideration provided to Developer in this Agreement is intended as and does hereby constitute full, just and complete compensation for the conveyance of the Lift Station tract and any other dedication and conveyance as provided for herein, including, without limitation, any and all damage, if any, to the Subject Property (or any portion thereof), Developer's remaining property and business which may result from Developer's conveyance to the City of the Lift Station tract and any other dedication and conveyance as provided for herein. As such, Developer and its agents, successors, legal representatives and assigns, fully and forever release the City of and from, and waives, any and all condemnation or inverse condemnation claims and business damage claims relating to any or all portions of the Subject Property and the remaining property, which Developer may now have, may have had or which may hereafter accrue or otherwise be acquired arising out of and caused by the conveyance of the Lift Station tract and any other conveyance as provided for herein to City. The foregoing release and waiver includes, but is not limited to, compensation, damages, expenses, attorney's or expert's fees and costs, whether known or unknown.

37. Attachments. The following attachments are incorporated herein by reference:

Exhibit A	Legal Description of Subject Property
Exhibit B	Water Lines Route

AGREED by the City Commission of the City of Winter Garden, Florida, a Florida municipality, Developer and Owner as of the day first written above.

"**CITY**"

CITY OF WINTER GARDEN, FLORIDA

Signed, sealed and delivered in
the presence of:

By:_____
JOHN REES, MAYOR

ATTEST:

By:_____
KATHY GOLDEN, CITY CLERK

AMERICAN LAND INVESTMENS OF WINTER GARDEN, LLC, a Florida limited liability company

By: AMERICAN LAND INVESTMENTS OF CENTRAL FLORIDA, LLC, a Florida limited liability company, Managing Member

_____
Print Name:_____
Witness

_____
By:_____
Its:_____

_____
Print Name:_____
Witness

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was executed, sworn to and acknowledged before me this _____ ___, 2013 by _____ as _____ of AMERICAN LAND INVESTMENTS OF CENTRAL FLORIDA, LLC, a Florida limited liability company, Managing Member of AMERICAN LAND INVESTMENTS OF CENTRAL FLORIDA, LLC. She/He (check one) ☐ is personally known to me, or ☐ has produced a valid driver's license as identification.

_____
Notary Public, State and County Aforesaid
Name: _____

My Commission Expires: _____
My Commission Number is: _____

"OWNER MAGUIRE"

_____
Print Name:_____
Witness

_____
By:_____,
Raymer F. Maguire,III

Print Name:_____
Witness

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was executed, sworn to and acknowledged before me this _____ ___, 2013 by Raymer F. Maguire III. He (check one) ☐ is personally known to me, or ☐ has produced a valid driver's license as identification.

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

"Owner Roper"

L. F. ROPER TRUST

_____ _____

Print Name:_____ By:_____, Trustee

Witness

_____ _____

By:_____, Trustee

Print Name:_____

Witness

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was executed, sworn to and acknowledged before me this _____ ___, 2013 by _____ as Trustees of the L. F. ROPER TRUST. He (check one) ☐ is personally known to me, or ☐ has produced a valid driver's license as identification.

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

s:\aka\clients\winter garden\highland groves pud w500-23432\highland groves development agreement 08-01-2013.doc

JOINDER, CONSENT AND SUBORDINATION OF MORTGAGEE TO HIGHLAND GROVES - DEVELOPER'S AGREEMENT

_____, whose address is _____ ("Mortgagee"), being the owner and holder of that certain mortgage of _____ ("Mortgagor"), recorded at Official Records Book ___, Page _____, Public Records of Orange County, Florida which encumbers the real property located in Orange County, Florida, more fully described in **Exhibit "A"** (herein referred to as the "Mortgagee Lien Documents"), hereby joins in and consents to the Highland Groves – Developer's Agreement being entered into between the Mortgagor and the City of Winter Garden and to be recorded in the Public Records of Orange County, Florida (herein "Developer's Agreement"), and Mortgagee hereby expressly subordinates its above referenced Mortgage Lien Documents to the Developer's Agreement and any liens arising out of or concerning the Developer's Agreement regardless of the recording date of such liens. This Joinder, Consent and Subordination does not release any property from the lien and effect of the Mortgagee Lien Documents or any other lien instrument, and does not otherwise amend or alter any Mortgage Lien Documents.

IN WITNESS WHEREOF, the Mortgagee hereto has executed and delivered this Joinder, Consent and Subordination of Mortgagee as of this ____ day of _____, 2013.

Witnesses:

_____
Name Printed: _____

_____
Name Printed: _____

MORTGAGEE

By:
_____
Printed Name:
_____
Its:
_____

State of _____
County of _____

The foregoing instrument was acknowledged before me this _____ day of _____ _____, 2013, by _____ as _____ of _____ on behalf of said company. She/He is personally known to me or has produced _____ as identification.

_____
Signature of Notary Public
(SEAL) Printed Name:_____
My Commission Expires:_____

EXHIBIT "A"

That part of Government Lots 1 and 2 of Section 11, Township 22 South, Range 27 East, Orange County, Florida described as:

Begin at a point 3 chains South of the NE corner of said Section 11, thence West 345 feet, thence S 68°40' W 558 feet, thence S 58° W 534.8 feet, thence S 9°21' W 565.23 feet, thence S 07 1/2° E to a point 1353.7 feet West of the Section line and the center line of the road extended West, thence East 1353.7 feet, thence North along Section line 1423 feet to the point of beginning.

AND

That part lying West of Government Lots 1 and 2 of Section 11, Township 22 South, Range 27 East, Orange County, Florida, described as:

Begin at a point 1007 feet North and 1353.7 feet West of the SE corner of Government Lot 2, thence along original high water line the following 3 calls: run N 7° W 377 feet, thence N 09°21' E 565.23 feet along said high water line, thence N 58° E 131 feet along high water line, thence N 7°W 77 feet, thence ***S 89° W*** 120 feet more or less to the waters of Lake Apopka, thence Southwesterly along waters of Lake Apopka 1085 feet more or less to point due West of the point of beginning, thence East to the point of beginning. Less the following: Begin at the NE corner of Lot 1, Block A, Magnolia Wood, according to the plat thereof as recorded in Plat Book V, Page 91, Public Records of Orange County, Florida, thence Northeasterly along right-of-way 40.12 feet, thence West 390 feet more or less to Lake Apopka, said point being Point A, Begin again at the Point of Beginning, thence West along the North lot line of said Lot 1, 364 feet more or less to Lake Apopka, thence Northerly along Lake Apopka 30 feet more or less to aforesaid Point A, in Section 11, Township 22 South, Range 27 East, Orange County, Florida.

Correction suggested by Surveyor - S 98° W should read S 89° W

AND

Begin at the Northwest corner of Section 12, Township 22 South, Range 27 East, Orange County, Florida and run East along Section line 14.03 chains, thence South parallel to the West Section line 24.58 chains to the North line of a street, thence West 14.03 chains to the West line of the Section, thence North along the West line 24.57 chains to the Point of Beginning. Less road right-of-way on South as contained in Deed Book 390, Page 388, Public Records of Orange County, Florida.

AND

North 5.9 acres of Governmwnt lot 1 in Section 11, Township 22 South, Range 22 East.

THE CIVIL DESIGN GROUP INC.
ENGINEERS • SURVEYORS • PLANNERS
ORLANDO, FLORIDA
(407) 888-9910

LEGAL DESCRIPTION

HIGHLAND GROVE

SUB-DIVISION

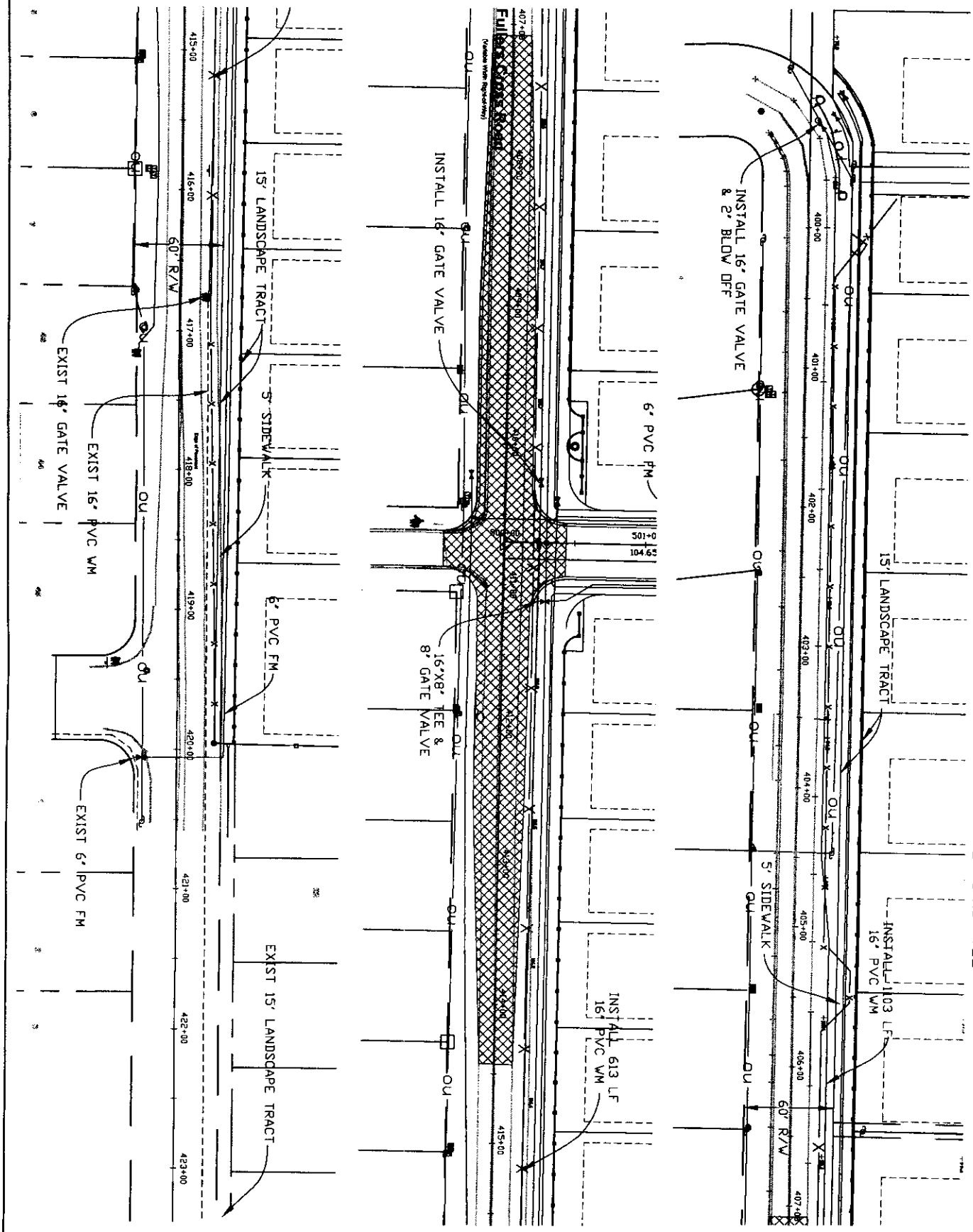
CITY OF WINTER GARDEN **FLORIDA**

PROJECT NUMBER: 2012-9
DATE: MAY 2013
SCALE: NTS
SHEET NO. 1 OF 1

EXHIBIT "B"

SUMMARY OF QUANITIES
16" WM EXTENSION ALONG FULLERS CROSS ROAD

1716 LF 16" PVC WM OVERSIZED FROM 8" PVC
2 EA 16" GATE VALVES OVERSIZED FROM 8"
EA 16"X8" TEE OVERSIZED FROM 8"X8" TEE



THE CIVIL DESIGN GROUP INC.
ENGINEERS • SURVEYORS • PLANNERS
ORLANDO, FLORIDA
(407) 888-9910

OVERSIZE WATER MAIN

HIGHLAND GROVE

SUB-DIVISION

CITY OF WINTER GARDEN **FLORIDA**

PROJECT NUMBER	2012-9
DATE	MAY 2013
SCALE	NTS
SHEET NO.	1 OF 1

THE CITY OF WINTER GARDEN

CITY COMMISSION AGENDA ITEM

From: Ed Williams, Community Development Director

Via: City Manager Mike Bollhoefer

Date: August 2, 2013 **Meeting Date:** August 08, 2013

Subject: Request permission to solicit request for qualification and development proposals for 7500± sq. ft. parcel located north of old Fire Station site at 127 N Boyd Street.

Issue: Six development entities have expressed an interest in developing a multi-story retail and/or office building on vacant parcel next to the old fire station site.

Discussion:

Vacant property available for development in the downtown Winter Garden core is scarce. Development of this parcel for retail and/or office would complement future enhancement of the fire station site and is consistent with long range plans for downtown.

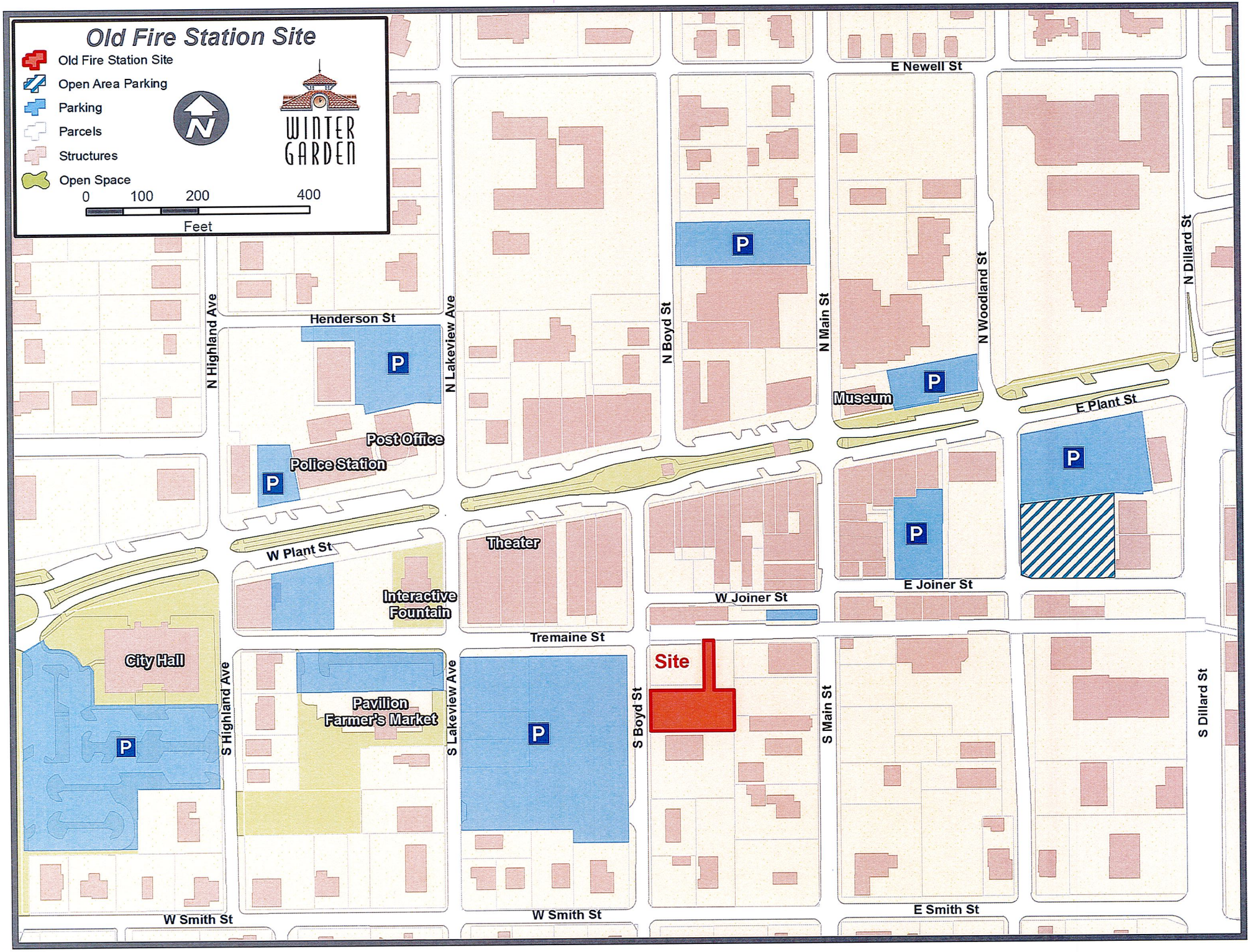
The request for qualification and development proposal would include the following criteria: 1) the architectural quality of the development, 2) compatibility with existing downtown character and, 3) benefits the property brings to downtown including the number and type of permanent jobs.

Recommended Action:

Authorize the City Manager to solicit requests for qualifications and development proposals in conjunction with the sale of the 7500± sq. ft. vacant lot at 127 N Boyd Street.

Attachment(s)/References:

Location Maps/Aerials


Old Fire Station Site
Old Fire Station Site
Open Area Parking
Parking
Parcels
Structures
Open Space
0
100
200
400
Feet
WINTER GARDEN
E Newell St
Henderson St
N Highland Ave
N Lakeview Ave
N Boyd St
N Main St
N Woodland St
N Dillard St
Museum
E Plant St
Post Office
Police Station
W Plant St
Theater
Interactive Fountain
E Joiner St
W Joiner St
Tremaine St
City Hall
Pavilion Farmer's Market
Site
S Highland Ave
S Lakeview Ave
S Boyd St
S Main St
S Dillard St
W Smith St
W Smith St
E Smith St
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Old Fire Station Site
Old Fire Station Site
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Site

THE CITY OF WINTER GARDEN

CITY COMMISSION AGENDA ITEM

From: John Williamson, Fire Chief

Via: City Manager Mike Bollhoefer

Date: July 24, 2013 **Meeting Date:** August 8, 2013

Subject: Emergency Medical Services Agreement between Orange County and the City of Winter Garden Fire Rescue Department

Recommended action:

Approve the Emergency Medical Services Agreement to allow Winter Garden Fire Rescue Department to receive one (1) Simon Multipurpose Airway Trainer through grant funds.

Attachments/References:

Attached are two (2) original copies of the Emergency Medical Services Agreement.

EMERGENCY MEDICAL SERVICES AGREEMENT

BETWEEN
ORANGE COUNTY, FLORIDA

AND

CITY OF WINTER GARDEN FIRE DEPARTMENT

THIS EMERGENCY MEDICAL SERVICES AGREEMENT is entered into this _____ day of _____, 2013, by and between Orange County, a political subdivision of the State of Florida, hereinafter referred to as the "COUNTY," and to the City of Winter Garden Fire Department, hereinafter referred to as the "OWNER."

WHEREAS, under Section 401.113(2), Florida Statutes, the Department of Health: Bureau of Emergency Medical Services, hereinafter referred to as the "DEPARTMENT" shall annually dispense funds contained in the Emergency Medical Services Trust Fund; and

WHEREAS, the COUNTY has applied for its proportion of funds from said Trust Fund; and

WHEREAS, Section 401.113(2)(a), Florida Statutes (hereinafter the "Statute"), provides that an individual Board of County Commissioners may distribute funds received under the Statute to licensed Emergency Medical Services Providers within the County as designated by the Emergency Medical Service (EMS) grant award; and

WHEREAS, such grant money shall be used solely to improve and expand pre-hospital Emergency Medical Services and will not be used to supplant or replace any other funds; and

WHEREAS, the Board of County Commissioners of Orange County, Florida, has agreed to purchase and distribute equipment and/or services or both, pursuant to grant award C1048 to the City of Winter Garden Fire Department, (OWNER).

NOW, THEREFORE, the parties hereto agree as follows:

1. OWNER agrees warrants and covenants as follows.

a. To use the facilities, vehicles, and equipment purchased under the grant award, solely for EMS throughout their useful life. Failure to use the facilities, vehicles and equipment for EMS will result in termination of this Agreement, items being returned to the COUNTY and further restrictions on future allocations.

b. To accept full title to all designated equipment purchased with EMS grant funds. An Equipment Release Form will be provided at the time of distribution (Attached as Exhibit "A").

c. To clearly document the assignment of equipment and usage and provide such documentation to the COUNTY within thirty (30) days of the assignment.

d. To be responsible for properly insuring, licensing and maintaining equipment purchased with county EMS grant funds for the useful life of the equipment.

e. To notify the COUNTY upon the loss, destruction, or theft of the equipment.

f. To not sell, lease, rent, lend, encumber or dispose of said equipment without the written permission from the COUNTY.

g. To provide access to all such information, reports and documents as may be required for the COUNTY to monitor the grant.

h. To comply with all terms and conditions imposed on the COUNTY as "original owner" of the equipment. A copy of the EMS County Grant General Conditions is attached as Exhibit "B" and incorporated herein.

i. That OWNER is duly authorized by law to provide pre-hospital Emergency Medical Services and shall maintain all licenses and approvals required by any law, rule or regulation of the State of Florida required for the rendering of pre-hospital Emergency Medical Services.

j. That the COUNTY's sole responsibility is to distribute the designated equipment and/or services or both, pursuant to the grant award.

k. That the undersigned possesses the authority to legally execute and bind OWNER to the terms of this Agreement.

2. COUNTY agrees, covenants and warrants:

a. To comply with all terms and conditions as "Grantee" of the grant award.

b. To purchase and distribute the designated EMS equipment and/or services or both to OWNER.

c. To transfer title of the designated equipment to OWNER at the time of distribution.

3. This Agreement may be terminated upon the OWNER returning all equipment purchased with EMS grant funds to the COUNTY.

IN WITNESS WHEREOF, the parties hereto have caused this EMS Agreement to be executed by their undersigned officials as duly authorized.

Orange County, Florida

By: Board of County Commissioners

By: _____

County Mayor

Date: _____

Attest: Martha O. Haynie, Comptroller

As Clerk to the Board of County Commissioners

By: _____

Deputy Clerk

City of Winter Garden Fire Department

By: _____

Title: _____

Date: _____

Federal Employer I.D. #_____

Attest: _____

Title: _____

By: _____

ORANGE COUNTY GOVERNMENT FLORIDA

Office of the Medical Director
2002-A E. Michigan St., Orlando, Florida 32806
Telephone (407) 836-8960 * Fax (407) 836-7625

Exhibit A

Equipment Release Form
EMS County Grant C1048
Year 2011-12

Agency: City of Winter Garden Fire Department

Description	Model Item Number	Quantity	PO Number
Simon Multipurpose Airway Trainer Upper Adult Torso	S315.100	1	P-card 6-4-2013
Neck Collars	"	6	"
Cricocartilages	"	3	"
Roll of Vinyl Tape for Cric and Trach Openings	"	1	"
Silicone Oil Lubricant	"	1	"
Soft Rib Cage	"	1	"
Instructins Manual	"	1	"
Soft Carrying Bag	"	1	"

Equipment picked up by:

BRIAN M. McGREW
Print Name

Signature

07-24-2013
Date

TRENA D. WATERS
MY COMMISSION # EE054420
EXPIRES January 11, 2015
(407) 398-0153 FloridaNotaryService.com

7.24.13

Tom Daniels
Orange County EMS Representative

GAUMARD SCIENTIFIC COMPANY
14700 SW 136 STREET
MIAMI, FL 33196
USA

Phone: 305-971-3790
Fax: 305-667-6085
www.gaumard.com
sima@gaumard.com

Packing Slip

Quote Number

Invoice Number: 35045

Invoice Date: Jul 12, 2013

Page: 1

Sales Order Number D26038

Sold To:
CPR Savers & First Aid Supply, LLC
7904 E. Chaparral Rd.
Suite A110-242
Scottsdale, AZ 85250
Attn: A/P

Ship to:
Irma I Rodriguez Acosta
EMS Office of The Medical Dir.
2002A E. Michigan Street
Orlando, FL 32806

Customer ID	Customer PO	Payment Terms	
CPR250	32040	Net 20 Days	
Sales Rep ID	**Shipping Method**	**Ship Date**	**Sales Order #**
Raquel Irizarry	Fed-EX	7/12/13	D26038

Order Qty	Item	Description	Shipped Prior	Qty Shipped	Bckordered
1	S315.100	Simon® Multipurpose Airway Trainer		1	

**** Note: Provide us with a copy of the Standard 2013 Sales Tax Exempt Certificate by fax at (305) 667-6085. If you already sent us a copy, please disregard this message. ****
****PLEASE NOTE THAT SHIPPING CHARGES AND SALES TAXES WILL BE ADDED IN FINAL INVOICE****

Packaging Checklist

S315.100 SIMON® MULTIPURPOSE ADULT AIRWAY TRAINER

Customer:	**CPR Savers & First Aid Supply, LLC**	**Shipping Date:**	**7/12/2013**
	Irma I Rodriguez Acosta	**PO#:**	**32040**
Serial Number	**N/A**	**Units**	**1 of Shipment**

ITEM	QUANTITY	SHIPPED (√)
1. S315.100 Complete Airway Trainer Upper Adult Torso	1	/
2. Neck Collars	6	/
3. Cricocartilages	3	/
4. Roll of Vinyl Tape for Cric and Trach Openings	1	/
5. Silicone Oil Lubricant	1	/
6. Soft Rib Cage	1	/
7. Instructions Manual	1	/
8. Soft Carrying Bag	1	/

OPTIONS	QUANTITY	SHIPPED (√)
1. S220.10 – Site specific Heart & Lung Sounds	1	N/A

OTHER:

Inspected by: **Rogelio Fernandez**

Date: **7/12/2013**

Gaumard®

Simulators for Health Care Education

EXCLUSIVE ONE YEAR LIMITED WARRANTY

Gaumard warrants that if the accompanying Gaumard product proves to be defective in material or workmanship within one year from the date on which the product is shipped from Gaumard to the customer, Gaumard will, at Gaumard's option, repair or replace the Gaumard product.

This limited warranty covers all defects in material and workmanship in the Gaumard product, except:

1. Damage resulting from accident, misuse, abuse, neglect, or unintended use of the Gaumard product;
2. Damage resulting from failure to properly maintain the Gaumard product in accordance with Gaumard product instructions, including failure to properly clean the Gaumard product; and
3. Damage resulting from a repair or attempted repair of the Gaumard product by anyone other than Gaumard or a Gaumard representative.

This one-year limited warranty is the sole and exclusive warranty provided by Gaumard for the accompanying Gaumard product, and Gaumard hereby explicitly disclaims the implied warranties of merchantability, satisfactory quality, and fitness for a particular purpose.

Except for the limited obligations specifically set forth in this one-year limited warranty, Gaumard will not be liable for any direct, indirect, special, incidental, or consequential damages, whether based on contract, tort, or any other legal theory regardless of whether Gaumard has been advised of the possibilities of such damages. Some jurisdictions do not allow disclaimers of implied warranties or the exclusion or limitation of consequential damages, so the above disclaimers and exclusions may not apply and the first purchaser may have other legal rights.

This limited warranty applies only to the first purchaser of the product and is not transferable.

Any subsequent purchasers or users of the product acquire the product "as is" and this limited warranty does not apply.

This limited warranty applies only to the products manufactured and produced by Gaumard.

This limited warranty does not apply to any products provided along with the Gaumard products that are manufactured by third parties. For example, third-party products such as computers (desktop, laptop, tablet, or handheld) and monitors (standard or touch-screen) are not covered by this limited warranty. However, third-party products are covered by the warranties provided by the respective third-party manufacturers and such warranties are transferred from Gaumard to purchaser upon purchase of the Gaumard product. Defects in third-party products are covered exclusively by the warranties provided by the thirdparties. Gaumard does not provide any warranty, express or implied, with respect to any third-party products. Please contact the third-party manufacturer for information regarding the availability of extended warranties for third-party products.

Any waiver or amendment of this warranty must be in writing and signed by an officer of Gaumard.

In the event of a perceived defect in material or workmanship of the Gaumard product, the first purchaser must:

1. Contact Gaumard and request authorization to return the Gaumard product. Do NOT return the Gaumard product to Gaumard without prior authorization.
2. Upon receiving authorization from Gaumard, send the Gaumard product along with copies of (1) the original bill of sale or receipt and (2) this limited warranty document to Gaumard at 14700 SW 136 Street, Miami, FL, 33196-5691 USA.
3. If the necessary repairs to the Gaumard product are covered by this limited warranty, then the first purchaser will pay only the incidental expenses associated with the repair, including any shipping, handling, and related costs for sending the product to Gaumard and for sending the product back to the first purchaser. However, if the repairs are not covered by this limited warranty, then the first purchaser will be liable for all repair costs in addition to costs of shipping and handling.

In accordance with the warranty terms set forth above, this Exclusive One-Year Limited Warranty is effective as of **July 12, 2013** **(Shipping Date) and applies only to:**

P.O. Number: **32040**

Effective as of: **July 12, 2013**

Shipped to:

Irma I Rodriguez Acosta
EMS Office of The Medical Dir.
2002A E. Michigan Street
Orlando, FL 32806

Billed to:

CPR Savers & First Aid Supply, LLC
7904 E. Chaparral Rd.
Suite A110-242
Scottsdale, AZ 85250
Attn: A/P

Purchased from: Gaumard Scientific Company--Miami, FL

NOTE: This warranty covers:

Quantity	Item	Description
1	S315.100	Simon® Multipurpose Airway Trainer

A global commitment to healthcare educators

Toll Free: USA 800.882.6655 - Worldwide: 305.971.3790 - Fax: 305.667.6085
Email: sales@gaumard.com - www.gaumard.com - Gaumard Scientific, 2011

14700 SW 136th Street
Miami, FL 33196-5691