



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

REGULAR MEETING

OCTOBER 9, 2013

6:30 P.M.

CALL TO ORDER

Determination of a Quorum

Invocation and Pledge of Allegiance

1. **APPROVAL OF MINUTES**

Budget Hearings and Regular Meeting of September 26, 2013

2. **PUBLIC HEARING MATTER**

Appeal by the School Board of Orange County, Florida of the August 5, 2013 conditional approval of a preliminary plat for the proposed 140 single-family lot Crooked Lake Preserve Subdivision by the City of Winter Garden Planning and Zoning Board (*postponed September 26, 2013*) - Community Development Director Williams

3. **REGULAR BUSINESS**

A. Recommendation to approve the Request for Qualifications submitted by Walker Parking Consultants design criteria specialists for a downtown parking garage – Assistant City Manager – Public Services Cochran

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

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

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

7. **MATTERS FROM MAYOR AND COMMISSIONERS**

ADJOURN to a Regular Meeting on October 24, 2013 at 6:30 p.m. in City Hall Commission Chambers, 300 W. Plant Street, 1st floor

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

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



CITY OF WINTER GARDEN

CITY COMMISSION BUDGET HEARINGS and REGULAR MEETING MINUTES September 26, 2013

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

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

Also Present: City Manager Mike Bollhoefer, City Attorney Kurt Ardaman, City Clerk Kathy Golden, Assistant to City Manager – Administrative Services Frank Gilbert, Assistant to City Manager - Public Services Don Cochran, Community Development Director Ed Williams, Finance Director Laura Zielonka, Fire Chief John Williamson, Police Chief George Brennan, Economic Development Director Tanja Gerhartz, Parks and Recreation Director Jay Conn, and West Orange Times Reporter Peter M. Gordon

BUDGET HEARINGS

1. **SECOND READING AND PUBLIC HEARING TO ADOPT THE PROPOSED MILLAGE RATE AND BUDGETS FOR FISCAL YEAR 2013/2014**

- A. **Ordinance 13-61:** AN ORDINANCE LEVYING TAX UPON ALL TAXABLE PROPERTY WITHIN THE CITY OF WINTER GARDEN, FLORIDA, FOR THE TAX YEAR BEGINNING ON OCTOBER 1, 2013 AND ENDING ON SEPTEMBER 30, 2014

City Attorney Ardaman read Ordinance 13-61 by title and stated that this ordinance establishes and levies a millage rate of 4.2500 mills (\$4.25 for every \$1,000 of assessed valuation). This millage rate is greater than the rolled back rate of 4.1188 mills by 3.19 percent.

At this time, City Manager Bollhoefer explained the \$.087 stormwater fee charge shown separately on utility bills. The three components of the charge include; a base fee paid by everyone, a contribution charge that is what the resident pays for actual water which comes off their property, and an administrative charge. Mr. Bollhoefer noted that all three components are required to go into the same stormwater revenue account and can be spent on whatever is needed for stormwater.

Mayor Rees opened the public hearing.

Theo Graham, 213 Tilden Avenue, Winter Garden, Florida, thanked City staff and Commissioner Makin for providing him with the stormwater fee information.

Mayor Rees closed the public hearing.

Motion by Commissioner Olszewski to adopt Ordinance 13-61. Seconded by Commissioner Sharman and carried unanimously 5-0.

- B. **Ordinance 13-62:** AN ORDINANCE APPROPRIATING AND ALLOCATING ALL REVENUE AND FUNDS OF THE CITY OF WINTER GARDEN, FLORIDA, FOR THE TAX YEAR BEGINNING ON OCTOBER 1, 2013 AND ENDING ON SEPTEMBER 30, 2014

City Attorney Ardaman read Ordinance 13-62 by title and read the following excerpt from Ordinance 13-62:

Collection of Ad Valorem	\$ 8,164,647
Revenue other than Ad Valorem	<u>17,460,984</u>
TOTAL REVENUES	\$25,625,631
Appropriations from Fund Balance	10,379
Interfund Transfers	<u>75,000</u>
TOTAL AVAILABLE FOR EXPENDITURES	\$25,711,010

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

Motion by Commissioner Sharman to adopt Ordinance 13-62. Seconded by Commissioner Makin and carried unanimously 5-0.

- C. **Ordinance 13-63:** AN ORDINANCE APPROPRIATING AND ALLOCATING ALL REVENUE AND FUNDS OF THE COMMUNITY REDEVELOPMENT AGENCY (CRA) OF THE CITY OF WINTER GARDEN, FLORIDA, FOR THE TAX YEAR BEGINNING ON OCTOBER 1, 2013 AND ENDING ON SEPTEMBER 30, 2014

City Attorney Ardaman read Ordinance 13-63 by title with the following excerpt from Ordinance 13-63:

Collection of Ad Valorem	\$ 328,111
Revenue other than Ad Valorem	<u>342,375</u>
TOTAL REVENUES	\$ 670,486
TOTAL AVAILABLE FOR EXPENDITURES	\$ 670,486

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

Motion by Commissioner Buchanan to adopt Ordinance 13-63. Seconded by Commissioner Olszewski and carried unanimously 5-0.

- D. **Ordinance 13-64:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, AUTHORIZING THE APPROPRIATIONS OF CITY FUNDS FOR FISCAL YEAR 2013-2014 IN ACCORDANCE WITH ARTICLE 3 SECTION 30 (5) OF THE CITY CHARTER OF THE CITY OF WINTER GARDEN, FLORIDA AND FLORIDA STATUTE 166.241 FOR THE PURPOSE OF FULFILLING THE FINANCIAL OBLIGATIONS OF THE CITY

City Attorney Ardaman read Ordinance 13-64 by title only.

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

Motion by Commissioner Makin to adopt Ordinance 13-64. Seconded by Commissioner Buchanan and carried unanimously 5-0.

REGULAR CITY COMMISSION MEETING

2. APPROVAL OF MINUTES

Motion by Commissioner Sharman to approve the budget hearings and regular meeting minutes of September 12, 2013. Seconded by Commissioner Makin and carried unanimously 5-0.

- At this time, City Manager Item 9.A. was discussed
City Manager Bollhoefer stated that the regular meeting scheduled for October 10, 2013 is in conflict with a scheduled homecoming parade and recommended the City Commission change their meeting date from October 10, 2013 to Wednesday, October 9, 2013 at 6:30 p.m.

Motion by Mayor Rees to approve changing the scheduled regular meeting date from October 10, 2013 to Wednesday, October 9, 2013 at 6:30 p.m. Seconded by Commissioner Olszewski and carried unanimously 5-0.

3. PUBLIC HEARING MATTER

- A. Appeal by the School Board of Orange County, Florida of the August 5, 2013 conditional approval of a preliminary plat for the proposed 140 single-family lot Crooked Lake Preserve Subdivision by the City of Winter Garden Planning and Zoning Board

City Manager Bollhoefer noted that staff has been working on this item and feel they are close to having a resolution and asked to continue this matter until October 9, 2013 at 6:30 p.m.

Motion by Commissioner Sharman to postpone hearing the appeal by the School Board of Orange County, Florida, until October 9, 2013 at 6:30 p.m. Seconded by Commissioner Olszewski and carried unanimously 5-0.

4. **PRESENTATION**

A. **Presentation on Health by Design, Inc. by Dorothy Richards, MA, RD**

Dorothy Richards of Health by Design, Inc. gave a presentation to the City Commission addressing a new program which focusses on healthy weight. She noted that this is a non-profit organization formed by professionals in the community. This program addresses issues of obesity. She spoke of the mission and vision of the program, event planning, and fundraisers. She requested that the City Commission consider supporting this community effort by placing supportive funding in the budget in form of a grant.

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

A. **Ordinance 13-56:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.74 ± ACRES LOCATED AT 14890 WEST COLONIAL DRIVE ON THE SOUTH SIDE OF WEST COLONIAL DRIVE, EAST OF AVALON ROAD AND WEST OF WEST POINTE VILLAS BOULEVARD INTO THE CITY OF WINTER GARDEN FLORIDA; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

B. **Ordinance 13-57:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING THE FUTURE LAND USE MAP OF THE WINTER GARDEN COMPREHENSIVE PLAN BY CHANGING THE LAND USE DESIGNATION OF REAL PROPERTY GENERALLY DESCRIBED AS 0.74 ± ACRES LOCATED AT 14890 WEST COLONIAL DRIVE ON THE SOUTH SIDE OF WEST COLONIAL DRIVE, EAST OF AVALON ROAD AND WEST OF WEST POINTE VILLAS BOULEVARD FROM ORANGE COUNTY LOW DENSITY RESIDENTIAL TO CITY COMMERCIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

C. **Ordinance 13-58:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.74 ± ACRES LOCATED AT 14890 WEST COLONIAL DRIVE ON THE SOUTH SIDE OF WEST COLONIAL DRIVE, EAST OF AVALON ROAD AND WEST OF WEST POINTE VILLAS BOULEVARD FROM ORANGE COUNTY A-1 CITRUS RURAL DISTRICT TO CITY C-2

**ARTERIAL COMMERCIAL DISTRICT; PROVIDING FOR SEVERABILITY;
PROVIDING FOR AN EFFECTIVE DATE**

City Attorney Ardaman read Ordinances 13-56, 13-57, and 13-58 by title only. Community Development Director Williams stated that this is a voluntary annexation that has been requested by the property owner. The applicant is requesting a comprehensive plan designation of commercial and rezoning as indicated. This 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.

Motion by Commissioner Sharman to adopt Ordinances 13-56, 13-57, and 13-58. Seconded by Commissioner Olszewski and carried unanimously 5-0.

- D. **Ordinance 13-60:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING CHAPTER 54, PENSIONS AND RETIREMENT, ARTICLE III, PENSION PLAN FOR FIREFIGHTERS AND POLICE OFFICERS, OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN; AMENDING SECTION 54-186, DEFINITIONS; AMENDING SECTION 54-200, MAXIMUM PENSION; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 13-60 by title only. City Manager Bollhoefer stated that this ordinance is required by the Internal Revenue Service (IRS) in order to keep the City's plan in compliance. This is tax free for employees. Also included in the agenda packet is a letter from the Pension Board Attorney and approval is recommended.

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

Motion by Commissioner Buchanan to adopt Ordinance 13-60. Seconded by Commissioner Olszewski and carried unanimously 5-0.

- E. **Ordinance 13-65:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING CHAPTER 54, PENSIONS AND RETIREMENT, ARTICLE II, PENSION PLAN FOR GENERAL EMPLOYEES, OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN; AMENDING SECTION 54-26, DEFINITIONS; AMENDING SECTION 54-29, FINANCES AND FUND MANAGEMENT; AMENDING SECTION 54-39, MAXIMUM PENSION; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 13-65 by title only. City Manager Bollhoefer stated this ordinance is for the same reasons as previously stated in the last item; it is for compliance with IRS regulations.

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

Motion by Commissioner Sharman to adopt Ordinance 13-65. Seconded by Commissioner Makin and carried unanimously 5-0.

6. **REGULAR BUSINESS**

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

Community Development Director Williams stated that this plat has been reviewed by staff and does conform to all the conditions and restrictions placed on it. It is a portion of the overall project. Staff recommends approval and requests the Mayor be authorized to sign the plat.

Motion by Commissioner Makin to approve the final plat for Covington Chase Phase 2A. Seconded by Commissioner Buchanan and carried unanimously 5-0.

7. **MATTERS FROM CITIZENS**

David Kassander, 15155 Ovation Drive, Winter Garden, Florida, stated that he recently saw a report on television that the Winter Garden Police Department has joined forces with several other communities as part of a SWAT operation. He complimented the City Commission for its vision in allowing this and commended the Police Chief and his staff for engaging themselves in such a dangerous and difficult role. He expressed that by accepting such a greater responsibility for the greater Orlando area is outstanding.

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

9. **MATTERS FROM CITY MANAGER**

A. **Discussion on changing the October 10, 2013 meeting date**

This item was covered earlier in the meeting.

10. **MATTERS FROM MAYOR AND COMMISSIONERS**

Commissioner Sharman thanked the City Manager and all the City Commissioners for coming out to the Florida Hospital groundbreaking ceremony.

Commissioner Olszewski thanked staff for their hard work.

Mayor Rees thanked the City Manager Bollhoefer and staff for the budget and their assistance with answering questions. He stated that staff has done a great job with the budget for the City.

The meeting adjourned at 7:00 p.m.

APPROVED:

Mayor John Rees

ATTEST:

Assistant City Clerk Angela Grimmage, CMC

DRAFT

THE CITY OF WINTER GARDEN
CITY COMMISSION AGENDA ITEM

From: Ed Williams, Community Development Director

Via: City Manager Mike Bollhoefer

Date: September 19, 2013

Meeting Date: September 26, 2013

Subject: 16303 Marsh Road (Preliminary Plat)
Crooked Lake Preserve UVPUD
PARCEL ID# 05-23-27-0000-00-005
PARCEL ID# 05-23-27-0000-00-008

Issue: This is an appeal by the School Board of Orange County, Florida of the August 5, 2013 conditional approval of a preliminary plat for the proposed 140 single-family lot Crooked Lake Preserve Subdivision by the City of Winter Garden Planning and Zoning Board.

Discussion: The School Board of Orange County's appeal letter states that the P&Z decision does not appear to be in compliance with Policy 9-1.3.2 of the Public Schools Facilities Element of the City of Winter Garden Comprehensive Plan, nor does it appear to comply with the requirements of the Amended Interlocal Agreement for Public School Facility Planning and Implementation of Concurrency by and between the School Board and the City of Winter Garden.

Recommended Action:

Staff recommends that the City Commission uphold the Planning and Zoning Boards decision, conditionally approving the Preliminary Plat for the Crooked Lake Preserve UVPUD subdivision.

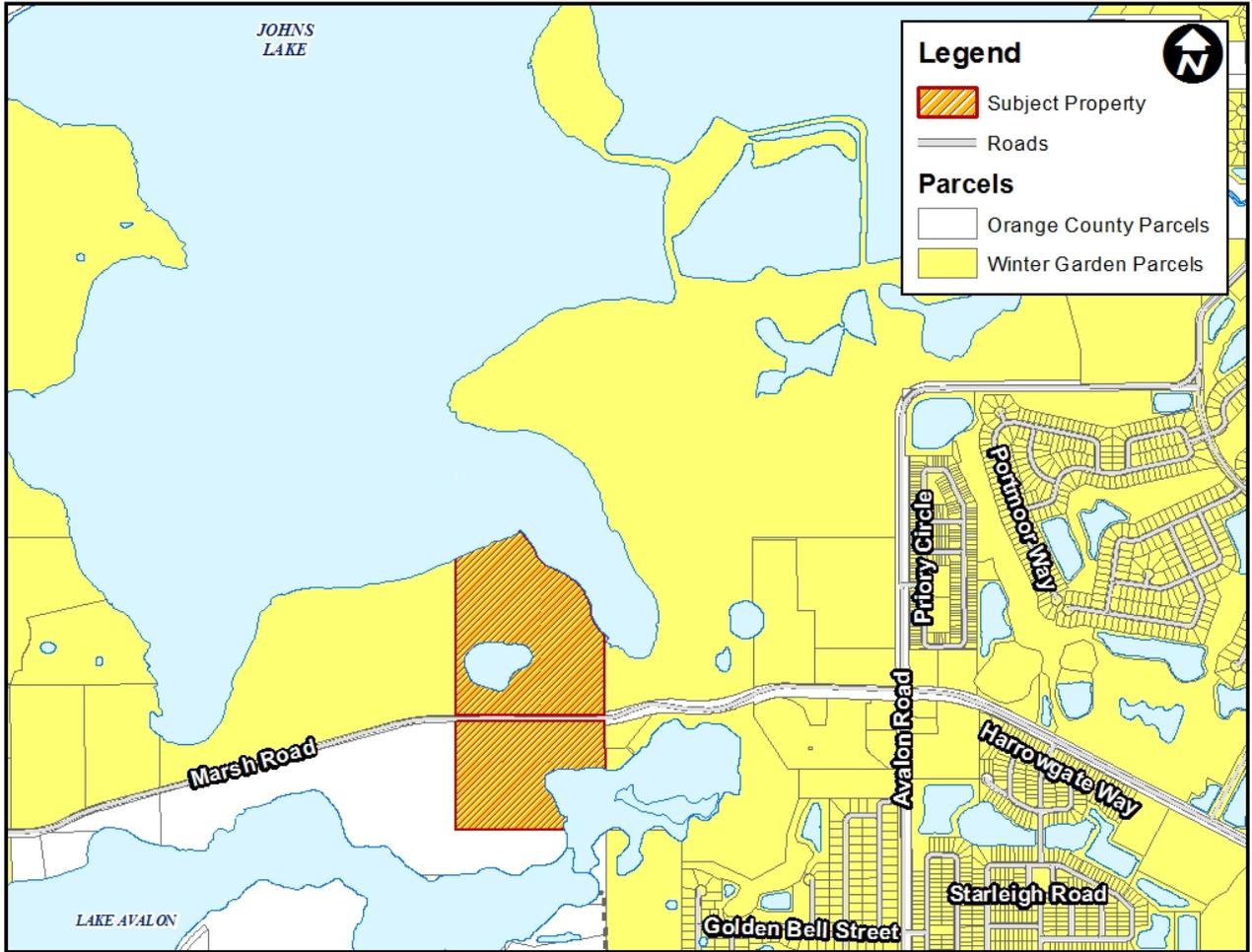
Attachment(s)/References:

Location Map
Appeal Letter
Verbatim record of portion of P&Z Board meeting minutes
Crooked Lake Preserve UVPUD Preliminary Plat

LOCATION MAP

16303 Marsh Road

PRELIMINARY PLAT





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

P: 407.656.4111
WWW.WINTERGARDEN-FL.GOV

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

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

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

1. NAME & ADDRESS OF PETITIONER:

Orange County School Board
c/o Juli Simas James, Esq., Shutts & Bowen LLP, as Agent
300 S. Orange Avenue, Suite 1000, Orlando, FL 32801

FAX: 407-425-8316 PHONE NUMBER: 407-835-6774

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

Same as above.

FAX: _____ PHONE NUMBER: _____

3. IF CORPORATION, NAMES OF PRESIDENT AND SECRETARY:

PRESIDENT: Bill Sublette, Esq., Chairman SECRETARY: Dr. Barbara M. Jenkins, Superintendent

4. PROPERTY ID NUMBER: 05-23-27-0000-00-005 & 05-23-27-0000-00-008

5. ADDRESS OF SITE: 16303 Marsh Road, Winter Garden, FL 34787

6. PROVIDE A FULL LEGAL DESCRIPTION: See Attached Legal Description

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

August 5, 2013 decision of Planning & Zoning Board on Agenda Item #10, Preliminary Plat for 140
single-family lots in the Crooked Lake Preserve UVPUD Subdivision subject to conditions of the
Staff Report.

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

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



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

P: 407.656.4111
WWW.WINTERGARDEN-FL.GOV

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

INVOICES FOR THE COSTS ASSOCIATED WITH Appeal of Crooked Lake Prelim Plat (PROJECT NAME OR ADDRESS)
SHOULD BE SENT TO (NAME AND ADDRESS OF RESPONSIBLE PARTY):

Orange County School Board
c/o Juli Simas James, Esq.
Shutts & Bowen LLP
300 S. Orange Avenue, Suite 1000, Orlando, FL 32801

SIGNATURE OF THE PETITIONER

Juli Simas James, Esq., on behalf
of Shutts & Bowen LLP, as Agent
PRINT NAME:

August 15, 2013
DATE

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

SUBMITTAL REQUIREMENTS:

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

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

PROCEDURE:

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



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

P: 407.656.4111
WWW.WINTERGARDEN-FL.GOV

CODE OF ORDINANCES

THE CITY OF WINTER GARDEN'S CODE OF ORDINANCES CAN BE FOUND ON THE INTERNET AT [HTTP://WWW.MUNICODE.COM/DATABASE.HTML](http://www.municode.com/database.html). ACCESS TO THE INTERNET CAN BE OBTAINED AT ANY BRANCH OF THE ORANGE COUNTY LIBRARY.

SEC. 98-31. APPEAL FROM DECISIONS.

(A) ANY PERSON AGGRIEVED BY ANY DECISION OF THE PLANNING AND ZONING BOARD MAY FILE A NOTICE OF APPEAL TO THE CITY COMMISSION WITHIN 15 DAYS AFTER SUCH DECISION IS RENDERED BY THE BOARD. THE PERSON APPEALING SHALL FILE A NOTICE OF APPEAL UPON A FORM PRESCRIBED BY THE DIRECTOR OF PLANNING IN THE OFFICE OF THE CITY MANAGER STATING WHEREIN THE BOARD ERRED. THE DIRECTOR OF PLANNING SHALL FORTHWITH TRANSMIT TO THE CITY COMMISSION ALL THE PAPERS, PHOTOGRAPHS AND EXHIBITS CONSTITUTING THE RECORD UPON WHICH THE ACTION APPEALED FROM WAS TAKEN OR PROPERLY CERTIFIED COPIES THEREOF IN LIEU OF ORIGINALS AS THE CITY COMMISSION MAY ELECT.

(B) UPON THE FILING OF THE NOTICE OF APPEAL, THE DIRECTOR OF PLANNING SHALL PROMPTLY MAIL A COPY OF A NOTICE OF HEARING BEFORE THE CITY COMMISSION BY UNITED STATES MAIL, POSTAGE PREPAID, TO THE ORIGINAL APPLICANT, TO THE OWNER OF RECORD OF THE SUBJECT PROPERTY AND THE OWNERS OF PROPERTY WITHIN 300 FEET, FURNISHED BY THE PERSON WHO FILED THE ORIGINAL APPEAL, TO EACH ATTORNEY AT LAW APPEARING FOR ANY PERSON AT THE HEARING BEFORE THE BOARD AND TO THE CITY ATTORNEY.

(C) THE MAYOR-COMMISSIONER OF THE CITY COMMISSION OR IN HIS ABSENCE THE MAYOR PRO TEMPORE MAY ADMINISTER OATHS AND COMPEL THE ATTENDANCE OF WITNESSES. ALL MEETINGS OF THE CITY COMMISSION SHALL BE OPEN TO THE PUBLIC. THE CITY COMMISSION SHALL KEEP MINUTES OF ITS MEETINGS, SHOWING THE VOTE OF EACH MEMBER ON EACH HEARING OR, IF ABSENT OR FAILING TO VOTE, INDICATING SUCH FACT, AND SHALL KEEP RECORDS OF ITS EXAMINATION AND OTHER OFFICIAL ACTIONS, ALL OF WHICH SHALL BE IMMEDIATELY FILED IN THE MINUTES OF THE CITY COMMISSION.

(D) THE CITY COMMISSION SHALL CONDUCT A HEARING DE NOVO UPON ANY APPEAL TAKEN FROM THE RULING OF THE BOARD AND SHALL HEAR THE TESTIMONY OF WITNESSES AND OTHER EVIDENCE OFFERED BY THE AGGRIEVED PERSON AND INTERESTED PARTIES TO THE APPEAL AND MAY, IN CONFORMITY WITH THIS ARTICLE AND THE ZONING RESOLUTIONS, RULES AND REGULATIONS ADOPTED THEREUNDER, REVERSE, OR AFFIRM, WHOLLY OR PARTLY, OR MAY MODIFY THE ORDER, REQUIREMENT, DECISION, OR DETERMINATION OF THE BOARD. THE CITY COMMISSION SHALL RENDER ITS DECISION ON THE APPEAL WITHIN 21 DAYS AFTER THE CONCLUSION OF THE PUBLIC HEARING. FOR GOOD CAUSE, THE CITY COMMISSION MAY EXTEND THE TIME FOR HOLDING ITS HEARING AND RENDERING ITS DECISION TO A TIME CERTAIN AFTER NOTICE TO ALL PARTIES TO WHOM NOTICE OF SUCH HEARING IS REQUIRED.

(CODE 1988, § 16-32)

EXHIBIT "A"

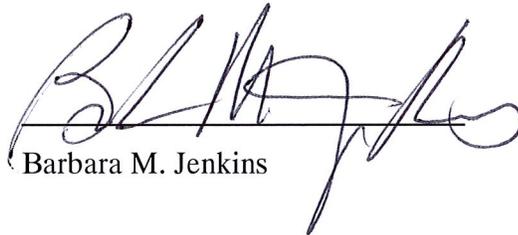
(Legal Description)

THE WEST ONE-HALF (1/2) OF THE NORTHEAST QUARTER OF SECTION 5,
TOWNSHIP 23 SOUTH, RANGE 27 EAST AS RECORDED IN THE PUBLIC RECORDS OF
ORANGE COUNTY, FLORIDA, LESS MARSH ROAD.

**AFFIDAVIT OF AGENT AUTHORIZATION
ORANGE COUNTY SCHOOL BOARD**

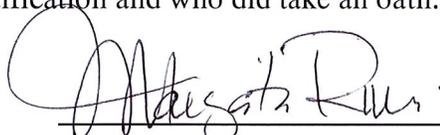
STATE OF FLORIDA)
)
COUNTY OF ORANGE)

I, Barbara M. Jenkins, having first been duly sworn, do hereby declare that I am the Superintendent of Orange County Public Schools, that I have been authorized by the Orange County School Board to execute this affidavit, and that the Orange County School Board has authorized and appointed Juli James, Esq. and the law firm of Shutts & Bowen, LLP to act as the Orange County School Board's agent with regard to the appeal of the City of Winter Garden Planning & Zoning Board's decision approving the preliminary plat for 140 single-family lots in the Crooked Lake Preserve UVPUD Subdivision (Parcel ID # 05-23-27-0000-00-005 & 05-23-27-0000-00-008).


Barbara M. Jenkins

Sworn to (or affirmed) and subscribed before me this 13th day of August, 2013, by Barbara M. Jenkins as the Superintendent of Orange County Public Schools on behalf of Orange County Public Schools. She is personally known to me or who produced _____ as identification and who did take an oath.





Notary Public
Print name: Margarita Rivera
My commission expires: _____
Notary Seal:

SHUTTS
&
BOWEN
LLP

100 Years
of Service

JULI SIMAS JAMES
PARTNER
(407) 835-6774 Direct Telephone
(407) 849-7274 Direct Facsimile

E-MAIL ADDRESS:
jjames@shutts.com

August 20, 2013

VIA HAND DELIVERY

Mr. Ed Williams
Community Development Director
City of Winter Garden
Office of the City Manager
300 West Plant Street
Winter Garden, FL 34787

**Re: Appeal to City Commission of Planning & Zoning Board's August 5, 2013
decision conditionally approving a preliminary plat for 140 single-family
lots in the Crooked Lake Preserve UVPUD Subdivision**

Dear Mr. Williams:

In accordance with §98-31 of the City of Winter Garden Code of Ordinances (the "Code"), and on behalf of the School Board of Orange County, Florida, I am herewith submitting:

1. A signed Application for an Appeal of A Planning and Zoning Board Decision;
2. A check in the amount of \$300.00 for the prescribed filing fee;
3. An Affidavit executed by Dr. Barbara Jenkins, Orange County School Superintendent, appointing the undersigned and the law firm of Shutts & Bowen, LLP as the School Board's authorized agent; and,
4. This letter setting forth the nature and reason for the appeal, a description of the Planning and Zoning Board's decision, and the reason the decision must be overturned as required by the aforementioned application.

As set forth in §98.31(a), please transmit all papers, photographs and exhibits constituting the record of the above referenced Planning and Zoning Board's decision to the Honorable Mayor and City Commission so they may conduct a *de novo* hearing as mandated by §98.31(d)

of the Code. Please notify the undersigned as soon as possible when the date for such hearing has been scheduled.

Nature and reason for the appeal.

This is an appeal by the School Board of Orange County, Florida (the "School Board") of the August 5, 2013 conditional approval of a preliminary plat for the proposed 140 single-family lot Crooked Lake Preserve Subdivision (the "Project") by the City of Winter Garden Planning and Zoning Board (the "P&Z"). The reason for the appeal is that the P&Z decision does not appear to be in compliance with Policy 9-1.3.2 of the Public Schools Facilities Element of the City of Winter Garden Comprehensive Plan (the "Comp Plan"), nor does it appear to comply with the requirements of the Amended Interlocal Agreement for Public School Facility Planning and Implementation of Concurrency by and between the School Board and the City of Winter Garden (the "ILA").

Description of the Planning and Zoning Board's decision.

At its August 5, 2013 meeting, under Agenda Item #10, the P&Z accepted staff's recommendation and approved a Preliminary Plat of 140 single-family lots in the Crooked Lake Preserve UVPUD Subdivision subject to conditions set out in the Staff Report attached to the P&Z Meeting Agenda. Fifteen separate conditions were listed dealing with items ranging from construction of proposed roundabouts to obtaining a Sand Skink clearance letter from the Florida Fish and Wildlife Commission. None of the 15 conditions related in any manner to school capacity or concurrency issues.

Reasons the decision must be overturned.

Policy 9-1.3.2 of the Public School Facilities Element of the Comp Plan states unequivocally that:

*The City shall determine if a development is vested or otherwise exempt from school concurrency. **Unless the development is determined to be vested or exempt from concurrency, the City shall not approve a residential site plan, plat, or its functional equivalent, until a concurrency review has been conducted by OCPS, and a Concurrency Certificate or its functional equivalent has been issued for the development consistent with the provisions of the ILA.** However, if OCPS fails to timely issue such Concurrency Certificate or its functional equivalent, the City may perform such concurrency review, utilizing the best available data and analyses, to determine whether a development meets concurrency requirements.*

Emphasis added.

The issue of whether an approval granted by a local government is consistent with its adopted comprehensive plan is subject to strict scrutiny. *Board of County Commissioners of Brevard County v. Snyder*, 627 So.2d 469 (Fla. 1993). In the context of land use cases the term “strict scrutiny” arises from the necessity of strict compliance with the adopted comprehensive plan. *Id.* at 475. *See also, Machado v. Musgrove*, 519 So.2d 629 (Fla. 3d DCA 1987), review denied, 529 So.2d 693 (Fla. 1988). As stated in *Pinecrest Lakes, Inc. v. Shidel*, 795 S0.2d 191 (Fla. 4th DCA 2001), *review denied*, 821 So.2d 300 (Fla. 2002), “strict scrutiny of local government development orders is necessary to insure that local governments comply with the duty imposed by section 163.3194 to make decisions consistent with the Comprehensive Plan.” 795 So.2d at 202.

In the instant case it must be noted that the Comp Plan prohibits the City from approving a plat, i.e., any plat and not just a final plat, “*until a concurrency review has been conducted by OCPS, and a Concurrency Certificate or its functional equivalent has been issued for the development consistent with the provisions of the ILA.*” It must also be noted that no current and valid Concurrency Certificate was in effect at the time of the August 5, 2013 P&Z meeting. Therefore, unless the City has determined the Project exempt from school concurrency and provided notice of such to the School Board, the P&Z could not approve the preliminary plat without violating the Comp Plan.

Section 163.3194(1)(a), F.S. states, in relevant part, that:

After a comprehensive plan, or element or portion thereof, has been adopted in conformity with this act, all development undertaken by, and all actions taken in regard to development orders by, governmental agencies in regard to land covered by such plan or element shall be consistent with such plan or element as adopted.

Compliance is not discretionary. *Village of Key Biscayne v. Tesauros Holdings, Inc.*, 761 S0.2d 397, 398 (Fla. 3d DCA 2000). As stated in *Pinecrest Lakes, Inc. v. Shidel, supra*, “[t]he statute is framed as a rule, a command to cities and counties that they must comply with their own Comprehensive Plans after they have been approved by the State.” Thus, a development order issued in violation of an approved comprehensive plan is void *ab initio*.

Furthermore, even if it could be argued that Policy 9-1.3.2 was intended to address only final plats, which is not what the plain language states, approval of the preliminary plat in this case has made approval of the final plat a mere ministerial function. Specifically, Section 110-123(e) of the Code states, in relevant part:

**** ... conditional approval of the preliminary plat shall be deemed an expression of approval as to the layout submitted on the preliminary plat and as a guide to the preparation of the final plat and construction plans, which will be submitted for approval of the planning and zoning board and the city commission*

*and for recording upon fulfillment of the requirements of this chapter and the conditions of the conditional approval, if any. ****

Thus, in the instant case, the P&Z's approval of the preliminary plat has essentially made final approval of the 140 single-family lots prescribed by that plat, and the attendant impact of the homes to be constructed thereon, a foregone conclusion. Such approval without issuance of a Concurrency Certificate is clearly contrary to the intent and language of Policy 9-1.3.2 and is also contrary to the ILA which provides, among other things, that:

11.3 ... an application for a Residential Development may be approved only if the School Capacity projected to be needed by the proposed Residential Development is or will be available to accommodate such projected need within the School Concurrency Service Areas at the Level of Service standards specified in (the ILA). A determination of whether School Capacity is available to serve a Residential Development shall be made by the Applicable Local Government upon recommendation by the School Board, consistent with the Level of Service standards adopted in (the ILA) and in the (City's) Comprehensive Plan.

Moreover, the City has specifically pledged in the ILA that it would:

[w]ithhold any Site Plan Approval under the (City Code) for new Residential Units not exempted under (the ILA) until the School Board has reported whether there is Available School Capacity sufficient to serve the Residential Development under review as provided in Section 16 (of the ILA).

See, ILA, ¶11.4(b). Again, the P&Z's decision is not consistent with this requirement.

Additionally, during the rezoning process for the subject property the City noted on several occasions that school capacity and concurrency would have to be addressed prior to preliminary plat approval. For example, on April 17, 2013, the Development Review Committee (the "DRC") noted in its minutes that, "*[d]evelopment of the property requires compliance with school concurrency standards, future submittal should include statement of how school capacity and concurrency will be met for development. Application for Capacity Determination previously submitted to OCPS expired March 2013 and therefore will require re-application for Capacity(.) [D]etermination must be provided from Orange County Public Schools prior to scheduling of public hearings for rezoning. Additionally, concurrency determination from Orange County Public Schools must be provided with preliminary plat submittal." Emphasis added.*

Likewise, in a memo from Ed Williams, Community Development Director, to the DRC dated May 28, 2013, again regarding the proposed rezoning of the Project property as needed in order to subdivide it for 140 single-family homes, Mr. Williams noted that, while "this review (was) for rezoning only and (did) not include the preliminary plat review," a number of staff comments would need to be addressed in future submittals. Among those comments was

Planning comment #25 which stated, “[d]evelopment of the property requires compliance with school capacity and concurrency standards.”

As you no doubt know, §110-123(c) of the Code provides that:

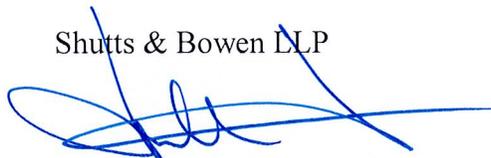
*Following a review by the city staff of the preliminary plat and other materials submitted for conformity to this chapter, the negotiations with the subdivider on changes deemed advisable and the kind and extent of improvements to be made by the subdivider, and **after the subdivider has addressed the city staff’s comments and provided any requested additional information or materials**, the city planner shall place the subdivider’s request for conditional approval of the preliminary plat, as submitted or as modified, on the next available planning and zoning board agenda. Thereafter, the planning and zoning board shall consider said request and act thereon. If approved, the planning and zoning board shall express its approval as a conditional approval and shall state the conditions of such approval, if any, or if disapproved shall express its disapproval and its reasons therefor.*

Inasmuch as those comments relating to school capacity and concurrency were apparently never addressed by the applicant, the consideration of the preliminary plat by P&Z appears to have been premature in any event.

For the foregoing reasons, we would respectfully submit that the challenged action of the P&Z must be overturned on appeal.

Sincerely,

Shutts & Bowen LLP



Juli Simas James

Enclosures

cc: Mr. Michael Bollhoefer, City Manager (via hand delivery)
Mr. A. Kurt Ardaman, City Attorney (via hand delivery)
Ms. Kathy Golden, City Clerk (via hand delivery)
Woody Rodriguez, Esq. (via email: woody.rodriguez@ocps.net)
Eileen D. Fernandez, Esq. (via email: eileen.fernandez@ocps.net)

16303 Marsh Road (Crooked Lake Preserve)

Verbatim report from the August 5, 2013 P & Z Meeting – this recording started at 7:04:28 p.m.

Senior Planner Laura Smith: The next item on your agenda is another preliminary plat. This is for the Crooked Lake Preserve property on Marsh Road. Again, you approved the rezoning to Urban Village PUD on this project last month. They are requesting preliminary plat for 140 single family lots. We have reviewed the preliminary plat and find it to be consistent with the comprehensive plan and the zoning that was approved last month and staff would recommend approval of this preliminary plat subject to the conditions that are outlined in the attached staff report. I would be happy to answer any questions that you have. Mr. Dunn?

Board Member Jimmy Dunn: Yes, I need to recuse myself from voting on this item.

Board Member James Gentry: Make sure you file your report with the clerk.

(?) Do they have their developer's agreement signed?

Planner Smith: Yes, they do.

(?) And recorded? And executed? (laughter)

Planner Smith: Yes.

James Gentry: Ok, this is a public hearing. Would anyone like to speak for or against this issue? Please step forward, sign in, and then state your name and address for us please, ma'am.

Speaker: Good evening, my name is Carol McGowin. My address is 1613 Walkerton Court, Winter Garden. I'm here on behalf of Orange County Public Schools. Orange County Public Schools objects to the project going forward as there is no CEA or concurrency agreement in place as defined by the interlocal agreement or state statute. This project does not comport with local ordinances, the ILA, or with the county charter agreement that was adopted by Orange County voters in November 2012. Thank you.

James Gentry: Did you sign in?

Carol McGowin: Getting ready to.

James Gentry: Ok. Does anyone on staff want to address that?

Community Development Director Ed Williams: Thanks. We appreciate any comments that come from the school board to the city whether it is P & Z or City Council. However, the comments tonight are inappropriate in that this is a subdivision pre-plat approval. The time for that comment is either at the comprehensive plan amendment or the rezoning hearing, not at the pre-plat. So you can't consider those comments tonight in your deliberations. If you approve or deny this based on those you need to state that for the record as to why you are approving or denying it and we would suggest that you not consider the school board issue because this is the inappropriate permit to be considering it on. Now, for a quick history and background on the issue. As you know, we don't have capacity in the High

School. It's a problem that we have had for 9 years. For 9 years the reliever high school has been in the budget and the school board has been unsuccessful in getting the high school approved. Other developments in this area have been approved with agreements and allowed to go forward. This developer has been presented with an agreement that says "you can pay your fees like those other developers but you can't go forward, you can't pull building permits, for the next 2 years or until we design the high school". Well, that is another issue because they have a standardized design for the high school so one could argue that the high school is already designed. But, that's not the real issue here. We're being put, as the City, in a position of having to say to the developer while the properties on all sides of you have been approved and are allowed to go forward we cannot issue building permits for you. In all likelihood we would be sued for doing that. So we have a choice, are we sued by the developer who would have a heck of a good case and waste taxpayer money, or do we get sued by the school board who has not been following the interlocal agreement in how they consider capacity. It has taken 9 years to solve a problem that they've known they've had, in 2004, when they purchased the reliever school site. Under the terms and conditions we have advised the school board the better law suite for the taxpayers of Winter Garden is have the school board. But we don't want to get to that. In the agreement, interlocal agreement, there is a dispute resolution provision. The school board has not availed themselves to that position at this point. We feel that would have been the appropriate time and place during the comprehensive plan amendments or during the rezoning that if they had a problem and wanted to treat this project differently than all the other properties out there, they would have filed for mediation and dispute resolution to try and resolve the issue. In spite of all those issues and the position that we are being placed in, in discussions with the City Manager as late as 2 minutes into this meeting, we are still willing to meet with the school board in an effort to find an agreement that treats this developer as fairly and in the same breath as all the other developers out there, and, we would recommend that you go forward with this on its merits as a subdivision not considering the school issue and allowing us to negotiate that with the school board through a different procedure and process. I would be happy to answer any questions you have on this issue.

(?) Why are we singling out this particular developer when we've already approved several other housing subdivisions and we have brought up as, from this board, has brought up the school related issue as being as capacity? My child goes to West Orange and I already know it's over capacity.

Director Williams: And has been since 2004. It's a great question and I can only speculate on what the various answers would be. Obviously the hearings are getting ready to happen on that school and the more pressure the public brings on county elected officials to approve that zoning the better chance it has to be approved. Perhaps it is an effort by the school board to get more support for the school being approved. If that is the case, and that's been relayed to us in the past on other projects, it is not the right way to do it.

(?) Now that particular relief school that we are talking about is that the one that is on the corner of 535 and Ficquette? Is that correct?

Director Williams: Yes, that is the one. And we, as the City, have not taken a position on that site. The position our board has taken is 'we need a reliever high school, we will do anything we can to help, we don't care if it's that site or any other site'. We need a high school out here and we have since 2004.

James Gentry: You have questions?

(?) And so, Ed, this is reminiscent of the old days when, and we appreciate what the school board is saying, but they would show up at almost every subdivision plan and by design have to oppose. Is this something we are going to see more of in the future?

Director Williams: No, I think that the school is going to be approved and this issue will go away. Hopefully it will go away.

(?) And when do you that will happen?

Director Williams: Well, the hearings are scheduled I believe in September/October time frame so it should be fairly soon. Which is another reason why we don't understand why this property would be held back 2 years while everyone else is allowed to go forward. And again, they do not show up at every meeting. We send all notices to them and they were notified of the zoning amendment, the PD amendment for this process, and they did not come to the meetings. They did not show up and raise the objection and I don't know why. But, we do know that they were notified of all the meetings properly and chose not to attend. And, I'm not picking on you (here he looked at Carol McGowin) it is thru Tyrone and Andrew...

(?) Don't shoot the messenger.

Director Williams: And yes, we are not picking on the messenger. But we are being put in a very difficult position and one that we are being placed in, we believe, unfairly.

(?) Everyone wants to be in Winter Garden.

Director Williams: Well, and we have been a huge supporter of the school board. We are the only City that went out spent two and a half million dollars to build sewer, water and roads to two schools when the developer went belly up and couldn't meet his obligations. We go out and we build the signals and the crosswalks when they put in the schools and they send us traffic studies that say 'there will be no cars going to that school so we don't need those'. But, this issue tonight is not the appropriate forum for it. We believe we can still work out an agreement. If an agreement is not worked out does not mean that this developer will not pay his fair share. He is still obligated to pay the school impact fees as we currently have them and they exist in our ordinances and we will collect those whether they have a capacity enhancement agreement or not.

James Gentry: Anyone else? Make a motion?

Eric Weiss: I motion to approve the preliminary plat at 16303 Marsh Road with Staff recommendations.

Mark Maciel: I'll second.

James Gentry: We've had a motion and a second, all in favor?
(all replied with an affirmative)

James Gentry: Any opposed?
(no response)

Director Williams: Thank you very much.

DESCRIPTION

THE WEST ONE-HALF (1/2) OF THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 23 SOUTH, RANGE 27 EAST AS RECORDED IN THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, LESS MARSH ROAD.

CONTAINS 78.292 ACRES MORE OR LESS.

TAX ID# 05-23-27-0000-00-005
05-23-27-0000-00-008

OWNER / DEVELOPER: CROOKED LAKE HOLDINGS, LLC. (407) 905-8180
P.O. BOX 770609
WINTER GARDEN, FL. 34777-0609

ENGINEER: JUNE ENGINEERING CONSULTANTS (407) 905-8180
P.O. BOX 770609
WINTER GARDEN, FL. 34777-0609

SURVEYOR: BISHMAN SURVEYING & MAPPING, INC. (407) 702-8127
14 S. Main Street, SUITE 210
WINTER GARDEN, FL. 34787

GEOTECHNICAL ENGINEER: YOVAISH ENGINEERING SCIENCES, INC. (407) 774-9383
953 SUNSHINE LANE
ALTAMONTE SPRINGS, FL. 32714

ENVIRONMENTAL CONSULTANT: BIO-TECH CONSULTING, INC. (407) 894-5969
2002 E. ROBINSON STREET
ORLANDO, FL. 32803

Utility Companies

Water/Sewer/Reuse Water: City of Winter Garden Utilities Dept. 407-656-4100
8 N. Highland Street
Winter Garden, FL. 34787

Telephone: Centurylink 407-814-5373
P.O. Box 770339
Winter Garden, FL. 34777-0339

Electric: Progress Energy 407-905-3302
452 E. Crown Point Road
Winter Garden, FL. 34787

Cable: Brighthouse Networks 407-295-9119
3767 All American Blvd.
Orlando, FL. 32810

Stormwater: City of Winter Garden - Public Works 407-656-2256
265 Lakeview Road
Winter Garden, FL. 34787

Fire: City of Winter Garden Fire Dept. 407-656-4689
131 E. Palmetto Street
Winter Garden, FL. 34787

Gas: Lake Apopka Natural Gas District 407-656-2734
P.O. Box 771275
Winter Garden, FL. 34777-1275

Site Data

Site Area: 78.29 Acres
Net Developable: 58.94

Zoning: PD

Future Land Use: Urban Village Residential up to 4 DU/Ac.

Aprox. Max. Number of Proposed Lots: 140

Aprox. Proposed Density: 1.79 units/acre (gross)
2.38 units/acre (net)

Min. Floor Area: 1,500 sf (60' Lots)
2,000 sf (90' Lots)

Max. Building Height: 35 feet

Min. Lot Width: 60 feet (non Lakefront) 90 feet (Lakefront)

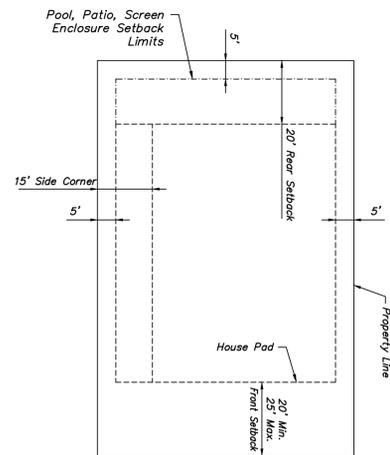
Building Setbacks	(60', 70' Lots)	(90' Lots)
Front	20'	25'
Side	5'	7.5'
Side Corner	15'	15'
Rear	20'	30'
Rear Accessory	5'	5'
Normal High Water		30'

Open Space
Required 25% of Total Developable 14.74 Acres

Tract	Description	Area
Tract A	Upland Buffer	1.07 Acres
Tract B	Dry Retention	1.70 Acres
Tract C	Wetland Buffer	0.83 Acres
Tract E	Park	0.26 Acres
Tract F	Landscape	0.30 Acres
Tract G	Landscape	0.54 Acres
Tract H	Landscape	0.36 Acres
Tract I	Landscape	0.63 Acres
Tract J	Retention/Open Space	3.26 Acres
Tract K	Wetland Buffer	0.65 Acres
Tract M	Dry Retention	0.88 Acres
Tract N	Park	0.63 Acres
Tract O	Park	3.69 Acres
Tract P	Open Space	0.22 Acres
Tract Q	Dry Retention	2.55 Acres
Tract S	Open Space	0.29 Acres
Total Open Space		17.86 Acres
		17.86 > 14.74

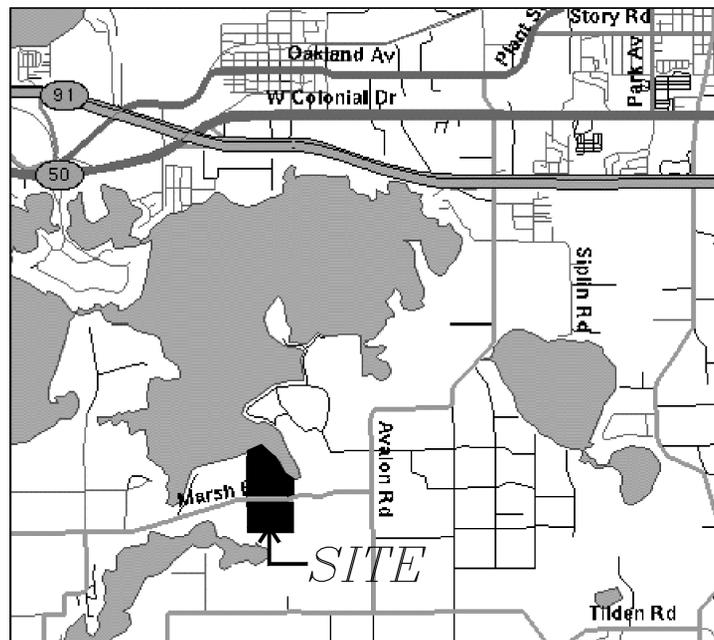
Recreation
Required 5% of Total Developable 2.95 Acres

Tract	Description	Area
Tract E	Park	0.26 Acres
Tract M	Dry Retention	0.88 Acres
Tract O	Park	3.69 Acres
Total Recreation		4.61 Acres
		4.61 > 2.95

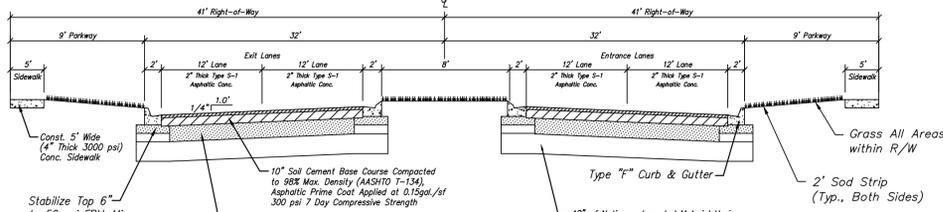


(60' - 85' Lot)
TYPICAL LOT LAYOUT
N.T.S.

PUD / Preliminary Plan for Crooked Lake Preserve

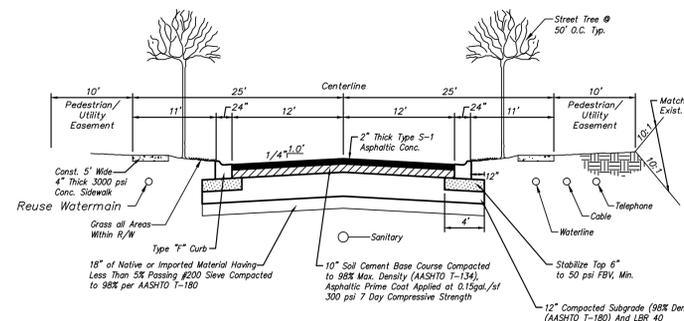


INDEX OF SHEETS	
SHEET TITLE	No.
Cover Sheet	1
Existing Conditions	2
Preliminary Plan	3
Marsh Road - Landscaping	4
Landscape Plan	L-1



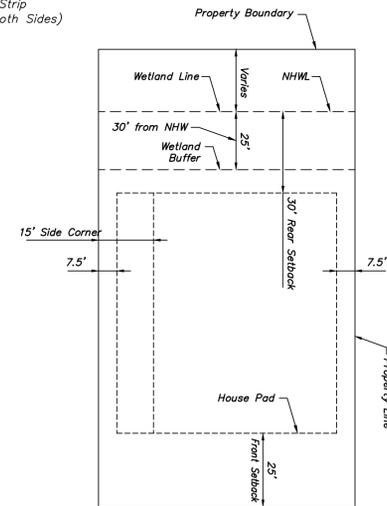
Note: The Full Right-of-Way and any Disturbed Areas Shall Have a Full Stand of Grass Upon Completion of the Infrastructure

ENTRANCE ROAD SECTION
N.T.S.



Note: The Full Right-of-Way and any Disturbed Areas Shall Have a Full Stand of Grass Upon Completion of the Infrastructure

TYPICAL PAVEMENT SECTION
N.T.S.



(90' Lot)
TYPICAL LOT LAYOUT
N.T.S.

General Notes

- The homeowners association will establish and operate an Architectural Review Committee in order to set architectural design standards by which the community will be developed.
- Common open space will be deeded to the homeowners association for ownership and maintenance.
- Deed Restrictions - Prior to the approval of any final plat, the owner shall record deed restrictions that creates a Property Owner's Association.
- Utilities and equipment - All utilities must be underground. All utility equipment (i.e. transformers, etc.) must be well screened.
- Signage - The residential subdivisions may have two signs per entrance with a maximum of 24 s.f. total per sign.
- The Owner or Developer of the property is required to provide landscaping for each retention pond.
- Street trees located in Right-of-Way shall be reviewed with final construction plans.
- Existing vegetation consists of planted pines.
- Landscape plans to be provided at time of construction plan submittal.
- Park amenities (tot-lot) shall be completed prior to C.O. of 25th unit.
- All driveways must comply with Appendix A, Section 2.10 (1) of the City Code governing residential driveways.
- All sidewalks not adjacent to building lots shall be installed with initial infrastructure.
- A photometric lighting plan that conforms to the dark skies regulations shall be provided with the final construction plans.
- All construction shall meet City of Winter Garden requirements for drainage, roadways and utilities.
- Landscaping shall be installed consistent with the requirements of Section 118-1524(b) and Table 3.4.2.
- Swimming pools must meet all requirements of City Code and are not guaranteed on all lots. Applications for swimming pools will be reviewed on an individual basis.
- Installation of privacy fences should not impede the flow of water for drainage purposes.
- Pavers or walkways should apply for building permits, be reviewed for non-pervious surface and how they affect water flow before they are installed.
- Residential Design Criteria - Typical front elevations of product proposed to be built in the subdivision will be reviewed with the application for rezoning to UVPUD and elevations will be included in the UVPUD rezoning ordinance.

a. In lieu of the front garage setback requirement as stated in the JPA Design Guidelines, the applicant request a waiver to require "a maximum of forty (40) percent of all residential units shall have the garage door setback five (5) feet from the principal front building facade or side-loaded garages. Residential units with the five (5) foot garage recess or side-loaded garages shall have a twenty (20) foot front yard building setback line. All other residential units shall have a minimum twenty-five (25) foot front yard setback."

b. The proposed urban village PUD will have a combination lot width from 60' to 90' feet. In addition to the larger lots, the proposed units will have a variety of main entrance treatments including front porches. The applicant request a waiver of the JPA Design Guidelines to "define a front porch as a covered outdoor area at or adjacent to the front door of the residential unit that extends a minimum of three (3) feet on either side of the front door and has a minimum depth of six (6) feet. Front porches shall be provided on fifty (50) percent of the lots."

c. Primary building entrances shall be visible and accessible from the street and shall have a walkway from the primary entrance to the sidewalk.

d. Product types constructed within the 60' and 70' lots shall be staggered to avoid similar products directly adjacent to each other or provide alternate color and architectural detail.

e. 5' foot side yard setback shown on the 60' and 70' wide lots are acceptable under the following conditions: All mechanical equipment including AC units, pool equipment, water filtration systems, and any other utility or service equipment must be located to the rear of the house, side yards must remain unobstructed, and stormwater design/engineering must be provided sufficiently addressing that 5 foot side yards can adequately support all necessary drainage and stormwater management for the property.

20. All lots bordering the PUD perimeter shall meet the requirements of Chapter 118, Article V, Division 2, Subdivision III, Section 118-924(d). A minimum 25-foot yard shall be required from the nearest part of any building wall to the edge of any public right-of-way or private street, and all structures shall have a minimum 20-foot rear yard. A minimum 25-foot yard shall be maintained between the walls of all structures and the perimeter of the PUD. Additional perimeter yard requirements for multistory buildings shall be figured at five additional feet for each ten feet of height over the first story.

21. The project shall have option to gate the entrance on the north and/or south of Marsh Road. If the Project is gated the roads will be privately owned and maintained.

22. Docks shall comply with City of Winter Garden ordinance 11-20 (as codified in Chapter 118 of the City Code).

23. The twenty five foot easement around the perimeter of the project shall have no pools, fences, or any other accessory structures that will encroach on the 25 foot perimeter easement. These conditions shall be added to the Plat notes and mandated to be on each individual lots deeds. This easement shall be maintained by the HOA.

Tract Ownership & Maintenance			
Tract	Description	Ownership & Maintenance	Area
A	Upland Buffer	Homeowners Association	1.07
B	Retention	Homeowners Association	1.70
C	Wetland Buffer	Homeowners Association	0.83
D	Wetland	Homeowners Association	2.92
E	Park	Homeowners Association	0.26
F	Landscape	Homeowners Association	0.30
G	Landscape	Homeowners Association	0.54
H	Landscape	Homeowners Association	0.36
I	Landscape	Homeowners Association	0.63
J	Retention/Open Space	City of Winter Garden	3.26
K	Wetland Buffer	Homeowners Association	0.65
L	Wetland	Homeowners Association	6.75
M	Retention	Homeowners Association	0.88
N	Park	Homeowners Association	0.66
O	Park	Homeowners Association	3.69
P	Open Space	Homeowners Association	0.22
Q	Retention	Homeowners Association	2.55
R	Lift Station	City of Winter Garden	0.02
S	Open Space	Homeowners Association	0.29
	Right-of-Way	Homeowners Association	8.57
	Johns Lake		9.68

February 14, 2013
Revised 06/26/13



june engineering consultants, inc.
14 S. Main Street
Winter Garden, FL 34787
Ph. 407-905-8180
Fax 407-905-6232

Certificate of Authorization #00008507

ROHLAND ALLEN JUNE II
PE# 41949

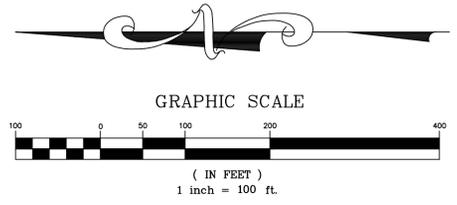
BOUNDARY AND TOPOGRAPHIC SURVEY

- LEGEND:**
- | | | | |
|---|---------------------------------|-------------------------------------|------------------------------|
| R RADIUS | ⊙ WELL | PVC POLYVINYL CHLORIDE PIPE | ⚡ ELECTRIC HAND HOLE |
| ∠ CENTRAL ANGLE | ⊠ TELEPHONE OUTLET | RCP REINFORCED CONCRETE PIPE | ⊠ CABLE TELEVISION RISER |
| L LENGTH | ⊠ TELEPHONE RISER | CMP CORRUGATED METAL PIPE | ⊠ TELEPHONE ACCESS CABINET |
| CH CHORD | ⊠ FIRE HYDRANT | DIP DUCTILE IRON PIPE | ⊠ CATCH BASIN |
| CB CHORD BEARING | ⊠ MASTER WATER ASSEMBLY | VCP VITRIFIED CLAY PIPE | ⊠ DRAIN |
| TB TANGENT BEARING | ⊠ SEWER VALVE | CPP CORRUGATED PLASTIC PIPE | ⊠ CURB INLET |
| MD MEASURED | ⊠ WATER VALVE | HDPE HIGH DENSITY POLYETHYLENE PIPE | ⊠ CURB INLET WITHOUT MANHOLE |
| (P) PLAT | ⊠ RECLAIMED WATER VALVE | NHW NORMAL HIGH WATER | ⊠ METERED END SECTION |
| (C) CALCULATED | ⊠ IRRIGATION VALVE | — UGP — UNDERGROUND POWER LINE | ⊠ UTILITY VAULT |
| (D) DESCRIPTION | ⊠ GAS VALVE | — UG — UNDERGROUND GAS LINE | ⊠ AIR CONDITIONER |
| POB POINT OF BEGINNING | ⊠ SANITARY MANHOLE | — UGT — UNDERGROUND TELEPHONE LINE | ⊠ POWER BOX |
| POC POINT OF COMMENCEMENT | ⊠ DRAINAGE MANHOLE | — FOC — FIBER OPTIC CABLE | ⊠ POWER RAISER |
| O.R. OFFICIAL RECORDS BOOK | ⊠ TELEPHONE MANHOLE | — WC — WATER LINE | ⊠ BOLLARD |
| PL PAGE | ⊠ GREASE TRAP MANHOLE | — WC — WOODEN UTILITY POLE | ⊠ MONITORING WELL |
| TR TYPICAL | ⊠ POWER MANHOLE | — C — CONCRETE UTILITY POLE | ⊠ LIGHT POLE |
| P.T. POINT OF TANGENCY | ⊠ WATER SHUT-OFF VALVE | — GUY POLE | ⊠ WALKWAY LIGHT |
| P.C. POINT OF CURVATURE | ⊠ POWER TRANSFORMER | — GUY ANCHOR | ⊠ TRAFFIC SIGNAL BOX |
| ⊠ IRON ROD & CAP | ⊠ WATER METER | — INV-69.73 INVERT ELEVATION | ⊠ BOLLARD |
| ⊠ 4"x4" CONCRETE MONUMENT | ⊠ GAS METER | + 68.51 EXISTING GROUND ELEVATION | ⊠ FLAG POLE |
| ⊠ IRON PIPE | ⊠ POWER METER | — 60 — EXISTING GROUND CONTOUR | ⊠ PARKING METER |
| ⊠ BARBED WIRE FENCE | ⊠ WATER BLOW-OFF VALVE | — SINGLE POST SIGN | ⊠ TRAFFIC FLOW ARROW |
| ⊠ WOOD FENCE | ⊠ CLEAN-OUT | — DOUBLE POST SIGN | ⊠ SOIL BORING |
| ⊠ CHAIN LINK FENCE | ⊠ FIRE DEPARTMENT CONTROL VALVE | — HANDICAPPED PARKING SPACE (H/2) | ⊠ DRAINAGE DIRECTION |
| ⊠ EDGE OF ASPHALT PAVEMENT | | — S.M. — SITE BENCH MARK | |
| ⊠ CENTERLINE | | | |
| ⊠ LICENSED BUSINESS | | | |
| ⊠ P.S.M. PROFESSIONAL SURVEYOR & MAPPER | | | |
| ⊠ P.L.S. PROFESSIONAL LAND SURVEYOR | | | |

DESCRIPTION

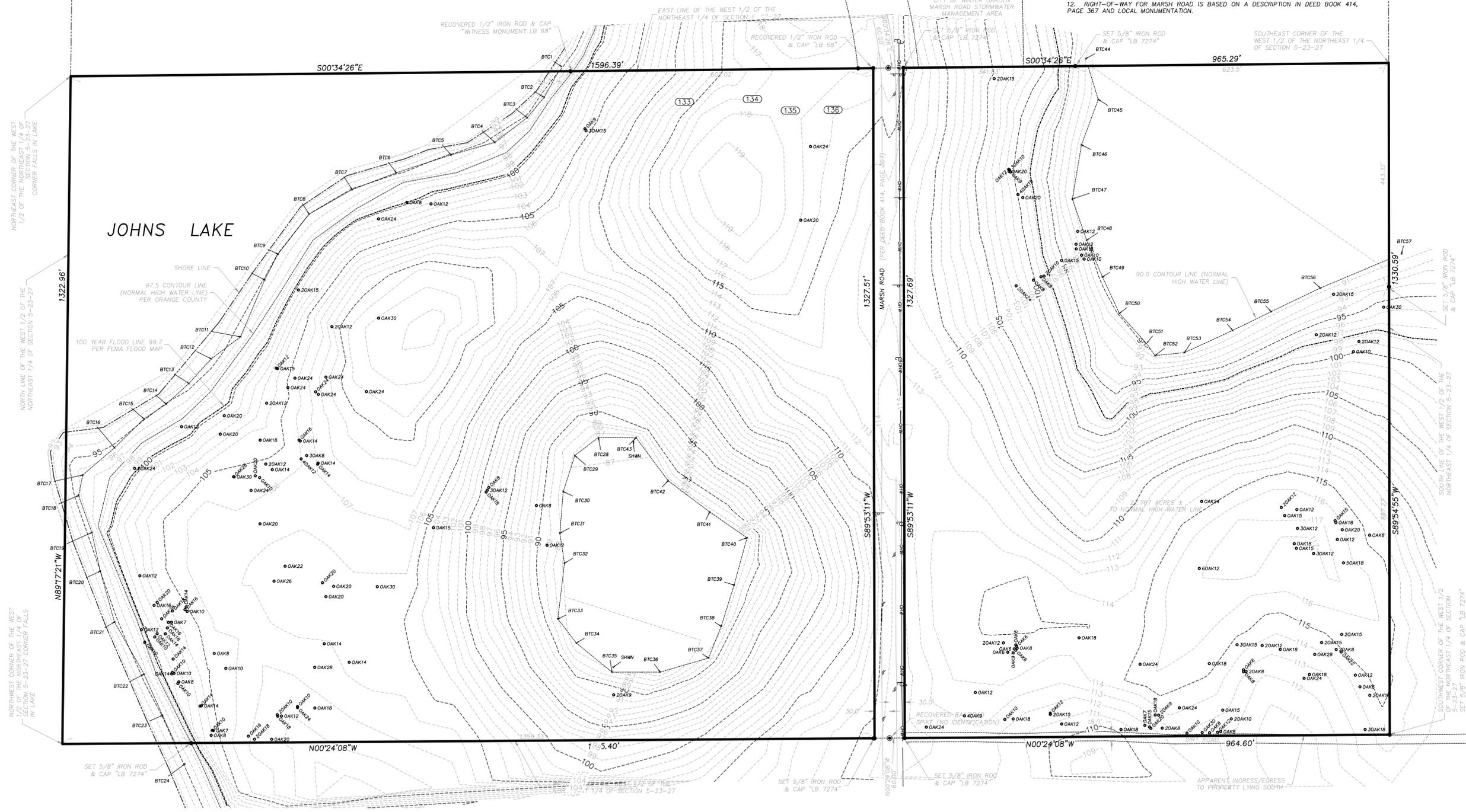
THE WEST ONE-HALF (1/2) OF THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 23 SOUTH, RANGE 27 EAST, AS RECORDED IN THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, LESS MARSH ROAD.

CONTAINS 78.292 ACRES MORE OR LESS.



SURVEYORS NOTES:

- NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
- LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHTS OF WAY, EASEMENTS, OWNERSHIP, OR OTHER INSTRUMENTS OF RECORD, BY THIS FIRM.
- REVISIONS DO NOT CONSTITUTE A RE-CERTIFICATION OF THE EXISTING FIELD CONDITIONS OF THIS SURVEY.
- BEARINGS SHOWN HEREON ARE BASED ON THE FOLLOWING: THE EAST LINE OF THE NORTHEAST 1/4, SECTION 5-23-27 BEING N00°45'10"W (ASSUMED).
- THE DESCRIPTION SHOWN HEREON IS PER O.R. BOOK 2495, PAGE 1118, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.
- UNDERGROUND IMPROVEMENTS AND INSTALLATIONS HAVE NOT BEEN LOCATED.
- NO INTERIOR IMPROVEMENTS HAVE BEEN LOCATED UNLESS OTHERWISE INDICATED.
- THE LANDS SHOWN HEREON LIE PARTIALLY WITHIN ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 500 YEAR FLOOD PLAIN) WITH PORTIONS LYING WITHIN ZONE AE. (BASE FLOOD ELEVATIONS OF 97.7 NAVD 1988 FOR LAKE AVALON AND 99.7 NAVD 1988 FOR JOHN'S LAKE) ACCORDING TO "FIRM" MAP NO. 12095C0200 F AND COMMUNITY NO. 12079 0200 F, DATED SEPTEMBER 25, 2009.
- THE ELEVATIONS SHOWN HEREON ARE BASED ON A SQUARE CUT IN TOP OF HEADWALL ON THE WEST SIDE OF AVALON ROAD, ORANGE COUNTY BENCH MARK NUMBER R-407-024, ELEVATION = 123.503 (NAVD 1988).
- SITE BENCH MARKS ARE AS SHOWN HEREON.
- THE ELECTRONIC FILE FOR THIS PROJECT IS THE PROPERTY OF BISHMAN SURVEYING AND MAPPING, INC. AND IS NOT THE PROPERTY OF THE CLIENT.
- RIGHT-OF-WAY FOR MARSH ROAD IS BASED ON A DESCRIPTION IN DEED BOOK 414, PAGE 367 AND LOCAL MONUMENTATION.



DATE	REVISION
5/30/13	City Comments

Boundary & Topo Survey
Crooked Lake Preserve

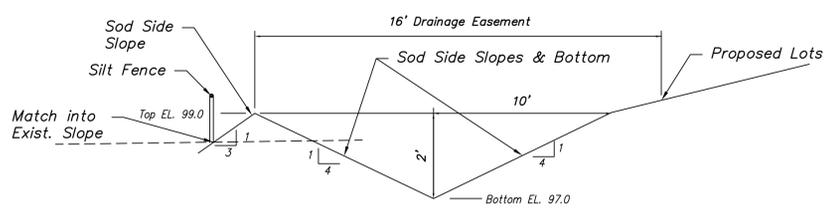
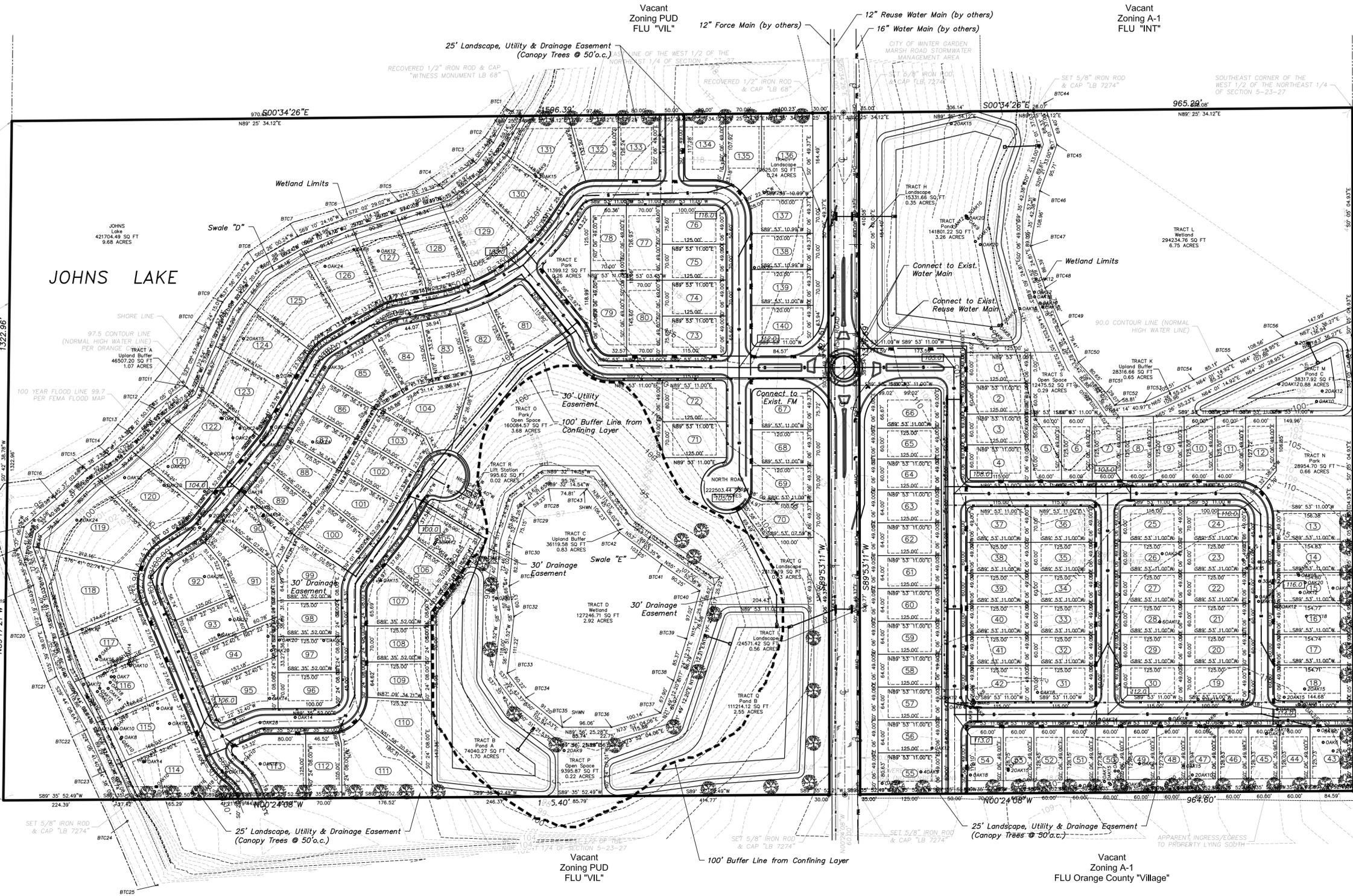
JEC June engineering consultants, inc.
14 S. Main Street
Winter Garden, FL 34787
Ph. 407-905-8180
Fax 407-905-6232

Certificate of Authorization #00008507

DRAWN BY: CLK CHECKED BY: RAJ SCALE: 1" = 100'
DATE: 2/19/13 DATE: 2/19/13

ROHLAND ALLEN JUNE II
PE# 41949

JOB NO. 12-0446
SHEET 2 OF 4



(Rear of Lots 114-131)

TYPICAL ENVIRONMENTAL SWALE "D" Section
N.T.S.

DATE	REVISION
5/30/13	City Comments

Preliminary Site Plan
Crooked Lake Preserve

JEC june engineering consultants, inc.
14 S. Main Street
Winter Garden, FL 34787
Ph. 407-905-8180
Fax 407-905-6232

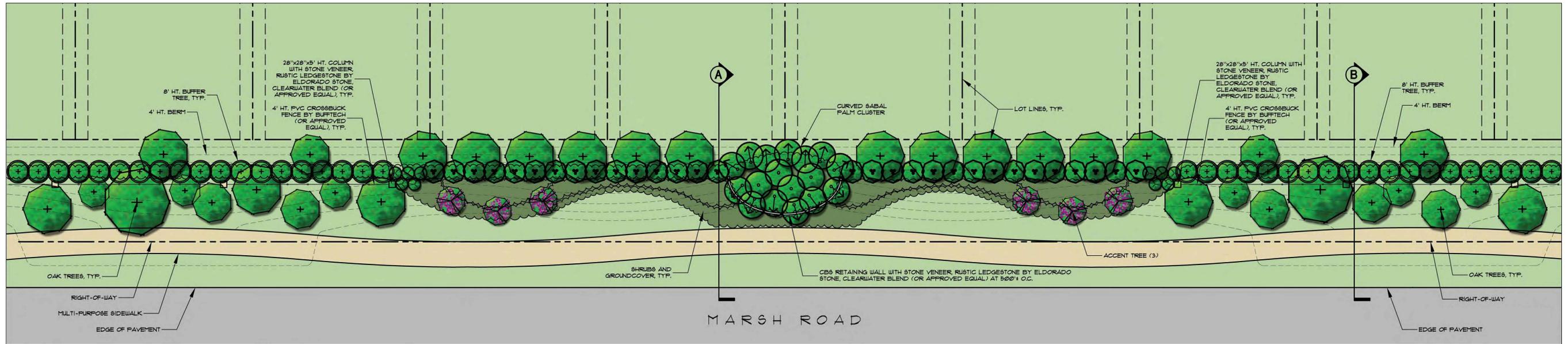
Certificate of Authorization #00008507

DRAWN BY: CLK CHECKED BY: RAJ SCALE: 1" = 100'
DATE: 2/19/13 DATE: 2/19/13

ROHLAND ALLEN JUNE II
PE# 41949

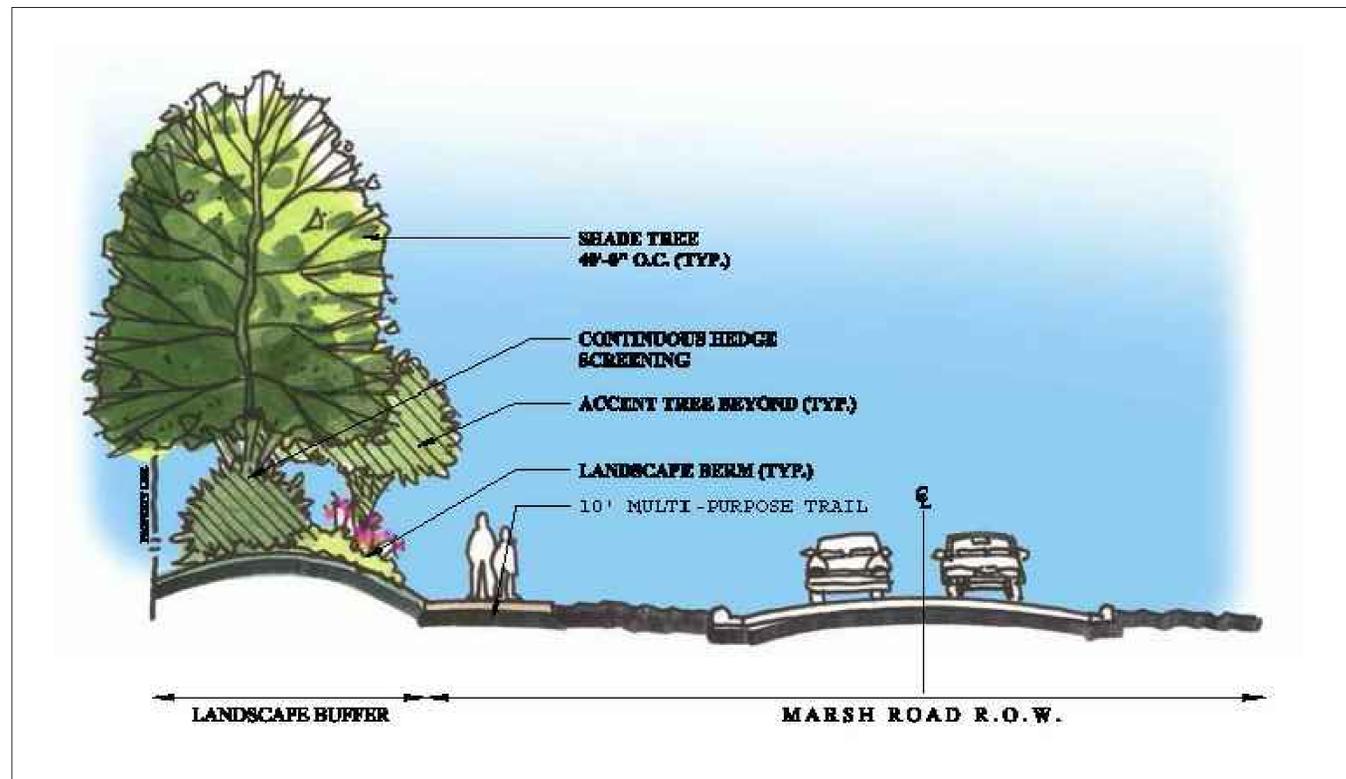
JOB NO.
12-0446
SHEET
3
OF
4

K:\ACTIVE\085\046\Cra-Mar Preliminary Plan 072413.dwg, 7/31/2013 10:11:51 AM



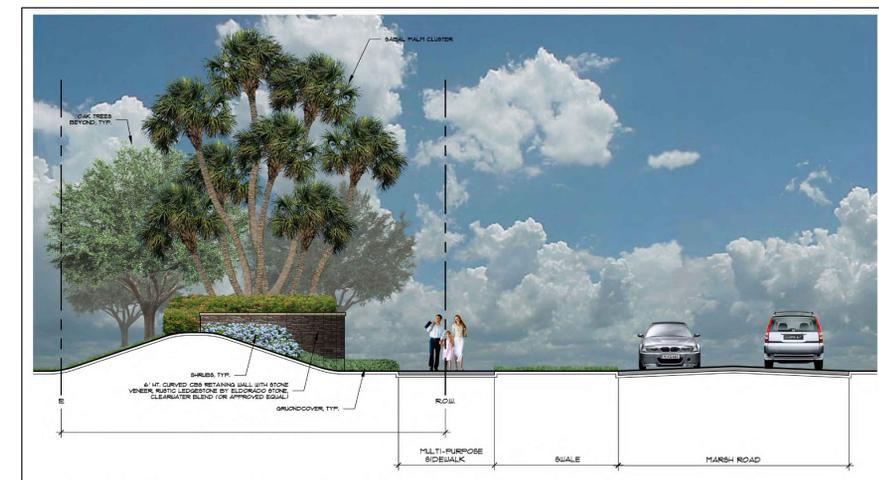
MARSH ROAD LANDSCAPE BUFFER

N.T.S.



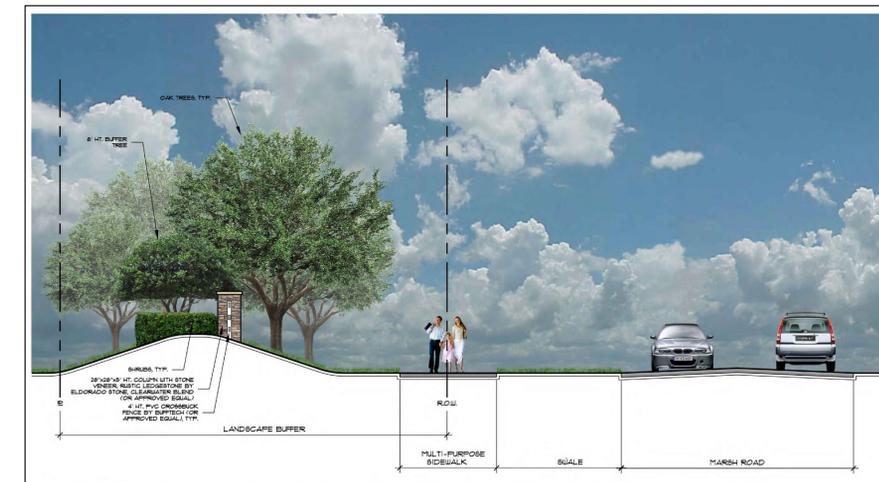
MARSH ROAD TYPICAL SECTION

N.T.S.



TYPICAL SECTION "A"

N.T.S.



TYPICAL SECTION "B"

N.T.S.

DATE	REVISION
5/30/13	City Comments

Marsh Road
Crooked Lake Preserve



june engineering consultants, inc.

132 W. Plant Street, Suite 200
Winter Garden, FL, 34787
Ph. 407-905-8180
Fax 407-905-6232

Certificate of Authorization #00008507

DRAWN BY: CLK

CHECKED BY: RAJ

SCALE: As Noted

DATE: ??

DATE: ??

ROHLAND ALLEN JUNE II
PE# 41949

JOB NO.
12-0446

SHEET
4
OF 4

THE CITY OF WINTER GARDEN
CITY COMMISSION AGENDA ITEM

From: Don Cochran, Assistant City Manager – Public Services

Via: Mike Bollhoefer, City Manager

Date: October 2, 2013 **Meeting Date:** October 9, 2013

Subject: Approval of submittal received in response to RFQ #EN13-004, Design Criteria Professional Services for Parking Consultants

Issue: The City recently advertised a Request for Qualifications for design criteria professional services for the downtown parking garage project.

Only one firm responded to the RFQ advertisement: Walker Parking Consultants.

Walker provided the following three references: the City of St. Augustine, FL; Cobb County, GA; and the City of Hollywood, FL. All of the references had nothing but positive comments about Walker and stated that they would use them again if needed.

Considering that Walker is the only firm that responded to the advertisement and that their references are outstanding, Staff recommends negotiating a contract with Walker for the design criteria of the parking garage.

Recommended Action:

Approve authorizing Staff to negotiate a contract with Walker Parking Consultants for the design criteria of the parking garage.

Attachments/References:

- RFQ references

DESIGN CRITERIA PROFESSIONAL SERVICES

REQUEST FOR QUALIFICATIONS (RFQ) - RFQ #EN13-004



WALKER
PARKING CONSULTANTS

SEPTEMBER 10, 2013

**Historic Downtown Parking Facility at the Visitor Information Center
St. Augustine, FL**



Client: City of St. Augustine, FL

Number of Spaces: 1,164

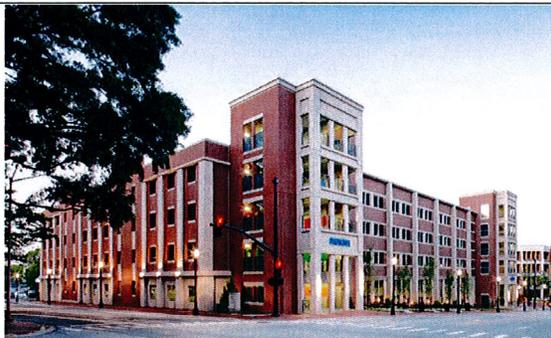
Construction Type: Pre-cast concrete structure with pre-cast concrete façade and coquina stone

Role: Prime Designer and Engineer of Record

Reference: John Regan, 904-825-1005

Email: jregan@ci.st-augustine.fl.us

**Lawrence Street Parking Deck
Marietta, GA**



Client: Cobb County, Georgia

Number of Spaces: 550

Construction Type: Precast concrete structural with auger cast foundation

Disciplines Provided: Functional Design, Structural Engineering, PARCS Consulting, Signage Design

Reference: Allen Kronenberger, 770-528-2100

Email: allen.kronenberger@cobbcounty.org

Garfield Street Community Center and Parking Structure, Hollywood, FL



Client: City of Hollywood, FL

Number of Spaces: 408

Construction Type: Cast-in-place, post-tension concrete

Disciplines Provided: Prime Designer and Engineer of Record

Reference: Susan Goldberg, 954-921-3900

Email: sgoldberg@hollywoodfl.org

DESIGN CRITERIA PROFESSIONAL SERVICES

REQUEST FOR QUALIFICATIONS (RFQ) - RFQ #EN13-004



WALKER
PARKING CONSULTANTS

SEPTEMBER 10, 2013

Florida State College Jacksonville,
Deerwood Center Parking Structure,
Jacksonville, FL



Client: Florida State College
Number of Spaces: 567
Construction Type: Pre-cast concrete structure with shallow foundations
Disciplines Provided: Design criteria professional, preparation of Scope Documents, and Construction Administration.
Reference: Jack Brede, 904-632-3255
Email: jbrede@fccj.edu.com

Tuscaloosa Intermodal Center,
Tuscaloosa, AL



Client: City of Tuscaloosa, AL
Number of Spaces: 459
Construction Type: Cast-in-place, post tensioned concrete
Disciplines Provided: Functional Design, Structural consulting and signage design
Reference: Joseph Robinson, 205-349-0240
Email: jrobinson@ci.tuscaloosa.al.us

GEICO Garage, Orlando Events
Center (Amway Center), Orlando, FL



Client: City of Orlando
Number of Spaces: 1,876
Construction Type: Cast-in-place, post-tensioned concrete on pile foundation system
Disciplines Provided: Functional Design and Structural Engineer of Record
Reference: Tim Ackert, 407-246-3629
Email: Tim.Ackert@cityoforlando.net