



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

REGULAR MEETING

May 28, 2015

6:30 p.m.

CALL TO ORDER

Determination of a Quorum

Opening Invocation and Pledge of Allegiance

1. **APPROVAL OF MINUTES**

Regular Meeting of May 14, 2015

2. **PRESENTATION**

Winter Garden Squeeze, General Manager, Adam Bates

3. **FIRST READING OF PROPOSED ORDINANCE**

A. **Ordinance 15-40:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING CHAPTER 114, "VEGETATION", ARTICLE II, "LANDSCAPING," OF THE CITY OF WINTER GARDEN CODE OF ORDINANCES THROUGH THE AMENDMENT OF THE FOLLOWING SECTIONS: 114-26, "DEFINITIONS"; 114-31, "EXISTING DEVELOPED AREAS"; 114-32, "PERMIT REQUIREMENTS"; 114-33, "GENERAL LANDSCAPING REQUIREMENTS"; 114-34 SPECIFIC LANDSCAPING REQUIREMENTS; THE ADDITION OF THE FOLLOWING SECTIONS: 114-36, INVASIVE PLANTS AND NATIVE VEGETATION PRESERVATION; 114-37, APPROPRIATE PLANT SELECTION, LOCATION, AND ARRANGEMENT; 114-38, TURF AREAS; 114-39, IRRIGATION SYSTEM DESIGN AND INSTALLATION; AND PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE **with the second reading and public hearing being scheduled for June 11, 2015** Assistant City Manager of Public Services – Cochran

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

A. **Ordinance 15-50:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING THE CITY OF WINTER GARDEN FISCAL YEAR 2014-2015 BUDGET; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE (*postponed 5/14/2015*) **with the second reading and public hearing being scheduled for June 25, 2015** – Finance Director Zielonka

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

A. **Ordinance 15-28:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING CERTAIN REAL PROPERTY GENERALLY DESCRIBED AS APPROXIMATELY 1.93 +/- ACRES OF LAND GENERALLY LOCATED AT THE NORTHEAST CORNER OF DANIELS ROAD AND ROPER ROAD, FROM R-1 (SINGLE FAMILY RESIDENTIAL DISTRICT) TO PCD (PLANNED COMMERCIAL DEVELOPMENT); PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE – Community Development Director Williams

B. **Ordinance 15-34:** 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 1050 VINELAND ROAD ON THE WEST SIDE OF VINELAND ROAD NORTH OF WEST COLONIAL DRIVE AND SOUTH OF WEST MORGAN 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

- C. **Ordinance 15-35:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING THE FUTURE LAND USE MAP OF THE WINTER GARDEN COMPREHENSIVE PLAN BY CHANGING THE LAND USE DESIGNATION OF REAL PROPERTY GENERALLY DESCRIBED AS 0.24 ± ACRES LOCATED AT 1050 VINELAND ROAD ON THE WEST SIDE OF VINELAND ROAD NORTH OF WEST COLONIAL DRIVE AND SOUTH OF WEST MORGAN STREET FROM ORANGE COUNTY LOW MEDIUM DENSITY RESIDENTIAL TO CITY RESIDENTIAL NEIGHBORHOOD COMMERCIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE
- D. **Ordinance 15-36:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.24 ± ACRES LOCATED AT 1050 VINELAND ROAD ON THE WEST SIDE OF VINELAND ROAD NORTH OF WEST COLONIAL DRIVE AND SOUTH OF WEST MORGAN STREET FROM ORANGE COUNTY R-2 RESIDENTIAL DISTRICT TO CITY R-NC RESIDENTIAL NEIGHBORHOOD COMMERCIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE – Community Development Director Williams
- E. **Ordinance 15-37:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.23 ± ACRES LOCATED AT 50 EAST PALMETTO STREET, ON THE SOUTH SIDE OF EAST PALMETTO STREET EAST OF SOUTH MAIN STREET AND WEST OF SOUTH WOODLAND 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
- F. **Ordinance 15-38:** 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 0.23 ± ACRES LOCATED AT 50 EAST PALMETTO STREET, ON THE SOUTH SIDE OF EAST PALMETTO STREET EAST OF SOUTH MAIN STREET AND WEST OF SOUTH WOODLAND STREET FROM ORANGE COUNTY LOW DENSITY RESIDENTIAL TO CITY LOW DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE
- G. **Ordinance 15-39:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.23 ± ACRES LOCATED AT 50 EAST PALMETTO STREET, ON THE SOUTH SIDE OF EAST PALMETTO STREET EAST OF SOUTH MAIN STREET AND WEST OF SOUTH WOODLAND STREET FROM ORANGE COUNTY R-2 RESIDENTIAL DISTRICT TO CITY R-2 RESIDENTIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE – Community Development Director Williams
- H. **Ordinance 15-41:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING ARTICLE VI, DIVISION 8 OF CHAPTER 118 OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN CONCERNING ACCESSORY BUILDINGS AND ACCESSORY STRUCTURES; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE – Community Development Director Williams
- I. **Ordinance 15-42:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 44.83 +/- ACRES OF REAL PROPERTY GENERALLY LOCATED ON THE SOUTH SIDE OF MARSH ROAD, EAST OF HARBOR SAIL WAY AND WEST OF AVALON ROAD FROM CITY PUD PLANNED UNIT DEVELOPMENT DISTRICT TO CITY C-2 ARTERIAL COMMERCIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE – Community Development Director Williams
- J. **Ordinance 15-43:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL

LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.87 ± ACRES LOCATED AT 844 EAST CROWN POINT ROAD ON THE WEST SIDE OF EAST CROWN POINT ROAD NORTH OF CROWN POINT CROSS ROAD AND SOUTH OF MISTFLOWER LANE 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

- K. **Ordinance 15-44:** 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 0.87 ± ACRES LOCATED AT 844 EAST CROWN POINT ROAD ON THE WEST SIDE OF EAST CROWN POINT ROAD NORTH OF CROWN POINT CROSS ROAD AND SOUTH OF MISTFLOWER LANE FROM ORANGE COUNTY LOW DENSITY RESIDENTIAL TO CITY LOW DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE
- L. **Ordinance 15-45:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.87 ± ACRES LOCATED AT 844 EAST CROWN POINT ROAD ON THE WEST SIDE OF EAST CROWN POINT ROAD NORTH OF CROWN POINT CROSS ROAD AND SOUTH OF MISTFLOWER LANE FROM ORANGE COUNTY A-1 AGRICULTURAL DISTRICT TO CITY R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE – Community Development Director Williams
- M. **Ordinance 15-46:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.98 ± ACRES LOCATED AT 698 TILDENVILLE SCHOOL ROAD ON THE WEST SIDE OF TILDENVILLE SCHOOL ROAD NORTH OF WEST COLONIAL DRIVE AND SOUTH OF EAST OAKLAND 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
- N. **Ordinance 15-47:** 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 0.98 ± ACRES LOCATED AT 698 TILDENVILLE SCHOOL ROAD ON THE WEST SIDE OF TILDENVILLE SCHOOL ROAD NORTH OF WEST COLONIAL DRIVE AND SOUTH OF EAST OAKLAND AVENUE FROM ORANGE COUNTY LOW DENSITY RESIDENTIAL TO CITY LOW DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE
- O. **Ordinance 15-48:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.98 ± ACRES LOCATED AT 698 TILDENVILLE SCHOOL ROAD ON THE WEST SIDE OF TILDENVILLE SCHOOL ROAD NORTH OF WEST COLONIAL DRIVE AND SOUTH OF EAST OAKLAND AVENUE FROM ORANGE COUNTY A-1 AGRICULTURAL DISTRICT TO CITY R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE – Community Development Director Williams
- P. **Ordinance 15-49:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING SECTION 102-1 OF CHAPTER 102 OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN TO CLARIFY CERTAIN DEFINITIONS AND TO ADD A DEFINITION FOR DIGITAL BILLBOARD AND DIGITAL BILLBOARD SIGNS; AMENDING SECTION 102-92 OF CHAPTER 102 OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN TO PROHIBIT DIGITAL BILLBOARD SIGNS EXCEPT UNDER LIMITED CONDITIONS AS A SPECIAL EXCEPTION AND PURSUANT TO A RELOCATION AND RECONSTRUCTION PLAN AND AGREEMENT; CREATING SECTION 102-94 OF CHAPTER 102 OF THE CODE OF ORDINANCES OF THE

CITY OF WINTER GARDEN PROVIDING FOR RELOCATION AND RECONSTRUCTION AGREEMENTS FOR BILLBOARDS AND DIGITAL BILLBOARDS; PROVIDING FOR CRITERIA AND REGULATIONS GOVERNING DIGITAL BILLBOARDS; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE – Community Development Director Williams

6. **PUBLIC HEARING MATTER**

- A. Consider condemning property located at 160 East Plant Street, Winter Garden, Florida; **Owner**: Winter Garden Gateway Corporation (*postponed on 4/23/2015*) – Code Enforcement Manager Pash

7. **REGULAR BUSINESS**

- A. Recommendation to approve Right-of-Way Maintenance Agreement with Belle Meade Residents Association, Inc. - Community Development Director Williams
- B. Recommendation to award Downtown Parking Garage Design-Build Project (AS15-13012) to Finrock, Inc., with public comment – City Manager Bollhoefer
- C. **Resolution 15-07**: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, DESIGNATING CERTAINS LANDS KNOWN AS SUNRIDGE BOULEVARD AS PART OF THE CITY STREET SYSTEM FOR PUBLIC RIGHT-OF-WAY USE; PROVIDING FOR RECORDING, CONFLICTS AND AN EFFECTIVE DATE – Community Development Director Williams
- D. **Resolution 15-08**: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, AUTHORIZING BINGO TO BE CONDUCTED AT A MUNICIPAL OWNED PROPERTY AS A FUNDRAISER TO BENEFIT THE “AMERICAN CANCER SOCIETY RELAY FOR LIFE” BY THE CITY EMPLOYEE TEAM, PURSUANT TO SECTION 849.0931(11)(D), FLORIDA STATUTES; PROVIDING AN EFFECTIVE DATE – Community Relations Director Vaughn
- E. Recommendation to authorize the purchase of 27 budgeted Self Contained Breathing Apparatuses and related equipment for a total purchase price of \$159,127 from Fisher Safety – Fire Chief McGrew
- F. Recommendation to approve Use Agreement with the Garden Theatre for three (3) digital projectors – City Manager Bollhoefer

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

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

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

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

ADJOURN to a Regular Meeting on June 11, 2015 at 6:30 p.m. in City Hall Commission Chambers, 300 W. Plant Street, 1st floor

NOTICES:

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.

Any opening invocation that is offered before the official start of the Commission meeting shall be the voluntary offering of a private person, to and for the benefit of the Commission. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the City Commission or the city staff, and the City is not allowed by law to endorse the religious or non-religious beliefs or views of such speaker. Persons in attendance at the City Commission meeting are invited to stand during the opening invocation and to stand and recite the Pledge of Allegiance. However, such invitation shall not be construed as a demand, order, or any other type of command. No person in attendance at the meeting shall be required to participate in any opening invocation that is offered or to participate in the Pledge of Allegiance. You may remain seated within the City Commission Chambers or exit the City Commission Chambers and return upon completion of the opening invocation and/or Pledge of Allegiance if you do not wish to participate in or witness the opening invocation and/or the recitation of the Pledge of Allegiance. (Reference Resolution 15-04)

	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 Department (407) 656-4111 x5455.
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CITY OF WINTER GARDEN

CITY COMMISSION REGULAR MEETING MINUTES May 14, 2015

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. An Opening Invocation and Pledge of Allegiance were given.

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

Also Present: City Manager Mike Bollhoefer, City Attorney Kurt Ardaman, City Clerk Kathy Golden, Assistant City Manager - Public Services Don Cochran, Community Development Director Ed Williams, Economic Development Director Tanja Gerhartz, Finance Director Laura Zielonka, Fire Chief Matt McGrew, Police Chief George Brennan, and Recreation Director Jay Conn

1. **APPROVAL OF MINUTES**

Motion by Commissioner Olszewski to approve the Executive Session and Regular Meeting minutes of April 23, 2015. Seconded by Commissioner Sharman and carried 5-0.

2. **PRESENTATIONS**

- At this time Mayor Rees invited Sharon Lambert to come forward to make a presentation. Sharon Lambert, 749 Stevelynn Circle, Winter Garden, Florida, addressed an issue she refers to as “property spam” which is the littering with handbills. Ms. Lambert spoke of these items as an invitation to criminal activity, creating a hazard, a nuisance, and being unsightly. She read an excerpt from the City’s Code addressing the unlawful activity of distributing such handbills. She stated that she is addressing the distribution of such items on private property and spoke of the City of Altamonte Springs and its code regarding this issue. She encouraged the City Commission to speak with them on the subject.

City Attorney Ardaman shared that the City of Altamonte Springs’ framework was used in the crafting a draft ordinance. He noted that you cannot make exceptions between different types of speech. With the inability to carve out any particular content based prohibition, he spoke with the City Manager and it does not appear to be a significant problem for the City. He stated that they have a draft of an ordinance to address this issue. Mayor Rees requested that this information be submitted to the City Commission for review.

A. **Mr. Jay Barfield requested to use one of the boat basins at Newton Park to test a system to clean Lake Apopka [Allied Group USA, Inc.]**

City Manager Bollhoefer noted that Mr. Barfield was not present to make the presentation but stated that he was very familiar with this subject and would make the presentation on Mr. Barfield's behalf.

Mr. Bollhoefer shared that Mr. Barfield has received a State grant contract to test some equipment he uses; a methodology that could possibly be used long term to clean up Lake Apopka. A site has been chosen here in Winter Garden; the boat basin closest to Trailer City. He would run a line with an underwater sump pump about 20 to 50 yards off shore. The water would be pumped, filtered, run through a compressor system to add oxygen, into the boat basin. The theory is that by cleaning the water it will allow the natural good bacteria in the water to eat the muck.

Commissioner Makin stated that he met with Mr. Barfield down at Lake Apopka. Commissioner Makin spoke of past agencies that wasted a lot of money on theories and shared that the cleanup of Lake Apopka has been his passion. Mr. Barfield has already been awarded the contract from Florida Wildlife Commission (FWC) and the St. Johns Water Management District. Mr. Barfield is a local person who has been cleaning water all over the world for many years. Mr. Barfield has been involved with the St. Johns Water Management District over the last five years. He was given two test sites to clean and proved it could be done successfully. Commissioner Makin shared some information on the process and stated that the great thing is that it is no cost to the City; Mr. Barfield only needs permission to use the basin. The second part of this is that the basin is in very bad shape and Mr. Barfield is also a licensed contractor, and will repair the wall of the basin in order to use the site to test his theory. Commissioner Makin shared information about another test site and expressed that this is all done free of any chemicals. Commissioner Makin spoke of very positive meetings with Mr. Barfield, the City Manager, and the residents of Trailer City.

City Manager Bollhoefer stated that he has distributed a copy of the agreement. One thing that is not stated in the agreement is that this project may take from three to eight months. Mr. Bollhoefer requested that some language be added to address that there will be no substantial noise, smells, or mess. Mayor Rees also addressed including the ability to correct any issues.

Motion by Commissioner Buchanan authorizing the City Manager to execute an agreement, with the requested additional language, that grants permission [to Allied Group USA, Inc.] to use the City's boat basin closest to Trailer City as a testing site to clean Lake Apopka. Seconded by Commissioner Makin and carried unanimously 5-0.

B. **Discussion regarding providing ambulance service in the City**

City Manager Bollhoefer stated that he has distributed a packet of information which, instead of trying to discuss it tonight, he would like to give the City Commission time to

review. He gave a brief overview of events since the last presentation of this item. There was discussion on the timeframe for a decision and it was expressed that it would be better to make the right decision than to rush.

Mayor Rees suggested that each Commissioner read through the material, make a list of questions that will be distributed and discussed with the City Manager.

3. **FIRST READING OF PROPOSED ORDINANCES**

A. **Ordinance 15-41**: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING ARTICLE VI, DIVISION 8 OF CHAPTER 118 OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN CONCERNING ACCESSORY BUILDINGS AND ACCESSORY STRUCTURES; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 15-41 by title only. Community Development Director Williams stated that Matthew's Hope is requesting to construct an accessory structure which was not covered by the City's ordinances. They wish to construct a glass building to grow plants. Amendments to the ordinances have been prepared should the City Commission wish to allow this type of structure in residential areas throughout the City. He noted that the City has tried to put some reasonable restrictions on the size and locations. They will have to meet the building code requirements.

Mayor Rees asked if the Planning and Zoning Board passed this by a unanimous vote. Mr. Williams responded yes. There was discussion that each greenhouse structure would have to go before the Planning and Zoning Board for review and approval.

Motion by Commissioner Olszewski to approve Ordinance 15-41 with the second reading and public hearing being scheduled for May 28, 2015. Seconded by Commissioner Sharman.

Mayor Rees asked if anyone would like to speak to this item. There were no comments.

Motion carried unanimously 5-0.

B. **Ordinance 15-49**: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING SECTION 102-1 OF CHAPTER 102 OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN TO CLARIFY CERTAIN DEFINITIONS AND TO ADD A DEFINITION FOR DIGITAL BILLBOARD AND DIGITAL BILLBOARD SIGNS; AMENDING SECTION 102-92 OF CHAPTER 102 OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN TO PROHIBIT DIGITAL BILLBOARD SIGNS EXCEPT UNDER LIMITED CONDITIONS AS A SPECIAL EXCEPTION AND PURSUANT TO A RELOCATION AND RECONSTRUCTION PLAN AND AGREEMENT; CREATING SECTION 102-94 OF CHAPTER 102 OF THE CODE OF ORDINANCES OF THE

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City Attorney Ardaman read Ordinance 15-49 by title only. Community Development Director Williams referred the City Commission to Page 7, Item Number 6, and addressed a change he would like to make to the language “maximum size of the copy area including cabinet and trim”. He would like to it to state “excluding cabinet and trim”.

Mr. Williams stated that billboards are not permitted in the City’s current sign code. He explained that staff would like to have billboards go away. With the advent of digital billboards, we now have the opportunity to make it happen. Digital billboards allow for a trade out of multiple billboards for one digital billboard; this is being done around Central Florida. This ordinance has been submitted for consideration and allows for the review of the billboards on a case-by-case basis as they are requested. He expressed that it is unusual to have an ordinance with this much flexibility but this is the only effective way to lower the number of billboards in the community.

Mayor Rees addressed the County enclaves on State Road 50 and a one thousand foot rule. Mr. Williams stated that control is tightening up with the County that includes negotiating with them to not approve the billboards in the enclaves. He mentioned some of the past conflicts with the County but stated that through the Joint Planning Area Agreement, the City can get a firm written document coordinating with the County that each entity will not issue billboards in violation of the others rules. City Attorney Ardaman explained how the ordinance would work.

Commissioner Makin addressed the impact of this ordinance on existing billboards on State Road 50 they want to rehab. Mr. Williams responded that every component of the reconstruction and relocation for the billboard would be negotiated.

Commissioner Buchanan addressed the issue of the brightness of digital billboards. Mr. Williams described some of the requirements are that there will be no flashing signs; they will fade in and fade out. The City would also have an opportunity to use these boards for public service announcements.

City Manager Bollhoefer stated that two billboard companies were in attendance, and one of them is not happy with the 1,000 foot separation distance provision in the ordinance as they have a billboard that is within 600 feet. He noted that technically, by the hard rules, they could not do this, however, it could be negotiated.

Motion by Commissioner Olszewski to approve Ordinance 15-49 with the second reading and public hearing being scheduled for May 28, 2015. Seconded by Commissioner Sharman and carried unanimously 5-0.

- C. **Ordinance 15-51**: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING DIVISION 2, ARTICLE II, CHAPTER 42 OF THE WINTER GARDEN CITY CODE; PROVIDING FOR THE WAIVER OF ROAD IMPACT FEES IN THE HISTORIC DOWNTOWN DISTRICT AREA UNDER CERTAIN CIRCUMSTANCES; PROVIDING CRITERIA FOR SUCH WAIVERS; PROVIDING FOR AUTOMATIC REPEAL OF WAIVER PROVISION AFTER A SET PERIOD; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 15-51 by title only. City Manager Bollhoefer stated that several people have approached the City wishing to build in the downtown historic area. Staff would like to use this as a mechanism to influence and encourage some of the better quality buildings. If a developer demonstrates that they are putting more money into a building to make the building fit in with the downtown, the City would give them relief in the impact fees for roads.

Commissioner Olszewski confirmed that this ordinance is giving the City the power to choose to reduce impact fees only. Mr. Bollhoefer responded yes, on a case by case basis. There was confirmation that each case would have to come before the City Commission to be sure that a reduction is justified.

Motion by Commissioner Buchanan to approve Ordinance 15-51 with the second reading and public hearing being scheduled for June 11, 2015. Seconded by Commissioner Makin and carried unanimously 5-0.

City Manager Bollhoefer indicated it is possible a quorum may not be present at the June 11, 2015 meeting.

Motion by Commissioner Buchanan to AMEND his prior motion approving Ordinance 15-51 with the second reading and public hearing being scheduled for June 25, 2015. Seconded by Commissioner Makin and carried unanimously 5-0.

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

- A. **Ordinance 15-28**: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING CERTAIN REAL PROPERTY GENERALLY DESCRIBED AS APPROXIMATELY 1.93 +/- ACRES OF LAND GENERALLY LOCATED AT THE NORTHEAST CORNER OF DANIELS ROAD AND ROPER ROAD, FROM R-1 (SINGLE FAMILY RESIDENTIAL DISTRICT) TO PCD (PLANNED COMMERCIAL DEVELOPMENT); PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 15-28 by title only. Community Development Director Williams stated that this property is located at the northeast corner of Daniels Road and Roper Road. It is a 2 acre parcel surrounded by the residential development. He noted that this afternoon they were installing the poles for the signal at this intersection. This property has been considered over the years for a lot of different projects. The plan before the City Commission tonight is a planned commercial development that is 17,250 square feet of office space. The developer has met with the surrounding property owners and has worked through staff on the conditions of the property and the restrictions. There will be restrictions so that primarily medical uses are anticipated to occur here. The neighbors did not want MRI type facilities here or facilities that would generate a large amount of traffic. It has been reviewed by staff and the Planning and Zoning Board and both recommend approval subject to conditions in the report.

Mayor Rees confirmed the surrounding residents are alright with the lighting and noise. Commissioner Sharman asked if the neighbors were happy with the restraints placed on the property. Mr. Williams responded yes and described one issue that the developers are working on and that is the pond. There was discussion on the need for a joint use maintenance agreement. Commissioner Olszewski asked that Commissioner's be noticed of community meetings within their district.

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

Motion by Commissioner Sharman to approve Ordinance 15-28 with the second reading and public hearing being scheduled for May 28, 2015. Seconded by Commissioner Makin and carried unanimously 5-0.

- B. **Ordinance 15-34:** 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 1050 VINELAND ROAD ON THE WEST SIDE OF VINELAND ROAD NORTH OF WEST COLONIAL DRIVE AND SOUTH OF WEST MORGAN 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
- C. **Ordinance 15-35:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING THE FUTURE LAND USE MAP OF THE WINTER GARDEN COMPREHENSIVE PLAN BY CHANGING THE LAND USE DESIGNATION OF REAL PROPERTY GENERALLY DESCRIBED AS 0.24 ± ACRES LOCATED AT 1050 VINELAND ROAD ON THE WEST SIDE OF VINELAND ROAD NORTH OF WEST COLONIAL DRIVE AND SOUTH OF WEST MORGAN STREET FROM ORANGE COUNTY LOW MEDIUM DENSITY

RESIDENTIAL TO CITY RESIDENTIAL NEIGHBORHOOD COMMERCIAL;
PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

- D. **Ordinance 15-36:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.24 ± ACRES LOCATED AT 1050 VINELAND ROAD ON THE WEST SIDE OF VINELAND ROAD NORTH OF WEST COLONIAL DRIVE AND SOUTH OF WEST MORGAN STREET FROM ORANGE COUNTY R-2 RESIDENTIAL DISTRICT TO CITY R-NC RESIDENTIAL NEIGHBORHOOD COMMERCIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinances 15-34, 15-35, and 15-36 by title only. Community Development Director Williams stated that this is a voluntary request for annexation, future land use designation, and rezoning. There have been a number of similar requests in this area. Staff and the Planning and Zoning Board have reviewed it and recommend approval of R-NC zoning, which is primarily for office use.

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

Motion by Commissioner Olszewski to approve Ordinances 15-34, 15-35, and 15-36 with the second reading and public hearing being scheduled for May 28, 2015. Seconded by Commissioner Buchanan and carried unanimously 5-0.

- E. **Ordinance 15-37:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.23 ± ACRES LOCATED AT 50 EAST PALMETTO STREET, ON THE SOUTH SIDE OF EAST PALMETTO STREET EAST OF SOUTH MAIN STREET AND WEST OF SOUTH WOODLAND 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
- F. **Ordinance 15-38:** 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 0.23 ± ACRES LOCATED AT 50 EAST PALMETTO STREET, ON THE SOUTH SIDE OF EAST PALMETTO STREET EAST OF SOUTH MAIN STREET AND WEST OF SOUTH WOODLAND STREET FROM ORANGE COUNTY LOW DENSITY RESIDENTIAL TO CITY LOW DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE
- G. **Ordinance 15-39:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.23 ± ACRES LOCATED AT 50 EAST PALMETTO STREET, ON THE SOUTH SIDE OF EAST PALMETTO STREET EAST OF SOUTH MAIN STREET AND WEST OF SOUTH WOODLAND STREET FROM

ORANGE COUNTY R-2 RESIDENTIAL DISTRICT TO CITY R-2 RESIDENTIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinances 15-37, 15-38, and 15-39 by title only. Community Development Director Williams stated that this is also a voluntary request for annexation, future land use designation, and rezoning. He referred to the last page of the report and noted that there is a small house on the lot and they are trying to sell. They expect to redevelop whenever the property is sold and would like to avail themselves to City services at that time. He noted that this is making an existing enclave smaller. It 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 Buchanan to approve Ordinances 15-37, 15-38, and 15-39 with the second reading and public hearing being scheduled for May 28, 2015. Seconded by Commissioner Makin and carried unanimously 5-0.

- H. **Ordinance 15-42:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 44.83 +/- ACRES OF REAL PROPERTY GENERALLY LOCATED ON THE SOUTH SIDE OF MARSH ROAD, EAST OF HARBOR SAIL WAY AND WEST OF AVALON ROAD FROM CITY PUD PLANNED UNIT DEVELOPMENT DISTRICT TO CITY C-2 ARTERIAL COMMERCIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 15-42 by title only. Community Development Director Williams stated that the City is the applicant on this property. He noted that it is primarily about 99 percent wetlands; however, there are about 2 acres of uplands in the northwest corner of the property where staff anticipates building a Fire Station and the cell tower recently brought to the City Commission. He noted that originally the property was thought to be used for retention purposes but staff has found another site for this purpose and think that this site is appropriate for a Fire Station. He noted that it needs to be taken out of the Planned Development Zoning District and given a C-2 zoning designation.

There was discussion on the land, its value, and its being the perfect location for the fire station.

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

Motion by Commissioner Makin to approve Ordinance 15-42 with the second reading and public hearing being scheduled for May 28, 2015. Seconded by Commissioner Sharman and carried unanimously 5-0.

- I. **Ordinance 15-43:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.87 ± ACRES LOCATED AT 844 EAST CROWN POINT ROAD ON THE WEST SIDE OF EAST CROWN POINT ROAD NORTH OF CROWN POINT CROSS ROAD AND SOUTH OF MISTFLOWER LANE 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
- J. **Ordinance 15-44:** 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 0.87 ± ACRES LOCATED AT 844 EAST CROWN POINT ROAD ON THE WEST SIDE OF EAST CROWN POINT ROAD NORTH OF CROWN POINT CROSS ROAD AND SOUTH OF MISTFLOWER LANE FROM ORANGE COUNTY LOW DENSITY RESIDENTIAL TO CITY LOW DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE
- K. **Ordinance 15-45:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.87 ± ACRES LOCATED AT 844 EAST CROWN POINT ROAD ON THE WEST SIDE OF EAST CROWN POINT ROAD NORTH OF CROWN POINT CROSS ROAD AND SOUTH OF MISTFLOWER LANE FROM ORANGE COUNTY A-1 AGRICULTURAL DISTRICT TO CITY R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinances 15-43, 15-44, and 15-45 by title only. Community Development Director Williams stated that this property has been purchased by West Orlando Baptist Church at Winter Garden. At the last meeting, the City Commission approved a major expansion to the north of their property. They were not able to acquire this particular piece of property in time for that meeting but have since acquired it and want to include it with the rest of the property. At such time as it develops in the future they will be required to give up their access drive on the road and have all internal access. It has been reviewed by both Planning and Zoning Board and staff and both recommend approval.

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

Motion by Commissioner Makin to approve Ordinances 15-43, 15-44, and 15-45 with the second reading and public hearing being scheduled for May 28, 2015. Seconded by Commissioner Buchanan and carried unanimously 5-0.

- L. **Ordinance 15-46:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.98 ± ACRES LOCATED AT 698 TILDENVILLE SCHOOL ROAD ON THE WEST SIDE OF TILDENVILLE SCHOOL ROAD NORTH OF WEST COLONIAL DRIVE AND SOUTH OF EAST OAKLAND 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
- M. **Ordinance 15-47:** 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 0.98 ± ACRES LOCATED AT 698 TILDENVILLE SCHOOL ROAD ON THE WEST SIDE OF TILDENVILLE SCHOOL ROAD NORTH OF WEST COLONIAL DRIVE AND SOUTH OF EAST OAKLAND AVENUE FROM ORANGE COUNTY LOW DENSITY RESIDENTIAL TO CITY LOW DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE
- N. **Ordinance 15-48:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.98 ± ACRES LOCATED AT 698 TILDENVILLE SCHOOL ROAD ON THE WEST SIDE OF TILDENVILLE SCHOOL ROAD NORTH OF WEST COLONIAL DRIVE AND SOUTH OF EAST OAKLAND AVENUE FROM ORANGE COUNTY A-1 AGRICULTURAL DISTRICT TO CITY R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinances 15-46, 15-47, and 15-48 by title only. Community Development Director Williams stated that this is also a voluntary request for annexation, future land use designation, and rezoning. When the property develops, they would like services from the City. It has been reviewed by Planning and Zoning and staff and both recommend approval.

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

Motion by Commissioner Buchanan to approve Ordinance 15-46, 15-47, and 15-48 with the second reading and public hearing being scheduled for May 28, 2015. Seconded by Commissioner Sharman and carried unanimously 5-0.

O. **Ordinance 15-50:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING THE CITY OF WINTER GARDEN FISCAL YEAR 2014-2015 BUDGET; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 15-50 by title and the following excerpt from Section 1 as follows:

REVENUES	
General Fund	\$1,873,433
Law Enforcement Trust Fund	21,353
Local Option Gas Tax Fund	55,906
Transportation Impact Fee-General Fund	1,955,548
Utility Operating Fund	1,170,553
Utility Impact Fee Fund	33,089
Utility Renewal and Replacement Fund	438,386
Stormwater Fund	550,658
Solid Waste Fund	<u>101,250</u>
	\$6,200,176

Mr. Ardaman also noted that the expenditures itemize identically to those of the revenues with the same total expenditure.

City Manager Bollhoefer stated that he would like to postpone this item until the May 28, 2015 meeting.

Motion by Commissioner Sharman to POSTPONE Ordinance 15-50 until the May 28, 2015, meeting at 6:30 p.m. Seconded by Commissioner Makin and carried unanimously 5-0.

5. **REGULAR BUSINESS**

A. **Recommendation to approve awarding two Community Development Block Grant (CDBG) Housing Rehabilitation contracts to the qualified low bidder Pat Lynch Construction contingent upon receiving Site Specific Release from the Department of Economic Opportunity**

Economic Development Director Gerhartz stated that the City was awarded a CDBG grant in the amount of \$750,000 to repair or replace a minimum of 12 low to moderate income homes. The City is ready to begin the awarding of contracts to rehabilitate homes. She noted that what the City Commission has before them is the first bid package for two of the homes. The recommended action for the City Commission is to approve awarding contracts to the lowest bidder for 662 Bethune Avenue in the bid amount of \$41,226 and for the home located at 1009 Mildred Dixon Way a bid amount of \$44,122. She noted that both are to the same contractor Pat Lynch Construction.

Motion by Commissioner Olszewski to approve awarding two CDBG Housing Rehabilitation contracts to the qualified low bidder Pat Lynch Construction contingent upon receiving site specific release from the Department of Economic

Opportunity in the bid amounts listed. Seconded by Commissioner Sharman and carried unanimously 5-0.

B. Recommendation to approve Site Plan for Windward Cay Phase 3 Office Park located at 13838 Tilden Road, subject to conditions

Community Development Director Williams stated that this is the site plan for the last remaining piece within this project. He noted that it is right behind the CVS and the pad is already there, and most of the improvements have been installed except for some of the landscaping and sidewalk, which would be associated with this one-story building.

Mr. Williams shared that with the Hospital there is a lot of demand for medical facilities. The owner of this property has submitted this site plan to help meet that need. It has been reviewed by staff and approval is recommended, subject to the conditions.

Commissioner Sharman asked if in the review by Planning and Zoning Board was there a unanimous vote. Mr. Williams responded yes.

Motion by Commissioner Olszewski to approve site plan for Windward Cay Phase 3 office park located at 13838 Tilden Road, subject to conditions. Seconded by Commissioner Sharman and carried unanimously 5-0.

6. MATTERS FROM PUBLIC

Theo Graham, thanked staff for their efforts in the coordination of the Memorial Day Event scheduled for May 25, 2015, and he invited everyone to attend the event that starts at 8:30 a.m.

7. MATTERS FROM CITY ATTORNEY

City Attorney Ardaman stated that he has submitted to the City Commission an Informed Consent relating to a property in Osceola County for Standard Pacific if the City Commission sees fit to approve the informed consent.

Motion by Commissioner Buchanan to approve authorizing the Mayor to execute the Informed Consent as submitted. Seconded by Commissioner Sharman and carried unanimously 5-0.

8. MATTERS FROM CITY MANAGER

A. Discussion on draft ordinance amending landscaping vegetation requirements as requested by the St. Johns River Water Management District

City Manager Bollhoefer requested that the City Commission review this ordinance which is required for the City's Consumptive Use Permit, which requires the City use Florida friendly landscape. This ordinance will be brought back for a first reading at the next meeting.

9. **MATTERS FROM MAYOR AND COMMISSIONERS**

Commissioner Sharman stated that the Community Garden has requested a contribution from him and he asked the City Commission to match his contribution of \$500.

Motion by Commissioner Sharman to approve a \$500 contribution to the Winter Garden Community Garden. Seconded by Commissioner Buchanan and carried unanimously 5-0.

Commissioner Buchanan shared that there was a crowd at this weekend's event and made getting around on his golf cart a bit difficult, but it was exciting to see what's going on.

There was discussion about the crowd and how many folks with the Orlando Sentinel were here.

Mayor Rees commented that an article he read referred to the City as becoming a drinking and eating town, but he wanted everyone to remember that we are a family friendly town first. He noted that the City is at a crossroad where it needs to continue to strive in that direction.

Mayor Rees mentioned that the Police Officers have taken a lot of grief all across the country and he wanted to be sure to tell our Police Chief and Assistant Police Chief thank you for all that you and your officers do for our town, and that we have a Police force of which to be very proud.

The meeting adjourned at 7:50 p.m.

APPROVED:

Mayor Pro-Tem Bob Buchanan

ATTEST:

City Clerk Kathy Golden, CMC

THE CITY OF WINTER GARDEN
CITY COMMISSION AGENDA ITEM

From: Don Cochran, Assistant City Manager – Public Services

Via: Mike Bollhoefer, City Manager

Date: May 21, 2015 **Meeting Date:** May 28, 2015

Subject: Amendment of Chapter 114, “Vegetation,” Article II, “Landscaping,” of the City of Winter Garden Code of Ordinances

Issue: St. Johns River Water Management District has strongly encouraged the City of Winter Garden, along with other water purveyors, to amend their Vegetation and Landscaping Ordinance to include the Florida-Friendly Design Standards.

These changes will have no impact on existing residents or developments that have already been approved by the City Commission. The standards will apply only to new development or redevelopment related to landscaping and irrigation design and installation.

Recommended Action:

Amend the Vegetation and Landscaping Ordinance to include the Florida-Friendly Design Standards, providing for severability and providing for an effective date. The second reading and public hearing are scheduled for June 11, 2015.

Attachments/References:

- Amendment to the Vegetation and Landscaping Ordinance

ORDINANCE NO. 15-40

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING CHAPTER 114, "VEGETATION", ARTICLE II, "LANDSCAPING," OF THE CITY OF WINTER GARDEN CODE OF ORDINANCES THROUGH THE AMENDMENT OF THE FOLLOWING SECTIONS: 114-26, "DEFINITIONS"; 114-31, "EXISTING DEVELOPED AREAS"; 114-32, "PERMIT REQUIREMENTS"; 114-33, "GENERAL LANDSCAPING REQUIREMENTS"; 114-34 SPECIFIC LANDSCAPING REQUIREMENTS; THE ADDITION OF THE FOLLOWING SECTIONS: 114-36, INVASIVE PLANTS AND NATIVE VEGETATION PRESERVATION; 114-37, APPROPRIATE PLANT SELECTION, LOCATION, AND ARRANGEMENT; 114-38, TURF AREAS; 114-39, IRRIGATION SYSTEM DESIGN AND INSTALLATION; AND PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, the Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163, Florida Statutes (FS), provides for comprehensive plan implementation through the enactment of certain ordinances;

WHEREAS, pursuant to FS Sections 166.048 and 373.185, municipalities are to consider the adoption of Florida-Friendly landscape standards;

WHEREAS, FS Section 373.228 requires that local government ordinances addressing landscaping or landscape irrigation systems shall follow the standards in *Landscape Irrigation and Florida-Friendly Design Standards*, December 2006, or the most recent version;

WHEREAS, the City of Winter Garden recognizes the need for the protection of water resources, ecologically valuable lands, and wildlife habitat through the application of Florida-Friendly Landscape Practices for new development and redevelopment of existing properties;

NOW THEREFORE, BE IT ENACTED BY THE CITY OF WINTER GARDEN, FLORIDA, AS FOLLOWS:

SECTION I: Authority. The City of Winter Garden has the authority to adopt this Ordinance pursuant to Article VIII of the Constitution of the State of Florida and Chapter 166 of Florida Statutes.

SECTION II: Adoption. Chapter 114, Article II of the City of Winter Garden Code of Ordinances is hereby amended as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions):

ARTICLE II. LANDSCAPING

Sec. 114-26. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Buffer yard means a land area, together with a specified type and quantity of planting required between abutting land uses to eliminate or minimize the impacts of one (1) or both such land uses on each other.

Controller means the mechanism used to signal the automatic control valves of irrigation systems to open and close on a scheduled program or based on sensor readings.

Distribution equipment means the water emitters on irrigation systems, including but not limited to sprinklers, rotors, spray heads, and micro-irrigation devices.

Encroachment means the protrusion of a vehicle into a vehicular accessway, pedestrian way or landscape area.

Florida-Friendly Landscape(ing) means a landscape that incorporates the practices and philosophies promoted by programs such as Florida Yards and Neighborhoods/Environmental Landscape Management. These programs promote quality landscapes that conserve water, utilize water wise principles, protect the environment, are adaptable to local conditions, and are drought tolerant.

Florida Water StarSM is a program of the St. Johns River Water Management District that encourages indoor and outdoor water-efficient options and leak prevention by providing technical direction and certification for new construction and residential renovation that meets goals in water efficiency.

Hydrozone means a distinct grouping of plants with similar water needs and climatic requirements.

Irrigation zone means a grouping of rotors, sprinkler heads, pop-up sprays, micro-irrigation emitters, or other irrigation equipment operated simultaneously by the control of one valve.

Landscaped dividing strips means landscape areas containing ground cover, shrubs and trees or other landscaping used to partition parking areas into individual bays.

Landscaping consists of but is not limited to grass, ground covers, shrubs, vines, hedges, trees, berms and complementary structural landscape architectural features such as rock, fountains, sculpture, decorative walls and tree wells.

Native vegetation means plant species with a geographic distribution indigenous to all or part of the State of Florida, as identified in Wunderlin, R. P., 1998, *Guide to the Vascular Plants of Florida*. University Press of Florida, Gainesville. For the purposes herein, native vegetation does not include areas converted for agricultural use.

Parking area means a paved ground surface area used for the temporary parking of vehicles by employees or customers, either for compensation or to provide an accessory service to a commercial, industrial or residential use.

Parking bays means parking areas subdivided into uninterrupted rows of parking spaces and their adjoining accessways, the individual spaces of which are generally separated by only single or double painted lines.

Parking space means a paved ground surface area used for the temporary storage of a single vehicle to serve a primary use. Groups of spaces and abutting accessways are called parking bays.

Paved ground surface areas means any paved area, excluding public rights-of-way, used for the purpose of driving, maneuvering, parking, storing or display of motor vehicles, boats, trailers, mobile homes, and recreational vehicles including new and used automobile lots, other parking lot uses and paved outdoor sales areas. Parking structures and covered drive-in parking areas shall not be considered as paved ground surface areas.

Permitting authority means the City of Winter Garden.

POC means point of connection.

Precipitation rate means the rate at which water is applied in gallons per minute (GPM) or gallons per hour (GPH). Commonly referred to as the application rate.

Redevelopment means and includes each of the following in any combination: demolition of existing buildings; reconstruction, replacement or refurbishment of existing buildings; and change of the type or intensity of use of existing buildings.

Shrubs means self-supporting woody species of plants characterized by persistent stems and branches springing from the base.

Trees means self-supporting woody plants of species which normally grow to a minimum overall height of 15 feet and which have an average mature crown spread greater than 15 feet within the city.

~~Sabal (cabbage) palms are considered trees; however, the total number of sabal palms used shall not exceed 50 percent of the trees required to be on site.~~

~~Vehicle means a form of transportation, including motorized and non-motorized vehicles, designed and required to be licensed for use upon a highway in the state.~~

~~Vines means plants which normally require support to reach mature form. Some vines can successfully be used as groundcover.~~

~~(Code 1988, § 12.5-21)~~

Cross references: Definitions generally, § 1-2.

Sec. 114-27. Construction of article.

This article shall be liberally construed in order to effectively carry out the purposes of this article in the interest of the public health, welfare and safety of the citizens and residents of the city and the state. (Code 1988, § 12.5-22)

Sec. 114-28. Penalties.

A violation of this article shall be prosecuted and punished in accordance with section 1-15. The city commission may bring suit in the circuit court of the county to restrain, enjoin or otherwise prevent violation of this article. (Code 1988, § 12.5-23)

Sec. 114-29. Enforcement.

The landscaping required by this article shall be installed prior to the issuance of the certificate of occupancy by the building official when such certificate is required for any reason. (Code 1988, § 12.5-24)

Sec. 114-30. Variances.

The planning and zoning board may grant a variance from the landscape and landscape irrigation system provisions in this article when such variance would not be contrary to the public interest. Such variance may also be granted where it furthers the intent and purposes of this article. (Code 1988, § 12.5-25)

Sec. 114-31. ~~Existing developed areas.~~Exemptions

(a) Existing Residential Property

All existing single family residential developments and residences, as of the effective date of this ordinance, shall not be required to conform to this article unless they are redeveloped. If redevelopment occurs on the property such that the issuance of a building permit is required, then all provisions of this ordinance shall apply. Specific to this article, redevelopment does not apply to accessory structures or de minimis modifications to the structure. The use of site appropriate Florida Friendly Landscaping is encouraged for all existing development areas.

(b) Existing Nonresidential Property

All property with existing paved ground surface areas on the effective date of the ordinance from which this article derives shall not be required to conform to this article unless reconstruction or expansion of improvements on the property requiring a building permit is undertaken. No structure shall be required to be altered or moved, except during reconstruction, to meet the requirements of this article. No parking areas shall be required to lose more than one out of every 20 required parking spaces. It shall not be necessary for any parking area to be reduced below the minimum standards of any other city ordinance or resolution in order to meet the standards of this section. The use of site-appropriate Florida-Friendly Landscaping is encouraged for all existing developed areas.

(Code 1988, § 12.5-26)

Sec. 114-32. Permit Requirements For New Development and Redevelopment.

An approved landscape and irrigation plan shall be required prior to the issuance of any building, grading, or site permit. No building, grading, or tree removal permit shall be issued until after approval of a required landscaped plan, for vehicular use areas. Prior to submission of the building plans, the requirements of this section must be met. When a vehicular use area is located on a lot other than that of the principal building, building plans may be submitted for review.

(a) General site planning and design.

(1) No more than 60 percent of the landscapable portion of a lot (up to a maximum of 1/2 acre) shall be irrigated via a permanent in-ground irrigation system.

(2) Turf used in common areas, not including medians, are planted with a drought tolerant turf with a rating of medium or high and in compliance with the principle of "right plant right place" as described in the most recent edition of the Florida-Friendly Landscaping guidelines.

Information regarding Florida-Friendly Landscaping guidelines can be found by visiting the IFAS Extension of the University of Florida.

(3) Site designs and landscape construction documents for new development and redevelopment shall be prepared in accordance with the requirements of all applicable Florida Statutes. All landscape and irrigation system designs shall be consistent with landscape irrigation and Florida Friendly Design Standards, Dec. 2006, or the most recent version.

(4) The site plan shall consider natural drainage features to minimize runoff. The use of pervious surfaces and areas is strongly encouraged.

(5) Nonorganic materials including gravel, river rock, shell and similar materials shall not occupy more than 50 percent of the landscape surface area.

(6) Only turfgrass shall be used in drainage easements. Other landscaping including, but not limited to groundcovers, shrubs, trees, irrigation pipes, or other material is prohibited in drainage easements.

(7) For new development or redevelopment, the irrigation contractor shall submit "as-built" irrigation system construction documents to the City's Building Department prior to issuance of the Certificate of Occupancy, with a copy delivered to the homeowner. This will help to prevent later damage from digging by utility workers or the homeowner and assist the owner with understanding the system design.

(b) Nonresidential applicants (to include multi-family projects)

(1) If a development requires a Site Plan, a landscape irrigation system plan and landscaping plan shall be submitted with the Site Plan. The name of the owner/contractor or contractor shall be included in the Site Plan permit issued by the City.

(2) A valid site and/or building permit must be displayed at the site prior to commencement of work.

~~(b) The applicant or his authorized agent shall submit to the building department three copies of each survey and landscape plan at a scale no greater than one inch equals 50 feet. The proposed landscaping may be superimposed on a proposed site plan or on a separate sheet, provided all drawings are the same scale. Each survey and landscape plan shall include the following:~~

(3) Each landscape and landscape irrigation system plan shall include the following:

~~(1a) Name, signature, address, and telephone number of the property owner, surveyor, or designer.~~

~~(2b) North arrow and scale.~~

~~(3c) All dimensions.~~

~~(4) All required information and data listed in subsections (c) and (d) of this section for each drawing.~~

~~(c) The required survey shall include the following information:~~

~~(1) Legal description of the property.~~

~~(2) All trees and survey data as required but article III of this chapter.~~

~~(3) Existing structures, buildings, parking spaces, accessways, and public streets.~~

~~(4) Above ground and below ground utility lines and easements.~~

~~(5) Existing natural features and topography at one-foot contour intervals. In areas where slopes are 20 percent or greater, a five-foot contour interval may be substituted.~~

(4) The proposed Landscape Plan shall include the following information:

~~(1a) All trees, natural features, manmade appurtenances and structures to be retained upon the site and all topographic changes.~~

~~(2b) All proposed landscaping improvements and planting or landscaping areas identified. The grade, spacing, size and name of proposed landscape materials shall be listed on the plan.~~

~~(3c) Comments regarding site preparation, tree preservation, methods of installation, and methods of maintenance shall be listed on the plan.~~

~~(d) Square footage of landscape beds and turf areas.~~

~~(e) Designate by common name and location the existing vegetation to be preserved and the new vegetation to be installed.~~

~~(f) Hydrozones.~~

~~(g) The landscape plans for new large-scale residential and commercial development and redevelopment shall be prepared by and bear the seal of a landscape architect and/or certified irrigation contractor. Existing homeowners or individual new homeowners are not required to have a landscape architect design their landscape plans but shall submit a proposed landscape plan of their own.~~

~~(h) Delineate the existing and proposed buildings, parking spaces, or other vehicular areas, access aisles, driveways, and similar features, plants, trees, and other obstacles.~~

~~(i) Include a tabulation clearly displaying the relevant statistical information necessary for the City to evaluate compliance with the provisions of this chapter. This includes gross acreage, area of preservation areas, number of trees to be planted or preserved, square footage of paved areas, and such other information as may be necessary.~~

(5) The proposed Landscape Irrigation System Plan shall include the following information:

(a) Irrigation point(s) of connection and design capacity.

(b) Water source and service pressure at irrigation POCs.

(c) Water meter size.

(d) Reduced-pressure-principle backflow-prevention devices for each irrigation POC on potable water systems.

(e) Major components of the irrigation system, including all: pumps; filters; valves; pipe sizes and lengths; irrigation emitter specifications and spacing; controller model number and rain and/or soil moisture sensor location(s).

(f) Hydrozones.

(g) Irrigation zones.

(h) Sprinkler head type

(i) Plant type

(j) Location

(6) If landscaping is conducted by a professional contractor and/or an automatic irrigation system is installed, the completed landscape installation shall be certified by a landscape design professional who meets the licensing and certification requirements of this article. Existing individual homeowners or individual new homeowners are not required to have the landscape installation certified. When the landscape installation is part of a larger site construction project, such as a new subdivision, then the certification is required before issuance of the Certification of Occupancy or its equivalent. The certification shall indicate that plants were installed as specified in the landscape design documents and in accordance with this article, that an irrigation audit has been performed, and that the audit confirmed that the system has been built and functions as designed.

(c) Residential applicants (single-family homeowners)

(1) An irrigation permit shall be required by the utility department for all new and redeveloped single family residences. This permit is titled, *Application for Irrigation/Backflow Permit*. Residential single-family owner-occupied landscape and landscape irrigation projects are not required to present a sealed landscape plan by a landscape architect or an irrigation plan stamped by a certified irrigation contractor. However, the project shall comply with the requirements of this section and shall meet the standards outlined herein.

(2) Individual, single-family residences that are not a part of a larger development or redevelopment are required to submit the following to the City:

(a) Site-grading plan.

(b) Landscape irrigation plan from their contractor.

(c) General landscaping plan indicating landscaped areas, the type of turf and plants to be installed, and any other features.

(3) City staff will be available to assist home owners implement Florida-Friendly Landscaping and/or provide landscaping recommendations.

(4) Small developers/contractors and owners/contractors shall be accountable for proper installation and compliance through the completion of the City's Landscape Irrigation System and Landscape Compliance Self-Certification Checklist. The City may conduct inspections to ensure compliance with this code.

(5) Contractors employed to execute residential installations must provide property owners with a copy of the Self-Certification Checklist, the list of plants installed on the site, and the landscape irrigation system plan.

(6) Issuance of a CO shall require a completed self-certification checklist be submitted to the City.

(Code 1988, § 12.5-27)

Sec. 114-33. General landscaping requirements.

All paved ground surface areas, other than those areas required for single-family and duplex dwelling units, which require landscaping shall meet or exceed the following general landscaping requirements, which shall be considered complementary to the landscaping provisions of any other city ordinance or resolution:

(1) *Installation.* All landscaping shall be installed according to accepted commercial planting procedures, as found in the *Florida Friendly Best Management Practices for Protection of Water Resources by the Green Industries*. Soil, free of limerock, pebbles or other construction debris, shall be provided. All landscape areas shall be protected from vehicle encroachment by wheel stops or curbing. If curbing is used abutting landscaped areas, it shall be perforated to permit drainage from the paved ground surface area onto the landscaped area.

(2) *Maintenance.* The owner of a property shall be responsible for the maintenance of all landscaping in good condition so as to present a neat, healthy and orderly appearance free of refuse and debris. All landscaping areas shall be provided with an irrigation system or a readily available water supply with at least one outlet located within 150 feet of the plant material. Periodic inspections will be conducted by the building official to ensure compliance with this subsection. Notice of noncompliance may be given by the building official by certified mail, and a reinspection will be made 30 days after the first notice. Continued violation after 30 days will be referred to the code enforcement board. Deteriorated and destroyed plant materials, except those plants that naturally and seasonally die back or wilt, must be replaced with plant material consistent with the original landscape plan as to quantity and quality or as approved by the building official.

(3) *Planting.* All plant material shall meet or exceed Standard for Florida No. 1, as presented in Grades and Standards for Nursery Plants, part I, 1963, and part II, state department of agriculture, and any amendments thereto. Trees shall have a minimum height of ~~ten~~ twelve feet and a minimum caliper of three inches immediately upon planting. No planting area shall have an area

of less than 25 square feet and a minimum radius of 2.5 feet measured from the center of the tree trunk to the near edge of the landscaped area.

(4) *Additional permissive landscaping.* Where a wheel stop or curb is utilized, the paved area between the curb and the end of the parking space may be omitted, provided it is landscaped in addition to the required landscaping in this article, and further provided such landscaping is of material such as ground cover, rock or gravel, that requires minimal maintenance.

(5) *Native ~~Natural~~ vegetation.* Preservation of the existing landscape material and landforms is desirable, particularly when mature trees are a part of the site. The preservation and utilization of the property's ~~native natural~~ trees and shrubbery is required as specified by Chapter 114, Vegetation, a ~~Article III, Trees of this chapter.~~ If possible, trees and shrubs in the parking and building area are to be preserved where the area can be reasonably altered to allow for such preservation. Preservation of mature trees is also required in perimeter areas of the parking lot, and the city shall have the power to require the relocation of driveways or to require the loss of parking spaces when such a relocation or loss will permit a tree to be retained on the site.

(6) Low impact site design practices, such as preserving existing native trees and vegetation, shall be used when feasible. Where established native vegetation is incorporated into the landscape design, irrigation of those areas shall not be required.

(7) The city recommends all new and existing homes, developments, and commercial properties follow Florida Water Star principles for all landscaping and landscape irrigation systems.

(Code 1988, § 12.5-28)

Sec. 114-34. Specific landscaping requirements.

All paved ground surface areas shall meet the following specific landscaping requirements, which shall be considered complementary to the landscaping provisions of any other city ordinance or resolution:

(1) *Required landscaping adjacent to public rights-of-way.* Where paved ground surface areas are located adjacent to sidewalks, streets and other public rights-of-way, landscaping shall be provided between the public right-of-way and the paved ground surface area. Such landscaping shall include a landscaped yard at least five feet in width containing an opaque screen of landscaping at least three feet in height. The screen may be composed of a berm at least two feet in height or a maintenance-free wall at least three feet in height or a screen of landscaping at least 2.5 feet in height at the time of planting. If a berm is utilized, additional landscaping at least one foot in height shall be planted. If a screen of living landscaped material is utilized, it shall attain opacity and a height of three feet within 12 months of planting under normal growth conditions. One tree shall be planted for each 50 linear feet, or fraction thereof, of frontage on a public right-of-way. Landscaping is not required if the paved ground surface area is completely screened from the public right-of-way by an intervening building or structure.

(2) *Required landscaping adjacent to other properties.* Where paved ground surface areas are adjacent to surrounding properties, landscaping shall be installed to screen paved ground surface areas from adjacent properties as provided in this subsection. Landscaping is not required if the paved ground surface area is completely screened from surrounding properties by intervening buildings or structures.

a. Where paved ground surface areas are adjacent to properties zoned exclusively for residential land uses, all land between the paved ground surface area and the property lines shall be landscaped. Such landscaping shall include a buffer yard at least five feet in width, containing either a berm at least two feet in height or a hedge or other durable screen of landscaping at least ~~three~~ ~~six~~ feet in height. If a berm is utilized, additional landscaping at least one foot in height at the time of planting shall be installed. Where such screen of landscaping is composed of living plant material, it shall be 30 inches in height at the time of planting and shall attain opacity within 12 months under normal growing conditions. A minimum of one tree shall be planted for each 75 linear feet of common lot line or fraction thereof.

b. Where the adjacent property is zoned for nonresidential land uses or where the adjacent property contains a conforming hedge, wall or other durable landscape feature, subsection (2)a of this section shall not apply to the rear or side lot lines, except that the tree planting provisions shall still apply. Such tree shall be installed in the buffer areas adjacent to each of the adjoining properties areas for pedestrian and vehicular circulation. Interior landscaping shall account for a minimum of five percent of parking areas. Other paved ground surface areas shall have one square foot of interior landscaping for each 50 square feet of paving in all areas exceeding 5,000 square feet. Each separate landscaped area shall contain at least one tree, and a tree shall be planted for each 100 square feet of interior landscaping. All interior landscaping shall be protected from vehicular encroachment by curbing or wheel stops and should be raised. Landscaping dividing strips with or without walkways shall be used to subdivide parking areas into parking bays with not more than 40 spaces, provided that no more than 20 spaces shall be in an uninterrupted row. If the site contains both parking areas and other paved ground surface areas, the two areas may be separated to determine the interior landscaping requirement by multiplying the total number of parking spaces by 380 and subtracting the resulting figure from the total square footage of the paved ground surface area.

(3) *Intersection visibility.* When an accessway intersects a public right-of-way, landscaping shall be used to define the intersection; provided, however, that all landscaping within the triangular areas described in this subsection shall provide unobstructed cross visibility at a level between two and six feet. Trees having limbs and foliage trimmed in such a manner that no limbs or foliage extend into cross visibility shall be allowed, provided they are so located as not to create a traffic hazard. Landscaping, except grass and ground cover, shall not be located closer than three feet from the edge of any accessway pavement. The triangular areas are as follows:

a. The areas of property on both sides of an accessway formed by the intersection of each side of the accessway and the public right-of-way pavement line, with two sides of each triangle being ten feet in length from the point of intersection and the third side being a line connecting the ends of the two other sides.

b. The area of property located at a corner formed by the intersection of two or more public streets, with two sides of the triangular area being measured 30 feet in length along the abutting edges of pavement, from their point of intersection, and the third being a line connecting the ends of the other two lines.

(Code 1988, § 12.5-29)

Sec. 114-35. Replacement of material.

It shall be the duty of the property owner on whose land the paved area is installed to provide proper maintenance of the landscape planting so it at all times conforms to standards established within this article. This includes, but is not limited to, the replacement of plants damaged by insects, diseases, vehicular traffic, acts of God and vandalism. Necessary replacements shall be made within a time period not to exceed 90 days after notification by the city of a violation of this section.

(Code 1988, § 12.5-30)

Sec. 114-36. Invasive plants and native vegetation preservation.

(a) The preservation of native vegetation is encouraged.

(b) Supplemental water for native vegetation areas is discouraged.

(c) It is recommended that all invasive exotic plant species be removed from each site prior to the beginning of construction. For purposes of determining plant species to remove, refer to the most current edition of the Department of Agriculture and Consumer Services "Noxious Weeds" rule, Chapter 5B-57, FAC.

(d) Removal of nuisance/exotic species should be conducted when the plant or tree is not seeding/fruitletting to minimize the dispersal of seeds during the removal and transportation.

Sec. 114-37. Appropriate plant selection, location, and arrangement.

- (a) Plant selection shall be based on the plant's adaptability to the existing conditions present within the landscaped area and native plant communities, and should follow the principle of "right plant, right place" as described in Florida-Friendly Landscaping guidelines.
- (b) A minimum of five percent of the total plants installed, not including turf, shall be Florida native plants at all new homes, developments, and commercial properties, per policy 4-6.1.4 of the of the City's comprehensive plan, City Plan 2010.
- (c) Landscape shall be installed a minimum 2.5 feet from the building foundation.
- (d) Use of shade trees is encouraged to reduce transpiration rates of lower story plant material.
- (e) Trees species that acquire a mature height of more than twelve feet shall not be planted under electrical distribution lines.
- (f) Turf in retention areas must use Bahia grass or appropriate Florida-Friendly plants.
- (g) Landscaped medians must use turf and/or plants with a drought tolerance rating of high.
- (h) Landscaped open spaces and recreation areas must use turf and/or plants with a drought tolerance rating of medium or higher.

Sec. 114-38. Turf areas.

- (a) The type and location of turf areas shall be selected using the Florida-Friendly Landscaping principle of right plant, right place. Irrigated turf areas, as opposed to non-irrigated turf areas, are considered to be a high water use hydrozone. Irrigated turf shall not be treated as a fill-in material but rather as a planned element of the landscape. Turf shall be placed so that it can be irrigated using separate zone(s) from non-turf areas.
- (b) Turf applications within landscaping plans required by this code shall adhere to the following guidelines:
 - (1) Lawn areas shall be planted with species suitable as permanent lawns. Effective erosion control is mandatory in swales, rights-of-way, or other areas subject to erosion.
 - (2) The primary types of grass used for residential, commercial, and industrial areas in the Central Florida area are identified by the UF/IFAS Florida Yards and Neighborhoods (FYN) program.
- (c) There is no limit within the green space area that may be planted with lawn grass, when the grass has a rating of high drought tolerance.
- (d) The following grasses and their relative level of drought tolerance are approved for use by this code:

<u>Bahia</u>	<u>High Tolerance</u>
<u>Bermuda</u>	<u>Medium Tolerance</u>
<u>Centipede</u>	<u>Medium Tolerance</u>
<u>Zoysia</u>	<u>Medium Tolerance</u>
<u>St. Augustine</u>	<u>Low Tolerance</u>
- (e) Turf should be selected to survive on minimal rainfall once established and to only use irrigation water when needed. Landscape irrigation can only occur in accordance with the City's most recent landscape irrigation ordinance adopted pursuant to St. Johns River Water Management District landscape irrigation rule 40C-2.042(2)(a) and (b), F.A.C.
- (f) As a matter of public safety, no turfgrass that requires mowing shall be allowed on slopes greater than 4:1 or within 6 feet of the waters edge, except where adjacent to seawalls and bulkheads or needed to control erosion.
- (g) The city does not regulate artificial/synthetic turf, but recommends the property owner and/or contractor consult with the Orange County Extension Office on its applicability for its proposed use and location prior to installation.

Sec. 114-39. Irrigation systems: design and installation.

- (a) All Landscape irrigation system installations and major modifications to such installations shall meet technical standards for irrigation systems contained in the most recent edition of

Appendix F of the plumbing volume of the Florida Building Code, Florida Irrigation Society's Standards and Specifications for Turf and Landscape Irrigation Systems manual, and Landscape Irrigation and Florida Friendly Design Standards.

Secs. 114-40--114-60. Reserved.

Section III Conflicts. In the event of a conflict or conflicts between this ordinance and other ordinances, this Ordinance controls.

Section IV Severability. It is the intent of the City Commission of the City of Winter Garden, and is hereby provided, that if any section, subsection, sentence, clause, phrase or provision of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall be construed as to render invalid or unconstitutional the remaining provisions of this Ordinance.

Section V Codification. Section II of this Ordinance shall be codified and made part of the City of Winter Garden Code of Ordinances.

Section VI Effective Date. This Ordinance shall become effective upon approval by the City Commission at its second reading.

FIRST READING: _____ 2015.

SECOND READING AND PUBLIC HEARING: _____ 2015.

APPROVED:

CITY COMMISSION

John Rees, Mayor/Commissioner

ATTESTED:

Kathy Golden, City Clerk

THE CITY OF WINTER GARDEN
CITY COMMISSION AGENDA ITEM

From: Laura Zielonka, Finance Director

Via: Michael Bollhoefer, City Manager

Date: May 22, 2015

Meeting Date: May 28, 2015

Subject: Interim Budget Ordinance 15-50

Issue: Amending the budget for mid-year adjustments. The interim budget is used as part of the budget process to account for changes that have occurred since the original budget was passed and to adjust for corrections in estimates used in the original budget.

Recommended action:

Motion to approve Ordinance 15-50, amending the fiscal year 2014-2015 budget for mid-year with second hearing and adoption on June 25, 2015.

ORDINANCE 15-50

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING THE CITY OF WINTER GARDEN FISCAL YEAR 2014-2015 BUDGET; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, on September 25, 2014, the City Commission of the City of Winter Garden, Florida, adopted Ordinance 14-37 appropriating and allocating all revenue and funds of the City of Winter Garden, Florida for the tax year beginning October 1, 2014 and ending September 30, 2015;

WHEREAS, the City Commission has decided to amend the City of Winter Garden, Florida Budget for the tax year beginning October 1, 2014 and ending September 30, 2015 to provide for interim adjustments;

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

SECTION 1: That the sum of \$5,441,859 to be appropriated as follows:

REVENUES

General Fund	\$997,701
Law Enforcement Trust Fund	21,353
Local Option Gas Tax Fund	55,906
Transportation Impact Fee-General Fund	1,955,548
Utility Operating Fund	1,170,553
Utility Impact Fee Fund	33,089
Utility Renewal and Replacement Fund	438,386
Stormwater Fund	660,658
Solid Waste Fund	<u>108,665</u>
	\$5,441,859

EXPENDITURES

General Fund	\$997,701
Law Enforcement Trust Fund	21,353
Local Option Gas Tax Fund	55,906
Transportation Impact Fee-General Fund	1,955,548
Utility Operating Fund	1,170,553
Utility Impact Fee Fund	33,089
Utility Renewal and Replacement Fund	438,386
Stormwater Fund	660,658
Solid Waste Fund	<u>108,665</u>
	\$5,441,859

SECTION 2: Detail for the aforementioned totals is attached as Exhibit 1, which shall be incorporated in the Ordinance. Should any portion of this Ordinance be held invalid, then such portions as are not declared to be invalid shall remain in full force and effect.

SECTION 3: This Ordinance shall become effective upon its adoption at the second reading and public hearing.

READ FIRST TIME: _____

READ SECOND TIME AND PUBLIC HEARING HELD: _____

APPROVED:

Mayor/Commissioner John Rees

ATTEST:

Kathy Golden, City Clerk

EXHIBIT #1
ORDINANCE 15-50

**City of Winter Garden
Interim Budget
FYE 2015**

**City of Winter Garden
Interim Budget
FYE 2015**

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**City of Winter Garden
Interim Budget
General Fund**

<u>Account Number</u>	<u>Description</u>	<u>2014 Actual</u>	<u>2015 Current Budget</u>	<u>Budget Adjustments</u>	<u>2015 Proposed Amended Budget</u>
Revenues					
Planning Revenues					
001-0315-329.02-00	Plan Reviews	51,634	9,500	35,330	44,830
001-0315-329.03-00	Plat Reviews	20,980	1,000	26,960	27,960
<i>Increase in Planning Review Revenues</i>					
Building Inspection Revenues					
001-0324-322.02-00	Building Permit Revenue	941,582	932,762	37,091	969,853
<i>Increase in Building Permit Revenues</i>					
Police Revenues					
001-0521-351.50-01	Fines & Forfeitures	67,092	57,374	60,939	118,313
001-0521-369.90-00	Miscellaneous Revenues	19,263	1,600	23,541	25,141
<i>Increase in Fines and Forfeitures & Misc revenues</i>					
Code Enforcement Revenues					
001-0528-354.20-00	Code Violations	74,150	16,500	20,000	36,500
<i>Collections in Code Violations has increased</i>					
Police Communications Revenues					
001-0530-342.10-06	Dispatch Revenue	36,180	18,000	125,000	143,000
<i>Quarterly Dispatch Revenue from Ocoee</i>					
Cemetery Revenues					
001-0739-343.80-05	Cemetery Lots	105,275	73,671	27,391	101,062
<i>Increase in sales of cemetery lots</i>					
Recreation Revenues					
001-0872-347.21-14	Soccer Programs Revenue	88,329	68,000	17,000	85,000
<i>Increase in actual revenues over budget</i>					
Engineering Revenues					
001-1016-329.03-00	Engineer Inspection Fees	487,517	171,428	222,498	393,926
<i>Increase in actual revenues over budget</i>					
Executive					
001-0324-354.00-00	Tree Fund			6,360	
001-0213-399.99-99	Use of Fund Balance	-	-	<u>395,591</u>	395,591
<i>Balance Revenues and Expenditures</i>					
Total Revenues				<u>\$ 997,701</u>	

**City of Winter Garden
Interim Budget
General Fund**

<u>Account Number</u>	<u>Description Expenditures</u>	<u>2014 Actual</u>	<u>2015 Current Budget</u>	<u>Budget Adjustments</u>	<u>2015 Proposed Amended Budget</u>
Executive					
001-0213-512.61-00	Land	181,149	19,615	35,000	54,615
<i>848 E. Plant St soil/water monitoring required by FDEP</i>					
001-0213-512.63-00	Improvements other than building	10,616	170,682	37,822	208,504
<i>City Hall Parking Addition Underdrain, landscaping and lighting</i>					
Economic Development					
001-0215-554.34-01	CDBG Contractual Services	46,934	-	78,066	78,066
<i>Rollover from approved \$125K from last year's budget for CDBG match (Commission Approved 9/13/12 meeting)</i>					
001-0215-554.62-00	Building	-	-	40,000	40,000
<i>Porch Additions for CDBG Housing (4 porches @ 10K ea)</i>					
001-0215-552.49-00	Other Current Charges & Obligations	-	-	50,000	50,000
<i>Redevelopment of Dillard and 50</i>					
001-0215-552.34-01	Contractual Services	30,925	42,000	77,959	119,959
001-0215-552.52-01	Operating Supplies	287	400	8,041	8,441
<i>Plant Street Market (Commission Approved \$86K on 6/12/14 meeting)</i>					
Planning & Zoning					
001-0315-515.31-01	Misc Professional Services	136,095	85,000	20,000	105,000
<i>P&Z Consulting Fees</i>					
Building Inspection					
001-0324-524.12-00	Salary	454,487	570,338	25,000	595,338
001-0324-524.21-00	FICA	32,865	44,038	1,913	45,951
001-0324-524.22-00	Retirement	62,448	85,186	3,728	88,914
001-0324-524.23-00	Health Insurance	32,587	90,361	3,875	94,236
001-0324-524.24-00	Workers Comp	5,998	7,696	75	7,771
001-0324-524.64-00	Capital Equipment	2,345	-	2,500	2,500
<i>Fund Senior Plans Examiner</i>					
<i>NOTE: expenses are covered by dedicated Building revenues</i>					
Police - Sworn					
001-0521-521.31-01	Miscellaneous Professional Services	7,487	3,020	7,604	10,624
<i>PRM impact fee study costs for the police portion of the study</i>					
001-0521-521.52-01	Miscellaneous Operating Supplies	179,639	201,766	5,700	207,466
<i>Upgrade six RapidID fingerprint scanners that are now obsolete</i>					
001-0521-521.64-00	Capital Equipment	201,111	300,529	101,964	402,493
<i>Redundant server for the CTS-America police data</i>		<i>11,750</i>			
<i>Redundant server switch for above server</i>		<i>29,330</i>			
<i>Redundant SAN for CTS-America data</i>		<i>60,883</i>			
<i>NOTE: Partially funded with the increase in police revenues</i>					
Code Enforcement					
001-0528-521.34-01	Miscellaneous Contractual Services	2,192	35,000	20,000	55,000
<i>Continue demolitions in East Winter Garden as approved by the Commission</i>					
<i>NOTE: Funded by the increase in Code Violation Revenues</i>					

**City of Winter Garden
Interim Budget
General Fund**

<u>Account Number</u>	<u>Description</u>	<u>2014 Actual</u>	<u>2015 Current Budget</u>	<u>Budget Adjustments</u>	<u>2015 Proposed Amended Budget</u>
Police - Communications					
001-0530-521.12-00	Salary	414,273	517,765	70,982	588,747
001-0530-521.14-00	Overtime	29,797	25,000	4,910	29,910
001-0530-521.21-00	FICA	31,855	41,549	5,583	47,132
001-0530-521.22-00	Retirement	61,454	80,306	10,884	91,190
001-0530-521.23-00	Health Insurance	74,850	117,387	20,925	138,312
001-0530-521.24-00	Workers Comp	793	877	200	1,077
001-0530-521.51-00	Office Supplies and Computers	267	3,030	5,031	8,061
001-0530-521.52-01	Operating Supplies and Equipment	4,576	3,520	5,332	8,852
001-0530-521.62-00	Building conversion expense	-	20,895	1,153	22,048
<i>Need 9 additional dispatchers to dispatch for Ocoee</i>					
<i>NOTE: Expenses covered by the dispatch revenue received from Ocoee</i>					
<i>(Commission Approved 10/23/2014 meeting)</i>					
Cemetery					
001-0739-539.34-01	Cemetery Service Fees	96,125	90,583	7,405	97,988
<i>Hired a trapper to remove wild hogs from the cemetery</i>					
<i>NOTE: Funded by increase in Cemetery Revenues</i>					
Streets					
001-0741-541.49-04	Traffic Signals and Signage	23,087	28,465	58,239	86,704
<i>Added flashing school lights to Warrior road</i>		<i>12,580</i>			
<i>Traffic signal maint/repair mthly cost</i>		<i>39,159</i>			
<i>materials for fabricating new sign requests</i>		<i>6,500</i>			
Facilities					
001-0746-539.64-00	Capital Equipment	-	4,500	100,000	104,500
<i>Projectors & Equipment for use by the Garden Theatre</i>					
<i>(Commission Approved 1/22/2015 meeting)</i>					
Fleet					
001-0747-539.14-00	Overtime	13,189	2,500	9,000	11,500
<i>Increase in overtime to cover an employee illness</i>					
001-0747-539.46-03	Repair/Maint Vehicles	6,094	2,500	15,650	18,150
<i>Higher than anticipated vehicle maintenance required</i>					
001-0747-539.52-01	Miscellaneous Operating supplies	17,144	18,500	3,000	21,500
<i>Needed for ProKeys and Fuel Master service costs</i>					
Parks					
001-0775-572.34-01	Miscellaneous Contractual Services	161,212	223,000	62,313	285,313
<i>Downtown tree maintenance</i>		<i>13,070</i>			
<i>Braddock Park oak elevation/trimming</i>		<i>3,500</i>			
<i>Daniels Rd traffic light screening</i>		<i>2,305</i>			
<i>Hwy 50 supplemental fertilizer/labor/materials</i>		<i>4,920</i>			
<i>Tree light replacement on Plant St</i>		<i>15,779</i>			
<i>Plant St Improvements Landscaping Upgrade</i>		<i>22,739</i>			
<i>(Commission approved 12/11/2014 meeting)</i>					
001-0775-572.52-01	Operating Supplies	163,815	146,000	12,801	158,801
<i>Splash pad repairs</i>		<i>5,571</i>			
<i>RegROUT of brick</i>		<i>7,230</i>			

**City of Winter Garden
Interim Budget
General Fund**

<u>Account Number</u>	<u>Description</u>	<u>2014 Actual</u>	<u>2015 Current Budget</u>	<u>Budget Adjustments</u>	<u>2015 Proposed Amended Budget</u>
001-0775-572.63-00	Improvements Other than buildings	302,013	736,270	25,110	761,380
	<i>Veterans Park Pickle Ball Courts Retrofit</i>	<i>18,750</i>			
	<i>Plant Street Tree Replacement of 3 trees</i>	<i>6,360</i>			
	<i>(NOTE: funded by tree fund)</i>				
001-0775-572.64-00	Machinery & Equipment	17,471	-	12,613	12,613
	<i>60" cut turf mower to replace the inoperable broken mower</i>	<i>8,963</i>			
	<i>New Fridge and Ice maker for Parks crews</i>	<i>3,650</i>			
Recreation					
001-0872-572.12-00	Salaries	268,353	277,264	8,750	286,014
001-0872-572.21-00	FICA	33,645	33,176	669	33,845
001-0872-572.22-00	Retirement	37,347	41,340	1,305	42,645
	<i>Convert PT Recreation Asst to FT Facilities Coordinator</i>				
001-0872-572.34-01	Miscellaneous Contractual Services	45,722	54,200	7,603	61,803
	<i>PRM impact fee study costs for the recreation portion of the study</i>				
001-0872-572.49-01	Other Charges & Obligations	18,862	18,360	10,000	28,360
	<i>Senior trip and youth camp expenses more than expected</i>				
	<i>NOTE: Funded with increase in Recreation Revenues</i>				
001-3658-572.12-00	Salaries	2,789	34,571	15,500	50,071
001-3658-572.21-00	FICA	2,739	5,284	1,186	6,470
001-3658-572.22-00	Retirement	1,600	5,154	2,311	7,465
	<i>Reclass Rental Facilities Attendant to Facilities Manager/Events Coordinator</i>				
Total Expenditures				<u>\$ 997,701</u>	

**City of Winter Garden
Interim Budget
Law Enforcement Trust Fund**

<u>Account Number</u>	<u>Description</u>	<u>2014 Actual</u>	<u>2015 Current Budget</u>	<u>Budget Adjustments</u>	<u>2015 Proposed Amended Budget</u>
Revenues					
121-1121-399.99-99	Use of Fund Balance	\$ -	\$ -	\$ 6,500	\$ 6,500
<i>To balance increase in budgeted revenues</i>					
121-1421-399.99-99	Use of Fund Balance	\$ -	\$ -	<u>\$ 14,853</u>	\$ 14,853
<i>To balance increase in budgeted revenues</i>					
Total Revenues				<u>\$ 21,353</u>	
Expenditures					
121-1221-521.82-00	Aid to Private Organizations	8,000	4,000	6,500	10,500
	<i>First Baptist Church</i>	<i>2,500</i>			
	<i>YMCA</i>	<i>2,000</i>			
	<i>Harbor House</i>	<i>1,000</i>			
	<i>National Le Officer Museum</i>	<i>500</i>			
	<i>FOP LE Museum</i>	<i>500</i>			
121-1421-521.46-06	Repair/Maint Hardware	-	35,000	19,668	54,668
	<i>Data storage for communications center</i>	<i>7,719</i>			
	<i>RSA Software tokens</i>	<i>3,309</i>			
	<i>Cabling of communications center for Ocoee dispatch</i>	<i>6,958</i>			
	<i>WiFi access points</i>	<i>1,682</i>			
121-1421-521.52-01	Operating Supplies	-	-	(35,000)	(35,000)
	<i>Delete conversion of MRAP vehicle</i>				
121-1421-521.64-00	Machinery & Equipment	9,954	-	30,185	30,185
	<i>Purchase K9 from Southern Coast K9</i>	<i>8,500</i>			
	<i>Smartboard for Training Room</i>	<i>2,500</i>			
	<i>3 Physio Control AED machines @ 1,395 ea.</i>	<i>4,185</i>			
	<i>Crossmatch Guardian electronic fingerprint station</i>	<i>15,000</i>			
Total Expenditures				<u>\$ 21,353</u>	

City of Winter Garden
Interim Budget
Local Option Gas Tax Fund

<u>Account Number</u>	<u>Description</u>	<u>2014 Actual</u>	<u>2015 Current Budget</u>	<u>Budget Adjustments</u>	<u>2015 Proposed Amended Budget</u>
Revenues					
160-0741-399.99-99	Use of Fund Balance	\$ -	\$ -	\$ 55,906	\$ 55,906
<i>To balance increase in budgeted expenditures</i>					
Total Revenues				<u>55,906</u>	
Expenditures					
160-0741-541.63-00	Improvements Other than Building		-	-	55,906
	<i>Downtown Brick Pavement (repair and maintenance)</i>	30,000			
	<i>Plant Street East - Segment 4 final construction completion</i>	25,906			
Total Expenditures				<u>55,906</u>	

City of Winter Garden
Interim Budget
Transportation Impact Fees-General

<u>Account Number</u>	<u>Description</u>	<u>2014 Actual</u>	<u>2015 Current Budget</u>	<u>Budget Adjustments</u>	<u>2015 Proposed Amended Budget</u>
Revenues					
174-0741-399.99-99	Use of Fund Balance	-	-	<u>1,955,548</u>	1,955,548
<i>To balance increase in budgeted expenditures</i>					
Total Revenues				<u>\$ 1,955,548</u>	
Expenditures					
174-0741-541.63-00	Improvements Other Than Bldg	3,031,554	6,394,561	<u>1,955,548</u>	8,350,109
<i>East Plant Street</i>		<i>1,188,681</i>			
<i>Total roadway replacement from Dillard to Crown Point</i>					
<i>Also includes lighting, drainage improvement, sod and irrigation</i>					
<i>Traffic signal at Daniels Road / Roper Road</i>		<i>210,000</i>			
<i>Cost share with developer contributions</i>					
<i>Cost share with Sonata; Bradford Creek; Canopy Oaks; Daniels Professional Park</i>					
<i>Six laning of CR 535/Daniels Rd at SBW & SR 429</i>					
<i>Design for overall construction - project start for Jan 2016</i>		<i>250,000</i>			
<i>Construction on SBW this summer in conjunction with exit lane by CF)</i>		<i>235,000</i>			
<i>Avalon Rd and SR 50 turnlane</i>		<i>1,867</i>			
<i>Stonecrest Fence</i>		<i>70,000</i>			
<i>(Commission Approved 9/25/2014 meeting)</i>					
Total Expenditures				<u>\$ 1,955,548</u>	

**City of Winter Garden
Interim Budget
Utility Operating Fund**

<u>Account Number</u>	<u>Description</u>	<u>2014 Actual</u>	<u>2015 Current Budget</u>	<u>Budget Adjustments</u>	<u>2015 Proposed Amended Budget</u>
Revenues					
410-2116-399.99-99	Use of Fund Balance	-	-	810,738	1,621,476
<i>To balance increase in budgeted expenditures</i>					
410-2117-399.99-99	Use of Fund Balance	-	-	<u>359,815</u>	719,630
<i>To balance increase in budgeted expenditures</i>					
Total Revenues				<u>\$ 1,170,553</u>	
Expenditures					
Administration					
410-2113-581.91-00	Interfund Transfers	-	3,003,791	438,386	3,442,177
<i>Transfer to Replacement and Renewal Fund</i>					
Water					
410-2116-533.31-04	Engineering Services	26,231	15,500	9,000	24,500
<i>Alternative Water Study and engineering design</i>					
410-2116-533.34-01	Miscellaneous contractual services	50,975	37,526	10,602	48,128
<i>Contractual services for mowing of the water plants</i>					
410-2116-533.63-00	Improvements other than building	-	66,120	321,000	387,120
<i>Marsh Rd Potable and Reuse Water Tanks designing & permitting of the 2M gal reuse and 1M gal potable water tanks</i>					
Wastewater					
410-2117-535.14-00	Overtime	16,074	13,200	8,000	21,200
<i>OT increased due to construction & bio-solids hauling issues</i>					
410-2117-535.34-01	Miscellaneous contractual services	525,675	500,326	155,000	655,326
<i>Bio-solids hauling fees doubled</i>					
410-2117-535.49-05	Other Charges / Licenses/ Certificates	190	5,100	1,200	6,300
<i>Cost of operators obtaining dual licensing</i>					
410-2117-535.64-00	Capital Equipment & Machinery	-	52,184	19,600	71,784
<i>Pumps - Return Activated Sludge Pump and EQ Pump</i>					
Distribution					
410-2126-533.52-01	Operating Supplies	349,665	400,950	31,750	432,700
<i>Material cost for 2" water main upgrades</i>					
Collection					
410-2127-535.63-00	Capital Equipment & Machinery	-	91,192	176,015	267,207
<i>Lift Station #23 Rehab located on 9th St across from Regal Subdivision</i>					
Total Expenditures				<u>\$ 1,170,553</u>	

City of Winter Garden
Interim Budget
Utility Impact Fee Fund

<u>Account Number</u>	<u>Description</u>	<u>2014 Actual</u>	<u>2015 Current Budget</u>	<u>Budget Adjustments</u>	<u>2015 Proposed Amended Budget</u>
Revenues					
Wastewater					
411-2117-399.99-99	Use of Fund Balance	-	-	<u>33,089</u>	33,089
<i>Item underbudgeted</i>					
Total Revenues				<u>\$ 33,089</u>	
Expenditures					
Wastewater					
411-2117-535.63-00	Improv Other Than Building	\$ -	\$ 631,726	\$ 33,089	\$ 664,815
<i>WWTP Equalization Tank - 101 East Crest Ave</i>					
<i>additional muck removal needed to stabilize the foundation of the 750K gal tank</i>					
Total Expenditures				<u>\$ 33,089</u>	

City of Winter Garden
Interim Budget
Utility Renewal and Replacement Fund

<u>Account Number</u>	<u>Description</u>	<u>2014 Actual</u>	<u>2015 Current Budget</u>	<u>Budget Adjustments</u>	<u>2015 Proposed Amended Budget</u>
Revenues					
412-2116-381.41-00	Interfund Transfer	-	-	438,386	438,386
<i>Transfer from Operating Fund</i>					
Total Revenues				<u>\$ 438,386</u>	
Expenditures					
Collection					
412-2127-535.63-00	Improv Other Than Building	-	2,103,791	<u>438,386</u>	2,542,177
<i>9th St. Gravity Sewer Replacement</i>					
Total Expenditures				<u>\$ 438,386</u>	

**City of Winter Garden
Interim Budget
Stormwater Fund**

<u>Account Number</u>	<u>Description</u>	<u>2014 Actual</u>	<u>2015 Current Budget</u>	<u>Budget Adjustments</u>	<u>2015 Proposed Amended Budget</u>
Revenues					
Storm Water					
420-2618-399.99-99	Use of Fund Balance	-	-	660,658	660,658
<i>To balance increase in budgeted expenditures</i>					
Total Revenues				<u>\$ 660,658</u>	
Expenditures					
420-2618-538.31-01	Miscellaneous Professional Services <i>Participation in the OC Water Atlas & Survey for Park Ave</i>	\$ 10,871	\$ -	\$ 7,650	\$ 7,650
420-2618-538.34-01	Engineering Services <i>Repair for stormsewer pipe on Smith b/w Highland and Central collapse</i>	\$ 24,179	\$ 6,000	\$ 81,467	\$ 87,467
420-2618-538.34-08	Personnel Services <i>Labor Ready helping out in Stormwater</i>	\$ 1,641	\$ -	\$ 3,102	\$ 3,102
420-2618-538.52-01	Operating Supplies <i>Smith St Stormsewer repair</i>	\$ 3,268	\$ 19,706	\$ 18,328	\$ 38,034
420-2618-538.63-00	Capital Improvements <i>Fix drainage issue in Stoneybrook West (Commission approved 2/27/14 meeting) Brandy Creek Storm Repairs Lake Cove Point Underdrain - Phase I Increase due to increase in costs from when project estimates were made and construction began Lake Cove Point pipe repair behind lots 9&10 to be funded 1/2 each by DR Horton (paid) and HOA</i>	60,000 350,000 92,111 48,000	- 1,167,742	\$ 550,111	1,717,853
Total Expenditures				<u>\$ 660,658</u>	

**City of Winter Garden
Interim Budget
Solid Waste Fund**

<u>Account Number</u>	<u>Description</u>	<u>2014 Actual</u>	<u>2015 Current Budget</u>	<u>Budget Adjustments</u>	<u>2015 Proposed Amended Budget</u>
Revenues					
430-3134-399.99-99	Use of Fund Balance	-	-	<u>108,665</u>	217,330
<i>To balance increase in budgeted expenditures</i>					
Total Revenues				<u>\$ 108,665</u>	
Expenditures					
430-3134-534.12-00	Salaries	607,068	665,851	6,048	671,899
430-3134-534.12-00	FICA	50,713	55,723	463	56,186
430-3134-534.12-00	Retirement	90,223	107,920	904	108,824
<i>Adj Salaries to be competitive to reduce turnover</i>					
430-3134-534.52-01	Operating Supplies	194,536	198,420	<u>101,250</u>	299,670
<i>Purchase FEL cans (mall and replacing aged inventory)</i>					
Total Expenditures				<u>\$ 108,665</u>	

THE CITY OF WINTER GARDEN
CITY COMMISSION AGENDA ITEM

From: Ed Williams, Community Development Director

Via: City Manager Mike Bollhoefer

Date: May 19, 2015

Meeting Date: May 18, 2015

Subject: Ordinance 15-28 Rezoning to PCD
423 Daniels Road (1.93 +/- Acres)
Parcel ID# 26-22-27-1660-00-002

Issue: The applicant is requesting the property located at 423 Daniels Road be rezoned from R-1 to PCD.

Discussion:

The subject property consists of a 1.93 ± acre lot located at 423 Daniels Road at the northeast corner of Daniels Road and Roper Road. The R-1 zoned property is currently vacant and the applicant is requesting to rezone the property to PCD Planned Commercial Development District to develop a 17,250 square foot office complex, which is consistent with the existing Residential Neighborhood Commercial FLU designation. (See attached Staff Report).

Recommended Action:

Staff recommends approval of Ordinance 15-28.

Attachments/References:

Location Map
Ordinance 15-28
Staff Report

LOCATION MAP

423 Daniels Road

REZONING



ORDINANCE 15-28

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING CERTAIN REAL PROPERTY GENERALLY DESCRIBED AS APPROXIMATELY 1.93 +/- ACRES OF LAND GENERALLY LOCATED AT THE NORTHEAST CORNER OF DANIELS ROAD AND ROPER ROAD, FROM R-1 (SINGLE FAMILY RESIDENTIAL DISTRICT) TO PCD (PLANNED COMMERCIAL DEVELOPMENT); PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner(s) of real property generally described as approximately 1.93 ± acres of certain real property generally located on the northeast corner of Daniels Road and Roper Road in Winter Garden, Florida, being more particularly described on Exhibit “A” attached hereto and incorporated herein by this reference (the “Property”), desire to rezone their property from City R-1 to City PCD, 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 and the proposed development of the Property is consistent with the City of Winter Garden Comprehensive Plan, and the City of Winter Garden Code of Ordinances, and

WHEREAS, the City Commission finds bases on competent substantial evidence in the record that the rezoning approved by this Ordinance meets all applicable criteria for rezoning under the Comprehensive Plan and the Code of Ordinances, therefore;

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

SECTION 1: Rezoning. After due notice and public hearing, the zoning classification of the Property, as described in Exhibit “A” attached hereto, is hereby rezoned from City R-1 to City PCD in the City of Winter Garden, Florida subject to the following conditions, provisions and restrictions:

- a. **Conceptual Plan-** All development on the Property must substantially conform to the requirements identified in the Daniels Professional Park PCD Plan attached hereto as Exhibit “B.” Should any conflict be found between this Ordinance and the Daniels Professional Park PCD Plan attached hereto as Exhibit “B”, then the standards and conditions established by this Ordinance shall control.
- b. **Zoning-** Unless specifically noted elsewhere in this Ordinance including its exhibits attached hereto, all commercial development on the Property must comply with the general zoning requirements of the R-NC Residential Neighborhood Commercial District for any uses, structures, accessory

structures and buildings, that are developed on the Property.

- c. **Permitted Uses-** The only permitted uses allowed on the Property (a/k/a Daniels Professional Park PCD) shall be professional and business offices subject to each proposed use providing sufficient parking. MRI centers and other medical imaging centers and all outdoor activities are excluded from permitted uses.
- d. **Prohibited Uses-** All uses not expressly permitted by subsection c. of this Ordinance are prohibited uses. Further, MRI centers and other medical imaging centers and all outdoor activities are prohibited.
- e. **Design Criteria/Architectural Standards-**
 - 1. **Maximum Building Length-** Notwithstanding Section 118-925 of the City Code of Ordinances, the maximum length of one of the office buildings in the Daniels Professional Park PCD as identified in Exhibit "B" attached hereto shall not exceed 155 feet.
 - 2. **Maximum Building Height-** With respect to the Daniels Professional Park PCD Area as identified in Exhibit "B" attached hereto, maximum building height shall not exceed 30 feet (one story).
 - 3. **Building Elevations-** The buildings shall be designed to blend in with the single-family homes surrounding the project and shall have a residential scale and appearance, consistent with the elevations in Exhibit "B".
 - 4. **Signage-** One monument sign shall be allowed at the intersection of Daniels Road and Roper Road. The sign shall be designed as a multi-tenant sign to advertise all businesses within the PCD Area. The maximum size of the sign shall be 36 square feet and it shall be no taller than 12 feet. Each tenant will be allowed one building sign, which shall not exceed 5% of the building façade. Any signage on the buildings cannot be lighted and must follow all requirements and regulations pertaining to signs within the City of Winter Garden as defined in Chapter 102 of the City of Winter Garden Code of Ordinances.
 - 5. **Impervious Surface Area Ratio-** The maximum impervious surface area ratio for the Property shall not exceed 65% and shall be consistent with the overall maximum impervious surface area ratio that the Planned Commercial Development is designated and permitted for by Saint John's River Water Management District.

6. **Dark Skies-** all exterior lighting shall be designed to provide safe, convenient and efficient lighting for pedestrians and vehicles. Exterior lighting shall be designed as dark skies lighting in a consistent and coordinated manner for the entire project in compliance with the requirements of Chapter 118, Article X, Division 4 of the City Code of Ordinances.
- f. **Delivery Hours-** No deliveries shall occur between the hours of 7:00pm and 7:00am.
- g. **Staff Conditions-** All development on the Property must comply with the following staff conditions:
 1. An engineered site plan meeting all requirements of the City Code of Ordinances shall be submitted for review and approval by City staff and City Commission prior to commencement of any construction.
 2. All utilities required for the project shall be extended at the developer's expense.
 3. All irrigation on the site shall be designed to be supplied by reclaimed water.
 4. Permits from SJRWMD and FDEP (water, wastewater and NPDES) are required prior to issuance of site or building permits.
 5. Landscaping, fencing, signage, etc. shall not infringe on sight distance requirements at any intersection, including Daniels Road or Roper Road. Landscaping shall be consistent with the plans in Exhibit "B".
 6. The Owner is responsible for meeting all provisions of ADA and Florida Accessibility Code.
 7. All work shall conform to City of Winter Garden standards and specifications.
 8. The City of Winter Garden will inspect private site improvements only to the extent that they connect to City owned/maintained systems (roadways, drainage, utilities, etc.). It is the responsibility of the Owner and Design Engineer to ensure that privately owned and maintained systems are constructed to the intended specifications. The City is not responsible for the operation and maintenance of privately owned systems, to include, but not be limited to, roadways, parking lots, drainage, stormwater ponds or on-site utilities.

9. The Contractor is responsible for the notification, location and protection of all utilities that may exist within the project limits.
10. No fill or runoff will be allowed to discharge onto adjacent properties; existing drainage patterns shall not be altered. The City of Winter Garden is not granting rights or easements for drainage from, or onto, property owned by others, including by way of any development order or permit issued. Obtaining permission, easements or other approvals that may be required to drain onto private property is the Owner/Developer's responsibility. Should the flow of stormwater runoff from, or onto adjacent properties be unreasonable or cause problems, the City shall not be responsible and any corrective measures required will be the responsibility of the Owner/Developer. Site construction shall adhere to the City of Winter Garden erosion and sediment control requirements as contained in Chapter 106 - Stormwater. If approval is granted by the City of Winter Garden, it does not waive any permits that may be required by federal, state, regional, county, municipal or other agencies that may have jurisdiction.
11. After final plan approval, a preconstruction meeting will be required prior to any commencement of construction. The applicant shall provide an erosion control and street lighting plan at the preconstruction meeting and shall pay all engineering review and inspection fees prior to construction. Inspection fees in the amount of **2.25%** of the cost of all site improvements shall be paid prior to issuance of the building permit.

SECTION 2: *General Requirements.*

- a. **Development Agreement-** A Development Agreement shall be drafted, approval obtained and recorded prior to approval of any site or building permits for the Property. The Development Agreement shall address matters to include, but not limited to, project phasing, right-of-way improvement and conveyance, easements, restriction of additional curb-cuts on Daniels Road, design standards, signage, impact fees, stormwater, drainage, utilities and other off-site public infrastructure improvements.
- b. **Stand Alone Clause-** Each phase of development of the Property must operate as an individual unit in that each particular phase will be able to stand-alone in the event that no other phase is developed.

- c. **Land Development Approvals and Permits-** This Ordinance does not require the City to issue any permit or approval for development, construction, building permit, or other matter by the City relating to the Property or the project or any portion thereof. These and any other required City development approvals and permits shall be processed and issued by the City in accordance with procedures set forth in the City's Code of Ordinances and subject to this Ordinance.
- d. **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.
- e. **Expiration/Extension-** Expiration of this PCD 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.

SECTION 3: 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 4: Non-Severability. Should any portion of this Ordinance be held invalid, then the entire Ordinance shall be null and void.

SECTION 5: Effective Date. This Ordinance shall become effective upon adoption at its second reading.

FIRST READING AND PUBLIC HEARING: _____, 2015.

SECOND READING AND PUBLIC HEARING: _____, 2015.

ADOPTED this _____ day of _____, 2015, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

JOHN REES, Mayor/Commissioner

ATTEST:

KATHY GOLDEN, City Clerk

Exhibit "A"

Tract B, of COBBLESTONE OF WINTER GARDEN, according to the map or plat thereof, as recorded in Plat Book 65, Page 70, of the Public Records of Orange County, Florida

Exhibit "B"

COVER PAGE

DANIELS PROFESSIONAL CENTER

APRIL 30, 2015

(ATTACHED)

DANIELS PROFESSIONAL PARK PCD WINTER GARDEN, FLORIDA

MARCH 2014

PARCEL ID: 26-22-27-1660-00-002

SHEET INDEX:

C000	COVER SHEET
C100	DEVELOPMENT SITE & UTILITY PLAN OPTION 1
C200	DEVELOPMENT SITE & UTILITY PLAN OPTION 2
L100	LANDSCAPE PLAN OPTION 1
L200	LANDSCAPE PLAN OPTION 2
L201	LANDSCAPE DETAILS
A100	EXTERIOR ELEVATION OPTIONS

CONTACT INFORMATION:

OWNER:
STEFAN MARMET
C/O HARRY FALTERBAUER
4470 BANYAN TRAILS DR
COCONUT CREEK, FL 33073-5108

DEVELOPER:
DANIELS PROFESSIONAL PARK, LLC
RAUL SOCARRAS, P.A.
387-A HERNDON AVENUE
ORLANDO, FL 32803
TEL: 407.616.0908
E-MAIL: RAUL.SOCARRAS@-CON.COM

SURVEYOR:
BENCHMARK SURVEYING & MAPPING, INC.
BILLY JOE JENKINS, JR. PSM
3110 RED FOX RUN
KISSIMMEE, FL 34746
TEL: 407.654.6183
FAX: 407.654.6184
E-MAIL: BENCHMARKSURVEYINGANDMAPPING.COM

ENGINEER:
KLIMA WEEKS CIVIL ENGINEERING, INC.
SELBY G. WEEKS, P.E., LEED AP
385 DOUGLAS AVE., STE. 2100
ALTAMONTE SPRINGS, FLORIDA 32714
TEL: 407.478.8750
FAX: 407.478.8749
E-MAIL: SWEKS@KLIMAWEEKS.COM

ARCHITECT:
MICHAEL BRADY, INC.
SCOTT MALENOCK, AIA
100 COLONIAL CENTER PARKWAY
SUITE 230
LAKE MARY, FL 32746-4770
TEL: 407.585.0330
FAX: 407.585.0336
E-MAIL: SCOTTM@MBIARCH.COM

LANDSCAPE ARCHITECT:
BONNETT DESIGN GROUP, LLC
TODD BONNETT, RLA, LEED AP
151 CIRCLE DRIVE
MAITLAND, FL 32751
TEL: 407.622.1588
FAX: 407.358.5363
E-MAIL: TODD@BONNETTDESIGNGROUP.COM

NATURAL GAS:
LAKE APOPKA NATURAL GAS
1320 WINTER GREEN WAY
WINTER GARDEN, FL 33881
P: 407-656-2734

ELECTRIC:
PROGRESS ENERGY
452 E. CROWN POINT RD
WINTER GARDEN, FL 34787
P: 407-646-8265
ATTN: LYLE TRUAX

TELEPHONE:
EMBARQ
33 NORTH MAIN ST.
WINTER GARDEN, FL 34787
P: 407-814-5351
ATTN: MICHAEL JERNIGAN

WATER/SEWER:
CITY OF WINTER GARDEN
251 WEST PLANT ST.
WINTER GARDEN, FL 34787
P: 407-656-4111
ATTN: DONALD R. COCHRAN

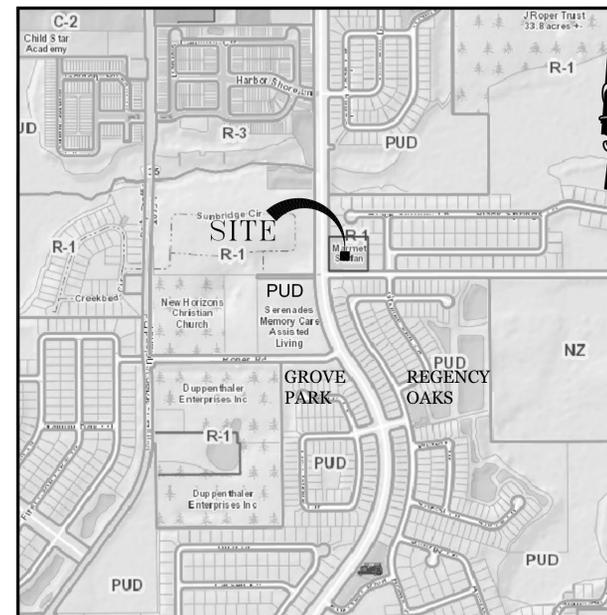
COMMUNICATIONS:
BRIGHTHOUSE NETWORKS
844 MAGUIRE RD
OCOCHEE, FL 34761
P: 407-291-2500

FIRE & RESCUE DEPARTMENT:
CITY OF WINTER GARDEN
131 PALMETTO STREET
WINTER GARDEN, FL 32787
P: 407-656-4689 EX 2283
ATTN: TOM ANDERSON

**CITY OF WINTER GARDEN
PLANNING, ZONING AND DEVELOPMENT DEPT.**
270 W. PLANT STREET
WINTER GARDEN, FL 34787
P: 407-656-4111
ATTN: STEVE PASH

ST. JOHN'S RIVER WATER MANAGEMENT DISTRICT
975 KELLER ROAD
ALTAMONTE SPRINGS, FL 32714
P: 407-659-4800

STORMWATER:
CITY OF WINTER GARDEN
PUBLIC WORKS DEPARTMENT
251 WEST PLANT STREET
WINTER GARDEN, FL 34787
P: 407-656-4100
ATTN: MIKE KELLEY



VICINITY & EXISTING ZONING MAP

423 DANIELS ROAD, WINTER GARDEN, FL 34787

LEGAL DESCRIPTION:

TRACT 'B', COBBLESTONE OF WINTER GARDEN, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 65, PAGE 70, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

ALLOWABLE USES:

PROFESSIONAL AND BUSINESS OFFICES
MEDICAL OFFICE
DENTAL OFFICE

ZONING INFORMATION:

SITE: R-1
FRONT/WEST: DANIELS ROAD/R-1
SIDE/NORTH: R-1
SIDE/SOUTH: ROPER ROAD/PUD
REAR/EAST: R-1

FLOOD ZONE:

THE PROPOSED PROJECT IS LOCATED IN ZONE X, PER THE FIRM MAP OF ORANGE COUNTY, PANEL NO. 12095C0215F, DATED SEPTEMBER 25, 2009.

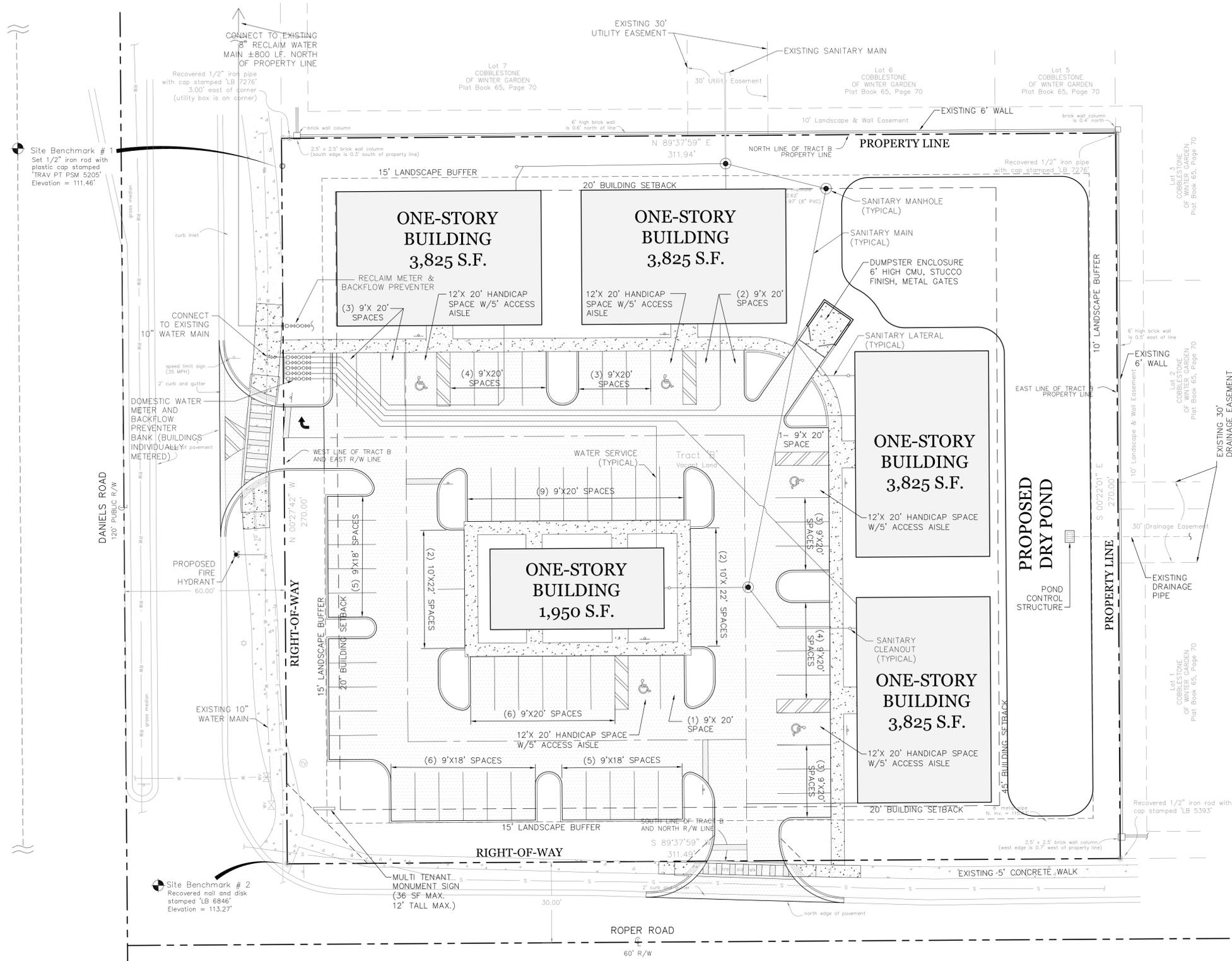
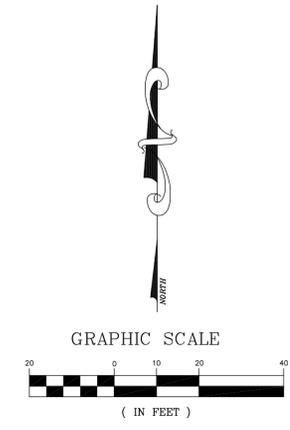
DRAINAGE STATEMENT:

ON-SITE STORMWATER MANAGEMENT FACILITIES WILL BE PROVIDED TO MEET ST JOHN'S RIVER WATER MANAGEMENT DISTRICT (SJRWMD) AND CITY OF WINTER GARDEN REQUIREMENTS, AS PREVIOUSLY ESTABLISHED IN SJRWMD PERMIT NO. 4-095-90713-1.

revision	description	date
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drawn by: RVZ
checked by: SGW
date: 03/19/15
plot scale: AS SHOWN
project number: 14DAN1001
file name: C000 Cover Sheet - Daniels Prof Pk.dwg

DANIELS PROFESSIONAL PARK
WINTER GARDEN, FLORIDA
DEVELOPMENT SITE &
UTILITY PLAN - OPTION 1



BUILDING INFORMATION:
PROPOSED BUILDING AREA: 17,250 SF.
BUILDING HEIGHT (MAX.) - 30 FT

REQUIRED PARKING (CITY CODE SEC. 118-1386):
THREE PARKING SPACES FOR EACH 1,000 SF GFA (MEDICAL OR DENTAL OFFICE, OTHER BUSINESSES)
3 X 17,250 SF/1,000 SF = 52 PARKING SPACES

PROPOSED PARKING:
4 SPACES FOR EACH 1,000 SF GFA
64 REGULAR SPACES
5 ACCESSIBLE SPACES
69 TOTAL SPACES

UTILITY STATEMENT:
THE UTILITY DESIGN SHOWN HEREON IS PRELIMINARY FOR ILLUSTRATIVE PURPOSES AND IS SUBJECT TO CHANGE DURING FINAL DESIGN.

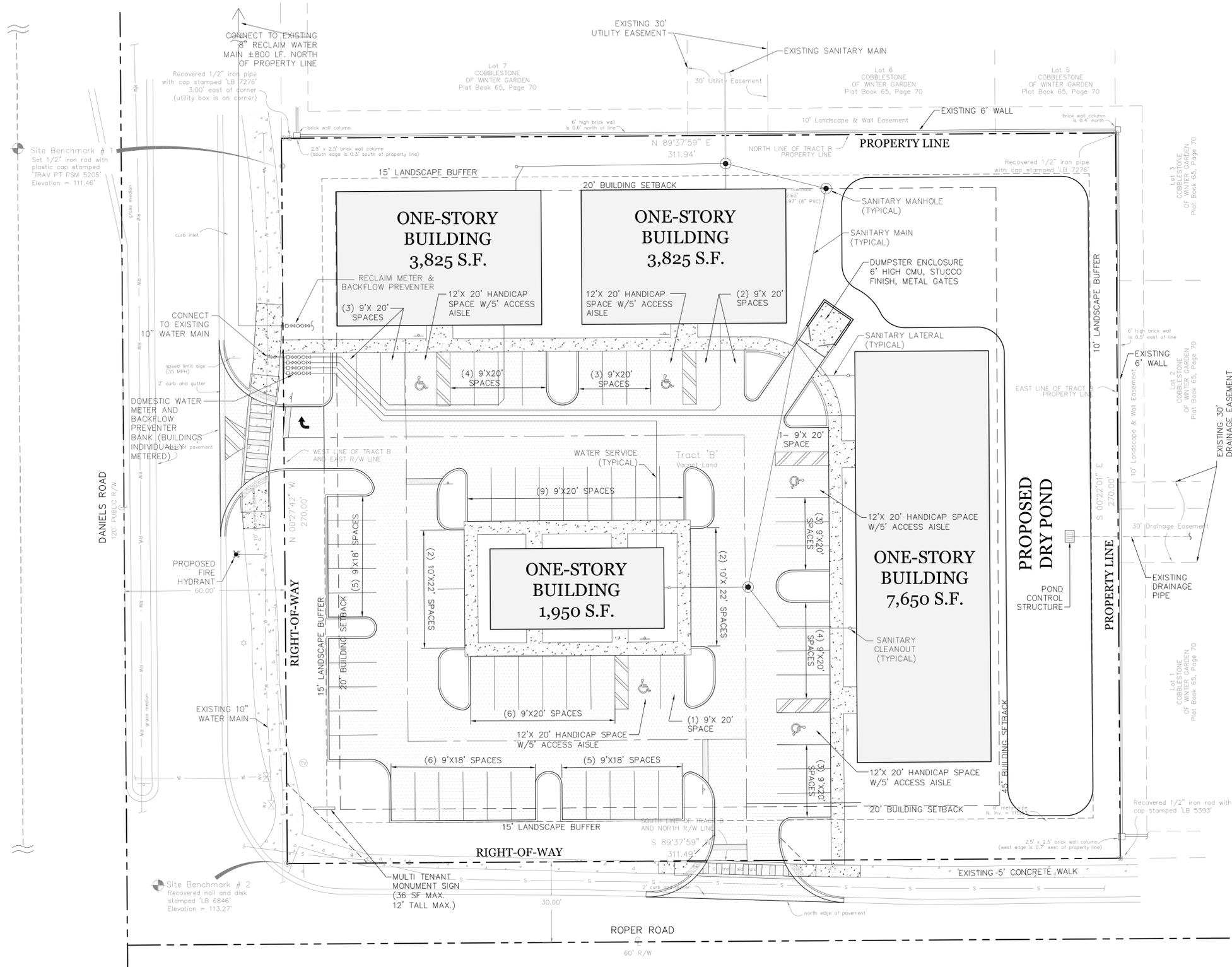
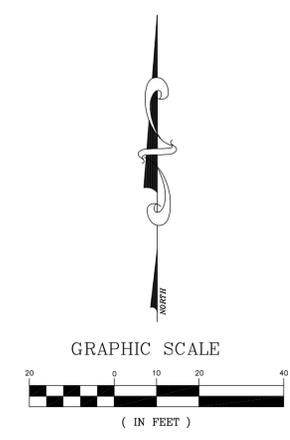
EXTERNAL SITE LIGHTING:
SITE LIGHTING SHALL BE PROVIDED IN ACCORDANCE WITH CITY OF WINTER GARDEN CODE, SECTIONS 118:1536-1538.

HOURS OF OPERATION (INCLUDING DELIVERIES):
7:00 AM. TO 9:00 PM.

revision	description	date
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drawn by: RVZ
checked by: SGW
date: 03/19/15
plot scale: AS SHOWN
project number: 14DAN1001
file name: X-Concept 5 - Roper&Daniels.dwg

DANIELS PROFESSIONAL PARK
WINTER GARDEN, FLORIDA
DEVELOPMENT SITE &
UTILITY PLAN - OPTION 2



BUILDING INFORMATION:
PROPOSED BUILDING AREA: 17,250 SF.
BUILDING HEIGHT (MAX.) - 30 FT

REQUIRED PARKING (CITY CODE SEC. 118-1386):
THREE PARKING SPACES FOR EACH 1,000 SF GFA
(MEDICAL OR DENTAL OFFICE, OTHER BUSINESSES)
3 X 17,250 SF/1,000 SF = 52 PARKING SPACES

PROPOSED PARKING:
4 SPACES FOR EACH 1,000 SF GFA
64 REGULAR SPACES
5 ACCESSIBLE SPACES
69 TOTAL SPACES

UTILITY STATEMENT:
THE UTILITY DESIGN SHOWN HEREON IS PRELIMINARY FOR ILLUSTRATIVE PURPOSES AND IS SUBJECT TO CHANGE DURING FINAL DESIGN.

EXTERNAL SITE LIGHTING:
SITE LIGHTING SHALL BE PROVIDED IN ACCORDANCE WITH CITY OF WINTER GARDEN CODE, SECTIONS 118:1536-1538.

HOURS OF OPERATION (INCLUDING DELIVERIES):
7:00 AM. TO 9:00 PM.

revision	description	date
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drawn by: RVZ
checked by: SGW
date: 03/19/15
plot scale: AS SHOWN
project number: 14DAN1001
file name: X-Concept 7 - Roper&Daniels.dwg

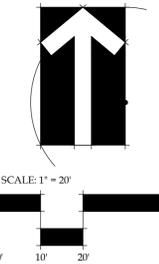


BONNETT design group, llc
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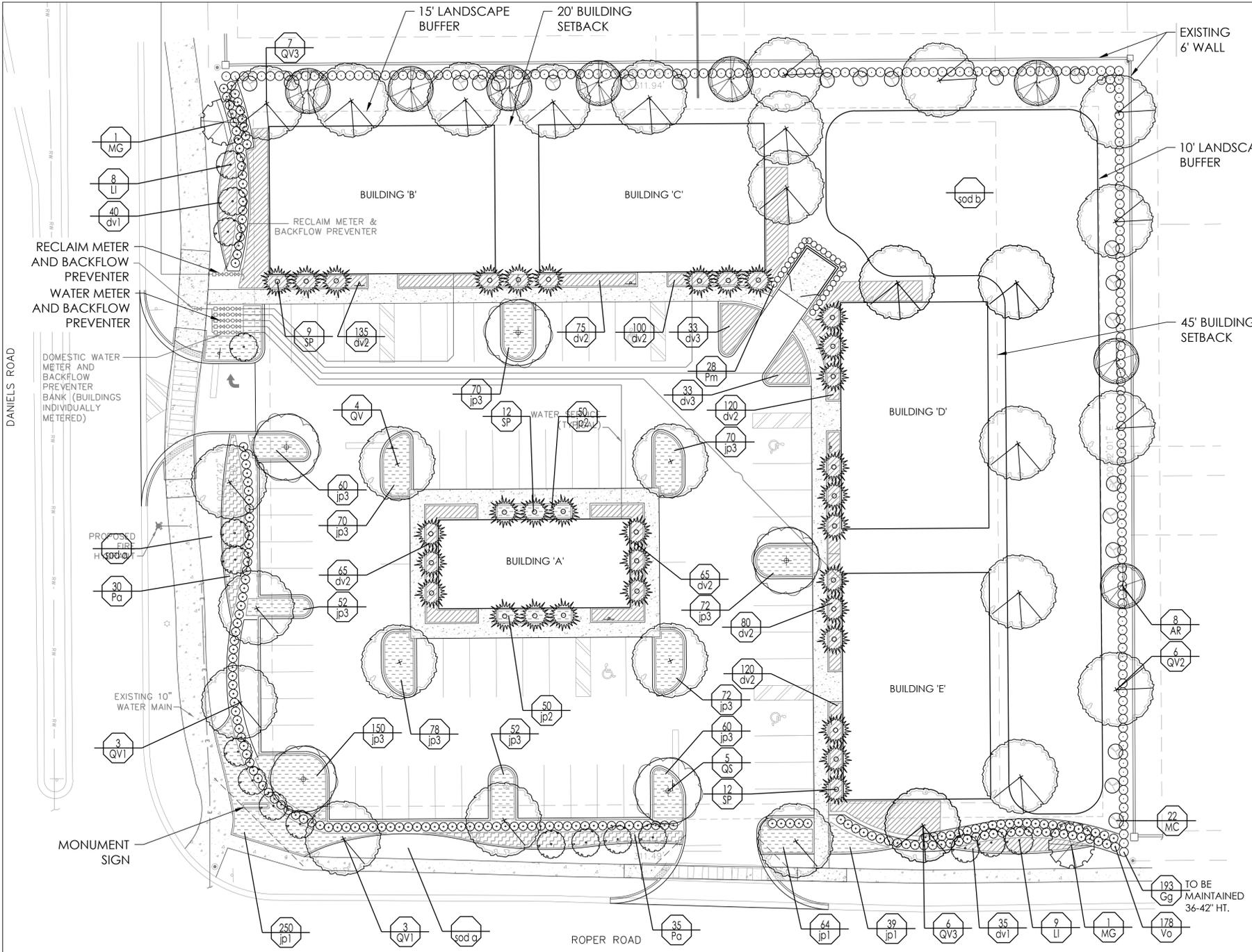
Klima
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Telephone 407.478.8750
Facsimile 407.478.8749
Certificate of Authorization No.: 9230



Todd W. Bonnett, RLA # LA0001718

DANIELS PROFESSIONAL PARK
WINTER GARDEN, FLORIDA
LANDSCAPE PLAN OPTION 1



BUFFERS								
Div 3, Sec 118.1522 Building Open Areas								
Building	Width	Perimeter	Canopy tree 1/50 lf	Required	Proposed	Shrubs & Groundcovers min 30% coverage s.f.	Required	Proposed
Building 'A'	10	190	Canopy tree 1/50 lf	3.80	4	Shrubs & Groundcovers min 30% coverage s.f.	570.0	995.0
Building 'B'	10	253	Canopy tree 1/50 lf	5.06	5	Shrubs & Groundcovers min 30% coverage s.f.	759.0	820.0
Building 'C'	10	253	Canopy tree 1/50 lf	5.06	5	Shrubs & Groundcovers min 30% coverage s.f.	759.0	760.0
Building 'D'	10	253	Canopy tree 1/50 lf	5.06	5	Shrubs & Groundcovers min 30% coverage s.f.	759.0	764.0
Building 'E'	10	253	Canopy tree 1/50 lf	5.06	5	Shrubs & Groundcovers min 30% coverage s.f.	759.0	770.0
			Subtotal	24.04	24.0	Subtotal	3606.00	4109.0

Div 3, Sec 118.1523										
Daniels Road										
Width	Perimeter	Canopy tree 1/70 lf	Required	Proposed	Understory Trees 3/100 lf	Required	Proposed	Shrubs & Groundcovers 50% coverage s.f.	Required	Proposed
15	270	Canopy tree 1/70 lf	3.9	4	Understory Trees 3/100 lf	8.1	8	Shrubs & Groundcovers 50% coverage s.f.	2025.0	2195
		Understory Trees 3/100 lf	8.1	8	Shrubs 33/100 lf	89.1	90			
		Shrubs 33/100 lf	89.1	90						
Roper Road										
15	288.49	Canopy tree 1/70 lf	4.1	4	Understory Trees 3/100 lf	8.7	9	Shrubs & Groundcovers 50% coverage s.f.	2163.7	2180
		Understory Trees 3/100 lf	8.7	9	Shrubs 33/100 lf	95.2	96			
		Shrubs 33/100 lf	95.2	96						
Div 3, Sec 118.1524										
North Rear yard landscape										
10	311.94	Canopy tree 2/100 lf	6.2	6	Understory Trees 3/100 lf	9.4	10			
		Understory Trees 3/100 lf	9.4	10	Shrubs 33/100 lf	102.9	103			
		Shrubs 33/100 lf	102.9	103						
East Rear yard landscape										
10	270	Canopy tree 2/100 lf	5.4	6	Understory Trees 3/100 lf	8.1	9			
		Understory Trees 3/100 lf	8.1	9	Shrubs 33/100 lf	89.1	90			
		Shrubs 33/100 lf	89.1	90						

NOTES:
1. BUILDING LABELS (A-B-C) ARE FOR LANDSCAPE NOTES REFERENCE.
2. ALL LANDSCAPE AREAS SHALL BE IRRIGATED WITH A FULLY AUTOMATIC SYSTEM.

Symbol	Totals	Botanical Name	Common Name	Specifications	Spacing	Native	Drought Tolerant
Frontage Canopy Trees							
MG	2	Magnolia grandiflora 'D.D. Blanchard'	Southern Magnolia	3 1/2" cal. min. 13' ht. x 54" spd., 65 gal.	AS	yes	yes
QV1	6	Quercus virginiana	Live Oak	3 1/2" cal. min. 13' ht. x 5 1/2" spd., 65 gal.	AS	yes	yes
Frontage Understory Trees							
LIN	17	Lagerstroemia indica 'Natchez'	Natchez Crape Myrtle	2" cal., 11' ht. x 48" spd., 30 gal.	AS	yes	yes
Shrubs							
Pa	65	Plumbago auriculata 'Imperial Blue'	Leadwort	3 gal., 20"-20"	36" o.c.	yes	yes
Vo	186	Viburnum odoratissimum	Sweet Viburnum	7 gal., 36" ht.	36" o.c.	no	yes
dv1	75	Dietes vegeta	African Iris	1 gal. 2-3 ppp	24" o.c.	no	yes
jp1	329	Juniperus 'Parsoni'	Parson's Juniper	1 gal., 12"-15" spd.	18" o.c.	no	yes
Rear Yard Canopy Trees							
AR	6	Acer rubrum	Red Maple	2" cal., 12' ht. x 36" spd., 30 gal.	AS	yes	no
QV2	6	Quercus virginiana	Live Oak	2" cal., 12' ht. x 48" spd., 30 gal.	AS	yes	yes
Rear Yard Understory Trees							
MC	19	Myrica cerifera	Wax Myrtle	7' ht. with 3 to 4 1" trunks, 15 gal.	AS	yes	yes
Shrubs							
Gg	193	Thryallis gracilis	Thryallis	3 gal., 24" ht., full	36" o.c.	no	yes
Building							
QV3	13	Quercus virginiana	Live Oak	2 1/2" cal., 11'-12' ht. x 54" spd., 5 CT, 30 gal.	AS	yes	yes
SP	33	Sabal palmetto	Cabbage Palm	12'-18" ct. mixed.	AS	yes	yes
Pm	28	Podocarpus macrophyllus	Podocarpus	7 gal., 30"x16" spd.	24" o.c.	yes	yes
dv2	760	Dietes vegeta	African Iris	1 gal. 2-3 ppp	24" o.c.	no	yes
jp2	100	Juniperus 'Parsoni'	Parson's Juniper	1 gal., 12"-15" spd.	18" o.c.	no	yes
Parking Lot							
QS	5	Quercus shumardii	Shumard Oak	2" cal., 12' ht. x 36" spd., 30 gal.	AS	yes	yes
QV	4	Quercus virginiana	Live Oak	2" cal., 12' ht. x 48" spd., 30 gal.	AS	yes	yes
dv3	77	Dietes vegeta	African Iris	1 gal. 2-3 ppp	24" o.c.	no	yes
jp3	820	Juniperus 'Parsoni'	Parson's Juniper	1 gal., 12"-15" spd.	18" o.c.	no	yes
sod a	sq. ft.	Zoysia tenuifolia 'Empire'	Empire Zoysia Turf	solid sod - weed free	solid	no	yes
sod b	sq. ft.	Paspalum notatum 'Argentine'	Argentine Bahia Sod	sand grown solid sod - weed free	solid	no	yes

* Note: Caliper as per Florida Grades & Standards.

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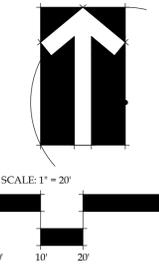


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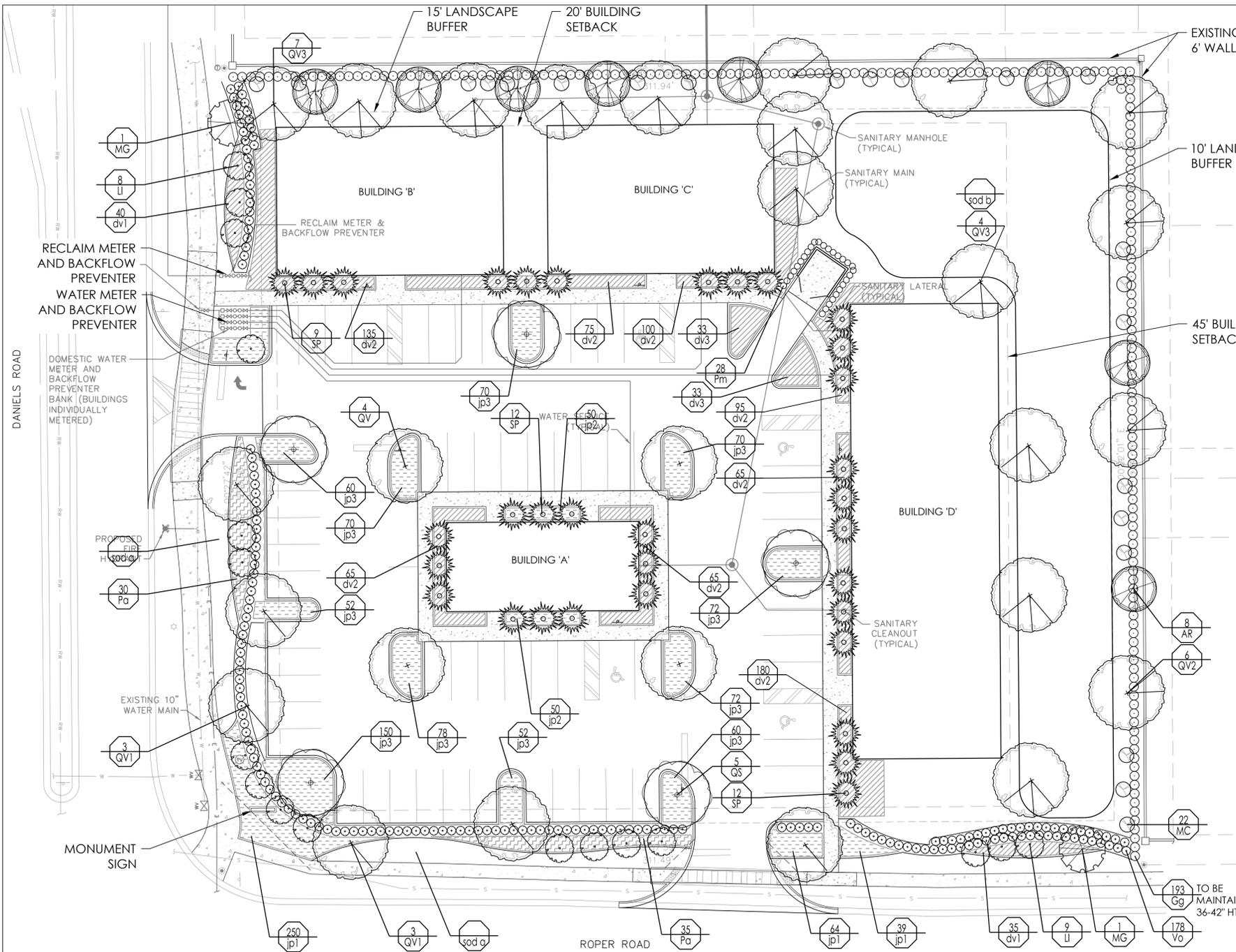
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Todd W. Bonnett, RLA # LA0001718

DANIELS PROFESSIONAL PARK
WINTER GARDEN, FLORIDA
LANDSCAPE PLAN OPTION 2



BUFFERS

Div 3, Sec 118.1522 Building Open Areas		Width	Perimeter	Required	Proposed	Required	Proposed
Building 'A'	10	190	Canopy tree 1/50 lf	3.80	4	Shrubs & Groundcovers min 30% coverage s.f.	570.0 995.0
Building 'B'	10	253	Canopy tree 1/50 lf	5.06	5	Shrubs & Groundcovers min 30% coverage s.f.	759.0 820.0
Building 'C'	10	253	Canopy tree 1/50 lf	5.06	5	Shrubs & Groundcovers min 30% coverage s.f.	759.0 760.0
Building 'D'	10	406	Canopy tree 1/50 lf	8.12	8	Shrubs & Groundcovers min 30% coverage s.f.	1218.0 1225.0
Subtotal				22.04	22.0	Subtotal	3306.00 3800.0

Div 3, Sec 118.1523		Width	Perimeter	Required	Proposed	Required	Proposed
Daniels Road	15	270	Canopy tree 1/70 lf	3.9	4	Shrubs & Groundcovers	2025.0 2195
			Understory Trees 3/100 lf	8.1	8	50% coverage s.f.	
			Shrubs 33/100 lf	89.1	90		
Roper Road	15	288.49	Canopy tree 1/70 lf	4.1	4	Shrubs & Groundcovers	2163.7 2180
			Understory Trees 3/100 lf	8.7	9	50% coverage s.f.	
			Shrubs 33/100 lf	95.2	96		
Div 3, Sec 118.1524							
North Rear yard landscape	10	311.94	Canopy tree 2/100 lf	6.2	6		
			Understory Trees 3/100 lf	9.4	10		
			Shrubs 33/100 lf	102.9	103		
East Rear yard landscape	10	270	Canopy tree 2/100 lf	5.4	6		
			Understory Trees 3/100 lf	8.1	9		
			Shrubs 33/100 lf	89.1	90		

NOTES:
1. BUILDING LABELS (A-B-C) ARE FOR LANDSCAPE NOTES REFERENCE.
2. ALL LANDSCAPE AREAS SHALL BE IRRIGATED WITH A FULLY AUTOMATIC SYSTEM.

Symbol	Totals	Botanical Name	Common Name	Specifications	Spacing	Native	Drought Tolerant
Frontage Canopy Trees							
MG	2	Magnolia grandiflora 'D.D. Blanchard'	Southern Magnolia	3 1/2" cal., min. 13' ht. x 54" spd., 65 gal.	AS	yes	yes
QV1	6	Quercus virginiana	Live Oak	3 1/2" cal., min. 13' ht. x 5 1/2" spd., 65 gal.	AS	yes	yes
Frontage Understory Trees							
LIN	17	Lagerstroemia indica 'Natchez'	Natchez Crape Myrtle	2" cal., 11' ht. x 48" spd., 30 gal.	AS	yes	yes
Shrubs							
Pa	65	Plumbago auriculata 'Imperial Blue'	Leadwort	3 gal., 20"-20"	36" o.c.	yes	yes
Vo	186	Ybimum odoratissimum	Sweet Ybimum	7 gal 36" ht.	36" o.c.	no	yes
dv1	75	Dietes vegeta	African Iris	1 gal 2-3 ppp	24" o.c.	no	yes
jp1	329	Juniperus 'Parsoni'	Parson's Juniper	1 gal., 12"-15" spd.	18" o.c.	no	yes
Rear Yard Canopy Trees							
AR	6	Acer rubrum	Red Maple	2" cal., 12' ht. x 36" spd., 30 gal.	AS	yes	no
QV2	6	Quercus virginiana	Live Oak	2" cal., 12' ht. x 48" spd., 30 gal.	AS	yes	yes
Rear Yard Understory Trees							
MC	19	Myrica cerifera	Wax Myrtle	7" ht. with 3 to 4 1" trunks, 15 gal.	AS	yes	yes
Shrubs							
Gg	193	Thryallis gracilis	Thryallis	3 gal 24" ht., full	36" o.c.	no	yes
Building							
QV3	11	Quercus virginiana	Live Oak	2 1/2" cal., 11'-12' ht. x 54" spd., 5' CT, 30 gal.	AS	yes	yes
SP	33	Sabal palmetto	Cabbage Palm	12-18" ct, mixed.	AS	yes	yes
Pm	28	Podocarpus macrophyllus	Podocarpus	7 gal 30"x16" spd.	24" o.c.	yes	yes
dv2	780	Dietes vegeta	African Iris	1 gal 2-3 ppp	24" o.c.	no	yes
jp2	100	Juniperus 'Parsoni'	Parson's Juniper	1 gal., 12"-15" spd.	18" o.c.	no	yes
Parking Lot							
QS	5	Quercus shumardii	Shumard Oak	2" cal., 12' ht. x 36" spd., 30 gal.	AS	yes	yes
QV	4	Quercus virginiana	Live Oak	2" cal., 12' ht. x 48" spd., 30 gal.	AS	yes	yes
dv3	77	Dietes vegeta	African Iris	1 gal 2-3 ppp	24" o.c.	no	yes
jp3	820	Juniperus 'Parsoni'	Parson's Juniper	1 gal., 12"-15" spd.	18" o.c.	no	yes
sod a	sq. ft.	Zoysia tenuifolia 'Empire'	Empire Zoysia Turf	solid sod - weed free	solid	no	yes
sod b	sq. ft.	Paspalum notatum 'Argentine'	Argentine Bahia Sod	sand grown solid sod - weed free	solid	no	yes

* Note: Caliper as per Florida Grades & Standards.

File Location : C:\Egnyta\Shared\Bonnett Design Group\2014\2014_151_KW-Daniels Professional Park (Landscape)

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drawn by: LAE
checked by: TWB
date: 02/16/15
plot scale: AS SHOWN
project number: 14DAN1001
file name: 2014_151_KW-Daniels Prof Park-LS BASE.dwg

GENERAL REQUIREMENTS

The Landscape Contractor shall be responsible for all materials and all work as called for on the landscape plans. The list of plant quantities accompanying the plans shall be used as guide only. If a discrepancy occurs between the plans and the plant list, the plans shall control.

The Landscape Contractor shall warranty all trees for a period of one (1) year and shrubs and ground covers for a period of six (6) months from the time of final acceptance by Owner and Landscape Architect.

The Landscape Contractor shall be wholly responsible for the stability and plumb condition of all trees and shall be legally liable for any damage caused by the instability of any plant material. Staking of trees and palms, if required, shall be done utilizing a method agreed upon by the Landscape Architect.

The Landscape Contractor shall research plans and contact appropriate agencies to determine the location of any utilities and obstructions prior to commencing work. Any utilities or unanticipated obstructions shall be reported to Landscape Architect or Owner immediately.

All plant material and sodded areas shall have an automatic underground irrigation system providing 100% coverage.

Positive drainage shall be maintained away from all structures on the site.

PLANT SPECIFICATIONS

All nursery stock plant material shall be Florida #1 or better in accordance with Grades and Standards for Nursery Plants Parts I & II, latest edition as published by the Florida Department of Agriculture and Consumer Services- Division of Plant Industry.

All plant material shall be planted, fertilized and mulched as per the plant details and planting specifications noted on the plans.

All container grown material shall be healthy, vigorous, well rooted plants, and established in the container in which they are delivered to the site. The plants shall have tops which are good quality and in a healthy growing condition. Established container grown plant material shall be grown in that container sufficiently long enough for the new fibrous roots to have developed enabling the root mass to retain it's shape when removed the container. Plants which have become root bound in the container are unacceptable.

All plant material that is not container grown shall be freshly dug, sound, healthy, vigorous, well branched, and free of disease and insect eggs and larvae, and shall have adequate root systems. Where any requirements are omitted from the plant list, the plants furnished shall be normal for the variety. Plants may be pruned prior to delivery only upon the approval of the Landscape Architect.

FERTILIZER

Two fertilizers shall be used on all types of plantings, except palms. Granular fertilizer shall be uniform in composition, dry and free flowing. This fertilizer shall be delivered to the site in the original unopened bags bearing the manufacturer's statement of analysis. Granular fertilizer shall be a controlled release variety meeting the following requirements: sixteen percent (16%) nitrogen, four percent (4%) phosphorus, eight percent (8%) potassium, plus iron. Tablet fertilizer ("Agriform" or approved equal) in 21 gram size shall meet the following requirements: twenty percent (20%) nitrogen, ten percent (10%) phosphorus, five percent (5%) potassium.

Application Rates:

Plant size	16-4-8	"Agriform" tablet (21 grams)
1 gallon	1/4 lb.	1 tablet
3 gallon	1/3 lb.	2 tablets
7-15 gallon	1/2 lb.	4 tablets
1" - 6" caliper	2 lbs. per 1" caliper	2 tablets per 1" caliper
6" + caliper	3 lbs. per 1" caliper	2 tablets per 1" caliper

Sodded areas shall receive an application of the granular fertilizer (16-4-8) at a rate of 1/2 lb. of Nitrogen per 1,000 square feet of sod area.

"Palm Special" fertilizer shall be applied to all palms at installation at a rate of 1 1/2 lbs. per 100 square feet of canopy area. Palm fertilizer shall be a controlled release variety containing chelated micro nutrients and a ratio of N-P-K-Mg of 2:1:3:1.

SOIL

Planting soil for use in preparing the backfill material for planting pits shall be added a rate of fifty percent (50%) planting soil to fifty percent (50%) existing soil. This soil mix shall be used in all plant pits except Sabal Palms which shall be backfilled with clean sand. Planting soil shall be a fertile, friable natural topsoil of loamy character. It shall contain forty (40) to fifty (50) percent decomposed organic matter and be free of heavy clay, stones larger than 1" in diameter, noxious weeds and plants, sod, partially disintegrated debris, insects or any other undesirable material, plants or seeds that would be toxic or harmful to plant growth.

MULCH

All plant beds and tree watering basins shall be top dressed with three inches (3") of pine bark nuggets.

SOD

Refer to Landscape Plan for limits of sod.

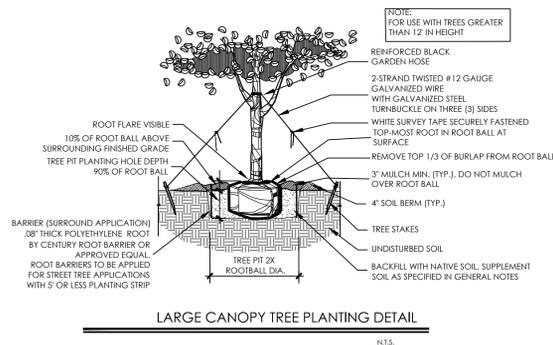
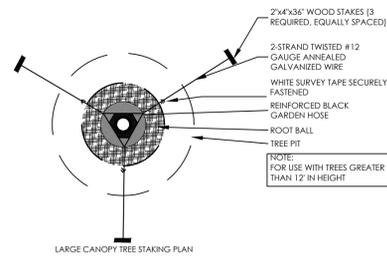
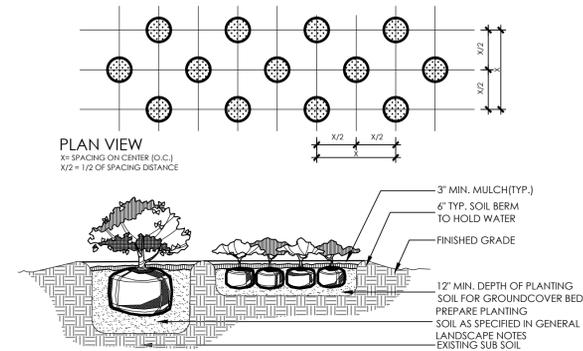
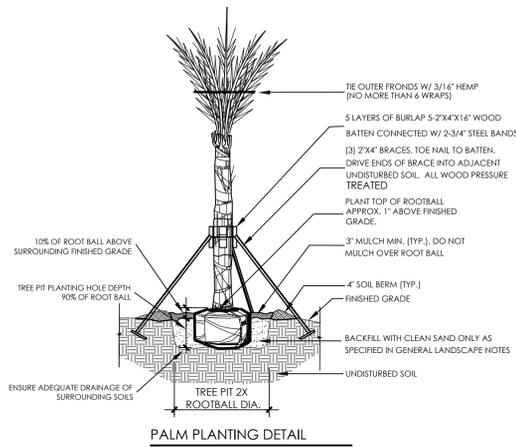
All areas disturbed by construction (including material staging, equipment storage, temporary facilities, site access, construction staff parking, etc.) beyond the minimum limits of sod as shown on the Landscape Plan shall be sodded as needed.

All lawn areas to receive sod shall be disked four (4) to six (6) inches and graded to establish a level finished grade ensuring positive drainage from all structures. All debris shall be removed from the site.

Sod shall be free of weeds and pests. It shall be laid evenly with tight fitting joints and rolled. The sod shall contain moist soil which does not fall apart or tear when lifted.

See plant list for specific sod species and locations.

See 'Fertilizer' for requirements of all sodded areas.



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Facsimile 407.478.8749

Certificate of Authorization No.: 9230

Todd W. Bonnett, RLA # LA0001718

DANIELS PROFESSIONAL PARK
WINTER GARDEN, FLORIDA
LANDSCAPE DETAILS

revision	description	date
△	"	"
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△		
△		

drawn by: LAE
checked by: TWB
date: 11/25/14
plot scale: AS SHOWN
project number: 14DAN1001
file name: 2014_151_KW_Daniels Prof Park-LS BASE.dwg

L201



CONCEPT ELEVATION "A"

$\frac{1}{4}'' = 1'-0''$



CONCEPT ELEVATION "B"

$\frac{1}{4}'' = 1'-0''$

MBI

100 COLONIAL CENTER PARKWAY
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LAKE MARY, FL 32746
PHONE: 407-585-0330
FAX: 407-585-0336
www.michaelbradyinc.com

michael brady inc.
ARCHITECTURE, INTERIORS
AS0000028

THE DESIGN PROFESSIONAL DENIES ANY AND ALL RESPONSIBILITY AND LIABILITY FOR PROBLEMS WHICH ARISE FROM FAILURE TO FOLLOW THESE PLANS, SPECIFICATIONS AND THE DESIGN INTENT THEY CONVEY, OR PROBLEMS WHICH ARISE FROM OTHERS' FAILURE TO OBTAIN AND/OR FOLLOW THE DESIGN PROFESSIONAL'S GUIDANCE WITH RESPECT TO ANY ERRORS, OMISSIONS, INCONSISTENCIES, AMBIGUITIES OR CONFLICTS WHICH ARE ALLEGED.

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DANIELS ROAD
MEDICAL OFFICE

A NEW DEVELOPMENT FOR:

THIS DRAWING HAS BEEN ISSUED:

- FOR REVIEW ONLY
- FOR PERMITTING ONLY
- SCHEMATIC DESIGN
- DESIGN DEVELOPMENT
- CONSTRUCTION DOCUMENTS

Drawing Title:

Date: 11/10/14

Designed By:
Drawn By:
Reviewed By:

Comm. No

Revisions:

Sheet: _____
of _____
Sheet No.

NOT FOR
CONSTRUCTION

CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

STAFF REPORT

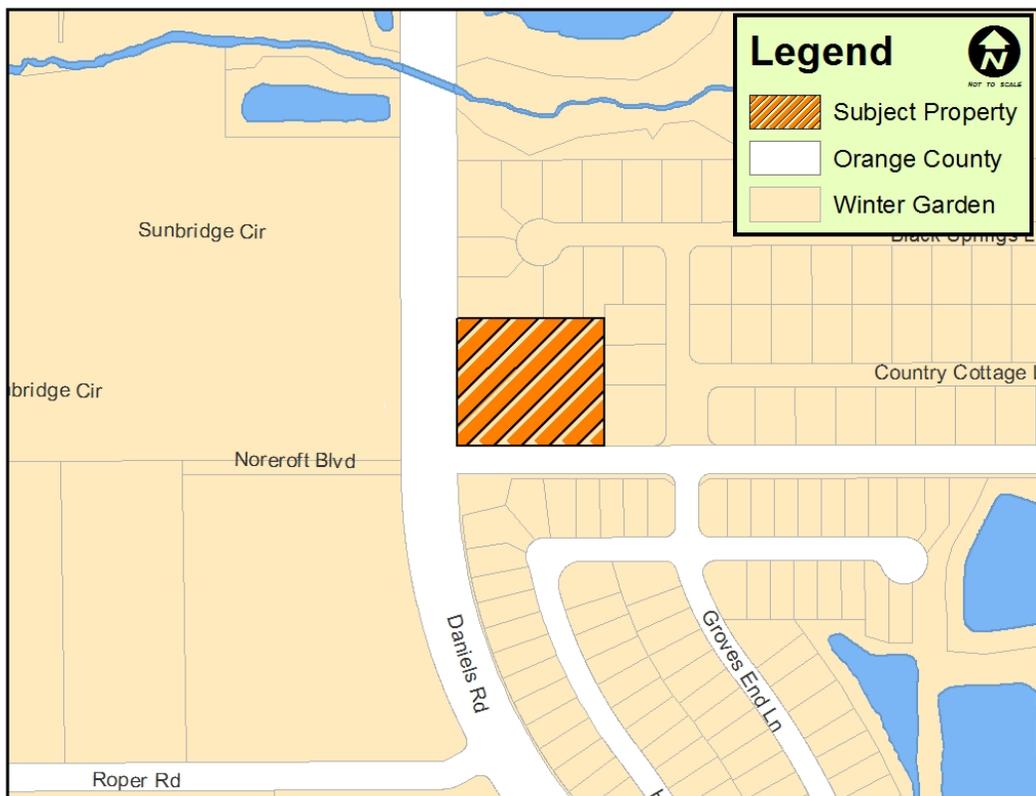
TO: PLANNING AND ZONING COMMITTEE
PREPARED BY: STEVE PASH, COMMUNITY DEVELOPMENT MANAGER
DATE: APRIL 30, 2015
SUBJECT: REZONING TO PCD
423 Daniels Road (1.93 +/- ACRES)
PARCEL ID # 26-22-27-1660-00-002

APPLICANT: DANIELS PROFESSIONAL PARK, 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, located on the northeast corner of Daniels Road and Roper Road, is approximately 1.93 ± 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 1.93 ± acres of land. The subject property is located within the City of Winter Garden municipal limits, and carries the zoning designation R-1 (Single-Family Residential District). The subject property is designated NC (Residential Neighborhood Commercial) on the Future Land Use Map of the Comprehensive Plan.

EXISTING USE

The subject property is currently vacant.

ADJACENT LAND USE AND ZONING

The properties located to the north and east are developed with a single-family neighborhood (Cobblestone), zoned PUD, and located in the City. The properties located to the south are developed with a single-family neighborhood (Regency Oaks at Stonecrest), zoned PUD, and located in the City. The properties to the west are developed with a single-family neighborhood (Bradford Creek) and with the Serenades at Sonata Memory Care Medical Facility, zoned PUD, and located in the City.

PROPOSED USE

The applicant proposes to develop the 1.93 ± acre site with 17,250 square feet of professional office in 4 to 5 buildings. If there are 5 buildings, they will be developed as shown on the attached site plan, but they have the option of attaching two buildings on either the north or east side into one large building not to exceed 7,650 square feet. There will also be 69 parking spaces (4 spaces / 1,000 square feet).

The buildings will contain professional and business offices provided there is sufficient parking and no MRI centers will be allowed in this PCD.

PUBLIC FACILITY ANALYSIS

The property does not have a point of transportation access at this time because the property is vacant. However, when the property is developed by the applicant access will be provided in the form of a full access driveway on Roper Road and a right-in right-out access on Daniels Road. In addition, they will be required to pay their proportionate share of the new signal at Daniels Road and Roper Road.

The property is not currently a water or sewer customer of the City of Winter Garden; however water, sewer, and reclaimed utilities will be required for the proposed development of the property. When the property is developed, all extension and connection costs shall be borne by the property owner.

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.

All concurrency requirements identified by the City of Winter Garden Code of Ordinances and Comprehensive Plan will be met by the proposed development.

SUMMARY

Staff recommends approval of the proposed Ordinance. Rezoning the subject property from City R-1 to City PCD is consistent with the City's Comprehensive Plan and the City of Winter Garden Code of Ordinances. The proposed development is a reasonable use of the land and a stop light is being installed at this intersection to help with traffic, and the use is compatible with the area.

Further, the adjacent property owners should not be negatively impacted as the surrounding properties are developed planned unit developments and the proposed development will have substantial landscaped buffers on the sides abutting neighborhoods. A Community Meeting was held on April 16, 2015 at which time the applicant presented the proposal to develop the 17,250 square foot professional office space. The comments generated from the Community Meeting primarily focused on the stormwater ponds, site lighting, and allowable uses on the property. These concerns have been addressed by the applicant and staff through the use of the PCD zoning designation and limiting the uses of the property within the PCD Ordinance. Staff has coordinated with the applicant to ensure that the development of the property will be consistent with the surrounding residential communities both in the scale and size of the building.

MAPS

**AERIAL PHOTO
423 Daniels Road**



ZONING MAP 423 Daniels Road



FUTURE LAND USE MAP 423 Daniels Road



BUILDING ELEVATIONS
423 Daniels Road



CONCEPT ELEVATION "A"
1/4" = 1'-0"



CONCEPT ELEVATION "B"
1/4" = 1'-0"

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: May 19, 2015

Meeting Date: May 28, 2015

Subject: 1050 Vineland Road
Jose M. Rodriguez Property
Ordinance 15-34
Ordinance 15-35
Ordinance 15-36

PARCEL ID # 23-22-27-8199-00-150

Issue: The applicant is requesting Annexation, Future Land Use designation, and Zoning on property located at 1050 Vineland Road.

Discussion:

The City encourages infill of its jurisdictional limits through voluntary annexation of enclaves. The subject property makes up a 0.23 ± acre enclave located at 1050 Vineland 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 Residential Neighborhood Commercial, and Zoning of R-NC. (See attached Staff Report).

Recommended Action:

Staff recommends adoption of Ordinance 15-34, Ordinance 15-35, and Ordinance 15-36.

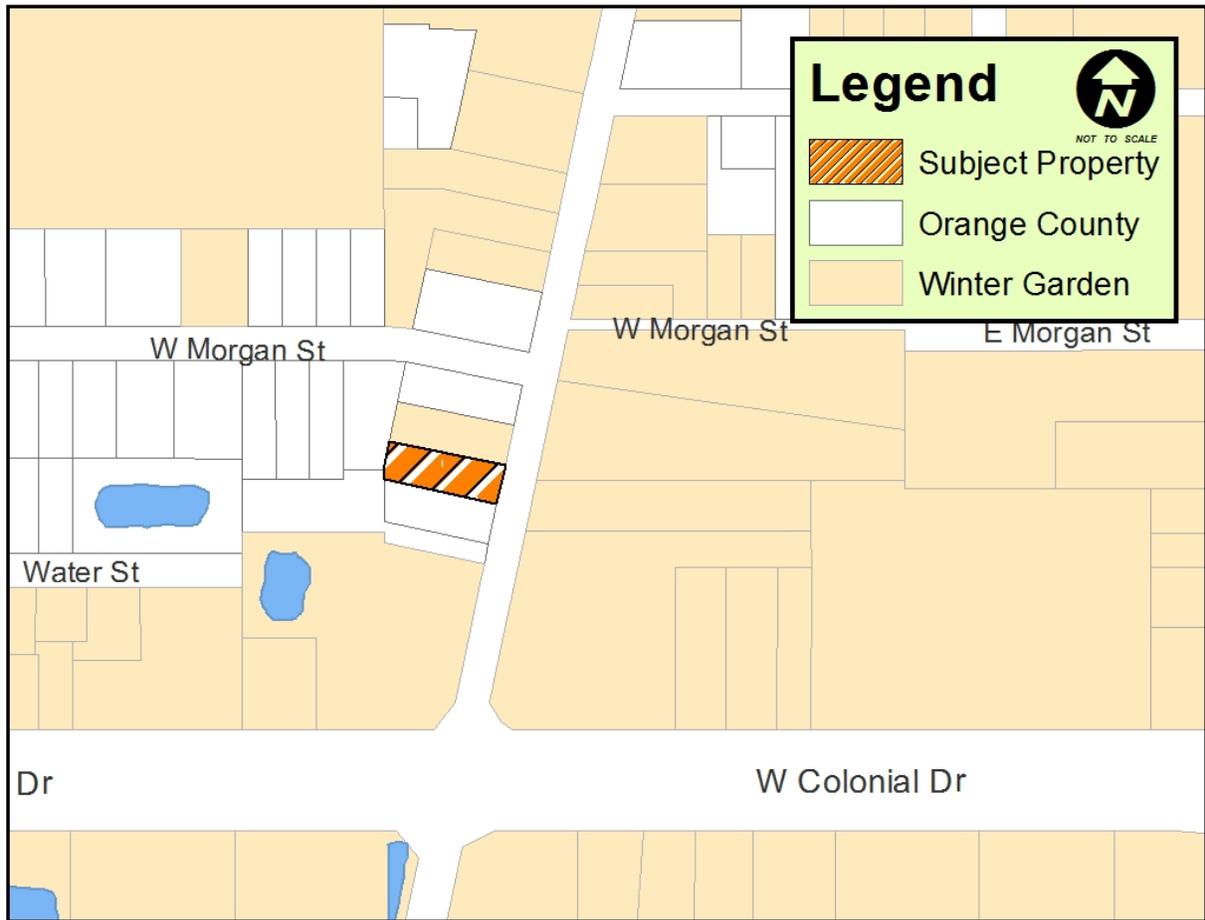
Attachment(s)/References:

Location Map
Ordinance 15-34
Ordinance 15-35
Ordinance 15-36
Staff Report

LOCATION MAP

1050 Vineland Road

ANNEXATION, FLU MAP AMENDMENT, REZONING



ORDINANCE 15-34

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 1050 VINELAND ROAD ON THE WEST SIDE OF VINELAND ROAD NORTH OF WEST COLONIAL DRIVE AND SOUTH OF WEST MORGAN 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 on the west side of Vineland Road, north of West Colonial Drive and South of West Morgan 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: _____, 2015.

SECOND READING AND PUBLIC HEARING: _____, 2015.

ADOPTED this _____ day of _____, 2015, 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#: 23-22-27-8199-00-150

DESCRIPTION:

Lot 15, SOUTHERN BOULEVARD SUBDIVISION TO THE CITY OF WINTER GARDEN, according to the map or plat thereof, as recorded in Plat Book J, Page 13, Public Records of Orange County, Florida, being more particularly described as follows: Commence at the Northeast corner of Lot 13, of said SOUTHERN BOULEVARD SUBDIVISION; thence run S 12°01'16" W 120.00 feet to the Northeast corner of said Lot 15 and the POINT OF BEGINNING; thence continue S 12°01'16" W 60.00 feet to the Southeast corner of said Lot 15; thence run N 78°05'56" W 169.80 feet to the Southwest corner of said Lot 15; thence run N 00°07'32" W along the West line of said Lot 15, 25.05 feet; thence run N 12°08'06" E 35.50 feet to the Northwest corner of said Lot 15; thence run S 78°05'56" E 175.00 feet to the POINT OF BEGINNING.

Containing 0.240 acres, more or less.

ORDINANCE 15-35

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING THE FUTURE LAND USE MAP OF THE WINTER GARDEN COMPREHENSIVE PLAN BY CHANGING THE LAND USE DESIGNATION OF REAL PROPERTY GENERALLY DESCRIBED AS 0.24 ± ACRES LOCATED AT 1050 VINELAND ROAD ON THE WEST SIDE OF VINELAND ROAD NORTH OF WEST COLONIAL DRIVE AND SOUTH OF WEST MORGAN STREET FROM ORANGE COUNTY LOW MEDIUM DENSITY RESIDENTIAL 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 1050 Vineland Road on the west side of Vineland Road north of West Colonial Drive and south of West Morgan 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 Residential 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 15-34, this Ordinance shall become effective 31 days after adoption, unless the Ordinance is timely challenged pursuant to §

163.3187(5), Fla. Stat., in which case, the Ordinance shall not be effective until the state land planning agency or the Administrative Commission, respectively, issues a final order determining that the adopted Ordinance is in compliance.

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

FIRST READING AND PUBLIC HEARING: _____, 2015.

SECOND READING AND PUBLIC HEARING: _____, 2015.

ADOPTED this _____ day of _____, 2015, 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#: 23-22-27-8199-00-150

DESCRIPTION:

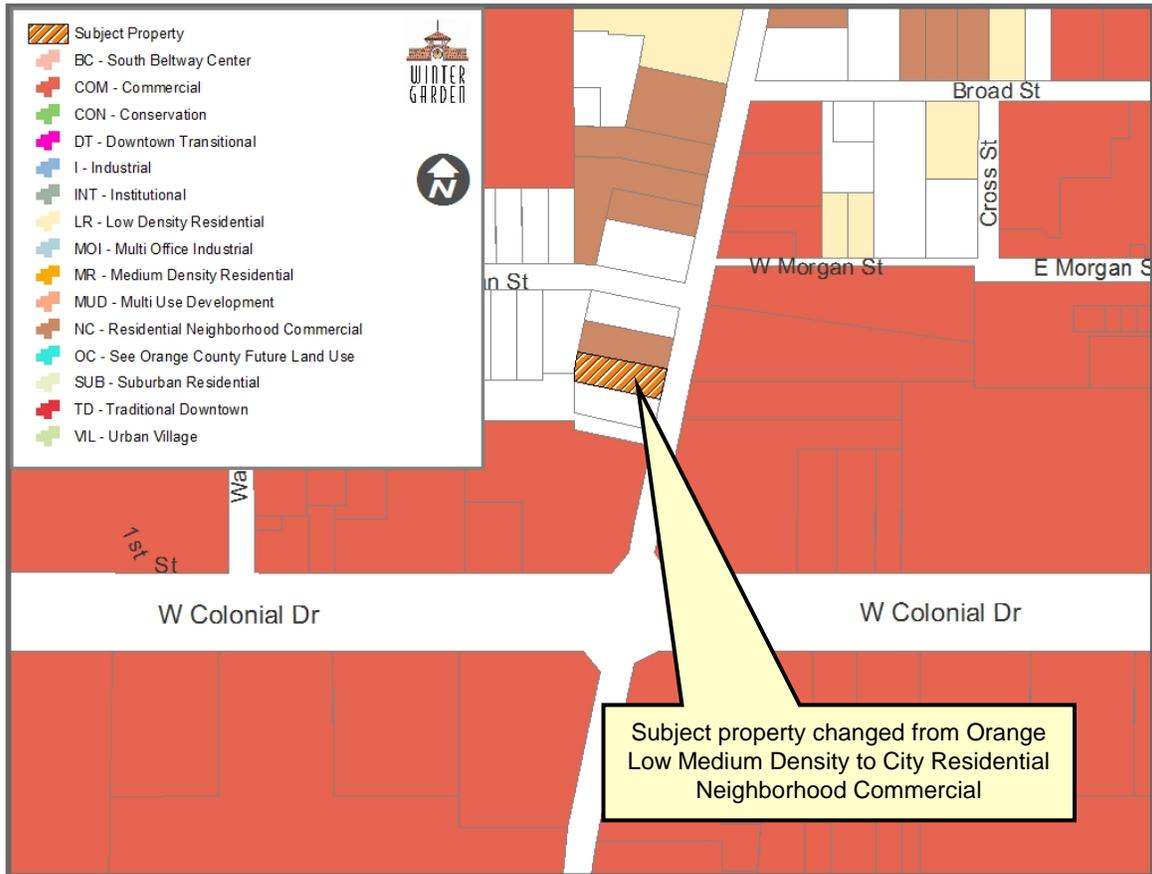
Lot 15, SOUTHERN BOULEVARD SUBDIVISION TO THE CITY OF WINTER GARDEN, according to the map or plat thereof, as recorded in Plat Book J, Page 13, Public Records of Orange County, Florida, being more particularly described as follows: Commence at the Northeast corner of Lot 13, of said SOUTHERN BOULEVARD SUBDIVISION; thence run S 12°01'16" W 120.00 feet to the Northeast corner of said Lot 15 and the POINT OF BEGINNING; thence continue S 12°01'16" W 60.00 feet to the Southeast corner of said Lot 15; thence run N 78°05'56" W 169.80 feet to the Southwest corner of said Lot 15; thence run N 00°07'32" W along the West line of said Lot 15, 25.05 feet; thence run N 12°08'06" E 35.50 feet to the Northwest corner of said Lot 15; thence run S 78°05'56" E 175.00 feet to the POINT OF BEGINNING.

Containing 0.240 acres, more or less.

ATTACHMENT "B"

FUTURE LAND USE MAP

1050 Vineland Road



ORDINANCE 15-36

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.24 ± ACRES LOCATED AT 1050 VINELAND ROAD ON THE WEST SIDE OF VINELAND ROAD NORTH OF WEST COLONIAL DRIVE AND SOUTH OF WEST MORGAN 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 01050 Vineland Road on the west side of Vineland Road north of West Colonial Drive and south of West Morgan 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 15-35 which is an amendment to the Future Land Use Map of the City of Winter Garden Comprehensive Plan that allows the property described herein to be zoned as provided in this Ordinance.

FIRST READING AND PUBLIC HEARING: _____ , 2015.

SECOND READING AND PUBLIC HEARING: _____ , 2015.

ADOPTED this _____ day of _____, 2015, 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#: 23-22-27-8199-00-150

DESCRIPTION:

Lot 15, SOUTHERN BOULEVARD SUBDIVISION TO THE CITY OF WINTER GARDEN, according to the map or plat thereof, as recorded in Plat Book J, Page 13, Public Records of Orange County, Florida, being more particularly described as follows: Commence at the Northeast corner of Lot 13, of said SOUTHERN BOULEVARD SUBDIVISION; thence run S 12°01'16" W 120.00 feet to the Northeast corner of said Lot 15 and the POINT OF BEGINNING; thence continue S 12°01'16" W 60.00 feet to the Southeast corner of said Lot 15; thence run N 78°05'56" W 169.80 feet to the Southwest corner of said Lot 15; thence run N 00°07'32" W along the West line of said Lot 15, 25.05 feet; thence run N 12°08'06" E 35.50 feet to the Northwest corner of said Lot 15; thence run S 78°05'56" E 175.00 feet to the POINT OF BEGINNING.

Containing 0.240 acres, more or less.

CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

STAFF REPORT

TO: PLANNING AND ZONING BOARD
PREPARED BY: STEVE PASH, COMMUNITY DEVELOPMENT MANAGER
DATE: APRIL 30, 2015
SUBJECT: ANNEXATION – ZONING – FLU AMENDMENT
1050 VINELAND ROAD (0.23 +/- ACRES)
PARCEL ID #: 23-22-27-8199-00-150
APPLICANT: JOSE M. RODRIGUEZ

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 1050 Vineland Road and is approximately 0.23 ± 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 rezoning the property to R-NC Residential neighborhood Commercial District.

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 with a single-family house.

ADJACENT LAND USE AND ZONING

The property located to the north is a single-family home that is currently being reviewed for a Special Exception to convert it into an office, zoned R-NC, and located in the City. The properties located to the south and west are developed with single-family houses, zoned R-2, and located in Orange County. The property located to the east is developed with an auto service company, sign company, and contractors office, zoned C-2 and located in the City.

PROPOSED USE

The owner is proposing to annex the property and keep the existing structure.

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

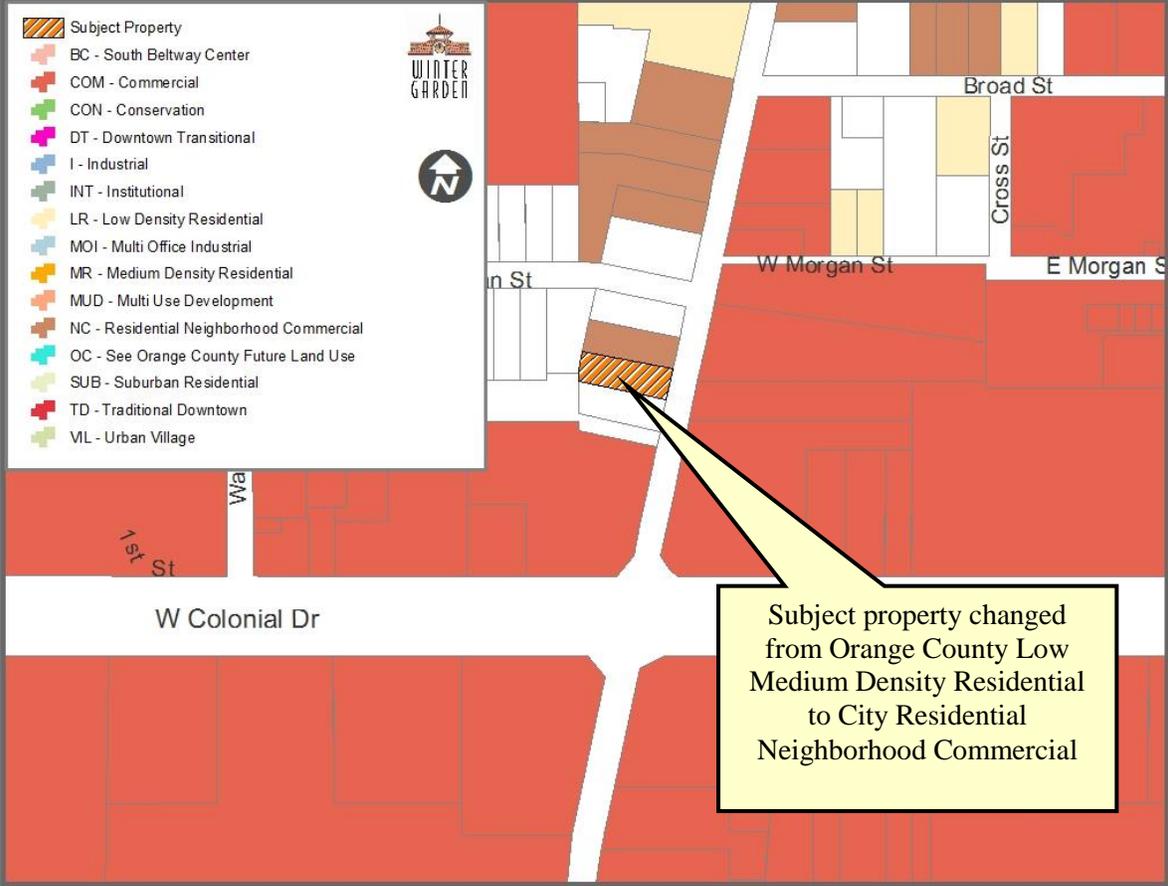
City Staff recommends approval of the proposed Ordinances. Annexation will provide a more efficient delivery of services to the property and further the goals and objectives of the City of Winter Garden's Comprehensive Plan to eliminate enclaves.

MAPS

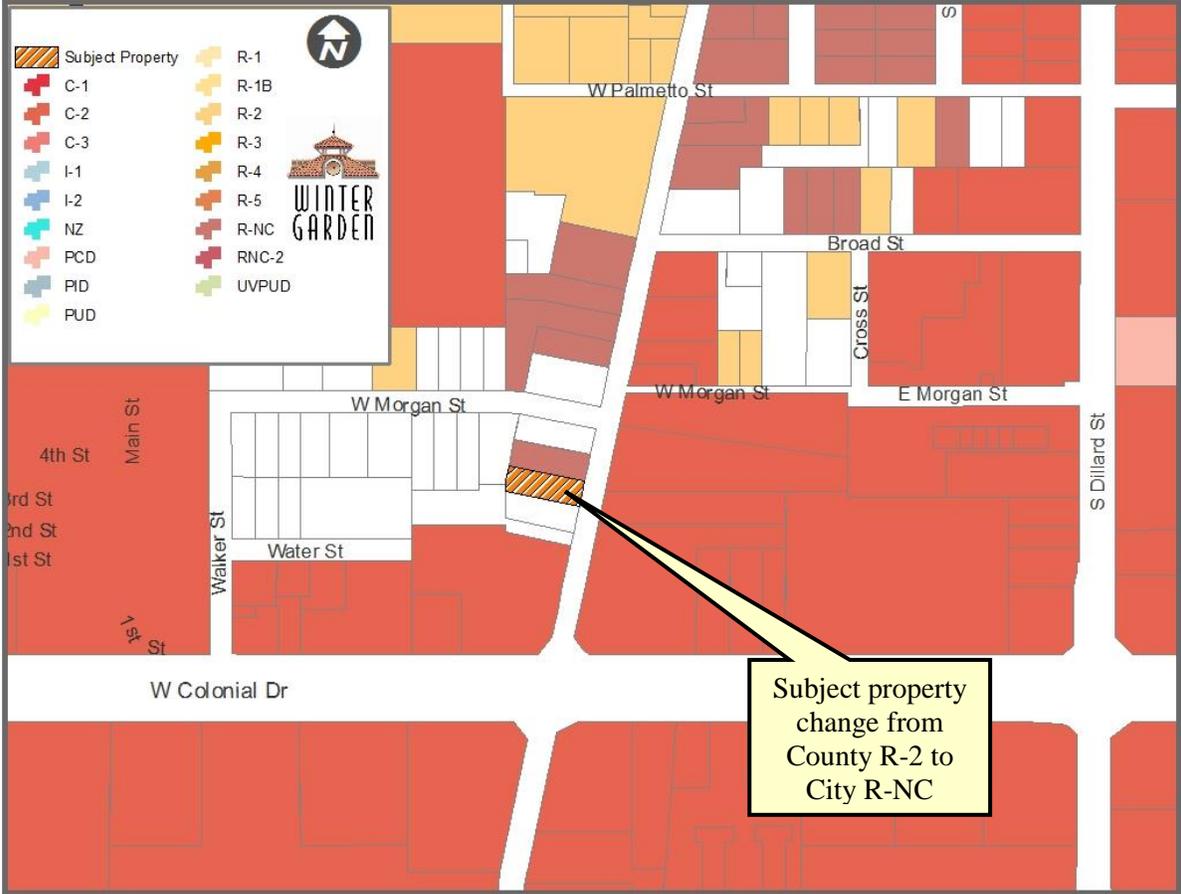
AERIAL PHOTO
1050 Vineland Road



FUTURE LAND USE MAP
1050 Vineland Road



ZONING MAP
1050 Vineland Road



SITE PHOTOGRAPH
1050 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: May 19, 2015

Meeting Date: May 28, 2015

Subject: 50 East Palmetto Street
Rafael Garcia Property
Ordinance 15-37
Ordinance 15-38
Ordinance 15-39

PARCEL ID # 23-22-27-7828-00-001

Issue: The applicant is requesting Annexation, Future Land Use designation, and Zoning on property located at 50 East Palmetto Street.

Discussion:

The City encourages infill of its jurisdictional limits through voluntary annexation of enclaves. The subject property makes up a 0.23 ± acre enclave located at 50 East Palmetto 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 Low Density Residential, and Zoning of R-2. (See attached Staff Report).

Recommended Action:

Staff recommends adoption of Ordinance 15-37, Ordinance 15-38, and Ordinance 15-39.

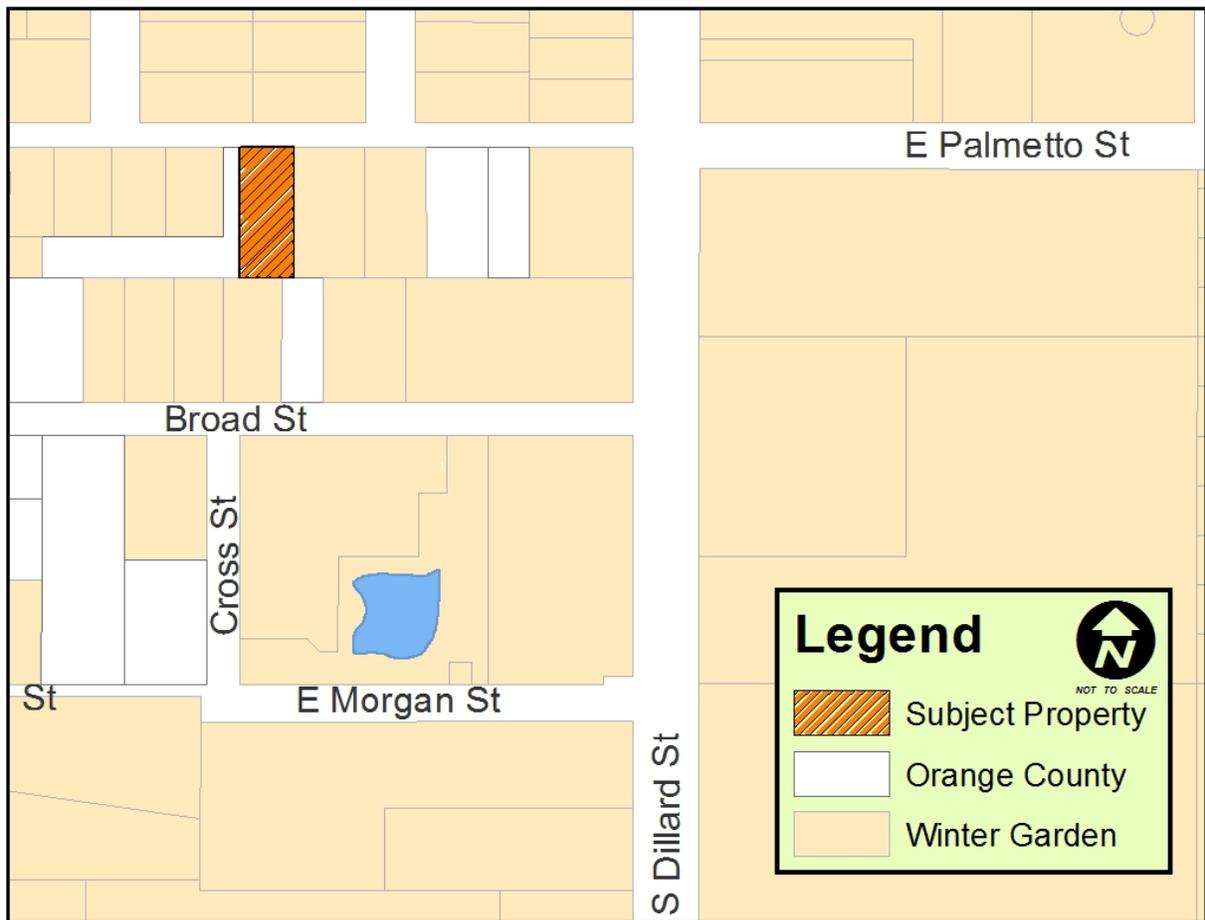
Attachment(s)/References:

Location Map
Ordinance 15-37
Ordinance 15-38
Ordinance 15-39
Staff Report

LOCATION MAP

50 E. Palmetto Street

ANNEXATION, FLU MAP AMENDMENT, REZONING



ORDINANCE 15-37

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.23 ± ACRES LOCATED AT 50 EAST PALMETTO STREET, ON THE SOUTH SIDE OF EAST PALMETTO STREET EAST OF SOUTH MAIN STREET AND WEST OF SOUTH WOODLAND 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 0.23 ± acres located at 50 East Palmetto Street, on the south side of East Palmetto Street east of South Main Street and west of South Woodland Avenue 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: _____, 2015.

SECOND READING AND PUBLIC HEARING: _____, 2015.

ADOPTED this _____ day of _____, 2015, 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#: 23-22-27-7828-00-001

Description:

Beginning 35 Feet West of the Northwest Corner of Lot 13, of First Addition to SCHENLEY PARK, according to the Plat thereof as recorded in Plat Book L, Page 77, Public Records of Orange County, Florida, run thence West 65 feet, thence North 150 feet, thence East 65 feet, thence South 150 feet to the Point of Beginning; MORE PARTICULARLY DESCRIBED AS FOLLOWS: Beginning 35.00 feet West of the Northwest Corner of Lot 13, of First Addition to SCHENLEY PARK, according to the Plat thereof as recorded in Plat Book L, Page 77, Public Records of Orange County, Florida, run thence S 89°52'59" W 65.00 feet, thence N 00°06'42" E 158.05 feet to the South right of way line of E Palmetto Street; thence run N 89°56'44" E along said South right of way line, 65.00 feet; thence run S 00°06'42" W 157.97 feet to the Point of Beginning.

Containing 0.236 acres, more or less.

ORDINANCE 15-38

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 0.23 ± ACRES LOCATED AT 50 EAST PALMETTO STREET, ON THE SOUTH SIDE OF EAST PALMETTO STREET EAST OF SOUTH MAIN STREET AND WEST OF SOUTH WOODLAND STREET FROM ORANGE COUNTY LOW DENSITY RESIDENTIAL TO CITY LOW DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, the owner of that certain real property generally described as 0.23 ± acres located at 50 East Palmetto Street, on the south side of East Palmetto Street east of South Main Street and west of South Woodland Avenue, 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 15-37, 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: _____, 2015.

SECOND READING AND PUBLIC HEARING: _____, 2015.

ADOPTED this _____ day of _____, 2015, 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#: 23-22-27-7828-00-001

Description:

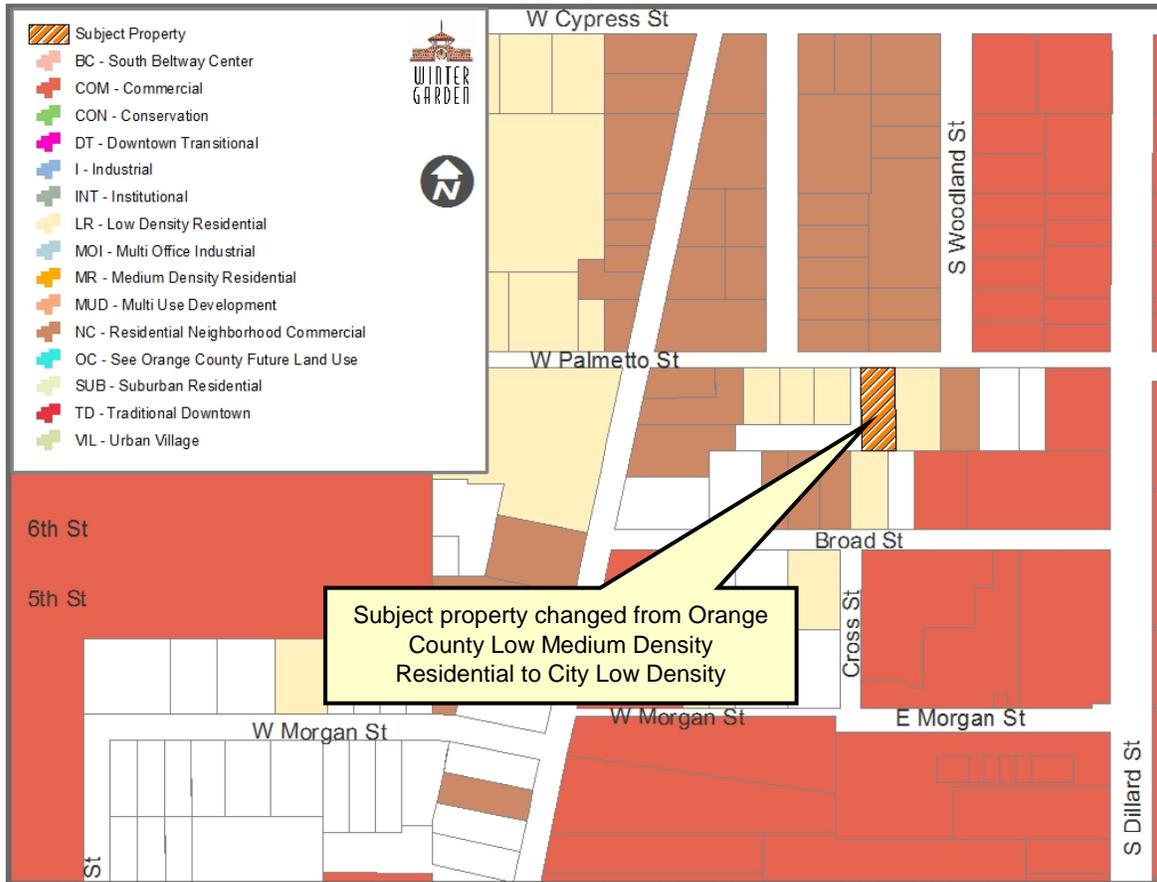
Beginning 35 Feet West of the Northwest Corner of Lot 13, of First Addition to SCHENLEY PARK, according to the Plat thereof as recorded in Plat Book L, Page 77, Public Records of Orange County, Florida, run thence West 65 feet, thence North 150 feet, thence East 65 feet, thence South 150 feet to the Point of Beginning; MORE PARTICULARLY DESCRIBED AS FOLLOWS: Beginning 35.00 feet West of the Northwest Corner of Lot 13, of First Addition to SCHENLEY PARK, according to the Plat thereof as recorded in Plat Book L, Page 77, Public Records of Orange County, Florida, run thence S 89°52'59" W 65.00 feet, thence N 00°06'42" E 158.05 feet to the South right of way line of E Palmetto Street; thence run N 89°56'44" E along said South right of way line, 65.00 feet; thence run S 00°06'42" W 157.97 feet to the Point of Beginning.

Containing 0.236 acres, more or less.

ATTACHMENT "B"

FUTURE LAND USE MAP

50 East Palmetto Street



ORDINANCE 15-39

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.23 ± ACRES LOCATED AT 50 EAST PALMETTO STREET, ON THE SOUTH SIDE OF EAST PALMETTO STREET EAST OF SOUTH MAIN STREET AND WEST OF SOUTH WOODLAND STREET 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 0.23 ± acres located at 50 East Palmetto Street, on the south side of East Palmetto Street east of South Main Street and west of South Woodland Avenue, 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 15-38 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: _____, 2015.

SECOND READING AND PUBLIC HEARING: _____, 2015.

ADOPTED this _____ day of _____, 2015, 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#: 23-22-27-7828-00-001

Description:

Beginning 35 Feet West of the Northwest Corner of Lot 13, of First Addition to SCHENLEY PARK, according to the Plat thereof as recorded in Plat Book L, Page 77, Public Records of Orange County, Florida, run thence West 65 feet, thence North 150 feet, thence East 65 feet, thence South 150 feet to the Point of Beginning; MORE PARTICULARLY DESCRIBED AS FOLLOWS: Beginning 35.00 feet West of the Northwest Corner of Lot 13, of First Addition to SCHENLEY PARK, according to the Plat thereof as recorded in Plat Book L, Page 77, Public Records of Orange County, Florida, run thence S 89°52'59" W 65.00 feet, thence N 00°06'42" E 158.05 feet to the South right of way line of E Palmetto Street; thence run N 89°56'44" E along said South right of way line, 65.00 feet; thence run S 00°06'42" W 157.97 feet to the Point of Beginning.

Containing 0.236 acres, more or less.

CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

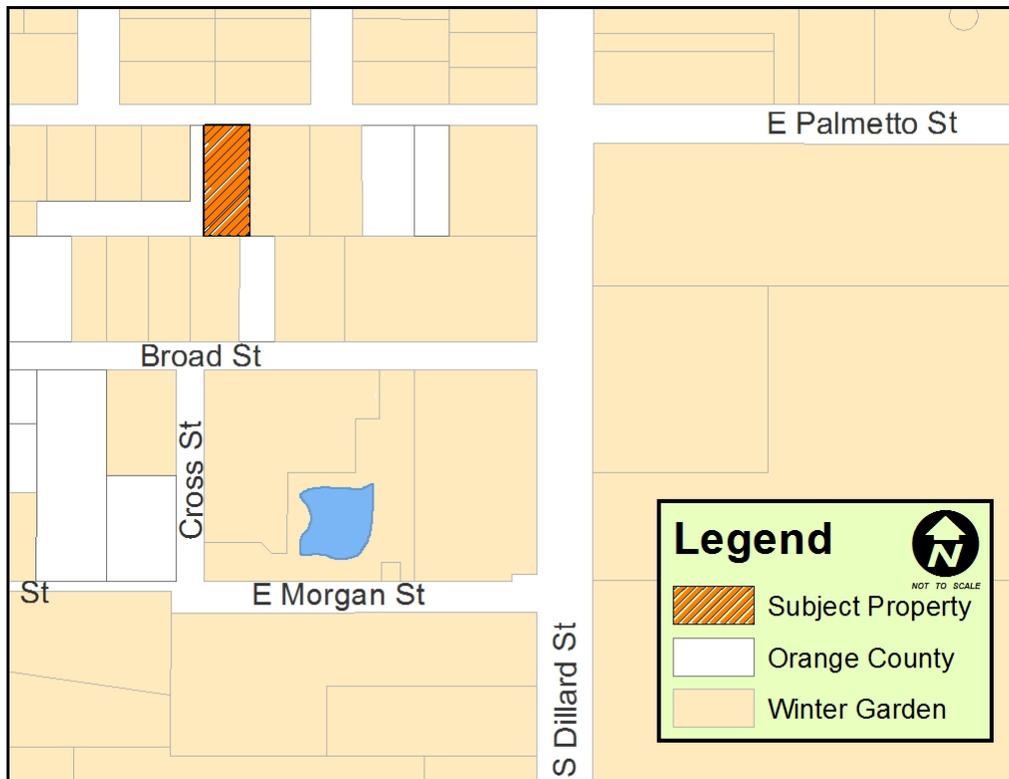
STAFF REPORT

TO: PLANNING AND ZONING BOARD
PREPARED BY: STEVE PASH, COMMUNITY DEVELOPMENT MANAGER
DATE: APRIL 30, 2015
SUBJECT: ANNEXATION – ZONING – FLU AMENDMENT
50 EAST PALMETTO STREET (0.23 +/- ACRES)
PARCEL ID #: 23-22-27-7828-00-001
APPLICANT: RAFAEL GARCIA

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 50 East Palmetto Street and is approximately 0.23 ± 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 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 house.

ADJACENT LAND USE AND ZONING

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

PROPOSED USE

The owner is proposing to annex the property and keep the existing structure.

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.

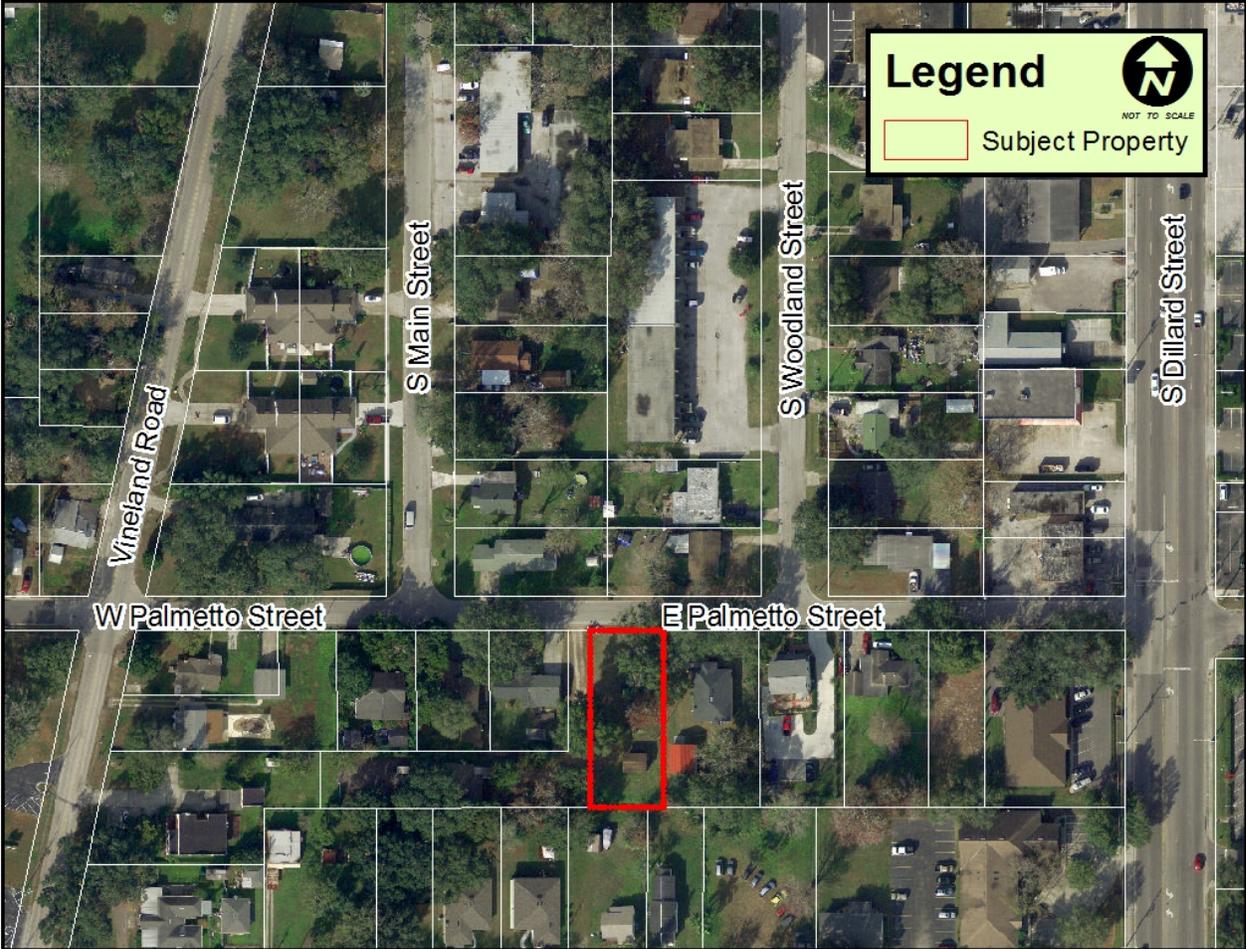
SUMMARY

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.

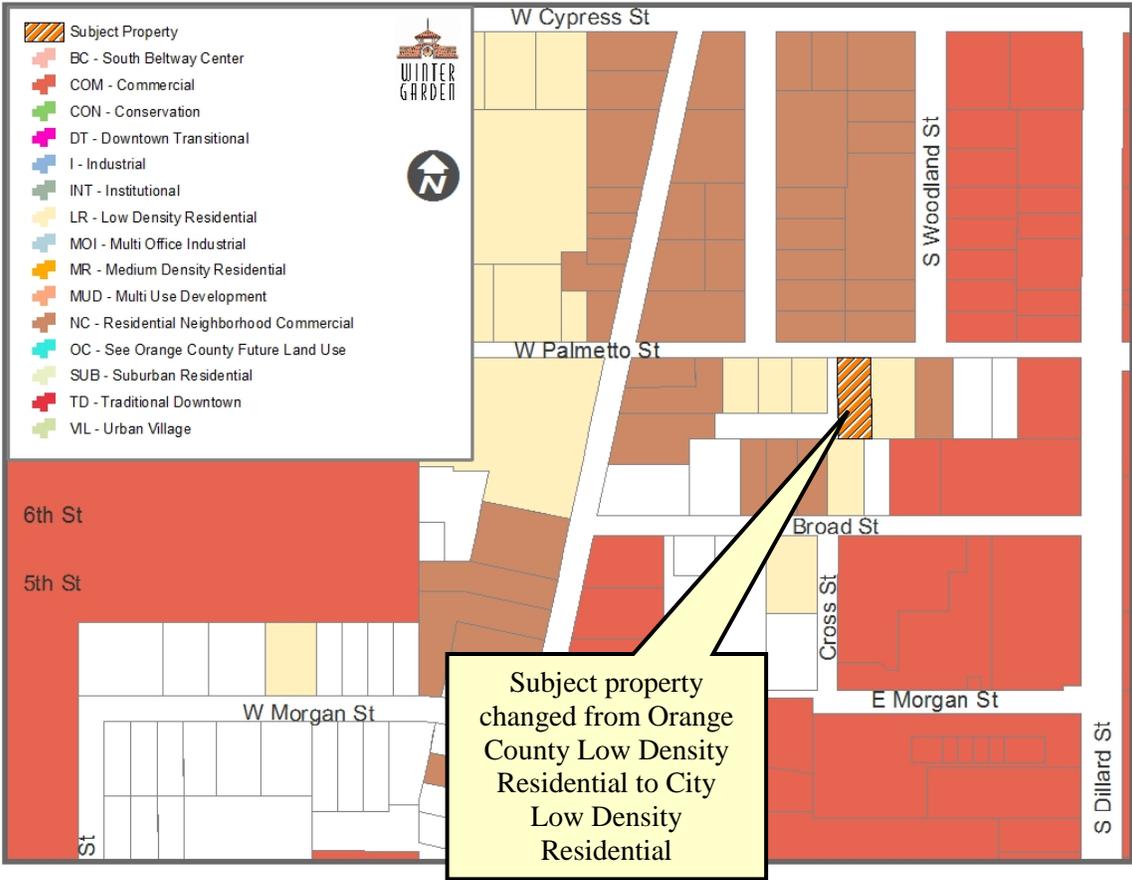
MAPS

AERIAL PHOTO

50 East Palmetto Street



FUTURE LAND USE MAP
50 East Palmetto Street



ZONING MAP
50 East Palmetto Street



SITE PHOTOGRAPH
50 East Palmetto Street



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: May 19, 2015

Meeting Date: May 28, 2015

Subject: **Ordinance 15-41 Accessory Buildings and Accessory Structures**

Issue: Amending Article VI, Division 8 of Chapter 118 of the Code of Ordinances of the City of Winter Garden

Discussion:

An Ordinance of the City Commission of the City of Winter Garden, Florida amending Article VI, Division 8 of Chapter 118 of the Code of Ordinance of the City of Winter Garden concerning Accessory Buildings and Accessory Structures procedures and requirements for greenhouses

Recommended Action:

Staff recommends adopting Ordinance 15-41 amending Article VI, Division 8 of Chapter 118 of the Code of Ordinances of the City of Winter Garden.

Attachment(s)/References:

Ordinance 15-41

ORDINANCE 15-41

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING ARTICLE VI, DIVISION 8 OF CHAPTER 118 OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN CONCERNING ACCESSORY BUILDINGS AND ACCESSORY STRUCTURES; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City Commission desires to amend the accessory buildings and accessory structures requirements of Chapter 118, City of Winter Garden Code of Ordinances to, among other things, more specifically address the construction of greenhouses; and

WHEREAS, the City Commission finds it to be in the best interest of the public health, safety and welfare to revise the accessory building and accessory structure requirements and approval procedures of Chapter 118, City of Winter Garden Code of Ordinances in the manner specified in this Ordinance.

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

SECTION 1: *Authority.* The City of Winter Garden has the authority to adopt this Ordinance pursuant to Article VIII of the Constitution of the State of Florida and Chapter 166, Florida Statutes.

SECTION 2: *Adoption.* Article VI, Division 8 of Chapter 118 of the City of Winter Garden Code is amended to read as follows (words that are stricken out are deletions; words that are underlined are additions):

DIVISION 8. - ACCESSORY BUILDINGS AND ACCESSORY STRUCTURES

Sec. 118-1310. - Generally.

- (a) Definitions. For the purpose of this section, the following will be uses as definitions:

Accessory buildings. An accessory building for both residential and nonresidential development is defined as a building that:

- (1) Is detached from the principal building;
- (2) Is clearly a supplementary use to the principal building;
- (3) The total square footage of all accessory buildings are less than 50 percent of the size of the principal building; and
- (4) Is not intended for human habitation.

Examples include storage buildings, residential green houses, detached garages, etc. Attached accessory buildings must comply with all setbacks and zoning regulations of the principal structure.

Accessory structures. An accessory structure is a structure that does not provide shelter from the elements. Examples include swimming pools and pool screening and decking, Bar-B-Q pits, decks, etc. Not included in the definition of accessory structures and not regulated by this division of code are driveways, fences, walls, bird baths, decorative ponds, and at grade patios.

Greenhouses. A greenhouse is a building constructed for the primary purpose of cultivation, growing, and protection of plants.

- (b) General requirements. In general, accessory buildings and structures must be located in the rear or side yards and must be five feet from the property lines. Accessory buildings and structures cannot be located within any easements. Accessory buildings and structures located in the street side of a corner lot must comply with the side yard setbacks of the principal building. Accessory buildings must be constructed simultaneously with, or following, the construction of the principal building, and shall not be used until after the principal building has been erected.

Accessory buildings shall be designed to blend aesthetically with the principal building. Detached accessory building walls shall not exceed nine feet in height, and roof peaks shall not exceed 12 feet in height. No accessory building may be located in the front yard or within any recorded easement. No more than two such accessory buildings may be located on any lot.

- (c) Setback and separation requirements for detached accessory buildings.
- (1) Less than 160 square feet. Accessory buildings that are detached from the principal building and are 160 square feet or less shall be:
- a. Located no less than five feet from a side or rear property line, and have the same sideyard setback as the principal building when located on the street side of a corner lot;
 - b. Be closer than four feet to any other accessory building on the same lot; and
 - c. Shall not be allowed to project beyond the established front building line of the principal building.
- (2) Greater than 160 square feet. An accessory building greater than 160 square feet shall comply with the above requirements with the following exceptions:
- a. An accessory building greater than 160 square feet must comply with all the setback requirements of the principal structure.

- b. An accessory building greater than 160 square feet must be separated from the principal structure by a minimum of ten feet.
- c. An accessory building greater than 160 square feet shall not occupy more than 25 percent of the rear yard.

(3) Open carports. Detached or attached open carports consisting of a roof and members for support, shall be located in either the front or side yard and must comply with all the setbacks of the principal building of the zoning district of the property.

(4) Location criteria. No accessory building may be located in the front yard.

~~(e) Accessory structures. All accessory structures (i.e. structures that do not offer shelter from the weather such as Bar-B-Q pits, decks, swimming pools, residential dog houses, etc.) are required to comply with the location criteria and setbacks regulations as identified for accessory buildings. With the exception of the sideyard of the street side of a corner lot, attached and detached pools, pool screens, and pool decking maybe located up to five feet of the side and rear property lines.~~

~~(f) Prohibited accessory buildings and structures. The following accessory buildings and structures are prohibited in all zones:~~

- ~~1. Tents (when used over a two-week period) unless approved by the city commission.~~
- ~~2. Trailers and mobile homes (when used as an accessory building).~~
- ~~3. Shipping containers (except on a temporary basis on an active construction site).~~

~~(g) Lot coverage. The area of accessory buildings is included in the total lot coverage calculations. This total area must not exceed the maximum lot coverage as identified in the specific zoning district.~~

(d) Accessory structures. All accessory structures (i.e. structures that do not offer shelter from the weather such as Bar-B-Q pits, decks, swimming pools, residential dog houses, etc.) are required to comply with the location criteria and setbacks regulations as identified for accessory buildings. With the exception of the sideyard of the street side of a corner lot, attached and detached pools, pool screens, and pool decking maybe located up to five feet of the side and rear property lines.

(e) Prohibited accessory buildings and structures. The following accessory buildings and structures are prohibited in all zones:

- 1. Tents (when used over a two-week period) unless approved by the city commission.
- 2. Trailers and mobile homes (when used as an accessory building).
- 3. Shipping containers (except on a temporary basis on an active construction site).

(f) Lot coverage. The area of accessory buildings is included in the total lot coverage calculations. This total area must not exceed the maximum lot

coverage as identified in the specific zoning district.

(g) Greenhouses shall be considered only by special exception. All greenhouses shall be designed to blend aesthetically with the principal building and shall be constructed of permanent building materials such as metal, glass or wood although composite materials may be considered. Greenhouses shall not be constructed of temporary materials such as plastic, visqueen or cloth. Also, fiberglass shall not be used in the construction of greenhouses.

(Ord. No. 98-56, § 1, 9-24-98)

SECTION 3. CODIFICATION: Section 2 of this Ordinance shall be codified and made part of the City of Winter Garden Code of Ordinances.

SECTION 4. INCONSISTENCY. If any Ordinances or parts of Ordinances are in conflict herewith, this Ordinance shall control to the extent of the conflict.

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

SECTION 6. EFFECTIVE DATE. This Ordinance shall become effective upon its adoption.

FIRST READING AND PUBLIC HEARING: May 14 , 2015.

SECOND READING AND PUBLIC HEARING: May 28 , 2015.

ADOPTED this 28th day of May, 2015, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

Bob Buchanan, Mayor Pro-Tem/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: May 19, 2015

Meeting Date: May 28, 2015

Subject: Ordinance 15-42 Rezoning to C-2
Marsh Road (44.83 +/- Acres)
Parcel ID# 04-23-27-8249-00-001
Parcel ID# 04-23-27-8249-00-037

Issue: Applicant is requesting to rezone a 44.83 ± acre lot located on the south side of Marsh Road west of the Avamar Crossing Shopping Center from PUD to C-2.

Discussion:

Applicant is requesting to rezone a 44.83 ± acre lot located on the south side of Marsh Road west of the Avamar Crossing Shopping Center. The PUD zoned property is currently vacant. The applicant is requesting to rezone the property to C-2 Arterial Commercial District, which is consistent with the existing Commercial FLU designation as well as the character of the surrounding area. (See attached Staff Report).

Recommended Action:

Staff recommends adoption of Ordinance 15-42.

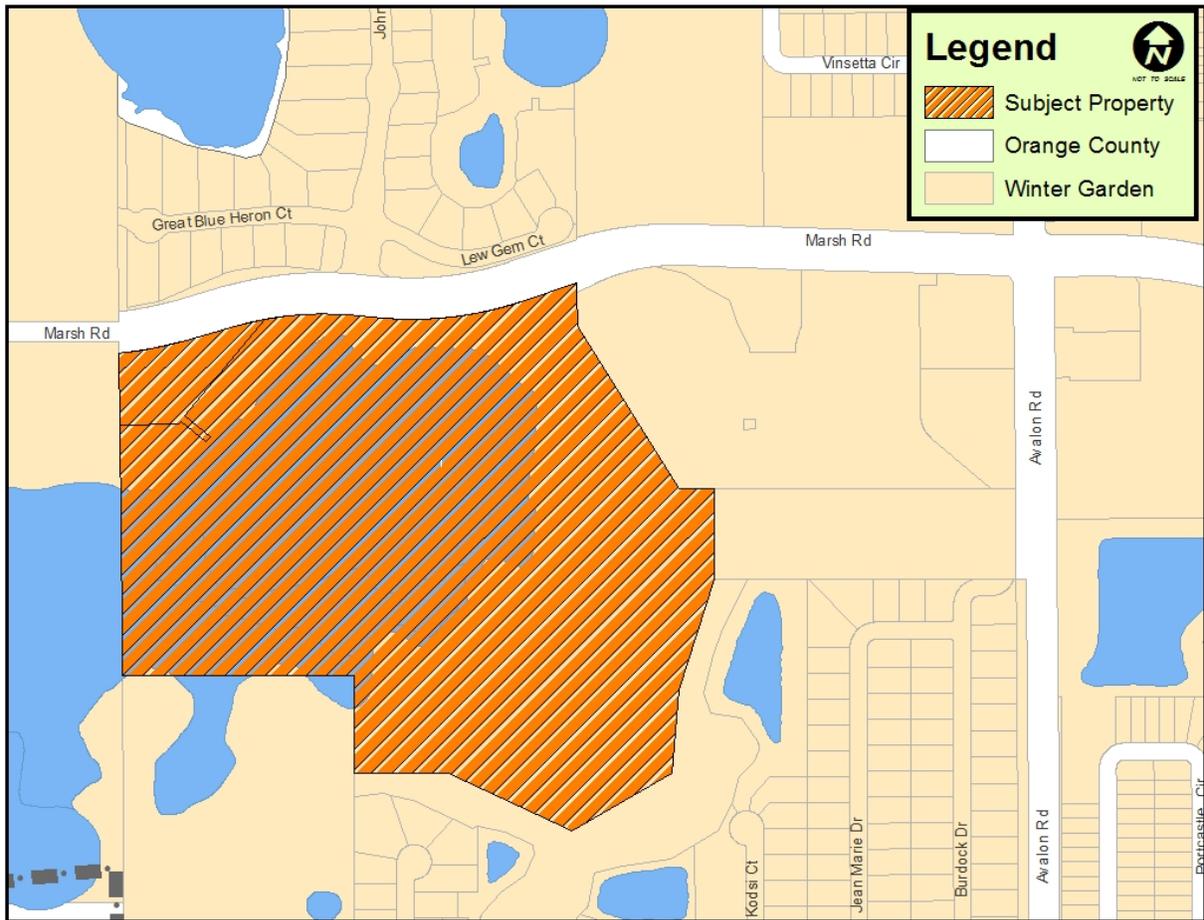
Attachments/References:

Location Map
Ordinance 15-42
Staff Report

LOCATION MAP

Marsh Road

REZONING



ORDINANCE 15-42

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 44.83 +/- ACRES OF REAL PROPERTY GENERALLY LOCATED ON THE SOUTH SIDE OF MARSH ROAD, EAST OF HARBOR SAIL WAY AND WEST OF AVALON ROAD FROM CITY PUD PLANNED UNIT DEVELOPMENT DISTRICT TO CITY C-2 ARTERIAL COMMERCIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner of that certain real property generally described as 44.83 ± acres of land located on Marsh Road, east of Harbor Sail Way and west of Avalon Road and legally described in ATTACHMENT “A” of this ordinance has petitioned the City to rezone said property from City PUD Planned Unit Development District to City C-2 Arterial 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 C-2 Arterial 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 in ATTACHMENT “A,” is hereby rezoned from City PUD Planned Unit Development District to City C-2 Arterial Commercial District in the City of Winter Garden, Florida.

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

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

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

FIRST READING AND PUBLIC HEARING: _____, 2015.

SECOND READING AND PUBLIC HEARING: _____, 2015.

ADOPTED this _____ day of _____, 2015, 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 # 04-23-27-8249-00-001 & 04-23-27-8249-00-037

Parcel ID # 04-23-27-8249-00-001

Tract A, STONEYBROOK WEST SELF STORAGE, according to the map or plat thereof, as recorded in Plat Book 71, Pages 1 through 3, Public Records of Orange County, Florida, being more particularly described as follows: Begin at the Southwest corner of Lot 1, STONEYBROOK WEST SELF STORAGE, according to the map or plat thereof, as recorded in Plat Book 71, Pages 1 through 3, Public Records of Orange County, Florida; thence South 18°13'37" West 336.41 feet; thence South 04°36'05" West 242.29 feet; thence South 59°57'19" West 333.48 feet; thence North 65°17'47" West 396.78 feet; thence South 89°53'57" West 272.95 feet; thence North 00°06'03" West 283.27 feet; thence South 89°55'20" West 665.29 feet; thence North 00°34'21" West 726.74 feet; thence North 89°25'45" East 169.56 feet; thence North 39°25'29" East 10.88 feet; thence South 50°34'31" East 93.87 feet; thence North 39°25'29" East 20.00 feet; thence North 50°34'31" West 93.87 feet; thence North 39°25'29" East 363.38 feet to the beginning of a non-tangent curve concave to the South having a radius of 890.00 feet a chord bearing of North 87°06'35" East; thence run Easterly along the arc of said curve through a central angle of 15°35'01", a distance of 242.07 feet to a point of tangency; thence South 85°05'54" East 97.51 feet to the beginning of a tangent curve concave to the North having a radius of 1010.00 feet; thence run Easterly along the arc of said curve through a central angle of 23°11'37", a distance of 408.85 feet to a point of tangency; thence North 71°42'30" East 170.15 feet; thence South 00°45'03" East 125.67 feet; thence South 32°05'34" East 554.76 feet; thence North 89°53'57" East 100.00 feet; thence South 00°06'03" East 261.75 feet to the POINT OF BEGINNING.

Containing 43.222 acres, more or less

Parcel ID # 04-23-27-8249-00-037

COMM AT THE NE CORNER OF NE 1/4 SEC 5-23-27 TH S00-45-12E 1467.66 FT TH S71-42-21W 170.18 FT TO POC CONC NLY W/RADIUS OF 1010 AND A CENT ANGLE OF 23-11-37 FOR A DIST OF 408.85 FT TH N85-06-03W 97.51 FT TO POC CONC SLY W/RADIUS OF 890 AND CENT ANGLE OF 15-35-01 DIST OF 242.07 TO POB TH CONT ALONG SAID CURVE 78.3 FT TH S74-16-29W 167.93 FT TO POC CONC NLY W/RADIUS OF 1045 AND CENT ANGLE OF 10-17-03 DIST 187.57 FT TO W LINE OF SEC 5 THE S00-34-24E 208.47 FT TH N89-25-36E 169.54 FT TH N39-25-20E 10.88 TH S50-34-40E 93.87 FT TH N39-25-20W 20 FT TH N50-34-40W 93.87 FT TH N39-25-20E 363.38 FT TO POB

CONTAINING 1.60 ACRES MORE OR LESS

CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

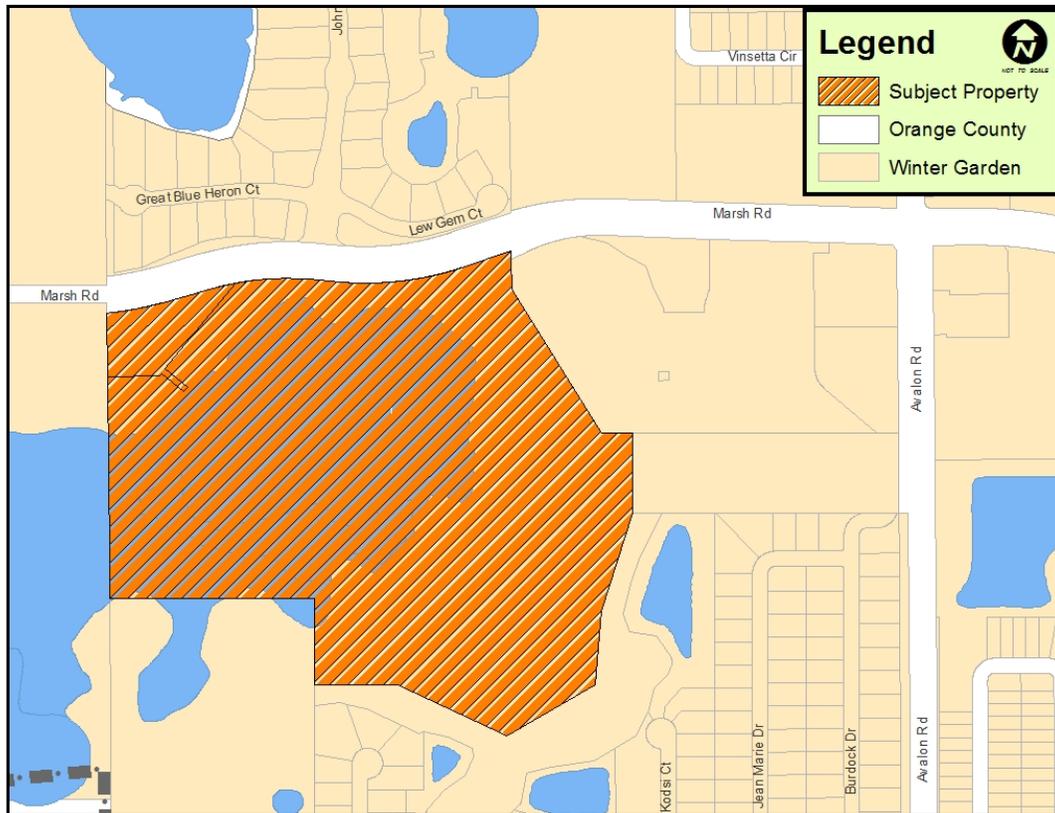
STAFF REPORT

TO: PLANNING AND ZONING BOARD
PREPARED BY: STEVE PASH, COMMUNITY DEVELOPMENT MANAGER
DATE: APRIL 30, 2015
SUBJECT: REZONING (PUD to C-2)
MARSH ROAD (44.83 +/- ACRES)
PARCEL ID #: 04-23-27-8249-00-001 & 04-23-27-8249-00-037
APPLICANT: City of Winter Garden

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 on Marsh Road and is approximately 44.83 ± acres. The map below depicts the subject property within the City's jurisdictional limits:



The property is located within the City of Winter Garden jurisdictional limits, is zoned Planned Unit Development (PUD) District, and has a Future Land Use Designation of C Commercial. The applicant is now requesting to rezone the property to C-2 Arterial Commercial District, which is consistent with the existing C Commercial FLU designation.

EXISTING USE

The property is currently vacant.

ADJACENT LAND USE AND ZONING

The properties located to the north of the subject property are zoned PUD and PCD (Planned Unit Development and Planned Commercial Development), contain a single-family neighborhood and a church, and are located within the City of Winter Garden municipal limits. The property to the east of the subject property is zoned PCD (Planned Commercial Development), is developed with multiple commercial buildings, and is located within the City of Winter Garden municipal limits. The properties to the south and west are zoned UVPUD and PUD (Urban Village Planned Unit Development and Planned Unit Development), are developed with single-family neighborhoods, and are located in the City of Winter Garden.

PROPOSED USE

A portion of the subject property (Parcel I.D. # 04-23-27-8249-00-001) containing +/- 43.23 acres was originally part of the Stonybrook West Self Storage property and platted as Tract A on the Stonybrook West Self Storage Plat, which was recorded on December 14, 2007. The City of Winter Garden purchased the property in 2007. The remaining +/- 1.60 acres of the property (Parcel I.D. # 04-23-27-8249-00-037) is not platted, and was purchased by the City in 2006.

The City purchased these properties as a potential site for a future fire station and cell tower to help with emergency services. If these uses are developed on the site, the project will be reviewed through a Special Exception for the cell tower and Site Plan Review for any other development.

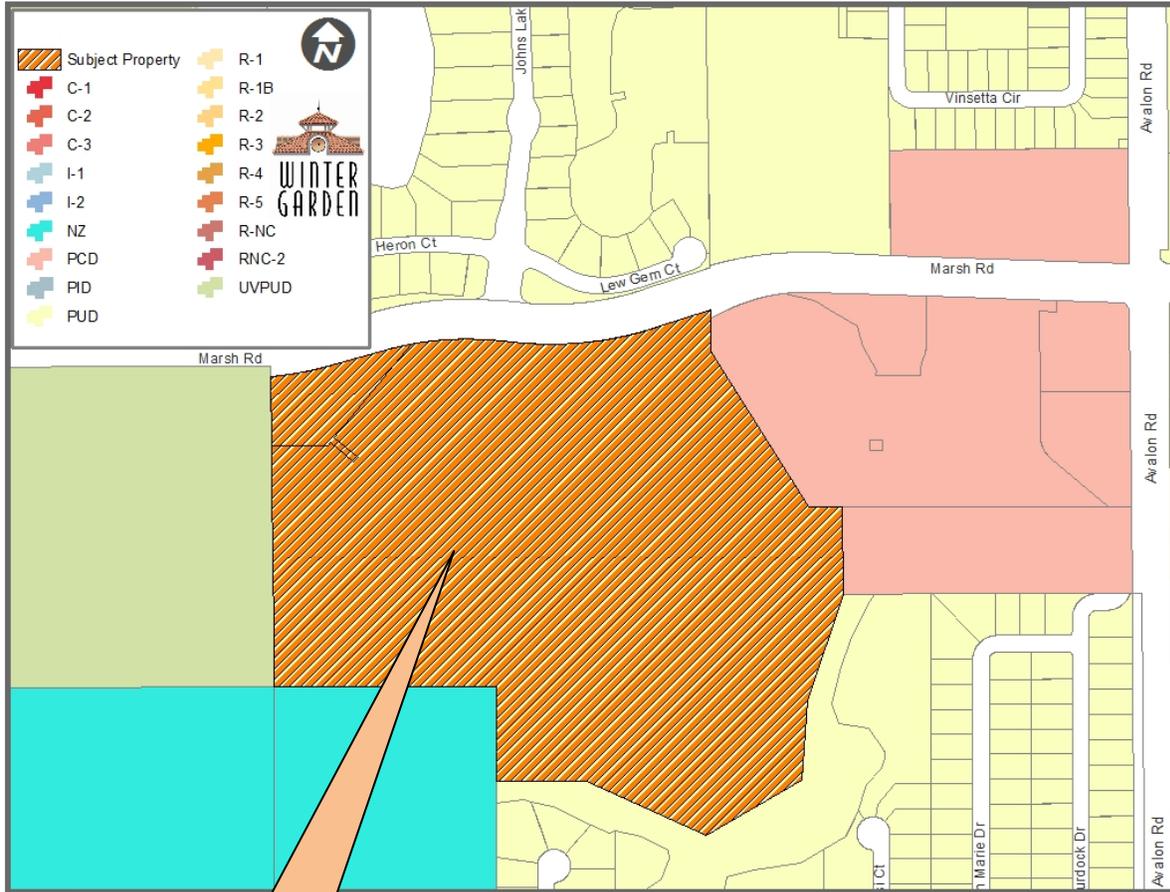
SUMMARY

City Staff recommends approval of the proposed Ordinance to rezone the property from PUD to C-2.

AERIAL PHOTO
MARSH ROAD REZONING



ZONING MAP MARSH ROAD REZONING



**Subject property change
from City PUD to C-2**

FUTURE LAND USE MAP MARSH ROAD REZONING



**Subject property existing C
Commercial FLU**

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: May 20, 2015

Meeting Date: May 28, 2015

Subject: 844 E Crown Point Road
West Orlando Baptist Church
Ordinance 15-43
Ordinance 15-44
Ordinance 15-45

PARCEL ID # 12-22-27-0000-00-030

Issue: The applicant is requesting Annexation, Future Land Use designation, and Zoning on property located at 844 E Crown Point Road.

Discussion:

The City encourages infill of its jurisdictional limits through voluntary annexation of enclaves. The subject property makes up a 0.868 ± acre enclave located at 844 E Crown Point Road. The applicant has requested Annexation into the City, Amendment to the Future Land Use Map of the City's Comprehensive Plan to designate the property as Low Density Residential, and Zoning of R-1. (See attached Staff Report).

Recommended Action:

Staff recommends approval and adoption of Ordinance 15-43, Ordinance 15-44, and Ordinance 15-45.

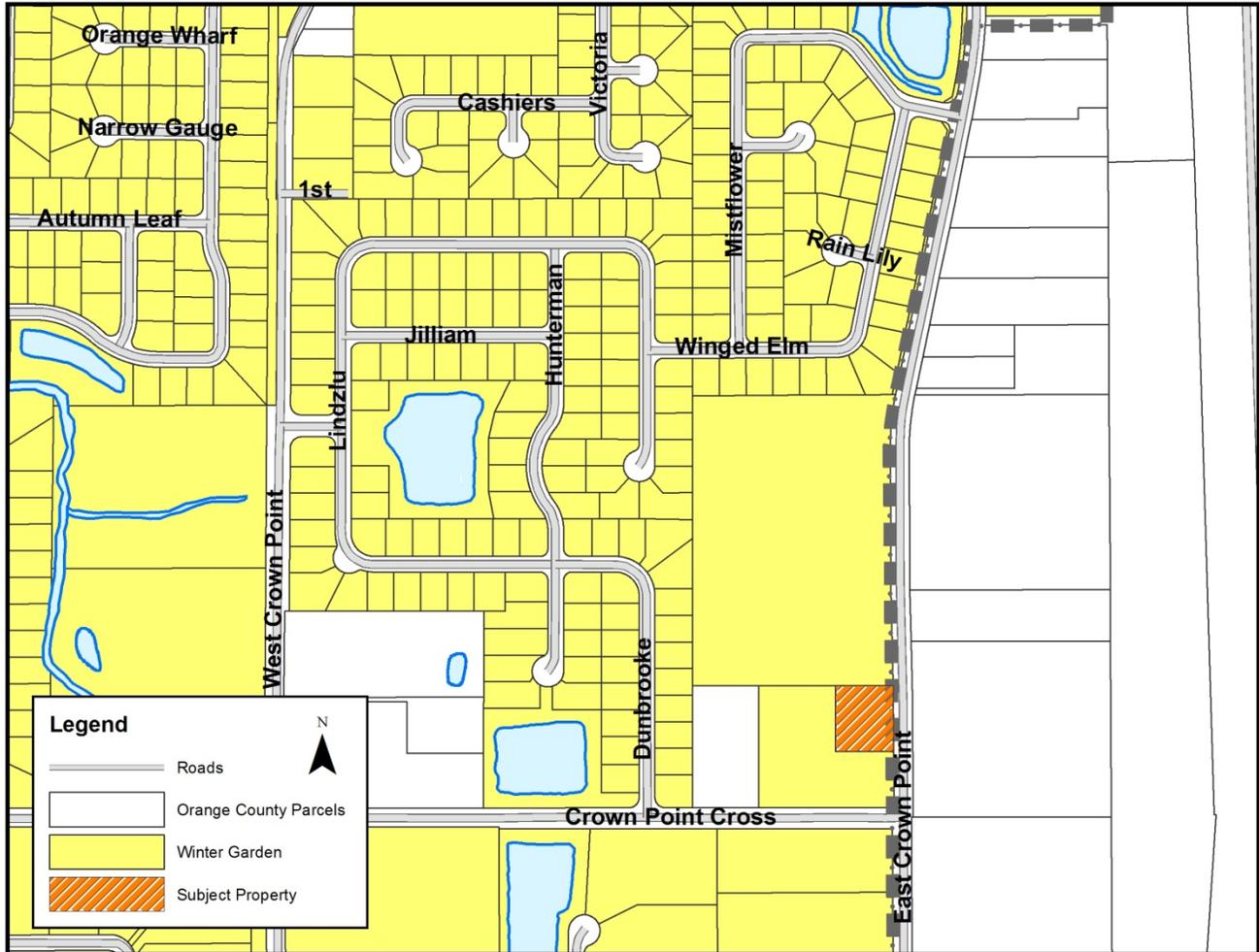
Attachment(s)/References:

Location Map
Ordinance 15-43
Ordinance 15-44
Ordinance 15-45
Staff Report

LOCATION MAP

844 E Crown Point Road

Annexation, Zoning, Future Land Use Amendment



ORDINANCE 15-43

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.87 ± ACRES LOCATED AT 844 EAST CROWN POINT ROAD ON THE WEST SIDE OF EAST CROWN POINT ROAD NORTH OF CROWN POINT CROSS ROAD AND SOUTH OF MISTFLOWER LANE 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 0.87 ± acres located at 844 East Crown Point Road on the west side of East Crown Point Road, north of Crown Point Cross Road and south of Mistflower Lane 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 in ATTACHMENT "B" 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: May 14, _____, 2015.

SECOND READING AND PUBLIC HEARING: May 28 _____, 2015.

ADOPTED this 28th day of May, 2015, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

Bob Buchanan, Mayor Pro-Tem/Commissioner

ATTEST:

KATHY GOLDEN, City Clerk

ATTACHMENT "A"

LEGAL DESCRIPTION

PARCEL ID#: 12-22-27-0000-00-030

DESCRIPTION:

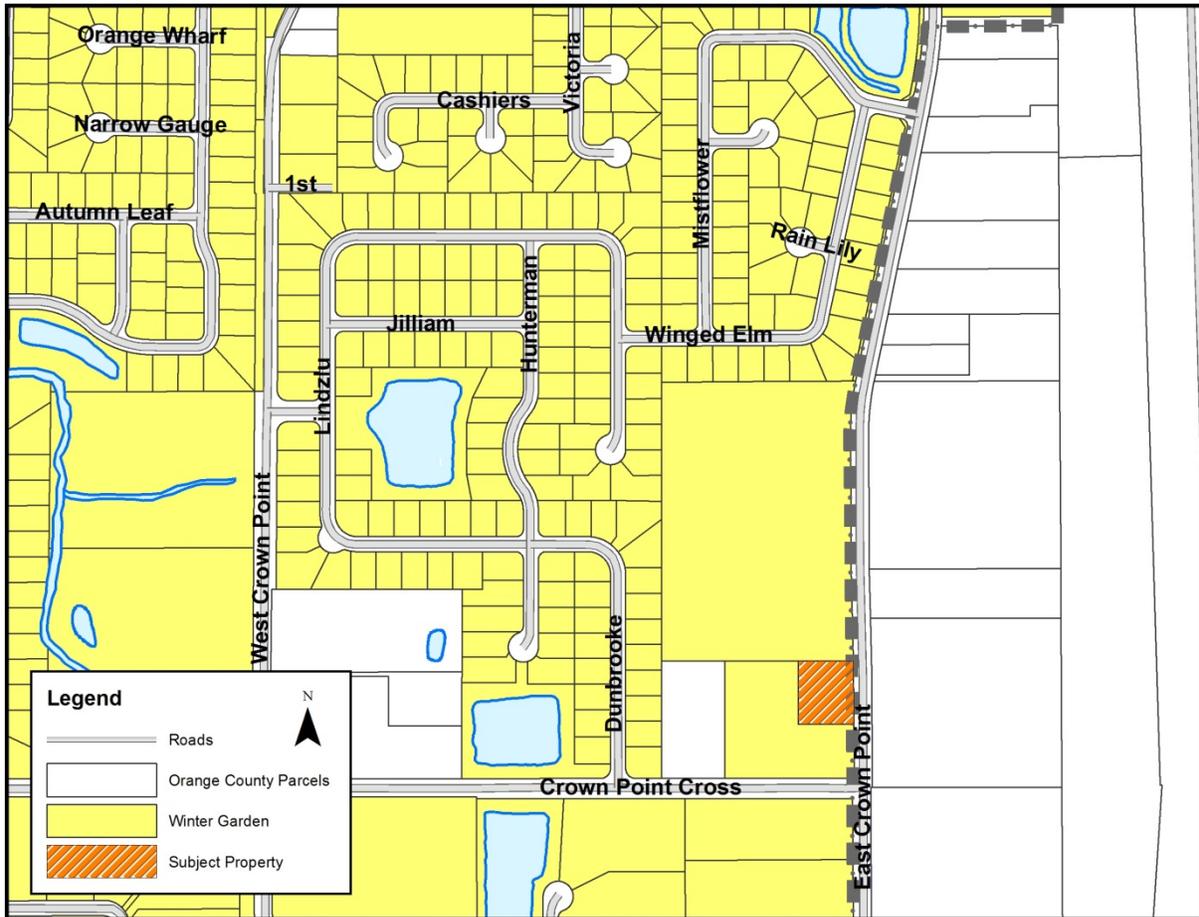
Commence at the Southeast corner of the Southwest 1/4 of the Southeast 1/4 of the Southeast 1/4 of Section 12, Township 22 South, Range 27 East, Orange County, Florida; thence run North 00°08'22" West along the East line of said Southwest 1/4 of the Southeast 1/4 of the Southeast 1/4 of Section 12, a distance of 210.00 feet; thence leaving said East line run South 89°59'21" West parallel with the South line of said Southwest 1/4 of the Southeast 1/4 of the Southeast 1/4 of Section 12, a distance of 30.00 feet to the POINT OF BEGINNING and the West right of way line of East Crown Point Road; thence continue South 89°59'21" West 180.00 feet; thence run North 00°08'22" West 210.00 feet; thence run North 89°59'21" East 180.00 feet to aforesaid West right of way line; thence run South 00°08'22" East 210.00 feet to the POINT OF BEGINNING.

Containing 0.868 acres, more or less.

ATTACHMENT "B"

LOCATION MAP

844 E Crown Point Road



ORDINANCE 15-44

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 0.87 ± ACRES LOCATED AT 844 EAST CROWN POINT ROAD ON THE WEST SIDE OF EAST CROWN POINT ROAD NORTH OF CROWN POINT CROSS ROAD AND SOUTH OF MISTFLOWER LANE FROM ORANGE COUNTY LOW DENSITY RESIDENTIAL TO CITY LOW DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, the owner of that certain real property generally described as approximately 0.87 ± acres located at 844 East Crown Point Road on the west side of East Crown Point Road, north of Crown Point Cross Road and south of Mistflower Lane, 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 15-43, 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: May 14 _____ , 2015.

SECOND READING AND PUBLIC HEARING: May 28 _____ , 2015.

ADOPTED this 28th day of May _____, 2015, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

Bob Buchanan, Mayor Pro-Tem/Commissioner

ATTEST:

KATHY GOLDEN, City Clerk

ATTACHMENT "A"

LEGAL DESCRIPTION

PARCEL ID#: 12-22-27-0000-00-030

DESCRIPTION:

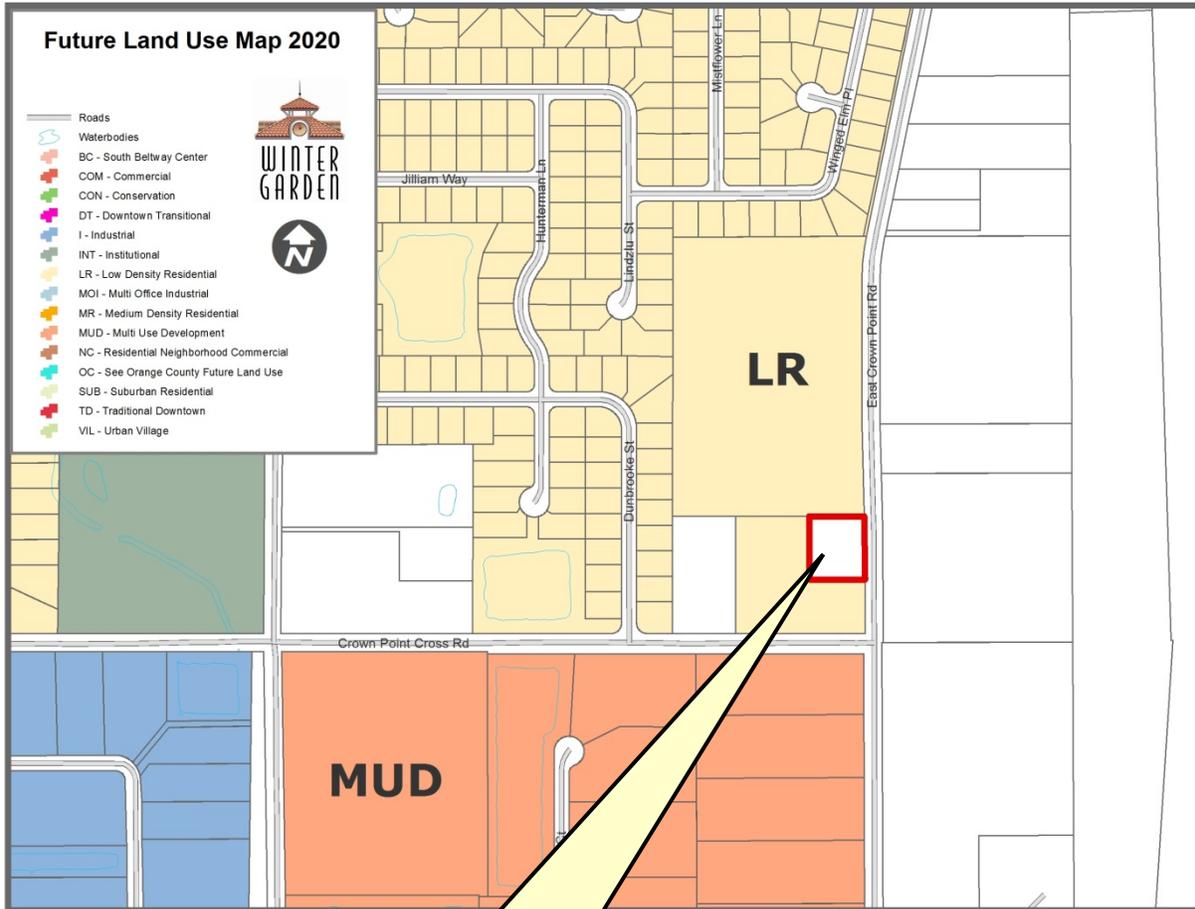
Commence at the Southeast corner of the Southwest 1/4 of the Southeast 1/4 of the Southeast 1/4 of Section 12, Township 22 South, Range 27 East, Orange County, Florida; thence run North 00°08'22" West along the East line of said Southwest 1/4 of the Southeast 1/4 of the Southeast 1/4 of Section 12, a distance of 210.00 feet; thence leaving said East line run South 89°59'21" West parallel with the South line of said Southwest 1/4 of the Southeast 1/4 of the Southeast 1/4 of Section 12, a distance of 30.00 feet to the POINT OF BEGINNING and the West right of way line of East Crown Point Road; thence continue South 89°59'21" West 180.00 feet; thence run North 00°08'22" West 210.00 feet; thence run North 89°59'21" East 180.00 feet to aforesaid West right of way line; thence run South 00°08'22" East 210.00 feet to the POINT OF BEGINNING.

Containing 0.868 acres, more or less.

ATTACHMENT "B"

FUTURE LAND USE MAP

844 E Crown Point Road



Subject property changed from Orange County Low Density Residential to City Low Density Residential

ORDINANCE 15-45

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.87 ± ACRES LOCATED AT 844 EAST CROWN POINT ROAD ON THE WEST SIDE OF EAST CROWN POINT ROAD NORTH OF CROWN POINT CROSS ROAD AND SOUTH OF MISTFLOWER LANE FROM ORANGE COUNTY A-1 AGRICULTURAL DISTRICT TO CITY R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner of that certain real property generally described as 0.87 ± acres located at 844 East Crown Point Road on the west side of East Crown Point Road, north of Crown Point Cross Road and south of Mistflower Lane, and legally described in Section 1 of this ordinance has petitioned the City to rezone said property from Orange County A-1 Agricultural District to the City's R-1 Single-Family 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-1 Single-Family Residential District contained within the City of Winter Garden Comprehensive Plan and the Code of Ordinances.

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

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

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

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

SECTION 4: *Effective Date.* This Ordinance shall become effective simultaneously upon the effective date of Ordinance 15-44 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: May 14 , 2015.

SECOND READING AND PUBLIC HEARING: May 28 , 2015.

ADOPTED this 28th day of May, 2015, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

Bob Buchanan, Mayor Pro-Tem/Commissioner

ATTEST:

KATHY GOLDEN, City Clerk

ATTACHMENT "A"

LEGAL DESCRIPTION

PARCEL ID#: 12-22-27-0000-00-030

DESCRIPTION:

Commence at the Southeast corner of the Southwest 1/4 of the Southeast 1/4 of the Southeast 1/4 of Section 12, Township 22 South, Range 27 East, Orange County, Florida; thence run North 00°08'22" West along the East line of said Southwest 1/4 of the Southeast 1/4 of the Southeast 1/4 of Section 12, a distance of 210.00 feet; thence leaving said East line run South 89°59'21" West parallel with the South line of said Southwest 1/4 of the Southeast 1/4 of the Southeast 1/4 of Section 12, a distance of 30.00 feet to the POINT OF BEGINNING and the West right of way line of East Crown Point Road; thence continue South 89°59'21" West 180.00 feet; thence run North 00°08'22" West 210.00 feet; thence run North 89°59'21" East 180.00 feet to aforesaid West right of way line; thence run South 00°08'22" East 210.00 feet to the POINT OF BEGINNING.

Containing 0.868 acres, more or less.

CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

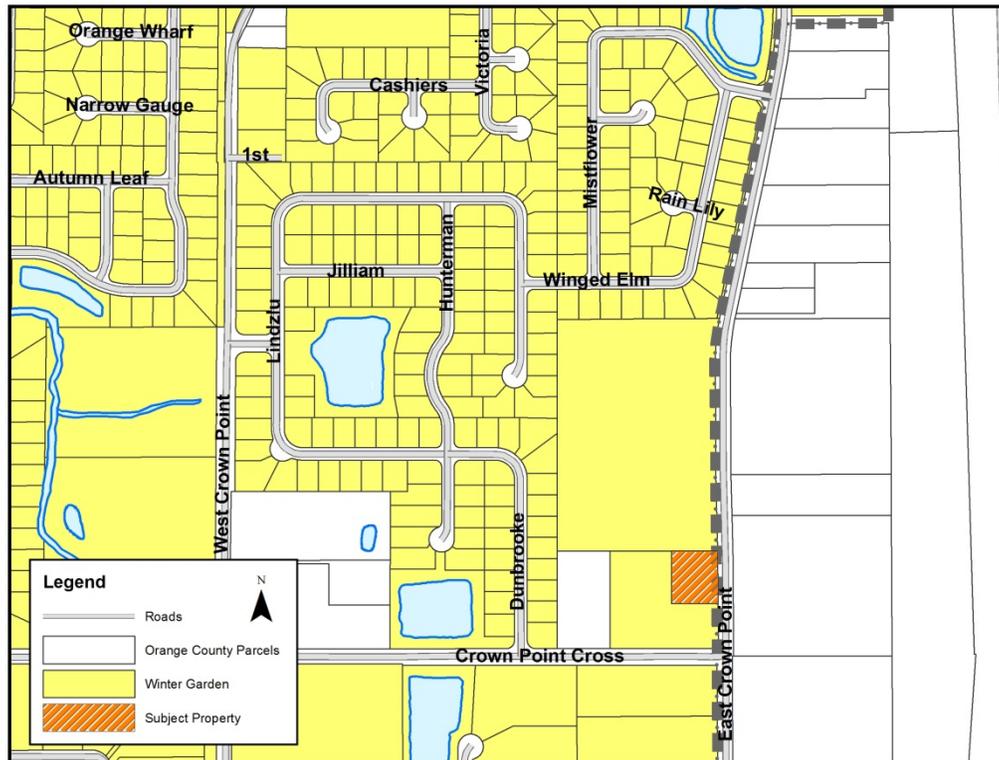
STAFF REPORT

TO: PLANNING AND ZONING BOARD
PREPARED BY: KELLY CARSON, PLANNER II
DATE: APRIL 29, 2015
SUBJECT: ANNEXATION – FLU AMENDMENT – ZONING
844 E Crown Point Rd. (0.868 +/- ACRES)
PARCEL IDS #: 12-22-27-0000-00-030
APPLICANT: WEST ORLANDO BAPTIST CHURCH

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 consists of a parcel located at 844 E Crown Point Road, on the west side of East Crown Point Road, north of Crown Point Cross Road and south of Mistflower Lane and is approximately 0.868 ± acres in size. 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-1 Single-Family Residential District.

In accordance with the City’s Comprehensive Plan, properties designated with the Low Density Residential land use category are required to be developed at a gross residential density between 2 to 6 dwelling units per gross acre and up to 9 units per gross acre for workforce/low income housing with a maximum of 10 acres and will be identified on the Future Land Use Map only in areas that have the urban services and public facilities that can accommodate a higher density of residential housing. Factors in determining the location of this land use category included proximity to natural resources and urban services, availability of public facilities and the characteristics of nearby existing and future neighborhoods. Churches and schools are allowable uses in the Low Density areas that are zoned R-2 and in specified areas of PUDs and via a Special Exception Permit in all other allowable zoning classifications. The zoning classifications that are consistent with the Low Density Residential classification are 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 residence and several metal accessory structures.

ADJACENT LAND USE AND ZONING

The parcels located to the north, south and west of the subject property are part of the West Orlando Baptist Church property, which is currently developed with several church-related facilities and a single family residence. The City Commission recently approved the Church’s proposal to construct a new facility with associated parking areas; the existing single family residence will be removed as part of this project. The parcels are all zoned R-1 and are located in the City of Winter Garden. The property to the east of the subject property is currently vacant, zoned A-1, and is located in Unincorporated Orange County.

PROPOSED USE

The applicant intends to annex the subject property to include it as part of the surrounding West Orlando Baptist Church property, which was recently granted site plan approval to develop a new sanctuary building and associated parking areas. The applicant has no current plans to develop the subject property, but may choose to do so in the future if the Church expands again. At time of development, the applicant will be required to receive Site Plan Approval from the City’s Development Review Committee. At that time, conditions will be placed on the development addressing all site-related issues, including the requirement that all vehicular access points on this parcel be internal; no access is permitted on E Crown Point Road.

PUBLIC FACILITY ANALYSIS

The City will provide garbage collection, police protection, and all other services regularly provided to City of Winter Garden residents. 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.

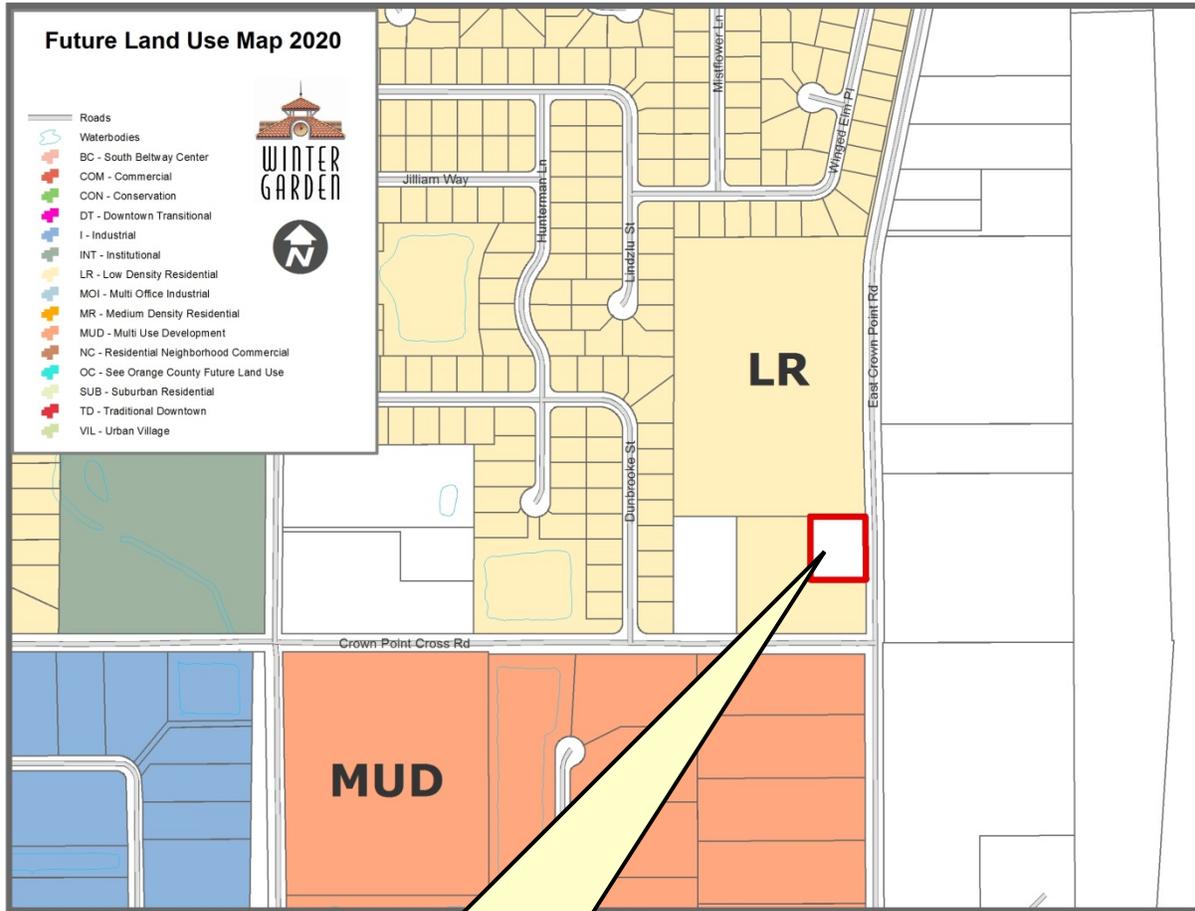
AERIAL PHOTO

844 E Crown Point Road



FUTURE LAND USE MAP

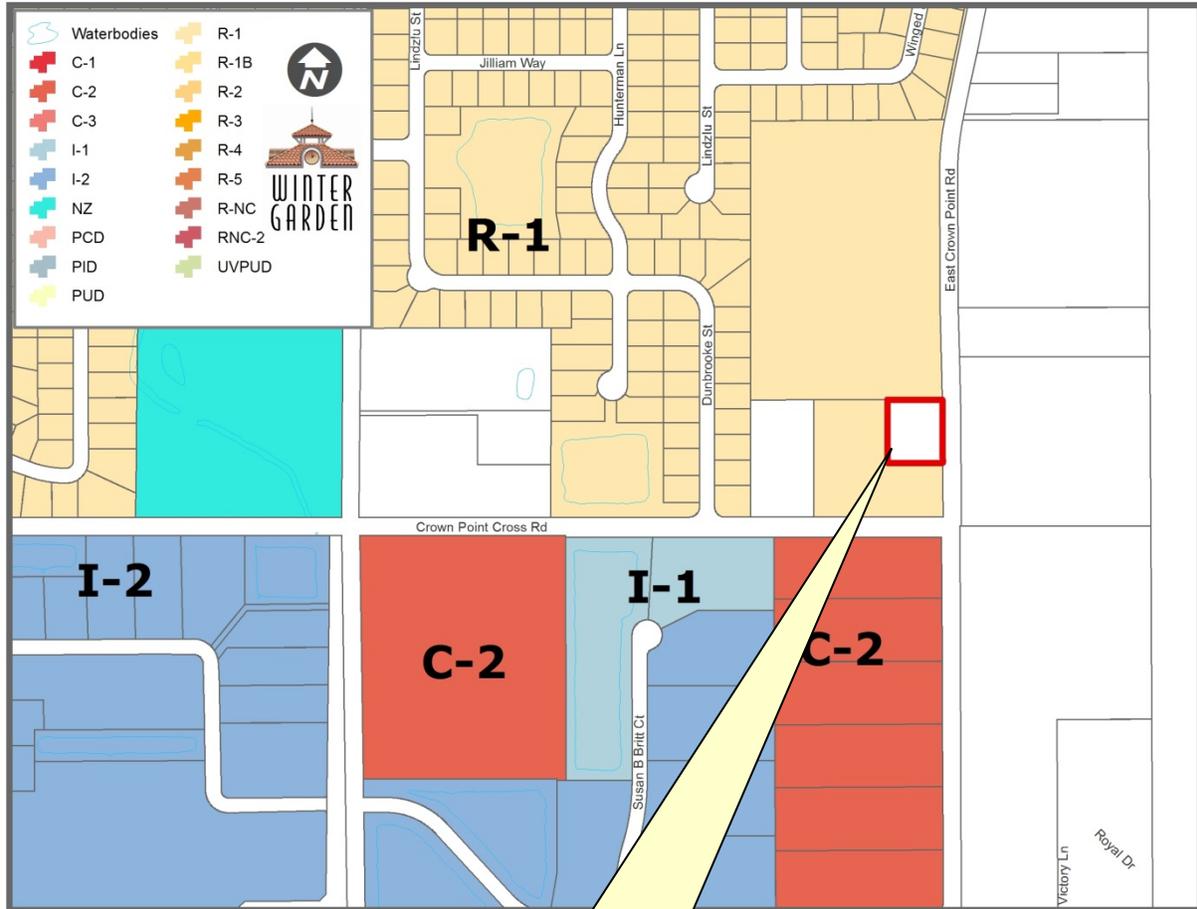
844 E Crown Point Road



Subject property changed from Orange County Low Density Residential to City Low Density Residential

ZONING MAP

844 E Crown Point Road



Subject property changed from Orange County A-1 to City R-1

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: May 20, 2015

Meeting Date: May 28, 2015

Subject: 698 Tildenville School Road
Mahindranauth Seearam & Dularie Seearam
Ordinance 15-46
Ordinance 15-47
Ordinance 15-48

PARCEL ID # 21-22-27-0000-00-103

Issue: The applicant is requesting Annexation, Future Land Use designation, and Zoning on property located at 698 Tildenville School Road.

Discussion:

The City encourages infill of its jurisdictional limits through voluntary annexation of enclaves. The subject property makes up a 0.979 ± acre enclave located at 698 Tildenville School 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 Zoning of R-1. (See attached Staff Report).

Recommended Action:

Staff recommends approval and adoption of Ordinance 15-46, Ordinance 15-47, and Ordinance 15-48.

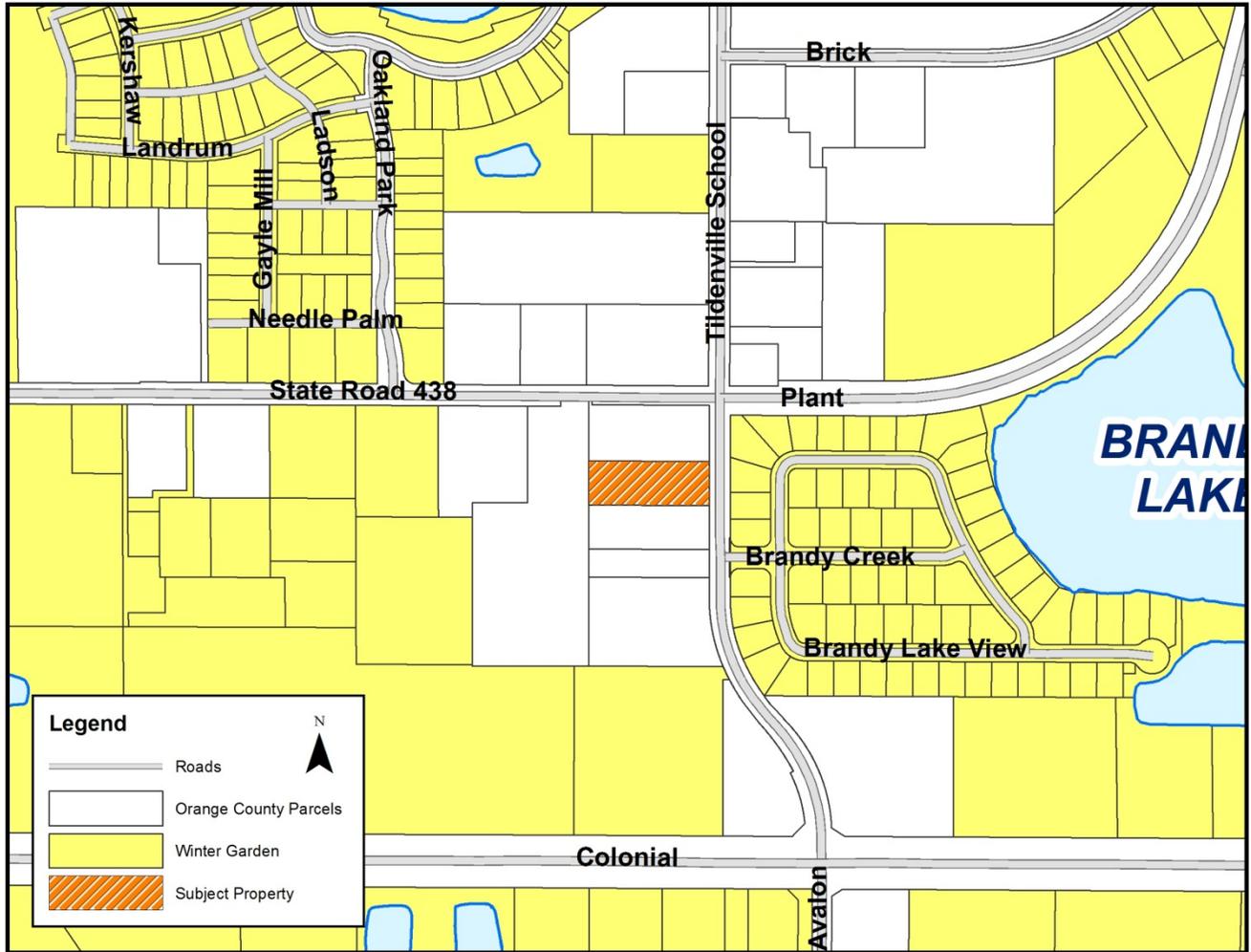
Attachment(s)/References:

Location Map
Ordinance 15-46
Ordinance 15-47
Ordinance 15-48
Staff Report

LOCATION MAP

698 Tildenville School Road

Annexation, Zoning, Future Land Use Amendment



ORDINANCE 15-46

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.98 ± ACRES LOCATED AT 698 TILDENVILLE SCHOOL ROAD ON THE WEST SIDE OF TILDENVILLE SCHOOL ROAD NORTH OF WEST COLONIAL DRIVE AND SOUTH OF EAST OAKLAND 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.

WHEREAS, the owner of the land, generally described as approximately 0.98 ± acres located at 698 Tildenville School Road on the west side of Tildenville School Road, north of West Colonial Drive and south of East Oakland Avenue 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 in ATTACHMENT "B" 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: May 14 , 2015.

SECOND READING AND PUBLIC HEARING: May 28 , 2015.

ADOPTED this 28th day of May , 2015, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

Bob Buchanan, Mayor Pro-Tem/Commissioner

ATTEST:

KATHY GOLDEN, City Clerk

ATTACHMENT "A"

LEGAL DESCRIPTION

PARCEL ID#: 21-22-27-0000-00-103

DESCRIPTION:

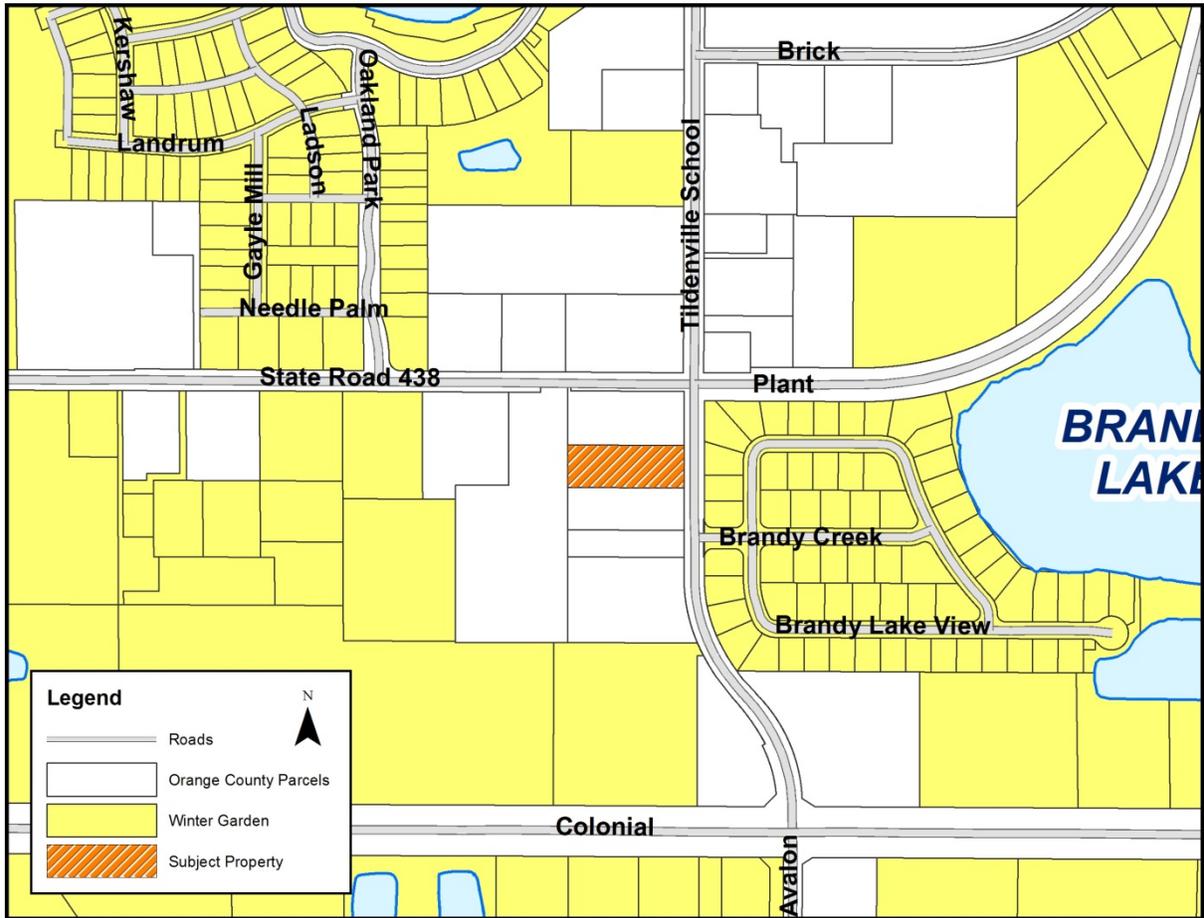
Commence 663.20 feet West and 552.20 feet North of the Southeast of Section 21, Township 22 South, Range 27 East, Orange County, Florida; thence run North 458.00 feet to the POINT OF BEGINNING; thence continue North 125.00 feet; thence run East 340.97 feet to the West right of way line of Tildenville Road; thence South 00°01'23" East along said right of way 125.00 feet; thence run West 341.02 feet to the POINT OF BEGINNING.

Containing 0.979 acres, more or less.

ATTACHMENT "B"

LOCATION MAP

698 Tildenville School Road



ORDINANCE 15-47

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 0.98 ± ACRES LOCATED AT 698 TILDENVILLE SCHOOL ROAD ON THE WEST SIDE OF TILDENVILLE SCHOOL ROAD NORTH OF WEST COLONIAL DRIVE AND SOUTH OF EAST OAKLAND AVENUE FROM ORANGE COUNTY LOW DENSITY RESIDENTIAL TO CITY LOW DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, the owner of that certain real property generally described as approximately 0.98 ± acres located at 698 Tildenville School Road on the west side of Tildenville School Road, north of West Colonial Drive and south of East Oakland Avenue, 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 15-46, 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: May 14 , 2015.

SECOND READING AND PUBLIC HEARING: May 28 , 2015.

ADOPTED this 28th day of May, 2015, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

Bob Buchanan, Mayor Pro-Tem/Commissioner

ATTEST:

KATHY GOLDEN, City Clerk

ATTACHMENT "A"

LEGAL DESCRIPTION

PARCEL ID#: 21-22-27-0000-00-103

DESCRIPTION:

Commence 663.20 feet West and 552.20 feet North of the Southeast of Section 21, Township 22 South, Range 27 East, Orange County, Florida; thence run North 458.00 feet to the POINT OF BEGINNING; thence continue North 125.00 feet; thence run East 340.97 feet to the West right of way line of Tildenville Road; thence South 00°01'23" East along said right of way 125.00 feet; thence run West 341.02 feet to the POINT OF BEGINNING.

Containing 0.979 acres, more or less.

ORDINANCE 15-48

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.98 ± ACRES LOCATED AT 698 TILDENVILLE SCHOOL ROAD ON THE WEST SIDE OF TILDENVILLE SCHOOL ROAD NORTH OF WEST COLONIAL DRIVE AND SOUTH OF EAST OAKLAND AVENUE FROM ORANGE COUNTY A-1 AGRICULTURAL DISTRICT TO CITY R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner of that certain real property generally described as 0.98 ± acres located at 698 Tildenville School Road on the west side of Tildenville School Road, north of West Colonial Drive and south of East Oakland Avenue, and legally described in Section 1 of this ordinance has petitioned the City to rezone said property from Orange County A-1 Agricultural District to the City's R-1 Single-Family 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-1 Single-Family Residential District contained within the City of Winter Garden Comprehensive Plan and the Code of Ordinances.

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

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

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

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

SECTION 4: *Effective Date.* This Ordinance shall become effective simultaneously upon the effective date of Ordinance 15-47 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: May 14 , 2015.

SECOND READING AND PUBLIC HEARING: May 28 , 2015.

ADOPTED this 28th day of May, 2015, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

Bob Buchanan, Mayor Pro-Tem/Commissioner

ATTEST:

KATHY GOLDEN, City Clerk

ATTACHMENT "A"

LEGAL DESCRIPTION

PARCEL ID#: 21-22-27-0000-00-103

DESCRIPTION:

Commence 663.20 feet West and 552.20 feet North of the Southeast of Section 21, Township 22 South, Range 27 East, Orange County, Florida; thence run North 458.00 feet to the POINT OF BEGINNING; thence continue North 125.00 feet; thence run East 340.97 feet to the West right of way line of Tildenville Road; thence South 00°01'23" East along said right of way 125.00 feet; thence run West 341.02 feet to the POINT OF BEGINNING.

Containing 0.979 acres, more or less.

CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

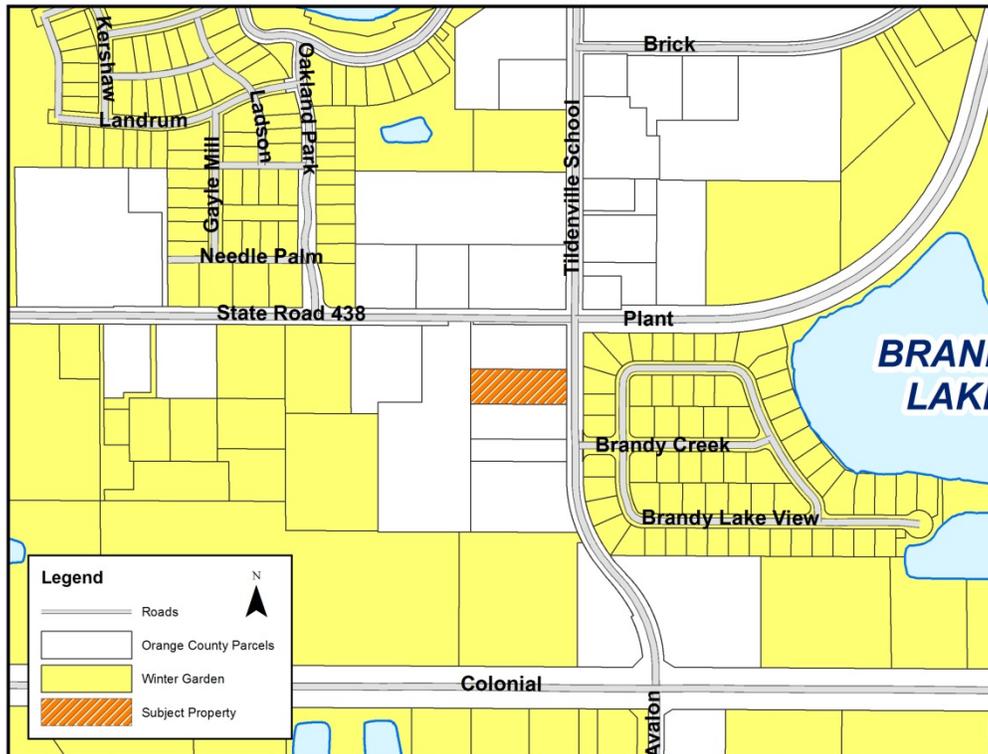
STAFF REPORT

TO: PLANNING AND ZONING BOARD
PREPARED BY: KELLY CARSON, PLANNER II
DATE: APRIL 28, 2015
SUBJECT: ANNEXATION – FLU AMENDMENT – ZONING
698 Tildenville School Road (0.979 +/- ACRES)
PARCEL IDS #: 21-22-27-0000-00-103
APPLICANT: MAHINDRANAUTH SEARAM & DULARIE SEARAM

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 consists of a parcel located at 698 Tildenville School Road, on the west side of Tildenville School Road, north of West Colonial Drive and south of East Oakland Avenue and is approximately 0.979 ± acres in size. 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-1 Single-Family Residential District.

In accordance with the City’s Comprehensive Plan, properties designated with the Low Density Residential land use category are required to be developed at a gross residential density between 2 to 6 dwelling units per gross acre and up to 9 units per gross acre for workforce/low income housing with a maximum of 10 acres and will be identified on the Future Land Use Map only in areas that have the urban services and public facilities that can accommodate a higher density of residential housing. Factors in determining the location of this land use category included proximity to natural resources and urban services, availability of public facilities and the characteristics of nearby existing and future neighborhoods. Churches and schools are allowable uses in the Low Density areas that are zoned R-2 and in specified areas of PUDs and via a Special Exception Permit in all other allowable zoning classifications. The zoning classifications that are consistent with the Low Density Residential classification are 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 undeveloped; it currently contains various trees such as pines and oaks, as well as understory vegetation.

ADJACENT LAND USE AND ZONING

The parcel located to the north of the subject property contains a single family residence with a detached garage, is zoned A-1, and is located in Unincorporated Orange County. The vacant property to the south is also zoned A-1 and is located in Orange County. The large property to the west is another A-1 zoned Orange County parcel. This property is developed with a single family residence. To the east of the subject property is the Brandy Creek Subdivision, which contains single family homes. The properties in this subdivision are zoned R1-B and are located in the City of Winter Garden.

PROPOSED USE

The applicant intends to annex the subject property in order to take advantage of City services when the property is developed in the future. No such development plans have yet been submitted to the City. At time of development, the applicant will be required to adhere to all City land development regulations. Conditions will be placed on the development addressing all site-related issues, including, but not limited to, protection of sensitive environmental areas (wetlands, streams, etc.), soils and geotechnical reports, tree removal and mitigation, required right-of-way dedication to the City, platting and required easements, etc.

PUBLIC FACILITY ANALYSIS

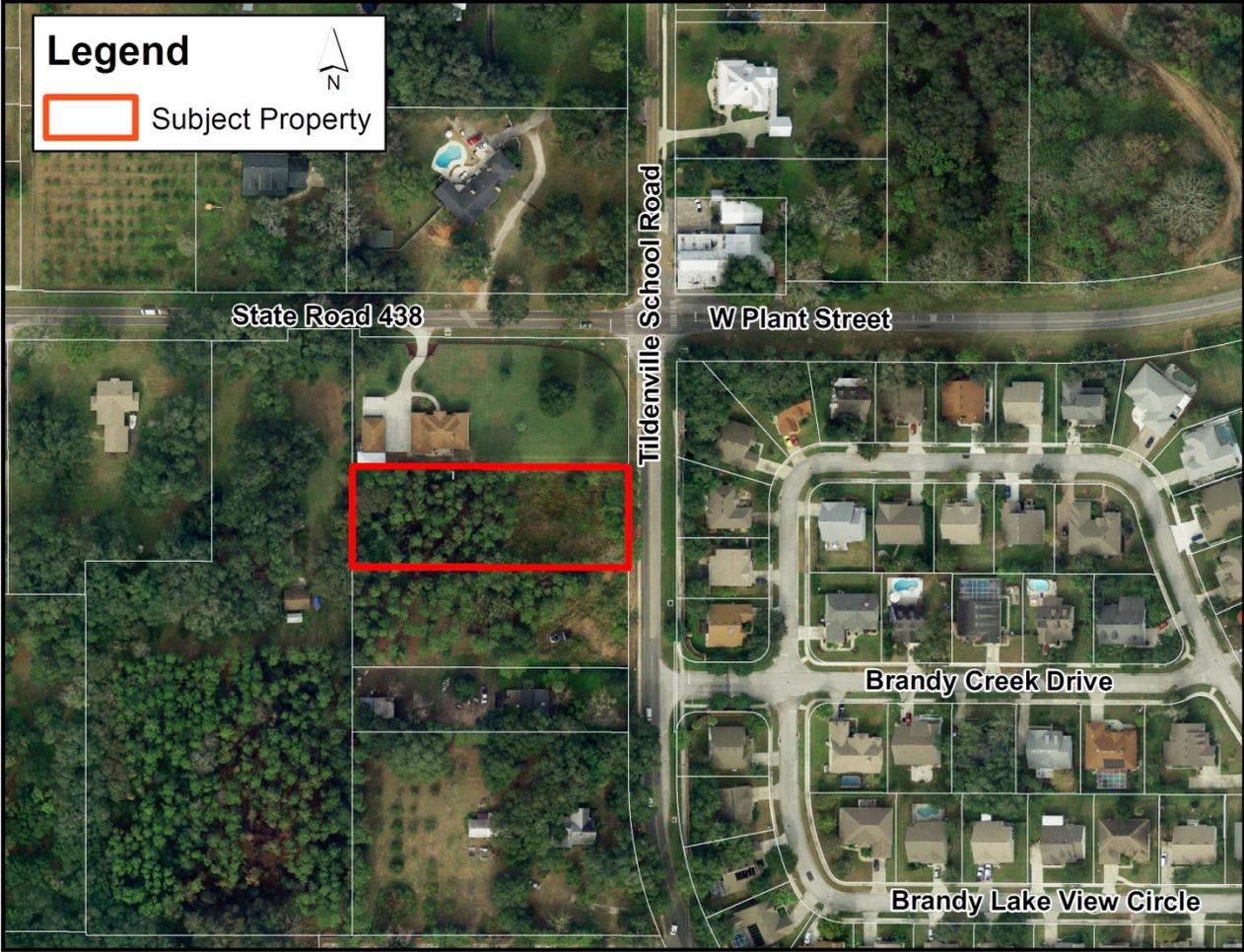
The City will provide garbage collection, police protection, and all other services regularly provided to City of Winter Garden residents. The property will be served by both Orange County Fire and Rescue and the City of Winter Garden Fire Department under the First Response System.

SUMMARY

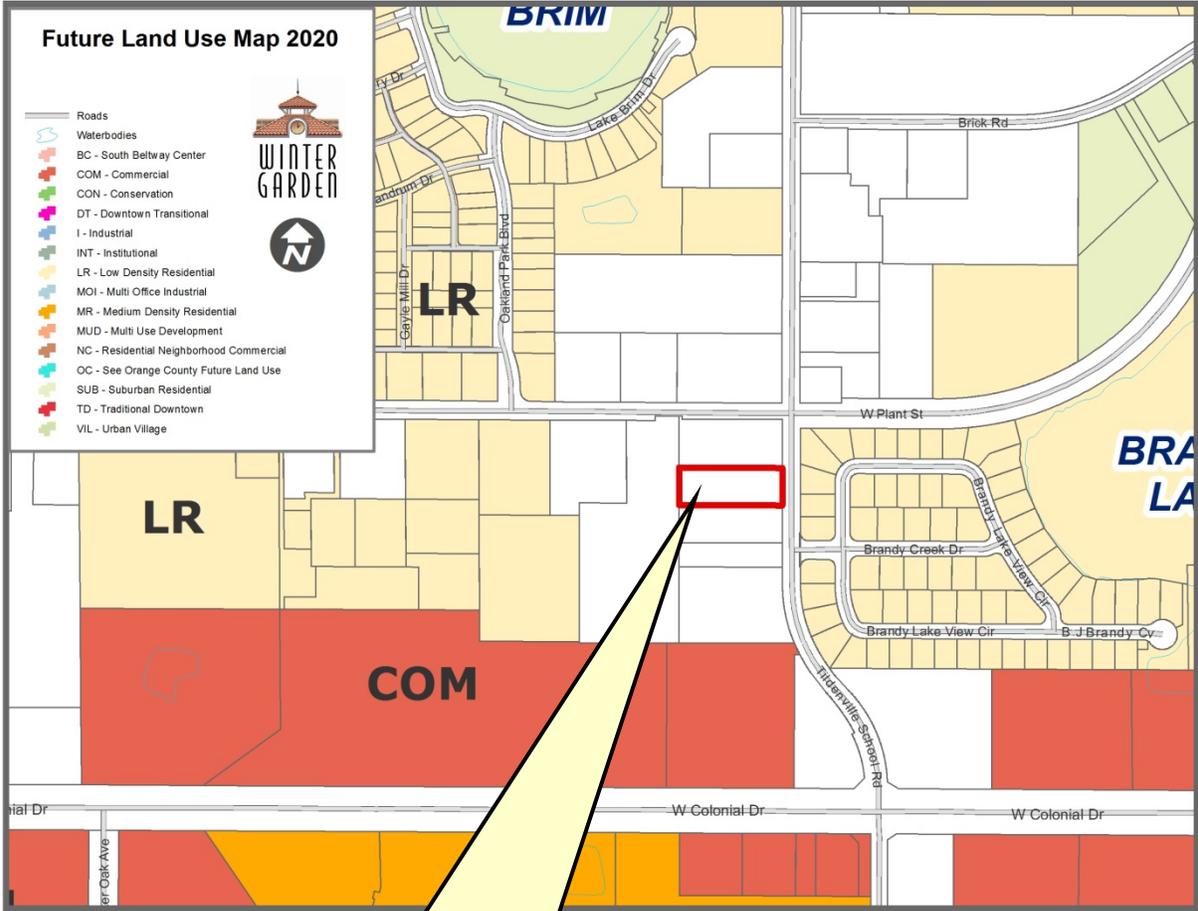
Annexation will provide a more efficient delivery of services to the property and further the goals and objectives of the City of Winter Garden’s Comprehensive Plan to eliminate enclaves. City Staff recommends approval of the proposed Ordinances.

AERIAL PHOTO

698 Tildenville School Road



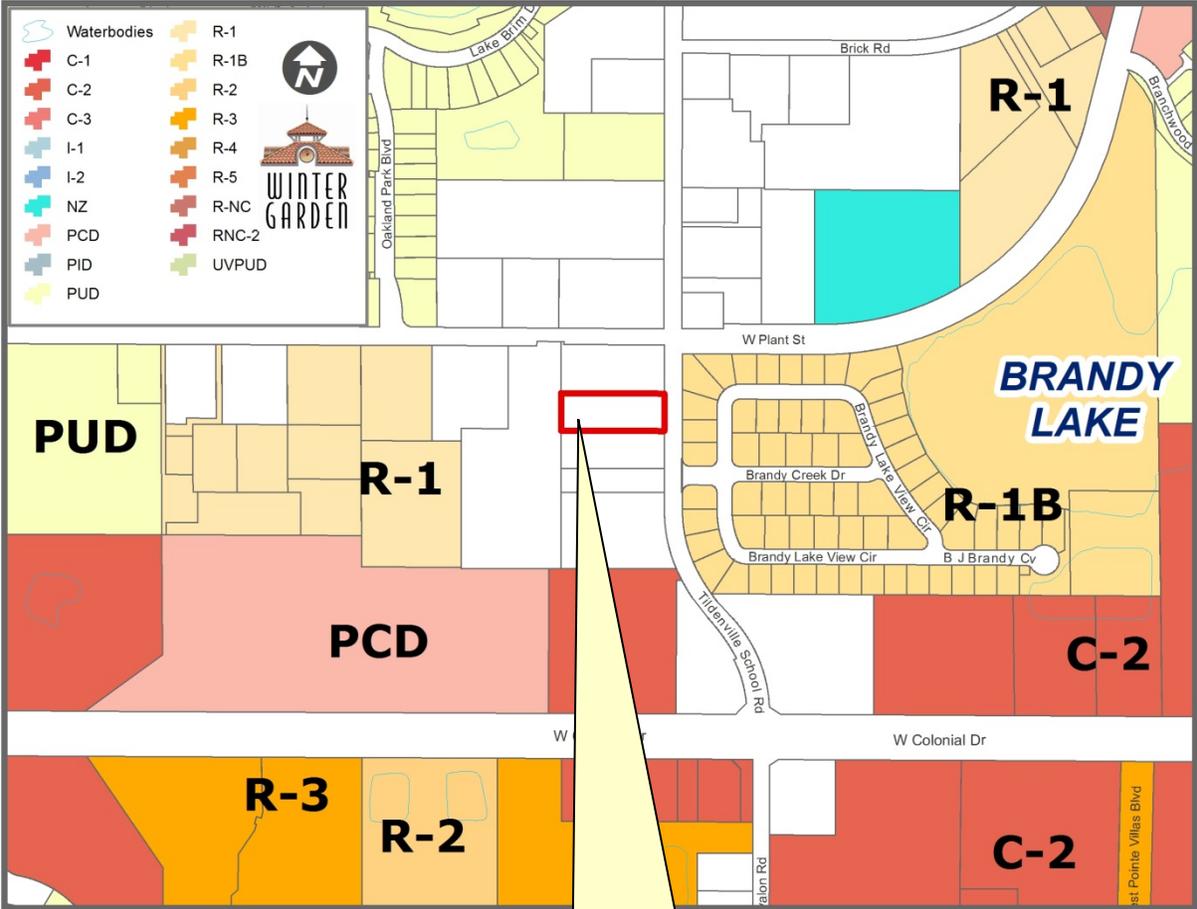
FUTURE LAND USE MAP
698 Tildenville School Road



Subject property changed from Orange County Low Density Residential to City Low Density Residential

ZONING MAP

698 Tildenville School Road



Subject property changed from
Orange County A-1 to City R-1

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: May 19, 2015

Meeting Date: May 28, 2015

Subject: **Ordinance 15-49 Digital Billboards**

Issue: Amending multiple sections of Chapter 102 of the Code of Ordinances of the City of Winter Garden.

Discussion:

An Ordinance of the City Commission of the City of Winter Garden, Florida amending Section 102-1 of Chapter 102 of the Code of Ordinances of the City of 102-1 of Chapter 102 of the Code of Ordinances of the City of Winter Garden to clarify certain definitions and to add a definition for Digital Billboard and Digital Signs; amending Section 102-92 of Chapter 102 of the Code of Ordinances of the City of Winter Garden to prohibit Digital Billboard Signs except under limited conditions as a Special Exception and pursuant to a relocation and reconstruction plan and agreement; creating Section 102-94 of Chapter 102 of the Code of Ordinances of the City of Winter Garden providing for relocation and reconstruction agreements for Billboards and Digital Billboards; providing for criteria and regulations governing Digital Billboards.

Recommended Action:

Staff recommends adoption of ordinance 15-49.

Attachment(s)/References:

Ordinance 15-49

ORDINANCE 15-49

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING SECTION 102-1 OF CHAPTER 102 OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN TO CLARIFY CERTAIN DEFINITIONS AND TO ADD A DEFINITION FOR DIGITAL BILLBOARD AND DIGITAL BILLBOARD SIGNS; AMENDING SECTION 102-92 OF CHAPTER 102 OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN TO PROHIBIT DIGITAL BILLBOARD SIGNS EXCEPT UNDER LIMITED CONDITIONS AS A SPECIAL EXCEPTION AND PURSUANT TO A RELOCATION AND RECONSTRUCTION PLAN AND AGREEMENT; CREATING SECTION 102-94 OF CHAPTER 102 OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN PROVIDING FOR RELOCATION AND RECONSTRUCTION AGREEMENTS FOR BILLBOARDS AND DIGITAL BILLBOARDS; PROVIDING FOR CRITERIA AND REGULATIONS GOVERNING DIGITAL BILLBOARDS; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Winter Garden desires to allow a limited number of billboards and digital billboards within the City; and

WHEREAS, the City Commission finds it necessary to provide the minimum control of billboards and digital billboards necessary to promote the health, safety, and general welfare of the citizens of the City by lessening hazards to pedestrians and vehicular traffic, by preserving property values, by preventing unsightly and detrimental signs that would detract from the aesthetic appeal and character of the City and lead to economic decline and blight, by preventing signs from reaching such excessive size, numbers, or configuration that they obscure one another or create other problems to the detriment of the City, its citizens, businesses and property owner owners, by ensuring the good and attractive design that will strengthen the City's appearance and economic base, and by preserving the rights of free speech and expression in the display of signs in conjunction with reasonable and valid time, place, and manner restrictions relating thereto; and

WHEREAS, it is the policy of the State of Florida to encourage municipalities, counties, and other governmental entities and sign owners to enter into relocation and reconstruction agreements that allow governmental entities to undertake public projects and accomplish public goals without the expenditure of public funds while allowing the continued maintenance of

private investment in signage as a medium of commercial and noncommercial communication; and

WHEREAS, municipalities are specifically empowered to enter into relocation and reconstruction agreements on whatever terms are agreeable to the sign owner and the municipality involved and to provide for relocation and reconstruction of signs by agreement, ordinance, or resolution. As used in this ordinance, a “relocation and reconstruction agreement” means a consensual, contractual agreement between a sign owner and the City of Winter Garden for either the reconstruction of an existing sign or the removal of a sign or signs and construction of a new sign to substitute for the sign or signs removed; and

WHEREAS, the City Commission finds that any billboards and digital billboards allowed within the City must conform to certain limitations and restrictions to mitigate negative impacts on aesthetics, visual clutter, distractions, traffic, and residential areas; and

WHEREAS, the City Commission finds that it is in the best interest of the health, safety and welfare of the citizens of the City to encourage the removal or relocation of certain billboards in the City and to provide for enhancements to certain billboard locations; and

WHEREAS, the City Commission finds that digital billboards, due to animated displays, lighting, incongruity in relation to the character of the area, potential for distracting drivers and disrupting residential areas must be reasonably regulated to protect the health, safety and welfare of the City’s citizens and businesses, as well as drivers and other interests within the City; and

WHEREAS, to protect and improve highway safety, views, aesthetics, and business/investment, any conversion of billboards to digital billboards should be accomplished via a special exception and relocation and reconstruction agreement with the City;

NOW, THEREFORE, BE IT ENACTED BY THE CITY OF WINTER GARDEN, FLORIDA, AS FOLLOWS:

Section 1: **Adoption.** Section 102-1 of the City of Winter Garden Code is amended to revise the definition for *billboard or billboard sign* and create a definition for *digital billboard* as follows: (words that are ~~stricken out~~ are deletions; words that are underlined are additions):

Billboard or billboard sign means any sign in excess of ~~6432~~ square feet of copy area on its own structure or on a building which provides to the observer information of any kind concerning any products or services offered or sold or activity that takes place on property other than that where the sign is located, but excluding digital billboards. Each display face of a billboard shall constitute a separate billboard.

Digital billboard means any sign in excess of 32 square feet of copy area on its own structure or on a building which provides to the observer information of any kind concerning any products or services offered or sold or activity that takes place on property other than that where the sign is located and provides information to the observer in an electronic manner that utilizes

an LED display, fiber optics, or other light-emitting or backlight electronic display technology. Each display face of a digital billboard shall constitute a separate digital billboard.

Electronic message center means any sign which has the capability of changing message content through the use of an electronically controlled device, but excluding digital billboards.

Flashing sign means any sign which attains an intermittent, flashing or varying intensity light source, or which includes or gives the illusion of intermittent or flashing light by means of animation, or an externally mounted intermittent light source. Digital billboards permitted and operated in accordance with Section 102-94 are excluded from the definition of *flashing sign*.

All other provisions remain the same.

Section 2: Adoption. Section 102-92 of the City of Winter Garden Code is amended to read as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions):

Sec. 102-92. Prohibited signs.

The following types of signs are prohibited in all districts:

- (4) Billboards, b~~Billboard signs, and digital billboards~~ regardless of zoning district; provided digital billboards may be allowed as expressly authorized in Section 102-94 of this Chapter. Those billboard signs legally erected in the city prior to June 11, 1987, or legally erected within the unincorporated county prior to annexation into the city will be allowed to remain as nonconforming signs which cannot be rebuilt, moved, relocated or replaced if greater than 50 percent of the sign structure or value is destroyed. When the cost of materials to repair, move, relocate, or replace the sign exceed 50 percent of the physically depreciated value of the structural materials in the sign immediately prior to the destruction, the criteria of this subsection will be deemed to have been met, and the sign may not be replaced, moved, relocated, or repaired except as provided in Section 102-94. ~~For billboard signs not legally in place prior to June 11, 1987, an amortization period ending December 31, 1994, is provided within which period the sign must be removed. Failure to comply with this subsection will result in a violation of this chapter for the property owner and the sign owner.~~ This subsection shall not apply to billboard signs and structures preexisting along federal aid primary highways in the city. However, if a federal aid primary highway is later converted to a nonfederal aid highway, this subsection shall apply to billboards along such highway, becoming effective the first day upon which the highway becomes a nonfederal aid primary highway. No new billboard signs or structures shall be erected in the city. Notwithstanding the preceding, t~~The city commission shall have the authority to grant a variance~~special exception to this subsection subject to the requirements of Section 102-94 and Sections 118-96 through 118-102~~to this subsection~~ in those instances where ~~at least two (2) existing legally nonconforming billboard signs~~ are~~is~~ being eliminated and being replaced with

~~another~~ a single billboard sign or a single digital billboard that the city commission finds less obtrusive, improves the aesthetic character of the city, provides other benefits to the city, and is placed in a more desirable location.

- (5) The use of scroll, travel and/or dynamic frame effect in changeable and/or electronic message centers signs as defined in section 102-1, in an area zoned commercial or industrial, excluding digital billboards.
- (23) Commercial off-premises signs, excluding billboards and digital billboards that have been approved by the city pursuant to a relocation and reconstruction agreement in accordance with the provisions of Sections 102-94 and 118-96 through 118-102.

All other provisions remain the same.

Section 3: Adoption. New section 102-94 of the City of Winter Garden Code is hereby created as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions):

Secs. 102-94~~5~~—102-125. Reserved.

Section 102-94. Replacement and Relocation of Billboard Signs; Digital Billboards.

It is the policy the of the city to encourage owners of non-conforming signs to enter into relocation and reconstruction agreements that allow the city to accomplish the public goals of protecting, improving and ensuring highway safety, views, aesthetics and business/investment, without the expenditure of public funds while allowing the continued maintenance of private investment in signage as a medium of commercial and noncommercial communication. Notwithstanding any provisions to the contrary, the provisions of this subsection shall be the sole mechanism available under this Code of Ordinances which allow for the relocation and replacement of billboard signs. In no event shall new triangular, three-faced billboards; stacked, double-decker billboards, or side-by-side billboards be permitted within the city.

(a) *Billboard Signs.* Existing non-conforming billboard signs may be eliminated and replaced with a billboard sign in accordance with the provisions of Section 102-92(4) and other applicable provisions of Chapter 102 upon the City Commission’s approval of, and pursuant to, a relocation and reconstruction agreement. Additional conditions and restrictions relating to the replacement of billboard signs shall be set forth in the relocation and reconstruction agreement and/or as conditions to the special exception use permit. All billboard signs constructed pursuant to this subsection shall comply with all federal and state laws and the provisions of this Code. In all circumstances, at least two billboard signs must be eliminated in order for a replacement billboard to be constructed pursuant to this subsection (a) unless the city finds that an extraordinary benefit to the city exists for the replacement of a single

particular billboard with a replacement billboard. Such extraordinary benefit shall be determined by: using general public health, safety, and welfare concerns; finding that the criteria set forth in Sections 118-96 through 118-102 relating to special exceptions have been met; determining that the replacement billboard is less obtrusive, improves the aesthetic character of the city, protects or enhances highway safety and is placed in a more desirable location; and requiring additional landscaping and hardscaping enhancing the removal and relocated locations. Among other matters, the following matters shall be addressed in the relocation and reconstruction agreement: (i) the time period within which billboard removal and construction must occur, (ii) details regarding the elimination and removal of the billboards and billboard sign structures, and (iii) creation of a deed restriction or other mechanism(s) to ensure that the removed billboards cannot be re-erected or replaced at the existing or other locations (except as expressly allowed in the relocation and reconstruction agreement), including mechanism(s) to ensure that no lessee or other entity has any enforceable rights to continue or re-establish a billboard at the removal location.

(b) *Digital Billboards.* This section provides for the elimination of existing billboard signs in the city in exchange for the city's approval of a digital billboard sign in the city. Notwithstanding any provisions to the contrary, the provisions of this subsection shall be the sole mechanism available under this Code of Ordinances within which an existing billboard sign may be eliminated and replaced with a digital billboard and by which any digital billboard may be authorized in the city.

(1) Existing non-conforming billboard signs may be eliminated and replaced with a digital billboard in accordance with Section 102-92(4) and other applicable provisions of Chapter 102 upon the City Commission's approval of, and pursuant to, a relocation and reconstruction agreement, provided the additional minimum requirements set forth herein are met. Additional conditions and restrictions related to the replacement of billboard signs shall be set forth in the relocation and reconstruction agreement and/or as conditions to special exception use permit. Additional billboards constructed pursuant to this subsection shall comply with all federal and state laws and the provisions of this Code. The relocation and reconstruction agreement shall include provisions granting the city use and access to the digital billboard sign for displays and messages for emergencies, other urgent displays or messages, including, but not limited to Amber and other alerts, hurricane or other emergency warnings, and for displays and messages for City approved public benefit. The agreement shall allow for city displays and messages on the digital billboard sign for an agreed number of times to display public service announcements subject to advance City Commission approval. Such City display and messages will be displayed during times the digital faces are in operation on the sign structure unless agreed otherwise.

(2) In all circumstances, at least two billboard signs must be eliminated in order for a digital billboard to be constructed pursuant to this subsection (b) unless the city finds that an extraordinary benefit to the city exists for the replacement of a single particular billboard with a digital billboard. Such extraordinary benefit shall be determined by: using general public health, safety, and welfare concerns; finding that the criteria set forth in Sections 118-96 through 118-102 relating to special exceptions have been met; determining that the replacement billboard is less obtrusive, improves or protects the aesthetic character of the city, protects or improves highway safety and is placed in a more desirable location; and requiring additional landscaping and hardscaping enhancing the removal and replacement locations. Among other matters, the following matters shall be addressed in the relocation and reconstruction agreement: (i) the time period within which billboard removal and construction must occur, (ii) details regarding the elimination and removal of the billboards and billboard sign structures, (iii) creation of a deed restriction or other mechanism(s) to ensure that the removed billboards cannot be re-erected or replaced at the existing or other locations (except as expressly allowed in the relocation and reconstruction agreement), including mechanism(s) to ensure that no lessee or other entity has any enforceable rights to continue or re-establish a billboard at the removal location and (iv) details relating to the City's use of, and access and criteria related to public displays, messages and announcements on, the digital billboard.

(3) Digital billboards must comply with the following minimum operational standards:

A. Digital billboards must contain static messages only and must not have movement, or the appearance or optical illusion of movement, during the static display period, of any part of the sign structure, design, or pictorial segment of the sign. Each static message shall not include flashing or the varying of light intensity except as set forth in subsection E.

B. Each message on the digital billboard must be displayed for a minimum of eight (8) seconds.

C. Digital billboards must not operate at brightness levels of more than 0.3 foot candles above ambient light, as measured using a foot candle meter at the pre-set distance specified in this Section.

D. Pre-set distances to measure the foot candles impact vary with the expected viewing distances of each size digital billboard. Measurement distance criteria is as follows:

<u>Face Size</u>	<u>Distance to be Measured From:</u>
------------------	--------------------------------------

<u>12' x 25'</u>	<u>150'</u>
<u>12' x30'</u>	<u>150'</u>
<u>10'6' x 36'</u>	<u>200'</u>

E. Each digital billboard must have a light sensing device that will automatically adjust brightness levels as ambient light conditions change.

(4) Spacing Restrictions. The minimum spacing between digital billboards and between billboards and digital billboards with faces visible from the same driving direction must be 1,000 feet. The distance will be measured from the nearest point of the sign to the centerline of the roadway upon which the sign is intended to be viewed to the nearest point of the other sign as measured to its closest point to the centerline of the roadway upon which it is intended to be viewed.

(5) Maximum Height. The top of any digital billboard shall not exceed 40 feet in height above the crown of the adjacent roadway and shall not exceed 60 feet above ground level.

(6) Size of Copy Area. The maximum size of the copy area, excluding cabinet and trim, of any digital billboard must not exceed 378 square feet. Smaller copy areas are encouraged.

(7) Construction. All digital billboards must be constructed in compliance with all applicable building codes and must be constructed and maintained so as to assure proper alignment of the structure; continued structural soundness; and continued legibility of the messages displayed thereupon.

(8) Maintenance and Removal of Digital Billboard Sign Faces. Owners of digital billboards may remove the digital billboard sign faces only for the period required for the limited purposes of maintenance or service. During such period that the digital billboard sign faces are removed, the digital billboard owner is not permitted to operate the digital billboard as a static or traditional billboard unless provided otherwise in the relocation and reconstruction agreement. In the event that the digital billboard sign faces are removed for any other reason than for maintenance or service, or a digital billboard or any part thereof is operated as a static or traditional billboard, the owner of the billboard must comply with all requirements of sections 102-92 and 102-94, unless otherwise provided in the relocation and reconstruction agreement.

SECTION 4: Codification: Sections 1 through 3 of this Ordinance shall be codified and made part of the City of Winter Garden Code of Ordinances.

SECTION 5: Control and Supplemental Authority: In the event of a conflict or conflicts between this ordinance and other ordinances, this ordinance shall control to the extent such conflict exists. This Ordinance and the codification of provisions in this Ordinance do not preclude the City's use of relocation and reconstruction agreements as otherwise allowed by Florida law.

SECTION 6: Severability: It is the intent of the City Commission of the City of Winter Garden that if any section, subsection, sentence, clause, phrase or provision of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining provisions of this Ordinance.

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

FIRST READING: _____, 2015.

SECOND READING AND PUBLIC HEARING: _____, 2015.

ADOPTED this _____ day of _____, 2015, 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: Steve Pash, Code Enforcement Manager

Via: City Manager Mike Bollhoefer

Date: May 22, 2015 **Meeting Date:** May 28, 2015

Subject: **160 East Plant Street
Condemnation**

Issue: The building located at 160 East Plant Street has been vacant with some of the doors/windows boarded up for a number of years. Staff has inspected the property and determined that the building is dilapidated, decayed, and that it creates a safety hazard to surrounding properties.

Recommended Action:

Staff recommends condemnation of the building and moving forward with demolishing the building.

Attachment(s)/References:

Location Map
Notice of Condemnation
Memo to the Building Official
Summons
Memorandum to Commission

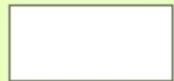
Legend



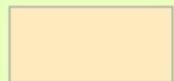
NOT TO SCALE



Subject Property



Orange County



Winter Garden

N Woodl

N Plant St

E Plant St

Joiner St

E Joiner St

S Main St

S Dillard St



May 20, 2015



To: Mayor John Rees
Commissioner Kent Makin
Commissioner Bob Buchanan
Commissioner Robert Olszewski
Commissioner Colin Sharman
City Manager, Mike Bollhoefer

From: Steve Pash, Code Enforcement Manager
Ed Williams, Community Development Director

City of Winter Garden

RE: 160 East Plant Street – Requirements

P: 407.656.4111

The following items shall be completed at 160 East Plant Street or condemnation proceedings shall resume.

300 West Plant Street
Winter Garden, FL
34787
wintergarden-fl.gov

1. Signed and sealed construction plans shall be submitted no later than May 22, 2015. These plans shall address repairs that are needed to fix openings in walls and what needs to be done to insure the building's structural integrity. The plans will also provide details of all other repairs and alterations being proposed. Upon City approval of the plans and payment of fees by owner, a permit to make the repairs will be issued.
2. No later than May 22, 2015 an Architectural Review and Historic Preservation application must be completed and submitted to the City by the owner for a Certificate of Approval to make the proposed alterations to the building façade and any other site improvements (including landscaping, parking, and signs). This application will require review by staff and a public hearing to get approval from the ARHP Board, which could take 4 – 6 weeks for approvals.
3. Provided no changes to the architectural plans are required, the owners shall within 10 days of approval by the Architectural Review and Historic Preservation Board, pay for any fees associated to the building permit(s), pull the permit(s), and construction shall begin on the building, electrical, plumbing, and mechanical systems to make all proposed renovations to the building, parking lot, landscaping, and signs. If changes to the architectural plans are required, revisions shall be submitted to the Building Department within 10 days of the Architectural Review and Historic Preservation Board approval and once the construction plans have been approved the fees shall be paid, permits pulled, and all work shall begin.
4. All construction shall be completed within 90 days of the permits being issued for the building renovations, parking lot renovations/restriping, landscaping, and signs all work shall be complete, inspected, and a Certificate of Completion issued so the building can be occupied by a business.
5. After issuance of the Certificate of Completion, the City will rescind the Notice of Violation. Should any of the activities in 1 -4 not be satisfied or completed then the condemnation shall proceed.

**NOTICE OF CONDEMNATION AND REMOVAL OF HAZARDOUS CONDITION
CITY OF WINTER GARDEN, FLORIDA**

Pursuant to Chapter 18, Art. II. of the Winter Garden Code of Ordinances, notice is hereby given to all persons having any interest or right, whether as owners, lienholders, or otherwise, in such real estate as described herein, that the City of Winter Garden Commission will hold a public hearing on **March 12, 2015 at 6:30 p.m.**, or as soon thereafter as possible in the City Commission Chambers at City Hall, located at 300 West Plant Street, Winter Garden, Florida, to determine whether an order of condemnation and removal of hazardous condition made by the city building inspector should be confirmed in all respects regarding the following property:

Street Address:	160 East Plant Street Winter Garden, Florida 34787
Tax Parcel Identification No.:	23-22-27-2888-01-011
Legal Description:	From the Northwest corner of Lot 1, Block A, FRIES' SURVEY OF WINTER GARDEN, according to the plat thereof, recorded in Plat Book E, Page 16, of the Public Records of Orange County, Florida, run North 80 degrees 17 minutes 41 seconds East 68.55 feet along the North boundary of said Lot 1 for the Point of Beginning; thence continue North 80 degrees 17 minutes 41 seconds East 77.09 feet along said North boundary of Lot 1 to a point on the West right of way line of Dillard Street; thence South 04 degrees 16 minutes 05 seconds West 7.81 feet along said West right of way line to the beginning of a curve, concave Easterly, having a radius of 2904.79 feet; thence run Southerly 142.19 feet along the arc of said curve and said West right of way line of Dillard Street through a central angle of 02 degrees 48 minutes 17 seconds; thence South 76 degrees 19 minutes 14 seconds West 50.62 feet; thence North 07 degrees 19 minutes 19 seconds West 150 feet to the Point of Beginning.
Record Fee Owner (Per Orange County Tax Collector)	Winter Garden Gateway Corporation

YOU ARE FURTHER NOTIFIED THAT AN INSPECTION OF THE AFORESAID PROPERTY HAS REVEALED CAUSE TO CONDEMN AND REMOVAL OF HAZARDOUS CONDITION CONCERNING THE STRUCTURE(S) LOCATED THEREON AS SET FORTH IN SECTION 18, ART. II OF THE WINTER GARDEN CODE OF ORDINANCES FOR VIOLATIONS OF §§ 18-151, 18-153, 18-155 & 18-159, WINTER GARDEN CODE OF ORDINANCES. All persons having any interest or right in the above-described property must appear before the Winter Garden City Commission at the public hearing to show cause, if any, why the order of condemnation and removal of hazardous condition made by the city building inspector should not be confirmed in all respects. Failure to protest the requested condemnation and removal of hazardous condition or to appear and show cause why the order of condemnation and removal of hazardous condition should not be confirmed shall result in all persons having any right or interest in the above-referenced being forever foreclosed and barred of claiming any damage because of the destruction of the property described in the order. For more information or to review the file, please contact Steve Pash with the City of Winter Garden, 300 W. Plant St., Winter Garden, Florida 34787; telephone number 407-656-4111 Ext. 2292.

Any persons with disabilities needing special accommodations should submit a written request to the Planning & Zoning Department, 300 W. Plant St., Winter Garden, FL 34787 or phone (407) 656-4111, Ext. 2312 at least 48 hours prior to each meeting. Any person wishing to appeal a decision of the Winter Garden City Commission must ensure that a verbatim record of the proceedings is made.



CITY OF WINTER GARDEN
COMMUNITY DEVELOPMENT DEPARTMENT
CODE ENFORCEMENT DIVISION
300 WEST PLANT STREET
WINTER GARDEN, FL 34787

P: 407.656.4111
F: 407.656.0839

WWW.WINTERGARDEN-FL.GOV

**NOTICE OF CONDEMNATION
AND REMOVAL OF HAZARDOUS CONDITION**

DATE ISSUED: February 16, 2015

WINTER GARDEN CODE ENFORCEMENT CASE#: 15-06

PROPERTY OWNER(S) NAME: Winter Garden Gateway Corporation

MAILING ADDRESS: 99 West Plant Street
Winter Garden, Florida 34787

RE: CITY OF WINTER GARDEN NOTICE OF CONDEMNATION
AND REMOVAL OF HAZARDOUS CONDITION

LEGAL DESCRIPTION:

From the Northwest corner of Lot 1, Block A, FRIES' SURVEY OF WINTER GARDEN, according to the plat thereof, recorded in Plat Book E, Page 16, of the Public Records of Orange County, Florida, run North 80 degrees 17 minutes 41 seconds East 68.55 feet along the North boundary of said Lot 1 for the Point of Beginning; thence continue North 80 degrees 17 minutes 41 seconds East 77.09 feet along said North boundary of Lot 1 to a point on the West right of way line of Dillard Street; thence South 04 degrees 16 minutes 05 seconds West 7.81 feet along said West right of way line to the beginning of a curve, concave Easterly, having a radius of 2904.79 feet; thence run Southerly 142.19 feet along the arc of said curve and said West right of way line of Dillard Street through a central angle of 02 degrees 48 minutes 17 seconds; thence South 76 degrees 19 minutes 14 seconds West 50.62 feet; thence North 07 degrees 19 minutes 19 seconds West 150 feet to the Point of Beginning.

**SUBJECT PROPERTY
STREET ADDRESS:**

160 East Plant Street
Winter Garden, FL 34787

TAX PARCEL ID # :

23-22-27-2888-01-011

DATE OF SERVICE:
HAND DELIVERED – FEBRUARY 16, 2015
SENT VIA CERTIFIED MAIL RECEIPT:
7013 2250 0001 7280 0316

NOTICE OF CONDEMNATION AND REMOVAL OF HAZARDOUS CONDITION

DEAR PROPERTY OWNER(S):

YOU ARE HEREBY NOTIFIED THAT AN INSPECTION OF YOUR PROPERTY HAS REVEALED CAUSE TO CONDEMN THE STRUCTURES LOCATED THEREON AS SET FORTH IN ARTICLE II, SECTION 18 OF THE CODE OF ORDINANCES OF THE

CITY OF WINTER GARDEN. VIOLATIONS OF THE FOLLOWING SECTIONS(S) OF THE WINTER GARDEN CODE OF ORDINANCES APPLY AS TO YOUR PROPERTY:

VIOLATION(S):**CHAPTER 18- DILAPIDATED, DANGEROUS, DECAYED STRUCTURES AND APPURTENANCES****SECTION 18-151. STANDARD CODE ADOPTED.**

THERE IS ADOPTED BY THE CITY FOR THE PURPOSES OF ESTABLISHING RULES AND REGULATIONS PERTAINING TO OR IN ANY WAY RELATED TO ANY AND ALL BUILDINGS, STRUCTURES, ELECTRICAL, GAS, MECHANICAL OR PLUMBING SYSTEMS WHICH ARE UNSAFE, UNSANITARY, OR DO NOT PROVIDE ADEQUATE EGRESS, OR WHICH CONSTITUTE A FIRE HAZARD, OR ARE OTHERWISE DANGEROUS TO HUMAN LIFE, OR WHICH IN RELATION TO EXISTING USE, CONSTITUTE A HAZARD TO SAFETY OR HEALTH, ARE CONSIDERED UNSAFE BUILDINGS OR UNSAFE SERVICES SYSTEMS AS SET FORTH IN THE STANDARD UNSAFE BUILDING ABATEMENT CODE AS PUBLISHED BY THE SBCCI, AND AS SUCH MAY BE AMENDED, MODIFIED OR UPDATED BY THE SBCCI (THE "ABATEMENT CODE"). THE ABATEMENT CODE IS ADOPTED AND FULLY INCORPORATED HEREIN AS IF FULLY SET OUT AT LENGTH IN THIS SECTION, SAVE AND EXCEPT SUCH PORTIONS ARE DELETED, ADDED, MODIFIED OR AMENDED IN THIS ARTICLE. ONE COPY OF THE ABATEMENT CODE IS ON FILE IN THE OFFICE OF THE BUILDING OFFICIAL. ALL SUCH UNSAFE BUILDINGS, STRUCTURES OR SERVICE SYSTEMS ARE HEREBY DECLARED ILLEGAL AND SHALL BE ABATED BY REPAIR AND REHABILITATION OR BY DEMOLITION IN ACCORDANCE WITH THE PROVISIONS OF THE ABATEMENT CODE, OR OTHER PROVISIONS OF THE BUILDING AND PROPERTY MAINTENANCE REGULATIONS OF THE CITY. ALL REPAIRS SHALL BE PERFORMED IN ACCORDANCE WITH THE FLORIDA BUILDING CODE.

SECTION 18-153. – SAME – NOTICE.

(a) WHEN THERE EXISTS ANY UNSIGHTLY, DANGEROUS AND UNLAWFUL BUILDING, RUIN, PORCH, AWNING OR STRUCTURE OR WHEN SUCH MAY BE CONSTRUCTED IN VIOLATION OF CITY ORDINANCES, THE BUILDING INSPECTOR OR SUCH OTHER OFFICER OR EMPLOYEE WHO MAY BE AUTHORIZED BY THE CITY MANAGER SHALL CONDEMN THE BUILDING, PORCH, RUIN, AWNING OR STRUCTURE....

SECTION 18-159. PUBLIC NUISANCES.

PUBLIC NUISANCES ARE DEFINED IN SECTION 18-155. WHEN NUISANCE CONDITIONS OR HAZARDS DEGENERATE OR CUMULATIVELY IMPACT ON STRUCTURES DWELLINGS, OR OTHER BUILDINGS REGULATED BY THIS CODE, TO THE EXTENT THAT REPAIR, REMOVAL, SECURING OR DEMOLITION IS NECESSARY FOR THE PUBLIC HEALTH, SAFETY AND WELFARE, THEN THE BUILDING OFFICIAL OR HIS DESIGNEE IS AUTHORIZED TO ORDER THE PROPERTY OWNER OR CITY AGENTS TO REPAIR, REMOVE, SECURE, VACATE OR DEMOLISH SUCH STRUCTURES ACCORDING TO PROCEDURES OUTLINED IN THE ABATEMENT CODE OR AS OTHERWISE PROVIDED FOR IN THE CODE. THESE POWERS ARE HEREBY DECLARED TO BE REMEDIAL AND ESSENTIAL FOR THE PUBLIC INTEREST, AND IT IS INTENDED THAT SUCH POWERS BE LIBERALLY CONSTRUED TO EFFECTUATE THE PURPOSES STATED HEREIN.

SECTION 18-155. CONDITIONS CONSTITUTING HAZARDS—NOTICE.

WHEN THERE MAY BE FOUND TO EXIST ANY CONDITION OF ANY BUILDING, LAND OR PREMISES OR ANY CONDITION IN, UPON OR ABOUT ANY BUILDING, LAND OR PREMISES WHICH CONSTITUTES OR IS LIKELY TO CONSTITUTE A FIRE HAZARD OR A HAZARD TO THE HEALTH, SAFETY OR WELFARE OF THE OCCUPANTS OR THE PUBLIC (I.E., A PUBLIC NUISANCE). . . .

NOTICE OF CONDEMNATION AND REMOVAL OF HAZARDOUS CONDITION

REASONS FOR CONDEMNATION & REMOVAL OF HAZARDOUS CONDITION:

THE BUILDING PREVIOUSLY CAUGHT FIRE, IS CURRENTLY VACANT, AND THE BUILDING IS DILAPIDATED, DECAYED, UNSIGHTLY, DANGEROUS, UNLAWFUL AND CREATES A DANGER TO SURROUNDING PROPERTIES. THE BUILDING MUST BE REMOVED OR DEMOLISHED AND ADDITIONAL CORRECTIVE PROCEDURES ARE REQUIRED, INCLUDING BUT NOT LIMITED TO, REMOVAL OF ANY WEEDS, DEBRIS, WASTE, RUBBISH, OR FLAMMABLE MATERIALS.

DATE OF HEARING:

MARCH 12, 2015

PURSUANT TO SECTION 18-157 OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN, YOU ARE ENTITLED TO A HEARING ON THE CONDEMNATION AND REMOVAL OF HAZARDOUS CONDITION TO BE HELD ON THE DATE STATED HEREIN. THE CITY COMMISSION SHALL HEAR THE CAUSES AND MAY SUSTAIN, REJECT OR MODIFY THE ACTION AND RECOMMENDATIONS OF THE OFFICER OR EMPLOYEE MAKING AND FILING THE NOTICE WITH RESPECT TO THE CONDEMNATION AND REMOVAL OF HAZARDOUS CONDITION AND SHALL HAVE THE RIGHT TO ORDER THE REMOVAL, DESTRUCTION, OTHER DISPOSITION OR REPAIR OF ANY SUCH BUILDING OR ORDER SUCH OTHER MATTERS OR THINGS TO BE DONE AS MAY BE NECESSARY TO REMOVE OR CORRECT SUCH UNSIGHTLY, DANGEROUS, UNLAWFUL BUILDING AND HAZARDOUS CONDITION, AND SHALL HAVE THE RIGHT TO ORDER THAT SUCH BE DONE WITHIN SUCH TIME AS THE CITY COMMISSION MAY DETERMINE. FURTHER, IN ACCORDANCE WITH SECTION 18-158 THE COST AND EXPENSES INCURRED BY THE CITY IN PERFORMING CORRECTIVE ACTIONS AND REMOVING THE BUILDING SHALL BE A LIEN UPON THE PROPERTY.

SINCERELY,

**STEPHEN PASH
CODE COMPLIANCE MANAGER**

SUMMONS AND NOTICE OF HEARING
NOTICE OF CONDEMNATION

CITY OF WINTER GARDEN,
a Florida Municipal Corporation,

Petitioner,

CASE NO.: 15-06

Date: February 16, 2015

vs.

Winter Garden Gateway Corporation

Respondent.

_____ /

SUMMONS AND NOTICE OF HEARING

Winter Garden Gateway Corporation and any unknown occupant
160 East Plant Street
Winter Garden, Florida 34787

***Re: City of Winter Garden
Notice of Condemnation and Removal of Hazardous Condition
160 East Plant Street; Tax parcel id # 23-22-27-2888-01-001***

YOU ARE HEREBY SUMMONED TO APPEAR BEFORE THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, ON THE 12th DAY OF MARCH 2015, AT 6:30 P.M. AT THE CITY OF WINTER GARDEN COMMISSION CHAMBERS, 300 WEST PLANT STREET, WINTER GARDEN, FLORIDA 34787.

The purpose of the hearing is for the City Commission of the City of Winter Garden to make a determination regarding the requested condemnation and removal of hazardous condition concerning the building/structure on property described herein. Upon investigation, it has been determined that the property violates provisions of the Code of Ordinances of the City of Winter Garden as set forth in the Notice of Condemnation and Removal of Hazardous Condition served concurrently herewith.

You have the right to be represented by an attorney and to respond and present evidence and witnesses at the scheduled hearing. You may also have other rights as are set forth in the City of Winter Garden Code of Ordinances. Any person appealing a decision made by the City Commission of the City of Winter Garden must ensure that a verbatim record of the proceeding is made which includes the testimony and evidence upon which the appeal is made. The City of Winter Garden does not provide this record. Anyone requiring accommodations in order to participate under the Americans with Disabilities Act should contact the A.D.A. Coordinator at 407-656-4111 five days prior to the hearing.

DATED on this 16th day of February, 2015.

City of Winter Garden
Community Development Department

By: _____
Its: _____

SUMMONS AND NOTICE OF HEARING
NOTICE OF CONDEMNATION

CITY OF WINTER GARDEN,
a Florida Municipal Corporation,

Petitioner,

CASE NO.: 15-06

Date: February 16, 2015

vs.

Winter Garden Gateway Corporation

Respondent.

SUMMONS AND NOTICE OF HEARING

Winter Garden Gateway Corporation
99 West Plant Street
Winter Garden, Florida 34787

Re: *City of Winter Garden*
Notice of Condemnation and Removal of Hazardous Condition
160 East Plant Street; Tax parcel id # 23-22-27-2888-01-001

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DATED on this 16th day of February, 2015.

City of Winter Garden
Community Development Department

By: _____
Its: _____

THE CITY OF WINTER GARDEN
CITY COMMISSION AGENDA ITEM

From: Ed Williams, Community Development Director

Via: City Manager Mike Bollhoefer

Date: **May 19, 2015** **Meeting Date: May 28, 2015**

Subject: **15543 Belle Meade Drive**
Belle Meade Homeowners Association (President Jeff Andrews)
RIGHT-OF-WAY MAINTENANCE AGREEMENT
PARCEL ID# N/A

Issue: The applicant is requesting to add a decorative brick façade over the existing gate entry device.

Discussion:

The applicant is requesting to obtain an agreement with the city to provide, install and maintain a decorative column around an existing gate kiosk within the right-of-way. The right-of-way is adjacent to the Belle Meade Subdivision. The agreement allows the Belle Meade community to help the city maintain and tend to the care of the right-of-way.

Recommended Action:

City staff recommends approval of the right-of-way agreement.

Attachment(s)/References:

Location Map
Right-of-Way Maintenance Agreement

After recording return to:

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

-----[SPACE ABOVE THIS LINE FOR RECORDING DATA]-----

RIGHT-OF-WAY MAINTENANCE AGREEMENT
(Belle Meade)

THIS RIGHT-OF-WAY MAINTENANCE AGREEMENT (the "Agreement") is made and entered into this ___ day of _____, 2015, by and between the **CITY OF WINTER GARDEN**, a Florida municipal corporation, ("City) and **BELLE MEADE RESIDENTS ASSOCIATION, INC.**, a Florida non-profit corporation ("HOA").

WITNESSETH:

WHEREAS, the City is the local government with jurisdiction and control over certain public rights-of-way adjacent to the Belle Meade subdivision; and

WHEREAS, the HOA desires to obtain a non-exclusive right to provide, install and maintain certain kiosks columns around existing private gate equipment (hereinafter collectively referred to as the Improvements) along and within certain rights-of-way which are adjacent to the Belle Meade subdivision and are more particularly identified on **Exhibit "A"** attached hereto and by this reference hereby incorporated (hereafter collectively referred to as the "**Roads**"); and

WHEREAS, said Improvements require substantially more extensive maintenance than is typical for the City to perform within and along public rights-of-way; and

WHEREAS, the City has raised certain concerns regarding the responsibility for and future maintenance of the Improvements; and

WHEREAS, HOA, in order to satisfy the concerns of the City, so as to receive permission to provide, install and maintain the Improvements in the public right-of-way, has agreed to the terms, conditions and requirements set forth in this Agreement; and

WHEREAS, the Improvements to be provided, installed and maintained by the HOA shall be as set forth in this Agreement and that certain plan prepared by Civil Engineering Group (CEG) dated April 15, 2015 (the "**Improvements Plan**"), a copy of which is retained by the City and incorporated herein by this reference; and

WHEREAS, HOA acknowledges that the primary beneficiary of said Improvements will

be the HOA and the residents of the Belle Meade subdivision in beautifying the Roads; and

WHEREAS, in light of the foregoing, the HOA is willing to provide, install, maintain and repair the Improvements pursuant to this Agreement; and

WHEREAS, the City requires that the HOA undertake certain commitments and covenants to assure the continuous maintenance of the Improvements within or along the Roads during the term of this Agreement;

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

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

2. **License.** Subject to the terms and conditions provided in this Agreement, the City hereby grants the HOA the non-exclusive right, privilege and license to use the Roads for the limited purposes described hereinafter. The license granted herein by the City is terminable by the City as provided for in this Agreement. Termination of the Agreement shall constitute termination of the license.

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

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

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

C. **Compliance with the Law.** Unless otherwise provided for herein, in designing, constructing, installing and maintaining the Improvements, the HOA shall comply with any and all laws, ordinances, and regulations of the City, county, state and federal governments, related to its activities, including but not limited to laws and regulations concerning landscaping, trees, planting, maintenance, and signage within and along public and private rights-of-way. Said laws and ordinances include, but are not limited to, Chapter 62 and Chapter 114 of the City Code, as such may be amended from time to time.

D. **Additional Requirements.** In addition to the requirements of Subsection C. above, all plantings must comply with the following conditions:

1. All trees must be planted at least seven (7) feet from any utility box and at least seven (7) feet from the side lot lines of the adjacent lots.
2. No tree or vegetation may be planted or allowed to grow in such manner as to interfere with the "triangle of visibility" as defined in FDOT Road Design Index #546.
3. A permit must be issued by the City's Public Services Director before any tree is planted within the right-of-way.
4. All trees must be planted a minimum of four (4) feet behind the back of the curb.
5. All trees and other vegetation as planted or maintained must not pose a safety hazard.

To the extent of any conflict between the additional requirements set forth above and any current or future City, county, state or federal law or regulation, the more stringent requirement shall control unless preempted by law.

E. **Road Work.** The HOA and its agents shall not, while installing or maintaining the Improvements, damage or disturb any portion of the Roads without the prior written approval of the City and the City's prior written approval of a plan to restore the Roads. The HOA and its agents shall take all safety measures required by law for construction and maintenance work in and along public rights-of-way, including the placing and display of caution signs and signals, when working in the Roads, and shall prevent any obstructions to the Roads which are or may become dangerous to the traveling public. In the event that any work to be conducted by the HOA requires streets or traffic lanes to be closed or obstructed, the HOA shall, pursuant to the City ordinances, obtain all permits from and pay all applicable fees to the City, and shall obtain approval of its maintenance of traffic plan from the City's Police and Public Services Departments prior to commencing such work. In the event that the HOA, or its agents, damages any portion of the Roads while maintaining or installing the Improvements, the HOA, as the case may be, at its sole expense, shall restore such portion of the Roads to their prior condition.

F. **Changes to the Improvements Plan.** Variations from the Improvements Plan must be reviewed and approved by the City in writing prior to any work commencing.

G. **Irrigation.** All irrigation arising from matters contained in the Improvements

Plan for the Project shall be compatible with future connection to the City's reclaimed water system.

- H. **Water Conservation.** The HOA shall encourage water conservation in the design and development of the Improvements, including but not limited to, water conserving techniques, water efficient landscaping, proper soil preparation, irrigation systems and equipment and the use of reclaimed water, upon its availability.

- I. **Non-Interference with Other Interests.** The HOA, in the performance and exercise of their rights and obligations under this Agreement, shall not interfere in any manner with the existence and operation of any public rights-of-way, sanitary sewers, water mains, storm drains, gas mains, poles, aerial and underground electrical and telephone wires, electroliers, cable television, rights of adjoining property owners, and other telecommunications, utility, or municipal property, without the express written approval of the owner or owners of the affected property or properties, except as expressly permitted by applicable laws. The HOA shall be liable to the City or to the third party owner, as the case may be, for the cost of any repairs made necessary by any displacement, damage, or destruction of City or third party property and shall pay such costs upon written demand within thirty (30) days of receipt of such demand. In addition, the HOA, shall be responsible for any and all damage to street pavements, curbs, gutters, sidewalks and other improvements on, above, below or adjacent to the Roads arising from the installation, maintenance, repair or removal of the Improvements, and shall repair, replace and restore in kind, the said damaged property at its expense.

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

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

- A. **Inspection.** At all times, the City shall have the right to inspect the installation, construction, and maintenance of the Improvements to ensure compliance with the terms of this Agreement.
- B. **Breach.** In the event any of the parties violate any material provision of this Agreement, the violating party shall be given thirty (30) days to cure such violation upon receipt of written notice of the violation from a non-violating party. Notwithstanding the preceding, no cure period need be given for a violation by the HOA which results in a threat or danger to the public health or safety. In the event a violation is not cured within the applicable cure period or the City is required to act without a cure period to remedy a threat to the public health or safety, the City shall have the right to pursue any and all legal and equitable remedies available to it, including the right to seek specific performance of this Agreement.
- C. **City's Right to Take Remedial Action.** In addition to the provisions and remedies set forth above, in the event that the HOA fails to take any action as required by the City to cure a violation within any applicable cure period, in addition to any and all other rights available to the City, the City shall have the right, but not the obligation to take the required action on behalf of the HOA. Notwithstanding the preceding, in the event that the City determines in its sole discretion that for reasons of public health or safety, immediate action is required to remedy a violation of this Agreement by the HOA, the City shall have the right, but not the obligation, to repair, replace, maintain or otherwise take such action as may be necessary to remedy the threat to public health or safety without prior written notice to the HOA. In the event that for any reason the City repairs, replaces, maintains or otherwise services the Improvements or takes any other action as may be necessary to remedy a violation of this Agreement, the HOA shall be responsible for the payment of all of the costs incurred by the City and its agents in taking such action. Said payment by the HOA shall be made within thirty (30) days of written demand by the City. The City's exercise of its right to remedy a violation of this Agreement shall not limit the City from exercising any other rights or remedies available to it arising from such violation or impose any future or ongoing obligation on the City to continue to maintain, repair, replace or otherwise care for the Improvements thereafter.

6. **Indemnification.**

- A. **HOA.** HOA shall save, defend, indemnify, release, and hold harmless City and City's employees, agents, contractors, and commission members against and from all disputes, lawsuits, injuries, losses, liabilities, obligations, damages, penalties, claims, costs, charges and expenses, including reasonable consultants' and attorneys' fees

which may be imposed upon, incurred by or asserted or claimed against them, resulting or arising from any or all of the following (i) the performance by HOA or its agents of any action under this Agreement or otherwise related to the Improvements or the Roads, (ii) HOA's failure to perform, or cause to be performed, any required action or obligation of HOA pursuant to this Agreement; (iii) the exercise or attempted exercise by HOA of any rights, privileges, or obligations under this Agreement, (iv) the City's or an agent of the City's performance of any obligation of HOA pursuant to paragraph 5.C. of this Agreement, or (v) any damage to the Improvements which may result from the use of the Roads by the City or other governmental authority or their agents due to maintenance, construction, widening, installation or other proper use within the Roads.

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

8. **Termination.** This Agreement may be terminated by the HOA or the City at any time with or without cause upon thirty (30) days written notice to the other parties. Unless otherwise agreed to in writing by the City, in the event of termination of this Agreement, whether at the election of the HOA or the City, the HOA at its sole cost and expense shall remove any and all Improvements from the Roads, other than trees, and replace such Improvements with sod of a type approved by the City within thirty (30) days.

9. **Rights in Roads.** It is expressly stipulated that this Agreement shall not operate to create or vest any property rights to any portion of the Roads in HOA. Further, it is expressly understood by HOA that the City shall be under no obligation to acquire or condemn any rights-of-way, easement or other property right as part of this Agreement.

10. **Other Provisions.**

A. **Warranty of Authority and Ownership.** The HOA represents and warrants 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.

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

City: City Manager
City of Winter Garden
300 West Plant Street
Winter Garden, FL 34787
Facsimile: (407) 656-1073

With a copy to: City Attorney
City of Winter Garden
300 West Plant Street
Winter Garden, FL 34787
Facsimile: (407) 656-1073

HOA: _____

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

communications to or from parties' attorneys will be deemed to be to or from that party.

- C. **Amendment.** This Agreement constitutes the entire agreement of the parties, and there are no understandings dealing with the subject matter of this Agreement other than those contained herein. This Agreement may not be modified, changed or amended, except by writing signed by the parties hereto or their authorized assignees.
- D. **Severability.** If any portion of this Agreement is finally determined by a court of competent jurisdiction to be invalid, unconstitutional, unenforceable or void, the balance of the Agreement shall continue in full force and effect.
- E. **Governing Law.** This Agreement shall be governed by and construed in accordance with the laws of the State of Florida. Exclusive venue in any action to construe or enforce the provisions of this Agreement shall be in the circuit court of and for Orange County, Florida.
- F. **Effective Date.** The effective date of this Agreement, for purposes of the performance of obligations by the parties under this Agreement, shall be the date the last of the parties hereto executes the Agreement.
- G. **Binding Effect and Successors.** The obligations under this Agreement shall benefit, burden, and bind the successors, heirs and assigns of all parties to this Agreement.
- H. **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.
- I. **Captions.** The captions or paragraph headings of this Agreement are provided for convenience only and shall not be deemed to explain, modify, amplify or aid in the interpretation, or meaning of this Agreement.
- J. **Counterparts.** This Agreement may be executed in any number of counterparts; each of which when executed and delivered, shall be an original, but all counterparts shall together constitute one and the same Agreement.
- K. **Independent Parties.** The parties are not partners and this Agreement is not a joint venture and nothing in this Agreement shall be construed to authorize any of the parties hereto to represent or bind any other party to matters not expressly authorized or provided in this Agreement.
- L. **Informed Execution.** This Agreement is entered into voluntarily by the HOA without duress and after full review, evaluation and consideration by the HOA. HOA is represented by counsel, or alternatively, has been afforded an opportunity

to retain counsel for review of this Agreement.

- M. **Recording.** At any time during the term of this Agreement, the City may record this Agreement with the cost thereof to be borne by the HOA.

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

- O. **Non-Waiver of Sovereign Immunity.** Nothing contained in this Agreement or in any instruments executed pursuant to the terms of this Agreement shall be construed as a waiver or attempted waiver by the Grantee of its sovereign immunity under the Constitution and laws of the State of Florida.

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

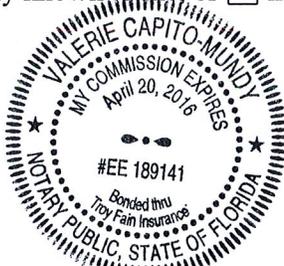
[SIGNATURES BEGIN ON THE FOLLOWING PAGE 13]

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

<p>Signed, sealed and delivered in the presence of:</p> <p>ATTEST:</p> <p>By: _____ KATHY GOLDEN, City Clerk</p> <p>_____</p> <p>Print Name: _____ Witness</p> <p>_____</p> <p>Print Name: _____ Witness</p>	<p>“CITY”</p> <p>CITY OF WINTER GARDEN, FLORIDA</p> <p>By: _____ JOHN REES, Mayor</p> <p>“HOA”</p> <p>BELLE MEADE RESIDENTS ASSOCIATION, INC.</p> <p>By: _____ Print Name: <u>JEFF ANDREWS</u> Its: <u>PRESIDENT</u></p>
---	--

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was executed, sworn to and acknowledged before me this 13th of MAY, 2015, by JEFF ANDREWS, as PRESIDENT of **BELLE MEADE RESIDENTS ASSOCIATION, INC.**, on its behalf. He (check one) is personally known to me, or has produced a valid driver's license as identification.



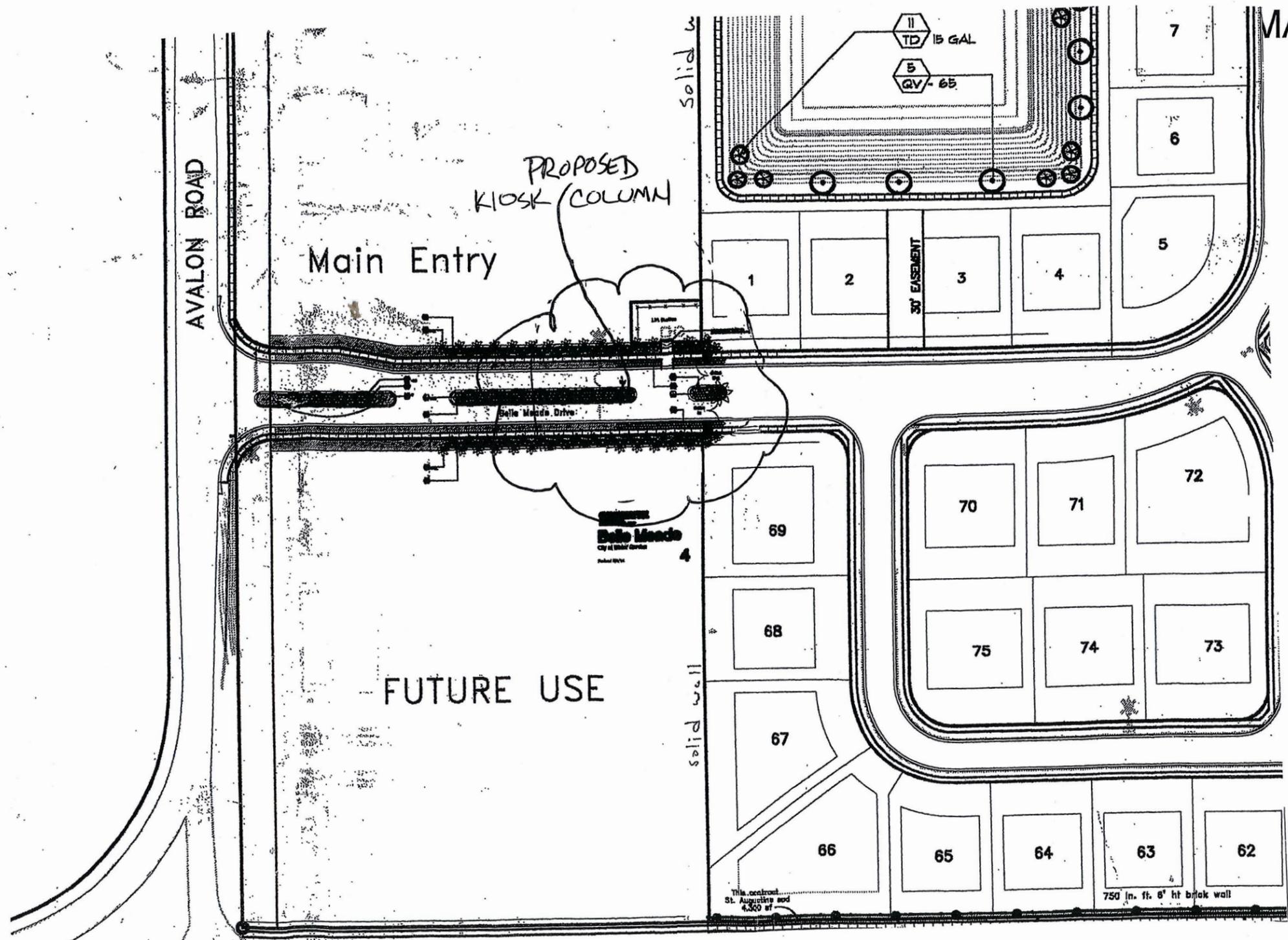
Valerie Capito Mundy
Notary Public, State and County Aforesaid
Name: Valerie Capito Mundy
My Commission Expires: 04/20/2016
My Commission Number is: EE189141

EXHIBIT "A"

DESCRIPTION OF THE ROADS

Belle Meade Drive right-of-way near its intersection with C.R. 545 (Avalon Road)
Debut Lane right-of-way near its intersection with Tilden Road

SITE PLAN MAIN EAST ENTRY



K S L P S
 DESIGN SERVICES
 235 S. MAITLAND Suite 216
 MAITLAND, FL 32751
 Phone (407) 947-7549
 Email: tkpsd2005@aol.com

S & S CONSTRUCTION

BELLE MEADE
 ENTRY KIOSK COLUMNS

EDUARDO AVELLANEDA
 LICENSE
 No. 40049
APR 15 2015
 STATE OF FLORIDA
 PROFESSIONAL ENGINEER
 CEG, CSA #27219
 Eduardo Avellaneda
 P.E. #40040
 2480 E. Michigan Street
 Orlando, FL 32806

drawn by	TIM PERRY
Date	04-09-15
Scale	1" = 100'-0"
Job no.	P8410
drawing no.	SP1

THE CITY OF WINTER GARDEN

COMMUNITY REDEVELOPMENT AGENCY AGENDA ITEM

From: City Manager, Mike Bollhoefer

Date: 05/22/15

Meeting Date: 05/28/15

Subject: Downtown parking garage

Issue: The Garage Selection Committee reviewed the submittals from The Artec Group, Finrock and R.R. Simmons. The primary focus of the review was the look of the garage and fit with neighboring structures, function and price. Based on these three factors the Committee recommends selecting Finrock as the design/build team for the garage. Although Finrock's estimate of cost was approximately \$1 million more than the lowest bidder, the significantly better design of the garage justified the increase in cost; furthermore, Finrock's suggested changes to the requirements in the scope of the project will reduce the total cost by approximately \$1 million dollars bringing their estimate in line with the other two bidders.

If the City approves the selection of Finrock, the staff will negotiate with Finrock and bring a contract and final design back to the Commission at the June 25th Commission meeting.

Attached is the design and drawings of the Finrock Garage. Packets from all the submitters can be reviewed at City Hall and/or forwarded electronically.

Recommended action: Approve selecting Finrock as the design/builder for the garage.

Attachments: Scoring sheets, Finrock drawings and designs

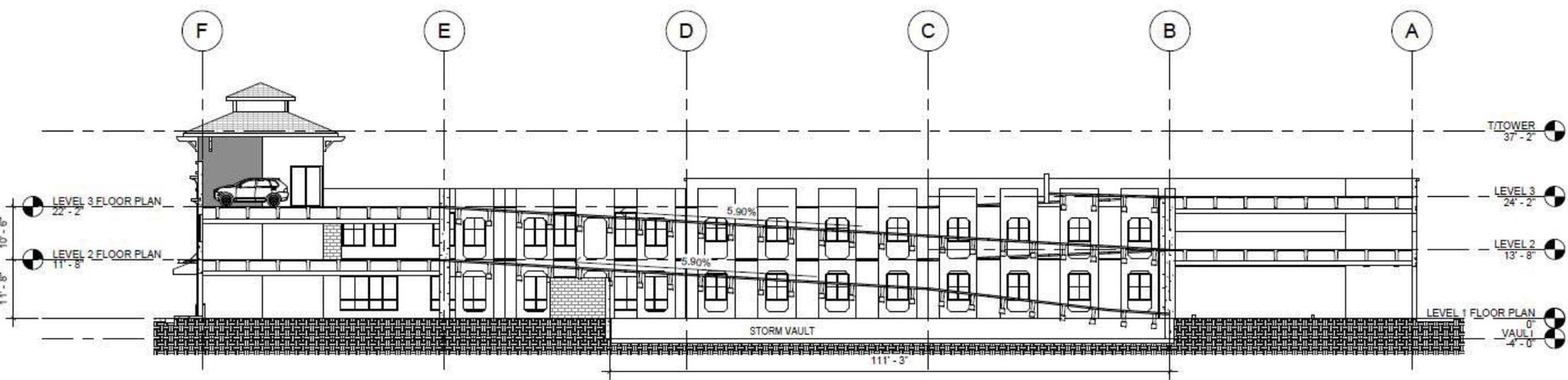
Downtown Parking Garage Recommendation to Award



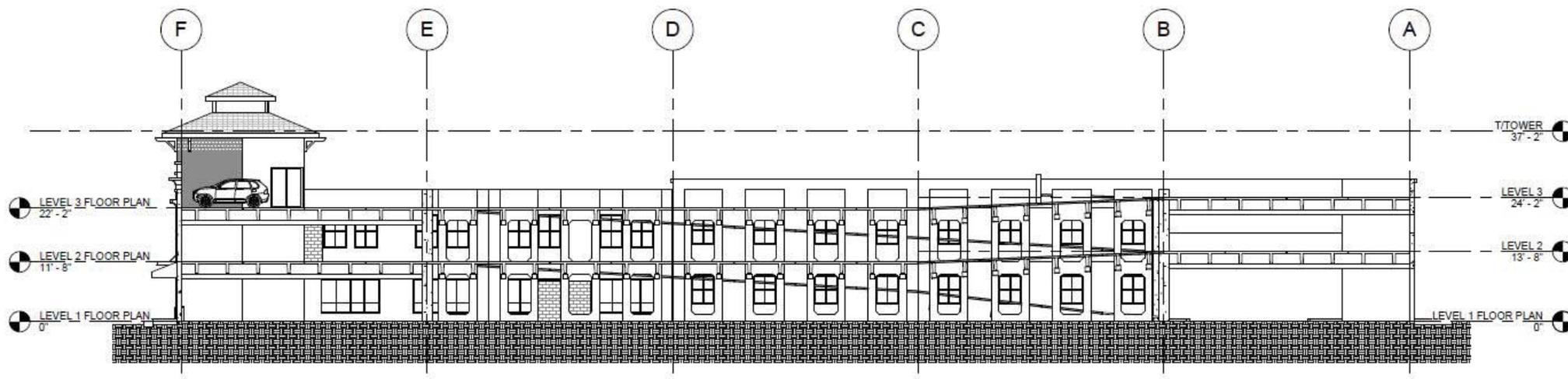








1 SECTION 1
1/16" = 1'-0"



2 SECTION 2
1/16" = 1'-0"

Downtown Parking Garage
Criteria Review

Firms

	<u>Artec</u>	<u>Finrock</u>	<u>R.R. Simmons</u>
<u>Reviewer</u>	3	1	2
Amy Martello	3	1	2
Art Miller	3	1	2
Ed Williams	3	1	2
James Dillion	3	2	1
Mike Bollhoefer	<u>3</u>	<u>1</u>	<u>2</u>
Total	15	6	9

**DOWNTOWN PARKING GARAGE
DESIGN-BUILD CRITERIA REVIEW
(RFQ #AS15-13012)**

REVIEWER: ART MILLER 	DESIGN-BUILD TEAM QUALIFICATIONS	AESTHETICS & FUNCTION	TECHNICAL DESIGN	QUALITY CONTROL	SCHEDULE	COST	TOTAL POINTS
CONTRACTORS	10 POINTS MAX	30 POINTS MAX	20 POINTS MAX	5 POINTS MAX	15 POINTS MAX	20 POINTS MAX	100 POINTS MAX
The Artec Group	8	20	20	4	10	18	80
Finrock	10	28	16	5	13	20	92
R.R. Simmons	9	22	18	4	14	19	86

3
1
2

	ARTEC	FINROCK	R.R. SIMMONS
AMY	3	1	2
ART	3	1	2
ED	3	1	2
JAMES	3	2	1
MIKE	<u>3</u>	<u>1</u>	<u>2</u>
	19	6	9

**DOWNTOWN PARKING GARAGE
DESIGN-BUILD CRITERIA REVIEW
(RFQ #AS15-13012)**

SELECTION COMMITTEE MEMBER'S NAME	DESIGN-BUILD TEAM QUALIFICATIONS	AESTHETICS & FUNCTION	TECHNICAL DESIGN	QUALITY CONTROL	SCHEDULE	COST	TOTAL POINTS
CONTRACTORS	10 POINTS MAX	30 POINTS MAX	20 POINTS MAX	5 POINTS MAX	15 POINTS MAX	20 POINTS MAX	100 POINTS MAX
The Artec Group 7.970	6	15	10	4	8	10	53
Finrock 7.723	8	22	14	4	9	10	67
R.R. Simmons 7.798 8.718	7	17	13	4	10	10	61

3
1
2

*Respectfully Submitted
Shirley J. Williams
May 6, 2015*

**DOWNTOWN PARKING GARAGE
DESIGN-BUILD CRITERIA REVIEW
(RFQ #AS15-13012)**

<p style="text-align: center;"><i>Amy Martello</i> </p>	DESIGN-BUILD TEAM QUALIFICATIONS	AESTHETICS & FUNCTION	TECHNICAL DESIGN	QUALITY CONTROL	SCHEDULE	COST	TOTAL POINTS	
CONTRACTORS	10 POINTS MAX	30 POINTS MAX	20 POINTS MAX	5 POINTS MAX	15 POINTS MAX	20 POINTS MAX	100 POINTS MAX	
The Artec Group	2	5	8	0	0	5	20	③
Finrock	8	30	15	5	15	20	93	①
R.R. Simmons	4	15	18	5	5	5	52	②

**DOWNTOWN PARKING GARAGE
DESIGN-BUILD CRITERIA REVIEW
(RFQ #AS15-13012)**

 James Dillon	DESIGN-BUILD TEAM QUALIFICATIONS	AESTHETICS & FUNCTION	TECHNICAL DESIGN	QUALITY CONTROL	SCHEDULE	COST	TOTAL POINTS
CONTRACTORS	10 POINTS MAX	30 POINTS MAX	20 POINTS MAX	5 POINTS MAX	15 POINTS MAX	20 POINTS MAX	100 POINTS MAX
The Artec Group	6	18	8	2	8	14	56
Finrock	8	20	14	3	14	10	69
R.R. Simmons	8	28	18	3	12	18	87

3
2
1

**DOWNTOWN PARKING GARAGE
 DESIGN-BUILD CRITERIA REVIEW
 (RFQ #AS15-13012)**

SELECTION COMMITTEE MEMBER'S NAME	DESIGN-BUILD TEAM QUALIFICATIONS	AESTHETICS & FUNCTION	TECHNICAL DESIGN	QUALITY CONTROL	SCHEDULE	COST	TOTAL POINTS	
CONTRACTORS	10 POINTS MAX	30 POINTS MAX	20 POINTS MAX	5 POINTS MAX	15 POINTS MAX	20 POINTS MAX	100 POINTS MAX	
The Artec Group	7	18	15	5	15	19	79 ⁰	3
Finrock	10	28	18	5	15	18	94 ⁰	1
R.R. Simmons	10	22	20	5	15	20	92 ⁰	2

Mike Bollhoefer

Mike Bollhoefer

THE CITY OF WINTER GARDEN
CITY COMMISSION AGENDA ITEM

From: Ed Williams, Community Development Director

Via: City Manager Mike Bollhoefer

Date: May 21, 2015

Meeting Date: May 28, 2015

Subject: **Resolution 15-07 Designating Sunridge Boulevard as part of the City Street System for Public Right-of-Way use**

Issue: The City has acquired certain lands in fee simple for the purposes of improving and making such lands part of the City's city street system (a/k/a municipal road system) for public right-of-way use.

Discussion:

A Resolution of the City Commission of the City of Winter Garden, Florida to make those certain lands owned in fee simple by the City that are described in the sketches and legal descriptions attached hereto as Exhibit "A" ("Sunridge Boulevard") and incorporated herein by this reference as part of the City's city street system available for public right-of-way use subject to the City's superior jurisdiction, operation, control, regulation and maintenance.

Recommended Action:

Staff recommends adoption of Resolution 15-07.

Attachment(s)/References:

Resolution 15-07

RESOLUTION NO. 15-07

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, DESIGNATING CERTAINS LANDS KNOWN AS SUNRIDGE BOULEVARD AS PART OF THE CITY STREET SYSTEM FOR PUBLIC RIGHT-OF-WAY USE; PROVIDING FOR RECORDING, CONFLICTS AND AN EFFECTIVE DATE.

WHEREAS, the City of Winter Garden (the “City”) has acquired certain lands in fee simple for the purposes of improving and making such lands part of the City’s city street system (a/k/a municipal road system) for public right-of-way use; and

WHEREAS, the City desires to make those certain lands owned in fee simple by the City that are described in the sketches and legal descriptions attached hereto as Exhibit “A” (“Sunridge Boulevard”) and incorporated herein by this reference as part of the City’s city street system available for public right-of-way use subject to the City’s superior jurisdiction, operation, control, regulation and maintenance; and

WHEREAS, the City has home rule authority and has Constitutional and statutory jurisdiction to operate, regulate, control and maintain a city street system.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA:

SECTION I: Recitals. The above recitals are true and correct and constitute findings of the City Commission.

SECTION II: Designation of City Street. That Sunridge Boulevard is hereby designated as part of the City’s city street system (a/k/a municipal road system) as a public right-of-way subject to the City’s superior jurisdiction, operation, control, regulation and maintenance.

SECTION III: Recording. After its adoption, the City Clerk shall record this Resolution in the Public Records of Orange County, Florida.

SECTION IV: Conflicts. All resolutions or parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

SECTION V: Effective Date. This Resolution shall take effect immediately upon its adoption.

ADOPTED at a Regular Meeting on this 28th day of May, 2015.

**CITY COMMISSION OF THE
CITY OF WINTER GARDEN, FLORIDA**

Bob Buchanan, Mayor Pro-Tem/Commissioner

ATTEST:

Kathy Golden, City Clerk

SCHEDULE "A"

RESOLUTION
 EXHIBIT "A"
 Sunridge Blvd. Right-of-Way

DESCRIPTION:

A portion of the Sections 27 & 34, Township 22 South, Range 27 East, Orange County, Florida, being more particularly described as follows:

COMMENCE at the Northwest corner of the Southwest 1/4 of the Southwest 1/4 of Section 27, Township 22 South, Range 27 East, Orange County, Florida; thence South 00°08'05" West, a distance of 596.91 feet along the West line of said Southwest 1/4 of Southwest 1/4 of Section 27, thence departing said West line run South 89°51'55" East, a distance of 21.94 feet to the East right of way line of Avalon Road per Map Book 2, Page 53, Public Records of Orange County, Florida, said point also being the POINT OF BEGINNING; thence continue South 89°51'55" East, a distance of 348.02 feet to the point of curvature of a curve concave Southwesterly, having a radius of 450.00 feet, thence Southeasterly along the arc of said curve through a central angle of 46°53'42", a distance of 368.31 feet to a point of tangency; thence South 42°58'13" East, a distance of 550.59 feet to the point of curvature of a curve concave Northeasterly, having a radius of 350.00 feet, thence Southwesterly along the arc of said curve through a central angle of 46°44'56", a distance of 285.57 feet to a point of tangency; thence South 89°43'09" East, a distance of 1174.86 feet to the West right of way line of Siplin Road per Official Records Book 2726, Page 1187, Public Records of Orange County, Florida; thence South 01°40'28" East, a distance of 100.06 feet along said West right of way line; thence North 89°43'09" West, a distance of 1251.11 feet to the West line of Northeast 1/4 of the Northwest 1/4 of Section 34, Township 22 South, Range 27 East, Orange County, Florida; thence North 00°54'31" West, a distance of 5.96 feet along said West line to a point on a non-tangent curve concave Northeasterly, having a radius of 450.00 feet, a central angle of 37°25'06" and a chord bearing of North 61°40'46" West; thence from a tangent bearing of North 80°23'19" West run Northwesterly a distance of 293.88 feet along the arc of said curve to a point of tangency; thence North 42°58'13" West, a distance of 550.59 feet to the point of curvature of a curve concave Southwesterly, having a radius of 350.00 feet; thence Northwesterly along the arc of said curve through a central angle of 46°53'42", a distance of 286.47 feet to a point of tangency; thence North 89°51'55" West, a distance of 347.90 feet to the aforesaid East right of way line of Avalon Road; thence North 00°04'01" East, a distance of 100.00 feet to the POINT OF BEGINNING.

Containing: 6.27 acres more or less.

SURVEYORS NOTES:

1. Bearings shown hereon are based on the West line of the Southwest 1/4 of the Southwest 1/4 of Section 27, Township 22 South, Range 27 East, Orange County, Florida, being South 00°08'05" West, assumed.
2. This "Sketch of Description" was performed without benefit of a Title search. A Title search may reveal additional information affecting the Parcel as shown.
3. I hereby certify that the "Sketch of Description" of the above described property is true and correct to the best of my knowledge and belief as recently drawn under my direction and that it meets the Minimum Technical Standards for Land Surveying Chapter 5J-17.050-.052 requirements.
4. Not valid without the original signature and raised seal of a Florida Licensed Surveyor and Mapper.

<p>DESCRIPTION</p> <p>FOR</p> <p>A. R. MILLER ENGINEERING, INC.</p>	Date: April 20, 2012		Certification Number LB2108 53097031
	Job Number: 53097	Scale: 1" = 400'	 <p>SOUTHEASTERN SURVEYING AND MAPPING CORPORATION 6500 All American Boulevard Orlando, Florida 32810-4350 (407) 292-8580 Certification Number LB2108 e-mail: info@southeasternsurveying.com</p> <p><i>James L. Petersen</i></p> <p>JAMES L. PETERSEN REGISTERED LAND SURVEYOR Number 4791</p>
	Chapter 5J-17.050-.052, Florida Administrative Code requires that a legal description drawing bear the notation that		
	<p>THIS IS NOT A SURVEY.</p> <p>NOT VALID WITHOUT SHEET 2</p> <p>SHEET 1 OF 2</p> <p>SEE SHEET 2 FOR SKETCH</p>		

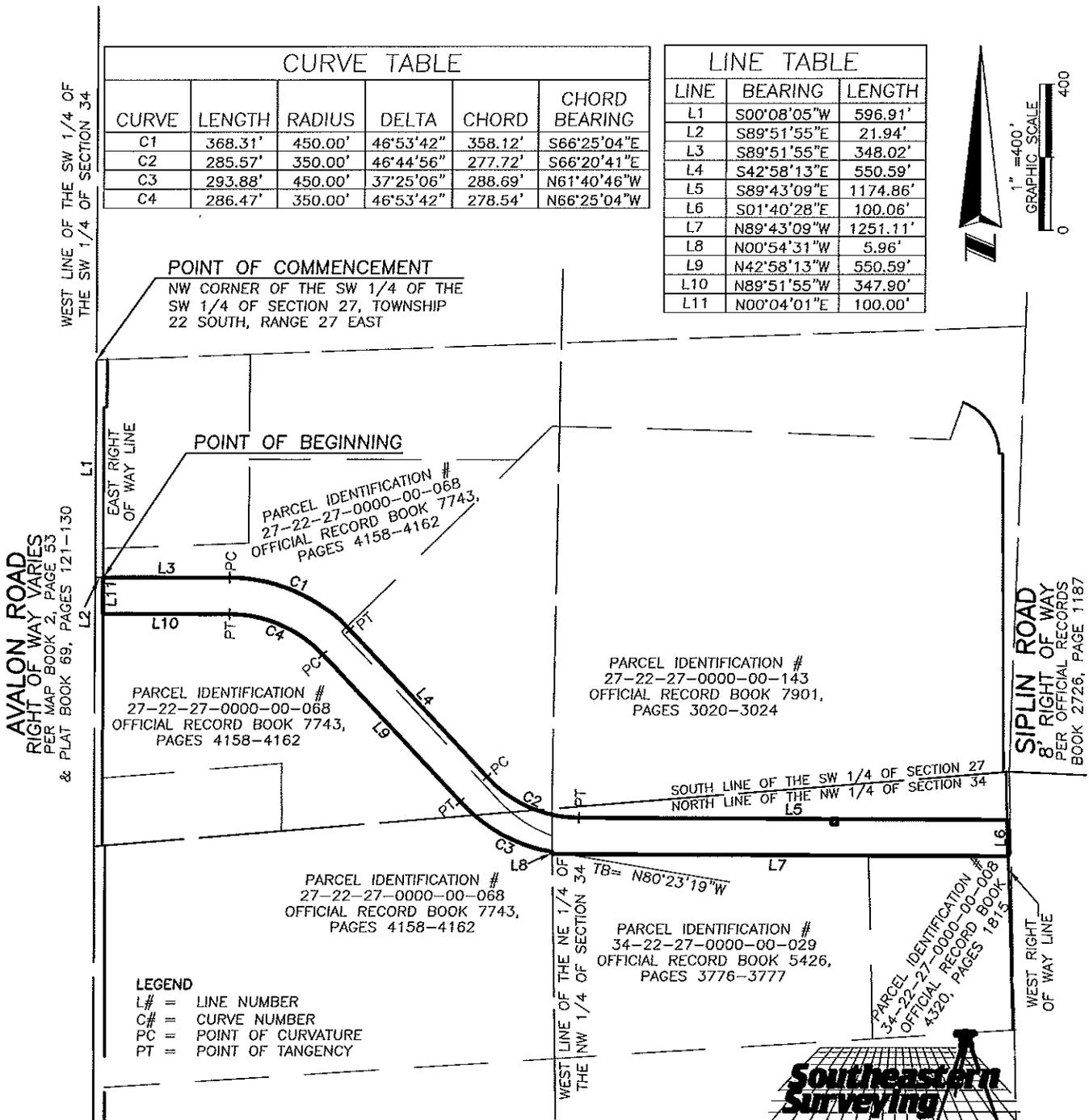
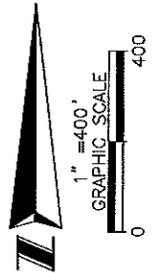
①

SKETCH OF DESCRIPTION

SECTIONS 27 & 34, TOWNSHIP 22 SOUTH, RANGE 27 EAST

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD	CHORD BEARING
C1	368.31'	450.00'	46°53'42"	358.12'	S66°25'04"E
C2	285.57'	350.00'	46°44'56"	277.72'	S66°20'41"E
C3	293.88'	450.00'	37°25'06"	288.69'	N61°40'46"W
C4	286.47'	350.00'	46°53'42"	278.54'	N66°25'04"W

LINE TABLE		
LINE	BEARING	LENGTH
L1	S00°08'05"W	596.91'
L2	S89°51'55"E	21.94'
L3	S89°51'55"E	348.02'
L4	S42°58'13"E	550.59'
L5	S89°43'09"E	1174.86'
L6	S01°40'28"E	100.06'
L7	N89°43'09"W	1251.11'
L8	N00°54'31"W	5.96'
L9	N42°58'13"W	550.59'
L10	N89°51'55"W	347.90'
L11	N00°04'01"E	100.00'



LEGEND
 L# = LINE NUMBER
 C# = CURVE NUMBER
 PC = POINT OF CURVATURE
 PT = POINT OF TANGENCY



SOUTHEASTERN SURVEYING & MAPPING CORP.
 6500 All American Boulevard
 Orlando, Florida 32810-4350
 (407)292-8580 fax(407)292-0141
 Cert. No. LB-2108
 email: info@southeasternsurveying.com

Drawing No. 53097031
 Job No. 53097
 Date: 04/20/12
 SHEET 2 OF 2
 See Sheet 1 for Description

NOT VALID WITHOUT SHEET 1
 THIS IS NOT A SURVEY

2

LEGAL DESCRIPTION

RIGHT-OF-WAY DEDICATION

LEGAL DESCRIPTION:

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

COMMENCE AT THE NORTH QUARTER CORNER OF SAID SECTION 34 FOR A POINT OF REFERENCE; THENCE RUN SOUTH 01°18'35" EAST, ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 34, A DISTANCE OF 231.88 FEET TO A POINT LYING ON THE EASTERLY EXTENSION OF THE SOUTH RIGHT-OF-WAY LINE OF SUNRIDGE BOULEVARD, AS RECORDED IN OFFICIAL RECORDS BOOK 10117, PAGE 3626, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE DEPARTING EAST LINE, RUN NORTH 89°42'58" WEST, 8.00 FEET TO A POINT LYING ON THE WEST LINE OF A 8.00 FOOT WIDE RIGHT-OF-WAY AGREEMENT, AS RECORDED IN OFFICIAL RECORDS BOOK 1753, PAGE 564 OF SAID PUBLIC RECORDS AND THE POINT OF BEGINNING; THENCE RUN SOUTH 01°18'35" EAST, ALONG SAID WEST LINE, 48.17 FEET TO A POINT LYING ON A NON-TANGENT CURVE, CONCAVE SOUTHWESTERLY; THENCE DEPARTING SAID WEST LINE, RUN NORTHWESTERLY, ALONG SAID NON-TANGENT CURVE, HAVING A RADIUS OF 475.00 FEET, A CENTRAL ANGLE OF 13°36'59", AN ARC LENGTH OF 112.88 FEET, A CHORD LENGTH OF 112.62 FEET AND A CHORD BEARING OF NORTH 64°24'11" WEST TO A POINT LYING ON THE SOUTH RIGHT-OF-WAY LINE OF SAID SUNRIDGE BOULEVARD; THENCE RUN SOUTH 89°42'58" EAST, ALONG SAID SOUTH RIGHT-OF-WAY LINE, 100.47 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL OF LAND LIES IN THE CITY OF WINTER GARDEN, FLORIDA AND CONTAINS 2,167.1 SQUARE FEET, MORE OR LESS.

SURVEYOR'S NOTES:

- (1) THIS LEGAL DESCRIPTION IS NOT VALID UNLESS IT BEARS THE SIGNATURE AND ORIGINAL RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR AND MAPPER IDENTIFIED BELOW.
- (2) NO ABSTRACT FOR RIGHTS-OF-WAY, EASEMENTS, OWNERSHIP OR OTHER INSTRUMENTS OF RECORD HAVE BEEN PROVIDED TO THIS FIRM.
- (3) BEARINGS SHOWN HEREON ARE ASSUMED RELATIVE TO THE EAST LINE OF THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 22 SOUTH, RANGE 27 EAST. BEING SOUTH 01°18'35" EAST.
- (4) THE "LEGAL DESCRIPTION" HEREON HAS BEEN PREPARED BY THE SURVEYOR AT THE CLIENT'S REQUEST.
- (5) THIS SKETCH DOES NOT REPRESENT A FIELD SURVEY, AS SUCH.
- (6) THE DELINEATION OF LANDS SHOWN HEREON IS AS PER THE CLIENT'S INSTRUCTIONS.



DAVID A. WHITE, P.S.M.
FLORIDA REGISTRATION NO. 4044
PEC - SURVEYING AND MAPPING, LLC.
CERTIFICATE OF AUTHORIZATION L.B. #7808
DATE OF SIGNATURE: 01-29-2015

(THIS IS NOT A SURVEY)

SEE SHEET 2 OF 2 FOR SKETCH OF DESCRIPTION.

SHEET 1 OF 2

PEC

SURVEYING AND MAPPING, LLC

CERTIFICATE OF AUTHORIZATION NUMBER LB 7808

2100 Alafaya Trail, Suite 203 • Oviedo, Florida 32765 • 407-542-4967

WWW.PECONLINE.COM

SECTION 34, TOWNSHIP 22 SOUTH, RANGE 27 EAST

DATE: JANUARY 29, 2015

PREP BY: J.L.M.

DRAWN BY: J.L.M.

JOB #: 14-046

3

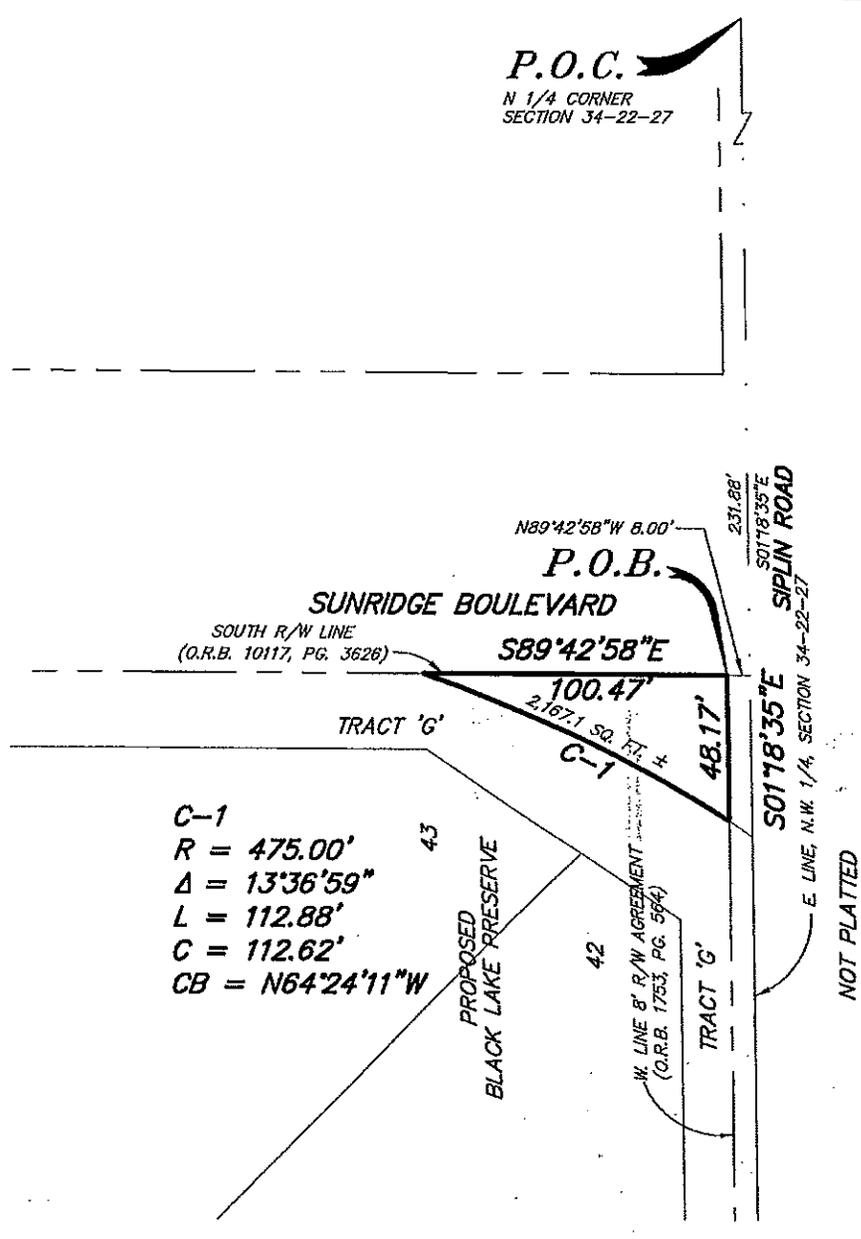
C:\14-046 Black Lake Plat\14-046-RW-COR-CLIPS.dwg Mar 13, 2015 - 11:20am

LEGAL DESCRIPTION
RIGHT-OF-WAY DEDICATION



SCALE
1" = 60'

P.O.C.
N 1/4 CORNER
SECTION 34-22-27



LEGEND

- P.O.C.....POINT OF COMMENCEMENT
- P.O.B.....POINT OF BEGINNING
- R/W.....RIGHT-OF-WAY
- O.R.B.....OFFICIAL RECORDS BOOK
- PG.....PAGE
- R.....RADIUS
- Δ.....CENTRAL ANGLE
- L.....ARC LENGTH
- C.....CHORD LENGTH
- CB.....CHORD BEARING
- SQ. FT.....SQUARE FEET

C-1
R = 475.00'
Δ = 13°36'59"
L = 112.88'
C = 112.62'
CB = N64°24'11"W

(THIS IS NOT A SURVEY)

SEE SHEET 1 OF 2 FOR LEGAL DESCRIPTION AND SURVEYOR'S NOTES

SHEET 2 OF 2

PEC

SURVEYING AND MAPPING, LLC

CERTIFICATE OF AUTHORIZATION NUMBER LB 7808

2100 Alafaya Trail, Suite 203 • Oviedo, Florida 32765 • 407-542-4967

WWW.PECONLINE.COM

SECTION 34, TOWNSHIP 22 SOUTH, RANGE 27 EAST

DATE: JANUARY 29, 2015

PREP BY: J.L.M.

DRAWN BY: J.L.M.

JOB #: 14-046

4

C:\14-046 Black Lake Plat\14-046-RW-COR-CLIPS.dwg Mar 13, 2015 - 11:20am

THE CITY OF WINTER GARDEN
CITY COMMISSION AGENDA ITEM

From: City Manager Mike Bollhoefer

Date: May 20, 2015 **Meeting Date:** May 28, 2015

Subject: **Resolution 15-08.** A Resolution of the City of Winter Garden of Winter Garden, Florida, authorizing Bingo to be conducted at a municipal owned property as a fundraiser to benefit the “American Cancer Society Relay For Life” by the City Employees Team, Pursuant to Section 849.0931(11)(D), Florida Statutes; Providing an effective date.

Issue: City employees would like to conduct bingo as a fundraiser for the Relay For Life City Stars (Employees) Team to benefit American Cancer Society. The City team has raised almost \$86,000 since it restarted its team for the Relay For Life of Stoneybrook in 2008.

Bingo is a highly regulated game and per Florida Statute, an ordinance or resolution must be passed by the governing body to conduct bingo on property (Jessie Brock Community Center) owned by a municipality.

There will be no cash winnings from the Bingo game. Winners of the Bingo games will have pick from a variety of inexpensive gifts donated to Relay For Life of Winter Garden by an outside company who asked that the items be distributed via a Relay For Life event. A 50 50 chance drawing may be conducted separately by another Relay For Life team as well as a fundraising dinner.

Recommended action: Motion to approve Resolution 15-08

Attachments/References:

1. Resolution 15-08

RESOLUTION No. 15-08

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, AUTHORIZING BINGO TO BE CONDUCTED AT A MUNICIPAL OWNED PROPERTY AS A FUNDRAISER TO BENEFIT THE "AMERICAN CANCER SOCIETY RELAY FOR LIFE" BY THE CITY EMPLOYEE TEAM, PURSUANT TO SECTION 849.0931(11)(D), FLORIDA STATUTES; PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Winter Garden is granted the authority under § 2(b), Art. VIII of the State Constitution, to exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, Florida State Statute 849.0931(11)(d) Bingo authorized; conditions for conduct; permitted uses of proceeds; limitations states "Property owned by a municipality or a county when the governing authority has, by appropriate ordinance or resolution, specifically authorized the use of such property for the conduct of such games"; and

WHEREAS, employees have participated in the American Cancer Society Relay for Life for the past eight years and raised roughly over \$85,000 to date for this worthy nonprofit organization through various fundraisers; and

WHEREAS, the City of Winter Garden employees requested to conduct a bingo game run by City employees after work hours at the Jessie Brock Community Center.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA that:

- Section 1. Incorporation of Recitals.** The foregoing recitals are hereby affirmed and ratified.
- Section 2. Authorized Location.** The City Commission hereby authorizes Winter Garden employees to conduct a single bingo game at the Jessie Brock Community Center, 310 North Dillard Street, Winter Garden, Florida, to raise money for Relay for Life by the City Employee Team in the year of 2015.
- Section 3. Effective Date.** This Resolution shall become effective immediately upon adoption.

PASSED AND RESOLVED THIS TWENTY-EIGHTH DAY OF MAY 2015.

BY: _____
Bob Buchanan, Mayor Pro-Tem/Commissioner

ATTEST:

BY: _____
Kathy Golden, City Clerk

THE CITY OF WINTER GARDEN
CITY COMMISSION AGENDA ITEM

From: Matt McGrew, Fire Chief 

Via: Mike Bollhoefer, City Manager

Date: May 21, 2015

Meeting Date: May 28, 2015

Subject: Approve purchase of the following budgeted items:
(27) Scott X3 Self Contained Breathing Apparatus (SCBA)
(27) Facepieces
(54) 45 Minute Snap Change Cylinders
(1) PAK Link Programmer
(1) PAK Traker Handheld Receiver Kit
(1) PAK Traker Charger

Issue:

The Fire Rescue Department recommends the purchase of twenty-seven (27) Self Contained Breathing Apparatus (SCBA), twenty-seven (27) Facepieces, fifty-four (54) 45 Minute Snap Change Cylinders, one (1) PAK Link Programmer, one (1) PAK Traker Handheld Receiver Kit and one (1) PAK Traker Charger from Fisher Safety, with a total purchase price for all equipment of \$159,127.00. The pricing is based off of the Orange County Contract Y12-1086 which provides 38% off of SCBA and 28% off of cylinders and facepieces.

These items will replace equipment that is reaching its end of service life, and will be going out of warranty.

Recommended action:

Move to approve the purchase of the twenty-seven (27) Self Contained Breathing Apparatus (SCBA), twenty-seven (27) Facepieces, fifty-four (54) 45 Minute Snap Change Cylinders, one (1) PAK Link Programmer, one (1) PAK Traker Handheld Receiver Kit and one (1) PAK Traker Charger from Fisher Safety, with a total purchase price for all equipment of \$159,127.00.

Attachments/References:

Price quote from Fisher Safety.



PRICE QUOTATION

(Good until June 1, 2015)

DATE 5/20/15		FISHER SAFETY SALES REP			PAGE NO. 1 of 1	
CUSTOMER NAME Winter Garden Fire				ATTENTION:		
ADDRESS				PHONE		
CITY, STATE, ZIP CODE				FAX		
ESTIMATED SHIPPING DATE(S) 30 Days						
QTY	UOM	PART NUMBER	DESCRIPTION	LIST PRICE	Winter Garden Price	TOTAL AMOUNT
27	EA	x3414021200302	Scott X3 SCBA EZ-FLO REG,EBSS,PAKTRAKR	\$ 6,995.00	\$ 4,099.00	\$110,673.00
27	EA	20125-02	HT Facepiece	\$ 350.00	\$ 207.00	\$5,589.00
54	EA	200129-01	45 minute snap change cylinder	\$ 1,370.00	\$ 810.00	\$43,740.00
1	EA	200711-01	PAK Link Programmer	\$ 1,126.00	\$ 760.00	\$760.00
1	EA	200266-03	Pak traker handheld receiver kit	\$ 1,493.00	\$ 1,020.00	\$1,020.00
1	EA	200433-01	Pak traker charger	\$ 489.00	\$ 345.00	\$345.00
			TOTAL			\$162,127.00
Trade value (includes 27 paks,35 masks,40 cylinders)						\$3,000.00
GRAND TOTAL						\$159,127.00

Notes: Includes all operational and maintenance training and initial fit testing
Pricing is based off of Orange County Contract Y12-1086 which provides 38% off of SCBA and 28% off of cylinders and facepieces

* Pricing after June 1, 2015 through June 30, 2015 - Add 4%

** Pricing after June 30, 2015 through September 30, 2015 - Add 11%

THE CITY OF WINTER GARDEN
City Commission AGENDA ITEM

From: Mike Bollhoefer, City Manager

Date: 05/22/15

Meeting Date: 05/28/15

Subject: Contract for purchase of projectors for Garden Theatre

Issue: At a previous meeting, the Commission agreed to purchase projectors for use by the Garden Theatre. Attached is the agreement submitted by the Theatre. We are going to make the following changes to the agreement:

1. Require that any funds earned by leasing the projectors will first be used to pay for all maintenance. If the funds are not sufficient to cover the cost, allocate the remaining costs to the City and the Theatre based on usage.
2. Eliminate the clause requiring the City to store the projectors.
3. Limit the leasing of the projectors only to events within the City.
4. Require that all users other than the City or Theatre be required to pay the full cost of renting the projectors, i.e., no gratis use.
5. Ensure that insurance covers the replacement cost of the projectors and covers the projectors for theft.

The updated agreement will be forwarded as soon as completed.

Recommendation: Approve the agreement with the Garden Theatre.

USE AGREEMENT

THIS USE AGREEMENT (“Agreement”), dated this _____ day of May, 2015, is made and entered into by and between the CITY OF WINTER GARDEN, FLORIDA, a Florida municipal corporation (the “City”) and GARDEN THEATRE, INC., a Florida non-profit corporation (the “Garden Theatre”).

WITNESSETH:

WHEREAS, the City of Winter Garden, Florida (the “City”) is the owner of that certain real property generally known as Garden Theatre, having an address of 160 W. Plant Street, Winter Garden, Florida 34787, and being more particularly described on Exhibit “A,” attached hereto and incorporated herein by this reference (the “Theatre”); and

WHEREAS, Garden Theatre is the owner of certain theatre equipment described on the attached Exhibit “B” (the “Theatre Equipment”) in connection with the operation of the Theatre; and

WHEREAS, the City and Garden Theatre entered into that certain Operating Agreement dated December 1, 2010 whereby it was agreed that it is in the best interest of the City that Garden Theatre continues the operation of the Theatre, the term of which Operating Agreement has been extended through November 30, 2025; and

WHEREAS, on January 22, 2015, the City approved the expenditure of \$100,000.00 for the purchase of three (3) digital projectors to be used in connection with the operation of the Theatre and for other community projects and events; and

WHEREAS, the City and Garden Theatre wish to specify the terms governing the use of the digital projectors and related equipment pursuant to the terms of this Use Agreement.

NOW, THEREFORE, for and in consideration of the above premises, the promises and provisions contained herein, the City and Garden Theatre agree as follows:

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

2. **Ownership of Additional Equipment.** The City will acquire and be the owner of three (3) Christie projectors and lenses, two Model HD-14K-M and one Model WV-12K-M (the Projectors”) upon approval of this Agreement and execution by the City and Garden Theatre. The City shall reimburse Garden Theatre the sum of One Hundred Thousand and No/100 (\$100,000.00) which has been paid in connection with the acquisition of the Projectors. In connection with the Projectors, the City shall also acquire and be the owner of one (1) mounting bracket associated with the mounting of the Projector at the Theatre.

3. **Maintenance and Storage.** The City shall be responsible for the costs of repair, maintenance and lamp replacement of the Projectors. Any accessories, cables or content creation shall also be the responsibility of the City or any renter of the equipment as further provided hereunder. Two (2) of the three (3) Projectors shall be stored in accessible, climate-controlled

storage at a location determined by the City and one (1) of the Projectors shall be mounted, used and maintained at the Theatre.

4. **Garden Theatre Rights to the Projectors.** One (1) of the Projectors will be mounted, maintained and regularly utilized at the Theatre. Garden Theatre shall also have the right to utilize the other two (2) Projectors as needed by Garden Theatre. Garden Theatre shall have access to the additional two (2) Projectors upon 24 hours' notice to the City during regular business hours. Garden Theatre shall have a right of first refusal in the event of any bona fide offer by any third party to purchase the Projectors from the City. The right of first refusal may be exercised within thirty (30) days following any written bona fide offer to purchase the Projectors from the City.

5. **Use of Projectors by City; Use by Third Parties.** Two (2) of the three (3) Projectors may be used by the City for City-sponsored events outside the Theatre. They may also be used by third parties for community projects and events outside the Theatre, pursuant to the terms of this Agreement. While two of the three Projectors will be stored at a climate-controlled location determined by the City, such location shall be easily accessed by Garden Theatre and Garden Theatre shall manage the lending of the Projectors to third parties in consultation with the City Manager under the following criteria:

a. A Projector may be requested and rented by any person or organization other than Garden Theatre or the City at a rental rate to be agreed upon by Garden Theatre and the City, which rental net proceeds shall be deposited and retained in a special repair and replacement fund for the Projectors and similar equipment.

b. In connection with any rental by a third party, the third party must provide insurance for the Projector and any associated equipment, such insurance requirements to be approved by Garden Theatre and the City. Garden Theatre and the City, through the Executive Director of Garden Theatre and the City Manager, shall agree upon reasonable rules and regulations for the rental of the Projectors and equipment, including arranging for responsible pickup and drop off of the Projectors and equipment and late fees to be paid upon failure of timely return of the Projectors and equipment. The City and Garden Theatre acknowledge the importance of the establishment of such insurance and rental requirements in order to protect the value of the assets for the City, Garden Theatre and others in the community to continue to be able to use the Projectors.

6. **Notice.** It is understood and agreed between the parties hereto that written notice mailed or delivered to the Theatre at 160 West Plant Street, Winter Garden, Florida 34787; Attention: President hereunder shall constitute sufficient notice to Garden Theatre. Written notice mailed or delivered to the City at City of Winter Garden, City Hall, 300 W. Plant Street, Winter Garden, Florida 34787 Attention: City Manager, shall constitute sufficient notice to the City to comply with the terms of this Agreement.

7. **Entire Agreement.** This Agreement contains the entire agreement of the parties hereto with respect to the Projectors and no representations, inducements, promises or agreements, oral or otherwise, between the parties, not embodied herein shall be of any force and effect.

8. **Applicable Law/Venue.** The laws of the State of Florida shall govern any and all claims arising under this Agreement. Venue of any action arising hereunder shall be in Orange County, Florida.

9. **Captions.** The captions contained herein are for convenience and reference only and shall not be deemed a part of this Agreement or construed in any manner limiting or amplifying the terms and provisions of this Agreement to which they relate.

10. **Corporate Authority.** As a material inducement to the City to enter into this Agreement, Garden Theatre represents and warrants to the City that Garden Theatre is duly organized, validly existing and in good standing under the laws of the State of Florida and has the requisite power and authority to enter into this Agreement and to carry out the terms hereof.

11. **Non-Waiver of Sovereign Immunity.** Nothing contained in this Agreement or in any instruments executed pursuant to the terms of this Agreement shall be construed as a waiver or attempted waiver by the City of its sovereign immunity under the Constitution and laws of the State of Florida.

12. **Amendment.** This Agreement shall not be amended or modified except in a written instrument approved by the parties,

13. **Severability.** In the event that any word, clause, phrase, sentence, paragraph or provision of this Agreement is found by a court of competent jurisdiction to be void, illegal, invalid or unenforceable, the deletion of which from this Agreement would not adversely affect the parties' enjoyment of any other material benefits intended by this Agreement and would not substantially increase the burden of either party under this Agreement, said word, clause, phrase, sentence, paragraph or provision will be severed from this Agreement and the remainder of this Agreement will continue to be binding, enforceable, and in full force and effect. On the other hand, if the deletion of such word, clause, phrase, sentence, paragraph or provision will adversely affect the parties' enjoyment of any material benefit intended under this Agreement, or substantially increase the burden of either party, then this Agreement may be equitably modified by said court, to the maximum extent practicable, in order to fulfill the intent and purpose of this Agreement.

14. **Interpretation.** Neither of the parties shall be considered the drafter of this Agreement for purposes of interpreting this Agreement, it being recognized that all parties have contributed substantially and materially to the preparation of this Agreement.

15. **Expenses.** In the event of any default on the part of any party to this Agreement and the necessity to initiate court action for the enforcement of any right hereunder, then in such event, the parties in such action shall be responsible for their own respective costs and expenses of such action, including attorneys fees.

(SIGNATURES APPEAR ON FOLLOWING PAGE)

IN WITNESS WHEREOF, the parties hereto have executed this instrument for the purpose herein expressed, the day and year first above written.

WITNESSES:

CITY OF WINTER GARDEN, a
Florida municipal corporation

Print Name: _____

By: _____
MIKE BOLLHOEFER, City Manager
ATTEST:

Print Name: _____

KATHY GOLDEN, City Clerk

Print Name: _____

GARDEN THEATRE, INC.,
a Florida non-profit corporation.

Print Name: _____

By: _____
KEITH SMITH, President

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this _____ day of May, 2015 by MIKE BOLLHOEFER, as City Manager of the City of Winter Garden, Florida, a Florida municipal corporation, on behalf of the municipality.

(Signature of Notary Public, State of Florida)

(Print Type or Stamp Commissioned Name of Notary Public)

Personally Known _____ OR Produced Identification _____
Type of Identification Produced _____

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this _____ day of May, 2015 by KEITH SMITH, as President of Garden Theatre, Inc., a Florida non-profit corporation, on behalf of said corporation.

(Signature of Notary Public, State of Florida)

(Print Type or Stamp Commissioned Name of Notary Public)

Personally Known _____ OR Produced Identification _____
Type of Identification Produced _____

EXHIBIT "A"

LEGAL DESCRIPTION

Begin at a point 327 feet South and 90 feet East of Northwest corner of NE 1/4 of NW 1/4 of Section 23, Township 22 South, Range 27 East, said point being on the North Line of T. & G. Right of Way, from this point run East 40.5 feet, thence North 176.14 feet, thence South 79 degrees 40 minutes West 40.58 feet, thence South 167.16 feet to the point of beginning, and also: The East 1.67 feet of the West 10 feet of the following described property: Begin 327 feet, South and 80 feet East of the NW corner of the NE 1/4 of NW 1/4 Section 23, Township 22 South, Range 27 East, said point being on the North line of the T. & O. Railroad right of way from this point run thence East 50.5 feet, thence North 176.14 feet thence South 79 degrees 46 minutes West 50.58 feet, thence South 167.16 feet to the point of beginning. (Part of Lot 3, Block "C" of Fries Survey, as per plat thereof recorded in Flat Book "E", Page 16 of the Public Records of Orange County, Florida.

**EXHIBIT “B”
Theatre Equipment**

Audio

Manufacturer	Part #	Description
Shure	PG56	PG56 Instrument Microphone
Shure	PG52	PG52 Instrument Microphone
Shure	PG81	PG81 Instrument Microphone
Shure	SM58	SM58 Vocal Microphone
Shure	SM57	SM57 Instrument Microphone
Crown	PCC160	Phase Coherent Cardioid boundary microphone
Audio Technica	U853A	cardioid condenser hanging microphone
Shure	UR1	Body pack with Countryman E6 earset microphones
Shure	UR4D	Dual Receiver
Shure	P9R	Wireless Receiver
Shure	P9TR	Wireless Transmitters with earphones
Shure	UR2/Beta 87C	Beta 87C Handheld Transmitter
Rane	C4	Quad Compressor / Limiter / Dynamic Equalizer
DBX	166A	Dual Channel Compressor Limiter
DBX	262	Dual Channel Compressor Limiter
Meyer	UPA-1P	Compact Wide Coverage Loudspeaker
Meyer	600-HP	Compact High-Power Subwoofer
Meyer	UPM-1P	UltraCompact Wide Coverage Loudspeaker
Meyer	UP Junior	UltraCompact VariO Loudspeaker
Dennon	DN-T625	Combination CD and Tape Player
Dennon	DN-C550R	Dual Drive CD-R & CD-RW Recorder
Midas	Heritage 2000	40 Channel Console
TC Electronics	M1	Effects Processor
TC Electronics	M350	Effects Processor
Listen Technologies	LT-800	Stationary RF Transmitter
Listen Technologies	LR-300	Portable Digital RF Receiver
Listen Technologies	LA-170	Behind-the-Head Stereo Headphones
Listen Technologies	LA-166	Neck Loop
Apple	MacMini	Mac Mini 2.5 Dual Core Processor, 2x2GB RAM, w/ AirPort & Bluetooth
Focusrite	Saffire Pro 40	Digital/Analog audio interface unit (connected to MacMini)
Figure 53	Qlab Pro	Interface and cueing software (installed on MacMini)

Video

Manufacturer	Part #	Description
Panasonic	PT-DW10000U	10000 ANSI Lumens 1080p HD Large Venue DLP Projector
Kramer	VP-724xl	ProScale™ Digital Scaler/Switcher
Denon	DN-V300	Single well DVD Player
Draper		12' X 24' Screen
Denon	DBP-4010UDCI	Blu-Ray Player

EXHIBIT "B" (Cont')

Lighting

NOTE: The Garden Theatre utilizes L5-20 Twist-Lock connectors for all stage dimmers.

Manufacturer	Part #	Description
ETC	Ion	Ion Lighting Console with 2x20 Fader Wing
ETC	Sensor SR48+	Sensor Dimmers
ETC	iRFR	iPod with Radio Focus Remote App
LMI	LM1220	12 Channel 20 Amp Dimmer Pack
ETC	Selador Vivid R 11	11" Selador Vivid R LED fixture w/ 40-degree & 60-degree lenses
ETC	Selador Vivid R 11	11" Selador Vivid R LED fixture w/ 30-degree & 20-degree lenses
ETC	D40 Vivid	D40 Vivid LED fixture w/ WFL, MFL, or NSP diffusers
ETC	Source 4 36-degree	Source Four ERS w/ 36-degree lens (750-watt lamp)
ETC	Source 4 26-degree	Source Four ERS w/ 26-degree lens (750-watt lamp)
ETC	Source 4 19-degree	Source Four ERS w/ 19-degree lens (750-watt lamp)
ETC	Source 4 19-degree lens tube	Spare 19-degree lens tube for Source Four ERS
ETC	Source 4 50-degree	Source Four ERS w/ 50-degree lens
ETC	Source 4 50-degree lens tube	Spare 50-degree lens tube for Source Four ERS
ETC	Source 4 PAR EA	Source Four PAR with WFL, MFL, NSP, and VNSP lenses (750-watt lamp)
ETC	Source 4 PAR Barn Door	Barn door Source Four PAR EA fixtures
Robert Juliat	Super Korrigan	Soptlights

Rigging

Manufacturer	Part #	Description
JLG	30AM	29' 10" Push-Around Vertical Lift DC Powered

Communication

Clear-Com	MS-704	Infercom Main Station
Clear-Com	RS-601	Beltpack
Clear-Com	Tempest	Wireless Beltpacks