



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

REGULAR MEETING

June 11, 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 28, 2015

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

A. **Ordinance 15-31:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.22 ± ACRES LOCATED AT 360 WEST STORY ROAD ON THE SOUTHWEST CORNER OF WEST STORY ROAD AND BURCH 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

B. **Ordinance 15-32:** 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 0.22 ± ACRES LOCATED AT 360 WEST STORY ROAD ON THE SOUTHWEST CORNER OF WEST STORY ROAD AND BURCH AVENUE FROM ORANGE COUNTY LOW DENSITY RESIDENTIAL TO CITY LOW DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

C. **Ordinance 15-33:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.22 ± ACRES LOCATED AT 360 WEST STORY ROAD ON THE SOUTHWEST CORNER OF WEST STORY ROAD AND BURCH AVENUE FROM ORANGE COUNTY R-2 RESIDENTIAL DISTRICT TO CITY R-2 RESIDENTIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE **staff is requesting postponement to a date uncertain** - Community Development Director Williams

D. **Ordinance 15-52:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING CERTAIN REAL PROPERTY GENERALLY DESCRIBED AS APPROXIMATELY 0.19 +/- ACRES OF LAND LOCATED AT 161 SOUTH BOYD STREET ON THE EAST SIDE OF SOUTH BOYD STREET NORTH OF WEST SMITH STREET AND SOUTH OF TREMAINE STREET, FROM R-2 (RESIDENTIAL DISTRICT) TO C-1 (CENTRAL COMMERCIAL DISTRICT); PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE **with the second reading and public hearing being scheduled for June 25, 2015** - Community Development Director Williams

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

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 - Assistant City Manager of Public Services – Cochran

- B. **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; **staff is requesting postponement to June 25, 2015** – City Manager Bollhoefer

4. **REGULAR BUSINESS**

- A. Recommendation to approve the Site Plan for 4020 Winter Garden Vineland Road (*Dunkin' Donuts*) – Community Development Director Williams
- B. Recommendation to approve Release, Abandonment and Vacation of Easements and Declaration of Replacement Easement Agreement for Oakland Park Phase 2A – Community Development Director Williams
- C. Appointments to the Code Enforcement Board for three-year terms for expiring seats held by Johnny Clark, Bruce Woloshin, and Joe Skubas, and to fill a vacancy due the resignation of Harold Petch; term expires July 1, 2016; **staff is requesting postponement until June 25, 2015** – City Clerk Golden
- D. Appointments to the Community Redevelopment Agency Advisory Board for expiring and vacant seats of Larry Cappleman, John Kirby, Sandy Schupp, Ron Sikes, and Kelly Randall; **staff is requesting postponement until CRAAB discusses at their July meeting** – City Manager Bollhoefer

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

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

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

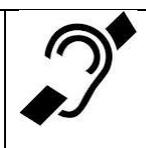
8. **MATTERS FROM MAYOR AND COMMISSIONERS**

ADJOURN to a Regular Meeting on June 25, 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 28, 2015

A **REGULAR MEETING** of the Winter Garden City Commission was called to order by Mayor Pro-Tem Buchanan at 6:30 p.m. at City Hall, 300 West Plant Street, Winter Garden, Florida. An Opening Invocation and Pledge of Allegiance were given.

Present: Mayor Pro-Tem Bob Buchanan, Commissioners Kent Makin, Robert Olszewski and Colin Sharman

Absent: Mayor John Rees

Also Present: City Manager Mike Bollhoefer, City Attorney Kurt Ardaman, Assistant City Clerk Angee Grimmage, 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, Deputy Police Chief Bill Sullivan, and Recreation Director Jay Conn

1. **APPROVAL OF MINUTES**

Motion by Commissioner Makin to approve the Regular Meeting of May 14, 2015 as submitted. Seconded by Commissioner Olszewski and carried 4-0.

2. **PRESENTATIONS**

• **9/11 Memorial**

Judson "Judd" Kuneman with the American Legion, addressed the City installing the 9/11 memorial which is a steel high beam received from the 9/11 Twin Tower site in New York. He shared the history of how the memorial installation had been planned. He requested assistance from the City to press forward with the installation efforts. The plan is to have this memorial installed in the park in time for the memorial service in September and asked the Commission to help make this happen.

City Manager Bollhoefer gave a status update and stated the plan is to have this item ready for unveiling by the next 9/11 service. Commissioner Olszewski asked that the unveiling not conflict with a similar ceremony set for the Town of Windermere.

• **Winter Garden Squeeze**

General Manager of the Winter Garden Squeeze baseball team, Adam Bates, announced that the Winter Garden Squeeze is set to open for its second season. He shared that it is an opportunity to see very highly skilled college players from all over the country. The season runs from June 4th through August 9th with 45 scheduled games, of which 23 are at home.

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

City Attorney Ardaman read Ordinance 15-40. Assistant City Manager of Public Services Cochran stated that the St. Johns River Water Management District strongly encourages Florida friendly landscape standards for vegetation, which is included in this proposed ordinance. He emphasized that the proposed changes have no impact on existing developments; it only impacts new developments or redevelopment that comes to the Commission after this item is adopted. There was discussion that this item is required in order for the City to get its consumptive use permit and this item will affect residential and commercial developments.

Motion by Commissioner Olszewski to approve Ordinance 15-40 with the second reading and public hearing being scheduled for June 11, 2015. Seconded by Commissioner Sharman and carried unanimously 4-0.

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

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

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

Finance Director Zielonka stated that this ordinance amends the current year's budget to account for all the changes that have happened since the approval of the original budget. She stated that Exhibit 1 shows the requested adjustments.

Mayor Pro-Tem Buchanan opened the public hearing; hearing and seeing none, he closed the public hearing.

Motion by Commissioner Sharman to approve Ordinance 15-50 with the second reading and public hearing being scheduled for June 25, 2015. Seconded by Commissioner Makin and carried unanimously 4-0.

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

City Attorney Ardaman read Ordinance 15-28 by title only. Community Development Director Williams shared that this is a request for a planned commercial development district for 17,250 square feet of office space. He noted that this will be primarily medical office space. It has been reviewed by staff and the Planning and Zoning Board and both recommend approval, subject to conditions.

Mayor Pro-Tem Buchanan opened the public hearing; hearing and seeing none, he closed the public hearing.

Motion by Commissioner Makin to adopt Ordinance 15-28. Seconded by Commissioner Olszewski and carried unanimously 4-0.

- 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 zoning. He noted that there have been several other requests in this area for the same type of approvals. He noted that staff anticipates that it will, at some point, convert to an office type use. It has been reviewed by the Planning and Zoning Board and staff, and both recommend approval.

Mayor Pro-Tem Buchanan opened the public hearing; hearing and seeing none, he closed the public hearing.

Motion by Commissioner Olszewski to adopt Ordinances 15-34, 15-35, and 15-36. Seconded by Commissioner Sharman and carried unanimously 4-0.

- 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 the property owner is requesting voluntary annexation, future land use designation, and zoning. He noted that there is a small house that is for sale on a quarter acre lot. They anticipate that once the property is sold and redeveloped, it will need central services from the City. This has been reviewed by staff and the Planning and Zoning Board and both recommend approval.

Mayor Pro-Tem Buchanan opened the public hearing; hearing and seeing none, he closed the public hearing.

Motion by Commissioner Sharman to adopt Ordinances 15-37, 15-38, and 15-39. Seconded by Commissioner Makin and carried unanimously 4-0.

- 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

City Attorney Ardaman read Ordinance 15-41 by title only. Community Development Director Williams stated that our current code does not allow for agricultural zoning and there has been a request to build a rather large greenhouse. This request requires changes be made to the City's Code. Approval is recommended.

Mayor Pro-Tem Buchanan opened the public hearing; hearing and seeing none, he closed the public hearing.

Motion by Commissioner Olszewski to adopt Ordinance 15-41. Seconded by Commissioner Makin and carried unanimously 4-0.

- 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

City Attorney Ardaman read Ordinance 15-42 by title only. Community Development Director Williams stated that the City is the applicant on this item. The City was given this property in conjunction with certain improvements and road right-of-way projects in this area. He noted that this is a remnant parcel that is primarily wetlands. However, there are a couple of good upland acres in the northwest corner of the property that staff anticipates using for either a retention pond for the road widening or a future fire station site. In order to accomplish this, it was necessary to take it out of the existing plan development and establish a zoning consistent with the uses in the area. Approval is recommended.

Commissioner Makin asked if some of the wetlands could be used as mitigation property. Mr. Williams responded yes, it would have value because of the size of this wetland. There was discussion on mitigation and the impact the City would have on the property.

Mayor Pro-Tem Buchanan opened the public hearing; hearing and seeing none, he closed the public hearing.

Motion by Commissioner Makin to adopt Ordinance 15-42. Seconded by Commissioner Sharman and carried unanimously 4-0.

- 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

City Attorney Ardaman read Ordinances 15-43, 15-44, and 15-45 by title only. Community Development Director Williams stated that the West Orlando Baptist Church came to the City with a large expansion project to the north of this parcel. He noted they have since been able to acquire this out-parcel; and are asking to annex it and give it a future land use designation and zoning so that they can incorporate it into their future expansion plans. This has been reviewed by staff and the Planning and Zoning Board and both recommend approval.

Mayor Pro-Tem Buchanan opened the public hearing; hearing and seeing none, he closed the public hearing.

Motion by Commissioner Makin to adopt Ordinances 15-43, 15-44, and 15-45. Seconded by Commissioner Olszewski and carried unanimously 4-0.

- 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

City Attorney Ardaman read Ordinances 15-46, 15-47, and 15-48 by title only. Community Development Director Williams stated that this is a voluntary request by the property owner for annexation, future land use designation, and zoning. He noted that they intend to use the property for residential purposes. The Planning and Zoning Board and staff have reviewed it and both recommend approval.

Mayor Pro-Tem Buchanan opened the public hearing; hearing and seeing none, he closed the public hearing.

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

Motion by Commissioner Sharman to adopt Ordinances 15-46, 15-47, and 15-48. Seconded by Commissioner Makin and carried unanimously 4-0.

- 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

City Attorney Ardaman read Ordinance 15-49 by title only. Community Development Director Williams stated that there had been no additional comments from the public on this item. In summary, this allows for the removal of certain billboards and the relocation or replacement of those billboards with a digital billboard under certain conditions and requirements. The heart of the changes is in the relocation and reconstruction agreement, which will be negotiated by staff and then brought to the City Commission for final consideration and approval. Any standard in this set of revisions is open for discussion and possible change through that agreement. Approval is recommended of the changes.

There was discussion on the number of current billboards in the City which was estimated to be between 15 and 20. Also discussed were the City locations versus County locations as it pertains to billboards, their locations, and separation distances.

Mayor Pro-Tem Buchanan opened the public hearing; hearing and seeing none, he closed the public hearing.

Motion by Commissioner Olszewski to adopt Ordinance 15-49. Seconded by Commissioner Sharman and carried unanimously 4-0.

6. **PUBLIC HEARING MATTER**

A. **Consider condemning property located at 160 East Plant Street, Winter Garden, Florida; Owner: Winter Garden Gateway Corporation**

Community Development Director Williams requested postponement of this item to June, 25, 2015 at 6:30 p.m.

Motion by Commissioner Sharman to POSTPONE considering the condemning of property located at 160 East Plant Street, Winter Garden, Florida until June 25, 2015 at 6:30 p.m. Seconded by Commissioner Makin.

Commissioner Makin asked why the postponement. Mr. Williams responded that the timeframes have changed since the last time staff submitted the matter to the Commission. The owner has submitted a large packet of information for staff to review. He noted they are making progress and have spent a great deal of time and money in preparing the information. He noted that an additional adjustment to the hearing date may be needed in order to finalize a schedule when repairs will start and finish.

Commissioner Makin expressed his concerns of this matter being prolonged. Mr. Williams assured the Commission that staff believes substantial progress is being made with the packet they have submitted. If they do not follow through, then staff will ask the Commission to move forward with the condemnation.

Stephen Chong, of Mateer Harbert, P.A., representative for the Winter Garden Gateway Corporation, stated that he reiterates what Director Williams has indicated. They have worked out a schedule of documents to be submitted by certain dates and have complied with the items agreed upon. Staff has now stated that they need time to review it and they are happy to wait and work with the City.

Motion carried unanimously 4-0.

7. **REGULAR BUSINESS**

A. **Recommendation to approve Right-of-Way Maintenance Agreement with Belle Meade Residents Association, Inc.**

Community Development Director Williams shared that the Belle Meade project is a gated community. However, their entry gate and key locks are in public right of way, which is on a road that is City property. This agreement allows for them to make repairs and improvements to their gating and how it operates. Staff recommends approval.

Motion by Commissioner Sharman to approve Right-of-Way Maintenance Agreement with Belle Meade Residents Association, Inc. Seconded by Commissioner Makin and carried unanimously 4-0.

B. Recommendation to award Downtown Parking Garage Design-Build Project (AS15-13012) to Finrock, Inc., with public comment

City Manager Bollhoefer noted that this project has been in the works for a little over 2 ½ years. He shared that the parking situation has gotten worse as more and more people come to the downtown area. He stated that we recently went out for bid of the design build process and had three submittals. The committee met and chose who they believe is the best submittal for the garage.

Mr. Bollhoefer displayed the conceptual drawings from the selected garage design by Finrock, Inc. He noted that the number one concern and priority of all the businesses, residents, and the City Commission was that this garage fit into the City of Winter Garden. He shared that there was a mandatory meeting when the request for submittals was released. He noted that in their presentation to the submitters they were told that first and foremost the most critical requirement was the design of the garage and how it fits in with the City of Winter Garden. He noted that Finrock, Inc. was chosen and were at the highest cost submitted. They did include recommended areas on how to bring the cost down. One of those recommendations was to allow them to use their design standards. They also overestimated the cost of moving utilities, which would bring their cost down to \$7 million. Mr. Bollhoefer stated that if the City Commission was to decide to select Finrock, Inc., then staff would move forward to negotiate a contract to be brought back to the City Commission at the June 25th meeting. He noted that it was a five person committee with a 4 to 1 vote for Finrock, Inc. and one vote for Simmons who came in as number two.

Commissioner Olszewski inquired about the conceptual drawings showing a promotional billboard. Mr. Bollhoefer responded that it is just a conceptual drawing at this point.

Mayor Pro-Tem Buchanan opened the matter to public comments.

Louis Sanchez, of the Artec Group, 1343 Main Street, Sarasota, Florida, stated that he is the CEO of one of the submitted proposals. He voiced his concerns and disappointment because he felt there was no time to protest. The recommendation decision was filed after the time for protest. He noted that he had personal issues with the criteria because he does not feel that staff followed the criteria. His company followed the criteria. His company was the lowest bidder by approximately \$1.5 million they also gave the City 75 additional parking spaces and 40 bonus motorcycle parking spaces. He feels that the additional revenues their project would have given the City was superior. He gave some examples of their superior offerings. When reviewing the scoring criteria, he questioned how they could have the least amount of points for cost when they have the cheapest cost. He addressed the schedule, technical design, and how the selected design does not meet the life and safety code with only two stairwells. He asked how this was considered fair

and open, when they were allowed to come in at the end and negotiate design and price. He stated that this is not fair and open according to the Florida Statutes. It should have been the best value for the taxpayers.

City Manager Bollhoefer addressed some of the issues stated. He noted that there was a stated protest time in the packet and everyone was given the five days and no one protested within that time. He also noted that one of the top expert garage designers in the country reviewed the 577 spaces and said it would not work; the company overstated their spaces. He noted that the one of the problems was in the design on the third floor, which had the cars driving off the roof as a way to exit the garage. He stated that Artec has never built a garage and he was not comfortable with a company that has never built a garage. Mr. Bollhoefer stated that he does not feel that the design fit in with the City of Winter Garden. He shared that Finrock was not picked based on its cost but on all of the criteria. He noted that staff is comfortable with their decision and that they followed the law and still believe based on all the criteria that Finrock is the best selection.

Mr. Sanchez stated that corporately his company has built a couple of garages but his staff has built over 60 parking garages throughout the country and expressed that his staff and teams would be the builders.

The City Commission discussed the low number of bidders, comparative review of the designs, lawfulness of the choice, and the open stairwell designs.

Motion by Commissioner Makin to award the Downtown Parking Garage Design-Build Project (AS15-13012) to Finrock, Inc. Seconded by Commissioner Olszewski and carried unanimously 4-0.

- 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

City Attorney Ardaman read Resolution 15-07 by title only. Community Development Director Williams stated that when the Orange County School Board proposed to build an elementary and middle school in this area there was a commitment by a development, as part of their agreement, that to meet school concurrency, to build a road and extend utilities to those schools and provide the land. When it came time to build the schools, the developer was in financial trouble and funds were not available for building the road. They City stepped up, constructed the road, designed a four lane road, and did all the utilities to serve the school and surrounding properties. The road was made private until each property committed for their development and cost share of roads and utilities. All have signed agreements with the City to refund and pay for road widening and all the utilities. Staff recommends approval of the resolution which makes Sunridge a public road.

Mayor Pro-Tem Buchanan opened the matter to public comment.

Motion by Commissioner Sharman to approve Resolution 15-07. Seconded by Commissioner Makin and carried unanimously 4-0.

- 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

City Attorney Ardaman read Resolution 15-08 by title only. Community Relations Director Vaughn stated that bingo is a highly regulated game in the State of Florida. The Relay for Life group has been given a lot of inexpensive gifts and staff feels bingo would be a good way to bring these gifts out into the community and raise money. She noted that a resolution is required to meet Florida Statute requirements.

Mayor Pro-Tem Buchanan asked City Attorney Ardaman if this resolution covers all bases. City Attorney Ardaman responded that there are specific allowances under the Florida Statutes for bingo and other certain gambling activities, especially with non-profits involved and cities are not to make money.

City Manager Bollhoefer stated that the City has done this in the past and this resolution does cover us. Ms. Vaughn stated that the biggest point covered in this resolution is that this is being held in a municipality facility that requires a resolution be done to grant permission. She stated that this resolution is for that single evening on August 20th at the Jessie Brook Community Center at 6:00 p.m. with a \$10 cover charge.

Mayor Pro-Tem Buchanan opened the matter to public comment.

Motion by Commissioner Sharman to approve Resolution 15-08. Seconded by Commissioner Olszewski and carried unanimously 4-0.

- 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 stated that staff is seeking approval to move forward with a budgeted purchase of self-contained breathing equipment and cylinders. He gave a brief history of his evaluation of the City’s Fire Department needs after becoming Fire Chief and worked with the City Manager to space these items out over time to have limited impact on the City’s budget. He noted that this purchase is one of those items and has been accounted for in the current budget.

Fire Chief McGrew shared that this breathing equipment is one of our most critical pieces of equipment that allows them to function as firefighters. The current equipment being used is 10 years old and reaching its end of life cycle and will be out of warranty next month. He noted that the City is able to piggyback the purchase with a purchase made by Orange County Fire Rescue from Fischer Safety, which will result in a significant savings to the City. Staff believes that this purchase is necessary, cost effective, ensures the safety of our firefighters, and is a benefit to the City.

Commissioner Sharman asked if the new apparatuses have the same warranty. Fire Chief McGrew responded yes, it is a 10 year warranty.

Motion by Commissioner Makin 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. Seconded by Commissioner Olszewski and carried unanimously 4-0.

F. **Recommendation to approve Use Agreement with the Garden Theatre for three (3) digital projectors**

City Manager Bollhoefer stated that at a previous meeting the City Commission approved contributing a significant portion of the cost to purchase these projectors for the theatre. He spoke of the successful use of the projectors in the recently sold out Peter Pan performance. He noted that it did wonders for the downtown's reputation and has taken the City to another level. Changes have been made and he recommends moving forward with the agreement.

Commissioner Olszewski asked that, as he and his wife are donors, is he able to vote on this item. Mr. Ardaman responded yes. Commissioner Olszewski confirmed that the City Commission's approval of \$100,000 to make the purchase has not yet been given. He confirmed that the wording reimbursement means that the City is finally paying them for the projectors that the City will own. Mr. Bollhoefer responded that is correct.

Commissioner Sharman shared that he saw the production of Peter Pan and what they were able to do with those projectors. He is looking forward to the next production and the enhancements. Mayor Pro-Tem Buchanan also shared his positive experience attending the production.

Motion by Commissioner Sharman to approve the Use Agreement with the Garden Theatre for three (3) digital projectors. Seconded by Commissioner Olszewski and carried unanimously 4-0.

8. **MATTERS FROM PUBLIC** – There were no items.

9. **MATTERS FROM CITY ATTORNEY**

City Attorney Ardaman noted that the door-to-door [handbill] ordinance from the last meeting will be moved forward to the June 25th meeting.

10. **MATTERS FROM CITY MANAGER**

City Manager Bollhoefer gave the City Commission updates on the status of two road projects at County Road 545 and Tilden as well as Windermere Road and Roberson.

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

Commissioner Olszewski congratulated and thanked Theo Graham for another outstanding Memorial Day event. He noted that the City of Winter Garden added a name of a Winter Garden resident from World War I to the Veterans Memorial.

Commissioner Olszewski congratulated staff and residents on the City of Winter Garden that for the second year in a row the City has had the highest property value growth in all of Orange County at 12.7 percent.

City Manager Bollhoefer thanked Community Relations Manager Vaughn for her work on the Memorial Day event.

Mayor Pro-Tem Buchanan spoke of the very well attended Memorial Day event.

The meeting adjourned at 7:41 p.m.

APPROVED:

Mayor John Rees

ATTEST:

City Clerk Kathy Golden, CMC

THE CITY OF WINTER GARDEN
CITY COMMISSION AGENDA ITEM

From: Ed Williams, Community Development Director

Via: City Manager Mike Bollhoefer

Date: June 3, 2015

Meeting Date: June 11, 2015

Subject: Ordinance 15-5 Rezoning to C-1
161 South Boyd Street (0.19 +/- Acres)
Parcel ID# 23-22-27-2888-08-070

Issue: The applicant is requesting the property located at 161 South Boyd Street be rezoned from R-2 to C-1.

Discussion:

The subject property consists of a 0.19 ± acre lot located at 161 South Boyd Street on the east side of South Boyd Street, north of West Smith Street and south of Tremaine Street. The R-2 zoned property is developed with a duplex and the applicant is requesting to rezone the property to C-1 Central Commercial District to convert the duplex into office space, which is consistent with the existing Downtown Transitional FLU designation. (See attached Staff Report).

Recommended Action:

Staff recommends approval of Ordinance 15-52 with second Commission reading and adoption on June 25, 2015.

Attachments/References:

Location Map
Ordinance 15-52
Staff Report

ORDINANCE 15-52

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING CERTAIN REAL PROPERTY GENERALLY DESCRIBED AS APPROXIMATELY 0.19 +/- ACRES OF LAND LOCATED AT 161 SOUTH BOYD STREET ON THE EAST SIDE OF SOUTH BOYD STREET NORTH OF WEST SMITH STREET AND SOUTH OF TREMAINE STREET, FROM R-2 (RESIDENTIAL DISTRICT) TO C-1 (CENTRAL COMMERCIAL DISTRICT); PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner(s) of real property generally described as approximately 0.19 ± acres of certain real property generally located at 161 South Boyd Street on the east side of South Boyd Street, north of West Smith Street and south of Tremaine Street 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-2 to City C-1, 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-1 Central 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 R-2 Residential District to C-1 Central 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.

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"

DESCRIPTION: LOT 7 LESS THE SOUTH 93 FEET, BLOCK H, FRIES PLAT OF WINTER GARDEN, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK E, PAGE 16, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

STAFF REPORT

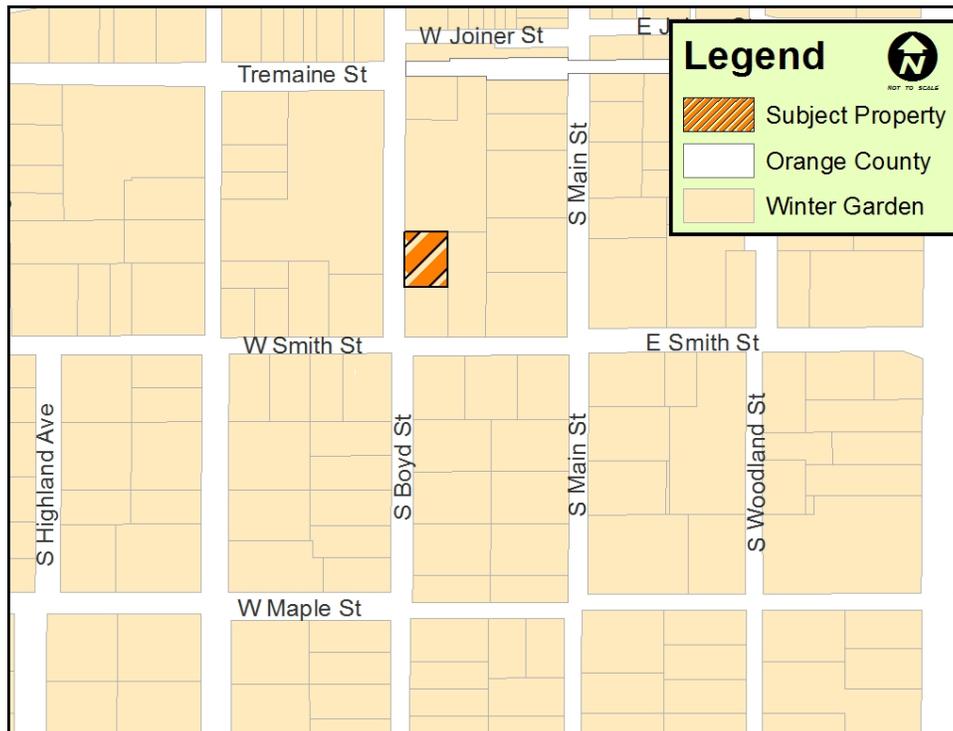
TO: PLANNING AND ZONING COMMITTEE
PREPARED BY: STEVE PASH, COMMUNITY DEVELOPMENT MANAGER
DATE: MAY 27, 2015
SUBJECT: REZONING TO C-1
161 South Boyd Street (0.19 +/- ACRES)
PARCEL ID # 23-22-27-2888-08-070

APPLICANT: KELSO INVESTMENTS, 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 at 161 South Boyd Street on the east side of South Boyd Street, north of West Smith Street and south of Tremaine Street, is approximately 0.19 ± 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 0.19 ± acres of land. The subject property is located within the City of Winter Garden municipal limits, and carries the zoning designation R-2 (Residential District). The subject property is designated DT (Downtown Transitional) on the Future Land Use Map of the Comprehensive Plan.

EXISTING USE

The subject property is currently developed with a duplex and the owner intends to convert it into office space.

ADJACENT LAND USE AND ZONING

The property located to the north is developed with the City's old fire station, which is now used as an art gallery, zoned C-1, and located in the City. The property to the south is developed with a duplex, zoned R-2, and located in the City. The properties to the west are developed with an office and a City parking lot, zoned C-1, and located in the City. The property to the east is developed with a duplex, zoned R-2, and located in the City.

PROPOSED USE

The applicant is requesting to rezone the property to C-1 for future development. In order to rezone and develop this property, the owner will need to follow all of the requirements and permitted uses within the C-1 Zoning District, which only allows residential as an upper story use with office or commercial on the first floor. Redevelopment of this property may also require the assembly of more land to provide the minimum lot requirements and to provide parking for the proposed use. If the minimum number of spaces cannot be provided, the Code allows the properties in the downtown core to purchase parking spaces for \$5,000.00 per parking space.

SUMMARY

Staff recommends approval of Ordinance 15-52 to rezone the property to C-1, subject to the following conditions:

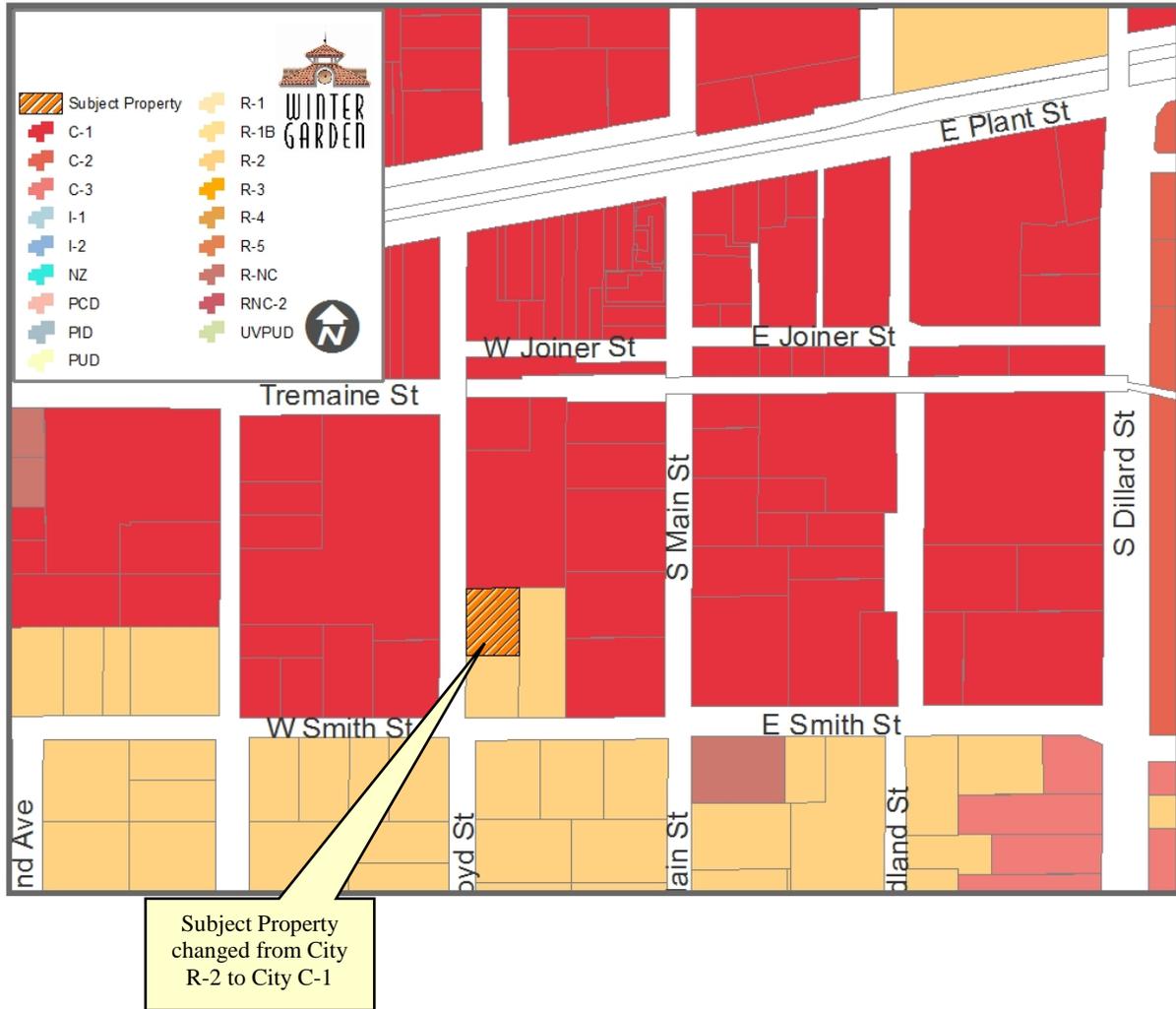
1. All non-conforming uses shall stop prior to the adoption of Ordinance 15-52.
2. Residential uses on this property shall only be allowed on upper floors.
3. Any proposed redevelopment shall be reviewed through Site Plan Review and may require the assembly of multiple lots to meet development requirements.

MAPS

**AERIAL PHOTO
161 South Boyd Street**



ZONING MAP 161 South Boyd Street



FUTURE LAND USE MAP 161 South Boyd Street



PHOTOGRAPH
161 South Boyd Street



END OF STAFF REPORT

THE CITY OF WINTER GARDEN
CITY COMMISSION AGENDA ITEM

From: Don Cochran, Assistant City Manager – Public Services

Via: Mike Bollhoefer, City Manager

Date: June 2, 2015 **Meeting Date:** June 11, 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 an effective date.

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: Ed Williams, Community Development Director

Via: City Manager Mike Bollhoefer

Date: June 5, 2015 **Meeting Date:** June 11, 2015

Subject: 4020 Winter Garden Vineland Road
Dunkin Donuts
PARCEL ID # 11-23-27-7950-00-001

Issue: The applicant is requesting Site Plan approval to construct a Dunkin Donuts.

Discussion:

The applicant is requesting Site Plan approval to construct a +/- 2,000 square foot restaurant (Dunkin Donuts) with a drive through, parking, and landscaping. The parking for this property and the vacant outparcel to the south is shared between the two properties.

Recommended Action:

Staff recommends approval of the Site Plan subject to meeting all code requirements.

Attachment(s)/References:

Location Map
Site Plan



Zephermoor Lane

Turningwind Lane

Winter Garden Vineland Road

Lake Butler Boulevard

Willow Bay Drive

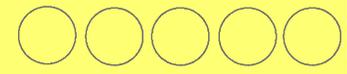
Legend

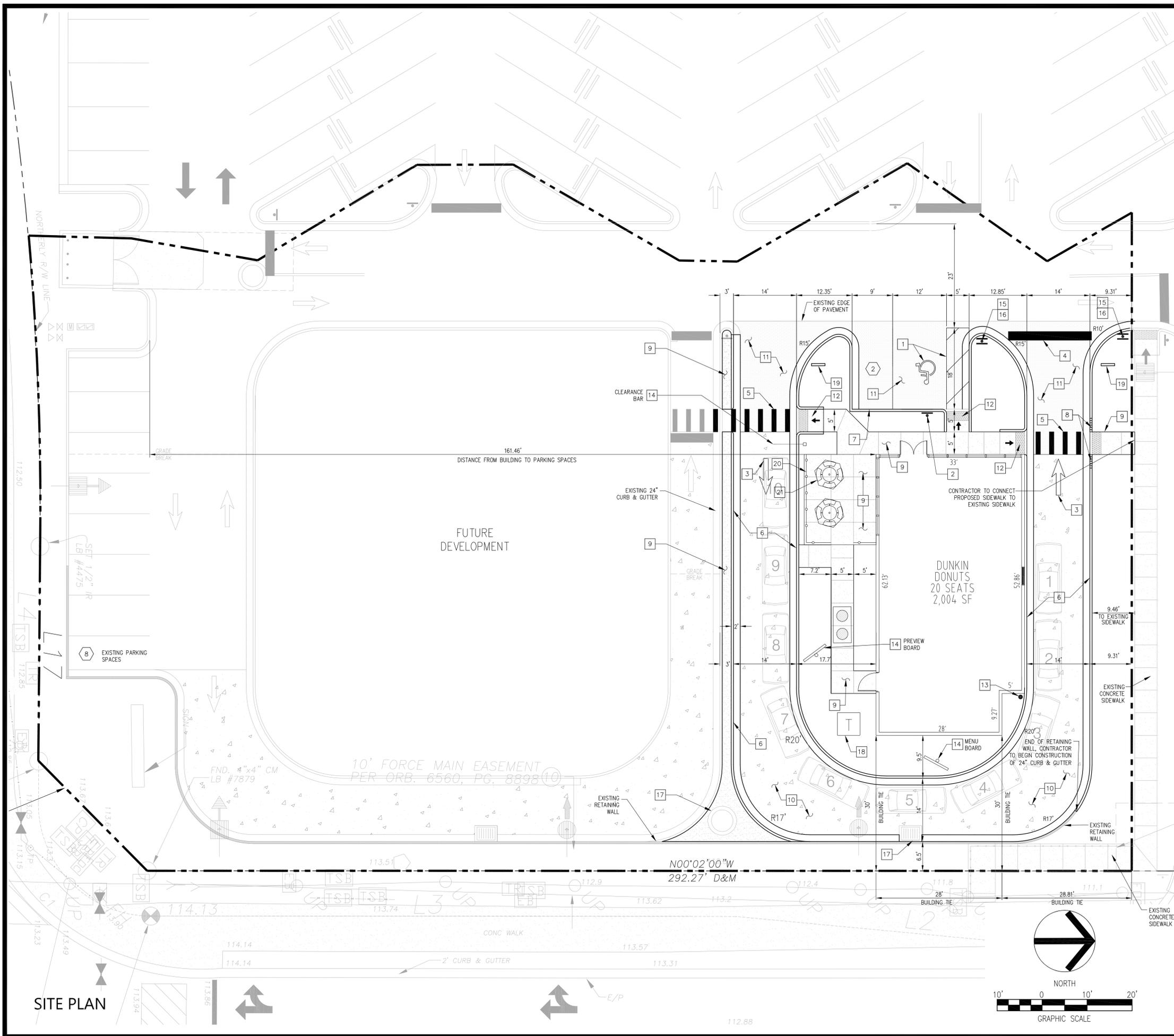
 Subject Property

 Roads

 Orange County Parcels

 Winter Garden Parcels





PLAN NOTES

- 1 HANDICAP PARKING STRIPING & HANDICAP ACCESS AISLE (1 C4)
- 2 HANDICAP PARKING SIGN PER STATE REQUIREMENT (1 PLACE) (2 C4)
- 3 PAVEMENT MARKING (3 C4) (TYP.)
- 4 24" WHITE STOP BAR (PAINT)
- 5 CROSSWALK STRIPING
- 6 24" CONCRETE CURB AND GUTTER (4 C4)
- 7 6" CONCRETE CURB (5 C4)
- 8 TRANSITION CURB (6 C4)
- 9 CONCRETE WALK WITH EXPANSION JOINTS AND SCORE MARKS (7 C4)
- 10 CONCRETE PAVEMENT (8 C4)
- 11 ASPHALT PAVEMENT (9 C4)
- 12 SIDEWALK HANDICAP RAMP (10 C4)
- 13 BOLLARD (12 C4)
- 14 DRIVE-THRU EQUIPMENT (SEE ARCHITECTURAL PLAN) (13 C4)
- 15 "DO NOT ENTER" SIGN
- 16 STOP SIGN
- 17 EXISTING DRAINAGE STRUCTURE
- 18 TRANSFORMER PAD
- 19 DUNKIN DONUTS DIRECTIONAL SIGNAGE (14 C4)
- 20 DECORATIVE ALUMINUM FENCING (15 C4)
- 21 OUTDOOR SEATING (SEE ARCHITECTURAL PLAN)

- NOTES:**
- SITE LIGHTING TO BE INSTALLED DURING CONSTRUCTION OF SHOPPES @ LAKE BUTLER - OVERALL INFRASTRUCTURE PLANS (PREVIOUSLY APPROVED BY THE CITY OF WINTER GARDEN).
 - THE FOLLOWING PROPOSED FACILITIES SHOWN ON THE DEVELOPMENT PLANS ARE FOR REFERENCE PURPOSES ONLY AND EACH SHALL REQUIRE A SEPARATE BUILDING PERMIT. THE LIST INCLUDES, BUT IS NOT LIMITED TO: PROPOSED BUILDINGS, SANITARY LIFT STATIONS, LIGHT FIXTURES (POLES) THAT ARE INDEPENDENT FROM ANY BUILDING STRUCTURE, FENCES, GATES, MONUMENT SIGNS, DUMPSTER ENCLOSURES, AND RETAINING WALLS THAT EXCEED THREE (3) FEET IN HEIGHT.
 - ALL SIGNS SHALL BE PERMITTED SEPARATELY.
 - ALL WORK SHALL CONFORM TO CITY OF WINTER GARDEN STANDARDS AND SPECIFICATIONS.

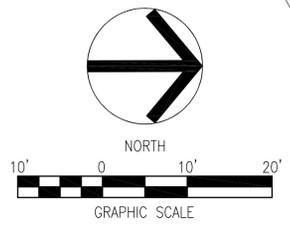
REVISION	DATE	REVISION	DATE
1	04-06-15		

REVISION COMMENTS
 CITY COMMENTS

DUNKIN' DONUTS
 WINTER GARDEN-VINELAND ROAD
 WINTER GARDEN, FLORIDA

DATE: 02/06/15
 DRAWN: CA
 CHECKED: CK
C1.1
 PROJECT NO: 2014.193

REFER TO SHEET C0 FOR GENERAL NOTES, SPECIFICATIONS AND LEGENDS IN ADDITION TO SITE SPECIFIC NOTES AND REQUIREMENTS.



SITE PLAN

THE CITY OF WINTER GARDEN
CITY COMMISSION AGENDA ITEM

From: Ed Williams, Community Development Director

Via: City Manager Mike Bollhoefer

Date: June 4, 2015 **Meeting Date:** June 11, 2015

Subject: **Oakland Park Unit 2A**
Lake Apopka 2012 LLC & Oakland Park Association, Inc.
RELEASE, ABANDONMENT AND VACATION OF EASEMENTS AND
DECLARATION OF REPLACEMENT EASEMENT AGREEMENT
PARCEL ID# 21-22-27-6093-01-590, 21-22-27-6093-01-600

Issue: The applicant is requesting to vacate and replace the drainage and wall easements located along the property boundaries of lots 159 and 160 within the Oakland Park Phase 2A subdivision.

Discussion: The applicant is requesting to release, abandon, vacate, and subsequently declare a replacement for the Drainage and Wall Easements located along a portion of the property boundaries of lots 159 and 160 within the Oakland Park Unit 2A subdivision. The applicant has stated that the existing easements have rendered these lots undevelopable. The Drainage and Wall Easements were dedicated to and are maintained by the Homeowners Association. Per a plat note, City approval is required for modification or termination of the easements.

Recommended Action: City staff recommends approval of the Release, Abandonment and Vacation of Easements and Declaration of Replacement Easement Agreement.

Attachment(s)/References:

Location Map

Release, Abandonment and Vacation of Easements and Declaration of Replacement Easement Agreement

Oakland Park Phase 2A Final Plat – Recorded

Legal Description and Sketch of Proposed Easement

LOCATION MAP

Oakland Park Phase 2A – Lots 159 & 160
(871 & 865 Bluffton Way)



OAKLAND PARK UNIT 2A

SECTION 21, TOWNSHIP 22 SOUTH, RANGE 27 EAST, CITY OF WINTER GARDEN, ORANGE COUNTY, FLORIDA
BEING A REPLAT OF TRACT "D" AND A PORTION OF TRACTS "F2" AND "G3", OAKLAND PARK UNIT 1A,
ACCORDING TO PLAT BOOK 70, PAGES 33-39, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA

PLAT BOOK: **84** PAGE: **15**

OAKLAND PARK UNIT 2A

DEDICATION

PLAT NOTES:

- BEARINGS SHOWN HEREON ARE ASSUMED AND BASED ON THE SOUTHERLY LINE OF LOT 25, OAKLAND PARK UNIT 1A, AS RECORDED IN PLAT BOOK 70, PAGES 33-39, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, AS BEING N85°21'11" E.
- AS INDICATED HEREON, A UTILITY, DRAINAGE AND SIDEWALK ENCROACHMENT EASEMENT (U.D. & S.E.E.) AND A UTILITY EASEMENT (U.E.) ALONG THE FRONT OF ALL LOTS AND TRACTS ABUTTING THE PUBLIC AND PRIVATE RIGHTS-OF-WAY ARE HEREBY DEDICATED TO THE CITY OF WINTER GARDEN AND TO THE PERPETUAL USE OF THE PUBLIC. THE CITY OF WINTER GARDEN SHALL ONLY BE RESPONSIBLE FOR THE MAINTENANCE OF UTILITY, DRAINAGE AND SIDEWALK IMPROVEMENTS IT ACCEPTS AND/OR INSTALLS WITHIN THE AFORESAID EASEMENT AREAS. NO UTILITIES, STRUCTURES OR OTHER IMPROVEMENTS SHALL BE PERMITTED TO CONFLICT OR INTERFERE WITH THE CITY OF WINTER GARDEN'S UTILITY, DRAINAGE AND SIDEWALK IMPROVEMENTS WITHIN SAID EASEMENT AREAS. THE CITY'S EASEMENTS RIGHTS SHALL BE SUPERIOR TO ALL OTHERS. OTHER UTILITY SERVICE PROVIDERS USE OF SAID EASEMENTS FOR UTILITY PURPOSES SHALL BE SUBJECT TO THE CITY OF WINTER GARDEN'S ORDINANCES, RULES AND REGULATIONS CONCERNING THE USE OF PUBLICLY DEDICATED UTILITY EASEMENTS. THE FEE SIMPLE OWNER(S) OF THEIR RESPECTIVE LOTS OR TRACTS ENCUMBERED BY THE AFORESAID EASEMENTS SHALL ONLY BE RESPONSIBLE FOR MAINTENANCE OF SOD AND GROUND COVER WITHIN SUCH EASEMENT AREAS.
- THE FOLLOWING TRACTS SHALL BE CONVEYED TO THE OAKLAND PARK ASSOCIATION, INC. (THE "ASSOCIATION") IN FEE SIMPLE BY SEPARATE DEED UPON THE RECORDING OF THIS PLAT, AND SHALL THEREAFTER BE MAINTAINED BY THE ASSOCIATION AS REQUIRED BY CHAPTER 720 OF THE FLORIDA STATUTES FOR THE BENEFIT OF THE LOT OWNERS:
TRACTS "A2", "B2" AND G2 (PASSIVE RECREATION/OPEN SPACE TRACTS)
TRACTS "C2", "D2", "E2", "F2", "I2" AND "J2" (ALLEY TRACTS)
TRACTS "H2" AND "K2" (OPEN SPACE TRACTS)
- TRACT "N1" (PUBLIC RIGHT-OF-WAY) AND TRACT "N2" (PUBLIC RIGHT-OF-WAY) ARE TO BE CONVEYED TO THE CITY OF WINTER GARDEN IN FEE SIMPLE BY SEPARATE INSTRUMENT UPON THE RECORDING OF THIS PLAT.
- PURSUANT TO SECTION 177.091 (28), FLORIDA STATUTES, AS AMENDED; ALL PLATTED UTILITY EASEMENTS SHALL PROVIDE THAT SUCH EASEMENTS SHALL ALSO BE EASEMENTS FOR THE CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION OF CABLE TELEVISION SERVICES PROVIDED, HOWEVER, NO SUCH CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION OF CABLE TELEVISION SERVICES SHALL INTERFERE WITH THE FACILITIES AND SERVICES OF AN ELECTRIC, TELEPHONE, GAS, OR OTHER PUBLIC UTILITY. IN THE EVENT A CABLE TELEVISION COMPANY DAMAGES THE FACILITIES OF A PUBLIC UTILITY, IT SHALL BE SOLELY RESPONSIBLE FOR THE DAMAGES. THIS PARAGRAPH SHALL NOT APPLY TO THOSE PRIVATE EASEMENTS GRANTED TO OR OBTAINED BY A PARTICULAR ELECTRIC, TELEPHONE, GAS, OR OTHER PUBLIC UTILITY, SUCH CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION SHALL COMPLY WITH THE NATIONAL ELECTRICAL SAFETY CODE AS ADOPTED BY THE FLORIDA PUBLIC SERVICE COMMISSION.
- THE PROPERTY SHOWN HEREON IS SUBJECT TO THE TERMS AND CONDITIONS OF THAT CERTAIN AMENDED AND RESTATED DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR OAKLAND PARK, AND THE ARTICLES OF INCORPORATION FOR THE OAKLAND PARK ASSOCIATION, INC., ALL OF THE FOREGOING OF WHICH ARE RECORDED IN OFFICIAL RECORDS BOOK 10236, PAGE 1901, INCLUSIVE, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, AS SUPPLEMENTED AND/OR AMENDED (AS THE CASE MAY BE) BY (I) THAT CERTAIN FIRST SUPPLEMENT TO AMENDED AND RESTATED DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR OAKLAND PARK RECORDED IN OFFICIAL RECORDS BOOK 10249, PAGE 0580, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, (II) THAT CERTAIN SECOND SUPPLEMENT AND FIRST AMENDMENT TO AMENDED AND RESTATED DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR OAKLAND PARK RECORDED IN OFFICIAL RECORDS BOOK 10761, PAGE 9309, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA AND (III) THAT CERTAIN THIRD SUPPLEMENT TO AMENDED AND RESTATED DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR OAKLAND PARK TO BE RECORDED IN THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.
- THE LOTS WITHIN THIS SUBDIVISION ARE GOVERNED BY A MANDATORY HOMEOWNERS ASSOCIATION (I.E. OAKLAND PARK ASSOCIATION, INC., SOMETIMES HEREIN REFERRED TO AS THE "ASSOCIATION") REQUIRING THE PAYMENT OF FEES AND WITH THE POWER TO ASSESS THE LOTS. THE ASSOCIATION IS THE OWNER OF AND/OR RESPONSIBLE FOR THE MAINTENANCE, REPAIR, AND REPLACEMENT OF ALL PRIVATE AREAS, DRAINAGE SYSTEMS, INCLUDING WITHOUT LIMITATION, THE RETENTION/DETENTION AREAS AND UNDERDRAINS, COMMON PROPERTIES, PRIVATE ROADS, SCREENING WALLS, AND SUCH OTHER SUBDIVISION INFRASTRUCTURE NOT OTHERWISE DEDICATED TO THE PUBLIC USE OR THE CITY OF WINTER GARDEN, INCLUDING WITHOUT LIMITATION, TRACTS A2 (PASSIVE RECREATION/OPEN SPACE TRACT), B2 (PASSIVE RECREATION/OPEN SPACE TRACT), C2 (ALLEY TRACT), D2 (ALLEY TRACT), E2 (ALLEY TRACT), F2 (ALLEY TRACT), G2 (PASSIVE RECREATION/OPEN SPACE TRACT), H2 (OPEN SPACE TRACT), I2 (ALLEY TRACT), J2 (ALLEY TRACT), K2 (OPEN SPACE TRACT) AND THE IMPROVEMENTS THEREON. EVERY LOT OWNER WITHIN THIS SUBDIVISION IS REQUIRED TO BE A MEMBER OF THE ASSOCIATION, AND IS SUBJECT TO ITS RULES AND REGULATIONS, INCLUDING, BUT NOT LIMITED TO THE CONDITIONS, COVENANTS, AND RESTRICTIONS PROVIDED FOR IN ITS DECLARATION, AND THE DEDICATIONS, RESTRICTIONS, AND RESERVATIONS, AS SET FORTH ON THIS PLAT. FAILURE TO PAY SUCH FEES OR ASSESSMENTS SHALL RESULT IN THE ATTACHMENT OF A LIEN ON THE PROPERTY OF THE OWNER WHICH FAILS TO PAY SUCH FEES OR ASSESSMENTS BY THE ASSOCIATION, WHICH MAY RESULT IN THE FORECLOSURE OF SAID PROPERTY.
- THE CITY OF WINTER GARDEN SHALL HAVE THE RIGHT, BUT NOT THE OBLIGATION, TO ACCESS, MAINTAIN, REPAIR, REPLACE AND OTHERWISE CARE FOR OR CAUSE TO BE CARE FOR, ANY AND ALL PRIVATE AREAS, DRAINAGE SYSTEMS, INCLUDING WITHOUT LIMITATION, THE RETENTION/DETENTION AREAS AND UNDERDRAINS, COMMON PROPERTIES, PRIVATE ROADS, SCREENING WALLS, AND SUCH OTHER SUBDIVISION INFRASTRUCTURE NOT OTHERWISE DEDICATED TO THE PUBLIC USE OR THE CITY OF WINTER GARDEN, INCLUDING, WITHOUT LIMITATION, TRACTS A2 (PASSIVE RECREATION/OPEN SPACE TRACT), B2 (PASSIVE RECREATION/OPEN SPACE TRACT), C2 (ALLEY TRACT), D2 (ALLEY TRACT), E2 (ALLEY TRACT), F2 (ALLEY TRACT), G2 (PASSIVE RECREATION/OPEN SPACE TRACT), H2 (OPEN SPACE TRACT), I2 (ALLEY TRACT), J2 (ALLEY TRACT) AND K2 (OPEN SPACE TRACT) AND THE IMPROVEMENTS THEREON. IN THE EVENT ANY OR ALL OF THE SAID AREAS, SYSTEMS, IMPROVEMENTS, PROPERTIES OR AREAS ARE NOT MAINTAINED, REPAIRED, OR REPLACED IN ACCORDANCE WITH THE STANDARDS OF THE CITY OF WINTER GARDEN CODE OF ORDINANCES, GOOD ENGINEERING PRACTICES, OR BECOME A NUISANCE OR IN THE EVENT THE CITY OF WINTER GARDEN EXERCISES ITS AFORESAID RIGHT, EACH OF THE LOT OWNERS OF THE SUBDIVISION ARE HEREBY ULTIMATELY RESPONSIBLE FOR PAYMENT OF THE COST OF MAINTENANCE, REPAIR, REPLACEMENT AND CARE PROVIDED BY THE CITY OF WINTER GARDEN OR ITS CONTRACTORS AND AGENTS, PLUS ADMINISTRATIVE COSTS AND ATTORNEYS' FEES AND COSTS INCURRED BY THE CITY OF WINTER GARDEN. IF SAID COSTS ARE NOT PAID WITHIN 15 DAYS OF INVOICING, THEN SAID COSTS SHALL CONSTITUTE A LIEN ON THE PROPERTY OF THE OWNERS WHICH FAIL TO PAY SUCH COSTS AND MAY BE ENFORCED, WITHOUT LIMITATION, BY FORECLOSURE, SPECIAL ASSESSMENTS, OR AS MAY OTHERWISE BE PERMITTED BY LAW. THIS RIGHT, AND THE CITY OF WINTER GARDEN'S EXERCISE OF SAID RIGHT, SHALL NOT IMPOSE ANY OBLIGATION ON THE CITY OF WINTER GARDEN TO MAINTAIN, REPAIR, REPLACE, OR OTHERWISE CARE FOR SAID PRIVATE AREAS, DRAINAGE SYSTEMS, INCLUDING WITHOUT LIMITATION, THE RETENTION/DETENTION AREAS AND UNDERDRAINS, COMMON PROPERTIES, PRIVATE ROADS, SCREENING WALLS, AND SUCH OTHER SUBDIVISION INFRASTRUCTURE NOT OTHERWISE DEDICATED TO THE PUBLIC USE OR THE CITY OF WINTER GARDEN, INCLUDING, WITHOUT LIMITATION, TRACTS A2 (PASSIVE RECREATION/OPEN SPACE TRACT), B2 (PASSIVE RECREATION/OPEN SPACE TRACT), C2 (ALLEY TRACT), D2 (ALLEY TRACT), E2 (ALLEY TRACT), F2 (ALLEY TRACT), G2 (PASSIVE RECREATION/OPEN SPACE TRACT), H2 (OPEN SPACE TRACT), I2 (ALLEY TRACT), J2 (ALLEY TRACT) AND K2 (OPEN SPACE TRACT) AND THE IMPROVEMENTS THEREON.
- THE ASSOCIATION, AS OWNER OF THE SUBDIVISION INFRASTRUCTURE NOT OTHERWISE DEDICATED TO THE PUBLIC USE OR THE CITY OF WINTER GARDEN, COMMON PROPERTIES, AND AMENITIES, AND THE INDIVIDUAL LOT OWNERS TO EXTENT OF THEIR INTEREST IN THE FOREGOING, SHALL RELEASE, DEFEND, INDEMNIFY AND HOLD THE CITY OF WINTER GARDEN, OTHER GOVERNMENTAL ENTITIES AND PUBLIC UTILITIES HARMLESS FROM ANY AND ALL COSTS, EXPENSES, SUITS, DEMANDS, LIABILITIES, DAMAGES, INJURIES (INCLUDING DEATH), OR OTHERWISE INCLUDING ATTORNEYS' FEES AND COSTS OF SUIT, IN CONNECTION WITH THE REASONABLE USE OF SAID SUBDIVISION INFRASTRUCTURE, COMMON AREAS, OR AMENITIES, OR SAID PARTIES' MAINTENANCE THEREOF, OR SAID PARTIES' EXERCISE OF RIGHTS PERMITTED IN THE DECLARATION OF THE ASSOCIATION, THIS PLAT, OR AS OTHERWISE PERMITTED BY LAW.
- THE DRAINAGE EASEMENT PORTION OF THE NON-EXCLUSIVE UTILITY, DRAINAGE AND SIDEWALK ENCROACHMENT EASEMENTS DEPICTED ALONG THE INTERIOR LOT LINES OF THIS PLAT ARE PRIVATE AND ARE HEREBY DEDICATED TO THE ASSOCIATION. THE FEE SIMPLE OWNERS OF THEIR RESPECTIVE LOTS ENCUMBERED BY THE AFORESAID EASEMENTS SHALL BE RESPONSIBLE FOR MAINTAINING THE SOD AND GROUND COVER WITHIN THE EASEMENT AREAS, AND THE ASSOCIATION SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF ANY SWALES AND DRAINAGE IMPROVEMENTS INSTALLED WITHIN SUCH EASEMENT AREAS. THE ASSOCIATION SHALL HAVE THE RIGHT, BUT NOT THE OBLIGATION, TO MAINTAIN THE SOD AND GROUND COVER IN SUCH EASEMENT AREAS IN THE EVENT ANY OR ALL OF SUCH SOD AND GROUND COVER ARE NOT BEING PROPERLY MAINTAINED BY THE FEE SIMPLE OWNERS OF THE RESPECTIVE LOTS. ANY EASEMENT DEDICATED TO THE ASSOCIATION BY THIS PLAT SHALL NOT BE TERMINATED OR MODIFIED WITHOUT THE PRIOR WRITTEN APPROVAL FROM THE CITY OF WINTER GARDEN.

- THE 20 FOOT (20') WIDE AND TEN FOOT (10') WIDE DRAINAGE AND WALL EASEMENT DEPICTED ALONG THE EAST SIDE OF LOTS 159-167, INCLUSIVE, ARE PRIVATE AND ARE HEREBY DEDICATED TO THE ASSOCIATION. THE ASSOCIATION SHALL BE RESPONSIBLE FOR MAINTAINING THE SOD AND GROUND COVER WITHIN THE EASEMENT AREAS, AND SHALL ALSO BE RESPONSIBLE FOR THE MAINTENANCE OF ANY WALLS, SWALES AND DRAINAGE IMPROVEMENTS INSTALLED WITHIN SUCH EASEMENT AREAS. ANY EASEMENT DEDICATED TO THE ASSOCIATION BY THIS PLAT SHALL NOT BE TERMINATED OR MODIFIED WITHOUT THE PRIOR WRITTEN APPROVAL FROM THE CITY OF WINTER GARDEN.
- THE UTILITY EASEMENT PORTION OF THE NON-EXCLUSIVE UTILITY, DRAINAGE AND SIDEWALK ENCROACHMENT EASEMENTS DEPICTED ALONG THE INTERIOR LOT LINES OF THIS PLAT ARE HEREBY DEDICATED TO THE CITY OF WINTER GARDEN. THE CITY OF WINTER GARDEN SHALL ONLY BE RESPONSIBLE FOR THE MAINTENANCE OF UTILITY IMPROVEMENTS IT ACCEPTS AND/OR INSTALLS WITHIN THE AFORESAID EASEMENT AREAS.
- THE ASSOCIATION SHALL ENTER INTO A RIGHT OF WAY MAINTENANCE AGREEMENT WITH THE CITY OF WINTER GARDEN, WHERE ADDITIONAL RIGHT-OF-WAY HAS BEEN DEDICATED OR RIGHT-OF-WAY WILL BE UTILIZED FOR THE PURPOSE OF PROVIDING LANDSCAPING, ADDITIONAL AREAS FOR SIDEWALKS, WALLS, OR OTHER AMENITIES, AND SHALL BE RESPONSIBLE FOR THE INSTALLATION AND MAINTENANCE OF ALL LANDSCAPE AREAS THAT ARE LOCATED IN THE PUBLIC RIGHT-OF-WAY.
- THERE IS HEREBY GRANTED AND DEDICATED TO THE CITY OF WINTER GARDEN AND OTHER PUBLIC SERVICE AND EMERGENCY SERVICE PROVIDERS, A NON-EXCLUSIVE EASEMENT OVER AND THROUGH TRACTS C2 (ALLEY TRACT), D2 (ALLEY TRACT), E2 (ALLEY TRACT), F2 (ALLEY TRACT), I2 (ALLEY TRACT) AND J2 (ALLEY TRACT) AND ANY OTHER PRIVATELY OWNED INTERNAL ROADS, ALLEYS, PAVED AREAS AND SIDEWALKS FOR VEHICULAR AND PEDESTRIAN INGRESS AND EGRESS ACCESS FOR THE PURPOSE OF PROVIDING PUBLIC AND EMERGENCY SERVICES TO THE SUBDIVISION, INCLUDING BUT NOT LIMITED TO, POSTAL, FIRE PROTECTION, POLICE PROTECTION, EMERGENCY MEDICAL TRANSPORTATION, CODE ENFORCEMENT, GARBAGE, UTILITIES AND OTHER PUBLIC AND EMERGENCY SERVICES.

LEGAL DESCRIPTION

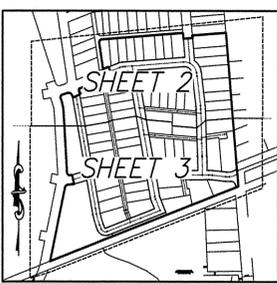
TRACT D AND A PORTION OF TRACTS F2 AND G3, OAKLAND PARK UNIT 1A, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 70, PAGES 33-39, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; SAID LANDS LYING IN SECTION 21, TOWNSHIP 22 SOUTH, RANGE 27 EAST IN THE CITY OF WINTER GARDEN, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF LOT 25, OAKLAND PARK UNIT 1A, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 70, PAGES 33-39, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE RUN N85°21'11" E, ALONG THE SOUTH LINE OF SAID LOT 25, A DISTANCE OF 181.64 FEET TO THE SOUTHEAST CORNER OF SAID LOT 25 AND THE EAST LINE OF THE AFORESAID TRACT D, OAKLAND PARK UNIT 1A; THENCE RUN S04°38'49" E ALONG SAID EAST LINE, A DISTANCE OF 744.08 FEET; THENCE RUN N68°15'00" E, A DISTANCE OF 0.39 FEET; THENCE RUN S04°38'42" E, A DISTANCE OF 83.81 FEET TO THE SOUTHEAST CORNER OF AFORESAID TRACT D; THENCE RUN S68°15'00" W ALONG THE SOUTH LINE OF SAID TRACT D, A DISTANCE OF 1092.65 FEET TO THE SOUTHWEST CORNER OF SAID TRACT D; THENCE RUN ALONG THE WEST LINE OF SAID TRACT D THE FOLLOWING ELEVEN (11) COURSES: THENCE N11°26'18" E, A DISTANCE OF 407.18 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 15.00 FEET, A CENTRAL ANGLE OF 75°25'06", A CHORD BEARING OF N49°08'51" E AND A CHORD DISTANCE OF 18.35 FEET; THENCE RUN NORTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 19.74 FEET TO A POINT OF REVERSE CURVATURE OF A CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 225.00 FEET, A CENTRAL ANGLE OF 08°53'22", A CHORD BEARING OF N82°24'43" E AND A CHORD DISTANCE OF 34.87 FEET; THENCE RUN NORTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 34.91 FEET TO THE END OF SAID CURVE; THENCE RUN N12°01'58" W, A DISTANCE OF 50.00 FEET TO A POINT ON A CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 175.00 FEET, A CENTRAL ANGLE OF 03°27'10", A CHORD BEARING OF S79°41'37" W AND A CHORD DISTANCE OF 10.54 FEET; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 10.55 FEET TO A POINT OF COMPOUND CURVATURE OF A CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 15.00 FEET, A CENTRAL ANGLE OF 97°33'38", A CHORD BEARING OF N49°47'59" W AND CHORD DISTANCE OF 22.57 FEET; THENCE RUN NORTHWESTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 25.54 FEET TO A POINT OF REVERSE CURVATURE OF A CURVE CONCAVE WESTERLY HAVING A RADIUS OF 225.00 FEET, A CENTRAL ANGLE OF 02°19'53", A CHORD BEARING OF N02°11'06" W AND CHORD DISTANCE OF 9.16 FEET; THENCE RUN NORTHERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 9.16 FEET TO THE POINT OF TANGENCY; THENCE RUN N03°21'03" W, A DISTANCE OF 320.90 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE WESTERLY HAVING A RADIUS OF 200.00 FEET, A CENTRAL ANGLE OF 14°43'40", A CHORD BEARING OF N10°42'53" W AND A CHORD DISTANCE OF 51.27 FEET; THENCE RUN NORTHERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 51.41 FEET TO THE POINT OF TANGENCY; THENCE RUN N18°04'43" W, A DISTANCE OF 21.15 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 15.00 FEET, A CENTRAL ANGLE OF 89°31'47", A CHORD BEARING OF N26°41'11" E AND CHORD DISTANCE OF 21.13 FEET; THENCE RUN NORTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 23.44 FEET TO THE POINT OF TANGENCY; SAID POINT LYING ON THE NORTHERLY LINE OF SAID TRACT D; THENCE RUN ALONG SAID NORTHERLY LINE THE FOLLOWING EIGHTEEN (18) COURSES: THENCE N71°27'04" E, A DISTANCE OF 28.33 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS 20.00 FEET, A CENTRAL ANGLE OF 83°44'32", A CHORD BEARING OF S66°40'40" E AND CHORD DISTANCE OF 28.70 FEET; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 29.23 FEET TO THE POINT OF TANGENCY; THENCE RUN S24°48'24" E, A DISTANCE OF 15.69 FEET; THENCE RUN N65°11'36" E, A DISTANCE OF 39.39 FEET; THENCE RUN N09°53'18" W, A DISTANCE OF 18.67 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 15.00 FEET, A CENTRAL ANGLE OF 39°40'08", A CHORD BEARING OF N09°56'45" E AND A CHORD DISTANCE OF 10.18 FEET; THENCE RUN NORTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 10.39 FEET TO A POINT OF NON TANGENCY; THENCE RUN N24°48'24" W, A DISTANCE OF 3.26 FEET; THENCE RUN N68°14'09" E, A DISTANCE OF 130.18 FEET; THENCE RUN S24°48'24" E, A DISTANCE OF 28.93 FEET; THENCE RUN N65°11'36" E, A DISTANCE OF 12.98 FEET; THENCE RUN N09°53'18" W, A DISTANCE OF 27.28 FEET; THENCE RUN N24°48'24" W, A DISTANCE OF 1.51 FEET; THENCE RUN N68°14'09" E, A DISTANCE OF 40.72 FEET; THENCE RUN N21°45'51" W, A DISTANCE OF 50.00 FEET; THENCE RUN S68°14'09" W, A DISTANCE OF 31.78 FEET; THENCE RUN N08°23'41" W, A DISTANCE OF 143.78 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS 15.00 FEET, A CENTRAL ANGLE OF 93°44'52", A CHORD BEARING OF N38°28'45" E AND A CHORD DISTANCE OF 21.90 FEET; THENCE RUN NORTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 24.54 FEET TO THE POINT OF TANGENCY; THENCE RUN N85°21'11" E, A DISTANCE OF 438.33 FEET; THENCE RUN S04°38'49" E, A DISTANCE OF 31.00 FEET; THENCE RUN N85°21'11" E, A DISTANCE OF 50.00 FEET; THENCE RUN N04°38'49" W, A DISTANCE OF 13.50 FEET TO THE POINT OF BEGINNING.

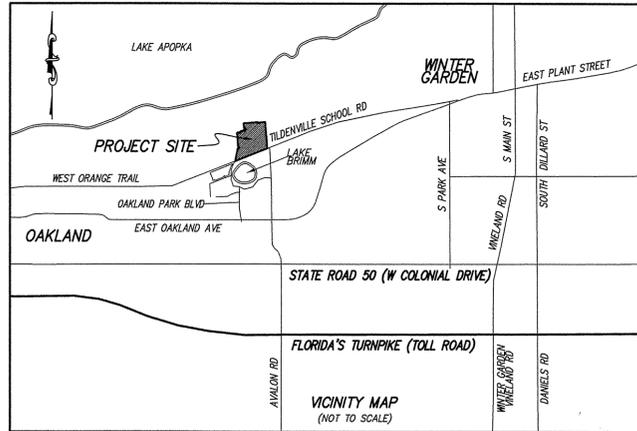
CONTAINS 19.690 ACRES OR 857,437 SQUARE FEET MORE OR LESS.

SHEET INDEX

- SHEET 1 - COVER SHEET
- SHEET 2 - DETAIL SHEET
- SHEET 3 - DETAIL SHEET



SHEET INDEX
SCALE: 1"=500'



KNOW ALL MEN BY THESE PRESENTS THAT THE ENTITY NAMED BELOW, BEING THE OWNER IN FEE SIMPLE OF THE LANDS DESCRIBED IN THE FOREGOING CAPTION TO THIS PLAT, HEREBY DEDICATES SAID LANDS AND PLAT FOR THE EASEMENTS, RIGHTS, USES AND PURPOSES HEREIN EXPRESSED, INCLUDING AS SET FORTH IN THE PLAT NOTES, AND HEREBY DEDICATES TRACT N1 (ROAD RIGHT OF WAY), N2 (ROAD RIGHT OF WAY), THE UTILITY EASEMENTS (U.E.) AND THE UTILITY EASEMENTS AND SIDE WALK ENCROACHMENT EASEMENTS (U.D. & S.E.E.) SHOWN HEREON TO THE CITY WINTER GARDEN AND TO THE PERPETUAL USE OF THE PUBLIC.

IN WITNESS WHEREOF, THE OWNER HAS CAUSED THESE PRESENTS TO BE SIGNED AND ATTESTED TO BY THE OFFICER NAMED BELOW AND ITS CORPORATE SEAL TO BE AFFIXED HERETO ON November 19, A.D. 2014.

SIGNED, SEALED AND IN THE PRESENCE OF:
LAKE APOPKA 2012, LLC,
A DELAWARE LIMITED LIABILITY COMPANY

BY: [Signature] NAME: JOHN H. CLASSE, JR., VICE-PRESIDENT
BY: [Signature] NAME: Candace Tupper
PRINT NAME: Aristaric Penny PRINT NAME: Candace Tupper

STATE OF FLORIDA
COUNTY OF ORANGE

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 19th DAY OF November 2014, JOHN H. CLASSE, JR. AS THE VICE-PRESIDENT OF LAKE APOPKA 2012, LLC, A DELAWARE LIMITED LIABILITY COMPANY, ON BEHALF OF THE COMPANY. HE IS PERSONALLY KNOWN TO ME OR [] HAS PRODUCED N/A AS IDENTIFICATION AND DID NOT TAKE AN OATH.

[Signature]
NOTARY PUBLIC
PRINTED NAME: Candace K Tupper
COMMISSION NO: EE 870533
COMMISSION EXPIRES: 3/27/2017



QUALIFICATION STATEMENT OF SURVEYOR AND MAPPER

KNOW ALL MEN BY THESE PRESENTS, THAT THE UNDERSIGNED, BEING A LICENSED AND REGISTERED LAND SURVEYOR, DOES HEREBY CERTIFY THAT ON 11/19/14 HE COMPLETED THE SURVEY OF THE LANDS AS SHOWN IN THE FOREGOING PLAT OR PLAN; THAT SAID PLAT IS A TRUE AND CORRECT REPRESENTATION OF THE LANDS THEREIN DESCRIBED AND PLATTED OR SUBDIVIDED; THAT PERMANENT REFERENCE MONUMENTS HAVE BEEN PLACED OR SHOWN THEREON AS REQUIRED BY CHAPTER 177, FLORIDA STATUTES; AND THAT SAID LAND IS LOCATED IN THE CITY OF WINTER GARDEN, ORANGE COUNTY, FLORIDA.

[Signature] DATE: 11/19/14
ARTHUR A. MASTRONICOLA, JR., (PSM) PROFESSIONAL SURVEYOR AND MAPPER
CERTIFICATE NO. 4166

DEWBERRY | BOWYER-SINGLETON
520 SOUTH MAGNOLIA AVENUE
ORLANDO, FLORIDA 32801
CERTIFICATE OF AUTHORIZATION NO. (LB) LICENSED BUSINESS 8011

CERTIFICATE OF APPROVAL BY MUNICIPALITY

THIS IS TO CERTIFY THAT ON December 11, 2014, THE FOREGOING PLAT WAS APPROVED BY THE CITY COMMISSIONERS OF WINTER GARDEN, FLORIDA.

[Signature] CITY CLERK, KATHY GOLDEN
[Signature] MAYOR OF WINTER GARDEN, JOHN REES

CERTIFICATE OF REVIEW BY CITY SURVEYOR

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

[Signature] DATE: 12-4-14
CITY SURVEYOR
PRINTED NAME: GERALD M. JOHNSON
COMPANY: ALLEN & COMPANY
ADDRESS: 16 E. PLANT ST.
REGISTRATION NO.: PSM 5570

CERTIFICATE OF COUNTY COMPTROLLER

I HEREBY CERTIFY THAT THE FOREGOING PLAT WAS RECORDED IN THE ORANGE COUNTY OFFICIAL RECORDS ON 1-27-2015, 2015 AS FILE NO. 20150044708 COUNTY COMPTROLLER IN AND FOR ORANGE COUNTY, FLORIDA.

BY: [Signature]
COUNTY COMPTROLLER
COMMISSION EXPIRES: 12/31/2015

SHEET 1 OF 3

NOTICE
THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT.

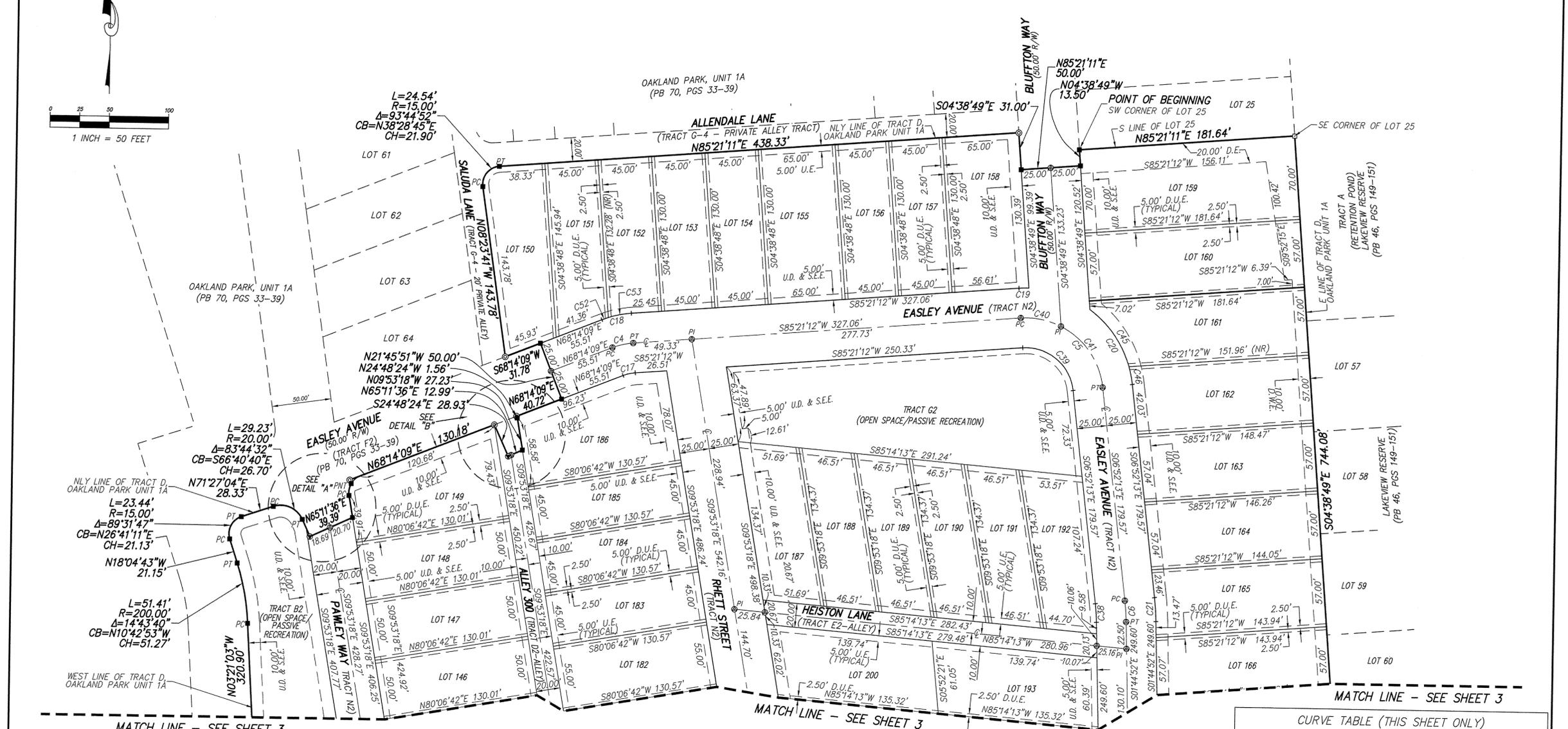
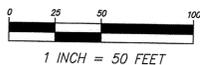
THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

Dewberry LAND DEVELOPMENT & TRANSPORTATION ENGINEERING PLANNING | SURVEYING & MAPPING
520 SOUTH MAGNOLIA AVENUE
ORLANDO, FLORIDA 32801
PHONE: 407.843.5120 FAX: 407.848.9104
WWW.DEWBERRY.COM
CERTIFICATE OF AUTHORIZATION NO. LB 8011

BOWYER-SINGLETON

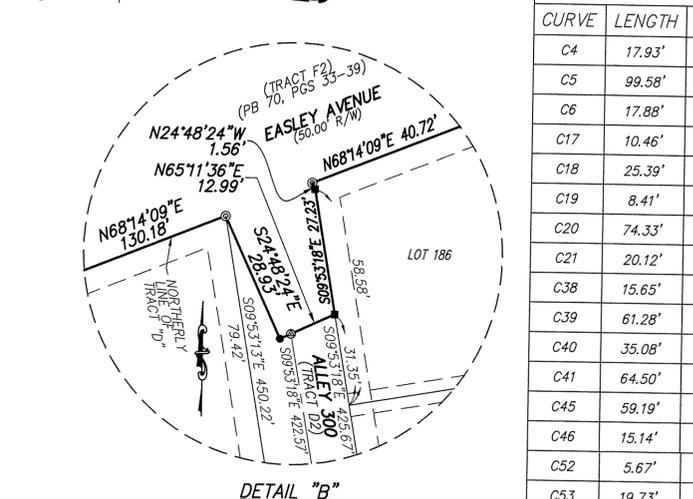
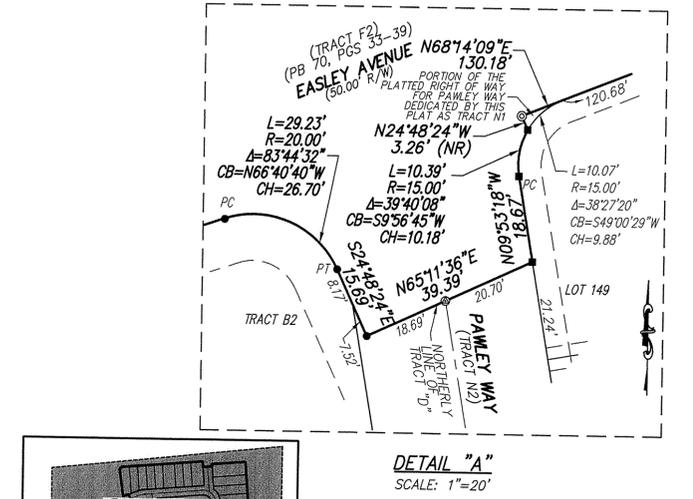
OAKLAND PARK UNIT 2A

SECTION 21, TOWNSHIP 22 SOUTH, RANGE 27 EAST, CITY OF WINTER GARDEN, ORANGE COUNTY, FLORIDA
 BEING A REPLAT OF TRACT "D" AND A PORTION OF TRACTS "F2" AND "G3", OAKLAND PARK UNIT 1A,
 ACCORDING TO PLAT BOOK 70, PAGES 33-39, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA



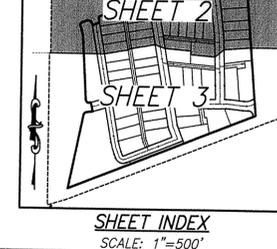
PLAT LEGEND

ID	IDENTIFICATION	L	LENGTH
ORB	OFFICIAL RECORD BOOK	R	RADIUS
PB	PLAT BOOK	DB	DEED BOOK
PG(S)	PAGE	CB	CHORD BEARING
CCR	CERTIFIED CORNER RECORD	CH	CHORD DISTANCE
IP	IRON PIPE	PC	POINT OF CURVATURE
□	CENTERLINE	PCC	POINT OF COMPOUND CURVATURE
⊠	FOUND 4x4 CONCRETE MONUMENT (LB 68)	POC	POINT ON CURVATURE
⊞	FOUND NAIL & DISK (LB 68)	PRC	POINT OF REVERSE CURVATURE
■	SET 4"x4" CONCRETE MONUMENT (PRM LB 801)	PT	POINT OF TANGENCY
●	PERMANENT REFERENCE MARKER	PNT	POINT OF NON-TANGENCY
⊙	SET NAIL & DISK (PCP LB 801) PERMANENT CONTROL POINT	PI	POINT OF INTERSECTION
⊚	SET NAIL & DISK (PRM LB 801) PERMANENT REFERENCE MARKER	R/W	RIGHT OF WAY
○	FOUND 1" IP WITH PK NAIL (NO ID)	∠	CENTRAL ANGLE
⊙	FOUND 1/2" IRON ROD (LB 68)	(NR)	NON RADIAL
⊚	CHANGE IN DIRECTION (R/W LINE)	CM	CONCRETE MONUMENT
▲	F.L.U.E. FENCE, LANDSCAPE, & UTILITY EASEMENT	LB	LICENSED BUSINESS
▲	F.L.S.E.E. FENCE, LANDSCAPE, & SIDEWALK ENCROACHMENT EASEMENT	LS	LAND SURVEYOR
▲	U.D. & S.E.E. UTILITY, DRAINAGE & SIDEWALK ENCROACHMENT EASEMENT	D.W.E.	DRAINAGE AND WALL EASEMENT
		D.U.E.	DRAINAGE AND UTILITY EASEMENT
		U.E.	UTILITY EASEMENT
		D.E.	DRAINAGE EASEMENT



CURVE TABLE (THIS SHEET ONLY)

CURVE	LENGTH	RADIUS	DELTA	CHORD	BEARING
C4	17.93'	60.00'	17°07'03"	17.86'	S76°47'40"W
C5	99.58'	65.00'	87°46'35"	90.12'	S50°45'31"W
C6	17.88'	200.00'	05°07'21"	17.87'	S04°18'33"W
C17	10.46'	35.00'	17°07'03"	10.42'	S76°47'40"W
C18	25.39'	85.00'	17°07'03"	25.30'	S76°47'40"W
C19	8.41'	90.00'	05°21'18"	8.41'	N88°01'51"W
C20	74.33'	90.00'	47°19'09"	72.23'	S30°31'48"W
C21	20.12'	225.00'	05°07'21"	20.11'	S04°18'33"W
C38	15.65'	175.00'	05°07'21"	15.64'	S04°18'33"W
C39	61.28'	40.00'	87°46'35"	55.46'	S50°45'31"W
C40	35.08'	65.00'	30°55'11"	34.65'	N79°11'13"W
C45	59.19'	90.00'	37°40'45"	58.13'	N35°20'59"W
C46	15.14'	90.00'	09°38'24"	15.12'	N11°41'25"W
C52	5.67'	85.00'	03°49'17"	5.67'	S70°08'47"W
C53	19.73'	85.00'	131°7'46"	19.68'	S78°42'19"W



NOTICE

THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT.

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

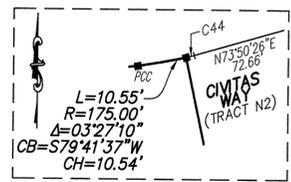
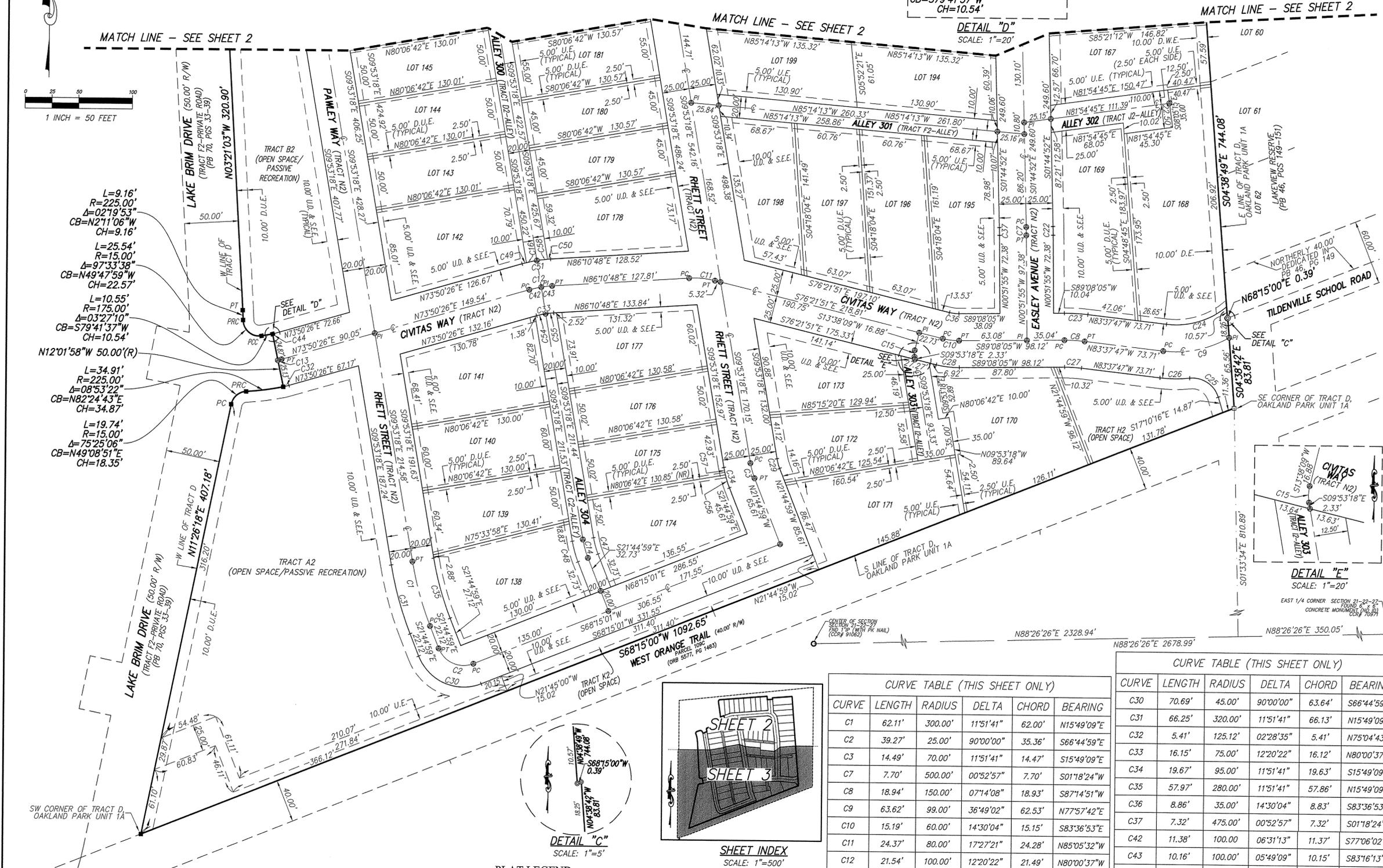
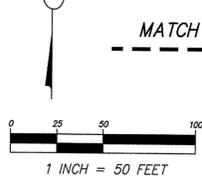
Dewberry LAND DEVELOPMENT & TRANSPORTATION ENGINEERING
 PLANNING | SURVEYING & MAPPING

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 PHONE: 407.843.5100 FAX: 407.848.9104
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CERTIFICATE OF AUTHORIZATION NO. LB 8011

OAKLAND PARK UNIT 2A

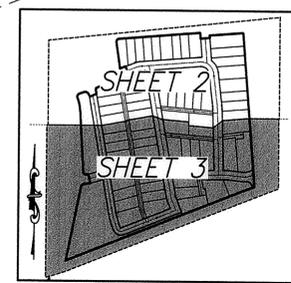
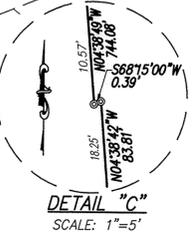
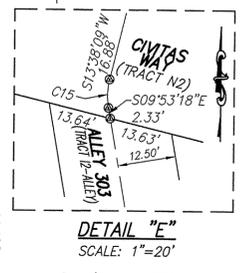
SECTION 21, TOWNSHIP 22 SOUTH, RANGE 27 EAST, CITY OF WINTER GARDEN, ORANGE COUNTY, FLORIDA
 BEING A REPLAT OF TRACT "D" AND A PORTION OF TRACTS "F2" AND "G3", OAKLAND PARK UNIT 1A,
 ACCORDING TO PLAT BOOK 70, PAGES 33-39, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA



MATCH LINE - SEE SHEET 2

MATCH LINE - SEE SHEET 2

- L=9.16'
R=225.00'
Δ=02°19'53"
CB=N2°11'06"W
CH=9.16'
- L=25.54'
R=15.00'
Δ=97°33'38"
CB=N49°47'59"W
CH=22.57'
- L=10.55'
R=175.00'
Δ=03°27'10"
CB=579°41'37"W
CH=10.54'
- N12°01'58"W 50.00'(R)
- L=34.91'
R=225.00'
Δ=08°53'22"
CB=N82°24'43"E
CH=34.87'
- L=19.74'
R=15.00'
Δ=75°25'06"
CB=N49°08'51"E
CH=18.35'



PLAT LEGEND

- ID IDENTIFICATION
- ORB OFFICIAL RECORD BOOK
- PB PLAT BOOK
- PG(S) PAGE
- CCR CERTIFIED CORNER RECORD
- IP IRON PIPE
- CENTERLINE
- FOUND 4x4 CONCRETE MONUMENT (LB 68)
- FOUND NAIL & DISK (LB 68)
- SET 4x4 CONCRETE MONUMENT (PRM LB 8011)
- PERMANENT REFERENCE MARKER
- SET NAIL & DISK (PCP LB 8011) PERMANENT CONTROL POINT
- SET NAIL & DISK (PRM LB 8011) PERMANENT REFERENCE MARKER
- FOUND 1" IP WITH PK NAIL (NO ID)
- FOUND 1/2" IRON ROD (LB 68)
- CHANGE IN DIRECTION (R/W LINE)
- CHANGE IN DIRECTION (UPLAND BUFFER)
- F.L.U.E. FENCE, LANDSCAPE, & UTILITY EASEMENT
- F.L.S.E.E. FENCE, LANDSCAPE, & SIDEWALK ENCROACHMENT EASEMENT
- U.D. & S.E.E. UTILITY, DRAINAGE & SIDEWALK ENCROACHMENT EASEMENT
- L LENGTH
- R RADIUS
- DB DEED BOOK
- CB CHORD BEARING
- CH CHORD DISTANCE
- PC POINT OF CURVATURE
- PCP POINT OF COMPOUND CURVATURE
- POC POINT OF CURVATURE
- PRC POINT OF REVERSE CURVATURE
- PT POINT OF TANGENCY
- PNT POINT OF NON-TANGENCY
- PI POINT OF INTERSECTION
- R/W RIGHT OF WAY
- Δ CENTRAL ANGLE
- NR NON RADIAL
- CM CONCRETE MONUMENT
- LB LICENSED BUSINESS
- LS LAND SURVEYOR
- D.W.E. DRAINAGE AND WALL EASEMENT
- D.U.E. DRAINAGE AND UTILITY EASEMENT
- U.E. UTILITY EASEMENT
- D.E. DRAINAGE EASEMENT

NOTICE

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Dewberry LAND DEVELOPMENT & TRANSPORTATION ENGINEERING PLANNING | SURVEYING & MAPPING

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BOWLER SKINGLETON

CERTIFICATE OF AUTHORIZATION NO. LB 8011

CURVE TABLE (THIS SHEET ONLY)					
CURVE	LENGTH	RADIUS	DELTA	CHORD	BEARING
C1	62.11'	300.00'	11°51'41"	62.00'	N15°49'09"E
C2	39.27'	25.00'	90°00'00"	35.36'	S66°44'59"E
C3	14.49'	70.00'	11°51'41"	14.47'	S15°49'09"E
C7	7.70'	500.00'	00°52'57"	7.70'	S01°18'24"W
C8	18.94'	150.00'	07°14'08"	18.93'	S87°14'51"W
C9	63.62'	99.00'	36°49'02"	62.53'	N77°57'42"E
C10	15.19'	60.00'	14°30'04"	15.15'	S83°36'53"E
C11	24.37'	80.00'	17°27'21"	24.28'	N85°05'32"W
C12	21.54'	100.00'	12°20'22"	21.49'	N80°00'37"W
C13	3.60'	100.00'	02°03'42"	3.60'	N74°52'17"E
C14	17.80'	86.00'	11°51'41"	17.77'	S15°49'09"E
C15	6.16'	15.00'	23°31'27"	6.12'	S01°52'25"W
C16	10.01'	125.00'	04°35'17"	10.01'	N78°01'21"E
C22	8.09'	525.00'	00°52'57"	8.09'	S01°18'24"W
C23	22.10'	175.00'	07°14'08"	22.09'	S87°14'51"W
C24	59.76'	74.00'	46°16'21"	58.15'	N73°14'02"E
C25	34.58'	25.00'	79°14'40"	31.89'	S56°47'36"W
C26	27.67'	124.00'	12°47'08"	27.61'	N89°58'39"E
C27	15.79'	125.00'	07°14'08"	15.78'	S87°14'51"W
C28	21.51'	85.00'	14°30'04"	21.46'	S83°36'53"E
C29	9.32'	45.00'	11°51'41"	9.30'	S15°49'09"E

CURVE TABLE (THIS SHEET ONLY)					
CURVE	LENGTH	RADIUS	DELTA	CHORD	BEARING
C30	70.69'	45.00'	90°00'00"	63.64'	S66°44'59"E
C31	66.25'	320.00'	11°51'41"	66.13'	N15°49'09"E
C32	5.41'	125.12'	02°28'35"	5.41'	N75°04'43"E
C33	16.15'	75.00'	12°20'22"	16.12'	N80°00'37"W
C34	19.67'	95.00'	11°51'41"	19.63'	S15°49'09"E
C35	57.97'	280.00'	11°51'41"	57.86'	N15°49'09"E
C36	8.86'	35.00'	14°30'04"	8.83'	S83°36'53"E
C37	7.32'	475.00'	00°52'57"	7.32'	S01°18'24"W
C42	11.38'	100.00'	06°31'13"	11.37'	S77°06'02"W
C43	10.16'	100.00'	05°49'09"	10.15'	S83°16'13"W
C44	1.81'	75.15'	01°22'42"	1.81'	N74°31'47"E
C47	15.73'	76.00'	11°51'41"	15.71'	S15°49'09"E
C48	19.87'	96.00'	11°51'41"	19.84'	S15°49'09"E
C49	4.12'	125.00'	01°53'17"	4.12'	N74°47'04"E
C50	2.78'	125.00'	01°16'27"	2.78'	N85°32'34"E
C51	26.92'	125.00'	12°20'22"	26.87'	N80°00'37"W
C54	8.64'	75.00'	06°36'12"	8.64'	S77°08'32"W
C55	7.51'	75.00'	05°44'10"	7.51'	S83°18'43"W
C56	12.57'	95.00'	07°35'02"	12.57'	S17°57'29"E
C57	7.09'	95.00'	04°16'39"	7.09'	S12°01'38"E
C58	10.01'	125.00'	04°35'17"	10.01'	N82°36'40"E

Drawing name: S:\DKP-Oakland Park\2-Phases 2A & 2B\DWG-Land\DKP2-Ph2A-srvsketch_DE-Lots_159-160.dwg Sketch-Desc DE-Lots 159-160 Apr 01, 2015 2:06pm by: mphilips

LEGAL DESCRIPTION:

THE NORTHERLY 17.00 FEET AND THE EASTERLY 10.00 FEET OF LOT 159 AND THE EASTERLY 10.00 FEET OF LOT 160, EXCEPTING THE SOUTHERLY 7.00 FEET THEREOF, OAKLAND PARK UNIT 2A, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 84, PAGE 15, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

CONTAINING 0.095 ACRES, MORE OR LESS.

SURVEY NOTES:

1. BEARINGS SHOWN HEREON ARE ASSUMED AND BASED ON THE EASTERLY LINE OF OAKLAND PARK UNIT 2A, ACCORDING TO THE PLAT RECORDED IN PLAT BOOK 84, PAGE 15, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, AS BEING S04°38'49"E.
2. LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHTS-OF-WAY, EASEMENTS, OWNERSHIP, ADJOINERS OR OTHER INSTRUMENTS OF RECORD.
3. THIS SKETCH MEETS THE APPLICABLE "STANDARDS OF PRACTICE" AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN RULE 5J17.050-.052, FLORIDA ADMINISTRATIVE CODE.
4. THIS IS NOT A BOUNDARY SURVEY.

 WILLIAM D. DONLEY DATE
 PROFESSIONAL SURVEYOR & MAPPER
 LICENSE NUMBER LS 5381
 NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A
 FLORIDA LICENSED SURVEYOR AND MAPPER

SHEET 1 OF 2

(SEE SHEET 2 FOR SKETCH OF DESCRIPTION)

SKETCH OF DESCRIPTION ONLY. THIS IS NOT A SURVEY.

SKETCH OF DESCRIPTION

-OF-

**DRAINAGE EASEMENT
 LOTS 159 & 160
 OAKLAND PARK UNIT 2A
 PB 84, PG 15**

SECTION 21, TOWNSHIP 22 SOUTH, RANGE 27 EAST

ORANGE COUNTY

FLORIDA



Dewberry

520 SOUTH MAGNOLIA AVENUE
 ORLANDO, FLORIDA 32801
 PHONE: 321.354.9826 FAX: 407.648.9104
 WWW.DEWBERRY.COM
 CERTIFICATE OF AUTHORIZATION NO. LB 8011

PREPARED FOR:

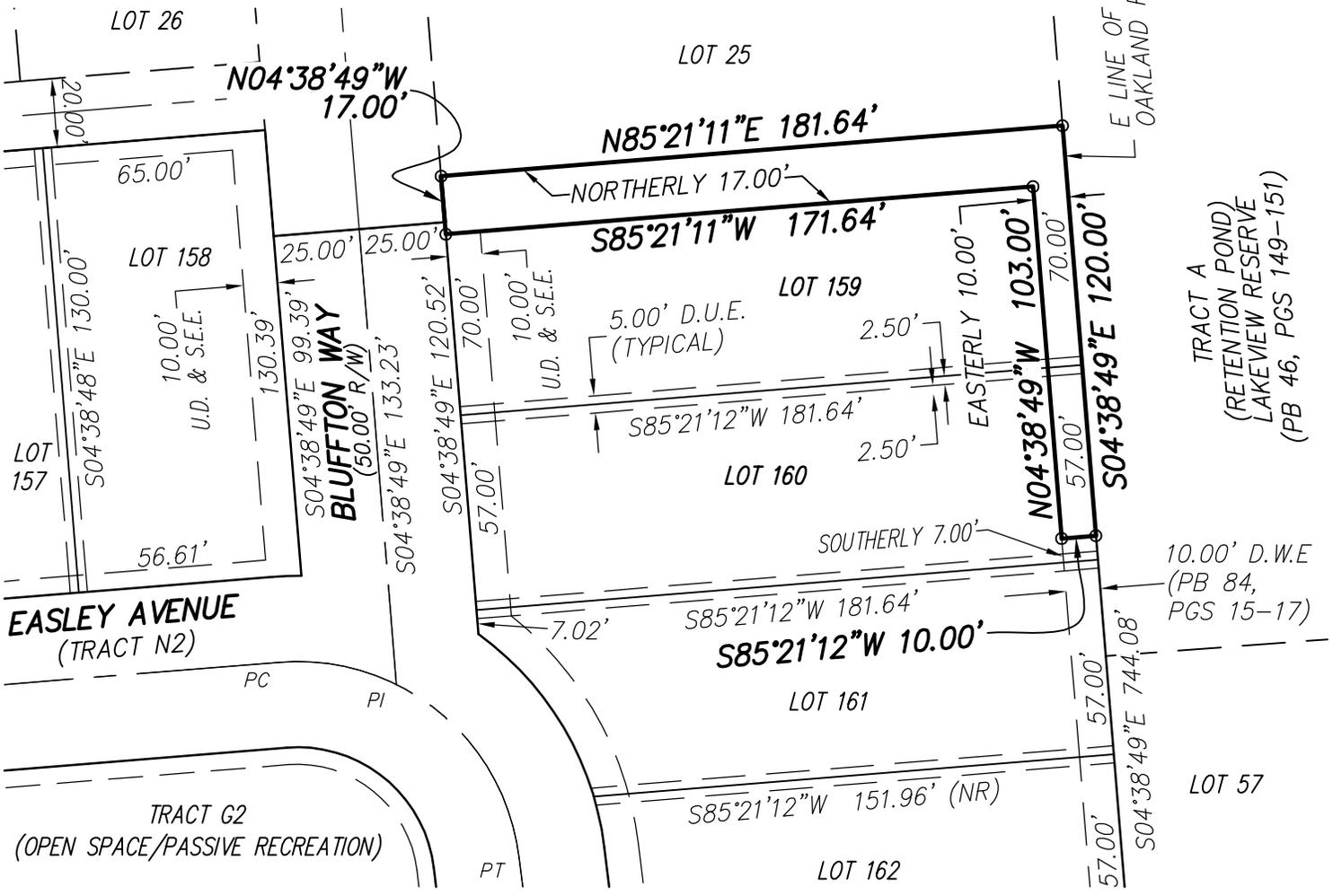
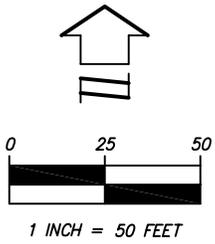
CRESCENT COMMUNITIES

DATE: 03/30/15
 REV DATE:
 SCALE 1" = N/A

PROJ: 99253021
 DRAWN BY: KMS
 CHECKED BY: WDD

LEGEND:

	LINE BREAK
R/W	RIGHT OF WAY
ORB	OFFICIAL RECORDS BOOK
PB	PLAT BOOK
PG	PAGE
PI	POINT OF INTERSECTION
PT	POINT OF TANGENCY
PC	POINT OF CURVATURE
ac	ACRES
SEC	SECTION
NLY	NORTHERLY
ELY	EASTERLY
Sly	SOUTHERLY
D.E.	DRAINAGE EASEMENT
D.W.E.	DRAINAGE & WALL EASEMENT
D.U.E.	DRAINAGE & UTILITY EASEMENT
U.D. & S.E.E.	UTILITY, DRAINAGE & SIDEWALK ENCROACHMENT EASEMENT
	CHANGE IN DIRECTION



SHEET 2 OF 2

(SEE SHEET 1 FOR DESCRIPTION OF SKETCH)

SKETCH OF DESCRIPTION ONLY. THIS IS NOT A SURVEY.

SKETCH OF DESCRIPTION

-OF-

**DRAINAGE EASEMENT
LOTS 159 & 160
OAKLAND PARK UNIT 2A
PB 84, PG 15**

SECTION 36, TOWNSHIP 24 SOUTH, RANGE 28 EAST

ORANGE COUNTY

FLORIDA



Dewberry

520 SOUTH MAGNOLIA AVENUE
ORLANDO, FLORIDA 32801

PHONE: 321.354.9826 FAX: 407.648.9104
WWW.DEWBERRY.COM

CERTIFICATE OF AUTHORIZATION No. LB 8011

PREPARED FOR:

CRESCENT COMMUNITIES

DATE: 03/30/15
REV DATE:
SCALE 1" = 50'

PROJ: 99253021
DRAWN BY: KMS
CHECKED BY: WDD

Drawing name: S:\OKP Oakland Park\12 Phases 2A & 2B\DWG-Land\OKP2-Ph2A_svrsketch_DE_Lots_159-160.dwg Sketch-Desc DE_Lots_159-160 by: mphilips Apr 01, 2015 2:12pm

This Instrument Prepared By
and should be Returned To:
Daniel T. O'Keefe, Esquire
SHUTTS & BOWEN LLP
300 South Orange Avenue, Suite 1000
Orlando, Florida 32801

Cross References:
Plat Book 84, Page 15
OR Book 10236, Page 1901

RELEASE, ABANDONMENT AND VACATION OF EASEMENTS AND DECLARATION OF REPLACEMENT EASEMENT

THIS RELEASE, ABANDONMENT AND VACATION OF EASEMENTS AND DECLARATION OF REPLACEMENT EASEMENT (“Agreement”) is made as of the _____ day of _____, 2015, by and among LAKE APOPKA 2012, LLC, a Delaware limited liability company (“**Owner**”); OAKLAND PARK ASSOCIATION, INC., a Florida not for profit corporation (“**Association**”); and CITY OF WINTER GARDEN, FLORIDA, a Florida municipal corporation (“**City**”).

RECITALS:

WHEREAS, the plat of Oakland Park Unit 2A, Plat Book 84, Page 15, Public Records of Orange County, Florida (“**Plat**”) created, among other easements, those certain drainage and wall easements located along the northern boundary of Lot 159 and the eastern boundary of Lots 159-167, inclusive, said easements being more specifically described in **Exhibit “A”** attached hereto and incorporated herein by reference (collectively, the “**Drainage and Wall Easements**”); and

WHEREAS, pursuant to Note 11 of the Plat, the Drainage and Wall Easements were dedicated to and are maintained by the Association, and the Drainage and Wall Easements shall not be terminated or modified without the prior written approval of the City; and

WHEREAS, the location of the Drainage and Wall Easements with respect to Lot 159 and Lot 160 of the Plat (the “**Lots**”), which Lots are currently owned by Owner, has rendered the Lots undevelopable; and

WHEREAS, the Owner and the Association desire to release, abandon, and vacate the Drainage and Wall Easements located on Lot 159 and Lot 160 of the Plat only, and declare a replacement easement for drainage and wall purposes over those portions of Lot 159 and Lot 160 of the Plat, as more particularly described in **Exhibit “B”** attached hereto and incorporated herein by reference (the “**Replacement Easement**”); and

WHEREAS, the Owner and Association desire to release the Drainage and Wall Easements located on Lot 159 and Lot 160 of the Plat only from the operation and affect of that certain Amended and Restated Declaration of Covenants, Conditions and Restrictions for

Oakland Park recorded in Book 10236, Page 1901, Official Records of Orange County, Florida, as amended and supplemented (the “**Declaration**”); and

WHEREAS, the Owner and Association desire to subject the Replacement Easement to the terms and conditions of the Declaration for the purposes of establishing the rights and obligations of the Owner and Association with respect to the Replacement Easement; and

WHEREAS, the City has agreed to consent to (i) the release, abandonment, and vacation of the Drainage and Wall Easements located on located on Lot 159 and Lot 160 of the Plat only, (ii) the release of the Drainage and Wall Easements located on located on Lot 159 and Lot 160 of the Plat only from the operation and affect of the Declaration, and (iii) the Replacement Easement.

NOW THEREFORE, for good and valuable consideration, the sufficiency and receipt of which is hereby acknowledged, the undersigned agree as follows:

1. **Recitals**. The above recitals are true and correct and are incorporated herein by reference.
2. **Release, Abandonment, and Vacation of Easements**. Owner and the Association hereby release, abandon and vacate the Drainage and Wall Easements located on Lot 159 and Lot 160 of the Plat only, and any and all rights, title and interest each have in said Easements located on Lot 159 and Lot 160 of the Plat only.
3. **Dedication of Replacement Easement**. Owner hereby dedicates the Replacement Easement over the Lots to the Association for drainage and wall purposes. The Replacement Easement shall be private, and the Association shall be responsible for the maintenance of any walls, swales and drainage improvements installed within such Replacement Easement, pursuant to the terms of the Declaration for such easements to be maintained by the Association.
4. **City Consent**. The City hereby consents to (i) the release, abandonment, and vacation of the Drainage and Wall Easements located on located on Lot 159 and Lot 160 of the Plat only, (ii) the release of the Drainage and Wall Easements located on located on Lot 159 and Lot 160 of the Plat only from the operation and affect of the Declaration, and (iii) the Replacement Easement, as set forth herein.
5. **Binding Effect**. This Agreement shall run with the Lots, shall be binding upon and inure to the benefit of the Owner, the Association, the City, and their respective assigns and successors in interest. The Owner agrees to pay the cost of recording this document in the Public Records of Orange County, Florida. This Agreement shall become effective upon its recordation among the Public Records of Orange County, Florida.
6. **Captions**. The captions used herein are for convenience only and shall not be relied upon in construing this Agreement
7. **Modification of Agreement**. This Agreement may not be terminated or modified, amended, altered or changed in any respect except by a further agreement in writing

duly executed by the Owner, the Association and the City and recorded in the Public Records of Orange County, Florida.

[SIGNATURES ON THE FOLLOWING PAGES]

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as set forth below.

A Penny
Print Name: Alistair Penny

Candace K Tupper
Print Name: Candace K Tupper

“OWNER”

LAKE APOPKA 2012, LLC, a Delaware limited liability company

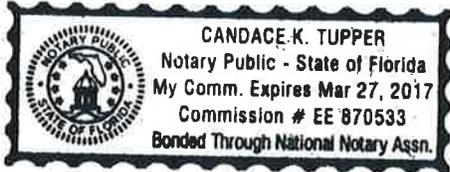
By: [Signature]
Name: Thomas D. Cunningham
Title: Vice President

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 28th day of May, 2015, by Thomas D. Cunningham, as Vice President of Lake Apopka 2012 LLC, a Delaware limited liability company, on behalf of the company. He is () personally known to me or () has produced N/A as identification.

[NOTARY SEAL]

Candace K Tupper
Notary Public, State of FLORIDA
Print Name: Candace K Tupper
Commission No.: EE 870533
My Commission Expires: 3/27/2017



“ASSOCIATION”

Mary Sullivan
Print Name: Mary Sullivan

Lindsay Schaefer
Print Name: Lindsay Schaefer

OAKLAND PARK ASSOCIATION, INC., a
Florida not-for-profit corporation

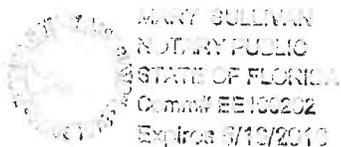
By: [Signature]
Name: Thomas D. Cunningham
Title: President

STATE OF FL)
COUNTY OF Orange)

The foregoing instrument was acknowledged before me this 28 day of May, 2015, by Thomas D. Cunningham, as President of OAKLAND PARK ASSOCIATION, INC., a Florida not for profit corporation, on behalf of the corporation. He/she is () personally known to me or () has produced _____ as identification.

[NOTARY SEAL]

Mary Sullivan
Notary Public, State of Florida
Print Name: Mary Sullivan
Commission No.: EE 199202
My Commission Expires: 5/10/14



"CITY"

CITY OF WINTER GARDEN:

By: _____
Name: _____
Title: _____
Date: _____

ATTEST:

Date: _____

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of _____, 2015, by _____, and _____, who are personally known to me and acknowledge executing the same freely and voluntarily under authority vested in them by the City of Winter Garden.

Signature of Notary

(NOTARY SEAL)

Print or type name

Approved as to form and legality for use and
reliance by the City of Winter Garden, Florida

City Attorney

EXHIBIT "A"

The Drainage and Wall Easements

That certain twenty (20) foot wide and ten (10) foot wide drainage and wall easement depicted upon the north side of Lot 159 and the east side of Lots 159 through 167, inclusive, as shown on the plat of Oakland Park Unit 2A, Plat Book 84, Page 15, Public Records of Orange County, Florida.

Exhibit "B"

Replacement Easement

THE NORTHERLY 17.00 FEET AND THE EASTERLY 10.00 FEET OF LOT 159 AND THE EASTERLY 10.00 FEET OF LOT 160, EXCEPTING THE SOUTHERLY 7.00 FEET THEREOF, OAKLAND PARK UNIT 2A, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 84, PAGE 15, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

CONTAINING 0.095 ACRES, MORE OR LESS.