



**AGENDA**  
**CITY COMMISSION**  
**CITY HALL COMMISSION CHAMBERS**  
**300 W. Plant Street**  
**Winter Garden, Florida**

**October 13, 2016**

**WORKSHOP**

**5:30 p.m.**

Ethics, Public Records, and Sunshine Law by City Attorney Kurt Ardaman

**REGULAR MEETING**

**6:30 p.m.**

**CALL TO ORDER**

Determination of a Quorum

Opening Invocation and Pledge of Allegiance

1. **APPROVAL OF MINUTES**

Regular Meeting Minutes of September 21, 2016

2. **OATH OF OFFICE AND INTRODUCTION OF NEW POLICE OFFICERS** – Police Chief Brennan

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

A. **Ordinance 16-55**: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 1.58 ± ACRES LOCATED AT 15001 WEST COLONIAL DRIVE AT THE NORTHWEST CORNER OF WEST COLONIAL DRIVE AND TILDENVILLE SCHOOL ROAD INTO THE CITY OF WINTER GARDEN FLORIDA; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

B. **Ordinance 16-56**: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING THE FUTURE LAND USE MAP OF THE WINTER GARDEN COMPREHENSIVE PLAN BY CHANGING THE LAND USE DESIGNATION OF REAL PROPERTY GENERALLY DESCRIBED AS 1.58 ± ACRES LOCATED AT 15001 WEST COLONIAL DRIVE AT THE NORTHWEST CORNER OF WEST COLONIAL DRIVE AND TILDENVILLE SCHOOL ROAD FROM ORANGE COUNTY COMMERCIAL TO CITY COMMERCIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

C. **Ordinance 16-57**: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 1.58 ± ACRES LOCATED AT 15001 WEST COLONIAL DRIVE AT THE NORTHWEST CORNER OF WEST COLONIAL DRIVE AND TILDENVILLE SCHOOL ROAD FROM ORANGE COUNTY C-2 COMMERCIAL DISTRICT TO CITY C-2 ARTERIAL COMMERCIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE **with the second reading and public hearing being scheduled for October 27, 2016** – Community Development Director Pash

D. **Ordinance 16-59**: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING POLICY 2-1.1.5 AND ADDING POLICY 2-1.1.15 OF THE MULTIMODAL TRANSPORTATION ELEMENT OF THE WINTER GARDEN COMPREHENSIVE PLAN TO INCLUDE POLICIES PERTAINING TO THE DILLARD STREET CORRIDOR PROJECT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE **with the second reading and public hearing being scheduled after the State's review** – Community Development Director Pash

E. **Ordinance 16-62**: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.21 ± ACRES LOCATED AT 420 WEST STORY ROAD ON THE SOUTHEAST CORNER OF WEST STORY ROAD AND FOSTER 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
- F. **Ordinance 16-63**: 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 0.21 ± ACRES LOCATED AT 420 WEST STORY ROAD ON THE SOUTHEAST CORNER OF WEST STORY ROAD AND FOSTER AVENUE FROM ORANGE COUNTY LOW DENSITY RESIDENTIAL TO CITY LOW DENSITY RESIDENTIAL (LR); PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE
- G. **Ordinance 16-64**: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.21 ± ACRES LOCATED AT 420 WEST STORY ROAD ON THE SOUTHEAST CORNER OF WEST STORY ROAD AND FOSTER AVENUE FROM ORANGE COUNTY R-2 RESIDENTIAL DISTRICT TO CITY R-2 RESIDENTIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE **with the second reading and public hearing being scheduled for October 27, 2016** – Community Development Director Pash
- H. **Ordinance 16-65**: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 3.74 ± ACRES LOCATED AT 14991 WEST COLONIAL DRIVE AT THE NORTHEAST CORNER OF WEST COLONIAL DRIVE AND TILDENVILLE SCHOOL ROAD INTO THE CITY OF WINTER GARDEN FLORIDA; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE
- I. **Ordinance 16-66**: 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 3.74 ± ACRES LOCATED AT 14991 WEST COLONIAL DRIVE AT THE NORTHEAST CORNER OF WEST COLONIAL DRIVE AND TILDENVILLE SCHOOL ROAD FROM ORANGE COUNTY COMMERCIAL TO CITY COMMERCIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE
- J. **Ordinance 16-67**: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 3.74 ± ACRES LOCATED AT 14991 WEST COLONIAL DRIVE AT THE NORTHEAST CORNER OF WEST COLONIAL DRIVE AND TILDENVILLE SCHOOL ROAD FROM ORANGE COUNTY C-1 COMMERCIAL DISTRICT TO CITY C-2 ARTERIAL COMMERCIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE **with the second reading and public hearing being scheduled for October 27, 2016** – Community Development Director Pash
- K. **Ordinance 16-68**: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 8.82 ± ACRES LOCATED AT 602 EAST STORY ROAD AT THE SOUTHWEST CORNER OF EAST STORY ROAD AND 9<sup>th</sup> 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
- L. **Ordinance 16-69**: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING THE FUTURE LAND USE MAP OF THE WINTER GARDEN COMPREHENSIVE PLAN BY CHANGING THE LAND USE DESIGNATION OF REAL PROPERTY GENERALLY DESCRIBED AS 8.82 ± ACRES LOCATED AT 602 EAST STORY ROAD AT THE SOUTHWEST CORNER OF EAST STORY ROAD AND 9<sup>th</sup> STREET FROM ORANGE COUNTY LOW DENSITY RESIDENTIAL TO CITY LOW DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE
- M. **Ordinance 16-70**: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 8.82 ± ACRES LOCATED AT 602 EAST STORY ROAD AT THE SOUTHWEST CORNER OF EAST STORY ROAD AND 9<sup>th</sup> STREET FROM ORANGE COUNTY R-2 RESIDENTIAL DISTRICT TO CITY R-2 RESIDENTIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE **with the second reading and public hearing being scheduled for October 27, 2016** – Community Development Director Pash

N. **Ordinance 16-71:** 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 3.07 ± ACRES LOCATED AT 707 WEST PLANT STREET ON THE NORTHEAST CORNER OF WEST PLANT STREET AND BRAYTON ROAD FROM CITY RESIDENTIAL NEIGHBORHOOD COMMERCIAL TO CITY LOW DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE **with the second reading and public hearing being scheduled for October 27, 2016** – Community Development Director Pash

O. **Ordinance: 16-72:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 16.66 ± ACRES OF CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF EAST PLANT STREET, EAST OF DONALD DRIVE, AND WEST OF PERKINS STREET AT 605 & 755 EAST PLANT STREET AND 290 EAST NEWELL STREET, FROM R-1 (SINGLE FAMILY RESIDENTIAL) AND R-2 (RESIDENTIAL) TO PUD (PLANNED UNIT DEVELOPMENT); PROVIDING FOR CERTAIN PUD REQUIREMENTS AND DESCRIBING THE DEVELOPMENT AS THE HERITAGE AT PLANT STREET PUD; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE **with the second reading and public hearing being scheduled for October 27, 2016** – Community Development Director Pash

4. **FIRST READING OF PROPOSED ORDINANCE**

A. **Ordinance 16-60:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING CHAPTER 54, PENSIONS AND RETIREMENT, ARTICLE III, PENSION PLAN FOR FIREFIGHTERS AND POLICE OFFICERS, OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN; AMENDING SECTION 54-186, DEFINITIONS; AMENDING SECTION 54-188, BOARD OF TRUSTEES; AMENDING SECTION 54-190, CONTRIBUTIONS; AMENDING SECTION 54-191, BENEFIT AMOUNTS AND ELIGIBILITY; AMENDING SECTION 54-192, PRE-RETIREMENT DEATH; AMENDING SECTION 54-193, DISABILITY; AMENDING SECTION 54-195, OPTIONAL FORMS OF BENEFITS; AMENDING SECTION 54-200, MAXIMUM PENSION; AMENDING SECTION 54-201, MINIMUM DISTRIBUTION OF BENEFITS; AMENDING SECTION 54-212, PRIOR POLICE AND FIRE SERVICE; AMENDING SECTION 54-213, REEMPLOYMENT AFTER RETIREMENT; ADDING SECTION 54-214, DEFERRED RETIREMENT OPTION PLAN; ADDING SECTION 54-215, SUPPLEMENTAL BENEFIT COMPONENT FOR SPECIAL BENEFITS; CHAPTER 175 SHARE ACCOUNTS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE **with the second reading and public hearing being scheduled for October 27, 2016** – Assistant City Manager of Administrative Services Gilbert

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

A. **Ordinance 16-46:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING ARTICLE II, DIVISION 3 OF CHAPTER 18 OF THE WINTER GARDEN CITY CODE; PROVIDING FOR PROHIBITION OF SECURITY BARS GRILLES AND GRATES ON DOORS, WINDOWS, BREEZEWAYS AND OPENINGS FACING AND VISIBLE FROM STREETS OR PUBLIC RIGHTS OF WAY ON COMMERCIAL AND INDUSTRIAL PROPERTIES; PROVIDING FOR PENALTIES AND ENFORCEMENT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE – Community Development Director Pash

B. **Ordinance 16-58:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 1.15 ± ACRES OF CERTAIN REAL PROPERTY GENERALLY LOCATED ON THE SOUTHEAST CORNER OF WEST PLANT STREET AND SOUTH PARK AVENUE, AT 462 WEST PLANT STREET AND 19 SOUTH PARK AVENUE, FROM C-1 (CENTRAL COMMERCIAL) TO PUD (PLANNED UNIT DEVELOPMENT); PROVIDING FOR CERTAIN PUD REQUIREMENTS AND DESCRIBING THE DEVELOPMENT AS THE PARK & PLANT PUD; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE – Community Development Director Pash

6. **REGULAR BUSINESS**

A. Appointments to the Police Officers' and Firefighters' Pension Board for seats expiring November 30, 2016 held by Erick Halluska and Joe Morabito for two-year terms – City Clerk Golden

7. **MATTERS FROM PUBLIC** (*Limited to 3 minutes per speaker*)
8. **MATTERS FROM CITY ATTORNEY** – Kurt Ardaman
9. **MATTERS FROM CITY MANAGER** – Mike Bollhoefer
10. **MATTERS FROM MAYOR AND COMMISSIONERS**

**ADJOURN** to Part 2 **Workshop** on Ethics, Public Records, and Sunshine Law at 5:30 p.m. and **Regular Meeting** on Thursday, October 27, 2016 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 Resolutions 15-04 and 16-02)

	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.
---	--	---	--



# CITY OF WINTER GARDEN

---

## CITY COMMISSION BUDGET HEARINGS AND REGULAR MEETING MINUTES September 21, 2016

A **BUDGET HEARINGS** and **REGULAR MEETING** of the Winter Garden City Commission were called to order by Mayor Rees at 6:31 p.m. at City Hall, 300 West Plant Street, Winter Garden, Florida. An Opening Invocation and Pledge of Allegiance were given.

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

**Also Present:** City Manager Mike Bollhoefer, City Attorney A. Kurt Ardaman, City Clerk Kathy Golden, Assistant City Manager of Administrative Services Frank Gilbert, Assistant City Manager of Public Services Don Cochran, Community Development Director Steve Pash, Economic Development Director Tanja Gerhartz, Finance Director Laura Zielonka, Fire Chief Matt McGrew, Information Technology Director Chad Morrill, Planning Consultant Ed Williams and Police Chief George Brennan

### **BUDGET HEARINGS**

#### 1. **SECOND READING AND PUBLIC HEARINGS TO ADOPT PROPOSED BUDGETS AND MILLAGE RATE FOR FISCAL YEAR 2016/2017**

- A. **Ordinance 16-38:** AN ORDINANCE LEVYING TAX UPON ALL TAXABLE PROPERTY WITHIN THE CITY OF WINTER GARDEN, FLORIDA, FOR THE TAX YEAR BEGINNING ON OCTOBER 1, 2016, AND ENDING ON SEPTEMBER 30, 2017

City Attorney Ardaman read Ordinance 16-38 by title and stated that the City Commission of the City of Winter Garden hereby adopts, establishes and levies a millage rate for ad valorem taxation of real and tangible personal property within the City of Winter Garden for the Fiscal Year beginning October 1, 2016, and ending September 30, 2017, at the rate of 4.2500 mills (being \$4.2500 for every \$1,000 of assessed valuation) upon the assessed valuation of property within the corporate limits of the City of Winter Garden, Florida. This millage rate is greater than the rolled back rate of 3.9958 mills by 6.36 percent.

Finance Director Zielonka stated that staff is proposing to keep the millage rate flat at 4.25.

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

**Motion by Commissioner Sharman to adopt Ordinance 16-38. Seconded by Commissioner Buchanan and carried unanimously 5-0.**

- B. **Ordinance 16-39:** AN ORDINANCE APPROPRIATING AND ALLOCATING ALL REVENUE AND FUNDS OF THE CITY OF WINTER GARDEN, FLORIDA, FOR THE TAX YEAR BEGINNING ON OCTOBER 1, 2016, AND ENDING ON SEPTEMBER 30, 2017

City Attorney Ardaman read Ordinance 16-39 by title and the following excerpt:

It is anticipated that there will be available for use and disbursement from the general funds of this City, revenue in the following amounts:

Collection of Ad Valorem	\$11,278,440
Revenue other than Ad Valorem	<u>21,795,100</u>
<b>TOTAL REVENUES</b>	<b>\$33,073,540</b>
Appropriations from Fund Balance	<u>10,043</u>
<b>TOTAL AVAILABLE FOR EXPENDITURES</b>	<b>\$33,083,583</b>

Finance Director Zielonka stated that the revenues were addressed in the budget workshop and noted that she was available for any questions.

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

**Motion by Commissioner Sharman to adopt Ordinance 16-39. Seconded by Commissioner Buchanan and carried unanimously 5-0.**

- C. **Ordinance 16-40:** AN ORDINANCE APPROPRIATING AND ALLOCATING ALL REVENUE AND FUNDS OF THE COMMUNITY REDEVELOPMENT AGENCY (CRA) OF THE CITY OF WINTER GARDEN, FLORIDA, FOR THE TAX YEAR BEGINNING ON OCTOBER 1, 2016, AND ENDING ON SEPTEMBER 30, 2017

City Attorney Ardaman read Ordinance 16-40 by title and stated that it is anticipated there will be available for use and disbursement from CRA funds of the City, revenue in the following amounts:

Collection of Ad Valorem	\$ 389,145
Revenue other than Ad Valorem	<u>414,725</u>
<b>TOTAL REVENUES AVAILABLE FOR EXPENDITURES</b>	<b>\$ 803,870</b>

Finance Director Zielonka stated that staff presented this budget to the CRA Advisory Board at their last meeting and approval is recommended.

Mayor Rees opened the public hearing.

Joseph Richardson, 220 N. Highland Avenue, Winter Garden, Florida, addressed recently requested public records from the City Manager regarding this portion of the budget. He noted that all he received were the minutes from June 15<sup>th</sup> (CRAAB) meeting. He addressed other items he requested.

City Manager Bollhoefer explained the amounts budgeted and there was discussion that there was actually no disbursements from the previous year, which would roll over to the new (*fiscal*) year. Mr. Richardson requested additional electronic records. Mr. Bollhoefer noted that he would check and get back to him.

Mayor Rees closed the public hearing

**Motion by Commissioner Olszewski to adopt Ordinance 16-40. Seconded by Commissioner Makin and carried unanimously 5-0.**

- D. **Ordinance 16-41:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, AUTHORIZING THE APPROPRIATIONS OF CITY FUNDS FOR FISCAL YEAR 2016-17 IN ACCORDANCE WITH ARTICLE 3 SECTION 30 (5) OF THE CITY CHARTER OF THE CITY OF WINTER GARDEN, FLORIDA, AND FLORIDA STATUTE 166.241 FOR THE PURPOSE OF FULFILLING THE FINANCIAL OBLIGATIONS OF THE CITY

City Attorney Ardaman read Ordinance 16-41 by title only. Finance Director Zielonka stated that all details are located in the budget books provided and she is available for any additional questions.

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

**Motion by Commissioner Buchanan to adopt Ordinance 16-41. Seconded by Commissioner Makin and carried unanimously 5-0.**

### **REGULAR CITY COMMISSION MEETING**

2. **APPROVAL OF MINUTES**

**Motion by Commissioner Sharman to approve regular meeting minutes of September 7, 2016. Seconded by Commissioner Makin and carried unanimously 5-0.**

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

- A. **Ordinance 16-46:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING ARTICLE II, DIVISION 3 OF CHAPTER 18 OF THE WINTER GARDEN CITY CODE; PROVIDING FOR PROHIBITION OF SECURITY

BARS GRILLES AND GRATES ON DOORS, WINDOWS, BREEZEWAYS AND OPENINGS FACING AND VISIBLE FROM STREETS OR PUBLIC RIGHTS OF WAY ON COMMERCIAL AND INDUSTRIAL PROPERTIES; PROVIDING FOR PENALTIES AND ENFORCEMENT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 16-46 by title only. Community Development Director Pash stated that this ordinance prohibits the use of security bars, grilles and grates on doors, windows, breezeways, and openings facing and visible from the streets in public right-of-ways. This is for industrial and commercial properties and does not pertain to residential properties. Mr. Pash stated that the Planning and Zoning Board requested an additional stipulation that requires any existing bars be removed by October 31, 2021 or at such time as an improvement is done to the building which is greater than ten percent of the value of the structure. Staff recommends approval of Ordinance 16-46.

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

**Motion by Commissioner Buchanan to approve Ordinance 16-46 with the second reading and public hearing being scheduled for October 13, 2016. Seconded by Commissioner Makin and carried unanimously 5-0.**

- B. **Ordinance 16-58**: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 1.15 ± ACRES OF CERTAIN REAL PROPERTY GENERALLY LOCATED ON THE SOUTHEAST CORNER OF WEST PLANT STREET AND SOUTH PARK AVENUE, AT 462 WEST PLANT STREET AND 19 SOUTH PARK AVENUE, FROM C-1 (CENTRAL COMMERCIAL) TO PUD (PLANNED UNIT DEVELOPMENT); PROVIDING FOR CERTAIN PUD REQUIREMENTS AND DESCRIBING THE DEVELOPMENT AS THE PARK & PLANT PUD; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 16-58 by title only. Community Development Director Pash stated that this is an application to rezone the property from C-1 to PUD. The proposed PUD will allow 24 townhomes on this property with five different buildings ranging from two to three stories. One building will have seven townhomes that fronts along West Plant Street; those seven units will be allowed through special exception to use a portion as office space. All units will have a two-stall garage, courtyard, as well as landscaping and other improvements on the site. Staff recommends approval of Ordinance 16-58.

Commissioner Olszewski inquired about any comments from the adjoining neighbors. Mr. Pash stated that there was one concerned neighbor who attended the Planning and Zoning Board meeting who voiced their concern about parking. He stated that it was explained to them that there is a lot of public parking around the area.

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

**Motion by Commissioner Makin to approve Ordinance 16-58 with the second reading and public hearing being scheduled for October 13, 2016. Seconded by Commissioner Sharman and carried unanimously 5-0.**

4. **REGULAR BUSINESS**

A. **Appointment to the Architectural Review and Historic Preservation Board**

Community Development Director Pash stated that there is one remaining appointment which is the member recommended by the Winter Garden Heritage Foundation. They are recommending Kay Cappleman to a three year term.

**Motion by Commissioner Olszewski to appoint Kay Cappleman, of the Winter Garden Heritage Foundation, to the Architectural Review and Historic Preservation Board for a three-year term. Seconded by Commissioner Makin and carried unanimously 5-0.**

B. **City Manager's Contract**

City Manager Bollhoefer stated that this is the standard contract that has been used for the last 11 or 12 years. He noted that this contract is for three years and his pay raises are tied to the same pay raises as all of the department heads, which has been the standard for several years. He recommended approval.

Commissioner Buchanan stated that he has reviewed this item and researched some other Central Florida City Manager's pay and scale. He shared some of the City's projects over the last 10 to 15 years and remembered what Mr. Bollhoefer faced when first becoming our City Manager. He noted some projects Mr. Bollhoefer had been involved in since becoming City Manager such as the Winter Garden Fowler Grove Mall, Downtown Parking Garage, and other City developments. Commissioner Buchanan expressed that he personally would like to add a ten percent increase onto the contract presented.

Mayor Rees stated that during the last contract he brought up that we are getting a bargain for what the City is paying him and what he does. He also expressed that he too thinks Mr. Bollhoefer does an excellent job for the City of Winter Garden.

**Motion by Commissioner Buchanan to approve the City Manager's Contract plus an additional ten percent increase. Seconded by Commissioner Sharman.**

City Manager Bollhoefer stated that he appreciates the offer and the recognition. He noted that he is perfectly fine with the contract the way it is; he is always comfortable

having the same pay raise as everybody else and wanted to be sure he stated that for the record.

**Motion carried unanimously 5-0.**

5. **MATTERS FROM PUBLIC** - There were no items.
6. **MATTERS FROM CITY ATTORNEY** -There were no items.
7. **MATTERS FROM CITY MANAGER**

A. **Discussion on golf carts**

City Manager Bollhoefer stated that a lot of information has been distributed on this issue. He gave a brief update of where staff is on this issue that has been narrowed down to a few issues on how to expand the golf cart paths.

Mr. Bollhoefer displayed a map of the existing legally allowed golf cart routes. He spoke of people driving all over the place who are not following these maps; which is one of the reasons this is being addressed. One of the maps distributed included the speed limits for the entire City. He addressed some of the major (collector and arterial) roads and described feeder roads that are in neighborhoods that go to collector roads that go to arterial roads. He explained that their primary purpose is for commerce, which is to get people to and from work and to go shopping. He felt that the City should do its best to keep golf carts off of those roads. He noted the change of speeds on various roads. A golf cart has to go slower than 20 MPH which is dangerous on roads over that speed limit. The main neighborhood asking for golf carts is Winter Oaks who wants to be able get to the downtown area. The solution for Winter Oaks is to cut a hole in the fence at Veterans Park to allow passage through the park to get to Park Avenue and then to the downtown area. However, he explained that a solution for Crest Avenue could not be found. He also noted the Dillard Street area is another debatable issue and getting golf carts to and from the Winter Garden Restaurant. He and Police Chief Brennan have reviewed this area and they cannot find a solution that offers a safe route.

Mr. Bollhoefer indicated that by State Law everyone is automatically allowed to drive a light vehicle on all roads that are 35 mph. He defined a light vehicle as one able to go speeds of 20 and 25 mph that have to be registered through the State with a tag. That means it can also be required that there are child restraint seats. He noted that by people using light vehicles which is about 20 percent more than a regular golf carts, they could then have use of all of these different roads under State Law and thereby relieving the City of any liability. Therefore, his recommendation would be that on all roads that are 25 mph and under, the City can make them safer by expanding the golf cart paths. On all of the other streets we would require people to get the light vehicles.

Mr. Bollhoefer stated that the City would take Bay Street, which turns into Tildenville School Road that goes all the way up to Oakland Park, and make it a golf cart path. He noted that the City would try in every way to find a safe way or create a path.

He also advised that people in light vehicles can now legally drive down roads such as Daniels Road, parts of Stoneybrook, and parts of Tilden Road; the only way to make this illegal is to post a sign. Staff's recommends doing nothing at this time and monitor it to see if it is even an issue. If it gets to be a problem, address it then.

In the interim, staff will meet with Winter Oaks and Winter Garden Restaurant about their options. Mr. Bollhoefer will also check with merchants to see how much upgrading the golf carts will cost. It was jointly agreed that staff will move forward on this issue.

### **Parking Garage Opening**

City Manager Bollhoefer spoke of the soft opening for the parking garage last weekend and thanked staff for their efforts in helping with the project. He announced that a grand opening will be held in two or three weeks once all of the landscaping is done.

Mayor Rees expressed his appreciation of staff and their efforts during the parking garage process.

## 8. **MATTERS FROM MAYOR AND COMMISSIONERS**

**Commissioner Sharman** stated that the parking garage opening went well and he received a lot of good feedback. He and others are looking forward to the next event to see how it holds up under real parking pressure; he thinks it is going to do very well.

**Commissioner Buchanan** stated that the parking garage project was very successful and he has received a lot of favorable comments. The colors are perfect as well as all the hand rails, and he likes the openness instead of having windows. He noted that the Farmer's Market will be expanded and a lot of people are looking forward to it.

**Commissioner Makin** stated that the parking garage is great and he really likes that vehicles can easily park beside each other and people can actually get out of their cars. He described the photo he took from the third floor of the garage which he posted to Facebook that he has received a lot of good feedback. He complimented FinFrock as being a great company and doing a great job on the parking structure. Also mentioned were the electrical outlets and areas for electric vehicle plugins.

There was discussion that the parking garage does not feel overwhelming to the downtown area and does not stick out as some may have previously imagined.

City Manager Bollhoefer spoke of adding Christmas lights to the parking structure and gave the Commission an estimate of \$8,000 to initially set up the lights and that the annual cost will be approximately \$2,000, which will further illuminate that area. Mr. Bollhoefer stated

that unless there are any objections, he will move forward with this plan as well. *No objections were noted.*

Commissioner Makin suggested after the grand opening or in conjunction with the opening, we hold a West Orange Chamber Business After Hours event downtown at the Winter Garden Parking Garage in the plaza area.

**West Orange Chamber Board Member**

City Manager Bollhoefer stated that the West Orange Chamber has asked that the City pick someone to sit on the Chamber board. He shared that it is not required that a City Commissioner sit on this board and that a staff member could be appointed.

It was the **consensus** of the City Commission to appoint Assistant City Manager of Administrative Services, Frank Gilbert, to serve as the City's representative on the West Orange Chamber Board.

The meeting adjourned at 7:16 p.m.

APPROVED:

---

Mayor John Rees

ATTEST:

---

City Clerk Kathy Golden, CMC

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

**From:** Steve Pash, Community Development Director

**Via:** City Manager Mike Bollhoefer

**Date:** September 14, 2016

**Meeting Date:** September 21, 2016

**Subject:** 15001 West Colonial Drive  
Parcel ID # 21-22-27-0000-00-038  
**Ordinance 16-55**  
**Ordinance 16-56**  
**Ordinance 16-57**

**Issue:** The applicant is requesting Annexation, Future Lands Use designation, and Zoning on the property located 15001 West Colonial Drive.

**Discussion:**

The City encourages infill of its jurisdictional limits through voluntary annexation of enclaves. The subject property makes up a 1.58 ± acre enclave located at the northwest corner of West Colonial Drive and Tildenville School Road. The applicant has requested Annexation into the City, Initial Zoning of C-2, and Amendment to the Future Land Use Map of the City's Comprehensive Plan to designate the property as Commercial (See attached Staff Report).

**Recommended Action:**

Staff recommends approval of Ordinance 16-55, Ordinance 16-56, and Ordinance 16-57, with the second reading scheduled on Thursday, October 27, 2016.

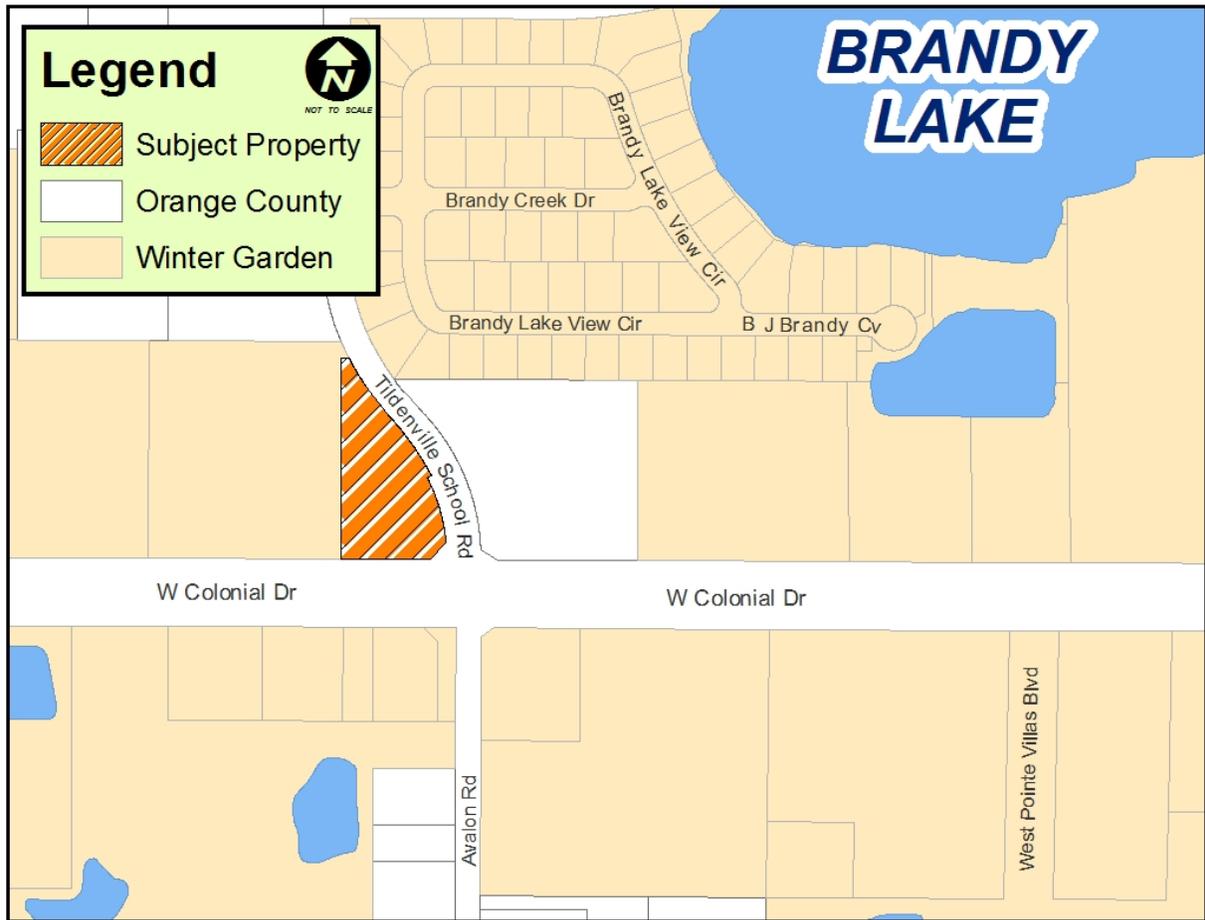
**Attachment(s)/References:**

Location Map  
Staff Report  
Ordinance 16-55  
Ordinance 16-56  
Ordinance 16-57

# LOCATION MAP

15001 W Colonial Drive

ANNEXATION, FLU MAP AMENDMENT, REZONING



ORDINANCE 16-55

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 1.58 ± ACRES LOCATED AT 15001 WEST COLONIAL DRIVE AT THE NORTHWEST CORNER OF WEST COLONIAL DRIVE AND TILDENVILLE SCHOOL ROAD INTO THE CITY OF WINTER GARDEN FLORIDA; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the owner of the land, generally described as approximately 1.58 ± acres located at 15001 West Colonial Drive at the northwest corner of West Colonial Drive and Tildenville School Road and legally described in Section 2 of this Ordinance, which land is reasonably compact and contiguous to the corporate limits of the City of Winter Garden, Florida (“City”), has, pursuant to the prerequisites and standards set forth in § 171.044, Fla. Stat., petitioned the City Commission for voluntary annexation;

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

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

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

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

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

**SECTION 3:** *Effect of Annexation.* That the City of Winter Garden, Florida, shall have all of the power, authority, and jurisdiction over and within the land as described in Section 2 hereof, and the inhabitants thereof, and property therein, as it does and have over its present corporate limits and laws, ordinances, and resolutions of said City shall apply and shall have equal force and effect as if all territory had been part of said City at

the time of the passage of such laws, ordinances, and resolutions.

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

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

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

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

**FIRST READING AND PUBLIC HEARING:** \_\_\_\_\_, 2016.

**SECOND READING AND PUBLIC HEARING:** \_\_\_\_\_, 2016.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2016, by the City Commission of the City of Winter Garden, Florida.

**APPROVED:**

\_\_\_\_\_  
JOHN REES, Mayor/Commissioner

**ATTEST:**

\_\_\_\_\_  
KATHY GOLDEN, City Clerk

**ATTACHMENT "A"**

**LEGAL DESCRIPTION**

PARCEL ID#: 21-22-27-0000-00-038

Description:

Commence at the Southeast corner of the Southeast 1/4 of Section 21, Township 22 South, Range 27 East, Orange County, Florida; thence run North 89°43'10" West along the South line of said Southeast 1/4, 82.79 feet; thence North 00°16'50" East 75.00 feet to the North right of way line of State Road 50 and the POINT OF BEGINNING; thence North 89°43'10" West along said north right of way line, 197.42 feet to the West line of the East 280.00 feet of the Southeast 1/4 of said Section 21; thence North 00°06'59" East 445.00 feet; thence South 89°43'10" East 18.11 feet to the Westerly right of way line of Tildenville School Road, being a point on a non-tangent curve concave to the Northeast having a radius of 614.00 feet and a chord bearing of South 30°49'26" East; thence run along the arc of said curve and said Westerly right of way line, through a central angle of 6°45'34" an arc length of 72.44 feet to a point of non-tangency; thence South 37°44'35" East 76.12 feet to a beginning of a non-tangent curve concave to the Southwest having a radius of 655.99 feet and a chord bearing of South 35°28'15" East; thence run along the arc of said curve through a central angle of 14°47'53" an arc length of 169.42 feet to a point of non-tangency; thence South 61°55'28" West 10.12 feet to the beginning of a non-tangent curve concave to the West having a radius of 402.00 feet and a chord bearing of South 15°58'24" East; thence run along the arc of said curve through a central angle of 21°34'17", an arc length of 151.35 feet to a point of non-tangency; thence South 44°26'26" West 51.13 feet to the POINT OF BEGINNING.

ORDINANCE 16-56

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING THE FUTURE LAND USE MAP OF THE WINTER GARDEN COMPREHENSIVE PLAN BY CHANGING THE LAND USE DESIGNATION OF REAL PROPERTY GENERALLY DESCRIBED AS 1.58 ± ACRES LOCATED AT 15001 WEST COLONIAL DRIVE AT THE NORTHWEST CORNER OF WEST COLONIAL DRIVE AND TILDENVILLE SCHOOL ROAD FROM ORANGE COUNTY COMMERCIAL TO CITY COMMERCIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

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

**WHEREAS**, the owner of that certain real property generally described as approximately 1.58 ± acres located at 15001 West Colonial Drive at the northwest corner of West Colonial Drive and Tildenville School Road, and legally described in ATTACHMENT "A" (the "Property") has petitioned the City to amend the Winter Garden Comprehensive Plan to change the Future Land Use classification from Orange County Commercial to City Commercial; and

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

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

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

**SECTION II.** *Effective Date.* Provided that the Property described herein is annexed into the City of Winter Garden pursuant to Ordinance 16-55, this Ordinance shall become effective 31 days after adoption, unless the Ordinance is timely challenged pursuant to § 163.3187(5), Fla. Stat., in which case, the Ordinance shall not be effective until the state land planning agency or the Administrative Commission, respectively, issues a final order determining that the adopted Ordinance is in compliance.

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

**FIRST READING AND PUBLIC HEARING:** \_\_\_\_\_, 2016.

**SECOND READING AND PUBLIC HEARING:** \_\_\_\_\_, 2016.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2016, by the City Commission of the City of Winter Garden, Florida.

**APPROVED:**

\_\_\_\_\_  
JOHN REES, Mayor/Commissioner

**ATTEST:**

\_\_\_\_\_  
KATHY GOLDEN, City Clerk

**ATTACHMENT "A"**

**LEGAL DESCRIPTION**

PARCEL ID#: 21-22-27-0000-00-038

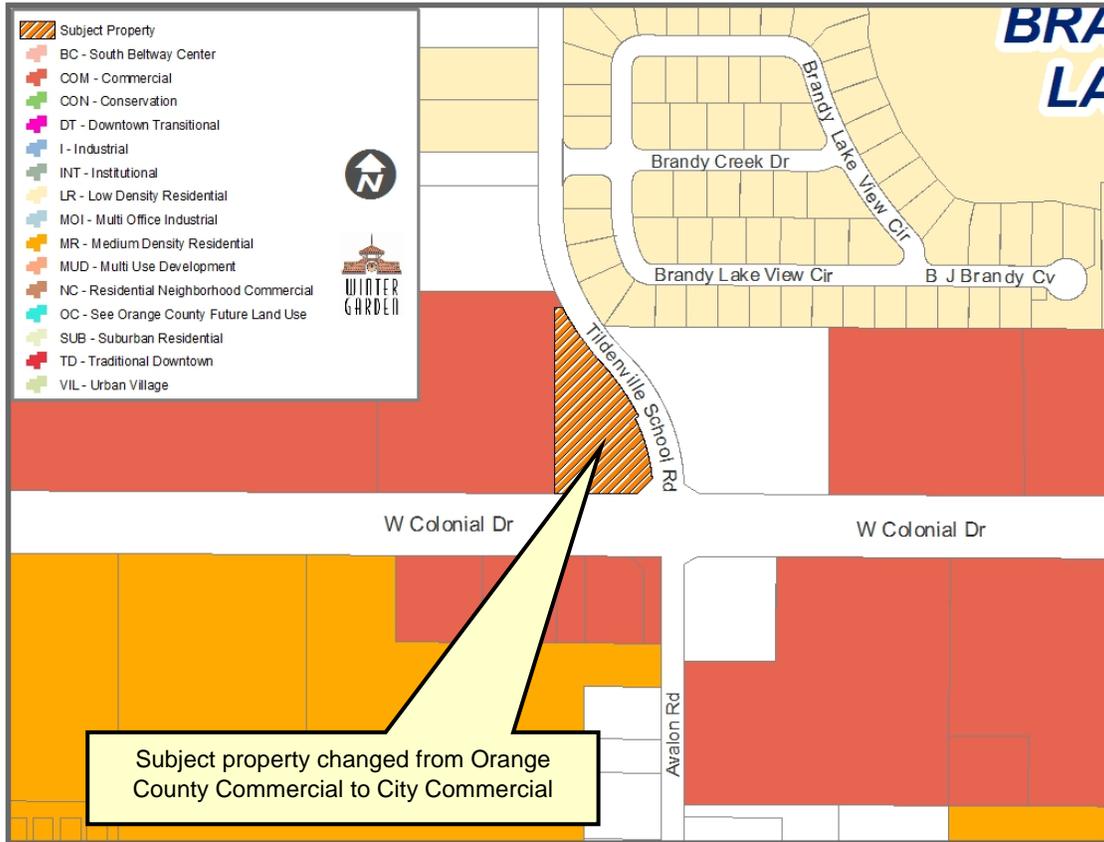
Description:

Commence at the Southeast corner of the Southeast 1/4 of Section 21, Township 22 South, Range 27 East, Orange County, Florida; thence run North 89°43'10" West along the South line of said Southeast 1/4, 82.79 feet; thence North 00°16'50" East 75.00 feet to the North right of way line of State Road 50 and the POINT OF BEGINNING; thence North 89°43'10" West along said north right of way line, 197.42 feet to the West line of the East 280.00 feet of the Southeast 1/4 of said Section 21; thence North 00°06'59" East 445.00 feet; thence South 89°43'10" East 18.11 feet to the Westerly right of way line of Tildenville School Road, being a point on a non-tangent curve concave to the Northeast having a radius of 614.00 feet and a chord bearing of South 30°49'26" East; thence run along the arc of said curve and said Westerly right of way line, through a central angle of 6°45'34" an arc length of 72.44 feet to a point of non-tangency; thence South 37°44'35" East 76.12 feet to a beginning of a non-tangent curve concave to the Southwest having a radius of 655.99 feet and a chord bearing of South 35°28'15" East; thence run along the arc of said curve through a central angle of 14°47'53" an arc length of 169.42 feet to a point of non-tangency; thence South 61°55'28" West 10.12 feet to the beginning of a non-tangent curve concave to the West having a radius of 402.00 feet and a chord bearing of South 15°58'24" East; thence run along the arc of said curve through a central angle of 21°34'17", an arc length of 151.35 feet to a point of non-tangency; thence South 44°26'26" West 51.13 feet to the POINT OF BEGINNING.

ATTACHMENT "B"

FUTURE LAND USE MAP

15001 West Colonial Drive



ORDINANCE 16-57

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 1.58 ± ACRES LOCATED AT 15001 WEST COLONIAL DRIVE AT THE NORTHWEST CORNER OF WEST COLONIAL DRIVE AND TILDENVILLE SCHOOL ROAD FROM ORANGE COUNTY C-2 COMMERCIAL DISTRICT TO CITY C-2 ARTERIAL COMMERCIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the owner of that certain real property generally described as 1.58 ± acres located at 15001 West Colonial Drive at the northwest corner of West Colonial Drive and Tildenville School Road, and legally described in Section 1 of this ordinance has petitioned the City to rezone said property from Orange County C-2 Commercial District to the City's C-2 Arterial Commercial District zoning classification, therefore; and

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

**WHEREAS**, further, the City Commission finds that based on competent, substantial evidence in the record, the rezoning approved by this Ordinance meets all applicable criteria for rezoning the Property to C-2 Arterial Commercial District contained within the City of Winter Garden Comprehensive Plan and the Code of Ordinances.

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

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

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

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

**SECTION 4: *Effective Date.*** This Ordinance shall become effective simultaneously upon the effective date of Ordinance 16-56 which is an amendment to the Future Land Use Map of the City of Winter Garden Comprehensive Plan that allows the property described herein to be zoned as provided in this Ordinance.

**FIRST READING AND PUBLIC HEARING:** \_\_\_\_\_, 2016.

**SECOND READING AND PUBLIC HEARING:** \_\_\_\_\_, 2016.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2016, by the City Commission of the City of Winter Garden, Florida.

**APPROVED:**

\_\_\_\_\_  
JOHN REES, Mayor/Commissioner

**ATTEST:**

\_\_\_\_\_  
KATHY GOLDEN, City Clerk

**ATTACHMENT "A"**

**LEGAL DESCRIPTION**

PARCEL ID#: 21-22-27-0000-00-038

Description:

Commence at the Southeast corner of the Southeast 1/4 of Section 21, Township 22 South, Range 27 East, Orange County, Florida; thence run North 89°43'10" West along the South line of said Southeast 1/4, 82.79 feet; thence North 00°16'50" East 75.00 feet to the North right of way line of State Road 50 and the POINT OF BEGINNING; thence North 89°43'10" West along said north right of way line, 197.42 feet to the West line of the East 280.00 feet of the Southeast 1/4 of said Section 21; thence North 00°06'59" East 445.00 feet; thence South 89°43'10" East 18.11 feet to the Westerly right of way line of Tildenville School Road, being a point on a non-tangent curve concave to the Northeast having a radius of 614.00 feet and a chord bearing of South 30°49'26" East; thence run along the arc of said curve and said Westerly right of way line, through a central angle of 6°45'34" an arc length of 72.44 feet to a point of non-tangency; thence South 37°44'35" East 76.12 feet to a beginning of a non-tangent curve concave to the Southwest having a radius of 655.99 feet and a chord bearing of South 35°28'15" East; thence run along the arc of said curve through a central angle of 14°47'53" an arc length of 169.42 feet to a point of non-tangency; thence South 61°55'28" West 10.12 feet to the beginning of a non-tangent curve concave to the West having a radius of 402.00 feet and a chord bearing of South 15°58'24" East; thence run along the arc of said curve through a central angle of 21°34'17", an arc length of 151.35 feet to a point of non-tangency; thence South 44°26'26" West 51.13 feet to the POINT OF BEGINNING.

# CITY OF WINTER GARDEN

## PLANNING & ZONING DIVISION

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

# STAFF REPORT

**TO:** PLANNING AND ZONING BOARD  
**PREPARED BY:** STEVE PASH, COMMUNITY DEVELOPMENT DIRECTOR  
**DATE:** September 27, 2016  
**SUBJECT:** ANNEXATION – FLU AMENDMENT – ZONING  
**15001 WEST COLONIAL DRIVE (1.58 +/- ACRES)**  
**PARCEL ID #:** 21-22-27-0000-00-038  
**APPLICANT:** 7-ELEVEN, INC.

### INTRODUCTION

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

The subject property is located at 15001 West Colonial Drive, at the northwest corner of West Colonial Drive and Tildenville School Road and is approximately 1.58 ± acres. The map below depicts the proximity of the subject property to the City’s jurisdictional limits:



The applicant has requested annexation into the City, amendment to the Future Land Use Map (FLUM) of the City's Comprehensive Plan to designate the property as Commercial, and rezoning the property to C-2 Arterial Commercial District. This property is also within the West State Road 50 Overlay, which has additional development standards.

The subject property is located within the West State Road 50 Commercial Activity Center which allows for the following land use categories: Commercial, Medium Density Residential, Industrial, and Multi Use Development. The majority of the properties located within the West State Road 50 Commercial Activity Center are designated Commercial on the Future Land Use Map, with the only exceptions being several apartment complexes and a senior living facility on the south side of the road at the western edge of the city limits which are designated Medium Density Residential on the Future Land Use Map and total about 35 acres of land.

In accordance with the City's Comprehensive Plan, permitted uses within the Commercial land use include retail, service, and professional activities. The zoning classifications that are consistent with the Commercial land use designation include C-1, C-2, C-3, C-4, PCD, and INT.

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

### **EXISTING USE**

The subject property currently contains a 3,176 square foot convenience store and gas station (7-Eleven).

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

The property located to the north is a single-family house, zoned A-1, and located in unincorporated Orange County. The property located to the east is vacant commercial property and has applied for annexation into the City of Winter Garden. The property to the south is vacant commercial property, zoned C-2, and located in Winter Garden. The property to the west is developed with the Winter Garden Post Office, zoned C-2, and located in Winter Garden.

### **PROPOSED USE**

The applicant intends to annex the property and develop the property in the future.

### **PUBLIC FACILITY ANALYSIS**

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

**SUMMARY**

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

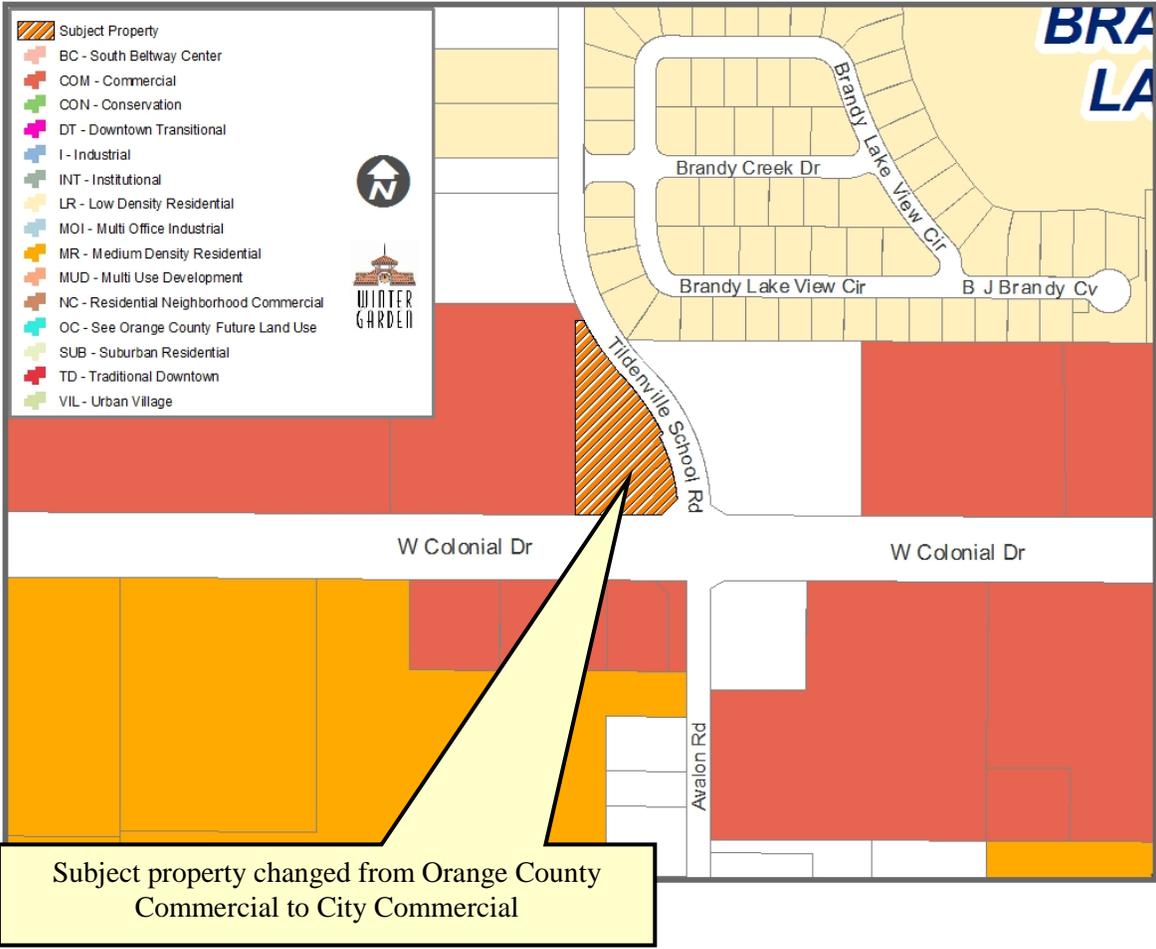
MAPS

**AERIAL PHOTO**

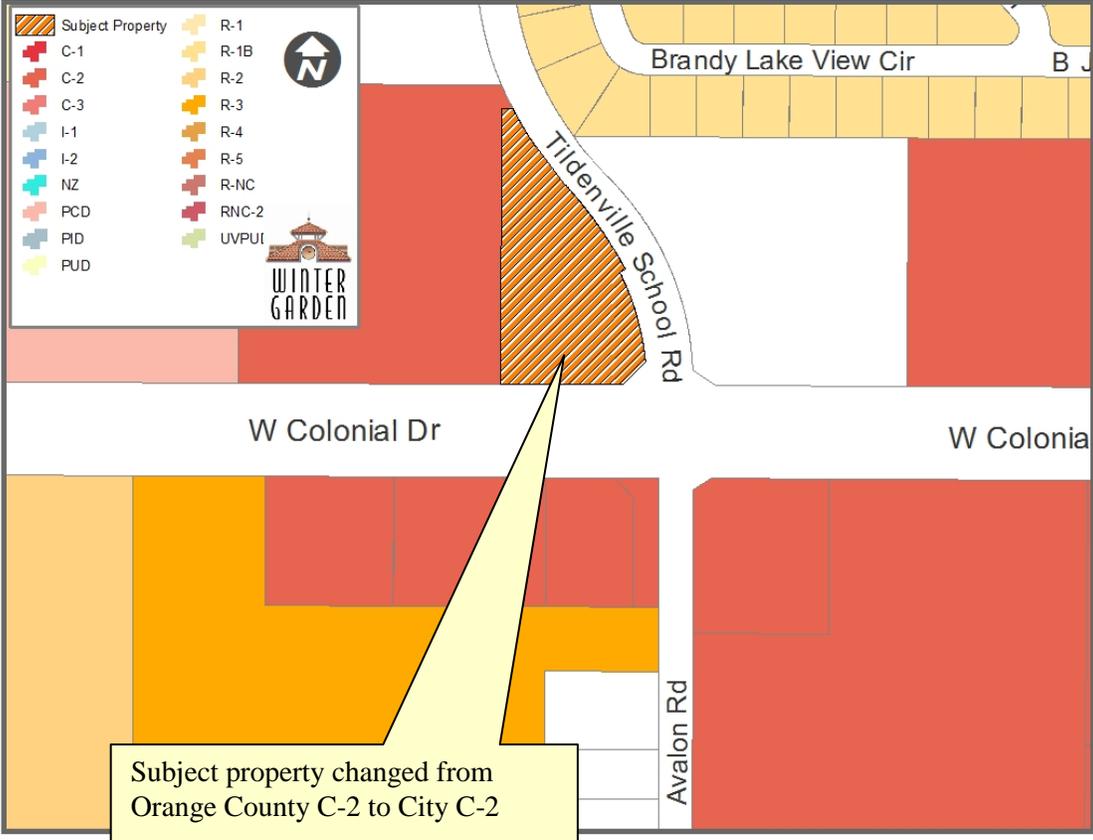
**15001 West Colonial Drive**



**FUTURE LAND USE MAP**  
**15001 West Colonial Drive**



**ZONING MAP**  
**15001 West Colonial Drive**



**END OF STAFF REPORT**

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

**From:** Steve Pash, Community Development Director

**Via:** City Manager Mike Bollhoefer

**Date:** October 5, 2016                      **Meeting Date:** October 13, 2016

**Subject:** Comprehensive Plan Amendment - Dillard Street Corridor  
**Ordinance 16-59**

**Issue:** An ordinance of the City of Winter Garden, Florida, amending policy 2-1.1.5 and adding policy 2-1.1.15 of the multimodal transportation element of the Winter Garden Comprehensive Plan to include policies pertaining to the Dillard Street Corridor project; providing for severability; providing for an effective date.

**Discussion:**

The City has initiated a Comprehensive Plan amendment that would add a new policy describing the need for and scope of the proposed Dillard Street Corridor project. The amendment would also modify an existing bicycle and pedestrian policy, adding a sentence about the proposed Corridor. The purpose of this amendment is to ensure the City's Comprehensive Plan reflects the priority of the project so that the City is in a favorable position to pursue various funding opportunities.

**Recommended Action:**

Staff recommends approval of Ordinance 16-59, requesting that staff be allowed to transmit the Comprehensive Plan Amendment to the Florida Department of Economic Opportunity, amending policy 2-1.1.5 and adding policy 2-1.1.15 of the multimodal transportation element.

**Attachment(s)/References:**

Ordinance 16-59

ORDINANCE 16-59

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING POLICY 2-1.1.5 AND ADDING POLICY 2-1.1.15 OF THE MULTIMODAL TRANSPORTATION ELEMENT OF THE WINTER GARDEN COMPREHENSIVE PLAN TO INCLUDE POLICIES PERTAINING TO THE DILLARD STREET CORRIDOR PROJECT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

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

**WHEREAS**, the City of Winter Garden desires to update the Multimodal Transportation Element of said plan to include policies pertaining to the Dillard Street Corridor project; and

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

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

**SECTION I.** *Multimodal Transportation Amendment.*

- a) Policy 2-1.1.5 of the Multimodal Transportation Element of the Winter Garden Comprehensive Plan is hereby amended to read as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions):

**Policy 2-1.1.5:** Pedestrian and Bicycle. The City shall continue to implement the Bicycle and Pedestrian Master Plan developed in conjunction with FDOT in 2002 as an alternative means of transportation around the City and to further reduce greenhouse gas emissions. The City shall also continue to plan for the implementation of a multimodal road realignment project along the Dillard Street Corridor from SR 50 to E Plant Street to improve pedestrian and bicycle connections.

- b) Policy 2-1.1.15 of the Multimodal Transportation Element of the Winter Garden

Comprehensive Plan is hereby added to read as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions):

**Policy 2-1.1.15:** Dillard Street Corridor. The City has identified the need to improve the one-mile segment of Dillard Street from E Plant Street south to SR 50 in order to foster better outcomes economically, socially, recreationally, functionally, and aesthetically. Elements of the proposed project shall include creating a living street by reducing the street travel lanes; providing roundabouts at key intersections in lieu of traffic signals; installing wide sidewalks and street parking; installing a 10' wide two-way bike lane; burying a segment of the existing overhead utilities and updating old lines; and providing new landscaping and pedestrian amenities. The City will support the development of the Dillard Street Corridor project by engaging in continued analysis and detailed design of the corridor, as well as procuring the needed right-of-way in order to commence construction activities. The City shall also continue to explore various funding opportunities for the project such as grants and ad valorem taxes.

**SECTION II.** *Effective Date.* This Ordinance shall become effective 31 days after adoption, unless the Ordinance is timely challenged pursuant to § 163.3187(5), Fla. Stat., in which case, the Ordinance shall not be effective until the state land planning agency or the Administrative Commission, respectively, issues a final order determining that the adopted Ordinance is in compliance.

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

**FIRST READING AND PUBLIC HEARING:** \_\_\_\_\_, 2016.

**SECOND READING AND PUBLIC HEARING:** \_\_\_\_\_, 2016.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2016, by the City Commission of the City of Winter Garden, Florida.

**APPROVED:**

\_\_\_\_\_  
JOHN REES, Mayor/Commissioner

**ATTEST:**

\_\_\_\_\_  
KATHY GOLDEN, City Clerk

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

**From:** Steve Pash, Community Development Director

**Via:** City Manager Mike Bollhoefer

**Date:** October 5, 2016

**Meeting Date:** October 13, 2016

**Subject:** 420 W. Story Rd.  
**Lopez Property**  
**Ordinance 16-62**  
**Ordinance 16-63**  
**Ordinance 16-64**  
**PARCEL ID # 22-22-27-1084-02-010**

**Issue:** The applicant is requesting Annexation, Future Lands Use designation, and Zoning on the property located at 420 W. Story Road.

**Discussion:**

The City encourages infill of its jurisdictional limits through voluntary annexation of enclaves. The subject property makes up a ±0.21 acre parcel located at 420 W Story Road. The applicant has requested Annexation into the City, Amendment to the Future Land Use Map of the City's Comprehensive Plan to designate the property as Low Density Residential, and Zoning of R-2.

**Recommended Action:**

Staff recommends approval of Ordinance 16-62, Ordinance 16-63, and Ordinance 16-64 with the second reading and public hearing being scheduled for October 27, 2016.

**Attachment(s)/References:**

Location Map  
Ordinance 16-62  
Ordinance 16-63  
Ordinance 16-64  
Staff Report

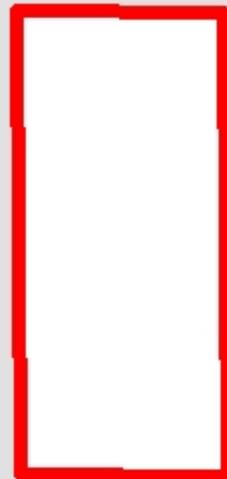
# Veterans Memorial Park

W Story Road

W Story Road

Coke Avenue

Foster Avenue



## Legend

-  Subject Property
-  Orange County
-  Winter Garden



NOT TO SCALE

ORDINANCE 16-62

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.21 ± ACRES LOCATED AT 420 WEST STORY ROAD ON THE SOUTHEAST CORNER OF WEST STORY ROAD AND FOSTER AVENUE INTO THE CITY OF WINTER GARDEN, FLORIDA; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE..

**WHEREAS**, the owner of the land, generally described as approximately 0.21 ± acres located at 420 West Story Road, at the southeast corner of West Story Road and Foster Avenue and legally described in Section 2 of this Ordinance, which land is reasonably compact and contiguous to the corporate limits of the City of Winter Garden, Florida (“City”), has, pursuant to the prerequisites and standards set forth in § 171.044, Fla. Stat., petitioned the City Commission for voluntary annexation;

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

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

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

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

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

**SECTION 3: *Effect of Annexation.*** That the City of Winter Garden, Florida, shall have all of the power, authority, and jurisdiction over and within the land as described in Section 2 hereof, and the inhabitants thereof, and property therein, as it does and have over its present corporate limits and laws, ordinances, and resolutions of said City shall apply and shall have equal force and effect as if all territory had been part of said City at

the time of the passage of such laws, ordinances, and resolutions.

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

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

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

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

**FIRST READING AND PUBLIC HEARING:** \_\_\_\_\_, 2016.

**SECOND READING AND PUBLIC HEARING:** \_\_\_\_\_, 2016.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2016, by the City Commission of the City of Winter Garden, Florida.

**APPROVED:**

\_\_\_\_\_  
JOHN REES, Mayor/Commissioner

**ATTEST:**

\_\_\_\_\_  
KATHY GOLDEN, City Clerk

**ATTACHMENT "A"**

**LEGAL DESCRIPTION**

PARCEL ID#: 22-22-27-1084-02-010

Lot 1, Block B, (less the South 5 feet) BURCHSHIRE, according to the map or plat thereof, as recorded in Plat Book Q, Page 138, of the Public Records of Orange County, Florida, being more particularly described as follows: Begin at the Northwest corner of Lot 1, Block B, BURCHSHIRE, according to the map or plat thereof, as recorded in Plat Book Q, Page 138, of the Public Records of Orange County, Florida; thence South 89°33'53" East 65.00 feet to the Northeast corner of said Lot 1; thence run along the East line of said Lot 1, South 00°27'45" East 144.74 feet to a point 5.00 feet North of the Southeast corner of said Lot 1; thence North 89°26'29" West 65.00 feet to a point lying on the West line of said Lot 1 and being 5.00 feet North of the Southwest corner of said Lot 1; thence run along said West line North 00°27'45" West 144.60 feet to the POINT OF BEGINNING.

Containing 0.216 acres, more or less.

ORDINANCE 16-63

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 0.21 ± ACRES LOCATED AT 420 WEST STORY ROAD ON THE SOUTHEAST CORNER OF WEST STORY ROAD AND FOSTER AVENUE FROM ORANGE COUNTY LOW DENSITY RESIDENTIAL TO CITY LOW DENSITY RESIDENTIAL (LR); PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE..

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

**WHEREAS**, the owner of that certain real property generally described as 0.21 ± acres of land located at 420 West Story Road at the southeast corner of West Story Road and Foster Avenue, and legally described in ATTACHMENT "A" (the "Property") has petitioned the City to amend the Winter Garden Comprehensive Plan to change the Future Land Use classification from Orange County Low Density Residential to City Low Density Residential; and

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

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

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

**SECTION II.** *Effective Date.* Provided that the Property described herein is annexed into the City of Winter Garden pursuant to Ordinance 16-62, this Ordinance shall become effective 31 days after adoption, unless the Ordinance is timely challenged pursuant to § 163.3187(5), Fla. Stat., in which case, the Ordinance shall not be effective until the state land planning agency or the Administrative Commission, respectively, issues a final order determining that the adopted Ordinance is in compliance.

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

**FIRST READING AND PUBLIC HEARING:** \_\_\_\_\_, 2016.

**SECOND READING AND PUBLIC HEARING:** \_\_\_\_\_, 2016.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2016, by the City Commission of the City of Winter Garden, Florida.

**APPROVED:**

\_\_\_\_\_  
JOHN REES, Mayor/Commissioner

**ATTEST:**

\_\_\_\_\_  
KATHY GOLDEN, City Clerk

**ATTACHMENT "A"**

**LEGAL DESCRIPTION**

PARCEL ID#: 22-22-27-1084-02-010

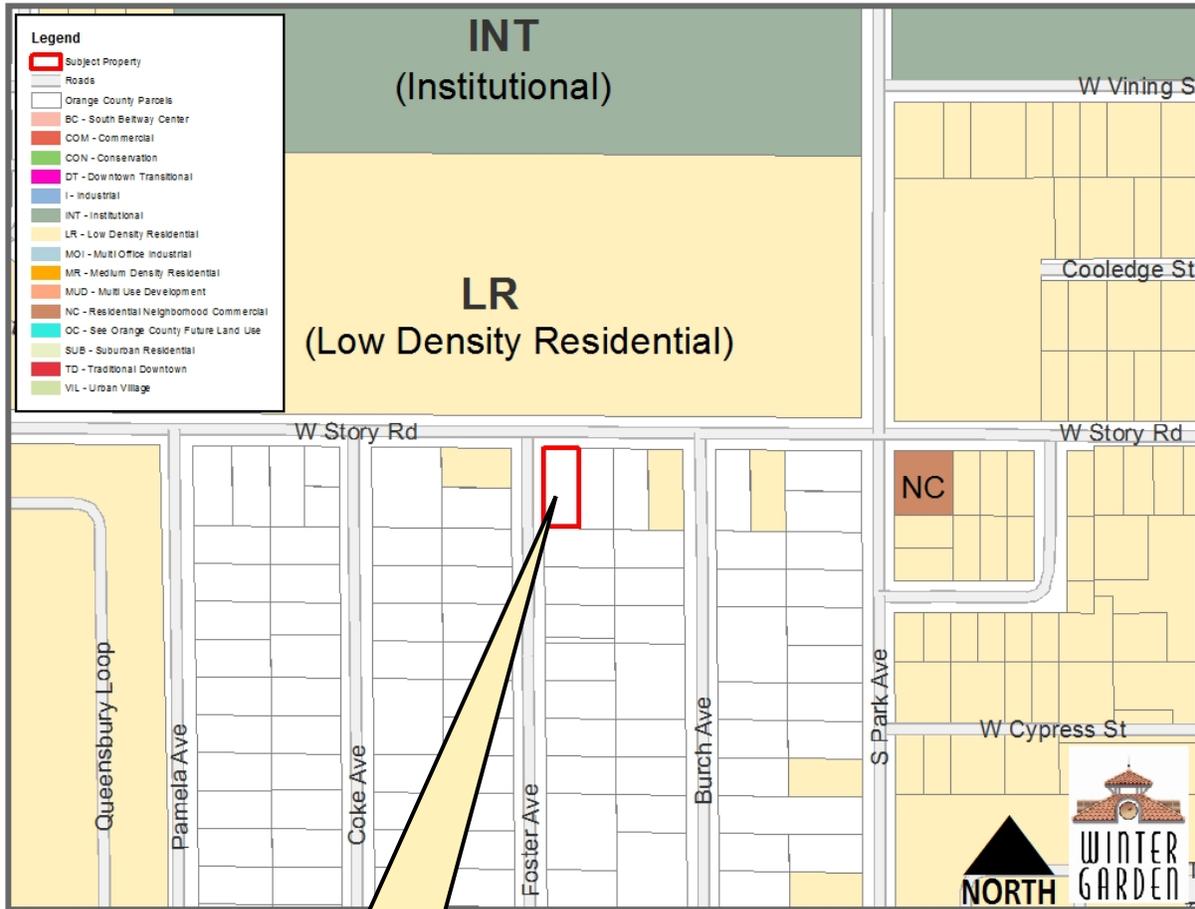
Lot 1, Block B, (less the South 5 feet) BURCHSHIRE, according to the map or plat thereof, as recorded in Plat Book Q, Page 138, of the Public Records of Orange County, Florida, being more particularly described as follows: Begin at the Northwest corner of Lot 1, Block B, BURCHSHIRE, according to the map or plat thereof, as recorded in Plat Book Q, Page 138, of the Public Records of Orange County, Florida; thence South 89°33'53" East 65.00 feet to the Northeast corner of said Lot 1; thence run along the East line of said Lot 1, South 00°27'45" East 144.74 feet to a point 5.00 feet North of the Southeast corner of said Lot 1; thence North 89°26'29" West 65.00 feet to a point lying on the West line of said Lot 1 and being 5.00 feet North of the Southwest corner of said Lot 1; thence run along said West line North 00°27'45" West 144.60 feet to the POINT OF BEGINNING.

Containing 0.216 acres, more or less.

ATTACHMENT "B"

FUTURE LAND USE MAP

420 WEST STORY ROAD



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

ORDINANCE 16-64

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.21 ± ACRES LOCATED AT 420 WEST STORY ROAD ON THE SOUTHEAST CORNER OF WEST STORY ROAD AND FOSTER AVENUE FROM ORANGE COUNTY R-2 RESIDENTIAL DISTRICT TO CITY R-2 RESIDENTIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the owner of that certain real property generally described as 0.21 ± acres of land located at 420 West Story Road at the southeast corner of West Story Road and Foster Avenue, and legally described in Section 1 of this ordinance has petitioned the City to rezone said property from Orange County R-2 Residential District to the City’s R-2 Residential District zoning classification, therefore;

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

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

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

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

**SECTION 4:** *Effective Date.* This Ordinance shall become effective simultaneously upon the effective date of Ordinance 16-63 which is an amendment to the Future Land Use Map of the City of Winter Garden Comprehensive Plan that allows the property described herein to be zoned as provided in this Ordinance.

**FIRST READING AND PUBLIC HEARING:** \_\_\_\_\_, 2016.

**SECOND READING AND PUBLIC HEARING:** \_\_\_\_\_, 2016.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2016, by the City Commission of the City of Winter Garden, Florida.

**APPROVED:**

\_\_\_\_\_  
JOHN REES, Mayor/Commissioner

**ATTEST:**

\_\_\_\_\_  
KATHY GOLDEN, City Clerk

**ATTACHMENT "A"**

**LEGAL DESCRIPTION**

PARCEL ID#: 22-22-27-9188-01-031

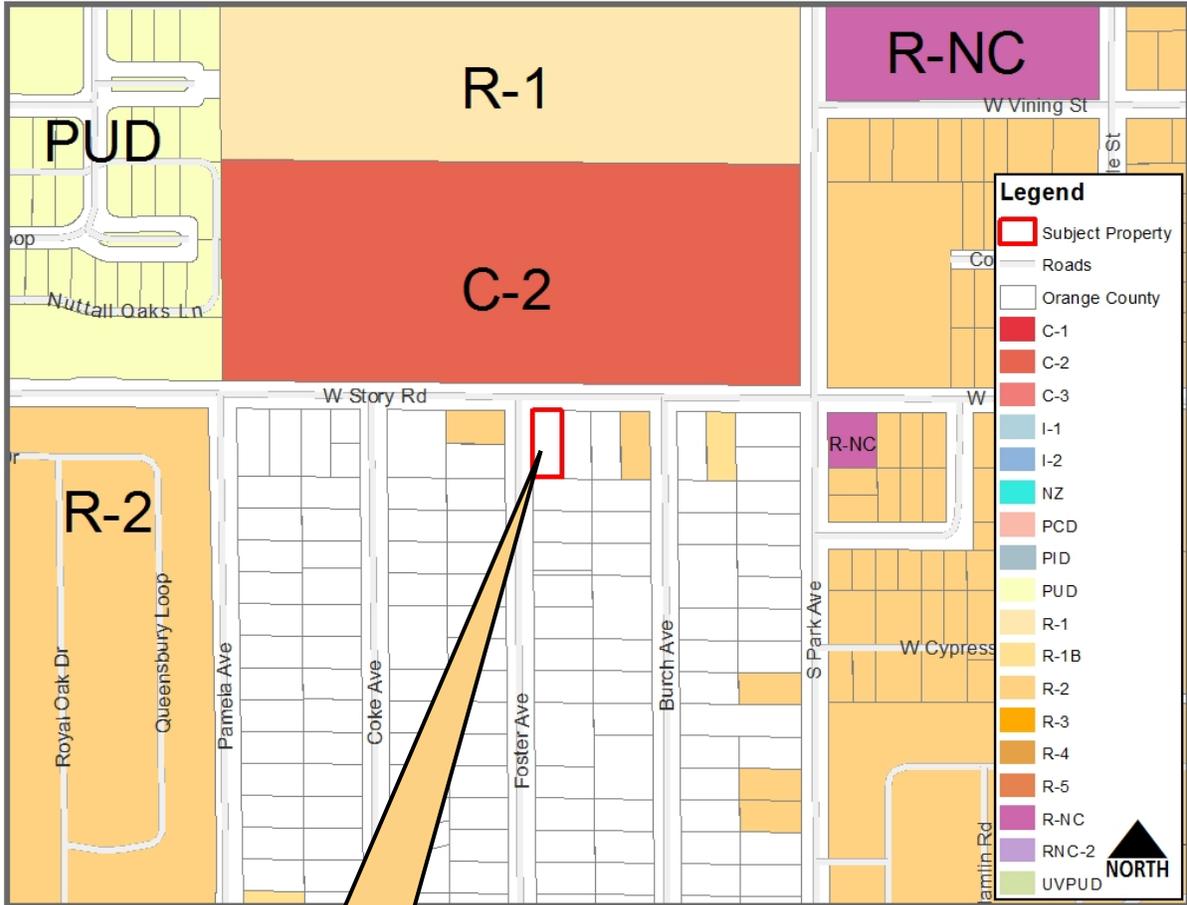
Lot 1, Block B, (less the South 5 feet) BURCHSHIRE, according to the map or plat thereof, as recorded in Plat Book Q, Page 138, of the Public Records of Orange County, Florida, being more particularly described as follows: Begin at the Northwest corner of Lot 1, Block B, BURCHSHIRE, according to the map or plat thereof, as recorded in Plat Book Q, Page 138, of the Public Records of Orange County, Florida; thence South 89°33'53" East 65.00 feet to the Northeast corner of said Lot 1; thence run along the East line of said Lot 1, South 00°27'45" East 144.74 feet to a point 5.00 feet North of the Southeast corner of said Lot 1; thence North 89°26'29" West 65.00 feet to a point lying on the West line of said Lot 1 and being 5.00 feet North of the Southwest corner of said Lot 1; thence run along said West line North 00°27'45" West 144.60 feet to the POINT OF BEGINNING.

Containing 0.216 acres, more or less.

ATTACHMENT "B"

ZONING MAP

420 WEST STORY ROAD



Subject property changed from Orange County R-2 to City R-2

# CITY OF WINTER GARDEN

## PLANNING & ZONING DIVISION

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

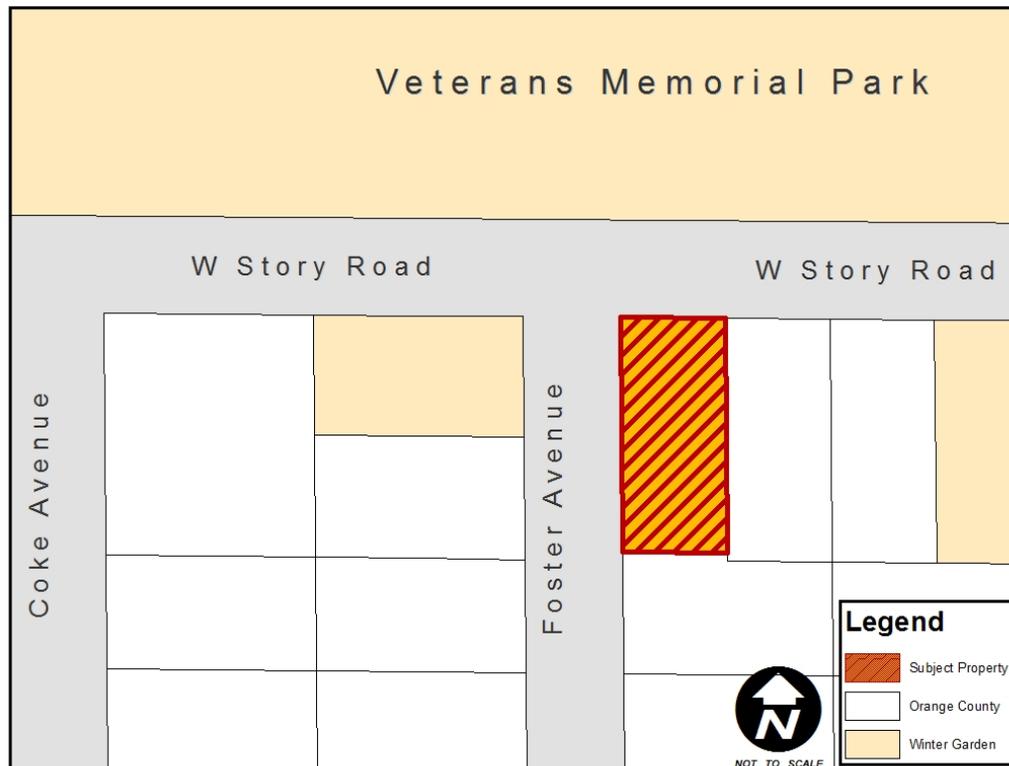
# STAFF REPORT

**TO:** PLANNING AND ZONING BOARD  
**PREPARED BY:** JESSICA FRYE, PLANNER I  
**DATE:** SEPTEMBER 30, 2016  
**SUBJECT:** ANNEXATION – ZONING – FLU AMENDMENT  
**420 WEST STORY ROAD (0.21 +/- ACRES)**  
**PARCEL ID #:** 22-22-27-1084-02-010  
**APPLICANT:** LEONEL LOPEZ

### INTRODUCTION

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

The subject property is located at 420 West Story Road and is approximately 0.21 ± acres. The map below depicts the proximity of the subject property to the City's jurisdictional limits:



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

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

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

### **EXISTING USE**

The subject property is currently developed with a single-family house.

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

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

### **PROPOSED USE**

The applicant is proposing to remove the existing structures and rebuild another single-family house.

### **PUBLIC FACILITY ANALYSIS**

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

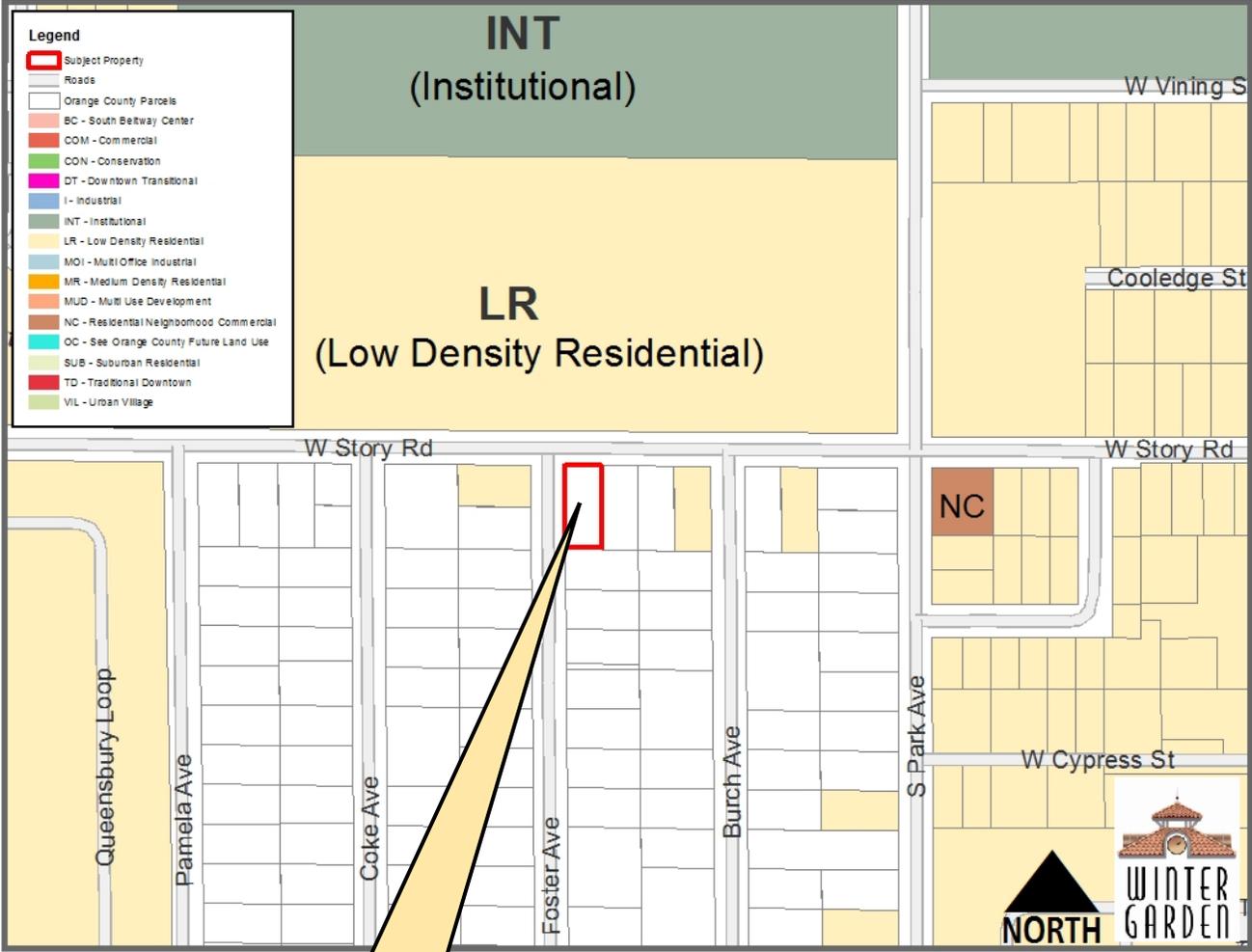
### **SUMMARY**

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

**MAPS**  
**AERIAL PHOTO**  
**420 West Story Road**

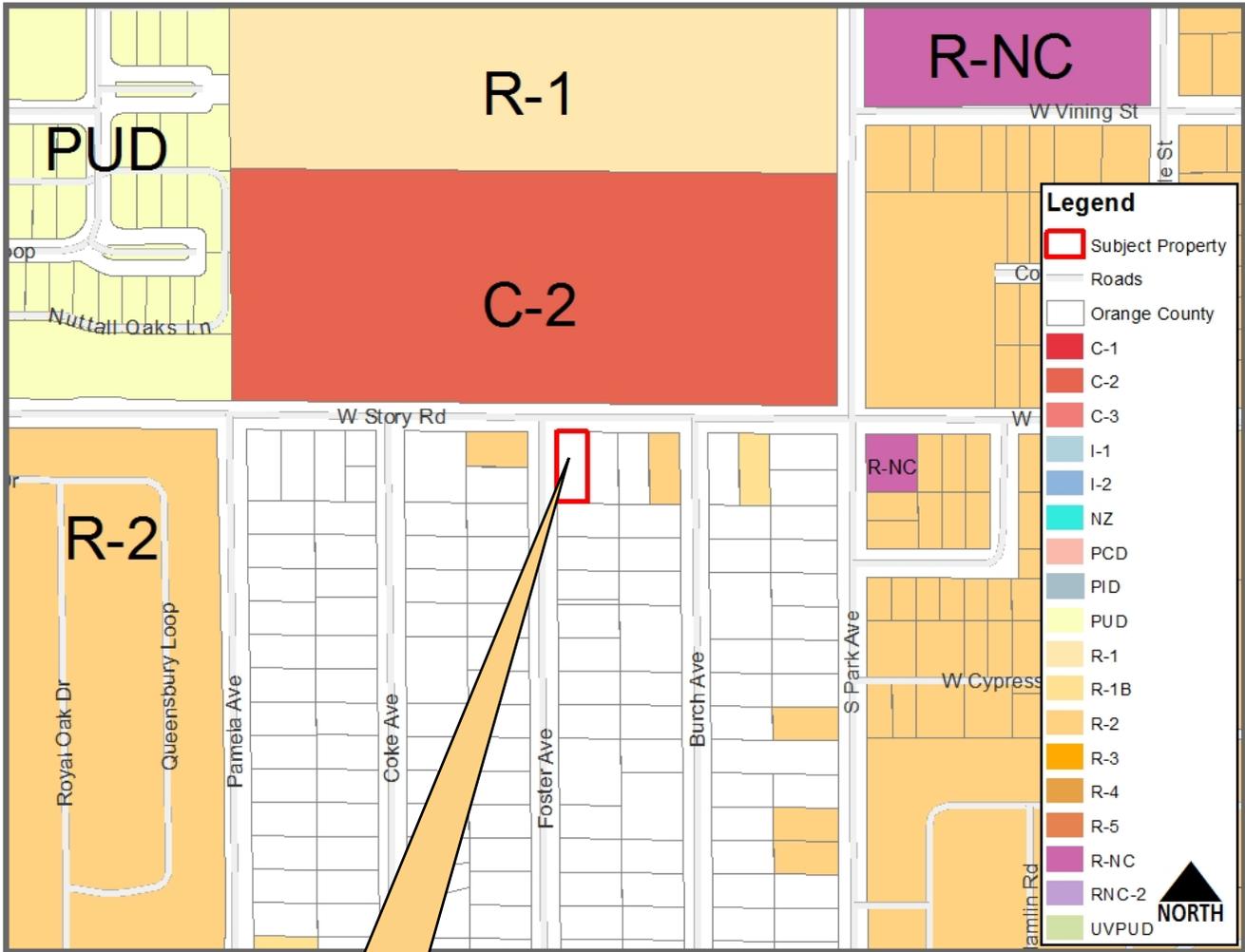


**FUTURE LAND USE MAP**  
**450 West Story Road**



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

**ZONING MAP**  
**450 West Story Road**



Subject property  
changes from  
County R-2 to City  
R-2

**END OF STAFF REPORT**

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

**From:** Steve Pash, Community Development Director

**Via:** City Manager Mike Bollhoefer

**Date:** September 14, 2016

**Meeting Date:** September 21, 2016

**Subject:** 14991 West Colonial Drive  
Parcel ID # 22-22-27-0000-00-026  
**Ordinance 16-65**  
**Ordinance 16-66**  
**Ordinance 16-67**

**Issue:** The applicant is requesting Annexation, Future Lands Use designation, and Zoning on the property located 14991 West Colonial Drive.

**Discussion:**

The City encourages infill of its jurisdictional limits through voluntary annexation of enclaves. The subject property makes up a 3.74 ± acre enclave located at the northeast corner of West Colonial Drive and Tildenville School Road. The applicant has requested Annexation into the City, Initial Zoning of C-2, and Amendment to the Future Land Use Map of the City's Comprehensive Plan to designate the property as Commercial (See attached Staff Report).

**Recommended Action:**

Staff recommends approval of Ordinance 16-65, Ordinance 16-66, and Ordinance 16-67, with the second reading scheduled on Thursday, October 27, 2016.

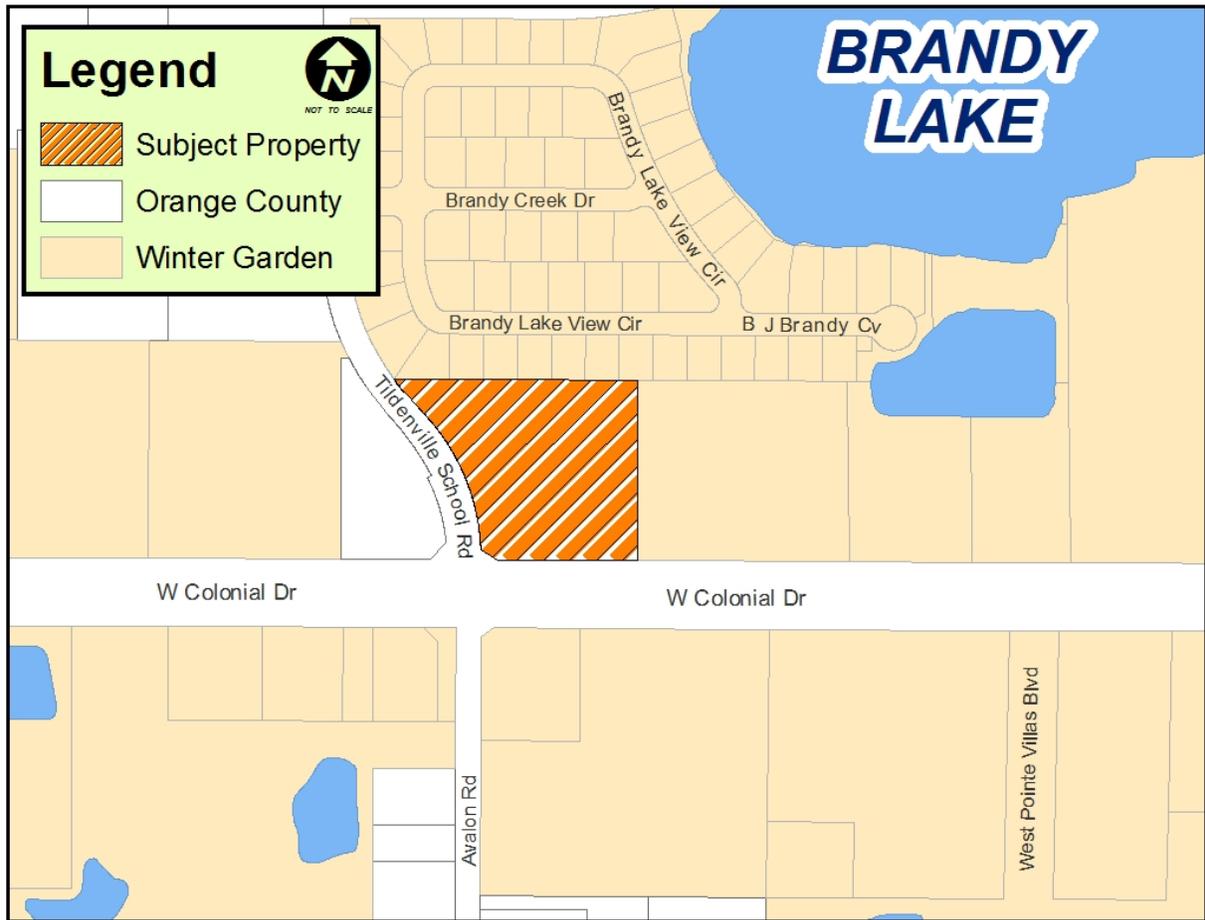
**Attachment(s)/References:**

Location Map  
Staff Report  
Ordinance 16-65  
Ordinance 16-66  
Ordinance 16-67

# LOCATION MAP

14991 W Colonial Drive

ANNEXATION, FLU MAP AMENDMENT, REZONING



ORDINANCE 16-65

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 3.74 ± ACRES LOCATED AT 14991 WEST COLONIAL DRIVE AT THE NORTHEAST CORNER OF WEST COLONIAL DRIVE AND TILDENVILLE SCHOOL ROAD INTO THE CITY OF WINTER GARDEN FLORIDA; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the owner of the land, generally described as approximately 3.74 ± acres located at 14991 West Colonial Drive at the northeast corner of West Colonial Drive and Tildenville School Road and legally described in Section 2 of this Ordinance, which land is reasonably compact and contiguous to the corporate limits of the City of Winter Garden, Florida (“City”), has, pursuant to the prerequisites and standards set forth in § 171.044, Fla. Stat., petitioned the City Commission for voluntary annexation;

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

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

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

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

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

**SECTION 3:** *Effect of Annexation.* That the City of Winter Garden, Florida, shall have all of the power, authority, and jurisdiction over and within the land as described in Section 2 hereof, and the inhabitants thereof, and property therein, as it does and have over its present corporate limits and laws, ordinances, and resolutions of said City shall apply and shall have equal force and effect as if all territory had been part of said City at

the time of the passage of such laws, ordinances, and resolutions.

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

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

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

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

**FIRST READING AND PUBLIC HEARING:** \_\_\_\_\_, 2016.

**SECOND READING AND PUBLIC HEARING:** \_\_\_\_\_, 2016.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2016, by the City Commission of the City of Winter Garden, Florida.

**APPROVED:**

\_\_\_\_\_  
JOHN REES, Mayor/Commissioner

**ATTEST:**

\_\_\_\_\_  
KATHY GOLDEN, City Clerk

ATTACHMENT "A"

LEGAL DESCRIPTION

PARCEL ID#: 22-22-27-0000-00-026

DESCRIPTION:

Begin at a point 75 feet North and 30 feet East of the Southwest Corner of Section 22, Township 22 South, Range 27 East, said point being at the intersection of the North right of way line of State Road 50 and the East right of way line of the Tildenville Road, run thence East 146.39 feet along said North right of way line of State Road 50, thence North 92.0 feet parallel, to the West line of the Section, thence West parallel to the North right of way line of said State Road, 156.39 feet to the Easterly right of way line of the Tildenville Road, thence Southerly along the East right of way line of the Tildenville Road, a curve length of 92.72 feet to the point of beginning; all lying in and being in Orange County, Florida;

AND

From the Southwest Corner of Section 22, Township 22 South, Range 27 East, run North, along the section line 75.0 feet, thence North 89°48' East 176.39 feet for a point of beginning; run thence North 89°48' East 200.00 feet, thence North 400.00 feet, thence South 89°48' West 540.35 feet to the Easterly right of way line of the Tildenville Road, thence Southeasterly along the arc of a curve to the left having a radius of 219.34 feet and an intersection angle of 9°48'17" an arc distance of 37.53 feet, thence South 46°00' East 46.11 feet to the P.C. of a curve to the right having a radius of 462.27 feet and an intersection angle of 34°30'41", thence along the arc of said curve 278.44 feet, thence North 89°48' East 155.62 feet, thence South 92.0 feet to the point of beginning; all lying and being in Orange County, Florida;

LESS AND EXCEPT that portion described in the Stipulated Order of Taking recorded in O.R. Book 8912, Page 1890, Public Records of Orange County, being more particularly described as follows:

Commence at a 6-inch by 6-inch concrete monument with 1-inch iron pipe without identification approximately 1 foot above ground as shown on Florida Department of Natural Resources Certified Corner Record Document No. 070971 marking the Northwest corner of the Southwest 1/4 of Section 22, Township 22 South, Range 27 East, Orange County, Florida; thence run South 00°06' 53" West along the West line of the Southwest 1/4 of said Section 22 a distance of 2653.67 feet to the Southwest corner of said Southwest 1/4 of Section 22, said point also being a point on the Centerline of Survey of State Road

50 as shown on Florida Department of Transportation Right of Way Map Section 75050, Financial Project No.410983 1; thence departing said West line, run South 89°42'32" East along said Centerline of Survey and the South line of said Southwest 1/4 of Section 22 a distance of 29.77 feet; thence departing said Centerline of Survey and said South line, run North 00°17'28" East a distance of 75.00 feet to the intersection of the Easterly right of way line of Tildenville School Road with existing North right of way line of aforesaid State Road 50 as shown on the aforesaid Right of Way Map for a Point of Beginning, said point also being the point of curvature of a non-tangent curve concave Westerly having a radius of 462.27 feet and a chord bearing of North 01°47'36" West; thence from a tangent bearing of North 00°20'25" West, run Northerly along said Easterly right of way line of Tildenville School Road and the arc of said curve through a central angle of 02°54'23" a distance of 23.45 feet to a point on said curve; thence departing said Easterly right of way line of Tildenville School Road and said curve, run South 57°35'19" East a distance of 44.07 feet to the aforesaid existing North right of way line of State Road 50; thence North 89°42'32" West along said existing North right of way line of State Road 50 a distance of 36.47 feet to the Point of Beginning.

ORDINANCE 16-66

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 3.74 ± ACRES LOCATED AT 14991 WEST COLONIAL DRIVE AT THE NORTHEAST CORNER OF WEST COLONIAL DRIVE AND TILDENVILLE SCHOOL ROAD FROM ORANGE COUNTY COMMERCIAL TO CITY COMMERCIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

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

**WHEREAS**, the owner of that certain real property generally described as approximately 3.74 ± acres located at 14991 West Colonial Drive at the northeast corner of West Colonial Drive and Tildenville School Road, and legally described in ATTACHMENT "A" (the "Property") has petitioned the City to amend the Winter Garden Comprehensive Plan to change the Future Land Use classification from Orange County Commercial to City Commercial; and

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

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

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

**SECTION II.** *Effective Date.* Provided that the Property described herein is annexed into the City of Winter Garden pursuant to Ordinance 16-65, this Ordinance shall become effective 31 days after adoption, unless the Ordinance is timely challenged pursuant to § 163.3187(5), Fla. Stat., in which case, the Ordinance shall not be effective until the state land planning agency or the Administrative Commission, respectively, issues a final order determining that the adopted Ordinance is in compliance.

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

**FIRST READING AND PUBLIC HEARING:** \_\_\_\_\_, 2016.

**SECOND READING AND PUBLIC HEARING:** \_\_\_\_\_, 2016.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2016, by the City Commission of the City of Winter Garden, Florida.

**APPROVED:**

\_\_\_\_\_  
JOHN REES, Mayor/Commissioner

**ATTEST:**

\_\_\_\_\_  
KATHY GOLDEN, City Clerk

ATTACHMENT "A"

LEGAL DESCRIPTION

PARCEL ID#: 22-22-27-0000-00-026

DESCRIPTION:

Begin at a point 75 feet North and 30 feet East of the Southwest Corner of Section 22, Township 22 South, Range 27 East, said point being at the intersection of the North right of way line of State Road 50 and the East right of way line of the Tildenville Road, run thence East 146.39 feet along said North right of way line of State Road 50, thence North 92.0 feet parallel, to the West line of the Section, thence West parallel to the North right of way line of said State Road, 156.39 feet to the Easterly right of way line of the Tildenville Road, thence Southerly along the East right of way line of the Tildenville Road, a curve length of 92.72 feet to the point of beginning; all lying in and being in Orange County, Florida;

AND

From the Southwest Corner of Section 22, Township 22 South, Range 27 East, run North, along the section line 75.0 feet, thence North 89°48' East 176.39 feet for a point of beginning; run thence North 89°48' East 200.00 feet, thence North 400.00 feet, thence South 89°48' West 540.35 feet to the Easterly right of way line of the Tildenville Road, thence Southeasterly along the arc of a curve to the left having a radius of 219.34 feet and an intersection angle of 9°48'17" an arc distance of 37.53 feet, thence South 46°00' East 46.11 feet to the P.C. of a curve to the right having a radius of 462.27 feet and an intersection angle of 34°30'41", thence along the arc of said curve 278.44 feet, thence North 89°48' East 155.62 feet, thence South 92.0 feet to the point of beginning; all lying and being in Orange County, Florida;

LESS AND EXCEPT that portion described in the Stipulated Order of Taking recorded in O.R. Book 8912, Page 1890, Public Records of Orange County, being more particularly described as follows:

Commence at a 6-inch by 6-inch concrete monument with 1-inch iron pipe without identification approximately 1 foot above ground as shown on Florida Department of Natural Resources Certified Corner Record Document No. 070971 marking the Northwest corner of the Southwest 1/4 of Section 22, Township 22 South, Range 27 East, Orange County, Florida; thence run South 00°06' 53" West along the West line of the Southwest 1/4 of said Section 22 a distance of 2653.67 feet to the Southwest

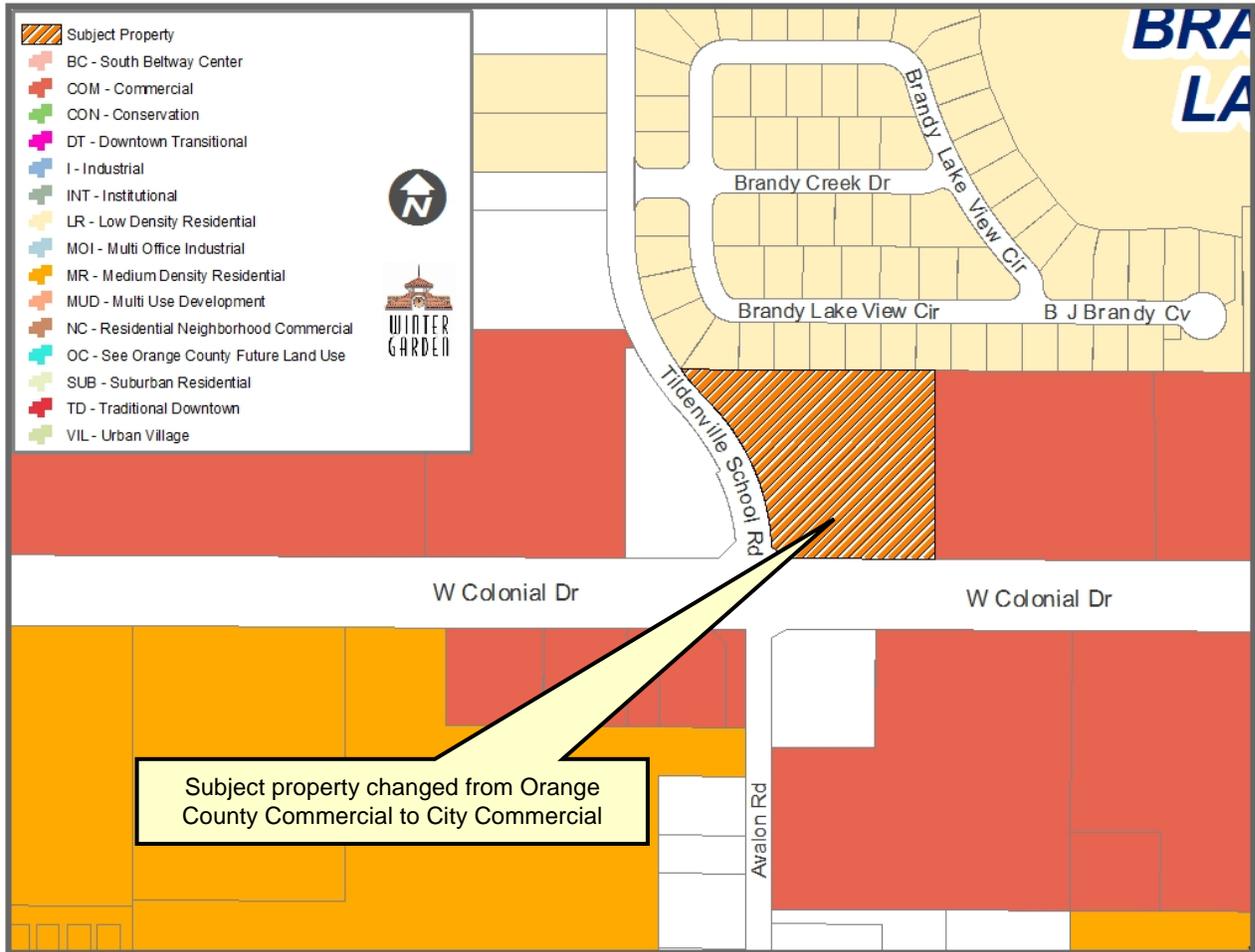
corner of said Southwest 1/4 of Section 22, said point also being a point on the Centerline of Survey of State Road

50 as shown on Florida Department of Transportation Right of Way Map Section 75050, Financial Project No.410983 1; thence departing said West line, run South 89°42'32" East along said Centerline of Survey and the South line of said Southwest 1/4 of Section 22 a distance of 29.77 feet; thence departing said Centerline of Survey and said South line, run North 00°17'28" East a distance of 75.00 feet to the intersection of the Easterly right of way line of Tildenville School Road with existing North right of way line of aforesaid State Road 50 as shown on the aforesaid Right of Way Map for a Point of Beginning, said point also being the point of curvature of a non-tangent curve concave Westerly having a radius of 462.27 feet and a chord bearing of North 01°47'36" West; thence from a tangent bearing of North 00°20'25" West, run Northerly along said Easterly right of way line of Tildenville School Road and the arc of said curve through a central angle of 02°54'23" a distance of 23.45 feet to a point on said curve; thence departing said Easterly right of way line of Tildenville School Road and said curve, run South 57°35'19" East a distance of 44.07 feet to the aforesaid existing North right of way line of State Road 50; thence North 89°42'32" West along said existing North right of way line of State Road 50 a distance of 36.47 feet to the Point of Beginning.

ATTACHMENT "B"

FUTURE LAND USE MAP

14991 West Colonial Drive



ORDINANCE 16-67

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 3.74 ± ACRES LOCATED AT 14991 WEST COLONIAL DRIVE AT THE NORTHEAST CORNER OF WEST COLONIAL DRIVE AND TILDENVILLE SCHOOL ROAD FROM ORANGE COUNTY C-1 COMMERCIAL DISTRICT TO CITY C-2 ARTERIAL COMMERCIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the owner of that certain real property generally described as 3.74 ± acres located at 14991 West Colonial Drive at the northeast corner of West Colonial Drive and Tildenville School Road, and legally described in Section 1 of this ordinance has petitioned the City to rezone said property from Orange County C-1 Commercial District to the City's C-2 Arterial Commercial District zoning classification, therefore; and

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

**WHEREAS**, further, the City Commission finds that based on competent, substantial evidence in the record, the rezoning approved by this Ordinance meets all applicable criteria for rezoning the Property to C-2 Arterial Commercial District contained within the City of Winter Garden Comprehensive Plan and the Code of Ordinances.

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

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

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

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

**SECTION 4: *Effective Date.*** This Ordinance shall become effective simultaneously upon the effective date of Ordinance 16-66 which is an amendment to the Future Land Use Map of the City of Winter Garden Comprehensive Plan that allows the property described herein to be zoned as provided in this Ordinance.

**FIRST READING AND PUBLIC HEARING:** \_\_\_\_\_, 2016.

**SECOND READING AND PUBLIC HEARING:** \_\_\_\_\_, 2016.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2016, by the City Commission of the City of Winter Garden, Florida.

**APPROVED:**

\_\_\_\_\_  
JOHN REES, Mayor/Commissioner

**ATTEST:**

\_\_\_\_\_  
KATHY GOLDEN, City Clerk

ATTACHMENT "A"

LEGAL DESCRIPTION

PARCEL ID#: 22-22-27-0000-00-026

DESCRIPTION:

Begin at a point 75 feet North and 30 feet East of the Southwest Corner of Section 22, Township 22 South, Range 27 East, said point being at the intersection of the North right of way line of State Road 50 and the East right of way line of the Tildenville Road, run thence East 146.39 feet along said North right of way line of State Road 50, thence North 92.0 feet parallel, to the West line of the Section, thence West parallel to the North right of way line of said State Road, 156.39 feet to the Easterly right of way line of the Tildenville Road, thence Southerly along the East right of way line of the Tildenville Road, a curve length of 92.72 feet to the point of beginning; all lying in and being in Orange County, Florida;

AND

From the Southwest Corner of Section 22, Township 22 South, Range 27 East, run North, along the section line 75.0 feet, thence North 89°48' East 176.39 feet for a point of beginning; run thence North 89°48' East 200.00 feet, thence North 400.00 feet, thence South 89°48' West 540.35 feet to the Easterly right of way line of the Tildenville Road, thence Southeasterly along the arc of a curve to the left having a radius of 219.34 feet and an intersection angle of 9°48'17" an arc distance of 37.53 feet, thence South 46°00' East 46.11 feet to the P.C. of a curve to the right having a radius of 462.27 feet and an intersection angle of 34°30'41", thence along the arc of said curve 278.44 feet, thence North 89°48' East 155.62 feet, thence South 92.0 feet to the point of beginning; all lying and being in Orange County, Florida;

LESS AND EXCEPT that portion described in the Stipulated Order of Taking recorded in O.R. Book 8912, Page 1890, Public Records of Orange County, being more particularly described as follows:

Commence at a 6-inch by 6-inch concrete monument with 1-inch iron pipe without identification approximately 1 foot above ground as shown on Florida Department of Natural Resources Certified Corner Record Document No. 070971 marking the Northwest corner of the Southwest 1/4 of Section 22, Township 22 South, Range 27 East, Orange County, Florida; thence run South 00°06' 53" West along the West line of the Southwest 1/4 of said Section 22 a distance of 2653.67 feet to the Southwest

corner of said Southwest 1/4 of Section 22, said point also being a point on the Centerline of Survey of State Road

50 as shown on Florida Department of Transportation Right of Way Map Section 75050, Financial Project No.410983 1; thence departing said West line, run South 89°42'32" East along said Centerline of Survey and the South line of said Southwest 1/4 of Section 22 a distance of 29.77 feet; thence departing said Centerline of Survey and said South line, run North 00°17'28" East a distance of 75.00 feet to the intersection of the Easterly right of way line of Tildenville School Road with existing North right of way line of aforesaid State Road 50 as shown on the aforesaid Right of Way Map for a Point of Beginning, said point also being the point of curvature of a non-tangent curve concave Westerly having a radius of 462.27 feet and a chord bearing of North 01°47'36" West; thence from a tangent bearing of North 00°20'25" West, run Northerly along said Easterly right of way line of Tildenville School Road and the arc of said curve through a central angle of 02°54'23" a distance of 23.45 feet to a point on said curve; thence departing said Easterly right of way line of Tildenville School Road and said curve, run South 57°35'19" East a distance of 44.07 feet to the aforesaid existing North right of way line of State Road 50; thence North 89°42'32" West along said existing North right of way line of State Road 50 a distance of 36.47 feet to the Point of Beginning.

# CITY OF WINTER GARDEN

## PLANNING & ZONING DIVISION

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

# STAFF REPORT

**TO:** PLANNING AND ZONING BOARD  
**PREPARED BY:** STEVE PASH, COMMUNITY DEVELOPMENT DIRECTOR  
**DATE:** September 27, 2016  
**SUBJECT:** ANNEXATION – FLU AMENDMENT – ZONING  
**14991 WEST COLONIALDRIVE (3.74 +/- ACRES)**  
**PARCEL ID #:** 22-22-27-0000-00-026  
**APPLICANT:** 14991 W. COLONIAL, LLC

### INTRODUCTION

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

The subject property is located at 14991 West Colonial Drive, at the northeast corner of West Colonial Drive and Tildenville School Road and is approximately 3.74 ± acres. The map below depicts the proximity of the subject property to the City’s jurisdictional limits:



The applicant has requested annexation into the City, amendment to the Future Land Use Map (FLUM) of the City's Comprehensive Plan to designate the property as Commercial, and rezoning the property to C-2 Arterial Commercial District. This property is also within the West State Road 50 Overlay, which has additional development standards.

The subject property is located within the West State Road 50 Commercial Activity Center which allows for the following land use categories: Commercial, Medium Density Residential, Industrial, and Multi Use Development. The majority of the properties located within the West State Road 50 Commercial Activity Center are designated Commercial on the Future Land Use Map, with the only exceptions being several apartment complexes and a senior living facility on the south side of the road at the western edge of the city limits which are designated Medium Density Residential on the Future Land Use Map and total about 35 acres of land.

In accordance with the City's Comprehensive Plan, permitted uses within the Commercial land use include retail, service, and professional activities. The zoning classifications that are consistent with the Commercial land use designation include C-1, C-2, C-3, C-4, PCD, and INT.

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

### **EXISTING USE**

The subject property is currently vacant and the owner plans to develop the property in the future.

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

The property located to the north is developed with a single-family neighborhood (Brandy Creek), zoned R-1B, and located in the City of Winter Garden. The property located to the east is vacant commercial property, zoned C-2, and located in Winter Garden. The property to the south is developed with a Circle K convenience store and gas station, zoned C-2, and located in Winter Garden. The property to the west is developed with a 7-Eleven and has applied for annexation into the City of Winter Garden.

### **PROPOSED USE**

The applicant intends to annex the property and develop the property in the future.

### **PUBLIC FACILITY ANALYSIS**

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

under the First Response System.

**SUMMARY**

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

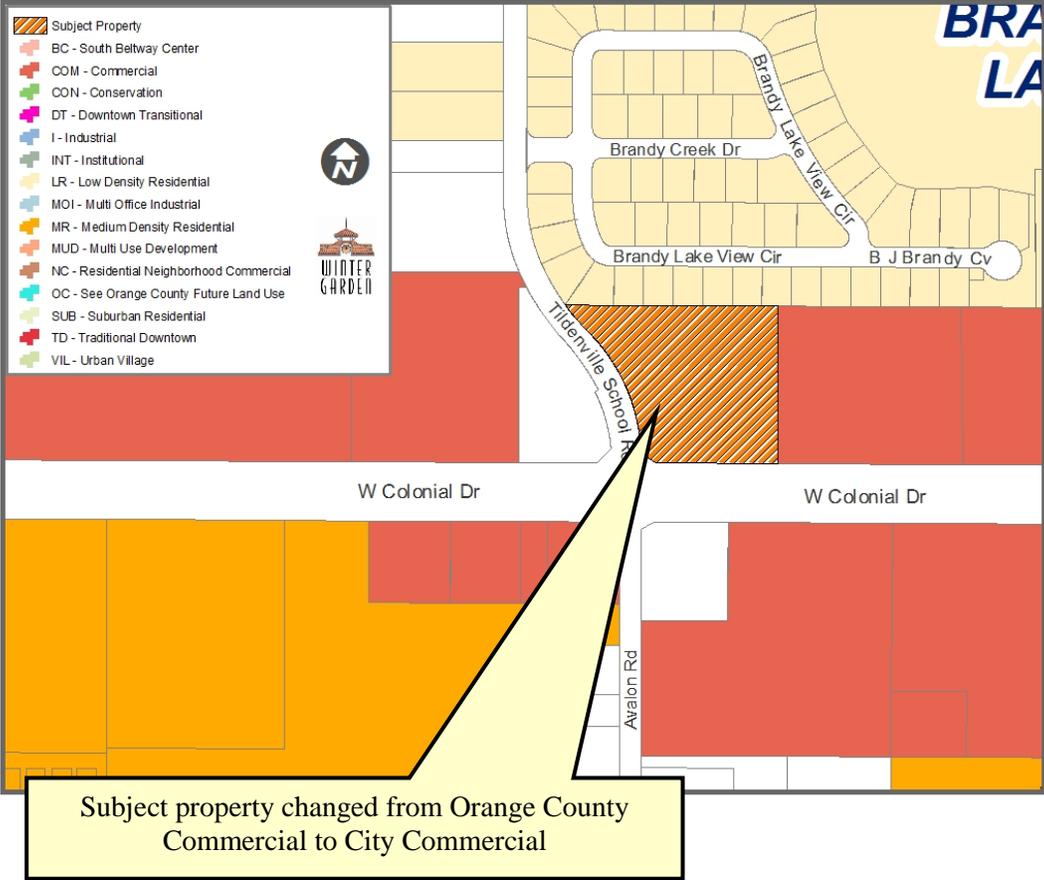
MAPS

**AERIAL PHOTO**

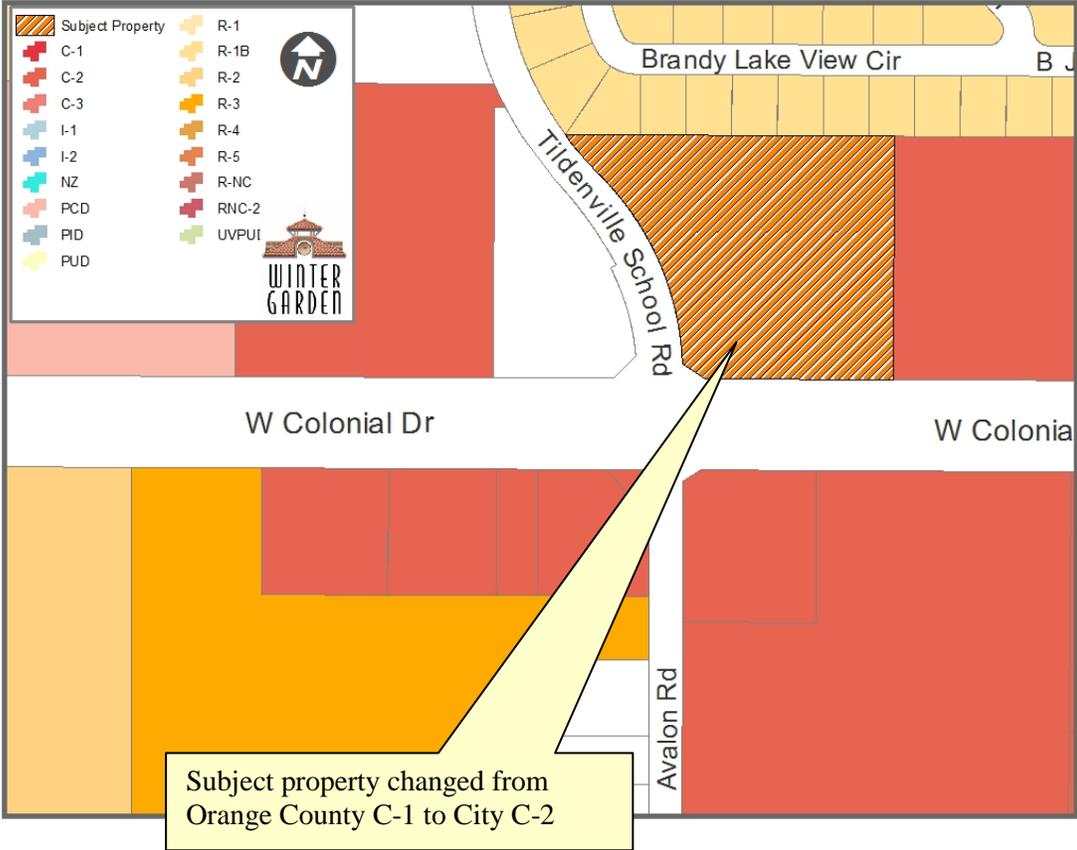
**14991 West Colonial Drive**



**FUTURE LAND USE MAP**  
**14991 West Colonial Drive**



**ZONING MAP**  
**14991 West Colonial Drive**



**END OF STAFF REPORT**

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

**From:** Steve Pash, Community Development Director

**Via:** City Manager Mike Bollhoefer

**Date:** October 5, 2016                      **Meeting Date:** October 13, 2016

**Subject:** 602 East Story Road  
Parcel ID # 12-22-27-6496-20-001  
**Ordinance 16-68**  
**Ordinance 16-69**  
**Ordinance 16-70**

**Issue:** The applicant is requesting Annexation, Future Lands Use designation, and Zoning on the property located 602 East Story Road.

**Discussion:**  
The City encourages infill of its jurisdictional limits through voluntary annexation of enclaves. The subject property makes up a 8.82 ± acre enclave located at the southwest corner of East Story Road and 9th Street. The applicant has requested Annexation into the City, Initial Zoning of R-2, and Amendment to the Future Land Use Map of the City's Comprehensive Plan to designate the property as Low Density Residential (See attached Staff Report)..

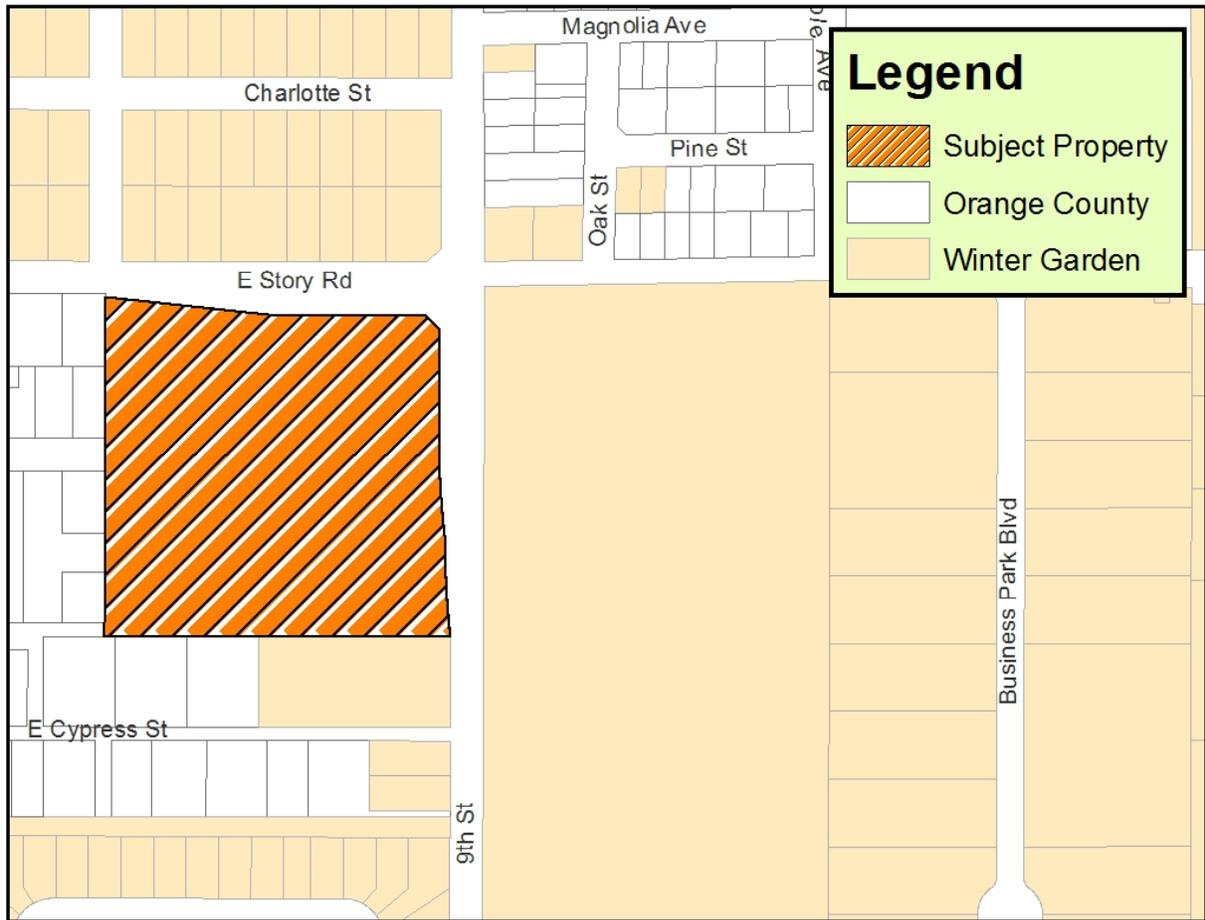
**Recommended Action:**  
Staff recommends approval of Ordinance 16-68, Ordinance 16-69, and Ordinance 16-70, with the second reading scheduled on Thursday, October 27, 2016.

**Attachment(s)/References:**  
  
Location Map  
Staff Report  
Ordinance 16-68  
Ordinance 16-69  
Ordinance 16-70

# LOCATION MAP

602 E. Story Road

ANNEXATION, FLU MAP AMENDMENT, REZONING



ORDINANCE 16-68

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 8.82 ± ACRES LOCATED AT 602 EAST STORY ROAD AT THE SOUTHWEST CORNER OF EAST STORY ROAD AND 9<sup>th</sup> STREET INTO THE CITY OF WINTER GARDEN FLORIDA; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the owner of the land, generally described as approximately 8.82 ± acres located at 602 East Story Road at the southwest corner of East Story Road and 9<sup>th</sup> Street Road and legally described in Section 2 of this Ordinance, which land is reasonably compact and contiguous to the corporate limits of the City of Winter Garden, Florida (“City”), has, pursuant to the prerequisites and standards set forth in § 171.044, Fla. Stat., petitioned the City Commission for voluntary annexation;

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

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

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

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

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

**SECTION 3: *Effect of Annexation.*** That the City of Winter Garden, Florida, shall have all of the power, authority, and jurisdiction over and within the land as described in Section 2 hereof, and the inhabitants thereof, and property therein, as it does and have over its present corporate limits and laws, ordinances, and resolutions of said City shall apply and shall have equal force and effect as if all territory had been part of said City at

the time of the passage of such laws, ordinances, and resolutions.

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

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

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

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

**FIRST READING AND PUBLIC HEARING:** \_\_\_\_\_, 2016.

**SECOND READING AND PUBLIC HEARING:** \_\_\_\_\_, 2016.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2016, by the City Commission of the City of Winter Garden, Florida.

**APPROVED:**

\_\_\_\_\_  
JOHN REES, Mayor/Commissioner

**ATTEST:**

\_\_\_\_\_  
KATHY GOLDEN, City Clerk

**ATTACHMENT "A"**

**LEGAL DESCRIPTION**

PARCEL ID#: 12-22-27-6496-20-001

Description:

The Northeast 1/4 of Block "S", OVERSTREET CRATE SUBDIVISION, according to the Plat thereof as recorded in Plat Book "F", Page 9, Public Records of Orange County, Florida, in Section 23, Township 22, Range 27 East, Less and Except that portion transferred in Book 8408, Page 386 of said Public Records, being more particularly described as follows: Commence at the East 1/4 corner of Section 23, Township 22, Range 27 East, Orange County, Florida; thence run along the East line of the Southeast 1/4 of said Section 23, South 00°01'09" West 662.66 feet to the Easterly extension of the South line of the Northeast 1/4 of Block "S", OVERSTREET CRATE SUBDIVISION, according to the Plat thereof as recorded in Plat Book "F", Page 9, Public Records of Orange County, Florida; thence along said South line, North 89°57'28" West 30.22 feet to the POINT OF BEGINNING, said point being on the West right-of-way line of Ninth Street and the beginning of a non-tangent curve concave West, having a radius of 1,485.50 feet a chord bearing of North 03°26'35" West, a chord length of 179.33 feet; thence along said West right-of-way line and the arc of said curve through a central angle of 6°55'15", a distance of 179.43 feet to the point of reverse curve of a curve concave to the East, having a radius of 1,570.50 feet and a chord bearing of North 03°26'32" West, a chord length of 189.64 feet, thence along the arc of said curve through a central angle of 6°55'21", a distance of 189.75 to the point of tangency; thence North 00°01'09" East 199.41 feet; thence North 44°57'08" West 35.37 feet to the South right-of-way line of East Story Road; thence run along said south line, North 89°55'24" West 271.48 feet; thence North 83°38'22" West 319.76 feet to the West line of aforesaid Northeast 1/4 of Block "S"; thence along said West line, South 00°01'11" West 628.06 feet to the Southwest corner of the said Northeast 1/4 of Block "S"; thence along the South line of said Northeast 1/4 of Block "S", South 89°57'28" East 636.57 feet to the POINT OF BEGINNING.

ORDINANCE 16-69

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING THE FUTURE LAND USE MAP OF THE WINTER GARDEN COMPREHENSIVE PLAN BY CHANGING THE LAND USE DESIGNATION OF REAL PROPERTY GENERALLY DESCRIBED AS 8.82 ± ACRES LOCATED AT 602 EAST STORY ROAD AT THE SOUTHWEST CORNER OF EAST STORY ROAD AND 9th STREET FROM ORANGE COUNTY LOW DENSITY RESIDENTIAL TO CITY LOW DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

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

**WHEREAS**, the owner of that certain real property generally described as approximately 8.82 ± acres located at 602 East Story Road at the southwest corner of East Story Road and 9th Street, and legally described in ATTACHMENT "A" (the "Property") has petitioned the City to amend the Winter Garden Comprehensive Plan to change the Future Land Use classification from Orange County Commercial to City Commercial; and

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

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

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

**SECTION II.** *Effective Date.* Provided that the Property described herein is annexed into the City of Winter Garden pursuant to Ordinance 16-68, this Ordinance shall become effective 31 days after adoption, unless the Ordinance is timely challenged pursuant to § 163.3187(5), Fla. Stat., in which case, the Ordinance shall not be effective until the state land planning agency or the Administrative Commission, respectively, issues a final order determining that the adopted Ordinance is in compliance.

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

**FIRST READING AND PUBLIC HEARING:** \_\_\_\_\_, 2016.

**SECOND READING AND PUBLIC HEARING:** \_\_\_\_\_, 2016.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2016, by the City Commission of the City of Winter Garden, Florida.

**APPROVED:**

\_\_\_\_\_  
JOHN REES, Mayor/Commissioner

**ATTEST:**

\_\_\_\_\_  
KATHY GOLDEN, City Clerk

**ATTACHMENT "A"**

**LEGAL DESCRIPTION**

PARCEL ID#: 21-22-27-0000-00-038

**DESCRIPTION:**

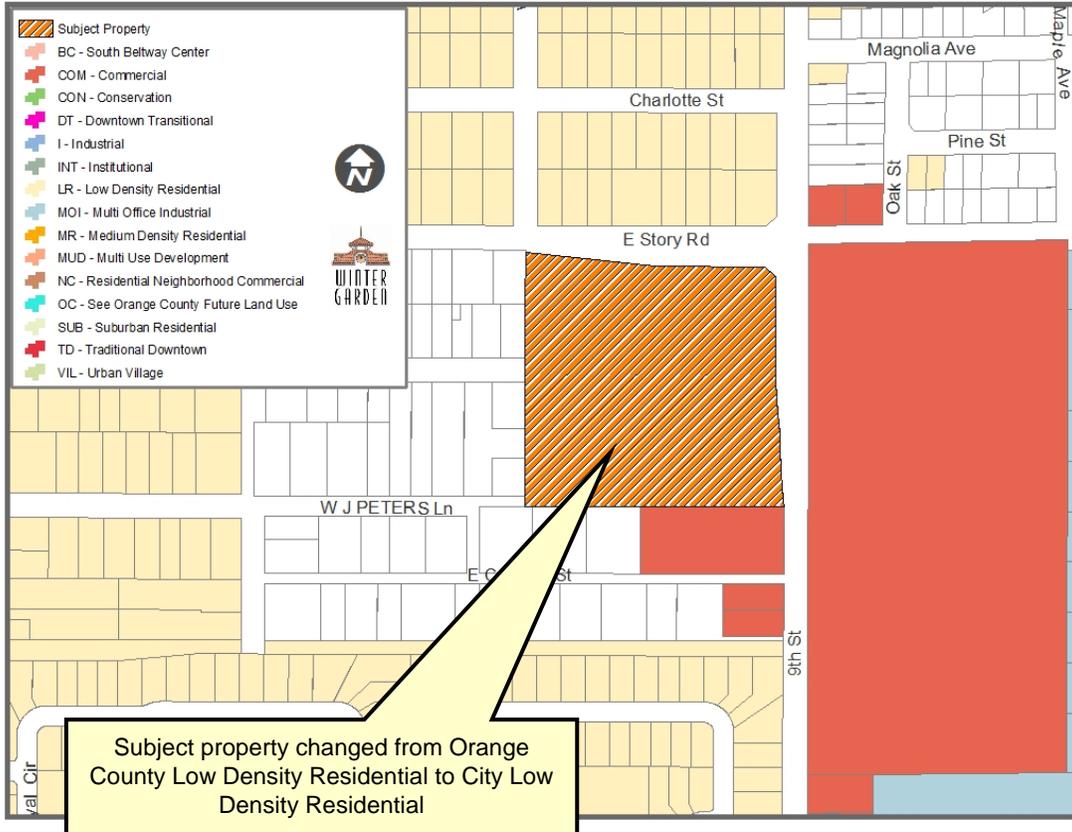
Description:

The Northeast 1/4 of Block "S", OVERSTREET CRATE SUBDIVISION, according to the Plat thereof as recorded in Plat Book "F", Page 9, Public Records of Orange County, Florida, in Section 23, Township 22, Range 27 East, Less and Except that portion transferred in Book 8408, Page 386 of said Public Records, being more particularly described as follows: Commence at the East 1/4 corner of Section 23, Township 22, Range 27 East, Orange County, Florida; thence run along the East line of the Southeast 1/4 of said Section 23, South 00°01'09" West 662.66 feet to the Easterly extension of the South line of the Northeast 1/4 of Block "S", OVERSTREET CRATE SUBDIVISION, according to the Plat thereof as recorded in Plat Book "F", Page 9, Public Records of Orange County, Florida; thence along said South line, North 89°57'28" West 30.22 feet to the POINT OF BEGINNING, said point being on the West right-of-way line of Ninth Street and the beginning of a non-tangent curve concave West, having a radius of 1,485.50 feet a chord bearing of North 03°26'35" West, a chord length of 179.33 feet; thence along said West right-of-way line and the arc of said curve through a central angle of 6°55'15", a distance of 179.43 feet to the point of reverse curve of a curve concave to the East, having a radius of 1,570.50 feet and a chord bearing of North 03°26'32" West, a chord length of 189.64 feet, thence along the arc of said curve through a central angle of 6°55'21", a distance of 189.75 to the point of tangency; thence North 00°01'09" East 199.41 feet; thence North 44°57'08" West 35.37 feet to the South right-of-way line of East Story Road; thence run along said south line, North 89°55'24" West 271.48 feet; thence North 83°38'22" West 319.76 feet to the West line of aforesaid Northeast 1/4 of Block "S"; thence along said West line, South 00°01'11" West 628.06 feet to the Southwest corner of the said Northeast 1/4 of Block "S"; thence along the South line of said Northeast 1/4 of Block "S", South 89°57'28" East 636.57 feet to the POINT OF BEGINNING.

ATTACHMENT "B"

FUTURE LAND USE MAP

602 East Story Road



ORDINANCE 16-70

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 8.82 ± ACRES LOCATED AT 602 EAST STORY ROAD AT THE SOUTHWEST CORNER OF EAST STORY ROAD AND 9th STREET FROM ORANGE COUNTY R-2 RESIDENTIAL DISTRICT TO CITY R-2 RESIDENTIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the owner of that certain real property generally described as 8.82 ± acres located at 602 East Story Road at the southwest corner of East Story Road and 9<sup>th</sup> Street, and legally described in Section 1 of this ordinance has petitioned the City to rezone said property from Orange County R-2 Residential District to the City’s R-2 Residential District zoning classification, therefore; and

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

**WHEREAS**, further, the City Commission finds that based on competent, substantial evidence in the record, the rezoning approved by this Ordinance meets all applicable criteria for rezoning the Property to R-2 Residential District contained within the City of Winter Garden Comprehensive Plan and the Code of Ordinances.

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

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

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

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

**SECTION 4: *Effective Date.*** This Ordinance shall become effective simultaneously upon the effective date of Ordinance 16-69 which is an amendment to the Future Land Use Map of the City of Winter Garden Comprehensive Plan that allows the property described herein to be zoned as provided in this Ordinance.

**FIRST READING AND PUBLIC HEARING:** \_\_\_\_\_, 2016.

**SECOND READING AND PUBLIC HEARING:** \_\_\_\_\_, 2016.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2016, by the City Commission of the City of

Winter Garden, Florida.

**APPROVED:**

---

JOHN REES, Mayor/Commissioner

**ATTEST:**

---

KATHY GOLDEN, City Clerk

**ATTACHMENT "A"**

**LEGAL DESCRIPTION**

PARCEL ID#: 12-22-27-6496-20-001

DESCRIPTION:

The Northeast 1/4 of Block "S", OVERSTREET CRATE SUBDIVISION, according to the Plat thereof as recorded in Plat Book "F", Page 9, Public Records of Orange County, Florida, in Section 23, Township 22, Range 27 East, Less and Except that portion transferred in Book 8408, Page 386 of said Public Records, being more particularly described as follows: Commence at the East 1/4 corner of Section 23, Township 22, Range 27 East, Orange County, Florida; thence run along the East line of the Southeast 1/4 of said Section 23, South 00°01'09" West 662.66 feet to the Easterly extension of the South line of the Northeast 1/4 of Block "S", OVERSTREET CRATE SUBDIVISION, according to the Plat thereof as recorded in Plat Book "F", Page 9, Public Records of Orange County, Florida; thence along said South line, North 89°57'28" West 30.22 feet to the POINT OF BEGINNING, said point being on the West right-of-way line of Ninth Street and the beginning of a non-tangent curve concave West, having a radius of 1,485.50 feet a chord bearing of North 03°26'35" West, a chord length of 179.33 feet; thence along said West right-of-way line and the arc of said curve through a central angle of 6°55'15", a distance of 179.43 feet to the point of reverse curve of a curve concave to the East, having a radius of 1,570.50 feet and a chord bearing of North 03°26'32" West, a chord length of 189.64 feet, thence along the arc of said curve through a central angle of 6°55'21", a distance of 189.75 to the point of tangency; thence North 00°01'09" East 199.41 feet; thence North 44°57'08" West 35.37 feet to the South right-of-way line of East Story Road; thence run along said south line, North 89°55'24" West 271.48 feet; thence North 83°38'22" West 319.76 feet to the West line of aforesaid Northeast 1/4 of Block "S"; thence along said West line, South 00°01'11" West 628.06 feet to the Southwest corner of the said Northeast 1/4 of Block "S"; thence along the South line of said Northeast 1/4 of Block "S", South 89°57'28" East 636.57 feet to the POINT OF BEGINNING.

# CITY OF WINTER GARDEN

## PLANNING & ZONING DIVISION

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

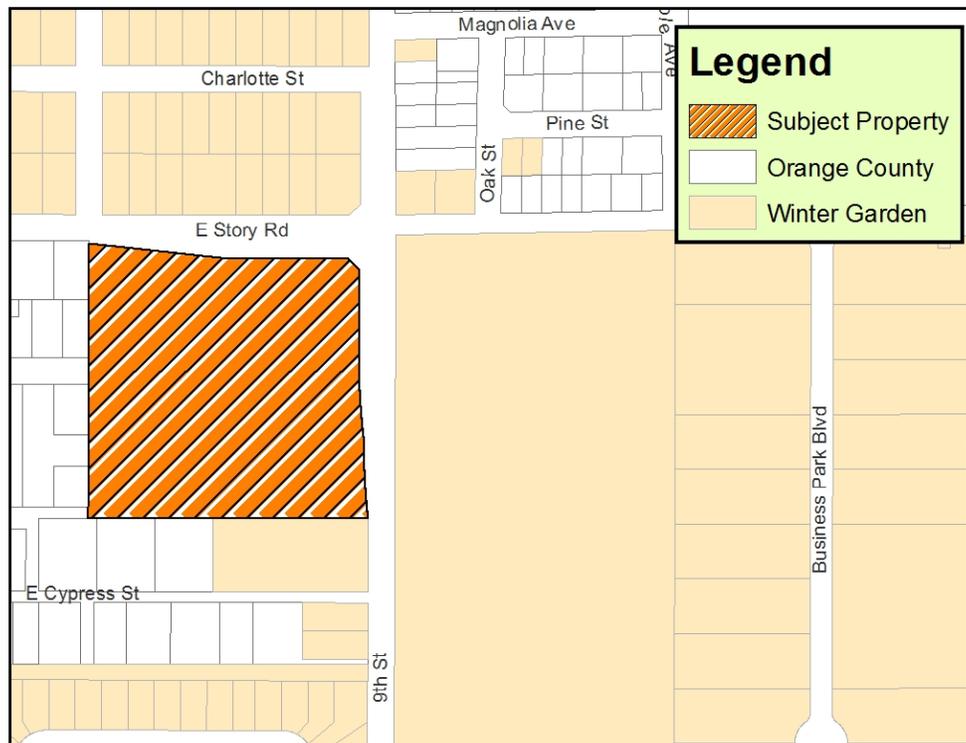
# STAFF REPORT

**TO:** PLANNING AND ZONING BOARD  
**PREPARED BY:** STEVE PASH, COMMUNITY DEVELOPMENT DIRECTOR  
**DATE:** September 29, 2016  
**SUBJECT:** ANNEXATION – FLU AMENDMENT – ZONING  
**602 EAST STORY ROAD (8.82 +/- ACRES)**  
**PARCEL ID #:** 12-22-27-6496-20-001  
**APPLICANT:** ORANGE COUNTY PUBLIC SCHOOLS

### INTRODUCTION

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

The subject property is located at 602 East Story Road, at the southwest corner of East Story Road and 9<sup>th</sup> Street and is approximately 8.82 ± acres. The map below depicts the proximity of the subject property to the City’s jurisdictional limits:



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

In accordance with the City’s Comprehensive Plan, properties designated with the Low Density Residential land use category are required to be developed at a gross residential density between 2 to 6 dwelling units per gross acre and up to 9 units per gross acre for workforce/low income housing with a maximum of 10 acres and will be identified on the Future Land Use Map only in areas that have the urban services and public facilities that can accommodate a higher density of residential housing. Factors in determining the location of this land use category included proximity to natural resources and urban services, availability of public facilities and the characteristics of nearby existing and future neighborhoods. Churches and schools are allowable uses in the Low Density areas that are zoned R-2 and in specified areas of PUDs and via a Special Exception Permit in all other allowable zoning classifications. The zoning classifications that are consistent with the Low Density Residential classification are PUD, R-1A, R-1, R-2, R-1B, and INT.

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

### **EXISTING USE**

The subject property is currently vacant.

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

The properties located to the north are single-family houses, zoned R-2, and located in Winter Garden. The property located to the east is vacant commercial property, zoned C-2, and located in Winter Garden. The property to the south is commercial property, zoned C-2, developed with the American Legion, and located in Winter Garden. The properties to the west are developed with the single-family homes, zoned R-2, and located in unincorporated Orange County.

### **PROPOSED USE**

The applicant intends to annex the property and develop the property with a new elementary school.

### **PUBLIC FACILITY ANALYSIS**

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

**SUMMARY**

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

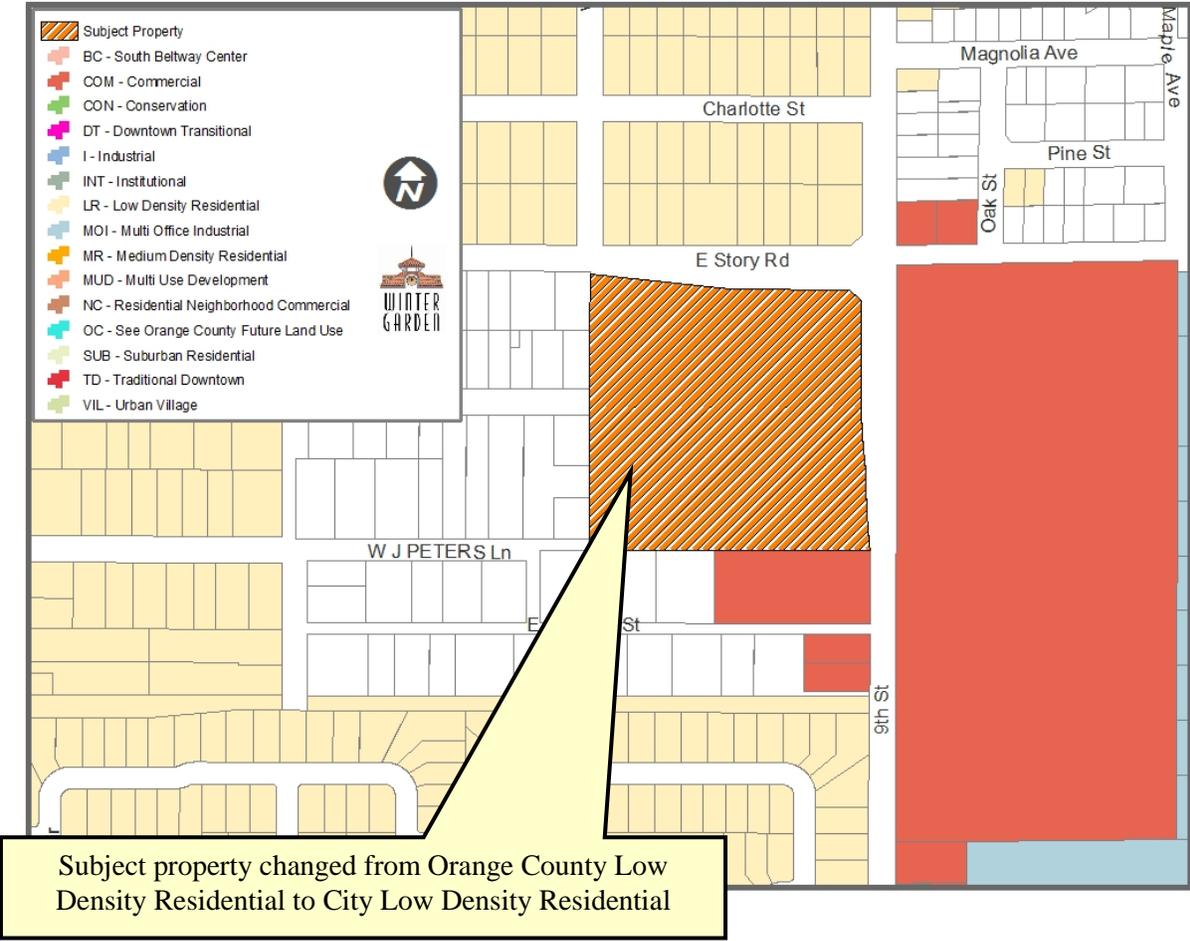
**MAPS**

**AERIAL PHOTO**

**602 East Story Road**



**FUTURE LAND USE MAP**  
**602 East Story Road**



**ZONING MAP**  
**602 East Story Road**



**END OF STAFF REPORT**

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

**From:** Steve Pash, Community Development Director

**Via:** City Manager Mike Bollhoefer

**Date:** October 5, 2016                      **Meeting Date:** October 13, 2016

**Subject:** Garden West FLU Amendment  
**Ordinance 16-71**

**Issue:** The applicant is requesting to amend the Future Land Use designation on property located at 707 W Plant Street.

**Discussion:**

City Staff recommends approval of the proposed Ordinance. Changing the Future Land Use designation of the property from Residential-Neighborhood Commercial to Low Density Residential is consistent with the Code of Ordinances, the City's Comprehensive Plan, and the surrounding property uses. (See attached Staff Report).

**Recommended Action:**

Staff recommends approval of Ordinance 16-71, with the second reading and adoption anticipated to be on Thursday, October 27, 2016.

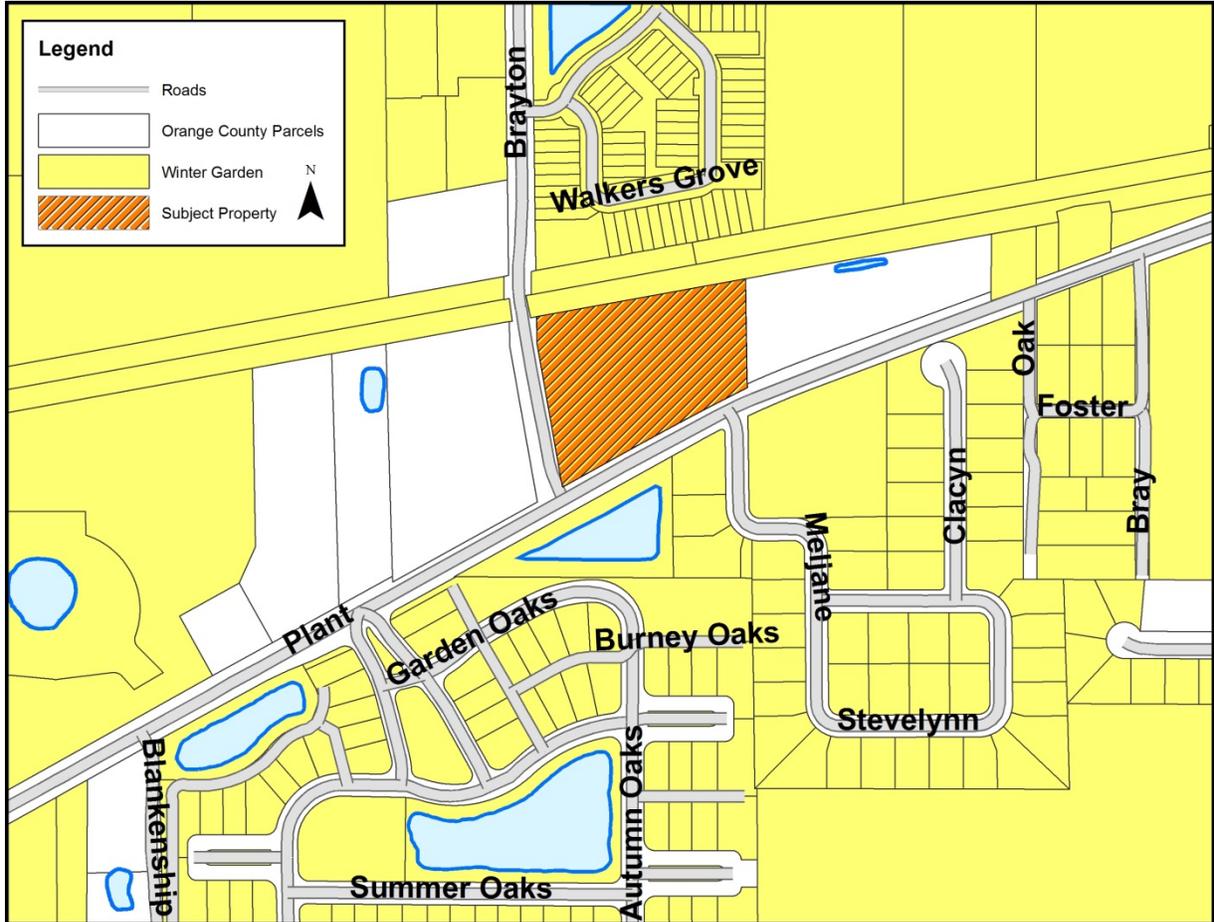
**Attachment(s)/References:**

Location Map  
Staff Report  
Ordinance 16-71

# LOCATION MAP

707 W Plant Street

FLU Amendment



## ORDINANCE 16-71

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 3.07 ± ACRES LOCATED AT 707 WEST PLANT STREET ON THE NORTHEAST CORNER OF WEST PLANT STREET AND BRAYTON ROAD FROM CITY RESIDENTIAL-NEIGHBORHOOD COMMERCIAL TO CITY LOW DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

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

**WHEREAS**, the owner of that certain real property generally described as 3.07 ± acres located at 707 West Plant Street located on the northeast corner of West Plant Street and Brayton Road, and legally described in ATTACHMENT "A" (the "Property") has petitioned the City to amend the Winter Garden Comprehensive Plan to change the Future Land Use classification from Residential-Neighborhood Commercial to Low Density Residential; and

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

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

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

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

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

**FIRST READING AND PUBLIC HEARING:** \_\_\_\_\_, 2016.

**SECOND READING AND PUBLIC HEARING:** \_\_\_\_\_, 2016.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2016, by the City Commission of the City of Winter Garden, Florida.

**APPROVED:**

\_\_\_\_\_  
JOHN REES, Mayor/Commissioner

**ATTEST:**

\_\_\_\_\_  
KATHY GOLDEN, City Clerk

**ATTACHMENT "A"**

**LEGAL DESCRIPTION**

**Parcel ID#: 22-22-27-0000-00-104**

LEGAL DESCRIPTION: (PARCEL B)

That part of the Northwest 1/4 of the Southwest 1/4 of the Northeast 1/4 lying between railroad and paved road (Less West 523.2 feet and less packing house lot and less part thereof included in Right of Way to County, per Official Record Book 68, Page 35, Public Records of Orange County, Florida, said Right of Way described as 30 feet on each side of the following: Begin 833.74 feet East of the North 1/4 corner of Section 22, Township 22 South, Range 27 East run South 817.16 feet; thence South 10' East 357.52 feet to Highway 22 9/438 (Less part outside Winter Garden City Limits). Containing 2.25 acres ±

ALONG WITH:

(PARCEL A)

That portion of the following described property:

From the North 1/4 corner of Section 22, Township 22 South, Range 27 East, Orange County, Florida, run East 832.8 feet; thence South at right angles to said line 736.4 feet to a Point of Beginning; thence North 79°38' East along the South line of said Tavares and Gulf Railroad 250 feet; thence S10° 22' East at right angles to said railroad 100 feet; thence South 79°38' West parallel to South line of said railroad 150 feet; thence South 10°19' East 277.2 feet to State Road #22; thence South 75°44' West along said State Road 100 feet; thence North 10°22' West at right angles to said railroad 384 feet to the Point of Beginning. Less road rights-of-way. Containing 0.82 acres ±

All being more particularly described as follows:

COMMENCING at the North 1/4 corner of Section 22, Township 22 South, Range 27 East, Orange County, Florida, run East along the North line of said Section 22 for a distance of 833.74 feet to a point on the centerline of Brayton Road; thence run South 00°58'00" East along said centerline of Brayton Road for a distance of 760.92 feet; thence departing said centerline run North 79°35'15" East for a distance of 30.41 feet to a point on the Easterly right-of-way line of said Brayton Road and the Southerly right-of-way line of Former CSX Railroad and the POINT OF BEGINNING; thence continue North 79°35'15" East along the said Southerly right-of-way line of Railroad for a distance of 210.42 feet; thence run North 79°35'27" East along said Southerly right-of-way line of Railroad for a distance of 254.89 feet; thence departing said Southerly right-of-way line run South 00°58'08" East for a distance of 232.09 feet to a point on the Northerly right-of-way line of Plant Street(State Road 438), said point being on a curve concave Southeasterly having a radius of 2395.35 feet; thence run South westerly along said curve and right-of-way line through a central angle of 03° 42'16" an arc length of 154.87 feet for a point of tangency; thence run South 60°56'30" West along said Northerly right-of-way line of Plant Street(State Road 438) for a distance of 231.03 feet; thence continue South 60°56'30" West along said Northerly right-of-way line of Plant Street(State Road 438) for a distance of 73.49 feet to a point on the aforesaid East right-of-way line of Brayton Road; thence run North 10°22'00" West along said East right-of-way line for a distance of 312.33 feet; thence run North 00°58'00" West along said East right-of-way of Brayton Road for a distance of 587.74 feet to the aforesaid Southerly right-of-way line of Former CSX Railroad and the POINT OF BEGINNING. Containing 3.07 acres, more or less.



# CITY OF WINTER GARDEN

## PLANNING & ZONING DIVISION

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

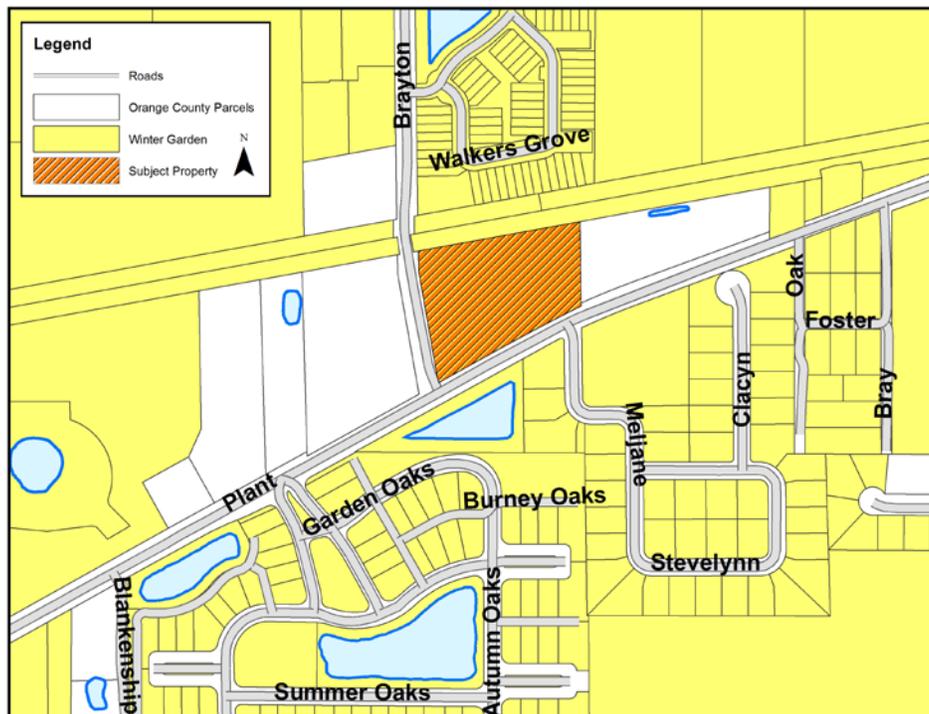
# STAFF REPORT

**TO:** PLANNING AND ZONING BOARD  
**PREPARED BY:** KELLY CARSON, URBAN DESIGNER  
**DATE:** September 30, 2016  
**SUBJECT:** FUTURE LAND USE AMENDMENT (ORDINANCE 16-71)  
**707 W Plant Street (3.07 +/- ACRES)**  
**Parcel ID# 22-22-27-0000-00-104**

**APPLICANT:** 707 W Plant St, LLC // Ryan Hinricher

### INTRODUCTION

The purpose of this report is to evaluate the proposed project for compliance with the City of Winter Garden Land Development Regulations, Comprehensive Plan, and Future Land Use Map. The subject property is located on the northeast corner of West Plant Street and Brayton Road. The map below depicts the location of the subject property within the City of Winter Garden municipal limits:



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 NC (Residential-Neighborhood Commercial) on the Future Land Use Map of the Comprehensive Plan. The applicant is requesting to amend the future land use designation for the 3.07 ± acre property from NC (Residential-Neighborhood Commercial) to LR (Low Density Residential).

In accordance with the City's Comprehensive Plan, properties designated with the Low Density Residential land use category are required to be developed at a gross residential density between 2 to 6 dwelling units per gross acre and up to 9 units per gross acre for workforce/low income housing with a maximum of 10 acres and will be identified on the Future Land Use Map only in areas that have the urban services and public facilities that can accommodate a higher density of residential housing. Factors in determining the location of this land use category included proximity to natural resources and urban services, availability of public facilities and the characteristics of nearby existing and future neighborhoods. Churches and schools are allowable uses in the Low Density areas that are zoned R-2 and in specified areas of PUDs and via a Special Exception Permit in all other allowable zoning classifications. The zoning classifications that are consistent with the Low Density Residential classification are PUD, R-1A, R-1, R-2, R-1B, and INT.

### **EXISTING USE**

The subject property is currently vacant. There are a number of significantly-sized oak trees located on the property.

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

The adjacent properties include a vacant parcel to the west of the subject property at 735 West Plant Street, which is zoned A-1 and is located in Unincorporated Orange County. Also located in Orange County is the property to the east of the subject property at 681 West Plant Street, which is zoned M-1/A-1 and contains a number of warehouse buildings associated with communication utilities (Centurylink). To the north of the subject property, across the West Orange Trail, is the Walkers Grove townhome subdivision. These properties are zoned R-3 and are located in the City of Winter Garden. To the south of the subject property is the Oak Park single-family residential neighborhood. These properties are zoned R-2 and are located in Winter Garden.

### **PROPOSED USE**

The applicant intends to amend the Future Land Use designation in order to allow the property to be rezoned to Planned Unit Development at a later date to develop a single-family neighborhood. The current Future Land Use designation of NC (Residential-Neighborhood Commercial) does not include PUD as a consistent zoning designation. The future development will require PUD rezoning approval from the Development Review Committee, and the PUD rezoning ordinance will need to be approved by the Planning & Zoning Board and adopted by City Commission.

### **PUBLIC FACILITY ANALYSIS**

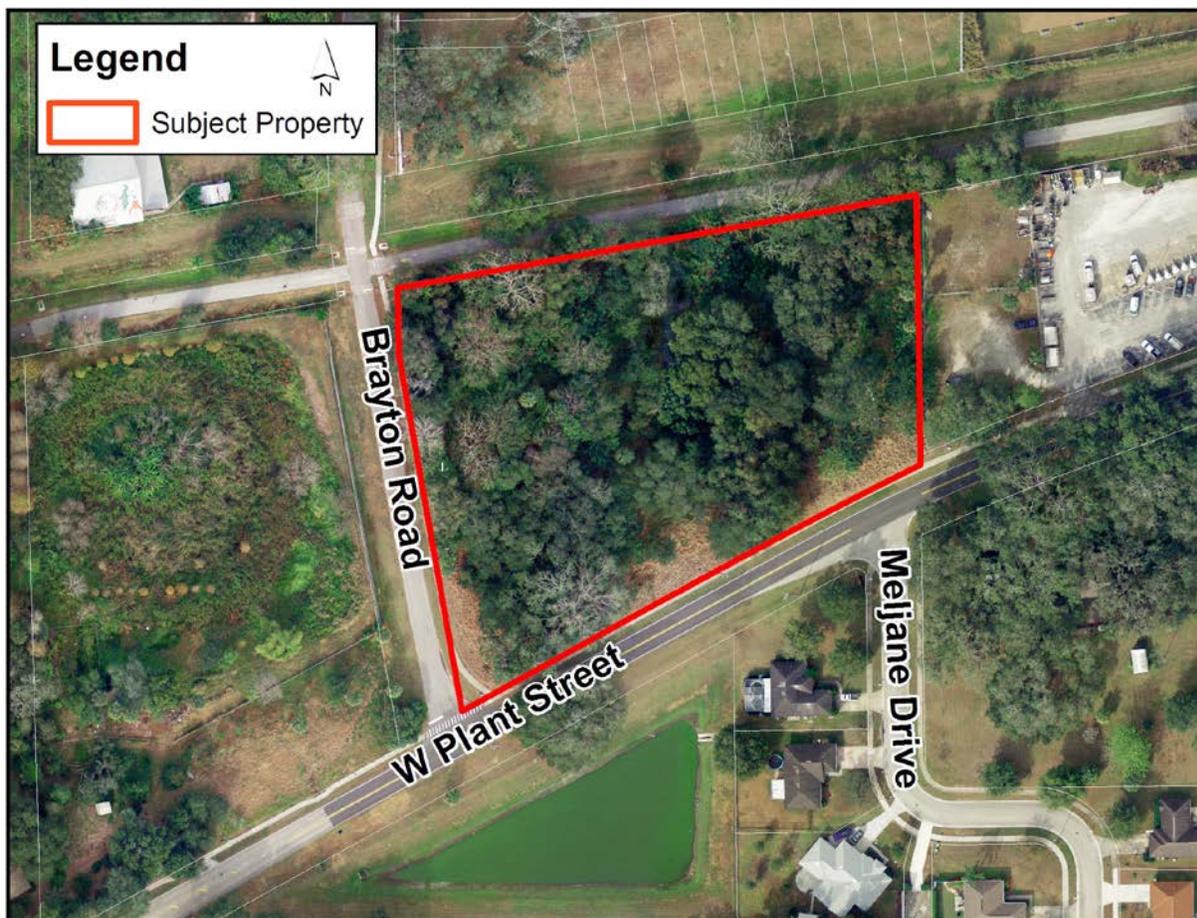
The City will provide garbage collection, police protection, and all other services regularly provided to City of Winter Garden residents. The property will be served by both Orange County

Fire and Rescue and the City of Winter Garden Fire Department under the First Response System. All transportation and impact fees will be addressed when the applicant submits for Planned Unit Development rezoning and/or Final Engineering.

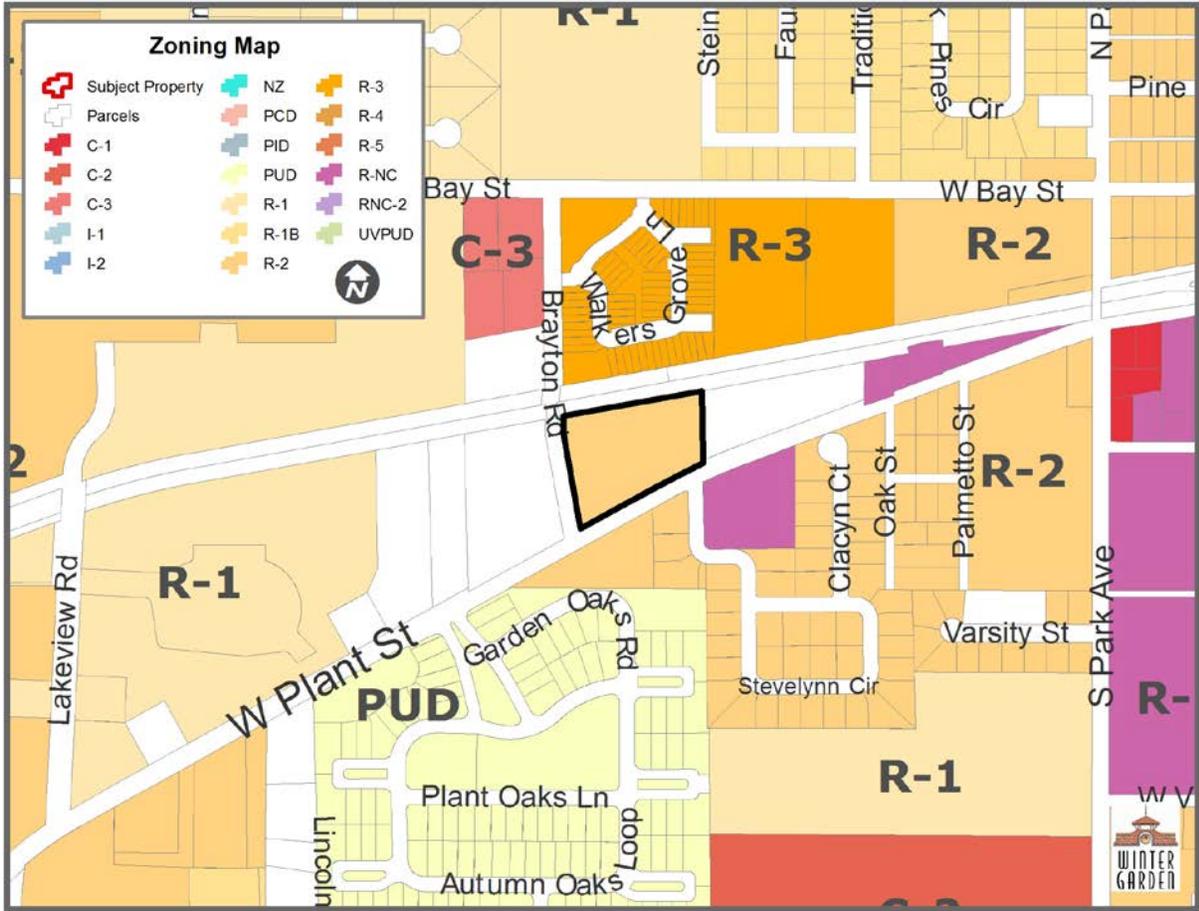
### **SUMMARY**

Staff recommends approval of the proposed Ordinance to change the Future Land Use Designation to Low Density Residential. The Low Density Residential Future Land Use Designation would allow the applicant to develop the property in a way that is consistent with the surrounding residential uses.

### **AERIAL PHOTO** **707 W Plant Street**



**ZONING MAP**  
**707 W Plant Street**





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

**From:** Steve Pash, Community Development Director

**Via:** City Manager Mike Bollhoefer

**Date:** October 5, 2016                      **Meeting Date:** October 13, 2016

**Subject:** 605 & 755 E. Plant Street & 290 E. Newell Street (Ordinance 16-72)  
**Heritage at Plant Street Planned Unit Development Rezoning**  
PARCEL ID# 14-22-27-0000-00-012; 14-22-27-0000-00-016;  
14-22-27-5656-01-391

**Issue:** The applicant is requesting to rezone 16.66 ± acres of land from R-1 & R-2 to Planned Unit Development (PUD).

**Discussion:** The applicant is requesting to rezone 16.66 +/- acres of land to allow the development of 43 new townhomes and 41 single family residences. A portion of the townhomes (25 out of the proposed 43) will be permitted to build a granny flat above the detached garage. The project will include associated streets and vehicular alleys, pedestrian walks, entrance design features, a centrally-located recreation area with a swimming pool, a golf cart access path, retention ponds with fountain features, perimeter fencing, and other site improvements.

The subject property is located within the City of Winter Garden's municipal limits, and carries the zoning designations R-1 & R-2 and is designated Downtown Transitional on the Future Land Use Map of the Comprehensive Plan. City staff recommends approval of the proposed Ordinance. Rezoning the subject property from City R-1 & R-2 to City PUD is consistent with the Code of Ordinances, the Future Land Use Map, the City's Comprehensive Plan, and the surrounding property uses. (See attached Staff Report).

**Recommended Action:** Staff recommends approval and adoption of Ordinance 16-72, subject to the Conditions of the attached Staff Report, with the second reading and adoption scheduled for October 27, 2016.

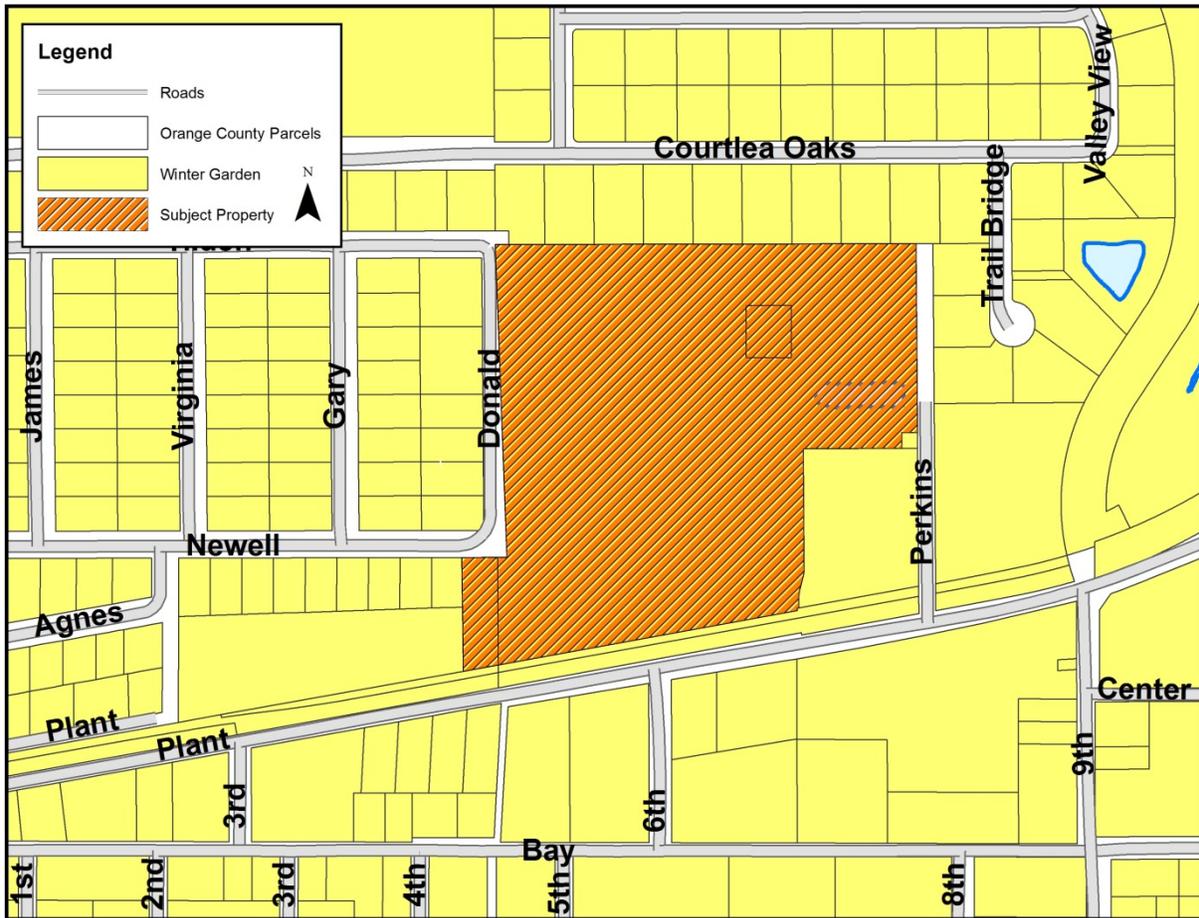
**Attachment(s)/References:**

Location Map  
Ordinance 16-72  
Staff Report

# LOCATION MAP

Heritage at Plant Street  
605 E Plant St

## PUD REZONING



## ORDINANCE 16-72

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 16.66 ± ACRES OF CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF EAST PLANT STREET, EAST OF DONALD DRIVE, AND WEST OF PERKINS STREET AT 605 & 755 EAST PLANT STREET AND 290 EAST NEWELL STREET, FROM R-1 (SINGLE-FAMILY RESIDENTIAL) AND R-2 (RESIDENTIAL) TO PUD (PLANNED UNIT DEVELOPMENT); PROVIDING FOR CERTAIN PUD REQUIREMENTS AND DESCRIBING THE DEVELOPMENT AS THE HERITAGE AT PLANT STREET PUD; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the owner(s) of real property generally described as approximately 16.66 ± acres of certain real property generally located north of East Plant Street, east of Donald Drive, and west of Perkins Street in Winter Garden, Florida, being more particularly described in Exhibit “A” attached hereto and incorporated herein by this reference (the “Property”), desire to rezone their property from R-1 (Single-Family Residential) and R-2 (Residential) to PUD (Planned Unit Development), and

**WHEREAS**, the Planning and Zoning Board has considered this Ordinance and made a recommendation to the City Commission concerning its adoption; and

**WHEREAS**, after public notice and due consideration of public comment, the City Commission of the City of Winter Garden hereby finds and declares the adoption of this Ordinance and the proposed development of the Property is consistent with the City of Winter Garden Comprehensive Plan, and the land development regulations set forth in the City of Winter Garden Code of Ordinances; and

**WHEREAS**, based on competent substantial evidence in the record, the requested rezoning set forth in this Ordinance meets all applicable criteria specified in the City of Winter Garden Comprehensive Plan and the Code of Ordinances; Now therefore;

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

**SECTION 1: Rezoning.** After due notice and public hearing, the zoning classification of the Property, as described in Exhibit “A” attached hereto, is hereby rezoned from R-1 (Single-Family Residential) and R-2 (Residential) to PUD (Planned Unit Development) in the City of Winter Garden, Florida subject to the following conditions, provisions and restrictions:

- a. **Conceptual Plan-** All development on the Property must substantially

conform to the requirements identified in the Heritage at Plant Street Planned Unit Development Plan attached hereto as Exhibit "B." Should any conflict be found between this Ordinance and the Heritage at Plant Street Planned Unit Development Plan attached hereto as Exhibit "B", then the standards and conditions established by this Ordinance shall control.

- b. Zoning-** Unless specifically noted elsewhere in Exhibit "B" attached hereto, or expressly provided for herein, all development on the Property must comply with the general zoning requirements of the Planned Unit Development zoning district as they pertain to properties that have primary residential uses. These requirements include any approval procedures of the Planned Unit Development zoning district.
  
- c. Permitted Uses-** The permitted uses for the subject property are as follows:
  - 1. Permitted primary structures and uses:
    - a) Townhomes.
    - b) Single-family residences.
  - 2. Permitted accessory structures and uses:
    - a) Detached garages for townhome units, with or without second-story granny flats. Only the 25 townhome units that front on East Plant Street are permitted to build above-garage granny flats. All of these units must be constructed at the same time as the original primary structure, and the units must comply with all Fire and Building Codes.
  
- d. Special Exception Uses-** There are no special exception uses for the subject property.
  
- e. Prohibited Uses-** The prohibited uses for all areas of the subject property are as follows:
  - 1. All uses prohibited by Sec. 118-858(5), City of Winter Garden Code of Ordinances.
  - 2. All uses not specifically permitted in this Ordinance; any use not in keeping with a transitional downtown neighborhood character
  - 3. Other than those listed as permitted above, accessory buildings and structures are not permitted for individual residential lots, unless the improvement is a driveway, bird bath, decorative pond, or at-grade patio.
  
- f. Design Criteria/Architectural Standards-**
  - 1. **Architectural Standards-**
    - a) All development on the Property must maintain the same

general design criteria and architectural characteristics as the images attached hereto as Exhibit "C".

- b) The rear and side elevations must have the same façade features as the front.
  - c) Two versions of the same single family house model may not be located next to and/or directly across the street from one another.
2. **Maximum Building Height-** The maximum building height shall not exceed 35 feet or two stories, except for lots 53 and 73, which are limited to a single story building.
3. **Minimum Living Area-** The minimum living area shall be 1,500 square feet for each primary townhome dwelling unit and 1,700 square feet for each single-family residence.
4. **Signage-** All signage shall be reviewed and permitted by the City of Winter Garden, subject to the requirements of Chapter 102.
5. **Setbacks and Required Yards-** The minimum setback distances are as follows:
- a) Townhome Units:
    - Front: 15'
    - Side: 0'
    - Rear: 4'
    - PUD Boundary: 25'
    - Distance between townhome buildings: 20'
  - b) Single Family Residential:
    - Front: 20'
    - Front Porch: 12.5'
    - Side: 5'
    - Side Street: 15'
    - Rear: 10' (5' for lots 44 & 45 only)
    - PUD Boundary: 25'
6. **Impervious Surface Area Ratio-** The maximum impervious surface area ratio for the Property shall be consistent with the overall maximum impervious surface area ratio that the Planned Unit Development is permitted by Saint John's River Water Management District.
- g. **Staff Conditions-** All development on the Property must comply with the following staff conditions:
- 1. The entrance on Plant Street shall have right and left turn exiting

lanes – 12' minimum pavement width.

2. Tree removal shall adhere to the City's Tree Protection Ordinance – separate review, approval, and permit is required. Additional landscaping and tree replacement will be required to be included with the final engineering set.
3. Walls and landscaping shall be located within a landscape and wall tract, to be maintained by the HOA.
4. Streets shall be public, with the alleys owned and maintained by the HOA.
5. Five foot wide side building setbacks will only be allowed provided that no obstructions of any kind are allowed within the 5 foot setback area. Five foot wide drainage and utility easements on side and rear lot lines and 10' drainage, utility & sidewalk encroachment easement are required adjacent to rights-of-way.
6. A Right-of-Way maintenance agreement for landscaping, irrigation, medians, signs, special pavements, etc. within City rights-of-way will be required if any of these improvements are within City Right-of-Way.
7. The existing lift station and discharge force main shall be examined/analyzed for capacity with the new development. Any upgrades required will be at the Developer's expense.
8. Existing utility and access easements shown on the Boundary Survey shall be vacated or extinguished prior to final plat recording.
9. West Orange Trail Right-of-Way is owned by the City of Winter Garden with an easement to Orange County for the Trail. Orange County Parks & Recreation shall review and approve the crossing over the Trail, prior to construction. Additional details shall be provided on the final construction plans to prevent vehicular access to the Trail; signage; etc.
10. Turn lanes, etc. will be reviewed further during the preliminary plat and final construction plan phases.
11. Utilities: Minimum 8" potable water (internal), 8" reuse water, and minimum 6" sanitary force main are required. All water lines shall be looped.
12. More detailed soil borings in roadway and pond are required to be submitted with Final Engineering.
13. All broken, cracked or damaged curbs, sidewalks or pavement along the perimeter of the project shall be inspected at the final inspection and replaced as necessary by the Developer/Contractor.
14. Streetlighting both internally and on all street frontages is required

pursuant to City Code – dark skies lighting is required.

15. The applicant is required to pay for the undergrounding of the overhead utility lines along East Plant Street.
16. The Owner Design Engineer and Contractor are responsible for meeting all provisions of ADA and Florida Accessibility Code.
17. All work shall conform to City of Winter Garden standards and specifications.
18. The Contractor is responsible for the notification, location and protection of all utilities that may exist within the project limits.
19. No fill or runoff will be allowed to discharge onto adjacent properties; existing drainage patterns shall not be altered. The City of Winter Garden is not granting rights or easements for drainage from, or onto, property owned by others, including by way of any development order or permit issued. Obtaining permission, easements or other approvals that may be required to drain onto private property is the Owner/Developer's responsibility. Should the flow of stormwater runoff from, or onto adjacent properties be unreasonable or cause problems, the City shall not be responsible and any corrective measures required will be the responsibility of the Owner/Developer. Site construction shall adhere to the City of Winter Garden erosion and sediment control requirements as contained in Chapter 106 - Stormwater. If approval is granted by the City of Winter Garden, it does not waive any permits that may be required by federal, state, regional, county, municipal or other agencies that may have jurisdiction.
20. Final engineered plans shall be submitted, reviewed and approved by the City prior to construction. Approval by the Planning & Zoning Board (Re-zoning; Pre-plat) and City Commission will be required prior to issuance of site or building permit(s)
21. After final plan approval, a preconstruction meeting will be required prior to any commencement of construction. The applicant shall provide an erosion control and street lighting plan at the preconstruction meeting and shall pay all engineering review and inspection fees prior to construction. Inspection fees in the amount of **2.25%** of the cost of all site improvements shall be paid prior to issuance of the building permit.

## **SECTION 2: *General Requirements.***

- a. **Development Agreement-** If deemed necessary by City Staff, a Development Agreement shall be drafted, approval obtained and recorded prior to approval of any site or building permits for the Property.

- b. **Stand Alone Clause-** Each phase of development of the Property must operate as an individual unit in that each particular phase will be able to stand-alone in the event that no other phase is developed.
- c. **Land Development Approvals and Permits-** This Ordinance does not require the City to issue any permit or approval for development, construction, building permit, or other matter by the City relating to the Property or the project or any portion thereof. These and any other required City development approvals and permits shall be processed and issued by the City in accordance with procedures set forth in the City's Code of Ordinances and subject to this Ordinance.
- d. **Amendments-** Minor amendments to this Ordinance will be achieved by Resolution of the City Commission of the City of Winter Garden. Major amendments to this Ordinance will require approval of the City Commission of the City of Winter Garden by Ordinance.
- e. **Expiration/Extension-** Expiration of this PUD shall be governed in accordance with Section 118-830, City of Winter Garden Code of Ordinances. Time extensions may be granted in accordance with Section 118-829, City of Winter Garden Code of Ordinances.

**SECTION 3: Zoning Map.** The City Planner is hereby authorized and directed to amend the Official Winter Garden Zoning Map in accordance with the provisions of this ordinance.

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

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

**FIRST READING AND PUBLIC HEARING:** \_\_\_\_\_, 2016.

**SECOND READING AND PUBLIC HEARING:** \_\_\_\_\_, 2016.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2016, by the City Commission of the City of Winter Garden, Florida.

**APPROVED:**

\_\_\_\_\_  
JOHN REES, Mayor/Commissioner

**ATTEST:**

---

KATHY GOLDEN, City Clerk

## Exhibit "A"

**PARCEL ID(s): 14-22-27-0000-00-012; 14-22-27-0000-00-016; 14-22-27-5656-01-391**

### LEGAL DESCRIPTION:

PARCEL NO. 14-22-27-0000-00-012 & PARCEL NO. 14-22-27-0000-00-016

#### PARCEL 1:

That part of the Southeast Quarter (SE 1/4) of the Southeast Quarter (SE 1/4) of Section Fourteen (14), Township 22 South, Range 27 East, lying North of the Atlantic Coast Line Railroad right-of-way LESS the East 393.75 feet thereof, Also less and except the following description: Begin at the Southwest corner of the Southeast Quarter (SE 1/4) of the Southeast Quarter (SE 1/4) of said Section Fourteen (14) aforesaid; run North 1326.3/4 feet to Northwest corner of Southeast Quarter (SE 1/4) of Southeast Quarter (SE 1/4) of said Section Fourteen (14). Return to the same beginning point; run Northeasterly 406 feet to a point 24 feet East of the West line of the Southeast Quarter (SE 1/4) of the Southeast Quarter (SE 1/4) of said Section Fourteen (14) aforesaid; thence North 264 feet to a point which is 670 feet from the Point of Beginning and is 21.5 feet East of the West line of Southeast Quarter (SE 1/4) of Southeast Quarter (SE 1/4) of said Section Fourteen (14) aforesaid; thence Northwesterly 659 feet to the Northwest corner of the Southeast Quarter (SE 1/4) of the Southeast Quarter (SE 1/4) of said Section Fourteen (14).

LESS THAT PART DEEDED TO THE ORANGE COUNTY LIBRARY DISTRICT IN DEED RECORDED JANUARY 31, 2002 IN BOOK 6446, PAGE 4902;

LESS THAT PART DEEDED TO CITY OF WINTER GARDEN FOR LIFT STATION IN DEED RECORDED FEBRUARY 6, 2006 IN BOOK 8466, PAGE 366.

#### PARCEL 2:

That part of the Southeast Quarter (SE 1/4) of the Southeast Quarter (SE 1/4) of Section Fourteen (14), Township 22 South, Range 27 East, described as follows: Begin 671 feet West and 136.4 feet South of the Northeast corner of the Southeast Quarter (SE 1/4) of the Southeast Quarter (SE 1/4) of Section Fourteen (14) aforesaid; run West 100 feet; thence South 115.6 feet; thence East 100 feet; thence North 115.6 feet to the Point of Beginning.

Together with all right, title and interest in a certain easement and right-of-way (contained in a certain Deed dated February 17, 1953, recorded February 19, 1953, in Deed Book 932, Page 456, Public Records of Orange County, Florida) for ingress and egress over and across a strip of land Twenty (20) . feet in width which is more particularly described as follows:

From the Northeast Corner of the Southeast Quarter (SE 1/4) of the Southeast Quarter (SE 1/4) of Section Fourteen (14), Township 22 South, Range 27 East, run thence West 671 feet, South 252 feet; thence West 65 feet for a point of beginning; from said Point of Beginning run due South to the North right-of-way line of the Atlantic Coast Line Railroad; commence again at the Point of Beginning; run West 20 feet; thence due South to the Northern right-of-way line of the Atlantic Coast Line Railroad.

PARCEL NO. 14-22-27-5656-01-391

#### PARCEL 3:

Begin 24 feet, Easterly along North right of way line of Atlantic Coast line R.R. from West line of SE 1/4 of SE1/4 of Section 14, Township 22 South, Range 27 East, run North 0 Deg, 32 minutes, West 250 feet, to Point 669.5 feet, South of North line of SE 1/4 of SE 1/4, thence West 100 feet, thence 0 Deg, 32 minutes, East to Atlantic Coast line R.R. right of way, thence Easterly 100 feet to the Point of Beginning.

Exhibit "B"

# **COVER PAGE**

## **HERITAGE AT PLANT STREET PUD PLAN**

**(11 PAGES - ATTACHED)**















**TRACT DESIGNATION PLAN**  
FOR  
**HERITAGE AT PLANT STREET**  
WINTER GARDEN  
FLORIDA

M. I. HOMES OF ORLANDO, LLC  
400 INTERNATIONAL PARK, SUITE 470  
ORLANDO, FL 32813  
(407) 551-5133



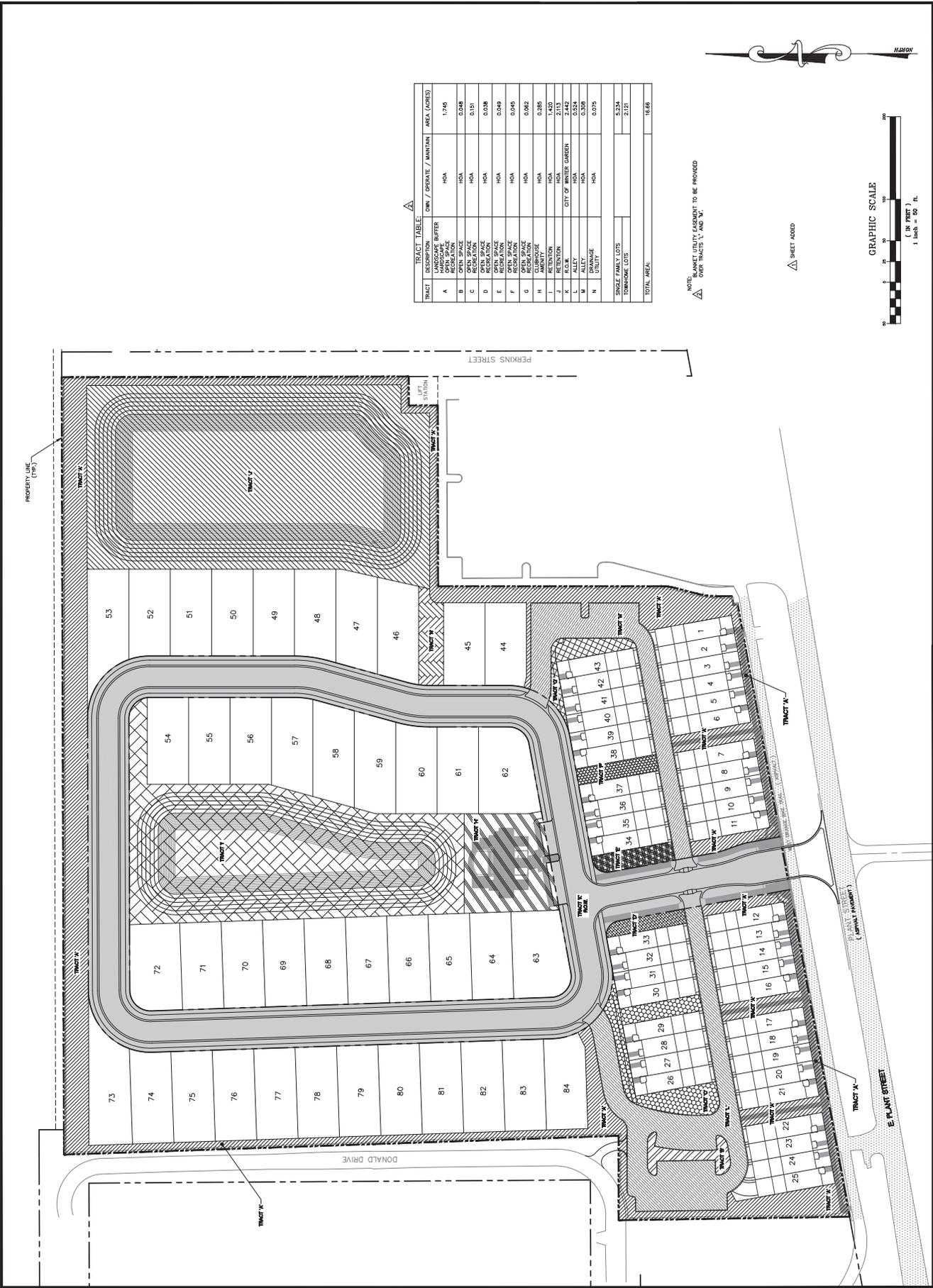
ENGINEER IN CHARGE  
CHADWICK H. HAGGARD, P.E.  
NO. 01781  
STATE OF FLORIDA  
EXPIRES 09/30/2018

DATE REVISIONS

NO.	DATE	REVISIONS
1	07/26/19	ISSUED FOR CITY OF WINTER GARDEN COMMENTS
2	07/26/19	ISSUED FOR CITY OF WINTER GARDEN COMMENTS
3	07/26/19	ISSUED FOR CITY OF WINTER GARDEN COMMENTS
4	07/26/19	ISSUED FOR CITY OF WINTER GARDEN COMMENTS
5	07/26/19	ISSUED FOR CITY OF WINTER GARDEN COMMENTS
6	07/26/19	ISSUED FOR CITY OF WINTER GARDEN COMMENTS
7	07/26/19	ISSUED FOR CITY OF WINTER GARDEN COMMENTS
8	07/26/19	ISSUED FOR CITY OF WINTER GARDEN COMMENTS
9	07/26/19	ISSUED FOR CITY OF WINTER GARDEN COMMENTS
10	07/26/19	ISSUED FOR CITY OF WINTER GARDEN COMMENTS

JOB # 19022  
DATE: 07/26/19  
SCALE: AS SHOWN  
DRAWN BY: S.B.S.  
APPROVED BY: C.H.L.  
CHECKED BY: C.H.L.

TD - 1

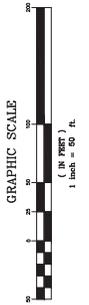


TRACT TABLE:

TRACT	DESCRIPTION	OWN / OPERATE / MAINTAIN	AREA (ACRES)
A	MANHOLES BUFFER	HOA	1.745
B	HANDICAPPED ACCESSIBLE REGISTRATION	HOA	0.048
C	OPEN SPACE REGISTRATION	HOA	0.151
D	OPEN SPACE	HOA	0.038
E	OPEN SPACE REGISTRATION	HOA	0.049
F	OPEN SPACE REGISTRATION	HOA	0.045
G	REGISTRATION	HOA	0.082
H	AMBIENT	HOA	0.285
I	RETENTION	HOA	1.400
J	REGISTRATION	HOA	2.442
K	CITY OF WINTER GARDEN	HOA	0.524
L	ALLEY	HOA	0.308
M	UTILITY	HOA	0.075
SINGLE FAMILY LOTS			5.224
TOWNSHIP LOTS			2.121
TOTAL AREA:			16.66

NOTE: SHEET UTILITY ELEMENTS TO BE PROVIDED  
OWN TRACTS V, AND W.

△ SHEET ADDED







Seal

James R. Magley, LA 0001300  
 State of Florida Lic. No. LA 0001300  
**MD** Magley Design  
 1077 W. University Ave., Suite 200, Tallahassee, FL 32304  
 Phone: 904.438.2000 Fax: 904.438.2001

# HERITAGE AT PLANT STREET

WINTER GARDEN, FLORIDA

Sunshine81.com  
 Project No. 17-0001-0001

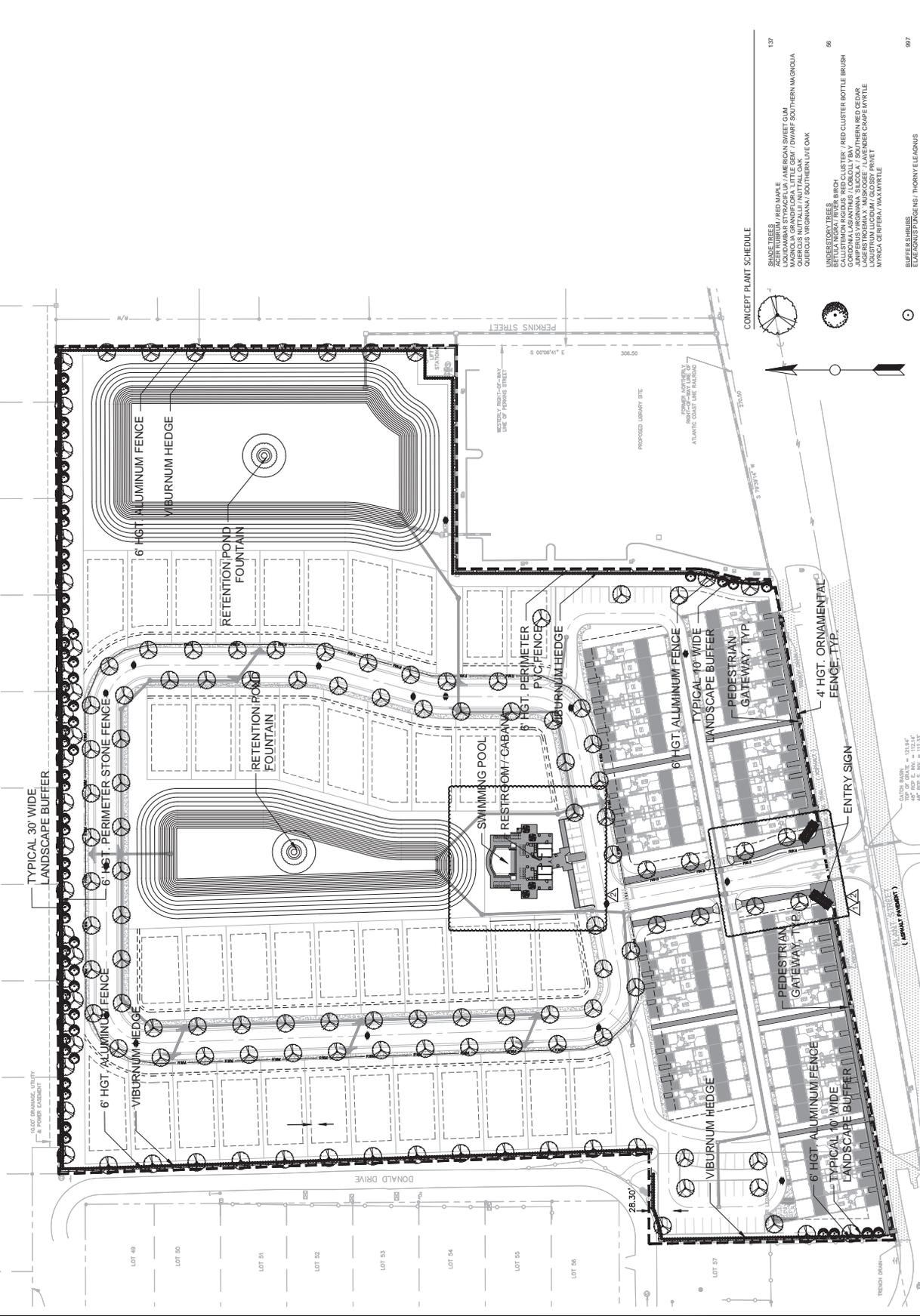
Revisions:  
 No. 1 Date: July 29, 2016  
 No. 2 Date: Sept. 13, 2016

Date: 06/01/16  
 Scale: As Shown

Project Number: 1535

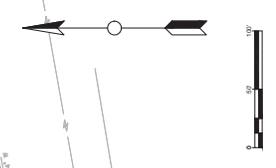
Sheet Title:  
**Area Development Plan**

Sheet Number:  
**L-101**



**CONCEPT PLANT SCHEDULE**

137	WATERBURY TREES
	ACER TREES / RED MAPLE
	LOUISIANA STRANGE VIA AMERICAN SWEET GUM
	FLORIDA PALM / DWARF SOUTHERN MAGNOLIA
	QUERCUS NUTTALLI / NUTTALL OAK
	QUERCUS VIRGINIANA / SOUTHERN LIVE OAK
56	WATERBURY TREES
	BETULA NIGRA / RIVER BIRCH
	CALLISTEMON RIGIDUS / RED CLUSTER / RED QUARTER BOTTLE BRUSH
	JANIPENSIS VIRGINIANA / SLOCA / SOUTHERN RED CEDAR
	QUERCUS NUTTALLI / NUTTALL OAK
	LOUSTRUM LUCIDUM / GLOSSY PRIVET
	MYRTICA CERIFERA / MAXIMILIAN
97	BUFFER SHRUBS
	EXCOCAVATUS PTERIS / RHONY TELEANUS
	ELICUM PAVICORUM / YELLOW ANISE
	RHODOCHORDON AZALEA / FORMOSA / LARGE PURPLE AZALEA
	VIBURNUM COCCINNEUM / WATERS VIBURNUM
	VIBURNUM ANANATUM
	VIBURNUM COCCINNEUM / AWABUKI / VIBURNUM



Copyright 2016, Magley Design. All areas and designs indicated or represented by this drawing remain the property of and are the instruments of service of Magley Design and were developed for use with this specific project. These ideas, designs, and plans are not to be used, reproduced, altered or otherwise in any manner known by the drawings. Shop details must be submitted to this office for approval prior to fabrication unless otherwise provided for under the specific conceptual agreement between the landscape architect and the client. The landscape architect and Magley Design are not responsible for all dimensions and conditions indicated on the drawings unless otherwise noted. The landscape architect and Magley Design are not responsible for all dimensions and conditions indicated on the drawings unless otherwise noted.



LOT 17  
LOT 16  
LOT 15  
LOT 14  
LOT 13  
LOT 12  
LOT 11  
LOT 10  
LOT 9  
LOT 8  
LOT 7  
LOT 6

TRAIL BRIDGE COURT

PERKINS STREET

DONALD DRIVE

LIBRARY

E PLANT STREET

GRAPHIC SCALE



Exhibit "C"

# **COVER PAGE**

## **HERITAGE AT PLANT STREET**

### **Design Standards**

**(10 PAGES - ATTACHED)**

## Heritage at Plant Street PUD - Entry Concept





## Heritage at Plant Street PUD – Buffer Concept



Buffer along north PUD boundary



Buffer along east and west PUD boundaries

## Heritage at Plant Street PUD – Single-Family Elevations







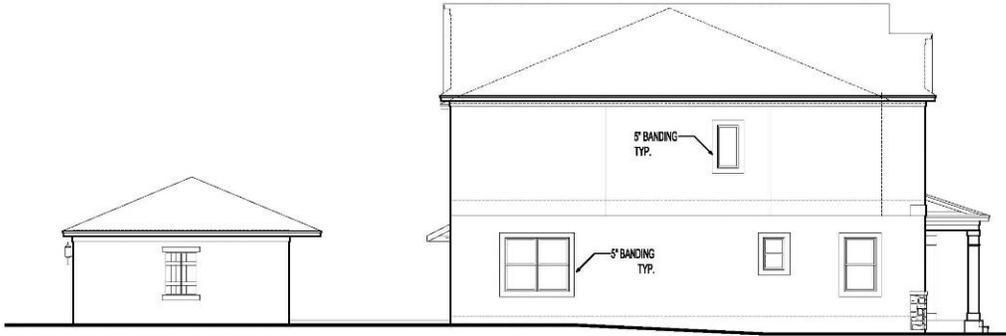




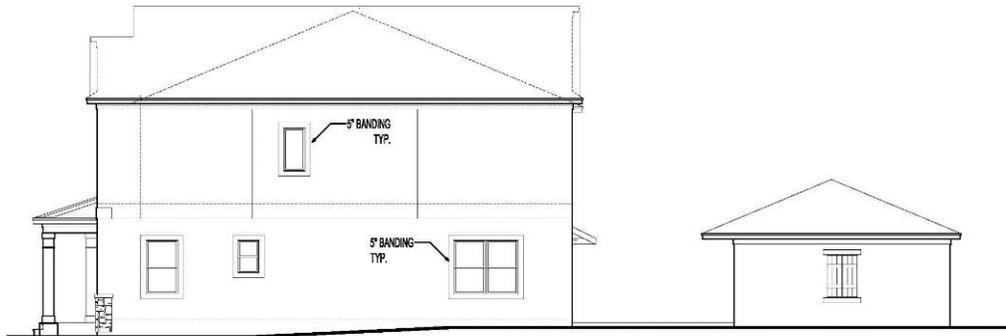
# Heritage at Plant Street PUD – Townhome Elevations



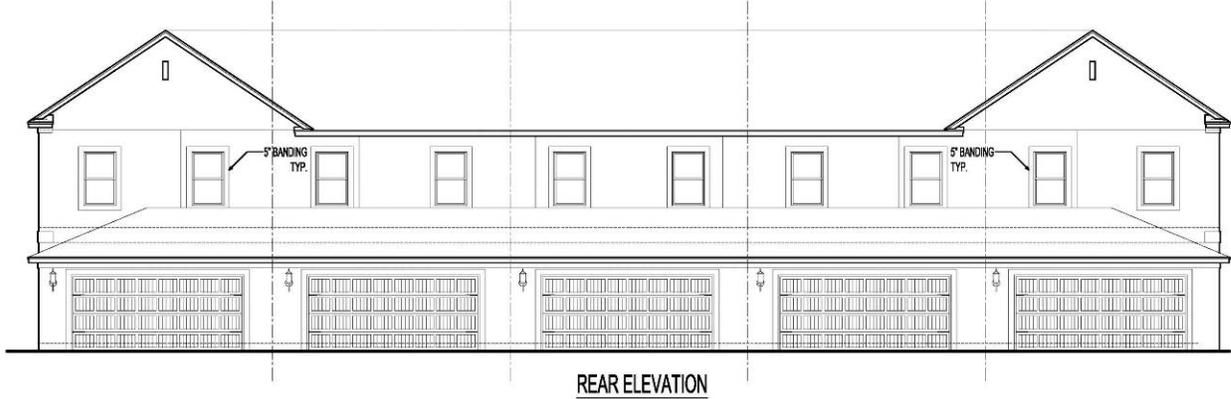
FRONT ELEVATION



LEFT ELEVATION



RIGHT ELEVATION



# CITY OF WINTER GARDEN

## PLANNING & ZONING DIVISION

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

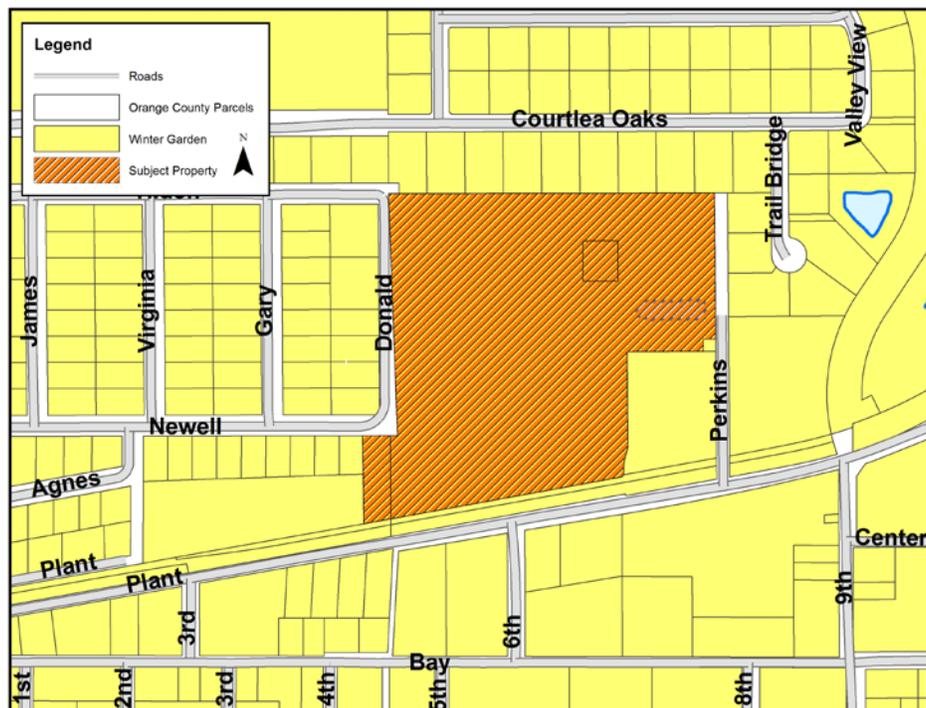
# STAFF REPORT

**TO:** PLANNING AND ZONING BOARD  
**PREPARED BY:** KELLY CARSON, URBAN DESIGNER  
**DATE:** September 29, 2016  
**SUBJECT:** PLANNED UNIT DEVELOPMENT REZONING (ORDINANCE 16-72)  
**605 & 755 E. Plant Street & 290 E. Newell Street (16.66 +/- ACRES)**  
**Parcel ID#** 14-22-27-0000-00-012; 14-22-27-0000-00-016;  
14-22-27-5656-01-391

**APPLICANT:** M.I. Homes of Orlando, LLC

### INTRODUCTION

The purpose of this report is to evaluate the proposed project for compliance with the City of Winter Garden Land Development Regulations, Comprehensive Plan, and Future Land Use Map. The subject property, located north of East Plant Street, east of Donald Drive, and west of Perkins Street and is approximately 16.66 ± acres in size. The map below depicts the location of the subject property within the City of Winter Garden municipal limits:



The subject property is located within the City of Winter Garden municipal limits and carries the zoning designation R-1 (Single Family Residential District) and R-2 (Residential District). The subject property is designated DT (Downtown Transitional) on the Future Land Use Map of the Comprehensive Plan. The applicant is requesting to rezone the 16.66 ± acre property to PUD (Planned Unit Development).

### **EXISTING USE**

The subject property currently contains several structures that remain from when the land was used for citrus production. There are several metal buildings located on site with associated parking areas and utility infrastructure. The remaining property contains remnant citrus groves, which are in poor condition. There is also an existing drainage pond on the property, which is currently utilized by both the subject property and the library parcel to the west.

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

The adjacent properties include a parcel to the east of the subject property at 805 East Plant Street, which is zoned R-1 and contains the Winter Garden branch of the Orange County library system. To the north of the subject property are a series of single-family residential lots that are part of the Courtlea Oaks subdivision, which are zoned R-1. There are also a series of single-family residential properties located to the west of the subject property across from Donald Drive, which are zoned R-2. There is also a West Orange Trail facility and recreation area property located to the west at 455 East Plant Street. This property is also zoned R-2. To the south of the subject property are four parcels zoned I-2 and located at 606, 640, 646, and 730 East Plant Street. The contents of these parcels include office buildings and a metal warehouse building. There is also a vacant City-owned property zoned C-2 located to the south at 848 East Plant Street. All of the adjacent properties are located within the City of Winter Garden's jurisdictional limits.

### **PROPOSED USE**

The developer intends to purchase the subject property and construct 43 new townhomes and 41 single family residences. A portion of the townhomes (25 out of the proposed 43) will be permitted to build a granny flat above the detached garage. The project will include associated streets and vehicular alleys, pedestrian walks, entrance design features, a centrally-located recreation area with a swimming pool, a golf cart access path, retention ponds with fountain features, perimeter fencing, and other site improvements.

### **COMMUNITY MEETINGS**

There have been two community meetings held in the City Commission Chambers to discuss the proposed PUD rezoning with surrounding property owners. In the first meeting, held on January 20, 2016, one of the major concerns voiced by attendees was the appropriateness of building an all-townhome development when the surrounding properties to the north and west of the subject property contain single-family residences, some of which are situated on large lots. The neighbors were concerned that the development would be much denser than surrounding uses – the original proposal included 108 townhome units - and they were also curious about how the development would affect their property values. Buffering options were discussed, as was the

additional traffic that the development would bring to East Plant Street.

In the second community meeting, held on March 29, 2016, the developer presented a revised plan that eliminated more than half of the proposed townhomes and replaced them with single-family residences on the north side of the subject property. The plan showed 50 single family lots at the meeting, and this number was ultimately reduced further to 41 single family lots. The south side of the property, which is closer to the mixed commercial and industrial uses located across East Plant Street, continued to feature townhome units (43 total units). A new enhanced buffer – 30' wide landscape area with a solid perimeter wall- was added to the north side of the property to buffer the large-lot residential properties from the development. Additionally, the east and west boundaries received landscape buffering along with a perimeter fence. The revised plan was received more positively by the attendees, and the developer reassured the residents that any future design decisions would emphasize the goal of not negatively impacting the surrounding residential properties.

### **APPROVAL CRITERIA**

In accordance with the City's Comprehensive Plan and Land Development Regulations, a proposed planned unit development and its associated preliminary development plan may be approved only after competent, substantial evidence has been presented which allows the following determinations to be made: (staff conclusions/findings are underlined)

- (1) The proposed PUD is consistent with the land development regulations, comprehensive plan and the future land use map;

The proposed PUD is consistent with the City's land development regulations, comprehensive plan, and the future land use map. See other portions of this report concerning consistency with the land development regulations. PUD Zoning is permitted within the Downtown Transitional (DT) Future Land Use Designation.

- (2) The proposed PUD will not substantially devalue or prevent reasonable use and enjoyment of the adjacent properties;

The proposed PUD project will not deprive or prevent adjacent property owners of any rights or abilities to enjoy or continue existing uses of their property or to develop their property in accordance with the city's land development regulations and comprehensive plan goals, objectives, and policies. Further, in accordance with land development regulations and the comprehensive plan, where appropriate, the proposed PUD will provide for adequate buffering against adjoining properties and rights-of-way in the form of both landscaping and perimeter walls/fencing to create a visual screen or block views into the development completely. The buffer to the north of the subject property, adjacent to the Courtlea Oaks residential subdivision, will consist of a 30' dense landscape screen in front of an opaque perimeter wall that runs the length of the northern property line. The east and west PUD boundaries will have a 10' wide landscape screen with a 6' tall aluminum fence. The south property line, adjacent to East Plant Street, will have an ornamental 4' high aluminum fence with a series of pedestrian gates for townhome owners to access their front doors.

- (3) Adequate public infrastructure facilities and water and sewer service to support the development of the proposed PUD are available or an agreement or binding conditions have

been established that will provide these facilities, improvements and services in a reasonable time frame;

The existing potable water flow pressure of the City's utility system within the surrounding area is sufficient to support the development of the subject property. The property is not currently a utility customer of the City of Winter Garden, although potable water and wastewater lines are available to serve the property. At such time that the property is developed, additional utility connections may need to be made to serve the new townhomes and single family buildings. All extension and connection costs shall be borne by the property owner. In addition, although reclaimed water service is not currently available for the property, the developer must make provisions to allow the residents to easily hook up to the City's reclaimed service in the future once it becomes available.

Prior to any board approvals, a Developer's Agreement detailing the obligations of the developer associated with the proposed PUD may be required. The requirement for a Developer's Agreement will be determined during the Final Engineering review.

- (4) The proposed PUD will not allow a type or intensity of development that is premature or presently out of character in relationship to the surrounding area;

The proposed PUD project is consistent with the comprehensive plan's goals, objectives and policies for the Downtown Transitional future land use designation; the PUD zoning criteria; and the City's land development regulations. The proposed PUD project features a density of +/- 5.04 dwelling units per acre (+/- 6.54 including the 25 optional granny flat units) which is lower than the maximum density of 10 dwelling units per acre permitted within the Downtown Transitional future land use designation.

The proposed PUD is not premature or presently out of character in relationship to the surrounding area. The subject property is located on East Plant Street, less than a quarter mile from the City's Historic Downtown, which features a range of uses- commercial, residential, institutional, mixed-use, etc. – all of which are located within close proximity to each other. The subject property itself is surrounded by a broad range of different building types and land uses - residential to the north and west, institutional to the east, and mixed commercial & industrial to the south. To reflect the diversity of the area and the policies contained in the Comprehensive Plan, the development will include higher density residential townhomes, (with optional above-garage granny flat for those townhome units that front on East Plant Street) fronting East Plant Street to the south in order to incorporate features similar to the attributes and characteristics in the historic downtown. The northern portion will feature single-family residential homes on +/- 50' wide lots, which will help the area transition seamlessly into the larger single-family residential neighborhoods found to the north of the subject property.

- (5) The rezoning will not interfere with an adjacent property owner's reasonable expectation of use or enjoyment; and

The zoning designations permitted within the Downtown Transitional future land use designation include Planned Unit Development. Further, in accordance with land development regulations and the comprehensive plan, where appropriate, the proposed PUD will provide for adequate buffering against adjoining properties and rights-of-way

in the form of both landscaping and perimeter walls/fencing to create a visual screen or block views into the development completely (please see response #2 for more details). The new development should not interfere with the adjacent property owner's reasonable expectation of use or enjoyment.

- (6) There is availability and adequacy of primary streets and thoroughfares to support traffic to be generated within the proposed PUD and the surrounding area, or an agreement or binding conditions have been established that will provide such transportation facilities to support said traffic in a reasonable time frame.

The adjacent street- East Plant Street – has sufficient capacity to support the traffic generated by the development. In order to minimize potential traffic conflicts, the property will have right and left turn exiting lanes with 12' minimum pavement width. The developer will also provide new sidewalk connections to East Plant Street, as well as a new golf cart path that connects to Donald Drive. The subject property is also located directly north of the West Orange Trail, to which recreational trail users in the development will have direct access.

- (7) The degree of departure or conformity of the proposed PUD with surrounding areas in terms of character and density.

The proposed PUD project is consistent with the comprehensive plan's goals, objectives and policies for the Downtown Transitional future land use designation, the PUD zoning criteria, and land development regulations. As stated above, the proposed PUD features a density of +/- 5.04 dwelling units per acre (+/- 6.54 including the 25 optional granny flat units), which is lower than the maximum density of 10 dwelling units per acre permitted within the Downtown Transitional future land use designation. This is consistent with the Comprehensive Plan policy for the Downtown Transitional FLU.

- (8) Compatibility of uses and improvements within the PUD and the relationship with surrounding existing or proposed developments.

The proposed PUD project integrates several elements that provide for cohesion between existing and proposed uses surrounding the property. The project includes connections to the existing sidewalk along East Plant Street as well as the West Orange Trail. The subdivision's entrance will feature two plaza areas with vine-covered arbors, which can be used by passing pedestrians and bikers to enjoy and momentarily escape the sun. The project will also include the preservation of open space areas in accordance with City Code requirements for common open space. Overall, the PUD features residential uses that are consistent with the eclectic, mixed-use character that can be found in this downtown-adjacent area. The townhomes that front on East Plant Street feature pedestrian connections to the adjacent sidewalk, which encourages pedestrian activity and increases the vibrancy of the area.

- (9) Prevention of erosion and degrading or enhancement of the surrounding areas.

The proposed PUD project will not erode or degrade the environmental quality of the surrounding area. To the greatest extent possible, stormwater management features will be designed as landscape amenities. Proper erosion and sedimentation control measures will be taken during the construction process.

- (10) Provision for recreation facilities, surface drainage, flood control and soil conservation as shown in the preliminary development plan.

The PUD must comply with the open space requirements of City Code as well as any recreation requirements for residential developments. The project currently complies both with the City's open space requirements and recreation requirements. The development will include a 1.176 acre recreation area with a swimming pool and community gathering space, which will encompass 7.06% of the total site area (5% is required). Additionally, there will be a combined 5.845 acres of total shared open space, which will encompass 35.08% of the total site area (20% is required).

Stormwater management for the proposed PUD project will be provided in on-site stormwater management areas to satisfy the City of Winter Garden, St. John's Water Management District and strict requirements of the Wekiva Study Area criteria.

- (11) The nature, intent and compatibility of any common open space, including the proposed method for the maintenance and conservation of the common open space.

The proposed PUD project will comply with the City's requirements for open space (20% per code section 118-923). The open spaces will be designated as platted tracts dedicated to the Heritage at Plant Street Homeowners Association, which will own and maintain them.

- (12) The feasibility and compatibility of the specified stage(s) or phase(s) contained in the preliminary development plan to exist as an independent development.

The PUD is anticipated to be built in one phase. However, if the developer decides to phase the project, each phase of development of the proposed PUD project must operate as an individual unit in that each particular phase will be able to stand-alone in the event that no other phase is developed.

- (13) The availability of existing or planned reclaimed water service to support the proposed PUD.

Reclaimed water capacity is not currently available to serve the property on which the PUD is proposed to be developed. The project must make provisions for connecting to reclaimed lines at a later time when they are available to serve the property. All utility lines that are presently available (water and sewer) will be connected to serve the development, and all connection costs shall be borne by the property owner.

- (14) The benefits within the proposed PUD development and to the general public to justify the requested departure from standard land use requirements inherent in a PUD classification.

The proposed PUD includes the requirement that the architecture meet a certain level of design and material quality, as well as exhibit aesthetic harmony with surrounding properties. The project will provide much-needed residential space to a downtown-adjacent area, increasing the diversity of housing types. The townhomes will provide new dwelling options that emphasize walkability and pedestrian activity, which will help create a more vibrant downtown-adjacent area.

- (15) The conformity and compatibility of the proposed common open space, residential and/or nonresidential uses within the proposed PUD.

As stated previously, the proposed PUD project will comply with the City's requirements for open space (20% per code section 118-923). The proposed residential uses will exist harmoniously within the context of the Winter Garden transitional downtown area.

(16) Architectural characteristics of proposed residential and/or nonresidential development.

A variety of architectural requirements have been incorporated into the residential building standards in the proposed PUD project including requirements for architectural character, varying building massing, recessing garages and incorporating front porches, separating similar single-family building models, building articulation and theming, entry features, and signage.

(17) A listing of the specific types of nonresidential uses to be allowed.

No nonresidential uses are permitted in this development.

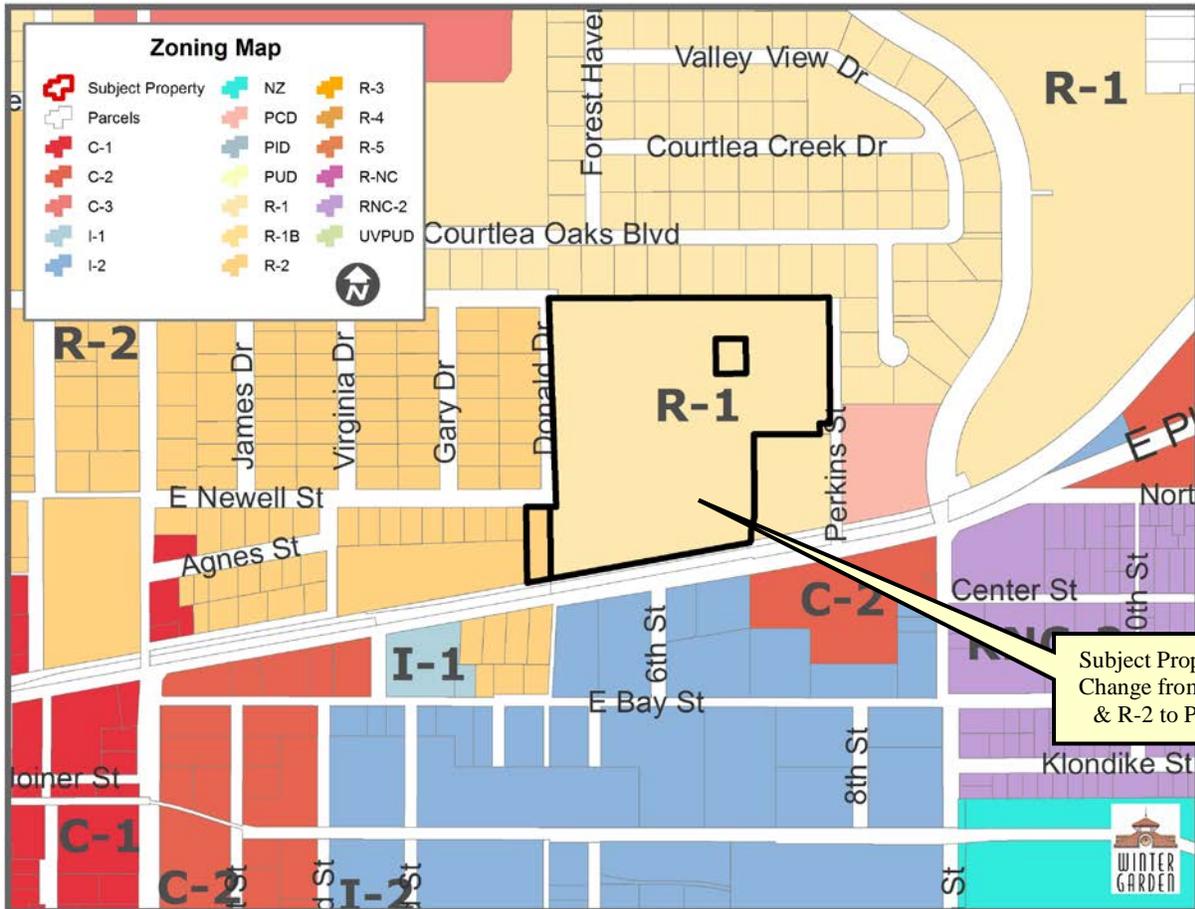
### **SUMMARY**

City Staff recommend approval of the proposed Ordinance 16-72. Rezoning the subject property from City R-1 & R-2 to City PUD is consistent with the City's Comprehensive Plan, Future Land Use Map and land development regulations, and is consistent with the trend of development in the area.

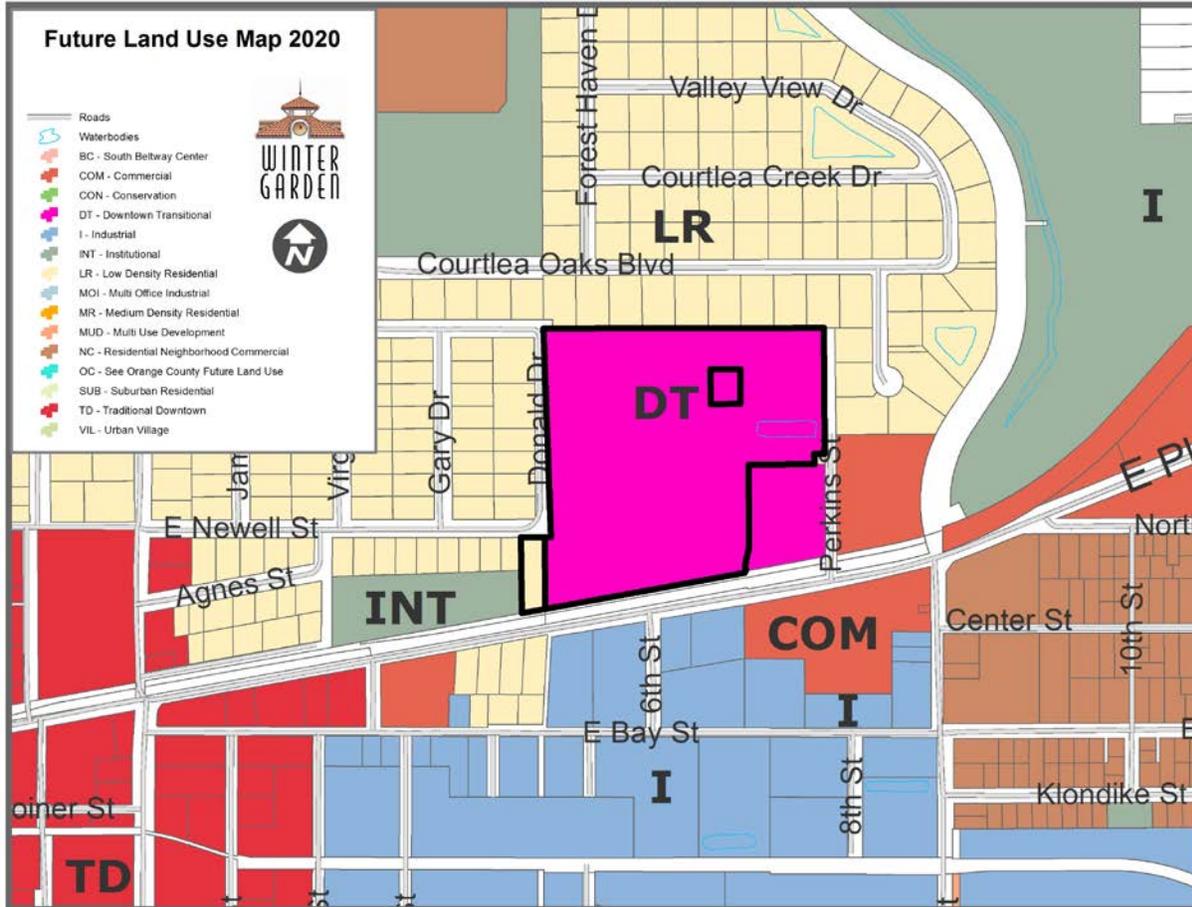
**AERIAL PHOTO**  
**605 & 755 E. Plant Street & 290 E. Newell Street**



**ZONING MAP**  
**605 & 755 E. Plant Street & 290 E. Newell Street**



**FUTURE LAND USE MAP**  
**605 & 755 E. Plant Street & 290 E. Newell Street**



**END OF STAFF REPORT**

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

**From: Frank Gilbert**  
**Asst. City Manager – Admin. Services**

**Via: Mike Bollhoefer**  
**City Manager**

**Date: October 6, 2016                      Meeting Date: October 13, 2016**

**Subject: First Reading of ORDINANCE NO. 16-60 Implementing Changes**  
**Required by Internal Revenue Codes and as Agreed Upon Through**  
**Collective Bargaining Agreement with the IAFF**

**Issue: Discussion and approval of Ordinance 16-60 for a second reading**  
**and public hearing.**

**Recommended Action: Motion to approve Ordinance 16-60 for a second**  
**reading and public hearing on October 27, 2016**

**Attachments/References: Ordinance 16-60**

ORDINANCE NO. 16-60

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING CHAPTER 54, PENSIONS AND RETIREMENT, ARTICLE III, PENSION PLAN FOR FIREFIGHTERS AND POLICE OFFICERS, OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN; AMENDING SECTION 54-186, DEFINITIONS; AMENDING SECTION 54-188, BOARD OF TRUSTEES; AMENDING SECTION 54-190, CONTRIBUTIONS; AMENDING SECTION 54-191, BENEFIT AMOUNTS AND ELIGIBILITY; AMENDING SECTION 54-192, PRE-RETIREMENT DEATH; AMENDING SECTION 54-193, DISABILITY; AMENDING SECTION 54-195, OPTIONAL FORMS OF BENEFITS; AMENDING SECTION 54-200, MAXIMUM PENSION; AMENDING SECTION 54-201, MINIMUM DISTRIBUTION OF BENEFITS; AMENDING SECTION 54-212, PRIOR POLICE AND FIRE SERVICE; AMENDING SECTION 54-213, REEMPLOYMENT AFTER RETIREMENT; ADDING SECTION 54-214, DEFERRED RETIREMENT OPTION PLAN; ADDING SECTION 54-215, SUPPLEMENTAL BENEFIT COMPONENT FOR SPECIAL BENEFITS; CHAPTER 175 SHARE ACCOUNTS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE.

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

**SECTION 1:** That Chapter 54, Pensions and Retirement, Article III, Pension Plan for Firefighters and Police Officers, of the Code of Ordinances of the City of Winter Garden, is amended by amending Section 54-186, Definitions, to amend the definitions of “Actuarial Equivalent”, “Credited Service”, “Firefighter”, “Retirement”, and “Spouse”, to read as follows:

\* \* \* \* \*

*Actuarial equivalent* means a benefit or amount of equal value, ~~determined on the basis of actuarial equivalency using assumptions adopted by the board such that benefit calculations are not subject to city discretion~~ based upon the RP-2000 Combined Healthy Unisex Mortality Table, an interest rate equal to the investment return assumption set forth in the last actuarial valuation approved by the Board. This definition may only be amended by the City pursuant to the recommendation of the Board using assumptions adopted by the Board with the advice of the plan’s actuary, such that actuarial assumptions are not subject to City discretion.

\* \* \* \* \*

*Credited service* means the total number of years and fractional parts of years of service as a firefighter or police officer with member contributions, when required, omitting intervening years or fractional parts of years when such member was not employed by the city as a firefighter or police officer. A member may voluntarily leave his accumulated contributions in the fund for a period of five years after leaving the employ of the fire or police department pending the possibility of being reemployed as a firefighter or police officer, without losing credit for the

time that he was a member of the system. If a vested member leaves the employ of the fire or police department, his accumulated contributions will be returned only upon his written request. If a member who is not vested is not reemployed as a firefighter or police officer with the fire or police department within five years, his accumulated contributions, if \$1,000.00 or less, shall be returned. If a member who is not vested is not reemployed within five years, his accumulated contributions, if more than \$1,000.00, will be returned only upon the written request of the member and upon completion of a written election to receive a cash lump sum or to rollover the lump sum amount on forms designated by the board. Upon return of a member's accumulated contributions, all of his rights and benefits under the system are forfeited and terminated. Upon any reemployment, a member shall not receive credit for the years and fractional parts of years of service for which he has withdrawn his accumulated contributions from the fund, unless the member repays into the fund the contributions he has withdrawn, with interest, as determined by the board, within 90 days after his reemployment.

The years or fractional parts of a year that a member performs "Qualified Military Service" consisting of voluntary or involuntary "service in the uniformed services" as defined in the Uniformed Services Employment and Reemployment Rights Act (USERRA) (P.L.103-353), after separation from employment as a firefighter or police officer with the city to perform training or service, shall be added to his years of credited service for all purposes, including vesting, provided that:

- (a) The member is entitled to reemployment under the provisions of USERRA.
- (b) The member returns to his employment as a firefighter or police officer within one year from the earlier of the date of his military discharge or his release from active service, unless otherwise required by USERRA.
- (c) The maximum credit for military service pursuant to this paragraph shall be five years.
- (d) This paragraph is intended to satisfy the minimum requirements of USERRA. To the extent that this paragraph does not meet the minimum standards of USERRA, as it may be amended from time to time, the minimum standards shall apply.

In the event a member dies on or after January 1, 2007, while performing USERRA Qualified Military Service, the beneficiaries of the member are entitled to any benefits (other than benefit accruals relating to the period of qualified military service) as if the member had resumed employment and then died while employed.

Beginning January 1, 2009, to the extent required by Section 414(u)(12) of the Code, an individual receiving differential wage payments (as defined under Section 3401(h)(2) of the Code) from an employer shall be treated as employed by that employer, and the differential wage payment shall be treated as compensation for purposes of applying the limits on annual additions under Section 415(c) of the Code. This provision shall be applied to all similarly situated individuals in a reasonably equivalent manner.

In the event that a member of this system has also accumulated credited service in another pension system maintained by the city, then such other credited service shall be used in determining vesting as provided for in section 54-194, and for determining eligibility for early or normal retirement. Such other credited service will not be considered in determining benefits under this system. Only his credited service under this system on or after his date of membership in this system will be considered for benefit calculation. In addition, any benefit calculation for a member of this system who is or becomes eligible for a benefit from this system after he has become a member of another pension system maintained by the city, shall be based upon the

member's average final compensation, credited service and benefit accrual rate as of the date the member ceases to be a firefighter or police officer.

Leave conversions of unused accrued paid time off shall not be permitted to be applied toward the accrual of credited service either during each plan year of a member's employment with the City or in the plan year in which the member terminates employment.

\* \* \* \* \*

*Firefighter* means an actively employed full-time person employed by the city, including his initial probationary employment period, who is certified as a firefighter as a condition of employment in accordance with the provisions of F.S. § ~~633.35~~ 633.408, and whose duty it is to extinguish fires, to protect life and to protect property. The term includes all certified, supervisory, and command personnel whose duties include, in whole or in part, the supervision, training, guidance, and management responsibilities of full-time firefighters, part-time firefighters, or auxiliary firefighters but does not include part-time firefighters or auxiliary firefighters.

\* \* \* \* \*

*Retirement* means a member's separation from city employment with eligibility for immediate receipt of benefits under the system (or entry into the Deferred Retirement Option Plan).

\* \* \* \* \*

*Spouse* means the ~~lawful wife or husband of a member or retiree~~ member's or retiree's spouse under applicable law at the time benefits become payable.

\* \* \* \* \*

**SECTION 2:** That Chapter 54, Pensions and Retirement, Article III, Pension Plan for Firefighters and Police Officers, of the Code of Ordinances of the City of Winter Garden, is amended by amending Section 54-188, Board of Trustees, subsection (a), to read as follows:

\* \* \* \* \*

(a) The sole and exclusive administration of and responsibility for the proper operation of the system and for making effective the provisions of this article are hereby vested in a board of trustees. The board is hereby designated as the plan administrator. The board shall consist of five trustees, two of whom, unless otherwise prohibited by law, shall be legal residents of the city, who shall be appointed by the city commission, one of whom shall be a firefighter member of the system and one of whom shall be a police officer member of the system, who shall be elected by a majority of the firefighters or police officers who are members of the system. The fifth trustee shall be chosen by a majority of the previous four trustees as provided for herein, and such person's name shall be submitted to the city commission. Upon receipt of the fifth person's name, the city commission shall, as a ministerial duty, appoint such person to the board of trustees as its fifth trustee. The fifth trustee shall have the same rights as each of the other four trustees appointed or elected as herein provided and shall serve a two-year term unless he sooner vacates the office. Each resident trustee shall serve as trustee for a period of two years, unless he sooner vacates the office or is sooner replaced by the city commission at whose pleasure he shall serve. Each member trustee shall serve as trustee for a period of two years, unless he sooner leaves the employment of the city as a firefighter or police officer or otherwise vacates his office as trustee, whereupon a successor shall be chosen in the same manner as the

departing trustee. Each trustee may succeed himself in office. DROP participants can be elected as but not vote for elected Trustees. The board shall establish and administer the nominating and election procedures for each election. The board shall meet at least quarterly each year. The board shall be a legal entity with, in addition to other powers and responsibilities contained herein, the power to bring and defend lawsuits of every kind, nature, and description.

\* \* \* \* \*

**SECTION 3:** That Chapter 54, Pensions and Retirement, Article III, Pension Plan for Firefighters and Police Officers, of the Code of Ordinances of the City of Winter Garden, is amended by amending Section 54-190, Contributions, subsection (b), State Contributions, to read as follows:

\* \* \* \* \*

(b) *State contributions.* Any monies received or receivable by reason of laws of the state, for the express purpose of funding and paying for retirement benefits for firefighters and police officers of the city shall be deposited in the fund comprising part of this system immediately and under no circumstances more than five days after receipt by the city. In accordance with section 175.351(1)(g), Florida Statutes, and pursuant to mutual agreement between the city and the collective bargaining representative for city firefighters, the first \$46,100.85 in Chapter 175 premium tax revenues received each year shall be used to reduce the city's annual required contribution to the fund, and 50% of any Chapter 175 premium tax revenues received in excess of \$46,100.85 shall be used to fund Share Plan benefits for firefighters in accordance with section 54-215; and 50% of any Chapter 175 premium tax revenues received in excess of \$46,100.85 shall be used to reduce the unfunded actuarial accrued liability of the fund as long as such liability exists, and thereafter shall be used to reduce the city's annual required contribution to the fund. The city and the collective bargaining representative for city firefighters have further agreed that the total amount of the accumulated excess Chapter 175 premium tax monies held in reserve on October 1, 2014 (\$1,014,963.95) shall be applied to reduce the unfunded actuarial accrued liability of the fund.

\* \* \* \* \*

**SECTION 4:** That Chapter 54, Pensions and Retirement, Article III, Pension Plan for Firefighters and Police Officers, of the Code of Ordinances of the City of Winter Garden, is amended by amending Section 54-191, Benefit Amounts and Eligibility, subsection (a), Normal Retirement Date, and subsection (b), Normal Retirement Benefit, to read as follows:

\* \* \* \* \*

(a) *Normal retirement age and date.* ~~A member's normal retirement date shall be the first day of the month coincident with, or next following the earlier of the attainment of age 55 and the completion of six years of credited service or the completion of 25 years of credited service, regardless of age. A member may retire on his normal retirement date or on the first day of any month thereafter, and each member shall become 100 percent vested in his accrued benefit on the member's normal retirement date. Normal retirement under the system is retirement from employment with the city on or after the normal retirement date.~~ A member's normal retirement age is the earlier of the attainment of age 55 and the completion of 6 years of credited service or the completion of 25 years of credited service, regardless of age. Each member shall become one hundred percent (100%) vested in his accrued benefit at normal retirement age. A member's normal retirement date shall be the first day of the month coincident with or next following the date the member retires from the City after attaining normal retirement age.

(b) *Normal retirement benefit.*

(1) For firefighter members: A member retiring hereunder on or after his normal retirement date shall receive a monthly benefit which shall commence on the first day of the month coincident with or next following his retirement and be continued thereafter during member's lifetime, ceasing upon death, but with 120 monthly payments guaranteed in any event. The monthly retirement benefit shall equal three percent of average final compensation ~~for the first 25 years of credited service and two percent of average final compensation~~ for all years of credited service ~~in excess of 25~~, provided, however, that the monthly benefit shall not exceed 95 percent of average final compensation, but in any event, the benefit shall not be less than two and three-quarters percent of average final compensation for each year of credited service.

(2) For police officer members: A member retiring hereunder on or after his normal retirement date shall receive a monthly benefit which shall commence on the first day of the month coincident with or next following his retirement and be continued thereafter during member's lifetime, ceasing upon death, but with 120 monthly payments guaranteed in any event. The monthly retirement benefit shall equal three percent of average final compensation for the first 25 years of credited service and two percent of average final compensation for all years of credited service in excess of 25, provided, however, that the monthly benefit shall not exceed 95 percent of average final compensation, but in any event, the benefit shall not be less than two percent of average final compensation for each year of credited service.

\* \* \* \* \*

**SECTION 5:** That Chapter 54, Pensions and Retirement, Article III, Pension Plan for Firefighters and Police Officers, of the Code of Ordinances of the City of Winter Garden, is amended by amending Section 54-192, Pre-Retirement Death, subsection (b)(2), to read as follows:

\* \* \* \* \*

(b)(2) If the deceased member was eligible for normal or early retirement, the spouse beneficiary shall receive a benefit payable for ten years, beginning on the first day of the month following the member's death or at the deceased member's otherwise ~~early or~~ normal retirement date, at the option of the spouse beneficiary. The benefit shall be calculated as for normal retirement based on the deceased member's credited service and average final compensation as of the date of his death and reduced as for early retirement, if applicable.

\* \* \* \* \*

**SECTION 6:** That Chapter 54, Pensions and Retirement, Article III, Pension Plan for Firefighters and Police Officers, of the Code of Ordinances of the City of Winter Garden, is amended by amending Section 54-193, Disability, subsection (a), Disability Benefits In-Line of Duty, and subsection (c), Disability Benefits Not-in-Line of Duty, to read as follows:

\* \* \* \* \*

(a) *Disability benefits in-line of duty.* Any member who shall become totally and permanently disabled to the extent that he is unable, by reason of a medically determinable

physical or mental impairment, to render useful and efficient service as a firefighter or police officer, which disability was directly caused by the performance of his duty as a firefighter or police officer, shall, upon establishing the same to the satisfaction of the board, be entitled to a monthly pension equal to three percent of average final compensation for the first 25 years of credited service and two percent of average final compensation for all years of credited service in excess of 25, but in any event the minimum amount paid to the member shall be 42 percent of the average final compensation of the member, provided, however, that the monthly benefit shall not exceed 95 percent of average final compensation, but in any event, the benefit shall not be less than two percent of average final compensation for each year of credited service. Notwithstanding the previous sentence, in the event a member is determined by the board to be disabled in-line of duty and the disability resulted from the perpetration of an intentional act of violence directed toward the firefighter or police officer and the board reasonably believes the perpetrator intended to cause great bodily harm or permanent disfigurement of the firefighter or police officer, the minimum amount paid to the member shall be 80 percent of the average final compensation of the member. Terminated persons, either vested or nonvested, are not eligible for disability benefits, ~~except that those terminated by the city for medical reasons may apply for a disability within 30 days after termination.~~ Notwithstanding the previous sentence, if a member is terminated by the city for medical reasons, the terminated person may apply for a disability benefit if the application is filed with the board within thirty (30) days from the date of termination. If a timely application is received, it shall be processed and the terminated person shall be eligible to receive a disability benefit if the board otherwise determines that he is totally and permanently disabled as provided for above.

\* \* \* \* \*

(c) *Disability benefits not-in-line of duty.* Any member with ten years or more credited service who shall become totally and permanently disabled to the extent that he is unable, by reason of a medically determinable physical or mental impairment, to render useful and efficient service as a firefighter or police officer, which disability is not directly caused by the performance of his duties as a firefighter or police officer shall, upon establishing the same to the satisfaction of the board, be entitled to a monthly pension equal to three percent of average final compensation for the first 25 years of credited service and two percent of average final compensation for all years of credited service in excess of 25, provided, however, that the monthly benefit shall not exceed 95 percent of average final compensation, but in any event, the benefit shall not be less than two percent of average final compensation for each year of credited service. Terminated persons, either vested or nonvested, are not eligible for disability benefits; ~~except that those terminated by the city for medical reasons may apply for a disability within 30 days after termination.~~ Notwithstanding the previous sentence, if a member is terminated by the city for medical reasons, the terminated person may apply for a disability benefit if the application is filed with the board within thirty (30) days from the date of termination. If a timely application is received, it shall be processed and the terminated person shall be eligible to receive a disability benefit if the board otherwise determines that he is totally and permanently disabled as provided for above.

\* \* \* \* \*

**SECTION 7:** That Chapter 54, Pensions and Retirement, Article III, Pension Plan for Firefighters and Police Officers, of the Code of Ordinances of the City of Winter Garden, is amended by amending Section 54-195, Optional Forms of Benefits, subsection (a)(4), and subsection (b), to read as follows:

\* \* \* \* \*

- (4) For members who do not participate in the DROP, the member may elect a percentage of benefit in a lump sum as follows:

- a. Ten percent of the total actuarial equivalent value of the benefit paid as a lump sum with the remaining 90 percent paid under the normal form or as per subsection (1), (2) or (3) above.
- b. Fifteen percent of the total actuarial equivalent value of the benefit paid as a lump sum with the remaining 85 percent paid under the normal form or as per subsection (1), (2) or (3) above.
- c. Twenty percent of the total actuarial equivalent value of the benefit paid as a lump sum with the remaining 80 percent paid under the normal form or as per subsection (1), (2) or (3) above.
- d. Twenty-five percent of the total actuarial equivalent value of the benefit paid as a lump sum with the remaining 75 percent paid under the normal form or as per subsection (1), (2) or (3) above.

(b) The member, upon electing any option of this section, will designate the joint pensioner (subsection (a)(2) above) or beneficiary (or beneficiaries) to receive the benefit, if any, payable under the system in the event of member's death, and will have the power to change such designation from time to time. Such designation will name a joint pensioner or one or more primary beneficiaries where applicable. A member may change his beneficiary at any time. If a member has elected an option with a joint pensioner and the member's retirement income benefits have commenced, the member may thereafter change his designated beneficiary at any time, but may only change his joint pensioner twice. Subject to the restriction in the previous sentence, a member may substitute a new joint pensioner for a deceased joint pensioner. In the absence of proof of good health of the joint pensioner being replaced, the actuary will assume that the joint pensioner has deceased for purposes of calculating the new payment.

\* \* \* \* \*

**SECTION 8:** That Chapter 54, Pensions and Retirement, Article III, Pension Plan for Firefighters and Police Officers, of the Code of Ordinances of the City of Winter Garden, is amended by amending Section 54-200, Maximum Pension, subsections (f), (h), (l)(2), and by adding subsection (m), to read as follows:

\* \* \* \* \*

(f) *Less than ten years of participation ~~or service~~.* The maximum retirement benefits payable under this section to any member who has completed less than ten years of ~~credited service with the city~~ participation shall be the amount determined under subsection (a) of this section multiplied by a fraction, the numerator of which is the number of the member's years of ~~credited service~~ participation and the denominator of which is ten. The reduction provided by this subsection cannot reduce the maximum benefit below ten percent of the limit determined without regard to this subsection. The reduction provided for in this subsection shall not be applicable to pre-retirement disability benefits paid pursuant to section 54-193, or pre-retirement death benefits paid pursuant to section 54-192.

\* \* \* \* \*

(h) *Ten thousand dollar limit; less than ten years of service.* Notwithstanding anything in this section 54-200, the retirement benefit payable with respect to a member shall be deemed not to exceed the limit set forth in this subsection (h) of section 54-200 if the benefits payable, with respect to such member under this system and under all other qualified defined benefit pension plans to which the city contributes, do not exceed \$10,000.00 for the applicable limitation year ~~and or~~ for any prior limitation year, and the city has not at any time maintained a qualified defined contribution plan in which the member participated; provided, however, that if

the member has completed less than ten years of credited service with the city, the limit under this subsection (h) of section 54-200 shall be a reduced limit equal to \$10,000.00 multiplied by a fraction, the numerator of which is the number of the member's years of credited service and the denominator of which is ten.

\* \* \* \* \*

- (1)(2) No member of the system shall be allowed to receive a retirement benefit or pension which is in part or in whole based upon any service with respect to which the member is already receiving, or will receive in the future, a retirement benefit or pension from a different employer's retirement system or plan. This restriction does not apply to social security benefits or federal benefits under Chapter ~~67~~ 1223, Title 10, U.S. Code.

(m) Effect of Direct Rollover on 415(b) Limit. If the plan accepts a direct rollover of an employee's or former employee's benefit from a defined contribution plan qualified under Code Section 401(a) which is maintained by the employer, any annuity resulting from the rollover amount that is determined using a more favorable actuarial basis than required under Code Section 417(e) shall be included in the annual benefit for purposes of the limit under Code Section 415(b).

**SECTION 9:** That Chapter 54, Pensions and Retirement, Article III, Pension Plan for Firefighters and Police Officers, of the Code of Ordinances of the City of Winter Garden, is amended by amending Section 54-201, Minimum Distribution of Benefits, subsection (b)(2)d., to read as follows:

\* \* \* \* \*

- d. If the member's surviving spouse is the member's sole designated beneficiary and the surviving spouse dies after the member but before distributions to the surviving spouse begin, this subsection (b)(2), other than subsection (b)(2)a., will apply as if the surviving spouse were the member.

For purposes of this subsection (b)(2) ~~and subsection (e)~~, distributions are considered to begin on the member's required beginning date or, if subsection (b)(2)d. applies, the date of distributions are required to begin to the surviving spouse under subsection (b)(2)a. If annuity payments irrevocably commence to the member before the member's required beginning date (or to the member's surviving spouse before the date distributions are required to begin to the surviving spouse under subsection (b)(2)a. the date distributions are considered to begin is the date distributions actually commence.

\* \* \* \* \*

**SECTION 10:** That Chapter 54, Pensions and Retirement, Article III, Pension Plan for Firefighters and Police Officers, of the Code of Ordinances of the City of Winter Garden, is amended by amending Section 54-212, Prior Police and Fire Service, subsection (6), to read as follows:

\* \* \* \* \*

- (6) In no event, however, may credited service be purchased pursuant to this section for prior service as a police officer for any other municipal, county or state law

enforcement department or as a firefighter for any other municipal, county, state or special district fire department in the State of Florida, if such prior service forms or will form the basis of a retirement benefit or pension from a different employer's retirement system or plan as set forth in subsection ~~54-200(h)(2)~~ 54-200(k)(2).

\* \* \* \* \*

**SECTION 11:** That Chapter 54, Pensions and Retirement, Article III, Pension Plan for Firefighters and Police Officers, of the Code of Ordinances of the City of Winter Garden, is amended by amending Section 54-213, Reemployment After Retirement, to add subsection (f), to read as follows:

\* \* \* \* \*

(f) DROPParticipants. Members or retirees who are or were in the deferred retirement option plan shall, following termination of employment after DROPParticipation, have the options provided for in this section for re-employment.

**SECTION 12:** That Chapter 54, Pensions and Retirement, Article III, Pension Plan for Firefighters and Police Officers, of the Code of Ordinances of the City of Winter Garden, is amended by adding Section 54-214, Deferred Retirement Option Plan, to read as follows:

**Sec. 54-214. Deferred Retirement Option Plan.**

- (a) Definitions. As used in this section 54-214, the following definitions apply:
  - (1) "DROPP" -- The City of City of Winter Garden Pension Plan for Firefighters and Police Officers - Firefighters' Deferred Retirement Option Plan.
  - (2) "DROPP account" -- The account established for each DROPP participant under subsection (c).
  - (3) "Total return of the assets" -- For purposes of calculating earnings on a member's DROPP account pursuant to subsection (c)(2)b., for each fiscal year quarter, the percentage increase in the interest and dividends earned on investments, including realized and unrealized gains, of the total Plan assets.
- (b) Participation.
  - (1) Eligibility to participate. Only firefighters are eligible to enter the DROPP. In lieu of terminating his employment as a firefighter, a firefighter member who is eligible for normal retirement under the system may elect to defer receipt of such service retirement pension and to participate in the DROPP.
  - (2) Election to participate. A member's election to participate in the DROPP must be made in writing in a time and manner determined by the board and shall be effective on the first day of the first calendar month which is at least fifteen (15) business days after it is received by the board.

- (3) Period of participation. A member who elects to participate in the DROP under subsection (b)(2), shall participate in the DROP for a period not to exceed thirty-six (36) months beginning at the time his election to participate in the DROP first becomes effective, but in no event can a member remain in the DROP once he attains age fifty-eight (58). An election to participate in the DROP shall constitute an irrevocable election to resign from the service of the city not later than the date provided for in the previous sentence. Notwithstanding the above, any member who had first reached age fifty-five (55) prior to the effective date of this ordinance shall be permitted, within 6 months of the effective date of this ordinance, to make a one-time irrevocable election to participate in the DROP for a period of thirty-six (36) months. A member may participate only once.
- (4) Termination of participation.
- a. A member's participation in the DROP shall cease at the earlier of:
1. the end of his permissible period of participation in the DROP as determined under subsection (b)(3); or
  2. termination of his employment as a Firefighter.
- b. Upon the member's termination of participation in the DROP, pursuant to subsection 1 above, all amounts provided for in subsection (c)(2), including monthly benefits and investment earnings, shall cease to be transferred from the system to his DROP account. Any amounts remaining in his DROP account shall be paid to him in accordance with the provisions of subsection (d) when he terminates his employment as a Firefighter.
- c. A member who terminates his participation in the DROP under this subsection (b)(4) shall not be permitted to again become a participant in the DROP.
- (5) Effect of DROP participation on the system.
- a. A member's credited service and his accrued benefit under the system shall be determined on the date his election to participate in the DROP first becomes effective. The member shall not accrue any additional credited service or any additional benefits under the system (except for any supplemental benefit payable to DROP participants or any additional benefits provided under any cost-of-living adjustment for retirees in the system) while he is a participant in the DROP. After a member commences participation, he shall not be permitted to again contribute to the system nor shall he be eligible for disability or pre-retirement death benefits, except as provided for in Sec. 54-213.
- b. No amounts shall be paid to a member from the system while the member is a participant in the DROP. Unless otherwise specified in the system, if a member's participation in the DROP is terminated other than by terminating his employment as a Firefighter, no amounts shall be paid to him from the system until he terminates his employment as a Firefighter. Unless otherwise specified in the system, amounts transferred from the system to the member's DROP account shall be paid directly to the member only on the termination of his employment as a Firefighter.

(c) Funding.

(1) Establishment of DROP account. A DROP account shall be established for each member participating in the DROP. A member's DROP account shall consist of amounts transferred to the DROP under subsection (c)(2), and earnings on those amounts.

(2) Transfers from retirement system.

a. As of the first day of each month of a member's period of participation in the DROP, the monthly retirement benefit he would have received under the system had he terminated his employment as a Firefighter and elected to receive monthly benefit payments thereunder shall be transferred to his DROP account, except as otherwise provided for in subsection (b)(4)b. A member's period of participation in the DROP shall be determined in accordance with the provisions of subsections (b)(3) and (b)(4), but in no event shall it continue past the date he terminates his employment as a Firefighter.

b. Except as otherwise provided in subsection (b)(4)b., a member's DROP account under this subsection (c)(2) shall be credited with earnings, to be credited to the member's DROP Account, determined as of the last business day of each fiscal year quarter, and credited as of such date, determined as follows:

The average daily balance in a member's DROP account shall be credited at a rate equal to the net investment return realized by the system for that quarter, but not less than zero percent (0.0%). "Net investment return" for the purpose of this paragraph is the total return of the assets in which the member's DROP account is invested by the board net of brokerage commissions, transaction costs and management fees.

For purposes of calculating earnings on a member's DROP account pursuant to this subsection (c)(2)b., brokerage commissions, transaction costs, and management fees shall be determined for each quarter by the investment consultant pursuant to contracts with fund managers as reported in the custodial statement. The investment consultant shall report these quarterly contractual fees to the board. The investment consultant shall also report the net investment return for each manager and the net investment return for the total plan assets.

c. A member's DROP account shall only be credited with earnings and monthly benefits while the member is a participant in the DROP. A member's final DROP account value for distribution to the member upon termination of participation in the DROP shall be the value of the account at the end of the quarter immediately preceding termination of participation plus any monthly periodic additions made to the DROP account subsequent to the end of the previous quarter and prior to distribution. If a member fails to terminate employment after participating in the DROP for the permissible period of DROP participation, then beginning with the member's first month of employment following the last month of the permissible period of DROP participation, the member's DROP account will no longer be credited with

earnings, nor will monthly benefits be transferred to the DROP account. All such non-transferred amounts shall be forfeited and continue to be forfeited while the member is employed by the fire department. A member employed by the fire department after the permissible period of DROP participation will still not be eligible for pre-retirement death or disability benefits and will not accrue additional credited service except as provided for in section 54-213.

(d) *Distribution of DROP accounts on termination of employment.*

(1) *Eligibility for benefits.* A member shall receive the balance in his DROP account in accordance with the provisions of this subsection (d) upon his termination of employment as a Firefighter. Except as provided in subsection (d)(5), no amounts shall be paid to a member from the DROP prior to his termination of employment as a Firefighter.

(2) *Form of distribution.*

a. Unless the member elects otherwise, distribution of his DROP account shall be made in a lump sum, subject to the direct rollover provisions set forth in subsection (d)(6). Elections under this paragraph shall be in writing and shall be made in such time or manner as the board shall determine.

b. Notwithstanding the preceding, if a member dies before his benefit is paid, his DROP account shall be paid to his beneficiary in such optional form as his beneficiary may select. If no beneficiary designation is made, the DROP account shall be distributed to the member's estate.

(3) *Date of payment of distribution.*

Except as otherwise provided in this subsection (d), distribution of a member's DROP account shall be made as soon as administratively practicable following the member's termination of employment. Distribution of the amount in a Member's DROP account will not be made unless the Member completes a written request for distribution and a written election, on forms designated by the Board, to either receive a cash lump sum or a rollover of the lump sum amount.

(4) *Proof of death and right of beneficiary or other person.* The board may require and rely upon such proof of death and such evidence of the right of any beneficiary or other person to receive the value of a deceased member's DROP account as the board may deem proper and its determination of the right of that beneficiary or other person to receive payment shall be conclusive.

(5) *Distribution limitation.* Notwithstanding any other provision of subsection (d), all distributions from the DROP shall conform to the "Minimum Distribution Of Benefits" provisions as provided for herein.

(6) *Direct rollover of certain distributions.* This subsection applies to distributions made on or after January 1, 2002. Notwithstanding any provision of the DROP to the contrary, a distributee may elect to have any portion of an eligible rollover distribution paid in a direct rollover as otherwise provided under the system in section 54-209.

(e) *Administration of DROP.*

- (1) Board administers the DROP. The general administration of the DROP, the responsibility for carrying out the provisions of the DROP and the responsibility of overseeing the investment of the DROP's assets shall be placed in the board. The members of the board may appoint from their number such subcommittees with such powers as they shall determine; may adopt such administrative procedures and regulations as they deem desirable for the conduct of their affairs; may authorize one or more of their number or any agent to execute or deliver any instrument or make any payment on their behalf; may retain counsel, employ agents and provide for such clerical, accounting, actuarial and consulting services as they may require in carrying out the provisions of the DROP; and may allocate among themselves or delegate to other persons all or such portion of their duties under the DROP, other than those granted to them as trustee under any trust agreement adopted for use in implementing the DROP, as they, in their sole discretion, shall decide. A trustee shall not vote on any question relating exclusively to himself.
- (2) Individual accounts, records and reports. The board shall maintain records showing the operation and condition of the DROP, including records showing the individual balances in each member's DROP account, and the board shall keep in convenient form such data as may be necessary for the valuation of the assets and liabilities of the DROP. The board shall prepare and distribute to members participating in the DROP and other individuals or file with the appropriate governmental agencies, as the case may be, all necessary descriptions, reports, information returns, and data required to be distributed or filed for the DROP pursuant to the Code and any other applicable laws.
- (3) Establishment of rules. Subject to the limitations of the DROP, the board from time to time shall establish rules for the administration of the DROP and the transaction of its business. The board shall have discretionary authority to construe and interpret the DROP (including but not limited to determination of an individual's eligibility for DROP participation, the right and amount of any benefit payable under the DROP and the date on which any individual ceases to be a participant in the DROP). The determination of the board as to the interpretation of the DROP or its determination of any disputed questions shall be conclusive and final to the extent permitted by applicable law.
- (4) Limitation of liability.
  - a. The trustees shall not incur any liability individually or on behalf of any other individuals for any act or failure to act, made in good faith in relation to the DROP or the funds of the DROP.
  - b. Neither the board nor any trustee of the board shall be responsible for any reports furnished by any expert retained or employed by the board, but they shall be entitled to rely thereon as well as on certificates furnished by an accountant or an actuary, and on all opinions of counsel. The board shall be fully protected with respect to any action taken or suffered by it in good faith in reliance upon such expert, accountant, actuary or counsel, and all actions taken or suffered in such reliance shall be conclusive upon any person with any interest in the DROP.
- (f) General provisions.

- (1) The DROP is not a separate retirement plan. Instead, it is a program under which a member who is eligible for normal retirement under the system may elect to accrue future retirement benefits in the manner provided in this section 54-214 for the remainder of his employment, rather than in the normal manner provided under the plan. Upon termination of employment, a member is entitled to a lump sum distribution of his or her DROP account balance or may elect a rollover. The DROP account distribution is in addition to the member's monthly benefit.
- (2) Notional account. The DROP account established for such a member is a notional account, used only for the purpose of calculation of the DROP distribution amount. It is not a separate account in the system. There is no change in the system's assets, and there is no distribution available to the member until the member's termination from the DROP. The member has no control over the investment of the DROP account.
- (3) No employer discretion. The DROP benefit is determined pursuant to a specific formula which does not involve employer discretion.
- (4) IRC limit. The DROP account distribution, along with other benefits payable from the system, is subject to limitation under Internal Revenue Code Section 415(b).
- (5) Amendment of DROP. The DROP may be amended by an ordinance of the city at any time and from time to time, and retroactively if deemed necessary or appropriate, to amend in whole or in part any or all of the provisions of the DROP. However, except as otherwise provided by law, no amendment shall make it possible for any part of the DROP's funds to be used for, or diverted to, purposes other than for the exclusive benefit of persons entitled to benefits under the DROP. No amendment shall be made which has the effect of decreasing the balance of the DROP account of any member.
- (6) Facility of payment. If a member or other person entitled to a benefit under the DROP is unable to care for his affairs because of illness or accident or is a minor, the board shall direct that any benefit due him shall be made only to a duly appointed legal representative. Any payment so made shall be a complete discharge of the liabilities of the DROP for that benefit.
- (7) Information. Each member, beneficiary or other person entitled to a benefit, before any benefit shall be payable to him or on his account under the DROP, shall file with the board the information that it shall require to establish his rights and benefits under the DROP.
- (8) Prevention of escheat. If the board cannot ascertain the whereabouts of any person to whom a payment is due under the DROP, the board may, no earlier than three (3) years from the date such payment is due, mail a notice of such due and owing payment to the last known address of such person, as shown on the records of the board or the city. If such person has not made written claim therefor within three (3) months of the date of the mailing, the board may, if it so elects and upon receiving advice from counsel to the system, direct that such payment and all remaining payments otherwise due such person be canceled on the records of the system. Upon such cancellation, the system shall have no further liability therefor except that, in the event such person or his beneficiary later notifies the board of his whereabouts and requests the payment or payments due to him under

the DROP, the amount so applied shall be paid to him in accordance with the provisions of the DROP.

(9) Written elections, notification.

a. Any elections, notifications or designations made by a member pursuant to the provisions of the DROP shall be made in writing and filed with the board in a time and manner determined by the board under rules uniformly applicable to all employees similarly situated. The board reserves the right to change from time to time the manner for making notifications, elections or designations by members under the DROP if it determines after due deliberation that such action is justified in that it improves the administration of the DROP. In the event of a conflict between the provisions for making an election, notification or designation set forth in the DROP and such new administrative procedures, those new administrative procedures shall prevail.

b. Each member or Retiree who has a DROP account shall be responsible for furnishing the board with his current address and any subsequent changes in his address. Any notice required to be given to a member or Retiree hereunder shall be deemed given if directed to him at the last such address given to the board and mailed by registered or certified United States mail. If any check mailed by registered or certified United States mail to such address is returned, mailing of checks will be suspended until such time as the member or Retiree notifies the board of his address.

(10) Benefits not guaranteed. All benefits payable to a member from the DROP shall be paid only from the assets of the member's DROP account and neither the city nor the board shall have any duty or liability to furnish the DROP with any funds, securities or other assets except to the extent required by any applicable law.

(11) Construction.

a. The DROP shall be construed, regulated and administered under the laws of Florida, except where other applicable law controls.

b. The titles and headings of the subsections in this section 54-214 are for convenience only. In the case of ambiguity or inconsistency, the text rather than the titles or headings shall control.

(12) Forfeiture of retirement benefits. Nothing in this section shall be construed to remove DROP participants from the application of any forfeiture provisions applicable to the system. DROP participants shall be subject to forfeiture of all retirement benefits, including DROP benefits.

(13) Effect of DROP participation on employment. Participation in the DROP is not a guarantee of employment and DROP participants shall be subject to the same employment standards and policies that are applicable to employees who are not DROP participants.

**SECTION 13:** That Chapter 54, Pensions and Retirement, Article III, Pension Plan for Firefighters and Police Officers, of the Code of Ordinances of the City of Winter Garden, is amended by adding Section 54-215, Supplemental Benefit Component for Special Benefits;

Chapter 175 Share Accounts, to read as follows:

**Sec. 54-215. Supplemental benefit component for special benefits; Chapter 175 share accounts.**

There is hereby established an additional plan component to provide special benefits to firefighter members in the form of a supplemental retirement, termination, death and disability benefits to be in addition to the benefits provided for in the previous sections of this plan, such benefit to be funded solely and entirely by F.S. Chapter 175, premium tax monies for each plan year which are allocated to this supplemental component as provided for in F.S. §175.351. Amounts allocated to this supplemental component (“Share Plan”), if any, shall be further allocated to the firefighter members and firefighter DROP participants as follows:

(a) *Individual Member Share Accounts.* The board shall create individual "member share accounts" for all actively employed firefighter plan members and firefighter DROP participants and maintain appropriate books and records showing the respective interest of each eligible member or DROP participant hereunder. Each member or DROP participant shall have a member share account for his share of the F.S. Chapter 175 tax revenues described above, forfeitures and income and expense adjustments relating thereto. The board shall maintain separate member share accounts, however, the maintenance of separate accounts is for accounting purposes only and a segregation of the assets of the trust fund to each account shall not be required or permitted.

(b) *Share Account Funding.*

(1) Individual member share accounts shall be established as of September 30, 2015 for all firefighter members and firefighter DROP participants who were actively employed as of October 1, 2014. Individual member share accounts shall be credited with an allocation as provided for in the following subsection (c) of any premium tax monies which have been allocated to the share plan for that plan year, beginning with the plan year ending September 30, 2015.

(2) Any forfeitures as provided in subsection (d), shall be used as part of future allocations to the individual member share accounts in accordance with the formula set forth in subsection (c)(1).

(c) *Allocation of Monies to Share Accounts.*

(1) *Allocation of Chapter 175 Contributions.*

a. Effective as of September 30, 2015, the amount of any premium tax monies allocated to the share plan shall be allocated to individual firefighter member share accounts as provided for in this subsection. Members retiring on or after October 1, 2014 and prior to September 30, 2015 shall receive an allocation. In addition, all firefighter premium tax monies allocated to the share plan in any subsequent plan year shall also be allocated as provided for in this subsection. Available premium tax monies shall be allocated to individual member share accounts at the end of each plan year on September 30 (a “valuation date”).

b. On each valuation date, each current actively employed firefighter member of the plan not participating in the DROP, each firefighter DROP participant and each firefighter retiree who retires or firefighter DROP participant who has terminated DROP participation in the plan year ending on the valuation date (including each disability retiree), or beneficiary of a

deceased firefighter member(not including terminated vested persons) who is otherwise eligible for an allocation as of the valuation date shall receive a share allocation as follows:

- c. The total funds subject to allocation on each valuation date shall be allocated to each member share account of those eligible for an allocation in an amount equal to a fraction of the total amount, the numerator of which shall be the individual's total years and fractional parts of years of credited service as of the valuation date, and the denominator of which shall be the sum of the total years and fractional parts of years of credited service as of the valuation date of all firefighter individuals to whom allocations are being made. Beneficiaries shall receive an allocation based on the years of credited service of the deceased member or DROP participant.
- d. Re-employed firefighter retirees shall be deemed new employees and shall receive an allocation based solely on the credited service in the reemployment period.

- (2) Allocation of Investment Gains and Losses. On each valuation date, each individual member share account shall be adjusted to reflect the net earnings or losses resulting from investments during the year. The net earnings or losses allocated to the individual member share accounts shall be the same percentage which is earned or lost by the total plan investments, including realized and unrealized gains or losses, net of brokerage commissions, transaction costs and management fees.

Net earnings or losses are determined as of the last business day of the fiscal year, which is the valuation date, and are debited or credited as of such date.

For purposes of calculating net earnings or losses on a member's share account pursuant to this subsection, brokerage commissions, transaction costs, and management fees for the immediately preceding fiscal year shall be determined for each year by the investment consultant pursuant to contracts with fund managers as reported in the custodial statement. The investment consultant shall report these annual contractual fees to the board. The investment consultant shall also report the net investment return for each manager and the net investment return for the total plan assets.

- (3) Allocation of Costs, Fees and Expenses. On each valuation date, each individual member share account shall be adjusted to allocate its pro rata share of the costs, fees and expenses of administration of the share plan. These fees shall be allocated to each individual member share account on a proportionate basis taking the costs, fees and expenses of administration of the share plan as a whole multiplied by a fraction, the numerator of which is the total assets in each individual member share account (after adding the annual investment gain or loss) and the denominator of which is the total assets of the fund as a whole as of the same date.

- (4) No Right to Allocation. The fact of allocation or credit of an allocation to a member's share account by the board shall not vest in any member, any right, title, or interest in the assets of the trust or in the Chapter 175 tax revenues except at the

time or times, to the extent, and subject to the terms and conditions provided in this Section.

(5) Firefighter members and firefighter DROP participants shall be provided annual statements setting forth their share account balance as of the end of the plan year.

(d) Forfeitures. Any firefighter member who has less than six (6) years of service credit and who is not otherwise eligible for payment of benefits after termination of employment with the city as provided for in subsection (e) shall forfeit his individual member share account or the non-vested portion thereof. Forfeited amounts shall be included and used as part of the Chapter 175 tax revenues for future allocations to individual member share accounts on each valuation date in accordance with the formula set forth in subsection (c)(1).

(e) Eligibility For Benefits. Any member (or his beneficiary) who terminates employment as a firefighter with the City or who dies, upon application filed with the board, shall be entitled to be paid the value of his individual member share account, subject to the following criteria:

(1) Retirement Benefit.

a. A firefighter member shall be entitled to one hundred percent (100%) of the value of his share account upon normal or early retirement pursuant to Section 54-191, or if the firefighter member enters the DROP, upon termination of employment.

b. Such payment shall be made as provided in subsection (f).

(2) Termination Benefit.

a. In the event that a member's employment as a firefighter is terminated by reason other than retirement, death or disability, he shall be entitled to receive the value of his share account only if he is vested in accordance with Section 54-194.

b. Such payment shall be made as provided in subsection (f).

(3) Disability Benefit.

a. In the event that a firefighter member is determined to be eligible for either an in-line of duty disability benefit pursuant to Section 54-193, subsection (a) or a not-in-line of duty disability benefit pursuant to Section 54-193, subsection (c), he shall be entitled to one hundred percent (100%) of the value of his share account.

b. Such payment shall be made as provided in subsection (f).

(4) Death Benefit.

a. In the event that a firefighter member or firefighter DROP participant dies while actively employed as a firefighter, one hundred percent (100%) of the value of his member share account shall be paid to his designated Beneficiary as provided in Section 54-192.

b. Such payment shall be made as provided in subsection (f).

(f) *Payment of Benefits.* If a firefighter member or firefighter DROP participant terminates employment for any reason or dies and he or his beneficiary is otherwise entitled to receive the balance in the member's share account, the member's share account shall be valued by the plan's actuary on the next valuation date as provided for in subsection (c) above, following termination of employment. Payment of the calculated share account balance shall be payable as soon as administratively practicable following the valuation date, but not later than one hundred fifty (150) days following the valuation date and shall be paid in one lump sum payment. No optional forms of payments shall be permitted.

(g) *Benefits Not Guaranteed.* All benefits payable under this Section 54-215 shall be paid only from the assets accounted for in individual member share accounts. Neither the City nor the board shall have any duty or liability to furnish any additional funds, securities or other assets to fund share account benefits. Neither the board nor any trustee shall be liable for the making, retention, or sale of any investment or reinvestment made as herein provided, nor for any loss or diminishment of the member share account balances, except due to his or its own negligence, willful misconduct or lack of good faith. All investments shall be made by the board subject to the restrictions otherwise applicable to fund investments.

(h) *Notional account.* The member share account is a notional account, used only for the purpose of calculation of the share distribution amount. It is not a separate account in the system. There is no change in the system's assets, and there is no distribution available to the firefighter member or firefighter DROP participant until the firefighter member's or firefighter DROP participant's termination from employment. The firefighter member or firefighter DROP participant has no control over the investment of the share account.

(i) *No employer discretion.* The share account benefit is determined pursuant to a specific formula which does not involve employer discretion.

(j) *Maximum Additions.* Notwithstanding any other provision of this Section, annual additions under this Section shall not exceed the limitations of Section 415(c) of the code pursuant to the provisions of Section 54-200, subsection (k).

(k) *IRC limit.* The share account distribution, along with other benefits payable from the system, is subject to limitation under Internal Revenue Code Section 415(b).

\* \* \* \* \*

**SECTION 14:** Specific authority is hereby granted to codify and incorporate this Ordinance in the existing Code of Ordinances of the City of Winter Garden, Florida.

**SECTION 15:** All Ordinances or parts of Ordinances in conflict herewith be and the same are hereby repealed.

**SECTION 16:** If any section, subsection, sentence, clause, phrase of this ordinance, or the particular application thereof shall be held invalid by any court, administrative agency, or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses, or phrases under application shall not be affected thereby.

**SECTION 17:** That this Ordinance shall become effective upon adoption.

PASSED ON FIRST READING, this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

PASSED AND ADOPTED ON SECOND READING AND PUBLIC HEARING, this  
\_\_\_\_\_ day of \_\_\_\_\_, 2016.

APPROVED:

\_\_\_\_\_  
JOHN REES, MAYOR/COMMISSIONER

ATTEST:

\_\_\_\_\_  
KATHY GOLDEN, CITY CLERK

dm\wtg\pf\04-05-16.ord

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

**From:** Steve Pash, Community Development Director

**Via:** City Manager Mike Bollhoefer

**Date:** October 5, 2016                      **Meeting Date:** October 13, 2016

**Subject:** Window Security Bars  
**Ordinance 16-46**

**Issue:** An Ordinance of the City of Winter Garden, Florida, amending Article II, Division 3 of Chapter 18 of the Winter Garden City Code; providing for prohibition of security bars grilles and grates on doors, windows, breezeways and openings facing or visible from streets or public rights of way; providing for penalties and enforcement; providing for codification; providing for severability; and providing for an effective date.

**Discussion:**  
Beginning on the effective date of this ordinance, security bars grilles and grates on doors, windows, breezeways and openings facing or visible from streets or public rights of way will not be allowed.

**Recommended Action:**  
Staff recommends approval of Ordinance 16-46.

**Attachment(s)/References:**  
  
Ordinance 16-46

Ordinance 16-46

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING ARTICLE II, DIVISION 3 OF CHAPTER 18 OF THE WINTER GARDEN CITY CODE; PROVIDING FOR PROHIBITION OF SECURITY BARS GRILLES AND GRATES ON DOORS, WINDOWS, BREEZEWAYS AND OPENINGS FACING AND VISIBLE FROM STREETS OR PUBLIC RIGHTS OF WAY ON COMMERCIAL AND INDUSTRIAL PROPERTIES; PROVIDING FOR PENALTIES AND ENFORCEMENT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the City of Winter Garden (“City”) desires to amend Article II, Division 3 of Chapter 18 of its Code of Ordinances to prohibit security bars, security grilles and security grates on doors, windows, breezeways and openings facing and visible from streets and public rights-of-way on commercial and industrial properties; and

**WHEREAS**, security bars, security grilles and security grates on doors, windows, breezeways and openings create an unfavorable and negative environment and indicate criminal activity and unsafe conditions where such does not exist; and

**WHEREAS**, the City is a safe and aesthetically pleasing community and the City Commission wishes to ensure that the public and its citizens have a safe place to work and live and prevent the negative effects and reduction in property values associated with such security bars, grilles and grates.

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

**SECTION I:** SECTION 18-99. Section 18-99 is hereby created as follows (underlined text indicates additions):

Sec. 18-99. Security Bars / Security Grates.

(a) Definitions: The term *security bars, security grilles and security grates* mean bars, rods, and grates placed on or within the exterior or interior, or over all or a portion of, a building’s or structure’s doors, windows, breezeways or openings.

(b) No security bars, security grilles or security grates may be installed, constructed, placed or used to cover any door, window, breezeway or opening on commercial or industrial zoned properties that faces any street or public right-of-way and would be visible from any street or public right-of way.

(c) Removal of non-conforming security bars, security grilles and security grates. Any existing commercial or industrial zoned property that has security bars, security grilles and security grates that were properly permitted and installed in compliance with this Code and the Florida Building Code prior to the effective date of this section shall remove such bars, grilles and grates no later than October 31, 2021, or upon seeking a building permit for improvements or modifications to the structure(s) upon such property for improvements or modifications that exceed ten (10) percent of the replacement cost of such structure(s). If any security bars, security grilles or security grates were not in compliance with this Code and the Florida Building Code as of the effective date of this section, then such are illegally nonconforming and shall be removed by the property owner on or before October 31, 2017. No non-conforming security bars, security grilles or security grates may be enlarged, repaired or replaced by another non-conforming fixture.

(d) Any violation of this section shall be prosecuted in accordance with section 18-4.

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

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

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

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

FIRST READING: \_\_\_\_\_, 2016

SECOND READING AND PUBLIC HEARING: \_\_\_\_\_, 2016.

APPROVED:

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

ATTESTED:

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

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

**From:** Steve Pash, Community Development Director

**Via:** City Manager Mike Bollhoefer

**Date:** October 5, 2016                      **Meeting Date:** October 13, 2016

**Subject:** 462 W Plant St & 19 S Park Ave (Ordinance 16-58)  
**Park & Plant Planned Unit Development Rezoning**  
PARCEL ID# 23-22-27-0737-00-020; 23-22-27-0737-00-010;  
23-22-27-0737-00-030; 23-22-27-0737-00-040

**Issue:** The applicant is requesting to rezone 1.15 ± acres of land from C-1 to Planned Unit Development (PUD).

**Discussion:** The applicant is requesting to rezone 1.15 +/- acres of land to allow the development of five new two & three-story townhome buildings with 24 total housing units. The seven townhome units that front on W Plant Street are designed to be converted into live/work commercial units, if the future owners choose to pursue Planning & Zoning Board approvals. The project will include associated drive aisles, pedestrian walks, walls, a courtyard, and other site improvements.

The subject property is located within the City of Winter Garden's municipal limits, and carries the zoning designation C-1 and is designated Traditional Downtown on the Future Land Use Map of the Comprehensive Plan. City staff recommends approval of the proposed Ordinance. Rezoning the subject property from City C-1 to City PUD is consistent with the Code of Ordinances, the Future Land Use Map, the City's Comprehensive Plan, and the surrounding property uses. (See attached Staff Report).

**Recommended Action:** Staff recommends approval and adoption of Ordinance 16-58, subject to the Conditions of the attached Staff Report.

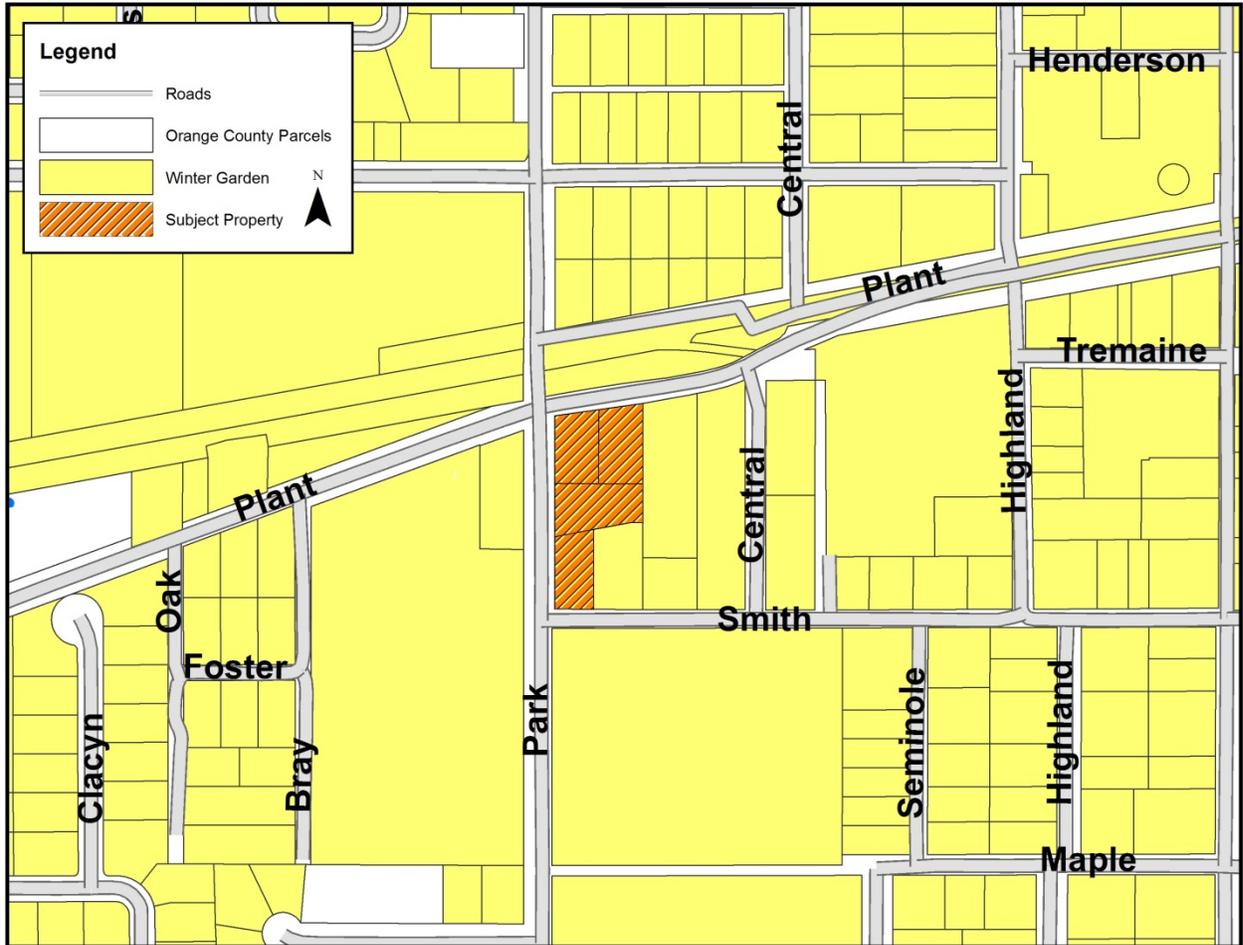
**Attachment(s)/References:**

Location Map  
Ordinance 16-58  
Staff Report

# LOCATION MAP

462 W Plant St & 19 S Park Ave

## PUD REZONING



## ORDINANCE 16-58

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 1.15 ± ACRES OF CERTAIN REAL PROPERTY GENERALLY LOCATED ON THE SOUTHEAST CORNER OF WEST PLANT STREET AND SOUTH PARK AVENUE, AT 462 WEST PLANT STREET AND 19 SOUTH PARK AVENUE, FROM C-1 (CENTRAL COMMERCIAL) TO PUD (PLANNED UNIT DEVELOPMENT); PROVIDING FOR CERTAIN PUD REQUIREMENTS AND DESCRIBING THE DEVELOPMENT AS THE PARK & PLANT PUD; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the owner(s) of real property generally described as approximately 1.15 ± acres of certain real property generally located on the southeast corner of West Plant Street and South Park Avenue in Winter Garden, Florida, being more particularly described in Exhibit “A” attached hereto and incorporated herein by this reference (the “Property”), desire to rezone their property from C-1 (Central Commercial) to PUD (Planned Unit Development”), and

**WHEREAS**, the Planning and Zoning Board has considered this Ordinance and made a recommendation to the City Commission concerning its adoption; and

**WHEREAS**, after public notice and due consideration of public comment, the City Commission of the City of Winter Garden hereby finds and declares the adoption of this Ordinance and the proposed development of the Property is consistent with the City of Winter Garden Comprehensive Plan, and the land development regulations set forth in the City of Winter Garden Code of Ordinances; and

**WHEREAS**, based on competent substantial evidence in the record, the requested rezoning set forth in this Ordinance meets all applicable criteria specified in the City of Winter Garden Comprehensive Plan and the Code of Ordinances; Now therefore;

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

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

- a. **Conceptual Plan-** All development on the Property must substantially conform to the requirements identified in the Park & Plant Planned Unit Development Plan attached hereto as Exhibit “B.” Should any conflict be

found between this Ordinance and the Park & Plant Planned Unit Development Plan attached hereto as Exhibit “B”, then the standards and conditions established by this Ordinance shall control.

- b. **Zoning-** Unless specifically noted elsewhere in Exhibit “B” attached hereto, or expressly provided for herein, all development on the Property must comply with the general zoning requirements of the Planned Unit Development zoning district as they pertain to properties that have primary residential uses. These requirements include any approval procedures of the Planned Unit Development zoning district.
  
- c. **Permitted Uses-** The permitted uses for the subject property are as follows:
  - 1. Permitted primary structures and uses:
    - a) Townhomes.
  - 2. Permitted accessory structures and uses:
    - a) Customary accessory uses and structures clearly incidental and subordinate to a principal use.
  
- d. **Special Exception Uses-** The special exception uses for the subject property are as follows.
  - 1. Live/Work Units in accordance with Section 1.f.7 below.
  
- e. **Prohibited Uses-** The prohibited uses for all areas of the subject property are as follows:
  - 1. All uses prohibited by Sec. 118-858(5), City of Winter Garden Code of Ordinances.
  - 2. All uses not specifically permitted in this Ordinance; any use not in keeping with a traditional downtown neighborhood character.
  
- f. **Design Criteria/Architectural Standards-**
  - 1. **Architectural Standards-** All development on the Property must maintain the same general design criteria and architectural characteristics as the Building Elevations attached hereto as Exhibit “C”.
  - 2. **Maximum Building Height-** The maximum building height shall not exceed 40 feet.
  - 3. **Minimum Living Area-** Minimum living area for each residential unit shall be 1,000 square feet.
  - 4. **Signage-** All signage shall be reviewed and permitted by the City of

Winter Garden.

5. **Setbacks and Required Yards-** The distance between townhome buildings shall be no less than 15 feet. All buildings that front on Plant Street shall be set back no less than 8 feet from the front property line. Buildings that front on Park Avenue are permitted to be built with no front setbacks, but must maintain a minimum 7 foot side setback from all adjacent rights-of-way. Unless otherwise noted herein, buildings and accessory structures shall be set back no less than 5 feet from all other PUD-adjacent residential properties and public rights-of-way, and 10 feet from all other PUD-adjacent commercial properties. For the purposes of this section, vehicular drives internal to the PUD are not considered rights-of-way.
6. **Impervious Surface Area Ratio-** The maximum impervious surface area ratio for the Property shall be consistent with the overall maximum impervious surface area ratio that the Planned Unit Development is permitted by Saint John's River Water Management District.
7. **Live/Work Units-** A live/work unit shall be defined as a dwelling unit that fronts on West Plant Street consisting of both a residential and business/office component that is occupied by the same resident. A live/work unit shall be the primary dwelling of the occupant.
  - The following are the special exception uses for the business component of live/work units: accountants, architects, artists and artisans, attorneys, computer software and multimedia related professionals, consultants, engineers, graphic design, fashion and interior design, home-based office workers, insurance, real estate, travel agent, one-on-one instructors, photographers, and other business/office uses as are determined by the City of Winter Garden Planning & Zoning Board to be similar with the foregoing list of special exception uses and compatible with surrounding uses.
  - Residential and business component of a live/work unit must be occupied by the same tenant, and no portion of the live/work unit may be rented or sold separately.
  - The external access for the business component shall be oriented to West Plant Street. The external access may not be oriented to any other streets or to internal drives or courtyards.
  - Signage for the business component of the live/work unit shall be limited to one (1) sign permanently affixed to the door or wall of the business component and shall not exceed 2

square feet of copy area.

- The live/work units shall be required to provide parking and/or pay the downtown parking fee in accordance with Chapter 118, Article VIII of the City of Winter Garden Code of Ordinances.
- The business component of the live/work unit shall not generate external noise, odor, glare, vibration or electrical interference detectable to the normal sensory perception by adjacent neighbors; and shall be prohibited from storing explosive, toxic, combustible or flammable materials in excess of that permitted as incidental to normal residential use on the premises.
- The following are the prohibited uses for the business component of live/work units: retail sale of food and/or beverages with customers arriving on-site; veterinary services including grooming, boarding and/or the breeding or care of animals for hire and/or for sale; any business which involves the use of prescription drugs; adult-oriented businesses, astrology, palmistry, massage, head shops and similar uses; sales, repair and/or maintenance of vehicles including automobiles, boats, motorcycles, aircraft, trucks and/or recreational vehicles; private and/or trade schools; any use not in keeping with a traditional downtown neighborhood character.

**g. Staff Conditions-** All development on the Property must comply with the following staff conditions:

1. A permit modification with St. Johns River Water Management District will be required as well as payment into the City's downtown stormwater fund, and will be checked with the final construction plan review.
2. Based on the layout shown in the Park & Plant Preliminary Plan (Exhibit 'B'), guest/overflow parking that is not able to be accommodated within an enclosed garage will not be permitted.
3. Tree removal shall adhere to the City's Tree Protection Ordinance – separate review, approval and permit is required. Additional landscaping and tree replacement may be required with final plan.
4. Walls and landscaping shall be located within a landscape and wall tract, to be maintained by the HOA.

5. The site shall be served by City water, sewer and reuse. All utilities required for the development shall be run to the site at the Developer's expense, including potable water, reclaimed water and sanitary sewer. Final plans shall detail all connections including fire protection, reuse water and domestic water supply. All irrigation on the site shall be designed to be supplied by reclaimed water when available and shall be served by a jumper to potable water until that time.
6. There are numerous drainage and utility easements from the previous plat that must be vacated before development. "No objection" letters from all utility companies shall be obtained by the Applicant and the City Attorney will need to give an opinion on whether they can be vacated by the re-plat or by separate instrument. The City will not grant easements within its right-of-way.
7. 5' wide (minimum) concrete sidewalks shall be constructed along all street frontages pursuant to City Code, and will be checked at final inspection. Any damaged, broken or incomplete sidewalks shall be replaced by the Owner/Contractor at the Owner/Contractor's expense.
8. Internal sidewalks shall connect to the public sidewalks in the right-of-way per ADA.
9. Streetlighting both internally and on all street frontages is required pursuant to City Code – dark skies lighting is required.
10. Recreation mitigation fees will be required for any required recreation areas that are not able to be located on site. This fee is based on the fair market price of the land that would otherwise be dedicated to recreation.
11. Garbage and Recycling containers must be marked (stenciled) with each individual address for the purposes of identifying the owners in the event the containers are not stored by 7 PM. All garbage and recycling containers must be stored in the garage; they are not permitted to be stored outdoors.
12. The Owner is responsible for meeting all provisions of ADA and Florida Accessibility Code.
13. All work shall conform to City of Winter Garden standards and specifications.
14. The Contractor is responsible for the notification, location and

protection of all utilities that may exist within the project limits.

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

## **SECTION 2: *General Requirements.***

- a. **Development Agreement-** If deemed necessary by City Staff, a Development Agreement shall be drafted, approval obtained and recorded prior to approval of any site or building permits for the Property.
  
- b. **Stand Alone Clause-** Each phase of development of the Property must operate as an individual unit in that each particular phase will be able to stand-alone in the event that no other phase is developed.
  
- c. **Land Development Approvals and Permits-** This Ordinance does not require the City to issue any permit or approval for development, construction, building permit, or other matter by the City relating to the Property or the project or any portion thereof. These and any other required City development approvals and permits shall be processed and issued by the City in accordance with procedures set forth in the City's Code of Ordinances and subject to this Ordinance.

- d. **Amendments-** Minor amendments to this Ordinance will be achieved by Resolution of the City Commission of the City of Winter Garden. Major amendments to this Ordinance will require approval of the City Commission of the City of Winter Garden by Ordinance.
- e. **Expiration/Extension-** Expiration of this PUD shall be governed in accordance with Section 118-830, City of Winter Garden Code of Ordinances. Time extensions may be granted in accordance with Section 118-829, City of Winter Garden Code of Ordinances.

**SECTION 3: Zoning Map.** The City Planner is hereby authorized and directed to amend the Official Winter Garden Zoning Map in accordance with the provisions of this ordinance.

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

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

**FIRST READING AND PUBLIC HEARING:** \_\_\_\_\_, 2016.

**SECOND READING AND PUBLIC HEARING:** \_\_\_\_\_, 2016.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2016, by the City Commission of the City of Winter Garden, Florida.

**APPROVED:**

\_\_\_\_\_  
JOHN REES, Mayor/Commissioner

**ATTEST:**

\_\_\_\_\_  
KATHY GOLDEN, City Clerk

**Exhibit "A"**

**PARCEL ID(s): 23-22-27-0737-00-020; 23-22-27-0737-00-010; 23-22-27-0737-00-030;  
23-22-27-0737-00-040**

**DESCRIPTION**

**THAT PART OF LOTS 1 THROUGH 4, BIVENS SUBDIVISION, ACCORDING TO THE PLAT RECORDED IN PLAT BOOK 33, PAGE 59, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS:**

**BEGIN AT THE SOUTHWEST CORNER OF SAID LOT 4, THENCE RUN N00°21'56"W, ALONG THE WEST LINES OF SAID LOTS 1, 3, AND 4, 373.48 FEET, TO THE NORTHWEST CORNER OF SAID LOT 1; THENCE RUN N81°43'32"E, ALONG THE NORTH LINE OF SAID LOTS 1 AND 2, 171.40 FEET, TO THE NORTHEAST CORNER OF SAID LOT 2; THENCE RUN S00°22'31"E, ALONG THE EAST LINE OF SAID LOTS 2 AND 3, 230.00 FEET, TO THE SOUTHEAST CORNER OF SAID LOT 3; THENCE RUN S89°46'29"W, ALONG THE SOUTH LINE OF SAID LOT 3, 22.00 FEET; THENCE RUN S79°02'33"W, ALONG THE SOUTH LINE OF SAID LOT 3, 74.07 FEET, TO THE NORTHEAST CORNER OF SAID LOT 4; THENCE RUN S00°21'56"E, ALONG THE EAST LINE OF SAID LOT 4, 153.98 FEET, TO THE SOUTHEAST CORNER OF SAID LOT 4; THENCE RUN N90°00'00"W, ALONG THE SOUTH LINE OF SAID LOT 4, 75.00 FEET TO THE POINT OF BEGINNING.**

**THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS 1.150 ACRES MORE OR LESS.**

Exhibit "B"

# **COVER PAGE**

## **PARK & PLANT PUD PLAN**

**(5 PAGES - ATTACHED)**

# PARK & PLANT PD

PARCELS:

23-22-27-0737-00-010; 23-22-27-0737-00-020;  
23-22-27-0737-00-030; 23-22-27-0737-00-040

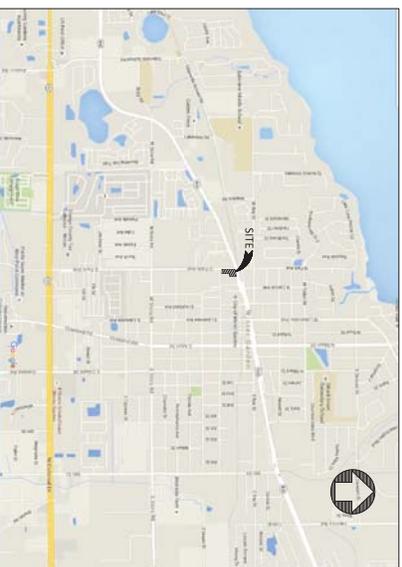
WINTER GARDEN FL 34787

## INDEX OF SHEETS

C-000	COVER SHEET
C-100	BOUNDARY/TOPOGRAPHIC SURVEY
C-200	PRELIMINARY SITE PLAN
C-300	PRELIMINARY DRAINAGE
C-400	PRELIMINARY UTILITY PLAN & LOT LAYOUT PLAN
A-200	BUILDING ELEVATIONS - PLANT STREET
A-202	BUILDING ELEVATIONS - COURTYARD
A-203	BUILDING ELEVATIONS - PARK AVENUE SCHEME "B"

## Utility Companies:

POWER:	DUKE ENERGY
WATER:	CITY OF WINTER GARDEN
SEWER:	CITY OF WINTER GARDEN
CABLE:	BIRNHOUSE NETWORKS
FIRE:	CITY OF WINTER GARDEN
PHONE:	SPRINT
STORMWATER:	CITY OF WINTER GARDEN



VICINITY MAP

JANUARY 4, 2016  
REVISED FEBRUARY 22, 2016  
REVISED JULY 21, 2016

REVISED AUGUST 25, 2016

PREPARED FOR:

**F&J DEVELOPERS, LLC**  
124 TERRA MANGO LOOP, STE. A  
ORLANDO, FLORIDA 32835

**Civil Engineer:**  
**TRI CIVIL ENGINEERING**  
**DESIGN STUDIO, INC.**  
P.O. BOX 52062  
LONGWOOD, FL 32752-0062  
PHO: 407-488-9456  
FAX: 407-488-9456  
ATTN: CONSTANCE A. OWENS, PE, LEED AP  
COWENS@TRI3-ENG.COM

**Architect:**  
**ELITE UNIVERSAL**  
1385 HAWTHORNE COVE DRIVE  
OCFEE, FL 34761  
PHO: 407-325-9550  
ATTN: ANDREW SECHER, PA  
ANDREW@ELITEUNIVERSAL.NET

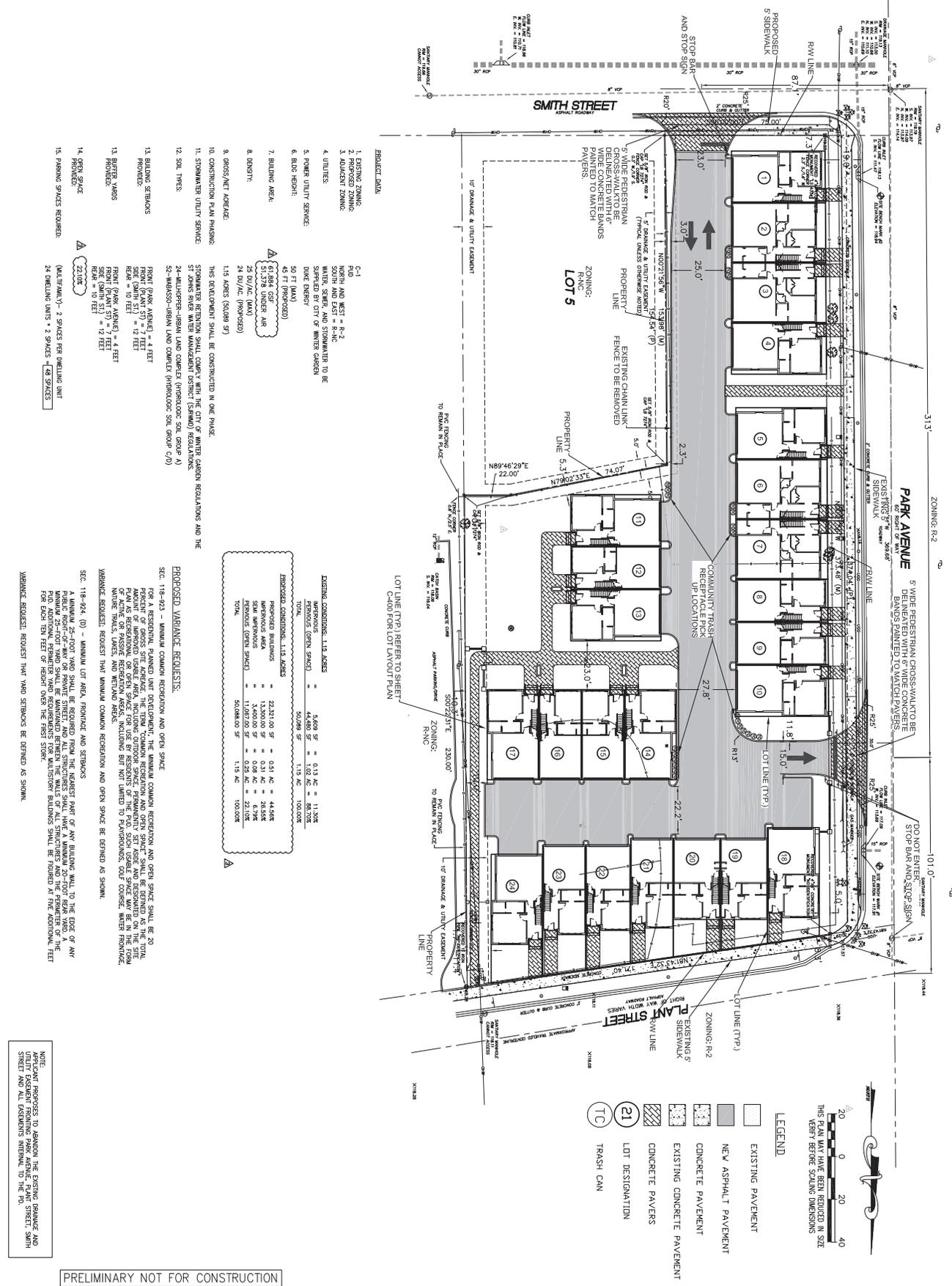
**Surveyor:**  
**BISHMAN SURVEYING**  
**AND MAPPING, INC.**  
232 S. DILLARD STREET, SUITE 201  
WINTER GARDEN, FL 34787  
PHO: 407-905-6232  
FAX: 407-905-6232  
ATTN: DONALD W. BISHMAN, P.S.M.  
BSMINC@EARTHINK.NET



**Civil Engineering**  
**Design Studio, Inc.**  
P.O. Box 52062  
Longwood, Florida 32752-0062  
Ph: 407-488-9456 Fax: 407-641-9993  
CERTIFICATE OF AUTHORIZATION #28312

CONSTANCE A. OWENS, P.E., LEED AP  
FLORIDA LICENSE # 58422





- PROJECT DATA:**
- EXISTING ZONING: R-2
  - PROPOSED ZONING: R-2
  - ADJACENT ZONING: R-2
  - UTILITIES: SEE UTILITY PLAN
  - POWER UTILITY SERVICE: SEE UTILITY PLAN
  - BLDG HEIGHT: 45 FT (PROPOSED)
  - BUILDING AREA: 51,378 UNDER AIR
  - DENSITY: 24 DU/AC (PROPOSED)
  - GROSS/NET ACREAGE: 1.15 ACRES (60,089 SF)
  - CONSTRUCTION PLAN PHYSICS: STRIPMASTER DETENTION SHALL COMPLY WITH THE CITY OF WINTER GARDEN REGULATIONS AND THE ST. JOHN'S RIVER WATER MANAGEMENT DISTRICT (SRWMD) REGULATIONS.
  - SOIL TYPES: 24-MULLETT-URBAN LAND COMPLEX (HETEROLOGOUS SOIL GROUP C/D)
  - BUILDING SETBACKS: FRONT (PARK AVENUE) = 4 FEET SIDE (SMITH ST) = 7 FEET REAR (PLANT ST) = 7 FEET
  - BURIED VIEWS: FRONT (PARK AVENUE) = 4 FEET REAR (PLANT ST) = 12 FEET
  - OPEN SPACE PROVIDED: 24.00 AC
  - PARKING SPACES REQUIRED: (MULTIPLY) - 2 SPACES PER DWELLING UNIT

**EXISTING CONDITIONS, 1.15 ACRES**

IMPROVED AREAS	5,609 SF = 0.13 AC = 11.13%
PAVEMENTS (OPEN SPACES)	44,480 SF = 1.02 AC = 88.73%
TOTAL	50,089 SF 1.15 AC 100.00%

**PROPOSED BUILDINGS, 1.15 ACRES**

PROPOSED BUILDINGS	22,321.00 SF = 0.51 AC = 44.56%
IMPROVED AREAS	13,200.00 SF = 0.31 AC = 26.55%
PAVEMENTS (OPEN SPACES)	11,097.00 SF = 0.25 AC = 22.10%
TOTAL	50,088.00 SF 1.15 AC 100.00%

**PROPOSED VARIANCE REQUESTS:**

SEC. 118-03 - VARIANCE COMMON RESERVATION AND OPEN SPACE FOR A RECREATIONAL PLANNED UNIT DEVELOPMENT. THE MINIMUM COMMON RESERVATION AND OPEN SPACE SHALL BE 20 PERCENT OF GROSS SITE AREA. THE TRAIL COMMON RESERVATION AND OPEN SPACE SHALL BE DETERMINED AS THE TOTAL AREA OF IMPROVED OPEN AREAS INCLUDING COMMON SPACES OF TRAILWAYS, SET ASIDE AND DEDICATED ON THE SITE FOR THE USE OF RECREATION. THE VARIANCE REQUESTS FOR THE TRAIL COMMON RESERVATION AND OPEN SPACE SHALL BE FOR EACH TEN FEET OF HEIGHT OVER THE FIRST STORY.

**ADDITIONAL REQUESTS:** REQUEST THAT VARIOUS SETBACKS BE DENIED AS SHOWN.

SEC. 118-04 (D) - MINIMUM LOT AREA, FRONTAGE AND SETBACKS A MINIMUM 25-FOOT VARIOUS SHALL BE REQUIRED FROM THE NEAREST PART OF ANY BUILDING WALL TO THE EDGE OF ANY PUBLIC RIGHT-OF-WAY OR FRONT STREET AND ALL STRUCTURES SHALL HAVE A MINIMUM 20-FOOT REAR YARD. A FURTHER VARIANCE REQUEST FOR THE TRAIL COMMON RESERVATION AND OPEN SPACE SHALL BE FOR EACH TEN FEET OF HEIGHT OVER THE FIRST STORY.

**ADDITIONAL REQUESTS:** REQUEST THAT VARIOUS SETBACKS BE DENIED AS SHOWN.

NOTE: THE PLANNING DEPARTMENT REQUESTS TO ABANDON THE EXISTING DRIVE AND UTILITY EASEMENT FRONTING PARK AVENUE, PLANT STREET, SMITH STREET AND ALL DIMENSIONS THEREON TO THE PD.

PRELIMINARY NOT FOR CONSTRUCTION

Sheet Title

JOB NO.	2015060
SCALE	AS SHOWN
DATE	11/04/15
DESIGN	DMJ
CHECKED:	DMJ

**PRELIMINARY SITE PLAN**

NO.	DATE	DESCRIPTION
1	10-23-14	CITY OF WINTER GARDEN
2	07-21-14	CITY OF WINTER GARDEN
3	06-25-14	CITY OF WINTER GARDEN

CONSTANCE A. OWENS, P.E., LEED AP	DATE:
FLORIDA LICENSE #2842	DATE:
WINTER GARDEN	DATE:

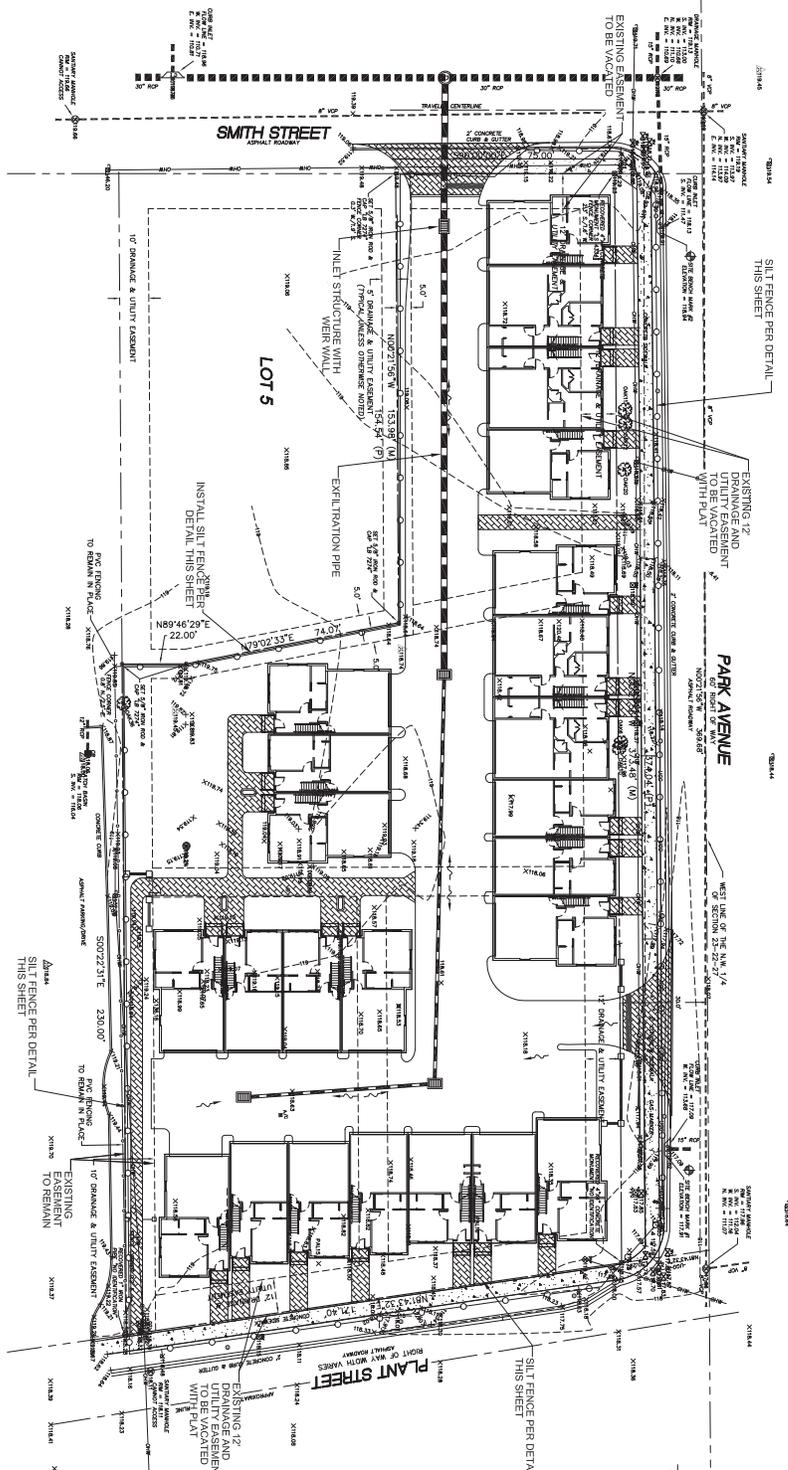
Winter Garden, Florida  
ENGINEERS SEAL

**PARK & PLANT PD**

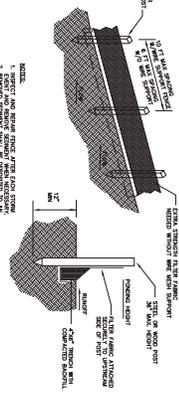
Civil Engineering  
Design Studio, Inc.  
14000 Road 404-373-2602  
P.O. Box 288-8950 - Fax: 407-241-2933  
SERVICES: Surveying & AutoCAD



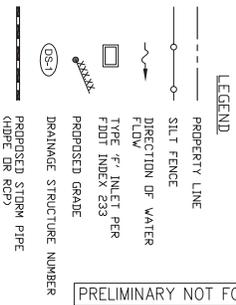
C-200



**SILT FENCE DETAIL**  
N.T.S.



- NOTES:
1. ALL EASEMENTS ON THE INTERIOR OF THE LOT TO BE VACATED
  2. UNDERGROUND INTO THE SECONDARY STORM SYSTEM



PRELIMINARY NOT FOR CONSTRUCTION



**Civil Engineering**  
**Design Studio, Inc.**  
Longwood, Florida 32732-2602  
P.O. Box 2688-8950, Fax: 407-241-2993  
Central & Administrative Offices

**PARK & PLANT PD**

Winter Garden, Florida  
ENGINEERS SEAL

CONSTANCE A. OWENS, P.E., LEED AP  
FLORIDA LICENSE #2842  
DATE: 07/04/16

NO.	DATE	DESCRIPTION
1	03-22-14	CITY OF WINTER GARDEN
2	07-21-14	CITY OF WINTER GARDEN
3	06-25-14	CITY OF WINTER GARDEN

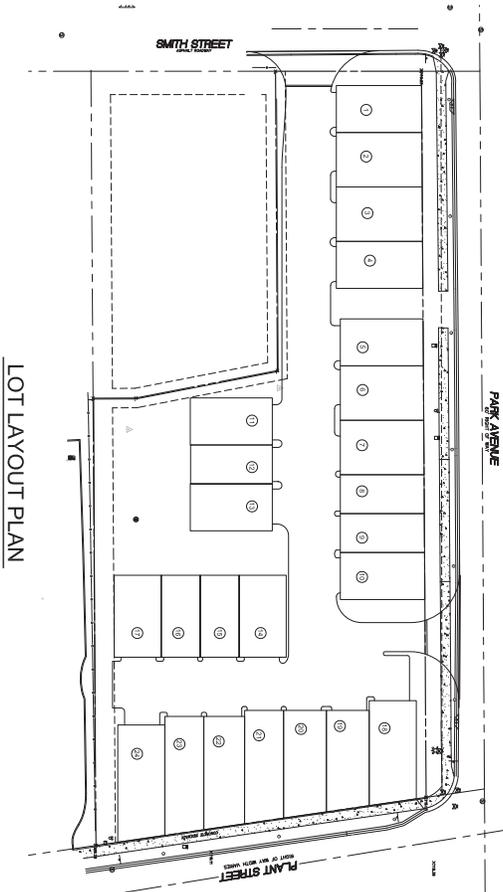
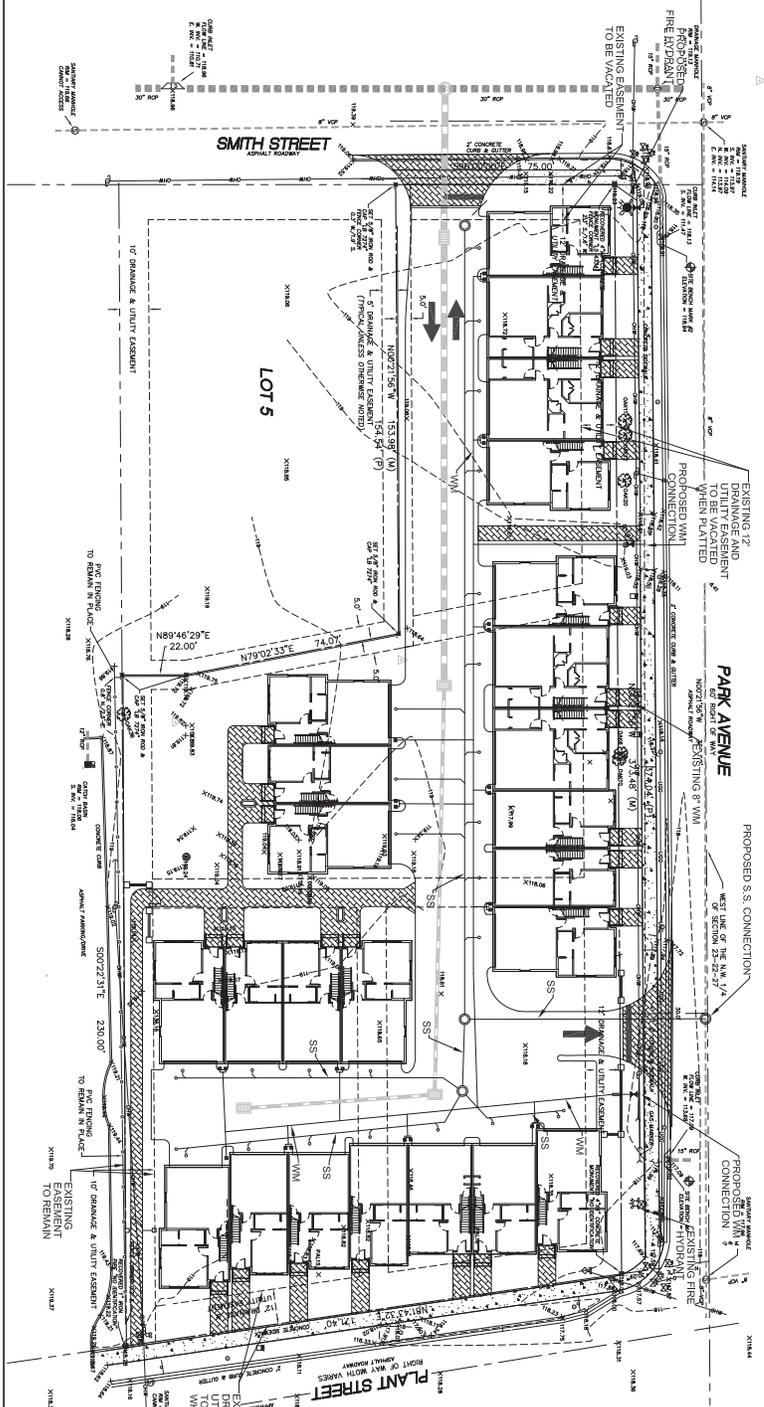
**PRELIMINARY DRAINAGE PLAN**

Sheet Title

JOB NO.	2015060
SCALE	AS SHOWN
DATE	7/1/15
DESIGN	TM
DRAWN	TM
CHECKED	CM

C-300

NOTE  
• ALL ON-SITE UTILITIES SHALL BE PRIVATELY OWNED AND MAINTAINED.



LEGEND

- PROPERTY LINE
- PROPOSED SANITARY GRAVITY LINE
- SANITARY SEWER MANHOLE
- SANITARY SEWER CLEANOUT
- SANITARY SEWER STRUCTURE NUMBER
- REDUCED PRESSURE BACKFLOW PREVENTER
- GATE VALVE
- SINGLE SERVICE WATER
- DUAL SERVICE WATER

PRELIMINARY NOT FOR CONSTRUCTION



LEGEND

- PROPERTY LINE
- PROPOSED SANITARY GRAVITY LINE
- SANITARY SEWER MANHOLE
- SANITARY SEWER CLEANOUT
- SANITARY SEWER STRUCTURE NUMBER
- REDUCED PRESSURE BACKFLOW PREVENTER
- GATE VALVE
- SINGLE SERVICE WATER
- DUAL SERVICE WATER

REV.	DATE	DESCRIPTION
1	03-22-14	CITY OF WINTER GARDEN
2	07-21-14	CITY OF WINTER GARDEN
3	06-25-14	CITY OF WINTER GARDEN

JOB NO. 2015-060  
 DATE: 06/24/16  
 DESIGN: TM  
 DRAWN: TM  
 CHECKED: CMO

PRELIMINARY  
 UTILITY PLAN  
 & LOT LAYOUT PLAN  
 Sheet Title

C-400

Winter Garden, Florida  
 ENGINEERS SEAL

Civil Engineering  
 Design Studio, Inc.  
 Longwood, Florida 32732-2602  
 P.O. Box 2688-8950, Fax: 407-564-1993  
 407-564-1993  
 407-564-1993  
 407-564-1993

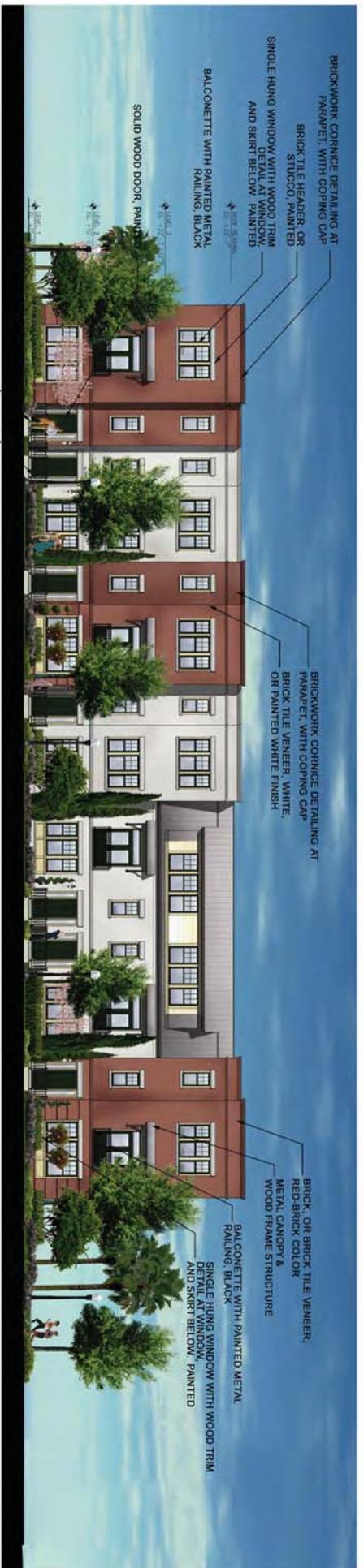
**TRIS**

Exhibit "C"

# **COVER PAGE**

## **PARK & PLANT PUD** **Architectural Design Standards**

**(3 PAGES - ATTACHED)**



PLANT STREET FRONT ELEVATION

BRICKWORK CORNICE DETAILING AT PARAPET, WITH COPING CAP

BRICK TILE HEADER, OR STUCCO, PAINTED  
SINGLE HUNG WINDOW WITH WOOD TRIM DETAIL AT WINDOW AND SKIRT BELOW, PAINTED

BALCONETTE WITH PAINTED METAL RAILING, BLACK

SOLID WOOD DOOR, PAINTED

BRICKWORK CORNICE DETAILING AT PARAPET, WITH COPING CAP  
BRICK TILE VENEER, WHITE, OR PAINTED WHITE FINISH

BRICK, OR BRICK TILE VENEER, RED-BRICK COLOR  
METAL CANOPY & WOOD FRAME STRUCTURE

BALCONETTE WITH PAINTED METAL RAILING, BLACK  
SINGLE HUNG WINDOW WITH WOOD TRIM AND SKIRT BELOW, PAINTED

CONCRETE PORCH LANDING AND STEPS WITH BULLNOSE DETAILING, METAL RAIL AND GATE, PAINTED BLACK

CORBEL, BASEWATERTABLE DETAILING AT BASE

BRICKWORK CORNICE DETAILING AT PARAPET WITH COPING CAP

BRICK, OR BRICK TILE VENEER, RED-BRICK COLOR

BRICKWORK DETAILING AT CORNERS, AND BETWEEN LEVEL 1 & 2

PRECAST CONCRETE, BRICK, OR STUCCO HEADER

SINGLE HUNG ALUMINUM WINDOWS, PAINTED WITH STUCCO SILL  
BRICK TILE VENEER OR STUCCO HEADER

STUCCO FINISH, PAINTED, SAND FINISH

BRICK TILE HEADER, OR STUCCO, PAINTED  
SINGLE HUNG WINDOW WITH WOOD TRIM DETAIL AT WINDOW AND SKIRT BELOW, PAINTED



PLANT STREET SIDE ELEVATION

BALCONY WITH PAINTED METAL RAILING, BLACK

BRICK DETAILING AT LEVEL 1 & 2 TRANSITION, CORBEL

BRICKWORK CORNICE DETAILING AT PARAPET, WITH COPING CAP  
STUCCO FINISH, PAINTED, SAND FINISH  
AL GARAGE DOORS, COPY/PLAT OR SIMILAR CUSTOM DESIGN MANUFACTURER

PLANT STREET REAR ELEVATION

# PARK PLACE

# PARK PLACE WINTER GARDEN





BRICK TILE HEADER, OR STUCCO, PAINTED  
METAL CANOPY & WOOD FRAME STRUCTURE

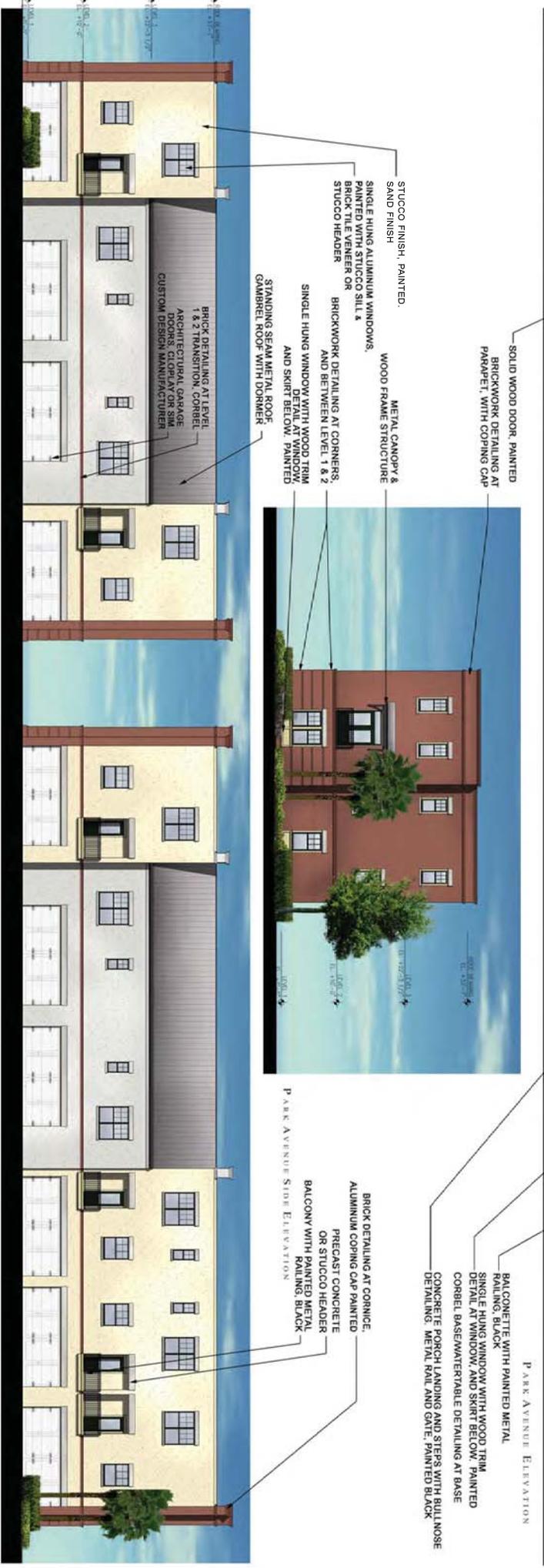
WOOD OR CEMENTITIOUS LAP SIDING, 6" LAP EXPOSURE, PAINTED  
BRICK, OR BRICK TILE VENEER, RED BRICK COLOR  
BRICKWORK CORNICE DETAILING AT PARAPET, WITH COPPING CAP

WOOD OR CEMENTITIOUS LAP SIDING, 6" LAP EXPOSURE, PAINTED  
SINGLE HUNG ALUMINUM WINDOWS, PAINTED WITH WOOD TRIM & REVEAL

STANDING SEAM METAL ROOF, GAMBRREL ROOF WITH DORMER  
BRICK TILE VENEER, WHITE, OR PAINTED WHITE FINISH  
METAL CANOPY & WOOD FRAME STRUCTURE

PARK AVENUE ELEVATION

BALCONETTE WITH PAINTED METAL RAILING, BLACK  
SINGLE HUNG WINDOW WITH WOOD TRIM DETAIL AT WINDOW, AND SKIRT BELOW, PAINTED  
CORBEL, BASEWATERABLE DETAILING AT BASE  
CONCRETE PORCH LANDING AND STEPS WITH BULL NOSE DETAILING, METAL RAIL AND GATE, PAINTED BLACK



STUCCO FINISH, PAINTED, SAND FINISH  
SINGLE HUNG ALUMINUM WINDOWS, PAINTED WITH STUCCO SILL & BRICK TILE VENEER OR STUCCO HEADER

WOOD METAL CANOPY & WOOD FRAME STRUCTURE  
BRICKWORK DETAILING AT CORNERS, AND BETWEEN LEVEL 1 & 2  
SINGLE HUNG WINDOW WITH WOOD TRIM DETAIL AT WINDOW, AND SKIRT BELOW, PAINTED  
STANDING SEAM METAL ROOF, GAMBRREL ROOF WITH DORMER



PARK AVENUE SIDE ELEVATION

BRICK DETAILING AT CORNICE, ALUMINUM COPING CAP PAINTED  
PRECAST CONCRETE OR STUCCO HEADER  
BALCONY WITH PAINTED METAL RAILING, BLACK

BRICK DETAILING AT LEVEL 1 & 2 TRANSITION, CORREL ARCHITECTURAL GARAGE DOORS, CLOPPAY OR SIM CUSTOM DESIGN MANUFACTURER

PARK AVENUE SIDE ELEVATION

# PARK PLACE

## PARK PLACE WINTER GARDEN





COURTYARD FRONT ELEVATION

BRICK OR  
BRICK TILE VENEER  
RED-BRICK COLOR

SOLID WOOD DOOR  
PAINTED



COURTYARD FRONT ELEVATION

BRICKWORK CORNICE  
DETAILING AT PARAPET  
WITH COPING CAP

BRICK OR BRICK TILE VENEER  
RED-BRICK COLOR

BRICK OR STUCCO HEADER

BALCONETTE WITH  
PAINTED METAL  
RAILING, BLACK

SOLID WOOD DOOR,  
PAINTED

BRICK TILE HEADER, OR  
STUCCO, PAINTED

METAL CANOPY &  
WOOD FRAME STRUCTURE

SINGLE HUNG WINDOW WITH  
WOOD TRIM DETAIL AT WINDOW,  
AND SKIRT BELOW, PAINTED



COURTYARD SIDE ELEVATION



COURTYARD SIDE ELEVATION

BRICKWORK CORNICE  
DETAILING AT PARAPET  
WITH COPING CAP

BRICK OR STUCCO HEADER

METAL CANOPY &  
WOOD FRAME STRUCTURE

BRICKWORK DETAILING  
AT CORNERS AND  
SILL BETWEEN LEVEL 1 & 2

SINGLE HUNG ALUMINUM  
WINDOWS, PAINTED WITH  
STUCCO SILL & BRICK TILE  
VENEER OR STUCCO HEADER

BRICK, OR  
BRICK TILE VENEER,  
RED-BRICK COLOR

BRICKWORK CORNICE  
DETAILING AT PARAPET  
WITH COPING CAP

SINGLE HUNG ALUMINUM  
WINDOWS, PAINTED WITH  
STUCCO SILL & BRICK TILE  
VENEER OR STUCCO HEADER

BRICK OR BRICK TILE VENEER  
RED-BRICK COLOR



COURTYARD REAR ELEVATION



COURTYARD REAR ELEVATION

SINGLE HUNG ALUMINUM  
WINDOWS, PAINTED WITH  
STUCCO SILL & BRICK TILE  
VENEER OR STUCCO HEADER

BALCONY WITH PAINTED METAL  
RAILING, BLACK

BRICKWORK DETAILING AT LEVEL  
1 & 2 TRANSITION, CORBEL

ARCHITECTURAL GARAGE  
DOORS, CLOPLAV OR SIM.  
CUSTOM DESIGN MANUFACTURER

STUCCO FINISH, PAINTED,  
SAND FINISH

BRICK TILE HEADER, OR  
STUCCO, PAINTED

STUCCO FINISH, PAINTED,  
SAND FINISH

BALCONY WITH PAINTED METAL  
RAILING, BLACK

ARCHITECTURAL GARAGE  
DOORS, CLOPLAV OR SIM.  
CUSTOM DESIGN MANUFACTURER

PRECAST  
CONCRETE, BRICK  
OR STUCCO HEADER

PARK PLACE

PARK PLACE  
WINTER GARDEN



# CITY OF WINTER GARDEN

## PLANNING & ZONING DIVISION

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

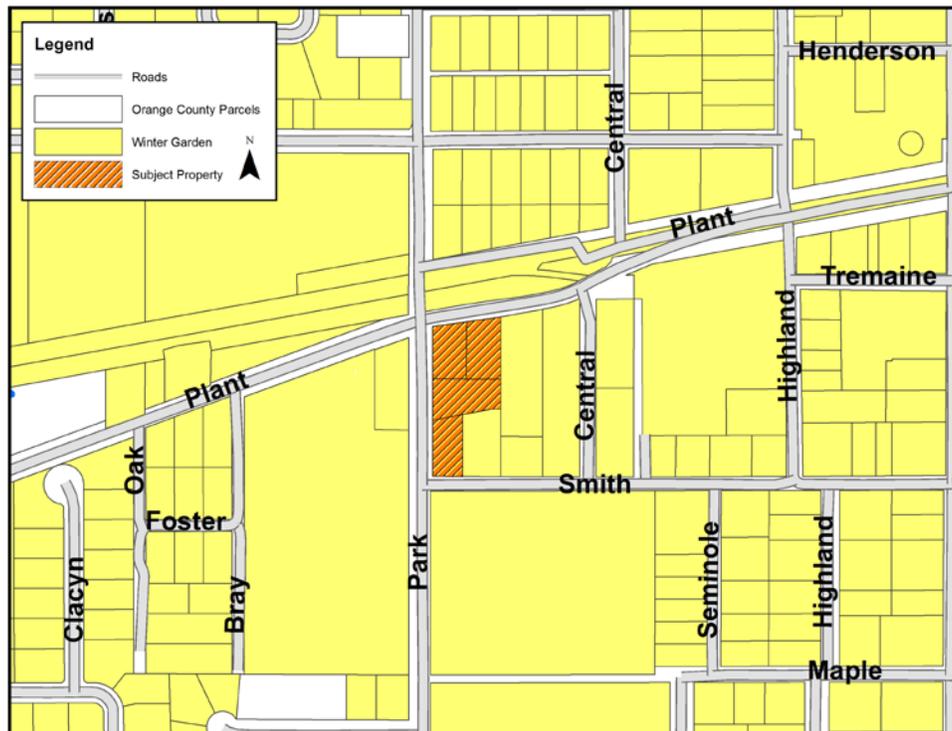
# STAFF REPORT

**TO:** PLANNING AND ZONING BOARD  
**PREPARED BY:** KELLY CARSON, URBAN DESIGNER  
**DATE:** September 8, 2016  
**SUBJECT:** PLANNED UNIT DEVELOPMENT REZONING (ORDINANCE 16-58)  
**462 W Plant Street & 19 S Park Avenue (1.15 +/- ACRES)**  
**Parcel ID#** 23-22-27-0737-00-020; 23-22-27-0737-00-010;  
23-22-27-0737-00-030; 23-22-27-0737-00-040

**APPLICANT:** Park & Plant, LLC. // Tri3 Civil Engineering Design Studio, Inc.

### INTRODUCTION

The purpose of this report is to evaluate the proposed project for compliance with the City of Winter Garden Land Development Regulations, Comprehensive Plan, and Future Land Use Map. The subject property, located on the southeast corner of West Plant Street and South Park Avenue is approximately 1.15 ± acres. The map below depicts the location of the subject property within the City of Winter Garden municipal limits:



The subject property is located within the City of Winter Garden municipal limits and carries the zoning designation C-1 (Central Commercial District). The subject property is designated TD (Traditional Downtown) on the Future Land Use Map of the Comprehensive Plan. The applicant is requesting to rezone the 1.15 ± acre property to PUD (Planned Unit Development).

### **EXISTING USE**

The subject property currently features one frame vernacular style building. This non-contributing structure, which was built in 1910, was converted from residential to commercial and most recently housed professional offices. Besides this structure, the majority of the property is vacant, with a grass lawn and scattered trees throughout.

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

The adjacent properties include a parcel to the east of the subject property at 446 W Plant Street, which is zoned R-NC and contains two commercial buildings. The other property to the east at 277 W Smith Street is also zoned R-NC and contains a residential structure. To the north is a City-owned right-of-way property that contains no structures, but does feature a portion of the West Orange Trail. The property to the south of the subject property at 238 W Smith Street is another City-owned parcel. This property is zoned R-NC and contains a baseball field with several associated structures as well as a building that contains City-related offices and facilities. There are two properties to the west of the subject property, both of which are zoned R-2. One of these properties, located at 504 W Plant Street, contains a residential structure. The other property to the west at 48 S Park Avenue contains a series of two-story and three-story apartment buildings. All of the adjacent properties are located within the City of Winter Garden's jurisdictional limits.

### **PROPOSED USE**

The developer intends to purchase the subject property and construct five new two & three-story townhome buildings with 24 total housing units. The seven townhome units that front on W Plant Street are designed to be converted into live/work commercial units, if the future owners choose to pursue Planning & Zoning Board approvals to be allowed to do so. The project will include associated drive aisles, pedestrian walks, walls, a courtyard, and other site improvements.

### **APPROVAL CRITERIA**

In accordance with the City's Comprehensive Plan and Land Development Regulations, a proposed planned unit development and its associated preliminary development plan may be approved only after competent, substantial evidence has been presented which allows the following determinations to be made: (staff conclusions/findings are underlined)

- (1) The proposed PUD is consistent with the land development regulations, comprehensive plan and the future land use map;

The proposed PUD is consistent with the City's land development regulations, comprehensive plan, and the future land use map. See other portions of this report concerning consistency with the land development regulations. Per Ordinance 13-14,

PUD Zoning is permitted with a Traditional Downtown (TD) Future Land Use Designation.

- (2) The proposed PUD will not substantially devalue or prevent reasonable use and enjoyment of the adjacent properties;

The proposed PUD project will not deprive or prevent adjacent property owners of any rights or abilities to enjoy or continue existing uses of their property or to develop their property in accordance with the city's land development regulations and comprehensive plan goals, objectives, and policies. Further, in accordance with land development regulations and the comprehensive plan, where appropriate, the proposed PUD will provide for adequate buffering against adjoining properties and rights-of-way in the form of either landscaping to create a visual screen and/or perimeter walls/fencing. However, the site is located within the City's Traditional Downtown, where higher densities are permitted and connectivity is emphasized.

- (3) Adequate public infrastructure facilities and water and sewer service to support the development of the proposed PUD are available or an agreement or binding conditions have been established that will provide these facilities, improvements and services in a reasonable time frame;

The existing potable water flow pressure of the City's utility system within the surrounding area is sufficient to support the development of the subject property. The property is currently a water and sewer customer of the City of Winter Garden; utility lines are connected to the existing building. At such time that the property is developed, additional utility connections may need to be made to serve the new townhome buildings. All extension and connection costs shall be borne by the property owner.

Prior to any board approvals, a Developer's Agreement detailing the obligations of the developer associated with the proposed PUD may be required. The requirement for a Developer's Agreement will be determined during the Final Engineering review.

- (4) The proposed PUD will not allow a type or intensity of development that is premature or presently out of character in relationship to the surrounding area;

The proposed PUD project is consistent with the comprehensive plan's goals, objectives and policies for the Traditional Downtown future land use designation; the PUD zoning criteria; and the City's land development regulations. The proposed PUD project features a gross density of +/- 21 dwelling units per acre which is lower than the maximum density of 25 dwelling units per acre permitted within the Traditional Downtown future land use designation. Furthermore, the Traditional Downtown future land use designation allows for up to 50 dwelling units per acre through density bonus. The live/work units are limited to those townhomes that have Plant Street frontage, and the majority of the square footage will remain residential. This renders it impossible for the development to ever exceed the permitted 0.75 commercial floor area ratio.

The proposed PUD is not premature or presently out of character in relationship to the surrounding area. The subject property is located on the southeast corner of W Plant Street and S Park Avenue, which is a prominent gateway site to the Downtown District from the west. The Winter Garden downtown district features a range of uses-

commercial, residential, institutional, mixed-use, etc. – all of which are located within close proximity to each other. Furthermore, there are many residential and commercial developments within the surrounding area which have similar or greater density and/or intensity than the proposed PUD project. The property to the west of the subject property features two and three story multi-family residential buildings. This is the same type of development proposed by the applicant. The introduction of live/work units is consistent with other commercial properties along W Plant Street, including the office development on the property directly east of the subject property. Townhomes with optional live/work units provide a natural transition from the more commercial-oriented areas to the east and the more residential-oriented areas to the west.

- (5) The rezoning will not interfere with an adjacent property owner's reasonable expectation of use or enjoyment; and

In accordance with the City's comprehensive plan and Ordinance 13-14, the zoning designations permitted within the Traditional Downtown future land use designation include Planned Unit Development. Further, in accordance with land development regulations and the comprehensive plan, where appropriate, the proposed PUD will provide for adequate buffering against adjoining properties and rights-of-way in the form of either landscaping to create a visual screen and/or perimeter walls/fencing. The site is located within the City's Traditional Downtown, where higher densities are permitted and connectivity is emphasized; the new development should not interfere with the adjacent property owner's reasonable expectation of use or enjoyment.

- (6) There is availability and adequacy of primary streets and thoroughfares to support traffic to be generated within the proposed PUD and the surrounding area, or an agreement or binding conditions have been established that will provide such transportation facilities to support said traffic in a reasonable time frame.

The surrounding streets- W Plant Street, W Smith Street, and S Park Ave- have sufficient capacity to support the traffic generated by 24 new dwelling units. In order to minimize potential traffic conflicts, the property will only have one two-way access point on W Smith Street. In addition, there will be an exit only lane on S Park Ave. The developer will also provide a new sidewalk connection along W Smith Street and design internal sidewalks to accommodate increased pedestrian traffic. Furthermore, the location of the townhomes in proximity to the myriad activities and destinations downtown is anticipated to result in a comparatively lower number of vehicular trips.

- (7) The degree of departure or conformity of the proposed PUD with surrounding areas in terms of character and density.

The proposed PUD project is consistent with the comprehensive plan's goals, objectives and policies for the Traditional Downtown future land use designation, the PUD zoning criteria, and land development regulations. As stated above, the proposed PUD features a gross density of +/- 21 dwelling units per acre, which is lower than the maximum density of 25 dwelling units per acre permitted within the Traditional Downtown future land use designation. Furthermore, it is not possible for the commercial components of the optional live/work units to result in a floor area ratio greater than 0.75. This is all consistent with the Comprehensive Plan policy for the Traditional Downtown FLU.

- (8) Compatibility of uses and improvements within the PUD and the relationship with surrounding existing or proposed developments.

The proposed PUD project integrates several elements that provide for cohesion between existing and proposed uses surrounding the property. The project includes construction of a 5 foot wide sidewalk extending the length of the property frontage on W Smith Street to enhance pedestrian circulation in the area. The project will also include the preservation of open space areas in accordance with City Code requirements for common open space. Overall, the PUD features residential and commercial uses that are consistent with the vibrant, mixed-use character of Winter Garden's downtown district. The project will share their City block with the Plant Street Market, Crooked Can Brewery, several professional office buildings, and a single-family residence.

- (9) Prevention of erosion and degrading or enhancement of the surrounding areas.

The proposed PUD project will not erode or degrade the environmental quality of the surrounding area. To the greatest extent possible, stormwater management features will be designed as landscape amenities. Proper erosion and sedimentation control measures will be taken during the construction process.

- (10) Provision for recreation facilities, surface drainage, flood control and soil conservation as shown in the preliminary development plan.

The PUD must comply with the open space requirements of City Code as well as any recreation requirements for residential developments. The project currently complies with the City's open space requirements, but the developer will be required to pay into the City's recreation fund to compensate for the required recreation area that is unable to be located on site. The amount that the developer will have to contribute to the fund is based on the fair market value of the land that would have otherwise been dedicated to recreation uses. In addition, there is a City park located directly south of the property that is available to meet the recreation needs of the new residents.

Stormwater management for the proposed PUD project will be provided in on-site stormwater management areas to satisfy the City of Winter Garden, St. John's Water Management District and strict requirements of the Wekiva Study Area criteria.

- (11) The nature, intent and compatibility of any common open space, including the proposed method for the maintenance and conservation of the common open space.

The proposed PUD project will comply with the City's requirements for open space (20% per code section 118-923). The open spaces will be designated as platted tracts dedicated to the Park & Plant Homeowners Association, which will own and maintain them.

- (12) The feasibility and compatibility of the specified stage(s) or phase(s) contained in the preliminary development plan to exist as an independent development.

The PUD is anticipated to be built in one phase. However, if the developer decides to phase the project, each phase of development of the proposed PUD project must operate as an individual unit in that each particular phase will be able to stand-alone in the event that no other phase is developed.

- (13) The availability of existing or planned reclaimed water service to support the proposed PUD.

Reclaimed water capacity is not currently available to serve the property on which the PUD is proposed to be developed. The project must make provisions for connecting to reclaimed lines at a later time when they are available to serve the property. All utility lines that are presently available (water and sewer) will be connected to serve the development, and all connection costs shall be borne by the property owner.

- (14) The benefits within the proposed PUD development and to the general public to justify the requested departure from standard land use requirements inherent in a PUD classification.

The proposed PUD includes the requirement that the architecture meet a certain level of design and material quality, and also be consistent with the architectural traditions of downtown Winter Garden as well as exhibit aesthetic harmony with surrounding properties. The project will provide much-needed residential space to the downtown district, increasing the diversity of housing types. The townhomes will provide dwelling options that emphasize walkability and pedestrian activity, which will help create a more vibrant downtown. The option to convert certain units to live/work will aid in the City's economic development, encourage small local business enterprises, as well as provide convenient, walkable commercial options to downtown residents.

- (15) The conformity and compatibility of the proposed common open space, residential and/or nonresidential uses within the proposed PUD.

As stated previously, the proposed PUD project will comply with the City's requirements for open space (20% per code section 118-923). Both the residential and optional non-residential uses will exist harmoniously within the context of the Winter Garden downtown district.

- (16) Architectural characteristics of proposed residential and/or nonresidential development.

A variety of architectural requirements have been incorporated into the townhome building standards in the proposed PUD project including requirements for architectural character, varying building massing, roof treatments, building projections and recesses, entryways and arcades, building articulation and theming, walls, and signage. In August of 2016, the proposed building elevations received approval from the City's Architectural Review and Historical Preservation Board, which deemed the architecture compatible with the building styles traditionally found in the Historic Downtown District.

- (17) A listing of the specific types of nonresidential uses to be allowed.

The proposed PUD includes primary residential uses with an option to convert seven of the dwellings along W Plant Street to live/work units if a Special Exception Permit is granted by the City's Planning & Zoning Board.

Special Exception uses for the business component of live/work units include accountants, architects, artists and artisans, attorneys, computer software and multimedia related professionals, consultants, engineers, graphic design, fashion and interior design, home-based office workers, insurance, real estate, travel agent, one-on-one instructors, photographers, and other business/office uses as are determined by the City of Winter Garden Planning & Zoning Board to be similar with the foregoing list of special exception uses and compatible with surrounding uses.

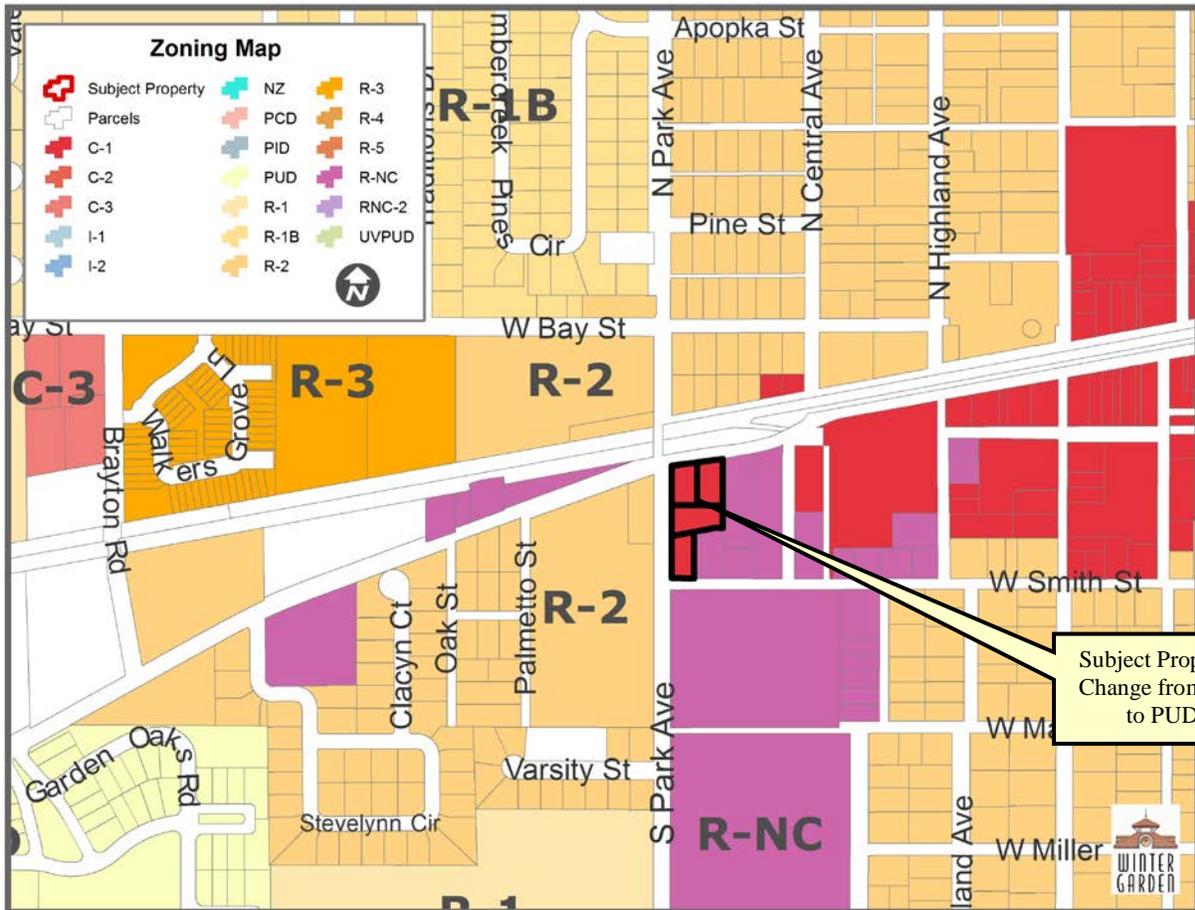
**SUMMARY**

City Staff recommend approval of the proposed Ordinance 16-58. Rezoning the subject property from City C-1 to City PUD is consistent with the City’s Comprehensive Plan, Future Land Use Map and land development regulations, and is consistent with the trend of development in the area.

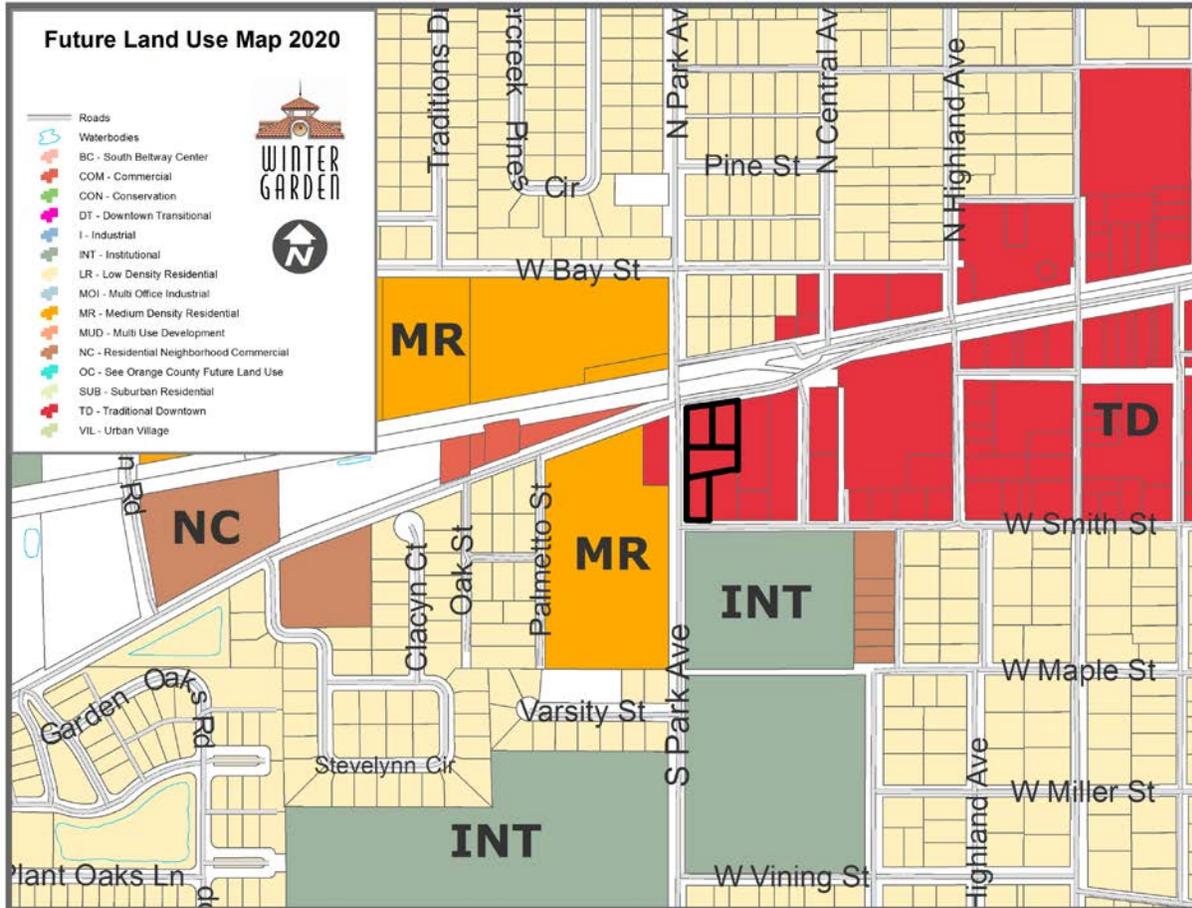
**AERIAL PHOTO**  
**462 W Plant St & 19 S Park Ave**



**ZONING MAP**  
**462 W Plant St & 19 S Park Ave**



**FUTURE LAND USE MAP**  
**462 W Plant St & 19 S Park Ave**



**END OF STAFF REPORT**

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

---

**From:** Kathy Golden, City Clerk

**Date:** September 7, 2016      **Meeting Date:** October 13, 2016

**Subject:** Expiring terms of Commission appointed trustees Morabito and Halluska on the Police and Fire Employees Pension Board

**Issue:** Current trustee, Erik Halluska, has indicated his willingness to be reappointed to serve another 2-year term as indicated in the attached letter from the plan administrator.

The Pension Board Trustees, as indicated on the attached letter from the plan's administrator, are asking the City Commission to consider a new appointment to fill Joe Morabito's seat due to his attendance record.

In addition, I have attached the two interest forms on file in the City Clerk's office for your consideration.

Attachments:

Two letters from Susy Pita, Plan Administrator

Two interest forms



**City of Winter Garden  
Police Officers' & Firefighters'  
Pension Board of Trustees**

Susy Pita, Plan Administrator  
21629 Stirling Pass ♦ Leesburg, FL 34748  
Office: 352-787-9795 ♦ Fax: 352-787-2699



**VIA EMAIL**

September 7, 2016

Ms. Kathy Golden  
City Clerk – City of Winter Garden

Re: City Commission Trustee Appointment

Dear Kathy:

The Commission Appointed trustee position currently held by Mr. Erik Halluska will expire at the end of November. Mr. Halluska has expressed his desire to serve another two-year term which, if successfully re-appointed, will not expire until November 30, 2018.

We respectfully request that this matter be placed on an upcoming agenda for the City Commission's re-appointment and approval.

If you have any questions or need additional information, please do not hesitate to contact me.

Sincerely,  
*/Susy Pita/*  
Susy Pita  
Plan Administrator

cc:  
Pension Board of Trustees  
Scott Christensen, Plan Counsel  
File



**City of Winter Garden  
Police Officers' & Firefighters'  
Pension Board of Trustees**

Susy Pita, Plan Administrator  
21629 Stirling Pass ♦ Leesburg, FL 34748  
Office: 352-787-9795 ♦ Fax: 352-787-2699



**VIA EMAIL**

September 7, 2016

Ms. Kathy Golden  
City Clerk – City of Winter Garden

Re: City Commission Trustee Appointment

Dear Kathy:

The Commission Appointed trustee position currently held by Mr. Joe Morabito will expire at the end of November. Unfortunately, Mr. Morabito has missed several meetings during his past two-year term on the Board and the Trustees have expressed their concerns regarding another re-appointment.

We respectfully request that the City Commission consider a new resident appointment to the Board to replace Mr. Morabito.

We respectfully request that this matter be placed on an upcoming agenda for the City Commission's re-appointment and approval.

If you have any questions or need additional information, please do not hesitate to contact me.

Sincerely,

*/Susy Pita/*

Susy Pita  
Plan Administrator

cc:

E. Halluska, Pension Board Chairman  
Scott Christensen, Plan Counsel  
File



STILL... 3-26-12  
No response 5-20-14 9-19-14  
CITY OF WINTER GARDEN  
300 WEST PLANT STREET  
WINTER GARDEN, FL 34787  
5-20-15  
9-20-16

Rec'd. 4-19-10

P: 407.656.4111  
WWW.WINTERGARDEN-FL.GOV

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

### CITY OF WINTER GARDEN BOARD APPOINTMENT INTEREST FORM

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

DATE: APRIL 16, 2010 VERIFIED INTEREST ON: \_\_\_\_\_

LAST NAME: LIPPOLD FIRST: NEAL MIDDLE: W

HOME ADDRESS: 525 S. HIGHLAND AVENUE, WINTER GARDEN, FL 34787

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

HOME PHONE: 407-347-8300 WORK PHONE: \_\_\_\_\_ FAX: 407-347-8300

CURRENT EMPLOYER: RETIRED - WAUBONSEE COMMUNITY COLLEGE, SUGAR GROVE, IL LENGTH: 31 YEARS

POSITION: PROFESSOR EMERITUS OF CRIMINAL JUSTICE

EDUCATION: AURORA EAST HIGH SCHOOL UNDERGRADUATE COLLEGE DEGREE IN: CRIMINAL JUSTICE/SOCIOLOGY

ADVANCED COLLEGE DEGREE IN: CRIMINAL JUSTICE OTHER: ALL BUT DISSERTATION FOR EDUCATIONAL DOCTORATE IN CURRICULUM AND INSTRUCTION

PLEASE STATE YOUR EXPERIENCE, INTERESTS OR ELEMENTS OF YOUR HISTORY THAT YOU THINK QUALIFY YOU FOR APPOINTMENT:  
I was involved in police work for 17 years holding position from patrolman to chief of police; 5 years as a correctional counselor and parole agent with the Illinois Department of Corrections; 31 years a professor of criminal justice. I believe my work and educational qualify for a position on the police committee.

COMMUNITY INVOLVEMENT: Instructor with AARP Driver Safety Program, past member of the Volusia County COP program.

INTERESTS/ACTIVITIES: Sports, reading, gardening

WHY DO YOU DESIRE TO SERVE ON THIS/THESE BOARDS? I have a strong interest in giving back to the communities were I have lived.

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

American Legion, member for over 15 years, Illinois Association of Police Planners, 1980 thru 2006; International Association of Law Enforcement Planners, 2000 thru 2006.

ARE YOU A RESIDENT OF WINTER GARDEN? YES IF YES, CONTINUOUS RESIDENT SINCE? 2008

ARE YOU A REGISTERED VOTER OF ORANGE COUNTY? YES WHICH CITY DISTRICT? 8 1

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

HAVE YOU EVER SERVED ON A GOVERNMENT BOARD? YES IF YES, PLEASE STATE NAME OF BOARD: POLICE COMMITTEE

AS CHIEF OF POLICE, I SERVED ON THE POLICE COMMITTEE FOR THE VILLAGE OF SUGAR GROVE, ILLINOIS FROM 1980 THRU 1986.

REFERENCES: SUPPLIED ON DEMAND

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

- \*CODE ENFORCEMENT BOARD
- \*PLANNING & ZONING BOARD
- \*COMMUNITY REDEVELOPMENT AGENCY OR ADVISORY BOARD
- \*GENERAL EMPLOYEES PENSION BOARD
- \*FIRE/POLICE PENSION BOARD
- \*ARCHITECTURAL REVIEW AND HISTORICAL PRESERVATION BOARD

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

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

# NEAL W. LIPPOLD

525 S. Highland Avenue ■ Winter Garden, FL 34787 ■ (407) 347-8300 ■ nlippold@cfl.rr.com

---

## EDUCATION

---

### **NORTHERN ILLINOIS UNIVERSITY**

*Curriculum and Instruction, January, 1992-2002*

All course work completed for EdD, except dissertation.

### **CHICAGO STATE UNIVERSITY**

*Masters Degree ■ Corrections, May, 1978*

### **AURORA UNIVERSITY**

*Bachelors of Arts Degree - Sociology and Corrections, June, 1974*

### **WAUBONSEE COMMUNITY COLLEGE**

*Associate in General Studies Degree, June, 1972*

## WORK EXPERIENCE

---

### **ACADEMIC**

#### **8/75-6/06: Professor of Criminal Justice, Waubonsee Community College.**

Taught all criminal justice courses; promoted the criminal justice program via advertising, flyers, advisory councils and visits to criminal justice agencies.

Responsible for budget preparation; preparing semester class schedule; degree and certificate programs; catalog changes; ordering equipment; developing departmental policy and procedures, and hiring of adjunct faculty.

#### **Program Development/Curriculum Design**

- Curriculum design written all course work leading to both the Associate in Science and Associate in Applied Science Degrees.
- Created certificates in advance police skills and community policing.

#### **Distance Learning**

- Pioneer teacher in two-way interactive teaching.
- Pioneer teacher in the development of online courses.
- Have written a total of ten online courses, 7 criminal justice and 3 Microsoft application courses.

#### **Dual credit course offerings**

- Help to create and taught dual credit program that combined the efforts of Waubonsee Community College, Oswego, Illinois school district and the Oswego Illinois Police Department.
- Through the two-way interactive television system I have taught dual credit classes with two high school districts..

### **Driver Safety:**

- Certified DDC 4 Instructor
- Certified 25 Alive Instructor
- Certified instructor with AARP Driver Safety Program

### **Extracurricular Activities:**

- Campus Police Cadet training
- Involvement with Waubonsee Community College Drama Department
- SkillsUSA VICA Criminal Justice Advisor
- Member of the Waubonsee Community College Speakers Bureau

### **Center for Teaching, Learning and Technology**

- Pioneer leadership role with the Center for Teaching and Learning and Technology as a trailblazer and Consultant
- Faculty Liaison for the academic year of 1999 - 2000
- Responsible for coordinating the Spring 2000 Adjunct training workshop
- Developed the foundational study for the development of a Faculty Teaching and Learning Academy
- Created and coordinated the New Faculty Teaching and Learning Academy for new faculty coming to Waubonsee
- Chaired the Faculty Development Committee for the Center for Teaching, Learning and Technology
- Worked with faculty to create a (CATs) classroom assessment techniques program for all Waubonsee faculty
- Tested interactive video and audio software

### **Presenter--State Level**

- Peoria, Illinois, 1995, Illinois Community College Faculty Association
- Bloomington, Illinois, 1997, Statewide Distance Learning Instructional Consortium
- Bloomington, Illinois, 1998, Statewide Distance Learning Instructional Consortium

### **Research - Classroom Usage**

- Developed and conducted a study regarding classroom usage for Waubonsee Community College

**ADMINISTRATIVE/PRACTICAL**

---

**1987 - 1992**, Sergeant, Fox Valley Park District Police Department. Responsible for general patrol, patrol supervision, and training of officers.

**1976 - 1986**, Chief of Police, Village of Sugar Grove, Illinois. Responsible for the operation of the police department, including budgeting, personnel matters, policy formulation, and working with the village's governmental officials.

**1975 - 1982**, Chief of Police, Waubensee Community College Police Department. Responsible for the security of the campus, training of student employees, budgeting, and policy formulation.

**1970 - 1975**, Parole Agent and Correctional Counselor, State of Illinois, Department of Corrections. Responsible for caseload management and the supervision of incarcerated inmates and parolees.

**KNOWLEDGE, ABILITIES, AND SKILLS**

- 
- X Software: WordPerfect, Microsoft Word, PowerPoint, Publisher, and Outlook, WordPerfect Presentation Graphics, Web Browsers, Working knowledge of Hypertext Markup Language, WebCT course management software, Cu-See-Me.
  - X Equipment: Personal Computers and Macintosh.
  - X Other: various printers, and scanners, telecommunications equipment, interactive video equipment.

**COLLEGIATE ACTIVITIES**

---

- Curriculum Council
- Calendar Committee
- Member of committee that planned the new classroom building
- Co-Chair of the Illinois Articulation Initiative Criminal Justice Panel
- Member of Committees to prepare for North Central Accreditation Visit (3 visits)
- Past president of Faculty Federation
- Safety Committee
- Diversity Committee
- Insurance Ad Hoc Committee
- Interview committees
- Faculty Trainer for Two-way Interactive Video
- Evaluation committees
- Student Advisement Committees
- Student health and Safety

- Administration Search Committees
- Semester Orientation Committees
- Advisory Counsel
- Building Committees
- Referendum Committees
- Criminal Justice Program Advisory Committee
- Student Conduct Board

#### **PROFESSIONAL AFFILIATIONS**

---

- X Illinois Association of Police Planners
- X International Association of Law Enforcement Planners
- X American Correctional Association
- X Illinois Correctional Association

#### **COMMUNITY ACTIVITIES**

---

- Breaking Free, member of the Board, 1978 - 1982
- Sugar Grove Lions Club, former member and past president
- DeKalb Evening Lions club, 1992 - 2000
- Candidate for Kane County Sheriff, 1986
- Candidate for Alderman, 3<sup>rd</sup> Ward, City of Aurora, 1991
- Member of the Board, Kane County Association of Chiefs of Police, 1988

#### **HONORS**

---

- Awarded Rank of Professor by the Waubensee Community College Board of Trustees
- Certificate of Merit presented by the Du Page Bar Association
- Who's Who in America 1997 & 2000
- Who's Who in American Education 1998 & 2004
- Certificate of Appreciation, awarded by the Board of Trustees, Waubensee Community College, 1988
- Featured Alumnus, awarded by the Board of Trustees, Waubensee Community College, 1991
- Certificate of Achievement, awarded by the National District Attorneys Association, 1990
- Certificate of Honor, awarded by the Kane County Bar Association, 1991
- Great Teacher Conference, 1987
- National Great Teacher Conference, 1988
- Nominated as Distinguished Alumnus

**References sent under separate cover**



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

P: 407.656.4111  
WWW.WINTERGARDEN-FL.GOV

Rec'd 4-22-13

BOARD APPOINTMENT INTEREST FORM

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

DATE: April 18, 2013 VERIFIED INTEREST ON: 9-11-14  
9-23-15  
9-7-16

LAST NAME: Montgomery FIRST: Gerard MIDDLE: Vincent  
HOME ADDRESS: 2045 Black Lake Blvd  
OFFICE ADDRESS: 2045 Black Lake Blvd  
HOME PHONE: 407-567-8688 CELL PHONE: 407-567-8688 WORK PHONE: \_\_\_\_\_  
EMAIL: Gerard\_Montgomery@yahoo.com FAX #: 407-315-0026  
CURRENT EMPLOYER: Southern Protection Service Inc LENGTH: 4 yrs  
POSITION: President / owner  
EDUCATION: HIGH SCHOOL GRADUATE  YES  NO UNDERGRADUATE COLLEGE DEGREE IN: Business Management  
ADVANCED COLLEGE DEGREE IN: \_\_\_\_\_ OTHER: \_\_\_\_\_

PLEASE STATE YOUR EXPERIENCE, INTERESTS OR ELEMENTS OF YOUR HISTORY THAT YOU THINK QUALIFY YOU FOR APPOINTMENT:  
Business owner - Security / PRIVATE INVESTIGATION - 30 yrs exper ups District  
Attended Winter Garden Citizen Police class Security Manager

COMMUNITY INVOLVEMENT: N/A  
INTERESTS/ACTIVITIES: Biking / Reading / Business owner  
WHY DO YOU DESIRE TO SERVE ON THIS/THESE BOARDS? more involved in City Govern ment / city improvement  
NAME ANY BUSINESS, PROFESSIONAL, CIVIC OR FRATERNAL ORGANIZATIONS OF WHICH YOU ARE A MEMBER AND THE DATES OF MEMBERSHIP.

N/A

ARE YOU A RESIDENT OF WINTER GARDEN?  YES  NO IF YES, CONTINUOUS RESIDENT SINCE? \_\_\_\_\_  
ARE YOU A REGISTERED VOTER OF ORANGE COUNTY?  YES  NO WHICH CITY DISTRICT? 4  
ARE YOU CURRENTLY SERVING ON ANY OTHER BOARDS?  YES  NO IF YES, PLEASE STATE NAME OF BOARD: \_\_\_\_\_

HAVE YOU EVER SERVED ON A GOVERNMENT BOARD?  YES  NO IF YES, PLEASE STATE NAME OF BOARD:  
North Carolina Rural Electric Authority - Board member

REFERENCES:  
Michelle Titum - 407-825-7111 / James Buck 336-669-1574 / Vernesa Patten 843-424-0178

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

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

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

THANK YOU FOR YOUR INTEREST IN SERVING YOUR COMMUNITY.

Board Appointment Interest Form 06-10