



**CITY COMMISSION**

**AGENDA**

**REMOTE ELECTRONIC ATTENDANCE**

As per State of Florida – Office of the Governor

EXECUTIVE ORDER NUMBER 20-69

(Visit link below for details to join this meeting or offer Public Comment)

<http://www.cwgdn.com/Calendar.aspx?EID=160>

CITY HALL COMMISSION CHAMBERS

300 W. Plant Street

Winter Garden, Florida

**REGULAR MEETING**

**July 23, 2020**

**6:30 p.m.**

**CALL TO ORDER**

Determination of a Quorum

Opening Invocation and Pledge of Allegiance

**1. APPROVAL OF MINUTES**

Regular Meeting Minutes – July 9, 2020

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

A. **Ordinance 20-29:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING THE CITY OF WINTER GARDEN FISCAL YEAR 2019-2020 BUDGET; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE **with the second reading and public hearing August 13, 2020** - Finance Director Zielonka

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

A. **Ordinance 20-27:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING THE FUTURE LAND USE MAP OF THE WINTER GARDEN COMPREHENSIVE PLAN BY CHANGING THE LAND USE DESIGNATION OF REAL PROPERTY GENERALLY DESCRIBED AS 0.26 ± ACRES OF LAND LOCATED AT 543 S. LAKEVIEW AVENUE; NORTH OF W. STORY ROAD, EAST OF S. LAKEVIEW AVENUE, AND WEST OF S. BOYD STREET FROM CITY LOW DENSITY RESIDENTIAL TO CITY RESIDENTIAL NEIGHBORHOOD COMMERCIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

B. **Ordinance 20-28:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.26 ± ACRES LOCATED AT 543 S. LAKEVIEW AVENUE; NORTH OF W. STORY ROAD, EAST OF S. LAKEVIEW AVENUE, AND WEST OF S. BOYD STREET; FROM CITY R-2 RESIDENTIAL DISTRICT TO CITY R-NC RESIDENTIAL-NEIGHBORHOOD COMMERCIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE – **Community Development Director Pash**

4. **REGULAR BUSINESS**

- A. Recommendation to approve setting the proposed **MILLAGE RATE** for fiscal year 2020/2021 at the current rate of 4.5000 mills and schedule budget public hearings for September 3, 2020 and September 17, 2020 at 6:30 p.m. - **City Manager Bollhoefer**
- B. Recommendation to approve the reduction and removal of a Code Enforcement lien for 509 S. Lakeview Avenue – Case No. 18-209 and 19-022 (Fragale) - **Community Development Director Pash – Community Development Director Pash**

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

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

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

8. **MATTERS FROM MAYOR AND COMMISSIONERS**

**ADJOURN** to **Regular Meeting** on Thursday, **August 13, 2020** 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 x2297.		Help for the hearing impaired is available through the Assistive Listening System. Receivers can be obtained at the meeting from the Information Technology Department (407) 656-4111 x5455.
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# CITY OF WINTER GARDEN

## CITY COMMISSION REGULAR MEETING MINUTES

July 9, 2020

A **REGULAR MEETING** of the Winter Garden City Commission was 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 given.

**Present:** Mayor John Rees and Commissioners

Lisa L. Bennett – District 1

Mayor Pro-Tem Bob Buchanan – District 2

Mark A. Maciel – District 3

Colin Sharman – District 4

**Also Present:** City Manager Mike Bollhoefer, City Attorney A. Kurt Ardaman, City Clerk Angee Grimmage, Assistant City Manager of Administrative Services Frank Gilbert, Assistant City Manager of Public Services Jon Williams, Community Development Director Stephen Pash, Economic Development Director Tanja Gerhartz, Information Technology Director Chad Morrill, Fire Chief Matt McGrew and Police Chief Stephen Graham

### 1. **APPROVAL OF MINUTES**

**Motion by Commissioner Buchanan to approve regular meeting minutes of June 25, 2020 as submitted. Seconded by Commissioner Bennett and carried unanimously 5-0.**

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

A. **Ordinance 20-27:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING THE FUTURE LAND USE MAP OF THE WINTER GARDEN COMPREHENSIVE PLAN BY CHANGING THE LAND USE DESIGNATION OF REAL PROPERTY GENERALLY DESCRIBED AS 0.26 ± ACRES OF LAND LOCATED AT 543 S. LAKEVIEW AVENUE; NORTH OF W. STORY ROAD, EAST OF S. LAKEVIEW AVENUE, AND WEST OF S. BOYD STREET FROM CITY LOW DENSITY RESIDENTIAL TO CITY RESIDENTIAL NEIGHBORHOOD COMMERCIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinances 20-27 by title only. Community Development Director Pash stated that this is an application rezoning the property and changing future land use designation. He noted that the owners intend to convert a small portion of the existing garage into a hair salon. Staff recommends approval of Ordinances 20-27 and 20-28.

There was discussion regarding the community meetings regarding this change and there were no noted objections from the community.

Mayor Rees opened the public hearing; reading a dedicated phone number and instructions for the public's participation in this meeting. After waiting and receiving no public calls or comments, he closed the public hearing.

**Motion by Commissioner Buchanan to approve Ordinances 20-27 and 20-28 with the second reading and public hearing scheduled for July 23, 2020 at 6:30 p.m. Seconded by Commissioner Bennett and carried unanimously 5-0.**

- B. **Ordinance 20-28:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.26 ± ACRES LOCATED AT 543 S. LAKEVIEW AVENUE; NORTH OF W. STORY ROAD, EAST OF S. LAKEVIEW AVENUE, AND WEST OF S. BOYD STREET; FROM CITY R-2 RESIDENTIAL DISTRICT TO CITY R-NC RESIDENTIAL-NEIGHBORHOOD COMMERCIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman noted that he had not read Ordinance 20-28 before the previous motion and suggested that he should read it and have it opened for public hearing. It was noted that Community Development Director Pash had addressed both items 2.A and 2.B together on which the City Commission voted.

City Attorney Ardaman read Ordinance 20-28 by title only.

Mayor Rees opened the public hearing; reading a dedicated phone number and instructions for the public's participation in this meeting. After waiting and receiving no public calls or comments, he closed the public hearing.

**Motion by Commissioner Bennett to approve Ordinance 20-28 with the second reading and public hearing scheduled for July 23, 2020 at 6:30 p.m. Seconded by Commissioner Buchanan and carried unanimously 5-0.**

### 3. **REGULAR BUSINESS**

- A. Recommendation to approve and authorize Mayor and Police Chief to execute a Memorandum of Understanding with Orange County Sheriff's Office

Police Chief Graham stated that this is a Memorandum of Understanding with Orange County Sheriff's Office. He explained officers participating in the West Orange Narcotics Task Force would be cross-sworn as deputy sheriffs having credentials in the unincorporated areas.

City Attorney Ardaman stated that this is a new agreement for the City of Winter Garden and noted an oversight of the protections and reservations of sovereign immunity. He suggested allowing Police Chief Graham request Orange County Sheriff's Office allow for inclusion of the additional language, preferably at the end of paragraph number eight. He noted that this is a standard provision and does not feel that the omission was intentional. City Manager Bollhoefer noted that this adds emphasis to that which is already implied and already a part of the law.

**Motion by Commissioner Buchanan to approve and authorize the Mayor and Police Chief to execute a Memorandum of Understanding with Orange County Sheriff's Office with the added language as stated by City Attorney Ardaman. Seconded by Commissioner Bennett and carried unanimously 5-0.**

**B. Recommendation to approve the reduction and removal of a Code Enforcement liens for 13728 Fox Glove Street – Case No. 10-1549 and 17-155 (Landt)**

Community Development Director Pash gave the location of the property and noted that it has had code violations dating back to 2010. He noted that the homeowner vacated the property and the neglect resulted in code violations, fines, and City interventions. The owner now has a potential buyer who would like to purchase and rebuild it and request lien reduction. Mr. Pash noted that the original reduction request of \$20,000 in the agenda documents, but after having further reviewed this item, staff feels that \$6,000 covers everything including staff's hours and cost of the installed covers by City. Staff recommends the reduction to \$6,000, if paid by July 31, 2020.

Commissioner Bennett inquired as to the property location. Community Development Director Pash responded that it is located in Stoneybrook.

**Motion by Commissioner Sharman to approve the reduction and removal of Code Enforcement liens for 13728 Fox Glove Street – Case No. 10-1549 and 17-155 (Landt) to \$6,000, if paid by July 31, 2020. Seconded by Commissioner Bennett and carried unanimously 5-0.**

**4. MATTERS FROM PUBLIC**

Mayor Rees opened the public hearing; reading a dedicated phone number and instructions for the public's participation in this meeting.

Heather Gantt, 10120 Fox Meadow Trail, Winter Garden, Florida, noted that she attended the last few meetings regarding the work with the community and the Police Department. She spoke of sharing a summary of the information on social media and inquired as to whether this information would be publicly shared in a way other than the meeting minutes. City Manager Bollhoefer responded yes and indicated that the City would find a way to place the information on its webpage.

After receiving no additional public calls or comments, he closed the public hearing.

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

**6. MATTERS FROM CITY MANAGER**

Fireworks

City Manager Bollhoefer relayed a resident's concern regarding the launching of fireworks. He informed of a new State law legalizing Fourth of July, New Year's Eve, and New Year's

Day fireworks. He noted that every other day of the year, the fireworks are illegal. He shared that the resident also inquired as to whether the local government has authority to change that law and be stricter than that of the state government. Mr. Bollhoefer noted that he did not believe so, but suggested that the City have the City Attorney research this issue and bring back a brief presentation on what the City can and cannot do in regards to the fireworks issue. He indicated that he would contact this resident when the presentation is available.

Mayor Rees noted that this issue is hard to enforce. Mr. Bollhoefer responded that it is hard to enforce but at least the City would know where it stood.

Commissioner Bennett inquired if the research would specify timeframes. Mr. Bollhoefer explained that research would first reveal the City's ability or inability to be stricter than the State, indicating that the City may not have authority on the issue from the start. Investigated would then be timeframes to determine the actual law on the issue.

Commissioner Buchanan inquired as to would there be any fines, if so. Mr. Bollhoefer noted this would also need investigating, however, if there is a violation of law, then something could be done and those penalties are already established by the Florida State Statutes.

Mayor Rees noted that when he was younger, the fireworks were merely confiscated. Commissioner Buchanan noted that the fireworks were being launched many days, before and after. City Manager Bollhoefer believes it was worse this year than most, as the cities were not doing fireworks themselves. He noted that the City would place an ad in the newspapers again for News Years, as it worked well and this is a nuisance to many people.

#### Stoneybrook West Golf Course

City Manager Bollhoefer updated the City Commission on the Stoneybrook West Golf course. He mentioned a meeting held with staff, the City Attorney, the developer, the residents and their Homeowner's Association (HOA) board. He described a potential purchase of a current note on the golf course, the proposed plans given to the residents for the golf course, and proposed modifications of the clubhouse. He expressed getting closer to resolutions for this golf course issue.

Commissioner Buchanan inquired as to who mows and maintains the property. Mr. Bollhoefer indicated that it might be a resident. Mr. Bollhoefer stated that the investor has shared that they would immediately begin getting this property into shape noting any prolonged time could potentially allow it to get worse. He noted that this developer indicated possibly getting it up and running by April of next year.

Commissioner Sharman thanked City Manager Bollhoefer for the great update.

City Manager Bollhoefer noted that the HOA also commended the City on this issue and he stated that the City is in a much better condition after the City Commission passed the ordinance tightening the rules for golf courses. City Attorney Ardaman noted commendations also given to the City Manager.

**7. MATTERS FROM MAYOR AND COMMISSIONERS**

**Commissioner Sharman** addressed resident issues regarding fireworks and noted his appreciation for the City Manager finding out about what the City could legally do.

Commissioner Sharman noted that the City is doing a great job and expressed appreciation of everyone working for the citizens, notably the first responders our Fire and Police.

**Commissioner Buchanan** addressed calls he had also received regarding fireworks, but was moreover concerned with who would do the cleanup. Discussion ensued.

Commissioner Buchanan noted staff's great job all around the City and the Fourth of July event was good, he said, with all things considered.

**Mayor Rees** noted that he would like to commend some of the City's employees, but would like to do it at a time when we can meet together.

The meeting adjourned at 6:56 p.m.

APPROVED:

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Mayor John Rees

ATTEST:

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City Clerk Angee Grimmage, CMC

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

**From:** Laura Zielonka, Finance Director

**Via:** Michael Bollhoefer, City Manager

**Date:** July 17, 2020

**Meeting Date:** July 23, 2020

**Subject:** Interim Budget Ordinance 20-29

**Issue:** Amending the 2019-2020 budget for mid-year adjustments. The interim budget is used as part of the budget process to account for changes that have occurred since the original budget was passed.

**Recommended action:**

Motion to approve Ordinance 20-29, amending the fiscal year 2019-2020 budget for mid-year with second hearing and adoption on August 13, 2020.

**ORDINANCE 20-29**

**AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING THE CITY OF WINTER GARDEN FISCAL YEAR 2019-2020 BUDGET; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, on September 26, 2019, the City Commission of the City of Winter Garden, Florida, adopted Ordinance 19-52 appropriating and allocating all revenue and funds of the City of Winter Garden, Florida for the tax year beginning October 1, 2019 and ending September 30, 2020;

**WHEREAS**, the City Commission has decided to amend the City of Winter Garden, Florida Budget for the tax year beginning October 1, 2019 and ending September 30, 2020 to provide for interim adjustments;

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

**SECTION 1:** That the sum of \$1,908,047 to be appropriated as follows:

**REVENUES**

Transportation Impact Fee-General Fund	\$ 1,533,834
Stormwater Fund	309,213
Trailer City Fund	<u>65,000</u>
	\$ 1,908,047

**EXPENDITURES**

Transportation Impact Fee-General Fund	\$ 1,533,834
Stormwater Fund	309,213
Trailer City Fund	<u>65,000</u>
	\$ 1,908,047

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

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

**READ FIRST TIME:**

\_\_\_\_\_

**READ SECOND TIME AND PUBLIC HEARING HELD: \_\_\_\_\_**

APPROVED:

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

ATTEST:

\_\_\_\_\_  
Angela Grimmage, City Clerk

**EXHIBIT #1**  
ORDINANCE 20-29

**City of Winter Garden  
Interim Budget  
FYE 2020**

**City of Winter Garden  
Interim Budget  
FYE 2020**

**Table of Contents**

<b><u>Section</u></b>	<b><u>Item</u></b>	<b><u>Page</u></b>
General Fund		3
Special Revenue Funds	Transportation Impact Fee Fund	4
Enterprise Funds	Stormwater Fund	5
	Trailer City Fund	6

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

<u>Account Number</u>	<u>Description</u>	<u>2018 Actual</u>	<u>2020 Current Budget</u>	<u>2020 Budget Adjustments</u>	<u>2020 Proposed Amended Budget</u>
<b>Revenues</b>					
<b>Executive</b>					
001-0213-399.99-99	Use of Fund Balance	-	-	-	-
<i>Balance Revenues and Expenditures</i>					
<b>Total Revenues</b>				<b>\$ -</b>	
<b>Expenditures</b>					
<b>Police</b>					
001-0521-521.12 to 22-00	Personnel Costs	4,377,057	5,266,875	(10,000)	5,256,875
<i>Due to Police Officer vacancies</i>					
001-0521-521.64-00	Machinery and Equipment	452,492	575,193	10,000	585,193
	<i>Recording system to record in-house radio and dispatch phones</i>	<i>10,000</i>			
	<i>Orange County 911 currently records this and has informed us they will no longer record our radio transmissions</i>				
<b>Total Expenditures</b>				<b>\$ -</b>	

**City of Winter Garden  
Interim Budget  
General Transportation Impact Fee Fund**

<u>Account Number</u>	<u>Description</u>	<u>2019 Actual</u>	<u>2020 Current Budget</u>	<u>2020 Budget Adjustments</u>	<u>2020 Proposed Amended Budget</u>
<b>Revenues</b>					
<b>Streets</b>					
174-0741-399.99-99	Use of Fund Balance	-	3,410,683	<u>1,533,834</u>	4,944,517
<i>Balance Revenues and Expenditures</i>					
<b>Total Revenues</b>				<b><u>\$ 1,533,834</u></b>	
<b>Expenditures</b>					
<b>Streets</b>					
174-0741-541.61-00	Land	20,642	-	100,000	100,000
	<i>Plant Street ROW for CFX 429 interchange improvements</i>	<i>100,000</i>			
174-0741-541.63-00	Improvements other than building	1,707,165	4,890,473	<u>1,433,834</u>	6,324,307
	<i>E Crown Pt./Fullers Cross Intersection Construction for add'n of N-bound left turn lane, an E-bound left turn lane, signalization, utility relocation (Comission Approved at 11/14/19 meeting)</i>	<i>1,433,834</i>			
<b>Total Expenditures</b>				<b><u>\$ 1,533,834</u></b>	

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

<u>Account Number</u>	<u>Description</u>	<u>2019 Actual</u>	<u>2020 Current Budget</u>	<u>2020 Budget Adjustments</u>	<u>2020 Proposed Amended Budget</u>
<b>Revenues</b>					
420-2618-399.99-99	Use of Fund Balance	-	2,062,697	<u>309,213</u>	2,371,910
<b>Total Revenues</b>				<b><u>\$ 309,213</u></b>	
<b>Expenditures</b>					
420-2618-538.63-00	Improvements other than bldg	602,205	2,937,028	<u>309,213</u>	3,246,241
	<i>Stormwater R&amp;R</i>	<i>309,213</i>			
	<i>Trailer City - yard drains, asphalt curing and ramps</i>				
	<i>Daniels Bridge - erosion repair</i>				
	<i>Brandy Creek - storm water inlet/pipe repair</i>				
	<i>Hennis Rd - drainage / grading</i>				
	<i>N Boyd &amp; N Main - alley grading and storm inlet tops</i>				
	<i>Covington Chase - swale grading</i>				
<b>Total Expenditures</b>				<b><u>\$ 309,213</u></b>	

City of Winter Garden  
Interim Budget  
Trailer City Fund

<u>Account Number</u>	<u>Description</u>	<u>2019 Actual</u>	<u>2020 Current Budget</u>	<u>2020 Budget Adjustments</u>	<u>2020 Proposed Amended Budget</u>
<b>Revenues</b>					
450-3657-399.99-99	Use of Fund Balance	-	59,300	65,000	124,300
<b>Total Revenues</b>				<b>\$ 65,000</b>	
<b>Expenditures</b>					
450-3657-539.62-00	Buildings	126,230	55,300	65,000	120,300
	<i>Finish Office/Laundry renovations from prior year</i>	<i>65,000</i>			
<b>Total Expenditures</b>				<b>\$ 65,000</b>	

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

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

**Via:** City Manager Mike Bollhoefer

**Date:** June 16, 2020

**Meeting Date:** July 23, 2020

**Subject:** **543 S. Lakeview Avenue**  
**Ordinance 20-27 and 20-28**  
**PARCEL ID # 23-22-27-2468-00-680**

**Issue:** The applicant is requesting to requesting to change the future land use of the 0.26 ± acre property from Low Density Residential to Residential Neighborhood Commercial and rezone the property from R-2 (Residential District) to RNC (Residential-Neighborhood Commercial).

**Discussion:** The applicant is requesting to amend the City's Comprehensive Plan to give the 0.26 ± acre property a FLU designation of Residential Neighborhood Commercial and rezone to RNC. The subject property is a resulting parcel from a recent lot split/reconfiguration of 537 S. Lakeview Avenue & 39 W. Story Road. The applicant intends to convert the existing garage on the property into a hair salon, after going through the required special exception and site plan approval process (See Staff Report). The proposed FLU amendment and rezoning is consistent with the City's Comprehensive Plan and the City's Code of Ordinances.

**Recommended Action:**

Staff recommends approval of Ordinance 20-27 and 20-28.

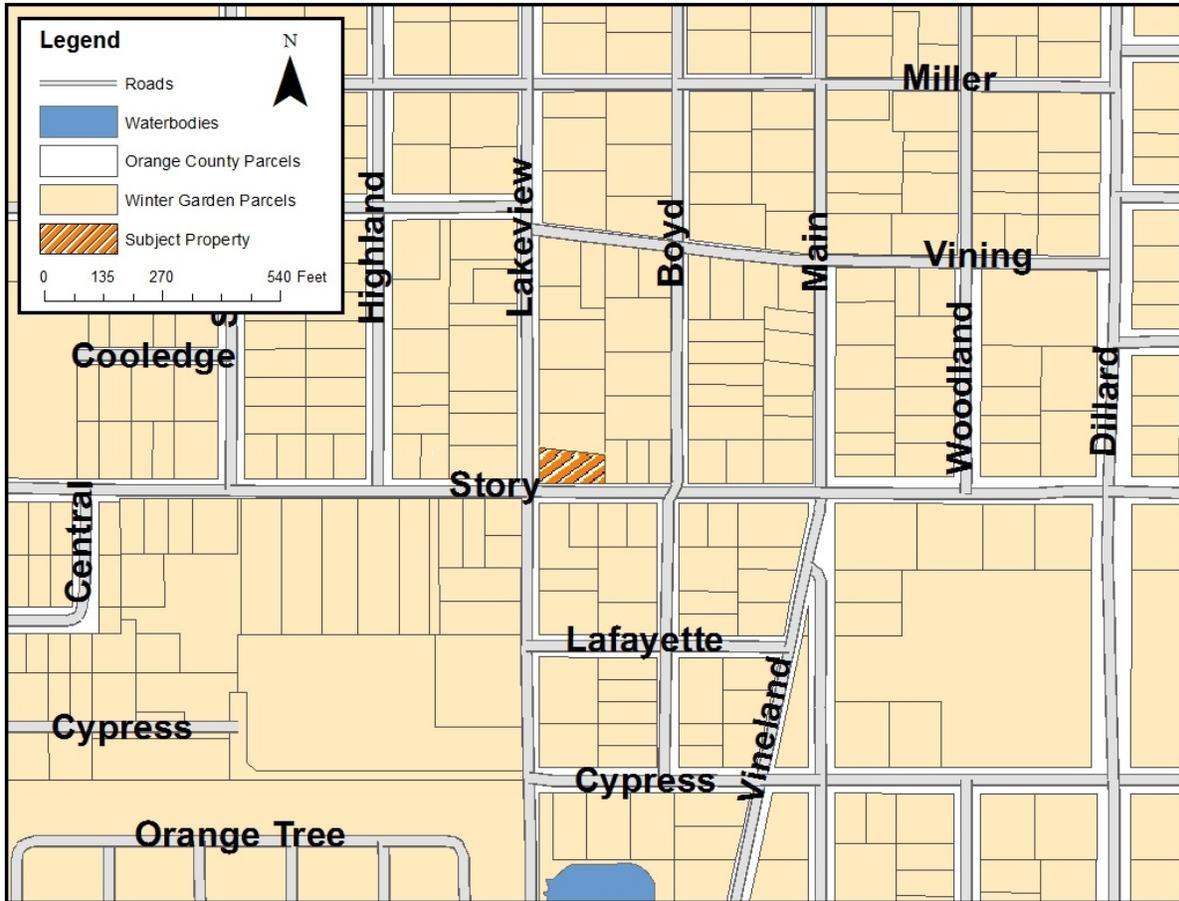
**Attachment(s)/References:**

Location Map  
Ordinance 20-27 and 20-28  
Staff Report

# LOCATION MAP

543 S. Lakeview Avenue

FLUA & Rezoning



ORDINANCE 20-27

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING THE FUTURE LAND USE MAP OF THE WINTER GARDEN COMPREHENSIVE PLAN BY CHANGING THE LAND USE DESIGNATION OF REAL PROPERTY GENERALLY DESCRIBED AS 0.26 ± ACRES OF LAND LOCATED AT 543 S. LAKEVIEW AVENUE; NORTH OF W. STORY ROAD, EAST OF S. LAKEVIEW AVENUE, AND WEST OF S. BOYD STREET FROM CITY LOW DENSITY RESIDENTIAL TO CITY RESIDENTIAL NEIGHBORHOOD 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 0.26 ± acres of land located at 543 S. Lakeview Avenue; north of W. Story Road, east of S. Lakeview Avenue, and west of S. Boyd 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 City Low Density Residential to City Residential Neighborhood Commercial; and

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

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

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

**SECTION II.** *Effective Date.* 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:** \_\_\_\_\_, 2020.

**SECOND READING AND PUBLIC HEARING:** \_\_\_\_\_, 2020.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2020, by the City Commission of the City of Winter Garden, Florida.

**APPROVED:**

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

**ATTEST:**

\_\_\_\_\_  
ANGELA GRIMMAGE, City Clerk

**ATTACHMENT "A"**

**LEGAL DESCRIPTION**

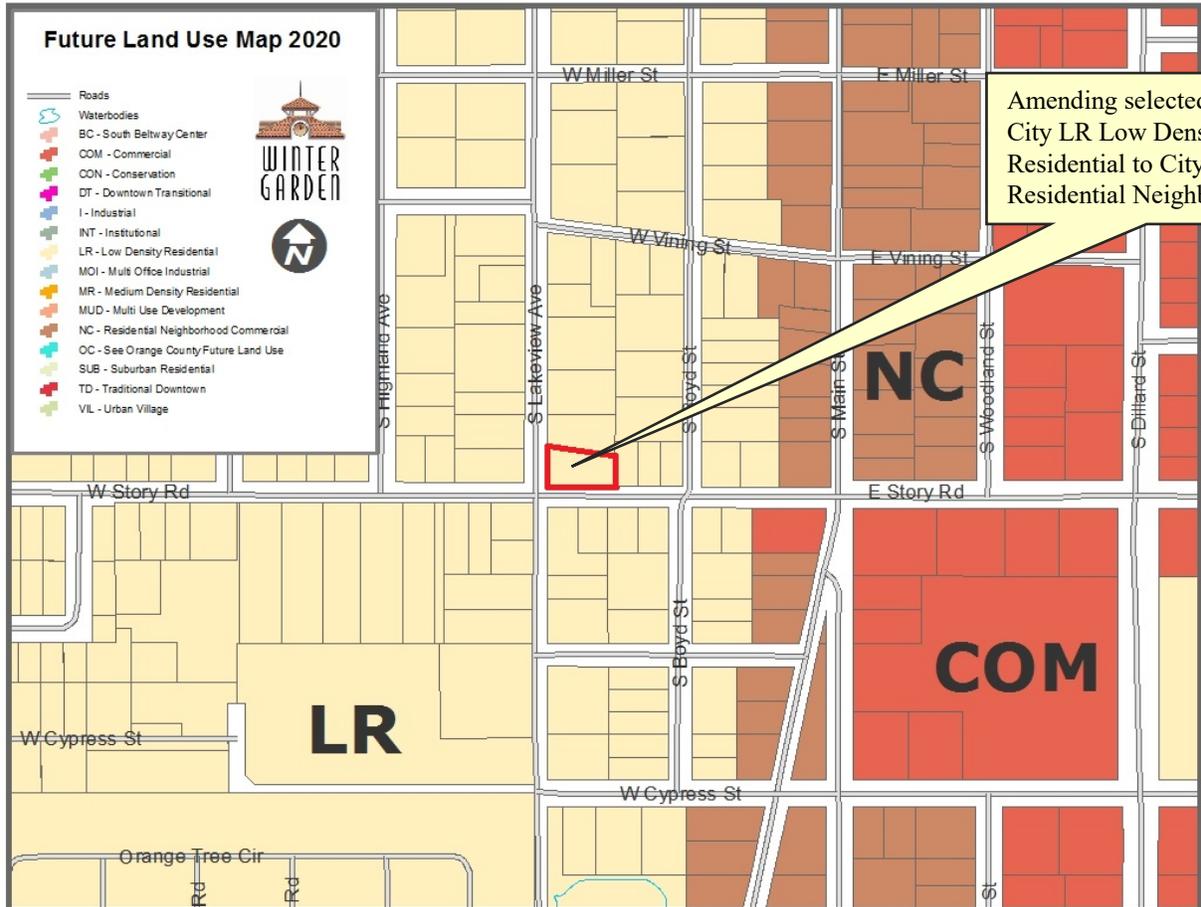
Parcel ID # 23-22-27-2468-00-680

A PORTION OF LOTS 68 THROUGH 76, OF ELLMAN PARK, AS RECORDED IN PLAT BOOK J, PAGE 43, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
BEGINNING AT THE SOUTHWEST CORNER OF LOT 73, OF ELLMAN PARK, AS RECORDED IN PLAT BOOK J, PAGE 43, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE RUN NORTH, ALONG THE EAST RIGHT OF WAY LINE OF SOUTH LAKEVIEW DRIVE, A DISTANCE OF 76.42 FEET; THENCE RUN SOUTH 88°47'00" EAST, A DISTANCE OF 150.03 FEET TO THE EAST LINE OF SAID LOT 68; THENCE SOUTH, ALONG SAID EAST LINE, A DISTANCE OF 73.24 FEET; THENCE WEST ALONG THE NORTH LINE OF WEST STORY ROAD, A DISTANCE OF 150.00 FEET TO THE POINT OF BEGINNING.

# ATTACHMENT "B"

## FUTURE LAND USE MAP

### 543 S. Lakeview Avenue



ORDINANCE 20-28

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.26 ± ACRES LOCATED AT 543 S. LAKEVIEW AVENUE; NORTH OF W. STORY ROAD, EAST OF S. LAKEVIEW AVENUE, AND WEST OF S. BOYD STREET; FROM CITY R-2 RESIDENTIAL DISTRICT TO CITY R-NC RESIDENTIAL-NEIGHBORHOOD COMMERCIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the owner of that certain real property generally described as approximately 0.26 ± acres located at 543 S. Lakeview Avenue north of W. Story Road, east of S. Lakeview Avenue, and west of S. Boyd Street, and legally described in ATTACHMENT “A” of this ordinance has petitioned the City to rezone said property from City R-2 Residential District to the City R-NC Residential-Neighborhood Commercial District zoning classification, therefore; and

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

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

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

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

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

**SECTION IV: Effective Date.** This Ordinance shall become effective simultaneously upon the effective date of Ordinance 20-27 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:** \_\_\_\_\_, 2020.

**SECOND READING AND PUBLIC HEARING:** \_\_\_\_\_, 2020.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2020, by the City Commission of the City of Winter Garden, Florida.

**APPROVED:**

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

**ATTEST:**

\_\_\_\_\_  
ANGLEA GRIMMAGE, City Clerk

**ATTACHMENT "A"**

**LEGAL DESCRIPTION**

Parcel ID # 23-22-27-2468-00-680

A PORTION OF LOTS 68 THROUGH 76, OF ELLMAN PARK, AS RECORDED IN PLAT BOOK J, PAGE 43, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
BEGINNING AT THE SOUTHWEST CORNER OF LOT 73, OF ELLMAN PARK, AS RECORDED IN PLAT BOOK J, PAGE 43, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE RUN NORTH, ALONG THE EAST RIGHT OF WAY LINE OF SOUTH LAKEVIEW DRIVE, A DISTANCE OF 76.42 FEET; THENCE RUN SOUTH 88°47'00" EAST, A DISTANCE OF 150.03 FEET TO THE EAST LINE OF SAID LOT 68; THENCE SOUTH, ALONG SAID EAST LINE, A DISTANCE OF 73.24 FEET; THENCE WEST ALONG THE NORTH LINE OF WEST STORY ROAD, A DISTANCE OF 150.00 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:** Soraya Karimi, Planner I  
**DATE:** July 6, 2020  
**SUBJECT:** FLU—ZONING  
**543 S Lakeview Avenue (0.26 +/- ACRES)**  
**PARCEL ID # 23-22-27-2468-00-680**

**APPLICANT:** Robbie & Thelma Robinson

### INTRODUCTION

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

The subject property, located at 543 S Lakeview Avenue, is approximately 0.26 ± acres. A lot split/lot reconfiguration for 537 S Lakeview Avenue & 39 W Story Road was approved by the Planning and Zoning Board on 06/01/20, and 543 S Lakeview Avenue was a resulting parcel from the split.

The map below depicts the proximity of the subject property within the City of Winter Garden municipal limits. Please see the attached site plan for the approved configuration of 543 S Lakeview Avenue.



Please note that this parcel does not have an official address, and it has not been added to the Orange County Property Appraiser Map yet. The address of 543 S Lakeview Avenue is pending review from various Orange County departments. Multiple variances were approved on 06/01/20 by the Planning and Zoning Board as well to address nonconformities created by the new lot split/reconfiguration

The applicant has requested amendment to the Future Land Use Map (FLUM) of the City's Comprehensive Plan to designate the property as Residential Neighborhood Commercial (NC), and assigned zoning designation of Residential-Neighborhood Commercial (RNC) District.

In accordance with the City's Comprehensive Plan, Properties designated with the Residential Neighborhood Commercial use category are required to be developed at a gross residential density no greater than 6 dwelling units per acre and will be identified on the Future Land Use Map only in areas that are either similar in nature (i.e. have the same type of density of existing neighborhoods) or where environmental factors require residential neighborhood commercial densities. Factors in determining 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. The zoning classifications that are consistent with the Residential Neighborhood Commercial classification are R-NC, RNC-2, PUD, R-1A, R-1B, R-1, R-2, R-3, R-4, R-5, C-1, C-2, C-3, and C-4.

### **EXISTING USE**

543 S Lakeview Avenue contains one single story residence, one garage, and one single story accessory building. The property is currently zoned R-2 and is designated Low Density Residential (LR) on the Future Land Use Map of the City's Comprehensive Plan.

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

The properties to the north, east and west of the subject property are developed with single-family residences, are zoned R-2, and are within the City of Winter Garden's Municipal limits. The properties to the south of the subject property are a duplex and single family residences, all of which are zoned R-2 and are within the City of Winter Garden's Municipal limits.

### **PROPOSED USE**

The applicant is intending to convert the existing garage building on the property into a hair salon. The rezoning and amendment to the Future Land Use will allow the proposed land use. A special exception permit and site plan approval will be required to convert the current use into a hair salon.

### **SUMMARY**

City Staff recommends approval of Ordinances 20-27 and 20-28.

**ATTACHMENTS**

- Address Notification Map
- Site Plan of 543 S. Lakeview Avenue
- Aerial Photo
- Future Land Use Map
- Zoning Map

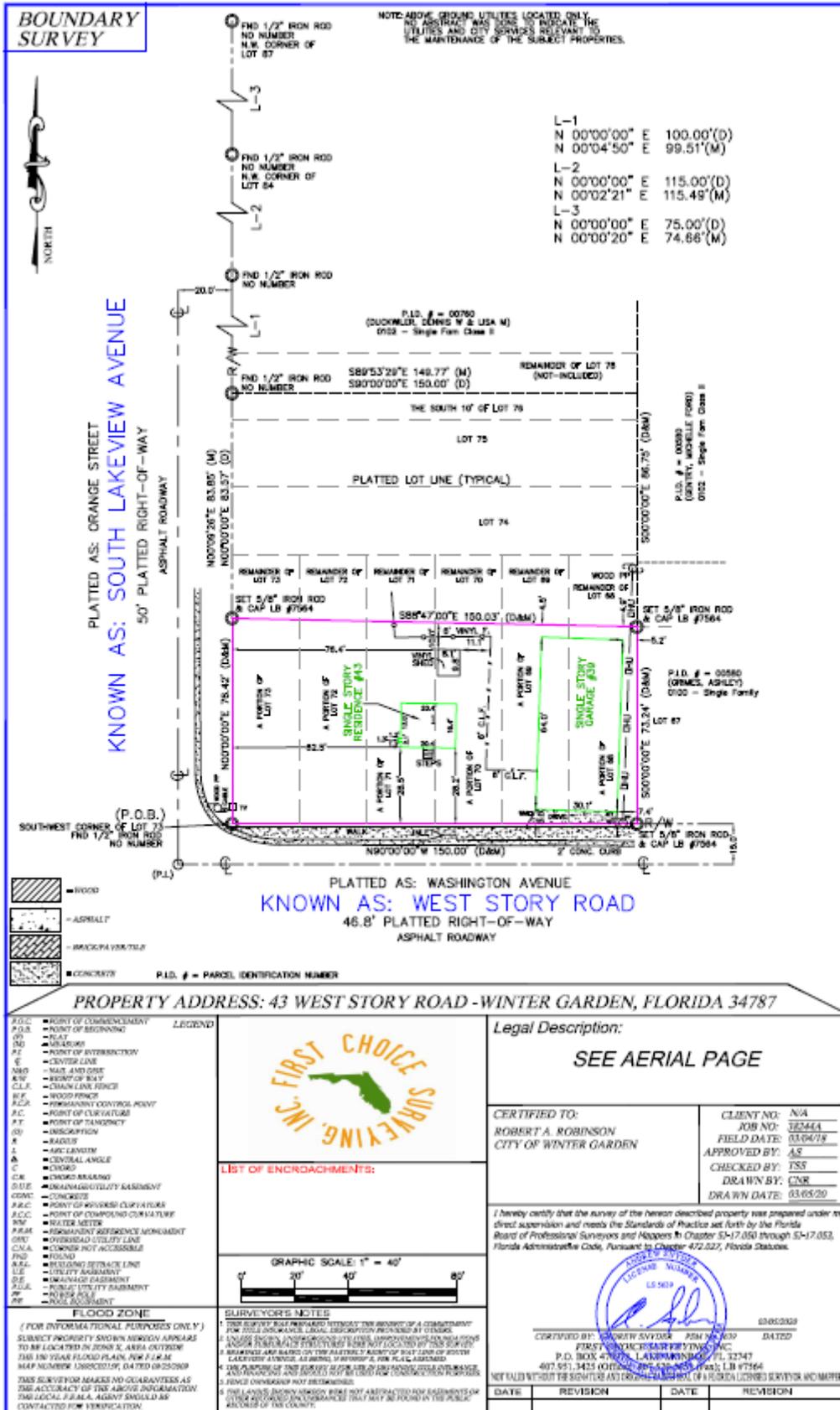
**ADDRESS NOTIFICATION MAP**  
**543 S. Lakeview Avenue**



COMMUNITY DEVELOPMENT DEPARTMENT  
**PLANNING & ZONING DIVISION**  
 300 WEST PLANT STREET  
 WINTER GARDEN, FLORIDA 34787  
 P: 407.656.4111  
 F: 407.654.1258  
 WWW.WINTERGARDEN-FL.GOV



**Site Plan**  
**543 S. Lakeview Avenue**



**BOUNDARY SURVEY**

NOTE: ABOVE GROUND UTILITIES LOCATED ONLY. NO ABSTRACT WAS DONE TO INDICATE THE UTILITIES AND CITY SERVICES RELEVANT TO THE MAINTENANCE OF THE SUBJECT PROPERTIES.

- L-1  
 N 00°00'00" E 100.00'(D)  
 N 00°04'50" E 89.51'(M)
- L-2  
 N 00°00'00" E 115.00'(D)  
 N 00°02'21" E 115.49'(M)
- L-3  
 N 00°00'00" E 75.00'(D)  
 N 00°00'20" E 74.86'(M)

- WOOD
- ASPHALT
- BRICK/PAVING/STIP
- CONCRETE

PROPERTY ADDRESS: 43 WEST STORY ROAD - WINTER GARDEN, FLORIDA 34787

**LEGEND**

P.O.C.	POINT OF COMMENCEMENT
P.O.B.	POINT OF BEGINNING
NO	NORTH
P.I.	POINT OF INTERSECTION
C	CENTER LINE
NO	NORTH AND SOUTHERN
R/W	RIGHT-OF-WAY
C.L.F.	CHAIN LINE FENCE
R.F.	WOOD FENCE
R.C.P.	PERMANENT CORNER POINT
P.C.	POINT OF CURVATURE
P.T.	POINT OF TANGENCY
(D)	DESCRIPTION
A	ARC(S)
M	MILE MARK(S)
A	CENTRAL ANGLE
C	CHORD
CR	CORNER MARKING
S.D.E.	SEMI-DIAGONALITY BASEMENT
CONC	CONCRETE
P.A.C.	POINT OF ANCHORED CURB/FLARE
P.C.C.	POINT OF COMPOUND CURVATURE
R/W	RIGHT-OF-WAY
P.F.A.R.	PERMANENT REFERENCE MARK
U.L.	UTILITY LINE
C.N.A.	CORNER NOT ACCESSIBLE
ENC	ENCROACHMENT
R.L.L.	RELOCATED REFERENCE LINE
U.L.	UTILITY LINE
D.E.	DIAGONALITY BASEMENT
P.L.	PLATTED LOT LINE
R/W	RIGHT-OF-WAY

**Legal Description:**  
**SEE AERIAL PAGE**

**CERTIFIED TO:**  
 ROBERT A. ROBINSON  
 CITY OF WINTER GARDEN

CLIENT NO: N/A  
 JOB NO: 22244  
 FIELD DATE: 03/06/19  
 APPROVED BY: AS  
 CHECKED BY: TSS  
 DRAWN BY: GNR  
 DRAWN DATE: 03/05/20



**SURVEYOR'S NOTES**

- THIS SURVEY WAS PREPARED UNDER THE SUPERVISION OF A CERTIFIED SURVEYOR FOR THE CITY OF WINTER GARDEN, FLORIDA.
- ALL UTILITIES AND CITY SERVICES WERE LOCATED BY THIS SURVEYOR AND ARE SHOWN ON THIS PLAN. THE CITY OF WINTER GARDEN IS RESPONSIBLE FOR THE MAINTENANCE OF THE UTILITIES AND CITY SERVICES.
- THE LOCATION OF THIS SURVEY IS AS SHOWN ON THE AERIAL PHOTOGRAPH.
- THE CITY OF WINTER GARDEN IS NOT RESPONSIBLE FOR THE LOCATION OF UTILITIES AND CITY SERVICES.
- THE CITY OF WINTER GARDEN IS NOT RESPONSIBLE FOR THE LOCATION OF UTILITIES AND CITY SERVICES.
- THE CITY OF WINTER GARDEN IS NOT RESPONSIBLE FOR THE LOCATION OF UTILITIES AND CITY SERVICES.

I hereby certify that the survey of the herein described property was prepared under my direct supervision and meets the Standards of Practice set forth by the Florida Board of Professional Surveyors and Mappers in Chapter 55-17.050 through 55-17.052, Florida Administrative Code, Pursuant to Chapter 472.027, Florida Statutes.



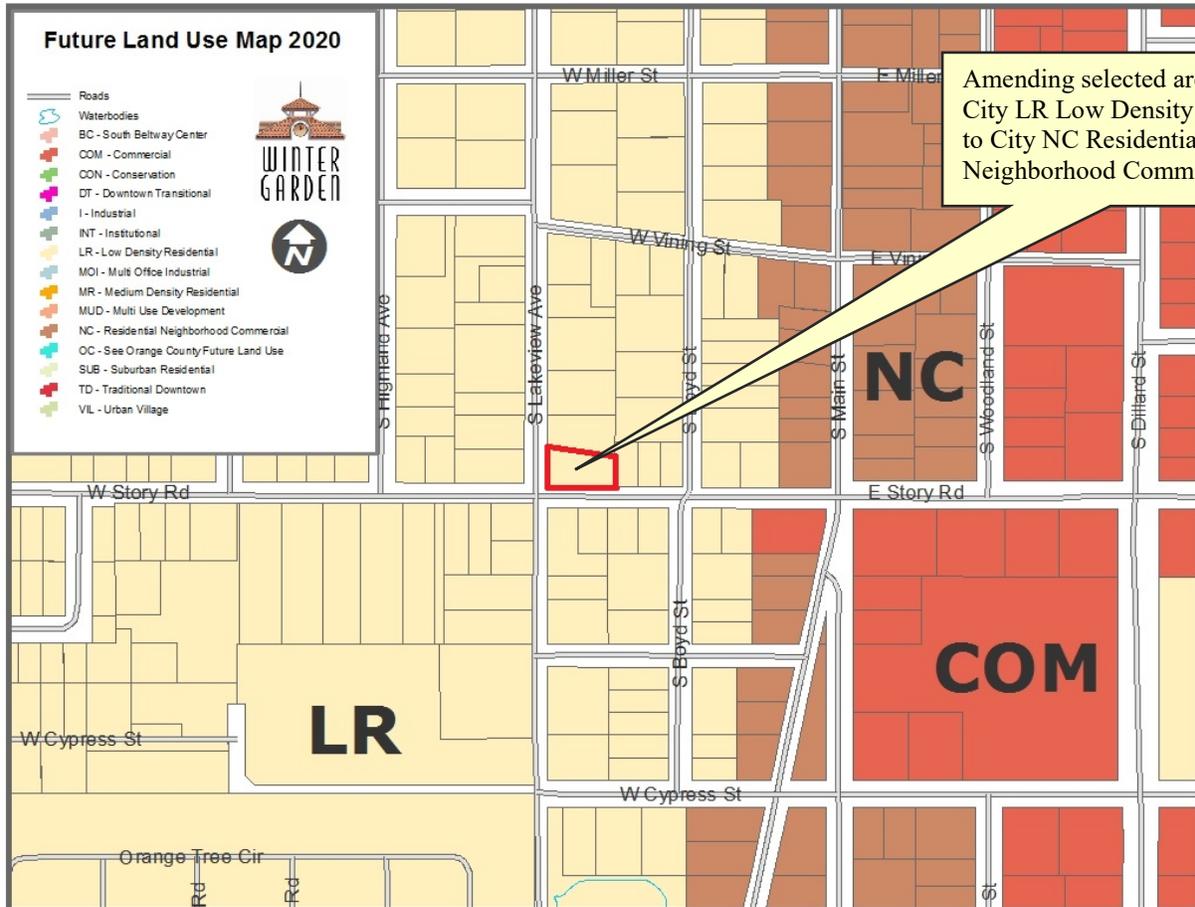
CERTIFIED BY: ROBERT A. ROBINSON	DATE: 03/05/20
APPROVED BY: AS	DATE: 03/05/20
CHECKED BY: TSS	DATE: 03/05/20
DRAWN BY: GNR	DATE: 03/05/20

**FLOOD ZONE**  
 (FOR INFORMATIONAL PURPOSES ONLY)  
 SUBJECT PROPERTY SHOWN AS BEING IN A FLOOD ZONE AS PER THE FLOOD ZONE MAP NUMBER 130002019, DATED 07/25/2019.  
 THIS SURVEYOR MAKES NO GUARANTEE AS TO THE ACCURACY OF THE ABOVE INFORMATION.  
 THE LOCAL FLOOD ZONE MAP SHOULD BE CONTACTED FOR VERIFICATION.

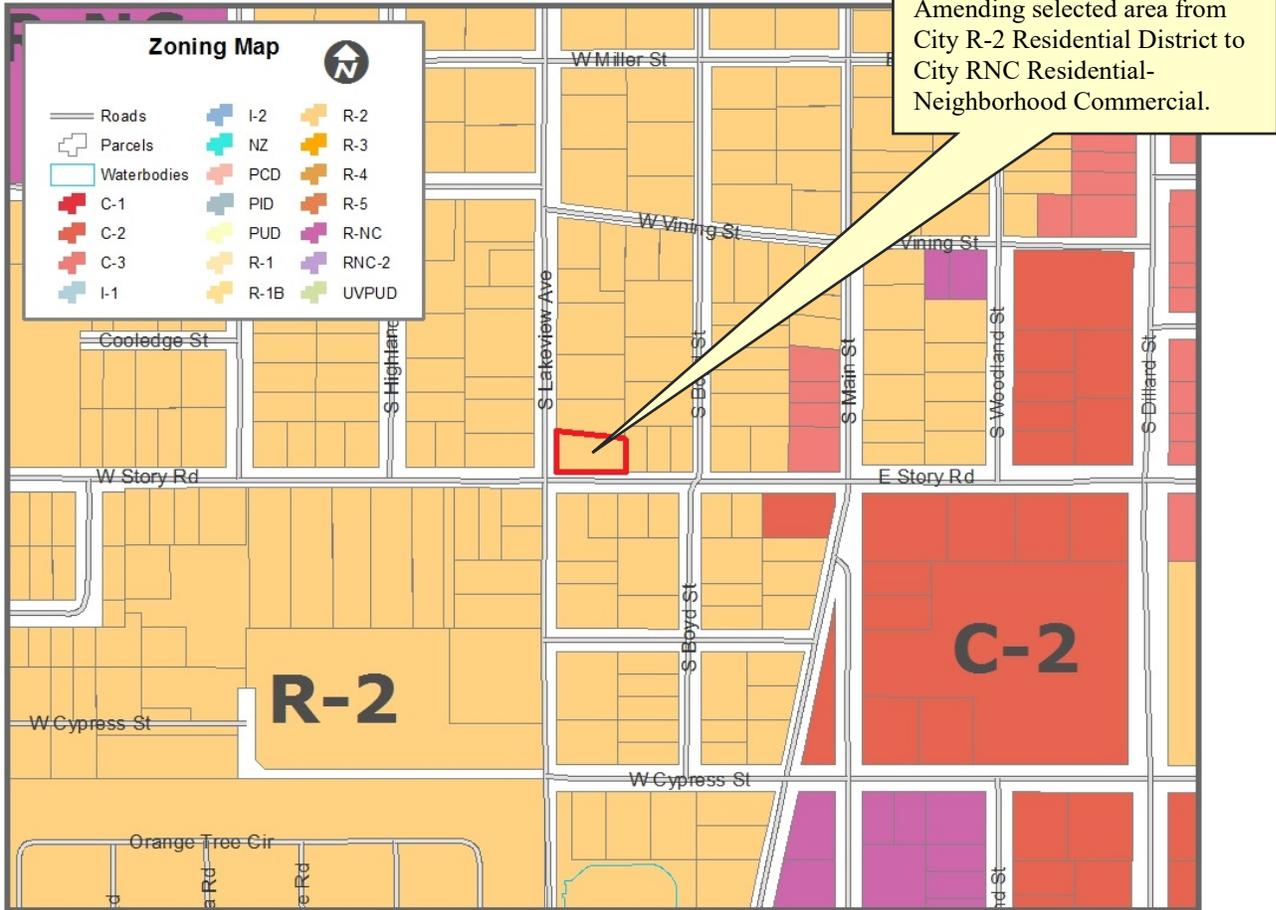
**AERIAL PHOTO**  
**543 S. Lakeview Avenue**



### Future Land Use Map 543 S. Lakeview Avenue



**Zoning Map**  
**543 S. Lakeview Avenue**



**END OF STAFF REPORT**

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

**From:** Laura Zielonka, Finance Director

**Via:** Michael Bollhoefer, City Manager

**Date:** July 17, 2020

**Meeting Date:** July 23, 2020

**Subject:** Establish proposed millage rate and budget hearing dates for fiscal year 2020/2021

**Issue:** The Truth in Millage (TRIM) legislation timetable requires us to advise the Property Appraiser of the proposed millage rate by August 4, 2020. The following is submitted to assist you in making a decision:

1. The Current Gross Taxable Value for the coming year is projected at \$4,100,661,214. This represents a 9.71% increase in taxable value over the final fiscal year 2019/2020 value, an increase of \$362,973,738.
2. The Current year rolled-back rate is 4.3428. The proposed millage rate of 4.5000 is greater than the rolled back rate of 4.3428 mills by 3.62%.
3. One (1) mill will generate approximately \$3,936,635 in revenue (budgeting at 96% of the estimated amount levied).
4. The 2019/2020 fiscal year's budgeted Ad Valorem Tax Revenue (AVTR) is \$16,159,061. We should achieve the budgeted amount. We budgeted \$14,520,364 in fiscal year 2018/2019 and recorded \$14,508,554.
5. If the current millage rate of 4.5000 is adopted, the projected AVTR is calculated at \$17,714,856 (budgeting at 96% of the estimated amount levied).
6. The rolled-back rate of 4.3428 per \$1,000 would produce \$17,096,017, or \$618,839 less revenue than the 4.5000 rate.
7. Proposing a millage rate up to 4.8781 would require a majority vote of the Commission. Proposing a rate between 4.8782 and 5.3659 would require a two-thirds vote of the Commission. Any rate proposed in excess of 5.3659 would require a unanimous vote of the Commission or referendum of the voters.
8. The TRIM Act states that the millage rate established by the commission through a vote and provided to the Property Appraiser cannot be increased after August 4, 2020, unless each property owner is notified by mail; however, it may be lowered at either the first or second public budget hearing without any required notification. The millage rate propose by the commission will be sent to all property owners within Winter Garden directly after August 4, 2020.

**Recommended Action:** Motion to set the proposed millage rate for fiscal year 2020/2021 at the current rate of 4.5000 mills, with the first public hearing for September 3, 2020 at 6:30 p.m., and set the second public hearing for September 17, 2020 at 6:30 p.m.

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

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

**Via:** City Manager Mike Bollhoefer

**Date:** July 15, 2020      **Meeting Date:** July 23, 2020

**Subject:** Reduce and remove Code Enforcement lien for 509 South Lakeview Avenue (PARCEL ID# 23-22-27-2468-00-850)  
**CODE CASE 18-209 AND 19-022**

**Issue:**

The previous owner of this property (Norma Fragale) incurred a Code Enforcement lien in 2018 because the home had been structurally damaged in Hurricane Irma in 2017. There was another case in 2019 to remove the fallen tree from the property.

**Discussion:**

In 2017 during Hurricane Irma a large oak tree fell on the home at 509 South Lakeview Avenue. The owner had this home as a rental property and due to the damage the home was not habitable and the tenant had to move out. Unfortunately Ms. Fragale passed away in 2018 and the home was foreclosed and sold at auction. The company that purchased the home at auction is requesting to pay the amount that the City has invested into the Code Fines and any unpaid utilities. Demolition of the home cost \$5,000.00 and the tree and stump removal was \$500.00. In addition, there is currently \$1,225.70 in unpaid utility bills.

**Recommended Action:**

Staff recommends that City Commission reduce the lien and utility bills to \$6,725.70 to cover City expenses and release the lien if paid by August 14, 2020.

**Attachment(s)/References:**

Letter from owner explaining history and requesting reduction



WBRE Investments Inc.

7/14/20

Dear City of Winter Garden, Mayor, and Commissioners,

I acquired this lot, parcel ID (23-22-27-2468-00-850) property address, 509 S. Lakeview Ave at the Orange County foreclosure sale on March 3<sup>rd</sup> 2020, with the intent to either build or sell the lot. I have decided to sell the lot to another party who would like to build. In order to provide clear title to the property the demolition lien needs to be paid. Due to the short duration of my ownership, and the infraction taking prior to my ownership, I'm asking for a reduction in the total amount of the lien. I am a resident of Winter Garden. Any consideration is greatly appreciated.

Respectfully,

William Bland

30 W Smith St Winter Garden, Fl 34787

PH: 407-758-78009

Email: willbland@hotmail.com