



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.cwqdn.com/Calendar.aspx?EID=136>

CITY HALL COMMISSION CHAMBERS

300 W. Plant Street

Winter Garden, Florida

REGULAR MEETING

July 9, 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 – June 25, 2020

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

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 - **Second reading and public hearing July 23, 2020** – **Community Development Director Pash**

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**

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

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

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

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

7. **MATTERS FROM MAYOR AND COMMISSIONERS**

ADJOURN to **Regular Meeting** on Thursday, **July 23, 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

June 25, 2020

A **REGULAR MEETING** of the Winter Garden City Commission was called to order by Mayor Pro Tem Buchanan at 6:30 p.m. at City Hall, 300 West Plant Street, Winter Garden, Florida. An Opening Invocation and Pledge of Allegiance 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, Information Technology Director Chad Morrill, Finance Director Laura Zielonka, Fire Chief Matt McGrew and Police Chief Stephen Graham

1. **APPROVAL OF MINUTES**

Motion by Commissioner Sharman to approve regular meeting minutes of June 11, 2020 as submitted. Seconded by Commissioner Maciel and carried unanimously 5-0.

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

A. **Ordinance 20-23:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING AND REPLACING ORDINANCE 18-09 GENERALLY KNOWN AS THE WEST MARKET PCD PERTAINING TO THE 18.25 +/- ACRE PROPERTY GENERALLY LOCATED SOUTH OF WEST COLONIAL DRIVE, WEST OF SOUTH PARK AVENUE, AND NORTH OF SAND LIME ROAD; AMENDING THE WEST MARKET PCD TO ALLOW AN AUTOMOTIVE SERVICE CENTER AND BANK WITH DRIVE-THRU AS PERMITTED USES, AMENDING THE DEVELOPMENT PLAN AND OTHER DEVELOPMENT RESTRICTIONS; PROVIDING FOR NONSEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 20-23 by title only.

Commissioner Maciel disclosed that he would recuse himself from voting on this item due to a conflict of interest.

Community Development Director Pash stated that this is a request to amend and replace Ordinance 18-09 for the West Market Planned Commercial Development (PCD). He stated that the proposed amendment changed since the last meeting; noting only the one bank with a drive-through. However, he indicated that the automotive center requests a community meeting with the one person in opposition as well as the neighborhood for a possibility of returning with a second amendment. Staff recommends approval of Ordinance 20-23.

Commissioner Sharman noted that he had no questions and would be fine with a future consideration if they could gather the public support, but for now, noted that he would vote as previously.

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

Motion by Commissioner Sharman to adopt Ordinance 20-23.

City Manager Bollhoefer confirmed that the City Commission was in favor of bringing the automotive center issue back later after the community opens. There were no noted objections and Commissioner Sharman stated that they could come back with an amendment if they can get the community to support it.

Seconded by Commissioner Bennett and carried 4-0-1; Commissioner Maciel abstained.

3. REGULAR BUSINESS

A. BOARD APPOINTMENTS: Election Canvassing Board – 4 Members

City Clerk Grimmage noted that the City Charter requires appointments to the Election Canvassing Board by July 1 of the year prior to the election. She noted the need for two regular members and two alternate members. She explained that because of the Presidential Preference Primary and the COVID-19 issue, the members did not actually get to work. She further noted that two members indicated their desire to remain on the board. Staff recommends appointment of the four applicants with the two currently seated members appointed as regular members. At Commissioner Sharman's request, City Clerk Grimmage read the names of the two prior members and then the names of two new applicants.

Motion by Commissioner Sharman to appoint Chiquita P. Camacho (*Regular Member*), Linette Coleman (*Regular Member*), James "Jim" Weisbecker (*First Alternate*), and Mary Rebekah Fritz (*Second Alternate*) to the Election Canvassing Board. Seconded by Commissioner Maciel and carried unanimously 5-0.

B. UPDATE: COVID-19 and Police Policy

City Manager Bollhoefer gave the City Commission an update on changes for staff since the uptick in COVID-19 cases. He reported that no employees have tested positive for the virus, but noted some are awaiting results. He stated that employees who are in contact with the public would be required to wear masks and continue social distancing. He shared several other internal rules to keep the employees safe and the City operational.

Commissioner Sharman shared similar operations of his company, with some employees working from home. City Manager Bollhoefer spoke of those City workers that cannot work from home and are essential.

Police Policy

City Manager Bollhoefer referenced a distributed memo from the City's Police Chief Graham. He spoke of collaborative efforts of local agencies to address topics such as Police use of force and provide choices of whether or not their agency would implement these policies. City Manager Bollhoefer recognized Police Chief Graham to address these items.

Police Chief Graham informed of committees the City participates in, addressing guidelines and best practices; he noted the use of force as one of those issues. He stated that these agencies are Federal and State and assist in implementing the use of force guidelines.

City Manager Bollhoefer noted that the City of Winter Garden does not use the chokehold procedure. He informed there would be other items that would begin on a 90-day implementation, eventually instituting them permanently. He noted that the duty to intervene would be an immediate order through the Police Chief. Other officers witnessing the excess use of force will have an obligation to intervene and all uses of force will require a report. He stressed the implementation of these items and the City of Winter Garden not wanting this to become a politicized issue, result wanted are for us to become better at what we do. He spoke of community efforts and input to implement changes, while ensuring the police are involved in the communications. Mr. Bollhoefer spoke of other responsibilities unfairly dumped on our police officers requiring them to deal with mental illness as social workers, psychiatrist, and counselors. He informed that as a City we would find appropriate ways to deal with these items. He emphasized the building of relationships with the communities.

Commissioner Maciel asked that City Manager Bollhoefer address the uniqueness of the City's contract with the Police Department. Mr. Bollhoefer responded that what is unique is that we are only one of two police departments that do not have to go to binding arbitration when it comes to discipline. He went on to explain that this means the City does not go before an arbitrator, who tend to protect bad officers. Mr. Bollhoefer noted that the City does not have binding arbitration for Police or Fire.

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.

Joseph Richardson, 220 N. Highland Avenue, Winter Garden, Florida, noted he was glad to hear about the COVID-19 response and the Police Policy response. He requested that the City Commission answer his prior request to join the My Brother's Keeper pledge.

Mr. Richardson addressed the COVID-19 pandemic, giving statistical data he states relates to Winter Garden showing cases spiking. He advocates the City Commission revert to online meetings.

Heather Gantt, 10120 Fox Meadow Trail, Winter Garden, Florida, read issues with the Wilmington, North Carolina police department and advocated that the City form a citizen's review board as well as adopting the My Brothers Keepers pledge.

After waiting several minutes and receiving no other public calls or comments, Mayor Pro Tem Buchanan closed the public hearing.

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

6. **MATTERS FROM CITY MANAGER**

East Winter Garden Update

City Manager Bollhoefer updated the City Commission on outstanding items relating to East Winter Garden. He informed that the City has been working on an annexation for expanding the CRA. He mentioned the closing of Orange County Offices [due to the COVID-19 pandemic]. He expressed confidence that Orange County will approve the City's CRA extension, which is critical and significant funding for the neighborhood.

He gave an update of the roundabout for Tenth Street and Center Street and spoke of building future homes for those who have been residents of the community and not allowing for gentrification. He named other areas for revitalization and noted work on the intersection as the heart and center of the development.

Food Deliveries

Commissioner Maciel inquired of the food deliveries. City Manager Bollhoefer responded that the City is still doing the food deliveries with a delivery set for Wednesday. He informed that there is still quite a lot of the funding still available and may be needed if things really pick up and the need arises to expand what the City is doing. He spoke of the efforts in place as well as those assisting.

Retired Police Officer Bobby Butler

City Manager Bollhoefer requested an extension of the \$250 insurance stipend for retired Police Officer Bobby Butler, explaining the provision of stipend for the first ten years of an employee's retirement. He detailed the circumstances due to the COVID-19 pandemic.

Mayor Pro Tem Buchanan expressed that he has known Bobby for many years, also sharing that he has been an asset to the City for many years.

Motion by Commissioner Sharman to approve extending the \$250 stipend for Bobby Butler until the end of the calendar year 2020. Seconded by Commissioner Bennett and carried unanimously 5-0.

Orange County Public Schools (OCPS)

City Manager Bollhoefer informed the City Commission of the Orange County Public School's (OCPS) plan to demolish and move the West Side Vo-Tech Center to Ocoee, replacing the current location with a bus depot, which will service the entire west Orange County. He described how this would flood the City's streets with busses on an ongoing basis. He noted that the City has several issues with this and informed that the City Attorney submitted a letter of opposition to Orange County as this would require going through their rezoning process before approval. He strongly expressed that this type of use in this type of neighborhood would be of negative impact. He asked that the City Commission stand with staff in opposition of Orange County bringing this type of use to the community the City is trying to redevelop, expressing that it is not good for the City.

Mayor Rees also voiced his opposition.

Mayor Pro Tem Buchanan asked the City Manager for individual meetings with the City Commission to inform them on how they could oppose this item.

City Manager Bollhoefer noted the process by which Orange County would implement their plans and City Attorney Ardaman expounded on this by describing the steps Orange County would take to go through the process. Mr. Ardaman assured the City Commission of future updates on this item. He noted that if the County staff issues a determination that a transportation compound/bus depot is consistent with the zoning, then the City would do everything to challenge it. City Manager Bollhoefer spoke of how the City Commission and the community could also come together to show their opposition to this item.

City Attorney Ardaman noted that this could be up to 400 busses. Discussion ensued on the facility and who services their amenities.

7. MATTERS FROM MAYOR AND COMMISSIONERS

Commissioner Sharman commented on being in favor of reverting to remote meetings, delayed response when attending remotely and wearing masks out of respect for persons of high risk. City Manager Bollhoefer noted that staff is reviewing options for moving forward with remote meetings and there was brief discussion about masks.

Commissioner Maciel thanked the City Manager for the updates and the speakers for their comments and noted personally speaking regularly with the City Manager and Police Chief regarding implementing changes. He is confident movement is in the right direction.

Mayor Rees noted that Health Central has also offered food for donations should the City need this for distribution.

Mayor Rees addressed emails he received from residents regarding Orange County's mandate for wearing masks and enforcement of it. He noted recent spikes in the COVID-19 (Coronavirus) cases and spoke of decisions facing the City with whether or not masks should be mandatory. He suggested giving some thought to it, as that enforcement may be dependent on Orange County's position on the issue.

Mayor Pro Tem Buchanan voiced his appreciation for the updates, expressing confidence in the City's Police Department. He offered his opinion that wearing masks is his public contribution and he briefly commented about remote meetings.

The meeting adjourned at 7:11 p.m.

APPROVED:

Mayor John Rees

ATTEST:

City Clerk Angee Grimmage, CMC

THE CITY OF WINTER GARDEN
CITY COMMISSION AGENDA ITEM

From: Steve Pash, Community Development Director

Via: City Manager Mike Bollhoefer

Date: June 30, 2020

Meeting Date: July 9, 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, with the second reading and adoption hearing anticipated to be on July 23, 2020 City Commission agenda.

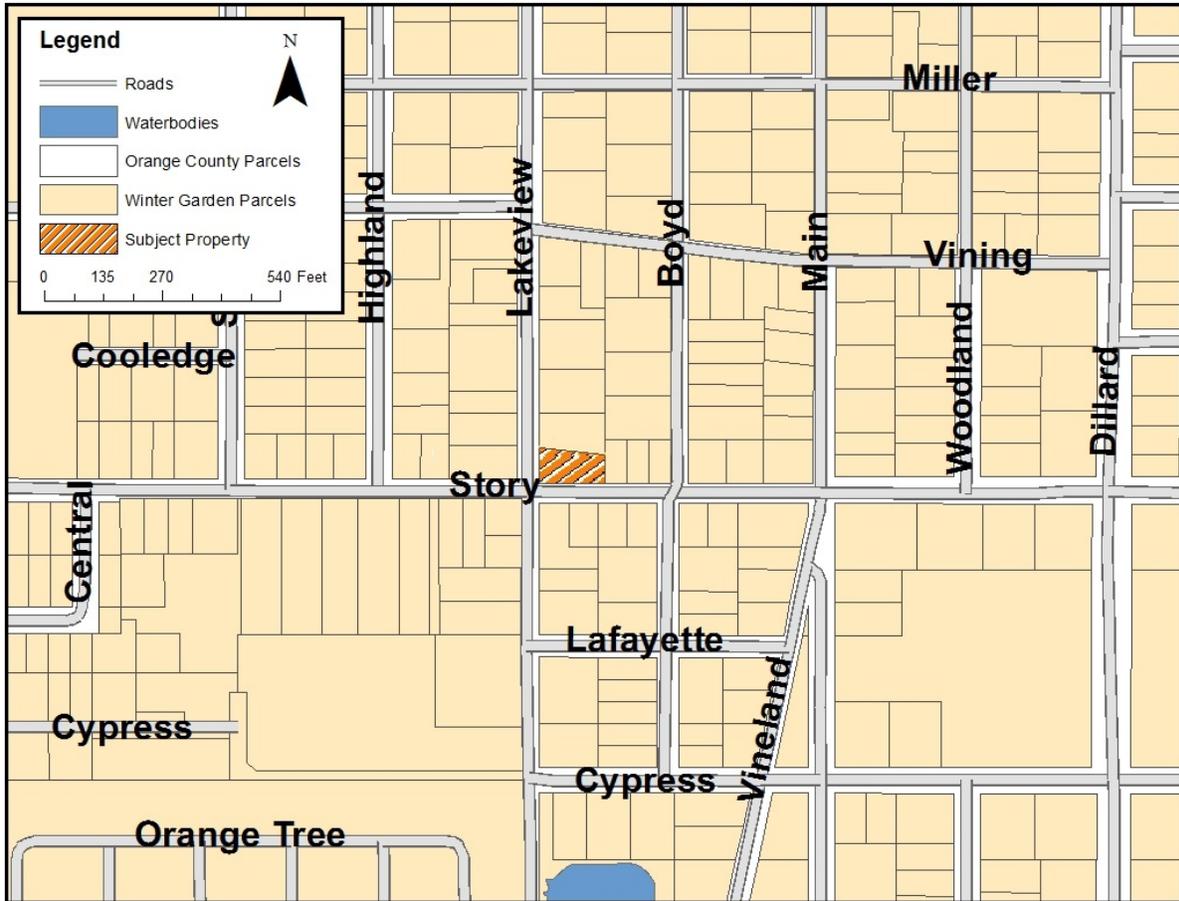
Attachment(s)/References:

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

WHEREAS, the owner of that certain real property generally described as 0.26 ± 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

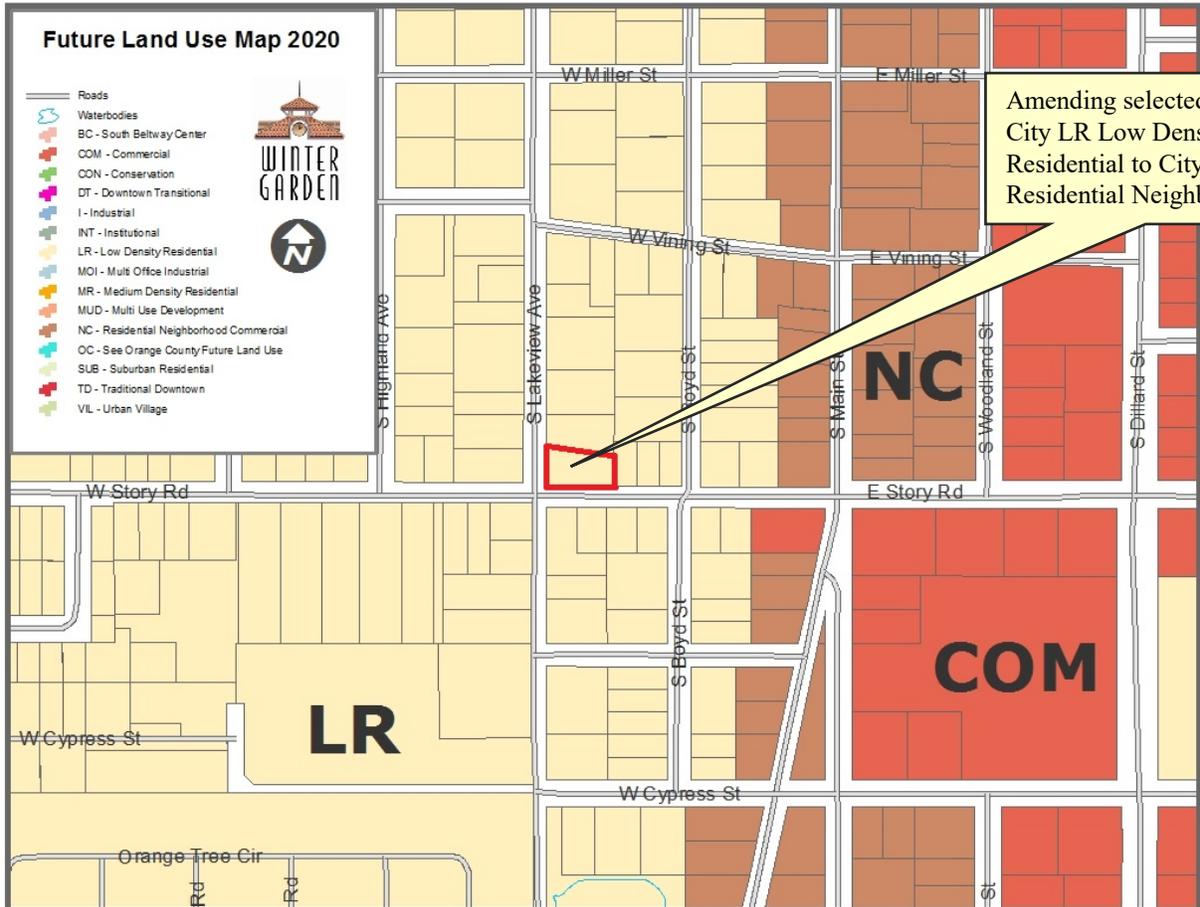
Parcel ID # 23-22-27-2468-00-680

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

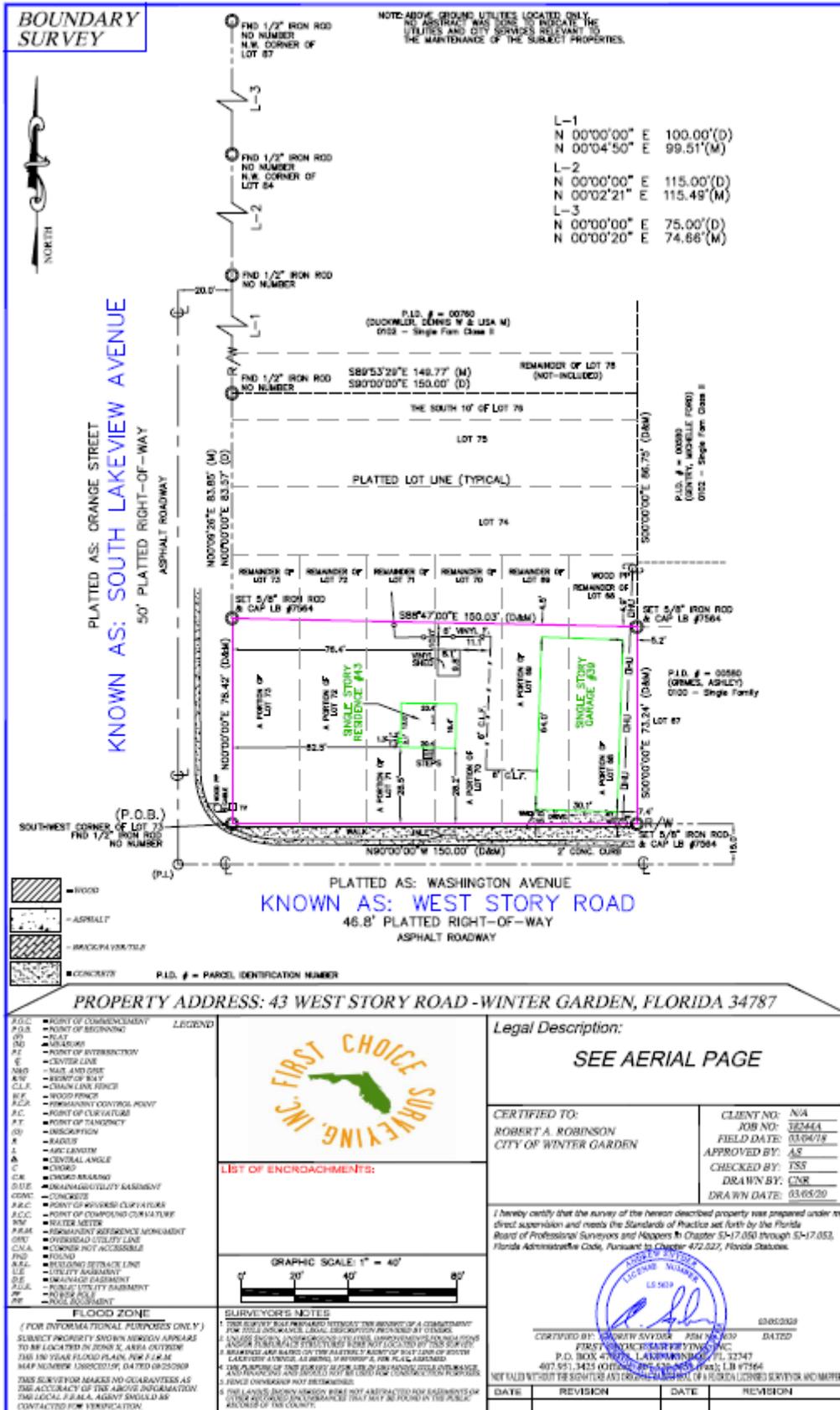
ADDRESS NOTIFICATION MAP
543 S. Lakeview Avenue



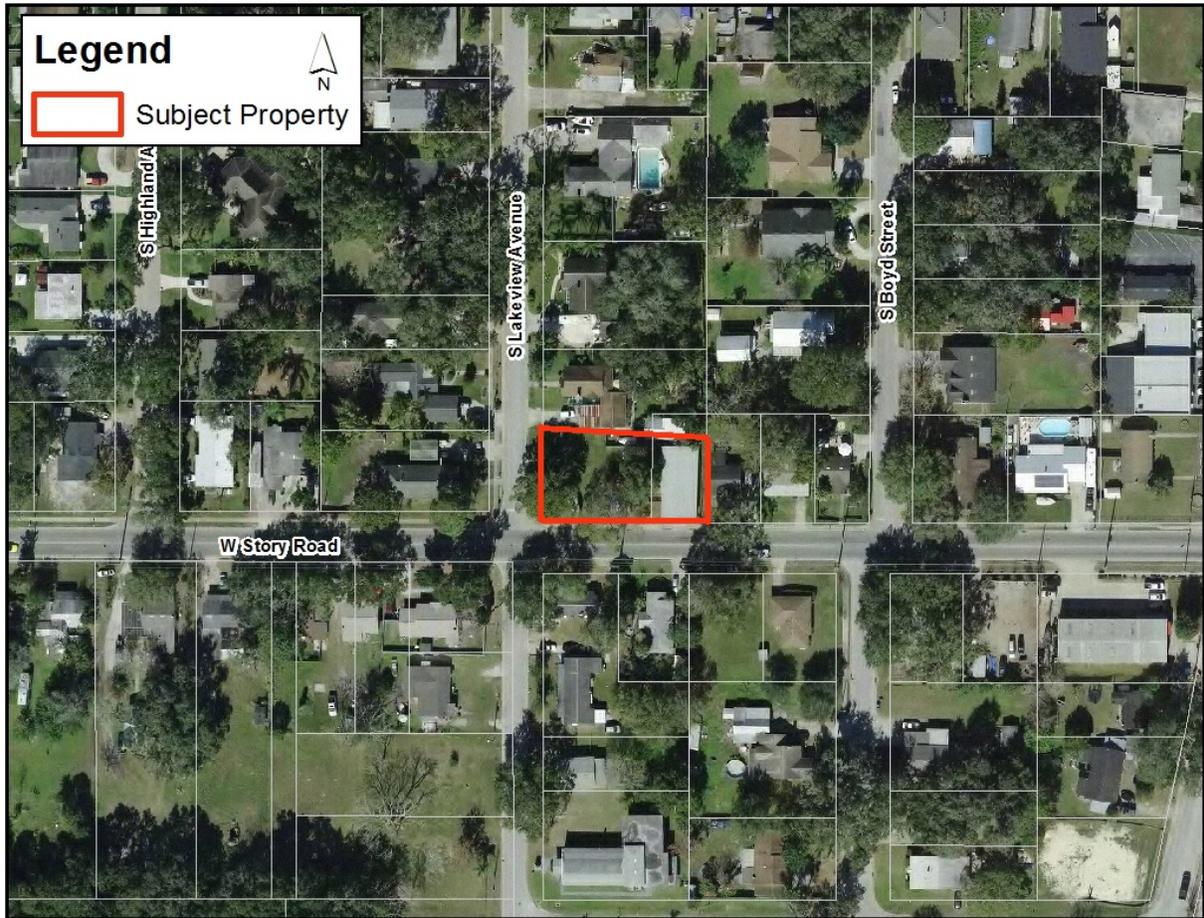
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING & ZONING DIVISION
 300 WEST PLANT STREET
 WINTER GARDEN, FLORIDA 34787
 P: 407.656.4111
 F: 407.654.1258
 WWW.WINTERGARDEN-FL.GOV



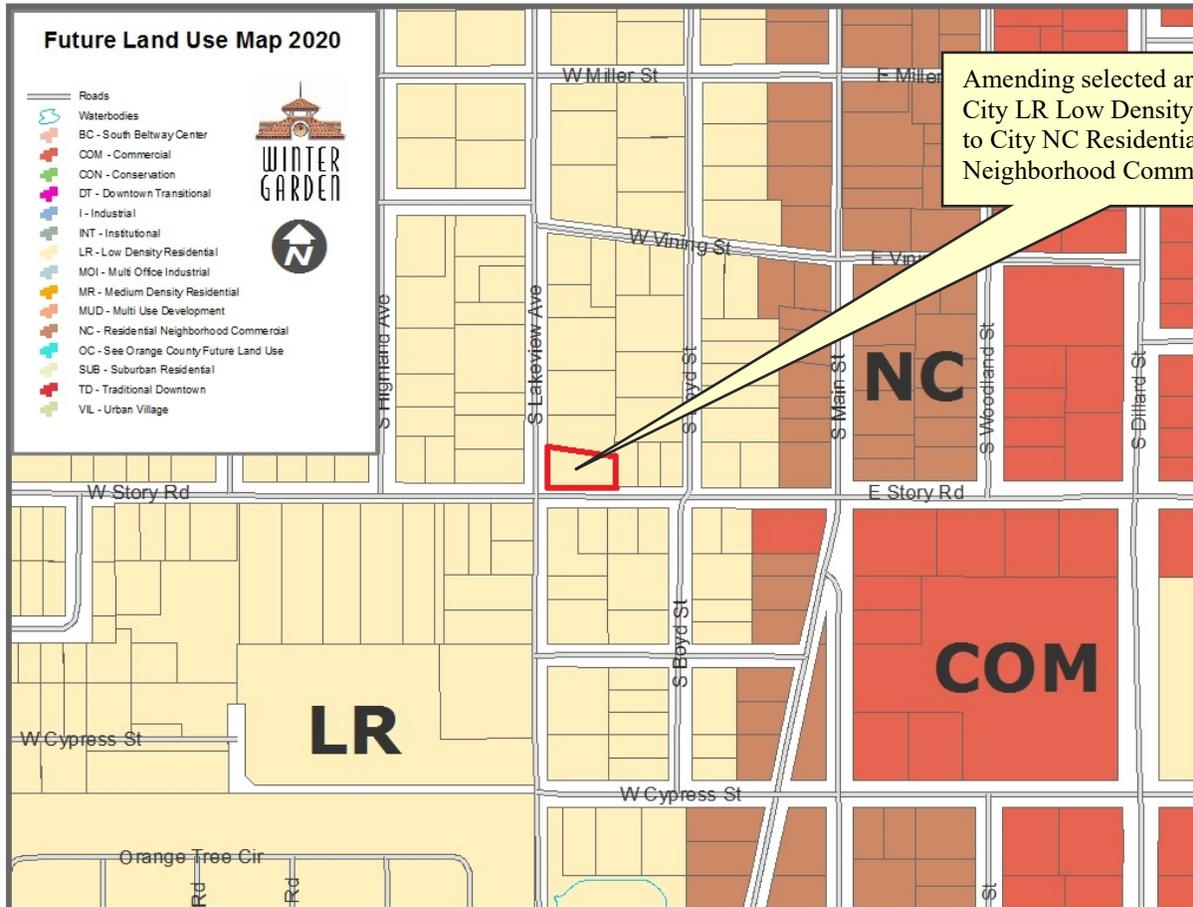
Site Plan
543 S. Lakeview Avenue



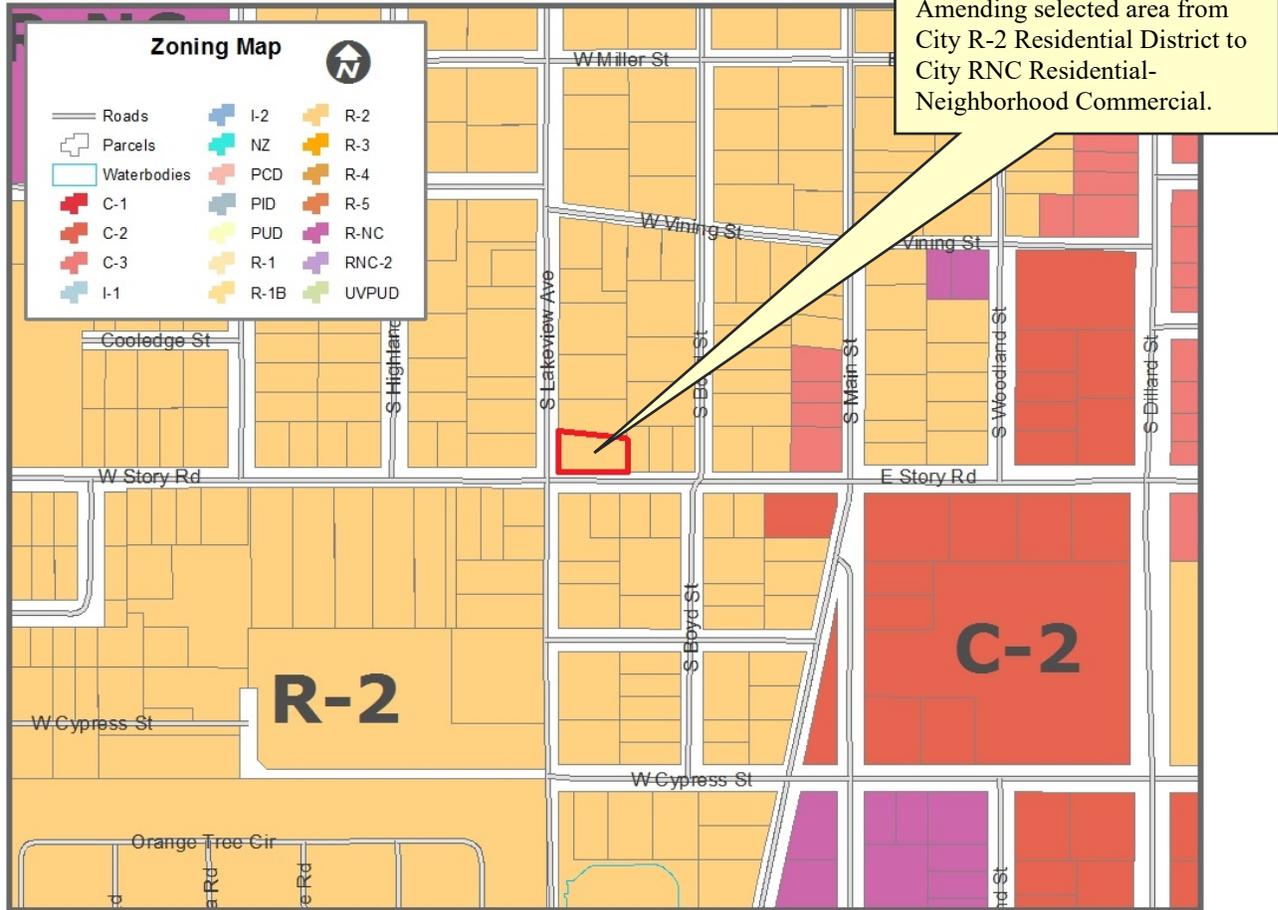
AERIAL PHOTO
543 S. Lakeview Avenue



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: Steve Graham, Police Chief

Via: City Manager Mike Bollhoefer

Date: July 1, 2020

Meeting Date: July 9, 2020

Subject: Memorandum of Understanding with the Orange County Sheriff's Office for Cross Swearing of law enforcement officers assigned to the West Orange Narcotics Task Force.

Issue: The Orange County Sheriff's Office is requesting a Memorandum of Understanding to Cross Swear Winter Garden Police Officers assigned to the West Orange Narcotics Task Force. This will provide these officers with jurisdiction in the unincorporated areas.

Recommended action: Authorize the Mayor and the Police Chief to execute the Memorandum of Understanding with the Orange County Sheriff's Office.

Attachment: Copy of MOU to be executed.



Sheriff John W. Mina
ORANGE COUNTY SHERIFF'S OFFICE

JUN 25 2020

June 16, 2020

Chief Steve Graham
Winter Garden Police Department
251 West Plant Street
Winter Garden, FL 34787

RE: Cross Swearing of Law Enforcement Officers

Dear Chief Graham:

Thank you for your support of the West Orange Narcotics Task Force. The officers who you assign to this specialized unit will need to be cross sworn as Orange County Deputy Sheriffs to carry out their duties. To that end, please find enclosed a Memorandum of Understanding for your review and execution.

Thank you for your continued partnership.

Sincerely,

A handwritten signature in green ink, appearing to read "John W. Mina", with a long horizontal line extending to the right.

John W. Mina
Sheriff

JWM/dp
Enclosures



MEMORANDUM OF UNDERSTANDING
CROSS SWEARING OF LAW ENFORCEMENT OFFICERS-WINTER GARDEN

This Memorandum of Understanding (hereinafter "MOU") is entered into by and between the City of Winter Garden (hereinafter "CITY") and John W. Mina, the Sheriff of Orange County, Florida (hereinafter "SHERIFF").

WHEREAS, SHERIFF operates several specialized units to include the West Orange Task Force (hereinafter "UNITS"); and

WHEREAS, CITY desires to participate in UNITS by assigning sworn law enforcement officer(s) from CITY'S Police Department to UNITS;

NOW THEREFORE, in consideration of the mutual promises, covenants, and conditions hereinafter contained, SHERIFF and CITY agree as follows:

1. Pursuant to §30.07, Fla.Stat., SHERIFF will swear in as Deputy Sheriffs those officers assigned by CITY to UNITS with the following limitations:
 - a. The time limits of the deputization shall be from the time the officer is officially sworn in as a Deputy Sheriff of Orange County until revoked or rescinded.
 - b. The powers given to the officer shall be solely to aid SHERIFF in the performance of his duties as the elected Sheriff of Orange County.
 - c. SHERIFF expressly reserves the right to revoke the officer's authority as an Orange County Deputy Sheriff at any time with or without cause.
 - d. This deputization shall automatically rescind upon the officer's termination, suspension, retirement or resignation from the employing agency, or having their credentials suspended or revoked by the Criminal Justice Standards and Training Commission.
 - e. This deputization shall automatically rescind upon the officer's reassignment of duties from UNITS.
 - f. This deputization does not create any employment or contractual rights for the assigned officer(s).
2. Any actions taken by an assigned officer as Deputy Sheriff shall be in compliance with SHERIFF'S policy, procedures, rules, regulations, and directives.
3. Before an assigned officer may exercise any power in the name of SHERIFF, except in case of an emergency where his/her action is needed to prevent the loss of life or great damage to property, the officer must receive the specific authority

to do so from SHERIFF or his designee. Any arrests made in the name of SHERIFF by the officer shall be immediately reported on whatever forms are required by the Orange County Sheriff's Office.

4. Under no circumstances will the officer exercise his/her powers as a Deputy Sheriff of Orange County to initiate or further an investigation beyond authorization of SHERIFF or his designee.
5. The powers given to the officer as a Deputy Sheriff of Orange County are strictly limited to the time he/she is working (actual hours) in UNITS. The officer will not have Deputy Sheriff power outside the actual time assigned to UNITS, except as otherwise provided.
6. The officer shall not use his/her powers as a Deputy Sheriff of Orange County to work off-duty employment.
7. The officer shall actively participate in UNITS operations. Failure to comply with this requirement may result in the revocation of his/her deputization.
8. The CITY shall bear any liability arising from acts undertaken or omissions by the officer(s) while assigned to UNITS. The CITY shall also bear the risk of loss or damage to any equipment provided to the assigned officer(s). The CITY is responsible for providing compensation and benefits to their respective officers and employees assigned to UNITS, including, but not limited to, salary, overtime, health insurance, disability insurance, life insurance, liability insurance, workers compensation, pension/retirement, vacation time, sick leave, and any amounts due for personal injury or death.
9. Any seizure of property pursuant to the Florida Contraband Forfeiture Act, will be prosecuted by SHERIFF'S Legal Section in accordance with Florida law and SHERIFF'S policy. SHERIFF shall equitably share the net proceeds of any forfeiture(s) initiated by CITY'S assigned officer while participating in UNITS. The net proceeds is the value of the seized asset less any liens, filing fees, and litigation costs incurred by SHERIFF in perfecting title to the seized asset.
10. Either party may terminate this MOU for convenience upon delivery of written notice to the other party. In the event of a termination, any and all property or equipment provided to the UNITS shall immediately be returned to the providing agency. The provisions of Sections 8 and 9 of this MOU shall survive any termination or expiration of the MOU.
11. This MOU contains the entire understanding between the parties and shall not be modified or renewed except in writing. This MOU shall supersede all previous such agreements.

12. Nothing in this MOU shall be construed as transfer of, or contracting away, the powers or functions of one party hereto to another.
13. This MOU shall in no event confer upon any person, corporation, partnership, or other entity, including the parties hereto, the right to damages or any other form of relief against any party to this MOU for operations or omissions hereunder.
14. This MOU shall be construed in accordance with Florida law. The venue of any litigation arising hereunder shall be Orange County, Florida.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by the undersigned persons as duly authorized.

(Remainder of page intentionally left blank)

JUN 25 2020

SHERIFF OF ORANGE COUNTY

John W. Mina
as Sheriff of Orange County, Florida

Date: 6-12-20

FOR USE AND RELIANCE ONLY BY THE
SHERIFF OF ORANGE COUNTY, FLORIDA.
APPROVED AS TO FORM AND LEGALITY
THIS 11th DAY OF JUNE, 2020.

Assistant General Counsel

WINTER GARDEN POLICE DEPARTMENT

Steve Graham
Chief of Police

APPROVED:
CITY OF WINTER GARDEN, FLORIDA

ATTEST:

City Clerk

John Rees
Mayor

APPROVED BY THE CITY
COMMISSION OF THE CITY OF
WINTER GARDEN, FLORIDA, AT A
MEETING HELD ON

UNDER AGENDA NO. _____.

FOR USE AND RELIANCE ONLY
BY THE CITY OF WINTER GARDEN,
FLORIDA. APPROVED AS TO FORM
AND LEGALITY THIS ____ DAY OF
_____, 2020.

City Attorney

THE CITY OF WINTER GARDEN
CITY COMMISSION AGENDA ITEM

From: Steve Pash, Community Development Director

Via: City Manager Mike Bollhoefer

Date: June 29, 2020 **Meeting Date:** July 9, 2020

Subject: Reduce and remove Code Enforcement lien for 13728 Fox Glove Street
(PARCEL ID# 03-23-27-8234-09-047)
CODE CASE 10-1549 AND 17-155

Issue:

The owners of this property (the Landt's) incurred a Code Enforcement lien in 2010 because they did not maintain the house, the pool screen was ripped open, and the pool was filled with black water creating a mosquito breeding area and generally unsafe conditions.

Discussion:

The owners vacated their home and did not maintain the property, pool, or screen room. This created a mosquito breeding area and unsafe conditions. The HOA requested that the City get involved with the safety of this property. In 2010 a recurring fine was imposed on the property but nobody fixed the problems. The HOA asked the City again to get involved and in 2017 another Case was opened and approved by City Commission (May 11, 2018) to install a cover on the pool to make it safe. After the cover was installed the recurring fine was stopped. Throughout the years staff spent a considerable amount of time working on this property and ultimately hired a contractor to cover the pool. The HOA foreclosed on the property and now they have a contract to sell the property to someone who will refurbish it and sell the home.

Recommended Action:

Staff recommends that City Commission reduce the lien to \$20,000.00 to cover City expenses and release the lien if paid by March 27, 2020.

Attachment(s)/References:

Letter from owner explaining history and requesting reduction

From: Barbara-KW
To: Stephen Pash
Cc: Gianni Acireale; Amber Shields
Subject: RE: 13728 Fox Glove Street, Stoneybrook West Date:
Friday, February 7, 2020 10:44:19 AM
Attachments: Screen Shot 2018-01-30 at 6.10.08 PM.png

Dear Mr. Pash,

Thank you for your time this morning, I would like to request that the liens on the property mentioned above be lowered as we now have the property listed and a pending contract to close. Upon the HOA acquiring this property we had no idea the amount of the municipal liens on it. We understand the amount of time that has gone into this property and we are working on getting it sold to bring up to our standards.

Thank you again for your time and help in this matter, I look forward to hearing from you.

Sincerely,

Barbara Waltman





February 20, 2020

City of Winter Garden
Steve Pash

Re: Code Enforcement Liens - 13728 Fox Glove Winter Garden

Mr. Pash:

My plan is to clean and fix up all facets of the above mentioned home and will permit all necessary items as required. If you so kindly would consider a Reduction in the Code Enforcement Liens on the property so we are able to make the purchase I would greatly appreciate it. If anything else is needed please contact me.

Regards,

Nicholas A. Burden