



**AGENDA SUMMARY
MINNEOLA CITY COUNCIL**

March 2, 2010

AGENDA ITEM TAB: 10

**SUBJECT TITLE: Annexation & Rezoning Ordinance 2010 – 04
First Reading**

OBJECTIVE: Annexation and Rezoning of approximately 53.0± acres generally located on the east side of U.S. Highway 27 both north and south of Sullivan Road.

SUMMARY: A petition has been received from Chris Roper, Esq. as applicant on behalf of owner Charles E. Bosserman Jr. Trustee, requesting above described property be annexed into and made part of the City of Minneola, and requesting rezoning from County "R-1" (Rural Residential) and "A" (Agriculture) to "B-1" (Business District).

OPTIONS:

STAFF RECOMMENDATION:

Planning & Zoning Commission reviewed the proposed annexation and rezoning at the February 1, 2010 Planning and Zoning meeting. Mr. Humphries made a motion to recommend approval of Ordinances 2010 – 04, Annexation & Rezoning, and Ordinance 2010 – 05, Large Scale Comp Plan Amendment. Mr. Flowers seconded the motion. Motion Approved by a Vote of 6-0 (Ms. Veit absent).

FISCAL IMPACT:

COORDINATION:

City Attorney _____
City Manager _____

City Engineer _____
Finance Director _____

21710

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ORDINANCE 2010-04

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MINNEOLA, FLORIDA, AMENDING THE BOUNDARIES OF THE CITY OF MINNEOLA IN ACCORDANCE WITH THE PROCEDURE SET FORTH IN SECTION 171.044, FLORIDA STATUTES, TO INCLUDE WITHIN THE CITY LIMITS APPROXIMATELY 53.0± ACRES OF PROPERTY GENERALLY LOCATED ON THE EAST SIDE OF U.S. HIGHWAY 27, NORTH AND SOUTH OF SULLIVAN ROAD; REZONING THE PROPERTY FROM COUNTY "R-1" (RURAL RESIDENTIAL) AND "A" (AGRICULTURE) TO "B-1" (BUSINESS DISTRICT) WITHIN THE CITY OF MINNEOLA; PROVIDING FOR CONDITIONS AND CONTINGENCIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a Petition has been received from Chris Roper, Esq., as Applicant, on behalf of Charles E. Bosserman, Jr., Trustee, as Owner, requesting that real property be annexed to and made a part of the City of Minneola, and requesting a rezoning of such property; and

WHEREAS, the Petition bears a signature of all required parties; and

WHEREAS, the property is contiguous to the City of Minneola and reasonably compact; and

WHEREAS, the required notice of the proposed annexation has been properly published.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MINNEOLA, FLORIDA, AS FOLLOWS:

Section 1. The following described property consisting of approximately 53.0± acres generally located on the east side of U.S. Highway 27, north and south of Sullivan Road, and contiguous to the city limits of Minneola, is hereby incorporated into and made part of the city limits of the City of Minneola. The property is more particularly described as follows:

[SEE ATTACHED EXHIBIT "A"]

The property annexed in this section shall be assigned a zoning designation of "B-1" (Business District).

Section 2. The City Clerk shall forward a certified copy of this Ordinance to the Clerk of the Circuit Court, the County Manager of Lake County, Florida, and the Secretary of State of the State of Florida within seven (7) days after its passage on second and final reading.

Section 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

Section 4. The property annexed in this Ordinance is subject to the Land Use Plan of the Lake County Comprehensive Plan and county zoning regulations until the City adopts the Comprehensive Plan Amendments to include the parcel annexed in the City Comprehensive Plan.

Section 5. This Ordinance shall become effective immediately upon passage.

PASSED AND ORDAINED this ____ day of _____, 2010, by the City Council of the City of Minneola, Florida.

PAT KELLEY, Mayor

ATTEST:

JANET McDANIEL, City Clerk

Passed First Reading _____

Passed Second Reading _____

Approved as to form:

SCOTT A. GERKEN, City Attorney



BOSSERMAN - 53 ACRES

LEGAL DESCRIPTION

ALTERNATE KEY# 1028655

Begin at the Southeast corner of Section 36, Township 21 South, Range 25 East, Lake County, Florida; run N 666 ft., thence West 243 ft., South 0°37' East 224.5 ft., thence South 89°42' West 178.9 ft., thence North 2°10' West 80.6 ft., thence North 47°53' West 135.6 ft., thence West 62 ft., thence Southwesterly along Highway to South Line of said Section, thence East to P.O.B., less r/w of Highway 25.

ALTERNATE KEY# 1081416

The West 1/4 of the Northeast 1/4 of the Northwest 1/4; and the East 1/4 of the Northwest 1/4 of the Northwest 1/4, in Section 6, Township 22, Range 26 East, in Lake County, Florida.

ALTERNATE KEY# 1025028

West Three-Quarters (W 3/4) of the Northwest One-Quarter (NW 1/4) of the Northwest One-Quarter (NW 1/4) of Section 6, Township 22 South, Range 26 East, LESS the following described parcel of land, to-wit: Begin at the Southwest corner of the Northwest One-Quarter (NW 1/4) of the Northwest One-Quarter (NW 1/4) of said Section 6, run thence North 279.84 feet, thence East 990 feet, thence South 279.84 feet and thence West 990 feet to the Point of Beginning;

ALSO,

Begin at the Northeast corner of Section 1, Township 22 South, Range 25 East, run thence South 816.75 feet, thence West 172.35 feet to the center of Highway, thence North 22° 15' West 882.44 feet along the center of the said Highway, to the North line of Section 1, Township 22 South, Range 25 East thence East 506.75 feet to the point of Beginning;

ALSO,

Begin at a point on the Eastern boundary line of the Northeast One-Quarter (NE 1/4) of the Northeast One-Quarter (NE 1/4) of Section 1, Township 22 South, Range 25 East 816.75 feet South of the Northeast corner of said Section, run South along the Eastern boundary line of said Section 1, a distance of 218.16 feet to a point 281.84 feet North of the Southeast corner of the Northeast One-Quarter (NE 1/4) of the



Northeast One-Quarter (NE 1/4) of said Section 1, thence West 85 feet to the center line of State Highway No. 55, thence North $22^{\circ}15'$ West 235.82 feet along the center line of said State Highway, thence East 172.35 feet to the Point of Beginning; ALL lying and being in the County of Lake State of Florida.

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Planning Department

Annexation, Rezoning & Large Scale Comprehensive Plan Amendment Review

Project: Bosserman Property

Located on the East side of U.S. Highway 27 both north and south of Sullivan Road

Date of Review: I-26-2010

Reviewed By: Laura M Jones *City Planner*

Relevant Site Data	City Planner Review	
	Current	Requested
Zoning Designation	Lake County Rural Residential & Agriculture.	Minneola General Commercial
Future Land Use Designation	Lake County Suburban, Urban Expansion & Employment Center	Minneola General Commercial
Project Size	53+/- acres	53+/- acres
Property Use	Timber	Commercial
Number of Parcels	3	3
Minimum Lot Size	n/a	n/a
Project Allowed density	*Suburban: up to 3 du/acre *Urban Exp: 1-4 du/acre *Emp. Center: 1.0 FAR	*Commercial: 1.1 FAR
Maximum Dwelling Units Allowed	The property is made up of 3 different Future Land Uses, all of which allow for the development of Residential, Commercial, Office, and Industrial.	0 dwelling units allowed, maximum FAR would allow for the development of up to 2,539,548 sq ft.
Adjoining Property Zoning		County
North	Rural Residential	City of Minneola
South	Planned Industrial District, Agriculture	
East	Agriculture, Rural Residential	
West		Residential Single Family- Medium Density, General Commercial
Adjoining Property Future Land Use Designation		County
North	Suburban, Urban Expansion	
South	Urban Expansion	
East	Suburban, Employment Center	
West		Residential Single Family Medium Density, General Commercial

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*This property is comprised of three parcels currently located in Lake County with a combination of Future Land Uses including, Suburban (which would allow for the development of up to 3 dwelling units per acre), Urban Expansion (which would allow for the development of up to 4 dwelling units per acre), and Employment Center (which would allow for a maximum floor area ratio of 1.0) Floor Area Ratio is a ratio of the floor area of a building divided by the lot size. The proposed City of Minneola Future Land Use General Commercial would allow for a maximum floor area ratio of 1.1.

Summary of Planner Notations:

Applicant requests to annex 53+/- acres of property into the City of Minneola for the purpose of Commercial Development. Applicant requests that the property be rezoned and assigned a Future Land Use Designation consistent with the requested zoning of Commercial. Applicant does not have plans for developing the site at this time, however when the property is developed the property owner will be required to comply with all Comprehensive Plan and Land Development Regulations. Additionally, when the property is developed the property owner will be required to utilize City of Minneola Utilities as noted by the applicant in the application package.

CITY OF MINNEOLA, FLORIDA
APPLICATION FOR ANNEXATION

The application material described herein is based on the provisions of Section 98-2 of the City Code and the relevant provision of Chapter 171, Florida Statutes.

Applicant Name: Chris Roper, Esq.

Applicant Address: 420 S. Orange Avenue, Suite 1200
Orlando, FL 32801

Applicant Phone #: 407-419-8458 Fax or E-mail: chris.roper@akerman.com

Project Name: Bosserman - 53 Acres

General Location and/or Street Address: East side of US 27, north and south of
Sullivan Road

Alternate Key Number: 1028655; 1081416; 1025028

Owner Name: Charles E. Bosserman, Jr., Trustee

Owner Address: 125-A E. Marks Street, Orlando, Florida 32803

Owner Phone #: 407-423-7700 Fax or E-mail: rebosserman@cs.com

Subject Site Area (acres or sq. ft.): 53 Acres Present Use: Vacant

Existing County FLUM: * see below Existing County Zoning: ** see below

Proposed City FLUM: Commercial Proposed City Zoning: B-1

Proposed Use: Uses permitted in the Business District zoning category

Reasons for the request: The property owner is submitting an application
for annexation and comprehensive plan amendment simultaneously with this request.

** Suburban ; Urban Expansion ; Employment Center*
*** R-1 ; A*

