

**THE CITY OF WINTER GARDEN**  
**PLANNING & ZONING BOARD AGENDA**

**AT CITY COMMISSION CHAMBERS/ 251 W. PLANT ST.**

**REGULAR MEETING**

**November 6, 2006**

**6:30 P.M.**

---

1. Call to Order
2. Approval of minutes from the September 11, 2006 meeting – Attachment 1
3. 206 N. Woodland Street Building Plans – Attachment 2

**Variances (all Public Hearings)**

4. 738 Citrus Cove Drive (setback variance) – Attachment 3
5. 142 North Highland Avenue (setback variance) – Attachment 4

**Rezoning (all Public Hearings)**

6. 305 South Woodland Street – Attachment 5
7. 111 Pennsylvania Avenue – Attachment 6

**Special Exception Permits (all Public Hearings)**

8. Zion Lutheran Church – Attachment 7

**Site Plans (no Public Hearings)**

9. Simply Self Storage – Attachment 8

**Pre-Plats (no Public Hearings)**

10. Alexander Ridge – Attachment 9
11. Winter Garden Commerce Center – Attachment 10

Any and all objections will be heard at this time and if no valid objections are presented to the contrary consideration will be given for granting this request. You are advised that if a person decides to appeal any decision made with respect to any matter considered at such hearing, then they will need to ensure that a verbatim record of the proceedings is made which includes the testimony and evidence upon which the appeal is to be based.



# CITY OF WINTER GARDEN

DEPARTMENT OF PLANNING, ZONING & DEVELOPMENT

270 W. PLANT STREET

WINTER GARDEN, FL 34787

TEL: (407) 656-4111 • FAX: (407) 654-1258

## A REGULAR MEETING MINUTES PLANNING AND ZONING BOARD SEPTEMBER 11, 2006

### CALL TO ORDER

**Chairman Larry Bedsole** called the regular meeting of the City of Winter Garden Planning and Zoning Board to order at 6:32 p.m. in City Hall Commission Chamber. The invocation was given followed by the Pledge of Allegiance. The roll was called and a quorum was declared present.

**PRESENT:** Chairman Larry Bedsole, Bea Deariso, Jerry Carris, Mac McKinney and Bob Buchanan. Also present were City Attorney Kurt Ardaman, Assistant to the City Attorney Daniel Langley, City Manager Mike Bollhoefer, City Planner Mark Cechman, Chief Planner Kelly Randall, Planner Regina McGruder, Planner Brandon Byers, Planning Technician Leontyne James and Planning Technician Lorena Blankenship.

**ABSENT:** Board Members Tina Aldrich and Xerxes Snell

### 1. APPROVAL OF MINUTES

Approval of minutes from regular meeting held August 17, 2006

*Motion by Jerry Carris to approve the above minutes. Seconded by Bob Buchanan, the motion carried unanimously 4-0.*

### PRESENTATIONS

### 2. CITY PARKS AND RECREATION DEPARTMENT REQUEST

Jay Conn, Director of City Parks and Recreation Department approached the Board and requested their support concerning two park projects; the redevelopment of Marvin C. Zanders Park, and the development of the Southside Community Park. He stated that some improvements need to be made to the Marvin C. Zanders Park, and also due to

heavy traffic in the area, a cul-de-sac needs to be constructed to eliminate the road traveling through the park. Mr. Conn also stated that the Southside Community Park is proposed for development at 4109 Winter Garden Vineland Road, on land currently owned by the City and adjacent to the City Cemetery. Mr. Conn explained that no formal action on these issues is required, but explained that review of such projects by a City's Planning and Zoning Board is advantageous when seeking grant funding.

The Board members expressed their support of the two park projects presented by Recreation Director Jay Conn.

City Manager Mike Bollhoefer stated that the City is aggressively trying to secure some land for additional parks in the south area of the City.

**3. 206 N. Woodland Street**

Chief Planner Randall requested that the Board postpone the subject presentation until the next Planning and Zoning meeting. She explained that City Staff has some concerns and the developers are not in the audience to discuss the issues.

*Motion by Bob Buchanan to postpone the item to the next Planning and Zoning Board meeting. Seconded by Mac McKinney, the motion carried unanimously 4-0.*

**Variances**

**4. 12206 Oyen Court**

Planner Byers presented the Board with a request for 12206 Oyen Court for approval of a 9 foot front yard setback variance that would allow the property owners to build an enclosed garage located on the east side of the property. He explained that the garage will be 21 feet from the front property line and because of the 16 foot drainage easement a variance is required. City Staff has reviewed the application and recommends approval.

Bea Deariso arrived at 6:40 p.m.

Sherry Lutes, 12206 Oyen Court, Winter Garden, approached the Board to answer questions and stated that they do not have adjacent neighbors to the east and that they need the extra space the garage will provide.

*Motion by Mac McKinney to approve the 9 foot front yard setback variance. Seconded by Bob Buchanan, the motion carried unanimously 5-0.*

**5. 627 Clancy Street**

Planner McGruder presented the Board with a request for approval of an 8 foot front yard setback variance that would allow the property owners to construct a front porch addition at 627 Clancy Street. City Staff has reviewed the application and recommends approval.

Jerry Carris asked about the size of the proposed porch. Planner McGruder responded that the proposed front porch will be 8 feet wide.

***Motion by Jerry Carris to approve the 8 foot front yard setback variance with City Staff conditions (see attached). Seconded by Bea Deariso, the motion carried unanimously 5-0.***

**6. 1207 E. Story Road – Exotic Car Transport**

Planner McGruder presented the Board with a request for approval for 1207 East Story Road of a variance that would allow an automobile storage structure to be within 200 feet of a school. She stated that the subject property was granted the same variance by the Board on April 04, 2005; however, it has since expired. City Staff has reviewed the application and recommends approval.

***Motion by Jerry Carris to approve the Variance. Seconded by Bea Deariso, the motion carried unanimously 5-0.***

**7. Winter Garden Village at Fowler Groves – Noise Variance**

City Planner Cechman presented the Board with a request for approval of a noise variance submitted by the Sembler Company and Hardin Construction Company. He explained that the variance would allow certain construction activities (the pouring of concrete slabs) during nighttime hours from 2:00 a.m. to 7:00 a.m. on weekdays, and 2:00 a.m. to 9:00 a.m. on weekends, a total of approximately 75 slab pours between now and April 2007. Mr. Cechman explained that only 12 of the 75 slabs pours will be near the existing residences and the rest of them will be further away from the residential area. City Planner Cechman quoted Section 38-165 (e): “.... *In deciding whether to grant, grant with conditions or deny the application, the Planning and Zoning Board shall balance the hardship which will result to the applicant, the community, and other persons if the variance is not granted, versus the adverse impact on the health, safety, and general welfare of persons if the variance is granted. If the Planning and Zoning Board determines that the granting of the variance, with or without conditions, will be in harmony with the general intent, purposes and goals of chapter 118 and that the variance will not be unduly injurious to the area involved or otherwise unduly detrimental to the public, the variance shall be granted*”. City Planner Cechman also noted that pouring concrete early in the morning is a common practice in the construction industry and that the applicants are willing to construct the landscape berms along the north property line to reduce the noise impact; however the first 20 pours will occur along the southern property line, adjacent to the Western Beltway. City Staff has reviewed the application and recommends approval

Steve Rivers, Hardin Construction Senior Vice-President, approached the Board and gave a brief background of the company, mentioning some of their projects in the Central Florida area. He stated that early morning pours will promote better public safety, since

they will be able to reduce the number of trucks on the road. Mr. Rivers also stated that early morning pours are a common construction practice that ensures that the quality of the concrete slab is not jeopardized by the excessive heat and afternoon rains. He also mentioned that pouring the concrete during early hours will allow them to maximize the amount of each of those 75 concrete pours, which will help to expedite the project, as opposed to doing multiple smaller pours during the day. Mr. Rivers provided the Board with a graphic design of the site identifying the traffic routes for the concrete trucks.

The following Winter Garden residents were present to speak in opposition to the subject petition: Ed Lynch, 660 Home Grove Drive; Dan Gallager, 12736 Grovehurst Avenue; George Munson, 14028 Lake Tilden Boulevard; David Bradford, 12814 Grovehurst Avenue; Kathy Bollo, 313 Duff Drive; Deborah Eichen, 14217 Country Estate Drive; James Balderrama, 14315 Hampshire Bay Circle; Jennifer Armitage, 12839 Daughtery Drive; Tom Reedy, 14217 Country Estates Drive; Carolyn Rivera, 12802 Grovehurst Avenue; and Christine Cascio, 13543 Glynshell Drive. These residents mentioned concerns related to the noise, the dust, and the lighting, stating that construction work at 2:00 a.m. in a residential area is not acceptable; that the buffers are not enough to block the noise; that the only unreasonable hardship will be on the homeowners; and that the benefits for the applicants are money and convenience. They also stated that other developments have taken place in the area without creating unreasonable hardship for the residents, and that the applicants could complete their construction work during normal operating hours. They stated that they want the completion of the open mall as soon as possible but not at the expense of their early morning hours.

Dean Armitage, 12839 Daughtery Drive, approached the Board and stated that he was not against the overall request, but stated that he was against the timing. He added that perhaps the buffers and berms should be put in place before the concrete pouring, and that perhaps the wall should be higher and more attractive buffers should be provided.

City Manager Bollhoefer stated that one of the purposes of holding public meetings is to give the citizens the opportunity to attend and express their points of view. He stated that City Staff has given the applicants the opportunity to present their petition before the Board and to demonstrate that their hardship overrides the citizens' concerns. He added that City Staff will ensure that The Sembler Company complies with all the rules related to the construction work. Mr. Bollhoefer also noted that the City is trying to find different ways to resolve the problem concerning the dust issue. He added that City Staff is also working on developing a new Noise Ordinance, and that he understands everyone wants to live in peace in their own homes.

Steve Rivers, of Hardin Construction approached the Board and stated that working in the nighttime hours is not a cost-saving benefit but a construction best practice. He explained that the batch concrete plants are not open in the evenings, and they are traditionally set up to open early in the mornings. Mr. Rivers, showing the graphic design of the site, explained the route of trucks, stating that they will come down Highway 429, and that instead of having 60 trucks in a period of 7 hours during the day, they could instead have 60 trucks in a period of 3 hours during nighttime hours. He also stated that they will turn

the lighting away from the residential areas, and that the concrete pours will be a temporary situation. Mr. Rivers also stated that they are willing to work out an agreement and come up with some compromises that would be fair for both sides.

Bea Deariso asked Mr. Rivers about the techniques they will be using to minimize the backing up beeping sound of the concrete trucks. Mr. Rivers responded that using the proposed route, the trucks will be mostly circulating in a loop to minimize the amount of times the trucks will have to back up.

Dan Gallager challenged Mr. Rivers' remarks concerning the concrete batch plants' hours of operation and the procedure to drive the trucks on the proposed route, stating that they should be able to use the same procedure during the day.

Mr. Rivers responded that the batch concrete plants are setup to open early in the mornings, and that because of the heavy traffic during the day, they could not have the trucks lining up and coming in and out continuously. He added that instead of the requested 75 individual concrete pours, they were willing to change their request to 60 individual concrete pours instead, which will be only 60 mornings from now until March.

James Balderrama also challenged Mr. Rivers' remarks concerning the residents' benefits of having the trucks coming in from Highway 429 during the nighttime. He explained the common daily routes the residents in the area use and the peak hours on C.R. 535 and Highway 429, and stated that having the concrete trucks coming in during nighttime hours is not a true benefit for the residents.

Dave Bradford approached the Board and stated that he agreed on trying to reach some compromises. He added that perhaps the landscape berm and the screen should be constructed before any variance is granted. Mr. Bradford asked about the date when the berm and the screen will be installed.

Greed Scoggins, from The Sembler Company responded that the wall will be arriving no later than October 1<sup>st</sup>, but could arrive as soon as September 18<sup>th</sup>, and added that the time required to install the wall is approximately 8 weeks. He stated that the real benefit will be the landscaping on top of the berm, which is scheduled to be installed right after the wall. Mr. Scoggins stated that the landscaping will alleviate the problems related to the noise, pollution and dust.

City Manager Bollhoefer asked Mr. Scoggins if the berm, the landscaping, and the wall will be completed between 60 and 90 days. Mr. Scoggins responded affirmatively.

Dean Armitage asked Mr. Scoggins to describe the berm. Mr. Scoggins responded that the berm is 6 foot high and on the property line, in front of the berm there is a 6 foot high pre-cast screen wall, and thick landscape buffer on top of the berm. Mr. Armitage asked if the berm could be 12 feet high instead of 6 feet high and more mature looking vegetation could be used to block the light and the noise.

Ed Lynch approached the Board again and requested the Board to deny the variance request, stating that trying to negotiate a compromise at the meeting was not the right thing to do for the community.

Kathy Bollo approached the Board and expressed concerns about the noise and questioned the possibility of having the applicants come back to the Board with the same request at the time they are ready to pour the concrete on the large parking lots.

Phill Baker, 125 W. Smith Street, approached the Board and pointed out that if the applicant knew that the normal hours to pour concrete were at 2:00 a.m. the residents should have been notified earlier in the process. He also added that even if the 60 trucks circulate on a loop they will be backing up to the concrete pumper using their back-up alarms, which will generate a lot of noise.

City Manager Bollhoefer stated that he made the commitment to several people that City Staff will ensure that The Sembler Company would comply with the rules, and added that the reason City Staff recommended approval to the subject petition is because in the construction industry is very standard that this type of large concrete pour take place during nighttime hours. City Manager Bollhoefer stated that public meetings provide an opportunity for the residents to come and express their concerns. He stated that The Sembler Company did not mention the concrete pouring early hours during the approval process of their PCD (*Planned Commercial Development*), and added that this issue should have been discussed at that time.

Ed Lynch approached the Board and expressed discontent with the process of the subject petition.

Jerry Carris pointed out that the applicant has stated that one the reasons for this variance is to avoid the summer afternoon heat and rainfalls, and stated that the coolest time of the year is just ahead of us for the next five months.

Bob Buchanan stated that he poured concrete for many years and knew that the concrete companies will adjust their schedules on behalf of their clients. He also added that if only one resident is woken up in the middle of the night because of the noise caused by the concrete trucks, that one resident is too many. He expressed disagreement with the subject petition.

Mac McKinney stated that he has been in the construction industry for approximately 40 years and has seen very large concrete pours, but has never seen one operating during the nighttime hours. He expressed opposition to the subject request.

Bea Deariso stated that The Sembler Company has been asking for too many variances, and it is time to say no.

Chairman Bedsole stated that he had not heard anything that constitutes a reasonable hardship on the applicants.

Dan Raft, 190 S. Highland Avenue, adjacent neighbor to the east, approached the Board and spoke in favor of the subject request stating that two employees would not generate much traffic, and added that when he purchased his property, he was aware of the RNC zoning category in the area.

Kent Makin, 214 Seminole Street, approached the Board and spoke in favor of the subject request stating that when he purchased his home he took into consideration the RNC zoning and understood that the City was in development and that there were going to be some changes in the area, to include the construction of the new City Hall, which is a similar use to the one the applicant is requesting approval for.

City Manager Bollhoefer stated that in relation to the construction of the new City Hall, the City is planning on preserving almost all the existing live oak trees, and additional landscaping and buffers will be created between the new City Hall and the residences. He added that City Staff's intentions are to ensure that the appearance of all businesses located in R-NC areas fits within the character of the neighborhood.

***Motion by Bob Buchanan to approve the Special Exception Permit to allow a small construction office at 213 W. Smith Street with City Staff conditions (see attached). Seconded by Mac McKinney, the motion carried unanimously 5-0.***

**9. 1319 Green Forest Court – Suite # 401**

Planner McGruder presented the Board with a request for a Special Exception Permit to allow for a Children's Indoor Play Activity Center for ages 6 months to 6 years of age at 1319 Green Forest Court, Suite # 401 (*Pavex Industrial Park*). City Staff has reviewed the petition and recommends approval.

Johnna Evans, 329 S. Dillard Street, approached the Board and in response to Chairman Bedsole's question about parking, stated that the busiest time at the center will be on the weekends when they will have approximately 15 vehicles on the parking lot, but at that time most of the surrounding businesses will be closed. She added that during the week they will most likely only have 3 or 4 children.

Further discussion followed among City Planner Cechman and the Board Members concerning the parking spaces and businesses at the industrial park. Mr. Cechman stated that every time a new Occupational License petition for a new business located at that industrial park is submitted, the Planning and Zoning Department will perform a site visit to ensure that the parking is not a problem.

***Motion by Bea Deariso to approve the Special Exception Permit to allow a Children's Indoor Play Activity Center for ages 6 months to 6 years of age at 1319 Green Forest Court, Suite # 401 . Seconded by Bob Buchanan, the motion carried unanimously 5-0.***

## **Large-Scale Comprehensive Plan Amendments**

### **10. Sessions OCPS Property**

City Planner Cechman stated that the subject item is a transmittal for Ordinance 06-41, amending the Future Land Use Map of the City of Winter Garden's Comprehensive Plan by changing the Future Land Use designation from Orange County Agriculture to City Public Facility and Education. A new middle school will be built at this property known as the Sessions parcel, approximately 40.9 acres located north of Black Lake and south and west of Siplin Road, and owned by Orange County Public Schools. City Staff recommends approval.

Julie Salvo, with Orange County Public Schools approached the Board and stated that they have the funds to build the middle school and hope to begin operations by 2009.

Bob Buchanan asked if the middle school will be the only school built on the property. Ms. Salvo responded negatively and stated that an elementary school will also be built in the future.

City Manager Bollhoefer noted that the developers for Hickory Hammock did a lot of work on securing the subject site for new schools.

*Motion by Bob Buchanan to approve transmittal of Ordinance 06-41, amending the Future Land Use Map of the City of Winter Garden's Comprehensive Plan by changing the Future Land Use designation of the property generally described as 40.9 acres of land located south and west of Siplin Road and East of C.R. 545 from Orange County Agriculture to City Public Facility and Education. Seconded by Jerry Carris, the motion carried unanimously 5-0.*

## **Final Plats**

### **11. The Orchard**

Planner Byers presented the Board with a request for approval of a partial replat of the final plat for The Orchard subdivision located on the west side of C.R. 535. This plat was previously approved by the Planning and Zoning Board on May 2, 2005; however, drainage issues required the developer to replat some of the lots. City Staff has reviewed the petition and recommends approval with the conditions included in the agenda package.

Mac McKinney inquired about the lots being replatted. Mr. Byers explained that the lots being replatted are lots 1 through 25 and the lot depth is being increased from 82 feet to 93 feet.

***Motion by Bea Deariso to approve the replat of the final plat for The Orchard Subdivision with City Staff conditions (see attached). Seconded by Bob Buchanan the motion carried unanimously 5-0.***

**12. John's Lake Pointe**

City Planner Cechman presented the Board with a request for approval of the John's Lake Pointe final plat located on the west side of C.R. 545. City Staff has reviewed the application and recommends approval with the conditions included in the agenda package. Mr. Cechman explained that there is an environmental issue related to a storage tank for petroleum items which used to be underground, but the developers have removed it and they are doing the right things to mitigate the problem. He added that it is not a health problem, but to ensure the City is protected, the City attorneys are working out some of the final deals, since this area will soon be a City street. City Planner Cechman also stated that a development agreement between the City and the developer shall entered into addressing the cost-share concerning utilities. Prior to being scheduled for the City Commission, the applicant will need to satisfy all City Staff comments and conditions.

Jerry Carris inquired about the wetlands in the property and asked if the appropriate swales were installed. Mr. Byers responded affirmatively.

***Motion by Mac McKinney to approve the Final Plat for John's Lake Pointe Subdivision with City Staff conditions (see attached). Seconded by Jerry Carris the motion carried unanimously 5-0.***

**Site Plans**

**13. 205 Windermere Road**

Chief Planner Randall presented the Board with a request for the site plan approval for SouthWest Aquatics facility to be located at 205 Windermere Road. She added that this project was granted a Special Exception Permit by the Planning and Zoning Board on November 07, 2005. Ms. Randall also stated that there are some technical issues that need to be resolved prior to City Commission approval.

Mac McKinney asked about the time frame after a Special Exception Permit is granted. Ms. Randall responded that Special Exception Permits are good for a year.

***Motion by Bob Buchanan to approve the Site Plan for 205 Windermere Road with City Staff conditions (see attached), to include the ones to be met prior to City Commission approval. Seconded by Bea Deariso the motion carried 5-0.***

**14. Baer Furniture**

City Planner Cechman presented the Board with a request for a site plan for Baer Furniture located at 12105 W. Colonial Drive for an 80,950 square feet furniture store and an additional 20,600 square feet of general retail. Because of concerns related to large traffic generators on S.R. 50, City Staff has requested the applicant phase the project and submit the application for the furniture store at this time and move ahead with the second phase, which is the general retail, at a later date. City Staff has reviewed the application and recommends approval.

*Motion by Bea Deariso to approve the Site Plan for Baer Furniture Phase I with City Staff conditions (see attached). Seconded by Bob Buchanan the motion carried unanimously 5-0.*

**ADJOURNMENT**

There being no further business, the meeting was adjourned at 8:32 p.m.

**APPROVED:**

**ATTEST:**

\_\_\_\_\_  
**Chairman Larry Bedsole**

\_\_\_\_\_  
**Planning Technician Lorena Blankenship**

**THE CITY OF WINTER GARDEN**  
**CITY PLANNING AND ZONING BOARD AGENDA ITEM**

**ATTACHMENT 2**

---

**Date:** November 2, 2006      **Meeting Date:** November 6, 2006

**Subject:** 206 N. Woodland Street Building Plans

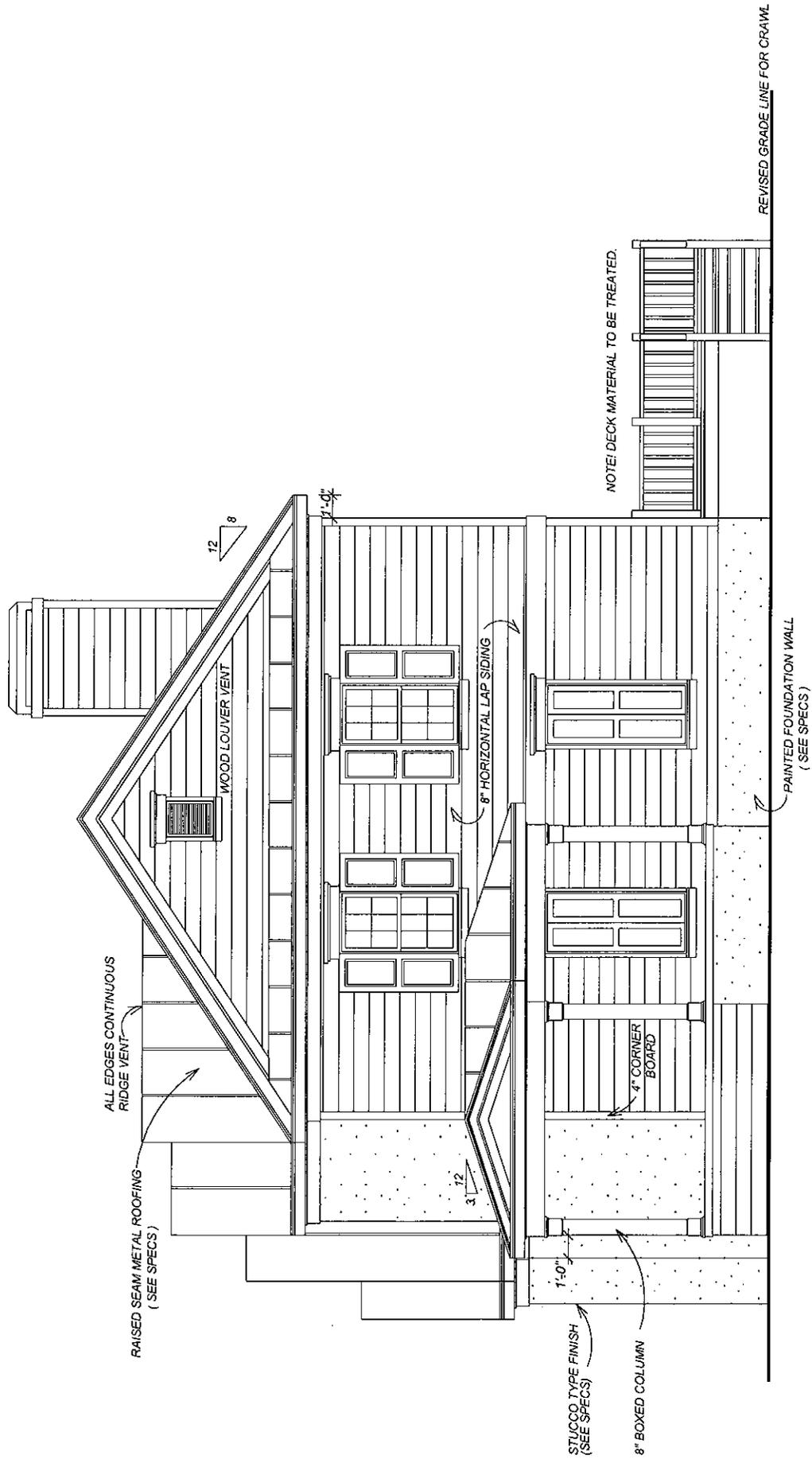
**History:** As requested by the Planning and Zoning Board at their July 10, 2006 meeting, Patrick Pressley will present his building plans for the property at 206 N. Woodland Street for final P&Z Board approval.

**Issue:** Staff has received and approved the architectural rendition of the proposed house to be placed on the two new lots.

**Staff**

**Recommendation:**

Staff recommends approval of the building elevations.



NOTE: DECK MATERIAL TO BE TREATED.

REVISED GRADE LINE FOR CRAWL

**RIGHT ELEVATION PLAN NO. 2036 - E (CRAWL SPACE VERSION)**

SCALE:  $1/4" = 1'-0"$

**THE CITY OF WINTER GARDEN**  
**CITY PLANNING AND ZONING BOARD AGENDA ITEM**  
**ATTACHMENT 3 (Public Hearing)**

---

**Date:** November 2, 2006                      **Meeting Date:** November 6, 2006  
**Subject:** 738 Citrus Cove Drive  
**Issue:** Request for approval of a 13 foot rear yard setback variance that would allow the property owners to build an enclosed glass porch.

**Supplemental Material/Analysis:**

**Owner/Applicant:** Neil & Chamale Hing  
Email: neil.hing@verizon.net

**Zoning:** R-2 (which requires a rear setback of 20% of the depth of the lot).

**FLU:** Low Density Residential

**Summary:** The property owners are requesting a 13 foot rear yard setback variance to construct a 15' x 40' enclosed glass porch. The porch will be located approximately 6' from the rear property line.

The City Code states that, "A variance may be granted from land development regulations by the planning and zoning board if the planning and zoning board concludes that literal enforcement of the provisions of land development regulations would result in either practical difficulties (for setback and parking provisions) or unnecessary hardships (for all other land development regulations) for the property at issue." The code also lists the following criteria that have to be addressed before a variance can be approved Underlined are Staff's comments concerning this particular petition.

(a) *Granting the variance will not cause or allow interference with the reasonable enjoyment of adjacent or nearby property owners or negatively impact the standard of living of the citizens of the city;*

The property is enclosed by a privacy fence which should conceal most of the structure from the adjacent property owners. In addition, the porch will be used for storage and recreation. This will eliminate the property owner's from storing their belongings

outside. Thus, granting this variance should not have a negative impact on the adjacent property owners.

*(b) The variance will allow a reasonable use of the property, which use is not out of character with other properties in the same zoning category;*

The requested variance will allow a reasonable use of the property. The enclosed porch will be glass. This should blend in nicely with the architecture of the principal structure. In addition, other property owner's in this subdivision have similar structures in their rear yards.

*(c) In the context presented, strict compliance with the land development regulation will not further any legitimate city objective or the benefits that would be achieved under the other variance criteria by the granting of the variance outweigh the benefits under this criteria if the variance were denied;*

Staff believes that strict compliance with the land development regulations will not further any legitimate City objective.

*(d) The granting of the variance is consistent with the city's comprehensive plan; and*

The variance is consistent with the provisions of the City's Comprehensive Plan relating to single-family neighborhood character.

*(e) The variance requested is the minimum variance that will make reasonable use of the land, building, or structure or the benefits that would be achieved under the other variance criteria by the granting of the variance outweigh the benefits under these criteria if the variance were denied.*

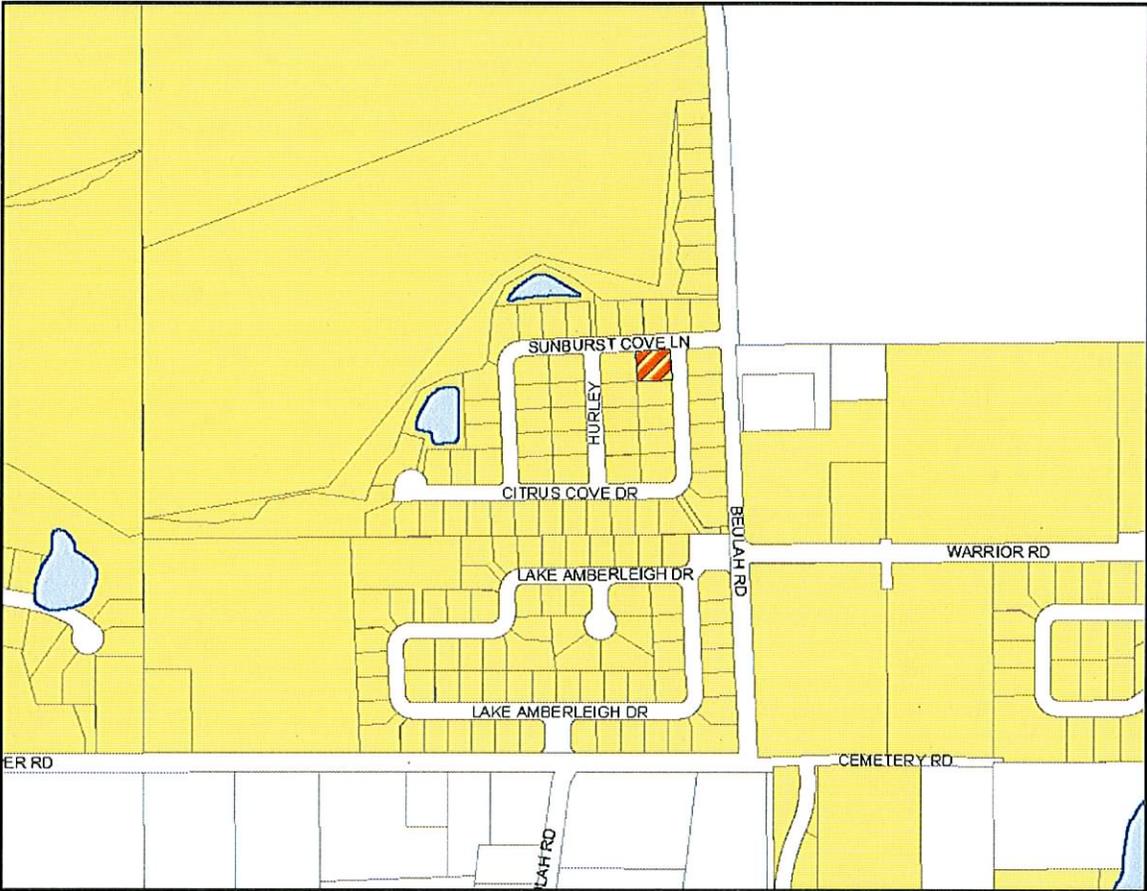
The variance is a minimal request. The houses in this subdivision were built very close to their rear yard setback requirements. This house, without the variance, would have only 2' to build an accessory structure.

**Staff  
Recommendation:**

Staff recommends approval of the requested 13 foot rear yard setback variance to construct an enclosed glass porch.

**Next Step:** If P& Z Board approves, submit for building permits.

**738 Citrus Cove**





# THE CITY OF WINTER GARDEN

PLANNING, ZONING AND DEVELOPMENT

270 W. PLANT STREET

WINTER GARDEN, FL 34787

TEL. (407) 656-4111 • FAX (407) 654-1258

www.cwgdn.com

## PETITION FOR A VARIANCE

Section 118-130 of the City of Winter Garden Code of Ordinance requires that each applicant for a variance(s) submit a written Petition providing certain information and clearly describing how the variance request satisfies all the specific conditions necessary for the granting of the variance. Please provide the information requested in sufficient detail in order to assist the planning and zoning board in making their determination as to this Petition (use additional sheets if necessary):

### OWNER OF RECORD

NAME: NEIL & CHAMALE HING

MAILING ADDRESS: 738 CITRUS COVE DRIVE

CITY: WINTER GARDEN STATE: FL ZIP: 34787

PHONE: 407-237-7071 EXT. \_\_\_\_\_ FAX: \_\_\_\_\_

E-MAIL: NEIL.HING@VERIZON.NET

### APPLICANT / CONTACT PERSON (IF DIFFERENT):

NAME: \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_

CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_

PHONE: \_\_\_\_\_ EXT. \_\_\_\_\_ FAX: \_\_\_\_\_

E-MAIL: \_\_\_\_\_

3. If Corporation, Names of President and Secretary:

PRESIDENT: \_\_\_\_\_ SECRETARY: \_\_\_\_\_

4. Property ID Number: 25-22-27-6415-00-250

5. Number of Acres: \_\_\_\_\_

6. Is a full Legal Description attached? Yes  No

7. Is a survey attached? Yes  No

8. Site Plan attached Yes  No

9. Property Address: 738 CITRUS COVE DRIVE

WINTER GARDEN FL 34787

9. THE SPECIFIC VARIANCE REQUESTED AND REASON FOR THE VARIANCE (FOR SETBACK AND HEIGHT VARIANCE, BE SPECIFIC AS TO THE NUMBER OF FEET)  
You may provide this answer on a separate sheet of paper if you need additional space.

13 FEET ON REAR OF HOUSE FOR THE ELECTIONS ~~OFF~~  
OF GLASS PORCH WITH SCREENS ON WINDOWS.  
FINAL SIZE TO BE 40 FT WIDE BY 15 FEET LENGTH ON  
THE BASE. PORCH ROOF AT AN ANGLE WITH A HEIGHT  
OF 9 1/2 FEET AGAINST HOUSE AND 7 1/2 FEET ON THE END.  
2 DOORS TO BE INSTALLED ON THE ENDS OF PORCH (SEE SKETCH)

THE PLANNING AND ZONING BOARD MAY GRANT APPROVAL OF THIS VARIANCE IF THEY DETERMINE THE FOLLOWING CONDITIONS EXIST. PLEASE PROVIDE JUSTIFICATION FOR THE FOLLOWING:

- a. Granting the variance will not cause or allow interference with the reasonable enjoyment of adjacent or nearby property owners or negatively impact the standard of living of the citizens of Winter Garden.

JUSTIFICATION:

Property is enclosed by privacy fence (see <sup>FENCE</sup> diagram for sketch) and will be concealed. Nearby property owners has similar structure. No PETS will be on this porch to create a nuisance to neighbors.

- b. The variance will allow a reasonable use of the property which use is not out of character with other properties in the same zoning category.

JUSTIFICATION:

Porch to be used for storage and outdoor living. Since moving from New York we ~~will~~ need more space ~~available~~ to store tools, BBQ Grill, Lawn tractor, outdoor furniture. This will allow us to use our garage for the purpose it was intended for storing cars.

- c. In the context presented, strict compliance with the Land Development Regulation will not further any legitimate City objective; or, the benefits that would be achieved under the other variance criteria by the granting of the variance outweigh the benefits under this criteria if the variance were denied.

JUSTIFICATION:

LAND USE will not change it zoning R-2.  
 In view of this the subdivision regulations will not change. Several homes in AZON has porch in rear.

- d. The granting of the variance is consistent with the City of Winter Garden's Comprehensive Plan.

JUSTIFICATION:

Other owners in the subdivision has erected similar porches, thus not only for the convenience of living but for value.

- e. The variance requested is the minimum variance that will make reasonable use of the land, building, or structure; or, the benefits that would be achieved under the other variance criteria by the granting of the variance outweigh the benefits under this criteria if the variance were denied.

JUSTIFICATION:

Extra space is need to accommodate overstacked GARAGE and prevent using in with us. GARAGE will be used for storing vehicles.

10. I understand that the City of Winter Garden requires that the applicant be responsible for reimbursing the City for all advertising costs associated with this application, including postage for notices to adjacent property owners, and for newspaper advertising as required by the Florida Statutes and the City Code. I understand that I will be billed for these costs and will be responsible for paying them, whether or not my application for a variance is successful. Yes  No

In addition, if this application is deemed to require review by the City Engineer, City Surveyor and/or City Attorney, I understand that I or my company will be responsible to pay for any and all reasonable legal, engineering, or surveying fees incurred by the City of Winter Garden in the process of reviewing the above project. I also understand that if this project property is sold, I or my company will be responsible to ensure that the new owner writes a similar letter accepting all the responsibility to pay for any and all reasonable legal, engineering, or surveying fees incurred by the City of Winter Garden in the process of reviewing this project from the date the property is sold.

An Applicant shall provide prompt written notice to the City manager in the event of a change in ownership of all or a portion of a lot, tract, or parcel of real property with the respect to which an Application, or project is pending before the City. Yes  No

All invoices for the costs associated with this project should be sent to:

PROJECT NAME OR ADDRESS: \_\_\_\_\_  
NAME: NEIL HINE  
MAILING ADDRESS: 733 CITRUS CORSE DRIVE  
CITY: WINTER GARDEN STATE: FL ZIP: 34787  
PHONE: 407-289-7071 FAX: \_\_\_\_\_

I/we hereby certify that I/we are the owner(s) of the real property which is the subject of this Petition and that the foregoing information on this Petition is true and complete.

Signature of the Applicant: [Signature]  
Print Name: NEIL HINE Date: 10/11/06

STATE OF FLORIDA  
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, by \_\_\_\_\_, as \_\_\_\_\_ of \_\_\_\_\_, who is personally known to me or who produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
NOTARY PUBLIC  
Print Name: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

**NOTE: If the Petitioner wishes to be represented by an agent, a limited power of attorney must be properly executed and provided to the City along with this application.**

**Submittal Requirements:**

1. Copy of a site plan (if larger than 11" x 17" provide five copies, **folded not rolled**)
2. Legal Description
3. Proof of ownership (i.e. a copy of the deed)
4. Non-refundable Fee (please check appropriate box):
  - Single family residential (fences, sheds, other non-habitable structures) - \$75.00
  - Single family residential (additions, porches, substandard lots) - \$100.00
  - All others - \$250.00
5. Limited Power of Attorney (if signed by an agent of the owner)

Return this form and the above submittal requirements to the Planning Director at the address above.

**Procedure:**

The Procedure for a Variance is defined in Section 118-132 of the City's Code of Ordinances. In general, the petition shall be heard and approved, denied or approved with conditions by the Planning and Zoning Board at an advertised public hearing.

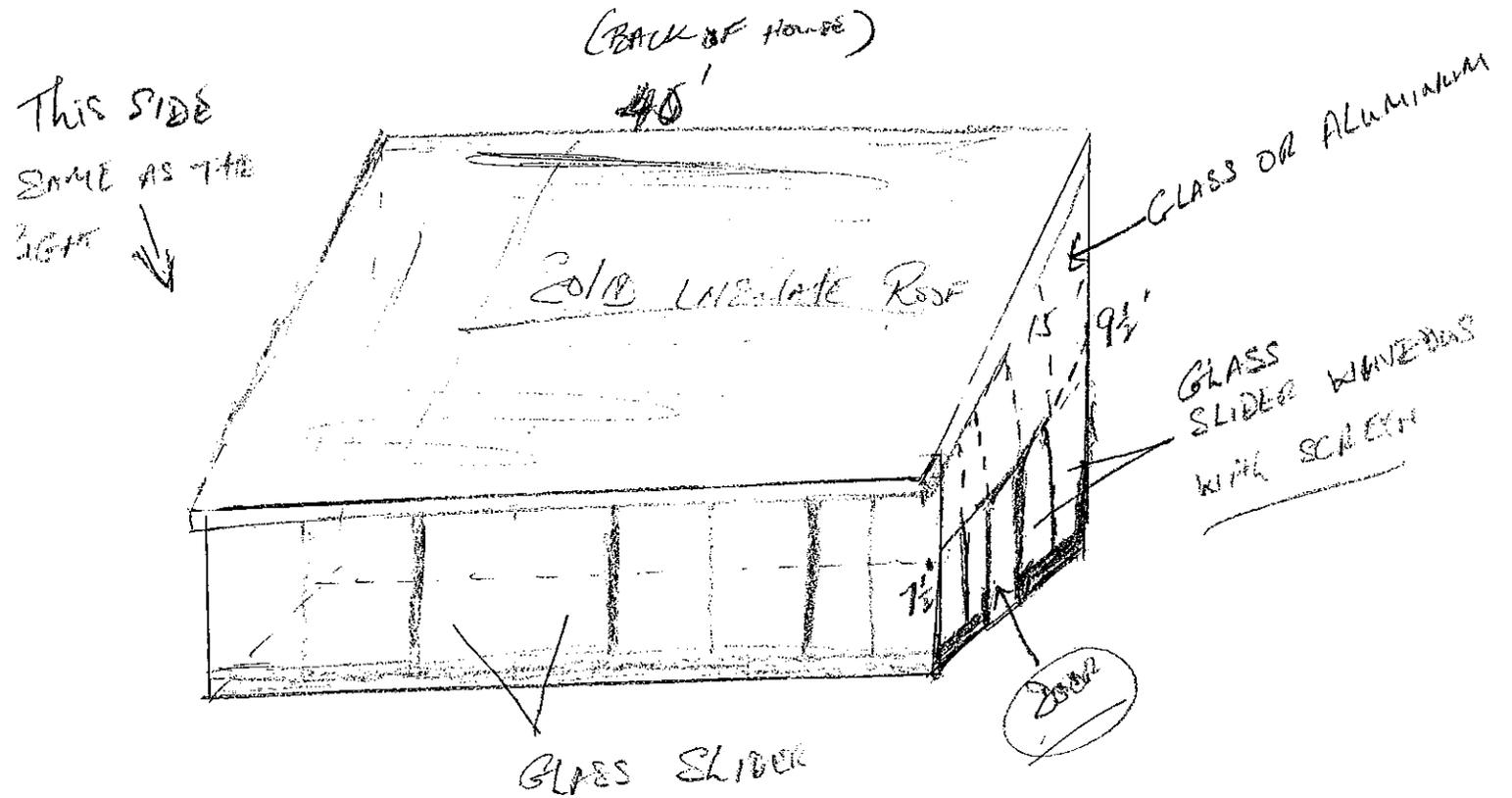
**Code of Ordinances**

The City of Winter Garden's Code of Ordinance can be found on the Internet at [www.municode.com](http://www.municode.com). Access to the Internet can be obtained at any branch of the Orange County Library.



HINT

LOT 25 / 738  
CITRUS COVE BY WINTER GARDEN  
FL 34787



WIDTH = 40 ft , LENGTH = 15 ft

HEIGHT at the BACK OF HOUSE FOR ATTACHMENT = 9 1/2 ft

HEIGHT AT the END OF PORCH = 7 1/2 ft

4. DENOTES SET IRON ROD AND RELATIVE TO THE ABOVE MENTIONED TEXT.
5. ACCORDING TO THE NATIONAL FLOOD INSURANCE PROGRAM, FLOOD INSURANCE RATE MAPS, COMMUNITY PANEL NO. 120179 0175 C, REVISION DATE JUNE 15, 1984, THIS PROPERTY LIES IN ZONE 'C'.
6. C25 DENOTES CURVE NUMBER.

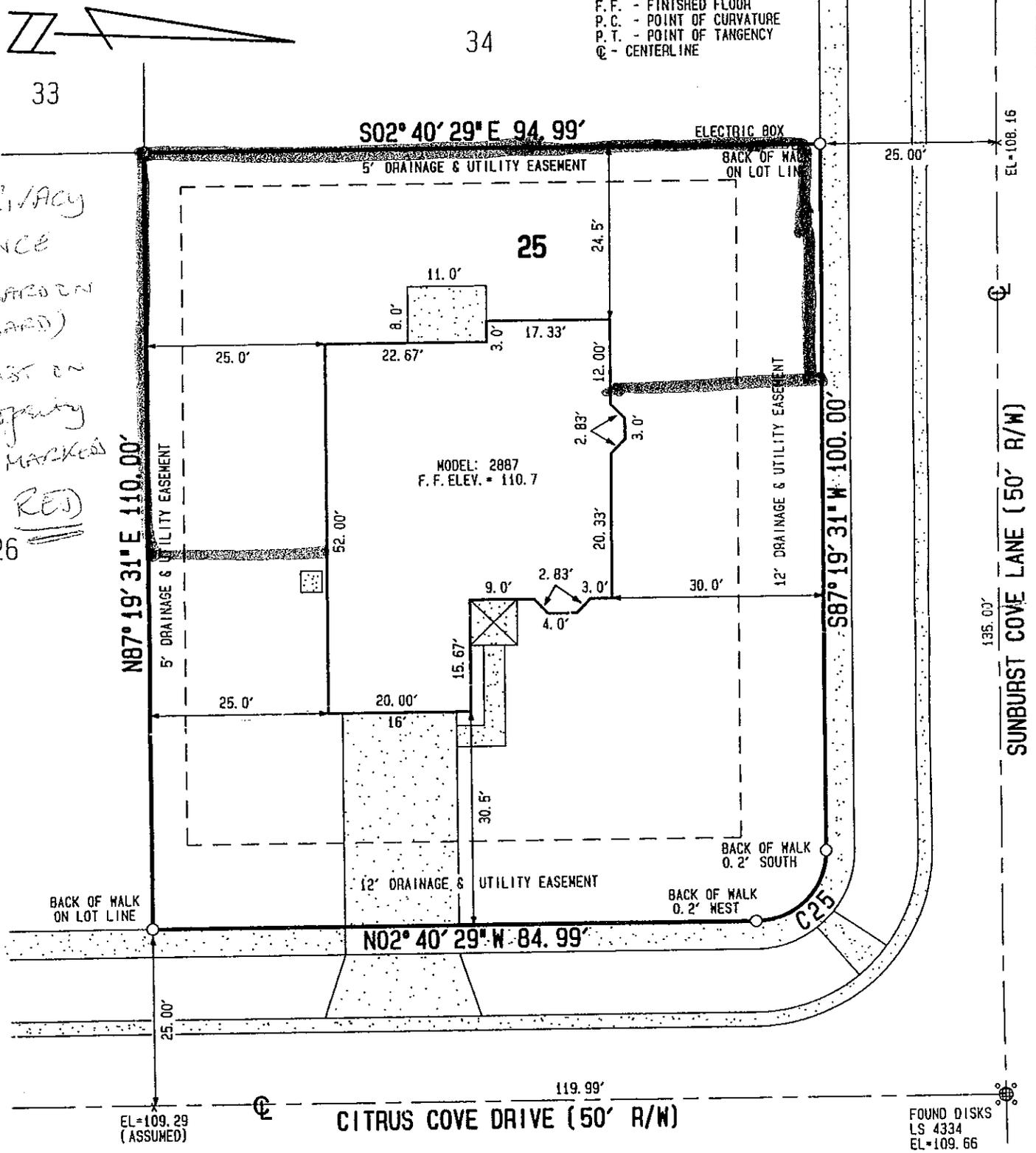
SCALE 1" = 20'

C25 R=10.00' Δ=90°00'00" A=15.71'

ABBREVIATIONS:  
 R/W - RIGHT-OF-WAY  
 EL/ELEV - ELEVATION  
 F.F. - FINISHED FLOOR  
 P.C. - POINT OF CURVATURE  
 P.T. - POINT OF TANGENCY  
 CL - CENTERLINE

*Force*  
*Diagram*

*PRIVACY FENCE (BOARD ON BOARD) EXIST ON PROPERTY as MARKED in RED*



CERTIFICATE:  
 WE CERTIFY THAT THIS DRAWING MEETS THE MINIMUM TECHNICAL STANDARDS FOR SURVEYING SET FORTH IN RULE 61G17 OF THE FLORIDA ADMINISTRATIVE CODE ADOPTED BY THE FLORIDA BOARD OF LAND SURVEYORS, PURSUANT TO FLORIDA STATUTES, 472.027

CERTIFIED CORRECT TO:  
 NEIL A. G. & CHAMALE S. HING  
 DEAN HOMES, INC.  
 ENTERPRISE HOUSING CORPORATION

FOR THE FIRM BY: *William J. Blackham*  
 WILLIAM J. BLACKHAM  
 PROFESSIONAL LAND SURVEYOR  
 FLORIDA REGISTRATION NO. 4334  
 DATE: MAY 21 1997

**THE CITY OF WINTER GARDEN**  
**CITY PLANNING AND ZONING BOARD AGENDA ITEM**  
**ATTACHMENT 4 (Public Hearing)**

---

**Date:** November 2, 2006      **Meeting Date:** November 6, 2006  
**Subject:** 142 N. Highland Ave.  
**Issue:** Request for approval of a 3' rear yard setback variance and a 3' side yard setback variance to construct a shed.

**Supplemental Material/Analysis:**

**Owner/Applicant:** Martin Houle & Janine Margewicz  
Email: acu.janine@gmail.com

**Zoning:** R-2

**FLU:** Low Density Residential

**Summary:** The property owners are requesting a 3' rear yard setback variance and a 3' side yard setback variance to construct a shed. Accessory buildings less than 160 sq. ft. are required to be located no less than 5' from the rear and side yard property line. The 96 sq. ft. accessory building will be located 2' from both the rear and side yard property line thus requiring the requested variances.

The City Code states that, "A variance may be granted from land development regulations by the planning and zoning board if the planning and zoning board concludes that literal enforcement of the provisions of land development regulations would result in either practical difficulties (for setback and parking provisions) or unnecessary hardships (for all other land development regulations) for the property at issue." The code also lists the following criteria that have to be addressed before a variance can be approved Underlined are Staff's comments concerning this particular petition.

(a) *Granting the variance will not cause or allow interference with the reasonable enjoyment of adjacent or nearby property owners or negatively impact the standard of living of the citizens of the city;*

The accessory structure is small enough in stature that it should not affect the adjacent property owners. In addition, the property

owners are proposing a privacy fence as well as landscaping to buffer the building from view.

*(b) The variance will allow a reasonable use of the property, which use is not out of character with other properties in the same zoning category;*

Given the small dimensions of the lot, this variance request is not out of character with the existing zoning category. In addition, the surrounding properties in the neighborhood have similar structures on their properties.

*(c) In the context presented, strict compliance with the land development regulation will not further any legitimate city objective or the benefits that would be achieved under the other variance criteria by the granting of the variance outweigh the benefits under this criteria if the variance were denied;*

Staff believes that strict compliance with the land development regulations will not further any legitimate City objective.

*(d) The granting of the variance is consistent with the city's comprehensive plan; and*

The variance is consistent with the provisions of the City's Comprehensive Plan relating to single-family neighborhood character.

*(e) The variance requested is the minimum variance that will make reasonable use of the land, building, or structure or the benefits that would be achieved under the other variance criteria by the granting of the variance outweigh the benefits under these criteria if the variance were denied.*

The variance is a minimal request. The lot sizes in the neighborhood require variances of this sort to maximize the enjoyment of the property owners.

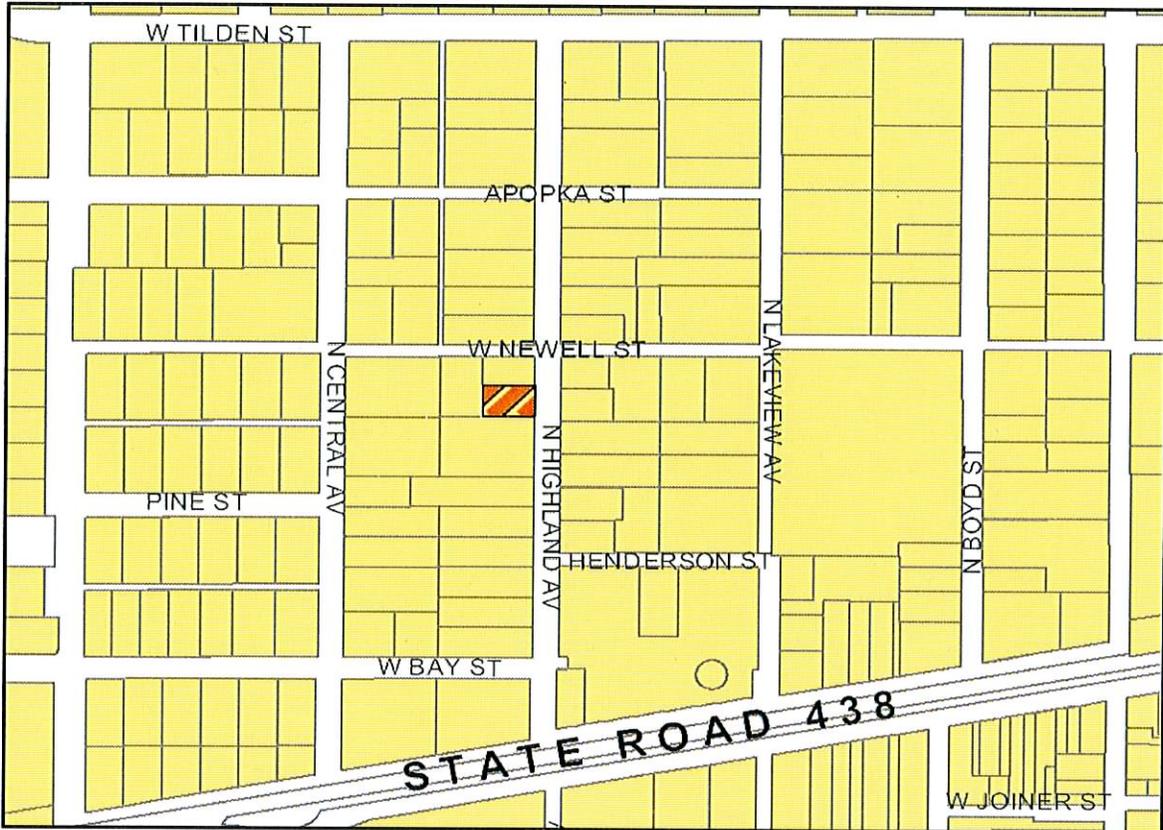
**Staff**

**Recommendation:**

Staff recommends approval of the requested 3' rear yard setback variance and a 3' side yard setback variance to construct a shed.

**Next Step:** If P& Z Board approves, submit for building permits.

**142 N. Highland Ave.**





# THE CITY OF WINTER GARDEN

PLANNING, ZONING AND DEVELOPMENT

270 W. PLANT STREET

WINTER GARDEN, FL 34787

TEL. (407) 656-4111 • FAX (407) 654-1258

www.cwgdn.com

## PETITION FOR A VARIANCE

Section 118-130 of the City of Winter Garden Code of Ordinance requires that each applicant for a variance(s) submit a written Petition providing certain information and clearly describing how the variance request satisfies all the specific conditions necessary for the granting of the variance. Please provide the information requested in sufficient detail in order to assist the planning and zoning board in making their determination as to this Petition (use additional sheets if necessary):

### OWNER OF RECORD

NAME: MARTIN HOUSE P JOANNE MERGENWITZ

MAILING ADDRESS: 142 N. HIGHLAND AVE.

CITY: WINTER GARDEN STATE: FL ZIP: 34787

PHONE: 351-2000 EXT. — FAX: —

E-MAIL: ACU.JOANNE@GMAIL.COM

### APPLICANT / CONTACT PERSON (IF DIFFERENT):

NAME: \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_

CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_

PHONE: \_\_\_\_\_ EXT. \_\_\_\_\_ FAX: \_\_\_\_\_

E-MAIL: \_\_\_\_\_

3. If Corporation, Names of President and Secretary:

PRESIDENT: \_\_\_\_\_ SECRETARY: \_\_\_\_\_

4. Property ID Number: \_\_\_\_\_

5. Number of Acres: \_\_\_\_\_

6. Is a full Legal Description attached? Yes  No

7. Is a survey attached? Yes  No

8. Site Plan attached Yes  No

9. Property Address: 142 N. HIGHLAND AVE.

9. THE SPECIFIC VARIANCE REQUESTED AND REASON FOR THE VARIANCE (FOR SETBACK AND HEIGHT VARIANCE, BE SPECIFIC AS TO THE NUMBER OF FEET)  
 You may provide this answer on a separate sheet of paper if you need additional space.

The variance requested is for the property to be able to build a 3 story building with a 3 foot setback from the rear lot line. The reason for the request is that one of the adjoining small lots (20 x 100) with a 3 foot setback and current regulations for that would be a 2 foot setback. The building would be 3 stories high. (Note - see #9)

**THE PLANNING AND ZONING BOARD MAY GRANT APPROVAL OF THIS VARIANCE IF THEY DETERMINE THE FOLLOWING CONDITIONS EXIST. PLEASE PROVIDE JUSTIFICATION FOR THE FOLLOWING:**

- a. Granting the variance will not cause or allow interference with the reasonable enjoyment of adjacent or nearby property owners or negatively impact the standard of living of the citizens of Winter Garden.

**JUSTIFICATION:**

By granting the request for the variance will not cause any interference with the adjacent properties. The property to the South would not be affected at all. The property to the North does not have any issue for the variance. (Note - see #9)

- b. The variance will allow a reasonable use of the property which use is not out of character with other properties in the same zoning category.

**JUSTIFICATION:**

Granting the variance will maximize the use of the property and is not out of character with the adjacent properties. The property to the South is a 20 x 100 lot which is a 3 story building. (Note - see #9)

- c. In the context presented, strict compliance with the Land Development Regulation will not further any legitimate City objective; or, the benefits that would be achieved under the other variance criteria by the granting of the variance outweigh the benefits under this criteria if the variance were denied.

JUSTIFICATION:

Benefits would be achieved if the variance is granted. Since the variance is being granted, the benefits that would be achieved under the other variance criteria by the granting of the variance outweigh the benefits under this criteria if the variance were denied.

- d. The granting of the variance is consistent with the City of Winter Garden's Comprehensive Plan.

JUSTIFICATION:

The granting of the variance is consistent with the City of Winter Garden's Comprehensive Plan. The variance is being granted, the benefits that would be achieved under the other variance criteria by the granting of the variance outweigh the benefits under this criteria if the variance were denied.

- e. The variance requested is the minimum variance that will make reasonable use of the land, building, or structure; or, the benefits that would be achieved under the other variance criteria by the granting of the variance outweigh the benefits under this criteria if the variance were denied.

JUSTIFICATION:

The requested variance of installing a 3' x 12' sign on the front of the property will have a minimal impact on the adjacent properties and minimize the cost of the lot.

10. I understand that the City of Winter Garden requires that the applicant be responsible for reimbursing the City for all advertising costs associated with this application, including postage for notices to adjacent property owners, and for newspaper advertising as required by the Florida Statutes and the City Code. I understand that I will be billed for these costs and will be responsible for paying them, whether or not my application for a variance is successful. Yes  No

In addition, if this application is deemed to require review by the City Engineer, City Surveyor and/or City Attorney, I understand that I or my company will be responsible to pay for any and all reasonable legal, engineering, or surveying fees incurred by the City of Winter Garden in the process of reviewing the above project. I also understand that if this project property is sold, I or my company will be responsible to ensure that the new owner writes a similar letter accepting all the responsibility to pay for any and all reasonable legal, engineering, or surveying fees incurred by the City of Winter Garden in the process of reviewing this project from the date the property is sold.

An Applicant shall provide prompt written notice to the City manager in the event of a change in ownership of all or a portion of a lot, tract, or parcel of real property with the respect to which an Application, or project is pending before the City. Yes  No

All invoices for the costs associated with this project should be sent to:

PROJECT NAME OR ADDRESS: 142 N. HIGHLAND AVE.  
NAME: MARTIN HOULE & JUDIE MARCEWICZ  
MAILING ADDRESS: 142 N. HIGHLAND AVE  
CITY: WINTER GARDEN STATE: FL ZIP: 32789  
PHONE: (817) 221-0300 FAX: \_\_\_\_\_

I/we hereby certify that I/we are the owner(s) of the real property which is the subject of this Petition and that the foregoing information on this Petition is true and complete.

Signature of the Applicant: \_\_\_\_\_

Print Name: MARTIN HOULE Date: 10/14/06

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, by \_\_\_\_\_, as \_\_\_\_\_ of \_\_\_\_\_, who is personally known to me or who produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
NOTARY PUBLIC

Print Name: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

**NOTE: If the Petitioner wishes to be represented by an agent, a limited power of attorney must be properly executed and provided to the City along with this application.**

**Submittal Requirements:**

1. Copy of a site plan (if larger than 11" x 17" provide five copies, **folded not rolled**)
2. Legal Description
3. Proof of ownership (i.e. a copy of the deed)
4. Non-refundable Fee (please check appropriate box):
  - Single family residential (fences, sheds, other non-habitable structures) - \$75.00
  - Single family residential (additions, porches, substandard lots) - \$100.00
  - All others - \$250.00
5. Limited Power of Attorney (if signed by an agent of the owner)

Return this form and the above submittal requirements to the Planning Director at the address above.

**Procedure:**

The Procedure for a Variance is defined in Section 118-132 of the City's Code of Ordinances. In general, the petition shall be heard and approved, denied or approved with conditions by the Planning and Zoning Board at an advertised public hearing.

**Code of Ordinances**

The City of Winter Garden's Code of Ordinance can be found on the Internet at [www.municode.com](http://www.municode.com). Access to the Internet can be obtained at any branch of the Orange County Library.

(9 cont)

In the other direction, the wind will eventually cut away and channel the river from our major bedroom village.

(10 cont)

For a view of the river from the  
a small bridge over the S. side of the

The property to the east is a large  
lot, with a landscaped path, and is  
currently used for a cafe.

With the vertical ground level, the  
location of the river is much more  
with the landscape design, the only  
resulting in a space.

(11 cont)

A lot of the property is

The property to the west and a  
small area to the S. side of the  
and a small area of a garden.

The property to the east has  
a view to the S. side of the

None of the adjacent properties  
will be greatly affected by growing  
the climate of the east.

(c. cont.)

the use of such small lot to have a well designed cases that would direct the small children's nature

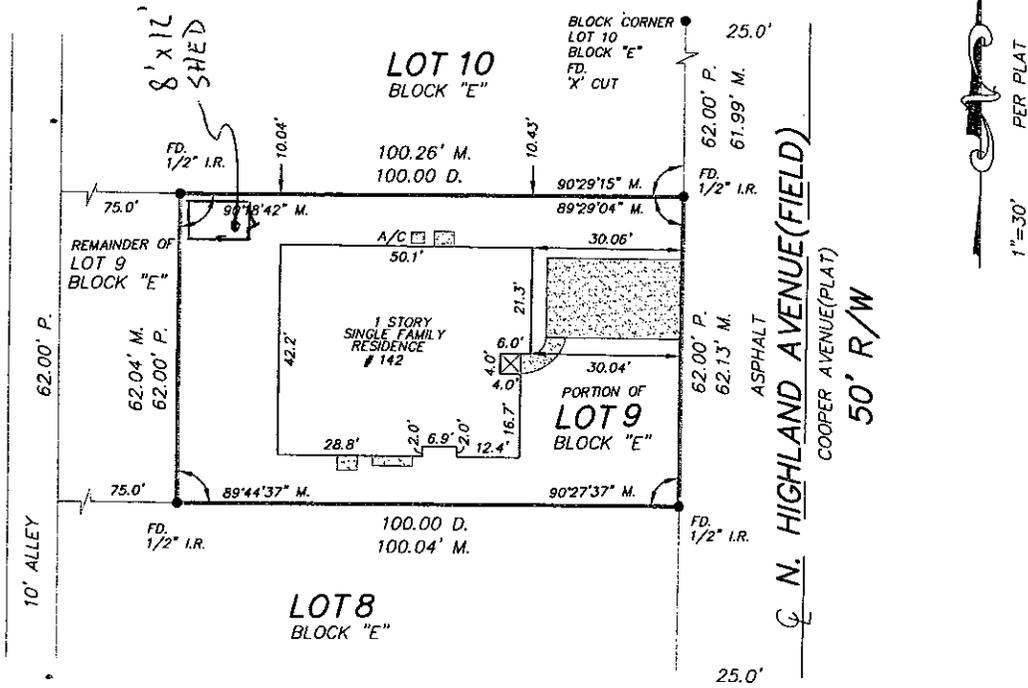
If the children were given the first picture books to read that would be to encourage the eye to recognize to find themselves to learn

to believe that a book is meant to appear it is well designed to help to bring out the best of any language

Thank you for your time and consideration.

# BOUNDARY SURVEY

## VARIANCE REQUEST



**NOTE:**  
IN COMPLIANCE WITH FLORIDA STATUTES 610.11-6.001 (5) (E), IF LOCATION OF EASEMENTS OR RIGHT-OF-WAY OF RECORD, OTHER THAN THOSE ON RECORD PLAT, IS REQUIRED, THIS INFORMATION MUST BE FURNISHED TO THE SURVEYOR AND MAPPER.



GRAPHIC SCALE (In Feet)  
1 inch = 30 ft.

### GENERAL NOTES:

- LEGAL DESCRIPTION PROVIDED BY OTHERS.
- THE LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR EASEMENTS OR OTHER RECORDED ENCUMBRANCES NOT SHOWN ON THE PLAT.
- UNDERGROUND PORTIONS OF FOOTINGS, FOUNDATIONS OR OTHER IMPROVEMENTS WERE NOT LOCATED.
- WALL TIES ARE TO THE FACE OF THE WALL AND ARE NOT TO BE USED TO RECONSTRUCT BOUNDARY LINES.
- NOT VALID WITHOUT THE SIGNATURE & ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
- ONLY VISIBLE ENCROACHMENTS LOCATED.
- NO IDENTIFICATION FOUND ON PROPERTY CORNERS UNLESS OTHERWISE SHOWN.
- DIMENSIONS SHOWN ARE PLAT AND MEASURED UNLESS OTHERWISE SHOWN.
- FENCE OWNERSHIP NOT DETERMINED.
- ELEVATIONS IF SHOWN ARE BASED UPON N.G.V.D. UNLESS OTHERWISE NOTED.
- BEARINGS REFERENCED TO LINE NOTED B.R.
- THIS SURVEY DEPICTED HERE FORMS A CLOSED GEOMETRIC FIGURE.
- NO UNDERGROUND IMPROVEMENTS OR VISIBLE INSTALLATIONS HAVE BEEN LOCATED OTHER THAN SHOWN.
- ALL TURNED ANGLES ON CURVES ARE SHOWN TO THE CHORD DISTANCE PARTIES LISTED HEREON. LIABILITY TO THIRD PARTIES MAY NOT BE TRANSFERRED OR ASSIGNED.
- NOTICE THIS DRAWING MAY NOT BE TO SCALE DUE TO ELECTRONIC TRANSFER THIS SURVEY IS INTENDED FOR MORTGAGE OR REFINANCE PURPOSES ONLY. EXCLUSIVELY FOR THIS USE BY THOSE TO WHOM IT IS CERTIFIED. THIS SURVEY IS NOT TO BE USED FOR CONSTRUCTION, PERMITTING, DESIGN OR ANY OTHER USE WITHOUT THE WRITTEN CONSENT OF FIRST FINANCIAL SURVEYORS, INC.

### Legal Description

The East 100 feet of Lot 9, Block E, COOPER & SEWELL'S ADDITION TO WINTER GARDEN, according to the Plat thereof, as recorded in Plat Book F, Page 39, of the Public Records of Orange County, Florida.

Certifications Revised: 01/04/2005

Community Number: 120187 Panel: 0205  
Suffix: E F.I.R.M. Date: 12/6/2000 Flood Zone: X  
Field Work: 12/8/2004 Completed: 12/9/2004

Certified To:  
Martin Houle; Janine Margewicz; Twin Land Title, Inc.; Old Republic National Title Insurance Company; First Magnus Financial Corporation, its successors and/or assigns.

Property Address:  
142 North Highland Avenue  
Winter Garden, Florida 34787

Survey Number: 0-140009

### LEGEND

—	CALCULATED CENTERLINE	FD.	FOUND	▨	WOOD DECK
—+—	WOOD FENCE	O.H.L.	OVERHEAD LINES	▩	CONC. BLOCK WALL TYP.
—+—+—	WIRE FENCE	P.P.	POWER POLE	▩	CONCRETE
●	PROPERTY CORNER	TX	TRANSFORMER	M	FIELD MEASURED
⊕	SITE BENCH MARK	CATV	CABLE RISER	P	PLAT
ENCR	ENCROACHMENT	W.M.	WATER METER	C	CALCULATED
⊕	CENTERLINE	TEL	TELEPHONE FACILITIES	R/W	RIGHT OF WAY
C.M.	CONCRETE MONUMENT	B.R.	BEARING REFERENCE	TYP.	TYPICAL
F.I.R.	FOUND IRON ROD	⊙	WELL	Δ	CENTRAL ANGLE/DELTA
F.I.P.	FOUND IRON PIPE	RAD	RADIAL TIE	L	LENGTH
H&D	NAIL & DISC	⊙	RAD	R	RADIUS (RADIAL)
M.E.	MAINTENANCE EASEMENT	T.O.B.	TOP OF BANK	D	CHORD BEARING
D.E.	DRAINAGE EASEMENT	W.C.	WITNESS CORNER	CB	CHORD
U.E.	UTILITY EASEMENT	E.O.W.	EDGE OF WATER	F.F.	FINISHED FLOOR
Pg.	PAGE	±	EXISTING ELEVATION	F.C.M.	FOUND CONCRETE MONUMENT
P.B.	PLAT BOOK	SW	SIDEWALK	P.C.C.	POINT OF COMPOUND CURVATURE
P.O.L.	POINT ON LINE	H.T.S.	NOT TO SCALE	P.C.P.	PERMANENT CONTROL POINT
P.C.	POINT OF CURVATURE	F.P.K.	FOUND PARKER-KALON NAIL	P.I.	POINT OF INTERSECTION
P.R.C.	POINT OF REVERSE CURVE	F.R.M.	PERMANENT REFERENCE MONUMENT	○	TRUE CORNER NOT RECOVERED
P.T.	POINT OF TANGENCY				
S.I.R.	SET IRON ROD & CAP				
O.R.B.	OFFICIAL RECORDS BOOK				

I HEREBY CERTIFY THAT THIS BOUNDARY SURVEY IS A TRUE AND CORRECT REPRESENTATION OF A SURVEY PREFERRING UNDER MY DIRECTION.

CARL MICHAEL SMITH  
WILLIAM D. TUSING  
LOUIS R. RAMIREZ

STATE OF FLORIDA  
LAND SURVEYOR & MAPPER NO. 3762  
LAND SURVEYOR & MAPPER NO. 6145  
LAND SURVEYOR & MAPPER NO. 6304

NOT VALID WITHOUT AN AUTHENTICATED ELECTRONIC SIGNATURE AND AUTHENTICATED ELECTRONIC SEAL AND/OR THIS MAP IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

**First Financial Surveyors, Inc.**  
CENTRAL FLORIDA  
950 S. WINTER PARK DRIVE  
SUITE 230  
CASSELBERRY, FL 32707  
Phone: (321) 397-2221  
Fax: (321) 397-2222  
Nationwide: 1-800-787-8266  
Nationwide: Fax: 1-800-787-8260  
L.B. 6387



**THE CITY OF WINTER GARDEN**  
**CITY PLANNING AND ZONING BOARD AGENDA ITEM**  
**ATTACHMENT 5 (Public Hearing)**

---

**Date:** November 2, 2006      **Meeting Date:** November 6, 2006

**Subject:** 305 S. Woodland Street

**Issue:** Request for approval of:  
Ord. 06-47; Rezoning of property to C-3

**Supplemental Material/Analysis:**

**Owner/Applicant:** John Kirby  
E-mail: jkwg1@earthlink.net

**Current Zoning:** R-2

**Proposed Zoning:** C-3

**Current FLU:** COM

**Proposed FLU:** COM

**Summary:** The property is currently a vacant site. The applicant proposes to utilize the land with professional offices

**Staff**

**Recommendation:** Staff recommends approval of the rezoning to C-3.

**Next Step:** Tentatively scheduled for first reading by the City Commission on November 9, 2006. Also, Staff will need to review a site plan once the applicant desires to move forward with site and building permits.

ORDINANCE 06-47

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING CERTAIN REAL PROPERTY GENERALLY DESCRIBED AS 0.33 ACRES OF LAND LOCATED AT 305 S. WOODLAND STREET, FROM CITY R-2 TO CITY C-3; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE *(305 S. Woodland Street rezoning)*

WHEREAS, the owner of real property generally described as approximately .033 acres located at 305 S. Woodland Street and legally described in Section 1 of this ordinance has petitioned the City to zone said property from City R-2 to the City C-3 zoning classification, therefore;

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

SECTION 1: After due notice and public hearing, the zoning classification of real property legally described on ATTACHMENT "A," is hereby rezoned from R-2 to C-3 in the City of Winter Garden, Florida.

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

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

SECTION 4: This Ordinance shall become effective upon the amendment of the City of Winter Garden Comprehensive Land Use Plan for the property described herein providing for a land use designation which allows the zoning that is to be established by this ordinance.

FIRST READING: \_\_\_\_\_ 2006.

SECOND READING AND PUBLIC HEARING: \_\_\_\_\_ 2006.

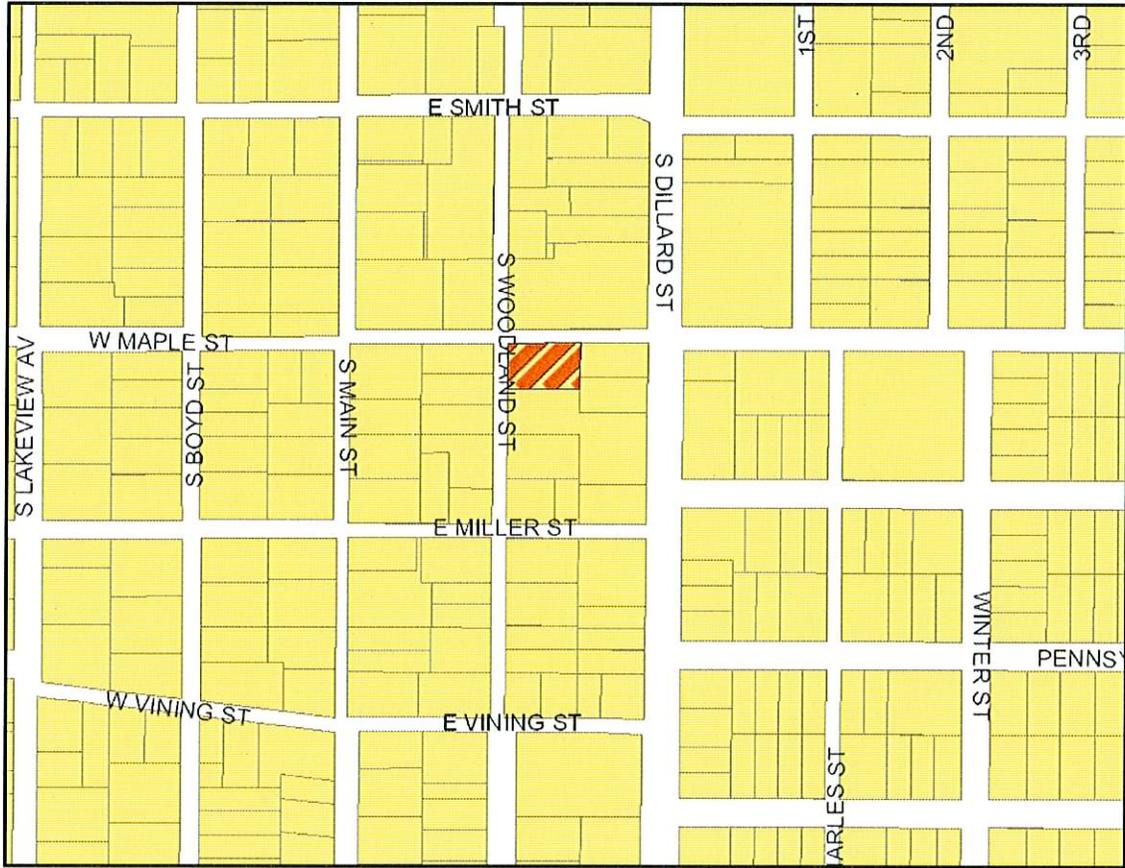
APPROVED:

\_\_\_\_\_  
JACK QUESINBERRY, Mayor/Commissioner

ATTESTED:

\_\_\_\_\_  
KATHY GOLDEN, City Clerk  
*(305 S. Woodland Street rezoning 11/2/2006)*

**305 S. Woodland Street**



**THE CITY OF WINTER GARDEN**  
**CITY PLANNING AND ZONING BOARD AGENDA ITEM**  
**ATTACHMENT 6 (Public Hearing)**

---

**Date:** November 2, 2006                      **Meeting Date:** November 6, 2006

**Subject:** 111 Pennsylvania Avenue

**Issue:** Request for approval of:  
Ord. 06-48; Rezoning of property to C-3

**Supplemental Material/Analysis:**

**Owner/Applicant:** John Kirby  
E-mail: jkkg1@earthlink.net

**Current Zoning:** R-2

**Proposed Zoning:** C-3

**Current FLU:** COM

**Proposed FLU:** COM

**Summary:** The property is currently a vacant site. The applicant proposes to utilize the land with professional offices

**Staff**

**Recommendation:** Staff recommends approval of the rezoning to C-3.

**Next Step:** Tentatively scheduled for first reading by the City Commission on November 9, 2006. Also, Staff will need to review a site plan once the applicant desires to move forward with site and building permits.

ORDINANCE 06-48

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING CERTAIN REAL PROPERTY GENERALLY DESCRIBED AS 0.17 ACRES OF LAND LOCATED AT 111 PENNSYLVANIA AVENUE, FROM CITY R-2 TO CITY C-3; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE (*111 Pennsylvania Avenue Rezoning*)

WHEREAS, the owner of real property generally described as approximately .0.17 acres located at 111 Pennsylvania Avenue and legally described in Section 1 of this ordinance has petitioned the City to zone said property from City R-2 to the City C-3 zoning classification, therefore;

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

SECTION 1: After due notice and public hearing, the zoning classification of real property legally described on ATTACHMENT "A," is hereby rezoned from R-2 to C-3 in the City of Winter Garden, Florida.

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

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

SECTION 4: This Ordinance shall become effective upon the amendment of the City of Winter Garden Comprehensive Land Use Plan for the property described herein providing for a land use designation which allows the zoning that is to be established by this ordinance.

FIRST READING: \_\_\_\_\_ 2006.

SECOND READING AND PUBLIC HEARING: \_\_\_\_\_ 2006.

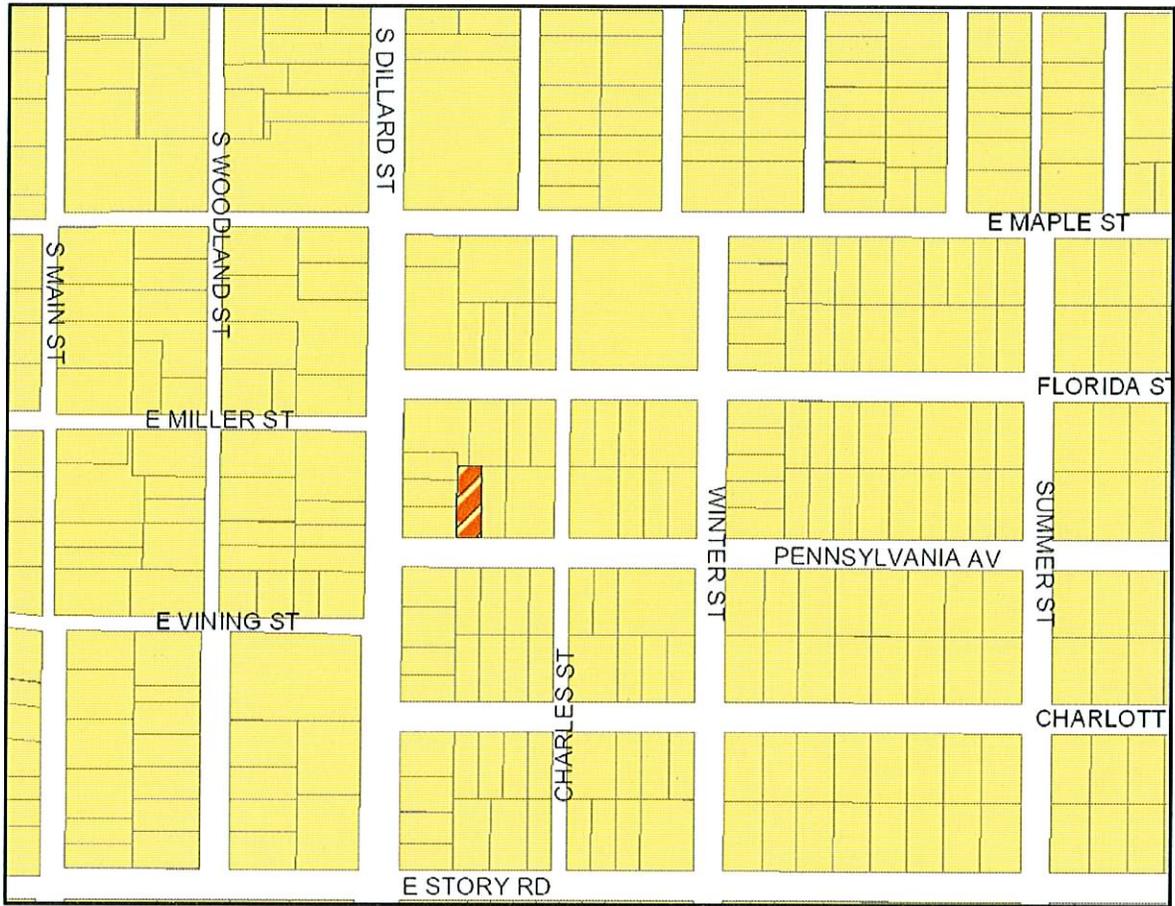
APPROVED:

\_\_\_\_\_  
JACK QUESINBERRY, Mayor/Commissioner

ATTESTED:

\_\_\_\_\_  
KATHY GOLDEN, City Clerk  
(111 Pennsylvania Avenue rezoning 11/2/2006)

**111 Pennsylvania Avenue**



**THE CITY OF WINTER GARDEN**  
**CITY PLANNING AND ZONING BOARD AGENDA ITEM**  
**ATTACHMENT 7 (Public Hearing)**

---

**Date:** November 2, 2006      **Meeting Date:** November 6, 2006

**Subject:** Zion Lutheran Church

**Issue:** Request for approval of a Special Exception Permit to allow a church and daycare (Zion Lutheran Church) in a Planned Unit Development (PUD) Zoning category at property located north of Marsh Road and west of Avalon Road Winter Garden, FL, parcel identification number 04-23-27-0000-00-028.

**Supplemental Material/Analysis:**

**Owner:** Zion Evangelical Lutheran Church, Inc.  
9768 Gotha Road, Gotha, FL

**Applicant:** Tom Skelton, American Civil Engineering Company  
Email: tomskelton@bellsouth.net

**Zoning:** PUD, which allows church and daycare as a Special Exception use.

**FLU:** Medium Density Residential/Suburban Residential

**Summary:** The applicant is requesting a Special Exception Permit to allow a church and daycare from the referenced location. The Avalon Reserve PUD allows churches in this location by Special Exception only.

**Staff**

**Recommendation:**

Staff recommends approval of the Special Exception Permit to allow a church and daycare with the conditions outlined in the Engineering memo dated November 1, 2006 and the Stormwater Engineer's memo dated November 1, 2006.

**Next Step:** Submit an engineered site plan for Staff Review.



# CITY OF WINTER GARDEN

## *Engineering Department*

251 West Plant Street - Winter Garden, Florida 34787-3011

(407) 841-4084 - FAX (407) 648-8763

### MEMORANDUM

**TO:** MICHAEL BOLLHOEFER, CITY MANAGER  
**FROM:** MARSHALL ROBERTSON, ASSISTANT CITY MANAGER  
CHARLES TINCH, UTILITIES DIRECTOR  
ARTHUR R. MILLER, III, PE, PLS - CITY ENGINEER  
**DATE:** NOVEMBER 1, 2006  
**SUBJECT:** ZION LUTHERAN CHURCH – REVIEW FOR SPECIAL EXCEPTION

Pursuant to your request, we have reviewed the revised conceptual site plan dated 10/04/06 for compliance with the City's site and stormwater requirements. Since this review is conceptual, our comments are limited to the information submitted and do not address detailed review of the drainage, paving and utility systems that were not submitted. This was submitted in response to our comments dated 12/22/05 and 5/15/06. We recommend approval of the Special Exception subject to the following conditions and comments:

1. Marsh Road Improvements: As required of all developments on Marsh Road, it shall be 4-laned with divided median across the project frontage. If this project is approved by the City, this project shall be required to participate in the City's solution to provide the needed improvements to Marsh Road. Staff is reviewing these requirements in terms of Developer contributions that may be assessed by the City (in addition to impact fees) for the Marsh Road 4-laning. 120' wide R/W required to be dedicated fee simple to the City of Winter Garden via warranty deed. 30' R/W dedication on preliminary plan is noted.
2. The phasing shows that an initial building housing a combination 200 seat sanctuary/80 child daycare will be constructed in Phase 1 within 2 years of SEP approval. Phase 2 will increase the sanctuary seating to 800 and will add an elementary school component with 100 students in grades 1 – 5, to be constructed within 10 years after SEP approval. As stated in the response, this application is only for Phase 1. Future phases are shown for reference only and will require another Special Exception approval prior to construction.
3. The driveways for this phase shall be paved, although grassed parking will be allowed.
4. The City's Transportation Consultant (HDR) shall review the project's traffic study for concurrency and traffic impacts.
5. The City's Stormwater Engineer will perform a separate review on the preliminary stormwater design. Prior to construction, a permit from the SJRWMD will be required; drainage outfall and off-site flows shall be accommodated.
6. Preliminary information on how water and wastewater utilities to serve the project have been shown. A gravity stubout is being provided for this site on the Avalon Reserve Townhouse project.
7. Planning Department shall review the plan for compliance with the Avalon Reserve PUD, parking count, setbacks, zoning, land use, landscaping and signage requirements.

(see page 2)

8. A Developers Agreement addressing the phasing and other commitments of the development's master plan shall be approved by the City Commission and recorded prior to the issuance of a certificate of occupancy for any building. City staff will draft the D.A. for review by Applicant.
9. The Developers Agreement required above shall address upsizing costs for any City participation of utility services to be provided to the site. Water service will be obtained via extension of a 16" water main along Marsh Road. Wastewater service (force main) shall be provided from the C.R. 545 corridor (through Avalon Reserve Townhomes) in accordance with the City's Utilities master plan and the Avalon Reserve PUD plan. Any off-site utilities required to serve the project shall be installed by the Applicant with reimbursement by the City as outlined in the Developers Agreement. All design and construction shall conform to City requirements for roadways, drainage and utilities including reclaimed water for irrigation. Show off-site utilities on final construction plans.
10. Any irrigation on the site shall be designed to be supplied by reclaimed water once it is made available. Reuse connection point shall be shown on final plans; irrigation plans shall be submitted, reviewed and approved prior to installation. A 12" reclaimed water main shall be constructed along the Avalon and Marsh Road frontages per Code. Coordinate with Utilities Department on size, etc. All irrigation shall be designed to be served from the reclaimed water mains.
11. The internal traffic routing shall accommodate the required vehicle stacking without backing up onto any public streets or roadways.
12. Pursuant to City Code, sidewalks are required along all public street frontages which shall include Marsh Road.
13. Turn lanes are shown on the preliminary plan for the Marsh Road connection. It is recognized that this may change depending on the schedule for 4-laning Marsh Road. Turn lanes may be required if 4-laning doesn't occur with the project (see #1 above). Orange County approval required.
14. Utilities: Fire sprinkler system is required for commercial buildings exceeding 4,000 s.f. per City Ordinance. Point of Service for fire line shall be shown on final plans, with note stating that any work downstream of the Point of Service shall be performed by a licensed Fire Sprinkler Contractor. Orange County approval required for water or sewer construction on County roads (Marsh). 100% of all water and sewer impact fees shall be paid prior to approval of site plan and City execution of FDEP permits. Review and approval of final plans by Fire Department required.
15. Approval by the Planning & Zoning Board will be required prior to issuance of site or building permits.
16. Permit approval from St. Johns River Water Management District is required.
17. All construction shall conform to City of Winter Garden Standards, Specifications and Ordinances.
18. The applicant should note that by granting approval, the City of Winter Garden is not granting rights or easements for drainage from, or onto, property owned by others. Should the flow of stormwater runoff from, or onto adjacent properties be unreasonable or cause problems, the City will not be responsible and any corrective measures required will be the responsibility of the Owner.
19. The Owner and Contractor are responsible for meeting all provisions of ADA and Florida Accessibility Code.

(see page 3)

20. Inspection fees in the amount of 1.5% of the cost of all site improvements shall be paid prior to issuance of the building permit. Provide executed contract or certified engineer's cost estimate for inspection fee determination.
21. Providing positive drainage within the site is the responsibility of the Design Engineer. The City will not maintain any portion of the on-site or off-site drainage systems or parking lot.
22. If approval is granted by the City of Winter Garden, it does not grant authority to enter, construct or otherwise alter the property of others, nor does it waive any permits that may be required by federal, state, regional, county, municipal or other agencies that may have jurisdiction.
23. The City of Winter Garden is not authorizing or approving drainage discharges onto private property or property owned or controlled by others. Obtaining permission, easements or other approvals that may be required to drain onto private property is the Owner/Developer's responsibility. Maintenance of on-site drainage improvements will be the responsibility of the Owner, not the City.
24. The City of Winter Garden will inspect private site improvements only to the extent that they connect to City owned/maintained systems (roadways, drainage, utilities, etc.). It is the responsibility of the Owner and Design Engineer to ensure that privately owned and maintained systems are constructed to the intended specifications. The City is not responsible for the operation and maintenance of privately owned systems, to include, but not be limited to, roadways, parking lots, drainage, stormwater ponds or on-site utilities.
25. No fill or runoff will be allowed to discharge onto adjacent properties without the necessary easements. Provide erosion control plan prior to issuance of building permit. Site construction shall adhere to the City of Winter Garden erosion and sediment control requirements as contained in Chapter 106 - Stormwater.
26. The Contractor is responsible for the notification, location and protection of all utilities that may exist within the project limits.
27. After final plan approval, a preconstruction meeting will be required prior to any commencement of construction. The applicant shall provide an erosion control plan at the preconstruction meeting and shall pay all engineering review and inspection fees prior to construction. Fees will be based on 1.5% of either an engineer's certified cost estimate or executed construction contract, subject to review by the City Engineer. Engineering review fees are based on actual costs incurred by the City per code.
28. Additional comments may be generated at subsequent reviews.

Please review this information and contact our office if you have any questions. Thank you.

**END OF MEMORANDUM**

# CITY OF WINTER GARDEN

## *Engineering Department*

8 North Highland Avenue - Winter Garden, Florida 34787

(407) 656-4111 - FAX (407) 877-2363

## **Memorandum**

To: Brandon Byers, Planner, Planning Department  
Regina McGruder, Planner, Planning Department

From: Alex Z. Nasser, P.E.  
Stormwater Engineer  
City of Winter Garden

Date: November 1, 2006

Subject: **Zion Lutheran Church (SEP) (2<sup>nd</sup> staff review)**

The following are our comments for the above referenced project:

1. For the pond adjacent to Marsh Road, the note on the pond is "wet detention pond," but the note with the arrow into the pond is "dry retention pond." Please clarify. As indicated in our first letter requesting additional information, you will need to submit a soils report at the time of submittal of construction drawings to define the elevation of the average wet season water table.
2. Please be advised that additional comments may be generated at subsequent reviews.

**End of memorandum**

**THE CITY OF WINTER GARDEN**  
**CITY PLANNING AND ZONING BOARD AGENDA ITEM**  
**ATTACHMENT 8 (No Public Hearing)**

---

**Date:** November 2, 2006      **Meeting Date:** November 6, 2006

**Subject:** Simply Self Storage Site Plan

**Issue:** Request approval of a site plan for the property located at 12446 W. Colonial Drive. The property was previously granted a Special Exception Permit to operate a mini-warehouse facility by the Planning & Zoning Board on June 5, 2006.

**Supplemental Material/Analysis:**

***Owner/Applicant:*** Brent Setchell, Bowyer-Singleton & Associates

***Zoning:*** C-2

***FLU:*** COM

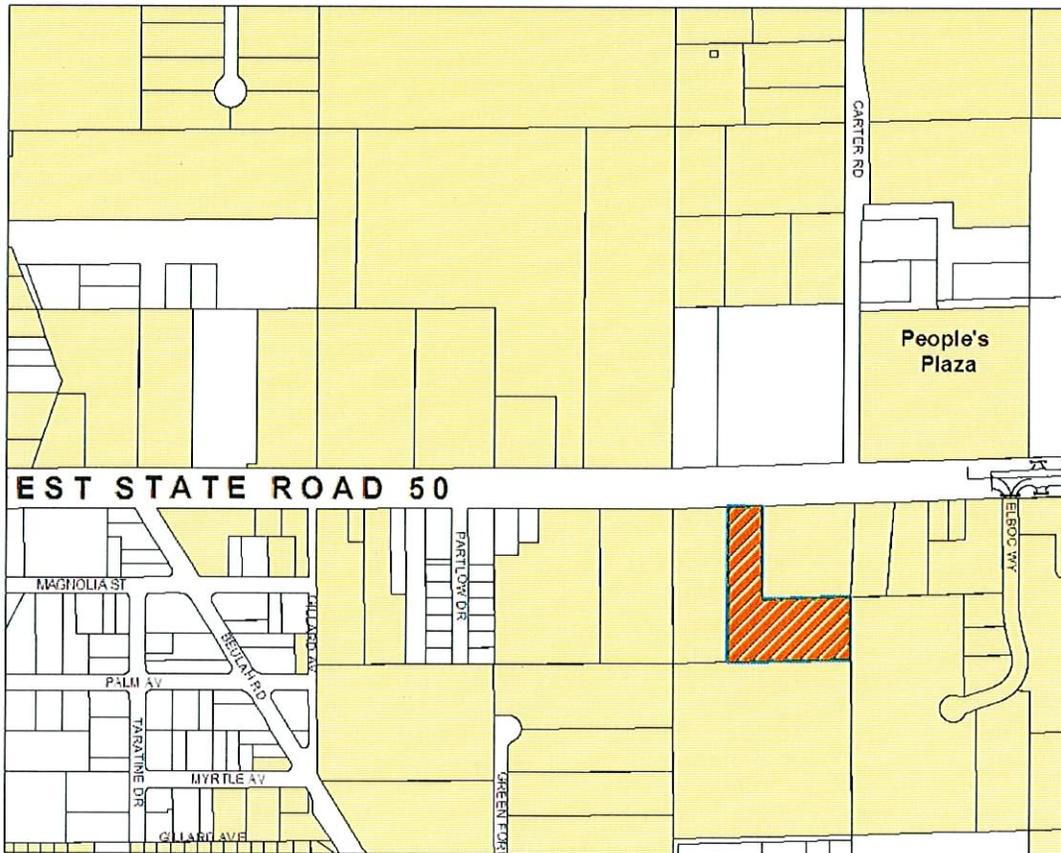
**Staff**

**Recommendation:**

Staff recommends approval with the conditions in the Engineering Department's memorandum of September 29, 2006, and the Stormwater Engineer's memo dated October 6, 2006.

**Next Step:** Site plan tentatively scheduled for the November 9, 2006 City Commission meeting.

# Simply Self Storage



# CITY OF WINTER GARDEN

## *Engineering Department*

251 West Plant Street - Winter Garden, Florida 34787-3011

(407) 841-4084 - FAX (407) 648-8763

### MEMORANDUM

**TO:** MICHAEL BOLLHOEFER, CITY MANAGER  
**FROM:** MARSHALL ROBERTSON, ASSISTANT CITY MANAGER  
CHARLES TINCH, UTILITIES DIRECTOR  
ARTHUR R. MILLER, III, PE, PLS - CITY ENGINEER  
**DATE:** SEPTEMBER 29, 2006  
**SUBJECT:** REVIEW OF REVISED SITE PLAN - SIMPLY SELF STORAGE  
12446 W. COLONIAL DRIVE (FKA CITRUS SYSTEMS)

Pursuant to your request, we have reviewed the revised site plan dated 9/15/06 (received 9/18/06) for compliance with the City's stormwater and site requirements. The project is located on the south side of SR 50, west of Carter Road and was formerly known as Citrus Systems. This was submitted in response to our Special Exception review dated 5/10/06 and Site Plan review dated 8/8/06. We recommend approval subject to the following conditions and comments:

1. Planning Department shall review and comment on parking count, setbacks, landscaping, buffering and signage requirements, including S.R. 50 overlay requirements. Sign location shall meet setback requirements – separate permit required.
2. As shown, a cross access easement shall be provided for future connection to the adjacent parcels east and west, pursuant to the S.R. 50 overlay requirements. Recorded easement must be provided prior to issuance of the certificate of occupancy for any building (24' width as shown on Sheet 7 or 14).
3. All work downstream of the POS shall be performed by a licensed fire sprinkler contractor.
4. 5' wide concrete sidewalk shall be constructed along the full property frontage on S.R. 50 per Code (as shown). Due to the S.R. 50 improvements, the City will allow payment into the City's sidewalk fund of \$45.00/s.y. in lieu of sidewalk construction with the project. On-site pedestrian sidewalk connection shall be made with project as shown.
5. See separate drainage comments by the City's Stormwater Engineer.
6. All work within the S.R. 50 R/W will require FDOT permit approval prior to issuance of site or building permits (utilities, drainage connection, driveway connection, etc.).
7. Stormwater permit approval by St. Johns River Water Management District shall be provided prior to issuance of site or building permit. Permits or exemptions shall also be required from FDOT, FDEP for water and sewer and FDEP NPDES NOI. Maximum impervious surface ratio shall not exceed 70% for C-2 properties per Code.
8. Utilities: Coordinate with Utilities Department on master meter assembly. Fire Line design and construction must meet Fire Department approval. 100% of all water and sewer impact fees shall be paid prior to City execution of FDEP permits and issuance of site or building permits – coordinate with Utilities Department.
9. Dumpsters shall be enclosed and shall provide a minimum of 10' inside clearance (both directions, exclusive of bollards as shown).

(see page 2)

10. Fencing shall meet all City requirements for height, type, etc. Chain link fencing shall be vinyl coated per Code (as shown).
11. The Owner is responsible for meeting all provisions of ADA and Florida Accessibility Code.
12. The applicant should note that if approval is granted, the City of Winter Garden is not granting rights or easements for drainage from, or onto, property owned by others. Should the flow of stormwater runoff from, or onto adjacent properties be unreasonable or cause problems, the City will not be responsible and any corrective measures required will be the responsibility of the Owner.
13. Providing positive drainage within the site is the responsibility of the Design Engineer. The City will not maintain any portion of the on-site drainage systems or parking lot.
14. If approval is granted by the City of Winter Garden, it does not grant authority to enter, construct or otherwise alter the property of others, nor does it waive any permits that may be required by federal, state, regional, county, municipal or other agencies that may have jurisdiction.
15. The City of Winter Garden is not authorizing or approving drainage discharges onto private property or property owned or controlled by others. Obtaining permission, easements or other approvals that may be required to drain onto private property is the Owner/Developer's responsibility. Maintenance of on-site drainage improvements will be the responsibility of the Owner, not the City.
16. The City of Winter Garden will inspect private site improvements only to the extent that they connect to City owned/maintained systems (roadways, drainage, utilities, etc.). It is the responsibility of the Owner and Design Engineer to ensure that privately owned and maintained systems are constructed to the intended specifications. The City is not responsible for the operation and maintenance of privately owned systems, to include, but not be limited to, roadways, parking lots, drainage, stormwater ponds or on-site utilities.
17. No fill or runoff will be allowed to discharge onto adjacent properties without the necessary easements; existing drainage patterns shall not be altered. Provide erosion control plan prior to issuance of site or building permit. Site construction shall adhere to the City of Winter Garden erosion and sediment control requirements as contained in Chapter 106 - Stormwater.
18. A separate tree removal permit is required to remove any trees. Coordinate with Building Department.
19. After final plan approval, a preconstruction meeting will be required prior to any commencement of construction (if site improvements are required). The applicant shall provide an erosion control plan at the preconstruction meeting and shall pay all engineering review and inspection fees prior to construction. Fees will be based on 1.5% of either an engineer's certified cost estimate or executed construction contract, subject to review by the City Engineer. Engineering review fees are based on actual costs incurred by the City per code.
20. The Contractor is responsible for the notification, location and protection of all utilities that may exist within the project limits.
21. All construction shall conform to City of Winter Garden Standards, Specifications and Ordinances. Inspection fees in the amount of 1.5% of the cost of all site improvements shall be paid prior to issuance of the building permit. Provide executed contract or certified engineer's cost estimate for inspection fee determination.

(see page 3)

22. After final plan approval, a preconstruction meeting will be required prior to any commencement of construction. The applicant shall provide an erosion control plan at the preconstruction meeting and shall pay all engineering review and inspection fees prior to construction. Fees will be based on 1.5% of either an engineer's certified cost estimate or executed construction contract, subject to review by the City Engineer. Engineering review fees are based on actual costs incurred by the City per code.

23. Additional comments may be generated at subsequent reviews.

Please review this information and contact our office with any questions. Thank you.

**END OF MEMORANDUM**

# CITY OF WINTER GARDEN

## *Engineering Department*

8 North Highland Avenue - Winter Garden, Florida 34787

(407) 656-4111 - FAX (407) 877-2363

## **Memorandum**

To: Brandon Byers, Planner  
Regina McGruder, Planner

From: Alex Z. Nasser, P.E.  
Stormwater Engineer  
City of Winter Garden

Date: October 6, 2006

Subject: **Simply Self Storage –Site Plan Review (2<sup>nd</sup> staff review)**

The following are our comments for the above referenced project:

1. On Sheet 9 of 14, there are 2 different sections named A-A and 2 named B-B. Please use different designations to distinguish between all the cross-sections.
2. Sections A-A and B-B do not appear to be correct, as shown on Sheet 9 of 14. The parking lot is not shown in neither section. Please correct.
3. Please remove/relocate the red maple tree from the dumpster area, as shown on Sheet L-1 (1 of 3). That area is too small to grow a red maple tree and may block your garbage service.
4. It appears that the whole strip of landscape on the east side of the entrance towards the south is proposed to be all on the top of the 10" PVC water main. Please note that hard wood trees may damage the water main as they grow and mature. These trees will need to be removed or relocated. Please address.
5. Please be advised that additional comments may be generated at subsequent reviews.

**End of memorandum**

**THE CITY OF WINTER GARDEN**  
**CITY PLANNING AND ZONING BOARD AGENDA ITEM**  
**ATTACHMENT 9 (No Public Hearing)**

---

**Date:** November 2, 2006                      **Meeting Date:** November 6, 2006

**Subject:** Alexander Ridge South Residential Pre-Plat

**Issue:** Request approval of a pre-plat for the property located on Avalon Road known as Alexander Ridge. The property will be utilized as single-family homes.

**Supplemental Material/Analysis:**

**Owner/Applicant:** Amelyn Regis, Lennar Homes  
Email:Amelyn.Regis@lennar.com

**Zoning:** PUD

**FLU:** Low-Density Residential

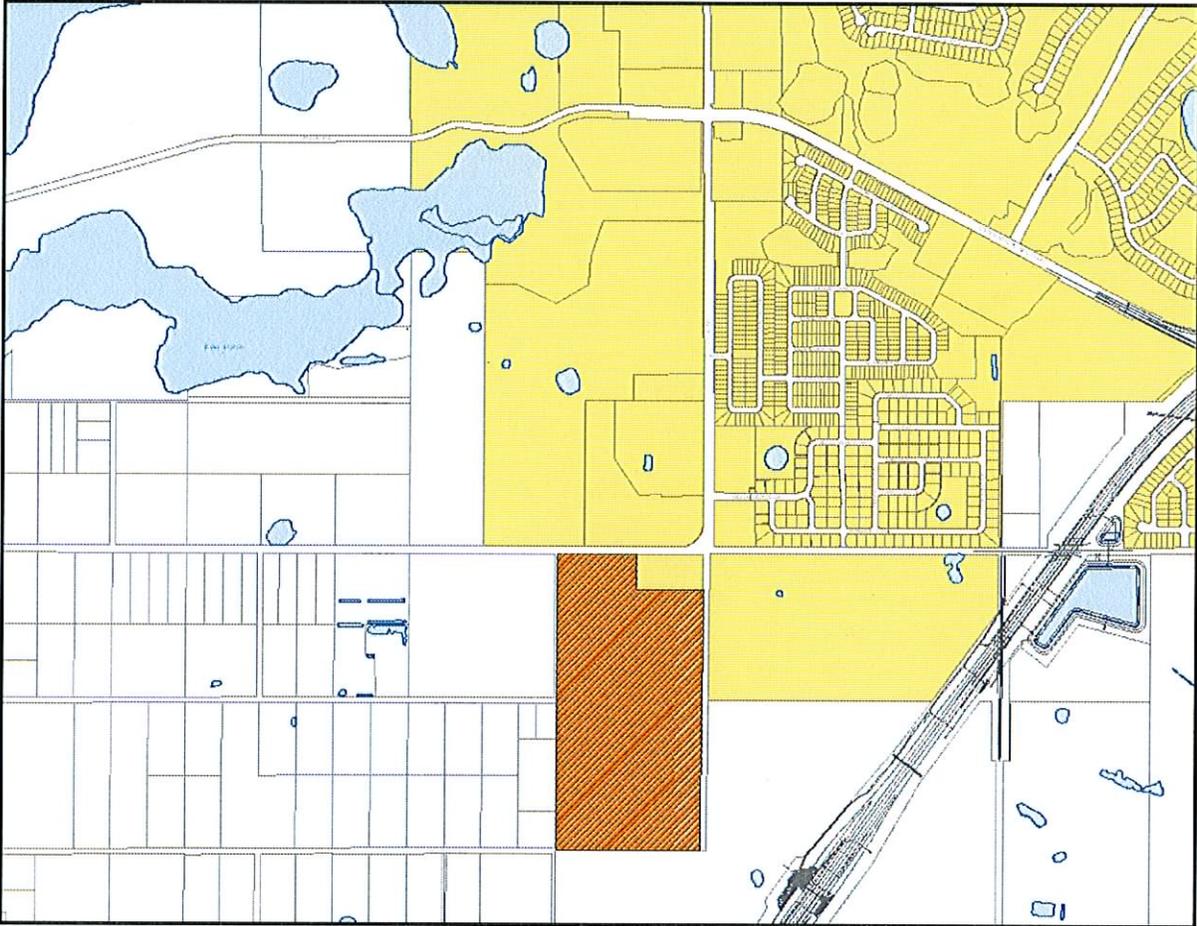
**Staff**

**Recommendation:**

Staff recommends approval with the conditions in the Engineering Department's memorandum of October 26, 2006.

**Next Step:** Pre-Plat tentatively scheduled for the November 9, 2006 City Commission meeting.

**Alexander Ridge**



# CITY OF WINTER GARDEN

## *Engineering Department*

251 West Plant Street - Winter Garden, Florida 34787-3011

(407) 841-4084 - FAX (407) 648-8763

### MEMORANDUM

**TO:** MICHAEL BOLLHOEFER, CITY MANAGER  
**FROM:** MARSHALL ROBERTSON, ASSISTANT CITY MANAGER  
CHARLES TINCH, UTILITIES DIRECTOR  
ARTHUR R. MILLER, III, PE, PLS - CITY ENGINEER  
**DATE:** OCTOBER 26, 2006  
**SUBJECT:** REVIEW OF REVISED PRELIMINARY PLAT  
ALEXANDER RIDGE P.U.D. (SOUTH) - C.R. 545 (AVALON ROAD)

Pursuant to your request, we have reviewed the revised preliminary plat dated 10/02/06 (received 10/03/06) for compliance with the City's subdivision and stormwater requirements. Since this review is preliminary, our comments are limited to the information submitted and do not address detailed review of the drainage, roadway and utility systems that were not submitted. This was submitted in response to our PUD comments dated 11/30/05 and preliminary plat comments dated 9/20/06. It should be noted that this is specifically for the portion of Alexander Ridge located south of Avalon Road. We recommend approval subject to the following conditions and comments:

1. Typical section shall comply with City Standards: 50' minimum R/W width; 3,000 psi sidewalks; 10" soil cement base; 12" subbase; 18" layer under the subbase with <5% passing the #200 sieve; 98% density required on all compaction; 2" minimum asphalt thickness; minimum 5' wide concrete sidewalks required on both sides of street (at back of R/W Line); minimum 10' wide drainage and utility easements required adjacent to all rights-of-way. All construction shall meet City of Winter Garden requirements for drainage, roadways and utilities, etc.
2. All utility and drainage easements between lots shall be comply with Code and be a minimum of 30' width. Storm or utility lines between lots shall be centered within the 30' minimum width easements.
3. Final construction plans shall address the location of storm and sanitary lines. Sanitary lines shall be located as close to the center of the roadway R/W as possible; storm lines shall be located so that maintenance excavation can occur without exceeding right-of-way or easement boundaries.
4. Design Engineer shall coordinate final construction plans with the City's design consultant (PEC) for the grading, alignment and connection to Avalon Road; median nose at entrance shall be set back sufficiently to accommodate future 4-laning of Avalon Road.
5. The additional 30' of R/W on Avalon Road shall be conveyed to the City fee simple via warrantly deed as a condition of final plat approval. This will include the additional R/W adjacent to the commercial "outparcel" tract that is now included in this preliminary plat.
6. Lift station location shall be coordinated with the Utilities Department at final construction plan phase.
7. Planning Department shall review and comment on lot widths, setbacks, parking, landscaping, buffers, walls, parks, open space, zoning, and compliance with the PUD, Comprehensive Plan, etc.

(see page 2)

8. Studies by the City's Transportation Consultant indicate the existing two-lane C.R. 545 (Avalon Road) will not support the combined traffic of existing and proposed projects feeding into it. The City is currently formulating an analysis and solution that will, in conjunction with Orange County, provide for the 4-laning of this road from west of Tilden Road to S.R. 50 by the adjacent developers. If this project is approved by the City, this project shall be required to participate in the City's solution to provide the needed improvements to C.R. 545 that may include payments in addition to the City's transportation impact fees.
9. Notwithstanding the above, significant intersection improvements at Tilden Road and C.R. 545 will be required for this project that shall include re-grading the area, signalization and widening. Preliminary and final subdivision plans shall provide details for these improvements based on 120' minimum width right-of-way to be dedicated fee simple to the City of Winter Garden. Approval of all work within the C.R. 545 or Tilden Road R/W shall be required from Orange County and the City of Winter Garden. The intersection improvements stated above shall be completed prior to the issuance of any certificate of occupancy on any structure.
10. The response indicates that the commercial tract's stormwater management will be provided within the residential area. This will not relieve the future commercial property from their maintenance obligations and liability that shall be addressed in the SJRWMD permit, final plat and CCR's.
11. The proposed east/west road bisecting the south tract shall align with and connect to Davenport Road. Final plans shall provide details on how this connection will be achieved.
12. An existing Conserv II easement is in this alignment as shown on the preliminary plat; written approval from Conserv II is required prior to final construction plan and final plat approval.
13. Mann Road shall be improved (urban section with sidewalks) from Tilden Road to the southern project entrance. 50' right-of-way width shall be provided if not existing. The existing Conserv II lines and easements on Mann Road have been shown; written approval from Conserv II will be required prior to approval of final construction plans.
14. All Conserv II mains and easements shall be shown on the final plat and final construction plans. Plan approval by Conserv II will be required prior to final plat or construction plan approval.
15. As requested, a 30' X 30' area has been shown adjacent to Avalon Road for a future Conserv II reuse turn-out and shall be shown on the final plat. Developer needs to discuss with the City how the current agreements with Conserv II may be implemented in conjunction with the City's CUP with SJRWMD. Interlocal agreements may be necessary. Coordinate with Conserv II and the City's Utilities Department on any reclaimed water agreements that may be in place for this property. The project will be required to provide reclaimed water lines, meters, etc. with the initial infrastructure as required by Code.
16. Additional comments may be generated with subsequent reviews.

Please review this information and contact our office if you have any questions. Thank you.

**END OF MEMORANDUM**

**THE CITY OF WINTER GARDEN**  
**CITY PLANNING AND ZONING BOARD AGENDA ITEM**  
**ATTACHMENT 10 (No Public Hearing)**

---

**Date:** November 2, 2006                      **Meeting Date:** November 6, 2006

**Subject:** Winter Garden Commerce Center Pre-Plat

**Issue:** Request approval of a pre-plat for the property bounded by SR 50 to the south, Story Road to the north, Carter Road to the east, and 9<sup>th</sup> Street to the west.

**Supplemental Material/Analysis:**

**Owner/Applicant:** Jeff Sedloff, Winter Garden Commerce Center, LLC  
Email: jeff@jec3.com

**Zoning:** I-1

**FLU:** Industrial

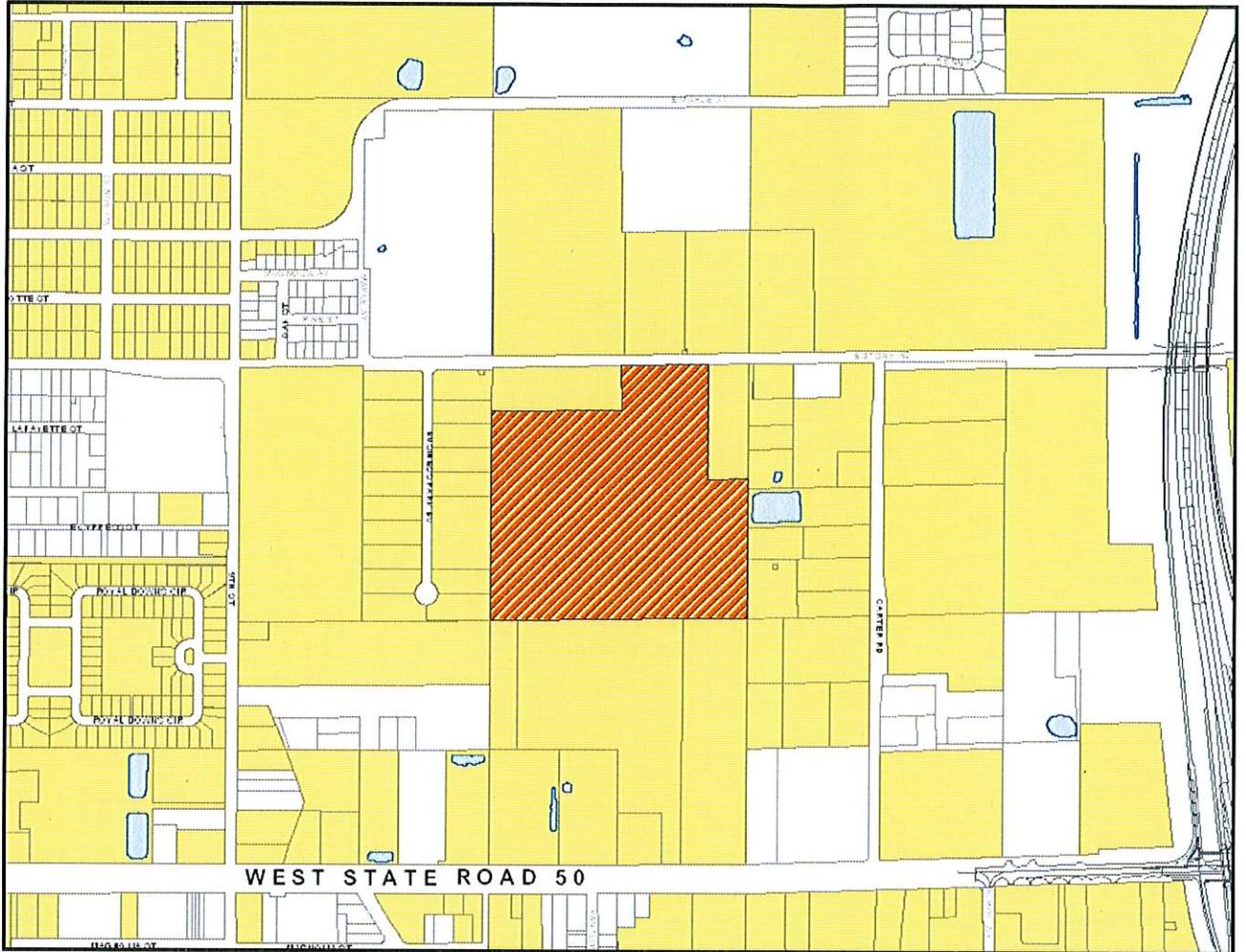
**Staff**

**Recommendation:**

Staff recommends approval with the conditions in the Engineering Department's memorandum of June 19, 2006 and the Planning Department's memo dated November 2, 2006.

**Next Step:** Prior to being scheduled for the City Commission meeting, the applicant must work out the remaining issues associated with the project.

# Winter Garden Commerce Center





# CITY OF WINTER GARDEN

DEPARTMENT OF PLANNING, ZONING & DEVELOPMENT

270 W. PLANT STREET

WINTER GARDEN, FL 34787

TEL: (407) 656-4111 • FAX: (407) 654-1258

*Please visit our new web site at [www.cwgdh.com](http://www.cwgdh.com)  
for the latest codes, forms, and contacts.*

November 2, 2006

Jeff Sedloff  
June Engineering Consultants, Inc.  
P. O. BOX 770609  
Winter Garden, FL 34777

RE: Winter Garden Industrial Park Preliminary Plat ( 1/26/06)

Dear Mr. Sedloff:

Attached you will find the staff comments for the above project. Please revise the site plans and submit 5 full sets of plans (folded and not rolled) to me at your convenience. At minimum, the first page of the plans should include the date of the most recent revision. Also, please submit a letter identifying staff's comments and your response to these comments. As for my comments:

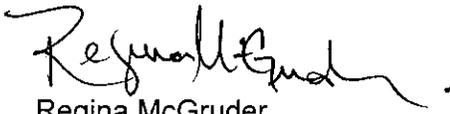
1. Please provide a traffic concurrency study using the Traffic Impact Analysis Methodology located at <http://www.cwgdh.com/pages/planning/planning.php>
2. As previously stated the entire site must comply with the State Road 50 Overlay Commercial Development Standards found in City Code Sec. 118-1400. Per Section 118-1402 Overlay Boundaries states that any parcel, deriving in whole or in part from a parcel to which these commercial corridor standards and regulations apply as of the effective date of this article, shall be subject to these standards and regulations. Adjoining parcels created by subdividing a larger parcel shall be required to conform to these standards and regulations. All ponds, landscape, lighting, building design, walls, fences and dumpster enclosures must comply with State Road 50 Commercial Development Standards including no outside storage allowed.
3. As previously stated, the plan must comply with the Master Plan approved by the City Commission on November 12, 1998. The requirements of the Master Plan included, but not limited to roadway connections to SR 50, that is constructed and must be dedicated to the City of Winter Garden before final plat approval. The Master Plan also included roadway connections to 9<sup>th</sup> Street and Story Road. Please revise.

4. Provide typical of proposed signage. Monument style ground signs are preferred over pole signs. All signage must comply with State Road 50 Overlay Commercial Development Standards.
5. Please contact Willie Herbert, Building Official, for demolition or tree removal permits.

Once the Staff has approved these plans, I will need twelve more sets for the P&Z Board.

If you have any questions please feel free to call me at (407) 656-4111 ext. 2312.

Sincerely,

A handwritten signature in black ink, appearing to read "Regina McGruder". The signature is fluid and cursive, with a small dot at the end.

Regina McGruder  
Planner II

# CITY OF WINTER GARDEN

## *Engineering Department*

251 West Plant Street - Winter Garden, Florida 34787-3011

(407) 841-4084 - FAX (407) 648-8763

### MEMORANDUM

**TO:** MARK CECHMAN, CITY PLANNER

**FROM:** MARSHALL ROBERTSON, ASSISTANT CITY MANAGER  
CHARLES TINCH, UTILITIES DIRECTOR  
ARTHUR R. MILLER, III, PE, PLS - CITY ENGINEER

**DATE:** JUNE 19, 2006

**SUBJECT:** REVIEW OF REVISED PRELIMINARY PLAT – WINTER GARDEN COMMERCE CENTER  
STORY ROAD

Pursuant to your request, we have reviewed the revised Preliminary Plat dated 5/05/06 (received 5/16/06) for compliance with the City's subdivision and stormwater requirements. Since this review is preliminary, our comments are limited to the information submitted and do not address detailed review of the drainage, roadway and utility systems that were not submitted. This was submitted in response to our comments dated 3/16/06. Please have the Applicant address the following comments in future submittals:

1. The location map on the Cover Sheet shows this project going south to S.R. 50 and west to Ninth Street, but the plan does not show this. Please clarify. As requested previously, additional access points may need to be provided.
2. Access to Lot 1 shall be internal from the new roadway. No direct full access from Lot 1 onto Story Road will be allowed without more information – right-in, right-out only. Preliminary plat needs to show this condition.
3. Turn lanes will be required on Ninth Street and Story Road as shown.
4. Tract “B”, R/W dedication required on Story Road, shall be 40’ in width – show this dimension on the plans.
5. Typical section shall comply with City Standards: 50’ minimum R/W width; 3,000 psi sidewalks; 10” soil cement base; 12” subbase; 18” layer under the subbase with <5% passing the #200 sieve; 98% density required on all compaction; 2” minimum asphalt thickness; minimum 5’ wide concrete sidewalks required on both sides of street; minimum 10’ wide drainage and utility easements required adjacent to all rights-of-way. All construction shall meet City of Winter Garden requirements for drainage, roadways and utilities, etc.
6. The existing City lift station may need to be relocated at the time Story Road is widened. Since this project will utilize this station, an alternate lift station site may need to be provided on Lot 46. Coordinate with Utilities Department. Provide calculations with final construction plans showing that the existing lift station can handle the proposed additional flow; lift station upgrades may be required.
7. If the water mains cannot be looped as indicated in the response, provide calculations showing that adequate fire protection flows can be provided for the proposed industrial uses. Upsizing of internal water mains may be required to meet flow demands.

(see page 2)

8. A separate tree removal permit is required for any tree removal. Contact the Winter Garden Building Department for coordination. This must be submitted with the preliminary plat pursuant to City Code.
9. Planning Department shall review and comment on proposed use/zoning, lot size, setbacks, parking, buffering, landscaping, amenities and signage requirements.
10. Stormwater will be reviewed separately by the City's Stormwater Engineer. Plans and design shall provide for any offsite drainage, outfall, etc. Permit approvals may be needed from Orange County and/or FDOT for drainage outfall. Any off-site drainage flows entering the project shall be accommodated.
11. Water and sewer impact fees shall be paid pursuant to City Code prior to approval of subdivision plan and City execution of FDEP permits. Review and approval by Fire Department required.
12. A Developers Agreement addressing the phasing and other commitments of the development's master plan may be required. If so, it shall be approved by the City Commission and recorded prior to the issuance of a certificate of occupancy for any building. City staff will draft the D.A. for review by Applicant. Subsequent plans will need to address how water and sanitary sewer services will be provided for the site so the City can evaluate any upsizing requirements. Any off-site utilities required to serve the project shall be installed by the Applicant with reimbursement by the City for upsizing as outlined in the Developers Agreement. All design and construction shall conform to City requirements for roadways, drainage and utilities including reclaimed water for irrigation.
13. Any irrigation on the development shall be designed to be supplied by reclaimed water once it is made available pursuant to City Code and the City's Consumptive Use Permit with SJRWMD. Any other proposal(s) for irrigation shall be reviewed and approved by the City, at the City's sole discretion. Reclaimed system shall include installation of reuse water mains (purple pipe) and meters that will initially be supplied by domestic water via a jumper. Reuse connection point(s) shall be shown on construction plans; irrigation/reuse plans shall be submitted, reviewed and approved by the City prior to installation.
14. Any areas developed within the 100 year flood plane shall be compensated for; LOMR with FEMA is required for any development within the 100 year flood zone.
15. Permit approvals from the St. Johns River Water Management District, Orange County, FDOT and FDEP may be required.
16. Additional drainage and utility easements will be required adjacent to the proposed rights-of-way. Easements between lots are discouraged and shall be a minimum of 30' in width pursuant to Code.
17. The Owner and Contractor are responsible for meeting all provisions of ADA and Florida Accessibility Code.
18. The applicant should note that if approval is granted, the City of Winter Garden is not granting rights or easements for drainage from, or onto, property owned by others. Should the flow of stormwater runoff from, or onto adjacent properties be unreasonable or cause problems, the City will not be responsible and any corrective measures required will be the responsibility of the Owner.
19. Inspection fees in the amount of 1.5% of the cost of all site improvements shall be paid prior to issuance of the building permit. Provide executed contract or certified engineer's cost estimate for inspection fee determination.

(see page 3)

20. Providing positive drainage within the site is the responsibility of the Design Engineer. The City will not maintain any portion of the on-site drainage systems or parking lots.
21. If approval is granted by the City of Winter Garden, it does not grant authority to enter, construct or otherwise alter the property of others, nor does it waive any permits that may be required by federal, state, regional, county, municipal or other agencies that may have jurisdiction.
22. The City of Winter Garden is not authorizing or approving drainage discharges onto private property or property owned or controlled by others. Obtaining permission, easements or other approvals that may be required to drain onto private property is the Owner/Developer's responsibility. Maintenance of on-site drainage improvements will be the responsibility of the Owner, not the City.
23. No fill or runoff will be allowed to discharge onto adjacent properties without the necessary easements. Provide erosion control plan prior to issuance of building permit. Site construction shall adhere to the City of Winter Garden erosion and sediment control requirements as contained in Chapter 106 - Stormwater.
24. The Contractor is responsible for the notification, location and protection of all utilities that may exist within the project limits.
25. The City of Winter Garden will inspect private site improvements only to the extent that they connect to City owned/maintained systems (roadways, drainage, utilities, etc.). It is the responsibility of the Owner and Design Engineer to ensure that privately owned and maintained systems are constructed to the intended specifications. The City is not responsible for the operation and maintenance of privately owned systems, to include, but not be limited to, roadways, parking lots, drainage, stormwater ponds or on-site utilities.
26. Prior to construction, a preconstruction meeting shall be held with representatives of the City, Progress Energy, Sprint, Cable TV, the Owner, Contractor and Developer. Plans for **street lighting**, erosion and sediment control shall be submitted at that time, as well as payment of all engineering review and inspection fees. Fees will be based on 1.5% of either an engineer's certified cost estimate or executed construction contract, subject to review by the City Engineer. Engineering review fees are based on actual costs incurred by the City per code. **Preconstruction meeting will not be scheduled until the street lighting plans have been reviewed and approved by the City.**
27. Additional comments may be generated at subsequent reviews.

Please review this information and contact our office if you have any questions. Thank you.

**END OF MEMORANDUM**