



For More Information, Contact:

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407.656.4111 ext. 2273

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PLANNING & ZONING BOARD

To: Jerry Carris- Chairman
James Gentry – Vice-Chairman
James Dunn
Kent Horsley
Mark Maciel
Mac McKinney
Rohan Ramlackhan

Copy to: Mike Bollhoefer
Dan Langley
Ed Williams
Tim Wilson

RE: Agenda – July 11, 2011 - 6:30 PM
Commission Chambers, City Hall
300 West Plant Street, Winter Garden

-
1. Call to Order
 2. Roll Call and Determination of Quorum
 3. Approval of minutes from the June 6, 2011 meeting – Attachment 1

Variances (Public Hearing)

4. 617 Teacup Springs Court Height Variance – Attachment 2

Future Land Use Change and Rezoning (Public Hearing)

5. 70 East Palmetto Street – Attachment 3

Plats

6. Oakland Park 1B 1B, Final Plat - Attachment 4
7. Oakland Park 1B 1A, Final Plat - Attachment 5

ADJOURN to a regular Planning and Zoning Board meeting on Monday, August 1, 2011 at 6:30 p.m. in City Hall Commission Chambers, 300 W. Plant Street, 1st floor.

Note: §286.0105, Florida Statutes, states that if a person decides to appeal any decision by a board, agency, or commission with respect to any matter considered at a meeting or hearing, he or she will need a record of the proceedings and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act (ADA), if any person with a disability, as defined by the ADA, needs special accommodation to participate in this proceeding, then not later than two business days prior to the proceeding, he or she should contact the City Clerk's Office at 407-656-4111 extension 2254.

THE CITY OF WINTER GARDEN
CITY PLANNING AND ZONING BOARD AGENDA ITEM
ATTACHMENT 2 (Public Hearing)

Date: July 7, 2011

Meeting Date: July 11, 2011

Subject: 617 Teacup Springs Court Accessory Structure Height Variance

Issue: Request approval of a variance to the 12' maximum height requirement for accessory structures to allow a height of 13'-3.5" for a shed in the rear yard.

SUPPLEMENTAL MATERIAL/ANALYSIS:

Owner/

Applicant: Thomas Larson

Zoning: R-1 Single Family Residential District

FLU: Low Density Residential

Summary:

1. The applicant is requesting a 1'-3.5" height variance to construct a 24' x 40' shed in the rear yard.
2. This single family home is located a 1.49 acre platted lot in the Magnolia Wood Subdivision located off North Fullers Cross Road and was constructed in 1960. The surrounding neighborhood consists of single family residential homes.
3. The applicant would like to construct a 24' x 40' shed in the rear yard. The proposed location of the shed would meet all other set back requirements for accessory buildings in the R-1 zoning district.
4. The subdivision does not have Homeowners Association to review any additional property improvements.
5. The property is adjacent to the several lots in the Crown Point Springs Subdivision. The residence immediate adjacent to the shed has a screened enclosure pool and 6 foot wood private fence.
6. The Subject property has several trees between the shed and the property line. City Staff would recommend adding additional landscaping to offset visual impact of the shed to the immediate single family residence.

Code Reference

Section 118-1310 of the City Code of Ordinances addresses accessory buildings and accessory structures. Sub-section (b) states in part, "Detached accessory building walls shall not exceed nine feet in height, and roof peaks shall not exceed 12 feet in height."

The Applicant is seeking a variance to the maximum height of the roof peak for the proposed shed.

Code Requirements/Criteria:

Section 118-131 of the City Code that relates to the review criteria 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 are to be addressed before a variance can be approved. Underlined text is Staff's comments concerning this particular petition.

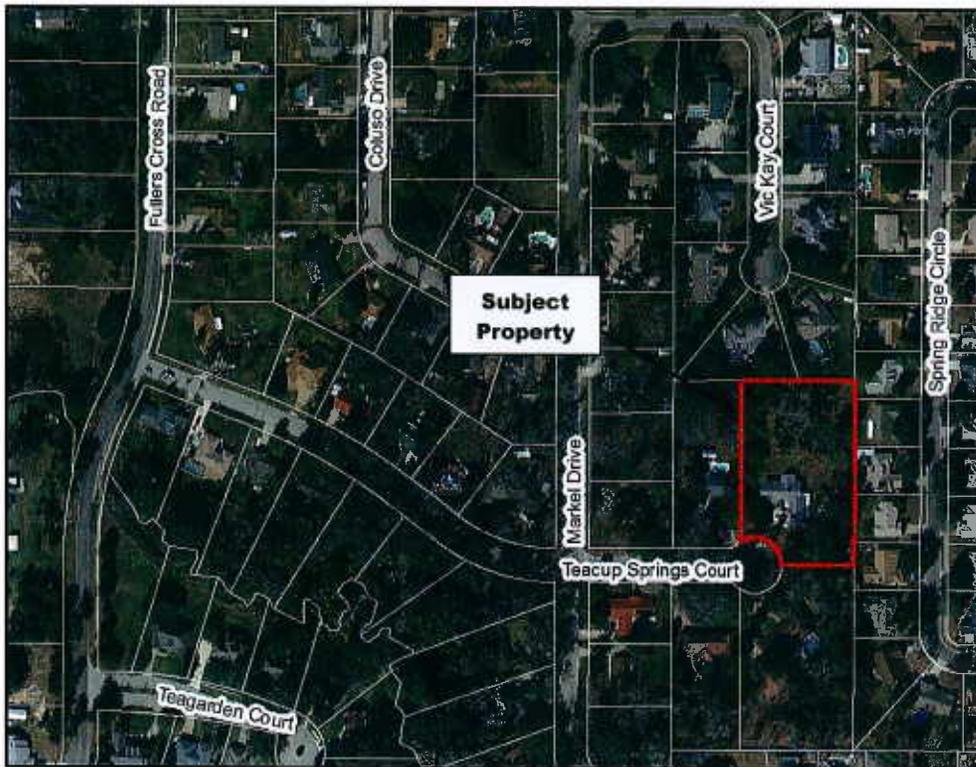
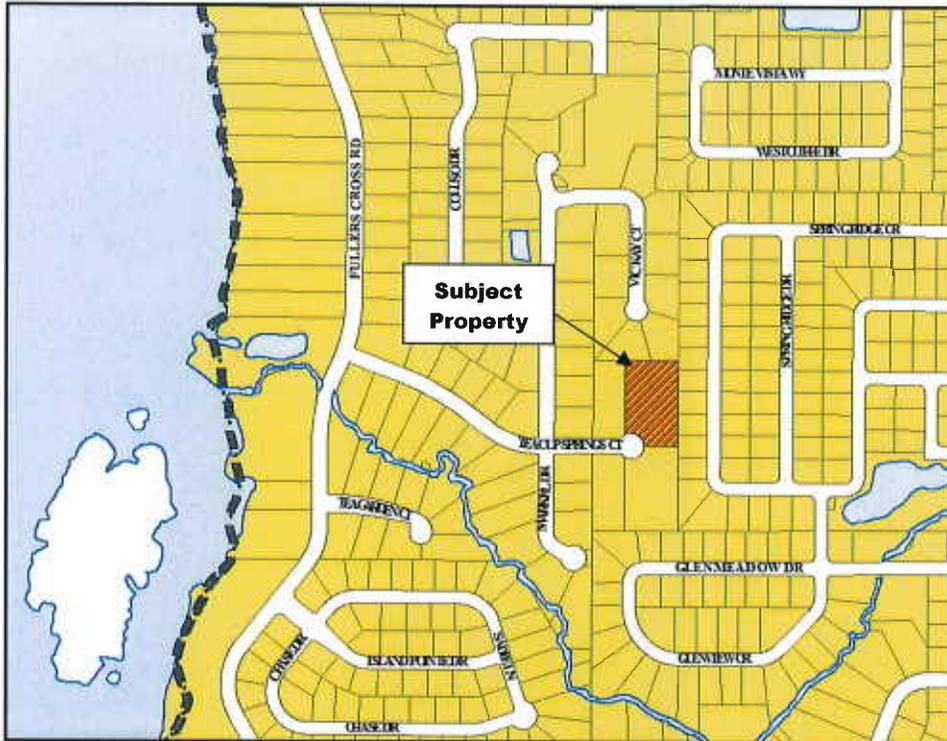
- (a) *Granting the variance will not cause or allow interference with the reasonable enjoyment of adjacent or nearby property owners or negatively impact the standard of living of the citizens of the city;*
The placement and height of the proposed shed is not out of character with other structures in the area. Adjacent property owners should not be negatively affected by granting of this variance.
- (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 reasonable use of the property. This request is not out of character with other structures in the R-1 residential zoning districts.
- (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;*
Strict compliance with the City's land development regulations will not further any legitimate City objective. This request does not encroach into any recorded easement and should not affect the drainage pattern for the residence and does not exceed the maximum impervious surface ratio for residential zoning.
- (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 residential 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 requested is the minimum variance that will make reasonable use of the land. Denying this variance does not benefit the property owner or the City.

STAFF RECOMMENDATION:

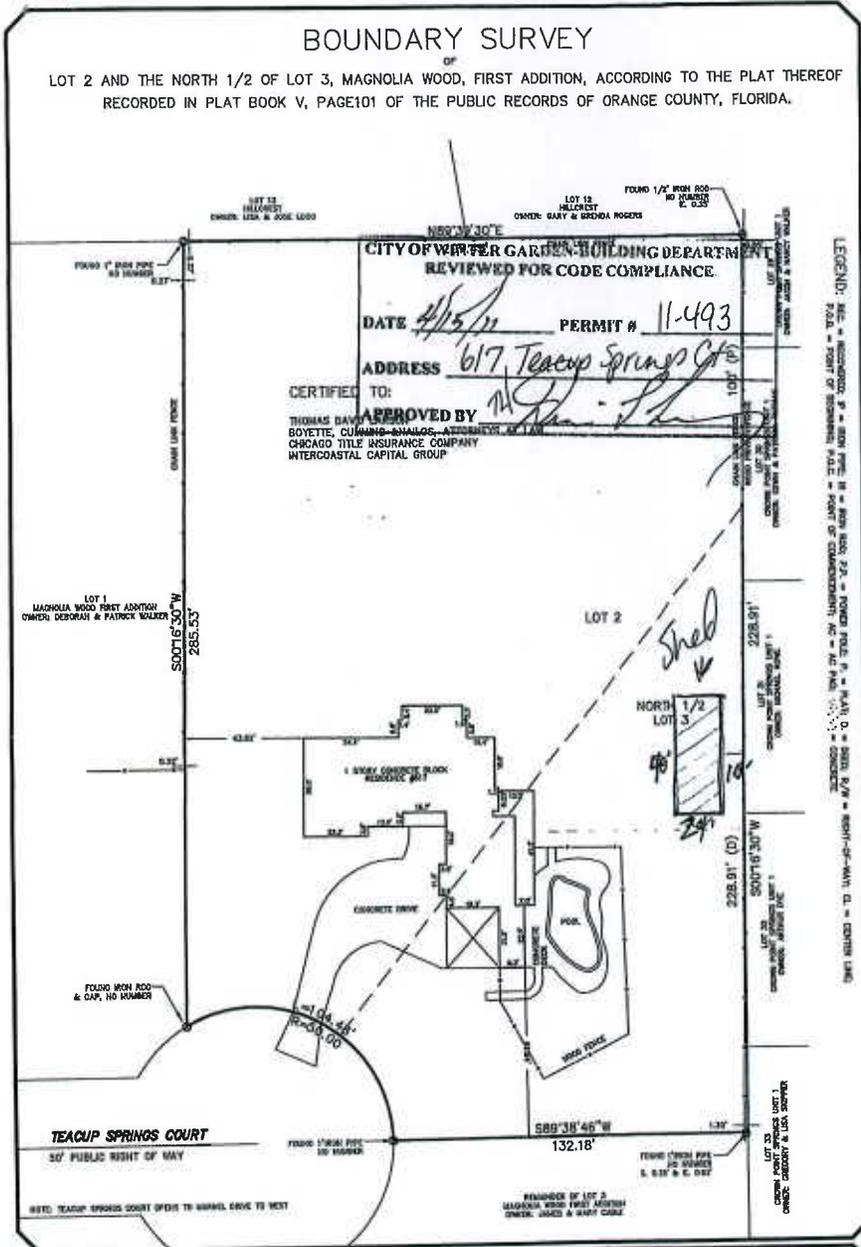
Staff recommends approval of a variance to Section 118-1310(b) of the City Code in the amount of 1'-3.5" to allow the construction of a shed with a height at the roof peak of 13'-3.5" in lieu of the 12' height requirement. The owner will be required to add two trees minimum 12' in height and minimum 3 ½ - 4 caliper at each end of the east part of the shed to provide additional buffer to the adjacent single family residence.

Next Step: Apply for appropriate Building Permit.

Location Map
617 Teacup Springs Court



617 Teacup Springs Court



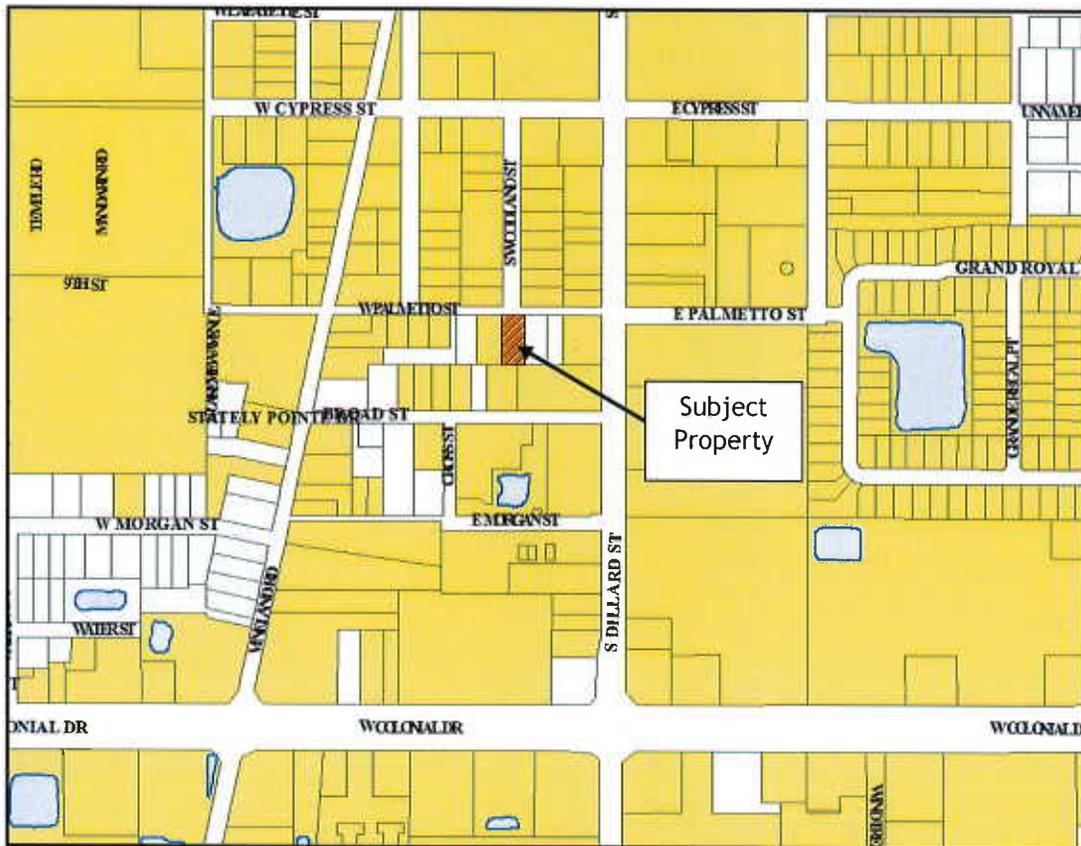
Staff Report 70 East Palmetto Street Future Land Use Change and Rezoning

Introduction

The purpose of this report is to evaluate the proposed change to the Future Land Use (FLU) and Zoning for compliance with the City of Winter Garden Comprehensive Plan and Code of Ordinances.

The subject property is located at 70 East Palmetto Street contains a single family residential structure on approximately 0.27 of an acre. The map below depicts its proximity in the City's jurisdictional limits.

Location Map



The Applicant has requested a small-scale comprehensive plan amendment to change the FLU to Residential-Neighborhood Commercial and rezoning to R-NC of the Subject Property. If the FLU change and rezoning are successfully completed the Applicant will pursue a Special Exception Permit, pursuant to section 118-96 of the City Code, to allow an office use within the R-NC zoning as provided for in section 118-488 of the Code. If successful, this will allow the Applicant to operate their tax business from this location.

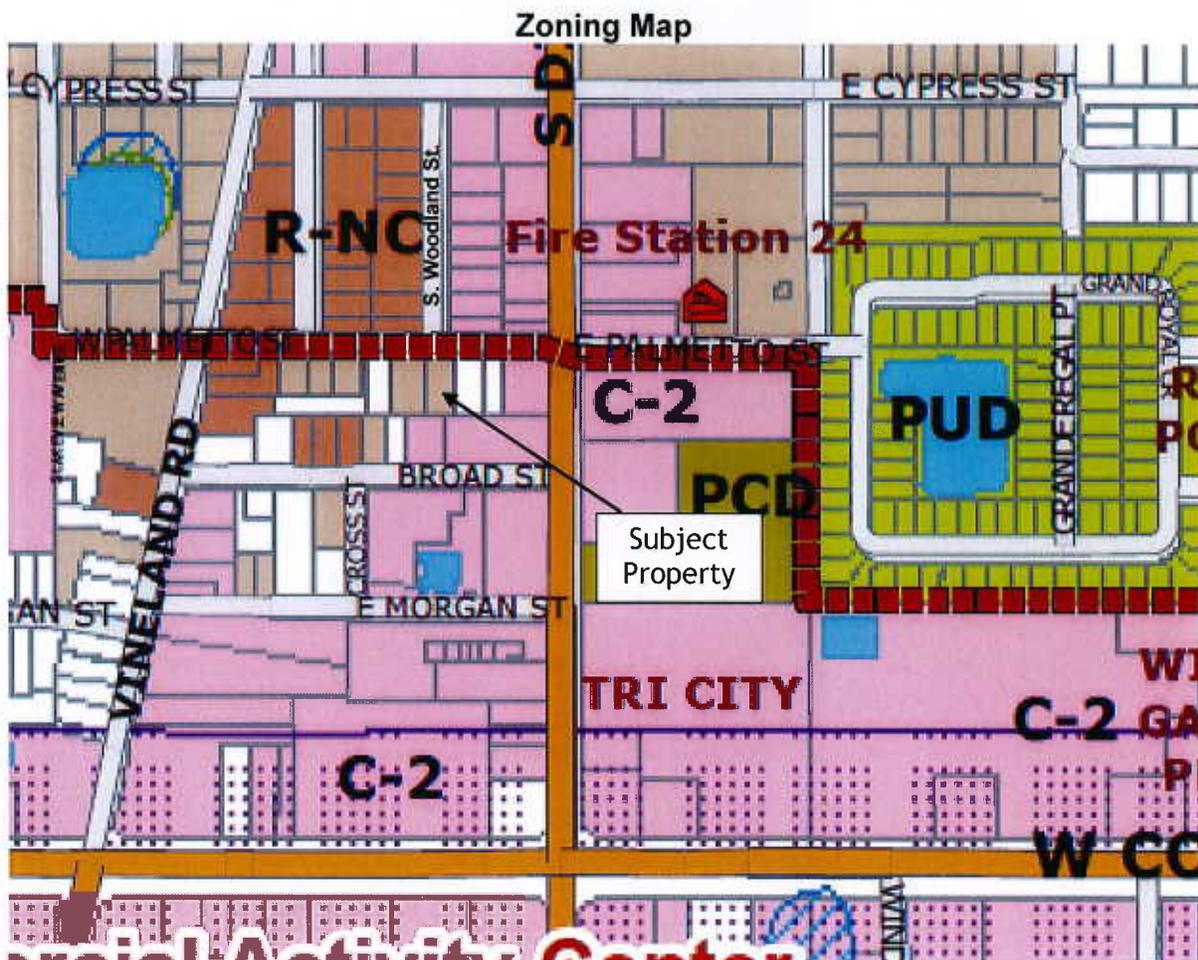
Existing Use

The current use of the property is a 2-story residential structure that is currently vacant.

Adjacent Land Uses

Properties in the immediate vicinity of the Subject Property are both in the City limits as well as in unincorporated Orange County as shown on the Zoning Map below. The properties in unincorporated Orange County are zoned for residential. Land uses to the west of the Subject Property along E. Palmetto Street are residential. Land uses to the east along East Palmetto Street are residential and then commercial uses. To the north are residential uses, including an apartment complex, on the west side of S. Woodland Street with commercial uses on the right side of the street. And properties to the south of the Subject Property are a mix of residential and commercial uses.

The Subject Property is within the West SR 50 Commercial Activity Center.



Proposed Use

If the FLU change and Rezoning is successful it is the intent of the Applicant to pursue a Special Exception Permit to open an office on this site for their tax business. If the FLU change, rezoning, and Special Exception Permit are all successful the next step for the Applicant would be to submit a site plan for required revisions to the site to accommodate the office use. The Special Exception Permit will be brought before the Planning and Zoning Board once the FLU and zoning changes are complete.

Public Facility Analysis

The proposed traffic generated from the subject property will be the same after the change of the FLU and zoning as the residential use will remain in place. The difference will come with the change of use to office if the Special Exception Permit is granted to allow an office use. The table below shows the traffic generation for each use, based on the Institute for Traffic Engineers (ITE) Trip Generation Manual, and the net difference between the uses.

Trip Generation			
	Amount	Trip Rate	Daily Trips
Existing Use: Single-family Residential	1 DU	9.57	10
Proposed Use: Office	1,580 Sq Ft	11.01	17
Net Difference			7

As shown, there will be approximately seven additional daily trips if the use of the subject property is changed from single-family residential to office. These trips would access the site on Palmetto Street from either Dillard Street or from Vineland Road.

The City provides potable water and sanitary sewer service to this property. Any needed upgrade to service for the new use on the site will be determined by the project engineer and identified on the site plan submitted for the change of use.

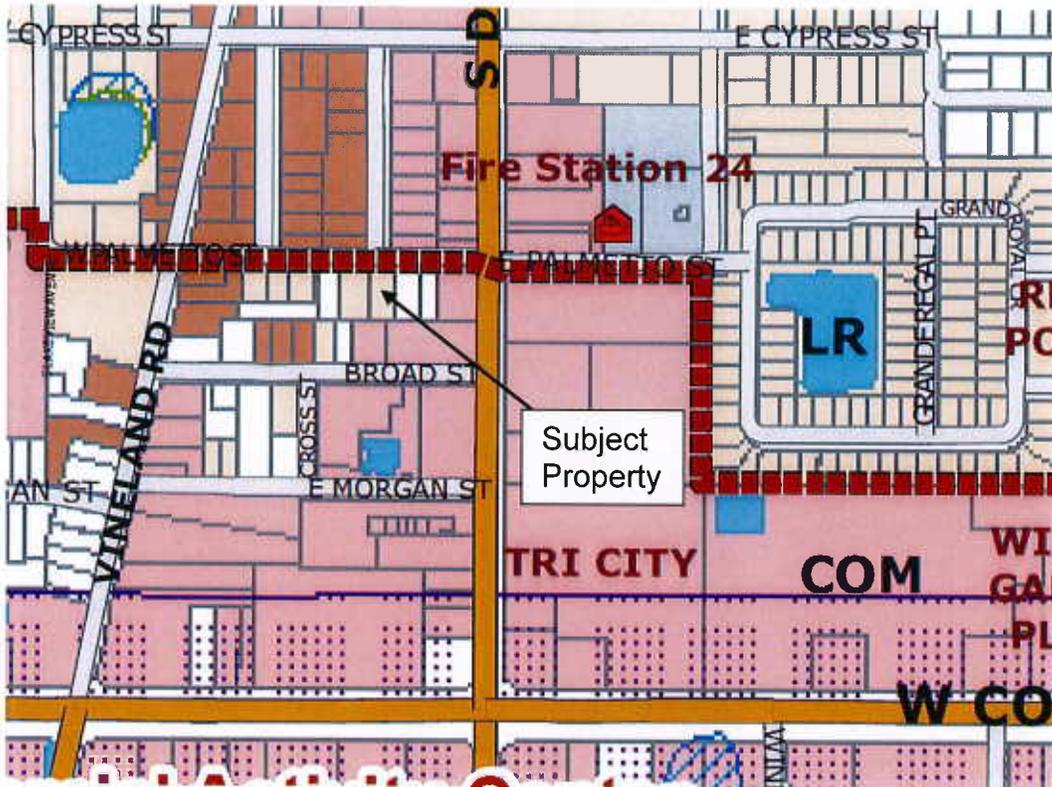
The City provides garbage collection, police protection, and all other services regularly provided to City of Winter Garden residents including building permits. The property will be served by both Orange County Fire and Rescue and the City Fire Department under the First Response system.

Additional impact fees may be due upon any change to a more intense use on the Subject Property.

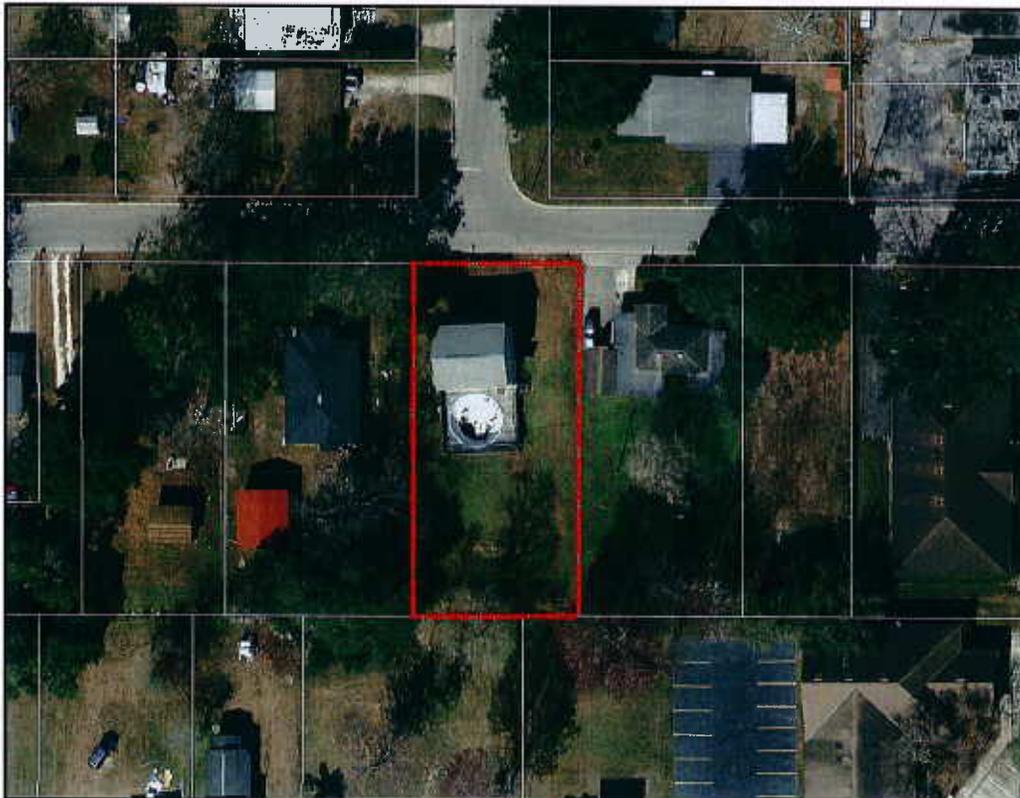
Summary

The City Staff has reviewed and researched the application for the FLU and zoning designation changes and recommend approval of proposed Ordinances 11-16 and 11-17.

Future Land Use Map



Aerial Photo of 70 East Palmetto Street



ORDINANCE 11-16

AN ORDINANCE AMENDING THE FUTURE LAND USE MAP OF THE CITY OF WINTER GARDEN COMPREHENSIVE PLAN BY CHANGING THE DESIGNATION FROM CITY LOW DENSITY RESIDENTIAL TO CITY RESIDENTIAL-NEIGHBORHOOD COMMERCIAL FOR PROPERTY GENERALLY DESCRIBED AS 0.27 ± ACRES LOCATED AT 70 EAST PALMETTO STREET; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on the 13 of June, 1991, the City Commission of the City of Winter Garden adopted Ordinance 91-16 which adopted a new Comprehensive Plan for the City of Winter Garden, and

WHEREAS, the owners of land generally described as approximately 0.27 ± acres located at 70 East Palmetto Street have petitioned the City to amend the Future Land Use Map of the Comprehensive Plan by changing the designation of said property from "CITY LOW DENSITY RESIDENTIAL" to "CITY RESIDENTIAL-NEIGHBORHOOD COMMERCIAL", and

WHEREAS, the City Commission has conducted the prerequisite advertised public hearings as per Chapter 163 regarding the adoption of this ordinance for a Small Scale Comprehensive Plan Amendment, and

WHEREAS, the aforesaid petition complies with the Florida Statutes as a Small Scale Comprehensive Plan Amendment,

THEREFORE BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WINTER GARDEN FLORIDA:

SECTION 1: The City of Winter Garden hereby amends The Future Land Use Map of the Comprehensive Plan by changing the Future Land Use designation to Residential-Neighborhood Commercial on real property legally described on Exhibit "A".

SECTION 2: The City Planner is hereby authorized and directed to amend the Official Winter Garden Future Land Use 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 later of:

- (i) adoption at its second reading; and
- (ii) the date the Department of Community affairs renders a letter identifying the Department will not conduct a compliance review or issue a Notice of Intent in accordance with procedures contained in Section 163.3187(3)(a), Florida Statutes,

or

- (iii) when a final order issued by the Department of Community Affairs finding the amendment to be in compliance is accordance with Chapter 163.3184, F.S., or
- (iv) the date a final order is issued by the Administration Commission finding the amendment to be in compliance in accordance with Chapter 163.3184, F.S.

The Department's Notice of Intent to find an amendment in compliance is deemed a final order if no timely petition challenging the amendment is filed.

READ FIRST TIME AND PUBLIC HEARING: _____, 2011.

READ SECOND TIME AND PUBLIC HEARING: _____, 2011.

APPROVED:

JOHN REES, Mayor /Commissioner

ATTEST:

KATHY GOLDEN, City Clerk

Exhibit "A"

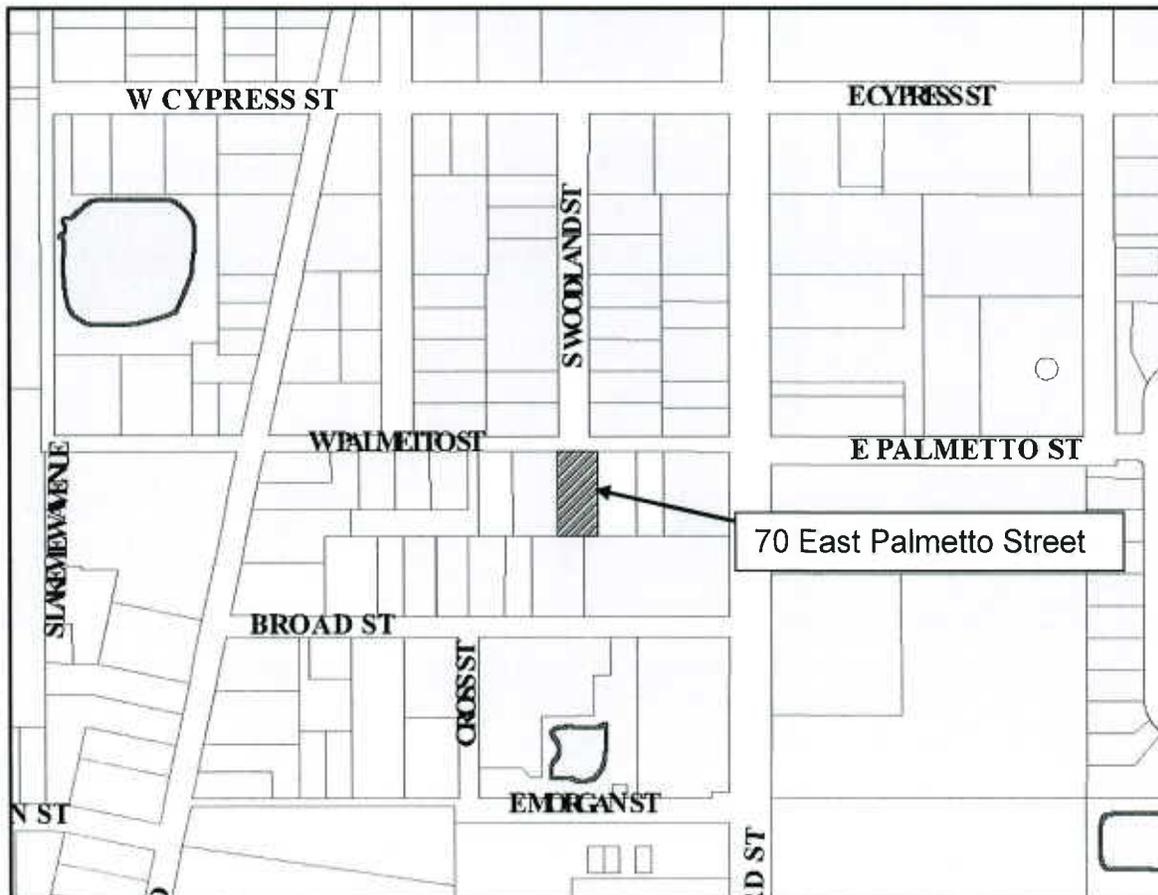
ALL THAT CERTAIN LAND SITUATE IN ORANGE COUNTY, FLORIDA VIZ:

BEGIN AT THE NORTHWEST CORNER OF LOT 14 OF FIRST ADDITION TO SCHENLEY PARK ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK P, PAGE 42, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; RUN THENCE NORTH 150 FEET; THENCE EAST 50 FEET; THENCE SOUTH 150 FEET; THENCE WEST 50 FEET PARALLEL WITH NORTH LINE OF LOT 14 TO POINT OF BEGINNING; AND THE WEST 25 FEET OF THE EAST 300 FEET OF LOT 1 FIRST ADDITION TO SCHENLEY PARK ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK P, PAGE 42 PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

PARCEL ID No.: 23-22-27-7828-00014

PROPERTY COMMONLY KNOWN AS: 70 EAST PALMETTO STREET, WINTER GARDEN, FLORIDA 34787

Location Map



ORDINANCE 11-17

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 0.27 ± ACRES OF CERTAIN REAL PROPERTY LOCATED AT 70 EAST PALMETTO STREET FROM CITY R-2 TO CITY R-NC; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner of real property generally described as approximately 0.27 ± acres located at 70 East Palmetto 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 R-NC 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 City R-2 to City R-NC 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 through Ordinance 11-16 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: _____ 2011.

SECOND READING AND PUBLIC HEARING: _____ 2011.

APPROVED:

JOHN REES, Mayor/Commissioner

ATTESTED:

KATHY GOLDEN, City Clerk

Exhibit "A"

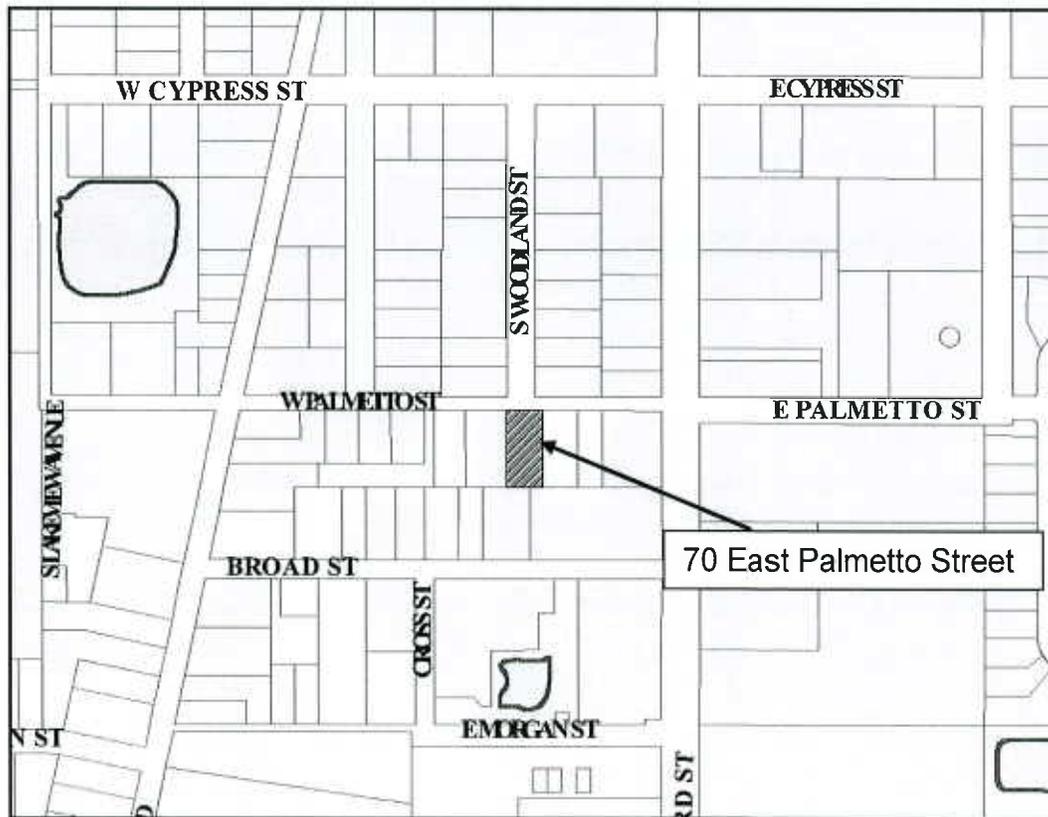
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PARCEL ID No.: 23-22-27-7828-00014

PROPERTY COMMONLY KNOWN AS: 70 EAST PALMETTO STREET, WINTER GARDEN, FLORIDA 34787

Location Map



Before the final plat is scheduled for the City Commission agenda any pending original documents will need to be provided to the City in a form acceptable to the City Attorney's office.

Staff

Recommendation:

Move to approve the Final Plat for Phase 1B1B for Oakland Park subject to meeting conditions and requirements outlined in the Development Review Committee memorandum dated June 27, 2011, the City Attorney's letter dated July 5, 2011 and the City Surveyor's e-mail dated July 6, 2011. Plat recording will be coordinated with the City attorney and all recording fees to be paid by the applicant.

Specific Condition:

Prior to or commensurate with the issuance of a building permit for Lot 82, the owner/developer will be required to submit a written disclosure to the City 's building permit office to coordinate the removal of the parking lot and related use of the sales center on adjacent Lot 83.

Attachment:

Location Map
Final Plat
DRC Memorandum
City Attorney's letter
City Surveyor's e-mail

CITY OF WINTER GARDEN

Development Review Committee

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

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

MEMORANDUM

TO: ED WILLIAMS, PLANNING DIRECTOR
FROM: DEVELOPMENT REVIEW COMMITTEE
DATE: JUNE 27, 2011
SUBJECT: OAKLAND PARK UNIT 1B-1B - REVIEW OF REVISED FINAL PLAT

Pursuant to your request, we have reviewed the revised final plat information received 6/27/11 for compliance with the City's subdivision requirements. Our review has been limited to the overall engineering issues and does not include review for compliance with Chapter 177 that is being performed by the City's Reviewing Surveyor and City Attorney. This was submitted in response to our final plat comments dated 6/17/11, PUD/Re-zoning comments as revised 4/26/05, preliminary plat comments dated 1/04/06, final construction plan and final plat comments for Phase 1B-1 dated 2/27/08, and DRC meeting of 6/22/11. It should be noted that the original Phase 1B-1 has been split into two separate phases by the Developer for platting purposes: Phase 1B-1A (which is being reviewed separately) and Phase 1B-1B. We recommend approval subject to the following conditions and comments (all information shall be provided and approved by Staff prior to the Planning & Zoning Board and City Commission meetings):

1. Final signed mylar, along with all other original documents, will be required prior to scheduling for the Planning & Zoning and City Commission meetings, after Staff approval.
2. Planning Department shall review plat for compliance with the PUD, Preliminary Plat, and Development Agreement, including minimum buildable lot sizes, lighting, etc. Pursuant to the PUD approval, the Preliminary Plat shall identify the building setbacks for each lot and shall include specific details on what auxiliary uses will be allowed such as pools, porches, patios, etc. An updated "pattern" or building envelope book has been provided with this submittal for Phases 1B-1A and 1B-1B, that shall also be reviewed by the Planning Department.
3. Transfer of all common areas to the HOA shall take place prior to or with final plat recording (via deed). Draft quit claim has been provided to the City Attorney for review and shall also be reviewed by the City's Reviewing Surveyor.
4. A draft warranty deed for the transfer of the rights-of-way (Tract "A") and Lift Station #3 has been submitted for review by the City Attorney and shall also be reviewed by the City's Reviewing Surveyor.
5. Off-site easements required in the construction plan approval for utilities, roadways (including cul-de-sac) and drainage in Phase 1B-2 or other future phases not included in this plat have been provided for review by the City Attorney and City's Reviewing Surveyor. By the Design Engineer's certification, all easements required for this to be a stand-alone phase have been provided. We recommend that the off-site drainage easement description be spelled out to terminate at the Johns Lake outfall canal, not just to an unidentified point or line.

(see page 2)

6. City Attorney shall review and approve the Dedication, HOA/CCR's, and Surveyors Notes for maintenance responsibilities and City's ability to lien individual lot owners if City performs maintenance, etc. It is noted that an amendment to the original CCR's has been submitted with the plat. Some of these changes may require an amendment to the overall PUD.
7. A Right-of-Way maintenance agreement for landscaping, irrigation, medians, signs, etc. within City rights-of-way has been provided to the City Attorney for review and will be required prior to final plat approval.
8. Construction plans and plat will not be approved for any phase beyond what the infrastructure can support. This includes the Lakeview Reserve lift station that will receive wastewater from Phases 1A and 1B, stormwater treatment systems, and the requirement for the Motamasek roadway connection to S.R. 50. Design Engineer has provided certification that the stormwater treatment pond(s) and stormwater outfall for this phase meets SJRWMD requirements for a stand-alone system.
9. The total number of lots proposed in this phase with the previously approved Phase 1A and Phase 1B-1A is below 174. This is below the threshold for the Motamasek roadway connection with S.R. 50 and a signal at the main development entrance on Oakland Avenue. Pursuant to the PUD approval, these improvements shall be completed prior to issuance of the 175th building permit.
10. Based on the Design Engineer's response, this phase will have no encroachments into the 100 year FEMA flood line.
11. Maintenance Bond: A maintenance bond or letter of credit is required in the amount of **20%** of the cost of the improvements. Based on the certification provided by the Design Engineer, the construction cost of the Phase 1B-1B improvements is **\$1,740,343.60** and the maintenance bond amount shall be **\$348,068.72** (20%). The maintenance bond/LOC shall run for one year from the date of the City's acceptance of the completed improvements. This item can be delayed until the improvements have been installed as a condition of issuing the Certificate of Completion.
12. Performance Bond: The improvements are not completed. A Performance bond or letter of credit in the amount of 120% of the cost of all incomplete improvements shall be provided to the City, based on the Design Engineer's certification and executed construction contract. Performance Bond/LOC amount shall include cost of street lighting from Progress Energy; street and regulatory signs, required landscaping, second lift of asphalt, walls, amenities, etc. City Attorney shall approve the form of the bond or letter of credit prior to final plat recording. Final plat will not be forwarded to Planning & Zoning Board or City Commission for approval without performance bond. (Note: The Developer has provided a cost breakdown that includes landscaping/park amenities, signage, sidewalks, final lift of asphalt, and streetlighting totaling **\$322,759**, for a performance bond amount of **\$387,311.00**). Bond provided is in the amount of \$387,348.00.
16. Work on this phase is not completed. Upon completion of all improvements, the Design Engineer shall provide signed and sealed as-built record drawings (2 sets), electronic copies of record drawings, and a certification letter stating that all improvements have been completed in substantial compliance with the approved plans and specifications. Copies of all clearances, certifications, etc. from other permitting agencies shall be provided to the City.
17. Approval of Certificate of Completion will be contingent upon having all improvements, fire protection, street lighting, street signs and regulatory signage and striping installed, approved and accepted by the City of Winter Garden. Other than for model homes as specified in Code, no additional building permits and no certificates of occupancy will be issued for any structure until the Certificate of Completion for the infrastructure has been issued.

(see page 3)

18. Sidewalks internal to the development shall be constructed adjacent to all lands not containing building lots prior to final acceptance. This shall include all retention, conservation or recreation tracts, abutting roadways, pedestrian walkways, etc. Sidewalks external to the development shall be constructed upon final completion.

19. Streetlighting must be installed and operating as a condition of issuing the Certificate of Completion. Other than for model homes as specified in Code, no building permits or certificates of occupancy will be granted on any house until all of the above have been completed and accepted by the City and the Certificate of Completion has been issued. (Cost of streetlighting has been included in the performance bond – C of C will not be issued until the street lights have been installed and are operating.)

20. Documentation that all outstanding fees owed the City for review by legal, surveying and engineering consultants shall be provided prior to final plat recording.

21. Design Engineer has provided certification that he has reviewed the plat and that it provides all necessary easements for drainage, access and utilities.

22. 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

FISHBACK DOMINICK

ATTORNEYS AT LAW

1947 LEE ROAD

WINTER PARK, FLORIDA 32789-1834

G. BEN FISHBACK (1893-1983)
JULIAN K. DOMINICK (1924-2003)

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ROBERT T. MAGILL
* GAYLE A. OWENS
CHARLES R. STEPTER, JR.
MICHAEL D. TEMPKINS

* Florida Bar Board Certified in
City, County and Local Government

July 5, 2011

Via E-Mail & U.S. First Class Mail

Bill Wharton, Principal Planner
City of Winter Garden
300 West Plant Street
Winter Garden, FL 34787

**Re: Winter Garden, City of – Oakland Park Unit 1B-1B Plat Review
Our File No.: W500-21178**

Dear Bill:

Pursuant to your request, we have reviewed the revised final plat for Oakland Park Unit 1B-1B prepared by Donald W. McIntosh Associates, Inc. and documents submitted by the applicant on June 30, 2011, and offer the following comments:

1. Pursuant to Fla. Stat. § 177.041(2), every plat submitted must be accompanied by a title opinion for which we received a copy that was prepared by First American Title Insurance Company dated June 3, 2011. An update of this title opinion must be provided within thirty (30) days prior to final plat recording.

2. The applicant shall provide the required maintenance bond covering the site infrastructure improvements once construction is completed and prior to issuance of a certificate of completion.

3. Planning & Zoning Department – please confirm that the original performance bond in the amount approved by the City Engineer and in the form previously approved by us has been submitted by the applicant.

4. We were previously provided with the revised Amended and Restated Declaration of Covenants, Conditions and Restrictions for Oakland Park for review and comment. What is the status of recording this instrument? The recording information for this instrument needs to be filled in on the final plat.

5. We have been provided with an executed Environmental Contamination Hold Harmless and Indemnity Agreement. The Agreement needs to be revised to (i) reference conveyance of the offsite lift station tract in the third recital on page 1; (ii) correct the name of the Mayor to John Rees on the City's signature block; and (iii) correct the legal description on Exhibit "A" to reference Oakland Park Unit 1B-1B. Please resubmit revised executed original Agreement to the City. This Agreement needs to be submitted along with the final plat for City Commission approval and execution by the Mayor.

6. We have been provided with a copy of the executed Right-of-Way Maintenance Agreement. Exhibit "C" is not specific to Unit 1B-1B and needs to be replaced with a more appropriate exhibit, or merely reference Tract "A" of Unit 1B-1B, which constitutes the public rights-of-way within this subdivision. The second whereas clause on page 2 of the Agreement contains blanks for the Landscaping Plan that need to be filled. Paragraph 10 B needs to be revised to provide the City Attorney's address as "300 West Plant Street" and his facsimile number as "407-425-2863".

7. We have been provided with draft unsigned copies of a Temporary Drainage Easement and Temporary Non-Exclusive Access, Utility and Drainage Easement. Provided with this letter is a redline of these documents incorporating my suggested revisions. Please have the applicant revise these easements accordingly and submit executed originals of the same.

8. We have been provided with executed Consent and Joinder of Mortgagee for the Temporary Drainage Easement and Temporary Non-Exclusive Access, Utility and Drainage Easement. The Consent and Joinder for both easements should be revised to provide the Loan Documents to be subordinate to the temporary easements. Please have the applicant revise these Consents and Joinders accordingly and submit executed originals of the same.

9. Please note that this project is subject to that certain Developer's Agreement dated January 26, 2006 and recorded at O.R. Book 8492, Page 3431. The development conditions imposed on the project include, but are not limited to Castle & Cooke causing to be, designed, permitted and constructed, prior to the issuance of the one hundred seventy-fifth (175th) residential building permit for the Oakland Park Project, the two lane connection of Motamasek Street between its current terminus south of Oakland Avenue and State Road 50, including two southbound lanes to provide left and right turns on Motamasek and an eastbound left turn lane on State Road 50 (the "Motamasek Improvements") and convey the Motamasek Improvements to the Town of Oakland, Florida by Special Warranty Deed free and clear of any lien or mortgage. [*Applicant has previously noted*]

10. Payment of all required fees, deposits and costs may be applicable or required pursuant to the code, and other applicable laws, ordinances, and regulations shall be paid and evidence of such shall be sent to the City prior to final plat approval.

11. The original signed plat mylar is to be submitted to the City prior to the scheduling of the Planning & Zoning Board and City Commission hearings. All original executed plat documents need to be submitted to the City prior to final plat approval. All

original executed documents that are to be recorded in the public records need to be provided to my office after final plat approval along with a check from the developer to pay for recording costs.

12. It is the responsibility of the subdivider to ensure that all applicable requirements of the City Code and Florida Statutes relative to the subdividing and development of property are met prior to final plat approval. In order to assist the subdivider in addressing the foregoing comments, it is suggested that the applicant review Chapter 110 of the Winter Garden Code of Ordinances and Chapter 177 of the Florida Statutes. Furthermore, to expedite the review, it is recommended that the subdivider respond to each of the foregoing comments referencing the date of this letter and the comment number.

We reserve the right to make additional comments upon future submittals. If you have any questions, please let me know.

Sincerely,

Daniel W. Langley

cc: (Via e-mail)

Dan O'Keefe
Juli Simas James
Ed Williams
Art Miller
Don Cochran
Mike Bollhoefer
Mike Kelley
Nicolle Van Valkenburg
A. Kurt Ardaman

Lorena Blankenship

From: Steve Blankenship [steveb@asiol.com]
Sent: Wednesday, July 06, 2011 3:55 PM
To: Tim Wilson; Lorena Blankenship
Subject: OAKLAND PARK UNIT 1B-1B - REVIEW OF REVISED FINAL PLAT

We have reviewed the easement description and deeds required for the final plat recording and provide the following comments:

1. TEMPORARY NON-EXCLUSIVE ACCESS, UTILITY AND DRAINAGE EASEMENT (Easement "A" and "B"). We agree that Sketch CS# 11-180(D) is included entirely within the easement area described in Sketch CS# 11-180(A).
2. QUICK CLAIM DEED for Tract B-1 - B5, G1, G2, H1 AND H2, Exhibit "A" - Legal Description. Insert recording information with final plat recording.
3. GENERAL WARRANTY DEED for Lift Station #3, Exhibit "A" - Legal Description. Insert recording information with final plat recording.
4. TEMPORARY NON-EXCLUSIVE DRAINAGE EASEMENT. The City Engineer has recommended that the off-site drainage easement description be spelled out to terminate at the Johns Lake outfall canal. We have no further comments.

Sincerely,

Steven E. Blankenship, P.S.M.
Atlantic Surveying, Inc.
1106 Brick Road
Winter Garden, Fl 34787
407-656-4993
407-656-4437 Fax

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DRAWING OVERALL.DWG	OAKLAND PARK CITY OF WINTER GARDEN, FLORIDA OVERALL PLAN		 DONALD W. MCINTOSH ASSOCIATES, INC. ENGINEERS PLANNERS SURVEYORS 2200 PARK AVENUE NORTH, WINTER PARK, FLORIDA 32789 (407) 644-4068		1. 04/15/05 PER CITY COMMENTS RE: PHASE 1B TO PLAN 2. REVISED PER CITY COMMENTS RE: PHASE 1B 3. PREPARED FILE WITH HAWKSWOOD W/ REVISIONS		DONALD W. MCINTOSH LICENSED SURVEYOR AUTHORIZATION NO. 48
					SHEET 5 of 22		

NOT FOR CONSTRUCTION

THE CITY OF WINTER GARDEN
CITY PLANNING AND ZONING BOARD AGENDA ITEM
ATTACHMENT 5

Date: July 7, 2011

Meeting Date: July 11, 2011

Subject: Oakland Park 1B 1A, Final Plat

Owner/Applicant: Castle & Cooke

SUPPLEMENTAL MATERIAL/ANALYSIS:

Request: Applicant is requesting approval of a Final Plat on 16.136 acres of property for 17 lots and 5 tracts of land. The area proposed to be platted is located on the front portion of the property south of the West Orange Trail and east of the main project roadway - Oakland Park Boulevard. (See attached location map). The project is zoned Planned Unit Development (PUD). The lots range in size from 50' by 140' to 90' by 140 +/-'. The tracts are for the project infrastructure and future development (Tracts F1-F5).

Findings:

1. The Oakland Park residential project is a neo-traditional residential project that was approved as a PUD by the City Commission by Ordinance 05-26 on May 26, 2005. The project provides a variety of residential styles with a high level of architectural styles and patterns together with various recreational amenities and landscape and streetscape features.
2. The project received preliminary plat approval for phase 1A and 1B on January 26, 2006. The applicant has received Final Plat approval for Phase 1A and the main project infrastructure and recreations and pedestrian improvements around Lake Brim. The applicant has separated Phase 1B into two phases (1A and 1B). Each phase is able to be developed as a separate neighborhood within the Oakland Park project.
3. The Final Plat request for 17 lots is consistent with both the PUD and the Preliminary Plat approval. The tracts are designated for stormwater management, lift station tract, open space areas (for utility easement) or future development.
4. The request has been reviewed by the Development Review Committee. A staff memorandum has been prepared and provided to the applicant. The applicant has responded to all the comments and is in agreement to all staff items and comments. In addition, the City Attorney and City Surveyor have provided comments that identifies the necessary, deeds, easements and supporting documentation to accompany the final plat. The applicant has addressed all items and will comply with all necessary documents.

Before the final plat is scheduled for the City Commission agenda any pending original documents will need to be provided to the City in a form acceptable to the City Attorney's office.

Staff

Recommendation:

Move to approve the Final Plat for Phase 1B1A for Oakland Park subject to meeting conditions and requirements outlined in the Development Review Committee memorandum dated June 27, 2011, the City Attorney's letter dated July 5, 2011 and City Surveyor's e-mail dated July 6, 2011. Plat recording will be coordinated with the City attorney and all recording fees to be paid by the applicant.

Attachment:

Location Map
Final Plat
DRC Memorandum
City Attorney's letter
City Surveyor's e-mail

CITY OF WINTER GARDEN

Development Review Committee

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

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

MEMORANDUM

TO: ED WILLIAMS, PLANNING DIRECTOR
FROM: DEVELOPMENT REVIEW COMMITTEE
DATE: JUNE 27, 2011
SUBJECT: OAKLAND PARK UNIT 1B-1A - REVIEW OF REVISED FINAL PLAT

Pursuant to your request, we have reviewed the revised final plat information received 6/27/11 for compliance with the City's subdivision requirements. Our review has been limited to the overall engineering issues and does not include review for compliance with F.S. Chapter 177 that is being performed by the City's Reviewing Surveyor and City Attorney. This was submitted in response to our final plat review of 6/17/11, PUD/Re-zoning comments as revised 4/26/05, preliminary plat comments dated 1/04/06, final construction plan comments for Phase 1B-1 dated 2/27/08, and DRC meeting of 6/22/11. It should be noted that the original Phase 1B-1 has been split into two separate phases by the Developer for platting purposes: Phase 1B-1A and Phase 1B-1B (which is being reviewed separately). We recommend approval subject to the following conditions and comments (all information shall be provided and approved by Staff prior to the Planning & Zoning Board and City Commission meetings):

1. Final signed mylar, along with all other original documents, will be required prior to scheduling for the Planning & Zoning and City Commission meetings, after Staff approval.
2. Planning Department shall review plat for compliance with the PUD, Preliminary Plat, and Development Agreement, including minimum buildable lot sizes, lighting, etc. Pursuant to the PUD approval, the Preliminary Plat shall identify the building setbacks for each lot and shall include specific details on what auxiliary uses will be allowed such as pools, porches, patios, etc. An updated "pattern" or building envelope book has been provided with this submittal for Phases 1B-1A and 1B-1B, that shall also be reviewed by the Planning Department.
3. Per the DRC discussion and the Applicant's response, Tract F2 (Future Development) is the site of the Smart City Communications building (easement description provided and shown on plat). Recording information to be inserted on plat (Note #21 and on Sheet 3) when available, prior to recording of plat. Pursuant to F.S. Chapter 177, all easements shall be shown on the plat.
4. Transfer of all common areas to the HOA shall take place prior to or with final plat recording (via deed). Draft quit claim deed has been provided to the City Attorney for review. This should also be reviewed by the City's Reviewing Surveyor.
5. A draft warranty deed for the conveyance of Tract "E" (lift station) to the City of Winter Garden has been provided to the City Attorney for review. This should also be reviewed by the City's Reviewing Surveyor.
6. City Attorney shall review and approve the Dedication, HOA/CCR's, and Surveyors Notes for maintenance responsibilities and City's ability to lien individual lot owners if City performs maintenance, etc.

(see page 2)

7. A draft Right-of-Way maintenance agreement for landscaping, irrigation, medians, signs, etc. within City rights-of-way has been submitted to the City Attorney for review will be required prior to final plat approval.
8. Provide cost certification for determination of the performance bond amount to include any incomplete items (streetlighting, street and regulatory signage, landscaping, irrigation, wall, amenities, etc.). Final plat will not be scheduled for approval by the Planning & Zoning Board and City Commission unless the improvements have been completed and the Certificate of Completion issued, or a performance bond or letter of credit for 120% of all incomplete improvements has been provided to the City.
9. Construction plans and plat will not be approved for any phase beyond what the infrastructure can support. This includes the Lakeview Reserve lift station that will receive wastewater from Phases 1A and 1B and the requirement for the Motamasek roadway connection to S.R. 50.
10. The total number of lots proposed in this phase with the previously approved Phase 1A is below 174. This is below the threshold for the Motamasek roadway connection with S.R. 50 and a signal at the main development entrance on Oakland Avenue. Pursuant to the PUD approval, these improvements shall be completed prior to issuance of the 175th building permit.
11. Based on the Design Engineer's response, this phase will have no encroachments into the 100 year FEMA flood line.
12. Maintenance Bond: A maintenance bond or letter of credit is required in the amount of **20%** of the cost of the improvements. Based on the Design Engineer's certification, the cost of the improvements for this phase is **\$448,160,05** and the maintenance bond amount shall be **\$89,632.01**. The maintenance bond/LOC shall run for one year from the date of the City's acceptance of the completed improvements. This item can be delayed until the improvements have been installed as a condition of issuing the Certificate of Completion.
13. The Certificate of Completion has not been issued for this phase. Upon completion of all improvements, the Design Engineer shall provide signed and sealed as-built record drawings (2 sets), electronic copies of record drawings, all permitting clearances, and a certification letter stating that all improvements have been completed in substantial compliance with the approved plans and specifications. Copies of all clearances, certifications, etc. from other permitting agencies shall be provided to the City.
14. Approval of Certificate of Completion will be contingent upon having all improvements, fire protection, street lighting, street signs and regulatory signage and striping installed, approved and accepted by the City of Winter Garden. Other than for model homes as specified in Code, no additional building permits and no certificates of occupancy will be issued for any structure until the Certificate of Completion for the infrastructure has been issued.
15. Sidewalks internal to the development shall be constructed adjacent to all lands not containing building lots prior to final acceptance. This shall include all retention, conservation, lift station, or recreation tracts, abutting roadways, pedestrian walkways, etc. Sidewalks external to the development shall be constructed upon final completion.
16. Streetlighting must be installed and operating as a condition of issuing the Certificate of Completion. Other than for model homes as specified in Code, no building permits or certificates of occupancy will be granted on any house until all of the above have been completed and accepted by the City and the Certificate of Completion has been issued.

(see page 3)

17. Documentation that all outstanding fees owed the City for review by legal, surveying and engineering consultants shall be provided prior to final plat recording.

18. Design Engineer has provided certification that he has reviewed the plat and that it provides all necessary easements for drainage, access and utilities.

19. 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

FISHBACK DOMINICK

ATTORNEYS AT LAW

1947 LEE ROAD
WINTER PARK, FLORIDA 32789-1834

G. BEN FISHBACK (1893-1983)
JULIAN K. DOMINICK (1924-2003)

TELEPHONE (407) 425-2786
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JOHN F. BENNETT
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RICHARD S. GELLER
BRIAN T. HANLEY
* DANIEL W. LANGLEY
ROBERT T. MAGILL
* GAYLE A. OWENS
CHARLES R. STEPTER, JR.
MICHAEL D. TEMPKINS

* Florida Bar Board Certified in
City, County and Local Government

July 5, 2011

Via E-Mail & U.S. First Class Mail

Regina McGruder, Planner II
City of Winter Garden
300 West Plant Street
Winter Garden, FL 34787

Re: Winter Garden, City of – Oakland Park Unit 1B-1A Plat Review
Our File No.: W500-21178

Dear Regina:

Pursuant to your request, we have reviewed the proposed final plat for Oakland Park Unit 1B-1A prepared by Bishman Surveying and Mapping, Inc. and documents submitted by the applicant on June 30, 2011 and offer the following comments:

1. Pursuant to Fla. Stat. § 177.041(2), every plat submitted must be accompanied by a title opinion for which we received a copy that was prepared by First American Title Insurance Company dated June 9, 2011. An update of this title opinion must be provided within thirty (30) days prior to final plat recording.
2. The Title Certificate makes reference to a First Amendment of Mortgage, Assignment of Leases and Rents Security Agreement and Financing Statement recorded March 19, 2010 in Official Records 10017, Page 7063, which is not reflected in the executed Joinder and Consent to Plat and Partial Release of Mortgage. Please have applicant explain whether the Title Certificate or these referenced documents are incorrect, and resubmit corrective documentation.
3. Please have the applicant provide an executed Partial Release of Mortgage releasing Tracts D and H3 being conveyed to the Oakland Park Association from the applicable Loan Documents referenced in the Title Certificate.
4. The applicant shall provide the required maintenance bond covering the site infrastructure improvements once construction is completed and prior to issuance of a certificate of completion.

5. Planning & Zoning Department – please confirm that the original performance bond in the amount approved by the City Engineer and in the form previously approved by us has been submitted by the applicant.

6. We were previously provided with the revised Amended and Restated Declaration of Covenants, Conditions and Restrictions for Oakland Park for review and comment. What is the status of recording this instrument? The recording information for this instrument needs to be filled in on the final plat.

7. We have been provided with an executed Environmental Contamination Hold Harmless and Indemnity Agreement. The Agreement needs to be revised to correct references to Unit 1B-1B in the recitals on page 1 and correct the name of the Mayor to John Rees on the City's signature block. Please resubmit revised executed original Agreement to the City.

8. Please note that this project is subject to that certain Developer's Agreement dated January 26, 2006 and recorded at O.R. Book 8492, Page 3431. The development conditions imposed on the project include, but are not limited to Castle & Cooke causing to be, designed, permitted and constructed, prior to the issuance of the one hundred seventy-fifth (175th) residential building permit for the Oakland Park Project, the two lane connection of Motamasek Street between its current terminus south of Oakland Avenue and State Road 50, including two southbound lanes to provide left and right turns on Motamasek and an eastbound left turn lane on State Road 50 (the "Motamasek Improvements") and convey the Motamasek Improvements to the Town of Oakland, Florida by Special Warranty Deed free and clear of any lien or mortgage. [*Applicant has previously noted*]

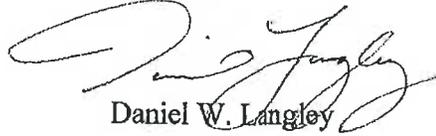
9. Payment of all required fees, deposits and costs may be applicable or required pursuant to the code, and other applicable laws, ordinances, and regulations shall be paid and evidence of such shall be sent to the City prior to final plat approval.

10. The original signed plat mylar is to be submitted to the City prior to the scheduling of the Planning & Zoning Board and City Commission hearings. All original executed plat documents need to be submitted to the City prior to final plat approval. All original executed documents that are to be recorded in the public records need to be provided to my office after final plat approval along with a check from the developer to pay for recording costs.

11. It is the responsibility of the subdivider to ensure that all applicable requirements of the City Code and Florida Statutes relative to the subdividing and development of property are met prior to final plat approval. In order to assist the subdivider in addressing the foregoing comments, it is suggested that the applicant review Chapter 110 of the Winter Garden Code of Ordinances and Chapter 177 of the Florida Statutes. Furthermore, to expedite the review, it is recommended that the subdivider respond to each of the foregoing comments referencing the date of this letter and the comment number.

We reserve the right to make additional comments upon future submittals. If you have any questions, please let me know.

Sincerely,



Daniel W. Langley

cc: (Via e-mail)

Dan O'Keefe
Juli Simas James
Ed Williams
Art Miller
Don Cochran
Mike Bollhoefer
Mike Kelley
Nicolle Van Valkenburg
A. Kurt Ardaman

Tim Wilson

From: Steve Blankenship [steveb@asiol.com]
Sent: Wednesday, July 06, 2011 1:29 PM
To: Tim Wilson; Lorena Blankenship
Subject: OAKLAND PARK UNIT 1B-1A - REVIEW OF REVISED FINAL PLAT

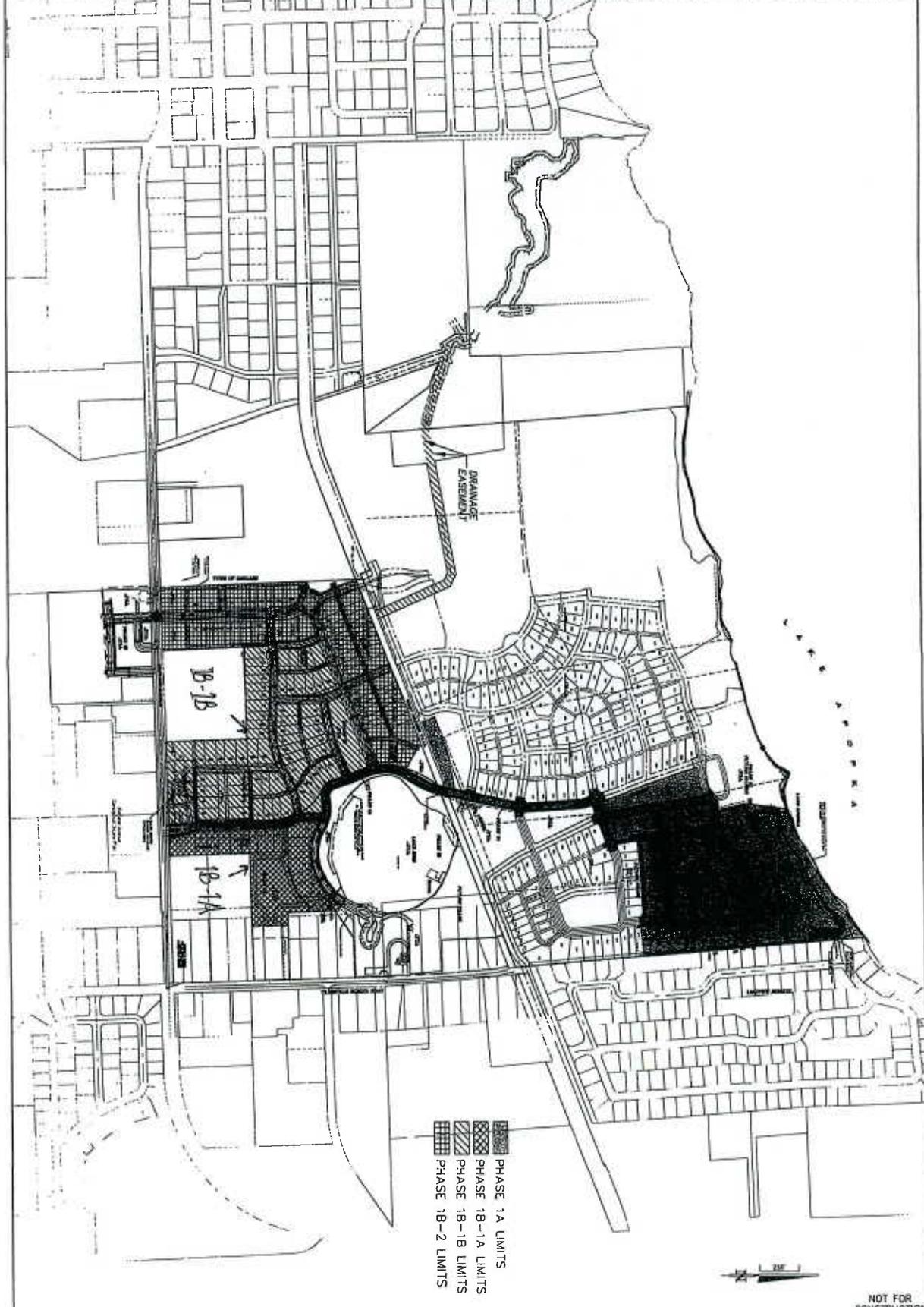
We have reviewed the easement description and deeds required for the final plat recording and provide the following comments:

1. The Smart City Service Easement recording information needs to be inserted on plat as noted in (Item 3, Engineering comments). SKETCH OF DESCRIPTION provided for easement agrees with plat and written description except for the curve information "A" labeled on Sheet 2 of 2 of said SKETCH. Please correct.
2. QUICK CLAIM DEED for Tract D and Tract H3, Exhibit "A" - Legal Description. Insert recording information with final plat recording.
3. GENERAL WARRANTY DEED for Lift Station Tract E, Exhibit "A" - Legal Description. Insert recording information with final plat recording.

Sincerely,

Steven E. Blankenship, P.S.M.
Atlantic Surveying, Inc.
1106 Brick Road
Winter Garden, Fl 34787
407-656-4993
407-656-4437 Fax

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PHASE 1A LIMITS

 PHASE 1B-1A LIMITS

 PHASE 1B-1B LIMITS

 PHASE 1B-2 LIMITS

NOT FOR CONSTRUCTION

DRAWING OVERALL PLAN SHEET 5 of 22	OAKLAND PARK CITY OF WINTER GARDEN, FLORIDA OVERALL PLAN			DONALD W. McINTOSH ASSOCIATES, INC. ENGINEERS PLANNERS SURVEYORS 2206 PARK AVENUE, WINTER PARK, FLORIDA 32789 (407) 561-4338			DONALD W. McINTOSH ASSOCIATES, INC. RESERVES THE ECONOMIC COPYRIGHT AND PROPERTY RIGHTS TO THE DRAWING WHICH MAY NOT BE REPRODUCED, COPIED, OR COPIED IN ANY FORM OR MANNER, FOR CAUSE OR ASSIGNMENT TO ANY PARTY WITHOUT DONALD W. McINTOSH ASSOCIATES, INC.'S WRITTEN CONSENT.		
	DRAWN BY EJT	DESIGNED BY Duk	CHECKED BY Duk	DATE 7/05	SCALE 250'	SHEET NO. 2082	NO. 	DATE 	DESCRIPTION