



For More Information, Contact:

Lorena Blankenship
Planning Technician
City of Winter Garden
300 West Plant Street
Winter Garden, FL 34787
407.656.4111 ext. 2273

lblankenship@wintergarden-fl.gov

PLANNING & ZONING BOARD

To: James Gentry – Vice-Chairman
Jimmy Dunn
Kent Horsley
Mark Maciel
Mac McKinney
Rohan Ramlackhan
Eric Weiss

Copy to: Mike Bollhoefer
Dan Langley
Ed Williams
Tim Wilson
Laura Smith
Stephen Pash
Alejandra Fazekas

RE: Agenda – November 07, 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. Administration of Oath of Office to re-appointed Board Members Jimmy Dunn, Mac McKinney and Rohan Ramlackhan.
4. Approval of minutes from the October 03, 2011 meeting – Attachment 1

Variance (Public Hearing)

5. 45 Timbercreek Pines Circle - Attachment 2

Lot Split

6. Bojangles at WGVFG, 3331 Daniels Road - Attachment 3
7. Birket Property, 1660 Daniels Road - Attachment 4

PUD Rezoning (Public Hearing)

8. Serenades by Sonata, 720 Roper Road, Rezoning to PUD - Attachment 5
9. Waterside on Johns Lake, Rezoning to PUD - Attachment 6

ADJOURN to a regular Planning and Zoning Board meeting on Monday, December 05, 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.



City of Winter Garden

P: 407.656.4111

300 West Plant Street

Winter Garden, FL

34787

wintergarden-fl.gov

**A REGULAR MEETING MINUTES
PLANNING AND ZONING BOARD
OCTOBER 03, 2011**

CALL TO ORDER: Chairman Jerry Carris called the meeting of the City of Winter Garden Planning and Zoning Board to order at 6:30 p.m. in the City Hall Commission Chambers. The invocation was given followed by the Pledge of Allegiance. The roll was called and a quorum was declared present.

MEMBERS PRESENT: Chairman Jerry Carris, Vice-Chairman James Gentry, Board Members Kent Horsley, Mac McKinney, James Dunn, and Rohan Ramlackhan.

STAFF PRESENT: City Manager Mike Bollhoefer, City Attorney Kurt Ardaman, Community Development Director Ed Williams, Planning & Zoning Director Tim Wilson, Senior Planner Laura Smith, Senior Planner Stephen Pash, Planner I Alejandra Fazekas, and Planning Technician Lorena Blankenship.

MEMBERS ABSENT: Mark Maciel (excused)

1. APPROVAL OF MINUTES

Approval of minutes from the regular meeting held September 12, 2011.

Vice-Chairman James Gentry noted that he was absent at the last meeting and that the minutes needed to be amended to reflect his absence.

Chairman Jerry Carris called for acclamation. There being no objections, the minutes were approved as amended.

ANNEXATIONS & REZONINGS

2. City's Tucker Ranch Property, Annexation

Community Development Director Williams presented the Board with a request for approval of Ordinance 11-27, annexation of 209+/- acres located on the west side of Avalon Road. He stated that the City purchased the property known as the Tucker Ranch Heritage Park property in January 2011. The City has been interested in acquiring the land for some time for use as a City park and recreation land. The City will annex the property into the City to allow for City laws and regulations to be in place on the land. The City will over the next year amend the future land use and zoning to City designations consistent with the future recreation and conservation use of the property. The City is in the process of determining the future uses to the property. The intent is to create a unique nature park with a variety of passive recreational uses and activities, as well as provide limited access to the lake. Also, the City is in the process of using a portion of the property for sustainable farming. The City received a grant from the State of Florida to help with the acquisition of the property. Director Williams stated that the proposed use of the property is recreation, which is consistent and comparable with the character of the area, and City Staff recommends approval of the annexation.

Motion by Kent Horsley to recommend approval of Ordinance 11-27, annexation of property with parcel ID # 28-22-27-0000-00-010 and parcel ID# 28-22-27-0000-00-035. Seconded by James Gentry, the motion carried unanimously 6-0.

3. Budget Auto Parts of Orlando, Annexation, Rezoning & Future Land Use Amendment - Parcel ID# 12-22-27-6496-32-002, Parcel ID# 12-22-27-6496-32-003, Parcel ID# 12-22-27-6496-32-004, and Parcel ID# 12-22-27-6496-32-026

Community Development Director Williams presented the Board with a request for approval of Ordinance 11-28, annexation of 7.88± acres located at 881 9th Street; Ordinance 11-29, amending Future Land Use Map of the City's Comprehensive Plan for 7.88± acres located at 881 9th Street from Orange County Low-Medium Density Residential to City Multi-Office Industrial; and Ordinance 11-30, rezoning of 7.88± acres located at 881 9th Street from Orange County R-2 to City I-2. Director Williams stated that the subject property is currently being used by the property owner for the operation of an automotive recycling and salvage business (Budget Auto Parts of Orlando, Inc.), which includes large areas for outdoor storage of vehicles, which is a

heavy industrial use. The subject property is located within the Story Road Industrial Activity Center, which allows for the following land use categories: Industrial, Mixed-Use Development, Multi-Office Industrial, and Commercial. City Staff recommends approval of the proposed Ordinances. Annexation will provide a more efficient delivery of services to the property and furthers the goal in the City of Winter Garden's Comprehensive Plan to eliminate enclaves. The property is developed and no change in use is proposed, therefore the adjacent property owners should not be negatively impacted.

Motion by James Dunn to recommend approval of Ordinance 11-28, annexation of 7.88± acres located at 881 9th Street; Ordinance 11-29, amending Future Land Use Map of the City's Comprehensive Plan for 7.88± acres located at 881 9th Street from Orange County Low-Medium Density Residential to City Multi-Office Industrial; and Ordinance 11-30, rezoning of 7.88± acres located at 881 9th Street from Orange County R-2 to City I-2. Seconded by Mac McKinney, the motion carried unanimously 6-0.

4. **Budget Auto Parts of Orlando, Rezoning. Parcel ID # 12-22-27-6496-32-025 and Parcel ID # 24-22-27-0000-00-037**

Community Development Director Williams presented the Board with a request for approval of Ordinance 11-31, rezoning of 10.97± acres located east of 9th Street, south of East Story Road, and north of West Colonial Drive from City I-1 to City I-2. The subject property is located within the City of Winter Garden municipal limits and is currently zoned I-1. The subject property is located within the Story Road Industrial Activity Center and is designated Multi-Office Industrial on the Future Land Use Map. The applicant owns the adjacent property, which is presently being operated as an automotive recycling and salvage business (Budget Auto Parts of Orlando, Inc.). To expand this use to the subject property, the property owner will be required to provide sufficient screening and buffering where visible from public right-of-way in addition to following all other policies and procedures set forth in the City of Winter Garden Code of Ordinances. To comply with the condition, the applicant has submitted a site plan identifying the concrete wall and buffer for preliminary review. City Staff recommends approval of the proposed ordinance, rezoning the subject property from I-1 to I-2.

Motion by James Dunn to recommend approval of Ordinance 11-31, rezoning of 10.97± acres located east of 9th Street, south of East Story Road, and north of West Colonial Drive from City I-1 to City I-2. Seconded by Kent Horsley the motion carried unanimously 6-0.

SPECIAL EXCEPTION PERMIT

5. 13848 Tilden Road

Community Development Director Williams presented the Board with a request for approval of a Special Exception Permit to allow a bar in the Windward Cay PCD zoning district. Director Williams stated that the applicant submitted an application for a Special Exception Permit to serve beer and wine in conjunction with a cigar bar, along with a site plan showing the layout of the property and location of the proposed uses. The subject property annexation and PCD zoning was adopted on May 25, 2000, and the PCD allows "other uses not specifically prohibited or prohibited which the Planning and Zoning Board determines as the type and intensity of activity desired for this property" to be considered for Special Exception. This 2-story building has only a 25-foot rear yard setback next to a single-family neighborhood. These setbacks and building heights are not consistent with what would be considered adequate buffer and separation, even with the wall and landscape protection of the neighborhood. The PCD allows eating and drinking establishments as a permitted use; however, when considered in the context of Planned Commercial Developments, eating and drinking establishments have always been interpreted to refer to restaurants, tearooms, cafeterias, delicatessens, and other similar uses. Bars and lounges are different under state alcohol serving laws. There is a Reciprocal Easement Agreement with Covenants, Conditions, and Restrictions recorded on August 11, 2003, OR Book 07043, Page 3597. In this agreement Section 5 Restrictions, 5.1 General, specifically prohibits a cocktail lounge, bar, disco, bowling alley, pool hall, billiard parlor, or any use which creates a nuisance. Community Development Director Williams added that there have been several meetings with the developer of the proposed cigar lounge and Windward Cay HOA to discuss any issues, and throughout these meetings the neighborhood has consistently expressed objection to the proposed lounge. Due to the setbacks and building heights, staff believes that a more appropriate use would be something specifically permitted within the PCD ordinance. Due to the fact that the proposed use is not permitted by the PCD and is not compatible with the surrounding neighborhood, Staff recommends that the Planning and Zoning Board determine that the lounge is not the type and intensity of activity desired for this property and that it deny the request to consider the lounge through a Special Exception request.

Michael Harding, civil engineer representing the property owner and tenant for the subject item, approached the Board and stated that when the applicants submitted the application, they did not realize that the code would be interpreted to determine that a lounge would not be allowed at the proposed location. Mr. Harding also stated that they were unaware of the Covenants, Conditions, and Restrictions terms in regards to lounges. He added that there have been two community meetings with the adjacent

residents to discuss their concerns. At the second meeting, the residents made it known that they do not want the proposed business in the neighborhood. With that in mind, the tenant does not want to be part of a community that does not want him to be there, and therefore, on behalf of his clients, Mr. Harding stated that they would like to retract their application.

Ben Pobanz, 3425 Turningwind Lane (*Windward Cay Subdivision*), approached the Board and stated that he is the Homeowners Association president and thanked the applicants for withdrawing their application. He added that a cigar lounge would be too much of a burden for their community.

William Hobbs, 3549 Turningwind Lane (*Windward Cay Subdivision*), approached the Board and stated that he is the Homeowners Association vice-president. He stated that his home is located immediately adjacent to the subject commercial development and stated that they would welcome any of the permitted uses included in the ordinance, and they would like to be good neighbors with the developer, but the proposed bar, if approved, would be located only 25 feet from the homes, causing a burden to their community.

Motion by James Gentry to accept the applicant's request to withdraw their application. Seconded by Mac McKinney, the motion carried unanimously 6-0.

ADJOURNMENT

There being no further business, the meeting was adjourned at 6:58 p.m.

APPROVED:

ATTEST:

Chairman Jerry Carris

Planning Technician Lorena Blankenship

STAFF REPORT

Subject: 45 Timbercreek Pines Circle Rear Yard Setback Variance

Issue: Request approval of a 6 foot rear yard setback variance for property located at 45 Timbercreek Pines Circle. If approved, this variance will allow the property owner to build a screen room addition.

SUPPLEMENTAL MATERIAL/ANALYSIS:

Owner/

Applicant: Kevin Main

Kevin.main@odfl.com

Zoning: R-1B Single-Family Residential District (Requires 25 feet rear yard setback)

FLU: Low Density Residential

Summary:

1. The property owner is requesting a 6 foot rear yard setback variance to the minimum required 25 foot setback to allow construction of an aluminum screen room addition at a 19 foot setback. The screen room will be approximately 10 feet x 40 feet and 8 feet in height. The property owner would like to utilize the existing concrete slab to accommodate the screen room. The existing concrete slab has already been expanded to the same size of the screen room 10 feet x 40 feet.
2. The subject property was built in 2004 and does not have any other accessory structures or additions.

Code Reference

Sec. 118-352 of the City Code of Ordinances addresses minimum yard requirements. This section states in part that the minimum yard requirements for R-1B single-family residential district are "*front: 25 feet, side: 10 feet each, rear: 25 feet*".

The applicant is seeking a variance to the minimum rear yard requirements for the proposed screen room addition to the principal structure.

Code Requirements/Criteria:

The City of Winter Garden Code of Ordinances 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 request is for a 6 foot rear yard setback variance to build an aluminum screen room addition to the principal structure. The structure is similar to other screened porches in the neighborhood, where the screen porches encroach into the rear set back. The addition will meet the required 10 foot side setbacks and will be located approximately 19 feet from the rear property line. Adjacent property owners should not be negatively affected by 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;*

This addition will allow reasonable use of the property and is not out of character with other properties in this neighborhood. This type of aluminum screen room is consistent with other screen porches.

- (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; and the requested variance will allow the property owner to construct a screen room. This request does not encroach into any recorded easement and should not affect the drainage pattern for the subject property and/or adjacent properties.

- (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.

- (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.

STAFF RECOMMENDATION:

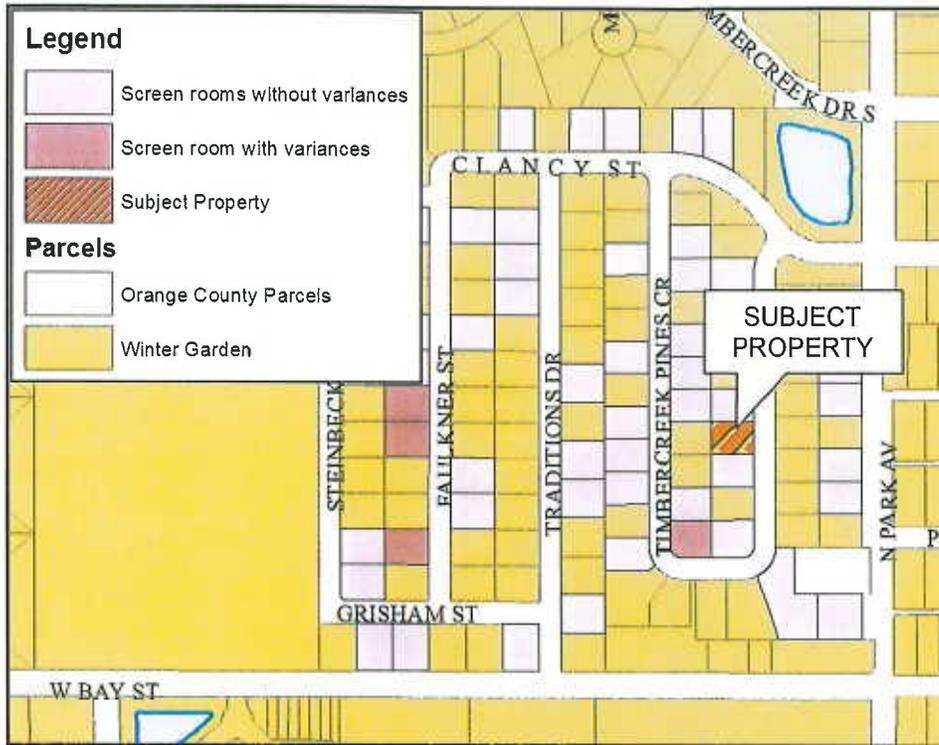
Staff recommends approval of a 6 foot rear yard setback variance to allow construction of a screen room addition at a 19 foot rear yard setback at 45 Timbercreek Pines Circle.

Next Step: If P & Z Board approves, apply for appropriate building permits.

Attachments: Location Map, Site Survey

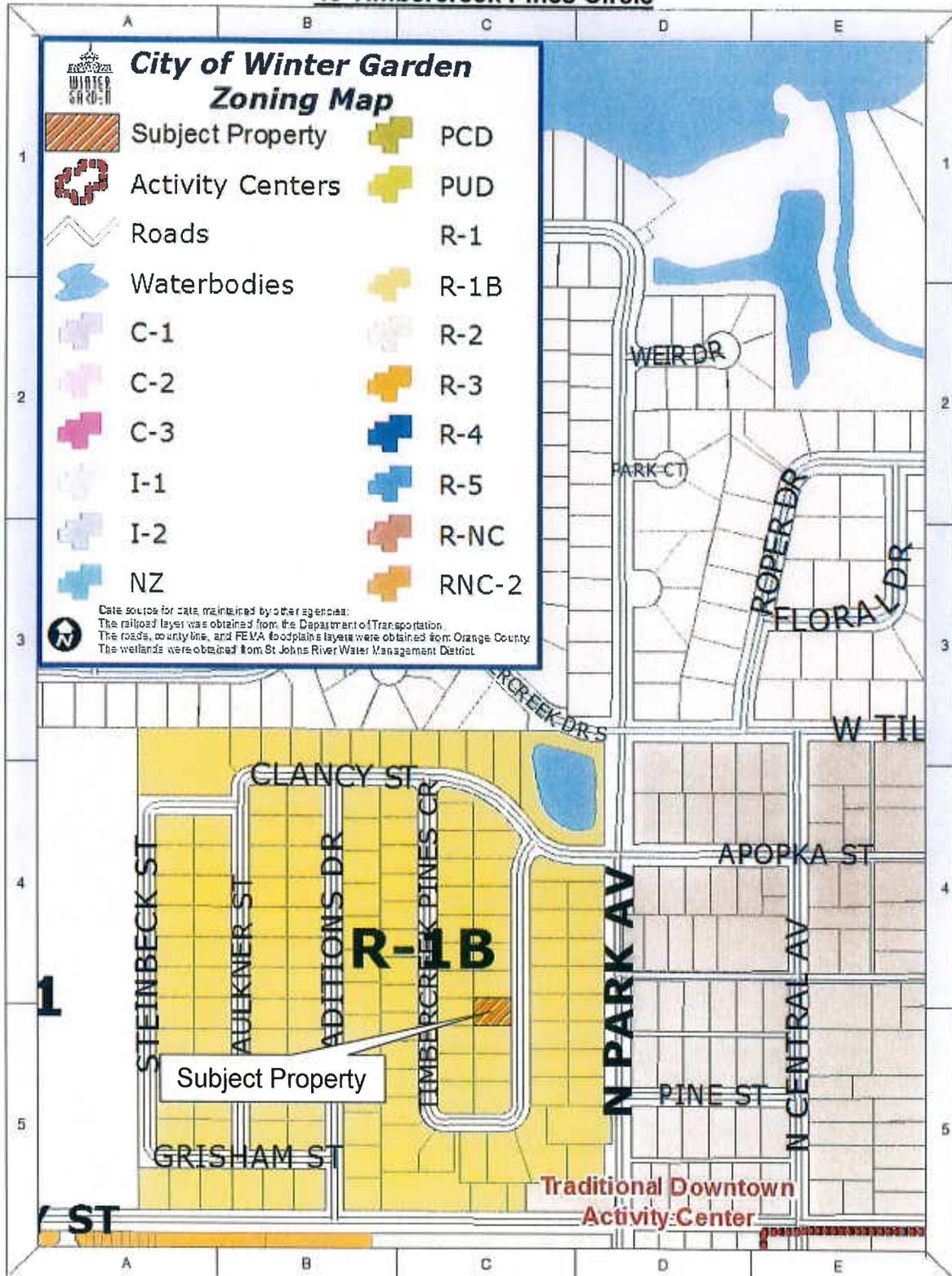
LOCATION MAP

45 Timbercreek Pines Circle



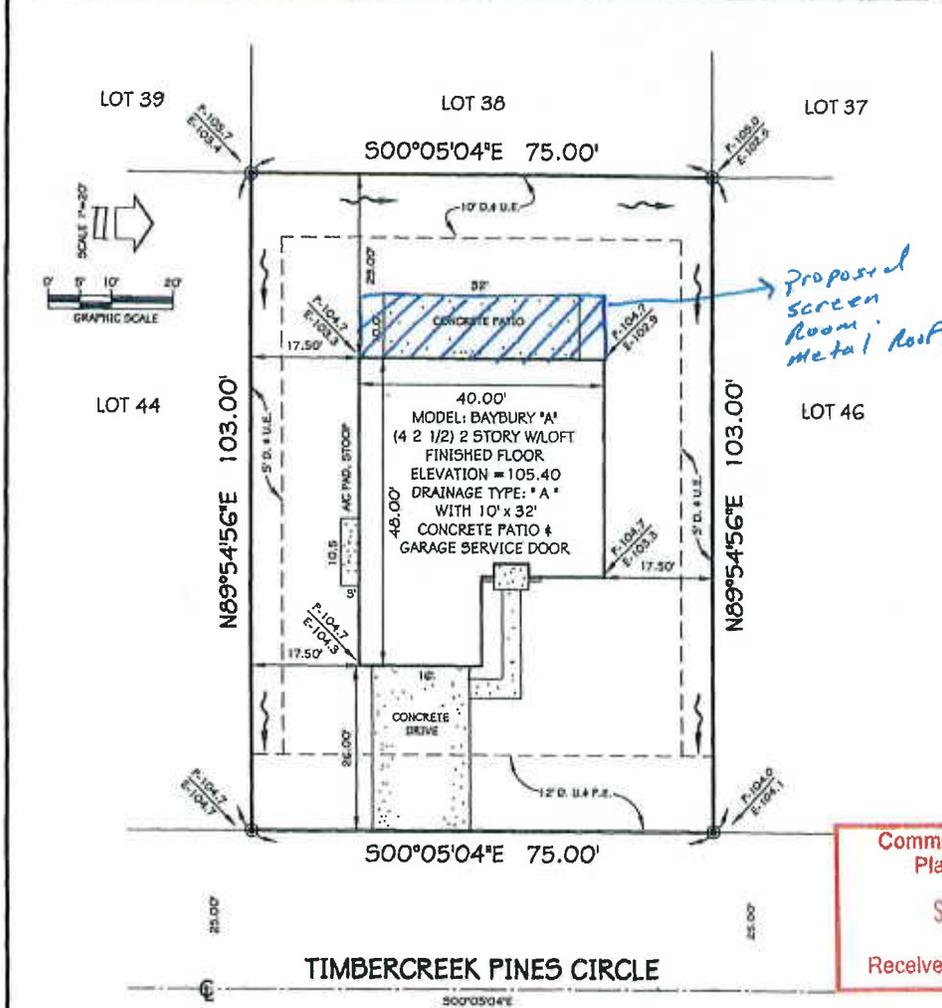
ZONING MAP

45 Timbercreek Pines Circle



SITE SURVEY

PLOT PLAN for: MARONDA HOMES, INC.
 DESCRIPTION: LOT 45, TIMBERCREEK PINES
 RECORDED IN PLAT BOOK 56 PAGE(S) 34 and 35 PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA



Timbercreek Pines Circle - 45
VARIANCE
 Main, Kevin
 15-22-27-8665-00-450

Community Development
 Planning & Zoning
 SEP 19 2011
 Received By: _____

F.H.A. PLOT PLAN

P - DENOTES PROPOSED ELEVATION PER ENGINEERING PLANS
 E - DENOTES EXISTING ELEVATION PER ENGINEERING PLANS

TOTAL IMPERVIOUS AREA IN LOT 45 = (2465 SQ. FEET) = 32.2%

NOTES:

1. BEARINGS ARE BASED ON THE CENTERLINE OF TIMBERCREEK PINES CIRCLE BEING 500°05'04"E.
2. ELEVATIONS AND LOT DRAINAGE TYPE SHOWN HEREON ARE BASED ON SITE ENGINEERING PLANS FOR THE PROJECT.
3. BUILDING RES ARE TO FOUNDATION.
4. LOT HAS NOT BEEN STAKED IN THE FIELD. IMPROVEMENTS SHOWN HEREON ARE PROPOSED. THIS IS NOT A SURVEY.

FLOOD CERTIFICATION

BASED ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP, THE STRUCTURE SHOWN HEREON DOES NOT LIE WITHIN THE 100 YEAR FLOOD HAZARD AREA. THIS STRUCTURE LIES IN ZONE "X", COMMUNITY PANEL NO. 120179 0205 E. EFFECTIVE DATE: DECEMBER 6, 2000. MAP REVISION DATE: (SUBJECT TO CHANGE)

BUILDING SETBACKS

FRONT: 25'
 REAR: 25'
 SIDE: 10'
 SIDE STREET: 15'
 LOT 45 COVAINS 7,725 SQUARE FEET/0.177 ACRES +/-

THE UNDERSIGNED AND CAVONE, INC. LAND SURVEYORS AND MAPPERS MAKE NO RESERVATIONS OR GUARANTEES AS TO THE INFORMATION REFLECTED HEREON PERTAINING TO EASEMENTS, RIGHTS OF WAY, SETBACK LINES, AGREEMENTS AND OTHER MATTERS, AND FURTHER THIS INSTRUMENT IS NOT INTENDED TO REFLECT OR SET FORTH ALL SUCH MATTERS. SUCH INFORMATION SHOULD BE OBTAINED AND CONFIRMED BY OTHERS THROUGH APPROPRIATE TITLE VERIFICATION.

ABBREVIATIONS/LEGEND:

NO.-NUMBER	P.T.-POINT OF TANGENCY	CONC-CONCRETE	SQ.-FEET-- SQUARE FEET	L.E.-LANDSCAPE EASEMENT
R.-RADIUS	P.I.-POINT OF INTERSECTION	L.S.-LAND SURVEYOR	N.G.-NATURAL GROUND	D.E.-DRAINAGE EASEMENT
CH.-CHORD	P.C.-POINT OF CURVATURE	O.R.-OPTICAL RECORDS	P.C.L.-POINT OF COMPOUND CURVATURE	U.E.-UTILITY EASEMENT
ARC-ARC LENGTH	L.B.-LICENSED BUSINESS	CH.BRG.-CHORD BEARING	S.S.U.E.-SIDEWALK & UTILITY EASEMENT	D.U.E.-DRAINAGE, UTILITY & PEDESTRIAN EASEMENT
C-CENTERLINE	A/C-AIR CONDITIONER PAD	DELTA (CENTRAL ANGLE)	D.D.U.E.-DRAINAGE, & UTILITY, EASEMENT	

CAVONE, INC.

THIS SURVEY NOT VALID UNLESS EMBOSSED WITH THE SIGNATURE AND RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

REVISION	DATE	DRAWN



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

DATE: November 2, 2011 **MEETING DATE:** November 7, 2011

SUBJECT: Lot Split
Bojangles (2.4 +/- Acres)
Parcel ID# 35-22-27-9398-03-070

ISSUE: Applicant is requesting to split two lots into three parcels. The subject property is located within the City of Winter Garden municipal limits, and carries the zoning designation PCD. The subject property is designated South Beltway Center on the Future Land Use Map of the Comprehensive Plan.

SUPPLEMENTAL MATERIAL/ANALYSIS:

OWNER/APPLICANT: Sembler Winter Garden Partnership/David E. Axel

CURRENT ZONING: PCD

PROPOSED ZONING: PCD

SUMMARY:

The applicant is requesting a Lot Split to split two lots into three parcels for the future development of a Bojangles on Parcel B. Parcel A will become part of the access tract and Parcel C will remain vacant for now.

STAFF RECOMMENDATION:

Staff recommends approval of the proposed Lot Split to create three new parcels.

NEXT STEP:

If Planning and Zoning Board approves, file with the Orange County Property Appraiser's Office and Office of Public Records.

ATTACHMENT:

Staff Report
Site Plan

CITY OF WINTER GARDEN
PLANNING & ZONING DIVISION

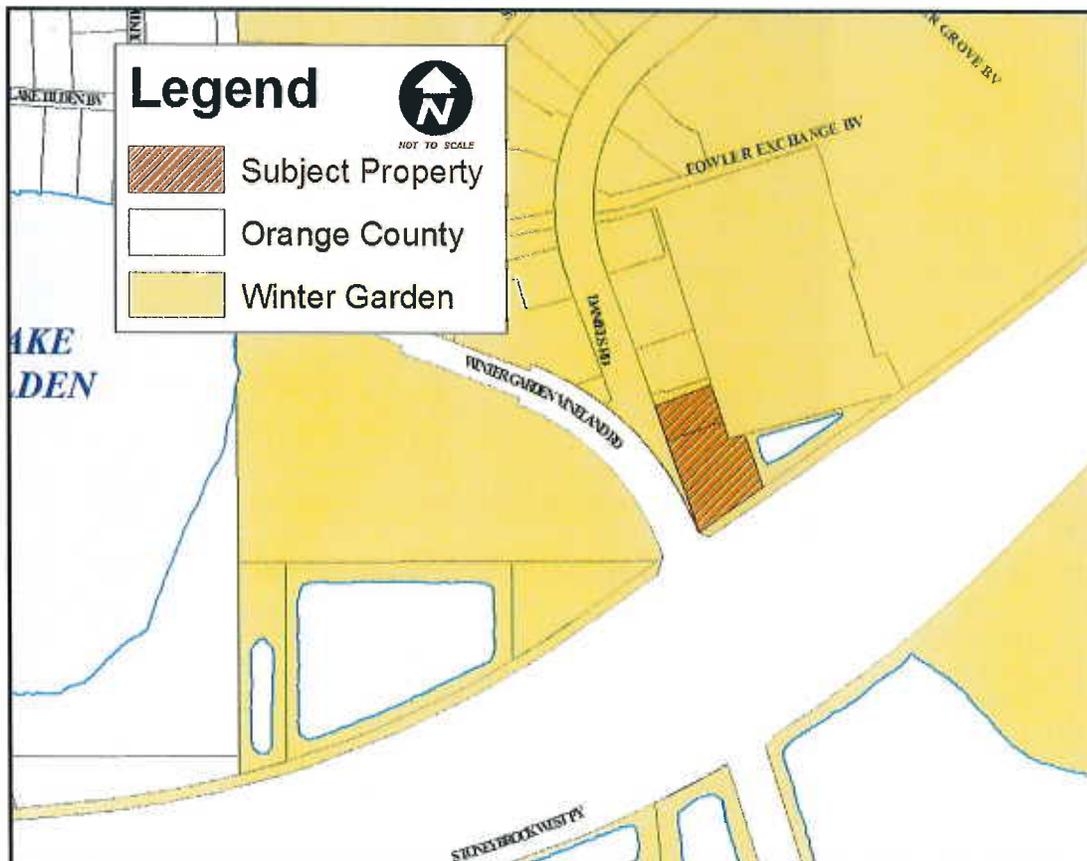
300 West Plant Street - Winter Garden, Florida 34787-3011 • (407) 656-4111

STAFF REPORT

TO: PLANNING AND ZONING BOARD
PREPARED BY: STEPHEN PASH, SENIOR PLANNER
DATE: SEPTEMBER 28, 2011
SUBJECT: LOT SPLIT
BOJANGLES
3331 DANIELS ROAD
APPLICANT: DAVID E. AXEL, AXEL REALESTATE

INTRODUCTION

Request approval to allow a lot split to create three parcels on property located at 3331 Daniels Road.



CURRENT USE AND ZONING

The subject property consists of two vacant lots located at the Winter Garden Village at Fowler Grove Planned Commercial Development.

CODE REFERENCE

Sec. 110-96. Proposed subdivision of existing lot.

(a) Whenever a proposed subdivision is a proposal for the division of a single existing lot into two lots, in lieu of complying with division 3 of this article, the subdivider may conform to the procedural requirements set out in this division or he may comply with the procedure for subdivision or resubdivision contained in this chapter at the applicant's option. This procedure shall not apply to a subdivision into more than two lots or additional lot splits on contiguous land or within the same existing subdivision. The intention being that this procedure may only be used once as it pertains to all or any portion of the lands involved in or previously utilizing or subject to this procedure.

(b) A subdivider shall apply to the city manager on an application form, promulgated by the director of planning, for the subdivision of a single existing lot into two lots, stating the subdivider's plans for development with the following minimum criteria:

(1) A sketch showing the lot size, location of proposed buildings, location of easements, names of bordering streets, building setbacks, names and locations of all bodies of water, marshlands, drain fields, and all other waterways and watercourses abutting or encroaching upon subject property. This sketch must also show existing buildings and lot dimensions.

(2) A brief description of all utilities and city services, including sewers, potable water facilities, and fire hydrants electric and telephone poles, streetlights, storm drains and any other utilities or services relevant to the maintenance of subject properties.

(3) A listing of the names and addresses of the record owners abutting subject property.

(4) A boundary survey of the lands subject to this procedure, as existing (i.e., prior to the proposed lot split) and as proposed (i.e., after the proposed lot split), performed and prepared under the responsible direction and supervision of a professional surveyor and mapper shall be certified to and submitted to the city. Said surveys shall include the depiction of existing improvements thereon.

(c) Lot split procedure. Once the application is determined to be complete, the city staff shall review the request for compliance with the code (e.g. compliance with lot dimensions requirements, setbacks for existing buildings etc.).

Upon review by the city staff, with or without conditions or restrictions, the application, together with the recommendations, conditions and restrictions, shall be presented to the planning and zoning board at its next regular meeting or session, following action by the city staff, for approval or disapproval. The planning and zoning board may take the following actions:

(1) Approve the application as recommended by the city staff.

(2) Approve the application, deleting or supplementing the conditions and restrictions of the city staff.

(3) Approve the application, adding conditions and restrictions as determined by the planning and zoning board.

- (4) Disapprove the application.

The planning and zoning board shall have the option to take such action as it deems necessary and proper upon one hearing.

SUMMARY

1. The subject property is part of the Winter Garden Village at Fowler Grove PCD. The Winter Garden Village mall was developed in 2007.
2. The subject property is currently two vacant lots.
3. The surrounding zoning consists of PCD to the north, State Road 429 to the south, PCD to the east, and R-1 to the west.
4. The applicant has submitted for the lot split to divide the existing two lots into three parcels, so they can make Parcel A part of the access tract, develop Parcel B with a Bojangles' restaurant, and Parcel C will remain vacant.
5. The proposed parcels meet the minimum requirements of the PCD.

STAFF RECOMMENDATION

Staff recommends approval of the requested lot split to create three parcels.

NEXT STEP

If Planning and Zoning Board approves, file with the Orange County Property Appraiser's Office and Office of Public Records.

EXHIBIT "B"
AERIAL PHOTO

3331 Daniels Road



EXHIBIT "C"
ZONING MAP

3331 Daniels Road

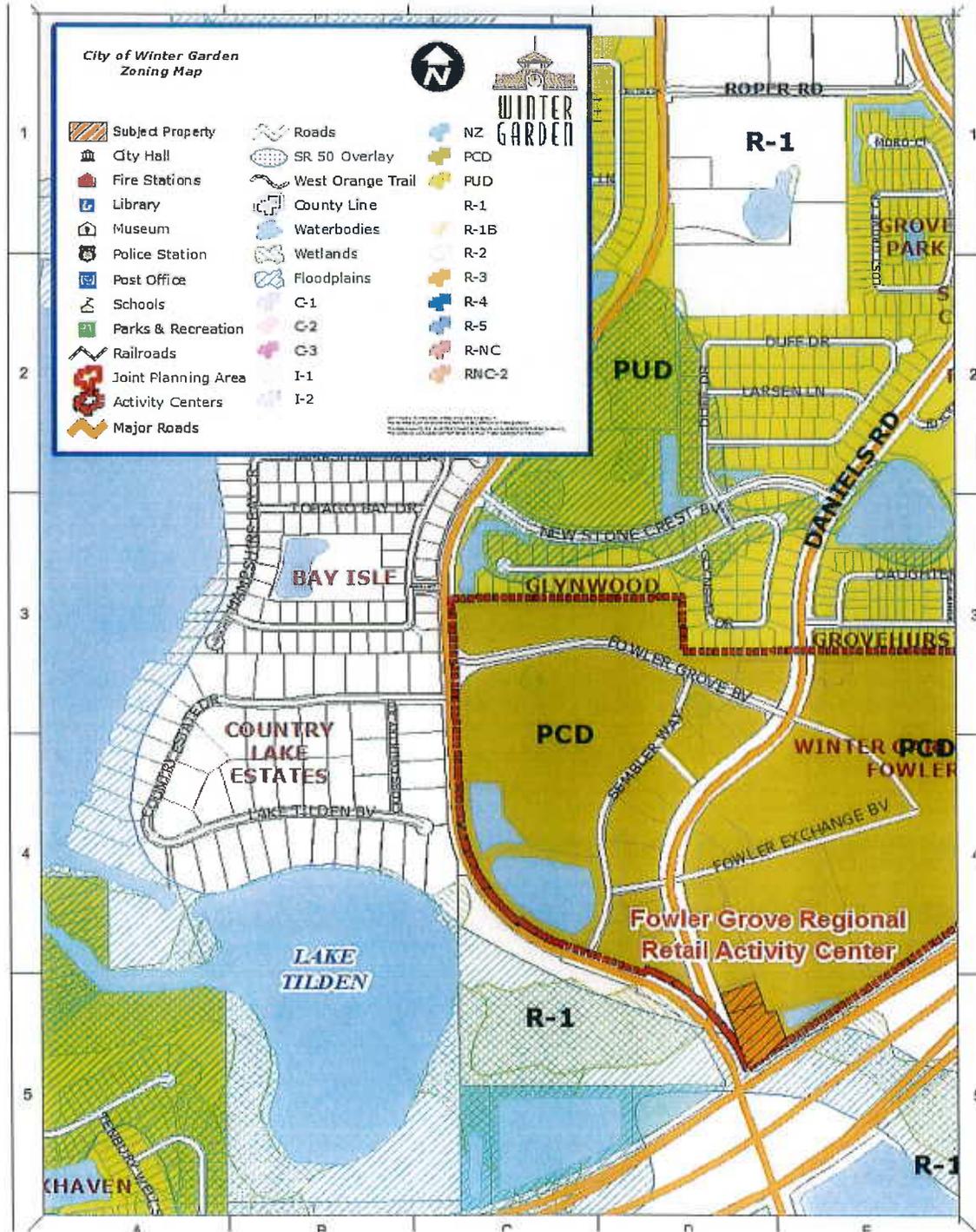
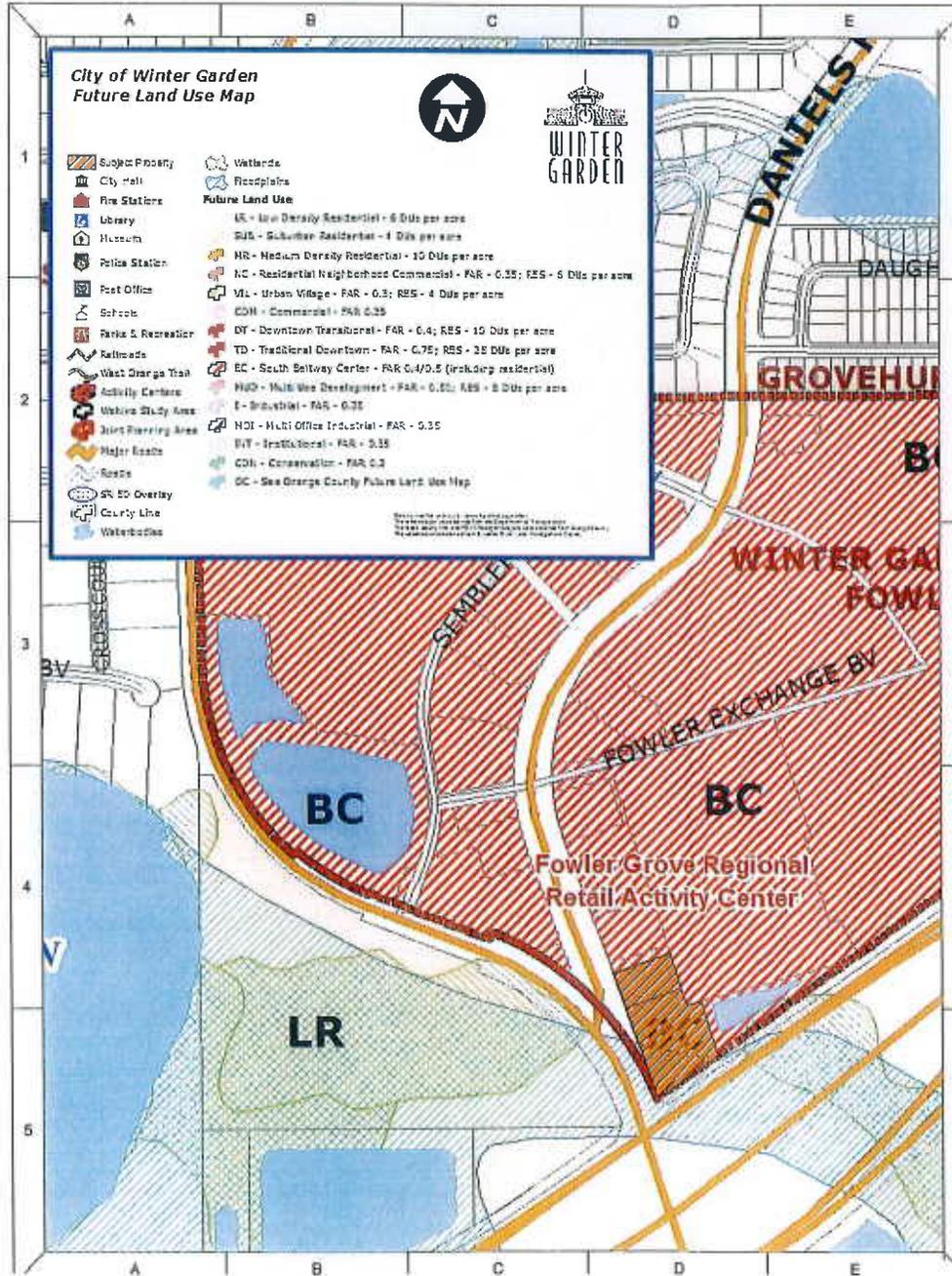


EXHIBIT "E"
FUTURE LAND USE MAP

3331 Daniels Road



END OF STAFF REPORT

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

DATE: November 2, 2011 **MEETING DATE:** November 7, 2011

SUBJECT: Lot Split
1660 Daniels Road (7.6 +/- Acres)
Parcel ID# 26-22-27-0000-00-062

ISSUE: Applicant is requesting to split one lot into two parcels. The subject property is located within the City of Winter Garden municipal limits, and carries the zoning designation C-2. The subject property is designated Commercial on the Future Land Use Map of the Comprehensive Plan.

SUPPLEMENTAL MATERIAL/ANALYSIS:

OWNER/APPLICANT: Glen Birket

CURRENT ZONING: C-2

PROPOSED ZONING: C-2

SUMMARY:

The applicant is requesting to split the existing lot into two parcels so they can sell the property developed with Bright Horizons Childcare Facility. The other parcel will remain vacant for now.

STAFF RECOMMENDATION:

Staff recommends approval of the proposed Lot Split. With the following conditions:

1. No other development activity occur on either parcel until the property is platted in accordance with all requirements of Chapter 110, City of Winter Garden Code of Ordinances.
2. Multipartner developers agreement binding the property to one plat is executed.

NEXT STEP:

If Planning and Zoning Board approves, file with the Orange County Property Appraiser's Office and Office of Public Records.

ATTACHMENT:

Staff Report
Site Plan

CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

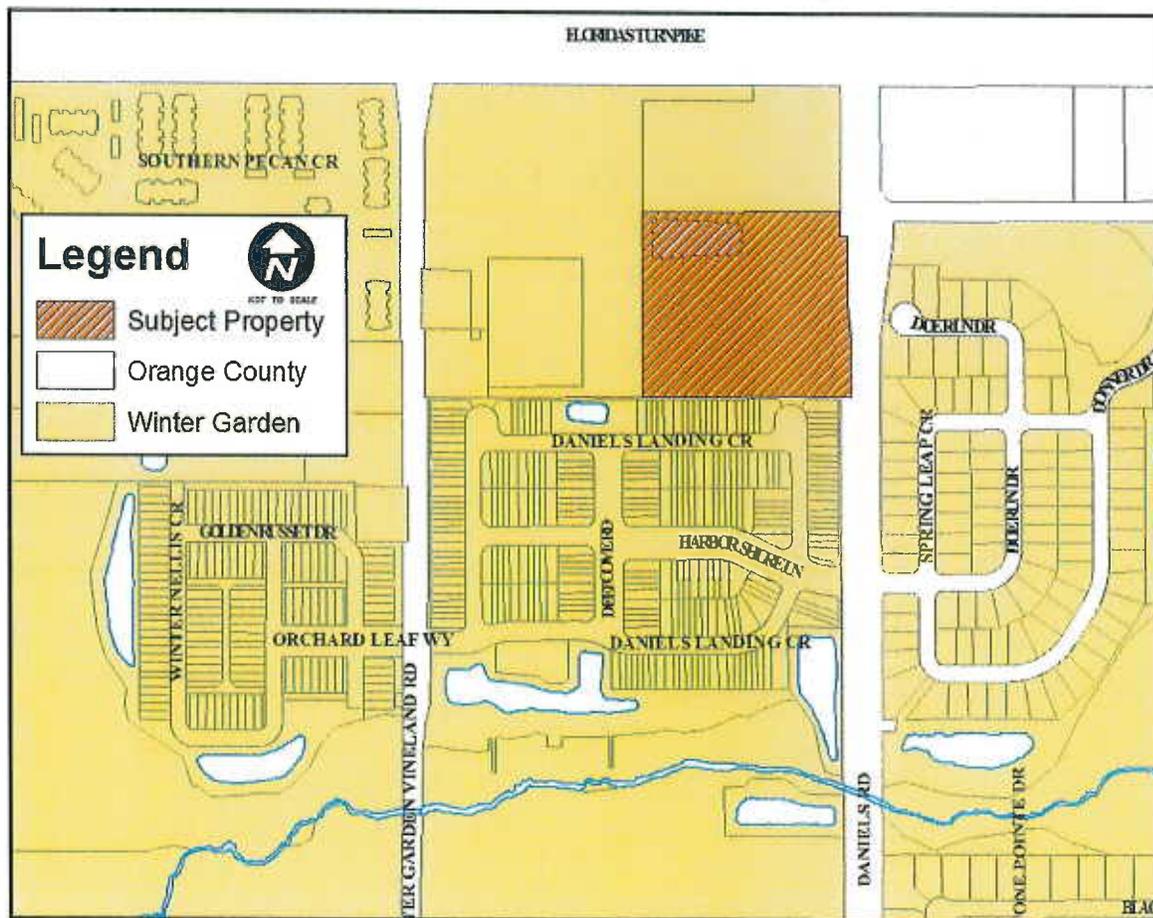
300 West Plant Street - Winter Garden, Florida 34787-3011 • (407) 656-4111

STAFF REPORT

TO: PLANNING AND ZONING BOARD
PREPARED BY: STEPHEN PASH, SENIOR PLANNER
DATE: November 3, 2011
SUBJECT: LOT SPLIT
BIRKET PROPERTIES
1660 DANIELS ROAD
APPLICANT: GLEN BIRKET, BIRKET PROPERTIES, LLC

INTRODUCTION

Request approval to allow a lot split to create two parcels on the property located at 1660 Daniels Road.



CURRENT USE AND ZONING

The property is currently zoned C-2 and the southeast portion (proposed Parcel B) is developed with the Bright Horizons Children's Center. Proposed Parcel A is currently vacant.

CODE REFERENCE

Sec. 110-96. Proposed subdivision of existing lot.

(a) Whenever a proposed subdivision is a proposal for the division of a single existing lot into two lots, in lieu of complying with division 3 of this article, the subdivider may conform to the procedural requirements set out in this division or he may comply with the procedure for subdivision or resubdivision contained in this chapter at the applicant's option. This procedure shall not apply to a subdivision into more than two lots or additional lot splits on contiguous land or within the same existing subdivision. The intention being that this procedure may only be used once as it pertains to all or any portion of the lands involved in or previously utilizing or subject to this procedure.

(b) A subdivider shall apply to the city manager on an application form, promulgated by the director of planning, for the subdivision of a single existing lot into two lots, stating the subdivider's plans for development with the following minimum criteria:

(1) A sketch showing the lot size, location of proposed buildings, location of easements, names of bordering streets, building setbacks, names and locations of all bodies of water, marshlands, drain fields, and all other waterways and watercourses abutting or encroaching upon subject property. This sketch must also show existing buildings and lot dimensions.

(2) A brief description of all utilities and city services, including sewers, potable water facilities, and fire hydrants electric and telephone poles, streetlights, storm drains and any other utilities or services relevant to the maintenance of subject properties.

(3) A listing of the names and addresses of the record owners abutting subject property.

(4) A boundary survey of the lands subject to this procedure, as existing (i.e., prior to the proposed lot split) and as proposed (i.e., after the proposed lot split), performed and prepared under the responsible direction and supervision of a professional surveyor and mapper shall be certified to and submitted to the city. Said surveys shall include the depiction of existing improvements thereon.

(c) Lot split procedure. Once the application is determined to be complete, the city staff shall review the request for compliance with the code (e.g. compliance with lot dimensions requirements, setbacks for existing buildings etc.).

Upon review by the city staff, with or without conditions or restrictions, the application, together with the recommendations, conditions and restrictions, shall be presented to the planning and zoning board at its next regular meeting or session, following action by the city staff, for approval or disapproval. The planning and zoning board may take the following actions:

(1) Approve the application as recommended by the city staff.

(2) Approve the application, deleting or supplementing the conditions and restrictions of the city staff.

- (3) Approve the application, adding conditions and restrictions as determined by the planning and zoning board.
- (4) Disapprove the application.

The planning and zoning board shall have the option to take such action as it deems necessary and proper upon one hearing.

SUMMARY

1. The subject property was approved for site work on November 3, 2008 to clear and install the existing infrastructure.
2. The subject property was approved to be developed with Bright Horizons Children's Center on November 17, 2008.
3. The surrounding zoning consists of R-1 to the north, R-3 to the south, R-1 to the east, and PCD (West Orange Business Center) to the west.
4. The applicant has submitted for lot split to divide the existing lot into 2 Parcels, so they can sell the property currently developed with the Bright Horizons Children's Center.
5. The property currently developed with Bright Horizons is proposed as Parcel B through this lot split application and the remaining property will become Parcel A.
6. Parcel A is not proposed to be developed with anything at this time. Both parcels will contain easements for access, drainage, utilities, and maintenance agreements.

STAFF RECOMMENDATION

Staff recommends approval of the requested lot split with the condition that:

- 1) No other development activity occur on either parcel until the property is platted in accordance with all requirements of Chapter 110, City of Winter Garden Code of Ordinances.
- 2) Multipartner developers agreement binding the property to one plat is executed.

NEXT STEP

If Planning and Zoning Board approves, file with the Orange County Property Appraiser's Office and Office of Public Records.

EXHIBIT "B"
AERIAL PHOTO

1660 Daniels Road



EXHIBIT "C"
ZONING MAP

1660 Daniels Road

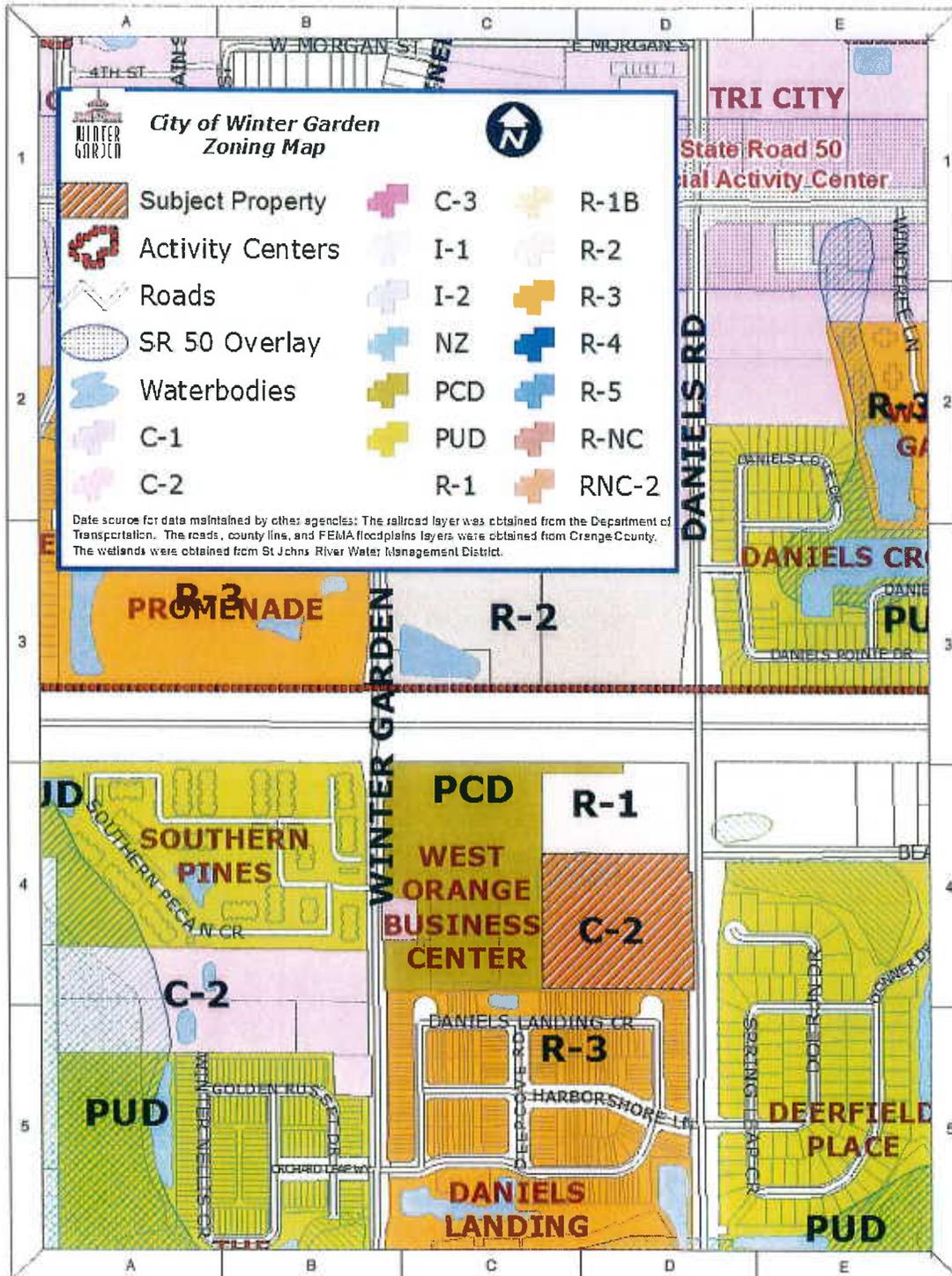
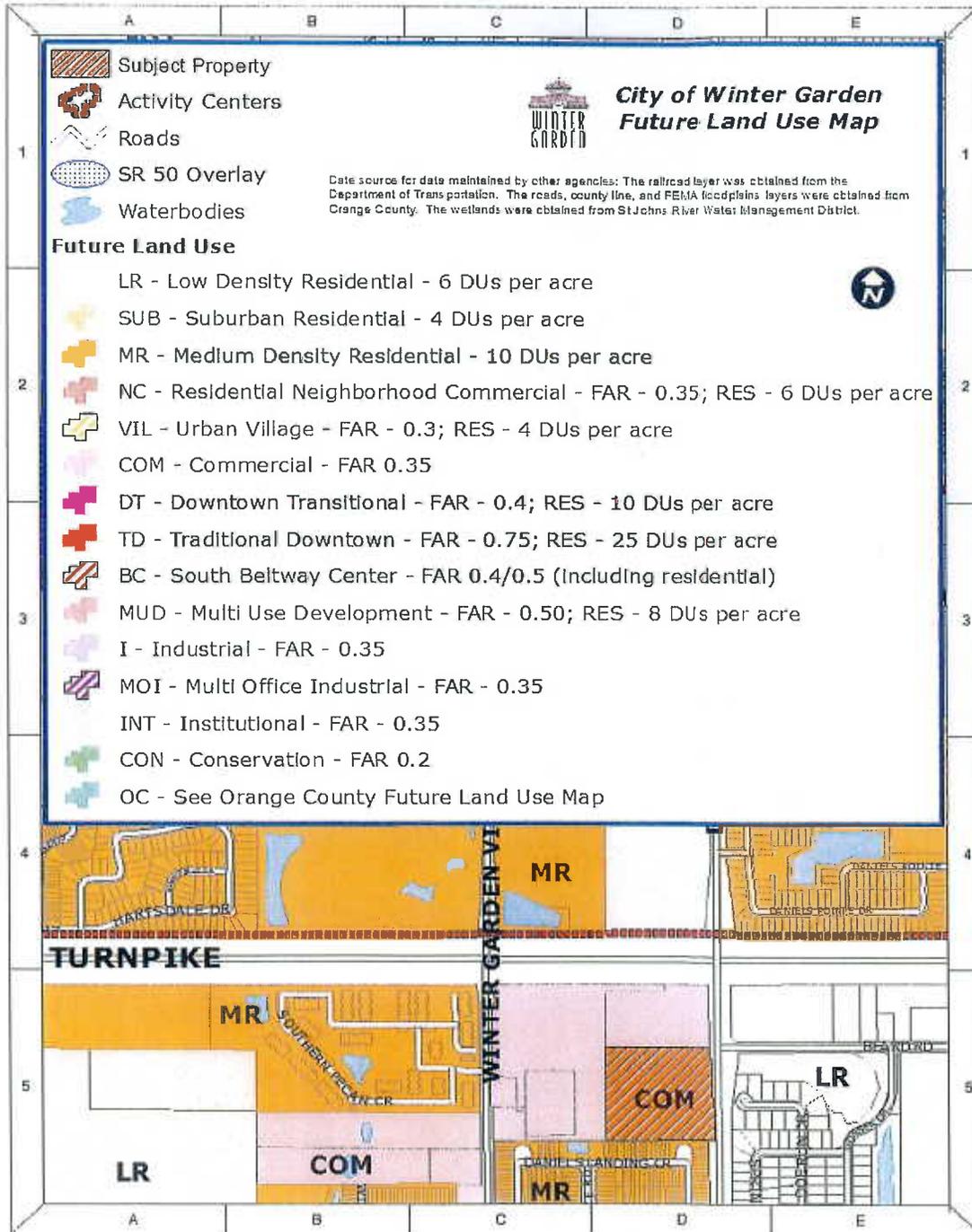


EXHIBIT "D"
FUTURE LAND USE MAP

1660 Daniels Road



END OF STAFF REPORT

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

DATE: November 2, 2011 **MEETING DATE:** November 7, 2011

SUBJECT: Rezoning
720 Roper Road (7.497+/- ACRES)
PARCEL ID # 35-22-27-0000-00-01

ISSUE: Applicant is requesting to rezone 7.497± acres of land. The subject property is located within the City of Winter Garden municipal limits, and carries the zoning designation R-1 (Single-Family Residential District) in the City of Winter Garden. The subject property is designated Low Density Residential on the Future Land Use Map of the Comprehensive Plan.

SUPPLEMENTAL MATERIAL/ANALYSIS:

OWNER/APPLICANT: John M. Nabers

CURRENT ZONING: City R-1 (Single-Family Residential District)

PROPOSED ZONING: City PUD

SUMMARY:

City Staff recommend approval of the proposed Ordinance. Rezoning the subject property from City R-1 to City PUD is not inconsistent with the Future Land Use Map of the City's Comprehensive Plan. Further, the adjacent property owners should not be negatively impacted as the majority of the surrounding property is agricultural use land with few existing residences. (See attached Staff Report)

STAFF RECOMMENDATION:

Staff recommends approval of Ordinance 11-36 (Rezoning of 7.497± acres located on 720 Roper Road from City R-1 to City PUD).

NEXT STEP:

A first reading of this Ordinance is scheduled for the City Commission on Thursday, November 10, 2011.

ATTACHMENT:

Ordinance 11-36
Staff Report
PUD Plan

ORDINANCE 11-36

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 7.497 ± ACRES OF CERTAIN REAL PROPERTY GENERALLY LOCATED ON THE NORTHWEST CORNER OF ROPER ROAD AND DANIELS ROAD, FROM CITY R-1 TO CITY PUD; PROVIDING FOR CERTAIN PUD REQUIREMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. (Serenades By Sonata PUD)

WHEREAS, the owner(s) of real property generally described as approximately 7.497 ± acres of certain real property generally located on the northwest corner of Roper Road and Daniels Road in Winter Garden, Florida, being more particularly described on Exhibit "A" attached hereto and incorporated herein by this reference (the "Property"), desire to rezone their property from City R-1 to City PUD, and

WHEREAS, after public notice and due consideration of public comment, the City Commission of the City of Winter Garden hereby finds and declares the adoption of this Ordinance and the proposed development of the Property is consistent with the City of Winter Garden Comprehensive Plan, and the City of Winter Garden Code of Ordinances, therefore;

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

SECTION 1: Rezoning. After due notice and public hearing, the zoning classification of the Property, as described in Exhibit "A" attached hereto, is hereby rezoned from City R-1 to City PUD in the City of Winter Garden, Florida subject to the following conditions, provisions and restrictions:

- a. **Conceptual Plan-** All development on the Property must substantially conform to the requirements identified in the Serenades by Sonata PUD Plan attached hereto as Exhibit "B." Should any conflict be found between this Ordinance and the Serenades by Sonata PUD Plan attached hereto as Exhibit "B", then the standards and conditions established by this Ordinance shall control.
- b. **Zoning-** Due to the nature of the permitted uses set forth in this Ordinance, the following sections of Article V, Division 2 of the City Code of Ordinances regarding Residential Planned Unit Developments shall not apply to the Property: section 118-860, section 118-921, section 118-923, section 118-925, and section 118-927. Unless specifically noted elsewhere in Exhibit "B" attached hereto, or expressly provided for herein, all development on the Property must comply with the general zoning requirements of the Residential Planned Unit Development zoning district. These requirements

include any approval procedure of the Residential Planned Unit Development zoning district.

c. Permitted Uses- With respect to the Serenades PUD Area as identified in Exhibit "B" attached hereto, the only permitted use shall be a Memory Care/Nursing Home facility. The following uses shall be permitted in the Future PUD Area as identified in Exhibit "B" attached hereto:

1. Memory Care/Nursing Home
2. Independent Living Facility
3. Assisted Living Facility
4. Hospice
5. Medical Office

d. Prohibited Uses- Unless specifically identified by this Ordinance as a permitted use, all other uses are prohibited.

e. Design Criteria/Architectural Standards-

1. Maximum Building Length- Notwithstanding Section 118-925 of the City Code of Ordinances, the maximum length of the memory care building in the Serenades PUD Area as identified in Exhibit "B" attached hereto shall not exceed 250 feet.

2. Maximum Building Height-

With respect to the Serenades PUD Area as identified in Exhibit "B" attached hereto, maximum building height shall not exceed 26 feet (one story), and the maximum height of the Serenades PUD Area tower element shall not exceed 35 feet.

With respect to the Future PUD Area as identified in Exhibit "B" attached hereto, maximum building height for medical office uses shall not exceed 30 feet (one story), and the maximum height for all other allowable uses shall not exceed 45 feet (two stories).

3. Signage- All signage proposed for the Property shall conform to the requirements and regulations pertaining to specified commercial corridors within the City of Winter Garden as defined in Chapter 118, Article X, Division 2 of the City of Winter Garden Code of Ordinances. One single-tenant ground sign shall be permitted for the Serenades PUD Area as identified in Exhibit "B." Signage for the Future PUD Area as identified in Exhibit "B" shall be considered at such time as a development plan is submitted for the area identified in Exhibit "B" as Future PUD Area.

4. Impervious Surface Area Ratio- The maximum impervious surface area ratio for the Property shall not exceed 65% and shall be consistent with the overall maximum impervious surface area ratio that the Planned Unit Development is designated and permitted for by Saint John's River Water Management District.

5. Common Open Space-

The minimum common open space provided for the Property shall be 20%. For the purposes of this Ordinance the area identified as "Courtyard" on Exhibit "B" and some retention areas may be considered as contribution toward fulfillment of open space requirements.

Specifically, wetland areas and dry retention may contribute to the fulfillment of the common open space requirement, and wet bottom retention areas may partially contribute to fulfilling open space requirements. Additionally, pervious surfaces, unless specifically identified below, may be calculated as common open space for the Property; however the following will not be considered as contributing to the common open space requirement for the Property:

- Any impervious surface as defined in Chapter 106 of the City Code of Ordinances.
- Parking Areas
- Road rights-of-way
- Required minimum yards & building spacing
- Areas identified as "Future PUD Area" in Exhibit "B" attached hereto

6. Dark Skies- all exterior lighting shall be designed to provide safe, convenient and efficient lighting for pedestrians and vehicles. Exterior lighting shall be designed as dark skies lighting in a consistent and coordinated manner for the entire project in compliance with the requirements of Chapter 118, Article X, Division 4 of the City Code of Ordinances.

f. Delivery Hours- No deliveries shall occur between the hours of 7:00pm and 7:00am.

g. Staff Conditions- All development on the Property must comply with the following staff conditions:

1. An engineered site plan meeting all requirements of the City Code of Ordinances shall be submitted for review and approval by City staff and City Commission prior to commencement of any construction.

2. All utilities required for the project shall be extended at the developer's expense. The proposed sanitary sewer system shall be designed to show a future connection from the "Future PUD site, including ensuring the lift station design accommodates the future flow. 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. Final plans shall provide utilities data from similar facilities to estimate flow requirements.
3. All irrigation on the site shall be designed to be supplied by reclaimed water (located on Daniels Road and existing Roper Road).
4. All or at least a portion of this property drains to the north to a closed wetland that does not have an outfall. Retention of the 100 year, 24 hour storm event, or volumetric pre-post 25 year, 96 hour storm event may be required (site design needs to be coordinated with the development plans of the adjoining property, commonly known as "The Bradford Property" located on the north side of the Property).
5. Permits from SJRWMD and FDEP (water, wastewater and NPDES) are required prior to issuance of site or building permits.
6. Landscaping, fencing, signage, etc. shall not infringe on sight distance requirements at any intersection, including Daniels Road or Roper Road.
7. Based on the alternative impact fee study, the Road Impact Fee is seventy-one thousand, one hundred sixty one dollars and twenty cents (\$71,161.20). After two (2) years of operation of the "Serenades PUD Area" Memory Care Facility as identified on Exhibit "B" the City will review traffic count data for the Property to determine if a true-up of the Road Impact Fee is necessary and determine the amount of any additional Road Impact Fees.
8. The Owner is responsible for meeting all provisions of ADA and Florida Accessibility Code.
9. All work shall conform to City of Winter Garden standards and specifications.
10. 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.

11. The Contractor is responsible for the notification, location and protection of all utilities that may exist within the project limits.
12. No fill or runoff will be allowed to discharge onto adjacent properties; existing drainage patterns shall not be altered. 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. Obtaining permission, easements or other approvals that may be required to drain onto private property is the Owner/Developer's responsibility. 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. Site construction shall adhere to the City of Winter Garden erosion and sediment control requirements as contained in Chapter 106 - Stormwater. If approval is granted by the City of Winter Garden, it does not waive any permits that may be required by federal, state, regional, county, municipal or other agencies that may have jurisdiction.
13. After final plan approval, a preconstruction meeting will be required prior to any commencement of construction. The applicant shall provide an erosion control and street lighting plan at the preconstruction meeting and shall pay all engineering review and inspection fees prior to construction. Inspection fees in the amount of 2.25% of the cost of all site improvements shall be paid prior to issuance of the building permit.

SECTION 2: *General Requirements.*

- a. **Development Agreement-** A Development Agreement must be approved and recorded prior to approval of any site or building permits for the Property. The Development Agreement shall include, but is not limited to, project phasing, right-of-way, vehicular access to the site including possible connection to the proposed Roper Road Extension, restriction of additional curb-cuts on Daniels Road, provision for cross access, design standards, signage, impact fees, stormwater, drainage and utilities.
- b. **Stand Alone Clause-** Each phase of development of the Property must operate as an individual unit in that each particular phase will be able to

stand-alone in the event that no other phase is developed.

- c. **Land Development Approvals and Permits-** This Ordinance does not require the City to issue any permit or approval for development, construction, building permit, or other matter by the City relating to the Property or the project or any portion thereof. These and any other required City development approvals and permits shall be processed and issued by the City in accordance with procedures set forth in the City's Code of Ordinances and subject to this Ordinance.
- d. **Amendments-** Minor amendments to this Ordinance will be achieved by Resolution of the City Commission of the City of Winter Garden. Major amendments to this Ordinance will require approval of the City Commission of the City of Winter Garden by Ordinance.

SECTION 3: Zoning Map. The City Planner is hereby authorized and directed to amend the Official Winter Garden Zoning Map in accordance with the provisions of this ordinance.

SECTION 4: Non-Severability. Should any portion of this Ordinance be held invalid, then the entire Ordinance shall be null and void.

SECTION 5: Effective Date. This Ordinance shall become effective upon adoption at its second reading.

FIRST READING AND PUBLIC HEARING: _____, 2011.

SECOND READING AND PUBLIC HEARING: _____, 2011.

ADOPTED this _____ day of _____, 2011, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

JOHN REES, Mayor/Commissioner

ATTEST:

KATHY GOLDEN, City Clerk

Exhibit "A"

A parcel of land being a portion of the Northwest 1/4 and Northeast 1/4 of Section 35, Township 22 South, Range 27 East, Orange County, Florida, being more particularly described as follows:

COMMENCE at the Northeast corner of the Northwest 1/4 of Section 35, Township 22 South, Range 27 East, Orange County, Florida; thence South 89°52'01" West, along the North line of said Northwest 1/4, a distance of 60.00 feet to the POINT OF BEGINNING, said point being on the West right of way line of Daniels Road according to that certain Warranty Deed recorded in Official Records Book 6608, Page 2300, Public Records of Orange County, Florida; thence South 00°11'04" East, along said West right of way line, a distance of 24.69 feet to a point of curvature of a curve concave Northeasterly, having a radius of 1260.00 feet and a central angle of 26°37'30"; thence 585.51 feet along the arc of said curve and said West right of way line to a point of reverse curvature with a curve, concave Northwesterly, having a radius of 25.00 feet and a central angle of 87°32'48"; thence Southwesterly, along the arc of said curve and right of way line, a distance of 38.20 feet to the point of tangency; thence South 60°43'30" West, along the North right of way of Roper Road according to the subdivision plat of GROVE PARK AT STONE CREST recorded in Plat Book 66, Page 46, Public Records of Orange County, Florida, a distance of 34.70 feet to a point of curvature of a curve, concave Northerly, having a radius of 20.00 feet and a central angle of 29°02'44"; thence, along the arc of said curve and Northerly right of way line of said Roper Road, a distance of 10.14 feet to the point of tangency; thence South 89°47'18" West, along the North right of way line according to that certain Warranty Deed recorded in Official Records Book 6852, Page 4525, Public Records of Orange County, Florida, a distance of 540.19 feet to a point on a line lying 523.67 feet West of and parallel to the East line of the Northeast 1/4 of said Section 35; thence North 00°48'20" West, along said line, a distance of 642.47 feet to the North line of the Northwest 1/4 of said Section 35; thence North 89°52'01" East, along said North line, a distance of 463.70 feet to the POINT OF BEGINNING.

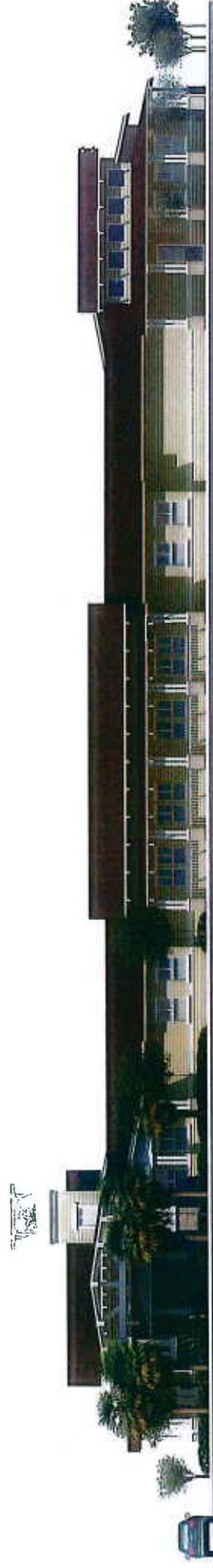
Exhibit "B"

COVER PAGE

SERENADES BY SONATA PUD

NOVEMBER 2011

(8 PAGES - ATTACHED)



EAST

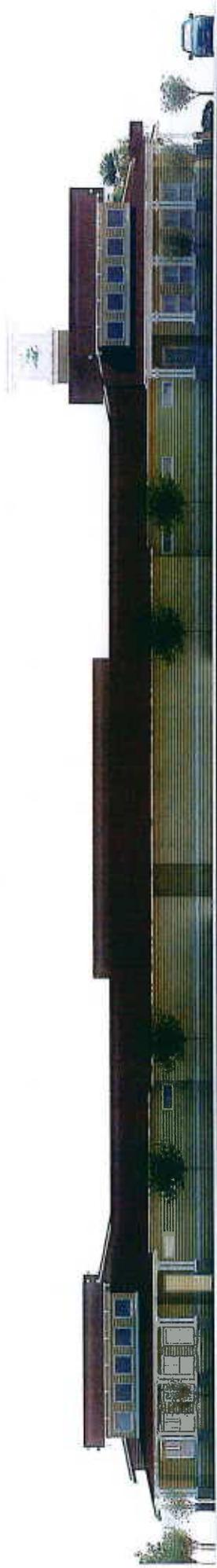


SOUTH



Serenades
by Veridia
MANAGED COMMUNITIES, INC.

Winter Garden Building Elevations



WEST



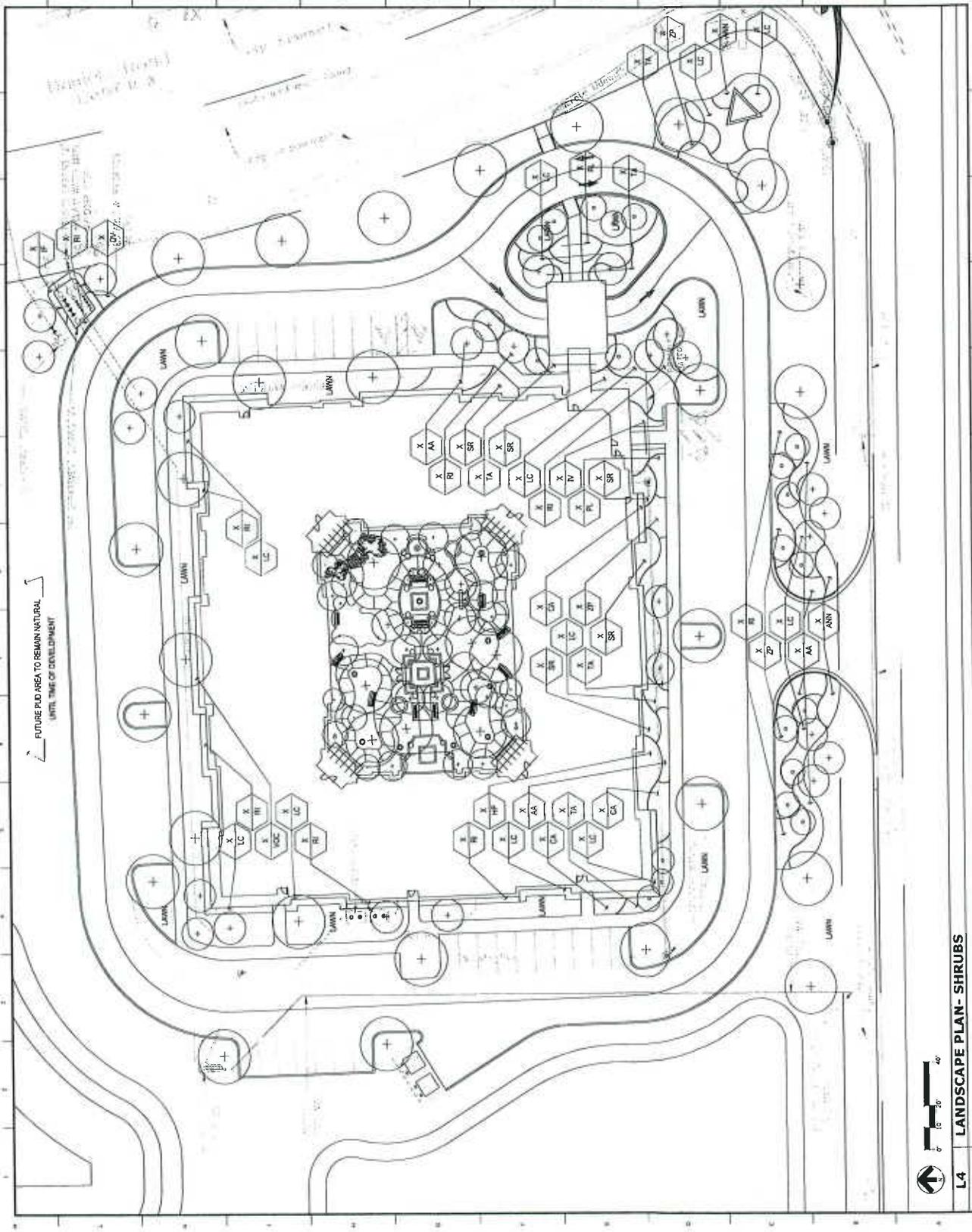
NORTH



Serenades
Architectural & Interior Design

Winter Garden
Banking Elevations

Architects



NO.	DATE	DESCRIPTION / REVISIONS	D.	C.S.
01	05.10.2011	RESPONSE TO COMMENTS		
02	08.02.2011	PUD APPLICATION		

185 South Orange Avenue
 Suite 1120
 Orlando, Florida 32801
 407.331.3333 fax
 407.331.3333 (cell)
 info@hollands.com
 www.hollands.com



SERENADES BY SONATA
 Winter Garden, Florida
LANDSCAPE PLAN
SHRUBS
 PROJECT NO. 110173.00 **L4.202**



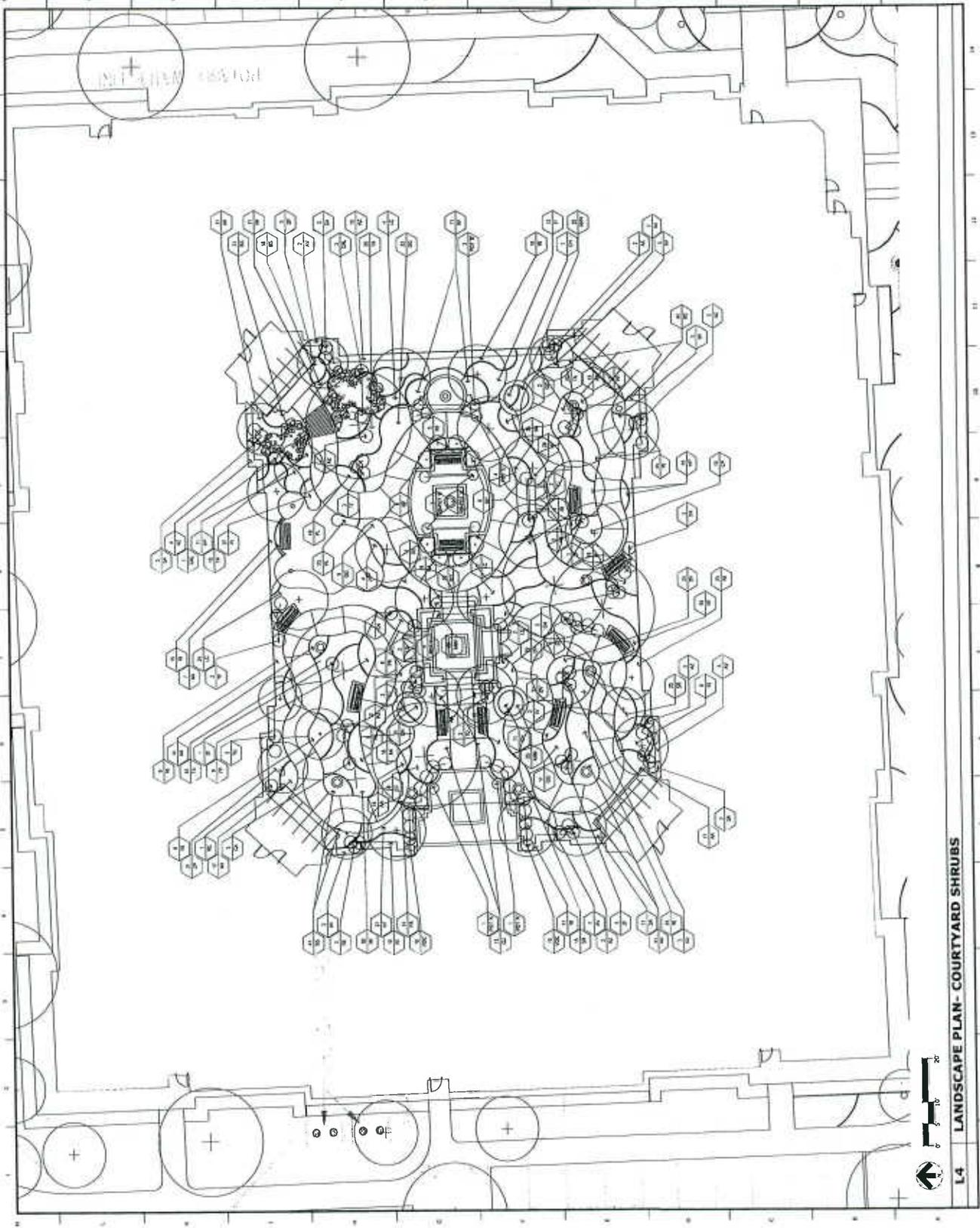
L4 LANDSCAPE PLAN- SHRUBS

<small> I am a registered Professional Engineer in the State of Florida, License No. 12517. I am also a registered Professional Landscape Architect in the State of Florida, License No. 12517. I am also a registered Professional Engineer in the State of Florida, License No. 12517. I am also a registered Professional Landscape Architect in the State of Florida, License No. 12517. </small>	
DATE	09.28.2011
PROJECT	RESPONSE TO COMMENTS
ISSUE	09.02.2011
BY	ARCHITECTS
SCALE	AS SHOWN

188 South Orange Avenue
 Suite 1708
 Chicago, Illinois 60601
 417.541.3008 Fax
 407.530.3700 Pdx
 www.landscapearchitects.com



SERENADES BY SONATA
 Winter Springs, Florida
LANDSCAPE PLAN
COURTYARD SHRUBS
 PROJECT NO. 110173.00 **L4.203**



L4 LANDSCAPE PLAN - COURTYARD SHRUBS

CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

300 West Plant Street - Winter Garden, Florida 34787-3011 • (407) 656-4111

STAFF REPORT

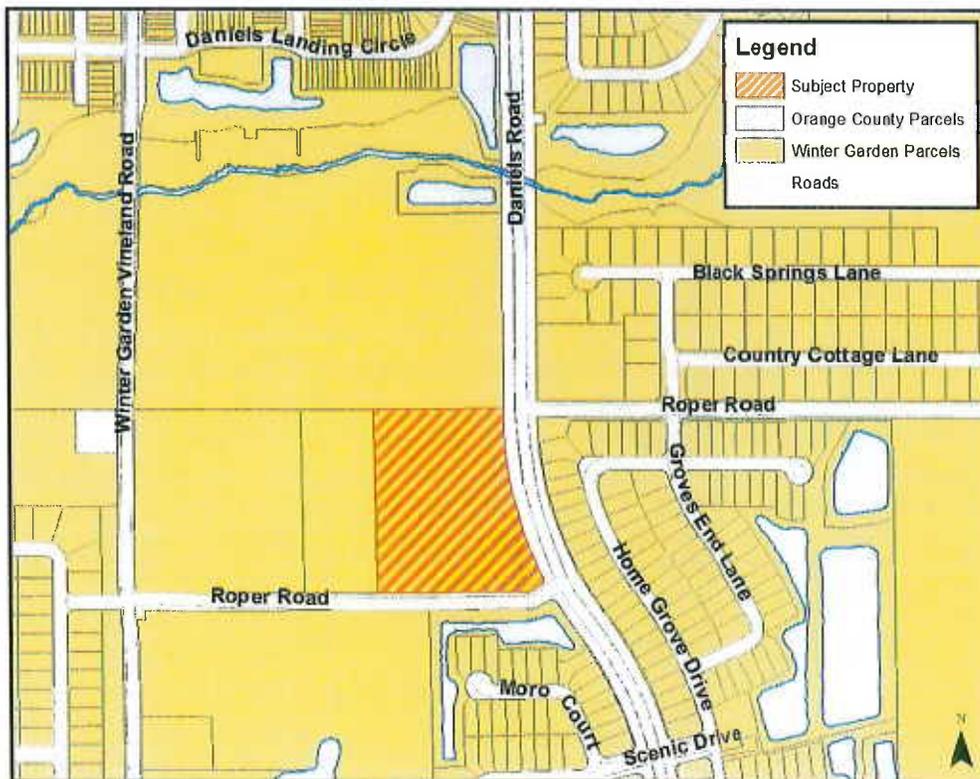
TO: PLANNING AND ZONING COMMITTEE
PREPARED BY: LAURA SMITH, SENIOR PLANNER
DATE: OCTOBER 31, 2011
SUBJECT: REZONING
720 Roper Road (7.497+/- ACRES)
PARCEL ID # 35-22-27-0000-00-01

APPLICANT: JOHN M. NABERS

INTRODUCTION

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

The subject property, located on the northwest corner of Roper Road and Daniels Road, is approximately 7.497± acres. The map below depicts the location of the subject property within the City of Winter Garden municipal limits:



The applicant is requesting to rezone 7.497± acres of land. The subject property is located within the City of Winter Garden municipal limits, and carries the zoning designation R-1 (Single-Family Residential District) in the City of Winter Garden. The subject property is designated Low Density Residential on the Future Land Use Map of the Comprehensive Plan.

EXISTING USE

The subject property does not presently contain any structures and is agricultural use (Timberland).

ADJACENT LAND USE AND ZONING

The property located to the north does not contain any structures and is agricultural use (Timberland) zoned R-1 in the City, commonly known as "Bradford Property." The property located to the east is the Regency Oaks at Stonecrest Residential Planned Unit Development and is zoned PUD in the City. The property to the west is unimproved vacant non-agricultural acreage zoned R-1 in the City. The property to the south is the Grove Park at Stonecrest Residential Planned Unit Development and is zoned PUD in the City.

PROPOSED USE

The applicant proposes to develop the 7.497 ± acre site into a two (2) phase planned unit development: Phase 1 to be the construction of approximately a 35,000 square foot, 42 unit, 54 bed Memory Care/Nursing Home Facility; Phase 2 is proposed for future development as one of the following companion uses- Memory Care/Nursing Home, Independent Living Facility, Assisted Living Facility, Hospice, or Medical Office.

PUBLIC FACILITY ANALYSIS

The property does not have a point of transportation access at this time because the property is used for agriculture. However, if the property is developed as proposed by the applicant then additional transportation access would be provided in the form of a driveway access point on Roper Road. However, at such time as Roper Road is realigned with the northern portion of Roper Road then the proposed access point would be closed and the cost to relocated the driveway access point to the realigned Roper Road shall be borne by the property owner.

The property is not currently a water or sewer customer of the City of Winter Garden; however water, sewer, and reclaimed utilities will be required for any new development of the property. At such time that the property is developed, all necessary utility lines will be extended and connections made, all extension and connection costs shall be borne by the property owner.

The City will provide 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 of Winter Garden Fire Department under the First Response System.

All concurrency requirements identified by the City of Winter Garden Code of Ordinances and Comprehensive Plan will be met by the proposed development.

SUMMARY

City Staff recommend approval of the proposed Ordinance. Rezoning the subject property from City R-1 to City PUD is consistent with the City's Comprehensive Plan and the City of Winter Garden Code of Ordinances. The proposed development is a reasonable and low intensity use of the land and would not generate a significant increase in traffic volume beyond that typically generated by single family residential uses, and represents a use that is compatible with the area.

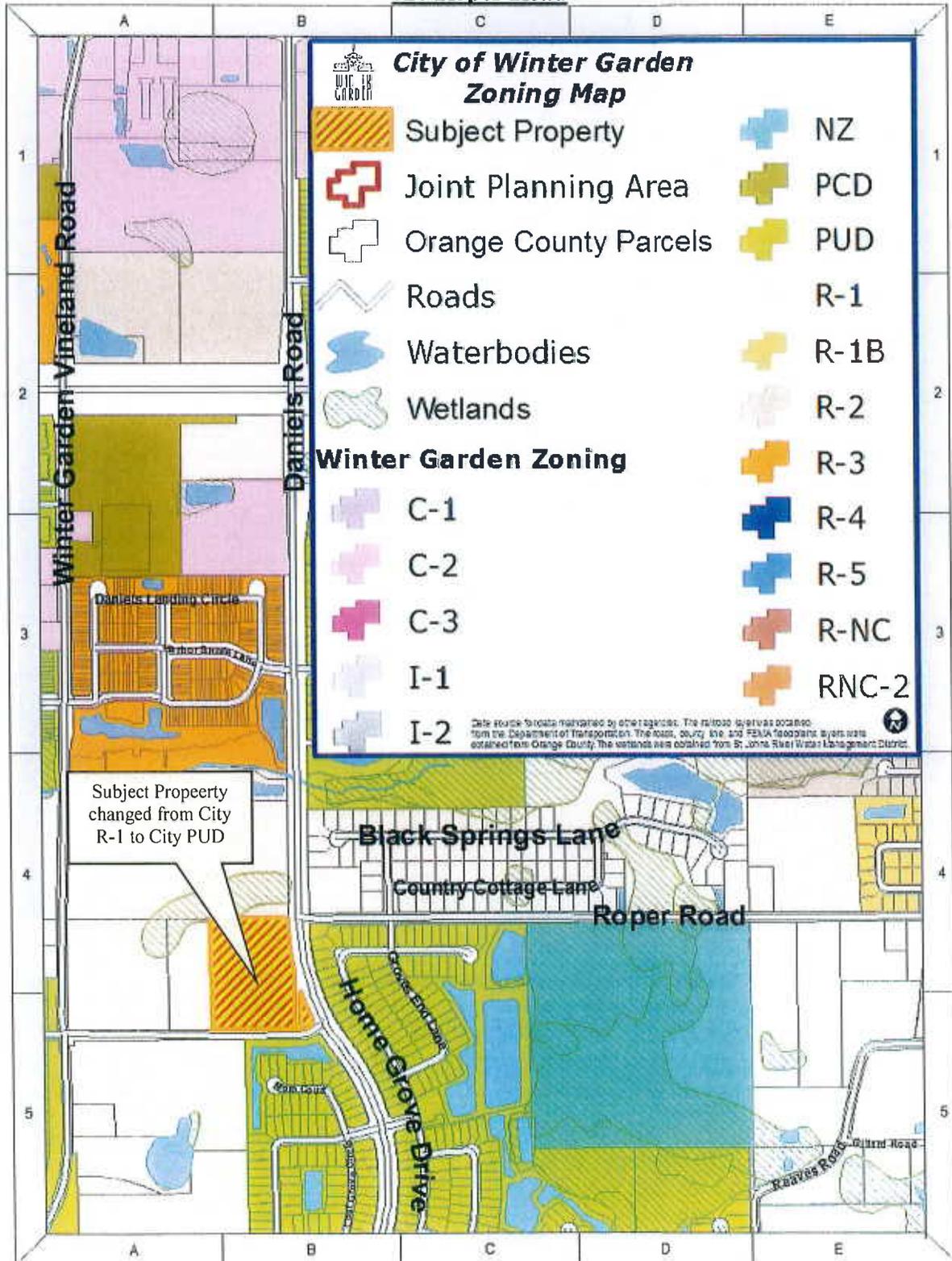
Further, the adjacent property owners should not be negatively impacted as the surrounding properties are developed planned unit developments or agricultural uses. A Community Meeting was held on July 20, 2011 at which time the applicant presented the proposal to develop a 35,000± square foot assisted living/memory care facility on a portion of the 7.497± acre property. The comments generated from the Community Meeting primarily focused on the building height, impact of site lighting on surrounding single-family residential communities, and allowable uses on the property in the event that the assisted living/memory care facility sells or vacates the building. These concerns have been addressed by the applicant and staff through the use of the PUD zoning designation and limiting the uses of the property within the PUD Ordinance and on the Serenades by Sonata Preliminary PUD Plan. Staff has coordinated with the applicant to ensure that the development of the property will be consistent with the surrounding residential communities both in the scale and size of the building as well as the open space standards and impervious surface ratio criteria.

MAPS

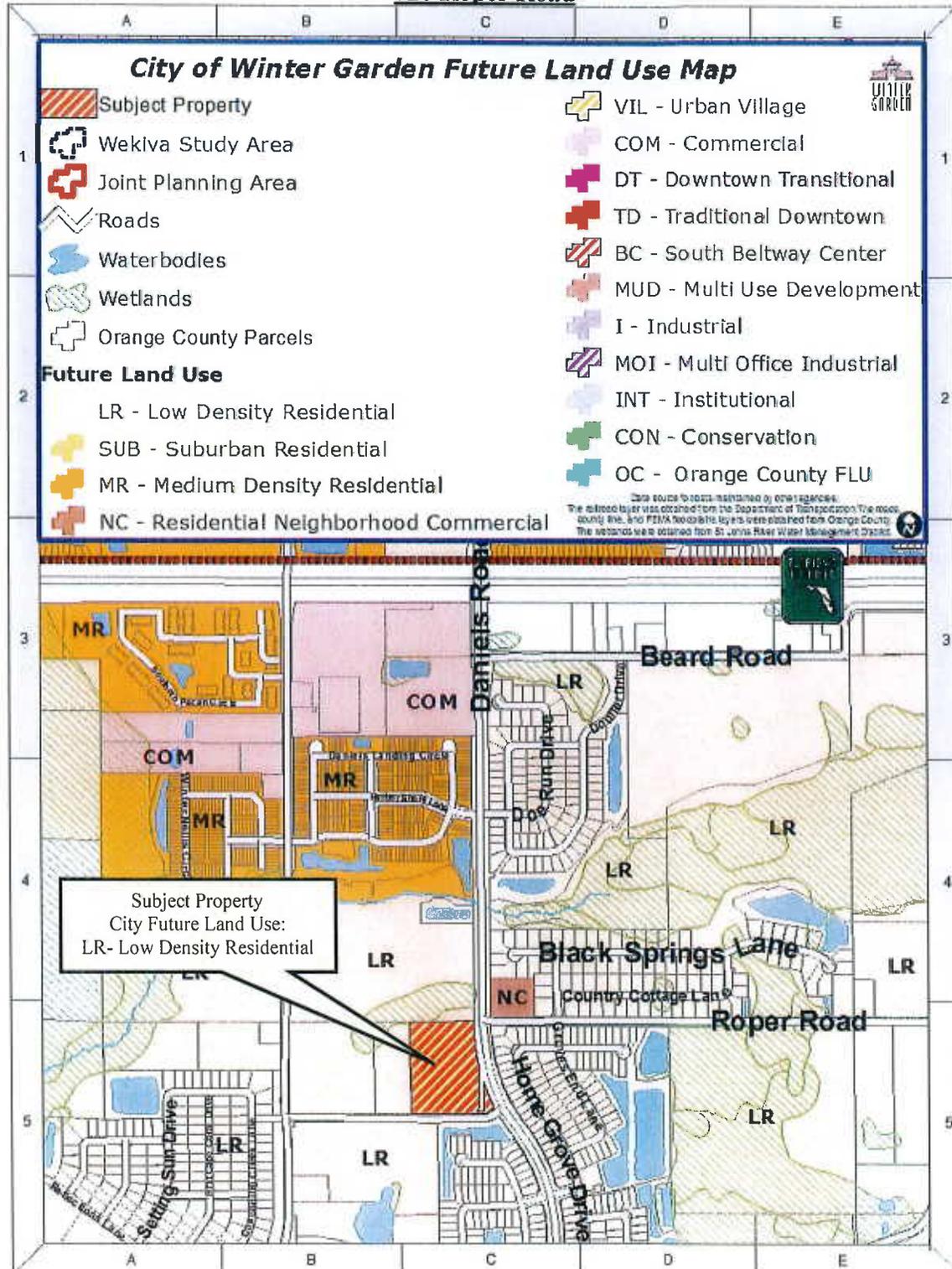
AERIAL PHOTO
720 Roper Road



**ZONING MAP
 720 Roper Road**



FUTURE LAND USE MAP
720 Roper Road



END OF STAFF REPORT

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

DATE: November 2, 2011 **MEETING DATE:** November 7, 2011

SUBJECT: Rezoning
Marsh Road (75.94 +/- Acres)
Parcel ID# 05-23-27-0000-00-001
Parcel ID# 06-23-27-0000-00-003

ISSUE: Applicant is requesting to rezone 75.94 +/- Acres of land. The subject property is located within the City of Winter Garden municipal limits, and carries the zoning designation NZ, which means that the property has not yet been zoned since it was annexed into the City of Winter Garden in September 2007. The subject property is designated Urban Village on the Future Land Use Map of the Comprehensive Plan.

SUPPLEMENTAL MATERIAL/ANALYSIS:

OWNER/APPLICANT: Warren Hardin Edwards, III

CURRENT ZONING: City NZ (Not Zoned)

PROPOSED ZONING: City PUD

SUMMARY:

City Staff recommend approval of the proposed Ordinance. Rezoning the subject property from City NZ to City PUD is not inconsistent with the Future Land Use Map of the City's Comprehensive Plan. Further, the adjacent property owners should not be negatively impacted as the majority of the surrounding property is agricultural use land with few existing residences. (See attached Staff Report)

STAFF RECOMMENDATION:

Staff recommends approval of Ordinance 11-35 (Rezoning of 75.94± acres located on Marsh Road from City NZ to City PUD).

NEXT STEP:

A first reading of this Ordinance is scheduled for the City Commission on Thursday, November 10, 2011.

ATTACHMENT:

Ordinance 11-35
Staff Report
PUD Plan

ORDINANCE 11-35

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 75.94 ± ACRES OF CERTAIN REAL PROPERTY GENERALLY LOCATED ON THE NORTH SIDE OF MARSH ROAD, EAST OF WILLIAMS ROAD AND WEST OF AVALON ROAD (CR 545) AT 16851 AND 17001 MARSH ROAD, FROM CITY NZ TO CITY PUD; PROVIDING FOR CERTAIN PUD REQUIREMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. (Waterside on John's Lake PUD)

WHEREAS, the Owner(s) of real property generally described as approximately 75.94 ± acres of certain real property generally located on the north side of Marsh Road, east of Williams Road and west of Avalon Road (CR 545) at 16851 and 17001 Marsh Road in Winter Garden, Florida, being more particularly described on Exhibit "A" attached hereto and incorporated herein by this reference (the "Property"), desire to rezone their property from City NZ to City PUD, and

WHEREAS, after public notice and due consideration of public comment, the City Commission of the City of Winter Garden hereby finds and declares the adoption of this Ordinance and the proposed development of the Property is consistent with the City of Winter Garden Comprehensive Plan, the Sixth Amendment to the Restated Interlocal Agreement for Joint Planning Area between Orange County and the City of Winter Garden, and the City of Winter Garden Code of Ordinances, and

WHEREAS, in order to address school capacity, the Owner(s) of the Property are in the process of obtaining approval from the School Board of Orange County, Florida with respect to a transfer for school capacity credits available under certain existing Capacity Enhancement Agreements, and such approval is anticipated to be obtained by December 6, 2011, therefore;

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

SECTION 1: Rezoning. After due notice and public hearing, the zoning classification of the Property, as described in Exhibit "A" attached hereto, is hereby rezoned from City NZ to City PUD in the City of Winter Garden, Florida subject to the following conditions, provisions and restrictions:

- a. Conceptual Plan-** All development on the Property must substantially conform to the requirements identified in the Waterside on John's Lake Planned Unit Development Preliminary Plan attached hereto as Exhibit "B." Should any conflict be found between this Ordinance and the Waterside on John's Lake Planned Unit Development Preliminary Plan attached hereto

as Exhibit "B", then the standards and conditions established by this Ordinance shall control.

- b. **Zoning-** Unless specifically noted elsewhere in Exhibit "B" attached hereto, all residential development on the Property must comply with the general zoning requirements of the R-1 Single Family Residential District for any structures, including but not limited to swimming pools, screen rooms, accessory structures and buildings, that are developed on the Property.
- c. **JPA-** Unless specifically noted elsewhere in Exhibit "B" attached hereto, all development of the Property must conform to the requirements of the Sixth Amendment to the Restated Interlocal Agreement for Joint Planning Area between Orange County and the City of Winter Garden dated January 24, 2007.
- d. **Design Criteria/Architectural Standards-**
 1. **Lot Size-** Minimum lot width shall be 70 feet for internal lots and 90 feet for all lakefront lots.
 2. **Building Height-** Maximum building height shall be 35 feet.
 3. **Minimum Living Area-** Minimum living area for each residential unit shall be 2,000 square feet.
 4. **Signage-** All signage shall be reviewed and permitted by the City of Winter Garden. All proposed signage, with the exception of street and traffic signs, shall be submitted for review and approval as part of the Development Agreement for the Property.
 5. **Setbacks and Required Yards-**
 - 90 foot wide lots: side yard setback shall be no less than 7.5 feet; rear yard setback shall be no less 30 feet for all lake front lots and no less than 20 feet with the exception of lakefront lots which shall maintain a 30 foot rear yard setback; and front yard setback shall be no less than 25 feet with the exception of homes with 5 foot recessed garage or side loaded garage which shall maintain a 20 foot front yard setback. Any landscaping or fencing installed within the 7.5 foot side yard setback shall be designed and constructed so as not to interfere with any easement function.
 - 70 foot wide lots: side yard setbacks shall be no less than 5 feet and shall be unobstructed by any mechanical equipment including, but not limited to, AC units, pool equipment, water

filtration systems, gas tanks, propane tanks, and any other utility or service equipment; rear yard setback shall be no less than 20 feet; and front yard setback shall be no less than 25 feet with the exception of homes with 5 foot recessed garage or side loaded garage which shall maintain a 20 foot front yard setback. Any landscaping or fencing installed within the 5 foot side yard setback shall be designed and constructed so as not to interfere with any easement function.

6. Common Recreation and Open Space-

The Property is located within the Resource Protection Overlay, and in compliance with the City of Winter Garden Comprehensive Plan Future Land Use Element Policies 1-3.1.7 and 1-3.1.8 will provide no less than 25% Wekiva Study Area Open Space.

To the greatest extent possible, 5% of the developable area of the Property shall be set aside for active, dry-land recreational use. In the event that this requirement cannot be met wholly or in part, then a financial contribution in accordance with Chapter 110, Article V, Division 2 of the City Code of Ordinances shall be made to the City Recreation Fund to fulfill the requirement.

e. Staff Conditions- All development on the Property must comply with the following conditions:

1. The Property will be constructed in two (2) phases of development with approximately 86 lots in each phase. The main entrance will be constructed with the first phase of development; the second access point located on the east side of the Property shown on Exhibit "B" will be a gated exit-only point for resident use and will be used as temporary construction access. Roadway improvements for access to the Property from Marsh Road, including turn lanes and roundabout, are the responsibility of the Owner. The design requirements of the roundabout are subject to review and approval of the City Engineer.
2. Extension of utility lines to proposed or existing stub-outs near the intersection of Marsh Road and Avalon Road will be at the developer's expense.
3. A master utilities analysis is required to be provided to the City for review prior to approval of preliminary plat and may include an upsizing agreement with the City.
4. All streets within the Property will be private and will be maintained

by the Homeowner's Association.

5. Permits or exemptions are required from SJRWMD (stormwater) and FDEP (water, wastewater, NPDES) prior to construction.
6. Fifty (50) percent of all required water and sewer impact fees shall be paid prior to City execution of FDEP permits and issuance of building permits. Provide flow calculations for Utility Department verification of impact fees. Final plans will not be approved for construction until utility impact fees have been paid and FDEP permits have been issued.
7. 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.
8. 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 building permit. Site construction shall adhere to the City of Winter Garden erosion and sediment control requirements as contained in Chapter 106 – Stormwater of the City of Winter Garden Code of Ordinances.
9. Once the plans are approved, a preconstruction meeting is required prior to any commencement of construction. The applicant shall pay all engineering review and inspection fees at the preconstruction meeting prior to construction. Provide certified engineer's cost estimate or executed construction contract as basis of inspection fees (2.25%).
10. 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. 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. Maintenance of on-site or off-site drainage improvements will be

the responsibility of the Owner, not the City.

11. 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(s).
12. 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.
13. Boat docks, piers, and any other shoreline improvements are subject to the approval and permitting processes of the City of Winter Garden and the Florida Department of Environmental Protection. All lakefront lots are not guaranteed boat docks, piers, or any other shoreline improvements, each lakefront lot will be reviewed individually based on lot configuration and other physical characteristics.
14. Buffer area provided along eastern property boundary shall be consistent with the Wekiva Protection Act. Required setbacks from Karst feature located east of the Property shall not be encroached upon and shall be maintained in compliance with the Wekiva Protection Act and the City of Winter Garden Comprehensive Plan.

SECTION 2: *General Requirements.*

- a. **Development Agreement-** A Development Agreement must be approved and recorded prior to approval of Preliminary Plat of the Property. The Development Agreement shall include, but is not limited to, project phasing, utilities, right-of-way, transportation/roadway system, design standards, impact fees, recreation fund contribution, stormwater, signage, and schools.
- b. **Stand Alone Clause-** Each phase of development of the Property must operate as an individual unit in that each particular phase will be able to stand-alone in the event that no other phase is developed.
- c. **Land Development Approvals and Permits-** This Ordinance does not require the City to issue any permit or approval for development, construction, preliminary plat, final plat, building permit, or other matter by the City relating to the Property or the project or any portion thereof. These and any other required City development approvals and permits shall be processed and issued by the City in accordance with procedures set forth in the City's Code of Ordinances and subject to this Ordinance.

- d. **Amendments-** Minor amendments to this Ordinance will be achieved by Resolution of the City Commission of the City of Winter Garden. Major amendments to this Ordinance will require approval of the City Commission of the City of Winter Garden by Ordinance.

SECTION 3: Zoning Map. The City Planner is hereby authorized and directed to amend the Official Winter Garden Zoning Map in accordance with the provisions of this ordinance.

SECTION 4: Non-Severability. Should any portion of this Ordinance be held invalid, then the entire Ordinance shall be null and void.

SECTION 5: Effective Date. This Ordinance shall become effective upon adoption at its second reading.

FIRST READING AND PUBLIC HEARING: _____, 2011.

SECOND READING AND PUBLIC HEARING: _____, 2011.

ADOPTED this _____ day of _____, 2011, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

JOHN REES, Mayor/Commissioner

ATTEST:

KATHY GOLDEN, City Clerk

Exhibit "A"

LEGAL DESCRIPTION

(PER TITLE COMMITMENT FILE)

PARCEL I:

THAT PORTION OF THE FRACTIONAL NORTHWEST 1/4 LYING NORTH OF MARSH ROAD, OF SECTION 5, TOWNSHIP 23 SOUTH, RANGE 27 EAST, OF ORANGE COUNTY, FLORIDA.

PARCEL II:

THE SOUTH 1/2 OF THE FRACTIONAL EAST 1/2 OF THE NORTHEAST 1/4 (LESS WEST 1/2 OF SAME LYING NORTH OF ROAD AND ALSO, LESS THAT PORTION OF THE FRACTIONAL EAST 1/2 OF THE NORTHEAST 1/4 LYING SOUTH OF MARSH ROAD), OF SECTION 6, TOWNSHIP 23 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA.

CONTAINING: 127.71 ACRES MORE OR LESS AS DESCRIBED
AND 76.25 ACRES MORE OR LESS LYING LANDWARD
OF THE SAFE UPLAND LINE.

Exhibit "B"

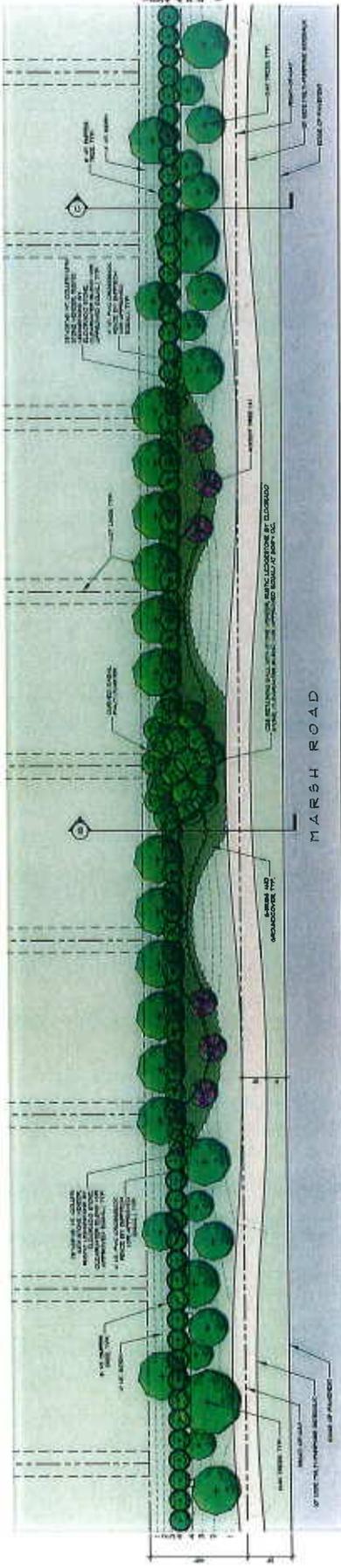
COVER PAGE

PLANNED UNIT DEVELOPMENT PRELIMINARY PLAN

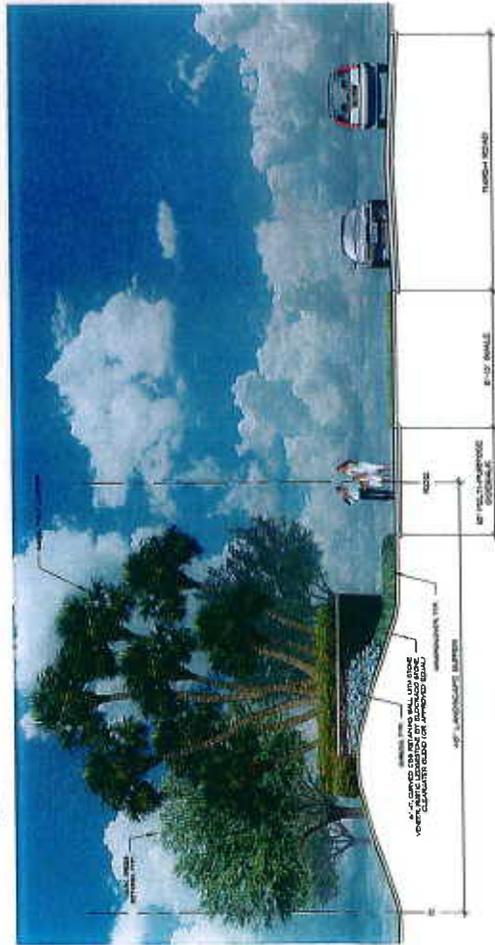
WATERSIDE ON JOHNS LAKE

REVISED SEPTEMBER 2011

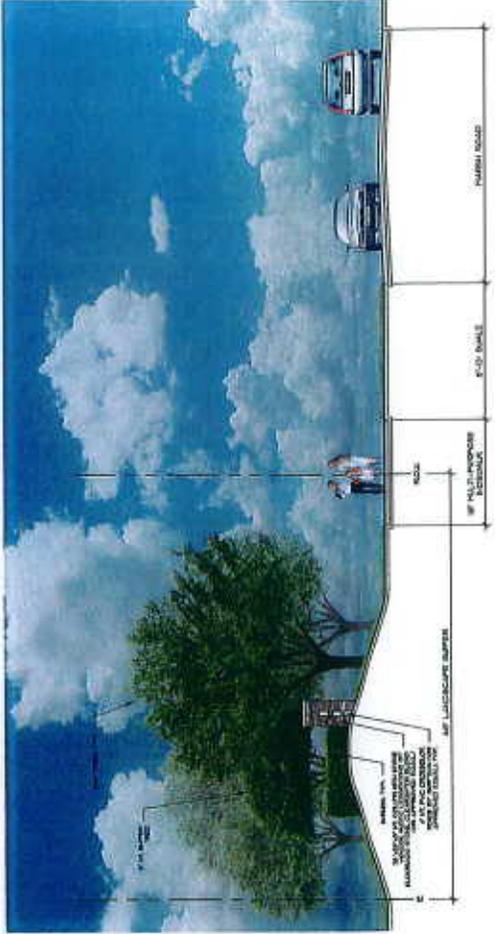
(7 PAGES - ATTACHED)



A SOUTH BUFFER PLAN VIEW
SCALE: 1/8"=1'-0"



B TYPICAL SOUTH BUFFER SECTION 'B'
SCALE: 3/8"=1'-0"



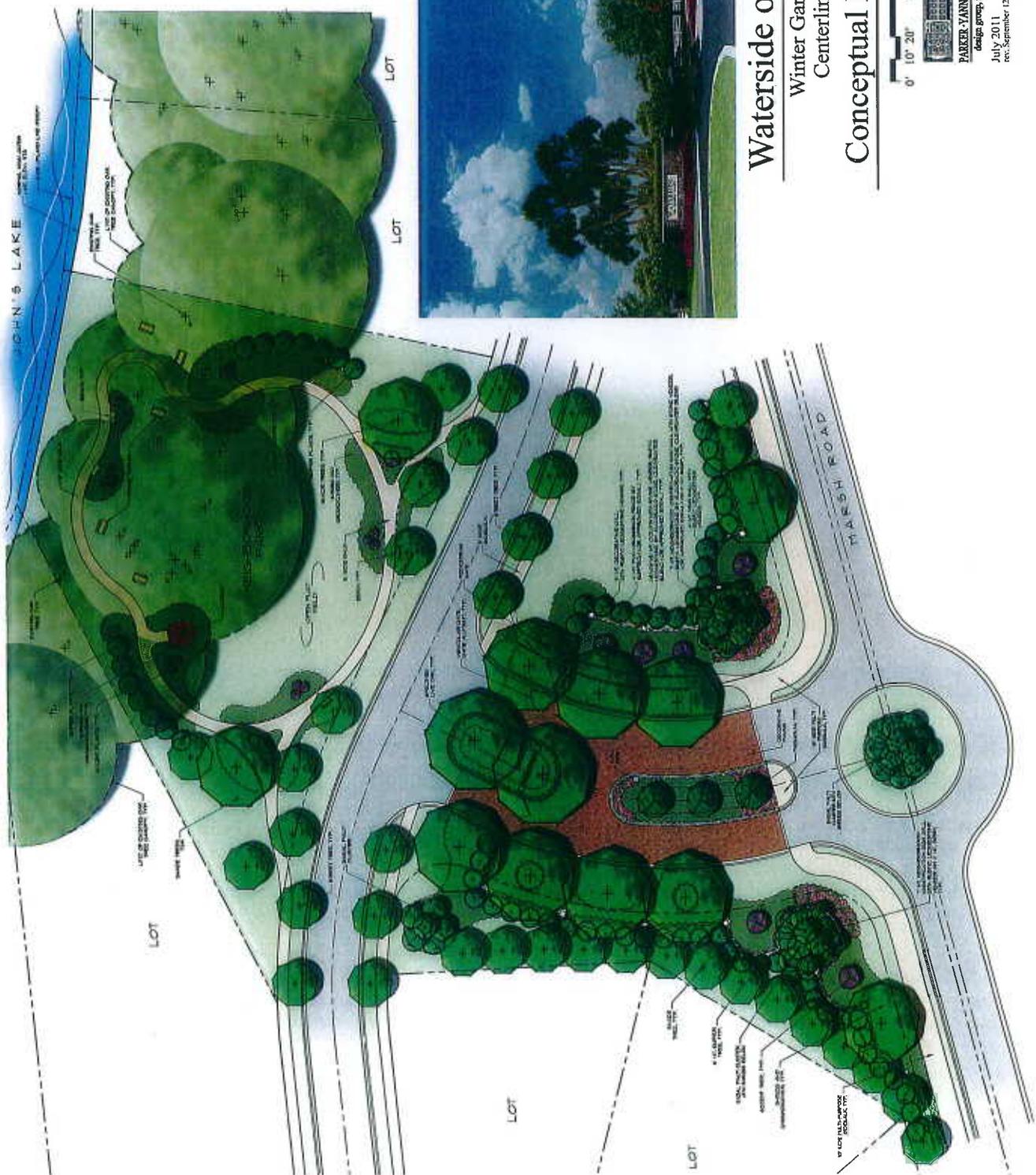
C TYPICAL SOUTH BUFFER SECTION 'C'
SCALE: 3/8"=1'-0"

Waterside on Johns Lake

Winter Garden, Florida

Centerline Homes


PARKER-VANNETTE
 design group, inc.
 10000 W. US Highway 90
 Suite 100
 Winter Garden, FL 32787
 Telephone: (407) 947-5069
 Fax: (407) 947-5068
 Email: pvt@pvtgroup.com
 www.pvtgroup.com
 July 2011
 September 13, 2011



Waterside on Johns Lake

Winter Garden, Florida
Centerline Homes

Conceptual Entry/Park Plan



LANDSCAPE ARCHITECT
 PARKER-YANNETTE
 DESIGN GROUP, INC.
 255 South U.S. Highway 90
 Winter Garden, Florida 32787
 Telephone: (407) 391-8999
 Fax: (407) 391-8998
 www.parker-yannette.com

July 2011
 rev. September 12, 2011
 Sheet 6

WATERSIDE ON JOHNS LAKE



LAKEFRONT HOMES



INTERIOR HOMES



CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

300 West Plant Street - Winter Garden, Florida 34787-3011 • (407) 656-4111

STAFF REPORT

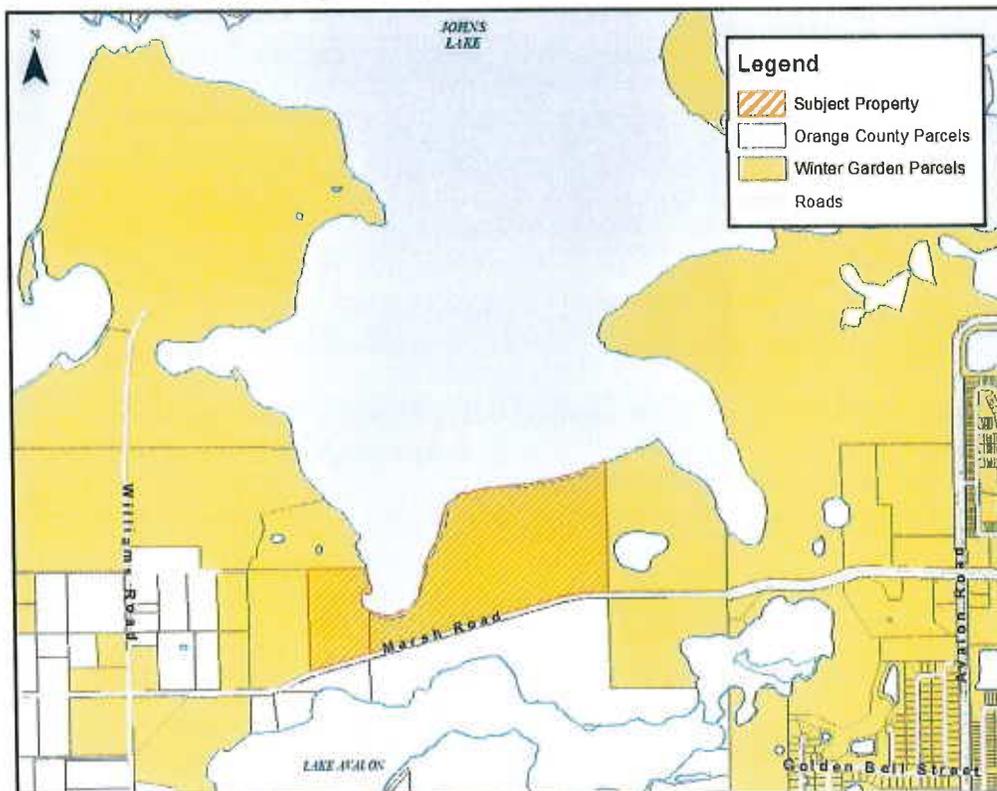
TO: PLANNING AND ZONING COMMITTEE
PREPARED BY: LAURA SMITH, SENIOR PLANNER
DATE: OCTOBER 31, 2011
SUBJECT: REZONING
Marsh Road (75.94+/- ACRES)
PARCEL ID # 05-23-27-0000-00-001
PARCEL ID # 06-23-27-0000-00-003

APPLICANT: WARREN HARDIN EDWARDS, III

INTRODUCTION

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

The subject property, located on Marsh Road east of Williams Road and west of Avalon Road, is approximately 75.94± acres. The map below depicts the location of the subject property within the City of Winter Garden municipal limits:



The applicant is requesting to rezone 75.94± acres of land. The subject property is located within the City of Winter Garden municipal limits, and carries the zoning designation NZ, which means that the property has not yet been zoned since it was annexed into the City of Winter Garden in September 2007. The subject property is designated Urban Village on the Future Land Use Map of the Comprehensive Plan.

EXISTING USE

The subject property presently consists of one Single-Family Residential home and the remainder of the property is agricultural use (Timberland & Orange Grove).

ADJACENT LAND USE AND ZONING

The property located to the north is a Single Family residence zoned NZ in the City. The property located to the east is agricultural use (Timberland & Orange Grove) and is zoned NZ in the City. The property to the west is zoned NZ in the City, and is agricultural use (Timberland & Orange Grove). The properties to the south are agricultural use (Orange Grove & Timberland), one property is zoned NZ in the City and the other is located in unincorporated Orange County and is zoned A-1.

The surrounding properties are all located within the JPA expansion area as adopted by the Sixth Amendment to the Restated Interlocal Agreement for Joint Planning Area between Orange County and the City of Winter Garden. Additionally, the subject property as well as many of the surrounding properties (a total of 596 acres) were annexed into the City of Winter Garden by Ordinance 07-34. At the time the properties were annexed into the City they were not assigned zoning or future land use designation in the City of Winter Garden. Subsequently, as part of the EAR based amendments to the City's Comprehensive Plan which were adopted in 2010, the subject property and surrounding properties (a total of 642.73 acres) were assigned a future land use designation of Urban Village on the Future Land Use Map of the City's Comprehensive Plan.

PROPOSED USE

The applicant proposes to develop the 75.94 ± acre site into a residential planned unit development of 172 single family homes.

PUBLIC FACILITY ANALYSIS

The property has a standard residential driveway point of transportation access at this time because it is used for a single family residence and agricultural uses. However, if the property is developed as proposed by the applicant then additional transportation access would be provided in the form of a round-a-bout at the main entrance on Marsh Road and a secondary access point for resident exit only access.

The property is not currently a water or sewer customer of the City of Winter Garden; however water, sewer, and reclaimed utilities will be required for any new development of the property. At such time that the property is developed, all necessary utility lines will be extended and connections made, all extension and connection costs shall be borne by the property owner.

The City will provide 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 of Winter Garden Fire Department under the First Response System.

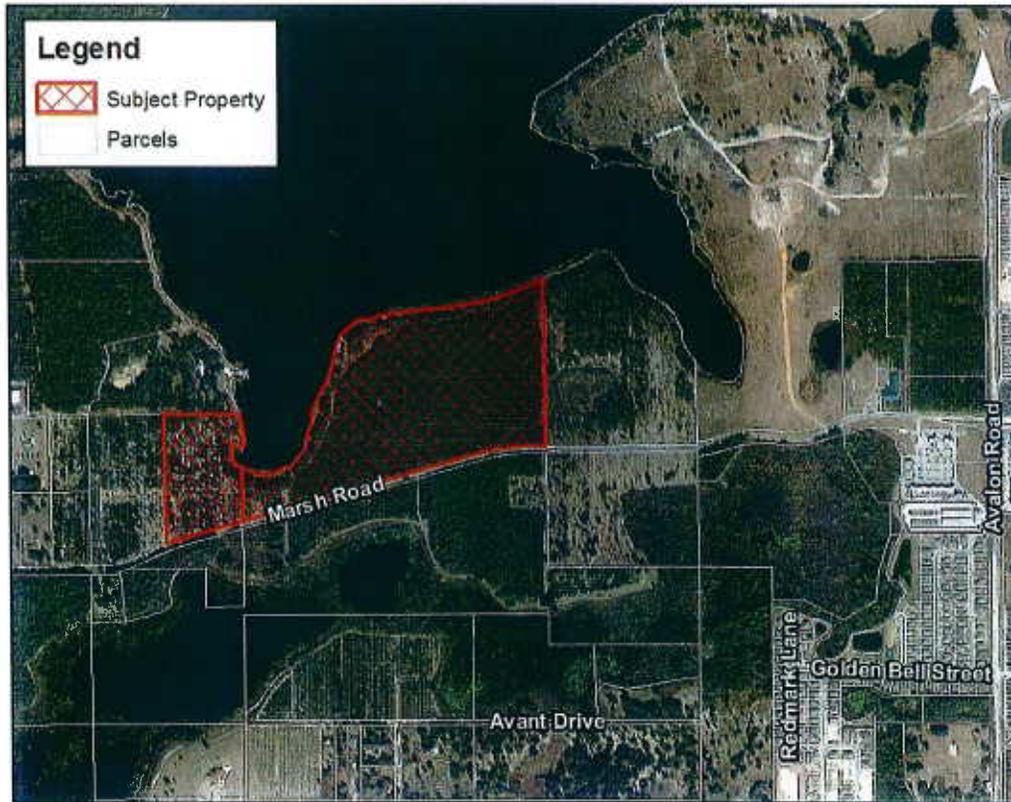
SUMMARY

City Staff recommend approval of the proposed Ordinance. Rezoning the subject property from City NZ to City PUD is consistent with the Future Land Use Map of the City's Comprehensive Plan, and is consistent with the trend of development in the area. Further, the adjacent properties should not be negatively impacted as the majority of the surrounding property is agricultural use land with few existing residences.

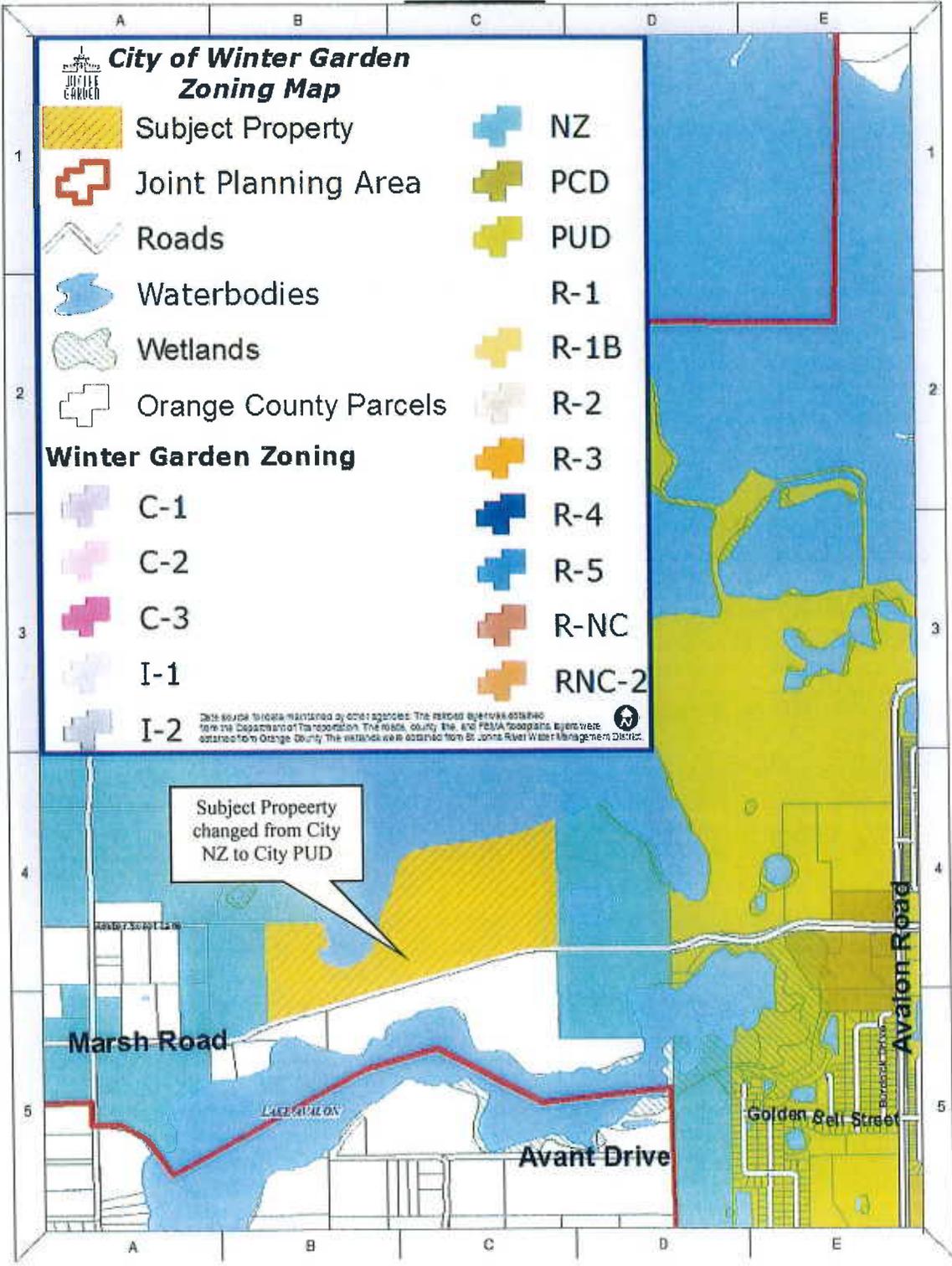
The proposed development of the subject property is consistent with the policies of the City's Comprehensive Plan and the Sixth Amendment to the Restated Interlocal Agreement for Joint Planning Area between Orange County and the City of Winter Garden which requires that rezoning applications or development plans for properties located within the JPA expansion area must be processed as Planned Unit Developments.

MAPS

**AERIAL PHOTO
Marsh Road**



ZONING MAP
Marsh Road



FUTURE LAND USE MAP
Marsh Road

