For More Information, Contact:
Corrina Williams
Planning Technician
City of Winter Garden
300 West Plant Street
Winter Garden, FL 34787
407.656.4111 ext. 5149
cwilliams@wintergarden-fl.gov

PLANNING & ZONING BOARD AGENDA

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

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

RE: **REVISED** Agenda – June 4, 2012 - 6:30 PM
Commission Chambers, City Hall
300 West Plant Street, Winter Garden

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1. **CALL TO ORDER**

2. **ROLL CALL AND DETERMINATION OF QUORUM**

3. **APPROVAL OF MINUTES FROM THE MAY 7, 2012 MEETING**

ITEMS TABLED FROM PRIOR MEETING

SPECIAL EXCEPTION PERMIT (PUBLIC HEARING)

4. 125 N. Lakeview Avenue - First United Methodist Church Memorial Garden
Parcel ID #: 14-22-27-5656-00-760

ANNEXATION, REZONING, FUTURE LAND USE MAP AMENDMENT, PLATS (PUBLIC HEARING)

5. 710 S. Park Avenue - West Orange Habitat for Humanity
Parcel ID #: 22-22-27-1084-01-110

NEW BUSINESS

ANNEXATION, REZONING, FUTURE LAND USE MAP AMENDMENT, PLATS (PUBLIC HEARING)

6. 12201 W. Colonial Drive – National Retail Properties
Parcel ID #: 24-22-27-0000-00-014

7. 2911 Avalon Road – Carriage Pointe Reserve (f/k/a Cantero Property)
Parcel ID # : 06-23-27-4284-04-010

PLEASE NOTE: IN ACCORDANCE WITH FLORIDA STATUES 286.0105: ANY PERSON WHO DESIRES TO APPEAL ANY DECISION AT THIS MEETING WILL NEED A RECORD OF THE PROCEEDINGS AND FOR THIS PURPOSE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE WHICH INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS BASED, WHICH SUCH WRITTEN RECORD IS NOT PROVIDED BY THE CITY OF WINTER GARDEN.

PLEASE NOTE: IN ACCORDANCE WITH FLORIDA STATUTE 286.26: PERSONS WITH DISABILITIES NEEDING ASSISTANCE TO PARTICIPATE IN ANY OF THESE PROCEEDINGS SHOULD CONTACT CORRINA WILLIAMS, 300 WEST PLANT STREET, WINTER GARDEN, FL 34787, (407) 877-5149 - 48 HOURS IN ADVANCE OF THE MEETING.

8. 420 Winter Garden Vineland Road – Bradford Creek Subdivision
Parcel ID # : 26-22-27-0000-00-019
Parcel ID # : 26-22-27-0000-00-018
Parcel ID # : 35-22-27-0000-00-002
Parcel ID # : 34-22-27-0000-00-014
Parcel ID # : 35-22-27-0000-00-004

9. 16851 & 17001 Marsh Road – Waterside on Johns Lake
Parcel ID #: 05-23-27-0000-00-001
Parcel ID #: 06-23-27-0000-00-003

SPECIAL EXCEPTION PERMIT (PUBLIC HEARING)

10. 13501 W. Colonial Drive – Ice House (Lee & Park LLC)
Parcel ID #: 23-22-27-4036-00-162

11. **ADJOURNMENT**
To the next regular Planning and Zoning Board meeting on Monday, July 2, 2012 at 6:30 p.m. in City Hall Commission Chambers, 300 W. Plant Street, 1st floor.

PLEASE NOTE: IN ACCORDANCE WITH FLORIDA STATUES 286.0105: ANY PERSON WHO DESIRES TO APPEAL ANY DECISION AT THIS MEETING WILL NEED A RECORD OF THE PROCEEDINGS AND FOR THIS PURPOSE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE WHICH INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS BASED, WHICH SUCH WRITTEN RECORD IS NOT PROVIDED BY THE CITY OF WINTER GARDEN.

PLEASE NOTE: IN ACCORDANCE WITH FLORIDA STATUTE 286.26: PERSONS WITH DISABILITIES NEEDING ASSISTANCE TO PARTICIPATE IN ANY OF THESE PROCEEDINGS SHOULD CONTACT CORRINA WILLIAMS, 300 WEST PLANT STREET, WINTER GARDEN, FL 34787, (407) 877-5149 - 48 HOURS IN ADVANCE OF THE MEETING.

A REGULAR MEETING MINUTES
PLANNING AND ZONING BOARD
MAY 7, 2012

1. CALL TO ORDER/INVOCATION/PLEDGE OF ALLEGIANCE

Chairman James Gentry 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.

2. ROLL CALL AND DETERMINATION OF QUORUM

The roll was called and a quorum was declared present.

MEMBERS PRESENT:

Chairman James Gentry, Vice-Chairman James Dunn, Board Members: Mark Maciel, Mac McKinney, Rohan Ramlackhan, and Eric Weiss.

MEMBERS ABSENT/ARRIVED LATE:

Kent Horsley (Excused)

STAFF PRESENT:

City Attorney Kurt Ardaman, Community Development Director Ed Williams, Senior Planner Laura Smith, Senior Planner Stephen Pash, Planner I Alejandra Fazekas and Administrative Specialist Corrina Williams.

** BUSINESS CONDUCTED OUT OF AGENDA ORDER **

SPECIAL EXCEPTION PERMIT(Public Hearing)

4. 125 N. Lakeview Avenue - First United Methodist Church Memorial Garden

Senior Planner Laura Smith requested this item to be tabled until the June 4, 2012 Planning and Zoning Board meeting to allow City Staff time to re-advertise this item before it is brought back to the Board.

Motion by James Dunn to recommend the 125 N. Lakeview Avenue - Special Exception Permit request to be tabled till the next Planning and Zoning Board meeting, June 4, 2012 at 6:30 pm. Seconded by Rohan Ramlackhan, the motion carried unanimously 6-0.

ANNEXATION, REZONING AND FUTURE LAND USE AMENDMENTS (Public Hearing)

5. 710 S. Park Avenue – West Orange Habitat for Humanity

Senior Planner Laura Smith requested this item to be tabled until the June 4, 2012 Planning and Zoning Board meeting to allow time to host a Community Meeting to obtain citizen input.

Motion by Mac McKinney to recommend the 710 S. Park Avenue – Annexation, Rezoning and Future Land Use Amendment request to be tabled till the next Planning and Zoning Board meeting, June 4, 2012 at 6:30 pm. Seconded by James Dunn, the motion carried unanimously 6-0.

ORDINANCES (Public Hearing)

6. Ordinance 12-24, Repealing Ordinance 12-02, amending Chapter 118 Article V

City Attorney, Kurt Ardaman read the title of Ordinance 12-24 to the Board. Senior Planner Laura Smith advised the Board that Ordinance 12-24 repeals Ordinance 12-02 which was adopted by City Commission in January 2012 and was before this Board in December 2011. Ordinance 12-24 replaces Ordinance 12-02 and amending Chapter 118 Article V through the creation of the new zoning category Urban Village Planned Unit Development (UVPUD), providing development criteria for the proposed planned development projects in the UVPUD zoning district, also provides for clarification updates and removal of redundant language for residential planned unit developments. In addition to revising review criteria and providing for approval of planned unit developments. This Ordinance is being done to repeal Ordinance 12-02 and replacing it in an effort to avoid litigation and the associated costs relating to allegations that the adoption of Ordinance 12-02 was not properly advertised. The proposed Ordinance 12-24 is consistent with the goals, objectives, and policies of the comprehensive plan specifically in that the provisions of this Ordinance implement the provisions of policy 1-1.2.18 of the City's Comprehensive Plan which states that the City will continue to update the land development regulations as warranted to ensure consistency with amendments to the comprehensive plan. Staff recommends the Board recommend approval of this Ordinance to the City Commission with the finding that it is consistent with the City Comprehensive Plan.

Motion by James Gentry approve the repeal of Ordinance 12-02 and replace it with Ordinance 12-24 amending Article V Chapter 118 of the City of Winter Garden Code of Ordinances. Seconded by Jimmy Dunn, the motion carried unanimously 6-0.

** AGENDA ORDER RESUMED **

3. APPROVAL OF MINUTES

Approval of minutes from the regular meeting held April 2, 2012.

Motion by Mac McKinney to approve the April 2, 2012 minutes, seconded by Eric Weiss, the motion carried unanimously 6-0.

7. ADJOURNMENT

There being no further business, the meeting was adjourned at 6:43 p.m.

APPROVED: **ATTEST:**

Chairman James Gentry

Administrative Specialist Corrina Williams

THE CITY OF WINTER GARDEN

PLANNING AND ZONING BOARD AGENDA ITEM

ITEM # 4 (Public Hearing)

DATE: MAY 31, 2012 **MEETING DATE:** JUNE 4, 2012

SUBJECT: 125 N LAKEVIEW AVE (SPECIAL EXCEPTION PERMIT)
PROJECT NAME FIRST UNITED METHODIST CHURCH
PARCEL ID# 14-22-27-5656-00-760

ISSUE: THE APPLICANT IS REQUESTING A SPECIAL EXCEPTION PERMIT TO ALLOW FOR THE PROPERTY LOCATED AT 125 N LAKEVIEW AVENUE TO BE USED FOR A COLUMBARIUM WHICH IS REGULATED UNDER STATE CEMETERY PROVISIONS.

SUPPLEMENTAL MATERIAL/ANALYSIS:

OWNER/APPLICANT: FIRST UNITED METHODIST CHURCH OF WINTER GARDEN, INC.

CURRENT ZONING: C-1

PROPOSED ZONING: N/A

CURRENT FLU: TRADITIONAL DOWNTOWN

PROPOSED FLU: N/A

SUMMARY:

APPLICANT PROPOSES TO CONSTRUCT A COLUMBARIUM WHICH IS REGULATED UNDER STATE CEMETERY PROVISIONS ON THE PROPERTY CONNECTING TO THE SOUTH SIDE OF THE EXISTING PRINCIPAL STRUCTURE. THE PROPOSAL INCLUDES CONSTRUCTION OF A MEMORIAL GARDEN AND COLUMBARIUM IN THE 11,875 SQUARE FOOT AREA BETWEEN THE EXISTING PRINCIPAL STRUCTURE AND ACCESSORY STRUCTURE LOCATED ALONG N LAKEVIEW AVENUE.

STAFF RECOMMENDATION(S):

STAFF RECOMMENDS APPROVAL OF THE PROPOSED SPECIAL EXCEPTION PERMIT WITH THE CONDITIONS AS SHOWN IN THE ATTACHED STAFF REPORT.

NEXT STEP(S):

SUBMIT FOR BUILDING PERMIT

ATTACHMENT(S):

STAFF REPORT
COMMUNITY LETTERS IN SUPPORT
COMMUNITY LETTERS IN OPPOSITION

CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

STAFF REPORT

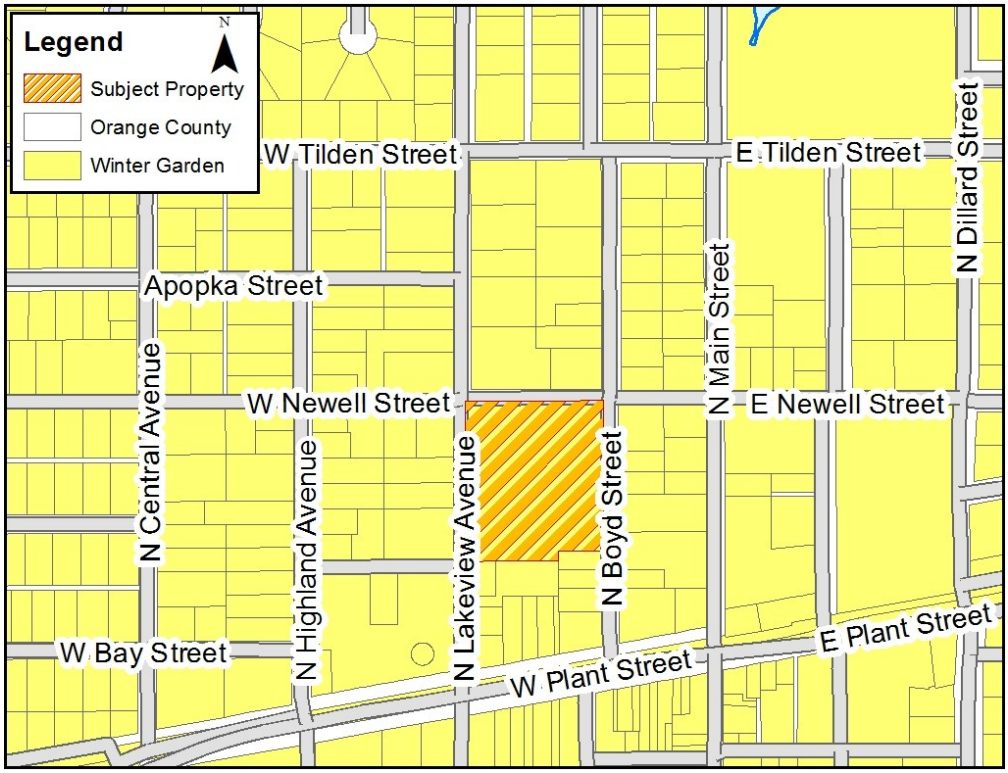
TO: PLANNING AND ZONING BOARD
PREPARED BY: LAURA SMITH, SENIOR PLANNER
DATE: MAY 31, 2012
SUBJECT: SPECIAL EXCEPTION PERMIT
125 North Lakeview Avenue (First United Methodist Church)
PARCEL ID # 14-22-27-5656-00-760

APPLICANT: First United Methodist Church of Winter Garden

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 is generally located on the south side of West Newell Street, between North Lakeview Avenue and North Boyd Street at 125 North Lakeview Avenue. The map below depicts the location of the subject property within the City of Winter Garden municipal limits:



The applicant is requesting a Special Exception to allow for the subject property to be used for a columbarium which is regulated under state cemeterty provisions. The subject property is located within the City of Winter Garden municipal limits, and carries the zoning designation C-1. The subject property is designated Traditional Downtown on the Future Land Use Map of the Comprehensive Plan.

EXISTING USE

The property contains the following facilities which are occupied by the First United Methodist Church of Winter Garden, Inc.: approximately 20,265 square foot principal use structure, approximately 2,324 square foot accessory office/residential structure, basketball court, playground, shed, carport, and parking facilities.

ADJACENT LAND USE AND ZONING

The properties located to the north and west of the subject property are single family residential properties zoned R-2 within the City of Winter Garden. The properties located to the east of the subject property consist of single family residences zoned R-2, and a commercial warehouse zoned C-1 located within the City of Winter Garden; the property located to the south is a developed commercial property zoned C-1 within the City of Winter Garden.

PROPOSED USE

The applicant proposes to construct a columbarium which is regulated under state cemeterty provisions on the property connecting to the south side of the existing principal structure. A columbarium is defined in Chapter 497 of Florida Statutes to mean a structure or building that is substantially exposed above the ground and that is intended to be used for the inurnment of cremated remains. In accordance with Florida Statutes, all of the following fall under the classification of cemetery: land or earth interment, mausoleum, vault, crypt interment, columbarium, ossuary, scattering garden, or other structure or place used or intended to be used for the interment or disposition of cremated remains.

The applicant proposes to construct a memorial garden and columbarium in the 11,875 square foot area between the existing principal structure and the accessory residential/office structure located along North Lakeview Avenue.

The proposed memorial garden includes a fountain, benches, landscaping, and a brick wall to extend approximately 20 feet south along the east and west boundary of the garden area from the existing brick façade of the principal structure (as shown on the attached drawings).

The proposed columbarium includes the construction of a 16 inch deep brick niche wall along the south side of the principal structure to accommodate approximately 63 niches, and another 16 inch brick niche wall located approximately 20 feet south of the principal structure running east/west parallel to the principal structure to accommodate approximately 42-45 niches. A niche is defined as a recessed compartment designed to house an urn.

NEIGHBORHOOD ISSUES

Attached to this staff report are the letters of support and opposition, which were submitted to the city, regarding the request for a Special Exception Permit to allow for the subject property to be used for a columbarium which is regulated under state cemeterty provisions at the existing church facility located at 125 N Lakeview Avenue. City staff have facilitated the occurance of two community meetings (March 19, 2012 & April 30, 2012) to allow for the applicant to present the proposal to interested parties, allow for questions and discuss concerns.

The following issues have been raised by neighboring property owners:

- Parking on adjoining streets (North Lakeview Avenue, West Newell Street, North Boyd Street) preventing emergency access and blocking driveways. Potential for additional traffic on North Lakeview Avenue.
- Maintenance of the memorial garden and columbarium area (flowers and other items placed on the niche walls deteriorating and littering the surrounding area).
- Possibility of the property being used for any type of cemetery in the future (burial ground, mausoleum, crypt, scattering garden, etc.).
- Compatibility of the proposed memorial garden and columbarium with the surrounding residential community and the traditional downtown area.
- Potential impact on the surrounding property values.

As a result of the community meetings the design of the project was changed to reduce the height of the niche walls so that they do not pertrude above the perimeter walls of the gardens.

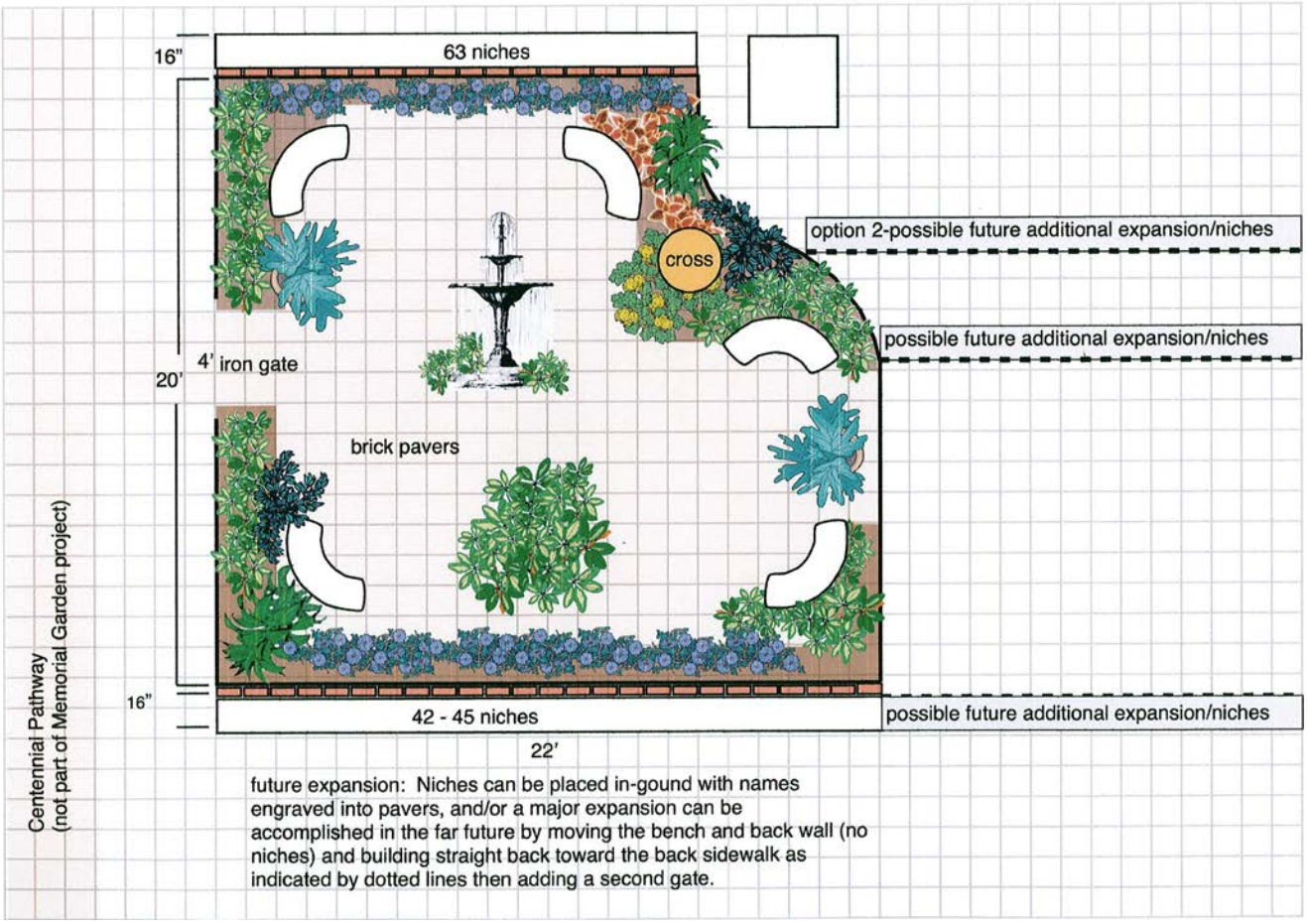
SUMMARY

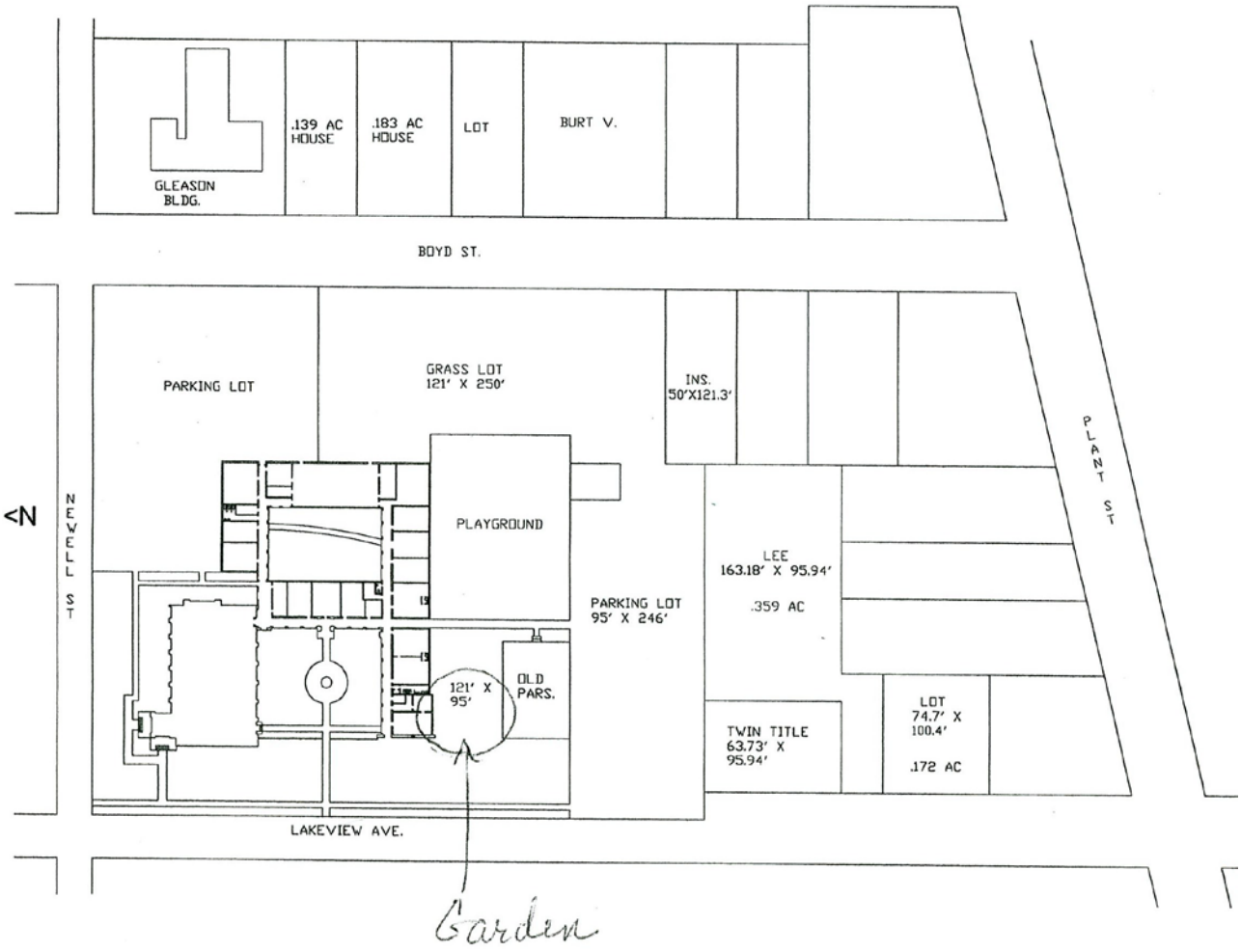
City Staff recommends approval of the proposed use subject to the following conditions.

- Parking for the columbarium shall be restricted to the existing parking facilities located on the subject property; no parking will be permitted on the adjoining streets.
- A maximum of 110 niches may be constructed on the subject property under the approval of this special exception permit, expansion of the memorial garden and/or columbarium area or construction of additional niches would require amendment to this special exception permit and approval of the Planning and Zoning Board.
- Construction of the memorial garden and columbarium shall substantially conform to the attached renderings, substantial deviation from the proposed design as depicted in the attached rendering may require additional approval by the Planning and Zoning Board. All materials used for construction of the memorial garden and columbarium facility shall be of similar materials to the principal structure.
- Memorial garden and columbarium facility shall not be open for access earlier than dawn or later than dusk.

MAPS/EXHIBITS

AERIAL PHOTO
125 N Lakeview Avenue


16"
63 niches
option 2-possible future additional expansion/niches
cross
possible future additional expansion/niches
4' iron gate
20'
brick pavers
Centennial Pathway
(not part of Memorial Garden project)
16"
42 - 45 niches
possible future additional expansion/niches
22'
future expansion: Niches can be placed in-gound with names engraved into pavers, and/or a major expansion can be accomplished in the far future by moving the bench and back wall (no niches) and building straight back toward the back sidewalk as indicated by dotted lines then adding a second gate.


GLEASON BLDG.
.139 AC HOUSE
.183 AC HOUSE
LOT
BURT V.
BOYD ST.
PARKING LOT
GRASS LOT 121' X 250'
INS. 50'X121.3'
PLANT ST
<N
NEWELL ST
PLAYGROUND
LEE 163.18' X 95.94'
.359 AC
PARKING LOT 95' X 246'
121' X 95'
OLD PARS.
TWIN TITLE 63.73' X 95.94'
LOT 74.7' X 100.4'
.172 AC
LAKEVIEW AVE.
Garden

END OF STAFF REPORT

In support of First United Methodist Church of Winter Garden.....

Dear Sirs:

My husband and I live in this community by choice. We actually surveyed all the choices we had for retirement and we deliberately chose Winter Garden. This is where we wanted to spend our golden years and where we wanted to be laid to rest. Our family is here and we have many close friends here.

The First United Methodist Church played a huge role in our decision to make this our home. We love everything about our Church-the lovely facility, the warm, energetic congregation, the outreach and compassion of the members, the leadership of a learned and caring Pastor and the integrity of spirit for all who work and attend there. It is a House of God that blends the best of History and Tradition with a genuine awareness of the needs of a contemporary world. Like all the beautiful places of Worship in this community, First United Methodist Church takes its place as a beacon to all that Winter Garden is a wonderful "place to be". Winter Garden is like our Church, a loving, giving, understanding community of good people who live their lives in peaceful harmony adhering to the laws of God and Man.

Having this perception of Winter Garden, I find myself dismayed that the plans for a Columbarium on the campus of the Church have become an issue of discord. The Law is clear on the matter—I find nothing in the Florida Statutes that prohibits a Columbarium on Church property and certainly there is nothing on the books that says a handful of private citizens can dictate to a religious institution of 700 people how they choose to honor their loved ones who have passed away. Legalities are moot.

So then, what is all this discussion about? Isn't it about opposing belief systems? If that is the situation, then I am no longer just dismayed. I am now-SHOCKED! I am fully aware that all people do not believe the same in regards to death and I respect that. I don't argue, complain or intrude on other's beliefs. However, I am astounded when other's then wish to deny me what I believe. Methodists are not afraid of death—certainly we mourn our personal loss but we celebrate the life and its meaning of the one who has passed. We revere and respect the lives that contributed to the world and we want to remember them not discard them or isolate them in faraway places. WE WANT TO STAY CONNECTED for generations to come. We are not scared or mad at those who have left us—they were a part of us—they were special to us. We do not believe that the folks resting in the Columbarium will rise up as ghosts, or evil spirits that will haunt or scare anyone. For those who do believe that is possible, the solution is simple-don't visit the Columbarium.

It is difficult for me to understand how an argument can be made against the Columbarium based on property values. A Columbarium is by definition so small and discreet. A Columbarium in and of itself does possess traffic powers. It does not follow that there will be an increase in funerals just because we have a Columbarium on the property. Logically, the number of people who die and have funerals will be the number of people who die and have funerals—whatever number that is—whether there is a Columbarium or not. It is my sincere desire that this issue be laid to rest quickly and that our Church moves forward with the plans for the Columbarium. This project has been the wish of the congregation for many, many years.

Blessings on all of us, Andrea H. White (member of FUMC since 1997)

Submitted: May 29, 2012

Community Development
Planning & Zoning
MAY 31 2012
Received By: _____

Corrina Williams

From: Dixie Thompson <dixiethompson27@gmail.com>
Sent: Saturday, May 26, 2012 11:34 AM
To: Corrina Williams
Subject: First United Methodist Church
Attachments: PlanningZoning20120526

Ms. Williams:

Please find attach a letter for Mr. Jim Gentry, Chairman of the Planning and Zoning Board. Bob and I support the addition of a memorial garden/columbarium on the grounds of the First United Methodist Church.

Thank you for putting the letter in proper hands.
Dixie

Dixie Thompson
dixiethompson27@gmail.com
c 407-765-5013

382 Grove Court
Winter Garden, FL 34787
May 26, 2012

Mr. Jim Gentry
Chairman, Planning and Zoning
City of Winter Garden, FL

Dear Mr. Gentry:

As Winter Garden residents for more years than we can count (Bob was born here) and living for 43 years within a few blocks of First United Methodist Church, we have long admired the historic building and property. While Bob taught school to most of Winter Garden teens between 1959 and 2002, I drove to Winter Park to work and we attended church in Winter Park. In recent years, we have retired and joined with the FUMC, making it our church family and wondering why we waited so long. We have discovered a rich, rich heritage that belongs to our lovely town and have come to appreciate more than ever our beautiful Winter Garden and the people who choose it as home.

We continue to discover what a very kind and caring congregation makes up the church and the significance of the impact they make on our community. Winter Garden is stronger and more desirable as a family town because of church families who populate the area. Everyone benefits from those who live by Christian principles. It seems only fitting to support First United Methodist Church in adding a memorial garden on their beautiful property as they have dutifully requested.

Bob and I regularly pray for the leadership of our city, state, and nation. We pray that you walk uprightly and govern according to sound principles based on God's Word.
Please know that our prayers will continue for you and for all our neighbors. We firmly believe that local, self-governing communities make a stronger, healthier nation. Your job is significant and far-reaching. Many blessings to you and the board as you govern wisely.

Sincerely,

Dixie B. Thompson

From:	C Brooks
To:	Corrina Williams
Subject:	First United Methodist Church - Memorial Garden
Date:	Tuesday, May 29, 2012 3:10:40 PM

May 29, 2012

Winter Garden Planning and Zoning Board Members:

I have been an active member of the First United Methodist Church of Winter Garden since 1999 and a resident of Winter Garden since 1998. I am writing to ask that you favorably consider our request to build a walled and landscaped Memorial Garden on our church property. We have worked for some time now to plan a beautiful addition to our church and the neighborhood with this Garden. We have altered our original plan to accommodate the concerns of our neighbors and feel the current plan meets those needs.

Our Memorial Garden would be a place for meditation and prayer for anyone desiring that, and a beautiful, quiet respite from the continuous activity of the rest of the church grounds and surrounding areas. Those passing by would see only a brick wall, closely matching the existing brick building, and beautiful landscaping with a fountain and an iron gate, all aesthetically pleasing.

Thank you for your time and consideration of our request.

Sincerely,

Carol Brooks
630 Lake Beulah Cove
Winter Garden, Fl. 34787

From: LowellTeal@aol.com
To: Corrina Williams
Cc: rbelcher@fumcwg.org
Subject: First United Methodist Church
Date: Wednesday, May 30, 2012 9:45:41 AM

LOWELL TEAL
12077 McKinnon Road
Windemere, FL 34786
ph.: 407.876.2377
cell.: 407.257.5106
fax.: 407.876.0524
email: LowellTeal@aol.com
web: www.LowellTeal.com

May 30, 2012

Being long standing active members of First United Methodist Church, Winter Garden, we urge the Planning and Zoning Committee make a recommendation to the Commissioners for a proposed Memorial Garden for our church. This garden will not only be an asset to our facility, but also the city of Winter Garden. More and more people are coming to this area and are impressed with the architectural features of this historic church. A well planned garden such as this will not only add aesthetic beauty to this church but its surrounding neighborhood. Yes, it will include a low bearing brick wall in which there will be niches for the interment of ashes for the deceased (a columbarium - not a cemetery). None of the interments will be visible from Lakeview Avenue. There will be no funeral or memorial services held in this garden. Such services will be, as have always been, in the sanctuary or chapel.

There has been a total misunderstanding of this proposed project by objecting neighbors. Members of our congregation sincerely regret this.

Thank you for your time and consideration by permitting the creation of this garden.

Lowell and Jackie Teal

From:	Corrina Williams
To:	Laura Smith
Subject:	FW: Jim Gentry-Planning & Zoning Chairman-Memorial Garden
Date:	Tuesday, May 15, 2012 9:44:12 AM

Ms. Laura

This is a letter that has come in support of the memorial garden project file. How do I proceed with it?

Corrina Williams
The City of Winter Garden
Community Development, Administrative Specialist
300 W. Plant Street
Winter Garden, FL 34787
(407) 656-4111 ext. 5149
(407) 654-1258 facsimile
cwilliams@cwgdn.com

Please consider the environment before printing this e-mail.

From: Joyce/Larry [mailto:joycewggrammy@aol.com]
Sent: Tuesday, May 15, 2012 9:09 AM
To: Corrina Williams
Subject: Jim Gentry-Planning & Zoning Chairman-Memorial Garden

May 15, 2012

Dear Mr. Gentry,

We are asking you and your Planning and Zoning members to please consider our proposed Memorial Garden at The First United Methodist Church of Winter Garden, Fl.
We have worked very hard to make this a wonderful addition to our church, while taking into consideration the thoughts of the members of our church and the neighbors. We feel it will be very pleasing to the eye, blend well with the existing structure and give some comfort to family members in the loss of a loved one while being in a very respectful spot on church property.

Respectfully,

Your Neighbors, Larry & Joyce McWilliams, 302 W. Tilden St., Winter Garden, Fl. 34787 Phone 407-656-3971

Community Development
Planning & Zoning
MAY 25 2012
Received By: _____

May 24, 2012

Mr. Jim Gentry, Chairman
Winter Garden Planning and Zoning
City Hall
251 W. Plant Street
Winter Garden, FL 34787

Dear Mr. Gentry

We are both very pleased that our Church has plans for a Memorial Garden with Columbarium!

We have been Winter Garden residents for over 34 years and members of First United Methodist Church for 33 years. We believe this will be a beautiful addition and ministry for our Church. The Garden will be an outside place for meditation and prayer in a quieter spot away from all of the activities and events within the church--yet physically connected to the church buildings.

The proposed Memorial Garden will be a restful place as it will have a fountain and benches surrounded by attractive landscaping. Memorials honoring past members will be given by families of the church. Also, the columbarium will allow those who want to remain with their Faith Family to always be surrounded by beauty and those who loved them.

As we wish to maintain the look of our church, which has been an integral part of Winter Garden for over 100 years, all of the architectural details of the existing church buildings are incorporated in the Garden plans--matching brickwork, walls and iron gates. This has been designed so that all that can be seen from Lakeview Avenue is an attractive, private meditative garden area.

The Memorial Garden is dedicated to glorifying God.

Sincerely

Dan Annis Gay Annis

Gay and Dan Annis, Long-time Winter Gardenians

Community Development
Planning & Zoning
MAY 30 2012
Received By: _____

Attention: Winter Garden Planning & Zoning Board Members

My name is Harriette W. Grimes. I lived at 104 N. Lakeview Ave. from about 1968 to about 1996. I am a member of the FUMC of Winter Garden.

My sons didn't learn about death because of funerals when they lived across the street from the FUMC. They learned about death as my husband and I helped them through the loss of beloved pets and beloved family members.

In my opinion, what the young children living across the street should learn about death should come from what their parents teach them. The proposed columbarium across the street can not teach them anything about death. Also, it will not change the number of funerals - no more - no less - just the same number, with or without the proposed columbarium.

Maybe semantics got a little out-of-control concerning what is hoped to be added to the FUMC facility.

I looked up numerous definitations of cementery, church, columbarium, and funeral - never did find one that read, "wall of death" or a "blight and traumatizing intrusion" on a neighborhood.

Sacred Destinations, Graves, Tombs, and Shrines states the names of deceased saints, spiritual leaders, artists, etc., associated with religion or religious places and it states where their remains are. One of those places is St. Peter's Basilica in Rome. It is the largest Christian church in the world.

John Wesley, English preacher and founder of Methodism is in Wesley's Chapel in London, England. He died in 1791. Pope John Paul II is in St. Peter's Basilica. He died in 2005. Also, a total of 91 popes are budied in crypts in the grotto in St. Peter's Basilica. In some churches, actual bodies are on display in glass tombs.

I've never heard a church called a cemetery but according to Steven Jett's definition of a cemetery, a place to store what is left of people who have died, is a church a cemetery?

A columbarium is a place for respectful and usually public storage of cinerary urns. They date from the ancient Roman times. Columbaria, can be found free-standing, and in many cemeteries and churches around the world,

The columbarium plans have been changed so that nothing can be seen outside the church but a landscaped garden wall. That was not good enough for a few people. "They" want it put where "they" want it, regardless of how that place is already used. It is funny - "they" don't want it but if it is put where "they" say to put it, it will be all right.

I know for a fact that all people who live near the proposed columbarium aren't opposed to having it.

Thank you for your time and attention to this matter. I respectfully ask you to

carefully consider all information you have and hope you can offer a decision in favor of the planned, redesigned columbarium to be added to the grounds of the FUMC of Winter Garden.

Sincerely,

Harriette W. Grimes

Harriette W. Grimes
May 30, 2012

5.30.12
(M)

Jack and Gloria Quesinberry

900 West Plant Street, Winter Garden, Florida 34787

Community Development
Planning & Zoning
MAY 30 2012
Received By: _____

May 30, 2012

To the members of the Winter Garden Planning & Zoning Board,

We are longtime members of the First United Methodist Church of Winter Garden, and we are writing to ask you to please approve the church's request to create a columbarium on its property at 125 N. Lakeview Ave.

The advertisement that ran in the May 24 issue of The West Orange Times – placed by a resident who lives near the church – was very misleading. The church will NOT be holding 100 funerals each month. The columbarium will NOT be a cemetery, and it will NOT be a "blight" and "traumatizing intrusion" in the neighborhood.

Thank you in advance for your consideration of our church's request.

Sincerely,

Jack Quesinberry
Gloria Quesinberry

Jack and Gloria Quesinberry

May 29, 2012

Community Development
Planning & Zoning
MAY 31 2012
Received By: _____

City of Winter Garden
Planning and Zoning Dept.
300 West Plant St
Winter Garden, FL 34787

Re: Recent Article in West Orange Times
Columbarium at First United Methodist Church

Attention: Mr. Jim Gentry and Members of the Zoning Board

Dear Sirs,

I am writing as a member of First United Methodist Church or Winter Garden (FUMCWG) to express my support for the Columbarium that is currently being proposed by FUMCWG and as one who plans for his remains to rest in the columbarium inside the memory garden setting which is planned by the Church.

I have attended the two public hearings which have been conducted at City Hall. I have listened to those that are opposed. While I have felt only a little resentment about their opinions they voiced them at an appropriate meeting and I just listened. I found their comments to be repetitious, self serving and without any legal foundation. However, their misrepresentation and accusations in the WOTs last week have moved me beyond just resentment.

The Memory Garden with the Columbarium has been discussed within the church for several years and the actual planning has been in the works for over a year. It was well thought out by several members of the church and even with that after the initial meeting the church made changes to the original plan in response to the objections raised. These changes did not seem to register with those opposed to the plans and the way that registered with me was that they feel they should be allowed to control what the church does even when their numbers are few compared to number of members in the church. By their own admission they have been members of this community for only a few years. Our church and its members have been an active part of this community for over 100 years and have served it well.

In the meetings and in the newspaper article they have been allowed to constantly refer to the memory garden and columbarium as a cemetery. This has been allowed to go unchecked. However, in my research of the Florida Statue 497 the term Columbarium is clearly defined in definition # 16 as "a structure or building that is substantially exposed above the ground and that is intended to be used for the inurnment of cremated remains". The same statue exempts the church form any sanctions or provisions set forth for interment facilities and so then differentiates the structure for the term "cemetery". Perhaps the City needs to clear up the use of the term "cemetery".

My intent was to keep this to one page. I could go on for several more, but I will close here and again urge the Planning and Zoning Board to support the First United Methodist Church by approving their current plans.

Sincerely,

Ken White
995 Tildenville School Rd
Winter Garden, FL 34787

Community Development
Planning & Zoning
MAY 18 2012
Received By:

May 16, 2012

Dear Winter Garden Planning & Zoning,

We are members of First United Methodist Church of Winter Garden. In addition we are on the Memorial Prayer Garden Committee at our church.

This garden has been talked about, dreamed about, and planned for for many years. It is not a plan that was hatched quickly or without a lot of thought.

It will be a beautiful garden with a bubbling water fountain, lush plants and blooming flowers. The wall that will be seen from the street will match the existing buildings and the gate on Lakeview Ave. will be built like the other gates that enter the courtyard & entrances to the church property.

We hope that this garden will come into being! It is the desire of some of us to sit in that garden to pray and seek God there when we have life decisions to make.

Thank you for your deliberation on this garden of peace & tranquility.

Sincerely,

Laura Barney & Bob Barney

Mar. 18. 2012 3:06PM Wagonson Hotel Marina Cove No. 4585 P. 1

Lee A. Grimes, II
104 N. Lakeview Ave.
Winter Garden, FL 34787
March 17, 2012

City of Winter Garden
Community Development Department
Planning & Zoning Division
300 West Plant St.
Winter Garden, FL 34787

To Whom It May Concern,

I do not have any problems with the proposed Columbarium built at the First United Methodist Church at 125 North Lakeview Ave., Winter Garden, FL 34787.

I will be out of town on Monday, March 19, 2012.

Very truly yours,

Lee A. Grimes, II

From:	Dan Smithwick
To:	Corrina Williams
Subject:	Letter of concern
Date:	Tuesday, May 29, 2012 1:29:04 PM
Attachments:	CityofWG.doc

Please use the attached letter as my input to the matter being discussed in your office regarding First United Methodist Church.

Dan

NEHEMIAH® INSTITUTE

"Come, let us build..." Neh. 2:17

Dan Smithwick
President

Nehemiah Institute
554 Groves End Lane
Winter Garden, FL 34787

dan@nehemiahinstitute.com

tel: 800-948-3101

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Winter Garden, FL 34787
T 1(800) 948-3101 1(407) – 654-8580
E dan@nehemiahinstitute.com

Community Development
Planning & Zoning
MAY 15 2012
Received By: _____

Daniel J. Smithwick
Founder & President

May 12, 2012

Mr. Jim Gentry
Planning and Zoning Commission
City of Winter Garden
300 West Plant Street
Winter Garden, FL 34787

Dear Mr. Gentry,

I have come to know of a 'controversy' regarding the desire of First United Methodist Church to build a Columbarium in a garden setting on their property. I am writing to express my support for this project.

Columbariums are a 2,000 year old practice of churches, mosques and other religious sites for the respectful interment of loved ones. First United Methodist Church is a longtime, respected community of believers in the Christian faith in Winter Garden.

It seems to me that denying a longtime, honored religious practice, to an institution in good standing in our community, simply because of the dislikes of a few (1-3 families) is neither good democratic practice of government or wise establishment of precedence. What else might be denied- a structure, a garden park, a betterment project for the community, only because a precedence was set in allowing a handful of people to derail this garden project?

I ask that this letter be read at the next hearing and kept on file regarding this matter.

Thank you,

Dan Smithwick

Dear Sir,

I wish to express my support for the 1st United Methodist Church in their efforts to build a columbarium on their property. It will be a beautiful addition to our community.

Sincerely

Linda C. Deverane
235 E. Maple St
W.G., FL 34787

Community Development
Planning & Zoning

MAY 25 2012

Received By: _____

May 29, 2012

Dear Mr. Gentry,

I am writing this letter to express my support for the F.U.M.C. of Winter Garden to build a columbarium on the grounds of the church property. Many religious institution plan and build special areas for their members' ashes. This is not a foreign idea. I am confident that this addition will be done tastefully and beautifully and will not impact the neighborhood.

Sincerely,

Mary Ann McMillan

Community Development
Planning & Zoning

MAY 30 2012

Received By: _____

Corrina Williams

From: okeneipp@cfl.rr.com
Sent: Monday, May 28, 2012 2:13 PM
To: Corrina Williams
Subject: in favor of gardens

I wonder why Mr. Jett kept referring to "cemetery" in his letter to the WO Times. Clearly, he MUST be an informed and educated man. Otherwise, why would he make mention in the same letter about the Church's agreement to "reduce the original plan by one row of niches for remains"? Surely, an informed and educated person, such as he, knows that caskets are found in cemeteries and urns are found in niches. And it is not in the plans of the Church to put caskets on our church property. It is the Church's desire to provide a quiet place to meditate and reflect on the lives of our loved ones by creating a beautiful garden with space for their ashes. "May he rest in peace" is a common expression often used when someone dear passes on to eternity. Many times, I have prayed a different version of that expression for the loved ones who are left behind in this worldly place as they go about the healing process that comes with grieving. "May the family find peace" is a more appropriate expression. And, I believe that the Church can provide that serenity in the Memorial Gardens. It is my hope that the city of Winter Garden will allow the First United Methodist Church to be able to complete their plans.
Prayerfully,
Millie Keneipp

From: Nancy Barber
To: Laura Smith
Subject: Special Exemption Permit March 19. 2012
Date: Saturday, March 10, 2012 7:37:30 PM

I received your notice about the meeting. I will be unable to attend but would like to say that. as a neighbor of the church, living at 244 N. Lakeview Ave., I wholeheartedly support the building of the columbarium, I do not feel that it would adversely affect the area in any way. I do not attend the Methocist Church but believe they have been good neighbors for the 37 years I have resided at this address. I appreciate your sending the design plans. They look like a tasteful, lovely addition to the area. Please register my approval if it has any bearing on the situation. Thank you. Winter Garden is a great place to live. Nancy Barber

If I need to do anything else to affect this project in a positive manner, please let me know.

Jim Gentry, Chairman
Planning & Zoning Board
City Hall - Winter Garden

Dear Mr. Gentry:

My husband and I are members of the First United Methodist Church of Winter Garden on Lakeview Ave. We approve of the garden being a part of the church property. It will be a beautiful and peaceful place to go for prayer, comfort, peace and meditation.

Community Development
Planning & Zoning
MAY 29 2012
Received By: _____

Sincerely,
Nick & Sallie Bosco

Community Development
Planning & Zoning
MAY 30 2012
Received By: _____

Planning and Zoning Board
City of Winter Garden
300 West Plant Street
Winter Garden, FL 34787

Dear Board Members,

I am shocked at the half page ad I just read in the West Orange Times about our proposed Columbarium Memory Garden at First United Methodist Church. I find it hard to believe that the person writing the ad (Mr. Jett) has attacked my church in such a hurtful and malicious manner. Our church has been here over one hundred years and has been an active and supportive part of the Winter Garden Community its entire existence. We lend our parking lots to all who visit the downtown Winter Garden area for its various festivals and the weekly farmer's market. We support the children of Winter Garden through our Pre-school Program as well as with our VBS, Scout Troops and many of our members are either teachers at area schools or are Volunteers for them.

Our Columbarium Committee has worked diligently to make this Memory Garden a beautiful and peaceful garden that will blend in with our current architecture as well as be a space where some of us indeed might have a small urn of our ashes stored inside a brick wall that would in no way be seen from the outside or for that matter even be thought of by a child as a burial plot. The idea that this Memory Garden Columbarium is being tagged as a cemetery is ridiculous. And if the thought of a beautiful garden with a fountain seen from the street inside a gated area is going to be traumatic for Winter Garden's children then might I suggest that we also get rid of the Funeral home on Plant Street across from the Bike Park where I see children playing.

I appeal to your sense of community and intelligence to see that the few who are requesting this Memory Garden be moved or denied have no valid reason for calling it a cemetery or for thinking it is in any way harmful to the well being of Winter Garden's children. As I stated earlier we have been a fixture in Winter Garden for over 100 years and never had any complaints that I am aware of for holding funerals for our members so even the idea that a funeral would be upsetting now is again just a smoke screen for wanting to make a mountain out of a mole hill.

Thank you for your time and consideration in allowing First United Methodist Church of Winter Garden to build a beautiful Memory Garden for our members and anyone else in the community who might want to use or visit it.

Thank you,

Penny J Fullmer

Penny J Fullmer

May 18, 2012

Community Development
Planning & Zoning
MAY 23 2012
Received By: _____

TO:
Planning and Zoning Board
c/o Mr. Jim Gentry, chair

Gentlemen,

The letter our church Memorial Committee wrote for presentation at the last Community Meeting addressed our perspective re: the proposed First United Methodist Memorial Prayer Garden.

We have been very concerned about the controversy with a couple of our church neighbors, and have listened and responded in a positive way. We have looked at the church property carefully and discovered that the area selected is the only practical church area that allows for quiet meditation while not being used by the pre-school or weddings or expanded dinners, and will not be in the way of any possible future expansions to church buildings. It may be difficult for people who do not attend the church and participate in our many activities to fully comprehend the current uses of our inner courtyard.

We have adjusted our plans so that nothing is seen from outside our beautiful Garden but a brick wall and a glimpse of the fountain in the center.

Frankly, we find it very difficult to understand some of the objections presented, and are puzzled at the refusal of a few to differentiate between a full-blown cemetery with headstones and caskets and a columbarium designed as a garden with very small urns placed **unseen** inside the brick of a landscaped garden wall.

We earnestly hope that you will approve this plan for what it is:

A quiet, separated area for prayer and meditation
A place to remember loved ones
A beautifully landscaped upgrade to our church property

Sincerely,

Sam Wagster
Marian Wagster

Sam and Marian Wagster
383 Grove Court
Winter Garden, FL 34787

Corrina Williams

From: Sandi Luss <sandiluss@yahoo.com>
Sent: Tuesday, May 15, 2012 11:10 AM
To: Corrina Williams
Subject: Memorial Garden

I have been a member of the First United Methodist Church since 1984. To me this is a church not only of love and caring, but of peace. Having a memorial garden would be such a wonderful addition to this peaceful feeling. We all need a place to go, sit and reflect and remember. With this garden, we will have that opportunity.

Please let us have a good vote on having this garden built at the church.

Sandra Luss

Community Development
Planning & Zoning

MAY 30 2012

Received By: _____

May 24, 2012

Planning and Zoning Board
Attn: Jim Gentry

Gentleman:

Please allow the Memorial Garden we are requesting at 125 N Lakeview on the First United Methodist Church grounds.

The area planned for the Memorial Garden will be enclosed with a brick wall allowing only a glimpse of the fountain.

The purpose of the Memorial Garden will be to have a quiet place for prayer and meditation as we honor and remember our loved ones.

We have been planning this for a couple of years and have worked very hard to position it in the best possible place and make it a pleasing addition to our church and our neighborhood as well.

Thank you for your consideration on this matter.

Sincerely,

Sue Norton

Sue Norton
PO Box 127
Killarney Fl 34740

Tim & Margie Gooch
225 James Dr.
Winter Garden, FL 34787

Community Development
Planning & Zoning
MAY 22 2012
Received By: _____

May 20, 2012

Planning and Zoning Board
City of Winter Garden
300 West Plant Street
Winter Garden, FL 34787

Members of the Board:

Please consider approving the Memorial Garden that many at the First United Methodist Church want to build.

It is a lovely and respectful garden and will be a place of comfort for those that choose to have their loved ones here.

I feel that most people who come to or pass by the campus will not even realize that the garden is anything but a beautiful and peaceful area to sit in silence and meditate.

A lot of thought and planning has been put into the layout and it will be a beautiful addition to the grounds.

By approving, you will be giving peace of mind to those that have worshiped here and want to call the garden a place to rest.

Thank you for your consideration in this matter.

Sincerely,
Margie Gooch Timothy Gooch
Tim and Margie Gooch

Community Development
Planning & Zoning
MAY 24 2012
Received By: _____

May 22, 2012

Planning & Zoning Board
Winter Garden City Hall
251 Plant St.
Winter Garden, Fl. 34787

Attention: Jim Gentry, Chairman

Re: proposed First United Methodist Memorial Prayer Garden

Dear Mr. Gentry,

I am writing in favor of the First United Methodist Memorial Prayer Garden. I feel this Garden will be a beautiful asset to our church property and a place to lift our prayers to God.

Thank you for consideration in this matter.

Sincerely,

Vikki A. Chitwood

Vikki A. Chitwood
1300 Eastern Pecan Pl.
102
Winter Garden, Fl. 34787

Corrina Williams

From: VIVIAN BRACK <vbrack@cfl.rr.com>
Sent: Thursday, May 17, 2012 6:40 PM
To: Corrina Williams
Cc: Carol Brooks; Joyce/Larry; Gay Annis; Russell T. Belcher; Sandi Luss; Marian Wagster
Subject: FUMC of Winter Garden's Memorial Garden

Jim Gentry
Chairman of Planning and Zoning

Re: FUMC of Winter Garden's Memorial Garden

Dear Jim Gentry,

I am Vivian Brack an eight year residence of Winter Garden and a four year member of FUMC of Winter Garden. I look forward to the purposed Memorial Garden as a place to have a quite time of prayer and revisit my memory's.

I work with the committee that is trying to make the Memorial Garden a reality. We have located the Garden in the quietest part of the Church property and have taken all steps necessary to keep the inside of the garden a very private place. We planned it so you will not be able to see in or out of the garden.

I hope you will find this garden to be a beautiful and peaceful environment for very private meditation.

Thank you ,

Vivian A. Brack 1325 Cardinal Ln. Winter Garden, Fl 34787

Community Development
Planning & Zoning
MAY 29 2012
Received By: _____

Proposed Cemetery, 125 North Lakeview Avenue

Since we were first made aware of the churches plan to install a cemetery on their property, we made it abundantly clear to both the minister and the church members that we are extremely disturbed and uncomfortable with the idea and especially with their selected site. They told us that there are some church members who wish to have their remains left on the church property after they die. They told us they wanted a quiet place for prayer and meditation. They also told us they need an affordable funeral alternative.

These are many of the most affluent people in our community but they are suggesting that even the most modest of funeral plans would be a strain on them. The proposed $1000 cost at the Methodist Church exceeds Winter Garden Cemetery cost by $400 and it is double the cost of other church cemeteries. The Church of the Messiah, Episcopal Church in Winter Garden charges nothing to its members for its services.

Two key characteristics of the proposed cemetery that the church members have not wavered from are that, they want it to be of monumental scale and they want it to be placed in full public view, facing the busiest street bordering the church property. Throughout the public meetings held on this issue, the church members have heard what they wanted to hear and just pushed aside and ignored what they didn't. At the second of the public meetings, the group's leader, Miriam, gave us a long list of fabricated excuses as to why they want to install the cemetery facing Lakeview Avenue.

They claim that the view of the niches was a primary concern to the neighbors. This is not the least bit true. The deposition of human remains and the direct view of the cemetery from our homes are and always have been our primary objections.Considering other locations for their cemetery, they claim that they wouldn't be able to attach the walls to an existing building. We have not found anything in the building codes that dictates these type structures must be attached to an existing building at all.

One of their selling points for this cemetery has been its relatively small footprint on their property and yet, they claim that placing their cemetery on the Boyd Street side of the property will interfere with possible future building plans. If its footprint is so small, it should easy to work around any future building plans. Also, if the Lakeview Avenue site is large

enough for a cemetery, it is large enough for any possible future building plans as well. They never gave us any indication that they actually have any future building plans.

A cemetery in any form clearly does not belong on a property that is such an integral part of a residential neighborhood like ours. But, we have let the church members know that we will drop our opposition if they would just simply place their cemetery within the existing building complex of the church, in the privacy of their inner courtyard. At first they claimed that it wouldn't fit. When we measured the courtyard, we found their current design would fit in that space nine times. Their design would easily fit numerous times in the courtyard without relocating any of the existing paved areas or sidewalks. Then they claimed some imaginary safety concerns for the day care children with the courtyard location. They never could reasonably explain the safety concern. They claimed that the inner courtyard is gated during the day and wouldn't be accessible to them. In fact, the gates to the building are unlocked at 8 o'clock every morning and not locked again until about 6 in the evening, seven days a week. It has been only in recent months that the building complex has been locked up for the evening at all.

If you look at the illustration of the proposed cemetery, provided by the church, there is an existing building with three arched windows. These windows look out from the church's prayer chapel. This chapel has been open to the public and to church members for the past three or four years and has been open from 8AM until 6PM, seven days a week. During that time, we have observed only about a half a dozen people actually use this prayer chapel during its operating hours. Their prayer chapel sits empty virtually all the time. They are not using their existing facility for meditation but they are claiming to need yet another. They expect us to believe that they will sit out under the sun, next to the busiest and noisiest street in the neighborhood, in the heat and humidity and meditate in a cemetery when, there is an unused air-conditioned prayer chapel at their disposal only steps away.

The members of this congregation have not been honest with their neighbors and they have not been honest with themselves. Until now, they have refused to admit to themselves and to all of us that what they want to install is actually a cemetery. We have noticed, more than once, the city has removed the word "cemetery" from signage and omitted it from correspondence concerning this issue. We believe the church has pressured the city to do this.

This church group is able to achieve their stated goals without inflicting this cemetery on its neighbors. They have a great number of options available to them in its design and in its placement. It has become clear to us that what this group truly wants is a large monument dedicated to themselves and, most important to them, one that is clearly visible to the entire community. We have visited numerous church cemeteries in the area and have found that in every case, they are designed and placed with respect and sensitivity to neighboring residential properties.

In the not too distant future, every one of us will be deceased. Within a just few generations thereafter, there will not be anyone around who will actually remember any of us. Soon enough, all of us will be reduced to just a name on a grave marker. But for the present, this is our time to live. These are our days and our occasions to celebrate. These are our children to raise. These are our homes. This is where we live our lives, we enjoy our liberties and we pursue our happiness. We are doing our best to raise our children to have a healthy perspective on life. When they reach an appropriate age, we will do our best to give them a healthy perspective on death. We will not be able to do either with a monument of death facing them and us, every moment of every day of their childhood. If you allow this cemetery to be installed, you will render our neighborhood unhealthy for families and children.

The quality of rest and refuge we maintain in our home, is that not grandfathered in? The sense of safety and security we provide to our children, is that not grandfathered in? The innocence of their precious years, is that not grandfathered in? If you allow this cemetery to be installed in front of us, you won't only be diminishing the value of our home; you will be destroying what we value most in our home, everyday. We are not willing to just be collateral damage for these people who wish to erect a monument, glorifying themselves. We are imploring you to do the right thing. Deny this application for a permit. Require these people to be respectful and considerate of those who live in this community with them. Allow us to live and sleep in our own homes peacefully.

Jay Cummings
112 N. Lakeview Ave.

PLANNING & ZONING DIVISION **APRIL 30, 2012**

WINTER GARDEN

Since the First United Methodist Church at 125 N. Lakeview Avenue is not zoned for a cemetery (Columbarium); this request must be denied.

The remains of people who have passed must not be displayed on this Church Property.

Ray Graber

365 Grove Ct.

Winter Garden

From:	Kaye Gerding
To:	Laura Smith
Cc:	Laura Smith
Subject:	Special Exception Permit for 125 N. Lakeview Avenue/Planning & Zoning Board
Date:	Friday, May 25, 2012 6:16:09 PM

Hi Laura,

This is in response to the "Notice of Public Hearing" for June 4, 2012 concerning the proposed columbarium in a C-1 zoning district. I believe, as do all the neighbors of the church, that we have valid objections to this proposal :

1. Studies have shown that a columbarium (cemetary) devalues the nearby properties. There is even a term to describe this, "incurable defect". The neighbors of the church would never have bought their homes if there had been a cemetary there already.

2. There is no incentive for the neighbors to continue investing in their homes when they are already devalued because of the economy and will be further devalued if this special exception is approved. We have all been fixing up our homes because we have faith that the Town of Winter Garden will continue to improve. A cemetary is not an improvement...just the opposite.

3. Downtown Winter Garden has become a vibrant community, and a cemetary will detract from this vibrancy. The Farmer's Market, the many festivals, Friday nights, and the Winter Garden Theatre, the restaurants, and the shops have all brought a new life to Downtown Winter Garden ! A columbarium (cemetary) doesn't fit this category.

4. Approving this special exception will set a precedent for expansion (already in the plans for the church before they even have approval) and for columbariums for this and other churches. First United Methodist Church has existed without a cemetary for 100 years. There is no valid reason to have one now.

5. A columbarium (cemetary) is disturbing to the neighbors affected by this request and will be disturbing to many of the visitors to Winter Garden. The church members can go to their homes. It is not possible for the neighbors to get away.

6. It will bring even more traffic to North Lakeview Avenue. It will not be the quiet, contemplative, peaceful respite that the church members invision. Lakeview is a very busy, noisy street even on a normal day. It is not safe to have cars parked on North Lakeview Avenue at any time. The proposed gate opens onto North Lakeview Avenue.

7. A columbarium (cemetary) will detract from the Downtown Winter Garden footprint, especially with any expansion.

8. Studies have shown that there is the threat of crime, or at the very least mischief, during the night at cemetaries.

9. How will this affect the Downtown businesses ? Are they aware of this proposal ?

10. Since donations are down for most churches due to the economy, is this a way for the church to make money ? Why do they want this now ? Their donations would be better spent caring for the living.

11. What do the church members know about running a cemetary ? For example, you cannot leave flowers in the heat for a week as the time frame suggested in their proposal.

12. Why are the church members so determined to have the columbarium located where it is disturbing to their neighbors ? They are totally disregarding the feelings of the people who live across the street and nearby. "Love Thy Neighbor" !

On a personal note, I worked in Winter Garden for about four years forty years ago. I loved working in Winter Garden, and it has been incredible to see how beautifully it has grown into a thriving community. I got to know many of the old families and have a special place in my heart for the Town. My husband and I were so thrilled to find a home for our daughter across from the Church (not across from a cemetary), where we felt she would be safe and comfortable. Now she even works in the Town and loves living there. We are heart-broken that this could change if this special exception is approved. As a young woman, she should not have to be across the street from a cemetary. My heart goes out as well to my daughter's neighbors who have two young children and are as distraught as we are over this request.

Please do not approve this special exemption !

Thank you for your consideration,

Kaye Gerding (on behalf of myself, my husband, Paul, and most of all, our daughter, Margi.)

To our friends and members of the First United Methodist Church of Winter Garden
(125 N. Lakeview Ave, Winter Garden, FL. 34787)

Please don't build a cemetery in downtown Winter Garden

Some folks in your membership are trying to put a cemetery on your church property. They are calling it by the gentle euphemism of "Columbarium". A rose is a rose is a rose. It is a cemetery. It is a place to store what is left of people that have died.After you attend church, you go home. We are the folks that will get to live with your cemetery.

There are young children that live right across the street from the proposed cemetery. They will have the joy of having death explained to them when they are three or four years old; may get to watch up to 100 funerals before they go to high school; and will spend their entire childhood with a constant reminder of death right across the street.

The proponents of the project say they want a quiet place that families can come and meditate with their loved ones. However, it will face N. Lakeview Avenue, one of the busiest streets in the area (the direct route too, between the children's fountain and bike trail on Plant street and the Park at Tanner Auditorium).

Folks from our neighborhood have met with your church representatives. We appealed to them, asking them not to burden our lovely neighborhood with a cemetery. They are still pushing ahead with the plan. When we couldn't change their minds about building a cemetery, we asked them to relocate the cemetery so that our residential area would feel less of a negative impact. We suggested 5 alternative sites on your property. They are brushing our ideas aside and are pushing ahead with the original plan. The only change they are willing to consider is to put a taller brick wall in front of their proposed cemetery and reduce the original plan by one row of niches for remains.

That changes nothing! We bought our homes knowing there was a church across the street. As a matter of fact we liked the idea of having a stable neighbor next door. We bought into the bell in the tower. We bought into the occasional wedding. We bought into the Boy Scout troop meeting there. We bought into the occasional rummage sale. Yes, you increase our traffic but, all of these things were expected and many of the activities are wonderful. **What we didn't buy into was having a cemetery next door.** Your church is getting ready to spend a lot of money to put, what we consider to be, a blight and traumatizing intrusion in our lovely neighborhood.

A neighborhood that most of you don't live in.
Please don't force us to live with your wall of death.
Can't you figure out something better to do with that money?
Don't you have missionaries that could use that money?
Don't you have school programs that could use that money?
Don't you have daycare programs that could use that money?
Don't you have outreach programs that could use that money?
Shouldn't that money be spent spreading the Lord's word instead of building monuments to yourselves?
Are you sure your leadership's priorities are straight here?
This is your tithing and offering money. A Cemetery? In a residential neighborhood?

Please, talk to your representatives and stop this plan.

Thank you,
Your Friends on Lakeview Avenue
Sponsored by Steven Jett, Winter Garden

THE CITY OF WINTER GARDEN

PLANNING AND ZONING BOARD AGENDA ITEM

ITEM # 5 (Public Hearing)

DATE: MAY 31, 2012 **MEETING DATE:** JUNE 4, 2012

SUBJECT: 710 SOUTH PARK AVENUE (0.22 +/- ACRES)
PROJECT NAME WEST ORANGE HABITAT FOR HUMANITY
PARCEL ID# 22-22-27-1084-01-110

ISSUE: REQUEST APPROVAL OF ORDINANCE 12-11 (ANNEXATION OF 0.22± ACRES LOCATED AT 710 SOUTH PARK AVENUE), ORDINANCE 12-12 (AMENDING FUTURE LAND USE MAP OF THE CITY'S COMPREHENSIVE PLAN FOR 0.22± ACRES LOCATED AT 710 SOUTH PARK AVENUE FROM ORANGE COUNTY LOW DENSITY RESIDENTIAL TO CITY LOW DENSITY RESIDENTIAL). ORDINANCE 12-13 (REZONING OF 0.22± ACRES LOCATED AT 710 SOUTH PARK AVENUE FROM ORANGE COUNTY R-2 RESIDENTIAL DISTRICT TO CITY R-2 RESIDENTIAL DISTRICT).

SUPPLEMENTAL MATERIAL/ANALYSIS:

OWNER/APPLICANT: WEST ORANGE HABITAT FOR HUMANITY (WARREN A. & GERALDINE M. LEWIS)

CURRENT ZONING: ORANGE COUNTY R-2 RESIDENTIAL DISTRICT

PROPOSED ZONING: CITY R-2 RESIDENTIAL DISTRICT

CURRENT FLU: ORANGE COUNTY LOW DENSITY RESIDENTIAL

PROPOSED FLU: CITY LR (LOW DENSITY RESIDENTIAL / 6 DU PER ACRE)

SUMMARY:

THE CITY ENCOURAGES INFILL OF ITS JURISDICTIONAL LIMITS THROUGH VOLUNTARY ANNEXATION OF ENCLAVES. THE SUBJECT PROPERTY IS A 0.22± ACRE ENCLAVE LOCATED ON THE WEST SIDE OF SOUTH PARK AVENUE, NORTH OF JACKSON STREET AND SOUTH OF WEST STORY ROAD. THE APPLICANT HAS REQUESTED ANNEXATION INTO THE CITY, AMENDMENT TO THE FUTURE LAND USE MAP OF THE CITY'S COMPREHENSIVE PLAN TO DESIGNATE THE PROPERTY AS LOW DENSITY RESIDENTIAL, AND REZONING OF THE PROPERTY TO CITY R -2 RESIDENTIAL DISTRICT. (SEE ATTACHED STAFF REPORT)

STAFF RECOMMENDATION(S):

STAFF RECOMMENDS APPROVAL OF ORDINANCE 12-11 (ANNEXATION OF 0.22± ACRES LOCATED AT 710 SOUTH PARK AVENUE), ORDINANCE 12-12 (AMENDING FUTURE LAND USE MAP OF THE CITY'S COMPREHENSIVE PLAN FOR 0.22± ACRES LOCATED AT 710 SOUTH PARK AVENUE FROM ORANGE COUNTY LOW DENSITY RESIDENTIAL TO CITY LOW DENSITY RESIDENTIAL). ORDINANCE 12-13 (REZONING OF 0.22± ACRES LOCATED AT 710 SOUTH PARK AVENUE FROM ORANGE COUNTY R-2 RESIDENTIAL DISTRICT TO CITY R-2 RESIDENTIAL DISTRICT).

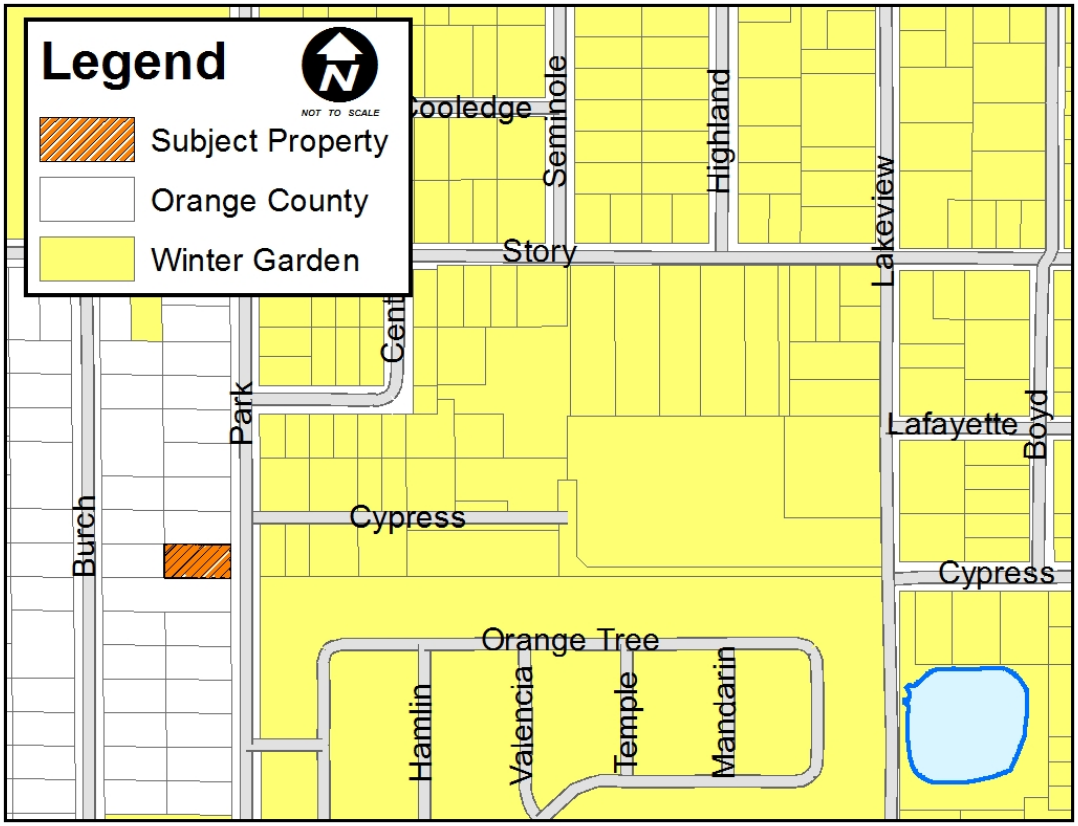
NEXT STEP(S):

A PUBLIC HEARING FOR THE FIRST READING OF THESE ORDINANCES IS SCHEDULED FOR THE CITY COMMISSION ON THURSDAY, JUNE 28, 2012.

ATTACHMENT(S):

LOCATION MAP
ORDINANCE 12-11
ORDINANCE 12-12
ORDINANCE 12-13
STAFF REPORT

LOCATION MAP
710 South Park Avenue
Ordinance 12-11; 12-12; 12-13



ORDINANCE 12-11

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.22 ± ACRES LOCATED AT 710 SOUTH PARK AVENUE ON THE WEST SIDE OF SOUTH PARK AVENUE, NORTH OF JACKSON STREET AND SOUTH OF WEST STORY ROAD INTO THE CITY OF WINTER GARDEN FLORIDA; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner of the land, generally described as approximately 0.22 ± acres located on the west side of South Park Avenue, north of Jackson Street and south of West Story Road and legally described in Section 2 of this Ordinance, which land is reasonably compact and contiguous to the corporate limits of the City of Winter Garden, Florida ("City"), has, pursuant to the prerequisites and standards set forth in § 171.044, Fla. Stat., petitioned the City Commission for voluntary annexation;

WHEREAS, the petition for voluntary annexation referenced herein bears the signatures of all owners of the property or properties described in Section 2 of this Ordinance (*i.e.*, the property or properties to be annexed); and

WHEREAS, the City has determined that the property described in Section 2 of this Ordinance is located in an unincorporated area of the County and that annexation of such property will not result in the creation of an enclave.

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

SECTION 1: *Annexation.* That the City Commission through its Planning and Zoning Board has conducted an investigation to determine whether the described property meets the prerequisites and standards set forth in Chapter 171, Fla. Stat. and has held a public hearing and said petition and made certain findings.

SECTION 2: *Description of Area Annexed.* That, after said public hearing and having found such petition meets said prerequisites and standards, the property legally defined in ATTACHMENT "A" and graphically shown on the attached map shall be annexed into the City of Winter Garden, Florida.

SECTION 3: *Effect of Annexation.* That the City of Winter Garden, Florida, shall have all of the power, authority, and jurisdiction over and within the land as described in Section 2 hereof, and the inhabitants thereof, and property therein, as it does and have over its present corporate limits and laws, ordinances, and resolutions of said City shall

apply and shall have equal force and effect as if all territory had been part of said City at the time of the passage of such laws, ordinances, and resolutions.

SECTION 4: *Apportionment of Debts and Taxes.* Pursuant to § 171.061, Fla. Stat., the area annexed to the City shall be subject to all taxes and debts of the City upon the effective date of annexation. However, the annexed area shall not be subject to municipal ad valorem taxation for the current year if the effective date of the annexation falls after the City levies such tax.

SECTION 5: *Instructions to Clerk.* Within seven (7) days following the adoption of this Ordinance, the City Clerk or his/her designee is directed to file a copy of this ordinance, including ATTACHMENT "A" hereto, with the clerk of the circuit court and the chief administrative officer of Orange County as required by § 171.044(3), Fla. Stat.

SECTION 6: *Severability.* Should any portion of this Ordinance be held invalid, then such portions as are not declared invalid shall remain in full force and effect.

SECTION 7: *Effective Date.* This Ordinance shall become effective upon adoption at its second reading.

FIRST READING AND PUBLIC HEARING: _____ , 2012.

SECOND READING AND PUBLIC HEARING: _____ , 2012.

ADOPTED this _____ day of _____, 2012, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

_____
JOHN REES, Mayor/Commissioner

ATTEST:

_____
KATHY GOLDEN, City Clerk

ATTACHMENT "A"

LEGAL DESCRIPTION

PARCEL ID#: 22-22-27-1084-01-110

LOT 11, BLOCK A, BURCHSHIRE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK Q, PAGE 138 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHEAST CORNER OF THE SOUTHEAST ONE QUARTER OF SECTION 22, TOWNSHIP 22 SOUTH, RANGE 27 EAST, ORANGE COUNTY FLORIDA; THENCE RUN S00°00'00"E ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER A DISTANCE OF 600.72 FEET; THENCE DEPARTING SAID LINE N00°00'00"E A DISTANCE OF 30.00' TO A POINT ON THE WEST RIGHT OF WAY LINE OF PARK AVE. AS SHOWN ON SAID PLAT AND ALSO BEING THE POINT OF BEGINNING; THENCE DEPARTING SAID RIGHT OF WAY LINE N89°31'03"W, A DISTANCE OF 138.64'; THENCE S00°26'43"E, A DISTANCE OF 70.00'; THENCE S89°31'03"E TO A POINT ON THE WESTERLY RIGHT OF WAY OF SAID PARK AVE, A DISTANCE OF 138.09'; THENCE N00°00'00"E ALONG SAID RIGHT OF WAY LINE, 70.00' TO THE POINT OF BEGINNING, SAID LANDS LYING IN ORANGE COUNTY, FLORIDA CONTAINING 9,685 SQUARE FEET MORE OR LESS. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

ORDINANCE 12-12

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING THE FUTURE LAND USE MAP OF THE WINTER GARDEN COMPREHENSIVE PLAN BY CHANGING THE LAND USE DESIGNATION OF REAL PROPERTY GENERALLY DESCRIBED AS 0.22 ± ACRES OF LAND LOCATED AT 710 SOUTH PARK AVENUE ON THE WEST SIDE OF SOUTH PARK AVEUNE, NORTH OF JACKSON STREET AND SOUTH OF WEST STORY ROADFROM ORANGE COUNTY LOW DENSITY RESIDENTIAL TO CITY LOW DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, the owner of that certain real property generally described as 0.22 ± acres of land located on the west side of South Park Avenue, north of Jackson Street and south of West Story Road, and legally described in ATTACHMENT "A" (the "Property") has petitioned the City to amend the Winter Garden Comprehensive Plan to change the Future Land Use classification from Orange County Low Density Residential to City Low Density Residential; and

WHEREAS, the City of Winter Garden's Local Planning Agency and City Commission have conducted the prerequisite advertised public hearings pursuant to Chapter 163, Florida Statutes, regarding the adoption of this ordinance; now, therefore,

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

SECTION I. *FLUM Amendment.* The City of Winter Garden hereby amends the Future Land Use Map of the City of Winter Garden Comprehensive Plan by designating the aforesaid Property to City Low Density Residential as set forth in ATTACHMENT "B".

SECTION II. *Effective Date.* Provided that the Property described herein is annexed into the City of Winter Garden pursuant to Ordinance 12-11, this Ordinance shall become effective 31 days after adoption, unless the Ordinance is timely challenged pursuant to § 163.3187(5), Fla. Stat., in which case, the Ordinance shall not be effective until the state

land planning agency or the Administrative Commission, respectively, issues a final order determining that the adopted Ordinance is in compliance.

SECTION III. *Severability.* Should any portion of this Ordinance be held invalid, then such portions as are not declared invalid shall remain in full force and effect.

FIRST READING AND PUBLIC HEARING: _____ , 2012.

SECOND READING AND PUBLIC HEARING: _____ , 2012.

ADOPTED this _____ day of _____, 2012, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

_____
JOHN REES, Mayor/Commissioner

ATTEST:

_____
KATHY GOLDEN, City Clerk

ATTACHMENT "A"

LEGAL DESCRIPTION

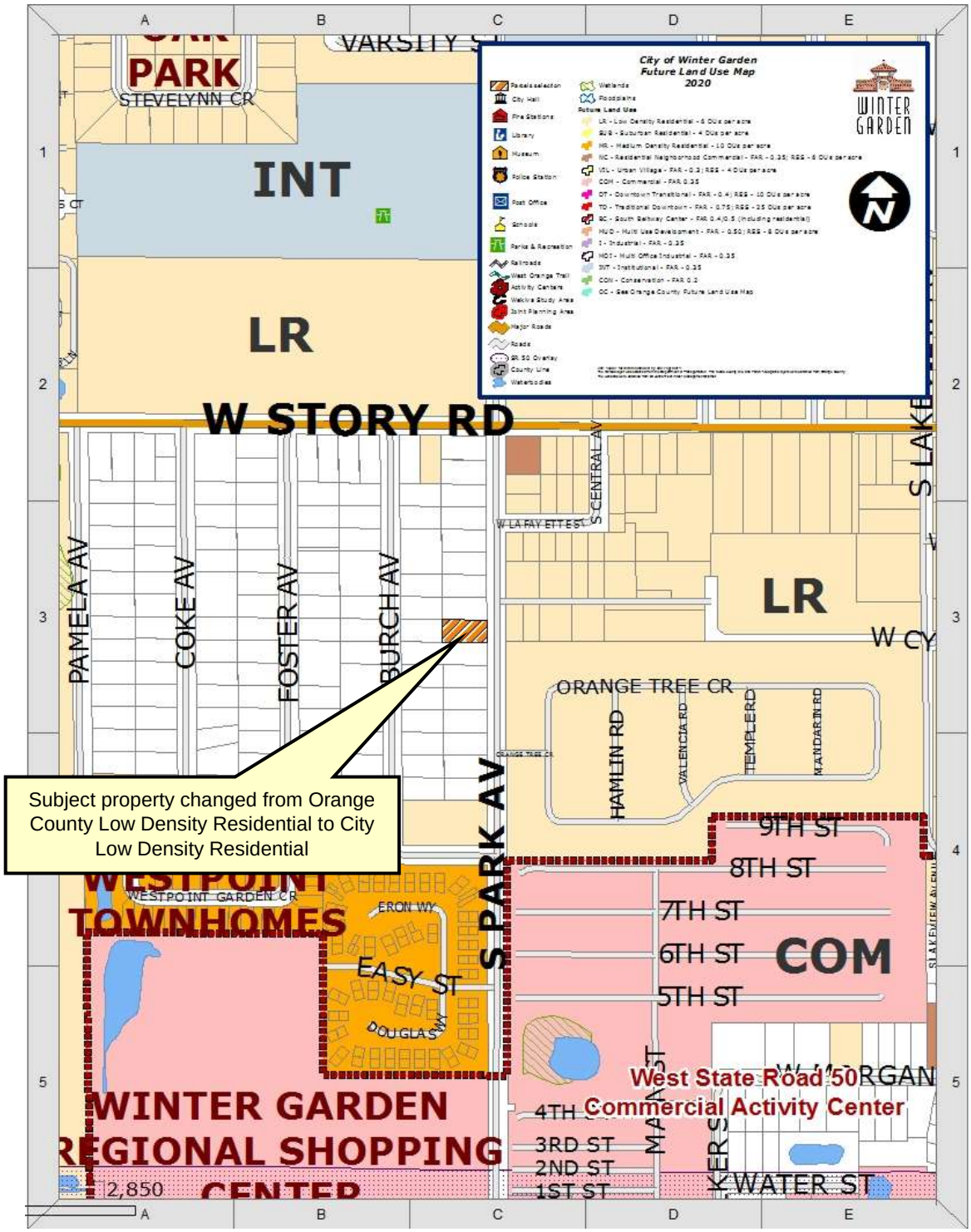
PARCEL ID#: 22-22-27-1084-01-110

LOT 11, BLOCK A, BURCHSHIRE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK Q, PAGE 138 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHEAST CORNER OF THE SOUTHEAST ONE QUARTER OF SECTION 22, TOWNSHIP 22 SOUTH, RANGE 27 EAST, ORANGE COUNTY FLORIDA; THENCE RUN S00°00'00"E ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER A DISTANCE OF 600.72 FEET; THENCE DEPARTING SAID LINE N00°00'00"E A DISTANCE OF 30.00' TO A POINT ON THE WEST RIGHT OF WAY LINE OF PARK AVE. AS SHOWN ON SAID PLAT AND ALSO BEING THE POINT OF BEGINNING; THENCE DEPARTING SAID RIGHT OF WAY LINE N89°31'03"W, A DISTANCE OF 138.64'; THENCE S00°26'43"E, A DISTANCE OF 70.00'; THENCE S89°31'03"E TO A POINT ON THE WESTERLY RIGHT OF WAY OF SAID PARK AVE, A DISTANCE OF 138.09'; THENCE N00°00'00"E ALONG SAID RIGHT OF WAY LINE, 70.00' TO THE POINT OF BEGINNING, SAID LANDS LYING IN ORANGE COUNTY, FLORIDA CONTAINING 9,685 SQUARE FEET MORE OR LESS. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

ATTACHMENT "B"

FUTURE LAND USE MAP

<u>710 South Park Avenue</u>



ORDINANCE 12-13

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.22 ± ACRES OF REAL PROPERTY GENERALLY LOCATED AT 710 SOUTH PARK AVENUE ON THE WEST SIDE OF SOUTH PARK AVENUE, NORTH OF JACKSON STREET AND SOUTH OF WEST STORY ROAD FROM ORANGE COUNTY R-2 RESIDENTIAL DISTRICT TO CITY R-2 RESIDENTIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner of that certain real property generally described as 0.22 ± acres of land located on the west side of South Park Avenue, north of Jackson Street and south of West Story Road, and legally described in Section 1 of this ordinance has petitioned the City to rezone said property from Orange County R-2 Residential District to the City's R-2 Residential District zoning classification, therefore;

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

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

SECTION 2: *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 3: *Non-Severability.* Should any portion of this Ordinance be held invalid, then the entire Ordinance shall be null and void.

SECTION 4: *Effective Date.* This Ordinance shall become effective simultaneously upon the effective date of Ordinance 12-12 which is an amendment to the Future Land Use Map of the City of Winter Garden Comprehensive Plan that allows the property described herein to be zoned as provided in this Ordinance.

FIRST READING AND PUBLIC HEARING: _____ , 2012.

SECOND READING AND PUBLIC HEARING: _____ , 2012.

ADOPTED this _____ day of _____, 2012, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

_____
JOHN REES, Mayor/Commissioner

ATTEST:

_____
KATHY GOLDEN, City Clerk

ATTACHMENT "A"

LEGAL DESCRIPTION

PARCEL ID#: 22-22-27-1084-01-110

LOT 11, BLOCK A, BURCHSHIRE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK Q, PAGE 138 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHEAST CORNER OF THE SOUTHEAST ONE QUARTER OF SECTION 22, TOWNSHIP 22 SOUTH, RANGE 27 EAST, ORANGE COUNTY FLORIDA; THENCE RUN S00°00'00"E ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER A DISTANCE OF 600.72 FEET; THENCE DEPARTING SAID LINE N00°00'00"E A DISTANCE OF 30.00' TO A POINT ON THE WEST RIGHT OF WAY LINE OF PARK AVE. AS SHOWN ON SAID PLAT AND ALSO BEING THE POINT OF BEGINNING; THENCE DEPARTING SAID RIGHT OF WAY LINE N89°31'03"W, A DISTANCE OF 138.64'; THENCE S00°26'43"E, A DISTANCE OF 70.00'; THENCE S89°31'03"E TO A POINT ON THE WESTERLY RIGHT OF WAY OF SAID PARK AVE, A DISTANCE OF 138.09'; THENCE N00°00'00"E ALONG SAID RIGHT OF WAY LINE, 70.00' TO THE POINT OF BEGINNING, SAID LANDS LYING IN ORANGE COUNTY, FLORIDA CONTAINING 9,685 SQUARE FEET MORE OR LESS. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

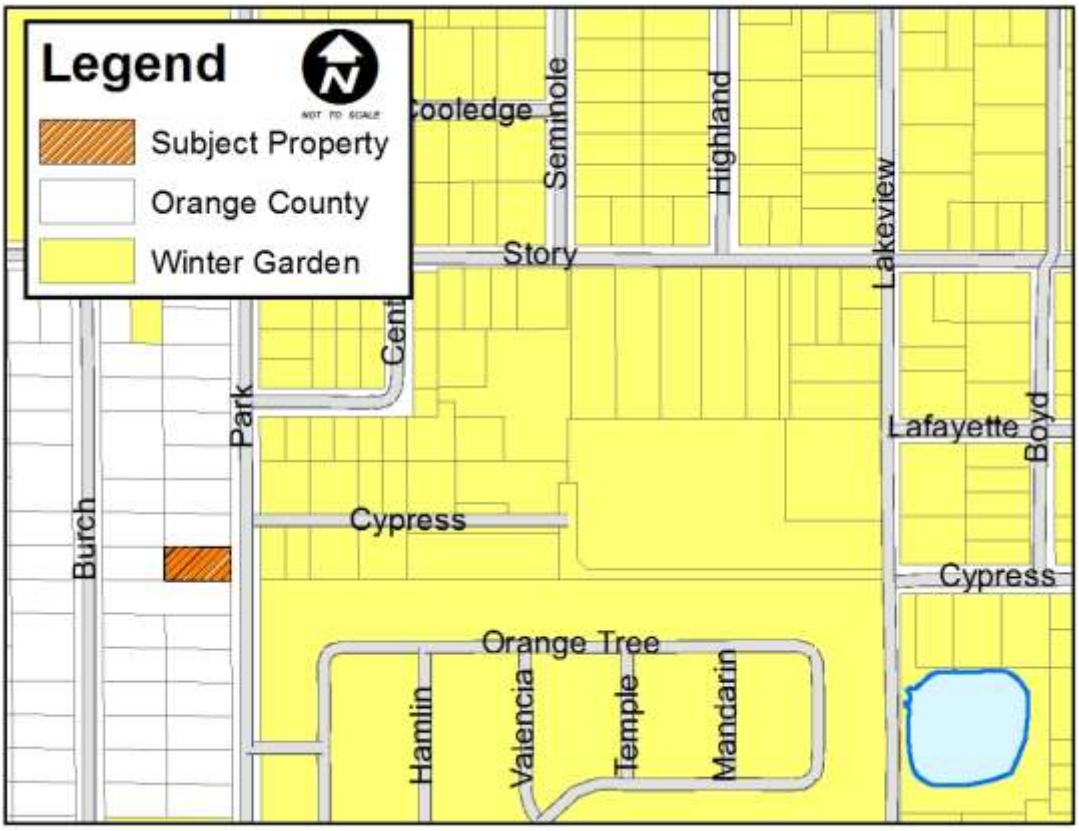
STAFF REPORT

TO: PLANNING AND ZONING BOARD
PEPARED BY: STEVE PASH, SENIOR PLANNER
DATE: MARCH 16, 2011
SUBJECT: ANNEXATION – ZONING – FLU AMENDMENT
710 SOUTH PARK AVEUNUE (0.22 +/- ACRES)
PARCEL ID #: 22-22-27-1084-01-110
APPLICANT: WARREN A. & GERALDINE M. LEWIS

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 is located at 710 South Park Aveune and is approximately 0.22 ± acres. The map below depicts the proximity of the subject property to the City's jurisdictional limits:



The applicant has requested annexation into the City, amendment to the Future Land Use Map (FLUM) of the City's Comprehensive Plan to designate the property as Low Density Residential, and rezoning the property to R-2 Residential District.

In accordance with the City's Comprehensive Plan, permitted uses within the Low Density Residential land use include single family homes, and churches and school through a Special Exception Permit. The zoning classifications that are consistent with the Low Density Residential land use designation include PUD, R-1A, R-1, R-2, R-1B, and INT.

The City endorses infill of its jurisdictional limits through voluntary annexation of enclaves. The elimination of enclaves through voluntary annexation furthers the goals, objectives, and policies of the City's Comprehensive Plan.

EXISTING USE

The subject property is currently vacant. The applicant intends to develop the property with a new duplex once the annexation, FLU, and zoning process is complete.

ADJACENT LAND USE AND ZONING

The property located to the north is a single family house, zoned R-2 and located in Orange County. The properties located to the east are developed with a single family and the Orange Tree Mobile Home Park, zoned R-2 and located in the City. The property to the south is a single family house, zoned R-2 and located in Orange County. The properties to the west are developed as single family homes, zoned R-2 and located in Orange County.

PROPOSED USE

The owner is proposing to annex the property, then construct a new duplex home.

PUBLIC FACILITY ANALYSIS

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

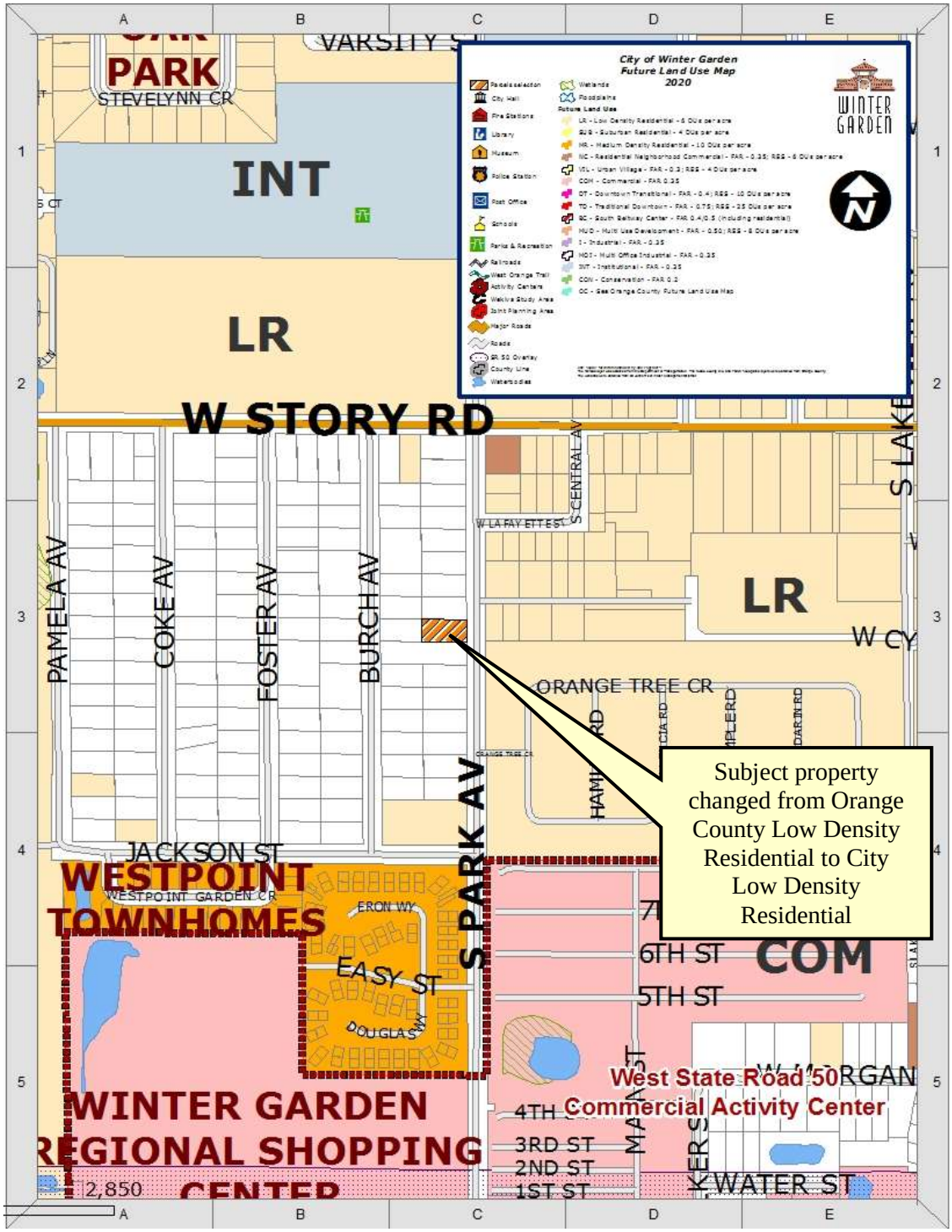
City Staff recommends approval of the proposed Ordinances. Annexation will provide a more efficient delivery of services to the property and further the goals and objectives of the City of Winter Garden's Comprehensive Plan to eliminate enclaves. The property is currently vacant and the proposed development will be consistent with the surrounding area.

MAPS

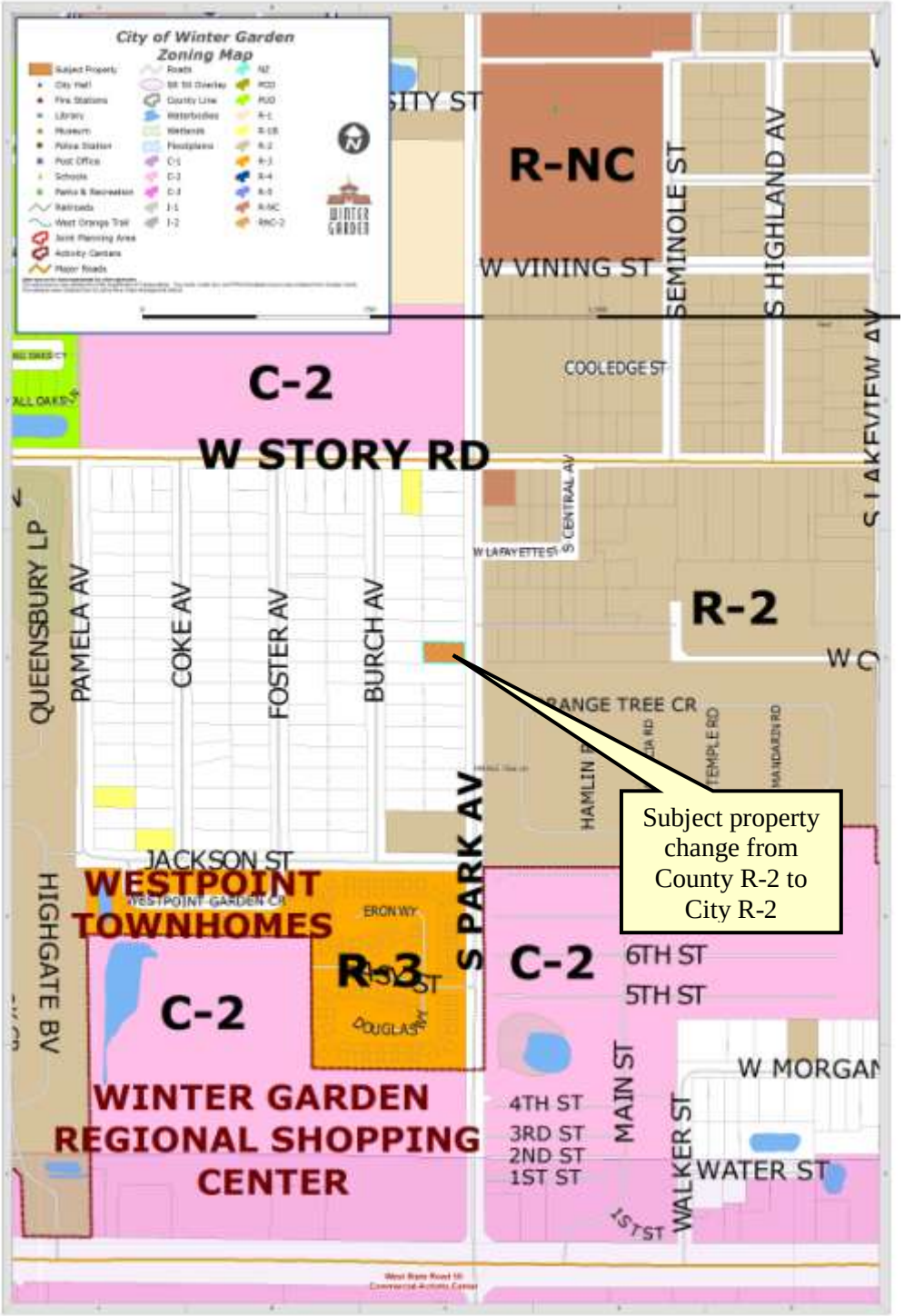
AERIAL PHOTO

710 South Park Avenue

FUTURE LAND USE MAP
710 South Park Avenue



ZONING MAP
710 South Park Avenue



END OF STAFF REPORT

THE CITY OF WINTER GARDEN

PLANNING AND ZONING BOARD AGENDA ITEM

ITEM # 6 (Public Hearing)

DATE: MAY 31, 2012 **MEETING DATE:** JUNE 4, 2012

SUBJECT: 12201 WEST COLONIAL DRIVE (5.44 +/- ACRES)
PROJECT NAME NATIONAL RETAIL PROPERTIES
ANNEXATION, REZONING, AND FLU AMENDMENT
PARCEL ID# 24-22-27-0000-00-014

ISSUE: REQUEST APPROVAL OF ORDINANCE 12-25 (ANNEXATION OF 5.44± ACRES LOCATED AT 12201 WEST COLONIAL DRIVE), ORDINANCE 12-26 (AMENDING FUTURE LAND USE MAP OF THE CITY'S COMPREHENSIVE PLAN FOR 5.44± ACRES LOCATED AT 12201 WEST COLONIAL DRIVE FROM ORANGE COUNTY COMMERCIAL TO CITY COMMERCIAL). ORDINANCE 12-27 (REZONING OF 5.44± ACRES LOCATED AT 12201 WEST COLONIAL DRIVE FROM ORANGE COUNTY C-3 TO CITY C-2 ARTERIAL COMMERCIAL DISTRICT).

SUPPLEMENTAL MATERIAL/ANALYSIS:

OWNER/APPLICANT: NATIONAL RETAIL PROPERTIES, LP

CURRENT ZONING: ORANGE COUNTY C-3

PROPOSED ZONING: CITY C-2 ARTERIAL COMMERCIAL DISTRICT (WEST STATE ROAD 50 OVERLAY)

CURRENT FLU: ORANGE COUNTY COMMERCIAL

PROPOSED FLU: CITY COM (COMMERCIAL - FAR 0.35)

SUMMARY:

THE CITY ENCOURAGES INFILL OF ITS JURISDICTIONAL LIMITS THROUGH VOLUNTARY ANNEXATION OF ENCLAVES. THE SUBJECT PROPERTY MAKES UP A 5.44± ACRE ENCLAVE LOCATED AT 12201 WEST COLONIAL DRIVE. THE APPLICANT HAS REQUESTED ANNEXATION INTO THE CITY, AMENDMENT TO THE FUTURE LAND USE MAP OF THE CITY'S COMPREHENSIVE PLAN TO DESIGNATE THE PROPERTY AS COMMERCIAL, AND REZONING OF THE PROPERTY TO CITY C-2 ARTERIAL COMMERCIAL DISTRICT. (SEE ATTACHED STAFF REPORT)

STAFF RECOMMENDATION(S):

STAFF RECOMMENDS APPROVAL OF ORDINANCE 12-25 (ANNEXATION OF 5.44± ACRES LOCATED AT 12201 WEST COLONIAL DRIVE), ORDINANCE 12-26 (AMENDING FUTURE LAND USE MAP OF THE CITY'S COMPREHENSIVE PLAN FOR 5.44± ACRES LOCATED AT 12201 WEST COLONIAL DRIVE FROM ORANGE COUNTY COMMERCIAL TO CITY COMMERCIAL). ORDINANCE 12-27 (REZONING OF 5.44± ACRES LOCATED AT 12201 WEST COLONIAL DRIVE FROM ORANGE COUNTY C-3 TO CITY C-2 ARTERIAL COMMERCIAL DISTRICT).

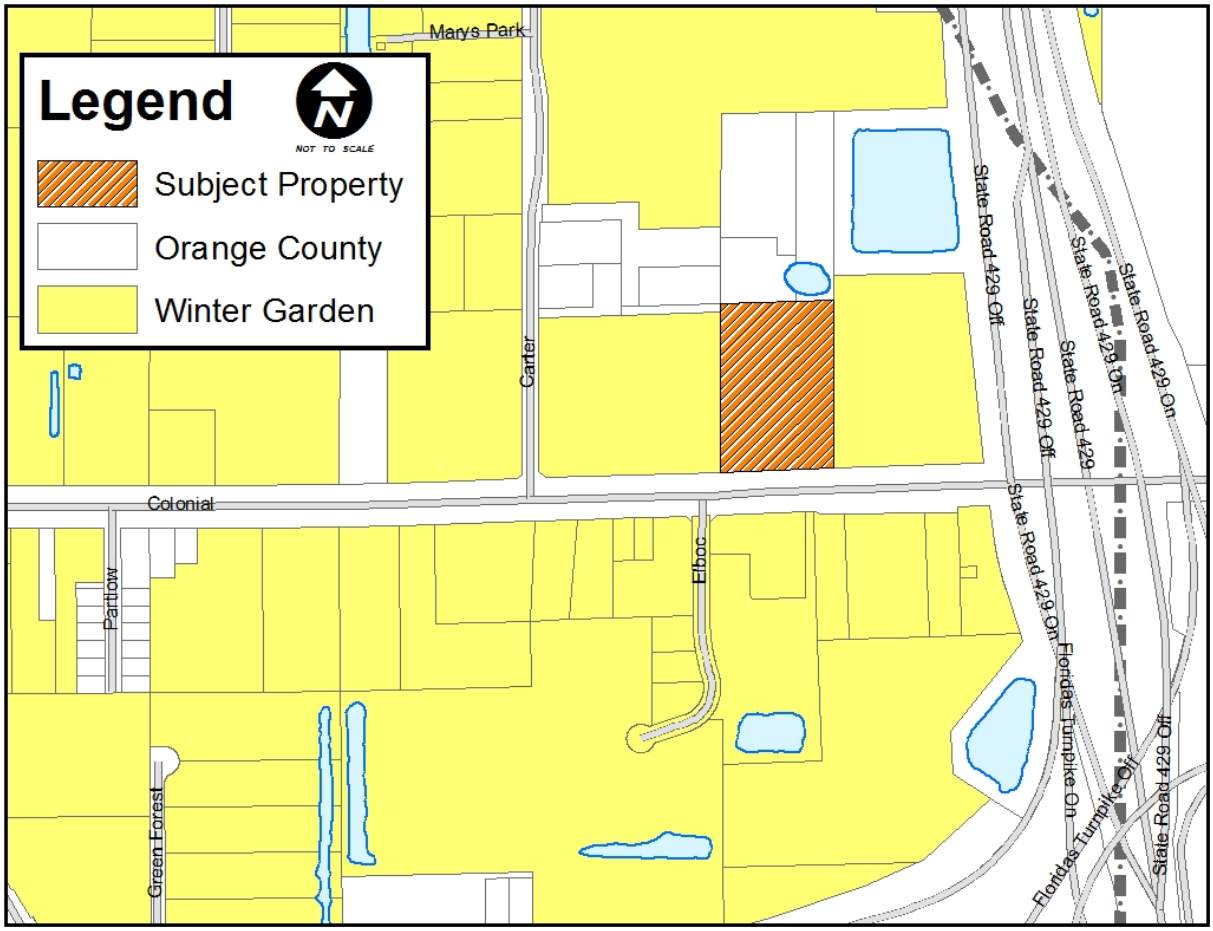
NEXT STEP(S):

A PUBLIC HEARING FOR THE FIRST READING OF THESE ORDINANCES IS SCHEDULED FOR THE CITY COMMISSION ON THURSDAY, JUNE 14, 2012.

ATTACHMENT(S):

LOCATION MAP
ORDINANCE 12-25
ORDINANCE 12-26
ORDINANCE 12-27
STAFF REPORT

LOCATION MAP
12201 W. Colonial Drive
Ordinance 12-25; 12-26; 12-27



ORDINANCE 12-25

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 5.44 ± ACRES LOCATED AT 12201 WEST COLONIAL DRIVE ON THE NORTH SIDE OF WEST COLONIAL DRIVE, EAST OF CARTER ROAD AND WEST OF STATE ROAD 429 INTO THE CITY OF WINTER GARDEN FLORIDA; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner of the land, generally described as approximately 5.44 ± acres located at 12201 West Colonial Drive, on the north side of West Colonial Drive, east of Carter Road and west of State Road 429 and legally described in Section 2 of this Ordinance, which land is reasonably compact and contiguous to the corporate limits of the City of Winter Garden, Florida ("City"), has, pursuant to the prerequisites and standards set forth in § 171.044, Fla. Stat., petitioned the City Commission for voluntary annexation;

WHEREAS, the petition for voluntary annexation referenced herein bears the signatures of all owners of the property or properties described in Section 2 of this Ordinance (*i.e.*, the property or properties to be annexed); and

WHEREAS, the City has determined that the property described in Section 2 of this Ordinance is located in an unincorporated area of the County and that annexation of such property will not result in the creation of an enclave.

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

SECTION 1: *Annexation.* That the City Commission through its Planning and Zoning Board has conducted an investigation to determine whether the described property meets the prerequisites and standards set forth in Chapter 171, Fla. Stat. and has held a public hearing and said petition and made certain findings.

SECTION 2: *Description of Area Annexed.* That, after said public hearing and having found such petition meets said prerequisites and standards, the property legally defined in ATTACHMENT "A" and graphically shown on the attached map shall be annexed into the City of Winter Garden, Florida.

SECTION 3: *Effect of Annexation.* That the City of Winter Garden, Florida, shall have all of the power, authority, and jurisdiction over and within the land as described in Section 2 hereof, and the inhabitants thereof, and property therein, as it does and have

over its present corporate limits and laws, ordinances, and resolutions of said City shall apply and shall have equal force and effect as if all territory had been part of said City at the time of the passage of such laws, ordinances, and resolutions.

SECTION 4: *Apportionment of Debts and Taxes.* Pursuant to § 171.061, Fla. Stat., the area annexed to the City shall be subject to all taxes and debts of the City upon the effective date of annexation. However, the annexed area shall not be subject to municipal ad valorem taxation for the current year if the effective date of the annexation falls after the City levies such tax.

SECTION 5: *Instructions to Clerk.* Within seven (7) days following the adoption of this Ordinance, the City Clerk or his/her designee is directed to file a copy of this ordinance, including ATTACHMENT "A" hereto, with the clerk of the circuit court and the chief administrative officer of Orange County as required by § 171.044(3), Fla. Stat.

SECTION 6: *Severability.* Should any portion of this Ordinance be held invalid, then such portions as are not declared invalid shall remain in full force and effect.

SECTION 7: *Effective Date.* This Ordinance shall become effective upon adoption at its second reading.

FIRST READING AND PUBLIC HEARING: _____ , 2012.

SECOND READING AND PUBLIC HEARING: _____ , 2012.

ADOPTED this _____ day of _____, 2012, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

_____
JOHN REES, Mayor/Commissioner

ATTEST:

_____
KATHY GOLDEN, City Clerk

ATTACHMENT "A"

LEGAL DESCRIPTION

PARCEL ID#: 24-22-27-0000-00-014

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 24, TOWNSHIP 22 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA; THENCE RUN S 88°06'01" W ALONG THE SOUTH LINE OF THE SOUTHEAST ¼ OF THE SOUTHEAST ¼ OF SAID SECTION 24, A DISTANCE OF 941.52 FEET TO THE WEST LINE OF THE EAST 941.00 FEET OF SAID SOUTHEAST ¼ OF THE SOUTHEAST ¼ OF SECTION 24; THENCE RUN N 00°00'38" E ALONG SAID WEST LINE OF THE EAST 941.00 FEET, A DISTANCE OF 75.04 FEET TO THE NORTH RIGHT-OF-WAY LINE OF STATE ROAD NO. 50 AND THE POINT OF BEGINNING; THENCE RUN S 88°06'01 W ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 397.98 TO THE WEST LINE OF AFORESAID SOUTHEAST ¼ OF THE SOUTHEAST ¼ OF SECTION 24; THENCE RUN N 00°01'39" W ALONG SAID WEST LINE OF THE SOUTHEAST ¼ OF THE SOUTHEAST ¼, A DISTANCE OF 597.48 FEET TO THE SOUTH LINE OF THE NORTH 660.00 FEET OF SAID SOUTHEAST ¼ OF THE SOUTHEAST ¼; THENCE RUN N 88°33'29" E ALONG SAID SOUTH LINE, A DISTANCE OF 398.28 FEET TO THE AFORESAID WEST LINE OF THE EAST 941.00 FEET OF THE SOUTHEAST ¼ OF THE SOUTHEAST ¼; THENCE RUN S 00°00'38" W ALONG SAID WEST LINE, A DISTANCE OF 594.31 FEET TO THE POINT OF BEGINNING.

CONTAINING 5.444 ACRES, MORE OR LESS.

ORDINANCE 12-26

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING THE FUTURE LAND USE MAP OF THE WINTER GARDEN COMPREHENSIVE PLAN BY CHANGING THE LAND USE DESIGNATION OF REAL PROPERTY GENERALLY DESCRIBED AS APPROXIMATELY 5.44 ± ACRES LOCATED AT 12201 WEST COLONIAL DRIVE ON THE NORTH SIDE OF WEST COLONIAL DRIVE, EAST OF CARTER ROAD AND WEST OF STATE ROAD 429 FROM ORANGE COUNTY COMMERCIAL TO CITY COMMERCIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, the owner of that certain real property generally described as 5.44 ± acres of land located at 12201 West Colonial Drive, on the north side of West Colonial Drive, east of Carter Road and west of State Road 429, and legally described in ATTACHMENT "A" (the "Property") has petitioned the City to amend the Winter Garden Comprehensive Plan to change the Future Land Use classification from Orange County Low Medium Residential to City Commercial; and

WHEREAS, the City of Winter Garden's Local Planning Agency and City Commission have conducted the prerequisite advertised public hearings pursuant to Chapter 163, Florida Statutes, regarding the adoption of this ordinance; now, therefore,

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

SECTION I. *FLUM Amendment.* The City of Winter Garden hereby amends the Future Land Use Map of the City of Winter Garden Comprehensive Plan by designating the aforesaid Property to City Commercial within the West State Road 50 Commercial Activity Center as set forth in ATTACHMENT "B".

SECTION II. *Effective Date.* Provided that the Property described herein is annexed into the City of Winter Garden pursuant to Ordinance 12-25, this Ordinance shall become effective 31 days after adoption, unless the Ordinance is timely challenged pursuant to § 163.3187(5), Fla. Stat., in which case, the Ordinance shall not be effective until the state

land planning agency or the Administrative Commission, respectively, issues a final order determining that the adopted Ordinance is in compliance.

SECTION III. *Severability.* Should any portion of this Ordinance be held invalid, then such portions as are not declared invalid shall remain in full force and effect.

FIRST READING AND PUBLIC HEARING: _____ , 2012.

SECOND READING AND PUBLIC HEARING: _____ , 2012.

ADOPTED this _____ day of _____, 2012, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

_____
JOHN REES, Mayor/Commissioner

ATTEST:

_____
KATHY GOLDEN, City Clerk

ATTACHMENT "A"

LEGAL DESCRIPTION

PARCEL ID#: 24-22-27-0000-00-014

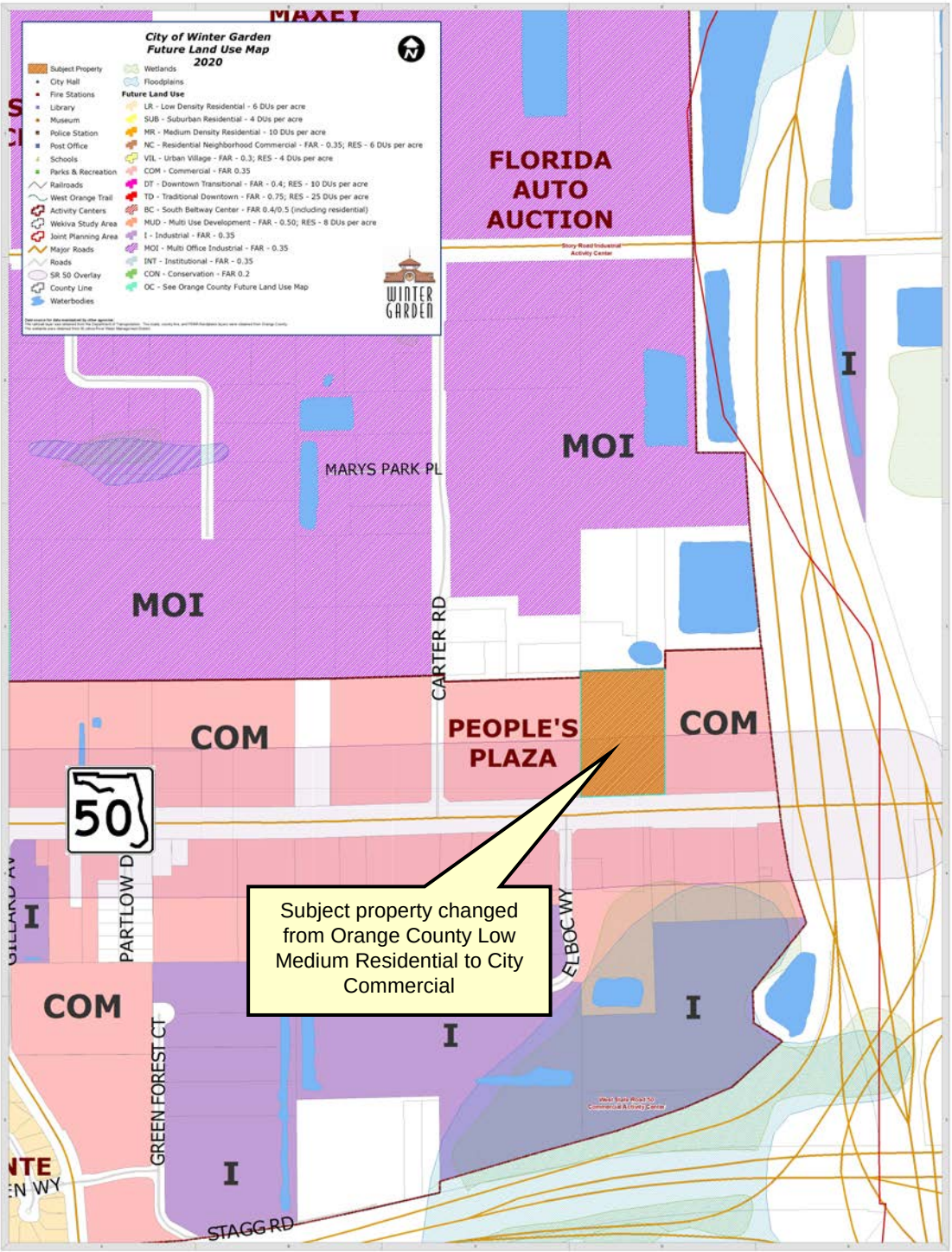
COMMENCE AT THE SOUTHEAST CORNER OF SECTION 24, TOWNSHIP 22 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA; THENCE RUN S 88°06'01" W ALONG THE SOUTH LINE OF THE SOUTHEAST ¼ OF THE SOUTHEAST ¼ OF SAID SECTION 24, A DISTANCE OF 941.52 FEET TO THE WEST LINE OF THE EAST 941.00 FEET OF SAID SOUTHEAST ¼ OF THE SOUTHEAST ¼ OF SECTION 24; THENCE RUN N 00°00'38" E ALONG SAID WEST LINE OF THE EAST 941.00 FEET, A DISTANCE OF 75.04 FEET TO THE NORTH RIGHT-OF-WAY LINE OF STATE ROAD NO. 50 AND THE POINT OF BEGINNING; THENCE RUN S 88°06'01 W ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 397.98 TO THE WEST LINE OF AFORESAID SOUTHEAST ¼ OF THE SOUTHEAST ¼ OF SECTION 24; THENCE RUN N 00°01'39" W ALONG SAID WEST LINE OF THE SOUTHEAST ¼ OF THE SOUTHEAST ¼, A DISTANCE OF 597.48 FEET TO THE SOUTH LINE OF THE NORTH 660.00 FEET OF SAID SOUTHEAST ¼ OF THE SOUTHEAST ¼; THENCE RUN N 88°33'29" E ALONG SAID SOUTH LINE, A DISTANCE OF 398.28 FEET TO THE AFORESAID WEST LINE OF THE EAST 941.00 FEET OF THE SOUTHEAST ¼ OF THE SOUTHEAST ¼; THENCE RUN S 00°00'38" W ALONG SAID WEST LINE, A DISTANCE OF 594.31 FEET TO THE POINT OF BEGINNING.

CONTAINING 5.444 ACRES, MORE OR LESS.

ATTACHMENT "B"

FUTURE LAND USE MAP

<u>12201 West Colonial Drive</u>



ORDINANCE 12-27

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 5.44 ± ACRES OF REAL PROPERTY GENERALLY LOCATED AT 12201 WEST COLONIAL DRIVE ON THE NORTH SIDE OF WEST COLONIAL DRIVE, EAST OF CARTER ROAD AND WEST OF STATE ROAD 429 FROM ORANGE COUNTY C-3 COMMERCIAL DISTRICT TO CITY C-2 ARTERIAL COMMERCIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner of that certain real property generally described as 5.44 ± acres of land located at 12201 West Colonial Drive, on the north side of West Colonial Drive, east of Carter Road and west of State Road 429, and legally described in Section 1 of this ordinance has petitioned the City to rezone said property from Orange County C-3 Commercial District to the City's C-2 Arterial Commercial District zoning classification and with the West State Road 50 Commercial Overlay Standards, therefore;

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

SECTION 1: *Rezoning.* After due notice and public hearing, the zoning classification of real property legally described on ATTACHMENT "A," is hereby rezoned from Orange County C-3 Commercial District to City C-2 Arterial Commercial District, within the West State Road 50 Commercial Overlay District in the City of Winter Garden, Florida.

SECTION 2: *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 3: *Non-Severability.* Should any portion of this Ordinance be held invalid, then the entire Ordinance shall be null and void.

SECTION 4: *Effective Date.* This Ordinance shall become effective simultaneously upon the effective date of Ordinance 12-26 which is an amendment to the Future Land Use Map of the City of Winter Garden Comprehensive Plan that allows the property described herein to be zoned as provided in this Ordinance.

FIRST READING AND PUBLIC HEARING: _____ , 2012.

SECOND READING AND PUBLIC HEARING: _____ , 2012.

ADOPTED this _____ day of _____, 2012, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

_____
JOHN REES, Mayor/Commissioner

ATTEST:

_____
KATHY GOLDEN, City Clerk

ATTACHMENT "A"

LEGAL DESCRIPTION

PARCEL ID#: 24-22-27-0000-00-014

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 24, TOWNSHIP 22 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA; THENCE RUN S 88°06'01" W ALONG THE SOUTH LINE OF THE SOUTHEAST ¼ OF THE SOUTHEAST ¼ OF SAID SECTION 24, A DISTANCE OF 941.52 FEET TO THE WEST LINE OF THE EAST 941.00 FEET OF SAID SOUTHEAST ¼ OF THE SOUTHEAST ¼ OF SECTION 24; THENCE RUN N 00°00'38" E ALONG SAID WEST LINE OF THE EAST 941.00 FEET, A DISTANCE OF 75.04 FEET TO THE NORTH RIGHT-OF-WAY LINE OF STATE ROAD NO. 50 AND THE POINT OF BEGINNING; THENCE RUN S 88°06'01 W ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 397.98 TO THE WEST LINE OF AFORESAID SOUTHEAST ¼ OF THE SOUTHEAST ¼ OF SECTION 24; THENCE RUN N 00°01'39" W ALONG SAID WEST LINE OF THE SOUTHEAST ¼ OF THE SOUTHEAST ¼, A DISTANCE OF 597.48 FEET TO THE SOUTH LINE OF THE NORTH 660.00 FEET OF SAID SOUTHEAST ¼ OF THE SOUTHEAST ¼; THENCE RUN N 88°33'29" E ALONG SAID SOUTH LINE, A DISTANCE OF 398.28 FEET TO THE AFORESAID WEST LINE OF THE EAST 941.00 FEET OF THE SOUTHEAST ¼ OF THE SOUTHEAST ¼; THENCE RUN S 00°00'38" W ALONG SAID WEST LINE, A DISTANCE OF 594.31 FEET TO THE POINT OF BEGINNING.

CONTAINING 5.444 ACRES, MORE OR LESS.

CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

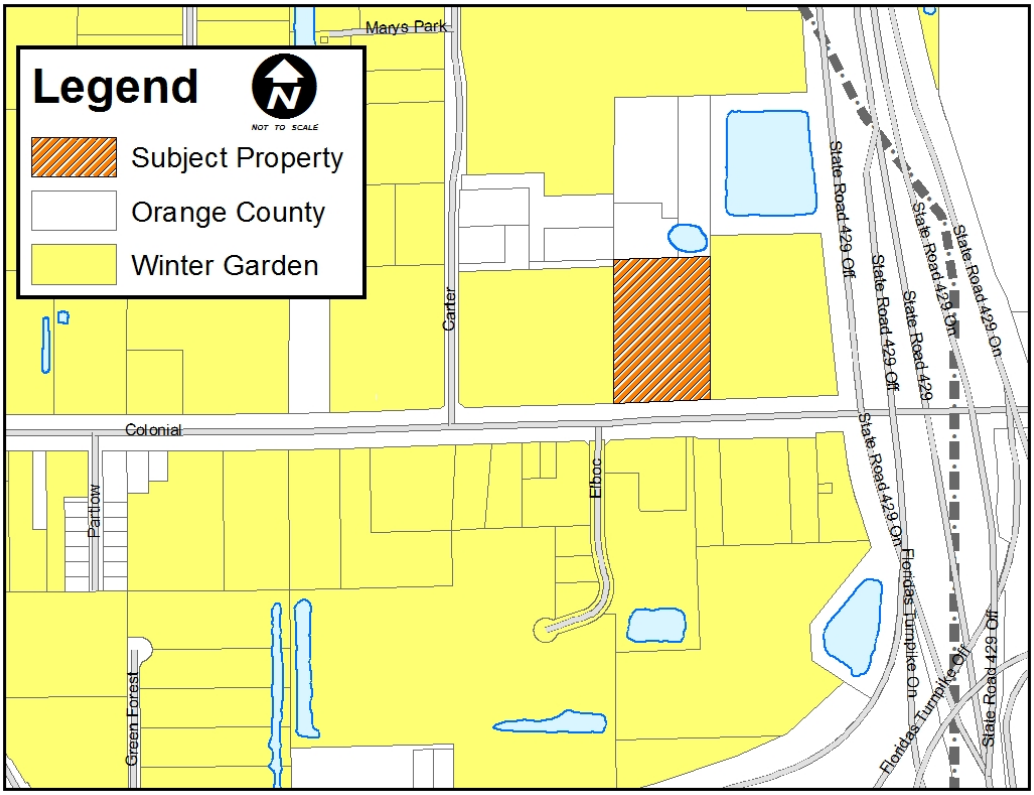
STAFF REPORT

TO: PLANNING AND ZONING BOARD
PEPARED BY: STEVE PASH, SENIOR PLANNER
DATE: MAY 29, 2012
SUBJECT: ANNEXATION - REZONING - FLU AMENDMENT
12201 WEST COLONIAL DRIVE (5.44 +/- ACRES)
PARCEL ID #: 24-22-27-0000-00-014
APPLICANT: NATIONAL RETAIL PROPERTIES, LP

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 is located at 12201 West Colonial Drive and is approximately 5.44 ± acres. The map below depicts the proximity of the subject property to the City's jurisdictional limits:



The applicant has requested annexation into the City, amendment to the Future Land Use Map (FLUM) of the City's Comprehensive Plan to designate the property as Comercial, and rezoning the property to C-2 Commercial Arterial District. This property is also within the West State Road 50 Overlay, which has additional development standards.

The subject property is located within the West State Road 50 Commercial Activity Center which allows for the following land use categories: Commercial, Medium Density Residential, Industrial, and Multi Use Development. The majority of the properties located within the West State Road 50 Commercial Activity Center are designated Commercial on the Future Land Use Map, with the only exceptions being several apartment complexes and a senior living facility on the south side of the road at the western edge of the city limits which are designated Medium Density Residential on the Future Land Use Map and total about 35 acres of land.

In accordance with the City's Comprehensive Plan, permitted uses within the Commercial land use include retail, service, and professional activities. The zoning classifications that are consistent with the Commercial land use designation include C-1, C-2, C-3, C-4, PCD, and INT.

The City endorses infill of its jurisdictional limits through voluntary annexation of enclaves. The elimination of enclaves through voluntary annexation furthers the goals, objectives, and policies of the City's Comprehensive Plan.

EXISTING USE

The subject property is developed as a recreational vehicle sales company and contains an 8,904 square foot vehicle / parts sales room and an 16,100 square foot vehicle service area.

ADJACENT LAND USE AND ZONING

The property located to the north is a single family house and vacant land, zoned A-1 and located in Orange County. The property located to the east is vacant commercial land, zoned C-2, and located in the City. The properties to the south are developed as commercial buildings, zoned C-2, and in the City. The property to the west is a commercial development, zoned C-2, and in the City.

PROPOSED USE

The owner is proposing to annex the property and keep operating the existing recreational vehicle sales and repair facility.

PUBLIC FACILITY ANALYSIS

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

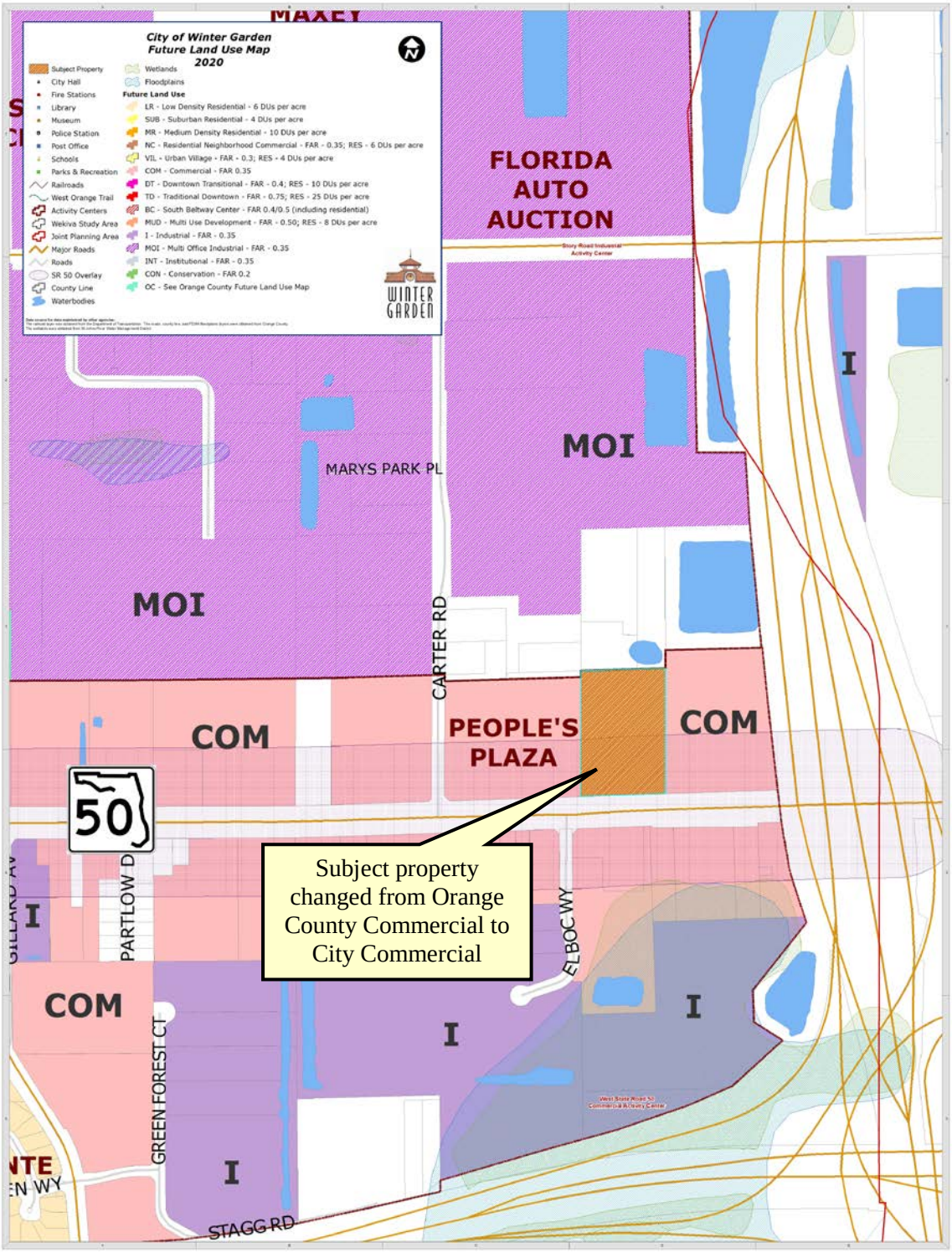
City Staff recommends approval of the proposed Ordinances.

MAPS

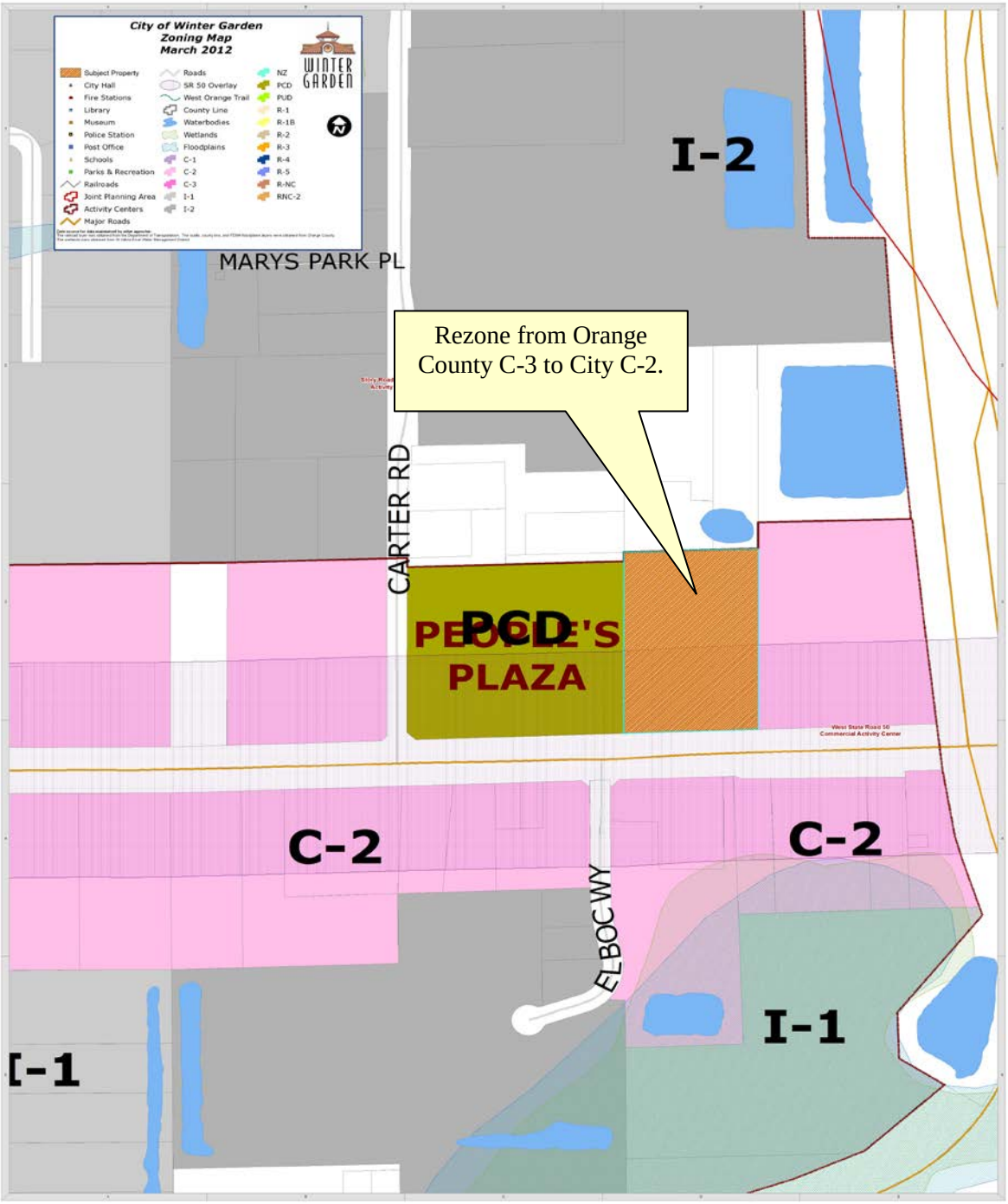
AERIAL PHOTO

12201 West Colonial Drive

FUTURE LAND USE MAP
12201 West Colonial Drive



ZONING MAP
12201 West Colonial Drive



END OF STAFF REPORT

THE CITY OF WINTER GARDEN

PLANNING AND ZONING BOARD AGENDA ITEM

ITEM # 7 (Public Hearing)

DATE: MAY 31, 2012 **MEETING DATE:** JUNE 4, 2012

SUBJECT: 2911 AVALON ROAD - PRELIMINARY PLAT APPROVAL
PROJECT NAME CARRIAGE POINTE RESERVE (F/K/A CANTERO PROPERTY)
PARCEL ID# 06-23-27-4284-04-010

ISSUE: APPLICANT IS REQUESTING APPROVAL OF A PRELIMINARY PLAT FOR CARRIAGE POINTE RESERVE PUD TO ALLOW PLATTING OF 90 SINGLE-FAMILY LOTS. THE SUBJECT PROPERTY IS LOCATED WITHIN THE CITY OF WINTER GARDEN MUNICIPAL LIMITS, AND CARRIES THE ZONING DESIGNATION PUD. THE SUBJECT PROPERTY IS DESIGNATED SUBURBAN RESIDENTIAL ON THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN.

SUPPLEMENTAL MATERIAL/ANALYSIS:

OWNER/APPLICANT: TAYLOR MORRISON OF FLORIDA, INC.

CURRENT ZONING: PUD (PLANNED UNIT DEVELOPMENT)

PROPOSED ZONING: NOT APPLICABLE

CURRENT FLU: SUB – SUBURBAN RESIDENTIAL (4 DU/ACRE)

PROPOSED FLU: NOT APPLICABLE

SUMMARY:

CITY STAFF RECOMMENDS APPROVAL OF THE PROPOSED PRELIMINARY PLAT FOR 90 SINGLE-FAMILY LOTS. THE PROPOSED SINGLE-FAMILY SUBDIVISION IS CONSISTENT WITH THE CITY'S COMPREHENSIVE PLAN AND THE CITY OF WINTER GARDEN CODE OF ORDINANCES. THE PROPOSED PRE-PLAT IS CONSISTENT WITH THE PLANNED UNIT DEVELOPMENT (PUD) APPROVAL (SEE ATTACHED STAFF REPORT).

STAFF RECOMMENDATION(S):

CITY STAFF RECOMMENDS APPROVAL OF THE PRELIMINARY PLAT OF 90 SINGLE-FAMILY LOTS IN CARRIAGE POINTE RESERVE.

NEXT STEP(S):

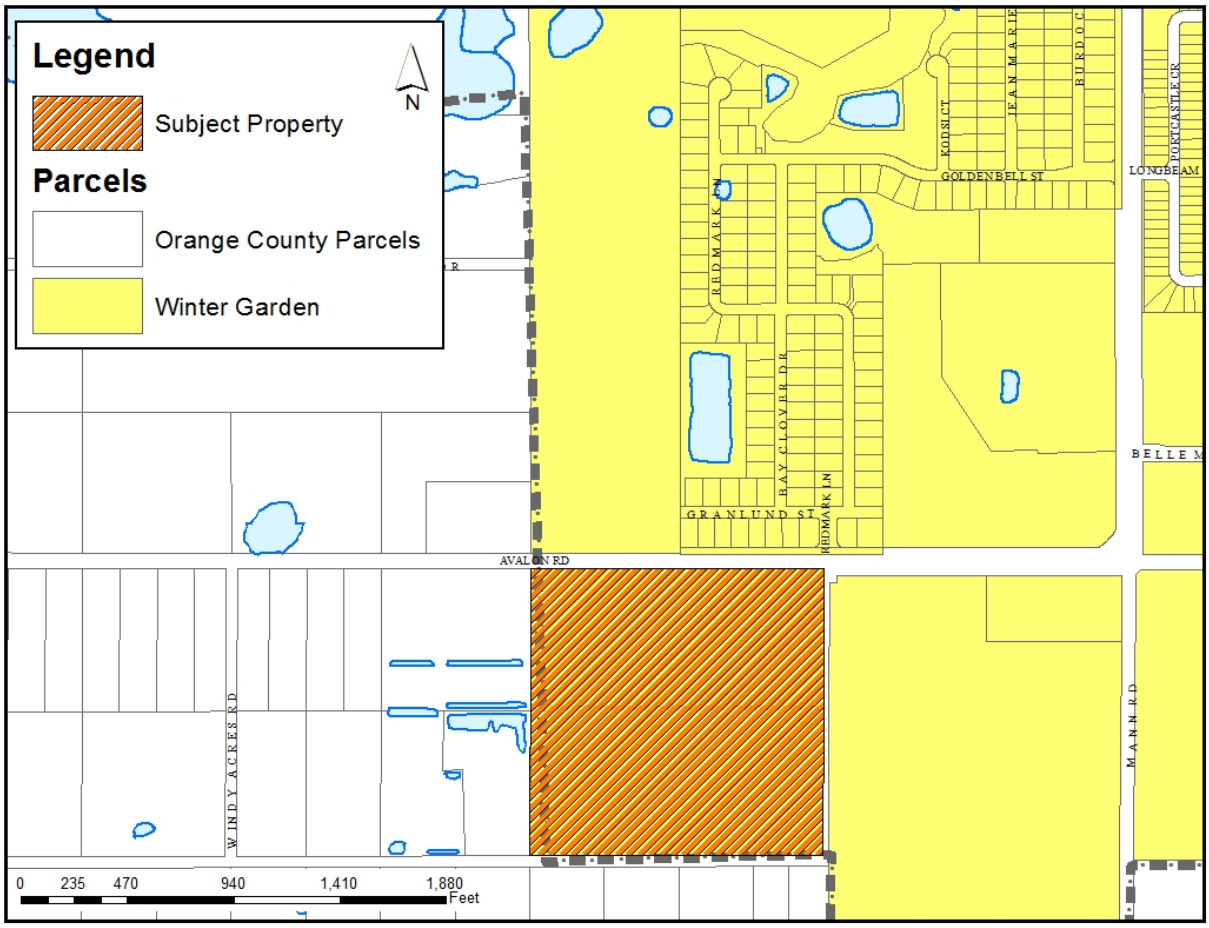
SUBMIT FINAL PLAT AND CONSTRUCTION PLANS FOR REVIEW.

ATTACHMENT(S):

LOCATION MAP
STAFF REPORT
PRELIMINARY PLAT

LOCATION MAP

Carriage Pointe Reserve
2911 Avalon Road



CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

STAFF REPORT

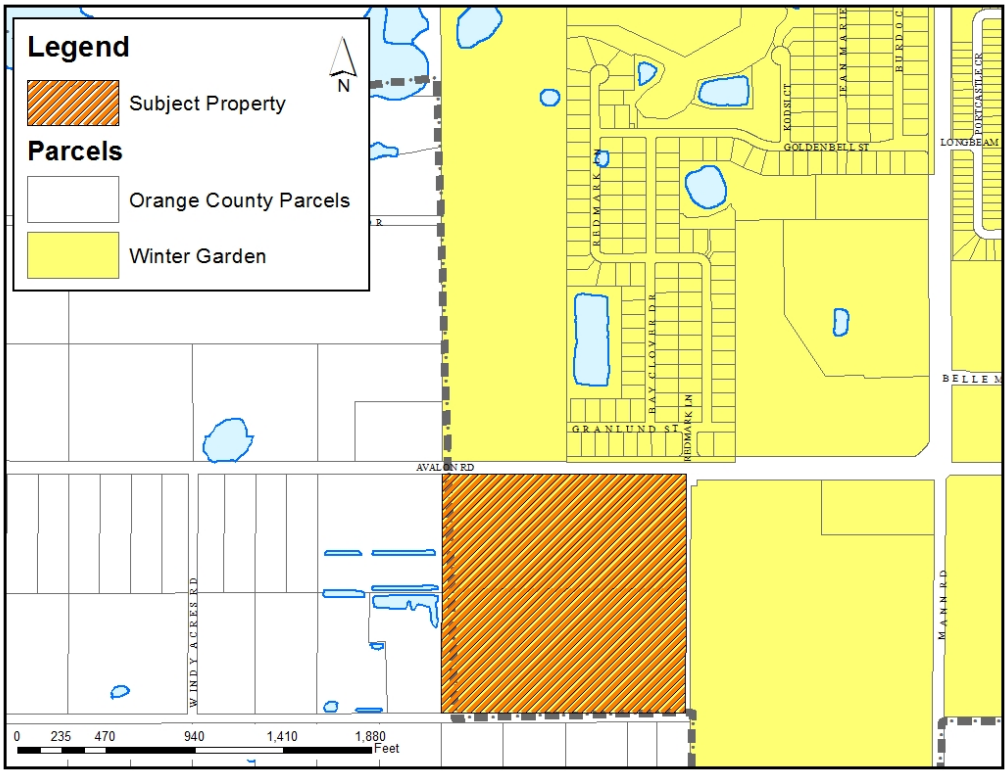
TO: PLANNING AND ZONING COMMITTEE
PREPARED BY: LAURA SMITH, SENIOR PLANNER
DATE: MAY 31, 2012
SUBJECT: PRELIMINARY PLAT
Avalon Road (37.8+/- ACRES)
PARCEL ID # 06-23-27-4284-04-010

APPLICANT: TAYLOR MORRISON OF FLORIDA, INC.

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 south west corner of the intersection of Avalon Road and Davenport Road, is approximately 37.8± acres. The map below depicts the location of the subject property within the City of Winter Garden municipal limits.



EXISTING USE

The subject property does not presently contain any strutures and is agricultural use (planted pine trees).

ADJACENT LAND USE AND ZONING

The properties located to the north are a vacant property of 39.45 ± acres zoned NZ in the City and Carriage Pointe PUD. The properties located to the south are in unincorporated Orange County and are large-lot (e.g., 1 to 5 acres) single-family homes and vacant properties currently zoned A-1. The property to the east is Alexander Ridge, an undeveloped PUD with 72.54 ± acres. The properties to the west are Green Machine with 9.55 ± acres and Hodges Green Houses, Inc with 4.86 ± acres.

The subject property as well as some of the surrounding properties are 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 dated January 24, 2007. Additionally, the subject property as well as many properties in the area (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.

PROPOSED USE

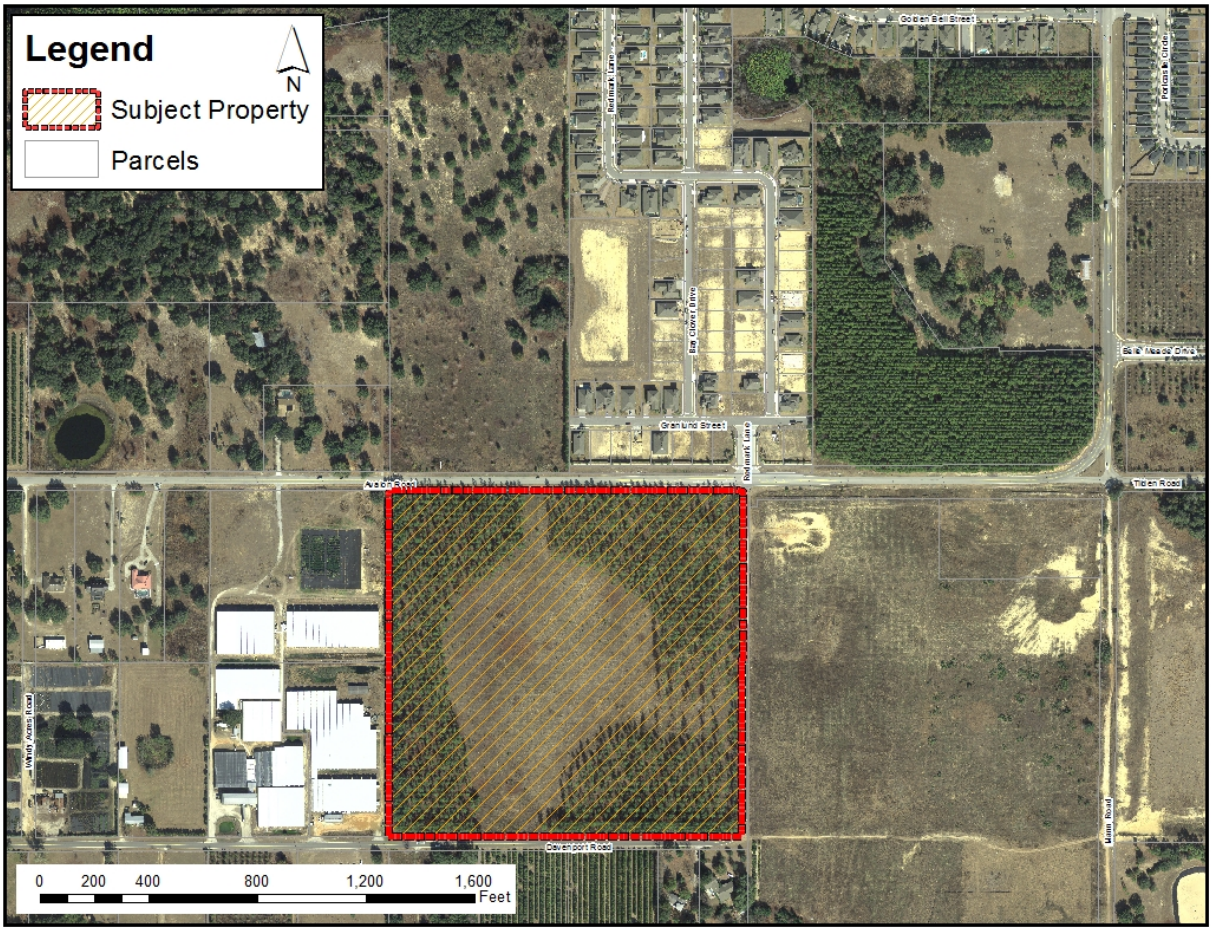
The applicant is requesting preliminary plat approval to move forward with development plans and the final plat. The preliminary plat will subdivide Carriage Pointe Reserve PUD, a 37.8 ± acre PUD into 90 lots, a community park, and common open space with rural settlement buffers alon g the south and east sides of the property.

SUMMARY

City Staff recommends conditional approval of the proposed Preliminary Plat. Conditional approval of the Preliminary Plat will allow the owner to proceed with development plans as well as the final plat.

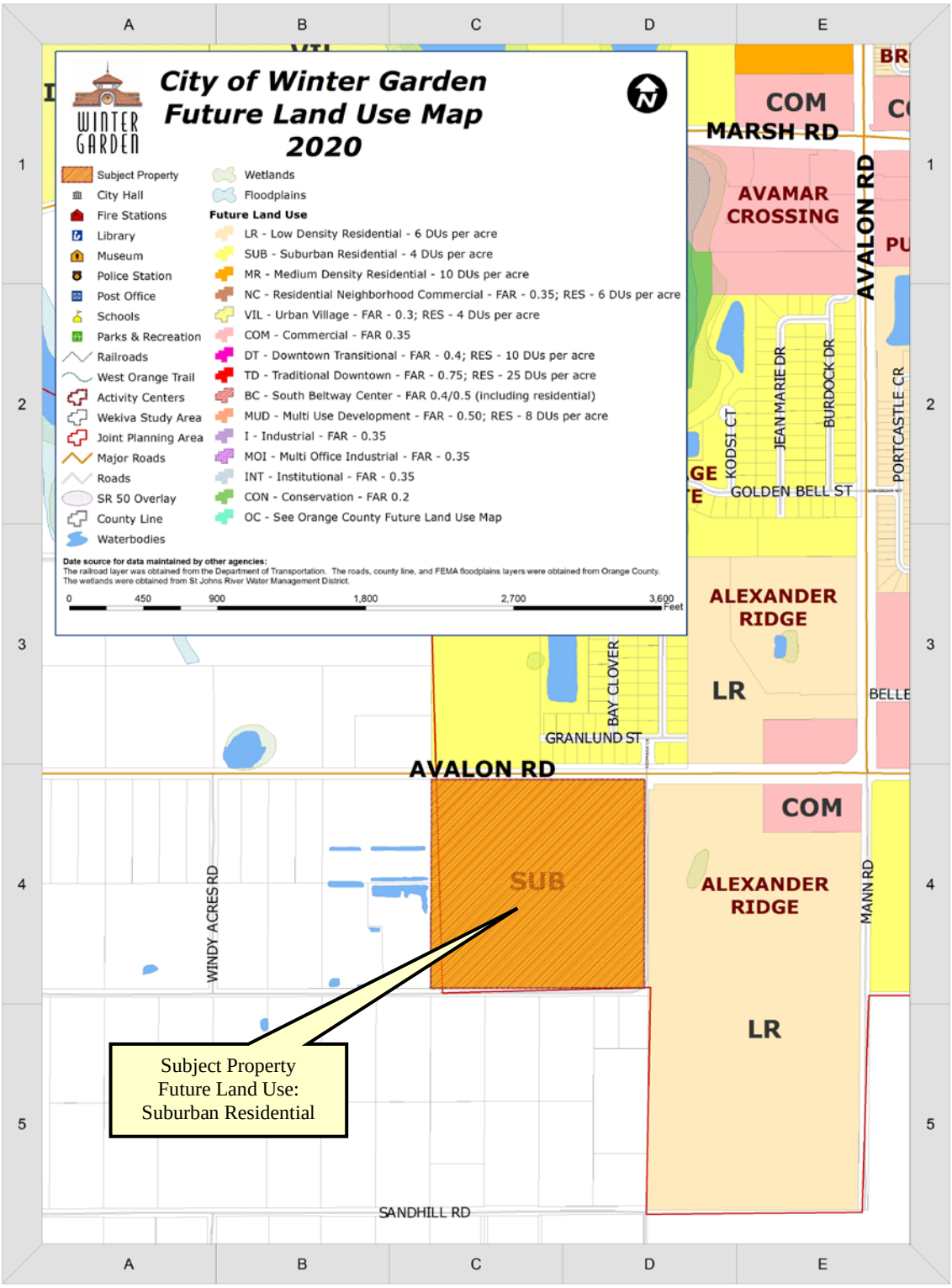
MAPS

AERIAL PHOTO
Carriage Pointe Reserve



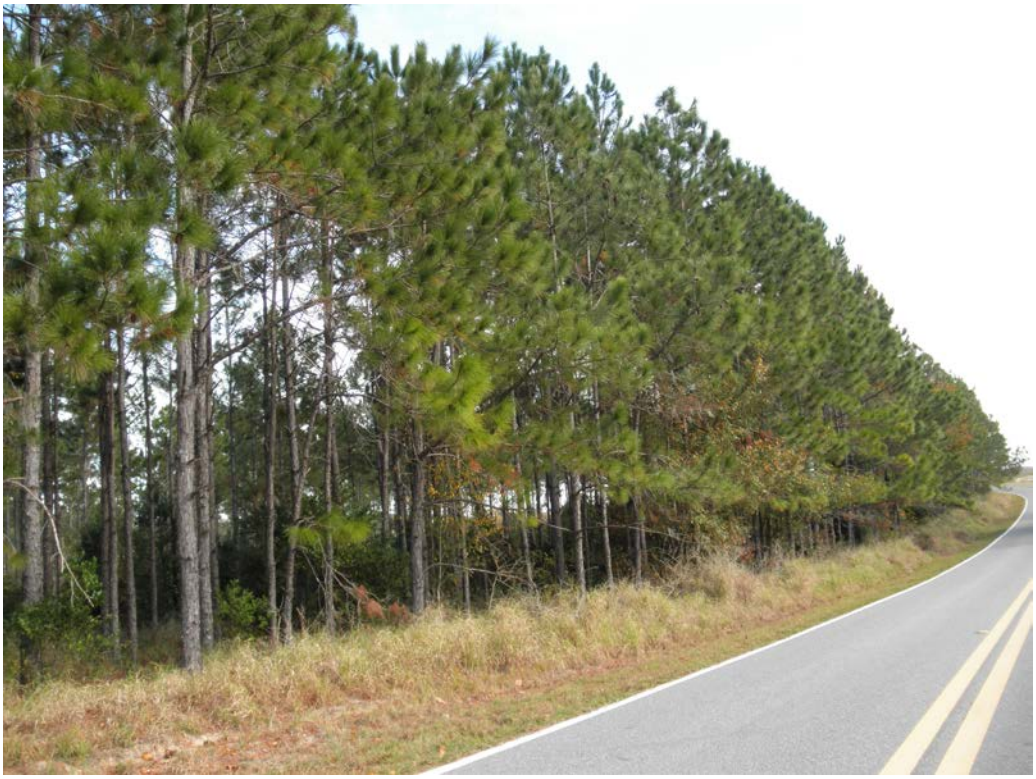
ZONING MAP
Carriage Pointe Reserve

FUTURE LAND USE MAP
Carriage Pointe Reserve



SITE PHOTOS
Carriage Pointe Reserve

AVALON ROAD



DAVENPORT ROAD

END OF STAFF REPORT

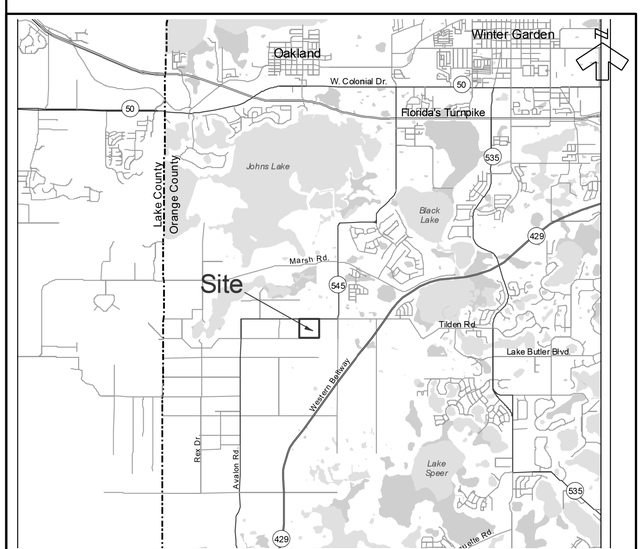
PRELIMINARY SUBDIVISION PLANS

A PLANNED UNIT DEVELOPMENT IN THE CITY OF WINTER GARDEN, FLORIDA

CARRIAGE POINTE RESERVE

PARCEL ID. NUMBER: 06–23–27–4284–04–010

FEBRUARY 2012



SITE LOCATION

LEGAL DESCRIPTION

(PER FIRST AMERICAN TITLE COMMITMENT NO. 5011612–2021–2638039)

TRACTS ONE–D AND TWO–D, LAKE AVALON GROVES, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK H, PAGE 24, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

AND

TRACTS FIFTEEN–D AND SIXTEEN–D, LAKE AVALON GROVES, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK H, PAGE 24, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

ALL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: (CREATED BY SURVEYOR)

COMMENCE AT THE EAST 1/4 CORNER OF SECTION 8, TOWNSHIP 23 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA; THENCE N00°11'44"E, ALONG THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 8, A DISTANCE OF 1,352.21 FEET TO A POINT ON THE EASTERLY EXTENSION OF THE NORTH RIGHT–OF–WAY LINE OF DAVENPORT ROAD (A 50.00 FOOT RIGHT–OF–WAY); THENCE S89°52'42"W, ALONG SAID LINE, A DISTANCE OF 25.00 FEET TO THE SOUTHEAST CORNER OF TRACT 16D, LAKE AVALON GROVES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK H, PAGE 24, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA AND THE POINT OF BEGINNING; THENCE CONTINUE S89°52'42"W, ALONG SAID RIGHT–OF–WAY LINE AND ALONG THE SOUTH LINE OF SAID TRACT 16D AND THE SOUTH LINE OF TRACT 15D, SAID LAKE AVALON GROVES, A DISTANCE OF 1297.35 FEET, TO THE SOUTHWEST CORNER OF SAID TRACT 15D; THENCE N00°13'39"E, ALONG THE WEST LINE OF SAID TRACT 15D AND THE WEST LINE OF TRACT 2D, SAID LAKE AVALON GROVES, A DISTANCE OF 1280.76 FEET TO THE NORTHWEST CORNER OF SAID TRACT 2D; THENCE S89°58'04"E, ALONG THE NORTH LINE OF SAID TRACT 2D AND THE NORTH LINE OF TRACT 1D, SAID LAKE AVALON GROVES, A DISTANCE OF 1296.62 FEET TO THE NORTHEAST CORNER OF SAID TRACT 1D; THENCE S00°11'44"W, ALONG THE EAST LINE OF SAID TRACT 1D, A DISTANCE OF 1277.27 FEET TO THE POINT OF BEGINNING.

PROJECT DESCRIPTION

A 90 UNIT SINGLE FAMILY PLANNED UNIT DEVELOPMENT.
A 2–PHASE PROJECT, PJASE 1 (60 UNITS), PHASE 2 (30 UNITS).

PREPARED FOR

TAYLOR MORRISON OF FLORIDA, INC.

151 SOUTHHALL LANE
SUITE 200
MAITLAND, FLORIDA 32751
CONTACT: ANAS IQBAL
PHONE: (407) 629–0077

OWNER/APPLICANT

TAYLOR MORRISON OF FLORIDA, INC
151 SOUTHHALL LANE, SUITE 200
MAITLAND, FLORIDA 32751
PHONE: (321) 397-7523
CONTACT: JONATHAN WHITE

ENGINEER/SURVEY/ENVIRONMENTAL

BOWYER-SINGLETON & ASSOCIATES, INC.
520 SOUTH MAGNOLIA AVE.
ORLANDO, FLORIDA 32801
PHONE: (407) 843-5120
CONTACT: SCOTT STEARNS, P.E.

GEOTECHNICAL ENGINEER

YOVAISH ENGINEERING SCIENCES, INC.
953 SUNSHINE LANE
ALTAMONTE SPRINGS, FLORIDA 32714
PHONE: (407) 774-9383
CONTACT: DOUG YOVAISH, P.E.

TRAFFIC ENGINEER

LUKE TRASPORTATION ENGINERING CONSULTUNTS, INC.
29 EAST PINE STREET
ORLANDO, FLORIDA 32828
PHONE: (407) 423-8055
CONTACT: J. ANTHONY LUKE, P.E.

LANDSCAPE ARCHITECT

PAUL VERLANDER
706 TURNBULL AVENUE
SUITE 201
ALTAMONTE SPRINGS, FLORIDA 32701
PHONE: (407) 834-4104
CONTACT: PAUL VERLANDER

TABLE OF CONTENTS

SHEET NO.	DESCRIPTION
1	COVER SHEET
2	EXISTING CONDITIONS PLAN
3	OVERALL SITE PLAN
4	GEOMETRY SITE PLAN
5	UITLITY PLAN
6	GRADING & DRAINAGE PLAN
7	AVALON ROAD IMPROVEMENTS
8	OFF-SITE UTILITIES PLAN

THIS IS TO CERTIFY THAT THE ROADWAY CONSTRUCTION PLANS AND SPECIFICATIONS AS CONTAINED HEREIN WERE DESIGNED TO APPLICABLE STANDARDS AS SET FORTH IN THE "MANUAL OF UNIFORM MINIMUM STANDARDS FOR DESIGN. CONSTRUCTION AND MAINTENANCE FOR STREETS AND HIGHWAYS" AS PREPARED BY FLORIDA DEPARTMENT OF TRANSPORTATION.

BOWYER SINGLETON
LAND DEVELOPMENT & TRANSPORTATION ENGINEERING
PLANNING & SURVEYING & MAPPING
BSA-ORL.COM

WINTER GARDEN FLORIDA

CARRIAGE POINTE RESERVE
PRELIMINARY SUBDIVISION PLANS

CORPORATE OFFICE - 520 SOUTH MAGNOLIA AVENUE - ORLANDO, FLORIDA 32801
407-843-5120 - ENGINEERING BUSINESS - 1221

REVISIONS

DATE	BY	DESCRIPTION
3/22/12	NCG	REVISED PER DRC COMMENTS

CONTRACTOR "AS-BUILTS"
I hereby state that these "As-Builts" were furnished to me by the contractor, and that the contractor or his employee under my direct supervision have reviewed these "As-Builts" and believe them to be in compliance with my knowledge of what was actually constructed. This opinion is based upon site observations of the construction.

Contractor's Name _____

Engineer _____

Not valid without the signature and the original raised seal of a Florida Registered Engineer.

DATE	JANUARY 2012
DESIGNED	NCG
CHECKED	MSS
SCALE	N/A
PROJECT NO.	CAN4/PSP
FILE NAME	CAN4PSPcover
SHEET	1 OF 8

3/23/2012
half size: (b)
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0 80' 160'

NOTE:
ALL TREES ON-SITE ARE PLANTED PINES.

SOILS LEGEND

- (4) CANDLER,A - Fine Sand 0-5% Slopes
- (5) CANDLER,A - Fine Sand 5-12% Slopes
- (46) TAVARES,A - Fine Sands 0-5% Slopes

LEGEND

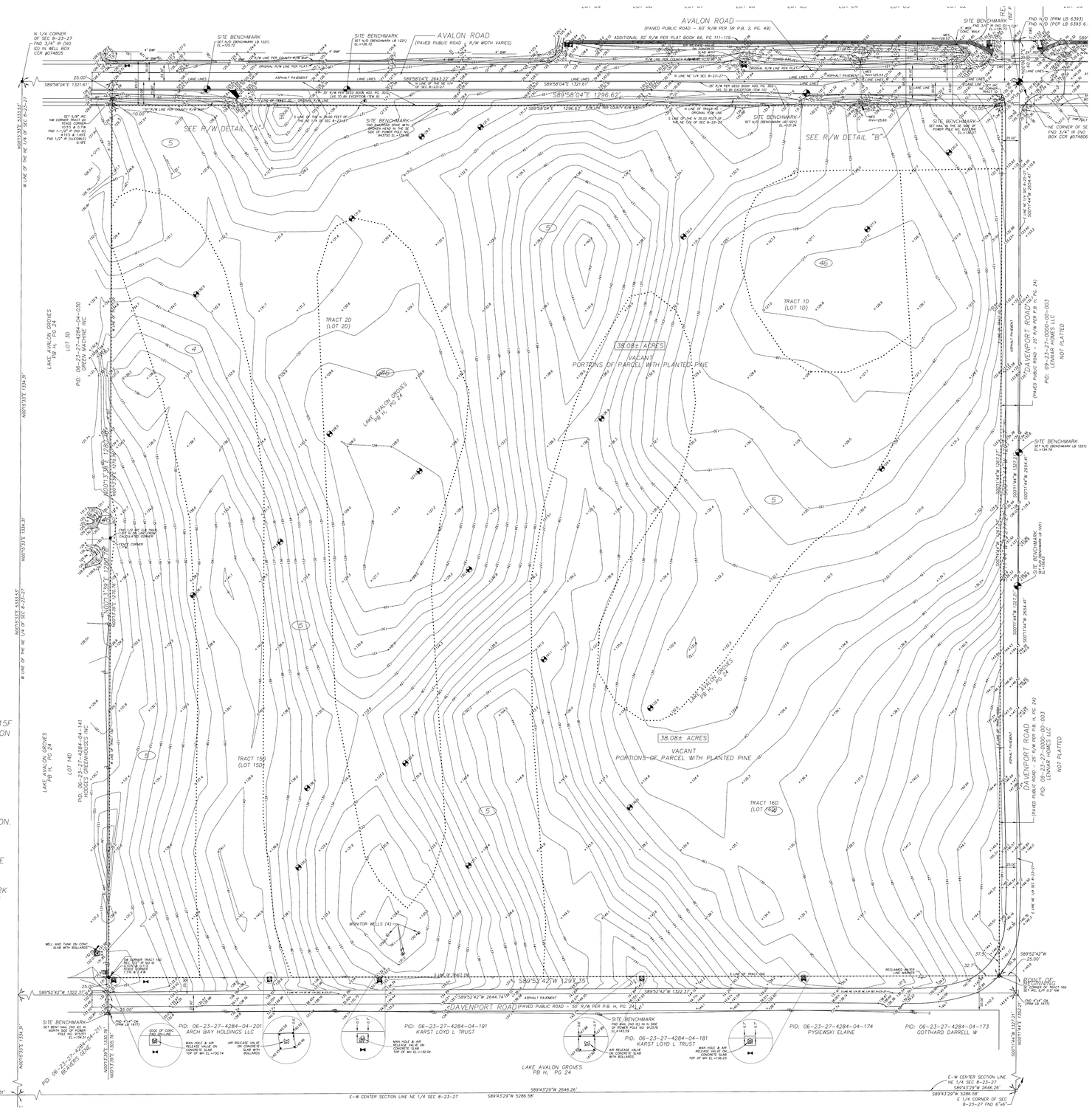
- CONTOURS
- PROPERTY BOUNDARY
- SOILS DIVIDE LINE
- SOILS LEGEND (34)

SURVEY NOTES:

1. BEARINGS SHOWN HEREON ARE ASSUMED AND BASED ON THE NORTH LINE OF THE NORTHEAST 1/4 OF SECTION 8, TOWNSHIP 23 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA, AS BEING S89°58'04"E.
2. ACCORDING TO FEDERAL EMERGENCY MANAGEMENT AGENCY'S FLOOD INSURANCE RATE MAP (FIRM) PANEL NO. 12095C0215F & 12095C0200F, ORANGE COUNTY, FLORIDA, EFFECTIVE DATE OF SEPTEMBER 25, 2009, THE PROPERTY DESCRIBED HEREON LIES WITHIN ZONE "X" (AREA DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN).
3. UNDERGROUND FOUNDATIONS AND UTILITIES WERE NOT LOCATED AS PART OF THIS SURVEY.
4. LANDS SHOWN HEREON WERE ABSTRACTED FOR RIGHTS-OF-WAY, EASEMENTS, OWNERSHIP, ADJOINERS OR OTHER INSTRUMENTS OF RECORD PER ATTORNEYS' TITLE INSURANCE FUND, POLICY NO. 2100183, WITH AN EFFECTIVE DATE OF APRIL 11, 2001.
5. NORTH-SOUTH AND EAST-WEST TIES TO FOUND MONUMENTATION AND IMPROVEMENTS ARE BASED ON CARDINAL DIRECTION.
6. WETLAND AREAS, IF ANY, WERE NOT ADDRESSED AS A PART OF THIS SURVEY.
7. THE ACCURACY OF THE SURVEY MEASUREMENTS USED FOR THIS SURVEY MEETS OR EXCEEDS THE EXPECTED USE OF THE PROPERTY DESCRIBED HEREON. (SUBURBAN) 1 FOOT IN 7,500 FEET.
8. ELEVATIONS SHOWN HEREON ARE BASED ON ORANGE COUNTY DATUM, AS DERIVED BY FROM ORANGE COUNTY BENCHMARK NO. 2186. DESCRIBED AS A RAILROAD SPIKE IN THE EAST FACE OF POWER POLE NO. 924717, HAVING AN ELEVATION OF 152.267 (NAVD 88).

LEGEND AND ABBREVIATIONS:

AC	ACRES	O.R.B.	OFFICIAL RECORDS BOOK		FIRE HYDRANT
ASPH	ASPHALT PAVEMENT	OHU	OVER-HEAD UTILITIES		BOLLARD
℄	CENTER LINE	(P)	PLAT		BREAK LINE
CLF	CHAIN-LINK FENCE	P.B.	PLAT BOOK		FOUND 4"x4" CM (AS NOTED)
CM	CONCRETE MONUMENT	PCP	PERMANENT CONTROL POINT		SET 4"x4" CM (BSA LB 1221)
CMP	CORRUGATED METAL PIPE	PG(S).	PAGE/PAGES		FOUND N/D (AS NOTED)
CONC.	CONCRETE	PLS	PROFESSIONAL LAND SURVEYOR		SET 5/8" IRC (BSA LB 1221)
EL.	ELEVATION	POB	POINT OF BEGINNING		FOUND IRON ROD (AS NOTED)
EP	EDGE OF PAVEMENT	POC	POINT OF COMMENCEMENT		BORING LOCATION/BENCHMARK (AS NOTED)
FIRM	FLOOD (FLORIDA) INSURANCE RATE MAP	PRM	PERMANENT REFERENCE MONUMENT		CABLE TELEVISION RISER BOX
FNC	FENCE	PSM	PROFESSIONAL SURVEYOR MAPPER		ELECTRIC JUNCTION BOX
FND	FOUND	R/W	RIGHT OF WAY		TELEPHONE RISER BOX
ID	IDENTIFICATION	RCP	REINFORCED CONCRETE PIPE		UTILITY RISER BOX
INV	INVERT ELEVATION	REC	RECOVERED		WATER METER
IP	IRON PIPE	SEC	SECTION		WOOD UTILITY POLE
IPC	IRON PIPE & CAP	T/B	APPROXIMATE TOP OF BANK		CONCRETE UTILITY POLE
IR	IRON ROD	T/S	APPROXIMATE TOE OF SLOPE		GUY ANCHOR
IRC	IRON ROD & CAP	TBM	TEMPORARY BENCH MARK		LIGHT POLE
LB	LICENSED BUSINESS	(TYP)	TYPICAL		STORM MANHOLE
M.B.	MAP BOOK	W/	WITH		UNKOWN MAN HOLE
MES	MITERED END SECTION		BLOW OFF VALVE ASSEMBLY		SANITARY MANHOLE
NAVD 88	NORTH AMERICAN VERTICAL DATUM OF 1988		WATER VALVE		MONITORING WELL
NGVD 29	NATIONAL GEODETIC VERTICAL DATUM OF 1929		GAS VALVE		WELL
N/D	NAIL & DISK		IRRIGATION CONTROL VALVE		SINGLE POLE SIGN
NO.	NUMBER		AIR RELEASE VALVE		



BOWYER SINGLETON

FLORIDA

WINTER GARDEN

EXISTING CONDITIONS PLAN

CARRIAGE POINTE RESERVE - PSP

CORPORATE OFFICE - 520 SOUTH MAGNOLIA AVENUE - ORLANDO, FLORIDA 32801
407-843-5120 - ENGINEERING BUSINESS - 1221

REVISIONS

DATE	BY	DESCRIPTION

CONTRACTOR "AS-BUILTS"
I hereby state that these "As-Builts" were furnished to me by the Contractor or Surveyor in his employ and that they were prepared under my direct supervision have reviewed these "As-Builts" and believe them to be in compliance with my knowledge of what was actually installed. The "As-Builts" have been based upon site observations of the construction.

Contractor's Name _____

Engineer _____

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DATE	JANUARY 2012
DESIGNED	NCG
CHECKED	MSS
SCALE	1" = 80'
PROJECT NO.	CAN4/PSP
FILE NAME	CAN4PSPEXISTCOND
SHEET	2 OF 8

3/23/2012

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SITE DATA

1. TOTAL PROJECT AREAS 38.08 ac.
   ROW DEDICATION: 1.04 ac.
   ROAD ROW: 5.03 ac.
   RETENTION AREA: 5.83 ac.
   GROSS DEVELOPABLE AREA: 37.04 ac. (Total Project Area)
   NET DEVELOPABLE AREA: 26.18 ac. (Gross Developable Area minus Road ROW & Retention Area)

2. SITE DATA:
   Total Single Family Units: 90 (Phase 1 = 60 Units, Phase 2 = 30 Units)
   Gross Residential Density: 2.43 du/ac
   Net Residential Density: 3.44 du/ac
   Minimum sq.ft. Under Heat & Air : 1400 sq.ft.
   Maximum Building Height: 40 ft.
   Minimum Lot Width Size: 65 ft.

3. SUPPORT SERVICES:
   Water Service: CITY OF WINTER GARDEN
   Sewer Service: CITY OF WINTER GARDEN
   Stormwater Management: Stormwater Management to be provided in on-site Master Stormwater Management Areas to satisfy the City of Winter Garden and St. John's River Water Management District Criterias
   Total Retention of the 100yr-24hr or 25yr-96hr storm event

   Schools: Addressed by school mitigation agreement for capacity enhancement in process with OCPS.

   Traffic: See traffic impact analysis by others

4. FUTURE LAND USE: Suburban Residential (4du/ac)
5. EXISTING ZONING: PUD
6. PROPOSED ZONING: Planned Unit Development (PUD)
7. REQUESTED USES: Approved Land Use Plan for PUD
   Single-Family As shown on Land Use Plan

8. BUILDING SETBACKS:

65'X120' LOTS:	Front Yard	20'	75'x120' LOTS:	Front Yard	20'
	Rear Yard	20'		Rear Yard	20'
	Side Yard	7.5'		Side Yard	7.5'
	Corner	20'		Corner	20'
	Front Load Garage (Front)	25'		Front Load Garage (Front)	25'
	Porch/Courtyard Garage (Front)	15'		Porch/Courtyard Garage (Front)	15'
	Pool (side & rear)	5'		Pool (side & rear)	5'
	No. Lots	47		No. Lots	43

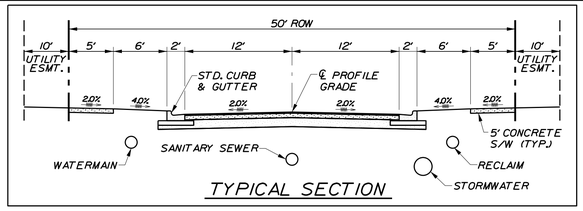
9. OPEN SPACE PROVIDED: - (25% GROSS DEVELOPABLE AREA) = 9.26 AC. (REQ.)
   PARK AREA - 0.72 AC.
   100' OPEN SPACE BUFFER - (5.74 - 0.58) 5.16 AC.
   RETENTION AREAS - 5' 5.83 AC.
   TOTAL AREA = 11.71 AC.

10. RECREATION FACILITIES: FACILITIES FOR COMMUNITY PARK INCLUDE GAZEBO, PARK BENCHES AND 10 FT. MULTI-PURPOSE TRAIL WITHIN 100' OPEN SPACE BUFFER.
    37.04 X 0.05 = 1.85 ACRES REQUIRED
    PASSIVE PARK * 0.72 AC.
    MULTIPURPOSE TRAIL (20') * 0.58 AC.
    TOTAL AREA = 1.30 AC.*
    * 0.55 ACRES TO BE PURCHASED FROM CITY RECREATION FUND.

11. All lots bordering the PUD perimeter shall meet the requirements of Chapter 118, Article V, Division 2, Subdivision III, Section 118-924(d): A minimum 25-foot yard shall be required from the nearest part of any building wall to the edge of any public right-of-way or private street, and all structures shall have a minimum 20-foot rear yard. A minimum 25-foot yard shall be maintained between the walls of all structures and the perimeter of the PUD. Additional perimeter yard requirements for multistory buildings shall be figured at five additional feet for each ten feet of height over the first story.

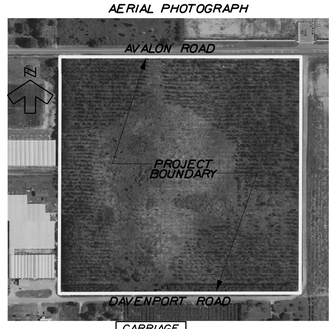
12. Project to be gated with privately owned and maintained streets.

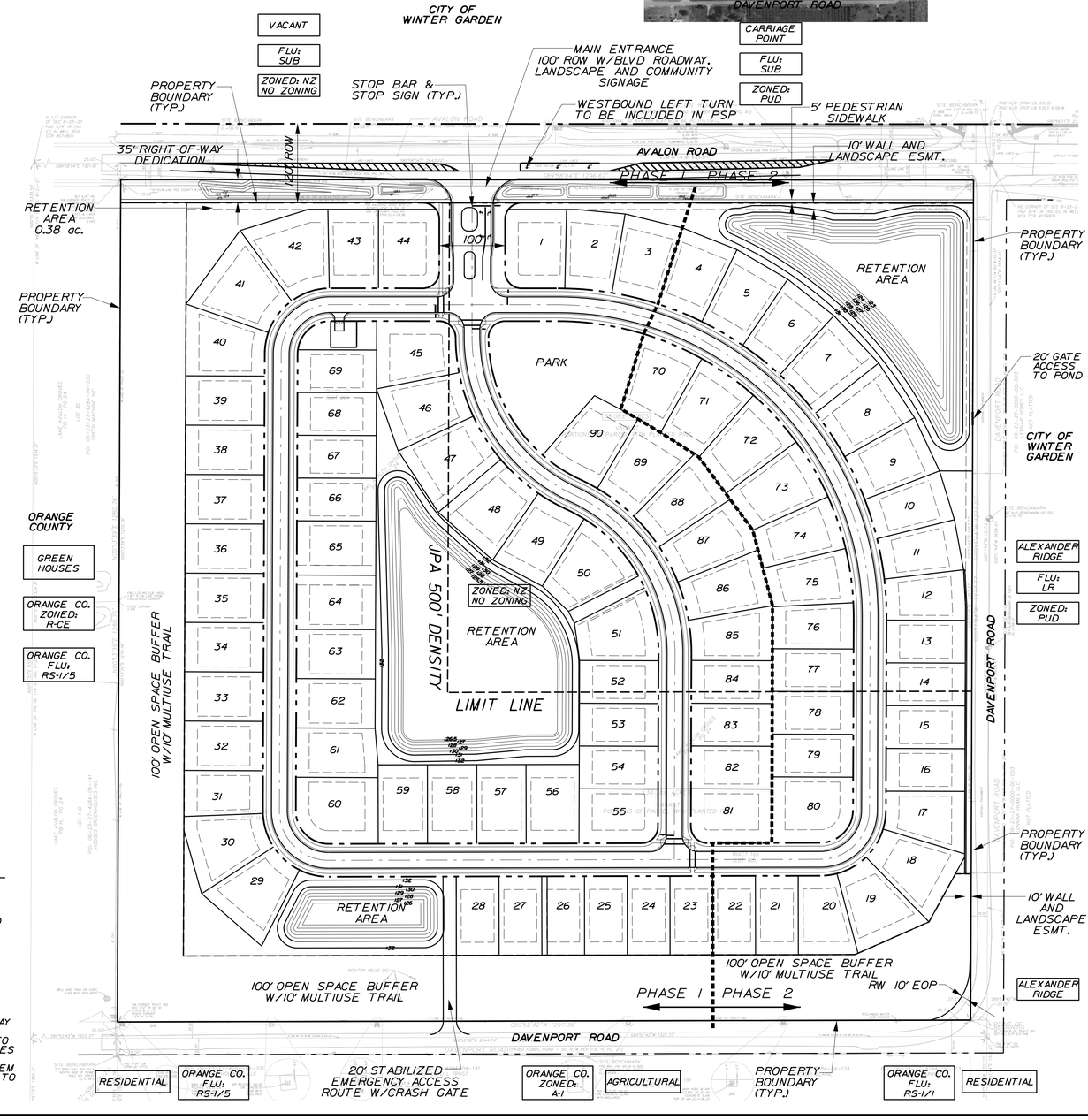
13. JPA 500' Density Limit Line:
    55 lots / Area - 23.5 ac = 2.34 du/ac
    (Residential Units within JPA 500' Density Limit Lines limits density to 3.0 du/ac.)

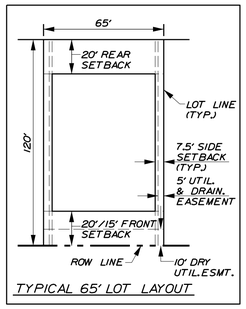


TYPICAL SECTION

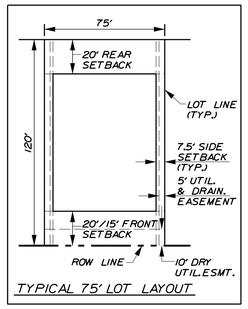
AERIAL PHOTOGRAPH







TYPICAL 65' LOT LAYOUT



TYPICAL 75' LOT LAYOUT

NOTES:

1. NONE OF THE 25% WSA OPEN SPACE MAY BE CHEMICALLY TREATED WITH PESTICIDES OR FERTILIZERS TO ESTABLISH SENSITIVE NATURAL HABITAT.
2. GARAGES SHOULD BE LOCATED TO THE REAR OF SINGLE-FAMILY RESIDENTIAL LOTS OR AT LEAST FIVE FEET BEHIND THE PRIMARY BUILDING FACADE. SIDE ENTRY GARAGES MAY BE LOCATED IN FRONT OF THE PRIMARY BUILDING FACADE AND BEHIND THE FRONT SETBACK LINE. ACCENTUATE THE USE OF STEP BACKS IN BUILDING ELEVATIONS.
3. FRONT FACADE VARIATION SHOULD BE PROVIDED SO THE FRONT LOAD GARAGE AND THE PORCH/COURTYARD GARAGE ARE ALTERNATED.
4. FRONT PORCHES SHALL BE PROVIDED ON AT LEAST 50% OF ALL SINGLE-FAMILY RESIDENTIAL UNITS.
5. PRIMARY BUILDING ENTRANCES SHALL BE VISIBLE AND ACCESSIBLE FROM THE STREET AND SHALL HAVE A WALKWAY FROM THE PRIMARY ENTRANCE TO THE SIDEWALK.
6. GATED COMMUNITY WILL REQUIRE A CLICK-2-ENTER DEVICE TO BE INSTALLED ON ANY AND ALL AUTOMATIC CONTROLLED GATES TO ALLOW EMERGENCY VEHICLE ACCESS. IN ADDITION, ALL GATES SHALL BE EQUIPPED WITH A BATTERY BACKUP SYSTEM WHICH WILL ALLOW GATES TO OPEN AND REMAIN OPEN DUE TO A POWER FAILURE.

BOWYER SINGLETON

FLORIDA

WINTER GARDEN

OVERALL SITE PLAN

CARRIAGE POINTE RESERVE - PSP

CORPORATE OFFICE - 520 SOUTH MAGNOLIA AVENUE - ORLANDO, FLORIDA 32801
407-843-5120 - ENGINEERING BUSINESS - 1221

REVISIONS

DATE	BY	DESCRIPTION

CONTRACTOR "AS-BUILTS"
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Contractor's Name _____

Engineer _____

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DATE	JANUARY 2012
DESIGNED	NCG
CHECKED	MSS
SCALE	1" = 100'
PROJECT NO.	CAN4/PSP
FILE NAME	CAN4PSPOVERALLSITEPLAN
SHEET	3 OF 8

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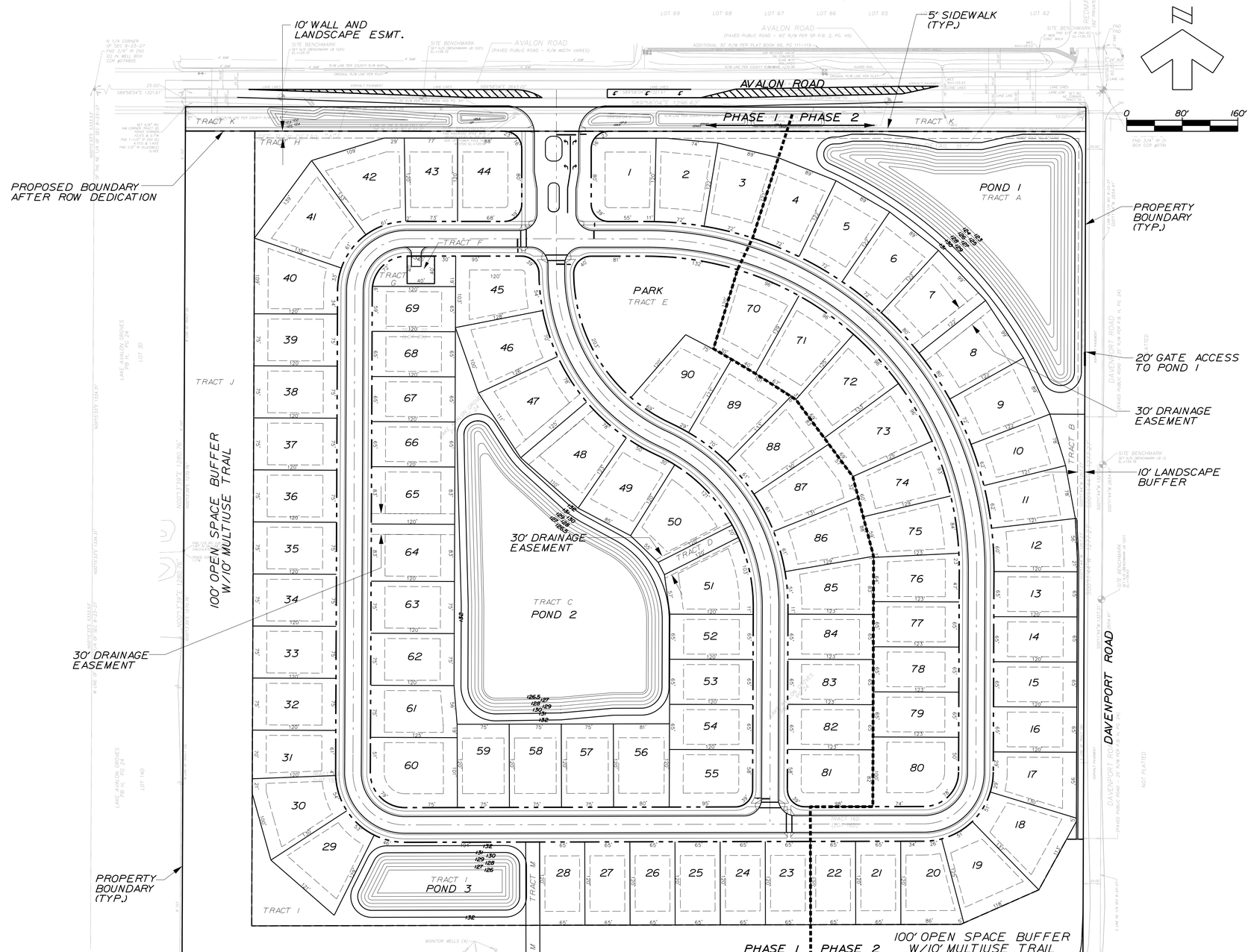

TRACT SUMMARY TABLE

TRACT SUMMARY

TRACT	AREA	DESCRIPTION	OWNERSHIP	MAINTENANCE	DEVELOPMENT RIGHTS
A	2.08	RETENTION POND	HOA	HOA	HOA
B	0.21	OPEN SPACE/LANDSCAPE	HOA	HOA	HOA
C	2.50	RETENTION POND	HOA	HOA	HOA
D	0.05	DRAINAGE/ACCESS	HOA	HOA	HOA
E	0.72	OPEN SPACE	HOA	HOA	HOA
F	0.04	LIFT STATION	CITY OF WINTER GARDEN	CITY OF WINTER GARDEN	CITY OF WINTER GARDEN
G	0.14	OPEN SPACE/LANDSCAPE	HOA	HOA	HOA
H	0.29	RETENTION POND/LANDSCAPE	HOA	HOA	HOA
I	0.96	RETENTION POND/ACCESS	HOA	HOA	HOA
J	3.77	OPEN SPACE/TRAIL	HOA	HOA	HOA
K	1.04	ROW DEDICATION	CITY OF WINTER GARDEN	CITY OF WINTER GARDEN	CITY OF WINTER GARDEN
L	1.97	OPEN SPACE/TRAIL	HOA	HOA	HOA
M	0.10	DRAINAGE/EMERGENCY ACCESS	HOA	HOA	HOA
N	0.03	ROW DEDICATION	CITY OF WINTER GARDEN	CITY OF WINTER GARDEN	CITY OF WINTER GARDEN

BOWYER SINGLETON

FLORIDA

WINTER GARDEN

GEOMETRY SITE PLAN

CARRIAGE POINTE RESERVE - PSP

CORPORATE OFFICE - 520 SOUTH MAGNOLIA AVENUE - ORLANDO, FLORIDA 32801
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Contractor's Name _____

Engineer _____

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DATE	JANUARY 2012
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SCALE	1" = 80'
PROJECT NO.	CAN4/PSP
FILE NAME	CAN4PSPSITE01
SHEET	4 OF 8

3/23/2012

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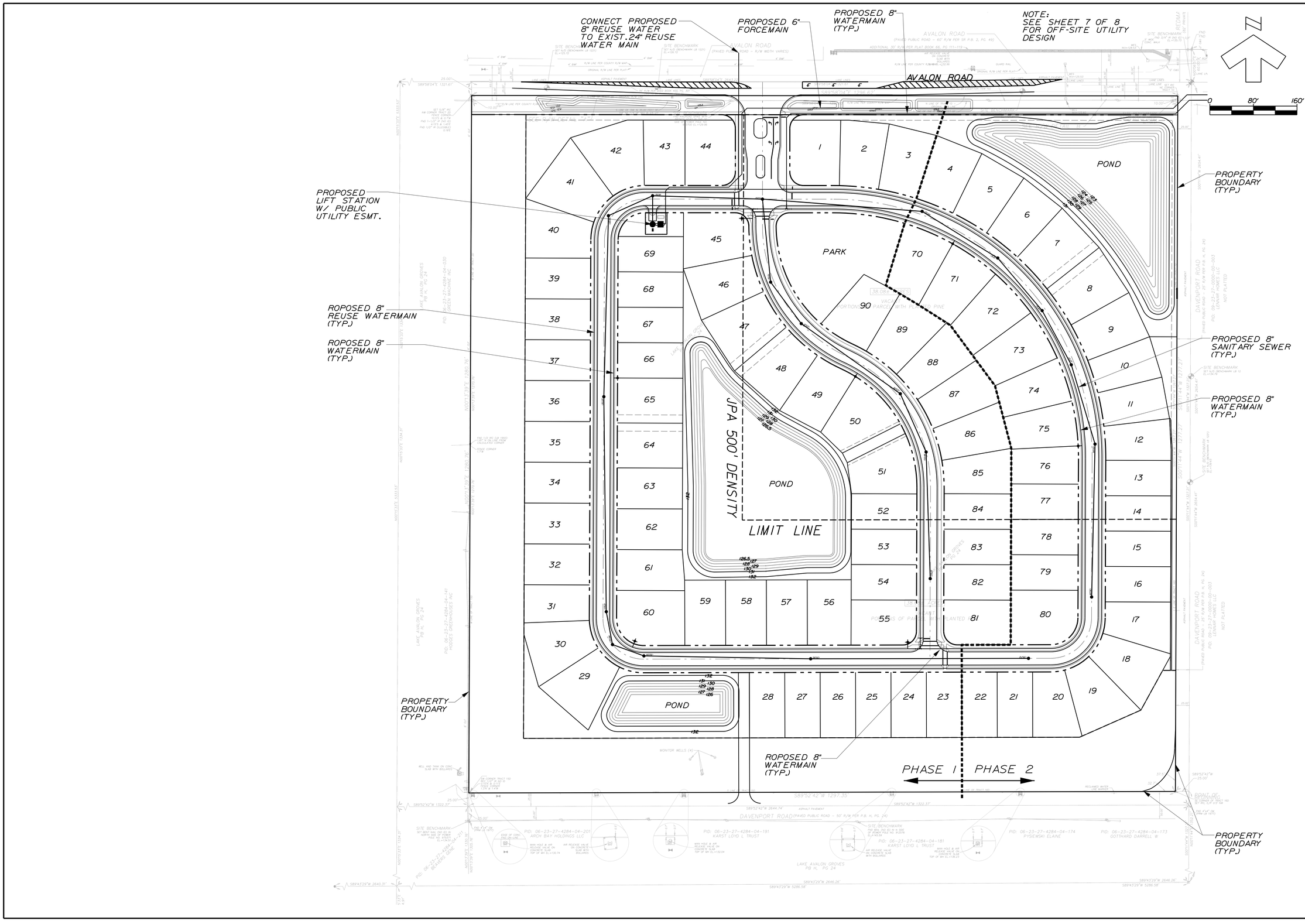

BOWYER SINGLETON

FLORIDA

WINTER GARDEN

UTILITY PLAN

CARRIAGE POINTE RESERVE - PSP

CORPORATE OFFICE - 520 SOUTH MAGNOLIA AVENUE - ORLANDO, FLORIDA 32801
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PROJECT NO.	CAN4/PSP
FILE NAME	CAN4PSPUTILITY01
SHEET	5 OF 8

3/23/2012

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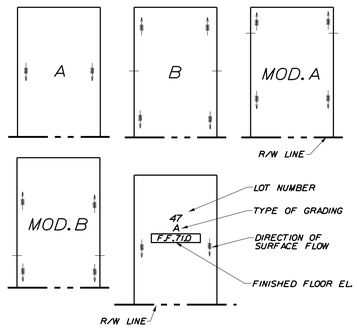
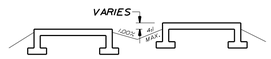
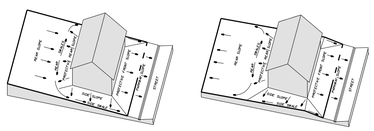


TYPICAL LOT LAYOUT

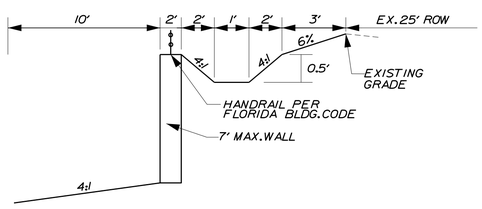


TYPICAL SECTION @ LOT LINE



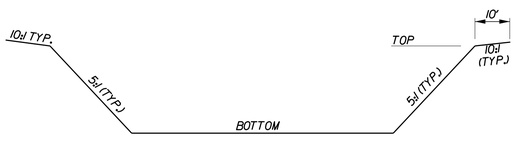
LOT GRADING TYPE A — LOT GRADING TYPE MOD.B

TYPICAL FHA GRADING



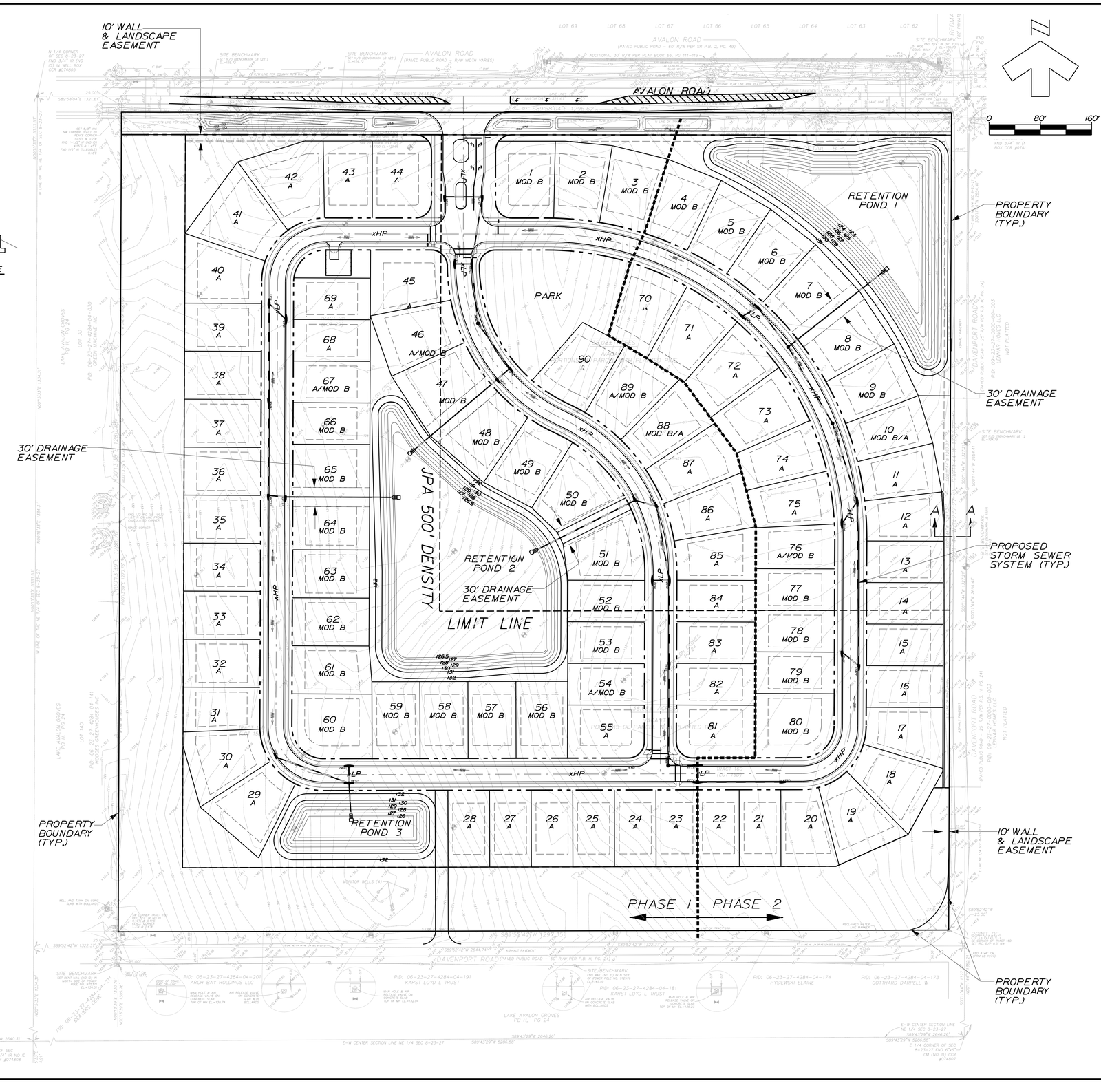
SECTION A-A

	TOB	BOTTOM	10YR/24HR	25YR/24HR
POND 1	131.0	123.0	128.0	129.17
POND 2	132.0	126.5	129.57	130.43
POND 3	132.0	126.0	130.45	131.40



TYPICAL POND SECTION

NOTE:
1. A UTILITY, DRAINAGE, ACCESS & SIDEWALK ESMT. IS DEDICATED OVER ALL HOA TRACTS.



BOWYER SINGLETON

FLORIDA

WINTER GARDEN

GRADING & DRAINAGE PLAN

CARRIAGE POINTE RESERVE - PSP

CORPORATE OFFICE - 520 SOUTH MAGNOLIA AVENUE - ORLANDO, FLORIDA 32801
407-843-5120 - ENGINEERING BUSINESS - 1221

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SCALE	1" = 80'
PROJECT NO.	CAN4/PSP
FILE NAME	CAN4PSPGRADING01
SHEET	6 OF 8

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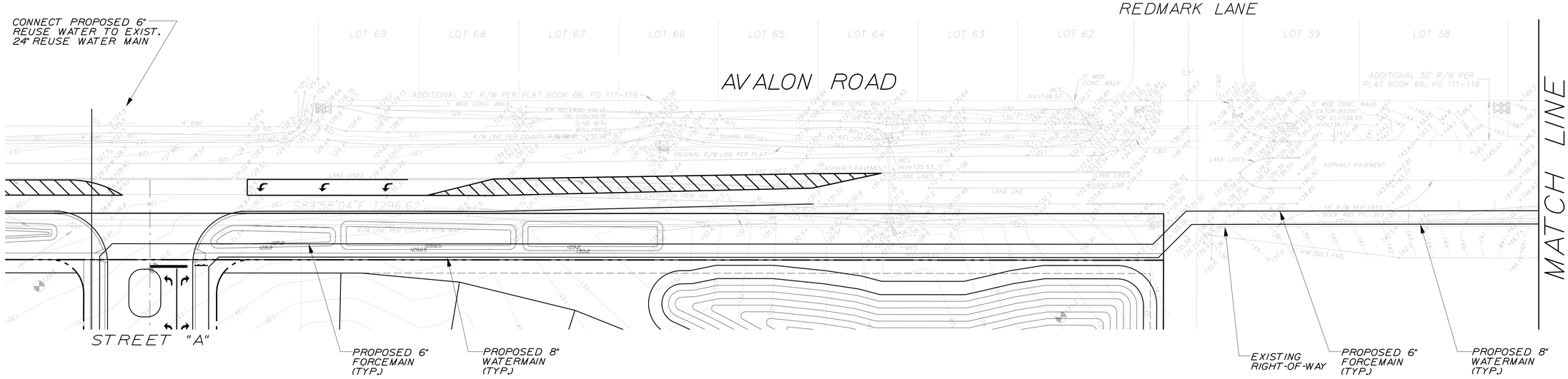

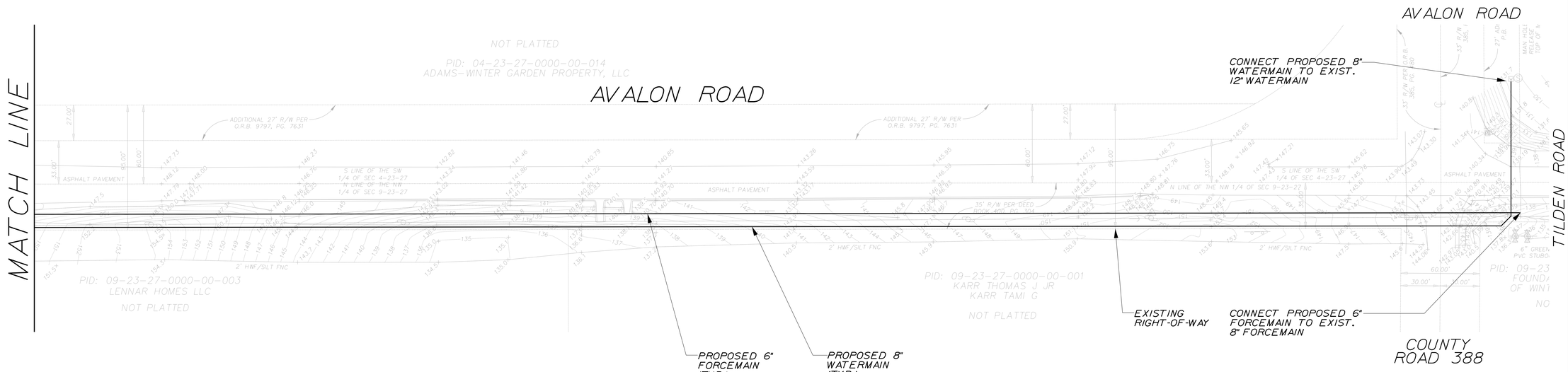

BOWYER SINGLETON

WINTER GARDEN FLORIDA

OFFSITE UTILITIES

CARRIAGE POINTE RESERVE - PSP

CORPORATE OFFICE - 520 SOUTH MAGNOLIA AVENUE - ORLANDO, FLORIDA 32801
407-843-5120 - ENGINEERING BUSINESS - 1221

REVISIONS		
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SCALE	1" = 40'
PROJECT NO.	CAN4/PSP
FILE NAME	CAN4PSPoffsiteutility.dgn
SHEET	7 OF 8

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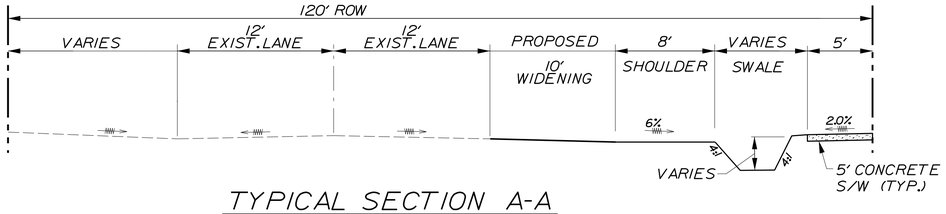
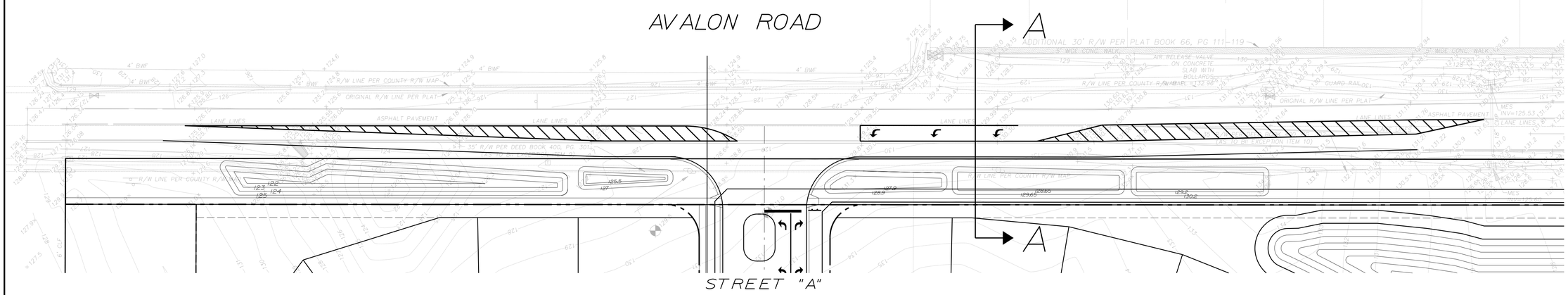
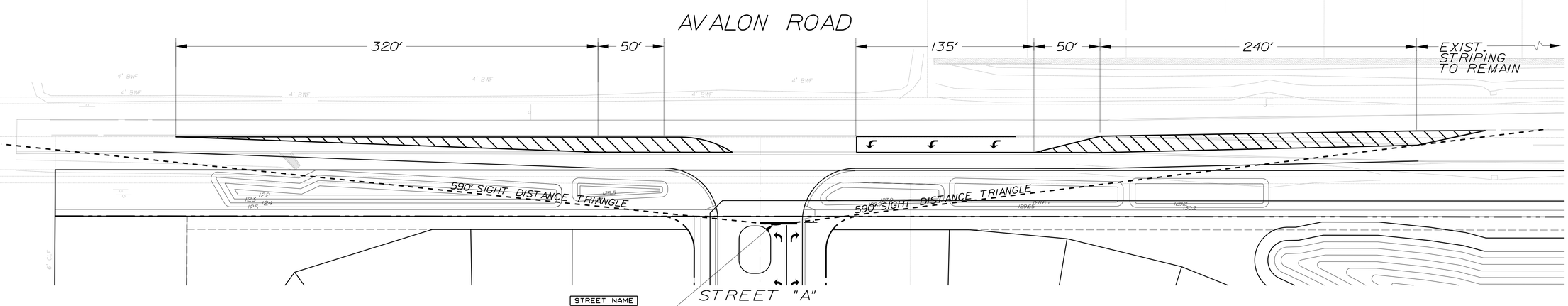
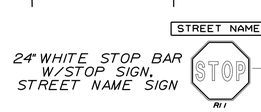


TYPICAL SECTION A-A



IMPROVEMENTS PLAN





STRIPING PLAN

POSTED SPEED = 45 MPH

NOTE: ALL PLANTINGS WITHIN A SIGHT TRIANGLE SHALL NOT EXCEED 30" IN HEIGHT.

NOTES:

1. CONTRACTOR TO REFER TO FDOT INDEX NUMBERS 600, 602 & 606 FOR MAINTENANCE OF TRAFFIC.
2. CONTRACTOR TO COMPLY WITH FDOT INDEX 17346 (8 OF 13)
3. ALL PAVEMENT MARKINGS SHALL BE THEROPLASTIC WITH RPM'S.

BOWYER SINGLETON

FLORIDA

WINTER GARDEN

AVALON ROAD IMPROVEMENTS

CARRIAGE POINTE RESERVE - PSP

CORPORATE OFFICE - 520 SOUTH MAGNOLIA AVENUE - ORLANDO, FLORIDA 32801
407-843-5120 - ENGINEERING BUSINESS - 1221

REVISIONS

DATE	BY	DESCRIPTION

CONTRACTOR "AS-BUILTS"

I hereby state that these "As-Builts" were furnished to me by the contractor and that I have or my employee under my direct supervision have reviewed these "As-Builts" and believe them to be in compliance with my knowledge of what was actually constructed. This opinion is based upon site observations of the construction.

Contractor's Name _____

Engineer _____

Not valid without the signature and the original raised seal of a Florida Registered Engineer.

DATE	JANUARY 2012
DESIGNED	NCG
CHECKED	MSS
SCALE	1" = 40'
PROJECT NO.	CAN4/PSP
FILE NAME	CAN4PSPoffsiteroad.dgn
SHEET	8 OF 8

half size, tb1

3/23/2012

...\PSP\can4PSPoffsiteroad.dgn

8:50:49 AM

THE CITY OF WINTER GARDEN

PLANNING AND ZONING BOARD AGENDA ITEM

ITEM # 8 (Public Hearing)

DATE: MAY 31, 2012 **MEETING DATE:** JUNE 4, 2012

SUBJECT: ORDINANCE 12-30 PUD REZONING
PROJECT NAME BRADFORD CREEK SUBDIVISION (63.06+/- ACRES)
PARCEL ID# 26-22-27-0000-00-019 34-22-27-0000-00-014
26-22-27-0000-00-018 35-22-27-0000-00-004
35-22-27-0000-00-002

ISSUE: APPLICANT REQUESTS TO REZONE 63.06+/- ACRES OF LAND FROM CITY R-1 TO CITY PUD. THE SUBJECT PROPERTY IS LOCATED WITHIN THE CITY OF WINTER GARDEN MUNICIPAL LIMITS, AND IS DESIGNATED LOW DENSITY RESIDENTIAL ON THE FUTURE LAND USE MAP OF THE CITY'S COMPREHENSIVE PLAN.

SUPPLEMENTAL MATERIAL/ANALYSIS:

OWNER/APPLICANT: J&WB, INC. ED. BRADFORD FAMILY TRUST & ANN REAVES MCFADDEN-TRUSTEE

CURRENT ZONING: CITY R-1 (SINGLE FAMILY RESIDENTIAL DISTRICT)

PROPOSED ZONING: CITY PUD (PLANNED UNIT DEVELOPMENT

CURRENT FLU: LR – SINGLE FAMILY LOW DENSITY RESIDENTIAL (6 DU/ACRE)

PROPOSED FLU: NOT APPLICABLE

SUMMARY:

CITY STAFF RECOMMENDS APPROVAL OF THE PROPOSED ORDINANCE. REZONING THE SUBJECT PROPERTY FROM CITY R-1 TO CITY PUD IS CONSISTENT WITH THE CODE OF ORDINANCES, THE FUTURE LAND USE MAP OF THE CITY'S COMPREHENSIVE PLAN, AND THE SURROUNDING PROPERTY USES.

STAFF RECOMMENDATION(S):

CITY STAFF RECOMMEND APPROVAL OF ORDINANCE 12-30, (REZONING 63.06+/- ACRES LOCATED AT 420 WINTER GARDEN VINELAND ROAD FROM CITY R-1 TO CITY PUD) WITH FIRST READING BY CITY COMMISSION SCHEDULED FOR JUNE 14, 2012.

NEXT STEP(S):

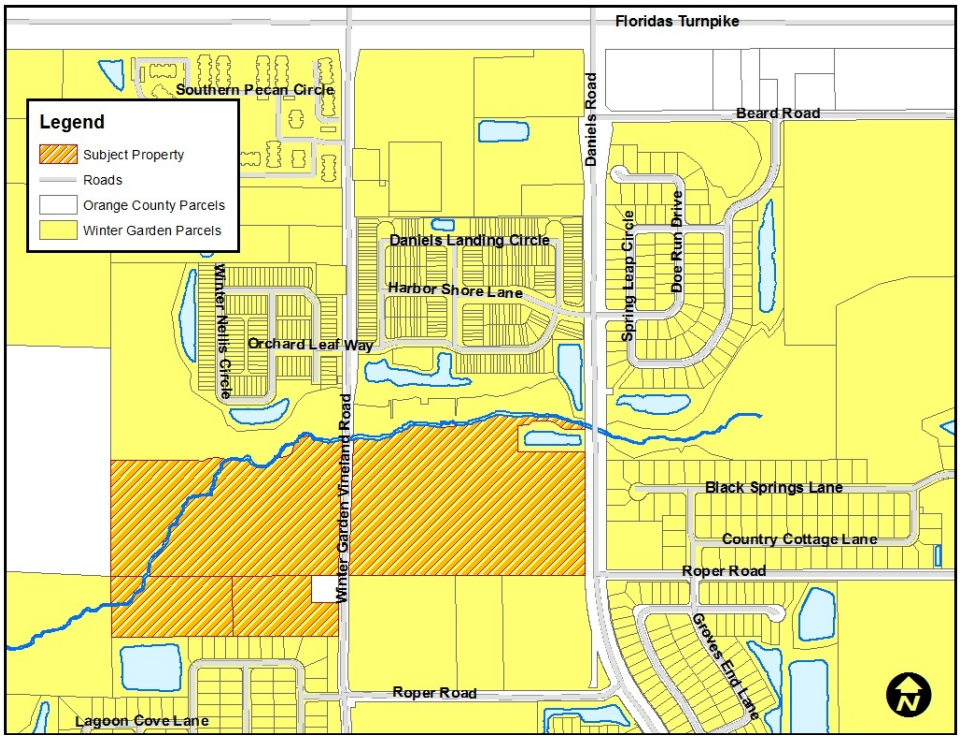
FIRST READING BY CITY COMMISSION IS SCHEDULED FOR JUNE 14, 2012.

ATTACHMENT(S):

LOCATION MAP
ORDINANCE 12-30
STAFF REPORT
PUD PLAN

LOCATION MAP

Ordinance 12-30
Bradford Creek Subdivision
420 Winter Garden Vineland Road



ORDINANCE 12-30

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 63.06 ± ACRES OF CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF ROPER ROAD ON THE EAST AND WEST SIDE OF WINTER GARDEN VINELAND ROAD (CR 535) AND ON THE WEST SIDE OF DANIELS ROAD AT 420 AND 421 WINTER GARDEN VINELAND ROAD, FROM SINGLE-FAMILY RESIDENTIAL DISTRICT (R-1) TO PLANNED UNIT DEVELOPMENT (PUD); PROVIDING FOR CERTAIN PUD REQUIREMENTS AND DESCRIBING THE DEVELOPMENT AS THE BRADFORD CREEK PUD; PROVIDING FOR NON-SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Owner(s) of real property generally described as approximately 63.06 ± acres of certain real property generally located north of Roper Road on the east and west side of Winter Garden Vineland Road and on the west side of Daniels Road at 420 and 421 Winter Garden Vineland 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 Single-Family Residential District (R-1) to Planned Unit Development (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 Bradford Creek Subdivision PUD Development Plan attached hereto as Exhibit "B." Should any conflict be found between this Ordinance and the Bradford Creek Subdivision PUD Development 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. Design Criteria/Architectural Standards-

1. Lot Size- Minimum lot width shall be 60 feet

2. Building Height- Maximum building height shall be 35 feet, not to exceed 2 stories.

3. Minimum Living Area- Minimum living area for each residential unit shall be 1,700 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-

a. Front yard: 25 feet, may be reduced to 20 feet if garage is recessed 5 feet behind front façade of primary structure.

b. Rear yard: 20 feet, except when located along the perimeter of the PUD boundary which shall require 25 feet.

c. Side yard: 5 feet, all side yards shall be unobstructed by A/C, mechanical or other equipment of any kind. 15 foot building separation shall be maintained between at least 50% of all residential structures within each phase.

d. Corner/Street Side yard: 15 feet

e. Pool (side and rear) setback: 5 feet

6. Residential Design Criteria- All development on the Property must maintain the same general design criteria and architectural characteristics as the Building Elevations attached hereto as Exhibit "C". Prior to obtaining any preliminary plat approvals for the Property, the Owner shall submit typical floor plans for project dwelling units for Planning and Zoning Board review and approval. The typical floor plans shall provide:

a. At least 40% of all lots shall feature one or more of the following: radius frontage, garage recessed 5 feet behind the front façade of the primary structure, side entrance garage, and/or courtyard entry garage.

b. Model/Elevation/Color scheme shall not repeat more

frequently than every 3rd lot.

c. Homes with secondary, separated garages shall have a side-entry garage with courtyard access for the secondary garage. No additional curb cuts will be permitted to accommodate twin-driveways.

7. Swimming pools must meet all requirements of the City Code of Ordinances. Encroachments into drainage and/or utility easements will not be permitted. Applications for swimming pools will be reviewed on an individual basis.

8. **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 no less than 25% Wekiva Study Area Open Space shall be provided.

None of the 25% Wekiva Study Area Open Space shall be chemically treated with pesticides to establish sensitive natural habitat.

To the greatest extent possible, 5% of the developable area of the Property shall be set aside for passive, 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.

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

1. The Property will be developed in two phases of development with approximately 48 lots in phase 1 (west parcel) and 70 lots in phase 2 (east parcel).

2. 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.

3. 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.

4. 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.

5. 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.

6. The City will have a traffic study performed for the intersection of Roper Road (east leg) and Daniels Road, with a proportionate share of the cost paid by the Applicant. If a traffic signal is warranted, this development will also be required to pay their proportionate share of the cost of those improvements.

7. Landscaping, fencing, signage, etc. shall not enfringe on sight distance requirements at any intersection, including Daniels Road, CR 535, or Roper Road.

8. All work shall conform to City of Winter Garden standards and specifications. Typical road section shall incorporate the current City Standard Details (i.e. 10” soil cement base, etc.).

9. The Property is proposed to be developed as a gated community, a turn-around area shall be provided at each gated entrance and gates shall be set back far enough from the main roadway to accommodate trucks. Acquisition of the necessary right-of-way from the Sonata parcel located to the south of the east parcel of the Property shall be the responsibility of the Owner. Any shared access will require cross access, drainage and utility easements as

needed. Access to the east parcel from Daniels Road as shown on Exhibit "B" attached hereto shall accommodate the secondary connection of the Sonata parcel located to the south of the east parcel of the Property.

10. Permits from SJRWMD and FDEP (water, wastewater and NPDES) are required prior to issuance of site or building permits.

11. All utilities required for the project shall be extended at the Developer's expense. 50% of all water and sewer impact fees shall be paid prior to City execution of FDEP permits and issuance of site or building permits.

12. All irrigation on the site shall be designed to be supplied by reclaimed water (located on Daniels Road and CR 535).

13. Bradford Creek Subdivision PUD Development Plan attached hereto as Exhibit "B" indicates filling-in an existing wetland that is shared with several other properties and will reduce the flood capacity of this system. It is the opinion of the City at this time that all or at least a portion of the existing wetland is a closed wetland basin 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 (and site design shall be coordinated with the Sonata plans). Compensating storage will be required unless a positive outfall is provided. Flood stages on surrounding properties that abut or drain into this wetland shall not be increased.

SECTION 2: *General Requirements.*

a. **Developer's Agreement-** A Developer's Agreement shall be drafted, approval obtained and recorded prior to approval of Preliminary Plat of the Property and prior to the issuance of any site or building permits. The Developer's Agreement shall include, but is not limited to the following: project phasing; vehicular access to the site; restriction of additional curb-cuts on Daniels Road (except the possible future Roper Road Extension); provisions concerning ownership, construction, repair, and maintenance of shared improvements serving the Property and the Serenades by Sonata PUD and Future PUD site located to the south of the east parcel of the Property for shared access to and from Daniels Road and cross access, shared drainage and shared utilities between such properties (i.e. maintenance agreement, easements and possible platting); off-site public infrastructure improvements; impact fees; other conditions and commitments of this Ordinance and the Bradford Creek Subdivision PUD Development Plan, attached hereto as Exhibit "B"; and adherence to all City Codes and Standards.

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.

e. **Expiration-** Expiration of this PUD shall be governed in accordance with Section 118-830, City of Winter Garden Code of Ordinances. Time extensions may be granted in accordance with Section 118-829, City of Winter Garden Code of Ordinances.

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: _____ , 2012.

SECOND READING AND PUBLIC HEARING: _____ , 2012.

ADOPTED this _____ day of, _____ , 2012, 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

LEGAL DESCRIPTION

The South 1/2 of the Southeast 1/4 of the Southwest 1/4; and the N. 1/2 of the Southeast 1/4 of the Southwest 1/4, South of the Branch; all in Section 26, Township 22 South, Range 27 East, Less right-of-ways and subject to easements.

Also Less:
Commence at the Northeast Corner of the Southeast 1/4 of the Southwest 1/4 of said Section 26, thence run S.00°11'04"E., along the East line of the Southeast 1/4 of the Southwest 1/4 of said Section 26, a distance of 462.07 feet; thence run S. 89°48'56"W., a distance of 60.00 feet to a point on the West right-of-way line of Daniels Road and the Point of Beginning; thence run S.00°11'04"E. along said right-of-way line, a distance of 125.00 feet; thence run S.89°48'56"W., a distance of 371.50 feet; thence run N.00°11'04"W., a distance of 144.12 feet; thence run N.87°01'05"E., a distance of 61.75 feet; thence run N.38°42'38"E., a distance of 30.67 feet; thence run N.89°56'19"E, a distance of 93.29 feet; thence S.66°29'14"E., a distance of 33.96 feet; thence run S.51°43'56"E., a distance of 37.87 feet; thence run S.69°20'03"E., a distance of 24.19 feet; thence run N.89°48'56"E., a distance of 113.92 feet to the aforesaid west right-of-way line of Daniels Road and the Point of Beginning.

AND

Begin at the Southeast corner of the SW 1/4 of the SW 1/4 of Section 26, Township 22 South, Range 27 East, run thence N.00°02'00"E. along the East line of said SW 1/4 of the SW 1/4, a distance of 756.03 feet to the thread of a stream; thence Westerly, along the thread of said stream, the following courses and distances: S.78°12'30"W., 9.66 feet; thence S.89°57'26"W., 50.05 feet; thence S.81°30'03"W., 74.43 feet; thence N.77°45'10"W., 51.67 feet; thence S.87°40'08"W., 29.99 feet; thence N.43°20'18"W., 30.48 feet; thence S.77°16'50"W., 61.00 feet; thence S.76°21'15"W., 15.30 feet; thence S.29°28'07"W., 47.06 feet; thence S.13°45'29"W., 43.00 feet; thence S.60°29'53"W., 35.09 feet; thence S.82°46'31"W., 39.20 feet; thence S.71°52'36"W., 45.36 feet; thence S.47°23'08"W., 54.19 feet; thence N.76°01'52"W., 14.46 feet; thence N.82°37'22"W., 27.34 feet; thence N.58°49'09"W., 43.01 feet; thence 60°26'07"W., 31.96 feet; thence N.88°35'40"W., 106.82 feet; thence N.76°14'16"W., 52.21 feet; thence S.83°37'37", 50.09 feet; thence S.71°48'12"W., 34.20 feet; thence N.86°42'47"W., 46.04 feet; thence departing from stream, run S.89°18'20"W. 464.76 feet to a point on the West line of said SW 1/4 of the SW 1/4; thence S.00°06'06"W. 642.86 feet; to the Southwest Corner of said Section 26; run thence S.89°59'40"E., 1351.62 feet to the Point of Beginning. Subject to right-of-way for Winter Garden-Vineland Road. Not including road rights-of-way. Subject to restriction, reservations and easements of record.

AND

NORTH 1/2 OF NORTHEAST 1/4 OF NORTHWEST 1/4 OF NORTHWEST 1/4 OF SECTION 35, TOWNSHIP 22 SOUTH, RANGE 27 EAST, LYING WEST OF THE WEST RIGHT OF WAY LINE OF SR 535 (LESS BEGIN ON NORTH LINE OF NORTHWEST 1/4 OF NORTHWEST 1/4 AND WEST RIGHT OF WAY LINE OF SR 535, RUN WEST 150 FEET, SOUTH 150 FEET, EAST TO THE WEST RIGHT OF WAY LINE OF SR 535, NORTH TO THE POINT OF BEGINNING).

AND

NORTH 1/2 OF NORTHWEST 1/4 OF NORTHWEST 1/4 OF NORTHWEST 1/4 OF SECTION 35, TOWNSHIP 22 SOUTH, RANGE 27 EAST, ORANGE COUTNY, FLORIDA.

AND

NORTHEAST 1/4 OF NORTHEAST 1/4 OF NORTHEAST 1/4 OF SECTION 34, TOWNSHIP 22 SOUTH, RANGE 27 EAST, ORANGE COUTNY, FLORIDA.

CONTAINING 63.055 ACRES, MORE OR LESS.

Exhibit "B"

COVER PAGE

PLANNED UNIT DEVELOPMENT PRELIMINARY PLAN

BRADFORD CREEK

REVISED MAY 2012

(7 PAGES - ATTACHED)

PUD DEVELOPMENT PLAN

FOR

BRADFORD CREEK SUBDIVISION

PLANNED RESIDENTIAL DEVELOPMENT

October 6, 2011

TOTAL PROJECT DEVELOPMENT INFORMATION

Total Land Area	+/- 63.06 Acres
Wetland & Ditch Area	+/- 19.92 ac
Gross Developable Land Area	+/- 43.14 Acres
Retention Pond & Swale Area	6.73 ac
Right-of-Way Area	6.46 ac
Net Developable Land Area	+/- 29.95 Acres
Zoning:	Existing: R1 Proposed: PD – Low Density Residential
Future Land Use:	Low Density Residential
Existing Land Use	Brush/Trees
Proposed Land Use	Single Family Residential
# of Proposed Lots	118
Prop. Overall Density	1.87 units/acre
Prop. Gross Density	2.73 units/acre
Prop. Net Density	3.94 units/acre
Phasing	Two Phases
Dry Recreational Area Required:	0.05 x 43.14 = 2.16 Acres
Dry Recreational Area Provided:	1.02 + 1.14 = 2.16 Acres
Projected Traffic = 118 x 9.57 =1129 Average Daily Trip Ends	
Projected Number School Age Total Population: 118 x 0.404 = 48 students	

EAST PARCEL DEVELOPMENT INFORMATION

Total Land Area	+/- 23.87 ac
Ditch Area	+/- 0.54 ac
Gross Developable Land Area	+/- 23.33 Acres
Retention Pond Area	3.53 ac
Right-of-Way Area	3.78 ac
Net Developable Land Area	+/- 16.02 Acres
# of Proposed Lots	70
Prop. Overall Density	2.93 units/acre
Prop. Gross Density	3.00 units/acre
Prop. Net Density	4.37 units/acre
Dry Recreational Area Provided:	1.14 ac
Min. Living Area	1,700 sf (under AC and Heat)
Maximum Height	35 ft (2 Stories)
Min. Lot Area	7,500 sf
Min. Lot Width	60 Feet
Min. Yard Setback*:	PD Perimeter: 25 Feet Front: 25/20 Feet ** Side: 5 Feet *** Side Street: 15 Feet Rear: 20 Feet

WEST PARCEL DEVELOPMENT INFORMATION

Land Area	+/- 35.19 ac
Wetland and Ditch Area	+/- 19.38 ac
Gross Developable Land Area	+/- 15.81 Acres
Retention Pond/Swale Area	3.20 ac
Right-of-Way Area	2.68 ac
Net Developable Land Area	+/- 13.93 Acres
# of Proposed Lots	48
Prop. Overall Density	1.22 units/acre
Prop. Gross Density	2.42 units/acre
Prop. Net Density	3.44 units/acre
Dry Recreational Area Provided:	1.02 ac
Min. Living Area	1,700 sf (under AC and Heat)
Maximum Height	35 ft (2 Stories)
Min. Lot Area	7,500 sf
Min. Lot Width	60 Feet
Min. Yard Setback*:	PD Perimeter: 25 Feet Front: 25/20 Feet ** Side: 5 Feet *** Side Street: 15 Feet Rear: 20 Feet

* ALL SETBACKS ARE TO BE MEASURED FROM THE LOT PROPERTY LINE

** NOTE: FRONT SETBACK CAN BE REDUCED TO 20 FEET IF RECESSED GARAGE PROVIDED AND MINIMUM LOT WIDTH OF 80 FEET IS ATTAINED AT SAID FRONT SETBACK LINE.

*** NOTE: A/C & MECHANICAL EQUIPMENT TO BE PLACED IN BACK YARD. NO OBSTRUCTIONS OF ANY KIND ARE ALLOWED WITHIN THE 5 FT SETBACK AREA. 10 FOOT SEPARATION WILL BE MAINTAINED BETWEEN AT LEAST ONE OF THE STRUCTURES

KIRBY ENGINEERING, L.L.C. JOHN R. KIRBY, P.E.

P. O. BOX 770669 WINTER GARDEN, FL. 34777 (407) 877-9400

Public Facilities

1. The City of Winter Garden will provide water and sewer disposal service. The developer will oversize water and/or force mains, if required by the City of Winter Garden. The differential cost of installing oversized mains will be born fully by the City of Winter Garden. Prior to any construction on the property, a Developer Agreement must be executed by the Owner and the City identifying the oversizing of utilities.
2. The City of Winter Garden will provide police and fire protection.
3. Five foot wide sidewalks will be installed on both sides of all residential streets at the time of home construction.
4. The developer will comply with Winter Garden Ordinance 96-01 regarding street lighting in public and private subdivisions.
5. Gated Communities–The East and West Parcel will be gated if approved by the City Commission at the time of Preliminary Plat Approval. The developer will comply with Winter Garden Ordinance,Chapter 110, Article III, Division 6, regarding general policies for gated subdivisions. If a gated community is approved by the City Commission, the right-of-way will therefore be private within the gated sections. However, water and sewer will be dedicated to the City of Winter Garden for ownership and maintenance. Easements will be granted to the City and other appropriate entities over the rights-of-way so that access within the community for maintenance, emergency service, etc.
6. Reuse–All development on the subject parcel must be designed to be supplied by reclaimed water once it is made available. This will include installation of reuse water main (purple pipe and meters that will initially be supplied by domestic water via a jumper. Reuse connection point(s) shall be shown on construction plans; irrigation/reuse plans shall be submitted, reviewed and approved by the City prior to installation.

PROPOSED LOT SIZES

WEST PARCEL

WIDTH	NO. OF LOTS	%
75'+	4	8.3
70'-75'	8	16.7
65'-70'	3	6.2
60'-65'	33	68.8
TOTAL =	48	100%

EAST PARCEL

WIDTH	NO. OF LOTS	%
70'+	9	12.9
60'-65'	61	87.1
TOTAL =	70	100%

LOCATION MAP

Parcel ID: 26-22-27-0000-00-018,19
Parcel ID: 35-22-27-0000-00-002,004
Parcel ID: 34-22-27-0000-00-014

OWNER:	JWB, INC. Edward Bradford Family Trust Ann Reaves McFadden–Trustee 111 Maricom Court Winter Garden, Fl 34787	407-509-8465
ENGINEER:	Kirby Engineering, L.L.C. John Kirby, P.E. P. O. Box 770669	407-877-9400 407-877-9983 (Fax) jkwg1@earthlink.net
SURVEYOR:	ATLANTIC SURVEYING, INC 525 N. Plant St. Winter Garden, Fl 34787	(407) 656-4493 (407) 656-4437 (FAX)
GEOTECHNICAL	Tri-County Testing 31 South Main Street Winter Garden, Fl 34787	(407) 656-9656
ENVIRONMENTAL:	Bio-Tech Consulting 337 N. Fernarcreek Avenue22 Orlando, Florida 32803	(407) 963-0291
LANDSCAPE ARCHITECT	Parker-Yanette Design Group 825 S. US Hwy One, Suite 330 Jupiter, Florida 33477	(361) 747-5059 chuck@pydg.com

LEGAL DESCRIPTION (EAST PARCEL)

The South 1/2 of the Southeast 1/4 of the Southeast 1/4; and the N. 1/2 of the Southeast 1/4 of the Southeast 1/4, South of the Branch, all in Section 35, Township 22 South, Range 27 East, Less right-of-ways and subject to easements.

Also Less:
Commence at the Northeast Corner of the Southeast 1/4 of the Southeast 1/4 of said Section 35, thence run S.00°11'04"E., along the East line of the Southeast 1/4 of the Southeast 1/4 of said Section 35, a distance of 462.07 feet; thence run S. 89°48'56"W., a distance of 60.00 feet to a point on the West right-of-way line of Daniels Road and the Point of Beginning; thence run S.00°11'04"E. along said right-of-way line, a distance of 125.00 feet; thence run S.89°48'56"W., a distance of 371.50 feet; thence run N.00°11'04"W., a distance of 144.12 feet; thence run N.87°01'05"E., a distance of 81.75 feet; thence run N.38°42'38"E., a distance of 30.67 feet; thence run N.89°58'19"E., a distance of 93.29 feet; thence S.89°23'14"E., a distance of 33.99 feet; thence run S.51°43'36"E., a distance of 37.87 feet; thence run S.69°20'03"E., a distance of 24.19 feet; thence run N.89°48'56"E., a distance of 113.92 feet to the aforesaid west right-of-way line of Daniels Road and the Point of Beginning.

LEGAL DESCRIPTION (WEST PARCEL)
Begin at the Southeast corner of the SW 1/4 of the SW 1/4 of Section 35, Township 22 South, Range 27 East, run thence N.00°02'00"E. along the East line of said SW 1/4 of the SW 1/4, a distance of 756.03 feet to the thread of a stream; thence Westerly, along the thread of said stream, the following courses and distances: S.78°12'30"W., 9.66 feet; thence S.89°37'28"W., 50.05 feet; thence S.81°30'03"W., 74.43 feet; thence N.77°45'10"W., 51.67 feet; thence S.87°40'08"W., 28.99 feet; thence N.43°20'18"W., 30.48 feet; thence S.77°16'50"W., 61.00 feet; thence S.79°21'15"W., 15.30 feet; thence S.39°28'01"W., 47.06 feet; thence S.13°45'29"W., 43.00 feet; thence S.60°23'53"W., 35.09 feet; thence S.82°45'31"W., 38.20 feet; thence S.71°52'36"W., 45.36 feet; thence S.47°23'08"W., 54.19 feet; thence N.76°01'32"W., 14.46 feet; thence N.83°37'22"W., 27.34 feet; thence N.58°48'06"W., 43.01 feet; thence 60°26'07"W., 31.96 feet; thence N.88°20'40"W., 106.82 feet; thence N.76°14'16"W., 52.21 feet; thence S.83°37'37", 50.09 feet; thence S.71°46'12"W., 34.30 feet; thence N.86°42'47"W., 46.04 feet; thence departing from stream, run S.89°18'20"W. 464.76 feet to a point on the West line of said SW 1/4 of the SW 1/4; thence S.00°08'08"W. 642.86 feet; to the Southeast Corner of said Section 26; run thence S.89°59'40"E., 1351.62 feet to the Point of Beginning. Subject to right-of-way for Winter Garden-Vineland Road. Not including road rights-of-way. Subject to restriction, reservations and easements of record.

AND

NORTH 1/2 OF NORTHEAST 1/4 OF NORTHWEST 1/4 OF NORTHWEST 1/4 OF SECTION 35, TOWNSHIP 22 SOUTH, RANGE 27 EAST, LYING WEST OF THE WEST RIGHT OF WAY LINE OF SR 535 (LESS BEGIN ON NORTH LINE OF NORTHWEST 1/4 OF NORTHWEST 1/4 AND WEST RIGHT OF WAY LINE OF SR 535, RUN WEST 150 FEET, SOUTH 150 FEET, EAST TO THE WEST RIGHT OF WAY LINE OF SR 535, NORTH TO THE POINT OF BEGINNING).

AND

NORTH 1/2 OF NORTHWEST 1/4 OF NORTHWEST 1/4 OF NORTHWEST 1/4 OF SECTION 35, TOWNSHIP 22 SOUTH, RANGE 27 EAST, ORANGE COUTNY, FLORIDA.

AND

NORTHEAST 1/4 OF NORTHEAST 1/4 OF NORTHEAST 1/4 OF SECTION 34, TOWNSHIP 22 SOUTH, RANGE 27 EAST, ORANGE COUTNY, FLORIDA.

CONTAINING 63.055 ACRES, MORE OR LESS.

GENERAL NOTES

1. Site Development is estimated to occur in accordance with the following schedule:

   West Parcel –2012

   East Parcel –2013

   This schedule is intended only to be used as an estimate of the build-out of the project and should not be used as a strict guideline as actual build-out shall be determined by market conditions during the life of the project.
2. Storm Water Retention/Detention Facilities will be provided in accordance with St. Johns River Water Management District and City of Winter Garden Requirements.
3. The existing 3.54 acre wetland located on the west parcel will be removed and mitigated in accordance with the St. Johns River Water Management District and City of Winter Garden Requirements.
4. The developer will comply with section 118-938 of the Winter Garden Code regarding the City's parking and landscaping requirements. Trees required as part of each residential lot's construction will be placed on the lot, not within the R/W. The following landscaping will be provided for each lot.
   - Three canopy trees, a minimum of 15 feet in height, 2 ½ inches in caliper.
   - One flowering tree, a minimum of 8 feet in height.
   - Twenty shrubs, 3 gallon container, 24 inches in height and spread.
   - St. Augustine sod, fully irrigated.
5. Traffic control devices such as textured crosswalk, speed bumps, speed humps, street lights, stop signs, and strategic placement of landscaping may be utilized as deemed necessary to control traffic throughout the development, subject to City approval.
6. Entire project shall have a type "F" curb.
7. Each active recreational area will include open play area, children's playground equipment, gazebo and park benches... Plans for facilities will be submitted at the same time or prior to submission of the plat for each respective parcel.
8. Common open space will be deeded to the homeowners association for ownership and maintenance.
9. Pedestrian Connections: The East Parcel will have a pedestrian connection to Daniels Road and Bradford Creek Boulevard, and Winter Garden–Vineland Road. The West Parcel will have a pedestrian connection to Winter Garden–Vineland Road.
10. Deed Restrictions–Prior to the approval of any final plat, the owner shall record deed restrictions that creates a Home Owner's Association.
11. Stand Alone Clause–Each phase of development must operate as an individual unit in as much as requiring each particular phase to be able to stand-alone in the event no other phase is developed.
12. Utilities and equipment–All utilities must be underground. All utility equipment (i.e. transformers, etc.) must be well screened.
13. Residential Buffers.

    East Parcel: A 10 foot landscape buffer including a 6' decorative wall, all within a dedicated "Wet and Landscape Tract", will be required along the R/W lines of the Proposed Bradford Creek Boulevard, Daniels Road, and Winter-Garden Vineland Road.

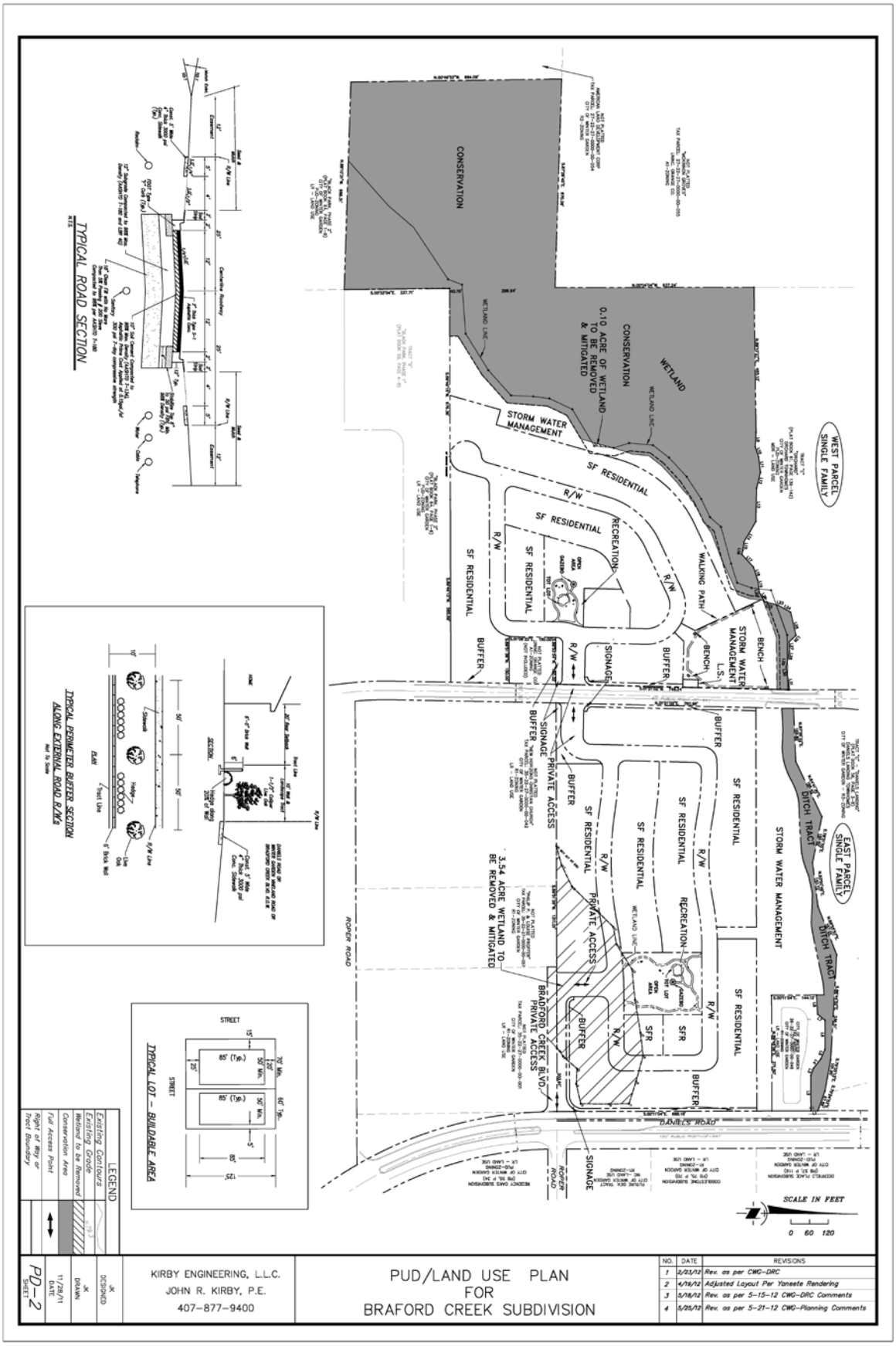
    West Parcel: A 10 foot landscape buffer including a 6' decorative wall, all within a dedicated "Wet and Landscape Tract", will be required along the R/W line of Winter-Garden Vineland Road.

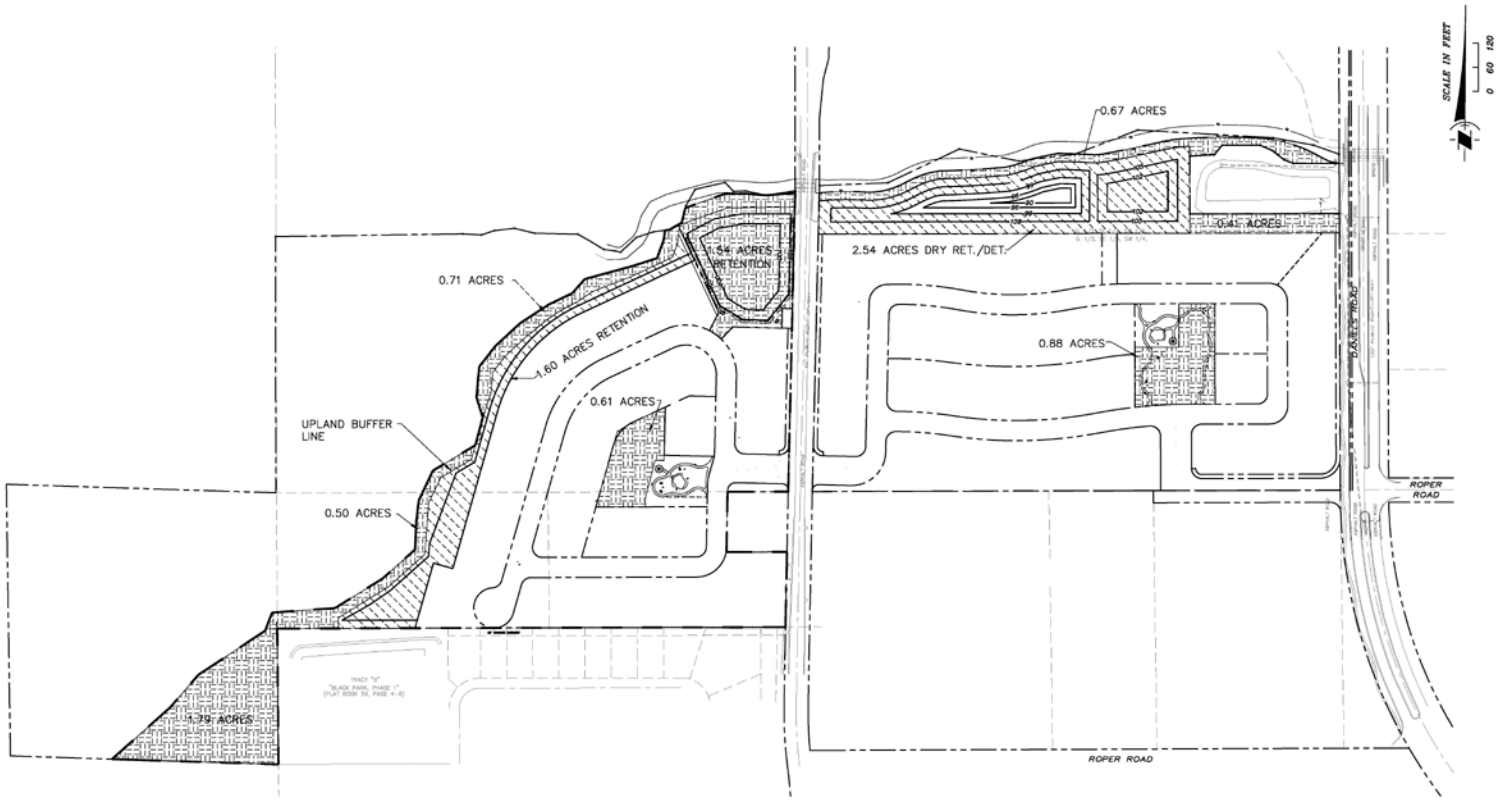
    No buildings, accessory structures, or parking will be allowed in the buffer area. The 25 foot perimeter buffer adjacent to the "Wet and Landscape Tract" will measured from the outside edge of "Wet and Landscape Tract"
14. The developer shall provide typical front elevations and floor plans with the PUD Zoning Application & Preliminary Development Plan submittal. Elevations and floor plans will be included in the PUD rezoning ordinance.
15. Signage–Signage for all non-residential development will be regulated by the Winter Garden Commercial Corridor Overlay Standards as adopted by the City Commission on September 12, 2003. The residential subdivisions may have two signs per entrance with a maximum of 100 s.f. total signage per entrance.
16. The Owner or Developer of the property is required to provide landscaping for each retention pond.
17. All lots bordering the PUD Perimeter shall meet the requirements of Chapter 118, Article V, Division 2, Subdivision III, Section 118-924(c). A minimum 25-foot yard shall be required from the nearest part of any building wall to the edge of any public right-of-way or private street, and all structures shall have a minimum 20-foot rear yard. A minimum 25-foot yard shall be maintained between the walls of all structures and the perimeter of the PUD. At least 40% of the lots will have one of the following...
    a) radius frontages
    b) garage recessed 5 feet behind the front building line in which case the front setback will be 20 feet
    c) side entrance garages
    d) courtyard entry garages.
18. Model/Elevation/Color Schemes between lots can be repeated every 3rd Lot.
19. Pursuant to City Code, streetlights are required along the project frontage of CR 535 and the interior streets. All streetlights shall conform with dark skies type lighting.
20. All utilities required for the project shall be extended at the Developer's expense.
21. 50% of all water and sewer impact fees shall be paid prior to City execution of FDEP permits and issuance of site or building permits.
22. Permits from SJRWMD and FDEP (water, wastewater and NPDES) are required prior to issuance of site or building permits.
23. Homes with secondary, separated garages will have the secondary garage side-loaded with courtyard access and no additional curb cuts will be permitted for twin driveways.
24. All existing uses shall cease operation and vacate the property prior to any site work or construction.
25. Landscaping, fencing, signage, etc. shall not infringe on sight distance requirements at any intersection, including Daniels Road, CR 535, or Bradford Creek Boulevard.

INDEX OF SHEETS

SHEET TITLE	No.
Cover Sheet	PD-1
PUD/Land Use Plan	PD-2
Wekiva Study Area Diagram	PD-3
West Entry & Park Renderings	L1
East Entry & Park Renderings	L2
Entry Elev. & Buffer Sections	L3
Streetscape	L4

Revised 5-25-12


CONSERVATION
WETLAND
CONSERVATION
0.10 ACRE OF WETLAND TO BE REMOVED & MITIGATED
WETLAND LINE
STORM WATER MANAGEMENT
SF RESIDENTIAL
R/W
RECREATION
WALKING PATH
BENCH
STORM WATER MANAGEMENT L.S.
BUFFER
SIGNAGE
PRIVATE ACCESS
3.54 ACRE WETLAND TO BE REMOVED & MITIGATED
BRADFORD CREEK BLVD.
SFR
DITCH TRACT
WEST PARCEL SINGLE FAMILY
EAST PARCEL SINGLE FAMILY
ROPER ROAD
DANIELS ROAD
TYPICAL ROAD SECTION
TYPICAL PERIMETER BUFFER SECTION ALONG EXTERNAL ROAD R/W's
TYPICAL LOT – BUILDABLE AREA
STREET
85' (Typ.)
50' Min.
SCALE IN FEET
0 60 120
LEGEND
Existing Contours
Existing Grade
Wetland to be Removed
Conservation Area
Full Access Point
Right of Way or Tract Boundary
JK DESIGNED
JK DRAWN
11/28/11 DATE
PD-2 SHEET
KIRBY ENGINEERING, L.L.C.
JOHN R. KIRBY, P.E.
407-877-9400
PUD/LAND USE PLAN
FOR
BRAFORD CREEK SUBDIVISION
NO. DATE REVISIONS
1 2/23/12 Rev. as per CWG-DRC
2 4/19/12 Adjusted Layout Per Yaneete Rendering
3 5/15/12 Rev. as per 5-15-12 CWG-DRC Comments
4 5/25/12 Rev. as per 5-21-12 CWG-Planning Comments



WEST PARCEL SUMMARY

TOTAL DEVELOPABLE AREA (LESS DITCH AND WETLAND) = 19.81 ACRES

OPEN SPACE PROVIDED = OPEN SPACE = 1.79 + 0.50 + 0.71 + 0.61 = 3.61 ACRES

RETENTENTION/DETENTION OPEN SPACE = 1.60 + 1.54 = 3.14 ACRES

EAST PARCEL SUMMARY

TOTAL DEVELOPABLE AREA (LESS DITCH) = 23.33 ACRES

OPEN SPACE PROVIDED = 0.67 + 0.41 + 0.88 = 1.96 ACRES

RETENTENTION/DETENTION OPEN SPACE = 2.54 ACRES

TOTAL PROJECT SUMMARY

TOTAL DEVELOPABLE AREA (LESS DITCH AND WETLANDS) = 19.81 + 23.33 = 43.14 ACRES

TOTAL REQUIRED OPEN SPACE = 0.25 X 43.14 =10.79 ACRES

OPEN SPACE PROVIDED 3.61 + 1.96 = 5.57 ACRES

RETENTENTION/DETENTION OPEN SPACE = 3.14 + 2.54 = 5.68 ACRES
ALLOWABLE RETENTENTION/DETENTION OPEN SPACE = 10.79 X 0.5 = 5.40

TOTAL CALCULATED WEKIVA OPEN SPACE PROVIDED = 5.57 + 5.40 = 10.97 ACRES > 10.79 ACRES

LEGEND

Developable Area Boundary	
Undisturbed or Minimally Disturbed Area	
Retention/Detention Open Space	

NO.	DATE	REVISIONS
1	5-15-12	Revised Per CMC Staff Interpretation of Wekiva Rule
2	5/25/12	Rev. as per 5-21-12 CMC-Planning Comments

WEKIVA STUDY AREA –
RESOURCE PROTECTION OVERLAY
DIAGRAM FOR BRADFORD CREEK SUBDIVISION

KIRBY ENGINEERING, L.L.C.
JOHN R. KIRBY, P.E.
407-877-9400

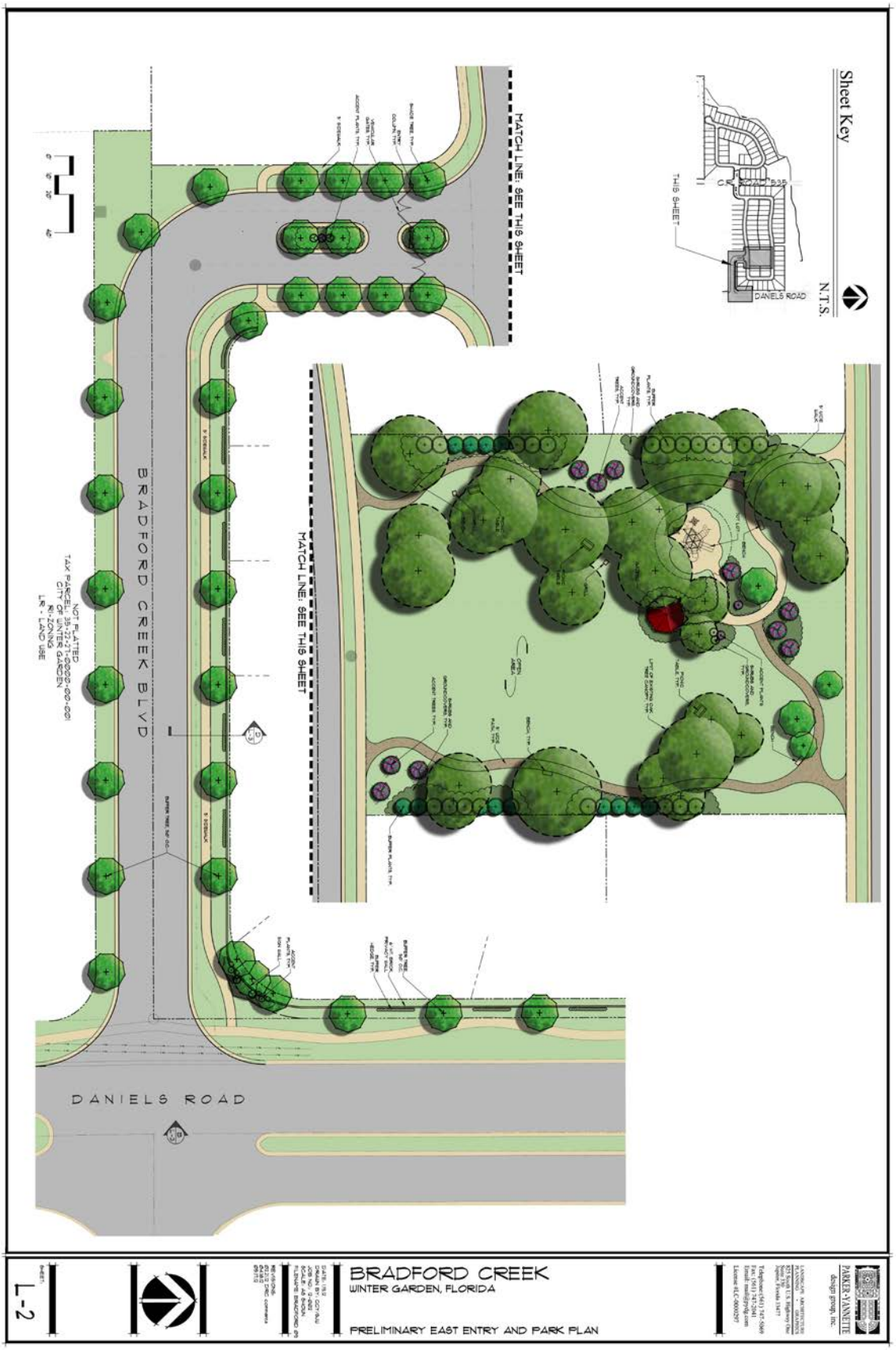
JK
DESIGNED

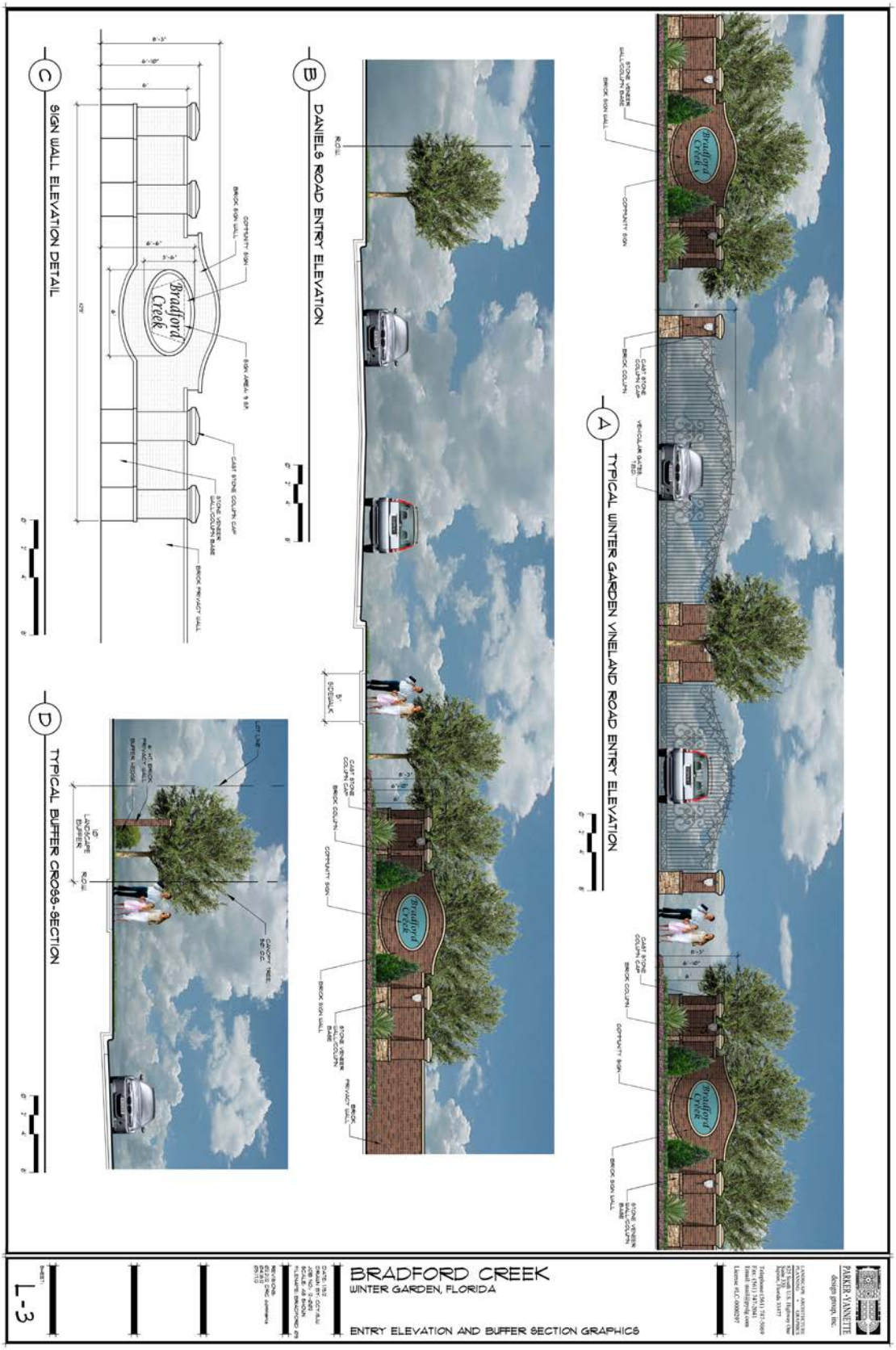
JK
DRAWN

2/23/12
DATE

PD-3

Sheet Key
N.T.S.
C.R. ROAD 535
THIS SHEET
DANIELS ROAD
WINTER GARDEN VINELAND ROAD
Note:
PROPOSED ENTRY FEATURE AND LANDSCAPING ON EAST SIDE OF COUNTY ROAD 535 (NOT SHOWN) SHALL MATCH ENTRY FEATURE AND LANDSCAPING ON WEST SIDE OF ROAD.
BRADFORD CREEK
WINTER GARDEN, FLORIDA
PRELIMINARY WEST ENTRY AND PARK PLAN
PARKER-YANNETTE
design group, inc.
L-1


Sheet Key
N.T.S.
DANIELS ROAD
THIS SHEET
MATCH LINE: SEE THIS SHEET
MATCH LINE: SEE THIS SHEET
BRADFORD CREEK BLVD
DANIELS ROAD
NOT PLATTED
TAX PARCEL: 35-22-27-0000-00-001
CITY OF WINTER GARDEN
RN-LONING
LR-LAND USE
PARKER-HANNETTE
design group, inc.
BRADFORD CREEK
WINTER GARDEN, FLORIDA
PRELIMINARY EAST ENTRY AND PARK PLAN
L-2



PARKER-VIANNETTE
design group, inc.
ARCHITECTS · ARCHITECTS
PLANNERS · LANDSCAPE ARCHITECTS
522 South U.S. Highway One
Jupiter, Florida 33477
Telephone (561) 747-5669
Fax (561) 747-5641
Email: mail@pvdg.com
License #LC-0000297

BRADFORD CREEK
WINTER GARDEN, FLORIDA

ENTRY ELEVATION AND BUFFER SECTION GRAPHICS

DATE: 10/12
PROJECT: 2007-0141
JOB NO.: 12-0001
SCALE: AS SHOWN
DRAWN BY: BRADFORD CR

ARCHITECTS
6123 S. ORANGE AVENUE
ORLANDO
FL 32809

SHEET:
L-3

Model A | Model B | Model C | Model D | Model E

5' SIDE SETBACK 5' SIDE SETBACK

60' TYPICAL LOT WIDTH

Streetscape Elevation

NOT TO SCALE

BRADFORD CREEK

WINTER GARDEN, FLORIDA
STREETSCAPE ELEVATION STUDY

PARKER·YANNETTE
design group, inc.

LANDSCAPE ARCHITECTURE
PLANNING • GRAPHICS
825 South U.S. Highway One
Suite 330
Jupiter, Florida 33477

Telephone:(561) 747-5069
Fax: (561) 747-2041
Email: mail@pydg.com

License #LC-0000297

L-4

CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

STAFF REPORT

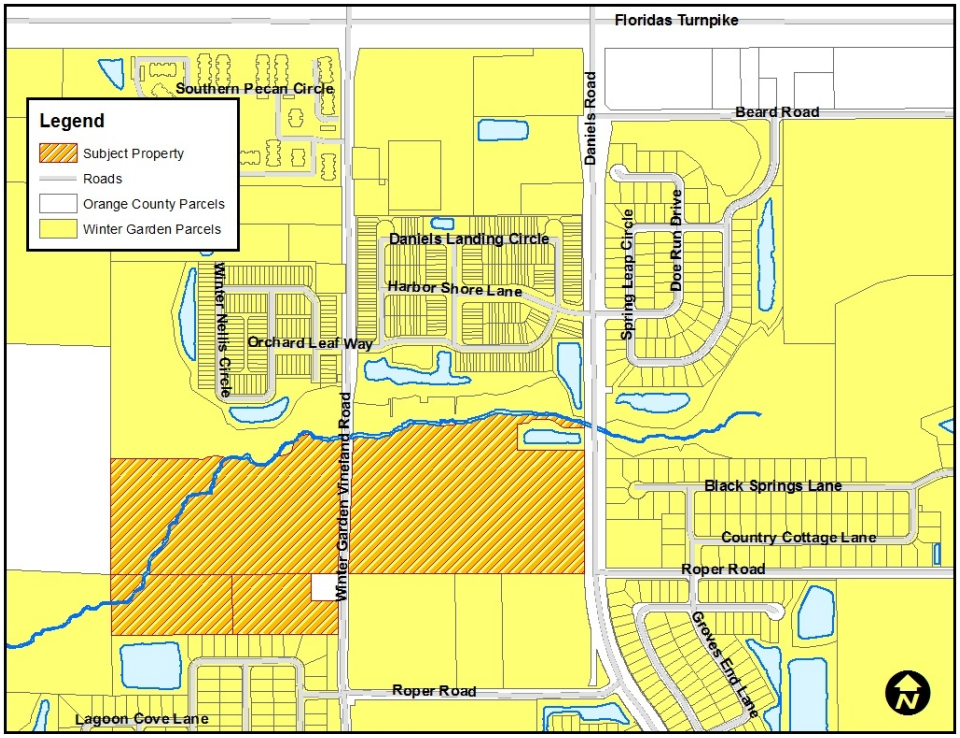
TO: PLANNING AND ZONING COMMITTEE
PREPARED BY: LAURA SMITH, SENIOR PLANNER
DATE: MAY 31, 2012
SUBJECT: REZONING
420 & 421 Winter Garden Vineland Road (63.06+/- ACRES)
PARCEL ID # 26-22-27-0000-00-019 34-22-27-0000-00-014
26-22-27-0000-00-018 35-22-27-0000-00-004
35-22-27-0000-00-002

APPLICANT: J & WB, Inc, Ed. Bradford Family Trust, & Ann Reaves McFadden Trust

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 north of Roper Road on the east and west side of Winter Garden Vineland Road and on the west side of Daniels Road, is approximately 63.06± 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 63.06± 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). The subject property is designated LR- Low Density Residential on the Future Land Use Map of the City's Comprehensive Plan (see attached map).

EXISTING USE

The parcel of the subject property located on the east side of Winter Garden Vineland Road is presently vacant and does not contain any structures. The parcels of the subject property located on the west side of Winter Garden Vineland Road contains 5 total structures: 1, 232 square foot commercial office building, 3,714 square foot warehouse building, 2,596 square foot warehouse building, 875 square foot shed, and a 1,216 square foot single family residential structure.

ADJACENT LAND USE AND ZONING

The properties located to the north are The Orchards a townhome community zoned PUD, and Daniels Landing a townhome community zoned R-3. The properties located to the south are Black Lake Park a single family residential community zoned PUD, 2 vacant unimproved parcels zoned R-1, and Serenades by Sonata a memory care/assisted living facility zoned PUD which is currently under construction. The property to the east is Cobblestone a single family residential community zoned R-1. The property to the west is a 36.1 acre vacant unimproved parcel located in unincorporated Orange County zoned A-1.

PROPOSED USE

The applicant proposes to develop the 63.06 ± acre site into a residential planned unit development containing 118 single-family dwelling units. The proposed subdivision will be a private gated community with gross density proposed at 2.73 dwelling units per acre, the LR-Low Density Residential Future Land Use Designation allows up to 4 dwelling units per acre. The proposed subdivision will contain 2 recreational parks (one located at the parcel on the east side of Winter Garden Vineland Road and another located at the parcel on the west side of Winter Garden Vineland Road) and 19+/- acres of wetlands preserved for conservation.

The applicant proposes to construct the project in two phases of development with approximately 48 lots in phase 1 (west parcel) and 70 lots in phase 2 (east parcel). The proposed project will contain a mixture of 60'x120' lots and 70'x120' lots, with a total of 21 lots at 70' or wider and 97 lots at between 60' and 70' wide.

PUBLIC FACILITY ANALYSIS

Potable Water, Reclaimed Water, and Wastewater Services

The proposed residential development will be served by and required to connect to City of Winter Garden water, wastewater, and reclaimed water which are available and have adequate capacity to serve the proposed residential development. 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.

Stormwater

The stormwater retention/detention facilities designed to service the proposed development will meet or exceed the LOS Standards stated in Policy 4-1.1.1 of the Public Facilities Element included in the City of Winter Garden Comprehensive Plan. In addition, the stormwater facilities will be designed in accordance with St. Johns River Water Management District and City of Winter Garden requirements.

Common Recreation and Open Space

The proposed residential development is located within the Wekiva Study Area Resource Protection Overlay, and in accordance with the City of Winter Garden Comprehensive Plan Future Land Use Element Policies 1-3.1.7 and 1-3.1.8 no less than 25% Wekiva Study Area Open Space shall be provided. None of the 25% Wekiva Study Area Open Space shall be chemically treated with pesticides to establish sensitive natural habitat.

To the greatest extent possible, 5% of the developable area of the Property shall be set aside for passive, 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.

The proposed development will have 10.97 +/- acres of open space, consisting of Wekiva Study Area Open Space and 2.16 +/- acres set aside passive, dry-land recreational use.

All of the common recreation and open space will be maintained by a homeowner's association and available to the residents. The developer shall establish a homeowner's association in accordance with Chapter 720, Florida Statutes and having governing documents in compliance with Chapter 110 of the City of Winter Garden Code of Ordinances.

Environment

The subject property is located within the Wekiva Study Area Resource Protection Overlay. The developers are required to provide a minimum of 25% of the gross developable area as Wekiva Open Space as stated in Policies 1-3.1.7 and 1-3.1.8 of the Future Land Use Element included in the City of Winter Garden Comprehensive Plan.

Transportation

The City will have a traffic study performed for the intersection of Roper Road (east leg) and Daniels Road, with a proportionate share of the cost paid by the Applicant. If a traffic signal is warranted, this developer will also be required to pay their proportionate share of the cost of those improvements.

Other Services

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

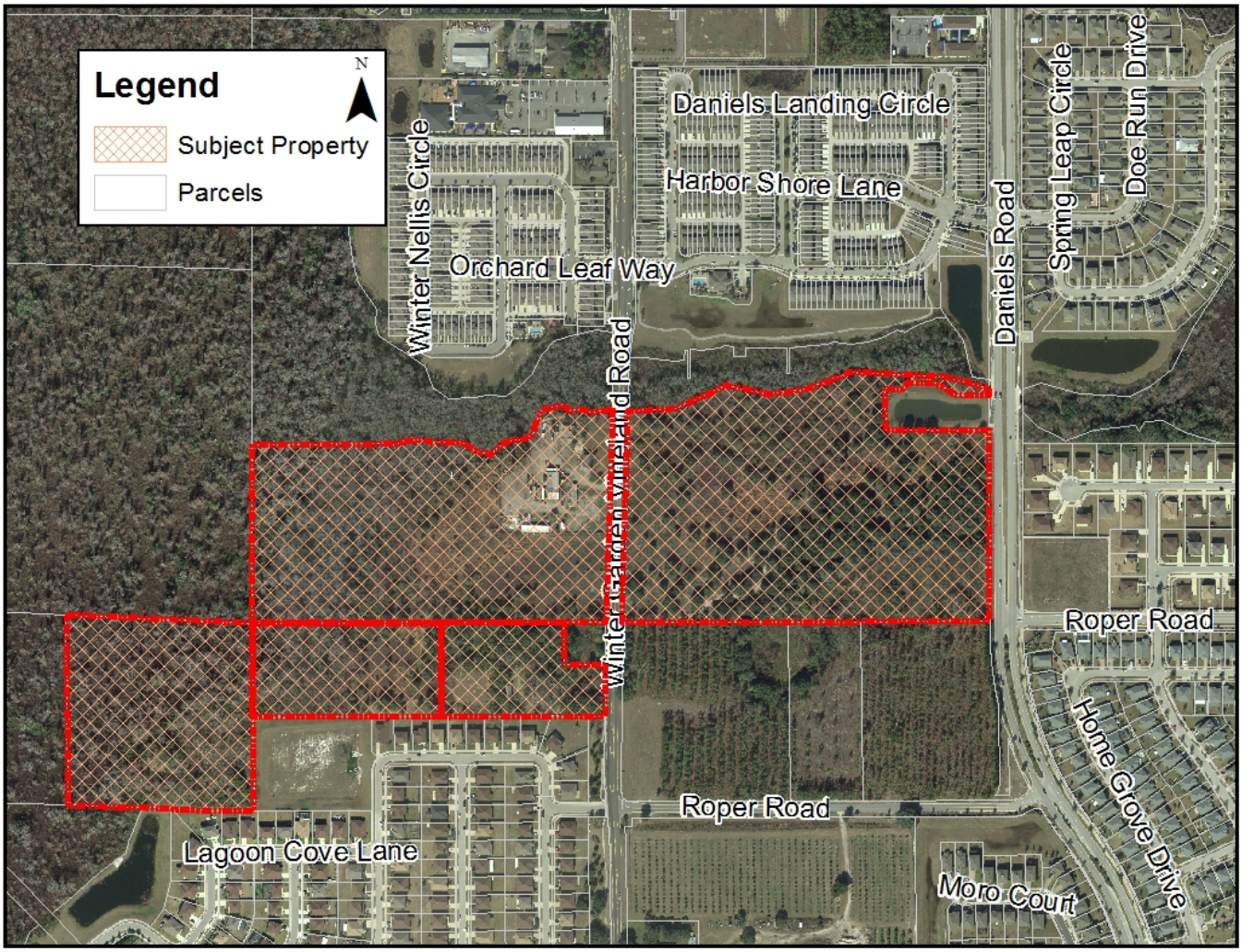
City Staff recommends approval of the proposed Ordinance subject to the following condition:

- Access to phase 2 (the east parcel) from Daniels Road must line up with the existing Roper Road located on the east side of Daniels Road and must be a public road.

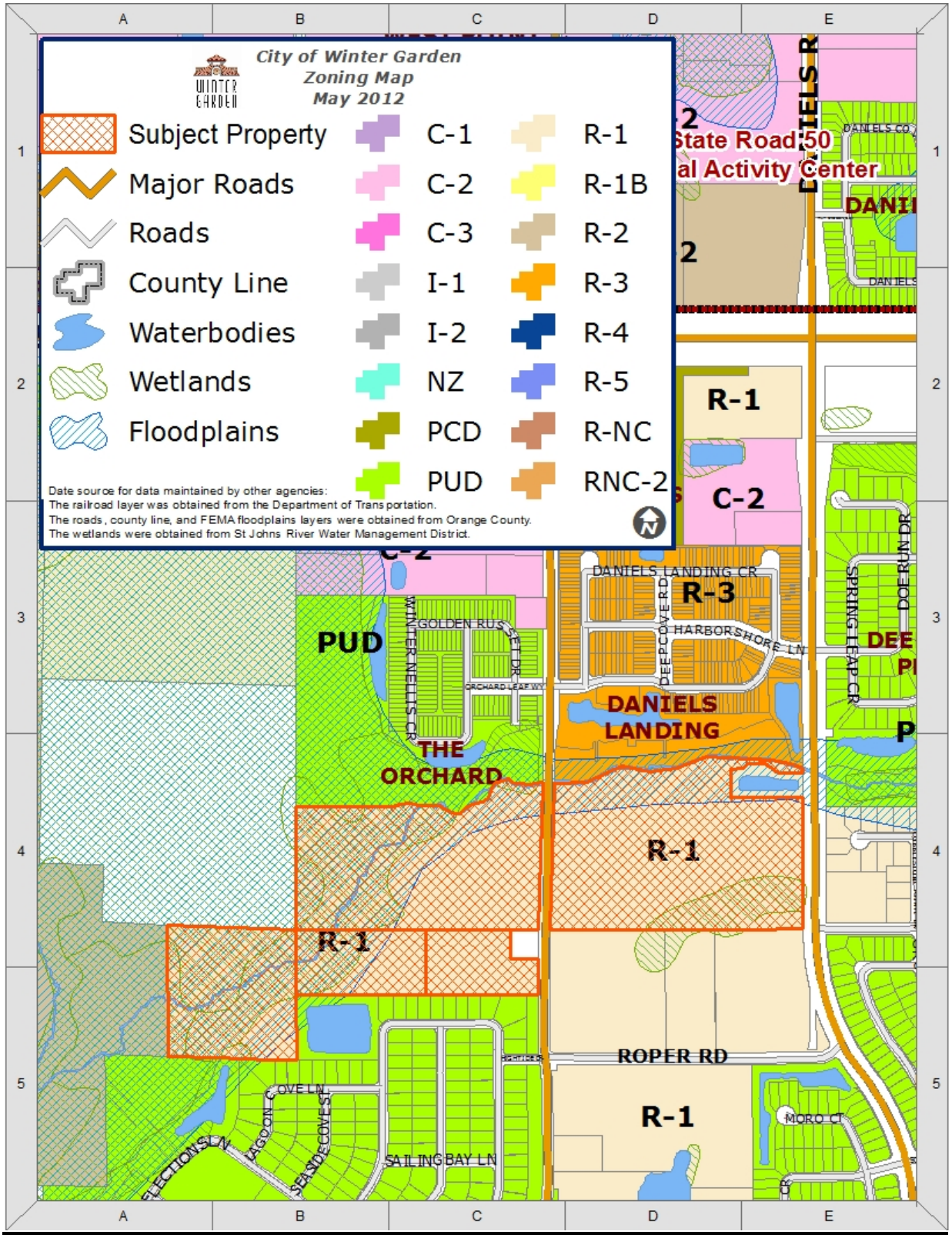
Rezoning the subject property form City R-1 to City PUD is consistent with the Future Land Use Map of the City's Comprehensive Plan, and is consistent with the trend of development in the area. The proposed development is a compatible and consistent with the uses in the surrounding area. The proposed development of the subject property is consistent with the goals, objectives and policies of the City's Comprehensive Plan and land development regulations.

MAPS

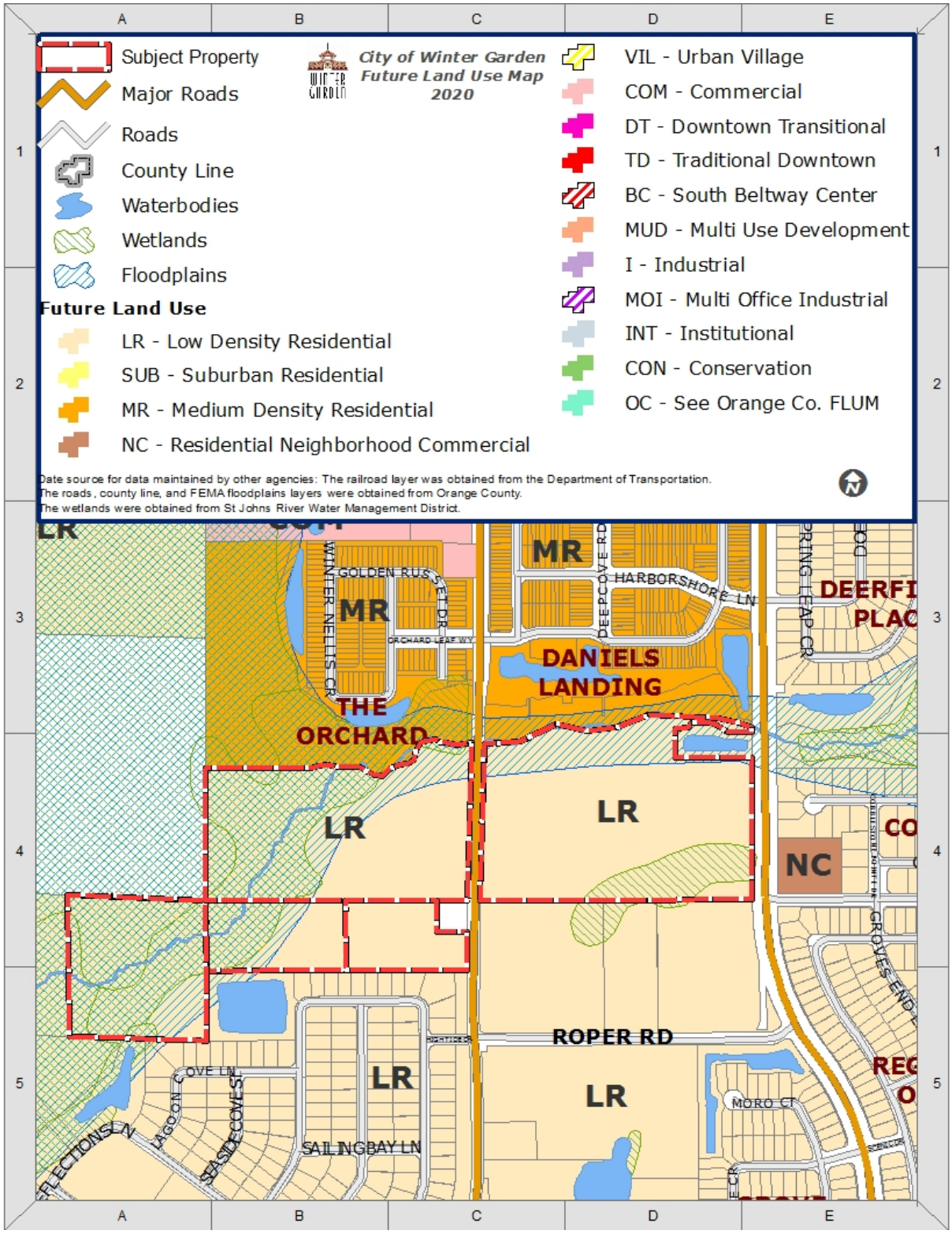
AERIAL PHOTO
BRADFORD CREEK SUBDIVISION



ZONING MAP
BRADFORD CREEK SUBDIVISION



FUTURE LAND USE MAP
Bradford Creek Subdivision



END OF STAFF REPORT

THE CITY OF WINTER GARDEN

PLANNING AND ZONING BOARD AGENDA ITEM

ITEM # 9 (Public Hearing)

DATE: MAY 31, 2012 **MEETING DATE:** JUNE 4, 2012

SUBJECT: ORDINANCE 12-29 UVPUD REZONING
16851 & 17001 MARSH ROAD
PROJECT NAME WATERSIDE ON JOHNS LAKE (75.94+/- ACRES)
PARCEL ID# 05-23-27-0000-00-001
06-23-27-0000-00-003

ISSUE: APPLICANT REQUESTS 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 UVPUD (URBAN VILLAGE PLANNED UNIT DEVELOPMENT)

CURRENT FLU: VIL – URBAN VILLAGE

PROPOSED FLU: NOT APPLICABLE

SUMMARY:

CITY STAFF RECOMMENDS APPROVAL OF THE PROPOSED ORDINANCE. REZONING THE SUBJECT PROPERTY FROM CITY NZ TO CITY UVPUD IS CONSISTENT WITH THE CODE OF ORDINANCES, THE FUTURE LAND USE MAP OF THE CITY'S COMPREHENSIVE PLAN, AND THE SURROUNDING PROPERTY USES. (SEE ATTACHED STAFF REPORT).

STAFF RECOMMENDATION(S):

CITY STAFF RECOMMENDS APPROVAL OF ORDINANCE 12-29, (REZONING 75.94+/- ACRES LOCATED AT 16851 & 17001 MARSH ROAD FROM CITY NZ TO CITY UVPUD) WITH FIRST READING BY CITY COMMISSION SCHEDULED FOR JUNE 14, 2012.

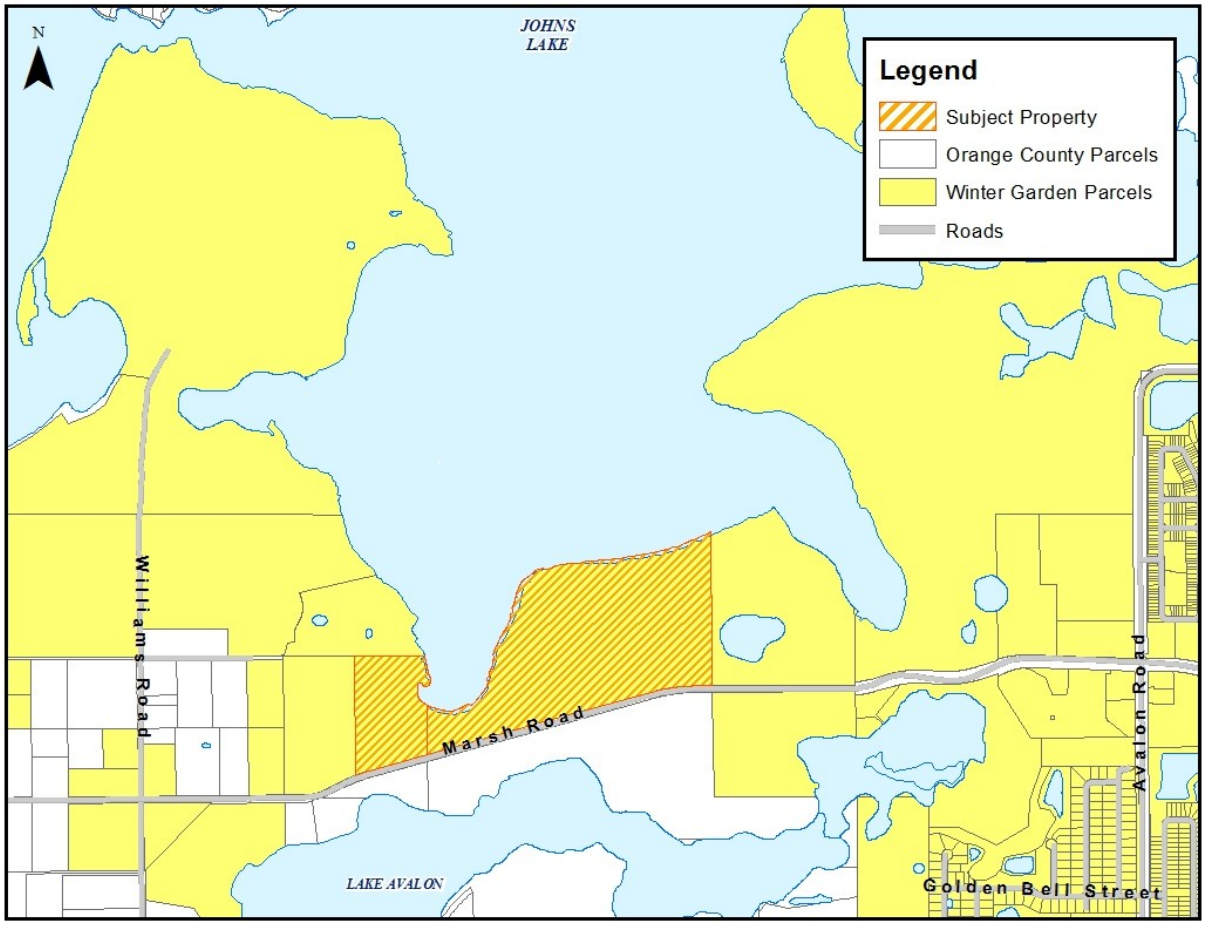
NEXT STEP(S):

FIRST READING BY CITY COMMISSION IS SCHEDULED FOR JUNE 14, 2012.

ATTACHMENT(S):

LOCATION MAP
ORDINANCE 12-29
STAFF REPORT
UVPUD PLAN

LOCATION MAP
16851 and 17001 Marsh Road
Ordinance 12-29



ORDINANCE 12-29

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REPEALING ORDINANCE 11-35 AND REPLACING IT WITH THE REZONING AND URBAN VILLAGE PLANNED UNIT DEVELOPMENT (UVPUD) REQUIREMENTS CONTAINED WITHIN THIS ORDINANCE; PROVIDING FOR 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 NO ZONING (NZ) TO URBAN VILLAGE PLANNED UNIT DEVELOPMENT (UVPUD); PROVIDING FOR CERTAIN UVPUD REQUIREMENTS AND DESCRIBING THE DEVELOPMENT AS THE WATERSIDE ON JOHN'S LAKE URBAN VILLAGE PUD; PROVIDING FOR NON-SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on February 9, 2012, the City Commission of the City of Winter Garden adopted Ordinance 11-35 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; and

WHEREAS, since the adoption of Ordinance 11-35, there has been a claim asserted that the City's adoption of Ordinance 11-35, among other things, was not supported by competent, substantial evidence and departed from the essential requirements of the law and such claim is denied by the City; and

WHEREAS, the City Commission and the Owner/applicant desires to repeal Ordinance 11-35 and replace it with the rezoning and Urban Village PUD requirements adopted by this Ordinance in an effort to avoid litigation relating to such allegation and the costs associated with such litigation; and

WHEREAS, the adoption of this Ordinance shall not be construed as an admission that the aforesaid claim has merit or is correct; and

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 No Zoning (NZ) to Urban Village Planned Unit Development (UVPUD); 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 UVPUD and 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, further, the City Commission finds that based on competent, substantial evidence in the record, the rezoning approved by this Ordinance meets all applicable criteria for rezoning the Property to Urban Village Planned Unit Development (UVPUD) contained within the City of Winter Garden Comprehensive Plan and the Code of Ordinances; and

WHEREAS, on December 13, 2011, the School Board of Orange County, Florida approved the transfer of one hundred seventy (170) owner capacity credits from Capacity Enhancement Agreements (CEAs) owned by SSP1, LLC to the Edwards Property (Centerline Homes Enterprise Five, LLC), therefore;

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

SECTION 1: *Rezoning.* The above "Whereas" clauses constitute findings by the City Commission. After due notice and public hearing, the zoning classification of the Property, as described in Exhibit "A" attached hereto, is hereby rezoned from No Zoning (NZ) to Urban Village Planned Unit Development (UVPUD)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 Urban Village 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. Drainage easements shall be unobstructed by equipment of any kind including, but not limited to, AC units, pool equipment, water filtration systems, gas tanks, propane tanks, and any other utility or service equipment.

3. In accordance with Section 78-2, City of Winter Garden Code of Ordinances, extension of all potable water, reclaimed water and sanitary sewer utility lines from the proposed or existing stub-outs near the intersection of Marsh Road and Avalon Road will be at the developer's expense.

4. 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.

5. All streets within the Property will be private and will be maintained by the Homeowner's Association.

6. Permits or exemptions are required from SJRWMD (stormwater) and FDEP (water, wastewater, NPDES) prior to construction.

7. 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.

8. 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.

9. 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.

10. 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%).

11. The City of Winter Garden is not authorizing or approving drainage discharges onto private property or property owned or controlled by others, including by way of any development order or permit issued. 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.

12. 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).

13. 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.

14. 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.

15. 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 Developer's Agreement shall be drafted, approval obtained and recorded prior to approval of Preliminary Plat of the Property. The Developer's Agreement shall address matters to include, but not limited to, project phasing, potable water, sewer and reclaimed water utilities extension and oversizing requirements, right-of-way improvements and conveyances, other off-site public infrastructure improvements, lift station, transportation/roadway system, and impact fees.

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.

e. **Expiration/Extension-** Expiration of this UVPUD shall be governed in accordance with Section 118-830, City of Winter Garden Code of Ordinances. Time extensions may be granted in accordance with Section 118-829, City of Winter Garden Code of Ordinances.

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: _____ , 2012.

SECOND READING AND PUBLIC HEARING: _____ , 2012.

ADOPTED this _____ day of, _____ , 2012, 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

URBAN VILLAGE PLANNED UNIT DEVELOPMENT PRELIMINARY PLAN

WATERSIDE ON JOHNS LAKE

REVISED APRIL 2012

(7 PAGES - ATTACHED)

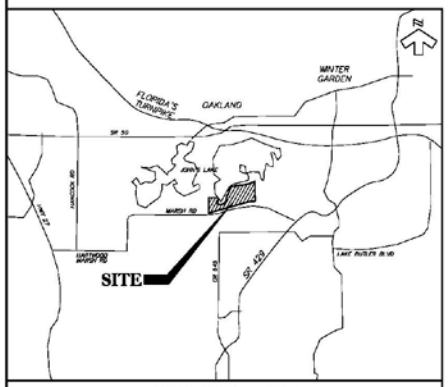
URBAN VILLAGE PLANNED UNIT DEVELOPMENT PRELIMINARY PLAN

A URBAN VILLAGE PUD IN THE CITY OF WINTER GARDEN, FLORIDA

WATERSIDE ON JOHNS LAKE

PARCEL ID. NUMBERS: 05–23–27–0000–00–001,
06–23–27–0000–00–002,
06–23–27–0000–00–003

REVISED APRIL 2012



SITE LOCATION

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 8, 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.

PROJECT DESCRIPTION

A 172 UNIT SINGLE FAMILY URBAN VILLAGE PLANNED UNIT DEVELOPMENT, GATED ENTRANCE.

PREPARED FOR

CENTERLINE HOMES
1511 EAST STATE ROAD 434
SUITE 1009
WINTER SPRINGS, FLORIDA 32708
CONTACT: ROBERT HUTSON
PHONE: (407) 278–0303

OWNER/APPLICANT
WARREN HARDIN EDWARDS, #
16851 MARSH ROAD
WINTER GARDEN, FLORIDA 34787
PHONE: (213) 924-7010

ENGINEER/SURVEY/ENVIRONMENTAL
BOWYER-SINGLETON & ASSOCIATES, INC.
520 SOUTH MAGNOLIA AVE.
ORLANDO, FLORIDA 32801
PHONE: (407) 843-5120
CONTACT: SCOTT STEARNS, P.E.

GEOTECHNICAL ENGINEER
UNIVERSAL ENGINEERING SCIENCES, INC.
3532 MAGGIE BOULEVARD
ORLANDO, FLORIDA 32811
PHONE: (407) 423-0504
CONTACT: ARAVIND RANGASWAMY, M.S., P.E.

TRAFFIC ENGINEER
LUKE TRASPORTATION ENGINERING
CONSULTUNTS, INC.
29 EAST PINE STREET
ORLANDO, FLORIDA 32828
PHONE: (407) 423-8055
CONTACT: J. ANTHONY LUKE, P.E.

LANDSCAPE ARCHITECT
PARKER-YANNETTE
825 SOUTH U.S. HWY. ONE
SUITE 330
JUMPER, FLORIDA 33477
PHONE: (561) 747-5069
CONTACT: CHUCK YANNETTE

TABLE OF CONTENTS

SHEET NO.	DESCRIPTION
1	COVER SHEET
2	URBAN VILLAGE PUD PRELIMINARY PLAN
3	BOUNDARY SURVEY & EXISTING CONDITIONS PLAN
4	LANDSCAPE BUFFER CONCEPT
5	MARSH ROAD BUFFER CONCEPT
6	MAIN ENTRANCE & PARK AREA CONCEPT
7	PROJECT IMAGINING

THIS IS TO CERTIFY THAT THE ROADWAY CONSTRUCTION PLANS AND SPECIFICATIONS AS CONTAINED HEREIN WERE DESIGNED TO APPLICABLE STANDARDS AS SET FORTH IN THE "MANUAL OF UNIFORM MINIMUM STANDARDS FOR DESIGN, CONSTRUCTION AND MAINTENANCE FOR STREETS AND HIGHWAYS" AS PREPARED BY FLORIDA DEPARTMENT OF TRANSPORTATION.

BOWYER SINGLETON
PLANNING & DEVELOPMENT CONSULTANTS
PLANNING & SURVEYING & MAPPING
EB-0000266

WINTER GARDEN FLORIDA
WATERSIDE ON JOHNS LAKE

DATE	BY	REVISIONS

CONTRACTOR "AS BUILT"
CONTRACTOR FOR THE PURPOSE "AS BUILTS" were furnished to me by the contractor listed below. I am in receipt of the "As Built" information shown on these "As Built" drawings and believe them to be a true and correct representation of what was actually constructed. The drawings, as based upon the information furnished, are approximate.
Contractor's Name _____
Engineer
I have viewed the Contractor's "As Built" and the original issued set of Plans. The Contractor's "As Built" information is correct.

DATE	JUNE 2011
DRAWING	SPV
CHECKED	WBB
SCALE	N/A
PROJECT NO.	5.0001.0.0
FILE NAME	5.0001.0.0Cover
SHEET	1 OF 7

Waiver Request regarding the "General Design Guidelines"of the Interlocal Agreement for the Joint Planning Area (JPA) between Orange County and the City of Winter Garden (dated January 24, 2007).

1. In lieu of the front garage setback requirement as stated in the JPA Design Guidelines, the applicant requests a waiver to require "a maximum of forty (40) percent of all residential units shall have the garage door setback five (5) feet from the principal front building façade or side-loaded garages. Residential units with the five (5) foot garage recess or side-loaded garages shall have a twenty (20) foot front yard building setback line. All other residential units shall have a minimum twenty-five (25) foot front yard setback."
2. The proposed Urban Village PUD will have a combination of lot width from 70 to 90 feet. In addition to the larger lots, the proposed units will have a variety of main entrance treatments, including front porches, 2-story covered porticos/entry ways, with substantial architectural finished (see sheet six 6 for examples). The applicant requests a waiver of the JPA Design Guidelines to "define a front porch as a covered outdoor area at/or adjacent to the front door of the residential unit that extends a minimum of three (3) feet on either side of the front door and has a minimum depth of six (6) feet. Front porches shall be provided on fifty (50) percent of the lots."
3. Product types constructed within the 70' lots shall be staggered to avoid similar products directly adjacent to each other or provide alternate color and architectural detail.

SITE DATA

1. TOTAL PROJECT AREAS 127.71 ac.
   - JOHNS LAKE: 50.96 ac. (area north of NHWL)
   - WETLANDS: 0.81 ac. (area between NHWL & wetland line)
   - ROAD ROW: 11.77 ac.
   - RETENTION AREA: 9.79 ac.
   - GROSS DEVELOPABLE AREA: 75.94 ac. (Total Project Area minus Johns Lake & Wetlands)
   - NET DEVELOPABLE AREA: 54.38 ac. (Gross Developable Area minus Road ROW & Retention Area)
2. SITE DATA:
   - Total Single Family Units: 172
   - Gross Residential Density: 2.26 du/ac
   - Net Residential Density: 3.16 du/ac
   - Minimum sq.ft. Under Heat & Air: 2000 sq.ft.
   - Maximum Building Height: 40 ft.
   - Minimum Lot Width Size: 70 ft.
3. SUPPORT SERVICES:
   - Water Service: CITY OF WINTER GARDEN
   - Sewer Service: CITY OF WINTER GARDEN
   - Stormwater Management: Stormwater Management to be provided in on-site Master Stormwater Management Areas to satisfy the City of Winter Garden and St. John's River Water Management District Criteria Pre versus Post Volume: 25 yr - 24 hr storm event
   - Schools: Addressed by school mitigation agreement for capacity enhancement in process with OCPS.
   - Traffic: See traffic impact analysis by others
4. FUTURE LAND USE: Urban Village
5. EXISTING ZONING: NZ - No Zoning
6. PROPOSED ZONING: Urban Village Planned Unit Development
7. REQUESTED USES: Approved Land Use Plan for Urban Village PUD
   - Single-Family: As shown on Land Use Plan
8. BUILDING SETBACKS:

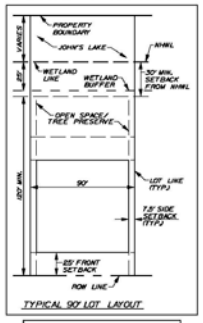
70'X120' LOTS:			90'X120' LOTS:		
	Front Yard*	25'/20'*		Front Yard	25'/20'*
	Rear Yard	20'		Rear Yard	20'
	Side Yard **	7.5'/5.0'**		Side Yard	7.5'
	Corner	20'		Corner	20'
	Pool (side & rear)	5'		Pool (side & rear)	5'
	No. Lots	134		No. Lots	38

* Homes with a 5' recessed garage or side-loaded garage may utilize a 20' front setback. All others shall maintain 25'.

** 5' side yard setbacks shown on 70' wide lots are acceptable under the following conditions: All mechanical equipment including AC units, pool equipment, water filtration systems, and any other utility or service equipment must be located to the rear of the house.

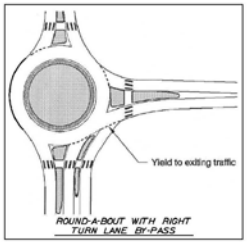
9. OPEN SPACE - (25% GROSS DEVELOPABLE AREA) = 18.99 AC. (REQ.)
   PROVIDED:
   - PARK AREA - 1.00 AC.
   - LANDSCAPE BUFFER (ALONG MARSH RD. & EASTERN BOUNDARY) - 3.88 AC.
   - RETENTION AREAS - 10.41 AC.
   - PROVIDED IN DEED OR CONSERVATION EASEMENT RESTRICTED LOTS - 3.70 AC.
   - TOTAL AREA = 18.99 AC.
10. RECREATION FACILITIES: FACILITIES FOR COMMUNITY PARK INCLUDE GAZEBO, PARK BENCHES AND 10 FT. MULTIPURPOSE TRAIL ALONG MARSH ROAD.
    - 75.94 X 0.05 = 3.80 ACRES REQUIRED
    - PASSIVE PARK = 0.92 AC.
    - MARSH ROAD MULTIPURPOSE TRAIL = 0.78 AC.
    - TOTAL AREA = 1.70 AC.*

    * PAYMENT WILL BE MADE TO THE CITY RECREATION FUND TO MAKE UP THE 2.10 ACRE SHORTFALL.
11. Development adjacent to Johns Lake - all residential lots, open space and drainage areas have been designed to save as many high quality existing trees as possible. It is anticipated that 10% of the existing trees depicted on the attached survey may be removed due to poor health or grading conflicts. All tree removals will require a tree removal permit.
12. Building architectural features will be consistent to the buildings depicted on the enclosed project imagining for the lakefront and interior homes.
13. All lots bordering the Urban Village PUD perimeter shall meet the requirements of Chapter 118, Article V, Division 2, Subdivision III, Section 118-924(d): A minimum 25-foot yard shall be required from the nearest part of any building wall to the edge of any public right-of-way or private street, and all structures shall have a minimum 20-foot rear yard. A minimum 25-foot yard shall be maintained between the walls of all structures and the perimeter of the Urban Village PUD. Additional perimeter yard requirements for multistory buildings shall be figured at five additional feet for each ten feet of height over the first story.
14. Project to be gated with privately owned and maintained streets.
15. Docks shall comply with City of Winter Garden ordinance 11-20.



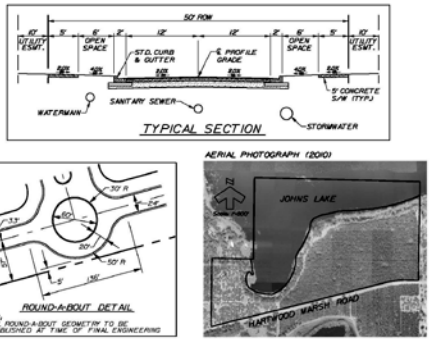
TYPICAL 90' LOT LAYOUT

TYPICAL 70' LOT LAYOUT

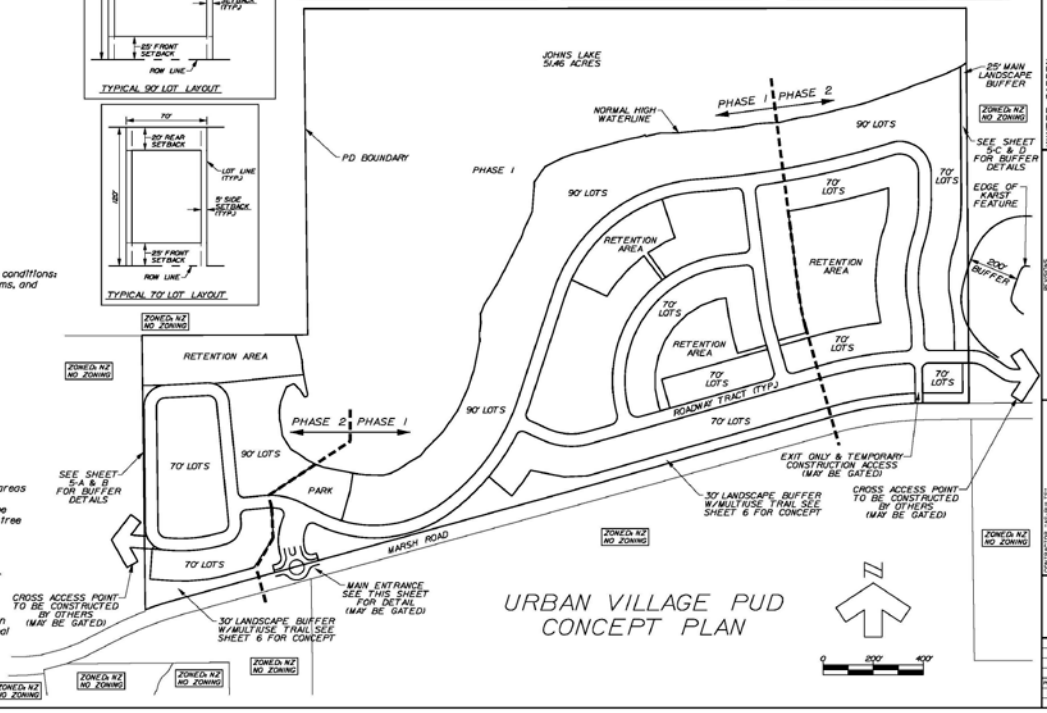


ROUND-A-BOUT WITH RIGHT TURN LANE BY-PASS

ROUND-A-BOUT DETAIL



TYPICAL SECTION



URBAN VILLAGE PUD CONCEPT PLAN

BOWYER SINGLETON

FLORIDA

WINTER GARDEN

URBAN VILLAGE PUD PRELIMINARY PLAN

WATERSIDE ON JOHNS LAKE

COMPANIES OFFICE - 520 SOUTH NARCOOSSEE AVENUE, ORLANDO, FLORIDA 32801 407 849 8100 ENGINEERING BUSINESS 1221

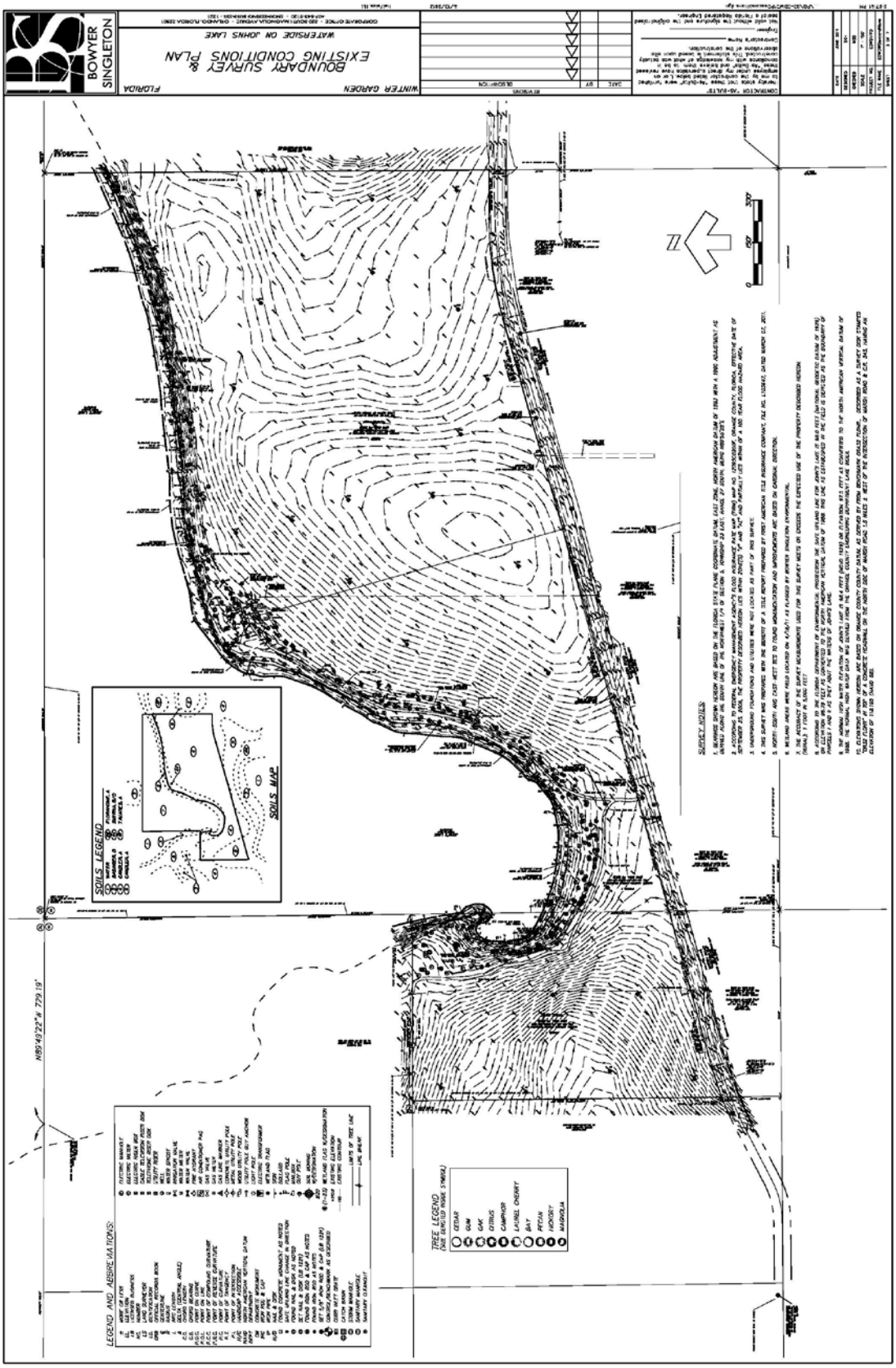
REVISIONS		
DATE	BY	DESCRIPTION

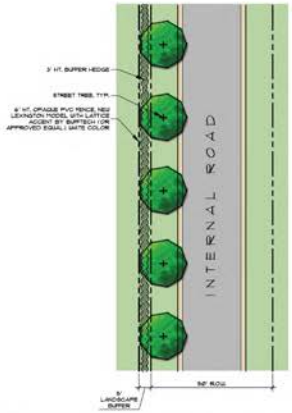
CONTRACTOR NOTES: "As-Built" were furnished by the contractor and are based upon information provided by others. Bowyer Singleton has reviewed these "As-Built" for general conformance with the intent of the contract documents based on visual observations of the construction.

Contractor's Name

Not valid without the signature and the original raised seal of a Florida Registered Engineer.

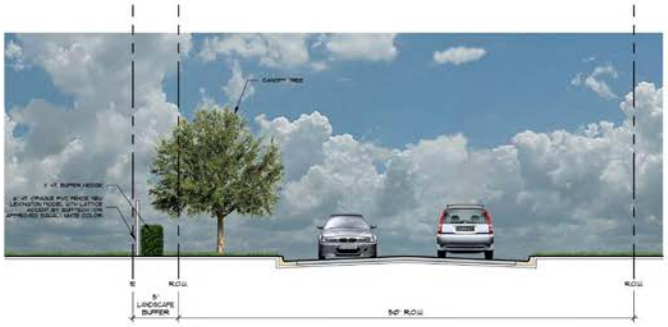
DATE	JUNE 2011
DESIGNED	BRH
CHECKED	MSS
SCALE	1" = 200'
PROJECT NO.	2006011.PD
FILE NAME	2006011PDconcept
SHEET	2 OF 7


BOWYER SINGLETON
BOUNDARY SURVEY & EXISTING CONDITIONS PLAN
WATERSIDE ON JOHNS LAKE
WINTER GARDEN
FLORIDA
SOILS LEGEND
SOILS MAP
TREE LEGEND
LEGEND AND ABBREVIATIONS:
SURVEY NOTES
N89°49'22"W 779.19'



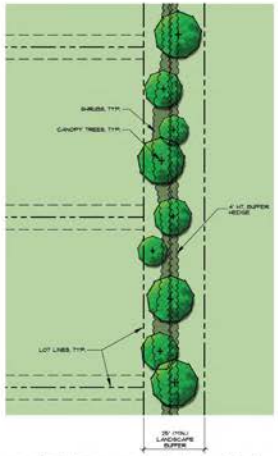
A WEST BUFFER PLAN VIEW

SCALE: 1"=20'-0"



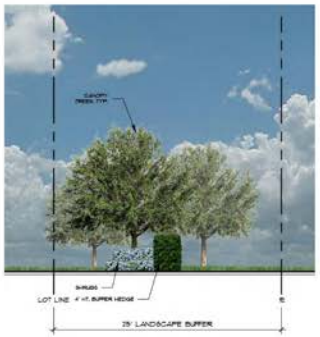
B TYPICAL WEST BUFFER SECTION

SCALE: 3/16"=1'-0"



C EAST BUFFER PLAN VIEW

SCALE: 1"=20'-0"



D TYPICAL EAST BUFFER SECTION

SCALE: 3/16"=1'-0"

Waterside on Johns Lake

Winter Garden, Florida

Centerline Homes

PARKER-YANNETTE design group, inc.

LANDSCAPE ARCHITECTURE PLANNING • GRAPHICS
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Suite 131
Jupiter, Florida 33477
Telephone:(561) 747-5069
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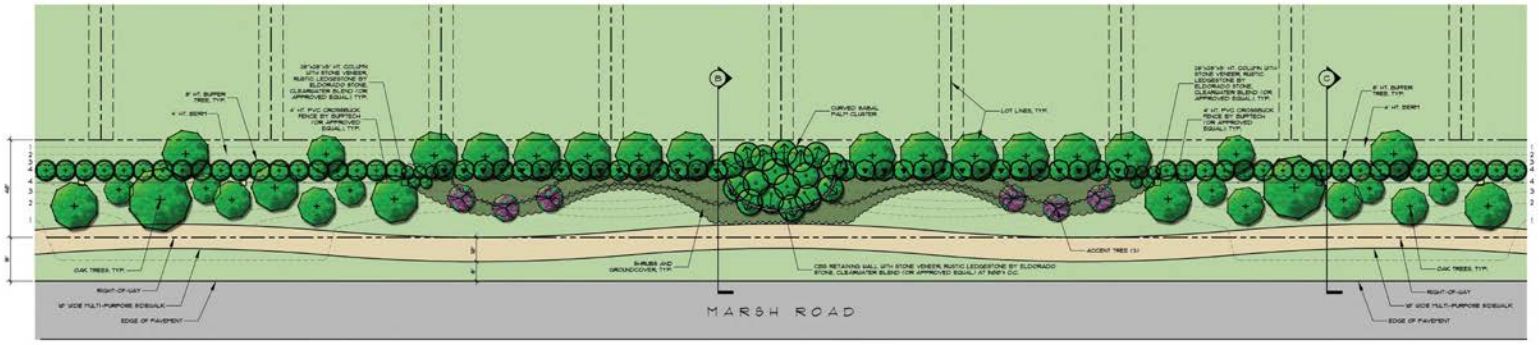
July 2011
rev. September 12, 2011

Sheet 4

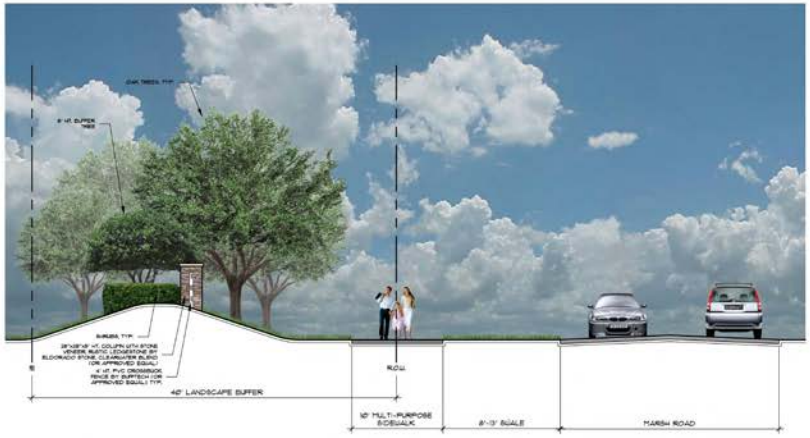


A SOUTH BUFFER PLAN VIEW

SCALE: 1"=20'-0"

B TYPICAL SOUTH BUFFER SECTION 'B'

SCALE: 3/16"=1'-0"



C TYPICAL SOUTH BUFFER SECTION 'C'

SCALE: 3/16"=1'-0"

Waterside on Johns Lake

Winter Garden, Florida

Centerline Homes

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Sheet 5

Waterside on Johns Lake

Winter Garden, Florida
Centerline Homes

Conceptual Entry/Park Plan

0' 10' 20' 40' 80'

PARKER-YANNETTE design group, inc.

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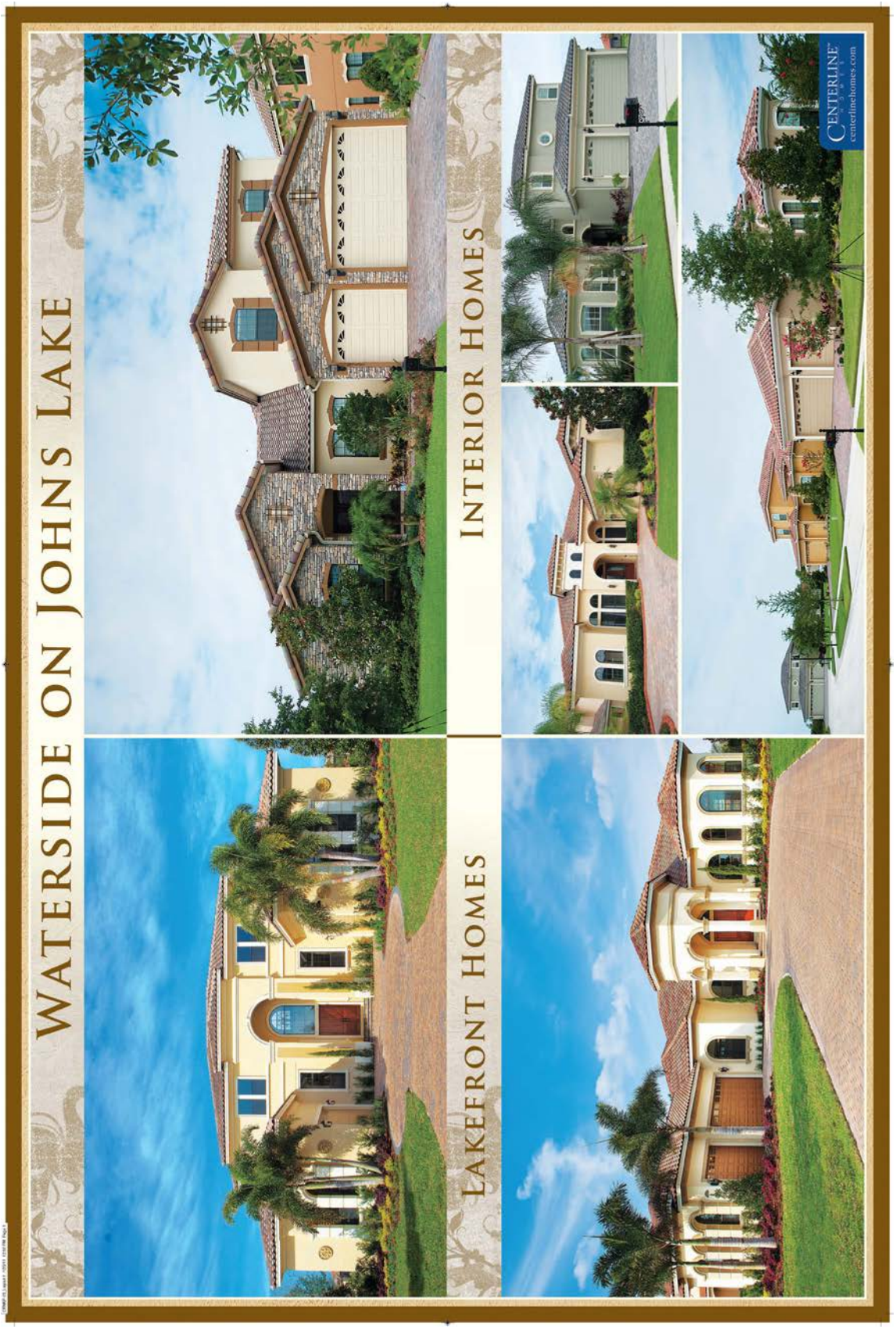
Sheet 6


WATERSIDE ON JOHNS LAKE
INTERIOR HOMES
LAKEFRONT HOMES
CENTERLINE
centerlinehomes.com

CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

STAFF REPORT

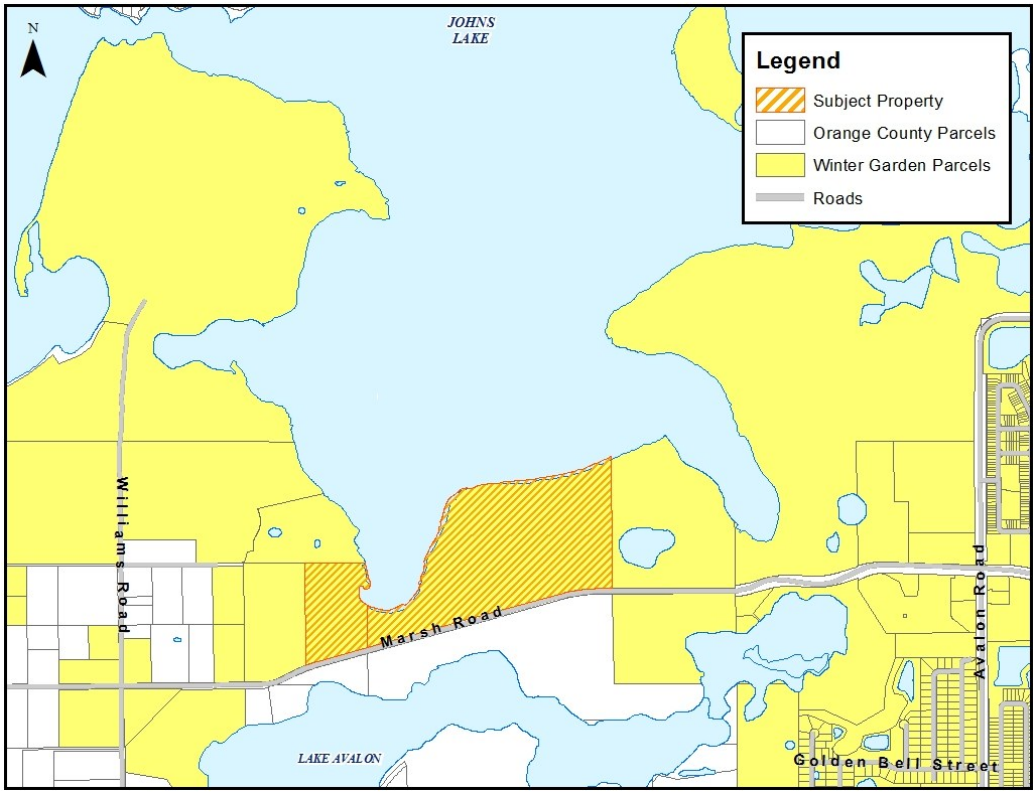
TO: PLANNING AND ZONING COMMITTEE
PREPARED BY: LAURA SMITH, SENIOR PLANNER
DATE: MAY 31, 2012
SUBJECT: REZONING
Marsh Road (75.94+/- ACRES)
PARCEL ID # 05-23-27-0000-00-001
PARCEL ID # 06-23-27-0000-00-003

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 Land Development Regulations, Comprehensive Plan, and Future Land Use Map

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 an urban village planned unit development (UVPUD) of 172 single family homes.

APPROVAL CRITERIA

In accordance with the City's Comprehensive Plan and Land Development Regulations, a proposed planned unit development and its associated preliminary development plan may be approved only after competent, substantial evidence has been presented which allows the following determinations to be made: (staff conclusions/findings are underlined)

(1) The proposed PUD is consistent with the land development regulations, comprehensive plan and the future land use map;

The proposed UVPUD is consistent with the land development regulations, comprehensive plan, and the future land use map. See comprehensive plan analysis

attached hereto as Exhibit "A". See other portions of this report concerning consistency with the land development regulations.

(2) The proposed PUD will not substantially devalue or prevent reasonable use and enjoyment of the adjacent properties;

The proposed UVPUD project will not deprive or prevent adjacent property owners of any rights or abilities to enjoy or continue existing uses of their property or to develop their property in accordance with the city's land development regulations and comprehensive plan goals, objectives, and policies. Further, in accordance with land development regulations and the comprehensive plan, the proposed UVPUD will provide for adequate buffering against adjoining properties and rights-of-way in the form of either landscaping to create a visual screen and/or perimeter walls/fencing.

(3) Adequate public infrastructure facilities and water and sewer service to support the development of the proposed PUD are available or an agreement or binding conditions have been established that will provide these facilities, improvements and services in a reasonable time frame;

The proposed UVPUD site 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, at such time as 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, a secondary access point for resident exit only access, and cross access connections to the east and west adjoining properties which have also made application with the City for rezoning to UVPUD and are currently in the Development Review Committee review process. All roadway improvements will be constructed at the owner's expense and in compliance with city concurrency standards for transportation, and be supported by a traffic study/analysis of the impact the proposed development will have on the roadway network. Traffic studies/analyses submitted with any proposed development are reviewed for accuracy and consistency with the goals, objectives, and policies of the City's comprehensive plan in addition to the City's vision for future growth and expansion.

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 (water, sewer, and reclaimed water) will be extended and connections made to serve the development of the property, all extension and connection costs shall be borne by the property owner. At the present time there is capacity available within the City's water, wastewater and reclaimed water systems to support the proposed development.

Prior to any approvals for preliminary plat or construction plans, a Developer's Agreement detailing the obligations of the developer associated with the proposed UVPUD is required. The Developer's Agreement must address, but is not limited to the following: project phasing, potable water, sewer and reclaimed water utilities extensions and oversizing requirements, right-of-way improvements and conveyances, off-site public infrastructure improvements, lift station, transportation/roadway system, and impact fees.

(4) The proposed PUD will not allow a type or intensity of development that is premature or presently out of character in relationship to the surrounding area;

The proposed UVPUD project is consistent with the comprehensive plan's goals, objectives and policies for the Urban Village future land use designation and the UVPUD zoning criteria and land development regulations. The proposed UVPUD project features a gross density of 2.26 dwelling units per acre which is substantially lower than the maximum density of 4 dwelling units per acre permitted within the Urban Village future land use designation and in accordance with the Sixth Amendment to the Restated Interlocal Agreement for Joint Planning Area between Orange County and the City of Winter Garden.

The proposed UVPUD is not premature or presently out of character in relationship to the surrounding area. Using the Orange County Public Schools Concurrency Service Areas as an identification of the surrounding area, there are many residential and commercial developments within the surrounding area which have similar or greater density and/or intensity than the proposed UVPUD project. Some of the approved and/or constructed developments within the surrounding area which extends east beyond SR 429 include Hickory Hammock, Avalon Reserve, Stoneybrook West, Carriage Pointe, Stone Creek, Belle Meade, Avamar Crossings, Alexander Ridge, and Carriage Ponte Reserve.

Recently applications have been received requesting rezoning to UVPUD and Preliminary Development Plan review from the property located immediately east and immediately west of the proposed UVPUD project. Additionally, numerous properties located to the west of the subject property, totaling over 150 acres are seeking annexation into the City of Winter Garden municipal limits.

(5) The rezoning will not interfere with an adjacent property owner's reasonable expectation of use or enjoyment; and

With the exception of the property located to the south of the proposed UVPUD site (on the south side of Marsh Road, north of Lake Avalon), all adjoining property owners either participated in the annexation and future land use designation of Urban Village for their properties in 2007 or purchased their property after it had been annexed into the City of Winter Garden and designated Urban Village on the future land use map of the City's comprehensive plan. In accordance with the City's comprehensive plan, the only zoning permitted within the Urban Village future land use designation is Urban Village Planned Unit Development or Institutional. Further, in accordance with land development regulations and the comprehensive plan, the proposed UVPUD will provide for adequate buffering against adjoining properties and rights-of-way in the form of either landscaping to create a visual screen and/or perimeter walls/fencing.

(6) There is availability and adequacy of primary streets and thoroughfares to support traffic to be generated within the proposed PUD and the surrounding area, or an agreement or binding conditions have been established that will provide such transportation facilities to support said traffic in a reasonable time frame.

At such time as 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, a secondary access point for resident exit only access, and cross access connections to the east and west adjoining properties which have also made application with the City for rezoning to UVPUD and are currently in the Development Review Committee review process. All roadway improvements will be constructed at the owner's expense and in compliance with city concurrency standards for transportation, and be supported by a traffic study/analysis of the impact the proposed development will have on the roadway network. Traffic studies/analyses submitted with any proposed development are reviewed for accuracy and consistency with the goals, objectives, and policies of the City's comprehensive plan in addition to the City's vision for future growth and expansion. The traffic analysis provided with the proposed UVPUD project indicates that the project will not lower the adopted level of service standard on Marsh Road.

Prior to any approvals for preliminary plat or construction plans, a Developer's Agreement is required detailing the obligations of the developer associated with the proposed UVPUD. The Developer's Agreement will address, but is not limited to the following: right-of-way improvements and conveyances, round-a-bout construction, pedestrian facilities, transportation/roadway system, and impact fees.

(7) The degree of departure or conformity of the proposed PUD with surrounding areas in terms of character and density.

The proposed UVPUD project is consistent with the comprehensive plan's goals, objectives and policies for the Urban Village future land use designation and the UVPUD zoning criteria and land development regulations. The proposed UVPUD project features a gross density of 2.26 dwelling units per acre which is substantially lower than the maximum density of 4 dwelling units per acre permitted within the Urban Village future land use designation and in accordance with the Sixth Amendment to the Restated Interlocal Agreement for Joint Planning Area between Orange County and the City of Winter Garden.

The proposed UVPUD is not premature or presently out of character in relationship to the surrounding area. There are many residential and commercial developments within the surrounding area which have similar or greater density and/or intensity than the proposed UVPUD project. Some of the approved and/or constructed developments within the surrounding area which extends east beyond SR 429 include Hickory Hammock, Avalon Reserve, Stoneybrook West, Carriage Pointe, Stone Creek, Belle Meade, Avamar Crossings, Alexander Ridge, and Carriage Ponte Reserve.

Recently applications have been received requesting rezoning to UVPUD and Preliminary Development Plan review from the property located immediately east and immediately west of the proposed UVPUD project, in addition numerous properties located to the west of the subject property, totaling over 150 acres are seeking annexation into the City of Winter Garden municipal limits.

(8) Compatibility of uses and improvements within the PUD and the relationship with surrounding existing or proposed developments.

The proposed UVPUD project integrates several elements that provide for cohesion

between existing natural features/resources and the existing and proposed uses surrounding the property. The project includes construction of a 10 foot wide multi-purpose trail extending the length of the property frontage on Marsh Road to enhance pedestrian circulation as identified in the Sixth Amendment to the Restated Interlocal Agreement for Joint Planning Area between Orange County and the City of Winter Garden. The project includes an open space/recreational park to be located on John's Lake which incorporates the natural features/resources of the area into the design and functionality of the project. Cross access connection points are being provided to the proposed developments located on the east and west side of the property which are currently in review.

(9) Prevention of erosion and degrading or enhancement of the surrounding areas.

The proposed UVPUD project, which borders John's Lake on the north side of the property, will provide a 25 foot wetland buffer from the Normal High Water Line of John's Lake in addition to an open space/tree preservation tract to extend inland from the wetland buffer line. Proposed UVPUD project also provides for a 200 foot buffer from the confining layer of the karst feature located on the property to the east the subject property, meets the environmental standards of the Wekiva Study Area, and complies with the City's lake protection Ordinance provisions.

(10) Provision for recreation facilities, surface drainage, flood control and soil conservation as shown in the preliminary development plan.

Recreational facilities are identified within the proposed UVPUD project to include a 10 foot wide multi-purpose trail along Marsh Road, and a waterfront community park with a gazebo and park benches. The recreational facilities proposed comply with the Wekiva Study Area Resource Protection Overlay requirements for passive recreation. Requirements for recreation areas stipulated by the City of Winter Garden subdivision standards are proposed to be met to the greatest extent possible, and payment by the developer into the city recreational fund will make up for any shortfall.

Stormwater management for the proposed UVPUD project will be provided in on-site master stormwater management areas to satisfy the City of Winter Garden, St. John's Water Management District and strict requirements of the Wekiva Study Area criteria.

(11) The nature, intent and compatibility of any common open space, including the proposed method for the maintenance and conservation of the common open space.

The property on which the UVPUD project is proposed to be developed is located within the Wekiva Study Area Resource Protection Overlay as defined by the City's Comprehensive Plan, and therefore must comply with the Wekiva Study Area Open Space requirements as defined by the City's Comprehensive Plan Policies 1-3.1.7 & 1-3.1.8, which requires that a minimum of 25% of the developable area be Wekiva Study Area Open Space. Wekiva Study Area (WSA) Open Space is land area that remains undisturbed or minimally disturbed such as trails and boardwalks, as part of a natural resource preserve or passive recreation area and includes land preserved for Conservation purposes. WSA Open Space may include dry retention, passive recreation, school playgrounds and buffers. Up to 50% of the WSA Open Space requirement may be met

with dry stormwater retention areas. None of the 25% WSA Open Space may be chemically treated with pesticides or fertilizers. WSA Open Space shall not include setback areas, private yards, street right of way, parking lots, impervious surfaces or active recreation areas. The proposed UVPUD project complies with the Wekiva Study Area Open Space requirements; the gross developable area of the property is 75.94 acres, the required Wekiva Study Area Open Space which will be provided on the property is 18.99 acres. All open space and recreational facilities will be owned and maintained by mandatory Home Owner's Association.

(12) The feasibility and compatibility of the specified stage(s) or phase(s) contained in the preliminary development plan to exist as an independent development.

The proposed UVPUD project is designed to be developed in two phases, the first phase will incorporate the recreational facilities, roadway improvements, and utility infrastructure extension to ensure that all facilities intended to support the proposed development are constructed and installed in conjunction with the development of the first phase. Each phase of development of the proposed UVPUD project 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.

(13) The availability of existing or planned reclaimed water service to support the proposed PUD.

Reclaimed water capacity is available to serve the property on which the UVPUD is proposed to be developed from the City's existing reclaimed water lines which are located near the intersection of Avalon Road and Marsh Road. At such time that the property is developed, all necessary utility lines (water, sewer, and reclaimed water) will be extended and connections made to serve the development of the property, all extension and connection costs shall be borne by the property owner. Additionally, there is an existing reclaimed water service line located west of the subject property near the Lake county line through Conserv II.

(14) The benefits within the proposed PUD development and to the general public to justify the requested departure from standard land use requirements inherent in a PUD classification.

The proposed UVPUD project has requested two waivers from the following guidelines contained within the Sixth Amendment to the Restated Interlocal Agreement for Joint Planning Area between Orange County and the City of Winter Garden: front porches provided on 50% of all single family residential units; garages located in the rear or at least 5 feet behind the primary façade or side entry garages may be located in front of the primary façade. The waivers requested are as follows: a maximum of 40% of all residential units shall have the garage door setback 5 feet from the principle front building façade or side-loaded garages, garages with the five foot garage recess or side-loaded garages shall have a 20 foot front yard building setback line; front porches shall be provided on 50% of the lots and to define a front porch as a covered outdoor area at/or adjacent to the front door of the residential unit that extends a minimum of 3 feet on either side of the front door and has a minimum depth of 6 feet. Due to the size and architectural style of homes, staff would recommend approval of the proposal.

The proposed UVPUD project has also requested reduced side yard setbacks, reducing the side yard setback on 70 foot wide lots from 7 ½ feet to 5 feet and reducing the side setback on 90 foot wide lots from 10 feet to 7 ½ feet. The side yards on the 70 foot lots will be unobstructed by equipment of any kind and the drainage easements on the side yards of the 90 foot wide lots will also be unobstructed by equipment of any kind.

The proposed UVPUD project incorporates the following features which are of benefit to the general public and support the waivers and reductions requested above: construction of 10 foot wide multi-purpose trail along the site frontage on Marsh Road which provides for pedestrian circulation and access on Marsh Road, roadway improvements in the form of a round-a-bout at the main entrance to the proposed project which will slow and calm traffic on Marsh Road which has been a primary concern of the city and property owners adjacent to the subject property, and protection and conservation of trees and wetlands along the John's Lake shoreline to ensure preservation of natural resource/features. Additionally, the project as proposed provides open space in excess of the standard subdivision requirements, provides protection and substantial buffering from the neighboring karst feature as well as preservation and conservation of the John's Lake shoreline.

(15) The conformity and compatibility of the proposed common open space, residential and/or nonresidential uses within the proposed PUD.

Nonresidential uses are not proposed within the UVPUD proposal for the project. The UVPUD proposal includes 172 single family residential dwelling units with 18.99 acres of open space area including 1.70 acres of recreation area. The recreation and open space areas are complementary and supportive to the residential component of the proposed UVPUD project. The project is a pedestrian friendly design and provides internal access to the future commercial core.

(16) Architectural characteristics of proposed residential and/or nonresidential development.

A variety of main entrance treatments have been incorporated into the residential units in the proposed UVPUD project including front porches, 2-story covered porticos/entry ways, side entry/courtyard garages and recessed garage doors. Building elevations are provided within the Waterside on John's Lake Urban Village Planned Unit Development Preliminary Development Plan.

(17) A listing of the specific types of nonresidential uses to be allowed.

N/A; Nonresidential uses are not proposed within the UVPUD proposal for the project.

URBAN VILLAGE PLANNED UNIT DEVELOPMENT INTENT AND REQUIREMENTS

Development within the urban village future land use classification shall be designed based on an urban development pattern which encourages the formation of a suburban village. The standards and procedures of the urban village planned unit development are intended to promote flexibility of design and to permit planned diversification and integration of uses and structures, while retaining in the city commission the absolute authority to establish such limitations and regulations as it deems necessary to protect and promote the public health, safety and general

welfare. Determining whether to require a mixture of residential and non-residential uses and a variety of housing types and lot sizes within individual urban village planned unit developments will be based on anticipated development patterns and size of property ownerships. Each individual urban village planned unit development will not be required to incorporate all uses permitted in the urban village planned unit development land use regulations.

Through the urban village planned unit development process, which may involve the approval of multiple UVPUDs, all development within the urban village future land use classification shall follow the general design principles of: (staff conclusions/findings are underlined)

(1) creating a series of walkable residential neighborhoods;

proposed UVPUD includes cross access connection to the properties located to the east and west of the subject property for vehicular and pedestrian access, additionally the proposed UVPUD features a multi-purpose trail along the property frontage on Marsh Road.

(2) developing an integrated park and trail system to facilitate pedestrian travel and recreation;

proposed UVPUD includes a waterside community park accessible through sidewalks which connect to properties located to the east and the west and the multi-purpose trail located along the property frontage on Marsh Road.

(3) developing a comprehensive network of roads and traffic calming solutions to complement and support the existing Marsh Road infrastructure;

proposed UVPUD provides for cross access connection to properties located to the east and west of the subject property and includes construction of a round-a-bout on Marsh Road at the main entrance.

(4) establishing connectivity to natural systems while preserving wetlands and other natural resources and protecting water quality and quantity;

proposed UVPUD incorporates tree preservation and wetland buffering along John's Lake to preserve and protect water quality in John's Lake.

(5) creating a mixed-use character through the integration of a diversity of uses;

N/A; the proposed UVPUD does not provide for non-residential uses.

(6) creating a focus center within the urban village

N/A; the proposed UVPUD will be part of the residential community surrounding a future commercial village center which will be located west of the subject property.

(7) The urban village planned unit development shall provide a compact integrated development pattern with a park or central feature located within a ¼ mile walking distance of the majority of residences in each neighborhood.

the proposed UVPUD includes a waterfront community park which is centrally located within the UVPUD site.

(8) To ensure adequate housing diversity, urban village planned unit development should generally contain a variety of housing types which may include both attached and detached housing product with ownership and rental opportunities, as well as live/work housing.

the proposed UVPUD will contain only single family detached residential units and does not include any live work units.

(9) The street network shall be designed to create a hierarchy of interconnected streets and traffic calming solutions to allow travel through and between neighborhoods and beyond the urban village planned unit development. Roadway cross sections shall be designed to accommodate multiple modes of transportation.

the proposed UVPUD will provide cross access connections to properties located to the east and west, a round-a-bout at the main entrance on Marsh Road, and internal streets are all interconnected with no cul-de-sacs or dead ends.

(10) Emphasis shall be placed on pedestrian and bike paths and shall be incorporated in street cross sections and open spaces.

the proposed UVPUD includes a multi-purpose trail along Marsh Road and a fully integrated network of sidewalks which will connect and provide cross access between properties located to the east and west.

(11) All development proposals within an urban village planned unit development shall, as determined by the city commission, be consistent with the requirements and/or guidelines 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) as approved by the city commission, as such may be amended from time to time.

the proposed UVPUD is consistent with the Sixth Amendment to the Restated Interlocal Agreement for Joint Planning Area between Orange County and the City of Winter Garden.

(12) All development within the urban village planned unit development shall comply with the Wekiva Parkway and Protection Act, and shall meet or exceed the standards of the Resource Protection Overlay as established by the City's Comprehensive Plan. In the event of a conflict or conflicts between the Urban Village Planned Unit Development zoning district and the Resource Protection Overlay, the Resource Protection Overlay shall control to the extent such conflict exists.

the proposed UVPUD complies with the Wekiva Study Area Resource Protection Overlay requirements as stipulated in the City's Comprehensive Plan. The proposed UVPUD meets the Wekiva Open Space requirements, stricter Wekiva drainage requirements and karst feature setbacks and buffering.

(13) Maximum density in the urban village planned unit development for any neighborhood shall be four dwelling units per gross acre except in the village center where the density may be up to 12 dwelling units per gross acre. However, certain neighborhoods may use residential clustering while maintaining the overall maximum density for the neighborhood. Maximum intensity for non residential development is 0.3 floor area ratio.

the proposed UVPUD development plan will have a gross developable density of 2.26 dwelling units per acre.

(14) Stormwater facilities within the urban village residential planned unit development shall generally be designed as amenities and low impact design (LID) techniques will be used where practical.

the proposed UVPUD incorporates stormwater facilities and ponds into the design of the community through placement of the facilities where they function as both visual features and buffers, while also meeting the stricter Wekiva Study Area requirements.

(15) New development shall connect to City utilities, potable water, sanitary sewer, and reclaimed water when available.

the proposed UVPUD will extend lines for and make connection to city utilities, water, wastewater, and reclaimed water at the developer's expense.

(16) Residential and nonresidential uses are allowed in the village center and may occupy the same building where nonresidential occupies the first floor with residential on the upper floors.

N/A; the proposed UVPUD is not located in the area that will be developed as the village and therefore will not have non-residential uses.

(17) Accessory dwelling units, not to exceed 850 square feet, above garages shall be allowed for a maximum of 50% of the residential units in the urban village planned unit development. These additional accessory units shall not be counted towards the density.

the proposed UVPUD does not reference or include plans for accessory dwelling units.

Consistent with the goal of ensuring the entirety of lands designated with the urban village future land use designation develop in such a way as to meet the goals and policies of the comprehensive plan, the city commission shall have the flexibility in deciding whether to require a mixture of residential and non-residential uses and a variety of housing types and lot sizes within individual urban village planned unit developments based on anticipated development patterns.

The urban village planned unit development shall be located in the urban village future land use designation as defined in the city's comprehensive plan, or in such other areas as determined by city commission.

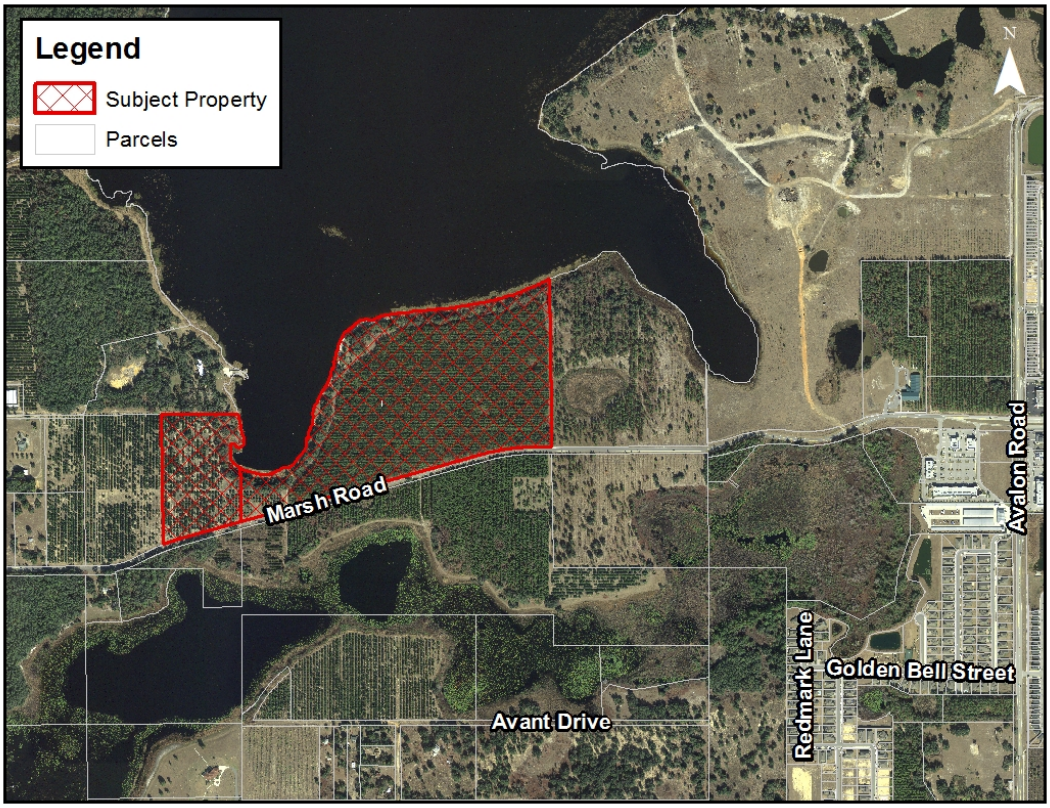
SUMMARY

City Staff recommend approval of the proposed Ordinance 12-29. Rezoning the subject property from City NZ to City UVPUD is consistent with the City's Comprehensive Plan, Future Land Use Map and land development regulations, and is consistent with the trend of development in the area.

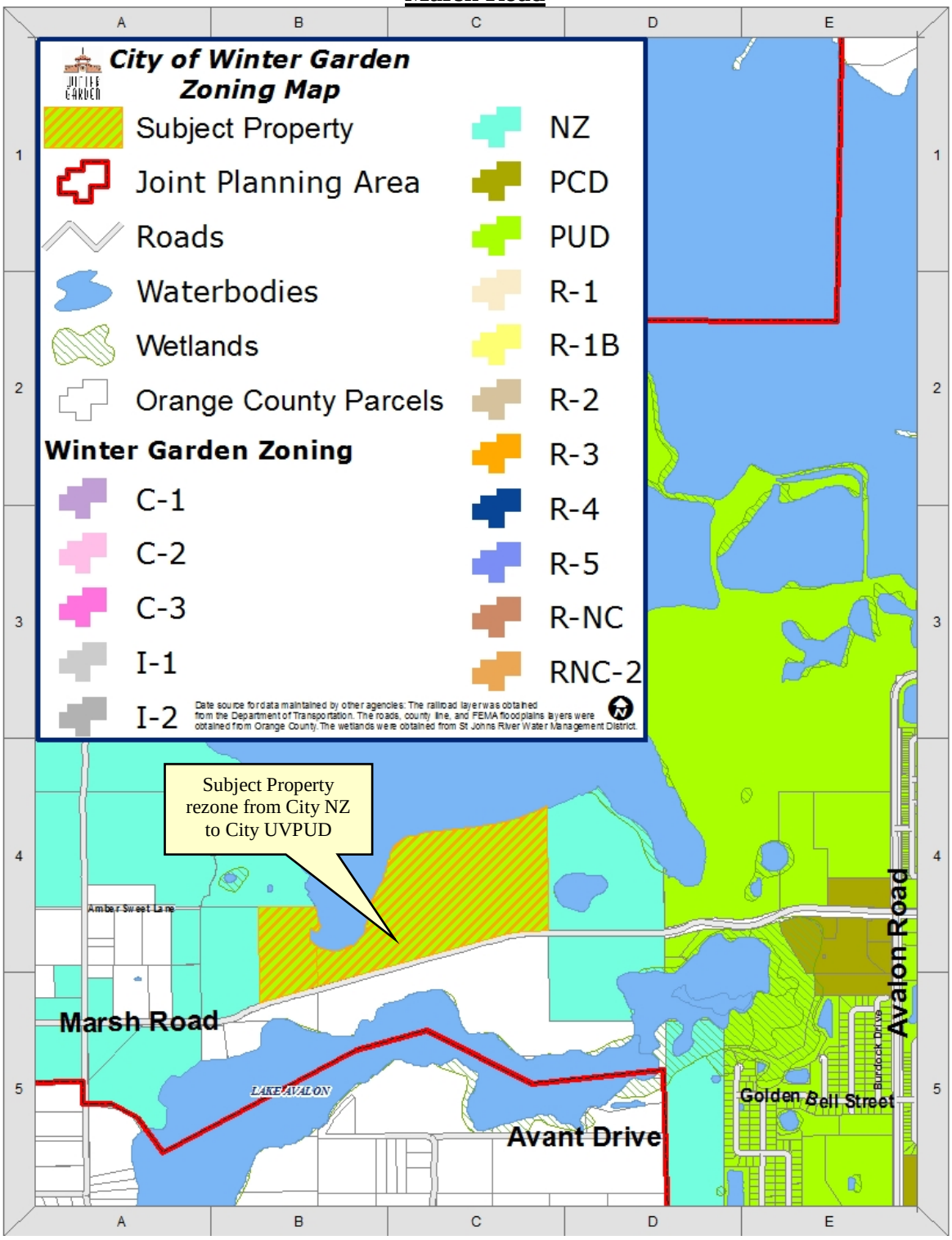
The proposed development of the subject property is consistent with the stipulations and guidelines of the Sixth Amendment to the Restated Interlocal Agreement for Joint Planning Area between Orange County and the City of Winter Garden which requires that rezoning applications or development plans for 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

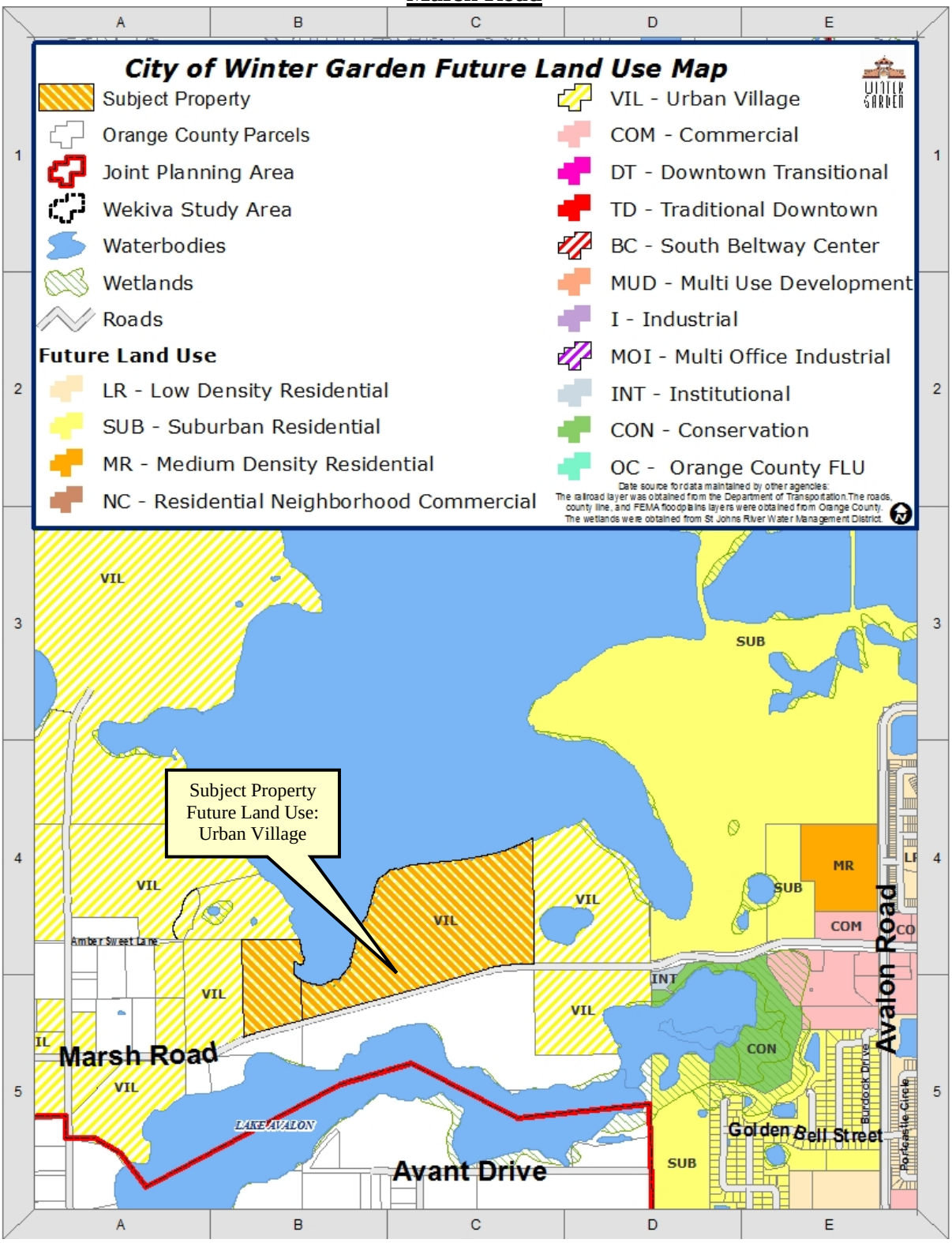


EXHIBIT "A"

The following is a staff analysis, of the goals, objectives, and policies of the City's adopted Comprehensive Plan, to determine consistency of the Waterside at Johns Lake Urban Village PUD. The analysis compares the plans to the applicable goals, objectives and policies of the Comprehensive Plan. Some goals objectives and policies do not apply to development proposals or direct the City's actions in other areas of concern.

Although this analysis is detailed, it is not intended as an all-inclusive statement of all the reasons the development is consistent with the applicable goals, objectives and policies of the Comprehensive Plan.

CHAPTER 1: FUTURE LAND USE ELEMENT

Dense Urban Land Area

Goal 1-1: Maintain the City's Character. Ensure the City of Winter Garden maintains its low density residential character while at the same time providing for the most effective provision of services, to promote sustainable community development, to promote conscientious economic development in the appropriate locations, to promote a concentration of mixed land uses in specific areas, to promote quality infill and redevelopment which strengthens the character of the City, to protect sensitive natural areas by directing growth to environmentally appropriate areas, and prohibit those uses which are incompatible. In short, to be the best small City in the State of Florida. (9J-5.006(3)(A))
Amended by Ordinance 97-02, 10/23/1997
Amended by Ordinance 10-19, 06/24/2010

Objective 1-1.1: Land Development Regulations. The City will continue to apply the land development regulations that implement the comprehensive plan to guide future growth and development and discourage urban sprawl. (9J-5.006(3)(b)8.)
Amended by Ordinance 97-02, 10/23/1997
Amended by Ordinance 10-19, 06/24/2010

Policy 1-1.1.1: The Land Development Regulations Implementation. The City shall continue to enforce the adopted land development regulations which contain specific and detailed provisions required to implement the Comprehensive Plan and which:

(1) Regulate the subdivision of land. (9J-5.006(3)(c)1.)

(2) Regulate the uses of land and water consistent with this Element and ensure the compatibility of adjacent land uses in Orange County, Ocoee, and Oakland. (9J-5.006(3)(c)2.)

(3) Provide for open space. (9J-5.006(3)(c)4.)

(4) Protect environmentally sensitive lands including wetlands designated on the Future Land Use Map Series by requiring the use of buffering, minimum building setbacks, preservation of natural vegetation, and by prohibiting any activity which impairs the natural function of these lands. (9J-5.006(3)(c)6.)

(5) Regulate areas subject to seasonal and periodic flooding and provide for drainage and stormwater management by adopting Flood Hazard Boundary Maps, by establishing flood proofing measures, by adopting a stormwater management ordinance which establishes retention requirements and storm

events and by requiring a St. Johns River Water Management District permit or exemption letter. (9J-5.006(3)(c)1.) (9J-5.006(3)(c)4.)

(6) Protect potable water wellfields and aquifer recharge areas by establishing a cone of influence, by prohibiting the storage of hazardous waste within this cone, and by requiring porous surfaces for any developed land area. (9J-5.006(3)(c)6.)

(7) Regulate signage. (9J-5.006(3)(c)1.)

(8) Ensure safe and convenient on-site traffic flow and vehicle parking needs. (9J-5.006(3)(c)4.)

(9) Provide that development orders and permits shall not be issued which result in a reduction of the level of services for the affected public facilities below the level of service standards adopted in this Comprehensive Plan, and that these facilities and services shall be available concurrent with the impacts of development. (9J-5.006(3)(c)3.)

(10) Require data and analysis for future land use map amendments demonstrating that adequate water supplies and associated public facilities are available to meet projected growth demands.

Amended by Ordinance 97-02, 10/23/1997
Amended by Ordinance 99-18, 08/09/1999
Amended by Ordinance 09-59, 01/28/2010
Amended by Ordinance 10-19, 06/24/2010

Staff Analysis:

- Subsection 1: Does not apply at the UVPUD stage of approval, subdivision is submitted later in the process.
- Subsection 2: The waterside UVPUD is consistent with this element and is Compatible with adjacent land use. The adjacent land use has the same Urban Village designation at the subject property.
- Section 3: The Waterside UVPUD plan is consistent with sub 3 by exceeding the UVPUD open space requirement and the Wekiva Protection Act open space requirements
- Section 4: The project provide exceptional protection of the environment by implementing procedures for the protection of Johns Lake, specimen trees, recharge capability of the site and buffers and restrictions near the karst feature
- Section 5: Tthe project plans demonstrate compliance with the 100 Year Flood regulations and the stricter Wekiva Protection Act stormwater requirements.
- Section 6: The project meets the recharge requirements of the city codes and establishes the required setback from Karst features
- Section 7: The project meets the city sign regulations
- Section 8: The project has internal traffic flow that will not create any safety problems and exceeds the city parking requirements.
- Section 9: The staff have determined that the impacts of the project will not cause any level of service standard to go below the level of service standards adopted in the Comprehensive Plan.
  - Section 10: The city has sufficient water supplies and public facilities available to accommodate the projected growth.

Objective 1-1.2: Future Land Use Map Series and Land Use Categories. The City of Winter Garden shall implement all land use categories, ordinances, regulations and policies pertaining to development necessary to ensure consistency with all elements of the comprehensive plan. The City shall continue to maintain and manage the Future Land Use Map as shown in Figure 1.1. The Future Land Use Map series represents City

policy for managing the allocation of future land uses. Land use designations on the future land use map have been allocated pursuant to goals, objectives, and policies stipulated in the comprehensive plan, together with analysis of population, housing, land, and multi-modal transportation resources. The process of allocating the land use designations has considered the need to conserve open space and natural resources including wetlands, floodplains, water recharge areas, fish and wildlife, maximize utility of existing infrastructure, recognize infrastructure limitations, allocate land to reduce energy use, consideration of capital improvements needs, and conservation of fiscal resources. This objective shall be measured through the implementation of the policies below and the Future Land Use Map Series.
Added by Ordinance 10-19, 06/24/2010

Policy 1-1.2.11: Conservation. Properties designated with the Conservation land use category are required to be developed at a floor area ratio not greater than 0.2. Property assigned the Conservation land use designation shall be lands that are natural resources. It is the intent of this land use designation to provide for the long term protection and preservation of environmentally sensitive natural resources systems. Development shall be limited to passive recreation facilities such as boardwalk or conservation related facilities such monitoring facilities or educational trails. The developer of land adjacent to areas designated with the Conservation land use shall bear the burden of proof in determining that proposed development will not adversely impact conservation resources. The zoning classifications that is consistent with the Conservation classification is CON and INT.

Jurisdictional Wetland Determination – If a Jurisdictional Wetland Determination, that has been accepted by St. Johns River Water Management District, determines that a parcel of property previously identified on the Future Land Use Map as Conservation is not a wetland, then the underlining Future Land Use Category shall govern the development of said parcel.

If a Jurisdictional Wetland Determination, that has been accepted by St. Johns River Water Management District, determines that a parcel of property is a wetland (regardless of the land use assigned by the Future Land Use Map), then only the following land uses may be allowed on the parcel:

- Recreation
- Setbacks and buffers (if the wetlands are undisturbed)
- Small road connections (only in no other reasonable connections can be made outside of wetland areas.

No dredging or filling will be allowed in wetlands except for utility poles.

No exception to the above restrictions will be allowed without a permit from the St. Johns River Water Management District.

Transfer of Development Rights – The density allocation for areas determined to be true wetlands will be 1 dwelling unit per 10 acres. This allotment shall not be used in the wetland areas but shall be allocated to an adjacent developable area.
Amended by Ordinance 99-18, 08/09/1999
Amended by Ordinance 10-19, 06/24/2010

Staff Analysis:

- The only wetlands on site would be considered the wetland vegetation below the normal high water mark of the lake, development will not encroach into that area and appropriate buffers have been established on the plans from the normal high water elevation. Boat docks, if approved will have to be permitted on an individual basis.

Policy 1-1.2.12: Urban Village. Properties designated with the Urban Village land use category are required to be developed at a floor area ratio not greater than 0.3, and a residential density not greater than 4 dwelling units per acre, except in the Village Center where the residential density shall be not greater than 12 units per acre. This land use designation is limited to those 658 ± acres identified on Figure 1.2. These parcels are located within the JPA-6 area as shown on Exhibit "B" 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 and were formally part of the Horizon West development in unincorporated Orange County that proposed the same type of development. Development in this area shall be characterized by a community Village structure that includes a Village, Village Center, and neighborhoods that may vary in size to facilitate recreation and pedestrian traffic while preserving natural systems and shall follow the development program below:

Use	Acres	Amount
Residential	531 ±	2,140
Commercial	20 ±	115,000 Sq Ft
Natural	107 ±	N/A

Notes: All parcel acreages and natural delineations are estimated.
Actual determination of acreage shall be made at time of the PUD rezoning.

Development in this land use shall also be subject to the regulations found in the Urban Village PUD zoning designation. The zoning classifications that is consistent with the Urban Village land use designation is the Urban Village PUD and INT.
Added by Ordinance 10-19, 06/24/2010

Staff Analysis:

- The waterside UVPUD is shown on the future land use map as Urban Village and the proposed project is consistent with that designation. The waterside UVPUD is consistent with the requirements of the Urban Village Planned Unit Development zoning district. The density of the project is less than the permitted 4 dwelling units per acre. Orange County has not objected to any of the development provisions as being in violation of the Interlocal Agreement JPA-6.

Objective 1-2.1: Integrate Land Uses and Multimodal Transportation within Activity Centers. Higher intensity development shall be directed to Activity Centers designed to accommodate land use diversity, to support multi-modal transportation alternatives, reduce vehicle miles traveled by offering mixed land uses, efficient delivery of public services, and to promote revitalization of underutilized property through redevelopment and reinvestment. Six Activity Centers are created to serve these purposes; Traditional Downtown, Downtown Transitional, Crown Point Hi-Tech, Story Road Employment, West State Road 50 Commercial, and the Fowler Grove Regional Activity Centers. Boundaries of these Activity Centers are delineated on Figure 1.3, Activity Center Map.
Added by Ordinance 10-19, 06/24/2010

Policy 1-2.1.1: Purpose of Activity Centers. The City will maintain its low density residential character by utilizing the Activity Centers. The Activity Centers will allow the City to encourage compact development, infill and redevelopment at higher intensities, and avoid large single uses of land. Integrate complementary land uses to live, work, and shop in close proximity. Encourage walkable and bikeable community design and encourage transit oriented development. By providing a mix of uses and an alternative to the single occupant automobile a reduction in both

vehicle miles traveled and green house gas emissions should be realized.
Added by Ordinance 10-19, 06/24/2010

Staff Analysis:

- The purpose of the Urban Village is to allow for integrated complimentary land uses to live, work and shop in close proximity. Waterside UVPUD is one component of this overall urban village.

Policy 1-2.1.3: Energy Efficient Land Use Patterns. Activity Centers will encourage a compact arrangement of higher density and intensity complementary land uses within these areas planned for urban development, infill, and redevelopment that will support a multimodal transportation system with accessibility to live, shop, play, and work opportunities.
Added by Ordinance 10-19, 06/24/2010

Staff Analysis:

- Waterside UVPUD is one part of the overall Urban Village and is consistent with this policy.

Policy 1-2.1.8: Development Supporting Transit and Pedestrian Oriented Design. Development and redevelopment occurring within Activity Centers shall give priority to site design needs for transit use and pedestrian activity above design needs for automobile facilities. The Land Development Code shall include incentives or bonuses to encourage transit and pedestrian friendly site design.
Added by Ordinance 10-19, 06/24/2010

Staff Analysis:

- The project is provided pedestrian facilities on the exterior of the project (marsh Road) as well as interior to the project and has provided for strong interconnection between the project and adjacent development.

Objective 1-2.5: Natural Resources. Ensure that natural resources are protected from development activities by the adoption and implementation of land development regulations as stated in Policy 1-1.1.1, of this Future Land Use Element. (9J-5.006(3)(b)4.) (9J-5.006(3)(c)8.)
Amended by Ordinance 97-02, 10/23/1997
Amended by Ordinance 99-18, 08/09/1999
Amended by Ordinance 10-19, 06/24/2010

Policy 1-2.5.3: Tree Protection. All new development will make all reasonable efforts to save existing specimen trees.
Amended by Ordinance 97-02, 10/23/1997
Amended by Ordinance 99-18, 08/09/1999

Staff Analysis:

- The specimen trees on the property are located along the shoreline of Johns Lake and the developer has provided unique protection for these trees. The plans protect the trees by use of easements and restrictions on the lot owners.

Objective 1-2.7: Utility and Infrastructure Planning. To continue to insure the availability of utilities and infrastructure to support proposed development (95J-5.006(3)(b)9.)
Amended by Ordinance 97-02, 10/23/1997
Amended by Ordinance 99-18, 08/09/1999

Policy 1-2.7.1: Concurrency. Effective upon a date consistent with the requirements of Section 163.3202, Florida Statutes, the City will condition development permits/orders, including but not limited to building permits, upon the

availability of the public facilities and services necessary to serve the proposed development at the adopted levels of service contained in the Comprehensive Plan of the City, and the City shall require that these facilities and services are available concurrent with the impacts of development and in accordance with the policies of this comprehensive plan.
Amended by Ordinance 97-02, 10/23/1997
Amended by Ordinance 10-19, 06/24/2010

Staff Analysis:

- The property has been determined by staff to meet all of the concurrency requirements of the city for all services. All services and facilities will be at the site with sufficient capacity prior to permitting development to proceed. The Orange County School Board has determined the project meets school concurrency.

Policy 1-2.7.3: Impact Fees. The City shall periodically review its Impact Fee Ordinance to ascertain that fees are being collected for roads, water, wastewater, recreation, and public safety in an equitable manner.
Amended by Ordinance 97-02, 10/23/1997

Staff Analysis:

- The city has adopted impact fees for all of the above named services and the development will pay those fees at the time of building permit issuance.

Policy 1-2.7.4: Essential Services. No final development permits shall be issued unless evidence is provided that assures that adequate essential services will be available at the time the impacts of the development will occur. This will include adjacent roads complying with the City's road specifications, adequate water pressure, and adequate wastewater piping and lift stations (i.e. avoid double pumping).
Amended by Ordinance 99-18, 08/09/1999

Staff Analysis:

- The documentation submitted by the developer and reviewed by staff as well as staff independent analysis indicates that sufficient capability of all services will be available to service the entire development. The adopted level of service standards will not be lowered as a result of this project.

Policy 1-2.7.5: Drainage. No final development permits shall be issued unless evidence is provided that assures adequate access and maintenance will be provided for stormwater drainage and storage facilities in perpetuity.
Amended by Ordinance 99-18, 08/09/1999

Staff Analysis:

- The drainage system proposed by the developer will meet or exceed the city requirements and the stricter requirement of the Wekiva Protection Act.

Policy 1-2.7.6: ROW. No final development permits shall be issued unless evidence is provided that assures that right of way for adjacent roads will be in conformance with the Winter Garden Area Transportation Study (WGATS) prepared by Transportation Consulting Group and adopted by the City Commission on March 28, 1996 (and as periodically amended) and the Future Traffic Circulation Map.
Amended by Ordinance 99-18, 08/09/1999

Staff Analysis:

- The plans provide for the necessary right of way for Marsh Road, necessary turn lanes and the roundabout at the main entrance.

Policy 1-2.7.7: Stand Alone Requirements. No development or phase of a development may occur unless that development will properly function on its own as if no other development will occur and not rely on the improvements of any other proposed development or phase of development.
Amended by Ordinance 99-18, 08/09/1999

Staff Analysis:

- The property size is sufficient that it can be developed as one or two phases. In either scenario the services and facilities will be sufficient to allow the phase or phases to stand on its own.

Objective 1-2.8: Innovated Regulation. To ensure the City's Land Development regulations provide up to date regulations with the changing trends in land development by the time frames set forth in the policies below. (9J-5.006(3)(b)10.)
Amended by Ordinance 97-02, 10/23/1997
Amended by Ordinance 99-18, 08/09/1999

Policy 1-2.8.3: Best Development Practices. The City hereby adopts and endorses the general principals of Reid Ewing's April 1996 "Best Development Practices." The City will specifically require the following principles for residential subdivisions:

(1) The development shall contribute to the area's job-housing balance

(2) Large developments (or clusters of small developments) shall provide a mix of land uses to include civic uses.

(3) Larger developments shall be developed in clusters

(4) PUDs shall place higher density near parks and commercial areas

(5) PUDs shall time commercial development and recreational opportunities in phase with residential development

(6) Residential developments shall make subdivisions into neighborhoods with well defined centers and edges

(7) Large residential developments and clusters of small developments must provide for schools sites

(8) PUDs shall concentrate commercial developments and shall not strip commercial developments along road frontages

(9) PUDs shall develop commercial centers into all purpose activity centers

(10) All developments shall reduce auto activity when possible and provide for pedestrian friendly environments to include at a minimum tree buffers between sidewalks and high speed roads.

(FS 163.3177(11) (a & (b)) and (FAC 9J-5.006(5)(j))
Amended by Ordinance 98-23, 06/25/1998
Amended by Ordinance 99-18, 08/09/1999

Staff Analysis:

- The project is one component of an overall urban village that seeks to provide jobs in close proximity to housing, a mix of commercial and civic uses, higher density near parks and commercial centers, and strives to make neighborhoods not subdivisions in a pedestrian friendly manner. The project has taken the necessary steps to connect both vehicles and pedestrians to the other portions of the urban village. By following the requirements of the UVPUD zoning district the project has supported the Urban Village concept and will be integrated with the overall Urban Village.

Objective 1-2.13: Neighborhood Creation and Preservation. To continue to define and preserve existing neighborhoods by enforcing regulations, policies, and programs to implement the following policies:
Amended by Ordinance 99-18, 08/09/1999
Amended by Ordinance 10-19, 06/24/2010

Policy 1-2.13.1: Having a Center. Each Neighborhood shall have a discernible center. This center may be a square or green, a park, a school, or a commercial area. A transit stop may be considered at this center. FS 163.3177(6)(a)
Amended by Ordinance 99-18, 08/09/1999

Staff Analysis:

- The project has provided a park at the entrance road on the lake to meet this requirement.

Policy 1-2.13.2: Pedestrian Friendly. Most of the dwellings within a neighborhood are within a five-minute walk of the center. This distance averages one-quarter of a mile.
Amended by Ordinance 99-18, 08/09/1999

Staff Analysis:

- The project meets the requirement.

Policy 1-2.13.3: Range of Housing Types. There is a variety of dwelling types within the Neighborhood. These usually take form in a variety of lot sizes for houses and perhaps some apartments. This variety provides housing for younger and older people, singles and families, the poor and the wealthy.
Amended by Ordinance 99-18, 08/09/1999

Staff Analysis:

- The waterside project has a variety of dwelling types but no apartments, apartments were not anticipated in the Urban Village Land use category.

Policy 1-2.13.4: Convenient Commercial. There are shops and offices at the edge of the Neighborhood. The shops should be sufficiently varied to supply the weekly needs of a household.
Amended by Ordinance 99-18, 08/09/1999

Staff Analysis:

- The waterside UVPUD is not of a size and not the right location for the commercial component of the Urban Village. Care was taken in the design to allow for pedestrian and vehicular access to the commercial core of the Urban Village.

Policy 1-2.13.5 Walkable Schools. There is an elementary school close enough so that most children can walk from their dwelling. This distance should not be more than one mile. FS 163.3177(6)(a)
Amended by Ordinance 99-18, 08/09/1999

Staff Analysis:

- The school board has not chosen to locate an elementary school in close proximity to this area to allow for this.

Policy 1-2.13.6: Recreation. There are small playgrounds quite near every dwelling. This distance should not be more than one-eighth of a mile.
Amended by Ordinance 99-18, 08/09/1999

Staff Analysis:

- The project is providing a water front park to comply with the need for recreation.

Policy 1-2.13.7: Disburse Traffic. The streets within the Neighborhood are a connected network. This provides a variety of itineraries and disperses traffic congestion.
Amended by Ordinance 99-18, 08/09/1999

Staff Analysis:

- All of the interior roads are connected, there are no cul de sacs provided. In addition the project has provided interconnection to all adjoining properties.

Policy 1-2.13.8: Shade. The streets have sidewalks which are shaded by rows of trees.
Amended by Ordinance 99-18, 08/09/1999

Staff Analysis:

- Developer will take care that all street trees are located in a manner that does not interfere with utilities service. Developer is utilizing trees and landscaping as a buffer to Marsh road rather than an imposing wall.

Policy 1-2.13.9: Civic Centers. Certain prominent sites are reserved for civic buildings. Buildings for meetings, education, religion or culture are located at the termination of street vistas or at the Neighborhood center.
Amended by Ordinance 99-18, 08/09/1999

Staff Analysis:

- The overall Urban Village is the more appropriate location for the civic centers and public meeting spaces though the waterside park will be a public meeting space.

Objective 1-3.1: Protection of Recharge and Natural Habitat. Winter Garden shall protect the most effective recharge areas (Figure 1.5), karsts features(Figure 1.6) and sensitive natural habitat including Longleaf Pine, Sand Hill, Sand Pine, and Xeric Oak Scrub(Figure 1.7), within the Wekiva Study Area through the delineation and adoption of the Wekiva Study Area Resource Protection Overlay(Figure 1.8).
Added by Ordinance 05-56, 06/14/2007
Amended by Ordinance 10-19, 06/24/2010

Policy 1-3.1.1: The entire municipal limits of the City of Winter Garden and its Joint Planning Area with Orange County are within the boundaries of the Wekiva Study Area but not within the boundaries of the Wekiva River Protection Area.

Staff Analysis:

- The Waterside UVPUD is in the Wekiva Study Area and is consistent with the requirements of the study area.

Policy 1-3.1.2: The Future Land Use Map of the City of Winter Garden is hereby amended and shall include the delineation of the Wekiva Study Area, and Resource Protection Overlay (WSA-5) which is the overlay consisting of the Most Effective Recharge Soils (WSA-4), Karst Features (WSA-2) and Sensitive natural Habitat (WSA-3). The city shall protect the Wekiva Study Area by establishing the Resource Protection Overlay land use and Resource Protection Overlay Zoning.
Added by Ordinance 05-56, 06/14/2007

Staff Analysis:

- The project has correctly identified the features of the Resource Protection Overlay that occurs on site. The development has taken into account the constraints posed by that designation and meet all the requirements and restrictions associated with it including substantial open space and buffers from Karst features and more stringent drainage requirements.

> **Policy 1-3.1.3:** All new development and all redevelopment within the city, which is located within the Resource Protection Overlay shall comply with the Wekiva Land Development Code provisions and the policies of this plan.
> Added by Ordinance 05-56, 06/14/2007

Staff Analysis:

- The project complies with the Wekiva Land Development code provisions and the policies of this plan.

> **Policy 1-3.1.4:** The Heavy Commercial and Industrial land uses are prohibited within the Resource Protection Overlay. Prohibited uses shall include but not be limited to uses that involve hazardous chemicals or materials that have the potential to contaminate surface or groundwater; including but not limited to petroleum and chemical tank farms, landfills, septic tank, heavy industry, fertilizer manufacturing, chemical storage and other similar uses
> Added by Ordinance 05-56, 06/14/2007

Staff Analysis:

- The project complies does not have heavy commercial or industrial use.

> **Policy 1-3.1.5:** Implement Best Management Practices and development standards such as increased buffers, setbacks, and open space to minimize the adverse impacts of development on the Resource Protection Overlay.
> Added by Ordinance 05-56, 06/14/2007

Staff Analysis:

- The project meets the buffers, setbacks and open space requirement.

> **Policy 1-3.1.6:** Prior to the issuance of any development permit within the Resource Protection Overlay, the applicant shall provide the following;
>
> (1) Soils report by a qualified professional to determine the location of all Type "A" Hydrologic soils, to identify the most effective recharge areas. If the soils analysis conclusively proves that the soils cannot provide recharge due to subsurface confining layers, then the presence of Type "A" soils will not, in and of themselves, require compliance with the Wekiva Provisions of the code.
>
> (2) Analysis by a qualified professional geologist to determine the location and nature of all Karst features on the property. If Karst features are determined to exist on the site further analysis shall be required to evaluate surface and subsurface characteristics in order to determine:
>
> a. Assessment of the potential for contamination
>
> b. Identify protective solution to be incorporated into the site design

(3) An analysis of the site by a qualified biologist to identify flora and fauna, state and federal listed species and vegetative habitat types including but not limited to Longleaf Pine, Sand Hill, Sand Pine and Xeric Oak Scrub.

The presence of one or more of the factors will require compliance with the Wekiva Study Area provisions of the codes.
Added by Ordinance 05-56, 06/14/2007

Staff Analysis:

- The development included all of the required information and the project is in compliance with the Wekiva Study area provisions of the city codes.

Policy 1-3.1.7: All new development and redevelopment within the Resource Protection Overlay shall be required to meet the following standards:

(1) All rezoning shall be to the appropriate Planned Development Zoning District.

(2) Minimum open space shall be 25% for both residential and non residential development consisting of WSA Open Space. WSA Open space will be preserved through the use of conservation easements, deed restriction, plats and/or dedication to the appropriate governmental agency, environmental association or homeowners association. Open space shall be connected to the greatest extent possible on-site and to natural areas and open space within adjacent property or corridors.

(3) Stormwater management systems in the Resource Protection Overlay shall provide retention of the total runoff generated by a twenty five year frequency, twenty four hour duration storm event from the developed site. Sites with no positive outfall, as determined by the City Engineer, shall be required to retain the total runoff of the 100 Year storm.

(4) To discourage development of the Resource Protection Overlay areas development may be clustered on or transferred to others areas of a development site outside the Resource Protection Overlay areas. The land development code shall provide for reduced lot size and increased ISR in Resource Protection Overlay areas to maximize WSA open space.

(5) The City of Winter Garden does not contain any identified sensitive natural habitat. A development that creates sensitive natural habitat of five acres or greater will receive density and intensity bonuses or other development incentives.

Added by Ordinance 05-56, 06/14/2007
Amended by Ordinance 08-31, 04/24/2008

Staff Analysis:

- The project complies with the requirements of this policy.

Policy 1-3.1.8: Wekiva Study Area (WSA) Open space shall be defined as land area within the Resource Protection Overlay that remains undisturbed or minimally disturbed such as trails and boardwalks, as part of a natural resource preserve or passive recreation area and shall include land preserved for Conservation purposes. WSA Open Space may include dry retention, passive recreation, school playgrounds and buffers. Up to fifty percent (50%) of the WSA Open Space requirement may be met with dry stormwater retention areas. None of the 25% WSA Open Space may be chemically treated with pesticides or fertilizers; provided, however, a development that creates sensitive natural habitat may be allowed limited use of pesticides and fertilizers to establish sensitive natural habitat. Restrictions concerning WSA Open Space shall be included in the City's Wekiva Land

Development Code requirements. WSA Open Space shall not include setback areas, private yards, street right of way, parking lots, impervious surfaces or active recreation areas.
Added by Ordinance 05-56, 06/14/2007
Amended by Ordinance 08-31, 04/24/2008

Staff Analysis:

- The project complies with the requirements of this policy.

Policy 1-3.1.9: The City of Winter priorities for open space protection are most effective recharge, karst features, and sensitive natural habitat including Longleaf Pine, Sand Hill, Sand Pine and Xeric Oak Scrub. The city will continue to use land acquisition and the land development code to protect WSA open space.
Added by Ordinance 05-56, 06/14/2007

Policy 1-3.1.10: The City of Winter Garden does not contain any identified springs or spring runs. All development shall be setback from any springs, spring runs, sinkholes and other karst features. All setback areas shall remain in its natural state.

DEVELOPMENT SETBACKS	
Feature	**Minimum Setback (Feet)**
Spring	300
Spring Run	100
Sinkhole with direct connection to aquifer	200
Sinkhole no direct connection to aquifer	100
Other Karst Features	200

Added by Ordinance 05-56, 06/14/2007

Staff Analysis:

- The project meets the setback requirement for a sinkhole with direct connection to the aquifer.

Goal 1-4: Transportation Concurrency Exception Area (TCEA). Pursuant to subsection 163.3164 (34) of the Florida Statutes (FS) the City of Winter Garden qualifies as a dense urban land area as determined by the Office of Economic and Demographic Research. As such, pursuant to subsection 163.3180 (5)(b)1.a., FS the City is designated a Transportation Concurrency Exception Area. The City shall utilize this designation to responsibly encourage growth in specific areas within the City.
Added by Ordinance 10-19, 06/24/2010

Objective 1-4.1: TCEA Creation. To establish a City wide transportation concurrency exception area to provide exemptions to transportation concurrency to support urban infill development, redevelopment, and the achievement of the City's redevelopment goals by addressing mobility, urban design, land use mix, network connectivity and reduction in the reliance of the single occupant automobile and reduction in vehicle miles traveled.
Added by Ordinance 10-19, 06/24/2010

Staff Analysis:

- The project does not lower the adopted level of service standard and does not require creation of a Transportation Concurrency Exception Area. The project meets the transportation concurrency requirements.

Policy 1-4.1.1: TCEA Interim Mobility Strategies. The City recognizes the need for concurrency exceptions to stimulate development within the City. Notwithstanding

policies in the comprehensive plan that establishes roadway level-of-service and transportation concurrency standards, development within the TCEA shall be exempt from those standards except as outlined in policies for mobility found in the Multi Modal Transportation Element. Mobility within the City shall be maintained by the implementation of the strategies and programs in the Multi Modal Transportation Element and through complementary policies in other elements of the comprehensive plan. TCEA mobility strategies may include, but not be limited to:

(1) Transportation demand management program

(2) Transportation system management program

(3) Revised parking standards and regulations

(4) Local and regional transit service

(5) Enhanced pedestrian and bicycle facilities

(6) Transit facility improvements

(7) Complete streets policy implementation

(8) Neighborhood traffic management programs

(9) Transit and pedestrian oriented site design standards

Added by Ordinance 10-19, 06/24/2010

Staff Analysis:

- The project does not lower the adopted level of service standard and does not require creation of a Transportation Concurrency Exception Area. The project meets the transportation concurrency requirements.

Policy 1-4.1.5: Complete Streets. Implement the "complete streets" policy to ensure that all modes of transportation are incorporated into proposed plans for roadway modifications within the TCEA. The intent of this policy is to develop a comprehensive, integrated, multimodal street network by coordinating transportation planning strategies and private development activities as follows:

(1) Provide safe and convenient on-site pedestrian circulation such as sidewalks and crosswalks connecting buildings, parking areas, and existing or planned public sidewalks

(2) Provide cross-access connections/easements or joint driveways where available and cost effective.

(3) Deed land or convey required easements, as requested by the City, for the construction of public sidewalks, bus turn-out facilities, and/or bus shelters with appropriate credits toward developer contribution requirements.

(4) Where appropriate, developers shall provide for the following improvements with credits toward contribution requirements:

- Project turn lanes
- Bus shelters
- Adjacent sidewalks
- Streetscaping/landscaping within the public right-of-way
- Additional bicycle parking.

Added by Ordinance 10-19, 06/24/2010

Staff Analysis:

- The project does not lower the adopted level of service standard and does not require creation of a Transportation Concurrency Exception Area. The project meets the transportation concurrency requirements.

> **Policy 1-4.1.6:** City adopts these standards as interim mobility standards and shall develop land use and transportation strategies to support and fund mobility by July 9, 2011 consistent with Section 163.3180(5)(b)4., F.S.
> Added by Ordinance 10-19, 06/24/2010

Staff Analysis:

- The project does not lower the adopted level of service standard and does not require creation of a Transportation Concurrency Exception Area. The project meets the transportation concurrency requirements.

CHAPTER 2: MULTIMODAL TRANSPORTATION ELEMENT

Goal 2-1: Multimodal Transportation System. To provide the development of an overall multimodal transportation system which provides for the needs of the City by providing alternative travel choices and integrating with land use to work towards reduced vehicle trips and/or shorter trip lengths while protecting established residential areas, environmentally sensitive areas, and historically significant sites. (9J-5.007(3)(a)
Amended by Ordinance 97-02, 10/23/1997
Amended by Ordinance 10-19, 06/24/2010

Objective 2-1.1: Multimodal Transportation System Implementation. The City shall, in cooperation with area wide and State agencies, provide for a safe, convenient, multimodal and energy efficient motorized and non-motorized transportation system. The measurement of this objective shall be determined by the degree to which the following policies are implemented. (9J-007(3)(b)1.)
Amended by Ordinance 97-02, 10/23/1997
Amended by Ordinance 00-10, 07/27/2000

Policy 2-1.1.1: The City adopts the following acceptable peak hour Level of Service (LOS) standards for all roads within the city for planning purposes:

Study Roadways

Roadway	From	To	Adopted LOS
9th Street	Plant Street	SR 50 (West Colonial Drive)	E
Beard Road	Daniels Road	Beulah Road	E
Beulah Road	Roper Road	SR 50 (West Colonial Drive)	E
Carter Road	SR 50 (West Colonial Drive)	Story Road	E
CR 535/Winter Garden-Vineland Road	Lake Butler Boulevard	Stoneybrook Parkway/Daniels Road	E
CR 535/Winter Garden-Vineland Road	Stoneybrook Parkway/Daniels Road	SR 50 (West Colonial Drive)	E
CR 545/Avalon Road	SR 50 (West Colonial Drive)	Davenport Road	E
Crest Avenue	Division Street	Fullers Cross Road	E
Crown Point Cross Road	Hennis Road	East Crown Point Road	E
Daniels Road	Stoneybrook Parkway	SR 50 (West Colonial Drive)	E
Dillard Street	SR 50 (West Colonial Drive)	Plant Street	E
Division Street	Hennis Road	Lakeview Avenue	E
East Crown Point Road	Plant Street	Northeast City Limits	E
Florida Turnpike (SR 91)	Eastern City Limits	Western City Limits	D
Fullers Cross Road	Crest Avenue	East Crown Point Road	E
Hennis Road	Plant Street	Crown Point Road	E
Lake Butler Boulevard	CR 535/Winter Garden-Vineland Road	Clarice Court	E
Lake Butler Boulevard	Clarice Court	McKinnon Road	E
Lakeview Avenue	Tilden Street	Division Street	E
Marsh Road	Avalon Road	Western City Limits	E
Park Ave	Tilden Street	SR 50 (West Colonial Drive)	E
Plant Street	Eastern City Limits	Western City Limits	E
Roper Road	CR 535/Winter Garden-Vineland Road	Beulah Road	E
SR 50 (West Colonial Drive)	Western City Limits	Western Beltway (SR 429)	D
Stoneybrook Parkway	Avalon Road	Windermer Road	E
Story Road	Eastern City Limits	Western City Limits	E
Tilden Road	Avalon Road	CR 535/Winter Garden-Vineland Road	E
Tilden Street	Park Avenue	Lakeview Avenue	E
Tildenville School Road/(CR 545)	SR 50 (West Colonial Drive)	Plant Street	E
Warrior Road	Windermere Road	Beulah Road	E
West Crown Point Road	Plant Street	Crown Point Cross Road	E
Western Beltway (SR 429)	Southern City Limits	Clarcona-Ocoee Road	D
Windermere Road	Stoneybrook Parkway	Warrior Road	E
Public Transit		30 Minute Headways	

Luke Transportation Engineering Consultants, 2009

Amended by Ordinance 96-13, 06/27/1996
Amended by Ordinance 97-02, 10/23/1997
Amended by Ordinance 99-19, 09/09/1999
Amended by Ordinance 00-10, 07/27/2000
Amended by Ordinance 10-19, 06/24/2010

Staff Analysis:

- The project does not lower the adopted level of service standard for Marsh Road.

Policy 2-1.1.5: Pedestrian and Bicycle. The City shall continue to implement the Bicycle and Pedestrian Master Plan developed in conjunction with FDOT in 2002 as an alternative means of transportation around the City and to further reduce greenhouse gas emissions. (9J-5.019(4)(c)5.)
Amended by Ordinance 97-02, 10/23/1997
Amended by Ordinance 99-19, 09/09/1999
Amended by Ordinance 00-10, 07/27/2000
Amended by Ordinance 10-19, 06/24/2010

Staff Analysis:

- The project has internal and external pedestrian and bicycle facilities that will eventually tie into the overall system at Stoneybrooke Parkway and Avalon Road.

Policy 2-1.1.7: Sidewalks. The City will install sidewalks with the roadway improvements to Plant Street and CR 545/Avalon Road projects. The City will work to insure installation of adequate sidewalks with the FDOT SR 50 widening project and with Orange County for the CR 535 road widening project to provide alternative transportation modes for circulation throughout the City.
Added by Ordinance 10-19, 06/24/2010

Staff Analysis:

- The project has internal and external pedestrian and bicycle facilities that will eventually tie into the overall system at Stoneybrooke Parkway and Avalon Road.

Policy 2-1.1.8: Reserved.
Deleted by Ordinance 10-19, 06/24/2010

Policy 2-1.1.12: Engineering Standards. No final development permit shall be issued that will construct a road improvement that is significantly inconsistent with the standards and specifications approved by the American Association of State Highway and Transportation Officials (AASHTO) or the Florida Department of Transportation.
Added by Ordinance 99-19, 09/09/1999

Staff Analysis:

- The project is designed to those standards and no waiver of those standards has been requested.

Objective 2-1.2: Transportation System and Land Use Coordination. To coordinate the transportation system with the future Land Use Map and to ensure that existing and proposed populations densities, housing and employment patterns and land uses are consistent with the transportation modes and services proposed to serve these areas. The measurement of this objective is the degree to which the following policies are implemented. ((9J-007(3)(b)2.) & (9J-5.019(4)(b)2.))
Amended by Ordinance 97-02, 10/23/1997
Amended by Ordinance 99-19, 09/09/1999
Amended by Ordinance 00-10, 07/27/2000
Amended by Ordinance 10-19, 06/24/2010

Policy 2-1.2.1: Traffic Circulation. The City shall require all new development and redevelopment to provide a traffic circulation plan which illustrates safe access to the system and coordinates projected traffic flow with the existing street pattern. The traffic circulation plan shall address median cuts, acceleration and deceleration lanes, storage turn lanes, signage and signalization. Standards for the preceding shall be adopted in the City's land development regulations.
Amended by Ordinance 97-02, 10/23/1997

Staff Analysis:

- The project has been designed with safe access to the road network with appropriate turn lanes and a roundabout to control traffic flow.

Policy 2-1.2.2: Access Management. In its review of development plans, the City will carefully review proposed access points and limit them to provide reasonable access to the site and address safety issues. It will require frontage roads, shared access points, cross access and restricted turning movements where necessary. It will ensure that all development on State roads is consistent with Chapters 14-96 and 14-97, F.A.C. (9J-5.019(4)(c)2.))
Amended by Ordinance 97-02, 10/23/1997
Amended by Ordinance 99-19, 09/09/1999
Amended by Ordinance 10-19, 06/24/2010

Staff Analysis:

- The project has been limited to two access points and required to have interconnection to the adjoining properties to insure safe access for all the projects in the area.

Policy 2-1.2.4: Best Development Practices. The City hereby adopts and endorses the general principals of Reid Ewing's April 1996 "Best Development Practices." The City will specifically require the following principles for residential subdivisions:

(1) Development shall allow for through streets spaced no more than ½ mile apart.

(2) Residential subdivisions shall use traffic calming devices liberally.

(3) Residential subdivisions shall be designed to keep speeds on local streets below 20 mph.

(4) Developments shall be designed to keep speeds on collectors within the development to no more than 35 mph.

(5) Residential subdivisions shall keep all streets as narrow as permissible by the LDRs.

(6) PUDs shall be designed to avoid using traffic signals wherever possible.

(7) All developments shall provide for pedestrian friendly environments to include shortcuts whenever possible and shall develop pedestrian routes away from high speed roads or provide buffering.

(8) PUDs shall incorporate transit orientated design features where applicable.
Amended by Ordinance 98-23, 06/25/1998

Staff Analysis:

- The project meets criteria 1-8.

Policy 2-1.2.5: Intersection Alignments. All new development must conform with the new intersection alignments as identified in the Future Traffic Circulation Map if it is determined that said alignment will not present any undue economical hardship.
Amended by Ordinance 00-10, 07/27/2000

Staff Analysis:

- The intersection of the project with Marsh Road at a roundabout is located at the most appropriate location for an intersection.

Objective 2-1.4: Right-of-Way Protection. The City shall protect both existing and future rights-of-way from building encroachment. The measurement of this objective

shall be the lack of encroachment on these rights-of-way and the degree to which the following policies are implemented. (9J-5.019(4)(b)5.))
Amended by Ordinance 97-02, 10/23/1997
Amended by Ordinance 99-19, 09/09/1999
Amended by Ordinance 10-19, 06/24/2010

Staff Analysis:

- The project has provided for the necessary right of way for Marsh Road, the roundabout and for necessary turn lanes.

Policy 2-1.4.1: Development Plans - The City shall pursue needed rights-of-way, for both existing and future roads, through dedication when development plans are presented. If condemnation is necessary, the City will work with the entity responsible for the roadway with respect to obtaining data regarding the condemnation proceedings. By December 2011, the City will develop a right of way map indicating where right of way exists and areas where right of way is needed. (9J.007(3)(c)5.) & (9J-5.019(4)(c)4.))
Amended by Ordinance 97-02, 10/23/1997
Amended by Ordinance 99-19, 09/09/1999
Amended by Ordinance 00-10, 07/27/2000
Amended by Ordinance 10-19, 06/24/2010

Staff Analysis:

- The development has provided the necessary right of way at no cost to City.

Policy 2-1.4.4: ROW Preservation – By December 2011, the City shall establish a right of way preservation policy. Until that time, no new development may receive building permits that significantly vary from the Winter Garden Area Transportation Study (WGATS) or the Future Traffic Circulation Map.
Amended by Ordinance 97-02, 10/23/1997
Amended by Ordinance 00-10, 07/27/2000
Amended by Ordinance 10-19, 06/24/2010

Staff Analysis:

- The development has provided the necessary right of way at no cost to City.

Objective 2-1.5: Subdivision Circulation. The city shall ensure that new residential subdivisions will be designed to allow for dispersal of residential traffic, and to minimize the impact of residential traffic at connections to the surrounding street systems, by providing for interconnection between developments that accommodates travel demands between adjacent neighborhoods, by connectivity and providing networks for pedestrian and bicycle transportation.

Policy 2-1.5.1: Multiple Connection. New residential subdivisions shall include an internal street layout which shall continuously connect to the streets of surrounding developments to accommodate travel demand between adjacent neighborhoods without the necessity of using the major thoroughfare system.

Staff Analysis:

- The design of the project is consistent with this requirement.

Policy 2-1.5.2: Pedestrian Connections. Subdivision design standards shall require residential subdivisions be interconnected with safe and adequate pedestrian and bicycle routes. These routes shall provide access to surrounding areas, including schools, parks, commercial areas and other destinations. Connections to adjacent existing or planned sidewalks and bicycle paths shall be required. (9J-5.019(4)(c)5.)
Amended by Ordinance 00-10, 07/27/2000

Staff Analysis:

- The project complies with this requirement.

> **Policy 2-1.5.3:** Stubout Requirements. Subdivisions shall be designed to include stubouts to connect to abutting undeveloped lands and/or land with redevelopment potential. Provisions for future connections shall be provided in all directions whether the streets are public or private, except where abutting land is undevelopable. New subdivisions shall align their roadways to connect with the stubouts provided by the adjacent developments.

Staff Analysis:

- The project complies with the stub out requirements.

> **Policy 2-1.5.4:** Gated Community Restrictions. New subdivisions requesting to become a gated community will only be permitted if they are isolated by environmental or infrastructure constraints that limit access to a single point. Constraints or isolation by design shall not be considered sufficient to allow gating.
> Added by Ordinance 98-23, 06/25/1998

Staff Analysis:

- The project is proposing that a portion of the site be gated.

CHAPTER 3: HOUSING ELEMENT

Goal 3-1: Housing Supply. To Ensure that a variety of safe, decent, attractive and affordable housing is provided to meet the needs of present and future residents of Winter Garden and takes into account energy efficiency and conservation. (9J-5.010(3)(a))
Amended by Ordinance 97-02, 10/23/1997
Amended by Ordinance 99-48.1, 12/09/1999, Renumbered 99-48 by Resolution 00-01
Amended by Ordinance 10-19, 06/24/2010

Policy 3-1.1.5: Development Criteria. The City will continue to apply development regulations that provide minimal design criteria such as minimum square footage, minimal impervious surface, requirements for placement of HAVC units, and aesthetic controls.
Added by Ordinance 97-02, 10/23/1997
Amended by Ordinance 99-48.1, 12/09/1999, Renumbered 99-48 by Resolution 00-01
Amended by Ordinance 10-19, 06/24/2010

Staff Analysis:

- The project meets the city requirements.

Policy 3-1.1.6: Land Development Regulations. the City will annually review the need to change the existing Land Development Regulations to include any recent changes in land use and land development such as neo-traditional neighborhood design, small lot zoning, etc. The City shall also review the LDRs to eliminate any requirements that are no longer needed or appropriate.
Added by Ordinance 97-02, 10/23/1997
Amended by Ordinance 99-48.1, 12/09/1999, Renumbered 99-48 by Resolution 00-01
Amended by Ordinance 10-19, 06/24/2010

Staff Analysis:

- The Urban village PUD zoning is an innovative land development regulation that addresses design criteria and smaller lot sizes in exchange for better open space, environmental protection and higher quality development.

CHAPTER 4: PUBLIC FACILITIES ELEMENT

SECTION I: GENERAL

Goal 4-1: Adequate Public Facilities. Public facilities including sanitary sewer, solid waste, drainage, potable water, lower quality water sources (such as reclaimed water and surface/stormwater) and natural groundwater aquifer recharge shall be provided in a manner which protects City investment in existing facilities and promotes orderly compact urban growth. (9J-5.011(2)(a))
Amended by Ordinance 97-02, 10/23/1997
Amended by Ordinance 09-59, 01/28/2010
Amended by Ordinance 10-19, 06/24/2010

Objective 4-1.1: Concurrency. On an ongoing basis the City shall continue to enforce the Concurrency Requirements adopted in the Land Development Regulations that ensures that at the time a development permit is issued, adequate facility capacity is available or will be available when needed to serve the development.
Amended by Ordinance 97-02, 10/23/1997

Policy 4-1.1.1: LOS Standards. The following level of service (LOS) standards are adopted by the City and shall be used as the basis for determining the availability of facility capacity and the demand generated by a development or redevelopment:

FACILITY	LOS STANDARD
SANITARY SEWER	
Residential	250 gal./day/unit
All other uses	250 gal./day/ERU
POTABLE WATER	
Residential	350 gal./day/unit
All other uses	350 gal./day/ERU
SOLID WASTE	5.6 pounds/day/person
DRAINAGE	Onsite retention: Retain the first 1/2 inch of run off
	Storm event: 25 year 24 hour
	Quantity: Post development stormwater runoff flow rates, quantities, peaks, and velocities shall be equal to or less than predevelopment runoff (9J-5.011(2)(c)2.1))

Amended by Ordinance 97-02, 10/23/1997
Amended by Ordinance 98-32, 12/10/1998
Amended by Ordinance 10-19, 06/24/2010

Staff Analysis:

- The project meets the concurrency standards and level of services standards for the above facilities.

Policy 4-1.1.2: Concurrency. All proposed improvements or expansion shall meet the adopted LOS standards for the facility being improved.
Amended by Ordinance 97-02, 10/23/1997

Staff Analysis:

- The project meets the concurrency standards and level of service standards adopted by the City.

Policy 4-1.1.4: The City shall issue no development orders or development permits without first consulting with the utility service provider (City of Winter Garden Public Services Department or Orange County) to determine whether adequate water supplies to serve the development will be available no later than the anticipated date of issuance by the City of a certificate of occupancy or its functional equivalent. The City will also ensure that adequate water supplies and facilities are available and in place prior to issuing a certificate of occupancy or its functional equivalent.
Added by Ordinance 09-59, 01/28/2010
Amended by Ordinance 10-19, 06/24/2010

Staff Analysis:

- The City utility department has determined that there is sufficient capacity in all the services to accommodate the entire project.

Policy 4-1.1.5: To ensure that adequate water supply and capacity allocations for all developments, the City may require any development to use developer's agreements and/or develop in more than one phase.
Added by Ordinance 09-59, 01/28/2010

Staff Analysis:

- The City and developer are entering a developers agreement for the extension of services to the site.

Objective 4-1.2: Discourage Sprawl. To discourage sprawl, encourage infill development, and reduce the impacts caused by septic tanks and package plants by providing water and wastewater facilities to the portions of the City that these facilities are presently unavailable or are presently not connected; as per the City's Water and Wastewater Master Plan as amended.
Amended by Ordinance 97-02, 10/23/1997
Amended by Ordinance 00-66, 12/09/1999
Amended by Ordinance 10-19, 06/24/2010

Objective 4-1.5: Reclaimed Water. To ensure efficient operation of the reclaimed water system.
Amended by Ordinance 09-59, 01/28/2010

Policy 4-1.5.1: The City shall adopt regulations to ensure for the efficient operation of the reclaimed water system for the health or safety of the general public or the customer, regarding the following matters:

(1) The times of day or night during which the reuse may be used by its customers.

(2) The maximum rate of use of the reuse water by its customers.

(3) The right to inspect reclaimed water devices, facilities, and terminate service to reclaimed water system found to be in violation of any City ordinance, regulation or procedure.

(4) Upon being connected to the City's reclaimed water system, the use of water for landscape irrigation from a well is prohibited, unless the reclaimed water from the well is otherwise authorized by the St. Johns River Water Management District pursuant to Part II, Chapter 373, F.S.

(5) The right to impose the mandatory payment of fees for the installation and usage of reclaimed water systems. Once service is connected, the user shall pay a minimum monthly charge set by resolution of the City Commission.

(6) The right to temporarily discontinue service to any portion of, or the entire, reclaimed water system as deemed necessary by the City.

Amended by Ordinance 09-59, 01/28/2010
Amended by Ordinance 10-19, 06/24/2010

Staff Analysis:

- The project will connect to the reclaimed system and comply with the requirements of the policy.

Goal 4-2: Sanitary Wastewater Management. To provide a long term environmentally safe and efficient means of collection and treatment of sanitary wastewater. (9J-5.011(2)(a))
Added by Ordinance 97-02, 10/23/1997
Amended by Ordinance 10-19, 06/24/2010

Objective 4-2.1: Improvement to Wastewater System. To correct any existing facility deficiencies, to coordinate the expansion or increase in capacity, to maximize the existing wastewater collection and treatment facilities, and to discourage urban sprawl by the implementation of the City's wastewater system. (9J-5.011(2)(b))
Amended by Ordinance 97-02, 10/23/1997
Amended by Ordinance 10-19, 06/24/2010

Policy 4-2.1.2: Service Area. The service area will include the City and that portion of unincorporated area agreed upon by Orange County and the City.
Amended by Ordinance 97-02, 10/23/1997

Staff Analysis:

- The project is in the city service area and will obtain service from Winter Garden.

Policy 4-2.1.4: Capacity Expansions. The City will continue to plan for treatment plant capacity, the extension of the collection system and lift stations for the developing areas of the City and service area.
Amended by Ordinance 97-02, 10/23/1997

Staff Analysis:

- The City will allow the developer to extend service to this area.

Policy 4-2.1.5: Mandatory Connection. The City shall continue to require connection of developed properties when service is within 200 feet of the sanitary sewer system.
Amended by Ordinance 97-02, 10/23/1997

Staff Analysis:

- The project will connect to the city services.

Policy 4-2.1.8: Package Plants. The City will maintain measures which control or prohibit the use of package treatment plants where City service is available.
Amended by Ordinance 97-02, 10/23/1997
Amended by Ordinance 09-59, 01/28/2010

Staff Analysis:

- The project will not have a temporary package plant.

Policy 4-2.1.16: All new development and redevelopment shall connect to central wastewater systems.
Added by Ordinance 00-66, 12/09/1999

Staff Analysis:

- This project is a new development and will be required to connect to central wastewater.

Policy 4-2.1.17: The City shall require the installation of dual-lined distribution systems and individually metered connections for all new developments. All new development and redevelopment shall connect to reuse systems. City will identify

potential users from existing developed properties and will implement reuse where practicable and financially feasible.
Added by Ordinance 00-66, 12/09/1999
Amended by Ordinance 09-59, 01/28/2010

Staff Analysis:

- The project will connect to the city reuse system.

SECTION IV: STORMWATER DRAINAGE SUB-ELEMENT

Goal 4-4: Stormwater Management. To provide a long term environmentally safe and efficient means of collection and retaining stormwater runoff. (9J-5.011(2)(a))
Added by Ordinance 97-02, 10/23/1997
Amended by Ordinance 10-19, 06/24/2010

Objective 4-4.1: Improvement to Stormwater System. To correct any existing stormwater deficiencies, to coordinate the establishment of new stormwater retention facilities, to protect the function of natural drainage systems, and to maximize the existing stormwater retention facilities. (9J-5.011(2)(b))
Amended by Ordinance 97-02, 10/23/1997
Amended by Ordinance 10-19, 06/24/2010

Policy 4-4.1.1: Stormwater Management Ordinance. The City shall continue to enforce stormwater management ordinance.
Amended by Ordinance 97-02, 10/23/1997

Staff Analysis:

- The project will comply with the city stormwater requirements and the stricter Wekiva Protection Act requirements.

Policy 4-4.1.3: Site Plan Review. As a part of its site plan review process, the applicant will be required to show natural drainage features and the proposed method of protection.
Amended by Ordinance 97-02, 10/23/1997

Staff Analysis:

- The project will comply with the city stormwater requirements and the stricter Wekiva Protection Act requirements.

Policy 4-4.1.4: St. Johns. The City will continue to require a permit from the St. Johns River Water Management District prior to the issuance of a development order.
Amended by Ordinance 97-02, 10/23/1997

Staff Analysis:

- The project will comply with the city stormwater requirements and the stricter Wekiva Protection Act requirements.

Policy 4-4.1.7: HOA. When drainage systems are to be maintained by homeowners associations, the City shall review the documents to insure that maintenance will occur.
Amended by Ordinance 97-02, 10/23/1997

Staff Analysis:

- The project will comply with the city stormwater requirements and the stricter Wekiva Protection Act requirements.

Policy 4-4.1.10: Wetlands. The City will review its zoning code to ascertain and remove any wording which would encourage the development of wetland areas.
Amended by Ordinance 97-02, 10/23/1997

Staff Analysis:

- The only wetlands on site are below the normal high water elevation of Johns Lake and are not being developed.

Policy 4-4.1.11: Water Quality. The City hereby requires the water quality for all new stormwater retention systems to conform to State water quality standards as set forth in the State Water Policy, Chapter 17-40, and Chapter 17-25 of the F.A.C. (9J-5.011(2)(c)5.a.))
Added by Ordinance 97-02, 10/23/1997

Staff Analysis:

- The project will comply.

SECTION V: POTABLE WATER SUB-ELEMENT

Goal 4-5: Potable Water Management. To provide a long term safe and efficient means of collection and distribution of potable water throughout the City. (9J-5.011(2)(a))
Amended by Ordinance 97-02, 10/23/1997
Amended by Ordinance 10-19, 06/24/2010

Objective 4-5.1: Improvement to Potable Water System. To correct any existing facility deficiencies, to coordinate the extension or increase capacity, to maximize the existing facilities of the City's potable water transmission and distribution system, and to discourage urban sprawl by the planning and implementation of the City's Water system. (9J-5.011(2)(b))
Amended by Ordinance 97-02, 10/23/1997
Amended by Ordinance 10-19, 06/24/2010

Policy 4-5.1.3: Service Area. The service area will include the City and that portion of unincorporated area agreed upon by the City and Orange County.
Amended by Ordinance 97-02, 10/23/1997

Staff Analysis:

- The project is in the city service area and will connect to city system.

Policy 4-5.1.5: Capacity Needs. The City shall continue to plan for treatment plant capacity, storage facilities, and the distribution system for the developing areas of the City and the service area.
Amended by Ordinance 97-02, 10/23/1997

Staff Analysis:

- The development will extend distribution lines to the area.

Policy 4-5.1.6: Mandatory Connection. The City shall continue to require development, redevelopment, and existing development to connect to the City's potable water system when financially feasible.
Amended by Ordinance 97-02, 10/23/1997
Amended by Ordinance 10-19, 06/24/2010

Staff Analysis:

- The project will connect to the city system.

Policy 4-5.1.7: Irrigation. The City shall continue its policy to meter all irrigation water uses, regardless of source.
Amended by Ordinance 97-02, 10/23/1997
Amended by Ordinance 00-66, 12/09/1999
Amended by Ordinance 09-59, 01/28/2010

Staff Analysis:

- The project will connect to the city reuse system.

Policy 4-5.1.8: Package Plants. The City will control or prohibit the use of package treatment plants.
Amended by Ordinance 97-02, 10/23/1997
Amended by Ordinance 00-66, 12/09/1999

Staff Analysis:

- The project will not have a package plant.

Policy 4-5.1.9: New Development. Approval of new development will be based, in part, on the evaluation of the impact on the Water System.
Amended by Ordinance 97-02, 10/23/1997

Staff Analysis:

- Utilities department has determined that there is sufficient capacity to accommodate this development.

Policy 4-5.1.10: Funding. The City shall require that the total cost of new service be funded by the user of that service.
Amended by Ordinance 97-02, 10/23/1997

Staff Analysis:

- The project will extend the service to the property at their cost.

Policy 4-5.1.11: Design Capacity. The City shall track the potential impacts of all approved but not built development. No additional development permits shall be issued when potential impacts will be greater than the design capacity of the total water treatment system or will exceed the City's Consumptive Use Permit. (9J-5.011(2)(c)4.)
Added by Ordinance 97-02, 10/23/1997

Staff Analysis:

- The City system has sufficient capacity to accommodate this development proposal.

SECTION VI: AQUIFER RECHARGE SUB-ELEMENT

Goal 4-6: Aquifer Recharge Management. To provide a long term means of protecting the aquifer. (9J-5.011(2)(a))
Added by Ordinance 97-02, 10/23/1997
Amended by Ordinance 10-19, 06/24/2010

Objective 4-6.1: Quality and Quantity Preservation. The City shall continue to implement the land development regulations which will preserve and protect the quality and quantity of groundwater through the establishment of impervious surface ratios in recharge areas; the limitation of incompatible uses permitted adjacent to wellfields and aquifer recharge areas; and the control of stormwater runoff that discharges into such areas. (9J-5.011(2)(b)5.)
Amended by Ordinance 97-02, 10/23/1997
Amended by Ordinance 00-66, 12/09/1999
Amended by Ordinance 10-19, 06/24/2010

Policy 4-6.1.1: St. Johns - The City shall require all development requests to meet its Stormwater Management Ordinance requirements; meet its level of service standards for drainage; and have a valid St. Johns River Water Management District permit or exemption letter.
Amended by Ordinance 97-02, 10/23/1997

Staff Analysis:

- The project will meet or exceed the drainage requirements.

Policy 4-6.1.2: Landscaping - The City shall continue to enforce a landscape ordinance.
Amended by Ordinance 97-02, 10/23/1997
Amended by Ordinance 00-66, 12/09/1999

Staff Analysis:

- The project exceeds the requirements of the landscape ordinance.

Policy 4-6.1.3: Site Plans - Applicants for site plan approval will be asked to define existing natural drainage features as well as means for their protection.
Amended by Ordinance 97-02, 10/23/1997

Staff Analysis:

- The project will accommodate the natural drainage occurring onsite and will not direct drainage on other properties.

Policy 4-6.1.6: Recharge Areas - Any identified prime recharge areas which are undeveloped will be protected by the City. (9J-5.011(2)(c)4.)
Amended by Ordinance 97-02, 10/23/1997

Staff Analysis:

- The project is complying with the Wekiva Study Area requirements for protection of the recharge areas.

CHAPTER 5: CONSERVATION ELEMENT

Goal 5-1: Natural Resource Protection. The City of Winter Garden strives to be the best steward of our natural resources. The City will strive to conserve, protect and enhance our natural resources including, air, surface water, groundwater, vegetative communities, wildlife listed as threatened, endangered or species of special concern, soils, flood plan, recharge area, aquifer, wetlands and energy resources. (9J-5.013(2)(a))
Amended by Ordinance 00-68, 04/26/2001
Amended by Ordinance 10-19, 06/24/2010

Objective 5-1.2: Surface Water Quality. The City shall maintain or improve the quality of all surface waters in the City, implementing the land development regulations which implement the applicable objectives of the Lake Apopka SWIM Program. (9J-5.013(2)(b)2)
Amended by Ordinance 00-68, 04/26/2001
Amended by Ordinance 10-19, 06/24/2010

Policy 5-1.2.1: The City shall continue tertiary treatment of wastewater.

Policy 5-1.2.2: The City shall continue to implement the land development regulations and require all development and redevelopment provide for drainage and stormwater management, water quality enhancement and stormwater attenuation.
Amended by Ordinance 00-68, 04/26/2001
Amended by Ordinance 10-19, 06/24/2010

Staff Analysis:

- The project meets or exceeds the city requirements and the requirements of the Wekiva Protection Act.

Policy 5-1.2.3: Winter Garden shall continue to improve design standards, monitoring, construction and maintenance requirements for stormwater retention/detention systems, and shall ensure compliance of these requirements to prevent degradation of the receiving surface water bodies. These requirements shall be included in the Land Development Code.
Amended by Ordinance 00-68, 04/26/2001
Amended by Ordinance 10-19, 06/24/2010

Staff Analysis:

- The project meets or exceeds the city requirements and the requirements of the Wekiva Protection Act.

Policy 5-1.2.7: Wetland Buffers. The City shall continue to enforce the wetland buffer requirements, as required by the Land Development Code, to help protect wetlands.
Amended by Ordinance 00-68, 04/26/2001
Amended by Ordinance 10-19, 06/24/2010

Staff Analysis:

- The project has provided the appropriate wetland buffer requirement.

Policy 5-1.2.8: Winter Garden shall maintain acceptable water quality standards for surface water bodies, ensuring an aquatic environment that meets or exceeds State and Federal standards.
Added by Ordinance 10-19, 06/24/2010

Staff Analysis:

- The project meets or exceeds the city requirements and the requirements of the Wekiva Protection Act. The design of the project incorporates additional protection for the lake.

Policy 5-1.2.9: Winter Garden shall continue to enforce water quality standards by identifying all point and significant non-point sources of water pollution, and expand programs to reduce the harmful impacts of these pollutants on the natural environment.
Added by Ordinance 10-19, 06/24/2010

Staff Analysis:

- The design of the project will insure that fertilizers and pollutants do not discharge to the lake.

Policy 5-1.2.10: Winter Garden shall prohibit the discharge of hazardous, toxic, chemical, petroleum, nuclear waste or liquid sludge into surface waters or wetlands.
Added by Ordinance 10-19, 06/24/2010

Staff Analysis:

- The design of the project will insure that pollutants do not discharge to the lake.

Policy 5-1.2.11: Winter Garden shall prohibit the location of petroleum businesses where they will negatively affect the quality of surface waters and the surficial and Florida Aquifers.
Added by Ordinance 10-19, 06/24/2010

Staff Analysis:

- The project has no petroleum business located on site.

Objective 5-1.3: Ground Water Quality. Maintain or improve the quality and quantity of groundwater in Winter Garden by adopting land development regulations through the implementation of the following policies:
Amended by Ordinance 00-68, 04/26/2001
Amended by Ordinance 10-19, 06/24/2010

Policy 5-1.3.1: The City will continue to enforce adopted land development regulations which protect potable water wellfields and aquifer recharge areas, consistent with the Wekiva Protection Act.
Amended by Ordinance 10-19, 06/24/2010

Staff Analysis:

- The project is complying with the Wekiva Study Area requirements for protection of the recharge areas.

Policy 5-1.3.2: The City shall map and protect potable water wellfields and prime aquifer recharge areas from adverse impacts of development in conformance with the criteria listed in Objective 5-1.3.
Amended by Ordinance 10-19, 06/24/2010

Staff Analysis:

- The project is complying with the Wekiva Study Area requirements for protection of the recharge areas.

Policy 5-1.3.5: The City shall continue to maximize protection and recharging of aquifer through implementation of Wekiva Parkway and Protection Act requirements.
Amended by Ordinance 10-19, 06/24/2010

Staff Analysis:

- The project is complying with the Wekiva Study Area requirements for protection of the recharge areas.

Policy 5-1.3.9: The City shall continue to implement the Wekiva Parkway and Protection Act by requiring land located within the Resource Protection Overlay (see Future Land Use Figure 1.8) to have a minimum open space requirement of 25% with 20% consisting of Wekiva Study Area open space and 5% useable recreation/open space.
Amended by Ordinance 00-68, 04/26/2001
Amended by Ordinance 10-19, 06/24/2010

Staff Analysis:

- The project is complying with the Wekiva Study Area requirements.

Policy 5-1.3.10: Florida-friendly landscaping - By December 2011, the City shall revise the water conservation ordinance and the landscape ordinance to require the use of Florida Friendly Design Standards to promote the efficient use of water for all new developments and redevelopment.
Amended by Ordinance 00-68, 04/26/2001
Amended by Ordinance 09-59, 01/28/2010
Amended by Ordinance 10-19, 06/24/2010

Staff Analysis:

- The project will use Florida-friendly landscaping.

Objective 5-1.4: Wetland Protection. The City shall continue to implement the land development regulations which require the protection of all wetlands shown on Figure 1.1 of the Future Land Use Map series. These regulations include the use of buffering or building setbacks; preservation of natural vegetation; provisions for stormwater management; and the prohibition of any activity which impairs the natural function of these lands. The City of Winter Garden shall protect identified wetland areas and existing wildlife habitats by implementing the following policies.
Amended by Ordinance 00-68, 04/26/2001
Amended by Ordinance 10-19, 06/24/2010

Policy 5-1.4.1: It is the City's policy that no development is allowed in a wetland area. However, encroachment into a wetland may be allowed in cases where no other feasible or practical alternatives exist that would permit the reasonable use of the land or where there is an overriding public benefit based upon review by the appropriate regulatory agency and subject to the regulatory agency's policies and rules.

Staff Analysis:

- The project has been designed to maintain wetlands and does not propose to develop the wetlands.

Policy 5-1.4.2: The City shall, continue to implement the wetland protection policies as identified in the City's comprehensive plan and require all proposed development within or adjacent to wetlands be permitted through the appropriate water management district, Army Corp of Engineers, and/or the Department of Environmental Protection. (9J-5.013(3)(b))
Amended by Ordinance 00-68, 04/26/2001
Amended by Ordinance 10-19, 06/24/2010

Staff Analysis:

- The project will comply.

> **Policy 5-1.4. 5:** The City shall continue to utilize the flexibility allowed in the Planned Unit Development classification help to protect and conserve identified wetlands such as clustering of development and the transfer of development rights out of wetlands to uplands. (9J-5.013(3)(a))
> Amended by Ordinance 00-68, 04/26/2001

Staff Analysis:

- The project is using the Planned Unit Development classification.

> **Policy 5-1.4. 6:** The City shall coordinate with the Army Corp of Engineers, the Florida Department of Environmental Protection, the St. Johns River and South Florida water management districts to regulate and mitigate wetland areas for minimal avoidance under each respective agency's jurisdiction and when encroachment into a wetland area and mitigation is allowed by one of the agencies the City will not approve a development permit unless and until all permits from the regulating agencies are provided to the City.
> Added by Ordinance 10-19, 06/24/2010

Staff Analysis:

- The City will not issue permits unless appropriate agency permits are obtained.

> **Policy 5-1.4. 8:** The Conservation/Wetlands designation as shown on Figure 1.1 of the Future Land Use Map series shall serve as a conceptual indicator of conservation and wetland areas. The precise delineation of these areas shall be determined through site-specific studies and field determinations to assess the extent of the wetland areas.
> Added by Ordinance 10-19, 06/24/2010

Staff Analysis:

- The project has identified all conservation/ wetland areas on site. Development is not proposed within Conservation/ Wetland areas.

> **Policy 5-1.4.9:** The City shall protect and conserve wetlands in accordance with these policies. Such regulations shall include criteria for wetland protection and mitigation involving the appropriate regulatory agencies.
> Added by Ordinance 10-19, 06/24/2010

Staff Analysis:

- The project has identified all conservation/ wetland areas on site. Development is not proposed within Conservation/ Wetland areas.

> **Policy 5-1.4.10:** The City prohibits development in wetland areas and shall only issue development permits after the owner/developer secures and provides to the City final permits from the appropriate regulatory agency (Army Corp of Engineers, the Florida Department of Environmental Protection, the St. Johns and/or South Florida water management districts).
> Added by Ordinance 10-19, 06/24/2010

Staff Analysis:

- The project has identified all conservation/ wetland areas on site. Development is not proposed within Conservation/ Wetland areas.

Policy 5-1.4.11: The City's land development code shall be amended by July 2011 to include lake protection regulations for dock and seawall construction and regulations to protect the shore line and lake littoral zones.
Added by Ordinance 10-19, 06/24/2010

Staff Analysis:

- The project will comply with the city regulations.

Policy 5-1.4.12: For all proposed wetland encroachments the owner/developer shall engage a qualified environmental consultant to estimate the limits and class of onsite wetlands and then apply to the appropriate regulatory agency (Army Corp of Engineers, the Florida Department of Environmental Protection, the St. Johns and/or South Florida water management districts) for confirmation of findings and the applicable permit(s), and if necessary to mitigate the proposed wetland encroachment in accordance with that agency's rules and regulations to include the Uniform Mitigation Assessment Methodology (Chapter 62-345, Florida Administrative Code).

Added by Ordinance 10-19, 06/24/2010

Staff Analysis:

- The project has identified all conservation/ wetland areas on site. Development is not proposed within Conservation/ Wetland areas.

Policy 5-1.4.13: The City shall require a wetland buffer of an average of at least 25 feet with a minimum of 15 feet at any one point between wetlands and new development in order to protect water quality, preserve natural wetland functions, and preserve natural habitat. The buffer, as measured landward from the approved jurisdictional line, shall be maintained in a natural vegetative state and be free of exotic and nuisance species.
Added by Ordinance 10-19, 06/24/2010

Staff Analysis:

- The project is providing a 25' buffer with a 30' setback exceeding the City requirement.

Policy 5-1.4.14: Should agency determination show that wetlands do not exist, or that the limit of the wetland is less than depicted, then the underlying future land use for the property shall prevail. Should agency determination show that wetlands cover an area larger than depicted then the future land use map series shall be amended to reflect said boundaries of the wetland.
Added by Ordinance 10-19, 06/24/2010

Staff Analysis:

- The project has identified all conservation/ wetland areas on site. Development is not proposed within Conservation/ Wetland areas.

Policy 5-1.4.15: The City shall direct incompatible land uses away from wetlands. Incompatible land uses include, but not be limited to, industrial uses, non-hazardous and hazardous waste disposal sites, refuse transfer stations, septic tank dependent business and residences, junk yards, and heavy manufacturing activities.
Added by Ordinance 10-19, 06/24/2010

Staff Analysis:

- The project does not include any of the prohibited uses.

Objective 5-1.5: 100-Year Flood Plain Protection. The City shall continue to conserve and protect the natural functions of the l00-year floodplain by implementing the flood protection regulations which regulate land use in and development of floodprone areas consistent with the National Flood Insurance Program and the policies set out in this Element and in Article II of Chapter 90 of the City's Code of Ordinances that addresses flood damage prevention. These policies may include clustering, or compensating storage or directing development away from floodplains.
Amended by Ordinance 00-68, 04/26/2001
Amended by Ordinance 10-19, 06/24/2010

Policy5-1.5.1: The City shall, continue to implement the land development regulations which regulate areas subject to periodic or seasonal flooding consistent with the policies contained in this Element and in Article II of Chapter 90 of the City's Code of Ordinances that addresses flood damage prevention.
Amended by Ordinance 00-68, 04/26/2001
Amended by Ordinance 10-19, 06/24/2010

Staff Analysis:

- The project complies with the flood protection ordinance.

Policy 5-1.5.2: Development in the l00-year floodplain shall be consistent with the guidelines of the National Flood Insurance Program and the requirements found in the City's land development regulations relating to flood damage prevention.
Amended by Ordinance 10-19, 06/24/2010

Staff Analysis:

- The project complies with the flood protection ordinance.

Policy 5-1.5.3: The City shall utilize the Planned Unit Development designation to protect and conserve critical areas of the l00-year floodplain.

Staff Analysis:

- The project complies with the flood protection ordinance.

Policy 5-1.5.4: Winter Garden shall strengthen floodplain protection requirements for riverine systems by enforcing regulations prohibiting floodplain encroachment without compensating storage.
Amended by Ordinance 00-68, 04/26/2001
Amended by Ordinance 10-19, 06/24/2010

Staff Analysis:

- The project complies with the flood protection ordinance.

Objective 5-1.6: Minerals and Soil Use. The City shall conserve, protect, and appropriately utilize the minerals and soils in Winter Garden.
Amended by Ordinance 10-19, 06/24/2010

Policy 5-1.6.1: The City's land development regulations shall continue to prohibit mining in the City.

Staff Analysis:

- The project does not include mining.

Policy 5-1.6.2: The City shall utilize the detailed soil survey prepared by the Soil Conservation Service to determine suitability of soils for a requested use prior to issuance of a final development order.

Staff Analysis:

- The developer has provided detailed soils reports on the suitability of soils.

> **Policy 5-1.6.4:** The City shall implement the Erosion Control Ordinance which provides a procedure for the issuance of land-clearing permits which implements erosion control methods and controls the removal of minerals and soil from a site.
> Amended by Ordinance 00-68, 04/26/2001

Staff Analysis:

- The project will comply with erosion control requirements.

> **Policy 5-1.6.5:** The City shall implement the land development regulations which provide for drainage and stormwater management in order to decrease the rate of soil erosion.
> Amended by Ordinance 00-68, 04/26/2001

Staff Analysis:

- The project will meet or exceed the drainage requirement and the stricter Wekiva Study area drainage requirements.

> **Policy 5-1.6.7:** Winter Garden shall incorporate regulations into the Land Development Code concerning soils and their suitability for future development. These regulations shall include restricting development in hydric soils, preservation of groundwater recharge areas, and controlling the use of and individual on-site sewage disposal facilities.
> Added by Ordinance 10-19, 06/24/2010

Staff Analysis:

- The project is consistent with these requirements, no on site septic systems are proposed.

> **Policy 5-1.6.8:** Winter Garden shall continue to require and enforce State recommended Best Management Practices to protect soils during development activities.
> Added by Ordinance 10-19, 06/24/2010

Staff Analysis:

- The project shall comply with those standards.

> **Objective 5-1.7:** Native Vegetative Protection. The City shall continue to implement the land development regulations which provide for the conservation, protection, and appropriate use of the City's native vegetative communities as specified in the Wekiva Parkway and Protection Act.
> Amended by Ordinance 00-68, 04/26/2001
> Amended by Ordinance 10-19, 06/24/2010

> **Policy 5-1.7.1:** The City shall continue to implement the land development regulations which provide for open space for PUDs.
> Amended by Ordinance 00-68, 04/26/2001

Staff Analysis:

- The project exceeds the open space requirements of the PUD.

> **Policy 5-1.7.2:** The City shall continue to implement the land clearing permit section of the City Code. This procedure shall establish penalties for the

unauthorized removal of native vegetation and require the restoration of any illegally cleared areas. (9J-5.013(2)(c)3)
Amended by Ordinance 00-68, 04/26/2001

Staff Analysis:

- The project will comply with the land clearing requirements.

Policy 5-1.7.3: The City shall revise and supplement the tree protection and landscaping ordinance by October 2010. The City shall amend the tree ordinance and associated land development regulations, in order to require preservation of valuable tree species, prohibit indiscriminate clearing, and require replacement and maintenance measures. These regulations shall be included in the Land Development Code.
Amended by Ordinance 00-68, 04/26/2001
Amended by Ordinance 10-19, 06/24/2010

Staff Analysis:

- The project is protecting all specimen trees.

Policy 5-1.7.4: The City shall continue to implement land development regulations to provide incentives for preserving or planting native vegetation including credits toward meeting landscaping requirements; requiring restoration of unpermitted cleared areas with natural vegetation; and the requiring of clustering to protect existing areas of native vegetation.
Amended by Ordinance 00-68, 04/26/2001
Amended by Ordinance 10-19, 06/24/2010

Staff Analysis:

- The project is protecting all specimen trees.

Policy 5-1.7.5: The City shall continue to utilize the Planned Unit Development process to preserve native vegetative communities from destruction by development.

Staff Analysis:

- The project is a Urban Village Planned Unit development.

Policy 5-1.7.7: The City shall comply with all State and Federal regulations regarding any rare, endangered, or threatened plant species found in Winter Garden.

Staff Analysis:

- The applicant has submitted studies verified by staff that indicate there are no rare, endangered or threatened plant species on the site.

Policy 5-1.7.8: The City shall continue to implement the criteria for the designation and protection of environmentally sensitive lands to further the goals and objectives of this Element. These criteria shall be consistent with all policies contained in this Element. (9J-5.013(2)(c)9)
Amended by Ordinance 00-68, 04/26/2001

Staff Analysis:

- The project is consistent with the city requirements.

Objective 5-1.8: Wildlife Protection. The City shall continue to enforce land development regulations to conserve, protect, and utilize its wildlife and wildlife habitats based upon the policies contained in this Element. (9J-5.013(2)(b)4)
Amended by Ordinance 00-68, 04/26/2001

Policy 5-1.8.1: The City shall comply with all State and Federal regulations regarding any rare, endangered, or threatened wildlife found in the City.

Staff Analysis:

- The project has complied.

Policy 5-1.8.2: Critical wildlife habitats for rare, endangered or threatened animals will be protected by the adoption of specific land development regulations to conserve such areas in conformance with State and Federal Laws.

Staff Analysis:

- The site does not contain critical habitat.

Policy 5-1.8.3: The City shall utilize the Planned Unit Development process and other land development regulations to conserve and protect identified wildlife habitats.

Staff Analysis:

- The project is a PUD.

Policy 5-1.8.4: The City shall support all programs that identify and protect critical habitats for rare, endangered, or threatened species of wildlife (types and specific locations designated by the U.S. Fish and Wildlife Service, the Florida Game and Freshwater Fish Commission, the Florida Department of Natural Resources, the Florida Department of Environmental Regulation, or the East Central Florida Regional Planning Council) by providing local data when requested and through the adoption of specific regulations to protect such areas once they are designated by one of the above agencies.

Staff Analysis:

- The site has not been designated critical habitat for rare endangered or threatened species.

Policy 5-1.8.5: The City shall not approve any development or activity known to adversely affect the survival of endangered or threatened wildlife.

Staff Analysis:

- The site has not been designated critical habitat for rare endangered or threatened species.

CHAPTER 6: RECREATION AND OPEN SPACE ELEMENT

Goal 6-1: Open Space and Recreation. The provision and maintenance of sufficient open space and recreation sites to meet the needs of current and future residents of Winter Garden.
Amended by Ordinance 10-19, 06/24/2010

Objective 6-1.3: Level of Service Standards. The City shall maintain and upgrade existing recreation sites and provide sufficient park acreage to meet adopted level of service standards at all times.
Amended by Ordinance 10-19, 06/24/2010

Policy 6-1.3.7: The City shall continue to require through the land development regulations either land to be dedicated or an impact fee to be paid for all public and private residential development.

Staff Analysis:

- The project will dedicate land or pay the recreation impact fees.

Policy 6-1.3.8: The City shall amend existing land development regulations to include specific open space definitions and standards no later than the time-frame established by the State.

Staff Analysis:

- The project exceeds the open space requirements of the PUD zoning and Wekiva Protection Act.

Objective 6-1.4: Preservation and Acquisition. The City of Winter Garden will actively promote, protect, and where possible acquire environmental sensitive lands and encourage all forms of resource-based recreation opportunities.
Added by Ordinance 10-19, 06/24/2010

Policy 6-1.4.1: The City shall continue to require through the land development regulations either land to be dedicated or an impact fee to be paid for all public and private residential development.
Amended by Ordinance 00-64, 04/26/2001

Staff Analysis:

- The project will dedicate land or pay the recreation impact fees.

Policy 6-1. 4.2: The Zoning Ordinance shall continue to require open space in the form of building setback regulations.

Staff Analysis:

- The project complies.

Policy 6-1.4.4: The City shall, through its Subdivision Ordinance, continue to require mandatory dedication of recreation/open space lands and/or fees.
Amended by Ordinance 00-64, 04/26/2001

Staff Analysis:

- The project will dedicate land or pay the recreation impact fees.

Policy 6-1.4.6: The City shall continue to implement the Wekiva Parkway and Protection Act by requiring land located within the Resource Protection Overlay to have a minimum open space requirement of 25% with 20% consisting of Wekiva Study Area open space and 5% useable recreation/open space.
Added by Ordinance 10-19, 06/24/2010

Staff Analysis:

- The project meets and exceeds the Wekiva Study Area requirements.

Policy 6-1.4.7: The City shall continue to promote access to water bodies and natural resources through the development and maintenance of public access points, swimming areas, boat ramps, and canoe/kayak launches.
Added by Ordinance 10-19, 06/24/2010

Staff Analysis:

- The project has provided a waterfront park On Johns Lake.

Policy 7-1.2.8: JPA – The City will continue to implement the Restated Interlocal Agreement for Joint Planning Area Between Orange County and the City of Winter Garden (June 1997), as amended, addressing annexation, land use decisions, and utilities.
Added by Ordinance 10-19, 06/24/2010

Staff Analysis:

- The project is consistent with the requirements and the guidelines of the JPA-6.

Objective 9-1.1: Level of Service Standards. The City of Winter Garden (the "City") shall coordinate with OCPS to implement a Concurrency Management System that ensures adequate classroom capacity to accommodate the impacts of new residential development throughout the planning period.

Policy 9-1.1.5: The City shall support OCPS's reasonable efforts to initiate and implement any of the following strategies to ensure compliance with adopted LOS standard.

(1) Building new schools to relieve over-capacity schools in CSAs that exceed the adopted LOS,

(2) Renovating over-capacity schools to add permanent capacity and replace on-campus portables,

(3) Rezoning students from over-capacity schools to under-capacity schools,

(4) Moving special programs from over-capacity schools to under-capacity schools to utilize excess permanent capacity where such permanent capacity exists.

Staff Analysis:

- The project has met the school concurrency requirements according to the Orange County School Board.

Policy 9-1.1.6: Concurrency shall be evaluated and determined within the geographical boundaries of the established Concurrency Service Areas (CSAs).

Staff Analysis:

- The project has met the school concurrency requirements according to the Orange County School Board.

Policy 9-1.1.8: The number of elementary, middle and high school students generated by a residential development shall be calculated utilizing OCPS student generation rates for the applicable school types as set forth in Table 12 of the Appendix to the Public School Facilities Element.

Staff Analysis:

- The project has met the school concurrency requirements according to the Orange County School Board.

Policy 9-1.1.10: Where adequate school facilities will be in place or under actual construction within three (3) years after the issuance of final subdivision or site plan approval, or the functional equivalent thereof, the City shall not deny an application for site plan approval, final subdivision approval, or the functional equivalent thereof, for any development or phase of a development that includes residential uses, based solely on failure to achieve and maintain the adopted LOS in a CSA.

Staff Analysis:

- The project has met the school concurrency requirements according to the Orange County School Board.

Objective 9-1.3: Interlocal Agreement. The City and OCPS shall develop and maintain throughout the planning period a joint process for the implementation of School Concurrency as provided for in the Interlocal Agreement.
Amended by Ordinance 10-19, 06/24/2010

Staff Analysis:

- The project has met the school concurrency requirements according to the Orange County School Board.

Policy 9-1.3.1: The City shall not adopt a developer-initiated Comprehensive Plan amendment or rezoning that would increase residential density on property that is not otherwise vested or determined exempt from school concurrency requirements until such time as OCPS has determined whether sufficient capacity will exist concurrent with the development, or a capacity enhancement agreement is executed that provides for the needed capacity to accommodate the proposed development, or OCPS fails to timely make a recommendation, in which case the City may thereafter determine, utilizing the best available data and analyses, whether sufficient capacity exists.

Staff Analysis:

- The project has met the school concurrency requirements according to the Orange County School Board.

Policy 9-1.3.2: The City shall determine if a development is vested or otherwise exempt from school concurrency. Unless the development is determined to be vested or exempt from concurrency, the City shall not approve a residential site plan, plat, or its functional equivalent, until a concurrency review has been conducted by OCPS, and a Concurrency Certificate or its functional equivalent has been issued for the development consistent with the provisions of the ILA. However, if OCPS fails to timely issue such Concurrency Certificate or its functional equivalent, the City may perform such concurrency review, utilizing the best available data and analyses, to determine whether a development meets concurrency requirements.

Staff Analysis:

- The project has met the school concurrency requirements according to the Orange County School Board.

Objective 9-1.4: Preliminary Concurrency Review. Upon completion of a Preliminary Concurrency Review, a development that fails to meet school concurrency requirements may be postponed until adequate public school capacity is created through the construction of new schools or any combination of those methods specified in Policies 9-1.4.1, 9-1.4.2, 9-1.4.3 and 9-1.4.4.
Amended by Ordinance 10-19, 06/24/2010

Staff Analysis:

- The project has met the school concurrency requirements according to the Orange County School Board.

Policy 9-1.4.1: A development shall be deemed to meet concurrency if there is available capacity in the CSA where the development is located or where available capacity exists in one or more contiguous CSAs, so long as the LOS in the adjacent zone does not exceed 95% of the adopted LOS for the applicable school type, or when the LOS for the specific school type, when considered district wide, does not

exceed 100% of the adopted LOS for such type, and approval of the development does not result in a violation of a court ordered desegregation order.

Staff Analysis:

- The project has met the school concurrency requirements according to the Orange County School Board.

Policy 9-1.4.2: Proportionate share, when used for mitigation, shall be calculated based on the number of elementary, middle and high school students generated by the development at build out. As provided for in the ILA, proportionate share shall be calculated based on reasonable methods of estimating cost of school construction. Any Proportionate Share Mitigation must be directed by OCPS to a school capacity improvement identified in the capital improvement schedule in the financially feasible five (5) year district work plan of the District Facilities Work Program and in the Capital Improvements Elements of the Comprehensive Plans for OCPS, the County and the Municipalities, to maintain financial feasibility based upon the adopted LOS standards. If a school capacity improvement does not exist in the District Facilities Work Program, OCPS may, in its sole discretion, add a school capacity improvement to mitigate the impacts from a proposed residential development, so long as the financial feasibility of the District Facilities Work Program can be maintained and so long as the City agrees to amend its Capital Improvements Element to include the new School Capacity improvement.

Staff Analysis:

- The project has met the school concurrency requirements according to the Orange County School Board.

Policy 9-1.4.3: Proportionate Share Mitigation may include but is not limited to payments of money, the construction of schools, donations of land, expansion of permanent capacity of existing school campuses, payment of funds necessary to advance schools contained in the ten (10) year School Board District Capital Outlay Plan (DCOP), the establishment of charter schools meeting State Requirements for Educational Facilities (SREF) standards, payments into mitigation banks, establishment of an Educational Facilities Benefit District, Community Development District, or any other method or contribution identified in section 17.6 (b) of the school ILA. Such mitigation may be negotiated between the developer and OCPS and, as appropriate, the City.

Staff Analysis:

- The project has met the school concurrency requirements according to the Orange County School Board.

Policy 9-1.4.4: Proportionate Share Mitigation shall be credited against the School Impact Fee otherwise due for the residential units within a residential development as provided for by statute.

Staff Analysis:

- The project has met the school concurrency requirements according to the Orange County School Board.

END OF STAFF REPORT

THE CITY OF WINTER GARDEN

PLANNING AND ZONING BOARD AGENDA ITEM

ITEM # 10 (Public Hearing)

DATE: MAY 31, 2012 **MEETING DATE:** JUNE 4, 2012

SUBJECT: 13501 WEST COLONIAL DRIVE (SPECIAL EXCEPTION PERMIT)
PROJECT NAME ICE HOUSE (LEE & PARK LLC) - KIOSK
PARCEL ID# 23-22-27-4036-00-162

ISSUE: THE APPLICANT IS REQUESTING A SPECIAL EXCEPTION PERMIT TO ALLOW FOR THE PROPERTY LOCATED AT 13501 WEST COLONIAL DRIVE TO ALLOW FOR THE USE OF A KIOSK (ICE HOUSE) WITHIN THE WEST STATE ROAD 50 OVERLAY

SUPPLEMENTAL MATERIAL/ANALYSIS:

OWNER/APPLICANT: ICE HOUSE (LEE & PARK LLC)

CURRENT ZONING: C-2 ARTERIAL COMMERCIAL DISTRICT

PROPOSED ZONING: N/A

CURRENT FLU: COMMERCIAL

PROPOSED FLU: N/A

SUMMARY:

APPLICANT PROPOSES TO CONSTRUCT A +/- 200 SQUARE FOOT BUILDING TO BE USED AS AN ICE-MAKER/DISPENSER (ICE HOUSE) TO SELL BULK ICE. THE PROPOSED BUILDING IS CONSIDERED A KIOSK, WHICH IS DEFINED AS A SMALL STRUCTURE USED TO VEND MERCHANDISE.

STAFF RECOMMENDATION(S):

STAFF RECOMMENDS DENIAL OF THE SPECIAL EXCEPTION PERMIT AS PROPOSED. HOWEVER, STAFF DOES RECOMMEND APPROVAL OF THE SPECIAL EXCEPTION PERMIT IF THE ICE HOUSE IS RELOCATED BEHIND THE EXISTING WINDOW TINTING BUSINESS SUBJECT TO THE CONDITIONS IN THE ATTACHED DRC MEMORANDUM.

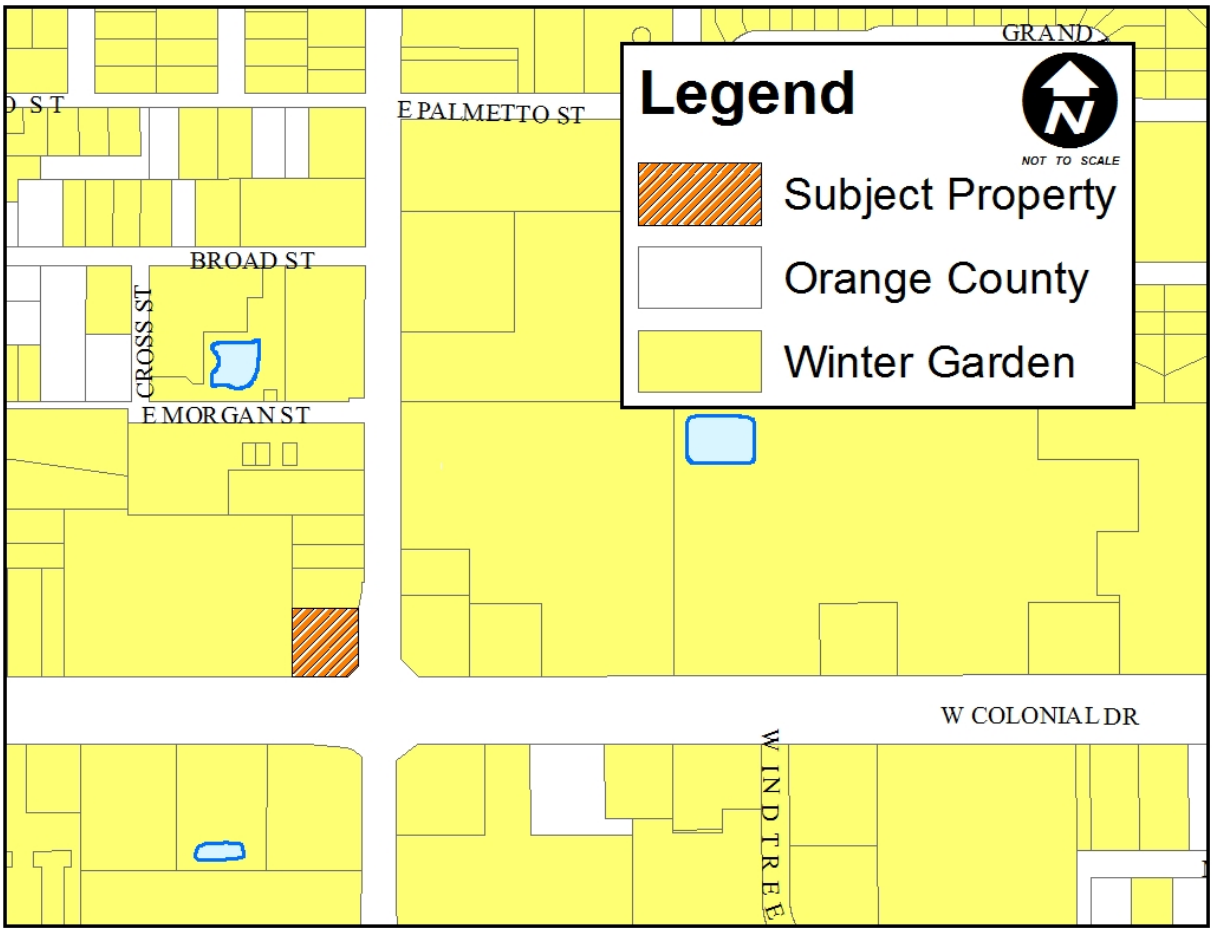
NEXT STEP(S):

SUBMIT FOR BUILDING PERMIT

ATTACHMENT(S):

LOCATION MAP
STAFF REPORT
DRC MEMORANDUM

LOCATION MAP
13501 W. Colonial Drive



CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

STAFF REPORT

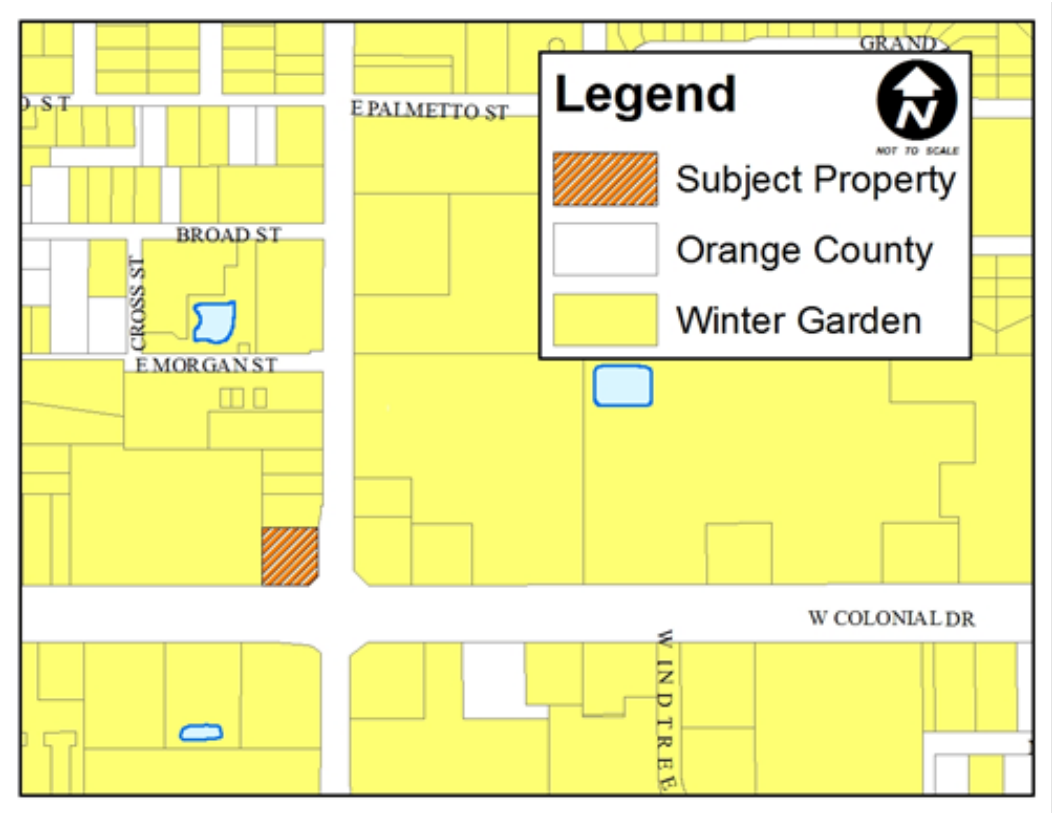
TO: PLANNING AND ZONING BOARD
PREPARED BY: STEVE PASH, SENIOR PLANNER
DATE: MAY 30, 2012
SUBJECT: SPECIAL EXCEPTION PERMIT
13501 West Colonial Drive (Sunoco Gas Station)
PARCEL ID # 23-22-27-4036-00-162

APPLICANT: East Coast Ice

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 is located at 13501 West Colonial Drive, and is approximately 0.499 ± acres. The map below depicts the proximity of the subject property to the City's jurisdictional limits:



The applicant is requesting a Special Exception to allow for the use of a kiosk (Ice House) within the West State Road 50 Overlay. The subject property is located within the City of Winter Garden municipal limits, carries the zoning designation C-2, and is within the west State Road 50 Overlay. The subject property is designated Commercial on the Future Land Use Map of the Comprehensive Plan.

EXISTING USE

The subject property contains a 384 square foot gas station / convenience store, a 210 square foot building with restrooms, and a 342 square foot building with a window tinting business. The subject property is being used by the property owner primarily for the operation of the gas station / convenience store.

ADJACENT LAND USE AND ZONING

The property located to the north is a doctor's office and zoned C-2 in the City. The property located to the east is developed with a shopping center and zoned C-2 in the City. The properties to the south are developed as banks and a restaurant, zoned C-2 in the City. The property to the west is a motel with a restaurant and zoned C-2 in the City.

PROPOSED USE

The applicant proposes to construct a +/- 200 square foot building to be used as an ice maker/dispenser (ice house) to sell bulk ice. The proposed building is considered a kiosk, which is defined as a small structure used to vend merchandise.

Section 118.1408 requires that within the commercial corridor, display areas, outdoor sales areas, outdoor storage areas, commercial play devices, kiosks or other permanent enclosed structures used for commercial purposes may be permitted as a special exception use, provided, in addition to complying with all requirements of division 3, article article II, chapter 118 of the Code, such use is consistent with sound and generally accepted land use planning principles and practices. Except as provided in this section, all special exception requests pertaining to this article shall be submitted, reviewed, advertised, granted, denied or granted with conditions pursuant to division 3, article II, chapter 118 of the Code. Appeals of the decision of the planning and zoning board shall be pursuant to division 5, article II, chapter 118 of the Code.

The proposed ice house is located in front of the existing building along the west property line. As proposed, the ice house will project in front of the main building (convenience store), but not in front of the existing canopy. Section 118-1310 (b) states that in general accessory buildings and structures shall be located in the rear or side yards. As proposed, the ice house is not in the rear or side yard and is located in front of the existing main building.

SUMMARY

City Staff recommends denial of the ice house as proposed.

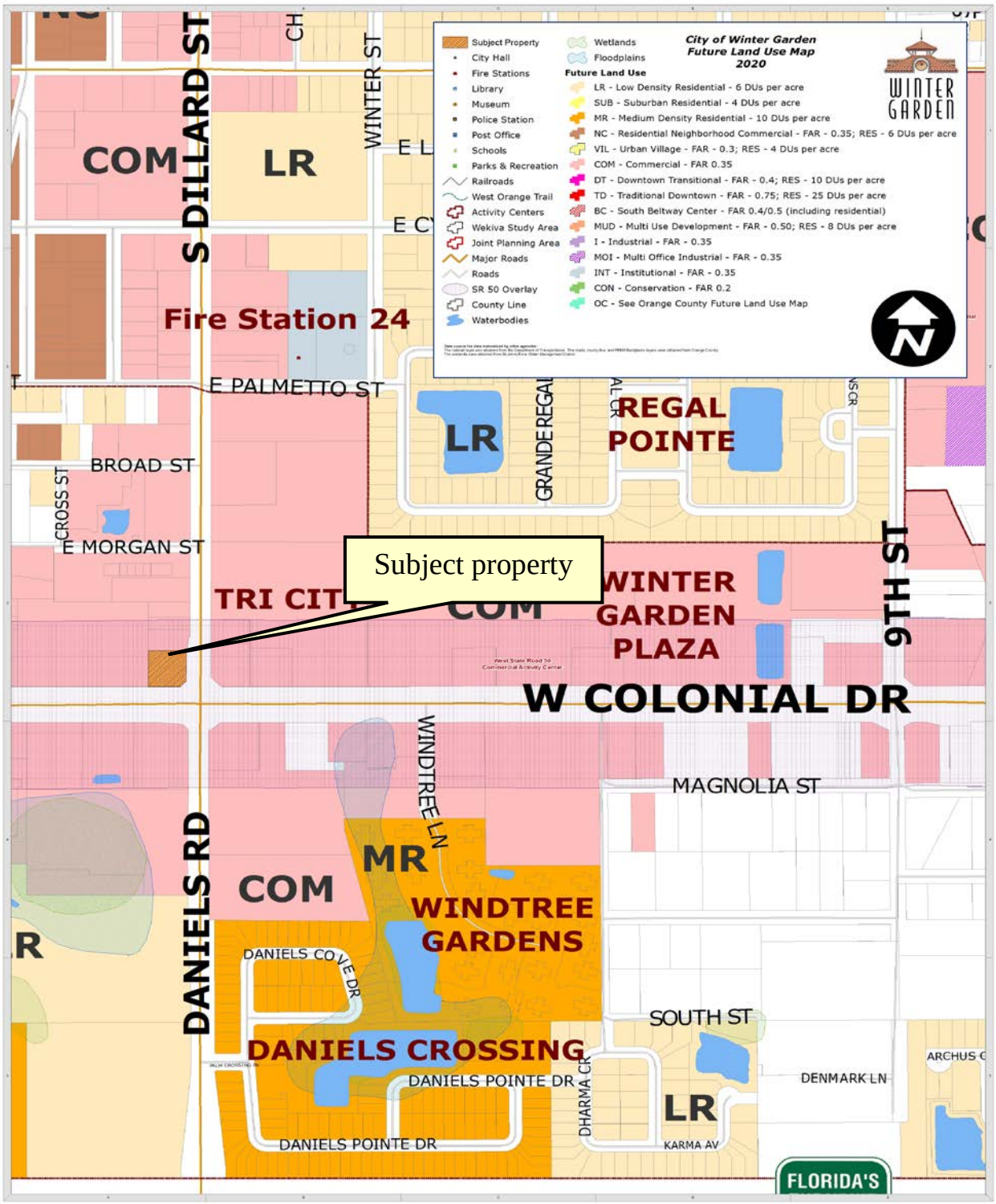
However, staff would support the proposed ice house if it were relocated behind the existing accessory building (window tinting business) between the building and the dumpster, with the following conditions:

- The north, east, and south property lines shall be landscaped as stated in the attached DRC memo.
- All signage on the front of the existing accessory building shall be removed.
- The ice house may have one sign not to exceed 6 square feet.
- The existing concrete pad in the southeast corner of the parking lot shall be completely removed.
- No parking spaces can be removed from the site.

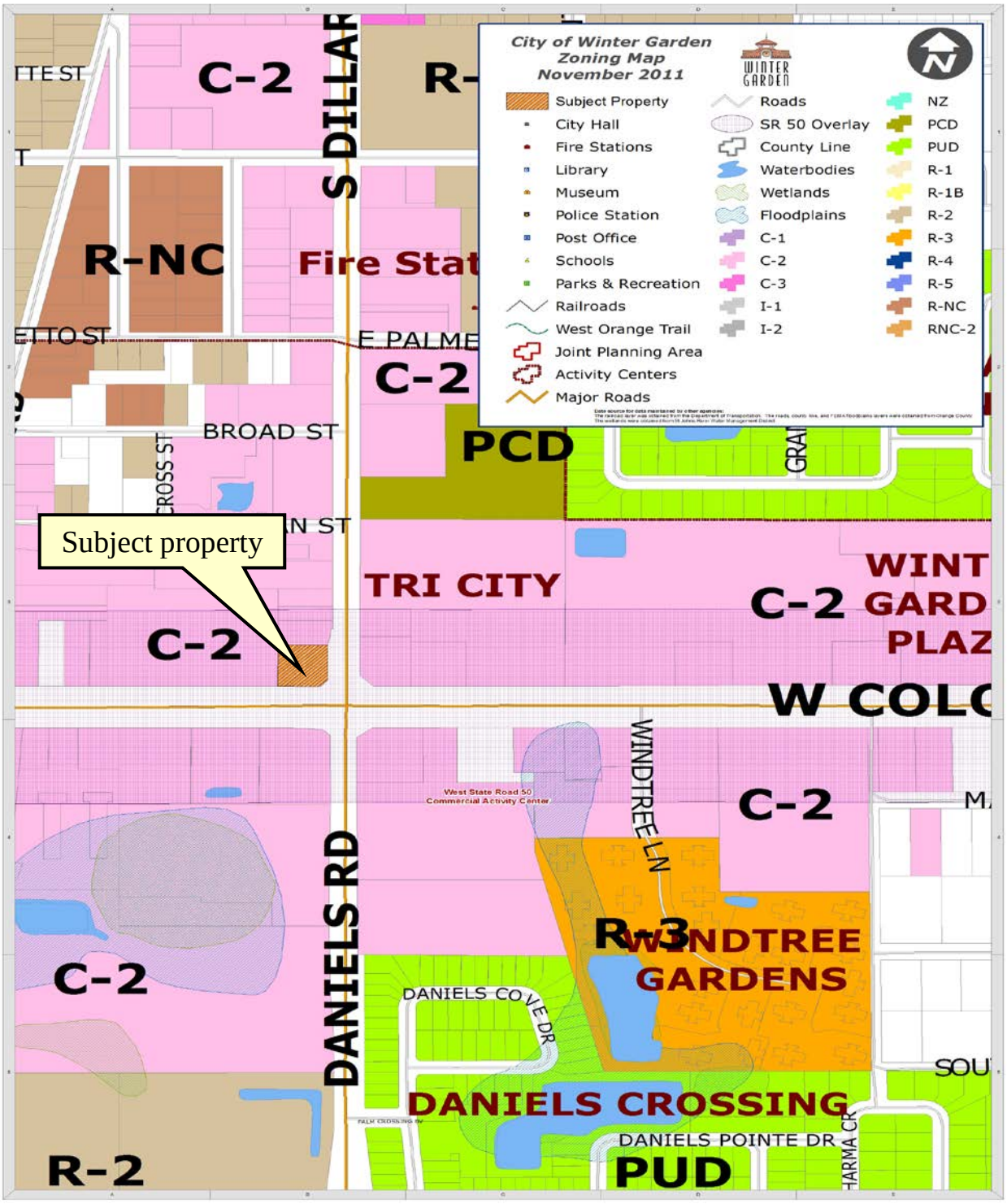
MAPS/EXHIBITS

AERIAL PHOTO
13501 W Colonial Drive

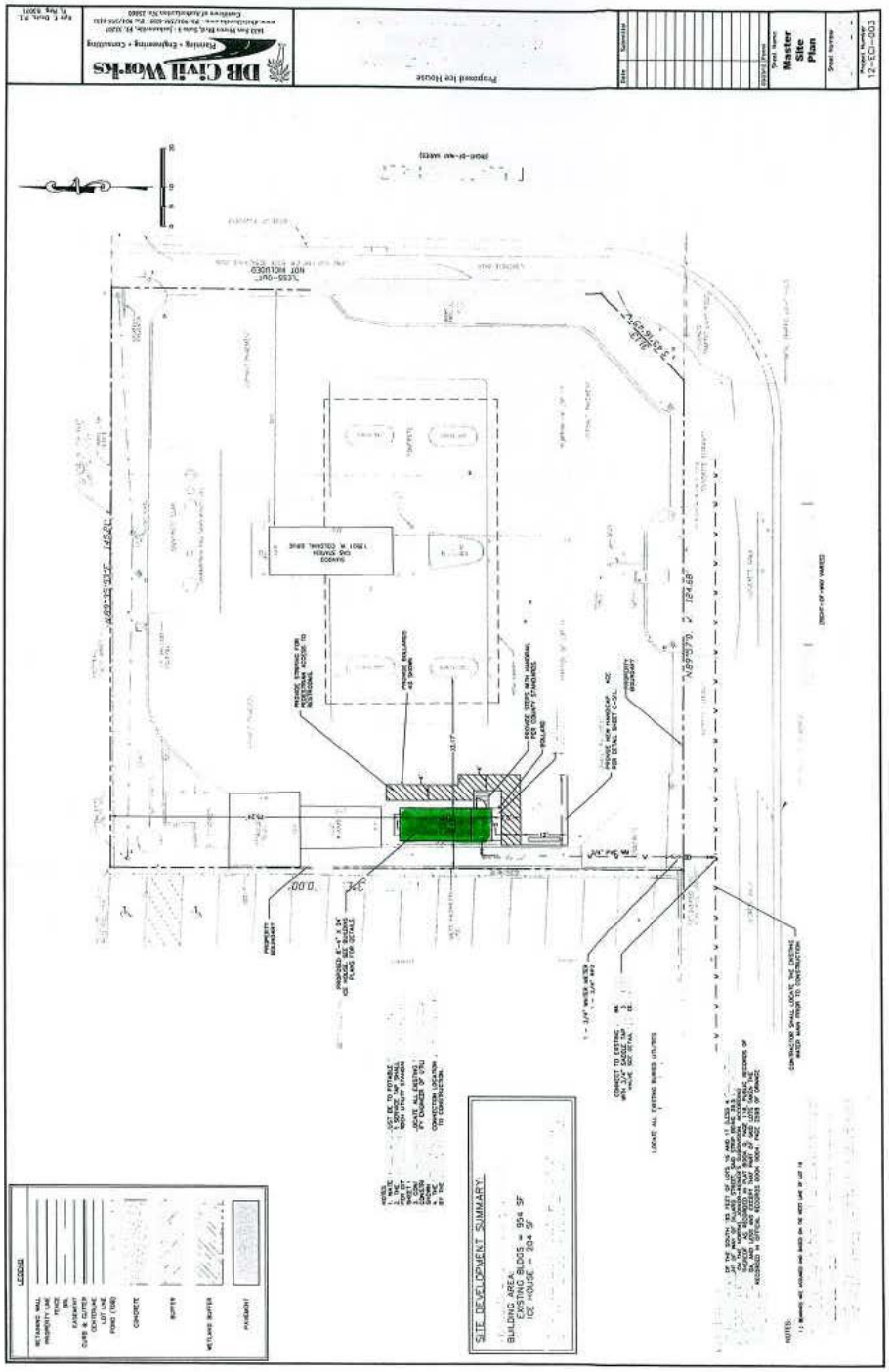
FUTURE LAND USE MAP
13501 W. Colonial Drive



ZONING MAP
13501 W. Colonial Drive



PROPOSED SITE PLAN
<u>13501 W. Colonial Drive</u>



PROPOSED ELEVATION
<u>13501 W. Colonial Drive</u>

END OF STAFF REPORT

CITY OF WINTER GARDEN

DEVELOPMENT REVIEW COMMITTEE

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

M E M O R A N D U M

TO: ED WILLIAMS, COMMUNITY DEVELOPMENT DIRECTOR
FROM: DEVELOPMENT REVIEW COMMITTEE
DATE: MAY 17, 2012
SUBJECT: 1st REVIEW OF SPECIAL EXCEPTION
ICE HOUSE - 13501 WEST COLONIAL DRIVE

Pursuant to your request, we have reviewed the Site Plan for an Ice House dated 05/07/12 (stamped received 05/11/12) for compliance with the City's Code of Ordinances. This plan is for the installation of an ice machine of 201.6 SqFt at an existing gas station. Please have the Applicant address the following comments in future submittals:

SPECIFIC COMMENTS/CONDITIONS

ENGINEERING
No comments on the Site Plan.

PLANNING

1. Location:
   - The ice house (kiosk) cannot be located where proposed. Relocate the proposed ice house behind the window tinting business between the building and the dumpster.
2. Setbacks:
   - The minimum side yard setback for a gas station in the C-2 zoning district is 10 feet.
3. Parking:
   - The proposed parking space in the northeast corner of the lot (near the entrance from Dillard Street) shall be relocated so it will not interfere with access.
   - No parking spaces can be removed from the site.
   - No vehicles can be parked to prevent access to, from, or through the site.
   - Parking of food trucks is not allowed at any time.
4. Concrete area in southwest corner of property shall be completely removed.
5. Landscaping:
   - East property line - the plans indicate that the existing hedge shall remain. There is not an existing hedge on this property. Revise the plans to show a grouping of three Crape Myrtles at the northeast corner (near the entrance from Dillard Street), the +/- 200' section area shall be landscaped with: four 4" caliper 14' tall 100 gallon Live Oaks (1 every 70'), six 11' tall 65 gallon Crape Myrtles (3 every 100'), and sixty-six 3 gallon viburnum at least 36" high at time of planting (33 every 100') with 90% opacity within one year.
   - South property line (center island) - revise the plans to show the area shall be landscaped with: one 4" caliper 14' tall 100 gallon Live Oak (1 every 70'), three 11' tall 65 gallon Crape Myrtles (3 every 100'), and thirty-seven 3 gallon viburnum at least 36" high at time of planting (33 every 100') with 90% opacity within one year.
   - South property line (west side of entrance) - revise the plans to show the area shall be landscaped with a 15' wide buffer containing: one 3.5" caliper 13' tall 65 gallon Live Oak (1

every 70'), two 11' tall 30 gallon Crape Myrtles (3 every 100'), and eighteen 3 gallon viburnum at least 36" high at time of planting (33 every 100') with 90% opacity within one year.
    - North property line – revise the plans to show: twelve 11' tall 30 gallon Crape Myrtles, and forty-nine 3 gallon viburnum at least 24" high at time of planting (33 every 100') with 90% opacity within one year.
6. Signs:
    - The proposed ice house can have one wall sign. The sign may be a maximum of 6 SqFt.
    - All existing signage fronting West Colonial Drive on the Window Tinting building shall be removed.
    - No sign, permanent or temporary, shall be erected or placed so that it interferes with a clear sight triangle distance per Florida Department of Transportation (FDOT) design standards.
    - No flashing, moving, animated coursing, blinker, racer-type, intermittent, rotating, moving or revolving signs, whirligig devices, inflatable signs and tethered balloons, pennants, banners, ribbons, streamers, spinners, and other similar types of attention-getting devices except for changeable copy signs when in compliance with the applicable regulations of chapter 118 Sec. 515.
7. Impact Fees:
    - Installing the ice machine with a separate water meter will require impact fees. The ¾" water meter impact fees are $1,086. If a different size meter is installed the impact fees will be subject to that meter size.

PUBLIC SERVICES
No comments on the Site Plan.

FIRE
No comments on the Site Plan.

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