



**A REGULAR MEETING MINUTES
PLANNING AND ZONING BOARD
JUNE 4, 2012**

1. CALL TO ORDER/INVOCATION/PLEDGE OF ALLEGIANCE

Vice Chairman James Dunn called the meeting of the City of Winter Garden Planning and Zoning Board to order at 6:35 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:

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

MEMBERS ABSENT/ARRIVED LATE:

Chairman James Gentry (Un-excused)

STAFF PRESENT:

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

3. APPROVAL OF MINUTES

Approval of minutes from the regular meeting held May 7, 2012.

Motion by Kent Horsley to approve the May 7, 2012 minutes, seconded by Mac McKinney, the motion carried unanimously 6-0.

SPECIAL EXCEPTION PERMIT(Public Hearing)

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

Community Development Director Ed Williams presented a couple bookkeeping items as they pertain to this item on the agenda. 1) The City has received a request for Board Members that were also members of the First United Methodist Church (Applicant), to

recuse themselves from taking part in any action on this special exception permit request. By direction of the City Attorney, members of the Board are only to recuse themselves if they have a potential for personal financial gain from the decision of the Board. 2) This particular application generated a large attendance tonight and all written correspondence from citizens, either for or against, have been provided to the board in their package for consideration. Director Williams asked all speakers to limit their comments to non-repetitive factual data and to remain courteous and brief for all who wish to speak on this item this evening.

Director Williams presented the special exception permit request for a columbarium to allow for urns with ashes to be stored on the property, which would be in addition to the existing structures on the property. Several community meetings were held by the applicant to provide community input and Director Williams summarized the community issues and responses to the Board. The applicant has made changes to its original plans to accommodate various requests of the community.

Director Williams advised the Board that City Staff reviewed the history of where this type of use is typically located and found that it has been historically a part of religious facilities. City Staff also included all community comments into consideration along with the review of the revised plans for this project and recommends the Boards approval of this special exception permit subject to the conditions of the City staff report.

Citizen, Lydia Cummings, 112 N. Lakeview Avenue, Winter Garden, FL made a statement in opposition of the proposed special exception permit.

Citizen, Steven Jett, 205 N. Lakeview Avenue, Winter Garden, FL provided a powerpoint presentation (Attached Exhibit "A") to the Board in opposition of the proposed special exception permit.

Citizen, Debbie Arnold, 205 N. Lakeview Avenue, Winter Garden, FL – read a prepared statement and provided a copy to the Board (Attached Exhibit "B") in opposition of the proposed special exception permit.

Citizen, Jay Cummings, 112 N. Lakeview Avenue, Winter Garden, FL made a statement in opposition of the proposed special exception permit.

Applicant, Reverend Rusty Belcher, 315 W. Tilden Street, Winter Garden, FL reviewed the suggested alternate locations with the Board and summarized that the proposed location is the only one that would work for this project. The Board had general discussion with the Applicant and Applicants Architect, Michael Morrissey, 1435 Eastover Loop, Winter Garden, FL and continued to hear from citizen input on this application.

Citizen Kaye Gerding, 118 N. Lakeview Avenue, Winter Garden, FL, representing her family, made a statement in opposition of the proposed special exception permit.

Citizen, Penny Fullmer, 280 Baywest Neighbors Circle, Orlando, FL, member of the First United Methodist Church, made a statement in favor of the proposed special exception permit.

Citizen, H. Gerald Jowers, 235 N. Lakeview Avenue, Winter Garden, FL, made a statement in favor of the proposed special exception permit.

Citizen, Bert Valdes, 255 Temple Grove Drive, Winter Garden, representing his family who own property at 99 N. Boyd Street and 38 N. Boyd Street, Winter Garden, FL, made a statement in favor of the proposed special exception permit.

Citizen, Jay Cummings, 112 N. Lakeview Avenue, Winter Garden, FL made an additional statement to the Board in reference to the use of the church court yard as an alternate location for the columbarium.

Citizen, Lydia Cummings, 112 N. Lakeview Avenue, Winter Garden, FL made an additional statement in opposition of the proposed special exception permit.

Citizen, Keelee Aaron, 10419 Windermere Chase Blvd, Gotha, FL, member of the First United Methodist Church School program, made a statement on behalf of her parents in favor of the proposed special exception permit.

Citizen, Sharon Sines, 12 West Smith Street, Winter Garden, FL, made a statement in favor of the proposed special exception permit.

The Board had general discussion and asked questions of City Staff for clarification on terms discussed.

Motion by Kent Horsley for the special application requesting special exception permit to allow for the property located at 125 N. Lakeview Avenue to allow the use of a columbarium which is regulated under state cemetery provisions be approved with staff conditions (Attached Exhibit "C") specified by the City staff report. Seconded by Eric Weiss, the motion carried unanimously 6-0.

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

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

Community Development Director Ed Williams presented a voluntary annexation of a parcel that had been previously tabled, staff is recommending approval of the annexation. The continuation of this application was to allow the applicant time to design a house that could be put on this lot without encroaching on a drainage easement.

Board had general discussion and questions of City Staff regarding the contiguity of the property location.

Motion by Mark Maciel to recommend the approval of 710 S. Park Avenue – Annexation - Ordinance 12-11, Future Land Use Amendment – Ordinance 12-12, and Rezoning –

Ordinance 12-13 with staff recommendations (Attached Exhibit “D”). Seconded by Kent Horsley, the motion carried unanimously 6-0.

6. 12201 W. Colonial Drive – National Retail Properties

Community Development Director Ed Williams presented a voluntary annexation of a parcel located on West State Road 50 for Camping World. City Staff recommends approval.

Motion by Kent Horsley to recommend the approval of 12201 W. Colonial Drive – Annexation - Ordinance 12-25, Future Land Use Amendment – Ordinance 12-26, and Rezoning – Ordinance 12-27 with staff recommendations (Attached Exhibit “E”). Seconded by Mac McKinney, the motion carried unanimously 6-0.

7. 2911 Avalon Road – Carriage Pointe Reserve (f/k/a Cantero Property)

Community Development Director Ed Williams presented a preliminary subdivision plan plat for the project, Carriage Pointe Reserve, has been reviewed by staff and recommend approval subject to conditions.

Applicant, Chris Tyree, Land Development Manager for Taylor Morrison Homes, 295 Lakeside Avenue, Umatilla, FL, made a statement to the Board commending staff support on the application process.

Board had general discussion and questions of City Staff regarding school concurrency and ingress – egress access of the project.

Motion by Mac McKinney to recommend the 2911 Avalon Road – Carriage Pointe Reserve Preliminary Subdivision Plan Plat for approval with staff recommendations (Attached Exhibit “F”). Seconded by Eric Weiss, the motion carried unanimously 6-0.

8. 420 Winter Garden Vineland Road – Bradford Creek Subdivision

Community Development Director Ed Williams presented a planned unit development (PUD) application for the project, Bradford Creek Subdivision. The request is to rezone sixty-three (63) acres of land from City R-1 to City PUD. The property is located within the City municipal limits and is designated low-density residential on the future land use plan. The property is split by Winter Garden Vineland Road. A community meeting was held for citizen input and the application has been reviewed by the Development Review Committee (DRC) and has made a recommendation for approval with conditions of approval. Four issues of inconsistency with the plans and the DRC approval have arisen and City Staff recommends this item be tabled to allow these issues to be re-reviewed by the DRC.

Miranda Fitzgerald, attorney with Lowndes, Drosdick, Doster, Canter and Reed Law Firm, 215 N. Eola Drive, Orlando, FL, representing the applicant, the Bradford Family Trust, requested the Board to not table their application and addressed resolutions to three of the four City Staff issues.

Jay Lewis, with Standard Pacific Homes, addressed the board as the proposed developer of the project and discussed with the Board, City Staff, and Attorney Fitzgerald the issue of the proposed square footage for the project.

Citizen, Theresa Soo, 557 First Cape Coral Drive, Winter Garden, FL, requested clarification of the developments impact to the traffic on State Road 535. City Staff provided response.

Citizen, David Heinkel, 555 Groves End Lane, Winter Garden, FL, requested clarification of the developments impact to the water needs of the City. City Staff provided response.

Board had general discussion and questions of City Staff and determined issues were still outstanding on this application.

Motion by Kent Horsley recommending the 420 Winter Garden Vineland Road, Bradford Creek Subdivision Preliminary-Plat Application be tabled for thirty days while these issues are resolved and we get a document that we can send to the City Commission that's clean and ready to go. Seconded by James Dunn, the motion carried 4 for and 2 opposed.

9. 16851 & 17001 Marsh Road – Waterside on Johns Lake

Community Development Director Ed Williams presented an urban village planned unit development (UVPUD) application for the project, Waterside on Johns Lake. The request is to rezone 75.94 +/- acres of land from City No Zoning (NZ) to City UVPUD. The property is located within the City municipal limits located on the south side of Johns Lake and the north side of Marsh Road. This application was heard by the P & Z a couple of months ago and is under a challenge by an adjoining property owner to the zoning and the comprehensive plan approvals previously approved by the Board. The planned development regulations have been amended to clarify the guidelines for Urban Village Planned Unit Developments (UVPUD). City Staff has provided an extensive report to include the staff review of the criteria for rezoning planned unit development, the staff analysis of each criteria, the specific guidelines in the UVPUD and the staff analysis of this projects compliance to these criteria. In addition is a forty (40) page summary of the City's goals, objectives, and policies from the comprehensive plan that apply to the review of this particular project and a staff analysis after each item. The applicant is required to present the project with their experts and City staff will provide the resumes of the Development Review Committees staff to the Board and the decision by the Board is to be based on the substantial competent evidence provided.

Director Williams also advised the Board in considering this project the projected transportation impact on Marsh Road was at Level of Service (LOS) "F" (10,890 vehicles per day), with the West State Road 50 road widening traffic has reduced down to 8,900 vehicles per day which is a LOS "C" and is still dropping. City still has transportation mitigation elements in place to assist getting traffic on and off the road, and discourages thru traffic.

Attorney Tom Sullivan, with Lowndes, Drosdick, Doster, Canter and Reed Law Firm, 215 N. Eola Drive, Orlando, FL , on behalf of Centerline Homes, the Applicant for the Waterside on Johns Lake UVPUD. Attorney Sullivan introduced the project experts present this evening

for questions; Planning expert, Michael C. Holbrook of Bowyer, Singleton & Associates, 520 S. Magnolia Avenue, Orlando, FL, civil engineer, Scott Stearns, P.E., LEED-AP, Bowyer, Singleton & Associates, 520 S. Magnolia Avenue, Orlando, FL, Traffic expert, J. Anthony Luke, P.E., Luke Transportation Engineering Consultants, 29 East Pine Street, Orlando, FL. Attorney Sullivan concurs with City Staff that this project is compatible with the surrounding area and is consistent with the City's comprehensive plan meeting the City's approval criteria for the UVPUD set forth in the City's code of ordinances.

Project planning expert, Michael C. Holbrook, Director of Planning of Bowyer, Singleton & Associates, 520 S. Magnolia Avenue, Orlando, FL provided a summary of his qualifications (Attached Exhibit "G") to the Board and the presentation of the Waterside on Johns Lake UVPUD project.

Scott Stearns, P.E., LEED-AP, Bowyer, Singleton & Associates, 520 S. Magnolia Avenue, Orlando, FL, provided a summary of his qualifications (Attached Exhibit "H") to the Board and a summary of the City, State and Water Management District requirements that will be met by the Waterside on Johns Lake UVPUD project.

Anthony Luke, P.E., Luke Transportation Engineering Consultants, 29 East Pine Street, Orlando, FL, provided a summary of his qualifications (Attached Exhibit "I") to the Board and a summary of the transportation plan that is in concurrence with the City code requirements.

Board had general discussion with City Staff and the project experts.

Motion by Eric Weiss to recommend to the City Commission the adoption of Ordinance 12-29 approving the Waterside on John's Lake Urban Village PUD and its associated preliminary development plan based on competent, substantial evidence in the record indicating that Ordinance 12-29 is consistent with the Comprehensive Plan and meets the criteria set forth in the Comprehensive Plan and meets the criteria set forth in the Comprehensive Plan, JPA 6, the Future land Use Map, land development regulations including Sections 118-827, 118-828 and 118-834, Code of Ordinances for rezoning the Property to UVPUD and this motion incorporates the City staff's report findings ngs and testimony as part of this recommendation for approval. Seconded by James Dunn, the motion carried unanimously 6-0.

SPECIAL EXCEPTION PERMIT(Public Hearing)

10.13501 W. Colonial Drive – Ice House (Lee & Park LLC)

Senior Planner, Stephen Pash presented a special exception permit application to allow for the construction of a kiosk at the site addressed as 13501 W. Colonial Drive, Sunoco gas station. The kiosk would be used as a bulk ice sales/dispenser. The proposed location of the machine is not in compliance with City code 118-1310(b), and allowing the proposed kiosk is not consistent with the West State Road 50 Commercial Corridor Overlay and recommends the denial of the special exception permit application as proposed. Staff does support the special exception permit if the kiosk is relocated to the northwest corner of the

property behind the existing window tinting business located on the property subject to conditions of the City Staff report Development Review Committee memorandum.

Applicant, Jason Cleghorn, representing Ice House America – Kiosk Machine, 13361 Atlantic Boulevard, Jacksonville, FL, presented a powerpoint presentation to the board for the proposed special exception permit for a kiosk at 13501 W. Colonial Drive.

City Staff and Applicant discussed with the Board issues of the application and the placement of the kiosk on the property.

Applicant, Joe Huckabee, from Stellar Window Tinting, LLC, representing the 13501 W. Colonial Drive project site, discussed with the Board the economic need for the project to be at this site and the proposed future improvements to the property.

Board Member Rohan Ramlackhan left the Chambers at 9:45 p.m.

Board continued general discussion with City Staff and Applicant.

Motion by Kent Horsley that the special exception permit to allow for the property located at 13501 West Colonial Drive to allow for the use of a kiosk within the West State Road 50 Overlay be denied based on Staffs recommendation. Seconded by Mack McKinney, the motion carried unanimously 5-0.

7. ADJOURNMENT

There being no further business, the meeting was adjourned at 9:52 p.m.

APPROVED:

ATTEST:

Chairman James Gentry

Administrative Specialist Corrina Williams

EXHIBIT "A"

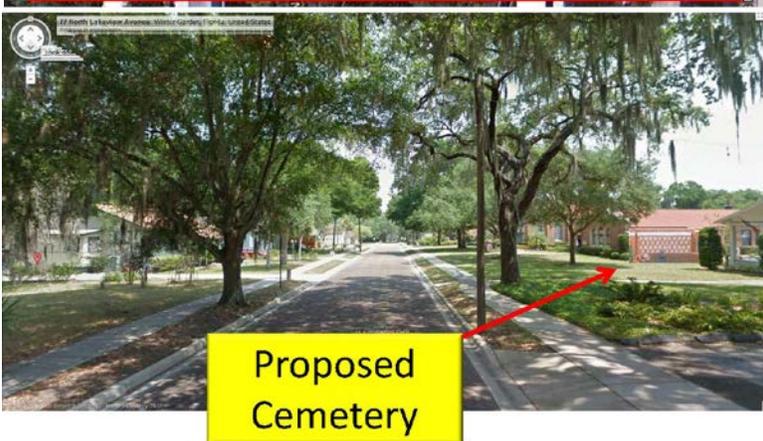
Powerpoint Presentation – Citizen, Steven Jett

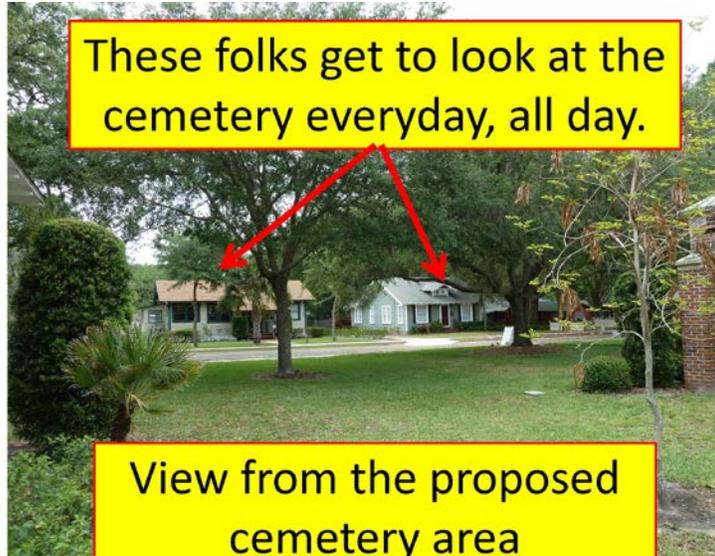


What is the major overriding concern that makes it necessary to put a cemetery in a residential neighborhood, next to downtown, and in a historical district?



What is the major overriding
Are we running out of space in the Winter Garden cemetery?
district?





We asked the church to consider 5 different options



We would prefer not to have a cemetery in our neighborhood at all,

We asked the church to consider 5 different options



We would but when we couldn't convince the church not to build this, at all,

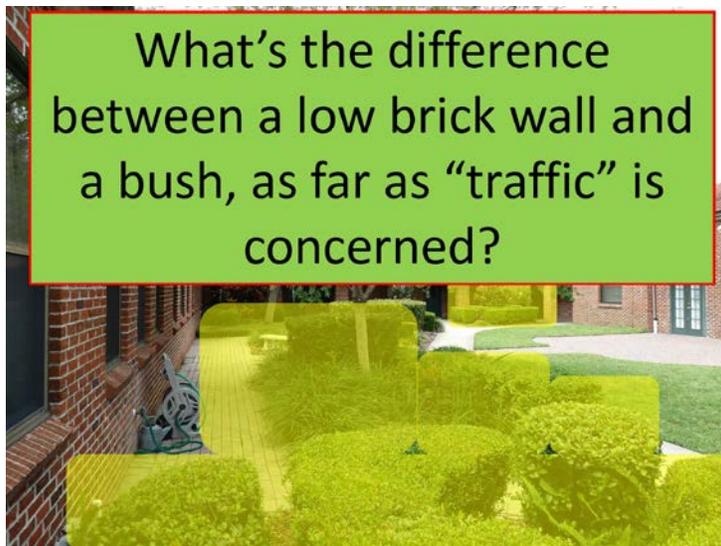
In option 1, there is a completely enclosed courtyard that is 50 feet by 81 feet.

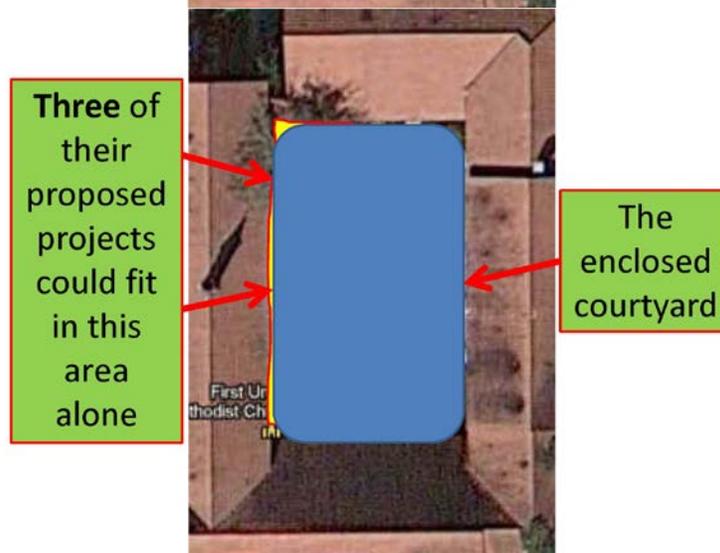
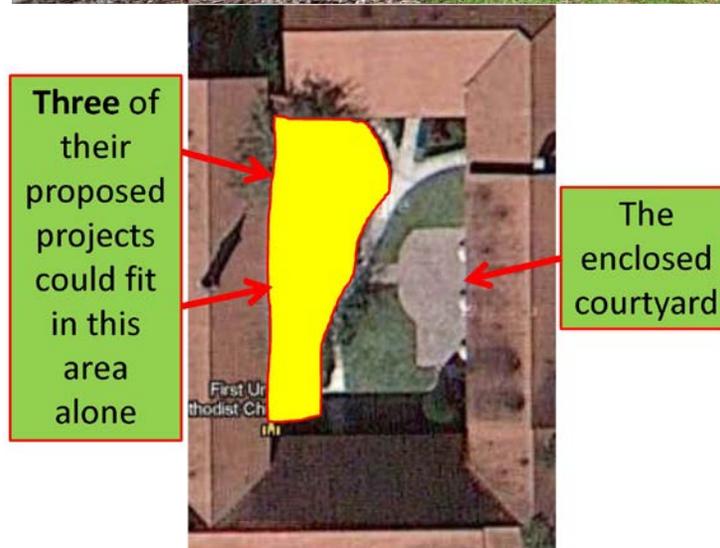


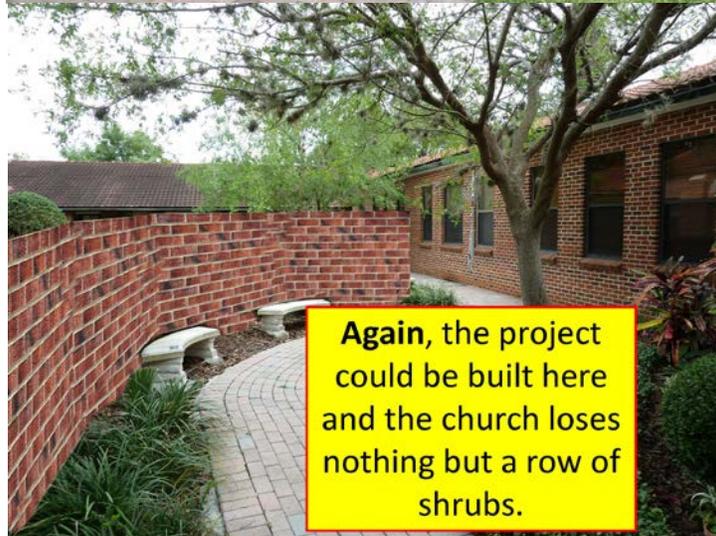
8

More than 8 of their proposed structures could fit in here

What's the difference between a low brick wall and a bush, as far as "traffic" is concerned?



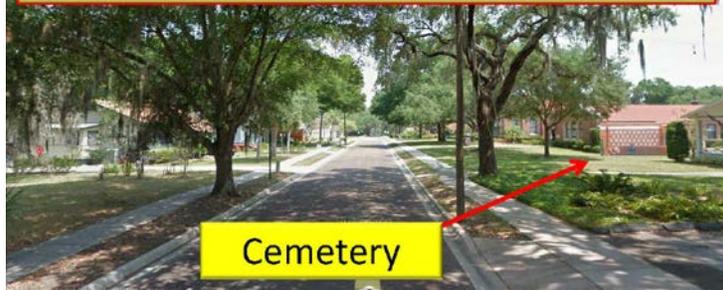




They chose to push forward in the exact same place and just make the brick wall, **two feet higher**



Why is the burden being placed on our neighborhood?



The neighborhood is taking a hit just by having a cemetery on the church property.

Three of their proposed projects could fit in this area alone



Why can't the church give something up?

If the need for this is so overwhelming, why isn't the church willing to compromise on location?

The church members get to go home after church.
We get to live with their cemetery, **every day.**



Planning and Zoning Board

Implement the comprehensive plan adopted by the City with reasonable consideration, among other things, to the prevailing land uses, growth characteristics and the character of the respective districts and their peculiar suitability for peculiar uses and to encourage the most appropriate use of the land throughout the city, from time to time revising and amending the plan.

Members:
James W. Bishop, Chairman
Mark Turley
Mark Miller
M. A. Williams
Robert Goodrich

Meetings:
1st Monday of Each Month
7:00 PM
City Hall Council Chambers

Cemetery

Single Family Homes

Planning and Zoning Board

Taken directly from the city of Winter Garden website

Members:
James W. Bishop, Chairman
Mark Turley
Mark Miller
M. A. Williams
Robert Goodrich

Meetings:
1st Monday of Each Month
7:00 PM
City Hall Council Chambers

Cemetery

Single Family Homes

Please don't force our neighborhood to live with **their** wall of death

Cemetery ? Here?

EXHIBIT “B”

Letter Read at Meeting – Citizen, Debbie Arnold

June 4, 2012 Zoning & Planning Board Meeting

Subject: A Special Exception Permit to allow the addition of a cemetery at property located at 125 N. Lakeview Ave., Winter Garden

Speaker: Debbie Arnold

The project in question is for the exclusive use of members of the First United Methodist Church of Winter Garden. As such, any member of this board who is also a member of this organization, should recuse themselves due to this obvious conflict of interest.

Variations to zoning statutes, policies & associated ordinances and regulations can only be properly granted when such variations are not contrary to the public interest or when literal enforcement of the zoning code would result in unnecessary or undue hardship to the applicant.

It is clear that denying this request would not result in undue hardship to the applicant. The church has functioned, and indeed has grown, for 100 years without a cemetery. There are columbaria available in the area, including in Woodlawn Memorial Park (which has a meditation labyrinth that is open to the public) and in the Winter Garden municipal cemetery. Indeed, the city offers columbarium niches to its residents for \$600 while the proposed project will be charging \$1000-\$1100 per niche.

By contrast, undue hardship would be created for others if this special exception is approved. A cemetery/columbarium would substantially devalue adjacent residences. As discussed in the *Wall Street Journal* in its Oct 31, 2011 issue, not only are homes nearby cemeteries difficult to sell, those home within a two-block street radius sell for an average of 10-15% less.

Homeowners have an expectation of reasonable enjoyment of their property. Homes directly across the street will have the constant reminder of death with this structure, when their only view would be that of a cemetery. Residents cannot be expected to have anticipated this unforeseeable use of the land when they purchased their homes when no other publicly visible cemetery has been permitted by the city within residential areas. Indeed, when the city established its cemetery in 1924 it was on the southern edge of the city, a rural, undeveloped site.

Beyond the adverse economic impact on nearby residences, the project is against the public interest of the city at large. The city in the past 20 years has spent significant amounts of time and money to recreate and preserve the historic downtown, a “renaissance of a vibrant community”, as described in the city’s website. This project places all these efforts in jeopardy.

Specifically, in 1992, the city created the Community Redevelopment Agency or CRA. A CRA is created when the governing body finds one or more areas within the city that are in a “slum” condition and have a need to rehabilitate, conserve and redevelop that area. Dedicated funds from the special taxing district and grants have permitted the city to complete many successful projects including: altering the traffic pattern on Plant St (effectively stopping the county’s plan for widening this road), repaving streets in the historic district with bricks, and installing decorative lighting and landscaping.

In 1994, the Historic Building Survey of Winter Garden was completed using funds and services from sources including the City of Winter Garden, the National Park Services, the Florida Department of State and the Florida Historic Preservation Advisory Council. As discussed at page 39 of this document "The introduction of unharmonious elements within a historic setting may destroy the integrity of a historic resource...The conversion of residential buildings into professional office space or the introduction of commercial buildings into a residential neighborhood, for example, often leads to the neighborhood's eventual demise, and typically compromises the historic character of that neighborhood". Surely, the examples of inappropriate development discussed in this document are not nearly as extreme changes of use as the introduction of a new cemetery in a historic residential neighborhood as requested in this Special Exception.

Based on this report, the City of Winter Garden on January 19, 2010, passed Ordinance 10-05 to amend the zoning ordinances for the Historic Downtown District which includes the property in question. Section 98-186 of Article VII, Chapter 98, Part II of the Winter Garden Code of Ordinances, provides that the purpose of the article is to "promote the historic downtown district as an interesting, unique, and walkable environment" including improving the visual appearance and physical access to sides streets to Plant St., including Lakeview, promoting pedestrian activity and interconnectivity between the business district and the residential district.

The project in question is on the primary route between the historic business district and the historic residential district used by families to access the West Orange Trail, the children's splash fountain, downtown businesses and city sponsored events such as the Farmers' Market to the south and Tanner Auditorium and the adjacent playground and other city sponsored events on Lake Apopka such as the Fourth of July Celebration to the north. The proposed cemetery is prominently situated with its access directly on N. Lakeview Ave. Anyone traveling on N. Lakeview Ave, whether on foot, skateboard, bicycle or stroller, will have to pass directly in front of the cemetery.

The City is continuing its investment in the historic residential area. For example, the city is currently participating in the America In Bloom national initiative. On April 12, the Winter Garden City Commission supplied \$10,000 in seed money to two projects in conjunction with this initiative. Far from abandoning the historic residential area, they chose N. Lakeview Ave as the first street to receive free live oaks to improve the tree canopy.

A cemetery is a constant reminder of death and is inconsistent with the vibrant family oriented atmosphere the city has worked so hard to achieve. If the cemetery is approved in the heart of the historic downtown district, dangerous precedents will be set. A cemetery is inconsistent with the uses and fundamental character of the specially designated historic area; and such a variance will render further preservation and the existence of a historic district with special regulation moot. Some of the drawings shared with the public were labeled "Phase I". It will be more difficult for the city to justify denial of expansion of an already existing cemetery, than it is to deny the creation of a new cemetery. Additionally, the city will have difficulty justifying the inappropriateness of other new cemeteries anywhere else in the city if this location is deemed appropriate. This potential scattering of cemeteries throughout the city would fundamentally change the character of the city as a whole.

This project is in clear violation of public policy which has so consistently been set by the City of Winter Garden and comes at too high a cost to its citizens. Do not risk the considerable financial investment the city has made in its historic downtown or change our town from "Mayberry" to the city of the dead.

Thank you for your time and earnest consideration of the serious issues raised by this request.

EXHIBIT “C”

**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 cemetery 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 cemetery 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 interment 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 cemetery provisions at the existing church facility located at 125 N Lakeview Avenue. City staff have facilitated the occurrence 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 protrude above the perimeter walls of the gardens.

SUMMARY

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

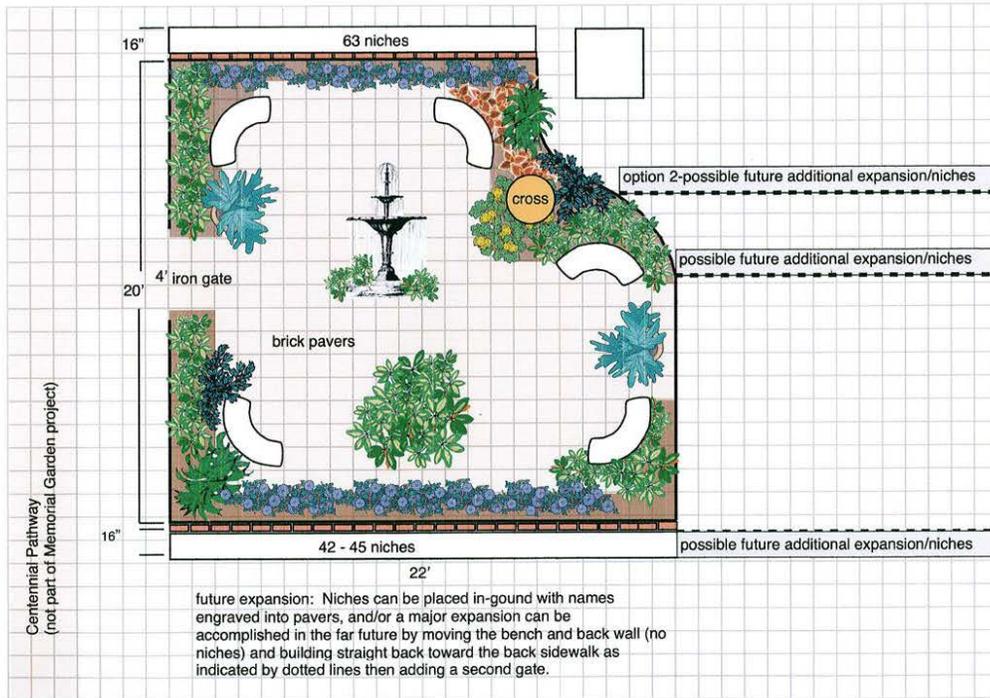
- Parking for the columbarium shall be restricted to the existing parking facilities located on the subject property; no parking will be permitted on the adjoining streets.
- A maximum of 110 niches may be constructed on the subject property under the approval of this special exception permit, expansion 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.

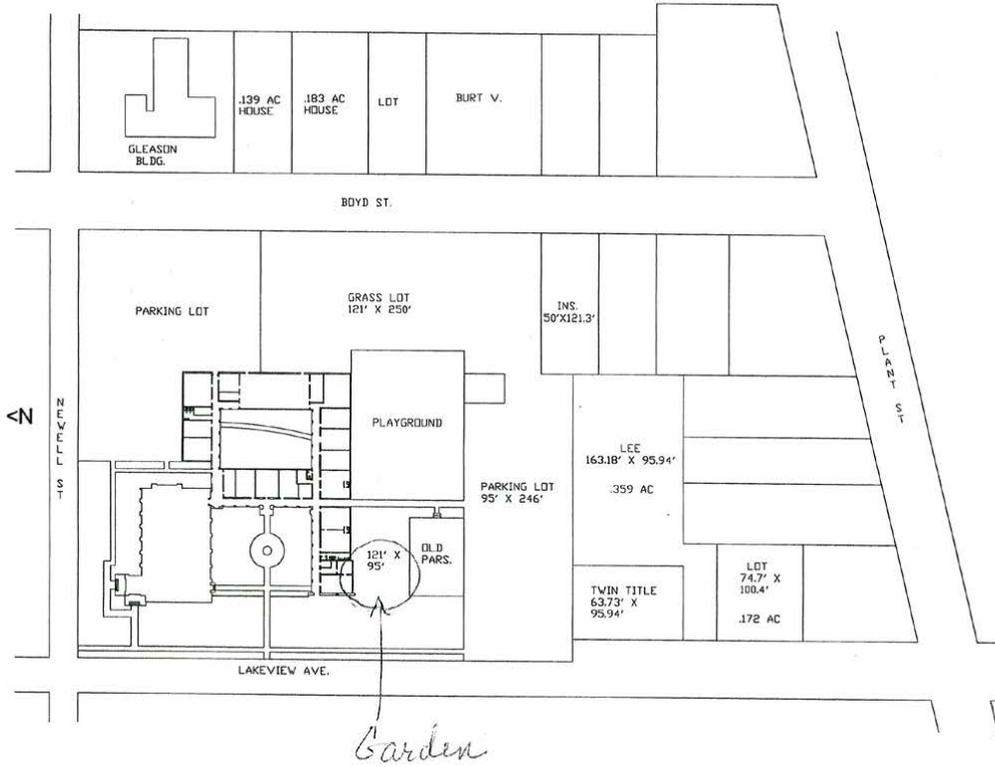
MAPS/EXHIBITS

AERIAL PHOTO
125 N Lakeview Avenue











END OF STAFF REPORT

EXHIBIT “D”

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: MARCH 16, 2011
SUBJECT: ANNEXATION – ZONING – FLU AMENDMENT
710 SOUTH PARK AVE UNUE (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 Avenue 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.

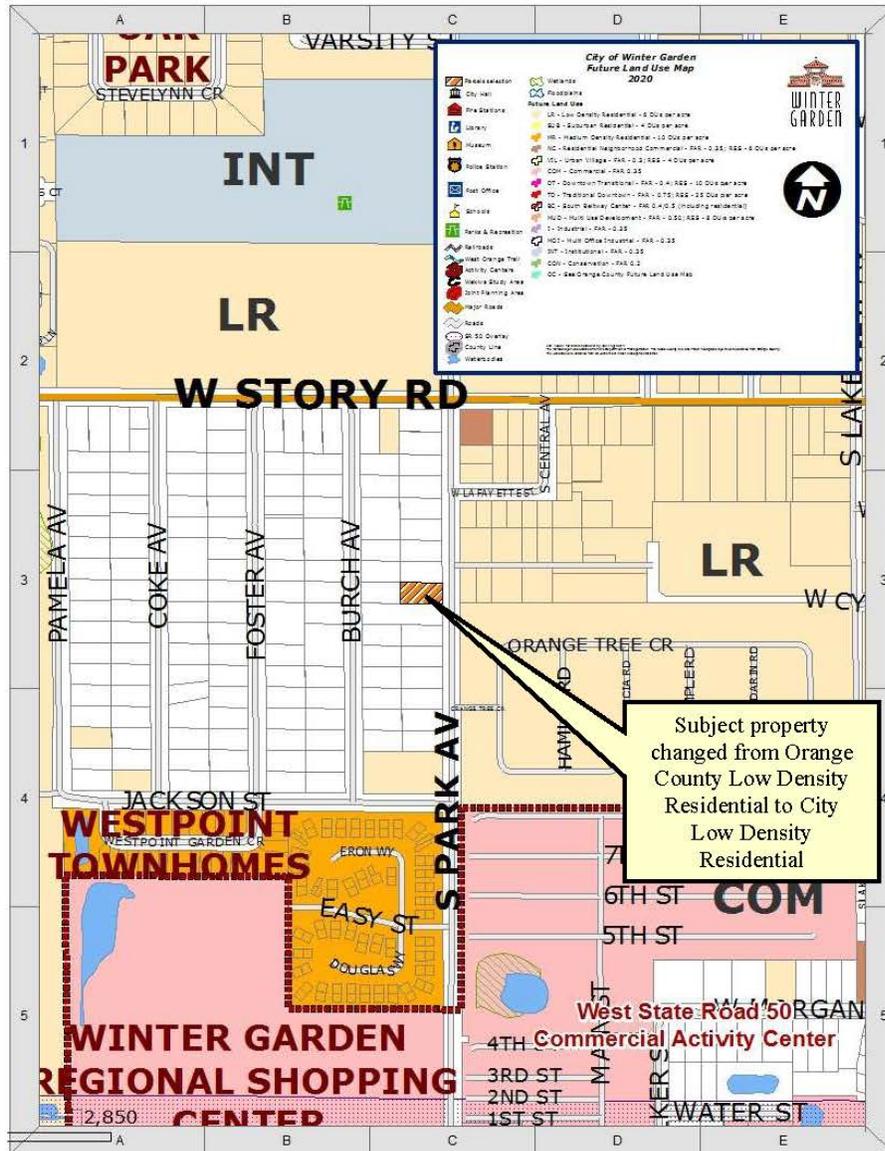
MAPS

AERIAL PHOTO

710 South Park Avenue



**FUTURE LAND USE MAP
 710 South Park Avenue**



ZONING MAP
710 South Park Avenue



END OF STAFF REPORT

EXHIBIT “E”

CITY OF WINTER GARDEN PLANNING & ZONING DIVISION

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

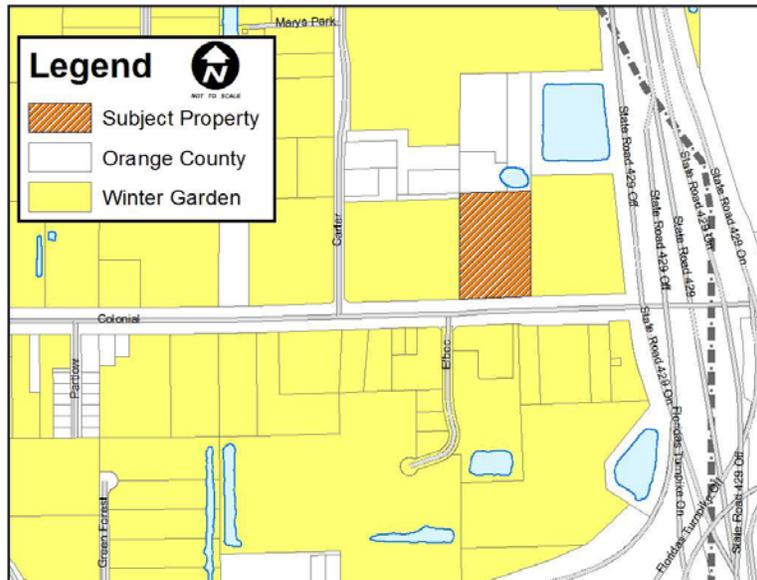
STAFF REPORT

TO: PLANNING AND ZONING BOARD
PREPARED BY: STEVE PASH, SENIOR PLANNER
DATE: MAY 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 Commercial, 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.

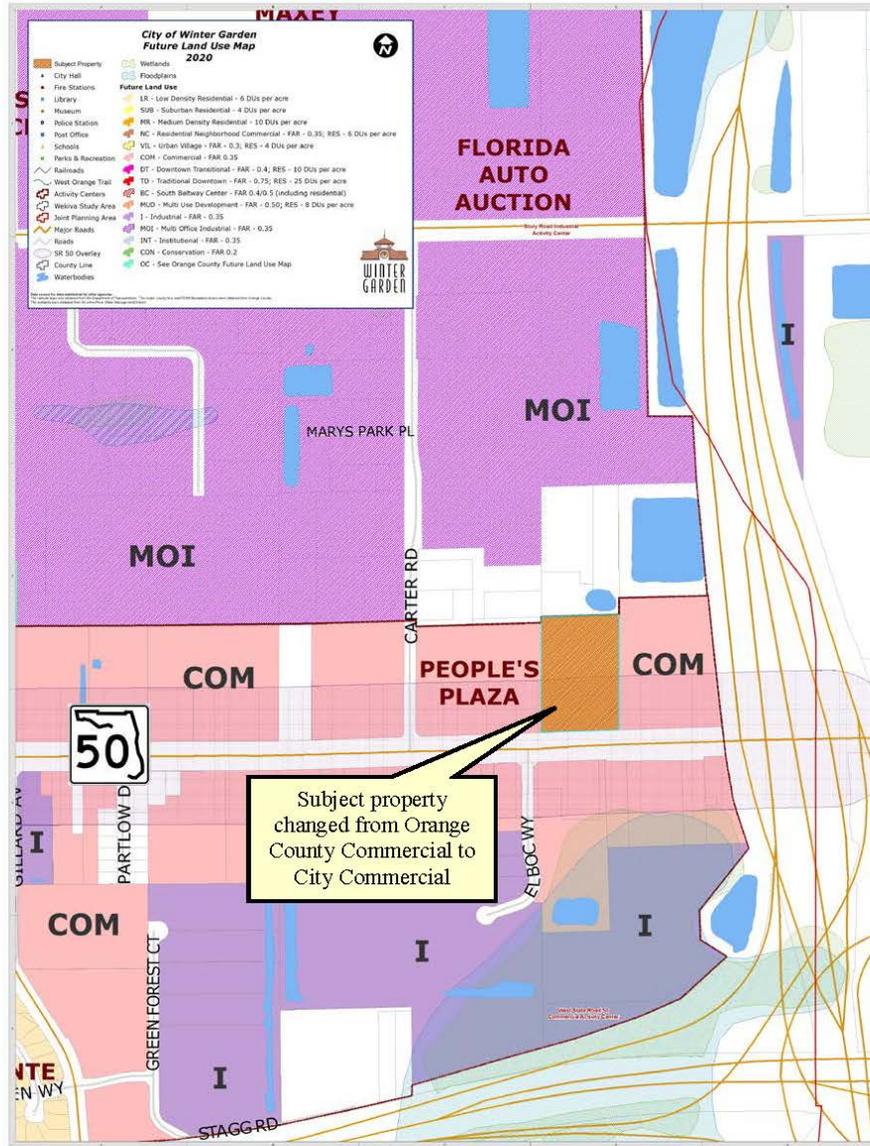
MAPS

AERIAL PHOTO

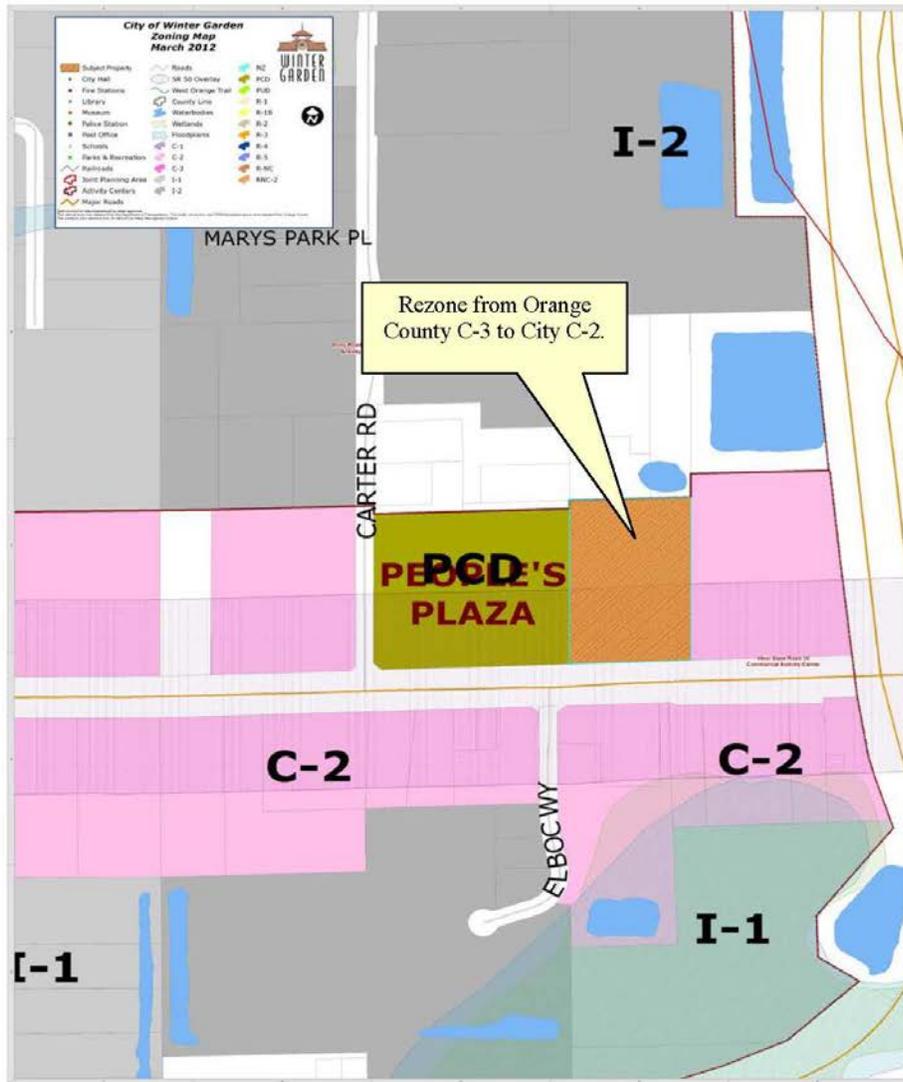
12201 West Colonial Drive



**FUTURE LAND USE MAP
12201 West Colonial Drive**



ZONING MAP
12201 West Colonial Drive



END OF STAFF REPORT

EXHIBIT “F”

CITY OF WINTER GARDEN PLANNING & ZONING DIVISION

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

STAFF REPORT

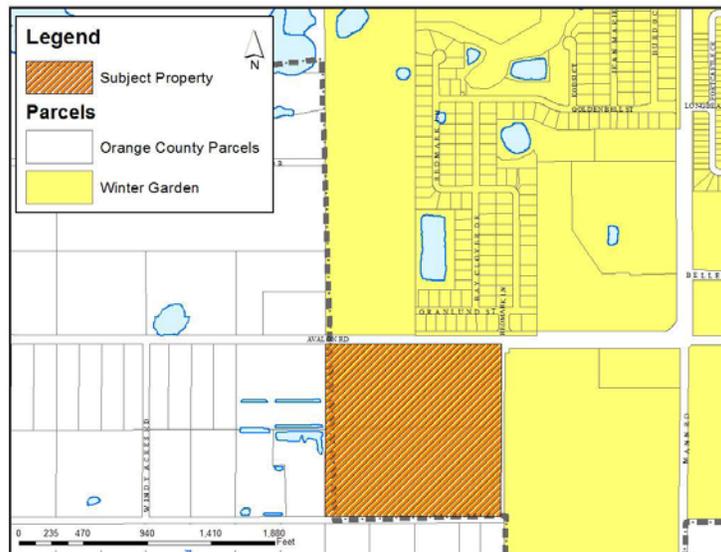
TO: PLANNING AND ZONING COMMITTEE
PREPARED BY: LAURA SMITH, SENIOR PLANNER
DATE: MAY 31, 2012
SUBJECT: PRELIMINARY PLAT
Avalon Road (37.8+/- ACRES)
PARCEL ID # 06-23-27-4284-04-010

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.



P&Z: PH11-043

EXISTING USE

The subject property does not presently contain any structures 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

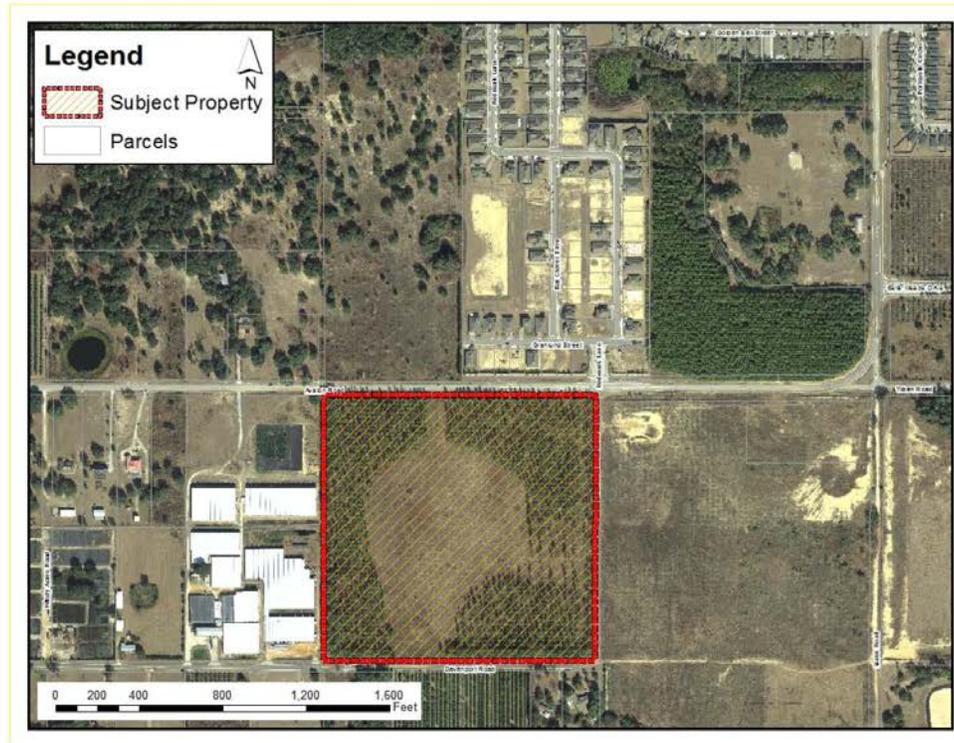
The applicant is requesting preliminary plat approval to move forward with development plans and the final plat. The preliminary plat will subdivide Carriage Pointe Reserve PUD, a 37.8 ± acre PUD into 90 lots, a community park, and common open space with rural settlement buffers along the south and east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

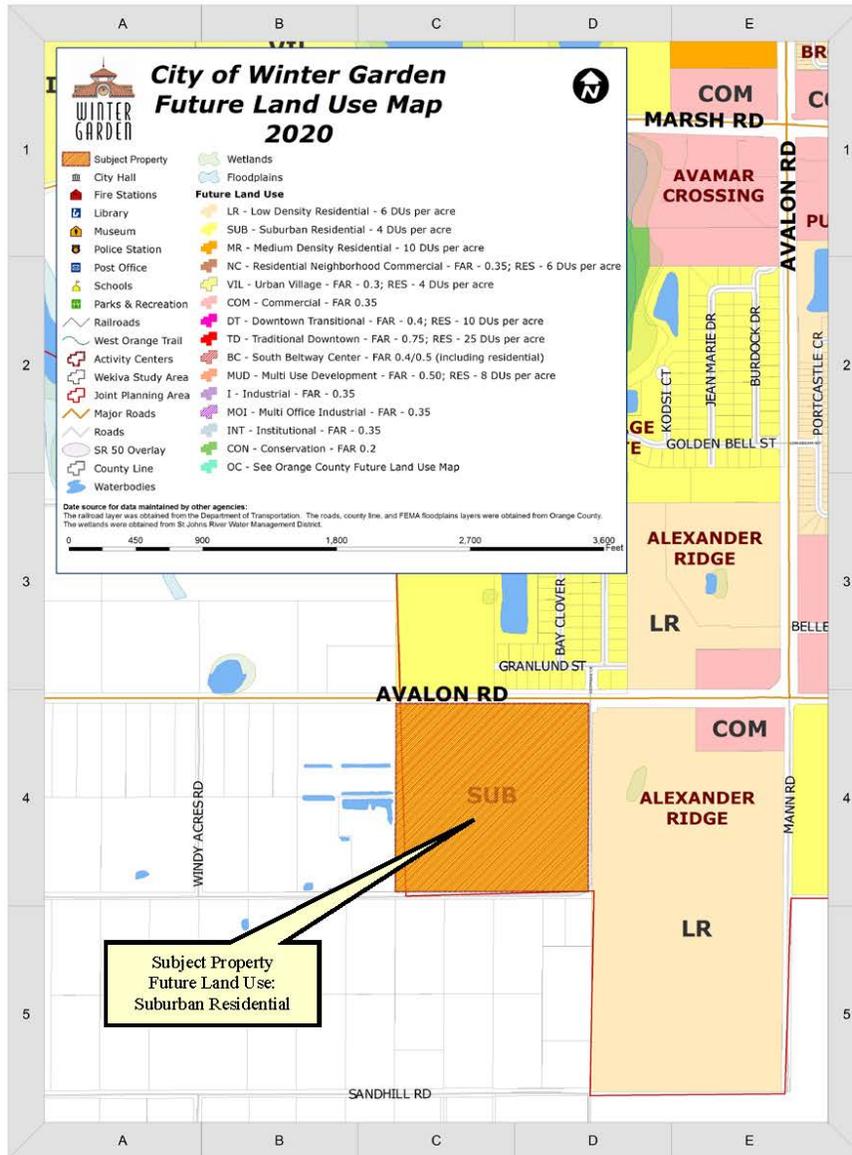
AERIAL PHOTO
Carriage Pointe Reserve



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

EXHIBIT "G"

Michael C. Holbrook, RLA Senior Planner & Landscape Architect



Michael C. Holbrook, RLA
Director of Planning

Professional Registration

Registered Landscape Architect
in Florida
Number 742

Education and Training

University of Florida
Bachelor of Landscape Architecture
Master of Arts in Urban and Regional Planning
Harvard University
Graduate School of Design
Professional Development Program

Professional Affiliations

American Society of Landscape
Architects, Member

American Planning Association,
Member

Urban Land Institute - Member

Over 30 Years Experience

Diversified Background in
the Design and Permitting of
Infrastructure Systems,
including Airports, Golf
Courses, Commercial
Developments, and
Industrial Developments

Extensive Knowledge of
Permitting Requirements



Mike Holbrook, Director of Planning at Bowyer-Singleton, is a planning professional with 34 years experience. He is experienced in all aspects of urban planning, landscape architecture, site planning and design, and project management. His responsibilities have ranged from developing the Master Plan for an international airport in the West Indies and preparing Land Use Plans for a 27,000-acre project in Central Florida, to designing and implementing the Development Plan for a major resort in Central Florida. He has consulted for a variety of public and private clients involving commercial, industrial, resort and residential projects. He brings this unique understanding to each assignment.

Project Related Experience

Cascades PUD / CDD, Groveland, Florida – Lead Planner Cascades at Groveland is a 751.9-acre master planned, residential community located in Lake County. The Development is approved as a planned development for 999 single-family units, an Amenity Center and a Horticultural Center, approximately 31 acres of commercial development and a North-South Infrastructure Road (Wilson Lake Parkway). BSA provided services that obtained entitlements and approvals for the infrastructure, mass grading and the final construction of the project which is divided in 5 phases. We also worked with Lake County by designing and coordinating the approval of the North-South Road (Wilson Lake Parkway) to serve as a main connector road for the area. Additional work included the necessary improvements on US 27 for the main entrance road, the extensive design and permitting of both the water line to service the project and the sewer forcemain for connection of the sewer system to the City of Groveland facilities.

Fore Ranch PUD, Ocala, Florida – Senior Site Planner Fore Ranch PUD is located one mile south of the I-75 / SR200 intersection. The property consists of 636 single-family homes and 486 town homes. In six months, Bowyer-Singleton permitted 2.3 miles of infrastructure roadway, 313 single-family lots, 286 townhomes and 170 condominium units. Bowyer-Singleton assembled and designed Preliminary Plats, Improvement Plans, and Final Plats, as well as provided a broad range of surveying services, from site design surveys and special purpose surveys, to housing mortgage surveys.

Vista Lakes, Orlando, Florida - Senior Site Planner This project is located east of Narcoossee Road and north of the Beeline, on the future eastern extension of Lee Vista Boulevard. With over 200 acres of existing on-site wetlands and lakes, this project presents some unique design challenges. The main challenge is creating a viable community that balances the developable parcels with existing ecological systems. Additional challenges relate to the need to tie into both existing and proposed roadways and proposed master utilities serving the project. The 750-acres include a residential element of single-family and multi-family parcels, as well as commercial parcels.

Orlando Tradeport, Drive Entrance Feature and Roadway Landscaping, Greater Orlando Aviation Authority, Orlando, Florida – Landscape Architect The Orlando Tradeport is a 1,600-acre business and industrial park located on the west side of the Orlando International Airport. Mr. Holbrook was the project Landscape Architect for the main entrance feature at the Orlando Tradeport, located on the westside of Orlando International Airport. Tradeport Drive is the main collector road for the 1,400 acre mixed business and industrial park. The main entrance feature at Tradeport Drive and the Beachline Expressway (SR 528) provides both a vehicular and aviation solution for a main entrance. On either side of the entrance, pools, fountains and earth berms with extensive landscaping provided the project's sense of arrival. The main entrance feature is visible to approaching and departing aircraft.

Stetson University, DeLand, Florida – Stetson University The Stetson University Dormitories, completed in 2007, included site layout and design for seven new dormitory buildings on campus to house new and returning Stetson University students. Site design included all necessary infrastructure needed to support the new buildings and also included revising existing parking lots for a nearby dormitory and administrative offices. The dormitories were located at two different locations on campus, but close enough to provide shared parking and a shared stormwater treatment system. Bowyer-Singleton was responsible for all site engineering and the permitting through the City of DeLand, St. Johns River Water Management District, Florida Department of Environmental Protection, and the Volusia County Environmental Health Unit. Bowyer-Singleton was able to obtain the required approvals within a short timeframe and allow construction to begin quickly. During construction, Bowyer-Singleton provided Construction Administration Services, providing immediate response to contractor and construction issues.

Orange Lake Resort and Country Club – Director of Planning/Landscape Architect Mr. Holbrook served as the Director of Planning and was the resident Landscape Architect for Orange Lake for a period of 4 years. During his tenure, he was responsible for all planning, design, permitting and implementation of the resort and more than doubling its size. As the nation's largest single-site timeshare community, Mr. Holbrook was able to implement a community-wide landscape, hardscape and signage program that

Michael C. Holbrook, RLA
Page 1 of 2



competed with its adjacent neighbor, Walt Disney World and the next generation of timeshare communities from Marriott and Hilton. Mr. Holbrook's primary responsibility was to understand what the "latest and greatest" ideas the competition was implementing and provide that level of design to Orange Lake, on their budget and schedule. Mr. Holbrook continues to serve as a reviewing Landscape Architect on new phases of development at Orange Lake.

Little Lake Bryan, Orange County, Florida– Lead Planner/Landscape Architect Little Lake Bryan is located in Southwest Orange County at the intersection of Interstate 4 and State Road 535. This 300-acre mixed-use development includes medium density multi-family communities and commercial with an urban environment. Bowyer-Singleton is serving as the primary civil and planning consultant. Our services include surveying, environmental, development planning, permitting, landscape architecture, project management, and construction administration and management of the project. Engineering services included the infrastructure and utility design for Phase II. From a planning perspective, Bowyer-Singleton has assisted in site planning of parcels within Phase II, provided planning reviews of the community recreation areas, roadway layouts, right-of-way widths, and utilities location. Our Planning & Landscape Architecture section wrote the scope of services for Little Lake Bryan's Common Area Design Contract, administered the bidding process and is currently acting as the Project Manager for the contract.

Other Relevant Project Include:

- Lost Lake Reserve Planned Development, Clermont, Florida – Joe Zaciari
- Baldwin Park Towers, Orange County, Florida – Penco Corporation
- Lake Nona South, 54-hole Golf Course Facility Master Plan, Orlando, Florida, Lake Nona Corporation
- Commercial Properties Master Plan, Orlando Executive Airport, Orlando, Florida – Greater Orlando Aviation Authority
- Hunter's Creek (2 School Sites), Orange County, Florida – Newland Communities
- Daytona Beach Community College, Volusia County, Florida – DBCC
- Colonial Center Heathrow (aka Heathrow International Business Center), City of Lake Mary and Seminole County, Florida – Colonial Properties Trust
- Downtown Master Plan, City of Orlando, Florida – City of Orlando
- Waterford Lakes, Orlando, Florida – Waterford Property Holdings, Inc.
- Orange Avenue Landscape Plan - Orange County, FL.
- Conway Road Landscape Plan - Orange County, FL.



Michael C. Holbrook, RLA, ASLA
Page 2 of 2

EXHIBIT "H"

M. Scott Stearns, P.E., LEED-AP

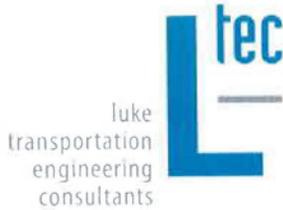
Vice President & Director of Land Development
Bowyer-Singleton & Associates, Inc.
520 South Magnolia Avenue
Orlando, Florida 32801
407-843-5120, ext. 3190 (phone)
407-649-8664 (fax)
sstearns@bsa-civil.com

Scott Stearns, Vice President and Director of Land Development at Bowyer-Singleton, is a Registered Professional Engineer in Florida with a Bachelor of Science in Civil Engineering from the University of Florida. Mr. Stearns received Leadership in Energy and Environmental Design (LEED) accreditation in 2009. He is an active member of Urban Land Institute (ULI), International Council of Shopping Centers (ICSC), National Association of Industrial and Office Properties (NAIOP) and Home Builders Association (HBA) and serves as the Secretary of HBA of Metro Orlando, as well as serves on the Executive Board of HBA of Metro Orlando.

Mr. Stearns has 15 years of experience in development of all types and scales of projects in Central Florida ranging from mixed-use, such as the award winning Colonial Town Park, to the premier golf resort at Reunion. He has extended experience in managing and designing Residential, Multi-Family, Commercial, Office, Industrial and Resort development projects from Master Planning to Final Project certification. He has managed the design and construction of more than 10,000 residential units and 1.4 million SF of commercial projects during his 13 years with the firm. Mr. Stearns was the Engineer of Record for the Colonial Properties first LEED (Leadership in Energy and Environmental Design) certified office building in Central Florida.

He is very familiar with the regional and local regulatory agencies, including Department of Community Affairs, Florida Department of Environmental Protection, Orange County, Osceola County, Marion County, Seminole County and the City of Orlando, as well as the State's Water Management Districts. Scott has worked with a wide array of clients including Land Bankers, Land Developers and Production Builders.

EXHIBIT "I"



J. ANTHONY LUKE, P.E.
PRESIDENT

transportation engineering + planning



AREAS OF EXPERTISE

- ▶ Traffic Operations Analysis
- ▶ Transportation Corridor Studies
- ▶ Traffic Impact Analysis
- ▶ Traffic Data Collection and Analysis
- ▶ Transportation Systems Analysis
- ▶ Travel Forecast Modelling

EDUCATION / REGISTRATION

- ▶ Bachelor of Science in Engineering, University of Central Florida, 1984
- ▶ Professional Engineer in Florida No. 42642

PROFESSIONAL AFFILIATIONS

- ▶ Institute of Transportation Engineers
- ▶ Florida Planning & Zoning Association

J. Anthony Luke, a native of Florida, has over twenty-five years of experience in transportation engineering and planning. Mr. Luke's experience has been accumulated as Director of Transportation Planning at Transportation Consulting Group and President of Luke Transportation Engineering Consultants. He has provided consulting services to wide range of public agency and private sector clients, in the form of project management, development of solutions to complex traffic engineering and transportation planning issues, and representation at public hearings and meetings.

Mr. Luke has extensive experience with the application of travel forecast models- he was involved with the development of the first PC regional transportation model used in the Orlando Metropolitan Area. He also has completed numerous projects utilizing analysis procedures from the Highway Capacity Manual, Synchro, and other traffic operation analysis techniques. Mr. Luke serves in the capacity as project manager, contributing to and overseeing production of studies and tasks, and providing strategic consulting advice to LTEC's clients.

His experience includes signal-retiming projects, signal warrant studies, design traffic studies for roadways and interchanges, access management analysis, transportation master planning, and multimodal transportation systems studies. In addition, he has managed the production of over 25 DRI applications.

Professional Experience

- City of Apopka Concurrency Management System Updates
- Orange County Transportation Planning- Continuing Services
- Florida DOT Statewide Highway System Transit Safety Study
- Florida DOT Access Management Classifications Development for all District Five Facilities
- Seminole County Travel Time & Delay Studies
- Orange County Alternative Road Impact Fee Monitoring
- LYNX Regional Intermodal Center
- Central Florida Research Park
- International Corporate Park
- Alafaya Trail Widening Project Design Traffic Study

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www.Ltec-FL.com