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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: Agenda – July 2, 2012 - 6:30 PM
Commission Chambers, City Hall
300 West Plant Street, Winter Garden

1. **CALL TO ORDER**
2. **ROLL CALL AND DETERMINATION OF QUORUM**
3. **APPROVAL OF MINUTES FROM THE JUNE 4, 2012 MEETING**
4. **ANNEXATION, REZONING, FUTURE LAND USE MAP AMENDMENT, PLATS (PUBLIC HEARING)**
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
5. **SPECIAL EXCEPTION PERMIT (PUBLIC HEARING)**
101 Hennis Road – Cemex Plant
Parcel ID #: 12-22-27-6496-05-007
6. 3554 West Orange Country Club Drive – The New Academy
Parcel ID #: 11-23-27-9447-00-010
7. 1101 S. Park Avenue – Little Orange Academy
Parcel ID#: 26-22-27-9164-00-030
8. **ADJOURNMENT**
To the next regular Planning and Zoning Board meeting on Monday, August 6, 2012 at 6:30 p.m. in City Hall Commission Chambers, 300 W. Plant Street, 1st floor.



**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"

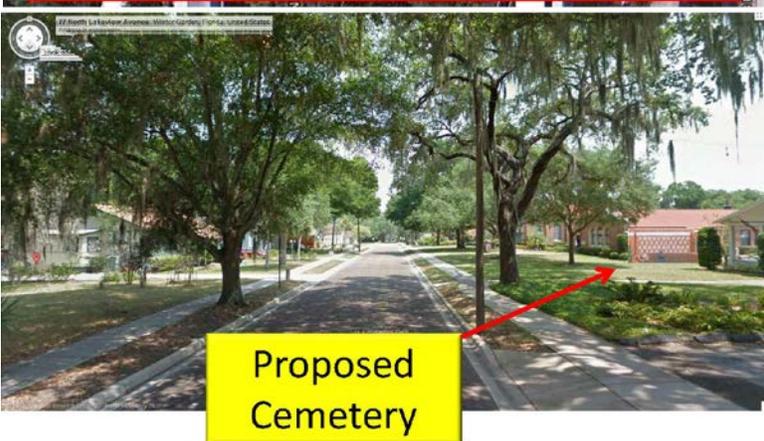
Powerpoint Presentation – Citizen, Steven Jett

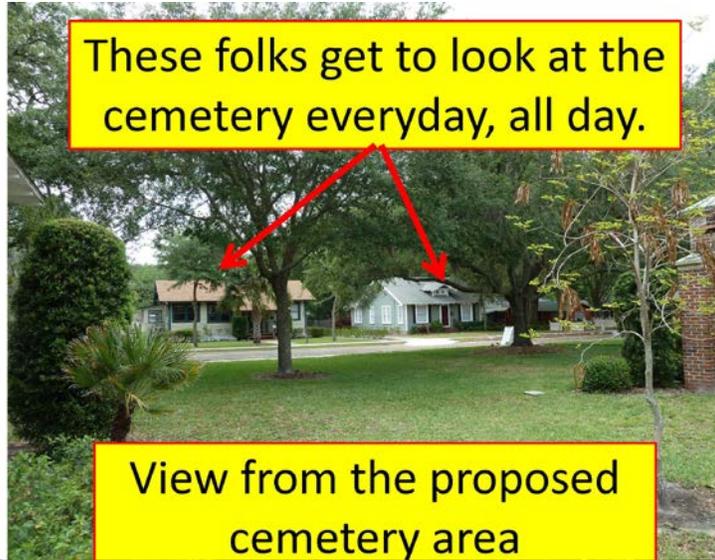


What is the major overriding concern that makes it necessary to put a cemetery in a residential neighborhood, next to downtown, and in a historical district?



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 asked the church to consider 5 different options



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

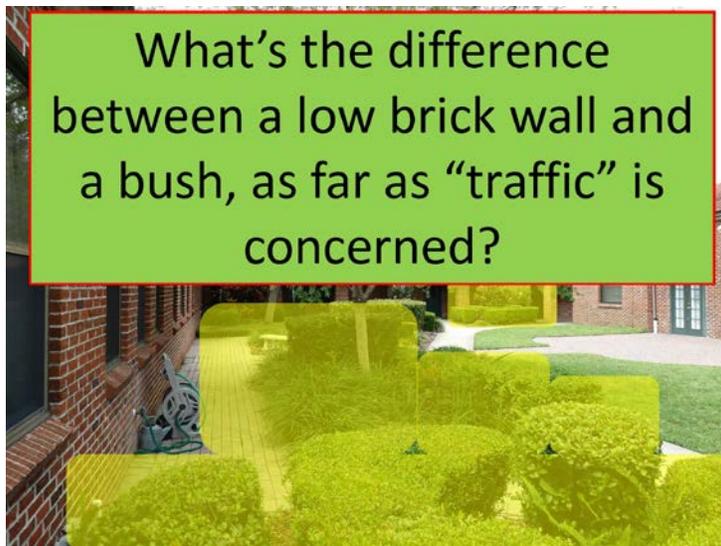
In option 1, there is a completely enclosed courtyard that is 50 feet by 81 feet.

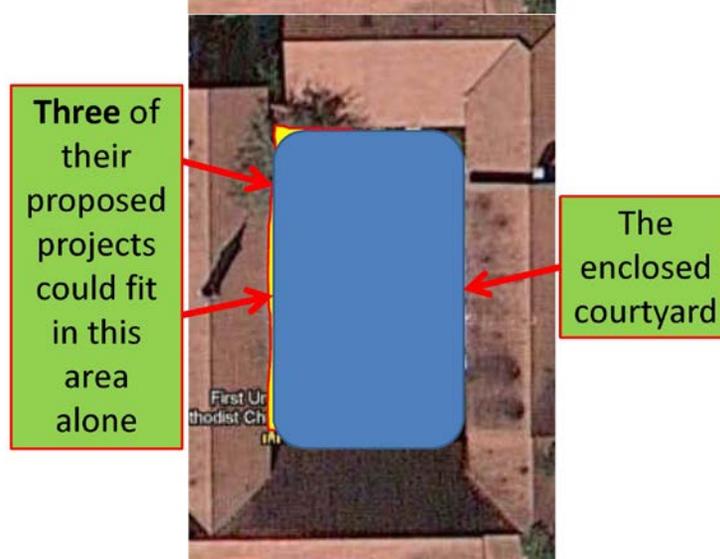


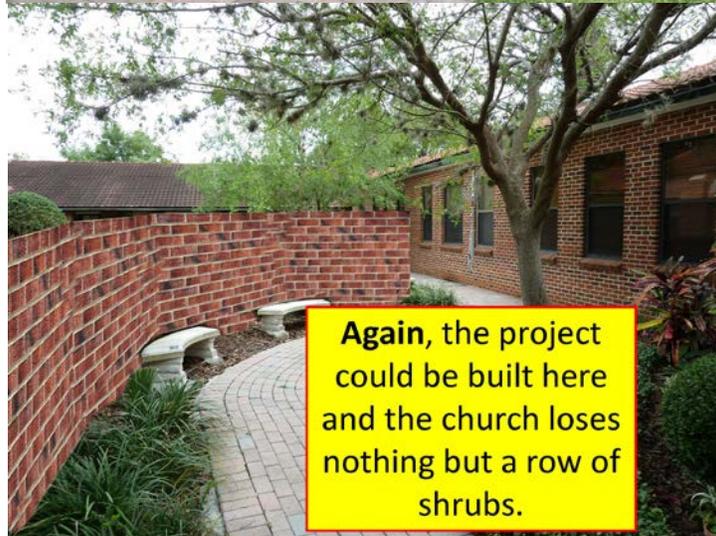
8

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?



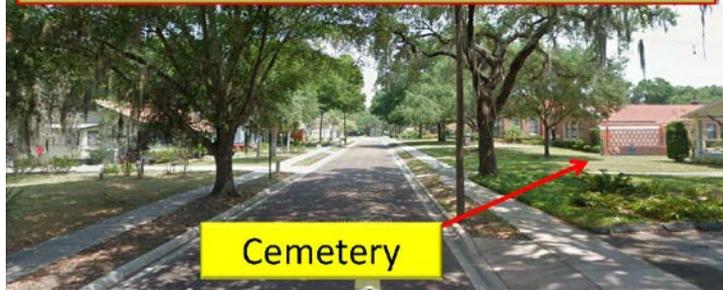




They chose to push forward in the exact same place and just make the brick wall, **two feet higher**



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. Dyer, Chairman
Mark Turley
Mark Miller
M. A. Williams
Robert Goodrich

Meetings:
1st Monday of Each Month
7:00 a.m.
City Hall Conference Room

Cemetery

Single Family Homes

Planning and Zoning Board

Taken directly from the city of Winter Garden website

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.

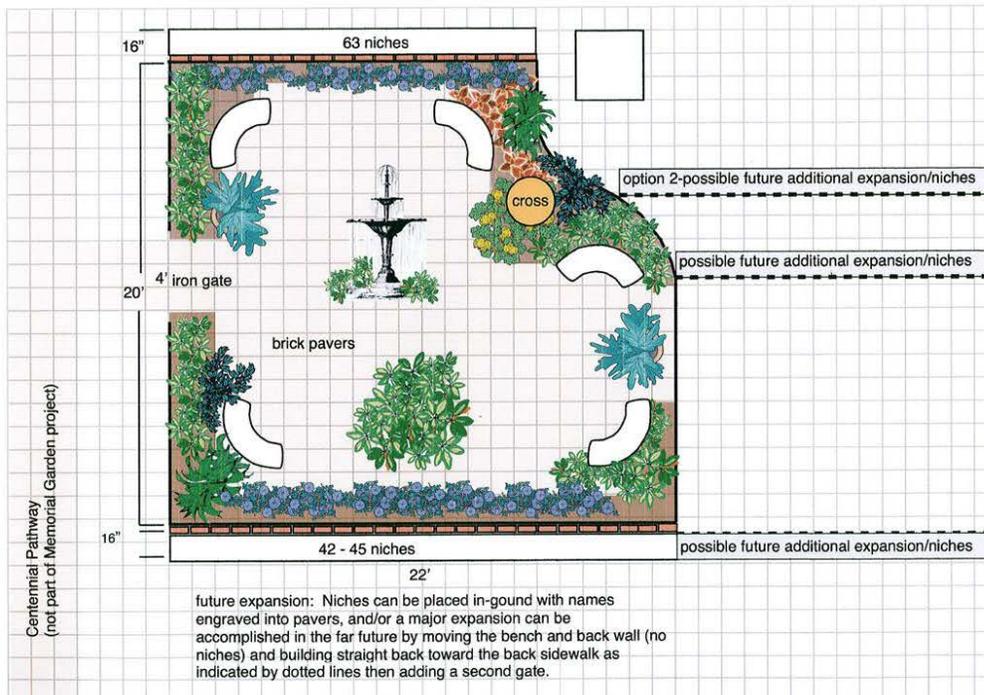
- Parking for the columbarium shall be restricted to the existing parking facilities located on the subject property; no parking will be permitted on the adjoining streets.
- A maximum of 110 niches may be constructed on the subject property under the approval of this special exception permit, expansion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

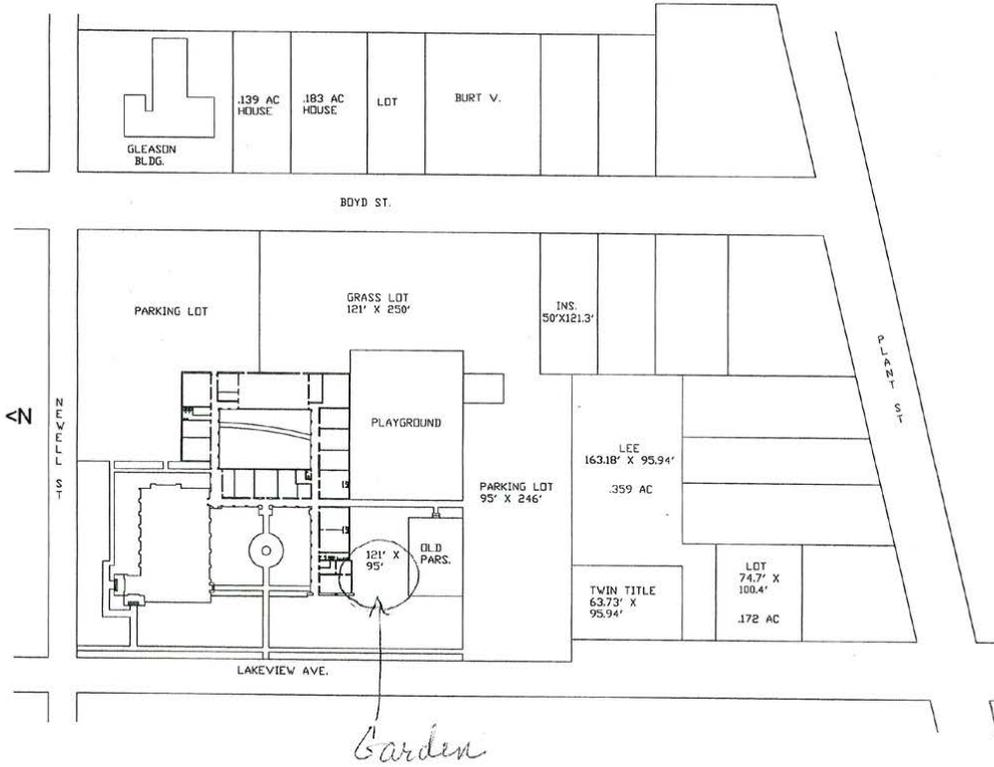
MAPS/EXHIBITS

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.

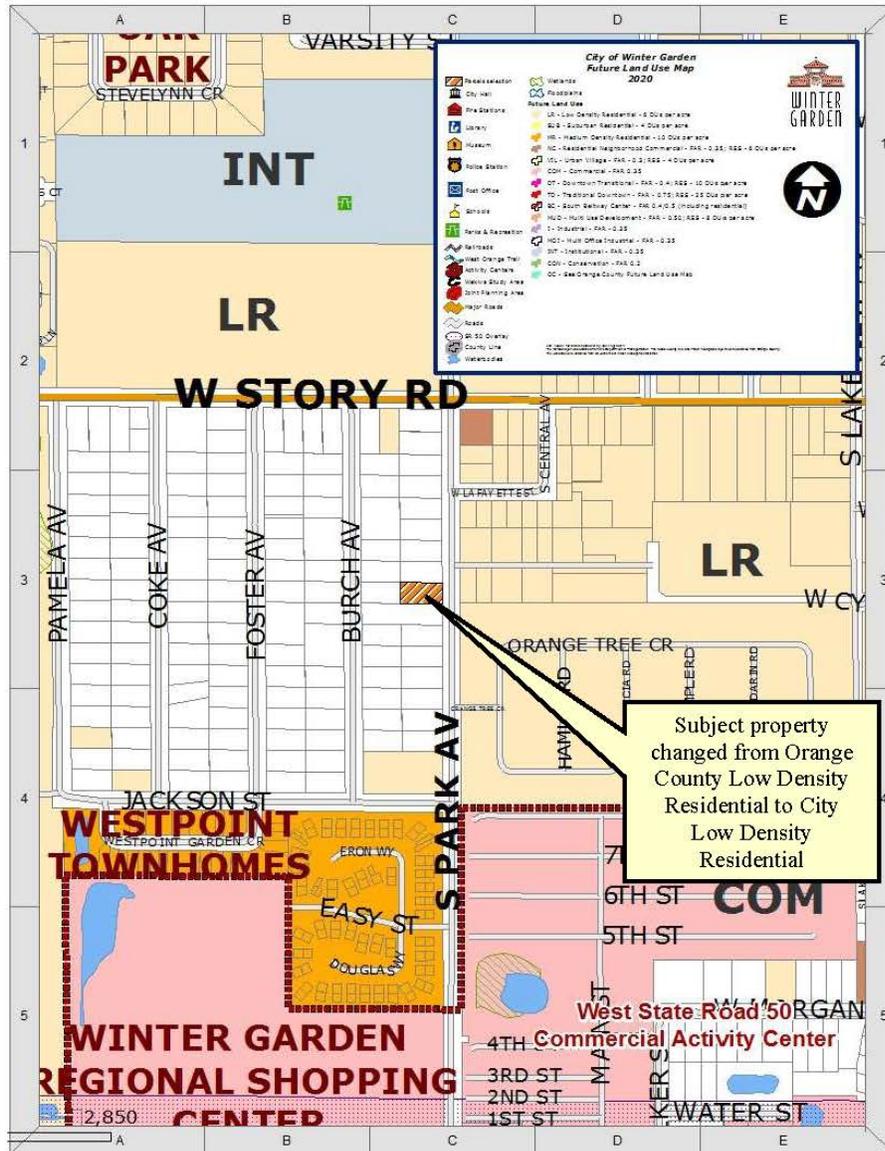
MAPS

AERIAL PHOTO

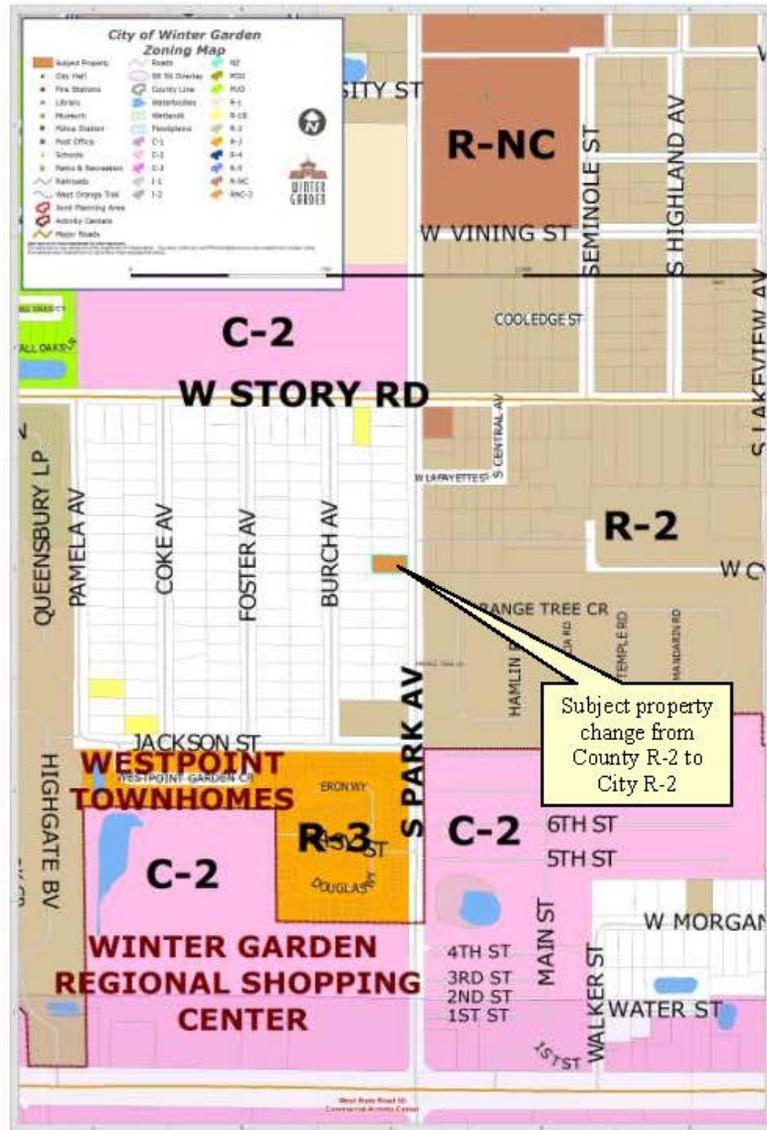
710 South Park Avenue



**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.

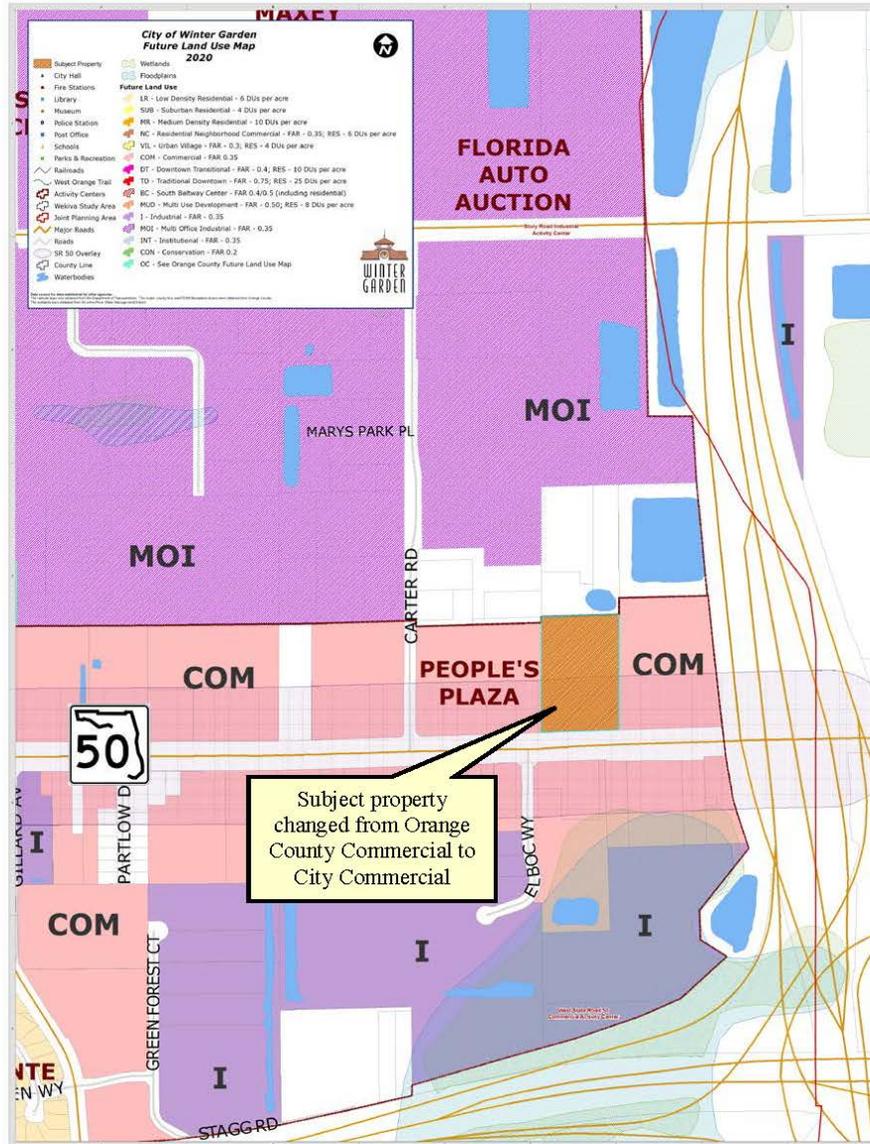
MAPS

AERIAL PHOTO

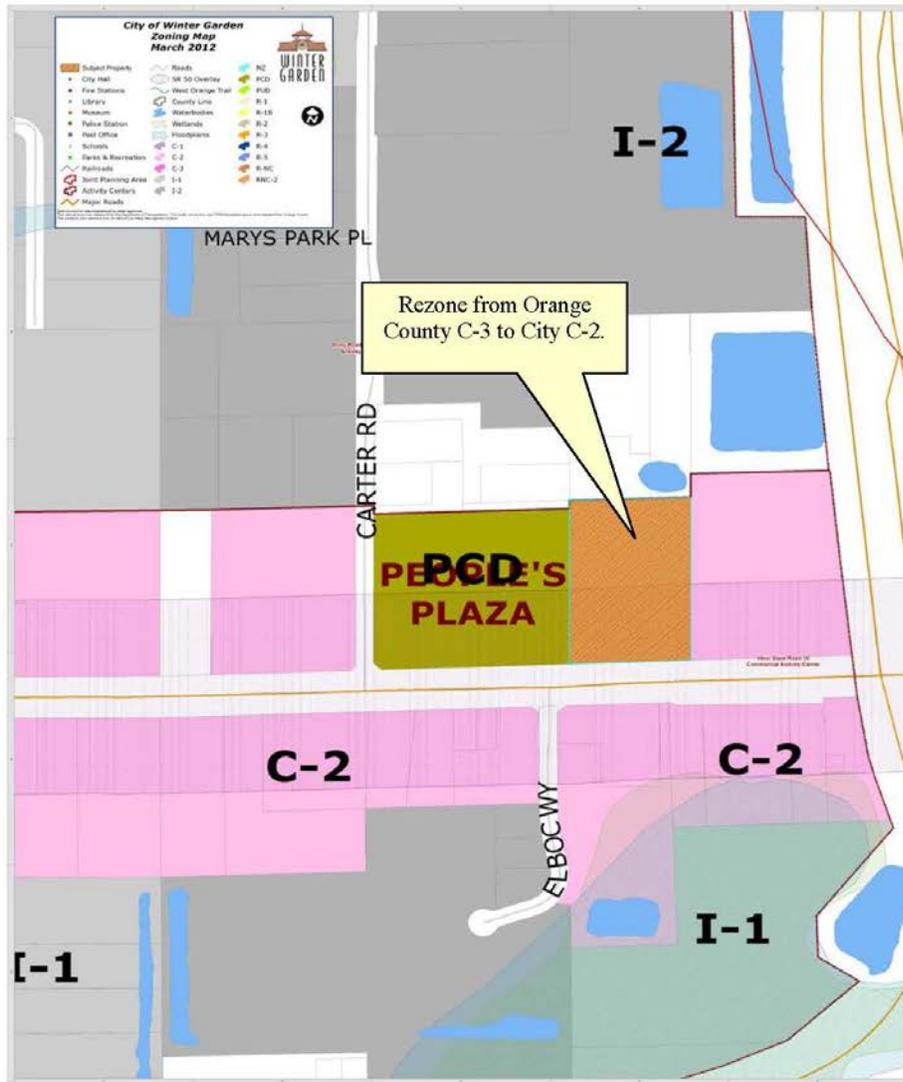
12201 West Colonial Drive



**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

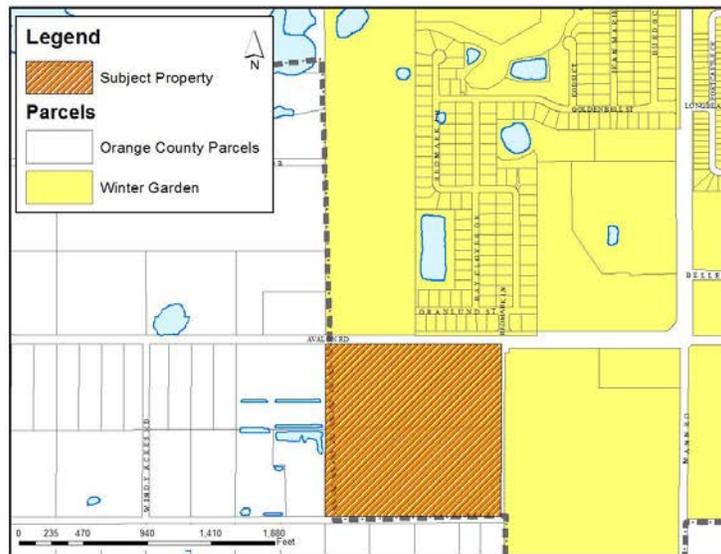
TO: PLANNING AND ZONING COMMITTEE
PREPARED BY: LAURA SMITH, SENIOR PLANNER
DATE: MAY 31, 2012
SUBJECT: PRELIMINARY PLAT
Avalon Road (37.8+/- ACRES)
PARCEL ID # 06-23-27-4284-04-010

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

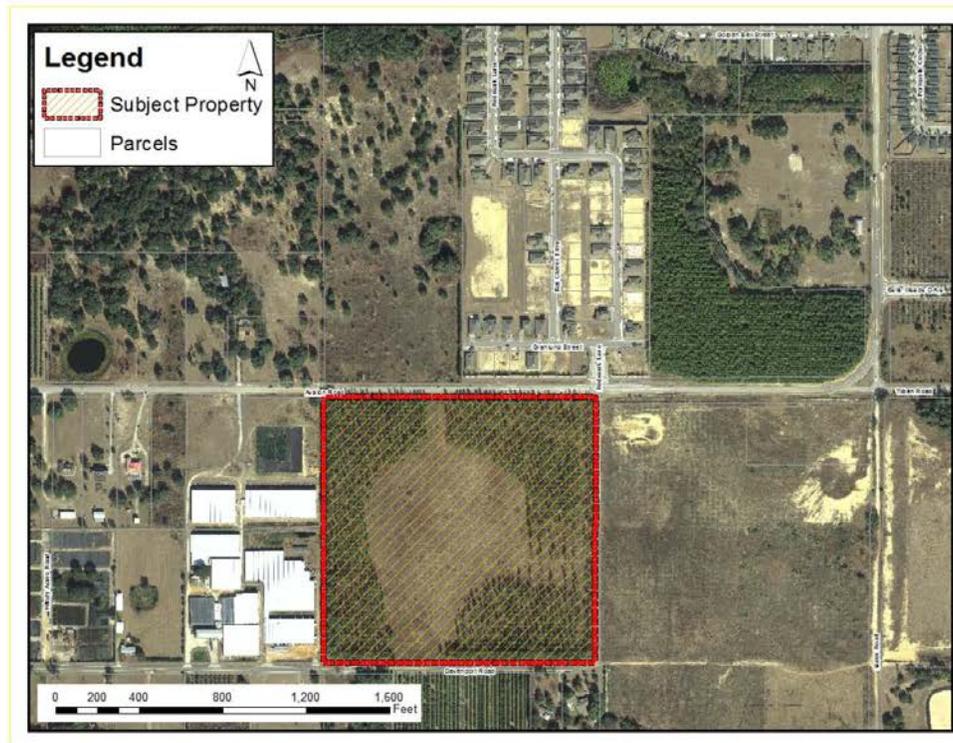
The applicant is requesting preliminary plat approval to move forward with development plans and the final plat. The preliminary plat will subdivide Carriage Pointe Reserve PUD, a 37.8 ± acre PUD into 90 lots, a community park, and common open space with rural settlement buffers along the south and east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

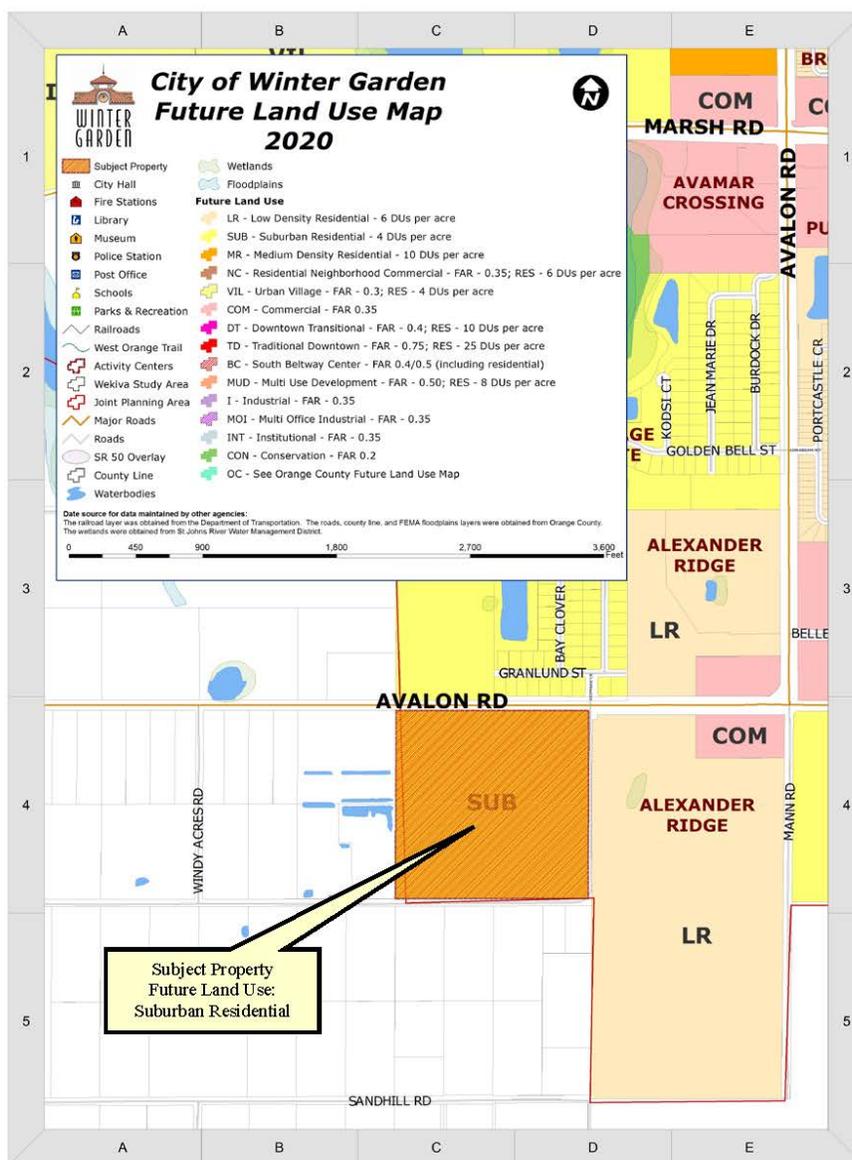
AERIAL PHOTO
Carriage Pointe Reserve



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.



EXHIBIT "H"

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

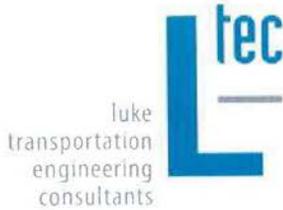
Vice President & Director of Land Development
Bowyer-Singleton & Associates, Inc.
520 South Magnolia Avenue
Orlando, Florida 32801
407-843-5120, ext. 3190 (phone)
407-649-8664 (fax)
sstearns@bsa-civil.com

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.

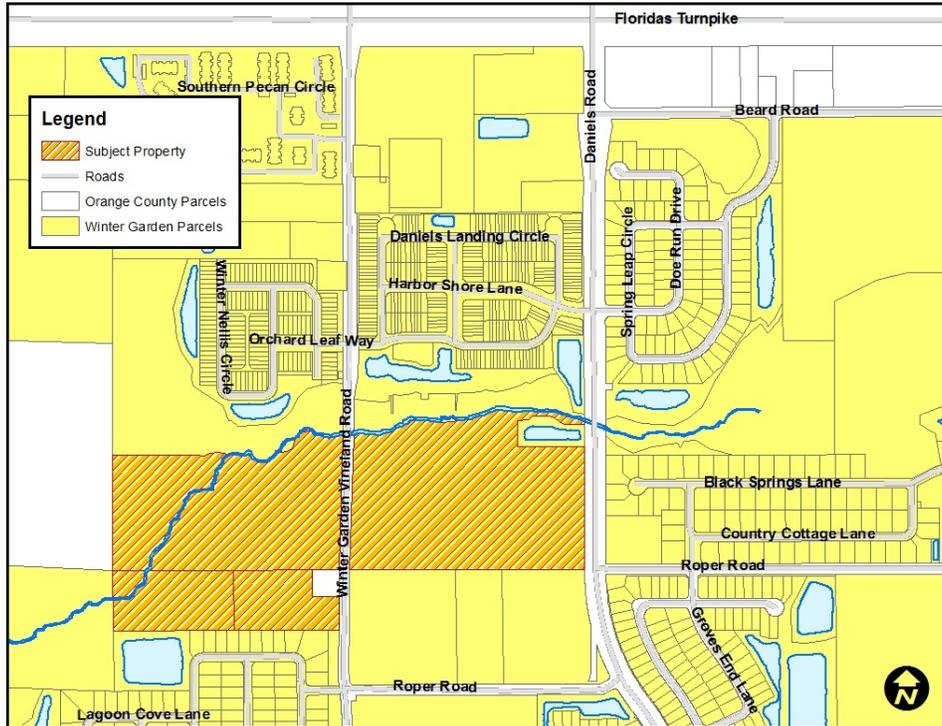
Professional Experience

- 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

[Mailing address] 251 box 841556 maitland florida 32794-1556 • 291 road pine street - orlando florida 32801 [phone] 407-423-8055 [fax] 407-423-8022
www.Ltec-FL.com

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 2,400 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 Owner/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/applicant'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 Owner/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 Owner/applicant. If and when a traffic signal is warranted at the Roper Road and Daniels Road intersection, this development will also be required to pay its proportionate share of the cost of those improvements, based on traffic generated by the development of the Property. Provisions concerning the Owner/applicant's payment of its proportionate share will be set forth in the Developer's Agreement required in Section 2 of this Ordinance.
7. Landscaping, fencing, signage, etc. shall not infringe 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. Access to the east parcel from Daniels Road as shown on Exhibit "B" attached hereto shall be from the east-west extension of Roper Road (public road) which must line up with the existing Roper Road located on the east side of Daniels Road and such access improvements shall accommodate the secondary connection of the Serenades By Sonata PUD (Ordinance 11-36) parcel ("Sonata Parcel") located to the south of and adjacent to the east parcel of the Property. Owner is to convey right-of-way from the Property to the City sufficient for the public Roper Road extension running east and west from Daniels Road and curving north towards and up to the access key pad area for the Project's private subdivision entrance gate. The public Roper Road extension and the Project's access to and from Daniels Road is subject to and contingent upon the City obtaining ownership of necessary right-of-way from the Sonata Parcel. Owner, at its expense, is responsible for the design, permitting and construction of all access improvements supporting the Project, including the public road extension of Roper Road.

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 Owner's design, permitting and construction of access improvements for the Project including the Roper Road extension running east and west from Daniels Road and curving north towards and up to the access key pad area for the Project's private subdivision entrance on the Property's east parcel; Owner's proportionate fair share payment to the City for a potential traffic signal at the Roper Road and Daniels Road intersection; 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 COUNTY, FLORIDA.

AND

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

CONTAINING 63.055 ACRES, MORE OR LESS.

Exhibit "B"

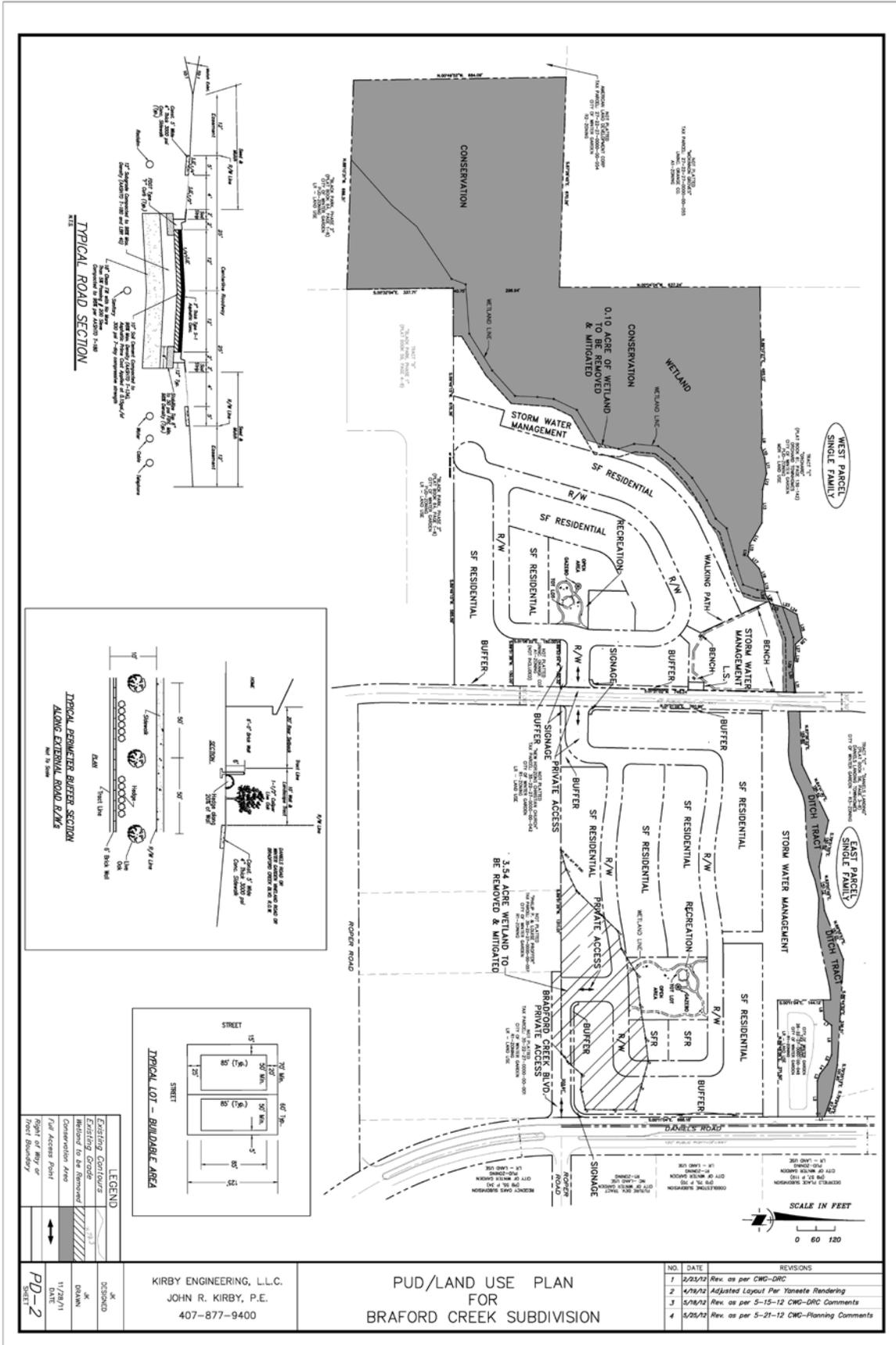
COVER PAGE

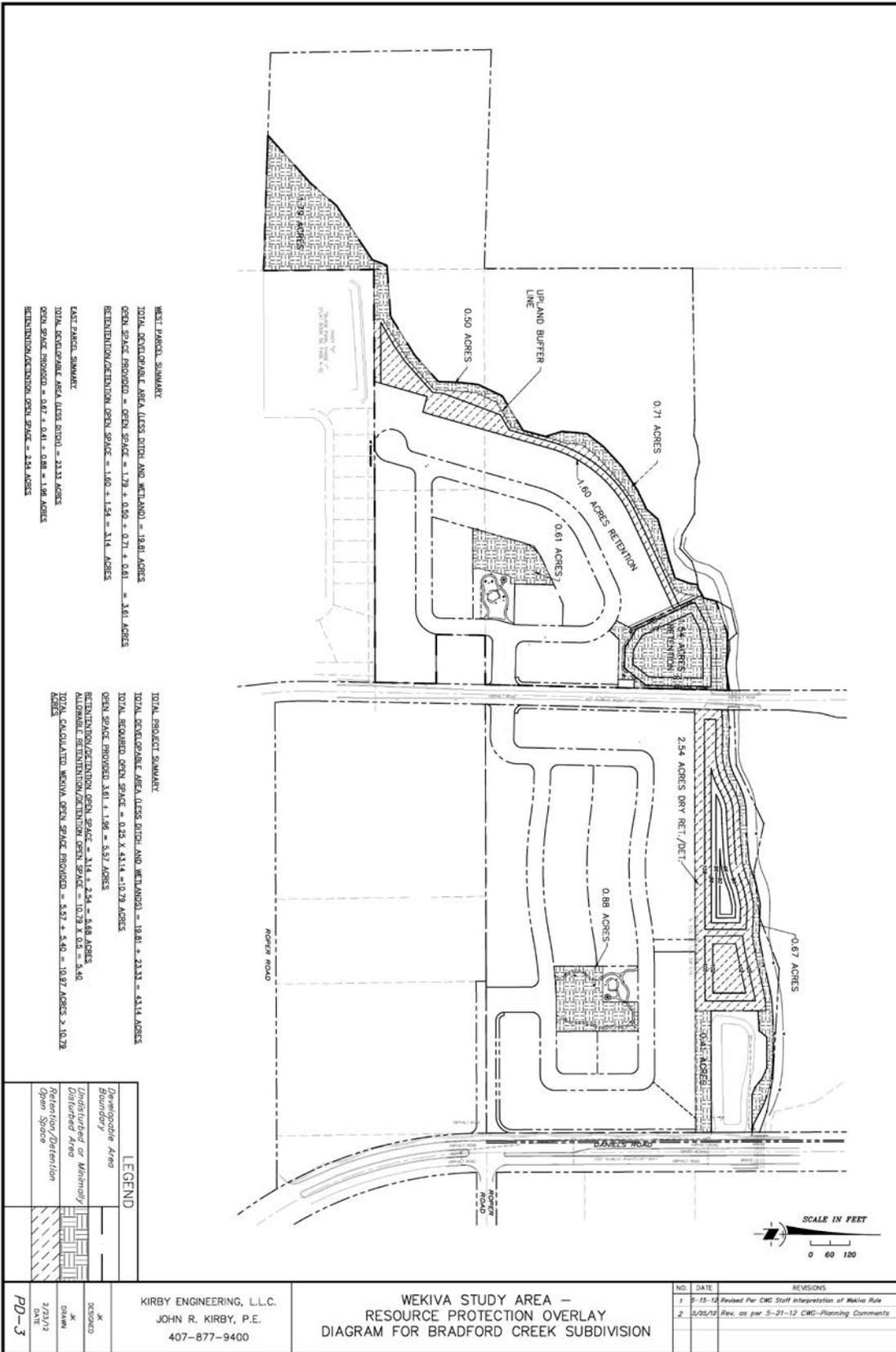
PLANNED UNIT DEVELOPMENT PRELIMINARY PLAN

BRADFORD CREEK

REVISED JUNE 2012

(7 PAGES - ATTACHED)





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
 RETENTION/DEFENTION OPEN SPACE = 1.00 + 1.54 = 3.14 ACRES

EAST PARCEL SUMMARY

TOTAL DEVELOPABLE AREA (LESS DITCH) = 23.33 ACRES
 OPEN SPACE PROVIDED = 0.67 + 0.61 + 0.88 + 1.98 ACRES
 RETENTION/DEFENTION OPEN SPACE = 2.44 ACRES

TOTAL PROJECT SUMMARY

TOTAL DEVELOPABLE AREA (LESS DITCH AND WETLANDS) = 19.81 + 23.33 = 43.14 ACRES
 TOTAL REQUIRED OPEN SPACE = 0.22 X 43.14 = 10.78 ACRES
 OPEN SPACE PROVIDED 3.61 + 1.98 = 5.57 ACRES
 RETENTION/DEFENTION OPEN SPACE = 3.14 + 2.44 = 5.68 ACRES
 ALLOWABLE RETENTION/DEFENTION OPEN SPACE = 10.78 X 0.2 = 3.48 ACRES
 TOTAL CALCULATED WETLAND OPEN SPACE PROVIDED = 5.57 + 5.40 = 10.97 ACRES > 10.78 ACRES

LEGEND	
	Developable Area
	Disturbed or Minimally Disturbed Area
	Retention/Defention Open Space

APPROVED
 2/20/13
 DATE
 PD-3

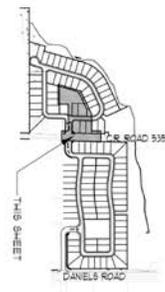
KIRBY ENGINEERING, L.L.C.
 JOHN R. KIRBY, P.E.
 407-877-9400

**WEKIVA STUDY AREA -
 RESOURCE PROTECTION OVERLAY
 DIAGRAM FOR BRADFORD CREEK SUBDIVISION**

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

Sheet Key

N.T.S.



Note:
PROPOSED ENTRY FEATURES AND LANDSCAPING ON EAST SIDE OF WINTER GARDEN VINELAND ROAD ARE NOT SHOWN IN EVERY FEATURE AND LANDSCAPING ON WEST SIDE OF ROAD.



BRADFORD CREEK
 WINTER GARDEN, FLORIDA
 PRELIMINARY WEST ENTRY AND PARK PLAN

PROJECT NO. 12-0000000-00
 DATE: 12/30/12
 SCALE: AS SHOWN
 DRAWN BY: J. HARRIS
 CHECKED BY: J. HARRIS
 APPROVED BY: J. HARRIS
 DATE: 12/30/12

LANDSCAPE ARCHITECTURE
 PAKER VANLETTE
 design group, inc.
 10000 W. BOYD BLVD.
 SUITE 100
 BOYDTON, FLORIDA 32117
 TEL: (407) 327-2881
 FAX: (407) 327-2881
 EMAIL: info@pvn.com
 WWW: WWW.PVN.COM

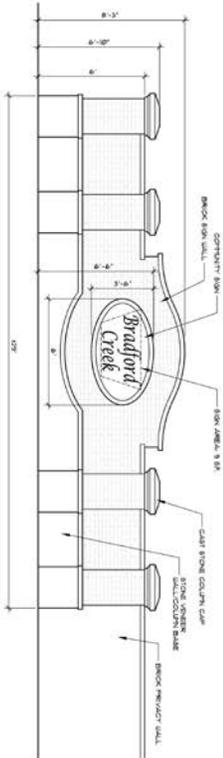




A TYPICAL WINTER GARDEN VINEYARD ROAD ENTRY ELEVATION



B DANIEL'S ROAD ENTRY ELEVATION



C SIGN WALL ELEVATION DETAIL



D TYPICAL BUFFER CROSS-SECTION



L-3

BRADFORD CREEK
WINTER GARDEN, FLORIDA

ENTRY ELEVATION AND BUFFER SECTION GRAPHICS



JAMES HANDEL

CONSULTING ARCHITECTS
2525 W. US HIGHWAY 90
SUITE 1000 W. PALM BEACH
FLORIDA 33411
TEL: (561) 852-3400
FAX: (561) 852-3404
WWW.JHANDEL.COM
LICENSE #12-000027

design group, inc.

DATE: 10/15/2014
DRAWN BY: JHANDEL
CHECKED BY: JHANDEL
SCALE: AS SHOWN
PROJECT: BRADFORD CREEK
SHEET: L-3



Streetscape Elevation

Model A

Model B

Model C

Model D

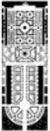
Model E



NOT TO SCALE



BRADFORD CREEK UNTER GARDEN, FLORIDA STREETSCAPE ELEVATION STUDY



PARKER-YANNETTE
design group, inc.

LANDSCAPE ARCHITECTURE
2211 South U.S. Highway One
Aventura, Florida 33177
Telephone: (305) 547-5066
Fax: (305) 547-5044
www.parker-yannette.com
License # LC0000297

L-4

CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

STAFF REPORT

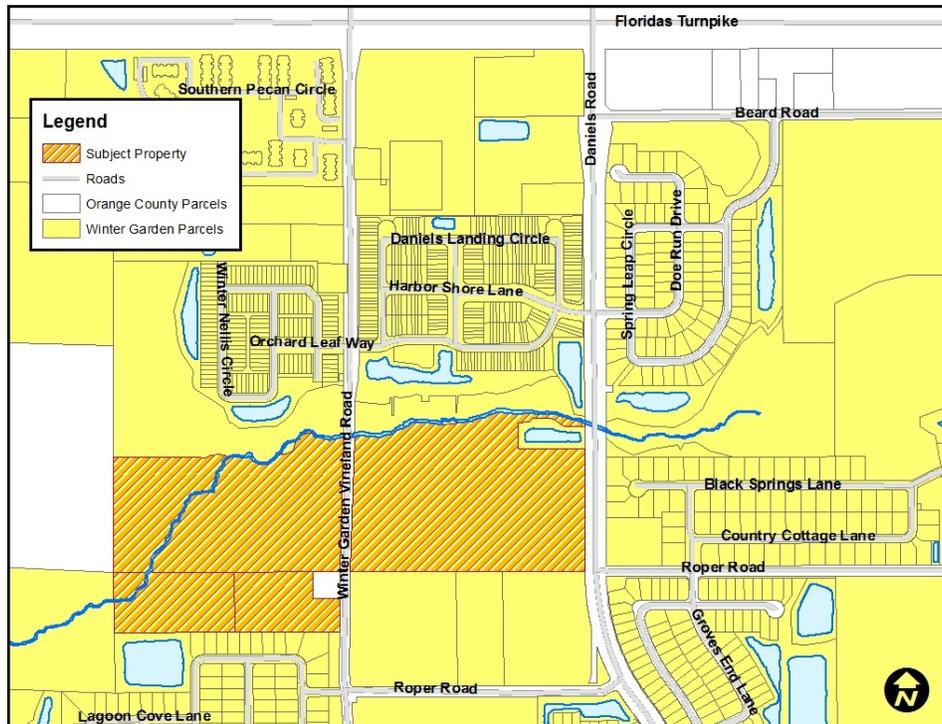
TO: PLANNING AND ZONING COMMITTEE
PREPARED BY: LAURA SMITH, SENIOR PLANNER
DATE: JUNE 27, 2012
SUBJECT: REZONING
420 & 421 Winter Garden Vineland Road (63.06+/- ACRES)
PARCEL ID # 26-22-27-0000-00-019 34-22-27-0000-00-014
26-22-27-0000-00-018 35-22-27-0000-00-004
35-22-27-0000-00-002

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

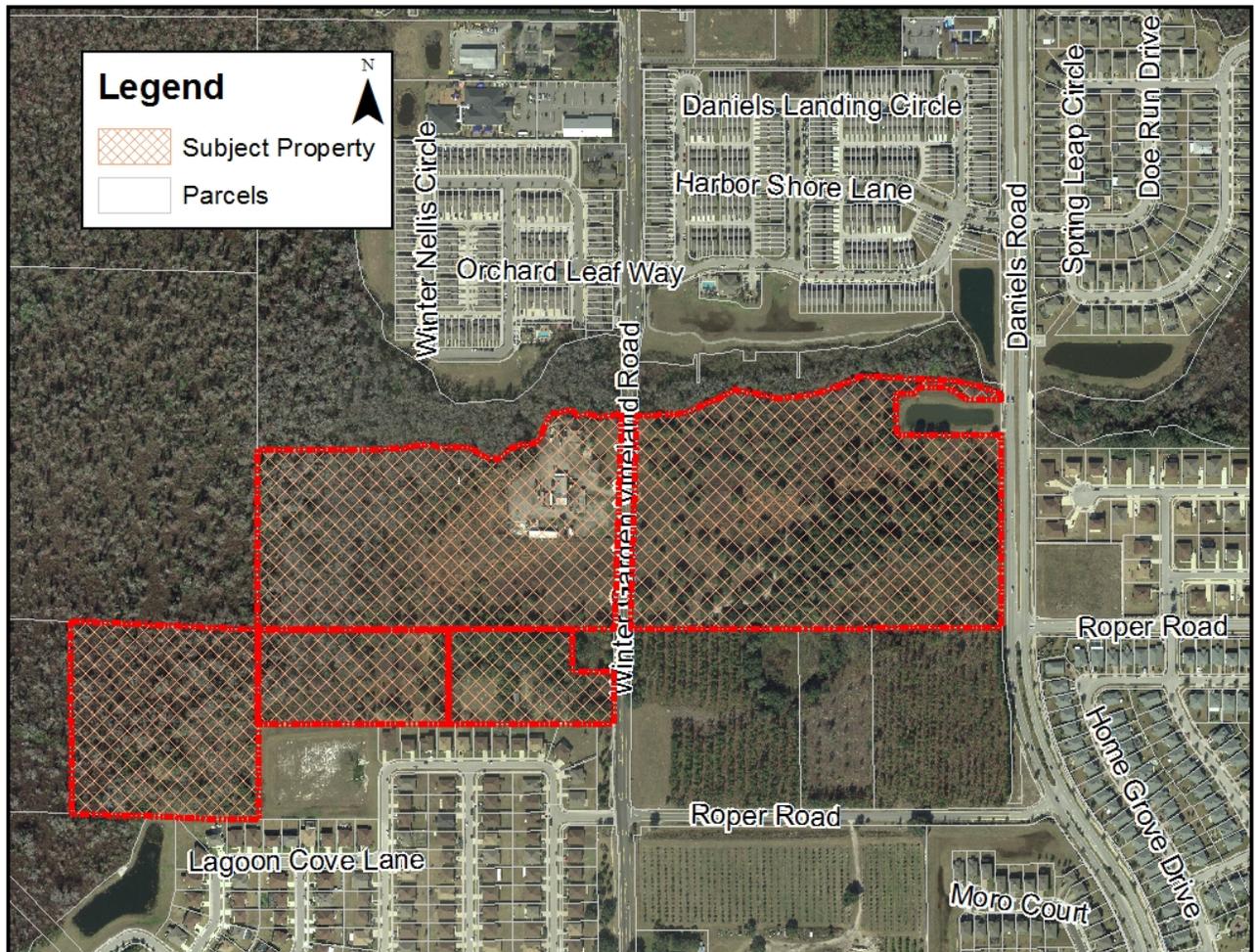
City Staff recommends approval of the proposed Ordinance subject to the following condition:

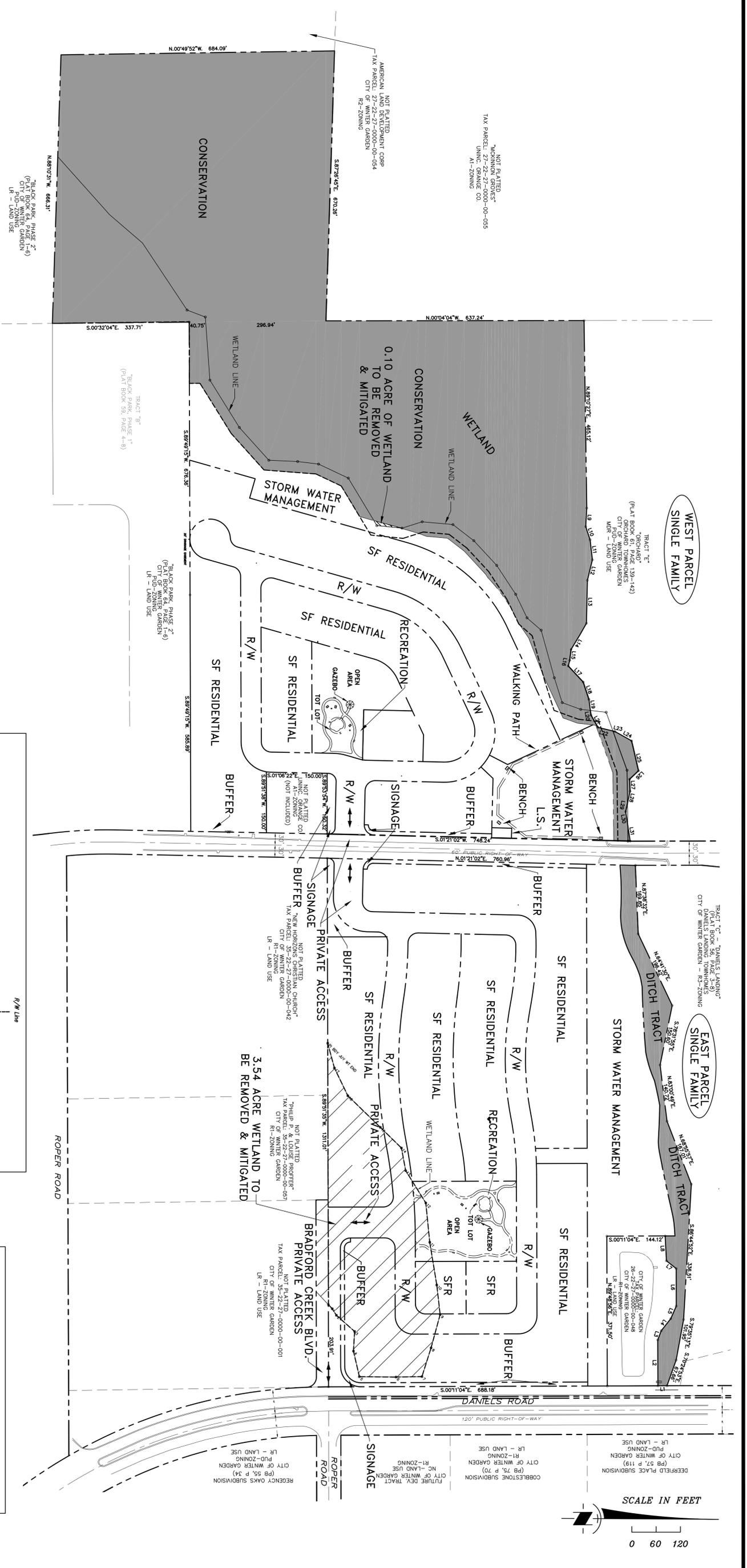
- Access to phase 2 (the east parcel) from Daniels Road must line up with the existing Roper Road located on the east side of Daniels Road and must be a public road.
- Proof of permitting for all wetland removal must be provided prior to any site work or construction beginning. In the event that permitting for wetland removal can not be obtained then the PUD must be amended following all city procedures for amendment.

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.

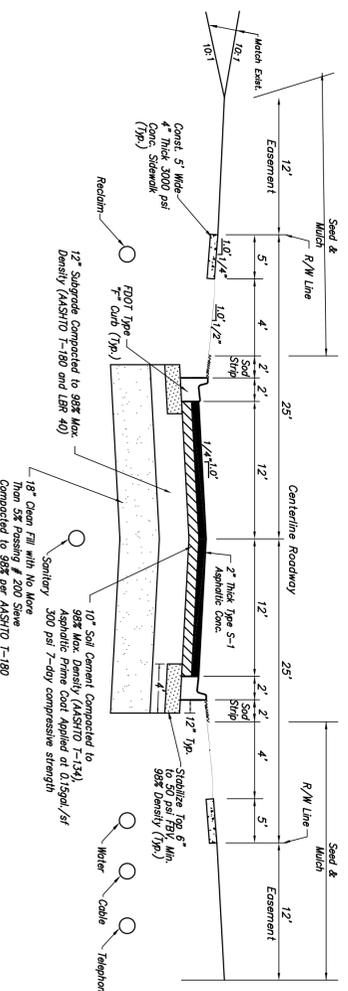
MAPS

**AERIAL PHOTO
BRADFORD CREEK SUBDIVISION**

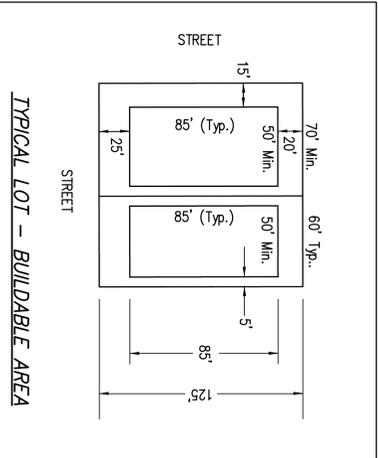
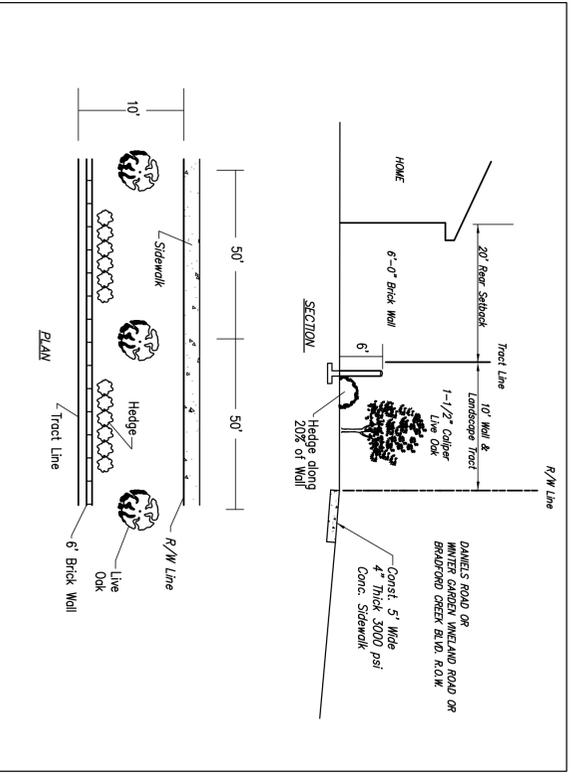




TYPICAL ROAD SECTION



TYPICAL PERIMETER BUFFER SECTION ALONG EXTERNAL ROAD R/W'S



LEGEND

JK	DESIGNED
JK	DRAWN
JK	DATE
JK	DATE

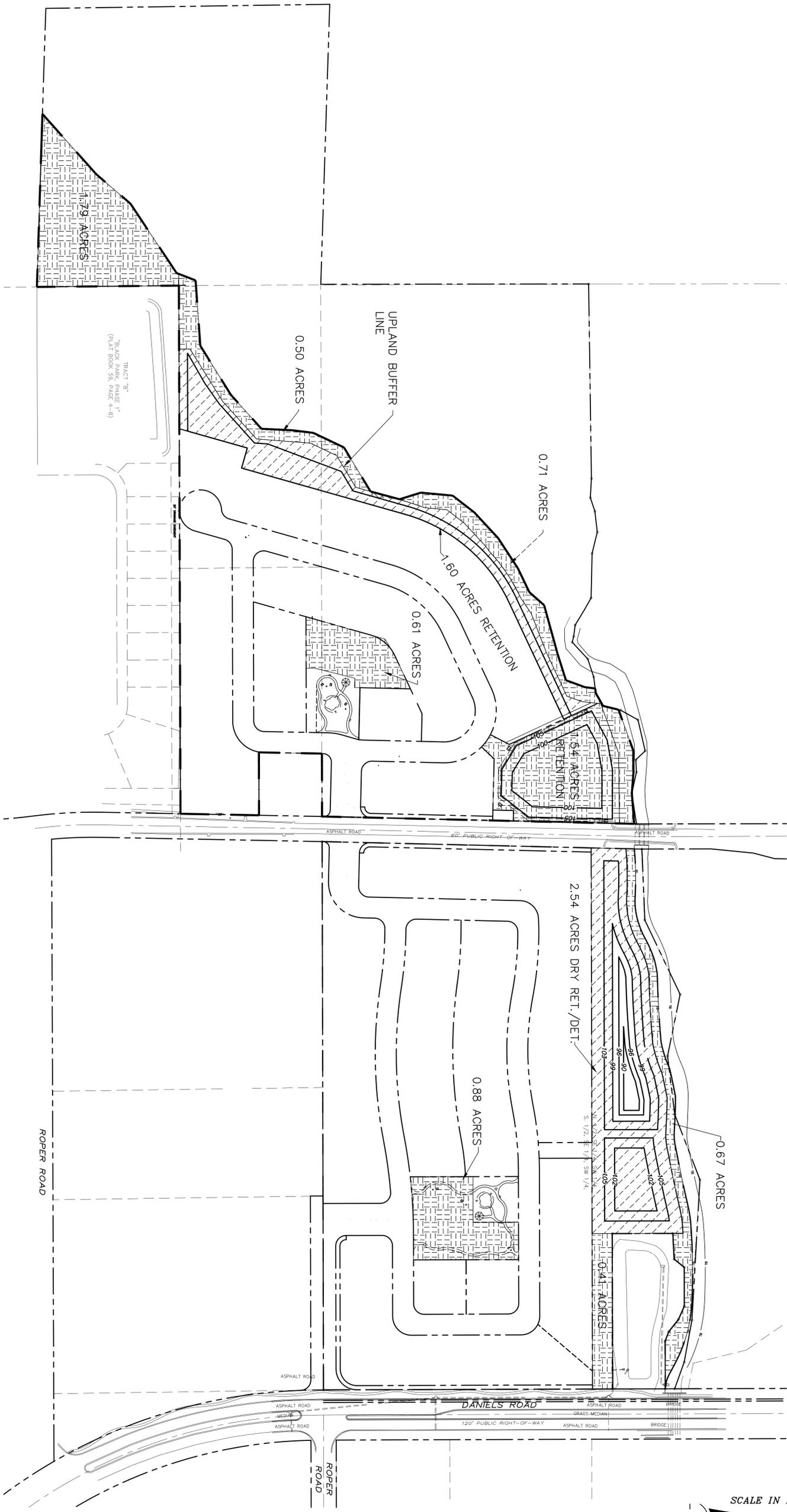
JK	DESIGNED
JK	DRAWN
JK	DATE
JK	DATE

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

PUD/LAND USE PLAN
 FOR
 BRADFORD CREEK SUBDIVISION

NO.	DATE	REVISIONS
1	2/23/12	Rev. as per CWG-DRC
2	4/19/12	Adjusted Layout Per Yaneete Rendering
3	5/18/12	Rev. as per 5-15-12 CWG-DRC Comments
4	5/25/12	Rev. as per 5-21-12 CWG-Planning Comments

PD-2
 SHEET



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
 RETENTION/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
 RETENTION/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
 RETENTION/DETENTION OPEN SPACE = 3.14 + 2.54 = 5.68 ACRES
 ALLOWABLE RETENTION/DETENTION OPEN SPACE = 10.79 X 0.5 = 5.40 ACRES
 TOTAL CALCULATED WEKIVA OPEN SPACE PROVIDED = 5.57 + 5.40 = 10.97 ACRES > 10.79 ACRES

LEGEND

Developable Area Boundary	JK DESIGNED
Undisturbed or Minimally Disturbed Area	JK DRAWN
Retention/Detention Open Space	2/23/12 DATE

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

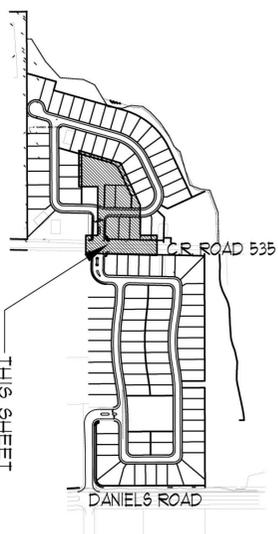
**WEKIVA STUDY AREA –
 RESOURCE PROTECTION OVERLAY
 DIAGRAM FOR BRADFORD CREEK SUBDIVISION**

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

PD-3

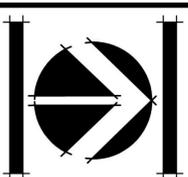


N.T.S.



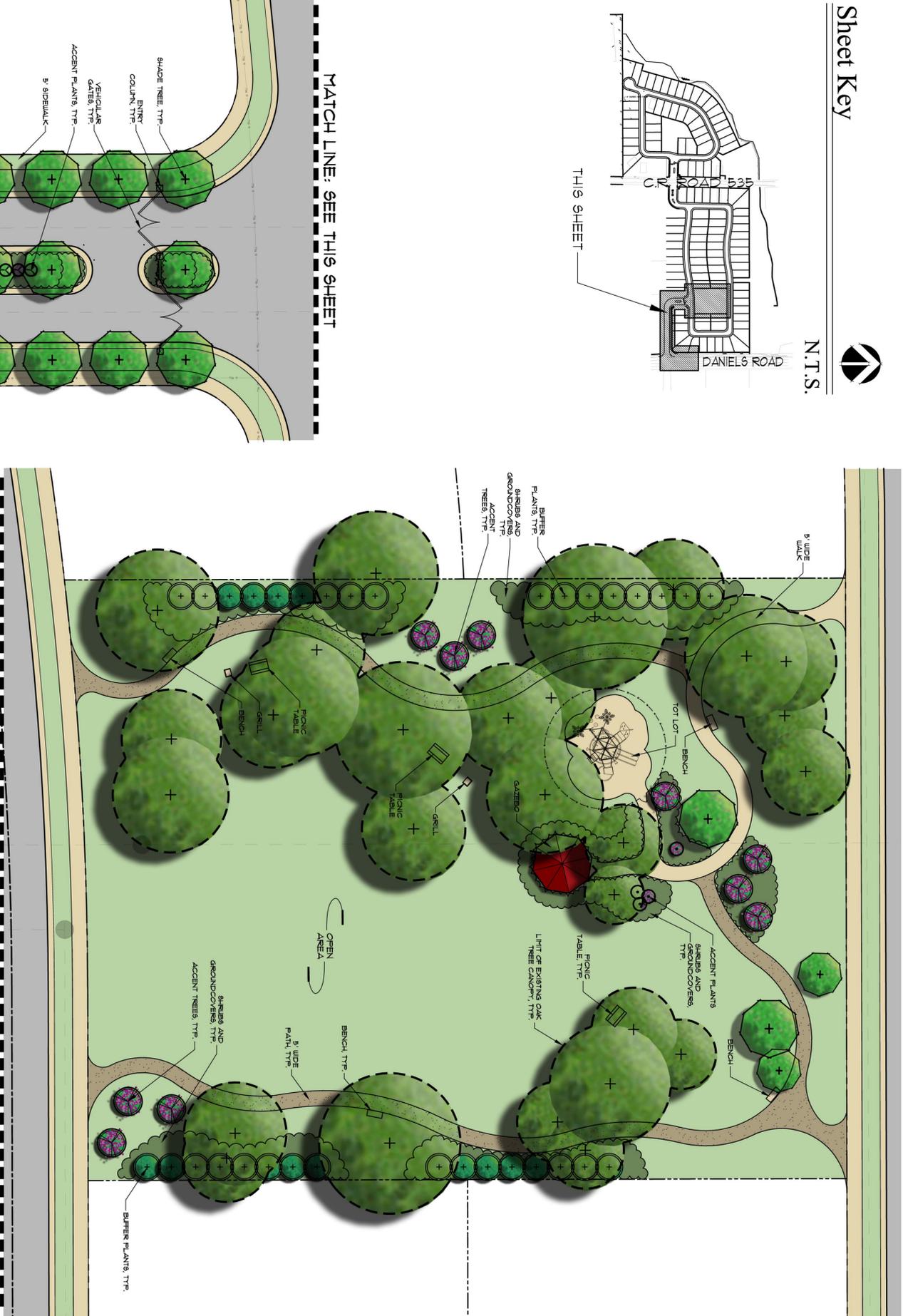
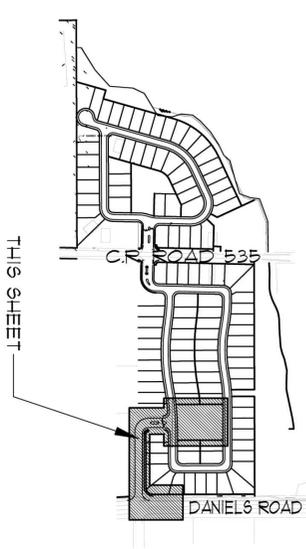
Note:

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.



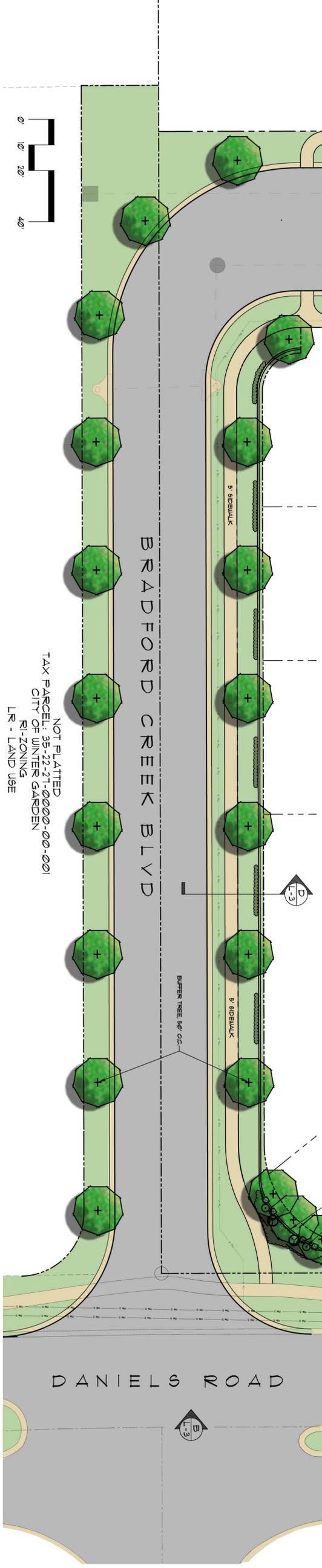


N.T.S.



MATCH LINE: SEE THIS SHEET

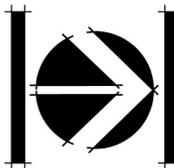
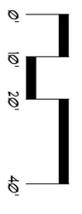
MATCH LINE: SEE THIS SHEET

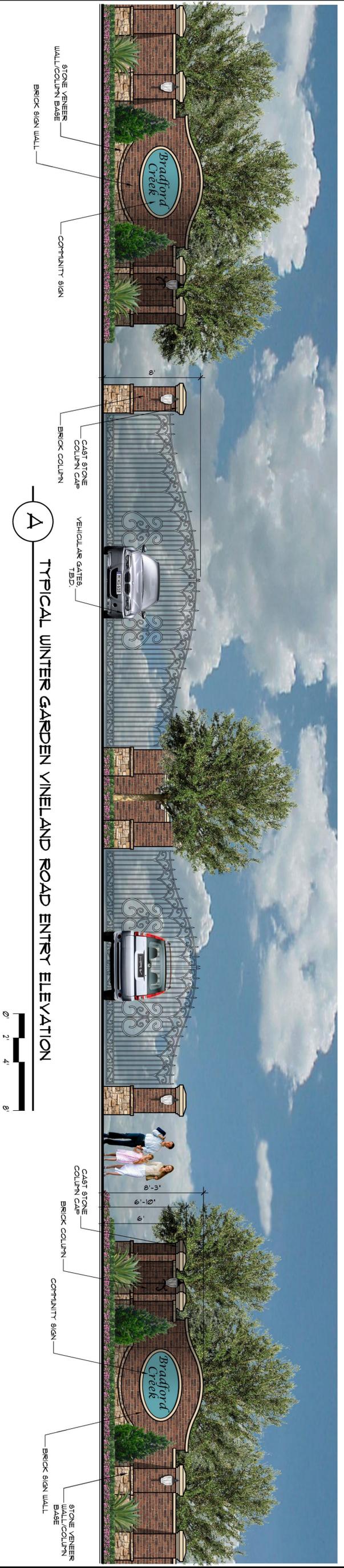


BRADFORD CREEK BLVD

DANIELS ROAD

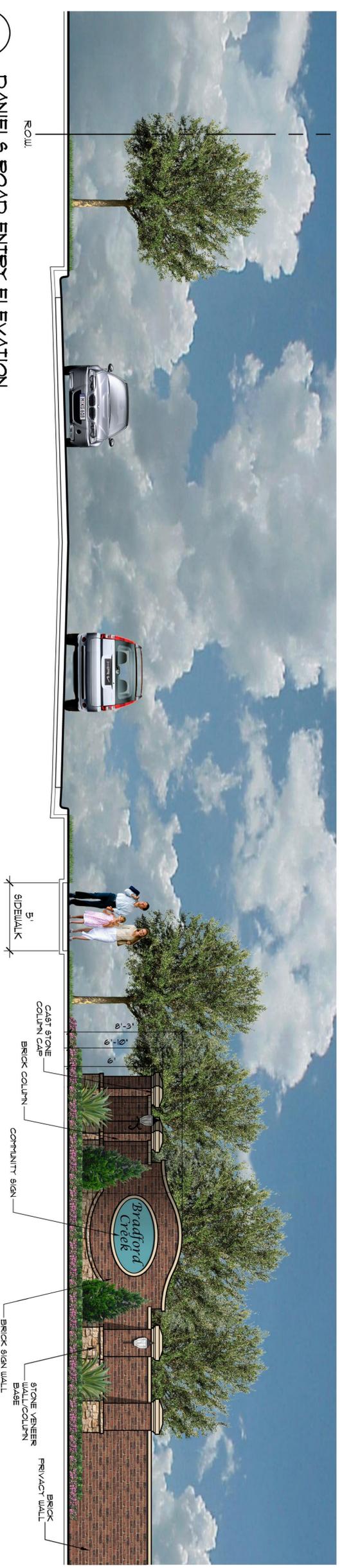
NOT PLATTED
TAX PARCEL: 35-22-21-0000-00-001
CITY OF WINTER GARDEN
RI-ZONING
LR - LAND USE





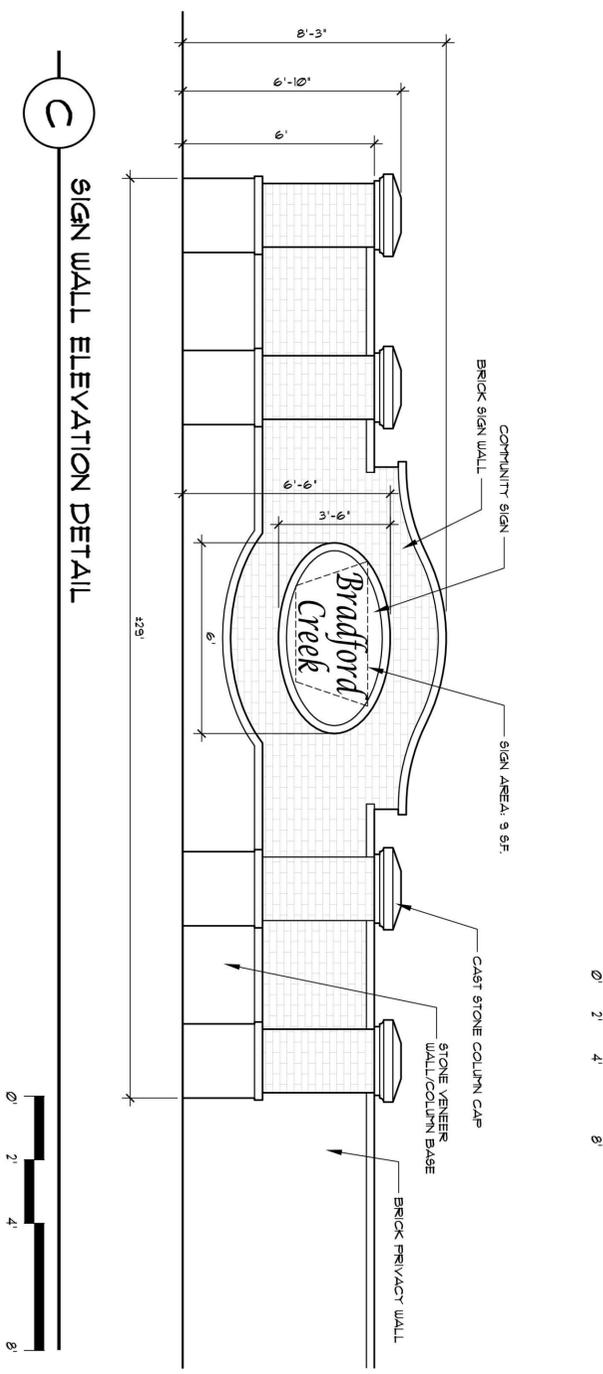
A

TYPICAL WINTER GARDEN VINELAND ROAD ENTRY ELEVATION



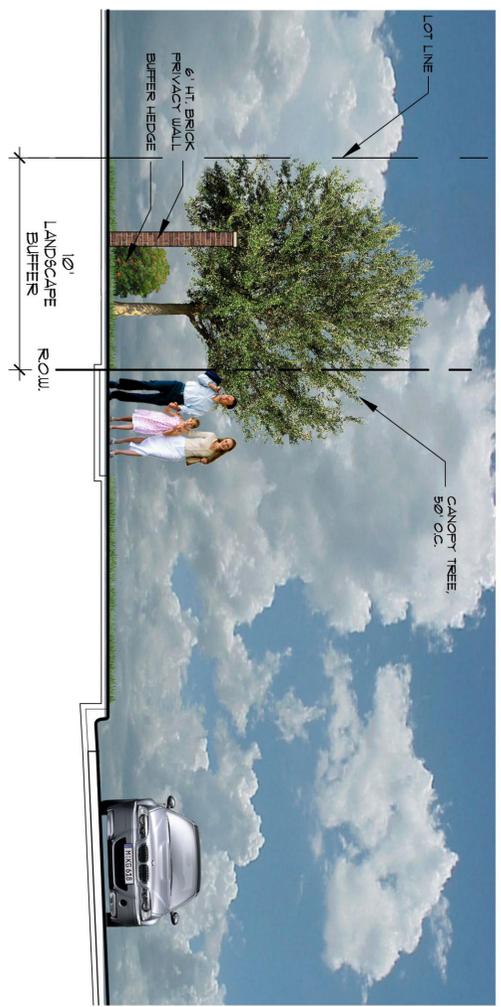
B

DANIEL'S ROAD ENTRY ELEVATION



C

SIGN WALL ELEVATION DETAIL



D

TYPICAL BUFFER CROSS-SECTION



PARKER VANNETTE
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@pvdg.com
License #LC-0000297

BRADFORD CREEK
WINTER GARDEN, FLORIDA

ENTRY ELEVATION AND BUFFER SECTION GRAPHICS

DATE: 11/12
DRAWN BY: CCR/SLW
CHECKED BY: JAC/SLW
DATE: 12-02
SCALE: AS SHOWN
FILENAME: BRADFORD_03

REVISIONS:
01/12 DRC comments
02/12
03/12



Model A

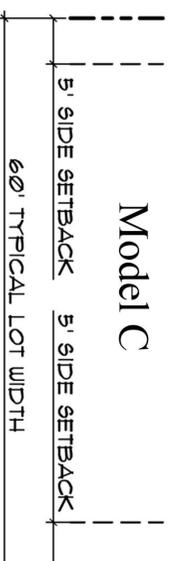
Model B

Model C

Model D

Model E

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 #L-C-0000297

THE CITY OF WINTER GARDEN
PLANNING AND ZONING BOARD AGENDA ITEM

ITEM # 5 (Public Hearing)

DATE: June 28, 2012 **MEETING DATE:** July 2, 2012

SUBJECT: 101 Hennis Road (SPECIAL EXCEPTION PERMIT)
PROJECT NAME Cemex Plant
PARCEL ID# 12-22-27-6496-05-007

ISSUE: Special Exception Permit to allow for the property located at 101 Hennis Road to continue the existing use of a concrete and concrete product manufacturing plant.

SUPPLEMENTAL MATERIAL/ANALYSIS:

OWNER/APPLICANT: City of Winter Garden

CURRENT ZONING: I-2

PROPOSED ZONING: N/A

CURRENT FLU: Industrial

PROPOSED FLU: N/A

SUMMARY:

Subject property is located in the I-2 zoning district and has been operated by Cemex Construction Materials as a concrete and concrete product manufacturing plant since 1999. Concrete plants are only permitted by special exception permit in the I-2 zoning district.

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):

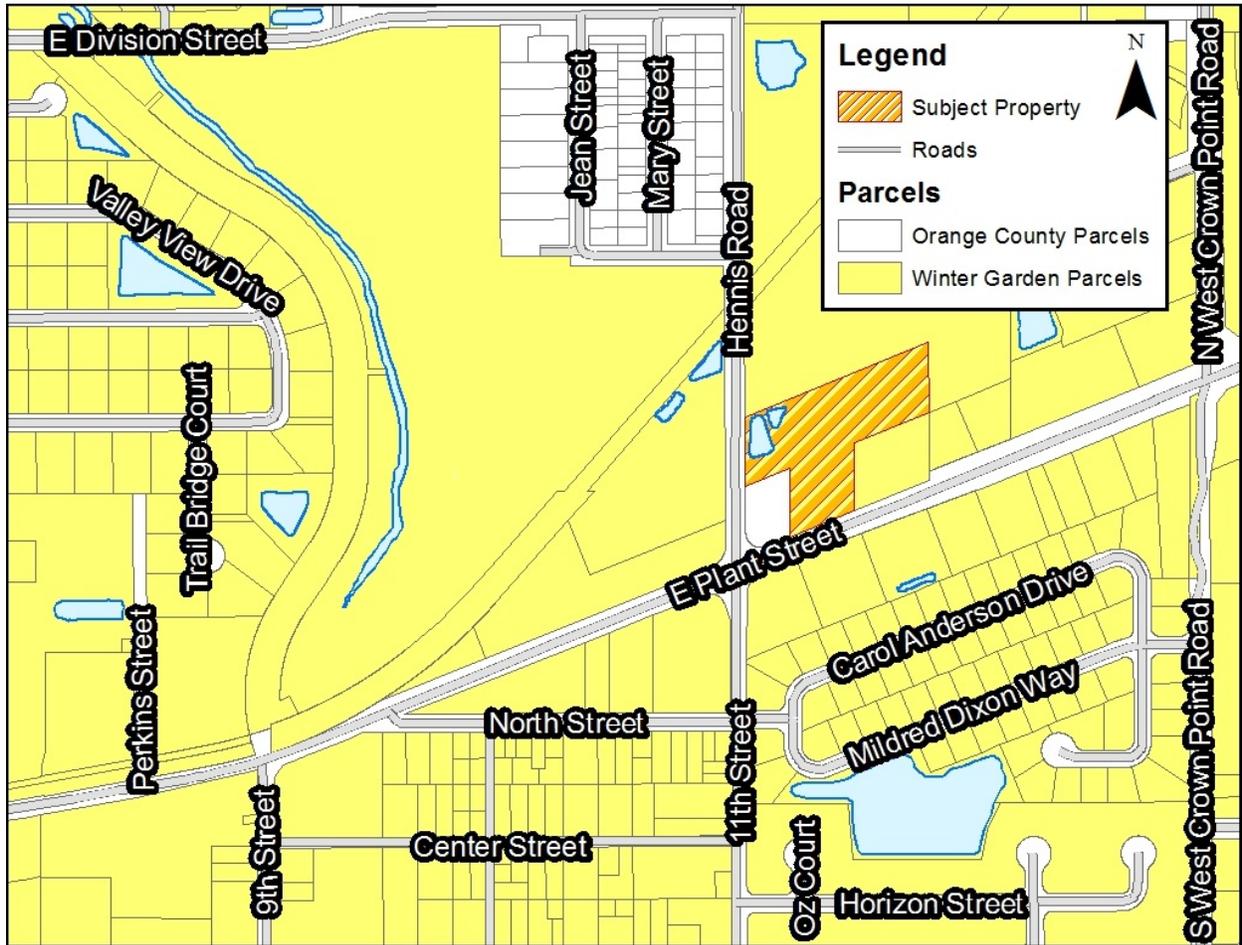
N/A

ATTACHMENT(S):

Location Map
Staff Report

LOCATION MAP

101 Hennis Road



CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

STAFF REPORT

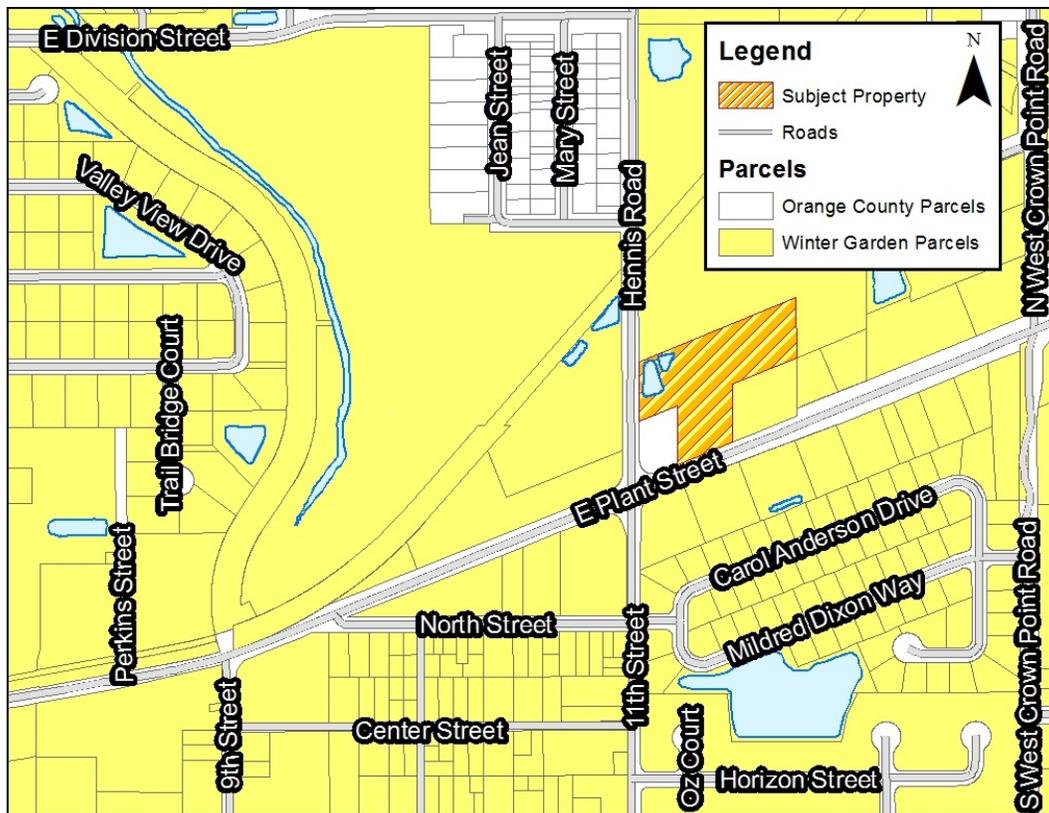
TO: PLANNING AND ZONING BOARD
PREPARED BY: LAURA SMITH, SENIOR PLANNER
DATE: JUNE 28, 2012
SUBJECT: SPECIAL EXCEPTION PERMIT
101 Hennis Road (Cemex Construction Materials)
PARCEL ID # 12-22-27-6496-05-007

APPLICANT: City 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 north side of Plant Street and the east side of Hennis Road. The map below depicts the location of the subject property within the City of Winter Garden municipal limits:



The request is for a Special Exception Permit to allow for the subject property to continue to be used for the operation of a concrete and concrete products manufacturing plant. The subject property is located within the City of Winter Garden municipal limits, and carries the zoning designation I-2. The subject property is designated Industrial on the Future Land Use Map of the Comprehensive Plan.

EXISTING/PROPOSED USE

The subject property includes a 10,215 square foot warehouse facility with associated paved and parking areas. The site has been occupied by Cemex Construction Materials for operation as a concrete and concrete products manufacturing plant since 1999.

ADJACENT LAND USE AND ZONING

The properties located both north, east and west of the subject property are industrial facilities (84 Lumber & Tarmac Concrete) zoned I-2 in the City of Winter Garden. Additionally, there is an existing 4,700 square foot commercial building zoned C-3 located within unincorporated Orange County to the west of the subject property and approximately 1 acre of vacant land owned by and located within the City of Winter Garden zoned C-2 to the east. The property located to the south of the subject property is a developed commercial site called Winter Garden Executive Suites zoned C-2 in the City of Winter Garden.

SUMMARY

City Staff recommends approval of the proposed special exception permit to allow for the continuation of the existing use of the subject property.

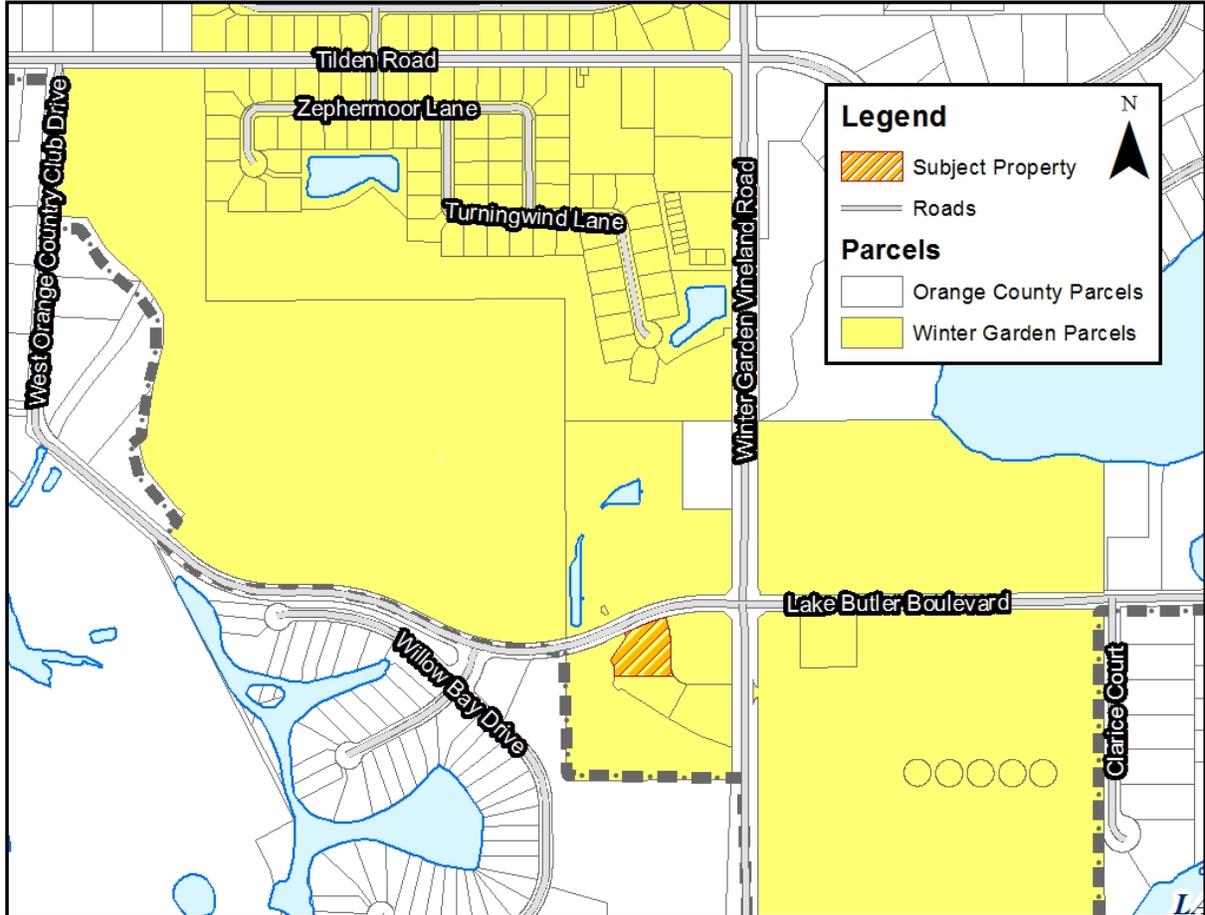
AERIAL PHOTO **101 Hennis Road**



END OF STAFF REPORT

LOCATION MAP

3554 West Orange Country Club Drive
The New Academy



CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

STAFF REPORT

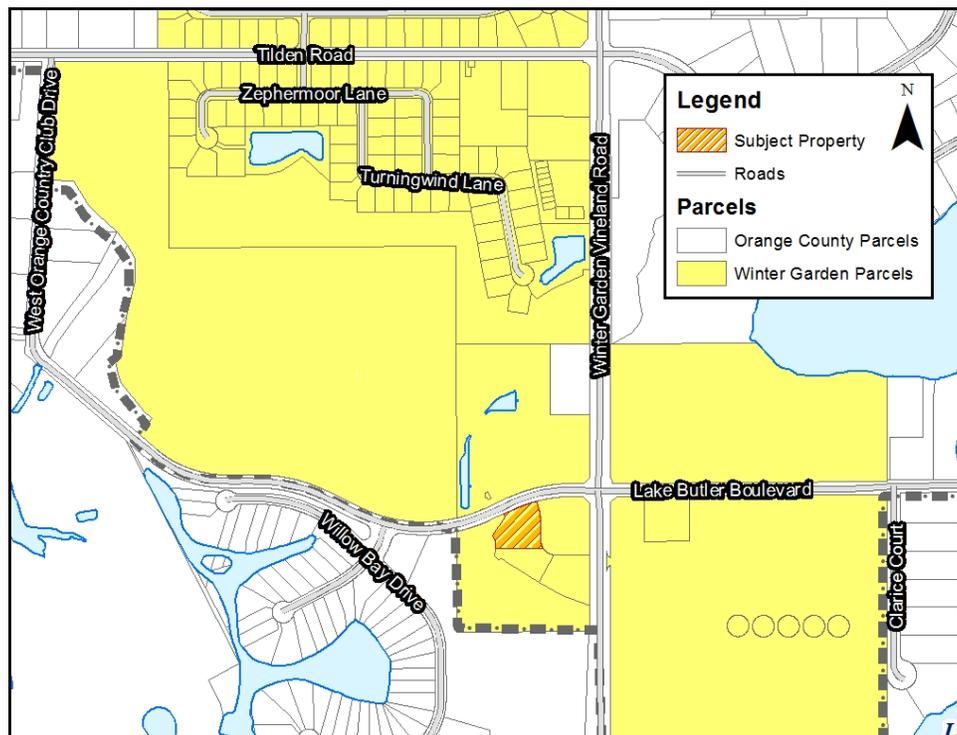
TO: PLANNING AND ZONING BOARD
PREPARED BY: LAURA SMITH, SENIOR PLANNER
DATE: JUNE 27, 2012
SUBJECT: SPECIAL EXCEPTION PERMIT
3554 West Orange Country Club Drive (The New Academy, Inc.)
Woodbridge Commerce Center
PARCEL ID # 12-22-27-6496-05-007

APPLICANT: The New Academy, 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 is generally located south of West Colonial Drive on the east side of South Park Avenue, in the Shoppes at West Pointe located in the southwest portion of West Pointe Commons shopping center. 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 private school for enrollment of up to 20 students. The subject property is located within the City of Winter Garden municipal limits, and carries the zoning designation C-2. The subject property is designated Commercial on the Future Land Use Map of the Comprehensive Plan.

EXISTING USE

The property consists of one 10,320 square foot two-story commercial building which is divided into 10 tenant spaces which are all currently vacant and contains 29 parking spaces (including 2 handicap spaces).

ADJACENT LAND USE AND ZONING

The properties located north, south and east of the subject property are commercial buildings zoned C-2 in the City of Winter Garden. The property located to the west of the subject property is a 4.27+/- acre wetland zoned C-2 in the City of Winter Garden.

PROPOSED USE

The applicant proposes to open a private school for enrollment of up to 20 students in the to occupy the 5 units located on the first floor (approximately 5,160 square feet) of the existing commercial building located at 3554 West Orange Country Club Drive. The proposed private school would have up to 4 employees and enroll students for grades Kindergarten- 8th Grade.

The applicant proposes to lease out the remaining 5 units (approximately 5,160 square feet) located on the second floor of the existing building.

SUMMARY

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

- Due to the limited parking facilities and restricted access points, the private school shall be limited to a maximum enrollment capacity of 20 students for the first two years of operation. This will allow the City to monitor the parking and traffic situation and make any needed adjustments, depending on other uses that may lease space within the building. If, in the future, the building and site have displayed that they can operate at a higher student count, the applicant could apply for an amendment to the Special Exception Permit to increase the number of students.
- The applicant is also the owner of the building and has agreed that the remaining uses within the building shall be limited to those that will have the lowest impact on parking and traffic, specifically professional office. High intensity uses such as restaurants, banks, retail, hotels, churches, medical office etc. shall be prohibited in the remaining 5,160 square feet of leasable space.
- The size of the property and constraints of the surrounding areas greatly limit the possibility for construction of a playground or other recreation area. The applicant has entered into a 2 year agreement with Genetic Fitness of Winter Garden (approved to open in the building located directly east of the subject property at 4110 Winter Garden Vineland Road) to provide physical education and recess activities at their gym facility. The applicant shall be required to provide a plan for a recreation area at such time as the previously mentioned agreement expires or provide a revised agreement for use beyond the date of expiration of the agreement.

- All necessary permits must be obtained prior to beginning any construction on or alterations to the site and/or facility.

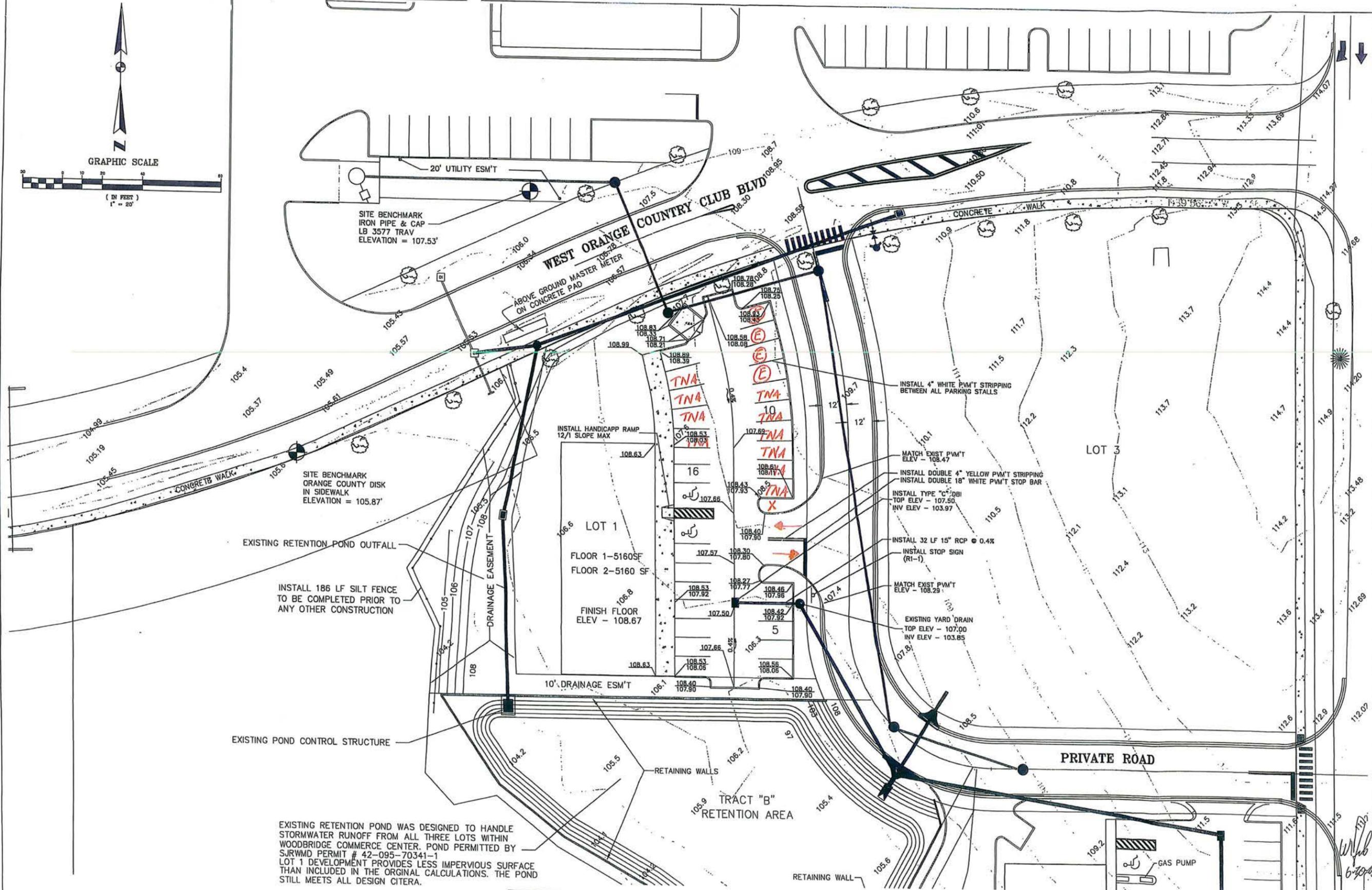
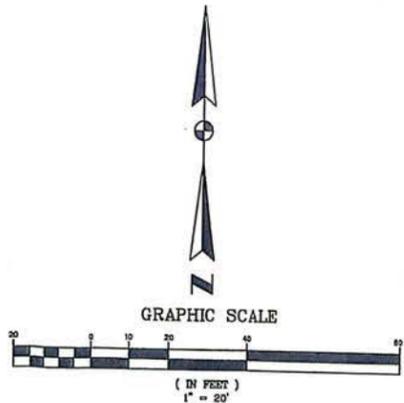
MAPS/EXHIBITS

AERIAL PHOTO
3554 West Orange Country Club Drive





END OF STAFF REPORT



EXISTING RETENTION POND WAS DESIGNED TO HANDLE STORMWATER RUNOFF FROM ALL THREE LOTS WITHIN WOODBRIDGE COMMERCE CENTER. POND PERMITTED BY SJRWMD PERMIT # 42-095-70341-1. LOT 1 DEVELOPMENT PROVIDES LESS IMPERVIOUS SURFACE THAN INCLUDED IN THE ORIGINAL CALCULATIONS. THE POND STILL MEETS ALL DESIGN CRITERIA.

TNA = The New Academy Spaces
 X = SIGN PLACEMENT
 (E) = EMPLOYEE PARKING

DATE	REVISIONS	REVISED BY	CHECKED BY	DESIGNED BY	DRAWN BY	CHECKED BY	APPROVED BY
				MCF	MCF		

CDG THE CIVIL DESIGN GROUP
 INC
 ENGINEERS - SURVEYORS - PLANNERS

PAVING & DRAINAGE PLAN
 WOODBRIDGE COMMERCE CENTER
 ORANGE COUNTY FLORIDA

PROJECT NUMBER	2002-6
DATE	JULY-2002
SCALE	1"=20'
SHEET No.	C6_of_2

Community Development
 Planning & Zoning
 JUN 4 2012
 Received By: _____

West Orange Country Club Dr - 3554
SPECIAL EXCEPTION PERMIT
 The New Academy, Inc.
 11-23-27-9447-00-010

Revised June 22, 2012

The New Academy Feasibility Project Request

Building Address: 3553 W Orange Country Club Drive

The New Academy is a small private K-8 Elementary school.

"Home schooling in a classroom environment." We provide education in a non-traditional unique way using interactive technology-based classrooms equipped with Smartboard technology, individual iPads, netbooks and laptops for each child. We also offer electives such as foreign language and theater arts with music. We also provide our children with a small classroom environment fostering social skills with other children, enabling them with all the resources found in a traditional classroom, making education fun, creative and interactive. We currently have 15 enrolled students comprising 7 children in grades 1-4 and 8 children in grades 5-8. Our plan is to grow to 20 children this academic 2012-2013 year with a maximum of 40 on a long-term basis. We currently employ 3 full time teachers. On a long-term basis our plan is to employ 4 full time teachers, 1 teacher per 10 children.

Our current 2011-2012 Academic school year hours of operation are 8:30am-4: 30pm for teachers and students 9:00am - 3:10pm.

The 2012-2013 Academic school year will be split with Lower elementary and Upper elementary with staggered hours when the Lower and Upper elementary will be present. Parents will be required to park their vehicles to drop off and pick up their children. We will have a designated teacher available to receive the child daily in the school door entrance located on the second floor.

Lower Elementary will be from 8:30am - 2:40pm

Upper Elementary will be from 9:00am – 3:10pm

Teachers will be present from 8:30am – 4:30pm

We will assign the 4 parking spaces specifically for the 4 full time teachers. In addition we will assign the parking area for parents to park for drop off and pick up at designated times. Our plan is to have a sign posted for the parents that will demonstrate the drop off and pick up parking spaces. The sign will be posted adjacent to the right side of the entrance as you enter parking lot, completely visible to all that enter. It will designate the right side of the building for the specific parking spaces available for the parents and teachers. Designating the right side of the building will allow for continuous, unimpeded flow of traffic. **(See Exhibit 1 Survey)**

The New Academy Feasibility Project Request

Building Address: 3553 W Orange Country Club Drive

The building is currently comprised of 10 suites, each 1,032 square feet. Each suite is equipped with an ADA bathroom. There are 2 stairwells located on each end of the building and 1 elevator located in the center of the building. There are 2 designated handicap accessible parking spaces on the property.

~~Our plan is to occupy 3 suites @ 1,032 suites with a total of (3,096) square feet for Academic on the second floor and (2,064) sq feet on the first floor for Theater and Music classes. The school will occupy a total of (5,160) square feet.~~

Our updated current plan is to occupy 5 suites @ 1,032 per suite with a total of (5,160) square feet on lower level (first floor) for Academic, Theater and Music classes. This decision was made after meeting with both Building Inspector and Fire Marshall from City of Winter Garden. It was determined that according to Current Code, School Children under Grade 2 must be on the first floor. This is why we made adjustments to our original proposal.

The remaining (5,160) sq feet will be allocated for professional office or space available for lease. The parking spots designated to the left of the building will be allocated to the professional office space available for lease.

We are currently in negotiations with the Gym that will be located in the vacant CVS/Remax building to offer our children a daily structured PE class indoors. This will serve as both our exercise and recess time for the children.

I am requesting if possible, this Feasibility Request be reviewed in time for the July 2, 2012 PNZ hearing, because the August 6, 2012 PNZ hearing is so close to the start of the new school year and currently I do not have an optional location to set up the school.

I will help in any way I can to facilitate the acceptance of this Feasibility Request. I am available anytime 24/7 for your comments and concerns. I feel the happiness and education of these 15 children on my shoulders and feel the weight of their world rests on me. I am willing to do everything I possibly can to make this happen. I appreciate your guidance in helping me.

Nancy L Davis

Owner The New Academy



June 22, 2012

City of Winter Garden
300 West Plant Street
Winter Garden, FL 34787

To whom it may concern;

This letter serves as documentation that, Genetic Fitness of Winter Garden LLC., a fitness center, owned and operated by Brian Anderson, has entered into an agreement with The New Academy Inc., an educational establishment, operated by Nancy Davis.

The Contract between Genetic Fitness of Winter Garden, LLC. and The New Academy, Inc., is a 2 year term Contract with option to renew after one year. The Contract will initiate September 1, 2012 with the expiration date of August 30, 2014. Effective September 1, 2013 the Contract may be renewed for a longer term.

Genetic Fitness of Winter Garden, LLC will allow The New Academy, Inc. to have students use the aerobics facility section of the fitness center to conduct Physical Education classes and Recess in a safe, secure, and air-conditioned area. The New Academy, Inc. will have access to the aerobics area Monday-Friday for approximately 45 minutes a class/session. The New Academy, Inc. is aware of the use and operating procedures of the fitness center's aerobics room. Genetic Fitness of Winter Garden, LLC. has scheduled the allotted time for the use of the aerobics room and will ensure that it is available for students at the requested times.

If further information is needed, please send request to Vanessa Rodriguez at GeneticFitnessllc@gmail.com or call directly at 954-604-4596.

Thank you,

A handwritten signature in black ink, appearing to read 'Brian Anderson', with a long horizontal flourish extending to the right.

Brian Anderson, Owner/CEO
4110 Old Winter Garden Vineland Road
Winter Garden, FL 34787

THE CITY OF WINTER GARDEN
PLANNING AND ZONING BOARD AGENDA ITEM

ITEM # 7 (Public Hearing)

DATE: June 27, 2012 **MEETING DATE:** July 2, 2012

SUBJECT: 1101 S. Park Avenue (SPECIAL EXCEPTION PERMIT)
PROJECT NAME Little Orange Academy
PARCEL ID# 11-23-27-9447-00-010

ISSUE: The applicant is requesting a Special Exception Permit to allow for the property located at 1101 S. Park Avenue to be used for a child day care center.

SUPPLEMENTAL MATERIAL/ANALYSIS:

OWNER/APPLICANT: Little Orange Academy, LLC

CURRENT ZONING: C-2 Arterial Commercial District

PROPOSED ZONING: N/A

CURRENT FLU: Commercial

PROPOSED FLU: N/A

SUMMARY:

Applicant proposes to open a child day care center in a commercial facility zoned C-2 located at 1101 S. Park Avenue Suite 700 & 800 for enrollment of up to 45 children.

STAFF RECOMMENDATION(S):

Staff recommends approval of the special exception permit with the conditions as shown in the attached staff report.

NEXT STEP(S):

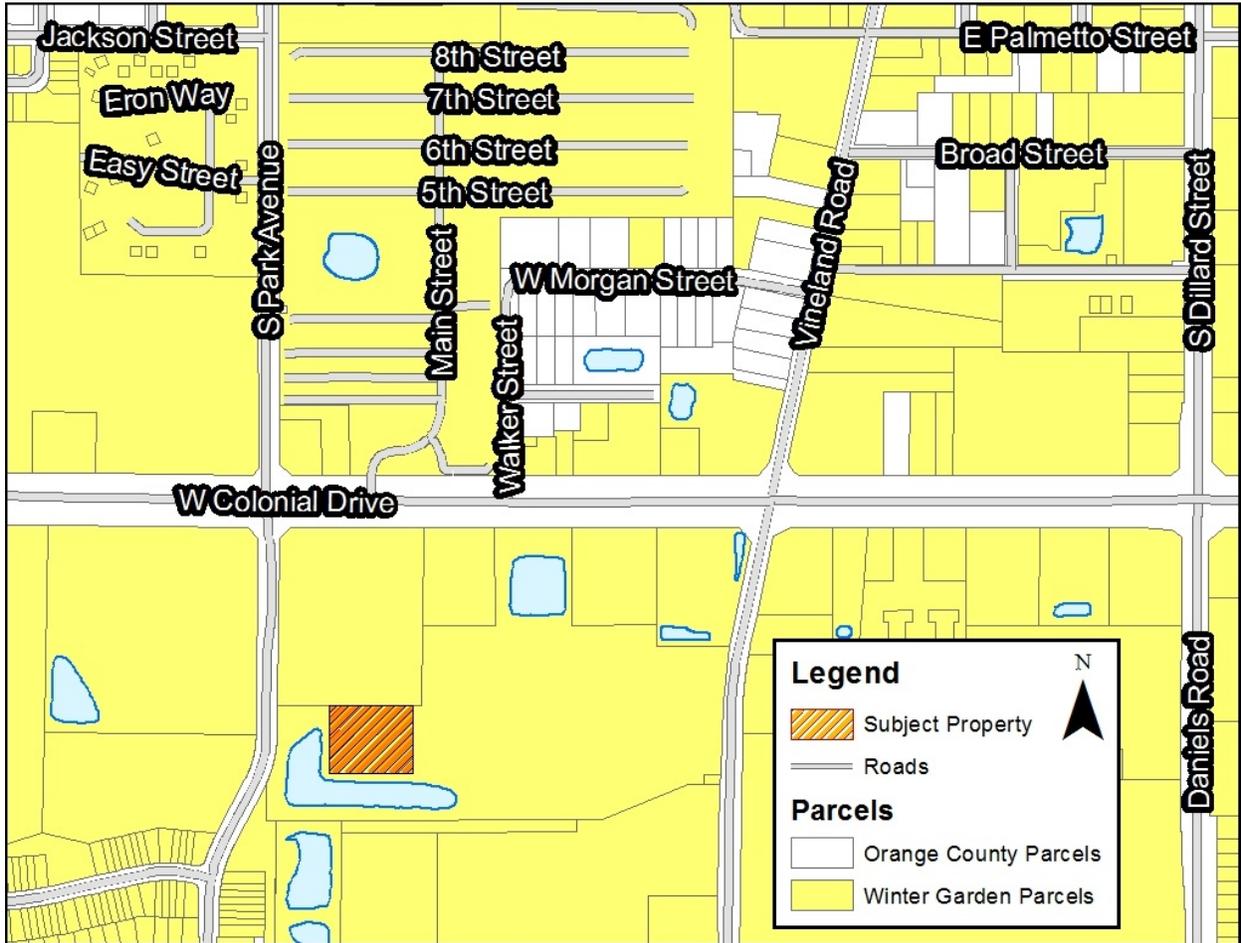
Submit for Minor Site Plan approval for secondary access point

ATTACHMENT(S):

Location Map
Staff Report
Boundary Survey
Site Plan

LOCATION MAP

1101 S. Park Avenue
Little Orange Academy



CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

STAFF REPORT

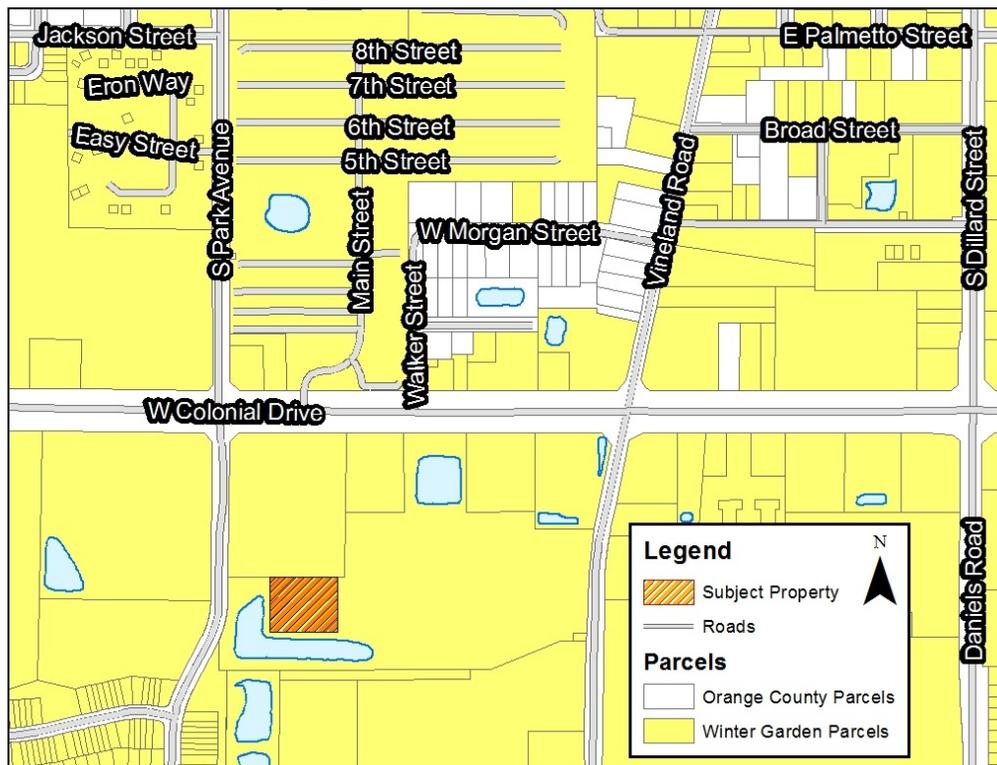
TO: PLANNING AND ZONING BOARD
PREPARED BY: LAURA SMITH, SENIOR PLANNER
DATE: JUNE 27, 2012
SUBJECT: SPECIAL EXCEPTION PERMIT
1101 S. Park Avenue Suite 700 & 800 (Little Orange Academy, LLC)
Shoppes at West Pointe Lot 3
PARCEL ID # 11-23-27-9447-00-010

APPLICANT: Little Orange Academy, LLC

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 south of West Colonial Drive on the east side of South Park Avenue, in the Shoppes at West Pointe located in the southwest portion of West Pointe Commons shopping center. 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 child day care center for up to 45 children. The subject property is located within the City of Winter Garden municipal limits, and carries the zoning designation C-2. The subject property is designated Commercial on the Future Land Use Map of the Comprehensive Plan.

EXISTING USE

The property consists of one 9,403 square foot commercial building which is divided into 8 tenant spaces which are all currently vacant and contains 42 parking spaces (including 3 handicap spaces).

ADJACENT LAND USE AND ZONING

The property located to the north of the subject property is a large commercial site occupied by Giant Recreation World zoned C-2 within the City of Winter Garden. The properties located to the east of the subject property are made up of other commercial outparcels located in the Shoppes at West Pointe within the West Pointe Commons shopping center and are zoned C-2 within the City of Winter Garden. The properties located to the west of the subject property consist of a large commercial site occupied by Leisure Time RV zoned C-2, and a townhome community called Village Grove zoned R-3 within the City of Winter Garden. The property located to the south is the Winter Garden Business Park which is a developed commercial property zoned PCD within the City of Winter Garden.

PROPOSED USE

The applicant proposes to open a child day care center for up to 45 children in suite 700 & 800 (approximately 2,400 square feet) of the existing commercial building located at 1101 S Park Avenue, construct a playground over a portion of the existing parking lot located on the west side of the building, and construct an entrance only secondary access to the site on the northeast corner of the property. The proposed child day care center would have up to 4 employees and enroll children ages 1 year to 5 years old.

SUMMARY

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

- The child day care center shall be limited to a maximum enrollment capacity of 45 children, expansion of the facility and/or enrollment of more than 45 children will require additional review and amendment to the special exception permit.
- The entrance only secondary access point located on the northeast corner of the property requires minor site plan review; the access point must be constructed and complete prior to the child day care center opening for business.
- The playground facility to be located over a portion of the existing parking lot located on the west side of the building must be constructed and complete, including all landscaping, prior to the child day care center opening for business.
- All necessary permits must be obtained prior to beginning any construction on or alterations to the site and/or facility.

MAPS/EXHIBITS

**AERIAL PHOTO
1101 S Park Avenue**



END OF STAFF REPORT

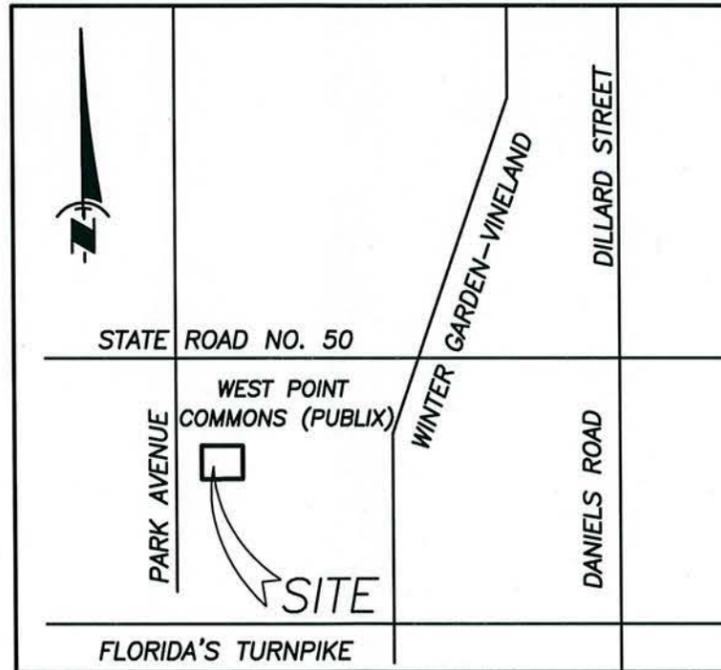
SITE CONSTRUCTION PLANS
LITTLE ORANGE ACADEMY AT WEST POINT COMMONS – LOT 3
1101 S PARK AVENUE – SUITES 700 & 800
June 5, 2012

PAVING, GRADING, AND DRAINAGE CONSTRUCTION NOTES

1. UNLESS OTHERWISE NOTED, GENERAL, PAVING, & STORM CONST. DIVISIONS TO BE IN ACCORD. WITH FDOT STDS. & SPECS. FOR ROAD & BRIDGE CONST., 1991 EDITION & FDOT ROADWAY & DESIGN TRAFFIC STANDARDS, MOST RECENT EDITION.
2. ALL DISTURBED AREAS SHALL BE SEEDED AND MULCHED, UNLESS INDICATED TO BE SODDED AFTER GRADING IS COMPLETED TO PREVENT EROSION.
3. CONTRACTOR TO GRADE TO PROVIDE POSITIVE DRAINAGE AS INDICATED WITH A MIN. 0.50% SLOPE.

EROSION & SEDIMENT CONTROL PLAN

1. EROSION AND WATER POLLUTION CONTROL TO BE PROVIDED IN ACCORDANCE WITH FDOT STANDARD INDEX NUMBER 102.
2. THE CONTRACTOR SHALL SUBMIT AN EROSION CONTROL PLAN FOR APPROVAL PRIOR TO SCHEDULING THE PRE-CONSTRUCTION MEETING.
3. DURING CONSTRUCTION, THE CONTRACTOR SHALL TAKE ALL REASONABLE MEASURES TO INSURE AGAINST POLLUTING, SILTING OR DISTURBING TO SUCH AN EXTENT AS TO CAUSE AN INCREASE IN TURBIDITY TO THE EXISTING DRAINAGE SYSTEM AND ADJACENT WATER BODIES. CONTRACTOR SHALL BE RESPONSIBLE FOR COMPLYING WITH ALL PERMIT REQUIREMENTS RELATED TO SUCH MEASURES. METHODS MAY INCLUDE, BUT ARE NOT LIMITED TO, CONSTRUCTION OF TEMPORARY EROSION CONTROL STRUCTURES SUCH AS SEDIMENT BASINS, SEDIMENT CHECKS, SILT BARRIERS OR SILT SCREENS.



LOCATION MAP

Parcel ID: 26-22-27-9164-00-030
 Address 1101 S PARK AVE

OWNER: VMD, LLC
 8525 Redleaf Ln
 Orlando, FL 32819

APPLICANT: Luz S. Costa
 Little Orange Academy, LLC
 Winter Garden, FL 34787
 201-364-1510
 gabycanela09@yahoo.com

ENGINEER: Kirby Engineering, L.L.C.
 John Kirby, P.E.
 P. O. Box 770669
 Winter Garden, Florida 34787
 407-877-9400
 407-877-9983 (Fax)
 jkwg1@earthlink.net

SURVEYOR: Accuright Surveys
 2012 E. Robinson Street
 Orlando, Florida 32803
 (407) 894-6314

KIRBY ENGINEERING, L.L.C. **JOHN R. KIRBY, P.E.**
 P. O. BOX 770669 WINTER GARDEN, FL 34777 (407) 877-9400
 FBPE CERTIFICATE OF AUTHORIZATION # 9738

LEGAL DESCRIPTION

LOT 3, WEST POINT COMMONS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 53, PAGES 9 AND 10, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

TOGETHER WITH EASEMENTS FOR ACCESS, UTILITIES AND DRAINAGE ESTABLISHED IN DECLARATION OF EASEMENTS AND RESTRICTIONS RECORDED IN OFFICIAL RECORDS BOOK 6769, PAGE 1445, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

CONTAINS: 46,560 SQUARE FEET OR 1.069 ACRES MORE OR LESS.

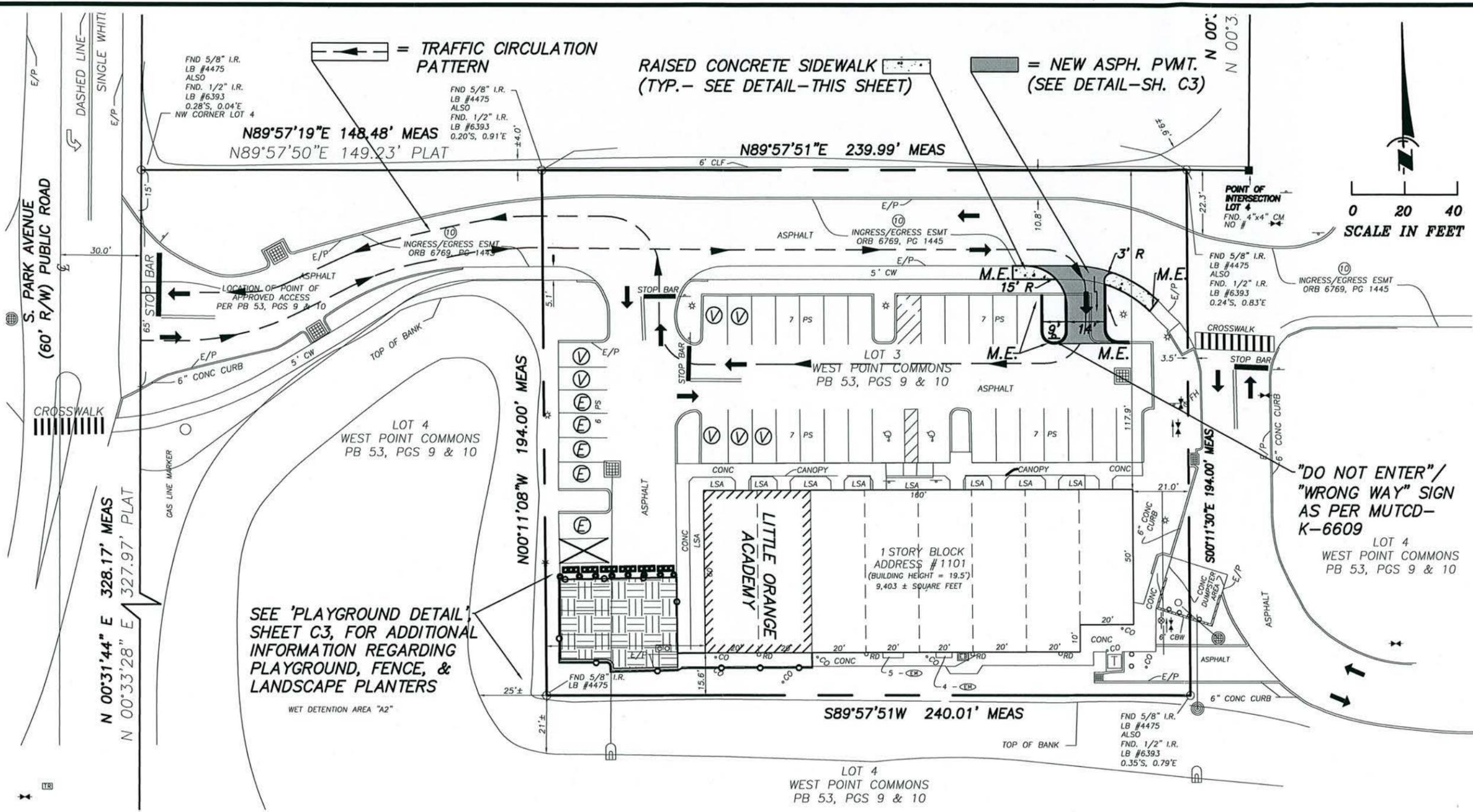
SPECIAL NOTES

1. ALL CONST. ACTIVITY SHALL CONFORM TO CHAPTER 106 OF THE CITY OF WINTER GARDEN CODE –CHAPTER 106–STORM WATER MGMT.
2. SOLID WASTE WILL BE HANDLED VIA ON-SITE DUMPSTER
3. SITE LIGHTING, IF ANY, SHALL COMPLY WITH CITY DARK SKY STANDARDS CHAPTER 118, ARTICLE X, DIVISION 4

Park Ave. S - 1101 Ste 700 & 800
 REVISIONS 6-11-2012
SPECIAL EXCEPTION PERMIT
 Little Orange Academy LLC
 26-22-27-9164-00-030

INDEX OF SHEETS	
SHEET TITLE	No.
Cover Sheet	C1
Site Plan	C2
Site Details	C3
Community Development Planning & Zoning	
JUN 11 2012	
Received By: _____	

~~Revised 6-11-12~~

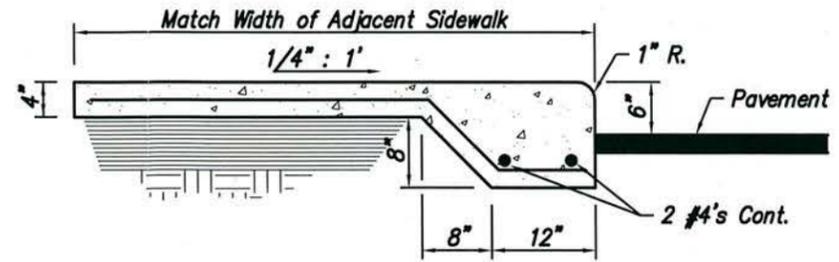


SEE 'PLAYGROUND DETAIL' SHEET C3, FOR ADDITIONAL INFORMATION REGARDING PLAYGROUND, FENCE, & LANDSCAPE PLANTERS

Parking Required
 Leased Space = 2400 sf
 Total Spaces Required = 2400 sf x 3 spaces / 1,000 sf = 7.2, say 8 Spaces

Parking Provided

Employee Parking	5 Spaces
Visitor Parking	7 Spaces
Total On-Site Spaces Provided	= 12 Spaces



Note: Longitudinal Slope to be 5% Maximum

RAISED SIDEWALK
 N.T.S.

LEGEND	
Direction of Flow	
Little Orange Employee Parking	(E)
Little Orange Visitor Parking	(V)
M.E.	Match Existing

NO.	DATE	REVISIONS
1	6-11-12	Rev. as per 6-8-12 CWG

**SITE PLAN FOR
LITTLE ORANGE ACADEMY**

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

JK DESIGNED
JK DRAWN
6/5/12 DATE
C2

