



**A REGULAR MEETING MINUTES
PLANNING AND ZONING BOARD
JULY 2, 2012**

1. CALL TO ORDER/INVOCATION/PLEDGE OF ALLEGIANCE

Chairman James Gentry called the meeting of the City of Winter Garden Planning and Zoning Board to order at 6:30 p.m. in the City Hall Commission Chambers. The invocation was given followed by the Pledge of Allegiance.

2. ROLL CALL AND DETERMINATION OF QUORUM

The roll was called and a quorum was declared present.

MEMBERS PRESENT:

Chairman James Gentry, Board Members: Mark Maciel, Mac McKinney, and Eric Weiss.

MEMBERS ABSENT/ARRIVED LATE:

Vice - Chairman James Dunn (excused)

Board Member – Kent Horsley (excused)

Board Member – Rohan Ramlackhan (excused)

STAFF PRESENT:

City Attorney Dan Langley, Community Development Director Ed Williams, Senior Planner Laura Smith, Senior Planner Stephen Pash, and Administrative Specialist Corrina Williams.

3. APPROVAL OF MINUTES

Approval of minutes from the regular meeting held June 4, 2012.

Motion by Mark Maciel to approve the June 4, 2012 minutes, seconded by Eric Weiss, the motion carried unanimously 4-0.

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

4. 420 Winter Garden Vineland Road – Bradford Creek Subdivision

Community Development Director Ed Williams presented the continuation of the public hearing on the Bradford Creek Subdivision. 63 acre parcel located north of Roper Road west of Daniels Road on either side of 535 proposed as a single family residential planned development with a variety of lot sizes and house elevations. The issue of the housing size was resolved and clarified to be a minimum housing size will be 2,400 square feet. City Staff recommends approval subject to conditions of the staff report.

Wade Bradford, 111 Mericam Court, Winter Garden, FL, Owner/Applicant made a statement in favor of the passing of the rezoning ordinance.

Motion by Eric Weiss to recommend the approval of Bradford Creek Subdivision PUD Rezoning – Ordinance 12-30 with staff recommendations (Attached Exhibit “A”). Seconded by Mark Maciel, the motion carried unanimously 4-0.

SPECIAL EXCEPTION PERMIT(Public Hearing)

5. 101 Hennis Road – Cemex Plant

Community Development Director Ed Williams presented a request for a special exception permit on the parcel located at 101 Hennis Road to continue to be used as a concrete and concrete product manufacturing plant. Property fronts on Hennis and Plant Street. In researching the property with the Plant Street road widening project it was determined the facility was never issued a special exception permit and staff agreed the City would make application on behalf of the Cemex plant. City Staff recommends approval of the special exception permit to allow the Cemex plant to continue operation at this location.

Board discussed with staff the drainage conditions of this site relative to Hennis Road and Plant Street, and Cemex has an agreement in place to address the drainage issues, along with the Plant Street road widening that will assist with corrective measures of this problem as well.

Jeff Bobolts, 3626 Quadrangle Blvd, Suite 200, Orlando, FL 32810, Cemex representative, made a statement in favor of the passing of the special exception permit.

Motion by Mac McKinney that the special exception permit be granted for the property located at 101 Hennis Road and to allow for the use of a cement plant. Seconded by Mark Maciel, the motion carried unanimously 4-0.

6. 3554 West Orange Country Club Drive – The New Academy

Senior Planner Laura Smith presented a request for a special exception permit for a private school within the C-2 zoning district on the parcel located at 3554 West Orange Country Club Drive, for an enrollment of up to 20 students. The subject property does not accommodate for an outdoor play area so they have entered into an agreement with a gym located on an adjoining property to provide for their recreational curriculum. Due to the limited parking facilities available the applicant has agreed to limit the other uses of this building to professional office only and to provide signage to reserve parking spaces for the school separate from the other uses of the building. City Staff recommends approval subject

to the conditions of the staff report and the conditions identified in the letter of proposal from the applicant. The applicant is also the owner of the building.

Board had further discussion of the student capacity and the staff two year restriction allowing the applicant to come back before the Board for an increase via amending special exception. The two year period is in place for City Staff to monitor that the conditions stipulated are working for the property and the school and to evaluate if the property can accommodate an expansion.

Board discussed and clarified with City Staff that the gym the applicant is in agreement with for it's recreational curriculum needs is not open yet but must be open before the school can open, and that the applicants restriction to the agreement must remain in effect for the two year period.

Property Owner/Applicant, Ron Davis, 9832 Laurel Valley Drive, Windermere, FL, and Theresa Sungadi, School Facilitator of The New Academy, provided general information about the upgrades they have made on the property and answered general questions from the Board.

In clarifying the term of the special exception approval Senior Planner Smith advised that the special exception will stay in effect as long as all the conditions remain in effect and, as long as the applicant does not increase the student capacity of 20 students.

Motion by James Gentry that the special exception permit for the New Academy be granted for the property located at 3554 West Orange Country Club Drive and to allow for the use of a private school with Staffs recommendations (Attached Exhibit "B"). Seconded by Mark Maciel, the motion carried unanimously 4-0.

7. 1101 S. Park Avenue – Little Orange Academy

Senior Planner Laura Smith presented a request for a special exception permit for a child daycare center within the C-2 zoning district. The applicant proposes to open a daycare center for up to 45 children at 1101 S. Park Avenue, suite 700 and 800. The child daycare center is permitted by special exception permit only in the C-2 zoning district. The applicant proposes to construct an outdoor playground over a portion of the parking lot located on the west side of the building and to construct a secondary entry point to the property to reduce the need for stacking and to allow for steady traffic flow and circulation. City Staff recommends approval subject to the conditions identified in the staff report.

Citizen Joyce Glennon, 449 Sand Lime Road, Winter Garden, FL, Homeowners Association President representing The Village Grove – Winter Garden, Inc. Condominiums, made a statement with representation to the entry way on the commercial parcel from out to Park Avenue and the expected back up at the Park and Colonial Drive signal. They do not oppose the daycare center but ask for City input on the concerns of the traffic from the commercial parcel to Park Avenue.

Sheri Couch, Property Manager for Property Owner, and John Kirby of Kirby Engineering reemphasized the utilization of three different exits from this commercial parcel and that the traffic of the daycare is consistent with the projected traffic of the property.

Lucio Costa, Applicant for Little Orange Academy, clarified the intent of the daycare to expand would only be to add new born child care and this will not require the playground to be adjusted or expanded and would only utilize the interior 1,200 square foot suite adjacent to it.

Citizen Elaine Howard, 460 Sand Lime Road, Winter Garden, FL, resident of Village Grove, made a statement of concern with regard to the safety of the road leading out of the commercial parcel onto Park Avenue.

Motion by James Gentry that the special exception permit be granted to the Little Orange Academy for the property located at 1101 S. Park Avenue, suites 700 and 800 and to allow for the use of a daycare with Staffs recommendations (Attached Exhibit "C"). Seconded by Mac McKinney, the motion carried unanimously 4-0.

8. ADJOURNMENT

There being no further business, the meeting was adjourned at 7:21 p.m.

APPROVED:

ATTEST:

Chairman James Gentry

Administrative Specialist Corrina Williams

EXHIBIT "A"

CITY OF WINTER GARDEN PLANNING & ZONING DIVISION

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

STAFF REPORT

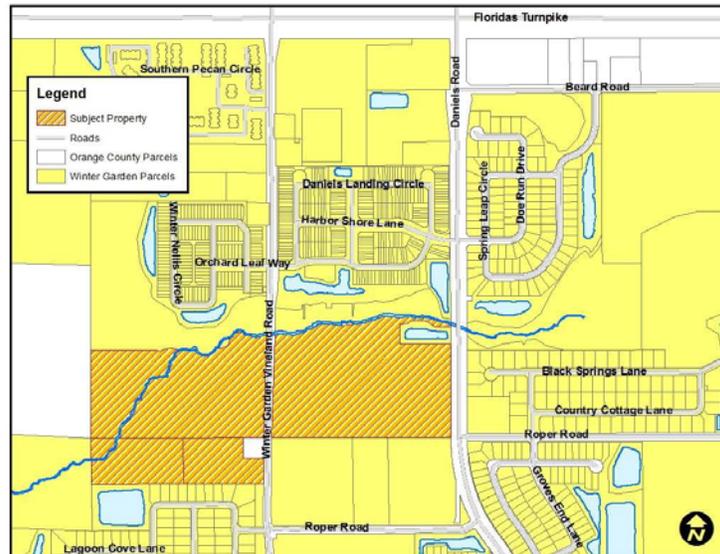
TO: PLANNING AND ZONING COMMITTEE
PREPARED BY: LAURA SMITH, SENIOR PLANNER
DATE: JUNE 27, 2012
SUBJECT: REZONING
420 & 421 Winter Garden Vineland Road (63.06+/- ACRES)
PARCEL ID# 26-22-27-0000-00-019 34-22-27-0000-00-014
26-22-27-0000-00-018 35-22-27-0000-00-004
35-22-27-0000-00-002

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.



P&Z: PH11-055

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

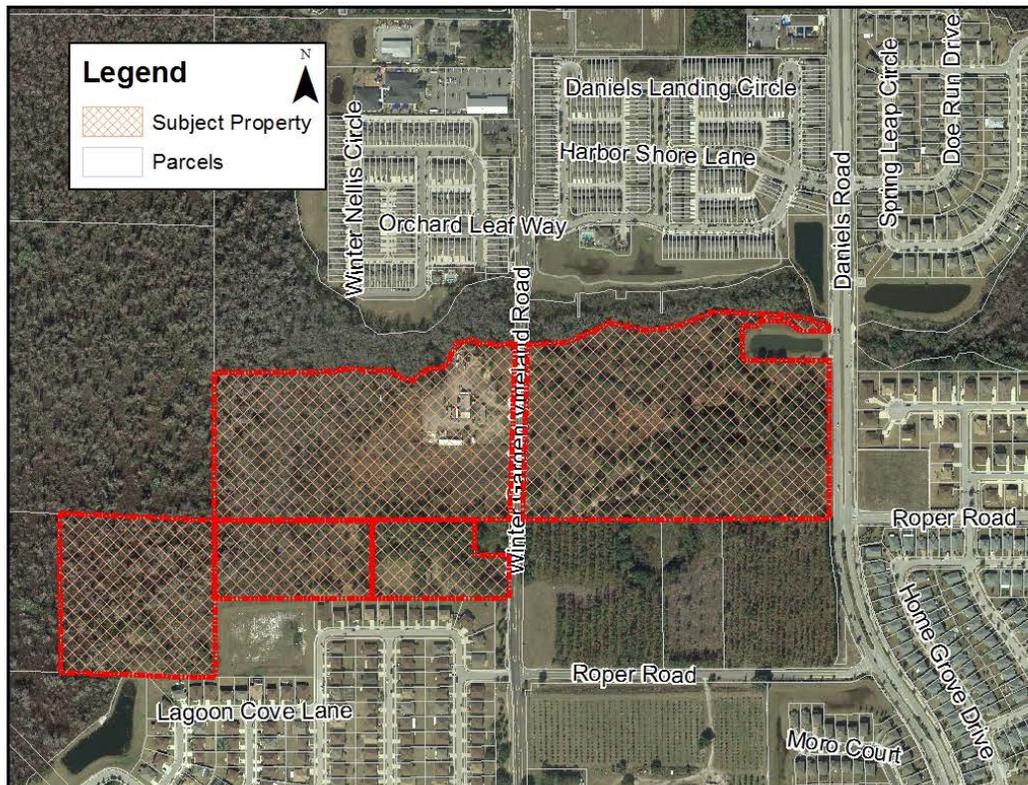
City Staff recommends approval of the proposed Ordinance subject to the following condition:

- 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 from 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.

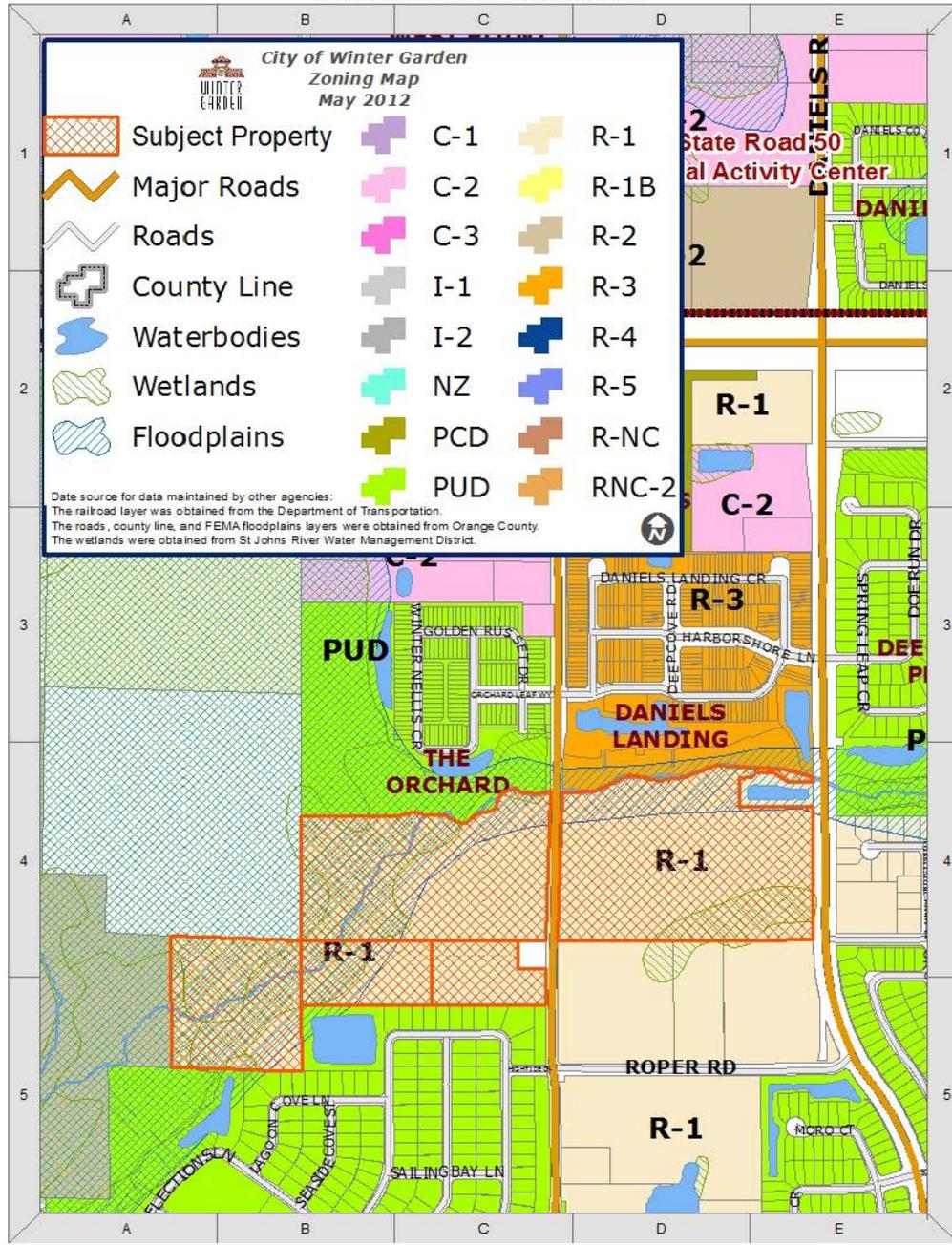
MAPS

**AERIAL PHOTO
BRADFORD CREEK SUBDIVISION**



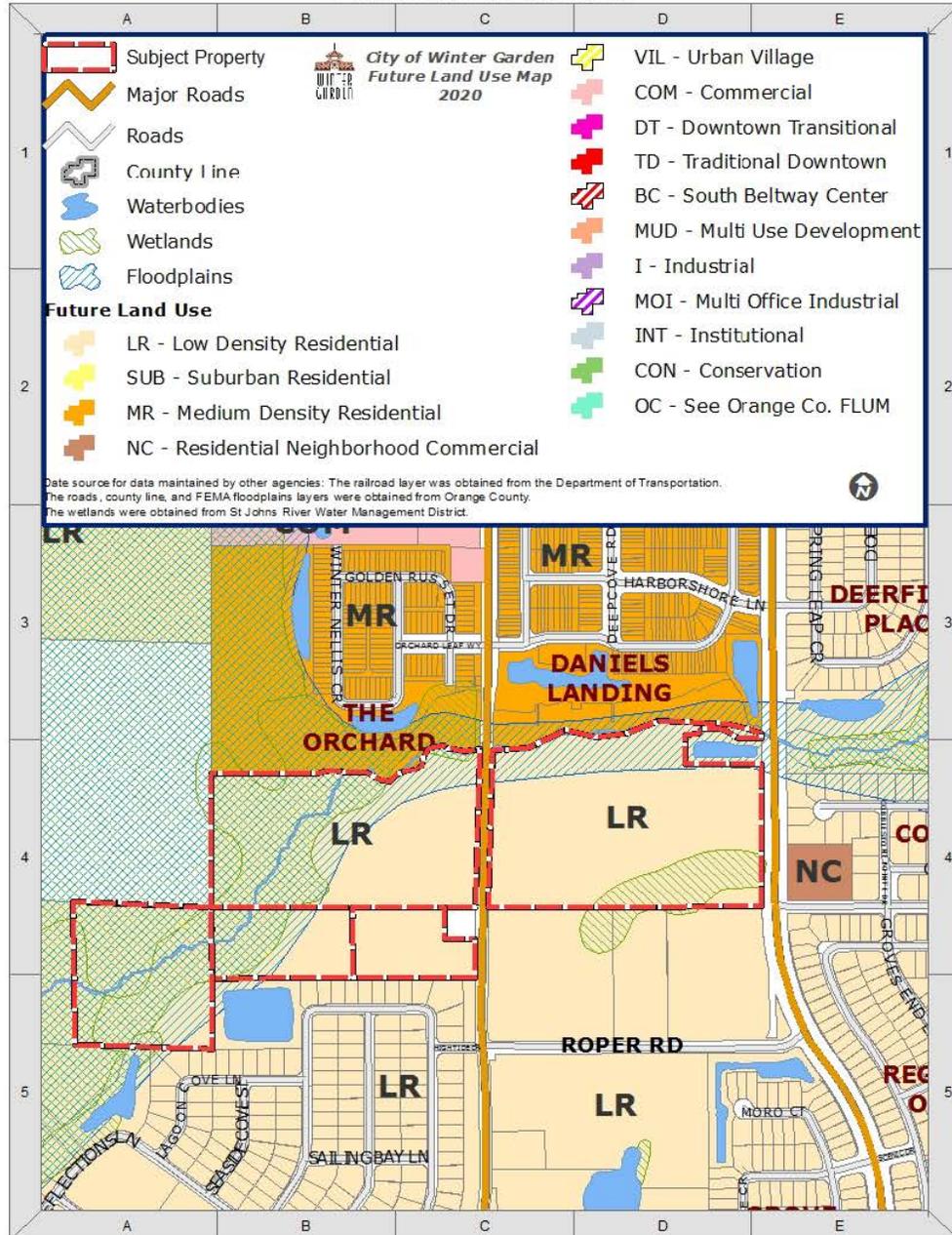
P&Z: PH11-055

ZONING MAP
 BRADFORD CREEK SUBDIVISION



P&Z: PH11-055

FUTURE LAND USE MAP
Bradford Creek Subdivision



Date source for data maintained by other agencies: The railroad layer was obtained from the Department of Transportation.
 The roads, county line, and FEMA floodplains layers were obtained from Orange County.
 The wetlands were obtained from St Johns River Water Management District.

END OF STAFF REPORT

P&Z: PH11-055

EXHIBIT “B”

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

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: 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