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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 – September 10, 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 AUGUST 6, 2012 MEETING**

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

Marsh Road (Waterside on Johns Lake Phase II) – UVPUD - **Rezoning**

Parcel ID # : 06-23-27-0000-00-002

Parcel ID # : 06-23-27-0000-00-004

Parcel ID # : 06-23-27-4288-08-211

Parcel ID # : 06-23-27-4288-08-321

Parcel ID # : 06-23-27-4272-00-030

5. 17001 Marsh Road (Waterside on Johns Lake Phase I) - **Preliminary Plat**

Parcel ID # : 05-23-27-0000-00-001

Parcel ID # : 06-23-27-0000-00-002

Parcel ID # : 06-23-27-0000-00-003

6. **SPECIAL EXCEPTION PERMIT (PUBLIC HEARING)**

1297 Winter Garden Vineland Road – (United Cerable Palsy) Charter School

Parcel ID #: 26-22-27-9147-00-010

7. 482 Charlotte Street - (Tewari, Sunildatt) Daycare

Parcel ID #: 23-22-27-2300-02-020

8. 1130 Plant Street – (Gil, Inc) Daycare

Parcel ID #: 13-22-27-0000-00-036

9. 3554 West Orange Country Club Dr – (The New Academy Inc) SEP Revision
Parcel ID #: 11-23-27-9447-00-010

VARIANCE (PUBLIC HEARING)

10. 227 Charlotte Street – (Knof, Kristoffer J)
Parcel ID #: 23-22-27-2299-01-100

11. **ADJOURNMENT**

To the next regular Planning and Zoning Board meeting on Monday, October 1, 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
AUGUST 6, 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 6:34 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: James Dunn, Rohan Ramlackhan and Eric Weiss.

MEMBERS ABSENT/ARRIVED LATE:

Board Member – Kent Horsley (excused)

Board Member – Mark Maciel (excused)

Board Member – Mac McKinney (unexcused)

STAFF PRESENT:

City Attorney Kurt Ardaman, City Manager Michael Bollhoefer, 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 July 2, 2012.

Motion by Eric Weiss to approve the July 2, 2012 minutes, seconded by James Dunn, the motion carried unanimously 4-0.

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

4. 399 Railroad Avenue & 404 North West Crown Point Road (Lyles/Rodgers)

Senior Planner Stephen Pash presented a voluntary annexation application for the properties located at 339 Railroad Avenue and 404 North West Crown Point Road. The property is separated by the CSX right-of-way but are the same Owner. The applicant has requested voluntary annexation with the future land use designation of low density residential and the zoning of R1B. City Staff recommends approval of all three ordinances.

Motion by James Dunn to recommend the approval of 399 Railroad Avenue & 404 North West Crown Point Road – Annexation - Ordinance 12-34, Future Land Use Amendment – Ordinance 12-35, and Rezoning – Ordinance 12-36. Seconded by Eric Weiss, the motion carried unanimously 4-0.

5. 12750 W. Colonial Drive (Thomas, Joyce E. Trust)

Senior Planner Stephen Pash presented a voluntary annexation application for the property located at 12750 W. Colonial Drive. The applicant has requested voluntary annexation with the future land use designation of Commercial and the zoning of C2. This property also lies within the West State Road 50 Overlay District. City Staff recommends approval of all three ordinances.

Motion by James Dunn to recommend the approval of 12750 W. Colonial Drive – Annexation - Ordinance 12-40, Future Land Use Amendment – Ordinance 12-41, and Rezoning – Ordinance 12-42. Seconded by Rohan Ramlackhan, the motion carried unanimously 4-0.

SPECIAL EXCEPTION PERMIT(Public Hearing)

6. 35 South Dillard Street – Chrome Nova, Inc.

Senior Planner Stephen Pash presented a request for a special exception permit on the parcel located at the southeast corner of South Dillard and east Bay Street, addressed as 35 S. Dillard Street. The applicant is requesting a special exception to operate as an automotive sales business within the C2 zoning district. The business purchases vehicles at the auction and will store the vehicles in doors at this site. There will not be any external sales from this location and the vehicles will be shipped to and from auto auctions. City Staff recommends approval subject to the following conditions; all vehicles associated with the automotive sales facility shall be stored inside the building, no display of any kind are allowed on the vehicles, no for sale signs, prices, etc., no onsite sales allowed, no vehicle repairs allowed on site. This special exception is approved for the business only, “Chrome Nova, Inc.” and shall expire if either the business, Chrome Nova, Inc., is no longer operated by Clint Lutchman or Tony’s Investments is sold or closes. All vehicles associated with the existing construction company shall be stored in the rear fenced area and the existing curb cut along Dillard Street shall be closed and a new “F” curb installed and with minimum landscaping buffer criteria.

Motion by James Gentry that the special exception permit be granted for the property located at 35 South Dillard Street and to allow for the use as a wholesale automotive dealer with staff recommendations and the clarification language of the 5th item of the

staff recommendation (Attached Exhibit "A"). Seconded by James Dunn, the motion carried unanimously 4-0.

7. 1330 Winter Garden Vineland Road (Starchild Academy Expansion) – Build 1330, LLC

Senior Planner Laura Smith presented a request for a special exception permit for the property located at 1330 Winter Garden Vineland Road. The property was granted a Special Exception in 2006 for the development of the Starchild Academy site which is located on the west (rear) portion of the property. The applicant plans to expand the Starchild Academy operation to include a kindergarten through 5th grade private school and requests a special exception for uses of daycare and private school to be permitted in the 10,000 square foot one story building located on the east (Front) portion of the property. The building has historically been used for offices.

The special exception granted for the west (rear) portion of the property in 2006 did not encompass the 10,000 square foot building located on the east (front) portion of the property and therefore an additional special exception is required in order to allow the proposed expansion of the Starchild Academy operation.

The subject property is zoned C-2 which does not allow for daycare or private school as permitted uses, and therefore could only be permitted as special exception uses. Staff have reviewed the request for special exception and find that the proposed use will not create traffic or parking problems and is compatible to surrounding uses. Staff recommends approval of the proposed special exception with the conditions that a fire sprinkler and monitored fire alarm system be installed in the building located at 1330 Winter Garden Vineland Road prior to student occupancy of the building; and with the condition that the maximum number of students to occupy the building located at 1330 Winter Garden Vineland Road be limited to 160.

Citizen, Alice Wright, Bay Isle Resident, Winter Garden, FL, made a statement of inquiry for the traffic and drop off and pickup of students on this site.

General discussion of the Board with City Staff advising the current to future student capacity, playground facilities, and fencing of the property. Senior Planner Smith advised the Board that 160 students will be added to the current capacity, and that the site already has three playground areas, fencing and landscape buffering from the original development of the property. Parking and stacking method is sufficient for the student and teacher capacity of both buildings.

Motion by James Dunn that the special exception permit for Starchild Academy Expansion be granted for the property located at 1330 Winter Garden Vineland Road and to allow for the use of a private school with Staffs recommendations (Attached Exhibit "B"). Seconded by Rohan Ramlackhan, the motion carried unanimously 4-0.

8. 3337 Daniels Road (Firestone Winter Garden) Mays & Company

Community Development Director advised the Board that the application for special exception for a Firestone Car Care Facility at the Winter Garden Fowlers Grove Mall, as a tire installation facility, is in fact primarily an automotive repair facility which is not allowed in the PD-DRI for Fowlers Grove nor is it allowed in our general Commercial Planned Development requirements throughout the City. Staff at this time recommends that the applicant either withdraws the application, and the City would refund the application fee, or that the applicant amends the request to only be for tire installation which is a use that would be allowed within the mall. It was anticipated and shown in the preliminary plans and in the public discussion that a tire installation similar to those of a shopping club would be allowed but not that of an automotive repair facility.

Miranda Fitzgerald, attorney with Lowndes, Drosdick, Doster, Canter and Reed Law Firm, 215 N. Eola Drive, Orlando, FL, representing the applicant, Mays & Company, made a statement that the applicant disagrees with the position the City has taken and asked for a brief recess of the meeting to discuss with her client how they wish to proceed.

James Dunn also disclosed he had ex parte communication with Ms. Fitzgerald, and Ms. Fitzgerald advised she also spoke with Mr. Maciel too.

Meeting adjourned for a brief break at 7:01 p.m.

Meeting resumed at 7:12 p.m.

Miranda Fitzgerald advised the Board that the applicant would like to proceed with their presentation as a Firestone Complete Auto Care Facility and advises the other uses at the facility are ancillary uses to this facility.

City Attorney Kurt Ardaman clarified to the Board that the applicant does not wish to limit the use to a free standing tire installation facility only and wants to proceed with the application as a complete automotive repair facility. This is inconsistent with the Community Development Directors recommendations and that the application does not fall within the special exception criteria.

Director Williams read from the applicant's application "the proposed project includes the construction of a Firestone Automotive Service Center the building will consist of ten bays and services will include tire installation" no other services were provided or listed and the Owner of the facility advised in a community meeting that the ancillary services that Ms. Fitzgerald listed were actually 70% of the business and the tire installation is only 30%. This demonstrates the automotive is the primary and the tire installation is the ancillary. Director recommends that this use is not allowed in the PD and if the applicant wishes to proceed they would need to appeal this procedure.

City Attorney Kurt Ardaman clarified to the Board that the application is not a free standing tire installation facility special exception use to be considered by this Board. The applicant by not changing its application to be a free standing tire installation facility only is left with the option of appealing the decision of the staff. Or, the applicant can still decide to amend and resubmit its application. A written decision by the Director and City Manager would be appropriate and would be issued after tonight's verbal decision by the Director. There is no

basis for the Board to move forward since there is no special exception that is able to be considered tonight.

Miranda Fitzgerald made a statement to the Board that the option the applicant has is to appeal the determination and simultaneously move to amend the PD to amend the uses or create a category that they feel would benefit the mall and the community.

Applicant, Steve Meier with Mays & Company, made a statement to the Board that he was disappointed with how the City handled his application.

9. ADJOURNMENT

There being no further business, the meeting was adjourned at 7:24 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 BOARD
PREPARED BY: STEVE PASH, SENIOR PLANNER
DATE: JULY 28, 2012
SUBJECT: SPECIAL EXCEPTION PERMIT
35 S. Dillard Street (Auto Sales Facility)
PARCEL ID # 23-22-27-8816-01-010

APPLICANT: Tony's Investment, Inc./Chrome Nova, Inc./Tony Lutchman

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 the southeast corner of South Dillard Street and East Bay Street. 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 a portion of the building to be used for an automobile sales facility. 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 Traditional Downtown on the Future Land Use Map of the Comprehensive Plan.

EXISTING/PROPOSED USE

The property contains a building that is used for a construction company, and was previously approved to operate an automobile sales facility. The previous approval was in 1999 and has expired.

The owner would now like to open a new car sales facility that will not operate like a normal automobile sales facility. They will purchase vehicles at an auction, transport them to this facility, and then sell the vehicles at the auction in Ocoee. No customers will be on site and no vehicles will be displayed for sale at the subject site.

ADJACENT LAND USE AND ZONING

The property located to the north is developed with a restaurant, zoned C-2, and in the City of Winter Garden. The property to the east is vacant land owned by Winter Garden Citrus Growers Association, zoned C-2, and in the City of Winter Garden. The property to the south is used for Florida Metal Craft, Inc., zoned C-2, and in the City. The properties to the west are developed with a convenience store and a vacant restaurant, zoned C-1, and in the City. All of the adjacent properties, including the subject property are located within the Historic Downtown District.

SUMMARY

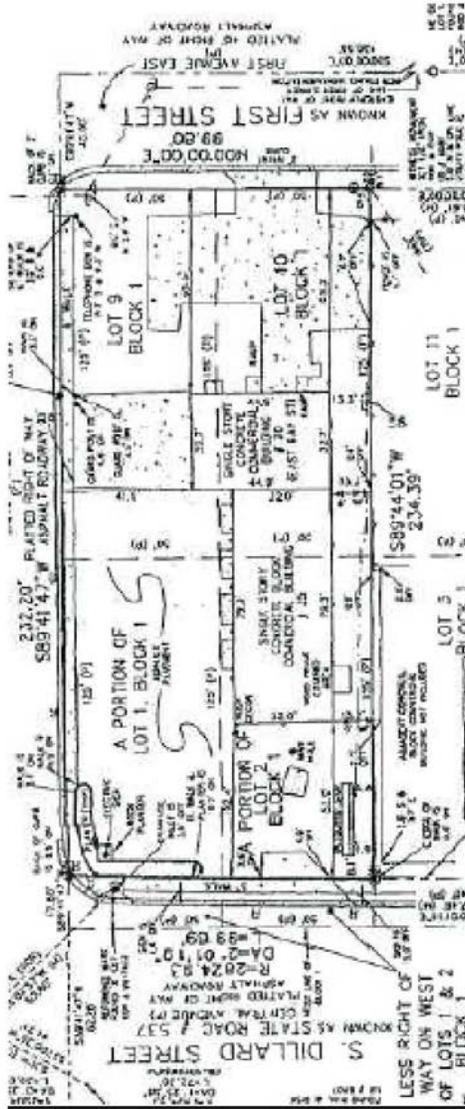
City Staff recommends approval of the proposed special exception permit to operate the automobile sales facility at 35 South Dillard Street with the following conditions:

- All vehicles associated to the Automobile Sales Facility shall be stored inside the building.
- No displays of any kind are allowed on any vehicles (ie. For sale signs).
- No on-site sales are allowed.
- No vehicle repairs are allowed on-site.
- This Special Exception is approved for this business (Chrome Nova, Inc.) and shall expire if the property is sold or if Chrome Nova, Inc or Tony's Investment, Inc. closes or is no longer operated by Clint Lutchman.
- All vehicles associated to the existing construction company shall be parked within the fenced in area along 1st Street.
- The existing access (curb cut) on South Dillard shall be closed and a new F-type curb shall be installed on South Dillard. When the site is redeveloped, future use can ask for reconsideration of this condition.
- A minimum 10 foot wide landscape buffer shall be installed on the west and south property line. The landscape buffer shall contain 33 (3 gallon) shrub such as viburnum per 100 feet, one (65 gallon) Live Oak every 50 feet, three (30 gallon) Crape Myrtle every 100 feet, and the remainder of the landscape buffer shall be planted with a ground cover such as jasmine.

AERIAL PHOTO
35 South Dillard Street



EXISTING SITE PLAN
35 South Dillard Street



END OF STAFF REPORT

EXHIBIT “B”

CITY OF WINTER GARDEN PLANNING & ZONING DIVISION

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

STAFF REPORT

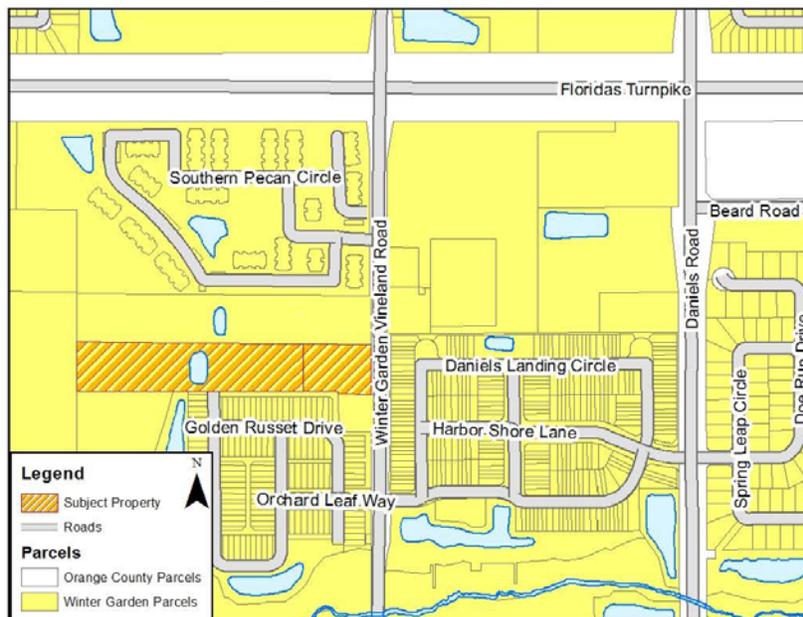
TO: PLANNING AND ZONING BOARD
PREPARED BY: LAURA SMITH, SENIOR PLANNER
DATE: AUGUST 1, 2012
SUBJECT: SPECIAL EXCEPTION PERMIT
1330 Winter Garden Vineland Road (Star Child Academy)
PARCEL ID # 26-22-27-8243-02-000

APPLICANT: Anil Sant, BULD 1330 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 Florida’s Turnpike and north of Orchard Leaf Way on the west side of Winter Garden Vineland Road. 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 expansion of the existing child day care facility located on the west portion of the site to include the office building located on the east portion of the subject property, additionally the applicant requests that the Special Exception for the building located on the east portion of the property also permit the operation of a private school for Kindergarten through 5th Grade in addition to the day care facility. 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 site is currently divided into two parcels: 1324 Winter Garden Vineland Road which is the west portion of the property containing the existing Star Child Academy facilities, and 1330 Winter Garden Vineland Road which is the east portion of the property containing a 10,000 square foot office building.

The west portion of the property was granted a Special Exception in December 2006 for development of a day care center. The day care center, Star Child Academy, was constructed in 2007 and includes two commercial structures connected by a covered breezeway (25,328 combined gross square footage) and three separate playground areas (23,340 combined gross square footage). Site improvements for development of the west portion of the property for the day care facility included construction of a parking lot to serve the entire property (east and west portions) with a total of 123 parking spaces, installation of landscaping and buffering materials for entire property (east and west portions) and installation of turn lanes in Winter Garden Vineland Road for access and traffic management.

The east portion of the property contains a 10,000 square foot single story office building. The exterior of the existing office building was refinished in 2007 as part of the development of the day care facility located on the west portion of the property to aesthetically blend with the new construction.

ADJACENT LAND USE AND ZONING

The property located to the north of the subject property is owned by Lake Apopka Natural Gas and contains a 7,820 square foot commercial building and a 7,450 square foot warehouse and is zoned C-2 within the City of Winter Garden. Daniels Landing, a townhome community zoned R-3 within the City of Winter Garden is located across Winter Garden Vineland Road to the east of the subject property. The western portion of the subject property contains 2.28 acres of wetlands and natural conservation area, the wetlands extend onto the properties located to the west of the subject property which are undeveloped and zoned R-1 in the City of Winter Garden. The properties located to the south of the subject property include a townhome community called The Orchard which is zoned PUD in the City of Winter Garden, and West Orange Veterinary Hospital which is zoned C-2 in the City of Winter Garden.

PROPOSED USE

The applicant proposes to expand their existing day care center located at 1324 Winter Garden Vineland Road (west portion of the property) into the 10,000 square foot office building located at 1330 Winter Garden Vineland Road (east portion of property) and to additionally include a private school for Kindergarten through 5th Grade. The expansion will accommodate 160

students and 10 employees in addition to the existing day care center which accommodates 340 students and 70 employees for infant through Pre-K age children.

SUMMARY

City Staff recommends approval of the request for Special Exception to allow for the expansion of the existing day care facility located at 1324 Winter Garden Vineland Road into the 10,000 square foot building located at 1330 Winter Garden Vineland Road and the additional use of a private school for Kindergarten through 5th Grade in the building located at 1330 Winter Garden Vineland Road with the following conditions:

- Fire sprinkler and monitored fire alarm systems shall be installed in the building located at 1330 Winter Garden Vineland Road prior to student occupancy of the building.
- Maximum number of students to occupy the building located at 1330 Winter Garden Vineland Road shall be limited to 160.

MAPS/EXHIBITS

AERIAL PHOTO
1330 Winter Garden Vineland Road



END OF STAFF REPORT

THE CITY OF WINTER GARDEN
PLANNING AND ZONING BOARD AGENDA ITEM

ITEM # 4 (Public Hearing)

DATE: September 6, 2012 **MEETING DATE:** September 10, 2012

SUBJECT: Ordinance 12-44 Marsh Road (REZONING)
PROJECT NAME Waterside on Johns Lake Phase II - UVPUD
PARCEL ID# 06-23-27-0000-00-002
PARCEL ID# 06-23-27-0000-00-004
PARCEL ID# 06-23-27-4288-08-211
PARCEL ID# 06-23-27-4288-08-321
PARCEL ID# 06-23-27-4272-00-030

ISSUE: Applicant is requesting to rezone 105.68 +/- Acres of land. The subject property is located within the City of Winter Garden municipal limits, and carries the zoning designation NZ, which means that the property has not yet been zoned since it was annexed into the City of Winter Garden in September 2007. The subject property is designated Urban Village on the Future Land Use Map of the Comprehensive Plan.

SUPPLEMENTAL MATERIAL/ANALYSIS:

OWNER/APPLICANT: Centerline Homes
CURRENT ZONING: N-Z (Not Zoned)
PROPOSED ZONING: UVPUD - Urban Village Planned Unit Development
CURRENT FLU: VIL - Urban Village
PROPOSED FLU: N/A

SUMMARY:

City staff recommends approval of the proposed Ordinance. Rezoning the subject property from City NZ to City UVPUD is consistent with the Code of Ordinances, the Future Land Use Map, the City's Comprehensive Plan, and the surrounding property uses. (See attached Staff Report).

STAFF RECOMMENDATION(S):

Staff recommends approval of the first reading of Ordinance 12-44, rezoning of 105.68 +/- acres located on Marsh Road from City NZ to City UVPUD with second reading and adoption on September 27, 2012.

NEXT STEP(S):

First reading by City Commission is scheduled for September 13, 2012.

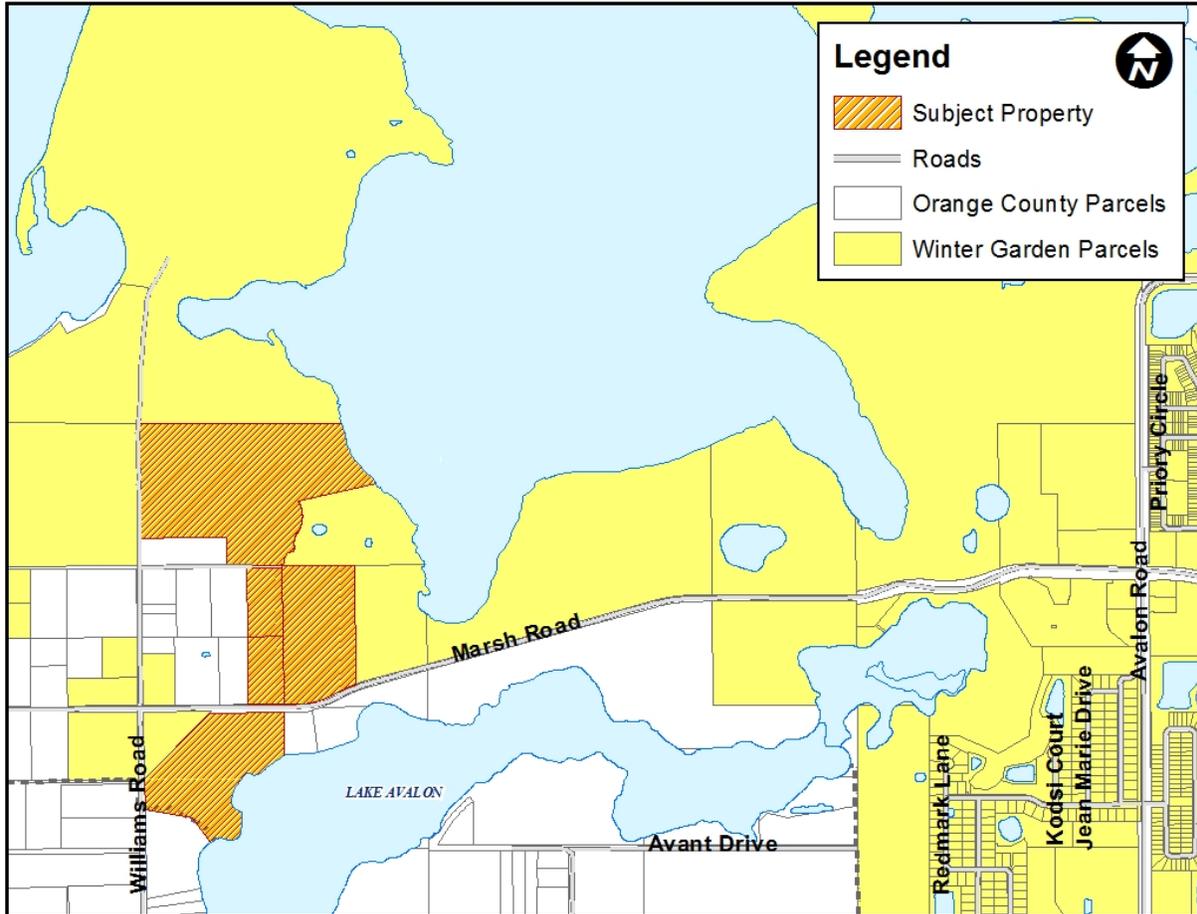
ATTACHMENT(S):

Location Map
Ordinance 12-44
Staff Report

LOCATION MAP

Ordinance 12-44

Waterside on Johns Lake Phase II UVPUD



ORDINANCE 12-44

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 105.68 ± ACRES OF CERTAIN REAL PROPERTY GENERALLY LOCATED EAST OF WILLIAMS ROAD AND WEST OF AVALON ROAD(CR 545) ON THE NORTH AND SOUTH SIDE OF MARSH ROAD, AT 17201, 17301 AND 17310 MARSH ROAD AND 1751 WILLIAMS ROAD, FROM NO ZONING (NZ) TO URBAN VILLAGE PLANNED UNIT DEVELOPMENT (UVPUD); PROVIDING FOR CERTAIN UVPUD REQUIREMENTS AND DESCRIBING THE DEVELOPMENT AS THE WATERSIDE ON JOHN'S LAKE PHASE 2 URBAN VILLAGE PUD; PROVIDING FOR NON-SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Owner(s) of real property generally described as approximately 105.68 ± acres of certain real property generally located east of Williams Road and west of Avalon Road (CR 545) on the north and south side of Marsh Road, at 17201, 17301 and 17310 Marsh Road and 1751 Williams Road in Winter Garden, Florida, being more particularly described on Exhibit "A" attached hereto and incorporated herein by this reference (the "Property"), desire to rezone their property from No Zoning (NZ) to Urban Village Planned Unit Development (UVPUD); and

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

WHEREAS, further, the City Commission finds that based on competent, substantial evidence in the record, the rezoning approved by this Ordinance meets all applicable criteria for rezoning the Property to Urban Village Planned Unit Development (UVPUD) contained within the City of Winter Garden Comprehensive Plan and the Code of Ordinances; and

WHEREAS, on September 25, 2012, the School Board of Orange County, Florida approved the transfer of two-hundred thirty-five (235) owner capacity credits from Capacity Enhancement Agreements (CEAs) owned by SSP1, LLC to the McKinnon Property and Edwards South Property (Centerline Homes); and

WHEREAS, sixty-five (65) owner capacity credits from Capacity Enhancement Agreements (CEAs) owned by Thomas J. Karr, Jr. have been transferred to the McKinnon Property and Edwards South Property (Centerline Homes), therefore;

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

SECTION 1: Rezoning. The above “Whereas” clauses constitute findings by the City Commission. After due notice and public hearing, the zoning classification of the Property, as described in Exhibit “A” attached hereto, is hereby rezoned from No Zoning (NZ) to Urban Village Planned Unit Development (UVPUD) in the City of Winter Garden, Florida subject to the following conditions, provisions and restrictions:

- a. **Conceptual Plan-** All development on the Property must substantially conform to the requirements identified in the Waterside on John’s Lake Phase 2 Urban Village Planned Unit Development Preliminary Plan attached hereto as Exhibit “B.” Should any conflict be found between this Ordinance and the Waterside on John’s Lake Phase 2 Urban Village Planned Unit Development Preliminary Plan attached hereto as Exhibit “B”, then the standards and conditions established by this Ordinance shall control.
- b. **Zoning-** Unless specifically noted elsewhere in Exhibit “B” attached hereto, all residential development on the Property must comply with the general zoning requirements of the R-1 Single Family Residential District for any structures, including but not limited to swimming pools, screen rooms, accessory structures and buildings, that are developed on the Property.
- c. **JPA-** Unless specifically noted elsewhere in Exhibit “B” attached hereto, all development of the Property must conform to the requirements of the Sixth Amendment to the Restated Interlocal Agreement for Joint Planning Area between Orange County and the City of Winter Garden dated January 24, 2007.
- d. **Design Criteria/Architectural Standards-**
 1. **Lot Size-** Minimum lot width shall be 40 feet.
 2. **Building Height-** Maximum building height shall be 35 feet.
 3. **Minimum Living Area-** Minimum living area for each residential unit shall be 1,300 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-**

- 40 foot wide lots: side yard setbacks shall be no less than 5 feet with the condition that the location of mechanical equipment including, but not limited to, AC units, pool equipment, water filtration systems, gas tanks, propane tanks, and any other utility or service equipment shall be alternated to ensure that only one set of said mechanical equipment be located between any two buildings; side yard setbacks on the street side of corner lots shall be no less than 15 feet; rear yard setback shall be no less than 5 feet; and front yard setback shall be no less than 10 feet. Any landscaping or fencing installed within the 5 foot side yard setback shall be designed and constructed so as not to interfere with any easement function and is prohibited from being located adjacent to mechanical equipment.
- 55 foot wide lots: side yard setbacks shall be no less than 7.5 feet; side yard setbacks on the street side of corner lots shall be no less than 20 feet; rear yard setback shall be no less than 5 feet; and front yard setback shall be no less than 25 feet except where the garage is recessed 5 feet behind the primary front façade or garage is designed as a side entry garage then the front set back shall be no less than 20 feet. Any landscaping or fencing installed within the 7.5 foot side yard setback shall be designed and constructed so as not to interfere with any easement function.

6. **Common Recreation and Open Space-**

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

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

7. **Parking-**

- Required parking may be provided by use of garage or driveway areas.
- There shall be a minimum of two (2) on-site parking spaces provided for each single family residential dwelling units. “Live/work” units and any single family residential dwelling unit which also contains a “granny flat” as described in the Waterside on John’s Lake Phase 2 Urban Village Planned

Unit Development Preliminary Plan attached hereto as Exhibit "B" shall provide for one (1) additional on-site parking space.

8. Live/Work Units- A live/work unit shall be defined as a single family dwelling unit consisting of both a residential and business/office component that is occupied by the same resident. A live/work unit shall be the primary dwelling of the occupant.

- The following are the permitted uses for the business component of live/work units: accountants, architects, artists and artisans, attorneys, computer software and multimedia related professionals, consultants, engineers, graphic design, fashion and interior design, hair stylists and cosmetologists, home-based office workers, insurance, real estate, travel agent, one-on-one instructors, photographers, and other business/office uses as are determined by the City Manager of the City of Winter Garden to be similar with the foregoing list of permitted uses and compatible with surrounding uses.
- Residential and business component of a live/work unit must be occupied by the same tenant, and no portion of the live/work unit may be rented or sold separately.
- Residential uses are permitted above, to the side or in back of the business component provided that this is internal access between the residential and business spaces.
- The business component shall be restricted to the primary structure and shall not be conducted in the yard, garage, or any accessory structures.
- The business component shall not detract from, or otherwise be a nuisance to, the residential character or appearance of the dwelling units.
- Signage for the business component of the live/work unit shall be limited to one (1) sign permanently affixed to the door or wall of the business component and shall not exceed 2 square feet of copy area
- All advertising for business component shall clearly state "by appointment only" if the live/work address is used.
- The total number of business uses at one live/work unit shall not be limited, except that the cumulative total impact of all such business uses shall not exceed the limits set forth in this section for a live/work unit.
- The external access for the business component shall be oriented to the street and have at least one external entrance/exit from the living space. Access to the business

component of each live/work unit shall be clearly separate from the common walkways or entrances to the other residential unit within the development, or other residential units in adjacent development.

- The business component of the live/work unit shall not generate vehicular traffic, in excess of normal residential traffic, that will interfere with residential traffic circulation and shall not cause more than three vehicles including vehicles used by customers, vendors, and/or delivery services to visit the premises per day.
- The live/work units shall be required to provide parking in accordance with Chapter 118, Article VIII of the City of Winter Garden Code of Ordinances.
- The business component of the live/work unit shall not generate external noise, odor, glare, vibration or electrical interference detectable to the normal sensory perception by adjacent neighbors; and shall be prohibited from storing explosive, toxic, combustible or flammable materials in excess of that permitted as incidental to normal residential use on the premises.
- Habitation and/or operation of business uses in the ground floor of the garage are prohibited.
- The following are the prohibited uses for the business component of live/work units: retail sale of food and/or beverages with customers arriving on-site (this does not include internet sales, mail order or off-site catering preparation); entertainment, drinking and public eating establishments; veterinary services including grooming, boarding and/or the breeding or care of animals for hire and/or for sale; any business which involves the use of prescription drugs; adult-oriented businesses, astrology, palmistry, massage, head shops and similar uses; sales, repair and/or maintenance of vehicles including automobiles, boats, motorcycles, aircraft, trucks and/or recreational vehicles; private and/or trade schools.

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

1. The Property will be constructed in three (3) phases of development with a total of 296 single-family residential dwelling units and 17 live/work single-family residential units. The main entrance on Marsh Road will be constructed with the first phase of development;

access points to the north portion of the Property from Williams Road and improvement to Williams Road shown on Exhibit "B" will be constructed with the third phase of development. Roadway improvements for access to the Property from Marsh Road, including turn lanes and roundabout, are the responsibility of the Owner. The design requirements of the roundabout are subject to review and approval of the City Engineer.

2. The portion of the Property located south of Marsh Road, identified as Phase B on Exhibit "B", abuts the unincorporated Orange County Avalon Rural Settlement Area. In accordance with the Sixth Amendment to the Restated Interlocal Agreement for Joint Planning Area between Orange County and the City of Winter Garden there shall be an open space/landscaped buffer 100 feet in width along all portions of the Property which abut the Avalon Rural Settlement Area and the residential density for property located within 500 feet of the Avalon Rural Settlement Area shall be limited to a maximum of 3 dwelling units per acre.
3. Permits or exemptions are required from SJRWMD (stormwater) and FDEP (water, wastewater, NPDES) prior to construction.
4. Fifty (50) percent of all required water and sewer impact fees shall be paid prior to City execution of FDEP permits and issuance of building permits. Provide flow calculations for Utility Department verification of impact fees. Final plans will not be approved for construction until utility impact fees have been paid and FDEP permits have been issued.
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. No fill or runoff will be allowed to discharge onto adjacent properties without the necessary easements; existing drainage patterns shall not be altered. Provide erosion control plan prior to issuance of building permit. Site construction shall adhere to the City of Winter Garden erosion and sediment control requirements as contained in Chapter 106 – Stormwater of the City of Winter Garden Code of Ordinances.

7. Once the plans are approved, a preconstruction meeting is required prior to any commencement of construction. The applicant shall pay all engineering review and inspection fees at the preconstruction meeting prior to construction. Provide certified engineer's cost estimate or executed construction contract as basis of inspection fees (2.25%).
8. The City of Winter Garden is not authorizing or approving drainage discharges onto private property or property owned or controlled by others, including by way of any development order or permit issued. Obtaining permission, easements or other approvals that may be required to drain onto private property is the Owner/Developer's responsibility. Should the flow of stormwater runoff from, or onto adjacent properties be unreasonable or cause problems, the City will not be responsible and any corrective measures required will be the responsibility of the Owner. Maintenance of on-site or off-site drainage improvements will be the responsibility of the Owner, not the City.
9. Providing positive drainage within the site is the responsibility of the Design Engineer. The City will not maintain any portion of the on-site drainage systems or parking lot(s).
10. 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.
11. Boat docks, piers, and any other shoreline improvements are subject to the approval and permitting processes of the City of Winter Garden and the Florida Department of Environmental Protection. Boat docks, piers, and/or any other shoreline improvements are not guaranteed along John's Lake or Lake Avalon; each lakefront portion of the Property will be reviewed individually based on configuration and other physical characteristics.
12. Required setbacks from Karst feature located west of the Property shall not be encroached upon and shall be maintained in compliance with the Wekiva Protection Act and the City of Winter Garden Comprehensive Plan.
13. No permits shall be issued for the Property until the location of reuse and potable water pumping stations/storage tanks is established. The location of the reuse and potable water pumping

station /storage tanks shall be specifically identified within the Developer's Agreement for the property.

SECTION 2: *General Requirements.*

- a. **Development Agreement-** A Developer's Agreement shall be drafted, approval obtained and recorded prior to approval of Preliminary Plat of the Property. The Developer's Agreement shall address matters to include, but not limited to, project phasing, potable water, sewer and reclaimed water utilities extension and oversizing requirements, location of reuse and potable water pumping stations/storage tanks, right-of-way improvements and conveyances, other off-site public infrastructure improvements, lift station, transportation/roadway system, and impact fees.
- b. **Stand Alone Clause-** Each phase of development of the Property must operate as an individual unit in that each particular phase will be able to stand-alone in the event that no other phase is developed.
- c. **Land Development Approvals and Permits-** This Ordinance does not require the City to issue any permit or approval for development, construction, preliminary plat, final plat, building permit, or other matter by the City relating to the Property or the project or any portion thereof. These and any other required City development approvals and permits shall be processed and issued by the City in accordance with procedures set forth in the City's Code of Ordinances and subject to this Ordinance.
- d. **Amendments-** Minor amendments to this Ordinance will be achieved by Resolution of the City Commission of the City of Winter Garden. Major amendments to this Ordinance will require approval of the City Commission of the City of Winter Garden by Ordinance.
- e. **Expiration/Extension-** Expiration of this UVPUD shall be governed in accordance with Section 118-830, City of Winter Garden Code of Ordinances. Time extensions may be granted in accordance with Section 118-829, City of Winter Garden Code of Ordinances.

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

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

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

FIRST READING AND PUBLIC HEARING: _____ , 2012.

SECOND READING AND PUBLIC HEARING: _____ , 2012.

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

APPROVED:

JOHN REES, Mayor/Commissioner

ATTEST:

KATHY GOLDEN, City Clerk

Exhibit "A"

LEGAL DESCRIPTION (TITLE COMMITMENT NO. 50116-1062-2732708)

PARCEL 1:

THE NORTH 1/2 OF THE NORTHEAST 1/4 OF SECTION 6, TOWNSHIP 23 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA

LESS AND EXCEPT

- A) THAT PART CONVEYED IN BOOK 9979, PAGE 3623, PUBLIC RECORDS OF ORANGE COUNTY.
- B) BEGINNING AT A POINT 60 FEET NORTH OF THE SOUTHWEST CORNER OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 SECTION 6, TOWNSHIP 23 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA, GO EAST 473 FEET; THENCE NORTH 196.5 FEET; THENCE WEST 473 FEET; THENCE SOUTH 196.5 FEET TO THE POINT OF BEGINNING.
- C) BEGINNING AT THE SOUTHWEST CORNER OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 SECTION 6, TOWNSHIP 23 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA, GO EAST 816 FEET THENCE NORTH 256.5 FEET; THENCE WEST 343 FEET THENCE; SOUTH 196.5 FEET; THENCE WEST 473 FEET; THENCE SOUTH 60 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH, THE FOLLOWING EASEMENT RIGHTS:

- A) GRANT OF EASEMENT BY AND BETWEEN McKINNON CORPORATION AND MAURICE M. BOYD, GRANTORS, AND ELIZABETH McKINNON NELSON AND McKINNON GROVES, GRANTEES, RECORDED JANUARY 28, 1998 IN BOOK 5404, PAGE 3725; AND AMENDED AND RESTATEMENT OF GRANT OF EASEMENT BY AND BETWEEN McKINNON CORPORATION, GRANTOR, AND MARK THOMAS NELSON AND ELIZABETH McKINNON NELSON AND McKINNON GROVES, GRANTEES, RECORDED DECEMBER 22, 2009 IN BOOK 9979, PAGE 3615; AND
- B) EASEMENT RETAINED AND RESERVED IN WARRANTY DEED RECORDED APRIL 18, 2002 IN BOOK 6505, PAGE 5671.

PARCEL 2:

BEGINNING 30 FEET NORTH OF THE SOUTHWEST CORNER OF THE FRACTIONAL EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 6, TOWNSHIP 23 SOUTH, RANGE 27 EAST, ON THE NORTH BOUNDARY OF COUNTY ROAD; RUN THENCE NORTH TO THE SOUTHEAST CORNER OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 6; THENCE EAST 660 FEET; THENCE SOUTH TO THE NORTH BOUNDARY OF COUNTY ROAD; THENCE SOUTHWESTERLY AND WESTERLY ALONG SAID NORTH BOUNDARY OF COUNTY ROAD TO THE POINT OF BEGINNING.

PARCEL 3:

THE EAST 1/2 OF LOT 21H, LAKE AVALON GROVES REPLAT, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK H, PAGE 81, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

PARCEL 4:

THE EAST 1/2 OF LOT 32H, LAKE AVALON GROVES REPLAT, AS SHOWN BY PLAT BOOK H, PAGE 81, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, LESS SOUTH 15 FEET FOR ROAD RIGHT OF WAY.

Exhibit "B"

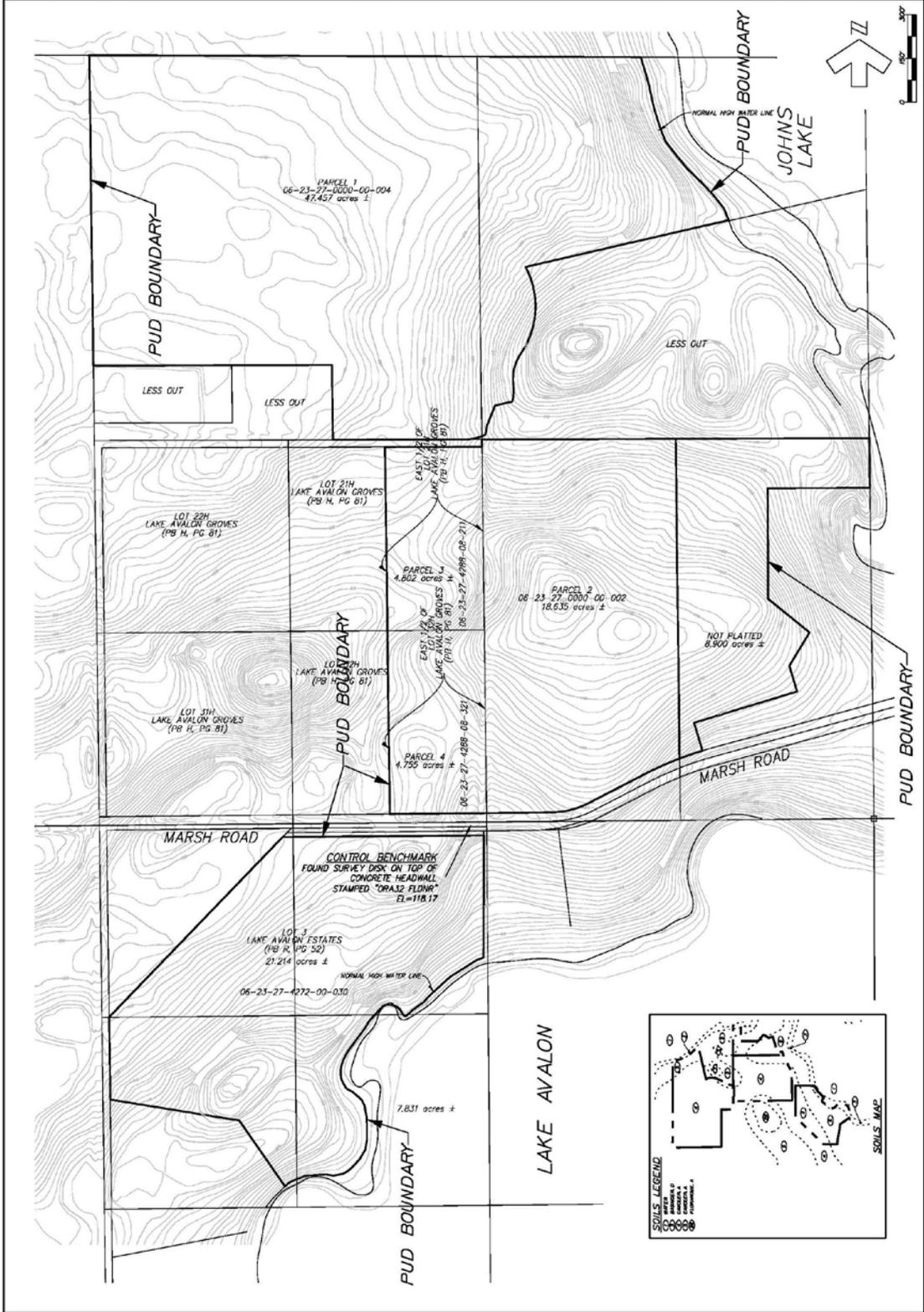
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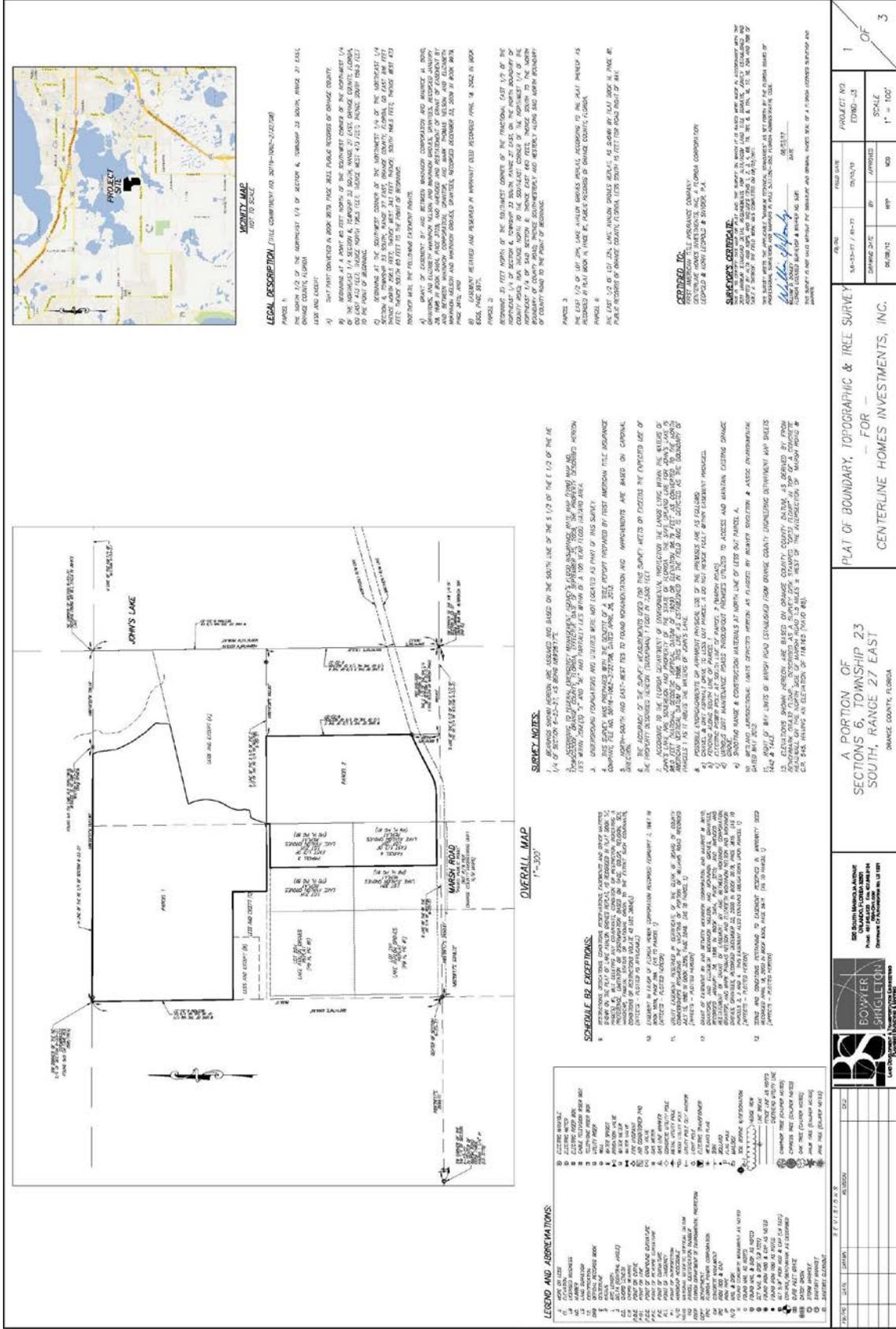
URBAN VILLAGE PLANNED UNIT DEVELOPMENT PRELIMINARY PLAN

WATERSIDE ON JOHNS LAKE PHASE 2

REVISED AUGUST 2012

(12 PAGES - ATTACHED)





VICINITY MAP
10/17/13 SCALE

LEGAL DESCRIPTION: TITLE COMPANY NO. 2011-100-1-1-2 (2011)
THE NORTH 1/2 OF THE NORTHWEST 1/4 OF SECTION 6, TOWNSHIP 23 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA

- PARCEL 1: 2011 TRACT CONVEYED IN BOOK 9673 PAGE 3662 PUBLIC RECORDS OF ORANGE COUNTY.
- PARCEL 2: BEING THAT A PORTION AS SHOWN ON THE SURVEY CENTER OF THE TOWNSHIP 23 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA, BEING MORE OR LESS THE NORTH 1/2 OF THE NORTHWEST 1/4 OF SECTION 6, TOWNSHIP 23 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA, AS SHOWN BY PLAT BOOK 11 PAGE 88 PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, LESS SOUTH 15 FEET TOP ROAD RIGHT OF WAY.
- PARCEL 3: BEING THAT A PORTION AS SHOWN ON THE SURVEY CENTER OF THE TOWNSHIP 23 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA, BEING MORE OR LESS THE NORTH 1/2 OF THE NORTHWEST 1/4 OF SECTION 6, TOWNSHIP 23 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA, AS SHOWN BY PLAT BOOK 11 PAGE 88 PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, LESS SOUTH 15 FEET TOP ROAD RIGHT OF WAY.
- PARCEL 4: BEING THAT A PORTION AS SHOWN ON THE SURVEY CENTER OF THE TOWNSHIP 23 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA, BEING MORE OR LESS THE NORTH 1/2 OF THE NORTHWEST 1/4 OF SECTION 6, TOWNSHIP 23 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA, AS SHOWN BY PLAT BOOK 11 PAGE 88 PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, LESS SOUTH 15 FEET TOP ROAD RIGHT OF WAY.
- PARCEL 5: BEING THAT A PORTION AS SHOWN ON THE SURVEY CENTER OF THE TOWNSHIP 23 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA, BEING MORE OR LESS THE NORTH 1/2 OF THE NORTHWEST 1/4 OF SECTION 6, TOWNSHIP 23 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA, AS SHOWN BY PLAT BOOK 11 PAGE 88 PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, LESS SOUTH 15 FEET TOP ROAD RIGHT OF WAY.
- PARCEL 6: BEING THAT A PORTION AS SHOWN ON THE SURVEY CENTER OF THE TOWNSHIP 23 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA, BEING MORE OR LESS THE NORTH 1/2 OF THE NORTHWEST 1/4 OF SECTION 6, TOWNSHIP 23 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA, AS SHOWN BY PLAT BOOK 11 PAGE 88 PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, LESS SOUTH 15 FEET TOP ROAD RIGHT OF WAY.
- PARCEL 7: BEING THAT A PORTION AS SHOWN ON THE SURVEY CENTER OF THE TOWNSHIP 23 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA, BEING MORE OR LESS THE NORTH 1/2 OF THE NORTHWEST 1/4 OF SECTION 6, TOWNSHIP 23 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA, AS SHOWN BY PLAT BOOK 11 PAGE 88 PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, LESS SOUTH 15 FEET TOP ROAD RIGHT OF WAY.

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PARCEL 6: BEING THAT A PORTION AS SHOWN ON THE SURVEY CENTER OF THE TOWNSHIP 23 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA, BEING MORE OR LESS THE NORTH 1/2 OF THE NORTHWEST 1/4 OF SECTION 6, TOWNSHIP 23 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA, AS SHOWN BY PLAT BOOK 11 PAGE 88 PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, LESS SOUTH 15 FEET TOP ROAD RIGHT OF WAY.

PARCEL 7: BEING THAT A PORTION AS SHOWN ON THE SURVEY CENTER OF THE TOWNSHIP 23 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA, BEING MORE OR LESS THE NORTH 1/2 OF THE NORTHWEST 1/4 OF SECTION 6, TOWNSHIP 23 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA, AS SHOWN BY PLAT BOOK 11 PAGE 88 PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, LESS SOUTH 15 FEET TOP ROAD RIGHT OF WAY.

DATE	FILE NO.	FIELD DATE	PROJECT NO.
08/13/2013	10-17-13	08/13/2013	100-13
BY	APPROVED	SCALE	1" = 100'
DRIVING DATE	BY	NO. OF	OF
08/13/2013	SP	NO. OF	3

SURVEY NOTES:

1. ALL SURVEY POINTS WERE ASSUMED TO BE BASED ON THE SOUTH LINE OF THE S 1/2 OF THE T 23 S OF THE R 27 E.
2. THE SURVEY WAS CONDUCTED ON 08/13/2013. THE SURVEY WAS CONDUCTED BY CENTERLINE HOMES INVESTMENTS, INC. USING A LEICA DISTANCE MEASURING DEVICE (DMD) MODEL 1200. THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE FLORIDA SURVEYING BOARD RULES AND REGULATIONS.
3. UNDERGROUND UTILITIES AND UTILITIES WERE NOT LOCATED AS PART OF THIS SURVEY.
4. THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE FLORIDA SURVEYING BOARD RULES AND REGULATIONS.
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SCHEDULE OF EXERCISES:

1. THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE FLORIDA SURVEYING BOARD RULES AND REGULATIONS.
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LEGEND AND ABBREVIATIONS:

1	BOUNDARY LINE
2	ADJACENT PROPERTY
3	ADJACENT ROAD
4	ADJACENT WATER
5	ADJACENT AIR
6	ADJACENT POWER
7	ADJACENT TELEPHONE
8	ADJACENT CABLE
9	ADJACENT FENCE
10	ADJACENT DRIVE
11	ADJACENT SIDEWALK
12	ADJACENT CURB
13	ADJACENT GROUND
14	ADJACENT VEGETATION
15	ADJACENT STRUCTURE
16	ADJACENT UTILITY
17	ADJACENT EASEMENT
18	ADJACENT RIGHT OF WAY
19	ADJACENT PUBLIC
20	ADJACENT PRIVATE

PLAT OF BOUNDARY, TOPOGRAPHIC & ACRE SURVEY
SECTIONS 6, TOWNSHIP 23 SOUTH, RANGE 27 EAST
ORANGE COUNTY, FLORIDA

CENTERLINE HOMES INVESTMENTS, INC.

DATE: 08/13/2013
FILE NO.: 10-17-13
FIELD DATE: 08/13/2013
PROJECT NO.: 100-13

BY: [Signature]
APPROVED: [Signature]

SCALE: 1" = 100'

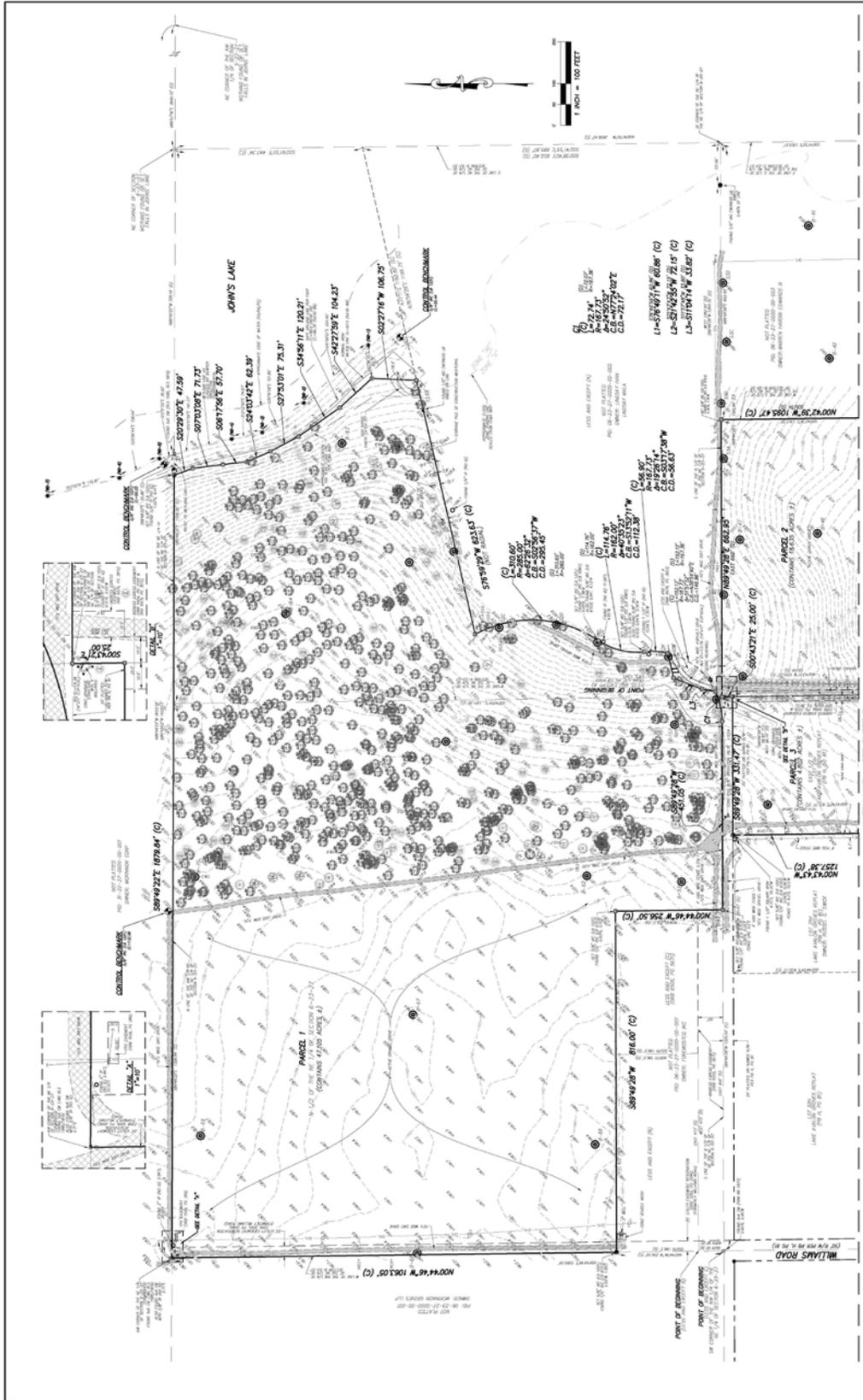
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OF: 3

DATE: 08/13/2013
FILE NO.: 10-17-13
FIELD DATE: 08/13/2013
PROJECT NO.: 100-13

BY: [Signature]
APPROVED: [Signature]

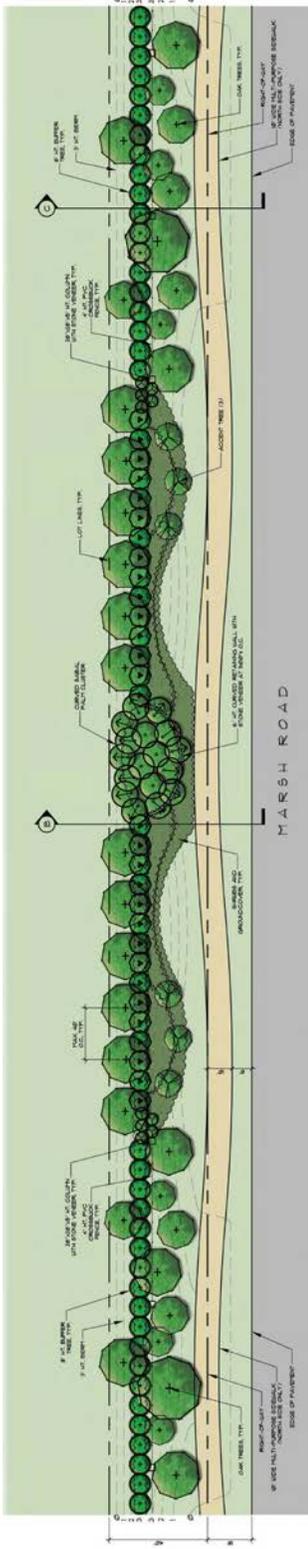
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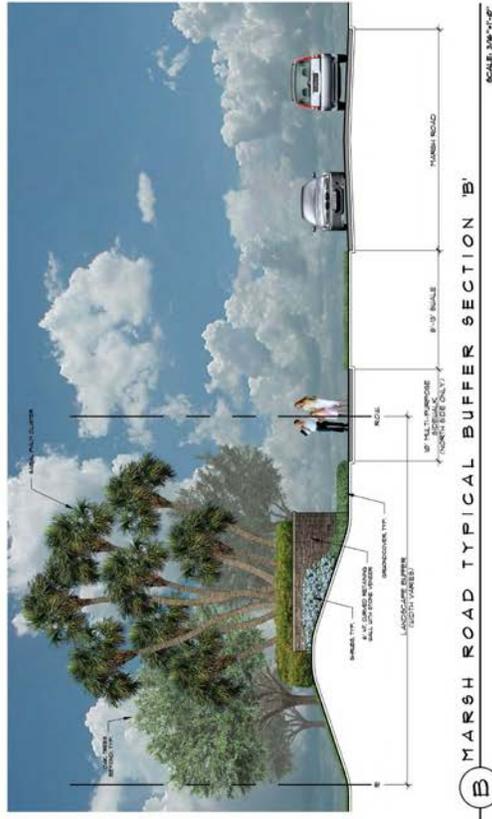


DATE		REVISION		DRAWN		CHECKED	
PROJECT NO. EDMO-03				FIELD DATE 05/24/23			
SCALE 1" = 100'				APPROVAL BY: [Signature] DATE: 05/24/23			
PROJECT NO. EDMO-03				FIELD DATE 05/24/23			
SCALE 1" = 100'				APPROVAL BY: [Signature] DATE: 05/24/23			
A PORTION OF SECTIONS 6, TOWNSHIP 23 SOUTH, RANGE 27 EAST ORANGE COUNTY, FLORIDA							
PLAT OF BOUNDARY, TOPOGRAPHIC & TREE SURVEY FOR CENTERLINE HOMES INVESTMENTS, INC.							
MATCH LINE - SEE SHEET 3							

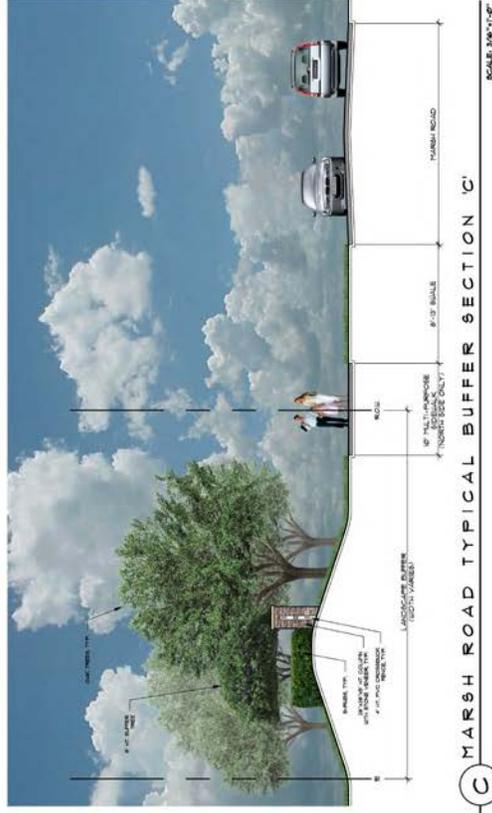
2 OF 3



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



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



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

Waterside on Johns Lake
Winter Garden, Florida

Centerline Homes
 LANDSCAPE ARCHITECTURE
 222 South U.S. Highway One
 Winter Garden, Florida 34787
PARKER-YANNETTE
 Design Group, Inc.
 Telephone (407) 791-0099
 Fax (407) 791-0099
 Email: parker@pyd.com
 June 2012



WATERSIDE ON JOHNS LAKE

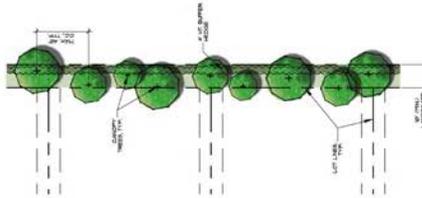
UNIVERSITY GARDEN ELECTION
PHASE II CONCEPTUAL ENTRY SITE PLAN



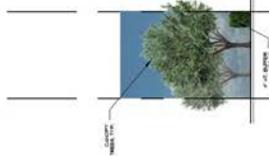

JAMES HANSEN ARCHITECTS, INC.
 1000 W. 10TH AVENUE, SUITE 100
 DENVER, CO 80202
 TEL: 303.733.1100
 WWW.JHANSENARCHITECTS.COM

PREPARED FOR CENTERLINE NOTES
 JUNE 7, 2017
 REV 17, 6/28/17, 8/12

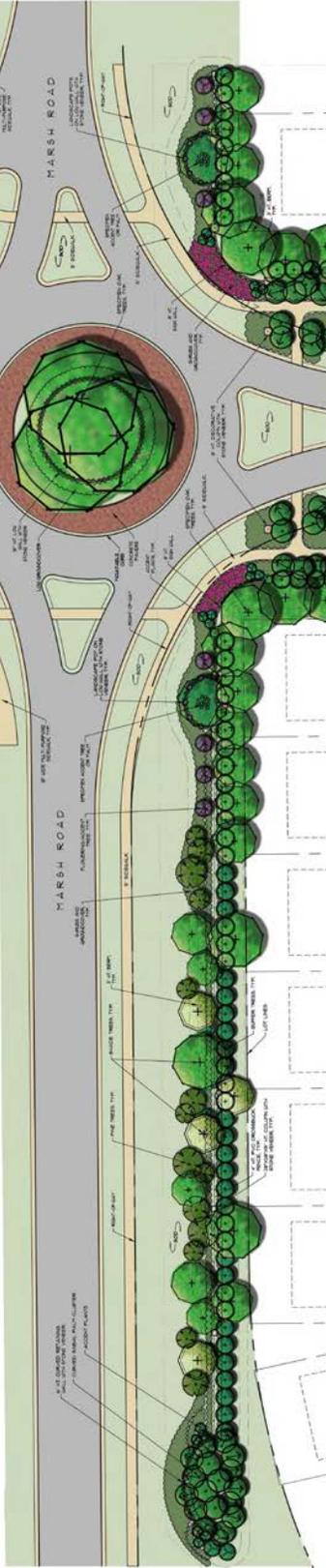
0' 30' 30' 45' NORTH



A TYPICAL TEN FOOT BUFFER PLAN VIEW
SCALE: 1/8"=1'-0"



B TYPICAL TEN FOOT BUFFER SECTION VIEW
SCALE: 3/8"=1'-0"





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40' Wide Lots: Sample Streetscape
Waterside on John's Lake, Winter Garden, FL

CANN ASSOCIATES
urban planning • landscape architecture • architectural design
500 Alamy Avenue, Orlando, Florida 32801 407.427.0000
05.02.12 CA Job No.: 820000

CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

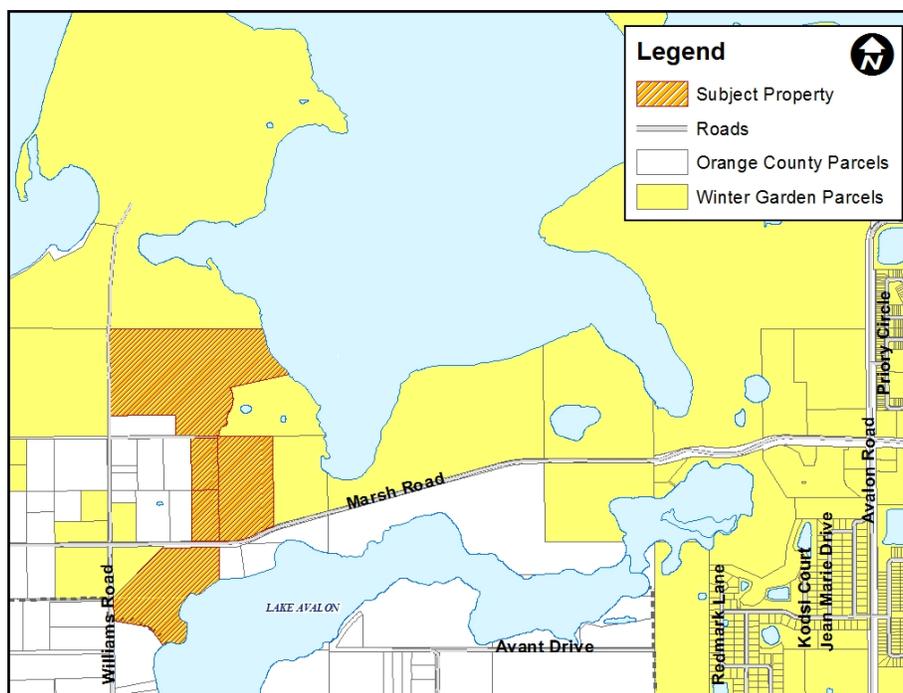
STAFF REPORT

TO: PLANNING AND ZONING BOARD
PREPARED BY: LAURA SMITH, SENIOR PLANNER
DATE: SEPTEMBER 6, 2012
SUBJECT: REZONING (ORDINANCE 12-44)
Marsh Road (105.68+/- ACRES)
Parcel ID# 06-23-27-0000-00-002 **Parcel ID# 06-23-27-0000-00-004**
Parcel ID# 06-23-27-4288-08-211 **Parcel ID# 06-23-27-4288-08-321**
Parcel ID# 06-23-27-4272-00-030

APPLICANT: MAURICE M. BOYD, WARREN HARDIN EDWARDS, III,
MCKINNON CORPORATION & MCKINNON GROVES, LLLP

INTRODUCTION

The purpose of this report is to evaluate the proposed project for compliance with the City of Winter Garden Land Development Regulations, Comprehensive Plan, and Future Land Use Map. The subject property, located on Marsh Road east of Williams Road and west of Avalon Road, is approximately 105.68± 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 105.68± acres of land. The subject property is located within the City of Winter Garden municipal limits, and carries the zoning designation NZ, which means that the property has not yet been zoned since it was annexed into the City of Winter Garden in September 2007. The subject property is designated Urban Village on the Future Land Use Map of the Comprehensive Plan.

EXISTING USE

The portion of the subject property located on the north side of Marsh Road is presently used for Timberland & Orange Groves and does not contain any structures, the portion of the property located south of Marsh Road is vacant unimproved land which is not used for a specific agricultural purpose and does not contain any structures.

ADJACENT LAND USE AND ZONING

The properties located to the north consist of a Single Family residence zoned NZ in the City and agricultural land use for Timberland and Orange Groves zoned NZ in the City. The property located to the east is vacant land that consists of one Single-Family Residential home and the remainder of the property is agricultural use (Timberland & Orange Grove), this property was recently rezoned for 172 single-family dwelling units to UVPUD in the City. The properties to the west include a property used for Orange Groves zoned NZ in the City, and several properties zoned A-1 in unincorporated Orange County each containing a single-family residential structure. The property to the south is zoned A-1 in unincorporated Orange County and contains a single-family residential structure.

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

The surrounding properties to the south are not within the JPA expansion area, but are located within the Avalon Rural Settlement Area in unincorporated Orange County. As stipulated by the Sixth Amendment to the Restated Interlocal Agreement for Joint Planning Area between Orange County and the City of Winter Garden, buffering and density limitations must be exercised where properties located within the JPA expansion area adjoin properties that are located in the Avalon rural settlement.

PROPOSED USE

The applicant proposes to develop the 105.68 ± acre site into an urban village planned unit development (UVPUD) of 296 single family homes and 17 single-family live/work units for a total of 313 dwelling units.

APPROVAL CRITERIA

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

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

The proposed UVPUD is consistent with the land development regulations, comprehensive plan, and the future land use map. See other portions of this report concerning consistency with the land development regulations.

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

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

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

The proposed UVPUD site has several dirt and/or gravel driveway points of transportation access at this time due to the predominantly agricultural use of the property. However, at such time as the property is developed as proposed by the applicant then additional transportation access would be provided in the form of a round-a-bout at the main entrance on Marsh Road, four (4) secondary access points will be provided along Williams Road to provide multiple points of entry and exit to the future residents and ensure cross access connections to the adjoining properties located to the west of the proposed development, and a cross connection on the east side of the property will be provided to connect the propose development with the recently approved Waterside on John's Lake UVPUD. All roadway improvements will be constructed at the owner's expense and in compliance with city concurrency standards for transportation, and be supported by a traffic study/analysis of the impact the proposed development will have on the roadway network. Traffic studies/analyses submitted with any proposed development are reviewed for accuracy and consistency with the goals, objectives, and policies of the City's comprehensive plan in addition to the City's vision for future growth and expansion.

The property is not currently a water or sewer customer of the City of Winter Garden; however water, sewer, and reclaimed utilities will be required for any new development of the property. At such time that the property is developed, all necessary utility lines

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

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

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

The proposed UVPUD project is consistent with the comprehensive plan's goals, objectives and policies for the Urban Village future land use designation and the UVPUD zoning criteria and land development regulations. The proposed UVPUD project features a gross density of 2.96 dwelling units per acre which is substantially lower than the maximum density of 4 dwelling units per acre permitted within the Urban Village future land use designation and in accordance with the Sixth Amendment to the Restated Interlocal Agreement for Joint Planning Area between Orange County and the City of Winter Garden. Additionally, the gross density of 2.96 dwelling units per acre for the proposed UVPUD project is substantially lower than the 10 dwelling units per acre that the previous Horizons West designation would allow.

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

Recently the property located immediately to the east of the subject property was approved for rezoning to UVPUD, the project known as Waterside on John's Lake is permitted for up to 172 single family dwelling units and is approximately 75.94 +/- acres. Additionally, numerous properties located to the west of the subject property, totaling over 150 acres are seeking annexation into the City of Winter Garden municipal limits.

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

With the exception of the properties located south of the subject property in the Avalon Rural Settlement Area and three (3) parcels adjoining the subject property to the west, all other adjoining property owners either participated in the annexation and future land use

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

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

At such time as the property is developed as proposed by the applicant then additional transportation access would be provided in the form of a round-a-bout at the main entrance on Marsh Road, four (4) secondary access points will be provided along Williams Road to provide multiple points of entry and exit to the future residents and ensure cross access connections to the adjoining properties located to the west of the proposed development, and a cross connection on the east side of the property will be provided to connect the propose development with the recently approved Waterside on John's Lake UVPUD. The main entrance on Marsh Road will be constructed with the first phase of development; cross access points to the north portion of the Property from Williams Road and improvement to Williams Road shown on Exhibit "B" to Ordinance 12-44 will be constructed with the third phase of development. All roadway improvements will be constructed at the owner's expense and in compliance with city concurrency standards for transportation, and be supported by a traffic study/analysis of the impact the proposed development will have on the roadway network. Traffic studies/analyses submitted with any proposed development are reviewed for accuracy and consistency with the goals, objectives, and policies of the City's comprehensive plan in addition to the City's vision for future growth and expansion. The traffic analysis provided with the proposed UVPUD project indicates that the project will not lower the adopted level of service standard on Marsh Road or Williams Road.

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

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

The proposed UVPUD project is consistent with the comprehensive plan's goals, objectives and policies for the Urban Village future land use designation and the UVPUD

zoning criteria and land development regulations. The proposed UVPUD project features a gross density of 2.96 dwelling units per acre which is substantially lower than the maximum density of 4 dwelling units per acre permitted within the Urban Village future land use designation and in accordance with the Sixth Amendment to the Restated Interlocal Agreement for Joint Planning Area between Orange County and the City of Winter Garden.

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

Recently the property located immediately to the east of the subject property was approved for rezoning to UVPUD, the project known as Waterside on John's Lake is permitted for up to 172 single family dwelling units and is approximately 75.94+/- acres. Additionally, numerous properties located to the west of the subject property, totaling over 150 acres are seeking annexation into the City of Winter Garden municipal limits.

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

The proposed UVPUD project integrates several elements that provide for cohesion between existing natural features/resources and the existing and proposed uses surrounding the property. The project includes construction of a 10 foot wide multi-purpose trail extending the length of the property frontage on Marsh Road to enhance pedestrian circulation as identified in the Sixth Amendment to the Restated Interlocal Agreement for Joint Planning Area between Orange County and the City of Winter Garden. The project includes an open space/recreational park to be located on John's Lake and an open space/walking trail to be located on Lake Avalon which incorporate the natural features/resources of the area into the design and functionality of the project. Cross access connection points are being provided to the approved Waterside on John's Lake UVPUD located to the east of the property and four (4) cross access connection points are being provided on Williams Road to ensure multiple points of entry/exit to the subject property and provide property owners to the west of the subject property vehicular and pedestrian access through the subject property.

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

The proposed UVPUD project, which borders John's Lake on the north side and Lake Avalon on the south side of the property, will provide a 25 foot wetland buffer from the Normal High Water Line of John's Lake and Lake Avalon in addition to an open space/tree preservation tract to extend inland from the wetland buffer line. Proposed UVPUD project also provides for a 100 foot buffer from the confining layer of the karst feature located on the property to the west of the subject property, meets the environmental standards of the Wekiva Study Area, and complies with the City's lake

protection Ordinance provisions. No community docks or boat ramps are proposed to be located on Lake Avalon, however a community dock/pier is proposed as part of the community park facility to be located on John's Lake.

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

Recreational facilities are identified within the proposed UVPUD project to include a 10 foot wide multi-purpose trail along Marsh Road, a waterfront community park with pavilions, volleyball court, tot-lot, walking trails, park benches, and boat dock/pier on John's Lake, and an open space/recreation area with walking trail along Lake Avalon which does not include any boat dock/pier or boat ramp facilities. The recreational facilities proposed comply with the Wekiva Study Area Resource Protection Overlay requirements for passive recreation. Requirements for recreation areas stipulated by the City of Winter Garden subdivision standards are proposed to be met to the greatest extent possible, and payment by the developer into the city recreational fund will make up for any shortfall.

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

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

The property on which the UVPUD project is proposed to be developed is located within the Wekiva Study Area Resource Protection Overlay as defined by the City's Comprehensive Plan, and therefore must comply with the Wekiva Study Area Open Space requirements as defined by the City's Comprehensive Plan Policies 1-3.1.7 & 1-3.1.8, which requires that a minimum of 25% of the developable area be Wekiva Study Area Open Space. Wekiva Study Area (WSA) Open Space is land area that remains undisturbed or minimally disturbed such as trails and boardwalks, as part of a natural resource preserve or passive recreation area and includes land preserved for Conservation purposes. WSA Open Space may include dry retention, passive recreation, school playgrounds and buffers. Up to 50% of the WSA Open Space requirement may be met with dry stormwater retention areas. None of the 25% WSA Open Space may be chemically treated with pesticides or fertilizers. WSA Open Space shall not include setback areas, private yards, street right of way, parking lots, impervious surfaces or active recreation areas. The proposed UVPUD project complies with the Wekiva Study Area Open Space requirements; the gross developable area of the property is approximately 105 acres, the required Wekiva Study Area Open Space which will be provided on the property is 26.42 acres. All open space and recreational facilities will be owned and maintained by mandatory Home Owner's Association.

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

The proposed UVPUD project is designed to be developed in three phases, the first phase will incorporate the multi-purpose trail along Marsh Road, round-a-bout on Marsh Road,

and utility infrastructure extension to ensure that all facilities intended to support the proposed development are constructed and installed in conjunction with the development of the first phase. Each phase of development of the proposed UVPUD project must operate as an individual unit in that each particular phase will be able to stand-alone in the event that no other phase is developed.

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

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

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

The proposed UVPUD includes 40 foot and 55 foot wide lot sizes. The 40 foot wide lots will be designed with garages located to the rear of the property to be supported by a network of alleys and residential street, and the 55 foot wide lots will be designed to incorporate a variety of garage orientations including garages that are recessed 5 feet behind the primary façade of the structure and side entry garages in addition to front projecting garages with increased front setbacks. Front porches will be incorporated into the designs of at least 50% of the residential units.

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

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

Exclusively nonresidential uses are not proposed within the UVPUD proposal for the project; however the proposal does include 17 single family residential live/work units. The UVPUD proposal includes 296 single family residential dwelling units and 17 single family residential live work units for a total of 313 dwelling units with 26.42 acres of open space area and 6.51 acres of recreation area. The recreation and open space areas are complementary and supportive to the residential component of the proposed UVPUD project. The project is a pedestrian friendly design and provides internal access to the future commercial core.

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

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

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

The UVPUD proposal includes 296 single family residential dwelling units and 17 single family residential live work units, the following are the proposed permitted uses for the business component of live/work units: accountants, architects, artists and artisans, attorneys, computer software and multimedia related professionals, consultants, engineers, graphic design, fashion and interior design, hair stylists and cosmetologists, home-based office workers, insurance, real estate, travel agent, one-on-one instructors, photographers, and other business/office uses as are determined by the City Manager of the City of Winter Garden to be similar with the foregoing list of permitted uses and compatible with surrounding uses.

The business component of the live/work units may not generate vehicular traffic, in excess of normal residential traffic, that will interfere with residential traffic circulation and may not cause more than three vehicles including vehicles used by customers, vendors, and/or delivery services to visit the premises per day. Additionally, all advertising for the business component of the live/work units must clearly state "by appointment only" if the live/work address is used.

Additionally, the following are the proposed prohibited uses for the business component of live/work units: retail sale of food and/or beverages with customers arriving on-site (this does not include internet sales, mail order or off-site catering preparation); entertainment, drinking and public eating establishments; veterinary services including grooming, boarding and/or the breeding or care of animals for hire and/or for sale; any business which involves the use of prescription drugs; adult-oriented businesses, astrology, palmistry, massage, head shops and similar uses; sales, repair and/or maintenance of vehicles including automobiles, boats, motorcycles, aircraft, trucks and/or recreational vehicles; private and/or trade schools.

URBAN VILLAGE PLANNED UNIT DEVELOPMENT INTENT AND REQUIREMENTS

Development within the urban village future land use classification shall be designed based on an urban development pattern which encourages the formation of a suburban village. The standards and procedures of the urban village planned unit development are intended to promote flexibility of design and to permit planned diversification and integration of uses and structures, while retaining in the city commission the absolute authority to establish such limitations and regulations as it deems necessary to protect and promote the public health, safety and general welfare. Determining whether to require a mixture of residential and non-residential uses and a variety of housing types and lot sizes within individual urban village planned unit developments will be based on anticipated development patterns and size of property ownerships. Each individual urban village planned unit development will not be required to incorporate all uses permitted in the urban village planned unit development land use regulations.

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

- (1) creating a series of walkable residential neighborhoods;

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

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

Proposed UVPUD includes a waterside community park on John's Lake and a waterside open space/passive recreation area on Lake Avalon accessible through sidewalks and roadways which connect to properties located to the east and the west and the multi-purpose trail located along the property frontage on Marsh Road.

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

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

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

Proposed UVPUD incorporates shoreline preservation and wetland buffering along John's Lake and Lake Avalon to preserve and protect water quality in both John's Lake and Lake Avalon.

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

Exclusively nonresidential uses are not proposed within the UVPUD proposal for the project; however the proposal does include 17 single family residential live/work units. The UVPUD proposal includes 296 single family residential dwelling units and 17 single family residential live work units for a total of 313 dwelling units.

- (6) creating a focus center within the urban village

N/A; the proposed UVPUD will be part of the residential community surrounding a future commercial village center which will be located west of the subject property. A certain level of residential development must occur to support the commercial development.

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

The proposed UVPUD includes two (2) waterfront community open space/recreation areas, one located on John's Lake which is centrally located within the northern portion of the UVPUD site and another located on Lake Avalon which is centrally located within the southern portion of the UVPUD site.

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

The UVPUD proposal for the project includes 17 single family residential live/work units; the proposal also includes 296 single family residential dwelling units and 17 single family residential live work units for a total of 313 dwelling units. The proposed UVPUD includes 40 foot and 55 foot wide lot sizes. The 40 foot wide lots will be designed with garages located to the rear of the property to be supported by a network of alleys and residential streets. The proposed 40 foot wide lots with detached garages will range in size from 1,300 - 2,000 square foot home sizes and will have the option to construct "granny flats" above the detached garages. The 55 foot wide lots will range in size from 1,800 - 3,000 square foot home sizes and be designed to incorporate a variety of garage orientations including garages that are recessed 5 feet behind the primary façade of the structure and side entry garages in addition to front projecting garages with increased front setbacks. Front porches will be incorporated into the designs of at least 50% of the residential units.

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

The proposed UVPUD will provide cross access connections to properties located to the east and west, a round-a-bout at the main entrance on Marsh Road.

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

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

- (11) All development proposals within an urban village planned unit development shall, as determined by the city commission, be consistent with the requirements and/or guidelines of the Sixth Amendment to the Restated Interlocal Agreement for Joint Planning Area between Orange County and the City of Winter Garden (Dated January 24, 2007) as approved by the city commission, as such may be amended from time to time.

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

*See attached Avalon Rural Settlement Buffer Map.

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

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

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

The proposed UVPUD development plan will have a gross developable density of 2.96 dwelling units per acre.

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

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

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

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

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

N/A; the proposed UVPUD is not located in the area that will be developed as the village, however does include 17 single family residential live/work units for a total of 313 dwelling units.

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

The proposed UVPUD allows for "granny flats" which will be permitted in compliance with the requirements stipulated within the UVPUD zoning district.

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

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

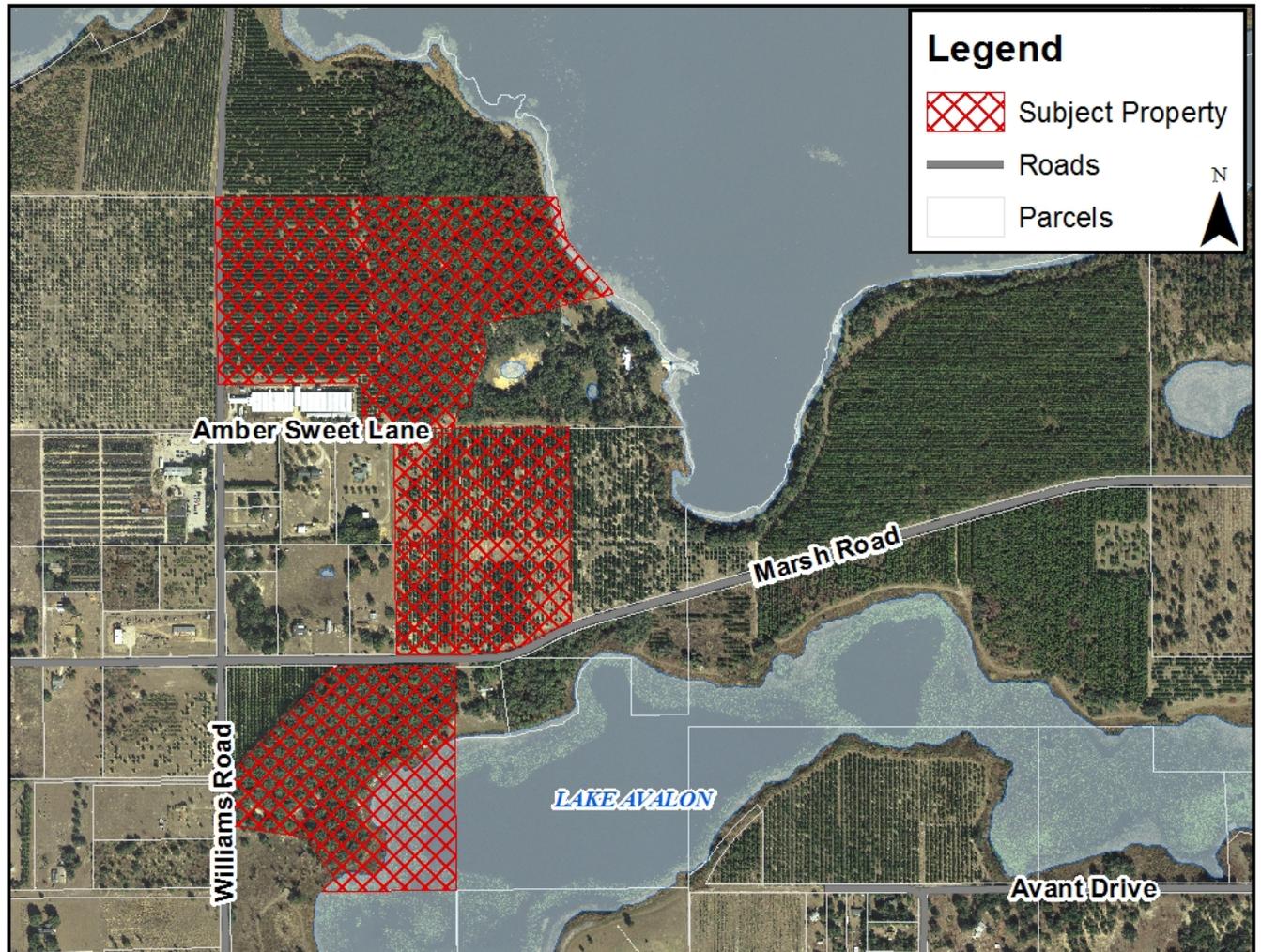
SUMMARY

City Staff recommend approval of the proposed Ordinance 12-44. Rezoning the subject property from City NZ to City UVPUD is consistent with the City's Comprehensive Plan, Future Land Use Map and land development regulations, and is consistent with the trend of development in the area.

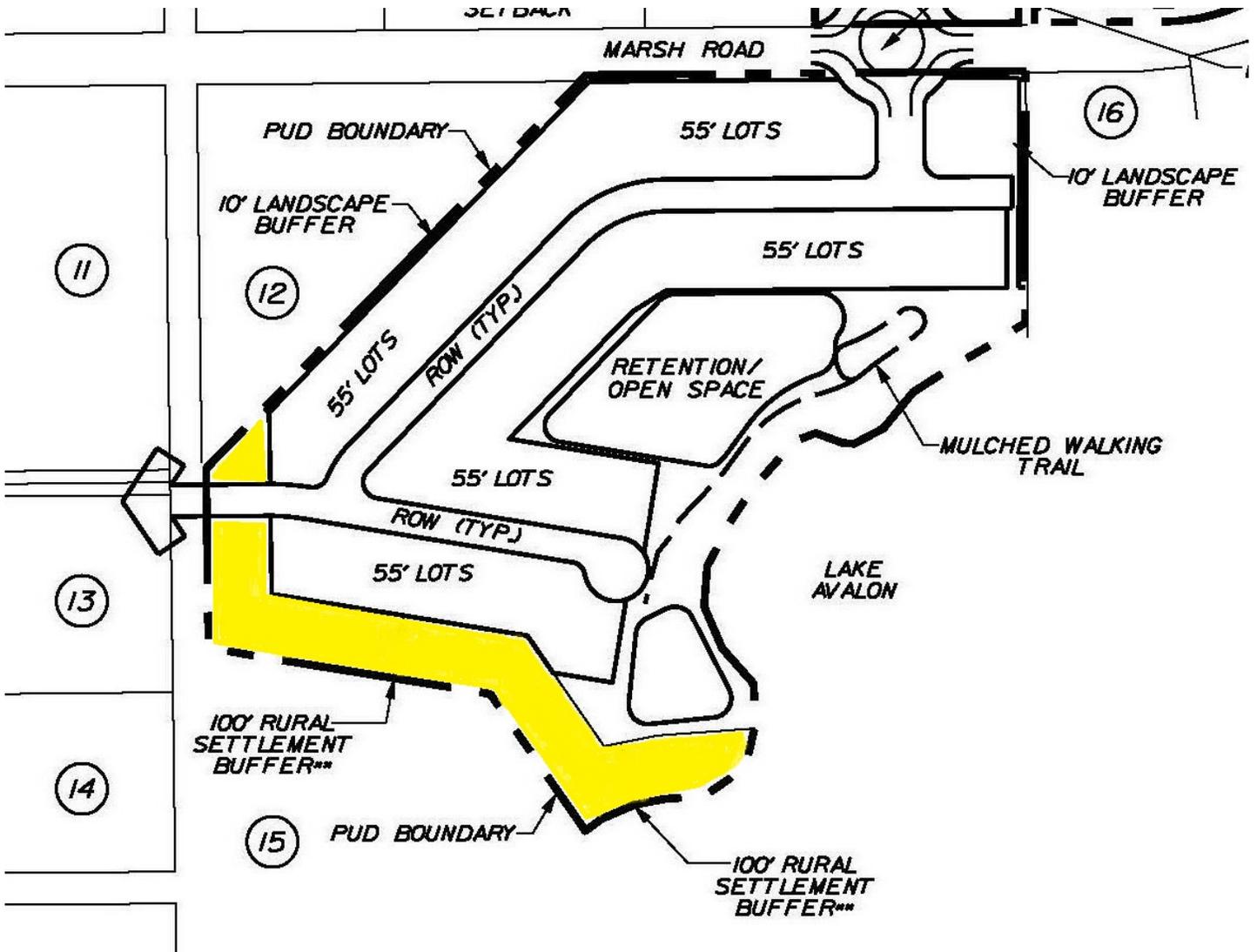
The proposed development of the subject property is consistent with the stipulations and guidelines of the Sixth Amendment to the Restated Interlocal Agreement for Joint Planning Area between Orange County and the City of Winter Garden which requires that rezoning applications or development plans for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

MAPS

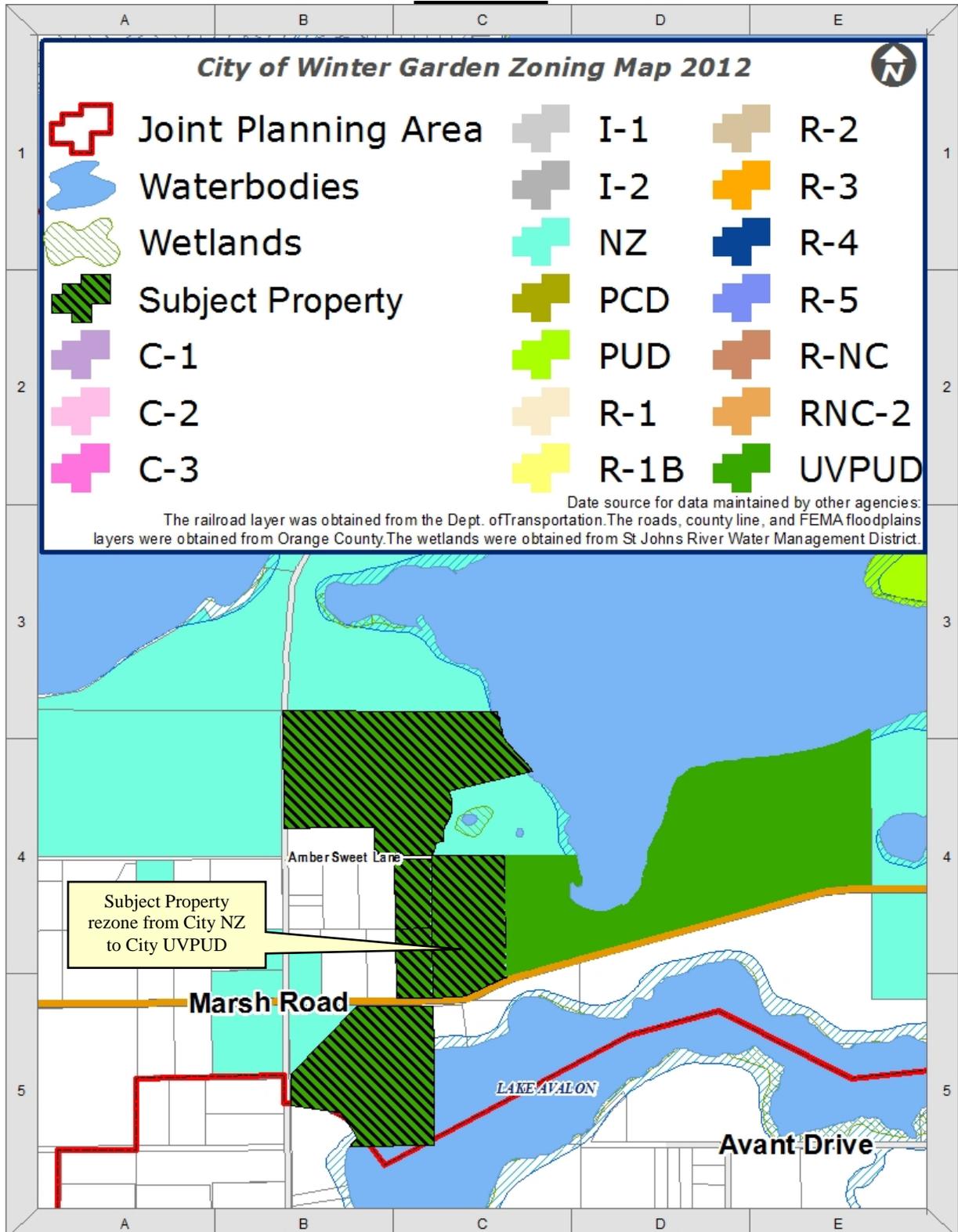
AERIAL PHOTO
Marsh Road



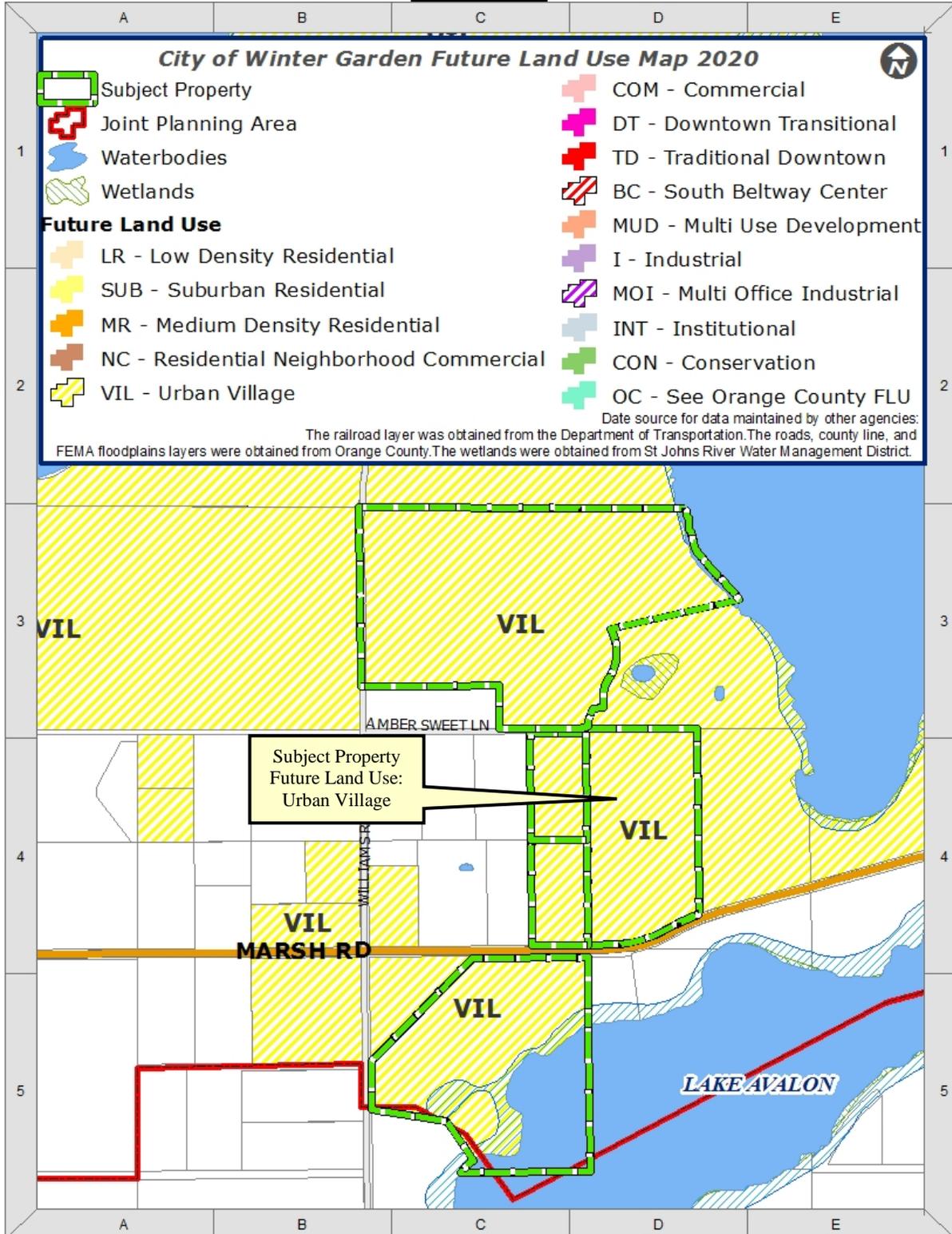
AVALON RURAL SETTLEMENT BUFFER MAP



ZONING MAP
Marsh Road



FUTURE LAND USE MAP
Marsh Road



END OF STAFF REPORT

THE CITY OF WINTER GARDEN
PLANNING AND ZONING BOARD AGENDA ITEM

ITEM # 5 (Public Hearing)

DATE: September 6, 2012 **MEETING DATE:** September 10, 2012

SUBJECT: Marsh Road (Preliminary Plat Approval)
PROJECT NAME Waterside on Johns Lake Phase I
PARCEL ID# 05-23-27-0000-00-001
PARCEL ID# 06-23-27-0000-00-002
PARCEL ID# 06-23-27-0000-00-003

ISSUE: Preliminary Plat for Waterside on Johns Lake Phase I UVPUD to allow platting of 160 single-family lots.

SUPPLEMENTAL MATERIAL/ANALYSIS:

OWNER/APPLICANT: Centerline Homes
CURRENT ZONING: UVPUD - Urban Village Planned Unit Development
PROPOSED ZONING: N/A
CURRENT FLU: VIL - Urban Village
PROPOSED FLU: N/A

SUMMARY:

The applicant is requesting preliminary plat approval to move forward with development plans and the final plat. The preliminary plat will subdivide Waterside on John's Lake, a 75.94 ± acre UVPUD into 160 lots, a community park, and common open space with buffers along the south, west and east sides of the property.

STAFF RECOMMENDATION(S):

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. Conditional approval of the proposed Preliminary Plat is subject to conditions of all prior development approvals including UVPUD Rezoning Ordinance 12-29 and Waterside on John's Lake Developer's Agreement approved by City Commission on August 23, 2012.

NEXT STEP(S):

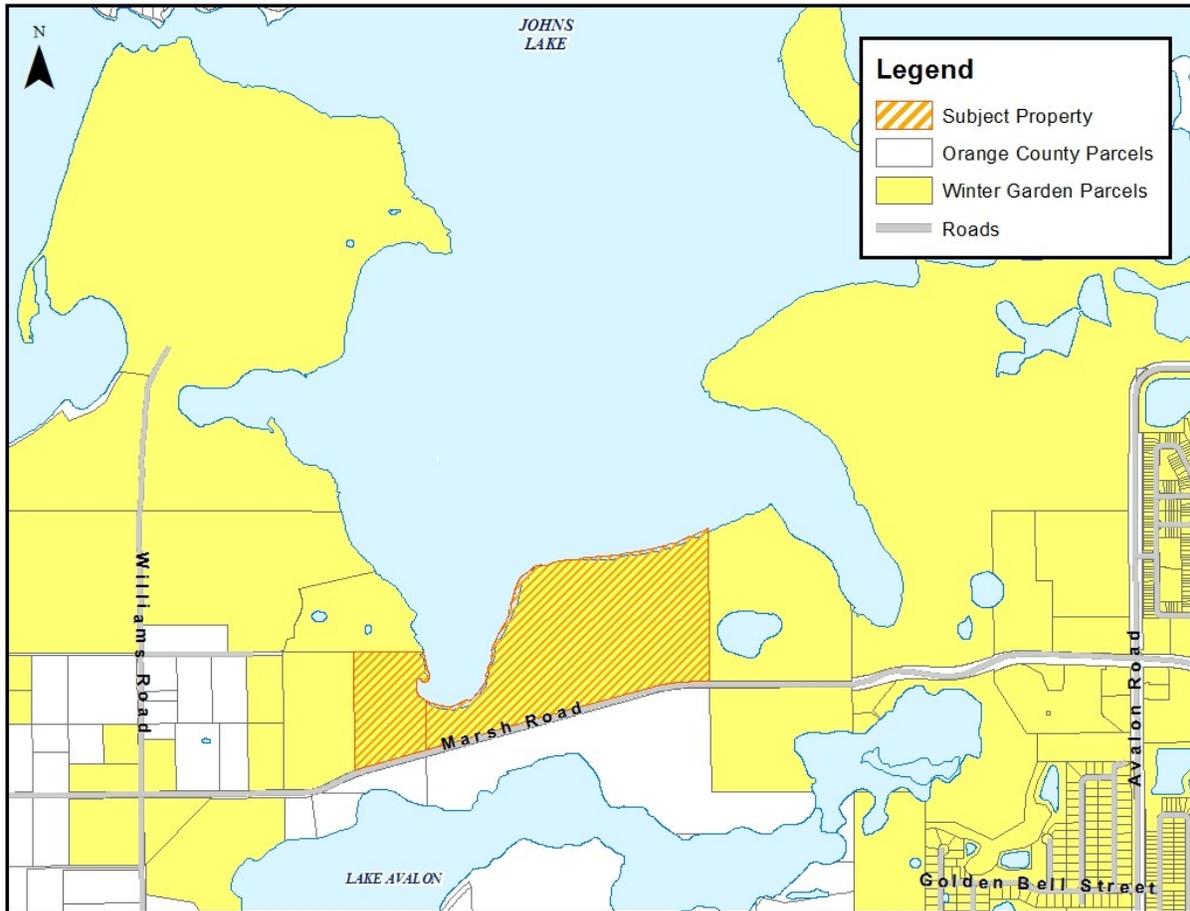
Submit final plat and construction plans for review.

ATTACHMENT(S):

Location Map
Staff Report
Preliminary Plat

LOCATION MAP

16851 and 17001 Marsh Road



CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

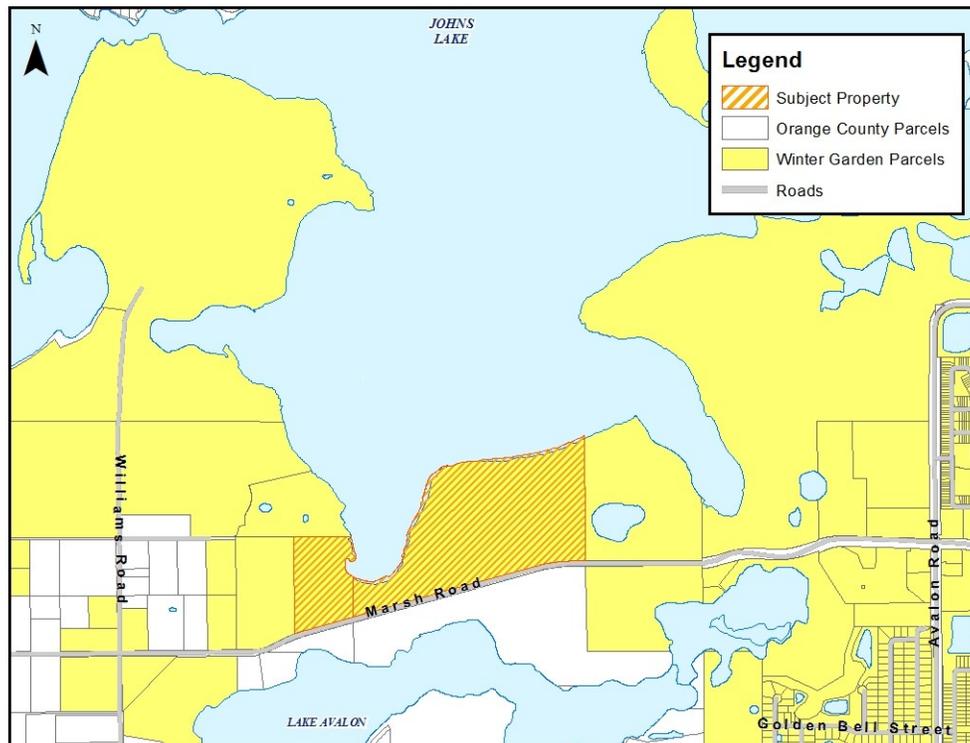
STAFF REPORT

TO: PLANNING AND ZONING COMMITTEE
PREPARED BY: LAURA SMITH, SENIOR PLANNER
DATE: SEPTEMBER 6, 2012
SUBJECT: PRELIMINARY PLAT
Marsh Road (75.94+/- ACRES)
PARCEL ID # 05-23-27-0000-00-001
PARCEL ID # 06-23-27-0000-00-003

APPLICANT: WARREN HARDIN EDWARDS, III

INTRODUCTION

The purpose of this report is to evaluate the proposed project for compliance with the City of Winter Garden Land Development Regulations, Comprehensive Plan, and Future Land Use Map. The subject property, located on Marsh Road east of Williams Road and west of Avalon Road, is approximately 75.94± acres. The map below depicts the location of the subject property within the City of Winter Garden municipal limits:



EXISTING USE

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

ADJACENT LAND USE AND ZONING

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

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

PROPOSED USE

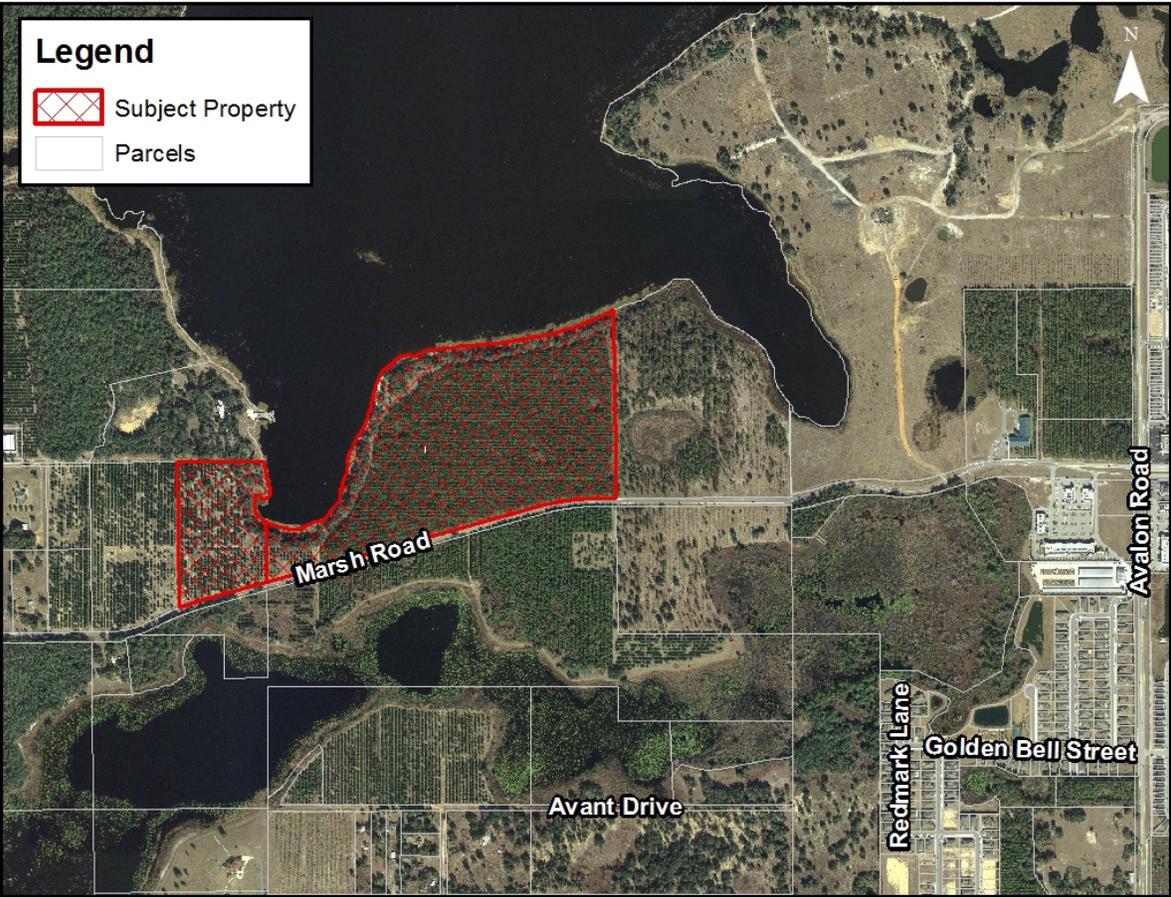
The applicant is requesting preliminary plat approval to move forward with development plans and the final plat. The preliminary plat will subdivide Waterside on John's Lake, a 75.94 ± acre UVPUD into 160 lots, a community park, and common open space with buffers along the south, west and east sides of the property.

SUMMARY

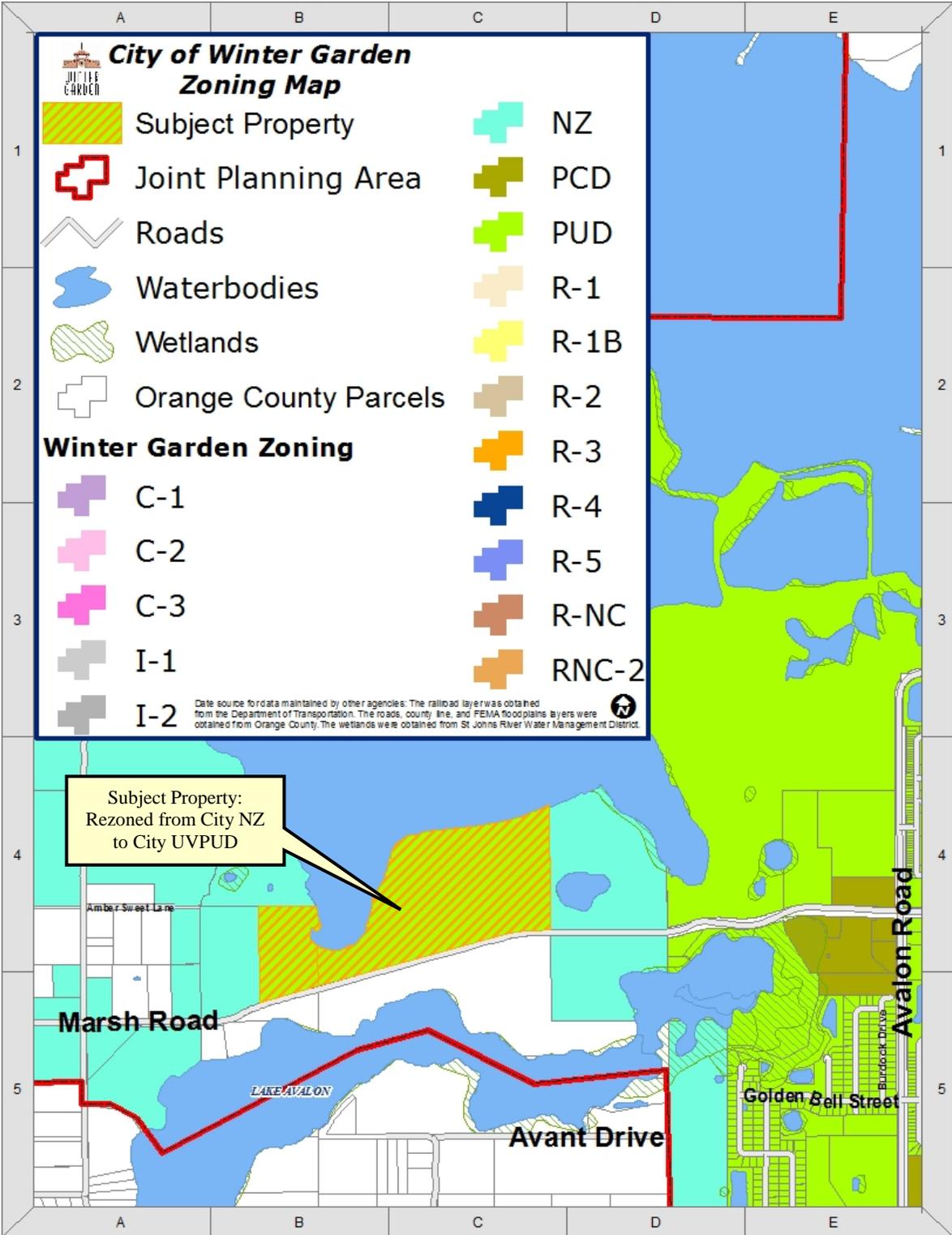
City Staff recommends conditional approval of the proposed Preliminary Plat. Conditional approval of the Preliminary Plat will allow the owner to proceed with development plans as well as the final plat. Conditional approval of the proposed Preliminary Plat is subject to conditions of all prior development approvals including UVPUD Rezoning Ordinance 12-29 and Waterside on John's Lake Developer's Agreement approved by City Commission on August 23, 2012.

MAPS

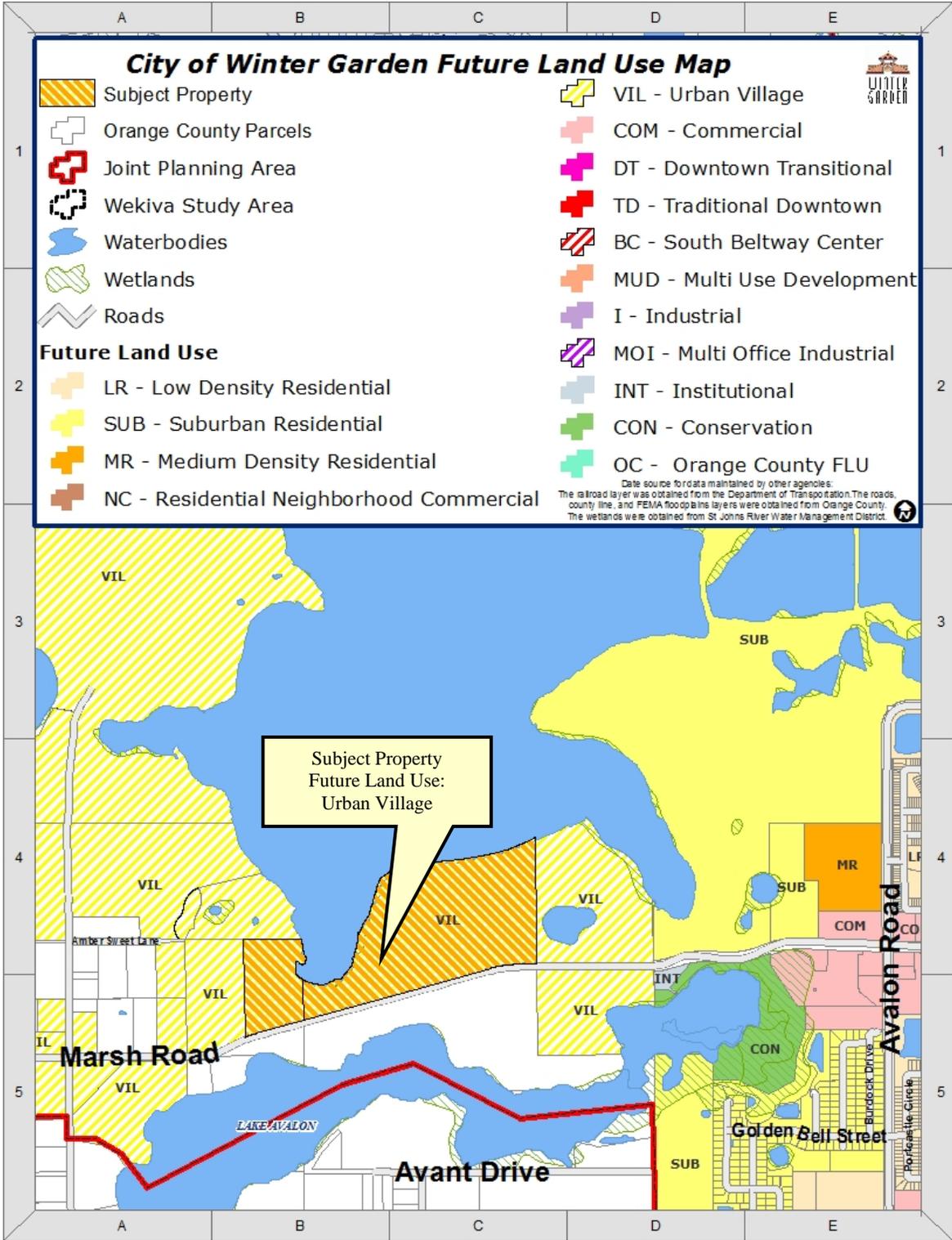
**AERIAL PHOTO
Waterside on John's Lake**



ZONING MAP
Waterside on John's Lake



FUTURE LAND USE MAP
Waterside on John's Lake



END OF STAFF REPORT

PRELIMINARY SUBDIVISION PLANS

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

WATERSIDE ON JOHNS LAKE

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

AUGUST 2012

LEGAL DESCRIPTION

(PER TITLE COMMITMENT FILE)

PARCEL I:

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

PARCEL II:

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

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

PROJECT DESCRIPTION

A 160 UNIT SINGLE FAMILY URBAN VILLAGE PLANNED UNIT DEVELOPMENT, GATED ENTRANCE.

A 2-PHASE PROJECT, PHASE 1 (108 UNITS) & PHASE 2 (52 UNITS).

OWNER/APPLICANT

WARREN HARDIN EDWARDS, III
16851 MARSH ROAD
WINTER GARDEN, FLORIDA 34787
PHONE: (213) 924-7010

ENGINEER/SURVEY/ENVIRONMENTAL

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

GEOTECHNICAL ENGINEER

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

TRAFFIC ENGINEER

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

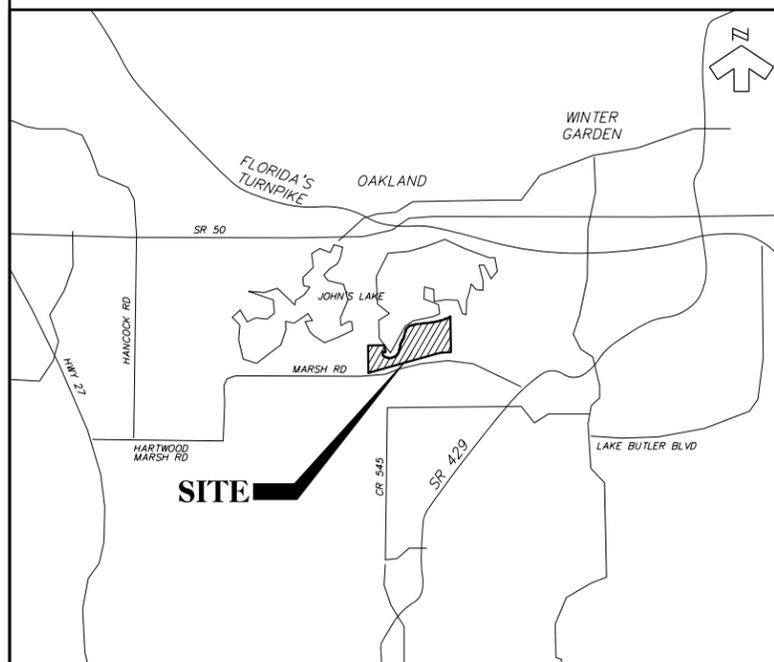
LANDSCAPE ARCHITECT

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

TABLE OF CONTENTS

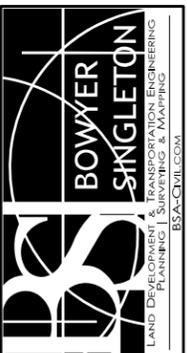
SHEET NO.	DESCRIPTION
1	COVER SHEET
2	EXISTING CONDITIONS PLAN
3	OVERALL SITE PLAN
4, 5	GEOMETRY SITE PLANS
6, 7	UTILITY PLANS
8	OFF-SITE UTILITY PLANS
9, 10	GRADING & DRAINAGE PLANS

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



SITE LOCATION

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



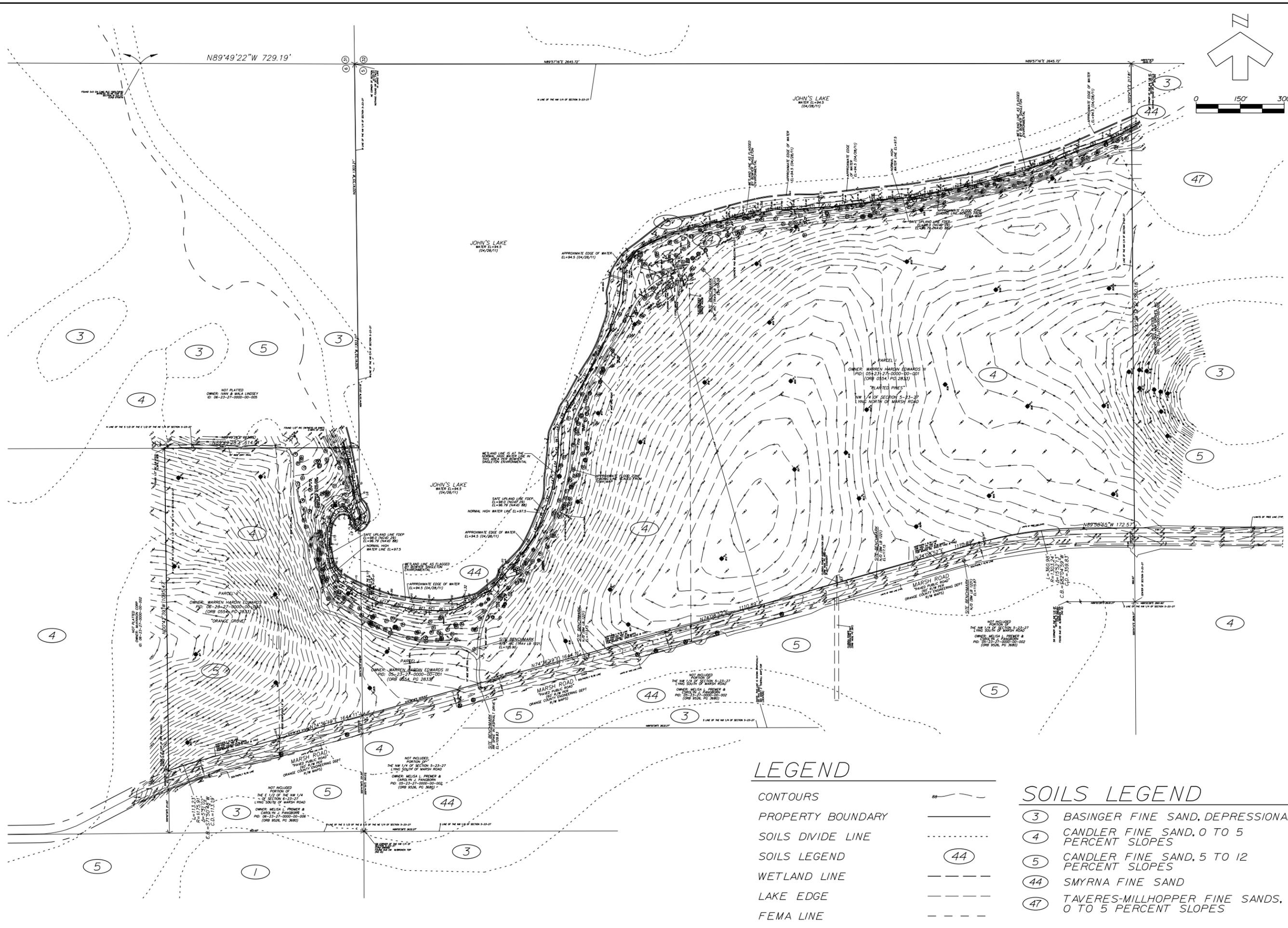
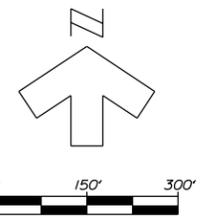
FLORIDA
CITY OF WINTER GARDEN
WATERSIDE ON JOHNS LAKE - PSP

DATE	BY	DESCRIPTION

CONTRACTOR "AS-BUILTS" were furnished hereby state that these "As-Builts" were reviewed by the Engineer under my direct supervision and I believe them to be in compliance with my knowledge of what was actually observed on site observations of the construction.

Contractor's Name: _____
Engineer: _____
Not valid without the signature and the original raised seal of a Florida Registered Engineer.

DATE	NOVEMBER 2011
DESIGNED	SKH
CHECKED	MSS
SCALE	N/A
PROJECT NO.	EDWD1/PSP
FILE NAME	EDWD1-PSPcover
SHEET	1 OF 10



LEGEND

CONTOURS	
PROPERTY BOUNDARY	
SOILS DIVIDE LINE	
SOILS LEGEND	
WETLAND LINE	
LAKE EDGE	
FEMA LINE	

SOILS LEGEND

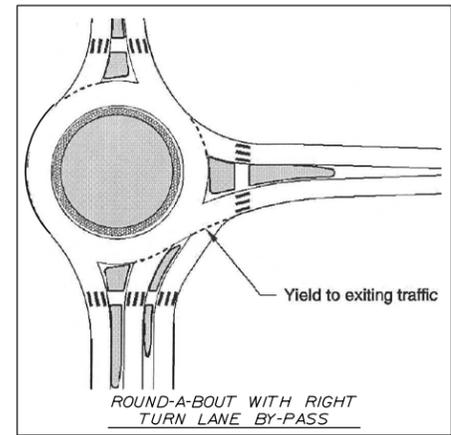
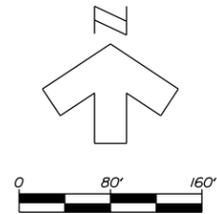
	3 BASINGER FINE SAND, DEPRESSIONAL
	4 CANDLER FINE SAND, 0 TO 5 PERCENT SLOPES
	5 CANDLER FINE SAND, 5 TO 12 PERCENT SLOPES
	44 SMYRNA FINE SAND
	47 TAVERES-MILLHOPPER FINE SANDS, 0 TO 5 PERCENT SLOPES

DATE	BY	DESCRIPTION

CONTRACTOR "AS-BUILT'S" were furnished hereby state that these "As-Built's" were furnished by the contractor and that the contractor's employee under my direct supervision have reviewed these "As-Built's" and believe them to be in compliance with my knowledge of what was actually observed on site during the construction.

Contractor's Name: _____
 Engineer: _____
 Not valid without the signature and the original sealed of a Florida Registered Engineer.

DATE	NOVEMBER 2011
DESIGNED	SKH
CHECKED	MSS
SCALE	1" = 150'
PROJECT NO.	EDWD1/PSP
FILE NAME	EDWD1-PSPexconditions
SHEET	2 OF 10

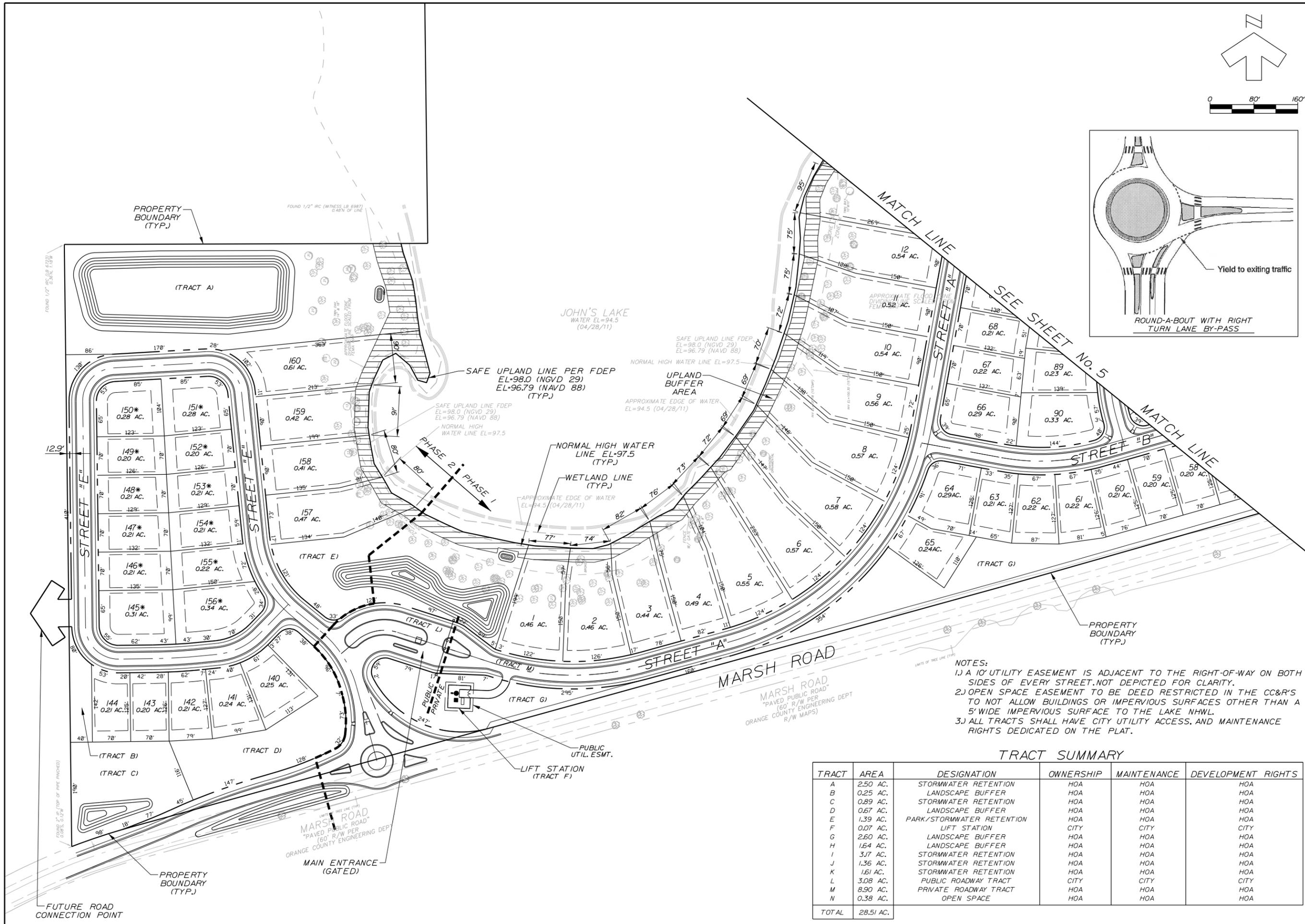


DATE	BY	REVISIONS	DESCRIPTION

CONTRACTOR "AS-BUILT'S" were furnished herewith and these "As-Built's" were reviewed by the engineer under my direct supervision and in compliance with my knowledge of what was actually observed on site during the construction.

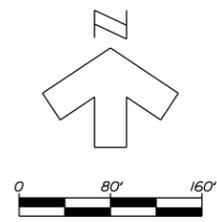
Contractor's Name: _____
 Engineer: _____
 Not valid without the signature and the original raised seal of a Florida Registered Engineer.

DATE	NOVEMBER 2011
DESIGNED	SKH
CHECKED	MSS
SCALE	1" = 80'
PROJECT NO.	EDWD1/PSP
FILE NAME	EDWD1-PSPgeometry-01
SHEET	4 OF 10



TRACT SUMMARY

TRACT	AREA	DESIGNATION	OWNERSHIP	MAINTENANCE	DEVELOPMENT RIGHTS
A	2.50 AC.	STORMWATER RETENTION	HOA	HOA	HOA
B	0.25 AC.	LANDSCAPE BUFFER	HOA	HOA	HOA
C	0.89 AC.	STORMWATER RETENTION	HOA	HOA	HOA
D	0.67 AC.	LANDSCAPE BUFFER	HOA	HOA	HOA
E	1.39 AC.	PARK/STORMWATER RETENTION	HOA	HOA	HOA
F	0.07 AC.	LIFT STATION	CITY	CITY	CITY
G	2.60 AC.	LANDSCAPE BUFFER	HOA	HOA	HOA
H	1.64 AC.	LANDSCAPE BUFFER	HOA	HOA	HOA
I	3.17 AC.	STORMWATER RETENTION	HOA	HOA	HOA
J	1.36 AC.	STORMWATER RETENTION	HOA	HOA	HOA
K	1.61 AC.	STORMWATER RETENTION	HOA	HOA	HOA
L	3.08 AC.	PUBLIC ROADWAY TRACT	CITY	CITY	CITY
M	8.90 AC.	PRIVATE ROADWAY TRACT	HOA	HOA	HOA
N	0.38 AC.	OPEN SPACE	HOA	HOA	HOA
TOTAL	28.51 AC.				



BOWYER SINGLETON

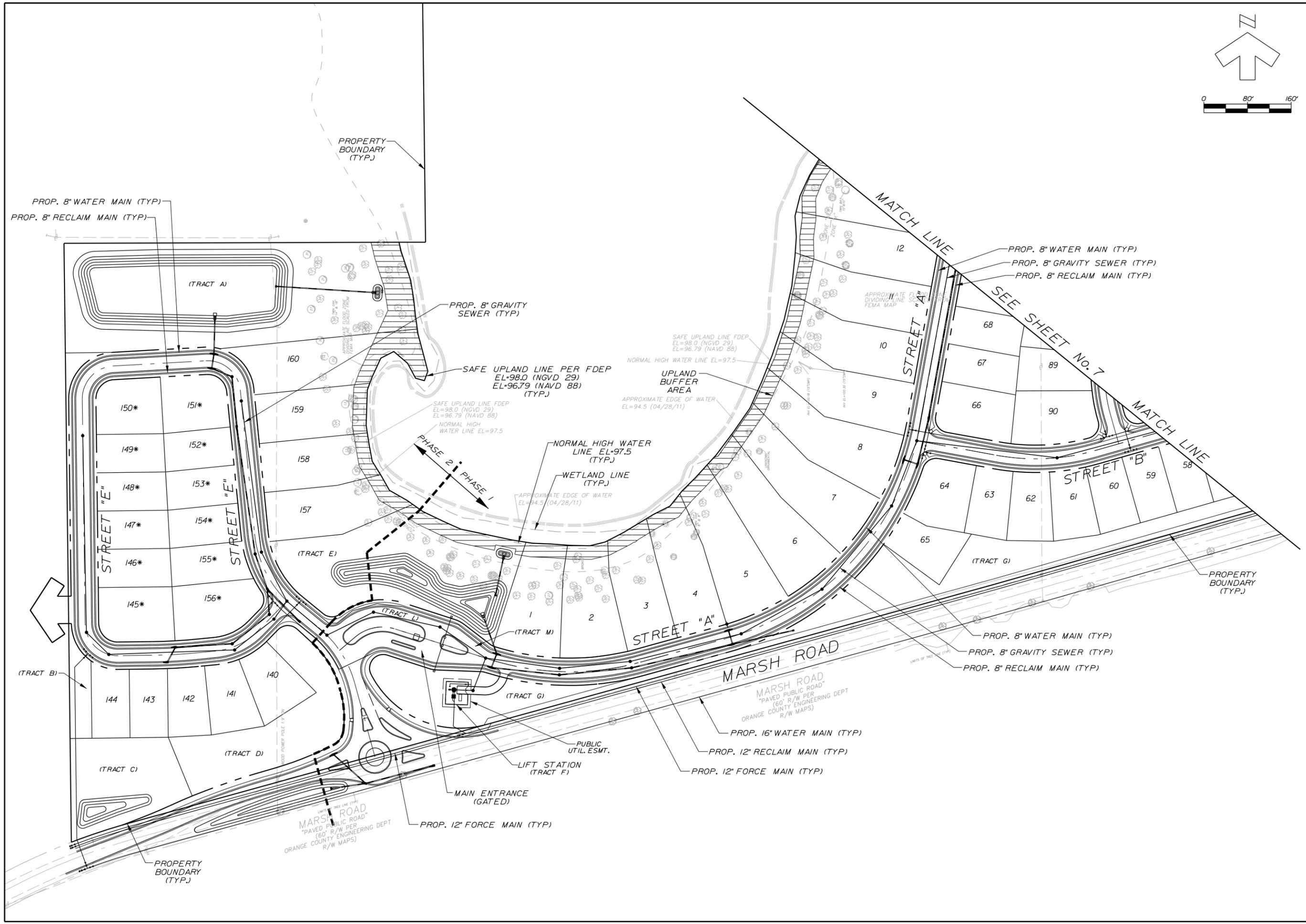
FLORIDA

CITY OF WINTER GARDEN

UTILITY PLAN

WATERSIDE ON JOHNS LAKE - PSP

520 SOUTH MAGNOLIA AVENUE • ORLANDO, FLORIDA 32801
CORPORATE OFFICE • 407-545-5120 • ENGINEERING BUSINESS - 1121



DATE	BY	REVISIONS	DESCRIPTION

CONTRACTOR "AS-BUILTS" were furnished herewith and these "As-Builts" were reviewed by the engineer under my direct supervision and I believe them to be in compliance with my knowledge of what was actually constructed on site based upon site observations of the construction.

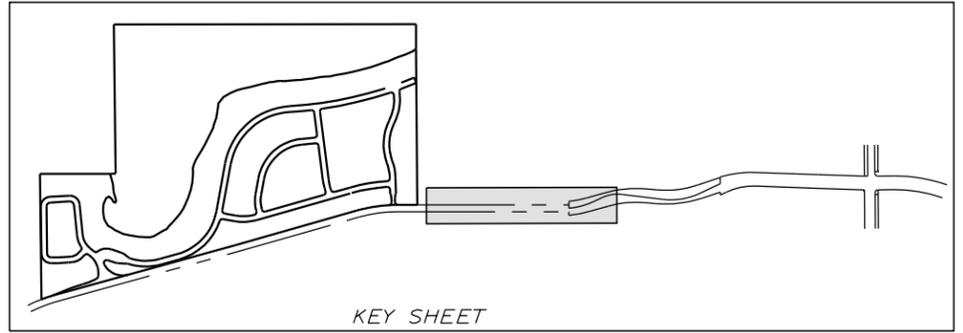
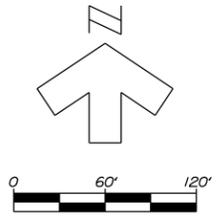
Contractor's Name: _____
 Engineer: _____
 Not valid without the signature and the original raised seal of a Florida Registered Engineer.

DATE	NOVEMBER 2011
DESIGNED	SKH
CHECKED	MSS
SCALE	1" = 80'
PROJECT NO.	EDWD1/PSP
FILE NAME	EDWD1-PSPUtility-01
SHEET	6 OF 10

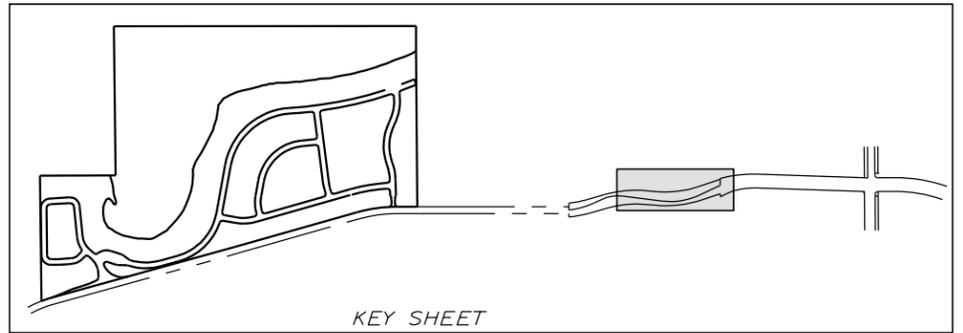
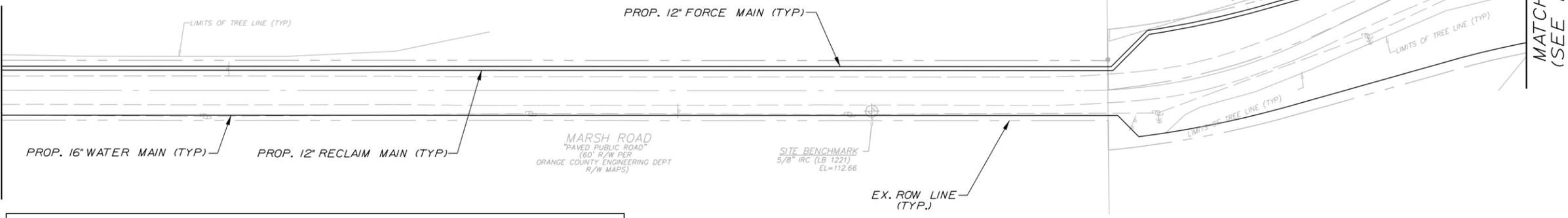
8/17/2012
 hal@bsi.tbi
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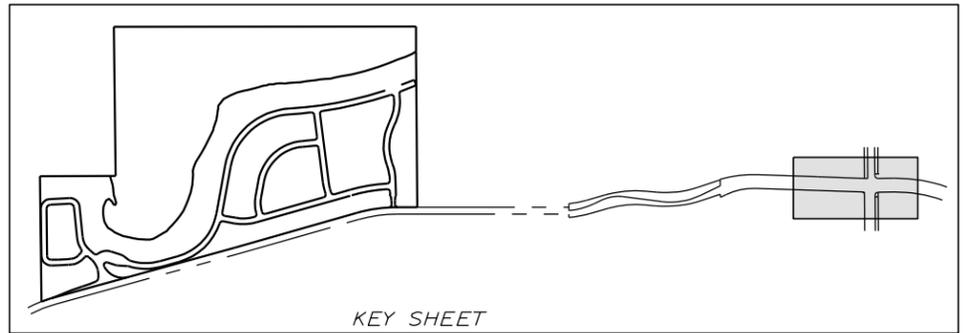
BOWYER SINGLETON
 FLORIDA
 CITY OF WINTER GARDEN
 OFF-SITE UTILITY PLAN
 WATERSIDE ON JOHNS LAKE - PSP
 CORPORATE OFFICE - 520 SOUTH MAGNOLIA AVENUE - ORLANDO, FLORIDA 32801
 407-545-5120 - ENGINEERING BUSINESS - 1121
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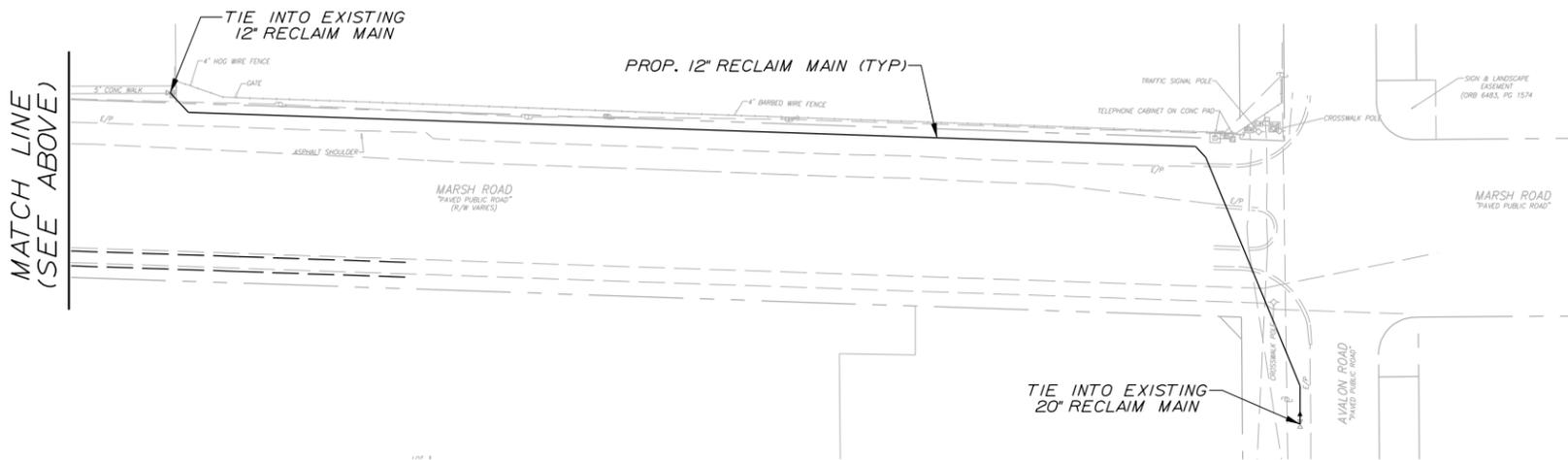
MATCH LINE
SEE SHEET No.8



MATCH LINE
(SEE ABOVE)



MATCH LINE
(SEE ABOVE)



DATE	BY	REVISIONS	DESCRIPTION

CONTRACTOR "AS-BUILT'S" were furnished to the City of Winter Garden. The City of Winter Garden employee under my direct supervision have reviewed these "As-Built's" and believe them to be in compliance with my knowledge of what was actually observed and constructed upon site observations of the construction.
 Contractor's Name _____
 Engineer _____
 Not valid without the signature and the original raised seal of a Florida Registered Engineer.

DATE	NOVEMBER 2011
DESIGNED	SKH
CHECKED	MSS
SCALE	1" = 60'
PROJECT NO.	EDWD1/PSP
FILE NAME	EDWD1-PSPuRty-03
SHEET	8 OF 10

THE CITY OF WINTER GARDEN
PLANNING AND ZONING BOARD AGENDA ITEM

ITEM # 6 (Public Hearing)

DATE: September 6, 2012 **MEETING DATE:** September 10, 2012

SUBJECT: 1297 Winter Garden Vineland Road (SPECIAL EXCEPTION PERMIT)
PROJECT NAME United Cerebral Palsy Charter School
PARCEL ID# 26-22-27-9147-00-010

ISSUE: The applicant is requesting a Special Exception Permit to allow for the property located at 1297 Winter Garden Vineland Road to be used for a charter school.

SUPPLEMENTAL MATERIAL/ANALYSIS:

OWNER/APPLICANT: Hillcrest Properties III, Inc.

CURRENT ZONING: PCD

PROPOSED ZONING: N/A

CURRENT FLU: Commercial

PROPOSED FLU: N/A

SUMMARY:

The applicant proposes to open a charter school for enrollment of up to 105 students with 44 employees.

STAFF RECOMMENDATION(S):

City Staff recommends denial of the request for Special Exception permit for the operation of a charter school at property located at 1297 Winter Garden Vineland Road.

NEXT STEP(S):

N/A

ATTACHMENT(S):

Location Map
Staff Report
Letter of Proposal
Site Plan

LOCATION MAP

1297 Winter Garden Vineland Road

United Cerebral Palsy Charter School



CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

STAFF REPORT

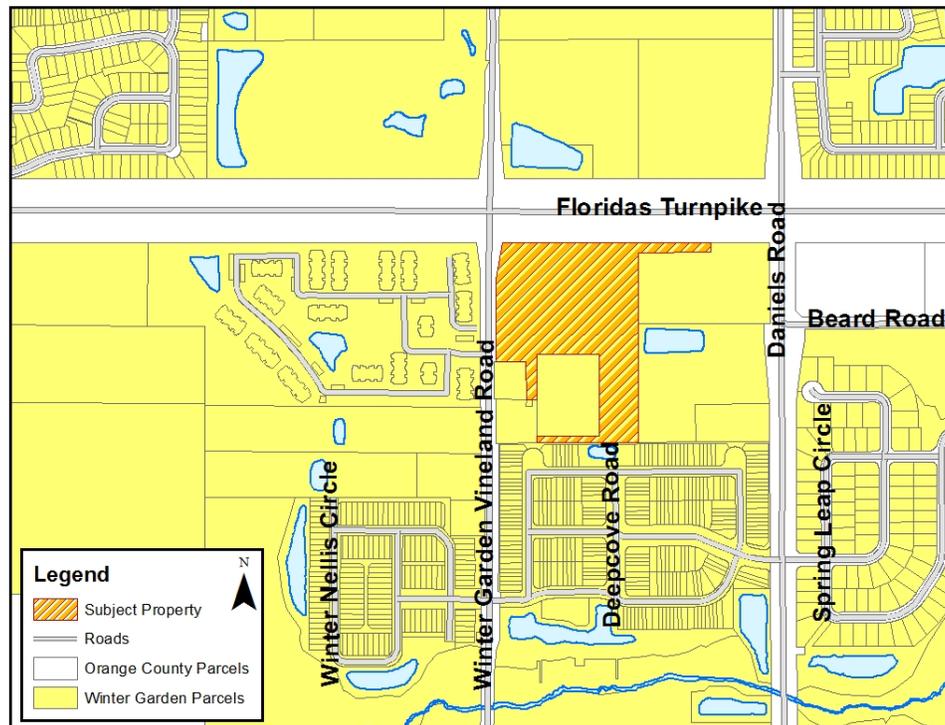
TO: PLANNING AND ZONING BOARD
PREPARED BY: LAURA SMITH, SENIOR PLANNER
DATE: SEPTEMBER 6, 2012
SUBJECT: SPECIAL EXCEPTION PERMIT
1297 Winter Garden Vineland Rd
(United Cerebral Palsy West Orange Charter School)
Winter Garden Business Center
PARCEL ID # 26-22-27-9147-00-010

APPLICANT: Hillcrest Properties III, Inc. & United Cerebral Palsy West Orange Charter School

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 east side of Winter Garden Vineland Road south of Florida's Turnpike, in the Winter Garden Business Center 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 charter school for enrollment of up to 105 students with up to 44 employees. The subject property is located within the City of Winter Garden municipal limits, and carries the zoning designation PCD. The subject property is designated Commercial on the Future Land Use Map of the Comprehensive Plan.

EXISTING USE

The property consists of three one-story commercial buildings, two of which are 10,000 square feet each and one which is 12,000 square feet and each building is divided into multiple tenant spaces. The property is zoned PCD and is approved for the construction of up to nine commercial buildings, three of which may be up to 10,000 square feet and six may be up to 12,000 square feet. The PCD for the property also allows for the construction of a self-storage facility with up to six buildings totaling 63,550 square feet on the south portion of the property. The PCD includes one other parcel on the south side of the property which is a 0.87 acre parcel permitted for commercial development.

ADJACENT LAND USE AND ZONING

The subject property is bordered by Florida's Turnpike on the north. Properties located south of the subject property are within the Daniels Landing townhome community zoned R-3 within the City of Winter Garden. The properties located to the west of the subject property include Southern Pines Condominiums zoned PUD and the Lake Apopka Natural Gas office site zoned C-2 in the City of Winter Garden. The properties located to the east of the subject property include a commercial subdivision which contains Bright Horizons Day Care Center zoned C-2 in the City of Winter Garden, and a parcel owned by the City of Winter Garden containing facilities for the City's water system which is zoned R-1 in the City of Winter Garden.

PROPOSED USE

The applicant proposes to open a charter school for enrollment of up to 105 students with 44 employees in 10,000 square feet of the 12,000 square foot building located at 1297 Winter Garden Vineland Road on the east side of the PCD property. The applicant proposed to construct a playground on the vacant building site located on the east side of the 12,000 square foot building located at 1297 Winter Garden Vineland Road, and to construct the 21 parking spaces which would have been constructed around the vacant building site located to the east of the building which they request to operate the school. The proposed school would enroll students ages Infant - 3rd Grade.

SUMMARY

City Staff recommends denial of the request for Special Exception permit for the operation of a charter school at property located at 1297 Winter Garden Vineland Road. Staff has made every attempt to counsel the applicant in the preparation of the proposal and have exhausted all avenues to assist the applicant with providing sufficient documentation and analysis to support their requested use of the property. The applicant has failed to provide any analysis of the traffic impact that the proposed use would have on both the internal traffic circulation within the Planned Commercial Development site and the surrounding road network. The applicant has provided insufficient documentation to indicate that the proposed parking plan including a 10 minute drop/off pick up parking area will support the proposed use without causing vehicle

stacking that could impede ingress/egress and flow of traffic to other sites within the Planned Commercial Development. Staff is hesitant in recommending any use that is substantially more intense than the permitted uses within a Planned Commercial Development when the site has not yet been fully built-out. Further, on numerous occasions staff have advised the applicant to consult with a transportation engineer or similar specialist in the field to review the traffic study and site analysis that were the basis of the approval of the Planned Commercial Development zoning that was granted to the subject property. Staff has requested the same level of data and analysis from similar projects in the surrounding area of the subject property (e.g. StarChild Academy), including drop-off plans and need for turn lanes. Applicant has been either unwilling or unable to provide necessary documentation, data and analysis on which to prepare a recommendation.

Staff encourages the applicant to either consider alternative locations within the City of Winter Garden or re-package and re-submit their proposal to include sufficient analysis of transportation facilities and mitigation for the impact that the use will have on the existing facilities.

MAPS/EXHIBITS

AERIAL PHOTO
1297 Winter Garden Vineland Road



Letter of Proposal



September 5, 2012

Ms. Laura Smith
Community Development Department
City of Winter Garden
300 West Plant Street
Winter Garden, FL 34787

Re: Special Exception Permit
United Cerebral Palsy West Orange Charter School
1297 Winter Garden Vineland Road

Dear Ms. Smith:

As you requested, we provide this letter in support of the Special Exception Application to allow United Cerebral Palsy of Central Florida ("UCP") to move our existing school in Winter Garden to the building referenced above.

Since 1955, UCP, a tuition-free public charter school and therapy center, has served children with special needs by providing support, education, and therapy services for children with and without disabilities. With seven locations throughout Central Florida, UCP annually supports more than 2,400 families with children diagnosed with disabilities including autism, spina bifida, speech delays, Down syndrome, neurological disorders and cerebral palsy with the following "S.E.T." of services:

Support:	family support, training and counseling;
Education:	early intervention education, before/after school care and summer camp, recreation and inclusion programs;
Therapy:	physical, occupational, speech and music therapies integrated into our education programs.

We believe all children should learn, play and eventually work together; as such, we serve children with and without disabilities at all of our campuses.

Our current facility in the City of Winter Garden is an Orange County Public School ("OCPS") Charter School located in a shopping center at 630 S. Dillard Street. When OCPS granted UCP a 10 year contract renewal to extend education services to children up to the third grade, we began to look for a larger building and better location for this school. We are thrilled about relocating our school to the building shown on the attached Site Plan (the "Building").

While our current enrollment is 75 students, the new facility is designed to accommodate a maximum enrollment of 105 students. For various health and family reasons, our average daily attendance is only 75% of our enrolled students, which equates to 56 students. Our future average daily attendance, utilizing the same 75%, is estimated to be approximately 79 students ($105 \times 75\% = 78.75$).

To support our student population, we currently employ 35 full and part-time team members. Our team members work varying schedules throughout the day and perform roles including administrative, educational, clinical and custodial. Correlated to our expected enrollment increases we anticipate our future maximum staff to increase to 38 in year 1, 41 in year 2 and 44 in year 3.

As a full time Charter school, the UCP West Orange campus operates from 7:30am – 6:00pm and follows the OCPS academic calendar. Our core education hours are 8:30am – 2:30pm, so the primary drop-off window is 8:15 – 8:45 am, while pick-up is 2:15 – 2:45 pm. Of the 56 students in attendance on an average day, 46 arrive between 8:15 and 8:45 (approximately 82%). Based on that information, once we reach the maximum

Administration Office

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fax 407.852.3301

Downtown Orlando/ Holloway Campus

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Orlando, FL 32806
tel 407.852.3300
fax 407.852.3334

Osceola Campus

448 W. Donegan Avenue
Kissimmee, FL 34741
tel 407.852.3300
fax 407.932.3480

West Orange Campus

630 S. Dillard Street
Winter Garden, FL 34787
tel 407.852.3300
fax 407.905.0532

Pine Hills Campus

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Orlando, FL 32808
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East Orange/Bailes Campus

12702 Science Drive
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Seminole Campus

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Lake Mary, FL 32746
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fax 407.322.5596

www.ucpcf.org

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UCP also operates extended day programs for our families allowing for early drop off from 7:30 am – 8:30 am, and after school pick-up from 3:00 pm to 6:00 pm. Currently we have 10 students enrolled in the early extended day program, and they arrive at the campus prior to the typical drop-off window. We also have 10 students enrolled in the after school program, so they depart after the core day concludes (and after the typical pick-up time).

As the attached Site Plan shows, the Building has 78 parking spaces for UCP's use. The west 2,000 SF of the Building is currently vacant, so we have not included the 6 spaces at that end in our total. UCP staff (38-44 people) will be directed to use the 48 parking spaces labeled for "Staff Parking" on the Site Plan. Based on their varying work schedules, we would not expect to have all team members on campus at the same time. However, if that were to occur, we would still have 4 unused spaces in the Staff Parking Area.

The 30 parking spaces on the south side of the building will be designated as 10 minute drop-off and pick-up spaces for families between the hours of 8:15 am and 8:45 am and between 2:15 pm and 2:45 pm. Our experience operating schools makes us quite comfortable that the 30 parking spaces will be sufficient for drop-off and pick-up because the duration of each stay is so short. Even if we assume each parent parks for 10 minutes, the 30 spaces would accommodate 90 such parents in the 30 minute window. Pick-up times are more staggered than drop off times, so the 10 minute parking spaces will be more than adequate as described above. Finally, if parents do need to wait for a free parking space, the Site Plan illustrates that we have "stacking" for up to 23 vehicles just around the Building and play area.

While we believe the Site Plan provides ample parking for our use, UCP will use its experienced staff ensure smooth and efficient operations. For example, during peak drop off and pick up times, parents will be directed to enter from the southern entrance and to circulate around the north side of the building and approach the drop off parking spaces from the east. A staff member will hold cars at the beginning of the drop off area and direct the next car in line to the next available parking space. If necessary, UCP will implement other operational protocols to make sure our school works well for our families and the rest of the West Orange Business Center.

In hopes of addressing all of the City Staff's comments about the application, we are happy to confirm two issues regarding the site. First, the Site Plan reflects a "4' Tall Aluminum Fence", but based on the City Staff's recommendation, UCP is happy to make that a 60" fence. Second, the fence type proposed by UCP is based on the Crime Prevention Through Environmental Design ("CPTED") standards, but we understands the City Staff's desire for screening. Therefore, since the fence will be largely transparent, UCP agrees to plant and maintain a shrub screen around the perimeter of the play area to create a continuous landscape screen with a 90 percent opacity within one year of planting. The plant material (e.g. viburnum) will be at least 36 inches high at time of planting, and UCP will install thirty-three (33) three-gallon plants per 100 linear feet. These standards will govern over what is depicted on the Site Plan.

UCP is excited about moving our West Orange Charter School to the West Orange Business Center. The new location will be a significant improvement over our current shopping center location. With UCP's decades of experience operating our facilities in Central Florida and the input of the City staff and our consultants, we are sure this facility and location will allow UCP, our students, and their families to flourish.

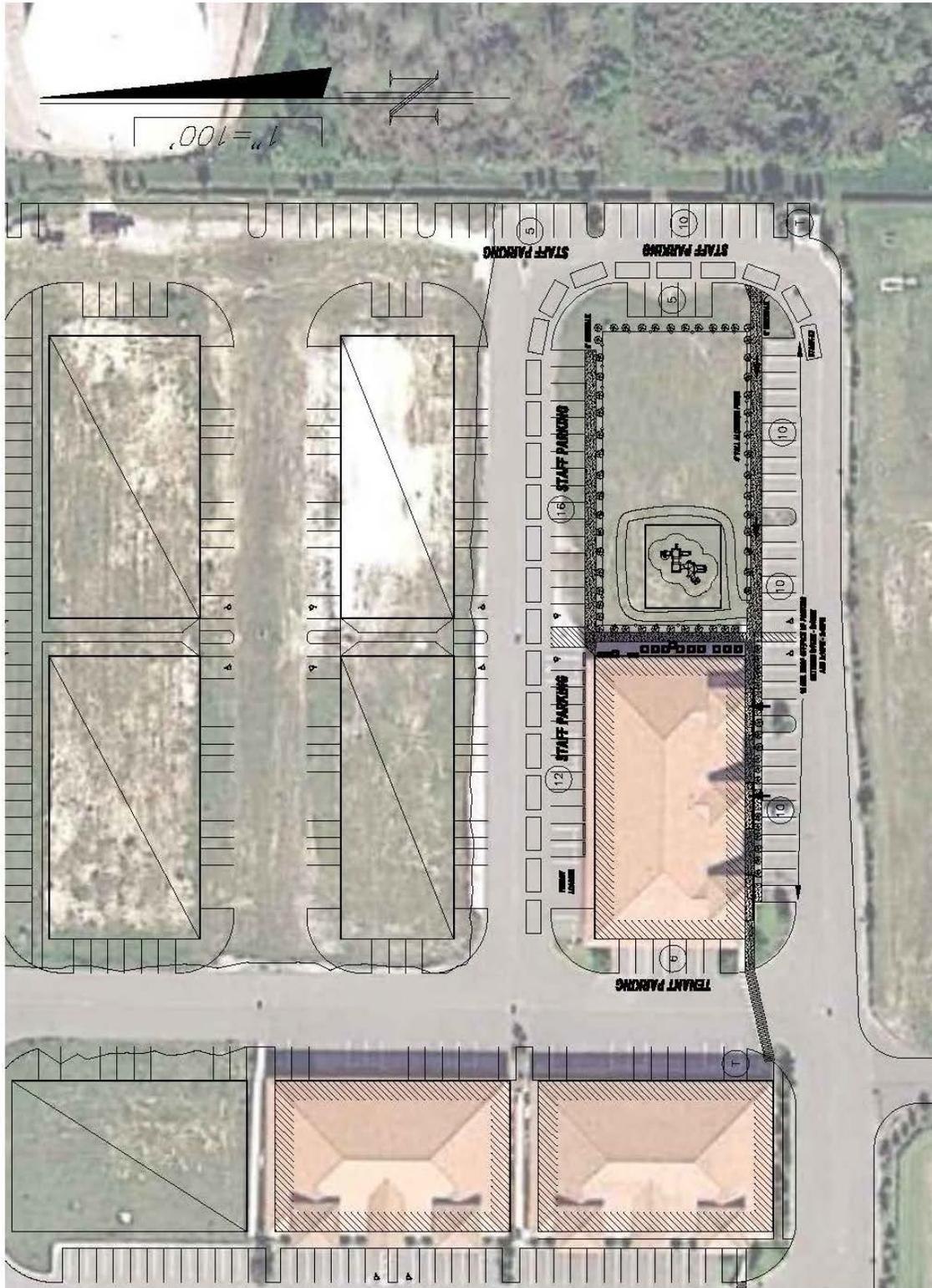
Thank you very much for your hard work and attention to our application. We look forward to working with you and the rest of the City to help us realize our vision for UCP's West Orange Charter School.

Sincerely,



Dr. Ilene Wilkins
President/CEO
UCP of Central Florida

SITE PLAN



END OF STAFF REPORT



September 5, 2012

Ms. Laura Smith
Community Development Department
City of Winter Garden
300 West Plant Street
Winter Garden, FL 34787

Re: Special Exception Permit
United Cerebral Palsy West Orange Charter School
1297 Winter Garden Vineland Road

Dear Ms. Smith:

As you requested, we provide this letter in support of the Special Exception Application to allow United Cerebral Palsy of Central Florida ("UCP") to move our existing school in Winter Garden to the building referenced above.

Since 1955, UCP, a tuition-free public charter school and therapy center, has served children with special needs by providing support, education, and therapy services for children with and without disabilities. With seven locations throughout Central Florida, UCP annually supports more than 2,400 families with children diagnosed with disabilities including autism, spina bifida, speech delays, Down syndrome, neurological disorders and cerebral palsy with the following "S.E.T." of services:

- Support: family support, training and counseling;
Education: early intervention education, before/after school care and summer camp, recreation and inclusion programs;
Therapy: physical, occupational, speech and music therapies integrated into our education programs.

We believe all children should learn, play and eventually work together; as such, we serve children with and without disabilities at all of our campuses.

Our current facility in the City of Winter Garden is an Orange County Public School ("OCPS") Charter School located in a shopping center at 630 S. Dillard Street. When OCPS granted UCP a 10 year contract renewal to extend education services to children up to the third grade, we began to look for a larger building and better location for this school. We are thrilled about relocating our school to the building shown on the attached Site Plan (the "Building").

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To support our student population, we currently employ 35 full and part-time team members. Our team members work varying schedules throughout the day and perform roles including administrative, educational, clinical and custodial. Correlated to our expected enrollment increases we anticipate our future maximum staff to increase to 38 in year 1, 41 in year 2 and 44 in year 3.

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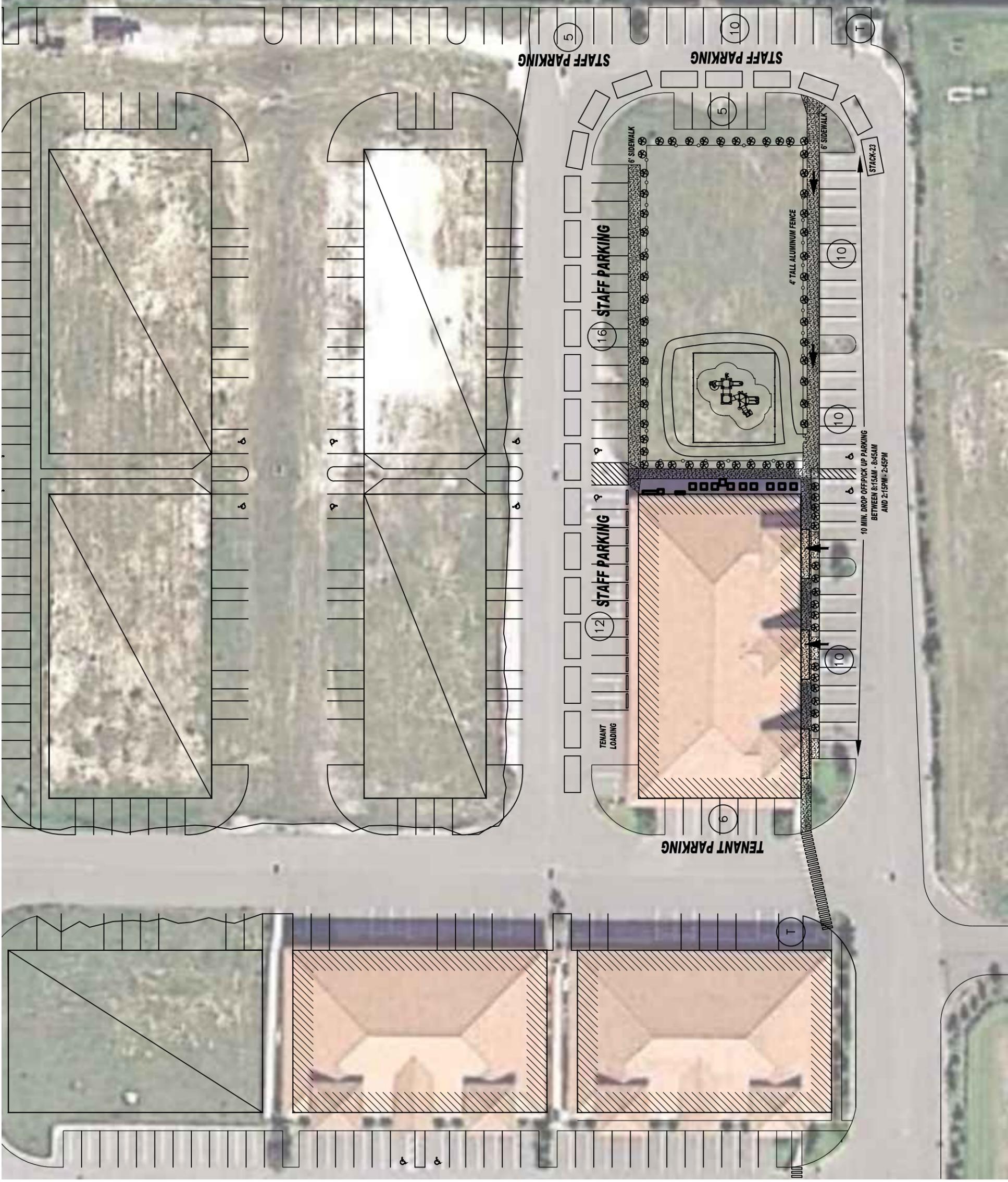
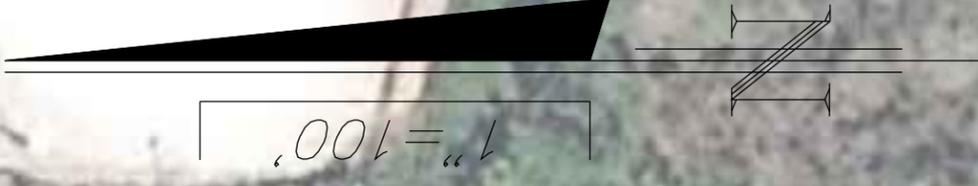
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Thank you very much for your hard work and attention to our application. We look forward to working with you and the rest of the City to help us realize our vision for UCP's West Orange Charter School.

Sincerely,



Dr. Ilene Wilkins
President/CEO
UCP of Central Florida



STAFF PARKING

STAFF PARKING

STAFF PARKING

STAFF PARKING

TENANT PARKING

TENANT LOADING

10 MIN. DROP OFF/PICK UP PARKING
 BETWEEN 8:15AM - 8:45AM
 AND 2:15PM - 2:45PM

STACK 23

6' SIDEWALK

4' TALL ALUMINUM FENCE

6' SIDEWALK

5

10

T

5

10

16

10

12

10

6

T

6

6

100

THE CITY OF WINTER GARDEN
PLANNING AND ZONING BOARD AGENDA ITEM

ITEM # 7 (Public Hearing)

DATE: September 6, 2012 **MEETING DATE:** September 10, 2012

SUBJECT: 482 Charlotte Street (SPECIAL EXCEPTION PERMIT)
PROJECT NAME Tewari, Sunildatt - Daycare
PARCEL ID# 23-22-27-2300-02-020

ISSUE: The applicant is requesting a Special Exception Permit to allow for the property located at 482 Charlotte Street to be used for a child day care center.

SUPPLEMENTAL MATERIAL/ANALYSIS:

OWNER/APPLICANT: Sunildatt Tewari

CURRENT ZONING: R-2

PROPOSED ZONING: N/A

CURRENT FLU: Low Density Residential

PROPOSED FLU: N/A

SUMMARY:

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 5 children. The subject property is located within the City of Winter Garden municipal limits, and carries the zoning designation R-2.

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 Small Scale Site Plan for parking area and obtain appropriate building permits.

ATTACHMENT(S):

Location Map
Staff Report
Letter of Opposition
Site Plan

LOCATION MAP

482 Charlotte Street
Tewari, Sunildatt - Daycare



CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

STAFF REPORT

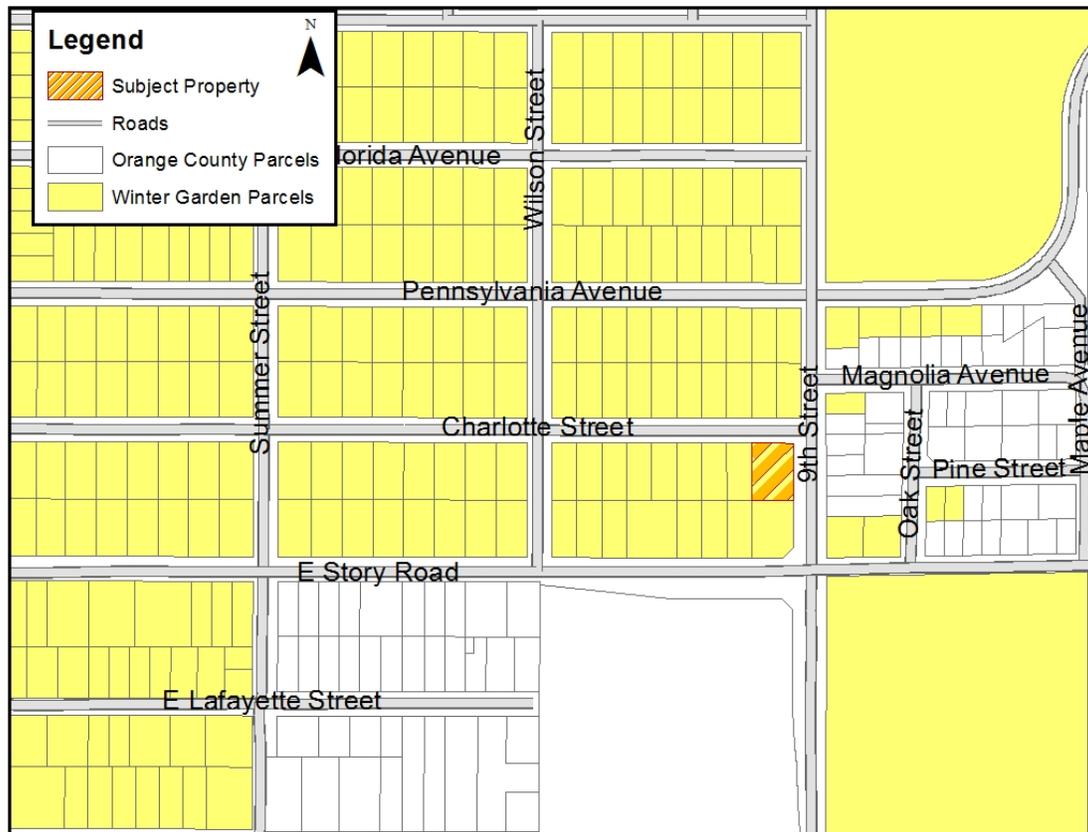
TO: PLANNING AND ZONING BOARD
PREPARED BY: LAURA SMITH, SENIOR PLANNER
DATE: SEPTEMBER 6, 2012
SUBJECT: SPECIAL EXCEPTION PERMIT
482 Charlotte Street (Tewari, Sunildatt)
PARCEL ID # 23-22-27-2300-02-020

APPLICANT: Sunildatt Tewari

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 at 482 Charlotte Street. 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 5 children. The subject property is located within the City of Winter Garden municipal limits, and carries the zoning designation R-2. The subject property is designated Low Density Residential on the Future Land Use Map of the Comprehensive Plan.

EXISTING USE

The property contains one 1,649 square foot residential structure on a 14,196 square foot lot.

ADJACENT LAND USE AND ZONING

Properties located to the north, south and west of the subject property are single family residential homes on single lots zoned R-2 in the City of Winter Garden; properties located to the west are single family residential homes on single lots zoned R-2 in unincorporated Orange County.

PROPOSED USE

The applicant proposes to open a child day care center for up to 5 children in the 1,649 square foot residential structure located at 482 Charlotte Street, construct 4 parking spaces (including 1 handicapped space) in front of the residential structure and construct a playground in the rear yard of the property. The proposed child day care center would have 1 employee and operate two day care sessions per day with 5 children enrolled in each session.

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 10 children with a maximum occupancy of no more than 5 children at any one time, expansion of the facility and/or enrollment of more than 10 children will require additional review and amendment to the special exception permit.
- Future access point depicted on site plan to be located on 9th Street is not an option for the property and is not supported as an access point to this property.
- The playground facility to be located in the rear yard of the subject property must be constructed and complete, including all landscaping and fencing, prior to the child day care center opening for business.
- A small scale site plan for the parking area must be submitted for Development Review Committee approval prior to any site work beginning. The parking area must be properly permitted and completed prior to the child day care center opening for business.
- A UL listed Fire Alarm System to include monitoring is required to be installed prior to the 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
482 Charlotte Street**



Site Plan

UNRE ENGINEERING, Inc	CIVIL ENGINEERING/PLANNING/SCENIC EVALUATION 1000 Avenue N.W. - 1800th St (407) 598-0942 PO Box 93042, Orlando, FL 32809-0942	Special Exception Site Plan Charlotte Street Water Garden, Florida 34787
Date: 06/27/12 Designer: Andrea Stauden Reviewer:		



Project Description:
 Convert existing residence to day care facility with 28 student capacity.

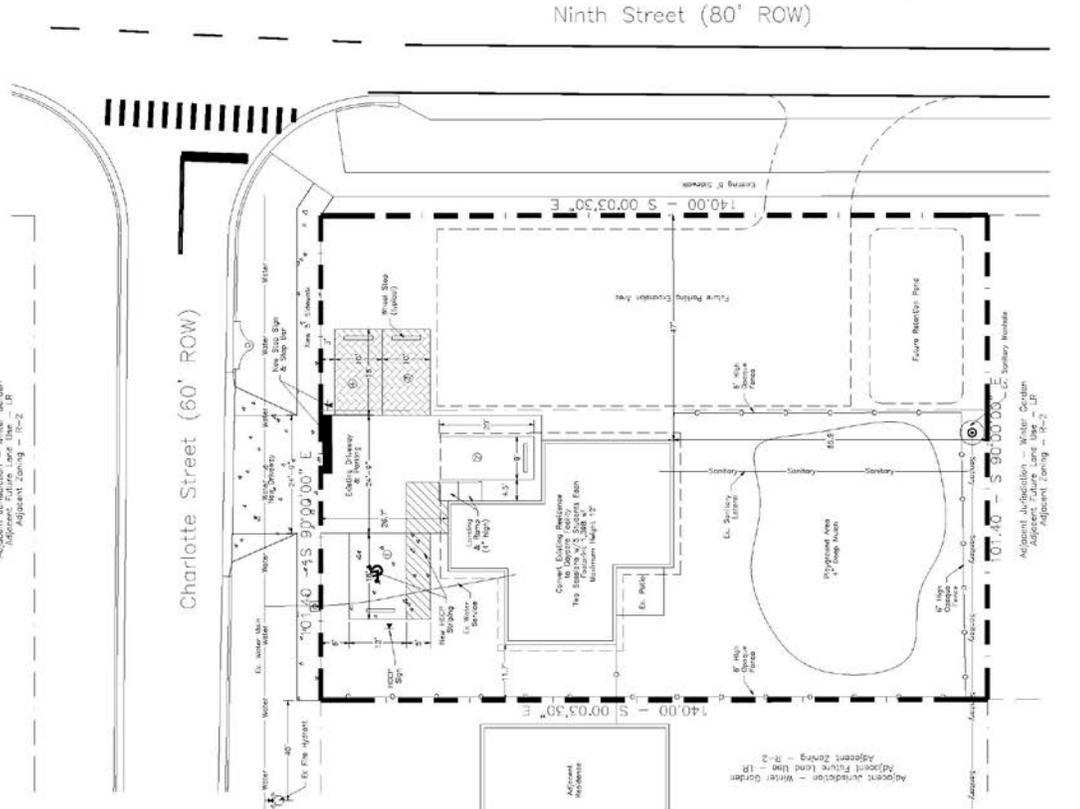
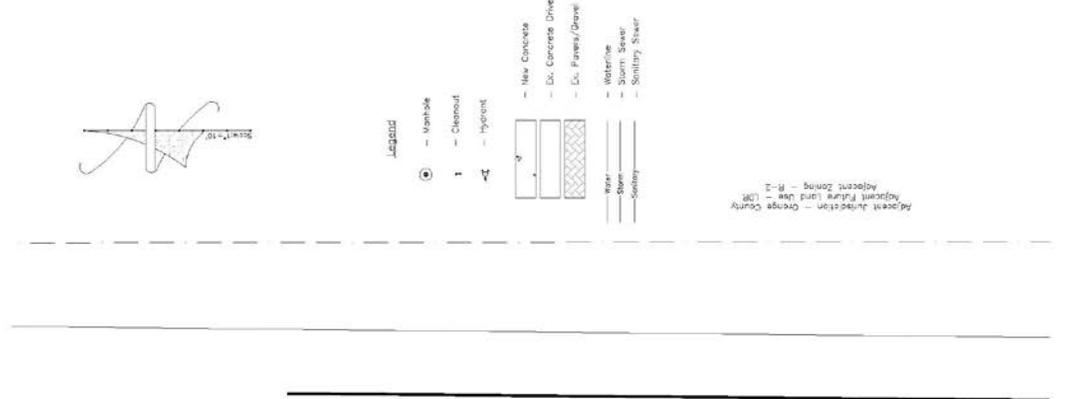
Legal Description:
 Parcel 19-29-27-27-330-01-310 & 312
 Parcel 19-29-27-27-330-01-311
 Parcel 19-29-27-27-330-01-312
 Parcel 19-29-27-27-330-01-313

Legal Description:
 Parcel 19-29-27-27-330-01-310 & 312
 Parcel 19-29-27-27-330-01-311
 Parcel 19-29-27-27-330-01-312
 Parcel 19-29-27-27-330-01-313

Site Statistics

Lot Area	0.30 Ac (14,196 sq ft)
Front Yard Setback	5.0'
Side Yard Setback	5.0'
Rear Yard Setback	5.0'
Existing Building Area	1,200 sq ft
Existing Building Footprint	610 sq ft
Front Porch	110 sq ft
Side Porch	110 sq ft
Rear Porch	60 sq ft

Site Area	1,200 sq ft
Front Porch	110 sq ft
Side Porch	110 sq ft
Rear Porch	60 sq ft
Water	300 sq ft
Sanitary	270 sq ft
Future Reception	270 sq ft



Drawn: 7/1 2012

Letter of opposition from neighbor

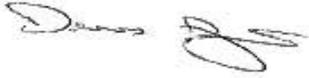
Dennis Aplin
450 Charlotte St.
Winter Garden, FL 34787

I **oppose** the rezoning of 482 Charlotte St. Winter Garden, FL for a Day Car Center

Reasons

Don't want a presedent set for future business's
9th St is already a cut thru for traffic from Plant St. to Hwy 50.
Issues with parking already on street due to neighbors with excessive friends.
Neighbors that have excessive Garage sales. This causes an issue with cars parked on both sides of the street.

Thank you



END OF STAFF REPORT

Dennis Aplin
450 Charlotte St.
Winter Garden, FL 34787

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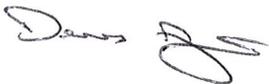
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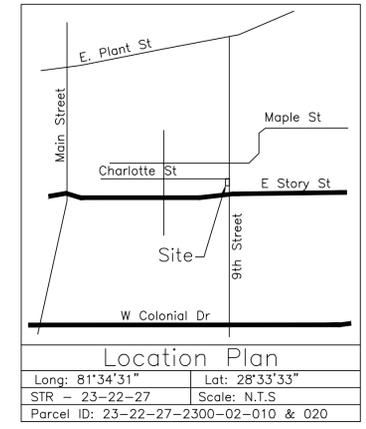
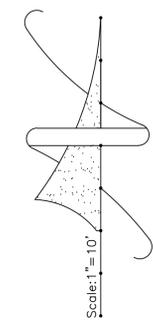
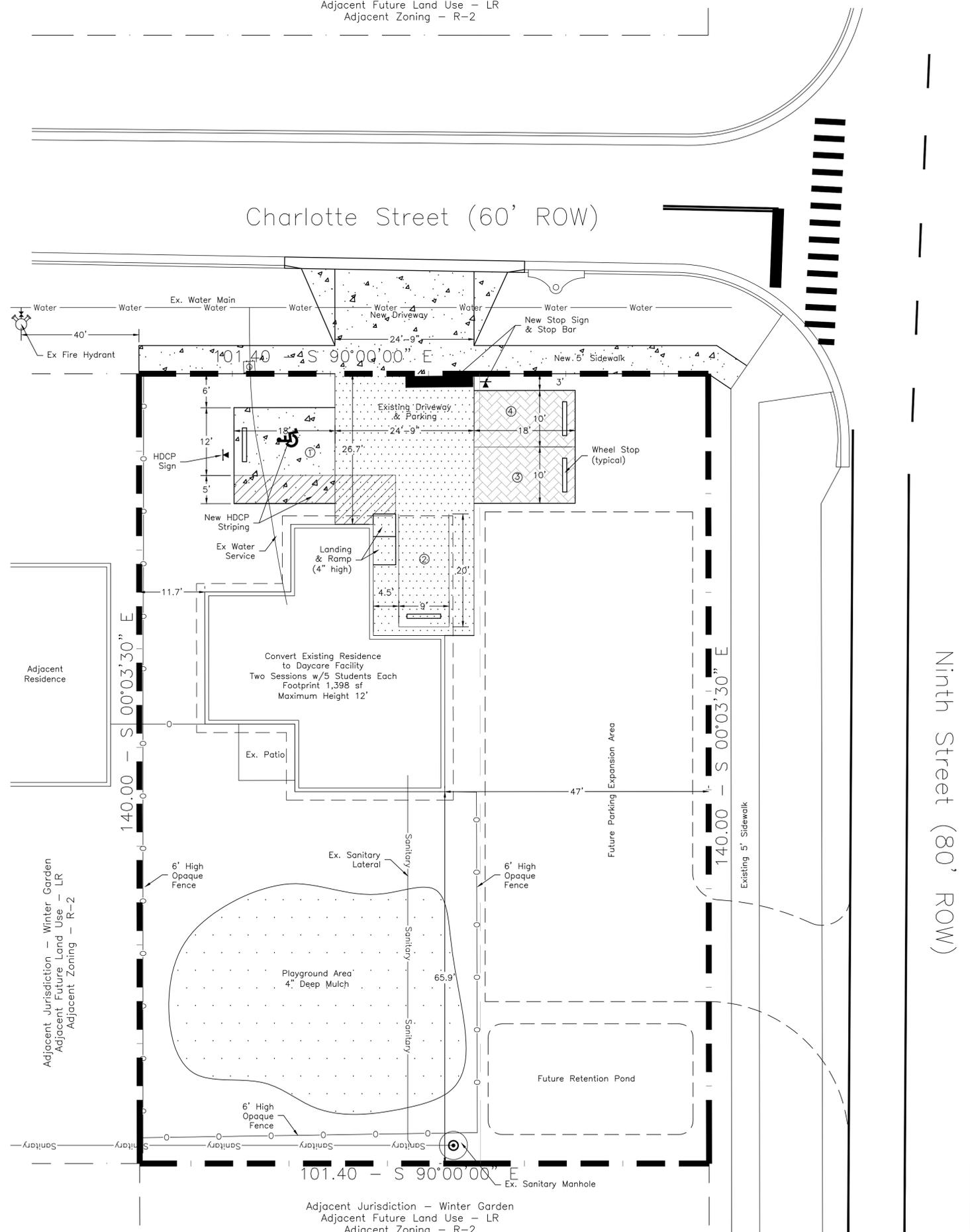
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Thank you

A handwritten signature in black ink, appearing to read "Dennis Aplin", written in a cursive style.

Adjacent Jurisdiction - Winter Garden
 Adjacent Future Land Use - LR
 Adjacent Zoning - R-2



Project Description
 Convert existing residence to day care facility with 35 student capacity.

Legal Description
 Lot 2, Block B, EAST GARDEN MANOR, First Addition Replat, according to the Plat thereof, as recorded in Plat Book T, Page 39 of the Public Records of Orange County, Florida AND
 Lot 1, Block B, EAST GARDEN MANOR, First Addition Replat, according to the Plat thereof, as recorded in Plat Book T, Page 39 of the Public Records of Orange County, Florida LESS
 The East 20' of Lot 1 for ROW of Ninth Street as recorded in Official Records Book Page 8998, Page 4435 of Orange County, Florida

- Legend**
- ⊙ - Manhole
 - - Cleanout
 - ⊕ - Hydrant
 - [Pattern] - New Concrete
 - [Pattern] - Ex. Concrete Driveway
 - [Pattern] - Ex. Pavers/Gravel
 - - Waterline
 - - Storm Sewer
 - - Sanitary Sewer

Engineer:
 Darcy Unroe PE
 Unroe Engineering, Inc
 PO Box 690942
 Orlando, Florida 32869
 Ph (407) 299-0650
 Fx (407) 429-7639

Surveyor:
 Azimuth Surveying & Mapping, Inc
 91 Broad Street Suite "A"
 Winter Garden, FL 34787
 Ph (407) 654-0661

Owner:
 Mr. Sunildatt Tewari
 482 Charlotte Street
 Winter Garden, FL 34787-4309
 Ph (407) 557-0306

Site Statistics

General Information

Total Site Area	0.33 Ac (14,196 sf)
Future Land Use	- Low Residential
Zoning Classification	- R-2
Existing Building GFA	- 1,398 sf
Existing FAR	- 0.10

Setbacks

	Required	Provided
Front (N)	30'	26.7'
Side St(E)	30'	47.0'
Side (W)	10'	11.7'
Rear (S)	28'	65.9'

Parking Required
 City of Winter Garden Sec. 118-1386 - Off-street parking does not specify a minimum parking requirement for Daycare facilities. Based on review of regulations in similar jurisdictions, we have proposed the following calculations:
 1 spaces per 10 students (10) = 1 spaces
 1 Drop off area per 10 students = 1 spaces
 Total Required = 2 spaces
 Including HDCP Req'd (1-25 range) = 1 spaces

Parking Provided

Standard Paved Spaces	- 3 spaces
Handicapped Spaces	- 1 spaces
Total spaces provided	- 4 spaces

Impervious Areas

Daycare	1,398 sf
Carport	301 sf
Front Driveway	710 sf
Rear Patio	100 sf
Gravel Parking	351 sf
HDCP Parking	301 sf
Total	3,161 sf
Percent Impervious	22.2%
Percent Open Space	77.8%

Adjacent Jurisdiction - Orange County
 Adjacent Future Land Use - LDR
 Adjacent Zoning - R-2

Revisions	#	Date	Description
1	08/27/12	Reduce Students	

Unroe Engineering, Inc
 Civil Engineering/Planning/Scientific Evaluation
 PO Box 690942, Orlando, FL 32869-0942
 Business Authorization Number - EB 0006579 ph (407) 299-0650

Special Exception Site Plan
Charlotte Street Day Care
 482 Charlotte Street, Winter Garden, Florida 34787

DP	Drawn
DP	Checked
1"=10'	Scale
07/19/12	Date
CDC-C0	File
Dwg. No.	

C0
 1 of 2

THE CITY OF WINTER GARDEN
PLANNING AND ZONING BOARD AGENDA ITEM

ITEM # 8 (Public Hearing)

DATE: September 6, 2012 **MEETING DATE:** September 10, 2012

SUBJECT: 1130 Plant Street (SPECIAL EXCEPTION PERMIT)
PROJECT NAME Daycare
PARCEL ID# 13-22-27-0000-00-036

ISSUE: The applicant is requesting a Special Exception Permit to allow for the property located at 1130 Plant Street to be used for a child day care center.

SUPPLEMENTAL MATERIAL/ANALYSIS:

OWNER/APPLICANT: Gil, Inc.

CURRENT ZONING: C-2

PROPOSED ZONING: N/A

CURRENT FLU: Commercial

PROPOSED FLU: N/A

SUMMARY:

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 40 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.

STAFF RECOMMENDATION(S):

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

NEXT STEP(S):

Obtain appropriate building permits

ATTACHMENT(S):

Location Map
Staff Report
Site Plan

LOCATION MAP

1130 Plant Street
Tewari, Sunildatt - Daycare



CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

STAFF REPORT

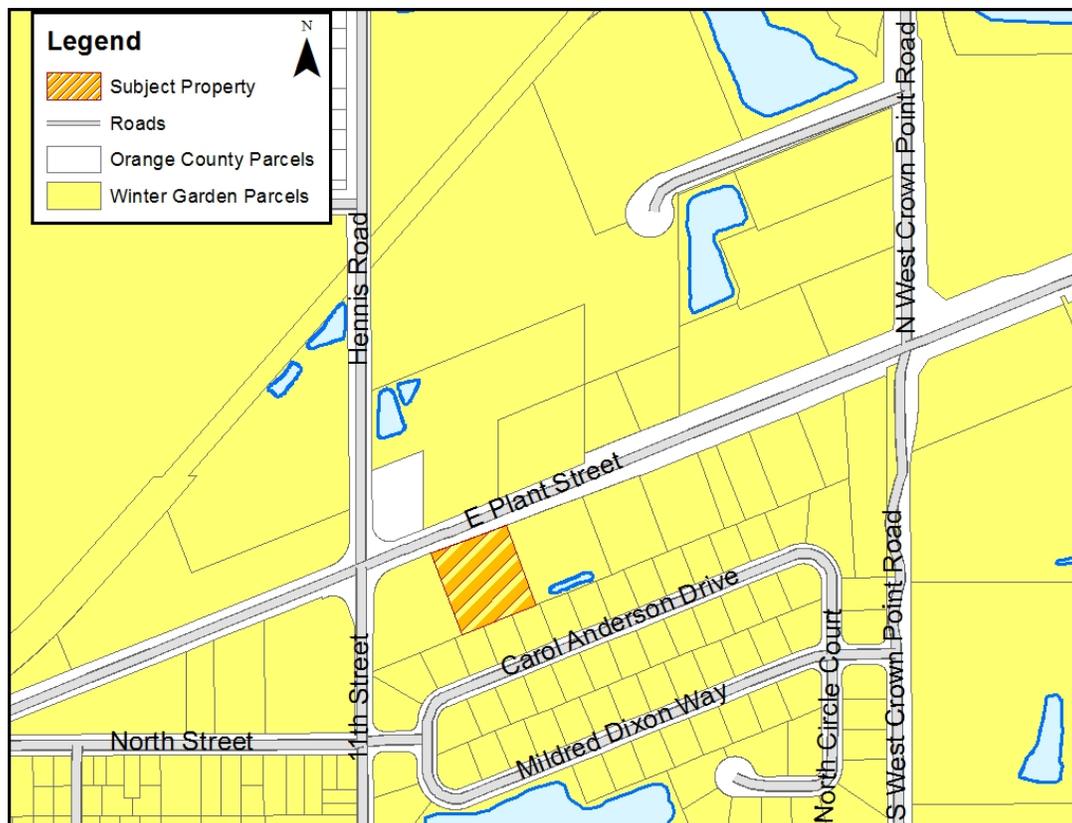
TO: PLANNING AND ZONING BOARD
PREPARED BY: LAURA SMITH, SENIOR PLANNER
DATE: SEPTEMBER 6, 2012
SUBJECT: SPECIAL EXCEPTION PERMIT
1130 East Plant Street (Gil, Inc.)
PARCEL ID # 13-22-27-0000-00-036

APPLICANT: Gil, Inc & George Laman

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 1130 East Plant Street. 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 40 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 10,305 square foot commercial building which is divided into 5 tenant spaces and contains 31 parking spaces.

ADJACENT LAND USE AND ZONING

The property located to the north of the subject property is an industrial site occupied by Cemex Construction Materials zoned I-2 within the City of Winter Garden. The property located to the east of the subject property is another commercial property that is under the same ownership as the subject property and developed similarly to the subject property zoned C-2 within the City of Winter Garden. The property located to the west of the subject property is a vacant unimproved property, under the same ownership as the subject property zoned C-2 within the City of Winter Garden. The properties located to the south are three residential properties containing single family residential dwellings in the neighborhood know as Horizon Oaks zoned R-2 in the City of Winter Garden.

PROPOSED USE

The applicant proposes to open a child day care center for up to 40 children in a 2,361 square foot unit of the existing commercial building located at 1130 East Plant Street and construct a playground on a portion of the vacant commercial property located on the west side of the building. The proposed child day care center would enroll children ages infant to 5 years old.

SUMMARY

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

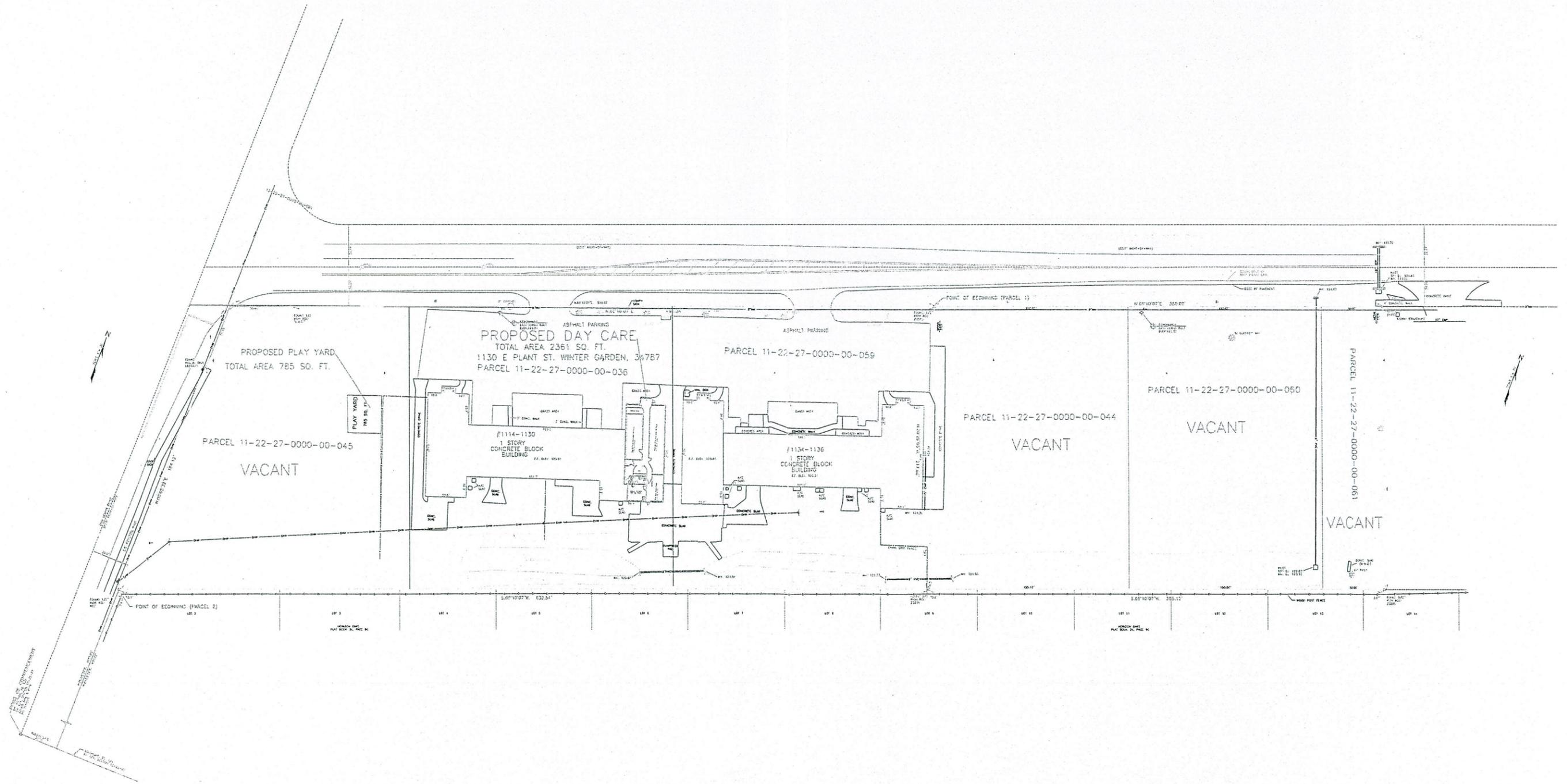
- The child day care center shall be limited to a maximum enrollment capacity of 40 children, expansion of the facility and/or enrollment of more than 40 children will require additional review and amendment to the special exception permit.
- The playground facility to be constructed on a portion of the vacant commercial property 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
1130 East Plant Street**



END OF STAFF REPORT



PROPOSED DAY CARE
TOTAL AREA 2361 SQ. FT.
1130 E PLANT ST. WINTER GARDEN, 34787
PARCEL 11-22-27-0000-00-036

PROPOSED PLAY YARD
TOTAL AREA 785 SQ. FT.

PARCEL 11-22-27-0000-00-045

VACANT

PARCEL 11-22-27-0000-00-059

PARCEL 11-22-27-0000-00-044

VACANT

PARCEL 11-22-27-0000-00-050

VACANT

PARCEL 11-22-27-0000-00-061

VACANT

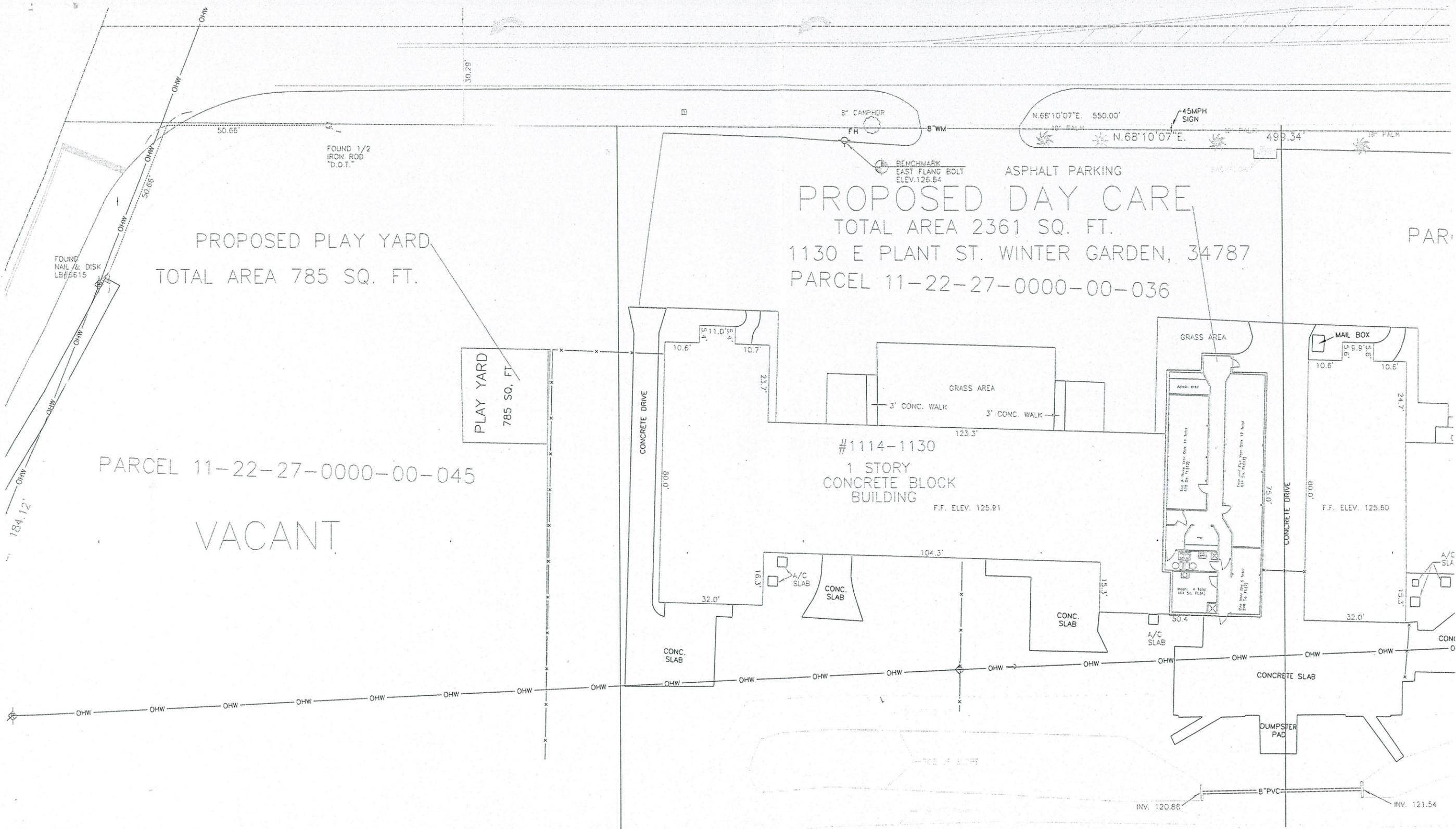
POINT OF BEGINNING (PARCEL 2)

POINT OF BEGINNING (PARCEL 1)

PLANT ST. 11-22-27-0000-00-045

PLANT ST. 11-22-27-0000-00-044

WOOD POST FENCE



PROPOSED PLAY YARD
TOTAL AREA 785 SQ. FT.

ASPHALT PARKING
PROPOSED DAY CARE
TOTAL AREA 2361 SQ. FT.
1130 E PLANT ST. WINTER GARDEN, 34787
PARCEL 11-22-27-0000-00-036

PARCEL 11-22-27-0000-00-045

VACANT

#1114-1130
1 STORY
CONCRETE BLOCK
BUILDING

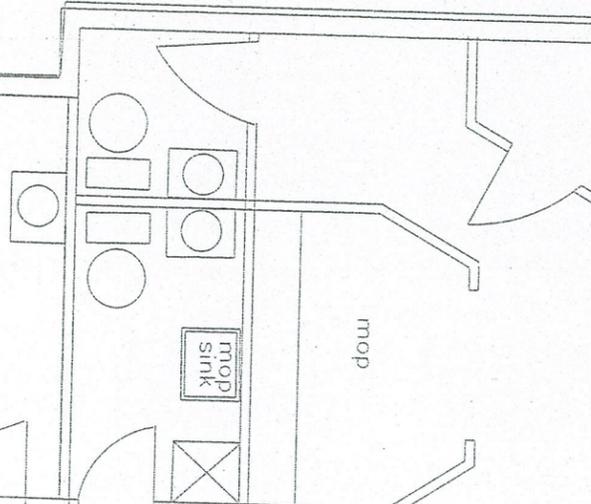
GINNING (PARCEL 2) LOT 2 LOT 3 LOT 4 LOT 5 LOT 6 LOT 7

A/C



50.4'

Infant 4 Total
164 Sq. Ft.(4)



Two & Three Year Olds 11 Total
430 Sq. Ft.(12)

Admin area

GRASS AREA

One Year Old 6 Total
246 Sq. Ft.(7)

Four and Five Year Olds 17 Total
614 Sq. Ft.(17)

75.0'



THE CITY OF WINTER GARDEN
PLANNING AND ZONING BOARD AGENDA ITEM

ITEM # 9 (Public Hearing)

DATE: September 6, 2012 **MEETING DATE:** September 10, 2012

SUBJECT: 3554 West Orange Country Club Drive (SPECIAL EXCEPTION PERMIT)
PROJECT NAME The New Academy, Inc.
PARCEL ID# 12-22-27-6496-05-007

ISSUE: The applicant is requesting a revision to the Special Exception Permit approved on July 2, 2012 which allowed for the property located at 3554 West Orange Country Club Drive to be used for a private school.

SUPPLEMENTAL MATERIAL/ANALYSIS:

OWNER/APPLICANT: AAMD, LLC

CURRENT ZONING: C-2

PROPOSED ZONING: N/A

CURRENT FLU: Commercial

PROPOSED FLU: N/A

SUMMARY:

The modification requested is related to the recreation/physical education stipulations of the Special Exception permit which required that the applicant maintain their 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 due to the limited space available on the property located at 3554 West Orange Country Club Drive to construct a playground or other outdoor recreation area. The applicant requests that the Planning and Zoning Board modify the Special Exception Permit granted to the New Academy to allow for them to use 2 tenant spaces that they have converted to accommodate their recreation/physical education curriculum as a permanent solution in lieu of the agreement with Genetic Fitness of Winter Garden.

STAFF RECOMMENDATION(S):

City Staff recommends approval of the proposed modification of the Special Exception permit subject to conditions as stipulated in the attached staff report.

NEXT STEP(S):

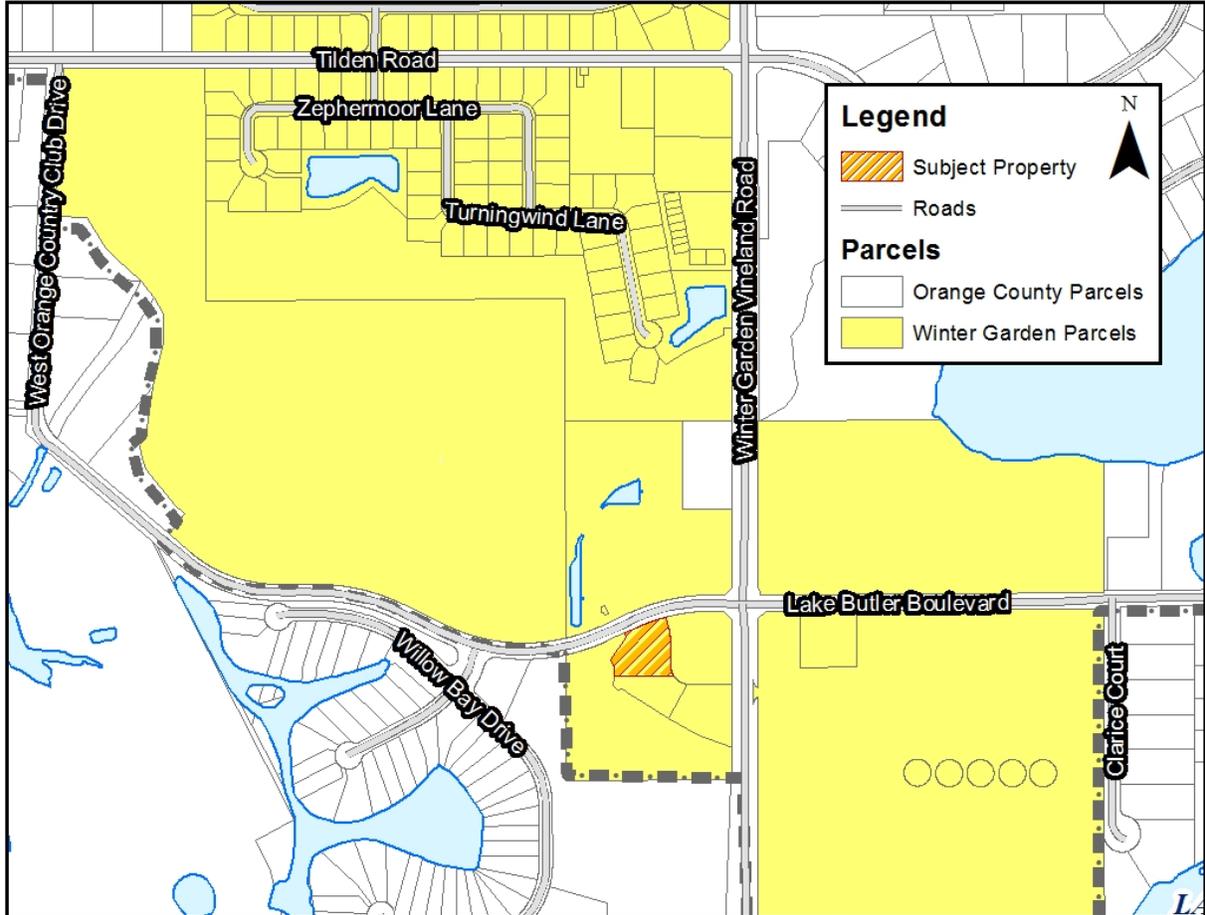
N/A

ATTACHMENT(S):

Location Map
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

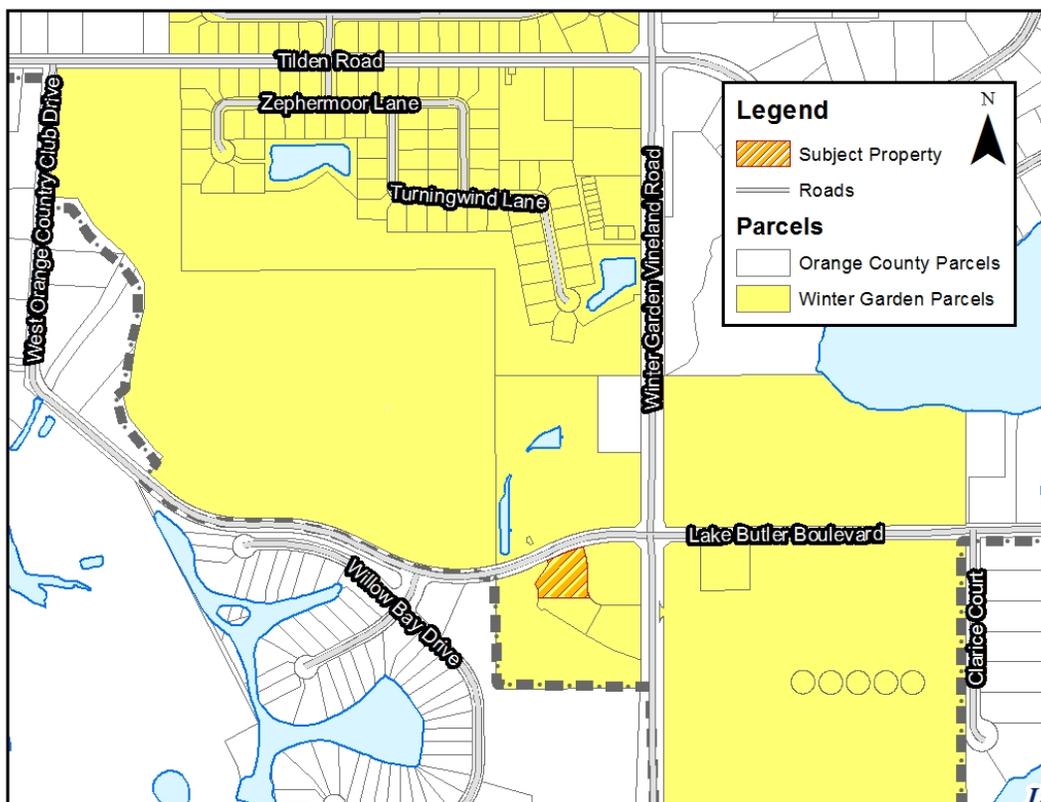
TO: PLANNING AND ZONING BOARD
PREPARED BY: LAURA SMITH, SENIOR PLANNER
DATE: SEPTEMBER 6, 2012
SUBJECT: SPECIAL EXCEPTION PERMIT MODIFICATION
3554 West Orange Country Club Drive (The New Academy, Inc.)
Woodbridge Commerce Center
PARCEL ID # 11-23-27-3447-00-010

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 located at 3554 West Orange Country Club Drive. The map below depicts the location of the subject property within the City of Winter Garden municipal limits:



The applicant is requesting a modification to the Special Exception which was approved by the Planning and Zoning Board on July 2, 2012 allowing 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. The New Academy occupies 3 tenant spaces on the first floor for classroom and administrative areas and occupies 2 tenant spaces on the first floor for recreation/physical education. The remaining 5 tenant spaces located on the second floor are all currently vacant. The property 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 modify the Special Exception permit approved by the Planning and Zoning Board on July 2, 2012 which allowed for the property to be used for a private school (Kindergarten – 9th Grade) with enrollment of up to 20 students and 4 employees 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 modification requested is related to the recreation/physical education stipulations of the Special Exception permit which required that the applicant maintain their 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 due to the limited space available on the property located at 3554 West Orange County Club Drive to construct a playground or other outdoor recreation area. Further, the Special Exception permit stated that the applicant was 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.

The applicant has converted 2 of the tenant spaces located on the first floor of their commercial building to accommodate their recreation/physical education needs as the renovations of the Genetic Fitness of Winter Garden facility are currently underway but an exact date of completion is uncertain. The applicant requests that the Planning and Zoning Board modify the Special Exception Permit granted to the New Academy to allow for them to continue to use the 2 tenant spaces converted to accommodate their recreation/physical education curriculum as a permanent solution in lieu of the agreement with Genetic Fitness of Winter Garden.

SUMMARY

City Staff recommends approval of the proposed modification of the Special Exception permit subject to all conditions stipulated in the Special Exception permit granted by the Planning and Zoning Board on July 2, 2012 remain in full effect and shall continue to regulate the operation of a private school on the property located at 3554 West Orange Country Club Drive with the

following modification to the 3rd condition:

- 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 renovated 2 of the tenant spaces (approximately 2,000 square feet) located on the first floor of the commercial building located at 3554 West Orange Country Club Drive to accommodate their need for recreation/physical education facilities. The applicant has fulfilled their obligation to provide a recreation plan to support the private school at its present enrollment limitation of 20 students. Should the applicant exercise their option to request amendment to the Special Exception permit to expand the private school and increase the total maximum enrollment after the agreed upon 2 year waiting period, then they will be required to provide a recreation plan which will be reviewed with their application for amendment to the Special Exception permit. Staff reserves the right to conduct site visits and facility inspections to ensure that the private school continues to operate within the constraints of the Special Exception permit as granted by the Planning and Zoning Board.

MAPS/EXHIBITS

AERIAL PHOTO **3554 West Orange Country Club Drive**









END OF STAFF REPORT

THE CITY OF WINTER GARDEN
PLANNING AND ZONING BOARD AGENDA ITEM

ITEM # 10 (Public Hearing)

DATE: September 6, 2012 **MEETING DATE:** September 10, 2012

SUBJECT: VARIANCE
PROJECT NAME Charlotte Street - 227
PARCEL ID# 23-22-27-2299-01-100

ISSUE: The applicant is requesting a variance to allow 3 foot front setback in lieu of the required 30 foot front yard setback in the R-2 zoning district.

SUPPLEMENTAL MATERIAL/ANALYSIS:

OWNER/APPLICANT: Kristoffer J. Knof

CURRENT ZONING: R -2 (Single Family Residential)

PROPOSED ZONING: N/A

CURRENT FLU: LR (Low Density Residential 6 DU's Per Acre)

PROPOSED FLU: N/A

SUMMARY:

The applicant is seeking a variance to the minimum front yard requirements for the detached open carport to remain in front of the existing single family residence; the variance requested is to allow a front yard setback of 3 feet in lieu of the required front yard setback of 30 feet.

The applicant was found to be constructing an 8 foot tall, 171 square foot (19 x 9) detached open carport in front of the residential structure without permits. The structure is nearly complete; however no building permits have been issued due to the structure being non-compliant with front setback requirements.

STAFF RECOMMENDATION(S):

City Staff recommends denial of a variance to Sections 118-398(1)a to allow a 3 foot front yard setback in lieu of the required 30 foot front yard setback for the property to allow for the 171 square foot (19 x 9) detached open carport to remain.

However, staff recommends approval of a variance to Sections 118-398(1)a to allow a 10 foot front yard setback in lieu of the required 30 foot front yard setback for the property to allow for the construction of a 171 square foot (19 x 9) attached open carport. This can be achieved by the applicant relocating the detached open carport and attaching the carport to the front of the primary structure.

NEXT STEP(S):

If applicant chooses not to relocate the existing detached open carport to be attached to the primary structure, then the carport must be removed from the property.

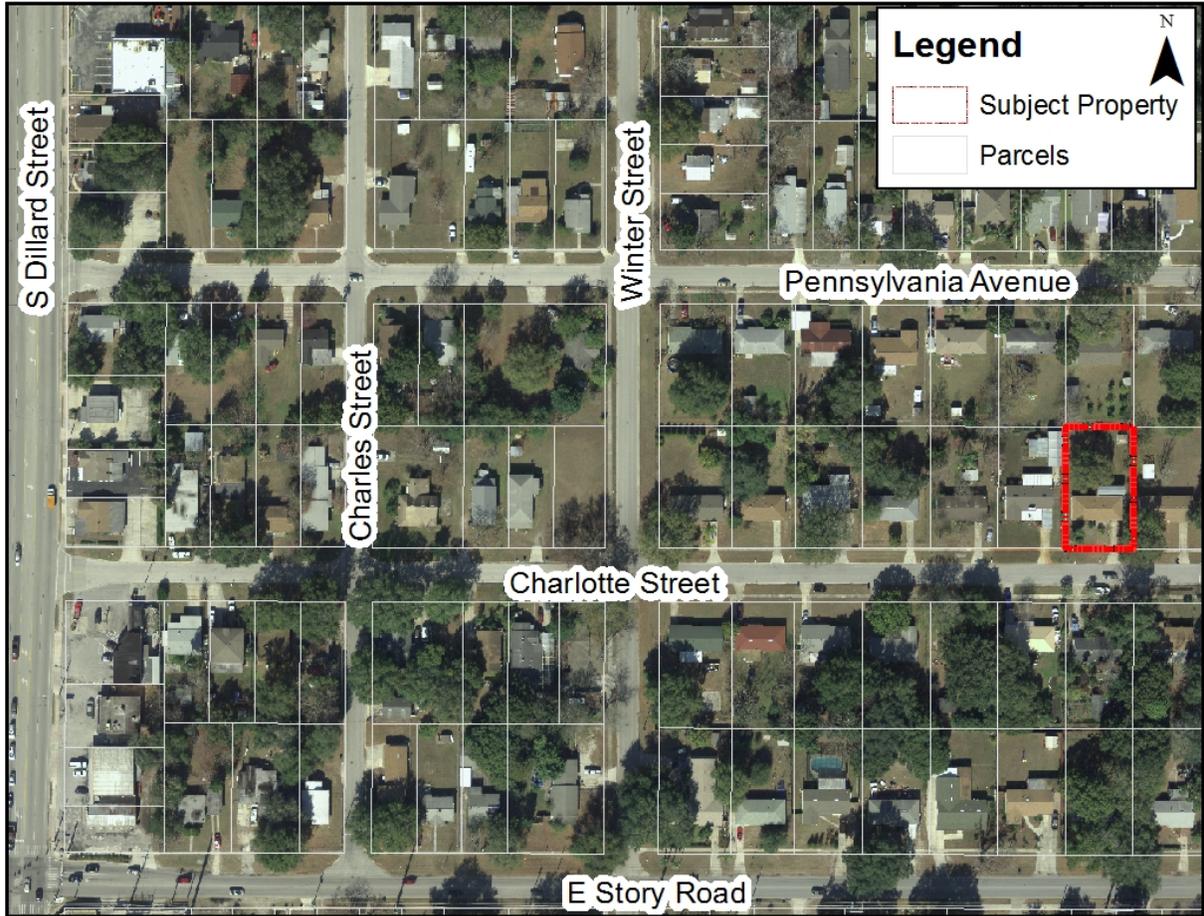
If the applicant accepts staff's recommendation to relocate the carport and attach the carport to the front of the primary structure then the next step is to apply for appropriate Building Permits.

ATTACHMENT(S):

Location Map
Staff Report

LOCATION MAP

227 Charlotte Street



CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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STAFF REPORT

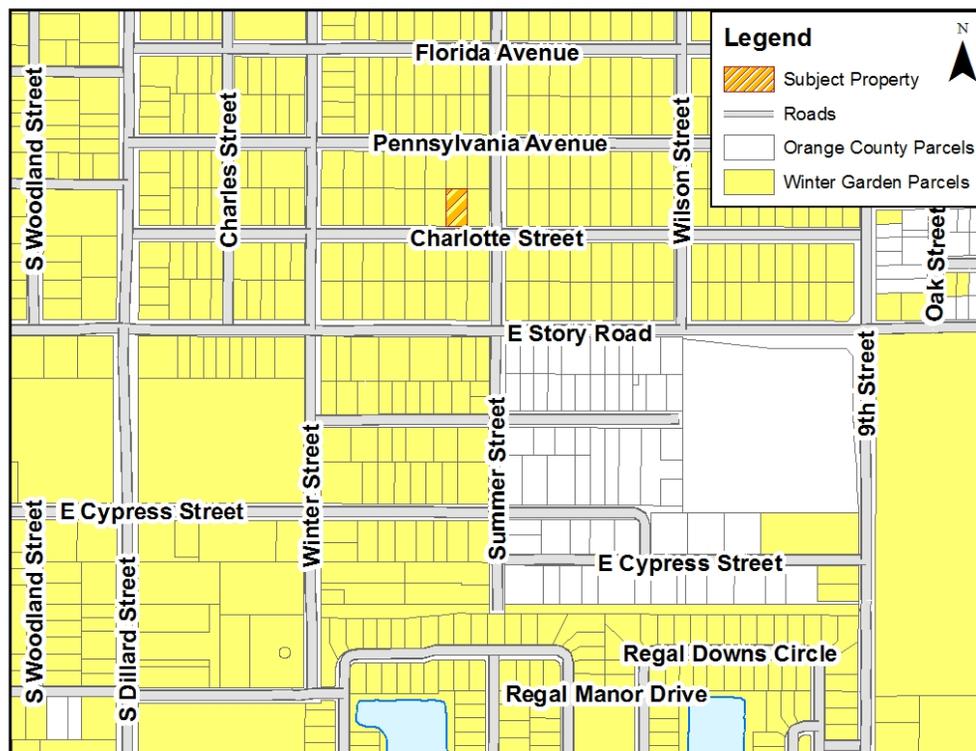
TO: PLANNING AND ZONING BOARD
PREPARED BY: LAURA SMITH, SENIOR PLANNER
DATE: SEPTEMBER 7, 2012
SUBJECT: VARIANCE
227 Charlotte Street (0.23+/- ACRES)
PARCEL ID # 23-22-27-2299-01-100

APPLICANT: Kristoffer J. Knof

INTRODUCTION

The purpose of this report is to evaluate the request for a front yard setback variance for property located at 227 Charlotte Street in Winter Garden, Florida. The request is for a 3 foot front setback in lieu of the required 30 foot front yard setback. If approved, this variance will allow a 171 square foot (19' x 9') detached open carport in front of the principal structure to remain.

The subject property, located on Charlotte Street is approximately a 0.23± acre lot near the intersection of Charlotte Street and Summer Street. The map below depicts the location of the subject property within the City of Winter Garden municipal limits:



The applicant is requesting a front yard setback of 3 feet in lieu of the required front yard setback of 30 feet. The subject property carries the zoning designation R-2 (Single-Family Residential District) and is designated LR (Low Density Residential) on the Future Land Use Map of the City's Comprehensive Plan.

EXISTING USE

The subject property presently consists of a 1,376 square foot single-family residential home with a 300 square foot detached metal roof patio to the rear of the structure.

ADJACENT LAND USE AND ZONING

The adjacent properties to the north, south, east and west of the subject property are single-family residential homes. The adjacent properties have the zoning designation R-2 (Single-Family Residential District) and the future land use designation of LR (Low Density Residential).

PROPOSED USE

The applicant was found to be constructing an 8 foot tall, 171 square foot (19 x 9) detached open carport in front of the residential structure without permits. The structure is nearly complete; however no building permits have been issued due to the structure being non-compliant with front setback requirements.

CODE REFERENCE

Sec. 118-398 (1) a of the City Code of Ordinances addresses minimum yard requirements. This section states in part that the minimum yard requirements in the R-2 Single-Family Residential District are “*front: 30 feet, side: 10 feet each, rear: 20% of depth of lot.*”

The applicant is seeking a variance to the minimum front yard requirements for the detached open carport to remain in front of the existing single family residence. The application for variance does not include any removal of trees on the property or addition of any new impervious surfaces.

CODE REQUIREMENTS /CRITERIA

Code Requirements/Criteria:

Section 118-131 of the City Code that relates to the review criteria states that, “A variance may be granted from land development regulations by the planning and zoning board if the planning and zoning board concludes that literal enforcement of the provisions of land development regulations would result in either practical difficulties (for setback and parking provisions) or unnecessary hardships (for all other land development regulations) for the property at issue.” The code also lists the following criteria that are to be addressed before a variance can be approved. Underlined text is Staff's comments concerning this particular petition.

(a) *Granting the variance will not cause or allow interference with the reasonable enjoyment of adjacent or nearby property owners or negatively impact the standard of living of the citizens of the city;*

The 171 square foot detached open carport located within 3 feet of the front property line

should not negatively impact or interfere with the reasonable enjoyment of adjacent or nearby property owners as the carport does not interfere with line of sight and it does not encroach into side yard setback requirements. Additionally, there were no comments received from any of the surrounding property owners regarding the requested variance.

(b) The variance will allow a reasonable use of the property, which use is not out of character with other properties in the same zoning category;

The requested variance allowing a 3 foot front yard setback in lieu of the required 30 foot is not reasonable use of the property. The request is out of character with other structures located in the surrounding area and other residential structures in the R-2 single-family residential zoning district. Specifically, though there are several open carports constructed in the surrounding area that do not comply with front yard setback requirements they have all been constructed attached to the principal structure and none are located closer than 5 feet from the front property line.

(c) In the context presented, strict compliance with the land development regulation will not further any legitimate city objective or the benefits that would be achieved under the other variance criteria by the granting of the variance outweigh the benefits under this criteria if the variance were denied;

Strict compliance with the City's land development regulations will not further any legitimate City objective. This request does not encroach into any recorded easement and does not add any new impervious surfaces to the property.

(d) The granting of the variance is consistent with the city's comprehensive plan; and

The variance is consistent with the provisions of the City's Comprehensive Plan relating to single family residential neighborhood character.

(e) The variance requested is the minimum variance that will make reasonable use of the land, building, or structure or the benefits that would be achieved under the other variance criteria by the granting of the variance outweigh the benefits under these criteria if the variance were denied.

The variance requested is not the minimum variance that will make reasonable use of the land, as the property owner constructed the carport detached from the principal structure with a 7 foot separation from the front of the principal structure. Had the applicant attached the carport to the principal structure then the carport would be setback 10 feet from the front property line instead of 3 feet from the front property line. Denying this variance does not benefit the property owner or the City.

SUMMARY

City Staff recommends denial of a variance to Sections 118-398(1)a to allow a 3 foot front yard setback in lieu of the required 30 foot front yard setback for the property to allow for the 171 square foot (19 x 9) detached open carport to remain.

However, staff recommends approval of a variance to Sections 118-398(1)a to allow a 10 foot front yard setback in lieu of the required 30 foot front yard setback for the property to allow for the construction of a 171 square foot (19 x 9) attached open carport. This can be achieved by the applicant relocating the detached open carport and attaching the carport to the front of the primary structure.

NEXT STEP

If applicant chooses not to relocate the existing detached open carport to be attached to the primary structure, then the carport must be removed from the property.

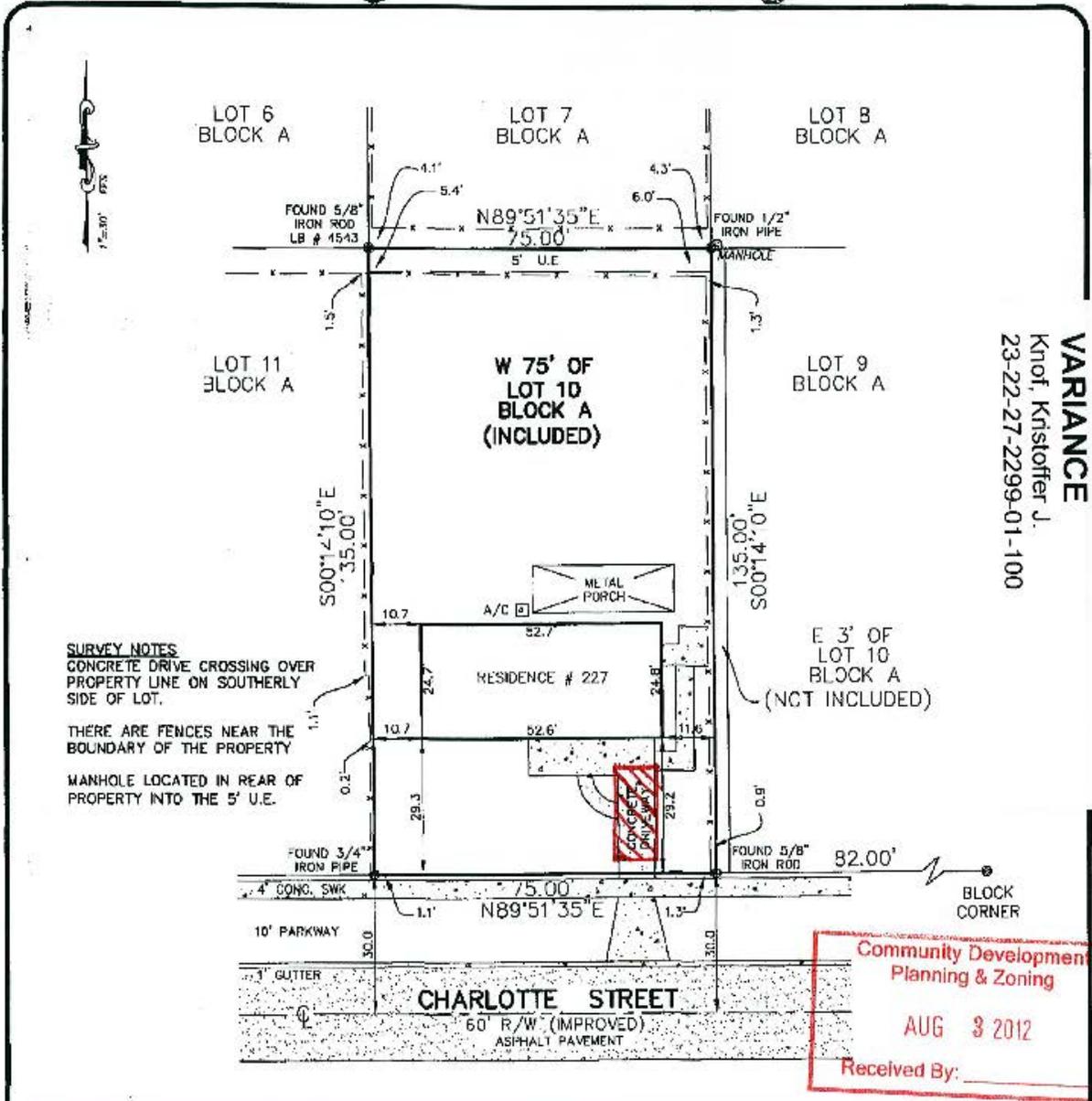
If the applicant accepts staff’s recommendation to relocate the carport and attach the carport to the front of the primary structure then the next step is to apply for appropriate Building Permits.

ATTACHMENTS

- Aerial Photos
- Survey
- Site Photos

**AERIAL PHOTO
227 Charlotte Street**





Charlotte Street - 227
VARIANCE
 Knof, Kristoffer J.
 23-22-27-2299-01-100

SURVEY NOTES
 CONCRETE DRIVE CROSSING OVER
 PROPERTY LINE ON SOUTHERLY
 SIDE OF LOT.
 THERE ARE FENCES NEAR THE
 BOUNDARY OF THE PROPERTY
 MANHOLE LOCATED IN REAR OF
 PROPERTY INTO THE 5' U.E.

Community Development
 Planning & Zoning
 AUG 3 2012
 Received By: _____

PAGE 2 OF 2 PAGES

BOUNDARY SURVEY

LB #6135

SURVEYORS CERTIFICATE

I HEREBY CERTIFY THAT THIS BOUNDARY SURVEY IS A TRUE AND CORRECT REPRESENTATION OF A SURVEY PREPARED UNDER MY DIRECTION. NOT VALID WITHOUT AN AUTHENTICATED ELECTRONIC SIGNATURE AND AUTHENTICATED ELECTRONIC SEAL, OR A RAISED EMBOSSED SEAL AND SIGNATURE.

Clyde McNeal

(SIGNED)

CLYDE G. MCNEAL, PROFESSIONAL SURVEYOR AND MAPPER #2683

TARGET SURVEYING, INC.

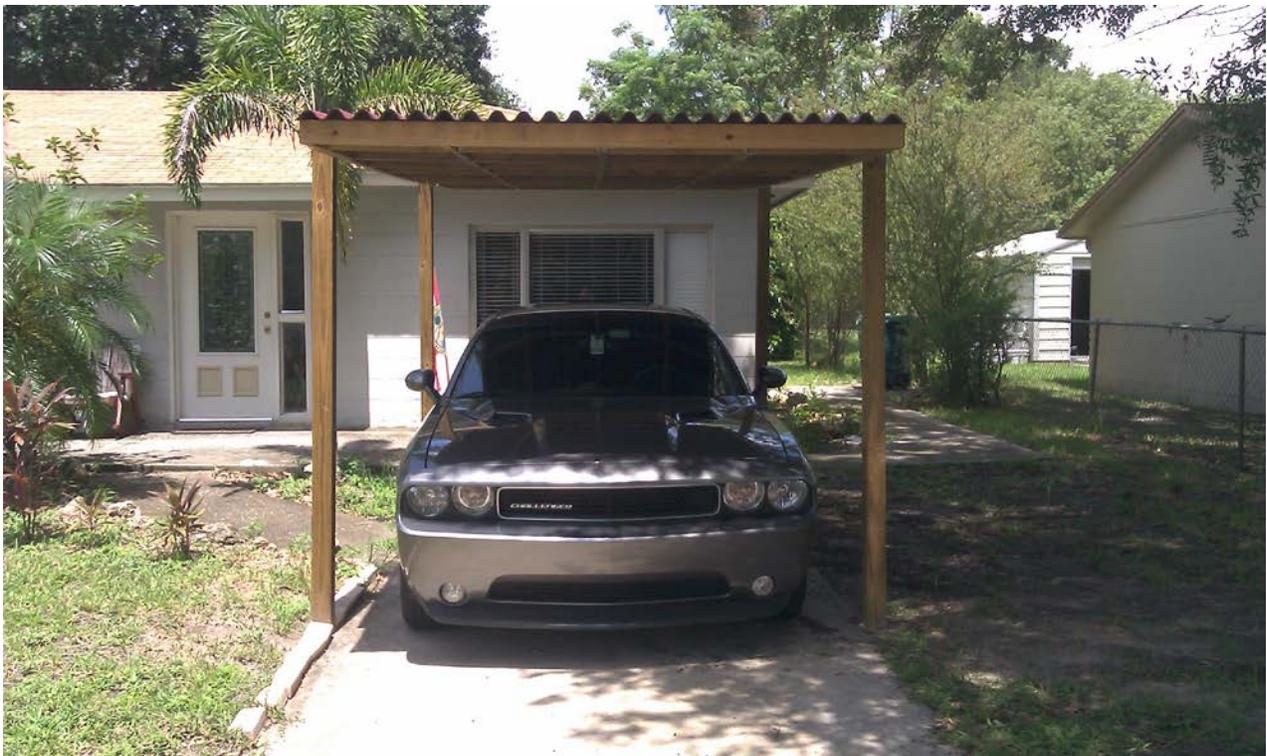
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 STATEWIDE FACSIMILE (800) 741-0576

Site Photos
227 Charlotte Street







END OF STAFF REPORT