WINTER GARDEN

A REGULAR MEETING MINUTES
PLANNING AND ZONING BOARD
JULY 1, 2013

1. CALL TO ORDER/INVOCATION/PLEDGE OF ALLEGIANCE

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

2. ROLL CALL AND DETERMINATION OF QUORUM

The roll was called and a quorum was declared present.

MEMBERS PRESENT:

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

MEMBERS ABSENT:

Mark Maciel (excused)

STAFF PRESENT:

City Attorney Kurt Ardaman, Community Development Director Ed Williams, Senior Planner Laura Smith, Senior Planner Stephen Pash, Planning Technician Maria Michaud and Customer Service Representative Kathy Rathel.

3. APPROVAL OF MINUTES

Approval of minutes from the regular meeting held on June 3, 2013.

Motion by Jimmy Dunn to approve the above minutes. Seconded by Eric Weiss, the motion carried unanimously 6-0.

4. PRESENTATION

City Attorney Kurt Ardaman presented an overview of the Sunshine Law, quasi-judicial proceedings and ex parte communications as they affect the City of Winter Garden Planning and Zoning Board and its Members. Included in the packet was a 9-page memorandum which was just a portion of what is covered by law but he explained these were the most common the Board would run into.

The Sunshine Law provides a right of access to governmental proceedings at both the state and local levels and has three basic requirements: 1) reasonable notice that the meeting will occur, 2) meeting must be open to the public and located in a public place, and 3) minutes of the meeting must be taken. The Sunshine Law applies to any gathering of two or more members of the same board discussing matters which will foreseeably come before that board for action and anything that solicits a response from another board member would be a violation of the Sunshine Law. Additionally, all modes of correspondence in connection with city business are considered public record and should be forwarded to the City Clerk for recording. If the communication is of a personal nature then it is not a public record.

Quasi-judicial proceedings are where the Board applies a pre-existing set of rules or code used as a guideline and affecting a small number of people or a few parcels of property. These proceedings are entitled to the Sunshine Law protection, public record laws and due process and must be held in a public hearing. Examples would be site plans, special exceptions, variances and rezoning. When the Board creates a new broad central policy that affects many people or properties the hearing is considered legislative. Examples would be comprehensive plan amendments or adoption of new ordinances.

Ex parte communications between individual Members and/or others outside the context of the public hearing do not violate the Sunshine Law but may be challenged unless disclosed. The communications may be texts or even whispers and City Attorney Kurt Ardaman recommended Board Members refrain from either during meetings. He also discussed the criminal penalties for violating the Sunshine Law and the process for abstaining from voting at Public Meetings if the board member has a personal private gain or loss based on their decision or recommendation.

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

5. 12552 Stoneybrook West Parkway (Lall, Jasmattie)

Senior Planner Stephen Pash presented a voluntary annexation application for an 8.24± acre enclave located at 12552 Stoneybrook West Parkway. The applicant has requested annexation with the future land use designation of Low Density Residential with an initial zoning of R-1. The applicant intends to annex the property, connect to City sewer and water, and continue using it as their primary residence. City Staff recommends approval of Ordinances 13-38, 13-39 and 13-40 subject to staff recommendations.

Motion by Eric Weiss to recommend approval of the annexation, future land use, and rezoning for 12552 Stoneybrook West Parkway with staff recommendations (Attached Exhibit "A"). Seconded by Jimmy Dunn, the motion carried unanimously 6-0.

6. 1288 N West Crown Point Road (Crown Point Management)

Senior Planner Stephen Pash presented a voluntary annexation application for a 1.00± acre enclave located at 1288 N West Crown Point Road. The property is currently developed with seven (7) single-family homes built between 1930 and 1946. The applicant has requested annexation and intends to make major improvements to the homes, connect them to City

sewer and water, and continue renting the houses. Land Use will be Low-Density Residential and have an initial zoning of R-1 which is consistent with the adjoining properties. City Staff supports this, will allow the modifications and allow the property to continue to exist as non-conforming since it existed prior to the annexation. City Staff recommends approval of Ordinances 13-35, 13-36 and 13-37 subject to staff recommendations.

General discussion on if there were more properties and homes in this area that were unincorporated and if they would annex in the future.

Motion by Jimmy Dunn to recommend approval of the annexation, future land use, and rezoning for 1288 N West Crown Point Road with staff recommendations (Attached Exhibit "B"). Seconded by Kent Horsley, the motion carried unanimously 6-0.

7. E Fullers Cross Road (Maguire, Raymer)

Senior Planner Stephen Pash presented a voluntary annexation application for a 32.884± acre enclave located on the north side of the intersection of North Fullers Cross Road and East Fullers Cross Road next to Lake Apopka. It is located just north of 315 E Fullers Cross Road which is part of the PUD application but will not be included in the PUD. The applicant has requested Annexation and Future Land Use designation of conservation which will protect all the wetlands on it. It will not be developed as the property owner intends to keep it as a land bank. There is no zoning being applied to the property at this time. City Staff recommends approval of ordinances 13-33 and 13-34 subject to staff recommendations.

Board Member Mac McKinney pointed out a staff error in the location map picture but the staff report and map were correct.

Motion by Kent Horsley to recommend approval of E Fullers Cross Road annexation and future land use, parcel #02-22-27-0000-00-002, with staff recommendations (Attached Exhibit "C"). Seconded by Jimmy Dunn, the motion carried unanimously 6-0.

8. 315 E Fullers Cross Road (Highland Groves)

Senior Planner Laura Smith presented a rezoning application for an 81± acre site located at 315 E Fullers Cross Road. The applicant has requested the rezoning from R-1 (Single-Family Residential) to PUD (Planned Unit Development). Senior Planner Smith further stated the rezoning was requested to allow a residential subdivision of up to 186 single family dwelling units on lots which are proposed to vary in size from 75' x 115' to 100' x 115'. The applicant is seeking to reduce the minimum lot width and setback below what is required in the current R-1 zone. The proposed development would include an active recreation park and passive recreation areas in the form of walking paths and open space areas. In addition, the developer will be providing for the preservation of a 14.2 acre wetland area thru conservation. The proposed development would be limited to a single access point on Fullers Cross Road with a secondary access point to Fullers Crossing subdivision on the east side of the project. This access point is already pre-stubbed out. Due to traffic congestion at the East Fullers Cross Road and East Crown Point Road intersection the City has coordinated with Orange County to take over the intersection and will be doing a warrant study to

signalize the intersection. To cooperate with the City the developer has agreed to prepay the Road Impact Fees to fund the signalization. Staff has reviewed the request and found it to be consistent with the Comprehensive Plan and Code of Ordinances and would recommend approval subject to staff recommendations.

Applicant Dwight Saathoff, 7575 Dr. Phillips Blvd, Orlando FL 32819, was present to answer any questions.

Board Member Eric Weiss' parents live in the Fullers Crossing area where it is going to connect to the proposed property and wanted it noted due to their expressions and concerns given to him.

Board Member Kent Horsley stated that in the last public meeting he raised the issue that in a PUD there is no protective ordinance or clause indicating that retail, condos or townhomes would not be permitted in this PUD. Community Development Director Ed Williams replied that typically a PUD has a list of permitted uses and if it is not on the permitted uses list then it is excluded; however, anyone on the Board could add a provision specifically that retail, condos and townhomes would not be permitted. There followed a general discussion on the permitted uses and the process to do a Special Exception to add a use not on the permitted use list.

Board Member Kent Horsley question the traffic study and if the City of Ocoee was participating since they have adjoining property. Ed Williams replied that we could not afford to wait on Ocoee which is why the County gave Winter Garden jurisdiction to do the signalization and turning lanes.

There followed a general discussion regarding the entrances for the development, provisions for neighboring properties and their access and safety, City water and sewer being brought to the area, and the need for turning lanes and signals at the intersections.

Motion by Jimmy Dunn to recommend approval of the PUD rezoning at 315 E Fullers Cross Road, Ordinance 13-32, to include provisions that no condos, townhomes, or retail would be permitted and with staff recommendations (Attached Exhibit "D"). Seconded by Kent Horsley, the motion carried unanimously 6-0.

9. 16303 Marsh Road (Crooked Lake Preserve

Senior Planner Laura Smith presented a rezoning application for a 78.29± acre site located at 16303 Marsh Road for development of 140 single family dwelling units to be constructed on lots varying from 60' to 90' wide on lake front lots. The applicant has requested the rezoning from NZ (No Zoning) to UVPUD (Urban Village Planned Unit Development). The proposed development would contain a series of three (3) recreational parks and connection of a 10' multi-purpose trail along Marsh Road. The primary access point would be thru a roundabout to be constructed on Marsh Road with cross access points being provided to the waterside properties on the northwest side of the site, to Hickory Hammock on the northeast side of the site and a stub out for future cross access on the southwest portion of the property. The applicant has further agreed to designate a pond site to the City for additional storm water

capacity to support the City's improvement at Avalon and Marsh Road intersection. City Staff recommends approval subject to staff recommendations.

Board Member Jimmy Dunn stated he would be abstaining from the vote due to his working for the applicant.

A discussion ensued regarding the total number of homes that have been added to this area, the impact on the traffic on Marsh and Avalon Roads and what was being done to address these issues with signalization and turn lanes at intersections.

Motion by Eric Weiss to recommend approval of rezoning 16303 Marsh Road to UVPUD with staff recommendations (Attached Exhibit "E"). Seconded by Mac McKinney, the motion carried 5-0 with Board Member Dunn abstaining from voting due to conflict.

10. 55 N Dillard Street (Welltrax)

Senior Planner Laura Smith presented a rezoning application for a 0.27± acre site located at 55 N Dillard Street. The property is located in the traditional downtown land use district and had been approved for a special exception in 2006 to operate a business on the 1st floor with residential on the 2nd floor. The applicant has requested the rezoning from R-2 (Residential District) to C-1 (Central Commercial District) to eliminate the need for the special exception. City Staff recommends approval subject to staff recommendations.

Applicant Steve Dunnigan was present to answer any questions.

Motion by Mac McKinney to recommend approval of rezoning 55 N Dillard Street to C-1 with staff recommendations (Attached Exhibit "F"). Seconded by Eric Weiss, the motion carried unanimously 6-0.

11. Garden Commerce Parkway (Winter Garden Commerce Center)

Senior Planner Laura Smith presented a rezoning application for Garden Commerce Parkway. The applicant has requested to rezone a portion of the Industrial Subdivision known as Winter Garden Commerce Center from I-1 (Light Industrial and Warehousing District) to PID (Planned Industrial District). City Staff requests the rezoning be tabled to a date certain of August 5, 2013 at 6:30pm to work thru a few issues before it is ready to bring forward.

Motion by Kent Horsley to recommend the postponement of Garden Commerce Parkway Rezoning to August 5, 2013 at 6:30pm. Seconded by Jimmy Dunn, the motion carried unanimously 6-0.

FINAL PLAT / PRELIMINARY PLAT / LOT SPLIT (Public Hearing)

12. Oakland Park Phase II

Senior Planner Laura Smith presented a Preliminary Plat application for Oakland Park PUD Phase 2 to allow platting of 80 single-family lots broken into two phases, Phase 2A and

Phase 2B. The project engineer was present to answer any specific questions. City Staff recommends approval subject to staff recommendations.

Board Member Eric Weiss questioned if the plats included the road in front of Lakeview Reserve and if Tildenville School Road was to remain a single lane or be changed to a two-way street for exit from the subdivision. Senior Planner Smith explained that it did and also included an extension of the road into the development.

Motion by Eric Weiss to recommend approval of the preliminary plat for Oakland Park Phase 2 with staff recommendations (Attached Exhibit "G"). Seconded by Kent Horsley, the motion carried unanimously 6-0.

13. 17001 Marsh Road - Waterside at John's Lake

Senior Planner Stephen Pash presented an application for a lot split at Waterside at John's Lake. The applicant is proposing to take two existing parcels and split each one into 2 parcels totaling 4 parcels. They are part of a settlement agreement between the City, John's Lake and the neighboring property owners. The lot split would have no effect on anything previously approved in John's Lake Pointe but would only be part of the buffer area and the existing proposed access tract to the neighboring homeowners which will then be sold to those neighboring property owners. City Staff recommends approval subject to staff recommendations.

Motion by Kent Horsley to recommend approval of the lot split at 17001 Marsh Road with staff recommendations (Attached Exhibit "H"). Seconded by Jimmy Dunn, the motion carried unanimously 6-0.

14. ADJOURNMENT

There being no further business, the meeting was adjourned at 7:43 p.m.

APPROVED: **ATTEST:**

Chairman James Gentry **Customer Service Representative Kathy Rathel**

EXHIBIT "A"

CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

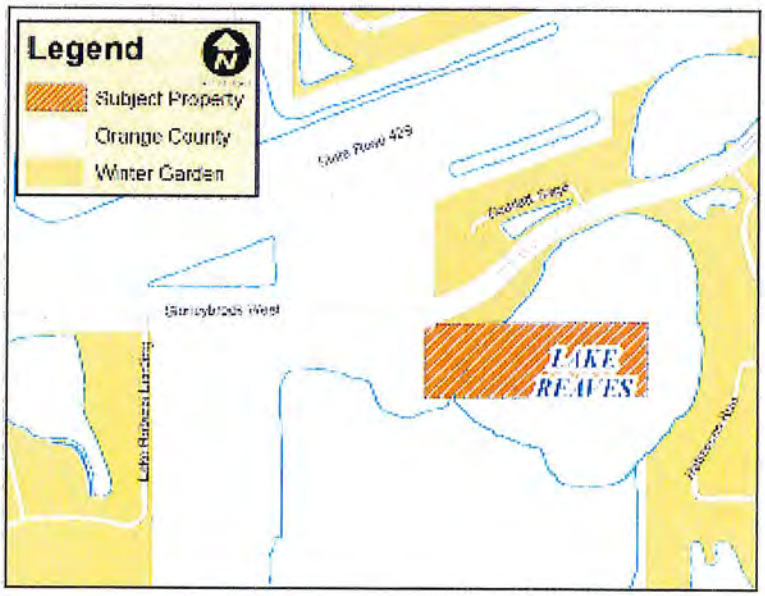
STAFF REPORT

TO: PLANNING AND ZONING BOARD
PREPARED BY: STEVE PASH, SENIOR PLANNER
DATE: JUNE 27, 2013
SUBJECT: ANNEXATION – ZONING – FLU AMENDMENT
12552 STONEYBROOK PARKWAY (8.24 +/- ACRES)
PARCEL ID #: 36-22-27-0000-00-032
APPLICANT: JASMATTIE LALL

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 12552 Stoneybrook West Parkway and is approximately 8.24 ± acres. The map below depicts the proximity of the subject property to the City's jurisdictional limits:



The applicant has requested annexation into the City, amendment to the Future Land Use Map (FLUM) of the City's Comprehensive Plan to designate the property as Low Density Residential and an initial zoning of R-1.

In accordance with the City's Comprehensive Plan, permitted uses within the Low Density Residential land use include residential, and churches and schools are allowable uses via a Special Exception Permit. The zoning classifications that are consistent with the Low Density Residential classification are PUD, R-1A, R-1, R-2, R-1B, and INT.

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

EXISTING USE

The subject property is currently developed with a single-family home and an out building.

ADJACENT LAND USE AND ZONING

The property located to the north is a single-family home, zoned R-1 and located in the City. The property located to the east is a single-family home, zoned R-1 and located in the City. The property to the south is wetlands that are owned by the property to the west, zoned A-1 and located in Orange County. The The property to the west is developed with a single-family house, zoned A-1 and located in Orange County.

PROPOSED USE

The applicant intends to annex the property, connect to City sewer and water, and continue using it as their primary residence.

PUBLIC FACILITY ANALYSIS

The City will provide garbage collection, police protection, and all other services regularly provided to City of Winter Garden residents including building permits. The property will be served by both Orange County Fire and Rescue and the City of Winter Garden Fire Department under the First Response System.

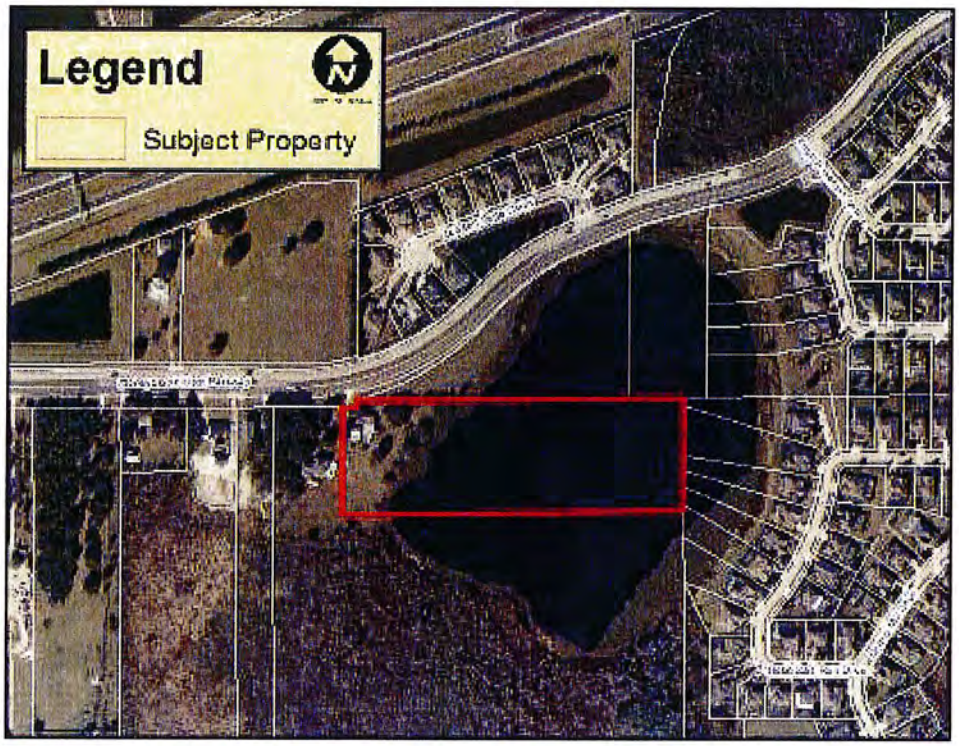
SUMMARY

Annexation will provide a more efficient delivery of services to the property and further the goals and objectives of the City of Winter Garden's Comprehensive Plan to eliminate enclaves. City Staff recommends approval of the proposed Ordinances.

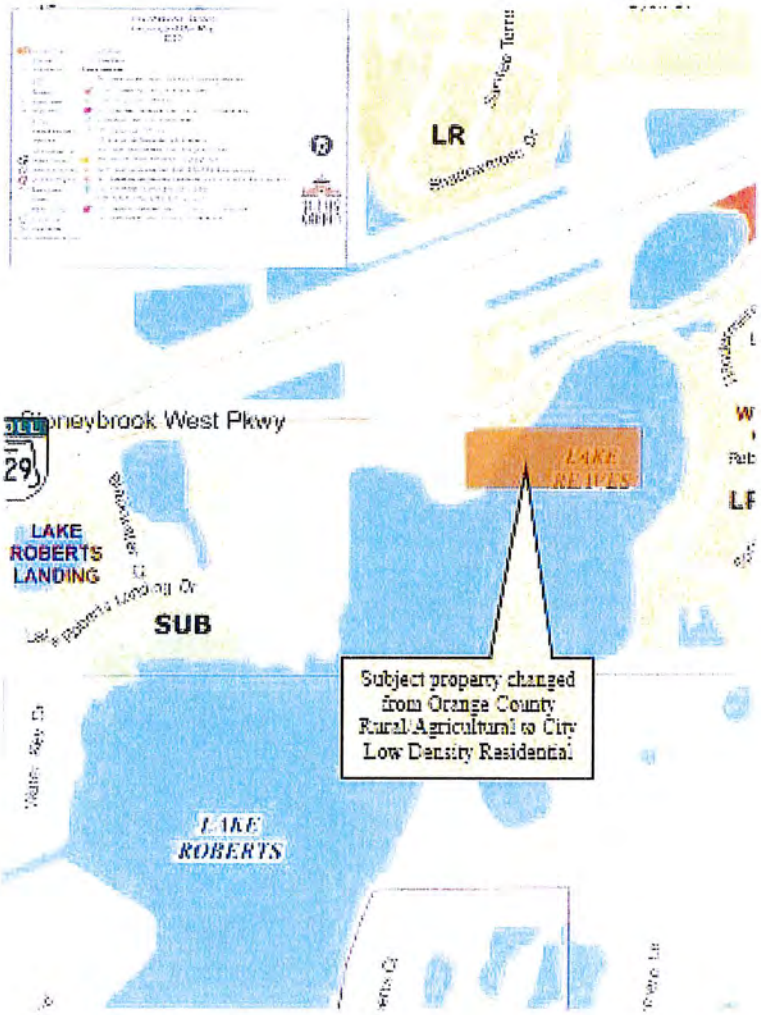
MAPS

AERIAL PHOTO

12552 Stoneybrook West Parkway



FUTURE LAND USE MAP
12552 Stoneybrook West Parkway



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

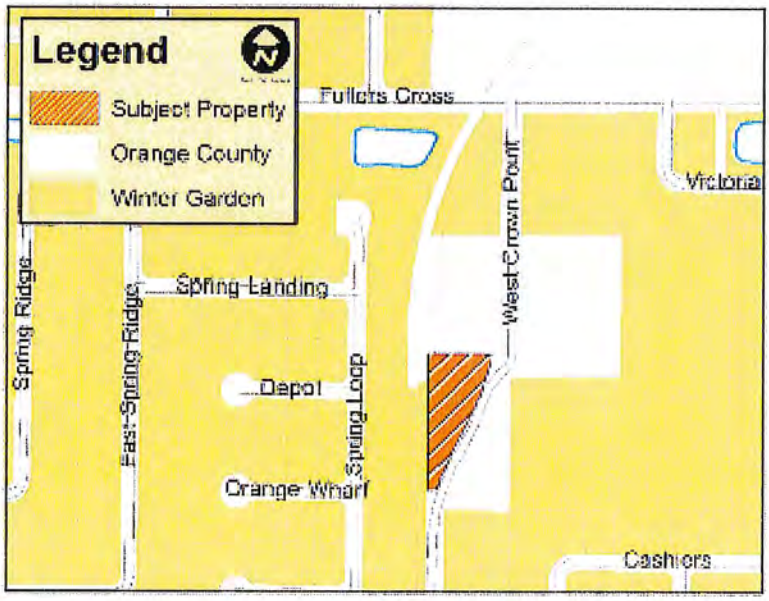
STAFF REPORT

TO: PLANNING AND ZONING BOARD
PREPARED BY: STEVE PASH, SENIOR PLANNER
DATE: JUNE 25, 2013
SUBJECT: ANNEXATION – ZONING – FLU AMENDMENT
1288 NORTH WEST CROWN POINT ROAD (1.0 +/- ACRES)
PARCEL ID #: 12-22-27-1840-24-010
APPLICANT: TINGIH HSU

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 1288 North West Crown Point Road and is approximately 1.0 = acres. The map below depicts the proximity of the subject property to the City's jurisdictional limits:



The property is located on the west side of North West Crown Point Road, north of Macy Du Lane, and south of East Fullers Cross Road and is located within the Joint Planning Area with the City of Winter Garden and Orange County.

The applicant has requested annexation into the City, amendment to the Future Land Use Map (FLUM) of the City's Comprehensive Plan to designate the property as Low Density Residential and an initial zoning of R-1.

In accordance with the City's Comprehensive Plan, permitted uses within the Low Density Residential land use include residential, and churches and schools are allowable uses via a Special Exception Permit. The zoning classifications that are consistent with the Low Density Residential classification are PUD, R-1A, R-1, R-2, R-1B, and INT.

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

EXISTING USE

The subject property is currently developed with seven (7) single-family homes, two were built in 1930 and the other four in 1946.

ADJACENT LAND USE AND ZONING

The property located to the north is a single-family home, zoned A-1 and located in Orange County. The property located to the east is a single-family home, zoned A-1 and located in Orange County. The property to the south is a single-family home, zoned R-1 and located in the City. The properties to the west are developed with single-family houses, zoned R-1 and located in the City. R-1 is the predominant zoning in the City of Winter Garden.

PROPOSED USE

The applicant intends to annex the property, make numerous improvements to the houses, connect them to city water and sewer, and continue renting the homes.

PUBLIC FACILITY ANALYSIS

The City will provide garbage collection, police protection, and all other services regularly provided to City of Winter Garden residents including building permits. The property will be served by both Orange County Fire and Rescue and the City of Winter Garden Fire Department under the First Response System.

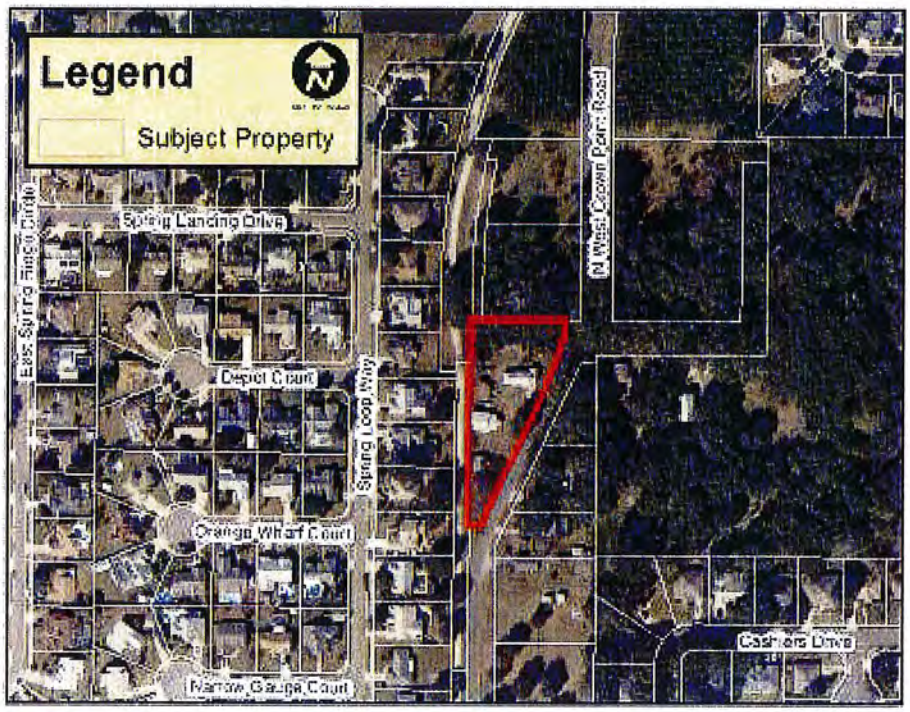
SUMMARY

Annexation will provide a more efficient delivery of services to the property and further the goals and objectives of the City of Winter Garden's Comprehensive Plan to eliminate enclaves. City Staff recommends approval of the proposed Ordinances.

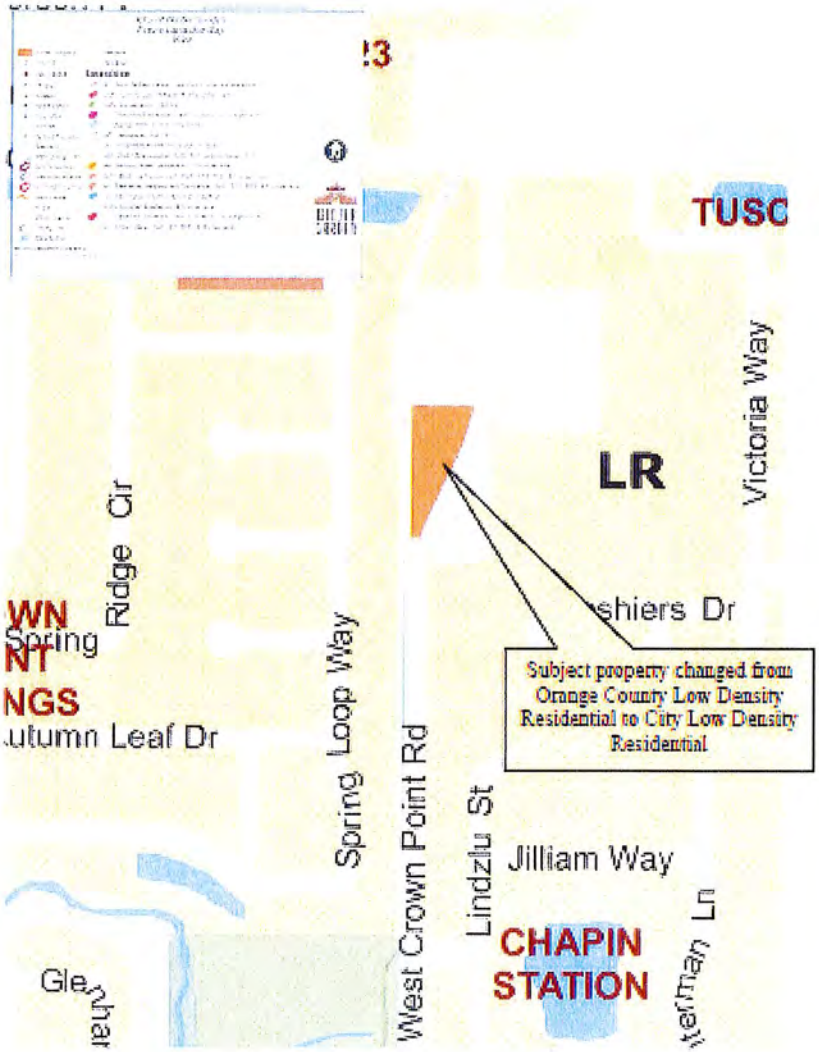
MAPS

AERIAL PHOTO

1288 North West Crown Point Road



FUTURE LAND USE MAP
1288 North West Crown Point Road



END OF STAFF REPORT

EXHIBIT "C"

CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

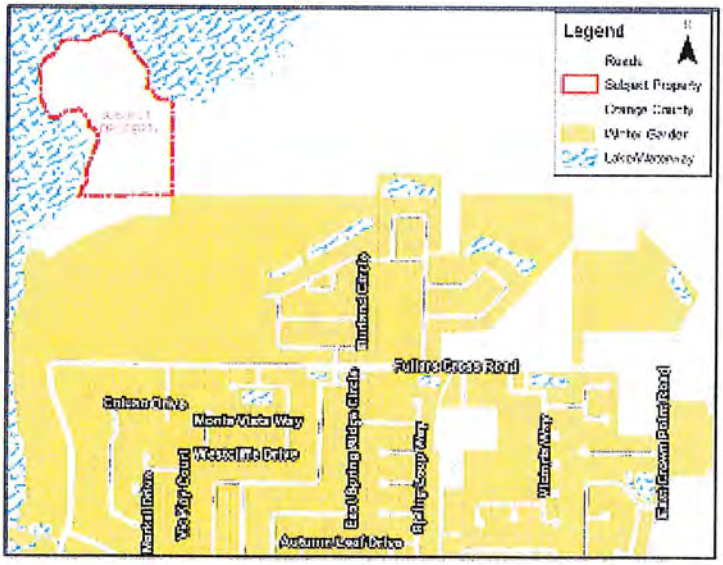
STAFF REPORT

TO: PLANNING AND ZONING BOARD
PREPARED BY: STEVE PASH, SENIOR PLANNER
DATE: JUNE 27, 2013
SUBJECT: ANNEXATION – FLU AMENDMENT
EAST FULLERS CROSS RAOD (32.884 +/- ACRES)
PORTION OF PARCEL ID #: 02-22-27-0000-00-002
APPLICANT: RAYMER MAQUIRE III

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 north of the intersection of North Fullers Cross Road and East Fullers Cross Road and is approximately 32.884 ± acres. The map below depicts the proximity of the subject property to the City's jurisdictional limits:



The applicant has requested annexation into the City and amendment to the Future Land Use Map (FLUM) of the City's Comprehensive Plan to designate the property as Conservation. At this time, no zoning will be applied to the property.

In accordance with the City's Comprehensive Plan, property assigned the Conservation land use designation shall be lands that are natural resources. It is the intent of this land use designation to provide for the long term protection and preservation of environmentally sensitive natural resources systems. Development shall be limited to passive recreation facilities such as boardwalk or conservation related facilities such monitoring facilities or educational trails. The developer of land adjacent to areas designated with the Conservation land use shall bear the burden of proof in determining that proposed development will not adversely impact conservation resources. The zoning classifications that is consistent with the Conservation classification is CON and INT.

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

EXISTING USE

The subject property is wooded vacant land.

ADJACENT LAND USE AND ZONING

The property located to the north is Lake Apopka. The property located to the east is undeveloped wooded wetland, zoned A-2 and located in Orange County. The property to the south is an orange grove, zoned R-1 (currently being rezoned to PUD), and located in Winter Garden. The property to the west is Lake Apopka.

PROPOSED USE

The applicant intends to annex the property and keep it as a conservation tract.

PUBLIC FACILITY ANALYSIS

The City will provide garbage collection, police protection, and all other services regularly provided to City of Winter Garden residents including building permits. The property will be served by both Orange County Fire and Rescue and the City of Winter Garden Fire Department under the First Response System.

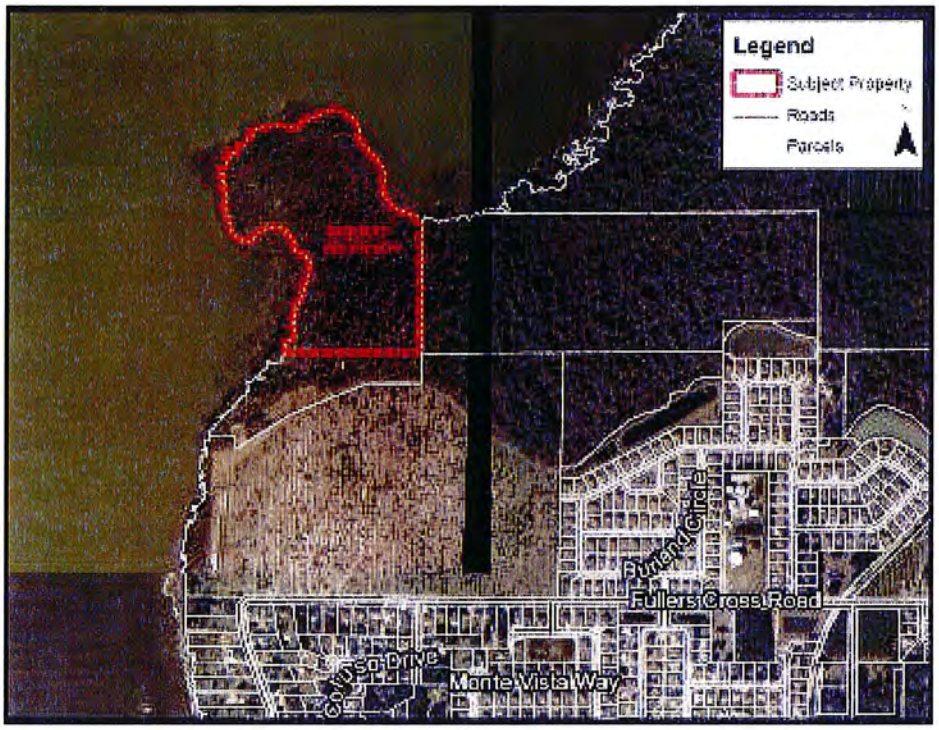
SUMMARY

Annexation will provide a more efficient delivery of services to the property and further the goals and objectives of the City of Winter Garden's Comprehensive Plan to eliminate enclaves. City Staff recommends approval of the proposed Ordinances.

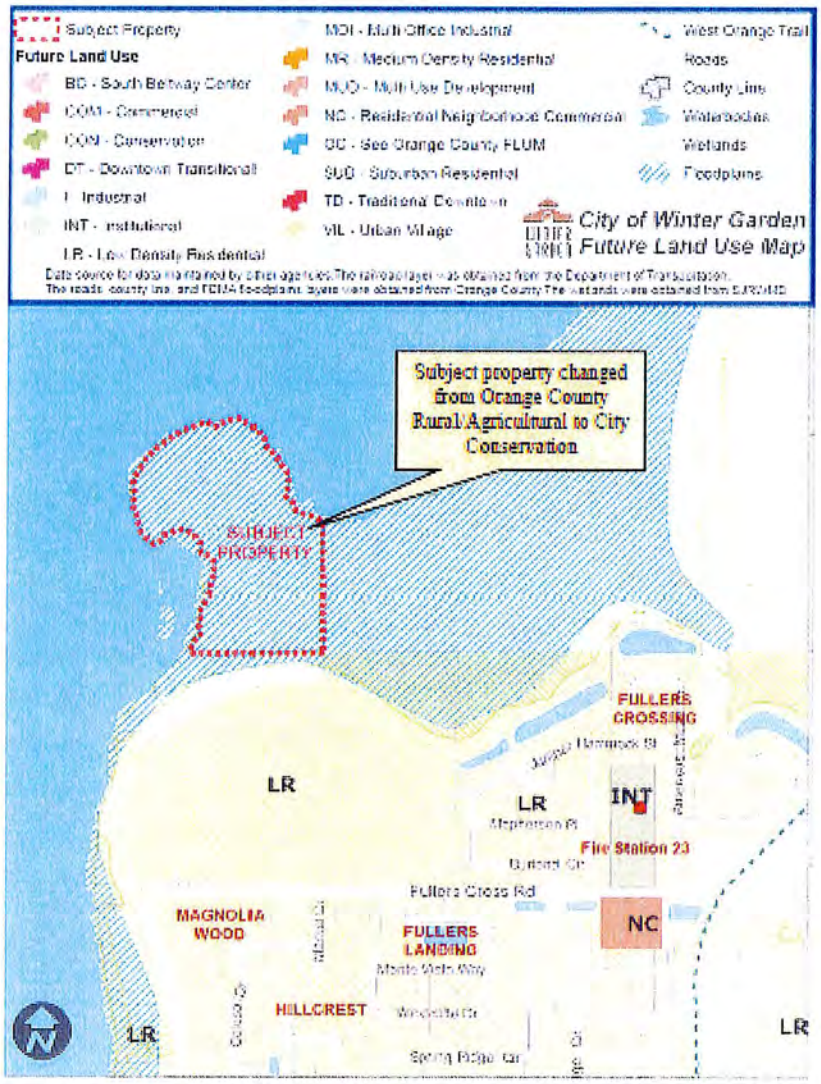
MAPS

AERIAL PHOTO

East Fullers Cross Road (Highland Groves – North)



FUTURE LAND USE MAP
East Fullers Cross Road (Highland Groves - North)



END OF STAFF REPORT

EXHIBIT "D"

CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

STAFF REPORT

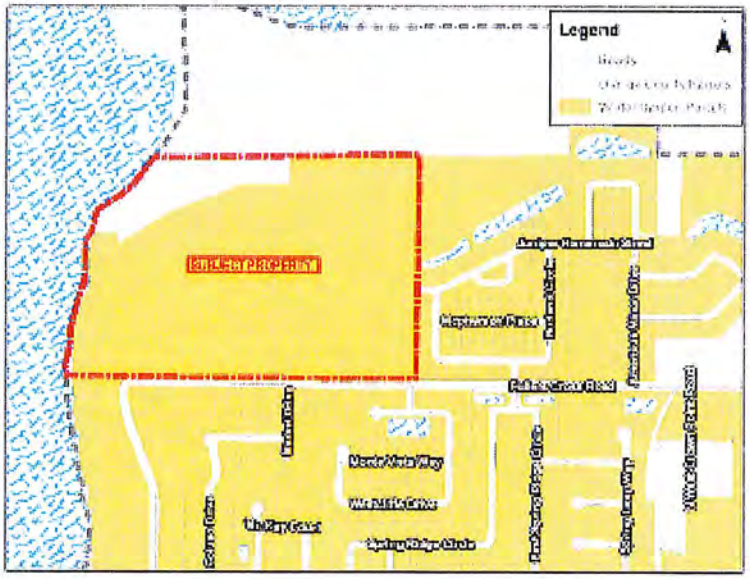
TO:	PLANNING AND ZONING BOARD
PREPARED BY:	LAURA SMITH, SENIOR PLANNER
DATE:	JUNE 28, 2013
SUBJECT:	REZONING – HIGHLAND GROVES SUBDIVISION 315 East Fullers Cross Road (81+/- ACRES) PARCEL ID # 11-22-27-0000-00-003

APPLICANT: L.F. Roper Trust

INTRODUCTION

The purpose of this report is to evaluate the proposed project for compliance with the City of Winter Garden Code of Ordinances and Comprehensive Plan.

The subject property, located on the north side of Fullers Cross Road, east of Lake Apopka and west of E. Crown Point Road, is approximately 81± 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 81± acres of land. The subject property is located within the City of Winter Garden municipal limits, and carries the zoning designation R-1 (Single Family Residential). The subject property is designated LR- Low Density Residential on the Future Land Use Map of the City's Comprehensive Plan (see attached map).

EXISTING USE

The subject property is primarily used for agricultural purposes (citrus grove) and contains a pump house and fenced in storage area related to the acrigultural activity.

ADJACENT LAND USE AND ZONING

The property located on the northwest side of the subject property is in the process of being annexed into the City of Winter Garden and proposed to be incorporated into the proposed PUD in the future, however presently it is unimproved vacant land located in un-incorporated Orange County with A-2 Zoning. The property located on the northeast side of the subject property is owned by the City of Ocoee and is also unimproved vacant land located in un-incorporated Orange County with A-2 Zoning. The properties located to the south are single family residential homes within the City of Winter Garden with R-1 Zoning. The property to the east is Fullers Crossing a single family residential community in the City of Winter Garden zoned R-1B. The subject property is bordered on the west by Lake Apopka.

PROPOSED USE

The applicant proposes to develop the 81 ± acre site into a residential planned unit development containing 186 single-family dwelling units ranging in size from 75'x115' to 100'x115'. The proposed lot size mixture is.

Lot Size	# of lots
100'x115'	13
95'x115'	24
90'x115'	9
80'x115'	12
75'x115'	128

The proposed subdivision will be a non-gated community with gross density proposed at 2.29 dwelling units per acre, the LR-Low Density Residential Future Land Use Designation allows up to 6 dwelling units per acre. The proposed subdivision will contain an active recreational park (tot-lot and ½ basketball court) and a passive recreation area (walking trails and open space) and 14.2+/- acres of wetlands preserved for conservation.

The proposed use will contain a minimum lot width that is the same as the minimum lot width in the Fullers Crossing Subdivion located on the east side of the subject property, however the minimum lot area will be larger than the minimum lot area in the Fullers Crossing Subdivision. The housing type will be similar to that built in the surrounding subdivions and other single family lots located along Fullers Cross Road.

PUBLIC FACILITY ANALYSIS

Potable Water, Reclaimed Water, and Wastewater Services

The proposed residential development will be served by and required to connect to City of Winter Garden water, wastewater, and reclaimed water which are available and have adequate capacity to serve the proposed residential development. At such time that the property is developed, all necessary utility lines will be extended and connections made, all extension and connection costs shall be borne by the property owner.

Stormwater

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

Common Recreation and Open Space

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

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

The proposed development will have 20.35 +/- acres of open space, consisting of Wekiva Study Area Open Space and 3.30 +/- acres set aside for active and passive recreational use.

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

Environment

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

The proposed development will provide for protection of the 14.20 wetland area located along the northeast portion of the property and will identify the area as conservation with notification signage.

Lake Apopka shoreline protection and additional wetland protection will be provided in the form of a 25 foot upland buffer from the Normal High Water Line and wetland boundary.

Transportation

The City has coordinated with Orange County to take over the intersection of Fullers Cross Road and East Crown Point Road and will be conducting a warrant study for a traffic light to be installed at that intersection to alleviate the existing traffic congestion and minimize the impact of the additional trips generated by the proposed development. The applicant has agreed to pre-pay road impact fees for the proposed development to fund the signalization of the intersection.

The proposed development will be limited to a single access point on Fullers Cross Road and will connect to the existing cross-access point located within the Fullers Corssing Subdivision to the east of the subject property.

Other Services

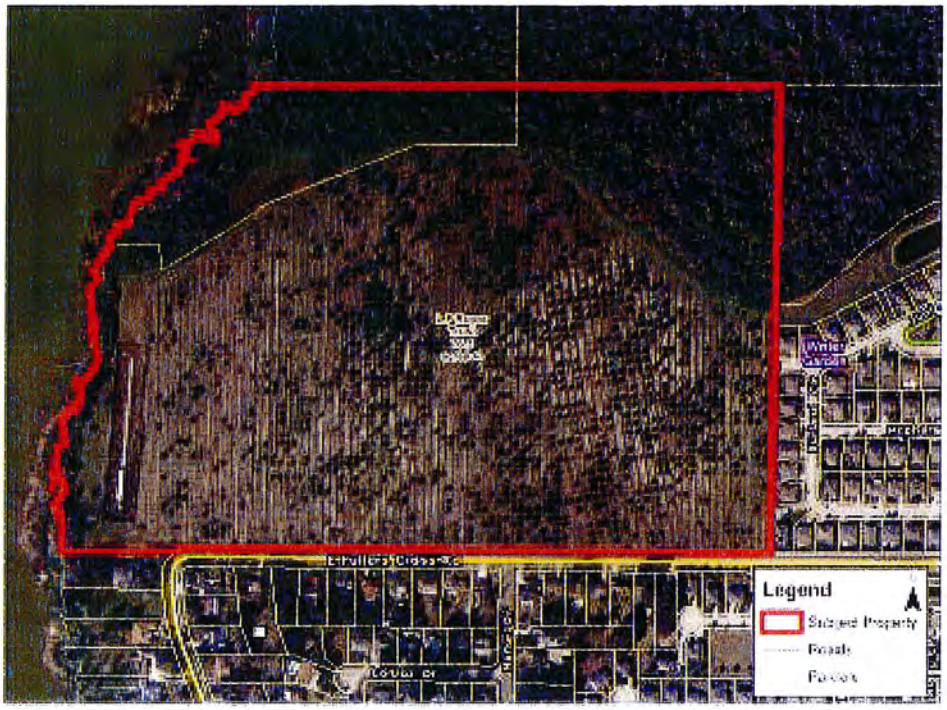
The City will provide garbage collection, police protection, and all other services regularly provided to City of Winter Garden residents including building permits. The property will be served by both Orange County Fire and Rescue and the City of Winter Garden Fire Department under the First Response System.

SUMMARY

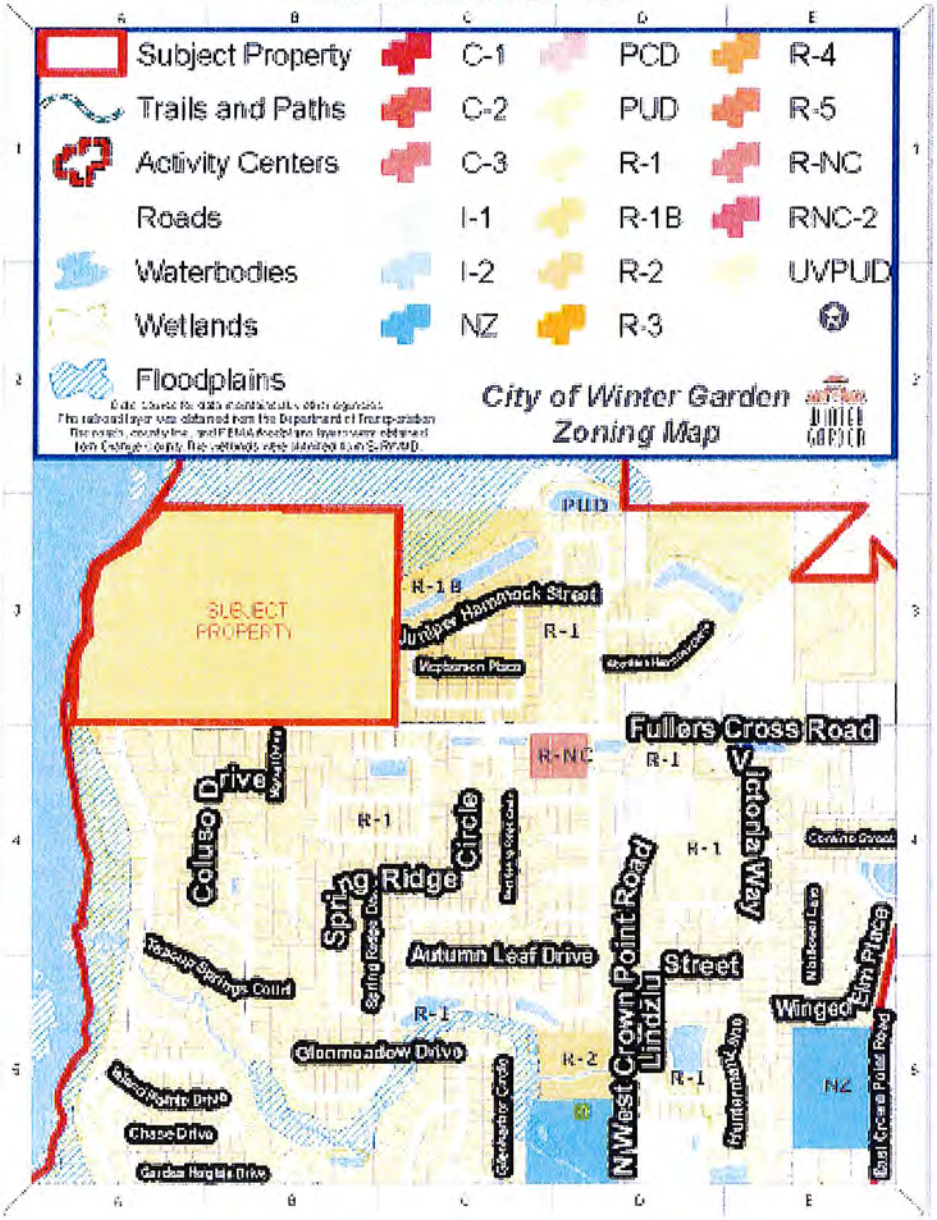
City Staff recommends approval of the proposed Ordinance, rezoning the subject property form City R-1 to City PUD is consistent with the Future Land Use Map of the City's Comprehensive. The proposed PUD is consistent with surrounding development in the area and is compatible with the uses in the surrounding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

MAPS

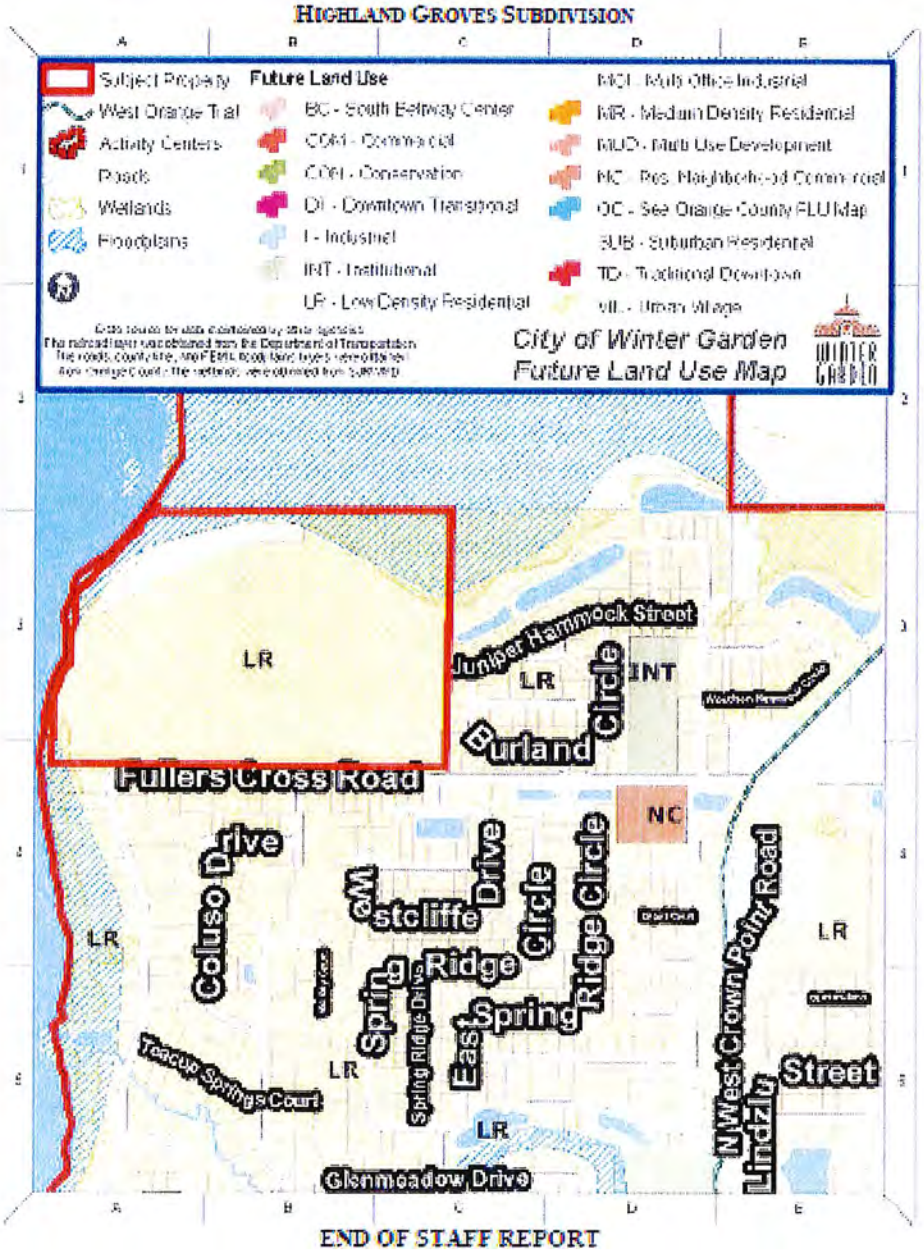
AERIAL PHOTO
HIGHLAND GROVES SUBDIVISION



ZONING MAP
HIGHLAND GROVES SUBDIVISION



FUTURE LAND USE MAP
HIGHLAND GROVES SUBDIVISION



END OF STAFF REPORT

EXHIBIT "E"

CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

STAFF REPORT

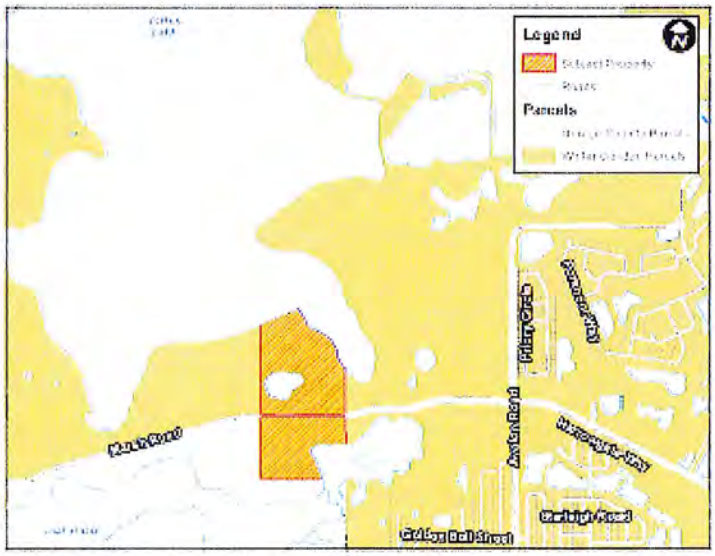
TO: PLANNING AND ZONING BOARD
PREPARED BY: LAURA SMITH, SENIOR PLANNER
DATE: JUNE 28, 2013
SUBJECT: REZONING (UVPUD)
16303 Marsh Road (105.68+/- ACRES)
Parcel ID# 05-23-27-0000-00-005 & 05-23-27-0000-00-008

APPLICANT: Crooked Lake Holdings, LLC

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 the north and south side of Marsh Road east of Williams Road and west of Avalon Road at 16303 Marsh Road, is approximately 78.29± 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 78.29± acres of land. The subject property is located within the City of Winter Garden municipal limits, and carries the zoning designation NZ, which means that the property has not yet been zoned since it was annexed into the City of Winter Garden in September 2007. The subject property is designated Urban Village on the Future Land Use Map of the Comprehensive Plan.

EXISTING USE

The subject property is vacant unimproved land presently used for agriculture (timberland) and does not contain any structures.

ADJACENT LAND USE AND ZONING

The subject property is bordered on the north side by John's Lake. The property located to the east of the subject property is the Hickory Hammock residential subdivision currently under site construction which is zoned PUD in the City of Winter Garden. The property located to the west of the subject property on the north side of Marsh Road is the Waterside at John's Lake residential subdivision currently under site construction which is zoned UVPUD in the City of Winter Garden. The property located to the south and west of the subject property on the south side of Marsh Road is vacant unimproved land presently used for agriculture (timberland & citrus grove), this property was recently annexed into the City and is presently the subject of a Future Land Use Map Amendment to designate the property as Urban Village on the City's Future Land Use Map however until that amendment is adopted the property retains its Orange County Future Land Use Designation of Village.

The subject property and surrounding properties to the 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 many of the surrounding properties (a total of 642.73 acres) were assigned a future land use designation of Urban Village on the Future Land Use Map of the City's Comprehensive Plan.

PROPOSED USE

The applicant proposes to develop the 78.29 ± acre site into an urban village planned unit development (UVPUD) of 140 single family dwelling units, with 3 recreational park areas, and open space areas.

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, two (2) secondary access points will be provided to 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 Hickory Hammock PUD. 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. All necessary utility lines (water, sewer, and reclaimed water) are presently being extended along the frontage of the subject property in conjunction with development of the Waterside at John's Lake UVPUD and Waterside at John's Lake Phase 2 UVPUD, and connections will be made to serve the development of the subject property, any and 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.

Additionally, proposed UVPUD has provided for a 3.26 acre retention pond to be constructed on their property which will be dedicated to the City of Winter Garden to assist with stormwater management for the additional stormwater that will be generated from the intersection improvements at the intersection of Avalon Road and Marsh Road.

Prior to any approvals for preliminary plat or construction plans, a Developer's Agreement shall be drafted, approval obtained and recordation of the agreement. The Developer's Agreement shall address matters to include, but not limited to, developer's reimbursement for utility line extensions along Marsh Road, project phasing, the granting of a permanent drainage easement over, under and through Tract J (3.26 +/- acres) to the City of Winter Garden for the construction, operation and maintenance of a stormwater management system benefiting the Project and Marsh Road and C.R. 545 right-of-way improvements, round-a-bout and other right-of-way improvements and right-of-way conveyances, other public infrastructure improvements, lift station, internal utility lines, community subdivision infrastructure improvements requirements of Chapter 110, City Code, and impact fees. Owner shall cause mortgage lien holders to execute a joinder, consent and subordination of their lien interests to the Developer's Agreement for recording in the public records concurrently with the Developer's Agreement.

(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 2.02 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 2.02 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 at John's Lake, Waterside at John's Lake Phase 2, Hickory Hammock, Avalon Reserve, Stonebrook West, Carriage Pointe, Stone Creek, Belle Meade, Avamar Crossings, Alexander Ridge, and Carriage Pointe Reserve.

Recently the property located immediately to the west of the subject property was approved for rezoning to UVPUD, the project known as Waterside at 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 60 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

Adjoining property owners to the south and west of the subject property either participated in the annexation and future land use designation of Urban Village for their properties in 2007 or have since been annexed into the City of Winter Garden and are in process to be designated Urban Village on the future land use map of the City's comprehensive plan. Adjoining property owners to the east of the subject property on the north side of Marsh Road were rezoned to PUD and approved for residential development at a density of 2.10 dwelling units per acre in 2006. The adjoining property owner to the east of the subject property on the south side of Marsh Road is the City of Winter Garden and the side will be used for stormwater management. 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, two (2) secondary access points will be provided to 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 Hickory Hammock PUD. The main entrance on Marsh Road will be constructed with the initial development of the subject property; cross access points will be constructed with the respective phase within which they are located. All roadway improvements will be constructed at the owner's expense and in compliance with city concurrency standards for transportation, and be supported by a traffic study/analysis of the impact the proposed development will have on the roadway network. Traffic studies/analyses submitted with any proposed development are reviewed for accuracy and consistency with the goals, objectives, and policies of the City's comprehensive plan in addition to the City's vision for future growth and expansion. The traffic analysis provided with the proposed UVPUD project indicates that the project will not lower the adopted level of service standard on Marsh Road.

Prior to any approvals for preliminary plat or construction plans, a Developer's Agreement shall be drafted, approval obtained and recordation of the agreement. The Developer's Agreement shall address matters to include, but not limited to, developer's reimbursement for utility line extensions along Marsh Road, project phasing, the granting

of a permanent drainage easement over, under and through Tract J (3.26 +/- acres) to the City of Winter Garden for the construction, operation and maintenance of a stormwater management system benefiting the Project and Marsh Road and C.R. 545 right-of-way improvements, round-a-bout and other right-of-way improvements and right-of-way conveyances, other public infrastructure improvements, lift station, internal utility lines, community subdivision infrastructure improvements requirements of Chapter 110, City Code, and impact fees. Owner shall cause mortgage lien holders to execute a joinder, consent and subordination of their lien interests to the Developer's Agreement for recording in the public records concurrently with the Developer's Agreement.

(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 2.02 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 at John's Lake, Waterside at John's Lake Phase 2, Hickory Hammock, Avalon Reserve, Stoneybrook West, Carriage Pointe, Stone Creek, Belle Meade, Avamar Crossings, Alexander Ridge, and Carriage Pointe Reserve.

Recently the property located immediately to the west of the subject property was approved for rezoning to UVPUD, the project known as Waterside at 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 60 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 three (3) open space/recreational parks two (2) of which will be located on the portion of the property located on the north side of Marsh road and one (1) of which will be located on the portion of the property located on the south side

of Marsh Road. Cross access connection points are being provided to the approved Waterside at John's Lake UVPUD located to the west of the property, the approved Hickory Hammock PUD located to the east of the subject property and the vacant property located to the south and west of the subject property on the south side of Marsh Road which was recently annexed into the City of Winter Garden to ensure multiple points of entry/exit to the subject property and provide property owners to the east, south and 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, will provide a 25 foot wetland buffer from the Normal High Water Line of John's Lake. Proposed UVPUD project also provides for a 100 foot buffer from the confining layer of the karst feature located north of Marsh Road on the west side 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 Johns' 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 and three (3) open space/recreational parks two (2) of which will be located on the portion of the property located on the north side of Marsh road and one (1) of which will be located on the portion of the property located on the south side of Marsh Road. 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 being met.

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. Additionally, proposed UVPUD has provided for a 3.26 acre retention pond to be constructed on their property which will be dedicated to the City of Winter Garden to assist with stormwater management for the additional stormwater that will be generated from the intersection improvements at the intersection of Avalon Road and Marsh Road.

(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 68.61 acres, the required Wekiva Study Area Open Space which will be provided on the property is 17.86 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 not proposed to be developed in phases, however should the development be separated into phases, then 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 presently being extended from the intersection of Avalon Road and Marsh Road in conjunction with the current construction and development activity of the Waterside at John's Lake UVPUD, Waterside at John's Lake Phase 2 UVPUD and Hickory Hammock PUD projects. At such time that the property is developed, all necessary utility lines (water, sewer, and reclaimed water) will be available and connections will be 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 60 foot to 90 foot wide lot sizes. Lots will be designed to incorporate a variety of garage orientations including at least 40% of garages that are recessed 5 feet behind the primary facade of the structure or are side entry garages. 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 shoreline areas to enhance natural resources/features. 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 shorelines. Additionally, the project as proposed has provided for a 3.26 acre retention pond to be constructed on their property which will be dedicated to the City of Winner Garden to assist with stormwater management for the additional stormwater that will be generated from the intersection improvements at the intersection of Avalon Road and Marsh Road.

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

Nonresidential uses are not proposed within the UVPUD proposal for the project. The UVPUD proposal includes 140 single family residential dwelling units with 17.86 acres of open space area including 2.95 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 to be located near the intersection of Williams Road and Marsh Road.

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

A variety of main entrance treatments have been incorporated into the residential units in the proposed UVPUD project including front porches, side entry/courtyard garages and recessed garage doors. Building elevations are provided within the Crooked Lake Preserve Urban Village Planned Unit Development Preliminary Development Plan.

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

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

URBAN VILLAGE PLANNED UNIT DEVELOPMENT INTENT AND REQUIREMENTS

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

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

(1) creating a series of walkable residential neighborhoods;

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

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

Proposed UVPUD includes a series of three (3) recreational parks accessible through sidewalks which connect to properties located to the east and the west and the multi-purpose trail located along the property frontage on Marsh Road.

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

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

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

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

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

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

(6) creating a focus center within the urban village

N/A: the proposed UVPUD will be part of the residential community surrounding a future commercial village center which will be located west of the subject property. 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 three (3) open space/recreation areas, two (2) of which are centrally located within the northern portion of the UVPUD site and another 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 proposed UVPUD will contain only single family detached residential units and does not include any live work units.

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

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

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

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

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

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

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

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

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

The proposed UVPUD development plan will have a gross developable density of 2.02 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 make connection to city utilities, water, wastewater, and reclaimed water at the developer's expense.

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

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

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

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

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

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

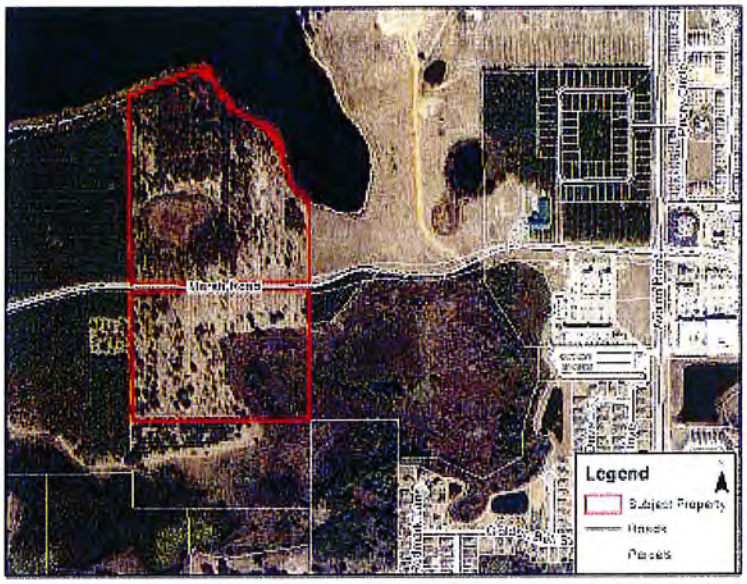
SUMMARY

City Staff recommend approval of the proposed Ordinance 13-41. 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.

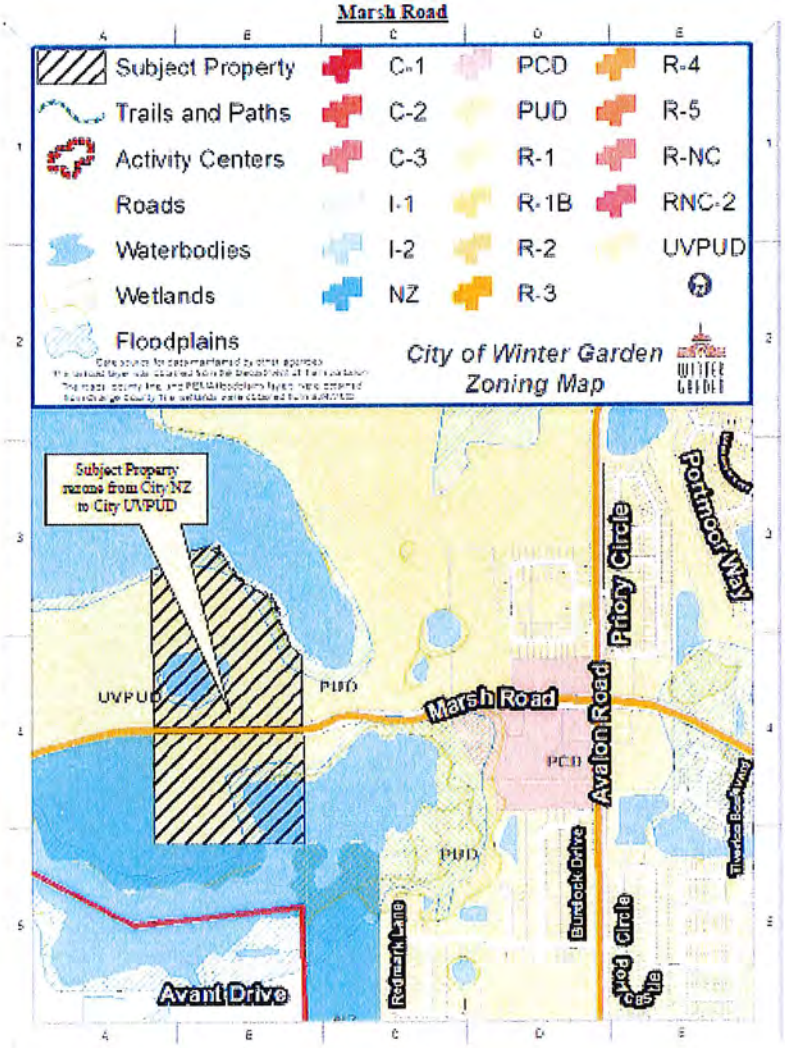
The proposed development of the subject property is consistent with the stipulations and guidelines of the Sixth Amendment to the Restated Interlocal Agreement for Joint Planning Area between Orange County and the City of Winter Garden which requires that rezoning applications or development plans for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

MAPS

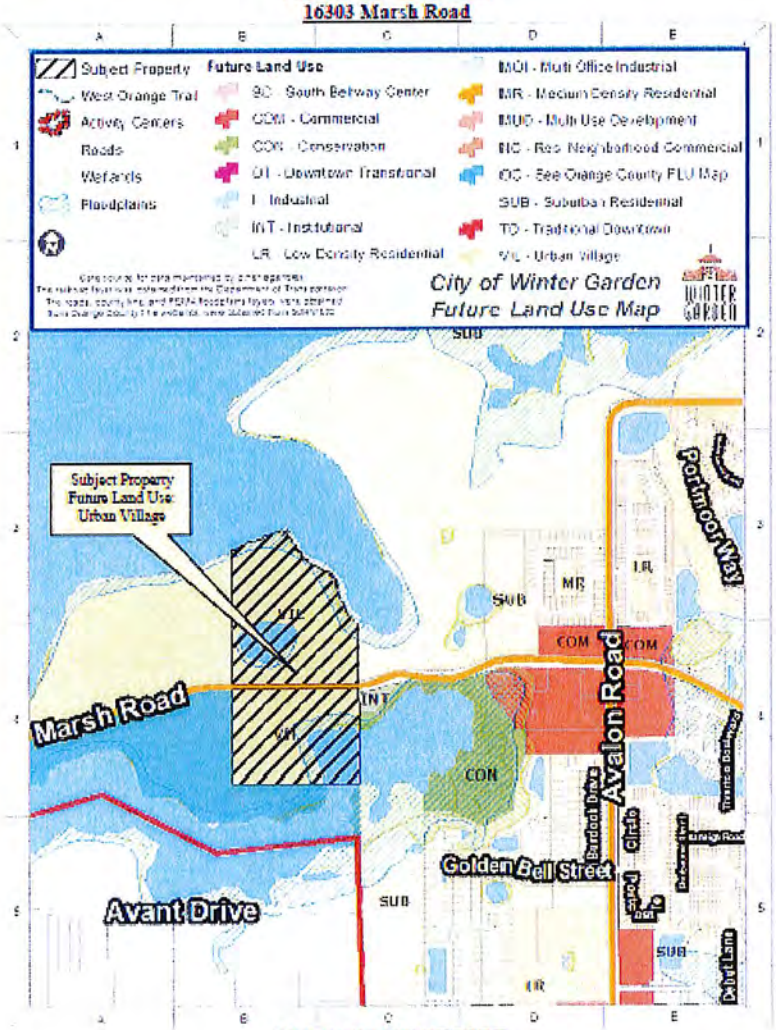
AERIAL PHOTO
16303 Marsh Road



ZONING MAP
Marsh Road



FUTURE LAND USE MAP
16303 Marsh Road



END OF STAFF REPORT

EXHIBIT "F"

CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

STAFF REPORT

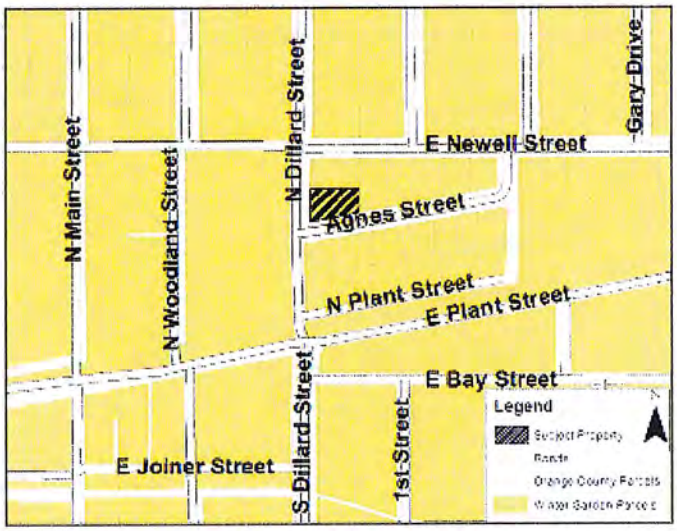
TO: PLANNING AND ZONING BOARD
PREPARED BY: LAURA SMITH, SENIOR PLANNER
DATE: JUNE 27, 2013
SUBJECT: REZONING
55 N. Dillard Street (WELLTRAN)
PARCEL ID # 14-22-27-3088-00-070

APPLICANT: Stephen D. Dunegan

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, generally located at the northeast corner of the intersection of N. Dillard Street and Agnes Street at 55 N. Dillard Street, is approximately .27± 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 .27± acre property which is located within the City of Winter Garden and carries a Future Land Use Designation of TD (Traditional Downtown) on the Future Land Use Map of the City's Comprehensive Plan from R-2 (Residential District) to C-1 (Central Commercial District).

EXISTING USE

The subject property was granted a Special Exception Permit in 2006 to operate a Clinic providing medical and wellness related services with an upper story apartment. The structure contains a 2,167 square foot upper story apartment and a 1,701 square foot first story commercial office space. The property also contains five standard parking spaces and one handicapped parking space for the commercial office space and a 2 car covered carport for the upper story apartment.

ADJACENT LAND USE AND ZONING

The properties located to the north and east of the subject property are single family residences zoned R-2 in the City of Winter Garden. The properties located to the south of the subject property include a commercial office/retail property zoned C-1 in the City of Winter Garden and a single family residence zoned R-2 in the City of Winter Garden. The property located to the west of the subject property is zoned R-2 and contains the First Baptist Church and associated uses.

PROPOSED USE

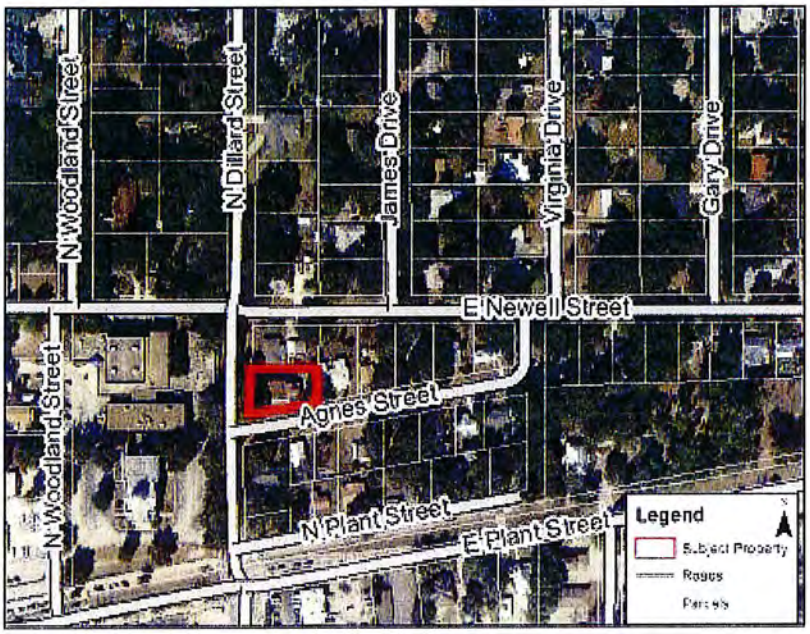
The applicant does not propose any changes to the existing use of the property at this time. The request for rezoning is to eliminate the need for the special exception permit which was granted in 2006 and allow for future expansion of the commercial and residential uses on the property. The City has recently amended the C-1 Zoning District to allow upper story residential as a permitted use which will allow the property to continue operating as it has been since 2006 and expand the facilities on the site without the need for any further special exception permit.

SUMMARY

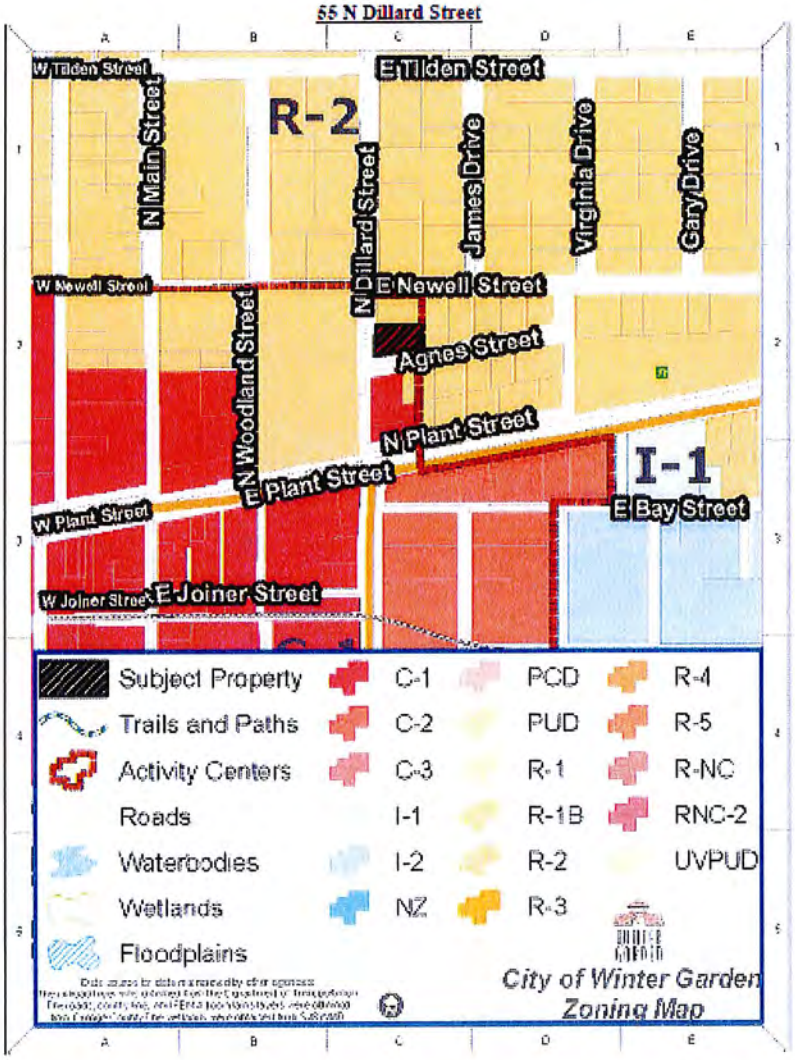
Staff recommends approval of the proposed Ordinance. Rezoning the subject property from R-2 to C-1 is consistent with the City's Comprehensive Plan and surrounding property uses, and the adjacent property owners should not be negatively impacted since the property is currently being used as a commercial and upper story residential facility.

MAPS

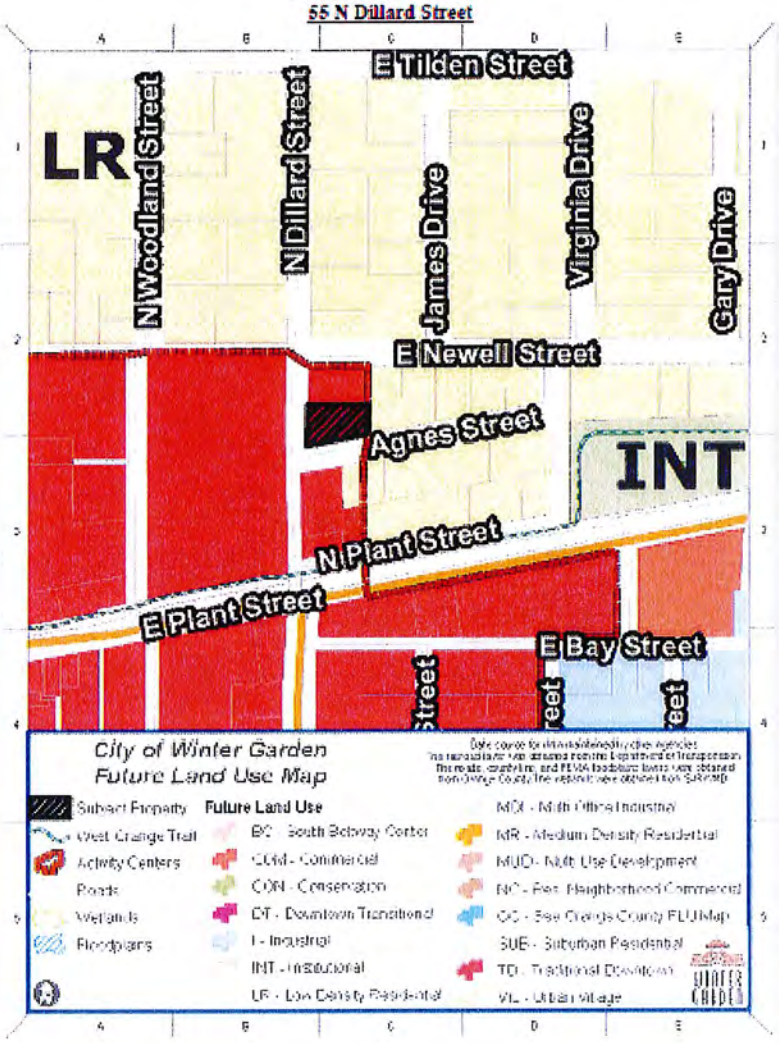
AERIAL PHOTO
55 N. Dillard Street



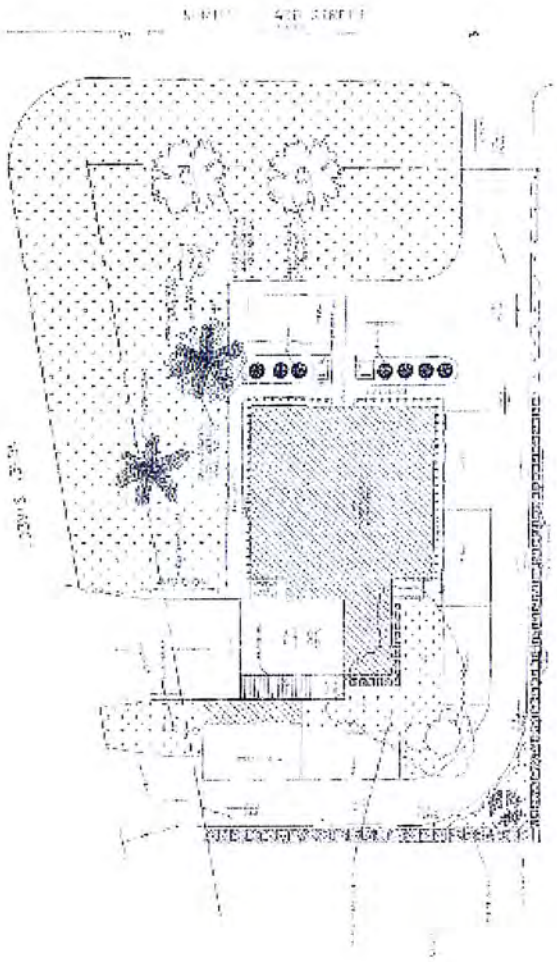
ZONING MAP
55 N Dillard Street



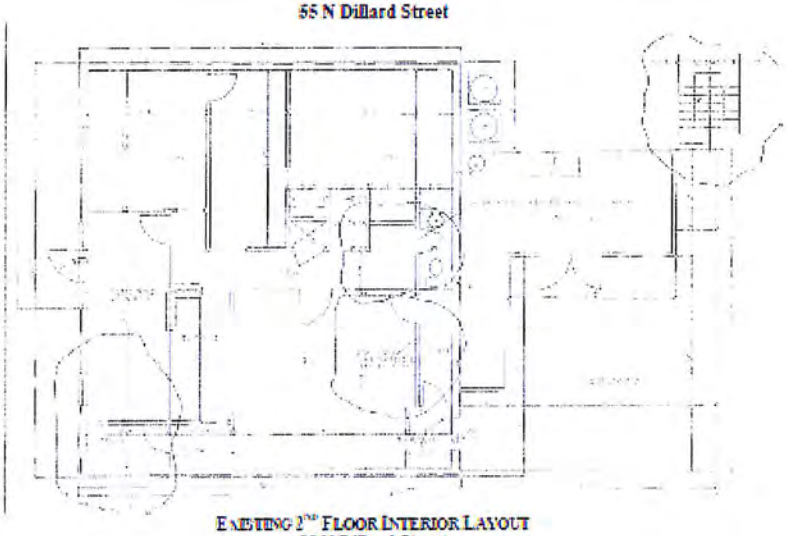
FUTURE LAND USE MAP
55 N Dillard Street



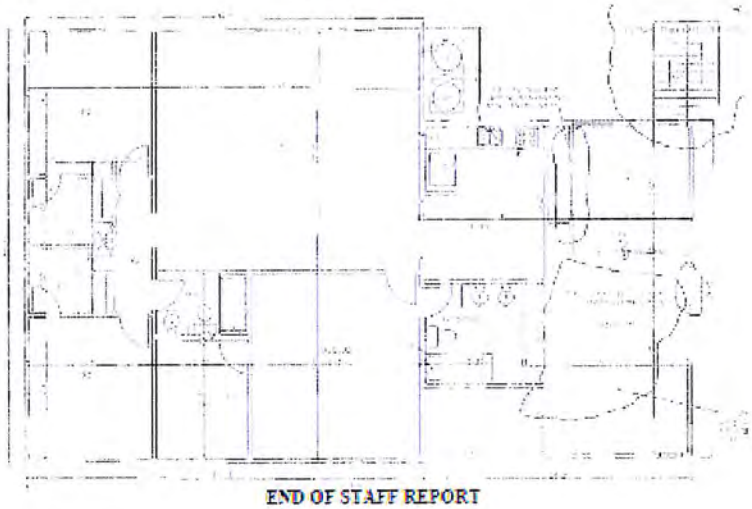
EXISTING SITE LAYOUT
55 N Dillard Street



EXISTING 1ST FLOOR INTERIOR LAYOUT
55 N Dillard Street



EXISTING 2ND FLOOR INTERIOR LAYOUT
55 N Dillard Street



END OF STAFF REPORT

EXHIBIT "G"

CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

STAFF REPORT

TO:	PLANNING AND ZONING BOARD
PREPARED BY:	LAURA SMITH, SENIOR PLANNER
DATE:	JUNE 27, 2013
SUBJECT:	PRELIMINARY PLAT **Oakland Park Phase II (23.7+/- ACRES)** **PARCEL ID #** 21-22-27-0000-00-094

APPLICANT: Lake Apopka 2012, 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, east and west of Lake Brim Drive on the north and south side of the West Orange Trail, is approximately 23.7± acres. The map below depicts the location of the subject property within the City of Winter Garden municipal limits.

The applicant is requesting approval of Preliminary Plat of the 23.7± acre property which is Phase 2A and Phase 2B of the Oakland Park PUD Subdivision for 63 single family residential lots in Phase 2A and 17 single family lots in Phase 2B. The subject property is located within the City of Winter Garden municipal limits, and carries the zoning designation PUD (Planned Unit Development) in the City of Winter Garden. The subject property is designated Suburban Residential and Low Density Residential on the Future Land Use Map of the Comprehensive Plan.

EXISTING USE

The 189.9± acre Oakland Park PUD subdivision has been partially platted; Phase 1 was platted in multiple phases, Phase 1A contained 62.79 acres and 64 single family residential lots, Phase 1B1A contained 16.136 acres and 17 single family residential lots and Phase 1B1B contained 18.130 acres and 56 single family residential lots. The remaining 92.844 ± acres of unplatted land are proposed to be platted in multiple phases; the 23.7 ± acre portion of the remaining unplatted land that is located just north and south of the West Orange Trail and east and west of Lake Brim Drive is the subject area of the proposed Preliminary Plat and is proposed to include 63 single family residential lots in Oakland Park Phase 2A and 17 single family lots in Oakland Park Phase 2B.

ADJACENT LAND USE AND ZONING

The Oakland Park Property is bordered on the north by Lake Apopka, the properties located to the east are made up of a single family residential subdivision (R-1) and a commercial warehousing facility (R-1) within the City of Winter Garden, and Tildenville Elementary School (A-1) and several single family residences (A-1) located in Unincorporated Orange County. The Oakland Park Property abuts property on the west side, which they also own, located within the Town of Oakland municipal limits. The properties located to the south of the Oakland Park Property consist of single family residential properties (R-1) and vacant unimproved commercial properties along SR 50 (PCD & C-2) within the City of Winter Garden, and single family residential properties (A-1 & A-2) within Unincorporated Orange County.

PROPOSED USE

The applicant is requesting preliminary plat approval to move forward with development plans and the final plat. The preliminary plat will subdivide the 23.7± acre Phase 2 of the Oakland Park PUD into a Phase 2A containing 63 single family residential lots and a Phase 2B containing 17 single family residential lots.

SUMMARY

City Staff recommends conditional approval of the proposed Preliminary Plat subject to the following conditions:

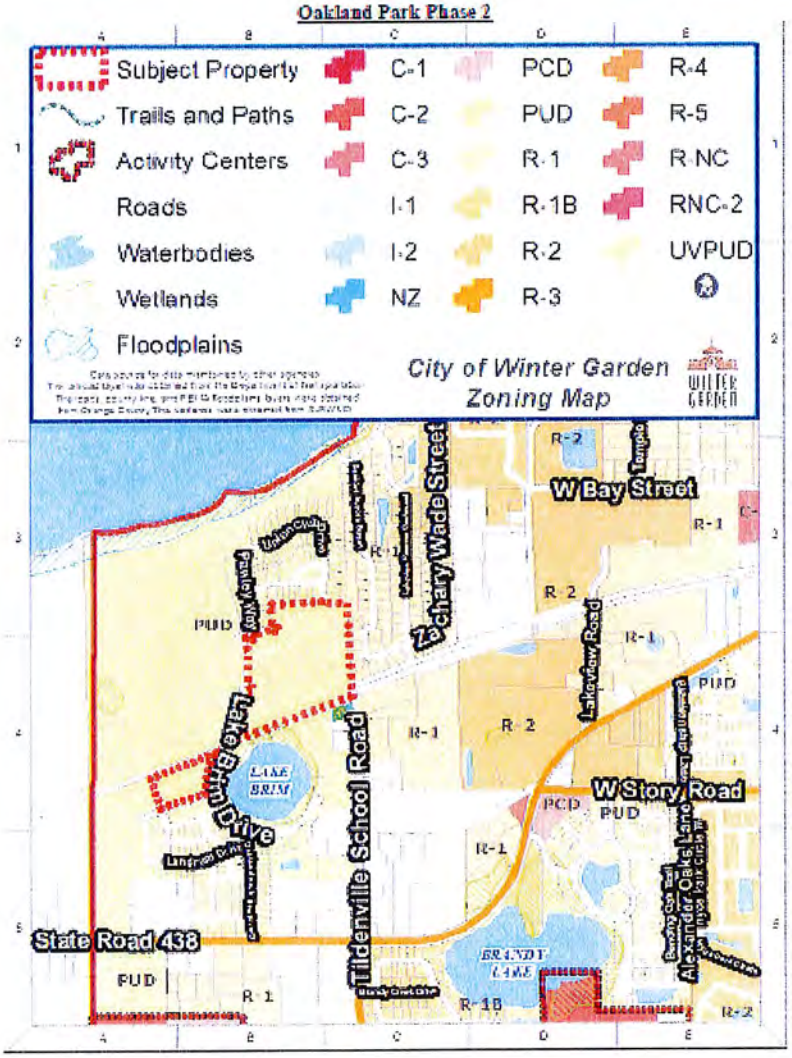
1. Street B, at Lot 174, is showing a non-radiused corner which will need to be addressed to show sufficient turning movement, etc. Applicant shall make this adjustment with the final Engineering Plans.
2. A Tree Removal Permit issued by the City of Winter Garden Building Department will be required prior to final plan approval.

Conditional approval of the Preliminary Plat will allow the owner to proceed with development plans as well as the final plat.

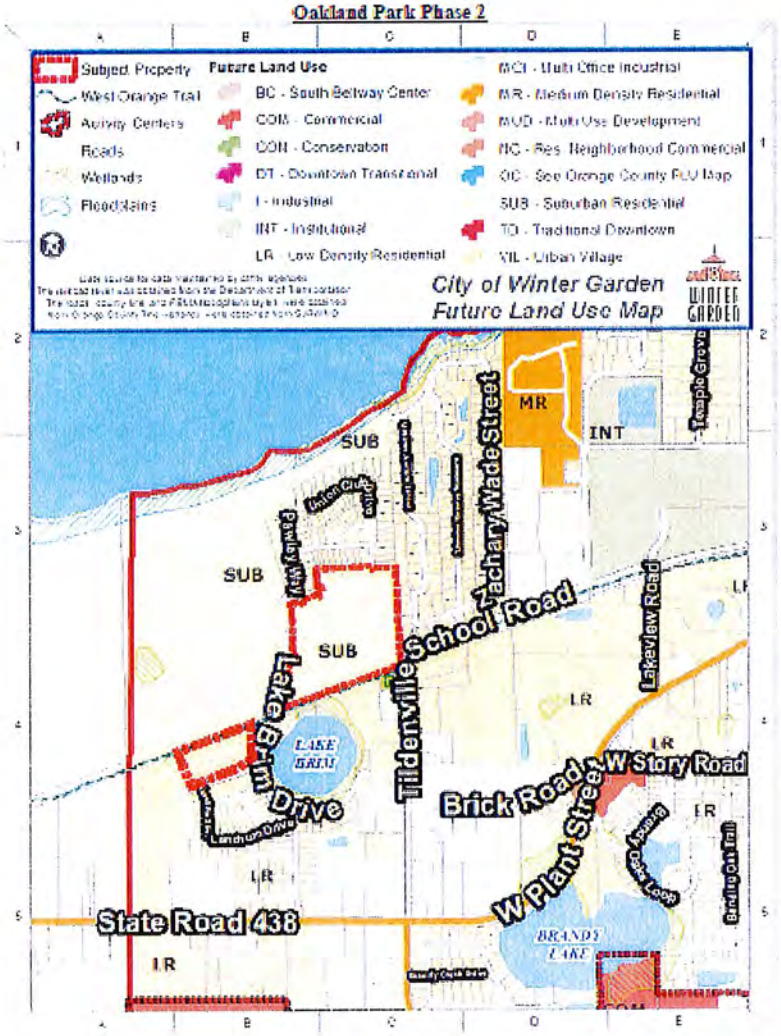
MAPS

AERIAL PHOTO
Oakland Park Phase 2

ZONING MAP
Oakland Park Phase 2



FUTURE LAND USE MAP
Oakland Park Phase 2



END OF STAFF REPORT

EXHIBIT "H"

CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

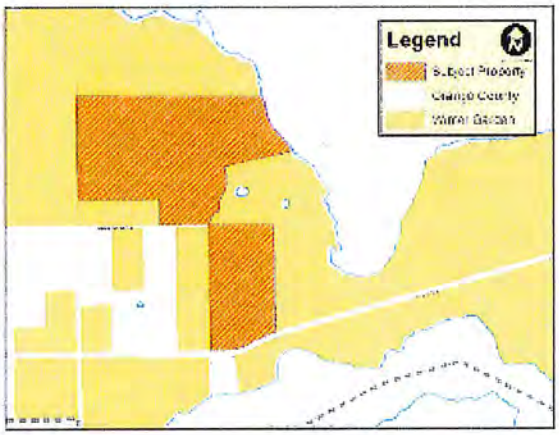
STAFF REPORT

TO:	PLANNING AND ZONING BOARD
PREPARED BY:	STEVE PASH, SENIOR PLANNER
DATE:	June 27, 2013
SUBJECT:	LOT SPLIT **17001 Marsh Road** PARCEL ID # 06-23-27-0000-00-003
APPLICANT:	Thomas Sullivan – Lowndes Law Firm

INTRODUCTION

The purpose of this report is to evaluate the request to allow a lot split on property located at 17001 Marsh Road for compliance with the City of Winter Garden Code of Ordinances and Comprehensive Plan.

The subject property consistists of two parcels which are part of a recently approved UVPUD, located on the north side of Marsh Road, west of Avalon Road and east of Williams Road and is approximately 84.4 ± acres. The map below depicts the location of the subject property within the City of Winter Garden municipal limits.



P&Z : PH12-001

CURRENT USE AND ZONING:

The subject property was recently rezoned to UVPUD and a Preliminary Plat was recently approved to develop the property with 305 single-family homes.

CODE REFERENCE

Sec. 110-96. Proposed subdivision of existing lot.

(a) Whenever a proposed subdivision is a proposal for the division of a single existing lot into two lots, in lieu of complying with division 3 of this article, the subdivider may conform to the procedural requirements set out in this division or he may comply with the procedure for subdivision or resubdivision contained in this chapter at the applicant's option. This procedure shall not apply to a subdivision into more than two lots or additional lot splits on contiguous land or within the same existing subdivision. The intention being that this procedure may only be used once as it pertains to all or any portion of the lands involved in or previously utilizing or subject to this procedure.

(b) A subdivider shall apply to the city manager on an application form, promulgated by the director of planning, for the subdivision of a single existing lot into two lots, stating the subdivider's plans for development with the following minimum criteria:

(1) A sketch showing the lot size, location of proposed buildings, location of easements, names of bordering streets, building setbacks, names and locations of all bodies of water, marshlands, drain fields, and all other waterways and watercourses abutting or encroaching upon subject property. This sketch must also show existing buildings and lot dimensions.

(2) A brief description of all utilities and city services, including sewers, potable water facilities, and fire hydrants electric and telephone poles, streetlights, storm drains and any other utilities or services relevant to the maintenance of subject properties.

(3) A listing of the names and addresses of the record owners abutting subject property.

(4) A boundary survey of the lands subject to this procedure, as existing (i.e., prior to the proposed lot split) and as proposed (i.e., after the proposed lot split), performed and prepared under the responsible direction and supervision of a professional surveyor and mapper shall be certified to and submitted to the city. Said surveys shall include the depiction of existing improvements thereon.

(c) Lot split procedure. Once the application is determined to be complete, the city staff shall review the request for compliance with the code (e.g. compliance with lot dimensions requirements, setbacks for existing buildings etc.).

Upon review by the city staff, with or without conditions or restrictions, the application, together with the recommendations, conditions and restrictions, shall be presented to the planning and zoning board at its next regular meeting or session, following action by the city staff, for approval or disapproval. The planning and zoning board may take the following actions:

(1) Approve the application as recommended by the city staff.

(2) Approve the application, deleting or supplementing the conditions and restrictions of the city staff.

(3) Approve the application, adding conditions and restrictions as determined by the planning and zoning board.

(4) Disapprove the application.

The planning and zoning board shall have the option to take such action as it deems necessary and proper upon one hearing.

SUMMARY

The applicant has submitted a request for a lot split to divide two existing parcels (prior to the Preliminary Plat) into four new parcels.

The proposed lots are a portion of the existing parcels that make up part of a new subdivision (Waterside on Johns Lake). The portion of the subdivision where the lot split is taking place is made up of two parcels. The proposed lot split will create two new lots that will be sold to the neighboring property owner (Ivan and Mala Lindsay) as part of a settlement agreement. One of the parcels is an access point from the Waterside roads to the existing house, and the other parcel is a buffer area where the neighbors (Lindsays) already have a driveway constructed. Allowing this lot split will not create any non conforming lots, it assists with providing ownership of the access driveway to the Lindsays, allows the Lindsays to keep the access road they have constructed through part of their property, and helps maintain the buffer to the Waterside on Johns Lake development.

STAFF RECOMMENDATION

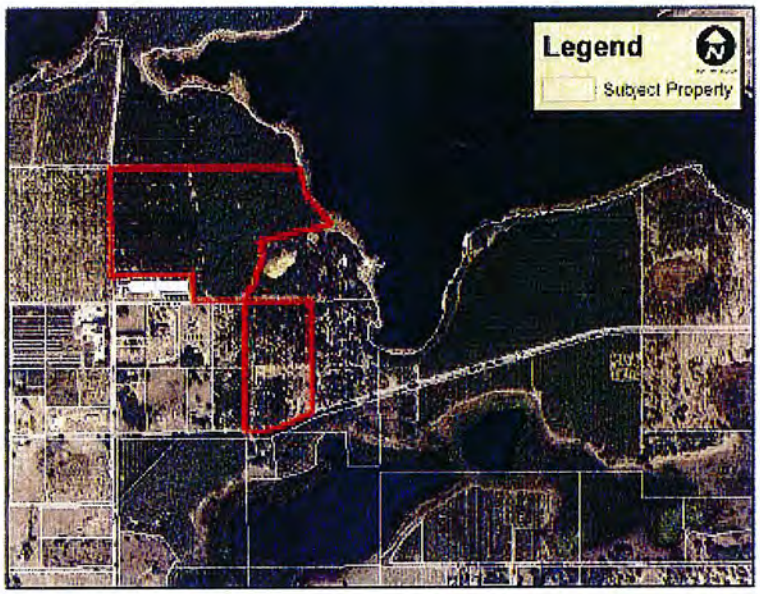
The proposed lot split will not create any non conforming lots in the Preliminary Plat, and does not affect the approved development. Staff recommends approval of the proposed lot split subject to the following conditions:

1. These lots shall be conveyed to Ivan and Mala Linday. Conveyance of these lots to Ivan and Mala Lindsay shall be done by using the special warranty deed forms that are attached to the Settlement Agreement between the City of Winter Garden, Waterside at Johns Lake, LLC, Ivan and Mala Lindsay, McKinnon Corporation, and McKinnon Groves, LLP, which include deed restrictions.
2. The Lindsays are responsible for coordinating with the Orange County Tax Collector and Property Appraiser to combine these lots with their existing property.
3. No building can occur on these lots other than driveways (built with brick pavers, concrete, or asphalt) and landscaping.

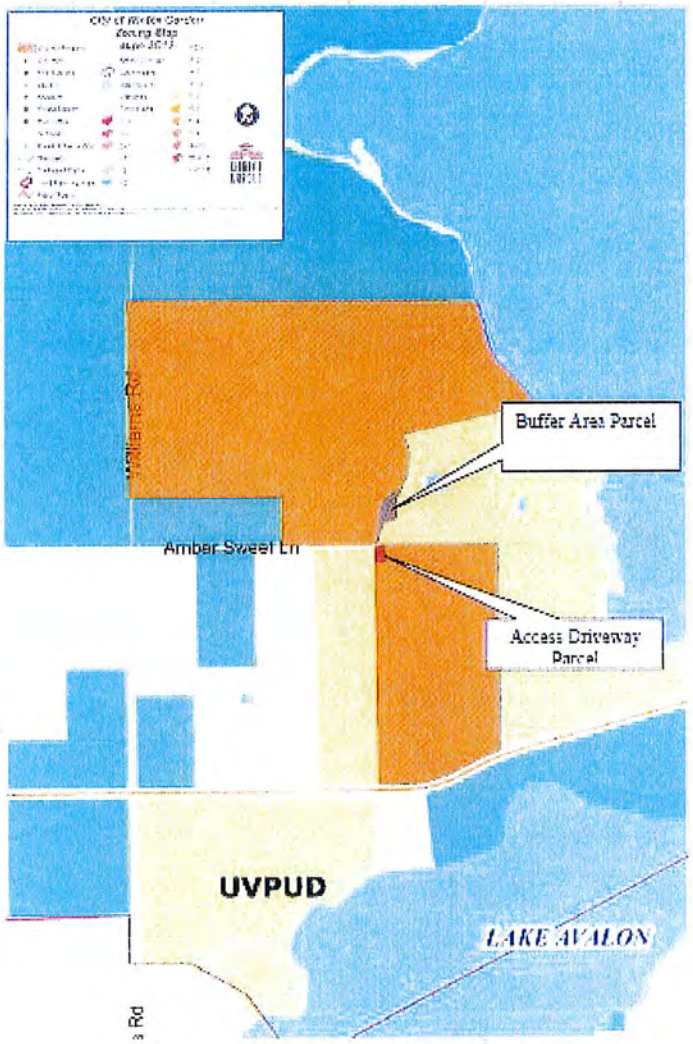
NEXT STEP

If Planning and Zoning Board approves, file with the Orange County Property Appraiser's Office and Office of Public Records.

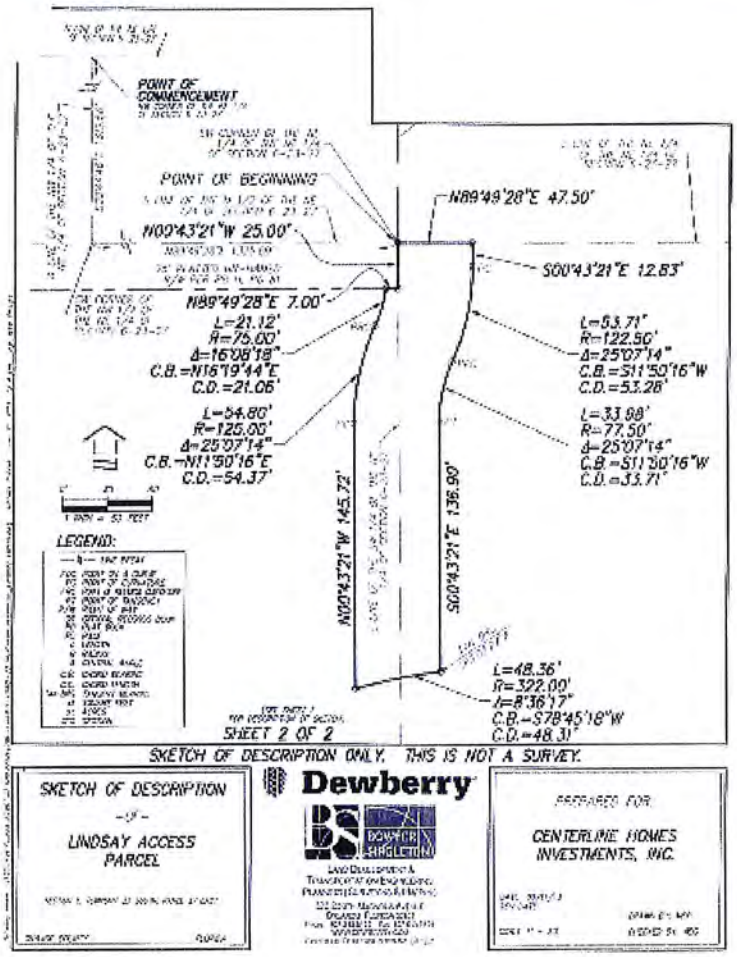
AERIAL PHOTO
17001 Marsh Road



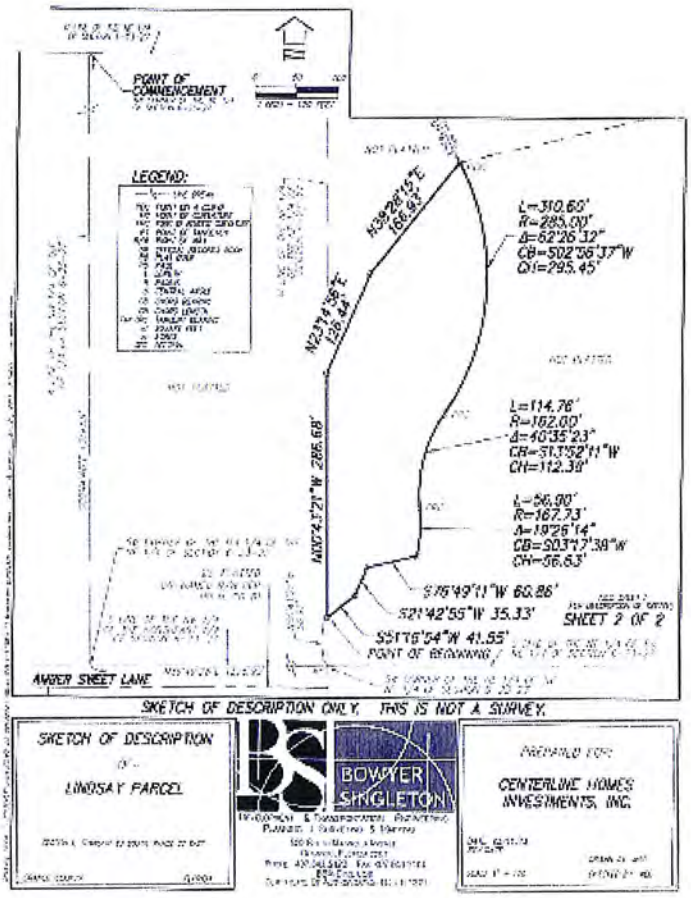
ZONING MAP
17001 Marsh Road



PROPOSED PARCEL A (ACCESS DRIVEWAY)
17001 MARSH ROAD



PROPOSED PARCEL B (BUFFER AREA)
17001 3 Seminole Street



END OF STAFF REPORT