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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
Kelly Carson

RE: Agenda – July 1, 2013 - 6:30 PM
Commission Chambers, City Hall
300 West Plant Street, Winter Garden

-
1. **CALL TO ORDER**
 2. **ROLL CALL AND DETERMINATION OF QUORUM**
 3. **APPROVAL OF MINUTES FROM THE JUNE 3, 2013 MEETING**
 4. **PRESENTATION**
City Attorney - Sunshine Law, Ex-Parte Communication, and Quasi-Judicial Hearings.

ANNEXATION, REZONING, FUTURE LAND USE MAP AMENDMENT (PUBLIC HEARING)

5. 12552 Stoneybrook West Parkway – (Lall, Jasmattie)
Annexation / FLU Map Amendment / Rezoning
Parcel ID # 36-22-27-0000-00-032
6. 1288 N West Crown Point Road – (Crown Point Management)
Annexation / FLU Map Amendment / Rezoning
Parcel ID # 12-22-27-1840-24-010
7. E Fullers Cross Road – (Maguire, Raymer)
Annexation / FLU Map Amendment
Parcel ID # 02-22-27-0000-00-002
8. 315 E Fullers Cross Road - (Highland Groves)
Rezoning - PUD
Parcel ID # 11-22-27-0000-00-003

9. 16303 Marsh Road - (Crooked Lake Preserve)
Rezoning – UVPUD
Parcel ID # 05-23-27-0000-00-005 & 05-23-27-0000-00-008
10. 55 N Dillard Street – (Welltrax)
Rezoning
Parcel ID # 14-22-27-2088-00-070
11. Garden Commerce Parkway – (Winter Garden Commerce Center)
Rezoning – PID (TO BE TABLED TO AUGUST 5, 2013)
Parcel ID # 24-22-27-9385-00-200, 24-22-27-9385-00-190, 24-22-27-9385-00-180, 24-22-27-9385-00-170, 24-22-27-9385-00-160, 24-22-27-9385-00-120, 24-22-27-9385-00-110, 24-22-27-9385-00-100, 24-22-27-0000-00-021, 24-22-27-9385-00-090, 24-22-27-9385-00-080, 24-22-27-9385-00-070, 24-22-27-9385-00-060, 24-22-27-9385-00-050, 24-22-27-9385-00-040, 24-22-27-9385-00-030, 24-22-27-9385-00-020, 24-22-27-9385-00-010

FINAL PLAT / PRELIMINARY PLAT / LOT SPLIT

12. Oakland Park Phase II
Preliminary Plat
Parcel ID # 21-22-27-0000-00-094
13. Waterside at John's Lake
Lot Split
Parcel ID # 06-23-27-0000-00-003

14. **ADJOURNMENT**

To the next regular Planning and Zoning Board meeting on Monday, August 5, 2013 at 6:30 p.m. in City Hall Commission Chambers, 300 W. Plant Street, 1st floor.



**A REGULAR MEETING MINUTES
PLANNING AND ZONING BOARD
JUNE 3, 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 6:31 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 at 6:33 p.m.

MEMBERS PRESENT:

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

STAFF PRESENT:

City Attorney Kurt Ardaman, Community Development Director Ed Williams, Senior Planner Laura Smith, Senior Planner Stephen Pash, Planner Kelly Carson and Customer Service Representative Maria Michaud.

3. APPROVAL OF MINUTES

Approval of minutes from the regular meeting held on May 6, 2013.

Motion by Eric Weiss to approve the May 6, 2013 minutes, seconded by James Dunn, the motion carried unanimously 7-0.

**ANNEXATION, REZONING, FUTURE LAND USE MAP AMENDMENT
(Public Hearing)**

- 4. 315 E. Fullers Cross Road - (Highland Groves Subdivision)
Rezoning
Parcel ID # 11-22-27-0000-00-003**

Senior Planner Laura Smith presented a rezoning request for 315 E. Fullers Cross Road (Highland Groves Subdivision). Staff requests that this item be tabled to the July 1, 2013 Planning and Zoning Board Meeting to allow for additional Community Meetings.

Board Member Ken Horsley requested all adjacent subdivisions be invited for future meetings.

Motion by Eric Weiss to table rezoning of 315 E. Fullers Cross Road (Highland Groves Subdivision) until the July 1st Planning & Zoning meeting. Seconded by Jimmy Dunn, the motion carried unanimously 7-0.

**5. East Fullers Cross Road - (Maguire, Raymer)
Annexation / FLU Map Amendment
Parcel ID # 02-22-27-0000-00-002**

Senior Planner Steve Pash presented a request for annexation into the City for a 5.9-acre property located on the north side of East Fullers Cross, just north of the previous application.

The property owner has submitted for this voluntary annexation and a Land Use Designation of Low Density Residential. There will not be any zoning applied to the property at this time, as the applicant will be including it in their Planned Unit Development application. Staff recommends approval of Ordinance 13-30 and 13-31 to annex the property and to apply the Low Density Residential land use designation.

Board Member Mac McKinney inquired how the people were going to access that property once the other piece of property that's adjoining was developed.

Board members discussed who the owner of the property was, how they would access the property, and what the impact to the property's annexation would be in case the PUD was not approved.

Senior Planner Steve Pash clarified that the current owner is Raymer Maguire and that the owner is the applicant on this application. The other property is owned by the Roper Trust. In case the PUD is not approved, there will be no impact on this property. Even if this property is not annexed into the city, it will always require access since it's technically a landlocked piece. Through the process of rezoning or development of the properties, the City will require access to the landlocked property.

This 5.9 acre property is the only dry piece of land on the property owned by the Maguire family. They own another 32 acres north of it that consists of wetlands and the developer of the Roper property is under contract to buy that piece which will be annexed next month.

Board member Mac McKinney inquired if this particular piece of property was going to be included in the adjacent PUD. Senior Planner Steve Pash answered in the affirmative. Board

member Mac McKinney also wanted to know if this property would be developed at the same time and if we would have more houses going on there. Senior Planner Steve Pash stated that this property will be part of the PUD, but it won't increase the number of homes that are proposed. They are buying this property to eliminate the landlocked parcel and the need to provide access to a property owned by someone else.

Board Chairman James Gentry asked if there is anyone that would like to speak for or against this project.

Before making a motion, board member Mark Maciel inquired how is it that the City could do the annexation now but not the rezoning.

Senior Planner Steve Pash explained how the City often annexes land without applying an initial zoning and in this case the property will be included in the PUD, which is being reviewed.

Motion by Mark Maciel to approve Ordinance 13-30 and Ordinance 13-31 with staff recommendations (Exhibit A). Seconded by Mac McKinney the motion carried 6-1. Kent Horsley opposed.

**6. 17925 Marsh Road - (Cannon, Benjamin)
Annexation / FLU Map Amendment
Parcel ID # 06-23-27-4288-08-261**

Senior Planner Steve Pash presented a request to annex a 5.8 acre property located at 17925 Marsh Road.

The owners have requested annexation and a Land Use Designation of Urban Village. This area of the City is required to be zoned Urban Village Plan Unit Development so no zoning district will be applied at this time. If and when they decide to redevelop the property they will need to apply for zoning.

The property is currently used as an orange grove and their main home, which was annexed last month, is just north of this property.

Staff recommends approval of ordinance 13-28 to annex the property and 13-29 to assign that Land Use Designation of Urban Village.

Board Chairman James Gentry asked if there is anyone that would like to speak for or against this project.

Motion by Eric Weiss to approve the annexation and future land use of 17925 Marsh Road, ordinance 13-28 and ordinance 13-29 with staff recommendations (Exhibit B). Seconded by Mark Maciel, the motion carried unanimously 7-0.

7. City of Winter Garden Code Updates Code Amendment: Chapter 118 – Zoning Ordinance 13-27

Community Development Director Ed Williams presented ordinance 13-27, which makes amendments to the commercial zoning districts.

In the C-1 District, staff is proposing to eliminate communication towers and communication antennas from permitted uses and to change upper story residential from special exception to a permitted use. Staff proposes this to encourage mixed use projects.

In the C-1 district staff is proposing a change to the permitted accessory uses and structures for churches to include meeting hall, parsonage, baptismal fountains, and columbarium.

The Ordinance also changes the process for amendment to be more consistent with Florida Statutes.

Community Development Director Ed Williams mentioned that there's been a lot of controversy in the recent past about uses in churches that aren't specifically listed in the code. He stated that in the proposed ordinance those uses listed are clearly accessory uses that would logically be found in some religious institutions and should be approved as accessory uses.

However, educational facilities like schools in conjunction with churches because of their impact with vehicles and parking still need to be special exceptions, so staff is separating certain minor uses as accessory uses and keeping the uses that have a larger impact as a special exception.

Community Development Director Ed Williams asked if any of the Board members had any questions and stated that staff recommends approval of ordinance 13-27.

Board member Mac McKinney inquired about the C-1 District, item 4 upper-story residential and Community Development Director Williams mentioned that staff had moved that from special exceptions up to a permitted use.

Board member Mac McKinney inquired about the C-3 District having under special exception uses "permitted structures over 40 feet in height", but there is no maximum height there, so how high are we going?

Community Development Director Ed Williams stated that there's no limit mentioned, but if anyone wished to go over 40 feet, they would have to provide a very strong justification for whatever they propose.

Board Chairman James Gentry asked if there is anyone that would like to speak for or against this project.

David Kassander from 15155 Ovation Dr., Winter Garden 34787, had a question to follow up on the height restriction listed in the ordinances and floor area ratio.

Community Development Director Ed Williams mentioned that there are floor area ratios and there are impervious surface ratios that are established in each of the districts. In this particular district C-3, there is a provision to go higher than 40 feet but every other zoning district has a very specific height restriction.

David Kassander acknowledged.

Board member Eric Weiss inquired why the public notice in Section 118-7 was shortened from 15 days to 10 days.

Community Development Director Ed Williams answered that the reason was that the attorneys were trying to make it consistent with the State requirements: trying to be more careful to mirror what the State requirements are so there's never any conflict.

Board Chairman James Gentry asked for a motion.

Motion by Mark Maciel to approve ordinance 13-27, amending Chapter 118 of Winter Garden City Code with Staff recommendations (Exhibit C). Seconded by Mac McKinney the motion carried unanimously 7-0.

8. ADJOURNMENT

There being no further business, the meeting was adjourned at 6:54 p.m.

APPROVED:

ATTEST:

Chairman James Gentry

Customer Service Representative Maria Michaud

Exhibit "A"

CITY OF WINTER GARDEN PLANNING & ZONING DIVISION

300 West Plant Street - Winter Garden, Florida 34787-3011 • (407) 856-4111

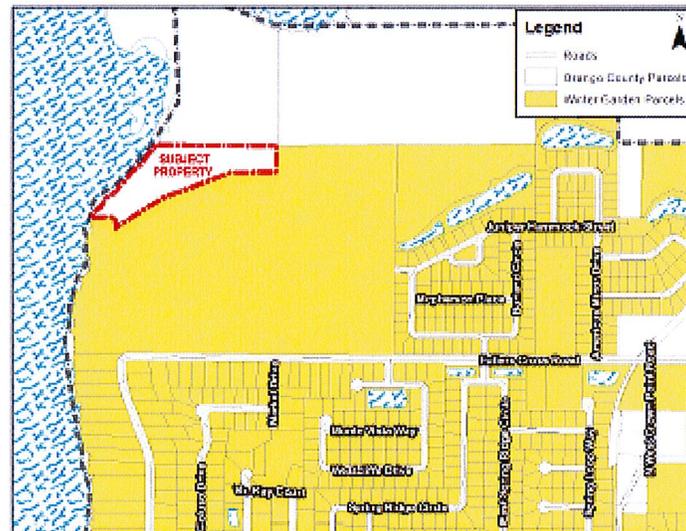
STAFF REPORT

TO: PLANNING AND ZONING BOARD
PREPARED BY: STEVE PASH, SENIOR PLANNER
DATE: MAY 31, 2013
SUBJECT: ANNEXATION - FLU AMENDMENT
EAST FULLERS CROSS ROAD (5.9 +/- 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 5.9 ± 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. The property will be included in a Planned Unit Development (PUD) zoning application to develop with a new single family neighborhood.

In accordance with the City's Comprehensive Plan, permitted uses within the Low Density Residential land use include single family homes and churches and schools. The zoning classifications that are consistent with the Low Density Residential land use designation include PUD, R-1A, R-1, R-2, R-1B, and INT.

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

EXISTING USE

The subject property is wooded vacant land.

ADJACENT LAND USE AND ZONING

The property located to the north is wooded wetland and Lake Apopka, zoned A-2, and located in Orange County. 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 add it to their application for a Planned Unit Development to develop a new single family neighborhood with 186 new 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.

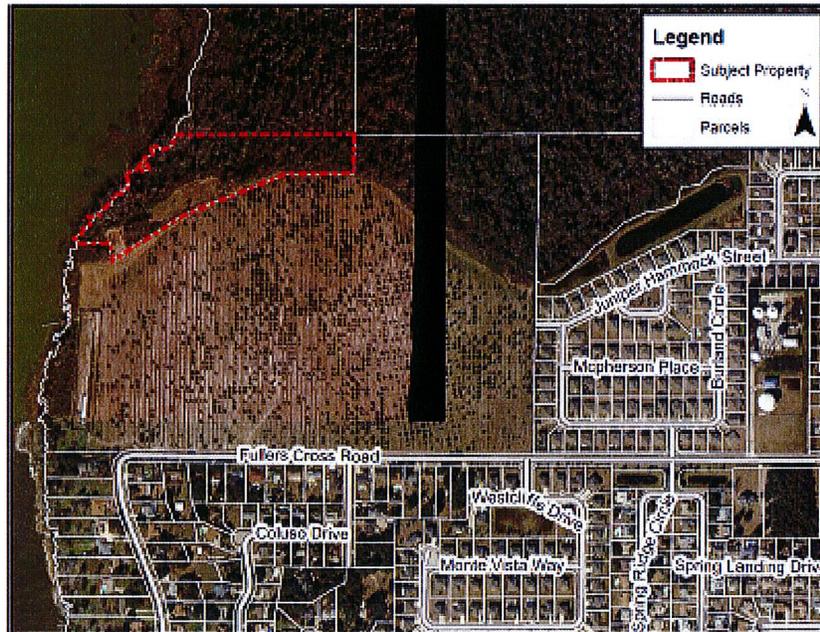
SUMMARY

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

East Fullers Cross Road (Highland Groves)



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



END OF STAFF REPORT

Exhibit "B"

CITY OF WINTER GARDEN PLANNING & ZONING DIVISION

300 West Plant Street - Winter Garden, Florida 34787-3811 • (407) 856-4111

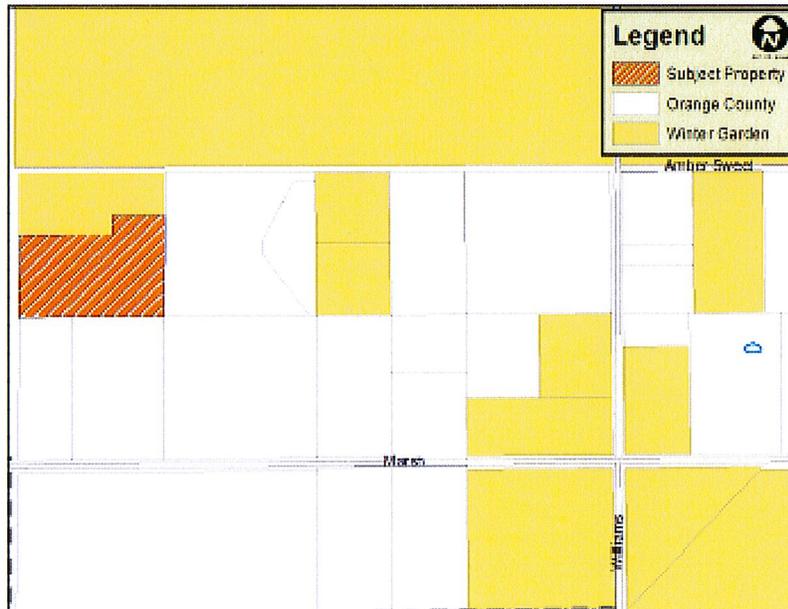
STAFF REPORT

TO: PLANNING AND ZONING BOARD
PREPARED BY: STEVE PASH, SENIOR PLANNER
DATE: MAY 31, 2013
SUBJECT: ANNEXATION – ZONING – FLU AMENDMENT
17925 MARSH ROAD (5.826 +/- ACRES)
PARCEL ID #: 06-23-27-4288-08-261
APPLICANT: BENJAMIN & JUDY CANNON

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 17925 Marsh Road and is approximately 5.826 ± acres. The map below depicts the proximity of the subject property to the City's jurisdictional limits:



The property is the last property on the western boundary of Orange County 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 Urban Village. At this time, no zoning designation will be applied to the property as they will be required to submit for an Urban Village Planned Unit Development when they redevelop the property.

In accordance with the City's Comprehensive Plan, permitted uses within the Urban Village land use include residential, commercial, and natural land. The zoning classifications that are consistent with the Urban Village land use designation include UVPUD 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 an orange grove and contains no houses or buildings.

ADJACENT LAND USE AND ZONING

The property located to the north is a single-family home and located in the City. The property located to the east is undeveloped, zoned A-1 and located in Orange County. The properties to the south are single-family homes, zoned A-1 and located in Orange County. The property to the west is developed with a single-family house and located in Lake County.

PROPOSED USE

The applicant intends to annex the property and continue using it as an orange grove. Any additional development or redevelopment of the property will require the property owner to submit for an Urban Village Planned Unit Development.

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

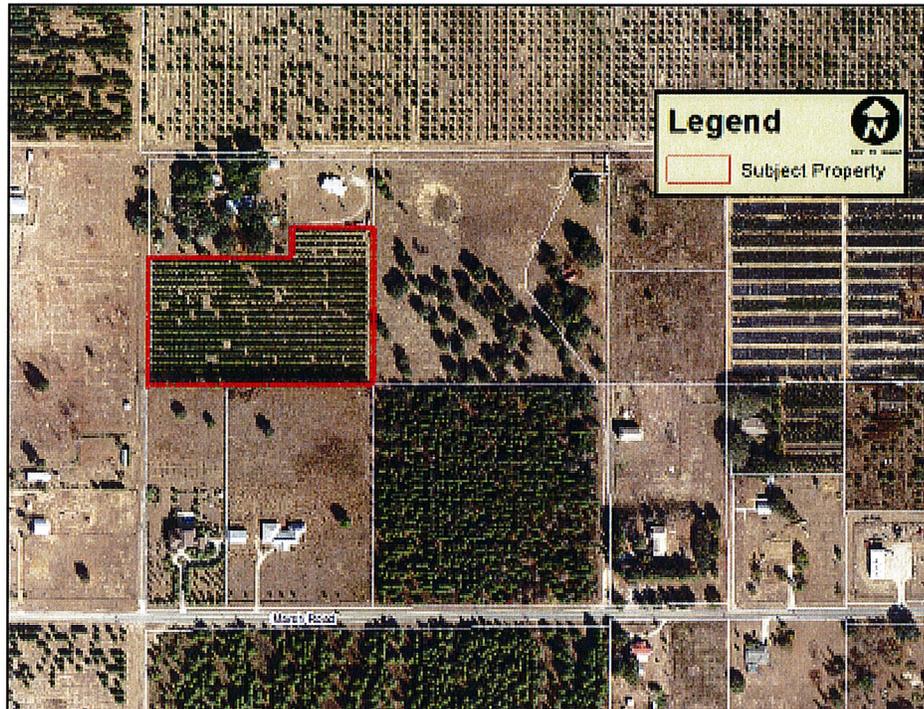
Annexation will provide a more efficient delivery of services to the property and further the goals and objectives of the City of Winter Garden's Comprehensive Plan to eliminate enclaves.

City Staff recommends approval of the proposed Ordinances.

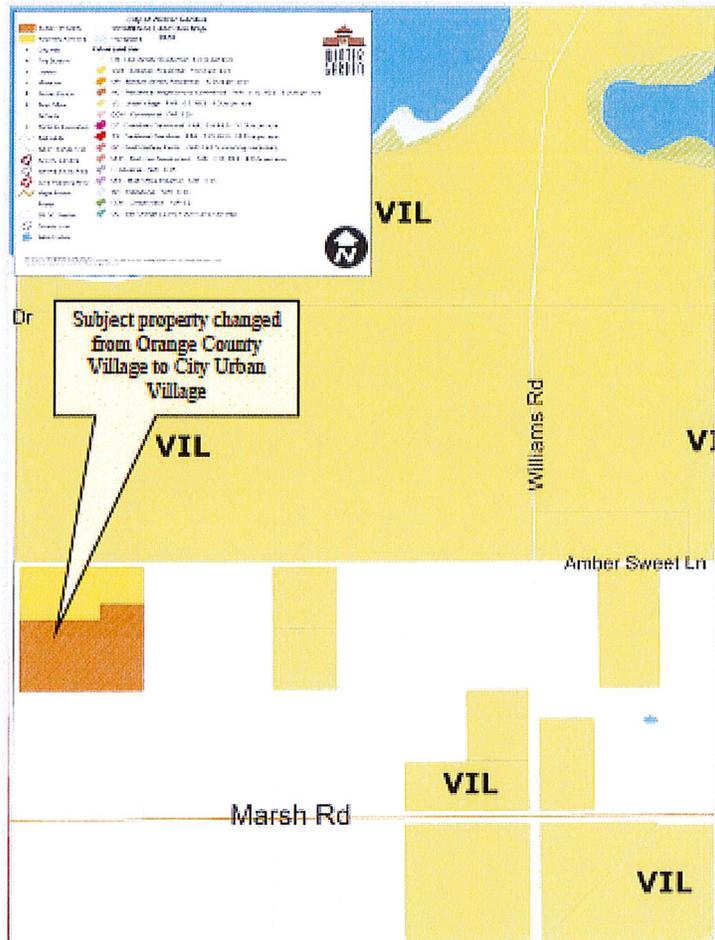
MAPS

AERIAL PHOTO

17925 Marsh Road



**FUTURE LAND USE MAP
 17925 Marsh Road**



END OF STAFF REPORT

THE CITY OF WINTER GARDEN
PLANNING AND ZONING BOARD AGENDA ITEM

ITEM # 4 (Public Hearing)

DATE: June 28, 2013

MEETING DATE: July 1, 2013

SUBJECT: Presentation

SUMMARY:

The Sunshine Law, Quasi-Judicial Proceedings, Ex parte Communications as such apply to the City of Winter Garden Planning and Zoning Board

ATTACHMENT(S):

City Attorney Memorandum

MEMORANDUM

TO: City of Winter Garden Planning and Zoning Board

FROM: A. Kurt Ardaman, City Attorney

DATE: July 1, 2013

RE: The Sunshine Law, Quasi-Judicial Proceedings, Ex parte Communications as such apply to the City of Winter Garden Planning and Zoning Board

The following information is an overview of the Government in the Sunshine Law, quasi-judicial proceedings and ex parte communications as they affect the Planning and Zoning Board and its Members.

I. Scope of the Sunshine Law

Florida's Government in the Sunshine Law, commonly referred to as the Sunshine Law, provides a right of access to governmental proceedings at both the state and local levels. The law is applicable to the City of Winter Garden Planning and Zoning Board and has been applied to any gathering of two or more members of the same board to discuss some matter which will foreseeably come before that board for action. There are three basic requirements of section 286.011, Florida Statutes:

- (1) Reasonable notice of the Planning and Zoning Board meetings must be given;
- (2) Meetings must be open to the public;
- (3) Minutes of the meetings must be taken.

The key to understanding the Sunshine Law is the recognition of what constitutes a meeting of the Planning and Zoning Board.

Meeting Subject to the Sunshine Law

The Sunshine Law is applicable to any gathering, whether formal or casual, of two or more Members of the Planning and Zoning Board (“Board”) to discuss some matter on which foreseeable action will be taken by the Board. The law covers not only the discussions and deliberations of the Board (as well as any 2 or more members of the Board), but the formal action taken by the Board. There is no requirement that a quorum be present for a meeting between the Board Members to be subject to section 286.011, Florida Statutes.

Written Correspondence Between Board Members

The use of written correspondence, including e-mails and texts, prior to a noticed public meeting by one Member to discuss with or solicit opinions and comments from other Members pertaining to a subject which will, or which may foreseeably come before the Board, be discussed at a public meeting is a violation of the Sunshine Law. In addition, written correspondence including e-mail and text messages made or received by the Members in connection with official business are public records and subject to disclosure under the Public Records Act.

A Board Member may prepare and circulate an informational memorandum or position paper to other Board Members; however, the use of a memorandum to solicit comment from other Board Members or the circulation of responsive memoranda by another Board Member would violate the Sunshine Law. If a Board Member responds to another Member’s informational memorandum or position paper relating to a matter likely to come before the Board, the initial memorandum or position paper and the response would violate the Sunshine Law. Thus, to avoid the possibility of another Board Member responding to a position paper or informational memorandum in violation of the Sunshine Law, we recommend that Board

Members not circulate correspondence to other Board Members relating to matters likely to come before the Board prior to a public Board meeting.

Telephone Conversations

The use of a telephone to conduct discussions between Board Members relating to a matter or matters likely to come before the Board does not remove the conversation from the requirements of section 286.011, Florida Statutes.

Use of Computer/E-mail & Cellular Telephones/Texting

The use of private or public computers and cellular telephones by Board Members to communicate among themselves on issues to come before the Board is subject to the Sunshine Law. E-mail and text messages made or received by a Board Member in connection with official business are public records and subject to disclosure in the absence of a statutory exemption from public inspection. Under Chapter 119, Florida Statutes (the Public Records Act), it is the nature of the record itself, not its physical location, which determines whether a record qualifies as a “public record.” Emails, texts and other written correspondence made or received by a Member in connection with City business are public records and are subject to disclosure and proper retention. If emails and texts are of a purely personal nature and do not include information pertaining to the conduct of City business, such emails and texts need not be disclosed. Public records retain their public character and remain subject to public disclosure and retention regardless of whether they are stored, sent or received in private or public email and texting accounts. Thus, regardless of where a record is stored, if such record was made in connection with the transaction of official City business, such record must be disclosed and properly retained unless there exists an applicable statutory exemption. In addition, information stored on a City computer is as much a public record as a written page in a file stored in a filing

cabinet. Therefore, it is recommended that you do not use the City e-mail system or use the City's computers to convey personal messages or store personal files that you want kept private.

Use of Websites/blogs

The use of a website blog or message board, including social media websites such as Facebook and Twitter, to solicit comment from other Board Members on matters that are likely to come before the Board, trigger the requirements of the Sunshine Law. Such action would amount to a discussion of public business through the use of the electronic format without appropriate notice, openness to the public, or statutorily required recording of the minutes of the meeting. While the mere posting by a Board Member of that Board Member's position does not implicate the Sunshine Law, subsequent postings by other Board Members on the subject of the initial posting could be construed as a response which would be subject to the statute.

While there is no statutory prohibition against a Board Member posting comments on a privately maintained electronic bulletin board or blog or social media websites, nor is there any statutory prohibition for a Board Member to serve as a webmaster of such a site, Board Members must not engage in an exchange or discussion of matters that foreseeably will come before the Board for official action. The Florida Attorney General has stated that use of such an electronic means of posting one's comments and the inherent availability of other participants or contributors to act as liaisons between Board Members would create an environment that could easily become a forum for Board Members to discuss official issues which should most appropriately be conducted at a public meeting in compliance with the Government in the Sunshine Law. It is incumbent upon Board Members to avoid any action that could be construed as an attempt to evade the requirements of the law.

Also, Board Members' postings on a private website or blogs commenting on matters involving City business is subject to the requirements of the Public Records Act. The individual Board Member who creates the public documents through e-mails and posted comments on a private website or blog would be responsible for ensuring that the information is maintained in accordance with the Public Records Law and the City's retention schedule.

Use of Nonmembers as Liaisons Between Board Members

The Sunshine Law is applicable to meetings between a Board Member and an individual who is not a Board Member if that individual serves as a liaison between, or to conduct a de facto meeting of, another Board Member or Members.

Members of Different Boards

The Sunshine Law does not apply to a meeting between individuals who are members of different boards unless one or more of the individuals has been delegated the authority to act on behalf of his board.

Social Events

Board Members are not prohibited under the Sunshine Law from meeting together socially, provided that matters which may come before the Board are not discussed at such gatherings.

II. Quasi-judicial Proceedings

Typically, hearings by the Board are either quasi-judicial or legislative in nature. It is important to know whether a hearing is quasi-judicial or legislative because there are different requirements and rules that affect actions by Board Members before and during the hearing and challenges to decisions made by the Board after the hearing. Generally, hearings where the

Board applies an existing rule or policy (law) affecting a small number of people or a few parcels of property to an application and facts before the Board constitutes a quasi-judicial proceeding. Where the Board makes recommendations to formulate a general rule or policy (law) which will affect many people or properties, the hearing is generally a legislative proceeding.

Hearings that relate to development applications, site plans, zoning changes, variances, and special exceptions are examples of quasi-judicial proceedings. Hearings dealing with comprehensive plan amendments and the adoption of new ordinances are examples of legislative proceedings.

The rules and proceedings affecting Board Members and their hearings for legislative proceedings are much less stringent than quasi-judicial proceedings. Therefore, the following material applies to quasi-judicial proceedings.

When quasi-judicial proceedings occur, due process must be given to the parties exceeding the requirements of the Sunshine Law. The right of due process includes the right to reasonable notice, an opportunity to be heard at a hearing, including the right to give and submit testimony and evidence at a hearing on the quasi-judicial matter, and for the Board's recommendation to be based on the testimony and competent substantial evidence entered in the record at the hearing.

The Florida Supreme Court has stated that there is no exception to the Sunshine Law which would allow closed-door hearings or deliberations when the Board is acting in a "quasi-judicial" capacity. Examples of when quasi-judicial hearings will be conducted by the Board are requests for variances, site plans, special exceptions and rezoning approvals affecting a small group of individuals or properties.

Communications between individual Board Members and parties to quasi-judicial proceedings, as well as with others, outside of the context of the public hearing (“ex parte communications”) do not violate the Sunshine Law. Parties to a quasi-judicial proceeding include the applicant, persons speaking or submitting evidence for the public hearing and the City’s staff. However, ex-parte communications may constitute a presumptive prejudice against another party’s due process rights, which can subject the Board’s action to challenge, unless such communications are disclosed during the public hearing concerning.

If ex parte communications pertaining to a quasi-judicial matter are sent or received by a Board Member, it is necessary that the Member disclose at the public hearing the nature and details of the ex parte communication. Disclosing the ex parte communication at the public hearing allows the potentially aggrieved party the opportunity for rebuttal and due process protection. It is recommended that the ex parte communication disclosure occur during the public hearing prior to the presentations from the applicant and other persons who desire to participate in the public hearing.

Inaudible Discussions

A violation of the Sunshine Law may occur, if, during the public hearing or during a recess of a public hearing Board Members discuss issues before the Board in a manner not generally audible to the public attending the meeting. Therefore, even in the public forum, we recommend that Board Members refrain from passing notes or whispering comments between other Board Members concerning matters pending or likely to come before the Board.

Abstaining From Voting at Public Meeting

Section 286.012, Florida Statutes, provides that no Board Member who is present at any Board meeting at which an official decision, ruling, or other official act is to be taken or adopted

may abstain from voting. A vote shall be recorded or counted for each Board Member present, except when, with respect to any such Board Member, there is, or appears to be, a possible conflict of interest, including a Board Member's special private gain or loss relating to the subject matter, prescribed in Chapter 112, Florida Statutes. Therefore, a Board Member who is present at a meeting must vote unless there is, or appears to be a possible conflict of interest, including a Board Member's special private gain or loss, under Chapter 112, Florida Statutes. Section 112.3143 requires a Board Member who has a conflict of interest and will abstain from voting on the subject matter to, prior to the vote being made, state the nature of the Board Member's conflict and within 15 days after the hearing submit a written memorandum disclosing the nature of the conflict which memorandum will be included in the meeting minutes.

III. Penalties for Violating Sunshine Law

Criminal Penalties

Any Board Member who *knowingly* violates the Sunshine Law is guilty of a misdemeanor of the second-degree. A person convicted of a second-degree misdemeanor may be sentenced to a term of imprisonment not to exceed 60 days and/or fined up to \$500.

Removal From Office

A Board Member who is indicted or informed against for any misdemeanor arising directly out of his or her official duties; this includes an allegation of a Sunshine Law violation may be suspended. If convicted, the Board Member may be removed from office.

Non-criminal Infractions

The Sunshine Law imposes non-criminal penalties for violations of the Sunshine Law by providing that any public official violating the provisions of the Sunshine Law is guilty of a non-

criminal infraction, punishable by a fine not exceeding \$500. A non-criminal violation of the Sunshine Law *does not require a knowingly* violation by a Board Member. Therefore, a Board Member need not have intended to circumvent the purpose of the Sunshine Law to have a non-criminal penalty imposed against the Member.

Attorney's Fees

Reasonable attorney's fees will be assessed against the Board if it is found to have violated section 286.011, Florida Statutes. Such fees may be assessed against the individual Board Members except in those cases where the Board sought, and took, the advice of its attorney; such fees may not be assessed against the individual Members.

Civil Actions for Injunctive Relief

The Sunshine Law gives the Circuit Court the jurisdiction to issue injunctions enjoining any violation of the Sunshine Law. On a showing by any citizen that the Sunshine Law was violated in particular respects, a court may enjoin a future violation that bears some resemblance to the past violation.

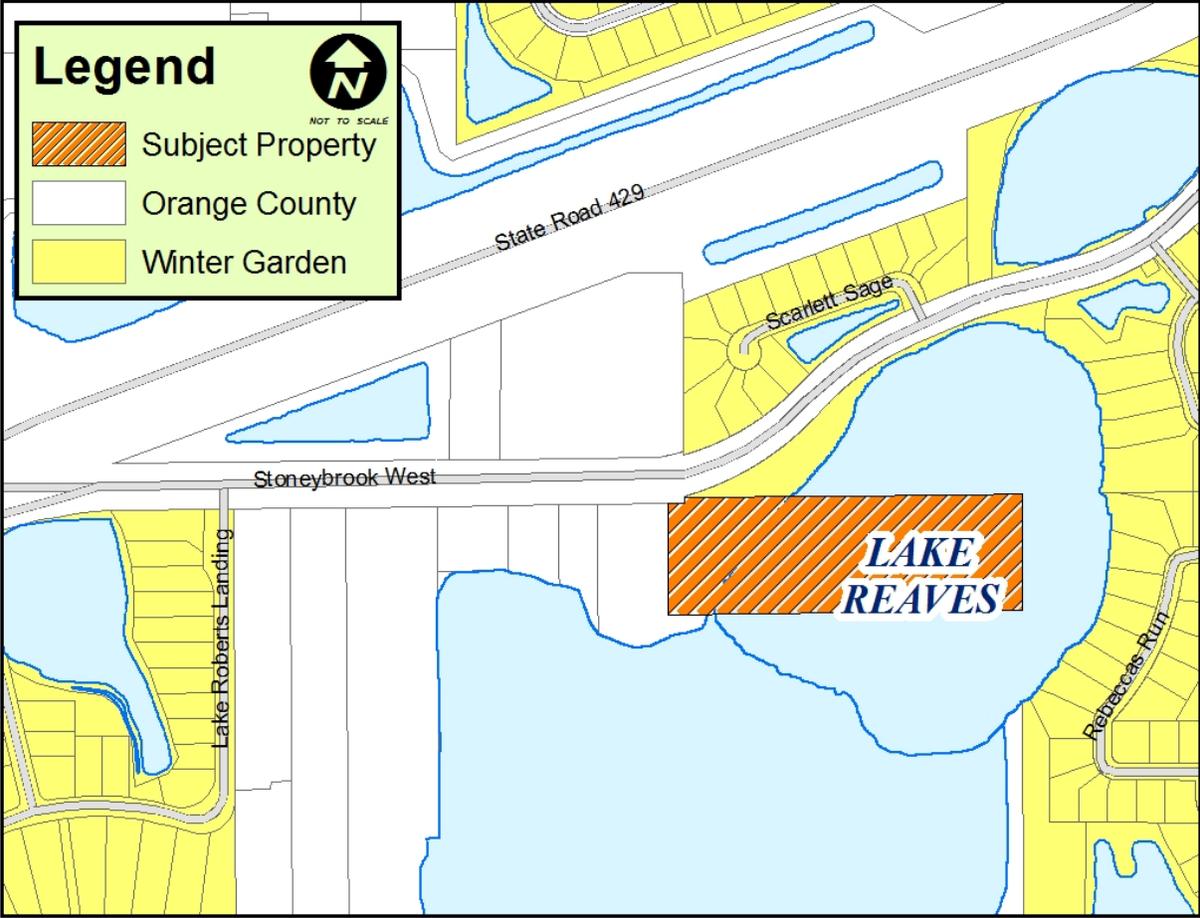
Validity of Action Taken in Violation of the Sunshine Law and Subsequent Corrective Action

The Sunshine Law provides that no resolution, rule, regulation or formal action shall be considered binding except as taken or made at an open meeting. Recognizing that the Sunshine Law should be construed so as to frustrate all evasive devices, the courts have held that action taken in violation of the law was void.

LOCATION MAP

12552 Stoneybrook West Parkway

ANNEXATION, REZONING AND FUTURE LAND USE



CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

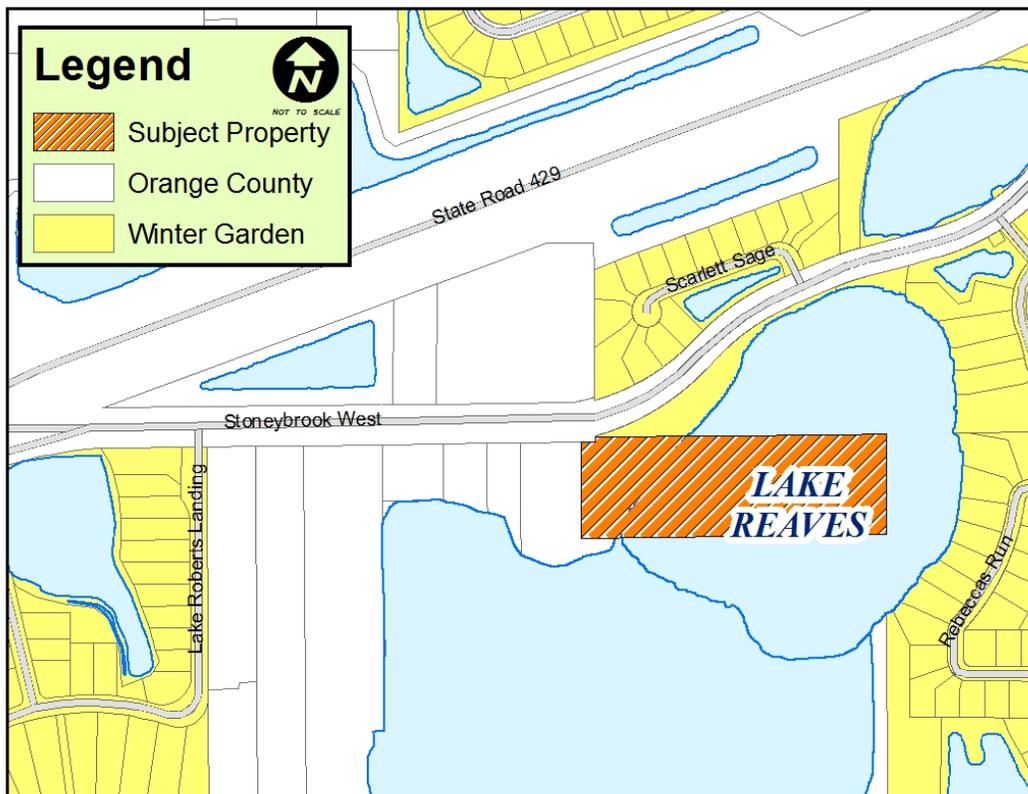
STAFF REPORT

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 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.

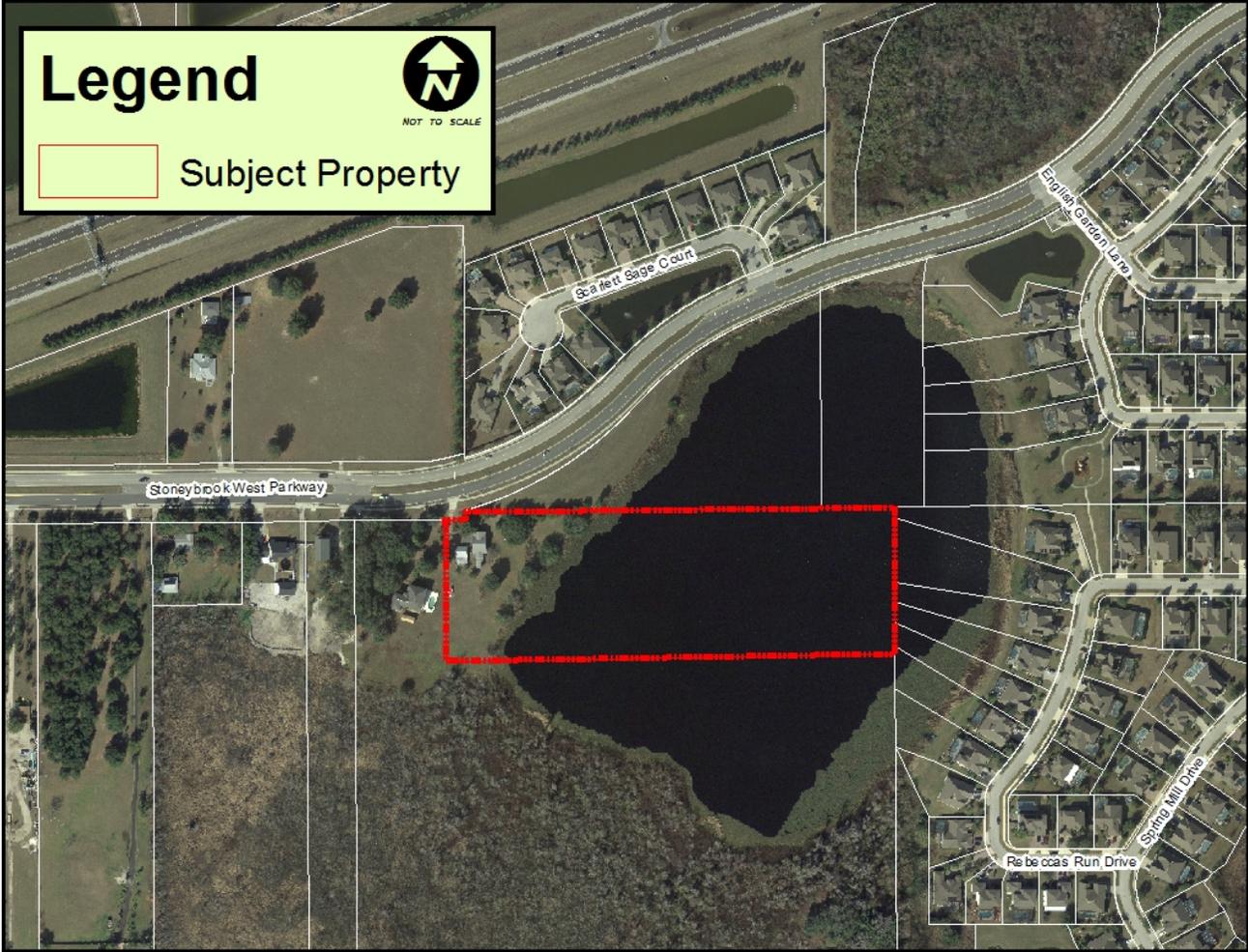
SUMMARY

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.

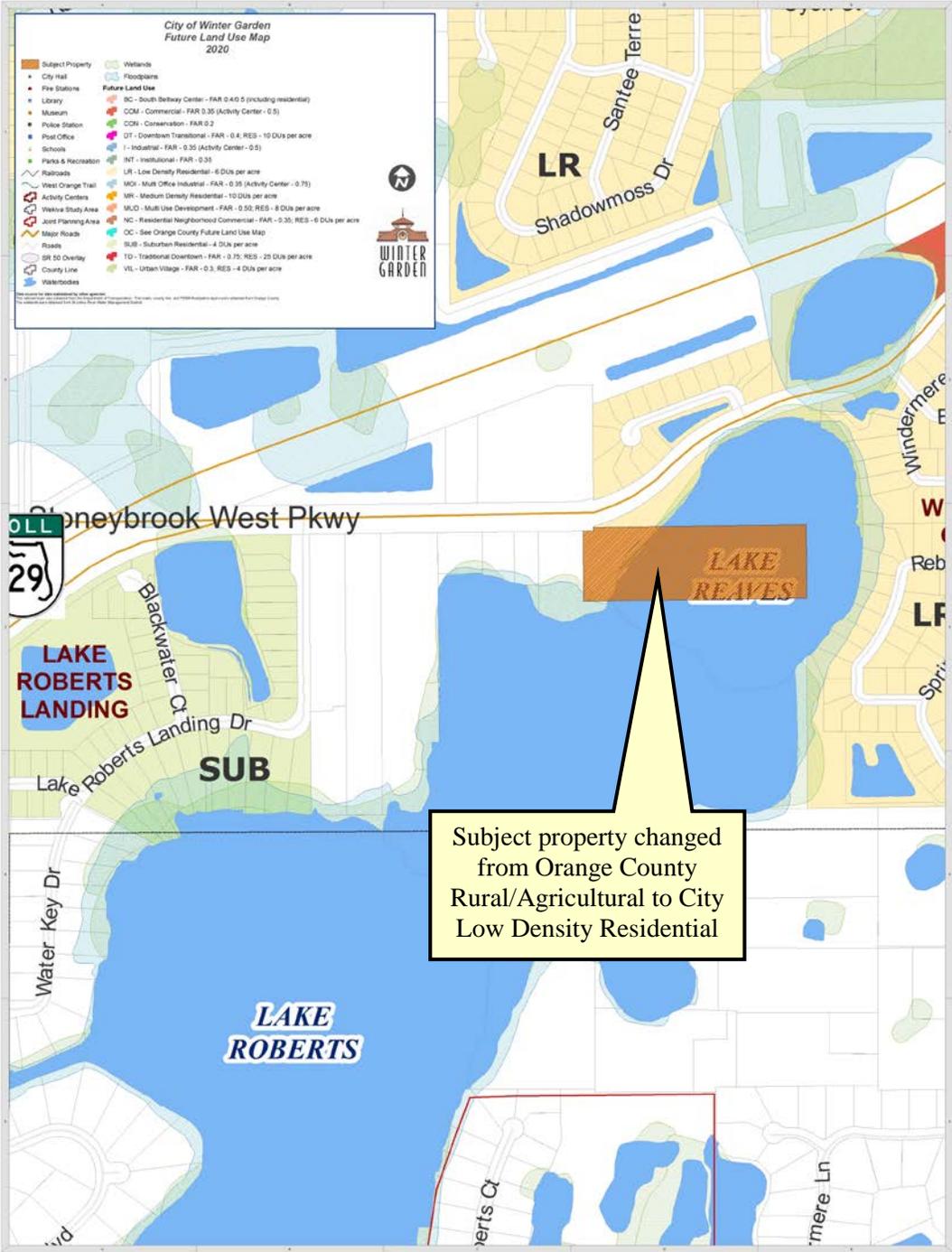
MAPS

AERIAL PHOTO

12552 Stoneybrook West Parkway



FUTURE LAND USE MAP
12552 Stoneybrook West Parkway



END OF STAFF REPORT

ORDINANCE 13-38

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 8.24 ± ACRES LOCATED AT 12552 STONEYBROOK WEST PARKWAY, ON THE SOUTH SIDE OF STONEYBROOK PARKWAY, EAST OF LAKE ROBERTS LANDING DRIVE, AND WEST OF SCARLETT SAGE COURT INTO THE CITY OF WINTER GARDEN FLORIDA; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner of the land, generally described as approximately 8.24 ± acres located at 12552 Stoneybrook West Parkway, east of Lake Roberts Landing Drive, and west of Scarlett Sage Court and legally described in Section 2 of this Ordinance, which land is reasonably compact and contiguous to the corporate limits of the City of Winter Garden, Florida (“City”), has, pursuant to the prerequisites and standards set forth in § 171.044, Fla. Stat., petitioned the City Commission for voluntary annexation;

WHEREAS, the petition for voluntary annexation referenced herein bears the signatures of all owners of the property or properties described in Section 2 of this Ordinance (*i.e.*, the property or properties to be annexed); and

WHEREAS, the City has determined that the property described in Section 2 of this Ordinance is located in an unincorporated area of the County and that annexation of such property will not result in the creation of an enclave.

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

SECTION 1: *Annexation.* That the City Commission through its Planning and Zoning Board has conducted an investigation to determine whether the described property meets the prerequisites and standards set forth in Chapter 171, Fla. Stat. and has held a public hearing and said petition and made certain findings.

SECTION 2: *Description of Area Annexed.* That, after said public hearing and having found such petition meets said prerequisites and standards, the property legally defined in ATTACHMENT “A” and graphically shown on the attached map shall be annexed into the City of Winter Garden, Florida.

SECTION 3: *Effect of Annexation.* That the City of Winter Garden, Florida, shall have all of the power, authority, and jurisdiction over and within the land as described in Section 2 hereof, and the inhabitants thereof, and property therein, as it does and have

over its present corporate limits and laws, ordinances, and resolutions of said City shall apply and shall have equal force and effect as if all territory had been part of said City at the time of the passage of such laws, ordinances, and resolutions.

SECTION 4: *Apportionment of Debts and Taxes.* Pursuant to § 171.061, Fla. Stat., the area annexed to the City shall be subject to all taxes and debts of the City upon the effective date of annexation. However, the annexed area shall not be subject to municipal ad valorem taxation for the current year if the effective date of the annexation falls after the City levies such tax.

SECTION 5: *Instructions to Clerk.* Within seven (7) days following the adoption of this Ordinance, the City Clerk or his/her designee is directed to file a copy of this ordinance, including ATTACHMENT "A" hereto, with the clerk of the circuit court and the chief administrative officer of Orange County as required by § 171.044(3), Fla. Stat.

SECTION 6: *Severability.* Should any portion of this Ordinance be held invalid, then such portions as are not declared invalid shall remain in full force and effect.

SECTION 7: *Effective Date.* This Ordinance shall become effective upon adoption at its second reading.

FIRST READING AND PUBLIC HEARING: _____, 2013.

SECOND READING AND PUBLIC HEARING: _____, 2013.

ADOPTED this _____ day of _____, 2013, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

JOHN REES, Mayor/Commissioner

ATTEST:

KATHY GOLDEN, City Clerk

ATTACHMENT "A"

LEGAL DESCRIPTION

DESCRIPTION: (PARCEL ID#36-22-27-0000-00-032)

THAT PART OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 (LESS THE WEST 1278 FT THEREOF) AND THAT PART OF THE WEST 3/4 OF SOUTHWEST 1/4 OF SOUTHEAST 1/4 SEC 36-22-27 ALL LYING NORTHERLY AND EASTERLY OF THE FOLLOWING DESC LANDS: BEGIN AT SOUTHEAST CORNER OF SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION, THENCE RUN S88-42-04W 256.59 FT, THENCE N00-37-05W 1332.48 FT, THENCE N88-58-00E 208.7 FT, THENCE S00-37-05E 346 FT, THENCE N88-57-41E 49.48 FT, THENCE S00-31-27E 985.31 FT TO POINT OF BEGINNING & THE SOUTH 985.27 FT OF WEST 3/4 OF SOUTHWEST 1/4 OF SOUTHEAST 1/4 OF SEC 36-22-27 (REF DB 633/412 & ORB 4013/2199).

ORDINANCE 13-39

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING THE FUTURE LAND USE MAP OF THE WINTER GARDEN COMPREHENSIVE PLAN BY CHANGING THE LAND USE DESIGNATION OF REAL PROPERTY GENERALLY DESCRIBED AS 8.24 ± ACRES LOCATED AT 12552 STONEYBROOK WEST PARKWAY, ON THE SOUTH SIDE OF STONEYBROOK PARKWAY, EAST OF LAKE ROBERTS LANDING DRIVE, AND WEST OF SCARLETT SAGE COURT FROM ORANGE COUNTY RURAL/AGRICULTURAL TO CITY LOW DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on the 13th of June, 1991, the City Commission of the City of Winter Garden adopted Ordinance 91-16 which adopted a new Comprehensive Plan for the City of Winter Garden, and on the 24th of June, 2010, the City Commission of the City of Winter Garden adopted Ordinance 10-19 readopting and amending the Comprehensive Plan for the City of Winter Garden;

WHEREAS, the owner of that certain real property generally described as 8.24 ± acres located AT 12552 Stoneybrook West Parkway, on the south side of Stoneybrook West Parkway, east of Lake Roberts Landing Drive and west of Scarlett Sage Court, and legally described in ATTACHMENT "A" (the "Property") has petitioned the City to amend the Winter Garden Comprehensive Plan to change the Future Land Use classification from Orange County Rural/Agricultural to City Low Density Residential; and

WHEREAS, the City of Winter Garden's Local Planning Agency and City Commission have conducted the prerequisite advertised public hearings pursuant to Chapter 163, Florida Statutes, regarding the adoption of this ordinance; now, therefore,

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

SECTION I. *FLUM Amendment.* The City of Winter Garden hereby amends the Future Land Use Map of the City of Winter Garden Comprehensive Plan by designating the aforesaid Property to City Conservation as set forth in ATTACHMENT "B".

SECTION II. *Effective Date.* Provided that the Property described herein is annexed into the City of Winter Garden pursuant to Ordinance 13-38, this Ordinance shall become effective 31 days after adoption, unless the Ordinance is timely challenged pursuant to § 163.3187(5), Fla. Stat., in which case, the Ordinance shall not be effective until the state

land planning agency or the Administrative Commission, respectively, issues a final order determining that the adopted Ordinance is in compliance.

SECTION III. *Severability.* Should any portion of this Ordinance be held invalid, then such portions as are not declared invalid shall remain in full force and effect.

FIRST READING AND PUBLIC HEARING: _____, 2013.

SECOND READING AND PUBLIC HEARING: _____, 2013.

ADOPTED this _____ day of _____, 2013, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

JOHN REES, Mayor/Commissioner

ATTEST:

KATHY GOLDEN, City Clerk

ATTACHMENT "A"

LEGAL DESCRIPTION

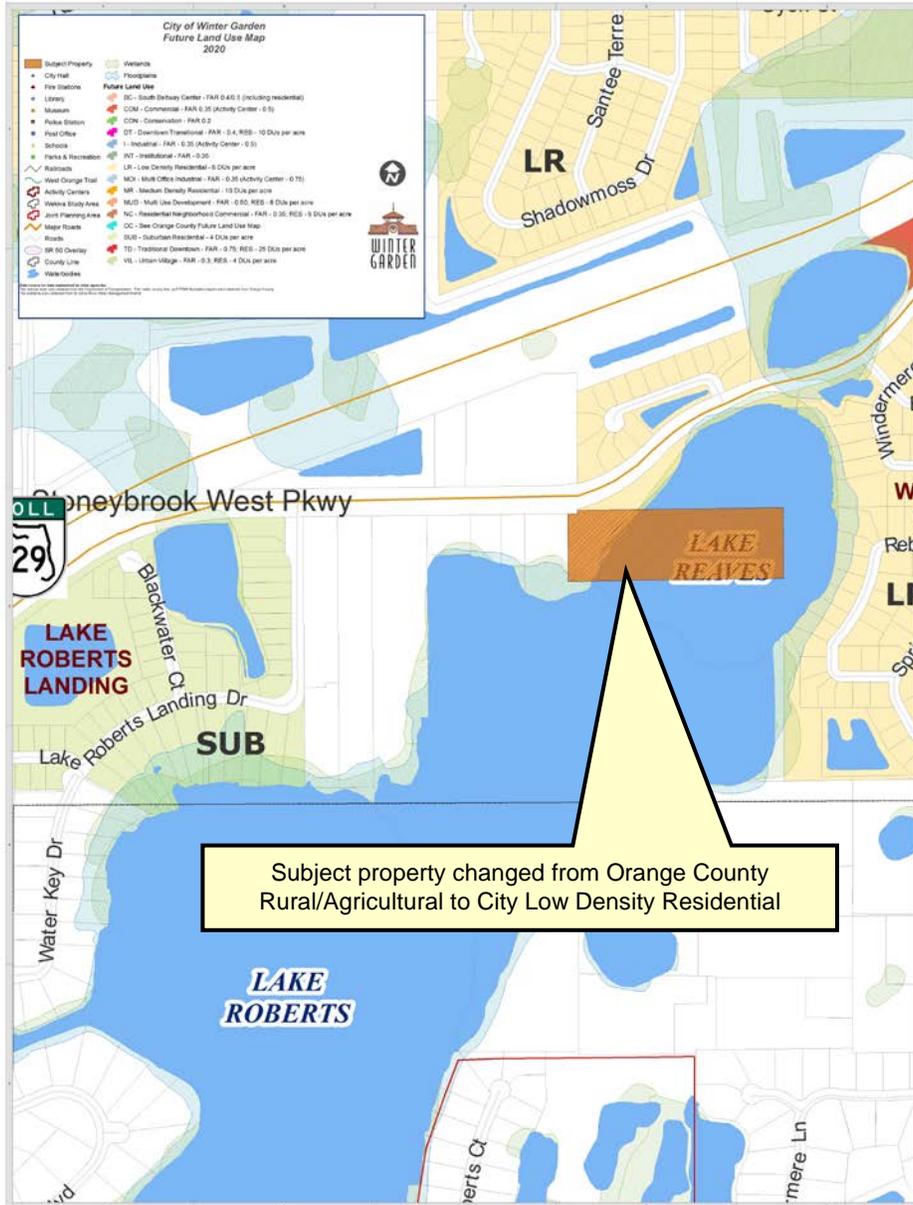
DESCRIPTION: (PARCEL ID#36-22-27-0000-00-032)

THAT PART OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 (LESS THE WEST 1278 FT THEREOF) AND THAT PART OF THE WEST 3/4 OF SOUTHWEST 1/4 OF SOUTHEAST 1/4 SEC 36-22-27 ALL LYING NORTHERLY AND EASTERLY OF THE FOLLOWING DESC LANDS: BEGIN AT SOUTHEAST CORNER OF SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION, THENCE RUN S88-42-04W 256.59 FT, THENCE N00-37-05W 1332.48 FT, THENCE N88-58-00E 208.7 FT, THENCE S00-37-05E 346 FT, THENCE N88-57-41E 49.48 FT, THENCE S00-31-27E 985.31 FT TO POINT OF BEGINNING & THE SOUTH 985.27 FT OF WEST 3/4 OF SOUTHWEST 1/4 OF SOUTHEAST 1/4 OF SEC 36-22-27 (REF DB 633/412 & ORB 4013/2199).

ATTACHMENT "B"

FUTURE LAND USE MAP

PARCEL ID#36-22-27-0000-00-032



ORDINANCE 13-40

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 8.24 ± ACRES LOCATED AT 12552 STONEYBROOK WEST PARKWAY, ON THE SOUTH SIDE OF STONEYBROOK PARKWAY, EAST OF LAKE ROBERTS LANDING DRIVE, AND WEST OF SCARLETT SAGE COURT FROM ORANGE COUNTY A-1 CITRUS/AGRICULTURAL DISTRICT TO CITY R-1 RESIDENTIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner of that certain real property generally described as 8.24 ± acres located AT 12552 Stoneybrook West Parkway, on the south side of Stoneybrook West Parkway, east of Lake Roberts Landing Drive and west of Scarlett Sage Court, and legally described in Section 1 of this ordinance has petitioned the City to rezone said property from Orange County A-1 Citrus Agricultural to the City’s R-1 Residential District zoning classification, therefore; 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 rezoning approved by this Ordinance is consistent with the City of Winter Garden Comprehensive Plan; 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 R-1 Residential District contained within the City of Winter Garden Comprehensive Plan and the Code of Ordinances.

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 real property legally described on ATTACHMENT “A,” is hereby rezoned from Orange County A-1 Citrus Agricultural District to City R-1 Residential District in the City of Winter Garden, Florida.

SECTION 2: 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 3: Non-Severability. Should any portion of this Ordinance be held invalid, then the entire Ordinance shall be null and void.

SECTION 4: Effective Date. This Ordinance shall become effective simultaneously upon the effective date of Ordinance 13-39 which is an amendment to the Future Land Use Map of the City of Winter Garden Comprehensive Plan that allows the property described herein to be zoned as provided in this Ordinance.

FIRST READING AND PUBLIC HEARING: _____, 2013.

SECOND READING AND PUBLIC HEARING: _____, 2013.

ADOPTED this _____ day of _____, 2013, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

JOHN REES, Mayor/Commissioner

ATTEST:

KATHY GOLDEN, City Clerk

ATTACHMENT "A"

LEGAL DESCRIPTION

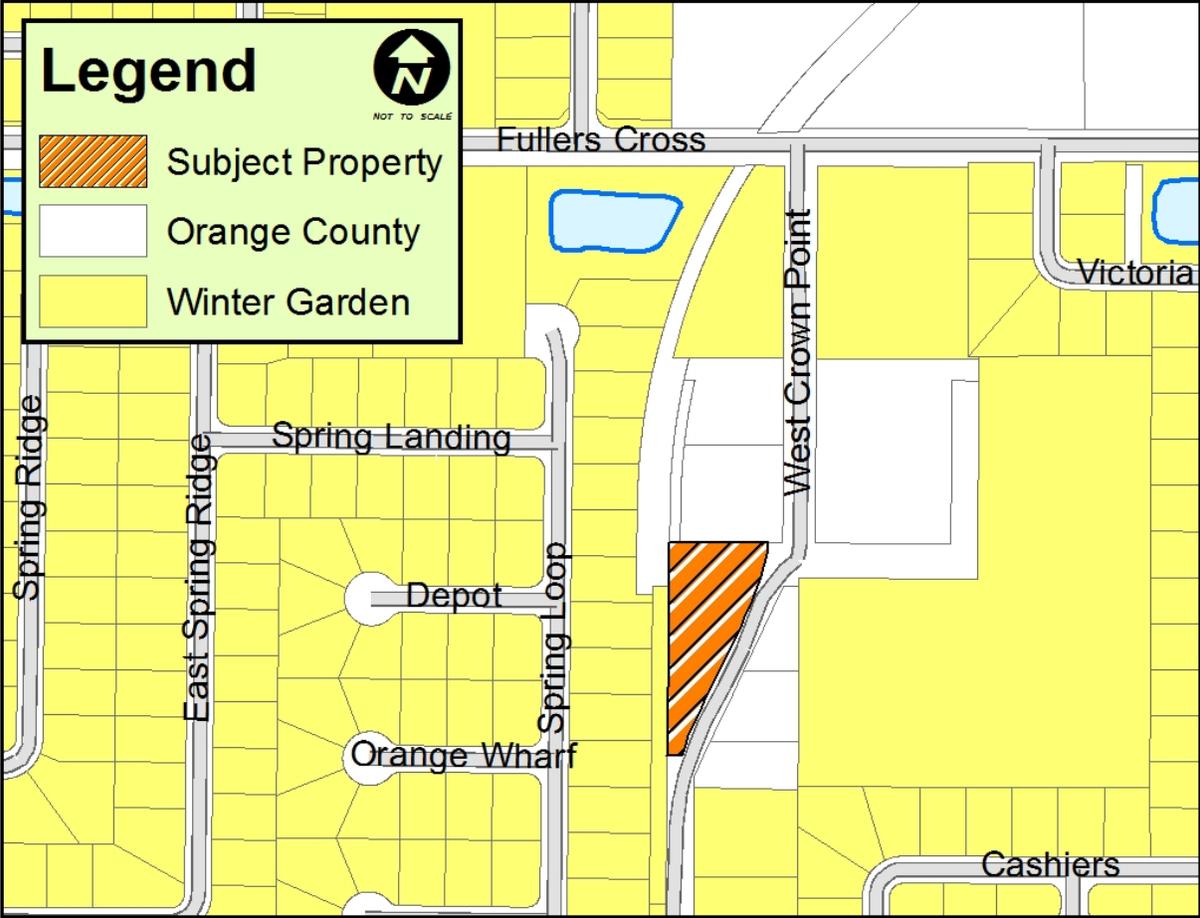
DESCRIPTION: (PARCEL ID#36-22-27-0000-00-032)

THAT PART OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 (LESS THE WEST 1278 FT THEREOF) AND THAT PART OF THE WEST 3/4 OF SOUTHWEST 1/4 OF SOUTHEAST 1/4 SEC 36-22-27 ALL LYING NORTHERLY AND EASTERLY OF THE FOLLOWING DESC LANDS: BEGIN AT SOUTHEAST CORNER OF SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION, THENCE RUN S88-42-04W 256.59 FT, THENCE N00-37-05W 1332.48 FT, THENCE N88-58-00E 208.7 FT, THENCE S00-37-05E 346 FT, THENCE N88-57-41E 49.48 FT, THENCE S00-31-27E 985.31 FT TO POINT OF BEGINNING & THE SOUTH 985.27 FT OF WEST 3/4 OF SOUTHWEST 1/4 OF SOUTHEAST 1/4 OF SEC 36-22-27 (REF DB 633/412 & ORB 4013/2199).

LOCATION MAP

1288 N West Crown Point Road

ANNEXATION, REZONING AND FUTURE LAND USE



CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

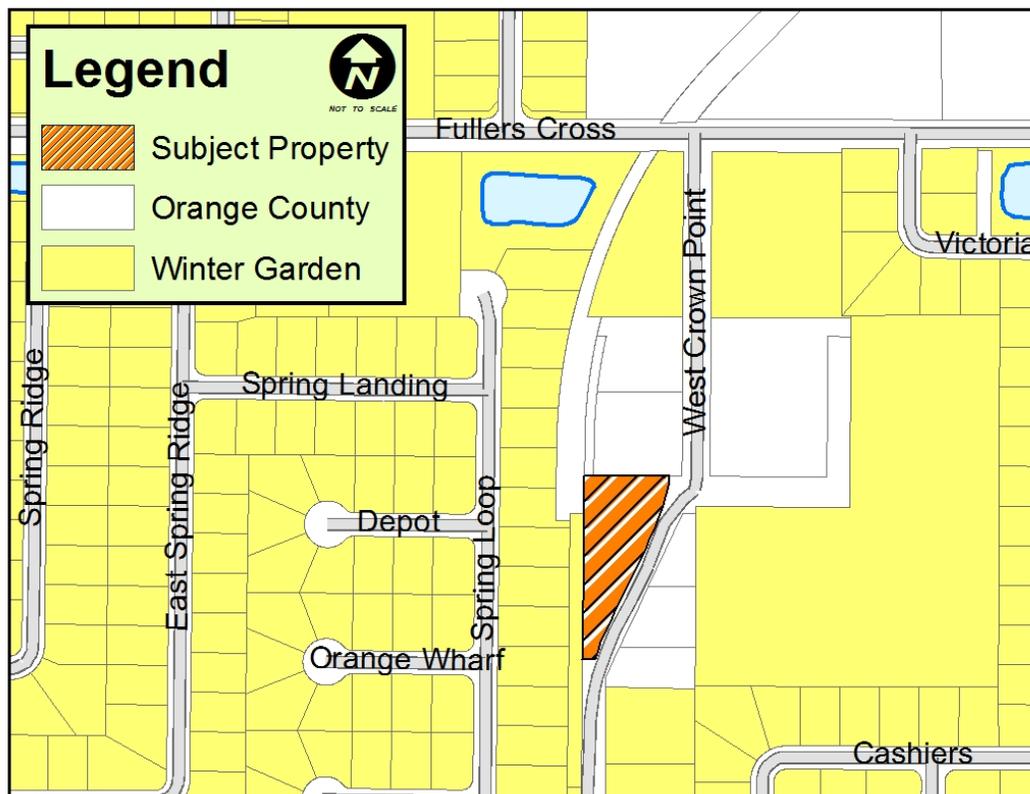
STAFF REPORT

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

ORDINANCE 13-35

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 1.0 ± ACRES LOCATED AT 1288 NORTH WEST CROWN POINT ROAD, ON THE WEST SIDE OF NORTH WEST CROWN POINT ROAD, NORTH OF MACY DU LANE, SOUTH OF EAST FULLERS CROSS ROAD, AND WEST OF THIRD AVENUE INTO THE CITY OF WINTER GARDEN FLORIDA; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner of the land, generally described as approximately 1.0 ± acres located on the west side of North West Crown Point Road, north of Macy Du Lane, south of East Fullers Cross Road, and west of Third Avenue and legally described in Section 2 of this Ordinance, which land is reasonably compact and contiguous to the corporate limits of the City of Winter Garden, Florida (“City”), has, pursuant to the prerequisites and standards set forth in § 171.044, Fla. Stat., petitioned the City Commission for voluntary annexation;

WHEREAS, the petition for voluntary annexation referenced herein bears the signatures of all owners of the property or properties described in Section 2 of this Ordinance (*i.e.*, the property or properties to be annexed); and

WHEREAS, the City has determined that the property described in Section 2 of this Ordinance is located in an unincorporated area of the County and that annexation of such property will not result in the creation of an enclave.

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

SECTION 1: *Annexation.* That the City Commission through its Planning and Zoning Board has conducted an investigation to determine whether the described property meets the prerequisites and standards set forth in Chapter 171, Fla. Stat. and has held a public hearing and said petition and made certain findings.

SECTION 2: *Description of Area Annexed.* That, after said public hearing and having found such petition meets said prerequisites and standards, the property legally defined in ATTACHMENT “A” and graphically shown on the attached map shall be annexed into the City of Winter Garden, Florida.

SECTION 3: *Effect of Annexation.* That the City of Winter Garden, Florida, shall have all of the power, authority, and jurisdiction over and within the land as described in

Section 2 hereof, and the inhabitants thereof, and property therein, as it does and have over its present corporate limits and laws, ordinances, and resolutions of said City shall apply and shall have equal force and effect as if all territory had been part of said City at the time of the passage of such laws, ordinances, and resolutions.

SECTION 4: *Apportionment of Debts and Taxes.* Pursuant to § 171.061, Fla. Stat., the area annexed to the City shall be subject to all taxes and debts of the City upon the effective date of annexation. However, the annexed area shall not be subject to municipal ad valorem taxation for the current year if the effective date of the annexation falls after the City levies such tax.

SECTION 5: *Instructions to Clerk.* Within seven (7) days following the adoption of this Ordinance, the City Clerk or his/her designee is directed to file a copy of this ordinance, including ATTACHMENT "A" hereto, with the clerk of the circuit court and the chief administrative officer of Orange County as required by § 171.044(3), Fla. Stat.

SECTION 6: *Severability.* Should any portion of this Ordinance be held invalid, then such portions as are not declared invalid shall remain in full force and effect.

SECTION 7: *Effective Date.* This Ordinance shall become effective upon adoption at its second reading.

FIRST READING AND PUBLIC HEARING: _____, 2013.

SECOND READING AND PUBLIC HEARING: _____, 2013.

ADOPTED this _____ day of _____, 2013, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

JOHN REES, Mayor/Commissioner

ATTEST:

KATHY GOLDEN, City Clerk

ATTACHMENT "A"

LEGAL DESCRIPTION

DESCRIPTION: (PARCEL ID#12-22-27-1840-24-010)

LEGAL DESCRIPTION: BEGIN AT THE SOUTHEAST CORNER OF LOT 5, BLOCK "13", TOWN OF CROWN POINT, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK C, PAGE 33, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE S 25 08' 30" W, 260.68', THENCE S 89 49' 58" W, 5.19', THENCE S 00 37' 46" W, 11.30', S 25 08' 30" W, 161.47'; THENCE N 89 50' 20" W, BEGINNING. (LESS R/W TAKEN IN OR.BK.9805, PG. 4638)

THE ABOVE REFERENCED PROPERTY IS LOCATED IN ZONE 'X', AREA OF MINIMAL FLOODING, AS PER F.I.R.M., COMMUNITY PANEL NO. 12095C0205 F, ORANGE COUNTY, FLORIDA. MAP DATED SEPTEMBER 25, 2009.

ORDINANCE 13-36

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING THE FUTURE LAND USE MAP OF THE WINTER GARDEN COMPREHENSIVE PLAN BY CHANGING THE LAND USE DESIGNATION OF REAL PROPERTY GENERALLY DESCRIBED AS 1.0 ± ACRES LOCATED AT 1288 NORTH WEST CROWN POINT ROAD ON THE WEST SIDE OF NORTH WEST CROWN POINT ROAD, NORTH OF MACY DU LANE, SOUTH OF EAST FULLERS CROSS ROAD, AND WEST OF THIRD AVENUE FROM ORANGE COUNTY LOW DENSITY RESIDENTIAL TO CITY LOW DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on the 13th of June, 1991, the City Commission of the City of Winter Garden adopted Ordinance 91-16 which adopted a new Comprehensive Plan for the City of Winter Garden, and on the 24th of June, 2010, the City Commission of the City of Winter Garden adopted Ordinance 10-19 readopting and amending the Comprehensive Plan for the City of Winter Garden;

WHEREAS, the owner of that certain real property generally described as 1.0 ± acres located on the west side of North West Crown Point Road, north of Macy Du Lane, south of East Fullers Cross Road, and west of Third Avenue, and legally described in ATTACHMENT "A" (the "Property") has petitioned the City to amend the Winter Garden Comprehensive Plan to change the Future Land Use classification from Orange County Low Density Residential to City Low Density Residential; and

WHEREAS, the City of Winter Garden's Local Planning Agency and City Commission have conducted the prerequisite advertised public hearings pursuant to Chapter 163, Florida Statutes, regarding the adoption of this ordinance; now, therefore,

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

SECTION I. *FLUM Amendment.* The City of Winter Garden hereby amends the Future Land Use Map of the City of Winter Garden Comprehensive Plan by designating the aforesaid Property to City Low Density Residential as set forth in ATTACHMENT "B".

SECTION II. *Effective Date.* Provided that the Property described herein is annexed into the City of Winter Garden pursuant to Ordinance 13-35 this Ordinance shall become effective 31 days after adoption, unless the Ordinance is timely challenged pursuant to § 163.3187(5), Fla. Stat., in which case, the Ordinance shall not be effective until the state land planning agency or the Administrative Commission, respectively, issues a final order

determining that the adopted Ordinance is in compliance.

SECTION III. Severability. Should any portion of this Ordinance be held invalid, then such portions as are not declared invalid shall remain in full force and effect.

FIRST READING AND PUBLIC HEARING: _____, 2013.

SECOND READING AND PUBLIC HEARING: _____, 2013.

ADOPTED this _____ day of _____, 2013, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

JOHN REES, Mayor/Commissioner

ATTEST:

KATHY GOLDEN, City Clerk

ATTACHMENT "A"

LEGAL DESCRIPTION

DESCRIPTION: (PARCEL ID#12-22-27-1840-24-010)

LEGAL DESCRIPTION: BEGIN AT THE SOUTHEAST CORNER OF LOT 5, BLOCK "13", TOWN OF CROWN POINT, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK C, PAGE 33, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE S 25 08' 30" W, 260.68', THENCE S 89 49' 58" W, 5.19', THENCE S 00 37' 46" W, 11.30', S 25 08' 30" W, 161.47'; THENCE N 89 50' 20" W, BEGINNING. (LESS R/W TAKEN IN OR.BK.9805, PG. 4638)

THE ABOVE REFERENCED PROPERTY IS LOCATED IN ZONE 'X', AREA OF MINIMAL FLOODING, AS PER F.I.R.M., COMMUNITY PANEL NO. 12095C0205 F, ORANGE COUNTY, FLORIDA. MAP DATED SEPTEMBER 25, 2009.

ATTACHMENT "B"

FUTURE LAND USE MAP

PARCEL ID#12-22-27-1840-24-010



ORDINANCE 13-37

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 1.0 ± ACRES LOCATED AT 12288 NORTH WEST CROWN ON THE WEST SIDE OF NORTH WEST CROWN POINT ROAD, NORTH OF MACY DU LANE, SOUTH OF EAST FULLERS CROSS ROAD, AND WEST OF THIRD AVENUE FROM ORANGE COUNTY A-1 CITRUS/AGRICULTURAL DISTRICT TO CITY R-1 RESIDENTIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner of that certain real property generally described as 1.0 ± acres of land located on the west side of North West Crown Point Road, north of Macy Du Lane, south of East Fullers Cross Road, and west of Third Avenue, and legally described in Section 1 of this ordinance has petitioned the City to rezone said property from Orange County A-1 Citrus Agricultural to the City’s R-1 Residential District zoning classification, therefore; 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 rezoning approved by this Ordinance is consistent with the City of Winter Garden Comprehensive Plan; 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 R-1 Residential District contained within the City of Winter Garden Comprehensive Plan and the Code of Ordinances.

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 real property legally described on ATTACHMENT “A,” is hereby rezoned from Orange County A-1 Citrus Agricultural District to City R-1 Residential District in the City of Winter Garden, Florida.

SECTION 2: 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 3: Non-Severability. Should any portion of this Ordinance be held invalid, then the entire Ordinance shall be null and void.

SECTION 4: Effective Date. This Ordinance shall become effective simultaneously upon the effective date of Ordinance 13-36 which is an amendment to the Future Land Use Map of the City of Winter Garden Comprehensive Plan that allows the property described herein to be zoned as provided in this Ordinance.

FIRST READING AND PUBLIC HEARING: _____, 2013.

SECOND READING AND PUBLIC HEARING: _____, 2013.

ADOPTED this _____ day of _____, 2013, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

JOHN REES, Mayor/Commissioner

ATTEST:

KATHY GOLDEN, City Clerk

ATTACHMENT "A"

LEGAL DESCRIPTION

DESCRIPTION: (PARCEL ID#12-22-27-1840-24-010)

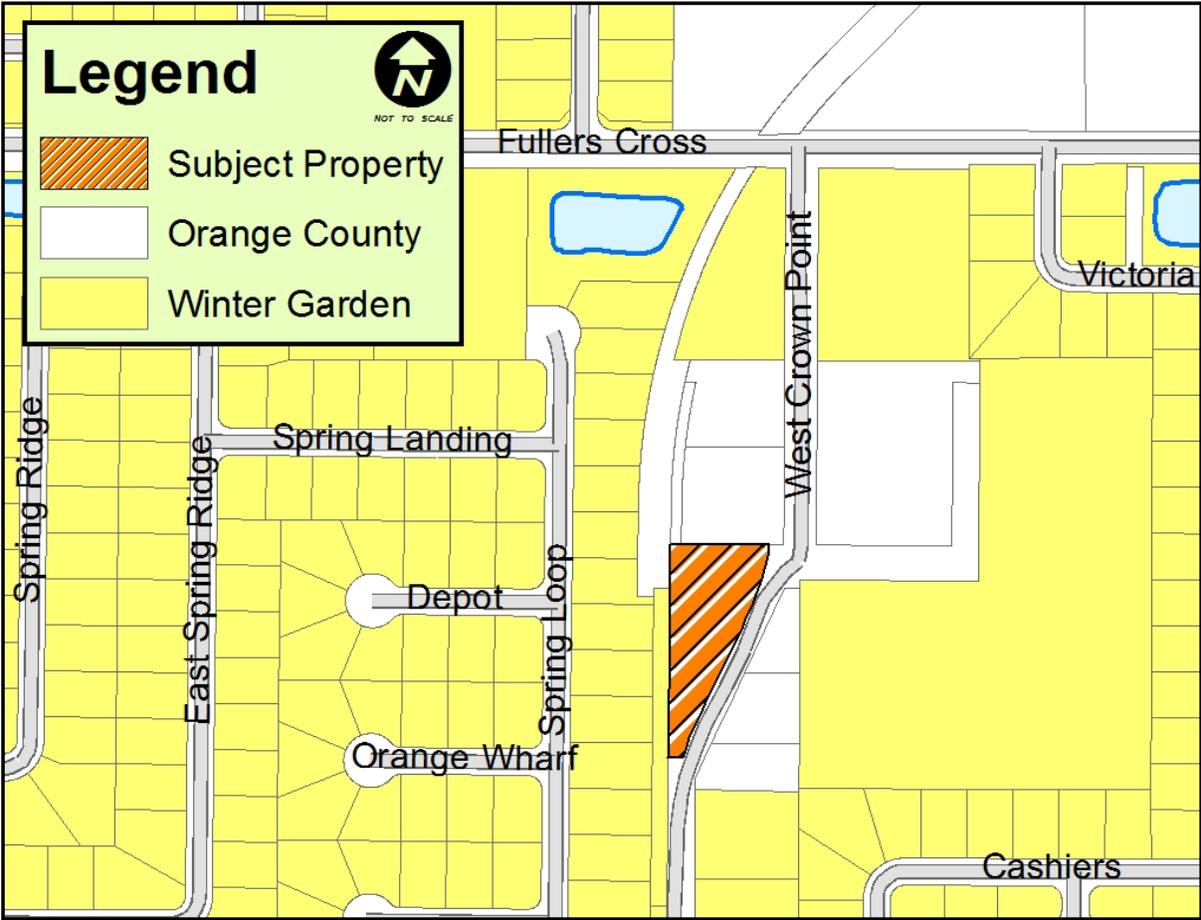
LEGAL DESCRIPTION: BEGIN AT THE SOUTHEAST CORNER OF LOT 5, BLOCK "13", TOWN OF CROWN POINT, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK C, PAGE 33, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE S 25 08' 30" W, 260.68', THENCE S 89 49' 58" W, 5.19', THENCE S 00 37' 46" W, 11.30', S 25 08' 30" W, 161.47'; THENCE N 89 50' 20" W, BEGINNING. (LESS R/W TAKEN IN OR.BK.9805, PG. 4638)

THE ABOVE REFERENCED PROPERTY IS LOCATED IN ZONE 'X', AREA OF MINIMAL FLOODING, AS PER F.I.R.M., COMMUNITY PANEL NO. 12095C0205 F, ORANGE COUNTY, FLORIDA. MAP DATED SEPTEMBER 25, 2009.

LOCATION MAP

E Fullers Cross Road

ANNEXATION AND FUTURE LAND USE



CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

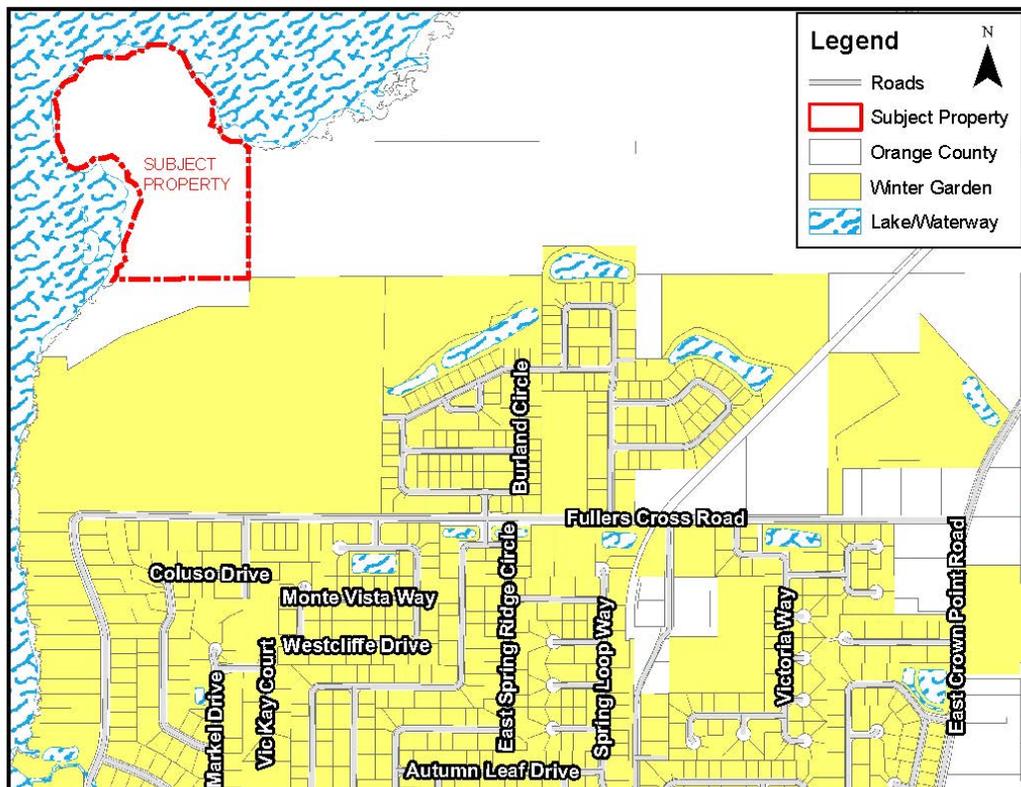
STAFF REPORT

TO: PLANNING AND ZONING BOARD
PREPARED BY: STEVE PASH, SENIOR PLANNER
DATE: JUNE 27, 2013
SUBJECT: ANNEXATION – FLU AMENDMENT
EAST FULLERS CROSS ROAD (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.

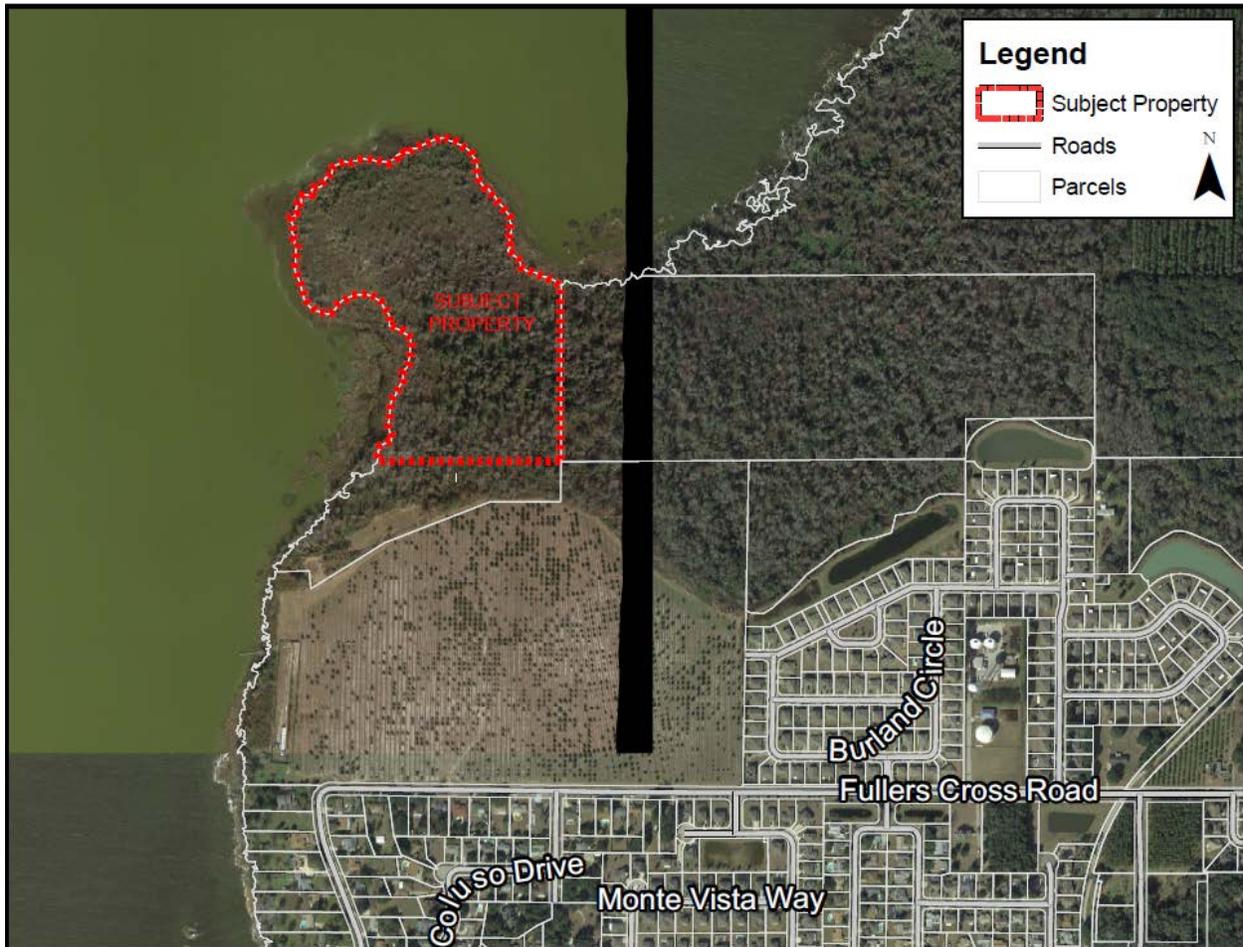
SUMMARY

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)

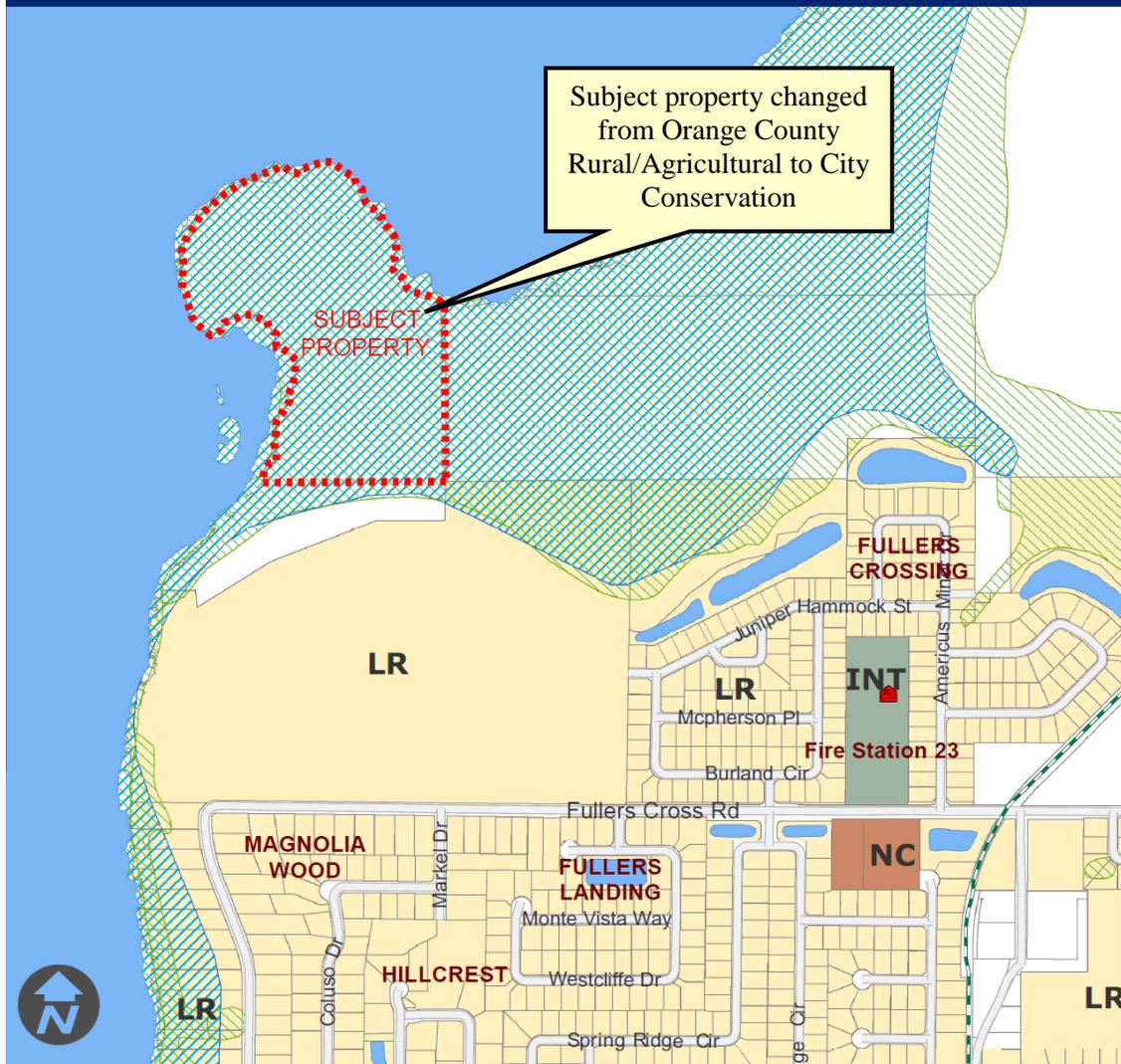


FUTURE LAND USE MAP
East Fullers Cross Road (Highland Groves - North)

 Subject Property	 MOI - Multi Office Industrial	 West Orange Trail
Future Land Use	 MR - Medium Density Residential	 Roads
 BC - South Beltway Center	 MUD - Multi Use Development	 County Line
 COM - Commercial	 NC - Residential Neighborhood Commercial	 Waterbodies
 CON - Conservation	 OC - See Orange County FLUM	 Wetlands
 DT - Downtown Transitional	 SUB - Suburban Residential	 Floodplains
 I - Industrial	 TD - Traditional Downtown	
 INT - Institutional	 VIL - Urban Village	
 LR - Low Density Residential		


City of Winter Garden
Future Land Use Map

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



END OF STAFF REPORT

ORDINANCE 13-33

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 32.884 ± ACRES LOCATED NORTH OF THE INTERSECTION OF NORTH FULLERS CROSS ROAD AND EAST FULLERS CROSS ROAD INTO THE CITY OF WINTER GARDEN FLORIDA; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner of the land, generally described as approximately 32.884 ± acres located on the north of the intersection of North Fullers Cross Road and East Fullers Cross Road and legally described in Section 2 of this Ordinance, which land is reasonably compact and contiguous to the corporate limits of the City of Winter Garden, Florida (“City”), has, pursuant to the prerequisites and standards set forth in § 171.044, Fla. Stat., petitioned the City Commission for voluntary annexation;

WHEREAS, the petition for voluntary annexation referenced herein bears the signatures of all owners of the property or properties described in Section 2 of this Ordinance (*i.e.*, the property or properties to be annexed); and

WHEREAS, the City has determined that the property described in Section 2 of this Ordinance is located in an unincorporated area of the County and that annexation of such property will not result in the creation of an enclave.

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

SECTION 1: *Annexation.* That the City Commission through its Planning and Zoning Board has conducted an investigation to determine whether the described property meets the prerequisites and standards set forth in Chapter 171, Fla. Stat. and has held a public hearing and said petition and made certain findings.

SECTION 2: *Description of Area Annexed.* That, after said public hearing and having found such petition meets said prerequisites and standards, the property legally defined in ATTACHMENT “A” and graphically shown on the attached map shall be annexed into the City of Winter Garden, Florida.

SECTION 3: *Effect of Annexation.* That the City of Winter Garden, Florida, shall have all of the power, authority, and jurisdiction over and within the land as described in Section 2 hereof, and the inhabitants thereof, and property therein, as it does and have over its present corporate limits and laws, ordinances, and resolutions of said City shall apply and shall have equal force and effect as if all territory had been part of said City at

the time of the passage of such laws, ordinances, and resolutions.

SECTION 4: *Apportionment of Debts and Taxes.* Pursuant to § 171.061, Fla. Stat., the area annexed to the City shall be subject to all taxes and debts of the City upon the effective date of annexation. However, the annexed area shall not be subject to municipal ad valorem taxation for the current year if the effective date of the annexation falls after the City levies such tax.

SECTION 5: *Instructions to Clerk.* Within seven (7) days following the adoption of this Ordinance, the City Clerk or his/her designee is directed to file a copy of this ordinance, including ATTACHMENT "A" hereto, with the clerk of the circuit court and the chief administrative officer of Orange County as required by § 171.044(3), Fla. Stat.

SECTION 6: *Severability.* Should any portion of this Ordinance be held invalid, then such portions as are not declared invalid shall remain in full force and effect.

SECTION 7: *Effective Date.* This Ordinance shall become effective upon adoption at its second reading.

FIRST READING AND PUBLIC HEARING: _____, 2013.

SECOND READING AND PUBLIC HEARING: _____, 2013.

ADOPTED this _____ day of _____, 2013, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

JOHN REES, Mayor/Commissioner

ATTEST:

KATHY GOLDEN, City Clerk

ATTACHMENT "A"

LEGAL DESCRIPTION

DESCRIPTION: (A PORTION OF PARCEL ID#02-22-27-0000-00-002)

Government Lot 1 of Section 2, Township 22 South, Range 27 East, Orange County, Florida described as follows:

Begin at the Southeast corner of Government Lot 1 of Section 2, Township 22 South, Range 27 East; thence run S89°33'43"W along the South line of said Government Lot 1 as shown on the Original Government Township Plat, dated May 18, 1882 a distance of 677.01 feet; thence run S44°50'29"W along the Southwesterly Meander Line of said Government Lot 1 a distance of 765.58 feet; thence run S89°36'28"W a distance of 164.84 feet to the Ordinary High Water Line of Lake Apopka; thence run along the Ordinary High Water Line of Lake Apopka the following courses and distances; N35°28'11"E 210.94 feet; N47°42'00"E 160.66 feet; N17°17'26"E 83.54 feet; N51°30'54"E 199.39 feet; N53°35'05"E 92.57 feet; N17°46'27"E 191.73 feet; N08°01'18"E 127.10 feet; N31°29'29"E 101.86 feet; N14°38'20"E 130.78 feet; N01°23'53"E 72.25 feet; N53°08'44"W 123.36 feet; N20°08'48"W 112.59 feet; N66°10'24"W 82.86 feet; S87°03'58"W 68.84 feet; S57°44'20"W 79.21 feet; S43°47'50"W 58.58 feet; N75°58'17"W 87.21 feet; N31°31'07"W 64.46 feet; N14°23'21"W 70.93 feet; N20°45'23"W 65.37 feet; N02°07'20"E 108.22 feet; N07°42'01"W 149.55 feet; N27°48'53"E 124.54 feet; N62°53'31"E 92.30 feet; N30°16'14"E 111.31 feet; N77°38'39"E 149.75 feet; S82°39'06"E 125.27 feet; N65°17'41"E 277.93 feet; S63°48'46"E 140.69 feet; S30°23'36"E 67.33 feet; S06°00'45"E 76.53 feet; S40°08'12"E 233.15 feet; S01°22'52"W 166.28 feet; S51°38'54"E 61.33 feet; S16°56'11"E 48.15 feet; S67°31'42"E 220.02 feet to the East line of said Government Lot 1; thence run S00°58'03"W along the East line of said Government Lot 1 a distance of 842.32 feet to the Point of Beginning.

Containing 1,432,468 square feet or 32.884 acres more or less.

ORDINANCE 13-34

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING THE FUTURE LAND USE MAP OF THE WINTER GARDEN COMPREHENSIVE PLAN BY CHANGING THE LAND USE DESIGNATION OF REAL PROPERTY GENERALLY DESCRIBED AS 32.884 ± ACRES LOCATED NORTH OF THE INTERSECTION OF NORTH FULLERS CROSS ROAD AND EAST FULLERS CROSS ROAD FROM ORANGE COUNTY RURAL/AGRICULTURAL TO CITY CONSERVATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on the 13th of June, 1991, the City Commission of the City of Winter Garden adopted Ordinance 91-16 which adopted a new Comprehensive Plan for the City of Winter Garden, and on the 24th of June, 2010, the City Commission of the City of Winter Garden adopted Ordinance 10-19 readopting and amending the Comprehensive Plan for the City of Winter Garden;

WHEREAS, the owner of that certain real property generally described as 32.884 ± acres located north of the intersection of North Fullers Cross Road and East Fullers Cross Road, and legally described in ATTACHMENT "A" (the "Property") has petitioned the City to amend the Winter Garden Comprehensive Plan to change the Future Land Use classification from Orange County Rural/Agricultural to City Conservation; and

WHEREAS, the City of Winter Garden's Local Planning Agency and City Commission have conducted the prerequisite advertised public hearings pursuant to Chapter 163, Florida Statutes, regarding the adoption of this ordinance; now, therefore,

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

SECTION I. *FLUM Amendment.* The City of Winter Garden hereby amends the Future Land Use Map of the City of Winter Garden Comprehensive Plan by designating the aforesaid Property to City Conservation as set forth in ATTACHMENT "B".

SECTION II. *Effective Date.* Provided that the Property described herein is annexed into the City of Winter Garden pursuant to Ordinance 13-33, this Ordinance shall become effective 31 days after adoption, unless the Ordinance is timely challenged pursuant to § 163.3187(5), Fla. Stat., in which case, the Ordinance shall not be effective until the state land planning agency or the Administrative Commission, respectively, issues a final order determining that the adopted Ordinance is in compliance.

SECTION III. Severability. Should any portion of this Ordinance be held invalid, then such portions as are not declared invalid shall remain in full force and effect.

FIRST READING AND PUBLIC HEARING: _____, 2013.

SECOND READING AND PUBLIC HEARING: _____, 2013.

ADOPTED this _____ day of _____, 2013, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

JOHN REES, Mayor/Commissioner

ATTEST:

KATHY GOLDEN, City Clerk

ATTACHMENT "A"

LEGAL DESCRIPTION

DESCRIPTION: (A PORTION OF PARCEL ID#02-22-27-0000-00-002)

Government Lot 1 of Section 2, Township 22 South, Range 27 East, Orange County, Florida described as follows:

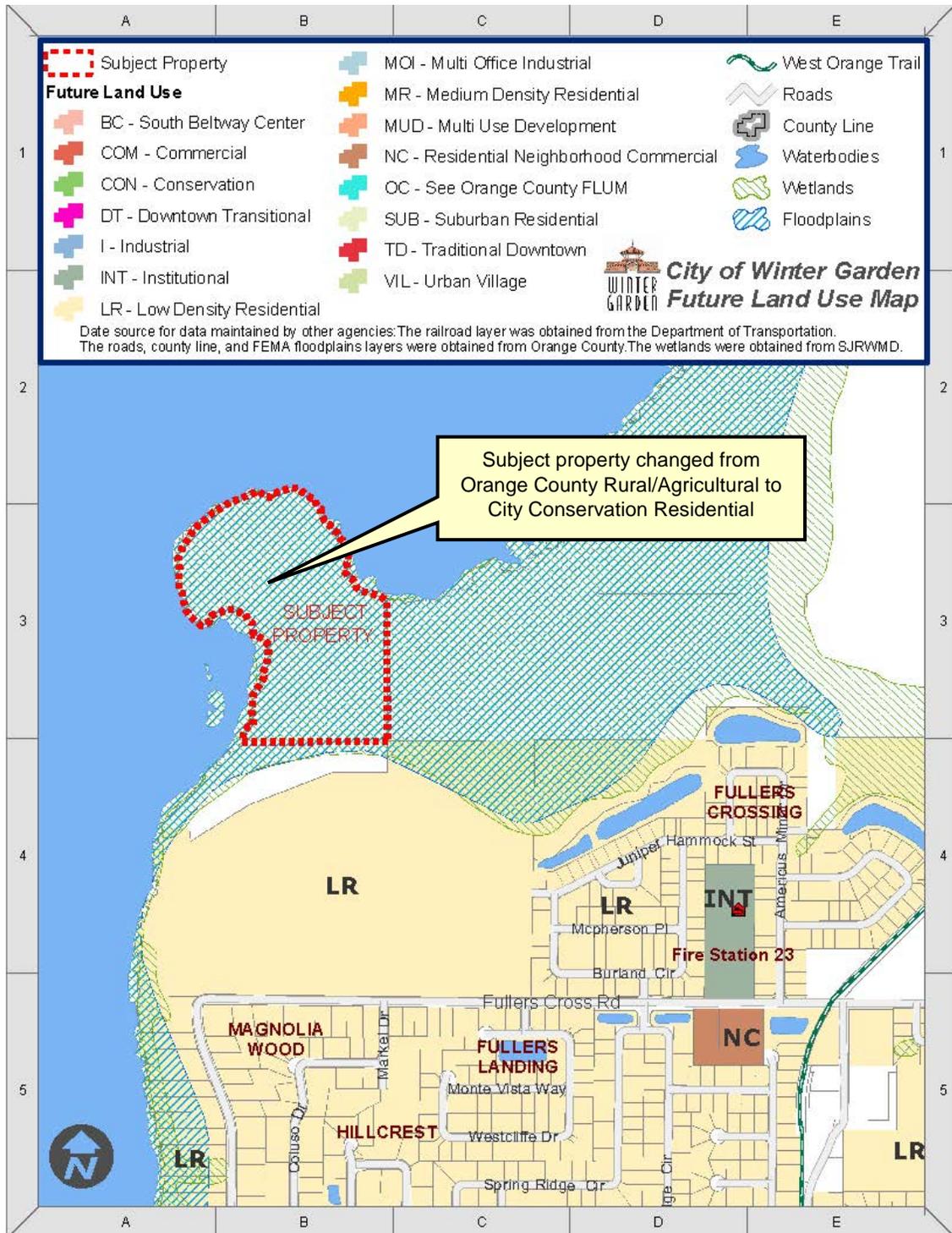
Begin at the Southeast corner of Government Lot 1 of Section 2, Township 22 South, Range 27 East; thence run S89°33'43"W along the South line of said Government Lot 1 as shown on the Original Government Township Plat, dated May 18, 1882 a distance of 677.01 feet; thence run S44°50'29"W along the Southwesterly Meander Line of said Government Lot 1 a distance of 765.58 feet; thence run S89°36'28"W a distance of 164.84 feet to the Ordinary High Water Line of Lake Apopka; thence run along the Ordinary High Water Line of Lake Apopka the following courses and distances; N35°28'11"E 210.94 feet; N47°42'00"E 160.66 feet; N17°17'26"E 83.54 feet; N51°30'54"E 199.39 feet; N53°35'05"E 92.57 feet; N17°46'27"E 191.73 feet; N08°01'18"E 127.10 feet; N31°29'29"E 101.86 feet; N14°38'20"E 130.78 feet; N01°23'53"E 72.25 feet; N53°08'44"W 123.36 feet; N20°08'48"W 112.59 feet; N66°10'24"W 82.86 feet; S87°03'58"W 68.84 feet; S57°44'20"W 79.21 feet; S43°47'50"W 58.58 feet; N75°58'17"W 87.21 feet; N31°31'07"W 64.46 feet; N14°23'21"W 70.93 feet; N20°45'23"W 65.37 feet; N02°07'20"E 108.22 feet; N07°42'01"W 149.55 feet; N27°48'53"E 124.54 feet; N62°53'31"E 92.30 feet; N30°16'14"E 111.31 feet; N77°38'39"E 149.75 feet; S82°39'06"E 125.27 feet; N65°17'41"E 277.93 feet; S63°48'46"E 140.69 feet; S30°23'36"E 67.33 feet; S06°00'45"E 76.53 feet; S40°08'12"E 233.15 feet; S01°22'52"W 166.28 feet; S51°38'54"E 61.33 feet; S16°56'11"E 48.15 feet; S67°31'42"E 220.02 feet to the East line of said Government Lot 1; thence run S00°58'03"W along the East line of said Government Lot 1 a distance of 842.32 feet to the Point of Beginning.

Containing 1,432,468 square feet or 32.884 acres more or less.

ATTACHMENT "B"

FUTURE LAND USE MAP

PARCEL ID#02-22-27-0000-00-002



THE CITY OF WINTER GARDEN
PLANNING AND ZONING BOARD AGENDA ITEM

ITEM # 8 (Public Hearing)

DATE: June 28, 2013 **MEETING DATE:** July 1, 2013

SUBJECT: 315 e Fullers Cross Road (REZONING – PUD)
PROJECT NAME Highland Groves Subdivision
PARCEL ID# 11-22-27-0000-00-003

ISSUE: The applicant is requesting to rezone the 81± acres property located at 315 E Fullers Cross Road from R-1 (Single-Family Residential District) to PUD(Planned Unit Development)

SUPPLEMENTAL MATERIAL/ANALYSIS:

OWNER/APPLICANT: L.F. Roper Trust

CURRENT ZONING: R-1 (Single-Family Residential District)

PROPOSED ZONING: PUD (Planned Unit Development)

CURRENT FLU: LR (Low Density Residential)

PROPOSED FLU: N/A

SUMMARY:

Applicant proposes to rezone the subject property from R-1 to PUD for development of a 186 dwelling unit single family residential subdivision with lot sizes ranging from 75'x115' to 100'x115' at a density of 2.29 dwelling units per acre.

STAFF RECOMMENDATION(S):

Staff recommends approval of the proposed rezoning subject to the conditions of the attached Staff Report with City Commission first reading of the proposed rezoning scheduled for July 11, 2013.

NEXT STEP(S):

Submit Preliminary Plat and Final Engineering Plans

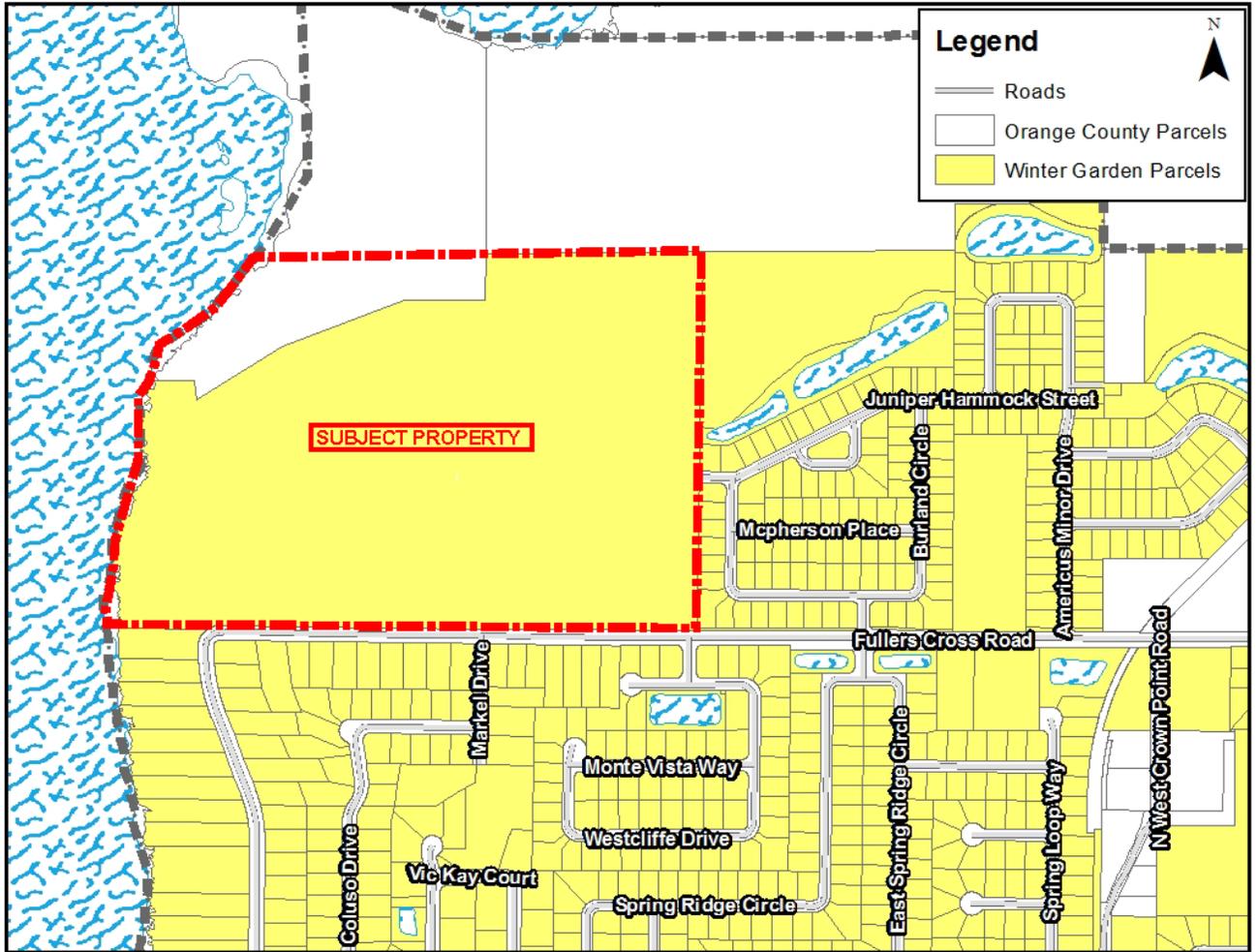
ATTACHMENT(S):

Location Map
Staff Report
Ordinance 13-32

LOCATION MAP

315 E Fullers Cross Road

REZONING - PUD



CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

STAFF REPORT

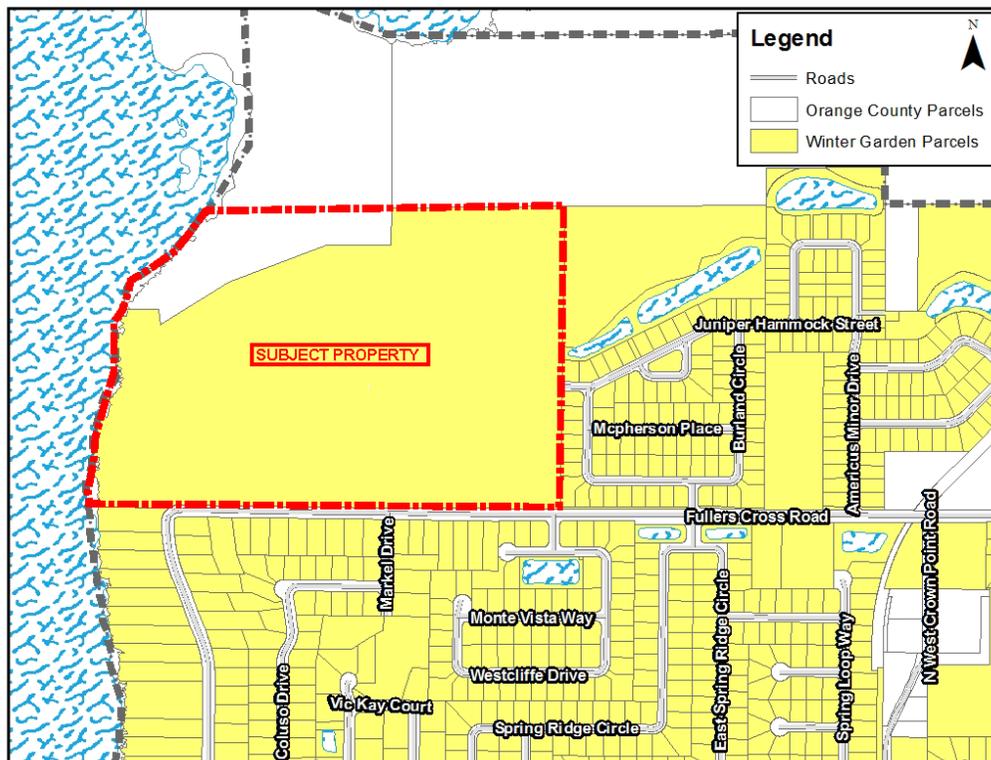
TO: PLANNING AND ZONING BOARD
PREPARED BY: LAURA SMITH, SENIOR PLANNER
DATE: JUNE 28, 2013
SUBJECT: REZONING – HIGHLAND GROVES SUBDIVISION
315 East Fullers Cross Road (81+/- ACRES)
PARCEL ID # 11-22-27-0000-00-003

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 agricultural 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 Subdivision 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 subdivisions 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

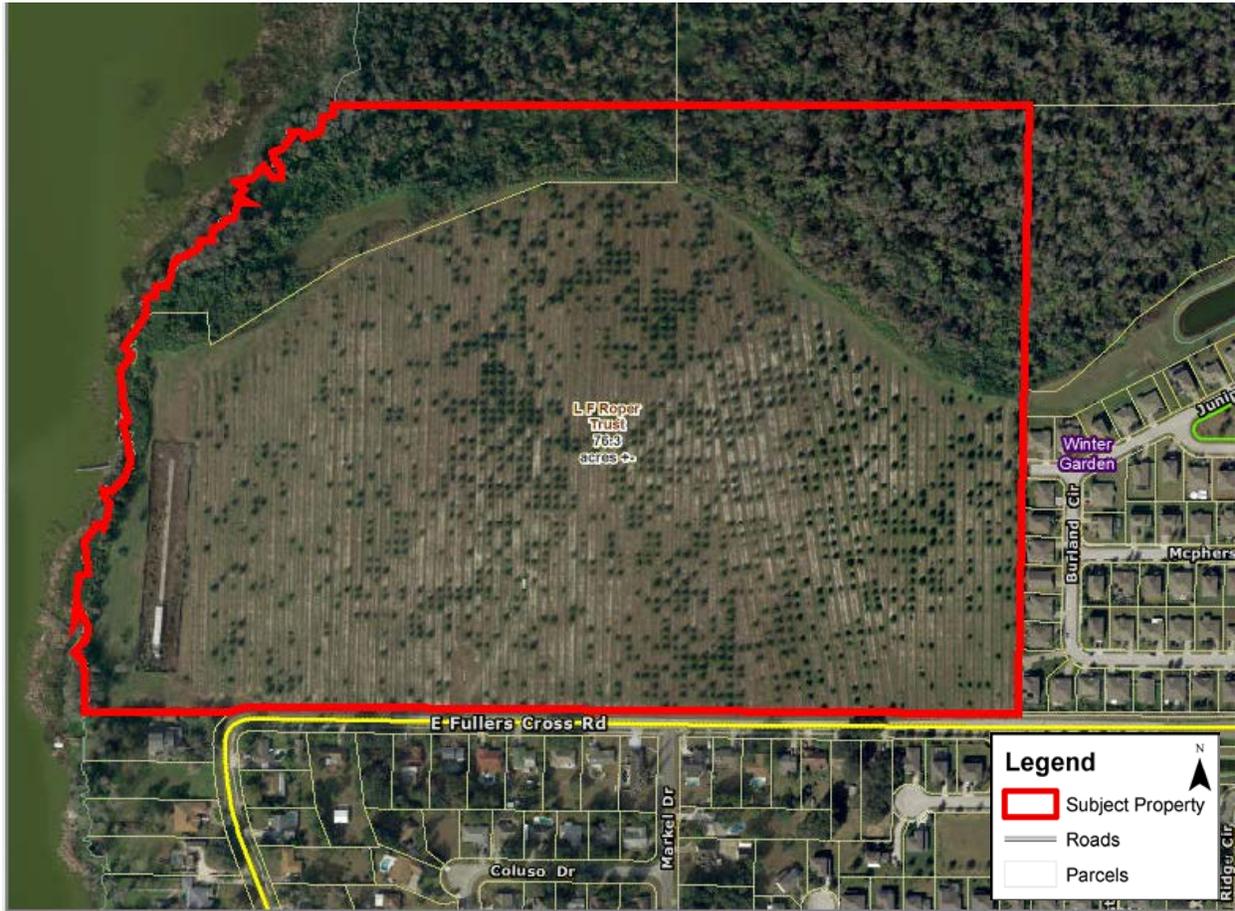
The City will provide garbage collection, police protection, and all other services regularly provided to City of Winter Garden residents including building permits. The property will be served by both Orange County Fire and Rescue and the City of Winter Garden Fire Department under the First Response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

SUMMARY

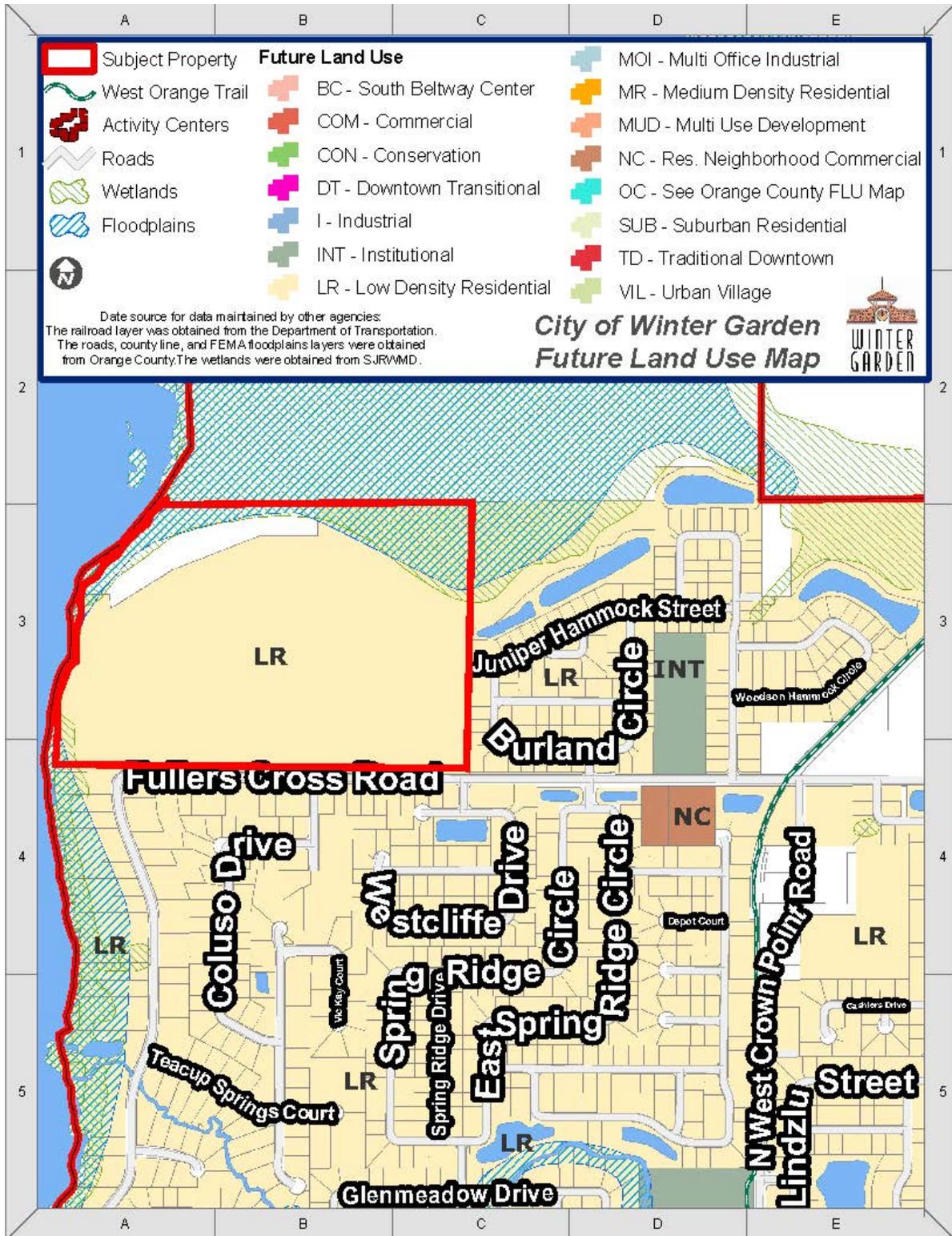
City Staff recommends approval of the proposed Ordinance, rezoning the subject property from City R-1 to City PUD is consistent with the Future Land Use Map of the City's Comprehensive. The proposed PUD is consistent with surrounding development in the area and is compatible with the uses in the surrounding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



**FUTURE LAND USE MAP
 HIGHLAND GROVES SUBDIVISION**



END OF STAFF REPORT

ORDINANCE 13-32

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 81 ± ACRES OF CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF EAST FULLERS CROSS ROAD, EAST OF LAKE APOPKA AND WEST OF EAST CROWN POINT ROAD AT 315 EAST FULLERS CROSS ROAD, FROM SINGLE-FAMILY RESIDENTIAL DISTRICT (R-1) TO PLANNED UNIT DEVELOPMENT (PUD); PROVIDING FOR CERTAIN PUD REQUIREMENTS AND DESCRIBING THE DEVELOPMENT AS THE HIGHLAND GROVES PUD; PROVIDING FOR NON-SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Owner(s) of real property generally described as approximately 81 ± acres of certain real property generally located north of East Fullers Cross Road on east of Lake Apopka and west of East Crown Point Road at 315 East Fullers Cross Road in Winter Garden, Florida, being more particularly described on Exhibit “A” attached hereto and incorporated herein by this reference (the “Property”), desire to rezone their property from City R-1 to City PUD, and

WHEREAS, 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; and

WHEREAS, after public notice and due consideration of public comment, the City Commission of the City of Winter Garden hereby finds and declares the adoption of this Ordinance and the proposed development of the Property is consistent with the City of Winter Garden Comprehensive Plan, and the City of Winter Garden Code of Ordinances; therefore,

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

SECTION 1: Rezoning. 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 Single-Family Residential District (R-1) to Planned Unit Development (PUD) in the City of Winter Garden, Florida subject to the following conditions, provisions and restrictions:

- a. **Conceptual Plan-** All development on the Property must substantially conform to the requirements identified in the Highland Groves Subdivision PUD Development Plan attached hereto as Exhibit “B.” Should any conflict be found between this Ordinance and the Highland Groves Subdivision PUD Development Plan attached hereto as Exhibit “B”, then the standards and conditions established by this Ordinance shall control.

- b. Zoning-** Unless specifically noted elsewhere in Exhibit “B” attached hereto, all residential development on the Property must comply with the general zoning requirements of the R-1 Single Family Residential District for any structures, including but not limited to swimming pools, screen rooms accessory structures and buildings that are developed on the Property.
- c. Design Criteria/Architectural Standards-**
1. **Lot Size-** Minimum lot width shall be 75 feet.
 2. **Building Height-** Maximum building height shall be 35 feet, not to exceed 2 stories.
 3. **Minimum Living Area-** Minimum living area for each residential unit shall be 1,500 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 signs, traffic signs and signs identifying the conservation area shall be submitted for review and approval as part of the subdivision construction plans for the Property.
 5. **Setbacks and Required Yards-**
 - a. **Front yard:** 25 feet
 - b. **Rear yard:** 20 feet, except lakefront lots which shall require 30 feet.
 - c. **Side yard:** 7.5 feet
 - d. **Corner/Street Side yard:** 15 feet
 - e. **Pool (side and rear) setback:** 5 feet
 6. **Residential Design Criteria-** All development on the Property must maintain the same general design criteria and architectural characteristics as the Building Elevations and typical interior floor plans attached hereto as Exhibit “C”.
 7. Swimming pools must meet all requirements of the City Code of Ordinances. Encroachments into drainage and/or utility easements will not be permitted. Applications for swimming pools will be reviewed on an individual basis.
 8. **Common Recreation and Open Space-** The Property is located within the Resource Protection Overlay, and in compliance with the City of Winter Garden Comprehensive Plan Future Land Use Element Policies 1-3.1.7 and 1-3.1.8 no less than 25% Wekiva Study

Area Open Space shall be provided.

None of the 25% Wekiva Study Area Open Space shall be chemically treated with pesticides to establish sensitive natural habitat.

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

- d. Staff Conditions-** All development on the Property must comply with the following conditions:
1. Provide approvals from FFWCC prior to construction that gopher tortoise activity on the Property has been addressed.
 2. Provide muck delineation overlay on the final construction plans to ensure that areas containing organic soils near the lake shoreline will not fall on building lots without the muck being removed.
 3. The Property shall be platted in accordance with Chapter 110, City Code. A homeowners' association ("HOA") shall be created to maintain the subdivision common property and community subdivision infrastructure prior to recording the first plat. A declaration binding on the Property shall be executed and recorded containing the provisions required by Chapter 110, City Code.
 4. Walls and landscaping shall be located within a landscape and wall tract, to be maintained by the HOA; wall and landscape tract shall be outside of the existing right-of-way.
 5. If gated, streets shall be private and owned and maintained by the HOA. While portions of the right-of-way may be dedicated to the City, maintenance of special pavements, landscaping, hardscaping, etc. shall be performed by the HOA under a right-of-way maintenance agreement in a form acceptable to the City.
 6. All proposed easements shall be 30' minimum width for sanitary, water and stormwater; improvements shall be centered within the easement. Common areas not abutting right-of-way shall include a tract (not easement) for access and maintenance.
 7. At the developer's expense, utilities shall be installed and extended in accordance with Section 78-2, City Code. Minimum 8" potable water (internal), 8" reuse water, and minimum 6" sanitary force main are required. Utilities shall be extended the full property frontage

along public rights-of-way per Code; extending the 16" water main on Fullers Cross Road shall be addressed in the Developer's Agreement; Water and Reuse lines shall be looped and connected into the existing stub outs in Fullers Crossing. Reuse main shall connect at both Fullers Crossing (internal) and be extended on Fullers Cross Road to connect to the existing stub out approximately 640 feet east of the entrance to loop the system. Force main shall be 6"; all internal water mains shall be 8" minimum.

8. Minimum 5 foot wide utility and drainage easements shall be provided on each side lot line; 10' drainage and utility easements required adjacent to right-of-way.
9. Street lighting shall be pursuant to City Code, including frontage on Fullers Cross Road, meeting dark skies requirements (Code Section 118-1536(k)). Submit street lighting plan from Progress Energy prior to preconstruction meeting.
10. All irrigation on the site shall be designed to be supplied by reclaimed water (minimum 8" internal main size).
11. Permits from SJRWMD and FDEP (water, wastewater and NPDES) are required prior to issuance of site or building permits.
12. Sidewalks internal to the development shall be constructed adjacent to all lands not containing building lots prior to final acceptance. This shall include all retention, conservation, lift station, or recreation tracts, abutting roadways, pedestrian walkways, etc. Sidewalks external to the development shall be constructed upon final completion.
13. 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. All lakefront lots are not guaranteed boat docks, piers, or any other shoreline improvements, each lakefront lot will be reviewed individually based on lot configuration and other physical characteristics.
14. The Owner is responsible for meeting all provisions of ADA and Florida Accessibility Code.
15. All work shall conform to City of Winter Garden standards and specifications.
16. 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.

17. The Owner's/Developer's Contractor is responsible for the notification, location and protection of all utilities that may exist within the project limits.
18. No fill or runoff will be allowed to discharge onto adjacent properties; existing drainage patterns shall not be altered. The applicant should note that if approval is granted, the City of Winter Garden is not granting rights or easements for drainage from, or onto, property owned by others. Obtaining permission, easements or other approvals that may be required to drain onto private property is the Owner/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. Site construction shall adhere to the City of Winter Garden erosion and sediment control requirements as contained in Chapter 106 - Stormwater. If approval is granted by the City of Winter Garden, it does not waive any permits that may be required by federal, state, regional, county, municipal or other agencies that may have jurisdiction.
19. After final plan approval, a preconstruction meeting will be required prior to any commencement of construction. The applicant shall provide an erosion control and street lighting plan at the preconstruction meeting and shall pay all engineering review and inspection fees prior to construction. Inspection fees in the amount of 2.25% of the cost of all site improvements shall be paid prior to issuance of site or building permits.

SECTION 2: *General Requirements.*

- a. **Developer's Agreement-** A Developer's Agreement shall be drafted, approval obtained and recorded prior to approval of Preliminary Plat of the Property and prior to the issuance of any site or building permits. The Developer's Agreement shall include, but is not limited to the following: project phasing, utilities upsizing, right-of-way conveyances and adherence to all City Codes and Standards.
- b. **Stand Alone Clause-** Each phase of development of the Property must operate as an individual unit in that each particular phase will be able to stand-alone in the event that no other phase is developed.
- c. **Land Development Approvals and Permits-** This Ordinance does not require the City to issue any permit or approval for development, construction, preliminary plat, final plat, building permit, or other matter by the City relating to the Property or the project or any portion thereof. These

and any other required City development approvals and permits shall be processed and issued by the City in accordance with procedures set forth in the City's Code of Ordinances and subject to this Ordinance.

- d. **Amendments-** Minor amendments to this Ordinance will be achieved by Resolution of the City Commission of the City of Winter Garden. Major amendments to this Ordinance will require approval of the City Commission of the City of Winter Garden by Ordinance.
- e. **Expiration-** Expiration of this PUD shall be governed in accordance with Section 118-830, City of Winter Garden Code of Ordinances. Time extensions may be granted in accordance with Section 118-829, City of Winter Garden Code of Ordinances.

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

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

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

FIRST READING AND PUBLIC HEARING: _____, 2013.

SECOND READING AND PUBLIC HEARING: _____, 2013.

ADOPTED this _____ day of, _____, 2013, 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

That part of Government Lots 1 and 2 of Section 11, Township 22 South, Range 27 East, Orange County, Florida described as:

Begin at a point 3 chains South of the NE corner of said Section 11, thence West 345 feet, thence S 68°40' W 558 feet, thence S 58° W 534.8 feet, thence S 9°21' W 565.23 feet, thence S 07 1/2° E to a point 1353.7 feet West of the Section line and the center line of the road extended West, thence East 1353.7 feet, thence North along the section line 1423 feet to the point of beginning.

AND

That part lying West of Government Lots 1 and 2 of Section 11, Township 22 South, Range 27 East, Orange County, Florida, described as:

Begin at a point 1007 feet North and 1353.7 feet West of the SE corner of Government Lot 2, thence along original high water line the following 3 calls: run N 7° W 377 feet, thence N 09°21' E 565.23 feet along said high water line, thence N 58° E 131 feet along high water line, thence N 7°W 77 feet, thence S 89° W 120 feet more or less to the waters of Lake Apopka, thence Southwesterly along waters of Lake Apopka 1085 feet more or less to point due West of the point of beginning, thence East to the point of beginning. Less the following: Begin at the NE corner of Lot 1, Block A, Magnolia Wood, according to the plat thereof as recorded in Plat Book V, Page 91, Public Records of Orange County, Florida, thence Northeasterly along right-of-way 40.12 feet, thence West 390 feet more or less to Lake Apopka, said point being Point A, Begin again at the Point of Beginning, thence West along the North lot line of said Lot 1, 364 feet more or less to Lake Apopka, thence Northerly along Lake Apopka 30 feet more or less to aforesaid Point A, in Section 11, Township 22 South, Range 27 East, Orange County, Florida.

AND

Begin at the Northwest corner of Section 12, Township 22 South, Range 27 East, Orange County, Florida and run East along Section line 14.03 chains, thence South parallel to the West Section line 24.58 chains to the North line of a street, thence West 14.03 chains to the West line of the Section, thence North along the West line 24.57 chains to the Point of Beginning. Less road right-of-way on South as contained in Deed Book 390, Page 388, Public Records of Orange County, Florida.

AND

North 5.9 acres of Government Lot 1 in Section 11, Township 22 South, Range 22 East.

Exhibit "B"

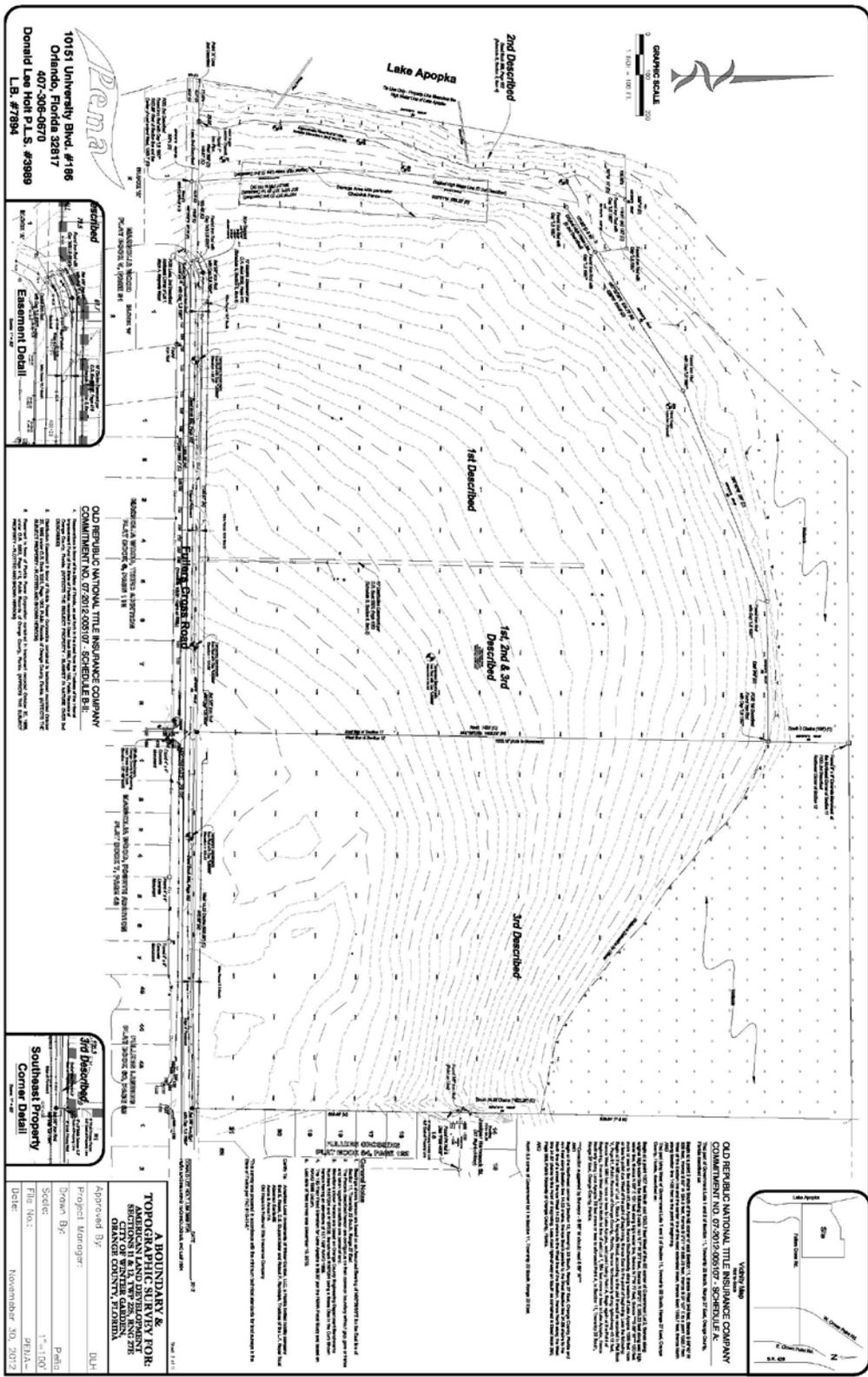
COVER PAGE

**PLANNED UNIT DEVELOPMENT
PRELIMINARY PLAN**

Highland Groves

REVISED MAY 2013

(13 PAGES - ATTACHED)



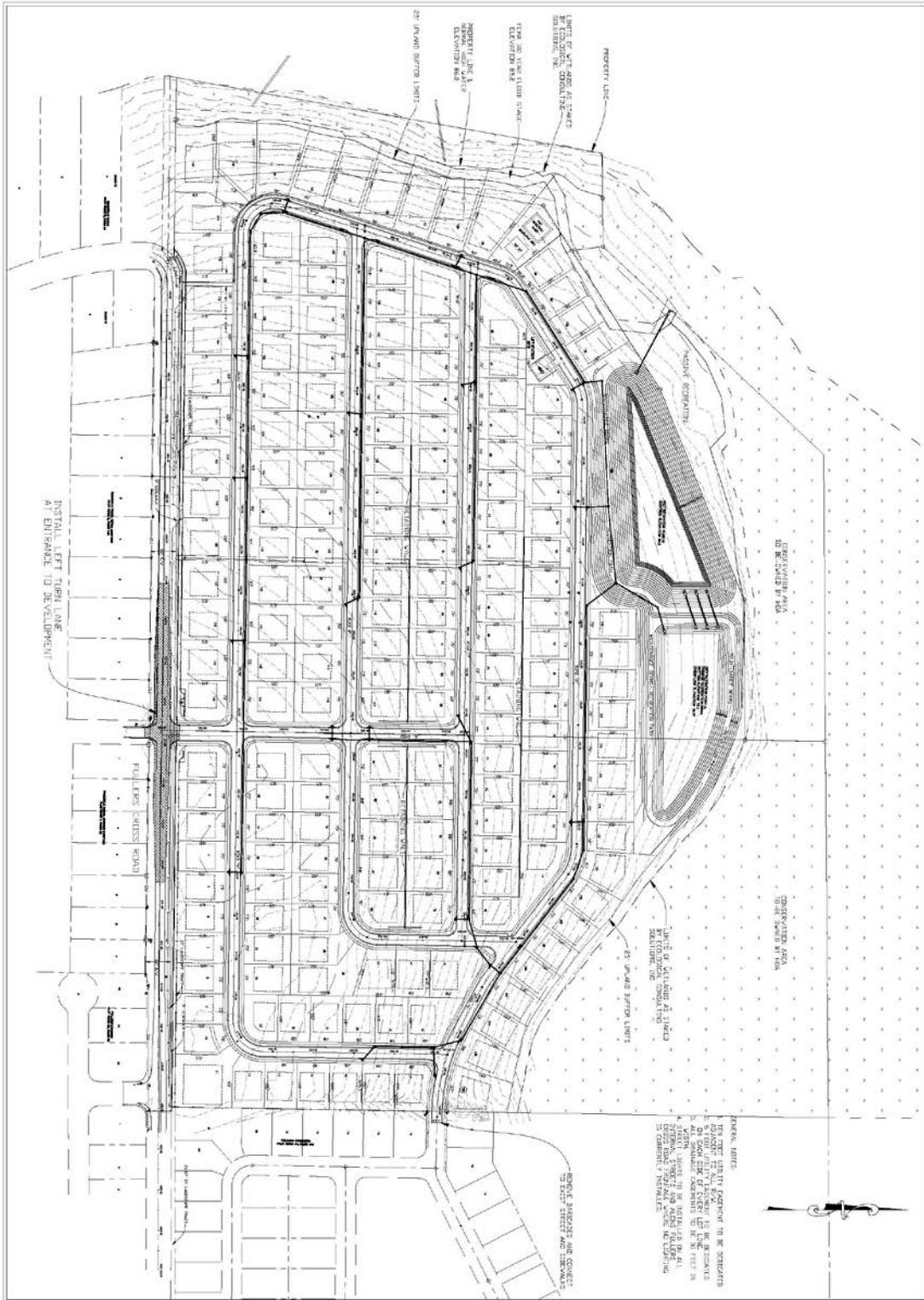
10151 University Blvd, #196
 Orlando, Florida 32817
 407-306-0670
 Donald Lee Holt P.L.S. #3889
 L.B. #7394



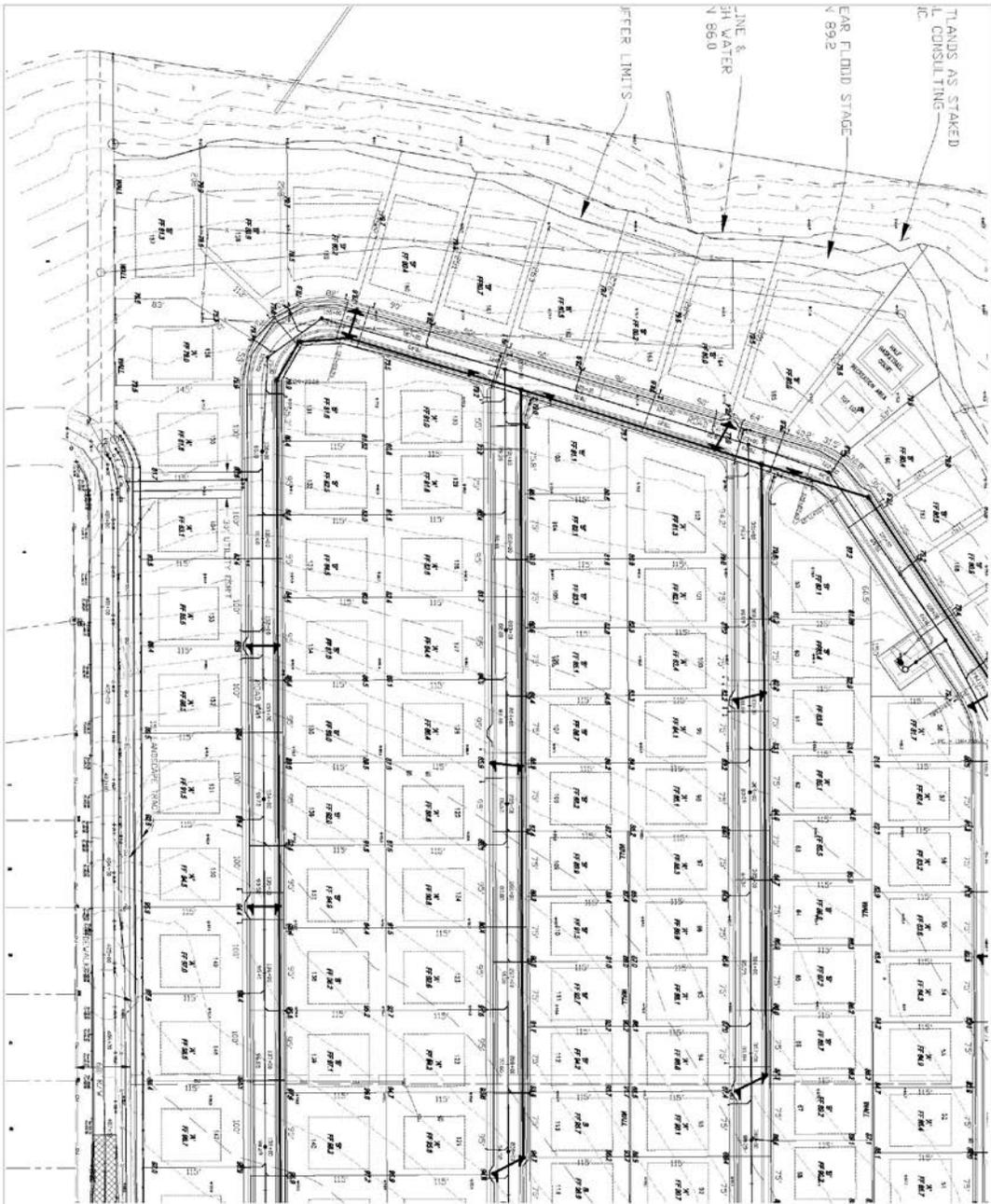
OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
 COMMITMENT NO. 07-2012-0091-07, SCHEDULE B-I
 This commitment is subject to the terms, conditions and coverages set forth in the policy of title insurance, including the schedule of exceptions, which are attached hereto and incorporated by reference.

3rd Described
 Southern Property
 Corner Detail

A BOUNDARY & SURVEY FOR THE AMERICAN LAND DEVELOPMENT SECTION 18 PLAT, ORANGE COUNTY, FLORIDA
 Approved By: _____
 Project Manager: _____
 Drawn By: _____
 Scale: 1"=100'
 File No.: _____
 Date: November 30, 2012



5 of 10	FLORIDA BOARD OF PROFESSIONAL REGULATION CERTIFICATE OF REGISTRATION # 4388	Drawn by: WCF Designed by: WCF Plotted by: WCF	SITE PLAN HIGHLAND GROVES Winter Garden, Florida	 THE CIVIL DESIGN GROUP ENGINEERS SURVEYORS PLANNERS 6659 Cherokee Lakes Road ORLANDO, FLORIDA Phone: (407) 875-3996 Fax: (407) 870-4279	No. _____ Date _____ Revision _____
	Job Number: 2012-09	Scale: 1"=100' Date: JANUARY 2013			PROJECT NOTES: THIS SITE PLAN IS TO BE SUBMITTED TO THE CITY OF WINTER GARDEN FOR REVIEW AND APPROVAL. ALL DIMENSIONS ARE IN FEET UNLESS OTHERWISE NOTED. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF WINTER GARDEN AND THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT). THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT).
	Project Name: HIGHLAND GROVES	Project Location: WINTER GARDEN, FLORIDA			Project Status: PRELIMINARY
	Project Description: RESIDENTIAL DEVELOPMENT	Project Contact: WCF			Project Date: JANUARY 2013



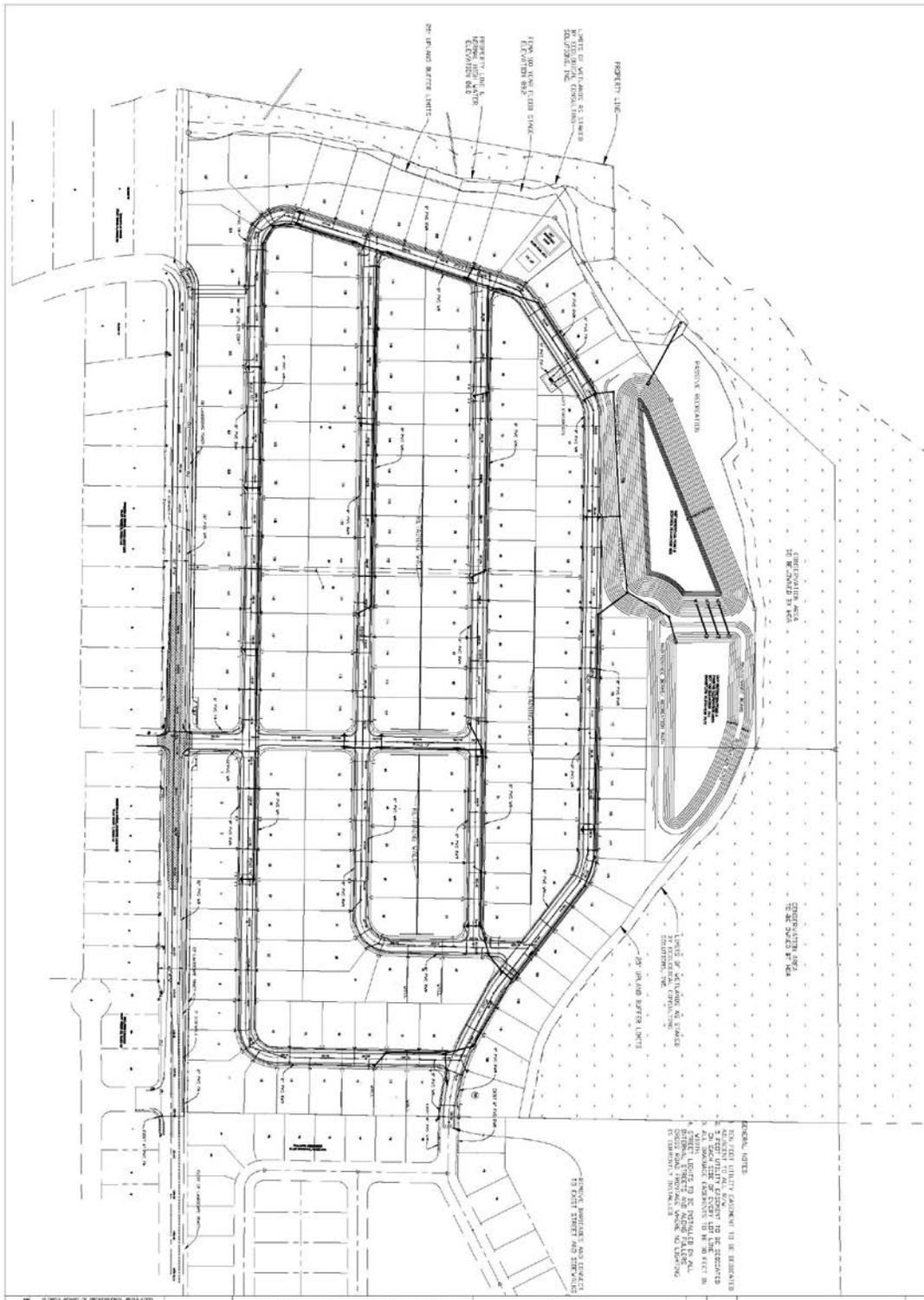
7 of 11
 PROFESSIONAL SEAL OF REGISTERED PROFESSIONAL ENGINEER
 OFFICE OF AUTHORIZATION # 1534
 William C. Hoyle, P.E. No. 28783
 Job Number: 2022-9
 Scale: 1"=50'
 Date: January 2013

Drawn by:
 Designed by:
 Plotted by:

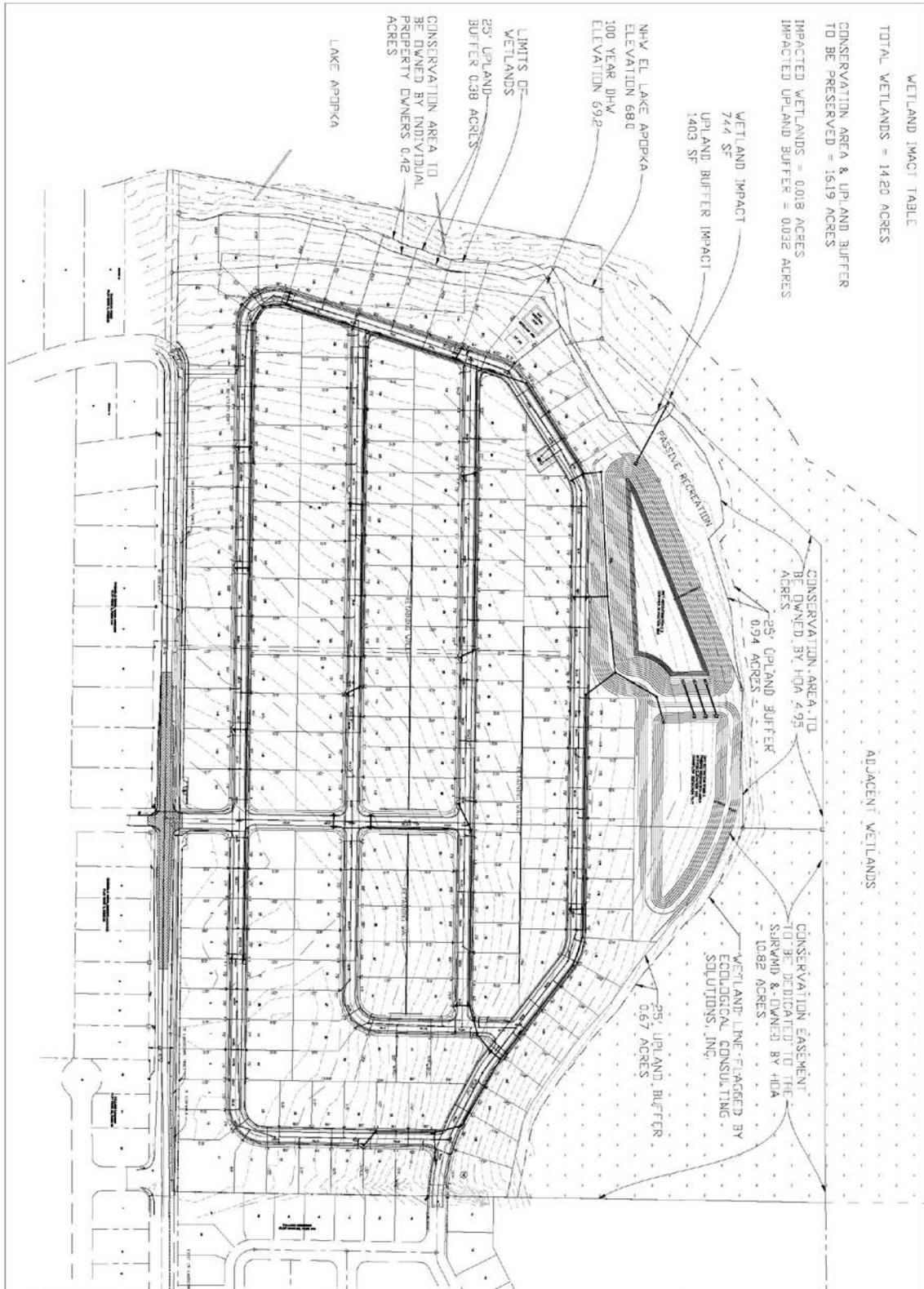
GRADING PLAN
HIGHLAND GROVES
 City of Winter Garden, Florida

CIVIL DESIGN GROUP
 INC.
 ENGINEERS - SURVEYORS - PLANNERS
 4569 Charles E. Smith Road
 ORLANDO, FLORIDA
 Phone: (407) 476-3916 Fax: (407) 876-4379

No.	Date	Revised	By



10 of 11	LICENSED BOARD OF PROFESSIONAL REGULATION DIVISION OF AEROSPACE & AVIATION	Drawn by: Designed by: File name:	UTILITY MASTER PLAN HIGHLAND GROVES City of Winter Garden, Florida	CIVIL DESIGN GROUP ENGINEERS SURVEYORS PLANNERS 5568 Charles E. City Park Road ORLANDO, FLORIDA	001 002 003 004 005 006 007 008 009 010 011 012 013 014 015 016 017 018 019 020 021 022 023 024 025 026 027 028 029 030 031 032 033 034 035 036 037 038 039 040 041 042 043 044 045 046 047 048 049 050 051 052 053 054 055 056 057 058 059 060 061 062 063 064 065 066 067 068 069 070 071 072 073 074 075 076 077 078 079 080 081 082 083 084 085 086 087 088 089 090 091 092 093 094 095 096 097 098 099 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267 268 269 270 271 272 273 274 275 276 277 278 279 280 281 282 283 284 285 286 287 288 289 290 291 292 293 294 295 296 297 298 299 300 301 302 303 304 305 306 307 308 309 310 311 312 313 314 315 316 317 318 319 320 321 322 323 324 325 326 327 328 329 330 331 332 333 334 335 336 337 338 339 340 341 342 343 344 345 346 347 348 349 350 351 352 353 354 355 356 357 358 359 360 361 362 363 364 365 366 367 368 369 370 371 372 373 374 375 376 377 378 379 380 381 382 383 384 385 386 387 388 389 390 391 392 393 394 395 396 397 398 399 400 401 402 403 404 405 406 407 408 409 410 411 412 413 414 415 416 417 418 419 420 421 422 423 424 425 426 427 428 429 430 431 432 433 434 435 436 437 438 439 440 441 442 443 444 445 446 447 448 449 450 451 452 453 454 455 456 457 458 459 460 461 462 463 464 465 466 467 468 469 470 471 472 473 474 475 476 477 478 479 480 481 482 483 484 485 486 487 488 489 490 491 492 493 494 495 496 497 498 499 500 501 502 503 504 505 506 507 508 509 510 511 512 513 514 515 516 517 518 519 520 521 522 523 524 525 526 527 528 529 530 531 532 533 534 535 536 537 538 539 540 541 542 543 544 545 546 547 548 549 550 551 552 553 554 555 556 557 558 559 560 561 562 563 564 565 566 567 568 569 570 571 572 573 574 575 576 577 578 579 580 581 582 583 584 585 586 587 588 589 590 591 592 593 594 595 596 597 598 599 600 601 602 603 604 605 606 607 608 609 610 611 612 613 614 615 616 617 618 619 620 621 622 623 624 625 626 627 628 629 630 631 632 633 634 635 636 637 638 639 640 641 642 643 644 645 646 647 648 649 650 651 652 653 654 655 656 657 658 659 660 661 662 663 664 665 666 667 668 669 670 671 672 673 674 675 676 677 678 679 680 681 682 683 684 685 686 687 688 689 690 691 692 693 694 695 696 697 698 699 700 701 702 703 704 705 706 707 708 709 710 711 712 713 714 715 716 717 718 719 720 721 722 723 724 725 726 727 728 729 730 731 732 733 734 735 736 737 738 739 740 741 742 743 744 745 746 747 748 749 750 751 752 753 754 755 756 757 758 759 760 761 762 763 764 765 766 767 768 769 770 771 772 773 774 775 776 777 778 779 780 781 782 783 784 785 786 787 788 789 790 791 792 793 794 795 796 797 798 799 800 801 802 803 804 805 806 807 808 809 810 811 812 813 814 815 816 817 818 819 820 821 822 823 824 825 826 827 828 829 830 831 832 833 834 835 836 837 838 839 840 841 842 843 844 845 846 847 848 849 850 851 852 853 854 855 856 857 858 859 860 861 862 863 864 865 866 867 868 869 870 871 872 873 874 875 876 877 878 879 880 881 882 883 884 885 886 887 888 889 890 891 892 893 894 895 896 897 898 899 900 901 902 903 904 905 906 907 908 909 910 911 912 913 914 915 916 917 918 919 920 921 922 923 924 925 926 927 928 929 930 931 932 933 934 935 936 937 938 939 940 941 942 943 944 945 946 947 948 949 950 951 952 953 954 955 956 957 958 959 960 961 962 963 964 965 966 967 968 969 970 971 972 973 974 975 976 977 978 979 980 981 982 983 984 985 986 987 988 989 990 991 992 993 994 995 996 997 998 999 1000	No. Date Revision Rev. by
	Engineer: William C. Rogie, P.E. No. 28786 Job Number: 2012-9 Scale: 1"=100' Date: January 2013	Design by: File name:	UTILITY MASTER PLAN HIGHLAND GROVES City of Winter Garden, Florida	CIVIL DESIGN GROUP ENGINEERS SURVEYORS PLANNERS 5568 Charles E. City Park Road ORLANDO, FLORIDA	No. Date Revision Rev. by	



WETLAND IMPACT TABLE

TOTAL WETLANDS = 1420 ACRES
 CONSERVATION AREA & UPLAND BUFFER TO BE PRESERVED = 1619 ACRES
 IMPACTED WETLANDS = 0018 ACRES
 IMPACTED UPLAND BUFFER = 0032 ACRES

WETLAND IMPACT
 744 SF
 UPLAND BUFFER IMPACT
 1403 SF

NHW EL LAKE APPOKA
 ELEVATION 680
 100 YEAR DHV
 ELEVATION 692

LIMITS OF WETLANDS
 25' UPLAND BUFFER 038 ACRES
 CONSERVATION AREA TO BE OWNED BY INDIVIDUAL PROPERTY OWNERS 042 ACRES

LAKE APPOKA

ADJACENT WETLANDS

CONSERVATION AREA TO BE OWNED BY HOA 4.95 ACRES
 25' UPLAND BUFFER 0194 ACRES

CONSERVATION EASEMENT TO BE DEDICATED TO THE SRRWMD & OWNED BY HOA 1082 ACRES

WETLAND LINE FLAGGED BY ECOLOGICAL CONSULTING SOLUTIONS, INC.

25' UPLAND BUFFER 067 ACRES

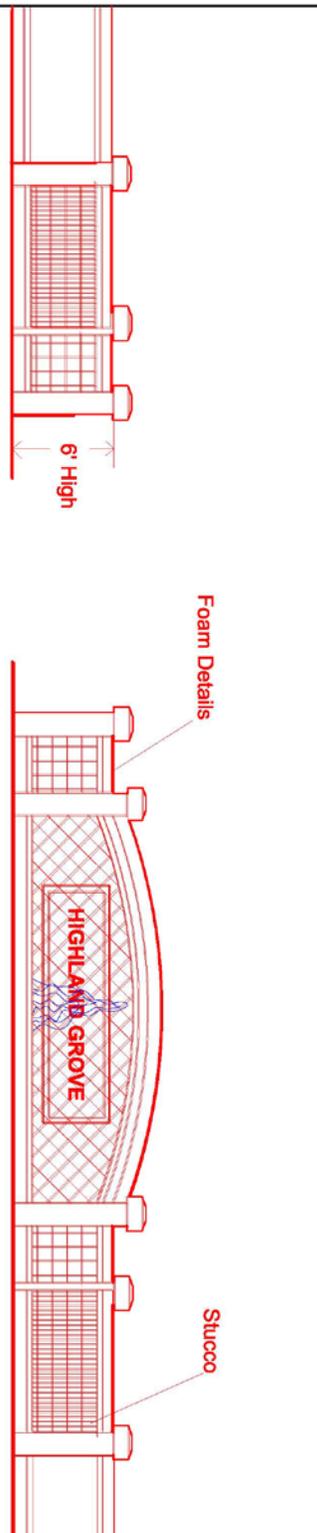
FLORIDA BOARD OF PROFESSIONAL REGULATION
 DEPARTMENT OF REVENUE & ADMINISTRATION
 William C. Fogle, P.E. No. 23785
 Job Number: 2012-9
 Scale: 1"=100'
 Date: January 2013

Drawn by:
 Designed by:
 File name:

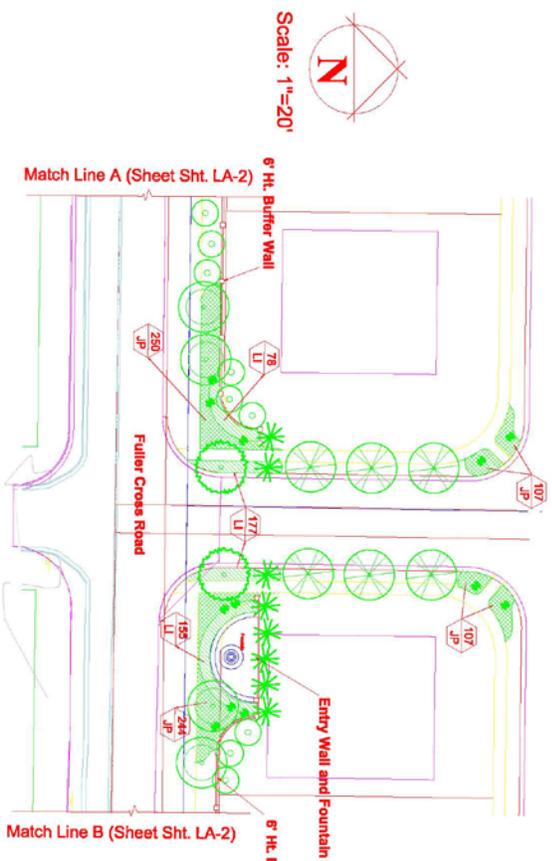
ENVIRONMENTAL PLAN
HIGHLAND GROVES
 City of Winter Garden, Florida

THE CIVIL DESIGN GROUP
 ENGINEERS • SURVEYORS • PLANNERS
 5900 CHRYSLER LANE SUITE 1000
 DUNEDIN, FLORIDA 33514
 Phone (407) 876-3996 Fax (407) 876-4278

REV	DATE	REVISIONS	BY



Entry Wall and Fountain Scale: NTS



Entry Landscape

Symbol	Quantity	Latin Name	Common Name	Specifications
LI	410	Loligo	Border Grass	1 gal/ 18" o.c.
JP	708	Juniperus	Patrons Juniper	12 15' spd 1 gal/ 18" o.c.
Understory Trees				
89		Ligustrum	Crape Myrtle	Multi-trunk, 6-8' ht no bloom
Canopy Trees				
18		Quercus	Live Oak	10-12' ht, 6-8' spd
		Vigilans	Live Oak	4' DBH
16		Quercus	Lawn Oak	10-12' ht, 6-8' spd
		imicola	Lawn Oak	4' DBH
15		Acer nigrum	Red Maple	10-12' ht, 6-8' spd
		4' DBH	Red Maple	4' DBH
6		Magnolia	Southern Magnolia	10-12' ht, 6-8' spd
		grandiflora	Southern Magnolia	4' DBH
Other				
8		Washingtonia	Washington Palm	Trunk height 10-12
		robusta	Washington Palm	
12		Cycas	Sago Palm	5 Gal
		circinalis	Sago Palm	
Sod				
TBD		Stenandrium	St. Augustine	Sold
		secundatum	Florida	
Sod				
TBD		Paspalum	Berm Grass	Sold
		rotundum	Berm Grass	

Note: Any discrepancies in quantities between the plant list and plans, the plans prevail

Landscape Plan

Prepared by Bruce K. Andersen
Fla. Reg. Landscape Architect No. 821

Original Feb. 17, 2013 Revision	Highland Grove, Winter Garden, Fl.	American Land Development 3911 Orange Lake Drive Orlando, FL 32817	American Land Development 3911 Orange Lake Drive Orlando, FL 32817	Sht. No. LA-1 of 2
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Original
Feb. 17, 2013
Revision

Highland Grove, Winter Garden, Fl.

American Land Development
3911 Orange Lake Drive
Orlando, FL 32817

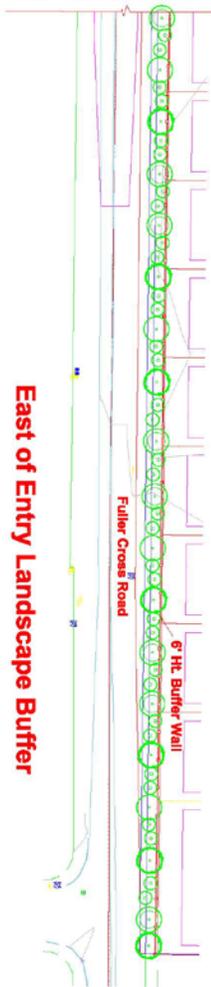


Sht. No.
LA-2
of 2



Scale: 1"=40'

Match Line B (Sheet Sht. LA-2)



East of Entry Landscape Buffer



West of Entry Landscape Buffer

Notes

1. All plants shall be graded Florida No. 1 or better as outlined under "Grades and Standards for Nursery Plants", Parts 1 & 2, Fla. Dept. of Agriculture.
2. An earthen saucer shall be formed around the perimeter of the planting pit for the retention of irrigation water.
3. Planting pits shall be backfilled with a planting soil mix of 1/3 from site, 1/3 clean course builder's sand and 1/3 shredded peat, well mixed with 6-6-6-50% organic fertilizer with minor elements at the rate of 2 pounds of fertilizer for each cubic yard of soil mix.
4. All planting beds shall be covered with a 2" layer of organic mulch.
5. All seed and planting areas shall be watered by an automatic underground irrigation system designed to provide a minimum 1" coverage per week. A rain sensor will be included to turn the system off in times of sufficient rainfall in order to conserve irrigation water.
6. All trees will be staked and guyed to prevent being blown over in high winds.

Landscape Plan

Prepared by Bruce K. Andersen
Fla. Reg. Landscape Architect No. 821

Exhibit "C"

COVER PAGE

BUILDING ELEVATIONS AND TYPICAL FLOOR PLANS

Highland Groves

(8 PAGES - ATTACHED)

THE DEL RIO



ELEVATION C



ELEVATION D



ELEVATION E



ELEVATION F



ELEVATION G

Rev 5/8/12

www.maritagehomes.com

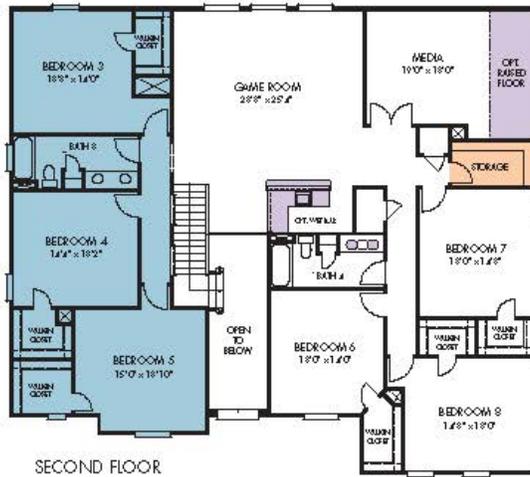
Artist Conception. Rendering may not depict final color.



Floorplan rendering is an artist's conceptual rendering intended to provide a general overview. It does not constitute actual plans and specifications for any home and may depict elevations, options, upgrades, features, and amenities that are not included as part of the home and/or may not be available for all lots and/or in all communities. The floorplan rendering may not be drawn to scale. Any dimensions on the floorplan rendering are approximate and actual dimensions may vary. Plans and specifications are subject to change without notice. Homes may be constructed with a floorplan that is the reverse of the floorplan rendering. Plans are copyrighted and/or otherwise subject to intellectual property rights of Maritage and/or others and cannot be reproduced or copied without Maritage's prior written consent.



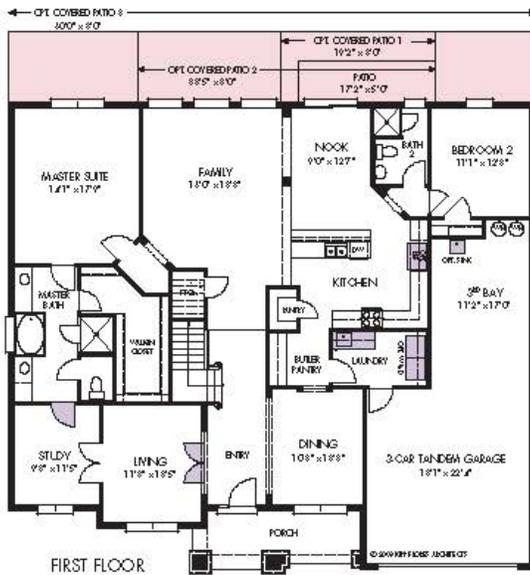
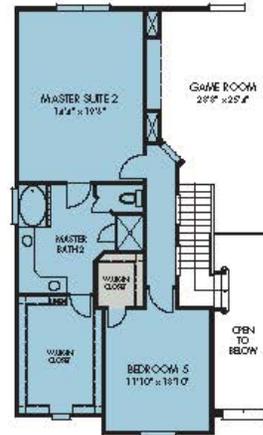
THE DEL RIO



OPT. BATH #5



OPT. LAUNDRY



PLAN 5111

- 8 Bedroom • 4 Bath
- Study • Living Room
- Game Room & Media Room
- Opt. 2nd Master Suite Upstairs
- Opt. Bath #5 • 3-Car Garage

Square Footage

Main Floor	5,107 sq. ft.
Porch	117 sq. ft.
Garage	618 sq. ft.
Total	5,842 sq. ft.

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THE KERRVILLE



ELEVATION C



ELEVATION D



ELEVATION E



ELEVATION F



ELEVATION G

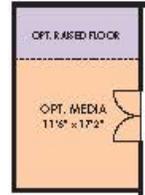
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THE KERRVILLE



OPT. MEDIA

PLAN 4161

- 6 Bedroom • 4 Bath
- Study • Living Room
- Dining Room • Game Room
- Opt. Media & Bedroom 7
- 3-Car Garage



OPT. BEDROOM 7

Square Footage

Main Floor	4,163 sq. ft.
Porch	130 sq. ft.
Garage	606 sq. ft.
Total	4,899 sq. ft.

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THE PALERMO



ELEVATION C



ELEVATION D



ELEVATION E

Rev 5/8/12

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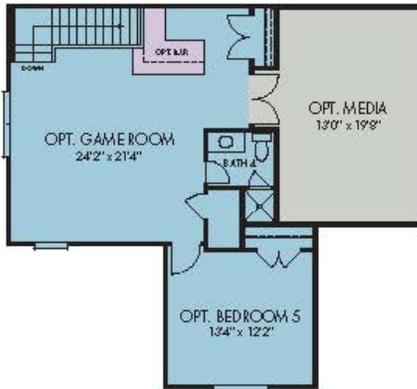
THE PALERMO

PLAN 3082

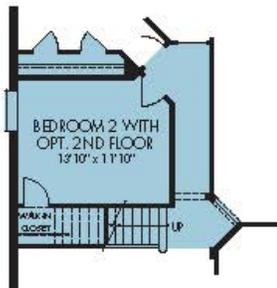
4 Bedroom • 3 Bath • Study/Opt. Bedroom 6
 Opt. Game Room/Bedroom 5 • 3-Car Garage

Square Footage

Main Floor	3,017 sq. ft.
Second Floor	687 sq. ft.
Porch	48 sq. ft.
Covered Patio	138 sq. ft.
Garage	622 sq. ft.
Total	4,512 sq. ft.



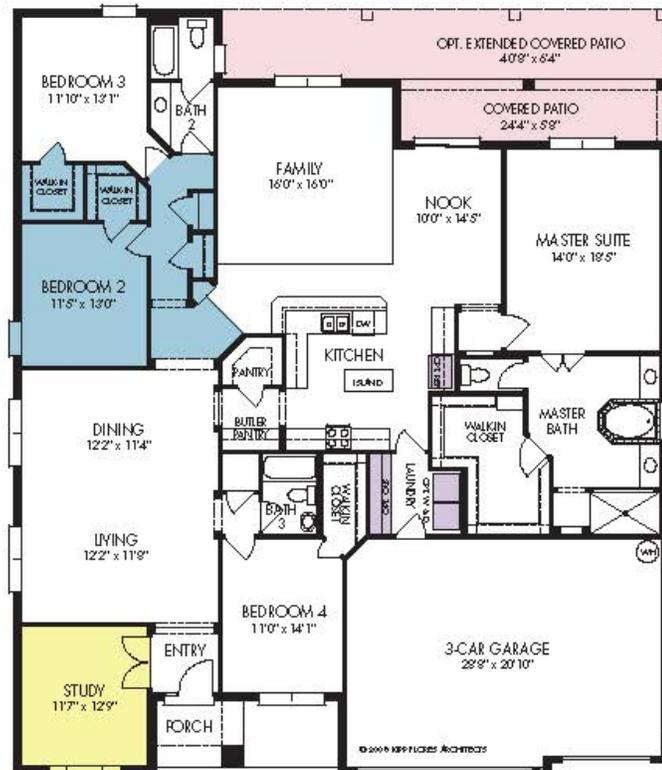
OPT. SECOND FLOOR



STAIRS W/OPT. SECOND FLOOR



OPT. BEDROOM 6



MAIN FLOOR

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THE WIMBERLEY



ELEVATION C



ELEVATION D



ELEVATION E



ELEVATION F



ELEVATION G

Rev 5/8/12

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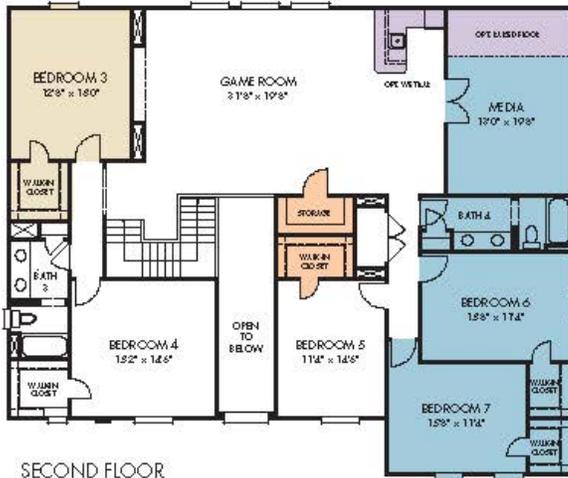
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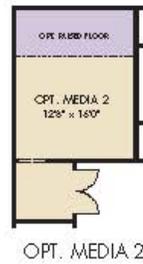
Floorplan rendering is an artist's conceptual rendering intended to provide a general overview. It does not constitute actual plans and specifications for any home and may depict elevations, options, upgrades, features, and amenities that are not included as part of the home and/or may not be available for all lots and/or in all communities. The floorplan rendering may not be drawn to scale. Any dimensions on the floorplan rendering are approximate and actual dimensions may vary. Plans and specifications are subject to change without notice. Homes may be constructed with a floorplan that is the reverse of the floorplan rendering. Plans are copyrighted and/or otherwise subject to intellectual property rights of Maritage and/or others and cannot be reproduced or copied without Maritage's prior written consent.



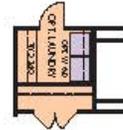
THE WIMBERLEY



SECOND FLOOR



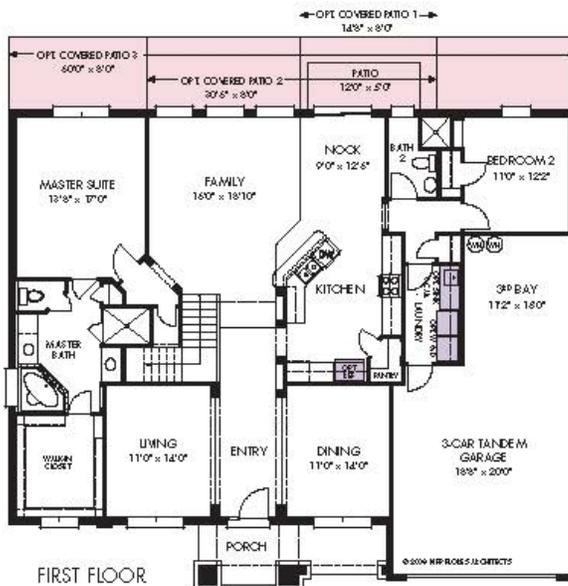
OPT. MEDIA 2



OPT. LAUNDRY



OPT. MASTER SUITE 2



FIRST FLOOR

PLAN 4700

- 7 Bedroom • 4 Bath
- Living Room • Dining Room
- Game Room & Media Room
- Opt. 2nd Master Suite Upstairs
- 3-Car Garage

Square Footage

Main Floor	4,700 sq. ft.
Porch	117 sq. ft.
Garage	607 sq. ft.
Total	5,424 sq. ft.

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THE CITY OF WINTER GARDEN
PLANNING AND ZONING BOARD AGENDA ITEM

ITEM # 9 (Public Hearing)

DATE: June 28, 2013 **MEETING DATE:** July 1, 2013

SUBJECT: 16303 Marsh Road (REZONING – UVPUD)
PROJECT NAME Crooked Lake Preserve
PARCEL ID# 05-23-27-0000-00-005 & 05-23-27-0000-00-008

ISSUE: The applicant is requesting to rezone the 78.29± acre property located at 16303 Marsh Road from NZ (No Zoning) to UVPUD (Urban Village Planned Unit Development)

SUPPLEMENTAL MATERIAL/ANALYSIS:

OWNER/APPLICANT: Crooked Lake Holdings, LLC

CURRENT ZONING: NZ (No Zoning)

PROPOSED ZONING: UVPUD (Urban Village Planned Unit Development)

CURRENT FLU: VIL (Urban Village)

PROPOSED FLU: N/A

SUMMARY:

Applicant proposes to rezone the subject property from NZ to UVPUD for development of a 140 dwelling unit single family residential development with lot sizes ranging from 60-90 feet wide at a density of 2.38 dwelling units per acre.

STAFF RECOMMENDATION(S):

Staff recommends approval of the proposed rezoning subject to the conditions of the attached Staff Report with City Commission first reading of the proposed rezoning scheduled for July 11, 2013.

NEXT STEP(S):

Submit Preliminary Plat and Final Engineering Plans

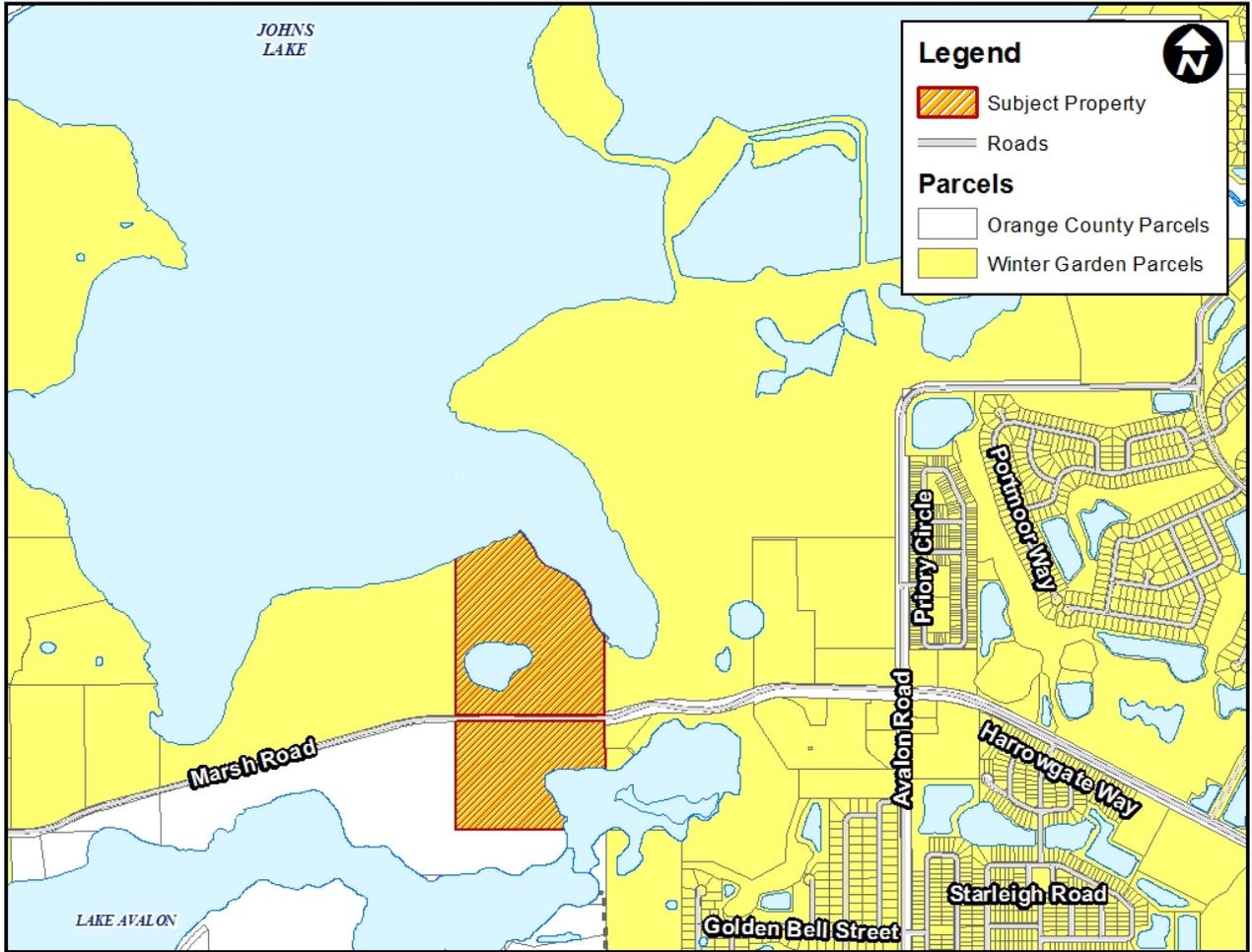
ATTACHMENT(S):

Location Map
Staff Report
Ordinance 13-41

LOCATION MAP

16303 Marsh Road

REZONING - UVPUD



CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

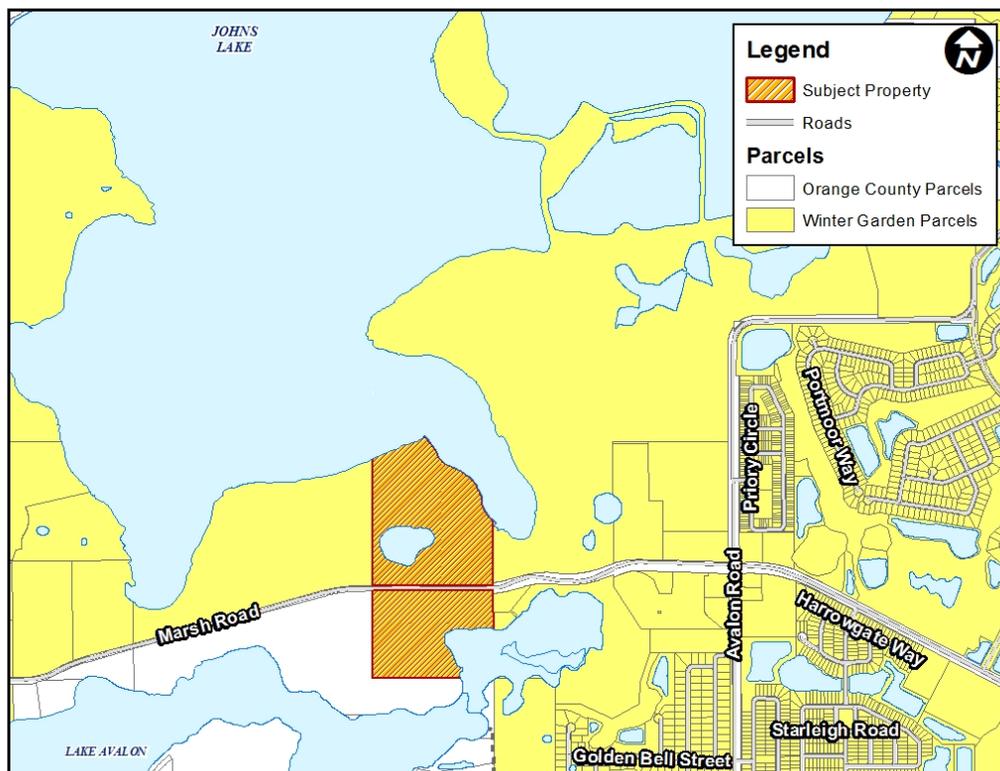
STAFF REPORT

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, Stoneybrook West, Carriage Pointe, Stone Creek, Belle Meade, Avamar Crossings, Alexander Ridge, and Carriage Ponte 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 proposed 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 Ponte 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 façade 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.

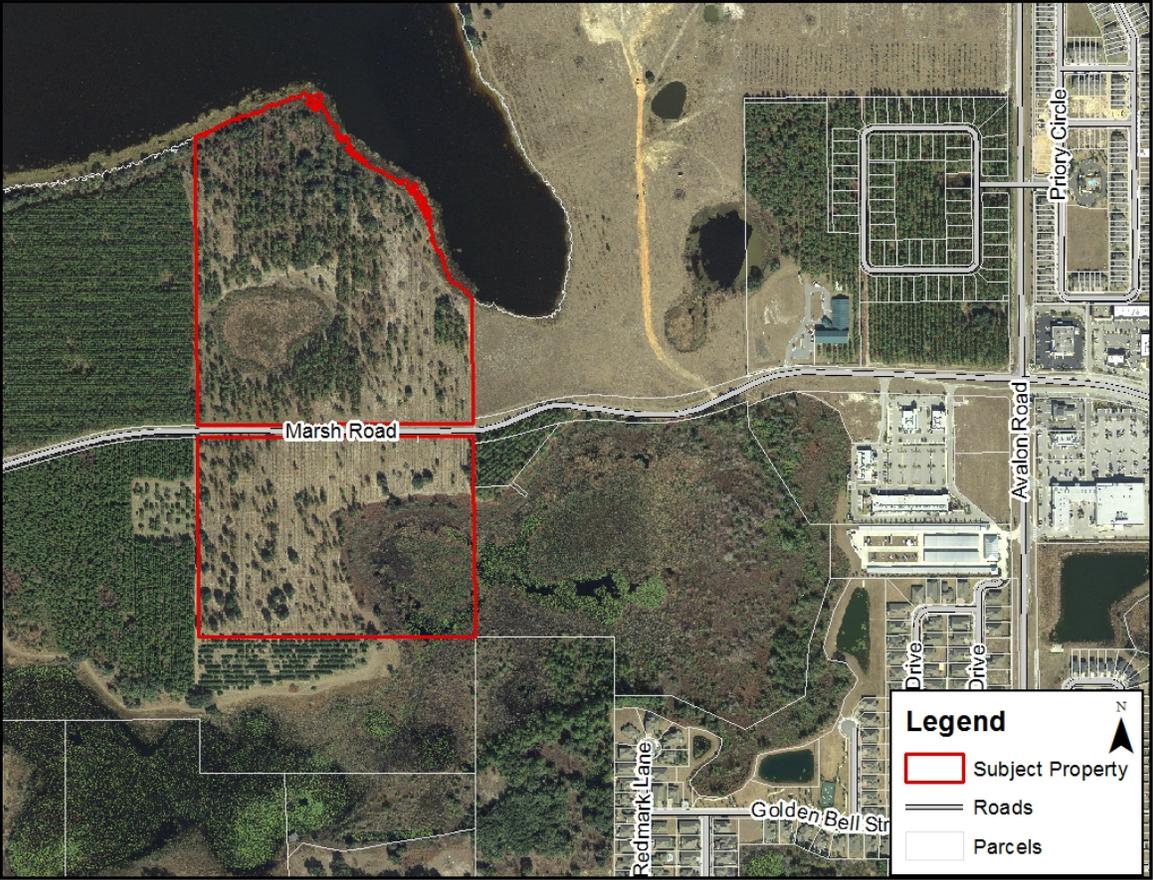
SUMMARY

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.

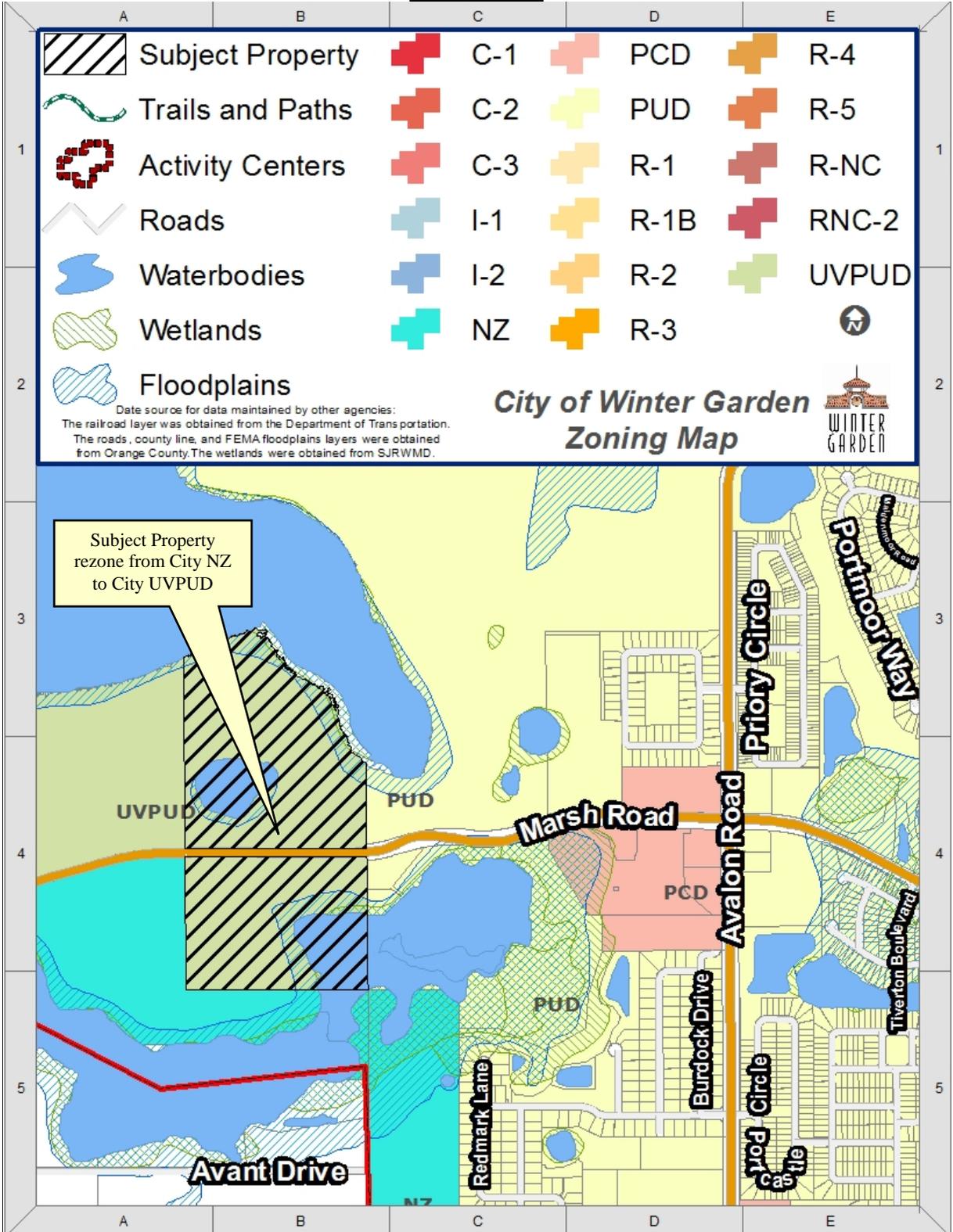
The proposed development of the subject property is consistent with the stipulations and guidelines of the Sixth Amendment to the Restated Interlocal Agreement for Joint Planning Area between Orange County and the City of Winter Garden which requires that rezoning applications or development plans for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

MAPS

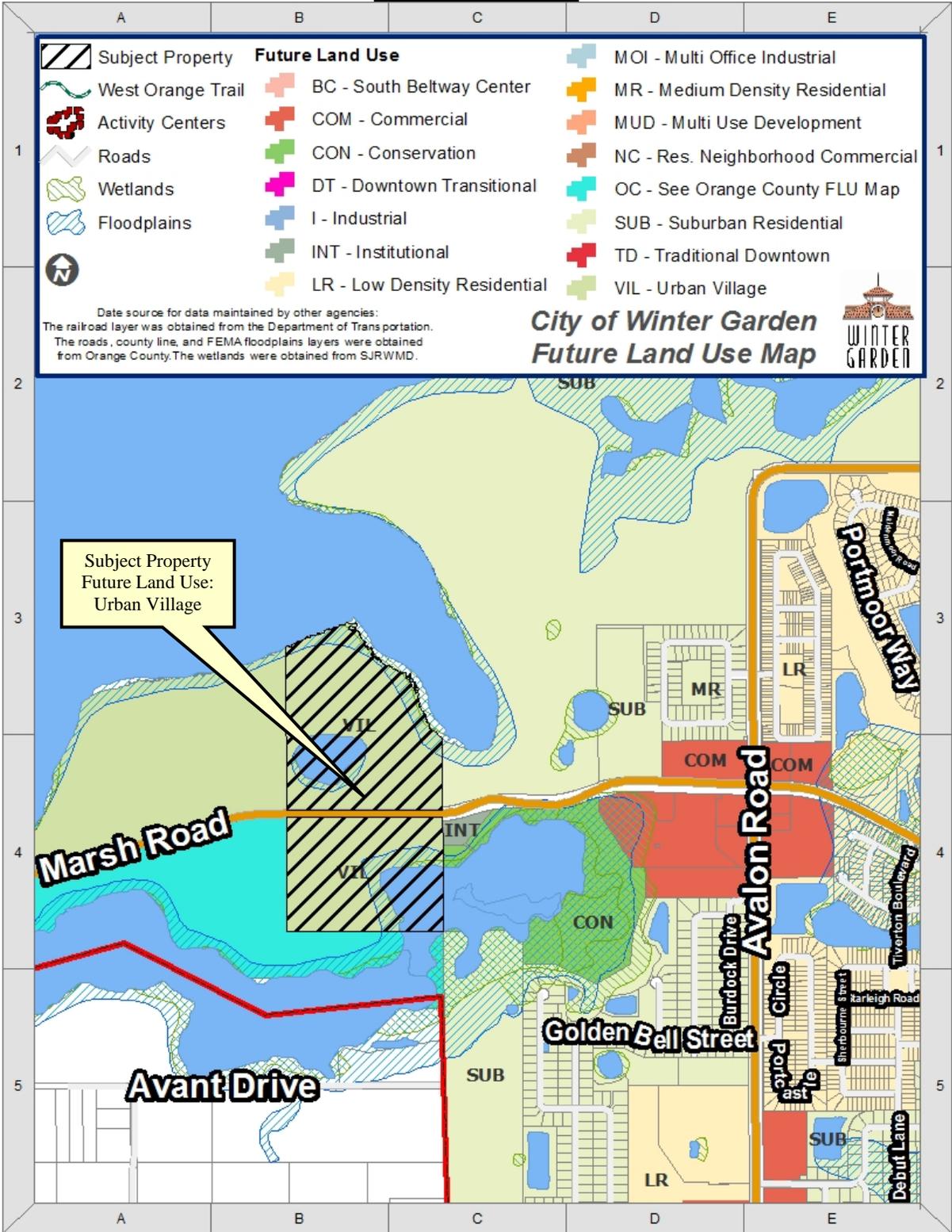
AERIAL PHOTO
16303 Marsh Road



ZONING MAP
Marsh Road



FUTURE LAND USE MAP
16303 Marsh Road



END OF STAFF REPORT

ORDINANCE 13-41

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 78.3 ± 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 16303 MARSH ROAD, FROM NO ZONING (NZ) TO URBAN VILLAGE PLANNED UNIT DEVELOPMENT (UVPUD); PROVIDING FOR CERTAIN UVPUD REQUIREMENTS AND DESCRIBING THE DEVELOPMENT AS THE CROOKED LAKE PRESERVE URBAN VILLAGE PUD; PROVIDING FOR NON-SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Owner(s) of real property generally described as approximately 78.3 ± 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 16303 Marsh 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, 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 Crooked Lake Preserve Urban Village Planned Unit Development Preliminary Plan attached hereto as Exhibit "B." Should any conflict be found between this Ordinance and the Crooked Lake Preserve 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. All uses not specifically permitted by this Ordinance are prohibited.
- 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 60 feet.
 2. **Building Height-** Maximum building height shall be 35 feet.
 3. **Minimum Living Area-** Minimum living area for each residential unit shall be 1,500 square feet for lots less than 90 feet wide and 2,000 square feet for lots greater than or equal to 90 feet wide.
 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-**
 - 60-89 foot wide lots: side yard setbacks shall be no less than 5 feet and shall be unobstructed by any 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; side yard setback on the street side of a corner lot shall be no less than 15 feet; rear yard setback shall be no less than 20 feet; and front yard setback shall be no less than 20 feet and no greater than 25

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.

- 90 foot wide lots and larger: side yard setback shall be no less than 7.5 feet; side yard setback on the street side of a corner lot shall be no less than 15 feet; rear yard setback shall be no less than 30 feet; and front yard setback shall be no less than 25 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. Residential Design Criteria-

All development on the Property must maintain the same general design criteria and architectural characteristics as the Building Elevations attached hereto as Exhibit "C".

7. 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.

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

1. A minimum 25 foot wide landscape buffer shall be provided along all shared property boundary lines; the buffer shall be located within an easement to be granted to and maintained by the HOA to be created for this Project prior to plat approval. The landscape buffer easement shall remain open space and be unobstructed by any accessory structures, swimming pools, patios, fences, 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. The landscape buffer easement shall be shown on the plat and provisions incorporating the conditions of this paragraph shall be included in the Plat notes, Declaration of Covenants, Restrictions and Conditions and in the deed for each individual lot affected by the easement in a form acceptable to the

City Attorney.

2. At its expense, Owner shall permit, design and construct a round-a-bout on Marsh Road at the entry point to the Project. Size and configuration of roundabout on Marsh Road will be determined at time of final engineering; radius, number of lanes, etc. shall safely accommodate traffic and be reviewed by the City's round-a-bout Consultant. At Owner's expense and no cost to the City, Owner shall cause the conveyance of right-of-way to the City as may needed, as determined by the City, to accommodate the Marsh Road round-a-bout and such conveyance shall be free and clear of all encumbrances. No impact fee credits are to be given for such conveyance and road improvements, as this traffic improvement directly benefits the Project and mitigates impacts caused by the Project.
3. Minimum 5 foot wide utility and drainage easements shall be provided on each side lot line and dedicated to the City.
4. If gated, streets will be private and maintained by the HOA. While portions of the right-of-way may be dedicated to the City, maintenance of special pavements, landscaping, hardscaping, etc. shall be performed by the HOA under a right-of-way maintenance agreement. This would include the roundabout island. If street trees are allowed, the HOA will be responsible for their installation, maintenance and removal if necessary.
5. Docks shall comply with City of Winter Garden Ordinance 11-20 (as codified in Chapter 118 of the City Code) and other applicable code provisions.
6. Consistent with other development that the City has approved on the Marsh Road corridor, additional right-of-way conveyance may be required on Marsh Road for the round-a-bout, etc.
7. As shown, the proposed stormwater pond for Marsh Road/CR 545 is to be granted to the City as a drainage easement, to be constructed and maintained by the City.
8. Upon application for Preliminary Plat review, the building setbacks for each lot including specific details on what primary and auxiliary uses will be allowed such as pools, porches, patios, docks, etc. shall be identified.
9. All irrigation shall be designed to be supplied by reclaimed water (minimum 8 inch internal main size).
10. Typical Pavement Section & General Notes: Location and type of street trees will be reviewed with final engineering plans. If allowed, street trees will be the responsibility of the HOA, not the City, regardless if the project is gated/private or public.

11. All proposed easements shall be 30 foot minimum width for sanitary, water and storm; improvements shall be centered within the easement. Common areas not abutting right-of-way shall include a tract (not easement) for access and maintenance.
12. The 100 year flood boundary is shown in Exhibit "B" to encroach on many of the lots abutting Johns Lake. A LOMR shall be filed with FEMA as a condition of Final Plat approval for any areas requiring fill within the 100 year flood zone. Fill within the 100 year flood zone will only be allowed if compensating storage is provided.
13. The Owner is responsible for meeting all provisions of ADA and Florida Accessibility Code.
14. All work shall conform to City of Winter Garden standards and specifications.
15. 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.
16. The Contractor is responsible for the notification, location and protection of all utilities that may exist within the project limits.
17. No fill or runoff will be allowed to discharge onto adjacent properties; existing drainage patterns shall not be altered. The City of Winter Garden is not granting rights or easements for drainage from, or onto, property owned by others. Obtaining permission, easements or other approvals that may be required to drain onto private property is the Owner/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. Site construction shall adhere to the City of Winter Garden erosion and sediment control requirements as contained in Chapter 106 - Stormwater. If approval is granted by the City of Winter Garden, it does not waive any permits that may be required by federal, state, regional, county, municipal or other agencies that may have jurisdiction.
18. After final engineering plan approval, a preconstruction meeting will be required prior to any commencement of construction. The applicant shall provide an erosion control and street lighting plan at the preconstruction meeting and shall pay all engineering review

and inspection fees prior to construction. Inspection fees in the amount of 2.25% of the cost of all site improvements shall be paid prior to issuance of the building permit.

19. The recent extension, installation and oversizing of water, sewer and reclaimed water mains along Marsh Road were done for the benefit of this Project and other proposed Projects along Marsh Road. Applicant shall be responsible for reimbursement of its proportionate fair share for the previous extension of water, sewer and reclaimed water mains along Marsh Road installed by the Waterside at John's Lake UVPUD development in the manner to be addressed by the Developer's Agreement, or by other agreement acceptable to the City Manager. Such reimbursement shall occur no later than prior to obtaining certificates of occupancy for any buildings/units for the project.

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, 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.
- 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: _____, 2013.

SECOND READING AND PUBLIC HEARING: _____, 2013.

ADOPTED this _____ day of, _____, 2013, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

JOHN REES, Mayor/Commissioner

ATTEST:

KATHY GOLDEN, City Clerk

Exhibit "A"

DESCRIPTION:

THE WEST ONE-HALF (1/2) OF THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 23 SOUTH, RANGE 27 EAST AS RECORDED IN THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, LESS MARSH ROAD.

CONTAINS 78.302 ACRES MORE OR LESS.

Exhibit "B"

COVER PAGE

URBAN VILLAGE PLANNED UNIT DEVELOPMENT PRELIMINARY PLAN

CROOKED LAKE PRESERVE

REVISED JUNE 2013

(4 PAGES - ATTACHED)

Exhibit "C"

COVER PAGE

TYPICAL BUILDING ELEVATIONS

CROOKED LAKE PRESERVE

(6 PAGES - ATTACHED)

Bailey
2,000 Sq.Ft.



Elevation A



Elevation B



Elevation C

Cumberland
2,581 Sq.Ft.



Elevation A



Elevation B



Elevation C

MADRID
2,754 Sq.Ft.



Elevation A



Elevation B



Elevation D

Rockford
2,997 Sq.Ft.



Elevation A



Elevation B



Elevation C

Astoria
3,098 Sq.Ft.



Elevation A



Elevation B



Elevation C

MONTCLAIR
3,467 Sq.Ft.



Elevation A



Elevation B



Elevation C

THE CITY OF WINTER GARDEN
PLANNING AND ZONING BOARD AGENDA ITEM

ITEM # 10 (Public Hearing)

DATE: June 27, 2013 **MEETING DATE:** July 1, 2013

SUBJECT: 55 N. Dillard Street (REZONING)
PROJECT NAME Welltrax
PARCEL ID# 14-22-27-2088-00-070

ISSUE: The applicant is requesting to rezone their 0.27 ± acre property located at 55 N. Dillard Street from R-2(Residential District) to C-1 (Central Commercial District).

SUPPLEMENTAL MATERIAL/ANALYSIS:

OWNER/APPLICANT: Stephen D. Dunegan

CURRENT ZONING: R-2 (Residential District)

PROPOSED ZONING: C-1 (Central Commercial District)

CURRENT FLU: TD (Traditional Downtown)

PROPOSED FLU: N/A

SUMMARY:

The request for rezoning is to eliminate the need for the special exception permit which was granted in 2006 for medical and wellness services in the R-2 Zoning District 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.

STAFF RECOMMENDATION(S):

Staff Recommends approval of Ordinance 13-44 rezoning property located at 55 N. Dillard Street from R-2 (Residential District) to C-1 (Central Commercial District) subject to the conditions of the attached Staff Report with City Commission first reading scheduled for July 11, 2013.

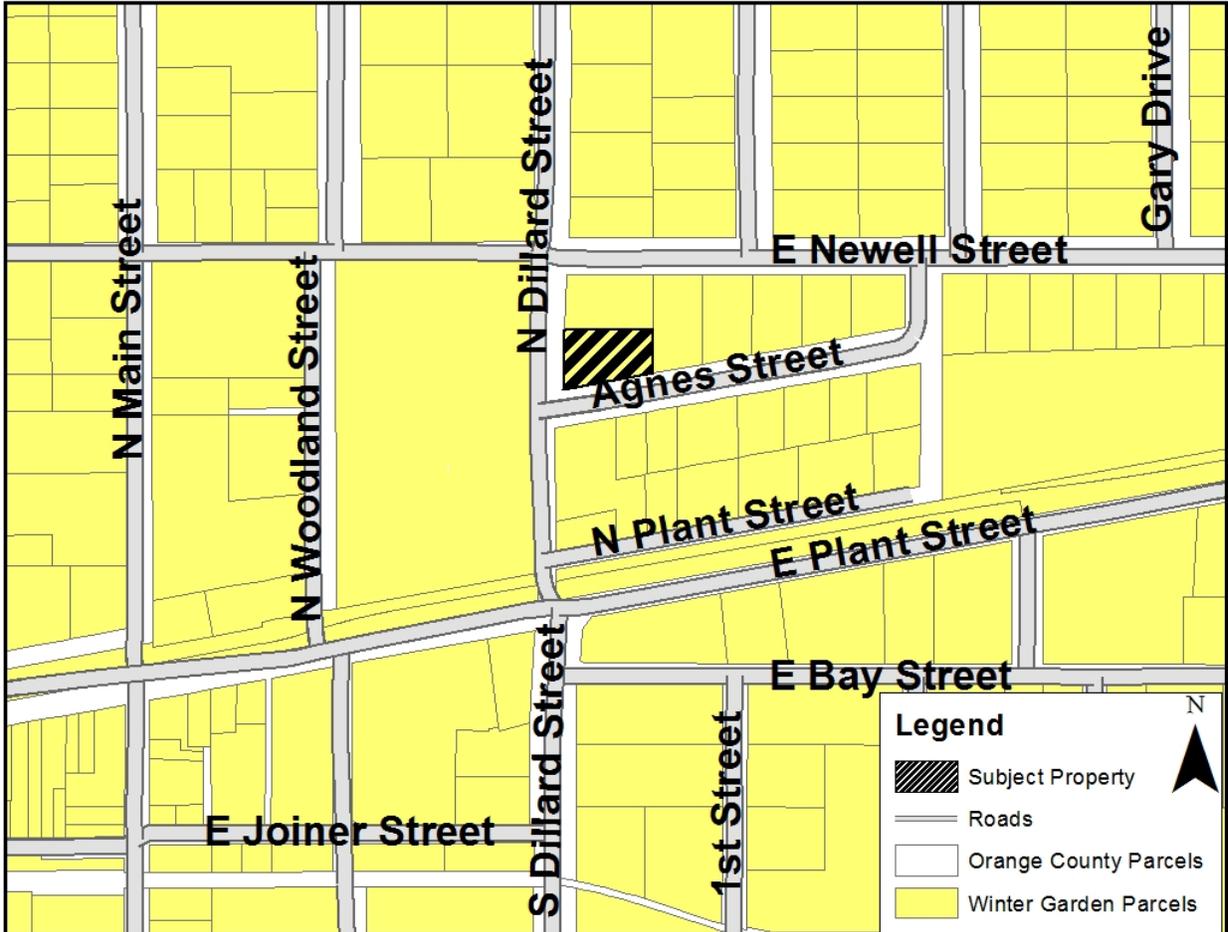
ATTACHMENT(S):

Location Map
Staff Report
Ordinance 13-44

LOCATION MAP

55 N Dillard Street

REZONING



CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

STAFF REPORT

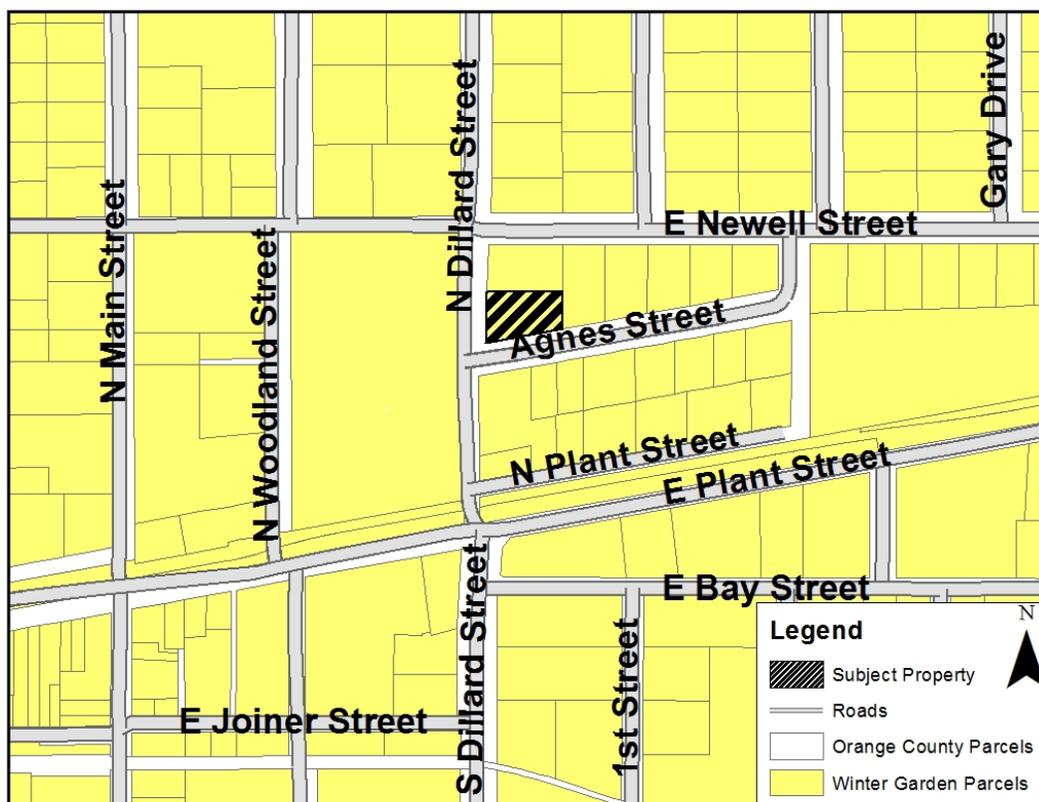
TO: PLANNING AND ZONING BOARD
PREPARED BY: LAURA SMITH, SENIOR PLANNER
DATE: JUNE 27, 2013
SUBJECT: REZONING
55 N. Dillard Street (WELLTRAX)
PARCEL ID # 14-22-27-2088-00-070

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

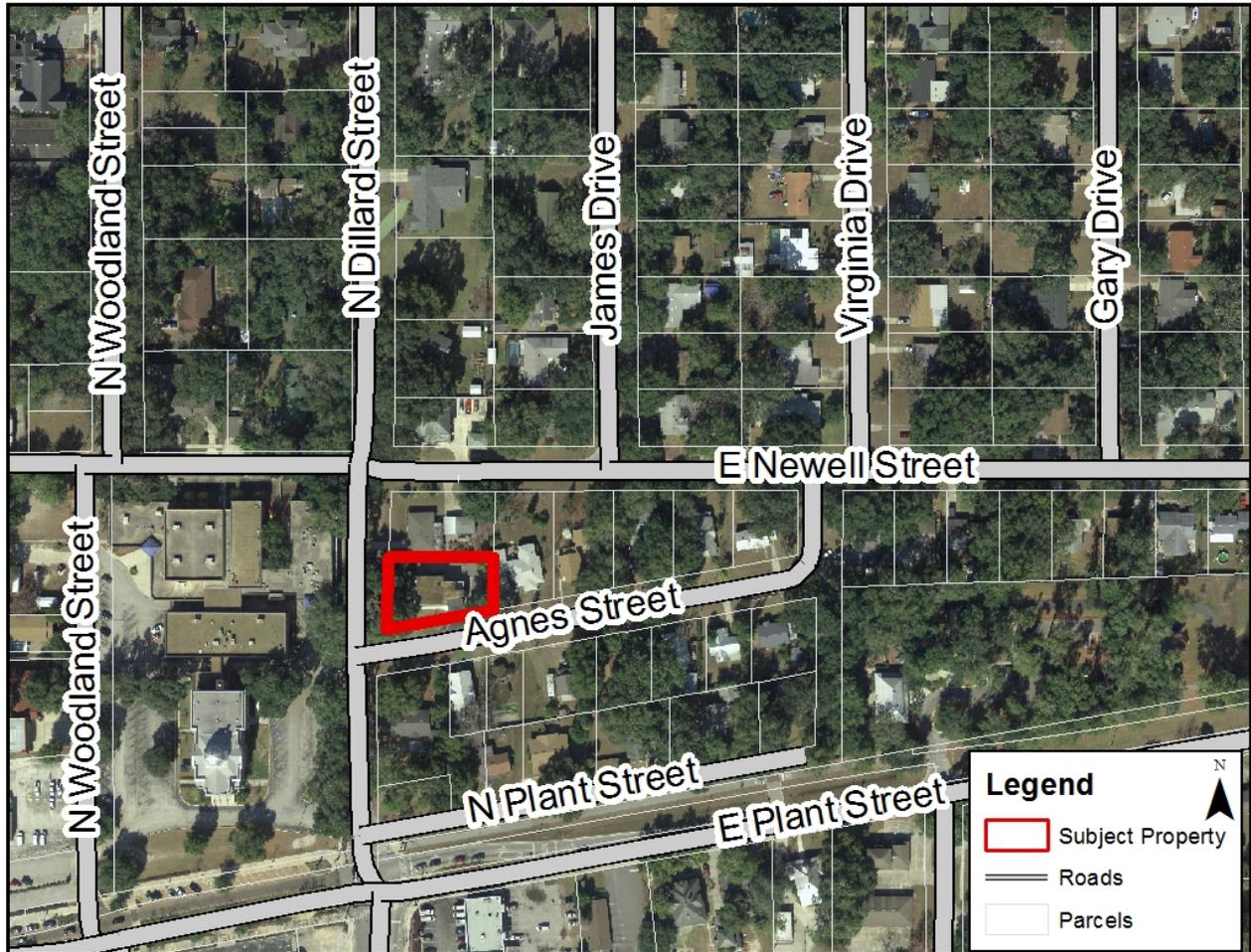
The applicant does not propose any changes to the existing use of the property at this time. The request for rezoning is to eliminate the need for the special exception permit which was granted in 2006 and allow for future expansion of the commercial and residential uses on the property. The City has 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

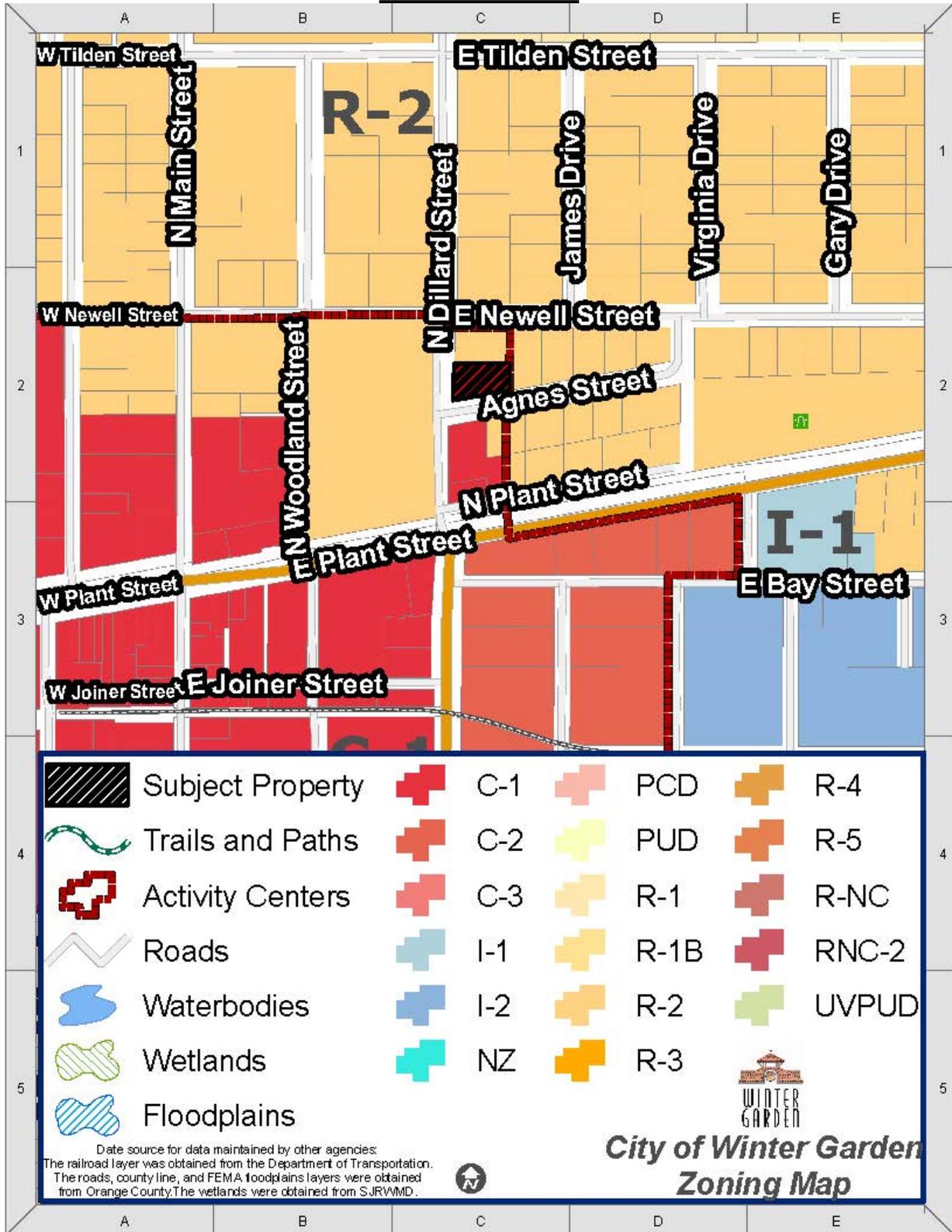
Staff recommends approval of the proposed Ordinance. Rezoning the subject property from R-2 to C-1 is consistent with the City's Comprehensive Plan and surrounding property uses, and the adjacent property owners should not be negatively impacted since the property is currently being used as a commercial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

MAPS

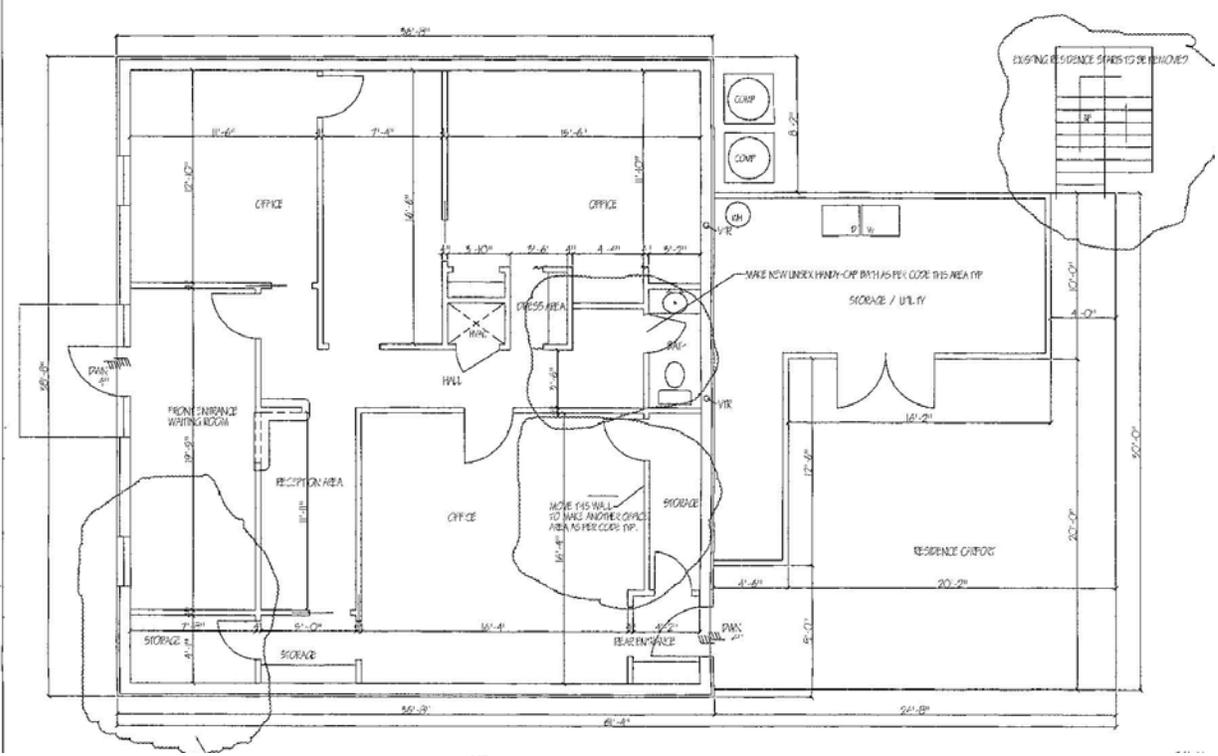
AERIAL PHOTO
55 N. Dillard Street



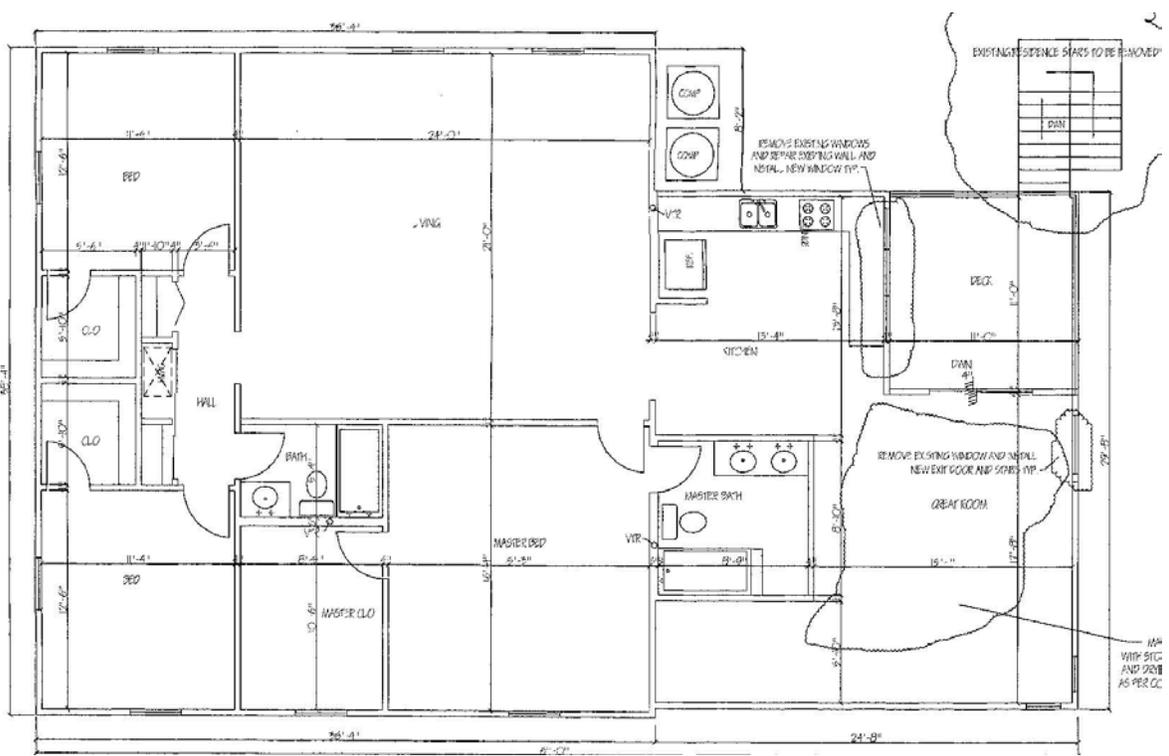
ZONING MAP
55 N Dillard Street



EXISTING 1ST FLOOR INTERIOR LAYOUT
55 N Dillard Street



EXISTING 2ND FLOOR INTERIOR LAYOUT
55 N Dillard Street



END OF STAFF REPORT

ORDINANCE 13-44

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING CERTAIN REAL PROPERTY GENERALLY DESCRIBED AS APPROXIMATELY 0.27± ACRES OF LAND LOCATED AT 55 NORTH DILLARD STREET, FROM R-2 (RESIDENTIAL DISTRICT) TO C-1 (CENTRAL COMMERCIAL DISTRICT); PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner of that certain real property generally described as 0.27 ± acres of land located at 55 North Dillard Street, and legally described on Exhibit "A" of this ordinance has petitioned the City to rezone said property from R-2 Residential District to the C-1 Central Commercial District zoning classification; 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 rezoning approved by this Ordinance is consistent with the City of Winter Garden Comprehensive Plan; 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 C-1 Central Commercial District contained within the City of Winter Garden Comprehensive Plan and the Code of Ordinances; 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 real property legally described on Exhibit "A," is hereby rezoned from R-2 Residential District to C-1 Central Commercial District in the City of Winter Garden, Florida.

SECTION 2: *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 3: *Non-Severability.* Should any portion of this Ordinance be held invalid, then the entire Ordinance shall be null and void.

SECTION 4: *Effective Date.* This Ordinance shall become effective upon adoption at its second reading.

FIRST READING AND PUBLIC HEARING: _____, 2013.

SECOND READING AND PUBLIC HEARING: _____, 2013.

ADOPTED this _____ day of _____, 2013, 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

PARCEL ID#: 14-22-27-2088-00-070

LOT 7, DILLARD SUBDIVISION NO. 3, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK R, PAGE 36 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

THE CITY OF WINTER GARDEN
PLANNING AND ZONING BOARD AGENDA ITEM

ITEM # 12 (Public Hearing)

DATE: June 27, 2013 **MEETING DATE:** July 1, 2013

SUBJECT: Oakland Park (PRELIMINARY PLAT)
PROJECT NAME Oakland Park Phase 2
PARCEL ID# 21-22-27-0000-00-094

ISSUE: Applicant is requesting approval of a Preliminary Plat for Oakland Park PUD Phase 2 to allow platting of 80 single-family lots in two phases. The subject property is located within the City of Winter Garden municipal limits, and carries the zoning designation PUD. The subject property is designated Suburban Residential and Low Density Residential on the Future Land Use Map of the Comprehensive Plan.

SUPPLEMENTAL MATERIAL/ANALYSIS:

OWNER/APPLICANT: Lake Apopka 2012, LLC

CURRENT ZONING: PUD (Planned Unit Development)

PROPOSED ZONING: N/A

CURRENT FLU: Suburban Residential & Low Density Residential

PROPOSED FLU: N/A

SUMMARY:

Applicant proposes Preliminary Plat for 80 single-family lots. The proposed Preliminary Plat is consistent with the City's Comprehensive Plan and the City of Winter Garden Code of Ordinances. The proposed Preliminary Plat is consistent with the Planned Unit Development (PUD) Zoning of the property.

STAFF RECOMMENDATION(S):

City staff recommends approval of the Preliminary Plat of 80 single-family lots in Oakland Park Phase 2 subject to the conditions of the attached Staff Report.

NEXT STEP(S):

Submit Final Plat and Final Engineering Plans for review.

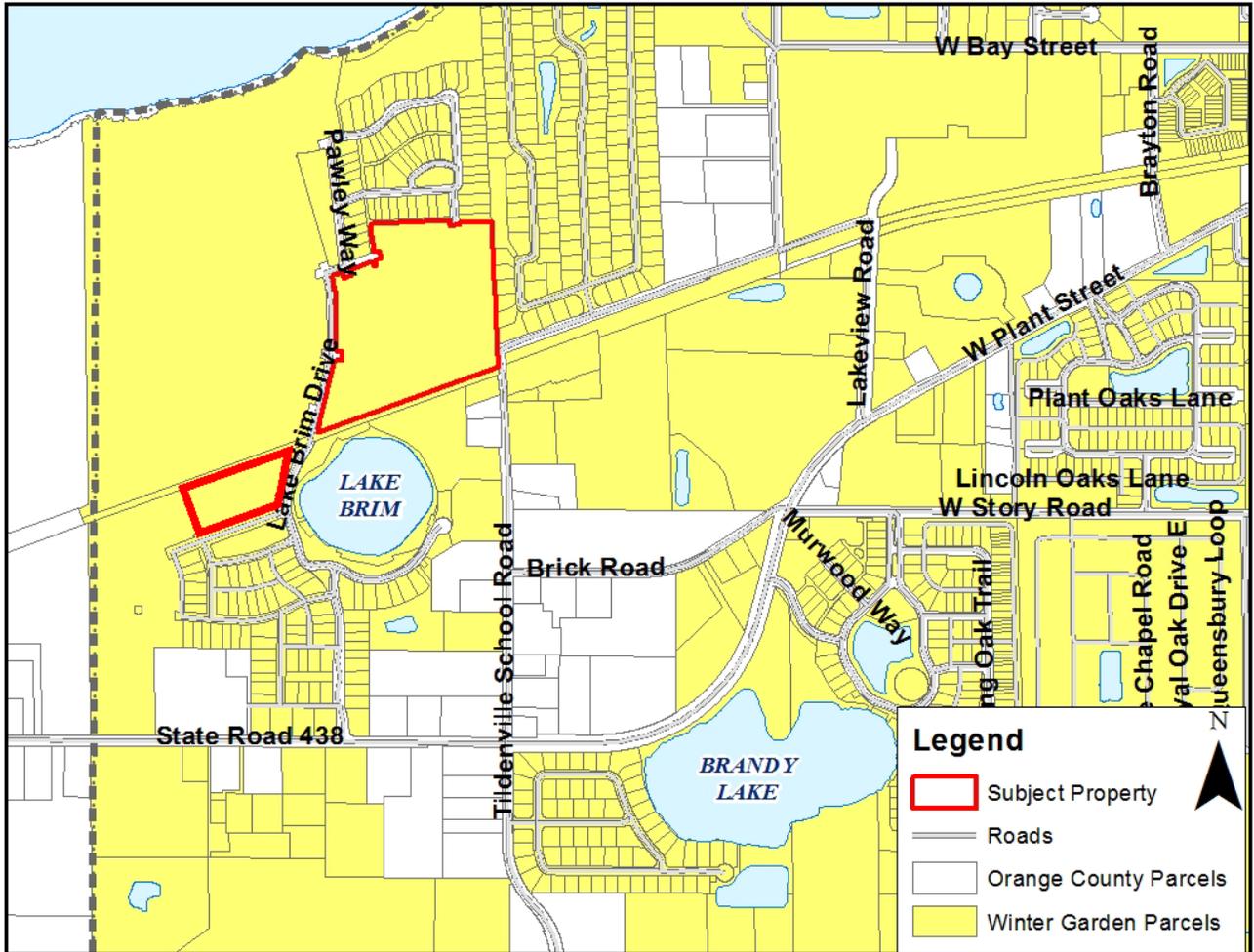
ATTACHMENT(S):

Location Map
Staff Report
Preliminary Plat

LOCATION MAP

OAKLAND PARK PHASE 2

PRELIMINARY PLAT



CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

STAFF REPORT

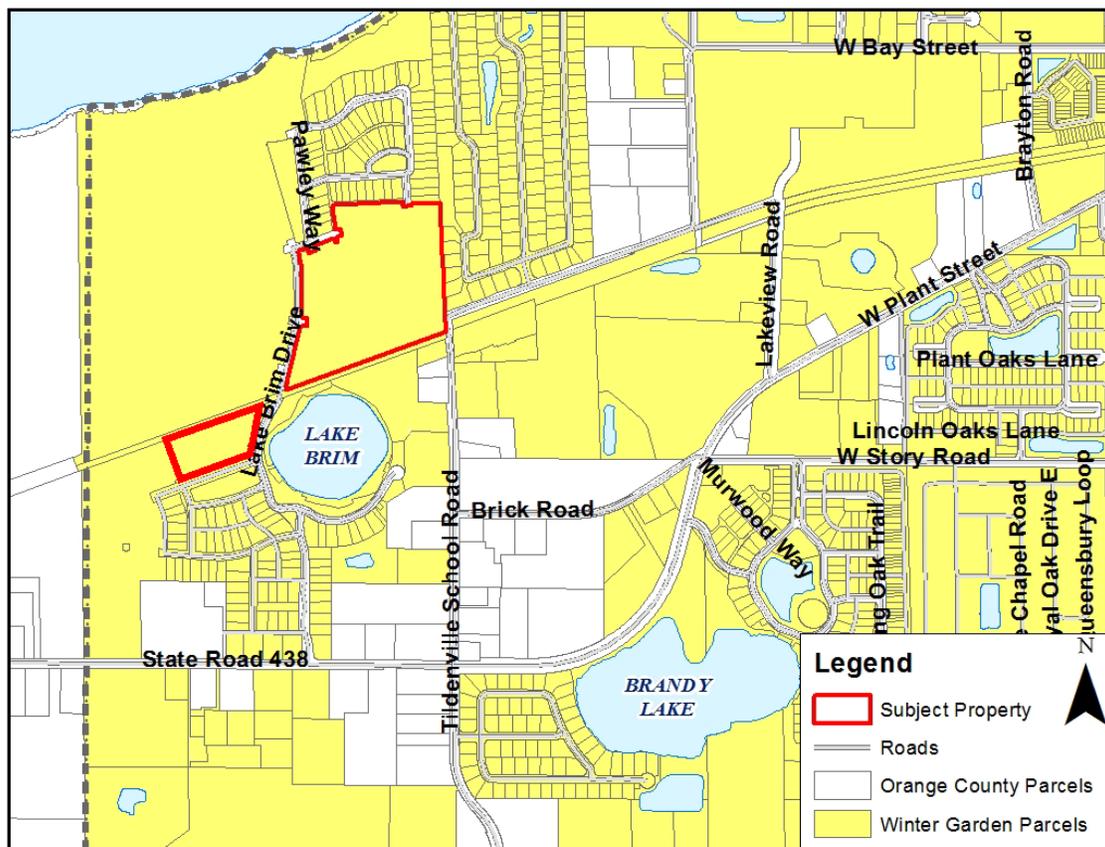
TO: PLANNING AND ZONING BOARD
PREPARED BY: LAURA SMITH, SENIOR PLANNER
DATE: JUNE 27, 2013
SUBJECT: PRELIMINARY PLAT
Oakland Park Phase II (23.7+/- ACRES)
PARCEL ID # 21-22-27-0000-00-094

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.

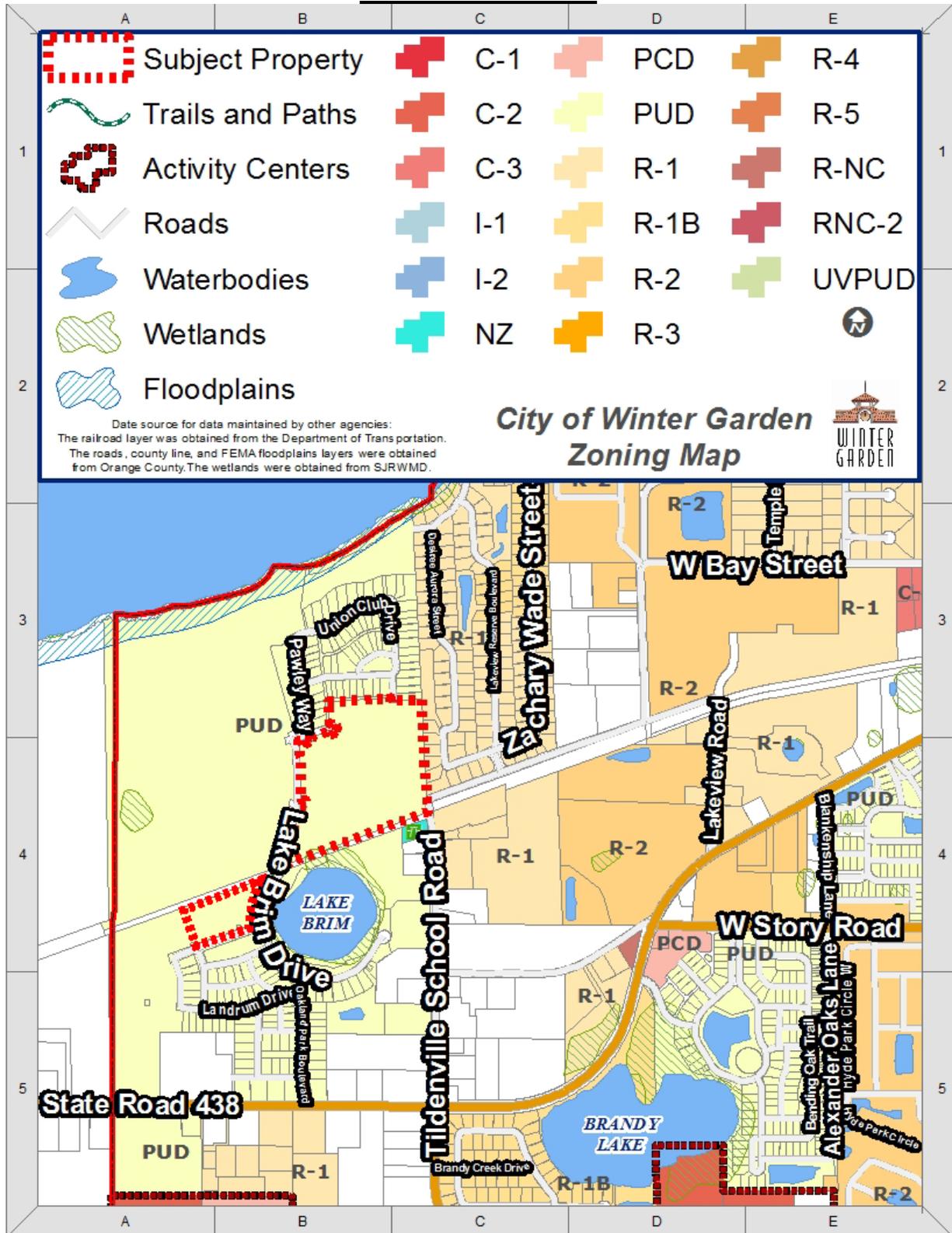
Conditional approval of the Preliminary Plat will allow the owner to proceed with development plans as well as the final plat.

MAPS

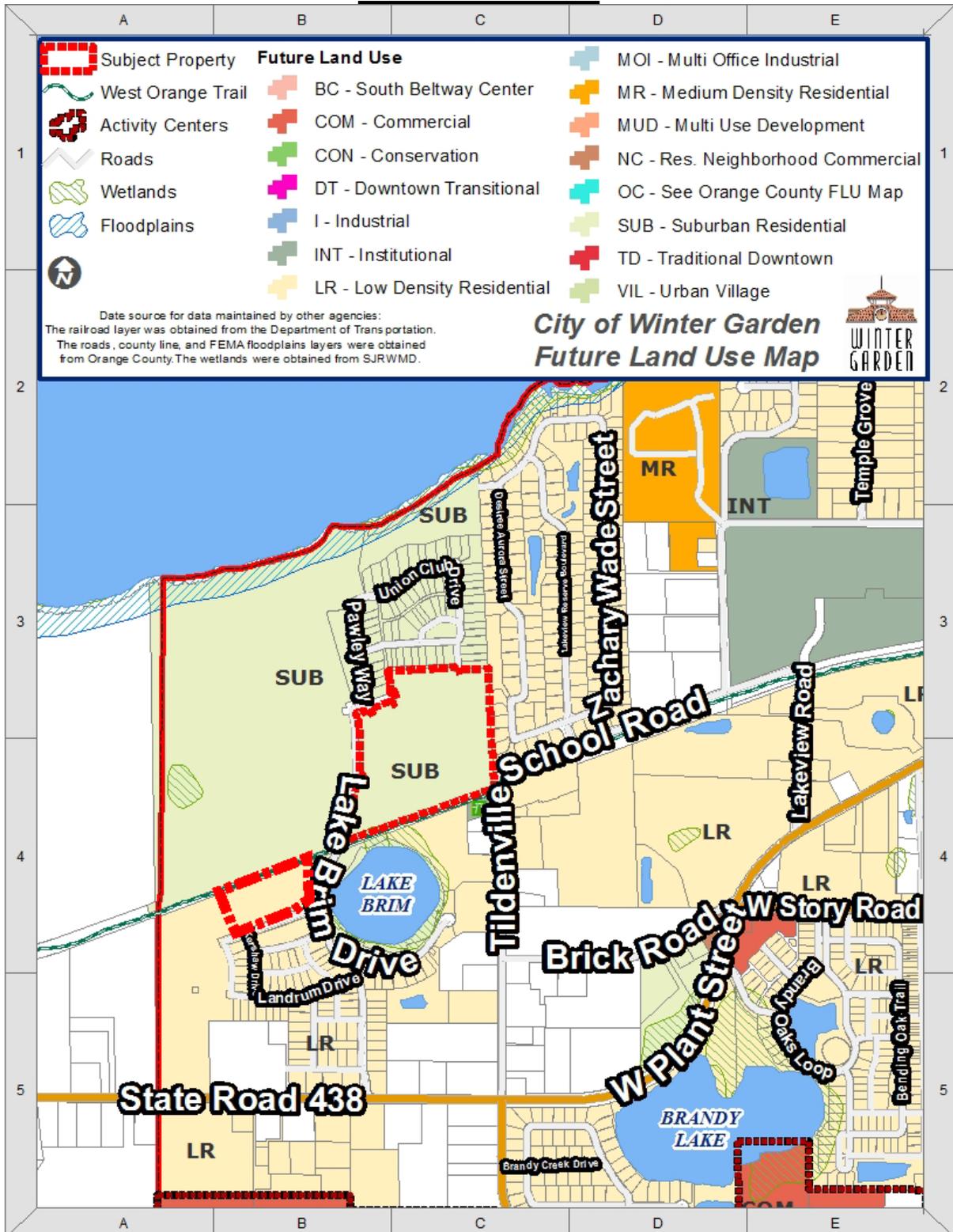
AERIAL PHOTO
Oakland Park Phase 2



ZONING MAP
Oakland Park Phase 2



**FUTURE LAND USE MAP
 Oakland Park Phase 2**

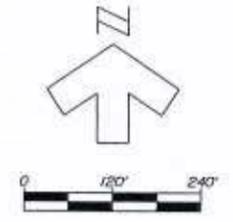


END OF STAFF REPORT



LEGEND

- CONTOURS
- PROPERTY BOUNDARY
- SOILS DIVIDE LINE
- SOILS LEGEND
- WETLAND LINE
- NHWE
- FEMA LINE
- SILT FENCE



FLORIDA
 WINTER GARDEN
EXISTING CONDITIONS PLAN
 OAKLAND PARK PHASE 2 - PRELIMINARY PLAT
 CORPORATE OFFICE - 835 SOUTH MAGNOLIA AVENUE - ORLANDO, FLORIDA 32811
 PHONE 407.321.1111 - FAX 407.321.1112 - WWW.BOWYERSINGLETON.COM

DATE	BY	REVISIONS	DESCRIPTION
		1	ISSUED FOR PERMIT
		2	REVISED TO SHOW PERMIT CONDITIONS
		3	REVISED TO SHOW PERMIT CONDITIONS
		4	REVISED TO SHOW PERMIT CONDITIONS
		5	REVISED TO SHOW PERMIT CONDITIONS

Mark E. Jacobson
 Florida Reg. Number
 42606

DATE	MARCH 2010
DESIGNED	MEJ
CHECKED	MEJ
SCALE	1" = 300'
PROJECT NO.	08071/PL1
FILE NAME	08071/MASTER/PL1.MXD
SHEET	2 OF 10

SITE DATA

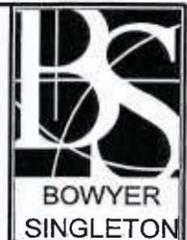
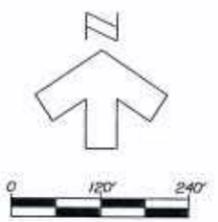
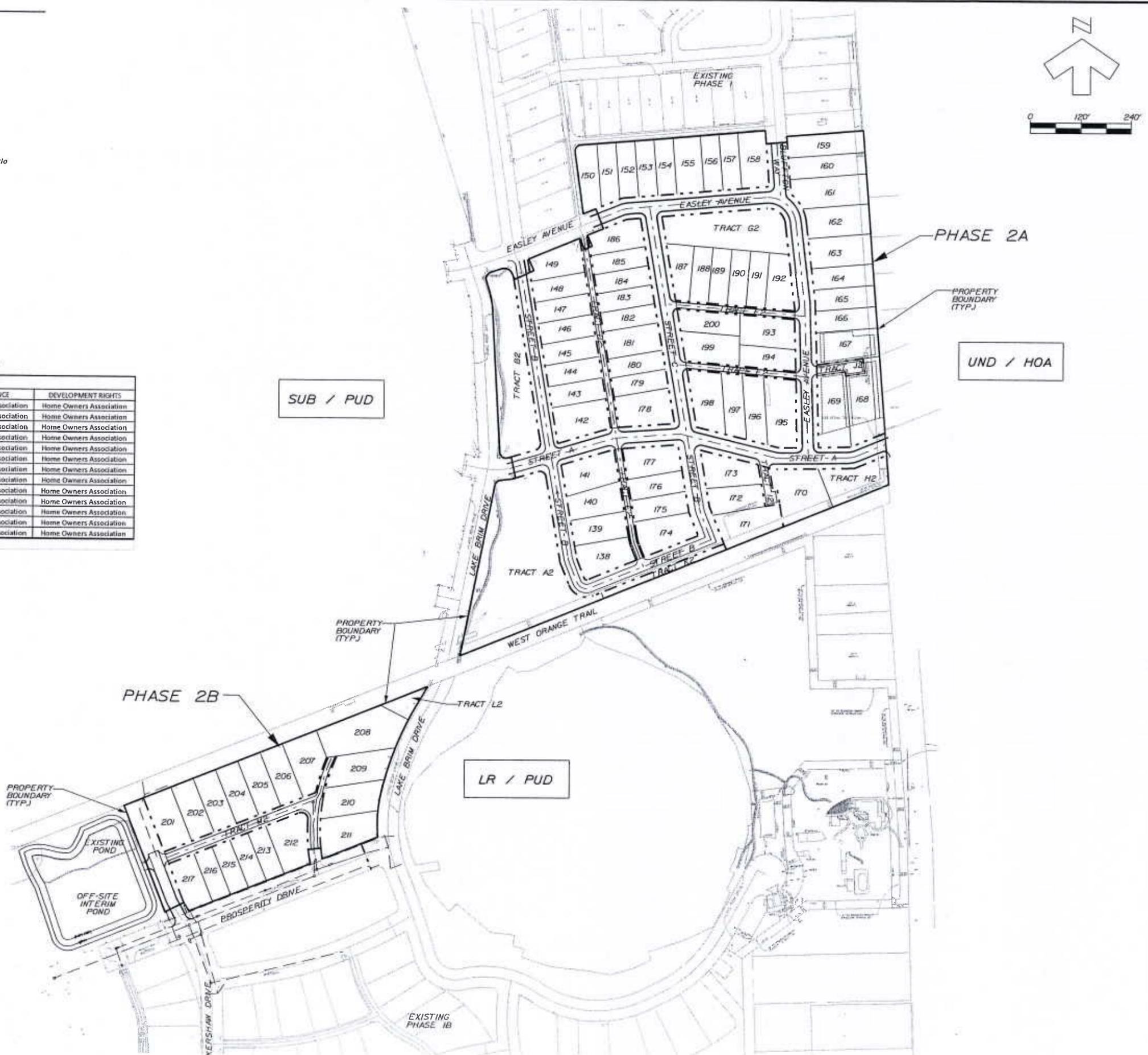
- TOTAL PROJECT AREAS**
 ONSITE ROAD ROW: 2,372 ac.
 OFFSITE ROAD ROW: 4.45 ac.
 RETENTION AREA: 0 ac.
 GROSS DEVELOPABLE AREA: 2,372 ac. (Total Project Area)
 NET DEVELOPABLE AREA: 19.27 ac. (Gross Developable Area minus Onsite Road ROW & Retention Area)
- SITE DATA**
 Single Family Units: 80
 Live/Work Units: 0
 Total Residential Units: 80
 Gross Residential Density: 4.15 du/ac
- SUPPORT SERVICES:**
 Water Service: City of Winter Garden
 Sewer Service: City of Winter Garden
 Stormwater Management: Stormwater Management to be provided in off-site Master Stormwater Management Areas to satisfy the City of Winter Garden and St. John's River Water Management District Criteria
 Schools: Addressed by school mitigation agreement for capacity enhancement in process with OCPs.
 Traffic: See traffic impact analysis previously submitted.
- FUTURE LAND USE:** SUB
- EXISTING ZONING:** PUD
- PROPOSED ZONING:** PUD
- REQUESTED USES:** Single Family
- OPEN SPACE / RECREATION FACILITIES:**
 REQUIRED: Per Approved PD:
 South Lawn - 2.6 Ac.
 Pinth Park - 0.6 Ac.
 TOTAL AREA - 3.2 Ac.
 PROVIDED:
 Tract A2 - 1.63 Ac.
 Tract B2 - 0.76 Ac.
 Tract G2 - 0.57 Ac.
 Tract H2 - 0.26 Ac.
 Tract I2 - 0.21 Ac.
 Tract L2 - 0.08 Ac.
 TOTAL AREA - 3.41 Ac.

9. THIS IS A REVISION TO THE PREVIOUSLY APPROVED PHASE 2 PRELIMINARY PLAN.

TRACT	AREA	DESCRIPTION	OWNERSHIP	MAINTENANCE	DEVELOPMENT RIGHTS
A2	1.63	Passive Recreation/Open Space	Home Owners Association	Home Owners Association	Home Owners Association
B2	0.76	Passive Recreation/Open Space	Home Owners Association	Home Owners Association	Home Owners Association
C2	0.12	Alley	Home Owners Association	Home Owners Association	Home Owners Association
D2	0.19	Alley	Home Owners Association	Home Owners Association	Home Owners Association
E2	0.12	Alley	Home Owners Association	Home Owners Association	Home Owners Association
F2	0.13	Alley	Home Owners Association	Home Owners Association	Home Owners Association
G2	0.57	Passive Recreation/Open Space	Home Owners Association	Home Owners Association	Home Owners Association
H2	0.26	Open Space	Home Owners Association	Home Owners Association	Home Owners Association
I2	0.06	Alley	Home Owners Association	Home Owners Association	Home Owners Association
J2	0.07	Alley	Home Owners Association	Home Owners Association	Home Owners Association
K2	0.11	Open Space	Home Owners Association	Home Owners Association	Home Owners Association
L2	0.08	Open Space	Home Owners Association	Home Owners Association	Home Owners Association
M2	0.38	Alley	Home Owners Association	Home Owners Association	Home Owners Association

Note: Size and Configuration of Tracts may vary slightly with Final Construction Plans

Lot Type	HOUSE TYPE BY PHASE				Totals
	2A	2B	2A	2B	
Manor House Lot Attached					0
Manor House Lot Detached					0
Tandem House Lot					0
House Lot					0
Large House Lot	17		19	9	45
Estate House Lot	22	4	5	4	35
Oakland Avenue Lot					0
Lakefront Home Lot					0
Cottage Common Lot					0
Townhome Lot					0
Live/Work Lot					0
Apartment House Lot					0
Total by Phase	39	4	24	13	80



FLORIDA
 WINTER GARDEN
OVERALL SITE PLAN
 OAKLAND PARK PHASE 2 - PRELIMINARY PLAN
 CORPORATE OFFICE: 300 SOUTH MAZDAKIA AVENUE - OAKLAND, FLORIDA 32701
 407-949-5330 • ENGINEERING BUSINESS - 1321
 5/17/2013

DATE	BY	DESCRIPTION

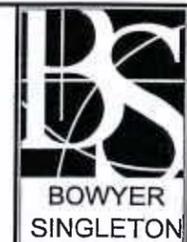
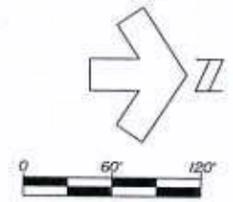
DATE	BY	DESCRIPTION

Mark E. Jacobson
 Florida Reg. Number
 42606

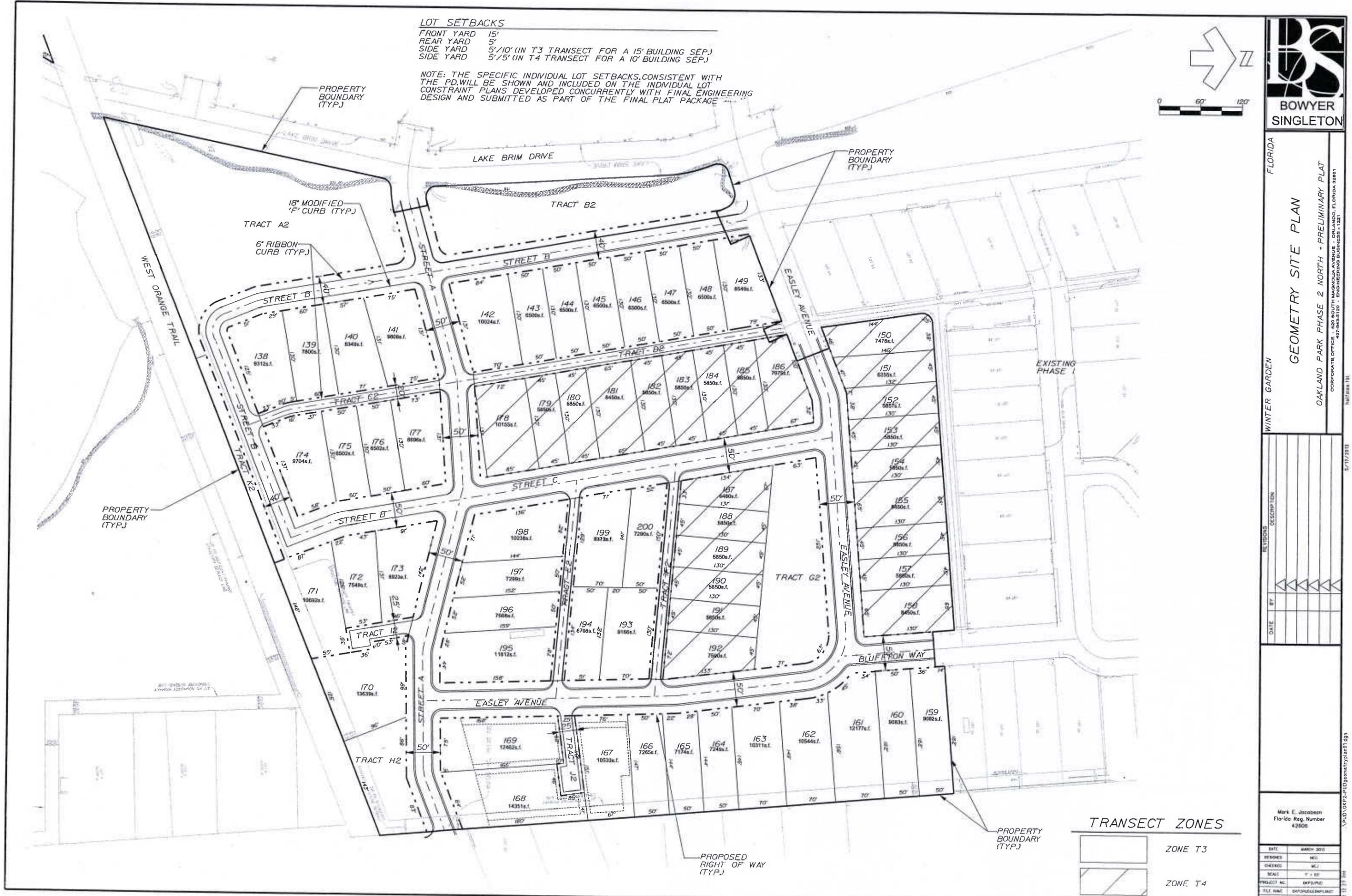
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DESIGNED	MCC
CHECKED	MLJ
SCALE	1" = 80'
PROJECT NO.	DKP2/PL02/01/01/01
FILE NAME	DKP2/PL02/01/01/01
SHEET	4 OF 11

LOT SETBACKS
 FRONT YARD 15'
 REAR YARD 5'
 SIDE YARD 5'/10' (IN T3 TRANSECT FOR A 15' BUILDING SEP.)
 SIDE YARD 5'/5' (IN T4 TRANSECT FOR A 10' BUILDING SEP.)

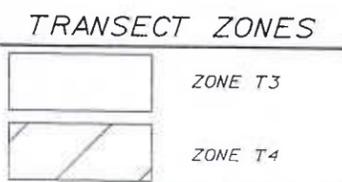
NOTE: THE SPECIFIC INDIVIDUAL LOT SETBACKS, CONSISTENT WITH THE PD, WILL BE SHOWN AND INCLUDED ON THE INDIVIDUAL LOT CONSTRAINT PLANS DEVELOPED CONCURRENTLY WITH FINAL ENGINEERING DESIGN AND SUBMITTED AS PART OF THE FINAL PLAT PACKAGE



FLORIDA
 WINTER GARDEN
GEOMETRY SITE PLAN
 OAKLAND PARK PHASE 2 NORTH - PRELIMINARY PLAT
 CORPORATE OFFICE - 620 SOUTH MAGNOLIA AVENUE - ORLANDO, FLORIDA 32801
 407-544-5120 - ENGINEERING BUSINESS - 1211
 1/17/2013

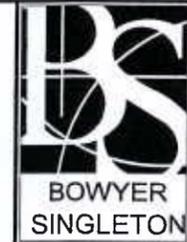


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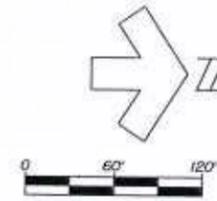
Mark E. Jacobson
 Florida Reg. Number
 42608

DATE	MARCH 2013
DESIGNED	MEL
CHECKED	MEL
SCALE	1" = 60'
PROJECT NO.	0673/PUD
FILE NAME	0673/PUD/PLAT
SHEET	5 OF 10



**BOWYER
SINGLETON**

FLORIDA
GRADING & DRAINAGE PLAN
 OAKLAND PARK PHASE 2 NORTH - PRELIMINARY PLAT
 CORPORATE OFFICE - 650 SOUTH MAGNOLIA AVENUE - ORLANDO, FLORIDA 32817
 407-443-5125 • ENGINEERING BUSINESS - 2321



WINTER GARDEN

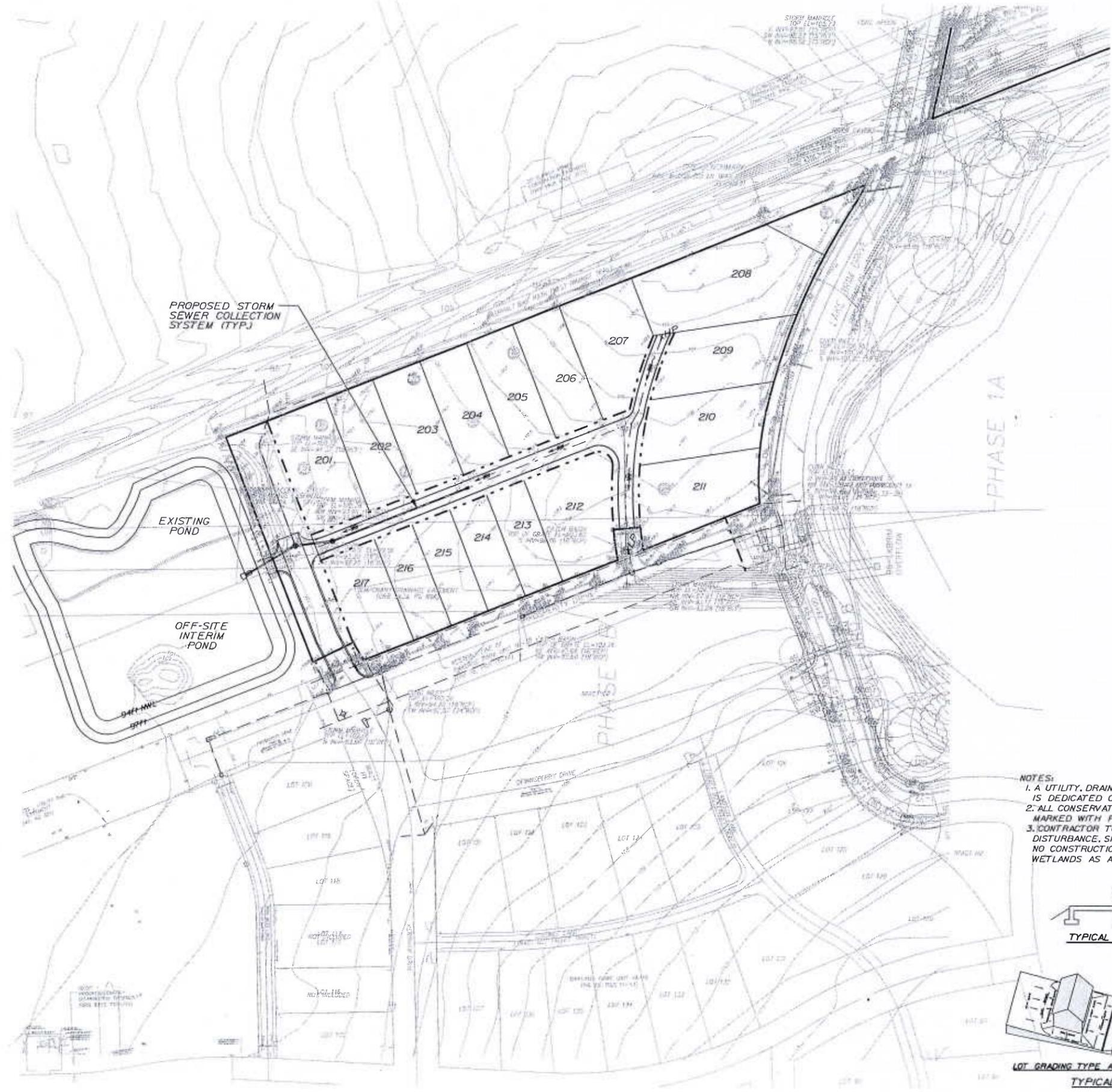
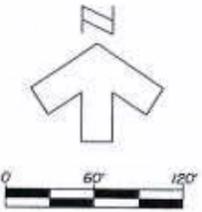
DATE	BY	REVISION	DESCRIPTION

DATE	MARCH 2013
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CHECKED	MS
SCALE	1" = 80'
PROJECT NO.	09P00160
FILE NAME	09P00160\PLAT
SHEET	7 OF 11

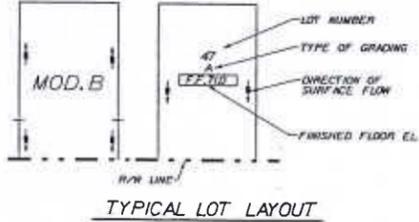
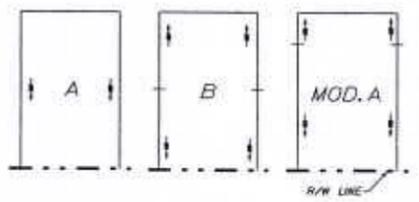
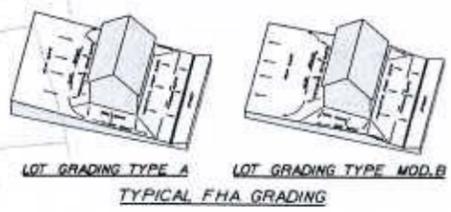
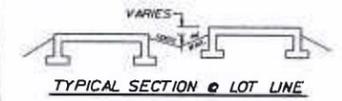
Mark E. Jacobson
 Florida Reg. Number
 42606

DATE	MARCH 2013
DRAWN	MS
CHECKED	MS
SCALE	1" = 80'
PROJECT NO.	09P00160
FILE NAME	09P00160\PLAT
SHEET	7 OF 11

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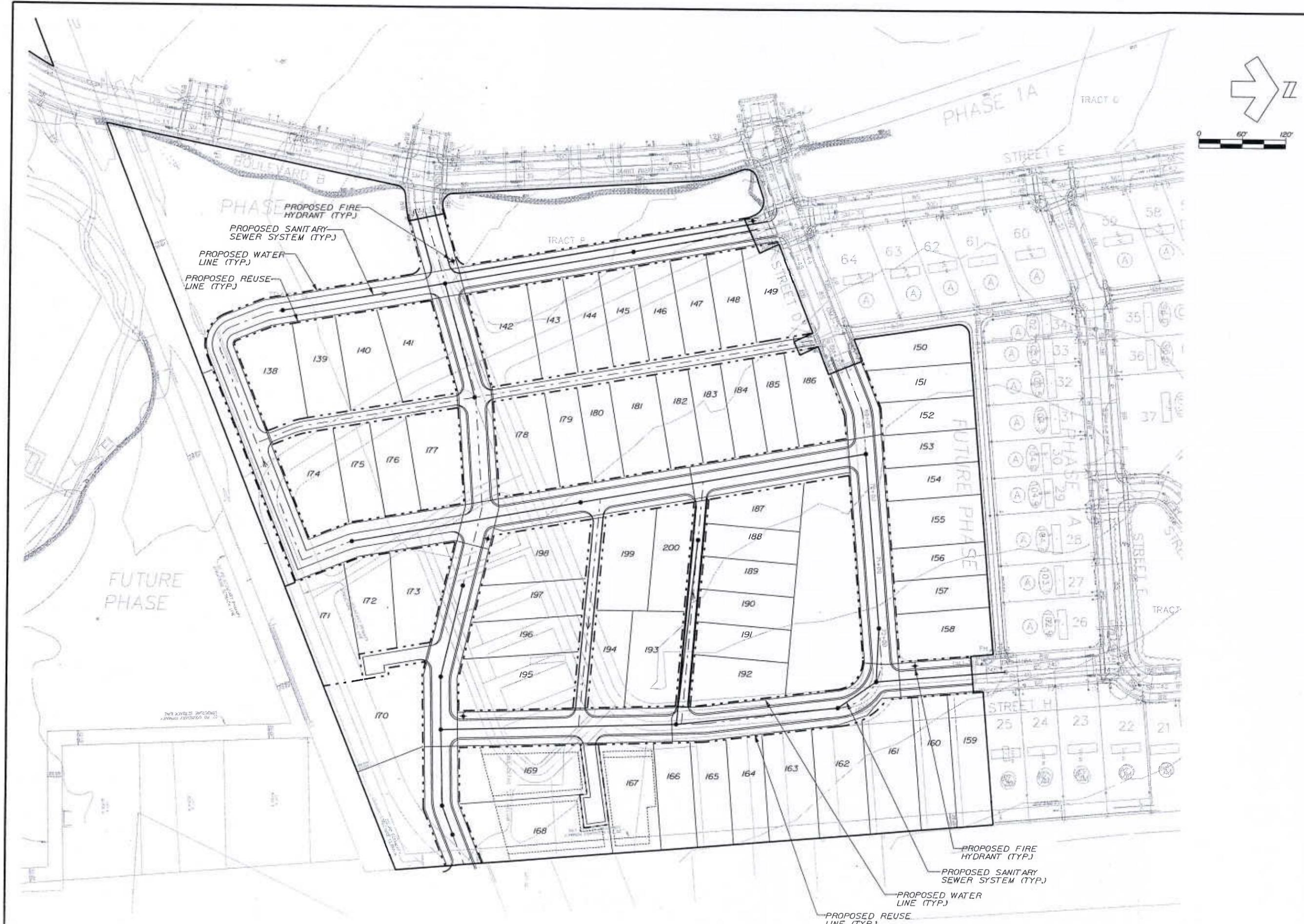
- NOTES:**
1. A UTILITY, DRAINAGE, ACCESS & SIDEWALK ESMT. IS DEDICATED OVER ALL HOA TRACTS.
 2. ALL CONSERVATION AREAS SHALL BE CLEARLY MARKED WITH PERMANENT SIGNS.
 3. CONTRACTOR TO PROTECT AND PREVENT ANY DISTURBANCE, SILTATION, ETC. TO THE WETLANDS. NO CONSTRUCTION WILL BE ALLOWED WITHIN THE WETLANDS AS AREAS TO REMAIN NATURAL.



DATE	BY	REVISIONS	DESCRIPTION

Mark E. Jacobson Florida Reg. Number 42606	
DATE	MARCH 2013
DESIGNED	NGC
CHECKED	MEJ
SCALE	1" = 80'
PROJECT NO.	09021001
FILE NAME	09021001GRADING
SHEET	8 OF 12

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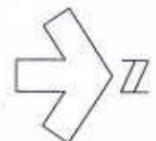
FLORIDA
BOWYER SINGLETON
 WINTER GARDEN
 UTILITY PLAN
 OAKLAND PARK PHASE 2 NORTH - PRELIMINARY PLAT
 CORPORATE OFFICE: 688 SOUTH MAJESTIC AVENUE, ORLANDO, FLORIDA 32801
 TEL: 407.321.1111 FAX: 407.321.1112

DATE	BY	REVISIONS	DESCRIPTION
		1	ISSUED FOR PERMIT

Mark E. Jacobson
 Florida Reg. Number
 42606

DATE	MARCH 2013
DESIGNED	WCS
CHECKED	MEJ
SCALE	1" = 80'
PROJECT NO.	0902202
FILE NAME	0902202(1).DWG
SHEET	8 OF 11

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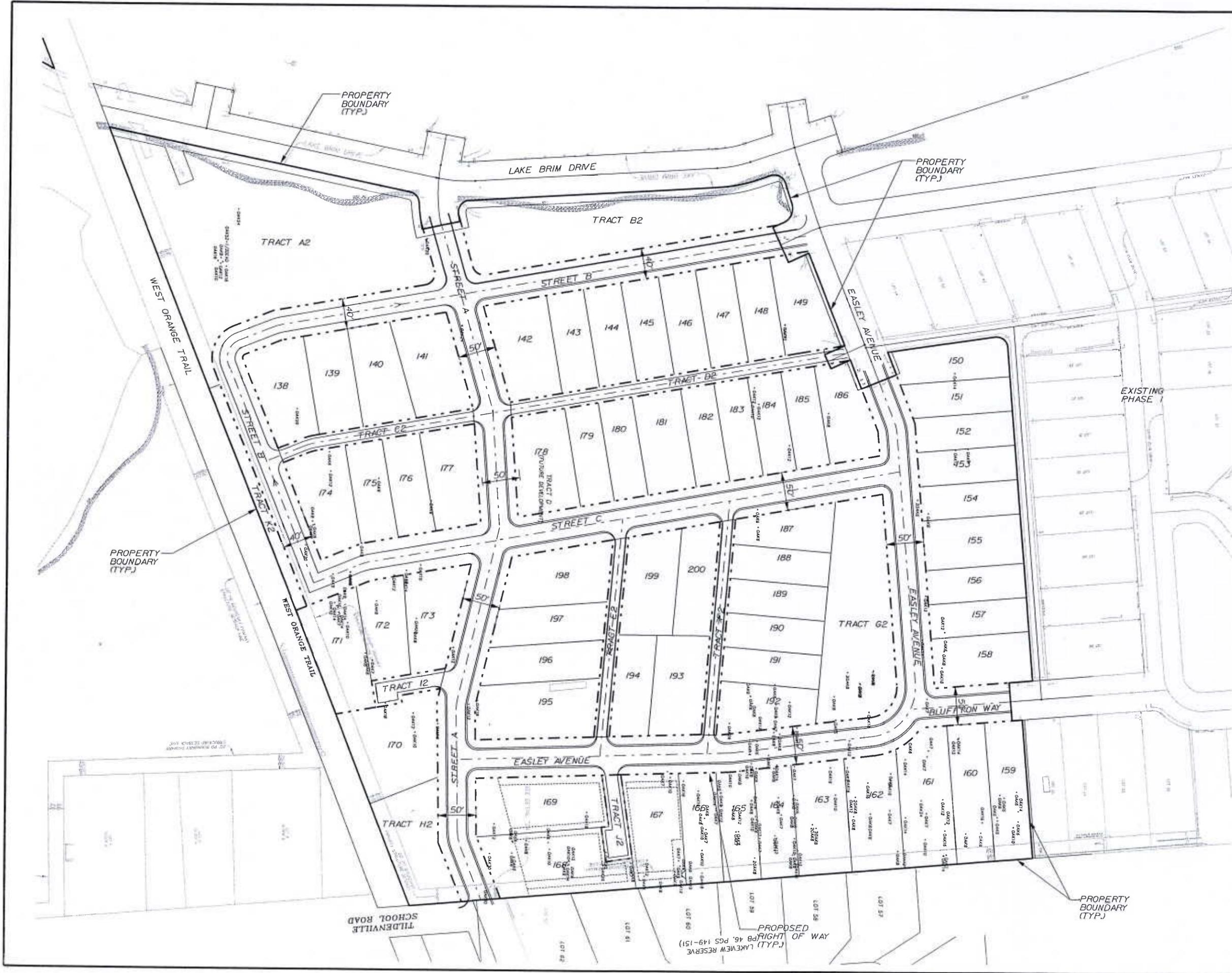


FLORIDA
 WINTER GARDEN
 TREE SURVEY PLAN
 OAKLAND PARK PHASE 2 NORTH - PRELIMINARY PLAN
 CORPORATE OFFICE - 540 SOUTH MANASSAS AVENUE - CIVIL ANGIO, FLORIDA 32801
 407-943-2100 • ENGINEERING NUMBER 1127
 RAJ/EEB/TH

DATE	BY	REVISIONS	DESCRIPTION
		1	ISSUED FOR PERMIT
		2	REVISED PER COMMENTS
		3	REVISED PER COMMENTS
		4	REVISED PER COMMENTS
		5	REVISED PER COMMENTS
		6	REVISED PER COMMENTS
		7	REVISED PER COMMENTS
		8	REVISED PER COMMENTS
		9	REVISED PER COMMENTS
		10	REVISED PER COMMENTS

DATE	MARK 2010
DESIGNED	WCL
CHECKED	ML
SCALE	1" = 80'
PROJECT NO.	0072/P01
FILE NAME	0072/P01/P01.DWG
SHEET	2 OF 12

Mark E. Jacobsen
 Florida Reg. Number
 42606



PROPOSED
 RIGHT OF WAY
 FOR LAKEVIEW RESERVE
 (PLAT) LAKEVIEW RESERVE
 PB 46, PGS 149-151



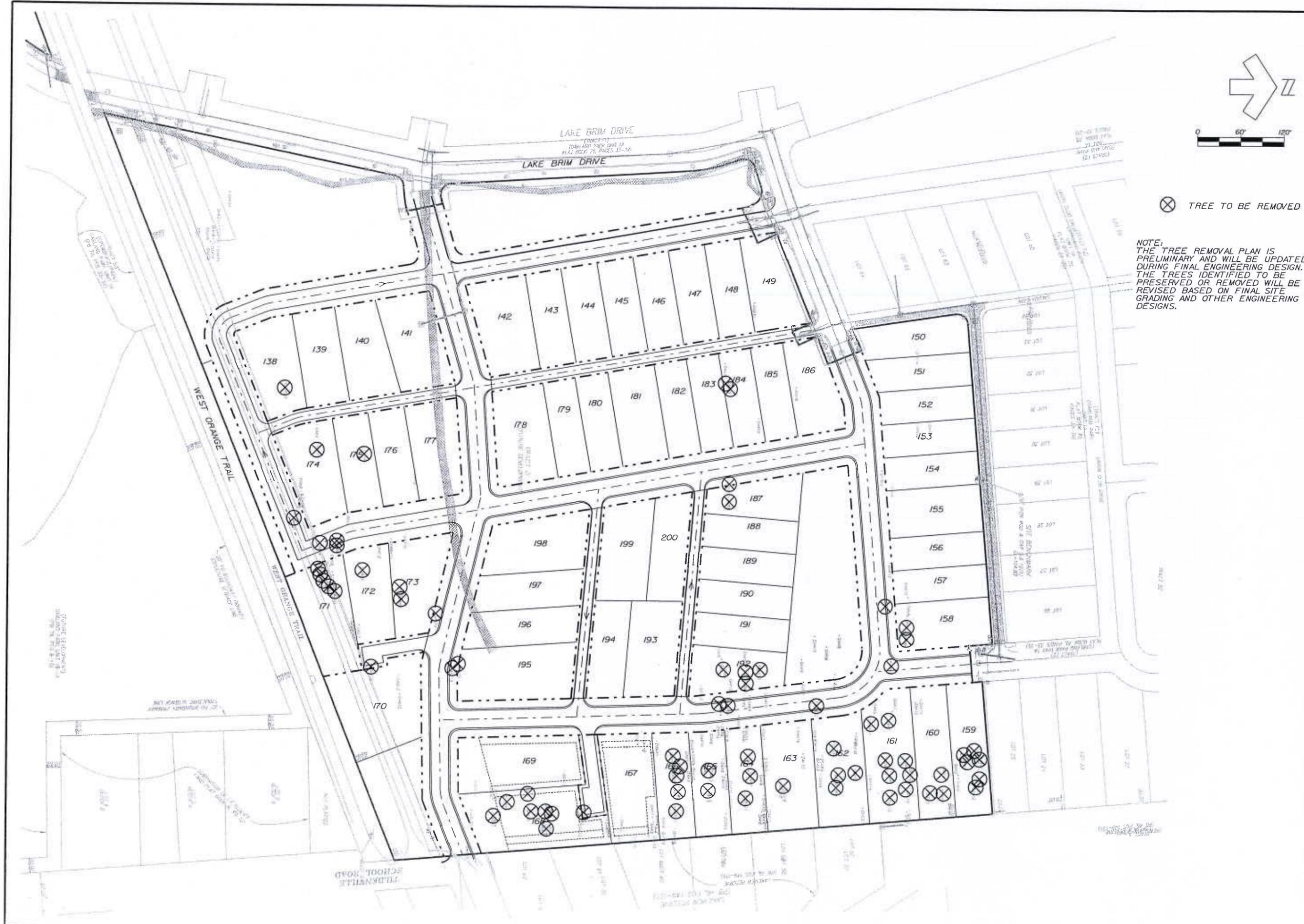
FLORIDA
BOWYER
SINGLETON

WINTER GARDEN
TREE REMOVAL PLAN
OAKLAND PARK PHASE 2 NORTH - PRELIMINARY PLAN

DATE	BY	REVISION	DESCRIPTION

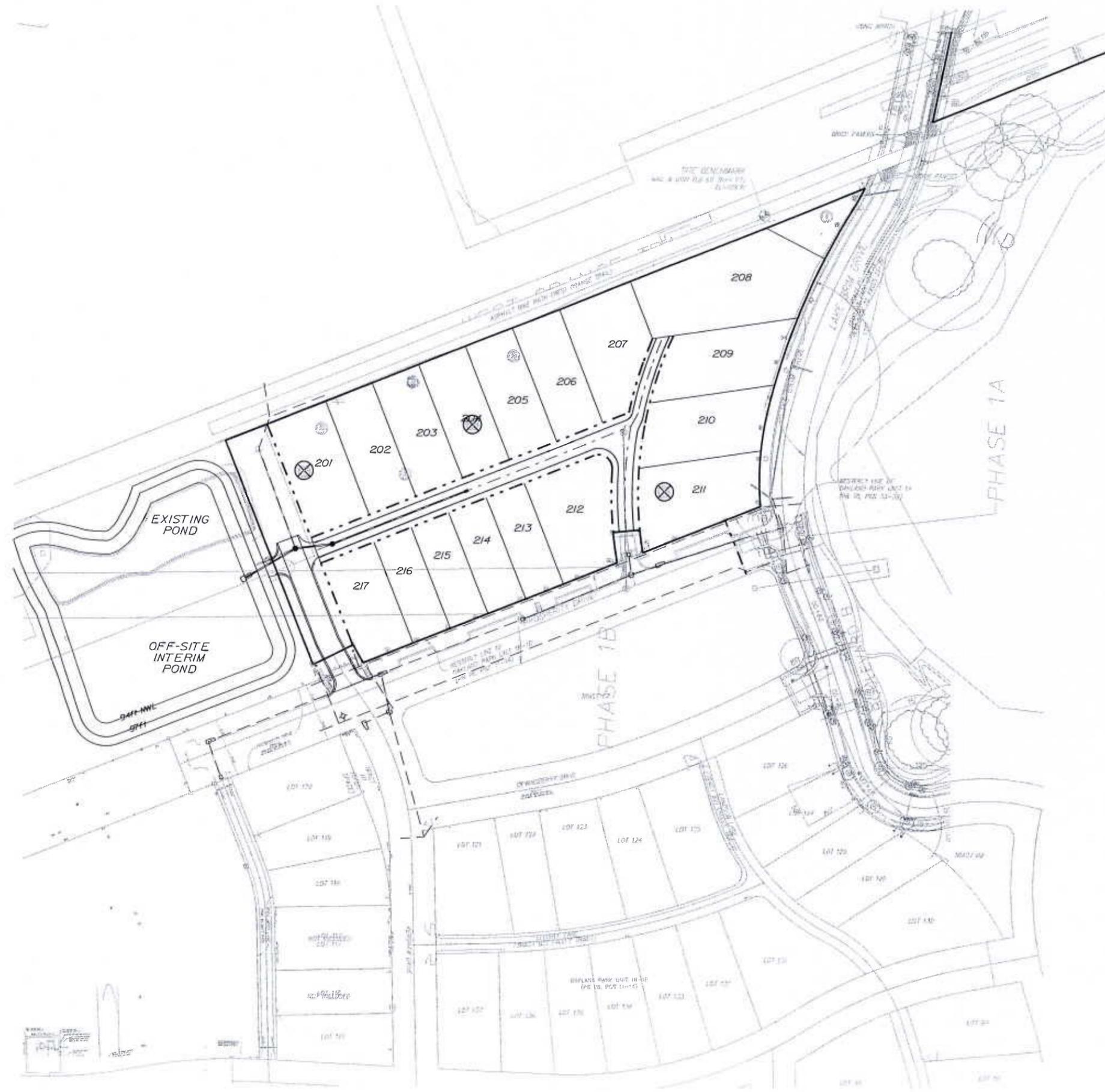
Mark E. Jacobson
Florida Reg. Number
42506

DATE	MARCH 2010
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CHECKED	ML
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PROJECT NO.	0002700
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SHEET	08 OF 12



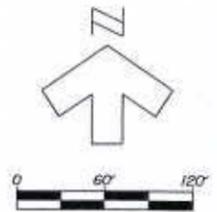
⊗ TREE TO BE REMOVED

NOTE:
THE TREE REMOVAL PLAN IS
PRELIMINARY AND WILL BE UPDATED
DURING FINAL ENGINEERING DESIGN.
THE TREES IDENTIFIED TO BE
PRESERVED OR REMOVED WILL BE
REVISED BASED ON FINAL SITE
GRADING AND OTHER ENGINEERING
DESIGNS.



⊗ TREE TO BE REMOVED

NOTE:
 THE TREE REMOVAL PLAN IS
 PRELIMINARY AND WILL BE UPDATED
 DURING FINAL ENGINEERING DESIGN.
 THE TREES IDENTIFIED TO BE
 PRESERVED OR REMOVED WILL BE
 REVISED BASED ON FINAL SITE
 GRADING AND OTHER ENGINEERING
 DESIGNS.



FLORIDA
TREE REMOVAL PLAN
 OAKLAND PARK PHASE 2 SOUTH - PRELIMINARY PLAN
 CORPORATE OFFICE - 888 SOUTH MAGNOLIA AVENUE - OPA-ANCO, FLORIDA 32801
 407-443-9129 - HUNTERWOOD BLVD. SUITE 100 - 32811

DATE	BY	REVISIONS	DESCRIPTION

Mark E. Jacobson
 Florida Reg. Number
 42606

DATE	MARK
DESIGNED	MCS
CHECKED	MCS
SCALE	1" = 60'
PROJECT NO.	09P2100
FILE NAME	09P2100R01.dwg
SHEET	100 OF 10

5/17/2013 11:15:18 AM
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THE CITY OF WINTER GARDEN
PLANNING AND ZONING BOARD AGENDA ITEM

ITEM # 13 (Public Hearing)

DATE: June 28, 2013 **MEETING DATE:** July 1, 2013

SUBJECT: 17001 Marsh Road (LOT SPLIT)
PROJECT NAME Waterside at John's Lake
PARCEL ID# 06-23-27-0000-00-003

ISSUE: The applicant is requesting a Lot Spit to create two new parcels. as part of the Settlement Agreement between the City of Special Exception Permit to allow for the property located at 1101 S. Park Avenue to allow for the use of a

SUPPLEMENTAL MATERIAL/ANALYSIS:

OWNER/APPLICANT: Waterside at John's Lake, LLC

CURRENT ZONING: UVPUD Urban Village Planned Unit Development

PROPOSED ZONING: N/A

CURRENT FLU: Urban Village

PROPOSED FLU: N/A

SUMMARY:

Applicant proposes to split two existing parcels into two new lots as part of the Settlement Agreement between the City of Winter Garden, Waterside at John's Lake, the Lindsay's, and the McKinnon Corporation. The two new lots will be used as an access driveway and a buffer area, and will be sold to the Lindsay's.

STAFF RECOMMENDATION(S):

Staff recommends approval of the proposed lot split subject to the following conditions:

1. These lots shall be conveyed to Ivan and Mala Lindsay. 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, the Lindsay's, McKinnon Groves, LLP, and the McKinnon Corporation, which include deed restrictions.
2. The Lindsay's 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(S):

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

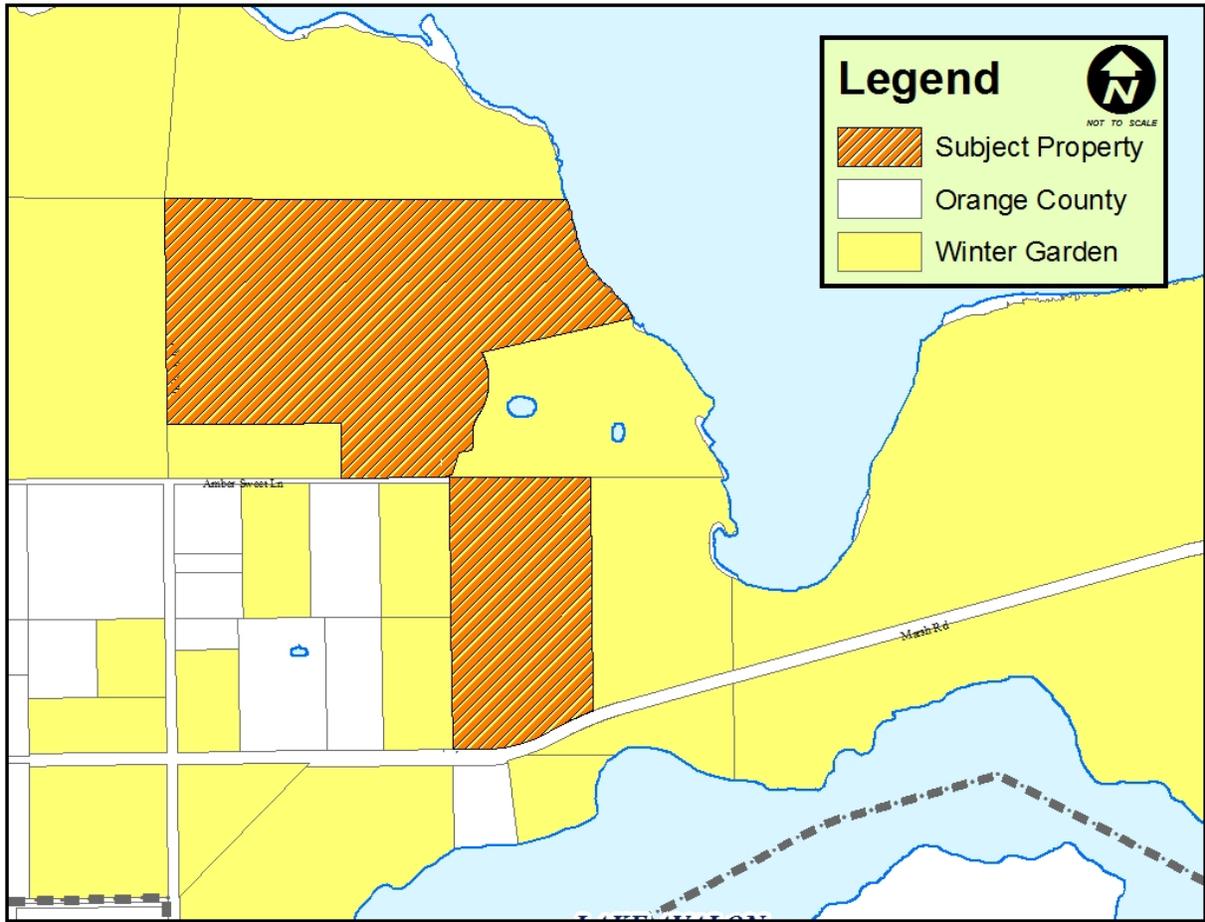
ATTACHMENT(S):

Location Map
Staff Report

LOCATION MAP

Waterside at John's Lake

LOT SPLIT



CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

STAFF REPORT

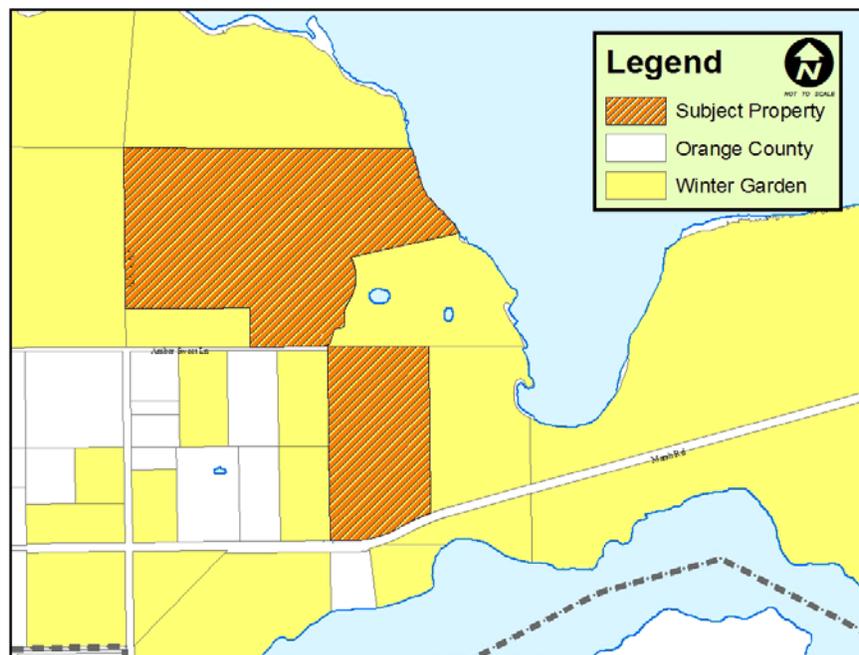
TO: PLANNING AND ZONING BOARD
PREPARED BY: STEVE PASH, SENIOR PLANNER
DATE: June 27, 2013
SUBJECT: LOT SPLIT
17001 Marsh Road
PARCEL ID # 06-23-27-0000-00-003

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 consists 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.



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.

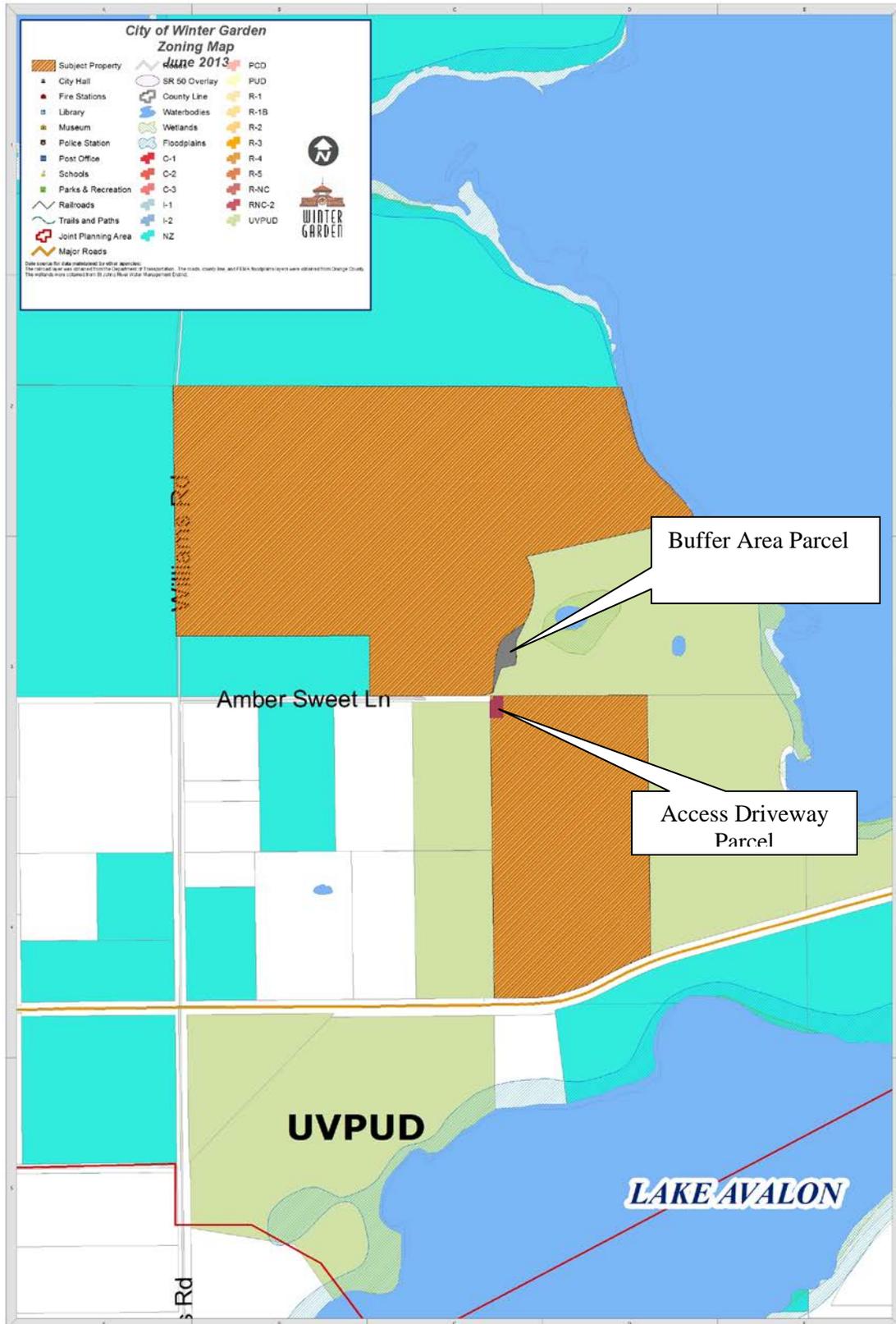
NEXT STEP

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

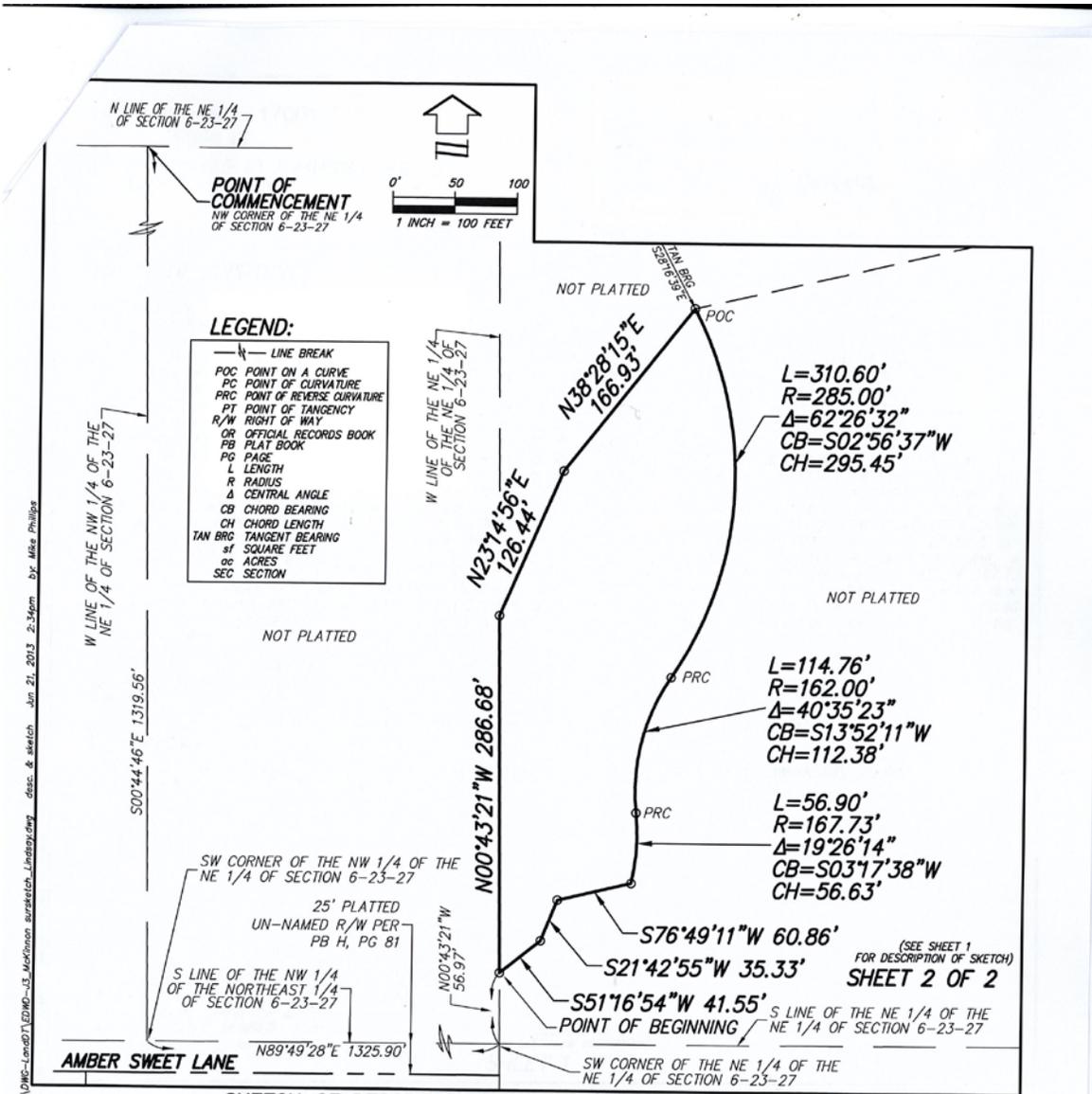
AERIAL PHOTO
17001 Marsh Road



ZONING MAP 17001 Marsh Road



PROPOSED PARCEL B (BUFFER AREA)
17001 3 Seminole Street



Drawing name: \\25010471\jobs\EDMP\US\McKinon\0116-Land\071\EDMP-US\McKinon\suraketch_Lindsay.dwg desc. & sketch Jun 21, 2013 2:34pm by Mike Phillips

SKETCH OF DESCRIPTION ONLY. THIS IS NOT A SURVEY.

SKETCH OF DESCRIPTION
 -OF-
LINDSAY PARCEL
 SECTION 6, TOWNSHIP 23 SOUTH, RANGE 27 EAST
 ORANGE COUNTY FLORIDA



BOWYER SINGLETON
 DEVELOPMENT & TRANSPORTATION ENGINEERING
 PLANNING | SURVEYING & MAPPING
 520 SOUTH MAGNOLIA AVENUE
 ORLANDO, FLORIDA 32801
 PHONE: 407.843.5120 FAX: 407.648.9104
 BSA-CIVIL.COM
 CERTIFICATE OF AUTHORIZATION No. LB 1221

PREPARED FOR:
CENTERLINE HOMES INVESTMENTS, INC.
 DATE: 05/16/13
 REV DATE:
 SCALE 1" = 100'
 DRAWN BY: MRP
 CHECKED BY: WDD

END OF STAFF REPORT