WINTER GARDEN

A REGULAR MEETING MINUTES
PLANNING AND ZONING BOARD
JANUARY 6, 2014

1. CALL TO ORDER/INVOCATION/PLEDGE OF ALLEGIANCE

Chairman Jimmy Dunn 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.

MEMBERS PRESENT:

Chairman James Dunn, Vice-Chairman Mac McKinney, Board Members: Heather Gantt, H. Gerald Jowers, Mark Maciel, Rohan Ramlackhan, and Eric Weiss

MEMBERS ABSENT:

None

STAFF PRESENT:

Attorney Christopher Conley, Community Development Director Ed Williams, Senior Planner Stephen Pash, Planner II Kelly Carson, and Customer Service Representative Kathy Rathel

3. APPROVAL OF MINUTES

Approval of minutes from the regular meeting held on December 2, 2013.

Motion by Gerald Jowers to approve the above minutes. Seconded by Eric Weiss, the motion carried unanimously 7-0.

ANNEXATION / FUTURE LAND USE MAP AMENDMENT / REZONING (Public Hearing)

4. 1401 W. Plant Street (Lake Nona Development, LLC)

Senior Planner Steve Pash presented an application for Annexation and Future Land Use designation for 1401 W. Plant Street. The property consists of a 4.54 ± acre enclave and the

applicant is requesting a designation of Low Density Residential. Staff recommends approval of Ordinances 14-07 and 14-08.

Lauren Cohn, of 1306 Brandy Lake View Circle in Brandy Creek Subdivision, spoke to oppose the Annexation. She wanted assurances for environmental easements to protect the existing wetlands and something to stop new homeowners from using Brandy Creek's private lake. Ms. Cohn asked what she could do to stop this construction as traffic was already congested on this section of Plant Street and the project would not benefit Winter Garden.

Chairman Dunn stated Ms. Cohn would need to present evidence to the Board as to why she objects, the Board would take the evidence as testimony and render a decision.

Board Member Weiss verified this was already Orange County Residential so there was nothing to stop the County from allowing homes to be built. This is to annex the enclave into the City limits.

Motion by Gerald Jowers to recommend approval of the Annexation (Ordinance 14-07) for 1401 West Plant Street with Staff Recommendations (Attached Exhibit "A"). Seconded by Eric Weiss, the motion carried 6-0-1 with Mark Maciel abstaining.

5. **<u>14365 Siplin Road - Mathews Grove Annexation (Dewberry / Bowyer-Singleton)</u>**

Senior Planner Steve Pash presented a voluntary Annexation for property located at 14365 Siplin Road. The property consists of a 2.26± acre enclave and the applicant is requesting a designation of Low Density Residential Future Land Use. This property is part of the Mathews Grove PUD for rezoning. Staff recommends approval of Ordinances 14-04 and 14-05.

Motion by Eric Weiss to recommend approval of 14365 Siplin Road Annexation and Future Land Use Amendment (Ordinances 14-04 & 14-05) with Staff Recommendations (Attached Exhibit "B"). Seconded by Mark Maciel, the motion carried unanimously 7-0.

6. **<u>14365 Siplin Road – Mathews Grove (Dewberry / Bowyer-Singleton)</u>**

Senior Planner Steve Pash presented a Planned Unit Development application for property located at 14365 Siplin Road. The Applicant is requesting to rezone the property from R-2 to PUD and build a single family subdivision with 155 lots. The subdivision with also contain 4 recreational parks. Staff recommends approval of Ordinance 14-06 to rezone the property with staff recommendations.

Board Member Weiss stated terminology used in the Ordinance that 'it <u>appears</u> that the subdivision will be gated or not gated'. He would like to have it clarified for street ownership.

Senior Planner Pash stated it could be clarified as the community would not be gated.

Motion by Mark Maciel to recommend approval of 14365 Siplin Road Rezoning (Ordinance 14-06) with Staff Recommendations and to clarify the terminology that the community will not be gated (Attached Exhibit "C"). Seconded by Rohan Ramlackhan, the motion carried unanimously 7-0.

VARIANCE

7. 1000 Avalon Road – Hickory Hammock Clubhouse & Recreation (Donald W. McIntosh Associates, Inc.

Planner Kelly Carson presented a Variance application to allow the construction of a 10 foot tall fence around 2 tennis courts for the Hickory Hammock subdivision located at 1000 Avalon Road. The applicant is requesting the variance to construct the fence to tennis industry standards. The fence does not share any lot lines with residential home sites and 2 sides facing the street will be buffered by landscaping. Staff recommends approval.

Motion by Mac McKinney to recommend approval of the Variance request at 1000 Avalon Road with Staff Recommendations (Attached Exhibit "D"). Seconded by Eric Weiss, the motion carried unanimously 7-0.

PRELIMINARY PLAT

8. 12900 Roper Road – Canopy Oaks (Sift Oaks Investments, LLC)

Planner Kelly Carson presented a Preliminary Plat application for the Canopy Oaks subdivision located at 12900 Roper Road. The applicant proposes to build 59 single family residences on 52.4± acres. The subdivision will consist of 2 distinct neighborhoods each with their own separate gated entrance with 24.81 acres of jurisdictional wetlands. The East neighborhood, consisting of 50 lots, will be constructed first then the West neighborhood of 9 lots. A 1.5± acre outparcel will remain undeveloped and fenced due to contamination. Staff recommends approval.

Andrea Jernigan-Gwinn with Civil/Site Engineering, Inc. of 815 Orange Ave, Suite 1060, Altamonte Springs Florida, is the engineer for the project and spoke to the Board to clarify items 7, 9 and 11 as noted and per their meeting with City Staff on November 5, 2013. Item #7: No plans for the sanitary force main to extend to the eastern property boundary but will extend the reuse and the potable water. Item #9: Will meet St. Johns River Water Management District permit requirements for the 'A' soils and recharge. Item #11: On western side there are only 9 lots so the reclaimed water for irrigation will be supplied by a 4" line.

Board Member Weiss stated this is the second time for this parcel to come before the Board and wanted to know if traffic studies would be looked into as it opens onto an access road for the High School. Planner Carson stated the developer has agreed to pay a fair share proportion of signalizing Roper Road and Daniels Road.

Board Member McKinney questioned whether an illegal land fill found on a portion of the site had been abated. Planner Carson stated the owner of the site has agreed that the parcel (Parcel D) will not be developed and is stated as such in the Developer's Agreement.

Motion by Eric Weiss to recommend approval of the Preliminary Plat at 12900 Roper Road with Staff Recommendations (Attached Exhibit "E"). Seconded by Heather Gantt, the motion carried unanimously 7-0.

ITEM #4 VOTING CLARIFICATION

Planner Steve Pash asked for clarification on Item #4, 1401 West Plant Street. The motion to recommend approval was only for the Annexation and did not include the Future Land Use designation.

Motion by Gerald Jowers to recommend approval of the Future Land Use designation (Ordinance 14-08) for 1401 West Plant Street with Staff Recommendations (Attached Exhibit "A"). Seconded by Eric Weiss, the motion carried 6-0-1 with Mark Maciel abstaining.

9. ADJOURNMENT

There being no further business, the meeting was adjourned at 6:57 p.m.

APPROVED: **ATTEST:**

Chairman Jimmy Dunn **Customer Service Rep Kathy Rathel**

EXHIBIT "A"

CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

STAFF REPORT

TO:	PLANNING AND ZONING BOARD
PEPARED BY:	LAURA SMITH, SENIOR PLANNER
DATE:	JANUARY 2, 2014
SUBJECT:	ANNEXATION –FLU AMENDMENT **1401 WEST PLANT STREET (4.54 +/- ACRES)** **PARCEL ID #:** 22-22-27-0000-00-022
APPLICANT:	CITY OF WINTER GARDEN

INTRODUCTION

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

The subject property is located at 1401 West Plant Street and is approximately 4.54 ± 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 Low Density Residential.

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 vacant, unimproved land with the Future Land Use Designation of Low Density Residential according to the Orange County Comprehensive Plan.

ADJACENT LAND USE AND ZONING

The property located to the north and west are also vacant, unimproved land located in Unincorporated Orange County. The properties to the south are located in the Brandy Creek Subdivision zoned R1-B in the City of Winter Garden. The property to the west vacant, unimproved land inundated by wetlands zoned R-1 within the City of Winter Garden.

PROPOSED USE

The owner is proposing to annex the property to develop a single family residential subdivision. At this time the applicant is analyzing the site to determine the appropriate zoning designation. A rezoning plan will be presented for consideration in the coming months.

PUBLIC FACILITY ANALYSIS

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

SUMMARY

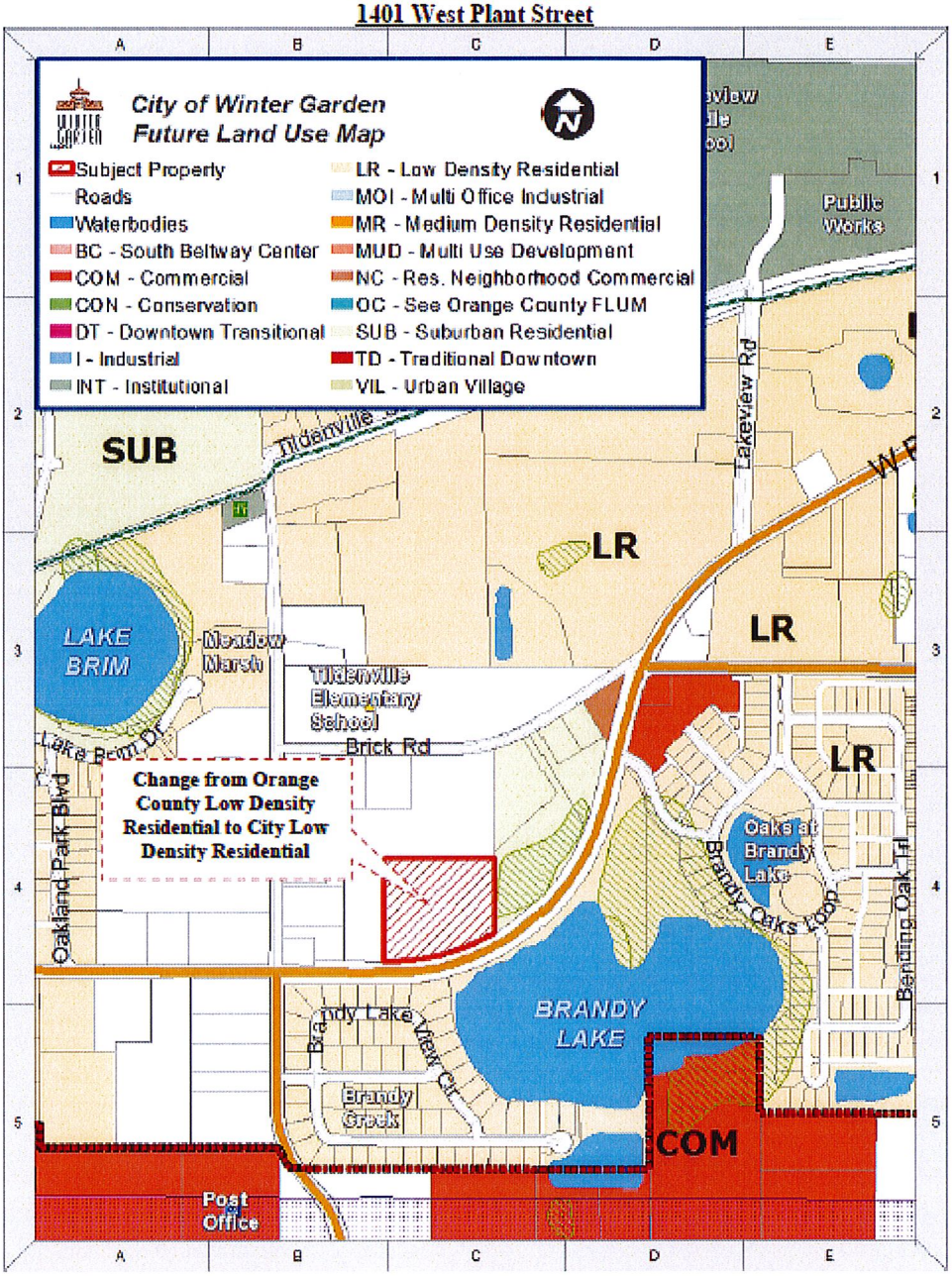
City Staff recommends approval of the proposed Ordinances. Annexation will provide a more efficient delivery of services to the property and further the goals and objectives of the City of Winter Garden's Comprehensive Plan to eliminate enclaves. The Future Land Use proposed is consistent with the surrounding area.

MAPS

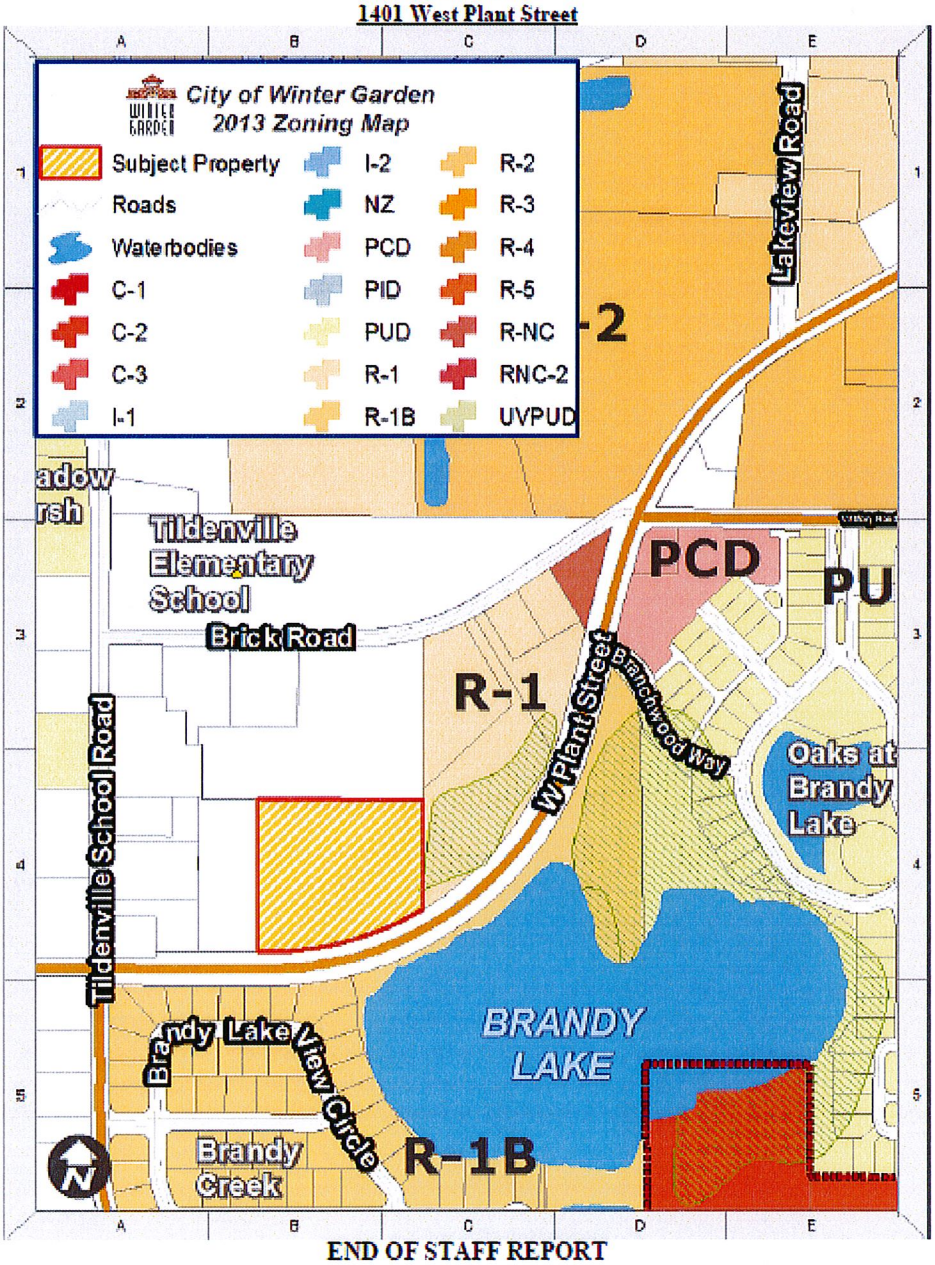
AERIAL PHOTO

1401 West Plant Street

FUTURE LAND USE MAP
1401 West Plant Street



ZONING MAP
1401 West Plant Street



END OF STAFF REPORT

EXHIBIT "B"

CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

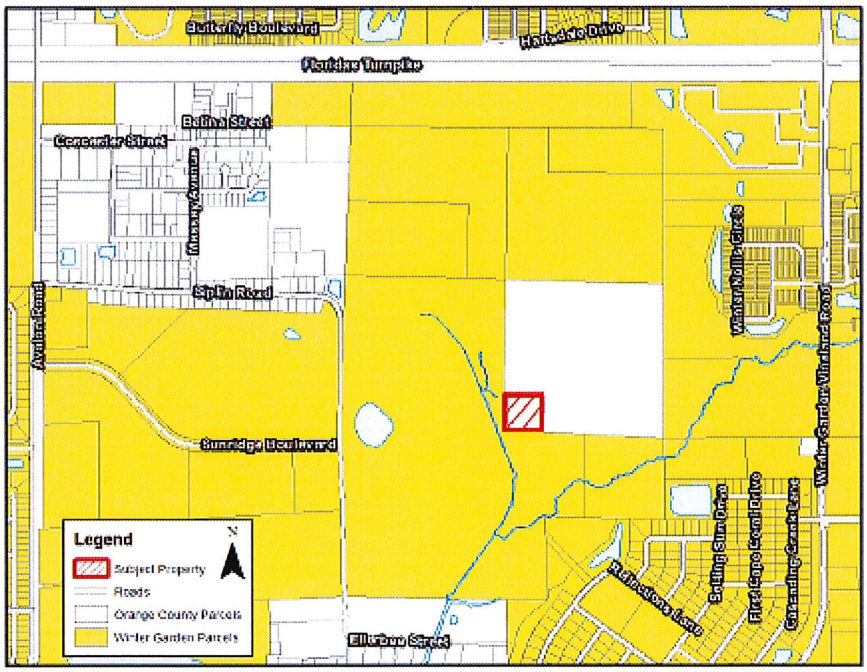
STAFF REPORT

TO:	PLANNING AND ZONING BOARD
PEPARED BY:	LAURA SMITH, SENIOR PLANNER
DATE:	JANUARY 2, 2014
SUBJECT:	ANNEXATION –FLU AMENDMENT
	14365 SIPLIN ROAD (2.26 +/- ACRES)
	PARCEL ID #: PORTION OF 27-22-27-0000-00-054
APPLICANT:	CITY OF WINTER GARDEN

INTRODUCTION

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

The subject property is located at 14365 Siplin Road and is approximately 2.26 ± 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 Low Density Residential.

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 vacant, unimproved land with the Future Land Use Designation of Rural/Agricultural according to the Orange County Comprehensive Plan.

ADJACENT LAND USE AND ZONING

The property located to the north and west are also vacant, unimproved land located in Unincorporated Orange County. The property to the south and east are located in the Mathews Grove Subdivision which is currently zoned R-2 in the City of Winter Garden, but is currently being rezoned to PUD.

PROPOSED USE

The owner is proposing to annex the property to be included in the Mathews Grove single family residential subdivision. The property is owned by the same property owner and the 2.26 acres is located within the same parcel as the Mathews Grove single family residential subdivision, however due to an error in the legal description of the Mathews Grove property when it was annexed by Ordinance 90-65 in 1990 the 2.26± acre portion of the property was left out. The 2.26± property is inundated by wetlands and will not be developed, however the acreage is included in the rezoning of the Mathews Grove property to PUD by Ordinance 14-06.

PUBLIC FACILITY ANALYSIS

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

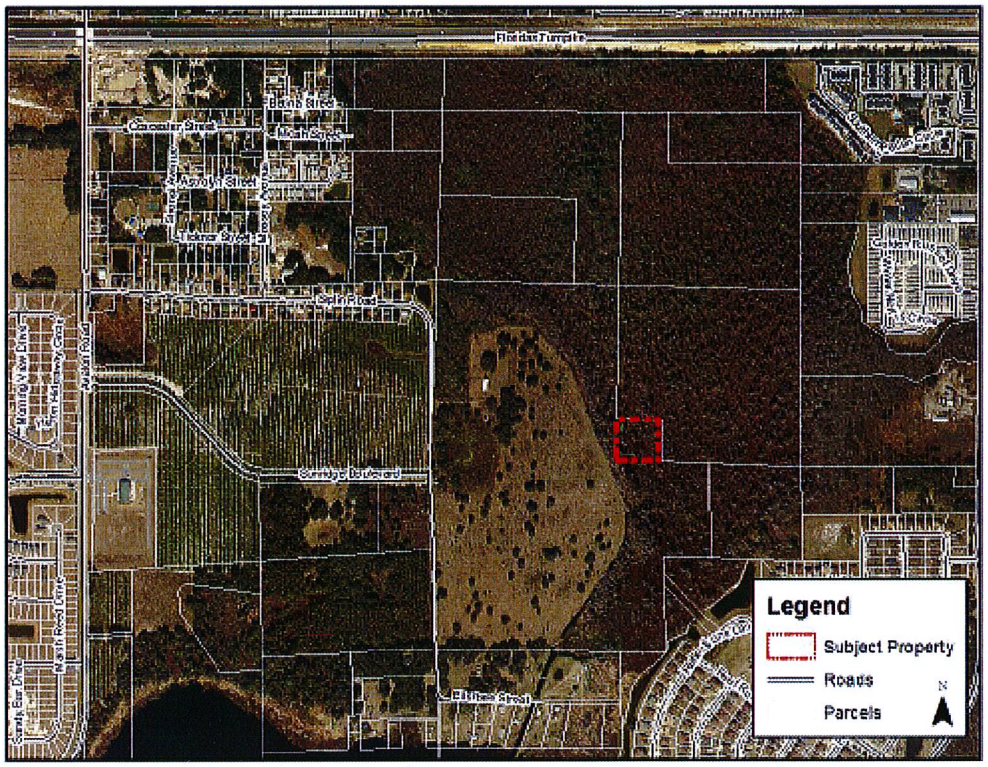
SUMMARY

City Staff recommends approval of the proposed Ordinances. Annexation will provide a more efficient delivery of services to the property and further the goals and objectives of the City of Winter Garden's Comprehensive Plan to eliminate enclaves. The Future Land Use proposed is consistent with the surrounding area.

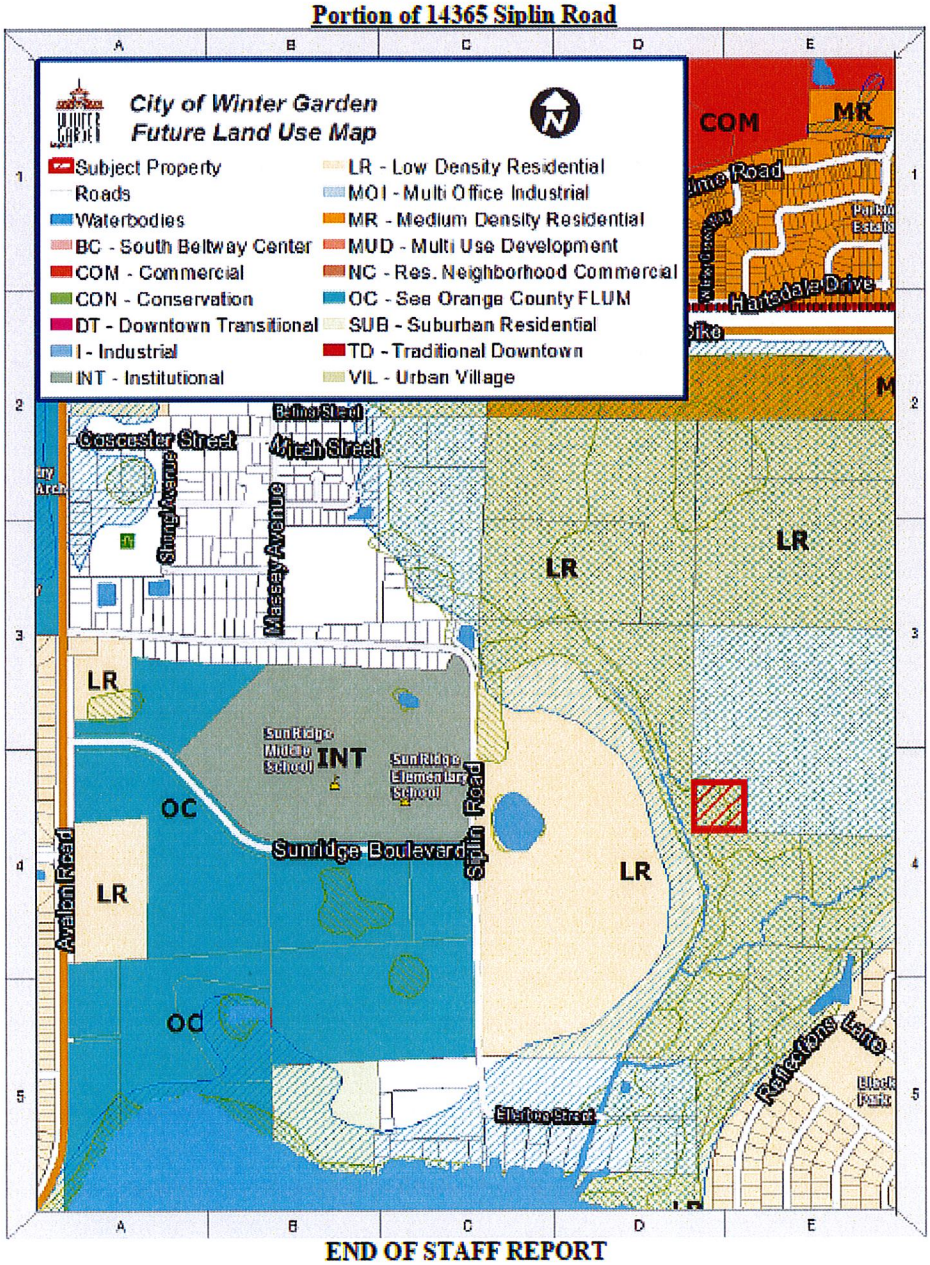
MAPS

AERIAL PHOTO

Portion of 14365 Siplin Road



FUTURE LAND USE MAP
Portion of 14365 Siplin Road



END OF STAFF REPORT

EXHIBIT "C"

CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

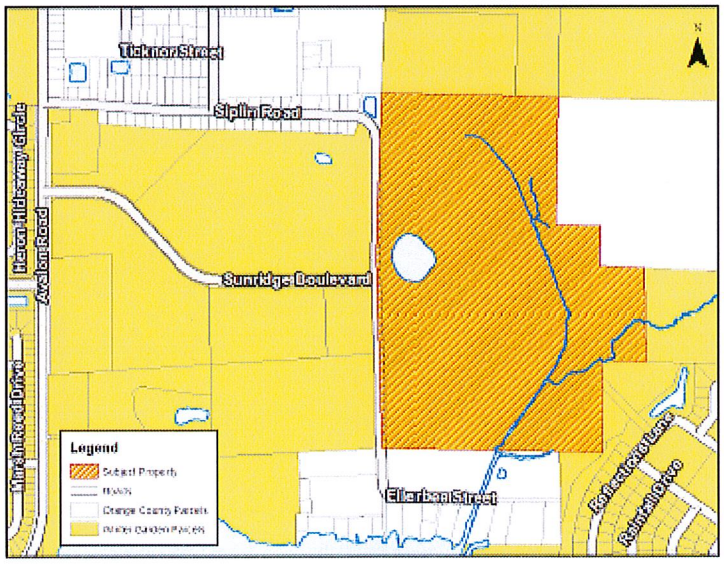
STAFF REPORT

TO:	PLANNING AND ZONING COMMITTEE
PREPARED BY:	LAURA SMITH, SENIOR PLANNER
DATE:	JANUARY 2, 2014
SUBJECT:	REZONING MATHEWS GROVE PROPERTY 14365 SIPLIN ROAD (98.71 +/- ACRES) PARCEL ID # 27-22-27-0000-00-065
APPLICANT:	ALI OF SIPLIN, LLC

INTRODUCTION

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

The subject property is located at 14365 Siplin Road and is approximately 98.71± 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 98.71± acres of land. The subject property is designated LR- Low Density Residential on the Future Land Use Map of the City's Comprehensive Plan and is currently designated R-2 on the City's Zoning Map (see attached maps).

EXISTING USE

The subject property is primarily vacant unimproved land; however there is one existing single family residential structure located on western portion of the property near the intersection of Siplin Road and SunRidge Blvd and another structure located on the northern half of the property. The structures have been cited by the City's Code Enforcement Department as unfit and will be demolished prior to commencement of site development.

ADJACENT LAND USE AND ZONING

The properties located to the west of the subject property include the new school site of SunRidge Middle School and SunRidge Elementary School in the City of Winter Garden, the Future Land Use Designation of the property is Institutional; and the recently approved Black Lake Preserve Subdivision zoned PUD. The properties located to the east are vacant properties located both within the City of Winter Garden and Orange County, primarily inundated with wetlands. Additionally located to the east of the subject property is Black Lake Park Subdivision which is zoned PUD and located within the City of Winter Garden. The properties located to the south include several a Single Family Residential structures located in Unincorporated Orange County.

PROPOSED USE

The applicant proposes to develop the 98.71 ± acre site into a residential planned unit development containing 155 single-family dwelling units. The subdivision is proposed to have a gross density of 2.49 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 4 recreational parks and 15.60 acres of open space.

The proposed project will contain a mixture of 65'x125' lots and 75'x125' lots, with a total of 93 lots at between 65' and 74' wide and 62 lots at 75' or wider.

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 18.98 +/- acres of open space, consisting of Wekiva Study Area Open Space and passive, dry-land recreational uses.

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

Environment

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

Transportation

The property's primary point of vehicular access is from the intersection of SunRidge Blvd and Siplin Road which will continue to be the primary access point with the development of the property. With the development of this property and in conjunction with the development of the Black Lake Preserve property located on the west side of Siplin Road, there will be a realignment of Siplin Road through the Mathews Grove 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

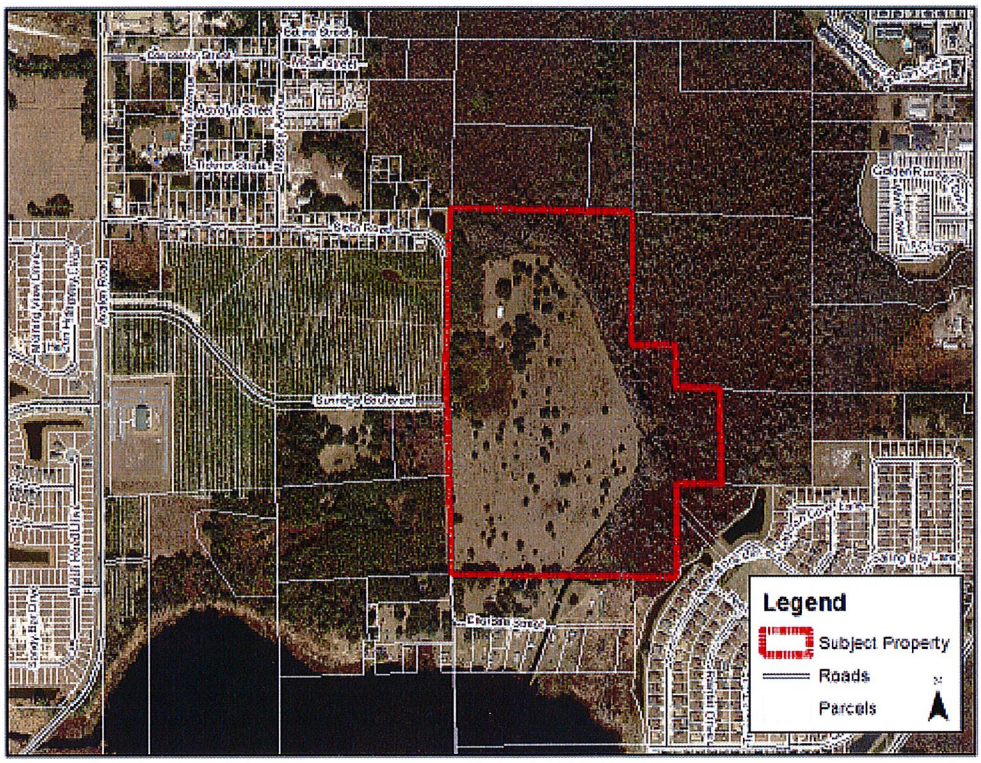
City Staff recommends approval of the proposed Ordinance subject to the following condition:

- Prior to any further approvals the property owner shall enter into a Developer's Agreement which, in addition to other commitments, specifies the cooperation and obligations of the Black Lake Preserve owner/developer and the Mathews Grove owner/developer to construct the realignment of Siplin Road and a joint lift station.

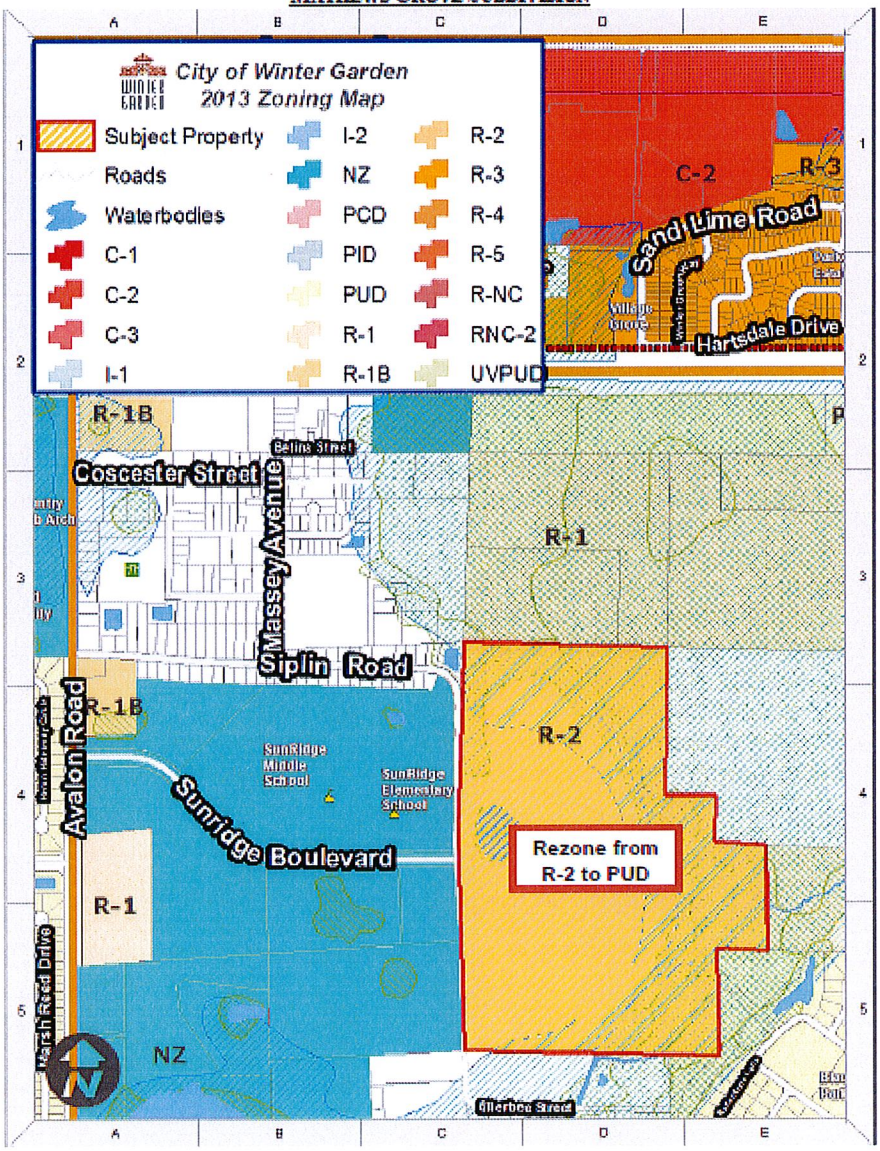
Rezoning the subject property from City R-2 to City PUD is consistent with the Future Land Use Map of the City's Comprehensive Plan, and is consistent with the trend of development in the area. The proposed development is compatible and consistent with the uses in the surrounding area. The proposed development of the subject property is consistent with the goals, objectives and policies of the City's Comprehensive Plan and land development regulations.

MAPS

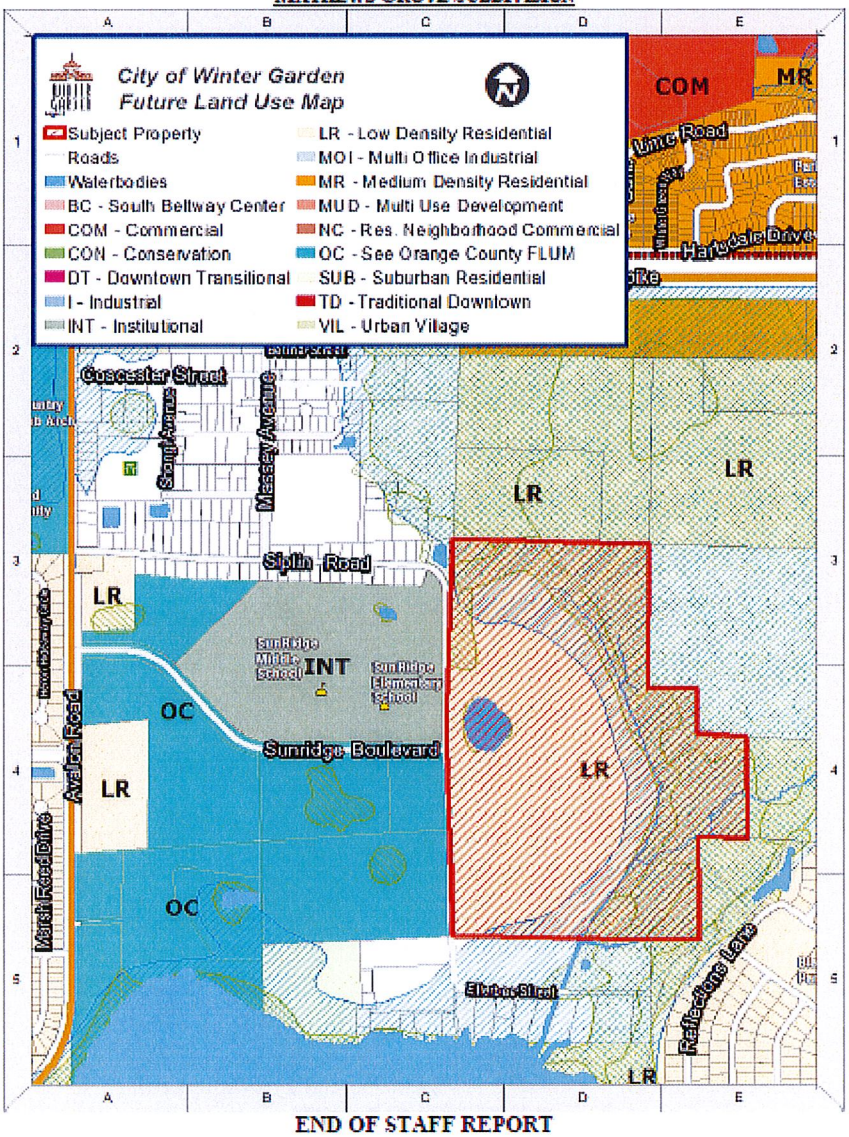
AERIAL PHOTO
MATHEWS GROVE SUBDIVISION



ZONING MAP
MATHEWS GROVE SUBDIVISION



FUTURE LAND USE MAP
MATHEWS GROVE SUBDIVISION



END OF STAFF REPORT

EXHIBIT "D"

CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

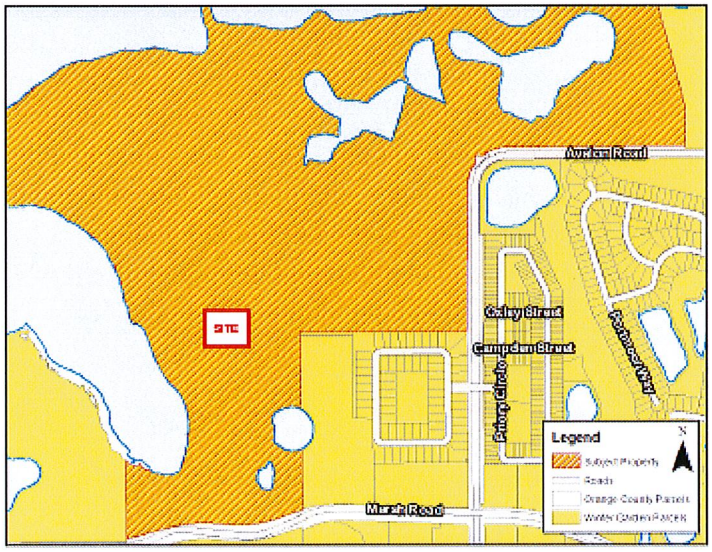
STAFF REPORT

TO:	PLANNING AND ZONING BOARD
PREPARED BY:	LAURA SMITH, SENIOR PLANNER
DATE:	JANUARY 2, 2014
SUBJECT:	VARIANCE **1000 AVALON ROAD (6.52+/- ACRE RECREATION/CLUBHOUSE TRACT)** **PARCEL ID #** 33-22-27-0000-00-003
APPLICANT:	Ryland Group, Inc. & M/I Homes of Orlando, LLC

INTRODUCTION

The purpose of this report is to evaluate the request for a fence height variance for property located at 1000 Avalon Road in Winter Garden, Florida. The request is for a 10 foot tall fence in lieu of the 6 foot tall fence permitted by City Code. If approved, this variance will allow a 10 foot tall chain link fence to be constructed around a community tennis court amenity.

The subject property, located on within the Recreation/Clubhouse Tract within the Hickory Hammock project is approximately 6.52± acres and also includes a clubhouse, fitness center, swimming pool, playground and sand volleyball court. The map below depicts the location of the subject property within the City of Winter Garden municipal limits:



The applicant is requesting a fence height of 10 feet in lieu of the 6 foot maximum permitted by City Code. The subject property carries the zoning designation PUD (Planned Unit Development) and is designated SUB (Suburban Residential) on the Future Land Use Map of the City's Comprehensive Plan.

EXISTING USE

The subject property is currently vacant; however the site plan for the site includes a clubhouse, fitness center, swimming pool, playground, sand volleyball court and tennis courts.

ADJACENT LAND USE AND ZONING

The site is located within the center of the Hickory Hammock subdivision, the property adjacent to the Hickory Hammock subdivision to the west is the Crooked Lake Preserve subdivision, which was rezoned to PUD in 2012 but has not begun site development. To the east is Zion Evangelical Lutheran Church which is zoned PUD and the Stoneybrook West community which is zoned PUD. To the south is vacant property owned by the City of Winter Garden. Hickory Hammock is bordered on the north buy Johns Lake.

PROPOSED USE

The applicant is seeking site plan approval for their Recreation/Clubhouse Tract which, among other amenities, includes a pair of tennis courts. The industry standard for fencing around tennis courts is 10 foot tall fencing; the applicant seeks a variance to construct the 10 foot fencing which exceeds the maximum 6 foot tall fencing permitted by City Code.

CODE REFERENCE

Sec. 118-1297 (3) *Rear yards.* Fences and walls in rear yards may be a maximum of six feet in height.

The applicant is seeking a variance to the maximum fence height requirements for fencing. The application for variance does not include any removal of trees on the property or addition of any new impervious surfaces.

CODE REQUIREMENTS /CRITERIA

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

(a) Granting the variance will not cause or allow interference with the reasonable enjoyment of

adjacent or nearby property owners or negatively impact the standard of living of the citizens of the city;

The proposed 10 foot tall fence will not negatively impact or interfere with the reasonable enjoyment of adjacent or nearby property owners as the fence will be located around a pair of tennis courts, which do not share any lot lines with residential home sites, are proposed to be located at the corner of two intersecting streets and will include landscape buffers. Additionally, there were no comments received from any of the surrounding property owners regarding the requested variance.

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

The requested variance allowing a 10 foot tall fence around a pair of tennis courts is reasonable use of the property since the location of the tennis courts is within the primary recreation/clubhouse amenity site for the Hickory Hammock subdivision. The 10 foot fence height is comparable to that used within City parks for tennis court fencing and is consistent with the industry standard for fencing around tennis courts.

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

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

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

The variance is consistent with the provisions of the City's Comprehensive Plan relating to the inclusion of ample recreation and open space areas within Planned Unit Developments.

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

The variance requested is the minimum variance that will make reasonable use of the land, as the site was defined by the PUD zoning plan as the recreation/clubhouse tract and the tennis court amenity is a benefit to the residents within the subdivision and the tennis court amenity requires adequate fencing. Denying this variance does not benefit the property owner the residents within the subdivision or the City.

SUMMARY

City Staff recommends approval of the variance to allow construction of a 10 foot tall fence around the pair of tennis courts to be located within the recreation/clubhouse amenity tract.

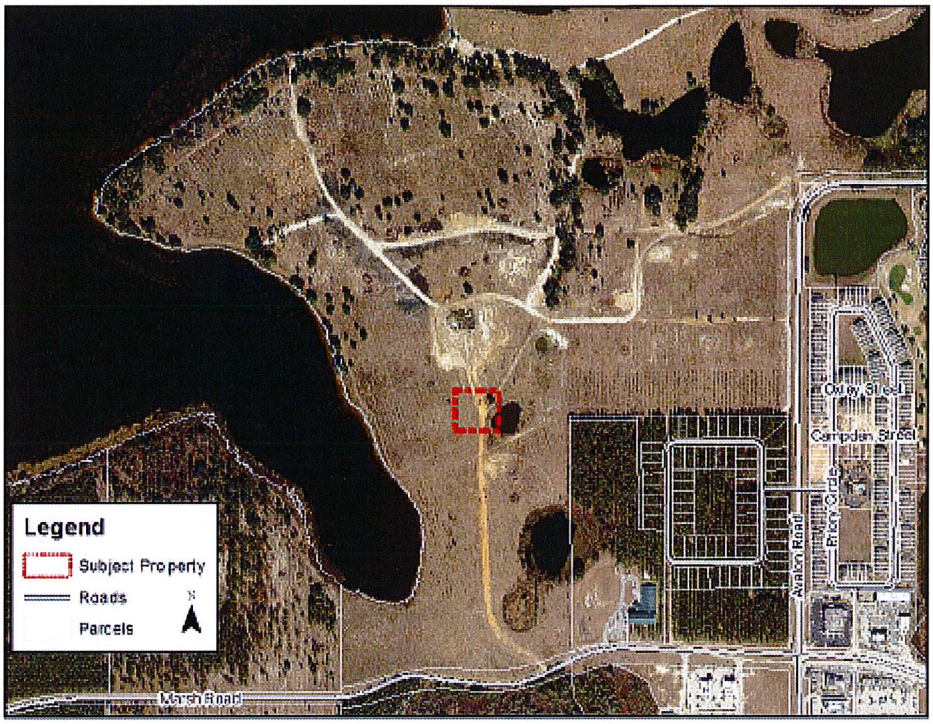
NEXT STEP

Revise Sit Plan to reflect Variance and proceed with obtaining permits.

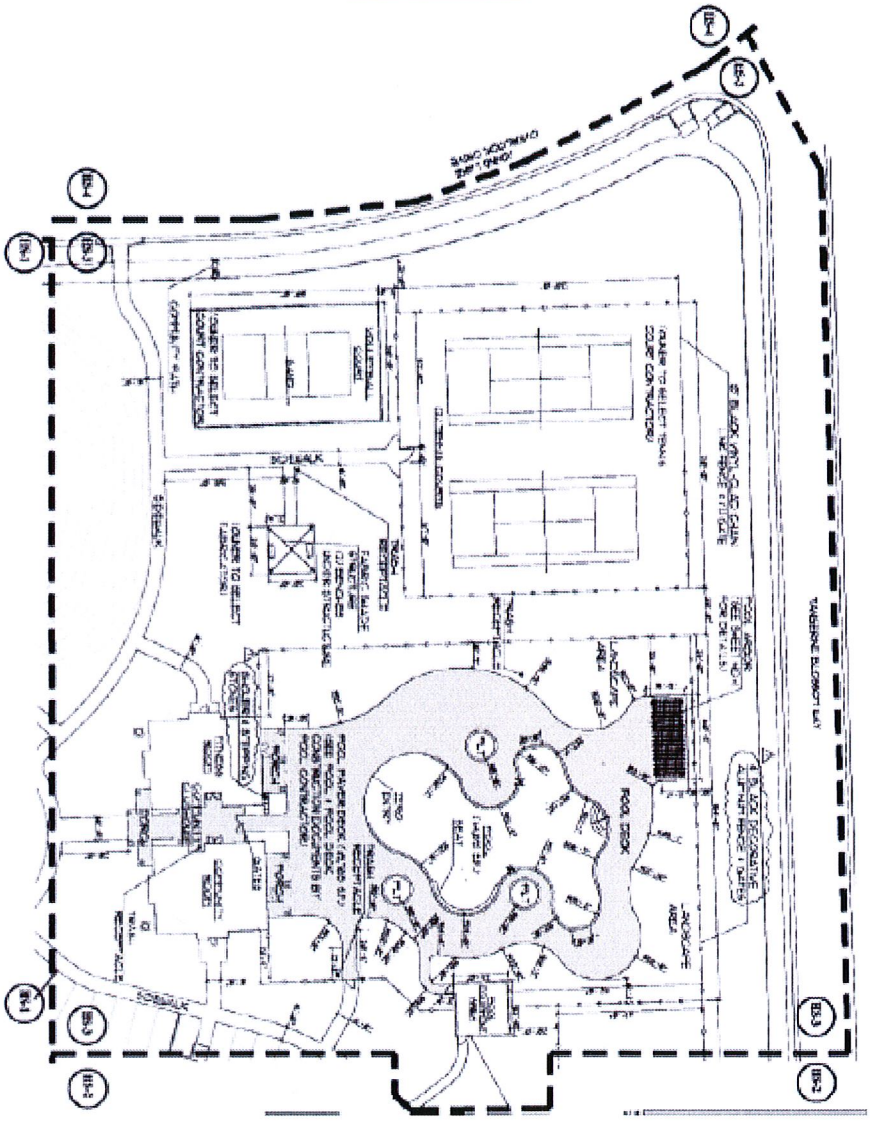
ATTACHMENTS

- Aerial Photos
- Survey

AERIAL PHOTO
1000 Avalon Road



SURVEY
1000 Avalon Road



END OF STAFF REPORT

EXHIBIT "E"

CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

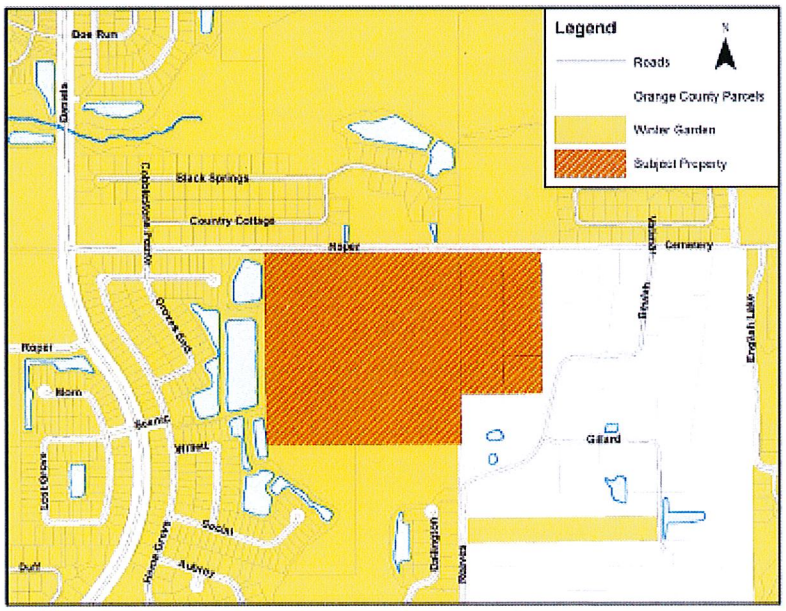
STAFF REPORT

TO: PLANNING AND ZONING BOARD
PREPARED BY: KELLY CARSON, PLANNER II
DATE: JANUARY 2, 2014
SUBJECT: PRELIMINARY PLAT
12900 Roper Road (52.414+/- ACRES)
PARCEL ID # 35-22-27-0000-00-024, 36-22-27-0000-00-012, 36-22-27-0000-00-094, 36-22-27-0000-00-011

APPLICANT: Sift Oaks Investments, 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, located on the south side of Roper Road, east of Daniels Road, and west of Beulah Road, is approximately 52.414± 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 52.414± acre property, which is the Canopy Oaks Subdivision for 59 single family residential lots. The subject property is located within the City of Winter Garden municipal limits, and carries the zoning designation R1-B (Single-Family Residential) in the City of Winter Garden. The subject property is designated Low Density Residential on the Future Land Use Map of the Comprehensive Plan.

EXISTING USE

Four parcels constitute the Canopy Oaks Subdivision subject property, which consists mostly of vacant land. Approximately half the land area, 24.81+/- acres, contains jurisdictional wetlands. One parcel, which had been previously used for agricultural purposes, is currently developed with a one-story manufactured home, a trailer, five sheds, and a barn. The 1.532+/- acre parcel located at the southeast corner of the subject property had at one time been utilized as an illegal landfill. A series of environmental analyses revealed ongoing contamination issues within this parcel.

ADJACENT LAND USE AND ZONING

The majority of properties located to the north, south, and west of the subject property are developed residential subdivisions zoned PUD and R-1 within the City of Winter Garden. One property to the south of the subject property is a single-family residence located in Unincorporated Orange County. The properties located to the east of the subject property consist of a single family residence (A-1), Beulah Baptist Church (A-1), and the Orange County Highway Maintenance Department (A-1), all of which are located in Unincorporated Orange County.

PROPOSED USE

The applicant proposes to develop the 52.414 ± acre site into a residential development containing 59 single-family dwelling units. The site will be developed in two phases; development of the east neighborhood will occur during Phase I and the west neighborhood will be developed in Phase II. The lot sizes will range from the minimum allowed per R1-B zoning (75' x 100') to larger, irregularly-shaped lots that conform to the site's environmental boundaries. Both neighborhood entrances (east and west) of the proposed subdivision will be gated. The gross density is proposed to be 2.26 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 active recreational areas including a tot lot and two neighborhood parks with recreational amenities. The site will also contain a series of passive recreation areas including walking trails and open space. The contaminated parcel will remain an undeveloped outparcel and will be fenced along the development boundaries to prevent access.

The development will preserve 24.81+/- acres of wetlands for conservation and retain 2.33 acres of undisturbed land to buffer the wetland. Approximately 0.163 acres of wetlands will be disturbed during development.

A portion of the proposed development area, particularly areas within the west neighborhood, have existing grades that are below the 100-year flood elevation of 108.2'. These depressional areas will require significant amount of fill material to raise the proposed lots to an elevation appropriate for home development. Within the west neighborhood, much of the development area will be filled with approximately 4' of material. In the east neighborhood, an existing man-

made pond will be filled to a depth of approximately 9'. Because of these significant grading activities, 108 trees over 18" DBH are proposed for removal, including six oaks that exceed 30" DBH. These trees will be replaced on site at a ratio of 2:1. Additionally, the developer plans to preserve 66 trees above 18" DBH, which includes five oaks above 40" DBH.

SUMMARY

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

1. The environmental report states that gopher tortoises are active on site and that there is no evidence of sand skinks. Provide approvals from FFWCC prior to construction that these species have been addressed.
2. Provide geotechnical report, including location and depth of organic soils if present. Provide the muck delineation overlay on the final construction plans to ensure that these areas will not fall on building lots without the muck being removed.
3. Draft drainage calculations, including preliminary compensating storage calculations, have been provided. Final plans and calculations will be subject to review and approval by the City and SJRWMD prior to final construction plan approval and commencement of construction. The geotechnical report shall address the "dry" stormwater areas, seasonal high groundwater table, need for under drains, etc.
4. Walls and landscaping shall be located within a landscape and wall tract, to be maintained by the HOA.
5. Applicant's previous response indicates that the project will be gated. The 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, landscaping, etc. shall be performed by the HOA under a R/W maintenance agreement.
6. All proposed easements shall be 30' 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.
7. Utilities: Minimum 8" potable water (internal), 8" reuse water, and minimum 6" sanitary force main are required. Utilities shall be extended the full property frontage per Code – 8" diameter water main and 10" diameter reuse water main on Roper Road.
8. Minimum 5 ft. wide utility and drainage easements shall be provided on each side lot line; minimum 10' wide drainage, pedestrian and utility easements required adjacent to R/W.
9. Some of this property appears to be "A" type soils and may require adherence to the Wekiva protection regulations. Wekiva Protection requirements for open space as outlined in the Comprehensive Plan shall be met.
10. Streetlighting shall be pursuant to City Code, including frontage on Fullers Cross Road, meeting dark skies requirements (Code Section 118-1536(k)). Submit streetlighting plan from Progress Energy prior to preconstruction meeting.
11. All irrigation on the site shall be designed to be supplied by reclaimed water (minimum 8" internal main size).

12. Permits from SJRWMD and FDEP (water, wastewater and NPDES) are required prior to issuance of site or building permits.

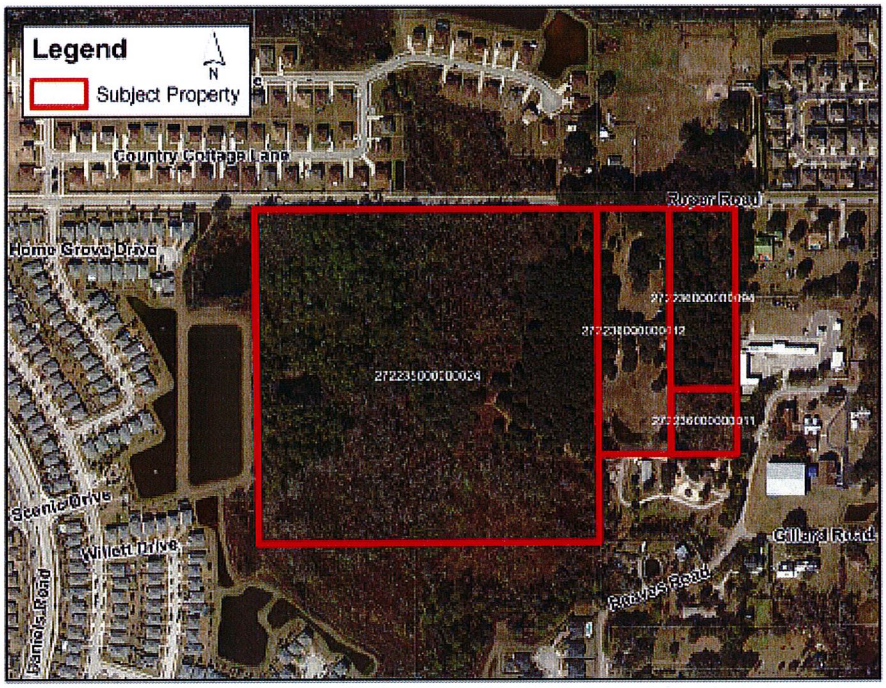
13. The 100 year flood boundary is shown to encroach on many of the lots abutting the wetlands. A LOMR shall be filed with FEMA as a condition of final plat approval for any areas requiring fill within the 100 year flood zone. Fill within the 100 year flood zone will only be allowed if compensating storage is provided. *Additional areas of the site, including those currently proposed as single family lots, may need to be utilized for compensating storage if the storage areas shown on the plans prove insufficient for the purposes of mitigating the impacts of development within the 100 year flood zone.*

14. 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.

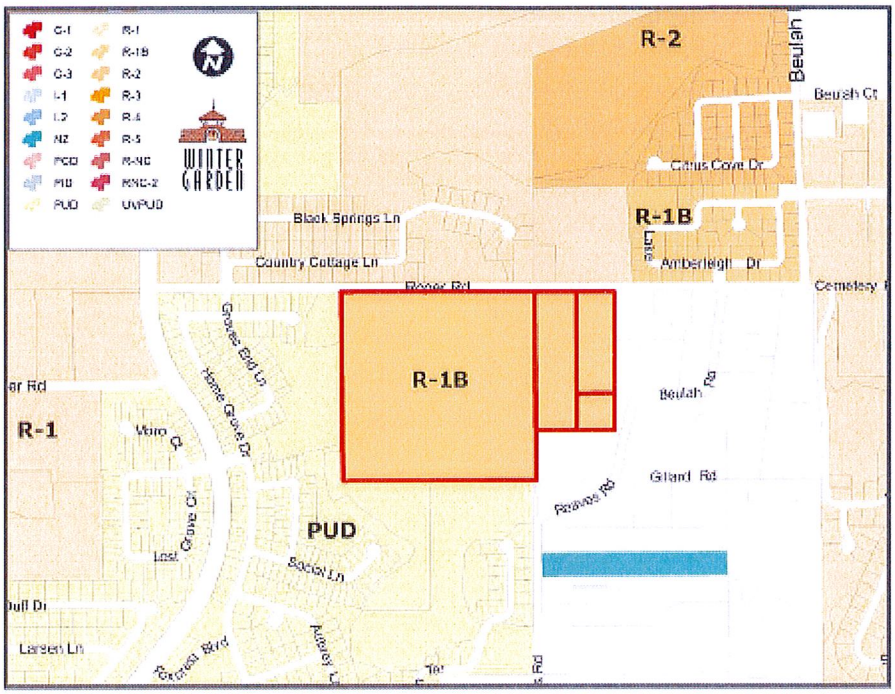
Conditional approval of the Preliminary Plat will allow the owner to proceed with development plans as well as the final plat.

MAPS

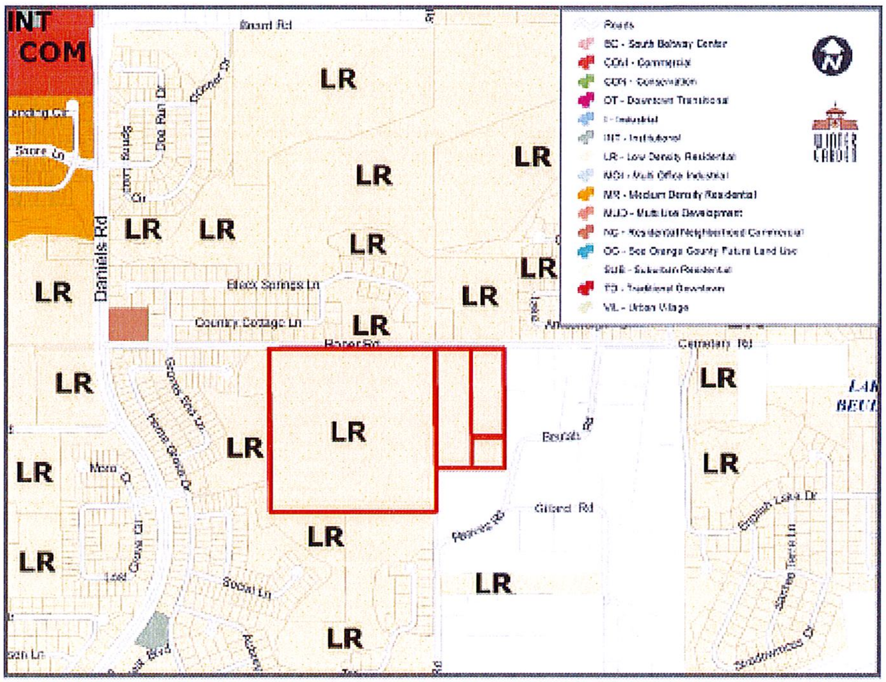
AERIAL PHOTO
Canopy Oaks



ZONING MAP
Canopy Oaks



FUTURE LAND USE MAP
Canopy Oaks



END OF STAFF REPORT