



**A REGULAR MEETING MINUTES  
PLANNING AND ZONING BOARD  
JUNE 02, 2014**

**1. CALL TO ORDER / PLEDGE OF ALLEGIANCE / INVOCATION**

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

**2. ROLL CALL AND DETERMINATION OF QUORUM**

The roll was called and a quorum was declared present.

**MEMBERS PRESENT:**

Chairman James Dunn, Vice-Chairman Eric Weiss, and Board Members: Heather Gantt, Gerald Jowers (arrived 6:32 pm), Mac McKinney and Rohan Ramlackhan (arrived 6:35 pm)

**MEMBERS ABSENT:**

Mark Maciel - excused

**STAFF PRESENT:**

City Attorney Kurt Ardaman, Community Development Director Ed Williams, Senior Planner Stephen Pash, Senior Planner Laura Smith, Planner II Kelly Carson, and Customer Service Representative Kathy Rathel

**3. APPROVAL OF MINUTES**

Approval of minutes from the regular meeting held on April 7, 2014.

*Motion by Eric Weiss to approve the above minutes. Seconded by Mac McKinney, the motion carried unanimously 4 - 0. (Gerald Jowers and Rohan Ramlackhan arrived late)*

**ANNEXATION / FUTURE LAND USE MAP AMENDMENT / REZONING (PUBLIC HEARING)**

**4. 17901 Marsh Road -Baughman Property Annexation (ANNEXATION/FLU)**

Senior Planner Steve Pash presented a request for Annexation and Future Land Use designation for the property located at 17901 Marsh Road. It is a voluntary annexation of a 3.412 ± acre property located on the north side of Marsh Road at the western boundary of Orange County. The property has a large single family home used as their residence

and also rented for parties. Staff recommends approval of Ordinance 14-20, Annexation, and Ordinance 14-21, Urban Village Future Land Use designation.

***Motion by Heather Gantt to recommend approval of the Annexation and Future Land Use at 17901 Marsh Road with Staff Recommendations (Attached Exhibit "A"). Seconded by Jimmy Dunn, the motion carried unanimously 4 - 0.***

\*Board Members Gerald Jowers arrived 6:32 pm and Rohan Ramlackhan arrived 6:35 pm\*

## **5. 562 Beard Road – Roper Property (REZONING)**

Senior Planner Pash presented a request for a Rezoning from R-1 to PUD (Planned Unit Development) for the property located at 562 Beard Road. The applicant intends to develop the 33.79 ± acre property with 77 single-family homes on lots ranging from 60 to 75 feet wide by 115 feet deep. There will a .7 acre park containing a gazebo, outdoor cooking equipment, tot lot, outdoor exercise equipment and an open play area for kids. The applicant is currently working with the neighboring Deerfield Place subdivision to make a connection which would allow south access to Daniels Road and gating both communities. Staff recommends approval of Ordinance 14-26 to rezone the property to a PUD.

Resident Barbara Green of 303 Beard Road, Winter Garden, spoke against the planned development by stating it would place an undue burden on Beard Road and the neighboring communities to have all the extra traffic in addition to the West Orange High School traffic. Roads are not that wide and people park on both sides which would make it difficult for emergency vehicles to get through. She asked if Beard Road would become four-lanes.

Board Member Weiss asked if one side of Beard Road were blocked would emergency vehicles still be able to get thru. Planner Pash replied yes. Board Member Weiss stated that a lot of the West Orange students use the road as a cut-through. Planner Pash replied the Deerfield Place subdivision is considering becoming gated due to the amount of traffic cutting through their neighborhood to turn south onto Daniels Road since traffic cannot make a left turn from Beard Road to turn south onto Daniels Road.

Board Member Jowers questioned if a traffic study had been done. Planner Pash stated no.

Resident Mary Wyatt of 259 Beard Road, Winter Garden, stated there is a traffic flow problem on Beard Road. There is no traffic light where Beard Road meets Beulah Road, only a stop sign which makes a 30 to 40 minute wait in the morning and afternoon when school is in session. Traffic also gets backed up in the subdivision with people wanting to make a left turn onto Daniels Road.

Chairman Dunn asked if there was any discussion about a traffic study or road improvements. Planner Pash stated the traffic study would come with the construction plans and would have some minor road improvements but no light is planned at Beard Road and Daniels Road.

Matt Boerger with KB Homes, located at 715 Palmer Street, Orlando Florida, made a presentation (*see Attached Exhibit "B"*) showing diagrams of lot sizes and elevations which included brick pavers on all the driveways, stone elevations on 50% of the facades, front porches on 50% of the homes and all garages would be recessed 10 feet from the front of the home. Mr. Boerger stated they planned on installing a gate on Donner Drive for both subdivisions, a gate at the primary entrance on Beard Road and a third gate on Daniels Road

for the Deerfield Place residents. A traffic impact study is underway and will be completed before the Commission meeting.

Board Member Jowers stated he has a problem with this subdivision and it is the same problem he had 20 years ago with Daniels Landing [Daniels Crossing] on the north side of the turnpike. The houses are too close together and he wants to protect the people so would not be voting for this project. Neighboring residents are on acreages and they don't want to fight any more traffic.

Mr. Boerger said they would be widening the roadway from 22 feet to 24 feet and adding a curb and that KB Homes has strict HOA standards to keep the subdivisions looking nice.

Board Member Weiss asked Mr. Boerger if buyers were aware of the rural setting across the street with horses, cows and chickens. He wanted to make sure to protect the existing rural setting and residents. Mr. Boerger stated buyers are provided a long form disclosure that states everything that is within the immediate area.

Board Member McKinney stated his displeasure of the traffic flow through Deerfield Place.

Board Member Weiss brought up the HOA meetings and the percentage of people that show up. Mr. Boerger stated anything that happens in the agreement has to be voted on by the HOA by 2/3 vote. If it is not approved they would provide two access points onto Beard Road.

Chairman Dunn reiterated that the biggest concern seemed to be the traffic study.

***Motion by Gerald Jowers to table the Rezoning for 562 Beard Road until a traffic study can be submitted. Seconded by Rohan Ramlackhan, the motion carried unanimously 6 - 0.***

**6. 426 West Plant Street (Plant Street Market) REZONING**

Senior Planner Laura Smith requested that the Rezoning application for 426 W. Plant Street be tabled to a date certain of the next Planning and Zoning Board Meeting on July 7, 2014.

***Motion by Eric Weiss to table the Rezoning for 426 W. Plant Street till July 7, 2014. Seconded by Heather Gantt, the motion carried unanimously 6 - 0.***

**7. Winter Garden Vineland Road (West Orange Outparcels) PCD AMENDMENT**

Senior Planner Smith requested that the application for West Orange Outparcels be tabled to a future date uncertain.

***Motion by Mac McKinney to table the West Orange Outparcels to a future date. Seconded by Rohan Ramlackhan, the motion carried unanimously 6 - 0.***

**SPECIAL EXCEPTION PERMIT (PUBLIC HEARING)**

**8. 1630 Avalon Road (Ladybird Academy) SPECIAL EXCEPTION PERMIT**

Senior Planner Smith presented a request for a Special Exception Permit within a Planned Commercial District for the property located at 1630 Avalon Road. Applicant is requesting a special exception for a Child Daycare Facility called Ladybird Academy.

The facility would be constructed for up to 190 students with a 13,148 square foot daycare center. Staff recommends approval of the Special Exception with conditions outlined in Staff Report.

Board discussed the playground locations, parking and if there would be bus service.

*Motion by Eric Weiss to recommend approval of the Special Exception Permit for 1630 Avalon Road with Staff Recommendations (Attached Exhibit "C"). Seconded by Rohan Ramlackhan, the motion carried unanimously 6 - 0.*

**9. ADJOURNMENT**

There being no further business, the meeting was adjourned at 7:07 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

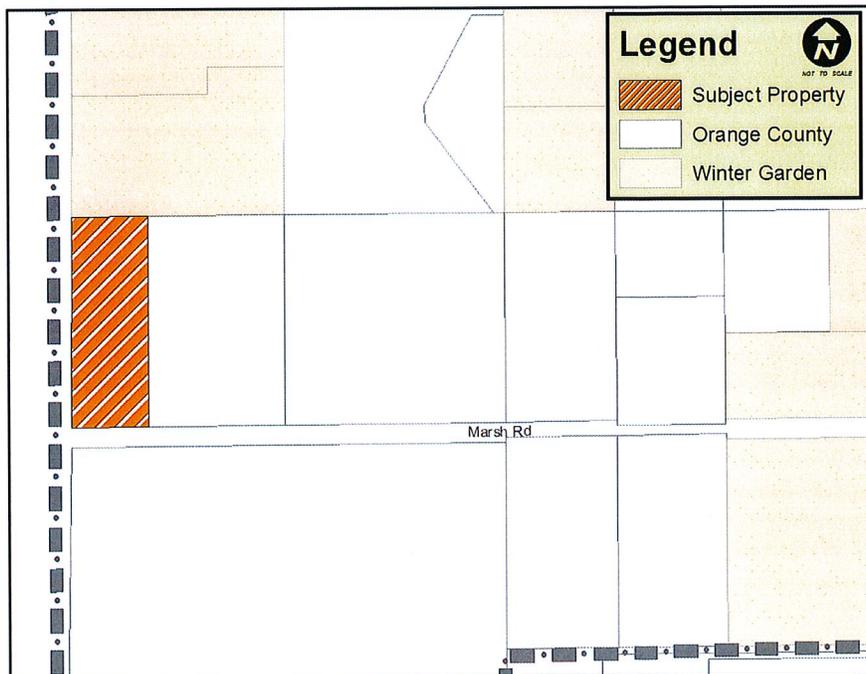
# STAFF REPORT

**TO:** PLANNING AND ZONING BOARD  
**PREPARED BY:** STEVE PASH, SENIOR PLANNER  
**DATE:** JUNE 2, 2014  
**SUBJECT:** ANNEXATION/FUTURE LAND USE MAP AMENDMENT  
**BAUGHMAN PROPERTY (3.412 +/- ACRES)**  
**Parcel ID # 06-23-27-4288-08-270 – 17901 Marsh Road**  
**APPLICANT:** ALBERT & STEFFANI BAUGHMAN

### INTRODUCTION

The purpose of this report is to evaluate the proposed annexation and future land use map amendment for compliance with the City of Winter Garden Code of Ordinances and Comprehensive Plan.

The subject property is located on the north side of Marsh Road at the western boundary of Orange County and is approximately 3.412 +/- acres. The map below depicts the location of the property within 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 Urban Village.

In accordance with the City’s Comprehensive Plan, permitted uses within the Urban Village land use include single family homes and churches and schools. The zoning classifications that are consistent with the Urban Village land use designation include Urban Village PUD 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..

The City’s Comprehensive Plan policy for the future land use designation of Urban Village states:

**Policy 1-1.2.12:** Urban Village. Properties designated with the Urban Village land use category are required to be developed at a floor area ratio not greater than 0.3, and a residential density not greater than 4 dwelling units per acre, except in the Village Center where the residential density shall be not greater than 12 units per acre. This land use designation is limited to those 658 ± acres identified on Figure 1.2. These parcels are located within the JPA-6 area as shown on Exhibit —Bl 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 and were formally part of the Horizon West development in unincorporated Orange County that proposed the same type of development. Development in this area shall be characterized by a community Village structure that includes a Village, Village Center, and neighborhoods that may vary in size to facilitate recreation and pedestrian traffic while preserving natural systems and shall follow the development program below:

Use	Acres	Amount
Residential	531 ±	2,140
Commercial	20 ±	115,000 Sq Ft
Natural	107 ±	N/A

Notes: All parcel acreages and natural delineations are estimated.

Actual determination of acreage shall be made at time of the PUD rezoning.

Development in this land use shall also be subject to the regulations found in the Urban Village PUD zoning designation. The zoning classifications that is consistent with the Urban Village land use designation is the Urban Village PUD and INT.

**EXISTING USE**

The property is currently developed with a 6,063 square foot single-family house with a large pasture in the back yard that contains a palm tree nursery. The owner lives in the home, but rents it out for events such as: weddings, partys, and receptions (these events also use the open field in the back yard).

### **ADJACENT LAND USE AND ZONING**

To the north of the property is a property that contains orange groves, was recently annexed into the City, and has Urban Village Future Land Use. To the south is timber land in unincorporated Orange County with A-1 zoning. To the east is a single-family home with A-1 zoning, located in Orange County. To the west of the property is a single family house in Orange County with A-1 zoning.

### **PROPOSED USE**

The owners plan to continue using the home and property as a rental facility to hold events. When the owner decides to develop the property, they will be required to submit an application for Urban Village Planned Unit Development.

### **PUBLIC FACILITY ANALYSIS**

The property's primary point of transportation access is from Marsh Road. The existing property access is along Marsh Road, and any future connections will be analyzed when they submit for the UVPUD.

The City's potable water, reclaimed water, and sewer service can be installed by the property owner or a future owner when they want to develop in the future.

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 Fire Department under the First Response system.

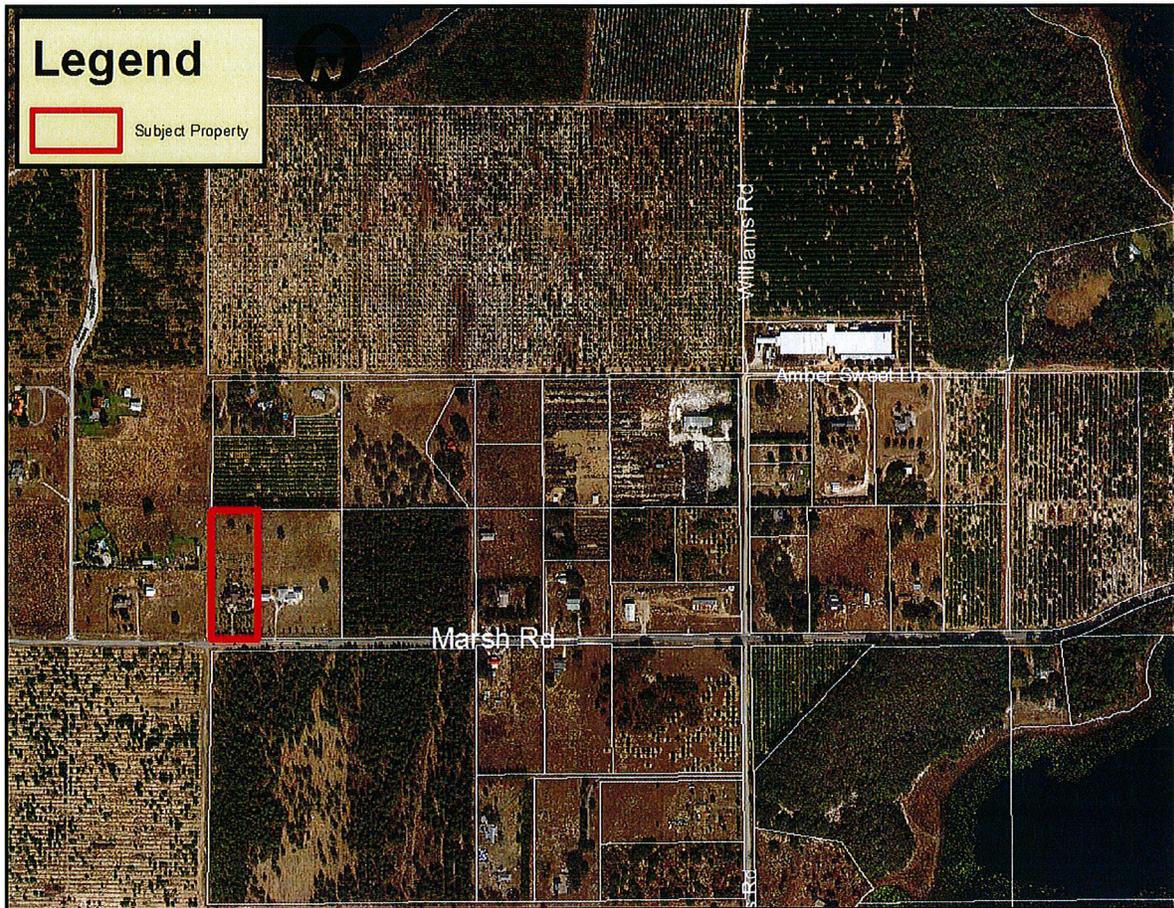
### **SUMMARY**

The City Planning Department has reviewed the proposed ordinances and recommends approval.

MAPS

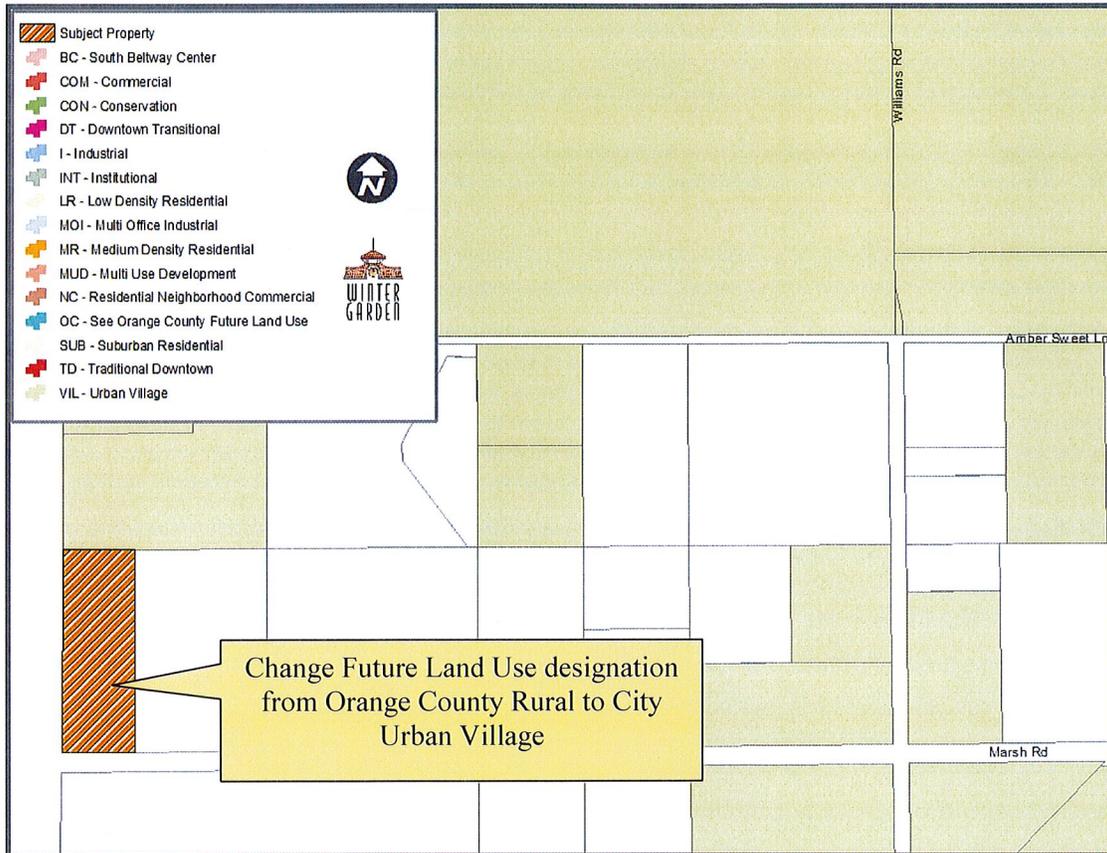
AERIAL PHOTO

17901 Marsh Road



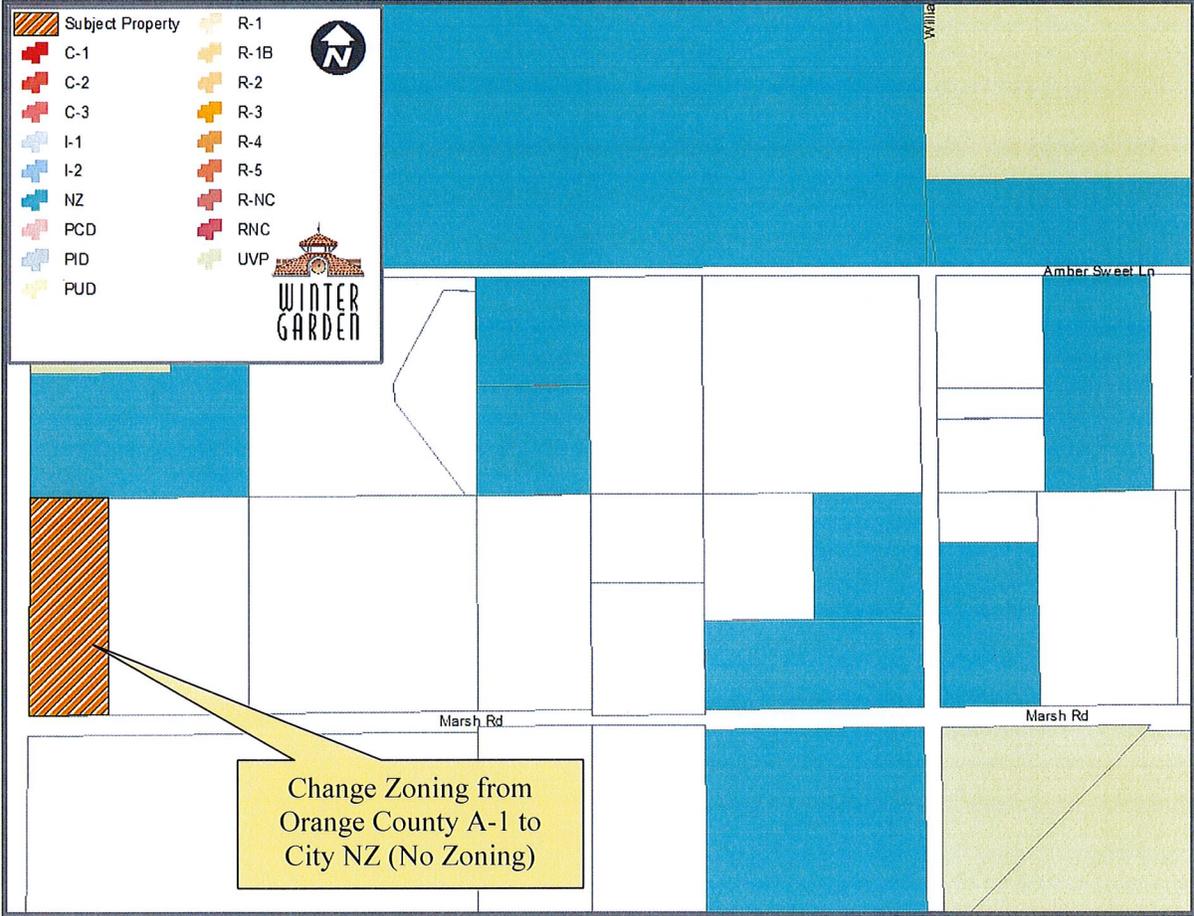
## WINTER GARDEN FUTURE LAND USE MAP

### 17901 Marsh Road



**WINTER GARDEN  
ZONING MAP**

**17901 Marsh Road**



**END OF STAFF REPORT**

**EXHIBIT “B”**

**Roper PD Rezoning**

**Planning & Zoning Commission**



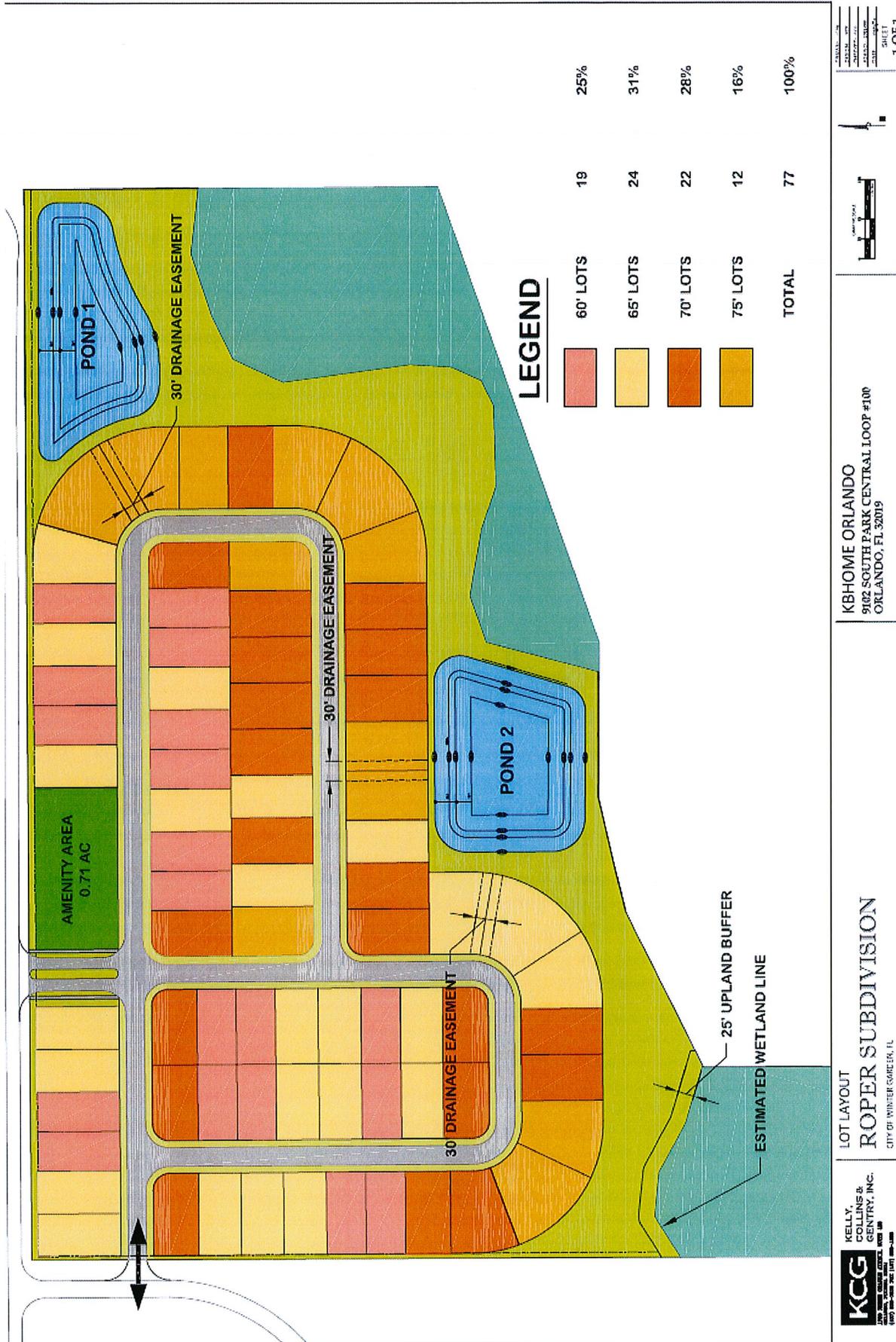
# Existing Conditions

- Currently undeveloped
- Pine/wooded lot
- 28 Acres Upland
- 5 Acres of Wetland



# Proposed

- Rezoning from R-1 to PD
- Total Project Area 34 +/- Acres
- 77 Single Family Lots
- Lots Widths
  - 60'
  - 65'
  - 70'
  - 75'



# Product Commitments

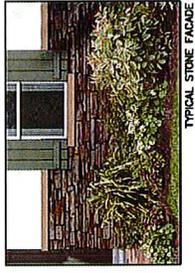
- No more than 3 contiguous products
- Brick Paver Driveways on 100% of lots
- Stone Front Elevations on 50% of lots
- Front Porch on 50% of all lots
  - 10' Garage recessed from front plane

BUILDING PAD WIDTHS	LOT WIDTHS			
	60'	65'	70'	75'
38'				
40'				
42'				
45'				
50'	(Diagonal line indicating no layout for this combination)			

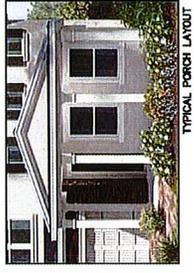
PRODUCT OPTIONS  
CONTIGUOUS BUILDING  
PRODUCTS:  
MAX 3



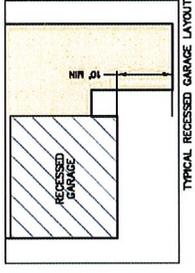
PAVER DRIVEWAYS:  
100%



STONE FRONT ELEVATIONS:  
MIN 50%



FRONT PORCH:  
MIN 50%  
PORCH DEPTH:  
MIN 6'



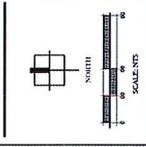
RECESSED GARAGE:  
100%  
MIN. GARAGE RECESSION:  
10'







LEAD	
RESOURCE	
DESIGNED	
GTDRP	



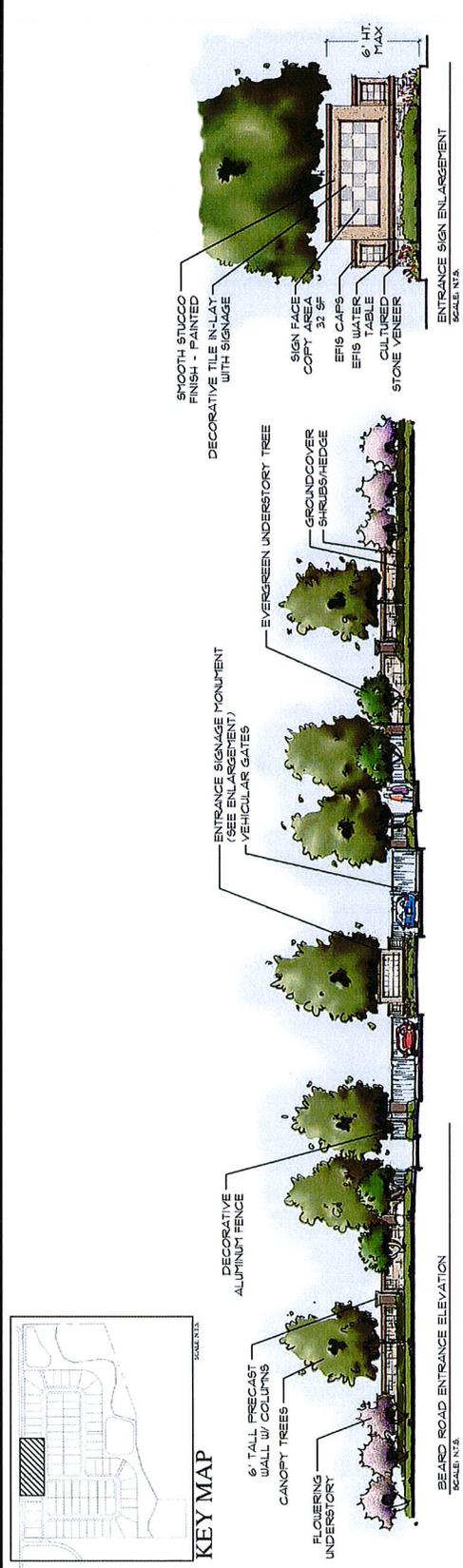
DATE	
PROJECT NO.	
DRAWN BY	
DESIGNED BY	
CHECKED BY	
BHR	
BHR	

**ROPER PROPERTY**  
 ORANGE COUNTY  
 SCHEMATIC PLANS  
 P&Z MEMORANDUM  
**MAIN ENTRY & PARK**

Landpage Architect  
 In Charge: Barry H. Bynett  
 Registration # LA0001343  
 Authorization LC 2600313

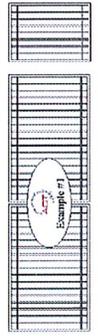
DATE: 11-20-2013  
 PROJECT NO.: XXX-XXXX  
 DRAWN BY: BHR  
 DESIGNED BY: BHR  
 CHECKED BY: BHR

**SHEET NO. SC-02**





**Gate Design**  
 The gate design in the base system is "Traditional Georgian" - example # 1.  
 When fabricated in ornamental aluminum, pickets are 1" square mounted 6'-4"  
 etc. All materials are powder-coated Satin Black.



DESIGNED BY: K&G  
 CHECKED BY: JMS  
 DATE: 05/14/14  
 SHEET: 1 OF 1



KB HOME ORLANDO  
 9102 SOUTH PARK CENTER LOOP #100  
 ORLANDO, FL 32019

VICINITY & PROPOSED ACCESS POINTS EXHIBIT  
**ROPER PROPERTY**  
 CITY OF WINTER GARDEN, FL

**K&G**  
 KELLY, GENTY &  
 GENTRY, INC.  
 1720 N.W. 24TH AVENUE, SUITE 400  
 FT. LAUDERDALE, FL 33311  
 (954) 366-7500 FAX (954) 366-1466

# EXHIBIT "C"

## CITY OF WINTER GARDEN PLANNING & ZONING DIVISION

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

# STAFF REPORT

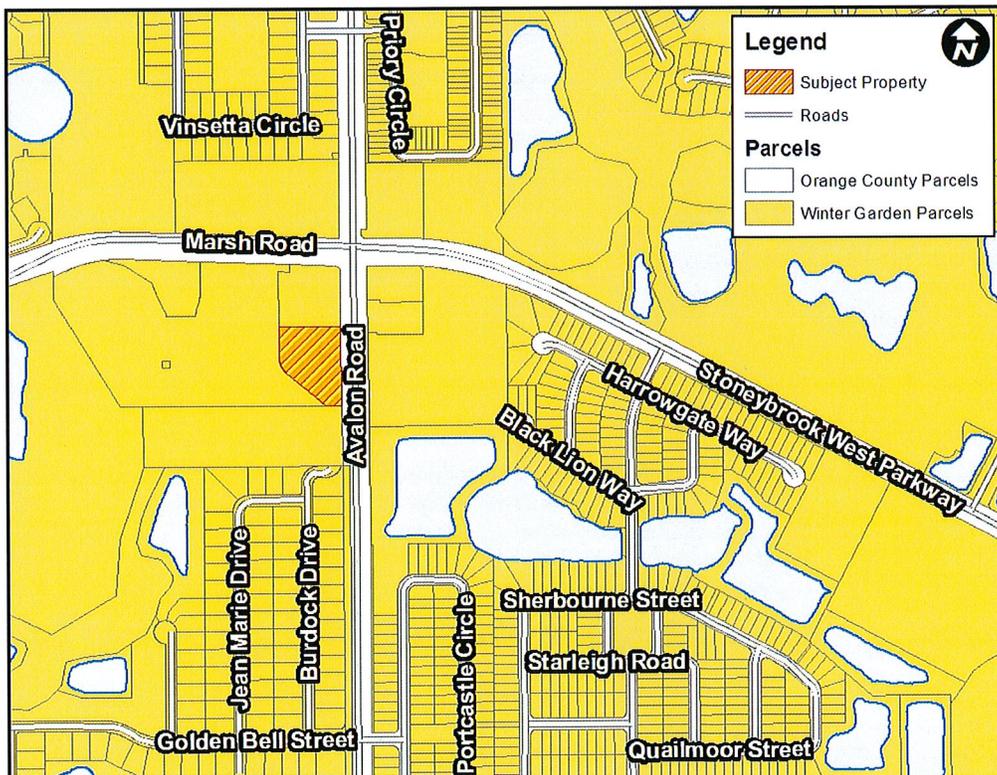
**TO:** PLANNING AND ZONING BOARD  
**PREPARED BY:** LAURA SMITH, SENIOR PLANNER  
**DATE:** MAY 29, 2014  
**SUBJECT:** SPECIAL EXCEPTION PERMIT  
**1630 Avalon Road (Ladybird Academy)**  
**Avamar Crossing**  
**PARCEL ID # 04-23-27-0302-01-000**

**APPLICANT:** Ladybird Academy

### INTRODUCTION

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

The subject property is generally located south of Marsh Road on the west side of Avalon Road, in the Avamar Crossing Planned Commercial Development. The map below depicts the location of the subject property within the City of Winter Garden municipal limits:



The applicant is requesting a Special Exception to allow for the subject property to be used for a child day care center for up to 190 children. The subject property is located within the City of Winter Garden municipal limits, and carries the zoning designation PCD (Planned Commercial Development). The subject property is designated Commercial on the Future Land Use Map of the Comprehensive Plan.

### **EXISTING USE**

The property is currently an unimproved vacant outparcel within the Avamar Crossing PCD.

### **ADJACENT LAND USE AND ZONING**

The property located to the north of the subject property is an unimproved vacant outparcel within the Avamar Crossing PCD. The properties located to the east of the subject property are made up of another commercial development located in the Stoneybrook West Village (Publix, The Big Easy, etc.) and are zoned PUD within the City of Winter Garden. The properties located to the west of the subject property consist of the portion of the Avamar Crossing PCD which has been developed (Hagan O'Reilly's, NYPD Pizza, etc.). The property located to the south is the Stoneybrook West Self Storage which is a developed commercial property zoned PCD within the City of Winter Garden.

### **PROPOSED USE**

The applicant proposes to construct a 13,148 square foot child daycare facility for up to 190 children. The proposal includes the construction of two playground facilities and 48 parking spaces. The PCD (Planned Commercial Development) zoning of the subject property requires a special exception permit for child daycare facilities.

### **SUMMARY**

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

- The child daycare center shall be limited to a maximum enrollment capacity of 190 children, expansion of the facility and/or enrollment of more than 190 children will require additional review and amendment to the special exception permit.
- City Commission approval of the proposed Site Plan and all necessary permits must be obtained prior to beginning any construction on or alterations to the site.
- Utility Impact Fees are due at the time of FDEP Permit Application or Building Permit Application. The following are the utility impact fee calculations. These fees are based on the proposed water and irrigation meters shown on the site plan. The site plan indicates a one inch potable water meter and a one inch irrigation meter.

Water Impact Fee = \$2,715.00

Sewer Impact Fee = \$4,418.00

Irrigation Impact Fee = \$2,715.00

Total Utility Impact Fee = \$9,848.00

- Road, Police and Fire impact fees must be paid at time of application for Building Permit. Fees will be calculated based on square footage of proposed facility. The proposed Site Plan indicates the facility will be 13,148 square feet, the following are the impact fees for Road, Police and Fire Impact Fees:

Road Impact Fee= \$72,931.96

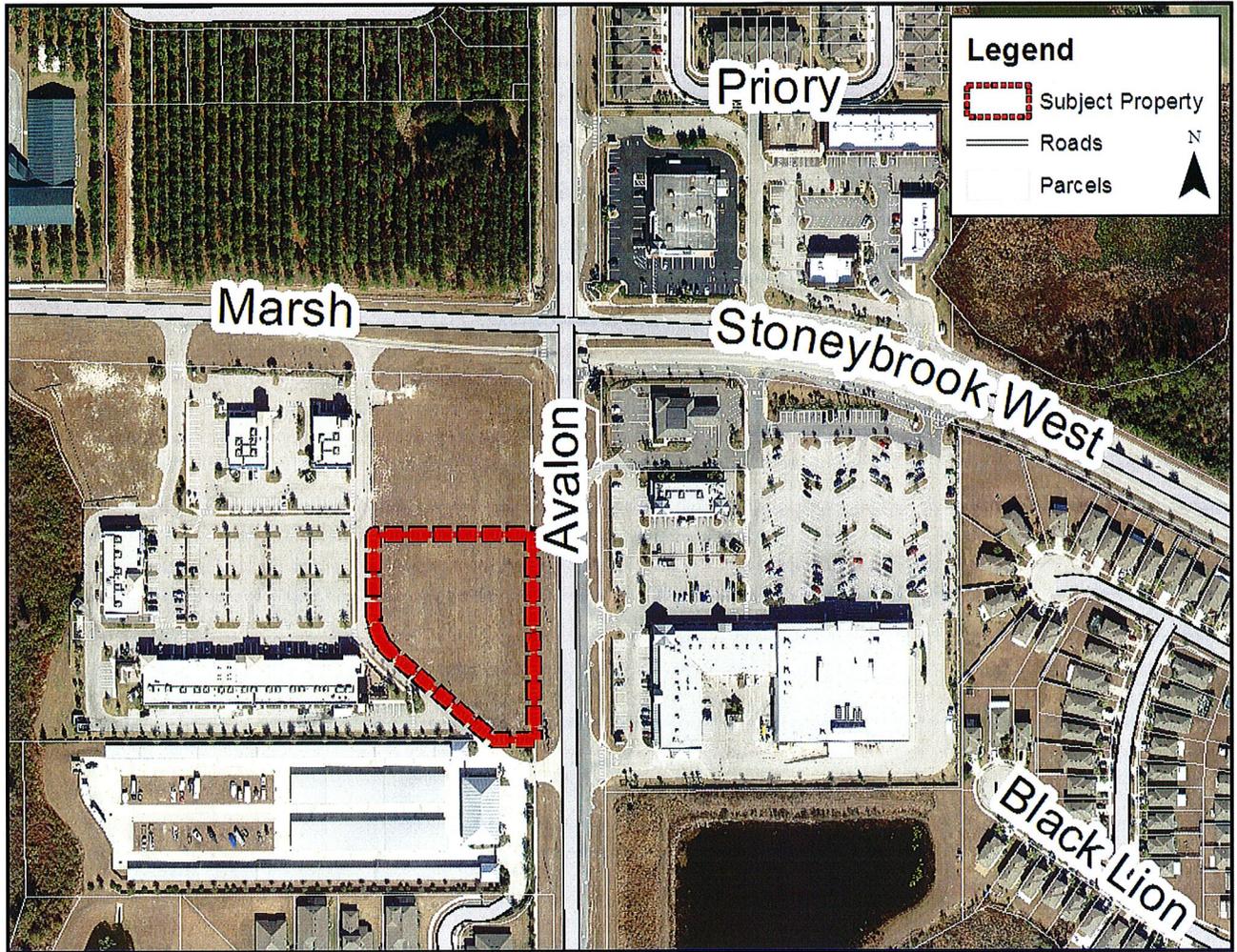
Police Impact Fee= \$6,574.00

Fire Impact Fee= \$8,020.28

- All signage and fencing depicted on the site plan will require separate Building Permits.
- The new driveway proposed on Avalon Road shall be signed and striped for right-in, right-out only. Provide raised concrete island (i.e. “porkchop”), all as shown on the site plan.
- Stormwater permit modification approval by St. Johns River Water Management District shall be provided prior to issuance of site or building permit. Permits or exemptions shall also be required from FDEP for water and sewer and FDEP NPDES NOI if over 1 acre of disturbed area.
- 100% of all water and sewer impact fees shall be paid prior to City execution of FDEP permits and issuance of site or building permits.
- The Owner is responsible for meeting all provisions of ADA and Florida Accessibility Code.
- All work shall conform to City of Winter Garden standards and specifications.
- Fencing, if used, shall meet all City requirements for height, type, etc. All construction shall conform to City of Winter Garden Standards, Specifications and Ordinances.
- 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.
- 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.
- The Contractor is responsible for the notification, location and protection of all utilities that may exist within the project limits.
- 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 the building permit.

**MAPS/EXHIBITS**

**AERIAL PHOTO**  
**1630 Avalon Road**



**END OF STAFF REPORT**