



For More Information, Contact:

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PLANNING & ZONING BOARD AGENDA

To: Jimmy Dunn – Chairman
Eric Weiss – Vice Chairman
Heather Gantt
H. Gerald Jowers
Mark Maciel
Mac McKinney
Rohan Ramlackhan

Copy to: Mike Bollhoefer
Dan Langley
Kurt Ardaman
Ed Williams
Stephen Pash
Laura Smith
Kelly Carson

RE: Agenda – **August 4, 2014** - 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 JULY 7, 2014 MEETING**
ANNEXATION / FUTURE LAND USE MAP AMENDMENT / REZONING (PUBLIC HEARING)
4. 14400 Siplin Road – (Tilden Groves Holding Corp) / **Rezoning**
Parcel ID # : 34-22-27-0000-00-005
5. 562 Beard Road – (Adalee J Roper Trust) / **PUD Rezoning** - *Item to be tabled to 9/08/2014*
Parcel ID # : 26-22-27-0000-00-029
6. 505 & 807 Avalon Road – (Iota Sessions, LLC) / **FLU Map Amendment**
Parcel ID #: 27-22-27-0000-00-068 & 34-22-27-0000-00-003
7. 505 Avalon Rd, 14966 Siplin Rd & 807 Avalon Rd – (Iota Sessions, LLC) / **PUD Rezoning**
Parcel ID # : 27-22-27-0000-00-068, -069 & 34-22-27-0000-00-003
8. Winter Garden Vineland Road – (West Orange Outparcels, LLC) / **PCD**
Parcel ID #: 26-22-27-9147-00-020
SPECIAL EXCEPTION PERMIT (PUBLIC HEARING)
9. 1450 Daniels Road – (Mathew’s Hope Ministries) / **SEP**
Parcel ID # : 26-22-27-0000-00-014
10. 1006 E Crown Point Road & 835 Crown Point Cross Road – (West Orlando Baptist Church) / **SEP**
Parcel ID # : 12-22-27-0000-00-032
VARIANCE (PUBLIC HEARING)
11. 130 W Vining Street – (Richard Morrison) / **Variance**
Parcel ID # : 23-22-27-7156-02-010
12. **ADJOURNMENT**

To the next Planning and Zoning Board meeting to be held on Monday, September 8, 2014 at 6:30 p.m. in City Hall Commission Chambers, 300 W. Plant Street, 1st floor. The September 1, 2014 meeting rescheduled to September 8, 2014 due to the Holiday.



**A REGULAR MEETING MINUTES
PLANNING AND ZONING BOARD
JULY 07, 2014**

1. CALL TO ORDER / PLEDGE OF ALLEGIANCE / INVOCATION

Chairman Jimmy 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 Jimmy Dunn, Vice-Chairman Eric Weiss, and Board Members: Heather Gantt, Gerald Jowers, Mark Maciel and Mac McKinney

MEMBERS ABSENT:

Rohan Ramlackhan - Excused

STAFF PRESENT:

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

3. APPROVAL OF MINUTES

Approval of minutes from the regular meeting held on June 2, 2014.

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

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

4. 17806 Marsh Road – Fischer Spears Property (ANNEXATION/FLU)

Senior Planner Steve Pash presented a request for Annexation and Future Land Use designation for the property located at 17806 Marsh Road. It is a voluntary annexation of a 38.655 ± acre property located on the south side of Marsh Road at the western boundary of Orange County. The owner has requested Annexation and a Future Land Use designation of Urban Village. These properties are required to go through Urban Village Planned Unit Development when they decide to develop the property. Staff

recommends approval of Ordinance 14-22 and 14-23 to annex the property and apply the future land use designation of Urban Village.

Motion by Gerald Jowers to recommend approval of the Annexation and Future Land Use for 17806 Marsh Road [Ordinances 14-22 and 14-23] with Staff Recommendations (Attached Exhibit "A"). Seconded by Mark Maciel, the motion carried unanimously 6 - 0.

5. Seidner Road –McKinnen Groves (ANNEXATION/FLU)

Senior Planner Steve Pash presented a request for Annexation and Future Land Use designation for the property located at Seidner Road. It is a voluntary annexation of a 9.527 ± acre property located on the south side of Seidner Road at the western boundary of Orange County. The owner has requested Annexation and a Future Land Use designation of Urban Village. These properties are required to go through Urban Village Planned Unit Development when they decide to develop the property. Staff recommends approval of Ordinance 14-24 and 14-25 to annex the property and apply the future land use designation of Urban Village.

Motion by Eric Weiss to recommend approval of the Annexation and Future Land Use for Seidner Road [Ordinances 14-24 and 14-25] with Staff Recommendations (Attached Exhibit "B"). Seconded by Heather Gantt, the motion carried unanimously 6 - 0.

6. 426 West Plant Street - Plant Street Market, LLC (REZONING)

Senior Planner Steve Pash presented a request by the City to rezone the property located at 426 W. Plant Street from R-NC to C-1. City has been working with the owners of the property for the last several months to convert the property from apartments to a market. This project has already gone through the Architectural Review Board and the owner will demolish and rebuild. Staff recommends approval of Ordinance 14-11 to rezone the property from R-NC to C-1.

General discussion followed regarding the project timeline.

Motion by Mark Maciel to recommend approval of Ordinance 14-11 with Staff Recommendations (Attached Exhibit "C"). Seconded by Gerald Jowers, the motion carried unanimously 6 - 0.

7. 562 Beard Road – Adalee J. Roper Trust (PUD REZONING)

Senior Planner Steve Pash requested that the application for 562 Beard Road be tabled to the August 4, 2014 Planning & Zoning Board Meeting to allow Staff to work with the applicant.

General discussion ensued on the issues regarding this property.

Motion by Eric Weiss to table 562 Beard Road to the August 4, 2014 Planning & Zoning Board Meeting. Seconded by Mark Maciel, the motion carried unanimously 6 - 0.

PRELIMINARY PLAT / FINAL PLAT / LOT SPLIT (PUBLIC HEARING)

8. 968 Lake Brim Drive – Oakland Park Phase 3 (PRELIMINARY PLAT)

Senior Planner Steve Pash presented a request for a Preliminary Plat for 23 single-family lots located in Oakland Park Phase 3. This application is consistent with the approved PUD and Staff recommends approval of the Preliminary Plat with conditions outlined in the Staff Report.

John Classe with Crescent Communities, the owner and master developer located at 15241 E. Oakland Ave., Winter Garden FL, spoke to the Board regarding Staff's conditions. The first refers to Phase 2 which should read Phase 3. The second refers to the two conditions regarding homes constructed as of 07/01/14 and drainage concerns had not been discussed at the DRC meeting and were not part of the original DRC conditions or comments from Staff. He requested these two items be removed to allow time to work with Staff for solutions moving forward within the project. He also asked if they could work with Staff to have the easements on Tildenville School Road at 20 foot for front yard with the remaining 10 foot being within Tildenville School Road right-of-way.

A general discussion ensued regarding the drainage issues. Senior Planner Pash clarified that variances from the drainage requirement of gutters, downspouts and underdrains can be reviewed on a lot by lot basis but wants the safety feature included so the problems do not continue.

Community Development Director Ed Williams suggested leaving the drainage condition in to make sure the builders cooperate. The swimming pool condition could be modified to apply to this phase. A smaller home should be built if a pool will be installed.

John Classe wants the application to move forward but would like to continue to work with Staff on the drainage issues and if the other two requests would be approved.

Chairman Jimmy Dunn clarified the wording change from Phase 2 to Phase 3 and Senior Planner Steve Pash agreed to the width of the drainage easement along Tildenville School Road change from 30 feet to 20 feet.

Motion by Heather Gantt to recommend approval of the Preliminary Plat for 968 Lake Brim Drive with edits discussed and Staff Recommendations (Attached Exhibit "D"). Seconded by Eric Weiss, the motion carried unanimously 6 - 0.

SPECIAL EXCEPTION PERMIT (PUBLIC HEARING)

9. 218 W. Smith Street – Mike Bollhoefer / Roe Upper Cervical (SPECIAL EXCEPTION)

Senior Planner Steve Pash presented a request for a Special Exception Permit to allow a Professional Office in an R-NC Zoning District for the property located at 218 W. Smith Street. Applicant is requesting a special exception for a Chiropractor Office in an existing single family house. Staff recommends approval of the Special Exception with conditions outlined in Staff Report.

Motion by Gerald Jowers to recommend approval of the Special Exception Permit for 218 W. Smith Street with Staff Recommendations (Attached Exhibit "E"). Seconded by Mark Maciel, the motion carried unanimously 6 - 0.

10. 1450 Daniels Road – Applied Behavior Center for Autism (SPECIAL EXCEPTION)

Planner II Kelly Carson presented a request for a Special Exception Permit for the property located at 1450 Daniels Road which is the West Orange Church of Christ property as well as the main office for Mathews Hope. Applicant is requesting a special exception for a therapy center for children with autism and learning disabilities. Pending approval would cause three organizations to operate on the same site. After review of the site plan showing the planned future facilities of all the organizations Staff recommends approval of the Special Exception with conditions outlined in Staff Report.

Board Member Mac McKinney inquired how the City monitors temporary buildings.

Community Development Director Ed Williams stated the applicant must come back with renewal requests and the Building and Fire Departments perform safety checks. The extension request would be brought before the Planning & Zoning Board for approval.

Motion by Eric Weiss to recommend approval of the Special Exception Permit for 1450 Daniels Road with Staff Recommendations (Attached Exhibit "F"). Seconded by Mark Maciel, the motion carried unanimously 6 - 0.

VARIANCE (PUBLIC HEARING)

11. 319 Courtlea Oaks Blvd – Sheri Wallen (VARIANCE)

Senior Planner Steve Pash presented a request for Variances for the property located at 319 Courtlea Oaks Blvd. Applicant is requesting a variance of 2.9 foot to the side yard setback and a variance of 3.7 foot to the rear yard setback to construct an addition to the single family house. The addition would consist of a pool bathroom and a covered porch located 7.1 feet from the side property line in lieu of the 10 foot minimum required side yard setback and 23.3 feet from the rear property line in lieu of the 27 foot minimum required rear yard setback. Staff recommends approval of the Variances with conditions outlined in Staff Report and applicant must receive HOA approval prior to construction.

Motion by Gerald Jowers to recommend approval of the Variances for 319 Courtlea Oaks Blvd. with Staff Recommendations (Attached Exhibit "G"). Seconded by Heather Gantt, the motion carried unanimously 6 - 0.

12. 400 Mary Ellen Court – Peter Z. and Kimberly C. Fulmer (VARIANCE)

Planner II Kelly Carson presented a request for a Variance for the property located at 400 Mary Ellen Court. Applicant is requesting to construct an addition onto the rear of the existing single family house at a rear setback of 20 feet in lieu of the 28.4 foot minimum required rear yard setback for this lot. Staff recommends approval of the Variance.

Motion by Mark Maciel to recommend approval of the Variance to Section 118-308(1)(c) for 400 Mary Ellen Court with Staff Recommendations (Attached Exhibit "H"). Seconded by Eric Weiss, the motion carried unanimously 6 - 0.

13. 555 Bethune Avenue – Habitat for Humanity (VARIANCE)

Planner II Kelly Carson presented a request for a Variance for the property located at 555 Bethune Avenue. Applicant is requesting a variance to allow a new residential building

to be built at a 6 foot side yard setback from the north and a 7 foot side yard setback from the south in lieu of the 7.5 foot minimum required side yard setbacks in an R-4 Zoning District. Staff recommends approval of the Variance with conditions outlined in Staff Report.

Motion by Gerald Jowers to recommend approval of the Variance for 555 Bethune Avenue with Staff Recommendations (Attached Exhibit "I"). Seconded by Mac McKinney, the motion carried unanimously 6 - 0.

CITY OF WINTER GARDEN CODE UPDATES (PUBLIC HEARING)

14. Ordinance 14-29 – Amending Chapter 110

Senior Planner Steve Pash presented Ordinance 14-29 which amends Chapter 110, the subdivision section. The amendment clarifies definitions, requirements that utility easements be dedicated back to the City, provisions that prohibit the use of HOA funds for reimbursement and requires the Developer to finish sidewalks prior to turnover to the HOA. Staff recommends approval of Ordinance of 14-29.

“An Ordinance of the City Commission of the City of Winter Garden, Florida amending Sections 110-56, 110-152, 110-153, 110-154, 110-157 and 110-162 of Article III, Division 1, 4 and 5 of Chapter 110 of the Code of Ordinances of the City of Winter Garden concerning platting requirements; providing for utility easement dedications; amending definitions; clarifying the definition of community subdivision infrastructure and making other related revisions; providing for additional required and prohibited language for declarations.”

Motion by Mac McKinney to recommend approval of Ordinance 14-29 as recommended (Attached Exhibit "J"). Seconded by Gerald Jowers, the motion carried unanimously 6 - 0.

15. Ordinance 14-30 – Amending Chapter 102

Senior Planner Steve Pash presented Ordinance 14-30 which amends Chapter 102, the billboard section. Staff is working with Billboard companies and requests tabling the proposed amendment to Chapter 102 to a future date.

Motion by Eric Weiss to recommend tabling Ordinance 14-30. Seconded by Mark Maciel, the motion carried unanimously 6 - 0.

16. ADJOURNMENT

There being no further business, the meeting was adjourned at 7:14 pm.

ATTEST:

APPROVED:

Customer Service Rep. Kathy Rathel

Chairman Jimmy Dunn

EXHIBIT "A"
CITY OF WINTER GARDEN
PLANNING & ZONING DIVISION
300 West Plant Street - Winter Garden, Florida 34787-3011 • (407) 656-4111

STAFF REPORT

TO: PLANNING AND ZONING BOARD
PREPARED BY: STEVE PASH, SENIOR PLANNER
DATE: July 7, 2014
SUBJECT: ANNEXATION/FUTURE LAND USE MAP AMENDMENT
FISCHER SPEARS PROPERTY (38.655 +/- ACRES)
Parcel ID # 06-23-27-4288-08-350 – 17806 Marsh Road
APPLICANT: Fischer Everette H Family Limited Partnership 2/3 Int, Spears Charles E
Spears Ann 1/3 Int

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 south side of Marsh Road at the western boundary of Orange County and is approximately 38.655 +/- 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 —BI 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 mainly planted pines and has been used for agricultural uses.

ADJACENT LAND USE AND ZONING

To the north of the property are two properties that are developed as single family homes, one of

which was recently annexed into the City and another property that is planted pines. To the south is a property with an orange grove (being annexed into the City of Winter Garden) and a lot with a single family home in unincorporated Orange County with A-1 zoning. To the east are two lots with single family homes, zoned A-1, and located in unincorporated Orange County. To the west of the property is an orange grove, located in Lake County.

PROPOSED USE

There is no current proposal to develop the property and the agricultural use will remain. 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 in several locations along Marsh Road, and any future connections will be analyzed when they submit for the UVPUD.

The City will provide potable water, reclaimed water, and sewer service to the property. When the property is developed, the owners will be required to install these facilities to the property.

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.

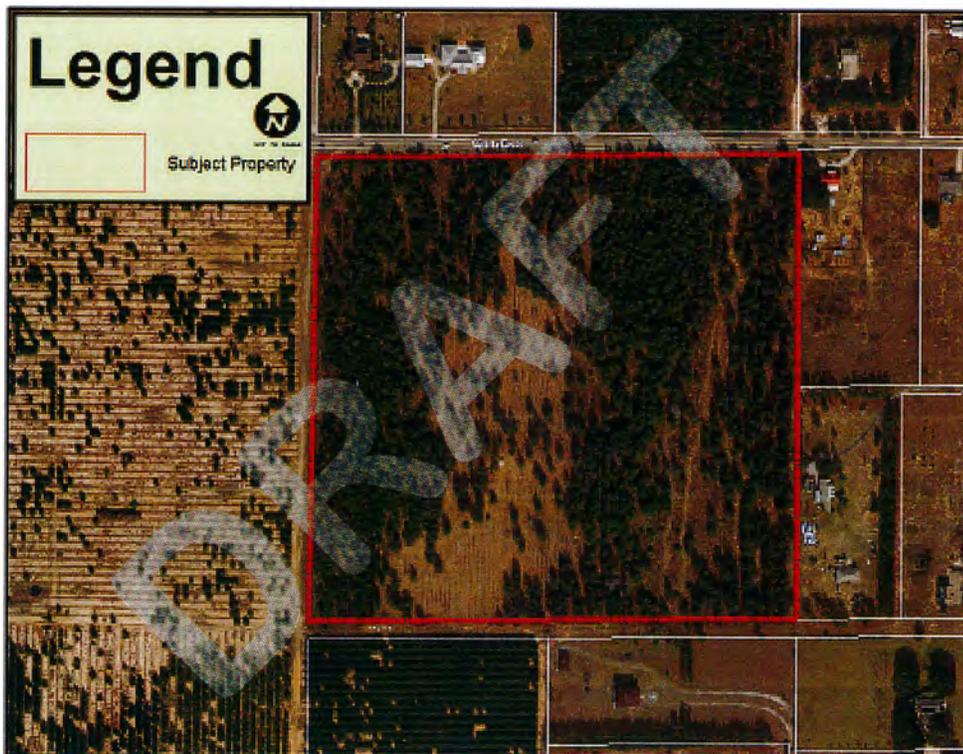
SUMMARY

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

MAPS

AERIAL PHOTO

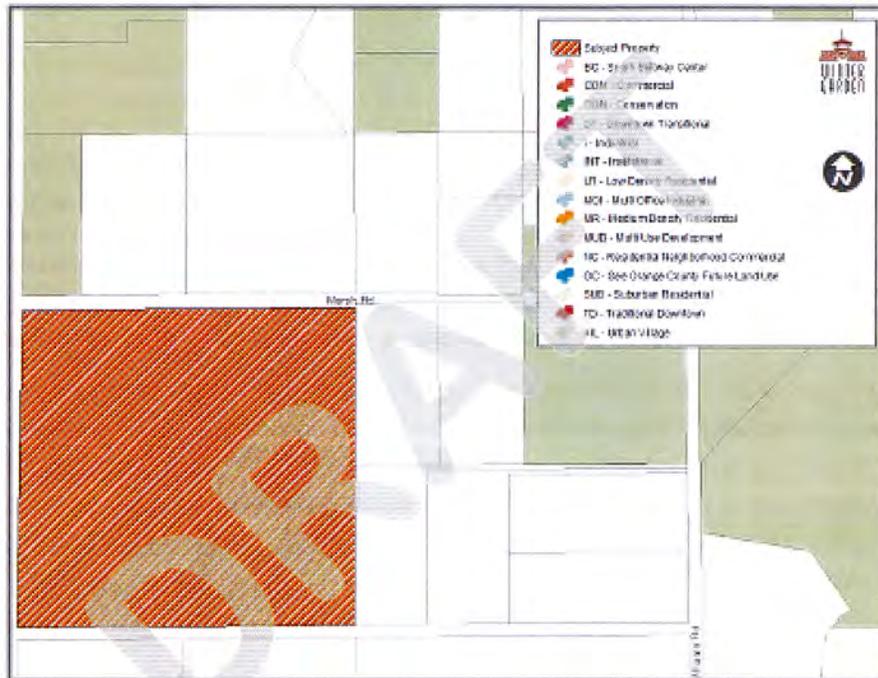
17806 Marsh Road



**WINTER GARDEN
FUTURE LAND USE MAP**

EXISTING

17806 Marsh Road



**ORANGE COUNTY
 FUTURE LAND USE MAP**

EXISTING

16846, 17000, & 17166 Marsh Road

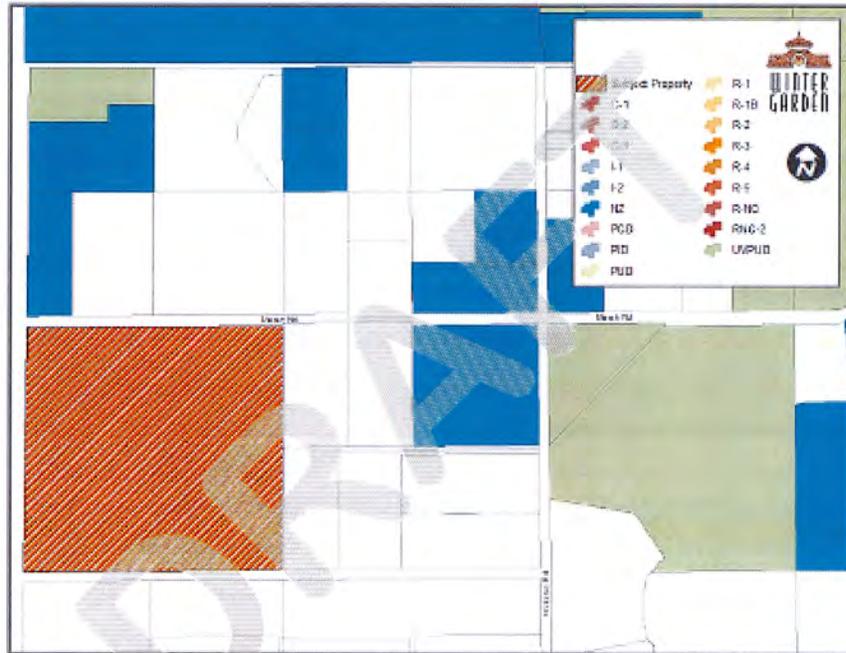


WINTER GARDEN

**WINTER GARDEN
ZONING MAP**

CURRENT

17806 Marsh Road



END OF STAFF REPORT

EXHIBIT "B"

CITY OF WINTER GARDEN PLANNING & ZONING DIVISION

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

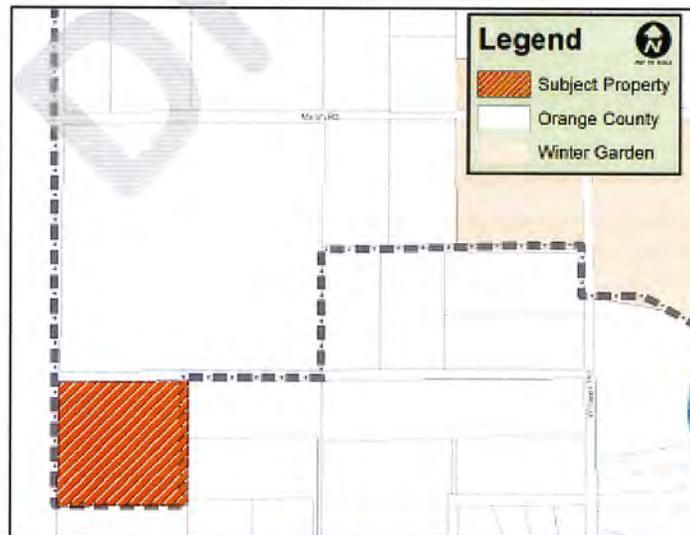
STAFF REPORT

TO: PLANNING AND ZONING BOARD
PREPARED BY: STEVE PASH, SENIOR PLANNER
DATE: JULY 7, 2014
SUBJECT: ANNEXATION/FUTURE LAND USE MAP AMENDMENT
MCKINNON GROVES – SEIDNER ROAD (9.527 +/- ACRES)
Parcel ID # 06-23-27-4288-08-600 – Seidner Road
APPLICANT: MCKINNON GROVES, LLLP

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 south side of Seidner Road at the western boundary of Orange County and is approximately 9.527 +/- 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 —BI 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 agricultural land that is planted with citrus trees.

ADJACENT LAND USE AND ZONING

To the north of the property is a property that contains planted pines, is being annexed into the City, and is proposed to have Urban Village Future Land Use. To the south is agricultural 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 agricultural land located in Lake County.

PROPOSED USE

The owners plan to continue using the property as a citrus farm. 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 existing property access is along Seidner, 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.

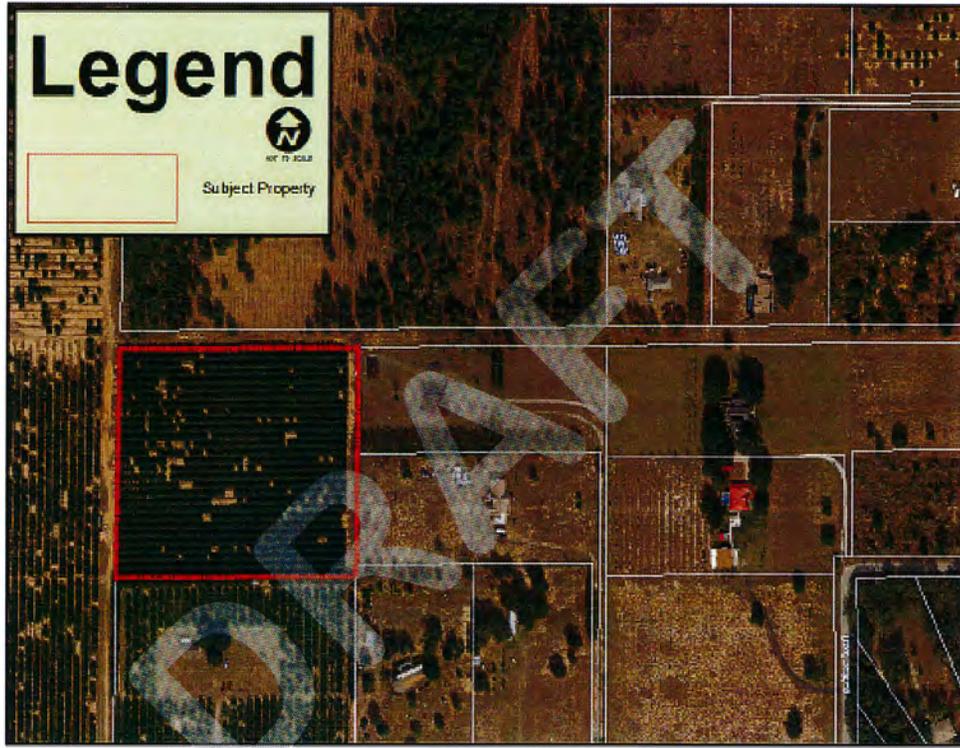
SUMMARY

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

MAPS

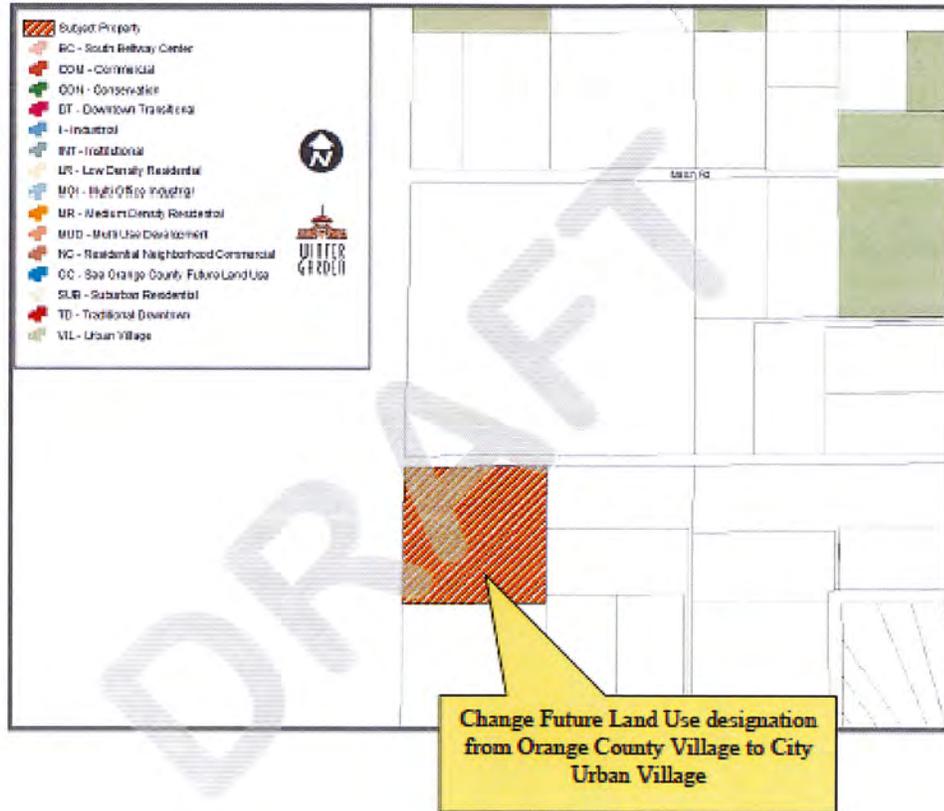
AERIAL PHOTO

Seidner Road



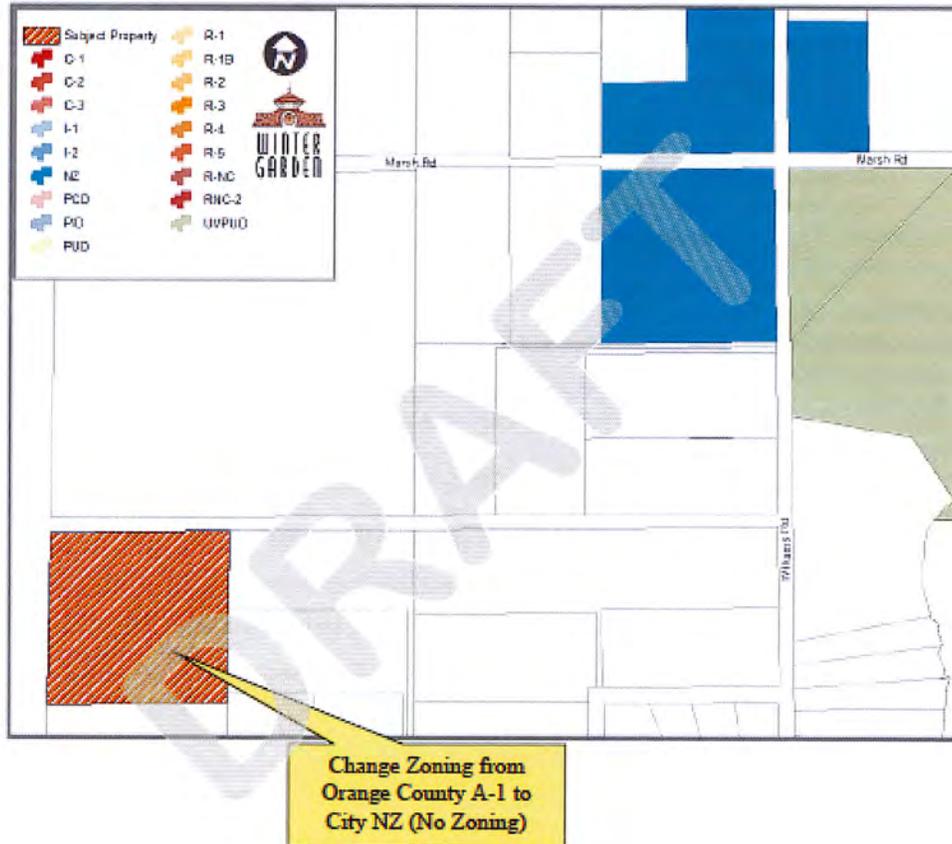
WINTER GARDEN FUTURE LAND USE MAP

Seidner Road



**WINTER GARDEN
ZONING MAP**

Seidner Road



END OF STAFF REPORT

EXHIBIT "C"

CITY OF WINTER GARDEN PLANNING & ZONING DIVISION

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

STAFF REPORT

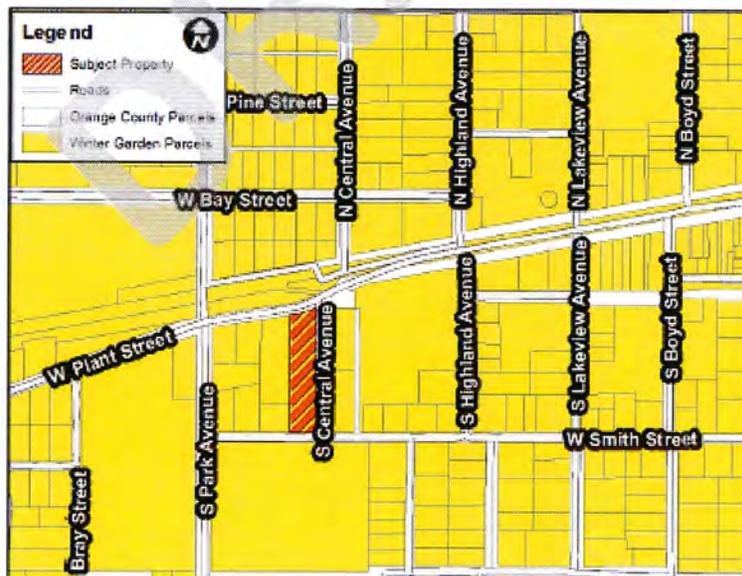
TO: PLANNING AND ZONING BOARD
PREPARED BY: LAURA SMITH, SENIOR PLANNER
DATE: JUNE 30, 2014
SUBJECT: REZONING
426 W. Plant Street (PLANT STREET MARKET)
PARCEL ID # 23-22-27-2888-05-021

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, generally located at the southwest corner of the intersection of South Central Avenue and W. Plant Street at 426 W. Plant Street, is approximately .92± acres. The map below depicts the location of the subject property within the City of Winter Garden municipal limits:



The City, acting as applicant, is requesting to rezone .92± 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-NC (Residential Neighborhood Commercial District) to C-1 (Central Commercial District).

EXISTING USE

The subject property contains 3 structures built in 1973 which have previously been used for apartments, but have been vacant for approximately six months. The buildings are all two stories and have a combine total square footage of 18,530 square feet.

ADJACENT LAND USE AND ZONING

The properties located to the north of the subject property are single family residences zoned R-2 in the City of Winter Garden. The properties located to the east and west of the subject property include a commercial office zoned R-NC and a single-family residence zoned R-NC. The property located to the south of the subject property is a city park zoned R-NC.

PROPOSED USE

The City has coordinated with the property owner to obtain approval from the Architectural Review and Historic Preservation Board to demolish the buildings and build a new 11,500 SF building with high ceilings to incorporate an artisan market facing Plant Street, a microbrewery located in the back of the building along Smith Street, and a tap room located in the middle of the building. There will be several outdoor patio areas. One of which will be situated directly on Plant Street to encourage pedestrian and bicycle activity. There will also be outdoor patio areas along the east side of the building taking advantage of the large oak trees that are located along Central Avenue.

SUMMARY

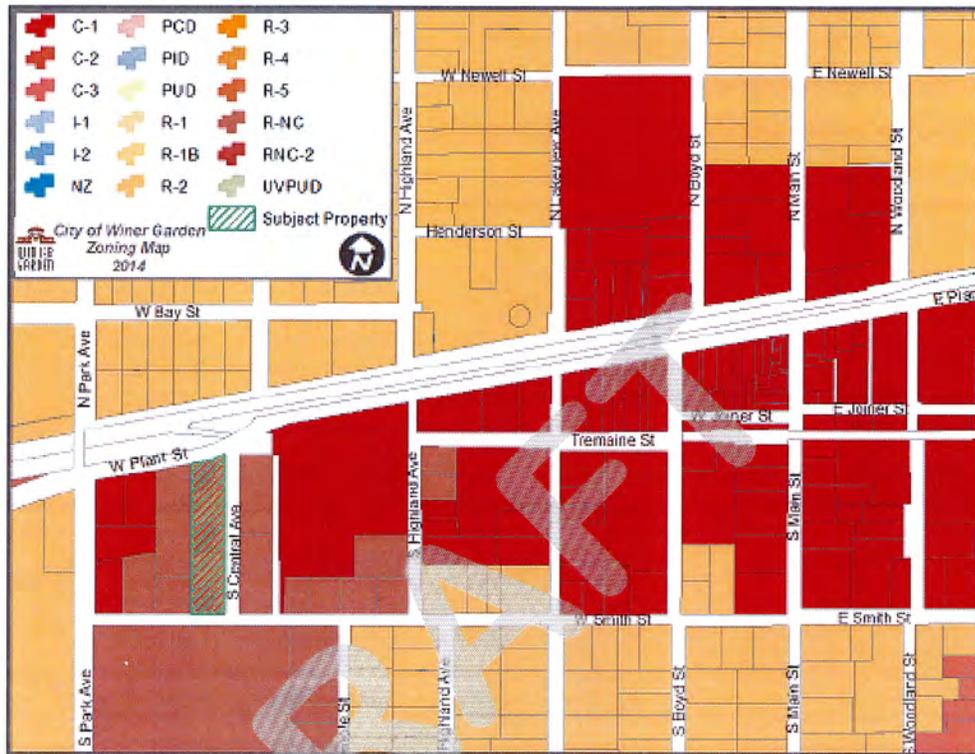
Staff recommends approval of the proposed Ordinance. Rezoning the subject property from R-NC to C-1 is consistent with the City's Comprehensive Plan and surrounding property uses.

MAPS

AERIAL PHOTO
426 W. Plant Street



ZONING MAP
426 W. Plant Street



FUTURE LAND USE MAP
426 W. Plant Street



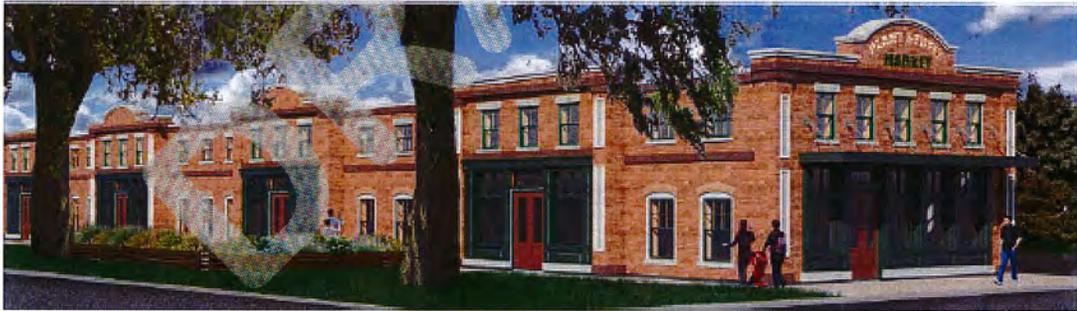
ARHP BOARD APPROVED SITE LAYOUT
426 W. Plant Street



ARHP BOARD APPROVED EXTERIOR ALTERATION
426 W. Plant Street

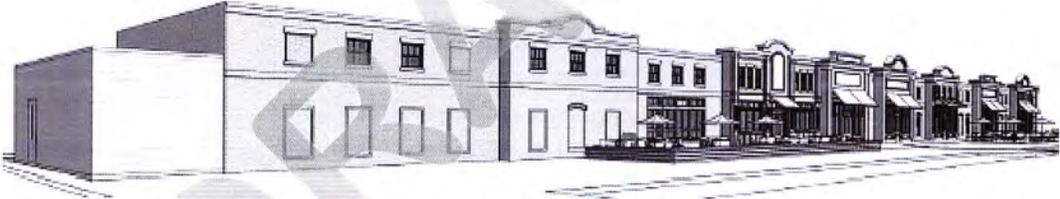


PLANT STREET PERSPECTIVE





CROOKED CAN BREWERY PERSPECTIVE



SOUTH CENTRAL PERSPECTIVE

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

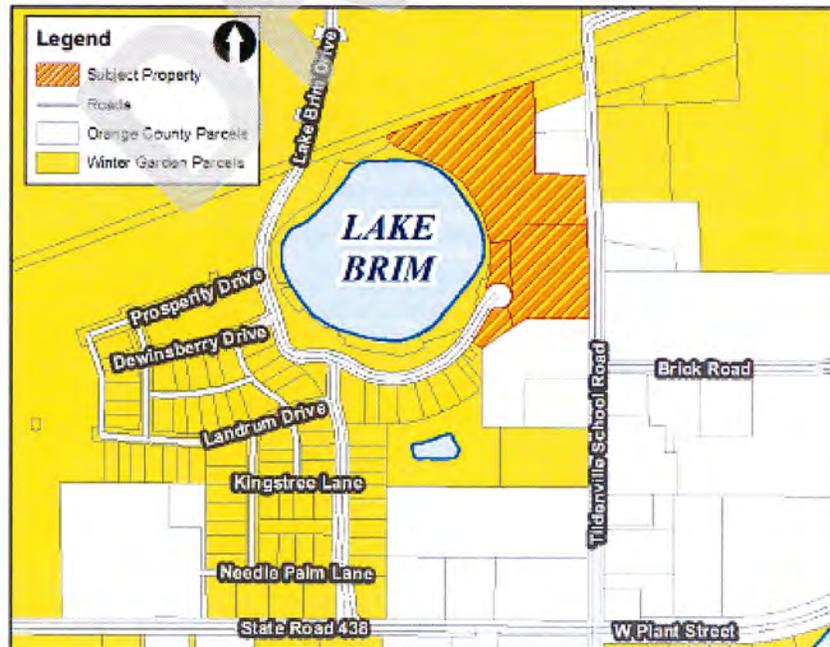
TO: PLANNING AND ZONING COMMITTEE
PREPARED BY: LAURA SMITH, SENIOR PLANNER
DATE: JUNE 30, 2014
SUBJECT: PRELIMINARY PLAT
OAKLAND PARK PHASE 3
968 LAKE BRIM DRIVE (7.83 +/- ACRES)
PARCEL ID # 21-22-27-6091-06-002; 21-22-27-6091-06-003;
21-22-27-6091-06-004; 21-22-27-6091-06-005

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 is located at 968 Lake Brim Drive and is approximately 7.83± acres. The map below depicts the location of the subject property within the City of Winter Garden municipal limits.



EXISTING USE

The subject property is primarily vacant unimproved land; however there is one existing structure located on the portion of the property addressed at 940 Tildenville School Road.

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 7.83± acre Phase 3 of the Oakland Park PUD to create 23 lots. Lot sizes are as follows:

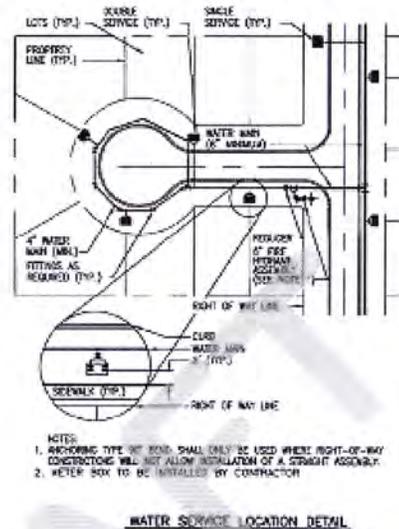
LOT TYPE	TYPICAL WIDTH	QUANTITY
Existing Estate	140'	1
Estate	70'	7
Village	50'	7
Bungalow	40'	8

SUMMARY

City Staff recommends conditional approval of the Preliminary Plat subject to the following condition(s):

- No permits for new homes will be issued in phase 2 or future phases until all curbing, road, sidewalk and other infrastructure repairs have been made throughout the subdivision.
- All homes constructed in the Oakland Park Subdivision from this date (July 1, 2014) forward will require installation of gutters and underdrains. Variance from this condition may be considered on a lot by lot basis.
- Due to drainage concerns that have arisen during construction of subdivision, swimming pools will not be guaranteed on any lots from this date (July 1, 2014) forward. All permit applications for swimming pools will be reviewed on an individual case by case basis, and may require smaller homes or additional drainage solutions in order to secure approval.
- Granny Flats: Additional water & sewer impact fees may be required for lots proposed to support Granny Flats.

- The water main shall be looped around the Tract 3 island per the detail below; no dead-ends with blowoff.



- **Typical Section: Right-of-way width shall be a minimum of 50 feet and will allow the 20' width due to it being private and to save existing trees – show transition from 24' existing pavement to 20' width. 18" of clean fill with no more than 5% passing a #200 sieve required under the subbase; 98% density required on all compaction; 10" soil cement base; 2" minimum asphalt thickness; 5' wide concrete sidewalks required on both sides of street. Show 10' wide drainage and utility easement required outside of 50' private roadway tract. All construction shall meet City of Winter Garden requirements for drainage, roadways and utilities.**
- **No street parking will be allowed due to the narrow pavement; final plans shall indicate "no parking" signage.**
- **The proposed drainage easement adjacent to Lot 17 shall be a tract, maintained by the HOA as shown.**
- **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.**
- **Minimum width for drainage and utility easements between lots shall be 30 ft. Narrower easement widths (20 ft minimum) will be allowed for shallow drainage pipes, 12" diameter or less. Additional drainage and utility easements will be required adjacent to proposed rights of way for telephone, electrical power, gas, and cable tv facilities (10 ft minimum width pursuant to code).**
- **Streetlighting shall be pursuant to City Code, meeting dark skies requirements (Code Section 118-1536(k)). Submit streetlighting plan from Duke Energy prior to preconstruction meeting, including streetlighting agreement required by Code.**

- All irrigation on the site shall be designed to be supplied by reclaimed water.
- Permits from SJRWMD and FDEP (water, wastewater and NPDES) are required prior to issuance of site or building permits.
- A Tree Removal Permit issued by the City of Winter Garden Building Department will be required prior to final plan approval. As required by Code, submittal of the Tree Removal Permit application is required with this preliminary plat submittal; tree protection and removal plan is acknowledged. Coordinate with Building Department (Steve Pash).
- Provide geotechnical report with final construction plans.
- 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.
- 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.
- The Contractor is responsible for the notification, location and protection of all utilities that may exist within the project limits.
- 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.
- 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.

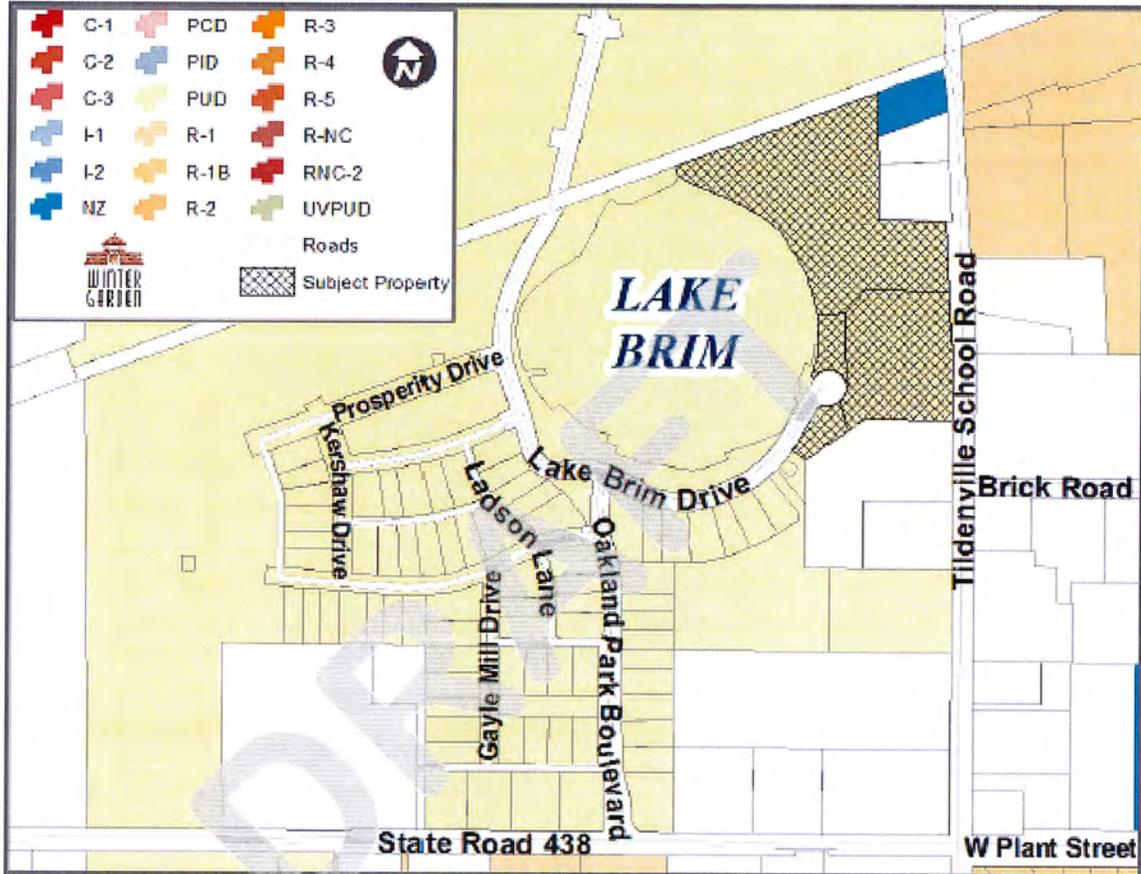
Conditional approval of the Preliminary Plat will allow the owner to proceed with development plans as well as the final plat.

MAPS

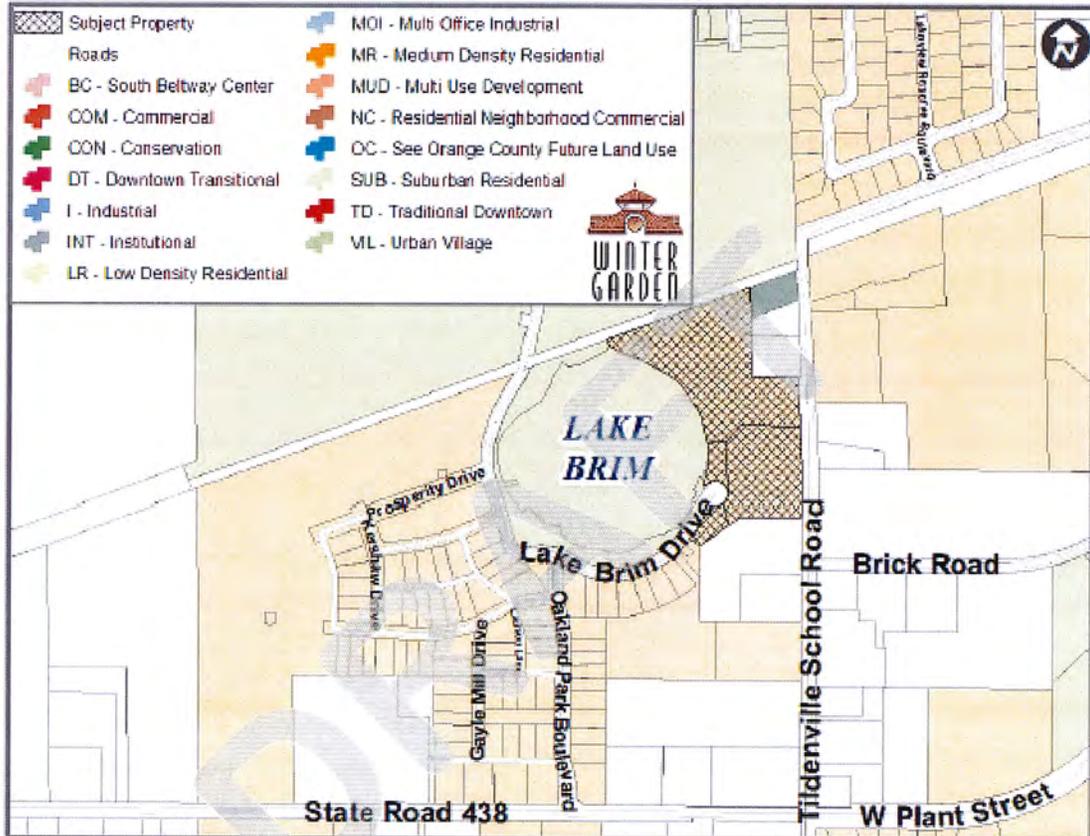
AERIAL PHOTO
OAKLAND PARK PHASE 3



**ZONING MAP
 OAKLAND PARK PHASE 3**



**FUTURE LAND USE MAP
 OAKLAND PARK PHASE 3**



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

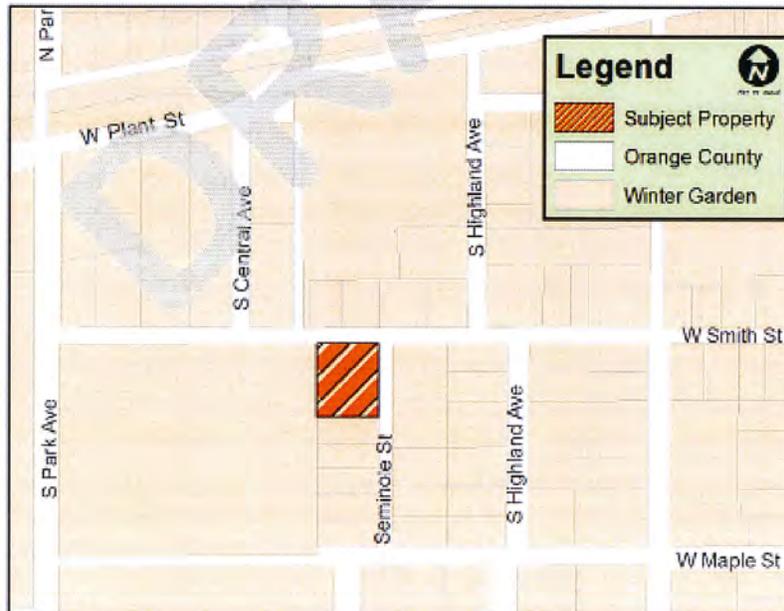
TO: PLANNING AND ZONING BOARD
PREPARED BY: STEVE PASH, SENIOR PLANNER
DATE: JULY 7, 2014
SUBJECT: SPECIAL EXCEPTION PERMIT
218 W. Smith Street (Roe Upper Cervical Office)
PARCEL ID # 23-22-27-2888-12-021

APPLICANT: Mike Boellhoefer/Roe Upper Cervical, Inc.

INTRODUCTION

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

The subject property is located at 218 West Smith Street. The map below depicts the location of the subject property within the City of Winter Garden municipal limits:



The applicant is requesting a Special Exception Permit to allow a professional office in an R-NC Zoning District. The subject property is located within the City of Winter Garden municipal limits, and carries the zoning designation R-NC and is designated Residential Neighborhood Commercial on the Future Land Use Map of the Comprehensive Plan.

EXISTING/PROPOSED USE

The property contains a 1,560 square foot building that is currently used as a single-family residence on a +/- 0.49 acre property.

The applicant is proposing to purchase the home and renovate the building to operate a chiroprators office. The site contains sufficient area to accommodate the office, parking, and landscaping to meet code requirements.

ADJACENT LAND USE AND ZONING

The properties located to the north are single-family houses, zoned R-NC, and in the City of Winter Garden. The properties to the east are developed with a single-family house, zoned R-2, and in the City of Winter Garden. The property to the south is a single-family house, zoned R-NC, and in the City. The property to the west is developed with a City park, zoned R-NC, and in the City.

SUMMARY

City Staff recommends approval of the proposed special exception permit to operate a professional office in an R-NC Zoning District at 218 West Smith Street with the following conditions:

1. A Minor Site Plan Review is required to install the required parking, landscaping, and possible water retention. The applicant shall submit for the Site Plan Review.
2. Any renovations to the building will require permits. Plans must be submitted to show all interior/exterior renovations to the building.

AERIAL PHOTO
218 West Smith Street

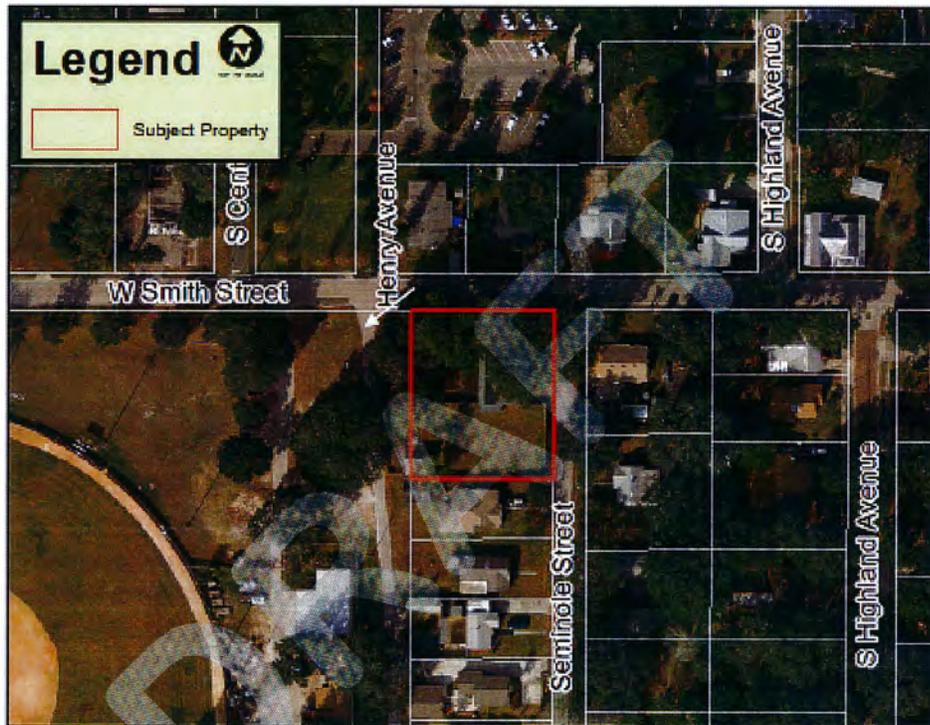


EXHIBIT “F”

CITY OF WINTER GARDEN PLANNING & ZONING DIVISION

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

STAFF REPORT

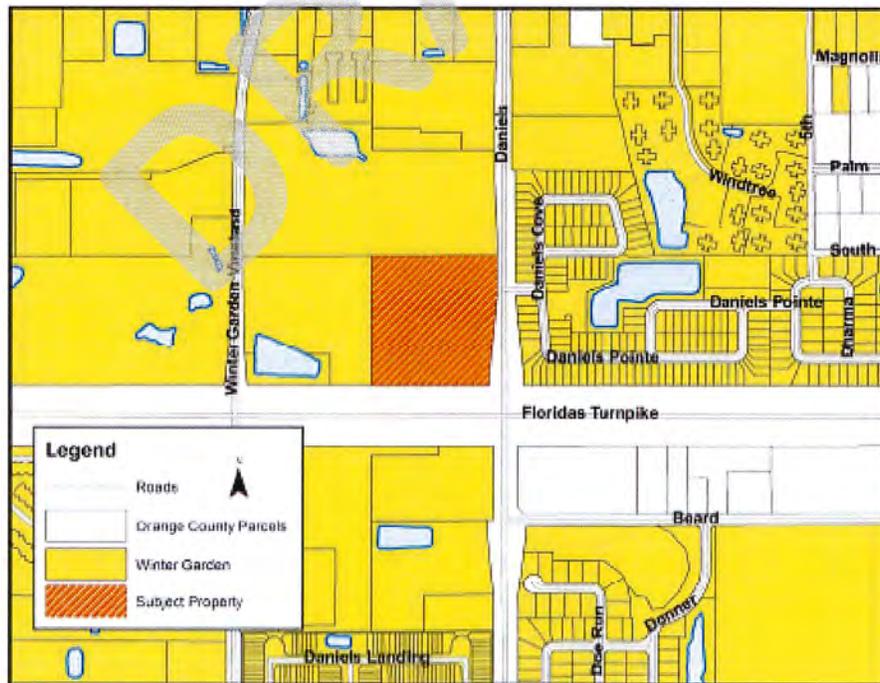
TO: PLANNING AND ZONING BOARD
PREPARED BY: KELLY CARSON, PLANNER II
DATE: JULY 2, 2014
SUBJECT: SPECIAL EXCEPTION PERMIT
1450 Daniels Road (Children’s autism therapy center)
PARCEL ID # 26-22-27-0000-00-014

APPLICANT: Applied Behavior Center for Autism, Inc. // Hyndi Khomutetsky

INTRODUCTION

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

The subject property is located at 1450 Daniels Road. The map below depicts the location of the subject property within the City of Winter Garden municipal limits:



The request is for a Special Exception Permit to allow a therapy center for children with autism and learning disabilities. The subject property is located within the City of Winter Garden municipal limits, carries the zoning designation R-2, and is designated Low Density Residential on the Future Land Use Map of the Comprehensive Plan.

EXISTING/PROPOSED USE

The property currently contains two large structures: one approx. 13,500 sf building built in 1969 used as office/classroom space and one approx. 33,300 sf building constructed in 1998 used for church services and administration. Both of these buildings are owned and operated by the Church of Christ of West Orange. Also located on site is a modular office building operated by the Matthew's Hope organization. The majority of the site is currently being used to support religious services, administration, classes, events, and other church-related functions. Matthew's Hope currently uses the modular building for office/administrative uses and maintains a community garden on the Church's adjacent property to support their homeless outreach programs.

The applicant proposes to utilize approximately 2,000 square feet of space within the existing 13,500 sf building to provide applied behavior analysis therapy to children with autism and related disabilities. The center will operate during weekdays from approximately 9:00am to 5:00pm. The applicant anticipates there will be approximately 10 therapists on staff to provide therapy to 20-30 children. The proposal includes the demolition and relocation of an existing playground and the construction of 46 additional paved parking spaces to support this operation.

ADJACENT LAND USE AND ZONING

The property located to the west is, like the subject property, owned by the Church of Christ. It's zoned R-2 and is within the City of Winter Garden Municipal Limits. It contains a road connecting an internal church drive to Winter Garden Vineland Road. This property also has a small area of land used as a community garden by the Matthew's Hope organization.

The property located to the north of the subject property is also being used by a religious organization: the Resurrection Catholic Church. It contains three church facility buildings and one warehouse/storage building. This property is zoned C-2 and is within the City of Winter Garden Municipal Limits.

The property located to the east of the subject property is the Daniels Crossing Subdivision, which contains single-family houses. This property is zoned PUD and is within the City of Winter Garden Municipal Limits.

One of the properties located to the south of the subject property, across the Florida Turnpike, is owned and operated by the City of Winter Garden and contains a water processing facility. This property is zoned R-1 and is within the City of Winter Garden Municipal limits. Also located to the south of the subject property is a small segment of a larger commercial property, containing the Winter Garden Professional Center. This property has been developed to support a mix of uses (United Cerebral Palsy School, various office & retail businesses, etc.). It's zoned PCD and is within the City of Winter Garden Municipal Limits.

SUMMARY

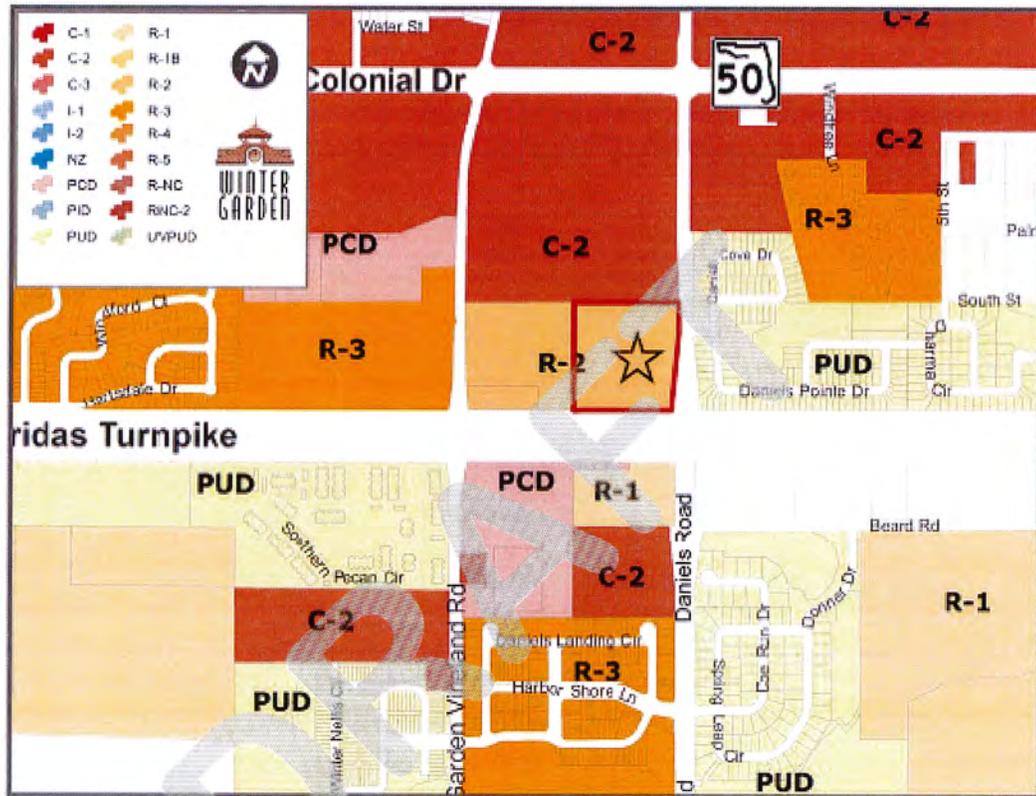
City Staff recommends approval of the proposed special exception permit to allow a therapy center for children with autism and learning disabilities at 1450 Daniels Road with the following conditions:

1. As shown on the proposed site plan, the owner shall immediately install 46 new paved parking spaces and planting islands as required per code to accommodate the parking needs of the three organizations operating on the site (Church of Christ of West Orange, Matthew's Hope, and the Applied Behavior Center for Autism). Approval of this parking area is based on the applicant's description of staff levels for all three organizations and anticipated number of children who will be attending therapy classes: approximately 20 employees and 20-30 children every weekday. If the number of employees, students, and/or daily visitors increases significantly, additional parking may be required.
2. The new temporary classroom buildings proposed by the Matthew's Hope's organization are permitted to be located in the area shown on the site plan for a maximum of two years. After the two year temporary period, these buildings must be removed and the site restored to its original condition. If Matthew's Hope wishes to continue operations on this site after the two year period, they must apply for site plan approval to construct a permanent building.
3. The existing playground located adjacent to Daniels Road shall be removed from its current location and relocated to the area west of the building as shown on the proposed site plan.
4. Chain link fencing for the playground area is not permitted. Another fence type, such as an aluminum or PVC fence, may be used instead of chain link.
5. All necessary permits must be obtained prior to beginning any construction on or alterations to the site.
6. The existing drainage patterns are to be maintained. All drainage to accommodate the proposed paving, structures, and other new impervious surfaces shall be installed to function correctly and any damage to existing drainage shall be repaired and maintained by the property owner.
7. Any new signage must comply with the requirements of the Winter Garden Code of Ordinances Chapter 102 - SIGNS.

Aerial Map
1450 Daniels Road



Zoning Map
1450 Daniels Road



Future Land Use Map
1450 Daniels Road

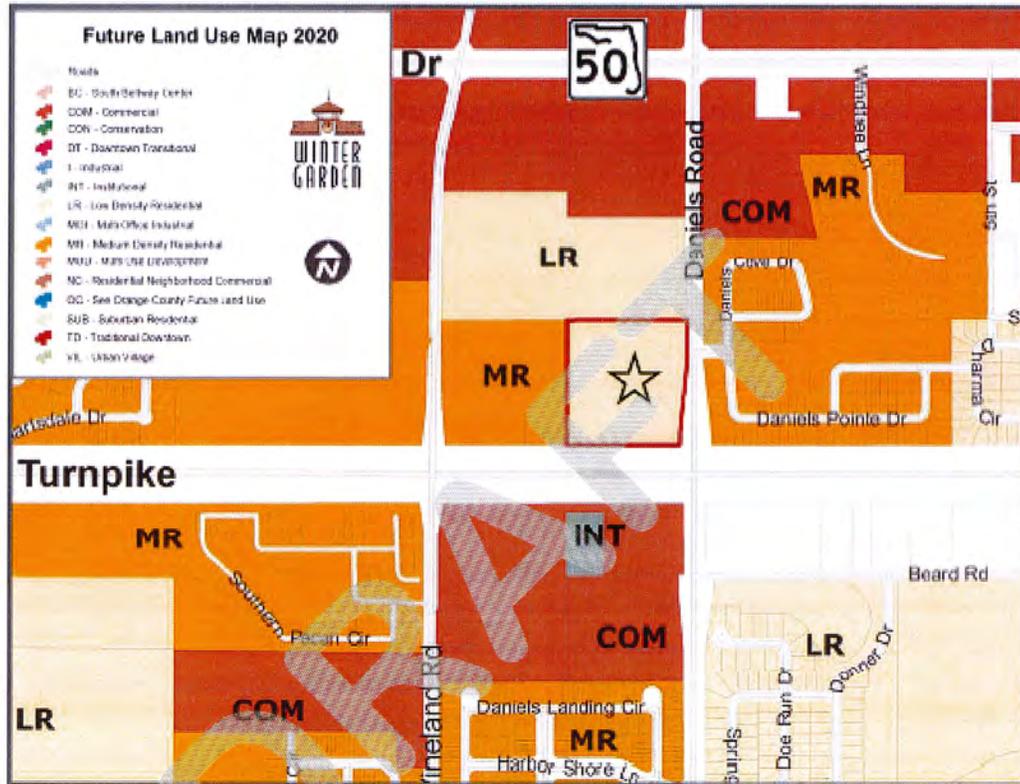


EXHIBIT "G"

CITY OF WINTER GARDEN PLANNING & ZONING DIVISION

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

STAFF REPORT

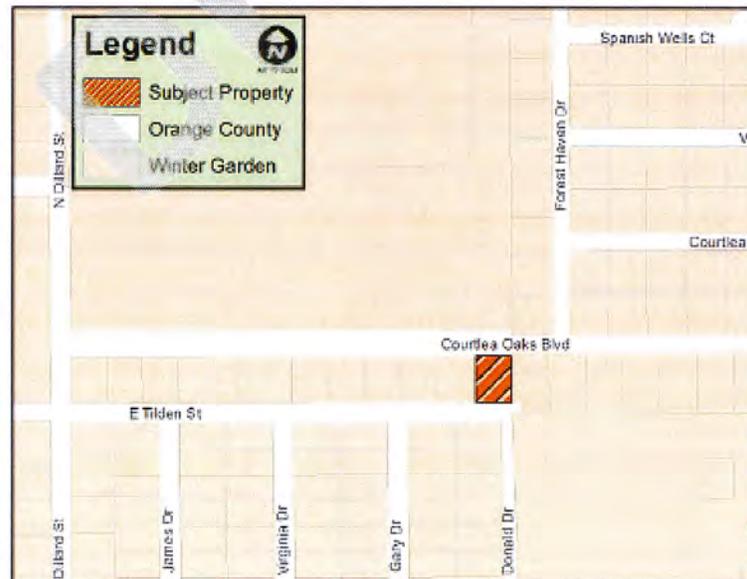
TO: PLANNING AND ZONING BOARD
PREPARED BY: STEVE PASH, SENIOR PLANNER
DATE: JULY 7, 2014
SUBJECT: VARIANCE
319 Courtlea Oaks Blvd (0.33+/- ACRES)
PARCEL ID # 14-22-27-1942-00-080

APPLICANT: Ken Sumal Construction, LLC / Sheri Wallen

INTRODUCTION

The purpose of this report is to evaluate the request of a 2.9 foot side yard setback variance and a 3.7 foot rear yard setback variance to allow construction of an addition to the house which consists of a pool bathroom and a covered porch located 7.1 feet from the side property line and 23.3 feet from the rear property.

The subject property, located at 319 Courtlea Oaks Blvd is approximately a 0.33 ± acre lot located on the south side of Courtlea Oaks Blvd west of Forest Haven Drive. The map below depicts the location of the subject property within the City of Winter Garden municipal limits:



The applicant is requesting a variance to Section 118-308(1)b. and Section 118-308(1)c. to allow a pool bathroom and covered porch addition to be built at a 7.1 foot side yard setback in lieu of the minimum required 10 foot side yard setback and at a 23.3 foot rear yard setback in lieu of the minimum required 27 foot rear yard setback. The subject property carries the zoning designation R-1 (Residential District) and is designated LR (Low Density Residential) on the Future Land Use Map of the City's Comprehensive Plan.

EXISTING USE

The subject property presently consists of a 2,780 square foot single family home.

ADJACENT LAND USE AND ZONING

The properties to the north of the subject site are developed with single-family homes and Dillard Street Elementary School with R-1 zoning designation. The properties to the south of the subject site are developed with single-family homes with R-2 zoning designation and a citrus grove with R-1 zoning designation. The properties to the east and west are developed with single-family homes with R-1 zoning designation.

PROPOSED USE

The applicant is requesting a variance to the side yard setback and the rear yard setback to allow construction of a new pool bathroom and covered porch.

CODE REFERENCE

Sec. 118-308 (1)b. of the City Code of Ordinances addresses setbacks for the R-1 zoning district and states that the side yard setback is 10 feet.

Sec. 118-308 (1)c. of the City Code of Ordinances addresses setbacks for the R-1 zoning district and states that the rear yard setback is 20% of the lot depth (27 feet).

The applicant is seeking a variance to the minimum required side yard setback of 10 feet to allow an addition to the home to be located 7.1 feet from the side property. The applicant is also seeking a variance to the minimum required rear yard setback of 27 feet to allow the addition to be located at a 23.3 foot rear yard setback.

CODE REQUIREMENTS /CRITERIA

Code Requirements/Criteria:

Section 118-131 of the City Code 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;

Construction of the proposed structure 7.1 feet from the side property line should not negatively impact or interfere with the reasonable enjoyment of adjacent or nearby property owners as the addition is in line with a portion of the existing structure. Construction of the addition 23.3 feet from the rear property line should not negatively impact or interfere with the reasonable enjoyment of adjacent or nearby property owners as there is a street along the rear property line. 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 7.1 foot side yard setback in lieu of the required 10 foot setback and the variance allowing a 23.3 foot rear yard setback in lieu of the required 27 foot setback is reasonable use of the property. The property to the west has an approved variance to have an accessory structure that exceeds 400 square feet at a 7 foot rear yard setback and this setback is not out of character with other accessory structures in the neighborhood.

(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 exceed the maximum impervious surface ratio for R-1 residential zoning.

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

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

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

The variances requested are the minimum variances that will make reasonable use of the land. Denying this variances does not benefit the property owner or the City.

SUMMARY

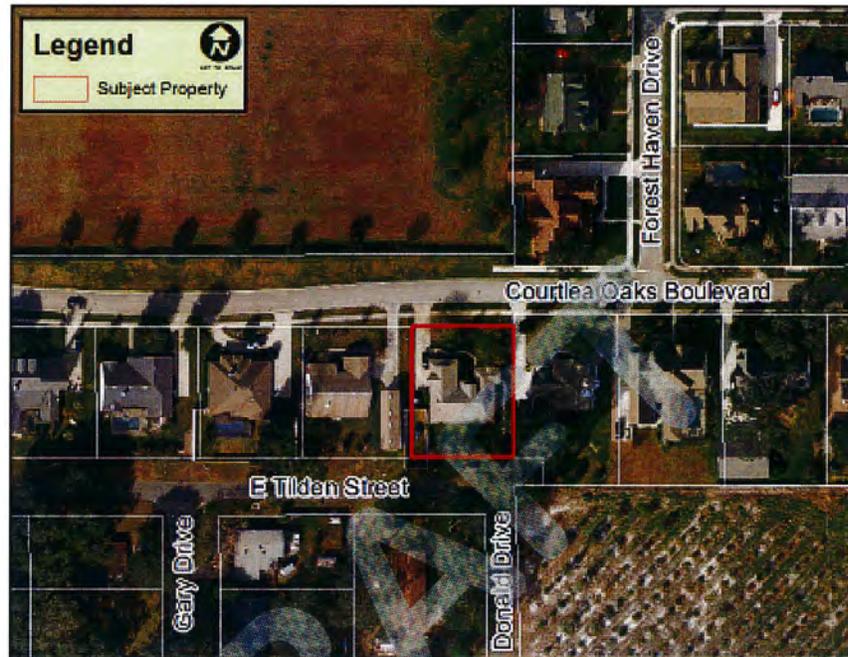
Staff recommends approval of the variance to Section 118-308 (1) b. to allow an addition to be built at a 7.1 foot side yard setback in lieu of the minimum required 10 foot side yard setback.

Staff also recommends approval of the variance to Section 118-308 (1) c. to allow the addition to be built at a 23.3 foot rear yard setback in lieu of the minimum required 27 foot rear yard setback.

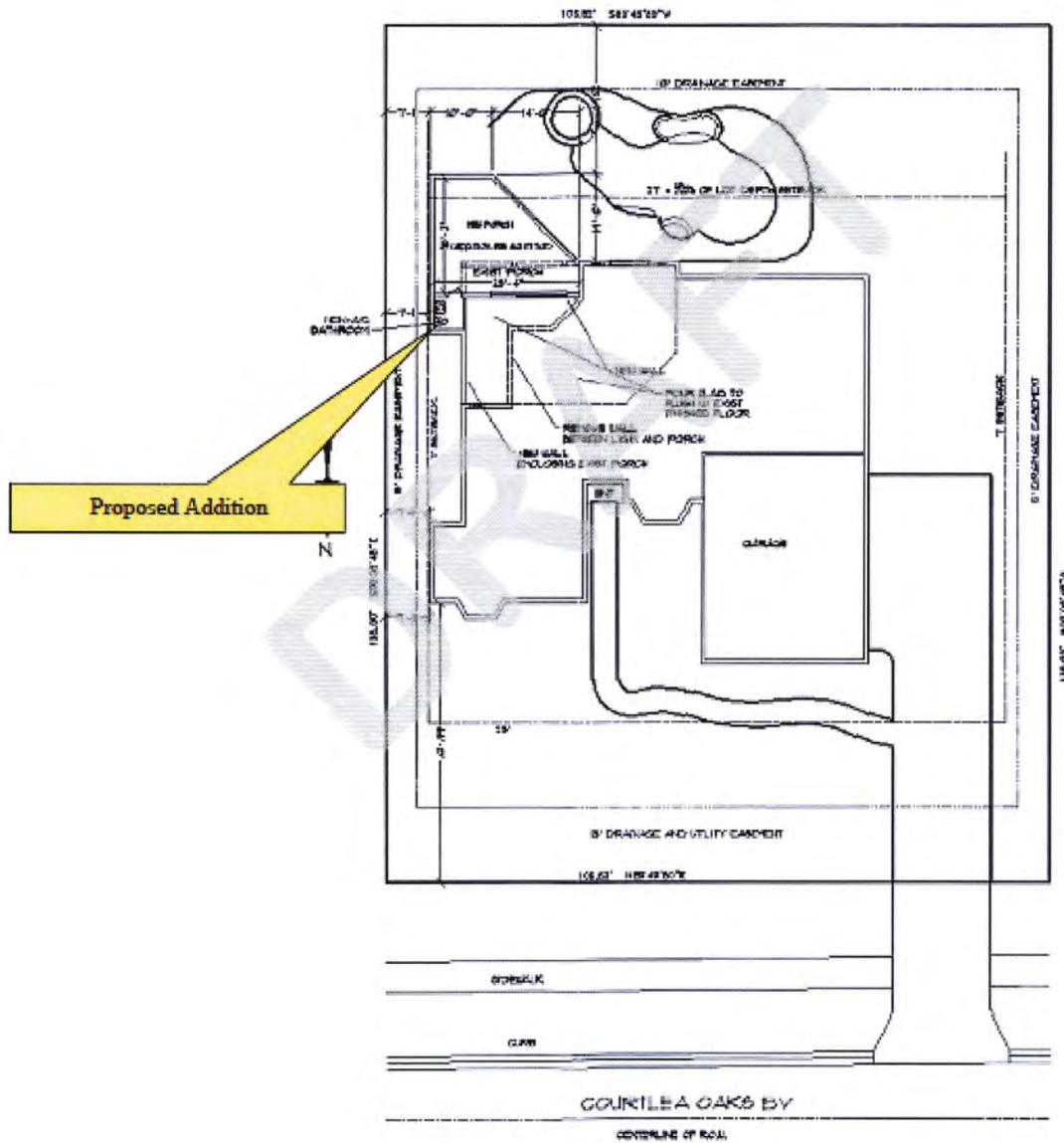
ATTACHMENTS

- Aerial Photos
- Site Photos

AERIAL PHOTO
319 Courtlea Oaks Boulevard



SITE PLAN
208 Trail Bridge Court



SITE PHOTOS
319 Courtlea Oaks Blvd

View of proposed location of addition (looking east)



View of proposed location of addition (looking west)



Site Photos
319 Courtlea Oaks Blvd

View showing existing side setback (addition in line)



View looking southeast



Site Photos
319 Courlea Oaks Blvd

View looking southwest



END OF STAFF REPORT

EXHIBIT "H"

CITY OF WINTER GARDEN PLANNING & ZONING DIVISION

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

STAFF REPORT

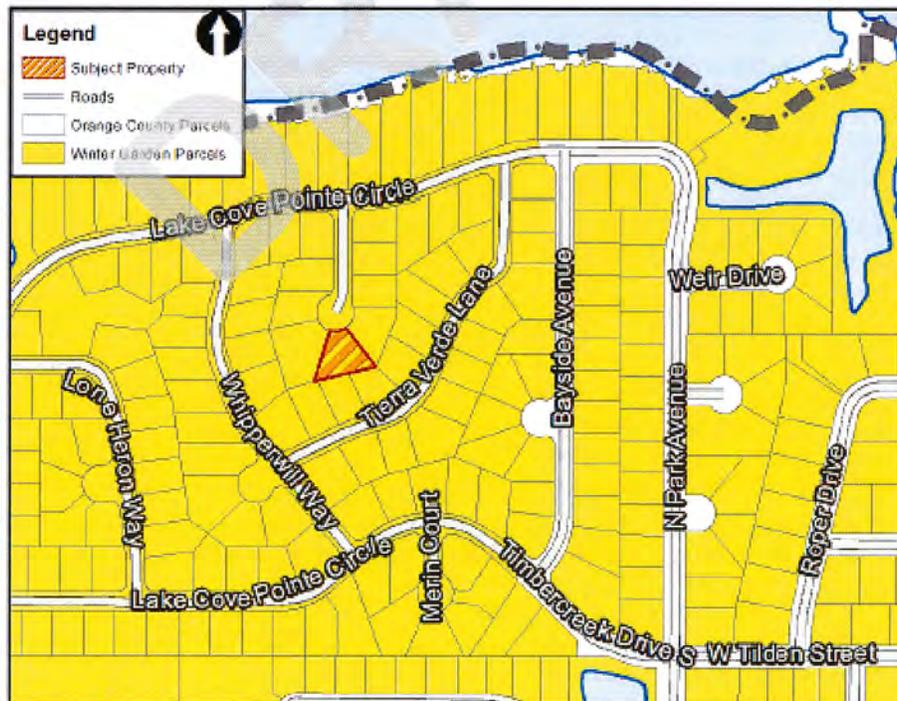
TO: PLANNING AND ZONING BOARD
PREPARED BY: LAURA SMITH, SENIOR PLANNER
DATE: JUNE 30, 2014
SUBJECT: VARIANCE
400 MARY ELLEN COURT (0.30+/- ACRES)
PARCEL ID # 15-22-27-4429-00-440

APPLICANT:

INTRODUCTION

The purpose of this report is to evaluate the request for a reduced rear yard setback from the minimum required 28.4 feet to 20 feet.

The subject property, located at 400 Mary Ellen Court is approximately a 0.30± acre lot. The map below depicts the location of the subject property within the City of Winter Garden municipal limits:



The applicant is requesting a variance to Section 118-308(1)(c) to allow an addition to be constructed onto the rear of the home located at 400 Mary Ellen Court at a rear setback of 20 feet in lieu of the minimum required 28.4 feet. The subject property carries the zoning designation R-1 (Residential District) and is designated LR (Low Density Residential) on the Future Land Use Map of the City's Comprehensive Plan.

EXISTING USE

The subject property presently contains a 4,311 square foot single family home.

ADJACENT LAND USE AND ZONING

The adjacent properties contain single family residential homes zoned R-1 in the Low-Density Residential Future Land Use Category.

PROPOSED USE

The applicant is requesting a variance to the rear yard setback to allow construction of an addition onto the rear of the existing single family residence. The Lake Cove Point Home Owner's Association has approved the proposed addition.

CODE REFERENCE

Sec. 118-310(1)(c) of the City Code of Ordinances addresses rear setbacks for single family residential uses within the R-1 Zoning District and states that structures meet a rear yard setback of 20% of the lot depth (28.4 feet).

The applicant is seeking a variance to the minimum required rear yard setback of 28.4 feet to allow an addition onto the rear of the existing single family residential structure to be located 20 feet from the rear property line.

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;*

Construction of the proposed addition at 20 feet from the rear property line should not negatively impact or interfere with the reasonable enjoyment of adjacent or nearby property owners.

(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 20 foot rear yard setback in lieu of the required 28.4 foot setback is reasonable use of the property.

(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 does not further any City objectives regarding the public health, safety and welfare.

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

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

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

The variance requested is the minimum variance that will make reasonable use of the land. Denying the variance requested does not benefit the property owner or the City.

SUMMARY

City Staff recommends approval of the variance to Section 118-308(1)(c) to allow an addition to the existing principal structure to be constructed at a rear setback of 20 feet in lieu of the required 28.4 foot rear setback.

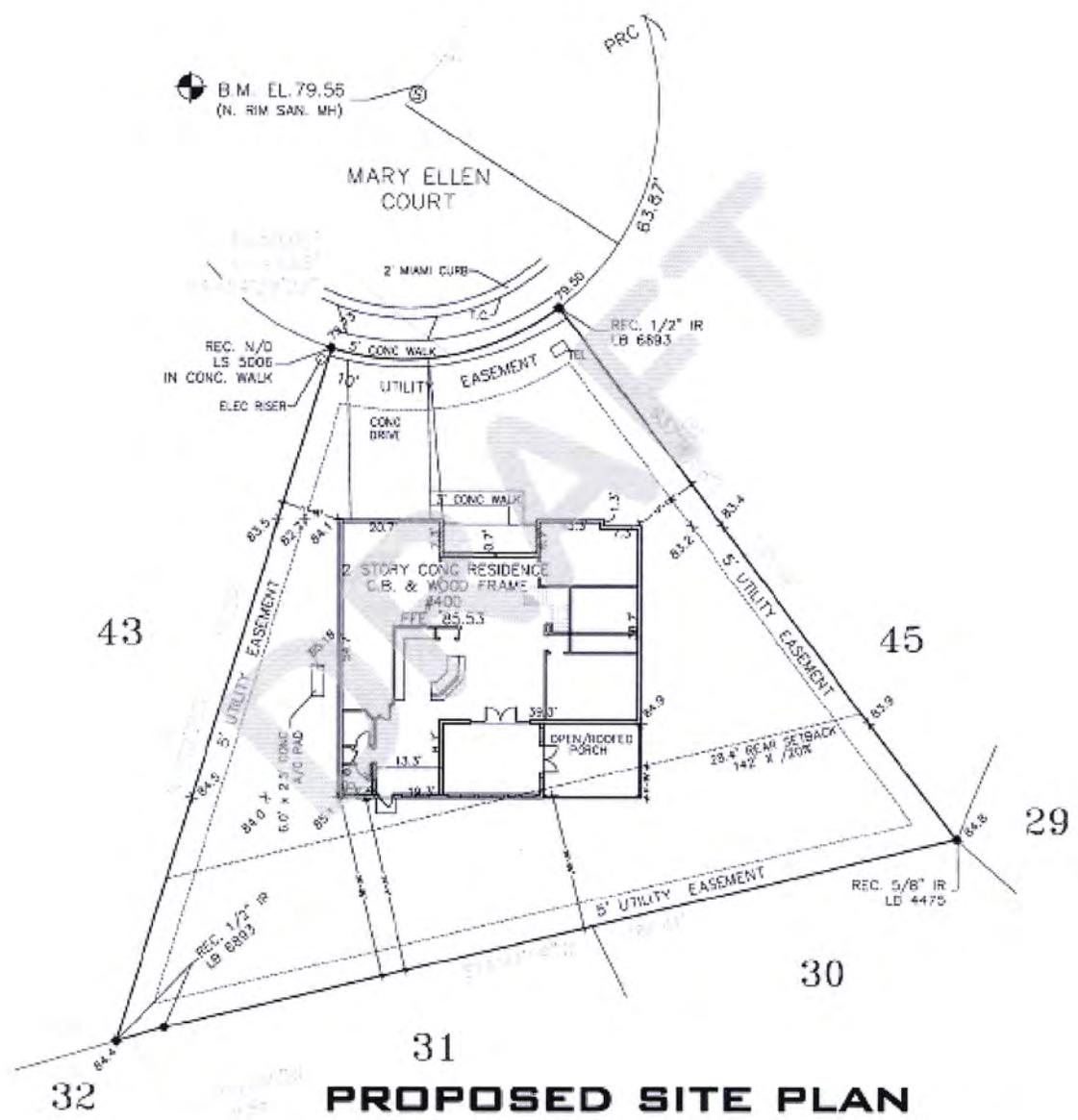
ATTACHMENTS

- Aerial Photo
- Site Plan

AERIAL PHOTO
400 Mary Ellen Court



SITE PLAN
400 Mary Ellen Court



PROPOSED SITE PLAN
END OF STAFF REPORT

EXHIBIT "I"

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: JULY 2, 2014
SUBJECT: VARIANCE
555 Bethune Avenue (0.15+/- ACRES)
PARCEL ID # 13-22-27-5248-01-090

APPLICANT: West Orange Habitat for Humanity Inc.

INTRODUCTION

The purpose of this report is to evaluate the request for a side yard setback variance for property located at 555 Bethune Avenue in Winter Garden, Florida. The request is for a 6'-0" side yard setback from the northern property boundary and a 7'-0" side yard setback from the southern property boundary in lieu of the minimum required 7'-6" side yard setbacks. If approved, this variance will allow the construction of a new single-family residence on the property.

The subject property, located on Bethune Avenue, is an approximately 0.15± acre lot in the Joe Louis Park Subdivision. The map below depicts the location of the subject property within the City of Winter Garden municipal limits:



The subject property carries the zoning designation R-4 (R-4 Zoning District) and is designated LR (Low Density Residential) on the Future Land Use Map of the City's Comprehensive Plan.

EXISTING USE

The proposed residential structure is currently under construction on the subject property. The applicant was granted approval to begin construction by City Commission at the June 12, 2014 meeting with the condition that a variance for the side yard setbacks be pursued after approval.

ADJACENT LAND USE AND ZONING

The adjacent properties to the south and east of the subject property are currently vacant. They are located in Unincorporated Orange County and have the County zoning designation R-2. The property to the north of the subject property contains a single-family residential home. This property is located within the City of Winter Garden municipal limits, has a zoning designation of R-4 (R-4 Zoning District) and the future land use designation of LR (Low Density Residential). The property to the west of the subject property features a series of modular office buildings owned and operated by the Bay Street Church of God in Christ. This property is also located within the City of Winter Garden municipal limits, has a zoning designation of R-4 (R-4 Zoning District) and the future land use designation of LR (Low Density Residential).

PROPOSED USE

The applicant would like to build a new one-story single-family home on the property. The building will have approximately 1,324 sf of living area. The site will also feature a 206 sf carport, a front porch, and paved concrete driveway. This project is being facilitated by West Orange Habitat for Humanity, which runs an affiliate program that builds homes for servicemen and women who were severely wounded in combat.

CODE REFERENCE

Sec. 118-458 (1) of the City Code of Ordinances addresses minimum yard requirements. This section states in part that the minimum yard requirements for single-family residential buildings in the R-4 Zoning District are "front: 20 feet, side: 7.5 feet, rear: 30 feet."

The applicant is seeking a variance to the minimum side yard setbacks to allow the proposed single family residence to be built with a 6'-0" side yard setback from the northern property boundary and a 7'-0" side yard setback from the southern property boundary.

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.

(1) 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 single family residence located 6'-0" from the northern property boundary and a 7'-0" from the southern property boundary should not negatively impact or interfere with the reasonable enjoyment of adjacent or nearby property owners. The properties to the south and east of the subject property are currently vacant, and the property to the west is used for church administration. In addition, many of the adjacent properties within the neighborhood have similar side yard setbacks, including the adjacent property to the north, which features the same building footprint as the one proposed by the applicant. This project will not negatively impact the standard of living of the citizens of the City.

- (2) *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 6'-0" side yard setback from the northern property boundary and a 7'-0" side yard setback from the southern property boundary in lieu of the minimum required 7'-6" side yard setbacks will allow reasonable use of the property. As previously stated, many of the adjacent properties within the neighborhood feature similar side yard setbacks. The Joe Louis Park subdivision includes many properties in Unincorporated Orange County, which have a County zoning designation that allows side yard setbacks similar to the ones proposed by the applicant. The adjacent property to the north, which was annexed into the City from Orange County after the property's residential structure was constructed, features the same building footprint as the one proposed by the applicant. Additionally, a variance was recently granted to a property located at 686 Bethune Avenue allowing the construction of an addition to the primary residence to be built at a 17.8 foot rear yard setback in lieu of the minimum required 30 foot rear yard setback. Furthermore, granting this variance will not change the low-intensity urban residential character of the neighborhood.

- (3) *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 easements, does not exceed the maximum impervious surface allowed in the R-4 zoning district (50%), and meets all other development regulations of the R-4 zoning district.

- (4) *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 low density residential neighborhood character.

- (5) *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. The proposed single family residence will not negatively impact the neighbors and is consistent with side yard setbacks enjoyed by many other property owners throughout the City. Denying this variance does not benefit the property owner or the City.

SUMMARY

City Staff recommends approval of a variance to Sections 118-458(1)b to allow a 6'-0" side yard setback from the northern property boundary and a 7'-0" side yard setback from the southern property boundary in lieu of the minimum required 7'-6" side yard setbacks to permit the construction of the proposed single family residence subject to the following condition:

1. All drainage shall be installed to function correctly and any damage to existing drainage shall be repaired and maintained by the property owner.

NEXT STEP

Apply for the appropriate Building Permits.

ATTACHMENTS

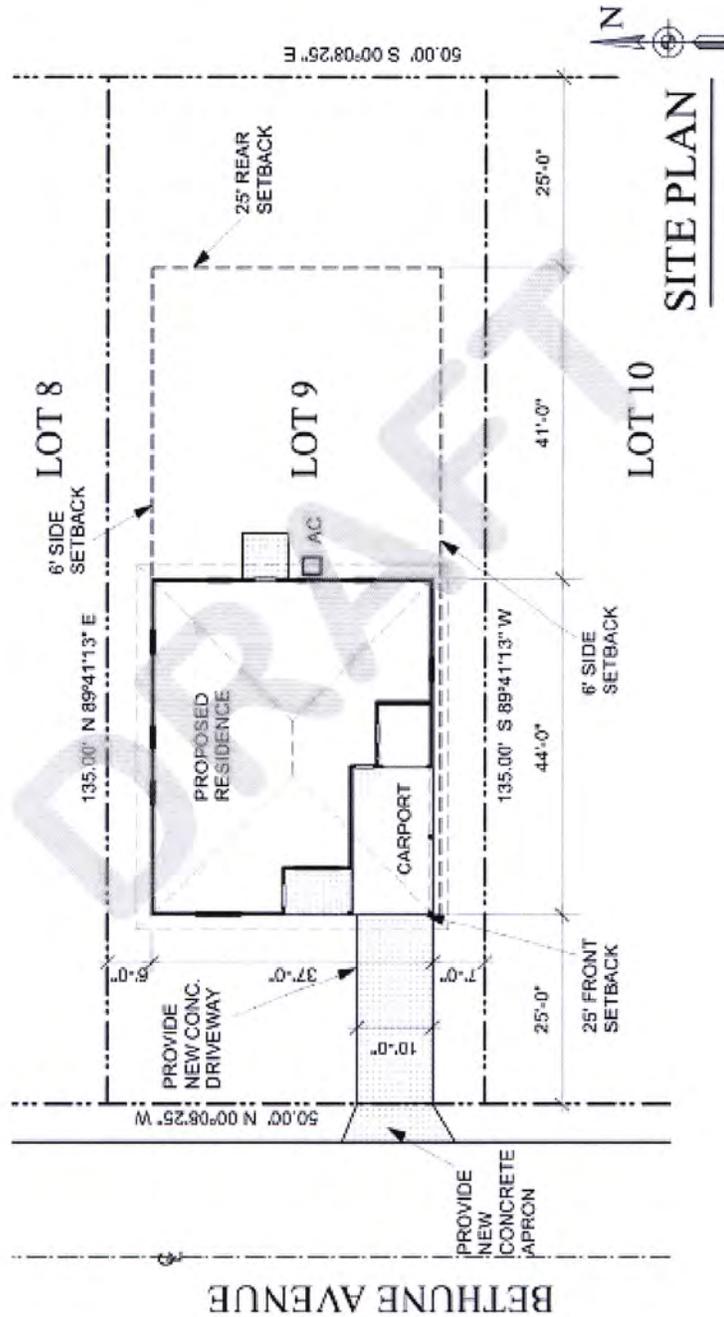
- Aerial Photo
- Site Plan
- Site Photos

DRAFT

AERIAL PHOTO
555 Bethune Avenue



PROPOSED SITE PLAN
555 Bethune Avenue



SITE PHOTOS
555 Bethune Ave



END OF STAFF REPORT

EXHIBIT "J"

ORDINANCE 14-29

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING SECTIONS 110-56, 110-152, 110-153, 110-154, 110-157 AND 110-162 OF ARTICLE III, DIVISION 1, 4 AND 5 OF CHAPTER 110 OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN CONCERNING PLATTING REQUIREMENTS; PROVIDING FOR UTILITY EASEMENT DEDICATIONS; AMENDING DEFINITIONS; CLARIFYING THE DEFINITION OF COMMUNITY SUBDIVISION INFRASTRUCTURE AND MAKING OTHER RELATED REVISIONS; PROVIDING FOR ADDITIONAL REQUIRED AND PROHIBITED LANGUAGE FOR DECLARATIONS; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City Commission desires to amend the final plat approval requirements of Article III, Division 1, 4 and 5 of Chapter 110, City of Winter Garden Code of Ordinances to provide for utility easement dedications, amend definitions pertaining to platting requirements, clarify the definition of community subdivision infrastructure and make other related revisions, and to include additional prohibited and required provisions for declarations; and

WHEREAS, the City Commission finds it to be in the best interest of the public health, safety and welfare to make the revisions to Chapter 110, City of Winter Garden Code of Ordinances in the manner specified in this Ordinance.

NOW, THEREFORE, BE IT ENACTED BY THE CITY OF WINTER GARDEN, FLORIDA, AS FOLLOWS:

Section 1: Authority. The City of Winter Garden has the authority to adopt this Ordinance pursuant to Article VIII of the Constitution of the State of Florida and Chapter 166, Florida Statutes.

Section 2: Adoption. Section 110-56 of Article III, Division 1 of Chapter 110 of the City of Winter Garden Code is amended to read as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions; provisions not included are not being revised):

Sec. 110-56. Definitions.

Community subdivision infrastructure or *"community subdivision infrastructure improvements"* means all structures and real property improvements to be ultimately owned or

~~maintained by the subdivision HOA, including without limitation, all stormwater management systems, sod and landscaping within stormwater retention and detention areas, roadways, gates, walls, streetlights, street and traffic signs, sidewalks, docks, pools, clubhouses and other structures or real property improvements on common areas (or common property), but excluding playground equipment and sod and landscaping not within stormwater detention or retention areas, subdivision infrastructure not dedicated to the use of the public or the city and which may include, but is not limited to, roadways, street lights, drainage systems (which includes, without limitation, stormwater detention/retention areas and underdrains), sidewalks, and other improvements and facilities.~~

~~Homeowners' association or HOA means a mandatory community association as contemplated by Chapter 720, Fla. Stat. in which the owners of all lots, blocks, and tracts within the residential subdivision are required by the terms of the declaration to be members, as contemplated by F.S. (2003) § 720.304(7), with the ability and duty to impose and collect on assessments. This definition includes homeowners' associations or property owners' associations formed pursuant to Chapter 720, Fla. Stat. governing residential, commercial or mixed-use subdivisions.~~

~~Private amenities means those lands and improvements, not considered subdivision infrastructure, which are retained for private use by the HOA or owners of lots within the subdivision, including, but not limited to, entrance and exit gates, walls, swimming pools, clubhouses, parks, landscaping, irrigation, signs, conservation areas, and other recreation areas.~~

Section 3: Adoption. Section 110-152 of Article III, Division 4 of Chapter 110 of the City of Winter Garden Code is amended to read as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions; provisions not included are not being revised):

Sec. 110-152. Final plats; application, supplementary materials, documentation, contents and data required for final approval

The final plat, application, and other materials required by subparagraphs (b) and (c) of section 110-151 shall, where applicable, at a minimum, comply with and include the following:

(1) Unless otherwise provided for in this article, the final subdivision plat shall comply with the requirements of F.S. Ch. 177, as may be amended from time to time. The final subdivision plat shall be drawn in ink on tracing cloth on sheets as required for filing for record in the county and shall be at a scale of 100 feet to one inch or larger. Where more than one sheet must be used to accurately portray the lands subdivided, an index or key map must be included and each sheet must show the particular number of that sheet and the total number of sheets included, as well as clearly labeled matchlines to show where other sheets match or adjoin. For large subdivisions the final plat may be submitted for approval progressively in contiguous sections satisfactory to the planning and zoning board. In addition to the requirements of F.S. Ch. 177, referenced above, the final plat shall show, depict, or otherwise provide for the following:

a. Primary control points, approved by the city engineer, or descriptions and ties to such control points, to which all dimensions, angles, bearings, and similar data on the plat shall be referred.

b. Tract boundary lines, right-of-way lines of streets, easements and other rights-of-way, and property lines of residential lots and other sites, with accurate dimensions, bearing or deflection angles; and radii, arcs and central angles of all curves.

c. As applicable, the exact location, dimensions, name, identification, purpose, and description of public streets, private roadways, public and private alleys, rights-of-way, waterways, tracts, common areas, parks, public and private areas, playgrounds or other similar uses, reservations, easements or rights-of-way, blocks, lots and significant sites within the subdivision, with accurate dimensions, bearing or deflecting angles and radii, area and central angles, chord bearing and distance, tangent distance and length of all curves where appropriate. All interior excepted parcels as described in the description of the lands being subdivided shall be clearly indicated and labeled "Not a part of this plat."

d. Location, dimensions and purpose of any proposed easements and existing easements identified in the title opinion or certification required by this article below shall be shown on the plat or in the notes or legend, and their intended use shall be clearly stated. Where easements are not coincident with property lines, they must be labeled with bearings and distances tied to the principal lot, tract, or right-of-way.

e. Number to identify each lot or site. All lots shall be numbered either by progressive numbers or, if in blocks, progressively numbered in each block, and the blocks progressively numbered or lettered, except that blocks in numbered additions bearing the same name may be numbered consecutively throughout the several additions.

f. Purpose for which sites, other than residential lots, are dedicated or reserved.

g. Reserved: The plat shall dedicate, in a form approved by the city attorney and in locations, size and dimensions acceptable to the public services department and city engineer, utility easements necessary to provide utility services to the lots and tracts within the subdivision. Such utility easements should be granted, at the city's option, either to the city or to the city and the public. The city's rights in such easement areas shall be superior to all others and no utilities or other improvements shall be permitted to conflict or interfere with the city's utility improvements within such utility easement areas. The city shall only be responsible for the maintenance of utilities it accepts and/or installs within utility easements. The plat shall not contain reservations of utility easements in favor of the developer or the HOA which could be used for the purpose of mandating, restricting or controlling the selection of utility service providers providing utility services to lots within the subdivision. The city shall have the authority to permit and regulate the use of utility easements dedicated on any plat to the city, the public or to the city and the public by utility service providers for utility purposes, including for the placement, operation, maintenance, replacement and repair of utilities. For the purposes of this article, the term "utility service providers" includes without limitation, entities providing water, sewer, reclaimed water, cable, internet, electric, gas, or telephone utilities or services.

h. Location and description of monuments.

i. Reserved.

j. All contiguous properties shall be identified by subdivision title, plat book, and page, and date of recording, or, if unplatted, land shall be so designated. If the subdivision platted is a part or the whole of a previously recorded subdivision, sufficient ties shall be shown to controlling lines appearing on the earlier plat to permit an overlay to be made; the fact of its being a replat shall be stated as a subtitle under the name of the plat on each sheet included. The subtitle must state the name of the subdivision being replatted and the appropriate recording reference.

k. Every plat offered for recording must be prepared by a Florida registered professional surveyor and mapper. The plat must be signed and sealed by that professional surveyor and mapper, who must state on the plat that the plat was prepared under his or her direction and supervision and that the plat complies with all of the survey requirements of F.S. Pt. I of Ch. 177, and chapter 110 of the Winter Garden Code of Ordinances. Every plat must also contain the printed name and registration number of the professional surveyor and mapper directly below the statement required by this paragraph, along with the printed name, address, and certificate of authorization number of the legal entity, if any. A professional surveyor and mapper practicing independently of a legal entity must include his or her address.

l. Dedication of the plat to the public and the city for the uses and purposes stated thereon including in the plat notes by the owner or owners of record of lands to be subdivided. The dedication must be executed by all persons, corporations, or entities whose signature would be required to convey the record fee simple title to the lands being dedicated in the same manner in which deeds are required to be executed. All mortgagees having a record interest in the lands subdivided shall execute, in the same manner in which deeds are required to be executed, either the dedication contained on the plat or a separate instrument joining in, consenting to, and ratifying the plat and all dedications and reservations thereon.

m. Each plat shall show a description of the lands subdivided, and the description shall be the same in the title certification. The description must be so complete that from it, without reference to the plat, the starting point and boundary can be determined.

n. In all cases, the letter size and scale used shall be of sufficient size to show all detail. The scale shall be both stated and graphically illustrated by a graphic scale drawn on every sheet showing any portion of the lands subdivided. The name of the plat shall be shown in bold legible letters, as stated in F.S. § 177.051. The name of the subdivision shall be shown on each sheet included. The name of the professional surveyor and mapper or legal entity, along with the street and mailing address and phone number, must be shown on each sheet included. A prominent "north arrow" shall be drawn on every sheet included showing any portion of the lands subdivided. The bearings or azimuth reference shall be clearly stated on the face of the plat in the notes or legend, and, in all cases, the bearings used shall be referenced to some well-established and monumented line. The date of preparation shall be provided on the face of the plat.

o. When a subdivision provides screening walls, landscaping, sidewalks, or other amenities within the public right-of-way and such is acceptable to the city in the city's sole discretion, a license agreement shall be required between the city, the developer and/or the homeowners association and such license agreement shall be referenced on the plat. Such license agreement shall be reviewed by the city as part of the preliminary plat process. Unless otherwise provided

for in the license agreement, the developer and the HOA, jointly and severally, shall be responsible for the maintenance and repair of any such amenities constructed in the public right-of-way, and in no event shall the city be prohibited from removing such amenities within the public right-of-way in its sole and absolute discretion (such removal being at the cost of the developer and HOA, jointly and severally).

p. A statement of approval of the plat by the city.

q. The section, township, and range shall appear immediately under the name of the plat on each sheet included, along with the name of the city, county, and state.

r. As applicable, the following statements shall appear on the face of the plat in the "notes" section:

1. "The homeowners association, as owner of the subdivision infrastructure not otherwise dedicated to the public use or the City of Winter Garden, common properties, and amenities, and the individual lot owners to extent of their interest in the foregoing, shall release, defend, indemnify and hold the City of Winter Garden, other governmental entities and public utilities harmless from any and all costs, expenses, suits, demands, liabilities, damages, injuries (including death), or otherwise including attorney's fees and costs of suit, in connection with the reasonable use of said subdivision infrastructure, common areas, or amenities, or said parties' maintenance thereof, or said parties' exercise of rights permitted in the declaration of the homeowners association, this plat, or as otherwise permitted by law."

2. "The lots within this subdivision are governed by a mandatory homeowners association requiring the payment of fees and with the power to assess the lots. The homeowners association is the owner of and/or responsible for the maintenance, repair, and replacement of all private areas, drainage systems, including without limitation, the retention/detention areas and underdrains, common properties, private roads, screening walls, and such other subdivision infrastructure not otherwise dedicated to the public use or the City of Winter Garden, including, without limitation, Tracts _____ and _____ and the improvements thereon. Every lot owner within this subdivision must be a member of the homeowners association. Failure to pay such fees or assessments shall result in the attachment of a lien on the property of the owner which fails to pay such fees or assessments by the homeowners association, which may result in the foreclosure of said property."

3. "The City of Winter Garden shall have the right, but not the obligation, to access, maintain, repair, replace and otherwise care for or cause to be cared for, any and all private areas, drainage systems, including without limitation, the retention/detention areas and underdrains, common properties, private roads, screening walls, and such other subdivision infrastructure not otherwise dedicated to the public use or the City of Winter Garden, including, without limitation, Tracts _____ and _____ and the improvements thereon. In the event any or all of the said areas, systems, improvements, properties or areas are not maintained, repaired, or replaced in accordance with the standards of the City of Winter Garden Code of Ordinances, good engineering practices, or become a nuisance or in the event the City of Winter Garden exercises its aforementioned right, each of the lot owners of the subdivision are hereby ultimately

responsible for payment of the cost of maintenance, repair, replacement and care provided by the City of Winter Garden or its contractors and agents, plus administrative costs and attorneys' fees and costs incurred by the City of Winter Garden. If said costs are not paid within 15 days of invoicing, then said costs shall constitute a lien on the property of the owners which fail to pay such costs and may be enforced, without limitation, by foreclosure, special assessments, or as may otherwise be permitted by law. This right, and the City of Winter Garden's exercise of said right, shall not impose any obligation on the City of Winter Garden to maintain, repair, replace, or otherwise care for said private areas, drainage systems, including without limitation, the retention/detention areas and underdrains, common properties, private roads, screening walls, and such other subdivision infrastructure not otherwise dedicated to the public use or the City of Winter Garden, including, without limitation, Tracts _____ and _____ and the improvements thereon."

4. "All platted utility easements shall also be easements for the construction, installation, maintenance, and operation of cable television services; provided, however, no such construction, installation, maintenance, and operation of cable television services shall interfere with the facilities and services of an electric, telephone, gas, or other public utility. In the event a cable television company damages the facilities of a public utility, it shall be solely responsible for the damages. This paragraph shall not apply to those private easements granted to or obtained by a particular electric, telephone, gas, or other public utility. Further, such construction, installation, maintenance, and operation shall comply with the National Electrical Safety Code as adopted by the Florida Public Service Commission."

5. "NOTICE: This plat, as recorded in its graphic form, is the official depiction of the subdivided lands described herein and will in no circumstances be supplanted in authority by any other graphic or digital form of the plat. There may be additional restrictions that are not recorded on this plat that may be found in the public records of this county."

6. If applicable: "The homeowners association shall enter into a license agreement with the city, where additional right-of-way has been dedicated or right-of-way will be utilized for the purpose of providing landscaping, additional areas for sidewalks, walls, or other amenities, and shall be responsible for the installation and maintenance of all landscape areas that are located in the public right-of-way."

7. For subdivisions with private roads or alleys, then the following, or substantially similar statement: "There is hereby granted and dedicated to the City of Winter Garden and other public service and emergency service providers, a non-exclusive easement over and through Tract ____ (Private Right-of-Way) and any other privately owned internal roads, alleys, paved areas and sidewalks for vehicular and pedestrian ingress and egress access for the purpose of providing public and emergency services to the subdivision, including but not limited to, postal, fire protection, police protection, emergency medical transportation, code enforcement, garbage, utilities and other public and emergency services."

(2) A certificate shall be issued by the city engineer certifying that the subdivider has complied with one of the following alternatives:

a. All improvements have been installed in accord with the requirements of this section and with the action of the planning and zoning board giving conditional approval of the preliminary plat; or

b. ~~An original performance guarantee as described in subsection (7) bond, irrevocable letter of credit, cash deposits, or certificate check has been delivered to the city, posted, which is available to the city, and in sufficient amount to ensure such completion of all required improvements, said amount being at least equal to 120 percent of the estimated cost of completion.~~

(3) When the subdivider proposes to regulate land use within the subdivision or when required pursuant to this chapter, an executed original declaration, or amendment thereto, in recordable form, providing for the requirements of this chapter shall be required and subject to review by the city attorney for compliance with the provisions of this article.

(4) An original "Affidavit Certifying an Absence of Reserve Strips," in recordable form, executed by the developer and preparing surveyor.

(5) Unless provided for on the plat, an original joinder and consent to dedication, in recordable form, executed by all mortgage holders and such other parties, having a record interest in the land to be platted. Said joinder and consent must be executed in the same manner in which deeds are required to be executed, joining in, consenting to and ratifying the plat and all dedications, reservations, restrictions and covenants thereon.

(6) An original joinder and consent to the declaration, in recordable form, executed by all mortgage holders and such other parties having a record interest in the land to be platted. Said joinder and consent must be executed in the same manner in which deeds are required to be executed, joining in, consenting to and ratifying the declaration and all dedications, reservations, restrictions and covenants therein.

(7) If applicable, an original performance guarantee in the form of a bond, ~~or a performance guarantee agreement secured by an irrevocable letter of credit or cash deposit in favor of and acceptable to the city.~~ Said guarantee shall, at a minimum, be in the amount of one hundred ~~twenty (120)~~ percent of the construction cost of the required subdivision improvements to be completed and guarantee the proper and timely completion of all unfinished public and private infrastructure improvements, including, but not limited to, its materials, workmanship, structural integrity, and functionality to the satisfaction and approval of the city.

(8) An original maintenance guarantee in the form of a bond, ~~or a maintenance guarantee agreement secured by an irrevocable letter of credit or cash deposit in favor of and acceptable to the city.~~ Subject to approval by the city engineer, ~~Said maintenance guarantee may be provided after final plat approval if the plat is approved based on the delivery of the performance guarantee under subsection (7), but before issuance of the certificate of occupancy.~~ Said maintenance guarantee shall, at a minimum, be in the amount of 20 percent of the construction cost of (i) the required subdivision improvements to be dedicated or conveyed to the city, (ii) the offsite public infrastructure improvements constructed or installed by the developer, and (iii) the private community subdivision infrastructure improvements. The maintenance guarantee shall

provide for the developer's guarantee of all such improvements, including its materials, workmanship, structural integrity, and functionality and require developer's repair, replacement and correction of damage and defects to such improvements for at least a period of two years from the date of final acceptance by the city. The developer's delivery to the city of the maintenance guarantee shall occur prior to the city engineer's issuance of a certificate of completion for such improvements, unless otherwise agreed to by the city engineer, but in no event shall any certificate of occupancy be issued until such maintenance guarantee is provided. Further, Pprior to the city engineer issuing a certificate of completion for such improvements, the developer shall cause the design engineer of record to provide a signed and sealed certification to the city that all subdivision improvements to be dedicated or conveyed to the city, offsite public infrastructure improvements, and private community subdivision infrastructure improvements constructed or installed by the developer have been completed in accordance with approved design and construction plans. The city engineer may allow segments of internal sidewalks adjacent to each lot to be constructed as a precondition to the issuance of a certificate of occupancy for each individual dwelling unit, provided that prior to and as a pre-condition of turnover of the Association, the developer shall fully complete all sidewalks within the subdivision.

(9) An original "Statement of Lien Settlement - Requirement For Current Year Of Payable Taxes, Tax Sale, and Capital Improvements" from the Orange County Property Appraiser's Office showing that all due taxes have been paid in full and all tax certificates, if any, against the land have been redeemed.

(10) As may be applicable, executed original instruments of conveyance in recordable form as to such property and improvements which are required to be conveyed to the HOA and the city from the developer, along with executed partial release of mortgages. Fee simple ownership of all rights-of-way, lift station tracts and other lands to be used for public purposes, but excluding dedicated easements, should be conveyed to the city by warranty deed, unless otherwise specified by the city. Fee simple ownership of all common area tracts should be conveyed to the applicable homeowners association by quit claim deed, unless otherwise specified by the city. Mortgagees shall execute partial release of mortgages concerning all tracts and lands conveyed in fee simple either to the homeowners' association or the city and such partial releases shall be recorded in the public records concurrently with the recording of the corresponding deeds.

(11) A title opinion of an attorney at law licensed in Florida or a certification by an abstractor or a title company, along with referenced documents, showing that record title to the land as described and shown on the plat is in the name of the persons, persons, corporation, or entity executing the dedication. The title opinion or certification shall also show all mortgages, easements, or encumbrances not satisfied or released of record nor otherwise terminated by law. An update of said title opinion or certification, certified to the city and the offices of the city attorney and the city surveyor, must be provided within 30 days of final plat recording. All documents referenced in said title opinion or certification, and update thereof, shall also be provided for review by the city.

(12) A construction cost estimate shall be submitted, which provides the estimated cost of installing all improvements. Such estimates shall be based upon recent bid information. As an

alternative, bids of two reputable contractors, or a copy of an executed contract, for the installation of the improvements may be submitted.

(13) Payment of required recording costs, fees, deposits and costs as may be applicable or required pursuant to the code, and other applicable laws, ordinances, and regulations.

(14) A phase I environmental site assessment (ESA) must be conducted in accordance with the latest edition of the American Society for Testing and Materials (ASTM) standard E-1527 (Phase I ESA Process). The city will require a specified minimum off-site search distance of one-quarter mile. The minimum search distance may include areas outside the adjoining properties and shall be measured from the nearest property boundary. The ESA must be performed and signed by a Florida registered professional engineer or geologist who is able to demonstrate competence (i.e., education and previous experience) in producing ESA reports.

A previous phase I ESA may be used if it meets or exceeds the requirement of ASTM E-1527 (except as modified herein) and if the conditions of the property and area surrounding the property are not likely to have changed materially since the previous phase I ESA. Should more than one year have passed since the completion of the last phase I ESA, a current site reconnaissance and records review will be required at a minimum. All supplemental phase I ESA documents must also be signed by a Florida licensed engineer or geologist.

The results shall be provided to the city prior to acceptance of any lands to be dedicated to the city. Should environmental conditions requiring any remedial activity, monitoring or regulatory action be identified as a result of the ESA(s), the city will not accept any dedications of such land until the conditions on the land are fully addressed to the satisfaction of the city and all applicable regulatory agencies.

(15) Such other agreements, certificates, endorsements, affidavits, documentation, engineering drawings, and data as may be deemed necessary to ensure conformity with the requirements of this chapter, the code, and other applicable laws, ordinances, and regulations.

Section 4: Adoption. Sections 110-153, 110-154, 110-157 and 110-162 of Article III, Division 5 of Chapter 110 of the City of Winter Garden Code are amended to read as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions; provisions not included are not being revised):

Sec. 110-153. Homeowners association.

(1) Prior to final plat approval and, in the case of a gated community, prior to the closure or operation of the gates, a residential subdivision or commercial subdivision which is subject to the provisions of this division shall establish a mandatory homeowners' (or property owners') association in accordance with the requirements of this division, and a declaration (or in the event of an existing recorded declaration, an amendment thereto) must be approved by the city.

A certificate of good standing or such other evidence to determine the status of the HOA shall be submitted to the city as part of the final plat approval process.

(2) Unless otherwise approved by the city, simultaneous with the recording of the plat the developer shall cause to be conveyed to the HOA such land and improvements for which the HOA shall have the responsibility for maintaining and repairing, including the community subdivision infrastructure.

(3) A residential subdivision or commercial subdivision (or any combination thereof) shall be subject to the provisions of this division when:

(1)a. The responsibility to maintain certain areas, ~~private amenities, or community subdivision infrastructure or improvements~~ within the subdivision is to be shared by the lot owners, or where common areas will exist; or

(2)b. Any of the community subdivision infrastructure, including, but not limited to, roadways, street lights, drainage systems (which includes, without limitation, stormwater detention/retention areas and underdrains), sidewalks, or certain other subdivision infrastructure and improvements are is to be owned or maintained privately; or

(3)c. A gated community is sought to be established.

As long as one or more of the matters set forth in subsections (a), (b) or (c) exists, this division applies to the subdivision regardless of whether such subdivision has public or private roads, or is gated or un-gated.

Sec. 110-154. Declaration

A declaration, or an amendment thereto, which, at a minimum, sets forth the responsibilities and obligations for the maintenance, repair and replacement of the community subdivision infrastructure, common areas and private amenities and such other matters as provided in this division shall be required and submitted to the city prior to final plat approval and, in the case of a gated community, prior to the closure or operation of the gates. The declaration, or amendment thereto, shall be recorded simultaneously with the subdivision plat. The terms of the declaration, or amendment thereto, shall be to the city's satisfaction, legally sufficient and enforceable to, at a minimum, accomplish, provide or otherwise ensure or disclose the provisions of this division. An existing executed and recorded declaration for a subdivision shall be amended, in a form acceptable to the city attorney, to come into compliance with the current version of this division as condition to a final plat approval covering any phase of a subdivision to be platted after the execution and recording of the original declaration, so that an amended declaration incorporating the current requirements of this division governs previously platted phases, current and future phases. Notwithstanding the foregoing, the exclusion of said provisions within the declaration, or amendment thereto, shall not operate as a condition precedent to city's ability to enforce the requirements of this chapter. Further, nothing in this section shall preclude the declaration, or amendment thereto, from addressing other matters so long as the substance of each part of the declaration, or amendment thereto, is not inconsistent with the requirements of

this chapter or any other applicable code reference or state law. The declaration, or amendment thereto, shall, as applicable:

(1) Establish the point at which the developer must turn over control of the HOA consistent with definition of same provided in section 110-56

(2) Provide for the preparation of an initial community subdivision infrastructure report and compliance with the provisions of section 110-155, including developer's requirements prior to turnover.

(3) Provide for the preparation of a subsequent community subdivision infrastructure report and compliance with the provisions of section 110-156

(4) Include the following or similar statement: "Property owners within the subdivision shall receive no discount in property taxes or any other tax or fee because of the retention or private ownership of the community subdivision infrastructure."

(5) Include the following or similar statement: "The City of Winter Garden shall have the right, but not the obligation, to access, maintain, repair, replace and otherwise care for or cause to be cared for, any and all private areas, drainage systems, including without limitation, the retention/detention areas and underdrains, common properties, private roads, screening walls, and such other subdivision infrastructure not otherwise dedicated to the public use or the City of Winter Garden, including, without limitation, Tracts ___; and ___; and the improvements thereon. In the event any or all of the said areas, systems, improvements, properties or areas are not maintained, repaired, or replaced in accordance with the standards of the City of Winter Garden Code of Ordinances, good engineering practices, or become a nuisance or in the event the City of Winter Garden exercises its aforementioned right, each of the lot owners of the subdivision are hereby ultimately responsible for payment of the cost of maintenance, repair, replacement and care provided by the City of Winter Garden or its contractors and agents, plus administrative costs and attorneys' fees and costs incurred by the City of Winter Garden. If said costs are not paid within 15 days of invoicing, then said costs shall constitute a lien on the property of the owners which fail to pay such costs and may be enforced, without limitation, by foreclosure, special assessments, or as may otherwise be permitted by law. This right, and the City of Winter Garden's exercise of said right, shall not impose any obligation on the City of Winter Garden to maintain, repair, replace, or otherwise care for said private areas, drainage systems, including without limitation, the retention/detention areas and underdrains, common properties, private roads, screening walls, and such other subdivision infrastructure not otherwise dedicated to the public use or the City of Winter Garden, including, without limitation, Tracts ___; and ___; and the improvements thereon."

(6) Provide for the consequences resulting from a default with the provisions of the declaration, or amendment thereto, or the provisions of this chapter by the HOA or developer as set forth in section 110-159

(7) Provide that any transfer of any portion or component of the community subdivision infrastructure (including the property on which the said community subdivision infrastructure is

located) to the city or other governmental entity is prohibited without the concurrence of the city or governmental entity and the owners of two-thirds (or such higher percentage as the declaration may provide) of the platted lots.

(8) Require the establishment, funding and maintenance of an HOA account for annual routine maintenance and repair of the community subdivision infrastructure (referred to in this division as the "routine-community subdivision infrastructure-maintenance account"), and impose the restrictions and requirements set forth in section 110-157 regarding that account. Provide for the developer's obligation to ensure adequate funding of HOA routine-community subdivision infrastructure-maintenance account required by section 110-157 until turnover of the HOA. Provide that developer/declarant shall continue to have responsibility to ensure proper maintenance of the community subdivision infrastructure until turnover occurs.

(9) Require the establishment, funding and maintenance of an HOA account for major capital repair and replacement of the subdivision's roads, curbing, sidewalks, stormwater drainage systems, and walls, etc. (referred to in this division as the "capital-community subdivision infrastructure reserve account"), and impose the restrictions and requirements set forth in section 110-157 regarding that account. Provide for the developer's obligation to ensure adequate funding of HOA capital-community subdivision infrastructure reserve account required by section 110-157 until turnover of the HOA.

(10) Include the following or similar statement: "The association and the lot and unit owners are responsible for assessing, collecting and reserving sufficient funds to operate, maintain, repair and replace common properties and subdivision infrastructure improvements. The City of Winter Garden shall not be liable or responsible for the maintenance, repair and replacement of private subdivision property and infrastructure improvements."

(11) Include the following or similar statement: "It is prohibited to alter the grade of or original drainage plan for any parcel, lot or tract, or change in the direction of, obstruct, or retard the flow of surface water drainage, or alter or remove of any berm, pipe, ditch, weir, manhole, swale, and stormwater collection, storage and conveyance system unless expressly authorized by the City of Winter Garden. This provision shall be considered a restrictive covenant in favor of and enforceable by the City of Winter Garden and in the event of a violation of this provision, the City of Winter Garden shall have the right to obtain injunctive relief, seek damages, and assess fines and liens in the amount of the cost to remedy the prohibited action (including administrative costs and attorneys' fees and costs) against the violating person or entity and any property owned by such violating person or entity; provided however, such right shall not limit the City of Winter Garden's other available enforcement actions permitted by law or equity."

(12) For subdivisions with private roads or alleys, include the following or similar statement: "There is hereby created, granted and reserved for the benefit of the City of Winter Garden and other public service and emergency service providers, a non-exclusive easement over, under and through the private subdivision roads and alleys for vehicular and pedestrian ingress and egress access for the purpose of providing public and emergency services to the common property and lots, including but not limited to, postal, fire protection, police protection, emergency medical transportation, code enforcement, garbage, utilities and other public and emergency services."

(13) Provide that the HOA may not be dissolved and that no portion of the declaration, or amendment thereto, pertaining to the requirements of this chapter may be amended without the written consent of the city.

(14) Shall not contain any provisions that would circumvent the purpose and intent of any requirement of this chapter, any condition of a development order issued by the city, or any other applicable ordinance as determined by the city manager or his/her designee, including without limitation, any statement of protest of provisions required by this division or any provision impeding or restricting the HOA or the city's access to courts or rights and remedies against the developer in the event of developer's (or declarant's) default of its obligations and responsibilities under this chapter or to the HOA or city (or any combination thereof). This subsection does not prohibit the incorporation by reference of applicable statutes of limitation set forth in Florida Statutes, if any, or voting requirements as may be expressly required of the HOA by Florida Statutes, if any.

(15) Shall not contain any provision providing for a mandatory pre-litigation claims process, arbitration proceeding, or pre-suit mediation procedure in order for the city, the HOA, or any lot owner to make or bring claims, lawsuits or administrative proceedings against the developer (or declarant) or any home builder, except for the incorporation of any provision that is specifically set forth in and required by Florida Statutes.

(16) Shall not contain, unless expressly required by Florida Statutes, any provision providing for: (i) HOA to make payments or reimbursements to the developer (or declarant); (ii) the assessment of lot owners for the benefit or reimbursement of the developer (or declarant); or (iii) lot owners to make payments to pay for, in whole or part, the original construction cost of community subdivision infrastructure improvements required to be constructed by the developer (or declarant) or its successors and assigns as set forth in any development order or permit. This subsection does not prohibit provisions concerning the assessment of lot owners by the HOA concerning the cost to operate, maintain, reconstruct, repair, replace or remodel community subdivision infrastructure improvements.

(17) Shall not contain any provision prohibited by Florida Statutes.

(18) Shall not contain any provision reserving upon the developer (or declarant) or the HOA the authority to restrict individual lot owners' choice of utility service provider(s), including by way of example, but not limitation, through the reservation of the right to sell, lease, or grant licenses, permits or franchises over, under and through the subdivision property to utility service providers for service to the lots. This subsection does not prohibit provisions allowing for the HOA to select utility service providers to service common areas and common properties owned by the HOA.

(19) Provide that the declaration provisions required by this division, referencing the city, or required as a condition of any development order issued by the city shall not be removed or amended without the prior written consent of the city manager or his/her designee. Provide that the declaration shall not be amended to add any provisions prohibited by this division without the written consent of the city manager or his/her designee. Provide that declaration provisions

required (or prohibited) by this division or required as a condition of any development order issued by the city shall be considered a restrictive covenant in favor of and enforceable by the city.

(20) Provide that tracts owned by the city within the subdivision are exempt from the provisions of the declaration, and that the city shall not be subject to enforcement, regulation or assessment under the declaration or by the HOA, declarant, or any owner by virtue of the city's ownership of tracts or easements conveyed or dedicated to the city, or for any other basis. Provide that no provision of the declaration shall restrict or prohibit the city or any other applicable government authority from enforcement of their respective laws, ordinances, rules and regulations (as they may be amended from time to time) against the declarant, HOA, any lot owner or others.

(21) Provide for other such terms as may be required as a condition of any development order issued by the city, including by way of example but not limitation, provisions relating to HOA maintenance of retaining walls, drainage swales and improvements or other improvements on a lot(s) benefiting more than that lot(s).

Sec. 110-157. Homeowners association required accounts for maintenance, repair and reserves.

At a minimum, the requirements, restrictions, terms, conditions, and limitations provided for in this section with respect to the accounts required for the maintenance and repair of the community subdivision infrastructure and the monies on deposit in those accounts shall be established and maintained by each HOA.

(1) *Required HOA asset accounts.* The HOA must create, deposit monies into, retain in perpetuity, and replenish from time to time the following accounts, which are referred to in this article collectively as the "required HOA accounts":

- a. A routine-community subdivision infrastructure-maintenance account; and
- b. A capital-community subdivision infrastructure reserve account;

~~e. This division does not require the establishment of accounts for either routine maintenance or the capital repair and replacement of private amenities not related to the community subdivision infrastructure, but such accounts may be required by the declaration or as may be established at the discretion of the HOA. However, except as otherwise provided for in this section, monies within the required HOA accounts may not be utilized for the maintenance, repair or replacement of the private amenities.~~

Each of the foregoing accounts must be asset accounts kept separate and apart from all other funds and accounts of the HOA, and for accounting purposes the HOA may not commingle these accounts, either with each other or with other funds and accounts of the HOA. However, notwithstanding the foregoing, the monies in the above accounts may be commingled with monies in other HOA accounts for banking and investment purposes, and may be pooled with other HOA monies in a common investment program, so long as the financial books and records

of the HOA account for these monies separately and apart from all other HOA monies and keep such monies earmarked for the purposes set forth below. All earnings from the investment of monies in the required HOA accounts shall remain in their respective accounts and shall follow their respective principal.

(2) Use of accounts.

a. *Routine-community subdivision infrastructure-maintenance account.* Monies on deposit in the routine-community subdivision infrastructure-maintenance account, including any investment earnings, shall be used by the HOA, or by the developer with the written consent of the board of directors of the HOA, only for scheduled maintenance and for unscheduled repair of the roads, drainage system, including, but not limited to, the stormwater detention/retention areas and underdrains, sidewalks, street lights, curbing, bike paths, traffic-control signage and other HOA infrastructure appurtenant to the private roads and drainage systems. If allowed by the declaration, the monies on deposit in the account may also be used for scheduled maintenance and unscheduled maintenance and repair of the entrance and exit gates and their related facilities, but the declaration shall require that the roadways and drainage-system maintenance and repair take priority over the maintenance and repair of the gates and related facilities.

b. *Capital-community subdivision infrastructure reserve account.* Monies on deposit in the capital-community subdivision infrastructure reserve account, including any investment earnings, shall be used by the HOA for: (i) resurfacing and related reconstruction of the roadways, including alleys, in the subdivision; (ii) major repair, replacement and reconstruction of drainage systems, including, but not limited to, the stormwater detention/retention areas, control structures, underdrains and conveyance systems; and (iii) major repair, replacement and reconstruction of sidewalks, bike paths, curbing, walls, subdivision signage, gates, community clubhouses and pools, and other capital community subdivision infrastructure improvements of the subdivision. Under no circumstances may the monies in the account be expended before the developer conveys the community subdivision infrastructure to the HOA.

(3) Required funding; required assessments.

a. *Routine-community subdivision infrastructure-maintenance account.* The HOA must deposit each year into the routine-community subdivision infrastructure-maintenance account an amount of money sufficient to perform all scheduled maintenance and unscheduled repair of the roads, drainage system, and other community subdivision infrastructure during the subsequent year. The amount deposited, when added to investment earnings, must be no less than the amounts estimated under subsection (5) until the reports required under sections 110-155 and 110-156 are prepared, and thereafter the amount deposited must be no less than the amount recommended by the applicable engineer's report required pursuant to sections 110-155 and 110-156. If the declaration allows maintenance and repair of the entrance and exit gates and their related facilities to be paid from the routine-community subdivision infrastructure-maintenance account, then the deposits each year must be increased by amounts sufficient to cover those costs.

b. *Capital-community subdivision infrastructure reserve account.* The HOA must deposit each year into the capital-community subdivision infrastructure reserve account an amount sufficient

for: (i) the private roads and alleys to be resurfaced and, as related to the resurfacing, reconstructed no less frequently than every 12 years; (ii) the restoration and repair or replacement of the drainage systems, including, but not limited to, the stormwater detention/retention areas control structures, underdrains and conveyance systems, no less frequently than once every ten years; and (iii) the restoration and repair or replacement of all other community subdivision infrastructure, no less frequently than once every 50 years. The amount to be deposited each year into the account must be estimated by the developer and approved by the city prior to issuance of a certificate of completion for the subdivision infrastructure. Deposits to the account must begin in the year in which the city issues its certificate of completion. At the end of each five-year community subdivision infrastructure reporting period pursuant to section 110-156, the HOA shall revise and update the estimated cost to restore, repair and replace community infrastructure improvements taking into consideration actual costs incurred and expected increases in costs, and shall adjust the amount of its annual deposits to the account accordingly.

c. Required assessments. The obligation to collect and pay assessments shall commence as of the date on which the city issues its certificate of completion for the infrastructure improvements for the subdivision. However, if no plat has been recorded as of that date, the obligation to collect and pay assessments shall commence as of the date the plat is recorded in the public records of Orange County, Florida. In the case of the conversion of an existing subdivision to a gated community, the city shall determine the appropriate commencement dates on a case by case basis. The HOA shall impose and collect assessments against each platted lot in the subdivision, including lots owned or controlled by the developer and by any builder, without exception. The assessments must be uniform and equitable and must be imposed and collected in amounts sufficient, when added to investment earnings and other available revenues of the HOA, if any, to make all required deposits to each of the required HOA accounts.

Notwithstanding the foregoing, if in the opinion of the city engineer the community subdivision infrastructure has substantially deteriorated at the time a plat is approved, the city may require an additional payment of assessments by the developer to address the loss of useful life of the deteriorated community subdivision infrastructure.

(4) Financial reports and other requirements. Each year the HOA shall cause a financial report of the required HOA accounts to be performed and prepared, and a copy of the report shall be submitted to each owner of property in the subdivision and the city within the time frame required under the "financial reporting" requirements of F.S. ch. 720. At a minimum, the report shall confirm the existence of each of the required HOA accounts and report the amounts of deposits into and expenditures from the account during the period year, along with an itemization of the expenditures from the required HOA accounts. Finally, the financial report shall disclose whether any of the required HOA accounts has on deposit less than the amount required under the declaration.

(5) Initial account funding and developer's obligations. From the recording of the plat and up to the point in time when turnover of control of the HOA occurs, the developer and its successors in interest, shall remain personally obligated to ensure that adequate funding of the HOA accounts required by this section is provided, that the financial reporting requirements of this section are

met and that the community subdivision infrastructure is being properly maintained. Prior to the issuance of a certificate of completion for the community subdivision infrastructure, the developer shall be required to fund the capital-community subdivision infrastructure reserve account in an amount sufficient cover two-year's estimated deposits for such account and fund the routine-community subdivision infrastructure-maintenance account in an amount sufficient to cover one-year's estimated deposits for such account. For purposes of establishing deposits by the developer required under this subsection, deposit amounts shall be supported by a licensed engineer's evaluation of the community subdivision infrastructure's economic life and cost estimate for maintenance and replacement of such infrastructure provided to the city at the developer's expense and such is subject to the review and approval by the city engineer.

(6) Original construction costs. Developer and home builders and their respective successors and assigns in interest are prohibited from using HOA funds or the assessment of lot owners in order to finance, fund or make reimbursements concerning the original construction cost of community subdivision infrastructure required to be constructed as set forth in any development order(s) or permit(s). This subsection does not prohibit the assessment of lot owners by the HOA concerning the cost to operate, maintain, reconstruct, repair, replace or remodel community subdivision infrastructure improvements after their original construction and completion as determined by the city pursuant to applicable certificate(s) of completion, certificate(s) of occupancy or other form of inspection approval(s).

Sec. 110-162. Developer liability.

Until such time as turnover of control of the HOA has occurred and the developer has conveyed to the HOA such land and improvements for which the HOA shall have the responsibility for maintaining and repairing, including the community subdivision infrastructure, the developer shall remain jointly and severally liable, to the city, along with the HOA, for the maintenance and repair of the community subdivision infrastructure, ~~common areas and private amenities within the subdivision,~~ for the adequate funding of the HOA accounts required by section 110-157 and for otherwise ensuring compliance with the provisions of this division. ~~By way of example and not limitation, all maintenance and repair of roads, sidewalks, street lighting and the drainage system, including the stormwater detention/retention areas and underdrains, are the responsibility of the developer, except as provided in this section.~~ If turnover occurs and the obligations of the developer under this division have not been met, the rights of the city, HOA, any of the HOA's members, and any and all owners of land within the subdivision to enforce the requirements of this division against the developer shall survive the turnover, with the prevailing party to be entitled to attorneys' fees and costs against the non-prevailing party. Venue for any such enforcement action shall be in the Ninth Judicial Circuit of Florida, in Orange County, Florida.

SECTION 5: Codification: Sections 2, 3 and 4 of this Ordinance shall be codified and made part of the City of Winter Garden Code of Ordinances.

SECTION 6: Control: In the event of a conflict or conflicts between this ordinance and other ordinances, this ordinance controls to the extent of the conflict.

SECTION 7: Severability: It is the intent of the City Commission of the City of Winter Garden, and is hereby provided, that if any section, subsection, sentence, clause, phrase or provision of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall be construed as to render invalid or unconstitutional the remaining provisions of this Ordinance.

SECTION 8: Effective Date: This Ordinance shall become effective upon adoption at its second reading.

FIRST READING: _____, 2014.

SECOND READING: _____, 2014.

ADOPTED this _____ day of _____, 2014, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

JOHN REES, Mayor/Commissioner

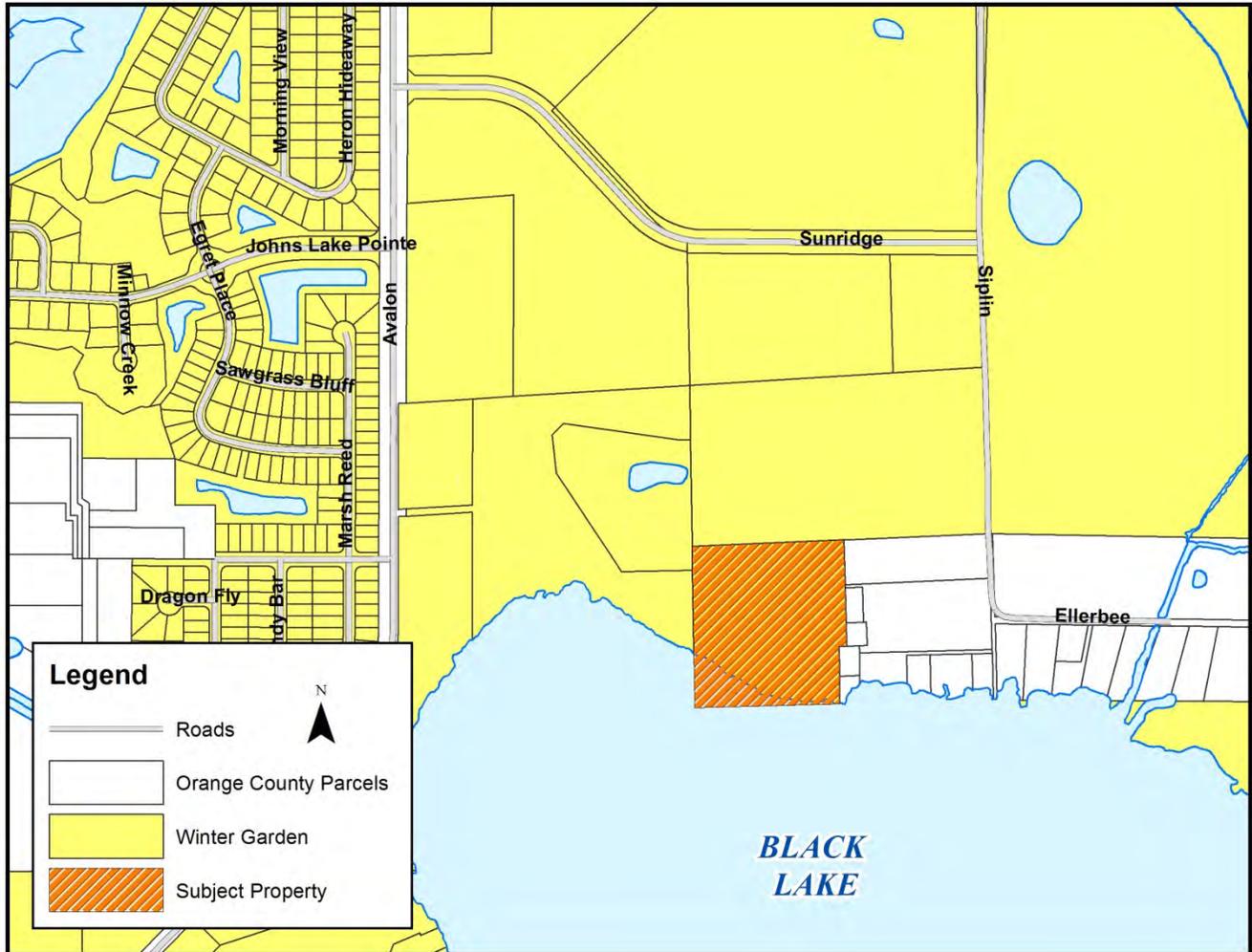
ATTEST:

KATHY GOLDEN, City Clerk

LOCATION MAP

14400 Siplin Road

REZONING



CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

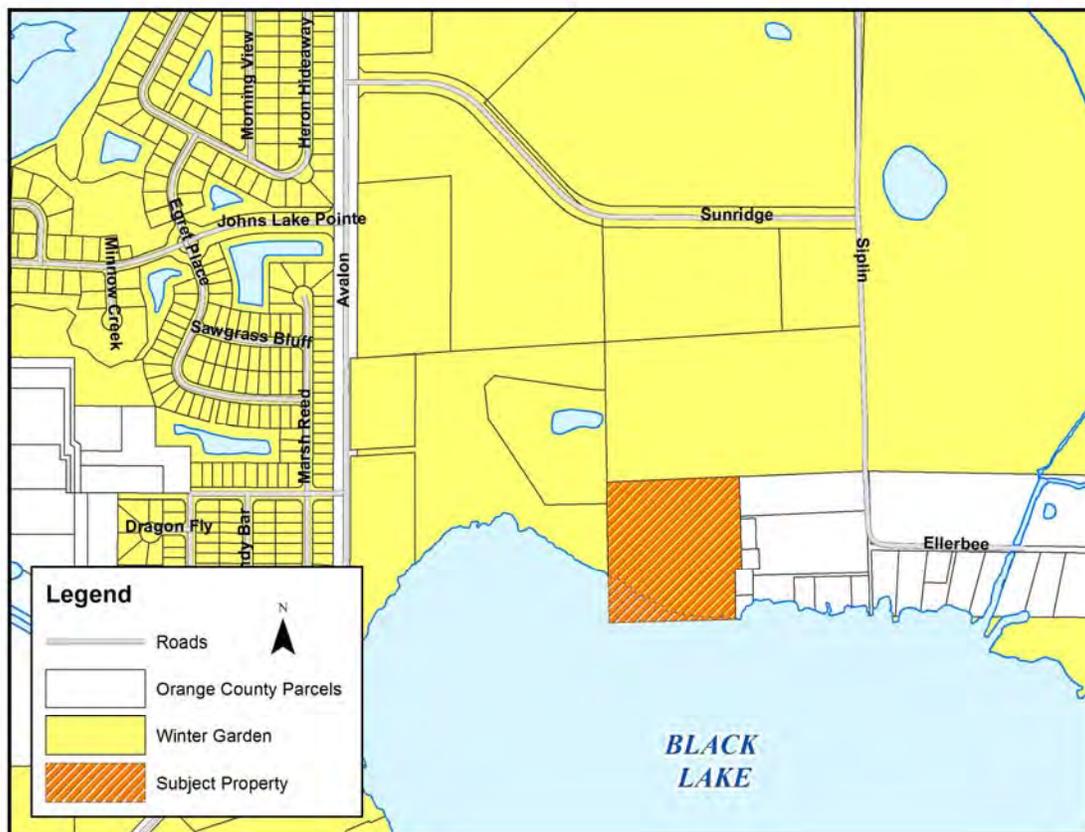
STAFF REPORT

TO: PLANNING AND ZONING BOARD
PREPARED BY: KELLY CARSON, PLANNER II
DATE: JULY 25, 2014
SUBJECT: REZONING (NZ to R-1)
14400 SIPLIN ROAD (10.475 +/- ACRES)
PARCEL ID #: 34-22-27-0000-00-005
APPLICANT: TILDEN GROVES HOLDING CORP.

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 14400 Siplin Road and is approximately 10.475 ± acres. The map below depicts the subject property within the City's jurisdictional limits:



The property was annexed into the City of Winter Garden in 2013 (Ordinance 13-13), and a Future Land Use Designation of Suburban Residential was also approved for the property in 2013 (Ordinance 13-15); however, no zoning district was ever approved for the property. The applicant is now requesting to rezone the property to R-1 Single-Family Residential District, which is consistent with the existing Suburban Residential FLU designation.

EXISTING USE

The subject property is currently vacant. The property contains wooded upland areas to the north, while the south is partially submerged, encompassing a portion of Black lake and adjacent wetlands.

ADJACENT LAND USE AND ZONING

The property located to the north of the subject property is currently vacant, but is planned to be developed as a single-family neighborhood (Black Lake Preserve). This property is zoned PUD and is located within the City of Winter Garden municipal limits. There are six properties located to the east, all of which are zoned A-1 and located in Unincorporated Orange County. These properties are either vacant or contain single-family houses. The property to the south of the subject property is an A-1 zoned parcel, which includes a portion of Black Lake and is located in Unincorporated Orange County. There are two properties to the west of the subject property; one is a conservation/stormwater retention area owned by the City, zoned NZ, and is within the City of Winter Garden municipal limits. The other property to the west is also located within the City and is currently vacant. This parcel is presently zoned NZ, but the owner is pursuing rezoning the property to PUD in order to develop the land as a single-family neighborhood (Iota Sessions Property).

PROPOSED USE

After approval of this zoning application, the applicant has no immediate plans to develop the property. In the future, the applicant may market and sell the land as an estate property for (a) buyer(s) seeking to build a single family house on a large lot.

PUBLIC FACILITY ANALYSIS

The City will continue providing 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

The proposed zoning is consistent with the existing Future Land Use designation and the surrounding area. City Staff recommends approval of the proposed Ordinance subject to the following condition:

1. A Fair Share Agreement accounting for the property's portion of the Sunridge Boulevard improvement costs must be executed prior to City Commission approval.

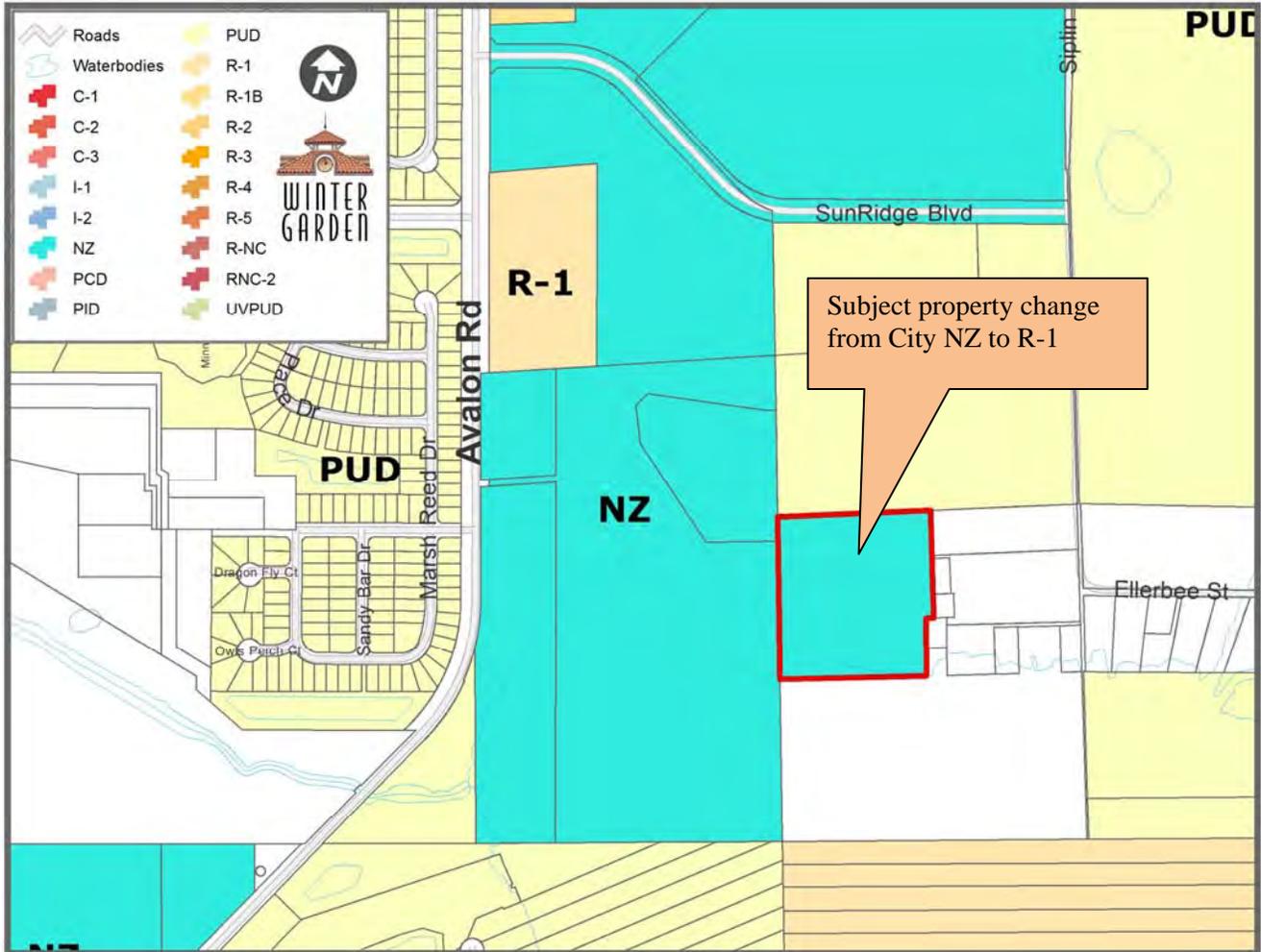
AERIAL PHOTO

14400 Siplin Road



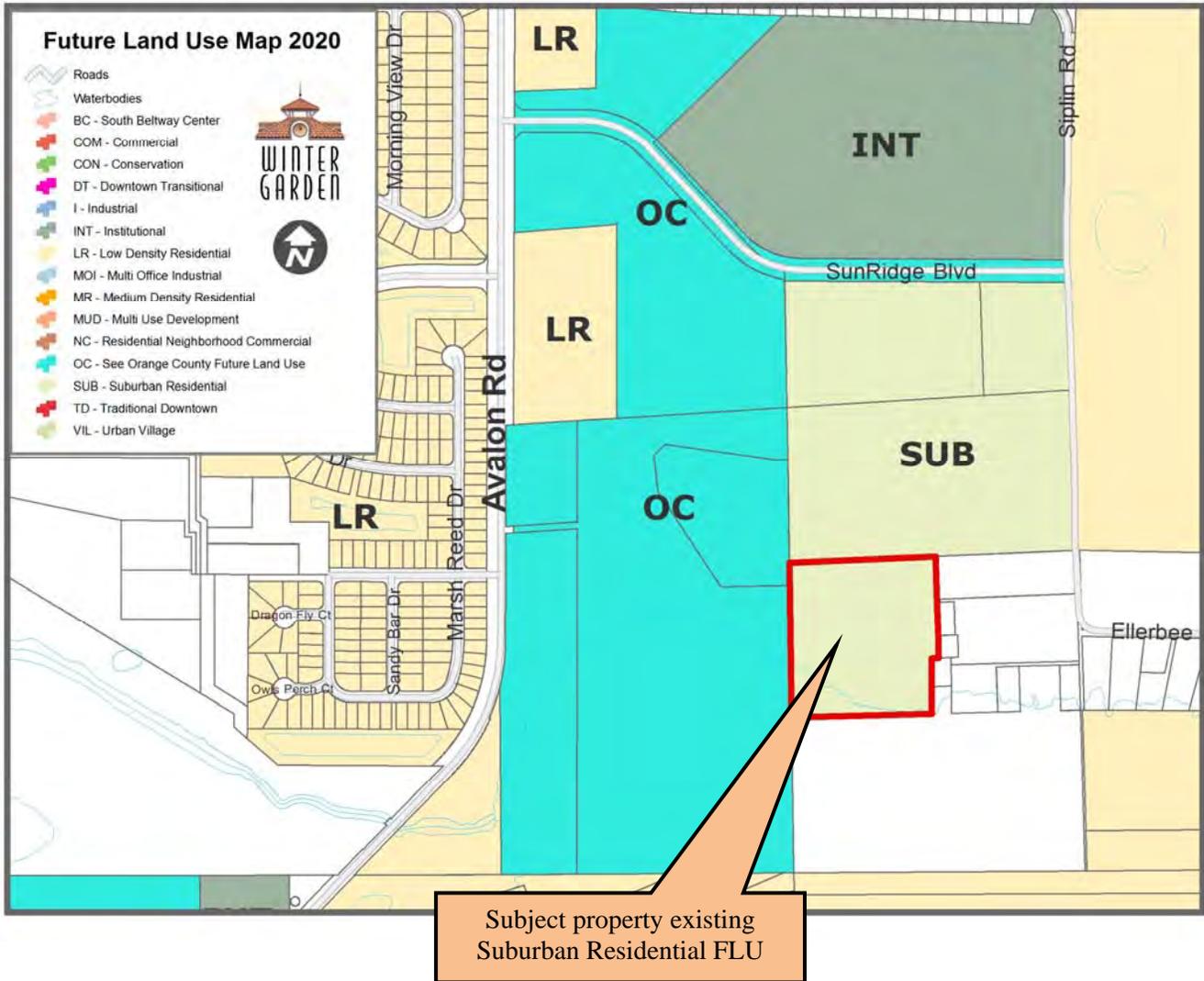
ZONING MAP

14400 SIPLIN ROAD



FUTURE LAND USE MAP

14400 Siplin Road



END OF STAFF REPORT

ORDINANCE 14-31

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 10.475 +/- ACRES OF REAL PROPERTY GENERALLY LOCATED SOUTH OF SUNRIDGE BOULEVARD, NORTH OF BLACK LAKE, EAST OF AVALON ROAD, AND WEST OF SIPLIN ROAD FROM CITY NZ NO ZONING DISTRICT TO CITY R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner of that certain real property generally described as 10.475 ± acres of land located south of Sunridge Boulevard, north of Black Lake, east of Avalon Road and west of Siplin Road, and legally described in ATTACHMENT "A" of this ordinance has petitioned the City to rezone said property from City NZ No Zoning District to City R-1 Single-Family 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 Single-Family 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 in ATTACHMENT "A," is hereby rezoned from City NZ No Zoning District to City R-1 Single-Family 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 upon adoption at its second reading.

FIRST READING AND PUBLIC HEARING: _____, 2014.

SECOND READING AND PUBLIC HEARING: _____, 2014.

ADOPTED this _____ day of _____, 2014, 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

Parcel ID # 34-22-27-0000-00-005

That part of the Southeast 1/4 of the Northwest 1/4 of Section 34, Township 22 South, Range 27 East, Orange County, Florida, described as follows:

Commence at the North 1/4 corner of Section 34, Township 22 South, Range 27 East, Orange County, Florida, and run S01°18'30"E, along the East line of the Northwest 1/4 of said Section 34 for a distance of 1419.17 feet to the Northeast corner of the Southeast 1/4 of the Northwest 1/4 of said Section 34; thence S87°28'23"W along the North line of said Southeast 1/4 of the Northwest 1/4 for a distance of 635.38 feet to the POINT OF BEGINNING; thence, departing said North line, run S01°01'05"E, along the East line of the West 33.00 feet of the Northeast 1/4 of the Southeast 1/4 of the Northwest 1/4 of said Section 34, for a distance of 453.00 feet; thence S87°28'23"W along the South line of the North 453.00 feet of said Northeast 1/4 of the Southeast 1/4 of the Northwest 1/4, for a distance of 33.00 feet to the East line of the Northwest 1/4 of the Southeast 1/4 of the Northwest 1/4 of said Section 34; thence S01°01'05"E along said East line 245.83 feet; thence S88°32'13"W along the South line of said Northwest 1/4 of the Southeast 1/4 of the Northwest 1/4 for a distance of 638.78 feet; thence N00°43'04"W along the West line of said Northwest 1/4 of the Southeast 1/4 of the Northwest 1/4 for a distance of 687.04 feet; thence N87°28'23"E along the North line of the aforesaid Southeast 1/4 of the Northwest 1/4 for a distance of 688.38 feet to the POINT OF BEGINNING.

Containing 10.475 acres more or less and being subject to any rights-of-way, restrictions and easements of record.

THE CITY OF WINTER GARDEN
PLANNING AND ZONING BOARD AGENDA ITEM

ITEM # 6 (Public Hearing)

DATE: July 30, 2014 **MEETING DATE:** August 4, 2014

SUBJECT: 505 & 807 Avalon Road (FLU Map Amendment) 64.39+/- acres
PROJECT NAME IOTA Sessions
PARCEL ID# 27-22-27-0000-00-068, 34-22-27-0000-00-003

ISSUE: The property owner requests to amend the future land use designation of the property from Orange County Rural to City Suburban Residential

SUPPLEMENTAL MATERIAL/ANALYSIS:

OWNER/APPLICANT: IOTA Sessions, LLC

CURRENT ZONING: NZ (No Zoning)

PROPOSED ZONING: N/A

CURRENT FLU: Rural – Orange County

PROPOSED FLU: Suburban Residential – Winter Garden

SUMMARY:

The property owner previously pursued a future land use map amendment with the City in 2006. Due to resistance by the property owner to participate in the SunRidge Blvd Proportionate Fair Share Agreement, the City failed to adopt the future land use map amendment.

STAFF RECOMMENDATION(S):

Staff recommends approval of Ordinance 14-32, recommending that staff be allowed to transmit a Large Scale Comprehensive Plan Amendment to the Florida Department of Economic Opportunity, amending the Future Land Use Map of the Comprehensive Plan by changing the future land use designation of the 64.39 +/- acre property from Orange County Rural to City Suburban Residential.

NEXT STEP(S):

City Commission for transmittal hearing August 14, 2014.

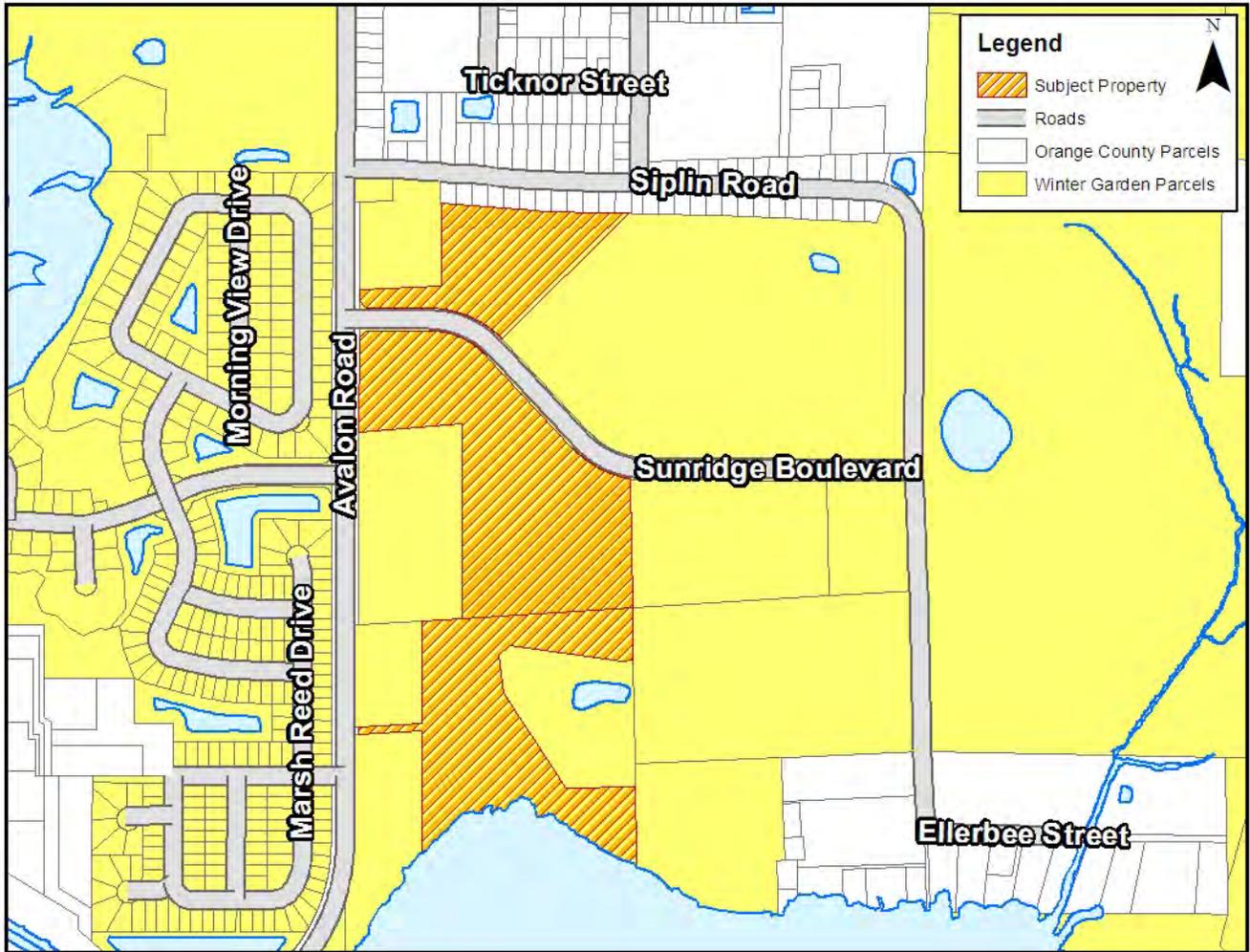
ATTACHMENT(S):

Location Map
Ordinance 14-32
Staff Report

LOCATION MAP

ORDINANCE 14-32

505 & 807 AVALON ROAD (64.39 +/- ACRES)



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: JULY 29, 2014

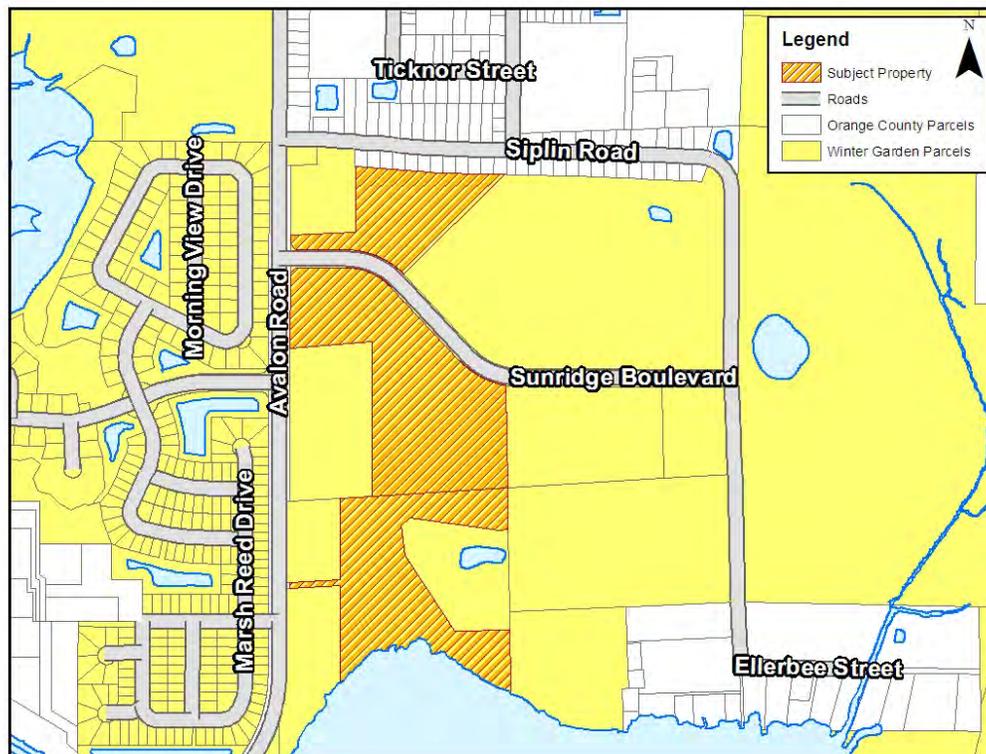
SUBJECT: FUTURE LAND USE MAP AMENDMENT
IOTA SESSIONS PROPERTY
505 & 807 AVALON ROAD (64.39 +/- ACRES)
PARCEL ID #: 27-22-27-0000-00-068, 34-22-27-0000-00-003

APPLICANT: IOTA SESSIONS, LLC

INTRODUCTION

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

The subject property is located at 505 & 807 Avalon Road and is approximately 64.39± acres. The map below depicts the proximity of the subject property to the City's jurisdictional limits:



The property owner requests to amend the future land use designation of the property from Orange County Rural to City Suburban Residential. The property owner has submitted application for a rezoning of the subject property to Planned Unit Development (PUD) which has been reviewed concurrently with the application for Future Land Use Map Amendment.

The property owner previously pursued a future land use map amendment with the City in 2006. Due to resistance by the property owner to participate in the SunRidge Blvd Proportionate Fair Share Agreement, the City failed to adopt the future land use map amendment.

The City's Comprehensive Plan policy for the future land use designation of Suburban Residential states:

Policy 1-1.2.2: Suburban Residential. Properties designated with the Suburban Residential land use category are required to be developed at a gross residential density no greater than 4 dwelling units per acre and will be identified on the Future Land Use Map only in areas that are either similar in nature (i.e. have the same type of density of existing neighborhoods) or where environmental factors require low residential densities. Factors in determining this land use category included proximity to natural resources and urban services, availability of public facilities, and the characteristics of nearby existing and future neighborhoods. Churches and schools may be allowed via a Special Exception Permit. The zoning classifications that are consistent with the Suburban Density classification are PUD, R-1A, R-1, and INT.

EXISTING USE

The subject property is vacant unimproved land.

ADJACENT LAND USE AND ZONING

The properties located to the north of the subject property are single family residences located within Unincorporated Orange County. The properties located to the west include vacant land that is located within the City of Winter Garden, single family residences within the Johns Lake Pointe Planned Unit Development subdivision located within the City of Winter Garden, and the Oasis Community Church located within the City of Winter Garden. The subject property is bordered on the south by Black Lake. The property to the east is the recently approved Black Lake Preserve Planned Unit Development subdivision which is within the City of Winter Garden and is actively under construction.

PROPOSED USE

The owner proposes to develop the property as a single family residential development to include approximately 106 single family residential dwelling units, parks and recreation areas and stormwater retention ponds.

PUBLIC FACILITY ANALYSIS

The property's primary point of transportation access is currently from SunRidge Boulevard. Through the review of the proposed rezoning of the property to PUD, access points will be analyzed to determine the exact location of the future primary access point. However, the property owner will be required to participate in the SunRidge Blvd Proportionate Fair Share Agreement for

widening of SunRidge Blvd.

School Concurrency and Capacity Approval for the subject property was granted by Orange County Public Schools on June 9, 2014 for up to 120 single family residential units.

The City will provide potable water, reclaimed water and sewer service to the property. The City has facilities adjacent to the property on SunRidge Boulevard with adequate capacity to serve the proposed development. The City will provide utilities for the future development of this property.

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 ordinance and recommends approval; subject to the condition that prior to the transmittal of the Large Scale Comprehensive Plan Amendment to the Florida Department of Economic Opportunity the property owner shall execute the SunRidge Blvd Proportionate Fair Share Agreement.

MAPS

AERIAL PHOTO 505 & 807 AVALON ROAD (64.39 +/- ACRES)



**WINTER GARDEN
 FUTURE LAND USE MAP**

EXISTING

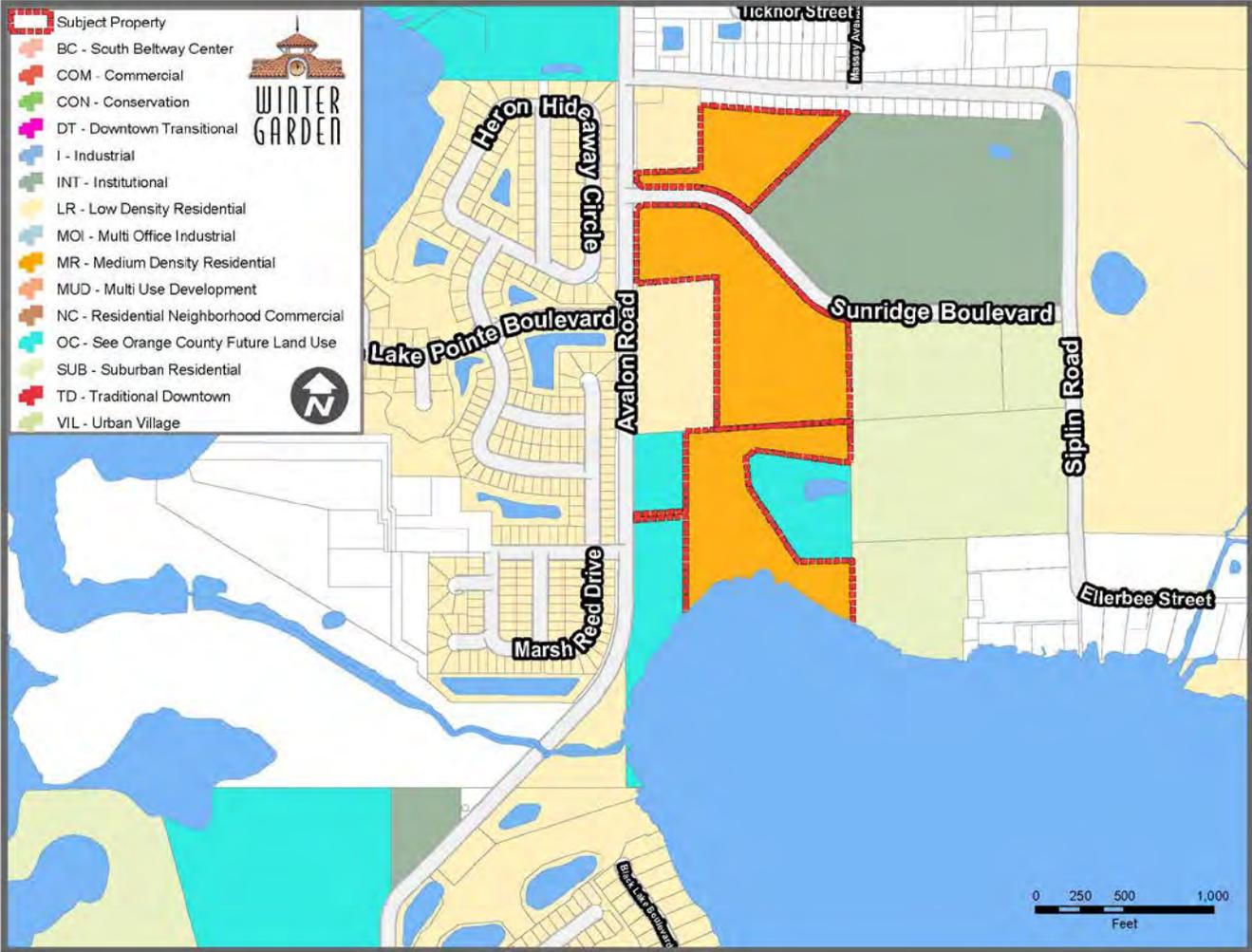
505 & 807 AVALON ROAD (64.39 +/- ACRES)



**WINTER GARDEN
FUTURE LAND USE MAP**

PROPOSED

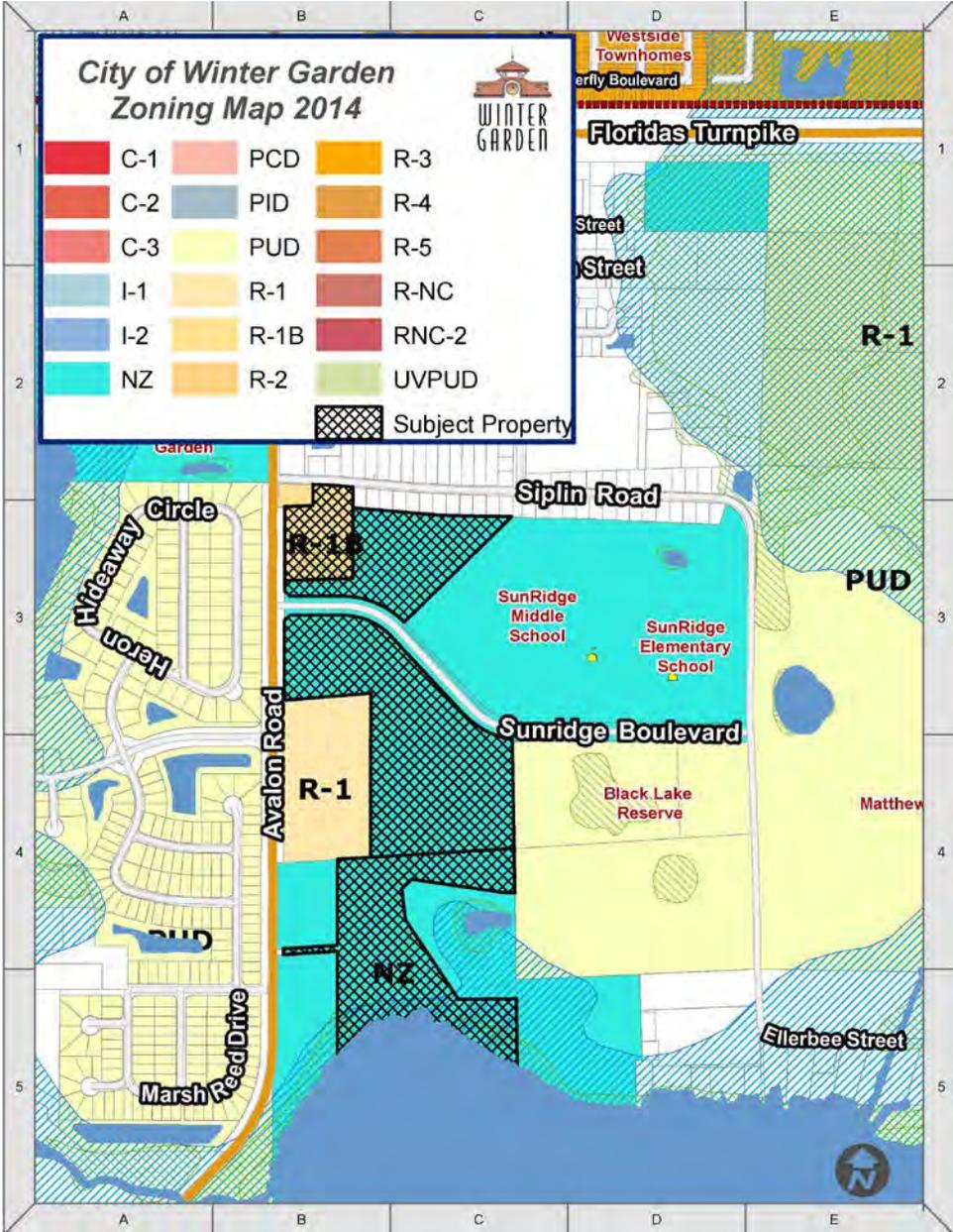
505 & 807 AVALON ROAD (64.39 +/- ACRES)



ZONING MAP

CURRENT

505 & 807 AVALON ROAD (64.39 +/- ACRES)



END OF STAFF REPORT

ORDINANCE 14-32

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE WINTER GARDEN COMPREHENSIVE PLAN BY CHANGING THE DESIGNATION FROM ORANGE COUNTY RURAL TO CITY SUBURBAN RESIDENTIAL FOR PROPERTY GENERALLY DESCRIBED AS 64.39 ± ACRES GENERALLY LOCATED EAST OF AVALON ROAD ON THE NORTH AND SOUTH SIDE OF SUNRIDGE BOULEVARD AT 505 AND 807 AVALON ROAD; 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 64.39 ± acres of land generally located east of Avalon Road on the north and south side of SunRidge Boulevard at 507 and 807 Avalon 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 to City Suburban 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 Suburban Residential as set forth in ATTACHMENT "B".

SECTION II. *Effective Date.* 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: _____, 2014.

SECOND READING AND PUBLIC HEARING: _____, 2014.

ADOPTED this _____ day of _____, 2014, 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

PARCEL ID#: 27-22-27-0000-00-068

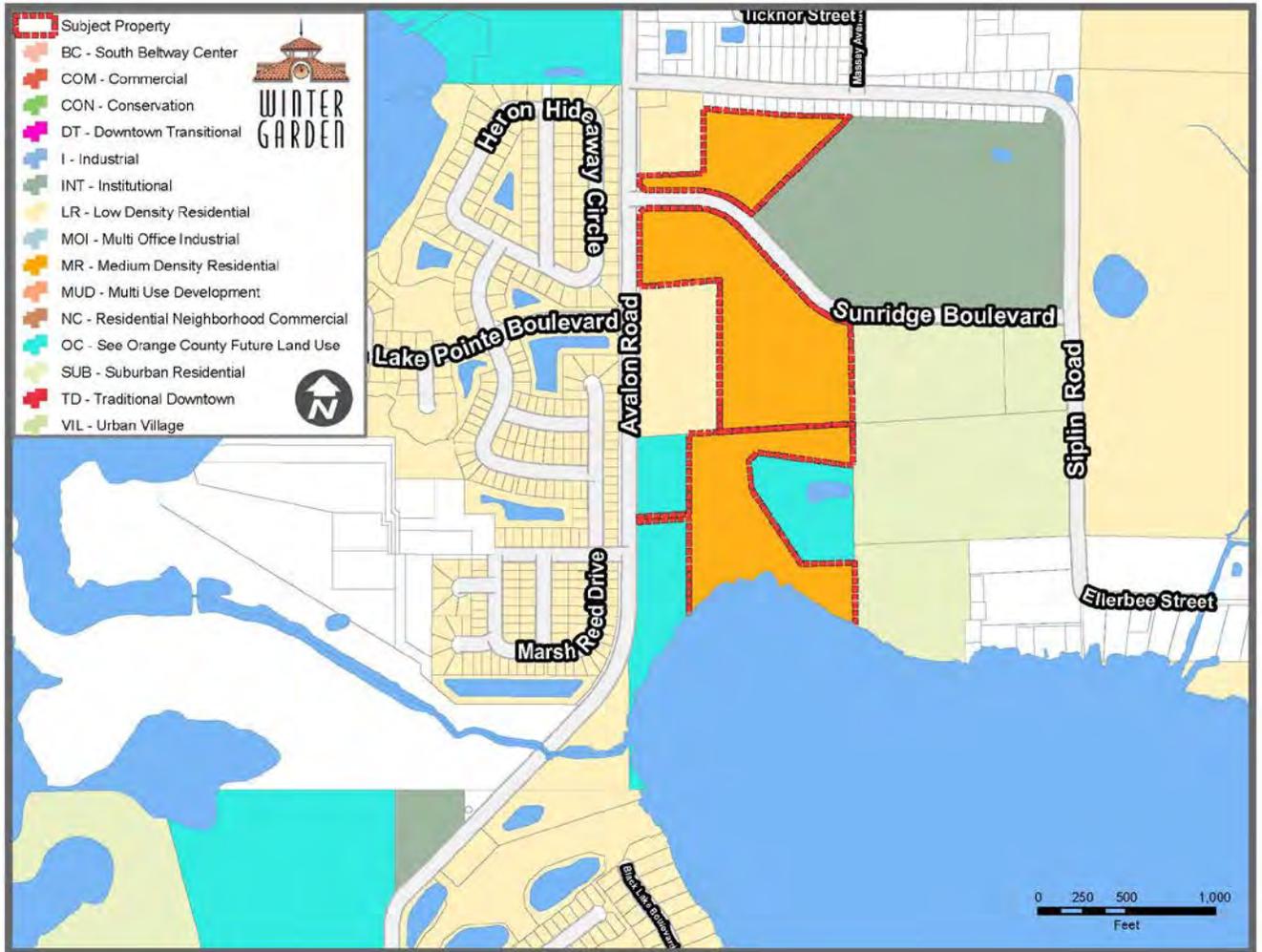
THE S1/2 OF SW1/4 (LESS S 185 FT OF W 515 FT & LESS N 517.34 FT OF W 421 FT & LESS RD R/W) & (LESS BEG AT NW COR OF SW1/4 OF SW1/4 RUN N 87 DEG 33.02 FT S 6.14 FT S 88 DEG E 169.17 FT ELY 198.79 FT S 85 DEG E 20.21 FT S 120.42 FT S 85 DEG E 457.01 FT S 88 DEG E 798.94 FT S 87 DEG E 665.65 FT N 19 DEG E 108.35 FT SELY 228.61 FT E 60.46 FT N 1 DEG E 348.53 FT W TO POB) IN SEC 27-22-27 & IN SEC 34-22-27 THE N1/2 OF NW1/4 OF NW1/4 (LESS W 515 FT) & BEG N1/4 COR OF SEC 34-22-27 TH S 02 DEG E 231.9 FT W TO W LINE NE1/4 OF NW1/4 TH N 123.77 FT E TO POB (LESS E 8 FT R/W PER OR 1753/0559-0563) & (LESS THAT PT LYING ELY OF SIPLIN RD) & (LESS COMM NW COR OF SW1/4 OF SW1/4 OF SEC 27-22-27 RUN S00-07-58W 616.91 FT S89-52-02E 369.95 FT TO PT ON CURVE CONCAVE SWLY RAD 430 FT CHORD BEARING OF S67-09-09E RUN SELY ALONG ARC CENT ANG 45-25-45 FOR 340.94 FT TO POB TH CONT SELY ALONG ARC CHORD BEARING S43-42-18E CENT ANG 01-27-57 FT FOR 11 FT TH RUN S42-58-20E 619.75 FT TO PT ON CURVE CONCAVE NELY RAD 370 CHORD BEARING S66-20-36E RUN NELY ALONG ARC CENT ANG 46-44-32 FOR 301.85 FT TH RUN S89-42-52E ALONG LINE PARALLEL WITH & 30 FT NELY OF S LINE DESC IN 7743/4158 FOR 1128.72 FT TH RUN N01-18-30W 201.20 FT S85-21-34W 7.03 FT N00-19-41W 873.47 FT S89-40-19W 10 FT TO PT ON NON-TANG CURVE CONCAVE SWLY RAD 150 FT TANG BEARING N00-19-41W RUN NWLY ALONG ARC CENT ANG 69-58-49 FOR 183.21 FT S19-41-30W 108.35 FT N87-37-16W 665.65 FT N88-35-49W 423.41 FT S45-33-44W 807.72 FT TO POB) & (LESS COMM NW COR OF SW1/4 OF SW1/4 OF SEC 27-22-27 RUN S00-07-58W 616.91 FT S89-52-02E 369.95 FT TO PT ON CURVE CONCAVE SWLY RAD 430 FT CHORD BEARING S66-25-11E RUN SELY ALONG ARC CENT ANG 46-53-42 FOR 351.94 FT TH RUN S42-58-20E 619.75 FT TO PT ON CURVE CONCAVE NELY RAD 370 FT CHORD BEARING S56-45-53E RUN SELY ALONG ARC CENT ANG 27-38-07 FOR 178.14 FT TO POB TH CONT SELY ALONG ARC CHORD BEARING S80-08-10E CENT ANG 19-09-25 FOR 123.71 FT RUN S89-42-52E 1128.72 FT S01-18-30E 30.01 FT N89-42-52W 1250.09 FT N00-43-04W 50.50 FT TO POB) & (LESS COM AT NW COR OF SW1/4 OF SW1/4 OF SEC 27 TH ALONG SAID SW1/4 OF SW1/4 RUN S00-08-05W 516.91 FT S89-55-59E 21.84 FT TH TO E R/W LINE OF AVALON RD FOR POB TH N87-56-20E 40.03 FT TH S00-04-01W 51.57 FT TH S44-53-57E 42.45 FT TH S 89-51-55E 278.02 FT TO PT ON CURV CONCV SWLY HAVING A RAD OF 450 FT A CENTR ANG OF 45-25-40 A CHORD BEARING & DIST OF S67-09-05E 347.52 FT & AN ARC DIST OF 356.79 FT TH S45-32-55W 20 FT TO A PT ON A CURV CONCV SWLY HAVING A RAD OF 430 FT A CENTR ANG OF 01-27-57 A CHORD BEARING & DIST OF S43-42-12E 11 FT & AN ARC DIST OF 11FT TH S42-58-13E 619.24 FT TO PT ON A CURV CONCV NELY HAVING A RAD OF 370 FT A CENTR ANG OF 27-40-26 A CHORD BEARING & DIST OF S56-48-26E 176.98 FT & AN ARC DIST OF 178.71 FT TH S00-54-31E 44.37 FT TO PT ON A CURV CONV NELY HAVING A RAD OF 450 FT A CENTR ANG OF 37-25-06 A CHORD BEARING & DIST OF N61-40-46W 288.69 FT & AN ARC DIST OF 293.88 FT TH N42-58-13W 550.59 FT TO PT ON A CURV CONCV SWLY HAVING A RAD OF 350 FT A CENTR ANG OF 46-53-42 A CHORD BEARING & DIST OF N66-25-04W 278.54 FT & AN ARC DIST 286.47 FT TH N89-51-55W 277.90 FT TH S 45-06-03W 42.40 FT TH S00-04-01W 415.57 FT TH S85-21-01W 40.14 FT TH N00-04-01E 628.95 FT TO POB)

PARCEL ID#: 34-22-27-0000-00-003

S1/2 OF NW1/4 OF NW1/4 & SW1/4 OF NW1/4 (LESS W 317 FT OF N 452 FT & LESS W 317 FT OF S 1498 FT) & (LESS COM AT NW COR OF NW1/4 OF NW1/4 S00-05-19E 1114.62 FT TH N89-54-41E 30 FT TO POB TH N86-24-51E 30.06 FT TH S00-05-19W 30.06 FT TH S86-24-51W 30.06 FT TH N00-05-19W 30.06 FT TO POB TAKEN FOR R/W) & (LESS COM AT NE COR OF W1/2 OF NW1/4 TH ALONG E LINE OF W1/2 OF NW1/4 RUN S00-54-31E 919.25 FT TO POB TH S00-54-31E 556.08 FT TH S89-05-29W 303.73 FT TH N33-37-04W 501.98 FT TH N06-26-09W 165.43 FT TH N45-59-57E 68.77 FT TH S81-53-33E 496.85 FT TH N89-10-15E 50FT TO POB) OF SEC 34-22-27

ATTACHMENT "B"

Future Land Use Map Amendment



THE CITY OF WINTER GARDEN
PLANNING AND ZONING BOARD AGENDA ITEM

ITEM # 7 (Public Hearing)

DATE: July 30, 2014 **MEETING DATE:** August 4, 2014

SUBJECT: 14966 SIPLIN ROAD, 505 & 807 AVALON ROAD (PUD) 68.09 +/- ACRES
PROJECT NAME IOTA Sessions, LLC
PARCEL ID# 27-22-27-0000-00-068, 34-22-27-0000-00-003,
27-22-27-0000-00-069

ISSUE: The applicant is requesting to rezone 68.09± acres of land from No Zoning and R-1B to Planned Unit Development (PUD).

SUPPLEMENTAL MATERIAL/ANALYSIS:

OWNER/APPLICANT: IOTA Sessions, LLC

CURRENT ZONING: NZ No Zoning & R-1B (Single-Family Residential District)

PROPOSED ZONING: PUD (Planned Unit Development)

CURRENT FLU: Rural – Orange County

PROPOSED FLU: Suburban Residential – Winter Garden

SUMMARY:

The applicant proposes to develop the 68.09± acre site into a residential planned unit development containing 106 single-family dwelling units. The subject property is currently in the process of Future Land Use Map Amendment to designate the subject property SUB- Suburban Residential on the Future Land Use Map of the City's Comprehensive Plan.

STAFF RECOMMENDATION(S):

Staff recommend approval of Ordinance 14-33 subject to the Conditions of the attached Staff Report with first reading by City Commission scheduled for August 14, 2014.

NEXT STEP(S):

Apply for Preliminary Plat

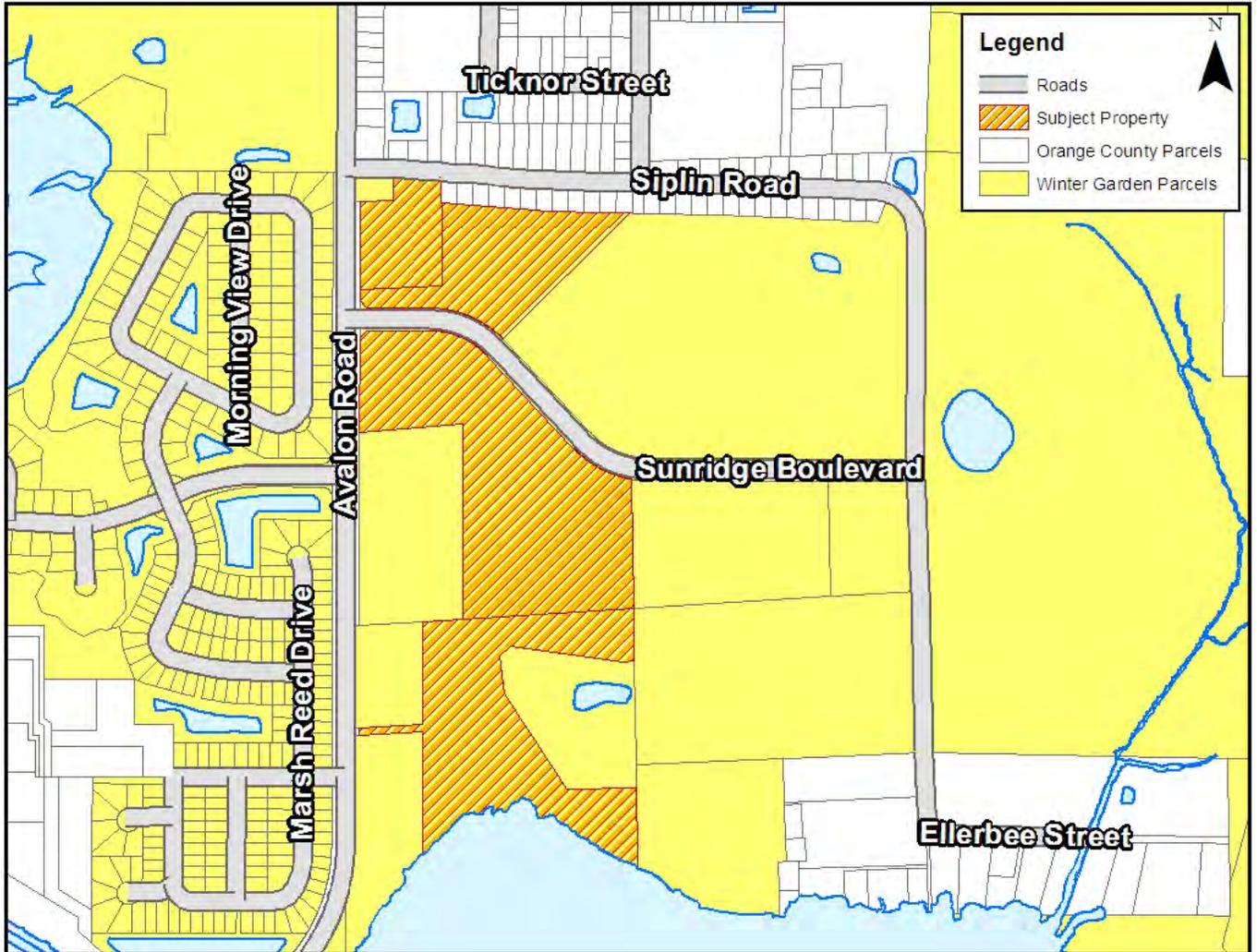
ATTACHMENT(S):

Location Map
Staff Report
Ordinance 14-33

LOCATION MAP

ORDINANCE 14-33

14966 SIPLIN ROAD, 505 & 807 AVALON ROAD (68.09 +/- ACRES)



CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

STAFF REPORT

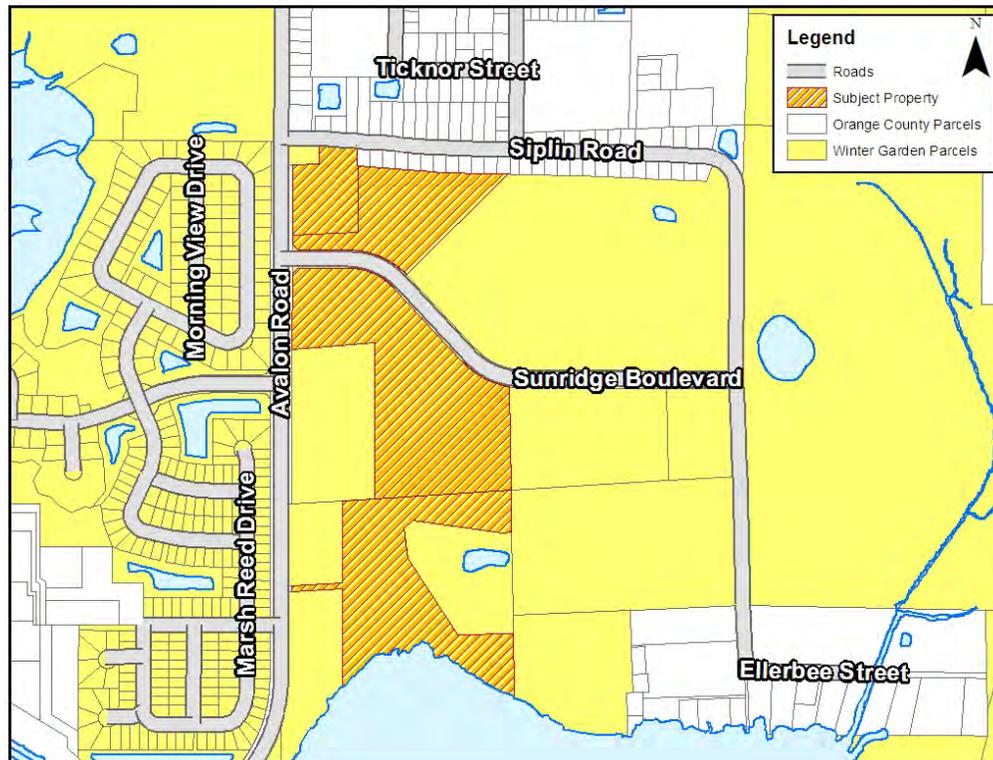
TO: PLANNING AND ZONING COMMITTEE
PREPARED BY: LAURA SMITH, SENIOR PLANNER
DATE: JULY 29, 2014
SUBJECT: PUD REZONING
IOTA SESSIONS PROPERTY
14966 SIPLIN ROAD, 505 & 807 AVALON ROAD (68.09 +/- ACRES)
PARCEL ID #: 27-22-27-0000-00-068, 34-22-27-0000-00-003,
27-22-27-0000-00-069

APPLICANT: IOTA SESSIONS, 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 14966 Siplin Road, 505 and 807 Avalon Road and is approximately 68.09± 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 68.09± acres of land from No Zoning and R-1B to Planned Unit Development (PUD). The subject property is currently in the process of Future Land Use Map Amendment to designate the subject property SUB- Suburban Residential on the Future Land Use Map of the City's Comprehensive Plan (see attached map).

EXISTING USE

The subject property is vacant unimproved land.

ADJACENT LAND USE AND ZONING

The properties located to the north of the subject property are single family residences located within Unincorporated Orange County. The properties located to the west include vacant land that is located within the City of Winter Garden, single family residences within the Johns Lake Pointe Planned Unit Development subdivision located within the City of Winter Garden, and the Oasis Community Church located within the City of Winter Garden. The subject property is bordered on the south by Black Lake. The property to the east is the recently approved Black Lake Preserve Planned Unit Development subdivision which is within the City of Winter Garden and is actively under construction.

PROPOSED USE

The applicant proposes to develop the 68.09± acre site into a residential planned unit development containing 106 single-family dwelling units. The subdivision is proposed to have a gross density of 2.60 dwelling units per acre, the SUB- Suburban Residential Future Land Use Designation allows up to 4 dwelling units per acre. The proposed subdivision will contain 5 recreational parks and 10.18 acres of open space.

The proposed project will contain a mixture of 65'x120' lots and 70'x120' lots, with a total of 53 lots at between 65' and 70' wide and 53 lots at 70' 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 10.18 +/- 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. A 25 foot wetland buffer has been provided adjacent to all wetlands located on the property including those located along the Black Lake shoreline.

Transportation

The property's primary points of vehicular access are from SunRidge Blvd which will continue to be the primary access points with the development of the property. SunRidge Boulevard will be widened to 4 lanes to accommodate the traffic generated by this development as well as the Mathews Grove and Black Lake Preserve projects 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.

School Concurrency and Capacity Approval for the subject property was granted by Orange County Public Schools on June 9, 2014 for up to 120 single family residential units.

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 the Sun Ridge Boulevard Proportionate Fair Share Agreement.
- Prior to any further approvals the property owner shall enter into a Developer’s Agreement, which in addition to other commitments, will outline the phasing, road access improvements, on-site and off-site utility improvements and upsizing, bonding requirements concerning public infrastructure and community subdivision infrastructure improvements, impact fees, etc.

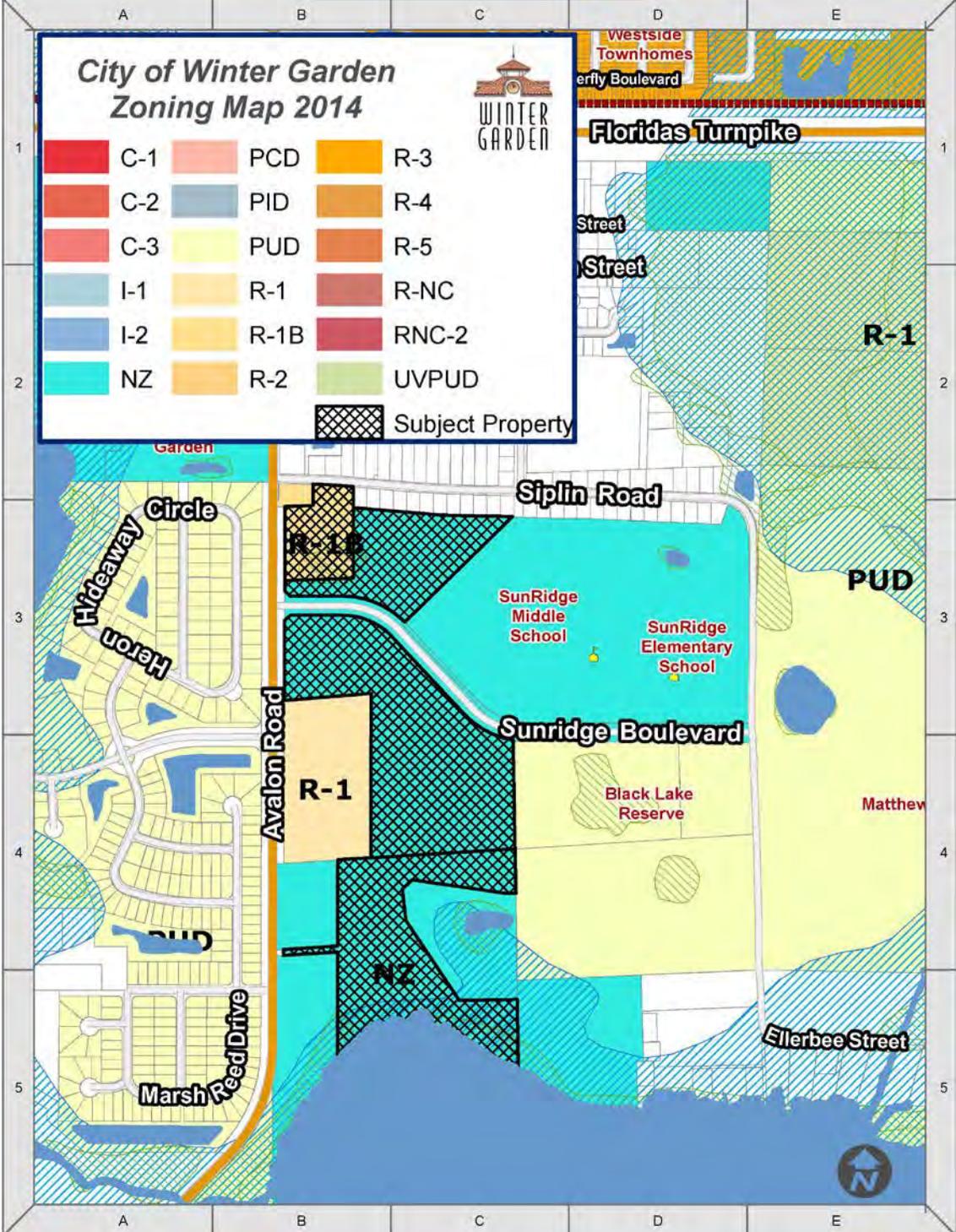
Rezoning the subject property from City NZ and R-1B to City PUD is consistent with the Future Land Use Map of the City’s Comprehensive Plan, and is consistent with the trend of development in the area. The proposed development is compatible and consistent with the uses in the surrounding area. The proposed development of the subject property is consistent with the goals, objectives and policies of the City’s Comprehensive Plan and land development regulations.

MAPS

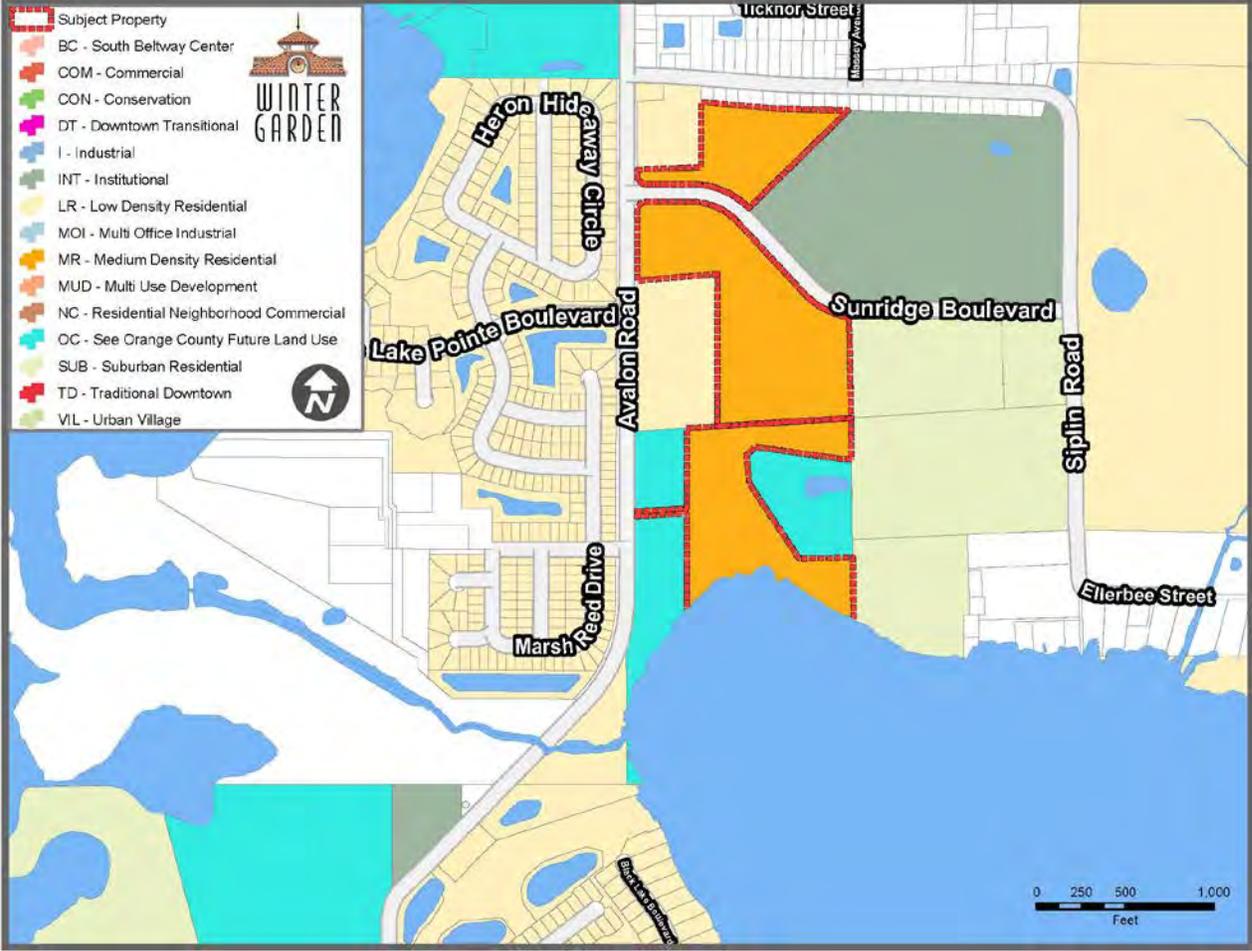
AERIAL PHOTO
IOTA SESSIONS SUBDIVISION



ZONING MAP
IOTA SESSIONS SUBDIVISION



FUTURE LAND USE MAP
IOTA SESSION SUBDIVISION



END OF STAFF REPORT

ORDINANCE 14-33

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 68.09 ± ACRES OF CERTAIN REAL PROPERTY GENERALLY LOCATED EAST OF AVALON ROAD ON THE NORTH AND SOUTH SIDE OF SUNRIDGE BOULEVARD AT 505 AND 807 AVALON ROAD AND 14966 SIPLIN ROAD, FROM NO ZONING (NZ) AND R-1B SINGLE-FAMILY RESIDENTIAL DISTRICT TO PLANNED UNIT DEVELOPMENT (PUD); PROVIDING FOR CERTAIN PUD REQUIREMENTS AND DESCRIBING THE DEVELOPMENT AS THE IOTA SESSIONS PUD; PROVIDING FOR NON-SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner of that certain real property generally described as 68.09 ± acres of land located at 14966 Siplin Road, 505 and 807 Avalon Road, located east of Avalon Road on the North and South side of SunRidge Boulevard, being more particularly described on Exhibit “A” attached hereto and incorporated herein by this reference (the “Property”), desire to rezone their property from City NZ and R-1B to City PUD, 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. 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) and R-1B Single-Family Residential District 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 IOTA Sessions PUD Development Plan attached hereto as Exhibit “B.” Should any conflict be found between this Ordinance and the IOTA Sessions 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 65 feet; minimum lot depth shall be 120 feet.
 - a. All lake front lots shall have a minimum 80 feet of width at the lake edge.
2. **Building Height-** Maximum building height shall be 40 feet, not to exceed 2 stories.
3. **Minimum Living Area-** Minimum living area for each residential unit shall be 1,400 square feet.
4. **Signage-** All signage shall be reviewed and permitted by the City of Winter Garden. All proposed signage, with the exception of street and traffic signs, shall be submitted for review and approval as part of the Development Agreement for the Property.
5. **Setbacks and Required Yards-**
 - a. **Front yard:** 20 feet when garage is front load; 15 feet when garage is side load.
 - i. Where a front porch is provided, the front porch may be constructed at a front setback of 15 feet.
 - ii. All front load garages shall be recessed at least 5 feet from principle structure façade.
 - b. **Rear yard:** 20 feet
 - i. Properties located adjacent to the PUD boundary shall have a minimum 25 foot rear yard setback.
 - c. **Side yard:** 5 feet
 - i. 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;
 - ii. Any landscaping and/or fencing installed within the 5 foot side yard setback shall be designed and constructed so as not to interfere with any easement function.
 - d. **Corner/Street Side yard:** 20 feet

- 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".
- a. Rear elevations of 2-story product types shall include architectural features similar to those of the front elevation.
 - b. 25% of all dwelling units will have either have a side load garage or a front porch.
 - c. A front porch shall be defined as a covered outdoor area at and/or adjacent to the front door of the residential dwelling unit that extends a minimum of 3 feet on either side of the front door and has a minimum depth of 6 feet.
 - d. Product types shall be staggered to avoid construction of the same elevation side-by-side or across the street.
- 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 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. SunRidge Boulevard has been constructed with two lanes, to be expanded as designed, to four lanes. This project, along with others along this corridor shall be required to participate in the funding of the widening to four lanes through execution of the SunRidge Boulevard Proportionate Fair Share Agreement.
 - 2. The joint City/HOA Stormwater area shown on Sheet 6 of 6 can accommodate up to 4.84 acres per Exhibit 5 of the SJRWMD permit application.

3. Typical Section: Right-of-way width shall be a minimum of 50 feet with minimum roadway pavement width of 24' as required by City Code (12' minimum each lane); 16' minimum lane width for any divided portion_(additional width may be required if parking is allowed); 18" of clean fill with no more than 5% passing a #200 sieve required under the subbase; 98% density required on all compaction; 2" minimum asphalt thickness; 10" minimum soil cement base thickness; minimum 24" wide concrete curb and gutter required (or Miami curb); 5' wide concrete sidewalks required on both sides of street; minimum 10' wide drainage, utility and pedestrian easements required adjacent to all rights-of-way. All construction shall meet City of Winter Garden requirements for drainage, roadways and utilities (see City Standard Details available on-line at cwgdn.com).
4. The environmental report states that gopher tortoises may be active on site and that it is unlikely habitat for sand skinks. Provide approvals from FFWCC prior to construction that these species have been addressed.
5. Utilities: Minimum 8" potable water (internal), 8" reuse water, and minimum 6" sanitary force main are required.
6. Some of this property appears to be "A" type soils and may require adherence to the City's Wekiva protection regulations. Wekiva Protection requirements as outlined in the Comprehensive Plan shall be met, especially for drainage and Karst protection. Although the geotechnical reports have stated that the "A" type soils are not "most effective recharge" soils, final determination shall be made by the SJRWMD concerning drainage design. Soil borings for Karst features is acknowledged and accepted.
7. A Developers Agreement addressing the phasing, utilities and other commitments of the IOTA Sessions PUD Development Plan shall be approved by the City Commission and recorded prior to the issuance of any site or building permits. City staff will draft the D.A. that shall include, but not be limited to the following: widening of SunRidge Boulevard; project phasing; utilities upsizing; R/W conveyances; adherence to all City Codes and Standards; etc.
8. All irrigation on the site shall be designed to be supplied by reclaimed water (minimum 8" internal main size).
9. The 100 year flood plain for Black Lake and the adjacent wetlands is Elevation 99.70 (NAVD '88). Any areas developed within the 100 year flood plane shall be compensated for; LOMR with FEMA is required for any development within the 100 year flood zone.
10. Walls and landscaping shall be located within a landscape and wall tract, to be maintained by the HOA.

11. If the development will be gated: 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 R/W maintenance agreement.
12. 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.
13. Minimum 5 ft wide utility and drainage easements shall be provided on each side lot line; 10' drainage, utility and sidewalk easements required adjacent to R/W.
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 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: road and access improvements; on-site and offsite utilities improvements; bonding requirements concerning public infrastructure and community subdivision infrastructure improvements; other commitments of the development's master plan; project phasing; vehicular access to the site; provisions concerning Owner's design, permitting and construction of access improvements for the Project; off-site public infrastructure improvements; impact fees; other conditions and commitments of this Ordinance and the IOTA Sessions PUD Development Plan, attached hereto as Exhibit "B"; and adherence to all City Codes and Standards and development order and permit conditions of approval.
- 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: _____, 2014.

SECOND READING AND PUBLIC HEARING: _____, 2014.

ADOPTED this _____ day of, _____, 2014, 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 "A":

That part of Sections 27 and 34, Township 22 South, Range 27 East, Orange County, Florida, described as follows.

Commence at the Southwest corner of Section 27, Township 22 South, Range 27 East and run N00°07'58"E, along the West line of the Southwest 1/4 of said Section 27 a distance of 185.64 feet; thence departing said line run N85°21'34"E along the North line of the South 185.00 feet of said Southwest 1/4 a distance of 62.80 feet to the POINT OF BEGINNING, said point being on the East right-of-way line of Avalon Road as described in Official Records Book 10115, Page 702, of the Public Records of Orange County, Florida; thence N00°03'54"E along said East right-of-way line 415.58 feet to the Southerly right-of-way line of Sunridge Boulevard, as described in said Official Records Book 10115, Page 702; thence run the following courses along said Southerly right-of-way line: N45°05'56"E, 42.40 feet; thence S89°52'02"E, 277.90 feet to the point of curvature of a curve concave Southwesterly having a radius of 350.00 feet and a chord bearing of S66°25'11"E; thence Southeasterly along the arc of said curve through a central angle of 46°53'42" for a distance of 286.47 feet to the point of tangency; thence S42°58'20"E, 550.59 feet to the point of curvature of a curve concave Northeasterly having a radius of 450.00 feet and a chord bearing of S61°39'33"E; thence Southeasterly along the arc of said curve through a central angle of 37°22'27" for a distance of 293.53 feet to a non-tangent point on the East line of the West 1/2 of the Northwest 1/4 of Section 34, Township 22 South, Range 27 East; thence S00°43'04"E along said East line 801.84 feet to the Northeast corner of lands described in said Official Records Book 10115, Page 702; thence run the following courses along the boundary of said lands: S89°21'42"W, 49.99 feet; thence N81°42'06"W, 496.85 feet; S46°11'24"W, 68.77 feet; thence S06°14'42"E, 165.43 feet; S33°25'37"E, 501.98 feet; thence N89°16'56"E, 303.73 feet; thence departing said boundary, run S00°43'04"E along the aforesaid East line of the West 1/2 of the Northwest 1/4 of Section 34 for a distance of 1271.94 feet; thence S89°35'22"W along the South line of the Northwest 1/4 of said Section 34 for a distance of 942.77 feet; thence N00°05'12"W along the East line of the West 342.00 feet of said Northwest 1/4 of Section 34 for a distance of 2009.78 feet; thence N86°25'13"E along the North line of the South 1/2 of the Northwest 1/4 of the Northwest 1/4 of said Section 34 for a distance of 173.48 feet; thence N00°05'12"W along the East line of the West 515.00 feet of the Northwest 1/4 of said Section 34 for a distance of 673.20 feet to the South line of the Southwest 1/4 of said Section 27, Township 22 South, Range 27 East; thence N00°07'58"E along the East line of the West 515.00 feet of said Southwest 1/4 of Section 27 for a distance of 185.64 feet; thence S85°21'34"W along the aforesaid North line of the South 185.00 feet of the Southwest 1/4 of Section 27 for a distance of 453.99 feet to the POINT OF BEGINNING.

PARCEL B:

That part of Section 27, Township 22 South, Range 34 East, Orange County, Florida, described as follows:

Commence at the Southwest corner of Section 27, Township 22 South, Range 34 East and run N00°07'58"E along the West line of the Southwest 1/4 of said Section 27 for a distance of 1203.28 feet; thence departing said West line run N87°56'36"E along the South line of the North 130.00 feet of the Southwest 1/4 of the Southwest 1/4 of said Section 27 for a distance of 61.42 feet to the East right-of-way line of Avalon Road, as described in Official Records Book 10115, Page 702, of the Public Records of Orange County, Florida, and to the POINT OF BEGINNING; thence continue N87°56'36"E along said South line, 148.16 feet; thence N00°07'58"E along the East line of the West 209.43 feet of said Southwest 1/4 of the Southwest 1/4 for a distance of 111.33 feet to a point of the South right-of-way line of Siplin Road, as described in Official Records Book 3886, Page 3445, of said Public Records, said point being on a non-tangent curve concave Southerly having a radius of 4247.81 feet and a chord bearing of S86°36'17"E; thence Easterly along the arc of said curve and said right-of-way line through a central angle of 02°34'54" a distance of 191.40 feet to the point of tangency; thence S85°18'50"E along said right-of-way line 20.23 feet to the West line of SIPLIN HEIGHTS, as recorded in Plat Book 21, Pages 49 and 50, of said Public Records; thence S00°07'50"W along said West line 110.39 feet to the Southwest corner of said SIPLIN HEIGHTS; thence S85°18'29"E along the South line of said SIPLIN HEIGHTS, 457.01 feet; thence S88°35'49"E along said South line 375.54 feet; thence S45°33'44"W along the Northwesterly line of lands described in Official Records Book 7901, Page 3020, of said Public Records, 787.72 feet to a point on a non-tangent curve concave Southwesterly having a radius of 450.00 feet and a chord bearing of N67°09'10"W, said point also being on the Northerly right-of-way line of Sunridge Boulevard, as described in Official Records Book 10115, Page 702, of said Public Records; thence Northwesterly along the arc of said curve and said right-of-way line through a central angle of 45°25'44" a distance of 356.80 feet to the point of tangency; thence N89°52'02"W along said right-of-way line 278.02 feet; thence N44°54'04"W along said right-of-way line 42.45 feet; thence N00°03'54"E along the aforesaid East right-of-way line of Avalon Road, 439.17 feet to the POINT OF BEGINNING.

Exhibit "B"

COVER PAGE

PLANNED UNIT DEVELOPMENT PRELIMINARY PLAN

IOTA Sessions

REVISED July 11, 2014

(11 PAGES - ATTACHED)

PLANNED UNIT DEVELOPMENT / PRELIMINARY PLAN

CITY OF WINTER GARDEN, FLORIDA

IOTA SESSIONS PROPERTY

LEGAL DESCRIPTION

SECTION 10: [Illegible text]

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SECTION 12: [Illegible text]

SECTION 13: [Illegible text]

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SECTION 46: [Illegible text]

SECTION 47: [Illegible text]

SECTION 48: [Illegible text]

SECTION 49: [Illegible text]

SECTION 50: [Illegible text]

PREPARED FOR
IOTA SESSIONS, LLC
C/O GIBALTAR ASSET MANAGEMENT SERVICES
250 GIBALTAR ROAD
HORSHAM, PA 19044
PHONE (215) 938-8393

PARCEL ID. NUMBER:
27-22-27-0000-00-068
27-22-27-0000-00-069
34-22-27-0000-00-003

PROJECT DESCRIPTION
A 106 UNIT SINGLE FAMILY PLANNED UNIT DEVELOPMENT

SHEET INDEX

- 1. COVER SHEET
- 2. BOUNDARY & EXISTING CONDITIONS PLAN
- 3. BOUNDARY & EXISTING CONDITIONS PLAN
- 4. BOUNDARY & EXISTING CONDITIONS PLAN
- 5. BOUNDARY & EXISTING CONDITIONS PLAN
- 6. PUD PRELIMINARY PLAN
- LA-01 PRELIMINARY LANDSCAPE PLAN
- LA-02 PRELIMINARY LANDSCAPE PLAN
- LA-03 PRELIMINARY LANDSCAPE PLAN
- LA-04 PRELIMINARY LANDSCAPE DETAILS
- LA-05 PRELIMINARY LANDSCAPE DETAILS

NOTE: THE SCALE OF THESE PLANS MAY HAVE CHANGED DUE TO REPRODUCTION.

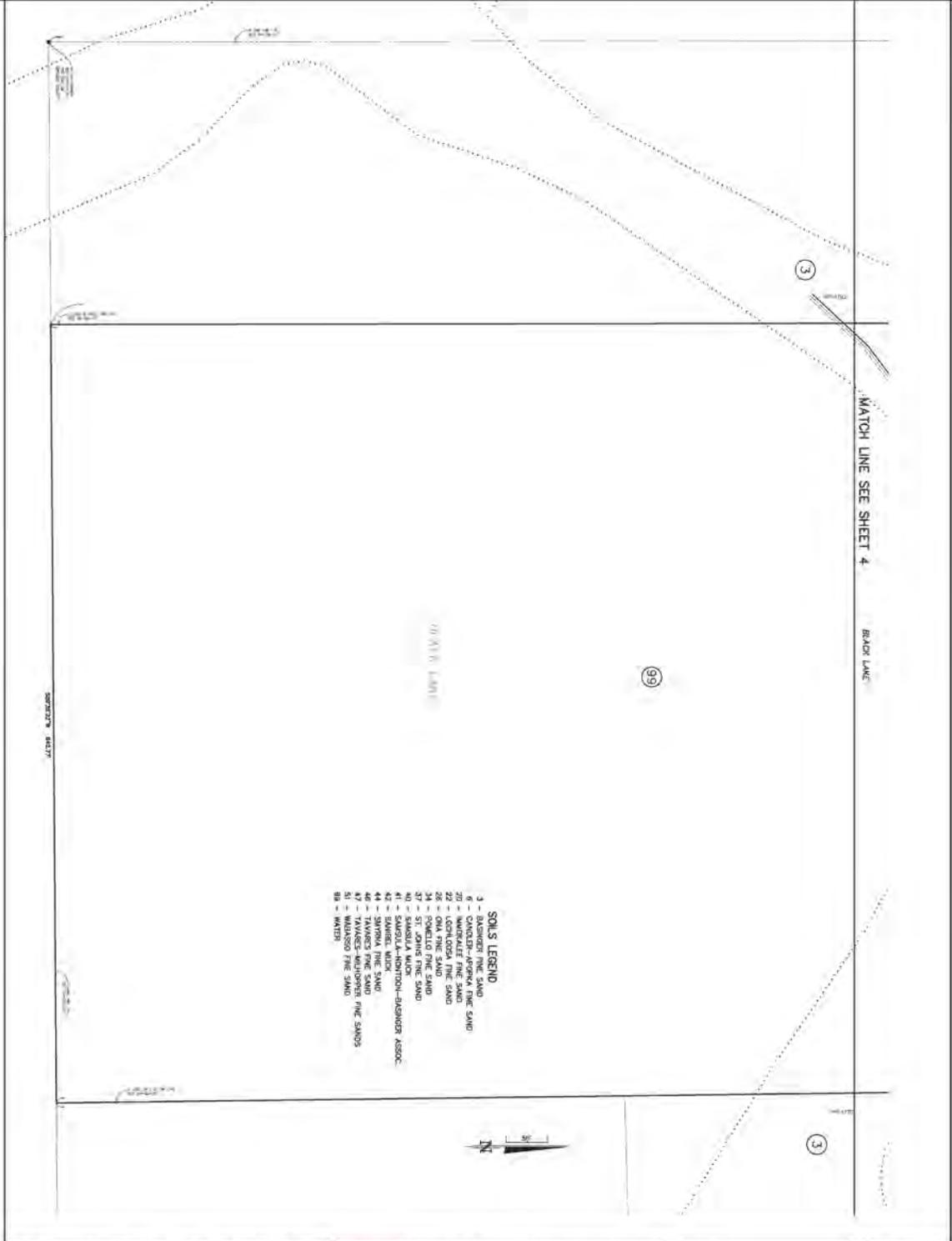
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DESIGNER
IOTA SESSIONS, LLC
C/O GIBALTAR ASSET MANAGEMENT SERVICES
250 GIBALTAR ROAD
HORSHAM, PA 19044
PHONE (215) 938-8393
- ENGINEERING /**
SURVEYOR
DONALD W. MCINTOSH ASSOCIATES, INC.
ENGINEERS
2300 PARK AVENUE NORTH, WINTER PARK, FLORIDA 32789 (407) 644-4068
- ENVIRONMENTAL**
NATIVE PLANNING & DESIGN, INC.
326 W. GORHAM AVENUE
WINTER PARK, FLORIDA 32789
PHONE (407) 628-1800
- GEOTECHNICAL**
UNIVERSAL ENGINEERING SERVICES, INC.
1000 W. UNIVERSITY AVENUE
ORLANDO, FL 32817
PHONE (407) 422-3708
- TRANSPORTATION**
NATIVE PLANNING & DESIGN, INC.
326 W. GORHAM AVENUE
WINTER PARK, FLORIDA 32789
PHONE (407) 628-1800



MAY 14, 2014
REVISED JULY 11, 2014

DONALD W. MCINTOSH ASSOCIATES, INC.
ENGINEERS
SURVEYORS
2300 PARK AVENUE NORTH, WINTER PARK, FLORIDA 32789 (407) 644-4068



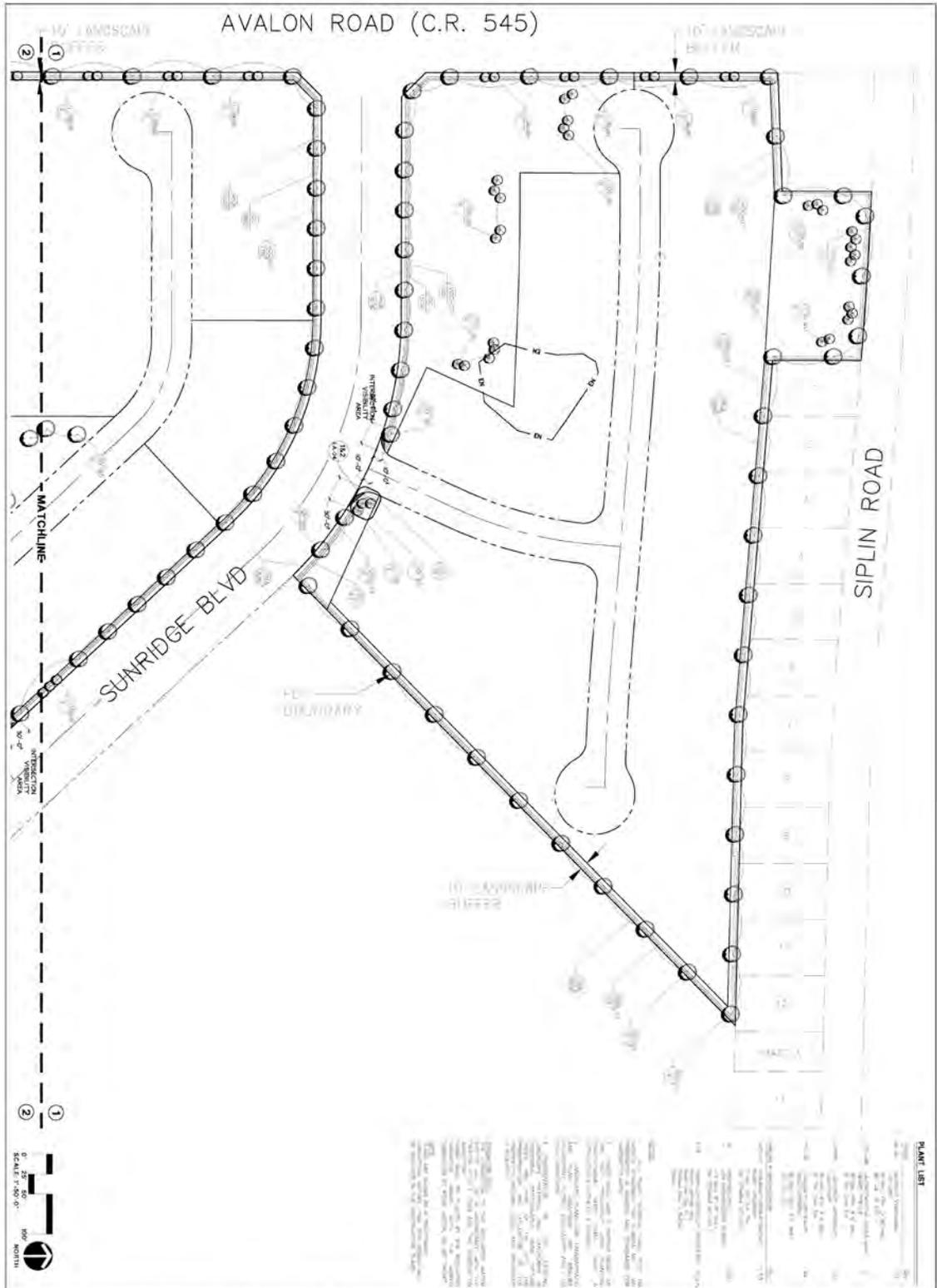


- SOILS LEGEND**
- 1 - DUNCAN FINE SAND
 - 4 - SANDY SILT
 - 7 - SANDY SILT WITH FINE SAND
 - 20 - SANDY SILT WITH FINE SAND
 - 22 - LOCHLOOSA FINE SAND
 - 26 - OMA FINE SAND
 - 28 - SANDY SILT WITH FINE SAND
 - 37 - ST. JOHN'S FINE SAND
 - 41 - SANDY SILT WITH FINE SAND
 - 42 - SANDY SILT WITH FINE SAND
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 - 81 - SANDY SILT WITH FINE SAND
 - 82 - SANDY SILT WITH FINE SAND

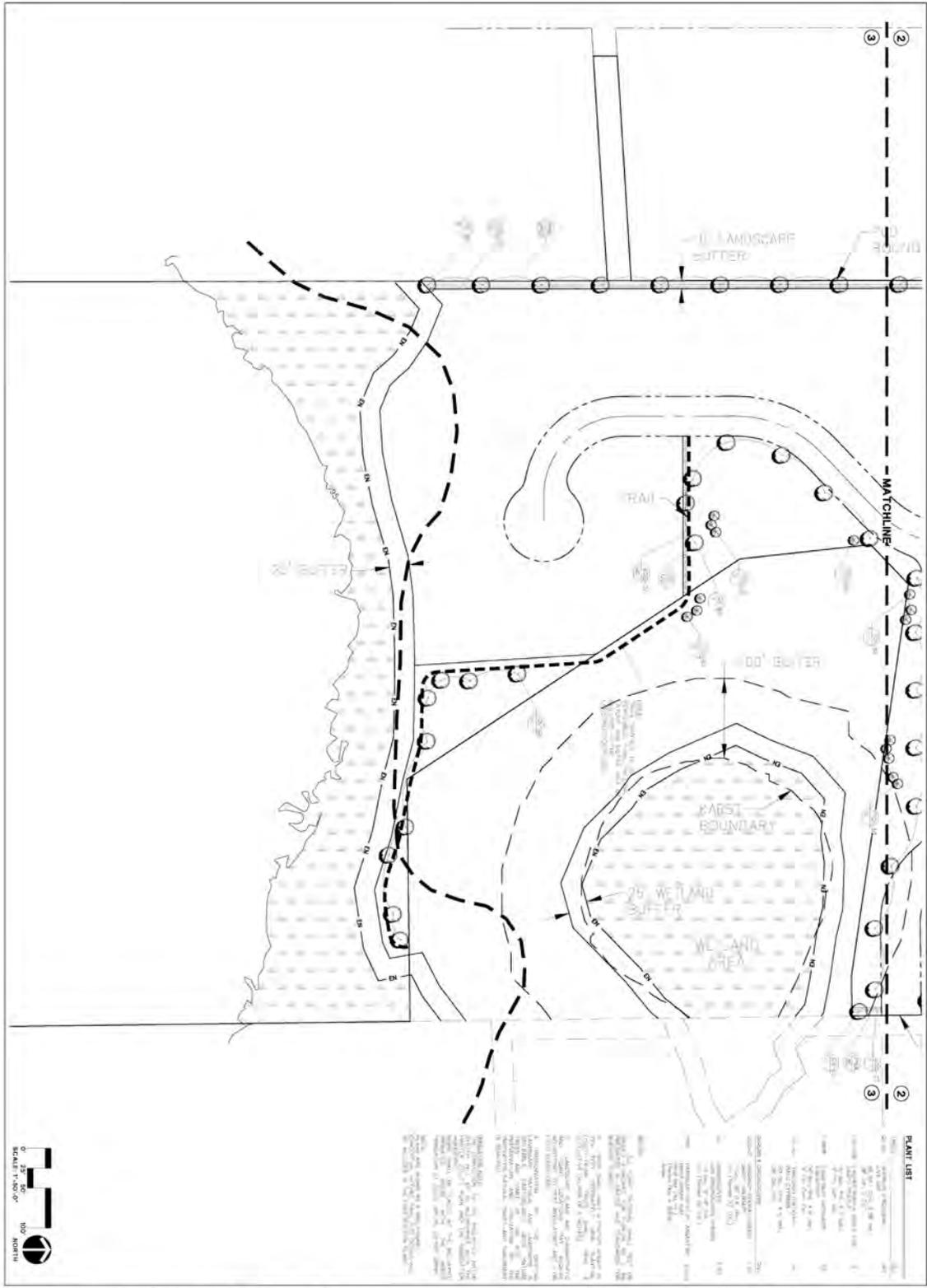
3. Building Schedule

Item	Quantity	Unit	Rate	Total
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3. 65/70' x 120' Units	100	sq ft	1.25	125.00
4. 65/70' x 120' Units	100	sq ft	1.25	125.00
5. 65/70' x 120' Units	100	sq ft	1.25	125.00
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7. 65/70' x 120' Units	100	sq ft	1.25	125.00
8. 65/70' x 120' Units	100	sq ft	1.25	125.00
9. 65/70' x 120' Units	100	sq ft	1.25	125.00
10. 65/70' x 120' Units	100	sq ft	1.25	125.00





<p>PRELIMINARY LANDSCAPE PLAN LA-01 OF 5</p>	<table border="1"> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> <tr> <td>1</td> <td>10/1/14</td> <td>ISSUED FOR PERMIT</td> </tr> <tr> <td>2</td> <td>10/1/14</td> <td>ISSUED FOR PERMIT</td> </tr> </table>	NO.	DATE	DESCRIPTION	1	10/1/14	ISSUED FOR PERMIT	2	10/1/14	ISSUED FOR PERMIT	<p>SESSIONS LANDSCAPE ARCHITECTURAL PLANS PRELIMINARY PLAN</p> <p>CITY OF WINTER GARDEN, FLORIDA IOTA SESSIONS, LLC</p>	<p>cmh associates urban planning landscape architecture architectural design 500 delaney avenue orlando, florida 32808 407.422.4040 www.cmh.com copyright © 2014 cmh associates, llc</p>
NO.	DATE	DESCRIPTION										
1	10/1/14	ISSUED FOR PERMIT										
2	10/1/14	ISSUED FOR PERMIT										



PLANT LIST

NO.	SYMBOL	PLANT NAME	QUANTITY	NOTES
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<p>PRELIMINARY LANDSCAPE PLAN SHEET NO. 5 LA-03</p>	<p>SESSIONS LANDSCAPE ARCHITECTURAL PLANS PRELIMINARY PLAN</p>	<p>cmh ASSOCIATES urban planning landscape architecture architectural design 500 delaney avenue orlando, florida 32801 407.422.4040 www.cmh.com copyright © 2004 cmh associates, inc.</p>
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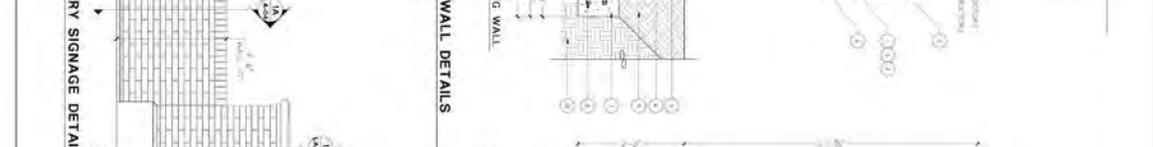
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NOTES

1. SEE SECTION 05100 FOR BRICK WALL CONSTRUCTION.
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49. SEE SECTION 05100 FOR BRICK WALL CONSTRUCTION.
50. SEE SECTION 05100 FOR BRICK WALL CONSTRUCTION.



2 BRICK ENTRY SIGN WALL DETAILS
SECTION
SCALE: 1/4"=1'-0"



3 BRICK ENTRY SIGN WALL DETAILS
ELEVATION VIEW
SCALE: 1/2"=1'-0"



3 PLAYGROUND DETAIL
PLAN VIEW
SCALE: 1/8"=1'-0"



3 PLAYGROUND DETAIL
NOT TO SCALE



2 BRICK ENTRY SIGN WALL DETAILS
SECTION
SCALE: 1/4"=1'-0"



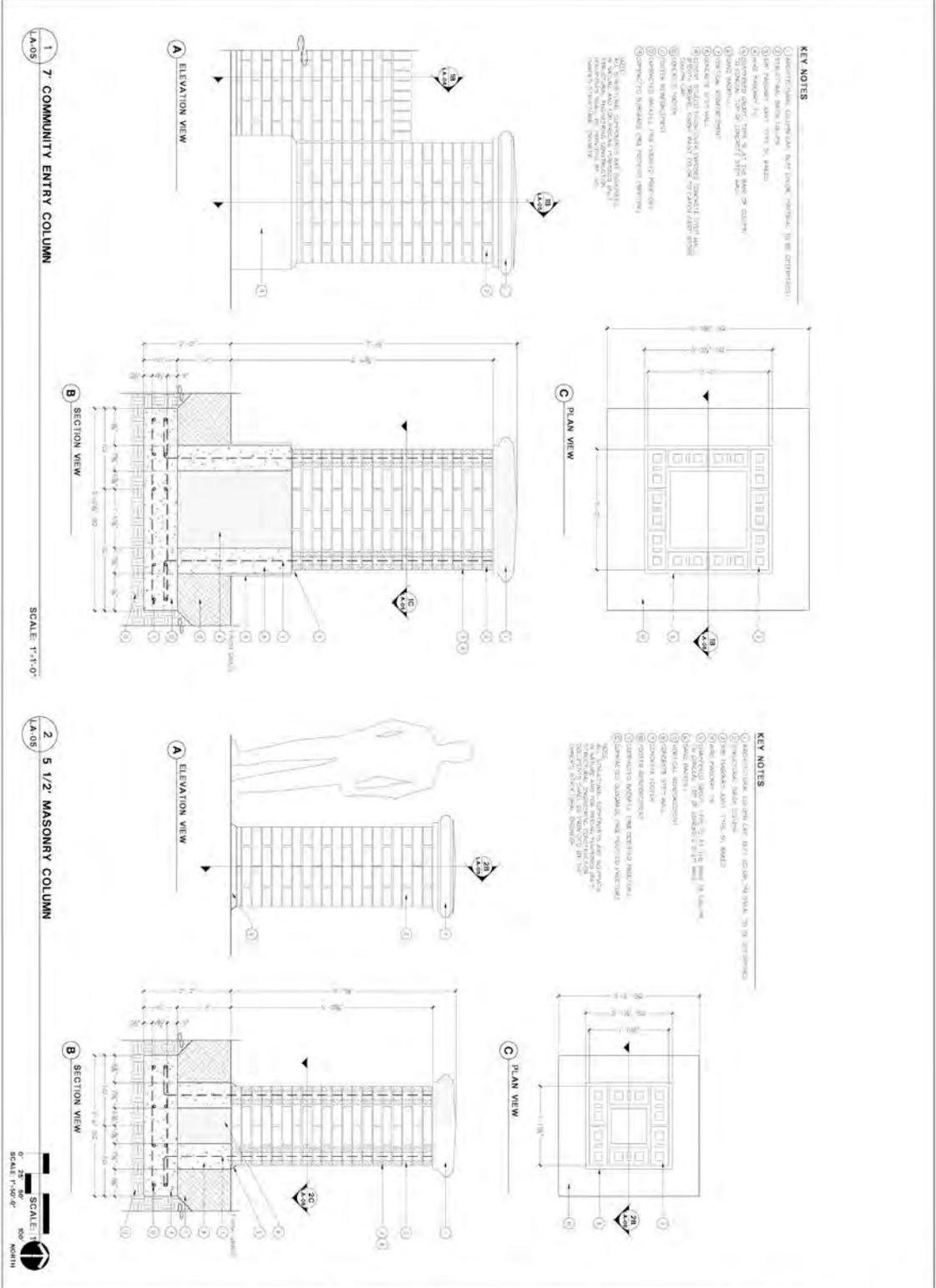
3 BRICK ENTRY SIGN WALL DETAILS
ELEVATION VIEW
SCALE: 1/2"=1'-0"



3 PLAYGROUND DETAIL
PLAN VIEW
SCALE: 1/8"=1'-0"



3 PLAYGROUND DETAIL
NOT TO SCALE



PRELIMINARY LANDSCAPE ARCHITECTURAL PLANS LA-05 OF 3	THE PROJECT NAME PROJECT NUMBER PROJECT ADDRESS PROJECT CITY, STATE, ZIP PROJECT CLIENT PROJECT DATE	SESSIONS LANDSCAPE ARCHITECTURAL PLANS PRELIMINARY PLAN CITY OF WINTER GARDEN, FLORIDA IOTA SESSIONS, LLC	CMIN ASSOCIATES urban planning landscape architecture architectural design 500 delaney avenue orlando florida 32801 407.422.0400 www.cmin.com copyright © 2014 cmin associates, inc.
	PREPARED BY: [Name] CHECKED BY: [Name] DATE: [Date]		

Exhibit "C"

Building Elevations



ELEVATION C



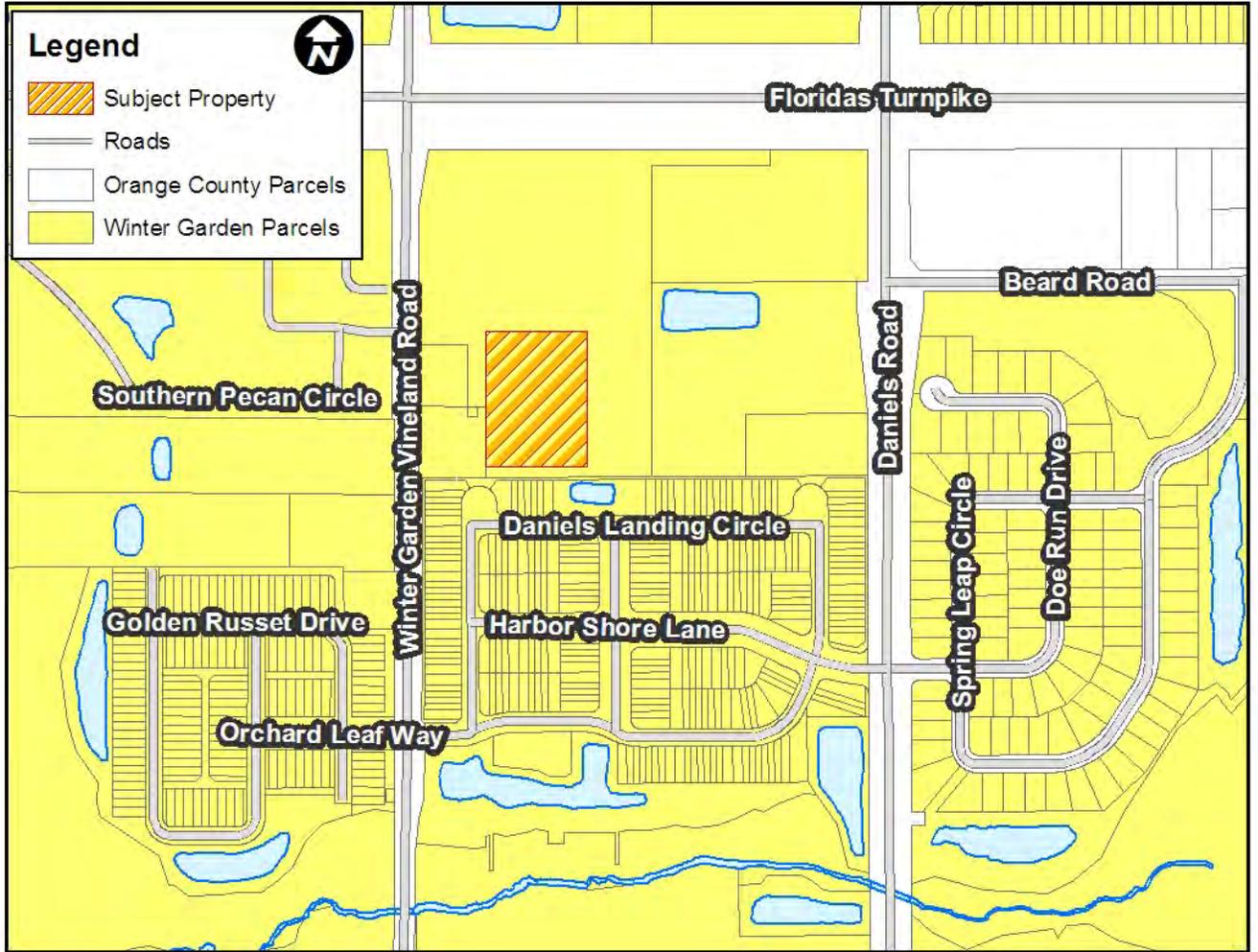
ELEVATION D



LOCATION MAP

ORDINANCE 14-27

WEST ORANGE OUTPARCELS



CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

STAFF REPORT

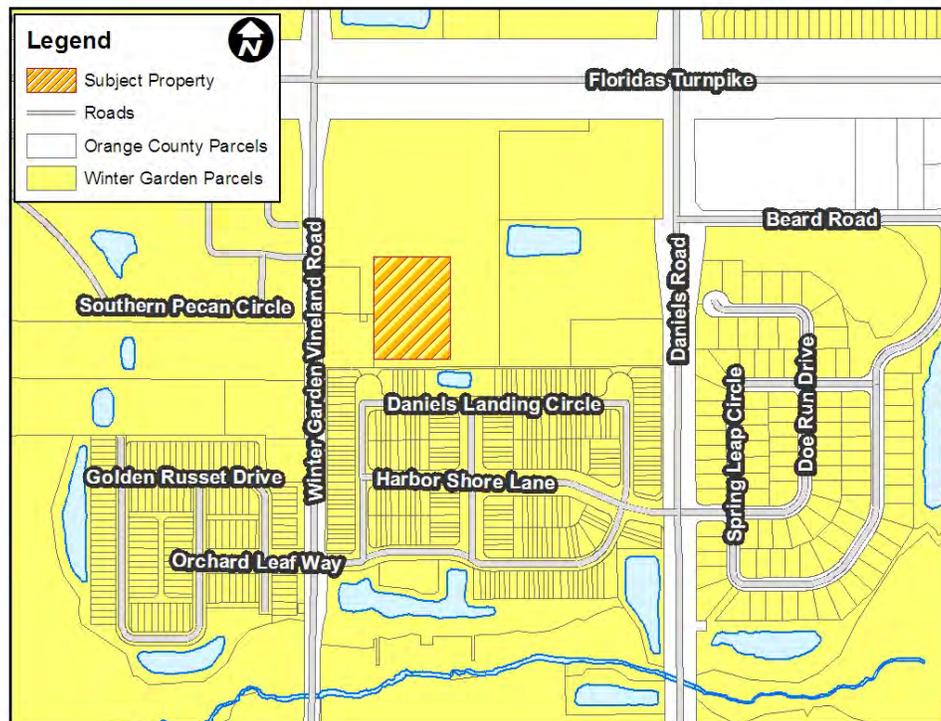
TO: PLANNING AND ZONING BOARD
PREPARED BY: LAURA SMITH, SENIOR PLANNER
DATE: JULY 30, 2014
SUBJECT: WINTER GARDEN VINELAND ROAD – PCD AMENDMENT
(West Orange Outparcels, LLC)
West Orange Business Center
PARCEL ID # 26-22-27-9147-00-020

APPLICANT: West Orange Outparcels, LLC

INTRODUCTION

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

The subject property is generally located south of the Turnpike and east of C.R. 535, in the West Orange Business Center 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 an amendment to the West Orange Business Center Planned Commercial Development (PCD) Ordinance 03-51 to allow for additional uses on the subject outparcel, which in accordance with Ordinance 03-51 is currently only permitted for min-storage facility uses. The applicant requests that permitted and special exception uses similar to those permitted on the other tracts within the West Orange Business Center PCD be included for the subject outparcel.

EXISTING USE

The property is currently an unimproved vacant outparcel within the West Orange Business Center PCD.

ADJACENT LAND USE AND ZONING

The property is bordered on the north by the Turnpike. The properties to the south are townhomes within the Daniel's Landing residential subdivision zoned R-3 within the City of Winter Garden. The properties located to the east include retention ponds for the West Orange Business Center and vacant unimproved commercial properties within the property commonly known as the Birket Subdivision, includes Bright Horizons Daycare, which are zoned C-2 within the City of Winter Garden. The properties to the west include a developed commercial property, which contains a Law Office and is zoned C-2 within the City of Winter Garden; additionally to the west of the subject outparcel is another vacant unimproved outparcel within the West Orange Business Center PCD.

PROPOSED USE

The applicant does not have any proposed development plan for the property at this time. The applicant requests that additional permitted and special exception uses be granted for the subject outparcel so that the property may be more marketable for development.

Proposed Permitted Uses

- Retail
- Business, Professional and Medical Office
- Eating and Drinking Establishments
- Financial Institutions
- Personal Services
- Warehousing, wholesaling and storage facilities within enclosed structures
- Mini storage warehouse facilities
- Light manufacturing, processing and assembly within enclosed structures
- Research and development facilities, provided that all activities are within enclosed structures

Proposed Special Exception Uses

- Churches
- Schools; public, private and charter
- Child day care facilities

Proposed Prohibited Uses

- All residential uses, except in the case of a care taker for mini storage warehousing
- Outdoor storage and/or display of any kind

- All uses prohibited in the I-1 & I-2 Industrial Zoning Districts
- Commercial garages
- Semi-truck and/or trailer parking
- All uses prohibited within Tract C
- Automobile sales
- Gas stations
- Any other use not specifically listed as a permitted or special exception use for LOT 2.

SUMMARY

City Staff recommends approval of the proposed Amendment to the West Orange Business Center Planned Commercial Development subject to the following conditions:

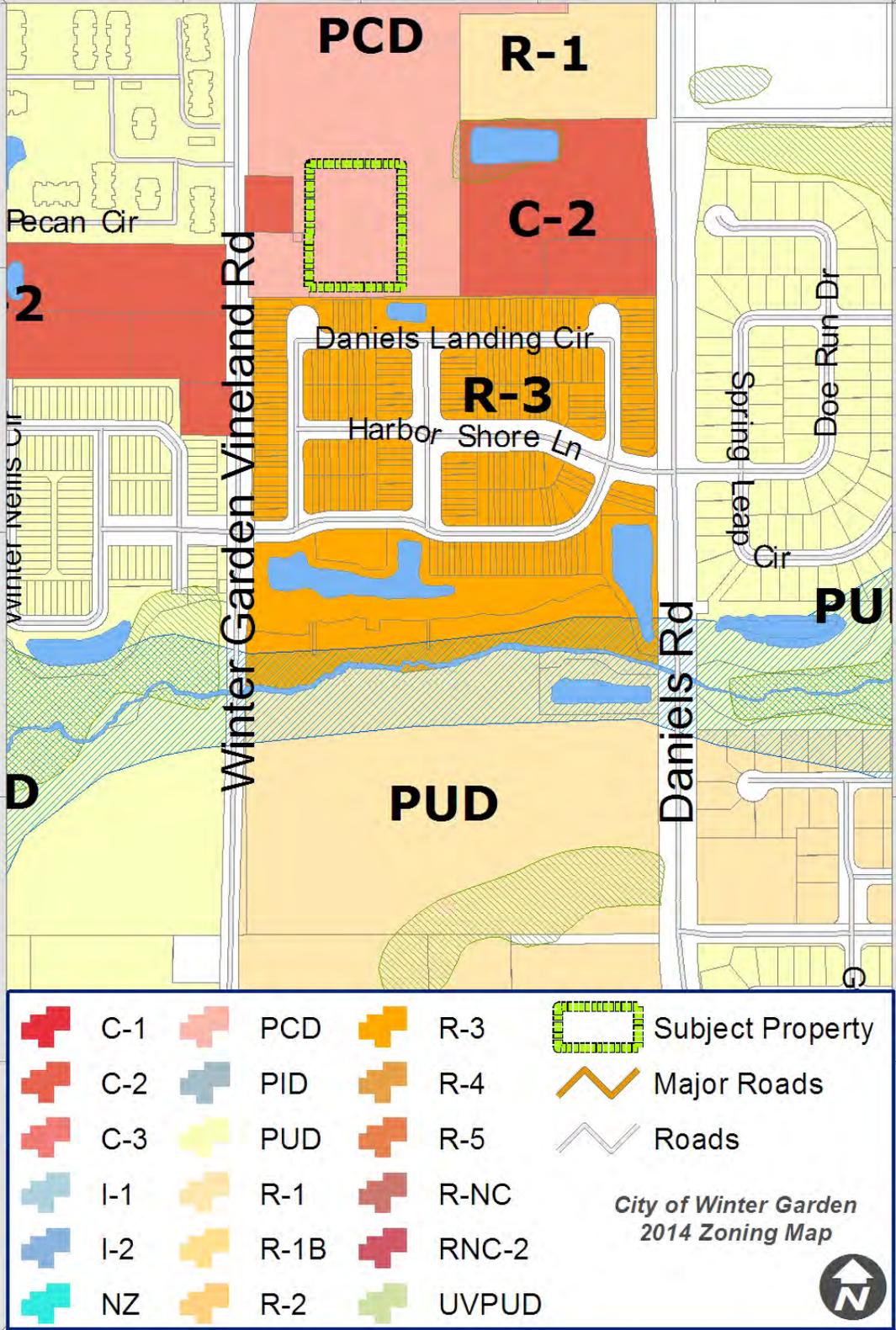
- With the exception of the additional uses defined by Ordinance 14-27, the owner/developer shall comply with all other conditions and stipulations of Ordinance 03-51, including but not limited to signage, setbacks, buffering and screening.
- The owner/developer shall pay their proportionate fair share of the cost of constructing a north bound right turn lane into the entrance of the West Orange Business Center.
- The owner shall enter into a Developer's Agreement prior to Ordinance 14-27 becoming effective, which among other topics, will outline the proportionate fair share responsibility of the owner/developer for construction of the northbound right turn lane.
- The proposed Special Exception Uses permitted within the subject outparcels have been reviewed by City Staff in conjunction with a traffic study which supports these types of uses. Though these special exception uses are contemplated uses, such uses due to their uniqueness may require further review than typical Site Plan review and may necessitate the application of certain conditions and restrictions, therefore these uses have been listed as Special Exception Uses.
- The Permitted Uses listed within Ordinance 14-27 are categorized uses. Ordinance 03-51 which established the PCD zoning for the property provided for an exhaustive list of specific permitted uses, however as the business environment continually changes and evolves it has become evident that these exhaustive lists can be limiting. Therefore Ordinance 14-27 has provided a categorized list of uses for the subject outparcel which would include the majority of the permitted uses listed for the other tracts within the West Orange Business Center.

MAPS/EXHIBITS

AERIAL PHOTO
West Orange Outparcels

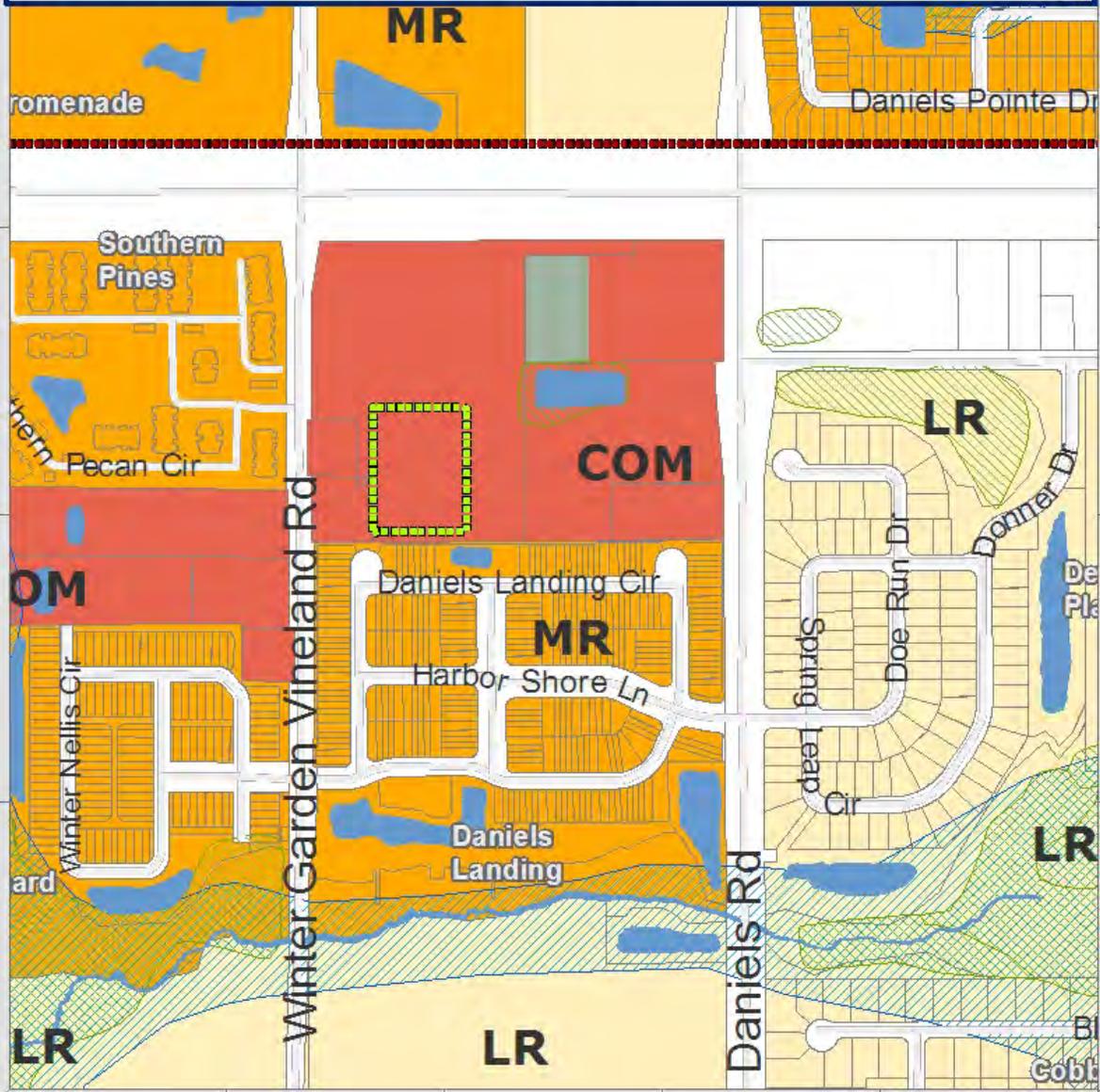


**Zoning Map
 West Orange Outparcels**



**Future Land Use Map
 West Orange Outparcels**

Future Land Use	MOI - Multi Office Industrial	Parcels selection	
BC - South Beltway Center	MR - Medium Density Residential	Activity Centers	
COM - Commercial	MUD - Multi Use Development	Major Roads	
CON - Conservation	NC - Res. Neighborhood Commercial	Roads	
DT - Downtown Transitional	OC - See Orange County FLU Map	County Line	
I - Industrial	SUB - Suburban Residential	City of Winter Garden Future Land Use Map 2020	
INT - Institutional	TD - Traditional Downtown		
LR - Low Density Residential	ML - Urban Village		



END OF STAFF REPORT

ORDINANCE 14-27

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING ORDINANCE 03-51 ESTABLISHING PCD ZONING FOR APPROXIMATELY 14.14 ACRES OF LAND (WEST ORANGE BUSINESS CENTER, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 71, PAGE 87) GENERALLY LOCATED SOUTH OF THE TURNPIKE AND EAST OF C.R. 535 TO ALLOW FOR ADDITIONAL PERMITTED AND SPECIAL EXCEPTION USES FOR AN APPROXIMATELY 2.55 +/- ACRE LOT WITH ORANGE COUNTY TAX PARCEL IDENTIFICATION NUMBER 26-22-27-9147-00-020 OWNED BY WEST ORANGE OUTPARCEL, LLC; PROVIDING FOR AMENDMENTS, NON-SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, on December 11, 2003, the City Commission of the City of Winter Garden adopted Ordinance 03-51 rezoning approximately 14.14 ± acres of certain real property generally located south of the Turnpike and east of CR535, from City C-2 to City PCD (the "Property"); and

WHEREAS, the property that is the subject of Ordinance 03-51 was subsequently platted as the West Orange Business Center, according to the plat thereof as recorded in Plat Book 71, Page 87, Public Records of Orange County, Florida; and

WHEREAS, West Orange Outparcels, LLC, the owner of Lot 2, West Orange Business Center, according to the plat thereof as recorded in Plat Book 71, Page 87, Public Records of Orange County, Florida, having Orange County Tax Identification Number 26-22-27-9147-00-020 (herein "LOT 2") and being a substantial portion of the developable area of Tract D described on the Conceptual Site Plan for West Orange Business Center attached to Ordinance 03-51, has requested to amend the PCD Zoning (Ordinance 03-51) to include additional permitted and special exception uses for LOT 2; 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 is consistent with the City of Winter Garden Comprehensive Plan, 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 amendment to the PCD zoning approved by this Ordinance meets all applicable criteria 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 I. Recitals. The above recitals are true and correct and incorporated herein as findings of the City Commission.

SECTION II: Adoption/Amendment. Section II – General Requirements of Ordinance 03-51 of the City of Winter Garden is amended to read as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions; provisions not included are not being amended):

SECTION II: General Requirements

(2) **Uses** – The permitted, prohibited and special exception uses for the subject property will be as follows:

~~c. Tract D (the mini storage parcel) – The permitted use for this Tract is a ministorage facility. Except for the mini-storage office, any other businesses operating from this site are strictly prohibited. Outdoor Storage or display is prohibited.~~ Lot 2, West Orange Business Center, according to the plat thereof as recorded in Plat Book 71, Page 87, Public Records of Orange County, Florida (“LOT 2”), being the developable portion of Tract D not encumbered with easements benefiting the lots within the West Orange Business Center subdivision.

Permitted Uses within LOT 2

- Retail
- Business, Professional and Medical Office
- Eating and Drinking Establishments
- Financial Institutions
- Personal Services
- Warehousing, wholesaling and storage facilities within enclosed structures
- Mini storage warehouse facilities
- Light manufacturing, processing and assembly within enclosed structures
- Research and development facilities, provided that all activities are within enclosed structures

Special Exception Uses within LOT 2

- Churches
- Schools; public, private and charter
- Child day care facilities

Prohibited Uses within LOT 2

- All residential uses, except in the case of a care taker for mini storage warehousing
- Outdoor storage and/or display of any kind
- All uses prohibited in the I-1 & I-2 Industrial Zoning Districts
- Commercial garages
- Semi-truck and/or trailer parking
- All uses prohibited within Tract C
- Automobile sales
- Gas stations
- Any other use not specifically listed as a permitted or special exception use for LOT 2.

(7) Staff Conditions Concerning LOT 2

- a. *Fair Share Payment for Turn Lane Improvements* – In order to support the development of LOT 2 with the uses as modified by Ordinance #14-27, it is necessary to construct a northbound right turn lane on County Road 535 (a/k/a Winter Garden Vineland Road) into the Property (“Turn Lane Improvements”). The owner and its successors and assigns in interests of LOT 2 shall pay the City of Winter Garden its proportionate fair share for the cost of permitting, design, engineering, procurement and construction of the Turn Lane Improvements (“Fair Share Payment”). The amount of the Fair Share Payment shall be determined based on a traffic study to be obtained by the owner of LOT 2 (which is subject to the review and approval of the City) and the uses proposed for LOT 2. The Fair Share Payment shall be paid to the City at the earlier of the following events: (i) prior to the issuance of any certificates of occupancy for any building or structure on LOT 2; or (ii) within sixty (60) days written notice being sent by the City of Winter Garden to owner of LOT 2 that the Turn Lane Improvements have been completed. A Developer’s Agreement, in a form and with terms acceptable to the City, between the City of Winter Garden and the owner of LOT 2 addressing the requirements of this paragraph shall be drafted, approval obtained from the City Commission and recorded in the public records of Orange County, Florida (the “Developer’s Agreement Condition”). As part of the Developer’s Agreement Condition, the Owner shall cause mortgage lien holders, if any, to execute a consent and subordination of lien interests to the Developer’s Agreement for recording in the public records concurrently with the recording of the Developer’s Agreement. No development orders and building permits concerning the development of LOT 2 shall be issued unless and until the Developer’s Agreement Condition is satisfied.

- b. Code of Ordinances. The City of Winter Garden Code of Ordinances, as amended from time to time, shall govern the development of the LOT 2 to the extent a specific matter is not addressed in the PCD (Ordinance 03-51 as amended by Ordinance 14-27).

SECTION III: 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.

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

SECTION V: Effective Date. This Ordinance shall become effective upon adoption at its second reading and after the satisfaction of the Developer's Agreement Condition set forth in Section II (7)a. of the PCD as amended/adopted by Section II of this Ordinance. If the Developer's Agreement Condition is not satisfied within six (6) months from the adoption of this Ordinance, this Ordinance shall be null and void and have no force and effect.

FIRST READING AND PUBLIC HEARING: _____, 2014.

SECOND READING AND PUBLIC HEARING: _____, 2014.

ADOPTED this ____ day of _____, 2014, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

JOHN REES, Mayor/Commissioner

ATTEST:

KATHY GOLDEN, City Clerk

THE CITY OF WINTER GARDEN
PLANNING AND ZONING BOARD AGENDA ITEM

ITEM # 9 (Public Hearing)

DATE: July 29, 2014 **MEETING DATE:** August 4, 2014

SUBJECT: 1450 Daniels Road
(SPECIAL EXCEPTION PERMIT)
PROJECT NAME Matthew's Hope Daycare
PARCEL ID# 26-22-27-0000-00-014

ISSUE: The applicant is requesting a Special Exception Permit to allow a daycare use on the property located at 1450 Daniels Road.

SUPPLEMENTAL MATERIAL/ANALYSIS:

OWNER/APPLICANT: Matthew's Hope Ministries, Inc.

CURRENT ZONING: R-2 Residential District

PROPOSED ZONING: N/A

CURRENT FLU: Low Density Residential

PROPOSED FLU: N/A

SUMMARY:

The applicant is requesting a Special Exception Permit to allow a daycare to operate in an R-2 Zoning District. The R-2 Zoning district allows this use through Special Exception if the applicant meets the Special Exception requirements.

STAFF RECOMMENDATION(S):

City Staff recommends approval of the proposed use subject to the conditions outlined in the Staff Report (see attached).

NEXT STEP(S):

Obtain Site Plan Approval and building permits.

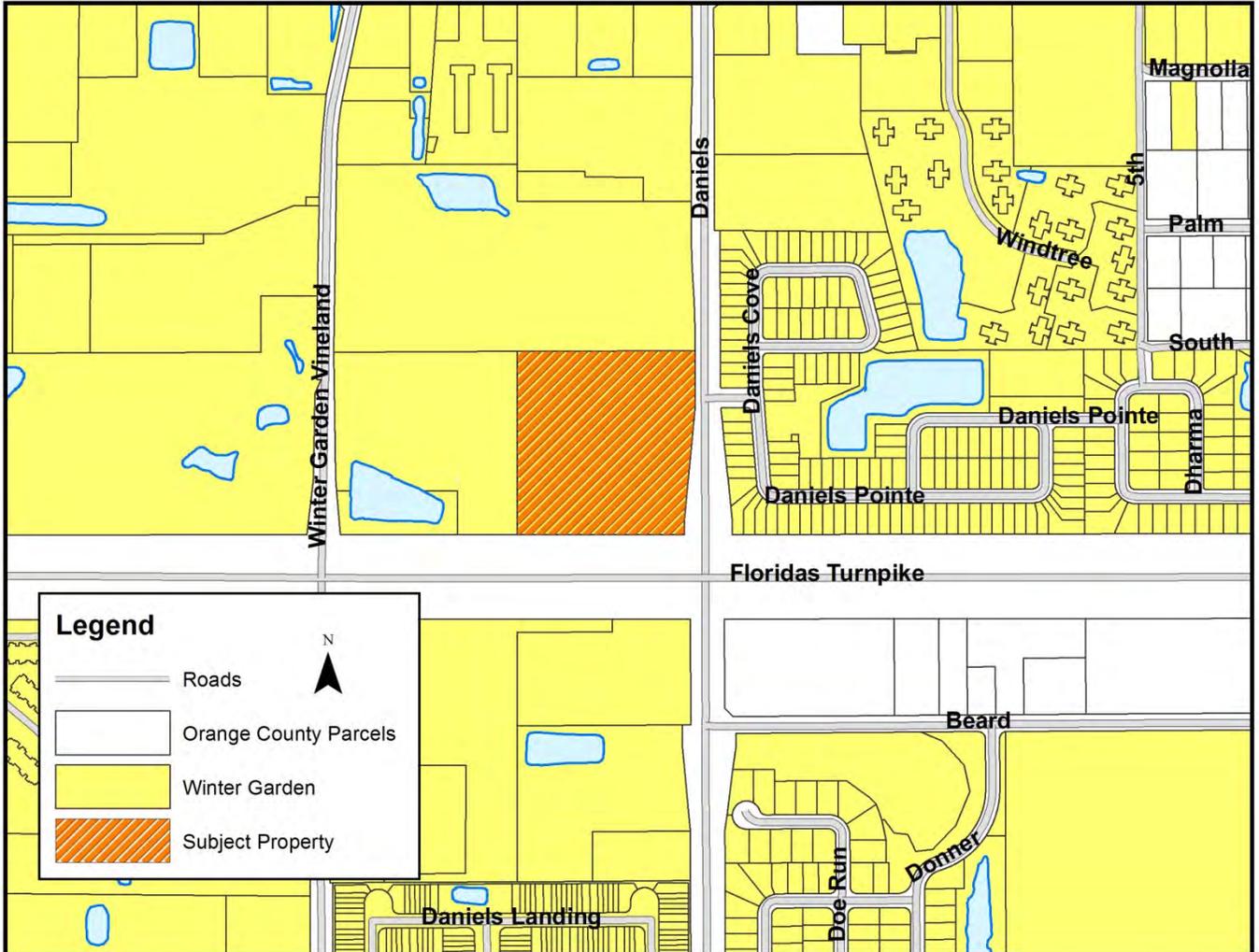
ATTACHMENT(S):

Location Map
Staff Report

LOCATION MAP

1450 Daniels Road

SPECIAL EXCEPTION PERMIT



CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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STAFF REPORT

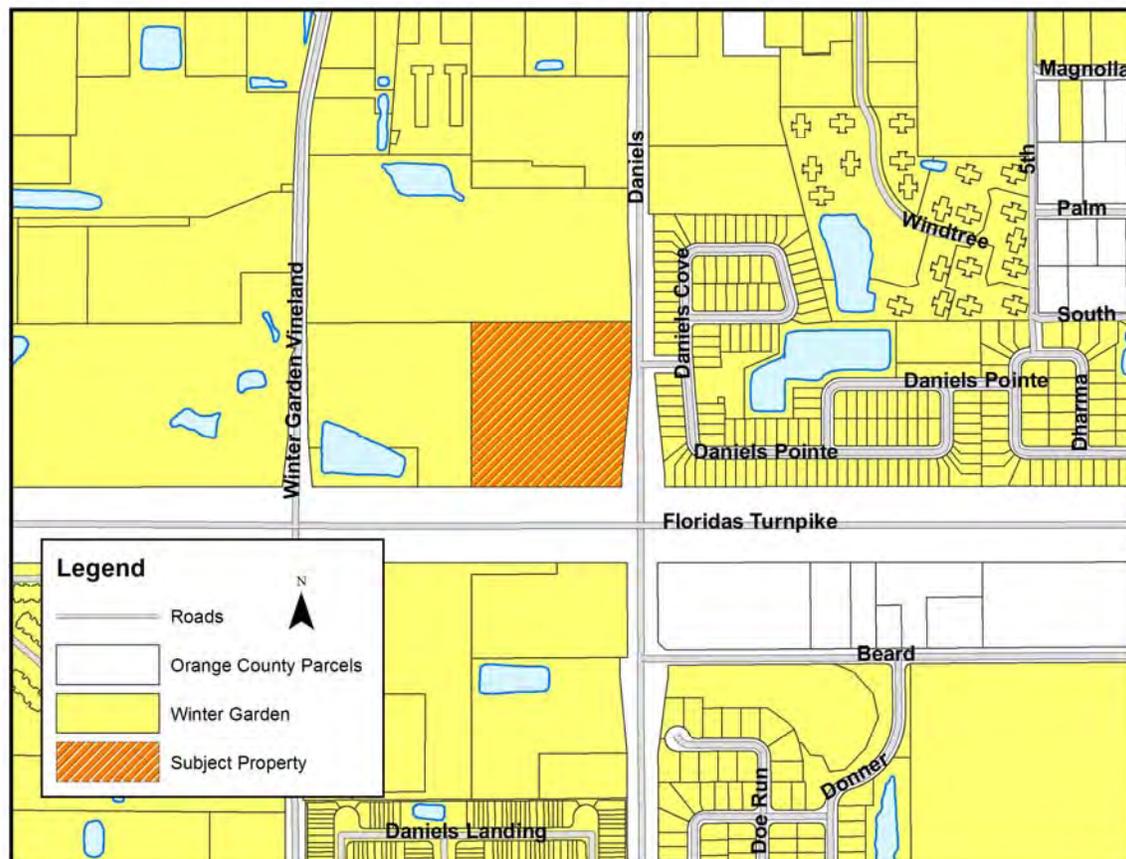
TO: PLANNING AND ZONING BOARD
PREPARED BY: KELLY CARSON, PLANNER II
DATE: JULY 29, 2014
SUBJECT: SPECIAL EXCEPTION PERMIT
1450 Daniels Road (Daycare)
PARCEL ID # 26-22-27-0000-00-014

APPLICANT: Matthew's Hope Ministries, Inc // Scott Billue

INTRODUCTION

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

The subject property is located at 1450 Daniels Road. The map below depicts the location of the subject property within the City of Winter Garden municipal limits:



The request is for a Special Exception Permit to allow a daycare to operate on the property. The subject property is located within the City of Winter Garden municipal limits, carries the zoning designation R-2, and is designated Low Density Residential on the Future Land Use Map of the Comprehensive Plan.

EXISTING/PROPOSED USE

The property currently contains two large structures: one approx. 13,500 sf building built in 1969 used as office/classroom space and one approx. 33,300 sf building constructed in 1998 used for church services and administration. Both of these buildings are owned and operated by the Church of Christ of West Orange. The majority of the site is currently being used to support religious services, administration, classes, events, and other church-related functions. The Applied Behavior Center for Autism was recently granted a Special Exception Permit to utilize approximately 2,000 square feet of space within the existing 13,500 sf building to provide applied behavior analysis therapy to children with autism and related disabilities. Also located on site is a modular office building operated by the applicant, Matthew's Hope. Matthew's Hope Ministries is a nonprofit organization that offers financial resources, medical assistance, food, and other support services to members of the community who are homeless or on the cusp of homelessness. They currently use the modular building for office/administrative uses and maintain a community garden on the Church's adjacent property to support their homeless outreach programs.

The applicant proposes to locate two temporary used modular buildings on site to support a daycare, which will largely accommodate children of families served by Matthew's Hope. The two buildings, which will have a combined 1,728 square feet of space, will house a classroom, an activity center, and accommodate parenting classes. These classroom buildings will be located on site for a maximum of two years, after which the applicant may explore the option of constructing a permanent building for the daycare. These modular buildings will need to pass all inspections by the Building Department before occupancy.

The daycare will operate during weekdays from approximately 7:00am to 6:00pm. The applicant anticipates there will be a maximum of 4 employees on staff to provide care to a maximum of 24 children aged 3-6 years old. The applicant intends to incorporate the Montessori methodology of instruction and will comply with all Florida Department of Children and Families regulations for child care facilities. Like the previously-issued SEP for the Applied Behavior Center for Autism, this proposal includes the demolition and relocation of an existing playground and the construction of 46 additional paved parking spaces. Once constructed, the parking and playground will be shared among the three organizations operating on the site.

ADJACENT LAND USE AND ZONING

The property located to the west is, like the subject property, owned by the Church of Christ. It's zoned R-2 and is within the City of Winter Garden Municipal Limits. It contains a road connecting an internal church drive to Winter Garden Vineland Road. This property also has a small area of land used as a community garden by the Matthew's Hope organization.

The property located to the north of the subject property is also being used by a religious organization: the Resurrection Catholic Church. It contains three church facility buildings and one warehouse/storage building. This property is zoned C-2 and is within the City of Winter

Garden Municipal Limits.

East of the subject property, across Daniels Road, is the Daniels Crossing Subdivision, which contains single-family houses. This property is zoned PUD and is within the City of Winter Garden Municipal Limits.

One of the properties located to the south of the subject property, across the Florida Turnpike, is owned and operated by the City of Winter Garden and contains a water processing facility. This property is zoned R-1 and is within the City of Winter Garden Municipal limits. Also located to the south of the subject property is a small segment of a larger commercial property, containing the Winter Garden Professional Center. This property has been developed to support a mix of uses (United Cerebral Palsy School, various office & retail businesses, etc.). It's zoned PCD and is within the City of Winter Garden Municipal Limits.

SUMMARY

City Staff recommends approval of the proposed special exception permit to allow a daycare use at 1450 Daniels Road with the following conditions:

1. The daycare will comply with all Florida Department of Children and Families regulations for child care facilities (Chapter 65C-22, Florida Administrative Code), including, but not limited to, staff-to-child ratios; square footage minimums; and requirements for outdoor play areas, restrooms, food handling, accessibility, personnel training, and child safety.
2. The temporary classroom buildings proposed by the Matthew's Hope organization are permitted to be located in the area shown on the site plan for a maximum of two years. After the two year temporary period, these buildings must be removed and the site restored to its original condition. If Matthew's Hope wishes to continue operations on this site after the two year period, they must apply for site plan approval to construct a permanent building.
3. As shown on the proposed site plan, the owner shall immediately install 46 new paved parking spaces and planting islands as required per code to accommodate the parking needs of the three organizations operating on the site (Church of Christ of West Orange, Matthew's Hope, and the Applied Behavior Center for Autism). Approval of this parking area is based on the applicant's description of staff levels for all three organizations and anticipated number of children who will be enrolling in the daycare: approximately 4 employees and 24 children every weekday. If the number of employees, students, and/or daily visitors increases significantly, additional parking may be required.
4. The existing playground located adjacent to Daniels Road shall be removed from its current location and a new playground will be constructed west of the building as shown on the proposed site plan.
5. Chain link fencing for the playground area is not permitted. Another fence type, such as an aluminum or PVC fence, may be used instead of chain link.
6. All necessary permits must be obtained prior to beginning any construction on or alterations to the site.
7. The existing drainage patterns are to be maintained. All drainage to accommodate the proposed paving, structures, and other new impervious surfaces shall be installed to

function correctly and any damage to existing drainage shall be repaired and maintained by the property owner.

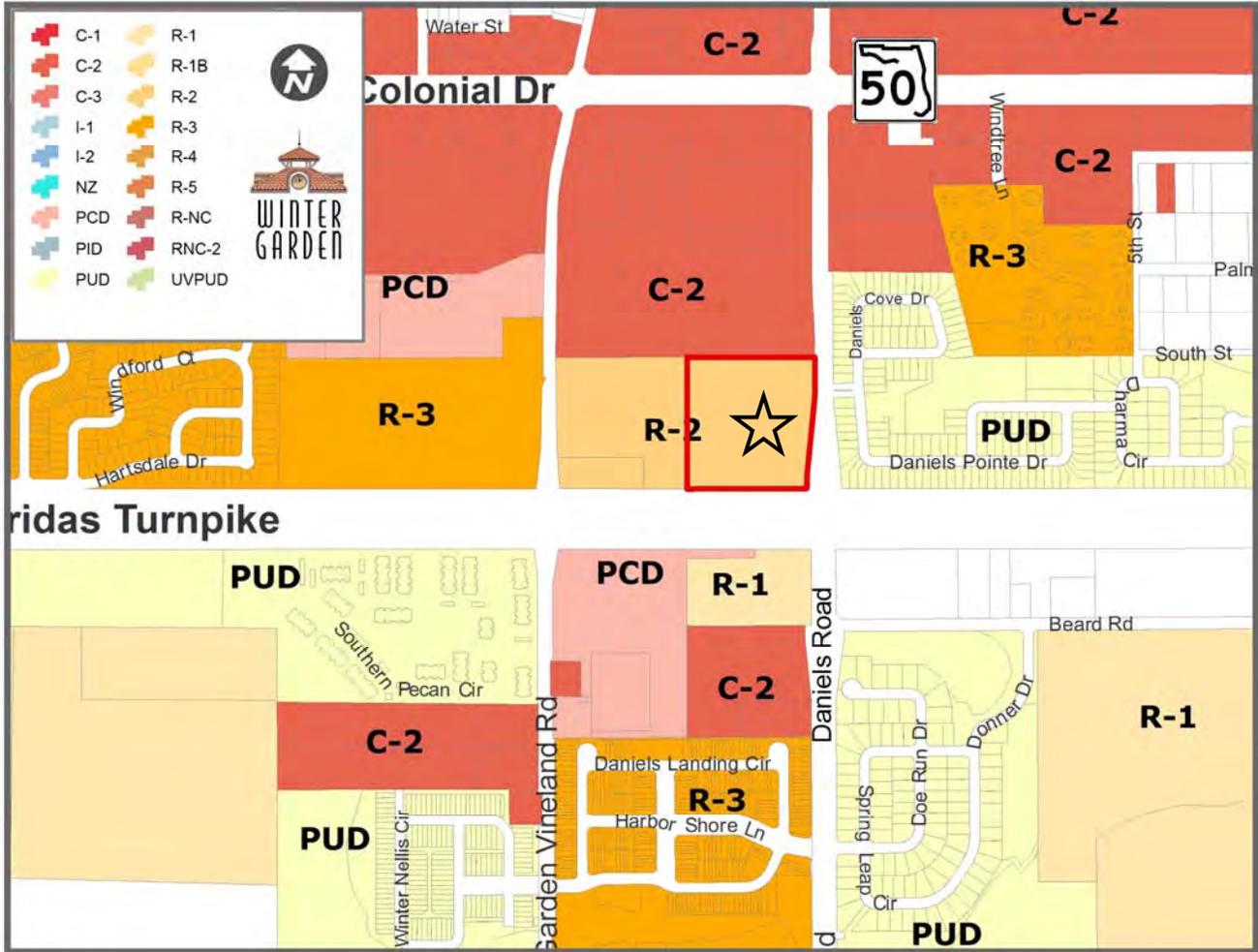
8. Any new signage must comply with the requirements of the Winter Garden Code of Ordinances Chapter 102 - SIGNS.
9. The temporary modular classroom buildings must pass inspection by the Building Department prior to occupancy.

10.

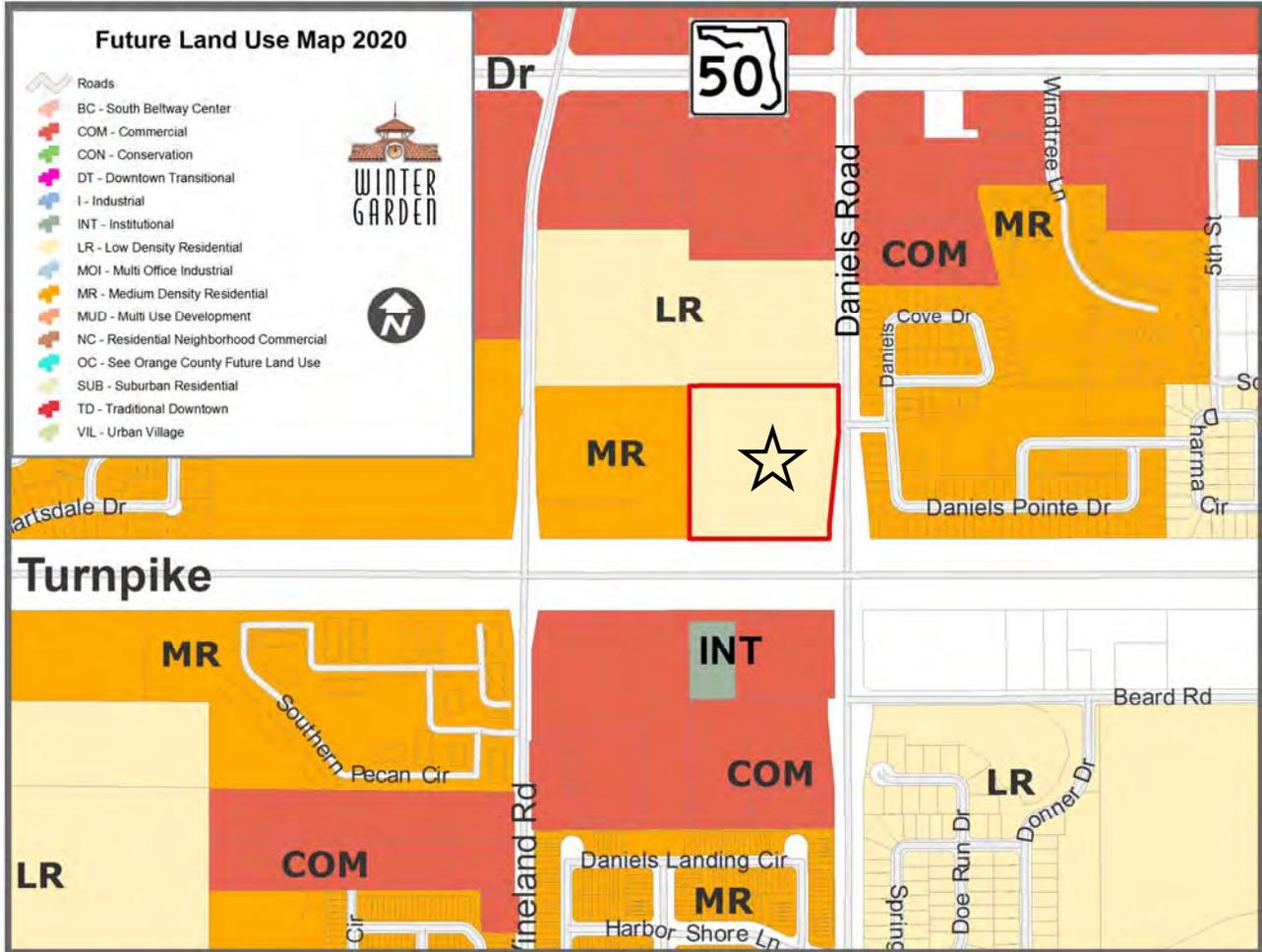
Aerial Map
1450 Daniels Road



Zoning Map
1450 Daniels Road



Future Land Use Map
1450 Daniels Road



THE CITY OF WINTER GARDEN
PLANNING AND ZONING BOARD AGENDA ITEM

ITEM # 10 (Public Hearing)

DATE: July 29, 2014 **MEETING DATE:** August 4, 2014

SUBJECT: 1006 E Crown Point Road & 835 Crown Point Cross Road
(SPECIAL EXCEPTION PERMIT)
PROJECT NAME West Orlando Baptist Church Expansion
PARCEL ID# 12-22-27-0000-00-032, 12-22-27-0000-00-071

ISSUE: The applicant is requesting a Special Exception Permit to allow a church use on the property located at 1006 E Crown Point Road & 835 Crown Point Cross Road.

SUPPLEMENTAL MATERIAL/ANALYSIS:

OWNER/APPLICANT: West Orlando Baptist Church

CURRENT ZONING: R-1 Single-Family Residential District

PROPOSED ZONING: N/A

CURRENT FLU: Low Density Residential

PROPOSED FLU: N/A

SUMMARY:

Applicant proposes to continue the church use on the subject property, which was annexed into the City in 2013. They are proposing a building expansion, which prompted the City to require a Special Exception Permit be granted in order to continue their church use.

STAFF RECOMMENDATION(S):

City Staff recommends approval of the proposed use subject to the conditions outlined in the Staff Report (see attached).

NEXT STEP(S):

Obtain Site Plan Approval.

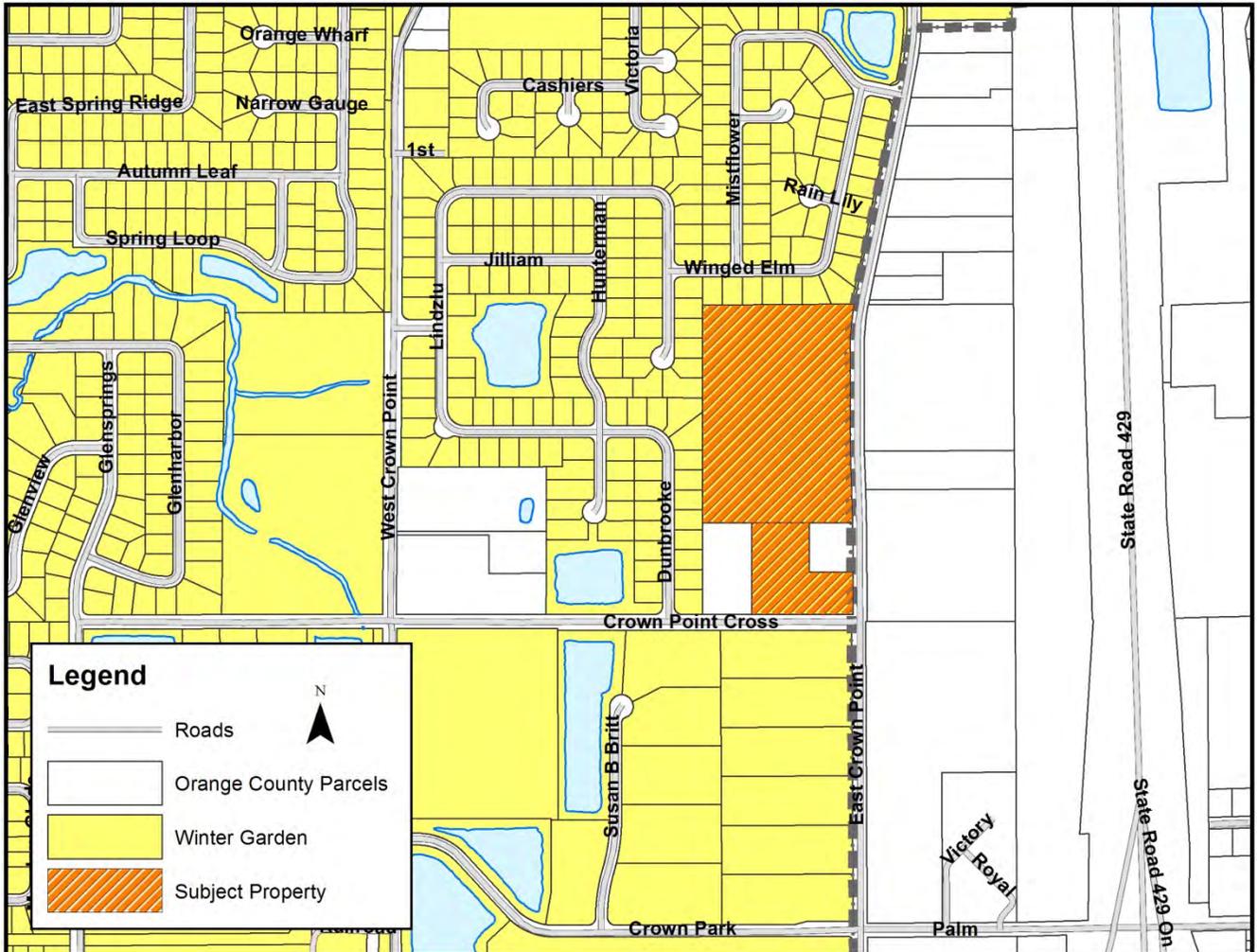
ATTACHMENT(S):

Location Map
Staff Report

LOCATION MAP

1006 E Crown Point Road & 835 Crown Point Cross Road

SPECIAL EXCEPTION PERMIT



CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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STAFF REPORT

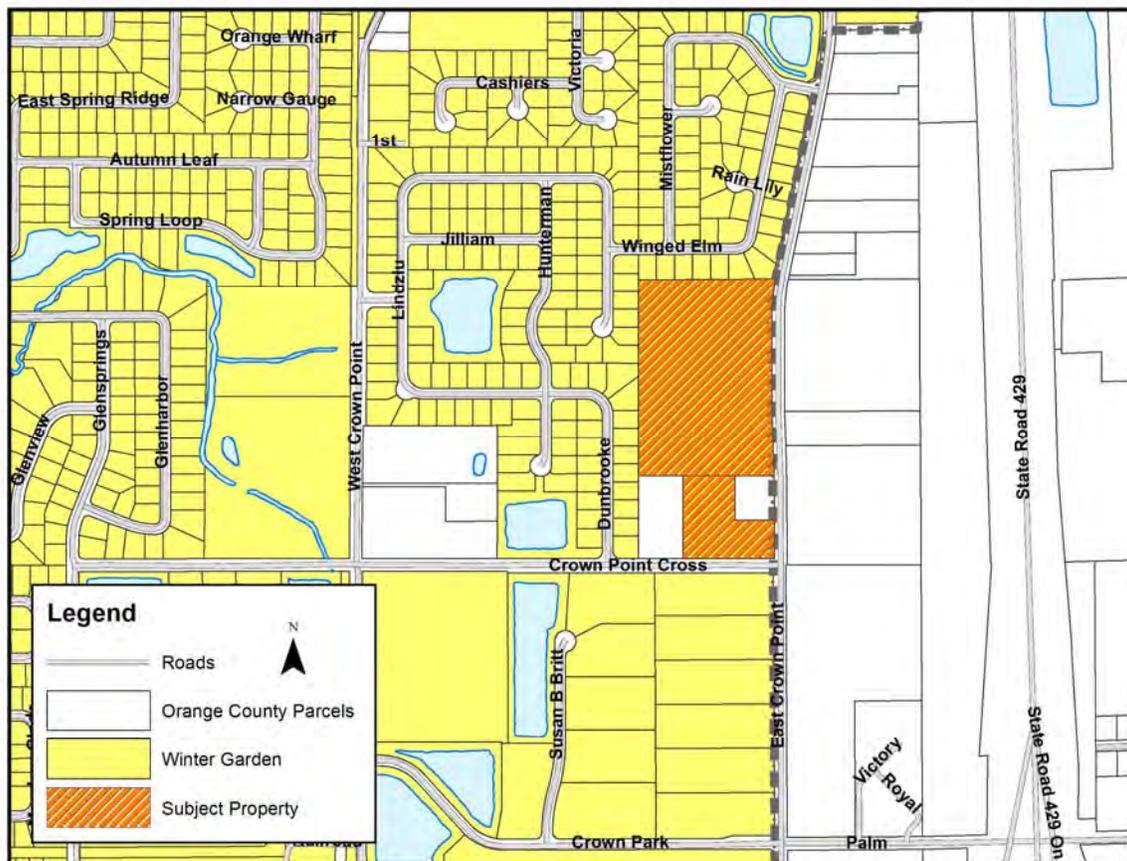
TO: PLANNING AND ZONING BOARD
PREPARED BY: KELLY CARSON, PLANNER II
DATE: JULY 25, 2014
SUBJECT: SPECIAL EXCEPTION PERMIT
1006 E Crown Point Road & 835 Crown Point Cross Road (Church)
PARCEL IDS # 12-22-27-0000-00-032, 12-22-27-0000-00-071

APPLICANT: West Orlando Baptist Church

INTRODUCTION

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

The subject property consists of two parcels located at 1006 E Crown Point Road and 835 Crown Point Cross Road. The map below depicts the location of the subject property within the City of Winter Garden municipal limits:



The request is for a Special Exception Permit to allow a church to operate on the property. The subject property is located within the City of Winter Garden municipal limits, carries the zoning designation R-1, and is designated Low Density Residential on the Future Land Use Map of the Comprehensive Plan.

EXISTING/PROPOSED USE

The subject property is currently developed with a church consisting of two commercial buildings and a single-family house. The property has been used as a church since before annexation into the City in 2008 and the owners are proposing an expansion.

Currently, the applicant is proposing to construct an approximately 28,000 sq.ft. building addition, which will be located directly adjacent to the existing church facilities. After construction of the addition and demolition of the existing single-family residence, there will be approximately 48,400 sq.ft. of building area on site. The new building addition will be used for church worship services and will have 750 seats. In addition, approximately 250 new paved parking spaces will be provided, along with internal circulation roads, roadway connections, and stormwater retention facilities. An existing playground will be relocated on site.

If this Special Exception Permit is approved by the Planning & Zoning Board, the applicant will be required to apply for Site Plan Review and acquire all applicable building permits before construction can commence.

ADJACENT LAND USE AND ZONING

The parcel located to the north of the subject property is developed with a single-family neighborhood (Trails of Winter Garden), zoned R-1 and located in the City. There are three parcels located to the east of the subject property, all zoned A-1 and located in Orange County. One of these properties is developed with a church, one with a single-family residence, and one is vacant. There is an A-1 zoned Orange County parcel located south and west of the subject property; it contains a residence and a wood storage/distribution facility. Another Orange County property is enveloped by the subject property on the north, south, and west. It's developed with a single-family house and is zoned A-1. There is a vacant property located south of the subject property; it's zoned C-2 and is in the City. The property to the west is developed with a single-family neighborhood (Chapin Station), zoned R-1 and located in the City.

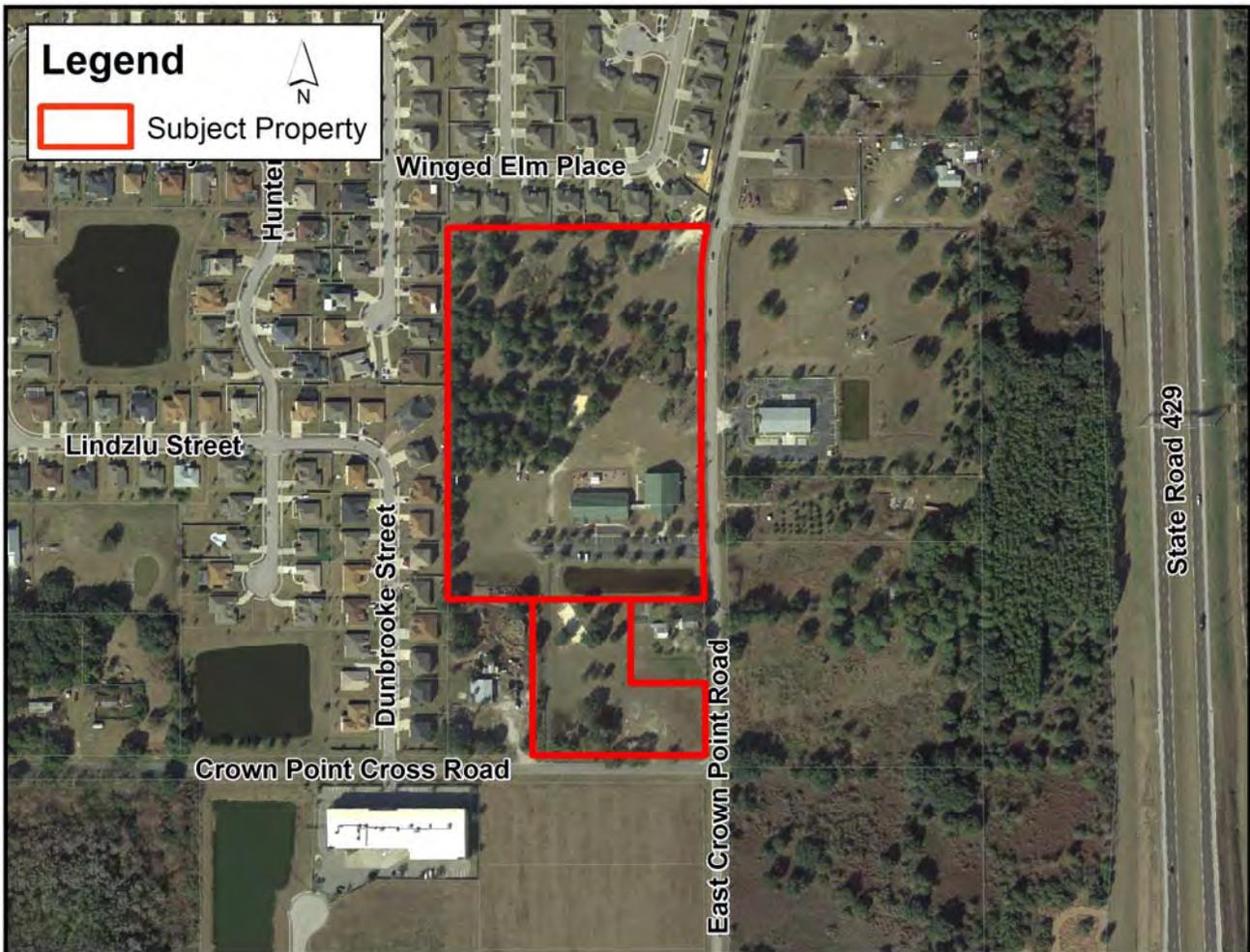
SUMMARY

City Staff recommends approval of the proposed special exception permit to allow a church use at 1006 E Crown Point Road and 835 Crown Point Cross Road with the following conditions:

1. If the Special Exception is approved, a full site plan review will be required. All necessary permits must be obtained before beginning construction or site alterations.
2. The portable buildings that were permitted to be temporarily located on site when the property was rezoned must be removed when the new building addition is complete or after four years from the date of the rezoning approval, whichever is sooner.
3. All potential code enforcement issues, including (but not limited to) storage of semi-trailer trucks on site and maintenance of retention ponds, must be addressed immediately.

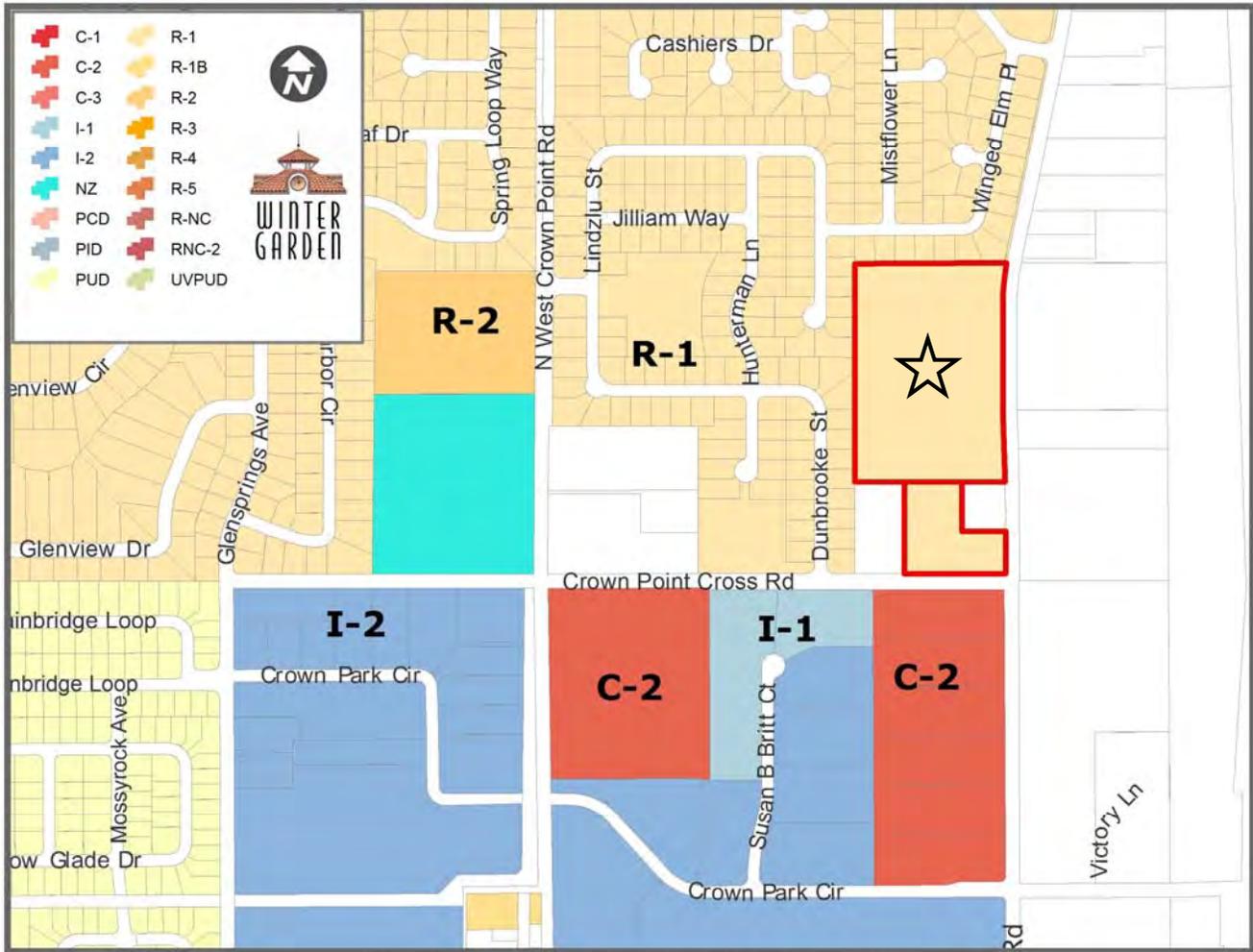
Aerial Map

1006 E Crown Point Road &
835 Crown Point Cross Road



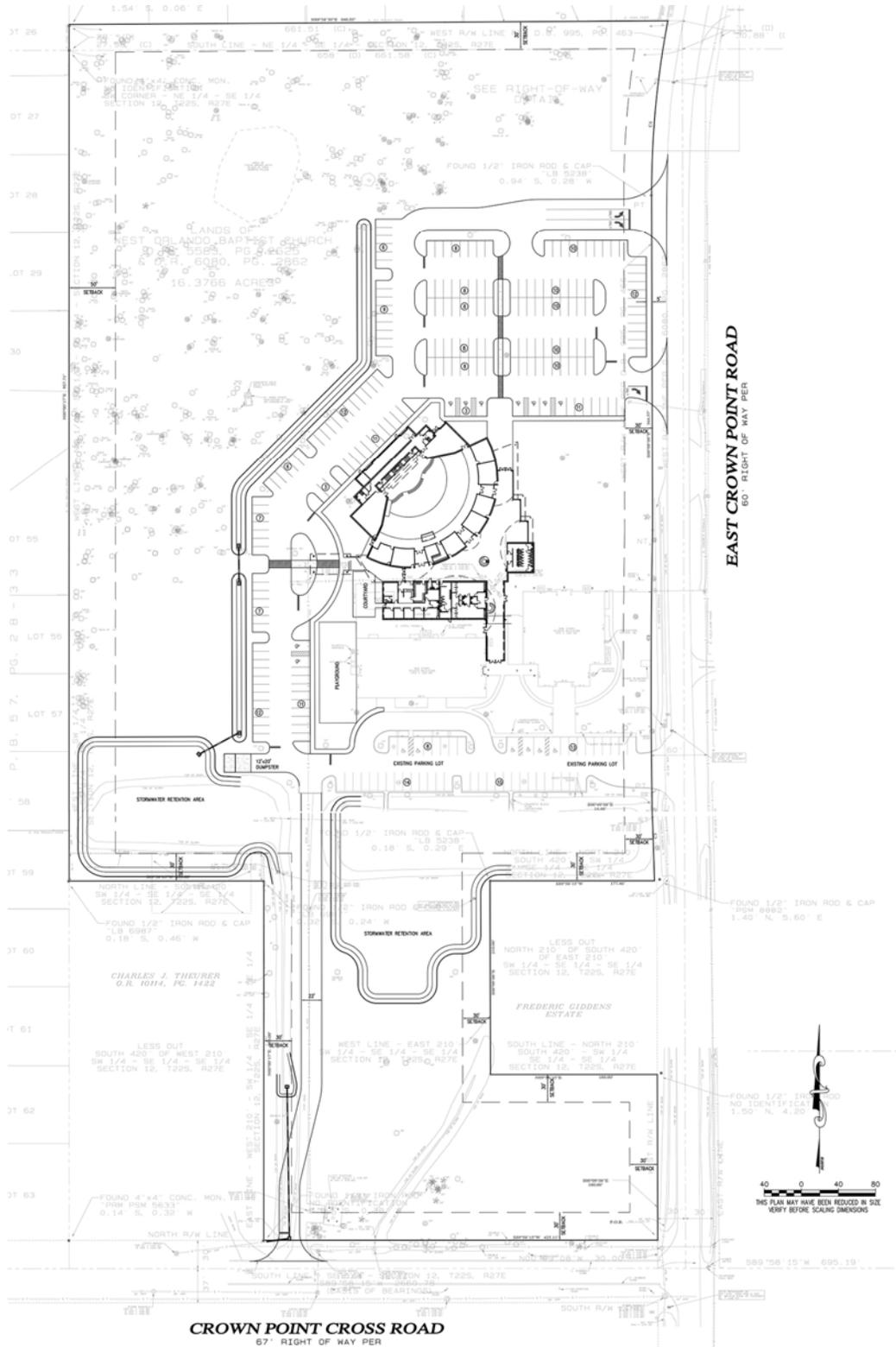
Zoning Map

1006 E Crown Point Road &
835 Crown Point Cross Road



Proposed Site Plan

1006 E Crown Point Road & 835 Crown Point Cross Road



END OF STAFF REPORT

THE CITY OF WINTER GARDEN
PLANNING AND ZONING BOARD AGENDA ITEM

ITEM # 11 (Public Hearing)

DATE: July 29, 2014 **MEETING DATE:** August 4, 2014

SUBJECT: 130 West Vining Street (VARIANCE)
PROJECT NAME Morrison
PARCEL ID# 23-22-27-7156-02-010

ISSUE: The applicant is requesting a Variance to the minimum required rear yard setback for the property located at 130 West Vining Street.

SUPPLEMENTAL MATERIAL/ANALYSIS:

OWNER/APPLICANT: Richard Morrison

CURRENT ZONING: R-2 Residential District

PROPOSED ZONING: N/A

CURRENT FLU: Low Density Residential

PROPOSED FLU: N/A

SUMMARY:

Applicant is requesting a variance to Section 118-398(1)c. to allow an existing addition on the house which consists of a trellis/covered patio area at a 17.5 foot rear yard setback in lieu of the minimum required 20 foot rear yard setback.

STAFF RECOMMENDATION(S):

Staff recommends approval of the variance to allow the existing trellis/covered patio to remain at a 17.5 foot rear yard setback.

NEXT STEP(S):

Submit for building permits.

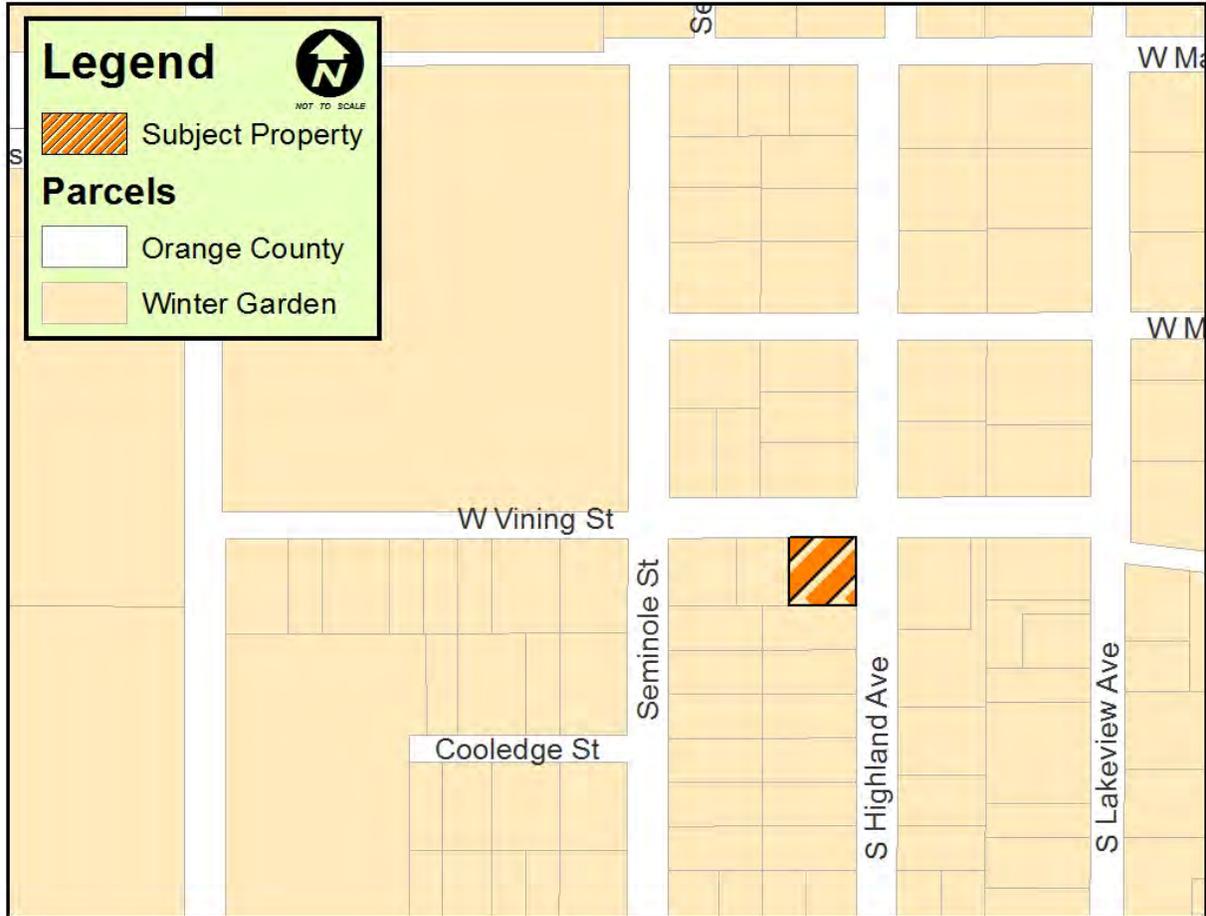
ATTACHMENT(S):

Location Map
Staff Report

LOCATION MAP

130 W Vining Street

VARIANCE



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: AUGUST 4, 2014
SUBJECT: VARIANCE
130 West Vining Street (0.23+/- ACRES)
PARCEL ID # 23-22-27-7156-02-010

APPLICANT: Richard P. Morrison

INTRODUCTION

The purpose of this report is to evaluate the request of a 2.5 foot rear yard setback variance to allow construction of an addition onto the house which consists of a covered patio located 17.5 feet from the rear property.

The subject property, located at 130 West Vining Street is approximately a 0.23 ± acre lot located at the southwest corner of West Vining Street and S Highland Avenue. The map below depicts the location of the subject property within the City of Winter Garden municipal limits:



The applicant built the trellis/covered patio onto the house without a permit to help create a shaded area in back yard. Code Enforcement notified the applicant that a permit was required to build the trellis/covered patio and then it was discovered that a variance was needed to build the structure in the proposed location.

The applicant is requesting a variance to Section 118-398(1)c. to allow an existing addition on the house which consists of a trellis/covered patio area at a 17.5 foot rear yard setback in lieu of the minimum required 20 foot rear yard setback. The subject property carries the zoning designation R-2 (Residential District) and is designated LR (Low Density Residential) on the Future Land Use Map of the City's Comprehensive Plan.

EXISTING USE

The subject property presently consists of a 1,023 square foot single family home.

ADJACENT LAND USE AND ZONING

The properties to the north, south, east, and west of the subject site are developed with single-family homes with R-2 zoning designation.

PROPOSED USE

The applicant is requesting a variance to the rear yard setback to allow an existing addition to remain (trellis/covered patio).

CODE REFERENCE

Sec. 118-398(1)c. of the City Code of Ordinances addresses setbacks for the R-2 zoning district and states that the rear yard setback is 20% of the lot depth (20 feet).

The applicant is seeking a variance to the minimum required rear yard setback of 20 feet to allow an addition to the home to be located 17.5 feet from the rear property.

CODE REQUIREMENTS /CRITERIA

Code Requirements/Criteria:

Section 118-131 of the City Code 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 structure 17.5 feet from the rear property line should not negatively impact or interfere with the reasonable enjoyment of adjacent or nearby property owners as there are

other accessory structures on this property and the neighbors property that are located closer to the rear setback. 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 17.5 foot rear yard setback in lieu of the required 20 foot setback is not out of character with other properties in the same zoning category. The property to the south has a carport and the house located approximately 2 feet from the subject property line.

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

Strict compliance with the City's land development regulations will not further any legitimate City objective. This request does not encroach into any recorded easement and does not exceed the maximum impervious surface ratio for R-2 residential zoning.

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

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

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

Due to the orientation of the home (built in 1950) there are many limitations to building an addition onto the home. The variance requested is the minimum variance that will make reasonable use of the land. Denying this variance does not benefit the property owner or the City.

SUMMARY

Staff recommends approval of the variance to Section 118-398(1)c. to allow an addition (trellis) to be built at a 17.5 foot rear yard setback in lieu of the minimum required 20 foot rear yard setback.

ATTACHMENTS

- Aerial Photos
- Site Photos

AERIAL PHOTO
130 West Vining Street



SITE PHOTOS
319 Courtlea Oaks Blvd

View of proposed (existing) structure



Looking west toward neighboring property



Site Photos
130 West Vining Street

Looking east from neighboring property



Looking south toward neighboring property



Site Photos
130 West Vining Street

Closeup of property to the south



Property to the south



END OF STAFF REPORT