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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 – **September 8, 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 AUGUST 4, 2014 MEETING**
ANNEXATION / FUTURE LAND USE MAP AMENDMENT / REZONING (PUBLIC HEARING)
 4. 562 Beard Road – Adalee J. Roper Trust / **Rezoning**
Parcel ID # : 26-22-27-0000-00-029
SPECIAL EXCEPTION PERMIT (PUBLIC HEARING)
 5. 1170 Elboc Way – BilGil, LLC/Handy Rentals / **SEP**
Parcel ID # : 25-22-27-8814-00-030
VARIANCE (PUBLIC HEARING)
 6. 722 Sandy Bar Drive – Meritage Homes / **Variance**
Parcel ID #: 28-22-27-4025-01-890
 7. 1001 Beaconsfield Court – Babington, Adam / **Variance**
Parcel ID #: 04-23-27-8231-04-142
 8. 1040 N Fullers Cross Road – Weeks, Selby G. / **Variance**
Parcel ID #: 11-22-27-9149-00-010
APPEAL (PUBLIC HEARING)
 9. 13848 Tilden Road, Suite 192 – Casablanca Cigar Co, LLC / **Appeal**
Parcel ID #: 11-23-27-9168-00-010
 10. **ADJOURNMENT**
To the next regular Planning and Zoning Board meeting on Monday, October 6, 2014 at 6:30 p.m. in City Hall Commission Chambers, 300 W. Plant Street, 1st floor.



**A REGULAR MEETING MINUTES
PLANNING AND ZONING BOARD
AUGUST 4, 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, H. Gerald Jowers, Mark Maciel, Mac McKinney and Rohan Ramlackhan (arrived 6:31 pm)

MEMBERS ABSENT:

none

STAFF PRESENT:

City Attorney Kurt Ardaman, Senior Planner Stephen Pash, Senior Planner Laura Smith and Customer Service Rep. Kathy Rathel

3. APPROVAL OF MINUTES

*Motion by Eric Weiss to approve the regular meeting minutes of July 7, 2014.
Seconded by Mark Maciel and carried unanimously 6 - 0.*

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

4. 14400 Siplin Road – Tilden Groves Holding Corp. (REZONING)

Senior Planner Pash presented a request for Rezoning for the property located at 14400 Siplin Road. It is a 10.475 ± acre property annexed into the City in 2013 but no zoning district was applied at that time. The applicant is requesting an R-1 zoning district. Staff recommends approval of Ordinance 14-31 to rezone the property to R-1.

Jeff Jonasen, 794 Avalon Road [Winter Garden FL 34787], asked when Avalon Road was scheduled for widening as he has to wait longer and longer every day due to traffic.

Senior Planner Pash stated it is an Orange County road. The City added turn lanes at Highway 50 but Staff does not know when widening of Avalon Road will occur.

Motion by Gerald Jowers to recommend approval of the Rezoning for 14400 Siplin Road [Ordinance 14-31]. Seconded by Eric Weiss and carried unanimously 7 - 0.

5. **562 Beard Road – Adalee J Roper Trust (PUD REZONING)**

Senior Planner Pash presented a request from the applicant to postpone the Rezoning for the property located at 562 Beard Road until the September 8, 2014 Planning & Zoning meeting so they can continue to work with the surrounding areas.

Motion by Eric Weiss to table the Rezoning for 562 Beard Road until the September 8, 2014 Planning & Zoning meeting. Seconded by Rohan Ramlackhan and carried unanimously 7 - 0.

6. **505 & 807 Avalon Road – Iota Sessions, LLC (FLU MAP AMENDMENT)**

Senior Planner Smith presented the Iota Sessions property Future Land Use Map Amendment located at 505 & 807 Avalon Road. This item was before the Board in 2006 to be transmitted to the State to amend the future land use designation of the 64.39 ± acres from Orange County Rural to City Suburban Residential which would allow development up to 4 units per acre. The City and the Developer were unable to come to an agreement regarding the Sunridge Blvd Proportionate Fair Share Agreement at that time. The applicant has executed a version of the Fair Share Agreement so Staff recommends transmitting the application to the State again for a Large Scale Comprehensive Plan Amendment review to amend the Future Land Use Map.

Motion by Heather Gantt to recommend approval of Future Land Use of 505 & 807 Avalon Road with Staff Recommendations [Ordinance 14-32]. Seconded by Mark Maciel and carried unanimously 7 - 0.

7. **505 & 807 Avalon Rd and 14966 Siplin Rd – Iota Sessions, LLC (PUD REZONING)**

Senior Planner Smith presented a request for the rezoning of the Iota Sessions property located at 505 Avalon Road, 807 Avalon Road and 14966 Siplin Road. The applicant is requesting a rezoning of 68.09 ± acres to Planned Unit Development for development of 106 single-family units. The additional 4 ± acres already have a land use designation within the City of R-1B. Staff recommends a vote on the Planned Unit Development with the understanding the applicant must participate in the Sunridge Proportionate Fair Share Agreement for the widening of Sunridge Blvd and to not be adopted until after the Future Land Use Map Amendment is adopted.

Motion by Eric Weiss to recommend approval of the PUD at 14966 Siplin Road and 505 & 807 Avalon Road with Staff Recommendations [Ordinance 14-33]. Seconded by Rohan Ramlackhan and carried unanimously 7 - 0.

8. **Winter Garden Vineland Road – West Orange Outparcels, LLC (PCD Amendment)**

Senior Planner Smith presented a request for an amendment to the West Orange Outparcels Planned Commercial Development to allow for additional uses on the subject outparcel. It is

an existing outparcel located within the West Orange Business Center and was granted exclusive usage as a mini-storage. Applicant is asking for similar permitted and special exception use options as the other tracts in the West Orange Business Center PCD complex and will participate in a Proportionate Fair Share for a turn lane on the north bound side of Winter Garden Vineland Road depending on use granted. Staff recommends approval of Ordinance 14-27 subject to the conditions of the Staff Report.

Motion by Gerald Jowers to recommend approval [Ordinance 14-27]. Seconded by Heather Gantt and carried unanimously 7 - 0.

SPECIAL EXCEPTION PERMIT (PUBLIC HEARING)

9. 1450 Daniels Road – Mathews Hope Ministries

Senior Planner Pash presented a request for a Special Exception Permit to allow a daycare facility in an R-2 Zoning District for the property located at 1450 Daniels Road. The daycare proposes to have 4 employees and a maximum of 24 children between the ages of three and six. The daycare facility would be in two temporary modular buildings with a two year time limit, the playground would be relocated to the back of the building and add 46 additional parking spaces. Staff recommends approval of the Special Exception with conditions outlined in Staff Report.

Scott Billue, founder and chairman of Mathew's Hope, 1460 Daniels Road, addressed the board stating their plan is for education to help the homeless population. The modular buildings are classrooms designed by the State of Florida with the first unit to be used for a classroom and the second to be used as an activity room and for parenting classes. Mathews Hope will model their teaching after the Montessori style.

Motion by Mac McKinney to recommend approval of the Special Exception Permit for 1450 Daniels Road with Staff Recommendations. Seconded by Heather Gantt and carried unanimously 7 - 0.

10. 1006 E Crown Point Rd & 835 Crown Point Cross Rd – West Orlando Baptist Church

Senior Planner Pash presented a request for a Special Exception Permit for the property located at 1006 E Crown Point Road and 835 Crown Point Cross Road. Applicant proposes a building expansion of the existing church to consist of a 28,000 square foot building with 750 seats used mainly for Sunday services with some classrooms and the addition of 250 paved parking spaces. Staff recommends approval of the Special Exception with conditions outlined in Staff Report.

Linda Feeney, 1215 Dunbrooke St, Winter Garden FL, and Tammy Creel, 1209 Dunbrooke St, Winter Garden FL, stated their properties bordered the back of the Church property. Their concerns were regarding the drainage, noise pollution and the lighting and how it would affect them. They were also concerned about the two drainage ponds and the pest control associated with the ponds. Senior Planner Pash explained that the Church is required to install 'Dark Sky Lighting' meaning all lights must be contained on site by use of shields or by turning the lights off at night, the drainage issues will be addressed at Site Plan Review, the Church must abide by the City's noise ordinance which also applies during construction, and a landscape buffer must be provided.

Chris Martinez, 1838 Lindzlu Street, Winter Garden FL, also resides behind the Church and stated he is the president of the Chapin Station HOA. His concerns are:

- 1) The south drainage pond, whether wet or dry, encroaches on a 50' setback,
- 2) The amount of seating for the assembly and the large parking lot off of East Crown Point Road will be too much traffic for the road as it is only 2 lanes,
- 3) Noise problems from the auditorium and the light from the parking lot lights,
- 4) The new building can be built up to 40' tall – would like a limit to the height.

Senior Planner Pash explained the current plan could change when the project goes to Site Plan review and the City Engineer will address the drainage issues.

Chairman Dunn asked if the neighborhood would be notified when the Site Plan hearings occur. Senior Planner Pash replied it was not the procedure but we could make sure they were made aware of the hearings and any road issues would be addressed.

Connie Owens, 585 Technology Park, Lake Mary FL, is the Civil Engineer for the project and stated the Site Plan was going to be submitted to the City the next day. The ponds are existing but will be expanded for the increased volume and the building elevations will be at 31 feet.

Lee Corcoran, 153 Sheridan Ave, Longwood FL, with The Collage Companies and they are the design builders. Construction would be of tilt wall concrete with a texture like stucco. He also stated most of the trees in the rear yard would not be impacted.

Kenric Barnett, pastor of West Orlando Baptist Church, 319 Courtlea Park Dr, Winter Garden FL, addressed the question posed by Board Member Ramlackhan regarding the current membership of the church which he states is at 650 with 2 services on Sundays. The Church has several outreach programs but, due to their current limited space, is hindering their growth and desires to reach out to the community.

Discussion ensued regarding the landscaping, membership, parking, additional traffic, and the aesthetics of the building. The question was raised to see if a workshop/community meeting would be possible with the adjoining neighborhood to work out any issues.

Chris Martinez addressed the Board again to stress the importance of the neighborhood having input on the project as they do not want an industrial looking building.

Lou Musica, 1808 Lindzlu St, Winter Garden FL, asked specifically what the Special Exception was for. Senior Planner Pash explained it was for the expansion of the church use.

Motion by Eric Weiss to recommend approval of the Special Exception Permit for 1006 E. Crown Point Road and 835 Crown Point Cross Road with Staff Recommendations to include an amendment for the community meeting with the surrounding neighborhood. Mark Maciel amended the additional condition to say the neighbors will have design input via a public workshop. Rohan Ramlackhan seconded and carried unanimously 7 - 0.

VARIANCE (PUBLIC HEARING)

11. 130 West Vining Street – Richard Morrison

Senior Planner Pash presented a request for a Variance for the property located at 130 West Vining Street. Applicant is requesting a variance of 2.5 feet to the minimum required 20 foot rear yard setback to allow an existing covered patio/trellis structure to remain which was constructed without a permit. Staff recommends approval of the Variance.

Board Member McKinney clarified the structure was constructed without a permit so the applicant will have to permit and build in compliance with hurricane code.

Motion by Gerald Jowers to recommend approval of the Variance for 130 West Vining Street. Seconded by Mac McKinney and carried unanimously 7 - 0.

12. ADJOURNMENT

There being no further business, the meeting was adjourned at 7:21 pm.

ATTEST:

APPROVED:

Customer Service Rep. Kathy Rathel

Chairman Jimmy Dunn

THE CITY OF WINTER GARDEN
PLANNING AND ZONING BOARD AGENDA ITEM

ITEM # 4 (Public Hearing)

DATE: September 4, 2014 **MEETING DATE:** September 8, 2014

SUBJECT: Ordinance 14-26 562 Beard Road (REZONING)
PROJECT NAME Beard Road Subdivision - PUD
PARCEL ID# 26-22-27-0000-00-029

ISSUE: Applicant is requesting to rezone 33.79 +/- Acres of land. The subject property is located within the City of Winter Garden municipal limits, and carries the zoning designation R-1 and is designated Low Density Residential on the Future Land Use Map of the Comprehensive Plan.

SUPPLEMENTAL MATERIAL/ANALYSIS:

OWNER/APPLICANT: Adalee J. Roper Trust/KB Home
CURRENT ZONING: R-1 (Single-Family Residential District)
PROPOSED ZONING: PUD - Planned Unit Development
CURRENT FLU: LR – Low Density Residential
PROPOSED FLU: N/A

SUMMARY:

The applicant is requesting to rezone the subject property from City R-1 to City PUD to develop the property with 77 single-family homes. The request is consistent with the Code of Ordinances, the City's Comprehensive Plan, and the surrounding property uses. (See attached Staff Report).

STAFF RECOMMENDATION(S):

Staff recommends approval of Ordinance 14-26, rezoning 33.79 +/- acres located at 562 Beard Road from City R-1 to City PUD.

NEXT STEP(S):

First reading by City Commission is scheduled for Thursday, September 11, 2014 with second reading on Thursday, September 25, 2014.

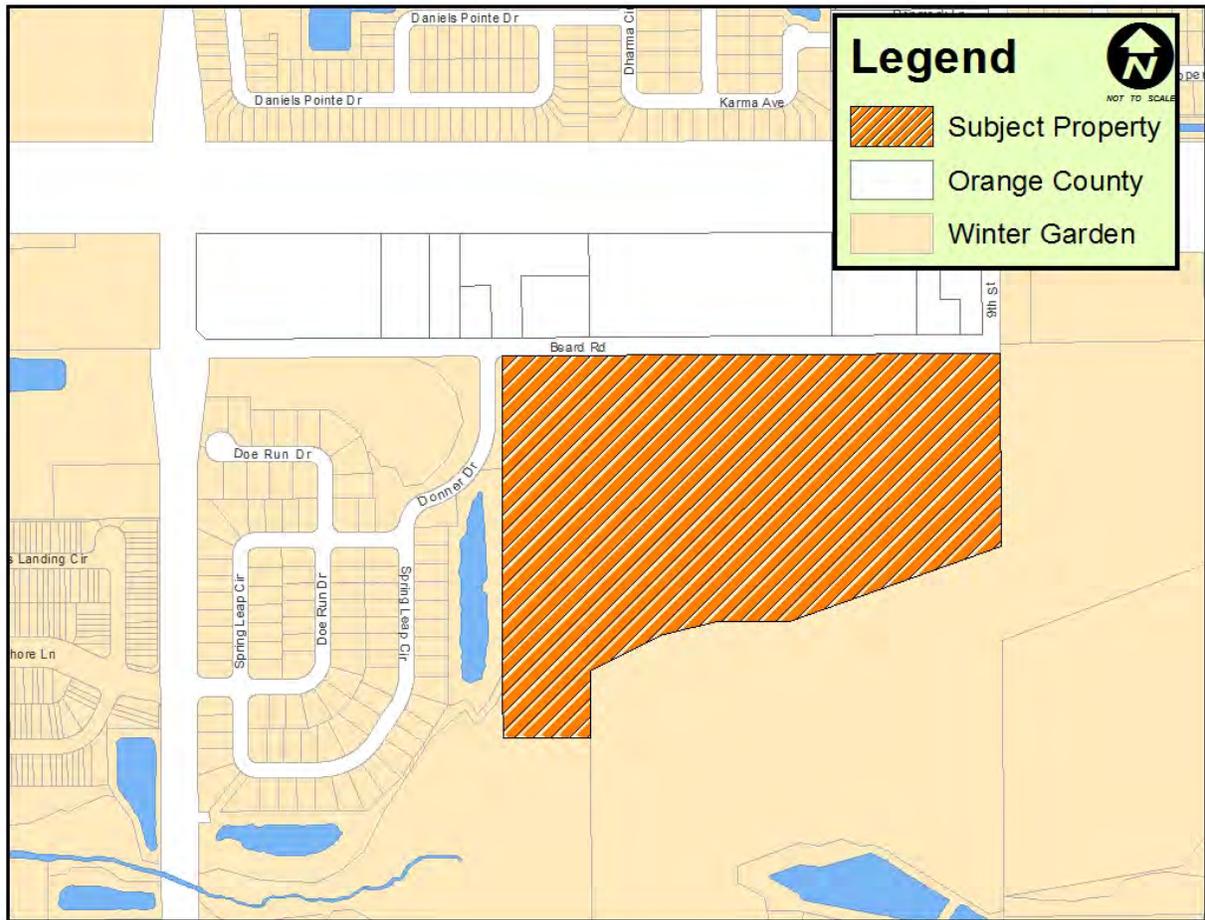
ATTACHMENT(S):

Location Map
Staff Report
Ordinance 14-26

LOCATION MAP

562 Beard Road

REZONING



CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

STAFF REPORT

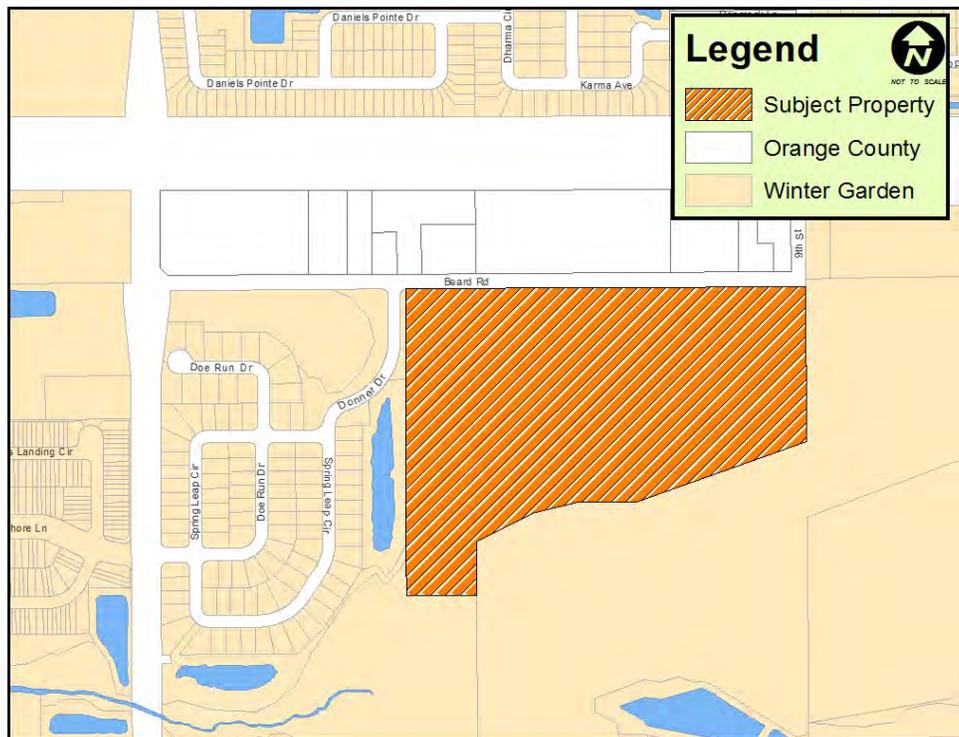
TO: PLANNING AND ZONING BOARD
PREPARED BY: STEVE PASH, SENIOR PLANNER
DATE: SEPTEMBER 8, 2014
SUBJECT: REZONING – BEARD ROAD SUBDIVISION
562 Beard Road (33.79+/- ACRES)
PARCEL ID # 26-22-27-0000-00-029

APPLICANT: Adalee J. Roper Trust

INTRODUCTION

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

The subject property, located south of the Florida Turnpike and east of Daniels Road at the southwest corner of Beard Road and 9th Street is approximately 33.79 ± 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 33.79 ± acres of land. The subject property is located within the City of Winter Garden municipal limits, and carries the zoning designation R-1 (Single Family Residential). The subject property is designated LR- Low Density Residential on the Future Land Use Map of the City's Comprehensive Plan (see attached map).

EXISTING USE

The subject property is currently used for agricultural purposes (planted pines).

ADJACENT LAND USE AND ZONING

The properties located to the north of the subject property are vacant or developed with single-family homes, located in un-incorporated Orange County with A-1 Zoning. The properties located to the south and east are vacant wetlands that are owned by the neighboring single-family HOA's, located in the City with PUD and R-1 Zoning. The properties located to the west are single family residential homes within the City of Winter Garden with PUD Zoning.

PROPOSED USE

The applicant is proposing two options to build the new subdivision. Option one has one connection to Beard Road and a second connection through the Dearfield (neighborhood to the west). They are currently working with Dearfield to gate both communities and make the connection. If they cannot work out the connection with Dearfield, they are proposing a second option that has two connections to Beard Road and they will only gate the new neighborhood.

The applicant proposes to develop the 33.79 ± acre site into a residential planned unit development with 5.35 ± acres of wetlands, 2.54 ± acres of ponds, and the remaining area (25.9 ± acres) will contain 77 single-family dwelling units (minimum 1,800 square feet) on lots ranging in size from 60'x115' to 75'x115' (see Exhibit B Ordinance 14-26). The proposed lot size mixture is:

Lot Size	% of lots
75'x115'	> 15%
70'x115'	> 28%
65'x115'	< 32%
60'x115'	< 25%

The proposed subdivision will be a gated community with gross density proposed at 2.71 dwelling units per acre, the LR-Low Density Residential Future Land Use Designation allows up to 6 dwelling units per acre. Under the existing R-1 Zoning District, the property is vested for 78 units.

The proposed subdivision will contain an active recreational park (tot-lot, gazebo, and outdoor fitness equipment). The proposed park is 0.71 acres, which does not meet the minimum required 5% of the gross developable area (1.42 acres). The developer will be required to contribute the value of the 0.71 acres into the City Park fund.

The proposed development will contain lot widths that are less than required by the R-1 Zoning District, but larger than the minimum lot width in the Dearfield Subdivision located on the east side of the subject property.

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

Section 118-923 (b) states that in no case shall there be less than 5% of the total developable area set aside for active, dry-land recreational uses (1.42 acres). The proposed park is 0.71 acres and will have a gazebo with outdoor cooking equipment, a tot lot, outdoor fitness equipment, and an open area. In order to meet the minimum required park area, they will be required to donate money to the Recreation Fund to purchase the additional required 0.71 acres of park area.

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.

Transportation

The developer is in the process of working with the neighboring subdivision (Deerfield Place) to connect the two neighborhoods and provide better access to Daniels Road. The current configuration is based on Dearfield Place approving the proposed connection. If the connection is not approved, the property will need to be redesigned and may require Board approval.

Other Services

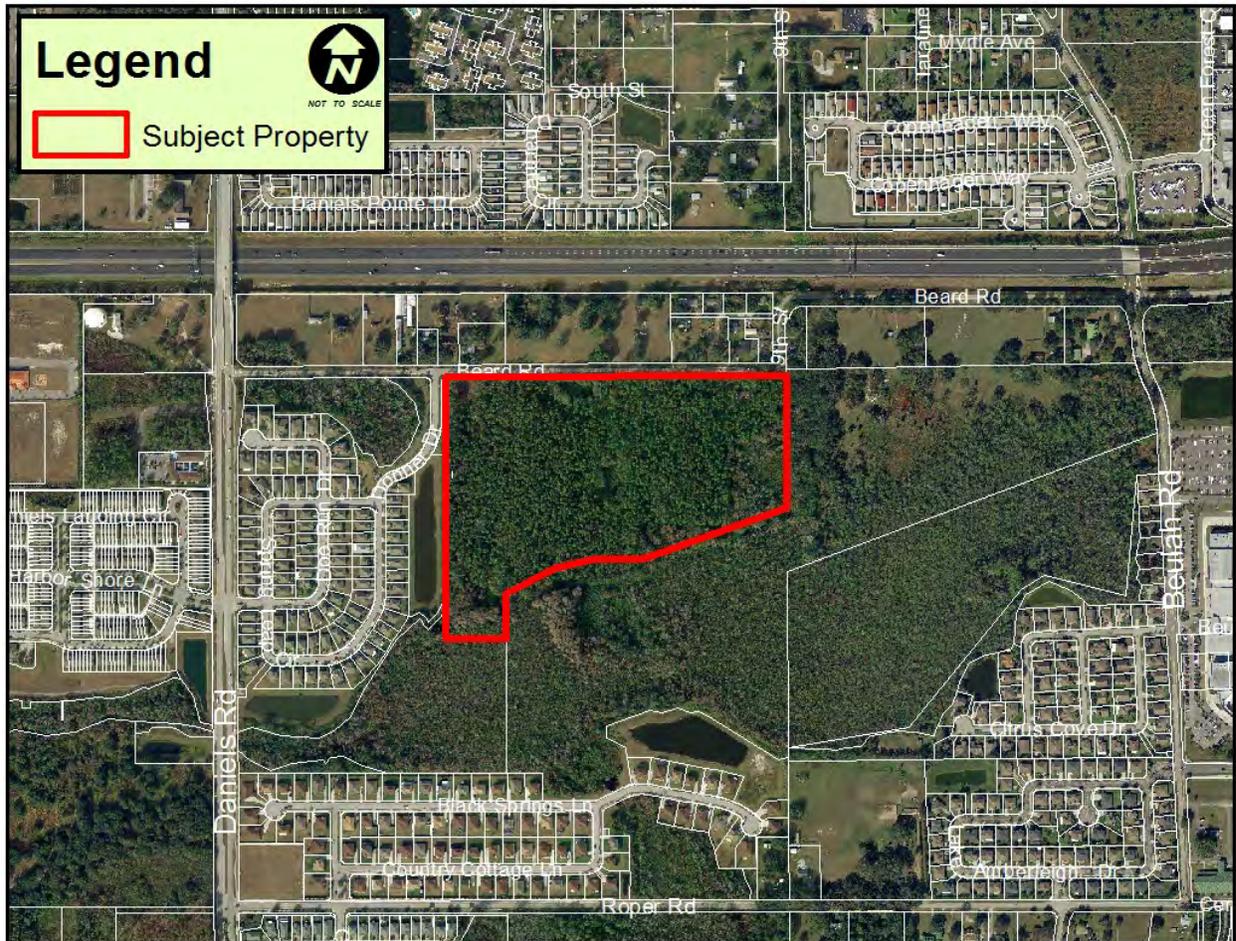
The City will provide garbage collection, police protection, and all other services regularly provided to City of Winter Garden residents including building permits. The property will be served by both Orange County Fire and Rescue and the City of Winter Garden Fire Department under the First Response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

SUMMARY

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

MAPS

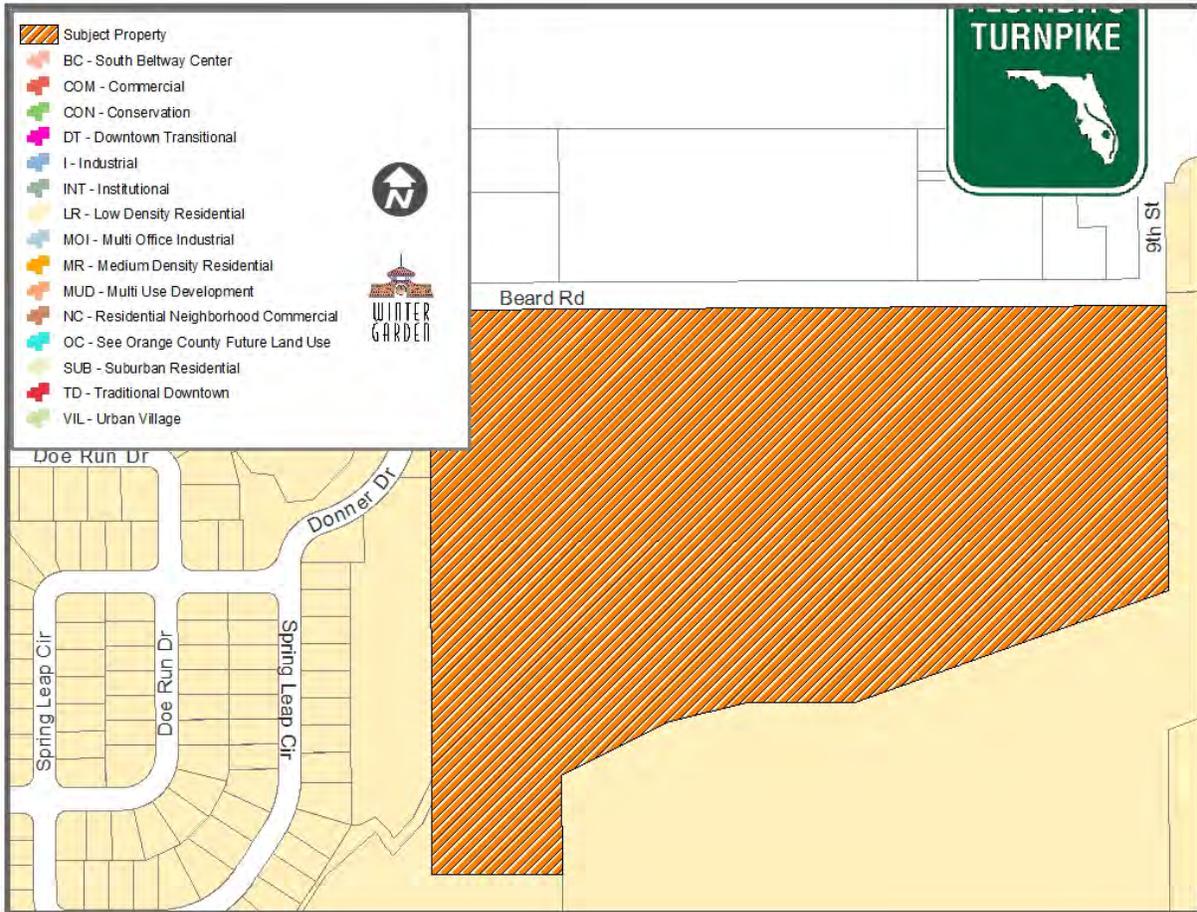
**AERIAL PHOTO
562 BEARD ROAD SUBDIVISION**



ZONING MAP 562 BEARD ROAD SUBDIVISION



FUTURE LAND USE MAP 562 BEARD ROAD SUBDIVISION



END OF STAFF REPORT

ORDINANCE 14-26

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 33.79 ± ACRES OF REAL PROPERTY GENERALLY LOCATED AT 562 BEARD ROAD LOCATED SOUTH OF THE FLORIDA TURNPIKE AND EAST OF DANIELS ROAD AT THE SOUTHWEST CORNER OF BEARD ROAD AND 9TH STREET FROM R-1 (SINGLE-FAMILY RESIDENTIAL DISTRICT) TO PUD (PLANNED UNIT DEVELOPMENT DISTRICT); PROVIDING FOR CERTAIN PUD REQUIREMENTS; PROVIDING FOR NON-SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the owner of that certain real property generally described as 33.79 ± acres of land located at 562 Beard Road located south of the Florida Turnpike and east of Daniels Road at the southwest corner of Beard Road and 9th Street, and legally described in Section 1 of this ordinance has petitioned the City to rezone said property from City R-1 Single-Family Residential District to the City's PUD Planned Unit Development District zoning classification, therefore;

WHEREAS, further, the City Commission finds that based on competent, substantial evidence in the record, the rezoning approved by this Ordinance meets all applicable criteria for rezoning; and

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

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

SECTION I. *Rezoning. The above "Whereas" clauses constitute findings by the City Commission. After due notice and public hearing, the zoning classification of the Property, as described in Exhibit "A" attached hereto, is hereby rezoned from Single-Family Residential District (R-1) to Planned Unit Development (PUD) in the City of Winter Garden, Florida subject to the following conditions, provisions and restrictions:*

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

- b. Zoning- Unless specifically noted elsewhere in Exhibit “B” attached hereto, all residential development on the Property must comply with the general zoning requirements of the R-1 Single Family Residential District for any structures, including but not limited to swimming pools, screen rooms accessory structures and buildings that are developed on the Property.
 - 1. Prohibited Uses- Retail uses, Townhomes and Condominiums.
- c. Staff Conditions- All development on the Property must comply with the following conditions:
 - 1. Beard Road improvements: At the developer’s expense, Beard Road shall be improved along the full project frontage to include 24 foot pavement width, 2’ wide concrete curb & gutter or 12” flush ribbon curb as is determined appropriate by the City Engineer, 5’ wide concrete sidewalk, streetlights meeting dark skies requirements, etc. per City Standards. Turn lane(s) on Beard Road at the access points into the Project are required unless waived by the City after further review and evaluation of traffic study and plans to be submitted by the Developer. Developer shall convey or caused to be conveyed in fee simple ownership to the City, at no cost to the City, such portions of the Property as may be necessary to accommodate such Beard Road improvements.
 - 2. Utilities: At the developer’s expense, utilities shall be installed and extended in accordance with Section 78-2, City Code. A 10” water main shall be extended for the full project frontage on Beard Road from its current terminus at Donner Drive. Reuse main (8” minimum) shall be extended from Daniels Road for the full project frontage (the two existing 12” reuse mains on Beard Road are transmission mains and do not have sufficient distribution pressure). Sanitary force main shall be designed and extended to the property unless a gravity sanitary design can be found feasible – coordinate with Public Services Utilities.
 - 3. 100 year flood zone/Wetlands: An overlay of the 100 year floodplain appears to encroach farther into the property than shown on the plan. A LOMR shall be filed with FEMA as a condition of final plat approval for any areas requiring fill within the 100 year flood zone. Fill within the 100 year flood zone will only be allowed if compensating storage is provided. Future plan submittals shall include 100 year floodplain, topography, and wetlands delineation.
 - 4. A fully engineered site plan, meeting all City requirements shall be reviewed and approved by the City prior to any construction. Permits or exemptions from SJRWMD and FDEP will be required. FDEP NPDES NOI will also be required if any disturbed area is over 1.0 acre.

5. All irrigation shall be metered and connected to the reclaimed water mains within the development. Coordinate with Utilities Department on location and size of reclaimed water mains, etc. All irrigation lines within the City's right-of-way shall be purple color.
6. Provide conceptual drainage plan and geotechnical report with preliminary plat submittal.
7. Plans indicate that the project will be gated. If gated, the streets will be private and maintained by the HOA. While portions of the right-of-way may be dedicated to the City, maintenance of special pavements, landscaping, hardscaping, etc. shall be performed by the HOA under a RW maintenance agreement.
8. 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 minimum 20' wide tract (not easement) for access and maintenance.
9. The Owner is responsible for meeting all provisions of ADA and Florida Accessibility Code.
10. All work shall conform to City of Winter Garden standards and specifications.
11. 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.
12. The Owner's/Developer's Contractor is responsible for the notification, location and protection of all utilities that may exist within the project limits.
13. 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.

14. 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 II: General Requirements.

- a. Developer's Agreement- A Developer's Agreement shall be drafted, approval obtained and recorded prior to approval of Preliminary Plat of the Property and prior to the issuance of any site or building permits. The Developer's Agreement shall include, but is not limited to the following: project phasing, Beard Road improvements, lift station construction and tract conveyance, utilities extension and upsizing, internal roadways and utility lines, right-of-way conveyances, bonding requirements for public infrastructure improvements, and adherence to all City Codes and Standards.
- b. Stand Alone Clause- Each phase of development of the Property must operate as an individual unit in that each particular phase will be able to stand-alone in the event that no other phase is developed.
- c. Land Development Approvals and Permits- This Ordinance does not require the City to issue any permit or approval for development, construction, preliminary plat, final plat, building permit, or other matter by the City relating to the Property or the project or any portion thereof. These and any other required City development approvals and permits shall be processed and issued by the City in accordance with procedures set forth in the City's Code of Ordinances and subject to this Ordinance.
- d. Amendments- Minor amendments to this Ordinance will be achieved by Resolution of the City Commission of the City of Winter Garden. Major amendments to this Ordinance will require approval of the City Commission of the City of Winter Garden by Ordinance.
- e. Expiration- Expiration of this PUD shall be governed in accordance with Section 118-830, City of Winter Garden Code of Ordinances. Time extensions may be granted in accordance with Section 118-829, City of Winter Garden Code of Ordinances.

SECTION III: Rezoning. After due notice and public hearing, the zoning classification of real property legally described on ATTACHMENT "A," is here by rezoned from City R-1Single-Family Residential District to City PUD Planned Unit Development District in the City of Winter Garden, Florida.

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

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

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#: 26-22-27-0000-00-029

That part of the NE 1/4 of the SE 1/4 of Section 26, Township 22 South, Range 27 East, Orange County, Florida, lying north of Canal. The NW 1/4 of the SE 1/4 of Section 26, Township 22 South, Range 27 East, Orange County, Florida, LESS West 1054.79 feet thereof. Less also the 30 feet of both of the above tracts for road, described as follows: (Parent Tract Description taken from Official Records Book 9992, Page 1216, Public Records of Orange County, Florida.)

Commence at the Northeast corner of the Northeast 1/4 of the Southeast 1/4 of Section 26, Township 22 South, Range 27 East, Orange County, Florida and a point on the North boundary of COBBLESTONE OF WINTER GARDEN as described and recorded in Plat Book 65, Pages 70 through 74, Public Records of Orange County, Florida, thence South 00 degrees 20 minutes 59 seconds East 30.00 feet along the East boundary of said Southeast 1/4 and the North Boundary of said Plat Book 65, Pages 70 through 74 to a point on the South right of way line of Beard Road per Official Records Book 9992, Page 1216, Public Records of Orange County, Florida for the POINT OF BEGINNING; thence continue South 00 degrees 20 minutes 59 seconds East 630.44 feet along the East boundary of said Southeast 1/4 and the North Boundary of said Plat Book 65, Pages 70 through 74; thence South 70 degrees 19 minutes 23 seconds West 734.78 feet along said North boundary; thence North 89 degrees 40 minutes 37 seconds West 235.82 feet along said North boundary; thence South 76 degrees 19 minutes 23 seconds West 178.83 feet along said North boundary; thence South 63 degrees 19 minutes 23 seconds West 266.69 feet along said North boundary to a point on the East boundary of the Northwest 1/4 of the Southeast 1/4 of said Section 26; thence South 00 degrees 15 minutes 59 seconds East 217.60 feet along said North boundary and said East boundary of the Northwest 1/4 of the Southeast 1/4 to a point on the East boundary of said DEERFIELD PLACE as described and recorded in Plat Book 57, Pages 119 through 121, Public Records of Orange County, Florida; thence South 89 degrees 47 minutes 08 seconds West 287.75 feet along said East boundary to a point on the West boundary of the West 1054.79 feet of the Northwest 1/4 of the Southeast 1/4 of said Section 26; thence North 00 degrees 10 minutes 57 seconds West 1247.54 feet along said East boundary of Plat Book 57, Pages 119 through 121 and said West boundary of the West 1054.79 feet of the Northwest 1/4 of the Southeast 1/4 to a point on the aforesaid South right of way line of Beard Road; thence North 89 degrees 39 minutes 34 seconds East 1626.64 feet along said right of way line to the Point of Beginning.

CONTAINING: 33.785 acres, more or less.

LEGAL DESCRIPTION

THAT PART OF THE NE 1/4 OF THE SE 1/4 OF SECTION 26, TOWNSHIP 22 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA, LYING NORTH OF CANAL THE NW 1/4 OF THE SE 1/4 OF SECTION 26, TOWNSHIP 22 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA, LESS WEST 1054.79 FEET THEREOF, LESS ALSO THE 30 FEET OF BOTH OF THE ABOVE TRACTS FOR ROAD.

PRELIMINARY DEVELOPMENT PLAN

FOR:

ROPER SUBDIVISION

RESIDENTIAL PLANNED UNIT DEVELOPMENT

SEC OF BEARD ROAD
& DONNER DRIVE
CITY OF WINTER GARDEN, FL

PARCEL I.D. NUMBER 26-22-27-0000-00-029

PREPARED FOR:



9102 SOUTHPARK CENTER LOOP #100
ORLANDO, FL 32019
PH : (407) 587-3497

PREPARED BY:



1700 NORTH ORANGE AVENUE
SUITE 400
ORLANDO, FLORIDA 32804
PHONE (407) 898-7858
FAX (407) 898-1488

Beard Road - 562
ROPER PROPERTY
PUD / REZONING (3rd Rev 03/21/14)
Adalee J. Roper Trust
26-22-27-0000-00-029

Community Development
Planning & Zoning
MAR 21 2014
Received By: PH13-068



ROPER SUBDIVISION DEVELOPMENT PLAN

SHEET INDEX

SHEET TITLE	SHEET NO.
COVER SHEET	PD-1
PDP	PD-2
TYPICAL PRODUCT LAYOUTS & OPTIONS	PD-3
SCHEMATICS PLAN	SC-01 TO SC-06

CIVIL DISCIPLINE ONLY P.E. CERT. OF AUTHORIZATION # 0007350	JOB NO. 1011.000 DATE 03/21/2014
SHEET PD-1	

REVISION NOTE:
REVISION CLOUDS PROVIDED TO ASSIST THE CONTRACTOR. ONLY THE LATEST REVISION IS SHOWN. OTHER PLAN CHANGES MAY BE NECESSARY AS A RESULT OF THIS REVISION WHICH MAY NOT BE CLOUDED. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO REVIEW THIS PLAN SET IN ITS ENTIRETY TO ENSURE ALL PLAN CHANGES ARE ACCOUNTED FOR, INCLUDING PREVIOUS REVISIONS, AND CHANGES TO OTHER PLAN SHEETS AS A RESULT OF THE REVISIONS SHOWN.

REVISIONS:	DATE	DESCRIPTION
1		
2		
3		

DEVELOPMENT TEAM:

DEVELOPER
KB HOME ORLANDO
9102 SOUTHPARK CENTER
LOOP #100
ORLANDO, FLORIDA 32019
PHONE: (407) 587-3497

ENGINEER
KELLY, COLLINS & GENTRY, INC.
1700 NORTH ORANGE AVENUE,
SUITE 400
ORLANDO, FLORIDA 32804
PHONE: (407) 898-7858
FAX: (407) 898-1488

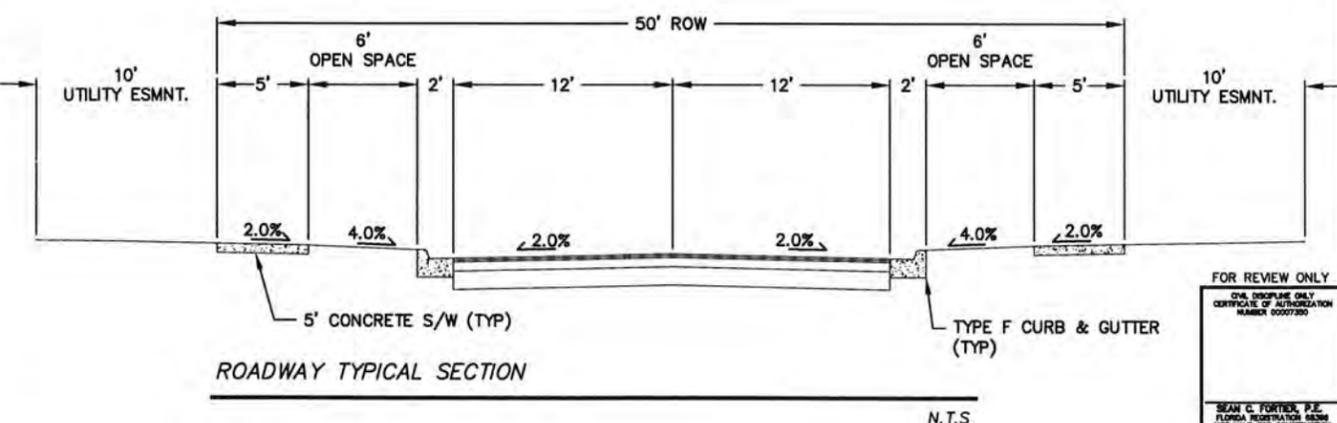
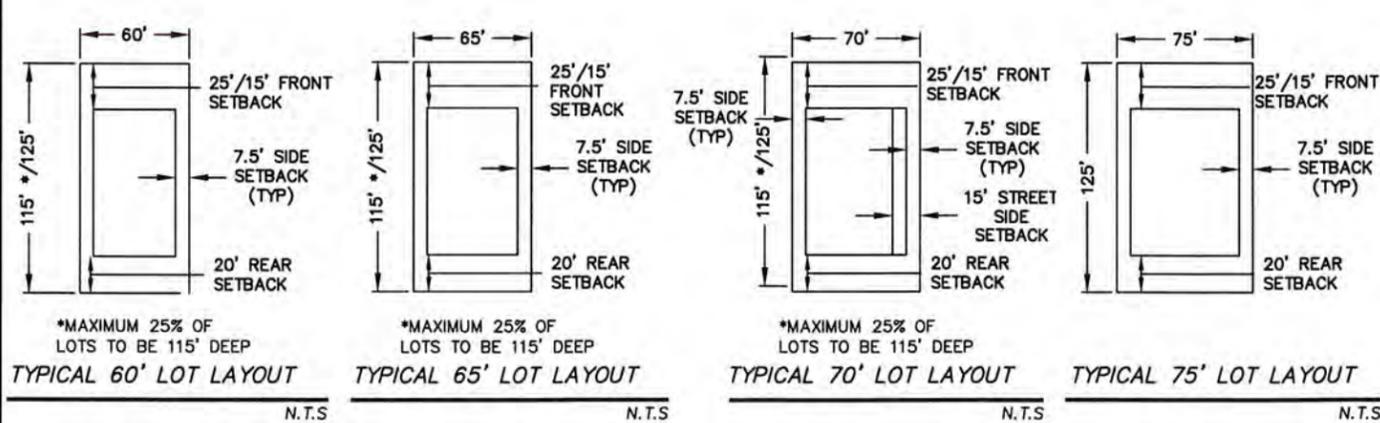
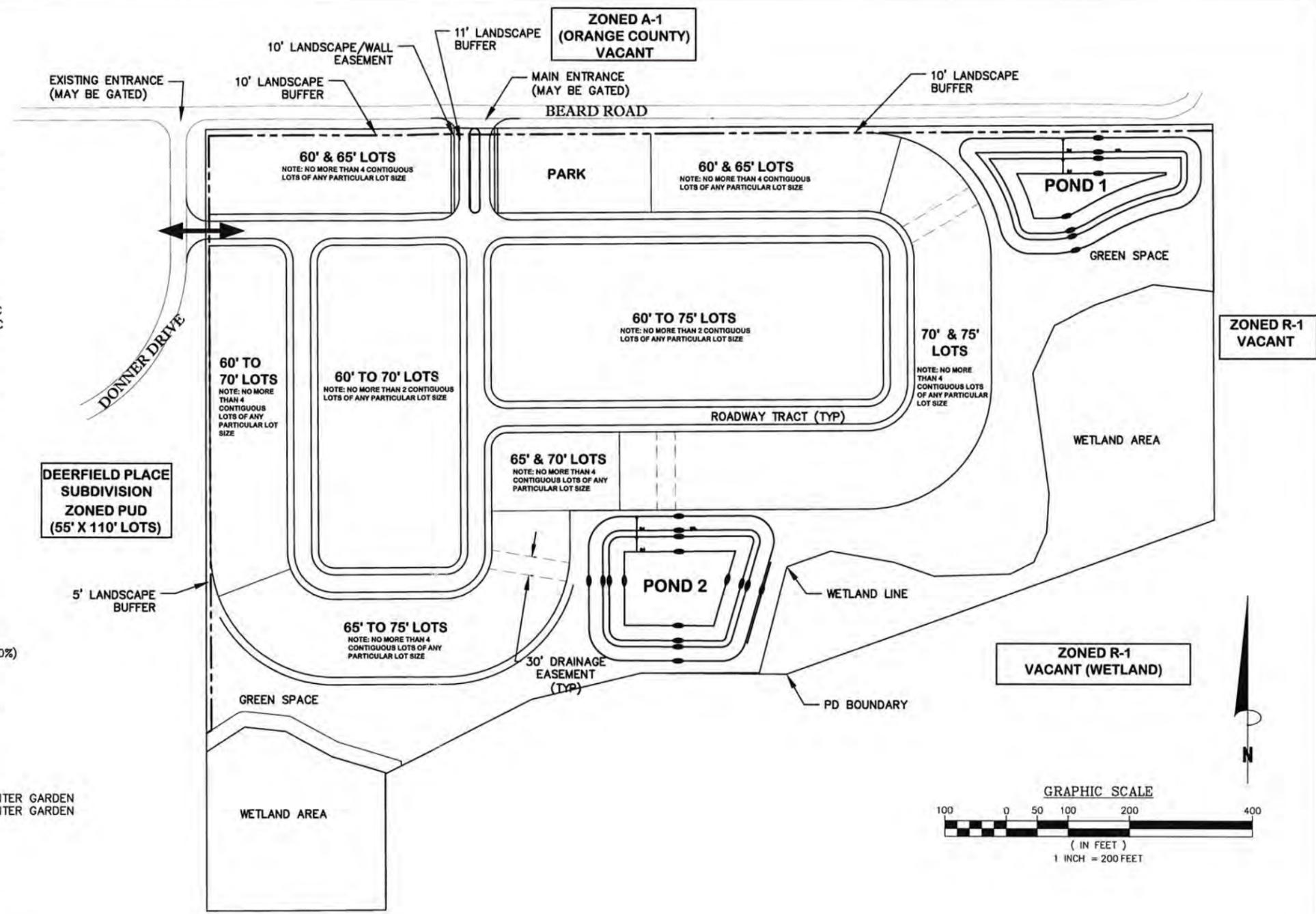
SURVEYOR
JONES, WOOD & GENTRY, INC.
2800 EAST ROBINSON STREET
ORLANDO, FLORIDA 32803
PHONE: (407) 898-7780

LANDSCAPE ARCHITECT
LAND RESOURCE DESIGN GROUP
1700 NORTH ORANGE AVENUE,
SUITE 400
ORLANDO, FLORIDA 32804
PHONE: (407) 898-7858 EXT 117

SECTION 26 TOWNSHIP 22 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA

DEVELOPMENT DATA

LAND USE:	TIMBERLAND (EXISTING) SINGLE FAMILY RESIDENTIAL (PROPOSED)
FUTURE LAND USE:	LR-LOW DENSITY RESIDENTIAL (6 DU/AC)
ZONING:	R-1 (EXISTING) PUD (PROPOSED)
AREAS:	TOTAL PROJECT AREA 33.79 AC WETLANDS 5.35 AC GROSS DEVELOPMENT AREA (GDA) 28.44 AC (TOTAL PROJECT AREA LESS WETLANDS) ROAD RIGHTS OF WAY 2.41 AC RETENTION AREA 2.54 AC NET DEVELOPMENT AREA 23.49 AC (GROSS DEVELOPMENT AREA LESS ROAD R/W & RETENTION AREA)
SITE DATA:	TOTAL SINGLE FAMILY UNITS 77 UNITS GROSS RESIDENTIAL DENSITY 2.71 DU/AC NET RESIDENTIAL DENSITY 3.28 DU/AC MINIMUM LIVING AREA (UNDER HEAT/AC) 1800 SF
MINIMUM LOT SIZE:	60' WIDTH < 25% 65' WIDTH < 32% 70' WIDTH > 28% 75' WIDTH > 15% *PERCENTAGE OF TOTAL LOTS IN PUD MINIMUM 115' DEPTH MINIMUM 6,875 SF LOT AREA
BUILDING SETBACKS:	FRONT YARD 25'/15'* REAR YARD 20' PD BOUNDARY 25' SIDE YARD 7.5' STREET SIDE YARD 15' POOL SIDE & REAR YARD 5' MAXIMUM BUILDING HEIGHT 30' *15' MINIMUM IF GARAGE RECESSED MIN 10' OR SIDE LOADED
OPEN SPACE:	PROVIDED: PARK AREA: 0.71 AC LANDSCAPE BUFFER: 0.40 AC RETENTION AREA: 2.54 AC GREEN SPACE TRACT AREA: 4.76 AC TOTAL: 8.41 AC (30%)
RECREATION FACILITIES:	REQUIRED: 5% X GDA*: 1.42 AC PROVIDED: PARK AREA: 0.71 AC* *PAYMENT WILL BE MADE TO THE CITY RECREATION FUND TO MAKE UP THE SHORTFALL.
UTILITY PROVIDERS:	WATER: CITY OF WINTER GARDEN WASTEWATER: CITY OF WINTER GARDEN
MAINTENANCE:	COMMON AREAS TO BE MAINTAINED BY HOA



FOR REVIEW ONLY
ONE DRAWING ONLY
CERTIFICATE OF AUTHORIZATION
NUMBER 0007280
SEAN C. PORTER, P.E.
FLORIDA REGISTERED ENGINEER
NOT VALID FOR CONSTRUCTION
UNLESS SIGNED BY THIS BLOCK

KCG
KELLY, COLLINS & GENTRY, INC.
1700 NORTH ORANGE AVENUE, SUITE 400
ORLANDO, FLORIDA 32804
(407) 586-1668 FAX (407) 586-1668

NO.	DATE	REVISION

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

PROJECT:
ROPER SUBDIVISION
RESIDENTIAL PUD

PRELIMINARY DEVELOPMENT PLAN

DRAWN: SPJ
DESIGN: SPJ
CHECKED: SPJ
JOB NO.: 1911.000
DATE: 03/21/14

SHEET
PD-2

PRODUCT OPTIONS
CONTIGUOUS BUILDING
PRODUCTS: MAX 3

PAVER DRIVEWAYS: 100%



TYPICAL PAVER DRIVEWAY

STONE FRONT ELEVATIONS: MIN 50%



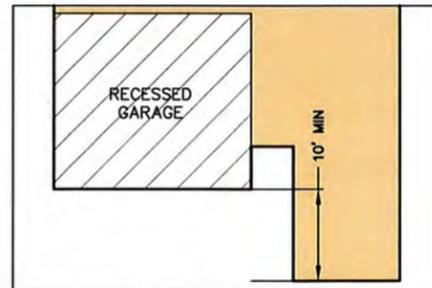
TYPICAL STONE FACADE

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



TYPICAL PORCH LAYOUT

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



TYPICAL RECESSED GARAGE LAYOUT

		LOT WIDTHS			
		60'	65'	70'	75'
BUILDING PAD WIDTHS	38'				
	40'				
	42'				
	45'				
	50'				

FOR REVIEW ONLY
ONE DRAWING ONLY
CERTIFICATE OF AUTHORIZATION
NUMBER 0007300

SEAN G. FORNER, P.E.
FLORIDA REGISTERED PROFESSIONAL ENGINEER
NOT VALID FOR CONSTRUCTION
UNLESS SIGNED IN THIS BLOCK

KELLY,
COLLINS &
GENTRY, INC.
1700 NORTH ORANGE AVENUE, SUITE 400
ORLANDO, FLORIDA 32804
(407) 846-7500 FAX (407) 846-1488

NO.	DATE	REVISION
6		
5		
4		
3		
2		
1		

PREPARED FOR:
KB HOME ORLANDO
9102 SOUTH PARK CENTER LOOP #100
ORLANDO, FL 32819

PROJECT:
ROPER
SUBDIVISION
RESIDENTIAL PUD

TYPICAL PRODUCT
LAYOUTS & OPTIONS

DRAWN: OPR
DESIGN: SCF
CHECKED: SHG
JOB NO.: 1911.000
DATE: 03/21/14

SHEET
PD-3

July 7, 2014

Deerfield Place HOA
c/o Lighthouse Properties
928 East New Haven Avenue
Melbourne, FL 32901

RE: Beard Road Planned Development

Dear Planning & Zoning Commission,

KB HOME is proposing to develop 77 single-family homes on approximately 33 acres of land located on the south side of Beard Road, east of Donner Drive and adjacent to the Deerfield Place neighborhood. The proposed development will connect into the existing Deerfield Place residential subdivision, which consists of 99 single family homes. Deerfield Place also has access onto Daniels Road.

KB HOME has approached the Deerfield Place HOA about potentially gating Deerfield Place in exchange for allowing the development to be gated together, allowing the new community to exit onto Daniels Road through the Deerfield place entry, as part of a condition of approval of the proposed Planned Development (PD) rezoning. By gating these two communities together, outside traffic will be prevented from cutting through. Additionally the neighborhood streets will become private and will be maintained by their respective Home Owners Associations.

As a resident of Deerfield Place, I am supportive of pursuing the options as they have been defined at this time. The HOA is working with KB Home to further explore the potential, including both engineering and reserve studies. The Deerfield Place HOA would continue to pursue this option until such time that information in the reserve or engineering studies indicated it would not be in the community's best interests.

Sincerely,

Signature: Pamela Marble

Print Name: Pamela Marble

Address: 213 Doe Run Dr
Winter Garden, FL 34787

July 7, 2014

Deerfield Place HOA
c/o Lighthouse Properties
928 East New Haven Avenue
Melbourne, FL 32901

RE: Beard Road Planned Development

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Sincerely,

Signature: Ron Bergeron

Print Name: Ron Bergeron

Address: 536 Spring Leap Cir
Winter Garden, FL 34787

July 7, 2014

Deerfield Place HOA
c/o Lighthouse Properties
928 East New Haven Avenue
Melbourne, FL 32901

RE: Beard Road Planned Development

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Sincerely,



Signature: _____

Print Name: Brandon Kelly

Address: 543 Spring Leap Cir
Winter Garden, FL 34787

July 7, 2014

Deerfield Place HOA
c/o Lighthouse Properties
928 East New Haven Avenue
Melbourne, FL 32901

RE: Beard Road Planned Development

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Sincerely,

Signature: Andrew Alaimo

Print Name: Andrew Alaimo

Address: 561 Spring Leap Cir
Winter Garden FL 34787

July 7, 2014

Deerfield Place HOA
c/o Lighthouse Properties
928 East New Haven Avenue
Melbourne, FL 32901

RE: Beard Road Planned Development

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Sincerely,

Signature: 

Print Name: MARESH-PERSAUD

Address: 227-SPRING-LEAF-circle
WINTER-GARDEN-FLA-34787

July 7, 2014

Deerfield Place HOA
c/o Lighthouse Properties
928 East New Haven Avenue
Melbourne, FL 32901

RE: Beard Road Planned Development

Dear Planning & Zoning Commission,

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Sincerely,

Signature: Ganesh Bahadur

Print Name: Ganesh Bahadur

Address: 331 Spring Leap Circle
winter garden FL

July 7, 2014

Deerfield Place HOA
c/o Lighthouse Properties
928 East New Haven Avenue
Melbourne, FL 32901

RE: Beard Road Planned Development

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Sincerely,

Signature:

Herman Sukhram

Print Name:

HERMAN SUKHRAM

Address:

109 DOE RUN DRIVE

WINTERGARDEN FLORIDA 34787

July 7, 2014

Deerfield Place HOA
c/o Lighthouse Properties
928 East New Haven Avenue
Melbourne, FL 32901

RE: Beard Road Planned Development

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Sincerely,

Signature: Marc W. Jeanre

Print Name: Marc W. Jeanre

Address: 542 Spring Leap Cir

Winter Garden FL 34787

July 7, 2014

Deerfield Place HOA
c/o Lighthouse Properties
928 East New Haven Avenue
Melbourne, FL 32901

RE: Beard Road Planned Development

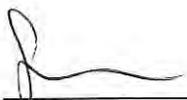
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Sincerely,

Signature:  _____

Print Name: Sean Archer

Address: 224 Doon Ran Dr.

Winter Garden, FL 32787

July 7, 2014

Deerfield Place HOA
c/o Lighthouse Properties
928 East New Haven Avenue
Melbourne, FL 32901

RE: Beard Road Planned Development

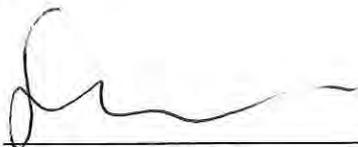
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Sincerely,

Signature: 

Print Name: Sean Archer

Address: 212 Doe Run Dr.

Winter Garden, FL 34787

July 7, 2014

Deerfield Place HOA
c/o Lighthouse Properties
928 East New Haven Avenue
Melbourne, FL 32901

RE: Beard Road Planned Development

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Sincerely,

Signature: Rosemary & Andrew Durbeej

Print Name: Rosemary Durbeej

Address: 133 DOE RUN DR
WINTER GARDEN, FL 34787

July 7, 2014

Deerfield Place HOA
c/o Lighthouse Properties
928 East New Haven Avenue
Melbourne, FL 32901

RE: Beard Road Planned Development

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Sincerely,

Signature: _____

Print Name: _____

Address: _____

Aector Gutierrez
573 Spring Leap C.
Winter Garden FL 34787

July 7, 2014

Deerfield Place HOA
c/o Lighthouse Properties
928 East New Haven Avenue
Melbourne, FL 32901

RE: Beard Road Planned Development

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KB HOME is proposing to develop 77 single-family homes on approximately 33 acres of land located on the south side of Beard Road, east of Donner Drive and adjacent to the Deerfield Place neighborhood. The proposed development will connect into the existing Deerfield Place residential subdivision, which consists of 99 single family homes. Deerfield Place also has access onto Daniels Road.

KB HOME has approached the Deerfield Place HOA about potentially gating Deerfield Place in exchange for allowing the development to be gated together, allowing the new community to exit onto Daniels Road through the Deerfield place entry, as part of a condition of approval of the proposed Planned Development (PD) rezoning. By gating these two communities together, outside traffic will be prevented from cutting through. Additionally the neighborhood streets will become private and will be maintained by their respective Home Owners Associations.

As a resident of Deerfield Place, I am supportive of pursuing the options as they have been defined at this time. The HOA is working with KB Home to further explore the potential, including both engineering and reserve studies. The Deerfield Place HOA would continue to pursue this option until such time that information in the reserve or engineering studies indicated it would not be in the community's best interests.

Sincerely,

Signature: Rosemary & Andrew Dubee

Print Name: Rosemary Dubee

Address: 251 Springleaf Cir
Winter Garden, FL 34787

July 7, 2014

Deerfield Place HOA
c/o Lighthouse Properties
928 East New Haven Avenue
Melbourne, FL 32901

RE: Beard Road Planned Development

Dear Planning & Zoning Commission,

KB HOME is proposing to develop 77 single-family homes on approximately 33 acres of land located on the south side of Beard Road, east of Donner Drive and adjacent to the Deerfield Place neighborhood. The proposed development will connect into the existing Deerfield Place residential subdivision, which consists of 99 single family homes. Deerfield Place also has access onto Daniels Road.

KB HOME has approached the Deerfield Place HOA about potentially gating Deerfield Place in exchange for allowing the development to be gated together, allowing the new community to exit onto Daniels Road through the Deerfield place entry, as part of a condition of approval of the proposed Planned Development (PD) rezoning. By gating these two communities together, outside traffic will be prevented from cutting through. Additionally the neighborhood streets will become private and will be maintained by their respective Home Owners Associations.

As a resident of Deerfield Place, I am supportive of pursuing the options as they have been defined at this time. The HOA is working with KB Home to further explore the potential, including both engineering and reserve studies. The Deerfield Place HOA would continue to pursue this option until such time that information in the reserve or engineering studies indicated it would not be in the community's best interests.

Sincerely,

Signature:  _____

Print Name: SHIVA SJEWMARACK

Address: 555 SPRING LEAP CIRCLE,
WINTER GARDEN, FL 34787

THE CITY OF WINTER GARDEN
PLANNING AND ZONING BOARD AGENDA ITEM

ITEM # 5 (Public Hearing)

DATE: September 4, 2014 **MEETING DATE:** September 8, 2014

SUBJECT: 1170 Elboc Way
(SPECIAL EXCEPTION PERMIT)
PROJECT NAME Handy Rentals
PARCEL ID# 25-22-27-8814-00-030

ISSUE: The applicant is requesting a Special Exception Permit to allow small engine repair and equipment maintenance on the property located at 1170 Elboc Way.

SUPPLEMENTAL MATERIAL/ANALYSIS:

OWNER/APPLICANT: Handy Rentals // Brant Hicks

CURRENT ZONING: C-2 Arterial Commercial District

PROPOSED ZONING: N/A

CURRENT FLU: Commercial

PROPOSED FLU: N/A

SUMMARY:

The applicant is requesting a Special Exception Permit to allow small engine repair and equipment maintenance in a C-2 Zoning District. The C-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 building permits (if required).

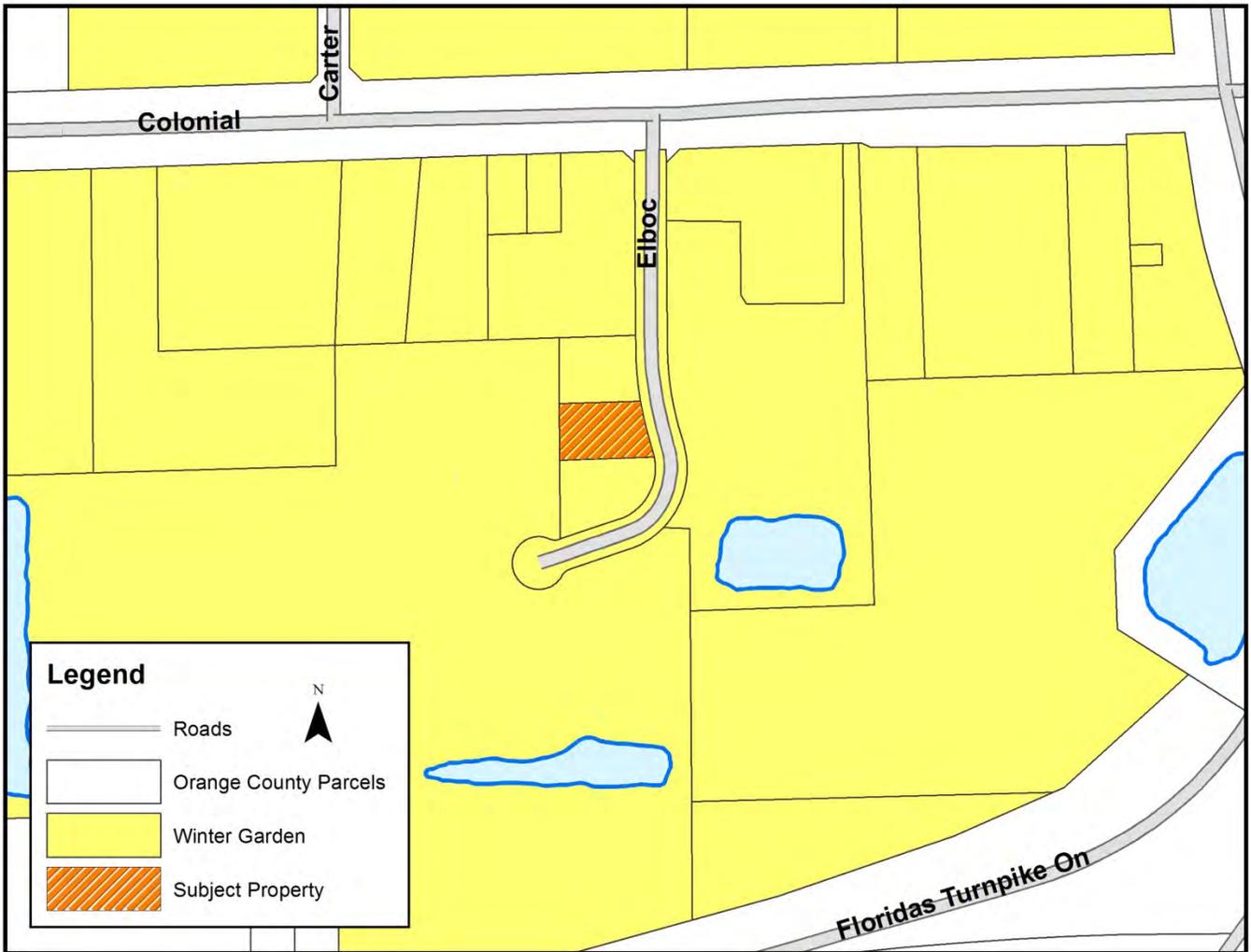
ATTACHMENT(S):

Location Map
Staff Report

LOCATION MAP

1170 Elboc Way

SPECIAL EXCEPTION PERMIT



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: SEPTEMBER 3, 2014
SUBJECT: SPECIAL EXCEPTION PERMIT
1170 Elboc Way (Small engine servicing & repair)
PARCEL ID # 25-22-27-8814-00-030

APPLICANT: Handy Rentals // Brant Hicks

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 1170 Elboc Way. 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 portion of the existing building to be used for small engine repair & equipment maintenance. The subject property is located within the City of Winter Garden municipal limits, carries the zoning designation C-2, and is designated Commercial on the Future Land Use Map of the Comprehensive Plan.

EXISTING/PROPOSED USE

The site contains a single modular metal warehouse building, which was constructed in 1997. Located on the west side of the property, the structure has approximately 3,775 square feet of gross building area. The property contains an existing asphalt lot, which was recently striped in order to comply with the City's parking requirements. Past uses of the building consist of various industrial operations including a metal recycling facility.

Currently, the applicant is utilizing the building for his business, which involves renting tools, equipment, and party supplies to customers. The applicant hopes to expand his operations to include small engine and equipment repair. The list of equipment that will be serviced on site includes such items as lawn mowers, string trimmers, chainsaws, generators, compressors, paint sprayers, and pressure washers. The applicant will also be performing other maintenance work such as carburetor cleaning on the engines of equipment previously listed.

ADJACENT LAND USE AND ZONING

The parcel located to the north of the subject property contains a multi-story office building. It's zoned C-2 and is within the City of Winter Garden Municipal limits. Also located in Winter Garden, the property to the east is zoned C-2 and currently contains a motor coach sales and service facility. The property to the south of the subject property contains a modular metal warehouse building, is zoned I-2, and is located within City limits. West of the subject property is a large property that is occupied by a road construction company. This City of Winter Garden property is zoned I-2 and contains a number of office and warehouse buildings as well as large stockpiles of crushed aggregates and other road construction materials.

SUMMARY

City Staff recommends approval of the proposed special exception permit to allow small engine repair and equipment maintenance at 1170 Elboc Way with the following conditions:

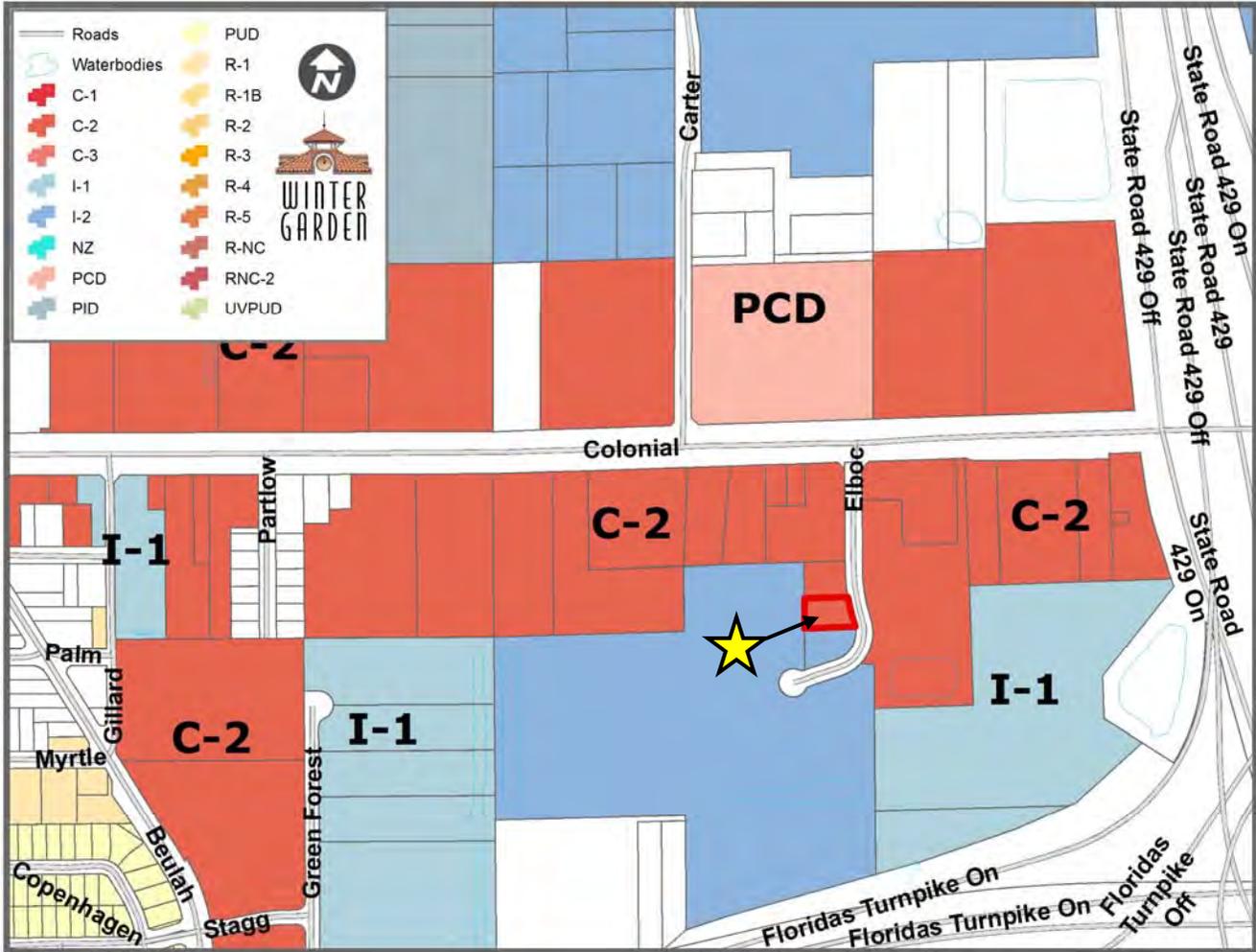
1. All merchandise and equipment shall be stored inside the building. No merchandise or equipment is permitted to be displayed outdoors without review and issuance of an additional Special Exception Permit.
2. All work on equipment shall be done inside the facility.
3. This SEP approval does not include servicing or maintaining vehicles or large equipment such as bulldozers, excavators, loaders, etc.
4. The property owner or applicant shall install landscaping that adheres to City of Winter Garden Code of Ordinances Chapter 144, Article II.
5. Uncoated metal chain link fencing is not permitted to be installed on commercially-zoned properties. If the existing chain link fencing is removed, it cannot be relocated anywhere else on site. Another fence type, such as an aluminum or iron picket fence, may be used instead of chain link. New chain link fencing will only be permitted if it is vinyl coated in an approved color.

6. Any proposed site plan changes will require site plan review, during which the DRC will review site plan issues not directly related to the SEP items including grading & drainage, utilities, site lighting, ingress/egress, circulation, and other design requirements of the Winter Garden Code of Ordinances.
7. Any improvements or alterations to the building including additions of partition walls, electric circuits, plumbing, air conditioning or similar work will require a permit from the building department.
8. Any new signage must comply with the requirements of the Winter Garden Code of Ordinances Chapter 102 - SIGNS. The following signs are prohibited:
 - a. Any sign placed on public property.
 - b. Billboard signs, erected after June 11, 1987.
 - c. Animated or flashing signs.
 - d. Portable signs.
 - e. A-frame, T-framed signs.
 - f. Signs on trailer frames with or without mounted wheels.
 - g. Vehicle signs or signs on or attached to vehicles which have a total copy area in excess of ten square feet, when the vehicle is not regularly used in the conduct of the business and (a) is visible from a street right-of-way within one hundred feet of the vehicle, and (b) is parked for more than two consecutive hours within one hundred feet of any street right-of-way. Signs projecting over a street or road.
 - h. Any sign that interferes with a clear sight triangle distance per Florida Department of Transportation (FDOT) design standards.
 - i. Flashing, moving, animated coursing, blinker, racer-type, intermittent, rotating, moving or revolving signs, whirligig devices, inflatable signs and tethered balloons, pennants, banners, ribbons, streamers, spinners, and other similar types of attention-getting devices except for changeable copy signs when in compliance with the applicable regulations of this chapter.
 - j. Signage used on bus transit shelters within the right-of-way.
 - k. Bench signs.
 - l. Roof signs.
 - m. Traffic sign replicas.
 - n. Snipe signs.
 - o. Banner signs used as permanent signage.
 - p. Commercial off-premises signs.
 - q. Neon signs, luminous tube lights, light-emitting tubes and/or neon type signs.
 - r. Any other sign not listed here or otherwise prohibited by the Winter Garden Code of Ordinances Chapter 102, Article III, Sec. 102-92.

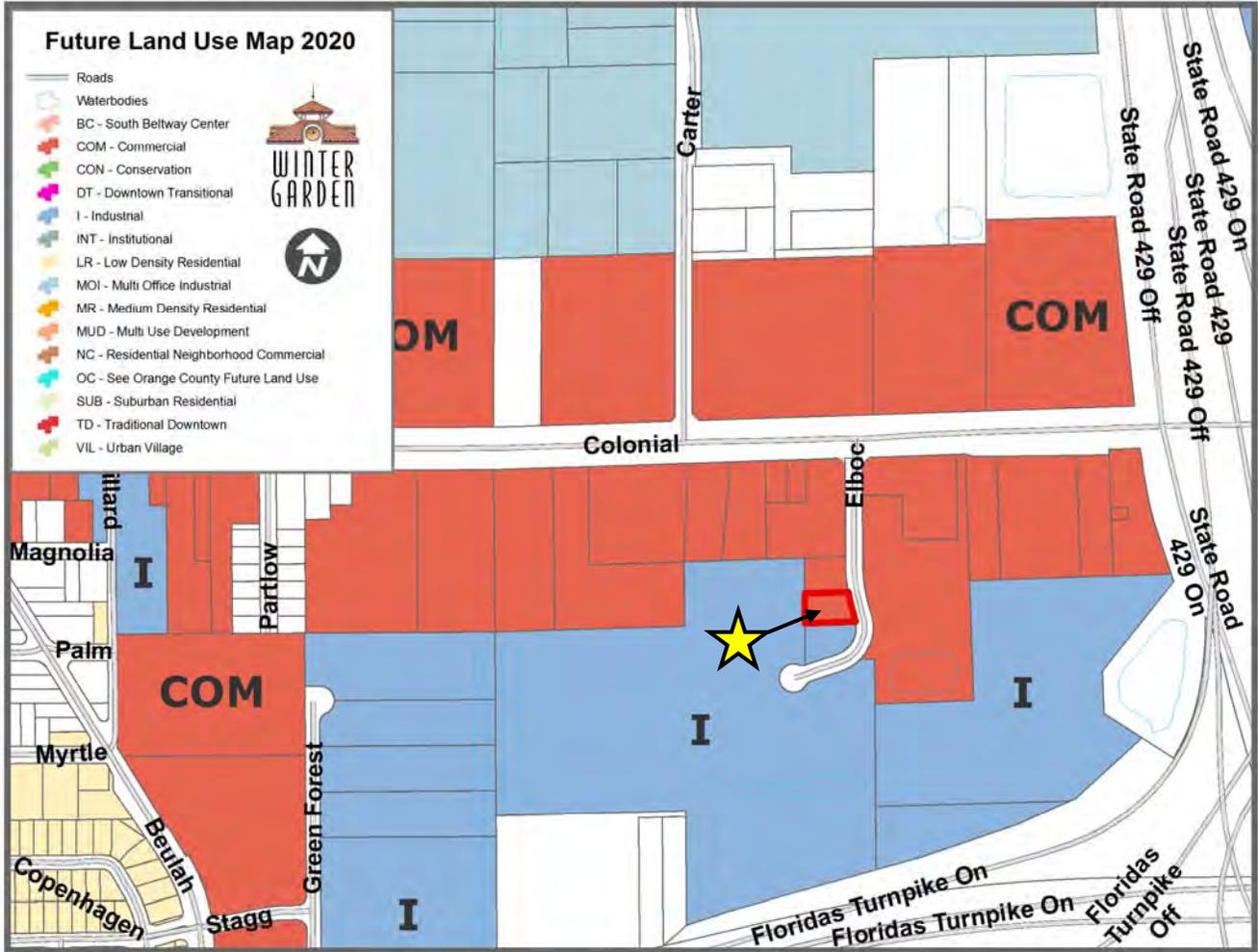
AERIAL PHOTO
1170 Elboc Way



ZONING MAP
1170 Elboc Way



FUTURE LAND USE MAP 1170 Elboc Way



PROPOSED FLOOR & SITE PLAN
1170 Elboc Way



END OF STAFF REPORT

THE CITY OF WINTER GARDEN
PLANNING AND ZONING BOARD AGENDA ITEM

ITEM # 6 (Public Hearing)

DATE: Sept 4, 2014 **MEETING DATE:** Sept 8, 2014

SUBJECT: 722 Sandy Bar Drive (VARIANCE)
PROJECT NAME 722 Sandy Bar Drive Variance
PARCEL ID# 28-22-27-4025-01-890

ISSUE: The applicant is requesting a Variance to the minimum required front yard setback for the property located at 722 Sandy Bar Drive.

SUPPLEMENTAL MATERIAL/ANALYSIS:

OWNER/APPLICANT: Meritage Homes

CURRENT ZONING: Planned Unit Development (PUD)

PROPOSED ZONING: N/A

CURRENT FLU: Low Density Residential

PROPOSED FLU: N/A

SUMMARY:

The permit to construct a single family residence on the subject property was approved by all City departments in July of this year. After construction commenced, it came to the City's attention that the approved plans show a covered front porch that exceeds the front setback requirements outlined in the Johns Lake Pointe PUD zoning ordinance.

City Staff recommends approval of a variance to Section 118-924(d) and Ordinance 00-19, Section 1.2 to allow a 22' front yard setback in lieu of the minimum required 25' front yard setback to permit the construction of the proposed single family residence with a covered front porch.

STAFF RECOMMENDATION(S):

Staff recommends approval of the variance to allow the covered front porch of a new single family home to be built at a 22' front yard setback with the conditions outlined in the Staff Report.

NEXT STEP(S):

Follow all City regulations and apply for all outstanding City approvals.

ATTACHMENT(S):

Location Map
Staff Report

LOCATION MAP

722 Sandy Bar Drive

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: KELLY CARSON, PLANNER II
DATE: SEPTEMBER 4, 2014
SUBJECT: VARIANCE
722 Sandy Bar Drive (0.13+/- ACRES)
PARCEL ID # 28-22-27-4025-01-890

APPLICANT: Meritage Homes

INTRODUCTION

The purpose of this report is to evaluate the request for a front yard setback variance for property located at 722 Sandy Bar Drive in Winter Garden, Florida. The request is for a 22' front yard setback in lieu of the minimum required 25' front yard setback. If approved, this variance will allow the construction of a single-family residence with a covered front porch on the property.

The permit to construct the single family residence on the property was approved by all City departments in July of this year. After construction commenced, it came to the City's attention that the approved plans show a covered front porch that exceeds the front setback requirements of the Johns Lake Pointe PUD zoning. Rather than tear the structure down mid-construction, the applicant was advised to apply for a front setback variance to rectify this oversight.

The subject property, located on Sandy Bar Drive, is an approximately 0.13± acre lot in the Johns Lake Pointe 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 PUD (Planned Unit Development) 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 issued a building permit in July of this year.

ADJACENT LAND USE AND ZONING

The all of the properties adjacent to the subject property are zoned PUD and in the Johns Lake Pointe neighborhood, which is within the City of Winter Garden's Municipal limits. The properties to the north, south, and east of the subject property are all developed with single family residences. The property to the west is currently vacant, but will be built with a single family residential structure in the future as the subdivision continues to develop.

PROPOSED USE

The applicant is proposing to build a new two-story single-family home on the property. The building will have approximately 3,500 sf of living area and a 500 sf garage. The site will also feature a covered front porch, covered lanai, and paved concrete driveway.

CODE REFERENCE

Sec. 118-924(d) of the City Code of Ordinances addresses minimum yard requirements for structures built on PUD-zoned properties. This section states, *“A minimum 25-foot yard shall be required from the nearest part of any building wall to the edge of any public right-of-way or private street, and all structures shall have a minimum 20-foot rear yard. A minimum 25-foot yard shall be maintained between the walls of all structures and the perimeter of the PUD. Additional perimeter yard requirements for multistory buildings shall be figured at five additional feet for each ten feet of height over the first story.”*

In addition, **Ordinance 00-19**, which is the zoning ordinance for the Johns Lake Pointe PUD, also addresses minimum setbacks for residential structures in the neighborhood. **Section 1.2** states, *“With the exception of setbacks and lot width / area requirements, all of the zoning requirements (height restrictions, parking requirements, accessory buildings, etc.) of the R1-B zoning district will be required. The setbacks will be as follows: Front – 25 feet, Rear – 25 feet, Side yard requirements shall be as follows: For lot width less than 70 feet: five feet. (15 feet on a corner); For lot width 70 feet to 84 feet: 7 ½ feet. (15 feet on a corner); For lot width greater than 84 feet: ten feet. (15 feet on a corner).”*

The applicant is seeking a variance to the minimum 22' front yard setback in order to allow the construction of a covered front porch that exceeds the minimum 25' front yard setback required by the PUD ordinance and City code.

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 with a covered front porch located 22’ from the front property line should not negatively impact or interfere with the reasonable enjoyment of adjacent or nearby property owners. Many of the adjacent properties within the neighborhood have similar front yard setbacks with porches and structures set back at exactly the 25’ minimum allowed by the PUD zoning. 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 22’ front yard setback in lieu of the minimum required 25’ side yard setback to construct a covered front porch will allow reasonable use of the property. Furthermore, granting this variance will not change the low density 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 for PUD zoned properties (65%), and meets all other development regulations of Johns Lake Pointe’s PUD zoning.

- (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 Section 118-924(d) and Ordinance 00-19, Section 1.2 to allow a 22’ front yard setback in lieu of the minimum required 25’ front yard setback to permit the construction of the proposed single family residence with a covered front porch.

NEXT STEP

Follow all City regulations and apply for all outstanding City approvals.

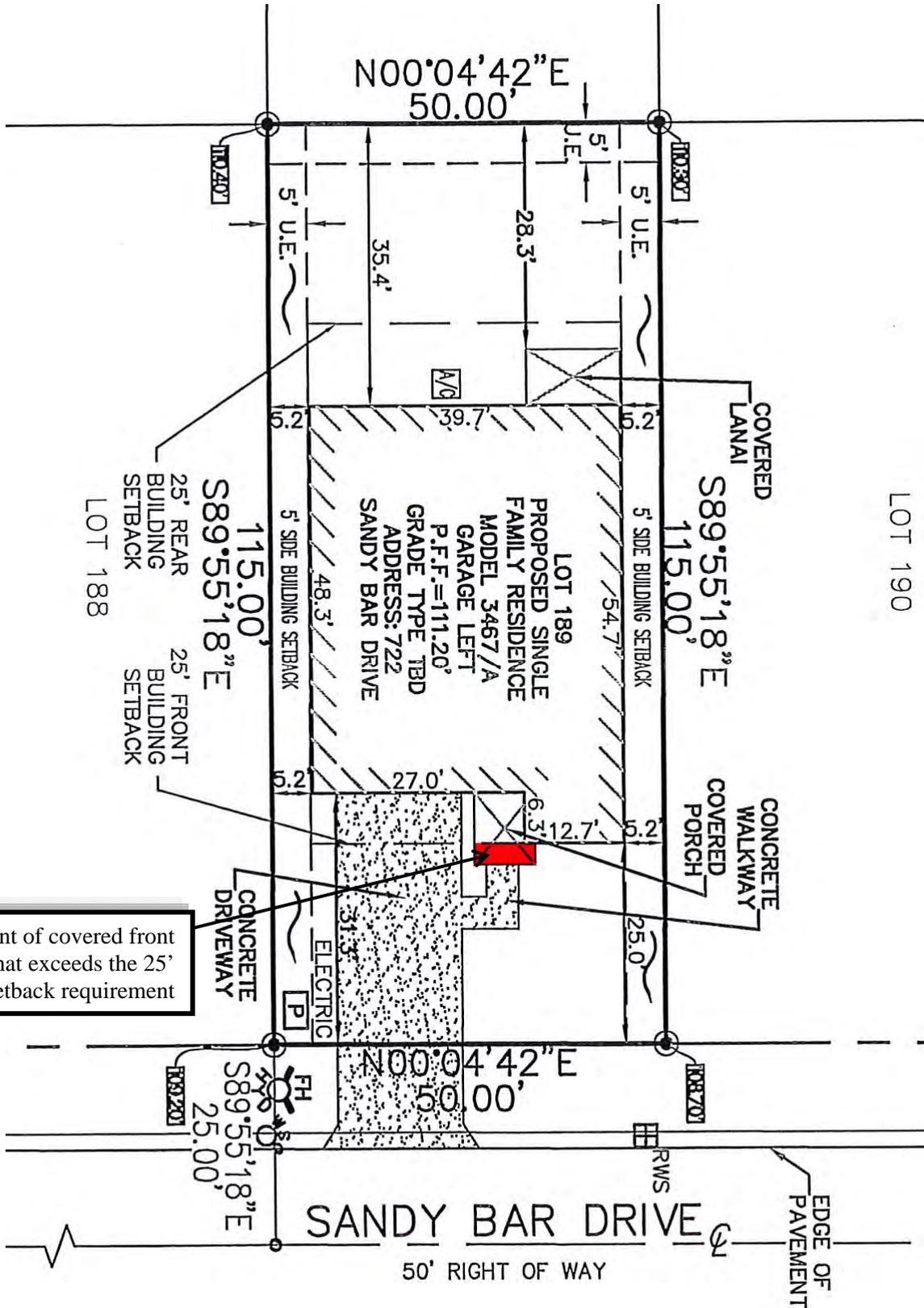
ATTACHMENTS

- Aerial Photo
- Site Plan
- Site Photos

AERIAL PHOTO
722 Sandy Bar Drive



PROPOSED SITE PLAN
722 Sandy Bar Drive



Segment of covered front porch that exceeds the 25' front setback requirement

SITE PHOTOS
722 Sandy Bar Drive



END OF STAFF REPORT

THE CITY OF WINTER GARDEN
PLANNING AND ZONING BOARD AGENDA ITEM

ITEM # 7 (Public Hearing)

DATE: September 3, 2014 **MEETING DATE:** September 8, 2014

SUBJECT: Adam Babington (VARIANCE)
PROJECT NAME Babington Addition
PARCEL ID# 04-23-27-8231-04-142

ISSUE: The applicant is requesting a variance to Section 118-308(1)c. to allow an addition to the house which consists of a solid roof screen room to be built at a 5 foot side rear setback in lieu of the minimum required 10 foot rear yard setback at 1001 Beaconsfield Court.

SUPPLEMENTAL MATERIAL/ANALYSIS:

OWNER/APPLICANT: Adam Babington / Florida Pool Enclosures

CURRENT ZONING: PUD Planned Unit Development

PROPOSED ZONING: N/A

CURRENT FLU: Low Density Residential

PROPOSED FLU: N/A

SUMMARY:

The applicant is requesting a variance to Section 118-308(1)c. to allow an addition to the house which consists of a solid roof screen room to be built at a 5 foot side rear setback in lieu of the minimum required 10 foot rear yard setback at 1001 Beaconsfield Court.

STAFF RECOMMENDATION(S):

Staff recommends approval of the variance to allow construction of a new screen room with a solid roof subject to the following condition:

1. The room cannot be fully enclosed or become air conditioned space.

NEXT STEP(S):

Apply for a building permit to build the addition.

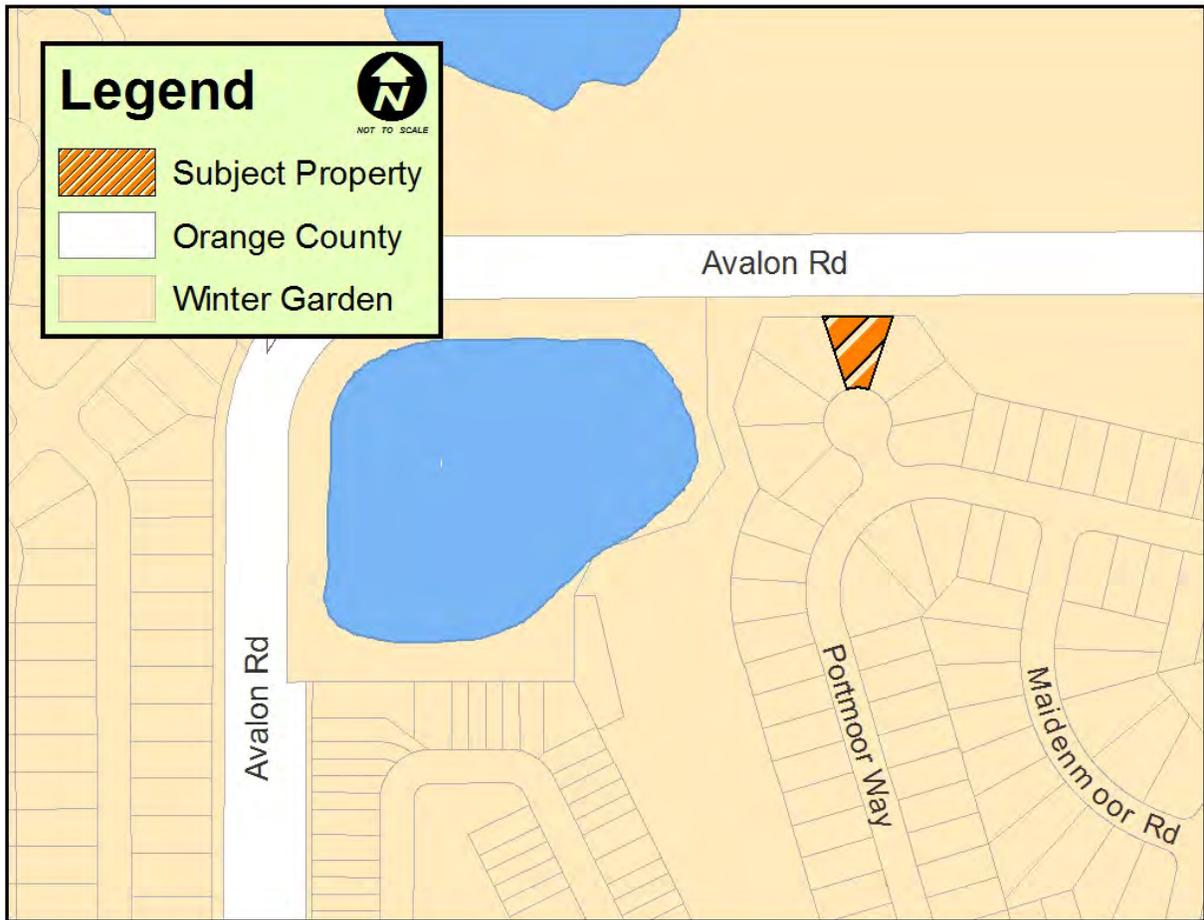
ATTACHMENT(S):

Location Map
Staff Report

LOCATION MAP

1001 Beaconsfield Court

VARIANCE



CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

STAFF REPORT

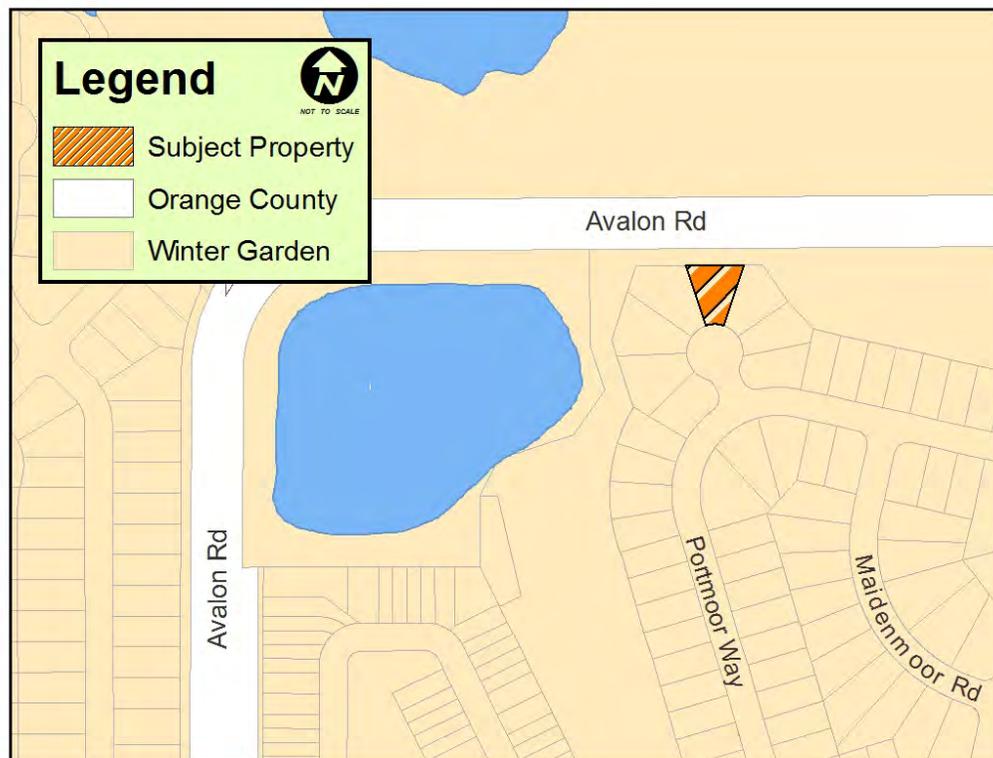
TO: PLANNING AND ZONING BOARD
PREPARED BY: STEVE PASH, SENIOR PLANNER
DATE: SEPTEMBER 8, 2014
SUBJECT: VARIANCE
1001 Beaconsfield Court (0.17+/- ACRES)
PARCEL ID # 04-23-27-8231-04-142

APPLICANT: Florida Pool Enclosures / Adam Babington

INTRODUCTION

The purpose of this report is to evaluate the request of a 5 foot rear yard setback variance to allow construction of an addition to the house which consists of a screen room with a solid roof located 5 feet from the rear property line.

The subject property, located at 1001 Beaconsfield Court is approximately a 0.17 ± acre lot located on the north side of Beaconsfield Court. 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 the house which consists of a solid roof screen room to be built at a 5 foot rear yard setback in lieu of the minimum required 10 foot rear yard setback (as allowed by the Planned Unit Development). The subject property carries the zoning designation PUD (Planned Unit Development 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 2,603 square foot single family home.

ADJACENT LAND USE AND ZONING

The properties to the north of the subject site are being developed with a single-family neighborhood (Hickory Hammock) with PUD zoning designation. The properties to the east, west, and south of the subject site are developed with single-family homes with PUD zoning designation.

PROPOSED USE

The applicant is requesting a variance to the rear yard setback to allow construction of a new covered screen room.

CODE REFERENCE

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. However, the PUD Ordinance allows homes that are located along the golf course in Stoneybrook West to have a 10 foot rear yard setback.

The applicant is seeking a variance to the minimum required rear yard setback of 10 feet to allow an addition to the home to be located 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;*

Construction of the proposed structure 5 feet from the rear property line should not negatively impact or interfere with the reasonable enjoyment of adjacent or nearby property

owners as the addition is located along the golf course and no other homes are behind this property. 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 5 foot rear yard setback in lieu of the required 10 foot setback is reasonable use of the property. The property to the north is the cart path for the golf course and north of the path is Avalon Road. Allowing a screen room at this setback is not out of character with other screen rooms 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 PUD 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.

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 118-308 (1) c. to allow a screen room addition to be built at a 5 foot rear yard setback in lieu of the minimum required 10 foot rear yard setback with the following condition:

1. The room cannot be fully enclosed or become air conditioned space.

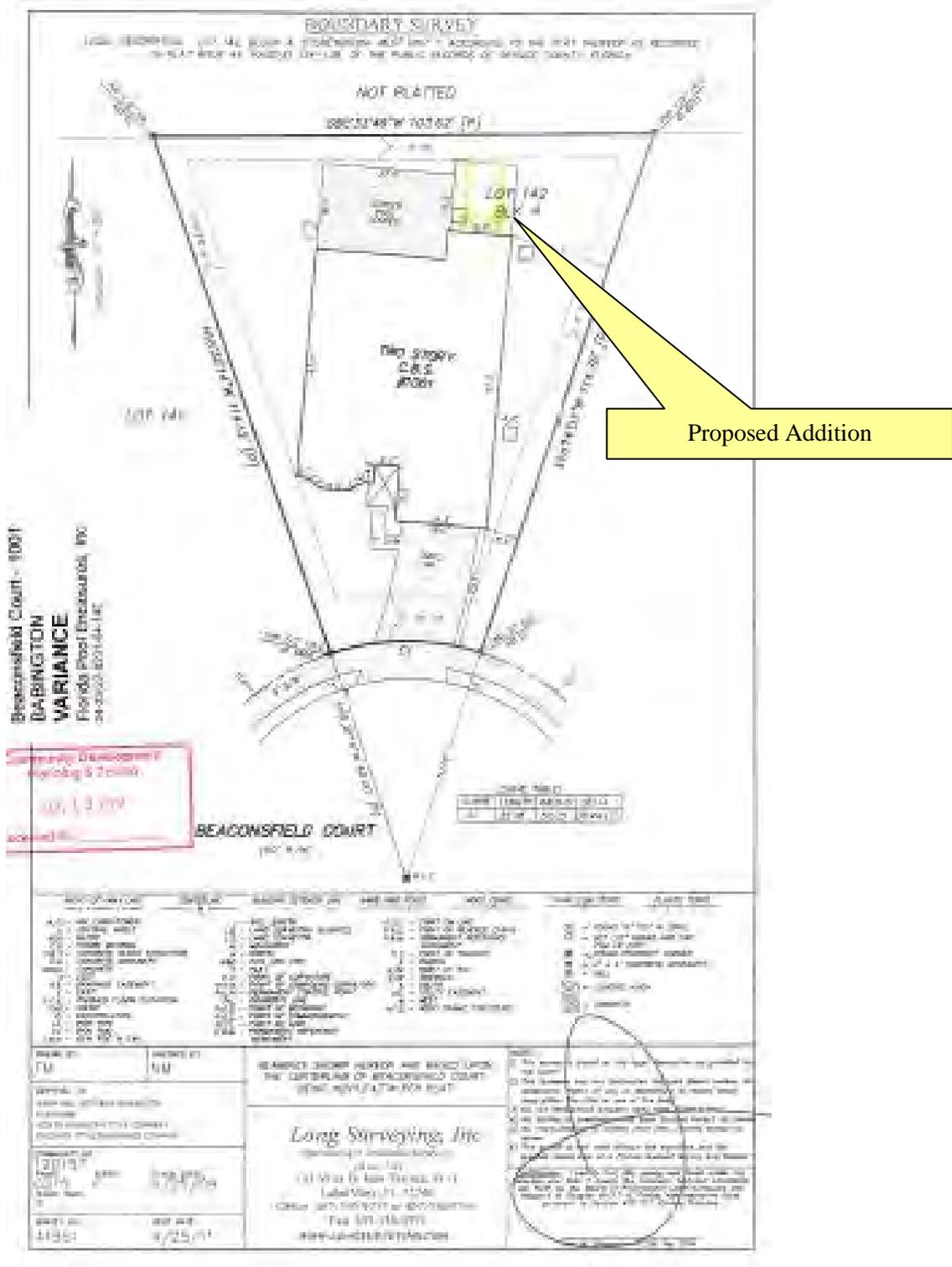
ATTACHMENTS

- Aerial Photos
- Site Photos

AERIAL PHOTO
1001 Beaconsfield Court



SITE PLAN 1001 Beaconsfield Court



SITE PHOTOS
1001 Beaconsfield Court

View of proposed location of addition (looking north)



View of proposed location of addition (looking south)



Site Photos
1001 Beaconsfield Court

View of back yard from golf cart path (looking southeast)



View of back yard from golf path (looking southwest)



END OF STAFF REPORT

THE CITY OF WINTER GARDEN
PLANNING AND ZONING BOARD AGENDA ITEM

ITEM # 8 (Public Hearing)

DATE: September 4, 2014 **MEETING DATE:** September 8, 2014

SUBJECT: Selby Weeks (VARIANCE)
PROJECT NAME Weeks Dock
PARCEL ID# 11-22-27-9149-00-010

ISSUE: The applicant is requesting two Variances to allow construction of a new dock at 1040 North Fullers Cross Road.

SUPPLEMENTAL MATERIAL/ANALYSIS:

OWNER/APPLICANT: Selby Weeks
CURRENT ZONING: R-1 Residential District
PROPOSED ZONING: N/A
CURRENT FLU: Low Density Residential
PROPOSED FLU: N/A

SUMMARY:

The applicant is requesting a variance to Section 118-1323(d)(2)ii to allow a new dock to be constructed 112 feet in length from the normal high water elevation in lieu of the maximum length of 100 feet from the normal high water elevation. The applicant is also seeking a variance to Section 118-1323(d)(2)iii to allow the new dock to be built 16.7 feet above the normal high water elevation in lieu of the maximum allowed height of 13 feet above the normal high water elevation.

STAFF RECOMMENDATION(S):

Staff recommends approval of both variances subject to the following conditions:

- No additions can be made to the dock.

NEXT STEP(S):

Apply for building permits.

ATTACHMENT(S):

Location Map
Staff Report

LOCATION MAP

1040 N Fullers Cross Road

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, COMMUNITY DEVELOPMNET MANAGER
DATE: September 8, 2014
SUBJECT: VARIANCE
1040 North Fullers Cross Road (1.01+/- ACRES)
PARCEL ID # 11-22-27-9149-00-010

APPLICANT: Selby Weeks

INTRODUCTION

The purpose of this report is to evaluate the request of a 12 foot variance to the maximum allowed length of a dock and a 3.7 foot variance to the maximum allowed height of a dock to allow a dock to be constructed that is 112 feet in length from the normal high water elevation and 16.7 feet above the normal high water elevations.

The subject property, located at 1040 North Fullers Cross Road is approximately a 1.01± acre lot located on the West side of North Fullers Cross Road, just north of Garden Heights 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 118-1323(d)(2)ii to allow a new dock to be constructed 112 feet in length from the normal high water elevation in lieu of the maximum length of 100 feet from the normal high water elevation. The applicant is also seeking a variance to Section 118-1323(d)(2)iii to allow the new dock to be built 16.7 feet above the normal high water elevation in lieu of the maximum allowed height of 13 feet above the normal high water elevation.

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 2,797 square foot single family home.

ADJACENT LAND USE AND ZONING

The property to the north is vacant land owned by the Island Pointe Homeowners Association with R-1 zoning designation. The property to the west is Lake Apopka. The properties to the south and east are developed with single-family homes with R-1 zoning designation.

PROPOSED USE

The applicant is requesting a variance to the maximum allowed dock length and the maximum allowed dock height to allow construction of a dock that is 112 feet long from the high water elevation and 16.7 feet tall from the high water elevation.

CODE REFERENCE

Section 118-1323(d)(2)ii of the City Code of Ordinances addresses boat docks and states that The length and configuration of docks or seawalls and other shoreline improvements shall be designed to assure that the applicant's reasonable use of such improvements will not unreasonably interfere with the riparian or littoral rights of other persons and property owners to use and access the lake. The length of a boat dock, seawall, or other shoreline improvement must be measured from the normal high water elevation on the shoreline as established in relation to a fixed landmark, object or permanent structure on the lot. Consideration will be given to the length and configuration of other existing docks, seawalls, and improvements abutting the lake or waterway and any other applicable policies or restrictions established by the city or state. No work shall be performed in easement areas established to provide for ingress, egress, drainage, or utilities. Under no circumstances shall a permit for the construction of a dock or seawall be utilized to construct any structures or facilities intended for residential habitation. No dock, seawall, or other shoreline improvement may exceed a length of 100 feet when measured waterward from the normal high water elevation.

Section 118-1323(d)(2)iii of the City Code of Ordinances addresses boat docks and states that The minimum height of docks, seawalls, and other shoreline improvements must exceed the normal high water elevation. No dock, seawall, or other shoreline improvement shall stand more than 13 feet above the normal high water elevation, provided that the dock does not unreasonably obscure the view of the adjoining water body when viewed from other waterfront properties. Docks may be equipped with roofs but cannot be enclosed about the sides, regardless of whether such enclosure is constructed from walls, fencing, screening, latticework, or fabric; however,

transparent mesh screens shall be allowed to protect against insect intrusion.

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;*

Allowing the dock to be 112 feet in length should not negatively impact or interfere with the reasonable enjoyment of adjacent or nearby property owners as the properties to the south of the subject site all have docks that extend further than the proposed dock.

Allowing the dock to be built 16.7 feet above the normal high water elevation should not negatively impact or interfere with the reasonable enjoyment of adjacent or nearby property owners as this dock is proposed to be built within the existing trees and should not be visible from the neighboring property. Additionally, there were no comments received from any of the surrounding property owners regarding the requested variances.

- (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 the dock to be 112 feet in length is reasonable use of the property and is not out of character with other structures located in the surrounding area.

The requested variance allowing the dock to be 16.7 feet in height is reasonable use of the property. While there are no variance requests similar to this, the structure will be located in an area that is closer to the shore than other docks on neighboring properties.

- (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. Neither variance request encroaches into any recorded easement.

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

Both 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 the variances does not benefit the property owner or the City.

In addition to the criteria for variances established under section 180-131 of this Code, the planning and zoning board and city commission shall further consider the following as they specifically apply to variances issued for shoreline improvements, boat ramps, and shoreline alterations:

(1) *The average length and configuration of other docks or seawalls in the area;*

The proposed dock is much shorter than the existing docks on neighboring properties (see attached aerial photograph).

(2) *The owner's right to enjoy reasonable use of his/her/its property;*

The proposed dock allows reasonable use of the owners property.

(3) *The effects the improvements will have on navigability, safety, and the rights of adjoining property owners to enjoy the reasonable use of their properties;*

The proposed dock is shorter than the existing docks in the area and should not have any negative impact on the navigability, safety, and rights of adjoining property owners.

(4) *The impact, if any, on the neighborhood and nearby properties;*

There should not be any impact on nearby properties.

(5) *Whether special conditions exist such that strict compliance with the provisions of this article would impose a unique and unnecessary hardship on the applicant;*

The neighboring properties all have docks that extend well beyond the proposed dock. This creates a special condition that would impose unnecessary hardship on the applicant if the requested variances were denied.

(6) *The effect of the proposed variance on abutting shoreline property owners;*

The proposed variance should not have any effect on abutting shoreline property owners.

(7) *Whether the granting of the variance would be contrary to the intent and purpose of this article; and*

Approval of the variances are consistent with the purpose and intent of this article.

(8) *Whether a variance is necessary to reach a water depth suitable for boating (i.e., usually five feet or more).*

While the proposed dock will not be used for a boat, the requested variances are necessary to reach a water depth suitable for boating.

SUMMARY

City Staff recommends approval of the variance to Section 118-1323(d)(2)ii to allow a new dock to be constructed 112 feet in length from the normal high water elevation in lieu of the maximum

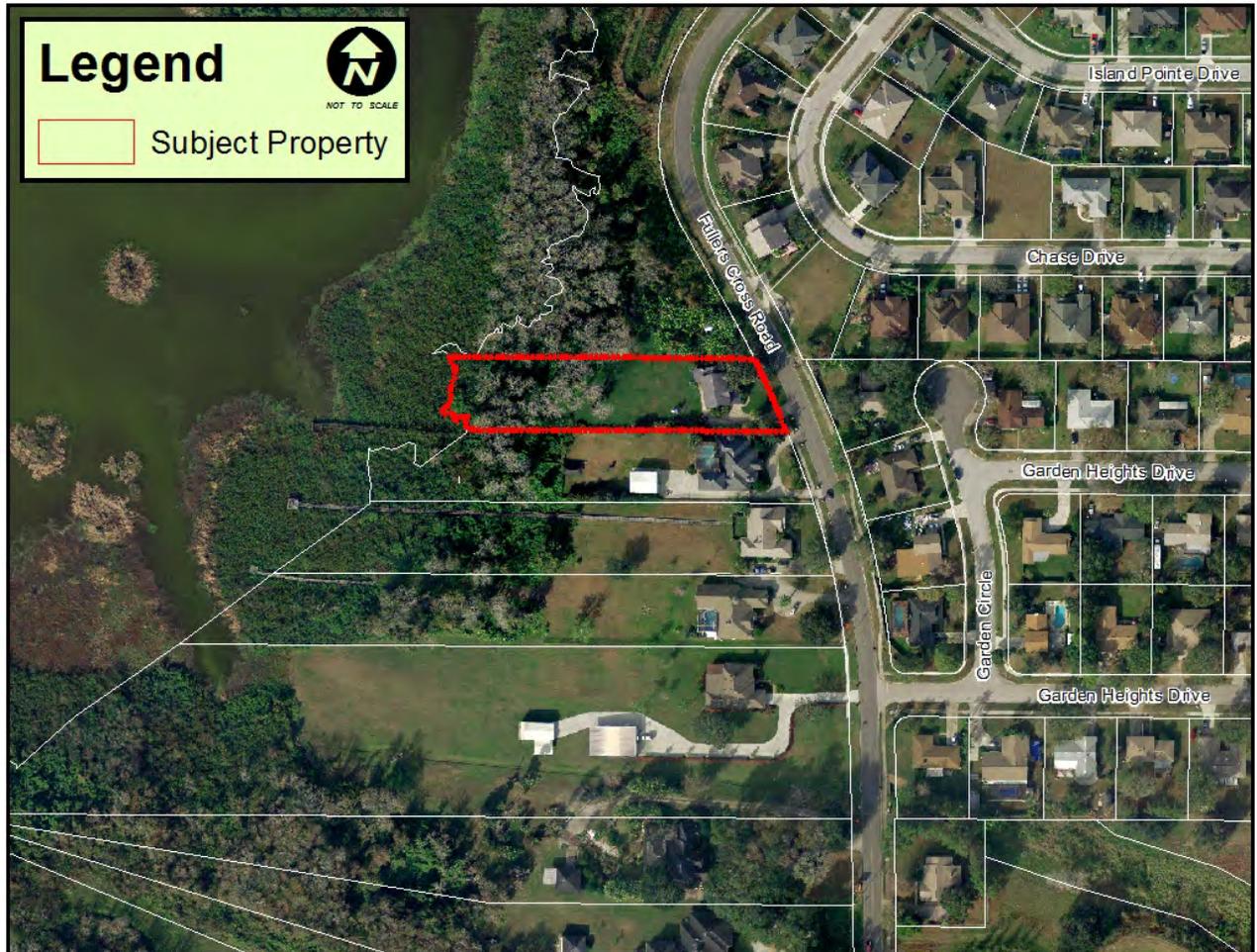
length of 100 feet from the normal high water elevation and the variance to Section 118-1323(d)(2)iii to allow the new dock to be built 16.7 feet above the normal high water elevation in lieu of the maximum allowed height of 13 feet above the normal high water elevation subject to the following condition:

- No additions can be made to the boat dock.

ATTACHMENTS

- Aerial Photos
- Site Photos

AERIAL PHOTO
1040 North Fullers Cross Road



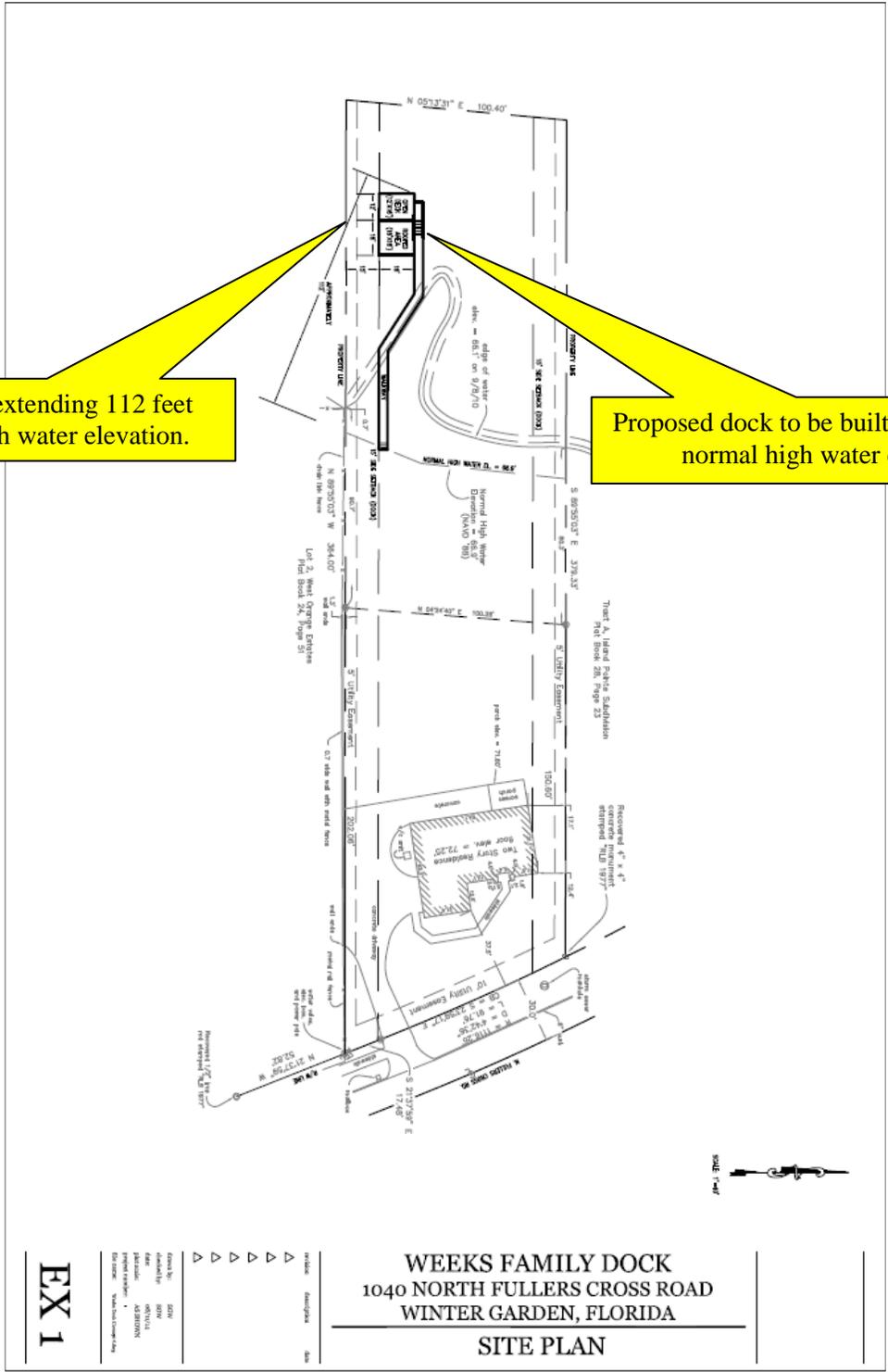
AERIAL SHOWING NEIGHBORING DOCKS
1040 North Fullers Cross Road



WEEKS FAMILY DOCK
1040 NORTH FULLERS CROSS ROAD
WINTER GARDEN, FLORIDA
AERIAL

EX 2

SITE PLAN
1040 North Fullers Cross Road



Proposed dock extending 112 feet past normal high water elevation.

Proposed dock to be built 16.7 feet above normal high water elevation.



EX 1

WEEKS FAMILY DOCK
1040 NORTH FULLERS CROSS ROAD
WINTER GARDEN, FLORIDA
SITE PLAN

revision	description	date
1		
2		
3		
4		
5		

Drawn by: **SDW**
 Checked by: **SDW**
 Date: **09/01/14**
 Project number: **1040NFCR**
 File name: **Weeks Family Dock.dwg**

SITE PHOTOS
1040 North Fullers Cross Road

Views of proposed location from house (looking west)



Close up view showing proposed location



View looking north west at proposed location



View of property to the north



END OF STAFF REPORT

THE CITY OF WINTER GARDEN
PLANNING AND ZONING BOARD AGENDA ITEM

ITEM # 9 (Public Hearing)

DATE: September 3, 2014 **MEETING DATE:** September 8, 2014

SUBJECT: 13848 Tilden Road, Suite 192 (APPEAL)
PROJECT NAME Cave Inn BBQ
PARCEL ID# 11-23-27-9168-00-010

ISSUE: The applicant is appealing an Administrative Interpretation that denied a request to expand the sidewalk café at 13848 Tilden Road, Suite 192 (Cave Inn BBQ).

SUPPLEMENTAL MATERIAL/ANALYSIS:

OWNER/APPLICANT: MMSN Investment Group LLC / Casablanca Cigar Co LLC

CURRENT ZONING: C-2 Arterial Commercial District

PROPOSED ZONING: N/A

CURRENT FLU: Commercial

PROPOSED FLU: N/A

SUMMARY:

The applicant is appealing an Administrative Interpretation that denied a request to expand the existing sidewalk café to add 50 seats. The applicant informed staff that they were applying for a liquor license and the State Department denied the application because the restaurant did not have enough seats. In order to accommodate the requirements of the State, the applicant submitted a request to expand the previously approved sidewalk café so there would be a total of 75 seats outside.

STAFF RECOMMENDATION(S):

Staff recommends the Board uphold the Administrative Interpretation and deny the request to expand the sidewalk café.

NEXT STEP(S):

N/A

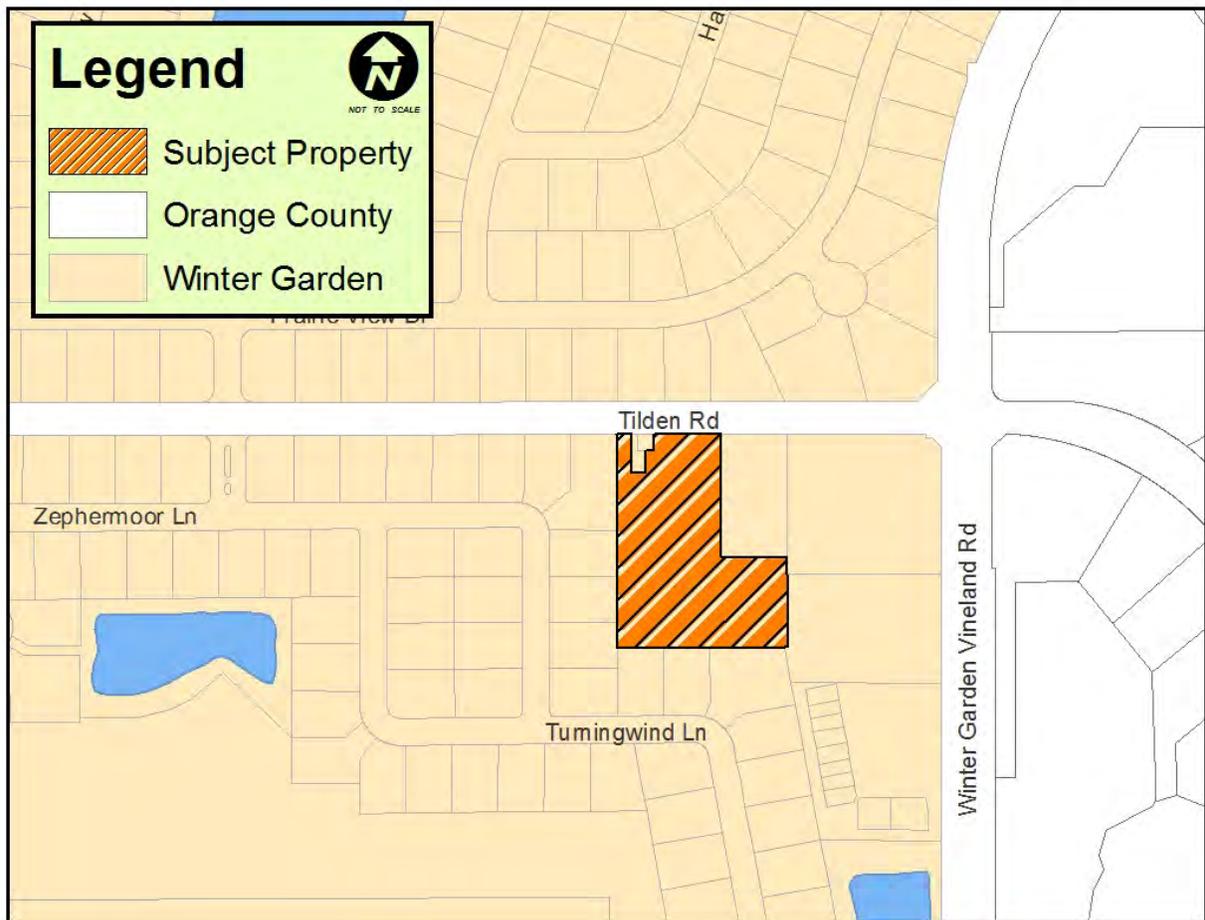
ATTACHMENT(S):

Location Map
Site Plan
Administrative Interpretation Letter

LOCATION MAP

13848 Tilden Road, Suite 192

APPEAL



August 14, 2014



Cave Inn BBQ
Attention: Buzz Klavans
13848 Tilden Road
Winter Garden, FL 34787

RE: Sidewalk Café Expansion – Administrative Interpretation

Dear Mr. Klavans:
City of Winter Garden

I am writing this letter as a response to your request to expand the existing sidewalk café at the Cave Inn BBQ restaurant. City code has specific guidelines to help protect the surrounding area from noise and activities that are not appropriate. Section 62-206 of the City code states the following:
P: 400
300 West Plant Street

Winter Garden, FL
34787
wintergarden.fl.gov
Sec. 62-206. Operations within the public ways.

- (a) Merchandise may be displayed and sidewalk cafes operated within the public ways upon receipt of a permit as provided for herein and compliance with this article.
(b) The procedure for obtaining a permit shall be as follows:

- (1) An application for a permit to operate a sidewalk cafe or display merchandise within the public way shall be submitted to the planning and zoning department and shall include the following minimum information:
- The name, address and telephone number of the applicant and of the property owner.
 - The name, address and telephone number of the restaurant, business or organization on whose behalf the application is prepared.
 - A copy of a valid occupational license.
 - A copy of a current certificate of insurance in the amounts and categories required by section 62-210
 - A drawing (to scale) showing the layout and dimensions of the existing public ways and adjacent private property; proposed location, size and number of tables, chairs, merchandise displays, steps and umbrellas; location of trees, bus shelters, sidewalk benches, trash receptacles, fire hydrants, signs, news racks, public fixtures and any other sidewalk obstruction, either existing or proposed; and the pedestrian pathway.
 - As to sidewalk cafes, photographs, drawings or manufacturers' brochures describing the appearance of all proposed tables, chairs, umbrellas or other objects intended to be located within the sidewalk cafe area.
 - Written authorization from all property owners consenting to the operation of the sidewalk cafe or the outdoor display of merchandise at the particular location. If the property is being leased, the lessee who will be operating the sidewalk cafe or displaying the merchandise shall also sign the application.
 - Such additional information as may be requested by the planning and zoning department which may be necessary to determine compliance with this article.
- (2) The application shall be accompanied by the appropriate fee as set forth in section 62-205
- (3) Applications shall be reviewed for compliance with city ordinances and a permit shall be issued by the planning and zoning department after approval by the public works

department, planning and zoning department, fire department and other departments deemed necessary.

(4) A permit shall only be issued if the encroachment can be maintained without detriment to the health, safety and welfare of the general public. In determining what constitutes detriment to the health, safety and welfare of the general public, the following minimum factors shall be considered:

- a. The location, type and size of the encroachment and encroaching structures or merchandise.
- b. The proximity of the encroaching structures or merchandise to a traveled road, whether public or private.
- c. Whether the encroaching structures or merchandise will unreasonably interfere with pedestrian or vehicular passage or safety.
- d. Whether the encroaching structures or merchandise will interfere with an existing water or wastewater line, stormwater facility or other utility.

(c) If the property or business is sold or, in the case of a lessee, if the lease is terminated, after issuance of the permit, the permit shall be null and void and a new application must be filed prior to the issuance of permit.

Section 118-1386 of the City code requires a minimum of 1 parking space for each 4 seats in a restaurant. The proposed expansion adds 50 seats which will require an additional 13 parking spaces. The existing commercial center was developed to meet the parking requirements based on the square footage of the buildings. Expanding the sidewalk café could create parking problems for the entire site.

In addition, the City noise ordinance limits the amount of noise that can travel across property lines.

Based on the above Code requirements as the City of Winter Garden Community Development Director I have determined that the proposed expansion of the sidewalk café at Cave Inn BBQ will create a detriment to the health, safety, and welfare of the general public; therefore, the requested expansion of the sidewalk café shall not be allowed.

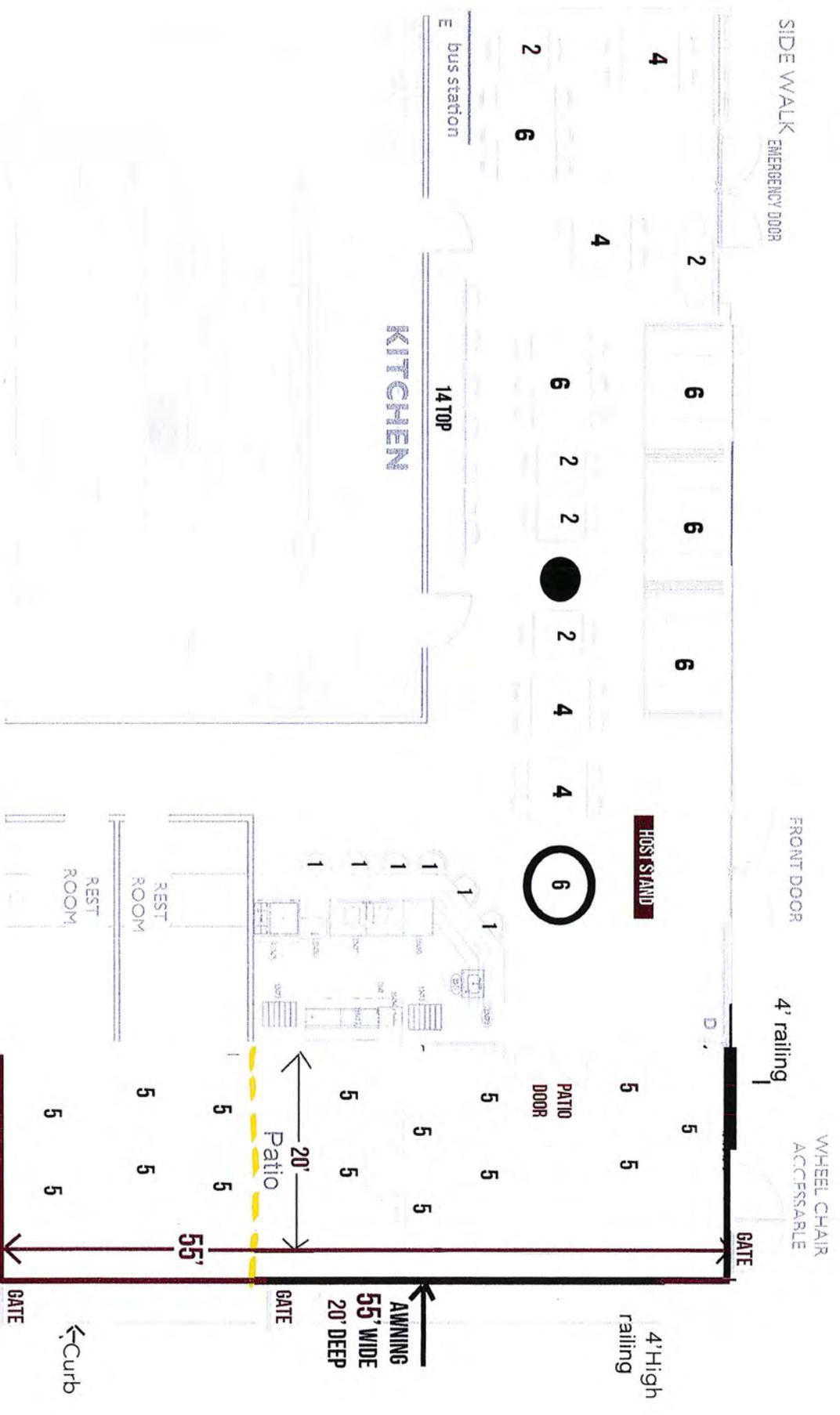
If you have any questions please feel free to call me at (407) 656-4111, ext. 2272.

Sincerely,



Ed Williams

Community Development Director



NEW RESTAURANT LAYOUT PLAN

SCALE: 1/4" = 1'-0"

7-2014

B = PRIVACY BUSHES

SEATING CAPACITY INSIDE: 75
SEATING CAPACITY OUTSIDE: 75

dumpster





CAVE INN
BBQ

CAVE INN

CAVE INN

1132







