



**A REGULAR MEETING MINUTES
PLANNING AND ZONING BOARD
NOVEMBER 3, 2014**

1. CALL TO ORDER / PLEDGE OF ALLEGIANCE / INVOCATION

Vice-Chairman Eric Weiss 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. A moment of silence was followed by the Pledge of Allegiance.

2. ROLL CALL AND DETERMINATION OF QUORUM

The roll was called and a quorum was declared present.

MEMBERS PRESENT:

Vice-Chairman Eric Weiss, Board Members: Heather Gantt, Gerald Jowers, and Mark Maciel, and new Board Members: Mark DeFuso and David Kassander

MEMBERS ABSENT:

None

STAFF PRESENT:

City Attorney Chris Conley, Community Development Director Ed Williams, Community Development Manager Steve Pash and Customer Service Rep. Kathleen Rathel

3. APPROVAL OF MINUTES

Motion by Gerald Jowers to approve the regular meeting minutes of October 6, 2014. Seconded by David Kassander and carried unanimously 6 - 0.

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

4. 1205 E Fullers Cross Road – Gilkey FX, LLC (ANNEXATION/FLU/ZONING)

Community Development Manager Pash presented a request for Annexation, Future Land Use designation, and Zoning for the property located at 1205 E Fullers Cross Road. The subject property is comprised of two parcels that make up an 11.1 +/- acre enclave located on the north side of East Fullers Cross Road, east of North West Crown Point Road and west of East Crown Point Road. The applicant has requested Annexation into the City, initial Zoning of R-1B, and Amendment to the Future Land Use Map as Low Density Residential and plans to develop the property with 26 single family homes. This request was previously approved

by the Planning & Zoning Board on August 5, 2013, but was never approved and adopted by City Commission. Staff recommends approval of Ordinances 15-01, 15-02 and 15-03.

Motion by Mark Maciel to recommend approval of Ordinances 15-01, 15-02 and 15-03 [for 1205 E Fullers Cross Road] with Staff Recommendations (as provided in the agenda packet). Seconded by Heather Gantt and carried unanimously 6 - 0.

SPECIAL EXCEPTION PERMIT (PUBLIC HEARING)

5. 100 Center Street –Habitat for Humanity

Community Development Manager Pash presented a request for a Special Exception Permit for 100 Center Street to allow the development of four tandem single family homes on the subject property as outlined in Section 118-519 of the City Code. The development is consistent with the area and the City is also working through Community Development Block Grants to revitalize homes in the area. Staff recommends approval subject to the conditions listed in the Staff Report.

Board Member Maciel asked if the homes were going to be fee simple or rentals. Mr. Pash replied they would be fee simple. No architectural drawings were available at this time.

Motion by Heather Gantt to recommend approval of the Special Exception Permit for 100 Center Street with Staff Recommendations (as provided in the agenda packet). Seconded by Gerald Jowers and carried unanimously 6 - 0.

VARIANCE (PUBLIC HEARING)

6. 407 N Main Street – Stone, Jessica and Wayne

Community Development Manager Pash presented a request for a Variance for the property located at 407 N Main Street. The applicant is requesting a 20.8 foot front yard setback in lieu of the minimum required 30 foot front yard setback to allow the construction of a carport over an existing paved driveway. Staff recommends approval subject to the conditions listed in the Staff Report.

Board Member Kassander questioned the need to construct the carport. Mr. Pash stated it is consistent with other properties in the neighborhood. Discussion ensued regarding attached vs. detached carport restrictions, roof material to be used, and the included built-in storage areas. Mr. Pash stated temporary carports are not allowed in the front yard and both structures are subject to setback regulations. The question was raised on adding additional codes or guidelines to apply to temporary carports.

Applicant Jessica Stone of 407 N Main Street addressed the Board to answer questions and to state the construction of the carport would give them covered parking and the design would enhance the neighborhood.

Motion by Gerald Jowers to recommend approval of the Variance for 407 N Main Street with Staff Recommendations (as provided in the agenda packet). Seconded by Eric Weiss and carried unanimously 6 - 0.

7. 591 Susan B Britt Court – Tierra Inc.

Community Development Manager Pash presented a request for a Variance for a commercial property located at 591 Susan B Britt Court. The applicant is requesting the variance to allow construction of a 6 foot tall chain link fence in the front yard in lieu of the maximum allowed 3 foot tall fence in the front yard. The request is consistent with other properties in the area and Staff recommends approval.

Board Member Weiss questioned why the code states a maximum height for a front yard fence is only 3 feet in an Industrial district. Mr. Pash replied the code is the same for fences in all zones.

*Motion by Eric Weiss to recommend approval of the Variance for 591 Susan B Britt Court with Staff Recommendations (as provided in the agenda packet).
Seconded by Gerald Jowers and carried unanimously 6 - 0.*

8. 994 Sadie Lane –Montalvo, Edgar

Community Development Manager Pash presented a request for a Variance for the property located at 994 Sadie Lane. The applicant is requesting a 17 foot rear yard setback in lieu of the minimum required 25 foot rear yard setback to allow construction of a new single-family house. The home was originally designed to be turned slightly to front on Sadie Lane and met all the setback requirements but the Neighborhood HOA and Architectural Review Board requested it be set back further so it was consistent with the neighboring home and fronting on Island Pointe Drive. Staff recommends approval of the Variance.

*Motion by Mark Maciel to recommend approval of the Variance for 994 Sadie Lane with Staff Recommendations (as provided in the agenda packet).
Seconded by David Kassander and carried unanimously 6 - 0.*

9. ADJOURNMENT

The Board agreed to appoint a new Chairman when the 7th Board Member was present.

There being no further business, the meeting was adjourned at 6:53 pm.

ATTEST:

APPROVED:

Customer Service Rep. Kathleen Rathel

Chairman

THE CITY OF WINTER GARDEN
PLANNING AND ZONING BOARD AGENDA ITEM

ITEM # 4 (Public Hearing)

DATE: November 21, 2014 **MEETING DATE:** December 1, 2014

SUBJECT: 740 South Park Avenue (ANNEXATION, FLU, ZONING)
PROJECT NAME 740 South Park Avenue
PARCEL ID# 22-22-27-1084-01-140

ISSUE: The applicant is requesting Annexation, Future Lands Use designation, and Zoning on property located at 740 South Park Avenue.

SUPPLEMENTAL MATERIAL/ANALYSIS:

OWNER/APPLICANT: Adrian Galvan

CURRENT ZONING: R-2 (Orange County)

PROPOSED ZONING: R-2 (City)

CURRENT FLU: Low Density Residential (Orange County)

PROPOSED FLU: Low Density Residential (City)

SUMMARY:

The City encourages infill of its jurisdictional limits through voluntary annexation of enclaves. The subject property makes up a 0.22 ± acre enclave located on the west side of South Park Avenue, north of Jackson Street and south of West Story Road. The applicant has requested Annexation into the City, Amendment to the Future Land Use Map of the City's Comprehensive Plan to designate the property as Low Density Residential, and initial Zoning of R-2. (See attached Staff Report).

STAFF RECOMMENDATION(S):

Staff recommends approval of Ordinance 14-05, Ordinance 14-06, and Ordinance 14-07.

NEXT STEP(S):

A public meeting for the first reading of the ordinances is scheduled for the City Commission on Thursday, December 11, 2014.

ATTACHMENT(S):

Location Map
Ordinance 14-05
Ordinance 14-06
Ordinance 14-07
Staff Report

Legend



NOT TO SCALE



Subject Property



Orange County



Winter Garden

Coke Ave

Foster Ave

Burch Ave

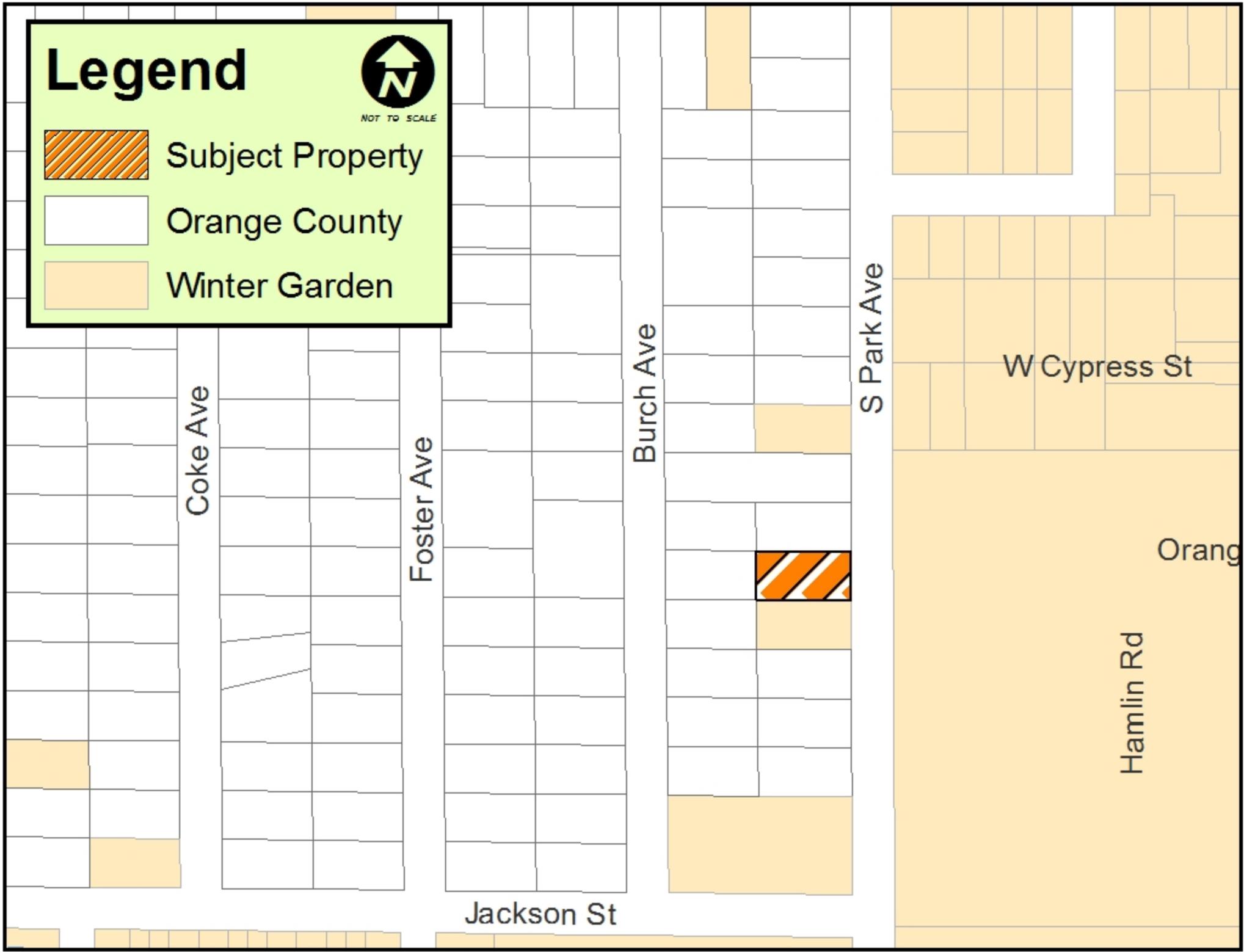
S Park Ave

W Cypress St

Orang

Hamlin Rd

Jackson St



CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

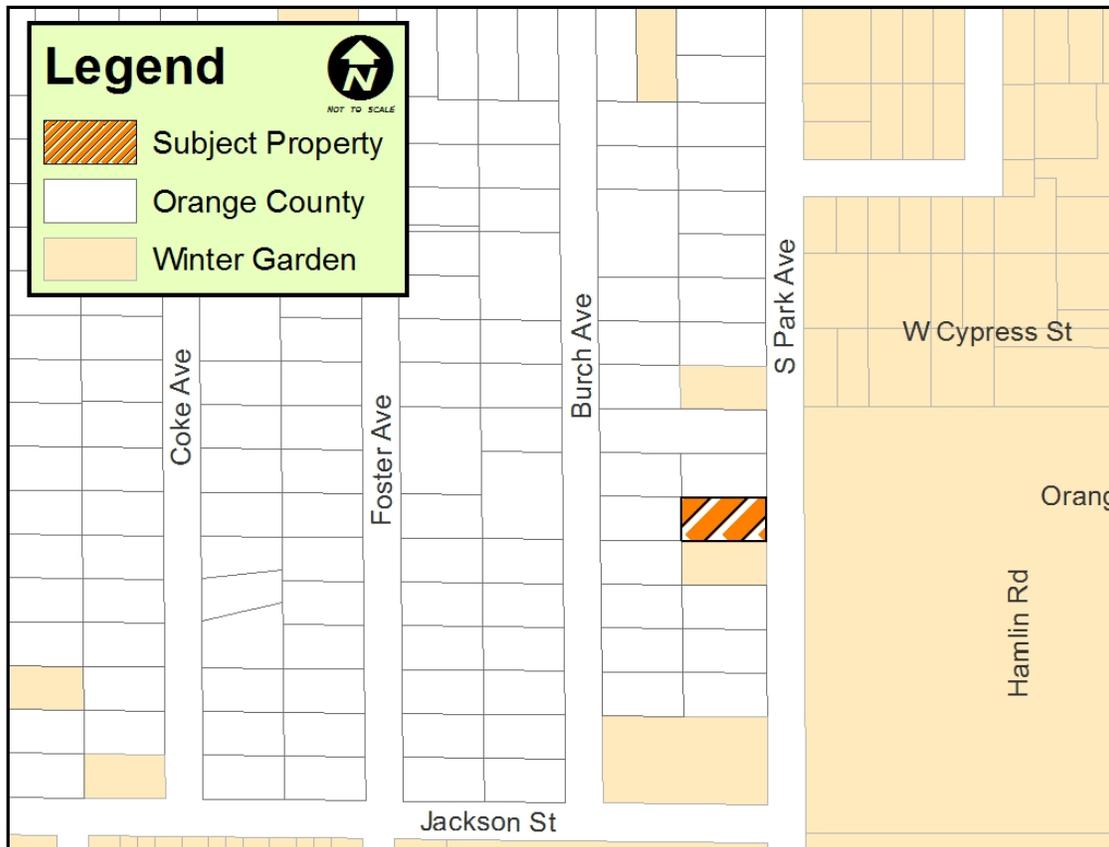
STAFF REPORT

TO: PLANNING AND ZONING BOARD
PREPARED BY: STEVE PASH, COMMUNITY DEVELOPMENT MANAGER
DATE: NOVEMBER 20, 2014
SUBJECT: ANNEXATION – ZONING – FLU AMENDMENT
740 SOUTH PARK AVENUE (0.22 +/- ACRES)
PARCEL ID #: 22-22-27-1084-01-140
APPLICANT: ADRIAN GALVAN

INTRODUCTION

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

The subject property is located at 740 South Park Avenue and is approximately 0.22 ± acres. The map below depicts the proximity of the subject property to the City's jurisdictional limits:



The applicant has requested annexation into the City, amendment to the Future Land Use Map (FLUM) of the City's Comprehensive Plan to designate the property as Low Density Residential, and initial zoning of R-2.

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

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

EXISTING USE

The subject property is currently developed and used as a single-family house.

ADJACENT LAND USE AND ZONING

The property located to the north is a single family house, zoned R-2 and located in Orange County. The properties located to the east are developed with the Orange Tree Mobile Home Park, zoned R-2 and located in the City. The property to the south is a single family house, zoned R-2 and located in Winter Garden. The properties to the west are developed as single family homes, zoned R-2 and located in Orange County.

PROPOSED USE

The applicant intends to annex the property and continue using it as a single-family house.

PUBLIC FACILITY ANALYSIS

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

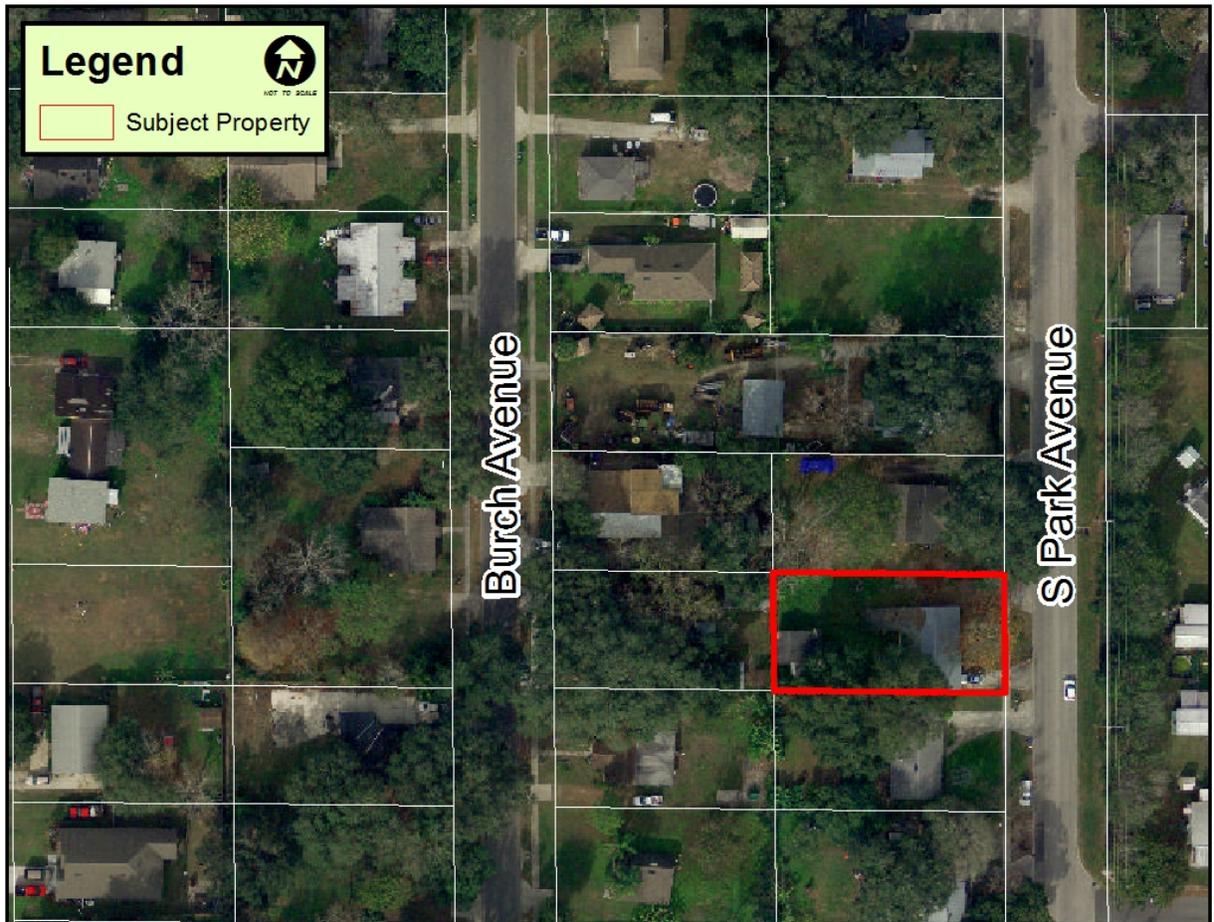
SUMMARY

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

MAPS

AERIAL PHOTO

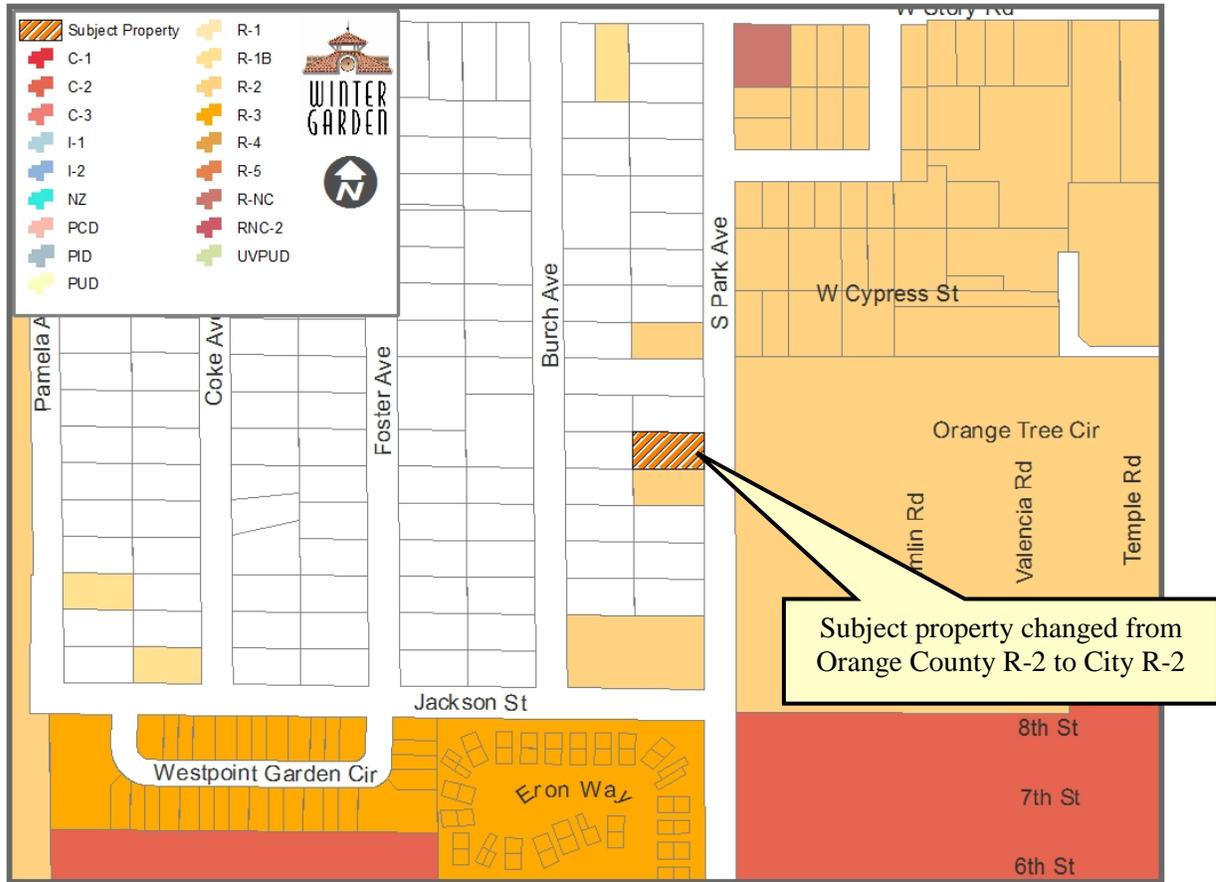
740 South Park Avenue



FUTURE LAND USE MAP **740 South Park Avenue**



ZONING LAND USE MAP 920 Vineland Road



END OF STAFF REPORT

ORDINANCE 15-05

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.22 ± ACRES LOCATED AT 740 SOUTH PARK AVENUE ON THE WEST SIDE OF SOUTH PARK AVENUE, NORTH OF JACKSON STREET AND SOUTH OF WEST STORY ROAD INTO THE CITY OF WINTER GARDEN FLORIDA; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner of the land, generally described as approximately 0.22 ± acres located at 740 South Park Avenue on the west side of South Park Avenue, north of Jackson Street and south of West Story Road and legally described in Section 2 of this Ordinance, which land is reasonably compact and contiguous to the corporate limits of the City of Winter Garden, Florida (“City”), has, pursuant to the prerequisites and standards set forth in § 171.044, Fla. Stat., petitioned the City Commission for voluntary annexation;

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

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

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

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

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

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

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

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

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

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

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

FIRST READING AND PUBLIC HEARING: _____, 2015.

SECOND READING AND PUBLIC HEARING: _____, 2015.

ADOPTED this _____ day of _____, 2015, 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#: 22-22-27-1084-01-140

Lot 14, Block A, BURCHSHIRE, according to the Plat thereof, as recorded in Plat Book Q, Page 138, Public Records of Orange County, Florida, being more particularly described as follows: Commence at the Southeast corner of Block A, BURCHSHIRE, according to the Plat thereof, as recorded in Plat Book Q, Page 138, Public Records of Orange County, Florida, thence run North 00°00'00" East 420.00 feet to the Southeast corner of Lot 14 of said Block A; thence North 89°18'00" West 136.46 feet to the Southwest corner of said Lot 14; thence North 00°26'43" West 70.01 feet to the Northwest corner of said Lot 14; thence South 89°18'00" East 137.01 feet to the Northeast corner of said Lot 14; thence South 00°00'00" East 70.00 feet to the POINT OF BEGINNING.

Containing 0.220 acres, more or less.

ORDINANCE 15-06

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING THE FUTURE LAND USE MAP OF THE WINTER GARDEN COMPREHENSIVE PLAN BY CHANGING THE LAND USE DESIGNATION OF REAL PROPERTY GENERALLY DESCRIBED AS 0.22 ± ACRES OF LAND LOCATED AT 740 SOUTH PARK AVENUE ON THE WEST SIDE OF SOUTH PARK AVEUNE, NORTH OF JACKSON STREET AND SOUTH OF WEST STORY ROADFROM ORANGE COUNTY LOW DENSITY RESIDENTIAL TO CITY LOW DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, the owner of that certain real property generally described as 0.22 ± acres of land located at 740 South Park Avenue on the west side of South Park Avenue, north of Jackson Street and south of West Story Road, and legally described in ATTACHMENT "A" (the "Property") has petitioned the City to amend the Winter Garden Comprehensive Plan to change the Future Land Use classification from Orange County Low Density Residential to City Low Density Residential; and

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

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

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

SECTION II. *Effective Date.* Provided that the Property described herein is annexed into the City of Winter Garden pursuant to Ordinance 15-05, this Ordinance shall become effective 31 days after adoption, unless the Ordinance is timely challenged pursuant to § 163.3187(5), Fla. Stat., in which case, the Ordinance shall not be effective until the state

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

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

FIRST READING AND PUBLIC HEARING: _____, 2015.

SECOND READING AND PUBLIC HEARING: _____, 2015.

ADOPTED this _____ day of _____, 2015, 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#: 22-22-27-1084-01-140

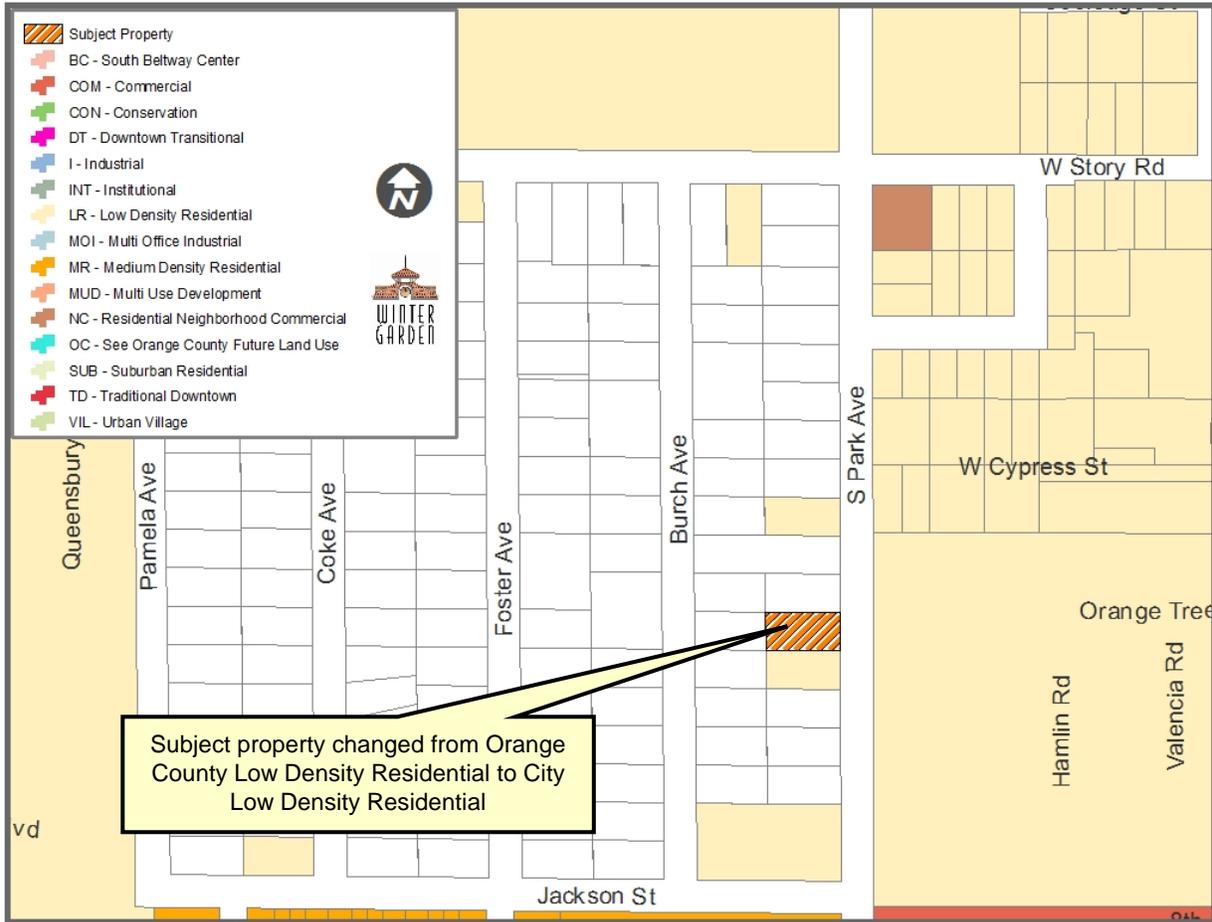
Lot 14, Block A, BURCHSHIRE, according to the Plat thereof, as recorded in Plat Book Q, Page 138, Public Records of Orange County, Florida, being more particularly described as follows: Commence at the Southeast corner of Block A, BURCHSHIRE, according to the Plat thereof, as recorded in Plat Book Q, Page 138, Public Records of Orange County, Florida, thence run North 00°00'00" East 420.00 feet to the Southeast corner of Lot 14 of said Block A; thence North 89°18'00" West 136.46 feet to the Southwest corner of said Lot 14; thence North 00°26'43" West 70.01 feet to the Northwest corner of said Lot 14; thence South 89°18'00" East 137.01 feet to the Northeast corner of said Lot 14; thence South 00°00'00" East 70.00 feet to the POINT OF BEGINNING.

Containing 0.220 acres, more or less.

ATTACHMENT "B"

FUTURE LAND USE MAP

740 South Park Avenue



ORDINANCE 15-07

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.22 ± ACRES OF REAL PROPERTY GENERALLY LOCATED AT 740 SOUTH PARK AVENUE ON THE WEST SIDE OF SOUTH PARK AVENUE, NORTH OF JACKSON STREET AND SOUTH OF WEST STORY ROAD FROM ORANGE COUNTY R-2 RESIDENTIAL DISTRICT TO CITY R-2 RESIDENTIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner of that certain real property generally described as 0.22 ± acres of land located at 740 South Park Avenue on the west side of South Park Avenue, north of Jackson Street and south of West Story Road, and legally described in Section 1 of this ordinance has petitioned the City to rezone said property from Orange County R-2 Residential District to the City’s R-2 Residential District zoning classification, therefore;

WHEREAS, the City Commission finds that based on competent, substantial evidence in the record, the rezoning approved by this Ordinance meets all applicable criteria for rezoning the Property contained within the City of Winter Garden Comprehensive Plan and the Code of Ordinances;

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

SECTION 1: Rezoning. After due notice and public hearing, the zoning classification of real property legally described on ATTACHMENT “A,” is hereby rezoned from Orange County R-2 Residential District to City R-2 Residential District in the City of Winter Garden, Florida.

SECTION 2: Zoning Map. The City Planner is hereby authorized and directed to amend the Official Winter Garden Zoning Map in accordance with the provisions of this ordinance.

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

SECTION 4: Effective Date. This Ordinance shall become effective simultaneously upon the effective date of Ordinance 15-06 which is an amendment to the Future Land Use Map of the City of Winter Garden Comprehensive Plan that allows the property described herein to be zoned as provided in this Ordinance.

FIRST READING AND PUBLIC HEARING: _____, 2015.

SECOND READING AND PUBLIC HEARING: _____, 2015.

ADOPTED this _____ day of _____, 2015, 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#: 22-22-27-1084-01-140

Lot 14, Block A, BURCHSHIRE, according to the Plat thereof, as recorded in Plat Book Q, Page 138, Public Records of Orange County, Florida, being more particularly described as follows: Commence at the Southeast corner of Block A, BURCHSHIRE, according to the Plat thereof, as recorded in Plat Book Q, Page 138, Public Records of Orange County, Florida, thence run North 00°00'00" East 420.00 feet to the Southeast corner of Lot 14 of said Block A; thence North 89°18'00" West 136.46 feet to the Southwest corner of said Lot 14; thence North 00°26'43" West 70.01 feet to the Northwest corner of said Lot 14; thence South 89°18'00" East 137.01 feet to the Northeast corner of said Lot 14; thence South 00°00'00" East 70.00 feet to the POINT OF BEGINNING.

Containing 0.220 acres, more or less.

THE CITY OF WINTER GARDEN
PLANNING AND ZONING BOARD AGENDA ITEM

ITEM # 5 (Public Hearing)

DATE: November 21, 2014 **MEETING DATE:** December 1, 2014

SUBJECT: 502 Winter Garden Vineland Road (ANNEXATION, FLU, ZONING)
PROJECT NAME 502 Winter Garden Road
PARCEL ID# 35-22-27-0000-00-005

ISSUE: The applicant is requesting Annexation, Future Lands Use designation, and Zoning on property located at 502 Winter Garden Vineland Road.

SUPPLEMENTAL MATERIAL/ANALYSIS:

OWNER/APPLICANT: Joseph P. Nuria
CURRENT ZONING: A-1 (Orange County)
PROPOSED ZONING: R-1 (City)
CURRENT FLU: Rural (Orange County)
PROPOSED FLU: Low Density Residential (City)

SUMMARY:

The City encourages infill of its jurisdictional limits through voluntary annexation of enclaves. The subject property makes up a 0.52 ± acre enclave located on the west side of Winter Garden Vineland Road, north of High Tide Drive and south of Bradford Creek Boulevard. The applicant has requested Annexation into the City, Amendment to the Future Land Use Map of the City's Comprehensive Plan to designate the property as Low Density Residential, and initial Zoning of R-1. (See attached Staff Report).

STAFF RECOMMENDATION(S):

Staff recommends approval of Ordinance 14-08, Ordinance 14-09, and Ordinance 14-10.

NEXT STEP(S):

A public meeting for the first reading of the ordinances is scheduled for the City Commission on Thursday, December 11, 2014.

ATTACHMENT(S):

Location Map
Ordinance 14-08
Ordinance 14-09
Ordinance 14-10
Staff Report

Legend



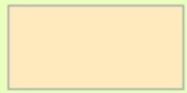
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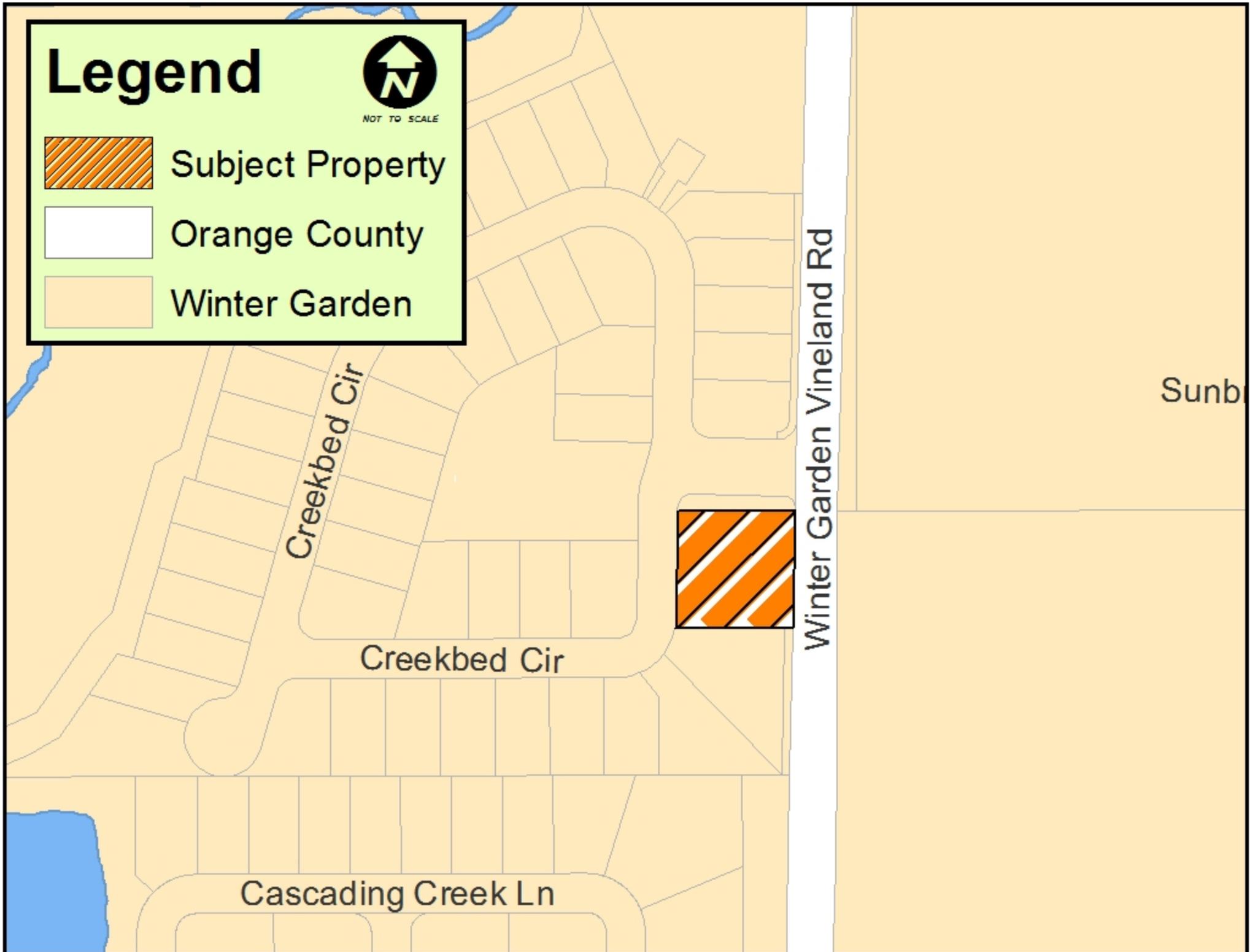
Subject Property



Orange County



Winter Garden



CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

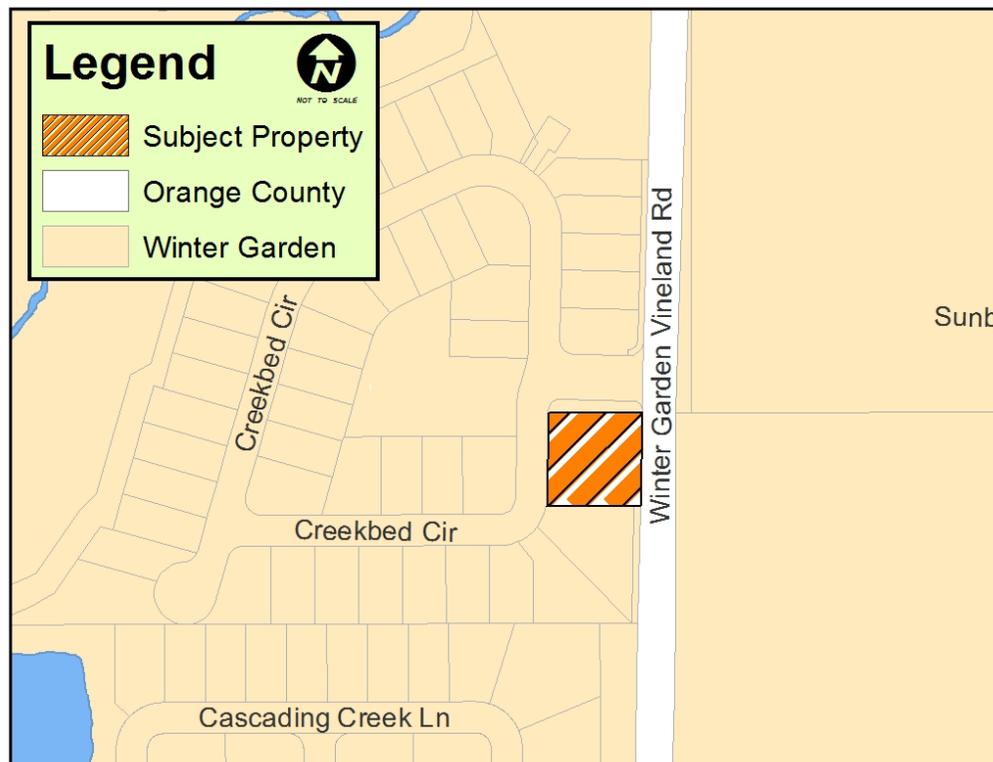
STAFF REPORT

TO: PLANNING AND ZONING BOARD
PREPARED BY: STEVE PASH, COMMUNITY DEVELOPMENT MANAGER
DATE: NOVEMBER 21, 2014
SUBJECT: ANNEXATION – ZONING – FLU AMENDMENT
502 WINTER GARDEN VINELAND ROAD (0.52 +/- ACRES)
PARCEL ID #: 35-22-27-0000-00-005
APPLICANT: JOSEPH P. NURIA

INTRODUCTION

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

The subject property is located at 502 Winter Garden Vineland Road and is approximately 0.52 ± acres. The map below depicts the proximity of the subject property to the City's jurisdictional limits:



The applicant has requested annexation into the City, amendment to the Future Land Use Map (FLUM) of the City's Comprehensive Plan to designate the property as Low Density Residential, and rezoning the property to R-1 Single-Family Residential District.

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

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

EXISTING USE

The subject property is currently vacant and the owner intends to build a home in the future.

ADJACENT LAND USE AND ZONING

The properties located to the north, south, east, and west have recently been developed as a single-family neighborhood (Bradford Creek) and homes are just starting to be built.

PROPOSED USE

The applicant intends to annex the property and build a new home sometime in the future.

PUBLIC FACILITY ANALYSIS

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

SUMMARY

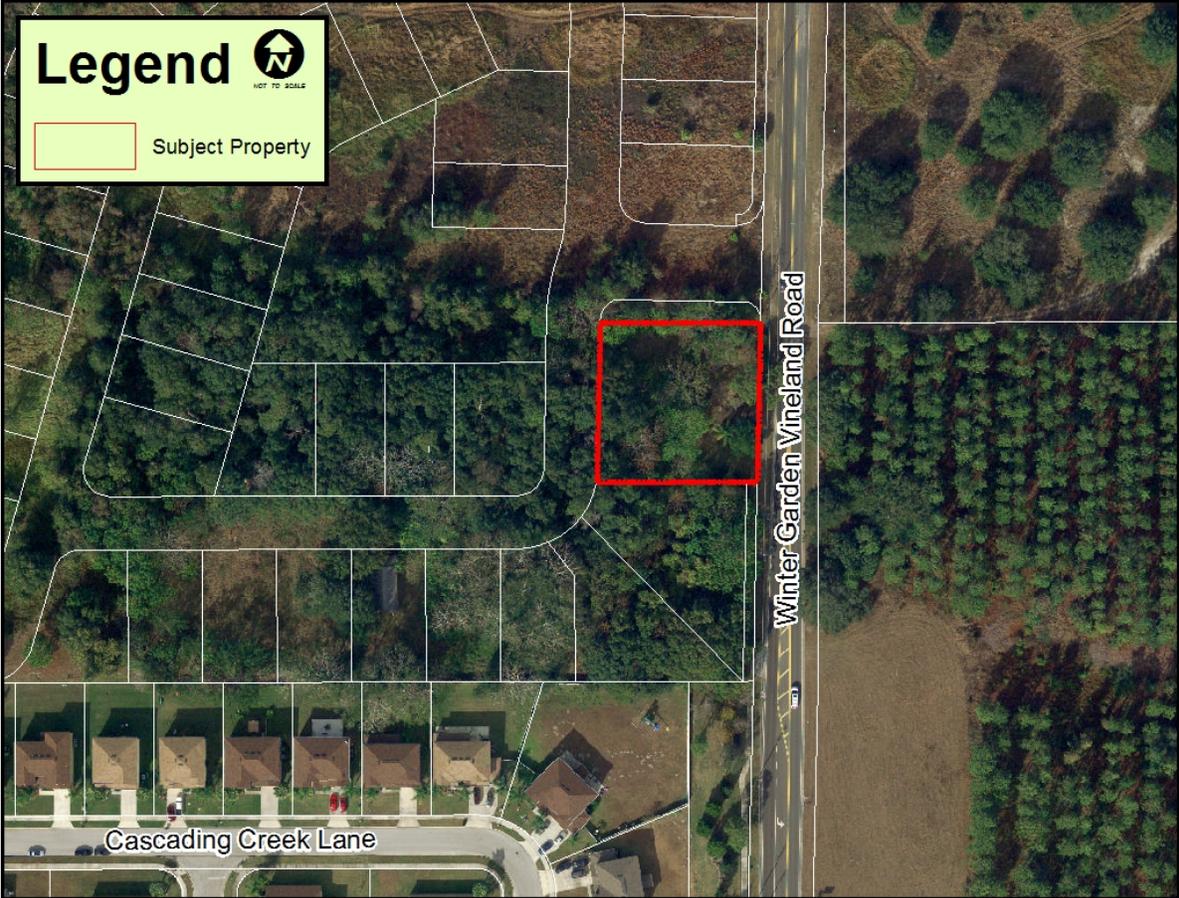
Annexation will provide a more efficient delivery of services to the property and further the goals and objectives of the City of Winter Garden's Comprehensive Plan to eliminate enclaves. Staff recommends approval of the Annexation, Future Land Use Amendment, and initial Zoning, subject to the following condition:

1. All access to the property shall be from within the Bradford Creek subdivision. No driveways will be allowed on Winter Garden Vineland Road.

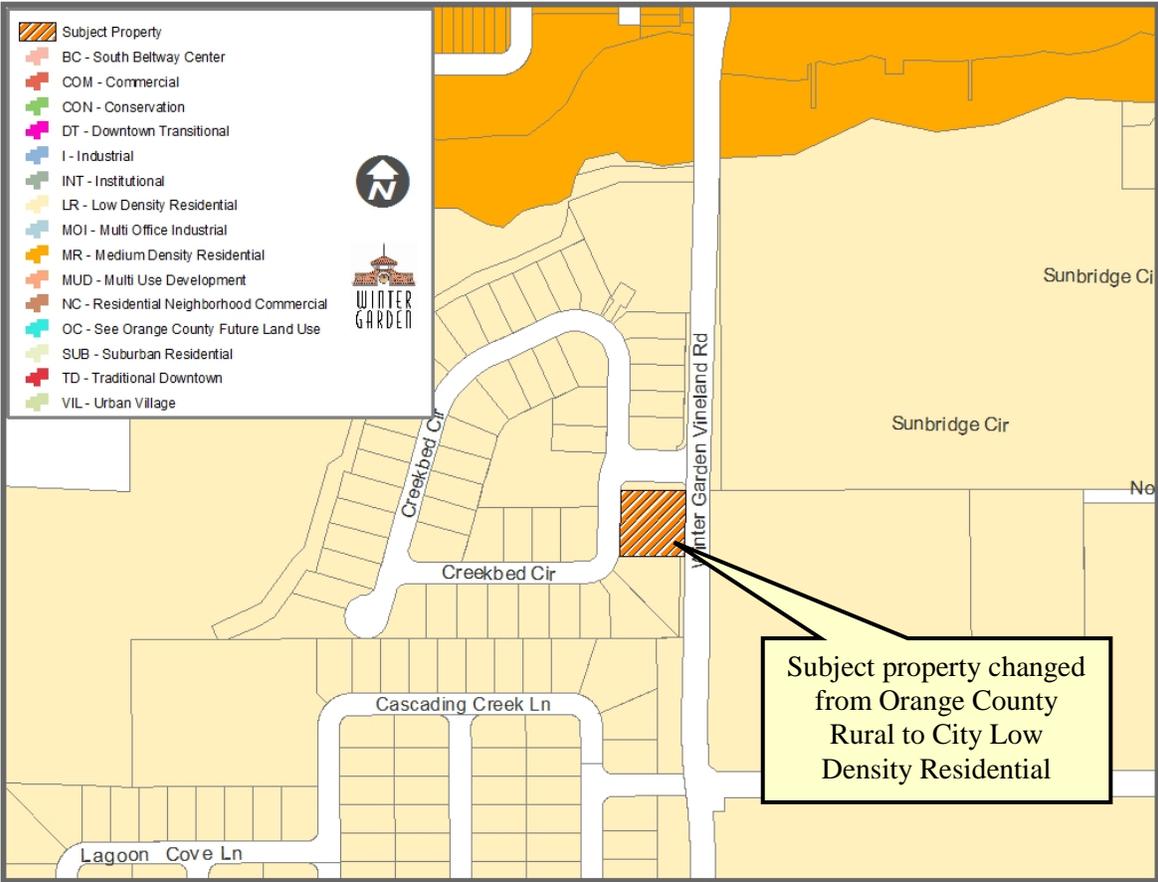
MAPS

AERIAL PHOTO

502 Winter Garden Vineland Road



FUTURE LAND USE MAP
502 Winter Garden Vineland Road



ZONING MAP
13100 West Colonial Drive



END OF STAFF REPORT

ORDINANCE 15-08

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.52 ± ACRES LOCATED AT 502 WINTER GARDEN VINELAND ROAD ON THE WEST SIDE OF WINTER GARDEN VINELAND ROAD, NORTH OF HIGH TIDE DRIVE AND SOUTH OF BRADFORD CREEK BOULEVARD INTO THE CITY OF WINTER GARDEN FLORIDA; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner of the land, generally described as approximately 0.52 ± acres located at 502 Winter Garden Vineland Road on the west side of Winter Garden Vineland Road, north of High Tide Drive and south of Bradford Creek Boulevard and legally described in Section 2 of this Ordinance, which land is reasonably compact and contiguous to the corporate limits of the City of Winter Garden, Florida (“City”), has, pursuant to the prerequisites and standards set forth in § 171.044, Fla. Stat., petitioned the City Commission for voluntary annexation;

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

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

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

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

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

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

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

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

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

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

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

FIRST READING AND PUBLIC HEARING: _____, 2015.

SECOND READING AND PUBLIC HEARING: _____, 2015.

ADOPTED this _____ day of _____, 2015, 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#: 35-22-27-0000-00-005

BEGIN AT THE INTERSECTION OF THE NORTH LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 22 SOUTH, RANGE 27 EAST, WITH THE WEST RIGHT OF WAY LINE OF STATE ROAD # 535 (WINTER GARDEN VINELAND ROAD), RUN WEST 150 FEET, THENCE SOUTH 150 FEET, THENCE EAST TO THE WEST RIGHT OF WAY LINE OF STATE ROAD # 535 (WINTER GARDEN VINELAND ROAD) THENCE NORTHERLY ALONG SAID RIGHT OF WAY LINE TO THE POINT OF BEGINNING.

ORDINANCE 15-09

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING THE FUTURE LAND USE MAP OF THE WINTER GARDEN COMPREHENSIVE PLAN BY CHANGING THE LAND USE DESIGNATION OF REAL PROPERTY GENERALLY DESCRIBED AS 0.52 ± ACRES LOCATED AT 502 WINTER GARDEN VINELAND ROAD ON THE WEST SIDE OF WINTER GARDEN VINELAND ROAD, NORTH OF HIGH TIDE DRIVE AND SOUTH OF BRADFORD CREEK BOULEVARD FROM ORANGE COUNTY RURAL TO CITY LOW DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, the owner of that certain real property generally described as 0.52 ± acres located at 502 Winter Garden Vineland Road on the west side of Winter Garden Vineland Road, north of High Tide Drive and south of Bradford Creek Boulevard, and legally described in ATTACHMENT "A" (the "Property") has petitioned the City to amend the Winter Garden Comprehensive Plan to change the Future Land Use classification from Orange County Rural to City Low Density Residential; and

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

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

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

SECTION II. *Effective Date.* Provided that the Property described herein is annexed into the City of Winter Garden pursuant to Ordinance 15-08, this Ordinance shall become effective 31 days after adoption, unless the Ordinance is timely challenged pursuant to § 163.3187(5), Fla. Stat., in which case, the Ordinance shall not be effective until the state

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

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

FIRST READING AND PUBLIC HEARING: _____, 2015.

SECOND READING AND PUBLIC HEARING: _____, 2015.

ADOPTED this _____ day of _____, 2015, 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

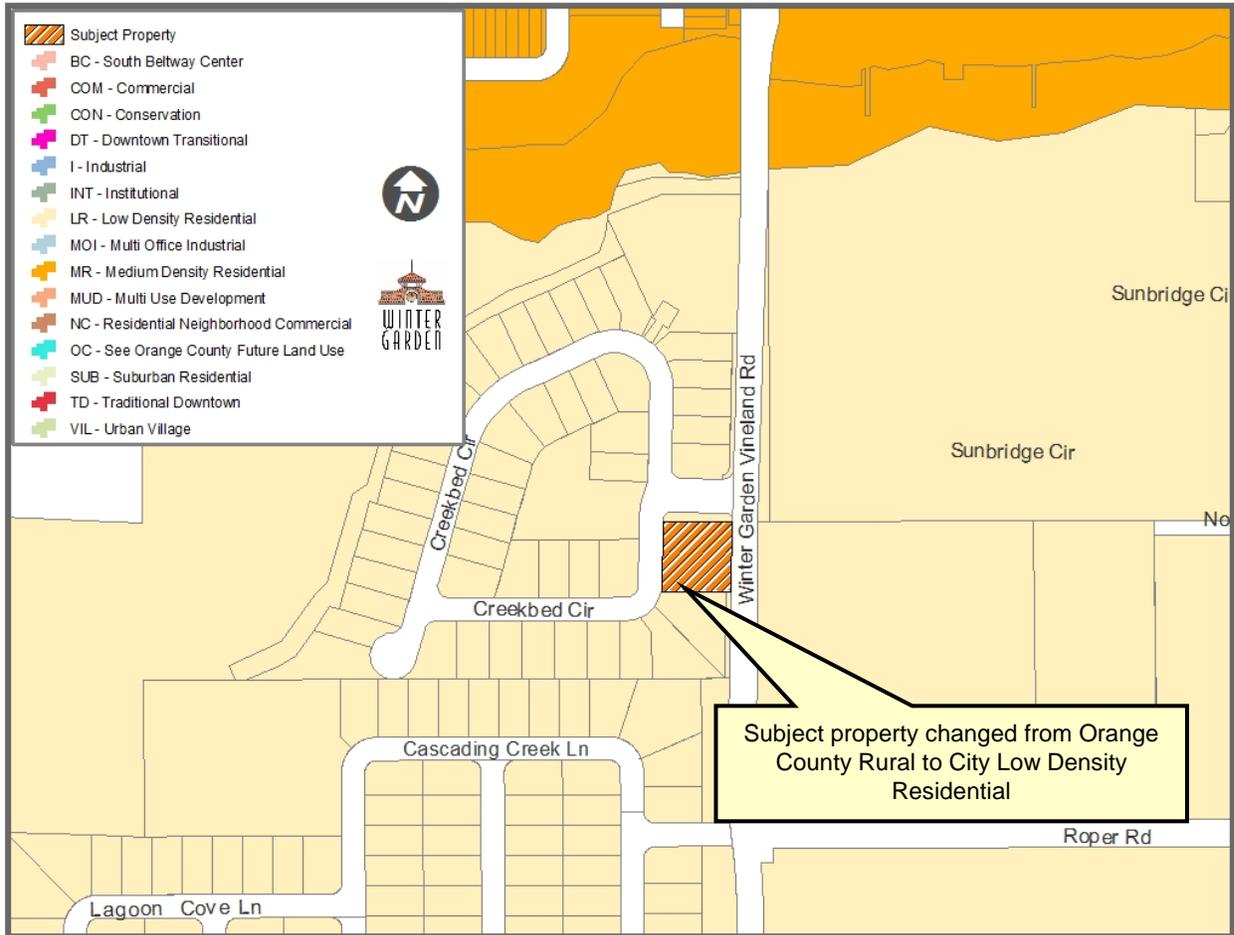
PARCEL ID#: 35-22-27-0000-00-005

BEGIN AT THE INTERSECTION OF THE NORTH LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 22 SOUTH, RANGE 27 EAST, WITH THE WEST RIGHT OF WAY LINE OF STATE ROAD # 535 (WINTER GARDEN VINELAND ROAD), RUN WEST 150 FEET, THENCE SOUTH 150 FEET, THENCE EAST TO THE WEST RIGHT OF WAY LINE OF STATE ROAD # 535 (WINTER GARDEN VINELAND ROAD) THENCE NORTHERLY ALONG SAID RIGHT OF WAY LINE TO THE POINT OF BEGINNING.

ATTACHMENT "B"

FUTURE LAND USE MAP

502 Winter Garden Vineland Road



ORDINANCE 15-10

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.52 ± ACRES LOCATED AT 502 WINTER GARDEN VINELAND ROAD ON THE WEST SIDE OF WINTER GARDEN VINELAND ROAD, NORTH OF HIGH TIDE DRIVE AND SOUTH OF BRADFORD CREEK BOULEVARD FROM ORANGE COUNTY A-1 AGRICULTURAL DISTRICT TO CITY R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner of that certain real property generally described as 0.52 ± acres located at 502 Winter Garden Vineland Road on the west side of Winter Garden Vineland Road, north of High Tide Drive and south of Bradford Creek Boulevard, and legally described in Section 1 of this ordinance has petitioned the City to rezone said property from Orange County A-1 Agricultural District to the City’s R-1 Single-Family Residential District zoning classification, therefore;

WHEREAS, the City Commission finds that based on competent, substantial evidence in the record, the rezoning approved by this Ordinance meets all applicable criteria for rezoning the Property contained within the City of Winter Garden Comprehensive Plan and the Code of Ordinances;

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

SECTION 1: Rezoning. After due notice and public hearing, the zoning classification of real property legally described on ATTACHMENT “A,” is hereby rezoned from Orange County A-1 Agricultural District to City R-1 Single-Family Residential District in the City of Winter Garden, Florida.

SECTION 2: Zoning Map. The City Planner is hereby authorized and directed to amend the Official Winter Garden Zoning Map in accordance with the provisions of this ordinance.

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

SECTION 4: Effective Date. This Ordinance shall become effective simultaneously upon the effective date of Ordinance 15-09 which is an amendment to the Future Land Use Map of the City of Winter Garden Comprehensive Plan that allows the property described herein to be zoned as provided in this Ordinance.

FIRST READING AND PUBLIC HEARING: _____, 2015.

SECOND READING AND PUBLIC HEARING: _____, 2015.

ADOPTED this _____ day of _____, 2015, 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#: 35-22-27-0000-00-005

BEGIN AT THE INTERSECTION OF THE NORTH LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 22 SOUTH, RANGE 27 EAST, WITH THE WEST RIGHT OF WAY LINE OF STATE ROAD # 535 (WINTER GARDEN VINELAND ROAD), RUN WEST 150 FEET, THENCE SOUTH 150 FEET, THENCE EAST TO THE WEST RIGHT OF WAY LINE OF STATE ROAD # 535 (WINTER GARDEN VINELAND ROAD) THENCE NORTHERLY ALONG SAID RIGHT OF WAY LINE TO THE POINT OF BEGINNING.

THE CITY OF WINTER GARDEN
PLANNING AND ZONING BOARD AGENDA ITEM

ITEM # 6 (Public Hearing)

DATE: November 26, 2014 **MEETING DATE:** December 1, 2014

SUBJECT: Ordinance 15-04 - 17500 Marsh Road (REZONING)

PROJECT NAME Four Corners - UVPUD

PARCEL ID# 06-23-27-4284-08-410

PARCEL ID# 06-23-27-4288-08-330

PARCEL ID# 06-23-27-4288-08-302

PARCEL ID# 06-23-27-4288-08-304

PARCEL ID# 06-23-27-4288-08-310

ISSUE: Applicant is requesting to rezone 23.64 +/- acres of land. The subject property is located within the City of Winter Garden municipal limits, and carries the zoning designation NZ, which means that the property has not yet been zoned since it was annexed into the City of Winter Garden in September 2007. The subject property is designated Urban Village on the Future Land Use Map of the Comprehensive Plan.

SUPPLEMENTAL MATERIAL/ANALYSIS:

OWNER/APPLICANT: Standard Pacific of Florida

CURRENT ZONING: N-Z (Not Zoned)

PROPOSED ZONING: UVPUD - Urban Village Planned Unit Development

CURRENT FLU: VIL - Urban Village

PROPOSED FLU: N/A

SUMMARY:

City staff recommends approval of the proposed Ordinance. Rezoning the subject property from City NZ to City UVPUD is consistent with the Code of Ordinances, the Future Land Use Map, the City's Comprehensive Plan, and the surrounding property uses. (See attached Staff Report).

STAFF RECOMMENDATION(S):

Staff recommends approval of the first reading of Ordinance 15-04, rezoning of 23.64 +/- acres located at the four corners of Marsh Road & Williams Road from City NZ to City UVPUD with second reading and adoption on January 8, 2015.

NEXT STEP(S):

First reading by City Commission is scheduled for December 11, 2014.

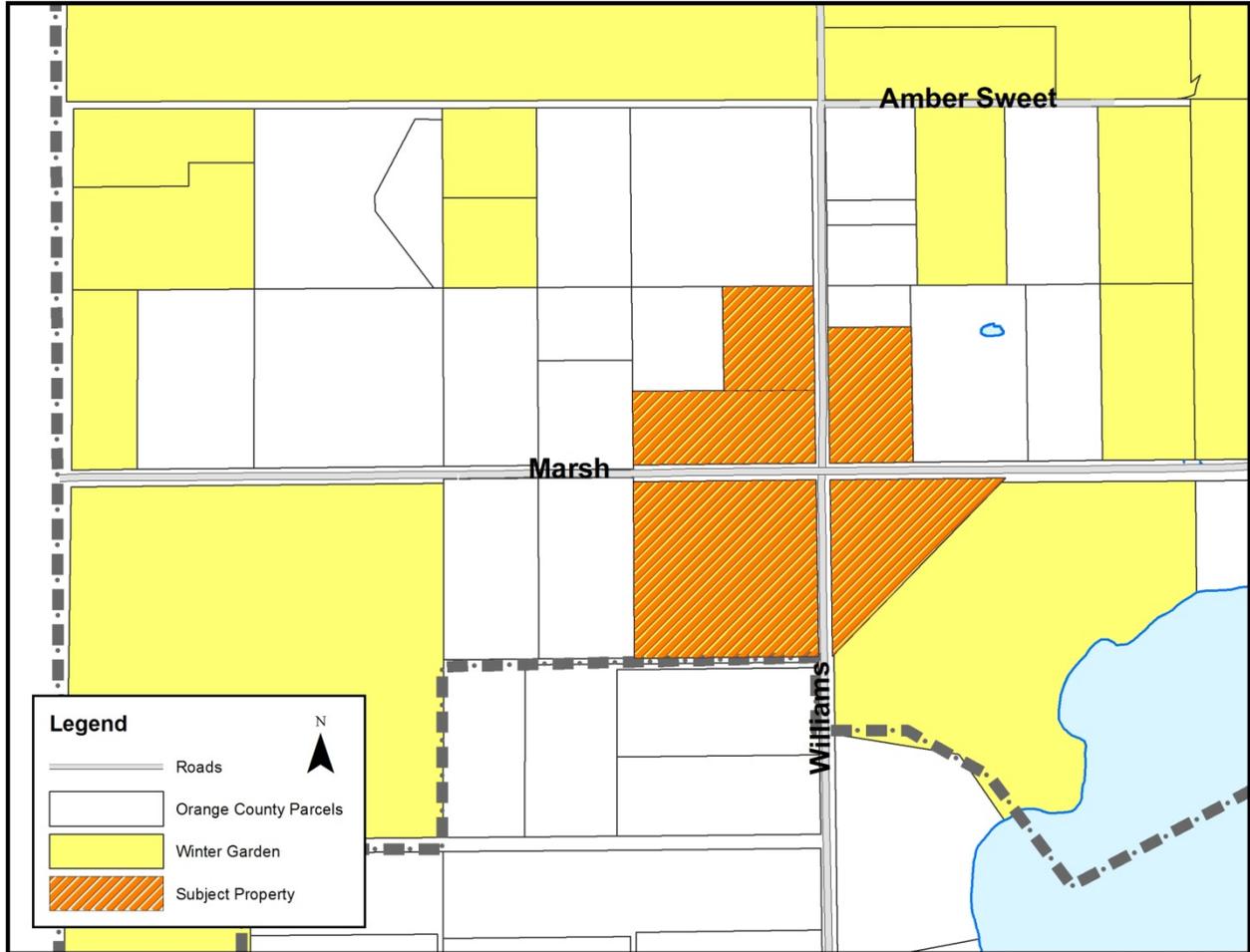
ATTACHMENT(S):

Location Map
Ordinance 15-04
Staff Report
Developer's Agreement (to be handed out at the P&Z Meeting)

LOCATION MAP

Ordinance 15-04

Four Corners UVPUD



CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

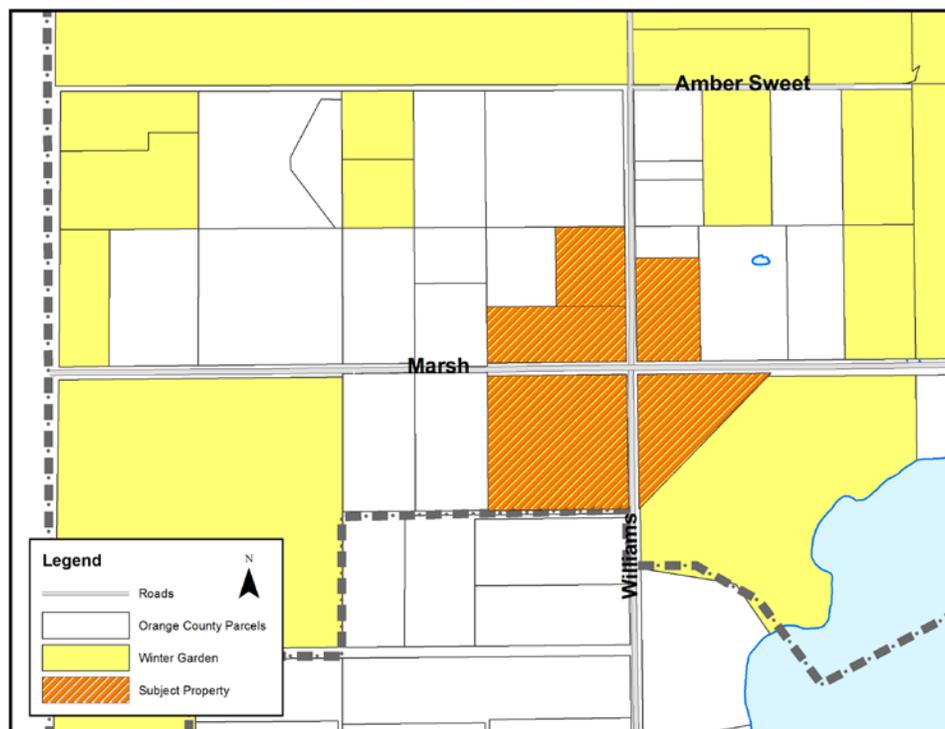
STAFF REPORT

TO: PLANNING AND ZONING BOARD
PREPARED BY: KELLY CARSON, PLANNER II
DATE: NOVEMBER 26, 2014
SUBJECT: REZONING (ORDINANCE 15-04)
Marsh Road (23.64+/- ACRES)
Parcel ID# 06-23-27-4284-08-410 **Parcel ID# 06-23-27-4288-08-304**
Parcel ID# 06-23-27-4288-08-330 **Parcel ID# 06-23-27-4288-08-310**
Parcel ID# 06-23-27-4288-08-302

APPLICANT: STANDARD PACIFIC OF FLORIDA
MAURICE M. BOYD, MCKINNON CORP & MCKINNON GROVES, LLLP

INTRODUCTION

The purpose of this report is to evaluate the proposed project for compliance with the City of Winter Garden Land Development Regulations, Comprehensive Plan, and Future Land Use Map. The subject property, located at the north, south, east, and west corners of Marsh Road and Williams Road, is approximately 23.64 ± 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 23.64± acres of land. The subject property is located within the City of Winter Garden municipal limits, and carries the zoning designation NZ, which means that the property has not yet been zoned since it was annexed into the City of Winter Garden in September 2007 (Ord. 07-34). The subject property is designated Urban Village on the Future Land Use Map of the Comprehensive Plan.

EXISTING USE

A portion of the subject property is currently being used for agricultural purposes including orange groves. The parcel on the northwest quadrant of Marsh Road and Williams Road currently contains two warehouse structures that are used for agricultural support. The balance of the subject property, the majority of which is on the northeast side of Marsh Road and Williams Road, consists of vacant unimproved land which is not used for a specific agricultural purpose and does not contain any structures.

ADJACENT LAND USE AND ZONING

The three properties located to the north of the subject property are all located in Unincorporated Orange County and zoned A-1. One property contains a Single Family residence, another is unimproved vacant land, and the third has been used for a landscaping business. There are two properties to the east of the subject property. One contains a single family residence, is zoned A-1, and is located in Unincorporated Orange County. The other property is located within the City of Winter Garden municipal limits, is zoned UVPUD, and consists of vacant land that is slated to be developed with single family homes as part of the Waterside on Johns Lake subdivision. The property to the south is zoned A-1 in unincorporated Orange County and contains a single-family residential structure. The two properties to the west of the subject property both contain single family residential structures, are zoned A-1, and are located in Unincorporated Orange County.

The surrounding properties to the north, east, and west are all located within the JPA expansion area as adopted by the Sixth Amendment to the Restated Interlocal Agreement for Joint Planning Area between Orange County and the City of Winter Garden. Additionally, the subject property as well as many of the surrounding properties (a total of 596 acres) were annexed into the City of Winter Garden by Ordinance 07-34. At the time the properties were annexed into the City they were not assigned zoning or future land use designation in the City of Winter Garden. Subsequently, as part of the EAR based amendments to the City's Comprehensive Plan which were adopted in 2010, the subject property and surrounding properties (a total of 642.73 acres) were assigned a future land use designation of Urban Village on the Future Land Use Map of the City's Comprehensive Plan.

The surrounding properties to the south are not within the JPA expansion area, but are located within the Avalon Rural Settlement Area in unincorporated Orange County. As stipulated by the Sixth Amendment to the Restated Interlocal Agreement for Joint Planning Area between Orange County and the City of Winter Garden, buffering and density limitations must be exercised where properties located within the JPA expansion area adjoin properties that are located in the Avalon rural settlement.

PROPOSED USE

The applicant proposes to develop the 23.64 ± acre site into an urban village planned unit

development (UVPUD). Currently, no development has been proposed for the subject property, but the rezoning will permit both residential and commercial uses in specified zones. Residential development will be permitted within 100 feet of the rural settlement boundary to the south, while commercial, residential, and mixed uses will be permitted within 500 feet of the rural settlement boundary, subject to the limitations of the Comprehensive Plan and the Sixth Amendment to the Restated Interlocal Agreement for Joint Planning Area between Orange County and the City of Winter Garden. Development is also limited by two on-site karst features and their respective buffers.

COMMUNITY MEETING

On November 20, 2014, a community meeting was held in the City Commission Chambers to discuss the proposed UVPUD rezoning with surrounding property owners. Many attendees were supportive of the project, but there were a number of concerns. The major concerns voiced by attendees included the potential for increased traffic on Marsh and Williams Road, the potential for increased traffic on roads within the rural settlement, the addition of street and site lighting affecting evening light levels, the potential for increased trespassing onto adjacent landowners' properties, and the character of commercial signage. There were also concerns about specific permitted uses including apartment complexes. City staff addressed these concerns by explaining the current plans for nearby road improvements that will ultimately drive traffic away from the rural settlement, by amending the Ordinance to prohibit apartment complexes and electronic message signs, and by requiring a 6' masonry wall along the southern boundary of the UVPUD to block access to the adjacent rural settlement properties.

APPROVAL CRITERIA

In accordance with the City's Comprehensive Plan and Land Development Regulations, a proposed planned unit development and its associated preliminary development plan may be approved only after competent, substantial evidence has been presented which allows the following determinations to be made: (staff conclusions/findings are underlined)

- (1) The proposed PUD is consistent with the land development regulations, comprehensive plan and the future land use map;

The proposed UVPUD is consistent with the land development regulations, comprehensive plan, and the future land use map. See other portions of this report concerning consistency with the land development regulations.

- (2) The proposed PUD will not substantially devalue or prevent reasonable use and enjoyment of the adjacent properties;

The proposed UVPUD project will not deprive or prevent adjacent property owners of any rights or abilities to enjoy or continue existing uses of their property or to develop their property in accordance with the city's land development regulations and comprehensive plan goals, objectives, and policies. Further, in accordance with land development regulations and the comprehensive plan, the proposed UVPUD will provide for adequate buffering against adjoining properties and rights-of-way in the form of either landscaping to create a visual screen and/or perimeter walls/fencing.

- (3) Adequate public infrastructure facilities and water and sewer service to support the development of the proposed PUD are available or an agreement or binding conditions have been established that will provide these facilities, improvements and services in a reasonable time frame;

The existing potable water and reclaimed water flow pressure of the City's utility system within the Urban Village Area is insufficient to support the development of the subject property. Design, permitting and construction of reuse and potable water pumping stations/storage tanks is vital to support the development of the Urban Village Area, including the subject property. A site has been identified as an appropriate location for the tanks and its access point. The Developer will convey the tanks site to the City within 30 days from the effective date of Ordinance 15-04.

The property is not currently a water or sewer customer of the City of Winter Garden; however water, sewer, and reclaimed utilities will be required for any new development of the property. At such time that the property is developed, all necessary utility lines (water, sewer, and reclaimed water) will be extended and connections made to serve the development of the property, all extension and connection costs shall be borne by the property owner.

Prior to any board approvals, a Developer's Agreement detailing the obligations of the developer associated with the proposed UVPUD is required. The Developer's Agreement must address, but is not limited to the following: potable water, sewer and reclaimed water utilities extension and oversizing requirements, proportionate fair share contribution for intersection improvements, conveyance of right-of-way, conveyance of water tank site, other off-site public infrastructure improvements, lift station, and impact fees.

- (4) The proposed PUD will not allow a type or intensity of development that is premature or presently out of character in relationship to the surrounding area;

The proposed UVPUD project is consistent with the comprehensive plan's goals, objectives and policies for the Urban Village future land use designation and the UVPUD zoning criteria and land development regulations. The proposed UVPUD project will be limited to a gross residential density of 3 dwelling units per acre within the Low Density Residential Zone within 500 feet of the rural settlement boundary to the south and 12 residential dwelling units within the Mixed Use Zone north of the 500 foot buffer, which is in accordance with the Sixth Amendment to the Restated Interlocal Agreement for Joint Planning Area between Orange County and the City of Winter Garden. Additionally, the Mixed Use Zone, which allows both residential and commercial uses, will be limited to a floor area ratio of 0.3 and a maximum 90,000 square feet for retail uses and 80,000 for professional office uses not to exceed a combined total of 115,000 square feet of commercial space. This is consistent with both JPA 6 and the Comprehensive Plan policy for the Urban Village FLU.

The proposed UVPUD is not premature or presently out of character in relationship to the surrounding area. Using the Orange County Public Schools Concurrency Service Areas as an identification of the surrounding area, there are many residential and commercial developments within the surrounding area which have similar or greater density and/or intensity than the proposed UVPUD project. Some of the approved and/or constructed

developments within the surrounding area which extends east beyond SR 429 include Waterside on John's Lake, Hickory Hammock, Avalon Reserve, Stoneybrook West, Carriage Pointe, Stone Creek, Belle Meade, Avamar Crossings, Alexander Ridge, and Carriage Ponte Reserve.

- (5) The rezoning will not interfere with an adjacent property owner's reasonable expectation of use or enjoyment; and

In accordance with the City's comprehensive plan, the only zoning permitted within the Urban Village future land use designation is Urban Village Planned Unit Development or Institutional. Further, in accordance with land development regulations and the comprehensive plan, the proposed UVPUD will provide for adequate buffering against adjoining properties and rights-of-way in the form of either landscaping to create a visual screen and/or perimeter walls/fencing.

- (6) There is availability and adequacy of primary streets and thoroughfares to support traffic to be generated within the proposed PUD and the surrounding area, or an agreement or binding conditions have been established that will provide such transportation facilities to support said traffic in a reasonable time frame.

In order to support the development of the Four Corners UVPUD and other properties in the Urban Village Area and to accommodate the background traffic, it is necessary to widen and improve the intersection of Marsh Road and Williams Road. The Developer will convey the approximately 1.37 +/- acres of land from the Subject Property needed for the widening and extension of North Williams Road which is necessary to accommodate the intersection improvements and utilities serving the UVPUD development. A study by the City was conducted to identify the proposed developments' traffic impact on the Marsh Road and Williams Road intersection and such study has determined that the Subject Property and the adjacent developments will have a significant traffic impact said intersection. A portion of the costs of the design, engineering, permitting, installation, construction, provision and completion of the intersection improvements shall be borne by the Developer. Based on the cost estimate, the proportionate share payment for the project and subject property is agreed to be \$240,000.00. These fair share costs will be paid as each project develops as a percentage of the project's proposed building square footage of the total development potential of the property. The traffic analysis provided with the proposed UVPUD project indicates that the project will not lower the adopted level of service standard on Marsh Road or Williams Road. With the development of the adjacent properties and construction of the roundabout, traffic counts on Marsh Road have decreased.

- (7) The degree of departure or conformity of the proposed PUD with surrounding areas in terms of character and density.

The proposed UVPUD project is consistent with the comprehensive plan's goals, objectives and policies for the Urban Village future land use designation and the UVPUD zoning criteria and land development regulations. As stated above, the proposed UVPUD project will be limited to a gross residential density of 3 dwelling units per acre within the Low Density Residential Zone within 500 feet of the rural settlement boundary to the south and 12 residential dwelling units within the Mixed Use Zone north of the 500 foot

buffer, which is in accordance with the Sixth Amendment to the Restated Interlocal Agreement for Joint Planning Area between Orange County and the City of Winter Garden. Additionally, the Mixed Use Zone, which allows both residential and commercial uses, will be limited to a floor area ratio of 0.3 and a maximum 90,000 square feet for retail uses and 80,000 for professional office uses not to exceed a combined total of 115,000 square feet of commercial space. This is consistent with both JPA 6 and the Comprehensive Plan policy for the Urban Village FLU.

The proposed UVPUD is not premature or presently out of character in relationship to the surrounding area. There are many residential and commercial developments within the surrounding area which have similar or greater density and/or intensity than the proposed UVPUD project. Some of the approved and/or constructed developments within the surrounding area which extends east beyond SR 429 include Waterside on John's Lake Hickory Hammock, Avalon Reserve, Stoneybrook West, Carriage Pointe, Stone Creek, Belle Meade, Avamar Crossings, Alexander Ridge, and Carriage Ponte Reserve.

- (8) Compatibility of uses and improvements within the PUD and the relationship with surrounding existing or proposed developments.

The proposed UVPUD project integrates several elements that provide for cohesion between existing natural features/resources and the existing and proposed uses surrounding the property. The project includes construction of a 10 foot wide multi-purpose trail extending the length of the property frontage on Marsh Road to enhance pedestrian circulation as identified in the Sixth Amendment to the Restated Interlocal Agreement for Joint Planning Area between Orange County and the City of Winter Garden. The project will include open space/recreational areas in accordance with City Code requirements for common recreation and open space. The property will also comply with the open space and recreation requirements of the Wekiva Resource Protection Overlay, providing no less than 25% Wekiva Study Area Open Space. The karst features, rural settlement buffers, and the vast majority of the 100' karst feature confining layer setbacks will be preserved in a natural, vegetated state. Two cross access connection points are being provided on Williams Road and two are being provided on Marsh Road to ensure multiple points of entry/exit to the subject property.

- (9) Prevention of erosion and degrading or enhancement of the surrounding areas.

The proposed UVPUD project provides for a 100 foot buffer from the confining layer of the karst feature located on the property and meets the environmental standards of the Wekiva Study Area. To the greatest extent possible, stormwater management features will be designed as landscape amenities.

- (10) Provision for recreation facilities, surface drainage, flood control and soil conservation as shown in the preliminary development plan.

Recreational facilities are identified within the proposed UVPUD project to include a 10 foot wide multi-purpose trail along Marsh Road. As specific development projects are proposed, they must comply with the recreation and open space requirements of City Code. The recreational facilities proposed comply with the Wekiva Study Area Resource Protection Overlay requirements for passive recreation. Requirements for recreation areas

stipulated by the City of Winter Garden subdivision standards are proposed to be met to the greatest extent possible, and payment by the developer into the city recreational fund will make up for any shortfall.

Stormwater management for the proposed UVPUD project will be provided in on-site stormwater management areas to satisfy the City of Winter Garden, St. John's Water Management District and strict requirements of the Wekiva Study Area criteria.

- (11) The nature, intent and compatibility of any common open space, including the proposed method for the maintenance and conservation of the common open space.

The property on which the UVPUD project is proposed to be developed is located within the Wekiva Study Area Resource Protection Overlay as defined by the City's Comprehensive Plan, and therefore must comply with the Wekiva Study Area Open Space requirements as defined by the City's Comprehensive Plan Policies 1-3.1.7 & 1-3.1.8, which requires that a minimum of 25% of the developable area be Wekiva Study Area Open Space. Wekiva Study Area (WSA) Open Space is land area that remains undisturbed or minimally disturbed such as trails and boardwalks, as part of a natural resource preserve or passive recreation area and includes land preserved for Conservation purposes. WSA Open Space may include dry retention, passive recreation, school playgrounds and buffers. Up to 50% of the WSA Open Space requirement may be met with dry stormwater retention areas. None of the 25% WSA Open Space may be chemically treated with pesticides or fertilizers. WSA Open Space shall not include setback areas, private yards, street right of way, parking lots, impervious surfaces or active recreation areas. The proposed UVPUD project must comply with the Wekiva Study Area Open Space requirements.

- (12) The feasibility and compatibility of the specified stage(s) or phase(s) contained in the preliminary development plan to exist as an independent development.

Each phase of development of the proposed UVPUD project must operate as an individual unit in that each particular phase will be able to stand-alone in the event that no other phase is developed.

- (13) The availability of existing or planned reclaimed water service to support the proposed PUD.

The Developer will, prior to development of any portion of the Subject Property, pursue the design, permitting, installation and construction of a reclaimed water main from the existing point of connection on Marsh Road and extend west to the Subject Property consistent with the City Code requirements.

- (14) The benefits within the proposed PUD development and to the general public to justify the requested departure from standard land use requirements inherent in a PUD classification.

The proposed UVPUD includes minimum 75' wide lots for detached residential structures and 24' wide lots for attached residential structures. Architectural elevations will be reviewed at that time ensuring there is an adequate mix of housing products with features including enhanced architectural treatments, front porches, and recessed garages. Commercial structures within the mixed-use zone must comply with specific

development and architectural requirements, as outlined in an exhibit as part of the UVPUD ordinance.

The proposed UVPUD project incorporates the following features which are of benefit to the general public: construction of 10 foot wide multi-purpose trail along the site frontage on Marsh Road which provides for pedestrian circulation and access on Marsh Road and the widening and improving of the intersection of Marsh Road and Williams Road. Additionally, the project as proposed provides protection and substantial buffering from the neighboring karst feature as well as buffering from the rural settlement properties to the south.

- (15) The conformity and compatibility of the proposed common open space, residential and/or nonresidential uses within the proposed PUD.

As development is proposed, plans will be reviewed to ensure the proposals include a variety of open spaces that are inclusive, pedestrian friendly, and meet all requirements of City Code, the Comprehensive Plan, and of JPA 6.

- (16) Architectural characteristics of proposed residential and/or nonresidential development.

A variety of architectural requirements have been incorporated into the commercial building standards in the proposed UVPUD project including requirements for architectural character, varying building massing, roof treatments, building projections and recesses, entryways and arcades, building articulation and theming, retail lighting, signage and monuments, and landscaping.

- (17) A listing of the specific types of nonresidential uses to be allowed.

The UVPUD proposal is part of the village center, which is permitted by the Comprehensive Plan and JPA 6 to have a maximum of 115,000 square feet of commercial uses outside the 500' rural settlement buffer. Permitted non-residential uses within this mixed-use zone are retail stores and shops of a neighborhood convenience, dry cleaning and laundry facilities, bakeries and neighborhood food service establishments, drug stores and sundries, professional office & studios, professional services, laboratories and clinics, live/work units, and civic facilities. One fuel sales establishment is permitted in this UVPUD by Special Exception. Buildings with drive-thru lanes are permitted by Special Exception provided there is a maximum one such building per quadrant and lanes may not face Marsh Road or Williams Road and there may be no direct access to either road.

URBAN VILLAGE PLANNED UNIT DEVELOPMENT INTENT & REQUIREMENTS

Development within the urban village future land use classification shall be designed based on an urban development pattern which encourages the formation of a suburban village. The standards and procedures of the urban village planned unit development are intended to promote flexibility of design and to permit planned diversification and integration of uses and structures, while retaining in the city commission the absolute authority to establish such limitations and regulations as it deems necessary to protect and promote the public health, safety and general welfare. Determining whether to require a mixture of residential and non-residential uses and a

variety of housing types and lot sizes within individual urban village planned unit developments will be based on anticipated development patterns and size of property ownerships. Each individual urban village planned unit development will not be required to incorporate all uses permitted in the urban village planned unit development land use regulations.

Through the urban village planned unit development process, which may involve the approval of multiple UVPUDs, all development within the urban village future land use classification shall follow the general design principles of: (staff conclusions/findings are underlined)

- (1) creating a series of walkable residential neighborhoods;

Proposed UVPUD will include cross access connections to the parcels within the subject property for vehicular and pedestrian access, additionally the proposed UVPUD features a multi-purpose trail along the property frontage on Marsh Road.

- (2) developing an integrated park and trail system to facilitate pedestrian travel and recreation;

The proposed UVPUD features a multi-purpose trail along the property frontage on Marsh Road. Proposed UVPUD will include recreation amenities that meet the requirements of the City's Code of Ordinances for open space & recreational facilities.

- (3) developing a comprehensive network of roads and traffic calming solutions to complement and support the existing Marsh Road infrastructure;

Right-of-way will be dedicated to the City to facilitate roadway improvements at the intersection of Marsh Road and Williams Road.

- (4) establishing connectivity to natural systems while preserving wetlands and other natural resources and protecting water quality and quantity;

The proposed UVPUD preserves all karst features, the 100' rural settlement buffer, and the vast majority of the 100' karst feature confining layer buffer. Because of this, much of the site will remain in a natural state.

- (5) creating a mixed-use character through the integration of a diversity of uses;

The proposed UVPUD allows for a mix of uses within the mixed-use zone. Permitted uses within this zone include detached and attached residential units, retail stores and shops of a neighborhood convenience, dry cleaning and laundry facilities, bakeries and neighborhood food service establishments, drug stores and sundries, professional office & studios, professional services, laboratories and clinics, live/work units, upper-story residential dwelling units, nursing homes, and civic facilities.

- (6) creating a focus center within the urban village

The subject property is located within the urban village. The commercial component of the development will be reviewed in light of this requirement, ensuring there will be a focus center.

- (7) The urban village planned unit development shall provide a compact integrated development pattern with a park or central feature located within a ¼ mile walking distance of the majority of residences in each neighborhood.

Community open space/recreation areas will be required to be provided in the form of a park or central feature within ¼ mile walking distance of any proposed residential units.

- (8) To ensure adequate housing diversity, urban village planned unit development should generally contain a variety of housing types which may include both attached and detached housing product with ownership and rental opportunities, as well as live/work housing.

The UVPUD allows for a wide variety of residential and mixed uses within the mixed-use zone including attached and detached housing units, live/work units, and upper story residential units. The low density residential zone allows for both attached and detached housing units.

- (9) The street network shall be designed to create a hierarchy of interconnected streets and traffic calming solutions to allow travel through and between neighborhoods and beyond the urban village planned unit development. Roadway cross sections shall be designed to accommodate multiple modes of transportation.

The proposed UVPUD will provide cross access connections to parcels within the subject property.

- (10) Emphasis shall be placed on pedestrian and bike paths and shall be incorporated in street cross sections and open spaces.

The proposed UVPUD includes a multi-purpose trail along Marsh Road and a fully integrated network of sidewalks which will connect and provide cross access between parcels within the subject property.

- (11) All development proposals within an urban village planned unit development shall, as determined by the city commission, be consistent with the requirements and/or guidelines of the Sixth Amendment to the Restated Interlocal Agreement for Joint Planning Area between Orange County and the City of Winter Garden (Dated January 24, 2007) as approved by the city commission, as such may be amended from time to time.

The proposed UVPUD is consistent with the Sixth Amendment to the Restated Interlocal Agreement for Joint Planning Area between Orange County and the City of Winter Garden.

- (12) All development within the urban village planned unit development shall comply with the Wekiva Parkway and Protection Act, and shall meet or exceed the standards of the Resource Protection Overlay as established by the City's Comprehensive Plan. In the event of a conflict or conflicts between the Urban Village Planned Unit Development zoning district and the Resource Protection Overlay, the Resource Protection Overlay shall control to the extent such conflict exists.

The proposed UVPUD will comply with the Wekiva Study Area Resource Protection Overlay requirements as stipulated in the City's Comprehensive Plan. The proposed UVPUD will meet the Wekiva Open Space requirements, stricter Wekiva drainage requirements and karst feature setbacks and buffering.

- (13) Maximum density in the urban village planned unit development for any neighborhood shall be four dwelling units per gross acre except in the village center where the density may be up to 12 dwelling units per gross acre. However, certain neighborhoods may use residential

clustering while maintaining the overall maximum density for the neighborhood. Maximum intensity for non residential development is 0.3 floor area ratio.

The proposed UVPUD development plan will have a gross developable density of 3 dwelling units per acre within the low density residential zone and 12 dwelling units per acre within the mixed-use zone. The maximum FAR for commercial development within the mixed-use zone will be 0.3.

- (14) Stormwater facilities within the urban village residential planned unit development shall generally be designed as amenities and low impact design (LID) techniques will be used where practical.

The proposed UVPUD will incorporate stormwater facilities and ponds into the design of the community through placement of the facilities where they function as both visual features and buffers, while also meeting the stricter Wekiva Study Area requirements.

- (15) New development shall connect to City utilities, potable water, sanitary sewer, and reclaimed water when available.

The proposed UVPUD will extend lines for and make connection to city utilities, water, wastewater, and reclaimed water at the developer's expense.

- (16) Residential and nonresidential uses are allowed in the village center and may occupy the same building where nonresidential occupies the first floor with residential on the upper floors.

The proposed UVPUD, which is located within the village center, allows for mixed uses including live/work units and upper story residential units, which will be permitted in compliance with the requirements stipulated within the UVPUD zoning district.

- (17) Accessory dwelling units, not to exceed 850 square feet, above garages shall be allowed for a maximum of 50% of the residential units in the urban village planned unit development. These additional accessory units shall not be counted towards the density.

The proposed UVPUD does not preclude the development of "granny flats", which will be permitted in compliance with the requirements stipulated within the UVPUD zoning district.

Consistent with the goal of ensuring the entirety of lands designated with the urban village future land use designation develop in such a way as to meet the goals and policies of the comprehensive plan, the city commission shall have the flexibility in deciding whether to require a mixture of residential and non-residential uses and a variety of housing types and lot sizes within individual urban village planned unit developments based on anticipated development patterns.

The urban village planned unit development shall be located in the urban village future land use designation as defined in the city's comprehensive plan, or in such other areas as determined by city commission.

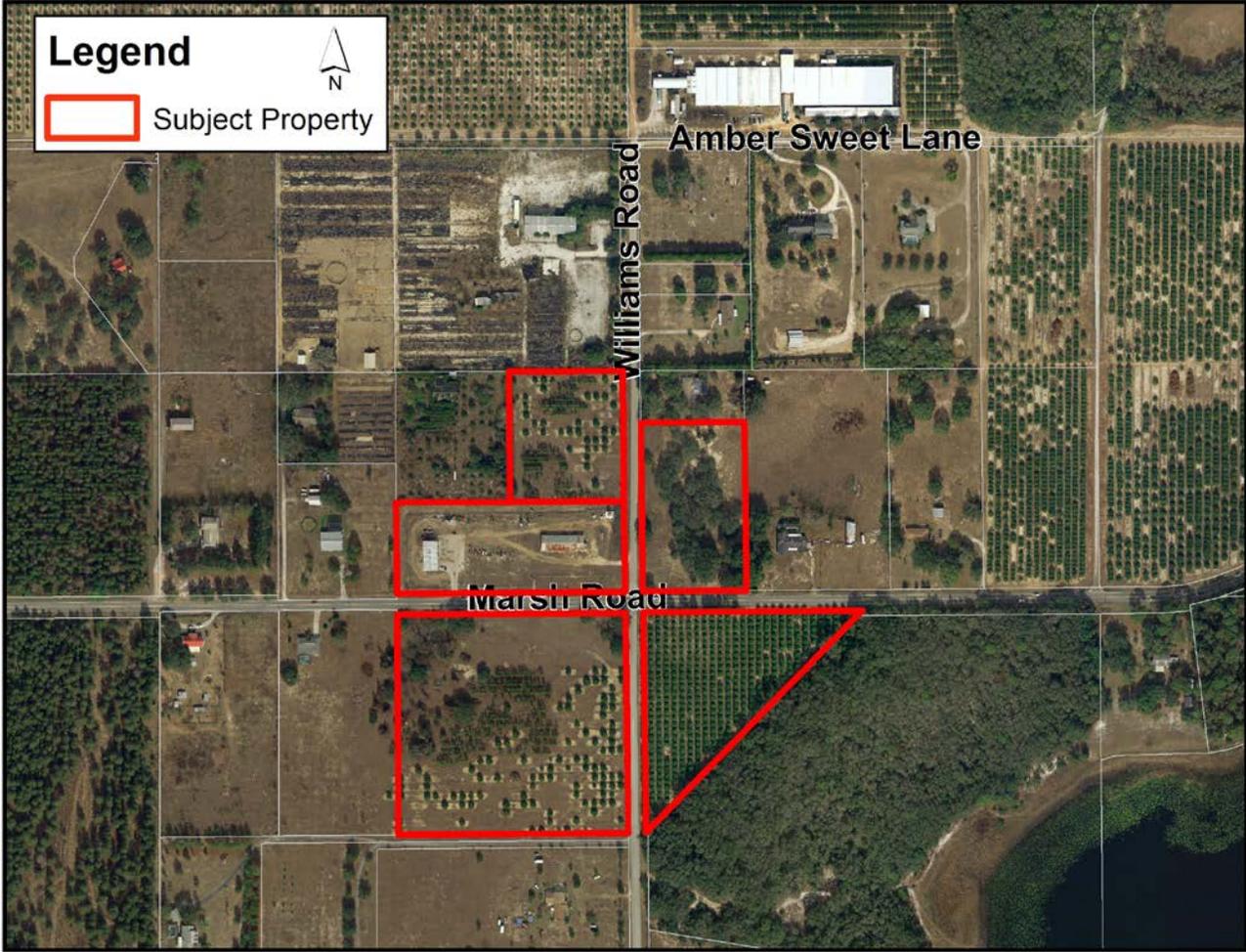
SUMMARY

City Staff recommend approval of the proposed Ordinance 15-04. Rezoning the subject property from City NZ to City UVPUD is consistent with the City's Comprehensive Plan, Future Land Use Map and land development regulations, and is consistent with the trend of development in

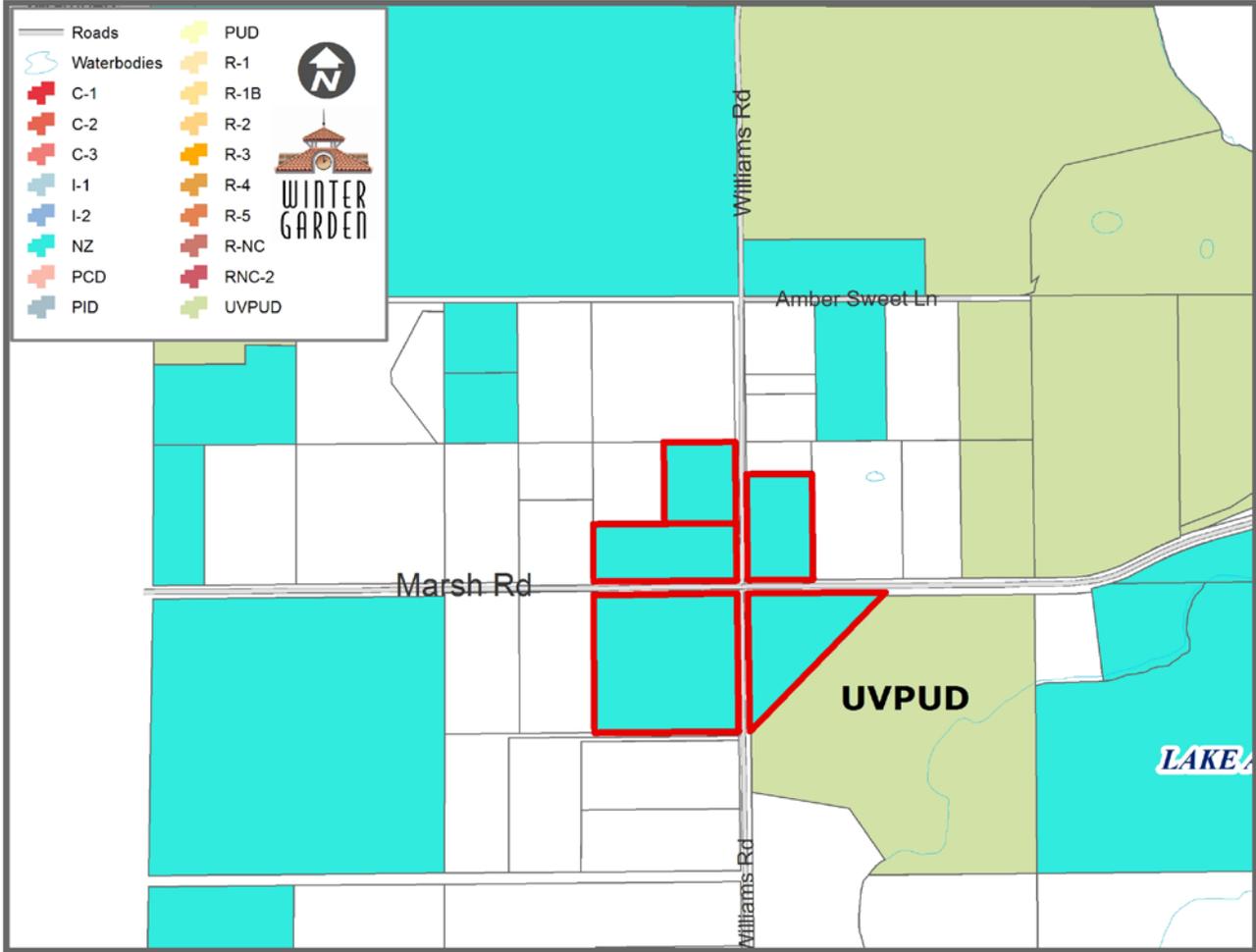
the area.

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

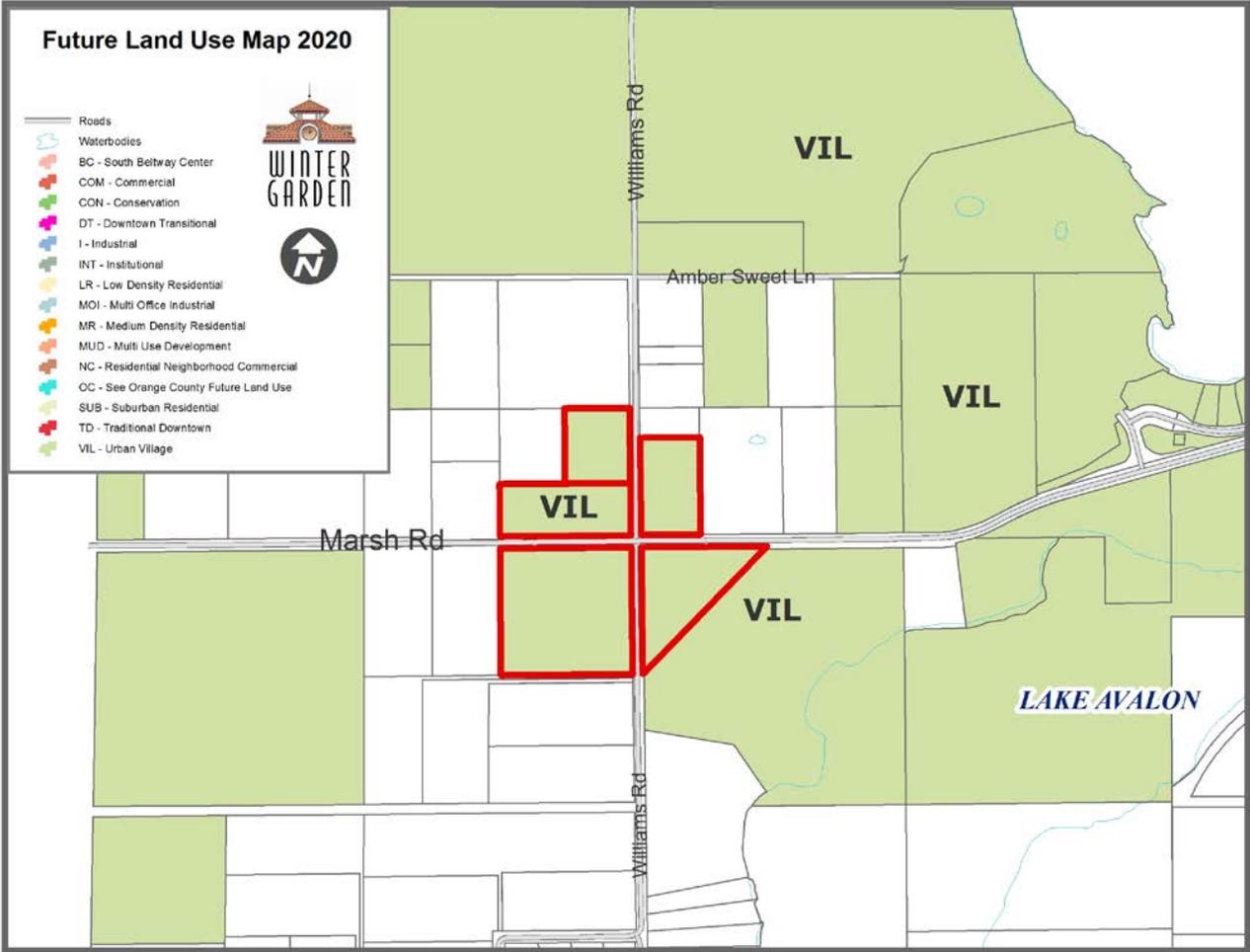
AERIAL PHOTO
17500 Marsh Road



ZONING MAP
17500 Marsh Road



FUTURE LAND USE MAP
17500 Marsh Road



END OF STAFF REPORT

ORDINANCE 15-04

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 23.64 ± ACRES OF CERTAIN REAL PROPERTY GENERALLY LOCATED ON THE NORTH, SOUTH, EAST, AND WEST CORNERS OF THE INTERSECTION OF MARSH ROAD AND WILLIAMS ROAD AT 17416, 17451, 17500, AND 17501 MARSH ROAD AND 2002 WILLIAMS ROAD, FROM CITY NO ZONING (NZ) TO CITY URBAN VILLAGE PLANNED UNIT DEVELOPMENT (UVPUD); DESCRIBING THE DEVELOPMENT AS THE FOUR CORNERS UVPUD; PROVIDING FOR CERTAIN UVPUD REQUIREMENTS; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Owner(s) of real property generally described as approximately 23.64 ± acres of certain real property generally located on the north, south, east, and west corners of the intersection of Marsh Road and Williams Road at 17416, 17451, 17500, and 17501 Marsh Road and 2002 Williams Road in Winter Garden, Florida, being more particularly described on Exhibit “A” attached hereto and incorporated herein by this reference (the “Property”), desire to rezone their property from City NZ to City UVPUD, and

WHEREAS, after public notice and due consideration of public comment, the City Commission of the City of Winter Garden hereby finds and declares the adoption of this Ordinance and the proposed development of the Property is consistent with the City of Winter Garden Comprehensive Plan, the Sixth Amendment to the Restated Interlocal Agreement for Joint Planning Area between Orange County and the City of Winter Garden, and the City of Winter Garden Code of Ordinances, and

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

SECTION 1: Rezoning. After due notice and public hearing, the zoning classification of the Property, as described in Exhibit “A” attached hereto, is hereby rezoned from City NZ to City UVPUD in the City of Winter Garden, Florida subject to the following conditions, provisions and restrictions:

- a. **Preliminary Plan-** All development on the Property must substantially conform to the requirements identified in the Four Corners Urban Village Planned Unit Development Preliminary Plan attached hereto as Exhibit “B.” Should any conflict be found between this Ordinance and the Four Corners Urban Village Planned Unit Development Preliminary Plan attached hereto as Exhibit “B”, then the standards and conditions established by this

Ordinance shall control.

- b. **Zoning-** Unless specifically noted elsewhere in Exhibit “B” attached hereto, all development on the Property must comply with the general zoning requirements of the Urban Village Planned Unit Development Zoning District.
- c. **JPA-** Unless specifically noted elsewhere in Exhibit “B” attached hereto, all development of the Property must conform to the requirements of the Sixth Amendment to the Restated Interlocal Agreement for Joint Planning Area between Orange County and the City of Winter Garden dated January 24, 2007.
- d. **Permitted, Special Exception, and Prohibited Uses**

1. Low Density Residential Zone

- a. **Permitted Uses** – The Permitted Uses allowed in this zone within the subject property are as follows:
 - Residential Dwelling Units including single-family and multi-family housing in accordance with the density requirements of this zone.
 - Public Parks and Recreation Facilities
 - Retention Areas
- b. **Prohibited Uses and Structures**– The Prohibited Uses and Structures in this zone within the subject property are as follows:
 - Commercial Uses
 - Apartment Complexes
 - Communication Towers
 - House trailers in vacant lots or residential yards
 - Any structure or use of a nature not specifically or provisionally permitted in this division.

2. Mixed Use Zone

- a. **Permitted Uses** - The Permitted Uses allowed in this zone within the subject property are as follows:
 - All uses permitted in the Low Density Residential Zone.
 - Retail Stores and shops of a neighborhood convenience.
 - Dry Cleaning and Laundry Facilities
 - Bakeries and neighborhood food service

- establishments
- Drug Stores and Sundries
- Professional Offices and Studios
- Personal Services
- Laboratories and Clinics
- Live / Work Units
- Upper-Story Residential Dwelling Units
- Nursing Homes
- Civic Facilities

b. Special Exception Uses and Structures – The Special Exception Uses and Structures in this zone within the subject property are as follows:

- Outdoor Sales Displays
- Fuel sales (only one location is permitted within this UVPUD)
- Buildings with drive thru lanes with a maximum one such building per quadrant. Lanes may not face Marsh Road or Williams Road and there may be no direct access to either road.
- All types of businesses in buildings not of standard construction or without restroom facilities

c. Prohibited Uses and Structures – The Prohibited Uses and Structures in this zone within the subject property are as follows:

- Manufacturing and industrial activities, transportation terminals, storage warehousing and other activities of a similar nature.
- Apartment Complexes
- All uses not specifically or provisionally permitted in this division; any use not in keeping with a low-density commercial character.
- Communication Towers
- Schools / Daycares

e. Design Criteria/Architectural Standards-

1. Low Density Residential Zone:

a. Architectural Review - Elevations of the front and rear building exposures and any side building exposures visible from a public right-of-way must be provided and approved as part of the site plan approval process.

b. Lot Size- Minimum lot width shall be 75 feet for detached housing units and 24 feet for attached housing units.

c. Density- Maximum residential density permitted in this zone shall be 3 dwelling units per acre.

d. Building Height- Maximum building height shall be 35 feet.

e. Minimum Living Area- Minimum living area for each residential unit shall be 1,500 square feet for detached housing units and 1,300 square feet for attached housing units.

f. Signage- All signage shall be reviewed and permitted by the City of Winter Garden. Electronic message centers are prohibited.

g. Setbacks and Required Yards-

i. All residential development shall be set back no less than 100 feet from the limits of Unincorporated Orange County parcels located outside the JPA 6 Expansion Area.

ii. Side yard setbacks shall be no less than 7.5 feet and shall be unobstructed by any mechanical equipment including, but not limited to, AC units, pool equipment, water filtration systems, gas tanks, propane tanks, and any other utility or service equipment; rear yard setback shall be no less than 25 feet; and front yard setback shall be no less than 25 feet with the exception of homes with 5 foot recessed garage or side loaded garage which shall maintain a 20 foot front yard setback. Any landscaping or fencing installed within the setback areas shall be designed and constructed so as not to interfere with any easement function.

2. Mixed Use Zone:

a. Architectural Standards- All commercial buildings and sites shall adhere to the Four Corners Urban Village Planned Unit Development Commercial Design Guidelines, attached hereto as Exhibit "C".

b. Architectural Review- Elevations of all four building exposures must be provided and approved as part of the site plan

approval process. The elevations must be compliant with the general architectural design criteria identified in Exhibit "C".

c. Landscape Design - Unless specifically identified or allowed in Exhibit "C", all commercial sites shall be required to adhere to the landscape design standards for specified commercial corridors in accordance with Chapter 118, Article X, Division 3 of the City of Winter Garden Code of Ordinances.

d. Density- Maximum residential density permitted in this zone shall be 12 dwelling units per acre.

e. Commercial Floor Area Ratio (FAR) & Maximum Area- Non-residential uses may not exceed a FAR of 0.30. The maximum area of commercial space permitted within this UVPUD shall be 90,000 square feet for retail uses and 80,000 for professional office uses not to exceed a combined total of 115,000 square feet.

f. Building Height- Maximum building height shall be 40 feet, not to exceed two stories.

g. Signage- All signage shall be reviewed and permitted by the City of Winter Garden. Unless specifically identified or allowed in Exhibit "C", all signs for commercial uses shall comply with the City of Winter Garden's commercial sign standards in accordance with Chapter 102, Article III, Division 3 of the City of Winter Garden Code of Ordinances. Electronic message centers are prohibited.

h. Cross Access Corridors- Use of cross-access corridors and driveways is required for commercial properties located adjacent to Marsh Road and Williams Road.

i. Setbacks and Lot Standards-

i. All commercial development shall be set back no less than 500 feet from the limits of Unincorporated Orange County parcels located outside the JPA 6 Expansion Area.

ii. All commercial and mixed-use buildings shall be set back no less than 50 feet adjacent to Marsh Road and 25 feet adjacent to Williams Road. All residential buildings shall be set back no less than 50 feet adjacent to Marsh Road and 25 feet adjacent to Williams Road.

- iii. One story commercial buildings shall be set back no less than 50 feet when located adjacent to a residential parcel. Two story commercial buildings shall be set back no less than 100 feet when located adjacent to a residential parcel. Within this UVPUD boundary, the buffers between single family residential lots and commercial buildings shall be as described above.
- iv. Distances between structures in this zone shall comply with the Urban Village Planned Unit Development requirements in accordance with Chapter 118, Article V, Division 2, Subdivision II.
- v. Setbacks:
 - a. Commercial structures, Mixed-Use structures, and Multi-Family Residential units: Internal side yard setbacks shall be no less than 10 feet; Corner side yard setbacks shall be no less than 20 feet; rear yard setbacks shall be no less than 15 feet; and front yard setback shall be no less than 20 feet.
 - b. Single Family Residential Uses: All single-family residential uses shall comply with the setback requirements of the Low Density Residential Zone.

f. Common Recreation and Open Space-

The Property is located within the Resource Protection Overlay, and in compliance with the City of Winter Garden Comprehensive Plan Future Land Use Element Policies 1-3.1.7 and 1-3.1.8 will provide no less than 25% Wekiva Study Area Open Space.

To the greatest extent possible, 5% of the developable area of the Property (which may be within the 25% Wekiva Study Area Open Space) shall be set aside for active, dry-land recreational use. In the event that this requirement cannot be met wholly or in part, then a financial contribution in accordance with Chapter 110, Article V, Division 2 of the City Code of Ordinances shall be made to the City Recreation Fund to fulfill the requirement.

g. Setback and Buffer Areas

Permitted uses within all setback and buffer areas include retention, passive recreation, and landscape areas.

h. Lighting

a. Site Lighting

Unless specifically identified or allowed in Exhibit “C”, all external site lighting for buildings, parking areas and pedestrian walkways shall comply with the lighting design standards, requirements, and regulations pertaining to specified commercial corridors within the City of Winter Garden in accordance with Chapter 118, Article X, Division 4.

b. Street Lighting

All lighting provided along public and private streets shall comply with the requirements pertaining to construction and installation of public improvements in accordance with Appendix A, Article II, Section 2.09.

c. Dark-Sky Requirement

All light fixtures shall adhere to dark-sky requirements. Fixtures shall be full cutoff casting zero light above 90 degrees.

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

1. Extension of utility lines, sized to accommodate the Project, to proposed development will be at the developer’s expense in accordance with Chapter 78, Article VI of the City of Winter Garden Code of Ordinances.
2. A master utilities analysis is required to be provided to the City for review prior to approval of preliminary plat and may include an upsizing agreement with the City.
3. Permits or exemptions are required from SJRWMD (stormwater) and FDEP (water, wastewater, NPDES) prior to construction.
4. Provide flow calculations for Utility Department verification of water and sewer impact fees. Final plans will not be approved for construction until utility impact fees have been paid and FDEP permits have been issued.
5. No fill or runoff will be allowed to discharge onto adjacent properties without the necessary easements; existing drainage patterns shall not be altered. Provide erosion control plan prior to issuance of building permit. Site construction shall adhere to the City of Winter Garden erosion and sediment control requirements as contained in Chapter 106 – Stormwater of the City of Winter Garden Code of Ordinances.

6. Once the plans are approved, a preconstruction meeting is required prior to any commencement of construction. The applicant shall pay all engineering review and inspection fees at the preconstruction meeting prior to construction. Provide certified engineer's cost estimate or executed construction contract as basis of inspection fees (2.25%).
7. The City of Winter Garden is not authorizing or approving drainage discharges onto private property or property owned or controlled 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. Maintenance of project-related on-site or off-site drainage improvements will be the responsibility of the Owner, not the City.
8. Providing positive drainage within the site is the responsibility of the Design Engineer. The City will not maintain any portion of the on-site drainage systems or parking lot(s).
9. If approval is granted by the City of Winter Garden, it does not grant authority to enter, construct or otherwise alter the property of others, nor does it waive any permits that may be required by federal, state, regional, county, municipal or other agencies that may have jurisdiction.
10. Required buffer areas and setbacks from currently-mapped Karst features are shown on Exhibit "B". These areas shall be maintained in compliance with the Wekiva Protection Act and the City of Winter Garden Comprehensive Plan. One access on Williams Road through the north part of the Karst buffer is permitted to be constructed for access to the northeastern parcel.

SECTION 2: *General Requirements.*

- a. **Development Agreement-** A Development Agreement must be approved and recorded prior to adoption of this rezoning ordinance. The Development Agreement shall include, but is not limited to, fair-share costs for intersection improvements, utilities, right-of-way dedication, water tank site dedication, transportation/roadway system, design standards, impact fees, stormwater, signage, and schools.
- b. **Stand Alone Clause-** If the development is phased, 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.

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

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

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

FIRST READING AND PUBLIC HEARING: _____, 2015.

SECOND READING AND PUBLIC HEARING: _____, 2015.

ADOPTED this _____ day of _____, 2015, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

JOHN REES, Mayor/Commissioner

ATTEST:

KATHY GOLDEN, City Clerk

Exhibit "A"

LEGAL DESCRIPTION

PARCEL A (ORB 4452, PG 4660)

THE N 395 FEET OF THE E 1/2 OF LOT 30H AND THE N 395 FEET OF THE W 1/2 OF LOT 30H, LAKE AVALON GROVES REPLAT, PLAT BOOK H, PAGE 81, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA. ALL IN SECTION 6, TOWNSHIP 23 SOUTH, RANGE 27 EAST.

PARCEL B (PER PROPERTY APPRAISER WEBSITE)

LAKE AVALON GROVES REPLAT H/81 W1/2 OF LOT 30-H (LESS N 371 FT) & E1/2 OF LOT 30-H (LESS 371 FT).

PARCEL C

LOT 33H, LAKE AVALON GROVES, AS RECORDED IN PLAT BOOK H, PAGE 81 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA

PARCEL D (ORB 3308, PG 1285)

THE SOUTH ONE QUARTER OF TRACT 17-D, AND THE SOUTH ONE-HALF OF TRACT 18-D, AND ALL OF TRACT 41-H, OF LAKE AVALON GROVES, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK H, PAGE 24, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

PARCEL E (ORB 2937, PG 479)

THE WEST 4.37 ACRES OF LOT 31, BLOCK H, LAKE AVALON GROVES, AS RECORDED ON PLAT BOOK H, PAGE 81, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, LESS: BEGIN AT THE NORTHWEST CORNER OF LOT 31-H, LAKE AVALON GROVES, AS RECORDED IN PLAT BOOK H, PAGE 81, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, THEN RUN SOUTH ALONG THE WESTERN BOUNDARY OF SAID LOT 31-H, A DISTANCE OF 148 FEET, THEN RUN EAST PARALLEL TO THE NORTHERN BOUNDARY OF SAID LOT 31-H, A DISTANCE OF 295 FEET, THEN RUN NORTH AND PARALLEL WITH THE WESTERN BOUNDARY OF SAID LOT A DISTANCE OF 148 FEET TO THE NORTH LINE OF SAID LOT THEN RUN WEST ALONG SAID NORTH LINE 295 FEET, MORE OR LESS TO THE POINT OF BEGINNING.

URBAN VILLAGE PLANNED UNIT DEVELOPMENT PRELIMINARY PLAN

A URBAN VILLAGE PUD IN THE CITY OF WINTER GARDEN, FLORIDA

FOUR CORNERS

PARCEL ID. NUMBERS: 06-23-27-4288-08-302,
06-23-27-4288-08-304, 06-23-27-4288-08-310,
06-23-27-4288-08-330, 06-23-27-4288-08-410

NOVEMBER 2014

PROJECT DESCRIPTION

A NEIGHBORHOOD CENTER WITH COMMERCIAL, OFFICE, CIVIC AND MUNICIPAL USES.

LEGAL DESCRIPTION

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OWNER/APPLICANT

MAURICE M. BOYD
P.O. BOX 979
WINTER GARDEN, FLORIDA 34760
PHONE: (407) 656-1333

ENGINEER/SURVEY/ENVIRONMENTAL

DEWBERRY-BOWYER-SINGLETON
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ORLANDO, FLORIDA 32801
PHONE: (407) 843-5120
CONTACT: SCOTT STEARNS, P.E.

GEOTECHNICAL ENGINEER

UNIVERSAL ENGINEERING SCIENCES, INC.
3532 MAGGIE BOULEVARD
ORLANDO, FLORIDA 32811
PHONE: (407) 423-0504
CONTACT: ARAVIND RANGASWAMY, M.S., P.E.

TRAFFIC ENGINEER

LUKE TRANSPORTATION ENGINEERING CONSULTANTS, INC.
29 EAST PINE STREET
ORLANDO, FLORIDA 32828
PHONE: (407) 423-8055
CONTACT: J. ANTHONY LUKE, P.E.

LANDSCAPE ARCHITECT

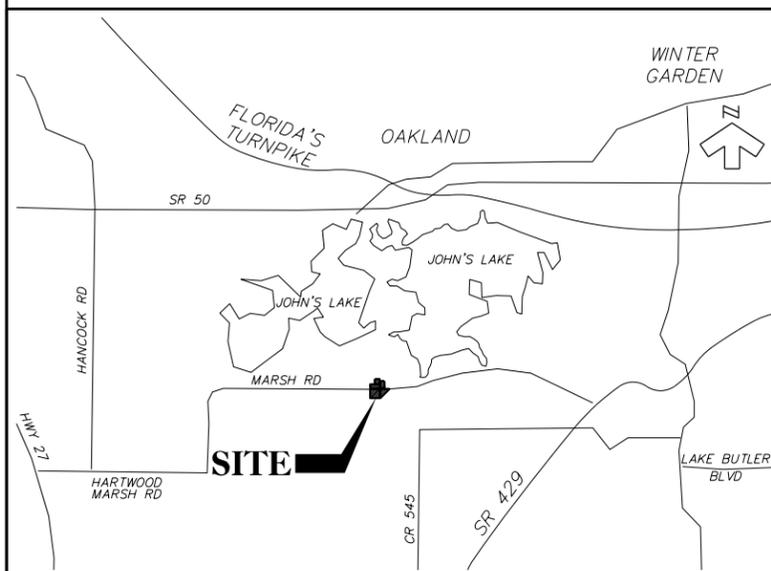
DEWBERRY-BOWYER-SINGLETON
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ORLANDO, FLORIDA 32801
PHONE: (407) 843-5120
CONTACT: MICHAEL C. HOLBROOK, L.A.

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2	URBAN VILLAGE PUD PRELIMINARY PLAN
3	URBAN VILLAGE TYPICAL SECTIONS
4	BOUNDARY SURVEY & EXISTING CONDITIONS PLAN

THIS IS TO CERTIFY THAT THE ROADWAY CONSTRUCTION PLANS AND SPECIFICATIONS AS CONTAINED HEREIN WERE DESIGNED TO APPLICABLE STANDARDS AS SET FORTH IN THE "MANUAL OF UNIFORM MINIMUM STANDARDS FOR DESIGN, CONSTRUCTION AND MAINTENANCE FOR STREETS AND HIGHWAYS" AS PREPARED BY FLORIDA DEPARTMENT OF TRANSPORTATION.

PREPARED FOR
STANDARD PACIFIC OF FLORIDA
44 WEST NEW ENGLAND AVENUE
SUITE 200
WINTER PARK, FLORIDA 32789
CONTACT: STEPHEN POLACHEK
PHONE: (407) 645-6542



SITE LOCATION



FLORIDA
WINTER GARDEN
FOUR CORNERS PUD
CORPORATE OFFICE - 520 SOUTH MAGNOLIA AVENUE - ORLANDO, FLORIDA 32801
407-843-5120 - ENGINEERING BUSINESS - 1221
half size.tbl

REVISIONS	DATE	BY	DESCRIPTION

CONTRACTOR "AS-BUILT'S" hereby state that these "As-Built's" were furnished to the Engineer under my direct supervision and have been reviewed and believe them to be in compliance with my knowledge of what was actually observed upon site observations of the construction.
Contractor's Name: _____
Engineer: _____
Not valid without the signature and the original raised seal of a Florida Registered Engineer.

DATE	AUGUST 2014
DESIGNED	SKH
CHECKED	MSS
SCALE	N/A
PROJECT NO.	EDW03/FOUR CORNERS/PUD
FILE NAME	EDW03-FCover
SHEET	1 OF 4

Exhibit C to Ordinance 15-04
Four Corners Urban Village Planned Unit Development (UVPUD) -UV PUD Commercial Design
Standards (revised October 2014)

1. Project Overview

Located at the intersection of Marsh Road and Williams Road, the “Four Corners” urban development plan is intended to provide a mixture of neighborhood commercial and residential uses. The project objective of the development is to develop a variety of buildings with similar architectural style, a maximum of two stories, with ample open space providing a neighborhood pedestrian friendly environment. Potential development is divided in to two zones as depicted in the attached Preliminary Plan (Exhibit 1). All four parcels include at least a portion of the Mixed Use Zone with allowance of commercial and residential uses. The commercial uses are intended to support the project’s residential development as well as those located in nearby projects. A Low Density zone on the southern parcels is intended to act as a transitional use closer to adjacent residential areas. Site standards are located with City Ordinance 15-04. Access to the development will be from both Marsh Road and Williams Road.

Development Program - All development within the “Four Corners” properties must substantially comply with the Preliminary Plan including buffering and building setbacks (Exhibit 1) and comply with City Ordinance 15-04.

Site Plan Requirements – Site plan is conceptual and is for zoning purposes only. Any new development on the subject properties must submit a detailed site plan and concurrency study.

2. Architectural Character

Design Criteria – The overall commercial architectural design of the “Four Corners” development will have to substantially comply with the following set of design principals and as depicted within artist rendition of “Florida Vernacular” shown in the architectural study sheet (Exhibit 2). Final elevations associated with specific site plans will be subject to change by the end user provided the architectural theme is consistent, standard of quality is maintained and architectural standards are achieved and approved by the City.

A consistent and compatible standard will be applied to all buildings. The purpose of these standards is to plan for a variety of building type compatible and similar to but not identical. The following outline of massing, finishes, treatments, colors and use of materials are representative of a theme and a level of “quality” to be maintained throughout the development.

Although these architectural standards do not specifically address residential design standards, residential development should be stylistically harmonious with the commercial standards. Residential standards will be assessed separately during the subdivision review process.

Varying Building Massing -

- A. Vary massing of all building façades visible to pedestrians and/or vehicles along major internal and external circulation routes.
- B. Special architectural features such as cupolas, clock towers or ornamental portions of parapet walls may exceed the building height limit by 20' provided they comprise no more than 1/3 the length of the building.
- C. Landscaping and planting beds along the building frontage are to be incorporated to enhance varying massing.

Roof Treatments

- A. Roof shapes and building accents shall be consistent and meet all code requirements for the City's Urban Village PUD.
- B. A recognizable "top" should include one or more of the following: cornice treatments, roof overhangs with brackets, stepped parapets, richly textured materials (tile or masonry treatment), and different colored but complimentary materials.

Building Projections and Recesses

- A. Special architectural features, such as bay windows, awnings and canopies are, required. Projection should not obstruct walkways, but may project up to 3' into the front setback.
- B. Building exteriors should provide shelter from sun and rain. Porticos, awnings, arcades and overhangs are particularly appropriate at pedestrian walkways.
- C. Garden structures such as trellises and arbors should be provided between buildings to provide pedestrian connections, seating, and gathering spaces.

Entryways and Arcades

- A. Primary pedestrian entries should be clearly expressed and be recessed or framed by a sheltering element, such as an awning, arcade, porch or portico.
- B. The building's first floor may be recessed from the front setback for the purpose of an arcade. Minimum height of the arcade space should be 10' and the minimum width of the arcade space should be 8'.
 - Each Commercial Building will provide a consistent architectural style, color, façade treatment.
 - All exterior walls of a building should be articulated with a consistent style and complimentary materials. Buildings should use consistent materials and details on all sides that front public streets and major internal circulation routes.

Building Articulation and Theming

- A. A consistent architectural theme (as depicted in Exhibit 2) should be utilized to unify the development, including complimentary colors, finished materials and textures.
- B. Buildings shall be designed to avoid large, uninterrupted façades. No wall facing a street or connecting walkway shall have a blank, uninterrupted façade that exceeds 10' in length.
- C. Ornamental architectural details are required to enhance the overall theme of the development. A minimum of two of the following design details are to be applied for each building frontage using some combination of the following for each building:
 - Planters along public walkways
 - Balconies on the second or third floors
 - Decorative bulkheads
 - Shutters
 - Awnings for windows or balconies
 - Decorative cornice
- D. Store fronts: Display windows should encompass a minimum of 40% and a maximum of 80% of a storefront's lineal frontage.
- E. The non-fronting side of building should carry over a consistent architectural treatment from the storefront.
- F. Ornamental architectural details and window treatments should be utilized to unify the front and non-fronting sides of the buildings.

Retail Lighting

- A. Lighting shall comply with the design standards, requirements, and regulations pertaining to specified commercial corridors within the City of Winter Garden in accordance with Chapter 118, Article X, Division 4.
- B. Free standing light poles may have a light color consistent with themed architecture.
- C. Decorative poles, globes, and other light fixtures that are of a high design quality are encouraged when consistent with the overall building architecture.
- D. Parking lot lighting shall follow City code standards with a maximum of 30 feet pole height including base.
- E. All lighting shall follow "dark-sky" requirements.

Signage and Monuments

- A. Signage will be consistent for each project.
- B. Provide opportunity for community monuments signage/Arrival Signage.
- C. Retail and Office Signage shall utilize ground mounted monuments, with multi-tenant graphics and be ground-lit or have internal lighting.
- D. Community Signage Standards – to meet and exceed the City's requirements and to create a sense of entry into the City of Winter Garden (from the West).

- E. All signage shall be consistent with the established architectural standards and themes.

Landscaping

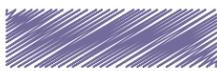
Unless otherwise stated the development shall follow the City's Landscape Code, Article X, division 3, Landscape Design Standards , (**Sec. 118-1421**) requiring all landscaping be designed and located to provide a logical, consistent, and attractive pattern of landscaping that softens the as-built environment, provides visual relief, separates different land uses, eliminates or minimizes potential nuisances or adverse impacts such as dirt, litter, or noise and assists in reducing air pollution hazards.

- A. Incorporate "Florida Friendly" Landscape material into the Commercial and Office Development, to minimize irrigation needs.
- B. All stormwater facilities should be generally designed as landscape amenities utilizing "Low Impact Development" techniques where practical.

Development Zones

-  Low Density Residential Zone
-  Mixed Use Zone

Buffer Zones

-  Karst Feature / Buffer
-  Rural Settlement Buffer

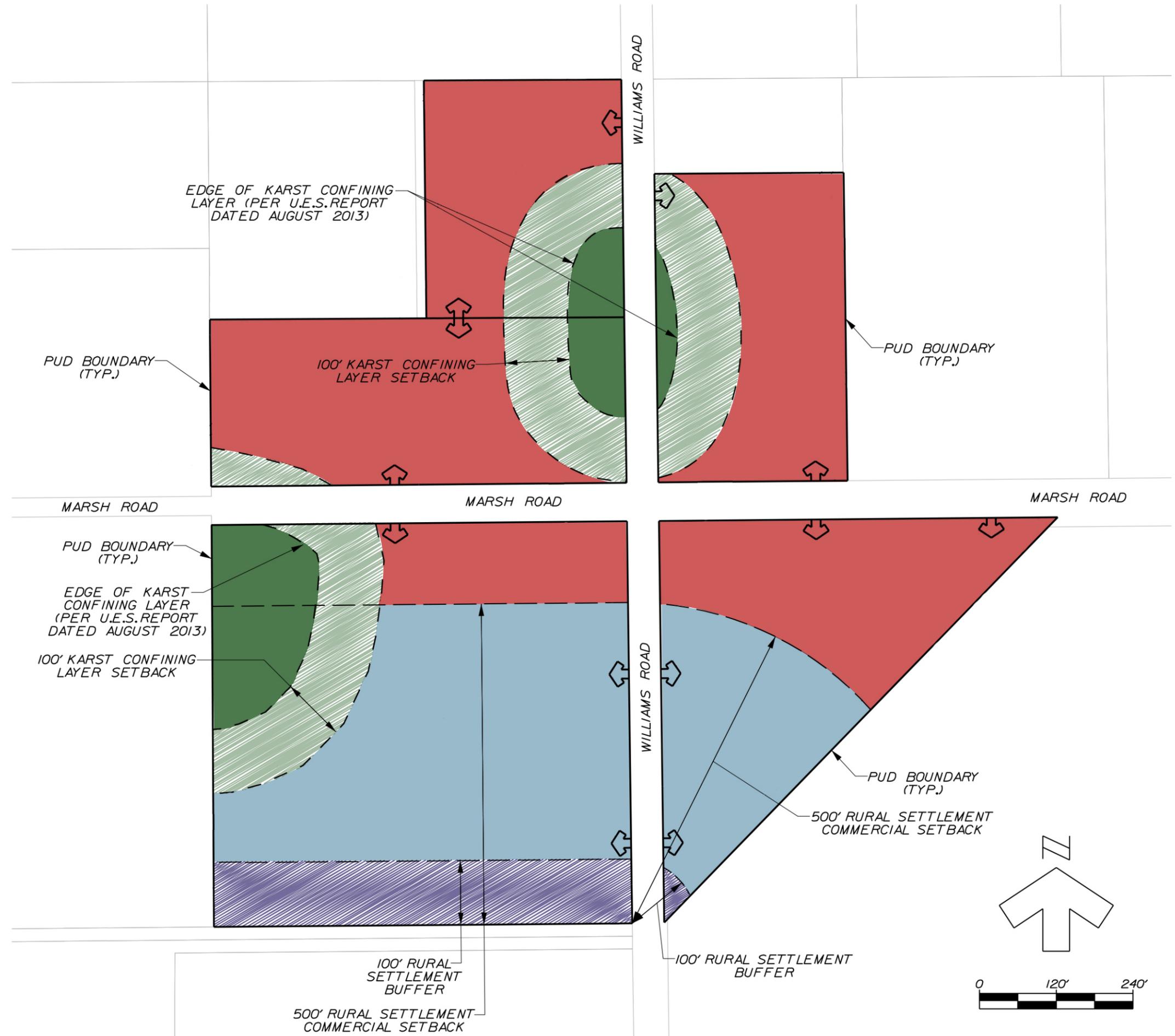


Exhibit 1
Preliminary Plan
Four Corners UVPUD



TYPICAL 1 STORY RETAIL BUILDING CHARACTER



TYPICAL 2 STORY MEDIUM SIZE RETAIL BUILDING CHARACTER



TYPICAL 2 STORY LARGE SIZE RETAIL/COMMERCIAL BUILDING CHARACTER

THE CITY OF WINTER GARDEN
PLANNING AND ZONING BOARD AGENDA ITEM

ITEM # 7 (Public Hearing)

DATE: November 24, 2014 **MEETING DATE:** December 1, 2014

SUBJECT: 1000 Lincoln Terrace (SPECIAL EXCEPTION PERMIT)
PROJECT NAME St Luke's United Methodist Church
PARCEL ID# 24-22-27-0546-02-010

ISSUE: The applicant is requesting a Special Exception Permit to allow for the development of church run office on property located at 1000 Lincoln Terrace.

SUPPLEMENTAL MATERIAL/ANALYSIS:

OWNER/APPLICANT: St Luke's United Methodist Church

CURRENT ZONING: R-5 Zoning District

PROPOSED ZONING: N/A

CURRENT FLU: Low Density Residential

PROPOSED FLU: N/A

SUMMARY:

Applicant proposes to convert an existing house into a church run office that conducts educational programs in the surrounding community.

STAFF RECOMMENDATION(S):

Staff recommends approval of the Special Exception subject to the following conditions:

1. The applicant shall submit for site plan review to review the proposed development of the parking lot.
2. All necessary permits must be obtained before beginning construction or site alterations.

NEXT STEP(S):

Submit for Site Plan Review and building permits.

ATTACHMENT(S):

Location Map
Staff Report

Legend



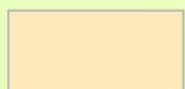
NOT TO SCALE



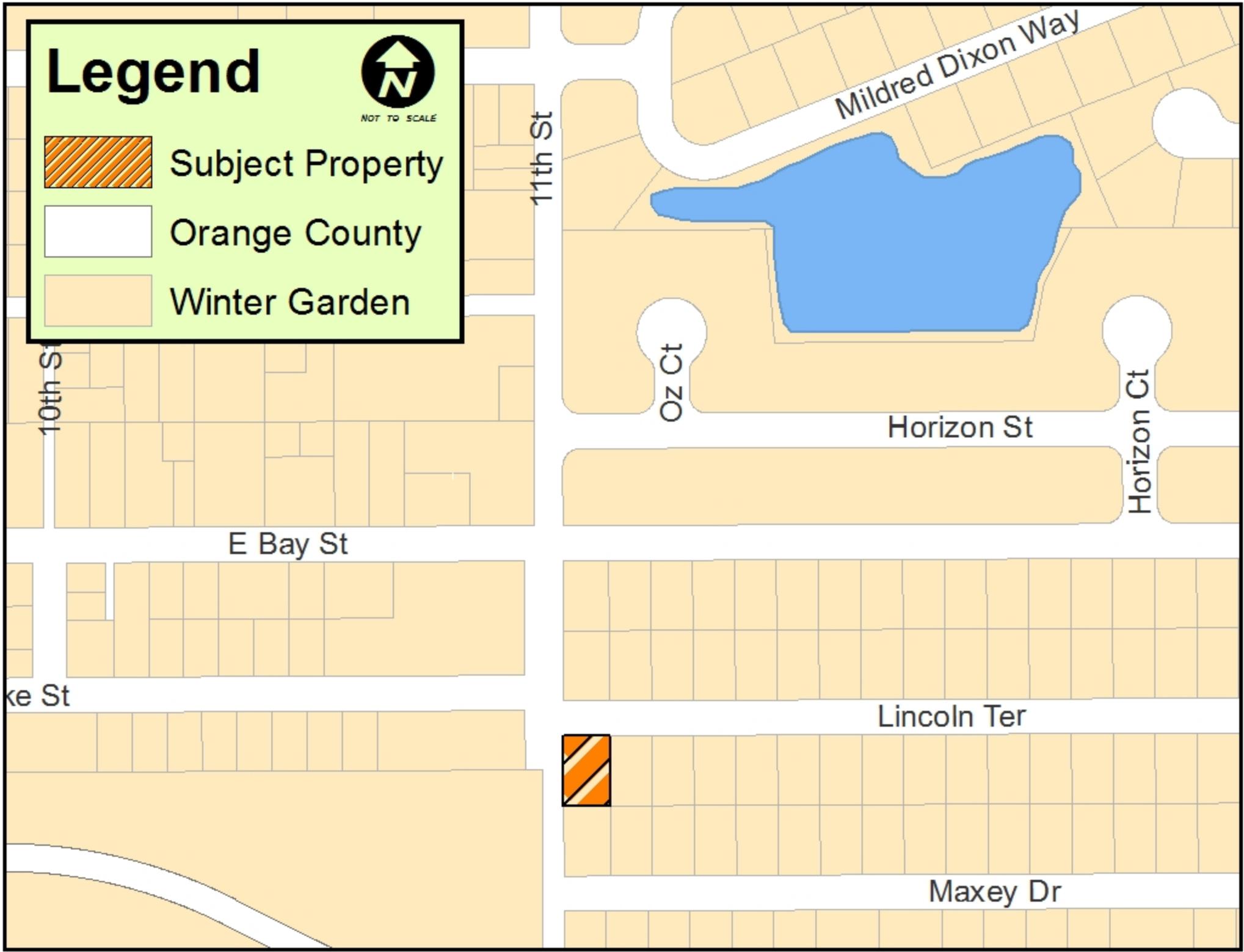
Subject Property



Orange County



Winter Garden



Mildred Dixon Way

11th St

10th St

Oz Ct

Horizon St

Horizon Ct

E Bay St

ke St

Lincoln Ter



Maxey Dr

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PLANNING & ZONING DIVISION

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

STAFF REPORT

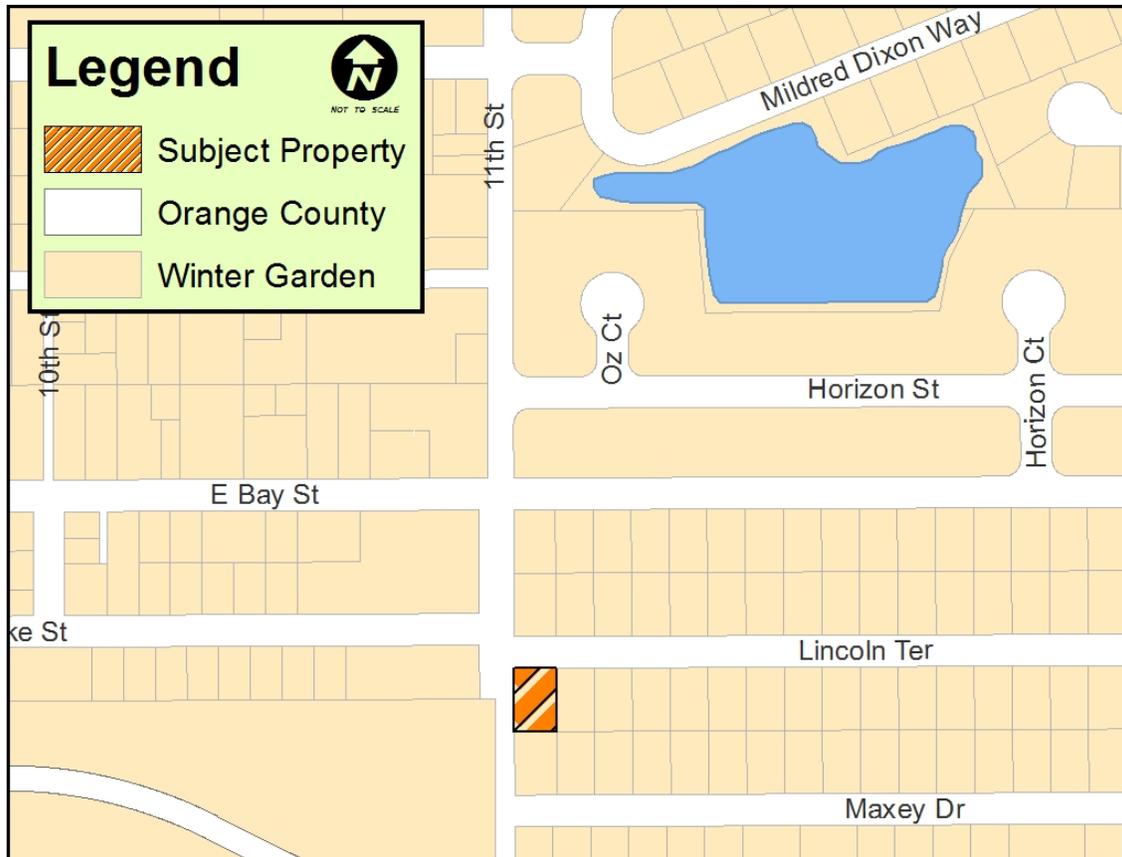
TO: PLANNING AND ZONING BOARD
PREPARED BY: STEVE PASH, COMMUNITY DEVELOPMENT MANAGER
DATE: NOVEMBER 25, 2014
SUBJECT: SPECIAL EXCEPTION PERMIT
1000 Lincoln Terrace (Church Run Office)
PARCEL ID # 24-22-27-0546-02-010

APPLICANT: St. Lukes United Methodist Church

INTRODUCTION

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

The subject property located at 1000 Lincoln Terrace consists of +/- 0.15 acres. 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 development of a church run office to conduct outreach programs in the surrounding community. The subject property is located within the City of Winter Garden municipal limits, carries the zoning designation R-5, and is designated Low Density Residential on the Future Land Use Map of the Comprehensive Plan.

EXISTING/PROPOSED USE

The subject property currently contains one single-family home.

The applicant is requesting the special exception to allow the existing structure to be converted into a church run office space to conduct educational programs in the surrounding community. They will offer classes to help educate people on finance and assist with other housing related issues and they often work with Habitat For Humanity assisting their home buyers.

The R-5 zoning district allows churches through a Special Exception Permit and allowing the church run office facility is consistent with the programs offered at most churches.

ADJACENT LAND USE AND ZONING

The properties located to the north, east, and south of the subject site are zoned R-5, developed with single-family homes, and located in the City of Winter Garden. The properties located to the west of the subject site are zoned RNC-2 and contain Zanders Park and Boulder Pool.

SUMMARY

Staff recommends approval of the proposed Special Exception Permit to allow the church run office on the property located at 1000 Lincoln Terrace with the following conditions:

1. The applicant shall submit for site plan review to review the proposed development of the parking lot.
2. All necessary permits must be obtained before beginning construction or site alterations.

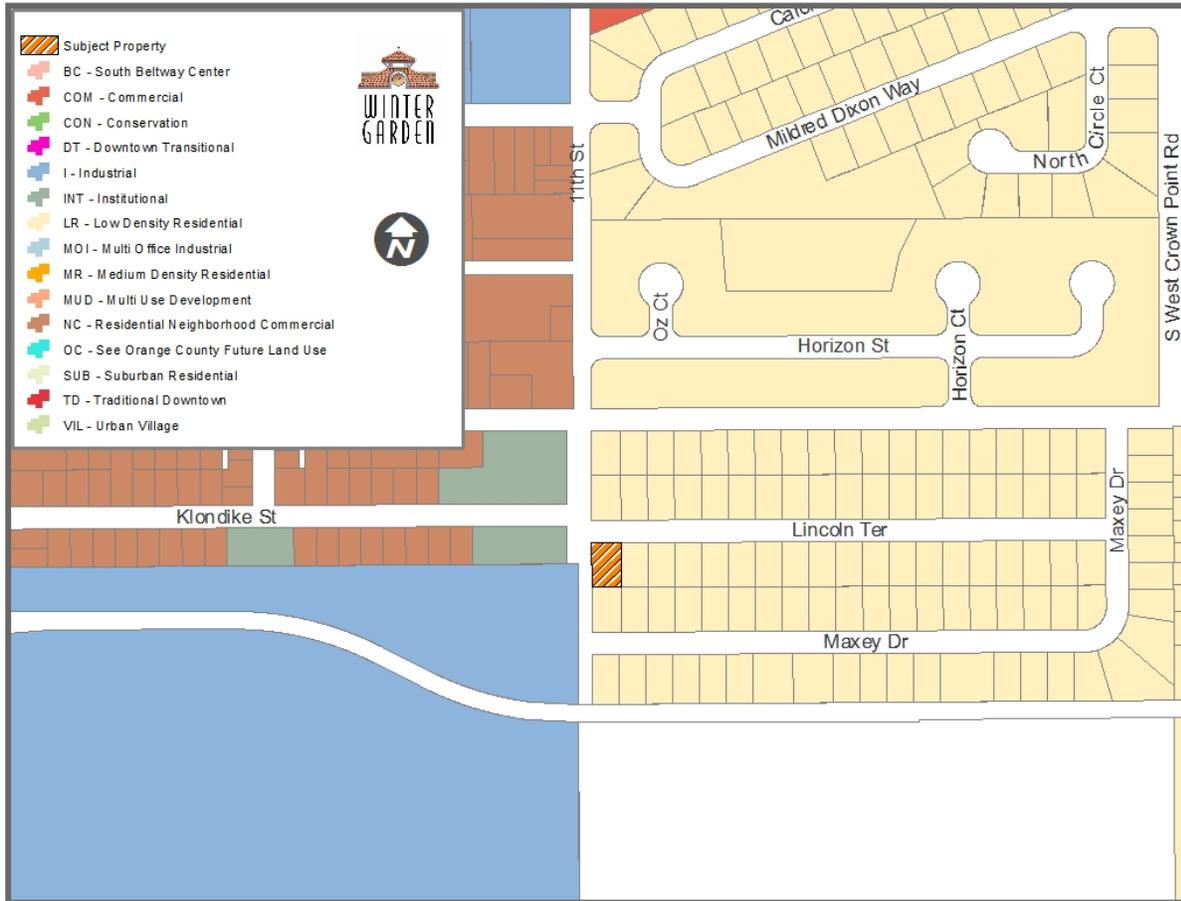
Aerial Map
1000 Lincoln Terrace

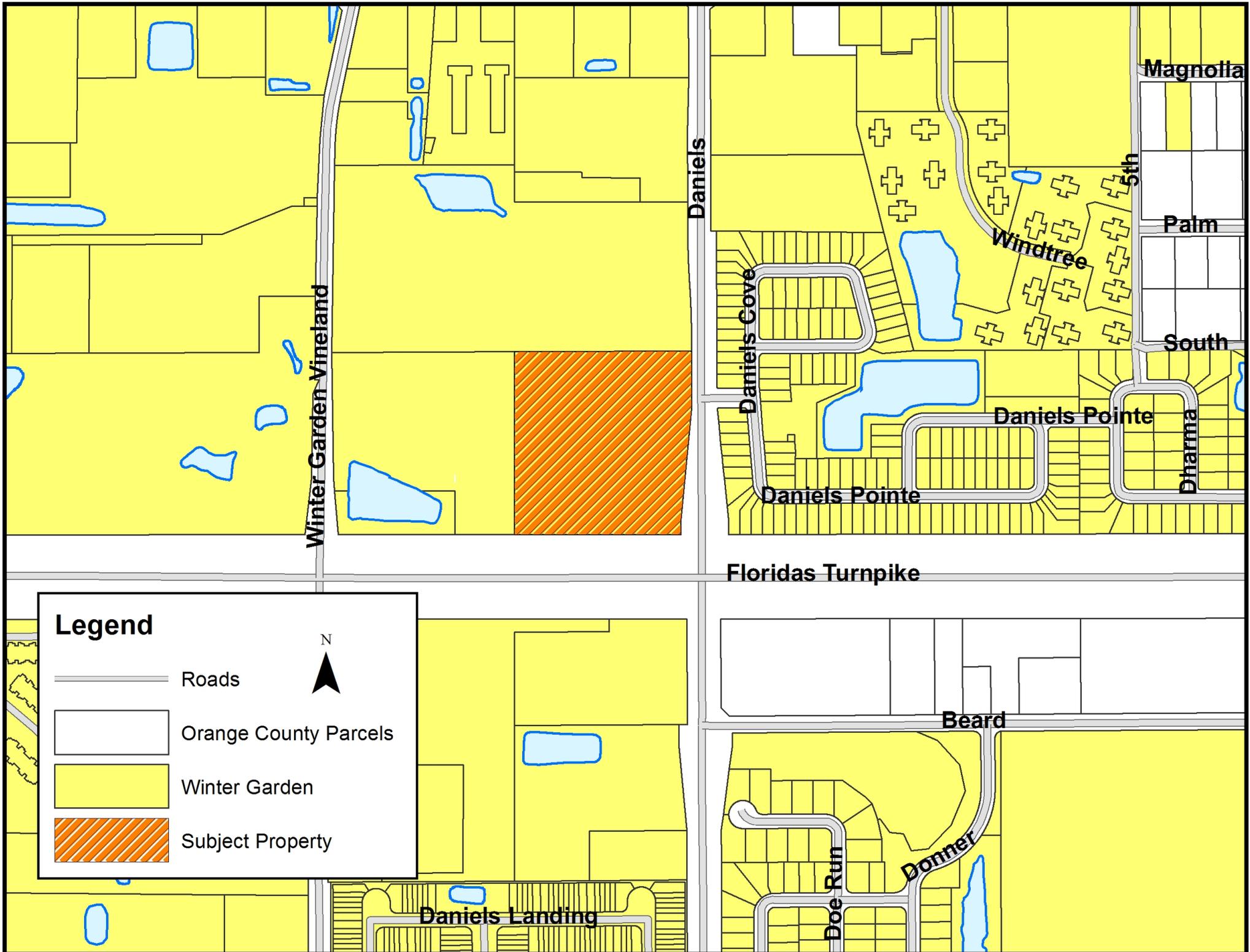


Zoning Map
1000 Lincoln Terrace

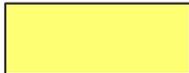


Future Land Use Map 100 Center Street





Legend

-  Roads
-  Orange County Parcels
-  Winter Garden
-  Subject Property

N



Daniels Landing

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STAFF REPORT

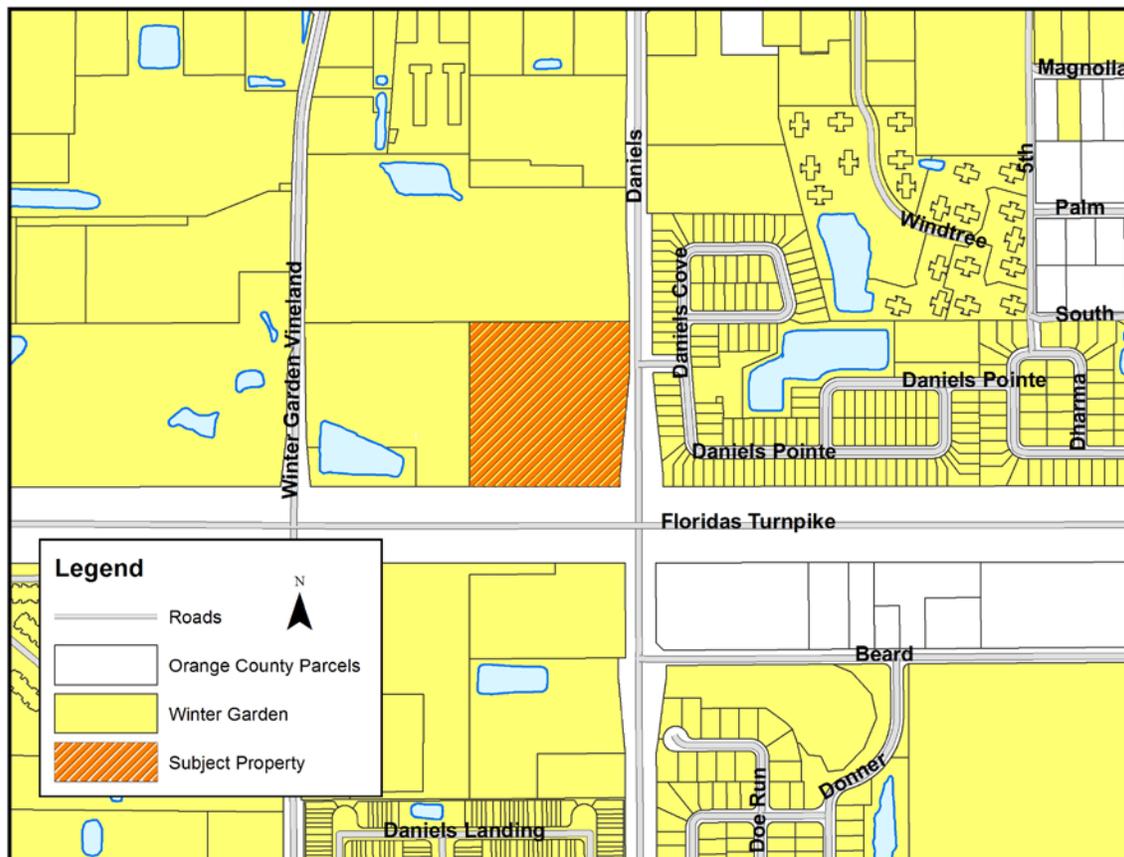
TO: PLANNING AND ZONING BOARD
PREPARED BY: KELLY CARSON, PLANNER II
DATE: JULY 29, 2014
SUBJECT: SPECIAL EXCEPTION PERMIT
1450 Daniels Road (Daycare)
PARCEL ID # 26-22-27-0000-00-014

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

INTRODUCTION

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

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



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

EXISTING/PROPOSED USE

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

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

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

ADJACENT LAND USE AND ZONING

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

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

Garden Municipal Limits.

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

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

SUMMARY

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

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

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

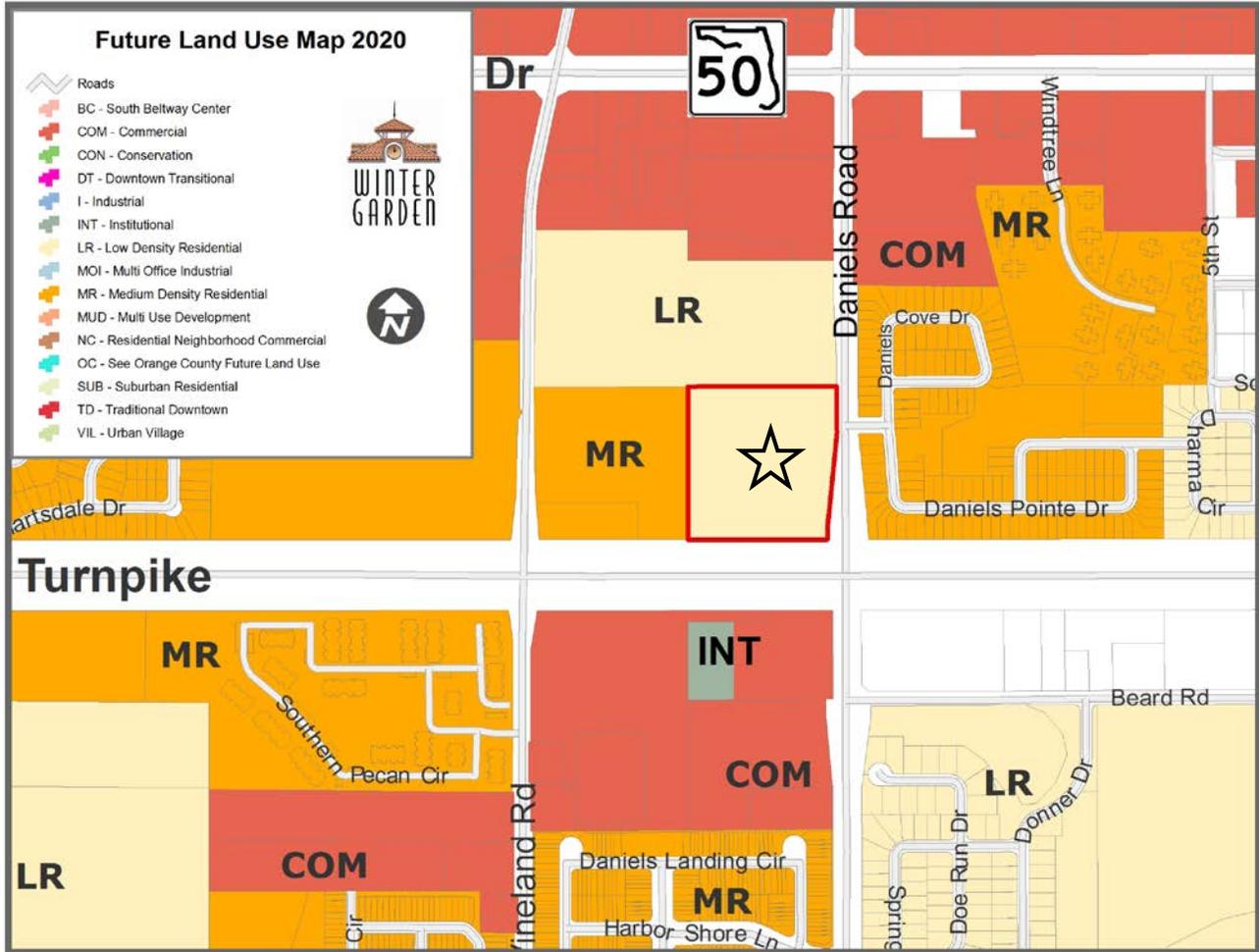
8. Any new signage must comply with the requirements of the Winter Garden Code of Ordinances Chapter 102 - SIGNS.
9. The temporary modular classroom buildings must pass inspection by the Building Department prior to occupancy.

10.

Aerial Map
1450 Daniels Road



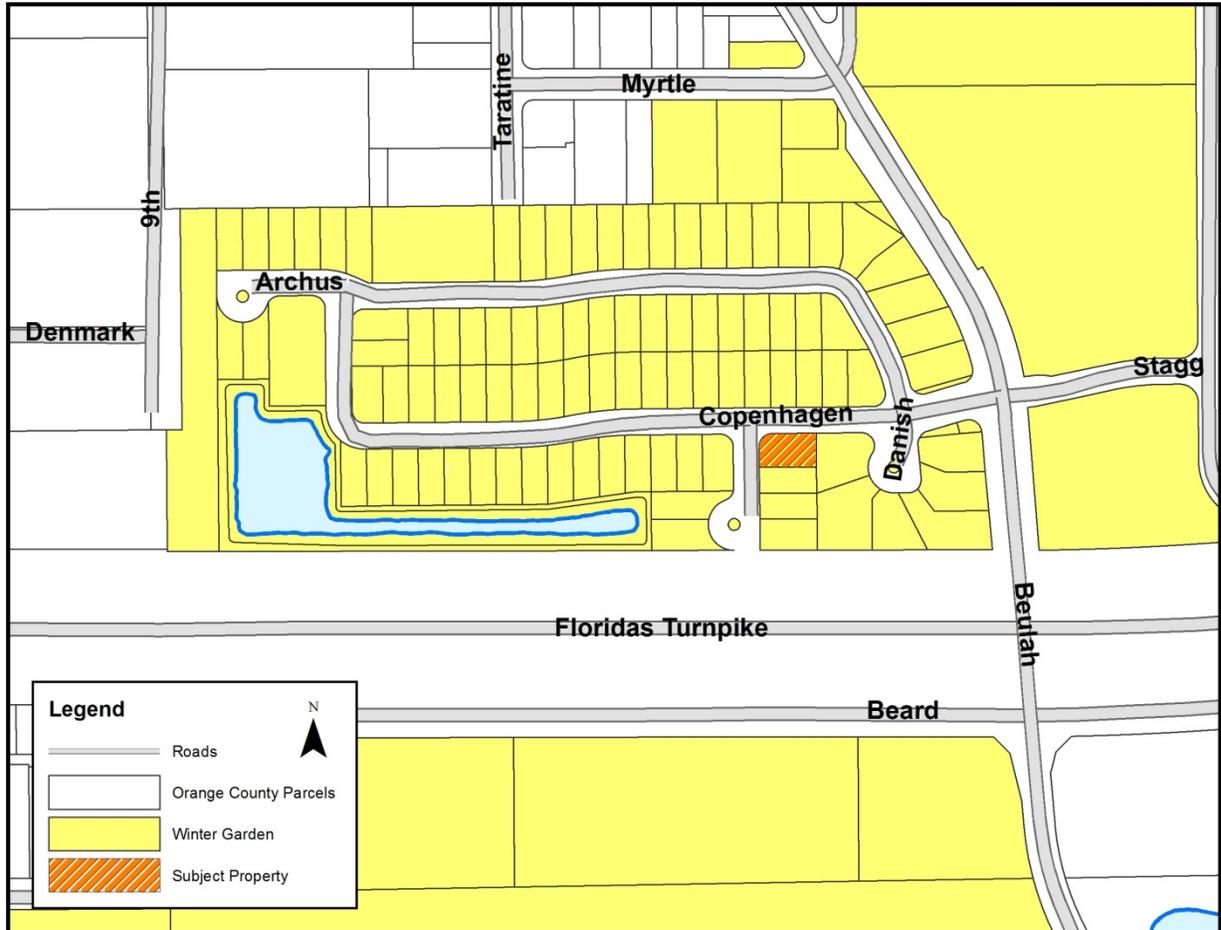
Future Land Use Map
1450 Daniels Road



LOCATION MAP

1403 Alborg Court

VARIANCE



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PLANNING & ZONING DIVISION

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STAFF REPORT

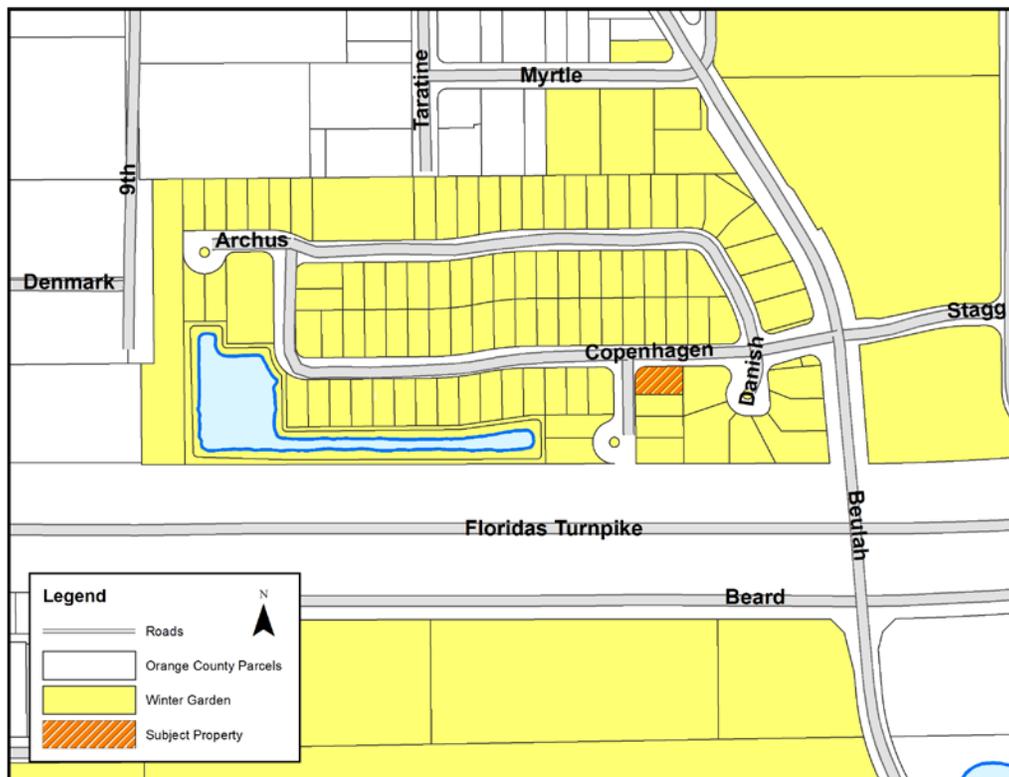
TO: PLANNING AND ZONING BOARD
PREPARED BY: KELLY CARSON, PLANNER II
DATE: NOVEMBER 24, 2014
SUBJECT: VARIANCE
1403 Alborg Court (0.16+/- ACRES)
PARCEL ID # 25-22-27-8283-00-430

APPLICANT: John & Carol Dobson

INTRODUCTION

The purpose of this report is to evaluate the request for a rear yard setback variance for property located at 1403 Alborg Court in Winter Garden, Florida. The request is for a 15 foot rear yard setback in lieu of the required 20 foot rear yard setback. If approved, this variance will allow for the construction of covered screened porch.

The subject property, located on Alborg Court, is an approximately 0.16± acre lot in the Sterling 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 Zoning District) and is designated LR (Low Density Residential) on the Future Land Use Map of the City's Comprehensive Plan.

EXISTING USE

The subject property presently contains a two story 1,882 square foot single-family residential home with an attached 468 square foot garage and a small front porch.

ADJACENT LAND USE AND ZONING

The adjacent properties to the north, south, east, and west of the subject property are all part of the Sterling Pointe Subdivision. They all contain single-family residential homes, have the zoning designation PUD (Planned Unit Development Zoning District), and the future land use designation of LR (Low Density Residential). All adjacent properties are located within the City of Winter Garden municipal limits.

PROPOSED USE

The applicant would like to build a screened porch with an insulated roof attached to the rear of the existing home. The porch footprint will be approximately 570 square feet (38' length running north/south x 15' length running east/west).

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 00-15**, which is the zoning ordinance for the Denmark Groves PUD (which was later renamed Sterling Pointe), also addresses minimum setbacks for residential structures in the neighborhood. **Section 1.1** states, *“The property will be development [sic] in specify [sic] compliance with ATTACHMENT “B” (the PUD plan).”*

As found on **Attachment “B”, Sheet 1, Development Notes, 13. Setbacks:** *“Rear: 20 Feet * 25' for Lots Abutting Beulah Rd.”*

The applicant is seeking a variance to the minimum rear yard setback to allow the proposed covered porch to be built within 15 feet of the rear property line. An existing concrete slab in the rear yard will be removed to facilitate the new construction.

CODE REQUIREMENTS / CRITERIA

Code Requirements/Criteria:

Section 118-131 of the City Code that relates to the review criteria states that, “A variance may be granted from land development regulations by the planning and zoning board if the planning and zoning board concludes that literal enforcement of the provisions of land development regulations would result in either practical difficulties (for setback and parking provisions) or

unnecessary hardships (for all other land development regulations) for the property at issue.” The code also lists the following criteria that are to be addressed before a variance can be approved. Underlined text is Staff’s comments concerning this particular petition.

- (1) *Granting the variance will not cause or allow interference with the reasonable enjoyment of adjacent or nearby property owners or negatively impact the standard of living of the citizens of the city;*

The proposed screened porch located 15 feet from the rear 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 porches, screen rooms, accessory structures, and other site features located within their rear yards. This project will not negatively impact the standard of living of the citizens of the city. The applicants hope that this project will add value to their property and be an asset to the neighborhood as a whole.

- (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 15 foot rear yard setback in lieu of the required 20 foot rear yard setback will allow reasonable use of the property. While this rear yard setback will exceed some other homes in the subdivision that are in close proximity to the applicant’s property, it will not change the low density residential character of the neighborhood. This variance is not unprecedented: in April of 2009, a 5’ rear setback variance was approved for a home located at 951 Copenhagen Way, which is in the Sterling Pointe Subdivision. This variance allowed the owners to construct a screen room addition in their rear yard.

- (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 percentage of impervious surfaces allowed in PUD-zoned districts (65%), and it meets all other development regulations of the Denmark Groves (Sterling Pointe) 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 addition will not negatively impact the neighbors and is consistent with rear yard setbacks enjoyed by 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 00-15 to allow a 15 foot rear yard setback in lieu of the required 20 foot rear yard setback to allow for the construction of the proposed covered screened porch subject to the following conditions:

1. A letter of approval from the HOA shall be provided with the building permit application

NEXT STEP

Apply for the appropriate Building Permits.

ATTACHMENTS

- Aerial Photo
- Site Plan
- Site Photos

AERIAL PHOTO
1403 Alborg Court



SITE PHOTOS
1403 Alborg Court





END OF STAFF REPORT

THE CITY OF WINTER GARDEN
PLANNING AND ZONING BOARD AGENDA ITEM

ITEM # 10 (Public Hearing)

DATE: November 26, 2014 **MEETING DATE:** December 1, 2014

SUBJECT: Fire, Police, & Recreation Impact Fees
PROJECT NAME Fire, Police, & Recreation Impact Fees
PARCEL ID# City Wide

ISSUE: Winter Garden has established impact fees for police protection, fire and rescue, and recreation as set forth in Chapter 42, Article II, Divisions 3, 4 and 5 of the City of Winter Garden Code of Ordinance.

SUPPLEMENTAL MATERIAL/ANALYSIS:

OWNER/APPLICANT: City of Winter Garden

CURRENT ZONING: N/A

PROPOSED ZONING: N/A

CURRENT FLU: N/A

PROPOSED FLU: N/A

SUMMARY:

The City hired a consultant (PRMG), who recently conducted a municipal services impact fee study and based on their analysis and findings recommended that the police protection, fire and rescue and recreation impact fees should be adjusted.

STAFF RECOMMENDATION(S):

Staff recommends approval Ordinance 15-11 to adjust the Police Impact Fee, Fire Impact Fee, and Recreation Impact Fee.

NEXT STEP(S):

The first reading of Ordinance 15-11 is scheduled for the December 11, 2014 City Commission meeting.

ATTACHMENT(S):

Ordinance 15-11

ORDINANCE NO. 15-11

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING DIVISIONS 3, 4 AND 5 OF ARTICLE II, CHAPTER 42 OF THE CITY OF WINTER GARDEN CODE OF ORDINANCES; PROVIDING FOR INCREASED IMPACT FEES FOR POLICE PROTECTION, FIRE AND RESCUE AND RECREATION IMPACT FEES; PROVIDING FOR SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, the City of Winter Garden (“City”) has established impact fees for police protection, fire and rescue and recreation as set forth in Chapter 42, Article II, Divisions 3, 4 and 5 of the City of Winter Garden Code of Ordinance; and

WHEREAS, the City’s consultant PRMG recently conducted a municipal services impact fee study and based on their analysis and findings recommended that the police protection, fire and rescue and recreation impact fees should be adjusted as set forth in this Ordinance; and

WHEREAS, the City accepts the findings and recommendations of said municipal services impact fee study and desires to adjust said impact fees accordingly; and

WHEREAS, the impact fees imposed herein are based upon the most recent and localized data available; and

WHEREAS, the original need, intent and purpose for the enactment of the police protection, fire and rescue and recreation impact fees still exists and are in the best interest of the health, safety and welfare of the citizens of the City.

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

Section I. **Recitals.** The above recitals are true and correct and constitute legislative findings of the City Commission.

Section II. **Recreation Impact Fee Amendment.** Section 42-100(a) of Chapter 42, Article II, Division 3, of the City of Winter Garden Code of Ordinances is hereby amended change the recreational impact fee schedule as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions; sections and provisions not included are not being amended):

(a) The recreation impact fee is hereby charged to each applicant by the city and shall be due and payable at the time of issuance of a building permit for the construction of any structure to be used for a residential use, and shall be determined in accordance with the following schedule:

	Structure	As of <u>3/1/2015</u> 8/1/2004	As of 11/1/2004
(1)	Single-family, per unit	\$495.50 <u>\$1,300.00</u>	\$671.00
(2)	Multi-family, per unit	441.50 <u>\$1,159.00</u>	598.00
(3)	Mobile home	333.00 <u>\$874.00</u>	451.00

Section III. Police Impact Fee Amendment. Section 42-145(a) of Chapter 42, Article II, Division 4, of the City of Winter Garden Code of Ordinances is hereby amended change the police impact fee schedule as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions; sections and provisions not included are not being amended):

(a) The following police impact fees are hereby charged to each applicant by the city and shall be due and payable at the time of issuance of a building permit for the construction of any structure to be used for a residential or nonresidential use, and shall be determined in accordance with the following schedule:

	Structure	As of <u>3/1/2015</u> 8/1/2004	As of 11/1/2004
(1)	Residential, per residential dwelling unit	\$195.00 <u>\$339.00</u>	\$260.00
(2)	Nonresidential, per square foot	0.35 <u>\$0.65</u>	0.50

Section IV. Fire Impact Fee Amendment. Section 42-185(a) of Chapter 42, Article II, Division 5, of the City of Winter Garden Code of Ordinances is hereby amended change the fire impact fee schedule as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions; sections and provisions not included are not being amended):

(a) The following fire impact fees are hereby charged to the applicant by the city and shall be due and payable at the time of issuance of a building permit for the construction of any structure to be used for a residential or nonresidential use in each district and shall be determined in accordance with the following schedule:

	Structure	As of <u>3/1/2015</u> 8/1/2004	As of 11/1/2004
(1)	Residential, per residential dwelling unit	\$252.50 <u>\$491.00</u>	\$340.00
(2)	Nonresidential, per square foot	0.35 <u>\$0.85</u>	0.64

Section V. Severability. In the event of a conflict or conflicts between this Ordinance and other ordinances, this Ordinance controls to the extent of the conflict.

Section VI. Codification. Sections II, III and IV of this Ordinance shall be codified and made a part of the City of Winter Garden Code of Ordinances; that the Sections and exhibits of this Ordinance may be renumbered or relettered to accomplish such intention, if adopted; the word “Ordinance” may be changed to “Section”, “Article”, or other appropriate word.

Section VII. Effective Date. After adoption this Ordinance shall become effective on **March 1, 2015.**

FIRST READING AND PUBLIC HEARING:

DECEMBER 11, 2014.

SECOND READING, PUBLIC HEARING AND ADOPTION:

JANUARY 8, 2015.

APPROVED:

CITY OF WINTER GARDEN

ATTESTED:

JOHN REES, Mayor/Commissioner

KATHY GOLDEN, City Clerk