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PLANNING & ZONING BOARD AGENDA

To: Will Hawthorne – Chairman
David Kassander – Vice Chairman
Mark DeFuso
Heather Gantt
Gerald Jowers
Chris Lee
Mark Maciel

Copy to: Mike Bollhoefer
Dan Langley
Kurt Ardaman
Ed Williams
Stephen Pash
Kelly Carson
Jessica Frye

RE: Agenda – **May 2, 2016 at 6:30 PM**
Commission Chambers, City Hall
300 West Plant Street, Winter Garden

1. **CALL TO ORDER**
2. **ROLL CALL AND DETERMINATION OF QUORUM**
3. **APPROVAL OF MINUTES FROM THE APRIL 4, 2016 MEETING**

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

4. 622 Vineland Road – CDM Capital Corp. – **REZONING – TABLED TO JUNE 6, 2016**
Parcel ID #23-22-27-8344-00-040
5. 16846, 17000 & 17166 Marsh Road – K Hovnanian Homes / Poulos and Bennett
UVPUD REZONING
Parcel ID #05-23-27-0000-00-002, 06-23-27-0000-00-006 & 06-23-27-4272-00-010

SPECIAL EXCEPTION PERMIT (PUBLIC HEARING)

6. 1333 East Crown Point Rd – Cornerstone Community Church of West Orange, Inc.
Parcel ID #12-22-27-0000-00-029
7. 14120 W. Colonial Drive – M. Maciel and Assoc., LLC
Parcel ID #27-22-27-0000-00-060

VARIANCE (PUBLIC HEARING)

8. 182 Roper Drive – Ashlyn Hembrooke/Timothy Hembrooke
Parcel ID #14-22-27-9204-00-050

ADJOURN to the next regular Planning and Zoning Board meeting on Monday, **June 6, 2016 at 6:30 p.m.** in City Hall Commission Chambers, 300 W. Plant Street, 1st floor.



**PLANNING AND ZONING BOARD
REGULAR MEETING MINUTES
APRIL 4, 2016**

1. CALL TO ORDER / PLEDGE OF ALLEGIANCE / INVOCATION

Chairman Will Hawthorne 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:

Chairman Will Hawthorne and Board Members: Heather Gantt, Chris Lee, and Mark Maciel

MEMBERS ABSENT:

Vice-Chairman David Kassander and Board Members: Mark DeFuso and Gerald Jowers (excused)

STAFF PRESENT:

City Attorney Kurt Ardaman, Planning Consultant Ed Williams, Community Development Director Steve Pash, and recording secretary Kathleen Rathel

3. APPROVAL OF MINUTES

Motion by Chris Lee to approve the regular meeting minutes of March 7, 2016 and seconded by Will Hawthorne. Motion carried unanimously 4 - 0.

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

4. 856 Myrtle Avenue –Patricia Bello Flores

Community Development Director Pash presented a voluntary request for Annexation, Future Land Use amendment, and Zoning for a 0.23 +/- acre enclave located at 856 Myrtle Avenue. 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 Zoning of R-1. Staff has reviewed the application and recommends approval of Ordinances 16-29, 16-30, and 16-31.

Motion by Mark Maciel to recommend approval of Ordinances 16-29, 16-30, and 16-31 with Staff Recommendations (as provided in the agenda packet) and seconded by Heather Gantt. Motion carried unanimously 4 - 0.

SPECIAL EXCEPTION (PUBLIC HEARING)

5. 311 S. Main Street – Pilates Center of Winter Garden/Constant Courage

Community Development Director Pash presented a request for a Special Exception Permit for the property located at 311 S. Main Street. The applicant is proposing to build a 323 square foot addition with a separate accessible entrance onto the rear of the building, which will be combined with a portion of the existing building to create a 694 square foot live/work Pilates studio. The property was previously used as a law office and is developed with a parking area with seven spaces in the back. Staff has reviewed and recommends approval of the Special Exception Permit subject to the conditions outlined in the staff report.

General discussion on the available parking and a condition of no parking on the roadway.

Motion by Heather Gantt to recommend approval of the Special Exception Permit for 311 S. Main Street with Staff Recommendations (as provided in the agenda packet) and seconded by Chris Lee. Motion carried unanimously 4 – 0.

6. 14120 W. Colonial Drive – RREF II BHB IV-FL JEH, LLC/M. Maciel & Assoc.

Community Development Director Pash requested the Special Exception Permit for 14120 W. Colonial Drive be tabled to the May 2, 2016 Board Meeting as Board Member Maciel would have to recuse himself from voting on this item so there would be no quorum.

No action was required and the item will be re-advertised.

VARIANCE (PUBLIC HEARING)

7. 1571 Victoria Way – Larry & Candi Ort

Community Development Director Pash presented a Variance request for the property located at 1571 Victoria Way. The applicant is requesting a variance to the minimum rear yard setback to build a screen room with a solid roof addition on the existing concrete slab located on the north (rear) side of the house. The variance would allow the addition to be built at a rear yard setback of 10 feet in lieu of the minimum required 17 foot rear yard setback. Staff has reviewed the application, finds that it is consistent with and meets the criteria for variance approval, and recommends approval.

Board Member Lee asked about the neighboring property setbacks. Mr. Pash stated neighboring properties have similar structures.

Motion by Chris Lee to recommend approval of the Variance for 1571 Victoria Way [with Staff Recommendations] (as provided in the agenda packet) and seconded by Will Hawthorne. Motion carried unanimously 4 - 0.

8. 16098 Johns Lake Overlook Drive – Laurie & Michael Duguid

Community Development Director Pash presented a Variance request for the property located in the Hickory Hammock subdivision at 16098 Johns Lake Overlook Drive. The applicant is requesting a variance to Section 118-1323(d)(2)V to allow a new dock to be built that is 1,276 square feet in lieu of the maximum allowed size of 1,000 square feet. The City approved a master dock plan for Hickory Hammock that allowed all the docks to range from 1,150 to 1,200 square feet to reach a water depth that would function for boats. The applicant is requesting a 100 square foot addition to the previously approved dock plan of 1,176 square

feet in order to widen the walkway to 5 feet in lieu of 4 feet to allow handicap accessibility. Staff has reviewed the application, finds it meets the criteria for variance approval, and recommends approval subject to the conditions outlined in the Staff Report which states the boat dock can never be enlarged.

Chairman Hawthorne clarified that the only change to the master dock plan was the change from 4 foot wide to 5 foot wide and everything else was consistent with the master dock plan.

Motion by Mark Maciel to recommend approval of the Variance [for 16098 Johns Lake Overlook Drive] with Staff Recommendations (as provided in the agenda package) and seconded by Heather Gantt. Motion carried unanimously 4 - 0.

ADJOURNMENT

There being no further business, the meeting was adjourned at 6:42 p.m.

ATTEST:

APPROVED:

Recording Secretary Kathleen Rathel

Chairman Will Hawthorne

THE CITY OF WINTER GARDEN
PLANNING AND ZONING BOARD AGENDA ITEM

ITEM # 4 (Public Hearing)

DATE: April 29, 2016 **MEETING DATE:** May 2, 2016

SUBJECT: 622 Vineland Road (REZONING)
PROJECT NAME 622 Vineland Road
PARCEL ID# 23-22-27-8344-00-040

ISSUE: The applicant is requesting to rezone the property from Residential-2 (R-2) to Residential Neighborhood Commercial (RNC)

SUPPLEMENTAL MATERIAL/ANALYSIS:

OWNER/APPLICANT: CDM Capital Corp

CURRENT ZONING: R-2 -- Residential

PROPOSED ZONING: RNC – Residential Neighborhood Commercial

CURRENT FLU: NC -- Residential Neighborhood Commercial

PROPOSED FLU: N/A

SUMMARY:

Applicant proposes to rezone the property located at 622 Vineland Road to Residential Neighborhood Commercial. The lot is currently improved with a single family residence on the lot.

STAFF RECOMMENDATION(S):

Staff recommends tabling item until the June 6, 2016 Planning and Zoning Meeting

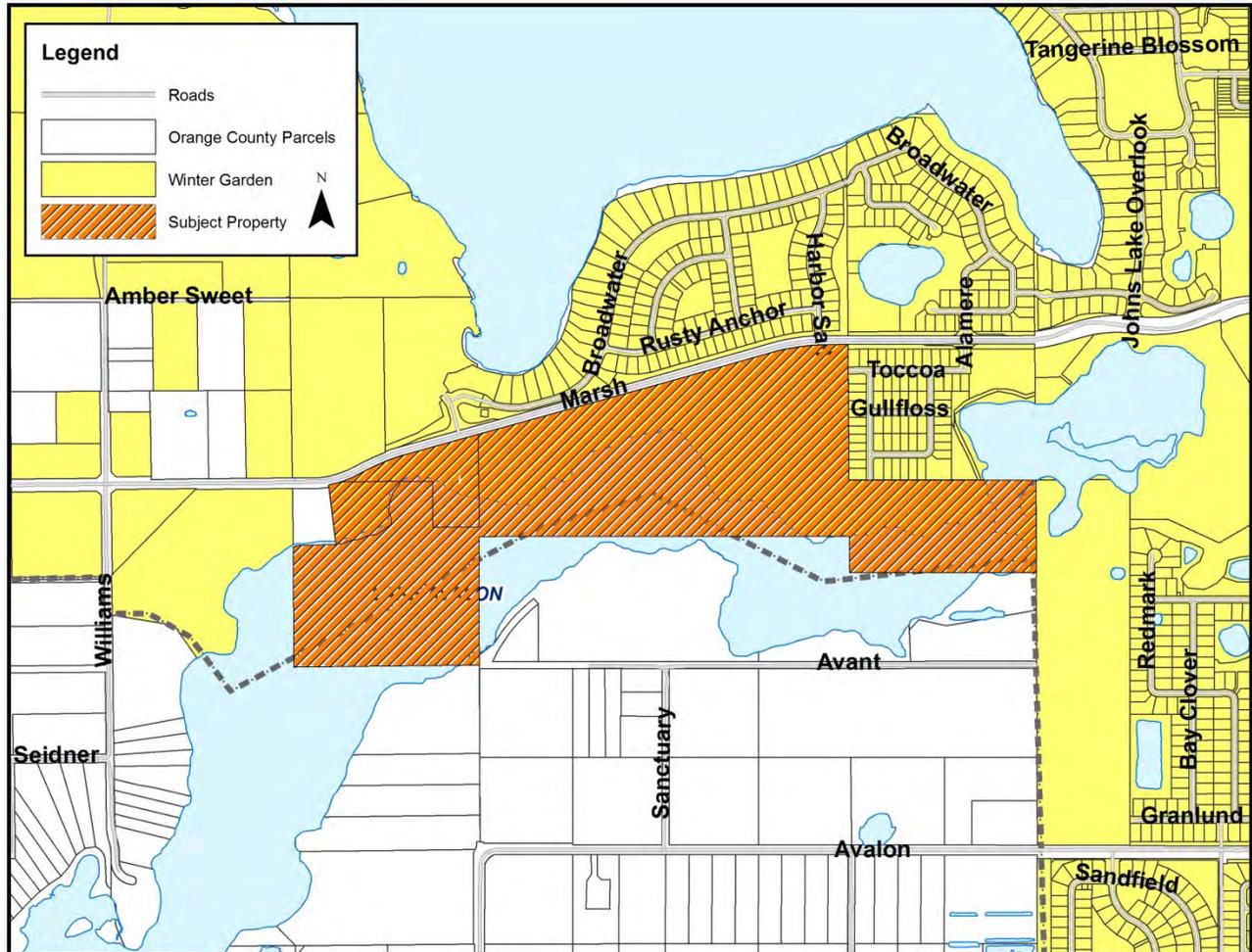
NEXT STEP(S):

ATTACHMENT(S):

LOCATION MAP

16846, 17000 & 17166 Marsh Road

Urban Village Planned Unit Development



CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

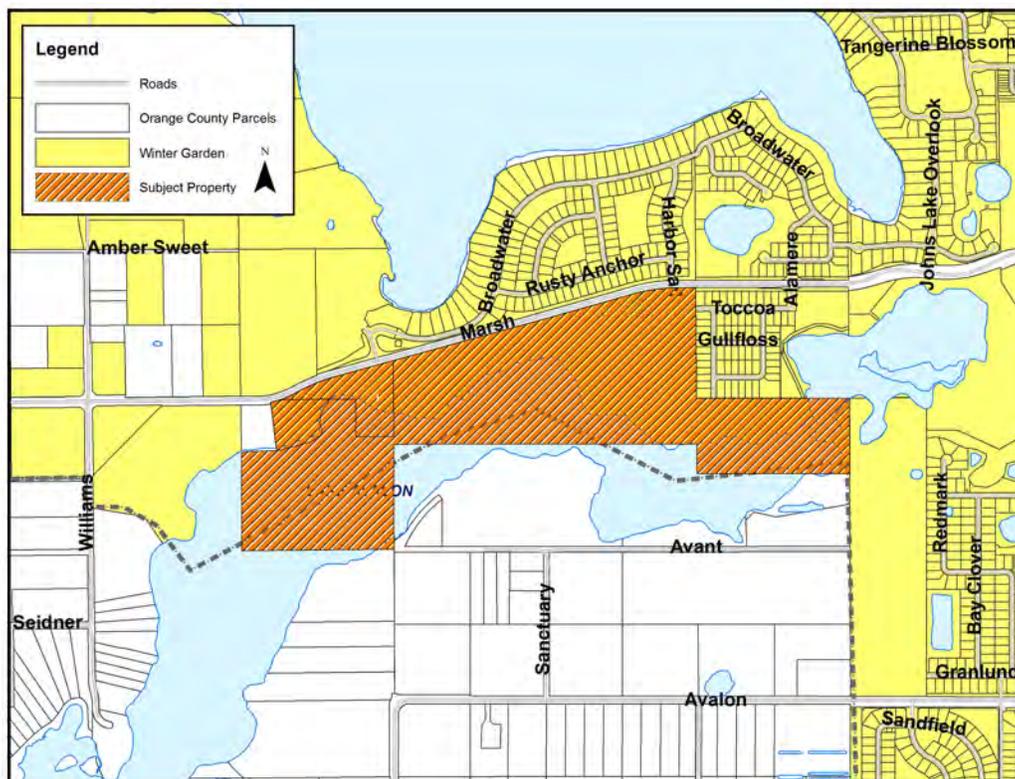
STAFF REPORT

TO: PLANNING AND ZONING BOARD
PREPARED BY: KELLY CARSON, URBAN DESIGNER
DATE: APRIL 27, 2016
SUBJECT: REZONING (ORDINANCE 16-32)
16846, 17000 & 17166 Marsh Road (126.94+/- ACRES)
Parcel ID# 06-23-27-4272-00-010 Parcel ID# 06-23-27-0000-00-006
Parcel ID# 05-23-27-0000-00-002

APPLICANT: K HOVNANIAN HOMES // POULOS & BENNETT

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 east of Williams Road and west of Avalon Road (CR 545) on the south side of Marsh Road, is approximately 126.94 ± 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 126.94± 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 2013 (Ord. 13-16). The subject property is designated Urban Village on the Future Land Use Map of the Comprehensive Plan.

EXISTING USE

The property is mainly orange groves, planted pines, and water except for one abandoned former agriculture-related building that is located on the northeast section of 16846 Marsh Road (Parcel I.D. #05-23-27-0000-00-002). The property has been used historically only for agricultural purposes.

ADJACENT LAND USE AND ZONING

To the north of the subject property is another property that was formerly orange groves and was approved for Urban Village Planned Unit Development (UVPUD) zoning to construct a subdivision with 139 single-family homes (Waterside on Johns Lake Phase I). To the south is Lake Avalon and agricultural land in unincorporated Orange County with A-1 zoning. To the east is a portion of the TwinWaters subdivision with a total of 140 single family lots, is zoned UVPUD, and is located in the City of Winter Garden. The other Winter Garden parcel to the east is a vacant agricultural property that has not yet received a zoning designation. To the west of the subject property is a single family house and a vacant property, both with agricultural uses. 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. 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, many 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 126.94 ± acre site into an Urban Village Planned Unit Development (UVPUD) consisting of 107 single family dwelling units, with a recreational park area and open space.

COMMUNITY MEETING

On March 22, 2016, 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 few concerns, mostly pertaining to the development's potential to impact Lake Avalon. The major concerns voiced by attendees included the potential for reduced water quality in Lake Avalon, as well as the potential for new boats and other watercraft to access the Lake. City staff addressed these concerns by requiring a buoy system with floats placed 3 feet on center to be installed around the community pier to prevent motorized watercraft from utilizing this structure for lake access. In addition, the City stipulated that if the neighboring lakefront property owners pursue a taxing district to pay for ongoing water quality management of Lake Avalon, the Owner/Developer will agree to the establishment of the taxing district and incorporate all lakefront lots before any property is transferred to new owners.

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 sufficient to support the development of the subject property.

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 line (water, sewer, and reclaimed water) connections will be made to serve the development of the property, and all 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: proportionate fair share contribution for the (already completed) utility extension and oversizing along Marsh Road, payment for proportionate share of Marsh Road intersection improvements at Williams Road and Avalon Road, conveyance of right-of-way, other off-site public infrastructure improvements, 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 features a gross density of 0.84 (1.86 net) dwelling units per acre which is substantially lower than the maximum density of 4 dwelling units per acre permitted within the Urban Village future land use designation and 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 gross density of 0.84 (1.86 net) dwelling units per acre for the proposed UVPUD project is substantially lower than the 10 dwelling units per acre that the previous Horizons West designation would allow.

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 TwinWaters, Waterside on John's Lake, Waterside on John's Lake Phase 2, 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 UVPUD 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.

Transportation access will be provided in the form of one main access point onto Marsh Road at the south end of an existing roundabout, as well as one exit-only access onto Marsh Road. Additionally, two secondary access points to the TwinWaters subdivision

will be provided to ensure cross access connections to the adjoining properties located to the east of the proposed development. All roadway improvements will be constructed at the owner's expense and in compliance with city concurrency standards for transportation.

Traffic studies/analyses submitted with any proposed development are reviewed for accuracy and consistency with the goals, objectives, and policies of the City's comprehensive plan in addition to the City's vision for future growth and expansion. A traffic study/analysis found that the proposed UVPUD project will have an impact on the roadway network, specifically on the segment of Marsh Road between Williams Road and Avalon Road as well as on the Marsh Road intersections at Williams Road, Avalon Road, and at the Project Entrance. The Developer shall be responsible for payment of the proportionate fair share of the proposed improvements at these intersections to mitigate the project's traffic impacts. The payment of the fair share amount will be addressed in the Developer's Agreement or by other agreement acceptable to the City Manager. The Developer's Agreement shall address the fair share payment amount as well as when such payment shall occur.

- (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. The proposed UVPUD project features a gross density of 0.84 (1.86 net) dwelling units per acre which is substantially lower than the maximum density of 4 dwelling units per acre permitted within the Urban Village future land use designation and in accordance with the Sixth Amendment to the Restated Interlocal Agreement for Joint Planning Area between Orange County and the City of Winter Garden.

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 TwinWaters, Waterside at 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 5 foot wide sidewalk 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 includes a 2.87 acre park, which will be located on the west side of the property,

immediately adjacent to Marsh Road. Cross access connection points are being provided to the TwinWaters UVPUD located to the east of the subject property to ensure multiple points of entry/exit and provide property owners to the east vehicular and pedestrian access through the subject property.

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

The proposed UVPUD project provides for an (average) 25 foot upland buffer from the wetlands identified along the shoreline of Lake Avalon, and meets the environmental standards of the Wekiva Study Area. To the greatest extent possible, stormwater management features will be designed as landscape amenities. Proper erosion and sedimentation control measures will be taken during the construction process.

- (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 5 foot wide sidewalk along Marsh Road. Internal to the project, there will be a 2.87 acre park area with recreational amenities that include a pool, cabana structure, community & butterfly garden, playground, bike paths, a community pier, and a lakefront dog park. 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.

If applicable, 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. Currently, the project is not anticipated to be phased.

- (13) The availability of existing or planned reclaimed water service to support the proposed PUD.
Reclaimed water capacity is available to serve the property on which the UVPUD is proposed to be developed. All necessary utility lines (water, sewer, and reclaimed water) will be connected to serve the development of the property, and all connection costs shall be borne by the property owner. The developer is required to pay their fair share of the costs to oversize the utilities along Marsh Road.
- (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 60 foot to 90 foot wide lot sizes. Lots will be designed to incorporate a variety of garage orientations, with the stipulation that all garages must be recessed either behind a front porch or behind the front building façade. Front porches will be incorporated into the designs of at least 50% of the residential units.
The proposed UVPUD project incorporates the following features which are of benefit to the general public: construction of a 5-foot wide sidewalk along the site frontage on Marsh Road to provide for pedestrian circulation and access on Marsh Road; as well as substantial wetland buffering, which will protect the water quality of Lake Avalon for the benefit of the future residents and 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.
Nonresidential uses are not proposed within the UVPUD proposal for the project. The UVPUD proposal includes 107 single family residential dwelling units with 28.74 acres of open space area including 2.87 acres of recreation area. The recreation and open space areas are complementary and supportive to the residential component of the proposed UVPUD project. The project is a pedestrian friendly design and provides internal access to the subdivision to the east (TwinWaters) as well as a sidewalk along Marsh Road connecting the project to other nearby properties.
- (16) Architectural characteristics of proposed residential and/or nonresidential development.
A range of facade treatments and variations on building massings have been incorporated into the residential units in the proposed UVPUD project including front porches, side entry/courtyard garages, and recessed garage doors. Building elevations are provided within the Premier Property Urban Village Planned Unit Development Preliminary Development Plan.
- (17) A listing of the specific types of nonresidential uses to be allowed.
Not applicable; Nonresidential uses are not proposed for the Premier UVPUD project.

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 and to the TwinWaters development to the east for vehicular and pedestrian access. Additionally the proposed UVPUD features a sidewalk along the property frontage on Marsh Road, which will include a pedestrian connection along the roundabout that connects to the subdivision to the north (Waterside on John's Lake).

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

The proposed UVPUD features a sidewalk along the property frontage on Marsh Road. The UVPUD will include recreation amenities that meet the requirements of the City's Code of Ordinances for open space & recreational facilities. A natural trail/bike path is included as a recreation amenity within the proposed park area.

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

The developer is required to remit payment to the City for the costs to improve the Marsh Road intersections at Williams Road and Avalon Road based on the project's proportionate impact on these intersections. Additionally, if required, additional right-of-way will be dedicated to the City to facilitate roadway improvements along Marsh Road.

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

Proposed UVPUD incorporates shoreline preservation through wetland buffering along Lake Avalon to preserve and protect the lake's water quality. The UVPUD also includes a provision about requiring participation in a new taxing district to pay for water quality management of Lake Avalon if requested by adjacent lakefront property owners.

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

N/A; the proposed UVPUD does not provide for non-residential uses.

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

N/A; the proposed UVPUD will be part of the residential community surrounding a future commercial village center that will be located west of the subject property (the Four Corners UVPUD, approved by Ordinance 15-04).

- (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.

The proposed UVPUD includes a large open space/recreation area, which is prominently located within the western portion of the UVPUD site. The recreational amenities include a pool, cabana structure, community & butterfly garden, playground, bike paths, a community pier, and a lakefront dog park.

- (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 proposed UVPUD will contain only single family detached residential units and does not include any live work 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 properties located to the east (TwinWaters subdivision), as well as one full access and one exit only access onto Marsh Road. The full access is located at the southern end of a newly-installed roundabout that also provides access to the Waterside on John's Lake subdivision to the north.

- (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 sidewalk along Marsh Road that is part of a fully integrated network of sidewalks which will connect and provide cross access between properties located to the east and to the north. When the property to the west is developed, the developers of that property will be required to connect to the sidewalk along 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, and stricter Wekiva drainage requirements.

- (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 0.84 (1.86 net) dwelling units per acre.

- (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 make connections 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.

N/A; the proposed UVPUD is not located in the area that will be developed as the Village Center and therefore will not have non-residential uses.

- (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 reference or include plans for accessory dwelling units.

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.

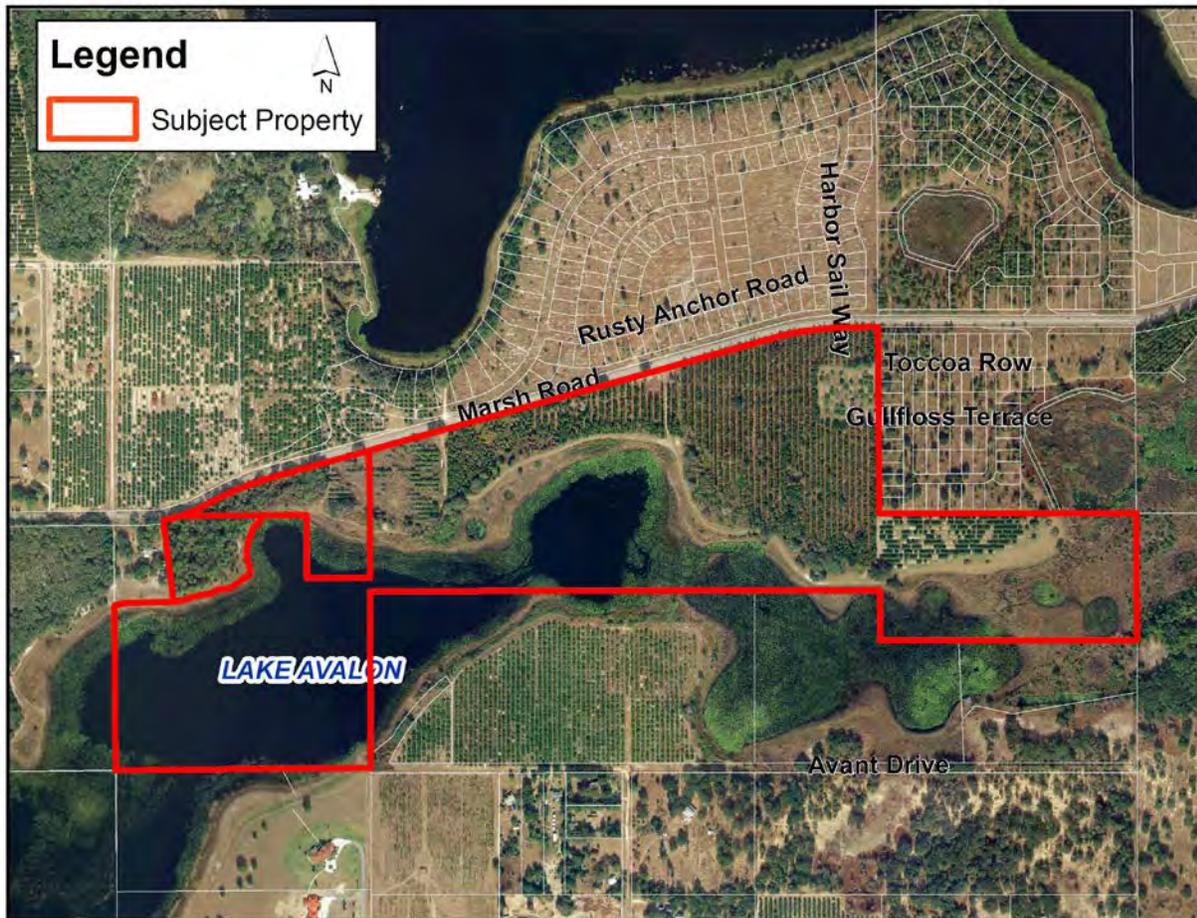
The urban village planned unit development shall be located in the urban village future land use designation as defined in the city's comprehensive plan, or in such other areas as determined by city commission.

SUMMARY

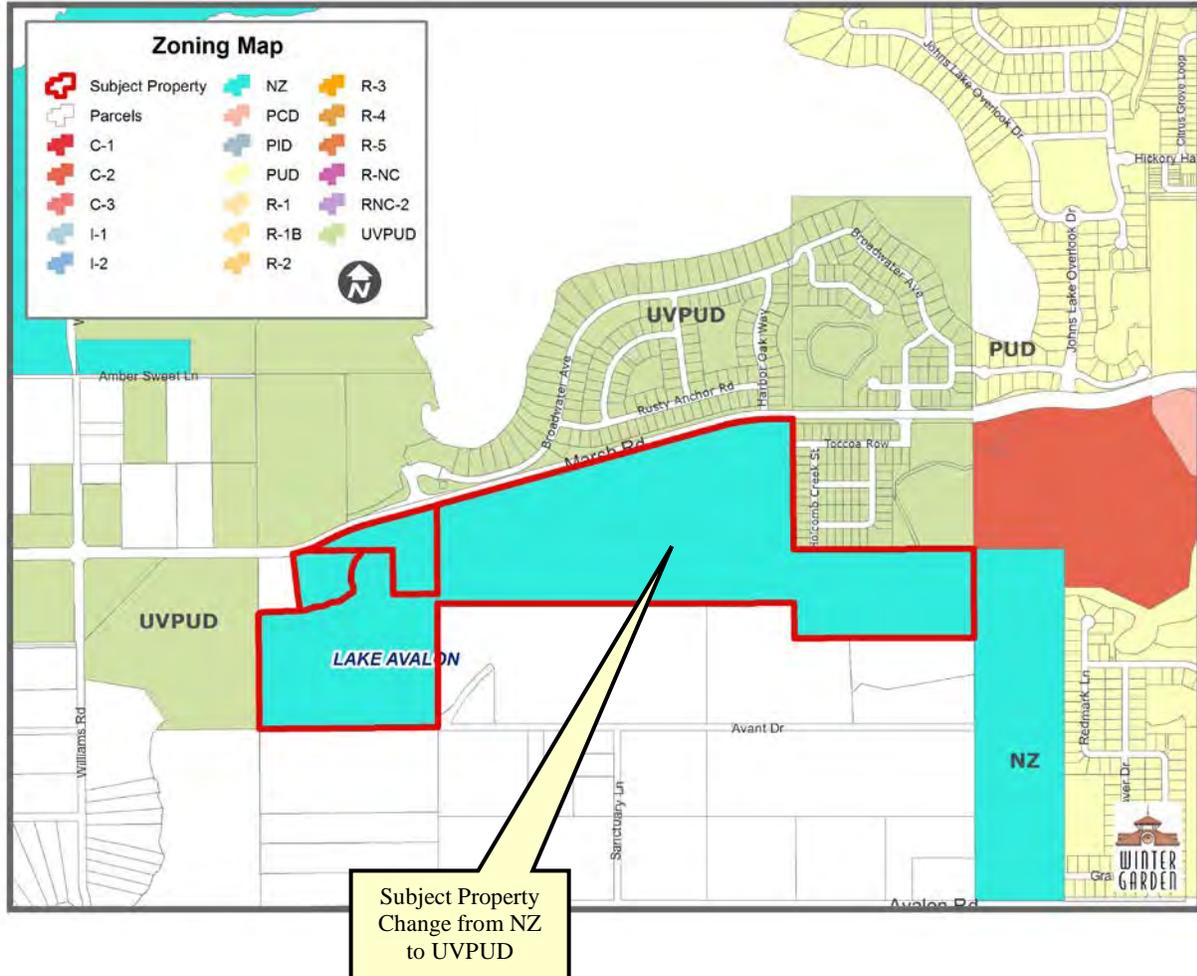
City Staff recommend approval of the proposed Ordinance 16-32. Rezoning the subject property from City NZ to City UVPUD is consistent with the City's Comprehensive Plan, Future Land Use Map and land development regulations, and is consistent with the trend of development in the area.

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.

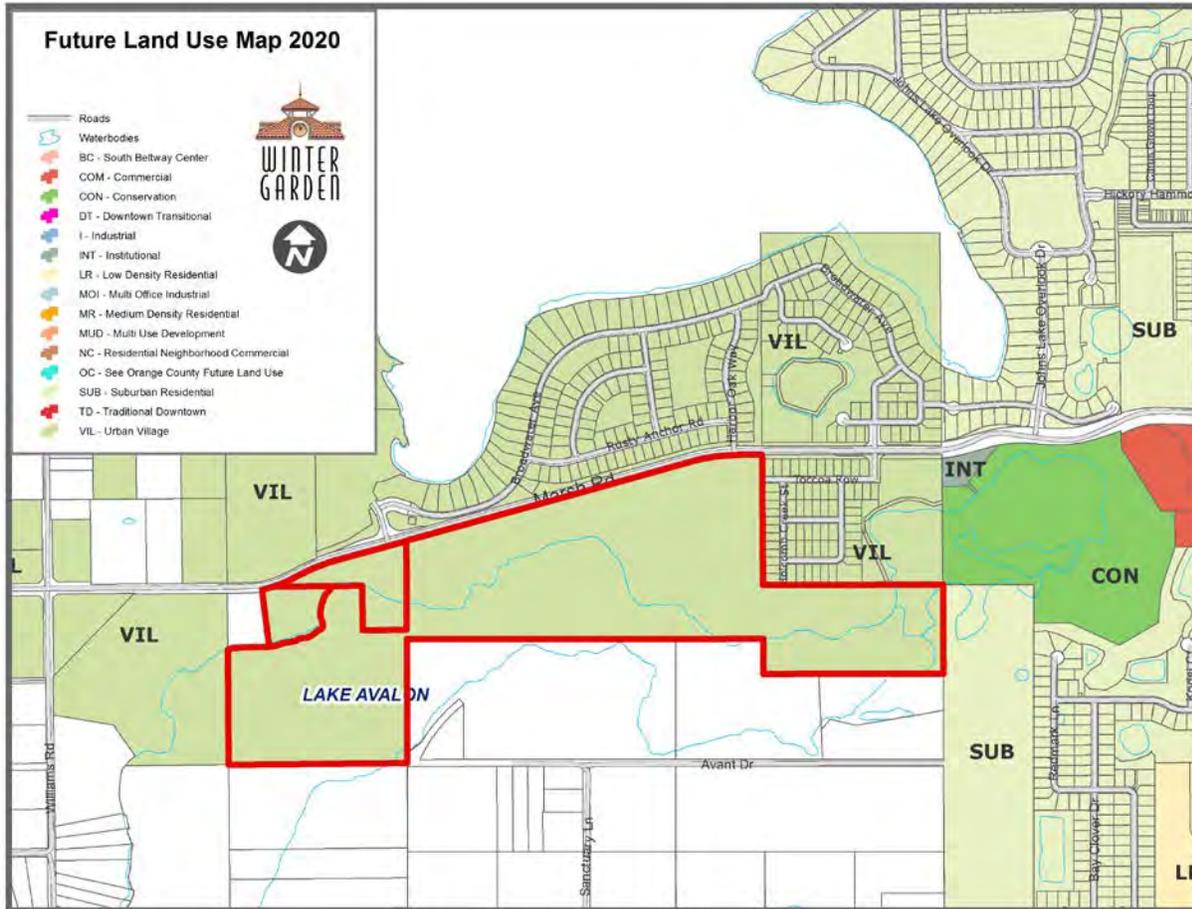
AERIAL PHOTO
16848, 17000, & 17166 Marsh Road



ZONING MAP
16848, 17000, & 17166 Marsh Road



FUTURE LAND USE MAP
16848, 17000, & 17166 Marsh Road



END OF STAFF REPORT

ORDINANCE 16-32

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 126.94 ± ACRES OF CERTAIN REAL PROPERTY GENERALLY LOCATED EAST OF WILLIAMS ROAD AND WEST OF AVALON ROAD (CR 545) ON THE SOUTH SIDE OF MARSH ROAD, AT 16846, 17000 & 17166 MARSH ROAD, FROM NO ZONING (NZ) TO URBAN VILLAGE PLANNED UNIT DEVELOPMENT (UVPUD); PROVIDING FOR CERTAIN UVPUD REQUIREMENTS AND DESCRIBING THE DEVELOPMENT AS THE PREMIER PROPERTY URBAN VILLAGE PUD; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Owner(s) of real property generally described as approximately 126.94 ± acres of certain real property generally located east of Williams Road and west of Avalon Road (CR 545) on the south side of Marsh Road, at 16846, 17000 & 17166 Marsh 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 No Zoning (NZ) to Urban Village Planned Unit Development (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 UVPUD and 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

WHEREAS, further, the City Commission finds that based on competent, substantial evidence in the record, the rezoning approved by this Ordinance meets all applicable criteria for rezoning the Property to Urban Village Planned Unit Development (UVPUD) contained within the City of Winter Garden Comprehensive Plan and the Code of Ordinances, therefore;

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

SECTION 1: Rezoning. The above “Whereas” clauses constitute findings by the City Commission. After due notice and public hearing, the zoning classification of the Property, as described in Exhibit “A” attached hereto, is hereby rezoned from No Zoning (NZ) to Urban Village Planned Unit Development (UVPUD) in the City of Winter Garden, Florida subject to the following conditions, provisions and restrictions:

- a. **Conceptual Plan-** All development on the Property must substantially conform to the requirements identified in the Premier Property Urban Village Planned Unit Development Preliminary Plan attached hereto as Exhibit "B." Should any conflict be found between this Ordinance and the Premier Property 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 residential development on the Property must comply with the general zoning requirements of the R-1 Single Family Residential District for any structures. All uses not specifically permitted by this Ordinance or depicted in Exhibit "B" are prohibited, and there are no Special Exception uses.
- 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. **Design Criteria/Architectural Standards-**
 1. **Lot Size-** Minimum lot width shall be 60 feet for a maximum of 68 lots, and 90 feet for a maximum of 39 lots.
 2. **Building Height-** Maximum building height shall be 35 feet.
 3. **Minimum Living Area-** Minimum living area for each residential unit shall be 2,000 square feet.
 4. **Signage-** All signage shall be reviewed and permitted by the City of Winter Garden.
 5. **Setbacks and Required Yards-**
 - 60-89 foot wide lots: the side yard setbacks shall be no less than 5 feet and shall be unobstructed by any mechanical equipment including, but not limited to, AC units, pool equipment, water filtration systems, gas tanks, propane tanks, and any other utility or service equipment; the side yard setback on the street side of a corner lot shall be no less than 25 feet; the rear yard setback shall be no less than 20 feet unless the property abuts Marsh Road, in which case the rear yard setback shall be no less and 40 feet, or if the property abuts an internal UVPUD perimeter, in which case the rear setback shall be no less than 25 feet; and the front yard

setback shall be no less than 20 feet for the primary structure, no less than 25 feet for front-loaded garages, and no less than 15 feet for front porches. Any landscaping or fencing installed within the side or rear yard setbacks shall be designed and constructed so as not to interfere with any easement function.

- 90 foot wide lots and larger: the side yard setbacks shall be no less than 10 feet; the side yard setbacks on the street side of a corner lot shall be no less than 25 feet; the rear yard setback shall be no less than 20 feet unless the property abuts Marsh Road, in which case the rear yard setback shall be no less and 40 feet, or if the property abuts an internal UVPUD perimeter, in which case the rear setback shall be no less than 25 feet; and the front yard setback shall be no less than 20 feet for the primary structure, no less than 25 feet for front-loaded garages, and no less than 15 feet for front porches. Any landscaping or fencing installed within the side or rear yard setbacks shall be designed and constructed so as not to interfere with any easement function. All structures, including accessory structures and pools, shall be located no less than 30 feet from the Normal High Water Line of Lake Avalon.

6. Residential Design Criteria-

All development on the Property must maintain the same general design criteria and architectural characteristics as the Building Elevations attached hereto as Exhibit "C". The rear elevations and side elevations exposed on a corner lot are required to have the same architectural features as the front.

7. Common Recreation and Open Space-

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

To the greatest extent possible, 5% of the developable area of the Property 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.

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

1. A minimum 25-foot yard shall be maintained between the walls of all structures and the perimeter of the UVPUD. For properties that abut Marsh Road, accessory structures, including pool screen enclosures but not including pools, are not permitted in rear yards.
2. Minimum 5 foot wide utility and drainage easements shall be provided on each side lot line, and minimum 10 foot wide drainage, utility and sidewalk easements shall be provided on each front lot line. These easements shall be dedicated to the City.
3. Walls and landscaping shall be located within a landscape and wall tract, to be maintained by the HOA
4. If gated, streets will be private and maintained by the HOA. While portions of the right-of-way may be dedicated to the City, maintenance of special pavements, landscaping, hardscaping, etc. shall be performed by the HOA under a right-of-way maintenance agreement. If street trees are allowed, the HOA will be responsible for their installation, maintenance and removal if necessary. Location and type of street trees will be reviewed with final engineering plans, and they must be constructed with root barriers or located where there will be no conflicts with underground utilities.
5. Any proposed docks shall conform to the locations and lengths depicted on the Master Dock Plan, which is part of the Premier Property Urban Village Planned Unit Development Preliminary Plan (Exhibit "B"). Docks shall also comply with the regulations of the City of Winter Garden Code of Ordinances and appropriate state agencies.
6. Consistent with other development that the City has approved on the Marsh Road corridor, additional right-of-way conveyance in fee simple ownership by the property owner to the city may be required on Marsh Road. Such right-of-way conveyance, if required by the city, shall occur prior to or concurrently with the recording of the final plat for the first phase of the development. No impact fee credits shall be received for such right-of-way conveyance. The right-of-way conveyance shall be by special warranty deed free and clear of all liens and encumbrances.
7. Upon application for Preliminary Plat review, the building setbacks for each lot including specific details on what primary and auxiliary uses will be allowed such as pools, porches, patios, docks, etc. shall be identified.
8. Final plans and drainage calculations shall show the maximum impervious surface allowed on each lot, based on the approved SJRWMD permit. In any case however, this cannot exceed 65% ISR per the UVPUD zoning, but must be supported by the approved

St. Johns calculations/permit.

9. All irrigation shall be designed to be supplied by reclaimed water (minimum 8 inch internal main size).
10. All proposed easements shall be 30 foot minimum width for sanitary, water and storm; improvements shall be centered within the easement. Common areas not abutting right-of-way shall include a tract (not easement) for access and maintenance.
11. The 100 year flood plain for Lake Avalon and adjacent wetlands has been shown at Elevation 97.70 (NAVD '88). Any areas developed within the 100 year flood plane shall be compensated for; LOMR with FEMA is required for any development within the 100 year flood zone.
12. Lake Avalon is in a closed basin without a positive outfall, requiring retention of the 100 year, 24 hour storm event and pre vs. post volume of 25 year, 96 hour storm event (whichever is greater).
13. The Owner is responsible for meeting all provisions of ADA and Florida Accessibility Code.
14. All work shall conform to City of Winter Garden standards and specifications.
15. The City of Winter Garden will inspect private site improvements only to the extent that they connect to City owned/maintained systems (roadways, drainage, utilities, etc.). It is the responsibility of the Owner and Design Engineer to ensure that privately owned and maintained systems are constructed to the intended specifications. The City is not responsible for the operation and maintenance of privately owned systems, to include, but not be limited to, roadways, parking lots, drainage, stormwater ponds or on-site utilities.
16. The Contractor is responsible for the notification, location and protection of all utilities that may exist within the project limits.
17. No fill or runoff will be allowed to discharge onto adjacent properties; existing drainage patterns shall not be altered. The City of Winter Garden is not granting rights or easements for drainage from, or onto, property owned by others. Obtaining permission, easements or other approvals that may be required to drain onto private property is the Owner/Developer's responsibility. Should the flow of stormwater runoff from, or onto adjacent properties be unreasonable or cause problems, the City will not be responsible and any corrective measures required will be the responsibility of the Owner. Site construction shall adhere to the City of Winter Garden erosion and sediment control requirements as contained in Chapter 106 - Stormwater. If approval is granted by the City of

Winter Garden, it does not waive any permits that may be required by federal, state, regional, county, municipal or other agencies that may have jurisdiction.

18. After final engineering plan approval, a preconstruction meeting will be required prior to any commencement of construction. The applicant shall provide an erosion control and street lighting plan at the preconstruction meeting and shall pay all engineering review and inspection fees prior to construction. Inspection fees in the amount of 2.25% of the cost of all site improvements shall be paid prior to issuance of the building permit.
19. If the neighboring lakefront property owners pursue a taxing district to pay for ongoing water quality management of Lake Avalon, the Owner/Developer shall agree to the establishment of the taxing district and incorporate all lakefront lots before any property is transferred.
20. Based on the results of a Traffic Impact Analysis, the proposed project is projected to have an impact on the segment of Marsh Road between Williams Road and Avalon Road as well as on the Marsh Road intersections at Williams Road, Avalon Road, and at the Project Entrance. The Developer shall be responsible for payment of the proportionate fair share of the proposed improvements at these intersections to mitigate the project's traffic impacts. The payment of the fair share amount will be addressed in the Developer's Agreement or by other agreement acceptable to the City Manager. The Developer's Agreement shall address the fair share payment amount as well as when such payment shall occur.
21. The recent extension, installation and oversizing of water, sewer and reclaimed water mains along Marsh Road were done for the benefit of this Project and other Projects along Marsh Road. The Developer shall be responsible for payment of the proportionate fair share for the previous extension of water, sewer and reclaimed water mains along Marsh Road installed by the Waterside at John's Lake UVPUD development in the manner to be addressed by the Developer's Agreement, or by other agreement acceptable to the City Manager. Such payment shall occur no later than immediately prior to obtaining certificates of occupancy for any buildings/units for the project.

SECTION 2: *General Requirements.*

- a. **Development Agreement-** A Developer's Agreement shall be drafted, approval obtained and recorded prior to approval of Preliminary Plat of the Property. The Developer's Agreement shall address matters that may

include, but are not limited to, developer's payment for proportionate share of Marsh Road intersection improvements, developer's payment for utility line extensions along Marsh Road, Marsh Road right-of-way conveyance, other public infrastructure improvements, lift station, internal utility lines, community subdivision infrastructure improvements requirements of Chapter 110, City Code, and impact fees. Owner shall cause mortgage lien holders to execute a joinder, consent and subordination of their lien interests to the Developer's Agreement for recording in the public records concurrently with the Developer's Agreement.

- b. **Stand Alone Clause-** Each phase of development of the Property must operate as an individual unit in that each particular phase will be able to stand-alone in the event that no other phase is developed.
- c. **Land Development Approvals and Permits-** This Ordinance does not require the City to issue any permit or approval for development, construction, preliminary plat, final plat, building permit, or other matter by the City relating to the Property or the project or any portion thereof. These and any other required City development approvals and permits shall be processed and issued by the City in accordance with procedures set forth in the City's Code of Ordinances and subject to this Ordinance.
- d. **Amendments-** Minor amendments to this Ordinance will be achieved by Resolution of the City Commission of the City of Winter Garden. Major amendments to this Ordinance will require approval of the City Commission of the City of Winter Garden by Ordinance.
- e. **Expiration/Extension-** Expiration of this UVPUD shall be governed in accordance with Section 118-830, City of Winter Garden Code of Ordinances. Time extensions may be granted in accordance with Section 118-829, City of Winter Garden Code of Ordinances.

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

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

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

FIRST READING AND PUBLIC HEARING: _____, 2016.

SECOND READING AND PUBLIC HEARING: _____, 2016.

ADOPTED this _____ day of, _____, 2016, 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:

COMMENCE AT THE SOUTHWEST CORNER OF THE NORTHWEST 1/4 OF SECTION 6, TOWNSHIP 23 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA; THENCE RUN N 89°28'15" E ALONG THE SOUTH LINE OF THE SAID NORTHWEST 1/4 OF SECTION 6, A DISTANCE OF 2698.08 FEET TO THE SOUTHWEST CORNER OF THE NORTHEAST 1/4 OF SAID SECTION 6; THENCE CONTINUE N 89°28'15" E ALONG THE SOUTH LINE OF THE SAID NORTHEAST 1/4 OF SECTION 6, A DISTANCE OF 2650.65 FEET TO THE SOUTHWEST CORNER OF THE NORTHWEST 1/4 OF SECTION 5, TOWNSHIP 23 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA; THENCE RUN N 00°41'55" W ALONG THE WEST LINE OF SAID NORTHWEST 1/4 OF SECTION 5, A DISTANCE OF 331.27 FEET TO THE POINT OF BEGINNING AND THE SOUTHERLY RIGHT OF WAY LINE OF MARSH ROAD; THEN RUN N 74°36'19" E ALONG SAID SOUTHERLY RIGHT OF WAY LINE 1086.60 FEET; THENCE N 74°08'52" E 1111.13 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE TO THE SOUTH HAVING A RADIUS OF 1243.22 FEET; THENCE RUN ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 15°52'13", A DISTANCE OF 344.36 FEET TO A POINT OF TANGENCY; THENCE S 89°58'55" E 173.01 FEET TO THE EAST LINE OF SAID NORTHWEST 1/4 OF SECTION 5; THENCE LEAVING SAID SOUTHERLY RIGHT OF WAY LINE OF MARSH ROAD RUN S 00°24'10" E ALONG SAID EAST LINE 966.93 FEET TO THE SOUTHEAST CORNER OF THE SAID NORTHWEST 1/4 OF SECTION 5; THENCE RUN N 89°55'22" E 1330.80 FEET TO THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 5; THENCE RUN S 00°12'07" E 658.01 FEET TO THE SOUTHEAST CORNER OF THE NORTH 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 5; THENCE RUN S 89°57'02" W 1328.50 FEET TO THE SOUTHWEST CORNER OF SAID NORTH 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 5; THENCE RUN N 00°24'10" W ALONG THE EAST LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 5, A DISTANCE OF 257.37 FEET TO THE SOUTHEAST CORNER OF THE NORTH 400.00 FEET OF SAID SOUTHWEST 1/4 OF SECTION 5; THENCE S 89°55'22" W 2633.71 FEET TO THE SOUTHWEST CORNER OF SAID NORTH 400.00 FEET OF THE SOUTHWEST 1/4 OF SECTION 5; THENCE S 00°11'38" E ALONG THE EAST LINE OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 6, A DISTANCE OF 912.21 FEET TO THE SOUTHEAST CORNER OF SAID NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 6; THENCE S 89°26'11" W 1319.00 FEET TO THE SOUTHWEST CORNER OF SAID NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 6; THENCE N 00°28'13" W ALONG THE WEST LINE OF SAID NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 6, A DISTANCE OF 823.32 FEET MORE OR LESS TO THE SHORELINE OF LAKE AVALON ALSO BEING THE SOUTH BOUNDARY OF LOT 2, LAKE AVALON ESTATES, ACCORDING THE PLAT THEREOF, RECORDED IN PLAT BOOK "R", PAGE 52, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE RUN ALONG SAID SOUTH BOUNDARY OF LOT 2 THE FOLLOWING (3) COURSES AND DISTANCES: THENCE N 74°41'35" E 85.25 FEET; THENCE N 89°21'22" E 116.42 FEET; THENCE N 86°37'53" E 104.66 FEET TO THE EASTERLY BOUNDARY LINE OF SAID LOT 2; THENCE N 07°13'45" W ALONG SAID EASTERLY BOUNDARY LINE, 442.46 FEET TO THE NORTHEAST CORNER OF SAID LOT 2, SAID POINT BEING ON THE SOUTHERLY RIGHT OF WAY LINE OF MARSH ROAD; THENCE N 74°45'15" E ALONG SAID SOUTHERLY RIGHT OF WAY LINE, 133.68 FEET; THENCE N 62°42'09" E 211.03 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE TO THE SOUTH HAVING A RADIUS OF 1115.91 FEET; THENCE RUN ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 11°54'10", A DISTANCE OF 231.82 FEET TO A POINT OF TANGENCY; THENCE N 74°36'19" E 557.75 FEET TO THE POINT OF BEGINNING.

Exhibit "B"

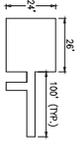
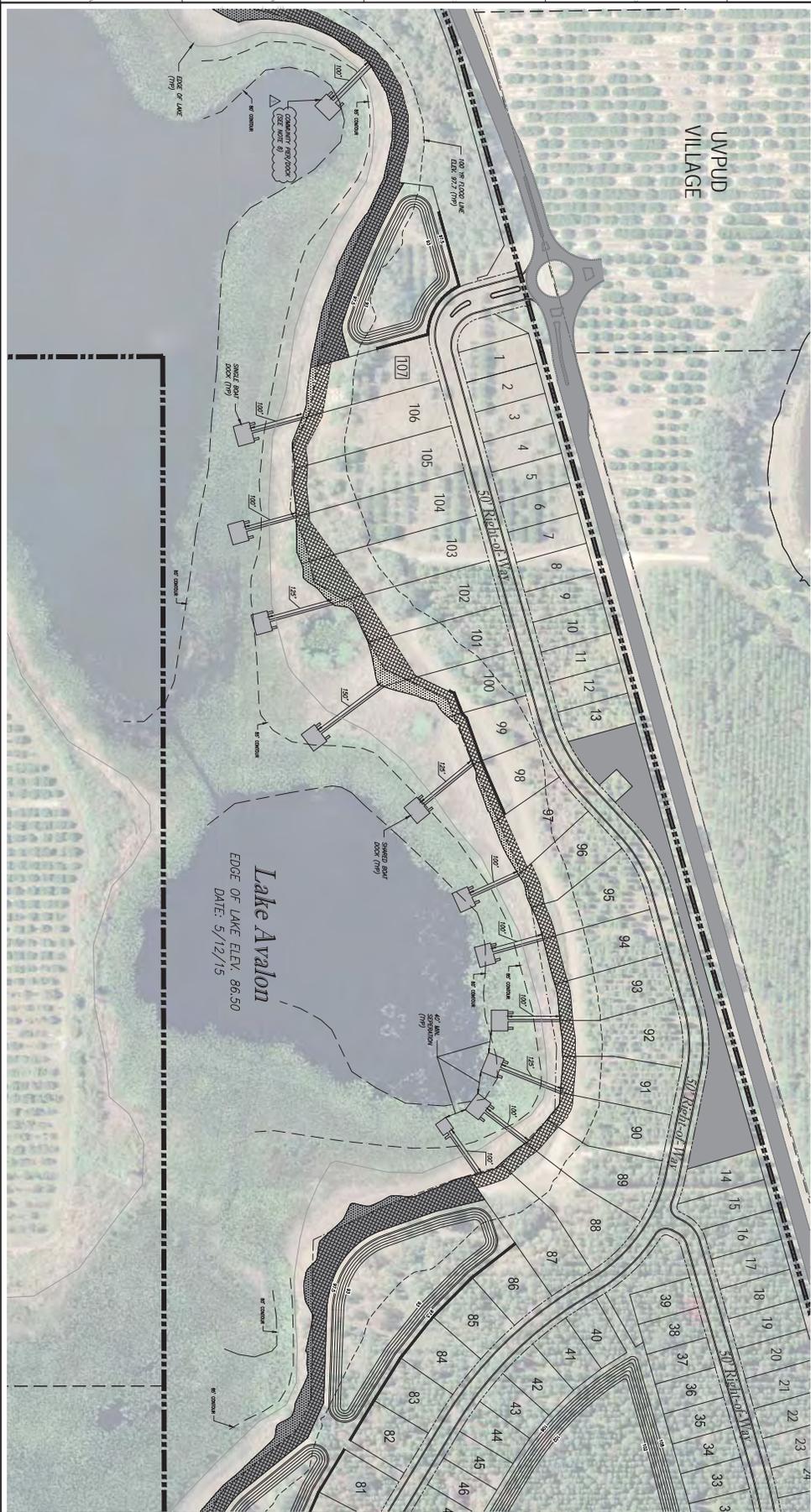
COVER PAGE

URBAN VILLAGE PLANNED UNIT DEVELOPMENT PRELIMINARY PLAN

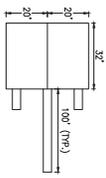
PREMER PROPERTY

REVISED MARCH 2016

(16 PAGES - ATTACHED)



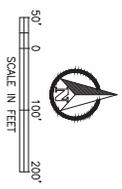
TYPICAL SINGLE DOCK DETAIL
N.T.S.



TYPICAL DOUBLE DOCK DETAIL
N.T.S.

- REGULAR DOCK SLATS
2. NO LANDING OFF DOCKS
3. NO DOUBLE DOCKS ARE ALLOWED

- NOTES**
- INDIVIDUAL BOARDS/RAIL DOCKS SHALL BE A MINIMUM OF 28 FEET OFF OF PROPERTY LINE
 - INDIVIDUAL BOARDS/RAIL DOCKS ARE CONCEPTUALLY DEVISED AND SUBJECT TO FINAL DESIGN AND PERMITTING.
 - BOARDS/RAIL DOCKS SHALL BE PERMITTED INDIVIDUALLY BY LOT OWNER AND ARE NOT INCLUDED DOCKS AND/OR RAILS.
 - RAIL DOCKS/BOARDS/RAIL DOCKS SHALL BE CONSTRUCTED IN A MANNER THAT WILL NOT IMPAIR THE NAVIGATION ON THE SHORE OF AN ADJACENT LOT OWNER TO CONSTRUCT A BOARDS/RAIL DOCK OF THE SHIP DOCK.
 - DOCKS SHALL COMPLY WITH CITY OF WINTER GARDEN ORDINANCE 11-20 (AS CORRECTED IN CHAPTER 118 OF THE CITY CODE).
 - DOCKS SHALL ONLY BE PERMITTED FOR LOTS 87-107.
 - THE HOMEOWNER SHALL HAVE THE OPTION TO SHORTEN THE LENGTH OF THEIR MALKIN; HOWEVER, THE LENGTH OF DOCK SHOWN IS THE MAXIMUM ALLOWED.
 - DEVELOPER SHALL INSTALL A BOLT SYSTEM FOR THE COMMUNITY PERRYDOCK TO PROHIBIT THE USE OF THIS DOCK BY UNAUTHORIZED INTERCOMM. BOLT SYSTEM PLANS TO BE PLACED 3 FEET ON CENTER.

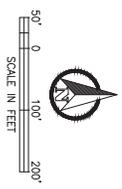
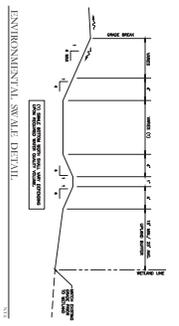
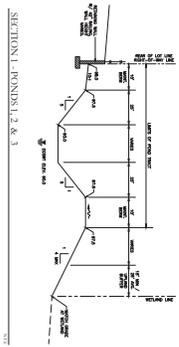
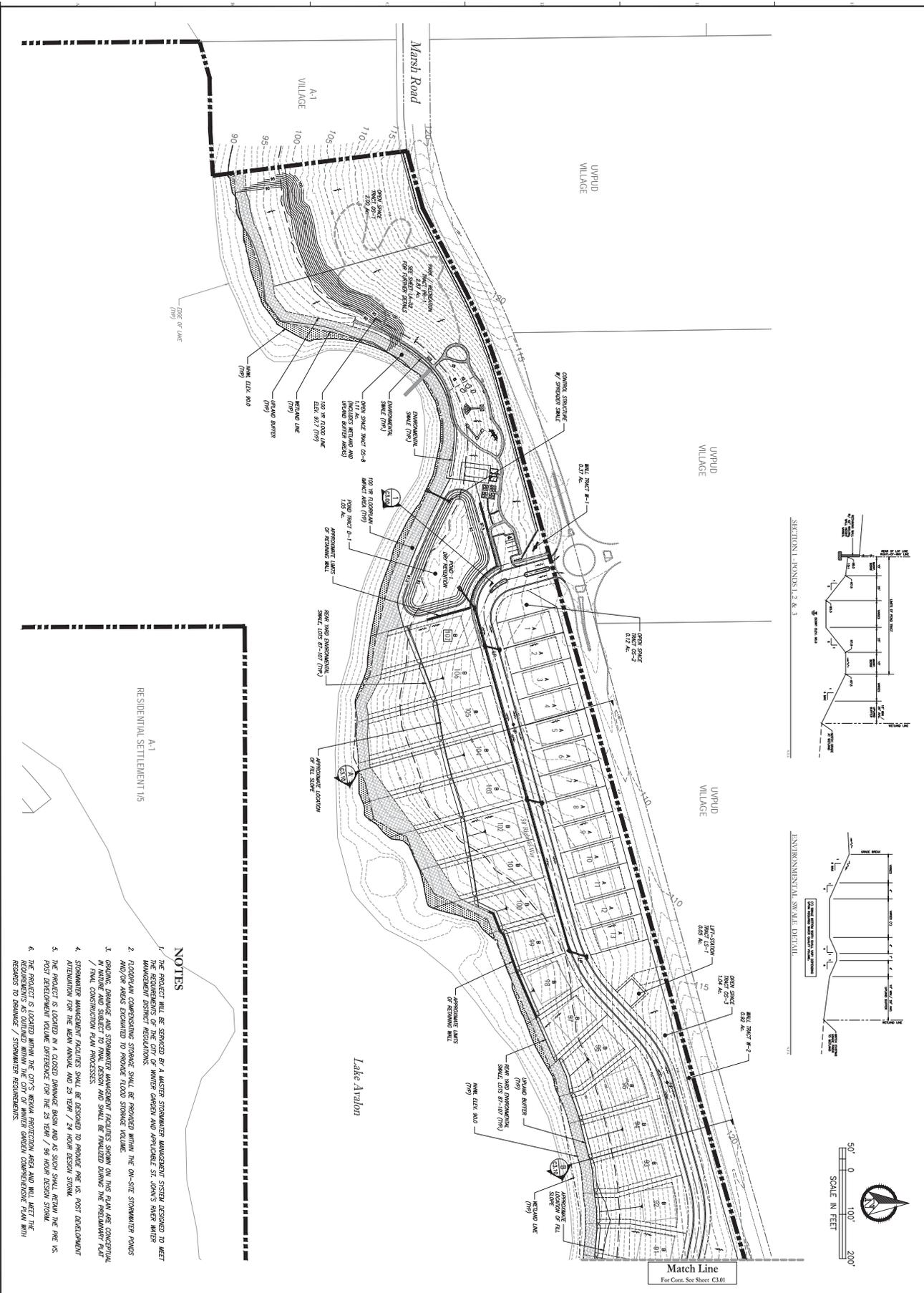


<p>Submittal To: WINTER GARDEN, FL</p> <p>Sheet Title: MASTER DOCK PLAN</p> <p>Sheet No.: 2.10</p>	<p>DATE: March 30, 2016</p>
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POULOS & BENNETT
2021 L. L. Poulos & Bennett, LLC
141 W. 1st St., Suite 200
Winter Garden, FL 32787
Tel: 407.352.8888
Fax: 407.352.8889

<p>Project Name: PREMIER PROPERTY</p>	<p>DATE: 11/10/15</p>
<p>DESIGNED BY: JLB</p>	<p>DATE: 11/10/15</p>
<p>CHECKED BY: MS</p>	<p>DATE: 11/10/15</p>
<p>APPROVED BY: MS</p>	<p>DATE: 11/10/15</p>
<p>SCALE: 1"=10'</p>	<p>DATE: 11/10/15</p>

Key Map



RESIDENTIAL SETTLEMENTS

- NOTES**
1. THE PROJECT WILL BE SERVED BY A MASTER STORMWATER MANAGEMENT SYSTEM DESIGNED TO MEET THE REQUIREMENTS OF THE CITY OF WINTER GARDEN AND APPLICABLE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT REGULATIONS.
 2. FLOODPLAIN COMPENSATING STORAGE SHALL BE PROVIDED WITHIN THE ON-SITE STORMWATER POUNDS AND/OR BASINS EXCEPTED TO PROVIDE FLOOD STORAGE VOLUME.
 3. GRADING, DRAINAGE AND STORMWATER MANAGEMENT FACILITIES SHOWN ON THIS PLAN ARE CONCEPTUAL / FINAL CONSTRUCTION PLAN PROCESS.
 4. STORMWATER MANAGEMENT FACILITIES SHALL BE DESIGNED TO PROVIDE ONE (1) HOUR DEVELOPMENT ATTENUATION FOR THE MEAN ANNUAL AND 25 YEAR / 24 HOUR DESIGN STORM.
 5. THE PROJECT IS LOCATED IN A CLOSED DRAINAGE BASIN AND AS SUCH SHALL RETAIN THE PRE US POST DEVELOPMENT VOLUME DIFFERENCE FOR THE 25 YEAR / 48 HOUR DESIGN STORM.
 6. THE PROJECT IS LOCATED WITHIN THE CITY'S SPECIAL DISTRICT AND SHALL MEET THE REQUIREMENTS AS OUTLINED WITHIN THE CITY OF WINTER GARDEN COMPENSATING PLAN WITH REMOVAL TO DRAINAGE / STORMWATER REQUIREMENTS.

3.00

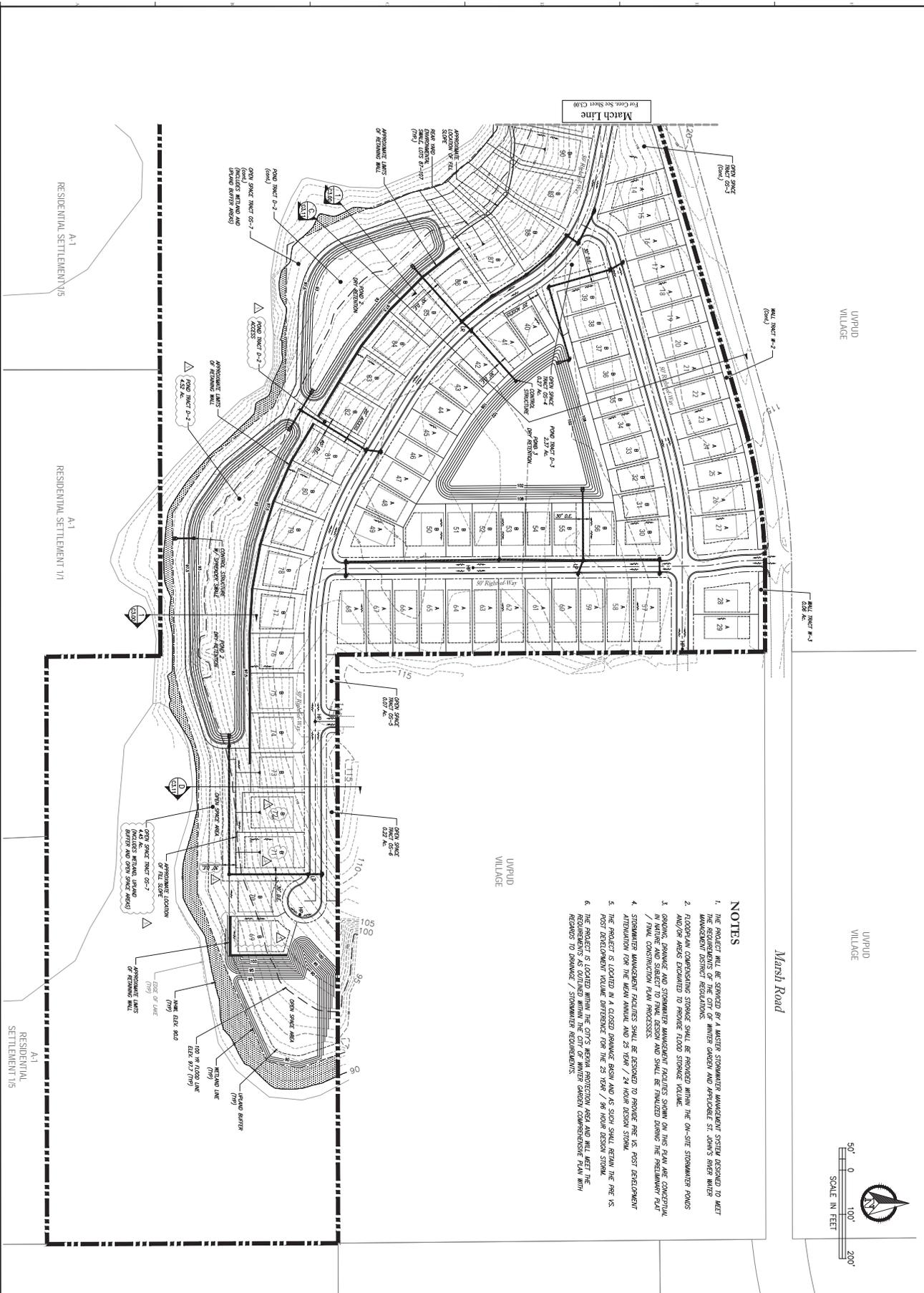
DATE: March 30, 2016

FOULOS & BENNETT
 2021 E. Longwood Street, Suite 111, 32835
 Winter Garden, FL 32787
 Tel: 407.321.1111
 Fax: 407.321.1111
 www.foulos.com

Paulus & Bennett, LLC
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 Winter Garden, FL 32787
 Tel: 407.321.1111
 Fax: 407.321.1111
 www.paulus.com

Premier Property
 Winter Garden, FL
 Street Title
 MASTER DRAINAGE
 PLAN

Sheet No.:
 3.00



- NOTES**
1. THE PROJECT WILL BE SERVED BY A MASTER STORMWATER MANAGEMENT SYSTEM DESIGNED TO MEET THE REQUIREMENTS OF THE CITY OF WINTER GARDEN AND APPLICABLE ST. JOHN'S RIVER WATER MANAGEMENT DISTRICT REGULATIONS.
 2. FLOODPLAIN OVERLAPPING STORAGE SHALL BE PROVIDED WITHIN THE ON-SITE STORMWATER PAVES AND/OR AREAS EXCEPTED TO PROVIDE FLOOD STORAGE VOLUME.
 3. GROUND, DRAINAGE AND STORMWATER MANAGEMENT FACILITIES SHOWN ON THIS PLAN ARE CONCEPTUAL IN NATURE AND SUBJECT TO FINAL DESIGN AND SHALL BE FINISHED DURING THE PRELIMINARY PLAN IN FINAL CONSTRUCTION FOR PROGRESS.
 4. STORMWATER MANAGEMENT FACILITIES SHALL BE DESIGNED TO PROVIDE FIVE (5) FOOT DEVELOPMENT HEADROOM FOR THE DESIGN FLOOD AND 25 (25) FEET / 24 HOUR DESIGN STORM.
 5. THE PROJECT IS LOCATED IN A CLOSED DRAINAGE BASIN AND AS SUCH SHALL REMAIN THE PRE (1) AS FSO DEVELOPMENT VOLUME DIFFERENCE FOR THE 25 (25) FEET / 24 HOUR DESIGN STORM.
 6. THE PROJECT IS LOCATED WITHIN THE CITY'S SPECIAL PROTECTION AREA AND WILL MEET THE REQUIREMENTS OF THE CITY'S SPECIAL PROTECTION AREA CHANGES COMPREHENSIVE PLAN WITH REFERENCE TO DRAINAGE / STORMWATER REQUIREMENTS.

FOULDS & BENNETT
 20211 Livingston Street, Orlando, FL 32835
 Tel: (407) 552-8800 Fax: (407) 552-8800
 Reg. No. 15053

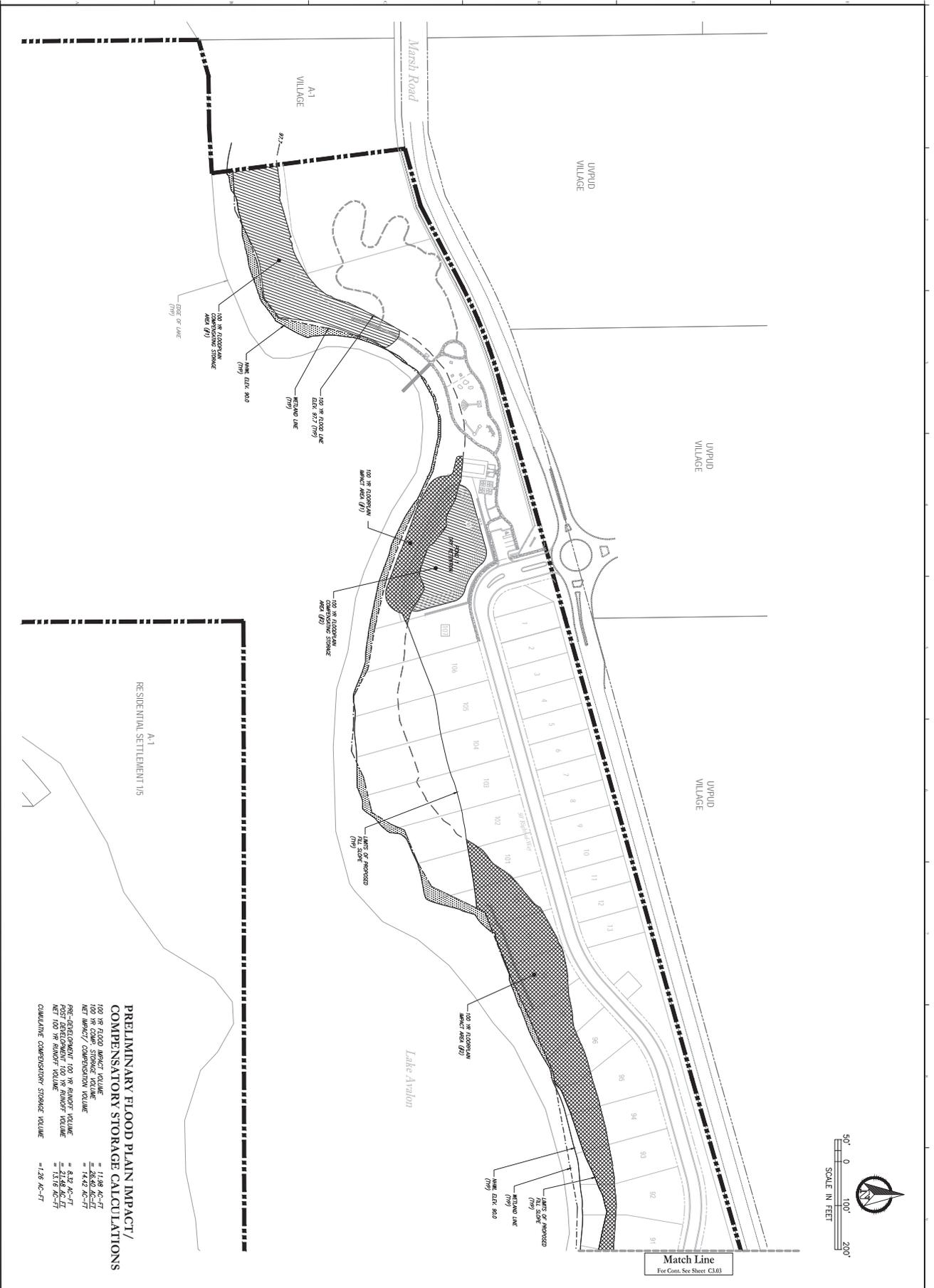
Paulus & Bennett, LLC
 20211 Livingston Street, Orlando, FL 32835
 Tel: (407) 552-8800 Fax: (407) 552-8800
 Reg. No. 15053

Submitted To: **WINTER GARDEN, FL**
 Sheet Title: **MASTER DRAINAGE PLAN**
 Sheet No.: **3.01**
 Date: **March 30, 2016**

PREMIER PROPERTY

Consultant:

1. DESIGN: 3.01 MASTER DRAINAGE PLAN
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Key Map

Consultant:

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**PREMIER
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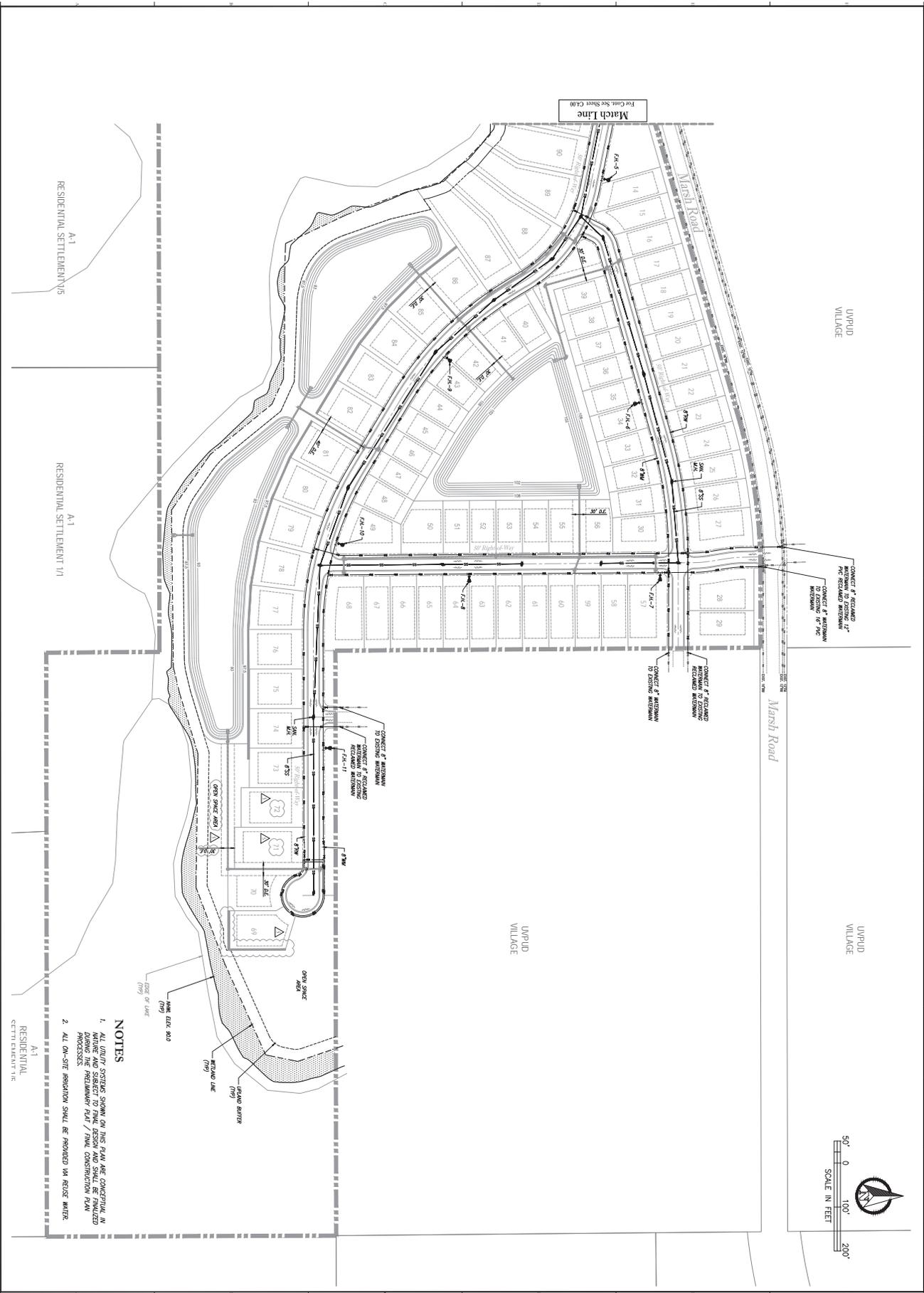
Submitted For:
WINTER GARDEN, FL.

Sheet Title:
**FLOODPLAIN
COMPENSATION
PLAN**

Sheet No.:
3.02

DATE: March 30, 2016

FOULOS & BENNETT
20211 Livingston Street, Orlando, FL 32835
Tel: 407.487.1111 Fax: 407.487.1112
http://www.fb.com No. 28587



A-1
RESIDENTIAL SETTLEMENTS

A-1
RESIDENTIAL SETTLEMENT 7/1

A-1
RESIDENTIAL
SECTION 12

- NOTES**
1. ALL UTILITY SYSTEMS SHOWN ON THIS PLAN ARE CONCEPTUAL IN NATURE AND SUBJECT TO FINAL DESIGN AND SHALL BE FINALIZED PRIOR TO THE PRELIMINARY PAID / FINAL CONSTRUCTION PLAN.
 2. ALL ON-SITE PROTECTION SHALL BE PROVIDED IN ACCORDANCE WITH THE



Consultant:

Project Name:
**PREMIER
PROPERTY**

Submitted To:
WINTER GARDEN, FL

Sheet Title:
**MASTER UTILITY
PLAN**

Sheet No.:
401

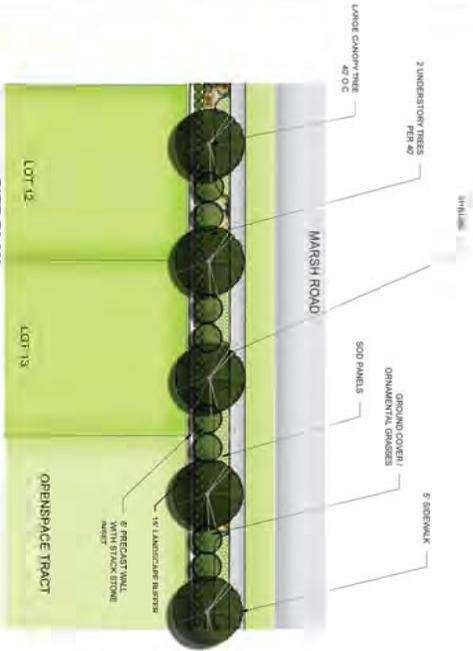
DATE: March 30, 2016

FOULOS & BENNETT

20211 Livingston Street, Orlando, FL 32835
Tel: 407.353.8800 Fax: 407.353.8801
http://www.fob.com

Paulos & Bennett, LLC

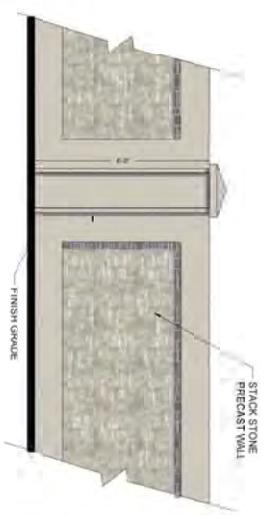
Premier Property



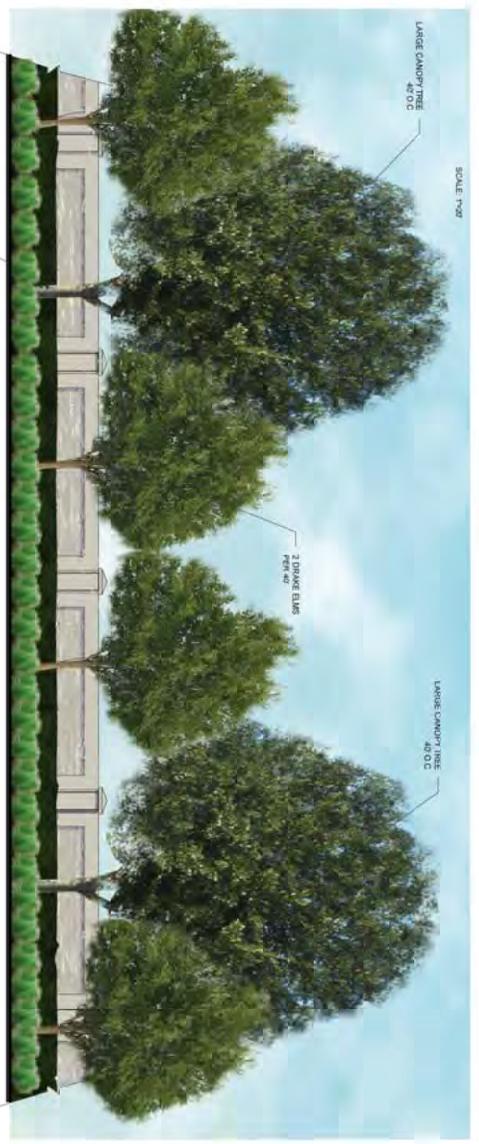
1 SITE PLAN TYPICAL MARSH ROAD 15' LANDSCAPE BUFFER



2 ELEVATION PROJECT SIGN WALL
The sign panel shall be a minimum 10' high and 12' wide. The maximum sign area shall be 35' of consistent with Section 100-120 Sub 1.



3 ELEVATION PRECAST BUFFER WALL



4 ELEVATION TYPICAL MARSH ROAD LANDSCAPE BUFFER

Prepared for:
K Hovnanian Homes
 151 Southhall Lane Suite 120
 Maitland, Florida 32751
 Rev: March 04, 2016

daly design group inc.

Land Planning • Landscape Architecture • Project Management
 913 N. Pennsylvania Ave, Winter Park, Florida 32789
 Phone 407.740.7373 • www.dalydesign.com

Premier Property



Prepared for:

K Hovnanian Homes
 151 Southhall Lane Suite 120
 Maitland, Florida 32751
 Feb 02, 2016

daly design group inc.

Land Planning • Landscape Architecture • Project Management
 913 N Pennsylvania Ave, Winter Park, Florida 32789
 Phone 407.740.7373 • www.dalydesign.com

1 PLAN VIEW RECREATION PLAN

Note: The elements shown on this plan shall be incorporated into the recreation area. Location of individual elements may be adjusted due to site conditions, tree preservation, & engineering constraints. Determination shall be made at final engineering plan preparation.

SCALE: 1"=40'



Exhibit "C"

COVER PAGE

TYPICAL BUILDING ELEVATIONS

PREMER PROPERTY

(2 PAGES - ATTACHED)

THE CITY OF WINTER GARDEN
PLANNING AND ZONING BOARD AGENDA ITEM

ITEM # 6 (Public Hearing)

DATE: April 29, 2016 **MEETING DATE:** May 2, 2016

SUBJECT: 1333 East Crown Point Road (SPECIAL EXCEPTION PERMIT)
PROJECT NAME Cornerstone Pre-School
PARCEL ID# 12-22-27-0000-00-029

ISSUE: The applicant is requesting a Special Exception Permit to allow a pre-school to operate on the property located at 1333 East Crown Point Road.

SUPPLEMENTAL MATERIAL/ANALYSIS:

OWNER/APPLICANT: Michael Yoakum, Cornerstone Community Church of West Orange

CURRENT ZONING: R-1 Single-Family Residential District

PROPOSED ZONING: N/A

CURRENT FLU: LD Low Density Residential

PROPOSED FLU: N/A

SUMMARY:

The applicant is requesting a Special Exception Permit to allow a permanent pre-school, as well as a charter school's 5th and 6th grades for a temporary time period, to operate on the property located at 1333 East Crown Point Road.

STAFF RECOMMENDATION(S):

Staff recommends approval of the Special Exception Permit subject to the conditions outlined in the Staff Report.

NEXT STEP(S):

Apply for building permits or for Site Plan Approval, if required.

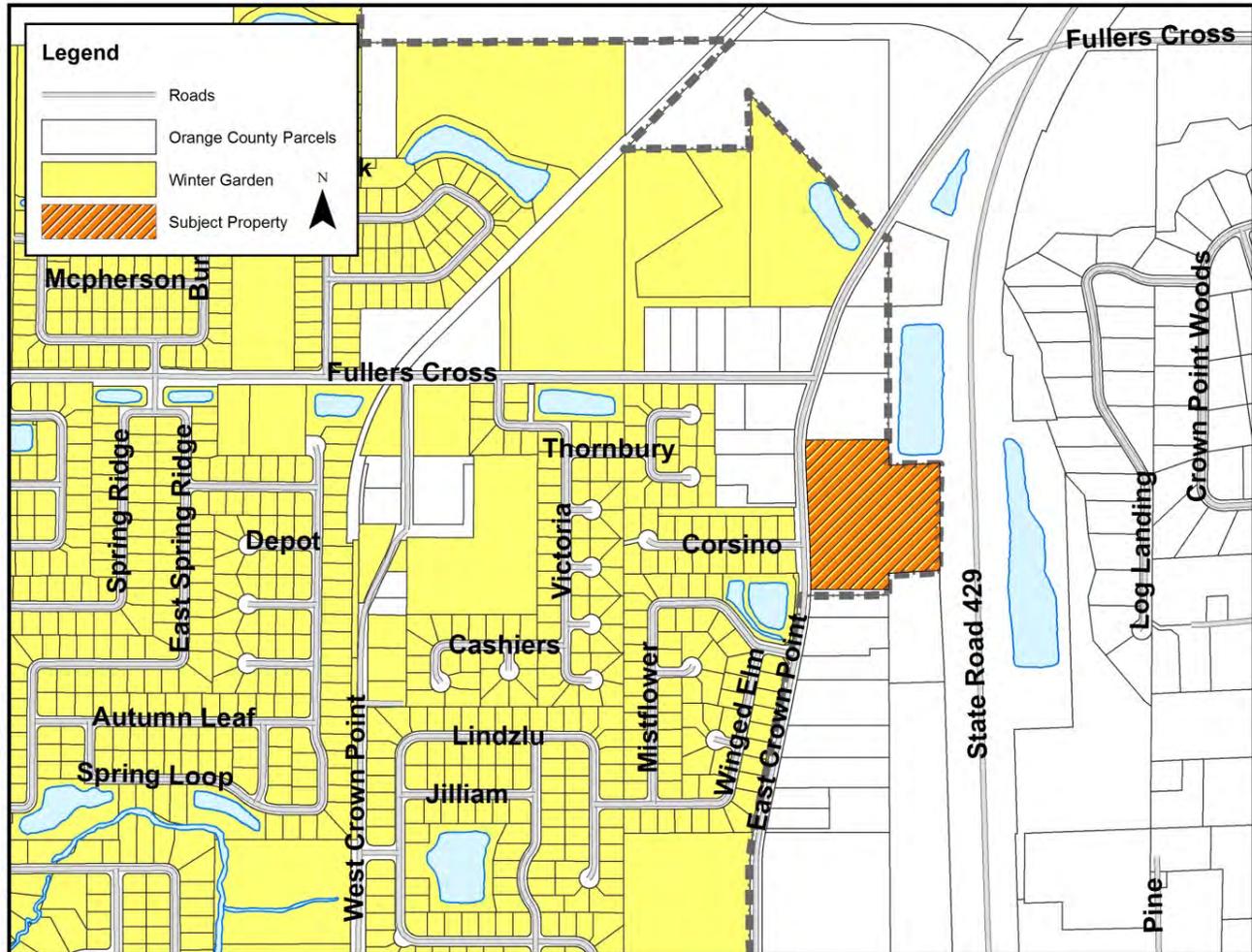
ATTACHMENT(S):

Location Map
Staff Report
Letter from Hope Charter School

LOCATION MAP

1333 East Crown Point Road

Special Exception



CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

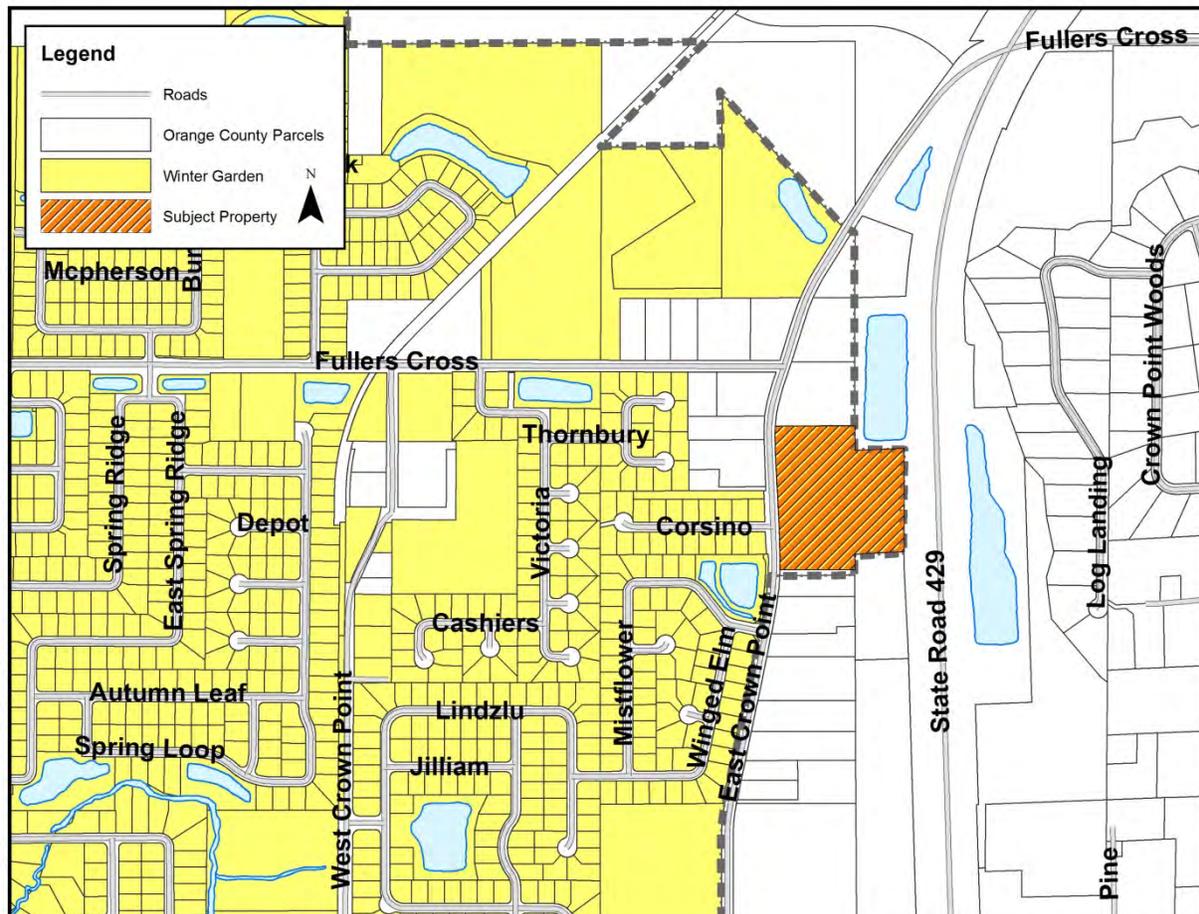
300 West Plant Street - Winter Garden, Florida 34787-3011 • (407) 656-4111

STAFF REPORT

TO: PLANNING AND ZONING BOARD
PREPARED BY: KELLY CARSON, URBAN DESIGNER
DATE: APRIL 28, 2016
SUBJECT: SPECIAL EXCEPTION PERMIT
1333 East Crown Point Road, Cornerstone Community Church of West Orange
PARCEL ID # 12-22-27-0000-00-029
APPLICANT: Michael Yoakum, Pastor

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 1333 East Crown Point Road. The map below depicts the location of the subject property within the City of Winter Garden municipal limits:



The applicant is requesting a Special Exception Permit to allow a permanent pre-school, as well as a charter school's 5th and 6th grades for a temporary time period, to operate in an existing church facility within the Single-Family Residential (R-1) Zoning District. The subject property is located within the City of Winter Garden municipal limits, carries the zoning designation R-1, and is designated Low Density Residential (LR) on the Future Land Use Map of the Comprehensive Plan.

EXISTING/PROPOSED USE

The ± 9.93 acre property currently contains an ± 8,000 square foot metal single story church building, a ± 400 square foot board & batten office building, an ± 800 square foot metal storage building, several sheds, a paved parking area, and a large unpaved grass parking area. The site also has a looped drop-off area adjacent to the main building's front door. A church currently operates within the existing buildings and services are conducted on the weekends and in the evenings. The applicant is requesting to operate a pre-school with a maximum enrollment of 60 3-4 year-old children and 3 staff members within the ± 8,000 square foot building in the daytime when church services aren't being held. Before the pre-school opens, the applicant is requesting to use the church facilities to house approximately 100 5th and 6th grade students and 8 staff members who attend the Hope Charter School while permanent facilities are being constructed on the Charter School's main campus. The 5th and 6th grades will only operate on the premises for a *maximum* of one school year (August, 2016 to June, 2017).

ADJACENT LAND USE AND ZONING

The properties located to the west of the subject property include numerous single-family residential parcels. Several of these parcels are zoned R-1 and are located within the City of Winter Garden's municipal limits, and the others are zoned A-1 and are located in Unincorporated Orange County. The property to the east contains a portion of Florida State Road 429 (Western Beltway). The properties to both the north and south of the subject property each contain a single-family home, are zoned A-1, and are located in Unincorporated Orange County.

SUMMARY

City Staff recommends approval of the Special Exception Permit request to operate a pre-school permanently as well as 5th and 6th grade classes on a temporary basis subject to the following conditions:

1. The number of children permitted to attend the pre-school is limited to 60. If the pre-school wishes to admit any additional children, a new Special Exception Permit is required to be approved by the Planning & Zoning Board.
2. Hope Charter School's 5th and 6th grade students are permitted to be temporarily located within the existing church facilities until the end of the 2016/17 school year (June of 2017), at which time they will move to Hope Charter's main campus. The pre-school is permitted to operate once the 5th and 6th grade students have vacated the premises.
3. The pre-school 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.
4. All necessary permits must be obtained prior to beginning any construction on or

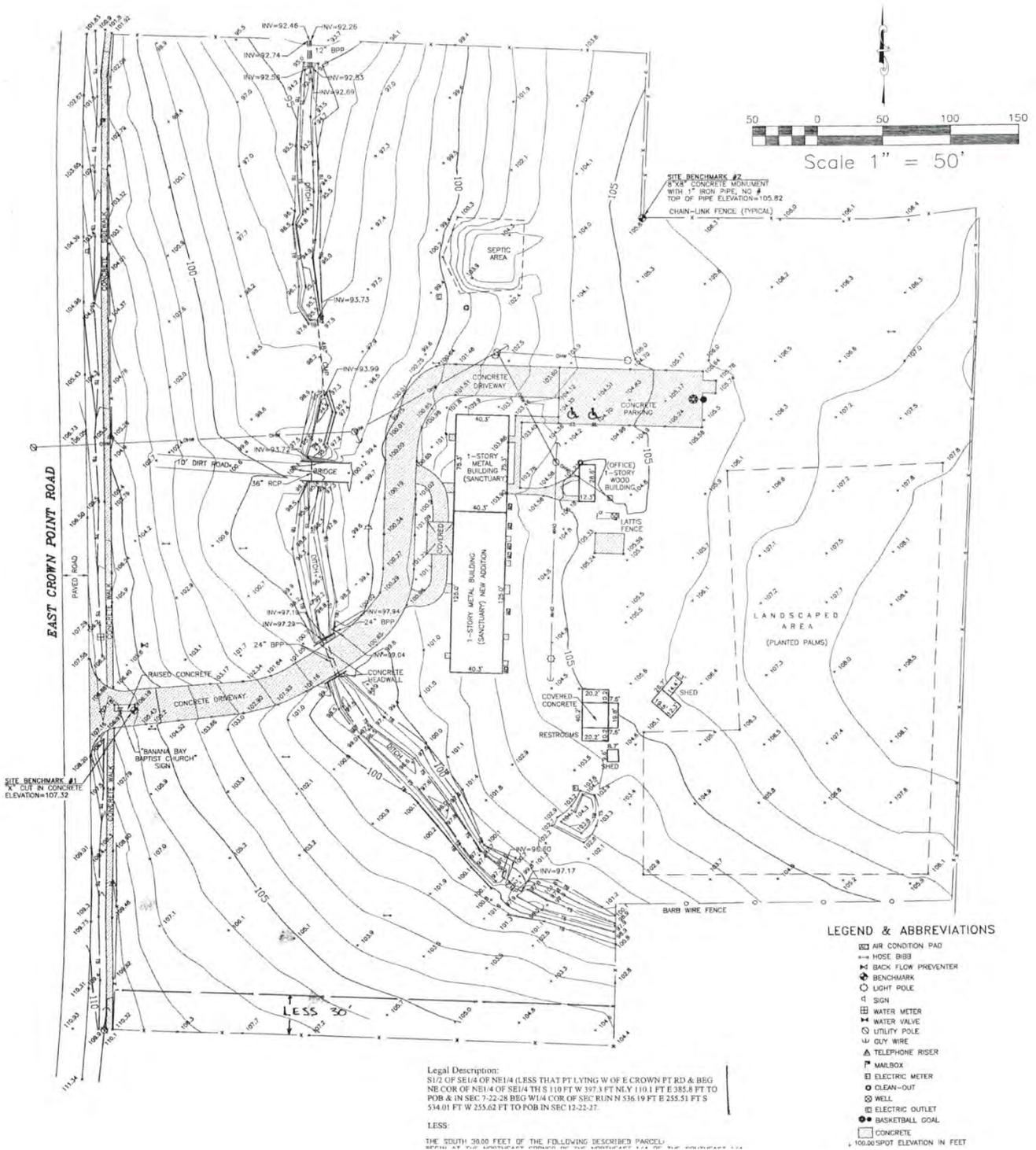
alterations to the buildings or site.

5. Any new signage must comply with the requirements of the Winter Garden Code of Ordinances Chapter 102 - SIGNS.

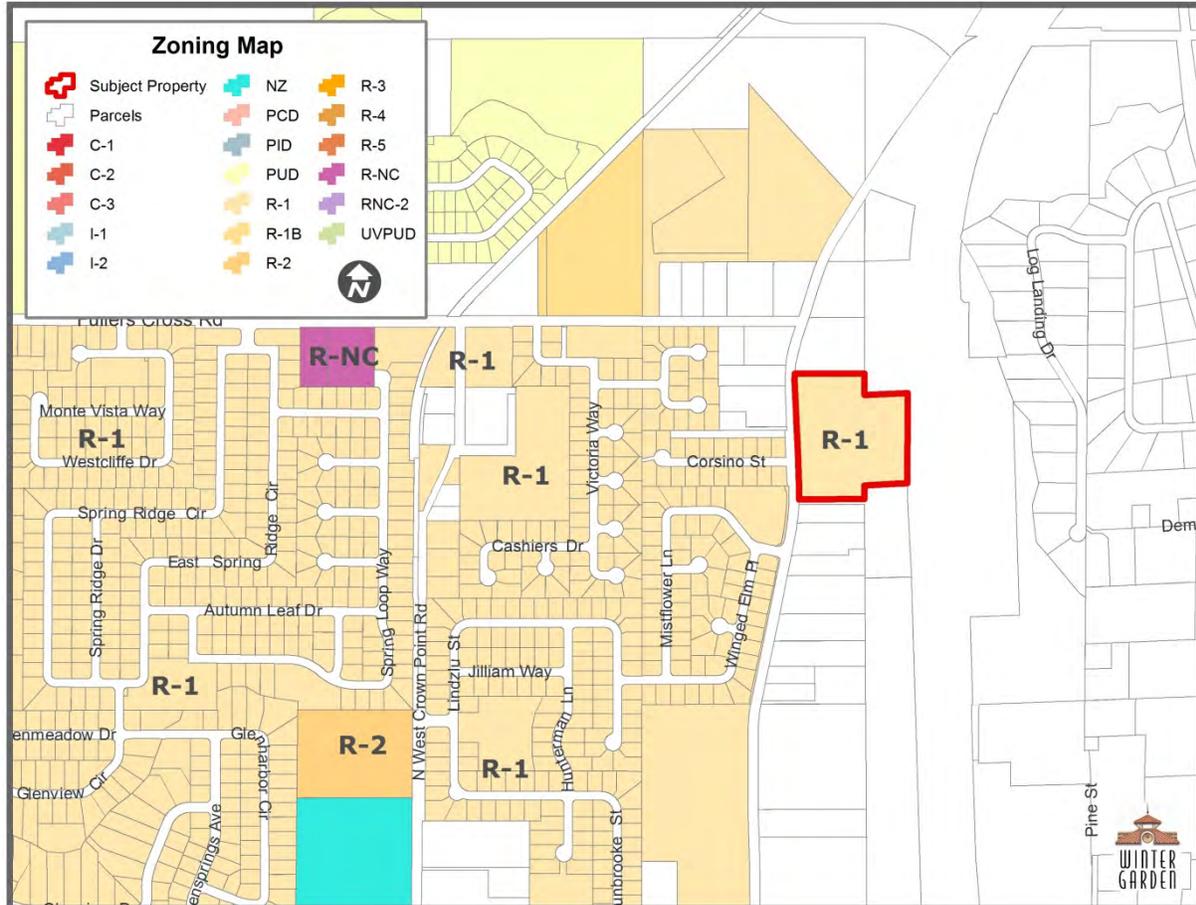
AERIAL MAP
1333 E Crown Point Road



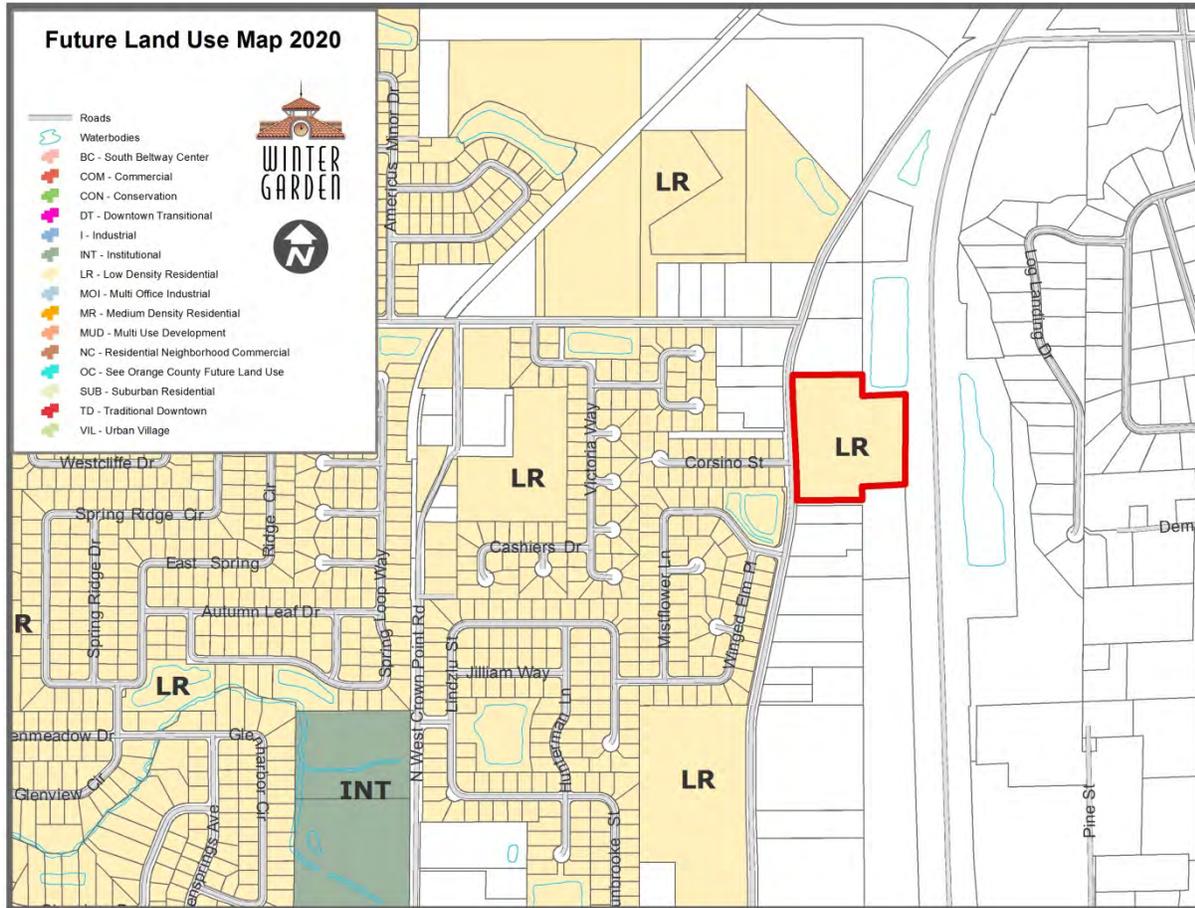
SURVEY
1333 E Crown Point Road



ZONING MAP
1333 E Crown Point Road



FUTURE LAND USE MAP
1333 E Crown Point Road



END OF STAFF REPORT



March 31, 2016

Steve Pash
Planning and Zoning Division
City of Winter Garden
300 West Plant Street
Winter Garden, Florida 34787

Dear Steve,

Cornerstone Community Church of West Orange, Inc. located at 1333 E. Crown Point Road, is applying for a special exception in order to operate a pre-school out of their building Monday through Friday while church is not in session. The building is sound, spacious and has adequate bathroom facilities as well as plenty of outdoor play space.

As we have discussed, Hope Charter School's lease with Calvary Baptist Church on S. Dillard will conclude on June 30, 2016. While we are planning to build an additional eight-classroom building on Hope's and Legacy's campus, and site plans have been approved by Orange County, we are still awaiting the closing of funds for the site work to be done. As a temporary solution, we would like to request the opportunity to lease space from Cornerstone Community Church from August to December 2016 so that our students who are currently on the Calvary campus, and will be moving back to the main Hope and Legacy campus as soon as the project is completed, would have a temporary location for the first semester of the 2016-17 school year.

Cornerstone would be developing their pre-school plan, purchasing materials, advertising for students and hiring staff during this time and would launch their program in January 2017, should you approve the request for Hope 5th and 6th grade students to be located in the building for five months as stated. There would be 100 students in 6,000 square feet and on 9.93 acres with 10 staff members. Parking space as well as drop off and pick up stacking space is available at the back of the building.

If there is further information needed, I can be reached at 407-656-4673 or office@hopecharter.org.

Thank you for considering this request.

Sincerely,

Crystal Yoakum
CEO

CY/gc

THE CITY OF WINTER GARDEN
PLANNING AND ZONING BOARD AGENDA ITEM

ITEM # 7 (Public Hearing)

DATE: March 22, 2016 **MEETING DATE:** May 2, 2016

SUBJECT: 14120 West Colonial Drive (SPECIAL EXCEPTION PERMIT)
PROJECT NAME Montessori Charter School
PARCEL ID# 27-22-27-0000-00-060

ISSUE: The applicant is requesting a Special Exception Permit to allow a charter school to be developed on the property located at 14120 west Colonial Drive.

SUPPLEMENTAL MATERIAL/ANALYSIS:

OWNER/APPLICANT: M. Maciel and Associates, LLC/ West Orange Montessori Charter School, LLC

CURRENT ZONING: C-2 Arterial Commercial District

PROPOSED ZONING: N/A

CURRENT FLU: Commercial

PROPOSED FLU: N/A

SUMMARY:

The applicant is requesting special exception to allow a charter school to be developed on property located at 14120 West Colonial Drive. The C-2 Zoning district allows uses which the planning and zoning board determines are of the type and intensity of activity similar to and compatible with the permitted uses in the C-2 district to be considered through special exception.

STAFF RECOMMENDATION(S):

Staff recommends approval of the Special Exception subject to the conditions contained in the staff report.

NEXT STEP(S):

N/A

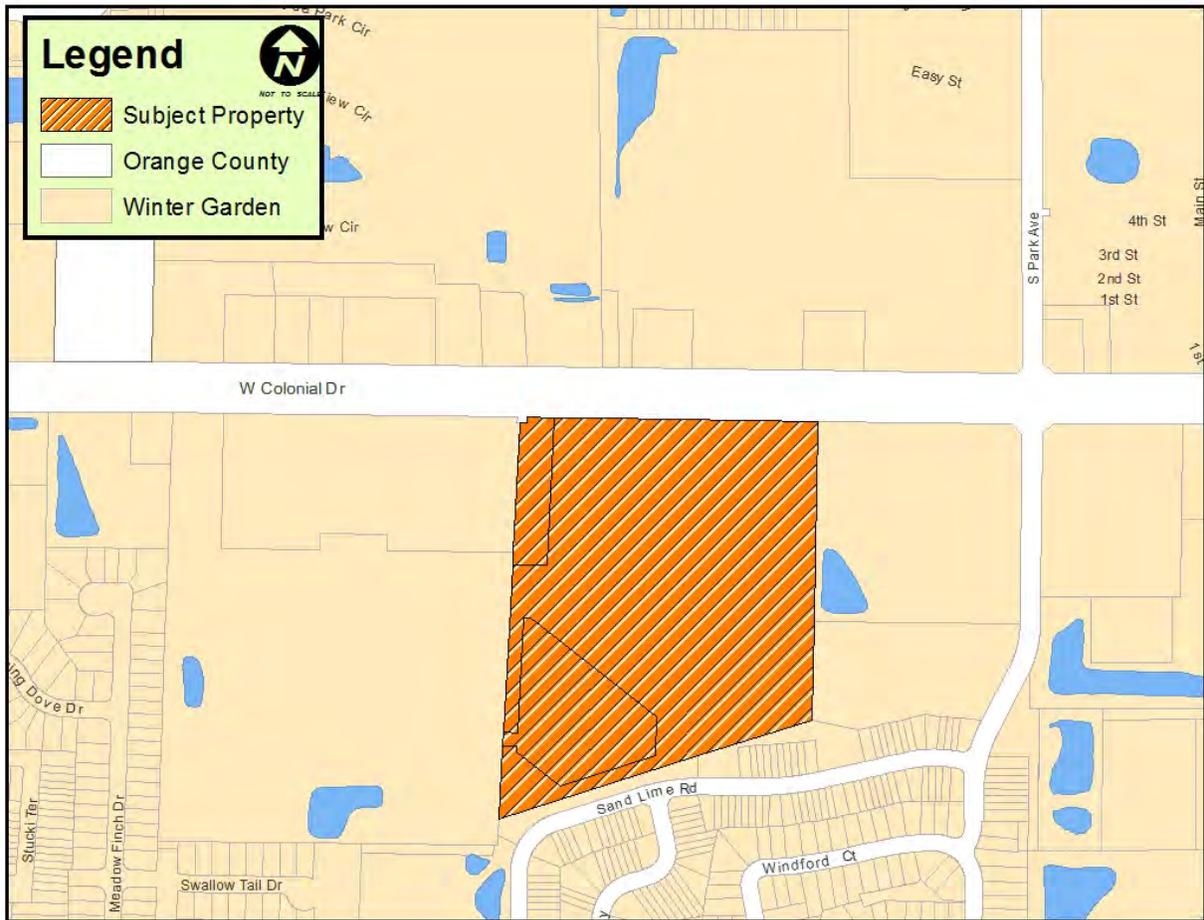
ATTACHMENT(S):

Location Map
Staff Report

LOCATION MAP

14120 W Colonial Drive

SPECIAL EXCEPTION



CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

STAFF REPORT

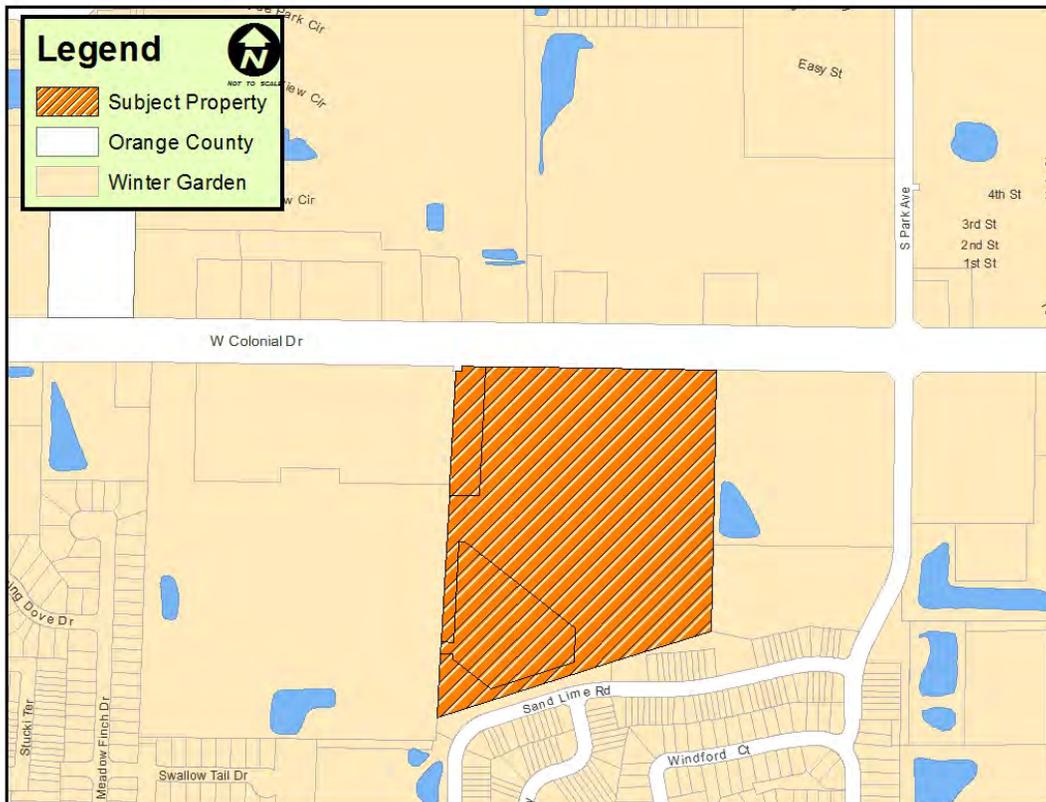
TO: PLANNING AND ZONING BOARD
PREPARED BY: STEVE PASH, COMMUNITY DEVELOPMENT DIRECTOR
DATE: MARCH 22, 2016
SUBJECT: SPECIAL EXCEPTION PERMIT
14120 West Colonial Drive (School)
PARCEL ID # 27-22-27-0000-00-060

APPLICANT: M. Maciel and Associates, LLC

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 14120 West Colonial Drive. The map below depicts the location of the subject property within the City of Winter Garden municipal limits:



The applicant is requesting a Special Exception to operate a charter school on a portion of the property. This charter school has been operating at 855 East Plant Street since 2011.

EXISTING/PROPOSED USE

The property is currently vacant with a Department of Transportation pond in the southwest corner of the property. The previous owners of this property submitted for a Site Plan Review, which was approved by City Commission in March of 2009, along with a Developer's Agreement. The Site Plan included 19,960 square feet of office, 133,110 square feet of retail, and a 2,435 square foot fast food restaurant along with three outparcels.

The applicant is now requesting a Special Exception to allow a charter school as a use within this development. The proposed school will have a maximum of 700 students in grades pre-k through eighth. The school buildings will be 1 and 2 story construction, with landscaped paths throughout, outdoor play ground, and outdoor learning areas. The proposed buildings will be constructed using "green" sustainable development and will be similar to the elevations shown in this report.

The owners of this property will be submitting applications to rezone the property to Planned Commercial Development (PCD) and Site Plan Review. The PCD application will require a Traffic Study and provide more details of the site development, such as showing the final access points and establishing the architectural guidelines. The total number of students that will be allowed at the school will be determined once all of these documents have been received, reviewed, and the PCD and Site Plan have been reviewed and approved.

ADJACENT LAND USE AND ZONING

The properties located to the north are developed with commercial uses including; retail, restaurants, and a skating rink, zoned C-2, and located in the City of Winter Garden. There are two properties to the east, one is vacant and the other is a Recreational Vehicle sales facility, both are zoned C-2, and located in the City of Winter Garden. The property to the south is developed with town homes (Park Avenue Estates), zoned R-3, and located in the City of Winter Garden. The property to the west is developed with the Stage Stop Camp Ground which contains mobile homes and camp sites for recreational vehicles, is zoned C-2, and located in the City of Winter Garden.

SUMMARY

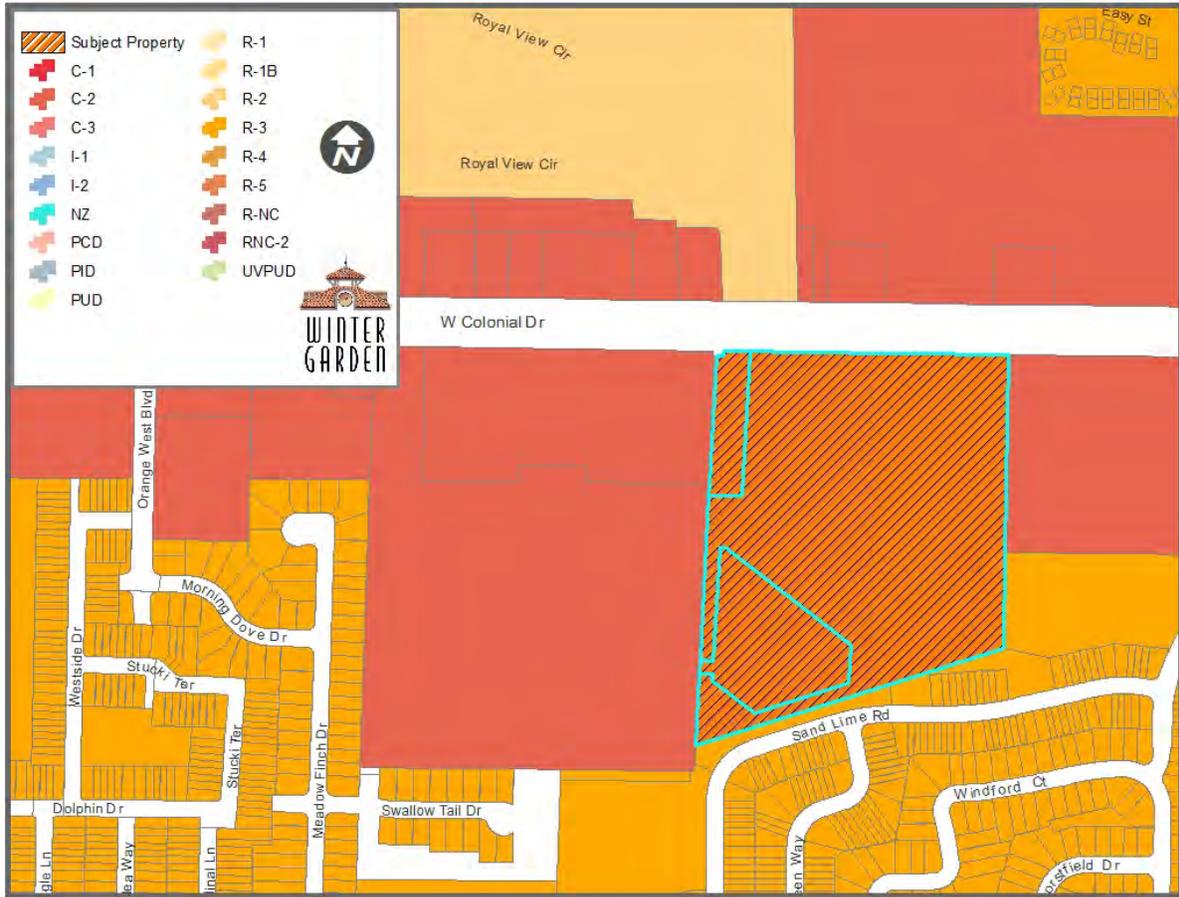
City Staff recommends approval of the proposed special exception permit to allow the charter school with the following conditions:

1. The proposed development must submit for Planned Commercial Development and Site Plan Review, which needs to be reviewed and approved by the Development Review Committee, Planning and Zoning Board, and City Commission.
2. The maximum number of students shall be determined through the PCD and Site Plan Review, but in no case shall it exceed 700.
3. This Special Exception Permit is specific to the West Orange Montessori Charter School, LLC and cannot be transferred to another school.

Aerial Map
14120 West Colonial Drive



Zoning Map 14120 West Colonial Drive



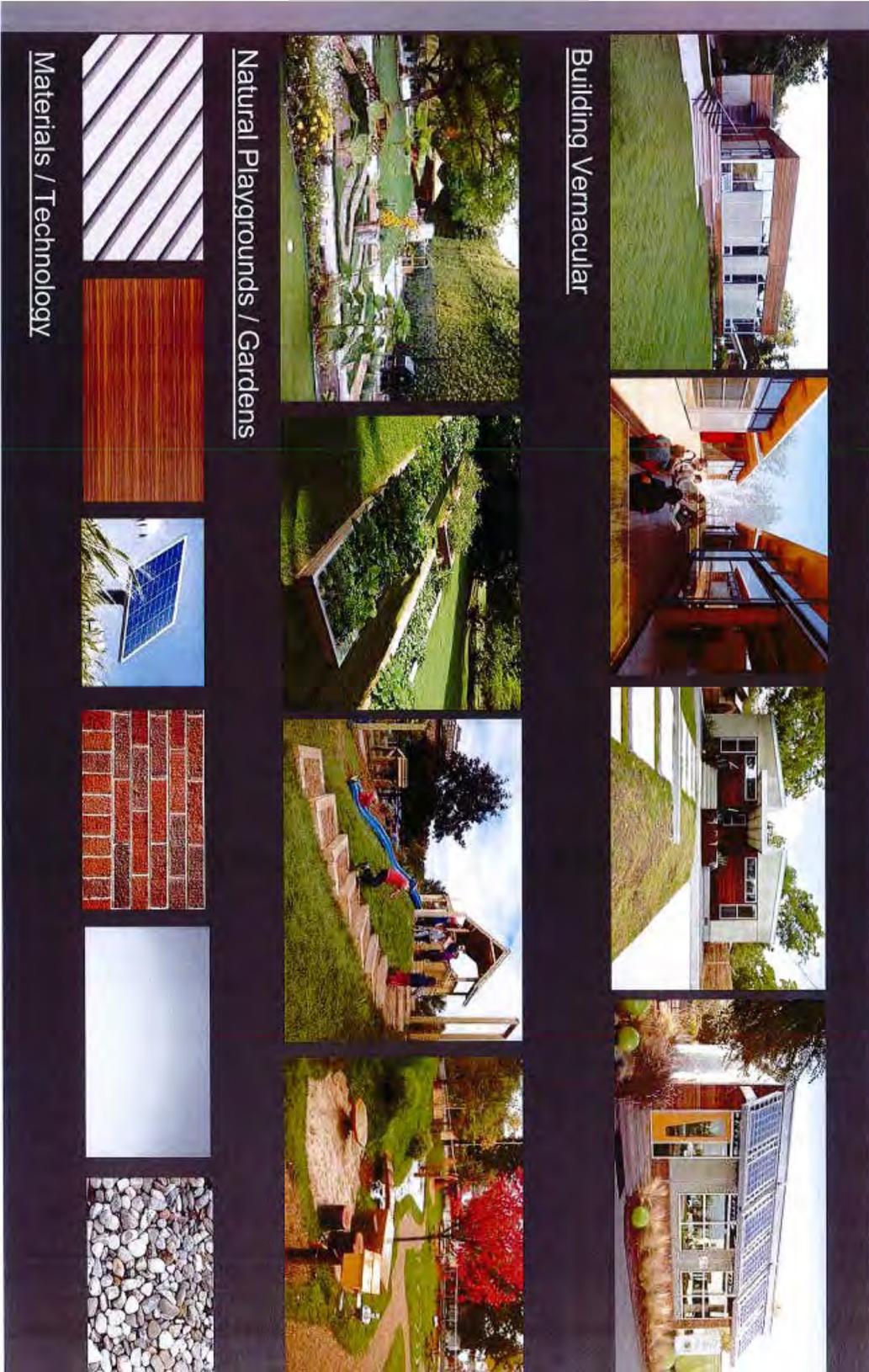
Future Land Use Map 14120 West Colonial Drive



SITE PLAN
14120 West Colonial Drive



BUILDINGS/SITE AMENITIES
14120 West Colonial Drive



END OF STAFF REPORT

THE CITY OF WINTER GARDEN
PLANNING AND ZONING BOARD AGENDA ITEM

ITEM # 8 (Public Hearing)

DATE: April 27, 2016 **MEETING DATE:** May 2, 2016

SUBJECT: Hembrooke (VARIANCE)
PROJECT NAME Hembrooke Shed
PARCEL ID# 14-22-27-9204-00-050

ISSUE: The applicant is requesting a Variance to allow a 12 foot x 16 foot accessory structure (shed) 6 feet from the rear property at 148 Roper Drive.

SUPPLEMENTAL MATERIAL/ANALYSIS:

OWNER/APPLICANT: Ashlyn & Timothy Hembrooke

CURRENT ZONING: R-1 Single Family Residential District

PROPOSED ZONING: N/A

CURRENT FLU: Low Density Residential

PROPOSED FLU: N/A

SUMMARY:

Applicant proposes to construct an accessory structure that is greater than 160 square feet at a 17.9 foot rear yard setback in lieu of the required 30 foot rear yard setback and for at a 4 foot side yard setback in lieu of the required 10 foot side yard setback.

STAFF RECOMMENDATION(S):

Staff recommends approval of the variance to allow a 18 foot x 26 foot accessory structure 17.9 feet from the rear property line and 4 feet from the side property line subject to the conditions of the staff report.

NEXT STEP(S):

Apply for a building permit to install the structure.

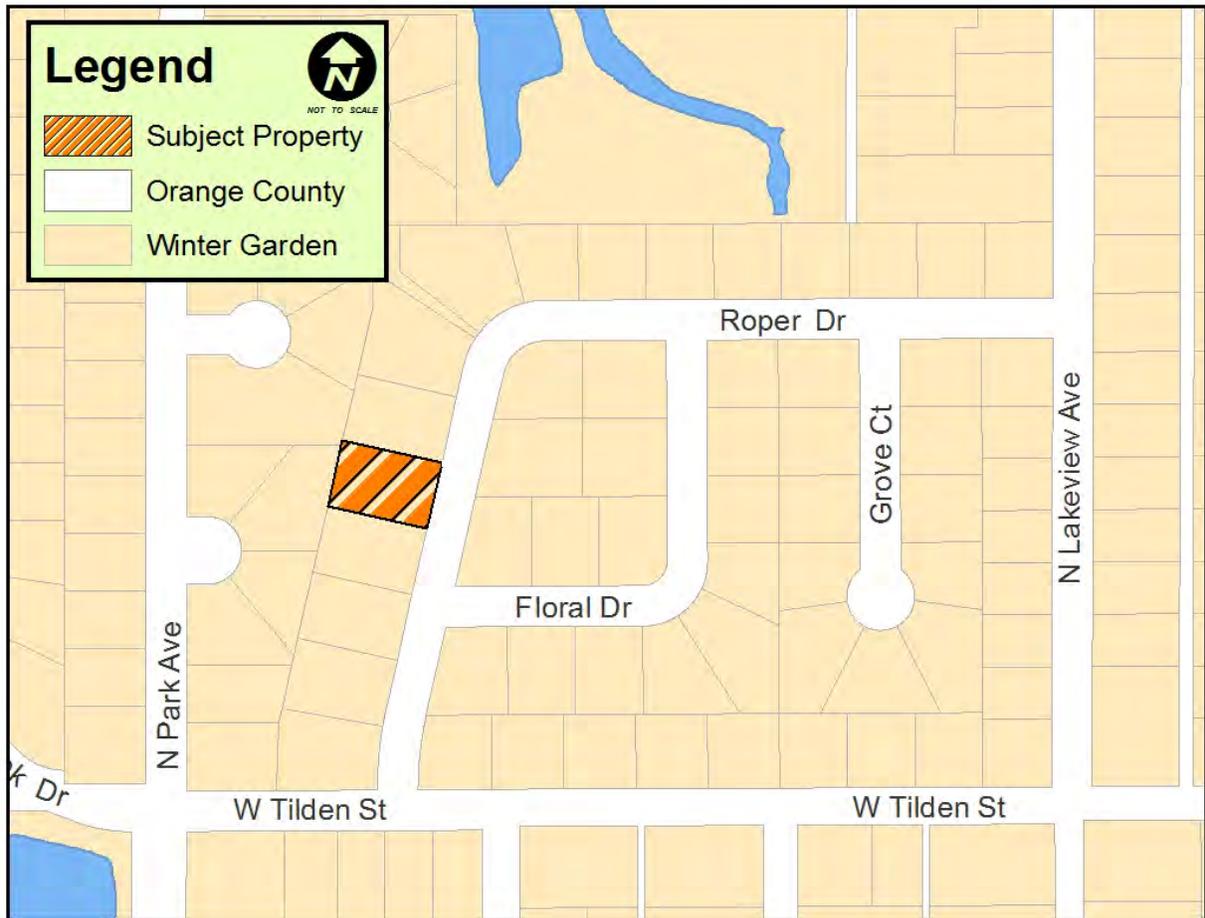
ATTACHMENT(S):

Location Map
Staff Report

LOCATION MAP

182 Roper Drive

VARIANCE



CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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STAFF REPORT

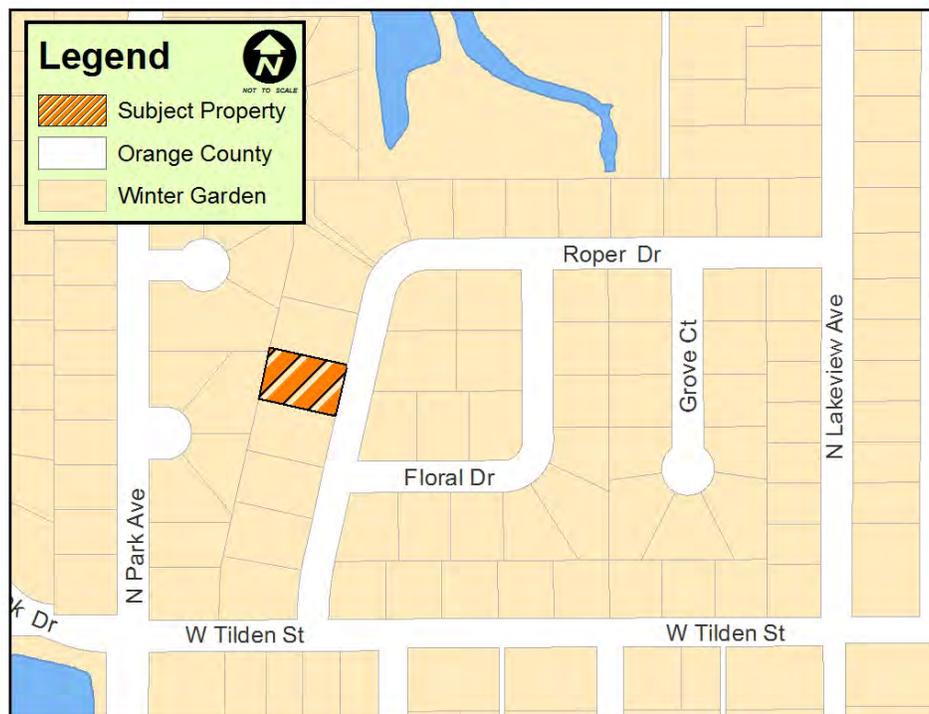
TO: PLANNING AND ZONING BOARD
PREPARED BY: STEVE PASH, COMMUNITY DEVELOPMENT DIRECTOR
DATE: APRIL 27, 2016
SUBJECT: VARIANCE
182 Roper Drive (0.34+/- ACRES)
PARCEL ID # 14-22-27-9204-00-050

APPLICANT: Ashlyn & Timothy Hembrooke

INTRODUCTION

The purpose of this report is to evaluate the request for rear yard and side yard setback variances for property located at 182 Roper Drive in Winter Garden, Florida. The request is for a 17.9 foot rear yard setback in lieu of the required 30 foot rear yard setback and for a 4 foot side yard setback in lieu of the required 10 foot side yard setback to allow construction of a 468 square foot accessory structure.

The subject property, located on Roper Drive, is an approximately 0.34± acre lot. The map below depicts the location of the subject property within the City of Winter Garden municipal limits:



The subject property carries the zoning designation R-1 (Single-Family Residential District) and is designated LR (Low Density Residential) on the Future Land Use Map of the City's Comprehensive Plan.

EXISTING USE

The subject property presently contains a single story 2,053 square foot single-family residential home.

ADJACENT LAND USE AND ZONING

The adjacent properties to the north, south, and east of the subject property contain single-family residential homes, have the zoning designation R-1 (Single-Family Residential District), and the future land use designation of LR (Low Density Residential).

PROPOSED USE

The applicant is requesting approval to build an 18 foot by 26 foot metal carport type structure (accessory structure) to store their boat under in the back yard. The proposed structure is located at a 17.9 foot rear yard setback in lieu of the required 30 foot rear yard setback and at a 4 foot side yard setback in lieu of the required 10 foot side yard setback.

CODE REFERENCE

Section 118-1310 (c) (2) a. of the City Code states that all accessory structures that are greater than 160 square feet must comply with all setback requirements of the principal structure. **Section 118-308 (1) b. and c.** of the City Code establish the setbacks and state that the building side setback is 10 feet and the rear setback is 20% of the depth of the lot (30 feet).

The applicant is seeking a variance to the minimum side yard setback and to the minimum rear yard setback to allow the proposed accessory structure to be built at a 4 foot side yard setback and a 17.9 foot rear yard setback.

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 structure located 4 feet from the side property line and 17.9 feet from the rear property line should not negatively impact or interfere with the reasonable enjoyment of adjacent or nearby property owners. Both of the impacted neighbors have submitted a signed document supporting construction of a cover to park a boat under. In addition, the property

to the south which is the most impacted has a 16 foot side yard setback.

- (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 4 foot side yard setback and a 17.9 foot rear yard setback for an accessory structure that is greater than 160 square feet will allow reasonable use of this property. Another home on this street was approved for a variance to construct a 12' x 16' accessory structure at a 6 foot rear yard setback.

- (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 legitimate City objectives by protecting the safety of neighboring property owners.

- (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 location of the structure should not negatively impact the neighbors as both property owners who are the most impacted have agreed to the proposed structure and the structure should be blocked from view on the front by the existing fence and substantial tree canopy. In addition, other similar variances have been approved for similar structures in this area.

SUMMARY

Staff recommends approval a variance to Section 118-308 (1) b. and c. of the Land Development Code to allow an accessory structure to be built at a 17.9 foot rear yard setback in lieu of the minimum required 30 foot rear yard setback and at a 4 foot side yard setback in lieu of the minimum required 10 side yard setback, subject to the following condition:

1. The proposed structure cannot exceed 12 feet in height at the peak.

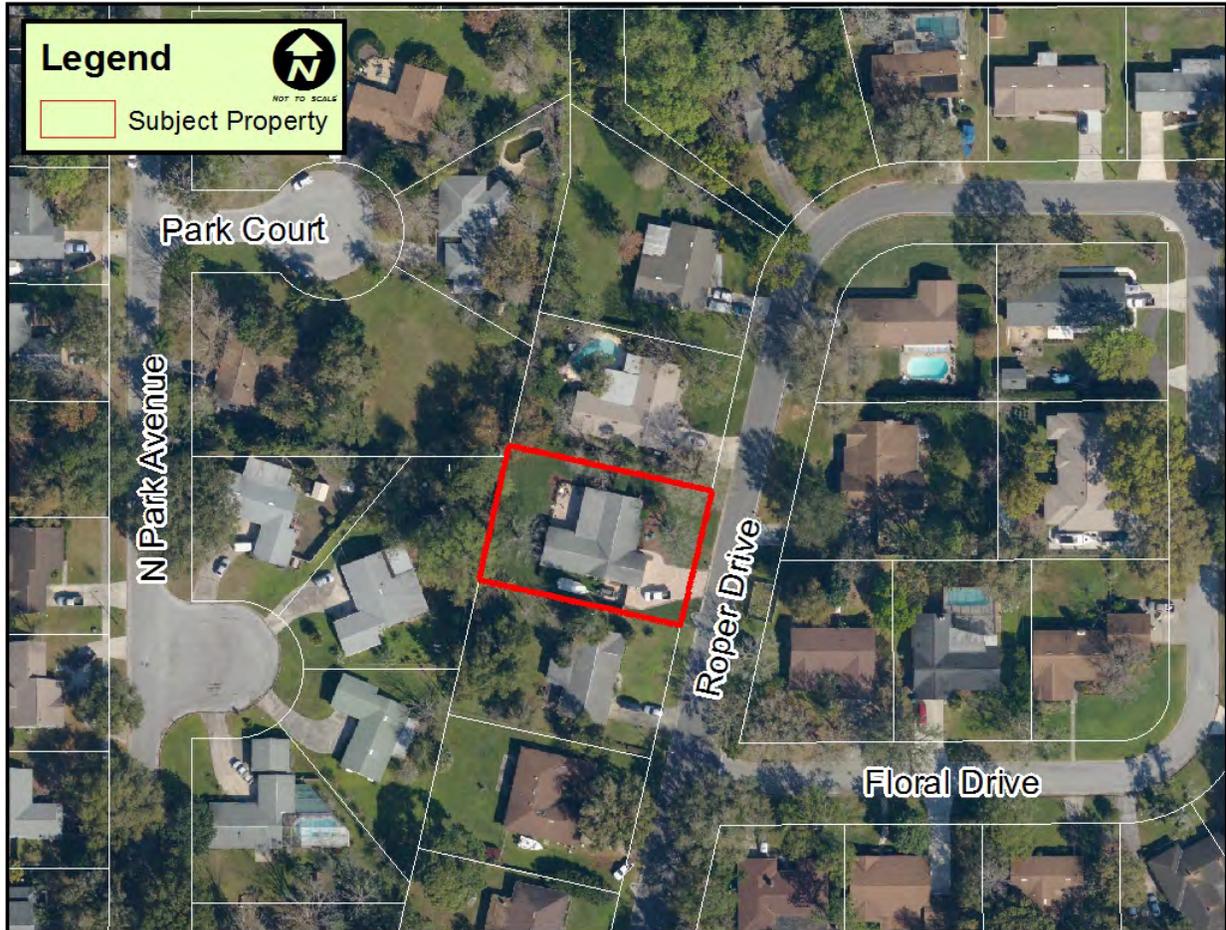
NEXT STEP

Apply for Building permits.

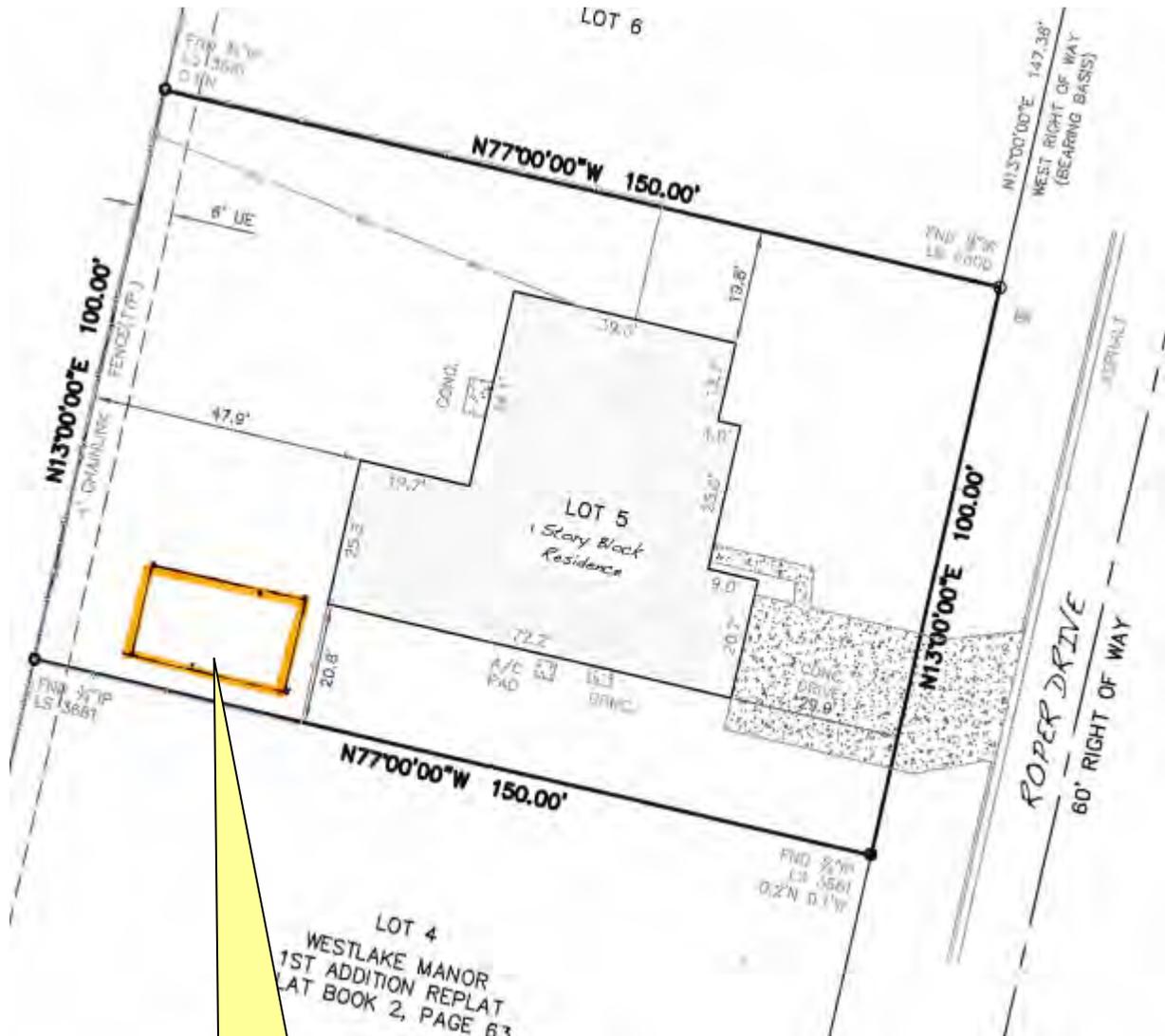
ATTACHMENTS

- Aerial Photo
- Survey (Site Plan)
- Site Photos

AERIAL PHOTO
182 Roper Drive



SURVEY (SITE PLAN)
182 Roper Drive



Proposed Accessory
Structure Location

SITE PHOTOS
182 Roper Drive

Subject Property looking west at proposed location (behind hedge).



Subject Property looking at property to the north



Looking at property to south from subject property



Subject Property rear yard looking north



END OF STAFF REPORT