



AGENDA
CITY COMMISSION
CITY HALL COMMISSION CHAMBERS
300 W. Plant Street
Winter Garden, Florida

REGULAR MEETING

May 12, 2016

6:30 p.m.

CALL TO ORDER

Determination of a Quorum

Opening Invocation and Pledge of Allegiance

1. **APPROVAL OF MINUTES**

Regular Meeting Minutes of April 28, 2016

2. **FIRST READING AND PUBLIC HEARING OF PROPOSED ORDINANCES**

A. **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 CITY NO ZONING (NZ) TO CITY 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 AND AN EFFECTIVE DATE **with the second reading and public hearing being scheduled for May 26, 2016** - Community Development Director Pash

B. **Ordinance 16-34:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY .193 ± ACRES LOCATED AT 622 VINELAND ROAD ON THE NORTHWEST CORNER OF W LAFAYETTE STREET AND STATE ROAD 535 OR VINELAND ROAD FROM R-2 RESIDENTIAL DISTRICT TO RNC RESIDENTIAL NEIGHBORHOOD COMMERCIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING 6722 VINELAND ROAD **staff is requesting postponement of this item until June 9, 2016** - Community Development Director Pash

3. **REGULAR BUSINESS** - None

4. **MATTERS FROM PUBLIC** (*Limited to 3 minutes per speaker*)

5. **MATTERS FROM CITY ATTORNEY** – Kurt Ardaman

6. **MATTERS FROM CITY MANAGER** – Mike Bollhoefer

A. Changing September Budget Hearing dates for Fiscal Year 2016/2017

7. MATTERS FROM MAYOR AND COMMISSIONERS

ADJOURN to a Regular Meeting on May 26, 2016 at 6:30 p.m. in City Hall Commission Chambers, 300 W. Plant Street, 1st floor

NOTICES:

In accordance with Florida Statutes 286.0105, if any person decides to appeal any decision made by said body with respect to any matter considered at such meeting, he/she will need a record of the proceedings and, for that purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The City of Winter Garden does not prepare or provide such record.

Any opening invocation that is offered before the official start of the Commission meeting shall be the voluntary offering of a private person, to and for the benefit of the Commission. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the City Commission or the city staff, and the City is not allowed by law to endorse the religious or non-religious beliefs or views of such speaker. Persons in attendance at the City Commission meeting are invited to stand during the opening invocation and to stand and recite the Pledge of Allegiance. However, such invitation shall not be construed as a demand, order, or any other type of command. No person in attendance at the meeting shall be required to participate in any opening invocation that is offered or to participate in the Pledge of Allegiance. You may remain seated within the City Commission Chambers or exit the City Commission Chambers and return upon completion of the opening invocation and/or Pledge of Allegiance if you do not wish to participate in or witness the opening invocation and/or the recitation of the Pledge of Allegiance. (Reference Resolutions 15-04 and 16-02)

	Those needing assistance to participate in any of these proceedings should contact the City Clerk's Office at least 48 hours in advance of the meeting (407) 656-4111 x2254.		Help for the hearing impaired is available through the Assistive Listening System. Receivers can be obtained at the meeting from the Information Technology Department (407) 656-4111 x5455.
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CITY OF WINTER GARDEN

CITY COMMISSION REGULAR MEETING MINUTES

April 28, 2016

A **REGULAR MEETING** of the Winter Garden City Commission was called to order by Mayor Rees at 6:30 p.m. at City Hall, 300 West Plant Street, Winter Garden, Florida. An Opening Invocation and Pledge of Allegiance were given.

Present: Mayor John Rees, Commissioners Bob Buchanan, Kent Makin, Robert Olszewski and Colin Sharman

Also Present: City Manager Mike Bollhoefer, City Attorney Kurt Ardaman, City Clerk Kathy Golden, Assistant City Manager of Public Services Don Cochran, Community Development Director Steve Pash, Economic Development Director Tanja Gerhartz, Finance Director Laura Zielonka, Fire Chief Matt McGrew, Information Technology Director Chad Morrill, and Police Chief George Brennan

1. **APPROVAL OF MINUTES**

Motion by Commissioner Olszewski to approve the regular meeting minutes of April 14, 2016 as submitted. Seconded by Commissioner Makin and carried unanimously 5-0.

2. **SECOND READING AND PUBLIC HEARING OF PROPOSED ORDINANCES**

A. **Ordinance 16-29:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.23 ± ACRES LOCATED AT 856 MYRTLE AVENUE ON THE SOUTH SIDE OF MYRTLE AVENUE, EAST OF TARATINE DRIVE AND WEST OF BEULAH ROAD INTO THE CITY OF WINTER GARDEN FLORIDA; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

B. **Ordinance 16-30:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING THE FUTURE LAND USE MAP OF THE WINTER GARDEN COMPREHENSIVE PLAN BY CHANGING THE LAND USE DESIGNATION OF REAL PROPERTY GENERALLY DESCRIBED AS APPROXIMATELY 0.23 ± ACRES LOCATED AT 856 MYRTLE AVENUE ON THE SOUTH SIDE OF MYRTLE AVENUE, EAST OF TARATINE DRIVE AND WEST OF BEULAH ROAD FROM ORANGE COUNTY LOW DENSITY RESIDENTIAL TO CITY LOW DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

C. **Ordinance 16-31:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.23 ± ACRES LOCATED AT 856 MYRTLE AVENUE ON THE SOUTH SIDE OF MYRTLE AVENUE, EAST OF

TARATINE DRIVE AND WEST OF BEULAH ROAD FROM ORANGE COUNTY R-1 SINGLE FAMILY DWELLING DISTRICT TO CITY R-1 SINGLE FAMILY RESIDENTIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinances 16-29, 16-30, and 16-31 by title only. Community Development Director Pash stated that this is the second reading and public hearing for the voluntary annexation of property located at 856 Myrtle Avenue. The owners have requested annexation, zoning of R-1 and low density residential land use. Staff recommends approval of Ordinances 16-29, 16-30, and 16-31.

Mayor Rees opened the public hearing; hearing and seeing none, he closed the public hearing.

Motion by Commissioner Olszewski to adopt Ordinances 16-29, 16-30, and 16-31. Seconded by Commissioner Sharman and carried unanimously 5-0.

- D. **Ordinance 16-33:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, CREATING A TEMPORARY BACKYARD CHICKEN PILOT PROGRAM TO ALLOW THE KEEPING OF CHICKENS ON PROPERTIES DEVELOPED WITH DETACHED SINGLE-FAMILY RESIDENTIAL STRUCTURES WITHIN CERTAIN ZONING DISTRICTS AND CREATING TERMS AND CONDITIONS CONCERNING THE KEEPING OF CHICKENS; PROVIDING FOR CONFLICTS, SEVERABILITY, EFFECTIVE DATE AND SUNSET DATE

City Attorney Ardaman read Ordinance 16-33 by title only. Community Development Director Pash stated that this is the second reading of Ordinance 16-33 which creates the temporary pilot program for 25 residential permits to have up to four chickens. The ordinance establishes the rules and regulations for coop size, height, and location. He noted the changes made since the last reading that includes a permit fee of \$25.00 and there was clarification made that the minimum coop and run would be 100 square feet. Staff recommends approval.

Commissioner Sharman addressed a resident's email, distributed by the City Clerk that looks like only one item hasn't been addressed. This is whether or not approval would be required of the abutting neighbors for these permits. Mr. Pash responded no.

Mayor Rees opened the public hearing.

Rebecca Zamora, 400 N. Main Street, Winter Garden, Florida, stated that her issue with the ordinance is the 6-foot opaque fence. She described her current fencing as being 5-foot chained linked with greenery and noted that she has no intention of spending \$10,000 on a fence in order to get her chickens. She noted that she is registered for the

chicken course the City is requiring. She asked if there was any legal room at all on the fencing requirement. A lot of residents in the downtown area do not have 6-foot fences.

There was discussion on barriers and having the neighbors approve them in these cases. A special exception option, based on staff's review, was also discussed.

Jessica Stone, 407 N. Main Street, Winter Garden, Florida, shared some of her research on coop sizes and how 100 square feet may be excessive for a small yard.

Gary Musselwhite, 517 Teacup Springs Court, Winter Garden, Florida, asked why the 7.5 foot setback from the property line. He shared some of his yard limitations with grade changes etc.

Mr. Pash explained the ordinance is based on the Maitland's ordinance. Winter Garden's building code requires no accessory structure be closer than five feet from the side property line. These requirements are based on soil and drainage issues related to the areas between properties. He noted that many of the newer lots also have utility and drainage easements along those lines for which the City does not allow anything to be constructed as well.

City Attorney Ardaman noted that if the City Commission would like to grant staff some flexibility, a sentence could be added to the ordinance that would allow staff to grant deviations up to 20 percent of the size, height, or other dimensions as required by this ordinance if the applicant demonstrates, by competent substantial evidence, that there would not be any adverse impact to the adjoining property.

Mayor Rees closed the public hearing.

Motion by Commissioner Sharman to adopt Ordinance 16-33 with the language change stated by the City Attorney and the City Manager's recommendation regarding the fencing. Seconded by Commissioner Makin and carried unanimously 5-0.

3. **REGULAR BUSINESS**

A. **PUBLIC HEARING MATTER**

Recommendation to approve interlocal agreement with Orange County for the construction of the Stoneybrook West Parkway/Roberson Road and Windermere Road intersection improvements

City Manager Bollhoefer stated that some of the primary variables of this agreement are the cost being less than \$1.5 Million, the City and County would split the costs 50/50 with the County paying up to \$750,000. The City would build, design, and own the round-about. So in the long-term, the City would maintain it and if it needed to be

expanded again, it would be the responsibility of the City. Our traffic experts believe the life of this improvement would be twenty years before anything else has to be done.

There was discussion on the completion date which is estimated to be approximately four months to the beginning of the school year.

Mayor Rees sought clarification on Orange County's obligation to pay their portion. Mr. Ardaman shared that the County has agreed that if they do not agree with what the City provides them, and it can't be worked out within 30 days, the City decision stands and the County will continue with their obligation to pay.

Mayor Rees opened the public hearing, hearing and seeing none, he closed the public hearing.

Motion by Commissioner Olszewski to approve the interlocal agreement with Orange County for the construction of the Stoneybrook West Parkway/Roberson Road and Windermere Road intersection improvements as submitted. Seconded by Commissioner Sharman and carried unanimously 5-0.

4. **MATTERS FROM PUBLIC** – There were no items.

5. **MATTERS FROM CITY ATTORNEY** – There were no items.

6. **MATTERS FROM CITY MANAGER**

City Manager Bollhoefer stated that he has distributed information for the City Commission's review on different options for repairing or getting rid of the dock in Newton Park. It is in bad shape and needs, at a minimum, \$6,000 to patch it. He asked the City Commission to please see him with any questions about the available options.

Bradford Park Bathrooms

City Manager Bollhoefer shared that the bathrooms at Bradford Park have been in pretty bad shape for some time and has become a haven for crime and inappropriate activities. More damage was done this past weekend and he requested that these bathrooms be removed. *There were no noted objections.*

7. **MATTERS FROM MAYOR AND COMMISSIONERS**

Commissioner Sharman recognized Fire Chief McGrew to give a brief update about the sirens going to Florida Hospital Winter Garden. Chief McGrew stated that the City has received a formal complaint, via email, about sirens. It had been discussed in several other emails and the same individual sent the same complaint to Florida Hospital Winter Garden.

Chief McGrew stated that their findings showed that the sirens cannot all be directly attributed to the hospital. He noted that when the City goes out on a 911 call, that is when we use our sirens. When there is a transport to the hospital, nine times out of ten, this is a non-

emergency response that does not require lights and sirens unless the patient is critical. It is believed there is a heightened sense of awareness that there might be more sirens. The fact that Daniels Road is a corridor that multiple agencies use and there has been heightened activity with a rash of accidents. He has been authorized by the City Manager to reach out to other agencies to ask, when possible use discretion when using their sirens.

Commissioner Makin requested an update on the Roper Road sidewalk, draining, and curbing. Mr. Pash responded that the City Engineer has worked on some plans and has estimated an approximate cost. Staff has spoken with the developer who is working with the City Manager. It was noted that the work is being done on the design plan. Mr. Pash noted that there is a plan to have a curb installed.

Mayor Rees announced that on May 5, 2016, Florida Hospital will be hosting National Prayer Day and encouraged everyone to attend around noon.

The meeting adjourned at 6:59 p.m.

APPROVED:

Mayor John Rees

ATTEST:

City Clerk Kathy Golden, CMC

THE CITY OF WINTER GARDEN
CITY COMMISSION AGENDA ITEM

From: Steve Pash, Community Development Director

Via: City Manager Mike Bollhoefer

Date: May 5, 2016 **Meeting Date:** May 12, 2016

Subject: 16846, 17000 & 17166 Marsh Road
Premier Property Urban Village Planned Unit Development Rezoning
PARCEL ID# 06-23-27-4272-00-010
PARCEL ID# 06-23-27-0000-00-006
PARCEL ID# 05-23-27-0000-00-002

Issue: The applicant is requesting to rezone 126.94 ± acres of land from No Zoning to Urban Village Planned Unit Development (UVPUD).

Discussion: Applicant is requesting to rezone 126.94 +/- acres of land to allow the development of 107 single family lots with related neighborhood infrastructure, recreation areas, and open spaces. The subject property is located within the City of Winter Garden's 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. The subject property is designated Urban Village on the Future Land Use Map of the Comprehensive Plan. City staff recommends approval of the proposed Ordinance. Rezoning the subject property from City NZ to City UVPUD is consistent with the Code of Ordinances, the Future Land Use Map, the City's Comprehensive Plan, and the surrounding property uses. (See attached Staff Report).

Recommended Action: Staff recommends approval and adoption of Ordinance 16-32, subject to the Conditions of the attached Staff Report, with the second reading and adoption scheduled for May 26, 2016.

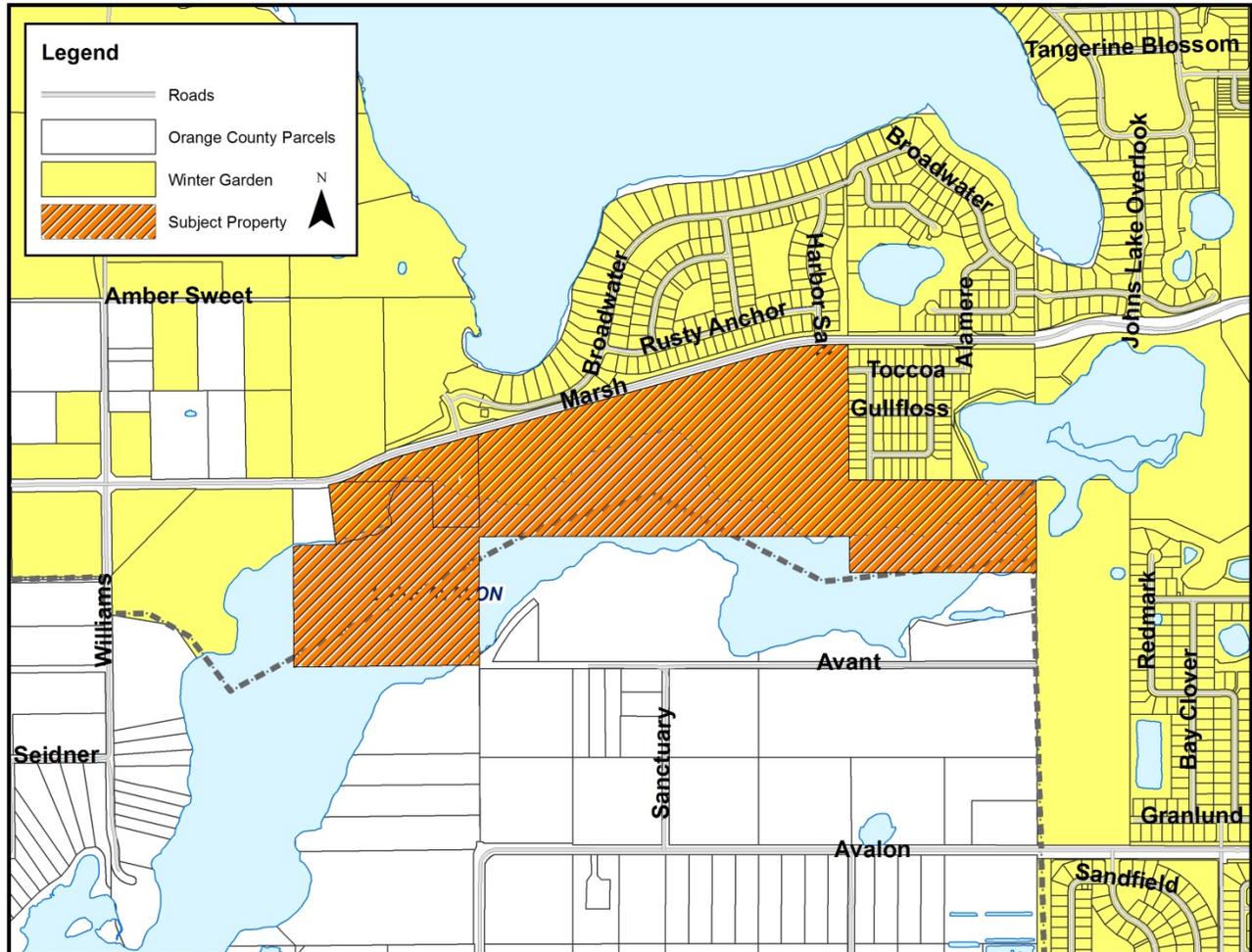
Attachment(s)/References:

Location Map
Ordinance 16-32
Staff Report

LOCATION MAP

16846, 17000 & 17166 Marsh Road

Urban Village Planned Unit Development



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

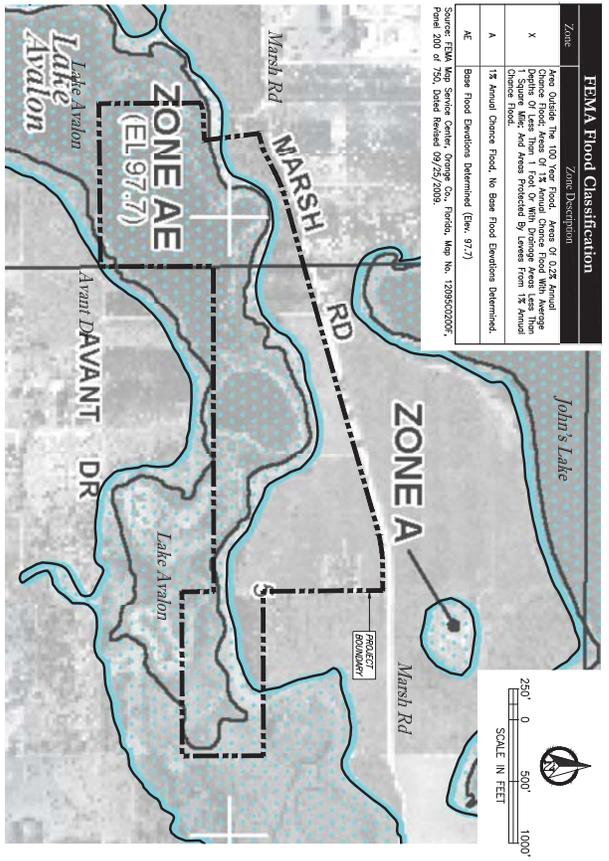
PREMER PROPERTY

REVISED MARCH 2016

(16 PAGES - ATTACHED)

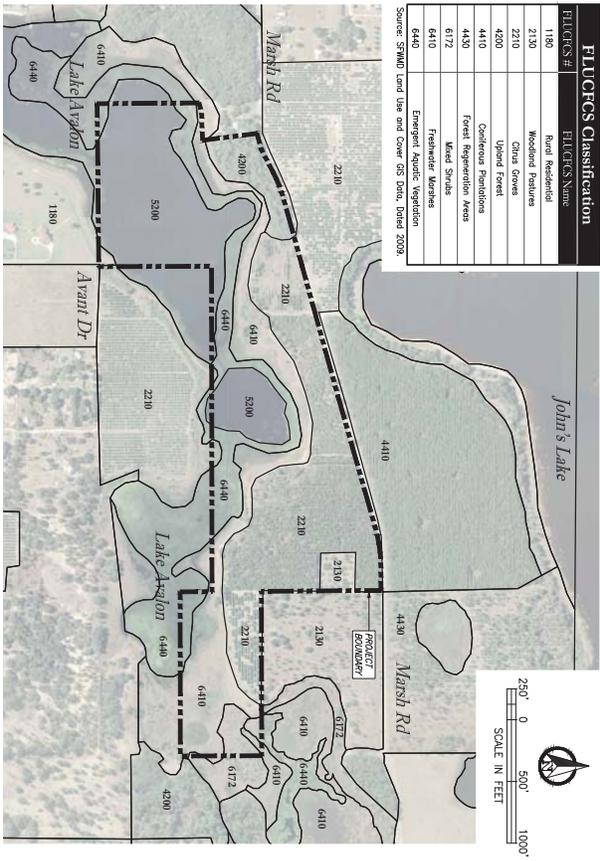
FEMA Flood Classification	
Zone	Zone Description
X	Area Outside The 100 Year Flood. Areas of 0.2% Annual Chance Flood. Areas of 0.2% Annual Chance Flood with Average Depths of Less Than 1 Foot Or With Damage Areas Less Than 5% of Total Area. Source: Map. Not Areas Protected By Levees From 1% Annual Chance Flood.
A	1% Annual Chance Flood. No Base Flood Elevation Determined.
AE	Base Flood Elevation Determined (Elev. 97.7)

Source: FEMA Map Service Center, Orange Co., Florida, Map No. 1280500005, Panel 200 of 750, Dated Revised 09/25/2009.



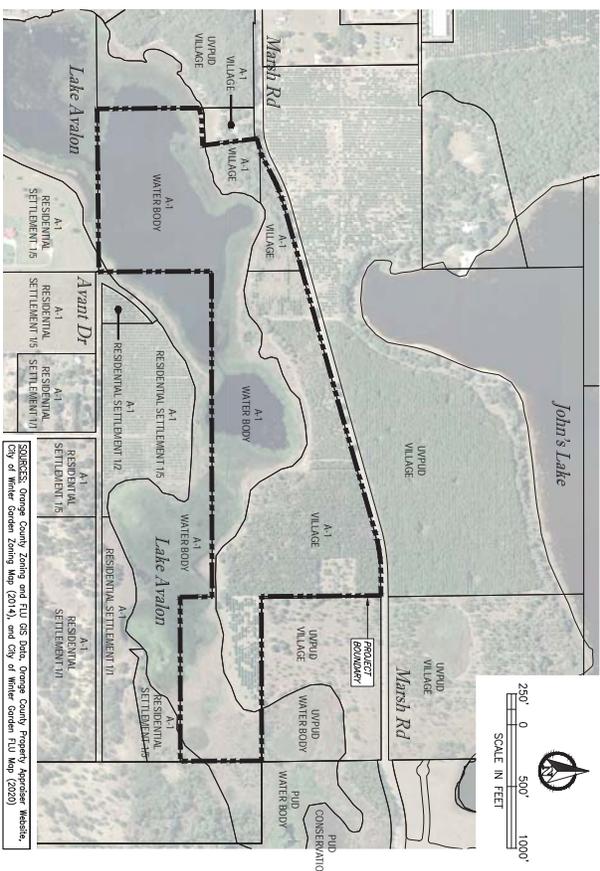
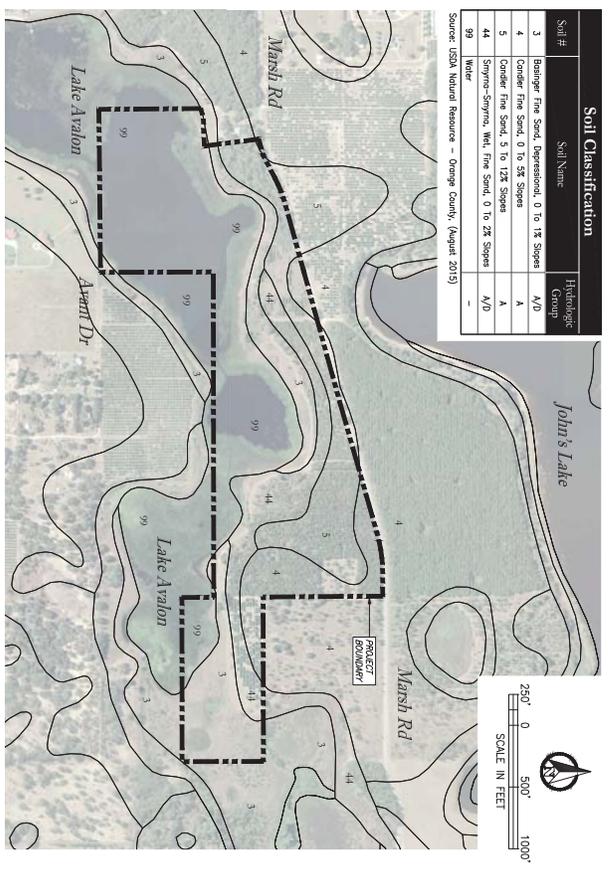
FLUCFCS #	FLUCFCS Name
1180	Rural Residential
2130	Wooded Features
2210	Citrus Groves
4400	Liquid Forest
4410	Coniferous Specimens
4420	Forest Regeneration Areas
6172	Wood Shakes
6410	Freshwater Wetlands
6440	Emergent Aquatic Vegetation

Source: SRM0 Land Use and Cover ds. 50m, Dated 2009.



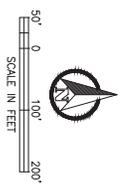
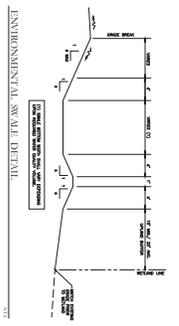
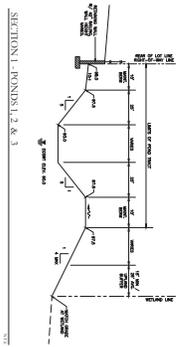
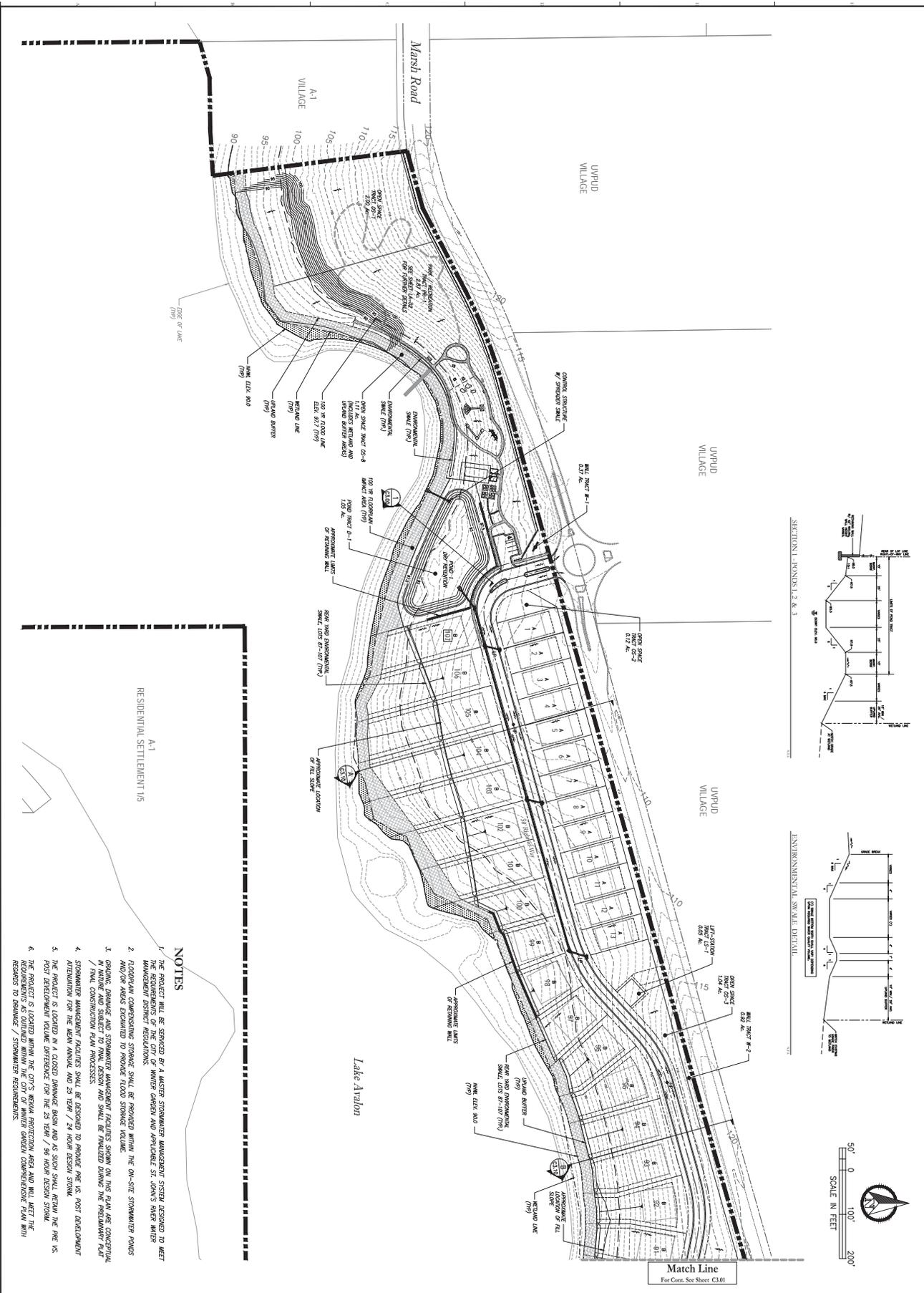
Soil Classification		
Soil #	Soil Name	Hydrologic Group
3	Beauger Fine Sand, Depression, 0 to 1% Slopes	A/D
4	Candler Fine Sand, 0 to 8% Slopes	A
5	Candler Fine Sand, 5 to 12% Slopes	A
44	Symons Symons, Wet, Fine Sand, 0 to 2% Slopes	A/D
99	Water	-

Source: USDA Natural Resource - Orange County, August 2019



Consultant:
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Submitted To:
 WINTER GARDEN, FL
 Street File:
 EXISTING
 CONDITIONS
 1.00
 Date: March 30, 2016
 Paulus & Bennett, LLC
 2021 E. Longwood Street, Orlando, FL 32803
 Tel: 407.850.1100
 Fax: 407.850.1100
 www.paulusandbennett.com



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 WILL MEET THE REQUIREMENTS AS OUTLINED WITHIN THE CITY OF WINTER GARDEN COMPENSATING PLAN WITH REMOVAL TO DRAINAGE / STORMWATER REQUIREMENTS.

Match Line
For Cont. See Sheet C1.B1

POULOS & BENNETT
2021 E. Longwood Street, Suite 111, 32801
Tel: 407-941-1111
http://www.poullos.com

Poulos & Bennett, LLC

Project No.: 3.00

Submitted To: WINTER GARDEN, FL

Project Title: MASTER DRAINAGE PLAN

Scale: 3.00

Date: March 30, 2016

Project Name: PREMIER PROPERTY

Client: PREMIER PROPERTY

Project Location: WINTER GARDEN, FL

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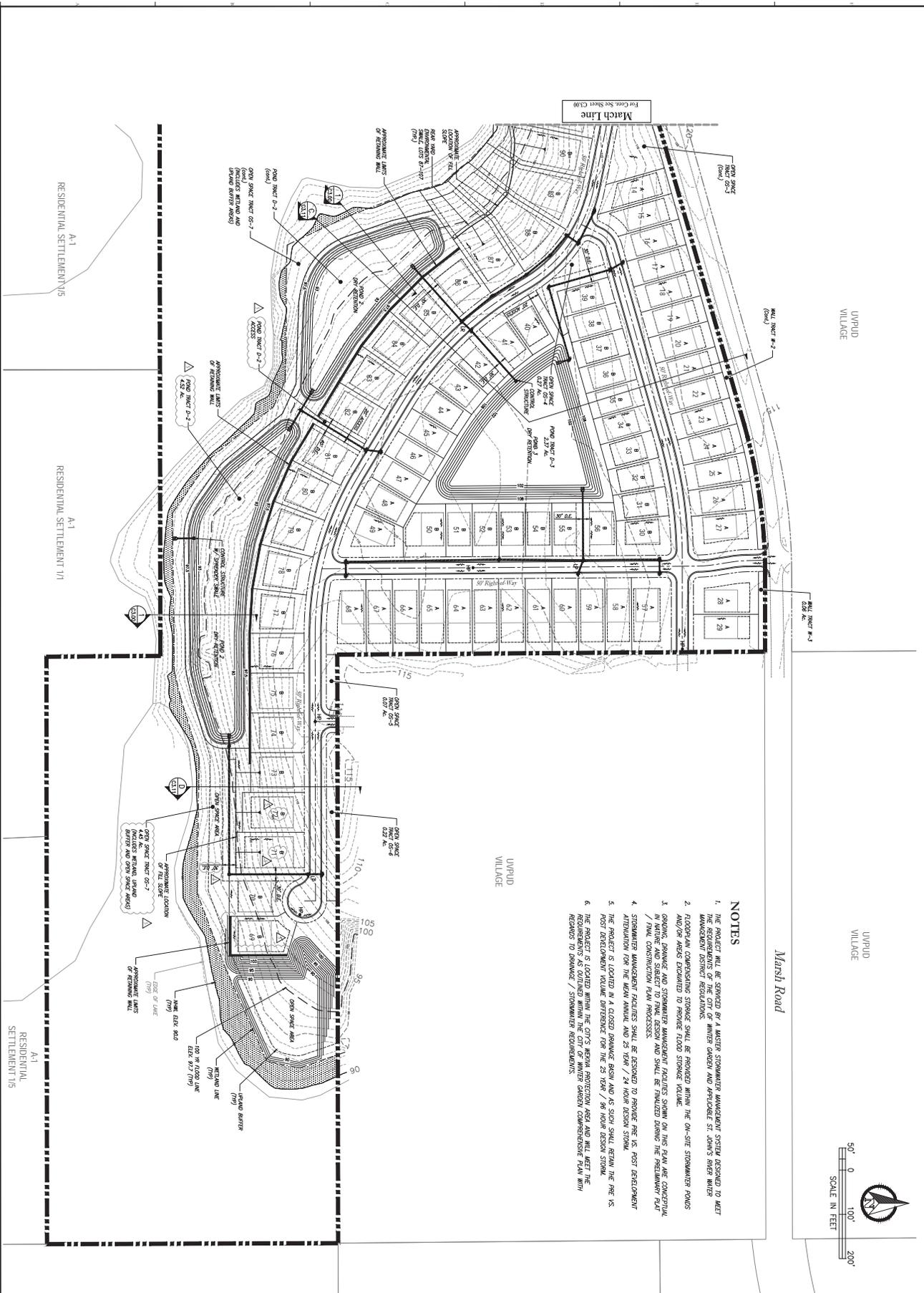
Project Location: WINTER GARDEN, FL

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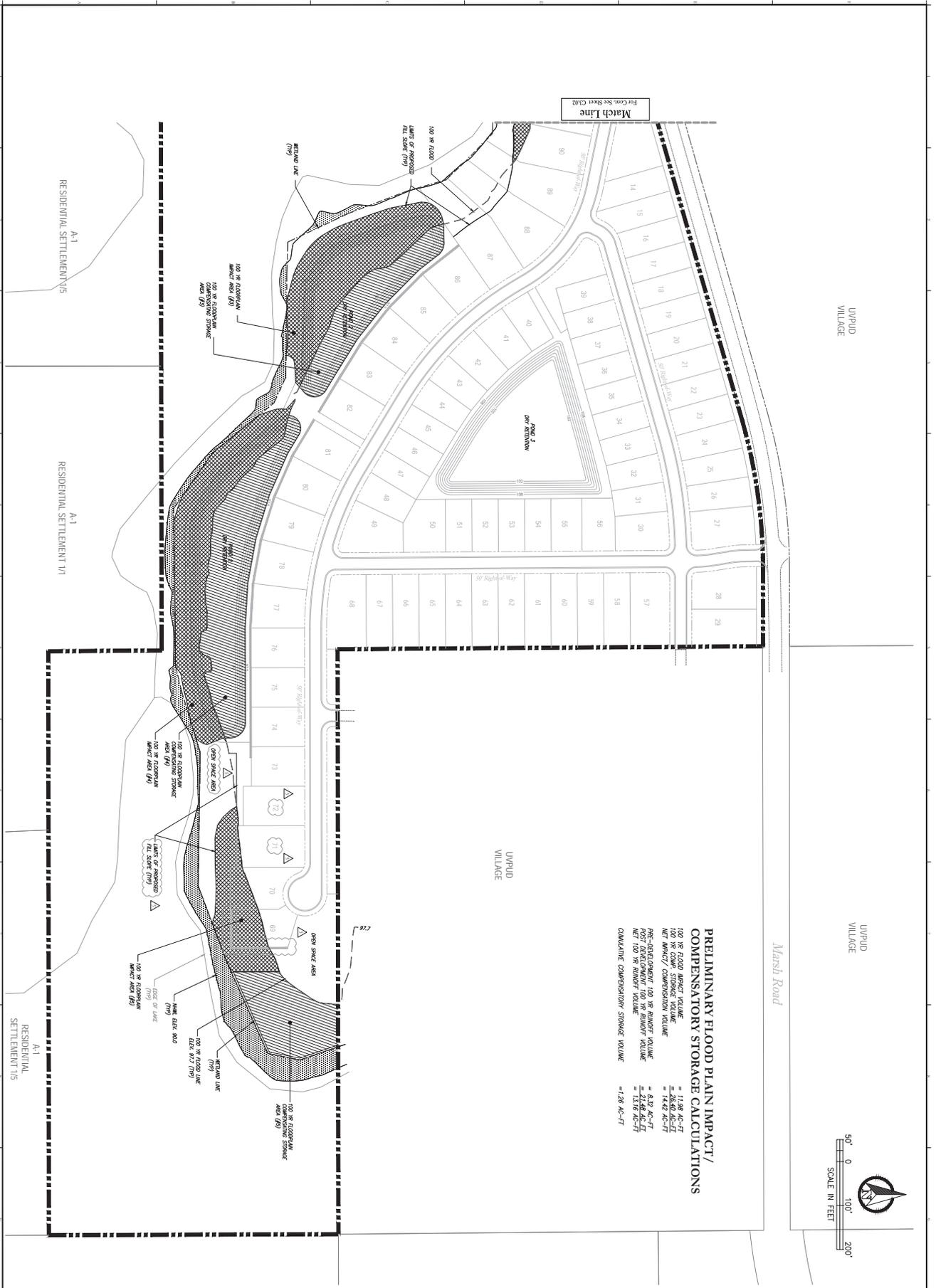
- NOTES**
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 2. FLOODPLAIN OVERLAPPING STORAGE SHALL BE PROVIDED WITHIN THE ON-SITE STORMWATER PAVES AND/OR AREAS EXCEPTED TO PROVIDE FLOOD STORAGE VOLUME.
 3. GROUND, DRAINAGE AND STORMWATER MANAGEMENT FACILITIES SHOWN ON THIS PLAN ARE CONCEPTUAL IN NATURE AND SUBJECT TO FINAL DESIGN AND SHALL BE FINISHED DURING THE PRELIMINARY PLAN IN FINAL CONSTRUCTION FOR APPROVAL.
 4. STORMWATER MANAGEMENT FACILITIES SHALL BE DESIGNED TO PROVIDE FIVE (5) YEAR DEVELOPMENT INTERCEPTION FOR THE DESIGN FLOW AND 25 YEAR / 24 HOUR DESIGN STORM.
 5. THE PROJECT IS LOCATED IN A CLOSED DRAINAGE BASIN AND AS SUCH SHALL REMAIN THE PRE US F500 DEVELOPMENT VOLUME DIFFERENCE FOR THE 25 YEAR / 24 HOUR DESIGN STORM.
 6. THE PROJECT IS LOCATED WITHIN THE CITY'S SPECIAL PROTECTION AREA AND WILL MEET THE REQUIREMENTS TO DRAINAGE / STORMWATER REQUIREMENTS.



POULOS & BENNETT
 20211 Livingston Street, Orlando, FL 32835
 Tel: (407) 550-8800 Fax: (407) 550-8800
 Reg. No. 36382

Premier Property
 Winter Garden, FL
 Sheet Title:
MASTER DRAINAGE PLAN
 Sheet No.:
3.01
 Date: March 30, 2016

Consultant:
 1. WINTER GARDEN, FL
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**PRELIMINARY FLOOD PLAIN IMPACT/
COMPENSATORY STORAGE CALCULATIONS**

100 YR FLOOD REMOVAL VOLUME = 11.88 AC-FT
 100 YR FLOOD STORAGE VOLUME = 28.60 AC-FT
 NET WANCY COMPENSATION VOLUME = 14.42 AC-FT
 PRE-DEVELOPMENT 100 YR REMOVAL VOLUME = 8.32 AC-FT
 POST-DEVELOPMENT 100 YR REMOVAL VOLUME = 21.68 AC-FT
 NET 100 YR REMOVAL VOLUME = 15.19 AC-FT
 CUMULATIVE COMPENSATORY STORAGE VOLUME = 1.28 AC-FT



Key Map

Consultant:

1. 0.0/2.0% SLOPE TO TOWARD OF WINTER GARDENS	
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**PREMIER
PROPERTY**

Submitted To:
WINTER GARDEN, FL

Sheet Title:
**FLOODPLAIN
COMPENSATION
PLAN**

Sheet No.:
3.03

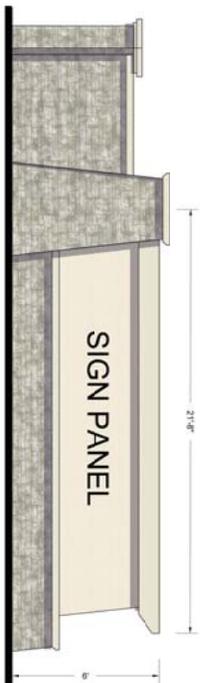
Paulus & Bennett, LLC
 2021 E. Livingston Street, Orlando, FL 32804
 Tel: (407) 907-1000 Fax: (407) 907-1001
 Reg. No. 36389

DATE: March 30, 2016

Premier Property

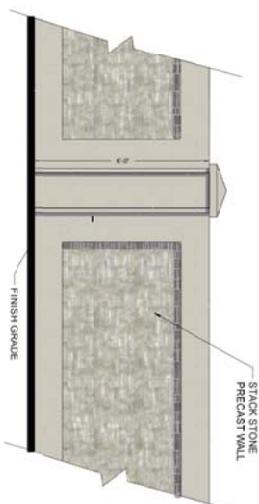


1 SITE PLAN
TYPICAL MARSH ROAD 15' LANDSCAPE BUFFER



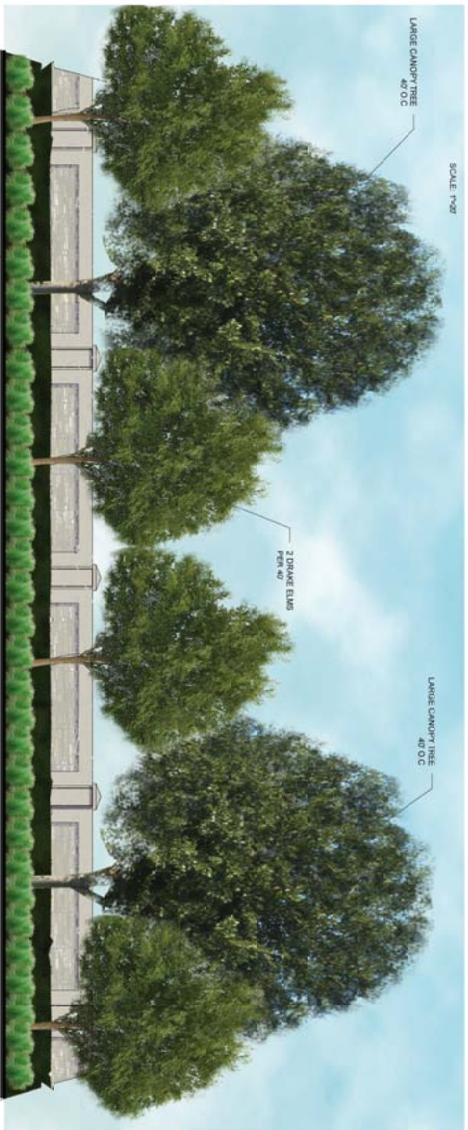
2 ELEVATION
PROJECT SIGN WALL
The applicant may request a waiver to increase the height of the sign wall, subject to City Approval. The maximum sign area shall be 35'± consistent with Section 100-120(2) State 1.

SCALE: 1/2"=1'-0"



3 ELEVATION
PRECAST BUFFER WALL

SCALE: 1/2"=1'-0"



4 ELEVATION
TYPICAL MARSH ROAD LANDSCAPE BUFFER

SCALE: 1/2"=1'-0"

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



LA-01 1520

Premier Property



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

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Premier Property



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

daly design group inc.

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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)

CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

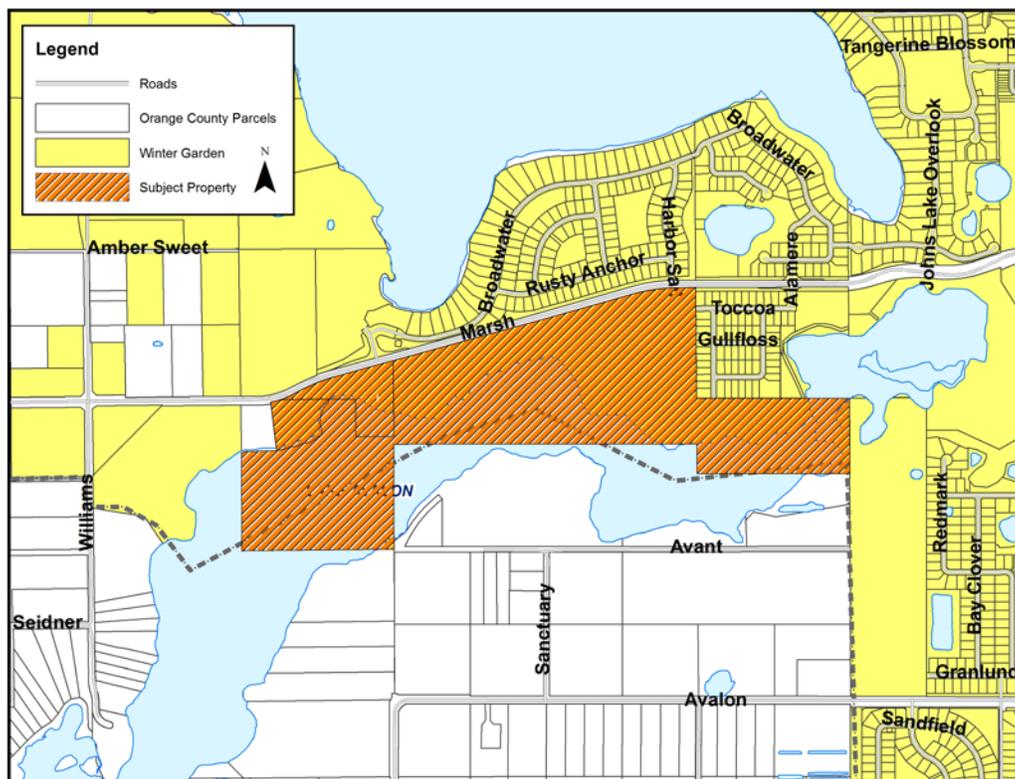
STAFF REPORT

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.

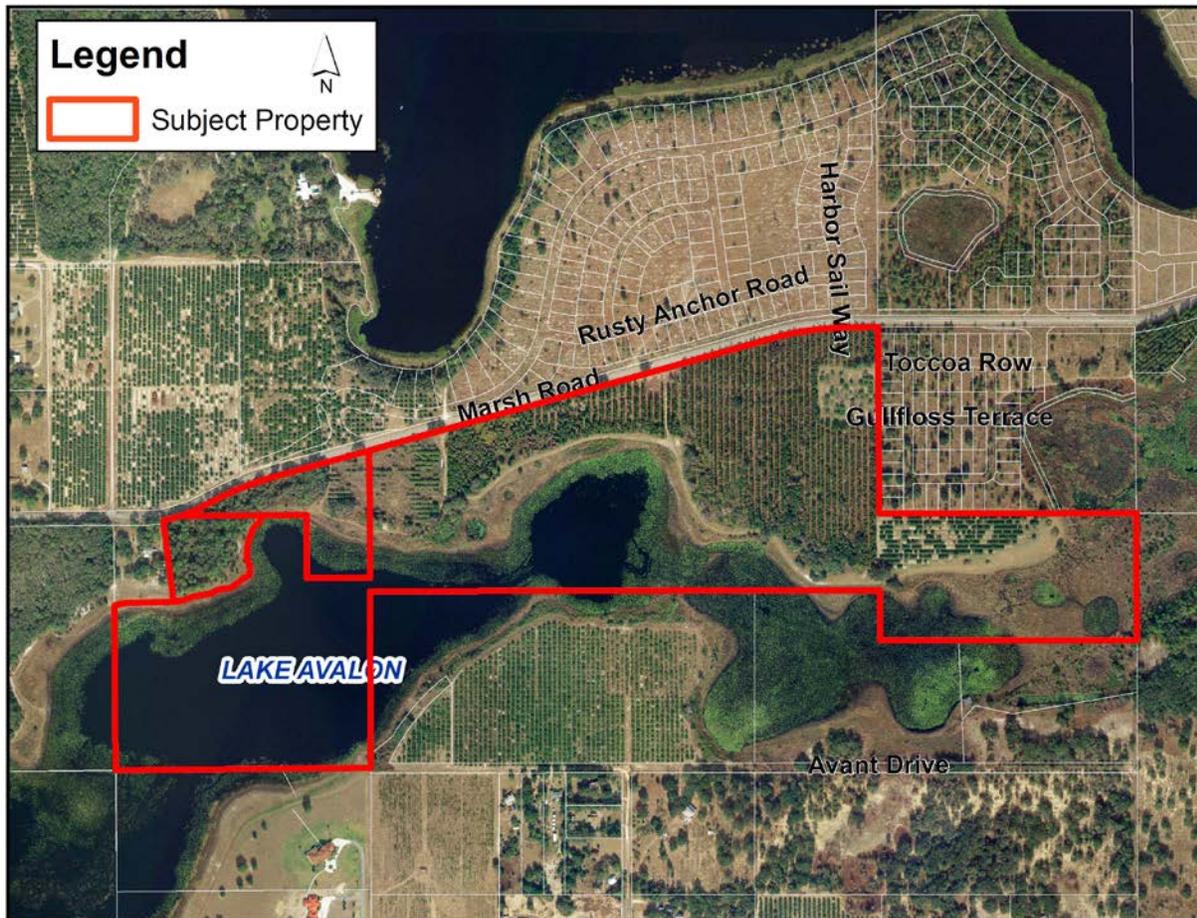
The urban village planned unit development shall be located in the urban village future land use designation as defined in the city's comprehensive plan, or in such other areas as determined by city commission.

SUMMARY

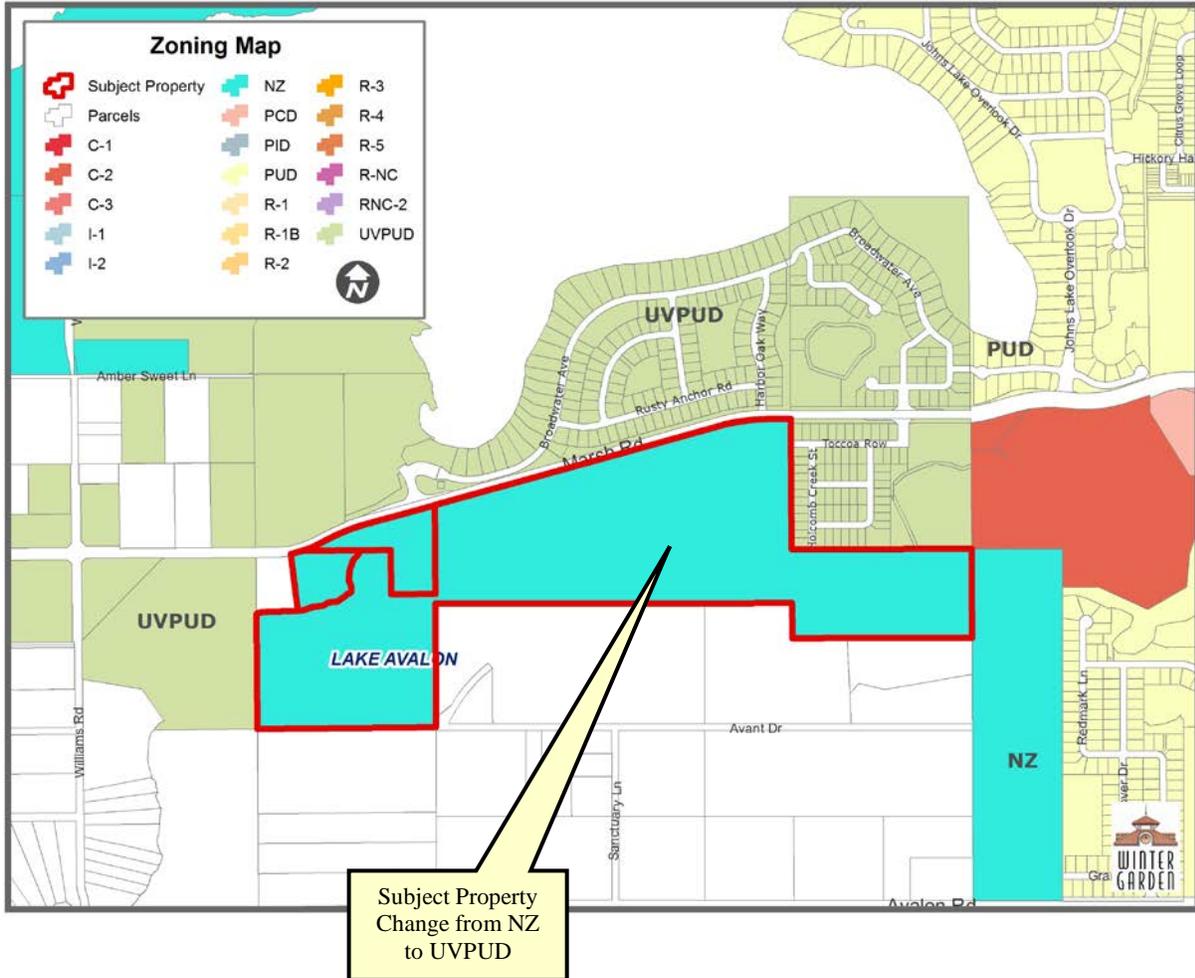
City Staff recommend approval of the proposed Ordinance 16-32. Rezoning the subject property from City NZ to City UVPUD is consistent with the City's Comprehensive Plan, Future Land Use Map and land development regulations, and is consistent with the trend of development in the area.

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.

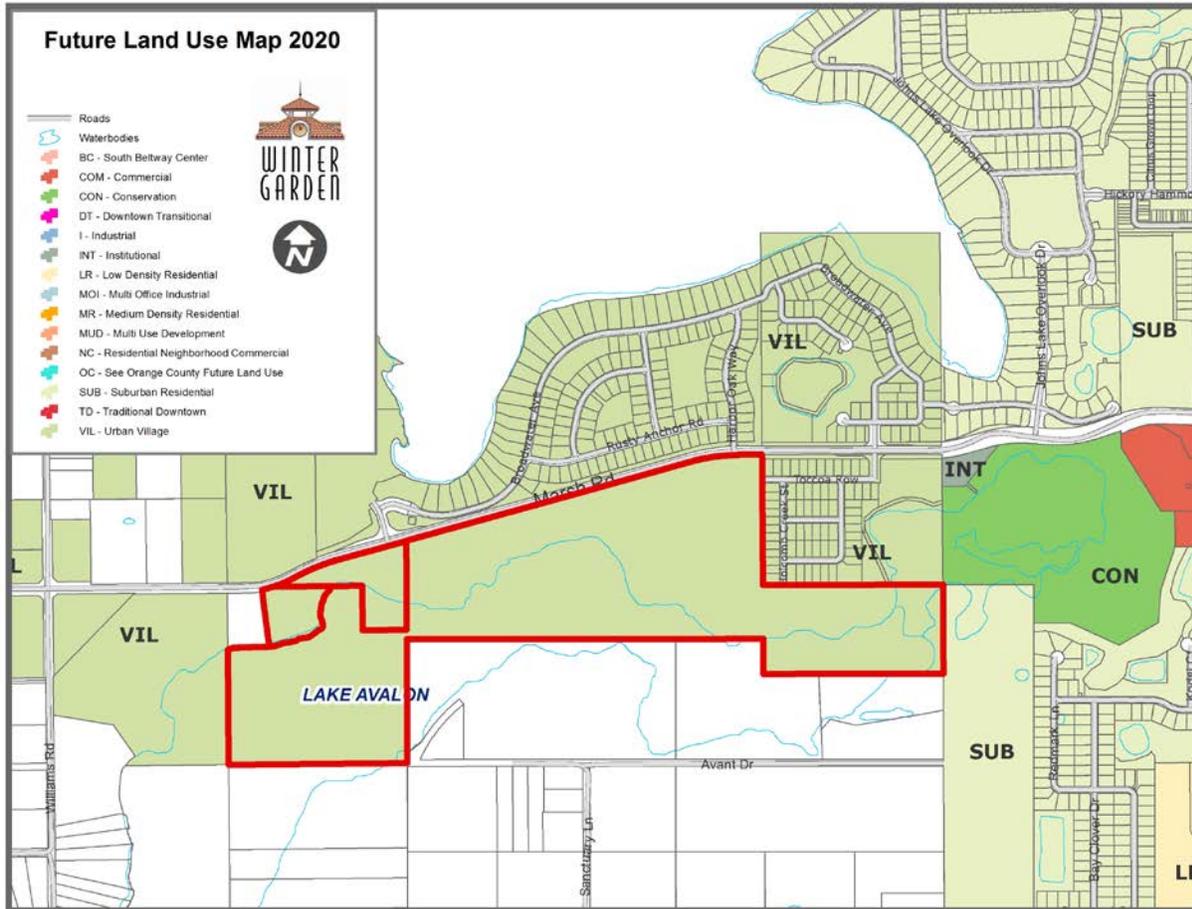
AERIAL PHOTO
16848, 17000, & 17166 Marsh Road



ZONING MAP
16848, 17000, & 17166 Marsh Road



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



END OF STAFF REPORT

THE CITY OF WINTER GARDEN
CITY COMMISSION AGENDA ITEM

From: Steve Pash, Community Development Director

Via: City Manager, Mike Bollhoefer

Date: 05/05/2016 **Meeting Date:** 05/12/2016

Subject: 622 Vineland Rd.
CDM Capital Corp.
16-34
PARCEL ID# 23-22-27-8344-00-040

Issue: The property is requesting to rezone from the R-2 residential zoning district to the RNC residential neighborhood commercial zoning district.

Discussion:
This item was tabled on the May 2, 2016 Planning and Zoning Meeting.

Recommended Action:
Staff would like to postpone the first reading and public hearing for Ordinance 16-34 rezoning 622 Vineland Road to June 6, 2016.

Attachment(s)/References:

THE CITY OF WINTER GARDEN
CITY COMMISSION AGENDA ITEM

From: Laura Zielonka, Finance Director
Via: Michael Bollhoefer, City Manager
Date: May 6, 2016 **Meeting Date:** May 12, 2016
Subject: Select Fiscal Year 2016/2017 Budget Hearing Dates.

Issue: The City Commission will not be able to hold the budget hearings on the regularly scheduled City Commission meeting dates due to conflicts with the Orange County Board of County Commission scheduled hearings.

The Florida Truth In Millage (TRIM) requires taxing authorities to:

- Hold the tentative budget hearing from Sep 3 to Sep 18.
- Hearings must take place Monday through Friday after 5:00 p.m. or any time on Saturday. Do not hold hearings on Sunday.
- No taxing authority, except multicounty/water management districts, can hold a hearing on the same day as a school district or county commission.

Below are the dates that are **UNAVAILABLE** for the budget hearings:

- Thursday, September 8, 2016 (OCBCC budget hearing)
- Tuesday, September 13, 2016 (OCPS budget hearing)
- Thursday, September 22, 2016 (OCBCC budget hearing)

Below are the best **AVAILABLE** dates for the City's Budget Hearings:

FIRST HEARING

Tuesday, Sep 6, 2016

Wednesday, Sep 7, 2016

Monday, Sep 12, 2016

Wednesday, Sep 14, 2016

Thursday, Sep 15, 2016

SECOND HEARING

Tuesday, Sep 20, 2016

Wednesday, Sep 21, 2016

Monday, Sep 26, 2016

Wednesday, Sep 28, 2016

Thursday, Sep 29, 2016

Recommended Action: Commission will need to select the dates for the 1st budget hearing and 2nd budget hearing from the above listed available dates.