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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 – **July 11, 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 JUNE 6, 2016 MEETING**

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

4. 16 E. Vining Street – Mary Ann Davis **REZONING**
Parcel ID #23-22-27-8576-02-010
5. 15304 Tilden Road – Foundation Academy **PUD REZONING**
Parcel ID #09-23-27-0000-00-009

VARIANCE (PUBLIC HEARING)

6. 327 Bayside Avenue – Michael A. Craft
Parcel ID #15-22-27-4197-02-640
7. 816 E. Fullers Cross Road – Thomas Buchan
Parcel ID #12-22-27-1840-01-000

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



**PLANNING AND ZONING BOARD
REGULAR MEETING MINUTES
JUNE 6, 2016**

1. CALL TO ORDER / PLEDGE OF ALLEGIANCE / INVOCATION

Vice-Chairman David Kassander called the meeting of the City of Winter Garden Planning and Zoning Board to order at 6:30 p.m. in the City Hall Commission Chambers. A moment of silence was followed by the Pledge of Allegiance.

2. ROLL CALL AND DETERMINATION OF QUORUM

The roll was called and a quorum was declared present.

MEMBERS PRESENT:

Vice-Chairman David Kassander and Board Members: Gerald Jowers, Chris Lee, and Mark Maciel

MEMBERS ABSENT:

Chairman Will Hawthorne (excused) and Board Members: Mark DeFuso (excused) and Heather Gantt (excused)

STAFF PRESENT:

City Attorney Kurt Ardaman, Community Development Director Steve Pash, Urban Designer Kelly Carson, Planner I Jessica Frye, and recording secretary Kathleen Rathel

3. APPROVAL OF MINUTES

Motion by Mark Maciel to approve the regular meeting minutes of May 2, 2016 and seconded by Gerald Jowers. Motion carried unanimously 4 - 0.

LOT SPLIT

4. 1401 W. Plant Street – Christopher and Caitlin Gonzales (LOT SPLIT)

Urban Designer Carson presented a Lot Split request for the 4.54 +/- acre property located at 1401 W. Plant Street. The property is zoned R-1, has a future land use of Low Density Residential, and is currently vacant. The applicant is requesting lot split approval to divide the existing residential lot into two residential lots in order to construct two single-family residences (one residence per lot). The two properties will share a single access onto West Plant Street via a shared driveway constructed within an ingress/egress easement. Staff has reviewed the Lot Split application and recommends approval subject to the conditions listed in the Staff Report.

Board Member Lee asked about the conditions of approval. Ms. Carson stated the easement document had to be officially recorded which has been done, the applicant would have to go

through the normal building permit process, and there were some soil issues that would be addressed through the permit process.

Motion by Gerald Jowers to recommend approval [of the Lot Split] and seconded by Mark Maciel with Staff Recommendations (as provided in the agenda package). Motion carried unanimously 4 - 0.

VARIANCE (PUBLIC HEARING)

5. 327 S. Boyd Street – Maury Alexander

Community Development Director Pash presented a Variance request for the 0.33 +/- acre property located at 327 S. Boyd Street. The property is located on the northeast corner of S. Boyd Street and W. Miller Street. The applicant is requesting a variance to the minimum required rear yard setback of 29 feet in order to demolish an existing detached carport/storage area, currently located at 2.5 feet from the rear property line, and build a new garage addition to the existing single-family dwelling at a 20 foot rear yard setback. Staff has reviewed the variance request, finds it meets all the criteria, and recommends approval.

Motion by Mark Maciel to recommend approval of the Variance for 327 S. Boyd Street with Staff Recommendations (as provided in the agenda package) and seconded by Chris Lee. Motion carried unanimously 4 - 0.

6. 14627 Tullamore Loop – Jeff Boley

Planner I Frye presented a Variance request for the 0.126 +/- acre property located at 14627 Tullamore Loop within the Emerald Ridge Subdivision. The applicant is requesting a variance to construct a screen room at a 15.2 foot rear yard setback in lieu of the minimum required 20 foot rear yard setback. Staff has reviewed the variance request, believes it meets all the criteria, and recommends approval subject to the conditions listed in the Staff Report.

Board Member Lee asked about the conditions of approval. Ms. Frye stated Staff requested that the room never become a fully enclosed air conditioned space. She also stated that the applicant has HOA approval and letters of consent from neighbors.

Vice-Chairman Kassander asked for clarification on neighboring setbacks.

D.C. Johnson with Florida Pool Enclosures spoke on behalf of the applicants stating that the applicants were instructed by doctors to be outdoors more but away from bugs and sun and, without the variance, they would only be able to have a 5 foot deep screen room in lieu of a 10 foot deep screen room.

Motion by Chris Lee to recommend approval of the Variance for 14627 Tullamore Loop with Staff Recommendations (as provided in the agenda package) and seconded by David Kassander. Motion carried unanimously 4 - 0.

ADJOURNMENT

There being no further business, the meeting was adjourned at 6:37 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: July 7, 2016 **MEETING DATE:** July 11, 2016

SUBJECT: Ordinance 16-36 – 16 E Vining Street (REZONING)
PROJECT NAME Davis Property Rezoning
PARCEL ID# 23-22-27-8576-02-010

ISSUE: Applicant is requesting to rezone 0.34 +/- acres of land to R-NC.

SUPPLEMENTAL MATERIAL/ANALYSIS:

OWNER/APPLICANT: Mary Ann Davis

CURRENT ZONING: R-2 Residential District

PROPOSED ZONING: R-NC Residential-Neighborhood Commercial District

CURRENT FLU: NC Residential-Neighborhood Commercial

PROPOSED FLU: N/A

SUMMARY:

City staff recommends approval of the proposed Ordinance. Rezoning the subject property from City R-2 to City R-NC is consistent with the Code of Ordinances, the Future Land Use Map, and the City's Comprehensive Plan. (See attached Staff Report).

STAFF RECOMMENDATION(S):

Staff recommends approval of the first reading of Ordinance 16-36, rezoning 0.34 +/- acres located at 16 E Vining Street from City R-2 to City R-NC.

NEXT STEP(S):

First reading by City Commission is scheduled for July 14, 2016, with second reading and adoption anticipated to be on July 28, 2016.

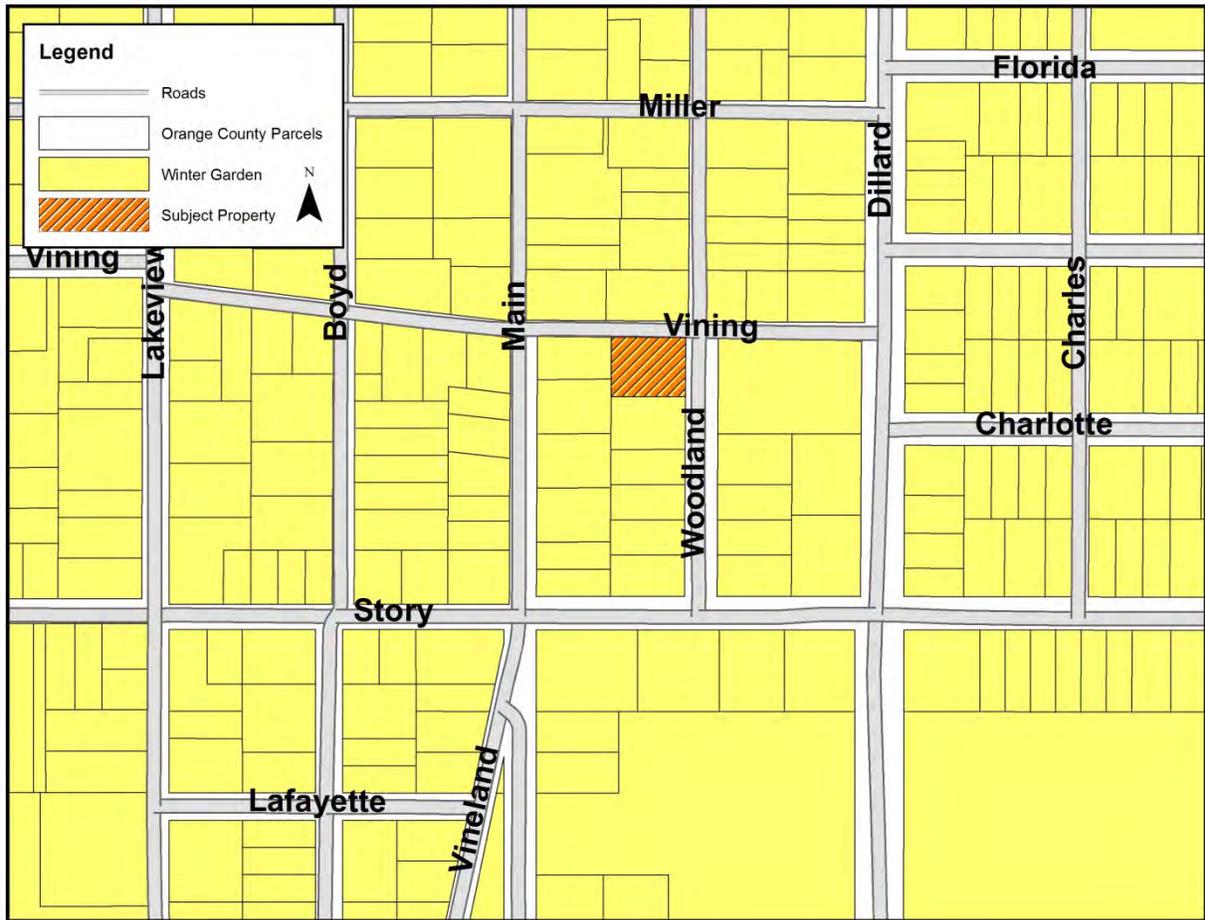
ATTACHMENT(S):

Location Map
Ordinance 16-36
Staff Report

LOCATION MAP

16 E. Vining Street

REZONING



CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

STAFF REPORT

TO: PLANNING AND ZONING BOARD
PREPARED BY: KELLY CARSON, URBAN DESIGNER
DATE: JULY 6, 2016
SUBJECT: REZONING (R-2 to R-NC)
16 E VINING STREET (0.34+/- ACRES)
PARCEL ID #: 23-22-27-8576-02-010

APPLICANT: Mary Ann Davis

INTRODUCTION

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

The subject property is located at 16 E Vining Street and is approximately 0.34 ± acres in size. The map below depicts the subject property within the City's jurisdictional limits:



The property is located within the City of Winter Garden jurisdictional limits, is zoned R-2 Residential District, and has a Future Land Use Designation of NC Residential Neighborhood Commercial. The applicant is now requesting to rezone the property from R-2 Residential District to R-NC Residential-Neighborhood Commercial District.

EXISTING USE

The subject property contains two single-story concrete block residential homes that are separated by a white PVC fence. One of the homes fronts on E Vining Street and the other fronts on S Woodland Street. The S Woodland Street home features an attached carport and separate utility building, while the E Vining Street home contains a metal shed in the rear yard.

ADJACENT LAND USE AND ZONING

The properties located to the south and west of the subject property are developed with single family residences, are zoned R-2 (Residential District), and are located within the City of Winter Garden's municipal limits. The R-2 zoned property to the north is also in the City, but is developed with a triplex building. The property to the east contains the Ace Hardware store. This property is zoned C-2 (Arterial Commercial District) and is located in Winter Garden.

PROPOSED USE

If the rezoning application is approved, the applicant has no immediate plans to pursue a commercial use on the property. In the future, the applicant may sell the lot as a residential property with the potential for certain neighborhood commercial uses. A Special Exception Permit would need to be granted by the Planning & Zoning Board prior to commencing any commercial operations on the property.

PUBLIC FACILITY ANALYSIS

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

SUMMARY

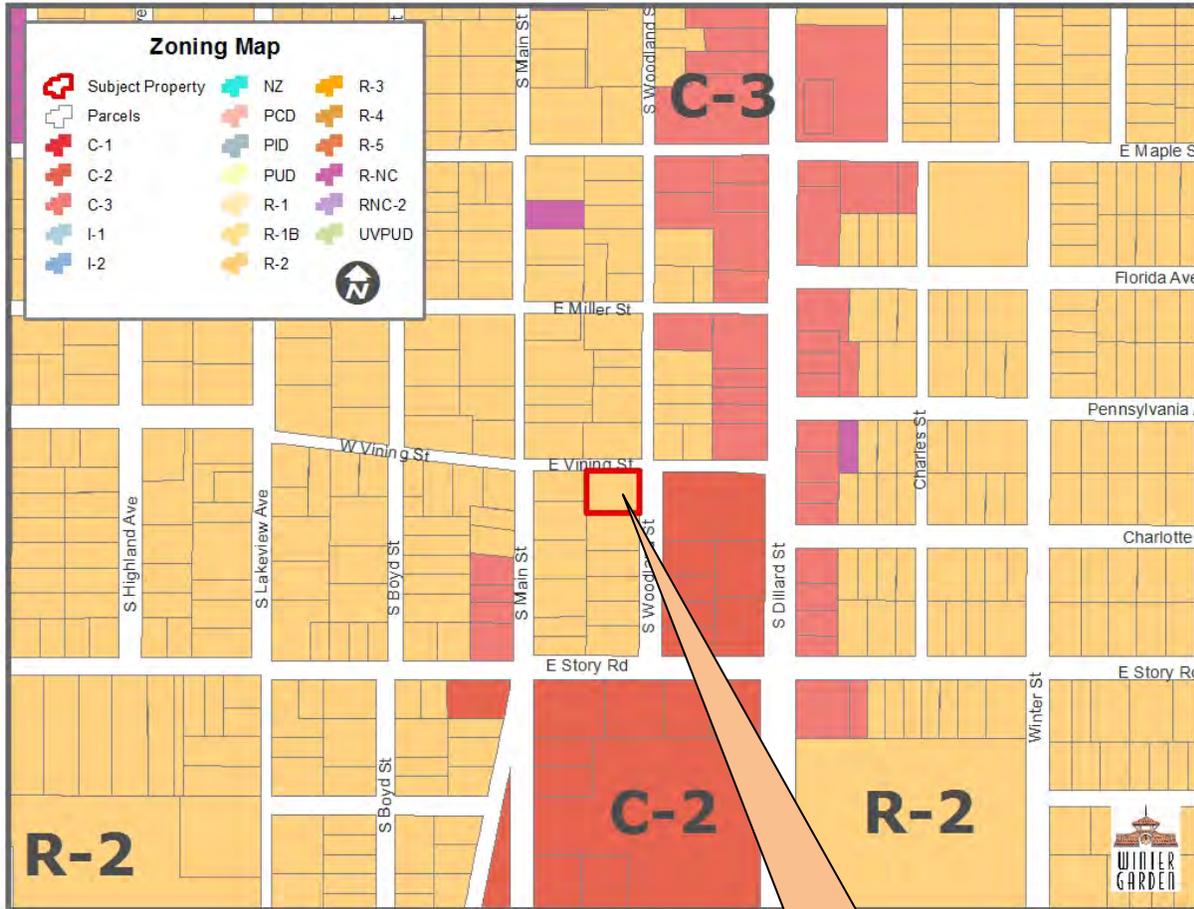
The applicant's proposal to rezone the subject property from R-2 to R-NC is consistent with the property's Future Land Use designation of NC Residential Neighborhood Commercial as well as the policies contained within the City's Comprehensive Plan. City Staff recommends approval of Rezoning Ordinance 16-36 with the following condition:

1. After rezoning, any proposed commercial and/or live/work uses on the property will need to procure approval of a Special Exception Permit from the Planning & Zoning Board prior to commencing operations. Conditions of approval will include any required commercial upgrades to the site or building(s), as well as all necessary buffering from surrounding residential properties.

AERIAL PHOTO
16 E VINING STREET

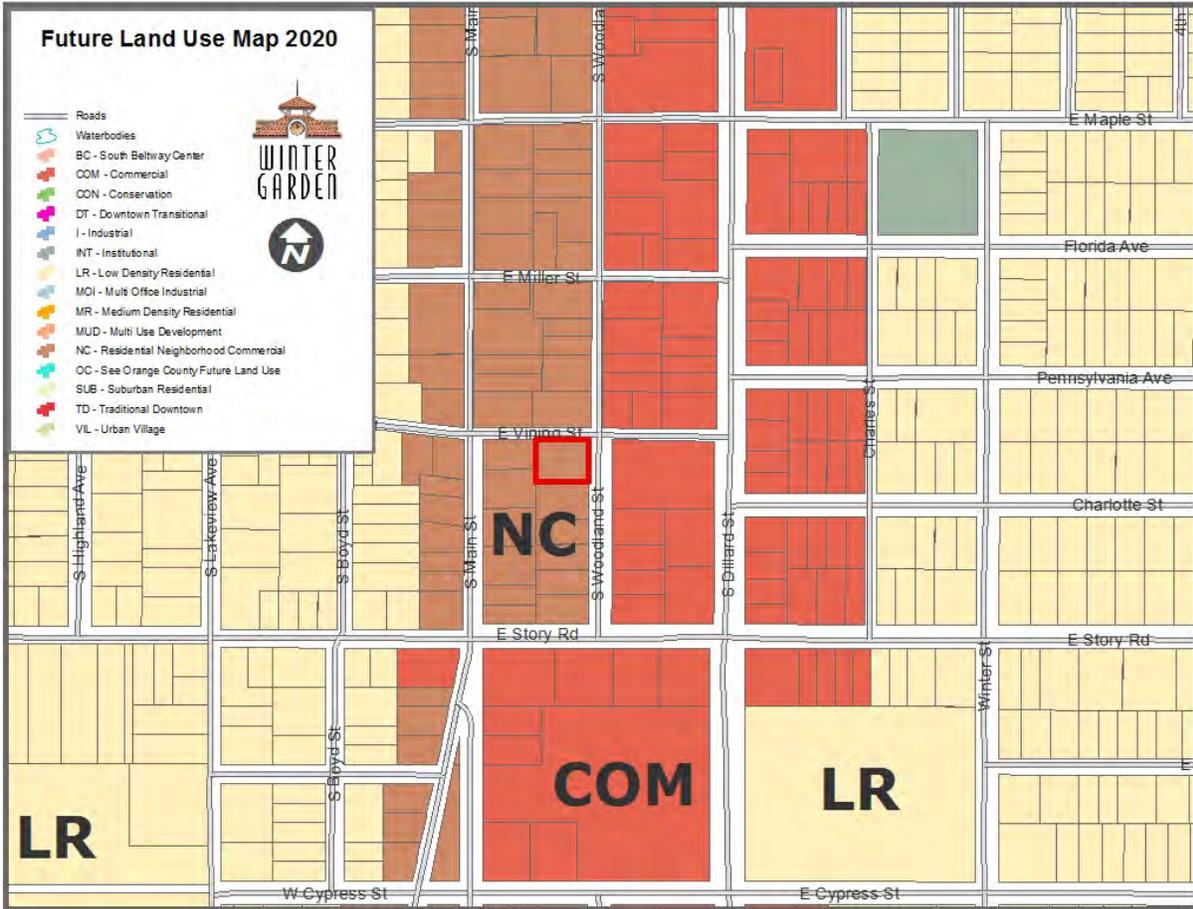


ZONING MAP 16 E VINING STREET



**Subject property change
from City R-2 to R-NC**

FUTURE LAND USE MAP 16 E VINING STREET



END OF STAFF REPORT

ORDINANCE 16-36

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 0.34 ± ACRES OF CERTAIN REAL PROPERTY LOCATED AT 16 EAST VINING STREET ON THE SOUTHWEST CORNER OF SOUTH WOODLAND STREET AND EAST VINING STREET FROM CITY R-2 RESIDENTIAL DISTRICT TO CITY R-NC RESIDENTIAL NEIGHBORHOOD COMMERCIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner of that certain real property generally described as 0.34 ± acres located at 16 East Vining Street on the southwest corner of South Woodland Street and East Vining Street, and legally described in Section 1 of this ordinance has petitioned the City to rezone said property from the City’s R-2 Residential District to the City’s R-NC Residential-Neighborhood Commercial District zoning classification, therefore; and

WHEREAS, after public notice and due consideration of public comment, the City Commission of the City of Winter Garden hereby finds and declares the rezoning approved by this Ordinance is consistent with the City of Winter Garden Comprehensive Plan; and

WHEREAS, further, the City Commission finds that based on competent, substantial evidence in the record, the rezoning approved by this Ordinance meets all applicable criteria for rezoning the Property to R-NC Residential-Neighborhood Commercial District contained within the City of Winter Garden Comprehensive Plan and the Code of Ordinances.

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

SECTION 1: Rezoning. The above “Whereas” clauses constitute findings by the City Commission. After due notice and public hearing, the zoning classification of real property legally described on ATTACHMENT “A,” is hereby rezoned from City R-2 Residential District to City R-NC Residential-Neighborhood Commercial District in the City of Winter Garden, Florida.

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

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

SECTION 4: Effective Date. This Ordinance shall become effective upon adoption at its second reading.

FIRST READING AND PUBLIC HEARING: _____, 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

ATTACHMENT "A"

LEGAL DESCRIPTION

PARCEL ID#: 23-22-27-8576-02-010

DESCRIPTION:

LOT 1 AND THE NORTH 1/2 OF LOT 2, TANNER SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK S, PAGE 139, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

THE CITY OF WINTER GARDEN
PLANNING AND ZONING BOARD AGENDA ITEM

ITEM # 5 (Public Hearing)

DATE: July 7, 2016 **MEETING DATE:** July 11, 2016

SUBJECT: Ordinance 16-37 - 15304 Tilden Road (REZONING)
PROJECT NAME Foundation Academy PUD
PARCEL ID# 09-23-27-0000-00-009

ISSUE: Applicant is requesting to rezone 67.66 +/- acres of land to Planned Unit Development.

SUPPLEMENTAL MATERIAL/ANALYSIS:

OWNER/APPLICANT: Foundation Academy of Winter Garden, Inc.

CURRENT ZONING: R-1 Single-Family Residential District

PROPOSED ZONING: PUD Planned Unit Development

CURRENT FLU: Suburban Residential

PROPOSED FLU: N/A

SUMMARY:

City staff recommends approval of the proposed Ordinance. Rezoning the subject property from City R-1 to City PUD is consistent with the Code of Ordinances, the Future Land Use Map, the City's Comprehensive Plan, and the surrounding property uses. (See attached Staff Report).

STAFF RECOMMENDATION(S):

Staff recommends approval of the first reading of Ordinance 16-37, rezoning 67.66 +/- acres located at 15304 Tilden Road from City R-1 to City PUD.

NEXT STEP(S):

First reading by City Commission is scheduled for July 14, 2016, with second reading and adoption anticipated to be on July 28, 2016.

ATTACHMENT(S):

Location Map
Ordinance 16-37
Staff Report

CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

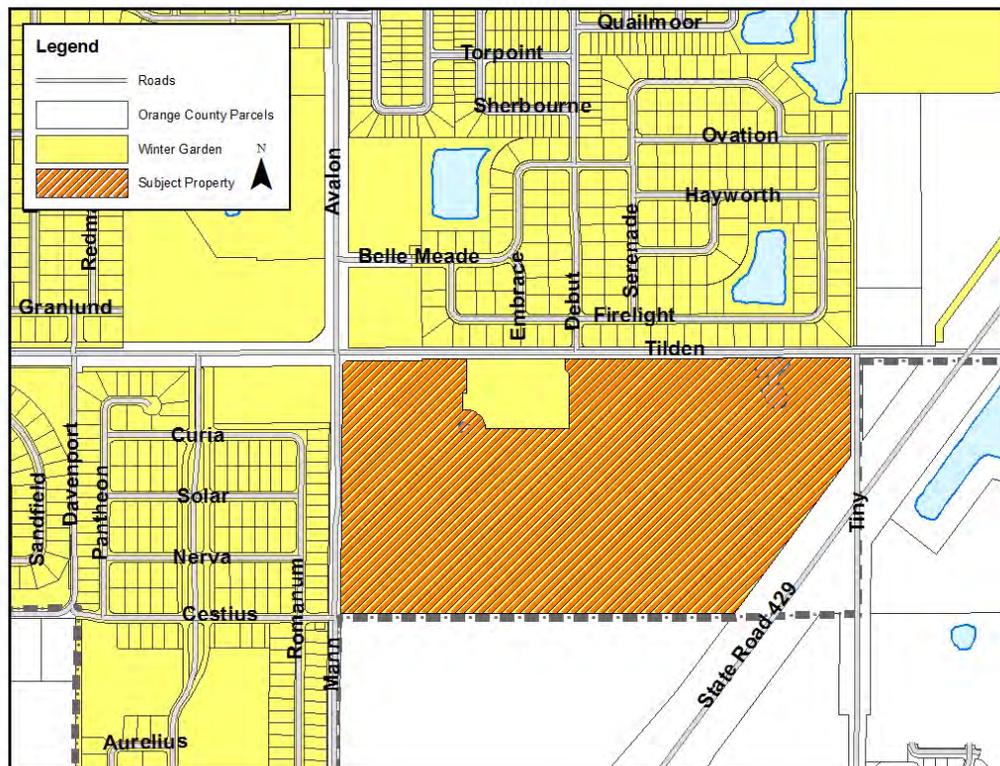
STAFF REPORT

TO: PLANNING AND ZONING BOARD
PREPARED BY: KELLY CARSON, URBAN DESIGNER
DATE: JULY 6, 2016
SUBJECT: PLANNED UNIT DEVELOPMENT REZONING (ORDINANCE 16-37)
15304 Tilden Road (67.66+/- ACRES)
Parcel ID# 09-23-27-0000-00-009

APPLICANT: Foundation Academy of Winter Garden, Inc.

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 on the southeast corner of Tilden Road and Avalon/Mann Road is approximately 67.66 ± acres. The map below depicts the location of the subject property within the City of Winter Garden municipal limits:



The subject property is located within the City of Winter Garden municipal limits and carries the zoning designation R-1 (Single-Family Residential District). The subject property is designated SUB (Suburban Residential) on the Future Land Use Map of the Comprehensive Plan. The applicant is requesting to rezone the 67.66 ± acre property to PUD (Planned Unit Development).

EXISTING USE

The subject property currently features the south campus of Foundation Academy, which is an accredited private K-12 Christian school. The property is developed with educational facilities, which house the school's 7th-12th grade programs. These facilities include three masonry educational/administrative buildings, two temporary modular buildings, and associated parking areas. In addition, the property contains four softball/little league fields with a central recreation building, a baseball field, and a football practice field. The balance of the subject property consists of undeveloped land, stormwater retention, and wetland conservation areas.

ADJACENT LAND USE AND ZONING

The parcels located to the north of the subject property include a City-owned property containing a stormwater pond, which is zoned R-1; a vacant property slated to be developed as the Belle Meade Commercial project, which is zoned PCD (Planned Commercial Development); and a number of properties developed with single-family residential homes that are part of the Belle Meade subdivision, which are all zoned PUD (Planned Unit Development). All of these properties are located within Winter Garden's jurisdictional limits. The parcels to the west of the subject property, which are also located in the City, are developed with single family residential homes that are part of the Alexander Ridge subdivision and are zoned PUD. The properties to the east of the subject properties are owned and operated by the Central Florida Expressway Authority and contain a segment of the Western Beltway (SR 429). These properties are zoned A-1 and located in Unincorporated Orange County. The property to the south of the subject property is also zoned A-1 and located in Orange County. This property contains a series of Orange County utility-related ponds.

PROPOSED USE

The applicant proposes to rezone the 67.66 ± acre property to allow for additional uses including +/- 2.6 acres of commercial development at the corner of Tilden Road and Mann/Avalon Road; a communication tower site; several new sports facilities including a football stadium with associated lighting; and additional facilities that will expand the school's academic capacity and allow for potential student boarding. The new institutional PUD zoning designation will permit the school's conceptual master plan to be developed in phases as funding becomes available. The exact phases have yet to be determined and the applicant has not yet submitted any applications for site plan approval.

COMMUNITY MEETING

On May 4, 2016, a community meeting was held in the City Commission Chambers to discuss the proposed PUD rezoning with surrounding property owners. Many attendees were supportive of the project, but there were a number of concerns. One of the major concerns voiced by attendees was the potential for more vehicles utilizing the Alexander Ridge subdivision's internal

roads to access the proposed Foundation Academy entrance off of Mann Road. There was also concern about the existing site access driveway on Tilden Road across from the Belle Meade subdivision's access driveway. Residents stated that Belle Meade residents often have difficulty maneuvering onto Tilden Road's eastbound lane in the morning during school drop-off times. City staff addressed these concerns by amending the ordinance to require the submittal of a traffic impact study prior to approval of any major site development to determine which site access points will have the least impact on surrounding residential properties. At that time, certain restrictions may be placed on vehicular movement including limiting permitted ingress/egress points and turning movements during school drop off & pick up times.

Lighting for new sports facilities including a new football stadium was discussed. Residents did not take issue with the proposed lighting as long as there are assurances in place guaranteeing that the light and glare from new fixtures would not negatively impact the surrounding residential properties.

APPROVAL CRITERIA

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

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

The proposed PUD is consistent with the City's 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 PUD 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 PUD will provide for adequate buffering against adjoining residential 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 surrounding area is sufficient to support the development of the subject property. The property is currently a water and sewer customer of the City of Winter Garden; utility lines are connected to the existing facilities. At such time that the property is developed with new facilities, additional utility lines (water, sewer, and

wastewater) will be extended and connections made to serve the new development. All extension and connection costs shall be borne by the property owner.

Prior to any board approvals, a Developer's Agreement detailing the obligations of the developer associated with the proposed PUD may be required. The requirement for a Developer's Agreement will be determined during Site Plan Review.

- (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 PUD project is consistent with the comprehensive plan's goals, objectives and policies for the Suburban Residential future land use designation; the PUD zoning criteria; and the City's land development regulations. The commercial zone will be limited to a floor area ratio of 0.35. Additionally, if upper story residential uses are proposed within the commercial zone, the proposed PUD project will be limited to a gross residential density of 4 dwelling units per acre. This is consistent with the Comprehensive Plan policy for the Suburban Residential FLU.

The proposed PUD is not premature or presently out of character in relationship to the surrounding area. There are many commercial and residential developments within the surrounding area which have similar or greater density and/or intensity than the proposed PUD project. The commercial zone as depicted on the PUD plan is consistent with the future uses of the other properties located at the Tilden Road and Avalon/Mann Road intersection. All of these properties have a future land use designation of COM (Commercial), and the property on the northeast corner is currently going through the site plan approval process in order to build three commercial buildings that will have a combined 36,977 sf of office and retail space. Furthermore, schools are typically permitted uses within residential areas as they serve the educational needs of the surrounding community within a walkable distance. Some of the residential developments within the surrounding area include Belle Meade, Alexander Ridge, Stone Creek, and Carriage Pointe. The other surrounding uses include minimally-developed municipal pond fields and a segment of SR-429. Neither of these uses would be adversely impacted by the proposed PUD development.

- (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 zoning designations permitted within the Suburban Residential future land use designation include Planned Unit Development. Further, in accordance with land development regulations and the comprehensive plan, the proposed PUD will provide for adequate buffering against adjoining properties and rights-of-way in the form of either landscaping to create a visual screen and/or perimeter walls/fencing.

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

The current conceptual layout depicts transportation access being provided in the form of one main access point to the school facilities on Tilden Road (existing) and another on Mann Road (proposed). The plan also depicts the commercial property having access points on both Tilden Road and Mann Road. Additionally, a secondary school access point is shown on Tilden Road to the east, as well as a secondary access on Mann Road to the south leading to a proposed communication tower site. Cross access connections will be provided internally to minimize the need to utilize Tilden and/or Mann Road to access different areas of the site.

Traffic studies/analyses are submitted with any proposed development and 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. In response to feedback received from surrounding property owners at a Community Meeting, a full traffic impact study is required to be submitted prior to approval of any major site development to determine which site access points will have the least impact on surrounding residential properties. At that time, certain restrictions may be placed on vehicular movement including limiting permitted ingress/egress points and turning movements during school drop off & pick up times.

All roadway improvements will be constructed at the owner's expense and in compliance with City concurrency standards for transportation.

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

The proposed PUD project is consistent with the comprehensive plan's goals, objectives and policies for the Suburban Residential future land use designation and the PUD zoning criteria and land development regulations. As stated above, the commercial zone will be limited to a floor area ratio of 0.35. Additionally, if upper story residential uses are proposed within the commercial zone, the proposed PUD project will be limited to a gross residential density of 4 dwelling units per acre. This is consistent with the Comprehensive Plan policy for the Suburban Residential FLU.

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

The proposed PUD 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 Mann Road to enhance pedestrian circulation in the area. The project will also include the preservation of open space areas in accordance with City Code requirements for common open space. Recreation areas will also be provided when and if residential uses are proposed, although the multiple on-site sports facilities will likely satisfy any and all recreation requirements. The property will also comply with the open space requirements of the Wekiva Resource Protection Overlay, providing no less than 25% Wekiva Study Area Open Space. Internal cross access connection points will be provided to ensure maximum site connectivity and to lessen the amount of traffic being routed to surrounding roads. In addition, multiple access points will be provided on Tilden Road and Mann Road to ensure multiple points of entry/exit

to the subject property.

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

The proposed PUD project 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.

As specific development projects are proposed, they must comply with the open space requirements of City Code as well as any recreation requirements if residential uses are proposed, although the multiple on-site sports facilities will likely satisfy any and all recreation requirements. Recreational facilities must comply with the Wekiva Study Area Resource Protection Overlay requirements for passive recreation.

Stormwater management for the proposed PUD 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 PUD 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 PUD project must comply with the Wekiva Study Area Open Space requirements.

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

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

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

Reclaimed water capacity is available to serve the property on which the PUD 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.

- (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 PUD includes the requirement that commercial structures must comply with specific development and architectural requirements, as outlined in an exhibit as part of the PUD ordinance. The architectural elevations of all structures- both commercial and institutional- as well as the overall site design will be reviewed during the Site Plan Approval process. Proposed designs must receive Staff support to ensure architectural quality, adequate buffering, and aesthetic harmony with surrounding properties.

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

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

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

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

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

The proposed PUD includes primary institution uses with secondary commercial and residential uses, which was permitted by the recently-adopted Ordinance 16-25 that amended Chapter 118, Article V, Division 2 of the Winter Garden Municipal Code.

Permitted non-residential uses within the commercial zone include retail stores and shops of a neighborhood scale, offices & studios, personal services, and public buildings. Upper story residential uses are permitted in this commercial zone. Permitted non-residential uses within the educational zone includes schools and other educational uses and churches. Permitted non-residential uses within the athletics zones include schools and other educational uses, churches, indoor & outdoor sports facilities, and a communication tower (Athletics B only). Dormitories are a permitted residential use in the athletics zones.

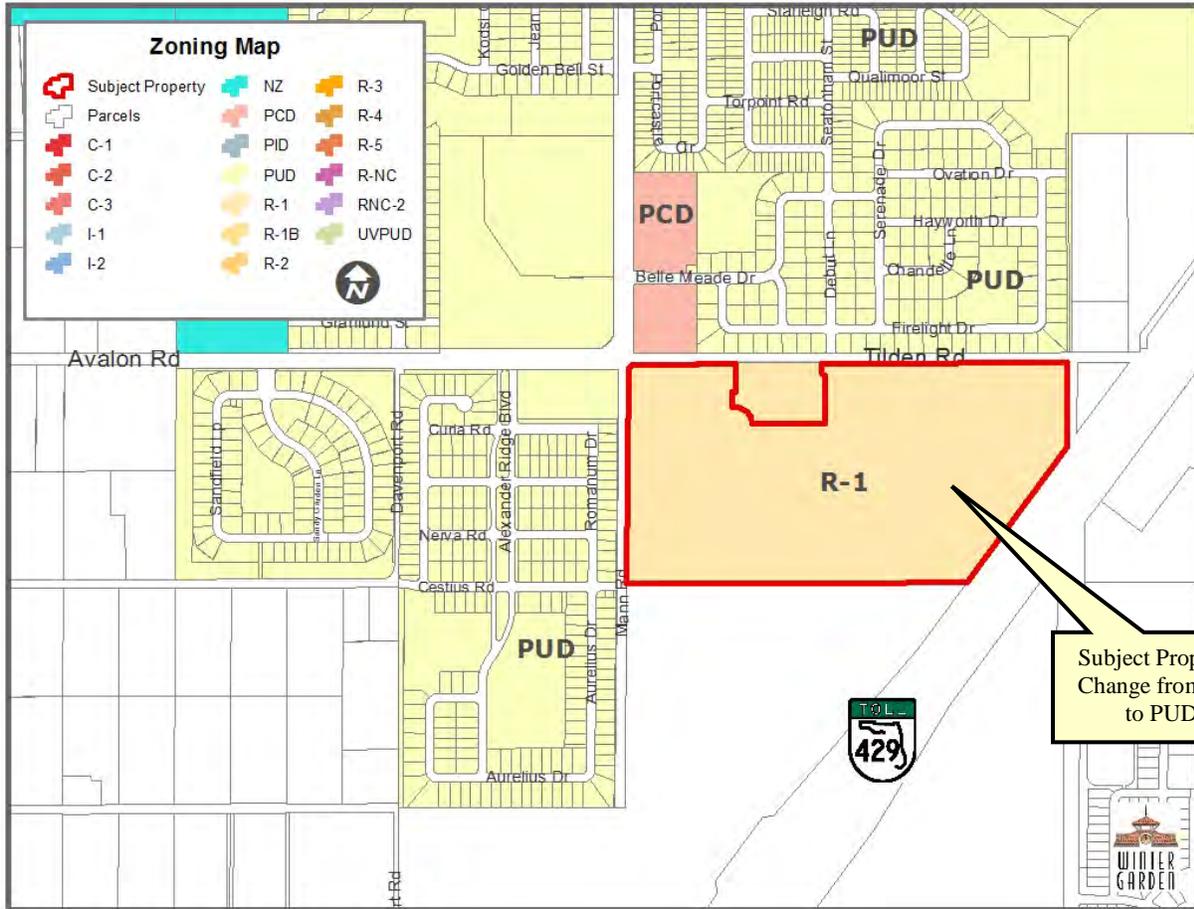
SUMMARY

City Staff recommend approval of the proposed Ordinance 16-37. Rezoning the subject property from City R-1 to City PUD 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.

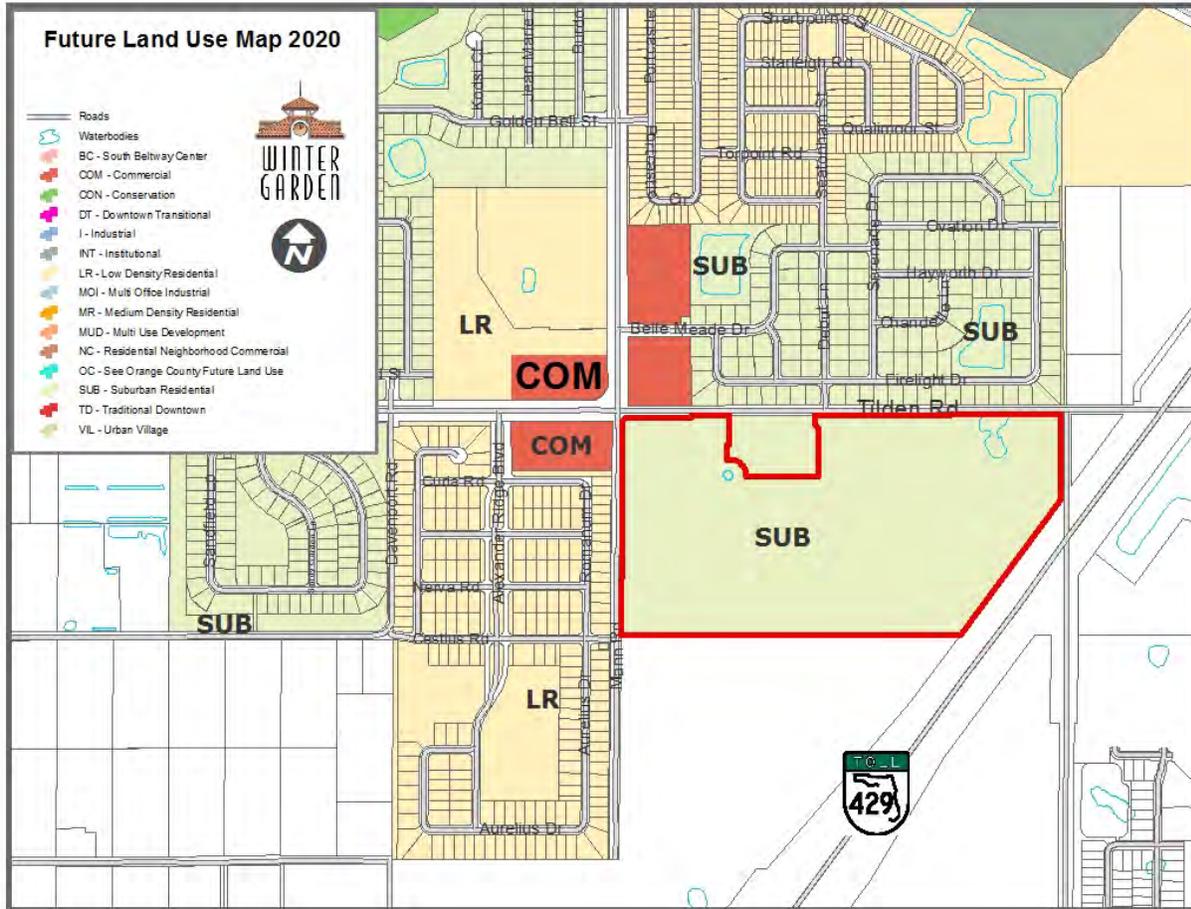
AERIAL PHOTO
15304 Tilden Road



ZONING MAP 15304 Tilden Road



FUTURE LAND USE MAP
15304 Tilden Road



END OF STAFF REPORT

ORDINANCE 16-37

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 67.7 ± ACRES OF CERTAIN REAL PROPERTY GENERALLY LOCATED ON THE SOUTHEAST CORNER OF TILDEN ROAD AND AVALON/MANN ROAD, AT 15304 TILDEN ROAD, FROM R-1 (SINGLE-FAMILY RESIDENTIAL) TO PUD (PLANNED UNIT DEVELOPMENT); PROVIDING FOR CERTAIN PUD REQUIREMENTS AND DESCRIBING THE DEVELOPMENT AS THE FOUNDATION ACADEMY PUD; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner(s) of real property generally described as approximately 67.7 ± acres of certain real property generally located on the southeast corner of Tilden Road and Avalon/Mann 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 R-1 (Single-Family Residential) to PUD (Planned Unit Development”), and

WHEREAS, recently adopted Ordinance 16-25 amended Chapter 118, Article V, Division 2 of the City of Winter Garden Code to allow Planned Unit Developments with primary institutional uses and secondary commercial and residential uses; and

WHEREAS, the Planning and Zoning Board has considered this Ordinance and made a recommendation to the City Commission concerning its adoption; and

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

WHEREAS, based on competent substantial evidence in the record, the requested rezoning set forth in this Ordinance meets all applicable criteria specified in the City of Winter Garden Comprehensive Plan and the Code of Ordinances; Now therefore;

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

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

- a. **Conceptual Plan-** All development on the Property must substantially

conform to the requirements identified in the Foundation Academy Planned Unit Development Plan attached hereto as Exhibit "B." Should any conflict be found between this Ordinance and the Foundation Academy Planned Unit Development Plan attached hereto as Exhibit "B", then the standards and conditions established by this Ordinance shall control. The City owned parcel shown on Exhibit "B" is not incorporated into this PUD and thus, is not governed by or subject to this PUD.

b. Zoning- Unless specifically noted elsewhere in Exhibit "B" attached hereto, or expressly provided for herein, all development on the Property must comply with the general zoning requirements of the Planned Unit Development zoning district as they pertain to properties that have primary institutional uses. These requirements include any approval procedures of the Planned Unit Development zoning district.

c. Permitted Uses- The permitted uses for the subject property correspond with the areas depicted in Exhibit "B", which are as follows:

1. Education

a) Permitted Uses:

- Schools and other educational uses.
- Churches.

b) Permitted accessory structures and uses:

- Customary accessory uses and structures clearly incidental and subordinate to a principal use.

2. Athletics – A & B

a) Permitted Uses:

- Schools and other educational uses.
- Indoor & outdoor sports facilities.
- Churches.
- Dormitories.
- Communication Tower (Athletics B only).

b) Permitted accessory structures and uses:

- Customary accessory uses and structures clearly incidental and subordinate to a principal use.

3. Commercial

a) Permitted Uses:

- Retail shops of a neighborhood scale.
- Offices, studios.
- Personal services.

- Public buildings.
- Upper story residential dwelling units.

b) Permitted accessory structures and uses:

- Customary accessory uses and structures clearly incidental and subordinate to a principal use.

4. The Conservation and Pond Areas depicted on Exhibit B are to be used only for open space, conservation of wetlands and stormwater treatment, collection and retention subject to all applicable permits and approvals.

d. Special Exception Uses- There are no special exception uses for this property.

e. Prohibited Uses- The prohibited uses for all areas of the subject property are as follows:

- Residential uses other than those specifically permitted in this Ordinance.
- Vehicle sales.
- Daycares.
- Nursing homes.
- Dry cleaners.
- Medical laboratories.
- Manufacturing and industrial uses, transportation terminals, storage warehousing and other activities of a similar nature.
- Bars or nightclubs.
- Fuel sales.
- Buildings with drive-thru lanes.
- All uses prohibited by Sec. 118-858(5), City of Winter Garden Code of Ordinances.
- All uses not specifically permitted in this Ordinance; any use not in keeping with a neighborhood-scale institutional character.

f. Design Criteria/Architectural Standards-

1. Architectural Standards- All buildings and site elements within the Commercial area depicted in Exhibit “B” shall adhere to the Foundation Academy Planned Unit Development Commercial Design Standards, attached hereto as Exhibit “C”.

2. Maximum Building Height- The maximum building height shall not

exceed 35 feet.

3. **Landscape Design-** Unless specifically identified or allowed in Exhibit "C", all areas shall be required to adhere to the landscape design standards for specified commercial corridors in accordance with Chapter 118, Article X, Division 3 of the City of Winter Garden Code of Ordinances.
4. **Setbacks and Required Yards-** All buildings shall be set back no less than 30 feet adjacent to Tilden Road; and 20 feet adjacent to Mann Road and Tiny Road. Unless otherwise noted herein, buildings and accessory structures shall be set back no less than 35 feet from all other adjacent properties.
5. **Communication Tower-** The one permitted communication tower shall comply with the regulations of the Winter Garden Code of Ordinances Chapter 70, Article II.
6. **Outdoor Storage-** Outdoor storage of materials or equipment is prohibited.
7. **Signage-** All signage proposed for the Property shall comply with the City of Winter Garden's sign standards in accordance with Chapter 102. All signage within the Commercial area depicted in Exhibit "B" shall conform to the regulations of Chapter 102, Article III, Division 3. All signage within the Education, Athletics A, and Athletics B areas area depicted in Exhibit "B" shall conform to the "Permitted Nonresidential Uses in Residential Districts" regulations of Chapter 102, Article III, Division 2. The signage shall be reviewed at time of Site Plan Review.
8. **Impervious Surface Area Ratio-** The maximum impervious surface area ratio for the Property shall be consistent with the overall maximum impervious surface area ratio that the Planned Unit Development is permitted by Saint John's River Water Management District.
9. **Lighting-** all exterior lighting shall be designed to provide safe, convenient and efficient lighting for pedestrians and vehicles.
 - a) **Street Lighting:** All lighting provided along public streets shall comply with the requirements pertaining to construction and installation of public improvements in accordance with Appendix A, Article II, Section 2.
 - b) **Site Lighting:** Vehicular, building, and pedestrian site

lighting shall be designed as dark skies lighting in a consistent and coordinated manner for the entire project in compliance with the requirements of Chapter 118, Article X, Division 4 of the City Code of Ordinances. During the site plan review, a photometric lighting plan will be required.

- c) **Stadium Lighting:** Lighting for outdoor sports facilities may be permitted if the light and glare from these fixtures does not present a nuisance for neighboring properties. During the site plan review of the proposed stadium(s), a photometric lighting plan will be required to ensure there will be no adverse impacts.

- g. **Delivery Hours-** No deliveries shall occur between the hours of 7:00pm and 7:00am.

- h. **Vehicular Connections-** Before any new development receives Major Commercial or Institutional Site Plan Approval from the Development Review Committee, a traffic impact analysis is required to determine the principal and secondary site access points that will have the least impact on surrounding residential properties. At that time, certain restrictions may be placed on vehicular movement including limiting permitted ingress/egress points and turning movements during school drop off & pick up times.

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

 - 1. DRC and City Commission review and approval of site plans for all Project phases will be required prior to construction of those phases.

 - 2. Additional information on the proposed Wet Pond/Park shall be provided as part of any additional development on the site, especially considering the proximity to the City's stormwater pond/parcel.

 - 3. Phase I shall not exceed a total of 800 students and the overall student count shall not exceed 1,200. If the number of students exceeds 800 it shall trigger development requirements of subsequent phases as outlined in the original Developers Agreement. If the overall student count exceeds 1,200 it shall trigger a Developers Agreement.

 - 4. Per the Special Exception Permit that was approved by City Commission in October of 2014, the temporary classroom facilities are only permitted to be located on site for a maximum of three years. After this three year period, Foundation Academy must apply for site plan approval to construct permanent buildings.

5. Pursuant to City Code, sidewalks are required along all public street frontages.
6. The Tilden Road drainage system shall be capable of handling the proposed discharge (flow and character) from this developed site. Drainage calculations shall support the 100 year retention design as certified by the Design Engineer.
7. All parking needs will be calculated on a per-use basis rather than the PUD as a whole.
8. This project will be required to meet the City's adopted Comprehensive Plan Amendment including the Wekiva Protection Act provisions for open space, drainage and protection of Karst features. Based on the information received to date, total retention of the 25 year, 24 hour storm event will be required if a positive outfall is available; retention of the 100 year, 24 hour storm event will be required if a positive outfall is not available.
9. All utilities required for the development shall be run to the site at the developer's expense, including potable water, reclaimed water and sanitary sewer. 100% of all water and sewer impact fees shall be paid prior to City execution of FDEP permits and issuance of site or building permits.
10. All irrigation on the site shall be designed to be supplied by reclaimed water.
11. Permits from SJRWMD and FDEP (water, wastewater and NPDES) are required prior to issuance of site or building permits.
12. The Owner is responsible for meeting all provisions of ADA and Florida Accessibility Code.
13. All work shall conform to City of Winter Garden standards and specifications.
14. The Contractor is responsible for the notification, location and protection of all utilities that may exist within the project limits.
15. 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, including by way of any development order or permit issued. 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 shall not be responsible and any corrective measures required will be the responsibility of the Owner/Developer. 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.

16. After final plan approval, a preconstruction meeting will be required prior to any commencement of construction. The applicant shall provide an erosion control and street lighting plan at the preconstruction meeting and shall pay all engineering review and inspection fees prior to construction. Inspection fees in the amount of 2.25% of the cost of all site improvements shall be paid prior to issuance of the building permit.

SECTION 2: *General Requirements.*

- a. **Development Agreement-** If deemed necessary by City Staff, a Development Agreement shall be drafted, approval obtained and recorded prior to approval of any site or building permits for the Property.
- 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, 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 PUD shall be governed in accordance with Section 118-830, City of Winter Garden Code of

Ordinances. Time extensions may be granted in accordance with Section 118-829, City of Winter Garden Code of Ordinances.

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

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

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

FIRST READING AND PUBLIC HEARING: _____, 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"

Parcel ID: 09-23-27-0000-00-009

LEGAL DESCRIPTION:

A TRACT OF LAND LYING IN SECTION 9, TOWNSHIP 23 SOUTH, RANGE 27 EAST, CITY OF WINTER GARDEN, ORANGE COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS:

THE NW 1/4 OF NE 1/4 OF SAID SECTION 9, LESS THE NORTH AND EAST 30 FEET FOR ROAD RIGHT OF WAY AND LESS THAT PART TAKEN FOR RIGHT OF WAY ON THE EAST AS RECORDED IN OFFICIAL RECORDS BOOK 6090, PAGE 2803, OF THE PUBLIC RECORDS OF ORANGE COUNTY FLORIDA,

AND

THE NE 1/4 OF NW 1/4, LESS THE NORTH AND WEST 30 FEET FOR ROAD RIGHT OF WAY AND LESS THAT PART TAKEN FOR ROAD RIGHT OF WAY PER OFFICIAL RECORDS BOOK 9484, PAGE 1174 OF THE PUBLIC RECORDS OF ORANGE COUNTY FLORIDA,

LESS

A PORTION OF THE NW 1/4 OF SECTION 9, TOWNSHIP 23 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTH 1/4 CORNER OF SECTION 9, TOWNSHIP 23 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA; THENCE SOUTH 00°48'24" WEST, A DISTANCE OF 30.00 FEET, ALONG THE EAST LINE OF THE NW 1/4 OF SAID SECTION 9 TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF TILDEN ROAD AS SHOWN ON THE PLAT OF BELLE MEADE - PHASE 2, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 66, PAGES 25 THROUGH 27, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE SOUTH 89°56'14" WEST, A DISTANCE OF 159.22 FEET, ALONG SAID SOUTH RIGHT OF WAY LINE TO THE POINT OF BEGINNING; THENCE DEPARTING SAID SOUTH RIGHT OF WAY LINE, SOUTH 00°03'46" EAST, A DISTANCE OF 56.24 FEET; THENCE SOUTH 50°19'05" EAST, A DISTANCE OF 25.90 FEET; THENCE SOUTH 00°00'00" EAST, A DISTANCE OF 284.82 FEET TO A POINT ON A LINE THAT IS 124.71 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 10711, PAGES 3950 THROUGH 3954, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE SOUTH 90°00'00" WEST, A DISTANCE OF 426.87 FEET, ALONG SAID PARALLEL LINE, TO A POINT ON A NON-TANGENT CURVE CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 97.30 FEET, A CENTRAL ANGLE OF 90°00'00" AND A CHORD BEARING OF NORTH 45°00'00" WEST, SAID POINT BEING ON THE WEST LINE OF SAID LANDS; THENCE FROM A TANGENT BEARING NORTH 00°00'00" WEST, NORTHWESTERLY, A DISTANCE OF 152.50 FEET ALONG THE ARC OF SAID CURVE AND ALONG SAID WEST LINE TO THE POINT OF TANGENCY OF SAID CURVE; THENCE CONTINUE ALONG SAID WEST LINE THE FOLLOWING TWO (2) COURSES AND DISTANCES: NORTH 90°00'00" WEST, A DISTANCE OF 20.00 FEET; THENCE NORTH 00°00'00" EAST, A DISTANCE OF 87.99 FEET TO A POINT ON THE NORTH LINE OF SAID LANDS; THENCE NORTH 90°00'00" EAST, A DISTANCE OF 20.00 FEET, ALONG SAID NORTH LINE; THENCE DEPARTING SAID NORTH LINE NORTH 00°00'00" EAST, A DISTANCE OF 171.75 FEET TO A POINT ON SAID SOUTH RIGHT OF WAY LINE; THENCE NORTH 89°56'14" EAST, A DISTANCE OF 504.17 FEET, ALONG SAID RIGHT OF WAY LINE TO THE POINT OF BEGINNING.

Exhibit "B"

COVER PAGE

FOUNDATION ACADEMY PUD PLAN

(2 PAGES - ATTACHED)

PLANNED UNIT DEVELOPMENT PLAN FOUNDATION ACADEMY 15304 Tilden Road

Development Standards

Maximum Building Height:	35 Feet
Maximum Gross Floor Area Ratio (FAR):	35%
Minimum Building Setbacks:	
Tilden Road :	30 feet
Mann Road:	20 feet
Tiny Road:	20 feet
Expressway:	35 feet
Southern Boundary:	35 feet

Stormwater: The stormwater system shall be designed to meet the requirements of Chapter 106 of the City of Winter Garden Code Stormwater) and the requirements of the St. Johns River Water Management District.

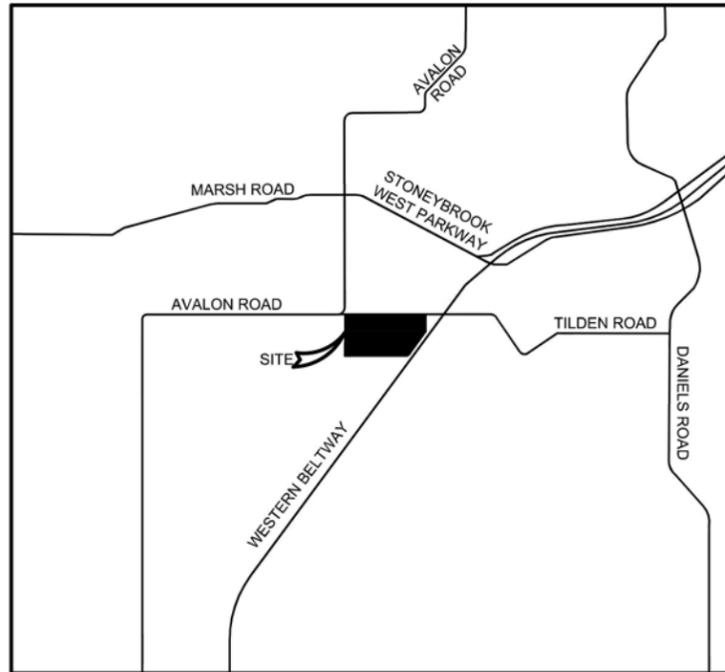
NOTE: Final Site Plans including building footprints, elevations, lighting, landscaping, and signage will be in accordance with City Code and Ordinances. Final site plans shall also conform to the City's adopted Comprehensive Plan Amendment including the Wekiva Protection Act as currently adopted and revised by the City.

NOTE: A traffic impact analysis will be provided when site construction plans are submitted in the future.

NOTE: All on-site utilities shall be privately owned and maintained.

NOTE: The site shall be served by City water, sewer and reuse. All utilities required for the development shall be run to the site at the Developer's expense, including potable water, reclaimed water and sanitary sewer. Final plans shall detail all connections including fire protection, sanitary sewer, and domestic water supply and reclaimed water.

NOTE: All street/parking lot lighting shall be installed in accordance with City Code and shall meet dark skies requirements (Code Section 118-1536(k)). Street/Parking Lot lights shall be shielded from residential areas



LOCATION MAP

Parcel ID: 09-23-27-0000-00-009

Address 15304 Tilden Road

OWNER:	Foundation Academy, Inc. Att'n: David Buckles 15304 Tilden Road Winter Garden, Florida 34787	407-230-5052 david.buckles@foundationacademy.net
ENGINEER:	Kirby Engineering, L.L.C. John Kirby, P.E. P. O. Box 770669 Winter Garden, Florida 34787	407-877-9400 407-877-9983 (Fax) jkwg1@earthlink.net

Project Area Summary

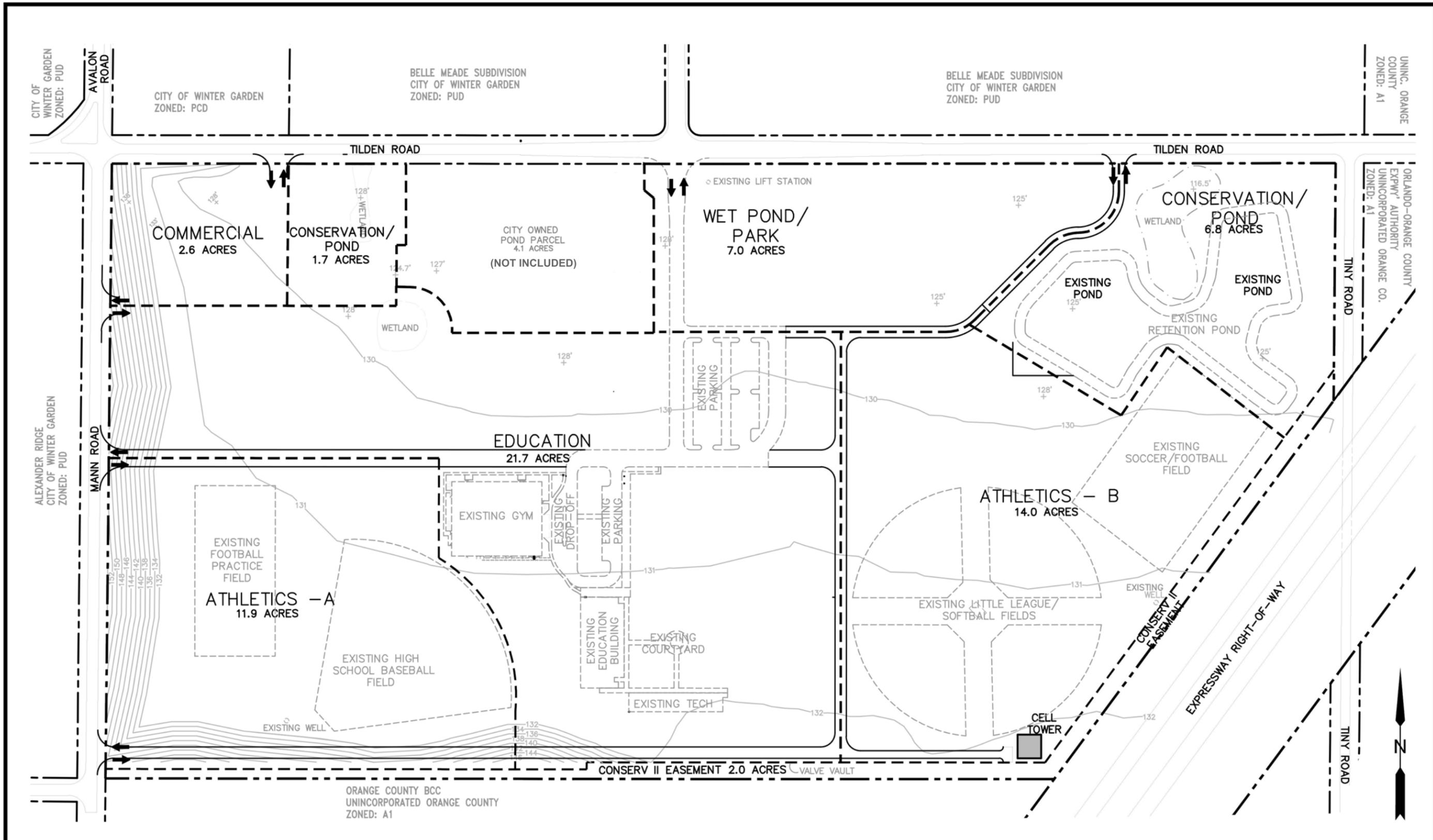
Total Site: 67.7 AC.

Conservation/Pond:	8.4 Acres	Athletics - B:	14.0 Acres
Pond/Park:	7.0 Acres	Commercial:	2.6 Acres
Education:	21.7 Acres	Conserv II Easement:	2.1 Acres
Athletics - A:	11.9 Acres		

Project Notes

Existing Future Land Use:	Suburban Residential
Existing Zoning:	R-1 with Special Exception for School and Athletic Facilities
Proposed Zoning:	Planned Unit Development
Phasing:	Multiple Phases
Existing Use:	Education and Athletics

INDEX OF SHEETS	
SHEET TITLE	No.
Cover Sheet	C1
PCD Plan	C2



LEGEND

Property Boundary		Existing Contour	
Land Use Boundary		Existing Elevation	
Full Ingress/Egress			

**PUD PLAN FOR
FOUNDATION ACADEMY**

SCALE: 1" = 200'

Exhibit "C"

COVER PAGE

FOUNDATION ACADEMY PUD Commercial Design Standards

(7 PAGES - ATTACHED)

Foundation Academy Planned Unit Development

Commercial Design Standards

1. Project Overview

Development Program – The commercial component of this project will substantially comply with the architectural standards outlined below, as well as comply with City Ordinance 16-37.

Site Plan Requirements – The Site plan is conceptual and is for zoning purposes only. Any new development on the subject property must be submitted individually for site plan approval.

2. Architectural Character

Design Criteria – The overall commercial architectural design of the parcel identified as commercial will substantially comply with a **Florida Vernacular architectural style**. Final elevations associated with specific site plans will be subject to change by the end user provided the architectural theme is consistent, the standard of quality is maintained, the architectural standards are achieved, and the design is approved by the City.

A consistent and compatible standard will be applied to the building on the commercial portion of the PUD. The following outline of massing, finishes, treatments, colors and use of materials are representative of a theme and a level of “quality” to be maintained throughout the development.

These architectural standards are to be used for the commercial component of the PUD. However, all architectural elevations are required to be reviewed and approved by City staff prior to Site Plan Approval, and there should be consistency between all developments in terms of design style and quality.

Building Massing & Articulation–

- A. The building facades that are visible to pedestrians and/or vehicles along major internal and external circulation routes are required to have architectural variation that is consistent with the Florida Vernacular style (similar to that depicted in Exhibit 1).

- B. Buildings will be designed to have façade features on multiple planes. No wall facing a street or connecting walkway shall have a blank, uninterrupted façade that exceeds 15' in length.
- C. There shall not be any façade that has a run greater than a 50 lineal feet without a change in depth or materials.
- D. Building facades along major circulation routes (internal or external) are required to incorporate a minimum of three of the following design details for every 25 lineal feet of span:
- Porches with columns (Min. 60" depth)
 - Porch railings
 - Shutters
 - Awnings or overhangs for windows or balconies
 - Doors with transom windows
 - Decorative light fixtures
 - Other architectural features consistent with the building design and approved by the City.
- E. Architectural design details and window treatments will be utilized to unify all sides of the buildings.
- F. Landscaping and planting beds along the building frontage are to be incorporated to vary massing.



Exhibit 1

Building Materials and Theming

- A. A consistent architectural theme (as depicted in Exhibit 1) will be utilized to unify the development, including complimentary colors, finished materials and textures.

- B. The following are acceptable exterior building materials:
- Board and batten
 - Wood/Hardboard-type Siding
 - Stained Hardwood
 - Smooth stucco or EIFS panels may be used along elevations that are not adjacent to major internal or external circulation routes.
 - Smooth stucco, veneer bricks, or another cladding material may also be used as a secondary material to another main building material such as siding.
- C. Store fronts: Display windows should encompass a minimum of 40% and a maximum of 80% of a storefront's lineal frontage.
- D. Building colors shall be drawn from a light "earth tone" color palette; the color chip shall be submitted to the City for approval. No fluorescent colors are permitted.

Roof Treatments

- A. A metal panel seam or metal shake roof is acceptable. A dimensional shingle roof or manufactured equivalent of a wood shake roof is also acceptable.
- B. Pitch of main roof, hipped or gable, shall be no greater than 10:12; porch roof shall be a lower pitch than the main roof. All structures must have a minimum 3:12 slope roof. Flat and/or mansard roofs are not permitted.
- C. A minimum 10" overhang is required for any roof structure. Multiple roof systems with matching roof slopes are permissible.
- D. Eaves shall exhibit an "open soffit" or "open rafter tail" style, which may be terminated by a fascia or left exposed. "Closed soffit" styles may be considered if used in conjunction with decorative roof brackets.

Building Projections and Entryways

- A. Building exteriors will provide shelter from sun and rain. Awnings and overhangs will be provided for all pedestrian walkways.
- B. Primary pedestrian entrances will be clearly expressed and be recessed by a sheltering element. This element will preferably be a porch with columns, but elements such as awnings, arcades, and/or porticos may be considered if they achieve the overall intent of these architectural design standards. The minimum height of this element shall be 10', and the minimum depth shall be 8'.

Building Orientation and Site Design

- A. Building elevations that include the primary entrances shall be visually and physically oriented towards the street. There may be secondary entrances provided along other building facades.
- B. Parking areas shall not visually dominate the road frontages. Parallel to the front face of the building, there shall be no more than two rows (one on either side of an access drive) of angled or 90 degree parking between the front building façade and the adjacent right-of-way.
- C. Parking areas shall provide pedestrian-friendly pathways to primary and secondary building entrances. Pedestrians must also be provided safe and accessible pathways to adjacent properties including vehicular walkways, as well as pedestrian access and circulation paths.
- D. Site furnishings such as benches, trash receptacles, and bicycle parking facilities shall also be provided on site.

Utilities and Equipment

- A. All utility equipment must be properly screened with walls and/or landscaping. All loading docks and loading areas must be screened from public view with appropriate screen walls, which are architecturally integrated with the main structure.

Lighting

- A. Lighting will comply with the design standards, requirements, and regulations pertaining to specified commercial corridors within City of Winter Garden in accordance with Chapter 118, Article X, Division 4.
- B. Poles, globes, and other light fixtures that are of a high design quality are required and shall be consistent with the overall building architecture.
- C. All lighting shall follow “dark sky” requirements.

Signage and Monuments

- A. Opportunities for community-oriented/arrival signage shall be provided.
- B. Proposed signage shall meet the City requirements for commercial signage found in City Code Chapter 102. Proposed exterior signage packages shall be reviewed and approved during the Site Plan approval process.
- C. All signage shall be consistent with the established architectural standards and themes.

Landscaping

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

- A. Incorporate "Florida Friendly" Landscaping techniques to minimize site irrigation needs.
- B. All stormwater facilities should be generally designed as landscape amenities utilizing "Low Impact Development" techniques where practical.

Examples of Florida Vernacular Style Buildings







THE CITY OF WINTER GARDEN
PLANNING AND ZONING BOARD AGENDA ITEM

ITEM # 6 (Public Hearing)

DATE: July 7, 2016 **MEETING DATE:** July 11, 2016

SUBJECT: 327 Bayside Avenue (VARIANCE)
PROJECT NAME Craft Shed Variance
PARCEL ID# 15-22-27-4197-02-640

ISSUE: The applicant is requesting a Variance to the rear yard and side yard setbacks to allow construction of a shed on the property located at 327 Bayside Ave.

SUPPLEMENTAL MATERIAL/ANALYSIS:

OWNER/APPLICANT: Michael A. Craft

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 a 240 sq. ft. shed structure at a side yard setback of 2 feet in lieu of the minimum required side yard setback of 10 feet, and a rear yard setback of 5 feet in lieu of the minimum required rear yard setback of 24 feet.

STAFF RECOMMENDATION(S):

Staff recommends approval of the variance to allow construction of a shed with a side yard setback of 2 feet and a rear yard setback of 5 feet.

NEXT STEP(S):

Apply for building permits.

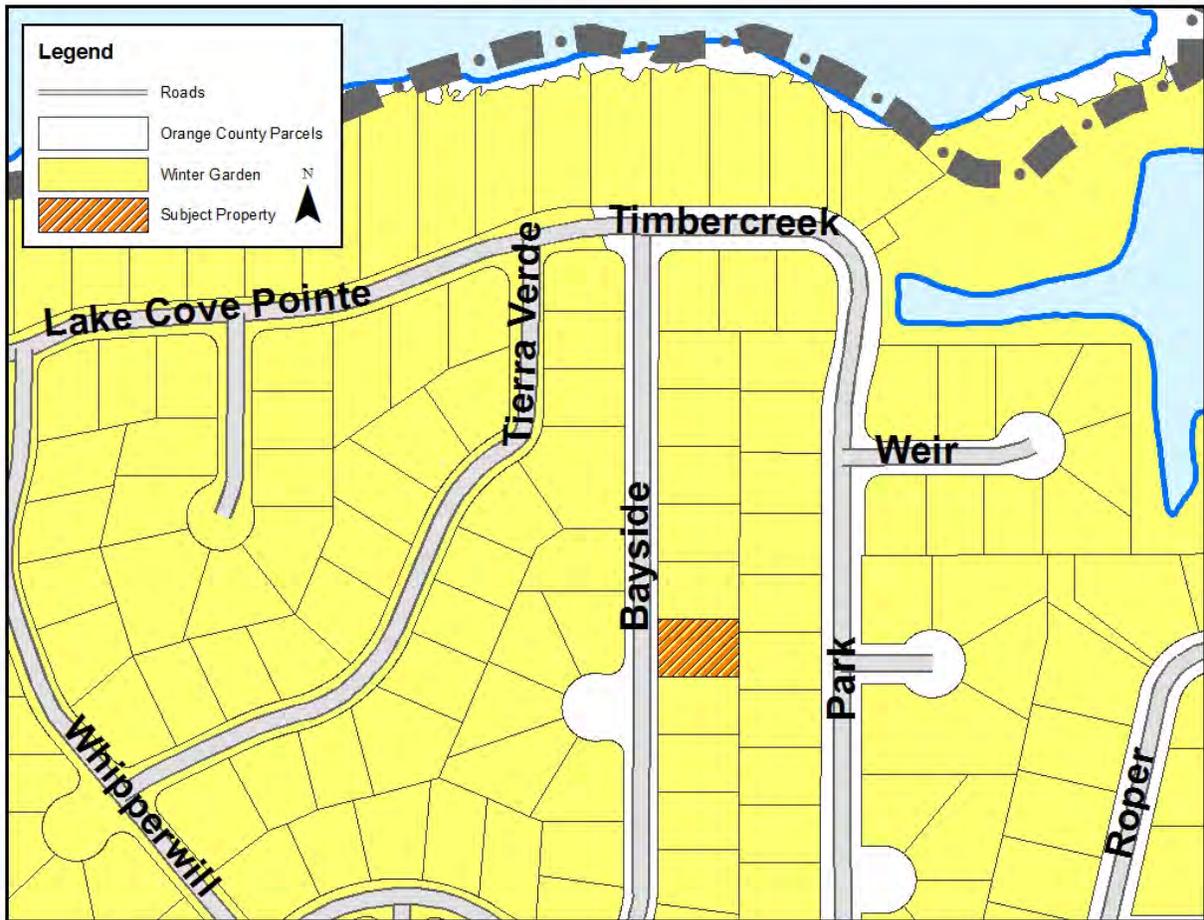
ATTACHMENT(S):

Location Map
Staff Report

LOCATION MAP

327 Bayside Avenue

VARIANCE



CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

STAFF REPORT

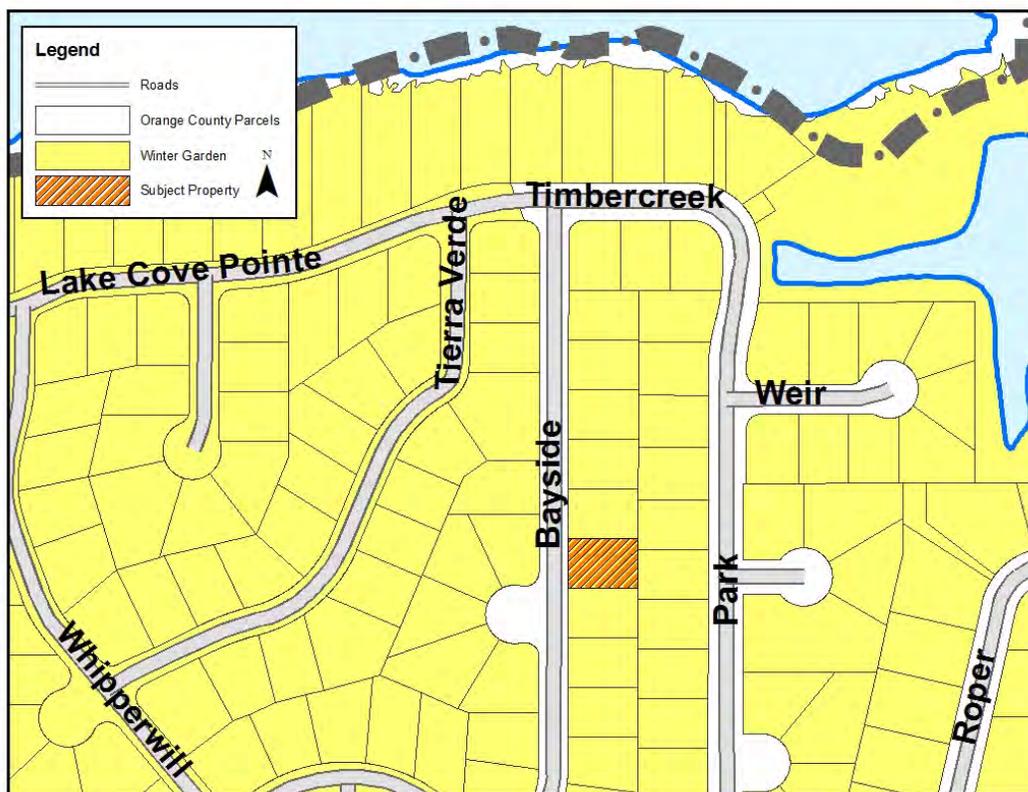
TO: PLANNING AND ZONING BOARD
PREPARED BY: KELLY CARSON, URBAN DESIGNER
DATE: JULY 5, 2016
SUBJECT: VARIANCE
327 Bayside Ave (0.23 +/- ACRES)
PARCEL ID # 15-22-27-4197-02-640

APPLICANT: Michael A. Craft

INTRODUCTION

The purpose of this report is to evaluate the request for a rear and side yard setback variance for property located at 327 Bayside Avenue in Winter Garden, Florida. If approved, this variance will allow a 240 sq. ft. shed structure to be located 2 feet from the side property line in lieu of the required 10 feet, and 5 feet from the rear property line in lieu of the required 24 feet.

The subject property, located on Bayside Avenue, is an approximately 0.23 ± acre property. 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 is currently developed with a 1,450 square foot single-family home with an attached screened patio and wood deck in the rear yard.

ADJACENT LAND USE AND ZONING

The adjacent properties to the north, south, and west are all developed with single family residences, zoned R-1, and located within the King's Bay subdivision in the City of Winter Garden. The properties to the east of the subject property are also developed with single family residences and zoned R-1. These properties are located in the Timbercreek UT 1 subdivision in the City of Winter Garden.

PROPOSED USE

The applicant is proposing to build a 10' by 24' shed (240 square feet) within the subject property's fenced rear yard, 2' from the side property line and 5' from the rear property line.

CODE REFERENCE

Section 118-1310 (c) (2) a. of the City Code of Ordinances addresses minimum yard requirements for accessory structures that are greater than 160 square feet. This section states in part that an accessory building greater than 160 square feet shall meet the setback requirements of the principal structure.

Section 118-308 (1) b-c. of the City Code of Ordinances addresses minimum yard requirements for the principal structure. This section states in part that the minimum yard requirements for single-family residential buildings in the R-1 Zoning District are "*front: 30 feet, side: 10 feet each, rear: 20 percent the depth of the lot.*"

The applicant is seeking a variance to the minimum rear yard and side yard setbacks to allow the proposed shed to be built with a 5 foot rear yard setback in lieu of the minimum required 24 foot rear yard setback, as well as a 2 foot side yard setback in lieu of the minimum required 10 foot side 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 shed would be located 5 feet from the rear property line and 2 feet from the side property line. There is a 6 foot tall wood fence that is built around the side and rear perimeters of the backyard as well as a large oak tree located to the rear of the proposed structure. Both the fence and oak tree will remain in place during and after shed construction. With these buffers, the location of the proposed shed should not negatively impact or interfere with the reasonable enjoyment of adjacent or nearby property owners.

- (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 5 foot rear yard setback in lieu of the required 24 foot rear yard setback and a 2 foot side yard setback in lieu of the required 10 foot side yard setback will allow reasonable use of the property and would not be out of character with other properties with the same zoning. The properties located to the north, south, and east of the subject property all contain accessory structures located as close or closer to their side and rear property lines as the applicant's proposed shed. In effect, the proposed shed's location would be nearly a mirror image of the location of the covered structure on the property to the north. Also, smaller accessory structures (160 sf or less) are allowed by code to be located up to 5 feet from their side & rear property lines. Although this structure is slightly larger, there is a clear precedent for the applicant's proposed shed location in residential yards throughout this neighborhood.

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

Strict compliance with the City's land development regulations will not further any legitimate City objective. This request does not encroach into any recorded easements, does not exceed the maximum impervious surface allowed in the R-1 zoning district (50%), and it complies with all other setbacks and development regulations of the Winter Garden Code of Ordinances.

- (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 residential neighborhood commercial 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 and the proposed shed will not negatively impact the neighbors. Denying this variance does not benefit the property owner or the City.

SUMMARY

City Staff recommends approval of a variance to Sections Section 118-308 (1) b-c to allow a 240

sq. ft. shed structure to be located 2 feet from the side property line in lieu of the required 10 feet, and 5 feet from the rear property line in lieu of the required 24 feet.

NEXT STEP

Apply for the appropriate Building Permits.

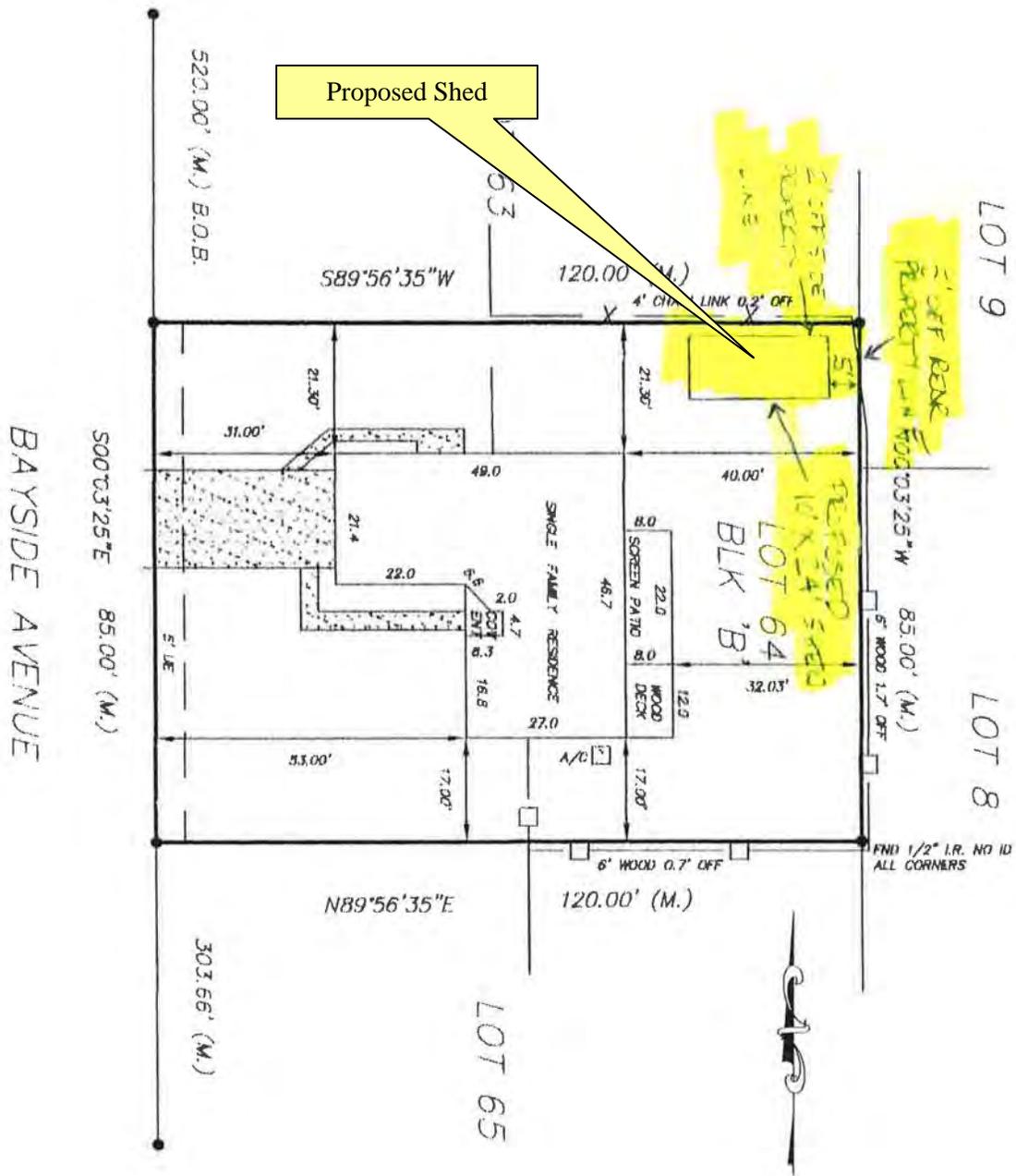
ATTACHMENTS

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

AERIAL PHOTO
327 Bayside Ave



PROPOSED SITE PLAN
327 Bayside Ave



SITE PHOTOS
327 Bayside Ave

Subject property looking east at rear yard and proposed location of shed



Subject property looking north at rear yard and proposed location of shed



SITE PHOTOS
327 Bayside Ave

Looking at property's rear yard to the south from subject property



END OF STAFF REPORT

THE CITY OF WINTER GARDEN
PLANNING AND ZONING BOARD AGENDA ITEM

ITEM # 7 (Public Hearing)

DATE: July 7, 2016 **MEETING DATE:** July 11, 2016

SUBJECT: 816 East Fullers Cross Road (VARIANCE)
PROJECT NAME Buchan Shop
PARCEL ID# 12-22-27-1840-01-000

ISSUE: The applicant is requesting a Variance to the rear yard setback to allow construction of a shed/shop for the property located at 816 East Fullers Cross Road.

SUPPLEMENTAL MATERIAL/ANALYSIS:

OWNER/APPLICANT: Thomas Buchan

CURRENT ZONING: R-NC Residential Neighborhood Commercial District

PROPOSED ZONING: N/A

CURRENT FLU: Residential Neighborhood Commercial

PROPOSED FLU: N/A

SUMMARY:

Applicant proposes to construct a shed/shop at a rear yard setback of 50 feet in lieu of the minimum required rear yard setback of 71 feet.

STAFF RECOMMENDATION(S):

Staff recommends approval of the variance to allow construction of a shed/shop at a rear yard setback of 50 feet.

NEXT STEP(S):

Apply for building permits.

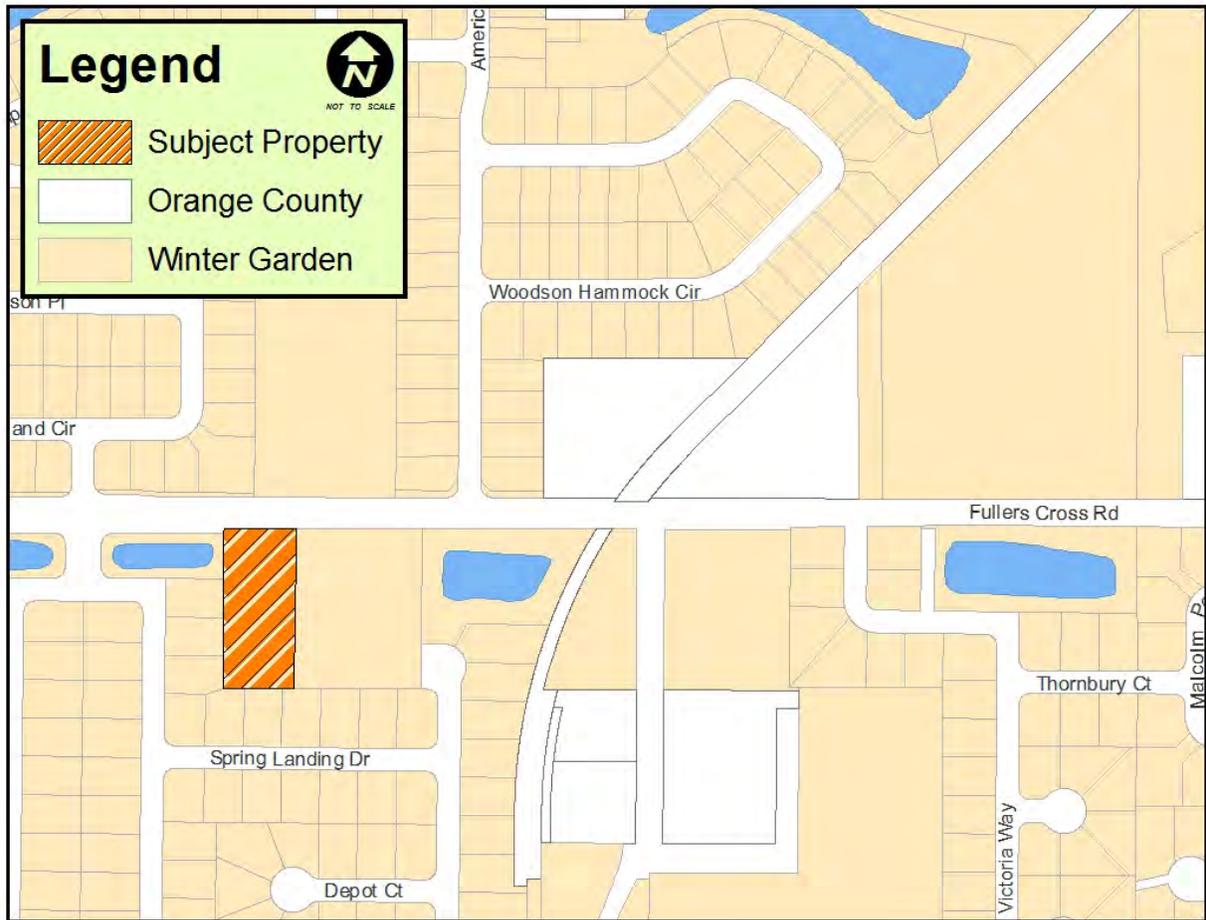
ATTACHMENT(S):

Location Map
Staff Report

LOCATION MAP

816 E Fullers Cross Road

VARIANCE



CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

STAFF REPORT

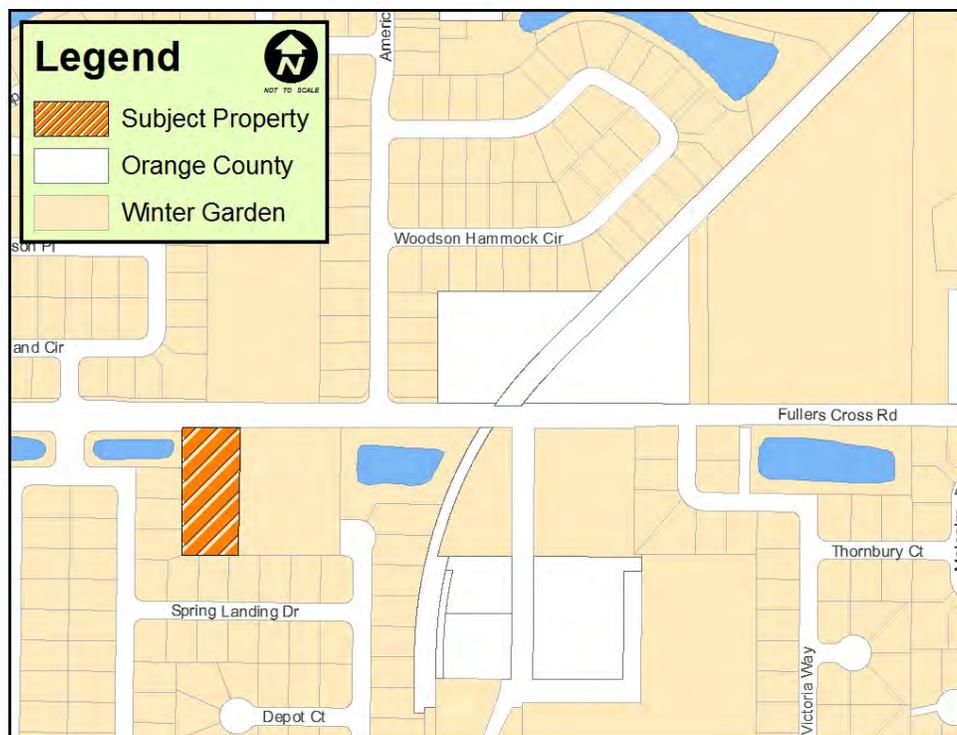
TO: PLANNING AND ZONING BOARD
PREPARED BY: STEVE PASH, COMMUNITY DEVELOPMENT DIRECTOR
DATE: JUNE 29, 2016
SUBJECT: VARIANCE
816 East Fullers Cross Road (1.28+/- ACRES)
PARCEL ID # 12-22-27-1840-01-000

APPLICANT: Thomas Buchan

INTRODUCTION

The purpose of this report is to evaluate the request for a rear yard setback variance for property located at 816 East Fullers Cross Road in Winter Garden, Florida. The request is for a 50 foot rear yard setback in lieu of the minimum required 71 foot rear yard setback. If approved, this variance will allow an accessory structure that is greater than 160 square feet to be built at a 50 foot rear yard setback.

The subject property, located on East Fullers Cross Road, is an approximately 1.28 ± acre property. 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-NC (Residential-Neighborhood Commercial District) and is designated NC (Residential Neighborhood Commercial) on the Future Land Use Map of the City's Comprehensive Plan.

EXISTING USE

The subject is currently developed with a 3,262 square foot single-family home with a detached shed and a swimming pool is currently under construction.

ADJACENT LAND USE AND ZONING

The adjacent property to the north contains a City of Winter Garden water treatment plant, has a zoning designation of R-1, and the future land use designation INT (Institutional). The properties to the south and west are located in the Crown Point Springs neighborhood and developed with single-family homes, have a zoning designation of R-1, and a future land use designation of LR (Low Density Residential). The property to the east is developed with a single-family home, has the zoning designation of R-NC (Residential-Neighborhood Commercial District), and has a future land use designation of NC (Residential Neighborhood Commercial).

PROPOSED USE

The applicant is proposing to build a 30' by 45' shed (1,350 square feet) to be used to park cars and as a shop for hobbies.

CODE REFERENCE

Section 118-1310 (c) (2) a. of the City Code of Ordinances addresses minimum yard requirements for accessory structures that are greater than 160 square feet. This section states in part that an accessory building greater than 160 square feet shall meet the setback requirements of the principal structure.

Section 118-492 (1) d. of the City Code of Ordinances addresses minimum yard requirements for the principal structure. This section states in part that the minimum yard requirements for single-family residential buildings in the R-NC Zoning District are "*front: 30 feet, side: 10 feet each, rear: 20 percent the depth of the lot.*"

The applicant is seeking a variance to the minimum rear yard setback to allow the proposed shed to be built with a 50 foot rear yard setback in lieu of the minimum required 71 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 shed is located 50 feet from the rear property line and there is a large oak tree behind the proposed structure. In addition, there is a 6 foot tall wall located along the rear property. With these buffers, this location should not negatively impact or interfere with the reasonable enjoyment of adjacent or nearby property owners.

- (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 50 foot rear yard setback in lieu of the required 71 foot rear yard setback will allow reasonable use of the property and would not be out of character with other properties with the same zoning.

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

Strict compliance with the City's land development regulations will not further any legitimate City objective. This request does not encroach into any recorded easements, does not exceed the maximum impervious surface allowed in the R-NC zoning district (50%), and it complies with all other setbacks and development regulations of the Winter Garden Code of Ordinances.

- (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 residential neighborhood commercial 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 and the proposed shed will not negatively impact the neighbors. Denying this variance does not benefit the property owner or the City.

SUMMARY

City Staff recommends approval of a variance to Sections Section 118-492 (1) d to allow a 50 foot rear yard setback in lieu of the minimum required 71 foot rear yard setback to allow construction of a shed.

NEXT STEP

Apply for the appropriate Building Permits.

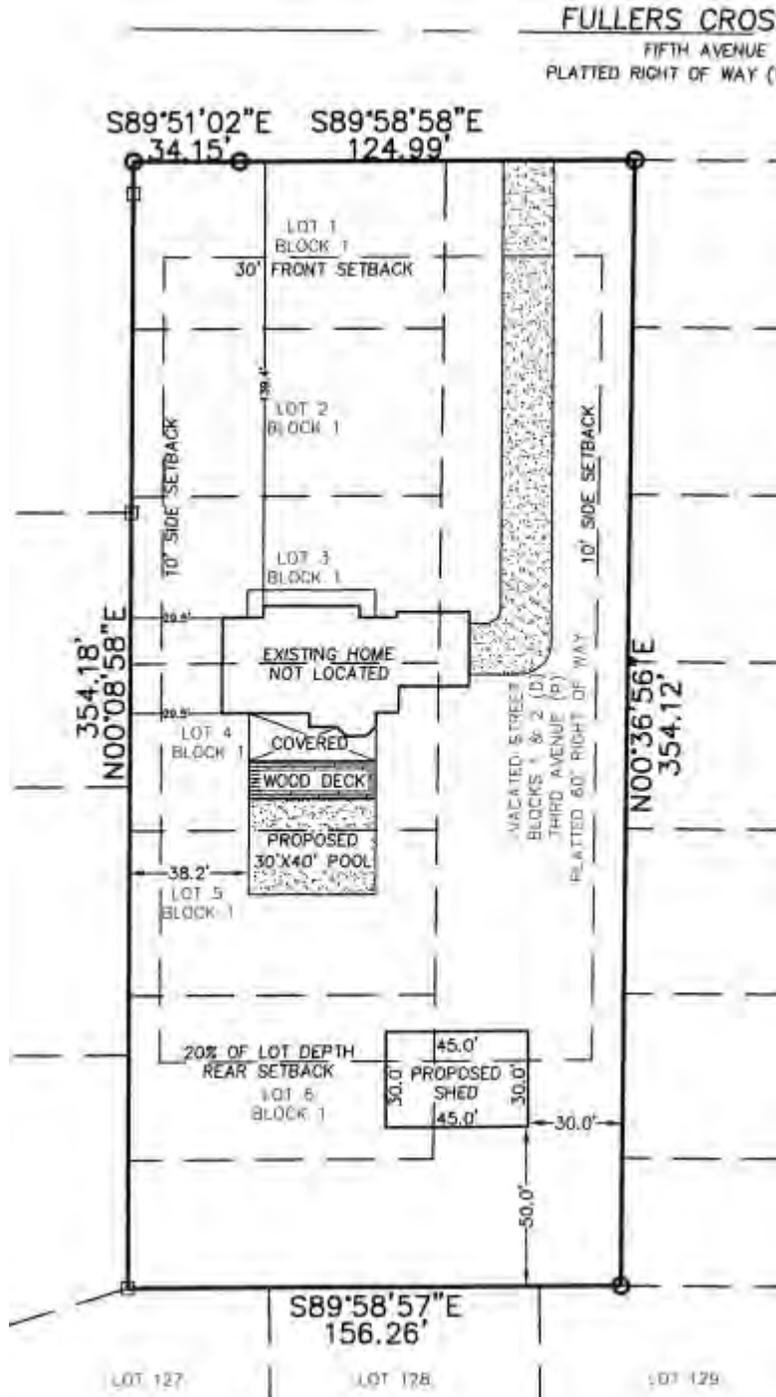
ATTACHMENTS

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

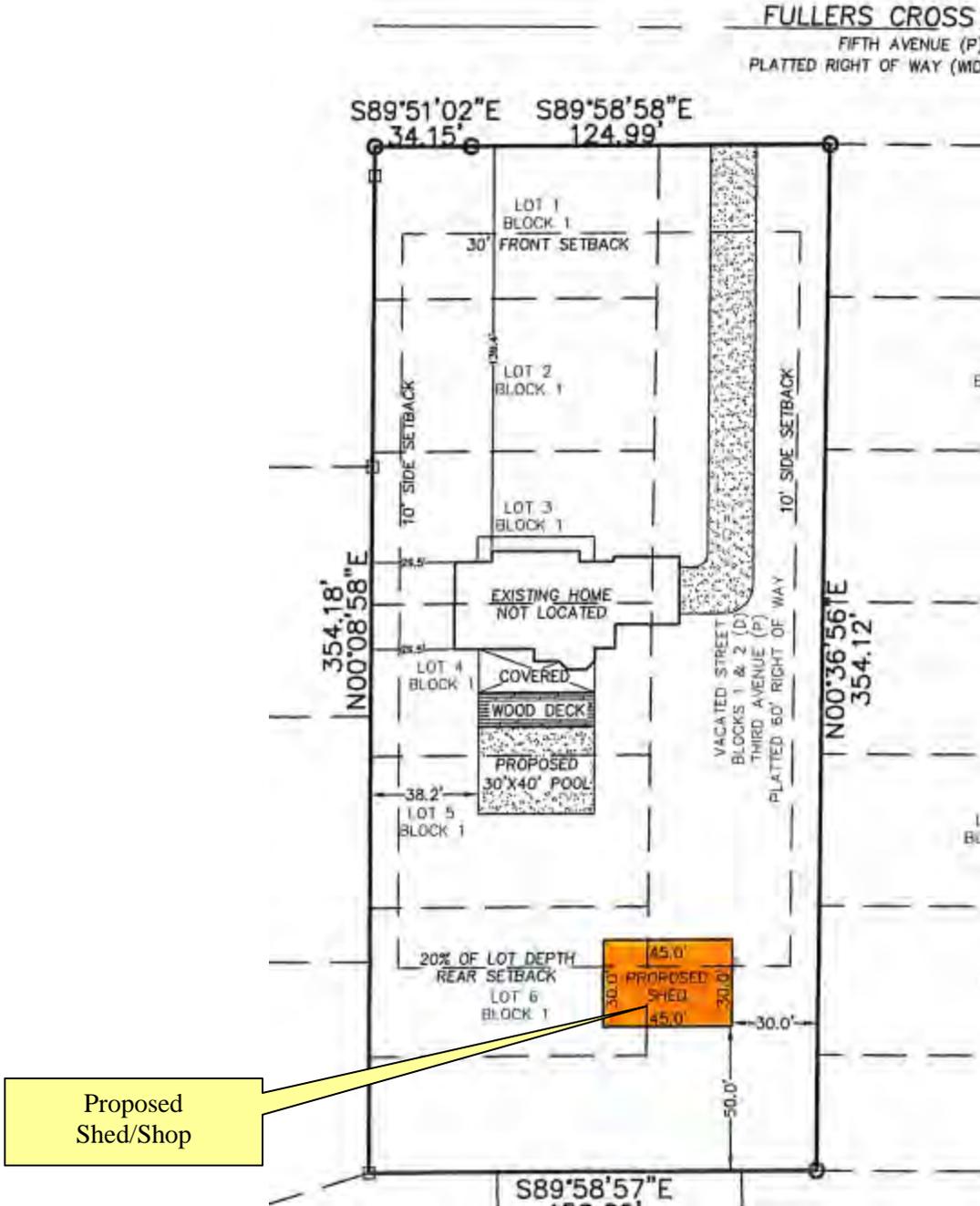
AERIAL PHOTO
816 East Fullers Cross Road



SURVEY
816 East Fullers Cross Road



PROPOSED SITE PLAN
816 East Fullers Cross Road



SITE PHOTOS
816 East Fullers Cross Road

Subject property looking south from East Fullers Cross Road



Subject property looking south at rear yard and proposed location of shed



SITE PHOTOS
816 East Fullers Cross Road

Looking at property to the east from subject property



Looking at properties to the west from subject property



END OF STAFF REPORT