



For More Information, Contact:

Lorena Blankenship
Planning Technician
City of Winter Garden
300 West Plant Street
Winter Garden, FL 34787
407.656.4111 ext. 2273
lblankenship@wintergarden-fl.gov

PLANNING & ZONING BOARD

To: James Balderrama
Jerry Carris
James Dunn
James Gentry
Kent Horsley
Mac McKinney
Rohan Ramlackhan

CC: Mike Bollhoefer, City Manager
Ed Williams, Planning Director
Dolores Key, Econ. Dev. Director
Tim Wilson, Chief Planner
Regina McGruder-Jones, Planner II
Brandon Byers, Planner II
Dan Langley, City Attorney

RE: Agenda – March 2, 2009 - 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 February 02, 2009 meeting – Attachment 1

Annexations, Comp Plan Amendments, & Rezonings (All Public Hearings)

4. 778 South Street – Attachment 2

Special Exception Permits (All Public Hearings)

5. 14120 W. Colonial Drive (Gardenia Plaza) – Attachment 3

Preliminary Plat (Non-Public Hearings)

6. 14120 W. Colonial Drive (Gardenia Plaza) – Attachment 4

City Comprehensive Plan - EAR (All Public Hearings)

7. Evaluation and Appraisal Report (EAR) (Ordinance 09-10) – Attachment 5

Note: §286.0105, Florida Statutes, states that if a person decides to appeal any decision by a board, agency, or commission with respect to any matter considered at a meeting or hearing, he or she will need a record of the proceedings and that, for such purpose, he or 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.

In accordance with the Americans with Disabilities Act (ADA), if any person with a disability, as defined by the ADA, needs special accommodation to participate in this proceeding, then not later than two business days prior to the proceeding, he or she should contact the City Clerk's Office at 407-656-4111 extension 2254.

THE CITY OF WINTER GARDEN
CITY PLANNING AND ZONING BOARD AGENDA ITEM
ATTACHMENT 2 (Public Hearing)

Date: February 27, 2009 **Meeting Date:** March 2, 2009
Subject: 778 South Street
Issue: Request for approval of Ordinance 09-07, annexation of 778 South Street, Ordinance 09-08, amending the future land use for 778 South Street to Low Density Residential, and Ordinance 09-08, rezoning 778 South Street and Parcel ID # 25-22-27-0000-00-070 to R-1.

Supplemental Material/Analysis:

Applicant: Norman & Mable Fleming
Current Zoning: Orange County Citrus Rural & City PUD
Proposed Zoning: R-1
Existing FLU: Orange County Low Density Residential
Proposed FLU: City Low Density Residential
Summary: Please see the attached Staff Report for additional information regarding this project.

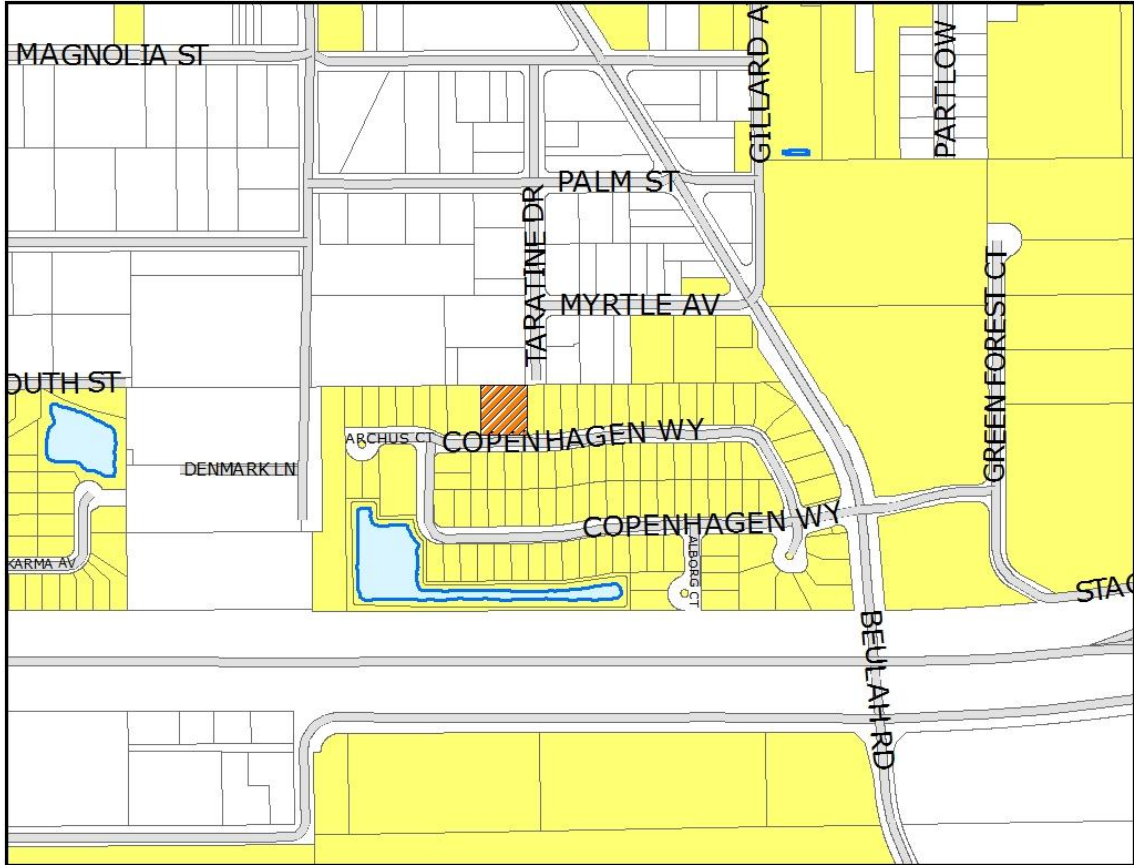
**Staff
Recommendation:**

Staff recommends approval of Ordinance 09-07, annexation of 778 South Street, Ordinance 09-08, amending the future land use for 778 South Street to Low Density Residential, and Ordinance 09-08, rezoning 778 South Street and Parcel ID # 25-22-27-0000-00-070 to R-1.

Next Step:

A public hearing for the first reading of these Ordinances is scheduled for the City Commission on March 12, 2009.

778 South Street



THE CITY OF WINTER GARDEN
CITY PLANNING AND ZONING BOARD AGENDA ITEM
ATTACHMENT 3 (Public Hearing)

Date: February 27, 2009 **Meeting Date:** March 2, 2009
Subject: 14120 W. Colonial Drive (Gardenia Plaza)
Issue: Request for approval of a Special Exception Permit to allow a planned shopping center in the C-2 zoning district for property located at 14120 W. Colonial Drive (Gardenia Plaza).

Supplemental Material/Analysis:

Owner/Applicant: JE Holdings, LLC. Email: sglass@shutts.com

Zoning: C-2

FLU: Commercial

Summary: The applicant is requesting a Special Exception Permit to allow a planned shopping center in the C-2 zoning district for property located at 14120 W. Colonial Drive. City Code Section 118-97 allows the permitted use of a planned shopping center with a Special Exception Permit.

The 18.2 acre site is currently vacant and consists of planted pine trees and other vegetation. There are currently no wetlands on this site. The surrounding land use to the north of the parcel is a commercial plaza; east is commercial, south is residential low density and to the west is also residential.

The applicant is proposing a 167,850 square foot retail/office center with (3) outparcel lots along State Road 50 that may be developed as banks, restaurants or other commercial development consistent with the C-2 zoning district. The proposed office/retail plaza will be constructed in phases.

City Staff has reviewed the required Special Exception Permit, Pre-Plat and Site Plan for the proposed office retail commercial plaza and recommends approval. Staff mailed 264 public meeting notices to the surrounding neighborhoods and parcels directly impacted by this development; a community meeting was held on February 9, 2009 to discuss the proposed project and any issues/concerns regarding this project. Staff has taken in consideration the concerns of the residents and

required the applicant to add additional architectural treatments to the buildings, additional landscaping, and a 6' high wall to provide a more aesthetically pleasing and quality development. The required wall and landscape buffer will soften the as built environment, provide visual relief, separate the different land uses, and minimize potential nuisances or adverse impacts to the residential and non-commercial parcels located adjacent to the proposed development.

The applicant has also submitted a traffic impact analysis that has been reviewed by the City's Traffic Consultant and City Staff for the overall traffic impact this project will bring to State Road 50 and surrounding City roads. Because of the additional traffic impact; Staff has put as a condition of approval for the SEP, Pre-Plat and Site Plan that no construction of structures and/or site improvements can take place until State Road 50 is widen or improved through City limits including any appropriate intersection improvements. In lieu of S.R. 50 improvements; the applicant can pay a proportionate fair share payment of \$800,000, not including any other required impact fees. A traffic study approved by the City can be used to change the proportionate fair share payment. All these conditions must be incorporated into the Developers Agreement between the City and the Applicant.

Staff

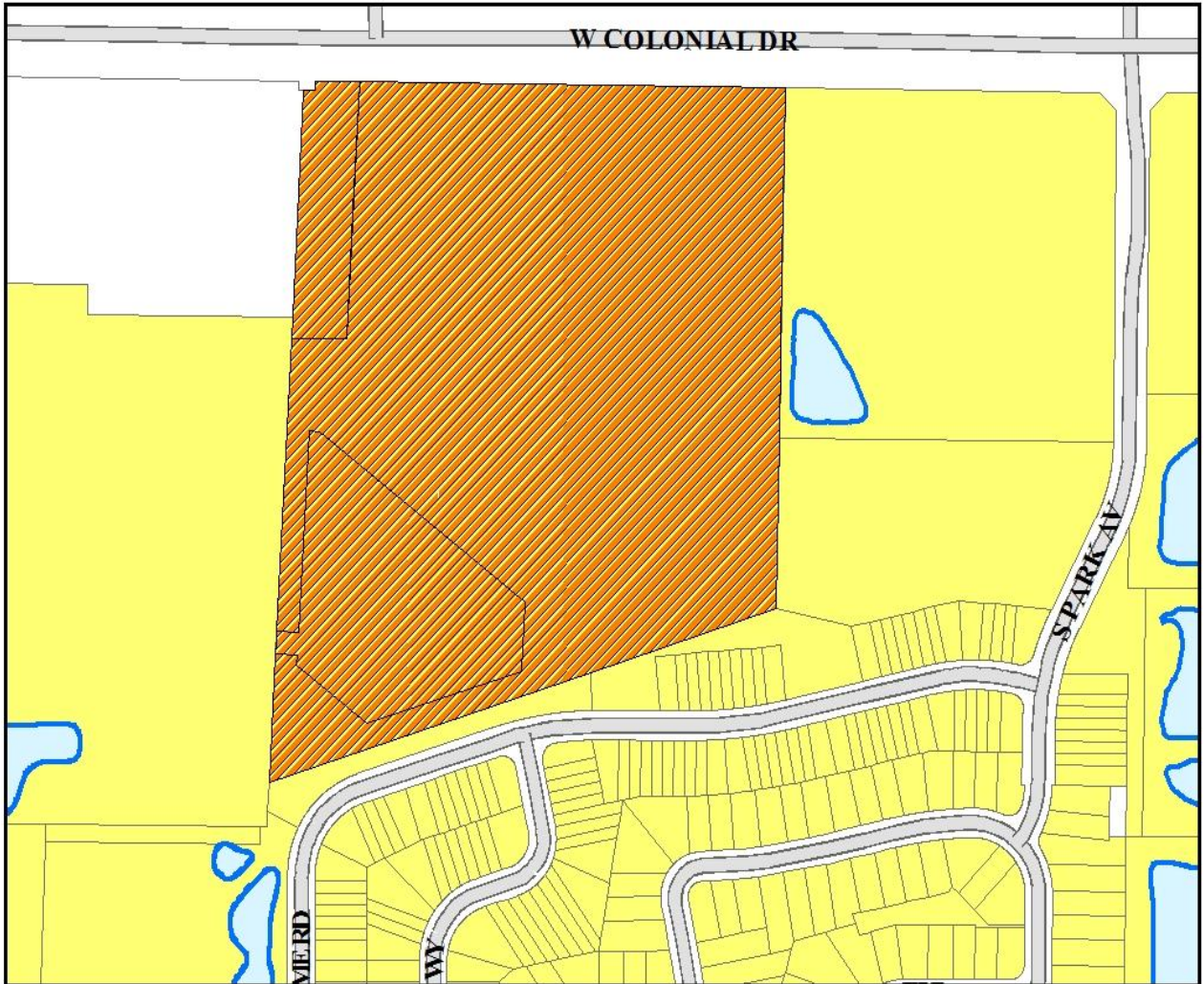
Recommendation:

Staff recommends approval of the Special Exception Permit to allow a planned shopping center at 14120 W. Colonial Drive with the conditions and comments in the Development Review Committee's memo dated February 16, 2009.

Next Step:

If approved, receive Site Plan and Developers Agreement approval.

14120 W. Colonial Drive (Gardenia Plaza)



THE CITY OF WINTER GARDEN
CITY PLANNING AND ZONING BOARD AGENDA ITEM
ATTACHMENT 4 (No Public Hearing)

Date: February 27, 2009 **Meeting Date:** March 2, 2009

Subject: 14120 W. Colonial Drive (Gardenia Plaza) Preliminary Plat

Issue: Pre-Plat approval for 14120 W. Colonial Drive (Gardenia Plaza).

Supplemental Material/Analysis:

Owner/Applicant: JE Holdings, LLC. Email: sglass@shutts.com

Zoning: C-2

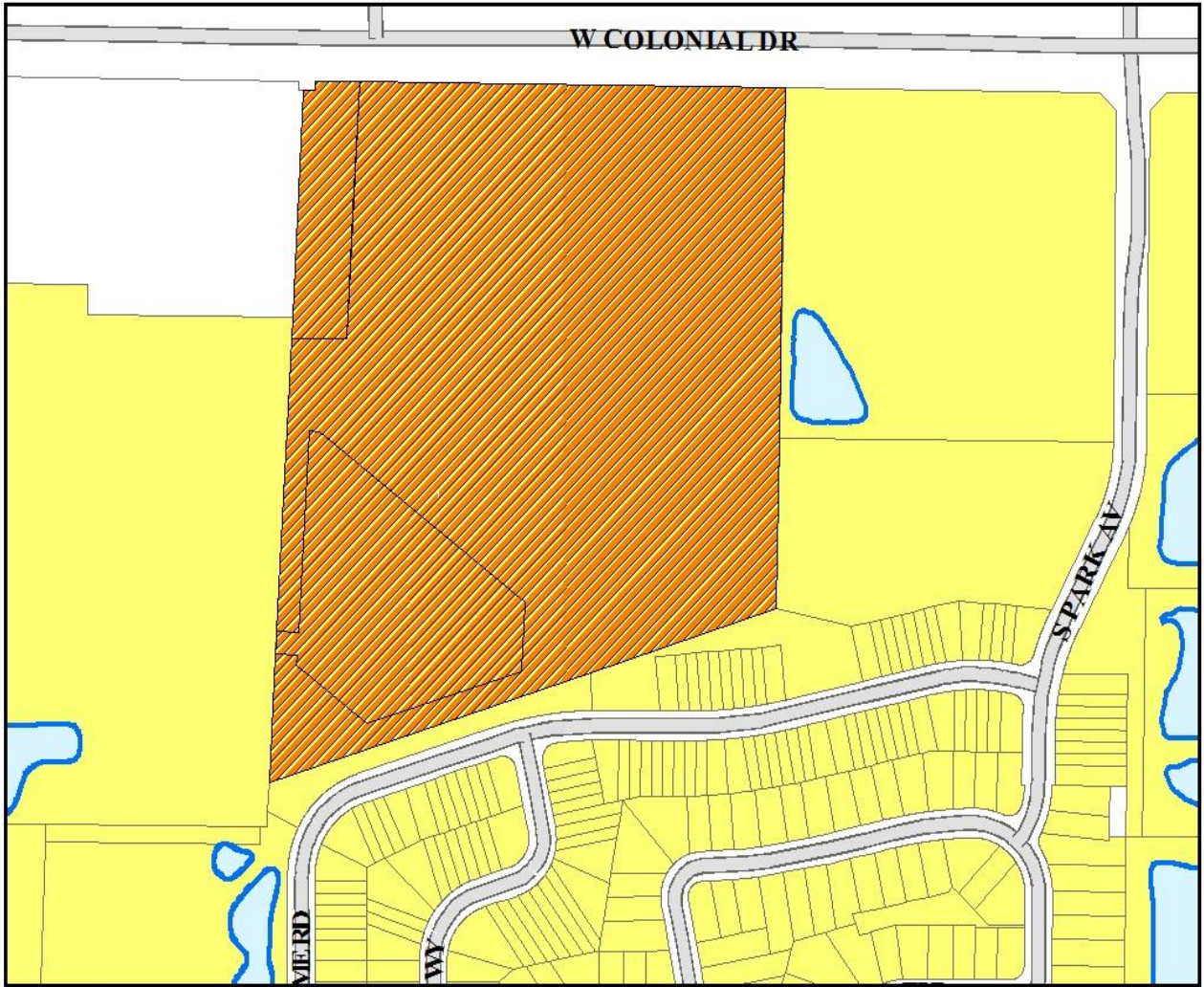
FLU: Commercial

**Staff
Recommendation:**

Staff recommends approval with the conditions and comments in the Development Review Committee's memorandum of February 16, 2009.

Next Step: Pre- Plat tentatively scheduled for the March 12, 2009 City Commission meeting.

14120 W. Colonial Drive (Gardenia Plaza)



THE CITY OF WINTER GARDEN
CITY PLANNING AND ZONING BOARD AGENDA ITEM
ATTACHMENT 5 (Public Hearing)

Date: February 23, 2009

Meeting Date: March 2, 2009

Subject: Evaluation and Appraisal Report (EAR) (Ordinance 09-10)

Issue: The Local Planning Agency (LPA) review and approval of EAR document as required by F.S. 163.3191

Supplemental Material/Analysis:

Owner/ Applicant: City of Winter Garden Email:twilson@cwgdn.com

Consistency with City Comprehensive Plan:

The EAR is a required review and assessment of the objectives and policies within each element of the existing comprehensive plan. We have identified several major issues that will be used to move the comprehensive plan forward over the next 20 years: Land Use/Redevelopment (includes mixture of uses, redevelopment and revitalization and identifying activity centers), Transportation (analyzing multi-modal transportation options), and Residential neighborhoods (infill development, redevelopment opportunities and affordable housing).

Background and Justification:

The State has established a schedule for all local governments to prepare and adopt the Evaluation and Appraisal Report. The report must be done every seven (7) years. The required timeframe has been extended twice by amendment to the State Statutes as the City last did their EAR in 1997.

The City hosted a scoping meeting on April 29, 2008 with the other governmental agencies to obtain feedback and ask for input on the draft list of issues that was prepared. The City Commission approved the list and transmitted to the Department of Community Affairs (DCA) and requested a letter of understanding agreeing to the major issues. Since August, staff has prepared the necessary documentation to prepare the EAR document.

Staff

Recommendation:

That the Local Planning Agency (LPA) recommends approval of Ordinance 09-10, the Evaluation and Appraisal Report (EAR).

Next Step: Public Hearing scheduled for March 26, 2009 with the City Commission.

ORDINANCE 09-10

AN ORDINANCE OF THE CITY OF WINTER GARDEN ADOPTING THE EVALUATION AND APPRAISAL REPORT OF THE CITY'S COMPREHENSIVE GROWTH MANAGEMENT PLAN; PROVIDING FOR THE CITY'S INTENT TO AMEND THE COMPREHENSIVE PLAN BASED ON THE RECOMMENDATIONS SET FORTH IN THE REPORT; APPROVING THE TRANSMITTAL OF THE REPORT TO THE DEPARTMENT OF COMMUNITY AFFAIRS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, under section 163.3191 of the Local Government Comprehensive Planning and Development and Land Development Regulation Act, the City has the responsibility to adopt an Evaluation and Appraisal Report every seven years to assess the progress of implementing the City's Comprehensive Plan and evaluate the City's Comprehensive Plan in effect at the time the Evaluation and Appraisal Report process was initiated; and

WHEREAS, the Evaluation and Appraisal Report serves as the audit and critique of the actions the City has already undertaken and identifies changes that are needed for future comprehensive planning with the City; and

WHEREAS, the City's Planning and Zoning Commission serving as the City's Local Planning Agency prepared the report and recommended adoption of the report to the City Commission; and

WHEREAS, the City held a scoping a meeting regarding the report in April 2008 with local cities, the FDOT and the Regional Planning Council; and

WHEREAS, in May 2008, the City forwarded its list of major issues to, and received significant comments from, the Florida Department of Community Affairs; and

WHEREAS, the City has provided effective public notice of the Evaluation and Appraisal Report adoption process and at least two (2) public hearings to allow for public input; and

WHEREAS, the City transmitted the Evaluation and Appraisal Report to the Florida Department of Community Affairs prior to final adoption; and

WHEREAS, the City Commission intends to adopt the Evaluation and Appraisal Report dated February 2009 that is in compliance with Section 163.3191 of the Florida Statutes to allow for amendment to the Comprehensive Plan.

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

Section I: Adoption: The Evaluation and Appraisal Report (EAR) dated February 2009 is hereby adopted to allow for amendment to the City's Comprehensive Plan. A copy of the EAR is attached to this ordinance as Exhibit "A".

Section II: Intent to Amend Comprehensive Plan: The City Commission hereby states its intention to amend the City's Comprehensive Plan in accordance with the recommendations set forth in the EAR.

Section III: Transmittal After Adoption: The City Planning Department is directed to transmit this Evaluation and Appraisal Report within ten days to the Florida Department of Community Affairs in accordance with Section 163.3191, Florida Statutes, and Rule 9J-11.018, F.A.C. for a determination of sufficiency.

Section IV: Conflicts: In the event of a conflict or conflicts between this ordinance and any other ordinances, this Ordinance controls.

Section V: Severability: If any portion of this Ordinance is determined to be void, unconstitutional, or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall remain in full force and effect.

Section VI: Effective Date: The effective date of this Evaluation and Appraisal Report shall be the date the Department of Community Affairs issues its written notice of final sufficiency determination. This Evaluation and Appraisal Report shall not be utilized as a basis for approving or issuing any development orders, development permits or land uses before plan amendments based upon the Report have become effective.

FIRST READING AND PUBLIC HEARING _____ 2009.

SECOND READING AND PUBLIC HEARING _____ 2009.

ADOPTED this _____ day of _____, 2009, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

JOHN REES, Mayor/Commissioner

ATTEST:

KATHY GOLDEN, City Clerk

“EXHIBIT A”

Evaluation and Appraisal Report (EAR)