1. **CALL TO ORDER**

2. **APPROVAL OF MINUTES FROM THE FEBRUARY 4, 2019 MEETING**

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

3. **43 1st Street – VMG Construction, Inc PCD REZONING**
   Parcel ID # 23-22-27-8816-02-050 & -070

**SPECIAL EXCEPTION PERMIT (PUBLIC HEARING)**

4. **404 Lakeview Road – Golden Pond Communities**
   Parcel ID # 22-22-27-0000-00-010

**VARIANCE (PUBLIC HEARING)**

5. **430 E Cypress Street – Maribel Godinez**
   Parcel ID # 12-22-27-6496-20-026

6. **753 Sandy Bar Drive – Erin Donnelly**
   Parcel ID # 28-22-27-4025-02-010

**ADJOURN** to the next regular Planning and Zoning Board meeting on Monday, **April 1, 2019** at **6:30 p.m.** in City Hall Commission Chambers, 300 W. Plant Street.
PLANNING AND ZONING BOARD
REGULAR MEETING MINUTES
FEBRUARY 4, 2019

1. CALL TO ORDER

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

Quorum was declared present.

Present: Chairperson Will Hawthorne, Vice-Chairperson Rachel Saunders, and Board Members: Henry Haddock, Gerald Jowers, Chris Lee, and Matthew Matin

Absent: Gabriel Kotch (excused)

Staff Present: City Attorney Kurt Ardaman, Community Development Director Steve Pash, Urban Designer Kelly Carson, Senior Planner Shane Friedman, and recording secretary Kathleen Rathel

2. APPROVAL OF MINUTES

Motion by Gerald Jowers to approve the regular meeting minutes of January 7, 2019. Seconded by Chris Lee and carried unanimously 6 – 0.

SPECIAL EXCEPTION PERMIT (PUBLIC HEARING)

3. 22 E Miller Street – Affordable Vet Care

Senior Planner Friedman presented a request for a Special Exception permit for the 0.33 +/- acre property, located at 22 E Miller Street, to allow a veterinarian clinic in the R-NC (Residential Neighborhood Commercial) zoning district. The property is situated at the corner of Woodland Street and E Miller Street and is developed with an 1,800 square foot single family dwelling. The property was recently rezoned from R-2 to R-NC. The applicant proposes to renovate the existing home into a veterinarian office to include parking, landscaping and sidewalks. Final Site Plan approval is required. Staff recommends approval of the Special Exception subject to the conditions stated in the Staff Report.

Discussion ensued regarding the conditions of the Staff Report to verify the location is for one veterinarian and no overnight boarding.

The applicant, Scott Stuart of KCG Engineering, addressed the Board. He stated the owner agrees with Staff recommendations and only outpatient surgeries would be performed.

Motion by Gerald Jowers to recommend approval of the Special Exception [for 22 E Miller Street] with Staff Recommendations (as provided in the agenda packet). Seconded by Matt Matin and carried unanimously 6 – 0.
VARIANCE (PUBLIC HEARING)

4. 549 Lake Cove Pointe Circle – Charles Comstock / Rachel Comstock

Planner Friedman presented a variance request for the 0.37 +/- acre property located at 549 Lake Cove Pointe Circle. The property is located on Lake Apopka, is zoned R-1 (Single Family Residential), and is developed with a two-story single family dwelling. The applicant is requesting a variance to construct a two-story dock in lieu of the required one-story maximum. After reviewing the request, taking into consideration the HOA approval, and similar docks on neighboring properties, Staff recommends approval of the variance subject to the conditions outlined in the Staff Report.

Board Member Matin asked if the 984 square footage was total or for just one level. Mr. Friedman stated it was the total square footage.

Ms. Saunders inquired if the two-story dock would block the neighbor’s views. Mr. Friedman stated it would not. Also discussed was the second level would not be covered with a roof.

Motion by Rachel Saunders to recommend approval [of the Variance request for 549 Lake Cove Pointe Circle] with Staff Recommendations (as provided in the agenda packet). Seconded by Will Hawthorne and carried unanimously 6 – 0.

5. 618 W Bay Street – Slate West Eleven LLC

Urban Designer Carson presented two variance requests for the 3.02 +/- acre property located at 618 W Bay Street. The property, along with the 5.17 +/- acre lot to the east, make up the Slate Luxury Apartments. The property is zoned R-3 and has a Medium Density Residential Future Land Use designation. The applicant is requesting variances to the side and rear setback requirements in order to construct a 280 square foot shed. The shed would be located 10.8 feet from the side yard in lieu of the minimum required 20 foot side yard setback and 24.8 feet from the rear yard in lieu of the minimum required 25 foot rear yard setback. Staff has reviewed the application and recommends approval of the variances subject to the conditions outlined in the Staff Report.

Chairman Hawthorne inquired if there were any restrictions or guidelines on what the shed should look like. Ms. Carson stated there were none for this particular location but the height limitation for accessory structures was limited.

Kevin Shelton, with Slate Luxury Apartments, stated their goal was to paint the shed the same color as the apartment buildings as well as use the same shingles to blend in.

Motion by Rachel Saunders to recommend approval [of the variances for 618 W Bay Street] with Staff Recommendations (as provided in the agenda packet). Seconded by Matt Matin and carried unanimously 6 – 0.

6. 1243 Portmoor Way – Diana & John Brown

Urban Designer Carson presented a variance request for the 0.13 +/- acre property located at 1243 Portmoor Way. The property is zoned PUD as part of the Stoneybrook West PUD and has a Low Density Residential Future Land Use designation. The applicant is requesting a variance to the rear setback requirement in order to construct a screen room with an aluminum roof. The screen room would be located 16 feet from the rear property line in lieu of the minimum required 20 foot rear yard setback. Staff has reviewed the application
and recommends approval of the variance subject to the conditions outlined in the Staff Report.

Chairman Hawthorne mentioned it appeared, from the aerial photo, that a lot of the neighboring homes had the same type of structure. Ms. Carson stated there are a number of them in the neighborhood.

The applicant, DC Johnson with Florida Pool Enclosures, 922 Hickory Street, Altamonte Springs FL, addressed the Board. He stated he was trying to build with the least amount of encroachment but still give the owners a covered outdoor area. The room was to remain screened without windows or air conditioning. The neighbors gave consent letters.

Motion by Henry Haddock to recommend approval of the variance for 1243 Portmoor Way with Staff Recommendations (as provided in the agenda packet). Seconded by Matt Matin and carried unanimously 6 – 0.

ADJOURNMENT

There being no further business, the meeting was adjourned at 6:46 p.m.

ATTEST: 
Recording Secretary Kathleen Rathel

APPROVED:
Chairperson Will Hawthorne
The applicant is requesting to rezone the property located at 43 1st Street from C-2 to PCD (Planned Commercial Development).

**Supplemental Material / Analysis:**

- **Owner / Applicant:** VMG Construction
- **Current Zoning:** C-2
- **Proposed Zoning:** PCD
- **Current FLU:** TD Traditional Downtown
- **Proposed FLU:** N/A

**Summary:**
The applicant is requesting to rezone the +/- 0.54 acre property located at 43 1st St to PCD to permit the development of the south side of the (proposed combined) parcel with a new 3,200 +/- square foot, 1-story (with a 2nd floor mezzanine) office building. The project also includes associated site elements such as parking areas, sidewalks, drive aisles, and landscaping (see attached Staff Report). The proposed rezoning is consistent with the City’s Comprehensive Plan and the City of Winter Garden Code of Ordinances.

**Staff Recommendation(s):**
Staff recommends approval of Ordinance 19-15.

**Next Step(s):**
The first reading by City Commission is scheduled for March 14, 2019 with the second reading and adoption anticipated to be on March 28, 2019.

**Attachment(s):**
- Location Map
- Staff Report
- Ordinance 19-15
LOCATION MAP

43 1st Street

PCD Rezoning
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 43 1st Street, east of 1st Street, south of E Bay Street, and west of 2nd Street and is approximately 0.54 ± acres. The map below depicts the location of the subject property within the City of Winter Garden municipal limits:
The applicant is requesting to rezone 0.54 ± acres of land to Planned Commercial Development (PCD). The subject property is located within the City of Winter Garden municipal limits, and carries the zoning designation C-2 (Arterial Commercial District) in the City of Winter Garden. The subject property is designated TD Traditional Downtown on the Future Land Use Map of the Comprehensive Plan.

The subject property is located within the City of Winter Garden’s Historic Downtown District overlay area.

**EXISTING USE**
The subject property is composed of two parcels that the applicant is proposing to combine as part of the development process. The subject property currently contains an 1,800 +/- square foot masonry commercial office building that was constructed in 1920 and a 1,500 +/- square foot warehouse building constructed in 2016. The south side of the property also currently features an asphalt-paved parking area that is in poor condition.

**ADJACENT LAND USE AND ZONING**
The property located to the west of the subject property is developed with a two-story mixed-use commercial and residential building. The property is zoned C-2 and is located with the City of Winter Garden’s municipal limits. The property to the north of the subject property contains a single-story warehouse building, is zoned C-2, and is located in the City. The property to the east is developed with several commercial and industrial buildings that are associated with the Winter Garden Citrus Growers Association. This property is zoned C-2 and is located in the City. The property to the south contains a segment of CSX railroad tracks. This property does not have a zoning designation and is located in Unincorporated Orange County.

**PROPOSED USE**
The applicant is requesting PCD rezoning to permit the development of the south side of the (proposed combined) parcel with a new 3,200 +/- square foot, 1-story (with a 2nd floor mezzanine) office building. The new building will house VMG’s office headquarters as well as other office uses. The development also includes associated site development such as new parking areas, sidewalks, drive aisles, and landscaping. Proposed permitted uses for the property include professional office, personal services, and light industrial uses that are accessory to a primary office use.

The proposed architectural elevations received approval from the City’s Architectural Review and Historic Preservation Board on August 21, 2018.

**PUBLIC FACILITY ANALYSIS**
The property will have two vehicular access points onto 1st Street, which is the same number that currently exist on site. The northern driveway will be maintained, while the access point to the south will be developed as a one-way exit only driveway.

Water, sewer, and reclaimed utilities by the City of Winter Garden will be required for any new development of the property. At such time that the property is developed, all necessary utility lines will be extended and connections made, all extension and connection costs shall be borne by the property owner.

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

All concurrency requirements identified by the City of Winter Garden Code of Ordinances and Comprehensive Plan will be met by the proposed development.

**SUMMARY**

The proposed development is a reasonable use of the land. The proposed development will not generate a significant increase in traffic volume beyond that which is currently generated by other developments in the area. This type of development is consistent with other commercial and light industrial developments that exist in this area of Historic Downtown.

Staff has coordinated with the applicant, who has received approval from the Architectural Review and Historic Preservation Board to ensure that the development of the property will be consistent with the Historic Downtown District in terms of the building architecture, site design, and permitted uses.

The proposed rezoning from C-2 to PCD is consistent with the City’s Comprehensive Plan and the City of Winter Garden Code of Ordinances. Staff recommends approval of the proposed Ordinance to rezone the subject property from C-2 to PCD subject to the conditions outlined in Ordinance 19-15.
ZONING MAP
43 1st Street

Change from C-2 to PCD
ORDINANCE 19-15

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING CERTAIN REAL PROPERTY GENERALLY DESCRIBED AS APPROXIMATELY 0.54 +/- ACRES OF LAND GENERALLY LOCATED AT 43 1ST STREET, EAST OF 1ST STREET, SOUTH OF E BAY STREET, AND WEST OF 2ND STREET, FROM C-2 (ARTERIAL COMMERCIAL DISTRICT) TO PCD (PLANNED COMMERCIAL DEVELOPMENT); PROVIDING FOR CERTAIN PCD REQUIREMENTS AND DESCRIBING THE DEVELOPMENT AS THE VMG OFFICE PCD; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner(s) of that certain real property generally described as approximately 0.54 ± acres of certain real property generally located at 43 1st Street, east of 1st Street, south of E Bay Street, and west of 2nd Street in Winter Garden, Florida, being more particularly described on Exhibit “A” attached hereto and incorporated herein by this reference (the “Property”), desire to rezone their property from City C-2 (Arterial Commercial District) to City PCD (Planned Commercial Development), 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 City of Winter Garden Code of Ordinances, and

WHEREAS, the City Commission finds bases on competent substantial evidence in the record that the rezoning approved by this Ordinance meets all applicable criteria for rezoning under the Comprehensive Plan and the Code of Ordinances, therefore;

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

SECTION 1: Rezoning. The above “Whereas” clauses constitute findings by the City Commission. After due notice and public hearing, the zoning classification of real property legally described on Exhibit “A,” is hereby rezoned from (C-2) Arterial Commercial District to (PCD) Planned Commercial Development in the City of Winter Garden, Florida subject to the following conditions provisions and restrictions:

a. Applicability/Conflict. All development of or within the Property shall comply with and is subject to the requirements set forth in this Ordinance. Unless specifically identified in this Ordinance, all development on the
Property identified in Exhibit “A” must comply with the general development standards of the C-1 (Central Commercial District) Zoning district and comply with the standards outlined in Chapter 98, Article VII regarding the City of Winter Garden Historic Downtown District Overlay Requirements. Notwithstanding anything to the contrary herein, all development of or within the Property shall comply with and is subject to all requirements in the City Code, and ordinances, resolutions, and policies of the City. To the extent of any express conflicts between the express provisions of this Ordinance pertaining to permitted uses, special exception uses, prohibited uses, architectural design criteria, and other development criteria and the City Code and ordinances, resolutions, and policies of the City, the requirements set forth herein shall control to the extent of the conflict.

b. **Intent.** This Ordinance is intended to provide flexibility in the development of the Property in order to provide for proper growth and to guide development and construction in an integrated approach in order to promote a commercial development that provides an aesthetically pleasing and pedestrian oriented development within the context of Historic Downtown Winter Garden. Permitted and special exception uses will be established to maintain a safe, well developed project that enhances and supports the City and its citizens without causing distress on the nearby residents, local businesses, and roads.

c. **Development Plans.** The Property shall be developed in substantial conformance with the Preliminary Development Plans attached hereto as Exhibit “B”. Should any conflict exist between this Ordinance and the Preliminary Development Plans attached hereto as Exhibit “B”, then the standards and conditions established by this Ordinance shall control to the extent of the conflict.

d. **Design Criteria / Architectural Standards.**

1. **Architecture** - All new buildings and accessory structures within the Property shall adhere to the architectural character exhibited by the VMG Office Building Elevations, attached hereto as Exhibit “C”.

2. **Landscape Design** – Unless precluded by existing overhead power lines, landscaping located adjacent to public rights-of-way shall include canopy trees planted at a maximum of 50’ on center along the road frontage. These trees may be located within a landscape bed or within tree grates installed along the frontage sidewalk. All other 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.

3. **Site Furnishings** – Bicycle parking spaces shall be provided in a
quantity commensurate with the proposed uses. Benches and trash receptacles shall be provided near the main building entrances.

4. **Impervious Surface Area Ratio** - The maximum impervious surface area ratio for the Property shall not exceed 80% and shall be consistent with the overall maximum impervious surface area ratio that the Planned Commercial Development is designated and permitted for by Saint John's River Water Management District.

5. **Dark Skies** - All exterior lighting shall be designed to provide safe, convenient and efficient lighting for pedestrians and vehicles. Exterior 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.

6. **Building Height** - The maximum building height shall not exceed 40 feet.

7. **Setbacks and Required Yards**
   i. Front: 6’
   ii. Side: 5’
   iii. Rear: 5’

e. **Permitted Uses** - The permitted uses allowed on the Property are as follows:
   1. Professional Office Uses.
   2. Warehousing & Light Industrial Uses if they are accessory to a primary office use.

f. **Special Exception Uses** - The special exception uses for this Property are as follows:
   1. Other uses which the Planning and Zoning board determines are of the type and intensity of activity similar to and compatible with the permitted uses.

g. **Prohibited Uses** - Any use not specifically set forth in this Ordinance as a Permitted or Special Exception Use is prohibited. Without limiting the foregoing, the following are expressly prohibited:
   1. Any use prohibited in the C-1 Zoning District not specifically outlined under the Permitted or Special Exception Uses.
   2. Automobile, motorcycle, recreational vehicle or boat sales, rental, storage, painting, service or repair or any combination thereof.
   3. Daycares.
4. Nursing homes or assisted living facilities.
5. Dry cleaners.
7. Manufacturing and heavy industrial uses, transportation terminals, large-scale storage warehousing and other activities of a similar nature.
10. Churches, temples, synagogues, mosques, or other religious gathering places.
12. Crematories/Funeral Homes.
13. Adult entertainment.
14. Adult or pornographic book, magazine, video, and novelty stores or sales.
15. Any use not in keeping with a pedestrian-oriented, mixed-use, historic downtown character.

SECTION 2: Staff Conditions.
1. Plans and supporting calculations shall be signed and sealed by the appropriate design professional as required by statute and administrative code.
2. The Applicant shall submit plans and documentation showing adherence to Section 118-68, requirements for site plans, as required by the City Code.
3. General Requirements:
   a) All gravity sanitary pipe and fittings shall be SDR 26.
   b) All compaction shall be 98% of the modified proctor maximum density (AASHTO T-180).
   c) As-built record drawings shall comply with City of Winter Garden requirements available on-line (note on plan).
   d) All Storm (>12”) and Sanitary lines (>6”) shall be inspected by CCTV prior to completion.
4. All utilities shall conform to Chapter 78 of the City Code. Impact fees will be required for any utility connections and shall be paid prior to issuance of building permit and City execution of FDEP permit applications. 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 (if available) and sanitary sewer. 100% of all required water,
irrigation and sewer impact fees shall be paid prior to City execution of FDEP permits and issuance of site or building permits.

5. Sanitary lines for commercial buildings shall be 6” minimum.

6. A binding lot agreement will be required to combine the parcels. City Commission Approval is required.

7. Final plans shall show drainage for the site (to be supported by the soil report).

8. If existing buildings are to be demolished, a demolition permit will be required.

9. Four 9’ X 18’ parking spaces with no overhang are permitted as shown on the Preliminary Development Plans (Exhibit “B”). These spaces shall be labeled “Compact”.

10. Minimum 5’ wide concrete sidewalks shall be constructed along all street frontages pursuant to Code. Any damaged, broken or cracked sections (including existing curbs and pavement) shall be replaced prior to issuance of certificate of occupancy.

11. The use of HDPE pipe shall meet all City material and installation requirements as specified in the City’s Standards & Specifications including Class I bedding, HP polypropylene pipe, laser profiling, installation per ASTM D2321, etc. (see under on-line forms on website).

12. A geotechnical report is required for review and as the basis for the site and stormwater design.

13. Landscaping shall not encroach on required sight lines at intersections or driveways. Design Engineer shall provide certification that sight distance requirements are being met. All irrigation on the site shall be designed to be supplied by reclaimed water when available and shall be served by a jumper to potable water until that time. Irrigation system shall include a building-mounted weather station.

14. A separate tree removal permit is required to remove any trees.

15. No trees may be planted over or within 5 feet of any utility lines. Only sod or shrubs may be planted over utility lines.

16. Permit from SJRWMD is required as well as permits or exemptions from FDEP for water, wastewater and NPDES. FDOT drainage, utility, and driveway permits required (if applicable).

17. The Owner is responsible for meeting all provisions of ADA and Florida Accessibility Code.

18. All work shall conform to City of Winter Garden standards and specifications.
19. The City of Winter Garden will inspect private site improvements only to the extent that they connect to City owned/maintained systems (roadways, drainage, utilities, etc.). It is the responsibility of the Owner and Design Engineer to ensure that privately owned and maintained systems are constructed to the intended specifications. The City is not responsible for the operation and maintenance of privately owned systems, to include, but not be limited to, roadways, parking lots, drainage, stormwater ponds or on-site utilities.

20. The Contractor is responsible for the notification, location and protection of all utilities that may exist within the project limits.

21. 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.

22. 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 3: General Requirements.

a. 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.
b. **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.

c. **Expiration/Extension** - Expiration of this PCD 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 4: 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 5: Non-Severability.** Should any portion of this Ordinance be held invalid, then the entire Ordinance shall be null and void.

**SECTION 6: Effective Date.** This Ordinance shall become effective upon adoption at its second reading.

**FIRST READING AND PUBLIC HEARING:** __________________________, 2019.

**SECOND READING AND PUBLIC HEARING:** __________________________, 2019.

**ADOPTED** this _____ day of ____________, 2019, by the City Commission of the City of Winter Garden, Florida.

**APPROVED:**

____________________________________
JOHN REES, Mayor/Commissioner

**ATTEST:**

____________________________________
ANGELA GRIMMAGE, City Clerk
Exhibit “A”


Legal Description:
Lots 5, 6, 7 and 8 BLOCK 2, of TWIN CITY DEVELOPMENT Subdivision, according to the Plat thereof, recorded in Plat Book E, Page 26, Public Records of Orange County, Florida, LESS that portions lying within the railroad right-of-way.
Exhibit “B”

COVER PAGE

VMG OFFICE
PRELIMINARY DEVELOPMENT PLANS

(6 PAGES - ATTACHED)
VMGC OFFICE PCD
WINTER GARDEN, FLORIDA
JANUARY 2019

SHEET INDEX:
- C000: COVER SHEET
- C001: DEVELOPMENT SITE & UTILITY PLAN
- L2: PLANTING PLAN
- E001: SITE PLAN ELECTRICAL
- E002: SITE PLAN PHOTOGRAPHIC
- ARCH-1: EXTERIOR RENDERINGS

PROPERTY DESCRIPTION:

ALLOWABLE USES:
- NON-RESIDENTIAL USES: OFFICE, WAREHOUSE AND LIGHT MANUFACTURING

FLOOD ZONE:

DRAINAGE STATEMENT:
1. ON-SITE STORMWATER MANAGEMENT FACILITIES WILL BE PROVIDED TO MEET ST.
   JEANS OFFICE WATER MANAGEMENT DISTRICT (SUWMA) AND CITY OF WINTER GARDEN
   REQUIREMENTS.
2. STORMWATER MANAGEMENT SYSTEM WILL COMPLY WITH SURFACE WATER ASHEN
   CRITERIA. ADEQUATE RECHARGE PROTECTION BARRIER ENSURES STORMWATER PLAN
   IS SUFFICIENT TO MEET THE ENVIRONMENTAL PROTECTION AGENCY (EPA) STANDARDS.
   PER THE STORMWATER MANAGEMENT PLAN, THE ADEQUATE RECHARGE PROTECTION BARRIER
   IS SUFFICIENT TO MEET THE ENVIRONMENTAL PROTECTION AGENCY (EPA) STANDARDS.

PARCEL ID:
23-22-27-8816-02-050 AND
23-22-27-8816-02-070

ZONING INFORMATION:
- SITE: C-2
- FRONT/REAR: 1ST ST./C-2
- SIDE/LAND: C-2
- EASEMENT: C-2

CONTACT INFORMATION:
- OWNER:
  - Address: 150 W. Winter Garden Blvd.
  - City: Winter Garden, FL 34787
- ENGINEER:
  - Address: P.O. Box 13828
  - City: Winter Garden, FL 34790
  - Phone: 352-362-1611
  - Fax: 352-362-7774
- PLANNING:
  - Address: 501 1st St.
  - City: Winter Garden, FL 34787
  - Phone: 352-362-1600
  - Fax: 352-362-7774
  - Email: planinfo@wintergarden.com

VICINITY & EXISTING ZONING MAP

(DRAWN BY: DAVE BOWERSI & ASSOCIATES)
Date: February 21, 2019  Meeting Date: March 4, 2019

Subject: 404 Lakeview Road (Special Exception Permit)
Project Name: Golden Pond 2-Story Independent Living Facility SEP
Parcel ID: 22-22-27-0000-00-010

Issue: The applicant is requesting a Special Exception Permit for the property located at 404 Lakeview Road.

Supplemental Material / Analysis:

Owner / Applicant: Golden Pond Communities
Current Zoning: R-2
Proposed Zoning: N/A
Current FLU: LR Low Density Residential
Proposed FLU: N/A

Summary: The applicant is requesting a Special Exception Permit to allow a two story independent living facility to be constructed in an R-2 Residential Zoning District.

Staff Recommendation(s):
Staff recommends approval of the Special Exception Permit subject to the conditions outlined in the Staff Report.

Next Step(s): Follow all City regulations and submit a Site Plan Approval application.

Attachment(s):
Location Map
Staff Report
LOCATION MAP

404 Lakeview Road

Special Exception Permit
INTRODUCTION

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

The subject property is located at 404 Lakeview Road. The map below depicts the location of the subject property within the City of Winter Garden municipal limits:
The request is for a Special Exception Permit to allow the construction of a two-story independent living retirement facility on the property. The subject property is located within the City of Winter Garden municipal limits, carries the zoning designation R-2, and is designated Low Density Residential on the Future Land Use Map of the Comprehensive Plan.

A Special Exception for the property allowing a 2-story assisted living facility was previously approved by the Planning & Zoning Board on February 2, 2015, however the applicant did not move forward with the project at that time and that Special Exeption permit has since expired.

**EXISTING/PROPOSED USE**

The site currently contains five buildings, four of which were constructed in 1999-2000. The property was granted its original Special Exception Permit by the Planning & Zoning Board in June of 1998 allowing them to build an assisted living facility. The approval permitted an independent living and memory care use on the property with the condition that no general residential use was allowed. A master site plan showing a six-building campus and associated infrastructure was approved in 1998, and four of the six proposed buildings were constructed shortly after.

In 2007, Golden Pond Communities revised their site plan slightly and received approval to construct the two additional buildings on the site. One of these buildings, a single story 18-unit facility located on the south side of the property featuring nearly identical colonial architecture as the other four buildings, was built in 2008. The second building, which was approved to be a two-story 30 unit / 60 bed independent living facility, was put on hold due to the economy.

The applicant is now seeking approval to complete the final phase of construction. The proposal is for a two story independent living facility, which is the same number of stories as the building that was previously approved in 2008. The building will have 46 Independent Living Units and will feature an architectural style that is consistent with the other five buildings on site. The site plan will be modified to include additional parking facilities as well as landscaping that includes buffering the project from the residential property to the north.

**ADJACENT LAND USE AND ZONING**

The properties located to the north of the subject property include two single family residential parcels that are under the same ownership containing two detached single family residential dwellings and a pool that spans the central property boundary. These properties are zoned R-1 and are within the City of Winter Garden’s municipal limits. Also to the north of the subject property boundary is a small vacant triangular parcel that is zoned A-1 and is located in Unincorporated Orange County. A portion of the West Orange trail also spans a section of the subject property’s northern boundary, which is owned by the City.

The property to the west of the subject property is an undeveloped piece of land containing dense vegetation. This property is zoned R-1 and is within the City of Winter Garden’s municipal limits.

There are two properties located to the east of the subject property. One of these parcels contains a single family residential structure, is zoned R-1, and is located within the City of Winter Garden’s municipal limits. The other property features orange groves, several supporting modular agricultural structures, and a manufactured home. This property is also zoned R-1 and is within the City of Winter Garden’s municipal limits.

There are also two properties located to the south of the subject property. One of these parcels
contains a single family residential structure, is zoned R-1, and is located within the City of Winter Garden’s municipal limits. The other parcel is owned and operated by the Garden Cathedral Church of God and contains the main church sanctuary building, several other smaller church-related facilities and a daycare, and features large open spaces. This property is zoned R-2 and is within the City of Winter Garden’s municipal limits.

SUMMARY

City Staff recommends approval of the proposed special exception permit to allow the construction of a two story independent living facility at 404 Lakeview Road with the following conditions:

1. A full site plan review is required. DRC will review the site plan for compliance with all development regulations including, but not limited to, setbacks, impervious surface maximums, parking, ingress/egress, circulation, landscape and buffering, utility and public service infrastructure, stormwater, fire safety, architectural design, lighting, signage, transportation impacts, and conformance to all other City standards, specifications, and Code of Ordinances.

2. As was stated in the property’s original Special Exception Permit, no general residential use that is not tied to aspects of assisted living is permitted: i.e., the building can never be converted to apartments for rental by the general public.

3. The applicant will comply with all state ALF regulations and procure all state approvals.

4. A traffic study is required as part of the Site Plan approval process.
ZONING MAP
404 Lakeview Road
PROPOSED ARCHITECTURAL STYLE

404 Lakeview Road

Note: This is not the actual proposed elevation, just an exhibit to show proposed architectural style.
SITE PHOTOS

404 Lakeview Road
END OF STAFF REPORT
THE CITY OF WINTER GARDEN
PLANNING AND ZONING BOARD AGENDA ITEM # 5
(Public Hearing)

Date: February 21, 2019  Meeting Date: March 4, 2019

Subject: 430 E Cypress St (Variance)
Project Name: Godinez Setback Variances
Parcel ID: 12-22-27-6496-20-026

Issue: The applicant is requesting Variances for the property located at 430 E Cypress St.

Supplemental Material / Analysis:

Owner / Applicant: Maribel Godinez
Current Zoning: R-2
Proposed Zoning: N/A
Current FLU: LR Low Density Residential
Proposed FLU: N/A

Summary: The applicant is requesting variances to Winter Garden Code of Ordinances Section 118-398(1)a-b for the property located at 430 E Cypress St. If approved, the variances will allow a covered front porch to be constructed with a 29.9-foot front yard setback in lieu of the minimum required 30-foot front yard setback and a new building addition to be constructed with a 1.2-foot side yard setback in lieu of the minimum required 10-foot side yard setback.

Staff Recommendation(s):
Staff recommends approval of the variances subject to the conditions outlined in the Staff Report.

Next Step(s): Follow all City regulations and apply for building permits.

Attachment(s): Location Map
Staff Report
LOCATION MAP

430 E Cypress St

Variance
INTRODUCTION
The purpose of this report is to evaluate the request for a variance for property located at 430 E Cypress St in Winter Garden, Florida. The request is to allow a covered front porch to be constructed with a 29.9-foot front yard setback in lieu of the minimum required 30-foot front yard setback and a new building addition to be constructed with a 1.2-foot side yard setback in lieu of the minimum required 10-foot side yard setback.

The subject property, located at 430 E Cypress St, is an approximately 0.26 ± acre lot. The map below depicts the location of the subject property within the City of Winter Garden municipal limits:
The subject property carries the zoning designation R-2 (Residential District) and is designated LR (Low Density Residential) on the Future Land Use Map of the City’s Comprehensive Plan. The property was annexed into the City on October 2, 2017.

EXISTING USE

The subject property is currently developed with a 768 +/- square foot one-story single-family residence that was constructed in 1950. The original structure has since been altered; work had begun on the new additions under an Orange County building permit before the property was annexed into the City in 2017. After annexation, the applicants let the Orange County permit expire and the owners were informed that they would need to pull a new permit with the City. All work on the property has stopped until the City permit can be issued, and the Planning Department’s approval is contingent on receiving the variance approvals outlined in this Staff Report.

PROPOSED USE

The applicant is requesting the variances to allow the construction of several additions to the existing home. The applicant is proposing to build additions to the front and rear of the existing primary structure, which include adding a new elevated covered front porch with wood support posts and a gable roof. The new home will have 1,363 square feet of floor area, with three bedrooms and two bathrooms. The exterior will be clad in stucco and include smooth concrete banding to provide visual interest along the front elevation. The new additions will be constructed to be in-line with the existing structure.

CODE REFERENCE

Sec. 118-398(1)a-b. of the City Code of Ordinances addresses minimum yard requirements for single-family and two-family dwellings in the R-2 Zoning District. This section states,

In the R-2 residential district, the minimum yard requirements are as follows:

(1) Single-family and two-family.
   a. Front: 30 feet.
   b. Side: ten feet.

The applicant is seeking a variance to the minimum front and side yard requirement.

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;
Allowing a home with a 29.9 front yard setback and a 1.2’ side yard setback should not cause a negative impact or interfere with the reasonable enjoyment of adjacent or nearby property owners. The 1.2’ side yard setback requested will be in line with the existing setback of the structure – the new addition will not be any closer to the neighboring property to the east than the existing structure currently is. The proposed front porch would only exceed the front setback requirement by 0.1’. Furthermore, the porch addition was a City Staff request to improve the aesthetics of the front elevation.

(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 variances are consistent with many other structures located on adjacent properties and residential lots throughout this area of the City, most of which are still within an Orange County enclave. Several surrounding properties appear to have side setbacks that exceed the minimum requirements of the R-2 zoning district, including the properties located directly east and west of the subject property. The proposed variances will allow reasonable use of the property.

(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. The property owner is attempting to finish work that had been permitted in another jurisdiction. Denying this variance would result in the property owner having to remove all existing work as well as redesign the building from the inside out, putting a significant financial burden on the property owner.

(4) The granting of the variance is consistent with the city's comprehensive plan; and
The variances are consistent with the provisions of the City’s Comprehensive Plan relating to low density residential neighborhood character.

(5) The variance requested is the minimum variance that will make reasonable use of the land, building, or structure or the benefits that would be achieved under the other variance criteria by the granting of the variance outweigh the benefits under these criteria if the variance were denied.
The variances requested are the minimum variances that will make reasonable use of the land. The proposed additions will provide structural improvements and more usable square footage to an older building. A newly-renovated home will be an asset to this area.
SUMMARY AND STAFF RECOMMENDATION

City Staff recommends approval of variances to Sections 118-398 (1)a-b to allow a covered front porch to be constructed with a 29.9-foot front yard setback in lieu of the minimum required 30-foot front yard setback and a new building addition to be constructed with a 1.2-foot side yard setback in lieu of the minimum required 10-foot side yard setback, with the following conditions:

1) The lot shall adhere to all other code requirements for development in the R-2 zoning district including setbacks, impervious surface ratios, etc.

NEXT STEPS

Follow all City regulations and apply for building permits.

ATTACHMENTS

- Aerial Photo
- Survey
- Proposed Site Plan
- Proposed House Elevations
- Site Photos
PLAT OF BOUNDARY SURVEY
THE EAST 79.00 FEET OF THE WEST 279.00 OF THE SOUTH 3/4 OF THE NORTH 1/4 OF THE SOUTH 3/4 OF BLOCK 3, LESS THE NORTH 25.00 FEET THEREOF FOR ROAD PURPOSES) CHURCH STREET PHASE III SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK "T", PAGE 9, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

SURVEYOR’S REPORT:
1. THE SURVEYOR DOES NOT PERFORM AN ASSESSMENT OF TITLE. THE ABOVE REFERENCED PROPERTY MAY BE SUBJECT TO ADDITIONAL EXEMPTIONS, RIGHTS-OF-WAY AND RESTRICTIONS OF RECORDS, IF ANY.
2. LEGAL PROVIDED BY CLIENT
3. UNDERGROUND UTILITIES AND/OR IMPROVEMENTS WERE NOT LOCATED EXCEPT AS NOTED IN NOTES
4. REPRODUCTIONS OF THIS DRAWING ARE NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL NOTARY SEAL OF A FLORIDA GUARDIAN SURVEYOR AND Mapper
5. DRAWING SHOWN HEREIN ARE BASED ON THE PLAT LINE OF CHURCH STREET AS DESCRIBED THEREIN.

ATLANTIC SURVEYING
308 S. DIAMOND STREET
WINTER GARDEN, FLORIDA 34787
(407) 500-4913/7968 (407) 877-9963

PREPARED BY:
SIGNED & Sealed:
DATE: 6-10-19
SCALE: 1" = 10'
CAL. No.: 1234
DRAWN BY: SDC
JOB NO.: 114061A

PROPOSED SITE PLAN
PROPOSED HOUSE ELEVATIONS
430 E Cypress St

SITE PHOTOS
Looking south towards front yard

Looking southwest towards side yard
Looking north from rear yard

Looking north from rear yard

END OF STAFF REPORT
THE CITY OF WINTER GARDEN
PLANNING AND ZONING BOARD AGENDA ITEM # 6
(Public Hearing)

Date: February 22, 2019  Meeting Date: March 4, 2019

Subject: 753 Sandy Bar Drive (Variance)
Project Name: Donnelly Lanai Addition
Parcel ID: 28-22-27-4025-02-010

Issue: Applicant is requesting a rear yard setback variance for the property located at 753 Sandy Bar Drive

Supplemental Material / Analysis:
Owner / Applicant: Erin Donnelly
Current Zoning: PUD
Proposed Zoning: N/A
Current FLU: LR
Proposed FLU: N/A

Summary: The request is to allow a covered porch to be constructed with a 17.5 foot rear yard setback in lieu of the minimum required 25 foot rear yard setback.

Staff Recommendation(s):
City Staff recommends approval of a variance to Ordinance 00-19, Section 1(2) to allow construction of a 12 feet x 26 feet covered porch with 17.5 foot rear yard setback in lieu of the minimum required 25 foot rear yard setback a subject to the following condition(s):
1) Covered porch is to built in accordance with the designs submitted for this variance request.

Next Step(s): Follow all City regulations and apply for building permits.

Attachment(s): Location Map
Staff Report
LOCATION MAP

753 Sandy Bar Drive

Variance
INTRODUCTION

The purpose of this report is to evaluate the request for a variance for property located at 753 Sandy Bar Drive in Winter Garden, Florida. The request is to allow a covered porch to be constructed with a 17.5 foot rear yard setback in lieu of the minimum required 25 foot rear yard setback.

The subject property is an approximately 0.20 ± acre lot in the John’s Lake Pointe Subdivision. The map below depicts the location of the subject property within the City of Winter Garden municipal limits:

The subject property carries the zoning designation PUD (Planned Unit Development) and is designated LR (Low Density Residential) on the Future Land Use Map of the City’s Comprehensive Plan.
EXISTING USE
The property is developed with a two story single-family home.

ADJACENT LAND USE AND ZONING
The properties to the north, south, east, and west of the subject property are all developed with single-family residences, are zoned PUD, and are in the City of Winter Garden’s Municipal limits.

PROPOSED USE
The applicant is requesting the variance to allow the construction of a 12 feet x 26 feet covered porch. The porch will have a pitched roof that is shingled to match the home’s roof.

CODE REFERENCE
Section 1 of City Ordinance 00-19 addresses setback requirements for properties in the John’s Lake Pointe subdivision. This section states,

2. With the exception of setbacks and lot width/area requirements, all of the zoning requirements (height restrictions, parking requirements, accessory buildings, etc.) of the R-1B zoning district will be required. The setbacks will be as follows:
   - Rear – 25 feet

The applicant is seeking a variance to the minimum rear yard setback in order to construct a 12 feet x 26 feet covered porch.

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 subject property is located on a corner lot with no immediate neighbor to the south. Further, the adjacent property to the east is a large corner lot with the home off-set to the northern portion of the property. This variance should have little, if any, negative impacts to the standard of living to 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;
   Currently the property only has an 8 x 10 foot concrete slab in the backyard. A covered porch
with a pitched roof will allow for the best use of the backyard while maintaining the character of the home and the surrounding properties. Many homes in the John’s Lake Pointe subdivision have similar covered porches that vary in size.

(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.

(4) The granting of the variance is consistent with the city's comprehensive plan; and

The variance is consistent with the provisions of the City’s Comprehensive Plan relating to low density residential neighborhood character.

(5) The variance requested is the minimum variance that will make reasonable use of the land, building, or structure or the benefits that would be achieved under the other variance criteria by the granting of the variance outweigh the benefits under these criteria if the variance were denied.

The variance requested is the minimum variance that will make reasonable use of the land and the requested rear yard setback should not negatively impact the surrounding properties. Denying this variance does not benefit the property owner or the City.

SUMMARY

City Staff recommends approval of a variance to Ordinance 00-19, Section 1(2) to allow construction of a 12 feet x 26 feet covered porch with 17.5 foot rear yard setback in lieu of the minimum required 25 foot rear yard setback a subject to the following condition(s).

1) Covered porch is to built in accordance with the designs submitted for this variance request.

NEXT STEP

Follow all City regulations and apply for building permits.

ATTACHMENTS

- Aerial Photo
- Site Plan
- Site Photos
AERIAL PHOTO
753 Sandy Bar Drive
SITE PLAN
753 Sandy Bar Drive
Rear Elevation
753 Sandy Bar Drive

Proposed – Rear Elevation
Scale: 1" = 1'

Proposed – Left & Right Elevations
Scale: 1" = 1'
SITE PHOTOS
753 Sandy Bar Drive

END OF STAFF REPORT