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PLANNING & ZONING BOARD AGENDA

BOARD MEMBERS
Will Hawthorne, Chairperson
Rachel Saunders, Vice Chairperson
Henry Haddock
Gerald Jowers
Gabriel Kotch
Chris Lee
Matt Matin

OTHER ATTENDEES
Mike Bolhoefer, City Manager
Dan Langley, City Attorney
Kurt Ardaman, City Attorney
Ed Williams, Planning Consultant
Stephen Pash, Community Dev. Director
Kelly Carson, Urban Designer
Shane Friedman, Senior Planner

RE: Agenda for April 1, 2019 at 6:30 PM
Commission Chambers, City Hall
300 West Plant Street, Winter Garden

1. CALL TO ORDER
   Determination of Quorum, Moment of Silence and Pledge of Allegiance

2. APPROVAL OF MINUTES FROM THE MARCH 4, 2019 MEETING

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

3. N West Crown Point Road (Alta Winter Garden) – WP South Acquisitions LLC, CAPUD REZONING
   Parcel ID # 12-22-27-6496-04-002 and # 13-22-27-0000-00-055

VARIANCE (PUBLIC HEARING)

4. 302 S Highland Avenue – Rob Neal and Karen Harrison
   Parcel ID # 23-22-27-7152-02-012

5. 704 Summer Street – Torres Idalia Veronica
   Parcel ID # 23-22-27-6504-08-040

ADJOURN to the next regular Planning and Zoning Board meeting on Monday, May 6, 2019 at 6:30 p.m. in City Hall Commission Chambers, 300 W. Plant Street.
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 and Board Members: Gerald Jowers, Gabriel Kotch, Chris Lee, and Matthew Matin

   **Absent:** Vice-Chairperson Rachel Saunders (excused) and Henry Haddock (excused)

   **Staff Present:** City Manager Mike Bolhoefer, 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 February 4, 2019. Seconded by Matt Matin and carried unanimously 5 – 0.

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

   **3. 43 1ST Street – VMG Construction Inc (PCD Rezoning)**

   Urban Designer Carson presented a request for a Planned Commercial Development (PCD) Rezoning for the 0.54 +/- acre property, located at 43 E 1st Street. The property is currently zoned C-2 with a TD Traditional Downtown Future Land Use designation. The applicant proposes to develop a new 3,200 square foot professional office building that will be used to support a construction company that currently operates out of the existing building on the property. The property is located in the Historic Downtown District and the building design has received approval from the Architectural Review and Historic Preservation Board. The project also includes parking areas, sidewalks, drive aisles, and landscaping. Staff recommends approval of Ordinance 19-15.

   Chairman Hawthorne inquired about the size of some of the new parking spaces. Ms. Carson explained four spaces adjacent to the building were slightly shallower than the minimum size but they will be designated for compact cars. Chairman Hawthorne then inquired about the treatment of stormwater. Ms. Carson stated the site is currently mostly impervious with an existing asphalt parking lot but the new design adds pervious surface.

   General discussion ensued regarding the 3,200 square foot one-story building with a 2nd floor mezzanine. Ms. Carson clarified the offices and commercial activity will be on the first floor with auxiliary storage on the open second floor.
Motion by Will Hawthorne to recommend approval of the PCD Rezoning [Ordinance 19-15, for 43 1st Street]. Seconded by Matt Matin and carried unanimously 5 – 0.

SPECIAL EXCEPTION (PUBLIC HEARING)

4. 404 Lakeview Road – Golden Pond Communities

Urban Designer Carson presented a request for a Special Exception permit for the property located at 404 Lakeview Road which features the Golden Pond Assisted Living facility. The property is zoned R-2 with a Low Density Residential Future Land Use designation. The applicant is requesting a special exception permit to allow the construction of a new two-story facility containing 46 independent living units. A Special Exception Permit to construct a two-story independent living facility had been approved by the Planning & Zoning Board in 2015; however, the permit expired. Staff recommends approval of the special exception subject to the conditions outlined in the Staff Report.

General discussion ensued regarding the location and if anything changed from the original.

Motion by Gerald Jowers to recommend approval of the Special Exception request [for 404 Lakeview Road] with Staff Recommendations (as provided in the agenda packet). Seconded by Gabe Kotch and carried unanimously 5 – 0.

VARIANCE (PUBLIC HEARING)

5. 430 E Cypress Street – Maribel Godinez

Urban Designer Carson presented two variance requests for the 0.26 +/- acre property located at 430 E Cypress Street. The property is zoned R-2 and has a Low Density Residential Future Land Use designation. The applicant is requesting two variances. The first would 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 the second would allow 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 building addition on the side yard would be line with the existing structure. The request is a partially retroactive request to finish work that had been started under an Orange County permit. The Orange County permit expired and then the property was annexed into the City. Staff has reviewed the application and recommends approval of the variances subject to the conditions outlined in the Staff Report.

General discussion ensued regarding the setbacks and surrounding homes.

Motion by Gabe Kotch to recommend approval [of the variances for 430 E Cypress Street] with Staff Recommendations (as provided in the agenda packet). Seconded by Chris Lee and carried unanimously 5 – 0.

6. 753 Sandy Bar Drive – Erin Donnelly

Senior Planner Friedman presented a variance request for the 0.20 +/- acre corner property located at 753 Sandy Bar Drive. The property is zoned PUD as part of the Johns Lake Pointe Subdivision 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 12 x 26 foot covered porch with a 17.5-foot rear yard setback in lieu of the minimum required 25-foot rear yard setback. The property owner has obtained HOA approval. Staff has reviewed the
application and recommends approval of the variance subject to the conditions outlined in the Staff Report.

Board Member Matin asked if the structure was going to be a screened enclosure. Mr. Friedman clarified it was going to be a screened solid roof lanai.

Motion by Chris Lee to recommend approval of the variance for 753 Sandy Bar Drive with Staff Recommendations (as provided in the agenda packet). Seconded by Gerald Jowers and carried unanimously 5 – 0.

ADJOURNMENT

There being no further business, the meeting was adjourned at 6:43 p.m.

ATTEST: 
Recording Secretary Kathleen Rathel

APPROVED:
Chairperson Will Hawthorne
THE CITY OF WINTER GARDEN
PLANNING AND ZONING BOARD AGENDA ITEM # 3

Public Hearing

Date: March 25, 2019  Meeting Date: April 1, 2019

Subject: N West Crown Point Road (Rezone to CAPUD)
Project Name: Alta Winter Garden CAPUD
Parcel ID: 12-22-27-6496-04-002; 13-22-27-0000-00-055

Issue: The applicant is requesting to rezone the property located at N West Crown Point Road from C-2 to CAPUD (Character Area Planned Unit Development).

Supplemental Material / Analysis:

Owner / Applicant: WP South Acquisitions, LLC
Current Zoning: C-2
Proposed Zoning: CAPUD
Current FLU: MUD Multi Use Development
Proposed FLU: N/A

Summary: The applicant is requesting to rezone the +/- 14.87 acre property located on the northeast corner of N West Crown Point Road and E Plant Street to CAPUD to permit the development of five new 3-story multi-family buildings, which will feature a combined 250 apartment dwelling units. The development also includes eight detached garaged buildings as well as associated site development such as recreation areas, sidewalks/plazas, and landscaping. The applicant is also proposing to develop the land located west of the train tracks as a public park and dedicate it to the City (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 19-17.

Next Step(s):

The first reading by City Commission is scheduled for April 11, 2019 with the second reading and adoption anticipated to be on April 25, 2019.

Attachment(s):

Location Map
Staff Report
Ordinance 19-17
LOCATION MAP

N West Crown Point Road

CAPUD Rezoning
INTRODUCTION

The purpose of this report is to evaluate the proposed project for compliance with the City of Winter Garden Land Development Regulations and Comprehensive Plan. The subject property, located at the northeast corner of E Plant Street and N West Crown Point Road, is approximately 14.87 ± acres in size. The map below depicts the location of the subject property within the City of Winter Garden municipal limits:
The applicant is requesting to rezone 14.87 ± acres of land to CAPUD (Character Area Planned Unit Development). The subject property is located within the City of Winter Garden municipal limits, and currently carries the zoning designation C-2 (Arterial Commercial District). The subject property is designated MUD Multi-Use Development on the Future Land Use Map of the Comprehensive Plan. The MUD Future Land Use designation was recently amended to allow an increase in the maximum allowed residential density by development bonus (Ord 18-36).

The subject property is located within the Gateway District of the Plant Street Character Area overlay. The Character Area Planned Unit Development zoning district was established by Ordinance 17-06 and was adopted by City Commission on June 22, 2017.

EXISTING USE

The majority of the subject property currently consists of open, vacant, undeveloped land, although it does currently contain a 2,000 +/- square foot warehouse structure accessed via an unpaved driveway, as well as a number of parked cars. Railroad tracks bisect the lot at an angle towards the western property line.

ADJACENT LAND USE AND ZONING

There are two properties to the north of the subject property. One contains a drainage pond that is owned and maintained by the City of Winter Garden and is zoned C-2, and the other contains an industrial facility and laydown yard (Advanced Drainage Systems) and is zoned I-2. Both properties are located in the City of Winter Garden’s municipal limits.

There are several vacant, undeveloped parcels to the south of the subject property that are zoned C-2 and are located in the City.

To the east of the subject property is a C-3 zoned property that contains several office buildings, including a historic 3-story structure that currently houses a law office (commonly known as the Britt Mansion). This property is located in the City’s municipal limits.

There are a number of properties to the west of the subject property. Several of these properties are zoned I-2 and contain industrial buildings or drainage infrastructure. One parcel contains a segment of railroad tracks. The parcel at the corner of E Plant St and N West Crown Point Rd contains a gas station with a convenience store (7 Eleven) and is zoned C-2. All of these parcels are located in Winter Garden.

PROPOSED USE

The applicant is requesting CAPUD rezoning to permit the development of the +/- 14.87-acre site, which includes demolishing the existing structure and constructing five new 3-story multi-family buildings, which will feature a combined 250 apartment dwelling units. There will be eight new linear garage buildings constructed adjacent to the 400 uncovered surface parking spaces. The development also includes associated site development such as recreation areas, sidewalks/plazas, and landscaping. The applicant is also proposing to develop the land located west of the train tracks as a park and dedicate it to the City. The project has been designed to meet the pedestrian-oriented design requirements of the Plant Street Character Area Overlay.
COMMUNITY MEETING

On March 6, 2019, a community meeting was held in the City Commission Chambers to discuss the proposed CAPUD rezoning with surrounding property owners. The meeting attendees had many questions about drainage issues in the surrounding residential areas, however none of those drainage issues were related to the proposed development of the subject property. Other questions were posed about the apartment units being market rate (as opposed to Low Income Housing), the ongoing plans for the East Winter Garden Community, the timeline of the project, plans to mitigate traffic impacts, and consistency with the new Plant Street Character Area Overlay.

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 CAPUD is consistent with the land development regulations, comprehensive plan, and the future land use map. See other portions of this report concerning consistency with the land development regulations.

2. The proposed PUD will not substantially devalue or prevent reasonable use and enjoyment of the adjacent properties;

   The proposed CAPUD 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 CAPUD 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 knee wall.

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 property is not currently a water or sewer customer of the City of Winter Garden; however water, sewer, and reclaimed utilities will be required for any new development of the property. At such time that the property is developed, all necessary utility lines (water, sewer, and reclaimed water) will be extended and connections made to serve the development of the property, 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 CAPUD 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 CAPUD project is consistent with the comprehensive plan’s goals, objectives and policies for the Multi Use Development future land use designation; the CAPUD zoning criteria; and the City’s land development regulations. The proposed development will not exceed 30 dwelling units per acre (20 du/ac is proposed), which is consistent with the Comprehensive Plan policy for the Multi Use Development FLU.

The proposed CAPUD is not premature or presently out of character in relationship to the surrounding area. The surrounding area features a mix of uses: from commercial, to industrial, to low and medium density residential. The proposed multi-family units will add to the already diverse mix of uses in the area, which is supported by the City’s Comprehensive plan as it relates to the Crown Point High-Tech Activity Center as well as the Plant Street Character Area Overlay. The 53+ acre property to the south is vacant, but is currently being master planned to be a large mixed-use development with retail, office, and residential uses.

(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 Multi Use Development future land use designation include Planned Development zoning designations. Further, in accordance with land development regulations and the comprehensive plan, the proposed CAPUD will provide for adequate buffering against adjoining properties and rights-of-way.

(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 by two driveways, both of which access E Plant Street. These driveways shown are conceptual and are subject to change based on information gathered during the Site Plan Approval Process. Other potential access locations include a driveway that runs in between the subject property and the property to the east, as well as an access to the property from N West Crown Point Road. Each of these options pose logistical challenges that will need to be resolved during the Site Plan Approval process.

The project is not anticipated to have a significant impact on local traffic. E Plant Street is a four-lane arterial (at this location) that currently has capacity to handle the traffic generated by 250 new dwelling units.

All driveway 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 CAPUD project is consistent with the comprehensive plan’s goals, objectives and policies for the Multi Use Development future land use designation and the CAPUD zoning criteria and land development regulations. Only residential uses are proposed, the building will have only three stories (up to five are permitted by the MUD Future Land Use Designation), and the property will not have a density that exceeds 30 dwelling units per acre. This is consistent with the Comprehensive Plan policy for the Multi Use Development FLU.

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

The proposed CAPUD project integrates several elements that provide for cohesion between existing natural features/resources and the uses surrounding the property. The project includes significant pedestrian improvements, especially along E Plant Street, including a wide 7.9’ sidewalk (6’ min. is required for north side of E Plant Street) with street tree plantings and other pedestrian furnishings and amenities. This new sidewalk ties into the existing concrete sidewalks located within the adjacent rights-of-way. The main building entrances along E Plant Street will be punctuated by outward-facing pedestrian plazas. These improvements will enhance pedestrian and bicycle circulation in the area. Furthermore, over two acres of land on the corner of E Plant Street and N West Crown Point Road will be dedicated to the City to be developed as a public park, which will satisfy the 5% land area for parks requirement of the Plant Street Character Area overlay.

Independent of the park land, only 58% of the project area will be covered by impervious surfaces, leaving the other 42% of the property consisting of pervious green areas. Internal to the development, approximately 7.6% of the property will be developed with outdoor recreation facilities (pool, plazas, dog park, etc.) for use by residents.

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

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.

The subject property complies with the impervious surface maximum requirements of the Land Development Code (65%) and over two acres of land on the corner of E Plant Street and N West Crown Point Road will satisfy the parks requirement of the Plant Street Character Area overlay.

Stormwater management for the proposed CAPUD project will be provided in on-site or approved off-site stormwater management areas to satisfy the City of Winter Garden and the St. John’s Water Management District.

(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 subject property will feature various open spaces including landscape areas, outdoor
recreation facilities, pedestrian plazas, and over two acres of land that will be dedicated to the City for use as a public park. There are no current or future plans to develop the other designated open space areas – they will remain open in perpetuity under single ownership.

(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.

The proposed project is anticipated to be completed in one phase. If any phasing is proposed, each phase of the project will be required to stand alone as a complete project.

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

Staff will require that the development connect to reclaimed water service. All other necessary utility lines (water, sanitary sewer, etc.) 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 CAPUD includes requirements regarding specific development and architectural standards, as outlined in an exhibit that is part of the CAPUD ordinance. The building architecture must adhere to the elevations exhibited with the CAPUD ordinance, and the site must be developed in a way that is largely consistent with the exhibited site plan. Staff has worked closely with the applicant to ensure the project achieves pedestrian-oriented design, architectural quality, adequate buffering, streetscape amenities, 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.

The proposed open spaces, which include the streetscape improvements and the proposed land to be dedicated to the City as a public park, 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.

Staff has coordinated closely with the applicant to ensure the proposed three-story apartment buildings exhibit quality architectural design and will fit in harmoniously with the character of surrounding properties and the architectural standards of the Plant Street Character Area overlay. The buildings are required to be consistent with the elevations exhibited in the CAPUD, which feature a Florida vernacular architectural style with an articulated stucco first floor façade, and siding on the second and third floor facades. The roof is proposed to be sloped with architectural shingles. Porches will be provided for first floor units and balconies on the second and third floors. The building massing varies with projections and recesses, and several of the buildings feature prominent front entry features along E Plant Street. The parking will be located internal to the development and should be almost entirely invisible from adjacent roads. Many of the most significant building features will be oriented towards E Plant Street, presenting a quality “front” face to the larger community.
(17) A listing of the specific types of uses to be allowed.

The permitted uses in the proposed CAPUD include multifamily residential and public parks and recreation facilities. The property has a Multi Use Development Future Land Use designation which permits “…office, research and development, high technology, support retail, hotel/motel, restaurants, personal services, professional services, business and financial institutions, office showrooms, and multifamily residential uses”. Furthermore, the CAPUD zoning designation permits multifamily residential uses.

PLANT STREET CHARACTER AREA REQUIREMENTS

In addition to the rezoning criteria, when considering a rezoning to character area planned unit development that incorporates deviations from the development standards of City of Winter Garden Code Chapter 118, Article XIV, the city shall consider the extent to which the proposed development, taken as a whole (staff conclusions/findings are underlined):

(1) Advances the stated vision and principles of the character area, including:

a. Promotes modes of transportation other than the automobile, including walking and transit;

The project includes significant streetscape improvements along E Plant Street including a wide 7.9’ sidewalk (6’ min. is required for north side of E Plant Street), street trees and other street landscaping, pedestrian plazas, as well as pedestrian furnishings and amenities. The proposed pedestrian improvements will tie into other existing adjacent pedestrian and bicycle facilities, including the nearby West Orange Trail. The parking areas are located in the rear portion of the property away from the street, de-emphasizing the automobile as the sole transportation option.

b. Creates a built environment that is in scale with pedestrian-oriented activities and provides visual interest and orientation for pedestrians; and

The design of the building is centered on enhancing the pedestrian experience. The E Plant Street elevations feature doors that open directly onto the sidewalk, promoting walking traffic and “street life”. The building is located close to the road, which helps inform the “edge” of the street and gives pedestrians the feeling of a safer, more enclosed walking experience. Additionally, by dedicating over two acres of land for use as a public park on the corner of N West Crown Point Road and E Plant Street, as well as developing pedestrian plazas at several main building entrances, pedestrians are invited to stay and interact with the site, creating a sense of place and contributing to the vibrancy of the area.

c. Contributes to a mix of uses in the area that are compatible with each other and work together to support the stated vision.

The proposed development will provide quality market-rate rental housing units, which will fit in well among the other existing and proposed uses in the area, including the 50+ acre mixed use development that is currently being planned for the property to the south.

(2) Is consistent with the intent of the standards applicable to the sub-district and district in
which it is located.

The proposed development is consistent with the standards and overall vision of the Gateway District.

(3) Is physically and functionally integrated with the built environment in which it is located; and

The proposed development will integrate seamlessly with the built environment, responding to the existing street alignment by pushing the building close to the roads and providing an outward-facing community-oriented space in the form of over two acres of land at corner of E Plant Street and N West Crown Point Road, which will be dedicated to the City to be developed as a public park.

(4) The potential impacts of the proposed deviation on surrounding properties and the extent to which any adverse impacts from such deviation can be mitigated.

No adverse impacts to surrounding properties are anticipated to be created by the proposed development.

SUMMARY

City Staff recommend approval of the proposed Ordinance 19-17. Rezoning the subject property from C-2 to CAPUD is consistent with the City’s Comprehensive Plan, Future Land Use Map, land development regulations, Plant Street Character Area Design Criteria, and is consistent with the trend of development in the area.
AERIAL PHOTO
N West Crown Point Road
ZONING MAP
N West Crown Point Road

Change from C-2 to CAPUD
ORDINANCE 19-17

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING CERTAIN REAL PROPERTY GENERALLY DESCRIBED AS APPROXIMATELY 14.87 +/- ACRES OF LAND GENERALLY LOCATED AT N. WEST CROWN POINT ROAD ON THE NORTHEAST CORNER OF N. WEST CROWN POINT ROAD AND E PLANT STREET, FROM C-2 (ARTERIAL COMMERCIAL DISTRICT) TO CAPUD (CHARACTER AREA PLANNED UNIT DEVELOPMENT); PROVIDING FOR CERTAIN CAPUD REQUIREMENTS AND DESCRIBING THE DEVELOPMENT AS THE ALTA WINTER GARDEN CAPUD; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner(s) of real property generally described as approximately 14.87 ± acres of certain real property generally located on the northeast corner of N West Crown Point Road and E Plant 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 C-2 (Arterial Commercial) to CAPUD (Character Area Planned Unit Development), and

WHEREAS, recently adopted Ordinance 17-06 amended Chapter 118 of the City of Winter Garden Code to add a new Article XIV to establish the East Plant Street Character Area, and to add a new Division 5 of Article V to establish the Character Area Planned Unit Development zoning district; 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 C-2 (Arterial Commercial) to CAPUD (Character Area Planned Unit Development) 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 Alta Winter Garden Character Area Planned Unit Development Plan attached hereto as Exhibit “B.” Should any conflict be found between this Ordinance and the Alta Winter Garden Character Area Planned Unit Development Plan attached hereto as Exhibit “B”, then the standards and conditions established by this Ordinance shall control.

b. Zoning- Unless specifically noted elsewhere in Exhibit “B” attached hereto, or expressly provided for herein, all development on the Property must comply with the general zoning requirements of the Character Area Planned Unit Development zoning district and the development standards of the East Plant Street Character Area and its Gateway District overlay area. These requirements include any approval procedures of the Planned Unit Development zoning district.

c. Permitted Uses- The permitted uses for the Property are as follows:
   1. Multi-family residential; a maximum of 250 dwelling units.
   2. Public parks and other public recreational facilities.
   3. Customary accessory uses and structures clearly incidental and subordinate to a permitted principal use.

d. Prohibited Uses- The prohibited uses for all areas of the Property are as follows:
   1. Any use not specifically outlined under the Permitted Uses.
   2. Without limiting the foregoing, all uses prohibited by Section 118-858(5), City of Winter Garden Code of Ordinances.

e. Design Criteria/Architectural Standards-
   1. Architectural Standards- Any new proposed buildings or structures on the property shall adhere to the aesthetic character and design quality of the proposed architectural renderings, attached hereto as Exhibit “C”.

   2. Maximum Building Height- The maximum building height shall not exceed 45 feet.

   3. Property Access- The access points shown in Exhibit “B” are conceptual and subject to change based on additional traffic information that will be collected as part of the Site Plan approval
process. Additional access points may be included with the final site plan. Cross access is required to the adjacent property to the east.

4. **Building Access**- Ground floor units oriented towards E Plant Street shall be permitted a direct access via a sidewalk connection to the frontage sidewalk.

5. **Landscape Design**- The property shall be required to adhere to the landscape design standards outlined in the Plant Street Character Area Design Plan and in accordance with Chapter 118, Article XIV of the City of Winter Garden Code of Ordinances.

6. **Site Design**- Bicycle racks, benches, and trash receptacles are required to be provided on site in quantities commensurate with the proposed use(s). The E. Plant Street streetscape shall adhere to the requirements of the Plant Street Character Area Design Plan, with the exception that the sidewalk may be located between the street and the required street planting zone.

7. **Parks**- A minimum of five percent of developable area shall be reserved for park use generally consistent with the park types standards set forth in the Plant Street Character Area Design Plan.
   
a) The park design shown in Exhibit “B” is conceptual. During the site development of the project, the Owner/Developer shall install infrastructure, pathways, sod and landscaping for the park generally consistent with the park design or as otherwise approved by the City. The park land shown on Exhibit “B” shall be conveyed to the City in fee simple ownership, free and clear of all liens and encumbrances, for use as a public park no later than the project obtaining the first certificate of occupancy for any project building.

8. **Setbacks and Required Yards**- All buildings and accessory structures shall adhere to the setbacks outlined in the Plant Street Character Area Design Plan and its Gateway District and in accordance with Chapter 118, Article XIV of the City of Winter Garden Code of Ordinances, and as shown in Exhibit “B”. Building recesses that contribute to architectural articulation shall not be subject to the maximum setback requirements. All calculations shall exclude the parcel that is to be dedicated to the City for use as a public park.

9. **Outdoor Storage**- Outdoor storage of materials or equipment is prohibited.
10. **Signage-** All signage proposed for the Property shall comply with the Plant Street Character Area sign standards in accordance with the Plant Street Character Area Design Plan and Chapter 118, Article XIV. The signage shall be reviewed at time of Site Plan Review.

11. **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 Character Area Planned Unit Development is permitted by Saint John’s River Water Management District.

12. **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.

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

   1. Fire sprinkler systems will be required on all buildings over 6,000 s.f. with Point of Service (POS), backflow prevention, etc. shown. All work downstream of the POS shall be performed by a licensed fire sprinkler contractor.

   2. 100% of the water/sewer impact fees shall be paid prior to site or building permit issuance or execution of FDEP permit applications by the City. Sanitary laterals and pipes shall be SDR 26 per City standards. Use City Standard Detail Sheets for utilities and public works. All on-site utilities shall be privately owned and maintained.

   3. All dumpsters or compactors shall be enclosed and shall provide 12' minimum inside clearance (each way inside of bollards), and access by solid waste vehicles.

   4. Permit modification from SJRWMD for stormwater is required. Permits or exemptions shall also be required from FDEP for water and sewer and FDEP NPDES NOI as may be applicable.
5. All existing wells shall be plugged/capped per SJRWMD requirements – well closure permit required.

6. Any screen walls or retaining walls shall require a separate permit from the Building Department.

7. All underdrain pipe shall be double wall HDPE pipe or PVC pipe.

8. Any offsite drainage coming onto the site shall be accommodated.

9. 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 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.

10. Conceptual utility plans have been shown. This will be reviewed and commented on further at the construction plan phases (i.e. connection points, line sizes, etc.). The preliminary utility plans will need to show:
   
   a) Size of all proposed water meters with backflow preventers.
   
   b) Fire line and DDCVA needs to be in line with the proposed water tap. The domestic water taps can be installed with service saddles or tee prior to the DDCVA.
   
   c) Irrigation meter size, to be supplied from reclaimed water main.

11. Site lighting will be required as well as street lighting on all street frontages if not existing; all lighting shall meet dark skies requirements per City Code. The Developer is required to have street lights installed along all street frontages, including payment of the first year of operation.

12. Internal sidewalks shall connect to the public sidewalks in the right-of-way per ADA.

13. If HDPE pipe is being specified (shown on plan) it 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).

14. Landscaping shall not encroach on required sight lines at intersections or driveways. Design Engineer shall provide certification that sight distance requirements are being met (show sight triangles if applicable). No trees may be planted over or within
5 feet of any utility lines. Only sod or shrubs may be planted over utility lines.

15. Unless otherwise required herein or within the Plant Street Character Area Design Plan, minimum 5’ wide concrete sidewalks shall be constructed along all street frontages pursuant to City Code. Existing sidewalks, curbs, & pavement will be checked at completion and any damaged sections shall be replaced.

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

17. All work shall conform to City of Winter Garden standards and specifications.

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

19. 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.

20. 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 CAPUD 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:** ______________________ , 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
LEGAL DESCRIPTION (PROVIDED BY SURVEYOR):

A TRACT OF LAND LYING IN SECTION 13, TOWNSHIP 22 SOUTH, RANGE 27 EAST, CITY OF WINTER GARDEN, ORANGE COUNTY, FLORIDA, AND BEING A PART OF TRACT D OF OVERSTREET CRATE COMPANY'S LAND, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK F, PAGE 9, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMENCE AT THE NORTH-WEST CORNER OF THE SOUTHEAST 1/4 OF SAID SECTION 13; THENCE RUN S00°10'30"E ALONG THE WEST LINE OF SAID SOUTHEAST 1/4 FOR A DISTANCE OF 33.53 FEET; THENCE, DEPARTING SAID WEST LINE, RUN S90°00'00"E FOR A DISTANCE OF 46.97 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF WEST CROWN POINT ROAD BEING THE POINT OF BEGINNING; THENCE, DEPARTING SAID EASTERLY RIGHT-OF-WAY LINE, RUN N89°38'05"E ALONG THE SOUTH LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 5903, PAGE 2813 OF SAID PUBLIC RECORDS, FOR A DISTANCE OF 20.83 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF WEST CROWN POINT ROAD AND ALONG AND ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 3'53"36" FOR A DISTANCE OF 201.83 FEET; THENCE RUN S00°22'00"E ALONG SAID SOUTH BOUNDARY FOR A DISTANCE OF 798.59 FEET; 4) THENCE RUN N00°21'55"W ALONG SAID EAST BOUNDARY, 274.72 FEET TO THE AFORESAID SOUTH LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 5903, PAGE 2813; THENCE RUN N89°38'05"E ALONG SAID SOUTH LINE FOR A DISTANCE OF 201.83 FEET TO A POINT ON A LINE PARALLEL WITH AND 567.86 FEET WEST OF THE EAST LINE OF THE WEST 1/2 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF AFORESAID SECTION 13; THENCE RUN S00°00'54"E FOR A DISTANCE OF 434.77 FEET TO A POINT ON THE NORTH-WESTLY RIGHT-OF-WAY LINE OF EAST PLANT STREET (ALSO KNOWN AS STATE ROAD NO. 438) AS DESCRIBED IN OFFICIAL RECORDS BOOK 10086, PAGE 6226 (PARCEL 114) OF SAID PUBLIC RECORDS, AND AS DESCRIBED IN OFFICIAL RECORDS BOOK 9752, PAGE 0706 (PARCEL 107) OF SAID PUBLIC RECORDS, ALSO BEING A POINT ON A NON-TANGENT CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 2139.99 FEET AND A CHORD BEARING OF S74°21'42"E; THENCE, FROM A TANGENT BEARING OF S80°47'58"W, RUN SOUTHWESTERLY ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF EAST PLANT STREET ALONG AND ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 12'52"33" FOR A DISTANCE OF 480.91 FEET TO THE POINT OF TANGENCY; THENCE CONTINUING ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, RUN S67°55'25"W FOR A DISTANCE OF 690.16 FEET; THENCE, S79°30'08"W ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 48.86 FEET; THENCE, S50°04'28"W ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 160.97 FEET; THENCE, DEPARTING SAID NORTHERLY RIGHT-OF-WAY LINE, RUN N50°35'46"W FOR A DISTANCE OF 56.93 FEET TO THE EASTERNLY RIGHT-OF-WAY LINE OF WEST CROWN POINT ROAD AS DESCRIBED IN THE AFORESAID OFFICIAL RECORDS BOOK 9752, PAGE 0706; THENCE RUN THE FOLLOWING THREE (3) COURSES ALONG SAID EASTERNLY RIGHT-OF-WAY LINE: 1) NO15'53"W, A DISTANCE OF 607.75 FEET TO THE WESTERLY LINE OF A 30.00 FEET WIDE RAILROAD RIGHT-OF-WAY AS DESCRIBED IN OFFICIAL RECORDS BOOK 5755, PAGE 3179 AND OFFICIAL RECORDS BOOK 6216, PAGE 2452, BOTH OF SAID PUBLIC RECORDS, AND TO A NON-TANGENT CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 633.54 FEET AND A CHORD BEARING OF N46°34'00"W; 2) THENCE RUN NORTHEASTERLY ALONG SAID WESTERLY RAILROAD RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 01°24'16" FOR A DISTANCE OF 15.53 FEET TO A NON-TANGENT LINE; THENCE, DEPARTING SAID WESTERLY RAILROAD RIGHT-OF-WAY LINE, RUN 3) S01°04'41"W FOR A DISTANCE OF 219.82 FEET TO THE EASTERNLY RIGHT-OF-WAY LINE OF WEST CROWN POINT ROAD; THENCE RUN N00°22'00"W ALONG SAID EASTERNLY RIGHT-OF-WAY LINE FOR A DISTANCE OF 445.63 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT ANY AND ALL RIGHT-OF-WAY CONVEYANCES AND ORDER OF TAKINGS FOR EAST PLANT STREET ALONG THE SOUTHEASTERLY BOUNDARY AND FOR WEST CROWN POINT ROAD ALONG THE WEST BOUNDARY.

CONTAINING 14.865 ACRES MORE OR LESS AS DESCRIBED HEREIN AND BEING SUBJECT TO ANY RIGHTS-OF-WAY, RESTRICTIONS, CONDITIONS, AND EASEMENTS OF RECORD.
Exhibit “B”

COVER PAGE

ALTA WINTER GARDEN CAPUD PLAN

(30 PAGES - ATTACHED)
PRELIMINARY DEVELOPMENT PLAN
FOR
ALTA WINTER GARDEN
PARCEL ID NO.: 12-22-27-6496-04-002
CITY OF WINTER GARDEN,
ORANGE COUNTY, FLORIDA
PROPOSED ZONING: CAPUD
EXISTING FLU: MUD/CROWN POINT HIGHT-TECH
ACTIVITY CENTER
FOR
WP SOUTH ACQUISITIONS, L.L.C.
636 W. YALE STREET
ORLANDO, FL 32804
PH (407) 982-2516

MADDEN MOORHEAD & STOKES, INC.
CIVIL ENGINEERS
431 E. HORATIO AVENUE, SUITE 260
MAITLAND, FLORIDA 32751
PHONE (407) 629-8330
FAX (407) 629-8336
WINTER GARDEN MULTI-FAMIL

CODE LANDSCAPE PLANS

Prepared For Wood Partners
OCTOBER 15, 2018

★ Revised November 21, 2018
★ Revised February 6, 2019

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Date: March 25, 2019          Meeting Date: March 27, 2019

Subject: 302 South Highland Ave
Project Name: Neal/Harrison Garage/Flex room addition
Parcel ID: 23-22-27-7152-02-012

Issue: The applicant is requesting a variance for the property located at 302 S Highland Ave

Supplemental Material / Analysis:

Owner / Applicant: Robert Neal & Karen Harrison
Current Zoning: R-2
Proposed Zoning: N/A
Current FLU: LR
Proposed FLU: N/A

Summary: The applicant is requesting a variance to the Winter Garden Code of Ordinances, Section 118-398(1)b & c, to allow a 6’ foot side yard setback in lieu of the required 10’ foot minimum and a 16’ foot rear yard setback in lieu of the required 20’ foot minimum in order to build a garage and home addition.

Staff Recommendation(s): Staff recommends approval of the variance 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
INTRODUCTION

The purpose of this report is to evaluate the request for a variance for property located at 302 S Highland Avenue in Winter Garden, Florida. The request is to allow a 6’ foot side yard setback in lieu of the required 10’ foot minimum and a 16’ foot rear yard setback in lieu of the required 20’ foot minimum in order to build a garage and home addition.

The subject property, located on South Highland Ave, is an approximately 0.24 ± 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.
EXISTING USE
The property is developed with a single-family home. The previously existing garage has already been demolished and will be rebuilt after a decision has been made on this variance request.

ADJACENT LAND USE AND ZONING
The properties to the north, south, east, and west are developed with single-family residences, are zoned R-2, 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 two-car garage and an additional 495 sf room.

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

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

   a. Front: 30 feet.
   b. Side: ten feet.
   c. Rear: 20 percent of depth lot

The applicant is seeking a variance to the minimum side and rear yard setbacks in order to build a garage and additional room to the home.

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 garage and the room addition are replacing a previously existing garage and covered porch. The room addition, that will be behind the new garage, will encroach into the rear yard setback less than the previous covered porch by six feet. Also, the neighbors that directly abut the applicant’s property to the south, and to the west, have provided letters of support for the variance request. This variance should have little, if any, negative impact 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;
   The requested variance does not change the residential nature of the property. The attached two-car garage is indicative of modern single family homes and is not out of character for the 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.

(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. Denying this variance does not benefit the property owner or the City.

SUMMARY
City Staff recommends approval of a variance to Section 118-398(1)b & c to allow 6’ foot side yard setback in lieu of the required 10’ foot minimum and a 16’ foot rear yard setback in lieu of the required 20’ foot minimum in order to build a garage and home addition subject to the following condition(s).
   1) Applicant shall construct the garage and home addition in accordance with elevations submitted for this variance request.

NEXT STEP
Follow all City regulations and apply for building permits.

ATTACHMENTS
- Aerial Photo
- Site Plan and Elevations
- Site Photos
- Letters of support from neighbors
Before permitting any new construction, the new trusses must match the existing trusses. The existing elevation drawings and plans must be submitted to the planning department for review.
SITE PHOTOS
302 S Highland Ave
SITE PHOTOS
302 S Highland Ave
LETTERS FROM NEIGHBORS
302 S Highland Ave

Mr. Richard Vinson
142 W Maple Street
Winter Garden, FL 34787

05-Mar-2019

Dear Sir/Madam,

Re: Variance of rear setback between 302 S Highland Ave and 142 W Maple Street

Dr. Neal and Ms. Harrison, the current owners of the property situated at 302 S Highland Ave would like to build a two-car garage and family room that abuts and is contiguous with the house. The family room would extend to within 15' of the rear property boundary between our properties. I have no problem with reducing the rear setback from the city standard one of 20' to 16', so that they can erect the garage and the family room. This new structure will be in keeping with the house and only add value to this property and others in the immediate vicinity.

Yours sincerely,

Richard Vinson on behalf of Richard Vinson, Roy Vinson and Diane Vinson
(Owners: 142 W Maple Street)

Mrs. Colleen Buss
306 S Highland Ave
Winter Garden, FL 34787

05-Mar-2019

Dear Sir/Madam,

Re: Variance of side setback between 302 S Highland Ave and 306 S Highland Ave

Dr. Neal and Ms. Harrison, the current owners of the property situated at 302 S Highland Ave would like to build a two-car garage abutting and contiguous with the house. The garage would extend to within 6' of the boundary between our properties. I have no problem with reducing the setback from the city standard one of 10' to the 6', so that they can erect the garage. This new structure will be in keeping with the house and only add value to this property and others in the immediate vicinity.

Yours sincerely,

Colleen Buss
(Owner: 306 S Highland Ave)

END OF STAFF REPORT
Date: March 25, 2019

Meeting Date: March 27, 2019

Subject: 704 Summer Street
Project Name: Torres Home Project
Parcel ID: 23-22-27-6504-08-040

Issue: The applicant is requesting a variance for the property located at 704 Summer Street.

Supplemental Material / Analysis:

Owner / Applicant: Keith Owens
Current Zoning: R-2
Proposed Zoning: N/A
Current FLU: LR
Proposed FLU: N/A

Summary: The applicant is requesting a variance to the Winter Garden Code of Ordinances, Section 118-396(2)a, to allow an 81-foot lot width in lieu of the 100-foot lot width requirement in order to build a second dwelling unit.

Staff Recommendation(s): Staff recommends approval of the variance 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
INTRODUCTION

The purpose of this report is to evaluate the request for a variance for property located at 704 Summer Street in Winter Garden, Florida. The request is to allow an 81-foot lot width in lieu of the 100-foot lot width requirement in order to build a second dwelling unit.

The subject property, located on Summer Street, is an approximately 0.54 ± 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.
EXISTING USE
The property was developed with a single-family home, however, that home has been demolished to allow for the construction of the new home associated with this variance request and shown in the attachments.

ADJACENT LAND USE AND ZONING
The properties to the north, south, and west are developed with single-family residences, are zoned R-2, and are in the City of Winter Garden’s Municipal limits. The property to the east is developed with a single-family residence, is zoned R-2, and is located in un-incorporated Orange County.

PROPOSED USE
The applicant is requesting the variance to allow the construction of a second dwelling unit to be used as a mother-in-law suite.

CODE REFERENCE
Sec. 118-396(2)a. of the City Code of Ordinances addresses minimum lot requirements for two-family dwelling units in the R-2 Zoning District. This section states,

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

2. Two-family.
   a. Lot width: 100 feet at building front setback line;
   b. Lot depth: 100 feet;
   c. Lot area: not less than 10,000 square feet; and
   d. Lot width at curb on a cul-de-sac: 35 feet

The applicant is seeking a variance to the minimum lot width requirement in order to build to a second dwelling unit.

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 applicant is maintaining all side, front, and rear setback requirements for both proposed dwelling units. The side yard setbacks on the northern side of the property will be significantly greater at 38’ feet for the second dwelling unit and 18’ feet for the primary dwelling unit. The rear yard setback is also greater than is required at 90’ feet. This variance
should cause little, if any, negative impacts to neighboring properties.

(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 size of the lot at 23,448 square feet is over double the lot requirement for two-family residences in R-2 zoning. Except for the lot width requirement this property exceeds the other siting standards for two-family residences and will allow for the most 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.

(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 with respect to the property’s size and shape. Denying this variance does not benefit the property owner or the City.

SUMMARY
City Staff recommends approval of a variance to Section 118-396(2)a to allow an 81-foot lot width in lieu of the 100-foot lot width requirement in order to build a second dwelling unit subject to the following condition(s).

1) Applicant shall construct the new home, second dwelling unit and detached garage in accordance with elevations submitted for this variance request.

2) In future permitting submittals the garage in the elevation of the primary dwelling unit, facing the right-of-way on Summer Street, will be required to have a widow(s) or similar architectural feature to break up the blank wall.

NEXT STEP
Follow all City regulations and apply for building permits.

ATTACHMENTS
- Aerial Photo
- Site Plan and Elevations
- Site Photos
SITE PLAN & ELEVATIONS
704 Summer Street
SITE PHOTOS
704 Summer Street
SITE PHOTOS
704 Summer Street

END OF STAFF REPORT