



For More Information, Contact:
Corrina Williams
Planning Technician
City of Winter Garden
300 West Plant Street
Winter Garden, FL 34787
407.656.4111 ext. 5149
cwilliams@wintergarden-fl.gov

PLANNING & ZONING BOARD AGENDA

To: James Gentry – Chairman
Jimmy Dunn - Vice Chairman
Kent Horsley
Mark Maciel
Mac McKinney
Rohan Ramlackhan
Eric Weiss

Copy to: Mike Bollhoefer
Dan Langley
Ed Williams
Laura Smith
Stephen Pash
Alejandra Fazekas

RE: Agenda – April 2, 2012 - 6:30 PM
Commission Chambers, City Hall
300 West Plant Street, Winter Garden

-
1. **CALL TO ORDER**
 2. **ROLL CALL AND DETERMINATION OF QUORUM**
 3. **APPROVAL OF MINUTES FROM THE MARCH 5, 2012 MEETING**
 4. **LOT SPLIT**
Seminole Street - 543 (Story Road, LLC)
Parcel ID #: 23-22-27-7152-08-100
 5. **SPECIAL EXCEPTION PERMIT (PUBLIC HEARING)**
125 N. Lakeview Avenue - First United Methodist Church Memorial Garden
Parcel ID #: 14-22-27-5656-00-760
 6. 12520 Warrior Road - Westside Family Worship Center Church
Parcel ID #: 25-22-27-0000-00-079
 7. **ANNEXATION, REZONING, FUTURE LAND USE MAP AMENDMENT (PUBLIC HEARING)**
710 S. Park Avenue - West Orange Habitat for Humanity
Parcel ID #: 22-22-27-1084-01-110
 8. 13045 Reaves Road - Jon and Lori Hodgskin
Parcel ID #: 36-22-27-0000-00-050
 9. 1089 Walker Street - George Bori
Parcel ID #: 23-22-27-8104-00-331
 10. 176 Water Street - Berness Fleming
Parcel ID #: 23-22-27-8104-00-341
 11. **ADJOURNMENT**
To the next regular Planning and Zoning Board meeting on Monday, May 7, 2012 at 6:30 p.m. in City Hall Commission Chambers, 300 W. Plant Street, 1st floor.

Posted: March 29, 2012

PLEASE NOTE: IN ACCORDANCE WITH FLORIDA STATUTES 286.0105: ANY PERSON WHO DESIRES TO APPEAL ANY DECISION AT THIS MEETING WILL NEED A RECORD OF THE PROCEEDINGS AND FOR THIS PURPOSE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE WHICH INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS BASED, WHICH SUCH WRITTEN RECORD IS NOT PROVIDED BY THE CITY OF WINTER GARDEN.

PLEASE NOTE: IN ACCORDANCE WITH FLORIDA STATUTE 286.26: PERSONS WITH DISABILITIES NEEDING ASSISTANCE TO PARTICIPATE IN ANY OF THESE PROCEEDINGS SHOULD CONTACT CORRINA WILLIAMS, 300 WEST PLANT STREET, WINTER GARDEN, FL 34787, (407) 877-5149 - 48 HOURS IN ADVANCE OF THE MEETING.



**A REGULAR MEETING MINUTES
PLANNING AND ZONING BOARD
MARCH 5, 2012**

1. CALL TO ORDER/INVOCATION/PLEDGE OF ALLEGIANCE

Chairman James Gentry called the meeting of the City of Winter Garden Planning and Zoning Board to order at 6:31 p.m. in the City Hall Commission Chambers. The invocation was given followed by the Pledge of Allegiance.

2. ROLL CALL AND DETERMINATION OF QUORUM

The roll was called and a quorum was declared present.

MEMBERS PRESENT:

Chairman James Gentry, Vice-Chairman James Dunn, Board Members: Kent Horsley, Mark Maciel, Mac McKinney, and Eric Weiss.

MEMBERS ABSENT:

Rohan Ramlackhan (excused).

STAFF PRESENT:

City Manager Mike Bollhoefer, City Attorney Kurt Ardaman, Community Development Director Ed Williams, Senior Planner Laura Smith, Senior Planner Stephen Pash, Parks and Recreation Director Jay Conn, and Administrative Specialist Corrina Williams.

3. APPROVAL OF MINUTES

Approval of minutes from the regular meeting held January 9, 2012.

Motion by Mac McKinney to approve the January 9, 2012 minutes, seconded by Eric Weiss, the motion carried unanimously 6-0.

4. GENERAL BUSINESS

Parks and Recreation Director, Jay Conn, presented the conceptual plan and amenities of the proposed Tucker Ranch Heritage Park Development at 100 Avalon Road, requesting the Boards feedback and comments. The Board was in favor of the amenities and the conceptual proposal for the 208.6+/- acre community park development. The City will continue to apply for additional grants to assist with the development costs of the park. Development will

begin soon to provide public accessibility within the next three years. All development will be sensitive to the historical structures and natural communities of the property.

LOT SPLIT

5. 770 W. Bay Street - Brent Maguire

Senior Planner Laura Smith presented an application for the lot split of the property at 770 W. Bay Street Lot 1 to create Lot 1A and Lot 1B. The applicant is an agreement with the City to combine the new Lot 1A with the applicant's property to the east Lot 3. The property shall be rezoned to address non-conforming setback issues, and uses thereby cleaning up existing issues of this property and the adjacent lots.

Motion by Eric Weiss to recommend the approval of the lot split on 770 W. Bay Street, with staff recommendations (Attachment "A"). Seconded by James Dunn, motion carried unanimously 6-0.

SPECIAL EXCEPTION PERMIT(Public Hearing)

6. 13036 Roper Road - Grace Church of Orlando, Inc.

Senior Planner Laura Smith presented a special exception permit request for the property located at 13036 Roper Road to allow a 22,100 square foot Church on this 24.91 +/- acre parcel.

The applicant hosted a community meeting on February 21, 2012 to hear and address citizen concerns for the proposed development. Citizen Jason Casey Hurley of 13035 Roper Road, Winter Garden, FL 34787 provided a letter to the Board with his personal concerns of this development (see attached letter as Attachment B). Mr. Hurley's three specific concerns were, 1) the disturbance or removal of the tree canopy along Roper Road; 2) the traffic impact on Roper Road; 3) the potential usage of the property to include a school. The Applicant's Representative, Jim Carten responded that they are seeking to develop the site with little or no impact to the tree canopy along Roper Road, and a traffic study will be performed to assist in developing solutions to minimize the traffic impact on Roper Road, which could include signalization, and or off duty police traffic control during service events. The applicant further advised that there is no long range intent of the Church to open a school as part of the Church.

Further discussion by the Board with staff clarified that the intent of tonight's request is to approve the special exception of the use on the property and that the conditions of the development of the site will be brought back to the board once a site plan application is submitted and gone through its course of the development review process.

Motion by Kent Horsley to recommend approval of the special exception permit for 13036 Roper Road (Grace Church of Orlando, Inc.), with staff recommendations (Attachment "C"). Seconded by Mac McKinney, the motion carried unanimously 6-0.

7. 125 N. Lakeview Avenue - First United Methodist Church Memorial Garden

Senior Planner Laura Smith requested this item to be tabled until the April 2, 2012 Planning and Zoning Board meeting to allow the applicant time to host a Community Meeting for citizen input on the project.

Motion by James Dunn to recommend the 125 N. Lakeview Avenue - Special Exception Permit request to be tabled till the next Planning and Zoning Board meeting, April 2, 2012 at 6:30 pm to allow applicant to resolve outstanding issues. Seconded by Kent Horsley, the motion carried unanimously 6-0.

VARIANCE (Public Hearing)

8. 404 Lake Amberleigh Drive - Douglas E. Smith

Senior Planner Laura Smith presented a variance request for the property located at 404 Lake Amberleigh Drive allowing for a six foot rear yard setback in lieu of the required 25' setback.

The Board presented questions with regard to the water and drainage impact of the structure and Senior Planner Smith advised the Board that the impervious impact of the property is within the City's code calculations and that similar variance requests within the same subdivision have previously been approved and this request is consistent with the other residential structures in the subdivision.

Motion by Eric Weiss to recommend the approval of the variance request with the stipulation that the applicant must obtain the Home Owners' Association approval. Seconded by Mark Maciel, the motion carried unanimously 6-0.

9. ADJOURNMENT

There being no further business, the meeting was adjourned at 7:50 p.m.

APPROVED:

ATTEST:

Chairman James Gentry

Administrative Specialist Corrina Williams

ATTACHMENT "A"

CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

300 West Plant Street - Winter Garden, Florida 3-4787-3011 • (407) 656-4111

STAFF REPORT

TO: PLANNING AND ZONING BOARD
PREPARED BY: LAURA SMITH, SENIOR PLANNER
DATE: February 29, 2012
SUBJECT: LOT SPLIT
770 West Bay Street
PARCEL ID # 22-22-27-0000-00-085

INTRODUCTION

Request approval to allow a lot split on property located at 770 West Bay Street.



P&Z : PH12-001

CURRENT USE AND ZONING

The subject property contains two buildings which are located on one lot within a larger C-3 zoned site that is comprised of 4 lots containing a total of 5 buildings. Of the 5 buildings located on the site 1 is a single family residence and 4 are commercial buildings used for light industrial, assembly, and fabrication

CODE REFERENCE

Sec. 110-96. Proposed subdivision of existing lot.

(a) Whenever a proposed subdivision is a proposal for the division of a single existing lot into two lots, in lieu of complying with division 3 of this article, the subdivider may conform to the procedural requirements set out in this division or he may comply with the procedure for subdivision or resubdivision contained in this chapter at the applicant's option. This procedure shall not apply to a subdivision into more than two lots or additional lot splits on contiguous land or within the same existing subdivision. The intention being that this procedure may only be used once as it pertains to all or any portion of the lands involved in or previously utilizing or subject to this procedure.

(b) A subdivider shall apply to the city manager on an application form, promulgated by the director of planning, for the subdivision of a single existing lot into two lots, stating the subdivider's plans for development with the following minimum criteria:

- (1) A sketch showing the lot size, location of proposed buildings, location of easements, names of bordering streets, building setbacks, names and locations of all bodies of water, marshlands, drain fields, and all other waterways and watercourses abutting or encroaching upon subject property. This sketch must also show existing buildings and lot dimensions.
- (2) A brief description of all utilities and city services, including sewers, potable water facilities, and fire hydrants electric and telephone poles, streetlights, storm drains and any other utilities or services relevant to the maintenance of subject properties.
- (3) A listing of the names and addresses of the record owners abutting subject property.
- (4) A boundary survey of the lands subject to this procedure, as existing (i.e., prior to the proposed lot split) and as proposed (i.e., after the proposed lot split), performed and prepared under the responsible direction and supervision of a professional surveyor and mapper shall be certified to and submitted to the city. Said surveys shall include the depiction of existing improvements thereon.

(c) Lot split procedure. Once the application is determined to be complete, the city staff shall review the request for compliance with the code (e.g. compliance with lot dimensions requirements, setbacks for existing buildings etc.).

Upon review by the city staff, with or without conditions or restrictions, the application, together with the recommendations, conditions and restrictions, shall be presented to the planning and zoning board at its next regular meeting or session, following action by the city staff, for approval or disapproval. The planning and zoning board may take the following actions:

- (1) Approve the application as recommended by the city staff.

- (2) Approve the application, deleting or supplementing the conditions and restrictions of the city staff.
- (3) Approve the application, adding conditions and restrictions as determined by the planning and zoning board.
- (4) Disapprove the application.

The planning and zoning board shall have the option to take such action as it deems necessary and proper upon one hearing.

SUMMARY

The applicant has recently purchased Lots 3 & 4, and is a partner in ownership of Lot 2. The purpose of the applicant's request for lot split is to split the southern building on the subject property off from the northern building on the subject property so that he may also purchase the southern building. The applicant has expressed intentions to rezone the property to correct the non-conformities, aggregate the proposed Lot 1A and existing Lot 3 into one lot, and annex the existing Lot 4 into the City of Winter Garden.

STAFF RECOMMENDATION

Staff recommends approval of the requested lot split to split the existing Lot 1 into Lot 1A and Lot 1B with the following conditions:

1. A binding lot agreement will be required to aggregate, or combine, the new Lot 1A with the Applicant's property to the east (Lot 3).
2. The property shall be rezoned to address non-conforming setback issues, uses, etc.
3. The unincorporated property to the south shall be annexed into the City within 120 days of approval of the lot split.
4. City Utilities: At the time of any building renovation, expansion, or reconstruction, the site shall be connected to the City's water and wastewater (sewer) systems. No Certificate of Occupancy will be issued for any building on a lot until connection to the City's water and wastewater system has been made and cleared for use by FDEP and/or the City.
5. An ingress/egress/access easement across the southeast corner of Lot 1B must be recorded prior to issuance of any permits for Lot 1A. The ingress/egress/access easement shall provide access from the northeast corner of Lot 1A to the existing 20' ingress/egress/access easement recorded in O.R. Book 6286, Page 1958.

NEXT STEP

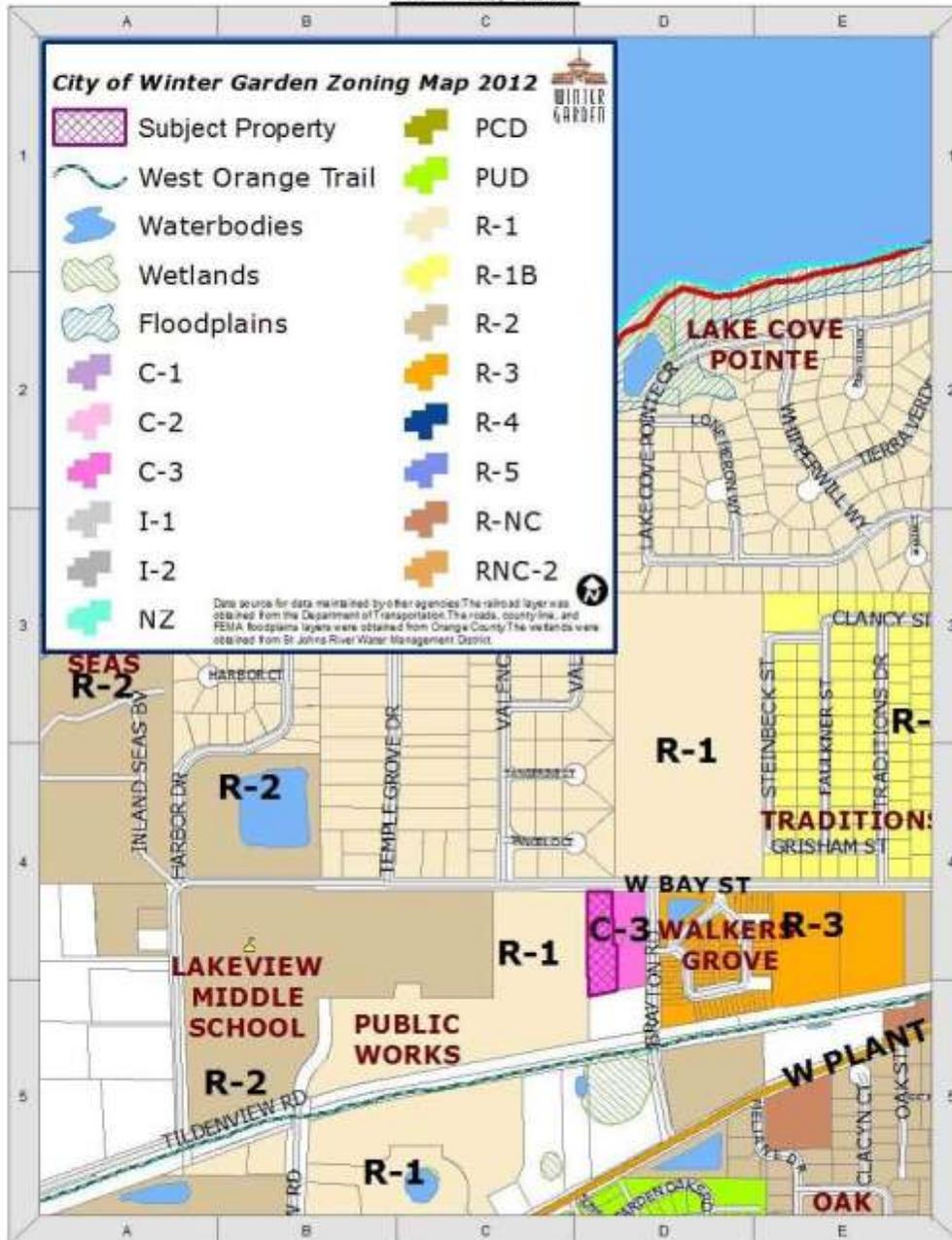
If Planning and Zoning Board approves, file with the Orange County Property Appraiser's Office and Office of Public Records.

AERIAL PHOTO
770 W Bay Street



P&Z : PH12-001

ZONING MAP
770 W Bay Street



END OF STAFF REPORT

P&Z : PH12-001

ATTACHMENT "B"

Item # 6
13036 Roper Road - Grace Church of Orlando, Inc.
Special Exception Permit
Public Comment

To whom it may concern concerning the proposed Church at 13036 Roper Rd, Winter Garden Fl, 34787;

John Casey Hurley, 13035 Roper Rd, Winter Garden Fl. 34787

Ph#407-929-7672, email jhurley4@cfl.rr.com

These are the concerns I have regarding the construction and usage of the property directly across the street from my residence on March 5, 2012.

1- Tree canopy. There are a line of old growth oak trees across the front of 13035 Roper Rd. running parallel to Roper Rd. extending east. I believe these trees to be historic and desirable and I wish to see them preserved from removal, possible injury, and or destruction due to road improvements, sidewalks, utilities, or any other development by any entity.

2- Traffic . Roper Rd. has become increasingly congested since the construction of Fowlers Grove. According to proposed Church construction plans, parking density at the Church is presently unclear in my opinion, with 150 to 250 proposed parking places with room for more in the future. According to the same plans, there will be a single entrance and exit to Roper Rd. In my opinion, this will increase the congestion on Roper, and create a bottleneck for Roper traffic as well as traffic entering and leaving the Church facility. A second entrance and exit would in my opinion alleviate traffic congestion. The rear of the property borders an easement to Reaves Rd.

3- Usage. Future usage could include a school, as many Churches do expand to provide this service. This could complicate traffic even more, as West Orange High School currently uses Roper Rd. as a conduit.

Summery:

I understand and accept that as development proceeds in the local area, we as citizens of Winter Garden and Orange County must accept the negative impact as well as the prosperity that such development brings. However, in my opinion, both the prosperity and the negative impact should be spread across the larger segment of the existing population, not experienced by a select few.

I understand that Grace Church is not the sole reason for traffic congestion on Roper Rd, only a latecomer in a list of contributing factors, including West Orange High School, Fowlers Grove, and multiple large housing developments. The question is, at what point should steps be taken to protect the long standing taxpayers with residential driveways connecting with Roper Rd. In my opinion, Roper Rd. should be considered a residential street, not a conduit, with a lower speed limit than the current 35 mph. I feel a traffic study should be implemented and plans for the improvement of Roper Rd. including any turn lanes, sidewalks, utilities, or easements be publicly reviewed before any building permits are issued. This would protect adjacent homeowners, the general public using Roper Rd. and Grace Church from potential property devaluation and traffic hazards.

ATTACHMENT "C"

**CITY OF WINTER GARDEN
PLANNING & ZONING DIVISION**

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

STAFF REPORT

TO: PLANNING AND ZONING BOARD
PREPARED BY: LAURA SMITH, SENIOR PLANNER
DATE: FEBRUARY 29, 2012
SUBJECT: SPECIAL EXCEPTION PERMIT
13036 Roper Road (Grace Church of Orlando, Inc.)
PARCEL ID # 35-22-27-0000-00-024

APPLICANT: Grace Church of Orlando, Inc.

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, generally located on the south side of Roper Road, east of Daniels Road and west of Beulah Road at 13036 Roper Road, is approximately 40.29± acres. The map below depicts the location of the subject property within the City of Winter Garden municipal limits:



The applicant is requesting a Special Exception to allow for the subject property to be used for a Church. The subject property is located within the City of Winter Garden municipal limits, and was recently rezoned and assigned the zoning designation R-1. The subject property is designated Low Density Residential on the Future Land Use Map of the Comprehensive Plan.

EXISTING USE

The property is vacant unimproved land which is comprised of approximately 24.91 +/- acres of jurisdictional wetlands and contains several upland areas which encompass approximately 15.38 +/- acres.

ADJACENT LAND USE AND ZONING

The properties located to the north, south, and west of the subject property are developed residential subdivisions zoned PUD and R-1 within the City of Winter Garden. The properties located to the east of the subject property consist of a single family residence (A-1) located in Unincorporated Orange County and an agriculture use (A-1) Orange County owned property which is also located in Unincorporated Orange County.

PROPOSED USE

The applicant proposes to construct a 22,100 square foot church on the 40.29 +/- acre property. The R-1 zoning district does not allow for churches or other places of worship as permitted uses, however the R-1 zoning district does allow for churches and other places of worship as special exceptions.

PUBLIC FACILITY ANALYSIS

The property does not have a point of transportation access at this time because it is unimproved vacant land. However, if the property is developed for a Church then access would be from Roper Road.

The property is not currently served by central water or sewer; however water and sewer are available along Roper Road. Connection to City water and sewer are required at time of development and the cost of connection 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.

COMMUNITY CONCERNS

A Community Meeting was held on February 21, 2012 to review the proposed use with the surrounding property owners and to facilitate discussion between the property owner and the residents in the surrounding communities. The following concerns were raised by the participants:

- Protection of the wetlands and drainage flows during and post construction/site work.

- Days and times of church services/meetings.
- Size of the congregation of the church/number of members.
- Amount of parking to be provided.
- Landscape and buffering plans for the east side of the property.
- Possibility of an additional point of ingress/egress.

SUMMARY

City Staff recommends approval of the proposed use subject to the following conditions.

The subject property contains approximately 15.38± acres identified as uplands and approximately 24.91± acres identified as jurisdictional wetlands. Development on the subject property shall be restricted to preserve and buffer the wetlands to the greatest extent possible.

Prior to any development on the subject property, the owner shall seek and obtain a wetland determination by Saint John's River Water Management District and the City.

In accordance with Section 78-2, City of Winter Garden Code of Ordinances, all potable water, reclaimed water and sanitary sewer main lines and utilities required for development of the subject property shall be extended from their current terminus to the subject property and along the subject property's entire frontage along public rights-of-way, at the owner's expense. The City will require the owner/developer to enter into an agreement with the City concerning installation of main lines, reimbursement of any oversizing costs and other matters relating to the utilities requirements.

Prior to any development on the subject property, the owner must submit a site plan for review and recommendation of the Development Review Committee and approval of City Commission. In addition to the required site plan submittal information as stipulated in Chapter 118, Article II, Division 2, Section 118-66 the owner shall provide a Transportation Analysis/Traffic Impact Study for the subject property. Additionally, at time of site plan submittal a Landscape Plan will be required; the Landscape Plan must include all proposed buffering and screening methods to be used on the property, specifically in areas where development of the subject property will abut existing single family residential structures on neighboring properties, and must comply with Chapter 114, Article II of the City Code of Ordinances.

Prior to final site plan approval, final plat approval or any other further development orders or permits being issued, a minimum of 30 ft of right-of-way south of the centerline of Roper Road along the entire frontage of the subject property must, at owner's expense, be conveyed in fee simple via warranty deed (in a form acceptable to the City) to the City free and clear of all liens, encumbrances and title defects. Prior to the right-of-way conveyance, the owner shall provide a boundary survey of the right-of-way property certified to the City and a current attorney's opinion of title or a current title commitment, evidencing that fee simple title to the right-of-way property is free and clear of all liens and encumbrances except for those matters acceptable to the City. Real property taxes on the right-of-way property shall be prorated as of the day before the City's acceptance of the conveyance of the same, and the prorated amount of such real property

taxes attributable to the Owner shall be paid and escrowed by the owner in accordance with the provisions of Section 196.295, Florida Statutes. Owner and its successors and assigns shall not be entitled to any road impact fee credits or other compensation of any kind for, on account of, or with respect to the required conveyance of right-of-way to the City.

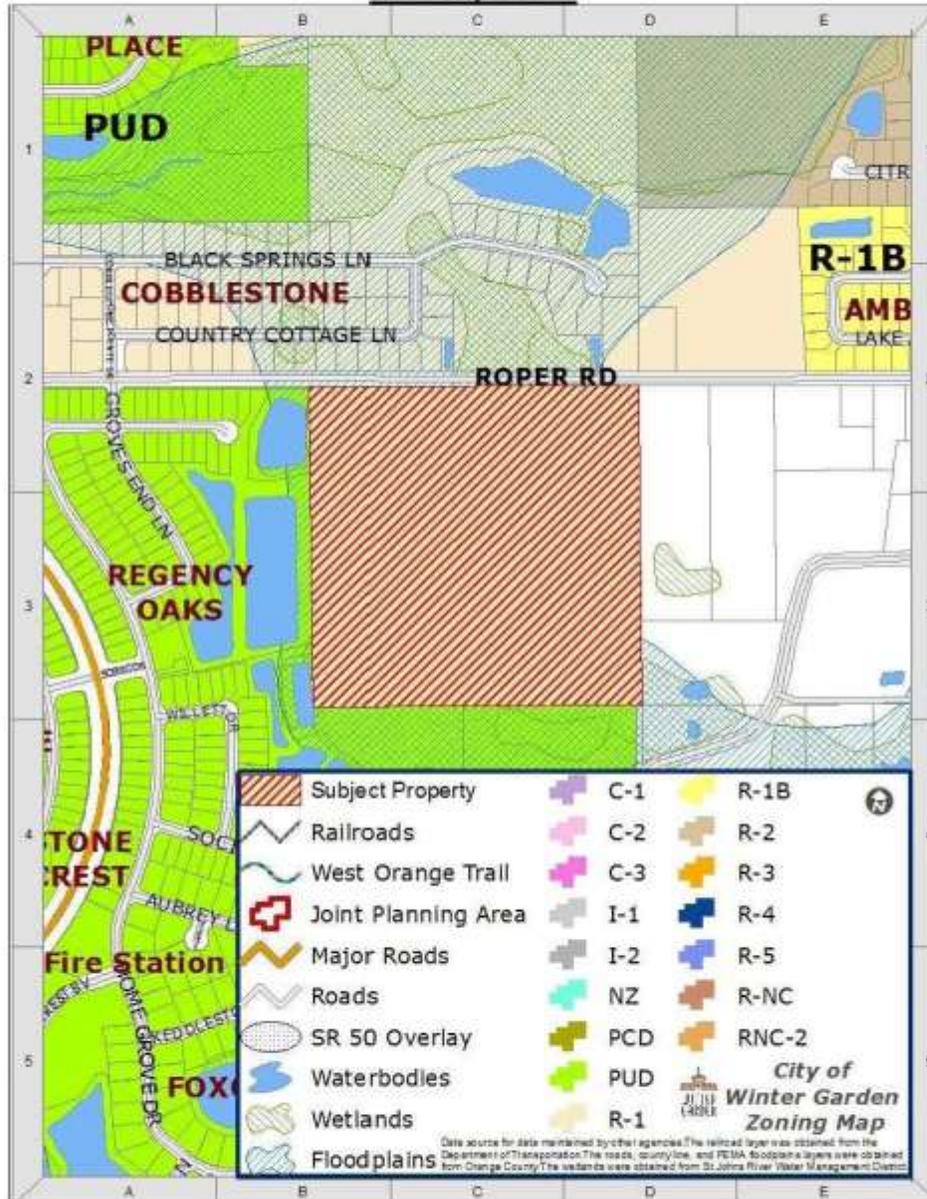
Failure to adhere to all provisions of the Special Exception Permit identified above within 365 days after the effective date of the action granting the Special Exception Permit will result in the expiration of the Special Exception Permit.

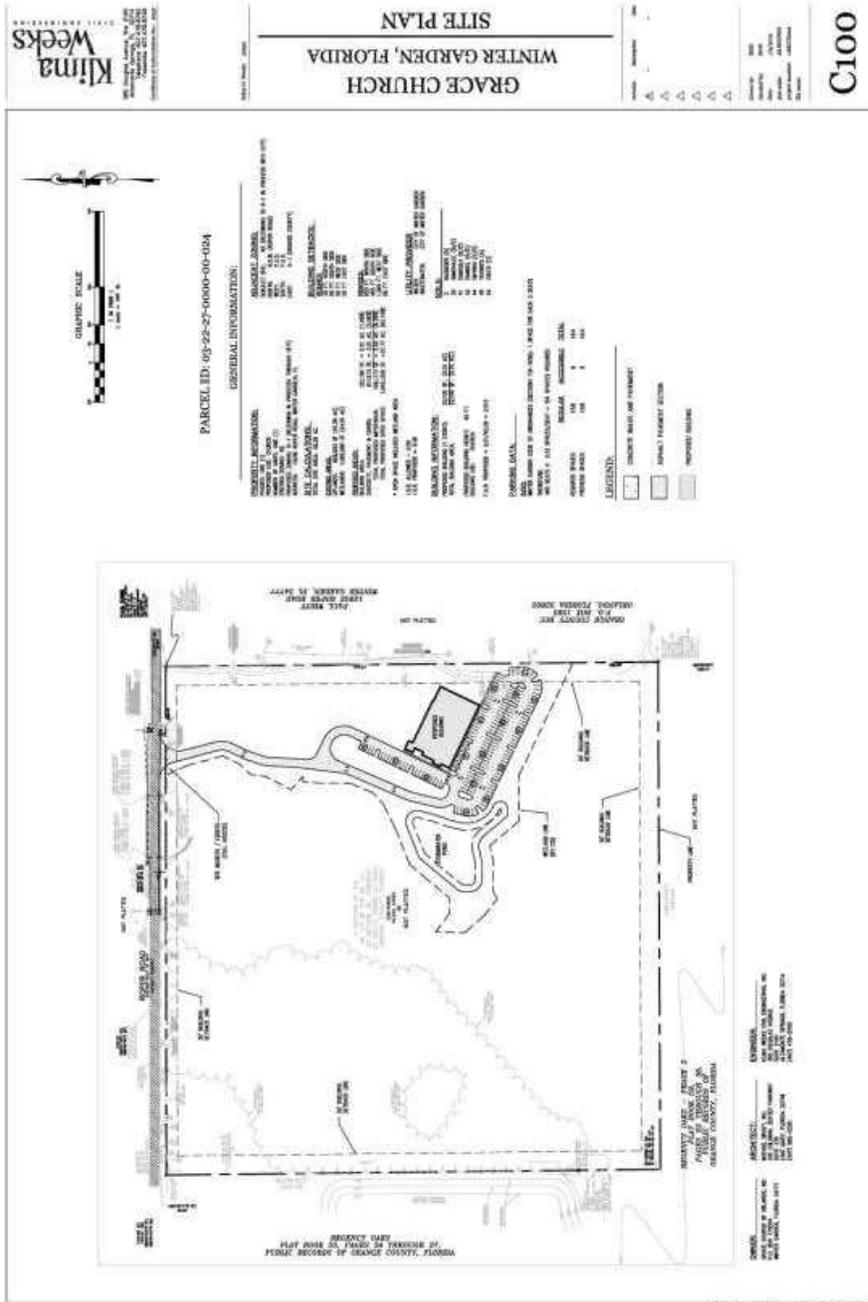
MAPS/EXHIBITS

AERIAL PHOTO
13036 Roper Road



ZONING MAP
13036 Roper Road





END OF STAFF REPORT

THE CITY OF WINTER GARDEN
PLANNING AND ZONING BOARD AGENDA ITEM

ITEM # 4

DATE: MARCH 26, 2012 **MEETING DATE:** APRIL 02, 2012

SUBJECT: LOT SPLIT – 543 SEMINOLE STREET
PROJECT NAME SEMINOLE STREET - 543
PARCEL ID# 23-22-27-7152-08-110

ISSUE: APPLICANT REQUESTS LOT SPLIT OF PROPERTY LOCATED AT 543 SEMINOLE STREET TO CREATE PARCEL A & PARCEL B

SUPPLEMENTAL MATERIAL/ANALYSIS:

OWNER/APPLICANT: STORY ROAD, LLC

CURRENT ZONING: R - 2 (RESIDENTIAL DISTRICT)

PROPOSED ZONING: N/A

CURRENT FLU: LOW DENSITY RESIDENTIAL

PROPOSED FLU: N/A

SUMMARY:

THE SUBJECT PROPERTY WAS ORIGINALLY PLATTED IN 1925. THE PROPERTY IS CURRENTLY TWO NON-CONFORMING LOTS THAT FRONT ON WEST STORY ROAD. THERE IS AN EXISTING SINGLE-FAMILY RESIDENTIAL STRUCTURE IN THE MIDDLE OF THESE TWO LOTS. THE PURPOSE OF THE APPLICANT'S REQUEST FOR LOT SPLIT IS TO DIVIDE THE EXISTING TWO LOTS INTO TWO NEW PARCELS ORIENTED TOWARD SEMINOLE STREET. THE PROPOSED NEW PARCELS WILL STILL BE NON-CONFORMING. THE PROPOSED DEVELOPMENT FOR THE NEW PARCELS INCLUDES A TWO-FAMILY DWELLING ON EACH PARCEL. THE EXISTING RESIDENTIAL STRUCTURE WILL BE DEMOLISHED.

STAFF RECOMMENDATION(S):

CITY STAFF RECOMMENDS APPROVAL OF THE REQUEST FOR LOT SPLIT WITH THE CONDITIONS OUTLINED IN THE ATTACHED STAFF REPORT.

NEXT STEP(S):

FILE THE LOT SPLIT WITH THE ORANGE COUNTY PROPERTY APPRAISER'S OFFICE AND RECORD LOT SPLIT WITH THE OFFICE OF PUBLIC RECORDS.

ATTACHMENT(S):

STAFF REPORT

CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

STAFF REPORT

TO: PLANNING AND ZONING BOARD
PREPARED BY: ALEJANDRA FAZEKAS, PLANNER I
DATE: March 26, 2012
SUBJECT: LOT SPLIT
543 Seminole Street
PARCEL ID # 23-22-27-7152-08-110

APPLICANT: John Kirby – Kirby Engineering

INTRODUCTION

The purpose of this report is to evaluate the request to allow a lot split on property located at 543 Seminole Street for compliance with the City of Winter Garden Code of Ordinances and Comprehensive Plan.

The subject property, located at the northwest corner of West Story Road and Seminole Street is approximately 0.297± acres. The map below depicts the location of the subject property within the City of Winter Garden municipal limits.



CURRENT USE AND ZONING

The subject property is located in the R-2 zoning district and consists of two lots oriented north-south with a single family residence in the middle of these two lots.

CODE REFERENCE

Sec. 110-96. Proposed subdivision of existing lot.

(a) Whenever a proposed subdivision is a proposal for the division of a single existing lot into two lots, in lieu of complying with division 3 of this article, the subdivider may conform to the procedural requirements set out in this division or he may comply with the procedure for subdivision or resubdivision contained in this chapter at the applicant's option. This procedure shall not apply to a subdivision into more than two lots or additional lot splits on contiguous land or within the same existing subdivision. The intention being that this procedure may only be used once as it pertains to all or any portion of the lands involved in or previously utilizing or subject to this procedure.

(b) A subdivider shall apply to the city manager on an application form, promulgated by the director of planning, for the subdivision of a single existing lot into two lots, stating the subdivider's plans for development with the following minimum criteria:

(1) A sketch showing the lot size, location of proposed buildings, location of easements, names of bordering streets, building setbacks, names and locations of all bodies of water, marshlands, drain fields, and all other waterways and watercourses abutting or encroaching upon subject property. This sketch must also show existing buildings and lot dimensions.

(2) A brief description of all utilities and city services, including sewers, potable water facilities, and fire hydrants electric and telephone poles, streetlights, storm drains and any other utilities or services relevant to the maintenance of subject properties.

(3) A listing of the names and addresses of the record owners abutting subject property.

(4) A boundary survey of the lands subject to this procedure, as existing (i.e., prior to the proposed lot split) and as proposed (i.e., after the proposed lot split), performed and prepared under the responsible direction and supervision of a professional surveyor and mapper shall be certified to and submitted to the city. Said surveys shall include the depiction of existing improvements thereon.

(c) Lot split procedure. Once the application is determined to be complete, the city staff shall review the request for compliance with the code (e.g. compliance with lot dimensions requirements, setbacks for existing buildings etc.).

Upon review by the city staff, with or without conditions or restrictions, the application, together with the recommendations, conditions and restrictions, shall be presented to the planning and zoning board at its next regular meeting or session, following action by the city staff, for approval or disapproval. The planning and zoning board may take the following actions:

(1) Approve the application as recommended by the city staff.

- (2) Approve the application, deleting or supplementing the conditions and restrictions of the city staff.
- (3) Approve the application, adding conditions and restrictions as determined by the planning and zoning board.
- (4) Disapprove the application.

The planning and zoning board shall have the option to take such action as it deems necessary and proper upon one hearing.

SUMMARY

The applicant has submitted a request for a lot split to divide the existing two lots into two new parcels that will be oriented toward Seminole Street.

The two lots were originally platted in 1925. Each of these two lots measures approximately 50' wide x 130' deep with a lot area of approximately 6,500 SqFt. The two existing lots front on West Story Road. There is an existing single-family residential structure in the middle of these two lots. This structure will be demolished.

The two existing lots are currently non-conforming lots. Section 118-396 of the City Code of Ordinances establishes that the minimum lot requirements for a two-family dwelling in the R-2 residential zoning district are 100' wide x 100' deep and a lot area no less than 10,000 SqFt.

The proposed Parcel A will measure approximately 70' wide x 100' deep and the proposed Parcel B will measure approximately 60' wide x 100' deep. The change in size will improve conformance, but the proposed lots will still be non-conforming. The proposed widths for parcel A and B do not meet the the minimum required 100' width for two-family dwellings, but the non-conformity of the proposed lots will be less than the existing lots. The remaining non-conformity in width for Parcel A will be 30' and for Parcel B 40'. The remaining non-conformity for lot area will be 3,000 SqFt for Parcel A and 4,000 SqFt for Parcel B.

The proposed development includes a two-family dwelling on each parcel. As proposed, the homes will be attached, creating one structure that over laps the property line with access from Seminole Street. City Staff supports relocating the access to Seminole Street for traffic and safety reasons because Story Road is a busier street than Seminole Street. The proposed development of a two-family dwelling on each parcel is allowed in the R-2 residential zoning district and the City encourages higher density in the downtown area.

STAFF RECOMMENDATION

Staff recommends approval of the proposed lot split with the following condition:

1. The structure shall be built with fire separation walls.

NEXT STEP

If Planning and Zoning Board approves, file with the Orange County Property Appraiser's Office and Office of Public Records.

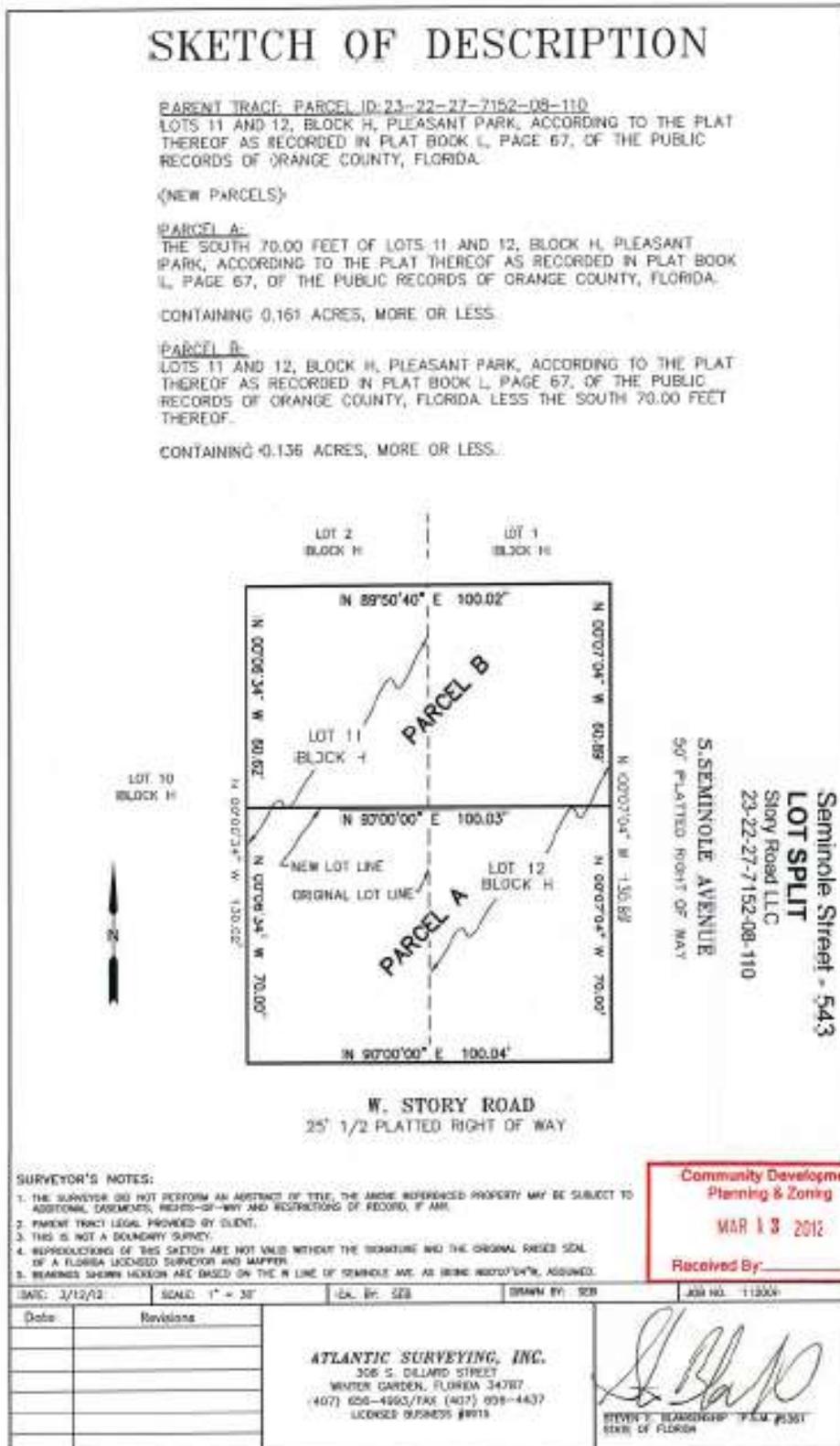
AERIAL PHOTO
543 Seminole Street



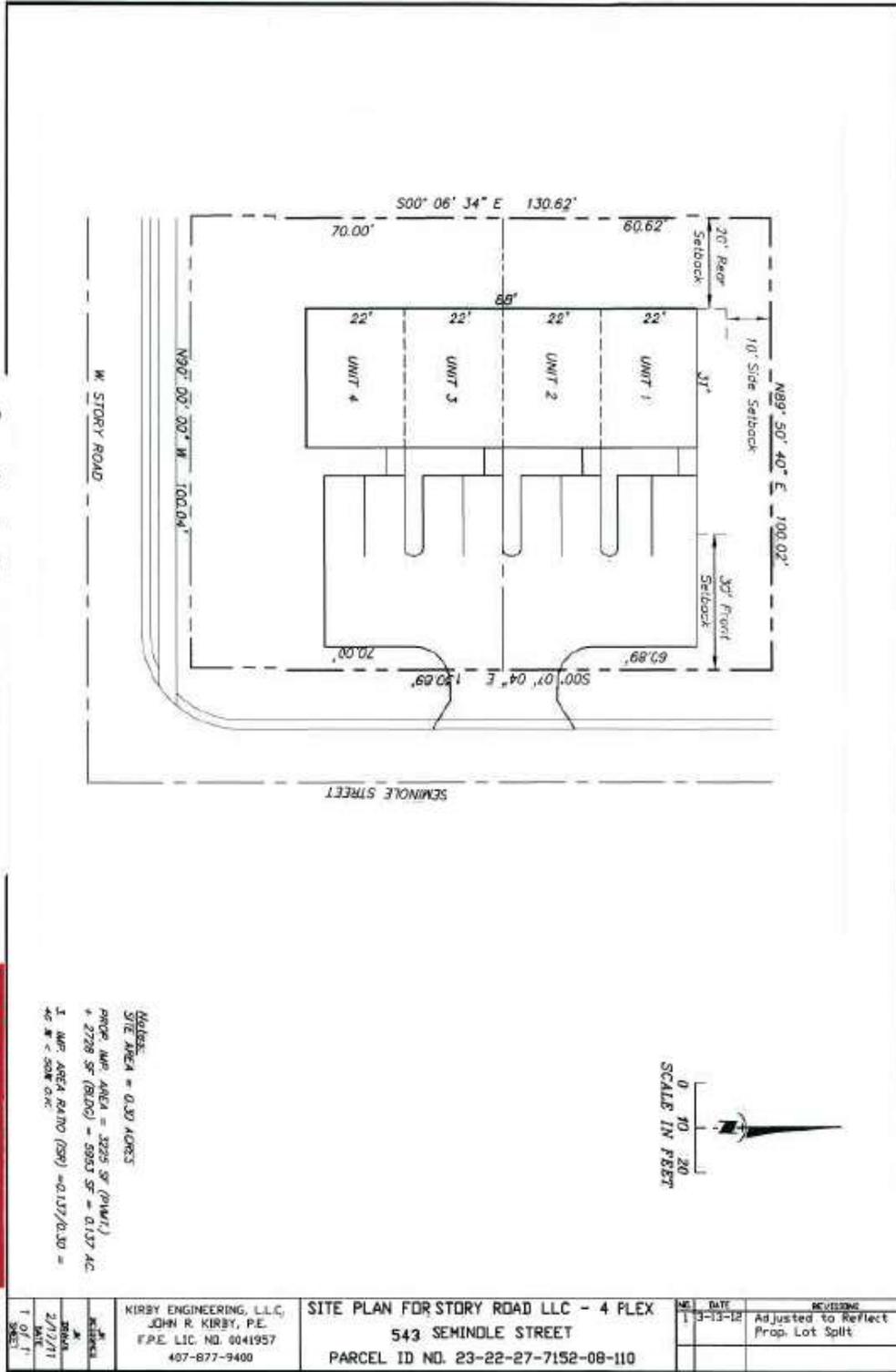
ZONING MAP
543 Seminole Street



PROPOSED SURVEY
543 Seminole Street



PROPOSED CONCEPTUAL SITE PLAN
543 SEMINOLE STREET



Seminole Street - 543
LOT SPLIT
 Story Road LLC
 23-22-27-7152-08-110

SITE PHOTOS
543 Seminole Street



END OF STAFF REPORT

THE CITY OF WINTER GARDEN
PLANNING AND ZONING BOARD AGENDA ITEM

ITEM # 5 (Public Hearing)

DATE: MARCH 28, 2012 **MEETING DATE:** APRIL 2, 2012

SUBJECT: 125 N LAKEVIEW AVE (SPECIAL EXCEPTION PERMIT)
PROJECT NAME FIRST UNITED METHODIST CHURCH
PARCEL ID# 14-22-27-5656-00-760

ISSUE: THE APPLICANT IS REQUESTING A SPECIAL EXCEPTION PERMIT TO ALLOW FOR THE PROPERTY LOCATED AT 125 N LAKEVIEW AVENUE TO BE USED FOR A CEMETERY FOR THE OPERATION OF A COLUMBARIUM.

SUPPLEMENTAL MATERIAL/ANALYSIS:

OWNER/APPLICANT: FIRST UNITED METHODIST CHURCH OF WINTER GARDEN, INC.

CURRENT ZONING: C-1

PROPOSED ZONING: N/A

CURRENT FLU: TRADITIONAL DOWNTOWN

PROPOSED FLU: N/A

SUMMARY:

N/A

STAFF RECOMMENDATION(S):

STAFF RECOMMENDS ITEM BE TABLED TILL THE MAY 7, 2012 PLANNING & ZONING BOARD MEETING, TO ALLOW ADDITIONAL TIME FOR THE APPLICANT TO HOST A COMMUNITY MEETING FOR CITIZEN INPUT.

NEXT STEP(S):

SCHEDULE A COMMUNITY MEETING

ATTACHMENT(S):

N/A

THE CITY OF WINTER GARDEN
PLANNING AND ZONING BOARD AGENDA ITEM

ITEM # 6 (Public Hearing)

DATE: MARCH 26, 2012 **MEETING DATE:** APRIL 02, 2012

SUBJECT: SPECIAL EXCEPTION – 12520 WARRIOR ROAD
PROJECT NAME WESTSIDE FAMILY WORSHIP CENTER CHURCH
PARCEL ID# 25-22-27-0000-00-079

ISSUE: APPLICANT REQUESTS APPROVAL TO ALLOW A CHURCH IN R-1 ZONING DISTRICT

SUPPLEMENTAL MATERIAL/ANALYSIS:

OWNER/APPLICANT: WESTSIDE FAMILY WORSHIP CENTER CHURCH/ PASTOR JEAN IVORY PAYTON

CURRENT ZONING: R - 1 (SINGLE-FAMILY RESIDENTIAL DISTRICT)

PROPOSED ZONING: N/A

CURRENT FLU: LOW DENSITY RESIDENTIAL

PROPOSED FLU: N/A

SUMMARY:

THE OWNER/APPLICANT IS REQUESTING A SPECIAL EXCEPTION PERMIT TO ALLOW THE CONSTRUCTION OF CHURCH. THE PLANNING AND ZONING BOARD ORIGINALLY APPROVED A SPECIAL EXCEPTION PERMIT FOR THE PROPERTY ON FEBRUARY 3, 2003; THE PERMIT APPROVAL EXPIRED ON FEBRUARY 3, 2004. THE PLANNING AND ZONING BOARD APPROVED A NEW SPECIAL EXCEPTION PERMIT ON APRIL 2, 2007 AND A SPECIAL EXCEPTION PERMIT EXTENSION ON MARCH 3, 2008. THAT PERMIT WITH EXTENSION PROLONGED THE EXPIRATION DATE TO APRIL 2, 2009. THE SPECIAL EXCEPTION PERMIT HAS NOW EXPIRED.

STAFF RECOMMENDATION(S):

CITY STAFF RECOMMENDS APPROVAL OF THE SPECIAL EXCEPTION WITH THE CONDITIONS OUTLINED IN THE STAFF REPORT.

NEXT STEP(S):

SUBMIT FOR SITE PLAN REVIEW

ATTACHMENT(S):

STAFF REPORT

CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

STAFF REPORT

TO: PLANNING AND ZONING BOARD
PREPARED BY: ALEJANDRA FAZEKAS, PLANNER I
DATE: MARCH 26, 2012
SUBJECT: SPECIAL EXCEPTION PERMIT
12520 Warrior Rd (Westside Family Worship Center Church)
PARCEL ID # 25-22-27-0000-00-079

APPLICANT: Pastor Jean Ivory Payton

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, generally located on the south side of Warrior Road, north side of Cemetery Road, and east of Beulah Road is approximately 4.56± acres. The map below depicts the location of the subject property within the City of Winter Garden municipal limits.



The applicant is requesting a Special Exception to allow for the subject property to be used for a church. The subject property is located within the City of Winter Garden municipal limits, and carries the zoning designation R-1. The subject property is designated Low Density Residential on the Future Land Use Map of the Comprehensive Plan.

EXISTING USE

The property is vacant unimproved land.

The Planning and Zoning Board originally approved a Special Exception Permit for the property on February 3, 2003, the permit approval expired on February 3, 2004. The Planning and Zoning Board approved a new Special Exception Permit on April 2, 2007 and a Special Exception Permit extension on March 3, 2008. That permit with extension prolonged the expiration date to April 2, 2009. The Special Exception Permit has now expired.

ADJACENT LAND USE AND ZONING

The property located to the north is the West Orange High School and is zoned R-1. The properties on the south include one zoned R-1 that is a nursery owned by the Hawthorne Grove Services, Inc. The other one is a single family residential home (A-1) located in Unincorporated Orange County. The property to the east is the Westfield Lakes Subdivision, zoned R-1. The property to the west is the Faith Family Community Church of the Nazarene, zoned R-1.

PROPOSED USE

The total site area is 4.56± acres, the applicant proposes to develop 3.57± acres. The future development consists of a church of approximately 8,000 square feet for 200 person capacity and 122 parking spaces. The site has several existing trees which will all remain.

The proposed use of a church is not a permitted use in the R-1 zoning district; however the R-1 zoning district does allow this use as a special exception.

PUBLIC FACILITY ANALYSIS

The subject property has an existing gravel entrance from Warrior Road on the east side of the property that will remain and will be paved in conjunction with the construction of the church.

The property is not developed; therefore, is not currently a water or sewer customer of the City of Winter Garden. Water and sewer are available along Warrior Road. Connection to City water and sewer are required at the time of development. The cost of connection 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.

SUMMARY

City Staff recommends approval of the proposed use subject to the following conditions.

- The church must be designed to the standards and requirements of the new Florida Building Code 2010, and submitted with appropriate application and fees for review.
- The Site Lighting Plan shall be required to meet dark skies requirements as specified in Sections 118-1536, 118-1537, and 118-1538 of Article X, Division 4 of the City of Winter Garden Code of Ordinances.

MAPS/EXHIBITS

AERIAL PHOTO **12520 Warrior Road**



ZONING MAP
12520 Warrior Road



SITE PHOTOS
12520 Warrior Road



END OF STAFF REPORT

THE CITY OF WINTER GARDEN
PLANNING AND ZONING BOARD AGENDA ITEM

ITEM # 7 (Public Hearing)

DATE: MARCH 27, 2012 **MEETING DATE:** APRIL 2, 2012

SUBJECT: 710 SOUTH PARK AVENUE (0.22 +/- ACRES)
PROJECT NAME WEST ORANGE HABITAT FOR HUMANITY
PARCEL ID# 22-22-27-1084-01-110

ISSUE: REQUEST APPROVAL OF ORDINANCE 12-11 (ANNEXATION OF 0.22± ACRES LOCATED AT 710 SOUTH PARK AVENUE), ORDINANCE 12-12 (AMENDING FUTURE LAND USE MAP OF THE CITY'S COMPREHENSIVE PLAN FOR 0.22± ACRES LOCATED AT 710 SOUTH PARK AVENUE FROM ORANGE COUNTY LOW DENSITY RESIDENTIAL TO CITY LOW DENSITY RESIDENTIAL). ORDINANCE 12-13 (REZONING OF 0.22± ACRES LOCATED AT 710 SOUTH PARK AVENUE FROM ORANGE COUNTY R-2 RESIDENTIAL DISTRICT TO CITY R-2 RESIDENTIAL DISTRICT).

SUPPLEMENTAL MATERIAL/ANALYSIS:

OWNER/APPLICANT: WEST ORANGE HABITAT FOR HUMANITY (WARREN A. & GERALDINE M. LEWIS)
CURRENT ZONING: ORANGE COUNTY R-2 RESIDENTIAL DISTRICT
PROPOSED ZONING: CITY R-2 RESIDENTIAL DISTRICT
CURRENT FLU: ORANGE COUNTY LOW DENSITY RESIDENTIAL
PROPOSED FLU: CITY LR (LOW DENSITY RESIDENTIAL / 6 DU PER ACRE)

SUMMARY:

THE CITY ENCOURAGES INFILL OF ITS JURISDICTIONAL LIMITS THROUGH VOLUNTARY ANNEXATION OF ENCLAVES. THE SUBJECT PROPERTY IS A 0.22± ACRE ENCLAVE LOCATED ON THE WEST SIDE OF SOUTH PARK AVENUE, NORTH OF JACKSON STREET AND SOUTH OF WEST STORY ROAD. THE APPLICANT HAS REQUESTED ANNEXATION INTO THE CITY, AMENDMENT TO THE FUTURE LAND USE MAP OF THE CITY'S COMPREHENSIVE PLAN TO DESIGNATE THE PROPERTY AS LOW DENSITY RESIDENTIAL, AND REZONING OF THE PROPERTY TO CITY R -2 RESIDENTIAL DISTRICT. (SEE ATTACHED STAFF REPORT)

STAFF RECOMMENDATION(S):

STAFF RECOMMENDS APPROVAL OF ORDINANCE 12-11 (ANNEXATION OF 0.22± ACRES LOCATED AT 710 SOUTH PARK AVENUE), ORDINANCE 12-12 (AMENDING FUTURE LAND USE MAP OF THE CITY'S COMPREHENSIVE PLAN FOR 0.22± ACRES LOCATED AT 710 SOUTH PARK AVENUE FROM ORANGE COUNTY LOW DENSITY RESIDENTIAL TO CITY LOW DENSITY RESIDENTIAL). ORDINANCE 12-13 (REZONING OF 0.22± ACRES LOCATED AT 710 SOUTH PARK AVENUE FROM ORANGE COUNTY R-2 RESIDENTIAL DISTRICT TO CITY R-2 RESIDENTIAL DISTRICT).

NEXT STEP(S):

A PUBLIC HEARING FOR THE FIRST READING OF THESE ORDINANCES IS SCHEDULED FOR THE CITY COMMISSION ON THURSDAY, APRIL 12, 2012.

ATTACHMENT(S):

ORDINANCE 12-11
ORDINANCE 12-12
ORDINANCE 12-13
STAFF REPORT

ORDINANCE 12-11

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.22 ± ACRES LOCATED AT 710 SOUTH PARK AVENUE ON THE WEST SIDE OF SOUTH PARK AVENUE, NORTH OF JACKSON STREET AND SOUTH OF WEST STORY ROAD INTO THE CITY OF WINTER GARDEN FLORIDA; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner of the land, generally described as approximately 0.22 ± acres located on the west side of South Park Avenue, north of Jackson Street and south of West Story Road and legally described in Section 2 of this Ordinance, which land is reasonably compact and contiguous to the corporate limits of the City of Winter Garden, Florida (“City”), has, pursuant to the prerequisites and standards set forth in § 171.044, Fla. Stat., petitioned the City Commission for voluntary annexation;

WHEREAS, the petition for voluntary annexation referenced herein bears the signatures of all owners of the property or properties described in Section 2 of this Ordinance (*i.e.*, the property or properties to be annexed); and

WHEREAS, the City has determined that the property described in Section 2 of this Ordinance is located in an unincorporated area of the County and that annexation of such property will not result in the creation of an enclave.

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

SECTION 1: *Annexation.* That the City Commission through its Planning and Zoning Board has conducted an investigation to determine whether the described property meets the prerequisites and standards set forth in Chapter 171, Fla. Stat. and has held a public hearing and said petition and made certain findings.

SECTION 2: *Description of Area Annexed.* That, after said public hearing and having found such petition meets said prerequisites and standards, the property legally defined in ATTACHMENT “A” and graphically shown on the attached map shall be annexed into the City of Winter Garden, Florida.

SECTION 3: *Effect of Annexation.* That the City of Winter Garden, Florida, shall have all of the power, authority, and jurisdiction over and within the land as described in Section 2 hereof, and the inhabitants thereof, and property therein, as it does and have over its present corporate limits and laws, ordinances, and resolutions of said City shall

apply and shall have equal force and effect as if all territory had been part of said City at the time of the passage of such laws, ordinances, and resolutions.

SECTION 4: *Apportionment of Debts and Taxes.* Pursuant to § 171.061, Fla. Stat., the area annexed to the City shall be subject to all taxes and debts of the City upon the effective date of annexation. However, the annexed area shall not be subject to municipal ad valorem taxation for the current year if the effective date of the annexation falls after the City levies such tax.

SECTION 5: *Instructions to Clerk.* Within seven (7) days following the adoption of this Ordinance, the City Clerk or his/her designee is directed to file a copy of this ordinance, including ATTACHMENT "A" hereto, with the clerk of the circuit court and the chief administrative officer of Orange County as required by § 171.044(3), Fla. Stat.

SECTION 6: *Severability.* Should any portion of this Ordinance be held invalid, then such portions as are not declared invalid shall remain in full force and effect.

SECTION 7: *Effective Date.* This Ordinance shall become effective upon adoption at its second reading.

FIRST READING AND PUBLIC HEARING: _____, 2012.

SECOND READING AND PUBLIC HEARING: _____, 2012.

ADOPTED this _____ day of _____, 2012, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

JOHN REES, Mayor/Commissioner

ATTEST:

KATHY GOLDEN, City Clerk

ATTACHMENT "A"

LEGAL DESCRIPTION

PARCEL ID#: 22-22-27-1084-01-110

LOT 11, BLOCK A, BURCHSHIRE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK Q, PAGE 138 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHEAST CORNER OF THE SOUTHEAST ONE QUARTER OF SECTION 22, TOWNSHIP 22 SOUTH, RANGE 27 EAST, ORANGE COUNTY FLORIDA; THENCE RUN S00°00'00"E ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER A DISTANCE OF 600.72 FEET; THENCE DEPARTING SAID LINE N00°00'00"E A DISTANCE OF 30.00' TO A POINT ON THE WEST RIGHT OF WAY LINE OF PARK AVE. AS SHOWN ON SAID PLAT AND ALSO BEING THE POINT OF BEGINNING; THENCE DEPARTING SAID RIGHT OF WAY LINE N89°31'03"W, A DISTANCE OF 138.64'; THENCE S00°26'43"E, A DISTANCE OF 70.00'; THENCE S89°31'03"E TO A POINT ON THE WESTERLY RIGHT OF WAY OF SAID PARK AVE, A DISTANCE OF 138.09'; THENCE N00°00'00"E ALONG SAID RIGHT OF WAY LINE, 70.00' TO THE POINT OF BEGINNING, SAID LANDS LYING IN ORANGE COUNTY, FLORIDA CONTAINING 9,685 SQUARE FEET MORE OR LESS. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

ORDINANCE 12-12

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING THE FUTURE LAND USE MAP OF THE WINTER GARDEN COMPREHENSIVE PLAN BY CHANGING THE LAND USE DESIGNATION OF REAL PROPERTY GENERALLY DESCRIBED AS 0.22 ± ACRES OF LAND LOCATED AT 710 SOUTH PARK AVENUE ON THE WEST SIDE OF SOUTH PARK AVEUNE, NORTH OF JACKSON STREET AND SOUTH OF WEST STORY ROADFROM ORANGE COUNTY LOW DENSITY RESIDENTIAL TO CITY LOW DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on the 13th of June, 1991, the City Commission of the City of Winter Garden adopted Ordinance 91-16 which adopted a new Comprehensive Plan for the City of Winter Garden, and on the 24th of June, 2010, the City Commission of the City of Winter Garden adopted Ordinance 10-19 readopting and amending the Comprehensive Plan for the City of Winter Garden;

WHEREAS, the owner of that certain real property generally described as 0.22 ± acres of land located on the west side of South Park Avenue, north of Jackson Street and south of West Story Road, and legally described in ATTACHMENT "A" (the "Property") has petitioned the City to amend the Winter Garden Comprehensive Plan to change the Future Land Use classification from Orange County Low Density Residential to City Low Density Residential; and

WHEREAS, the City of Winter Garden's Local Planning Agency and City Commission have conducted the prerequisite advertised public hearings pursuant to Chapter 163, Florida Statutes, regarding the adoption of this ordinance; now, therefore,

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

SECTION I. *FLUM Amendment.* The City of Winter Garden hereby amends the Future Land Use Map of the City of Winter Garden Comprehensive Plan by designating the aforesaid Property to City Low Density Residential as set forth in ATTACHMENT "B".

SECTION II. *Effective Date.* Provided that the Property described herein is annexed into the City of Winter Garden pursuant to Ordinance 12-11, this Ordinance shall become effective 31 days after adoption, unless the Ordinance is timely challenged pursuant to § 163.3187(5), Fla. Stat., in which case, the Ordinance shall not be effective until the state

land planning agency or the Administrative Commission, respectively, issues a final order determining that the adopted Ordinance is in compliance.

SECTION III. *Severability.* Should any portion of this Ordinance be held invalid, then such portions as are not declared invalid shall remain in full force and effect.

FIRST READING AND PUBLIC HEARING: _____, 2012.

SECOND READING AND PUBLIC HEARING: _____, 2012.

ADOPTED this _____ day of _____, 2012, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

JOHN REES, Mayor/Commissioner

ATTEST:

KATHY GOLDEN, City Clerk

ATTACHMENT "A"

LEGAL DESCRIPTION

PARCEL ID#: 22-22-27-1084-01-110

LOT 11, BLOCK A, BURCHSHIRE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK Q, PAGE 138 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHEAST CORNER OF THE SOUTHEAST ONE QUARTER OF SECTION 22, TOWNSHIP 22 SOUTH, RANGE 27 EAST, ORANGE COUNTY FLORIDA; THENCE RUN S00°00'00"E ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER A DISTANCE OF 600.72 FEET; THENCE DEPARTING SAID LINE N00°00'00"E A DISTANCE OF 30.00' TO A POINT ON THE WEST RIGHT OF WAY LINE OF PARK AVE. AS SHOWN ON SAID PLAT AND ALSO BEING THE POINT OF BEGINNING; THENCE DEPARTING SAID RIGHT OF WAY LINE N89°31'03"W, A DISTANCE OF 138.64'; THENCE S00°26'43"E, A DISTANCE OF 70.00'; THENCE S89°31'03"E TO A POINT ON THE WESTERLY RIGHT OF WAY OF SAID PARK AVE, A DISTANCE OF 138.09'; THENCE N00°00'00"E ALONG SAID RIGHT OF WAY LINE, 70.00' TO THE POINT OF BEGINNING, SAID LANDS LYING IN ORANGE COUNTY, FLORIDA CONTAINING 9,685 SQUARE FEET MORE OR LESS. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

ORDINANCE 12-13

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.22 ± ACRES OF REAL PROPERTY GENERALLY LOCATED AT 710 SOUTH PARK AVENUE ON THE WEST SIDE OF SOUTH PARK AVENUE, NORTH OF JACKSON STREET AND SOUTH OF WEST STORY ROAD FROM ORANGE COUNTY R-2 RESIDENTIAL DISTRICT TO CITY R-2 RESIDENTIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner of that certain real property generally described as 0.22 ± acres of land located on the west side of South Park Avenue, north of Jackson Street and south of West Story Road, and legally described in Section 1 of this ordinance has petitioned the City to rezone said property from Orange County R-2 Residential District to the City’s R-2 Residential District zoning classification, therefore;

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

SECTION 1: Rezoning. After due notice and public hearing, the zoning classification of real property legally described on ATTACHMENT “A,” is hereby rezoned from Orange County R-2 Residential District to City R-2 Residential District in the City of Winter Garden, Florida.

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

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

SECTION 4: Effective Date. This Ordinance shall become effective simultaneously upon the effective date of Ordinance 12-12 which is an amendment to the Future Land Use Map of the City of Winter Garden Comprehensive Plan that allows the property described herein to be zoned as provided in this Ordinance.

FIRST READING AND PUBLIC HEARING: _____, 2012.

SECOND READING AND PUBLIC HEARING: _____, 2012.

ADOPTED this _____ day of _____, 2012, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

JOHN REES, Mayor/Commissioner

ATTEST:

KATHY GOLDEN, City Clerk

ATTACHMENT "A"

LEGAL DESCRIPTION

PARCEL ID#: 22-22-27-1084-01-110

LOT 11, BLOCK A, BURCHSHIRE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK Q, PAGE 138 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHEAST CORNER OF THE SOUTHEAST ONE QUARTER OF SECTION 22, TOWNSHIP 22 SOUTH, RANGE 27 EAST, ORANGE COUNTY FLORIDA; THENCE RUN S00°00'00"E ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER A DISTANCE OF 600.72 FEET; THENCE DEPARTING SAID LINE N00°00'00"E A DISTANCE OF 30.00' TO A POINT ON THE WEST RIGHT OF WAY LINE OF PARK AVE. AS SHOWN ON SAID PLAT AND ALSO BEING THE POINT OF BEGINNING; THENCE DEPARTING SAID RIGHT OF WAY LINE N89°31'03"W, A DISTANCE OF 138.64'; THENCE S00°26'43"E, A DISTANCE OF 70.00'; THENCE S89°31'03"E TO A POINT ON THE WESTERLY RIGHT OF WAY OF SAID PARK AVE, A DISTANCE OF 138.09'; THENCE N00°00'00"E ALONG SAID RIGHT OF WAY LINE, 70.00' TO THE POINT OF BEGINNING, SAID LANDS LYING IN ORANGE COUNTY, FLORIDA CONTAINING 9,685 SQUARE FEET MORE OR LESS. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

STAFF REPORT

TO: PLANNING AND ZONING BOARD
PREPARED BY: STEVE PASH, SENIOR PLANNER
DATE: MARCH 16, 2011
SUBJECT: ANNEXATION – ZONING – FLU AMENDMENT
710 SOUTH PARK AVEUNUE (0.22 +/- ACRES)
PARCEL ID #: 22-22-27-1084-01-110
APPLICANT: WARREN A. & GERALDINE M. LEWIS

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 710 South Park Aveune and is approximately 0.22 ± acres. The map below depicts the proximity of the subject property to the City's jurisdictional limits:



The applicant has requested annexation into the City, amendment to the Future Land Use Map (FLUM) of the City's Comprehensive Plan to designate the property as Low Density Residential, and rezoning the property to R-2 Residential District.

In accordance with the City's Comprehensive Plan, permitted uses within the Low Density Residential land use include single family homes, and churches and school through a Special Exception Permit. The zoning classifications that are consistent with the Low Density Residential land use designation include PUD, R-1A, R-1, R-2, R-1B, and INT.

The City endorses infill of its jurisdictional limits through voluntary annexation of enclaves. The elimination of enclaves through voluntary annexation furthers the goals, objectives, and policies of the City's Comprehensive Plan.

EXISTING USE

The subject property is currently vacant. The applicant intends to develop the property with a new duplex once the annexation, FLU, and zoning process is complete.

ADJACENT LAND USE AND ZONING

The property located to the north is a single family house, zoned R-2 and located in Orange County. The properties located to the east are developed with a single family and the Orange Tree Mobile Home Park, zoned R-2 and located in the City. The property to the south is a single family house, zoned R-2 and located in Orange County. The properties to the west are developed as single family homes, zoned R-2 and located in Orange County.

PROPOSED USE

The owner is proposing to annex the property, then construct a new duplex home.

PUBLIC FACILITY ANALYSIS

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.

SUMMARY

City Staff recommends approval of the proposed Ordinances. Annexation will provide a more efficient delivery of services to the property and further the goals and objectives of the City of Winter Garden's Comprehensive Plan to eliminate enclaves. The property is currently vacant and the proposed development will be consistent with the surrounding area.

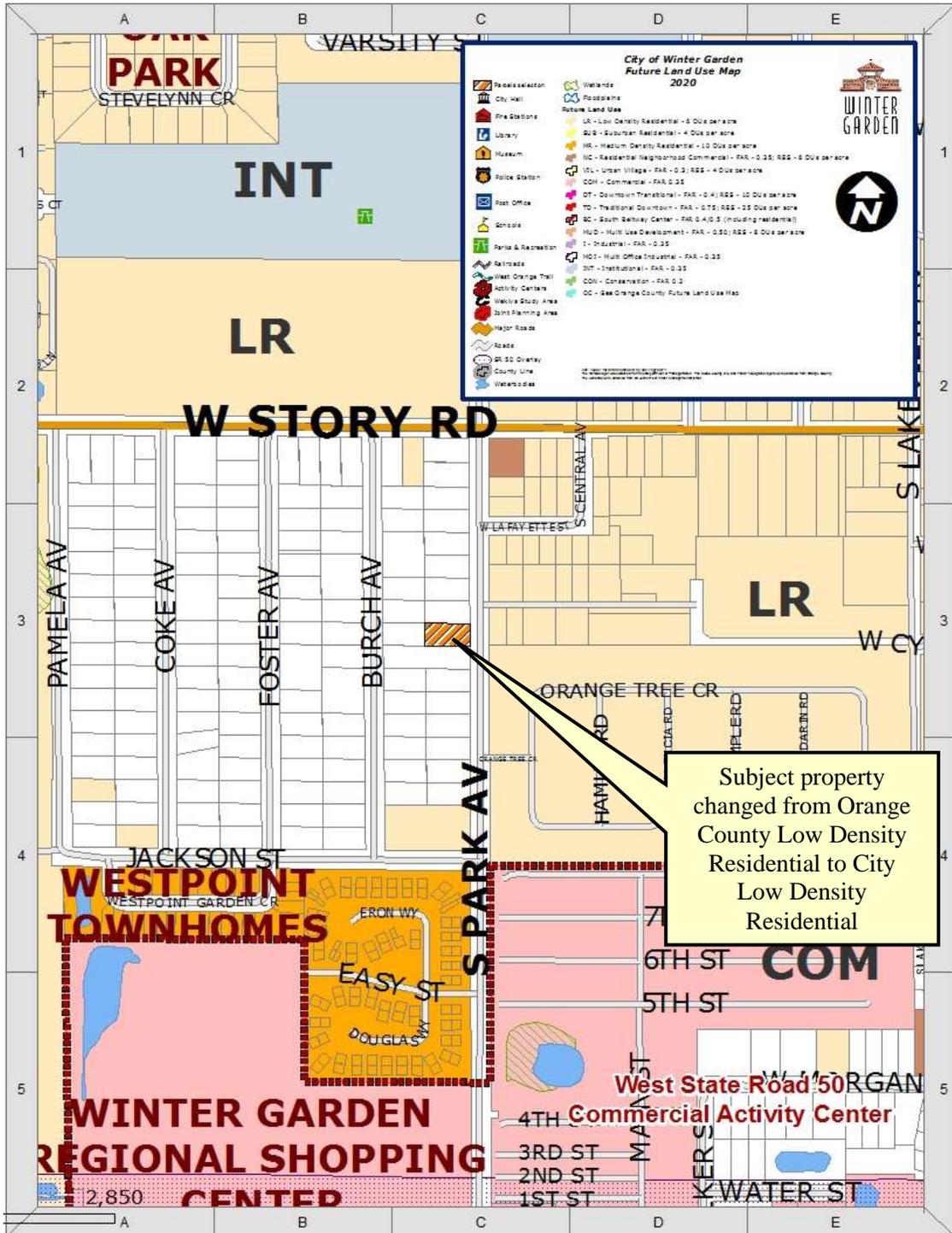
MAPS

AERIAL PHOTO

710 South Park Avenue

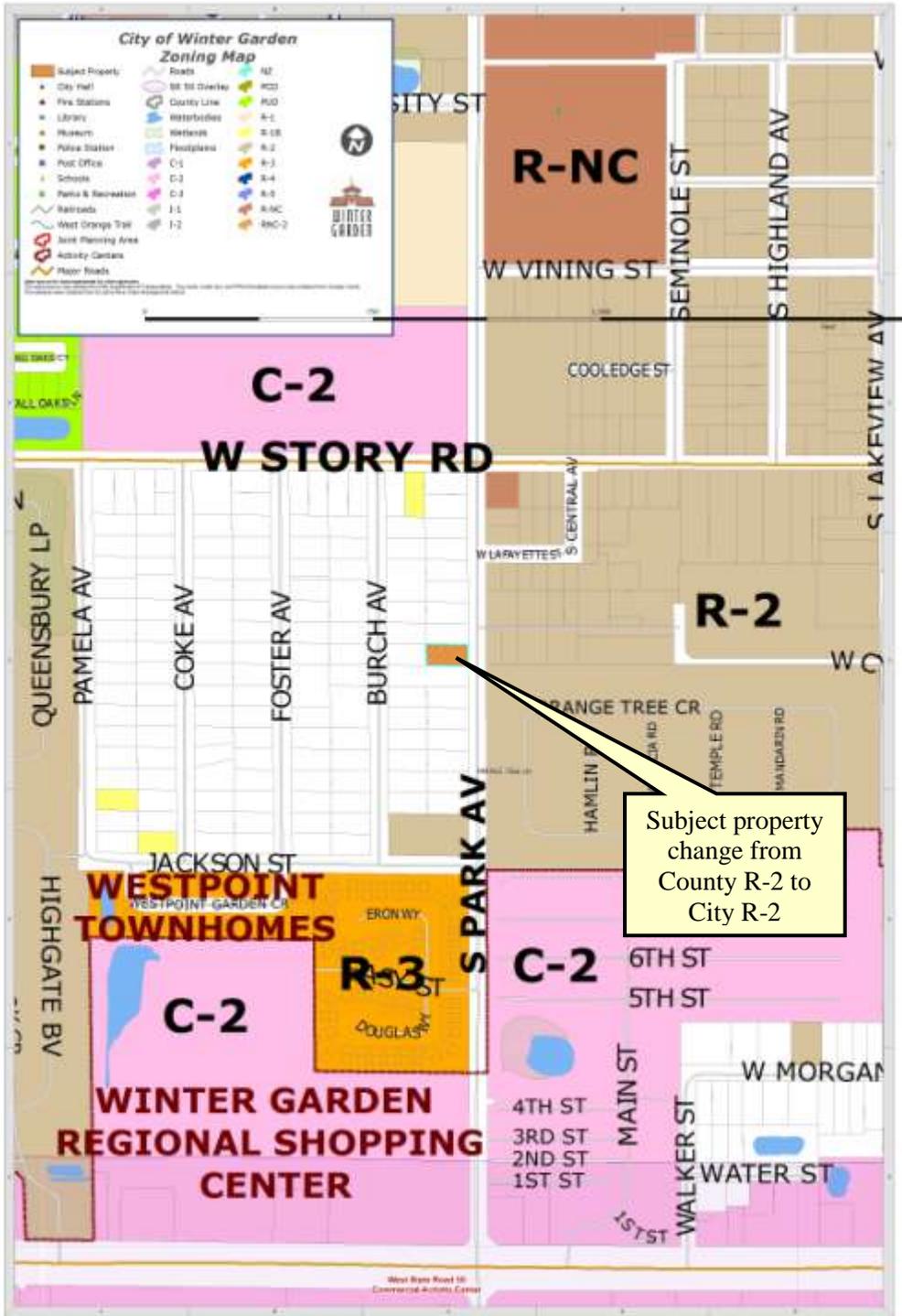


**FUTURE LAND USE MAP
 710 South Park Avenue**



Subject property
 changed from Orange
 County Low Density
 Residential to City
 Low Density
 Residential

ZONING MAP
710 South Park Avenue



END OF STAFF REPORT

THE CITY OF WINTER GARDEN
PLANNING AND ZONING BOARD AGENDA ITEM

ITEM # 8 (Public Hearing)

DATE: MARCH 27, 2012 **MEETING DATE:** APRIL 2, 2012

SUBJECT: 13045 REAVES ROAD (4.93 +/- ACRES)
PROJECT NAME HODGSKIN ANNEXATION AND FLU AMENDMENT
PARCEL ID# 36-22-27-0000-00-050

ISSUE: REQUEST APPROVAL OF ORDINANCE 12-15 (ANNEXATION OF 4.93± ACRES LOCATED AT 13045 REAVES ROAD), ORDINANCE 12-16 (AMENDING FUTURE LAND USE MAP OF THE CITY'S COMPREHENSIVE PLAN FOR 4.93± ACRES LOCATED AT 13045 REAVES ROAD FROM ORANGE COUNTY LOW MEDIUM RESIDENTIAL TO CITY COMMERCIAL).

SUPPLEMENTAL MATERIAL/ANALYSIS:

OWNER/APPLICANT: JON & LORI HODGSKIN

CURRENT ZONING: NOT APPLICABLE

PROPOSED ZONING: NOT APPLICABLE

CURRENT FLU: ORANGE COUNTY RURAL 1-10

PROPOSED FLU: CITY LR (LOW DENSITY RESIDENTIAL - 6/DU PER ACRE)

SUMMARY:

THE CITY ENCOURAGES INFILL OF ITS JURISDICTIONAL LIMITS THROUGH VOLUNTARY ANNEXATION OF ENCLAVES. THE SUBJECT PROPERTY MAKES UP A 4.93± ENCLAVE LOCATED ON THE EAST SIDE OF REAVES ROAD, SOUTH OF ROPER ROAD AND NORTH OF STONEYBROOK WEST PARKWAY. THE APPLICANT HAS REQUESTED ANNEXATION INTO THE CITY AND AMENDMENT TO THE FUTURE LAND USE MAP OF THE CITY'S COMPREHENSIVE PLAN TO DESIGNATE THE PROPERTY AS LOW DENSITY RESIDENTIAL.

STAFF RECOMMENDATION(S):

STAFF RECOMMENDS APPROVAL OF ORDINANCE 12-15 (ANNEXATION OF 4.93± ACRES LOCATED AT 13045 REAVES ROAD), ORDINANCE 12-16 (AMENDING FUTURE LAND USE MAP OF THE CITY'S COMPREHENSIVE PLAN FOR 4.93± ACRES LOCATED AT 13045 REAVES ROAD FROM ORANGE COUNTY LOW MEDIUM RESIDENTIAL TO CITY COMMERCIAL).

NEXT STEP(S):

A PUBLIC HEARING FOR THE FIRST READING OF THESE ORDINANCES IS SCHEDULED FOR THE CITY COMMISSION ON THURSDAY, APRIL 12, 2012.

ATTACHMENT(S):

ORDINANCE 12-15
ORDINANCE 12-16
STAFF REPORT

ORDINANCE 12-15

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 4.93 ± ACRES LOCATED AT 13045 REAVES ROAD ON THE EAST SIDE OF REAVES ROAD, SOUTH OF ROPER ROAD AND NORTH OF STONEYBROOK WEST PARKWAY INTO THE CITY OF WINTER GARDEN FLORIDA; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner of the land, generally described as approximately 4.93 ± acres located on the east side of Reaves Road, south of Roper Road and north of Stoneybrook West Parkway and legally described in Section 2 of this Ordinance, which land is reasonably compact and contiguous to the corporate limits of the City of Winter Garden, Florida (“City”), has, pursuant to the prerequisites and standards set forth in § 171.044, Fla. Stat., petitioned the City Commission for voluntary annexation;

WHEREAS, the petition for voluntary annexation referenced herein bears the signatures of all owners of the property or properties described in Section 2 of this Ordinance (*i.e.*, the property or properties to be annexed); and

WHEREAS, the City has determined that the property described in Section 2 of this Ordinance is located in an unincorporated area of the County and that annexation of such property will not result in the creation of an enclave.

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

SECTION 1: *Annexation.* That the City Commission through its Planning and Zoning Board has conducted an investigation to determine whether the described property meets the prerequisites and standards set forth in Chapter 171, Fla. Stat. and has held a public hearing and said petition and made certain findings.

SECTION 2: *Description of Area Annexed.* That, after said public hearing and having found such petition meets said prerequisites and standards, the property legally defined in ATTACHMENT “A” and graphically shown on the attached map shall be annexed into the City of Winter Garden, Florida.

SECTION 3: *Effect of Annexation.* That the City of Winter Garden, Florida, shall have all of the power, authority, and jurisdiction over and within the land as described in Section 2 hereof, and the inhabitants thereof, and property therein, as it does and have over its present corporate limits and laws, ordinances, and resolutions of said City shall

apply and shall have equal force and effect as if all territory had been part of said City at the time of the passage of such laws, ordinances, and resolutions.

SECTION 4: *Apportionment of Debts and Taxes.* Pursuant to § 171.061, Fla. Stat., the area annexed to the City shall be subject to all taxes and debts of the City upon the effective date of annexation. However, the annexed area shall not be subject to municipal ad valorem taxation for the current year if the effective date of the annexation falls after the City levies such tax.

SECTION 5: *Instructions to Clerk.* Within seven (7) days following the adoption of this Ordinance, the City Clerk or his/her designee is directed to file a copy of this ordinance, including ATTACHMENT "A" hereto, with the clerk of the circuit court and the chief administrative officer of Orange County as required by § 171.044(3), Fla. Stat.

SECTION 6: *Severability.* Should any portion of this Ordinance be held invalid, then such portions as are not declared invalid shall remain in full force and effect.

SECTION 7: *Effective Date.* This Ordinance shall become effective upon adoption at its second reading.

FIRST READING AND PUBLIC HEARING: _____, 2012.

SECOND READING AND PUBLIC HEARING: _____, 2012.

ADOPTED this _____ day of _____, 2012, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

JOHN REES, Mayor/Commissioner

ATTEST:

KATHY GOLDEN, City Clerk

ATTACHMENT "A"

LEGAL DESCRIPTION

PARCEL ID#: 36-22-27-0000-00-050

LEGAL DESCRIPTION

THE NORTH 165 FEET OF THE SOUTH 825 FEET OF THE SW $\frac{1}{4}$ OF THE NW $\frac{1}{4}$ OF SECTION 36, TOWNSHIP 22 SOUTH, RANGE 27 EAST, LYING EAST OF BEULAH ROAD, ORANGE COUNTY, FLORIDA.

MORE PARTICULARLY DESCRIBED AS;

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 26, TOWNSHIP 22 SOUTH, RANGE 27 EAST, THENCE S00°47'28"E, ALONG THE WEST LINE OF SECTION 36, TOWNSHIP 22 SOUTH, RANGE 27 EAST, A DISTANCE OF 285.07 FEET; THENCE N89°13'01"E, PARALLEL TO THE SOUTH LINE OF THE NORTHWEST $\frac{1}{4}$ OF SECTION 36, TOWNSHIP 22 SOUTH, RANGE 27 EAST, A DISTANCE OF 30.00 FEET, TO A POINT ON THE EAST RIGHT OF WAY LINE OF BEULAH ROAD, AND BEING THE POINT OF BEGINNING; THENCE CONTINUE N89°13'01"E AND PARALLEL TO SAID SOUTH LINE OF SECTION 36, A DISTANCE OF 1,301.40 FEET, TO THE NORTHEAST CORNER OF SAID PARCEL; THENCE S00°36'50"E, PARALLEL TO THE EAST LINE OF THE NORTHWEST $\frac{1}{4}$ OF SAID SECTION 36, A DISTANCE OF 165.00 FEET, TO THE SOUTHEAST CORNER OF SAID PARCEL; THENCE S89°13'01"W, PARALLEL TO SAID SOUTH LINE OF SECTION 36, A DISTANCE OF 1,301.17 FEET, TO A POINT ON SAID EAST RIGHT OF WAY; THENCE N00°47'28"W, PARALLEL TO SAID WEST LINE OF SECTION 36, A DISTANCE OF 165.00 FEET, TO THE POINT OF BEGINNING.

Containing 214,711.35 Square Feet More or Less 4.93 Acres.

ORDINANCE 12-16

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING THE FUTURE LAND USE MAP OF THE WINTER GARDEN COMPREHENSIVE PLAN BY CHANGING THE LAND USE DESIGNATION OF REAL PROPERTY GENERALLY DESCRIBED AS 4.93 ± ACRES OF LAND LOCATED AT 13045 REAVES ROAD ON THE EAST SIDE OF REAVES ROAD, SOUTH OF ROPER ROAD AND NORTH OF STONEYBROOK WEST PARKWAY FROM ORANGE COUNTY RURAL 1-10 TO CITY LOW DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on the 13th of June, 1991, the City Commission of the City of Winter Garden adopted Ordinance 91-16 which adopted a new Comprehensive Plan for the City of Winter Garden, and on the 24th of June, 2010, the City Commission of the City of Winter Garden adopted Ordinance 10-19 readopting and amending the Comprehensive Plan for the City of Winter Garden;

WHEREAS, the owner of that certain real property generally described as 4.93 ± acres of land located at 13045 Reaves Road on the east side of Reaves Road, south of Roper Road and north of Stoneybrook West Parkway, and legally described in ATTACHMENT "A" (the "Property") has petitioned the City to amend the Winter Garden Comprehensive Plan to change the Future Land Use classification from Orange County Commercial to City Commercial; and

WHEREAS, the City of Winter Garden's Local Planning Agency and City Commission have conducted the prerequisite advertised public hearings pursuant to Chapter 163, Florida Statutes, regarding the adoption of this ordinance; now, therefore,

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

SECTION I. *FLUM Amendment.* The City of Winter Garden hereby amends the Future Land Use Map of the City of Winter Garden Comprehensive Plan by designating the aforesaid Property to City Low Density Residential as set forth in ATTACHMENT "B".

SECTION II. *Effective Date.* Provided that the Property described herein is annexed into the City of Winter Garden pursuant to Ordinance 12-15, this Ordinance shall become effective 31 days after adoption, unless the Ordinance is timely challenged pursuant to § 163.3187(5), Fla. Stat., in which case, the Ordinance shall not be effective until the state land planning agency or the Administrative Commission, respectively, issues a final order determining that the adopted Ordinance is in compliance.

SECTION III. Severability. Should any portion of this Ordinance be held invalid, then such portions as are not declared invalid shall remain in full force and effect.

FIRST READING AND PUBLIC HEARING: _____, 2012.

SECOND READING AND PUBLIC HEARING: _____, 2012.

ADOPTED this _____ day of _____, 2012, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

JOHN REES, Mayor/Commissioner

ATTEST:

KATHY GOLDEN, City Clerk

ATTACHMENT "A"

LEGAL DESCRIPTION

PARCEL ID#: 36-22-27-0000-00-050

LEGAL DESCRIPTION

THE NORTH 165 FEET OF THE SOUTH 825 FEET OF THE SW $\frac{1}{4}$ OF THE NW $\frac{1}{4}$ OF SECTION 36, TOWNSHIP 22 SOUTH, RANGE 27 EAST, LYING EAST OF BEULAH ROAD, ORANGE COUNTY, FLORIDA.

MORE PARTICULARLY DESCRIBED AS;

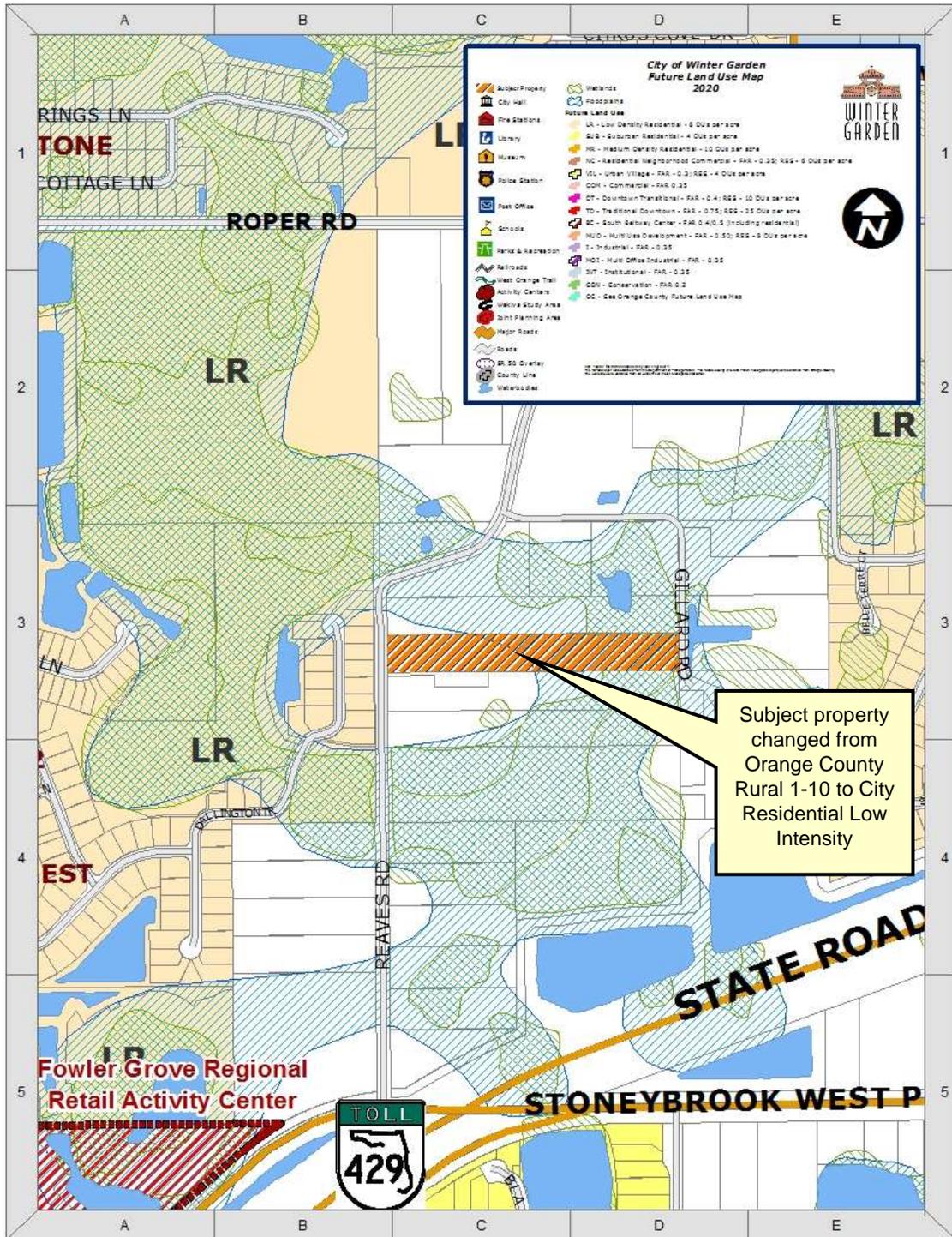
COMMENCE AT THE SOUTHEAST CORNER OF SECTION 26, TOWNSHIP 22 SOUTH, RANGE 27 EAST, THENCE S00°47'28"E, ALONG THE WEST LINE OF SECTION 36, TOWNSHIP 22 SOUTH, RANGE 27 EAST, A DISTANCE OF 285.07 FEET; THENCE N89°13'01"E, PARALLEL TO THE SOUTH LINE OF THE NORTHWEST 1/4 OF SECTION 36, TOWNSHIP 22 SOUTH, RANGE 27 EAST, A DISTANCE OF 30.00 FEET, TO A POINT ON THE EAST RIGHT OF WAY LINE OF BEULAH ROAD, AND BEING THE POINT OF BEGINNING; THENCE CONTINUE N89°13'01"E AND PARALLEL TO SAID SOUTH LINE OF SECTION 36, A DISTANCE OF 1,301.40 FEET, TO THE NORTHEAST CORNER OF SAID PARCEL; THENCE S00°36'50"E, PARALLEL TO THE EAST LINE OF THE NORTHWEST 1/4 OF SAID SECTION 36, A DISTANCE OF 165.00 FEET, TO THE SOUTHEAST CORNER OF SAID PARCEL; THENCE S89°13'01"W, PARALLEL TO SAID SOUTH LINE OF SECTION 36, A DISTANCE OF 1,301.17 FEET, TO A POINT ON SAID EAST RIGHT OF WAY; THENCE N00°47'28"W, PARALLEL TO SAID WEST LINE OF SECTION 36, A DISTANCE OF 165.00 FEET, TO THE POINT OF BEGINNING.

Containing 214,711.35 Square Feet More or Less 4.93 Acres.

ATTACHMENT "B"

FUTURE LAND USE MAP

13501 W Colonial Drive



CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

STAFF REPORT

TO: PLANNING AND ZONING BOARD
PREPARED BY: STEVE PASH, SENIOR PLANNER
DATE: MARCH 15, 2011
SUBJECT: ANNEXATION - FLU AMENDMENT
13045 REAVES ROAD (4.93 +/- ACRES)
PARCEL ID #: 36-22-27-0000-00-050
APPLICANT: JON & LORI HODGSKIN

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 13045 Reaves Road and is approximately 4.93 ± acres. The map below depicts the proximity of the subject property to the City's jurisdictional limits:



The applicant has requested annexation into the City, amendment to the Future Land Use Map (FLUM) of the City's Comprehensive Plan to designate the property as Low Density Residential, and to leave the property with the County A-1 Zoning in order to maintain the agricultural exemptions.

In accordance with the City's Comprehensive Plan, permitted uses within the Low Density Residential land use include single family homes, and churches and schools through a Special Exception Permit. The zoning classifications that are consistent with the Low Density Residential land use designation include PUD, R-1A, R-1, R-2, R-1B, and INT.

The City endorses infill of its jurisdictional limits through voluntary annexation of enclaves. The elimination of enclaves through voluntary annexation furthers the goals, objectives, and policies of the City's Comprehensive Plan.

EXISTING USE

The subject property contains a 2,019 square foot single family home built in 1949, and two barns. The applicant intends to demolish the existing home and construct a new home in the near future.

ADJACENT LAND USE AND ZONING

The property located to the north is a single family house, zoned A-1 and located in Orange County. The property located to the east is developed with a warehouse and single family house, used as a trucking facility, zoned A-1, and located in Orange County. The property to the south is a single family house, zoned A-1 and located in Orange County. The properties to the west are developed as a single family neighborhood (Stone Crest – Foxcrest), zoned PUD and in the City.

PROPOSED USE

The owner is proposing to annex the property, demo the existing house and construct a new home. Once the new home is built the owner plans to move into the house as their primary residence.

PUBLIC FACILITY ANALYSIS

The property currently has a well and a septic tank. Per the City of Winter Garden Comprehensive plan, all development is required to be connected to the City potable water, and sewer system. At this time there are no water or sewer lines in close proximity and the existing well and septic system will be allowed to remain until there are water and sewer lines available for connection and the existing systems require expansion or replacement, at which time they will be required to tie into the City sewer and water system.

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.

SUMMARY

City Staff recommends approval of the proposed Ordinances. Annexation will provide a more efficient delivery of services to the property and further the goals and objectives of the City of Winter Garden's Comprehensive Plan to eliminate enclaves. The property is currently developed with a single-family house and the proposed development of a new home will be consistent with the current use of the property and the surrounding area.

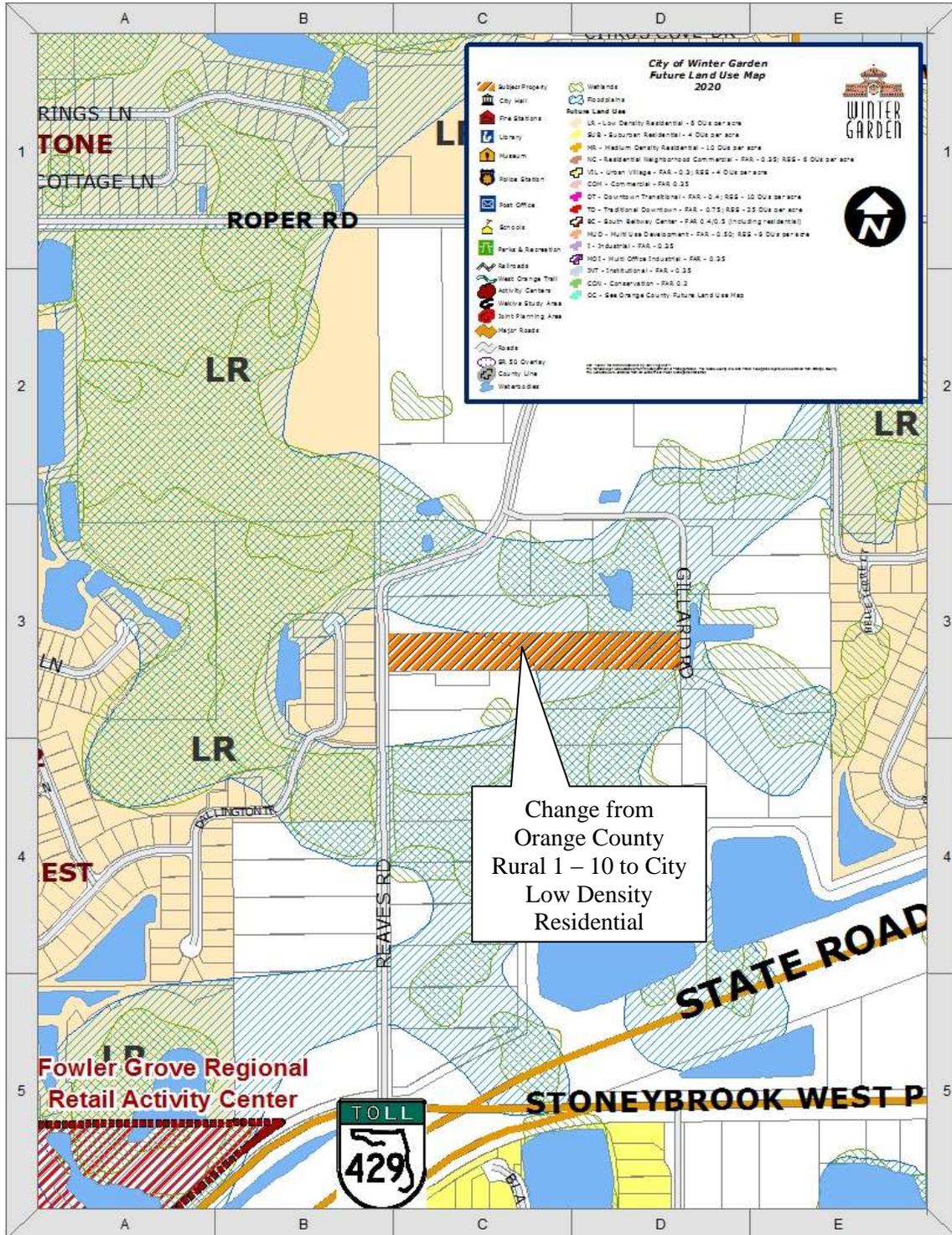
MAPS

AERIAL PHOTO

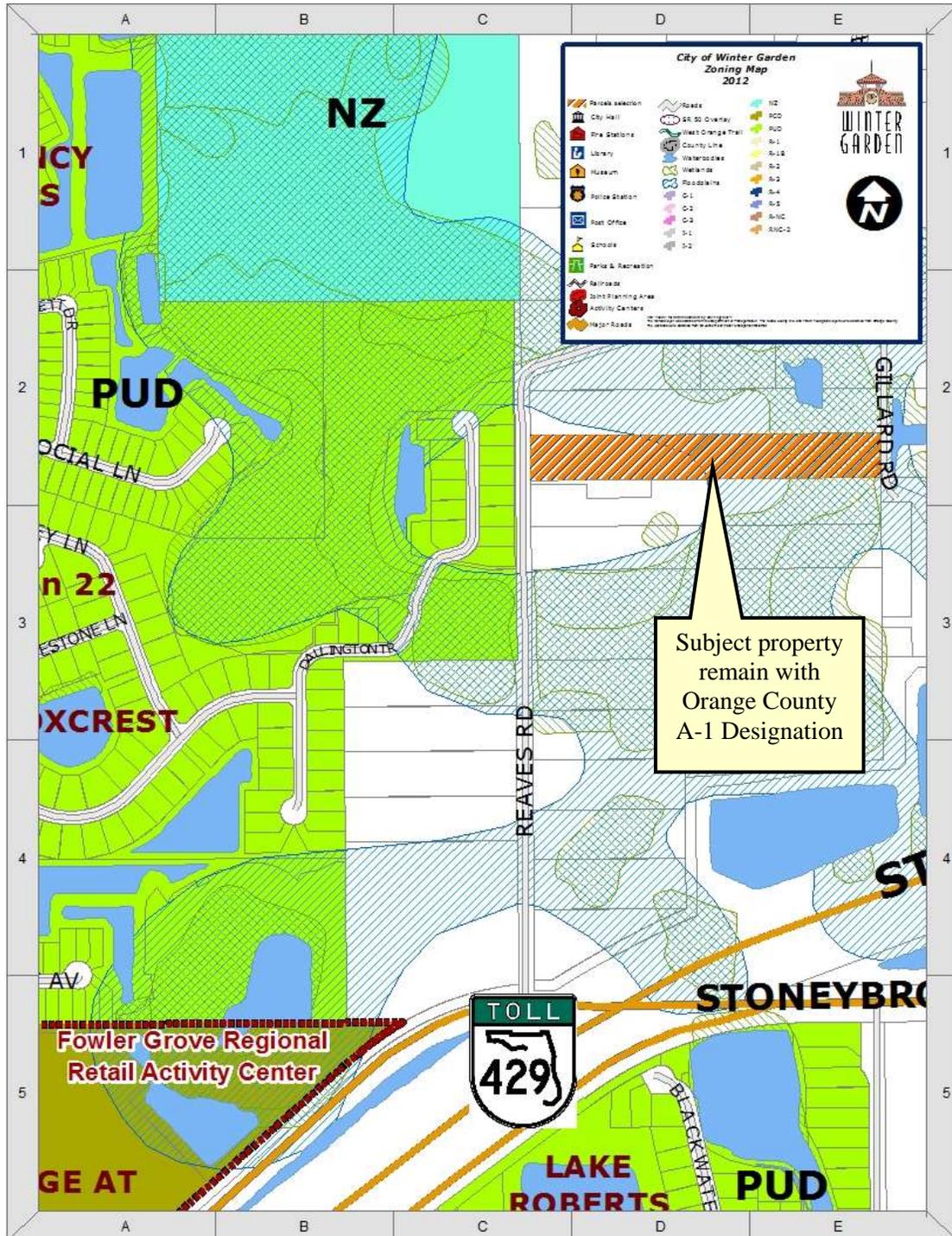
13045 Reaves Road



FUTURE LAND USE MAP
13045 Reaves Road



ZONING MAP
13045 Reaves Road



END OF STAFF REPORT

THE CITY OF WINTER GARDEN

PLANNING AND ZONING BOARD AGENDA ITEM

ITEM # 9 (Public Hearing)

DATE: MARCH 27, 2012 **MEETING DATE:** APRIL 2, 2012

SUBJECT: 1089 WALKER STREET (0.23 +/- ACRES)
PROJECT NAME BORI ANNEXATION, REZONING, AND FLU AMENDMENT
PARCEL ID# 23-22-27-8104-00-331

ISSUE: REQUEST APPROVAL OF ORDINANCE 12-20 (ANNEXATION OF 0.23± ACRES LOCATED AT 1089 WALKER STREET), ORDINANCE 12-21 (AMENDING FUTURE LAND USE MAP OF THE CITY'S COMPREHENSIVE PLAN FOR 0.23± ACRES LOCATED AT 1089 WALKER STREET FROM ORANGE COUNTY LOW MEDIUM RESIDENTIAL TO CITY COMMERCIAL). ORDINANCE 12-22 (REZONING OF 0.23± ACRES LOCATED AT 1089 WALKER STREET FROM ORANGE COUNTY R-2 RESIDENTIAL DISTRICT TO CITY C-2 ARTERIAL COMMERCIAL DISTRICT).

SUPPLEMENTAL MATERIAL/ANALYSIS:

OWNER/APPLICANT: GEORGE L. & MARIA P. BORI
CURRENT ZONING: ORANGE COUNTY R-2 RESIDENTIAL DISTRICT
PROPOSED ZONING: CITY C-2 ARTERIAL COMMERCIAL DISTRICT
CURRENT FLU: ORANGE COUNTY LOW MEDIUM RESIDENTIAL
PROPOSED FLU: CITY COM (COMMERCIAL - FAR 0.35)

SUMMARY:

THE CITY ENCOURAGES INFILL OF ITS JURISDICTIONAL LIMITS THROUGH VOLUNTARY ANNEXATION OF ENCLAVES. THE SUBJECT PROPERTY MAKES UP A 0.23± ACRE ENCLAVE LOCATED AT THE SOUTHEAST CORNER OF WALKER STREET AND WATER STREET. THE APPLICANT HAS REQUESTED ANNEXATION INTO THE CITY, AMENDMENT TO THE FUTURE LAND USE MAP OF THE CITY'S COMPREHENSIVE PLAN TO DESIGNATE THE PROPERTY AS COMMERCIAL, AND REZONING OF THE PROPERTY TO CITY R -2 RESIDENTIAL DISTRICT. (SEE ATTACHED STAFF REPORT)

STAFF RECOMMENDATION(S):

STAFF RECOMMENDS APPROVAL OF ORDINANCE 12-20 (ANNEXATION OF 0.23± ACRES LOCATED AT 1089 WALKER STREET), ORDINANCE 12-21 (AMENDING FUTURE LAND USE MAP OF THE CITY'S COMPREHENSIVE PLAN FOR 0.23± ACRES LOCATED AT 1089 WALKER STREET FROM ORANGE COUNTY LOW MEDIUM RESIDENTIAL TO CITY COMMERCIAL). ORDINANCE 12-22 (REZONING OF 0.23± ACRES LOCATED AT 1089 WALKER STREET FROM ORANGE COUNTY R-2 RESIDENTIAL DISTRICT TO CITY C-2 ARTERIAL COMMERCIAL DISTRICT), SUBJECT TO THE FOLLOWING CONDITIONS:

1. WHEN THE PROPERTY IS DEVELOPED, THEY WILL NEED TO AGGREGATE WITH THE PROPERTY TO THE SOUTH.
2. ALL ACCESS FOR ANY FUTURE DEVELOPMENT ON THIS PROPERTY SHALL BE FROM STATE ROAD 50. NO ACCESS WILL BE ALLOWED FROM WALKER STREET OR WATER STREET.
3. TO PROTECT THE SINGLE FAMILY HOMES TO THE NORTH, A SIX FOOT MASONRY WALL AND A MINIMUM TEN FOOT WIDE LANDSCAPE EASEMENT CONSISTENT WITH THE REQUIREMENTS OF SECTION 118-1524 TABLE 3.1.4 WILL BE REQUIRED ON THE NORTH PROPERTY LINE.

NEXT STEP(S):

A PUBLIC HEARING FOR THE FIRST READING OF THESE ORDINANCES IS SCHEDULED FOR THE CITY COMMISSION ON THURSDAY, APRIL 12, 2012.

ATTACHMENT(S):

ORDINANCE 12-20
ORDINANCE 12-21
ORDINANCE 12-22
STAFF REPORT

ORDINANCE 12-20

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.23 ± ACRES LOCATED AT THE SOUTHEAST CORNER OF WALKER STREET AND WATER STREET INTO THE CITY OF WINTER GARDEN FLORIDA; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner of the land, generally described as approximately 0.23 ± acres located at the southeast corner of Walker Street and Water Street and legally described in Section 2 of this Ordinance, which land is reasonably compact and contiguous to the corporate limits of the City of Winter Garden, Florida (“City”), has, pursuant to the prerequisites and standards set forth in § 171.044, Fla. Stat., petitioned the City Commission for voluntary annexation;

WHEREAS, the petition for voluntary annexation referenced herein bears the signatures of all owners of the property or properties described in Section 2 of this Ordinance (*i.e.*, the property or properties to be annexed); and

WHEREAS, the City has determined that the property described in Section 2 of this Ordinance is located in an unincorporated area of the County and that annexation of such property will not result in the creation of an enclave.

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

SECTION 1: *Annexation.* That the City Commission through its Planning and Zoning Board has conducted an investigation to determine whether the described property meets the prerequisites and standards set forth in Chapter 171, Fla. Stat. and has held a public hearing and said petition and made certain findings.

SECTION 2: *Description of Area Annexed.* That, after said public hearing and having found such petition meets said prerequisites and standards, the property legally defined in ATTACHMENT “A” and graphically shown on the attached map shall be annexed into the City of Winter Garden, Florida.

SECTION 3: *Effect of Annexation.* That the City of Winter Garden, Florida, shall have all of the power, authority, and jurisdiction over and within the land as described in Section 2 hereof, and the inhabitants thereof, and property therein, as it does and have over its present corporate limits and laws, ordinances, and resolutions of said City shall apply and shall have equal force and effect as if all territory had been part of said City at

the time of the passage of such laws, ordinances, and resolutions.

SECTION 4: *Apportionment of Debts and Taxes.* Pursuant to § 171.061, Fla. Stat., the area annexed to the City shall be subject to all taxes and debts of the City upon the effective date of annexation. However, the annexed area shall not be subject to municipal ad valorem taxation for the current year if the effective date of the annexation falls after the City levies such tax.

SECTION 5: *Instructions to Clerk.* Within seven (7) days following the adoption of this Ordinance, the City Clerk or his/her designee is directed to file a copy of this ordinance, including ATTACHMENT "A" hereto, with the clerk of the circuit court and the chief administrative officer of Orange County as required by § 171.044(3), Fla. Stat.

SECTION 6: *Severability.* Should any portion of this Ordinance be held invalid, then such portions as are not declared invalid shall remain in full force and effect.

SECTION 7: *Effective Date.* This Ordinance shall become effective upon adoption at its second reading.

FIRST READING AND PUBLIC HEARING: _____, 2012.

SECOND READING AND PUBLIC HEARING: _____, 2012.

ADOPTED this _____ day of _____, 2012, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

JOHN REES, Mayor/Commissioner

ATTEST:

KATHY GOLDEN, City Clerk

ATTACHMENT "A"

LEGAL DESCRIPTION

PARCEL ID#: 23-22-27-8104-00-331

THE NORTH 100 FEET OF LOT 33 AND THE NORTH 100 FEET OF LOT 34 (LESS THE EAST 4 FEET OF SAID LOT 34), OF G.T. SMITH SUBDIVISION NO.4 AS RECORDED IN PLAT BOOK "L", PAGE 120 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, ALL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF BEGINNING COMMENCE AT THE INTERSECTION OF THE EASTERLY RIGHT OF WAY LINE OF WALKER STREET (A 50-FOOT RIGHT OF WAY) WITH THE SOUTHERLY RIGHT OF WAY LINE OF WATER STREET (A 50-FOOT RIGHT OF WAY) AND RUN NORTH 89° 51' 45" EAST, ALONG SAID SOUTHERLY RIGHT OF WAY LINE OF WATER STREET, A DISTANCE OF 101.56 FEET; THENCE SOUTH 00° 05' 31" EAST, ALONG THE WEST LINE OF THE EAST 4 FEET OF SAID LOT 34, A DISTANCE OF 100.00 FEET; THENCE SOUTH 89° 51' 45" WEST, ALONG THE SOUTH LINE OF SAID NORTH 100 FEET OF LOTS 34 AND 33, A DISTANCE OF 101.56 FEET TO A POINT ON THE AFOREMENTIONED EASTERLY RIGHT OF WAY LINE OF WALKER STREET; THENCE NORTH 00° 05' 31" WEST, ALONG SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.23 ACRES, MORE OR LESS.

ORDINANCE 12-21

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING THE FUTURE LAND USE MAP OF THE WINTER GARDEN COMPREHENSIVE PLAN BY CHANGING THE LAND USE DESIGNATION OF REAL PROPERTY GENERALLY DESCRIBED AS 0.23 ± ACRES OF LAND LOCATED AT THE SOUTH EAST CORNER OF WALKER STREET AND WATER STREET FROM ORANGE COUNTY LOW MEDIUM DENSITY RESIDENTIAL TO CITY COMMERCIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on the 13th of June, 1991, the City Commission of the City of Winter Garden adopted Ordinance 91-16 which adopted a new Comprehensive Plan for the City of Winter Garden, and on the 24th of June, 2010, the City Commission of the City of Winter Garden adopted Ordinance 10-19 readopting and amending the Comprehensive Plan for the City of Winter Garden;

WHEREAS, the owner of that certain real property generally described as 0.23± acres of land located at the south east corner of Walker Street and Water Street, and legally described in ATTACHMENT "A" (the "Property") has petitioned the City to amend the Winter Garden Comprehensive Plan to change the Future Land Use classification from Orange County Low Medium Residential to City Commercial; and

WHEREAS, the City of Winter Garden's Local Planning Agency and City Commission have conducted the prerequisite advertised public hearings pursuant to Chapter 163, Florida Statutes, regarding the adoption of this ordinance; now, therefore,

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

SECTION I. *FLUM Amendment.* The City of Winter Garden hereby amends the Future Land Use Map of the City of Winter Garden Comprehensive Plan by designating the aforesaid Property to City Commercial within the West State Road 50 Commercial Activity Center as set forth in ATTACHMENT "B".

SECTION II. *Effective Date.* Provided that the Property described herein is annexed into the City of Winter Garden pursuant to Ordinance 12-20, this Ordinance shall become effective 31 days after adoption, unless the Ordinance is timely challenged pursuant to § 163.3187(5), Fla. Stat., in which case, the Ordinance shall not be effective until the state land planning agency or the Administrative Commission, respectively, issues a final order determining that the adopted Ordinance is in compliance.

SECTION III. Severability. Should any portion of this Ordinance be held invalid, then such portions as are not declared invalid shall remain in full force and effect.

FIRST READING AND PUBLIC HEARING: _____, 2012.

SECOND READING AND PUBLIC HEARING: _____, 2012.

ADOPTED this _____ day of _____, 2012, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

JOHN REES, Mayor/Commissioner

ATTEST:

KATHY GOLDEN, City Clerk

ATTACHMENT "A"

LEGAL DESCRIPTION

PARCEL ID#: 23-22-27-8104-00-331

THE NORTH 100 FEET OF LOT 33 AND THE NORTH 100 FEET OF LOT 34 (LESS THE EAST 4 FEET OF SAID LOT 34), OF G.T. SMITH SUBDIVISION NO.4 AS RECORDED IN PLAT BOOK "L", PAGE 120 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, ALL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

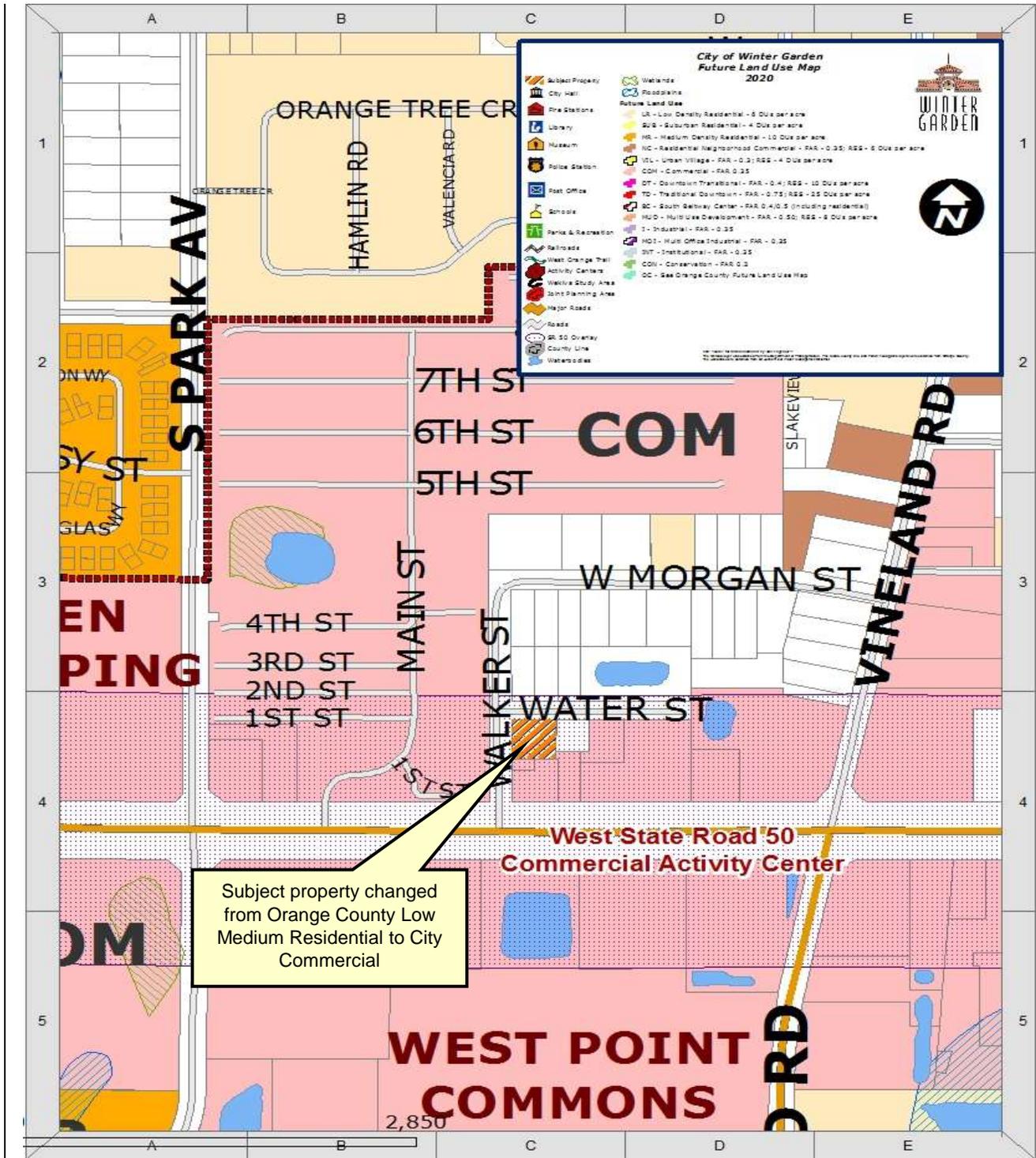
FOR A POINT OF BEGINNING COMMENCE AT THE INTERSECTION OF THE EASTERLY RIGHT OF WAY LINE OF WALKER STREET (A 50-FOOT RIGHT OF WAY) WITH THE SOUTHERLY RIGHT OF WAY LINE OF WATER STREET (A 50-FOOT RIGHT OF WAY) AND RUN NORTH 89° 51' 45" EAST, ALONG SAID SOUTHERLY RIGHT OF WAY LINE OF WATER STREET, A DISTANCE OF 101.56 FEET; THENCE SOUTH 00° 05' 31" EAST, ALONG THE WEST LINE OF THE EAST 4 FEET OF SAID LOT 34, A DISTANCE OF 100.00 FEET; THENCE SOUTH 89° 51' 45" WEST, ALONG THE SOUTH LINE OF SAID NORTH 100 FEET OF LOTS 34 AND 33, A DISTANCE OF 101.56 FEET TO A POINT ON THE AFOREMENTIONED EASTERLY RIGHT OF WAY LINE OF WALKER STREET; THENCE NORTH 00° 05' 31" WEST, ALONG SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.23 ACRES, MORE OR LESS.

ATTACHMENT "B"

FUTURE LAND USE MAP

1089 Walker Street



ORDINANCE 12-22

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.23 ± ACRES OF REAL PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF WALKER STREET AND WATER STREET FROM ORANGE COUNTY R-2 RESIDENTIAL DISTRICT TO CITY C-2 ARTERIAL COMMERCIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner of that certain real property generally described as 0.23 ± acres of land located at the southeast corner of Walker Street and Water Street, and legally described in Section 1 of this ordinance has petitioned the City to rezone said property from Orange County R-2 Residential District to the City's C-2 Arterial Commercial District zoning classification, therefore;

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

SECTION 1: *Rezoning.* After due notice and public hearing, the zoning classification of real property legally described on ATTACHMENT "A," is hereby rezoned from Orange County R-2 Residential District to City C-2 Arterial Commercial District in the City of Winter Garden, Florida.

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

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

SECTION 4: *Effective Date.* This Ordinance shall become effective simultaneously upon the effective date of Ordinance 12-21 which is an amendment to the Future Land Use Map of the City of Winter Garden Comprehensive Plan that allows the property described herein to be zoned as provided in this Ordinance.

FIRST READING AND PUBLIC HEARING: _____, 2012.

SECOND READING AND PUBLIC HEARING: _____, 2012.

ADOPTED this _____ day of _____, 2012, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

JOHN REES, Mayor/Commissioner

ATTEST:

KATHY GOLDEN, City Clerk

ATTACHMENT "A"

LEGAL DESCRIPTION

PARCEL ID#: 23-22-27-8104-00-331

THE NORTH 100 FEET OF LOT 33 AND THE NORTH 100 FEET OF LOT 34 (LESS THE EAST 4 FEET OF SAID LOT 34), OF G.T. SMITH SUBDIVISION NO.4 AS RECORDED IN PLAT BOOK "L", PAGE 120 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, ALL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF BEGINNING COMMENCE AT THE INTERSECTION OF THE EASTERLY RIGHT OF WAY LINE OF WALKER STREET (A 50-FOOT RIGHT OF WAY) WITH THE SOUTHERLY RIGHT OF WAY LINE OF WATER STREET (A 50-FOOT RIGHT OF WAY) AND RUN NORTH 89° 51' 45" EAST, ALONG SAID SOUTHERLY RIGHT OF WAY LINE OF WATER STREET, A DISTANCE OF 101.56 FEET; THENCE SOUTH 00° 05' 31" EAST, ALONG THE WEST LINE OF THE EAST 4 FEET OF SAID LOT 34, A DISTANCE OF 100.00 FEET; THENCE SOUTH 89° 51' 45" WEST, ALONG THE SOUTH LINE OF SAID NORTH 100 FEET OF LOTS 34 AND 33, A DISTANCE OF 101.56 FEET TO A POINT ON THE AFOREMENTIONED EASTERLY RIGHT OF WAY LINE OF WALKER STREET; THENCE NORTH 00° 05' 31" WEST, ALONG SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.23 ACRES, MORE OR LESS.

CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

STAFF REPORT

TO: PLANNING AND ZONING BOARD
PREPARED BY: STEVE PASH, SENIOR PLANNER
DATE: MARCH 15, 2011
SUBJECT: ANNEXATION - REZONING - FLU AMENDMENT
1089 WALKER STREET (0.23 +/- ACRES)
PARCEL ID #: 23-22-27-8104-00-331
APPLICANT: GEORGE L. & MARIA P. BORI

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 1089 Walker Street and is approximately 0.23 ± acres. The map below depicts the proximity of the subject property to the City's jurisdictional limits:



The applicant has requested annexation into the City, amendment to the Future Land Use Map (FLUM) of the City's Comprehensive Plan to designate the property as Commercial, and rezoning the property to C-2 Commercial Arterial District. This property is also within the West State Road 50 Overlay, which has additional development standards.

The subject property is located within the West State Road 50 Commercial Activity Center which allows for the following land use categories: Commercial, Medium Density Residential, Industrial, and Multi Use Development. The majority of the properties located within the West State Road 50 Commercial Activity Center are designated Commercial on the Future Land Use Map, with the only exceptions being several apartment complexes and a senior living facility on the south side of the road at the western edge of the city limits which are designated Medium Density Residential on the Future Land Use Map and total about 35 acres of land.

In accordance with the City's Comprehensive Plan, permitted uses within the Commercial land use include retail, service, and professional activities. The zoning classifications that are consistent with the Commercial land use designation include C-1, C-2, C-3, C-4, PCD, and INT.

The City endorses infill of its jurisdictional limits through voluntary annexation of enclaves. The elimination of enclaves through voluntary annexation furthers the goals, objectives, and policies of the City's Comprehensive Plan.

EXISTING USE

The subject property contains a 1,936 square foot single family home.

ADJACENT LAND USE AND ZONING

The property located to the north is a single family house, zoned R-2 and located in Orange County. The property located to the east is developed with a single family house, zoned R-2, located in Orange County, and has also requested annexation into the City of Winter Garden. The properties to the south are developed as commercial buildings, zoned C-2 in the City. The property to the west is the Orlando Winter Garden RV Resort, zoned C-2 in the City.

PROPOSED USE

The owner is proposing to annex the property for future development. In order to develop the subject site, this property will need to be aggregated with the property to the south. Staff will require aggregating these properties so that access to the site will occur only from State Road 50. Access will only be allowed from State Road 50 to help limit the impact of commercial development next to the single family homes on the north side of Water Street. Current access is to Walker Street, which would not be appropriate for commercial access. Due to the close proximity of single family homes, the development will also require additional buffering along the north property line.

PUBLIC FACILITY ANALYSIS

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.

SUMMARY

City Staff recommends approval of the proposed Ordinances, subject to the following conditions:

1. When the property is developed, they will need to aggregate with the property to the south.
2. All access for any future development on this property shall be from State Road 50. No access will be allowed from Walker Street or Water Street.
3. To protect the single family homes to the north, a six foot masonry wall and a minimum 10 foot wide landscape easement consistent with the requirements of Section 118-1524 table 3.1.4 will be required on the north property line.

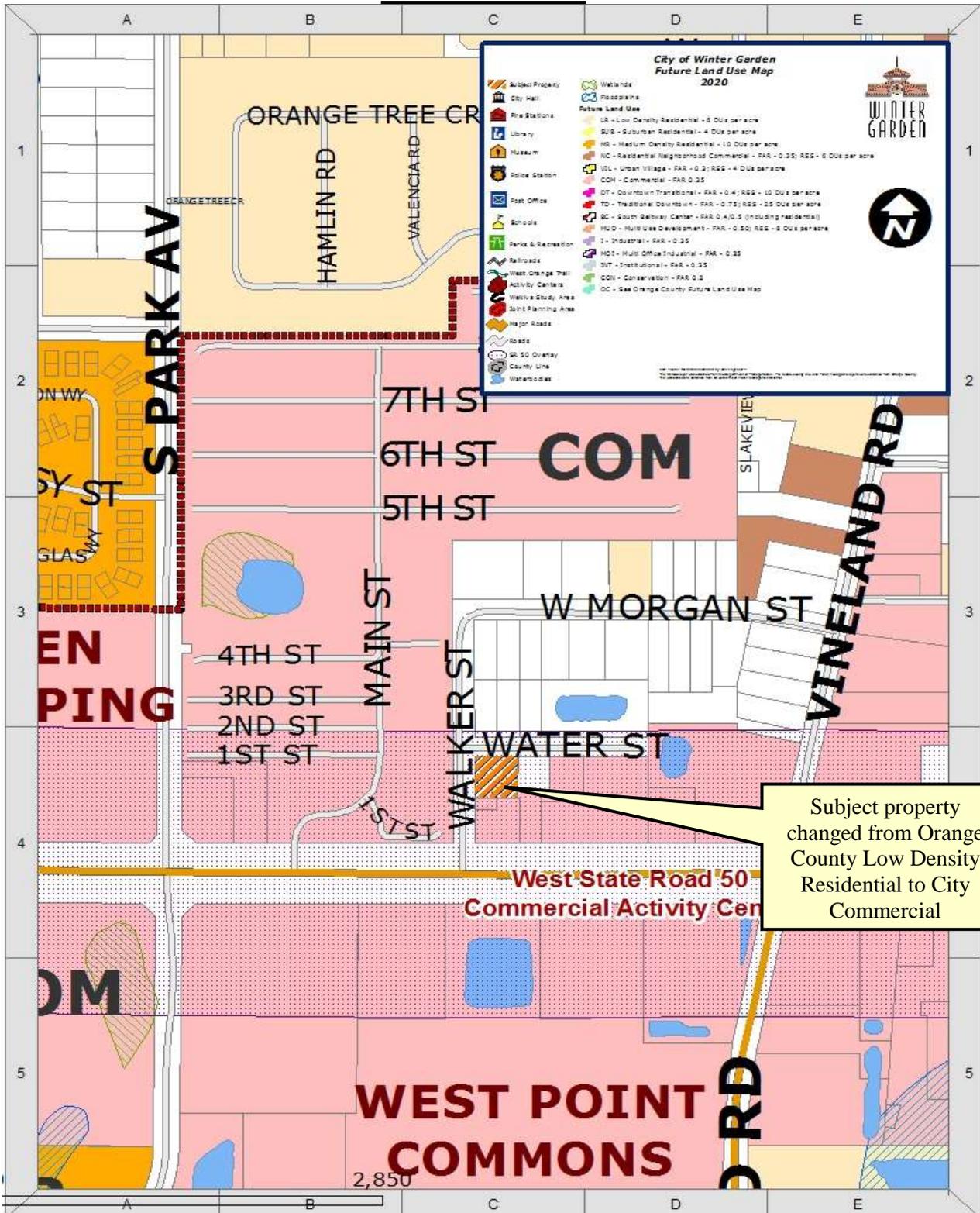
MAPS

AERIAL PHOTO

1089 Walker Street

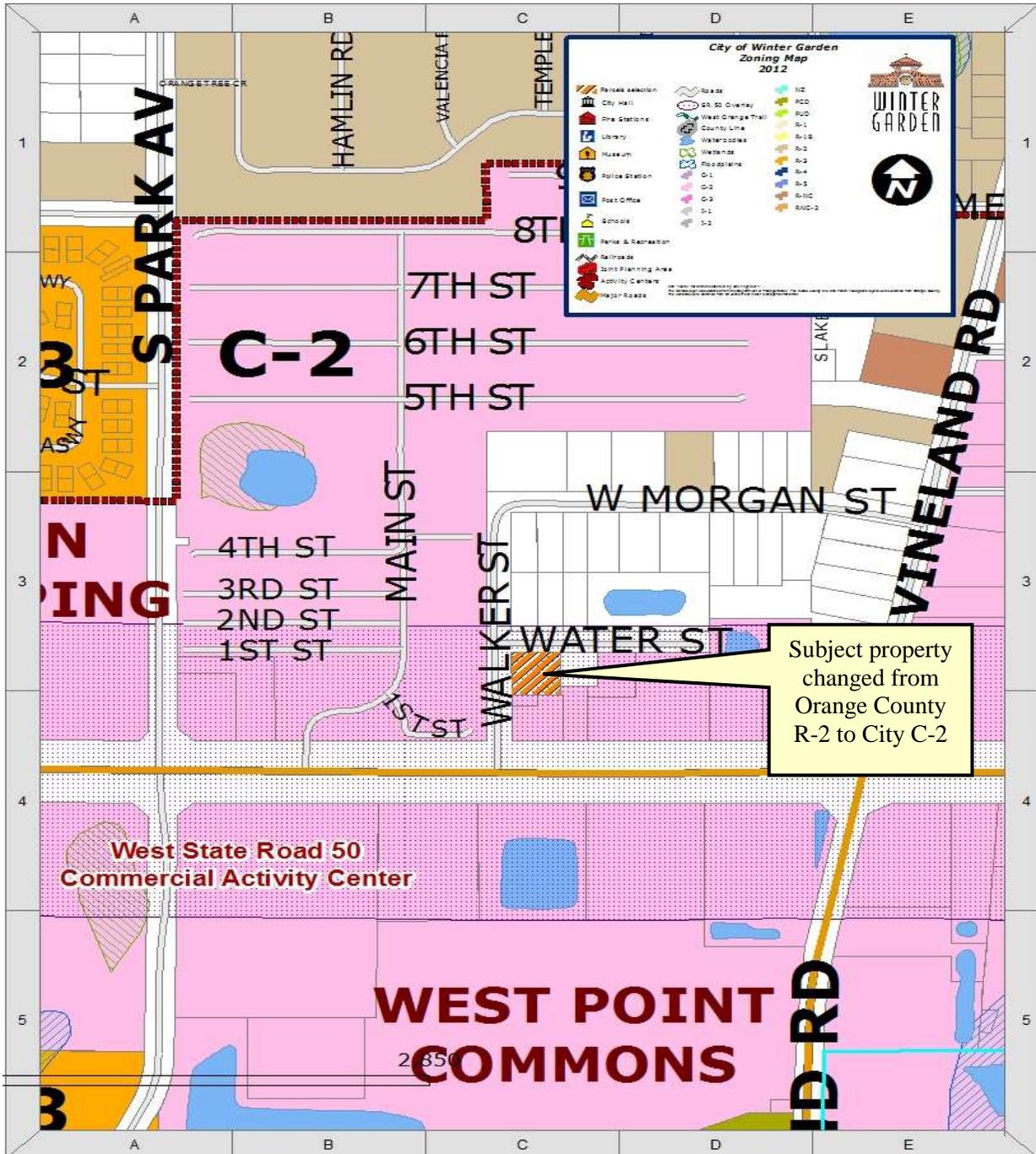


FUTURE LAND USE MAP
1089 Walker Street



Subject property changed from Orange County Low Density Residential to City Commercial

ZONING MAP
1089 Walker Street



END OF STAFF REPORT

THE CITY OF WINTER GARDEN
PLANNING AND ZONING BOARD AGENDA ITEM

ITEM # 10 (Public Hearing)

DATE: MARCH 27, 2012 **MEETING DATE:** APRIL 2, 2012

SUBJECT: 176 WATER STREET (0.14 +/- ACRES)
PROJECT NAME FLEMMING ANNEXATION, REZONING, AND FLU AMENDMENT
PARCEL ID# 23-22-27-8104-00-341

ISSUE: REQUEST APPROVAL OF ORDINANCE 12-17 (ANNEXATION OF 0.14± ACRES LOCATED AT 176 WATER STREET), ORDINANCE 12-18 (AMENDING FUTURE LAND USE MAP OF THE CITY'S COMPREHENSIVE PLAN FOR 0.14± ACRES LOCATED AT 176 WATER STREET FROM ORANGE COUNTY LOW MEDIUM RESIDENTIAL TO CITY COMMERCIAL). ORDINANCE 12-19 (REZONING OF 0.14± ACRES LOCATED AT 176 WATER STREET FROM ORANGE COUNTY R-2 RESIDENTIAL DISTRICT TO CITY C-2 ARTERIAL COMMERCIAL DISTRICT).

SUPPLEMENTAL MATERIAL/ANALYSIS:

OWNER/APPLICANT: BURNESE FLEMMING, ALLEN STEPHENS & QUEEN FOWLER
CURRENT ZONING: ORANGE COUNTY R-2 RESIDENTIAL DISTRICT
PROPOSED ZONING: CITY C-2 ARTERIAL COMMERCIAL DISTRICT
CURRENT FLU: ORANGE COUNTY LOW MEDIUM DENSITY RESIDENTIAL
PROPOSED FLU: CITY COM (COMMERCIAL - FAR 0.35)

SUMMARY:

THE CITY ENCOURAGES INFILL OF ITS JURISDICTIONAL LIMITS THROUGH VOLUNTARY ANNEXATION OF ENCLAVES. THE SUBJECT PROPERTY MAKES UP A 0.14± ACRE ENCLAVE LOCATED ON THE SOUTH SIDE OF WATER STREET EAST OF WALKER STREET. THE APPLICANT HAS REQUESTED ANNEXATION INTO THE CITY, AMENDMENT TO THE FUTURE LAND USE MAP OF THE CITY'S COMPREHENSIVE PLAN TO DESIGNATE THE PROPERTY AS COMMERCIAL, AND REZONING OF THE PROPERTY TO CITY R -2 RESIDENTIAL DISTRICT. (SEE ATTACHED STAFF REPORT)

STAFF RECOMMENDATION(S):

STAFF RECOMMENDS APPROVAL OF ORDINANCE 12-17 (ANNEXATION OF 0.14± ACRES LOCATED AT 176 WATER STREET), ORDINANCE 12-18 (AMENDING FUTURE LAND USE MAP OF THE CITY'S COMPREHENSIVE PLAN FOR 0.14± ACRES LOCATED AT 176 WATER STREET FROM ORANGE COUNTY LOW MEDIUM RESIDENTIAL TO CITY COMMERCIAL). ORDINANCE 12-19 (REZONING OF 0.14± ACRES LOCATED AT 176 WATER STREET FROM ORANGE COUNTY R-2 RESIDENTIAL DISTRICT TO CITY C-2 ARTERIAL COMMERCIAL DISTRICT), SUBJECT TO THE FOLLOWING CONDITIONS:

1. WHEN THE PROPERTY IS DEVELOPED, THEY WILL NEED TO AGGREGATE WITH THE PROPERTY TO THE SOUTH.
2. ALL ACCESS FOR ANY FUTURE DEVELOPMENT ON THIS PROPERTY SHALL BE FROM STATE ROAD 50. NO ACCESS WILL BE ALLOWED FROM WATER STREET.
3. TO PROTECT THE SINGLE FAMILY HOMES TO THE NORTH, A SIX FOOT MASONRY WALL AND A MINIMUM TEN FOOT WIDE LANDSCAPE EASEMENT CONSISTENT WITH THE REQUIREMENTS OF SECTION 118-1524 TABLE 3.1.4 WILL BE REQUIRED ON THE NORTH PROPERTY LINE.

NEXT STEP(S):

A PUBLIC HEARING FOR THE FIRST READING OF THESE ORDINANCES IS SCHEDULED FOR THE CITY COMMISSION ON THURSDAY, APRIL 12, 2012.

ATTACHMENT(S):

ORDINANCE 12-17
ORDINANCE 12-18
ORDINANCE 12-19
STAFF REPORT

ORDINANCE 12-17

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.14 ± ACRES LOCATED AT 176 WATER STREET; ON THE SOUTH SIDE OF WATER STREET EAST OF WALKER STREET INTO THE CITY OF WINTER GARDEN FLORIDA; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner of the land, generally described as approximately 0.14 ± acres located at 176 Water Street; on the south side of Water Street east of Walker Street and legally described in Section 2 of this Ordinance, which land is reasonably compact and contiguous to the corporate limits of the City of Winter Garden, Florida (“City”), has, pursuant to the prerequisites and standards set forth in § 171.044, Fla. Stat., petitioned the City Commission for voluntary annexation;

WHEREAS, the petition for voluntary annexation referenced herein bears the signatures of all owners of the property or properties described in Section 2 of this Ordinance (*i.e.*, the property or properties to be annexed); and

WHEREAS, the City has determined that the property described in Section 2 of this Ordinance is located in an unincorporated area of the County and that annexation of such property will not result in the creation of an enclave.

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

SECTION 1: *Annexation.* That the City Commission through its Planning and Zoning Board has conducted an investigation to determine whether the described property meets the prerequisites and standards set forth in Chapter 171, Fla. Stat. and has held a public hearing and said petition and made certain findings.

SECTION 2: *Description of Area Annexed.* That, after said public hearing and having found such petition meets said prerequisites and standards, the property legally defined in ATTACHMENT “A” and graphically shown on the attached map shall be annexed into the City of Winter Garden, Florida.

SECTION 3: *Effect of Annexation.* That the City of Winter Garden, Florida, shall have all of the power, authority, and jurisdiction over and within the land as described in Section 2 hereof, and the inhabitants thereof, and property therein, as it does and have over its present corporate limits and laws, ordinances, and resolutions of said City shall apply and shall have equal force and effect as if all territory had been part of said City at

the time of the passage of such laws, ordinances, and resolutions.

SECTION 4: *Apportionment of Debts and Taxes.* Pursuant to § 171.061, Fla. Stat., the area annexed to the City shall be subject to all taxes and debts of the City upon the effective date of annexation. However, the annexed area shall not be subject to municipal ad valorem taxation for the current year if the effective date of the annexation falls after the City levies such tax.

SECTION 5: *Instructions to Clerk.* Within seven (7) days following the adoption of this Ordinance, the City Clerk or his/her designee is directed to file a copy of this ordinance, including ATTACHMENT "A" hereto, with the clerk of the circuit court and the chief administrative officer of Orange County as required by § 171.044(3), Fla. Stat.

SECTION 6: *Severability.* Should any portion of this Ordinance be held invalid, then such portions as are not declared invalid shall remain in full force and effect.

SECTION 7: *Effective Date.* This Ordinance shall become effective upon adoption at its second reading.

FIRST READING AND PUBLIC HEARING: _____, 2012.

SECOND READING AND PUBLIC HEARING: _____, 2012.

ADOPTED this _____ day of _____, 2012, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

JOHN REES, Mayor/Commissioner

ATTEST:

KATHY GOLDEN, City Clerk

ATTACHMENT "A"

LEGAL DESCRIPTION

PARCEL ID#: 23-22-27-8104-00-341

THE EAST 4 FEET OF THE NORTH 80 FEET OF LOT 34 AND THE NORTH 80 FEET OF LOT 35, ALSO THE WEST 21 FEET OF THE NORTH 80 FEET OF LOT 36, OF G.T. SMITH SUBDIVISION NO.4 AS RECORDED IN PLAT BOOK "L", PAGE 120 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, ALL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF REFERENCE COMMENCE AT THE INTERSECTION OF THE EASTERLY RIGHT OF WAY LINE OF WALKER STREET (A 50-FOOT RIGHT OF WAY) WITH THE SOUTHERLY RIGHT OF WAY LINE OF WATER STREET (A 50-FOOT RIGHT OF WAY) AND RUN NORTH 89° 51' 45" EAST, ALONG SAID SOUTHERLY RIGHT OF WAY LINE OF WATER STREET, A DISTANCE OF 101.56 FEET TO THE POINT OF BEGINNING.

FROM THE POINT OF BEGINNING THUS DESCRIBED CONTINUE NORTH 89° 51' 45" EAST, ALONG LAST SAID SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 75.00 FEET; THENCE SOUTH 00° 05' 31" EAST, ALONG THE EAST LINE OF SAID WEST 21 FEET OF LOT 36, A DISTANCE OF 80.00 FEET; THENCE SOUTH 89° 51' 45" WEST, ALONG THE SOUTH LINE OF THE NORTH 80 FEET OF SAID LOTS 36, 35, AND 34, A DISTANCE OF 75.00 FEET; THENCE NORTH 00° 05' 31" WEST, ALONG THE WEST LINE OF THE EAST 4 FEET OF SAID LOT 34, A DISTANCE OF 80.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.14 ACRES, MORE OR LESS.

ORDINANCE 12-18

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING THE FUTURE LAND USE MAP OF THE WINTER GARDEN COMPREHENSIVE PLAN BY CHANGING THE LAND USE DESIGNATION OF REAL PROPERTY GENERALLY DESCRIBED AS 0.14 ± ACRES OF LAND LOCATED AT 176 WATER STREET; ON THE SOUTH SIDE OF WATER STREET EAST OF WALKER STREET FROM ORANGE COUNTY LOW MEDIUM DENSITY RESIDENTIAL TO CITY COMMERCIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on the 13th of June, 1991, the City Commission of the City of Winter Garden adopted Ordinance 91-16 which adopted a new Comprehensive Plan for the City of Winter Garden, and on the 24th of June, 2010, the City Commission of the City of Winter Garden adopted Ordinance 10-19 readopting and amending the Comprehensive Plan for the City of Winter Garden;

WHEREAS, the owner of that certain real property generally described as 0.14± acres of land located at 176 Water Street; on the south side of Water Street east of Walker Street, and legally described in ATTACHMENT "A" (the "Property") has petitioned the City to amend the Winter Garden Comprehensive Plan to change the Future Land Use classification from Orange County Low Medium Density Residential to City Commercial; and

WHEREAS, the City of Winter Garden's Local Planning Agency and City Commission have conducted the prerequisite advertised public hearings pursuant to Chapter 163, Florida Statutes, regarding the adoption of this ordinance; now, therefore,

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

SECTION I. *FLUM Amendment.* The City of Winter Garden hereby amends the Future Land Use Map of the City of Winter Garden Comprehensive Plan by designating the aforesaid Property to City Commercial within the West State Road 50 Commercial Activity Center as set forth in ATTACHMENT "B".

SECTION II. *Effective Date.* Provided that the Property described herein is annexed into the City of Winter Garden pursuant to Ordinance 12-17, this Ordinance shall become effective 31 days after adoption, unless the Ordinance is timely challenged pursuant to § 163.3187(5), Fla. Stat., in which case, the Ordinance shall not be effective until the state land planning agency or the Administrative Commission, respectively, issues a final order

determining that the adopted Ordinance is in compliance.

SECTION III. Severability. Should any portion of this Ordinance be held invalid, then such portions as are not declared invalid shall remain in full force and effect.

FIRST READING AND PUBLIC HEARING: _____, 2012.

SECOND READING AND PUBLIC HEARING: _____, 2012.

ADOPTED this _____ day of _____, 2012, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

JOHN REES, Mayor/Commissioner

ATTEST:

KATHY GOLDEN, City Clerk

ATTACHMENT "A"

LEGAL DESCRIPTION

PARCEL ID#: 23-22-27-8104-00-341

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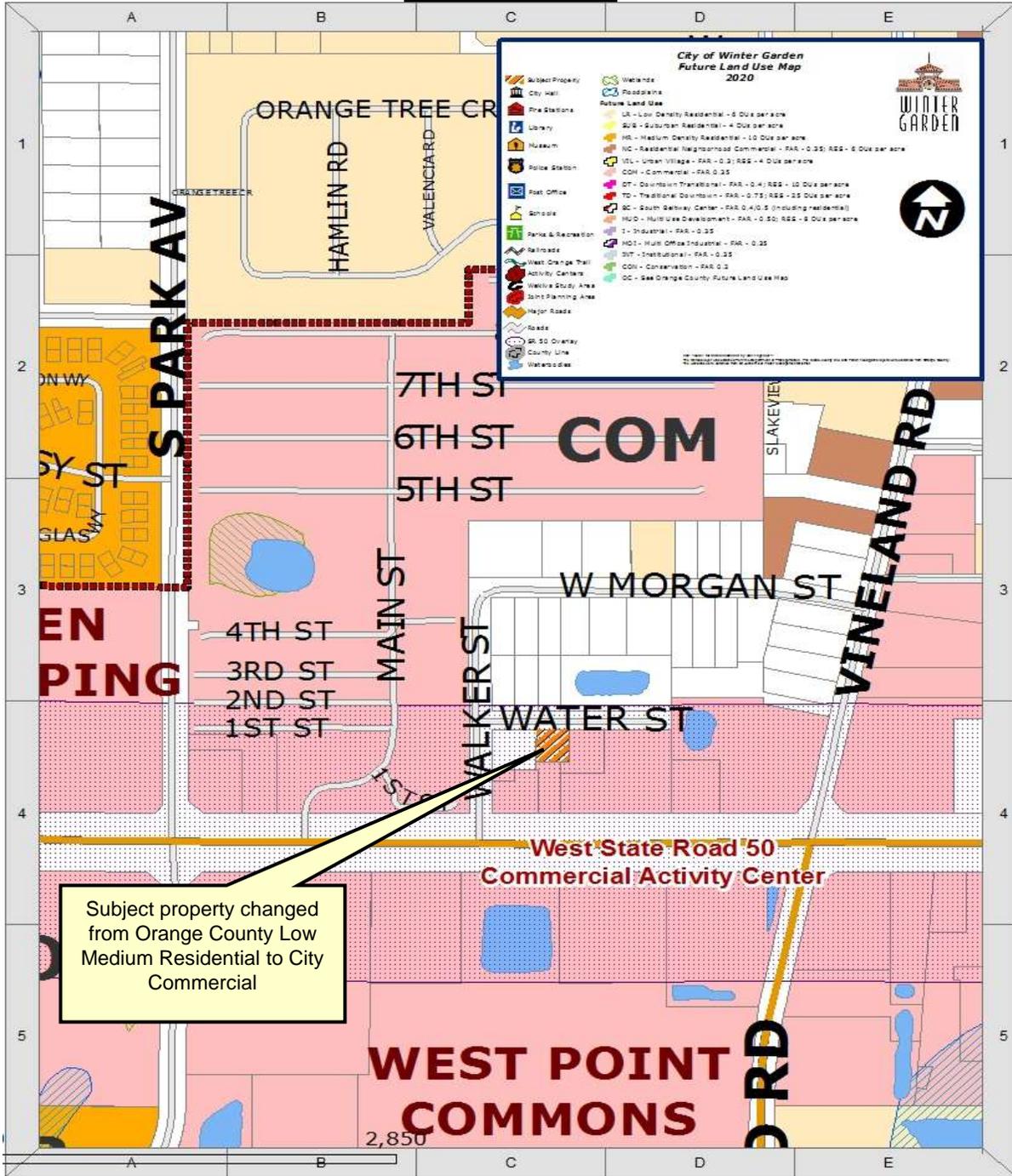
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CONTAINING 0.14 ACRES, MORE OR LESS.

ATTACHMENT "B"

FUTURE LAND USE MAP

176 Water Street



ORDINANCE 12-19

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.14 ± ACRES OF REAL PROPERTY GENERALLY LOCATED AT 176 WATER STREET; ON THE SOUTH SIDE OF WATER STREET EAST OF WALKER STREET FROM ORANGE COUNTY R-2 RESIDENTIAL DISTRICT TO CITY C-2 ATERIAL COMMERCIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner of that certain real property generally described as 0.14 ± acres of land located at 176 Water Street; on the south side of Water Street east of Walker , and legally described in Section 1 of this ordinance has petitioned the City to rezone said property from Orange County R-2 Residential District to the City's C-2 Arterial Commercial District zoning classification, therefore;

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

SECTION 1: *Rezoning.* After due notice and public hearing, the zoning classification of real property legally described on ATTACHMENT "A," is hereby rezoned from Orange County R-2 Residential District to City C-2 Arterial Commercial District in the City of Winter Garden, Florida.

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

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

SECTION 4: *Effective Date.* This Ordinance shall become effective simultaneously upon the effective date of Ordinance 12-18 which is an amendment to the Future Land Use Map of the City of Winter Garden Comprehensive Plan that allows the property described herein to be zoned as provided in this Ordinance.

FIRST READING AND PUBLIC HEARING: _____, 2012.

SECOND READING AND PUBLIC HEARING: _____, 2012.

ADOPTED this _____ day of _____, 2012, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

JOHN REES, Mayor/Commissioner

ATTEST:

KATHY GOLDEN, City Clerk

ATTACHMENT "A"

LEGAL DESCRIPTION

PARCEL ID#: 23-22-27-8104-00-341

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CONTAINING 0.14 ACRES, MORE OR LESS.

CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

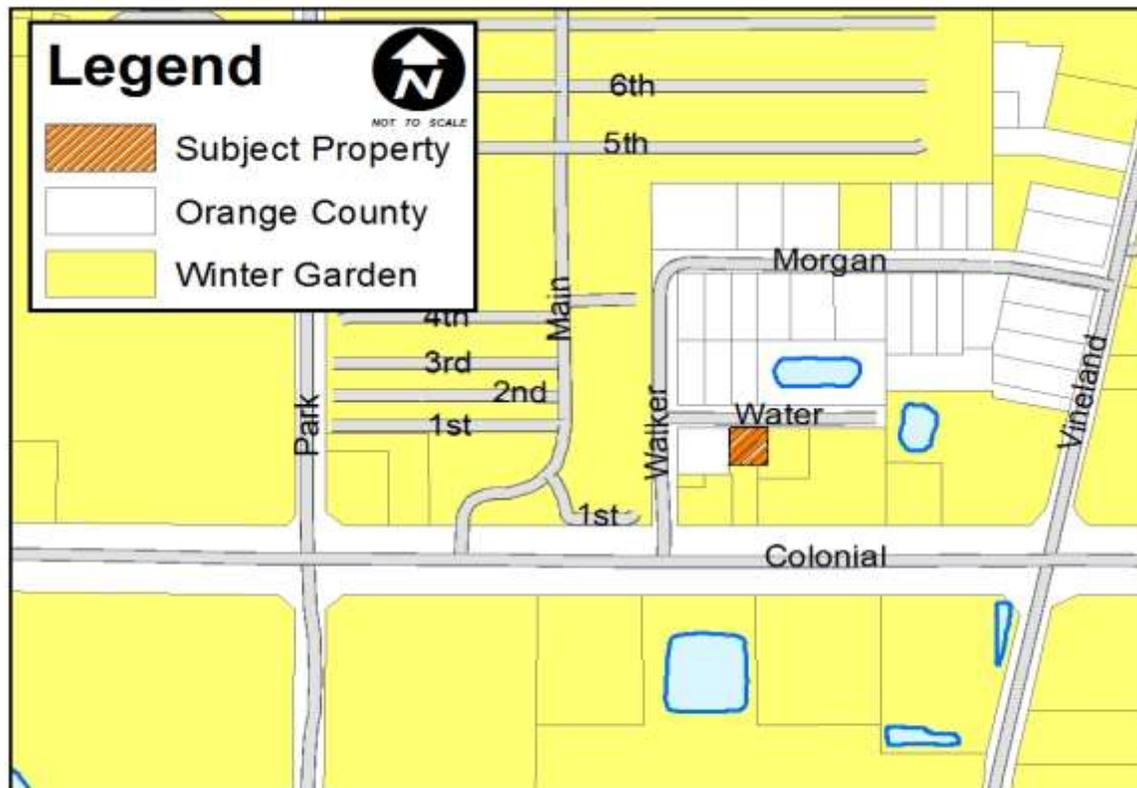
STAFF REPORT

TO: PLANNING AND ZONING BOARD
PREPARED BY: STEVE PASH, SENIOR PLANNER
DATE: MARCH 15, 2011
SUBJECT: ANNEXATION - REZONING - FLU AMENDMENT
176 WATER STREET (0.14 +/- ACRES)
PARCEL ID #: 23-22-27-8104-00-341
APPLICANT: BURNESE FLEMMING, ALLEN STEPHENS, & QUEEN FOWLER

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 176 Water Street and is approximately 0.14 ± acres. The map below depicts the proximity of the subject property to the City's jurisdictional limits:



The applicant has requested annexation into the City, amendment to the Future Land Use Map (FLUM) of the City's Comprehensive Plan to designate the property as Commercial, and rezoning the property to C-2 Commercial Arterial District. This property is also within the West State Road 50 Overlay, which has additional development standards.

The subject property is located within the West State Road 50 Commercial Activity Center which allows for the following land use categories: Commercial, Medium Density Residential, Industrial, and Multi Use Development. The majority of the properties located within the West State Road 50 Commercial Activity Center are designated Commercial on the Future Land Use Map, with the only exceptions being several apartment complexes and a senior living facility on the south side of the road at the western edge of the city limits, which are designated Medium Density Residential on the Future Land Use Map and total about 35 acres of land.

In accordance with the City's Comprehensive Plan, permitted uses within the Commercial land use include retail, service, and professional activities. The zoning classifications that are consistent with the Commercial land use designation include C-1, C-2, C-3, C-4, PCD, and INT.

The City endorses infill of its jurisdictional limits through voluntary annexation of enclaves. The elimination of enclaves through voluntary annexation furthers the goals, objectives, and policies of the City's Comprehensive Plan.

EXISTING USE

The subject property is currently developed with an 812 square foot single family house.

ADJACENT LAND USE AND ZONING

The property located to the north is a single family house, zoned R-2 and located in Orange County. The property located to the east is vacant, zoned C-2 and located in the City. The properties to the south are developed as commercial buildings, zoned C-2 and located in the City. The property to the west is developed with a single family house, zoned R-2, located in Orange County, and has also requested annexation into the City of Winter Garden.

PROPOSED USE

The owner is proposing to annex the property for future development. In order to develop the subject site, this property will need to be aggregated with property to the south. Staff will require aggregating these properties so that access to the site will only occur from State Road 50. Access will only be allowed from State Road 50 to help limit the impact of commercial development next to the single family homes on the north side of Water Street. Current access is to Water Street which would not be appropriate for commercial development. Due to the close proximity of single family homes, the development will also require additional buffering along the north property line.

PUBLIC FACILITY ANALYSIS

The City will provide water, sewer, 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.

SUMMARY

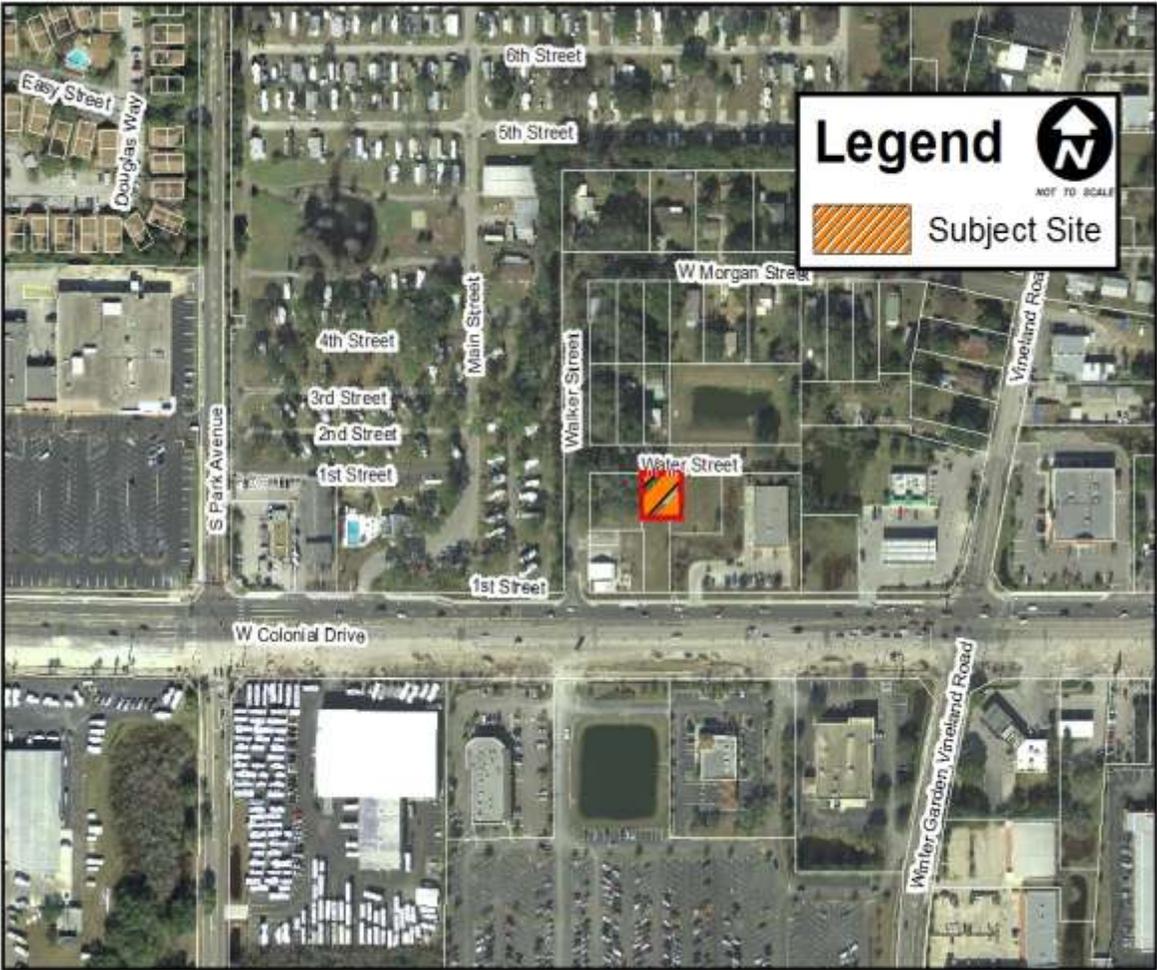
City Staff recommends approval of the proposed Ordinances, subject to the following conditions:

1. When the property is developed, they will need to aggregate with the property to the south.
2. All access for any future development on this property shall be from State Road 50. No access will be allowed from Water Street.
3. To protect the single family homes to the north, a six foot masonry wall and a minimum ten foot wide landscape easement consistent with the requirements of section 118-1524 table 3.1.4 will be required on the north property line.

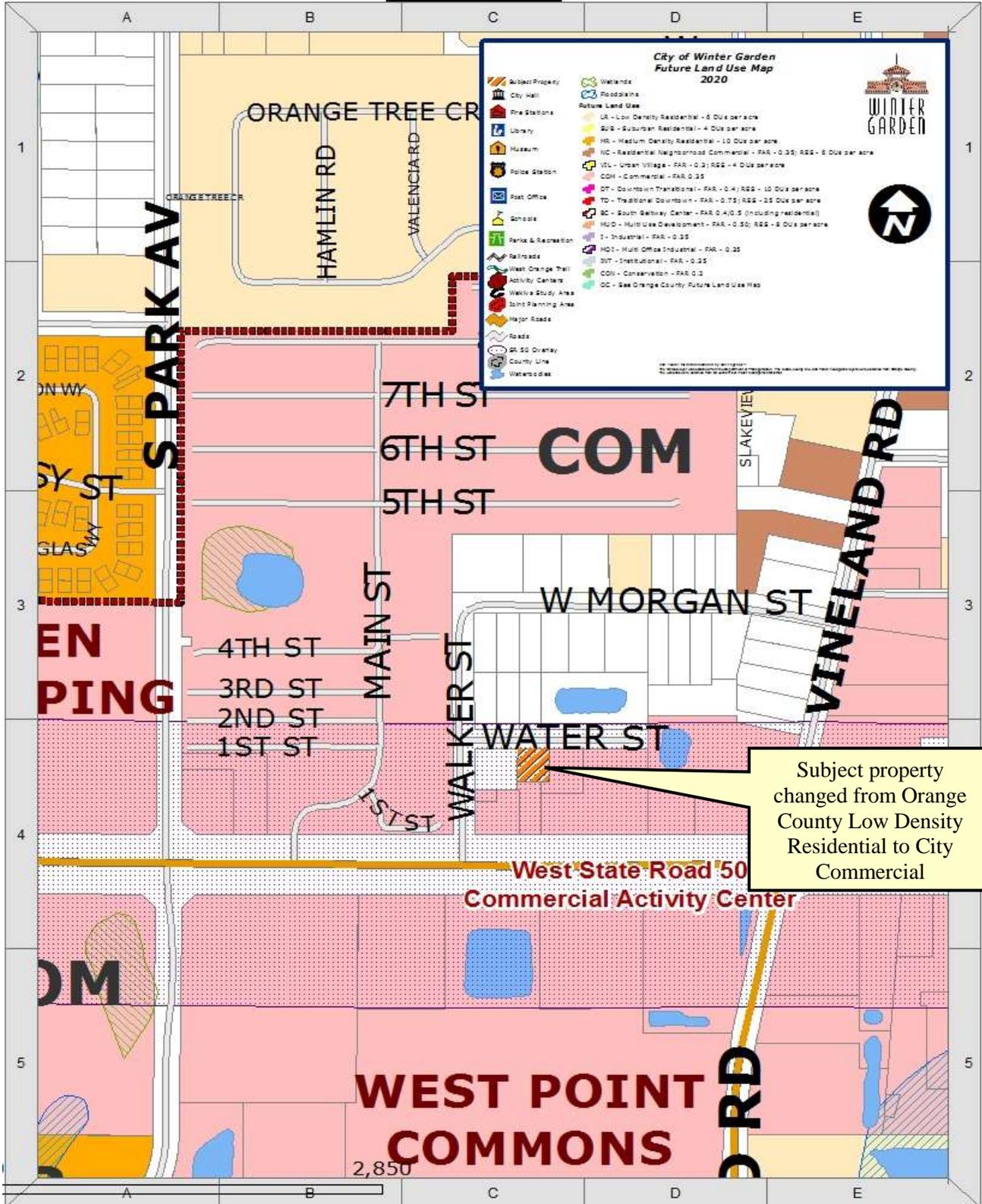
MAPS

AERIAL PHOTO

176 Water Street

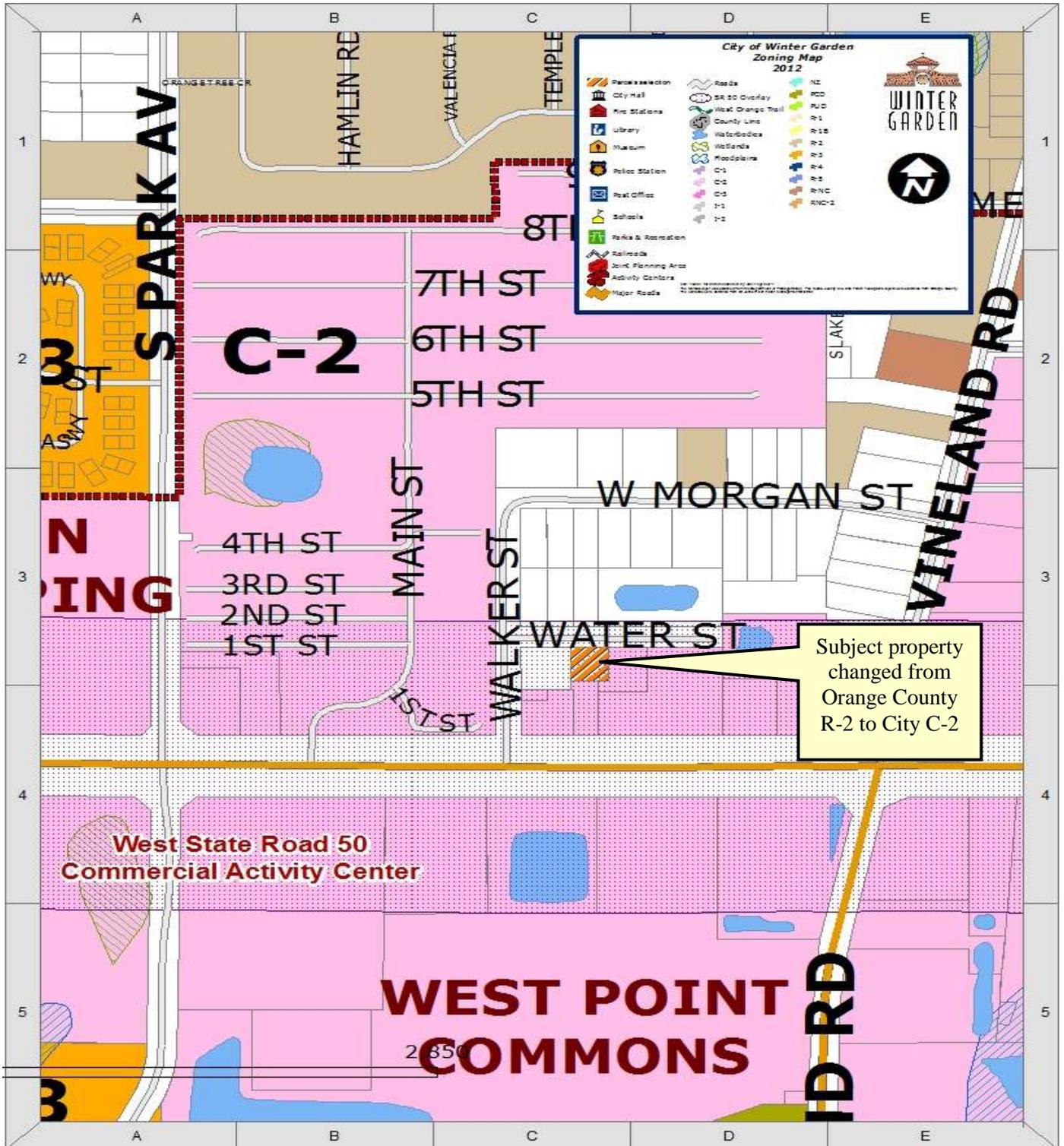


FUTURE LAND USE MAP
176 Water Street



Subject property
 changed from Orange
 County Low Density
 Residential to City
 Commercial

ZONING MAP
176 Water Street



END OF STAFF REPORT