



**A REGULAR MEETING MINUTES  
PLANNING AND ZONING BOARD  
APRIL 2, 2012**

**1. CALL TO ORDER/INVOCATION/PLEDGE OF ALLEGIANCE**

Vice Chairman James Dunn called the meeting of the City of Winter Garden Planning and Zoning Board to order at 6:35 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**

A quorum was declared present.

**MEMBERS PRESENT:**

Vice-Chairman James Dunn, Board Members: Mark Maciel, Mac McKinney, Rohan Ramlackhan, and Eric Weiss.

**MEMBERS ABSENT/ARRIVED LATE:**

Chairman James Gentry (Arrived Late 7:00p.m.), Kent Horsley (Excused)

**STAFF PRESENT:**

City Attorney Kurt Ardaman, Community Development Director Ed Williams, Senior Planner Laura Smith, Senior Planner Stephen Pash, Planner I Alejandra Fazekas and Administrative Specialist Corrina Williams.

**3. APPROVAL OF MINUTES**

Approval of minutes from the regular meeting held March 5, 2012.

*Motion by Eric Weiss to approve the March 5, 2012 minutes, seconded by Mark Maciel, the motion carried unanimously 5-0.*

**\*\* BUSINESS CONDUCTED OUT OF AGENDA ORDER \*\***

**TABLED ITEMS**

**SPECIAL EXCEPTION PERMIT(Public Hearing)**

**5. 125 N. Lakeview Avenue - First United Methodist Church Memorial Garden**

Community Development Director Ed Williams requested this item to be tabled until the May 7, 2012 Planning and Zoning Board meeting to allow the applicant time to host an additional Community Meeting for citizen input on the project.

*Motion by Mark Maciel to recommend the 125 N. Lakeview Avenue - Special Exception Permit request to be tabled till the next Planning and Zoning Board meeting, May 7, 2012 at 6:30 pm to allow applicant to resolve outstanding issues. Seconded by Rohan Ramlackhan, the motion carried unanimously 5-0.*

**ANNEXATION, REZONING AND FUTURE LAND USE AMENDMENTS (Public Hearing)**

**7. 710 S. Park Avenue – West Orange Habitat for Humanity**

Community Development Director Ed Williams requested this item to be tabled for thirty days until the May 7, 2012 Planning and Zoning Board meeting.

*Motion by Eric Weiss to recommend the 710 S. Park Avenue – Annexation, Rezoning and Future Land Use Amendment request to be tabled till the next Planning and Zoning Board meeting, May 7, 2012 at 6:30 pm. Seconded by Rohan Ramlackhan, the motion carried unanimously 5-0.*

**\*\* AGENDA ORDER RESUMED \*\***

**LOT SPLIT**

**4. 543 Seminole Street – Story Road, LLC**

Community Development Director Ed Williams presented an application for the lot split of the property at 543 Seminole Street and Story Road which are two platted lots oriented toward Story Road, which Staff has initiated the request to reorient the lots to Seminole Street. The additional driveways on Story Road could be unsafe and not the best access for this property and City Staff asked that the applicant to reorient the lots, which the owner applicant agreed to do. The property is substandard R-2 zoned property by reorienting it will be more conforming with the R-2 regulations though it will not be in conformance with all the regulations. The applicant is proposing to construction a duplex on each lot for a total of two (2) duplexes or four (4) units. Staff recommends approval subject to staff conditions.

General discussion of the Board with Director Williams clarified that the two (2) duplexes will be constructed as a zero lot line building a two-story (townhome) structure as a four-plex with a firewall divider wall to allow more green space around the perimeter of the structure which if Story Road is widened the property to accommodate right-of-way expansion. Staff feels this development may stimulate more development to this area.

*Motion by Rohan Ramlackhan to recommend the approval of the lot split on 543 Seminole Street, with staff recommendations (Attachment "A"). Seconded by Eric Weiss, motion carried unanimously 5-0.*

## **SPECIAL EXCEPTION PERMIT(Public Hearing)**

### **6. 12520 Warrior Road – Westside Family Worship Center Church**

Senior Planner Laura presented a request for a special exception permit to allow for a church on the property located at 12520 Warrior Road zoned R-1. A church is not a permitted use in the R-1 zoning district but R-1 zoning district does allow this use as a special exception. The applicant has applied and received a special exception permit in 2003 and again in 2007 which have expired. However; the applicant did proceed with a site plan while one of the special exceptions for the church was in effect and the site plan was approved in 2009 which the applicant is also seeking extension of the site plan approval by the City Commission to be done next week. At this time the applicant requests that the special exception be reinstated so they can proceed with their project with staff conditions. City Staff recommends approval of the special exception with staff conditions from the staff report dated April 2, 2012.

Citizen Krista Plaza of 12421 Westfield Lakes Circle, Winter Garden, FL 34787 spoke to the board on behalf of the four property owners of the homes that back up to the proposed church parking lot. Ms. Plaza voiced her concerns which were, that people would have an eyeline view into her home from the church parking lot, the lighting onto her property, the additional traffic and noise. The property is currently a vacant lot where Ms. Plaza witnesses people using the lot as a pass-through or place for teenagers to hang out and do "donuts" in the lot. Pastor Jean Payton, applicant representative for Westside Family Worship Church advised the board that they have complied with all the requests the City has asked of them and are simply in need of an extension of time to the already approved special exception permit.

General Board, Citizen and Staff discussion clarified that the site plan is already approved and is being brought before commission to ask for an extension of one year and Senior Planner Smith clarified to the Board that if the project is not built during the one year extension the site plan approval will expire and the applicant would no longer be eligible for extension. Planner Smith also advised that the site plan approval requires extensive mature landscape buffering between the church and the residential development surrounding the property and that the site would have to meet the City's current "Dark Skies" standards.

Board member Eric Weiss expressed additional concerns for the construction of a metal building in the residential area next to an existing church already constructed as a metal building.

Applicant Pastor Jean Payton of Westside Family Worship Center spoke on behalf of the application to state the use was previously approved and they are seeking to extend it but will take into consideration the landscaping for the residents abutted to the property but they are

developing the property with all the City's requirements of the site plan approval and it also their intentions to add a finish to the front facade of the building.

**Arrived Late:** Chairman James Gentry 7:00 p.m.

City Attorney Kurt Ardaman clarified that the prior special exception approvals have expired so tonight's consideration is for a "new" special exception permit and new conditions and considerations can be imposed with an approval.

Further discussion with regard to the development of the site and the construction of the metal building acknowledging the industrial look of the building would not be appealing to a residential neighborhood and additional landscaping or building facade requirements should be imposed with a special exception approval.

Board member Eric Weiss reiterated his concerns for the construction of a metal building in the residential area and is an issue in the neighborhood. Community Development Director Ed Williams advised that this is typical construction for churches but as congregations increase they reinvest into the buildings to make better looks and the economy has made things more difficult for churches to proceed like this. A good compromise in this situation is that the applicant is willing to do more than a plain metal look on the front facade and a solution for the visibility into the four properties could be rectified by moving the existing fence to the highest point of the slope on the property and then there would be zero visibility between the residential properties and the church.

*Motion by James Gentry to recommend the 12520 Warrior Road - Special Exception Permit request to be approved subject to proper landscaping and/or screening be provided on the north and east side of the property, the screening shall ensure that the four (4) residential homes which adjoin the property on the east side are not visible from the church. The east side of the church building shall be upgraded from metal construction or have facade treatments applied to the metal building to provide the aesthetic of a finished facade. Seconded by Rohan Ramlackhan, the motion carried unanimously 6-0.*

## **ANNEXATION, REZONING AND FUTURE LAND USE AMENDMENTS (Public Hearing)**

### **8. 13045 Reaves Road – Jon and Lori Hodgskin**

Senior Planner Stephen Pash presented the Board with a request for annexation of 13045 Reaves Road. The applicant also requests a low density land use designation. The applicant purchased the property and planned to demolish the existing home and develop a new house on the 4.93 acre site and retain the agricultural type uses and therefore do not want a zoning designation at this point in time. Staff recommends the approval of annexation Ordinance 12-15 and land use designation Ordinance 12-16.

Board member Mac McKinney asked for clarification by staff of what would keep the owner from subdividing the lot in the future and is there a more definitive development plan.

Senior Planner Pash advised that if the owner were to initiate subdividing the lot the property would have to go through subdivision review, provide access to all the lots, and go through all our development review processes. Senior Planner Pash also confirmed that the applicant currently has submitted the construction plans for the residential home to be built on the lot along with retaining an existing barn.

*Motion by Mark Maciel to approve Ordinance 12-15 and Ordinance 12-16, for the property located at 13045 Reaves Road, subject to staff recommendations (Attachment "B"). Seconded by James Gentry, the motion carried unanimously 6-0.*

## **9. 1089 Walker Street – George Bori**

Senior Planner Stephen Pash presented the Board with a request for an annexation of 1089 Walker Street located at the southeast of Walker Street and Water Street. The applicant also requests rezoning the property from C-1 (Orange County) to C-2 (Winter Garden), and changing the land use designation from Orange County Commercial to City of Winter Garden Commercial. This property lies within the West State Road 50(WSR50) Overlay District which has additional development standards, sign regulations, and landscaping requirements. This annexation assists with the elimination of an enclave within the City and Staff recommends the approval of annexation Ordinance 12-20, land use designation Ordinance 12-21 and rezoning Ordinance 12-22 subject to conditions outlined in the staff report (Attachment "D").

General Board discussion by the board with regard to staffs conditions and specifically the access to the property.

Victor Chapman of BCR law, 18 Wall Street, Orlando, FL representing the applicants Bori and Fleming requested the City not to impose the condition of no access being allowed from Walker Street and Water Street due to the potential restriction of access via West State Road 50 (WSR50) by Florida Department of Transportation (FDOT) not allowing the curb cut off of WSR50.

Justin Polk of CPH, 500 W. Fulton Street, Sanford, FL, Engineer representing the applicants Bori and Fleming. further expressed the need for this project to have access from Walker Street. Mr. Polk provided an aerial photograph as a visual aid to the Board (Attachment "E") for a representation of the lots of 1089 Walker Street and the next item on the agenda as 176 Water Street. Further, Mr. Polk advised the Board that the applicants have made previous submissions for the annexation of these two parcels that the City Commission has not approved and this submission is a third attempt by the applicant to meet the City's conditions and proceed with this annexation request. The applicant has received one letter from an adjacent property owner saying they do not oppose the annexation, rezoning, and land use designation but did not want to see access through Water Street. The applicant does not wish to propose access through Water Street but feels that with the impending development FDOT will force the project to have access through Walker Street and not off WSR50. The access on Walker would only be between WSR50 and the driveway. The engineer will develop a site plan that would discourage a right turn on Walker Street.

Community Development Director Ed Williams addressed the access concerns of the applicant advising the Board that the proposed project is commercial development and it needs to be oriented to WSR50 and the City Staff sees that due to the median locations on WSR50 people will utilize Walker Street to Morgan Street to access Vineland Road. The applicants have frontage of their property on WSR50 and the City feels the applicant needs to work out the access issue with FDOT if it becomes an access issue, and the City conditions set by the City should assist the applicant with its request to FDOT. Access through the residential neighborhood was the main concern of the City Commission. The applicant does not have input from FDOT at this point but the City will assist the applicant to gain the access through WSR50.

City Attorney Kurt Ardaman clarified that the City's position would be to impose the condition prior to an application to the FDOT by the applicant and assist the applicant, if necessary with the direction of any decisions from the FDOT.

*Motion by Mac McKinney to approve Ordinance 12-20, land use Ordinance 12-21 and Ordinance 12-22, for the property located at 1089 Walker Street, subject to staff recommendations (Attachment "C"). Seconded by Rohan Ramlackhan, the motion carried unanimously 6-0.*

#### **10.176 Water Street – Berness Fleming**

Senior Planner Stephen Pash presented the Board with a request for an annexation of 176 Water Street located to the east of Walker Street. The applicant also requests rezoning the property from C-1 (Orange County) to C-2 (Winter Garden), and changing the land use designation from Orange County Commercial to City of Winter Garden Commercial. This property lies within the West State Road 50(WSR50) Overlay District which has additional development standards, sign regulations, and landscaping requirements. This annexation assists with the elimination of an enclave within the City and Staff recommends the approval of annexation Ordinance 12-17, land use designation Ordinance 12-18 and rezoning Ordinance 12-19 subject to conditions outlined in the staff report (Attachment "D").

*Motion by James Gentry to approve Ordinance 12-17, Ordinance 12-18 and Ordinance 12-19, for the property located at 176 Water Street, subject to staff recommendations (Attachment "D"). Seconded by Mac McKinney, the motion carried unanimously 6-0.*

#### **11. ADJOURNMENT**

There being no further business, the meeting was adjourned at 8.17 p.m.

**APPROVED:**

**ATTEST:**

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Vice Chairman James Dunn

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Administrative Specialist Corrina Williams

ATTACHMENT "A"

**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.



P&Z : PH12-001

**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**

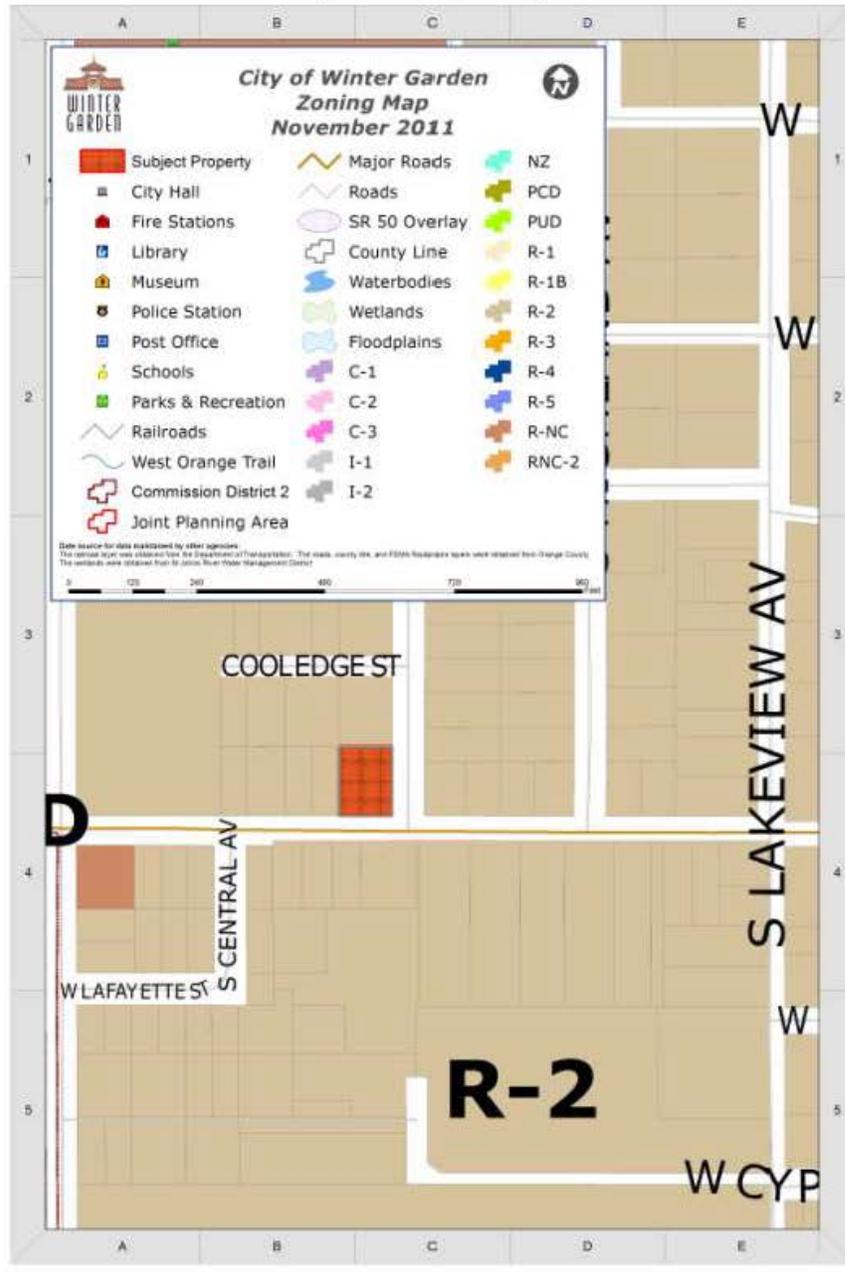
If Planning and Zoning Board approves, file with the Orange County Property Appraiser's Office and Office of Public Records.

**AERIAL PHOTO**  
**543 Seminole Street**



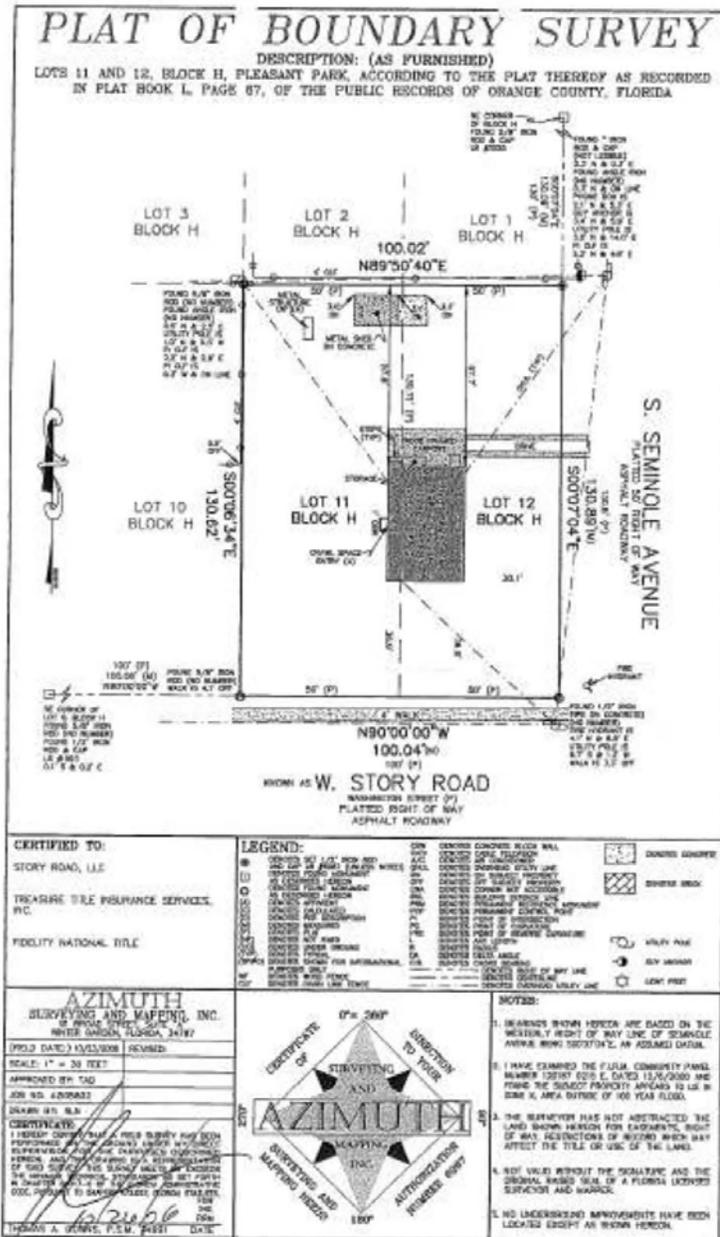
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**ZONING MAP**  
**543 Seminole Street**



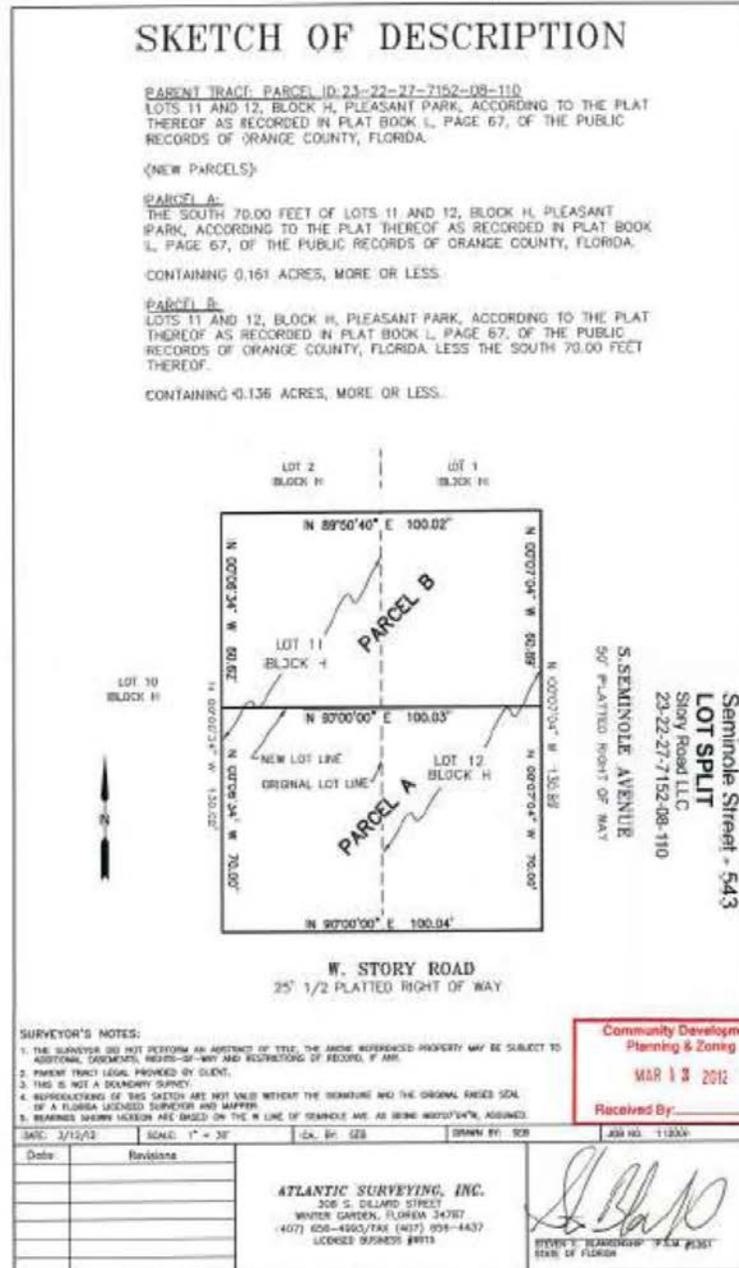
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**EXISTING SURVEY**  
**543 SEMINOLE STREET**



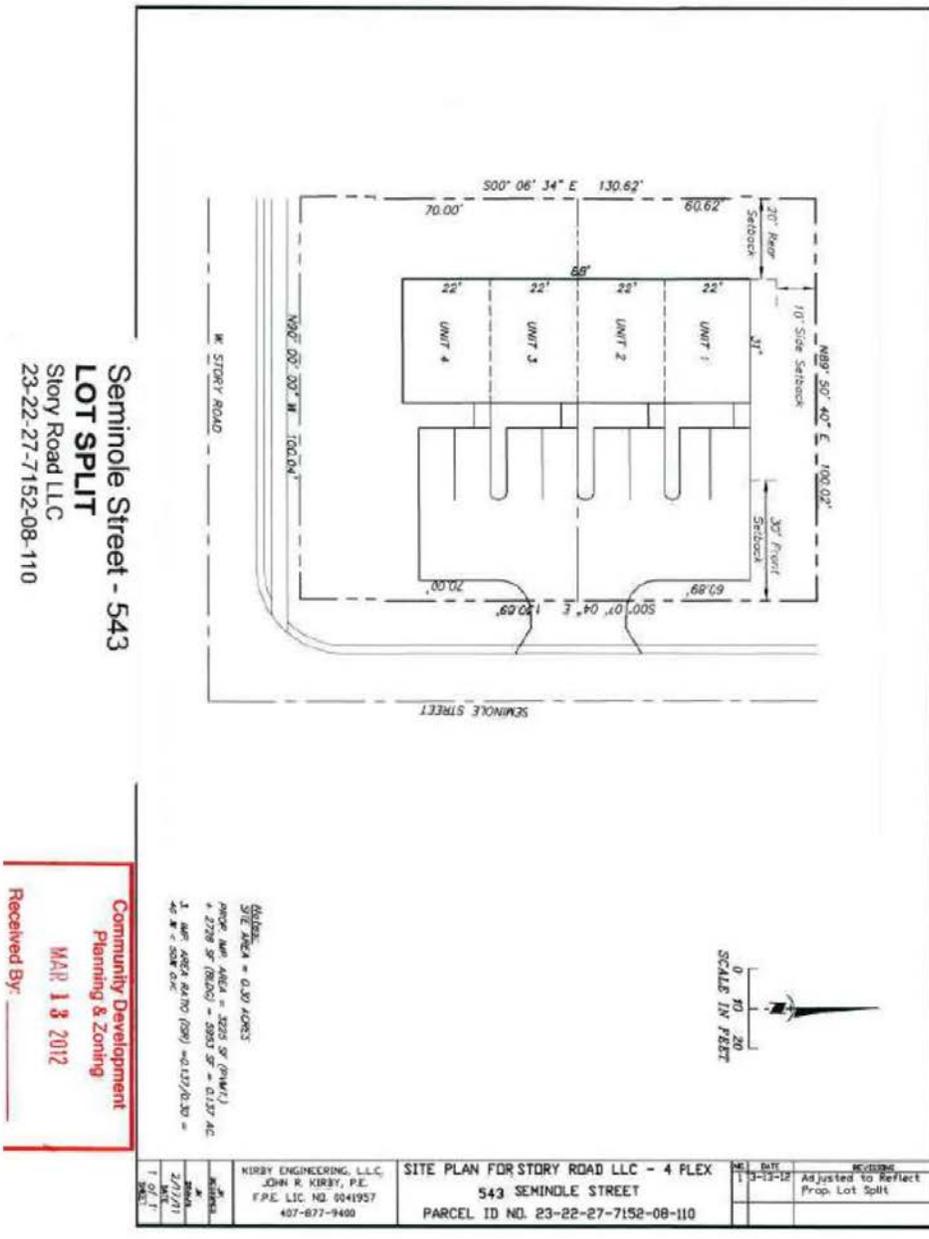
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**PROPOSED SURVEY**  
**543 Seminole Street**



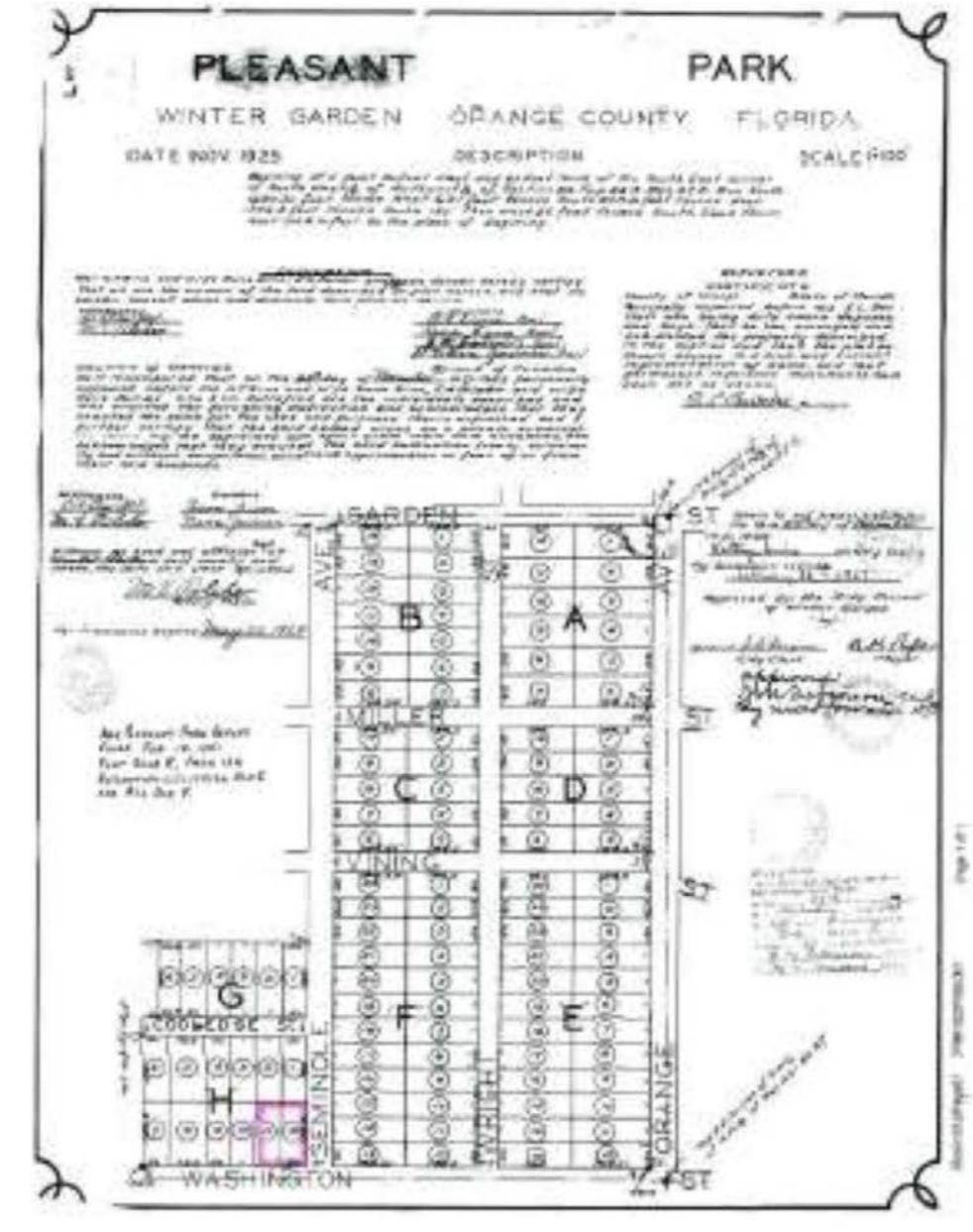
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**PROPOSED CONCEPTUAL SITE PLAN**  
**543 SEMINOLE STREET**



P&Z : PH12-001

**PLAT YEAR 1925**  
**543 SEMINOLE STREET**



P&Z : PH12-001

**SITE PHOTOS**  
**543 Seminole Street**



**END OF STAFF REPORT**

P&Z : PH12-001

ATTACHMENT "B"

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.

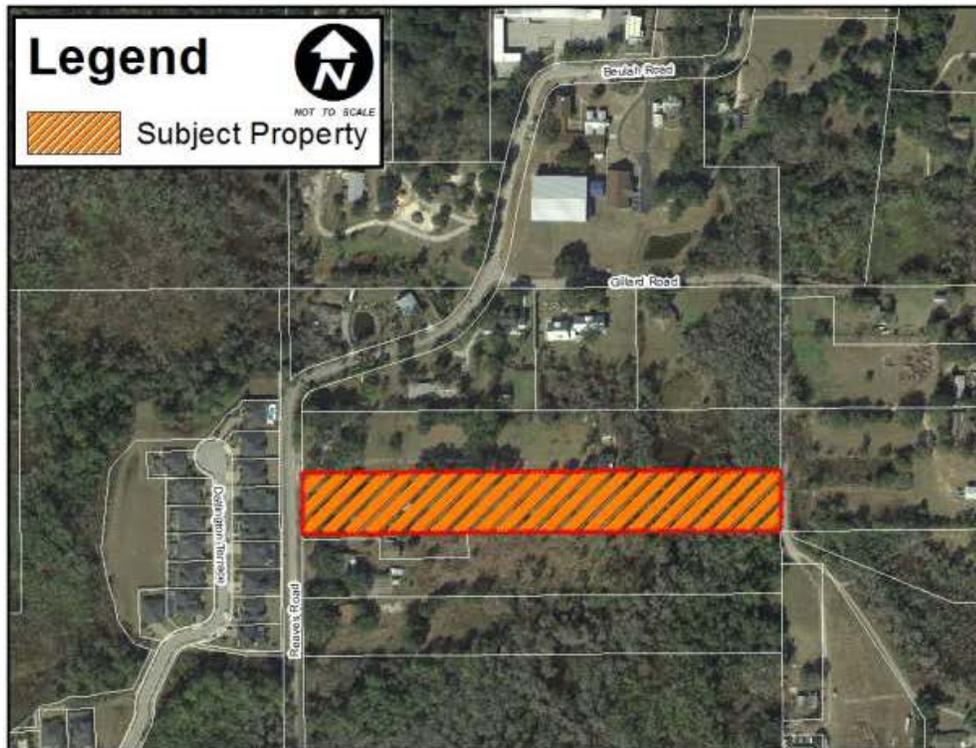
**SUMMARY**

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.

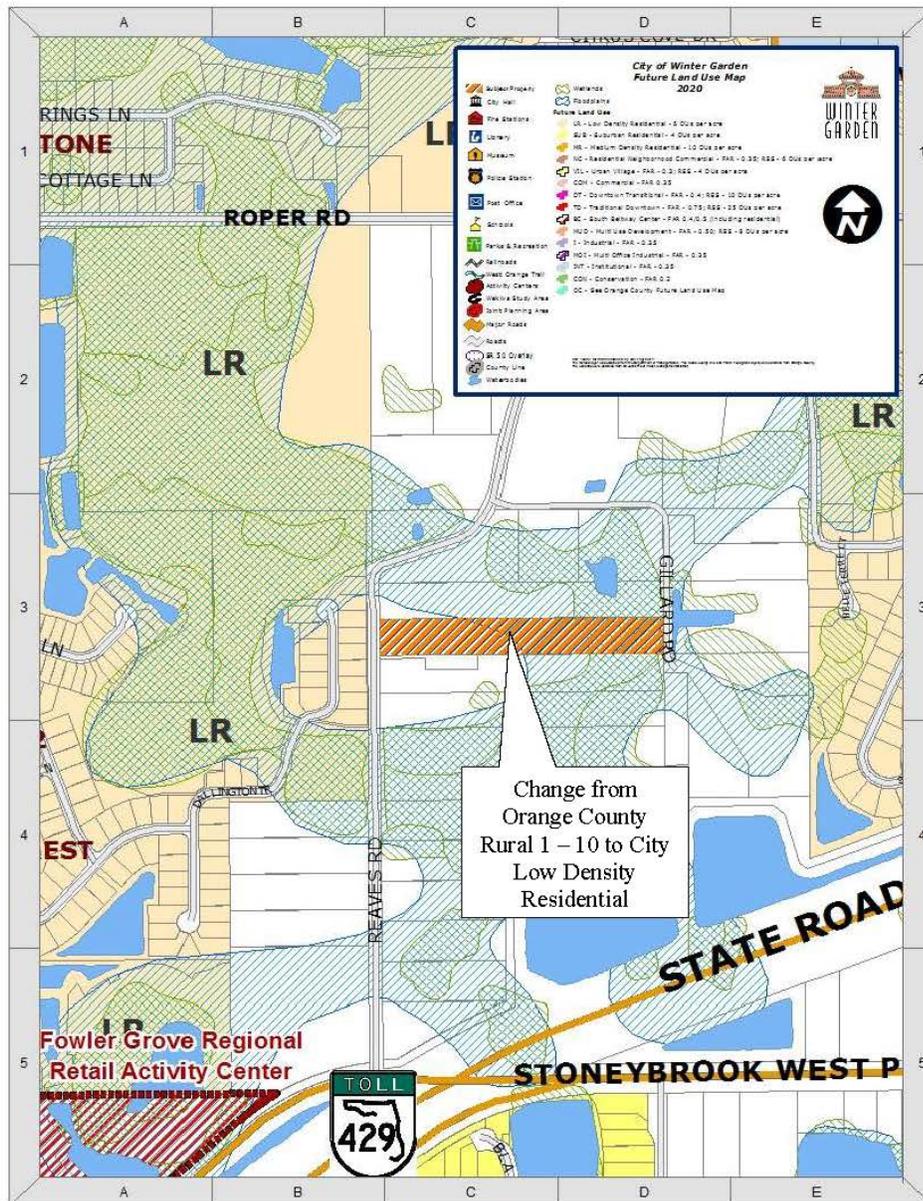
MAPS

AERIAL PHOTO

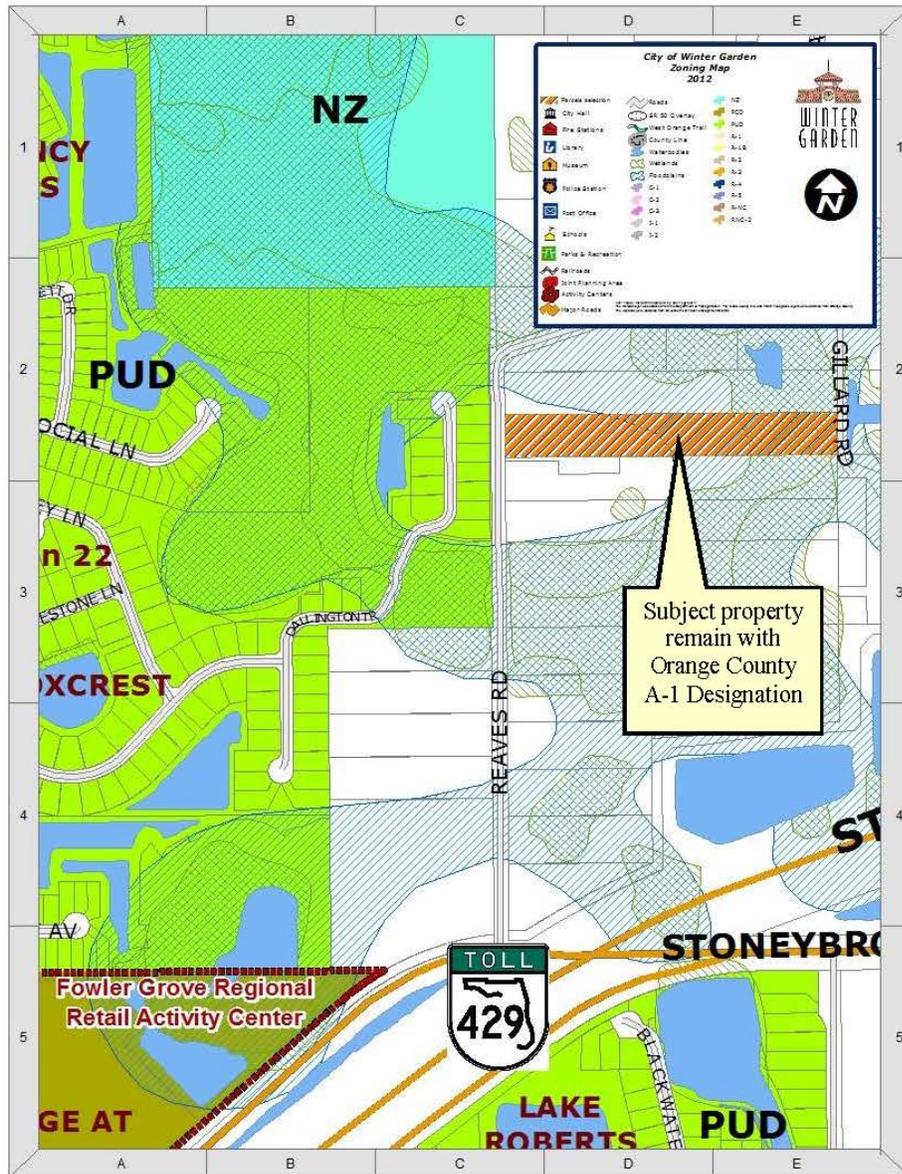
13045 Reaves Road



**FUTURE LAND USE MAP**  
**13045 Reaves Road**



**ZONING MAP**  
**13045 Reaves Road**



END OF STAFF REPORT

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: 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 fo 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.

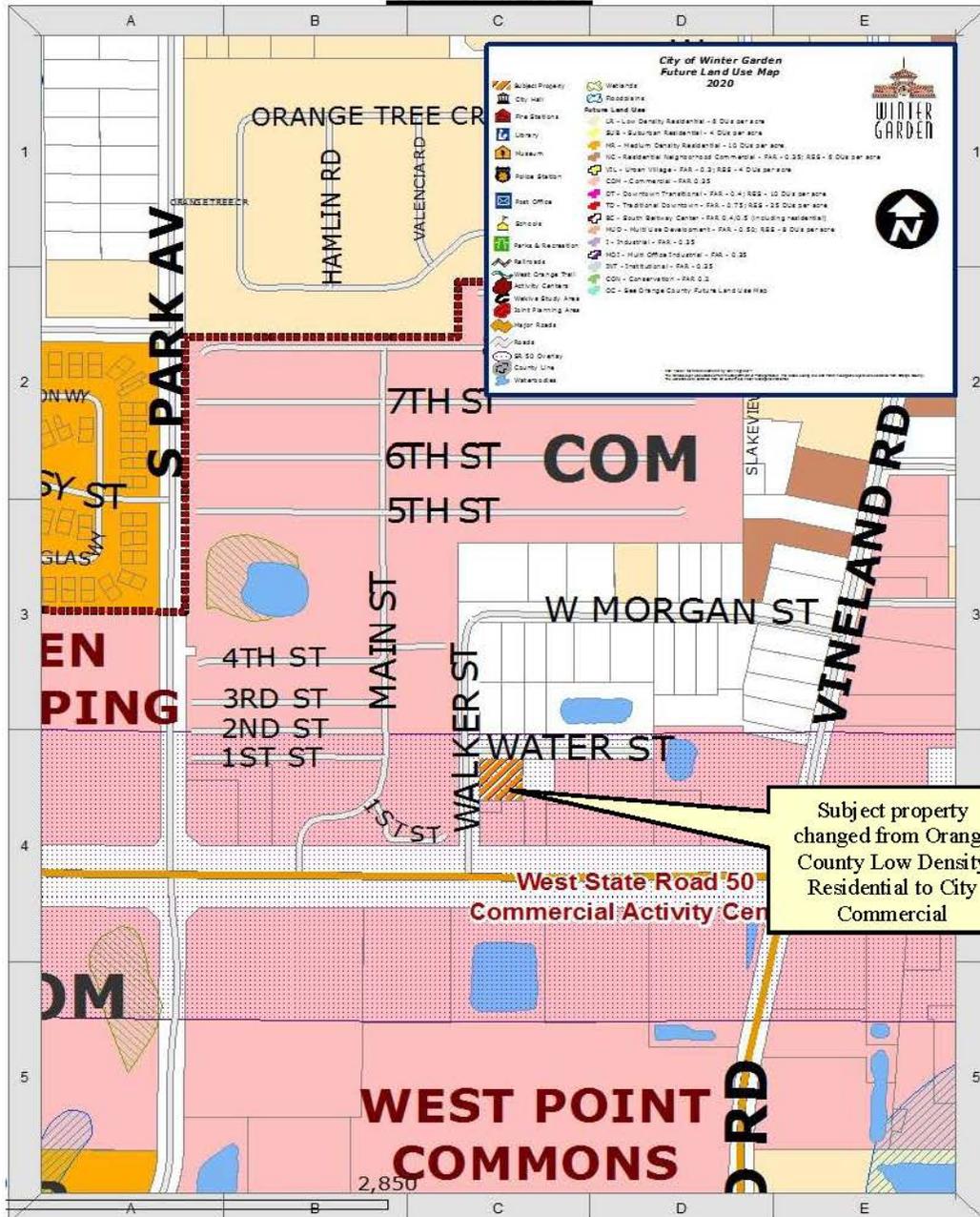
MAPS

AERIAL PHOTO

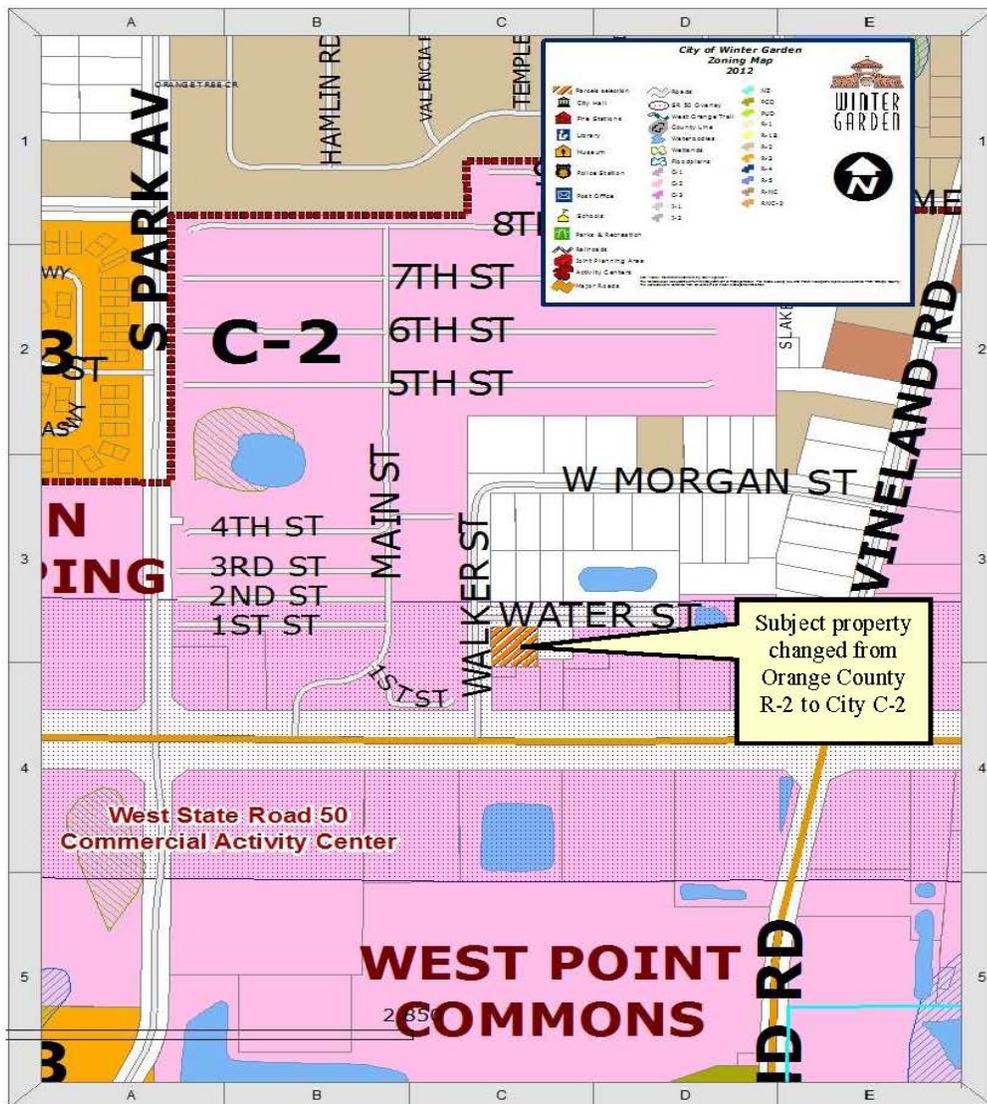
1089 Walker Street



**FUTURE LAND USE MAP  
 1089 Walker Street**



**ZONING MAP**  
**1089 Walker Street**



END OF STAFF REPORT

ATTACHMENT "D"

CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

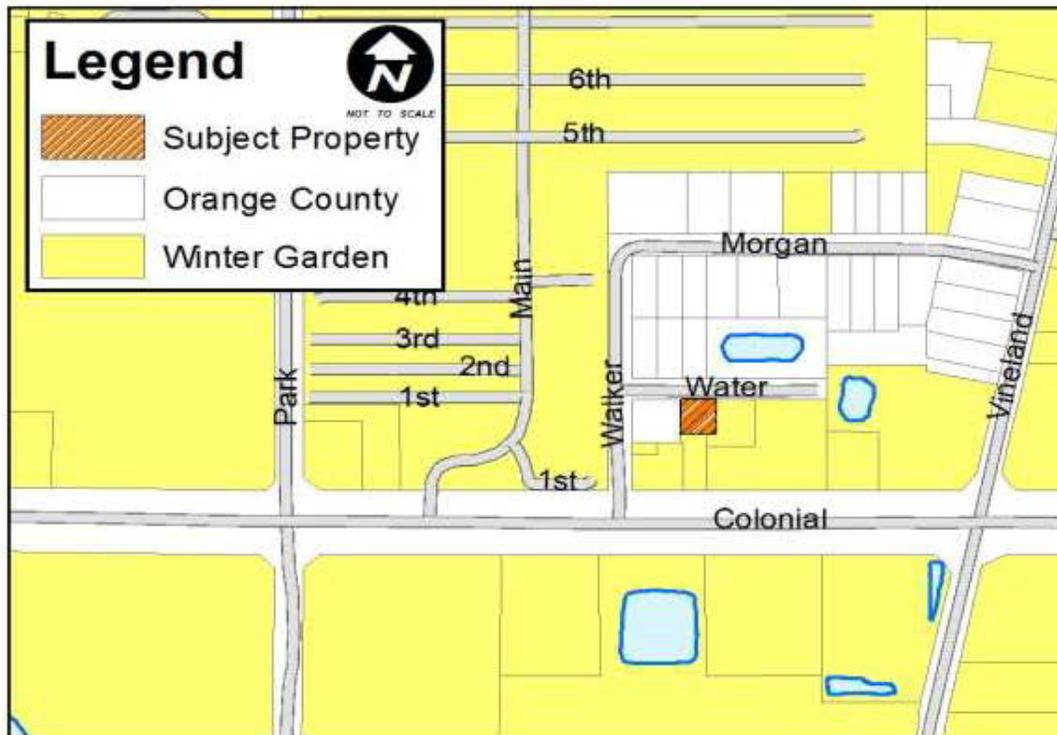
**STAFF REPORT**

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.

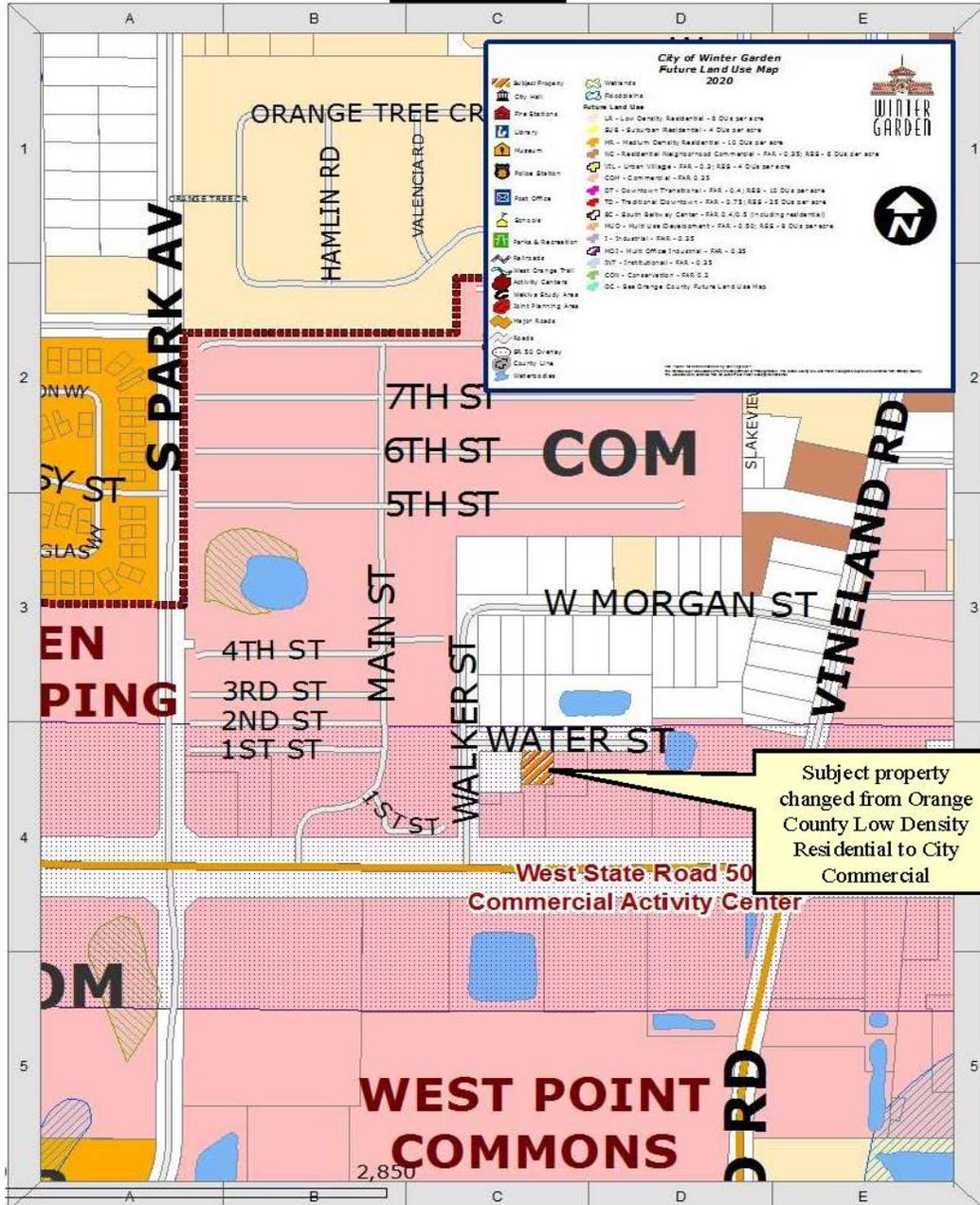
MAPS

AERIAL PHOTO

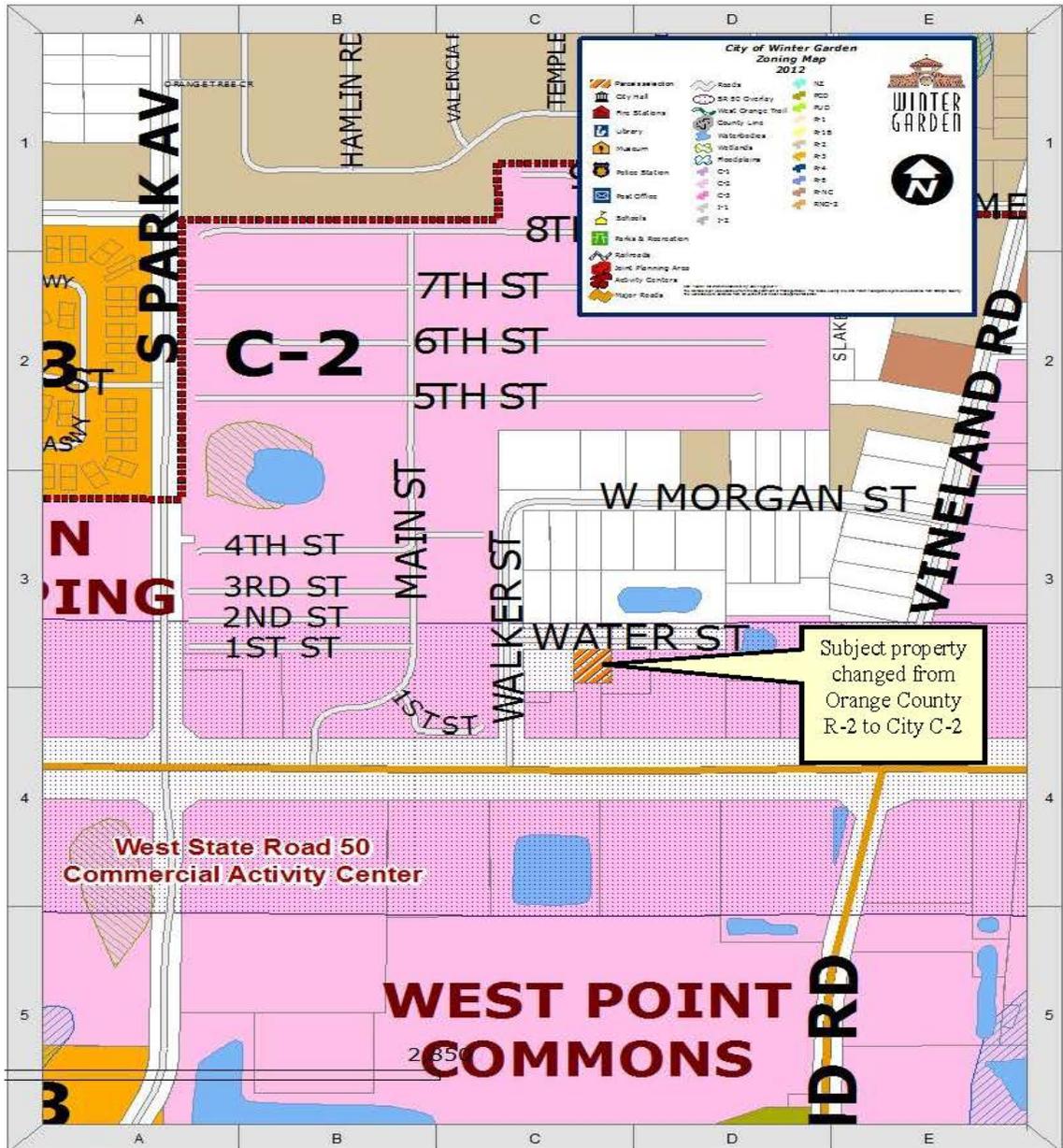
176 Water Street



**FUTURE LAND USE MAP**  
**176 Water Street**



**ZONING MAP**  
**176 Water Street**



END OF STAFF REPORT

ATTACHMENT "D"

