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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 – August 6, 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 JULY 2, 2012 MEETING**

4. **ANNEXATION, REZONING, FUTURE LAND USE MAP AMENDMENT, PLATS (PUBLIC HEARING)**

399 Railroad Avenue & 404 North West Crown Point Road (Lyles / Rodgers)

Parcel ID # : 13-22-27-5264-00-010

Parcel ID # : 13-22-27-5264-00-290

5. 12750 W. Colonial Drive (Thomas, Joyce E. Trust)

Parcel ID # : 12-22-27-6496-23-004

6. **SPECIAL EXCEPTION PERMIT (PUBLIC HEARING)**

35 South Dillard Street – Chrome Nova, Inc.

Parcel ID #: 23-22-27-8816-01-010

7. 1330 Winter Garden Vineland Road – (Starchild Academy Expansion) Build 1330 LLC

Parcel ID #: 26-22-27-8243-02-000

8. 3337 Daniels Road – (Firestone Winter Garden) Mays & Company

Parcel ID #: 35-22-27-9398-03-080

9. **ADJOURNMENT**

To the next regular Planning and Zoning Board meeting on Monday, September 10, 2012 at 6:30 p.m. in City Hall Commission Chambers, 300 W. Plant Street, 1st floor.



**A REGULAR MEETING MINUTES
PLANNING AND ZONING BOARD
JULY 2, 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 6:30 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, Board Members: Mark Maciel, Mac McKinney, and Eric Weiss.

MEMBERS ABSENT/ARRIVED LATE:

Vice - Chairman James Dunn (excused)

Board Member – Kent Horsley (excused)

Board Member – Rohan Ramlackhan (excused)

STAFF PRESENT:

City Attorney Dan Langley, Community Development Director Ed Williams, Senior Planner Laura Smith, Senior Planner Stephen Pash, and Administrative Specialist Corrina Williams.

3. APPROVAL OF MINUTES

Approval of minutes from the regular meeting held June 4, 2012.

Motion by Mark Maciel to approve the June 4, 2012 minutes, seconded by Eric Weiss, the motion carried unanimously 4-0.

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

4. 420 Winter Garden Vineland Road – Bradford Creek Subdivision

Community Development Director Ed Williams presented the continuation of the public hearing on the Bradford Creek Subdivision. 63 acre parcel located north of Roper Road west of Daniels Road on either side of 535 proposed as a single family residential planned development with a variety of lot sizes and house elevations. The issue of the housing size was resolved and clarified to be a minimum housing size will be 2,400 square feet. City Staff recommends approval subject to conditions of the staff report.

Wade Bradford, 111 Mericam Court, Winter Garden, FL, Owner/Applicant made a statement in favor of the passing of the rezoning ordinance.

Motion by Eric Weiss to recommend the approval of Bradford Creek Subdivision PUD Rezoning – Ordinance 12-30 with staff recommendations (Attached Exhibit “A”). Seconded by Mark Maciel, the motion carried unanimously 4-0.

SPECIAL EXCEPTION PERMIT(Public Hearing)

5. 101 Hennis Road – Cemex Plant

Community Development Director Ed Williams presented a request for a special exception permit on the parcel located at 101 Hennis Road to continue to be used as a concrete and concrete product manufacturing plant. Property fronts on Hennis and Plant Street. In researching the property with the Plant Street road widening project it was determined the facility was never issued a special exception permit and staff agreed the City would make application on behalf of the Cemex plant. City Staff recommends approval of the special exception permit to allow the Cemex plant to continue operation at this location.

Board discussed with staff the drainage conditions of this site relative to Hennis Road and Plant Street, and Cemex has an agreement in place to address the drainage issues, along with the Plant Street road widening that will assist with corrective measures of this problem as well.

Jeff Bobolts, 3626 Quadrangle Blvd, Suite 200, Orlando, FL 32810, Cemex representative, made a statement in favor of the passing of the special exception permit.

Motion by Mac McKinney that the special exception permit be granted for the property located at 101 Hennis Road and to allow for the use of a cement plant. Seconded by Mark Maciel, the motion carried unanimously 4-0.

6. 3554 West Orange Country Club Drive – The New Academy

Senior Planner Laura Smith presented a request for a special exception permit for a private school within the C-2 zoning district on the parcel located at 3554 West Orange Country Club Drive, for an enrollment of up to 20 students. The subject property does not accommodate for an outdoor play area so they have entered into an agreement with a gym located on an adjoining property to provide for their recreational curriculum. Due to the limited parking facilities available the applicant has agreed to limit the other uses of this building to professional office only and to provide signage to reserve parking spaces for the school separate from the other uses of the building. City Staff recommends approval subject

to the conditions of the staff report and the conditions identified in the letter of proposal from the applicant. The applicant is also the owner of the building.

Board had further discussion of the student capacity and the staff two year restriction allowing the applicant to come back before the Board for an increase via amending special exception. The two year period is in place for City Staff to monitor that the conditions stipulated are working for the property and the school and to evaluate if the property can accommodate an expansion.

Board discussed and clarified with City Staff that the gym the applicant is in agreement with for it's recreational curriculum needs is not open yet but must be open before the school can open, and that the applicants restriction to the agreement must remain in effect for the two year period.

Property Owner/Applicant, Ron Davis, 9832 Laurel Valley Drive, Windermere, FL, and Theresa Sungadi, School Facilitator of The New Academy, provided general information about the upgrades they have made on the property and answered general questions from the Board.

In clarifying the term of the special exception approval Senior Planner Smith advised that the special exception will stay in effect as long as all the conditions remain in effect and, as long as the applicant does not increase the student capacity of 20 students.

Motion by James Gentry that the special exception permit for the New Academy be granted for the property located at 3554 West Orange Country Club Drive and to allow for the use of a private school with Staffs recommendations (Attached Exhibit "B"). Seconded by Mark Maciel, the motion carried unanimously 4-0.

7. 1101 S. Park Avenue – Little Orange Academy

Senior Planner Laura Smith presented a request for a special exception permit for a child daycare center within the C-2 zoning district. The applicant proposes to open a daycare center for up to 45 children at 1101 S. Park Avenue, suite 700 and 800. The child daycare center is permitted by special exception permit only in the C-2 zoning district. The applicant proposes to construct an outdoor playground over a portion of the parking lot located on the west side of the building and to construct a secondary entry point to the property to reduce the need for stacking and to allow for steady traffic flow and circulation. City Staff recommends approval subject to the conditions identified in the staff report.

Citizen Joyce Glennon, 449 Sand Lime Road, Winter Garden, FL, Homeowners Association President representing The Village Grove – Winter Garden, Inc. Condominiums, made a statement with representation to the entry way on the commercial parcel from out to Park Avenue and the expected back up at the Park and Colonial Drive signal. They do not oppose the daycare center but ask for City input on the concerns of the traffic from the commercial parcel to Park Avenue.

Sheri Couch, Property Manager for Property Owner, and John Kirby of Kirby Engineering reemphasized the utilization of three different exits from this commercial parcel and that the traffic of the daycare is consistent with the projected traffic of the property.

Lucio Costa, Applicant for Little Orange Academy, clarified the intent of the daycare to expand would only be to add new born child care and this will not require the playground to be adjusted or expanded and would only utilize the interior 1,200 square foot suite adjacent to it.

Citizen Elaine Howard, 460 Sand Lime Road, Winter Garden, FL, resident of Village Grove, made a statement of concern with regard to the safety of the road leading out of the commercial parcel onto Park Avenue.

Motion by James Gentry that the special exception permit be granted to the Little Orange Academy for the property located at 1101 S. Park Avenue, suites 700 and 800 and to allow for the use of a daycare with Staffs recommendations (Attached Exhibit "C"). Seconded by Mac McKinney, the motion carried unanimously 4-0.

8. ADJOURNMENT

There being no further business, the meeting was adjourned at 7:21 p.m.

APPROVED:

ATTEST:

Chairman James Gentry

Administrative Specialist Corrina Williams

EXHIBIT "A"

CITY OF WINTER GARDEN PLANNING & ZONING DIVISION

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

STAFF REPORT

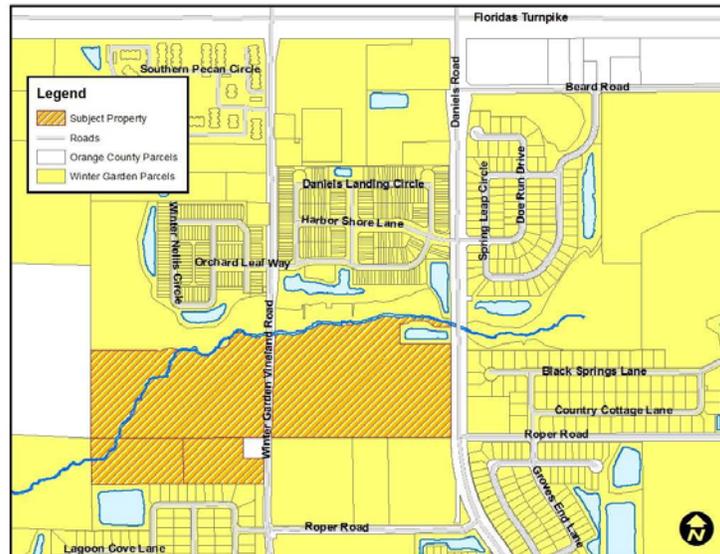
TO: PLANNING AND ZONING COMMITTEE
PREPARED BY: LAURA SMITH, SENIOR PLANNER
DATE: JUNE 27, 2012
SUBJECT: REZONING
420 & 421 Winter Garden Vineland Road (63.06+/- ACRES)
PARCEL ID# 26-22-27-0000-00-019 34-22-27-0000-00-014
26-22-27-0000-00-018 35-22-27-0000-00-004
35-22-27-0000-00-002

APPLICANT: J & WB, Inc, Ed. Bradford Family Trust, & Ann Reaves McFadden Trust

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, located north of Roper Road on the east and west side of Winter Garden Vineland Road and on the west side of Daniels Road, is approximately 63.06± acres. The map below depicts the location of the subject property within the City of Winter Garden municipal limits.



P&Z: PH11-055

The applicant is requesting to rezone 63.06± acres of land. The subject property is located within the City of Winter Garden municipal limits, and carries the zoning designation R-1 (Single Family Residential). The subject property is designated LR- Low Density Residential on the Future Land Use Map of the City's Comprehensive Plan (see attached map).

EXISTING USE

The parcel of the subject property located on the east side of Winter Garden Vineland Road is presently vacant and does not contain any structures. The parcels of the subject property located on the west side of Winter Garden Vineland Road contains 5 total structures: 1, 232 square foot commercial office building, 3,714 square foot warehouse building, 2,596 square foot warehouse building, 875 square foot shed, and a 1,216 square foot single family residential structure.

ADJACENT LAND USE AND ZONING

The properties located to the north are The Orchards a townhome community zoned PUD, and Daniels Landing a townhome community zoned R-3. The properties located to the south are Black Lake Park a single family residential community zoned PUD, 2 vacant unimproved parcels zoned R-1, and Serenades by Sonata a memory care/assisted living facility zoned PUD which is currently under construction. The property to the east is Cobblestone a single family residential community zoned R-1. The property to the west is a 36.1 acre vacant unimproved parcel located in unincorporated Orange County zoned A-1.

PROPOSED USE

The applicant proposes to develop the 63.06 ± acre site into a residential planned unit development containing 118 single-family dwelling units. The proposed subdivision will be a private gated community with gross density proposed at 2.73 dwelling units per acre, the LR-Low Density Residential Future Land Use Designation allows up to 4 dwelling units per acre. The proposed subdivision will contain 2 recreational parks (one located at the parcel on the east side of Winter Garden Vineland Road and another located at the parcel on the west side of Winter Garden Vineland Road) and 19+/- acres of wetlands preserved for conservation.

The applicant proposes to construct the project in two phases of development with approximately 48 lots in phase 1 (west parcel) and 70 lots in phase 2 (east parcel). The proposed project will contain a mixture of 60'x120' lots and 70'x120' lots, with a total of 21 lots at 70' or wider and 97 lots at between 60' and 70' wide.

PUBLIC FACILITY ANALYSIS

Potable Water, Reclaimed Water, and Wastewater Services

The proposed residential development will be served by and required to connect to City of Winter Garden water, wastewater, and reclaimed water which are available and have adequate capacity to serve the proposed residential development. At such time that the property is developed, all necessary utility lines will be extended and connections made, all extension and connection costs shall be borne by the property owner.

Stormwater

The stormwater retention/detention facilities designed to service the proposed development will meet or exceed the LOS Standards stated in Policy 4-1.1.1 of the Public Facilities Element included in the City of Winter Garden Comprehensive Plan. In addition, the stormwater facilities will be designed in accordance with St. Johns River Water Management District and City of Winter Garden requirements.

Common Recreation and Open Space

The proposed residential development is located within the Wekiva Study Area Resource Protection Overlay, and in accordance with the City of Winter Garden Comprehensive Plan Future Land Use Element Policies 1-3.1.7 and 1-3.1.8 no less than 25% Wekiva Study Area Open Space shall be provided. None of the 25% Wekiva Study Area Open Space shall be chemically treated with pesticides to establish sensitive natural habitat.

To the greatest extent possible, 5% of the developable area of the Property shall be set aside for passive, dry-land recreational use. In the event that this requirement cannot be met wholly or in part, then a financial contribution in accordance with Chapter 110, Article V, Division 2 of the City Code of Ordinances shall be made to the City Recreation Fund to fulfill the requirement.

The proposed development will have 10.97 +/- acres of open space, consisting of Wekiva Study Area Open Space and 2.16 +/- acres set aside passive, dry-land recreational use.

All of the common recreation and open space will be maintained by a homeowner's association and available to the residents. The developer shall establish a homeowner's association in accordance with Chapter 720, Florida Statutes and having governing documents in compliance with Chapter 110 of the City of Winter Garden Code of Ordinances.

Environment

The subject property is located within the Wekiva Study Area Resource Protection Overlay. The developers are required to provide a minimum of 25% of the gross developable area as Wekiva Open Space as stated in Policies 1-3.1.7 and 1-3.1.8 of the Future Land Use Element included in the City of Winter Garden Comprehensive Plan.

Transportation

The City will have a traffic study performed for the intersection of Roper Road (east leg) and Daniels Road, with a proportionate share of the cost paid by the Applicant. If a traffic signal is warranted, this developer will also be required to pay their proportionate share of the cost of those improvements.

Other Services

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

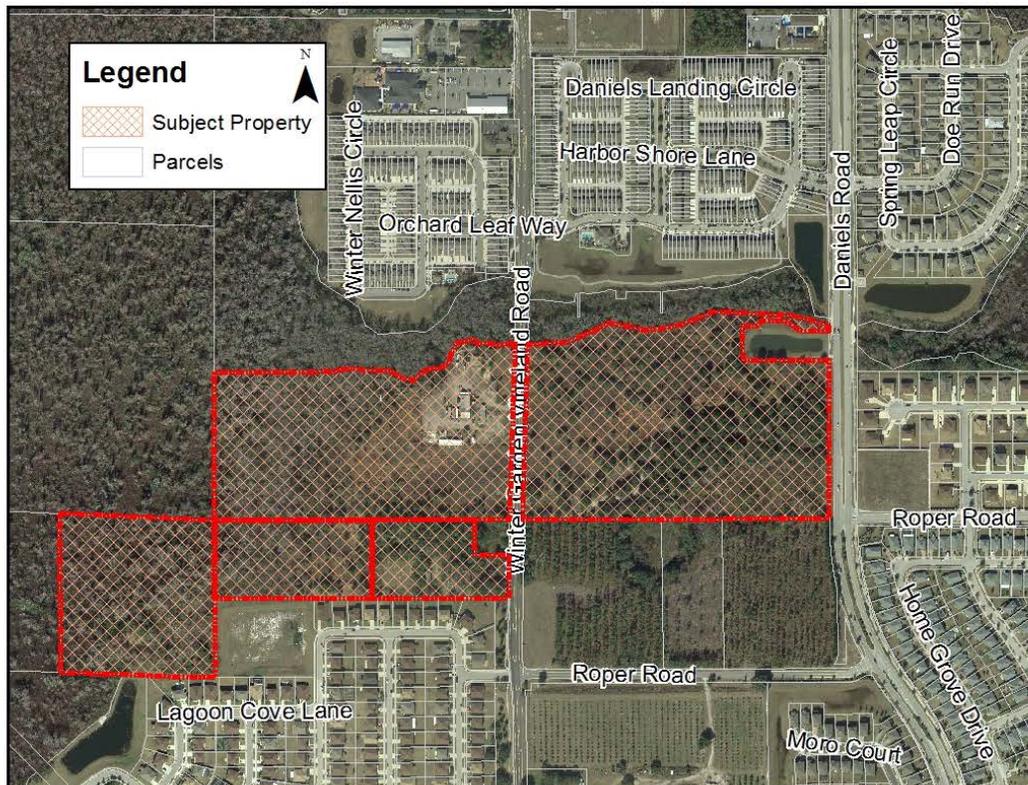
City Staff recommends approval of the proposed Ordinance subject to the following condition:

- Access to phase 2 (the east parcel) from Daniels Road must line up with the existing Roper Road located on the east side of Daniels Road and must be a public road.
- Proof of permitting for all wetland removal must be provided prior to any site work or construction beginning. In the event that permitting for wetland removal can not be obtained then the PUD must be amended following all city procedures for amendment.

Rezoning the subject property from City R-1 to City PUD is consistent with the Future Land Use Map of the City's Comprehensive Plan, and is consistent with the trend of development in the area. The proposed development is a compatible and consistent with the uses in the surrounding area. The proposed development of the subject property is consistent with the goals, objectives and policies of the City's Comprehensive Plan and land development regulations.

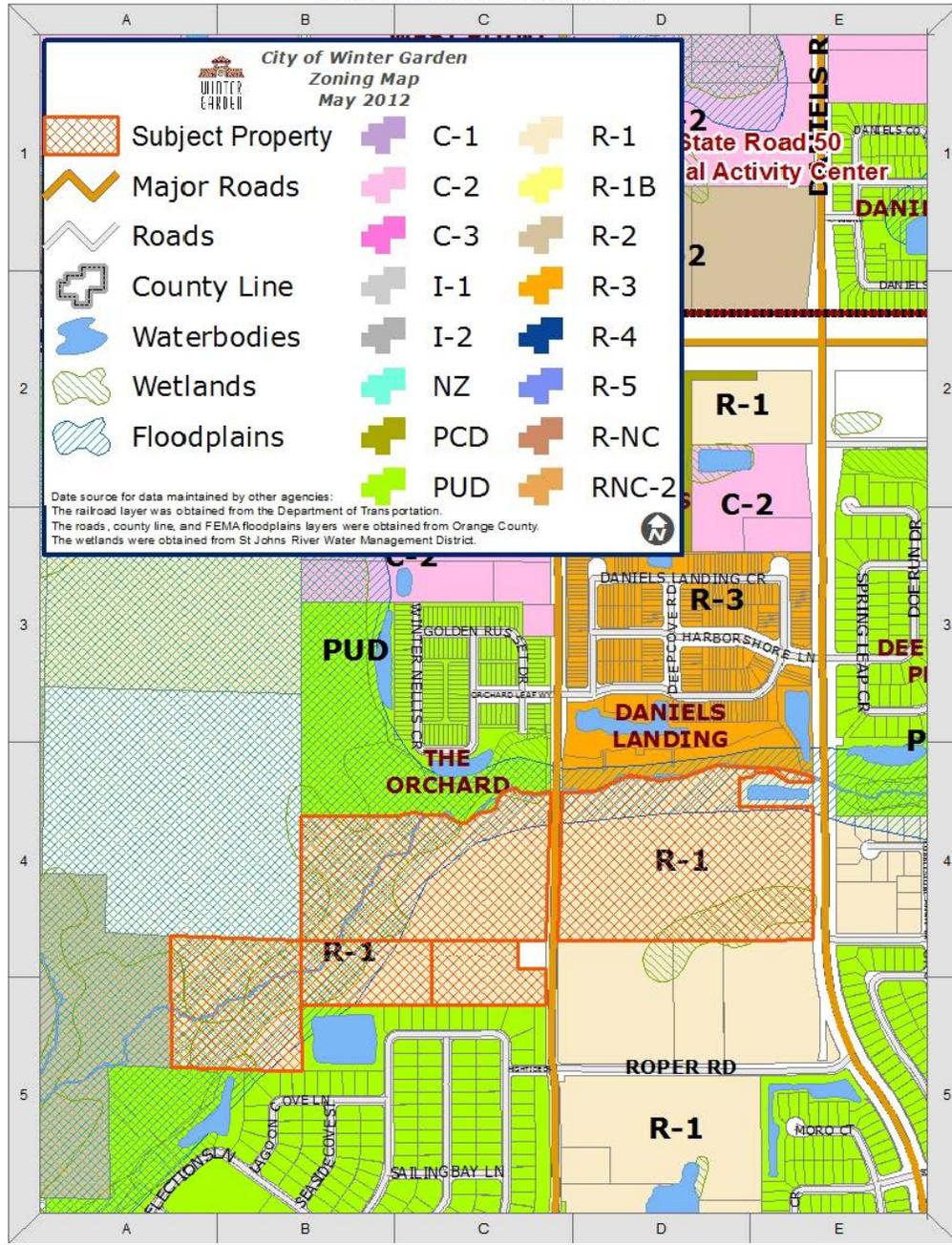
MAPS

**AERIAL PHOTO
BRADFORD CREEK SUBDIVISION**



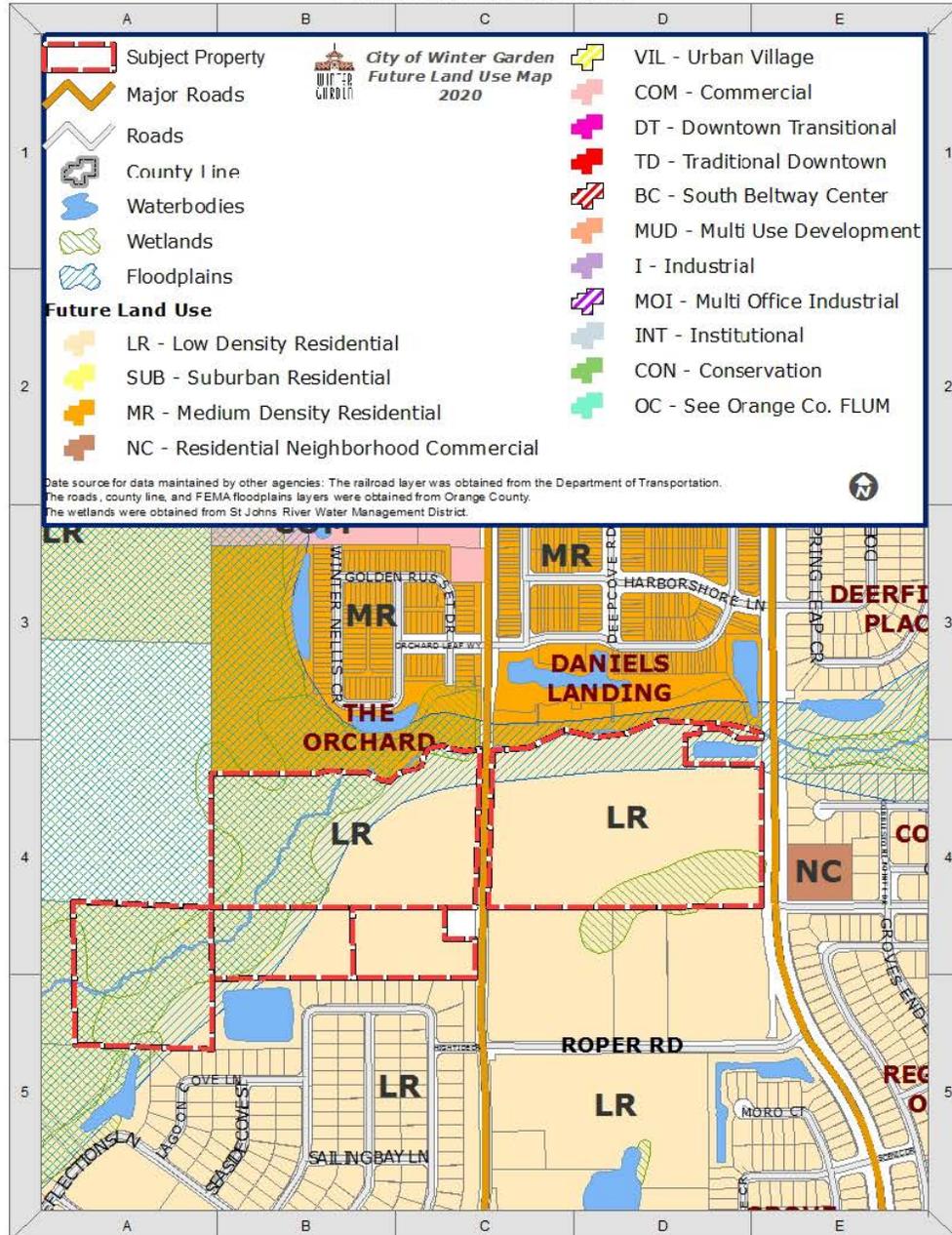
P&Z: PH11-055

ZONING MAP
 BRADFORD CREEK SUBDIVISION



P&Z: PH11-055

FUTURE LAND USE MAP
 Bradford Creek Subdivision



Date source for data maintained by other agencies: The railroad layer was obtained from the Department of Transportation. The roads, county line, and FEMA floodplains layers were obtained from Orange County. The wetlands were obtained from St Johns River Water Management District.

END OF STAFF REPORT

P&Z: PH11-055

EXHIBIT “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: LAURA SMITH, SENIOR PLANNER
DATE: JUNE 27, 2012
SUBJECT: SPECIAL EXCEPTION PERMIT
3554 West Orange Country Club Drive (The New Academy, Inc.)
Woodbridge Commerce Center
PARCEL ID # 12-22-27-6496-05-007

APPLICANT: The New Academy, 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 is generally located south of West Colonial Drive on the east side of South Park Avenue, in the Shoppes at West Pointe located in the southwest portion of West Pointe Commons shopping center. 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 private school for enrollment of up to 20 students. The subject property is located within the City of Winter Garden municipal limits, and carries the zoning designation C-2. The subject property is designated Commercial on the Future Land Use Map of the Comprehensive Plan.

EXISTING USE

The property consists of one 10,320 square foot two-story commercial building which is divided into 10 tenant spaces which are all currently vacant and contains 29 parking spaces (including 2 handicap spaces).

ADJACENT LAND USE AND ZONING

The properties located north, south and east of the subject property are commercial buildings zoned C-2 in the City of Winter Garden. The property located to the west of the subject property is a 4.27+/- acre wetland zoned C-2 in the City of Winter Garden.

PROPOSED USE

The applicant proposes to open a private school for enrollment of up to 20 students in the to occupy the 5 units located on the first floor (approximately 5,160 square feet) of the existing commercial building located at 3554 West Orange Country Club Drive. The proposed private school would have up to 4 employees and enroll students for grades Kindergarten- 8th Grade.

The applicant proposes to lease out the remaining 5 units (approximately 5,160 square feet) located on the second floor of the existing building.

SUMMARY

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

- Due to the limited parking facilities and restricted access points, the private school shall be limited to a maximum enrollment capacity of 20 students for the first two years of operation. This will allow the City to monitor the parking and traffic situation and make any needed adjustments, depending on other uses that may lease space within the building. If, in the future, the building and site have displayed that they can operate at a higher student count, the applicant could apply for an amendment to the Special Exception Permit to increase the number of students.
- The applicant is also the owner of the building and has agreed that the remaining uses within the building shall be limited to those that will have the lowest impact on parking and traffic, specifically professional office. High intensity uses such as restaurants, banks, retail, hotels, churches, medical office etc. shall be prohibited in the remaining 5,160 square feet of leasable space.
- The size of the property and constraints of the surrounding areas greatly limit the possibility for construction of a playground or other recreation area. The applicant has entered into a 2 year agreement with Genetic Fitness of Winter Garden (approved to open in the building located directly east of the subject property at 4110 Winter Garden Vineland Road) to provide physical education and recess activities at their gym facility. The applicant shall be required to provide a plan for a recreation area at such time as the previously mentioned agreement expires or provide a revised agreement for use beyond the date of expiration of the agreement.

- All necessary permits must be obtained prior to beginning any construction on or alterations to the site and/or facility.

MAPS/EXHIBITS

**AERIAL PHOTO
3554 West Orange Country Club Drive**





END OF STAFF REPORT

EXHIBIT “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: JUNE 27, 2012
SUBJECT: SPECIAL EXCEPTION PERMIT
1101 S. Park Avenue Suite 700 & 800 (Little Orange Academy, LLC)
Shoppes at West Pointe Lot 3
PARCEL ID #11-23-27-9447-00-010

APPLICANT: Little Orange Academy, LLC

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 generally located south of West Colonial Drive on the east side of South Park Avenue, in the Shoppes at West Pointe located in the southwest portion of West Pointe Commons shopping center. 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 child day care center for up to 45 children. The subject property is located within the City of Winter Garden municipal limits, and carries the zoning designation C-2. The subject property is designated Commercial on the Future Land Use Map of the Comprehensive Plan.

EXISTING USE

The property consists of one 9,403 square foot commercial building which is divided into 8 tenant spaces which are all currently vacant and contains 42 parking spaces (including 3 handicap spaces).

ADJACENT LAND USE AND ZONING

The property located to the north of the subject property is a large commercial site occupied by Giant Recreation World zoned C-2 within the City of Winter Garden. The properties located to the east of the subject property are made up of other commercial outparcels located in the Shoppes at West Pointe within the West Pointe Commons shopping center and are zoned C-2 within the City of Winter Garden. The properties located to the west of the subject property consist of a large commercial site occupied by Leisure Time RV zoned C-2, and a townhome community called Village Grove zoned R-3 within the City of Winter Garden. The property located to the south is the Winter Garden Business Park which is a developed commercial property zoned PCD within the City of Winter Garden.

PROPOSED USE

The applicant proposes to open a child day care center for up to 45 children in suite 700 & 800 (approximately 2,400 square feet) of the existing commercial building located at 1101 S Park Avenue, construct a playground over a portion of the existing parking lot located on the west side of the building, and construct an entrance only secondary access to the site on the northeast corner of the property. The proposed child day care center would have up to 4 employees and enroll children ages 1 year to 5 years old.

SUMMARY

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

- The child day care center shall be limited to a maximum enrollment capacity of 45 children, expansion of the facility and/or enrollment of more than 45 children will require additional review and amendment to the special exception permit.
- The entrance only secondary access point located on the northeast corner of the property requires minor site plan review; the access point must be constructed and complete prior to the child day care center opening for business.
- The playground facility to be located over a portion of the existing parking lot located on the west side of the building must be constructed and complete, including all landscaping, prior to the child day care center opening for business.
- All necessary permits must be obtained prior to beginning any construction on or alterations to the site and/or facility.

MAPS/EXHIBITS

AERIAL PHOTO
1101 S Park Avenue



END OF STAFF REPORT

THE CITY OF WINTER GARDEN

PLANNING AND ZONING BOARD AGENDA ITEM

ITEM # 4 (Public Hearing)

DATE: August 1, 2012 **MEETING DATE:** August 6, 2012
SUBJECT: 399 Railroad Avenue & 404 N West Crown Point Road (0.897 +/- Acres)
PROJECT NAME Lyles & Rodgers Annexation, rezoning, and FLU Amendment
PARCEL ID# 13-22-27-5624-00-010 & 13-22-27-5264-00-290
ISSUE: Request approval of Ordinance 12-34 (Annexation of 0.897 ± acres located at 399 Railroad Ave and 404 N West Crown Point Rd), Ordinance 12-35 (Amending Future Land Use Map of the City's Comprehensive Plan for 0.897 ± acres located at 399 Railroad Ave and 404 N West Crown Point Rd from Orange County Low Density Residential to City Low Density Residential). Ordinance 12-36 (Rezoning of 0.897 ± acres located at 399 Railroad Ave and 404 N West Crown Point Rd Street from Orange County R-2 Residential District to City R-1B Single Family Residential District).

SUPPLEMENTAL MATERIAL/ANALYSIS:

OWNER/APPLICANT: Sharon Lyles & Diana Rodgers
CURRENT ZONING: Orange County R-2 Residential District
PROPOSED ZONING: City R-1B Single Family Residential District
CURRENT FLU: Orange County Low Density Residential
PROPOSED FLU: City 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 0.897 ± acre enclave located at the northwest corner of Railroad Avenue and N West Crown Point 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-1B Residential District. (See attached Staff Report)

STAFF RECOMMENDATION(S):

Staff recommends approval of Ordinance 12-34 (Annexation of 0.897 ± acres located at 399 Railroad Ave and 404 N West Crown Point Rd), Ordinance 12-35 (Amending Future Land Use Map of the City's Comprehensive Plan for 0.897 ± acres located at 399 Railroad Ave and 404 N West Crown Point Rd from Orange County Low Density Residential to City Low Density Residential). Ordinance 12-36 (Rezoning of 0.897 ± acres located at 399 Railroad Ave and 404 N West Crown Point Rd from Orange County R-2 Residential District to City R-1B Single Family Residential District).

NEXT STEP(S):

A public hearing for the first reading of these Ordinances is scheduled for the City Commission on Thursday, August 9, 2012.

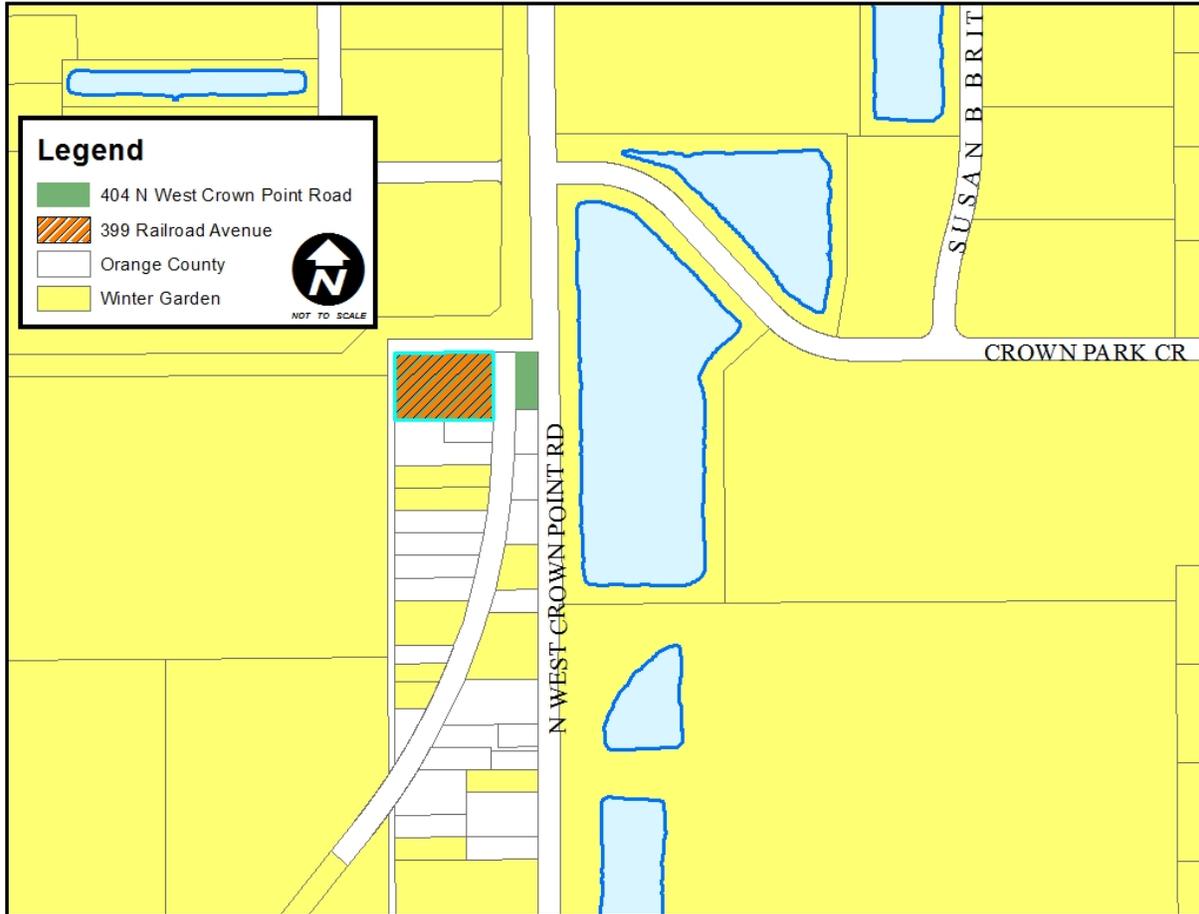
ATTACHMENT(S):

Location Map
Ordinance 12-34
Ordinance 12-35
Ordinance 12-36
Staff Report

LOCATION MAP

Ordinance #12-34; 12-35; and 12-36

399 Railroad Avenue & 404 N West Crown Point Road



ORDINANCE 12-34

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.897 ± ACRES LOCATED AT 399 RAILROAD AVENUE AND AT 404 N. WEST CROWN POINT ROAD; AT THE SOUTHEAST CORNER OF RAILROAD AVENUE AND RAILROAD AVENUE AND AT THE SOUTHWEST CORNER OF RAILROAD AVENUE AND N. WEST CROWN POINT 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 0.897 ± acres located at 399 Railroad Avenue and at 404 N. West Crown Point Road; at the southeast corner of Railroad Avenue and Railroad Avenue and at the southwest corner of Railroad Avenue and N. West Crown Point 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#: 13-22-27-5264-00-010 & 13-22-27-5264-00-290

DESCRIPTION:

LOTS 1, 2, 3 AND 29, J.S. LOVELESS AND J.R. SEWELL SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK F, PAGE 8, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

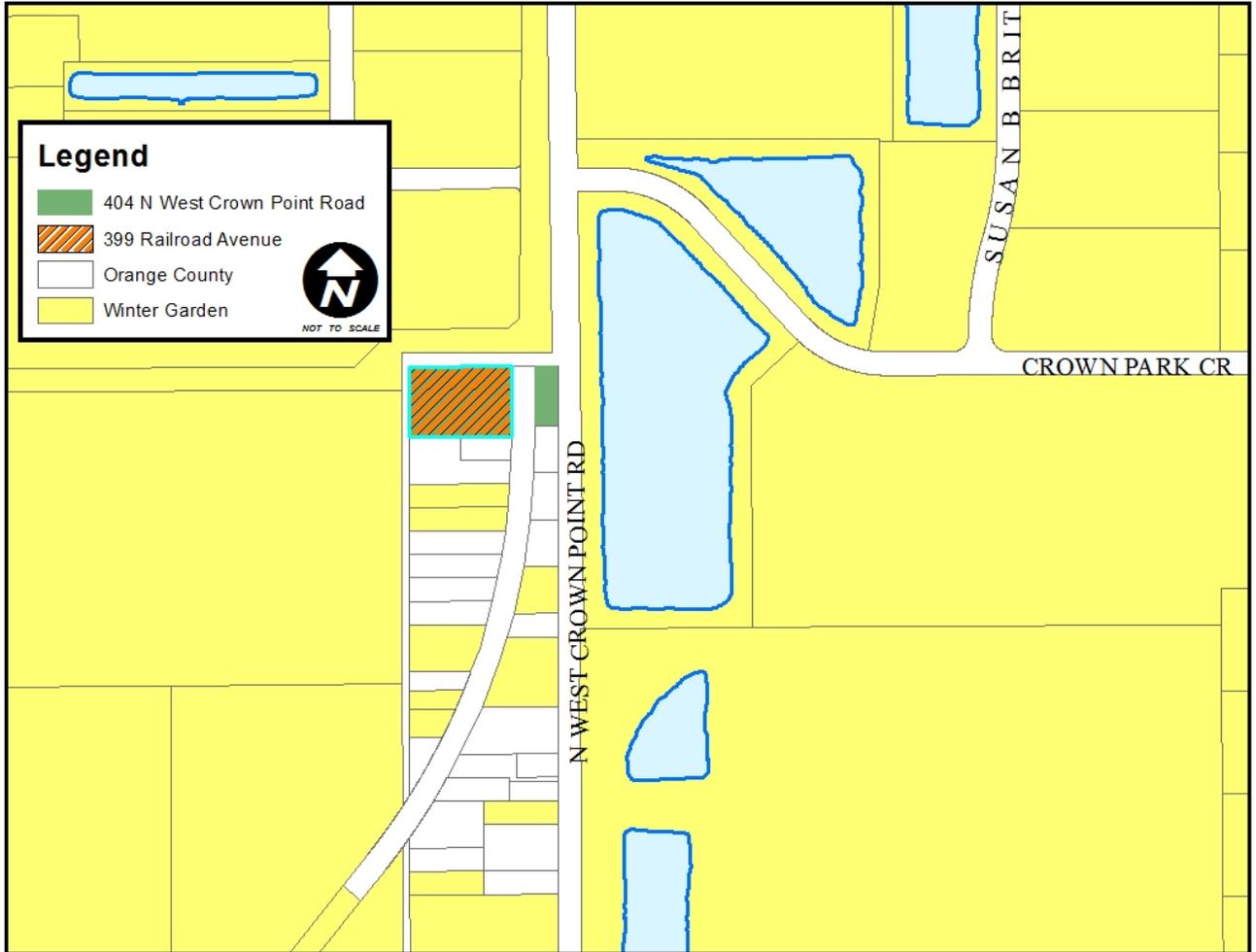
BEGIN AT THE NORTHEAST CORNER OF LOT 29, J.S. LOVELESS AND J.R. SEWELL SUBDIVISION, SAID POINT ALSO BEING THE NORTHEAST CORNER OF SAID SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK F, PAGE 8, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE RUN S00°10'33"E ALONG THE EAST LINE OF SAID J.S. LOVELESS AND J.R. SEWELL SUBDIVISION, A DISTANCE OF 128.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 29; THENCE RUN S89°47'53"W, A DISTANCE OF 50.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 29; THENCE RUN N00°43'12"E A DISTANCE OF 128.02 FEET TO THE NORTHWEST CORNER OF SAID LOT 29; THENCE RUN N89°47'53"E A DISTANCE OF 48.00 FEET TO THE POINT OF BEGINNING.

AND

COMMENCE AT THE NORTHEAST CORNER OF LOT 29, J.S. LOVELESS AND J.R. SEWELL SUBDIVISION, SAID POINT ALSO BEING THE NORTHEAST CORNER OF SAID SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK F, PAGE 8, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE RUN S89°47'53"W ALONG THE NORTH LINE OF SAID J.S. LOVELESS AND J.R. SEWELL SUBDIVISION, A DISTANCE OF 98.00 FEET TO THE NORTHEAST CORNER OF LOT 1 OF SAID J.S. LOVELESS AND J.R. SEWELL SUBDIVISION, THENCE RUN S00°43'14"W A DISTANCE OF 150.02 FEET TO THE SOUTHEAST CORNER OF LOT 3 OF SAID J.S. LOVELESS AND J.R. SEWELL SUBDIVISION, THENCE RUN S89°47'53"W A DISTANCE OF 218.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 3; THENCE RUN N00°08'51"E A DISTANCE OF 150.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 1; THENCE RUN N89°47'53"E A DISTANCE OF 219.50 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.897 ACRES, MORE OR LESS.

POINT OF COMMENCEMENT
POINT OF BEGINNING



ORDINANCE 12-35

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 0.897 ± ACRES OF LAND LOCATED AT 399 RAILROAD AVENUE AND AT 404 N. WEST CROWN POINT ROAD; AT THE SOUTHEAST CORNER OF RAILROAD AVENUE AND RAILROAD AVENUE AND AT THE SOUTHWEST CORNER OF RAILROAD AVENUE AND N. WEST CROWN POINT ROAD FROM 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 0.897 ± acres of land located at 399 Railroad Avenue and at 404 N. West Crown Point Road; at the southeast corner of Railroad Avenue and Railroad Avenue and at the southwest corner of Railroad Avenue and N. West Crown Point 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 12-34, 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#: 13-22-27-5264-00-010 & 13-22-27-5264-00-290

DESCRIPTION:

LOTS 1, 2, 3 AND 29, J.S. LOVELESS AND J.R. SEWELL SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK F, PAGE 8, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF LOT 29, J.S. LOVELESS AND J.R. SEWELL SUBDIVISION, SAID POINT ALSO BEING THE NORTHEAST CORNER OF SAID SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK F, PAGE 8, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE RUN S00°10'33"E ALONG THE EAST LINE OF SAID J.S. LOVELESS AND J.R. SEWELL SUBDIVISION, A DISTANCE OF 128.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 29; THENCE RUN S89°47'53"W, A DISTANCE OF 50.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 29; THENCE RUN N00°43'12"E A DISTANCE OF 128.02 FEET TO THE NORTHWEST CORNER OF SAID LOT 29; THENCE RUN N89°47'53"E A DISTANCE OF 48.00 FEET TO THE POINT OF BEGINNING.

AND

COMMENCE AT THE NORTHEAST CORNER OF LOT 29, J.S. LOVELESS AND J.R. SEWELL SUBDIVISION, SAID POINT ALSO BEING THE NORTHEAST CORNER OF SAID SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK F, PAGE 8, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE RUN S89°47'53"W ALONG THE NORTH LINE OF SAID J.S. LOVELESS AND J.R. SEWELL SUBDIVISION, A DISTANCE OF 98.00 FEET TO THE NORTHEAST CORNER OF LOT 1 OF SAID J.S. LOVELESS AND J.R. SEWELL SUBDIVISION, THENCE RUN S00°43'14"W A DISTANCE OF 150.02 FEET TO THE SOUTHEAST CORNER OF LOT 3 OF SAID J.S. LOVELESS AND J.R. SEWELL SUBDIVISION, THENCE RUN S89°47'53"W A DISTANCE OF 218.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 3; THENCE RUN N00°08'51"E A DISTANCE OF 150.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 1; THENCE RUN N89°47'53"E A DISTANCE OF 219.50 FEET TO THE POINT OF BEGINNING.

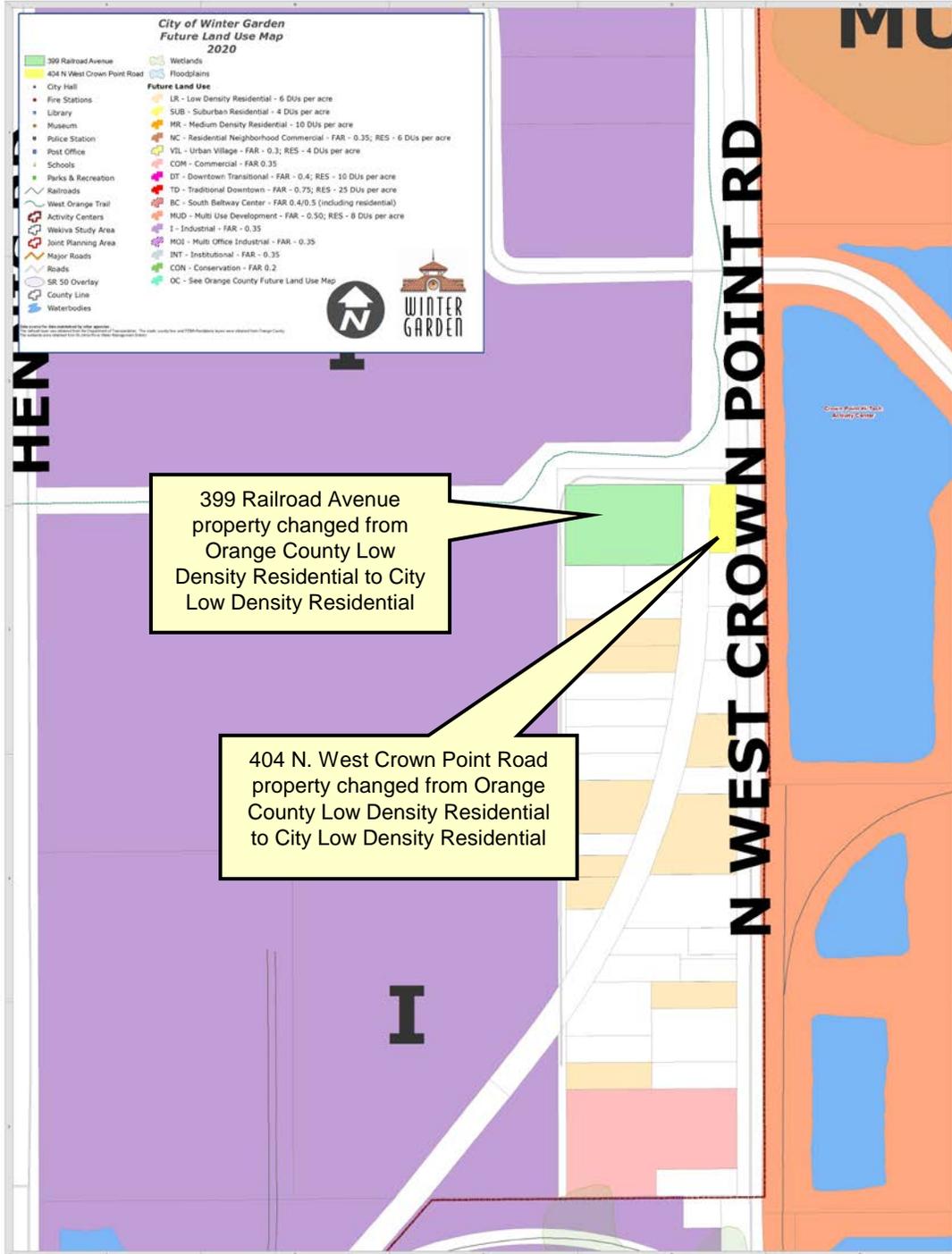
CONTAINING 0.897 ACRES, MORE OR LESS.

POINT OF COMMENCEMENT
POINT OF BEGINNING

ATTACHMENT "B"

FUTURE LAND USE MAP

399 Railroad Avenue & 404 N. West Crown Point Road



ORDINANCE 12-36

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.897 ± ACRES OF REAL PROPERTY GENERALLY LOCATED AT 399 RAILROAD AVENUE AND AT 404 N. WEST CROWN POINT ROAD; AT THE SOUTHEAST CORNER OF RAILROAD AVENUE AND RAILROAD AVENUE AND AT THE SOUTHWEST CORNER OF RAILROAD AVENUE AND N. WEST CROWN POINT ROAD FROM ORANGE COUNTY R-2 RESIDENTIAL DISTRICT TO CITY R-1B SINGLE FAMILY RESIDENTIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner of that certain real property generally described as 0.897 ± acres of land located at 399 Railroad Avenue and at 404 N. West Crown Point Road; at the southeast corner of Railroad Avenue and Railroad Avenue and at the southwest corner of Railroad Avenue and N. West Crown Point 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-1B Single Family 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-1B Single Family 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 12-35 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#: 13-22-27-5264-00-010 & 13-22-27-5264-00-290

DESCRIPTION:

LOTS 1, 2, 3 AND 29, J.S. LOVELESS AND J.R. SEWELL SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK F, PAGE 8, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF LOT 29, J.S. LOVELESS AND J.R. SEWELL SUBDIVISION, SAID POINT ALSO BEING THE NORTHEAST CORNER OF SAID SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK F, PAGE 8, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE RUN S00°10'33"E ALONG THE EAST LINE OF SAID J.S. LOVELESS AND J.R. SEWELL SUBDIVISION, A DISTANCE OF 128.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 29; THENCE RUN S89°47'53"W, A DISTANCE OF 50.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 29; THENCE RUN N00°43'12"E A DISTANCE OF 128.02 FEET TO THE NORTHWEST CORNER OF SAID LOT 29; THENCE RUN N89°47'53"E A DISTANCE OF 48.00 FEET TO THE POINT OF BEGINNING.

AND

COMMENCE AT THE NORTHEAST CORNER OF LOT 29, J.S. LOVELESS AND J.R. SEWELL SUBDIVISION, SAID POINT ALSO BEING THE NORTHEAST CORNER OF SAID SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK F, PAGE 8, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE RUN S89°47'53"W ALONG THE NORTH LINE OF SAID J.S. LOVELESS AND J.R. SEWELL SUBDIVISION, A DISTANCE OF 98.00 FEET TO THE NORTHEAST CORNER OF LOT 1 OF SAID J.S. LOVELESS AND J.R. SEWELL SUBDIVISION, THENCE RUN S00°43'14"W A DISTANCE OF 150.02 FEET TO THE SOUTHEAST CORNER OF LOT 3 OF SAID J.S. LOVELESS AND J.R. SEWELL SUBDIVISION, THENCE RUN S89°47'53"W A DISTANCE OF 218.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 3; THENCE RUN N00°08'51"E A DISTANCE OF 150.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 1; THENCE RUN N89°47'53"E A DISTANCE OF 219.50 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.897 ACRES, MORE OR LESS.

POINT OF COMMENCEMENT
POINT OF BEGINNING

CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

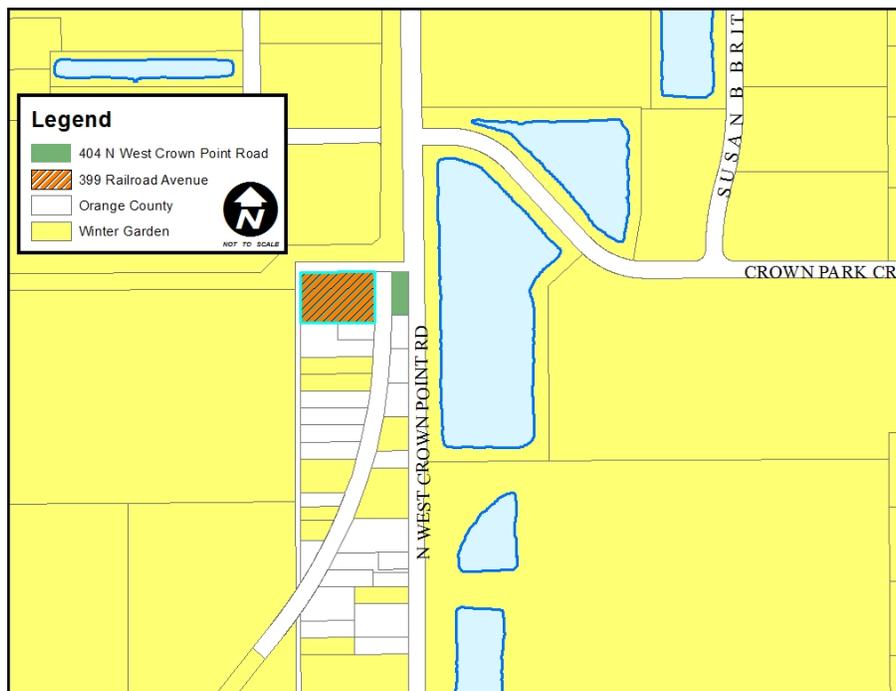
STAFF REPORT

TO: PLANNING AND ZONING BOARD
PREPARED BY: STEVE PASH, SENIOR PLANNER
DATE: JULY 1, 2012
SUBJECT: ANNEXATION - REZONING - FLU AMENDMENT
**399 RAILROAD AVENUE & 404 N. WEST CROWN POINT ROAD
(0.897 +/- ACRES)**
PARCEL ID #: 13-22-27-5264-00-010 & 13-22-27-5264-00-290
APPLICANT: SHARON LYLES, & DIANA RODGERS

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 399 Railroad Avenue and 404 West Crown Point Road and is approximately 0.897 ± 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-1B 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 schools. 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 located at 399 Railroad Avenue is currently developed with a 1,438 square foot single family house. The subject property located at 404 North West Crown Point Road is vacant. The properties are owned by the same owner and split by the CSX railroad.

ADJACENT LAND USE AND ZONING

The property located to the north is a trucking company, zoned I-2 and located in the City. The property located to the east is a pond, zoned I-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 property to the west is undeveloped industrial land, zoned I-2, located in the City.

PROPOSED USE

The owner is proposing to annex the property and leave the existing house.

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.

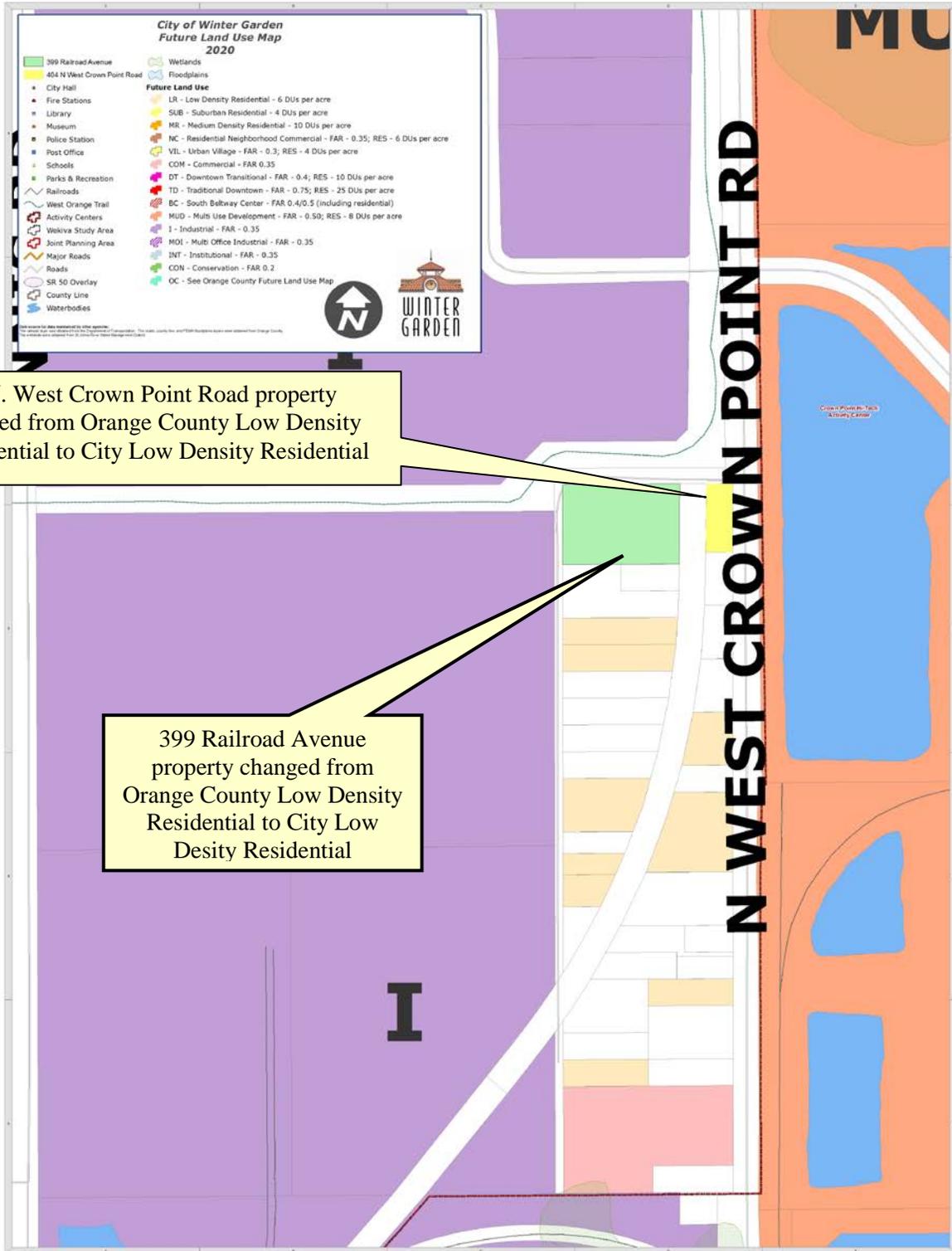
MAPS

AERIAL PHOTO

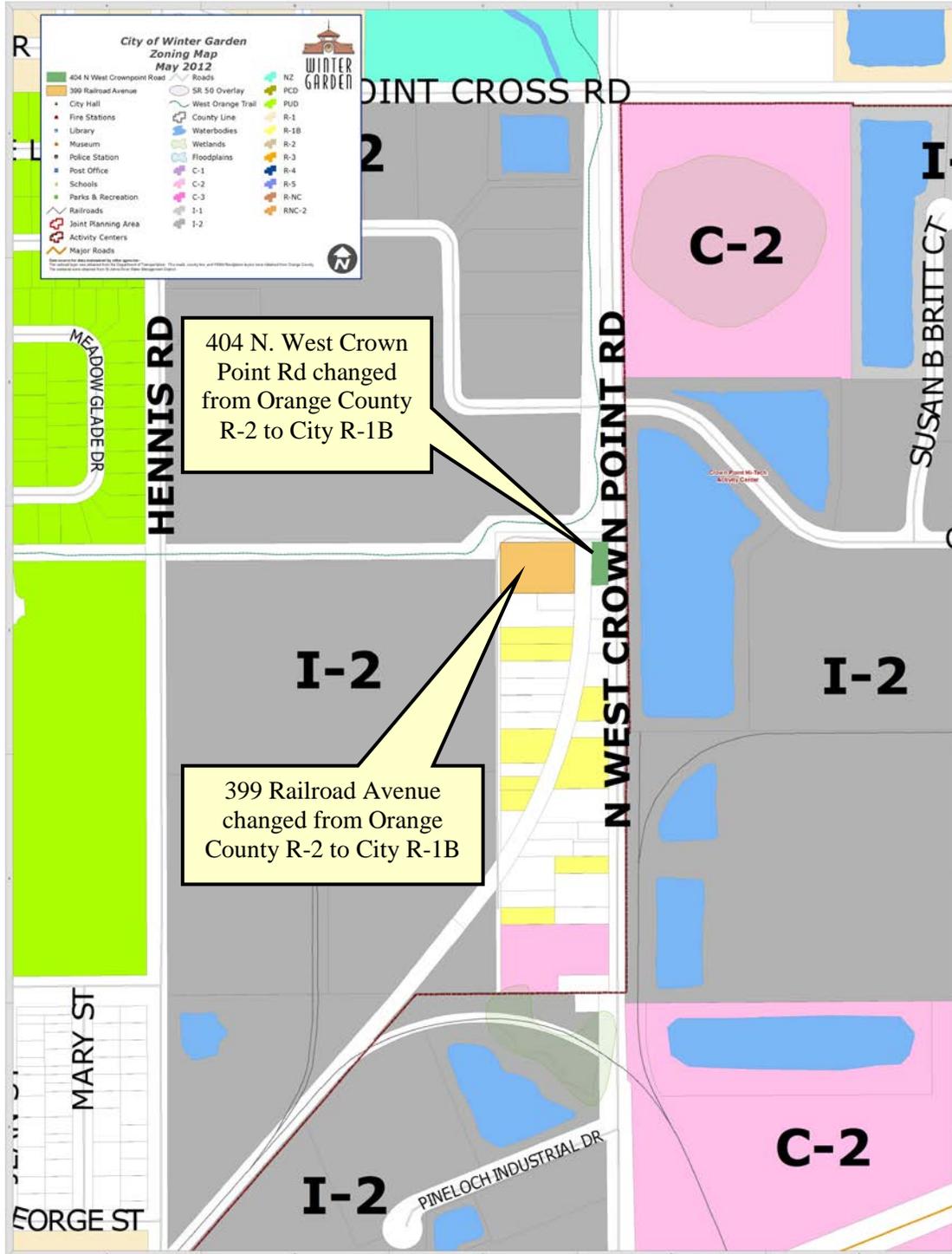
399 Railroad Ave & 404 N. West Crown Point Rd



FUTURE LAND USE MAP
399 Railroad Ave & 404 N. West Crown Point Rd



ZONING MAP
399 Railroad Avenue & 404 N. West Crown point Road

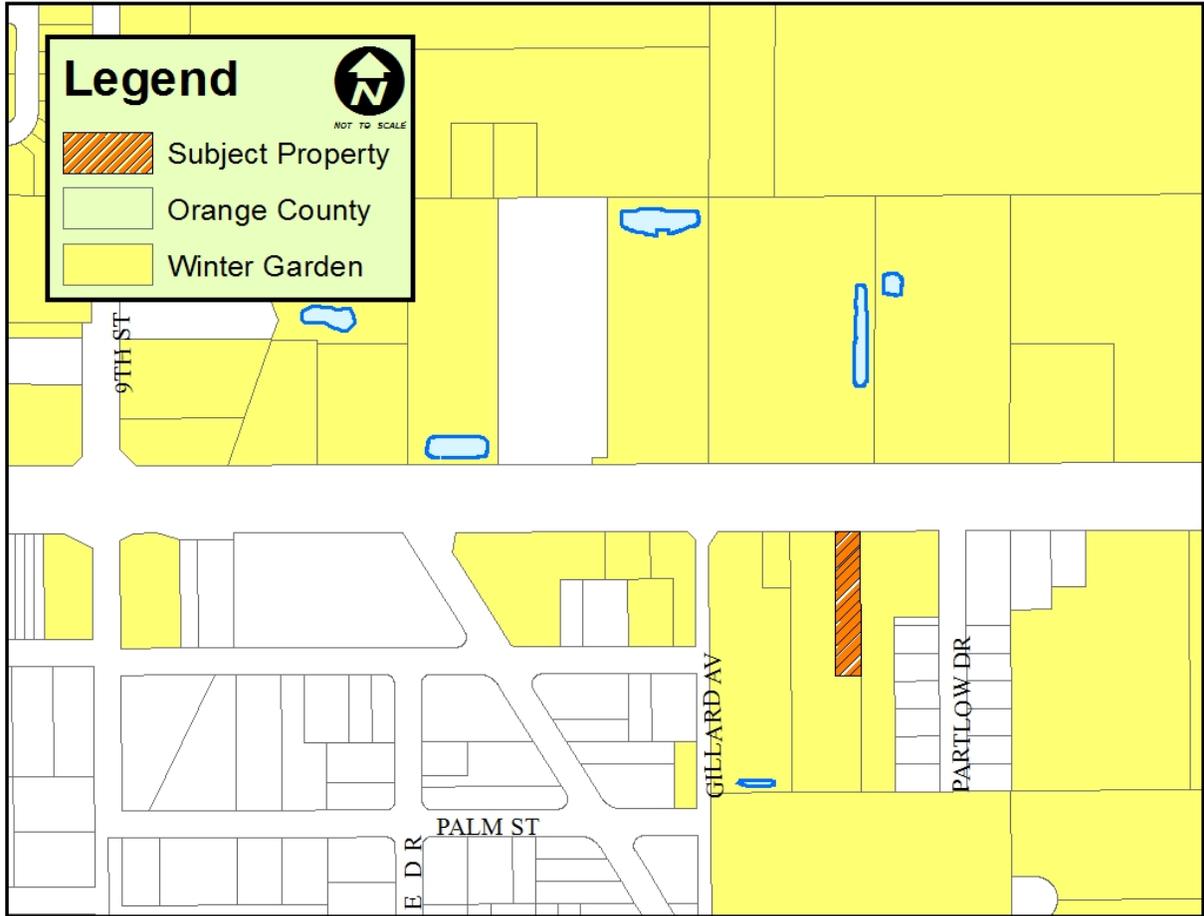


END OF STAFF REPORT

LOCATION MAP

Ordinance #12-40; 12-41; and 12-42

12750 West Colonial Drive



ORDINANCE 12-40

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.405 ± ACRES LOCATED AT 12750 WEST COLONIAL DRIVE; ON THE SOUTH SIDE OF WEST COLONIAL DRIVE EAST OF GILLARD AVENUE AND WEST OF PARTLOW DRIVE 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 0.405 ± acres located at 12750 West Colonial Drive; on the south side of West Colonial Drive east of Gillard Avenue and west of Partlow Drive 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

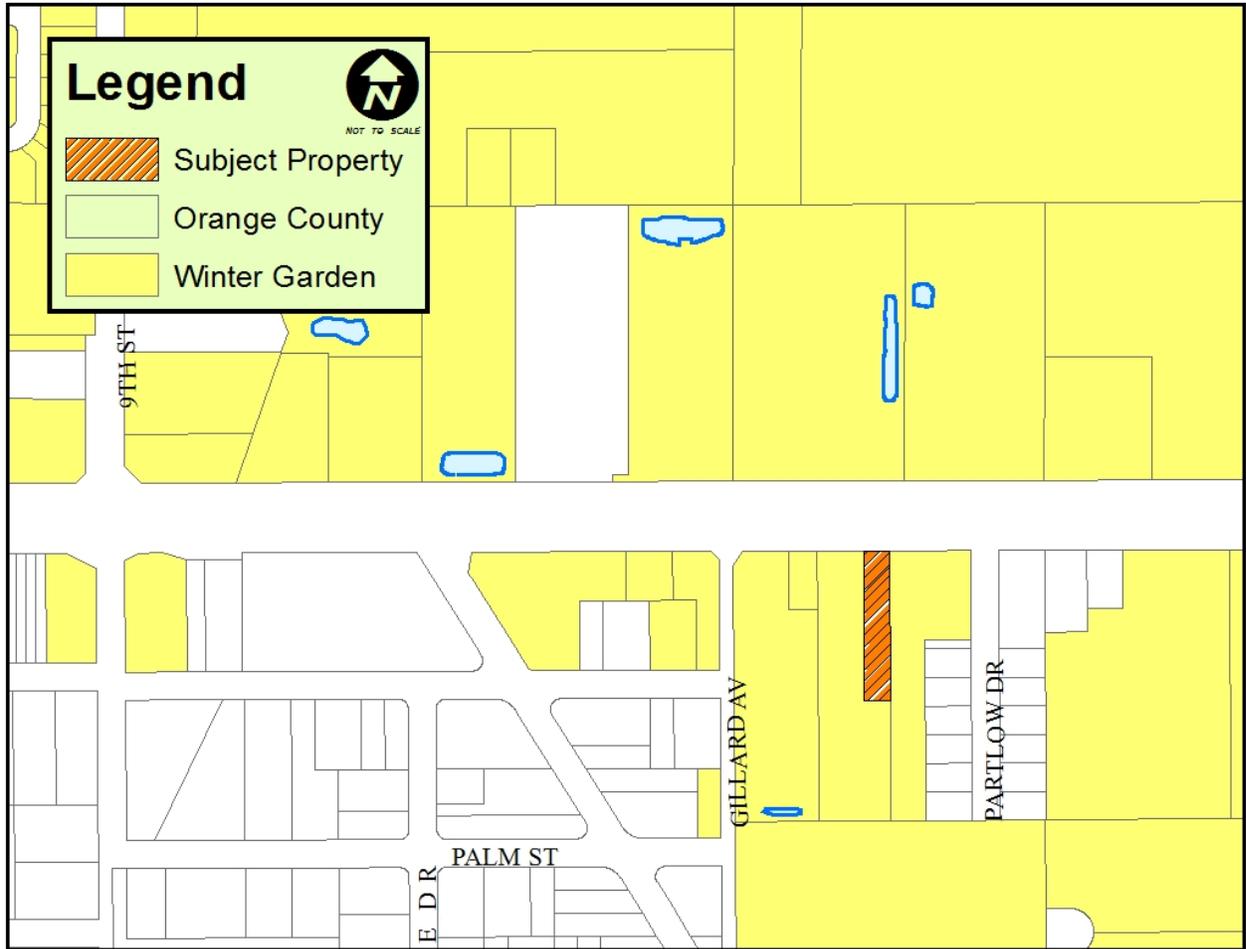
ATTACHMENT "A"
LEGAL DESCRIPTION

PARCEL ID#: 12-22-27-6496-23-004

DESCRIPTION:

COMMENCE AT THE NORTHEAST CORNER OF THE WEST $\frac{1}{2}$ OF THE NORTHWEST $\frac{1}{4}$ OF BLOCK "W", OVERSTREET CRATE COMPANY SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK F, PAGE 9, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE RUN S00°49'24"E ALONG THE EAST LINE OF SAID WEST $\frac{1}{2}$ OF THE NORTHWEST $\frac{1}{4}$ OF BLOCK "W", A DISTANCE OF 75.00 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF STATE ROAD NO. 50, AND THE POINT OF BEGINNING; THENCE CONTINUE S00°49'24"E A DISTANCE OF 321.00 FEET; THENCE RUN S89°00'06"W A DISTANCE OF 55.00 FEET; THENCE RUN N00°49'24"W A DISTANCE OF 321.00 FEET TO THE AFORESAID SOUTH RIGHT-OF-WAY LINE; THENCE RUN N89°00'06"E A DISTANCE OF 55.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.405 ACRES, MORE OR LESS.



ORDINANCE 12-41

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 0.405 ± ACRES OF LAND LOCATED AT 12750 WEST COLONIAL DRIVE; ON THE SOUTH SIDE OF WEST COLONIAL DRIVE EAST OF GILLARD AVENUE AND WEST OF PARTLOW DRIVE FROM ORANGE COUNTY COMMERCIAL 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 0.405 ± acres of land located at 12750 West Colonial Drive; on the south side of West Colonial Drive east of Gillard Avenue and west of Partlow Drive, 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 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 12-40, 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#: 12-22-27-6496-23-004

DESCRIPTION:

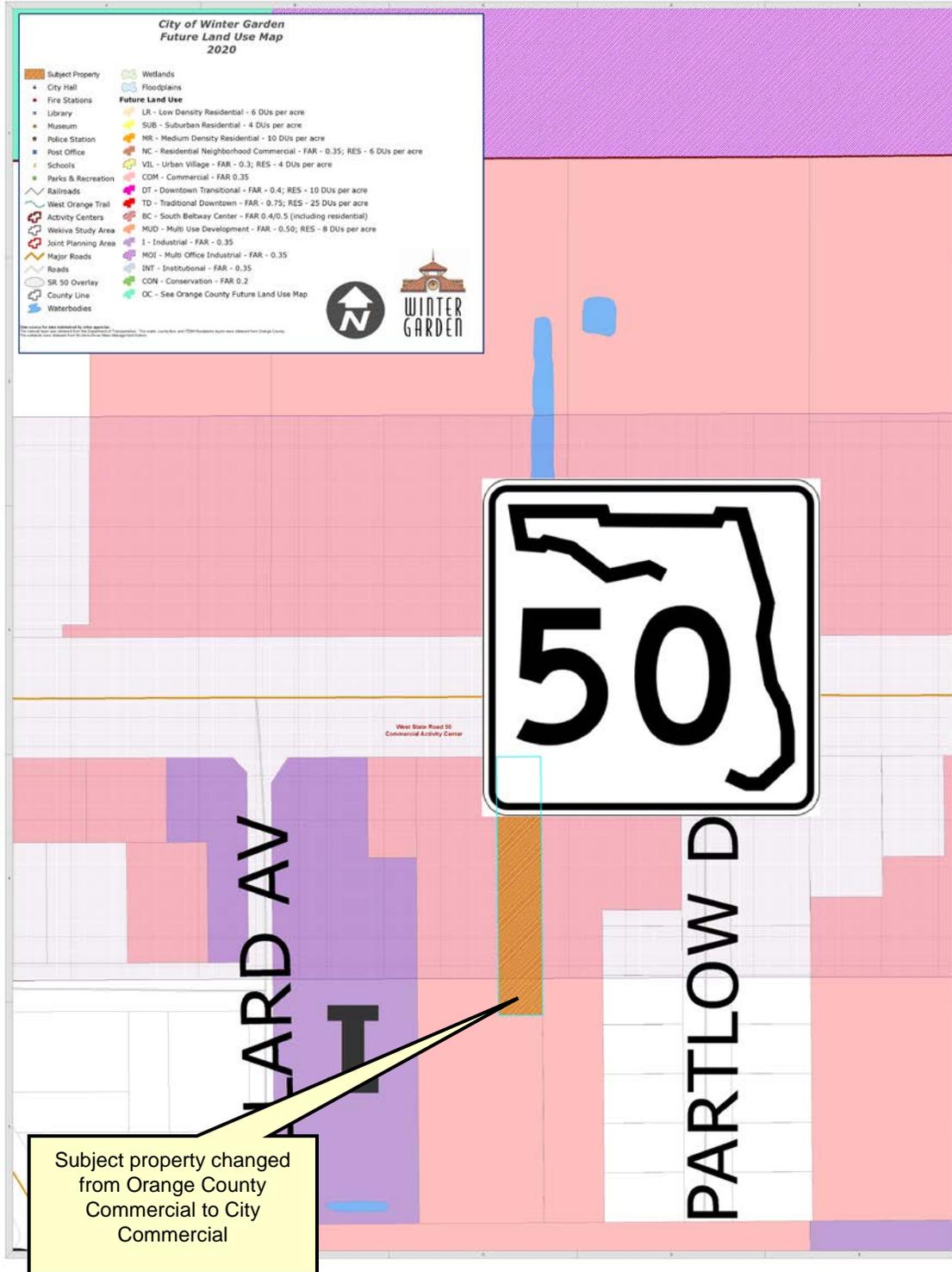
COMMENCE AT THE NORTHEAST CORNER OF THE WEST $\frac{1}{2}$ OF THE NORTHWEST $\frac{1}{4}$ OF BLOCK "W", OVERSTREET CRATE COMPANY SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK F, PAGE 9, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE RUN S00°49'24"E ALONG THE EAST LINE OF SAID WEST $\frac{1}{2}$ OF THE NORTHWEST $\frac{1}{4}$ OF BLOCK "W", A DISTANCE OF 75.00 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF STATE ROAD NO. 50, AND THE POINT OF BEGINNING; THENCE CONTINUE S00°49'24"E A DISTANCE OF 321.00 FEET; THENCE RUN S89°00'06"W A DISTANCE OF 55.00 FEET; THENCE RUN N00°49'24"W A DISTANCE OF 321.00 FEET TO THE AFORESAID SOUTH RIGHT-OF-WAY LINE; THENCE RUN N89°00'06"E A DISTANCE OF 55.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.405 ACRES, MORE OR LESS.

ATTACHMENT "B"

FUTURE LAND USE MAP

12750 West Colonial Drive



ORDINANCE 12-42

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.405 ± ACRES OF REAL PROPERTY GENERALLY LOCATED AT 12750 WEST COLONIAL DRIVE; ON THE SOUTH SIDE OF WEST COLONIAL DRIVE EAST OF GILLARD AVENUE AND WEST OF PARTLOW DRIVE FROM ORANGE COUNTY C-3 COMMERCIAL 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 0.405 ± acres of land located at 12750 West Colonial Drive; on the south side of West Colonial Drive east of Gillard Avenue and west of Partlow Drive, and legally described in Section 1 of this ordinance has petitioned the City to rezone said property from Orange County C-3 Commercial 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 C-3 Commercial 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 12-41 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#: 12-22-27-6496-23-004

DESCRIPTION:

COMMENCE AT THE NORTHEAST CORNER OF THE WEST $\frac{1}{2}$ OF THE NORTHWEST $\frac{1}{4}$ OF BLOCK "W", OVERSTREET CRATE COMPANY SUBDMISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK F, PAGE 9, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE RUN S00°49'24"E ALONG THE EAST LINE OF SAID WEST $\frac{1}{2}$ OF THE NORTHWEST $\frac{1}{4}$ OF BLOCK "W", A DISTANCE OF 75.00 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF STATE ROAD NO. 50, AND THE POINT OF BEGINNING; THENCE CONTINUE S00°49'24"E A DISTANCE OF 321.00 FEET; THENCE RUN S89°00'06"W A DISTANCE OF 55.00 FEET; THENCE RUN N00°49'24"W A DISTANCE OF 321.00 FEET TO THE AFORESAID SOUTH RIGHT-OF-WAY LINE; THENCE RUN N89°00'06"E A DISTANCE OF 55.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.405 ACRES, MORE OR LESS.

CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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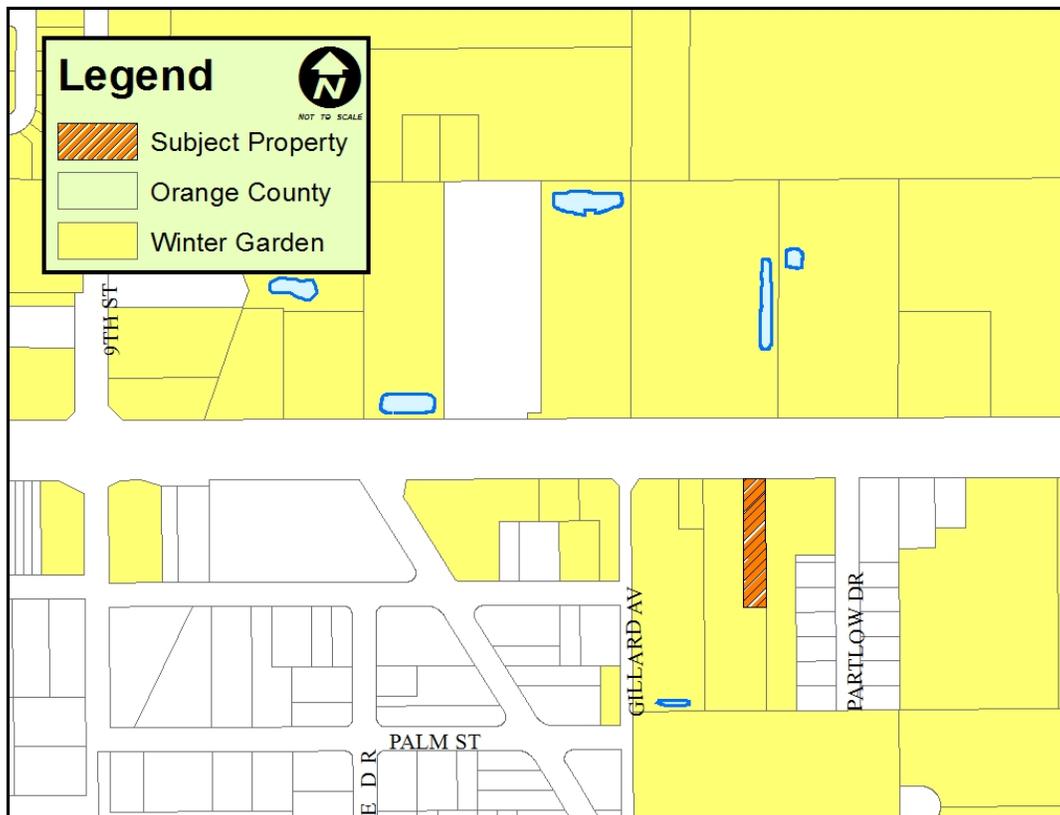
STAFF REPORT

TO: PLANNING AND ZONING BOARD
PREPARED BY: STEVE PASH, SENIOR PLANNER
DATE: AUGUST 6, 2012
SUBJECT: ANNEXATION - REZONING - FLU AMENDMENT
12750 WEST COLONIAL DRIVE (0.405 +/- ACRES)
PARCEL ID #: 12-22-27-6496-23-004
APPLICANT: JOYCE E. THOMAS TRUST

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 12750 West Colonial Drive and is approximately 0.405 ± 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 1,376 square foot commercial building with a residential unit.

ADJACENT LAND USE AND ZONING

The properties located to the north are developed commercial properties with an assisted living facility, an RV sales center, a gas station, zoned C-2 and located in the City. The property located to the east is a car wash facility, zoned C-2 and located in the City. The properties to the south are vacant commercial buildings and property, zoned C-2 and located in the City. The property to the west is a vacant commercial building, zoned C-2, and located in the City.

PROPOSED USE

The owner is proposing to annex the property because they need to connect to the City potable water. The existing commercial building will remain.

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.

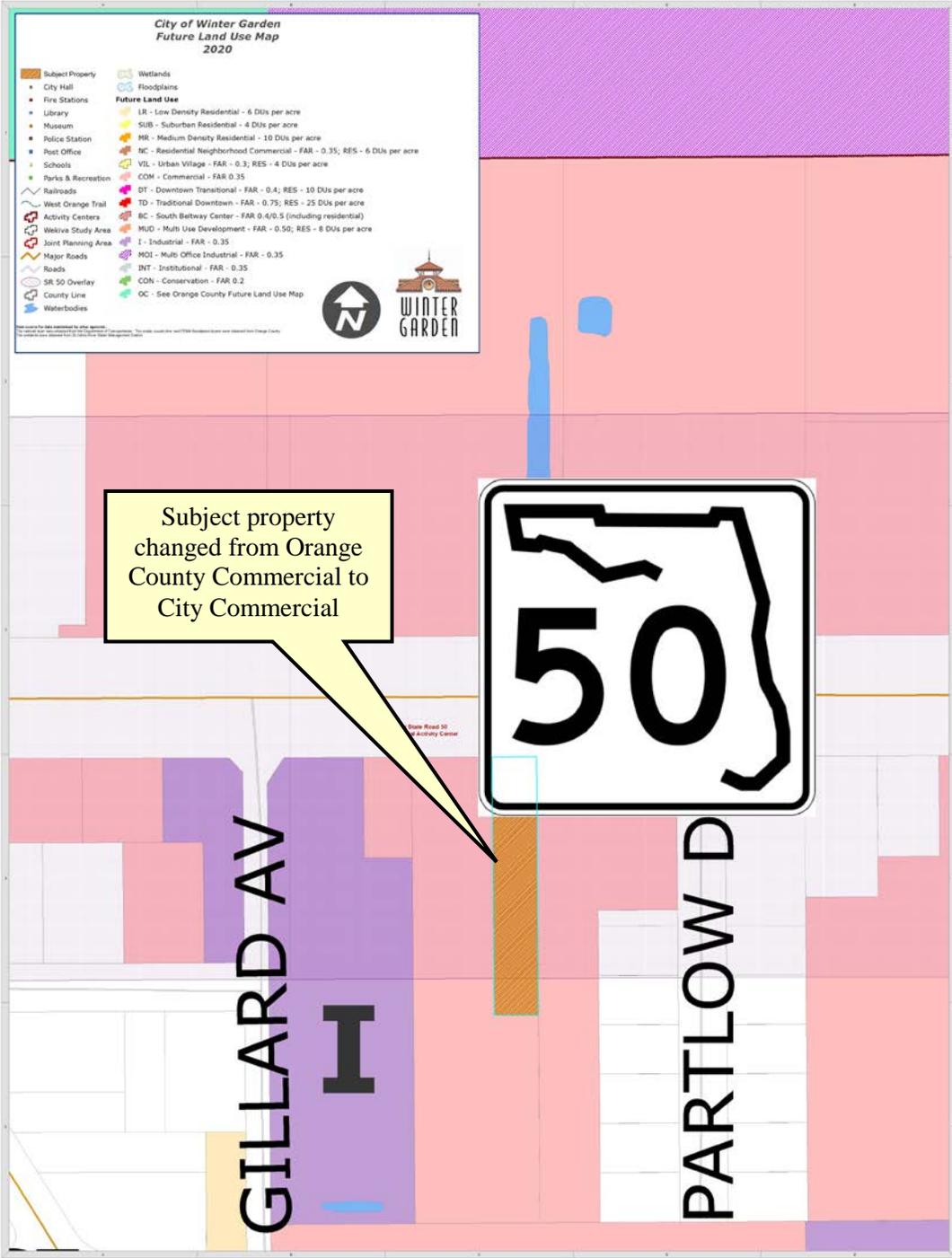
MAPS

AERIAL PHOTO

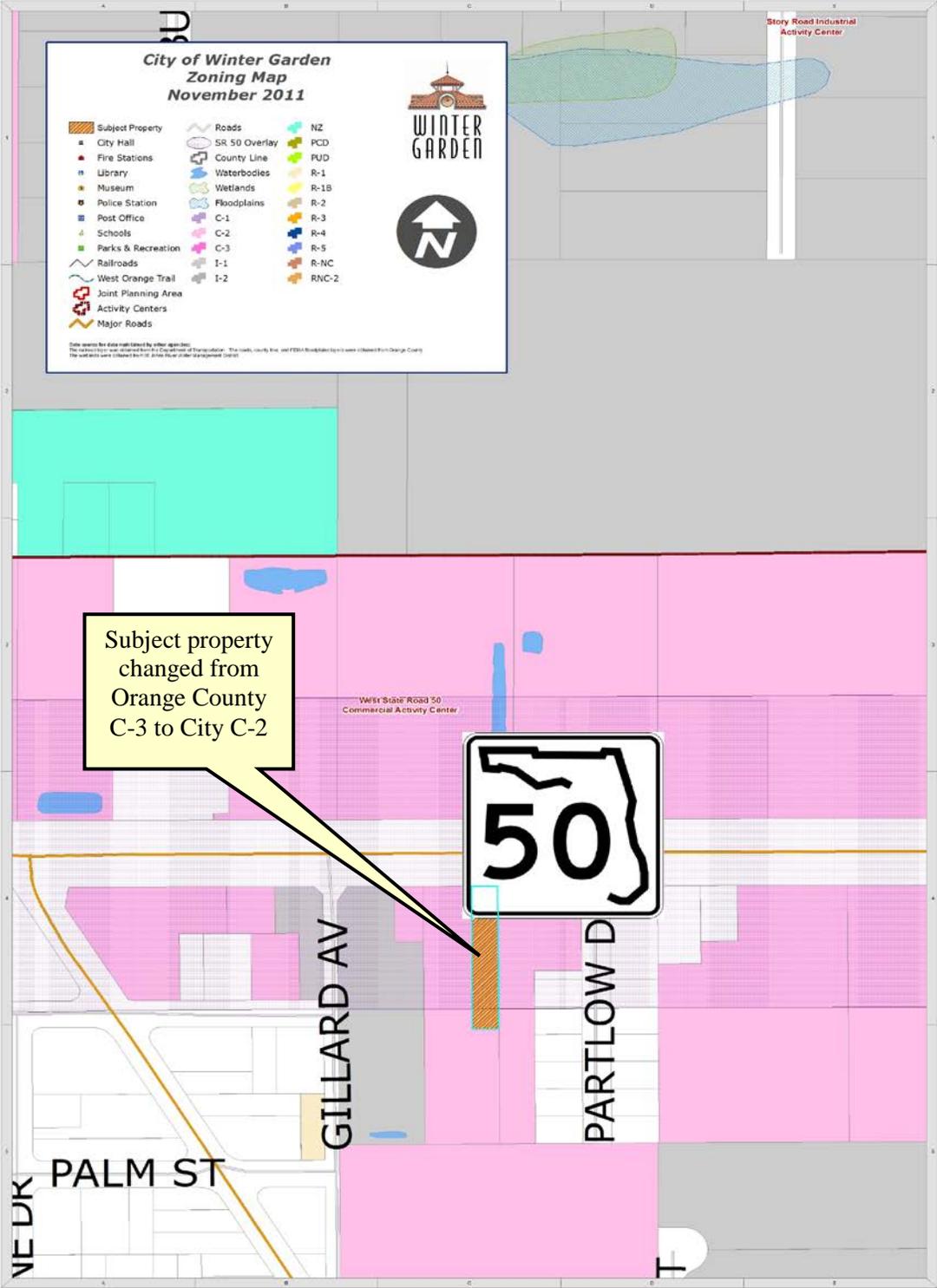
12750 W Colonial Drive



**FUTURE LAND USE MAP
12750 W Colonial Drive**



ZONING MAP
12750 W Colonial Drive



END OF STAFF REPORT

THE CITY OF WINTER GARDEN
PLANNING AND ZONING BOARD AGENDA ITEM

ITEM # 6 (Public Hearing)

DATE: July 28, 2012 **MEETING DATE:** August 6, 2012

SUBJECT: 35 S Dillard Street (SPECIAL EXCEPTION PERMIT)
PROJECT NAME Tony's Investment, Inc.
PARCEL ID# 23-22-27-8816-01-010

ISSUE: The applicant is requesting a Special Exception Permit to allow for the property located at 35 S. Dillard Street to be used for Automobile Sales.

SUPPLEMENTAL MATERIAL/ANALYSIS:

OWNER/APPLICANT: Tony's Investment, Inc./Chrome Nova, Inc./Tony Lutchman

CURRENT ZONING: C-2 Arterial Commercial District

PROPOSED ZONING: N/A

CURRENT FLU: Commercial

PROPOSED FLU: N/A

SUMMARY:

The applicant is requesting special exception to allow a portion of the building to be used as an automobile sales facility. The proposed business will purchase vehicles at an auction, transport the vehicles to this building, and then sell the vehicles at the auction in Ocoee. No customers will be on site and no vehicles will be displayed for sale at the subject site. C-2 Zoning allows vehicle sales through special exception if it meets the special exception requirements.

STAFF RECOMMENDATION(S):

Staff recommends approval of the Special Exception with the conditions contained in the staff report.

NEXT STEP(S):

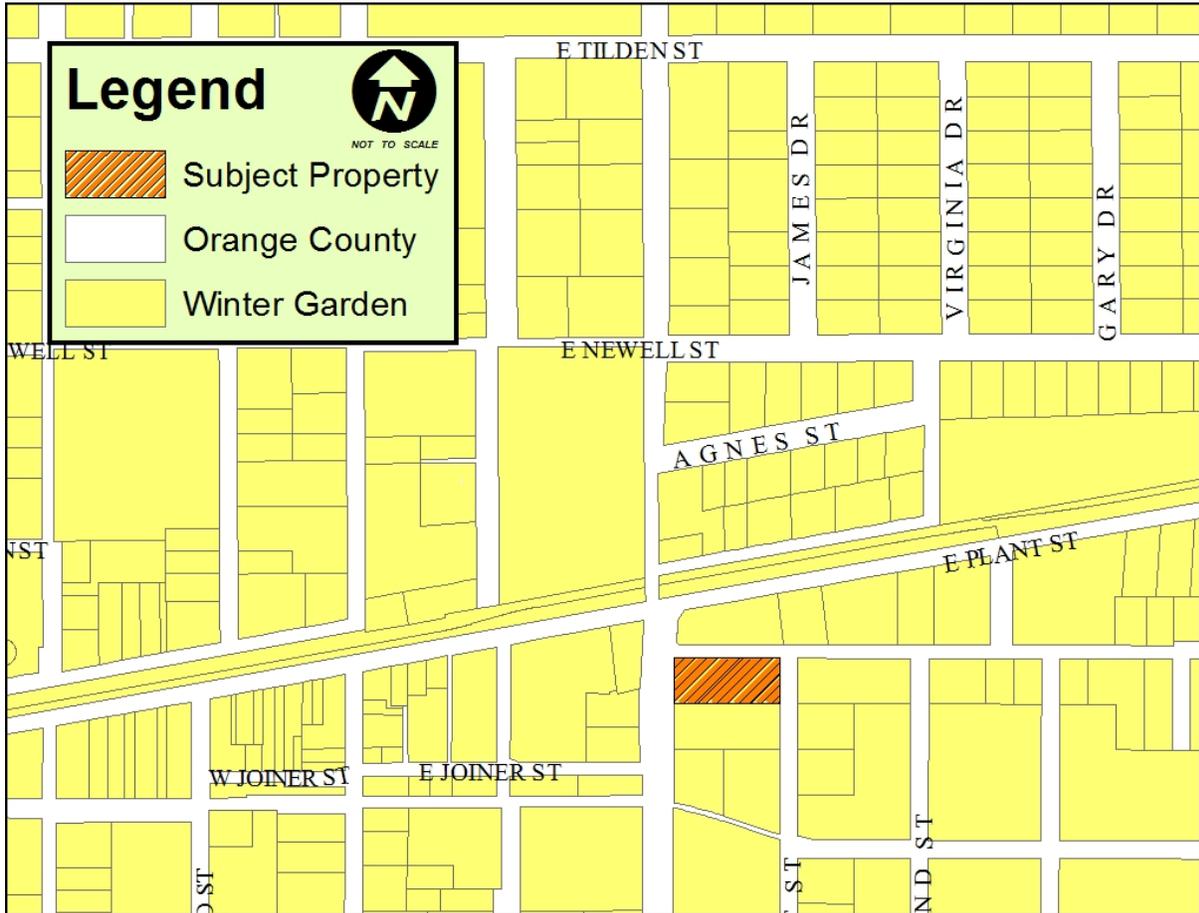
N/A

ATTACHMENT(S):

Location Map
Staff Report

LOCATION MAP

Chrome Nova, Inc. – Auto Sales Facility
35 S. Dillard Street



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: JULY 28, 2012
SUBJECT: SPECIAL EXCEPTION PERMIT
35 S. Dillard Street (Auto Sales Facility)
PARCEL ID # 23-22-27-8816-01-010

APPLICANT: Tony's Investment, Inc./Chrome Nova, Inc./Tony Lutchman

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 the southeast corner of South Dillard Steet and East Bay Street. The map below depicts the location of the subject property within the City of Winter Garden municipal limits:



The request is for a Special Exception Permit to allow a portion of the building to be used for an automobile sales facility. The subject property is located within the City of Winter Garden municipal limits, and carries the zoning designation C-2. The subject property is designated Traditional Downtown on the Future Land Use Map of the Comprehensive Plan.

EXISTING/PROPOSED USE

The property contains a building that is used for a construction company, and was previously approved to operate an automobile sales facility. The previous approval was in 1999 and has expired.

The owner would now like to open a new car sales facility that will not operate like a normal automobile sales facility. They will purchase vehicles at an auction, transport them to this facility, and then sell the vehicles at the auction in Ocoee. No customers will be on site and no vehicles will be displayed for sale at the subject site.

ADJACENT LAND USE AND ZONING

The property located to the north is developed with a restaurant, zoned C-2, and in the City of Winter Garden. The property to the east is vacant land owned by Winter Garden Citrus Growers Association, zoned C-2, and in the City of Winter Garden. The property to the south is used for Florida Metal Craft, Inc., zoned C-2, and in the City. The properties to the west are developed with a convenience store and a vacant restaurant, zoned C-1, and in the City. All of the adjacent properties, including the subject property are located within the Historic Downtown District.

SUMMARY

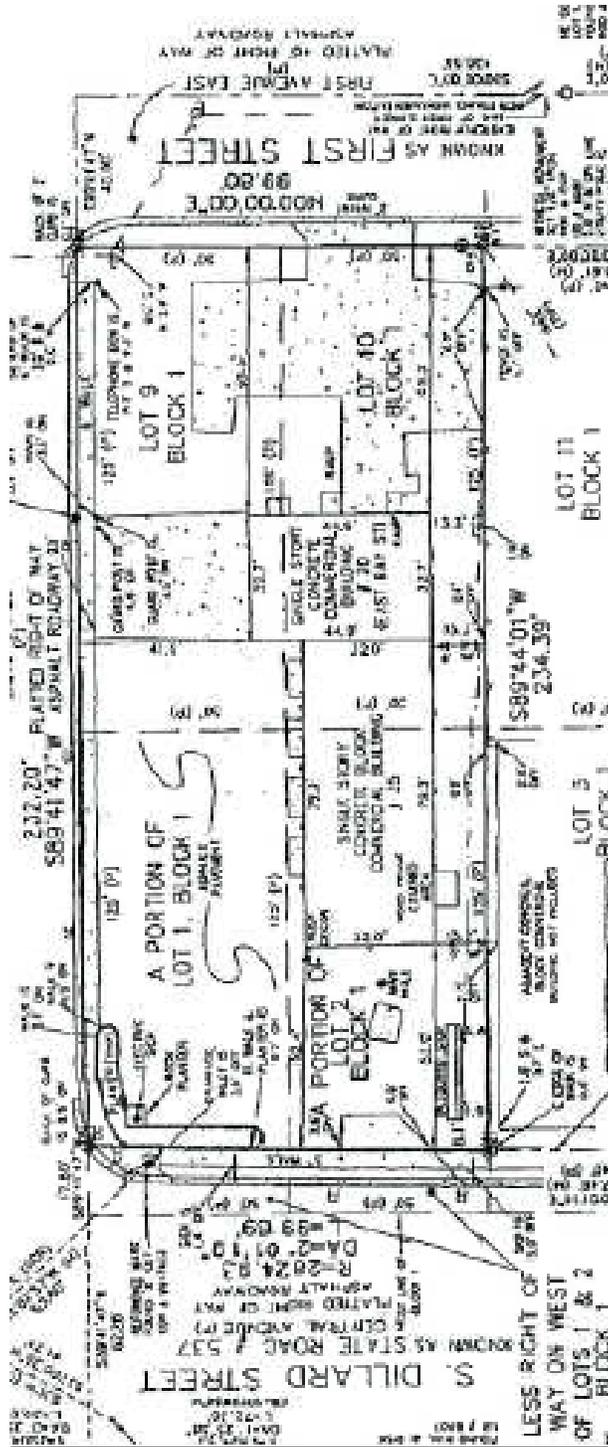
City Staff recommends approval of the proposed special exception permit to operate the automobile sales facility at 35 South Dillard Street with the following conditions:

- All vehicles associated to the Automobile Sales Facility shall be stored inside the building.
- No displays of any kind are allowed on any vehicles (ie. For sale signs).
- No on-site sales are allowed.
- No vehicle repairs are allowed on-site.
- This Special Exception is approved for this business (Chrome Nova, Inc.) and shall expire if the property is sold or if Chrome Nova, Inc or Tony's Investment, Inc. closes or is no longer operated by Clint Lutchman.
- All vehicles associated to the existing construction company shall be parked within the fenced in area along 1st Street.
- The existing access (curb cut) on South Dillard shall be closed and a new F-type curb shall be installed on South Dillard. When the site is redeveloped, future use can ask for reconsideration of this condition.
- A minimum 10 foot wide landscape buffer shall be installed on the west and south property line. The landscape buffer shall contain 33 (3 gallon) shrub such as viburnum per 100 feet, one (65 gallon) Live Oak every 50 feet, three (30 gallon) Crape Myrtle every 100 feet, and the remainder of the landscape buffer shall be planted with a ground cover such as jasmine.

AERIAL PHOTO
35 South Dillard Street



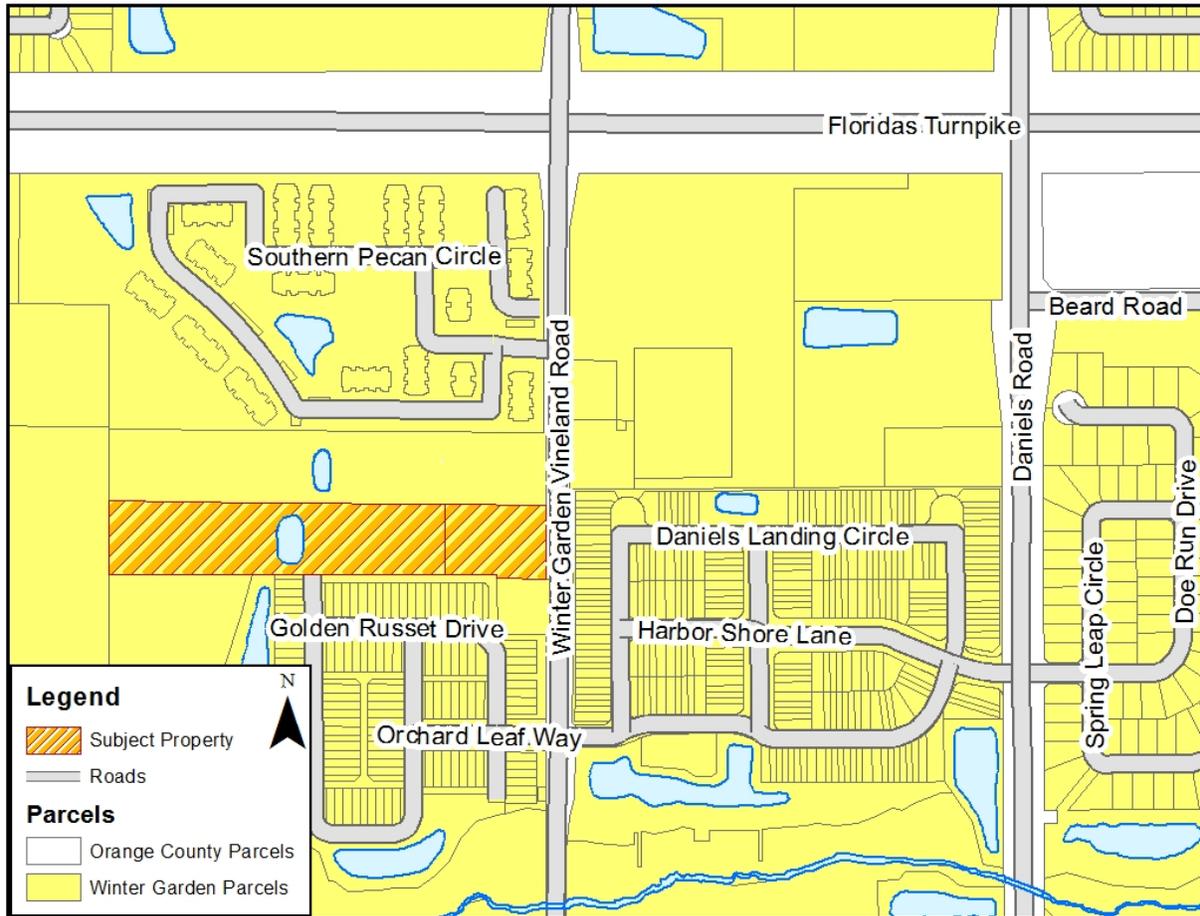
EXISTING SITE PLAN
35 South Dillard Street



END OF STAFF REPORT

LOCATION MAP

Star Child Academy Expansion
1330 Winter Garden Vineland Road



CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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STAFF REPORT

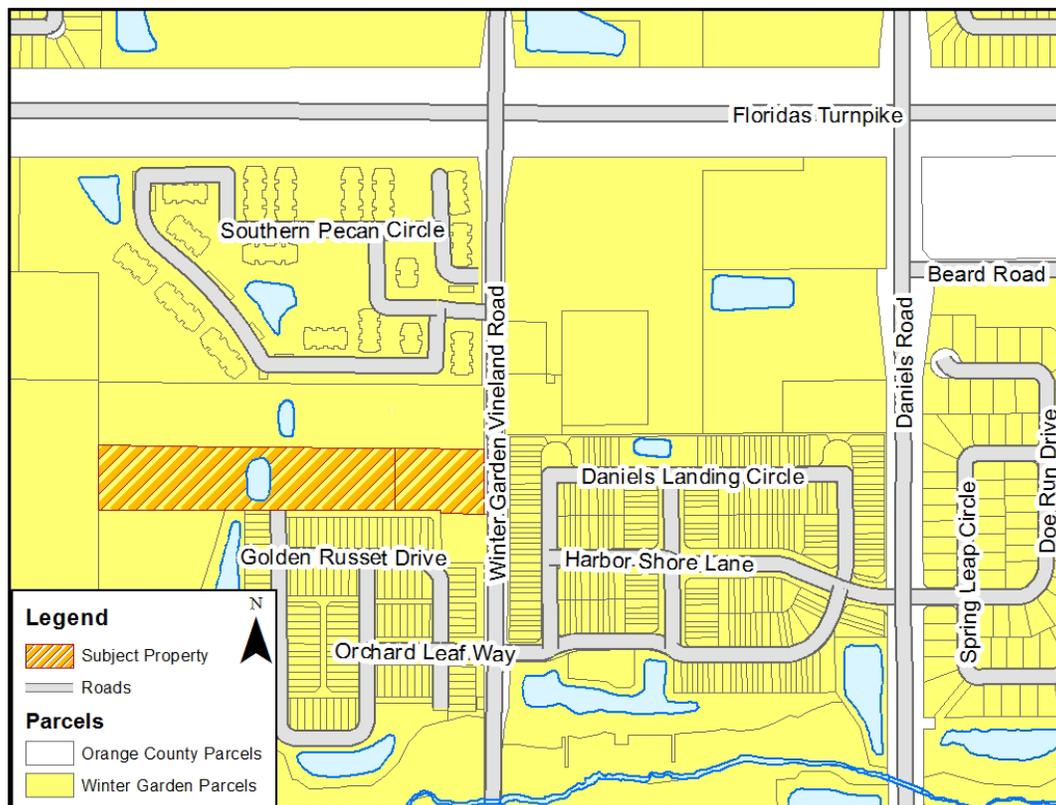
TO: PLANNING AND ZONING BOARD
PREPARED BY: LAURA SMITH, SENIOR PLANNER
DATE: AUGUST 1, 2012
SUBJECT: SPECIAL EXCEPTION PERMIT
1330 Winter Garden Vineland Road (Star Child Academy)
PARCEL ID # 26-22-27-8243-02-000

APPLICANT: Anil Sant, BULD 1330 LLC

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 generally located south of Florida's Turnpike and north of Orchard Leaf Way on the west side of Winter Garden Vineland Road. 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 expansion of the existing child day care facility located on the west portion of the site to include the office building located on the east portion of the subject property, additionally the applicant requests that the Special Exception for the building located on the east portion of the property also permit the operation of a private school for Kindergarten through 5th Grade in addition to the day care facility. The subject property is located within the City of Winter Garden municipal limits, and carries the zoning designation C-2. The subject property is designated Commercial on the Future Land Use Map of the Comprehensive Plan.

EXISTING USE

The site is currently divided into two parcels: 1324 Winter Garden Vineland Road which is the west portion of the property containing the existing Star Child Academy facilities, and 1330 Winter Garden Vineland Road which is the east portion of the property containing a 10,000 square foot office building.

The west portion of the property was granted a Special Exception in December 2006 for development of a day care center. The day care center, Star Child Academy, was constructed in 2007 and includes two commercial structures connected by a covered breezeway (25,328 combined gross square footage) and three separate playground areas (23,340 combined gross square footage). Site improvements for development of the west portion of the property for the day care facility included construction of a parking lot to serve the entire property (east and west portions) with a total of 123 parking spaces, installation of landscaping and buffering materials for entire property (east and west portions) and installation of turn lanes in Winter Garden Vineland Road for access and traffic management.

The east portion of the property contains a 10,000 square foot single story office building. The exterior of the existing office building was refinished in 2007 as part of the development of the day care facility located on the west portion of the property to aesthetically blend with the new construction.

ADJACENT LAND USE AND ZONING

The property located to the north of the subject property is owned by Lake Apopka Natural Gas and contains a 7,820 square foot commercial building and a 7,450 square foot warehouse and is zoned C-2 within the City of Winter Garden. Daniels Landing, a townhome community zoned R-3 within the City of Winter Garden is located across Winter Garden Vineland Road to the east of the subject property. The western portion of the subject property contains 2.28 acres of wetlands and natural conservation area, the wetlands extend onto the properties located to the west of the subject property which are undeveloped and zoned R-1 in the City of Winter Garden. The properties located to the south of the subject property include a townhome community called The Orchard which is zoned PUD in the City of Winter Garden, and West Orange Veterinary Hospital which is zoned C-2 in the City of Winter Garden.

PROPOSED USE

The applicant proposes to expand their existing day care center located at 1324 Winter Garden Vineland Road (west portion of the property) into the 10,000 square foot office building located at 1330 Winter Garden Vineland Road (east portion of property) and to additionally include a private school for Kindergarten through 5th Grade. The expansion will accommodate 160

students and 10 employees in addition to the existing day care center which accommodates 340 students and 70 employees for infant through Pre-K age children.

SUMMARY

City Staff recommends approval of the request for Special Exception to allow for the expansion of the existing day care facility located at 1324 Winter Garden Vineland Road into the 10,000 square foot building located at 1330 Winter Garden Vineland Road and the additional use of a private school for Kindergarten through 5th Grade in the building located at 1330 Winter Garden Vineland Road with the following conditions:

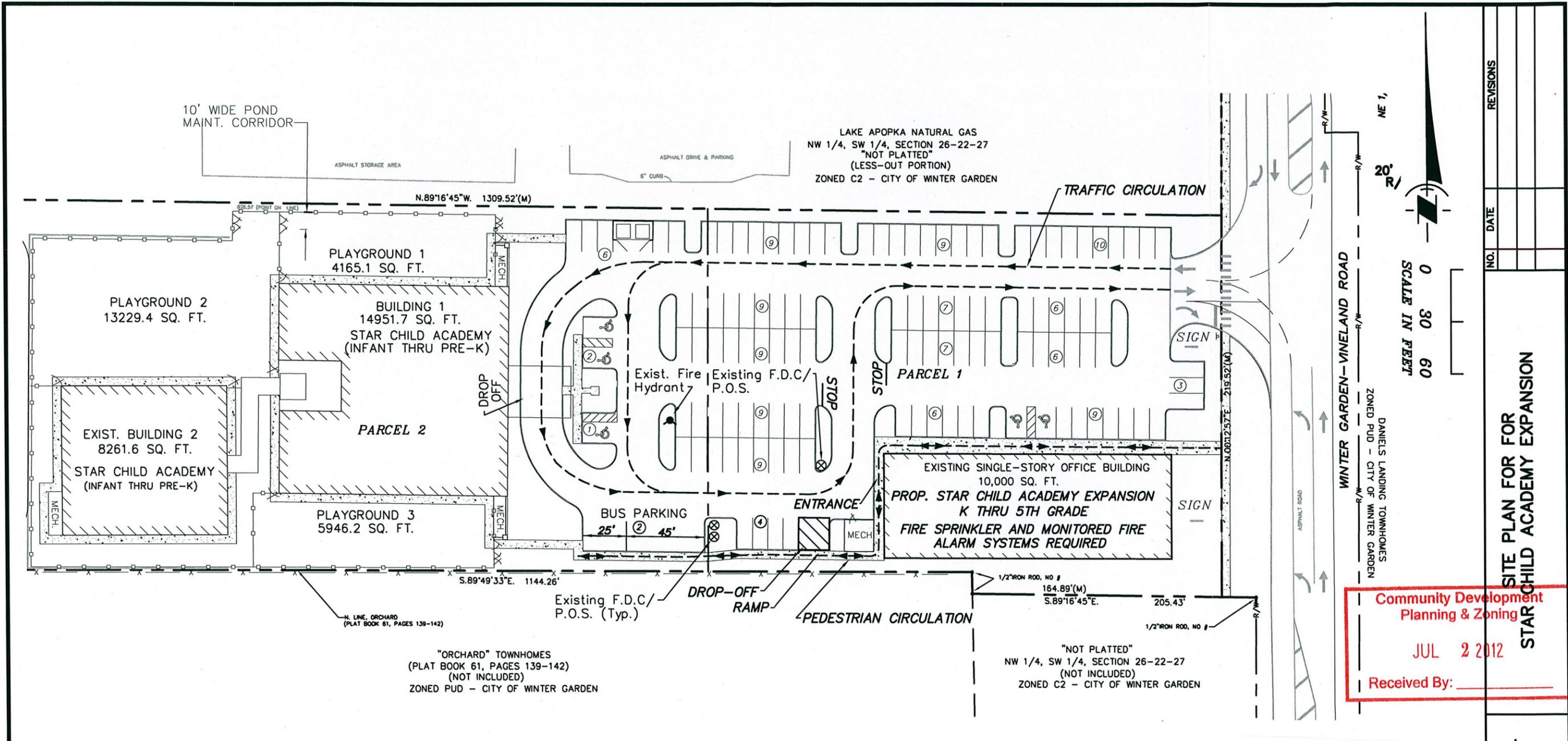
- Fire sprinkler and monitored fire alarm systems shall be installed in the building located at 1330 Winter Garden Vineland Road prior to student occupancy of the building.
- Maximum number of students to occupy the building located at 1330 Winter Garden Vineland Road shall be limited to 160.

MAPS/EXHIBITS

AERIAL PHOTO
1330 Winter Garden Vineland Road



END OF STAFF REPORT



DEVELOPMENT PROPOSAL

CLIENT INTENDS TO EXPAND STAR CHILD ACADEMY INTO THE EAST BUILDING, EVENTUALLY UTILIZING THE ENTIRE 10,000 SF IN THE EAST BUILDING.

EAST BUILDING WILL BE UTILIZED FOR FOR K THRU 5TH WITH 10 EMPLOYEES AND 160 STUDENTS WITH DROP-OFF FROM 8AM TO 8:30 AM.

WEST BUILDINGS WILL BE UTILIZED FOR INFANT THRU PRE-K WITH 70 EMPLOYEES AND 340 STUDENTS WITH DROP-OFF FROM 6AM TO 8AM.

CLIENT WILL CONTINUE TO LEASE A PORTION OF THE EAST BUILDING TO NEW HORIZONS CHURCH FOR WEDNESDAY EVENING AND SUNDAY SERVICES FOR THE NEXT THREE YEARS.

PROPERTY INFORMATION:

1. **OWNER:** ANIL SANT
BULD 1330 LLC
1324 WINTER GARDEN-VINELAND ROAD
WINTER GARDEN, FL 34787
2. **PARCEL ID:** 26-22-27-00-8243-02
3. **ADDRESS:** 1330 WINTER GARDEN-VINELAND ROAD, WINTER GARDEN
4. **PARCEL SIZE :** 5.95 ACRES (THIS INCLUDES 2.28 ACRES CONSERVATION AREA)
5. **ZONING:** C2 W/ SPECIAL EXCEPTION FOR CHILD CARE
6. **NOTE:** ALL SITE IMPROVEMENTS ARE IN PLACE.
7. **PARKING REQUIRED:** 33,213 GSF X 3 SPACES/1000SF = 100
8. **PARKING PROVIDED :** 122 TOTAL SPACES ON SITE (INCLUDES 5 HC AND 2 BUS)

Winter Garden Vineland Rd - 1330
SPECIAL EXCEPTION PERMIT
Star Child Academy - Expansion
26-22-27-8243-02-000

KIRBY E	JOHN
JK DESIGNED	
JK DRAWN	
6/22/12 DATE	
1 OF 1	

THE CITY OF WINTER GARDEN
PLANNING AND ZONING BOARD AGENDA ITEM

ITEM # 8 (Public Hearing)

DATE: July 28, 2012 **MEETING DATE:** August 6, 2012

SUBJECT: 3337 Daniels Road (SPECIAL EXCEPTION PERMIT)
PROJECT NAME Firestone Automotive Service Center
PARCEL ID# 35-22-27-9398-03-080

ISSUE: The applicant is requesting a Special Exception Permit to allow for the property located at 3337 Daniels Road to be developed as a Firestone Automotive Service Center.

SUPPLEMENTAL MATERIAL/ANALYSIS:

OWNER/APPLICANT: Sembler Winter Garden Partnership #1, LTD

CURRENT ZONING: PCD Planned Commercial Development

PROPOSED ZONING: N/A

CURRENT FLU: Commercial

PROPOSED FLU: N/A

SUMMARY:

Applicant is requesting special exception to construct a free standing tire installation facility. The PCD allows this type of use through special exception if it meets the PCD design criteria and special exception requirements.

STAFF RECOMMENDATION(S):

Staff recommends denial of the Special Exception request to open an Automotive Service Center at the Winter Garden Village, as it is not consistent with the PCD or the surrounding development.

NEXT STEP(S):

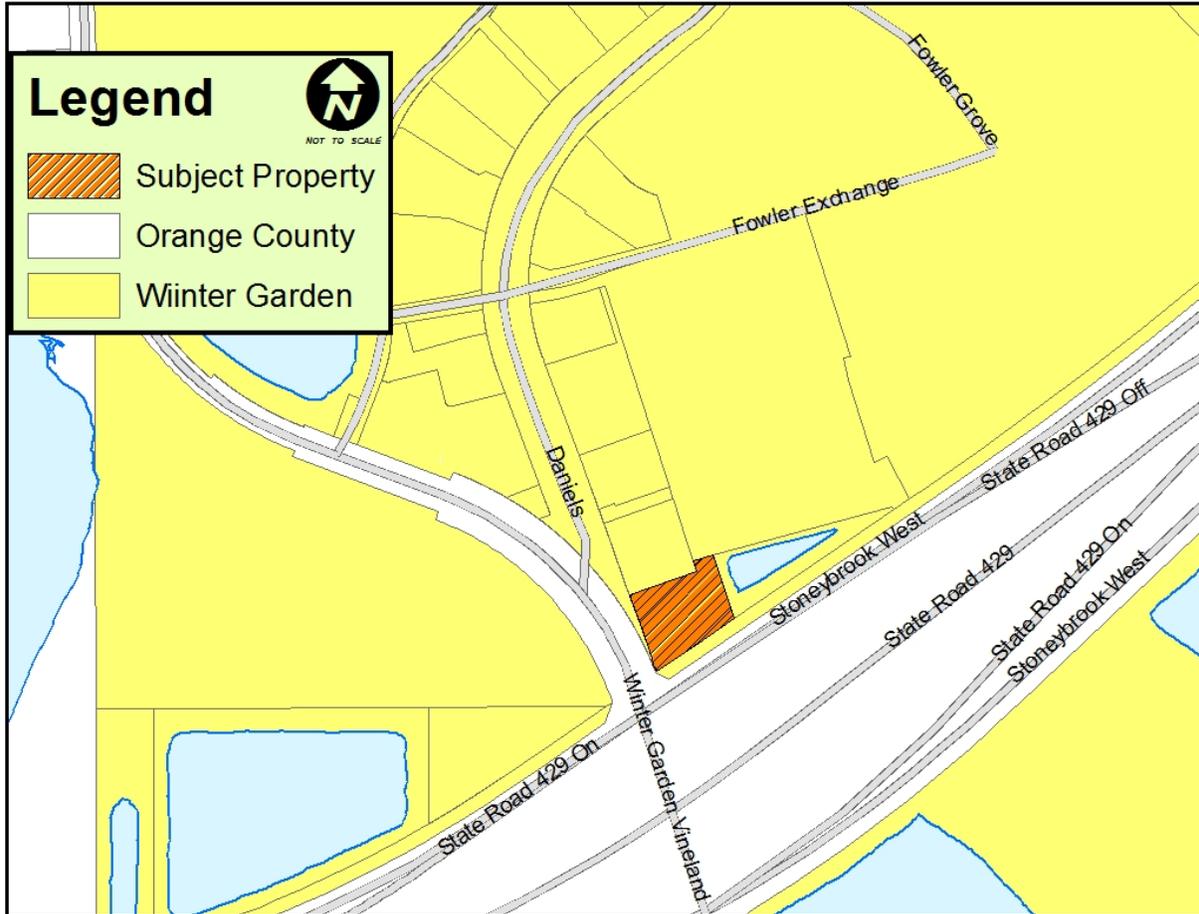
N/A

ATTACHMENT(S):

Location Map
Staff Report

LOCATION MAP

Firestone Winter Garden
3337 Daniels Road



CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

STAFF REPORT

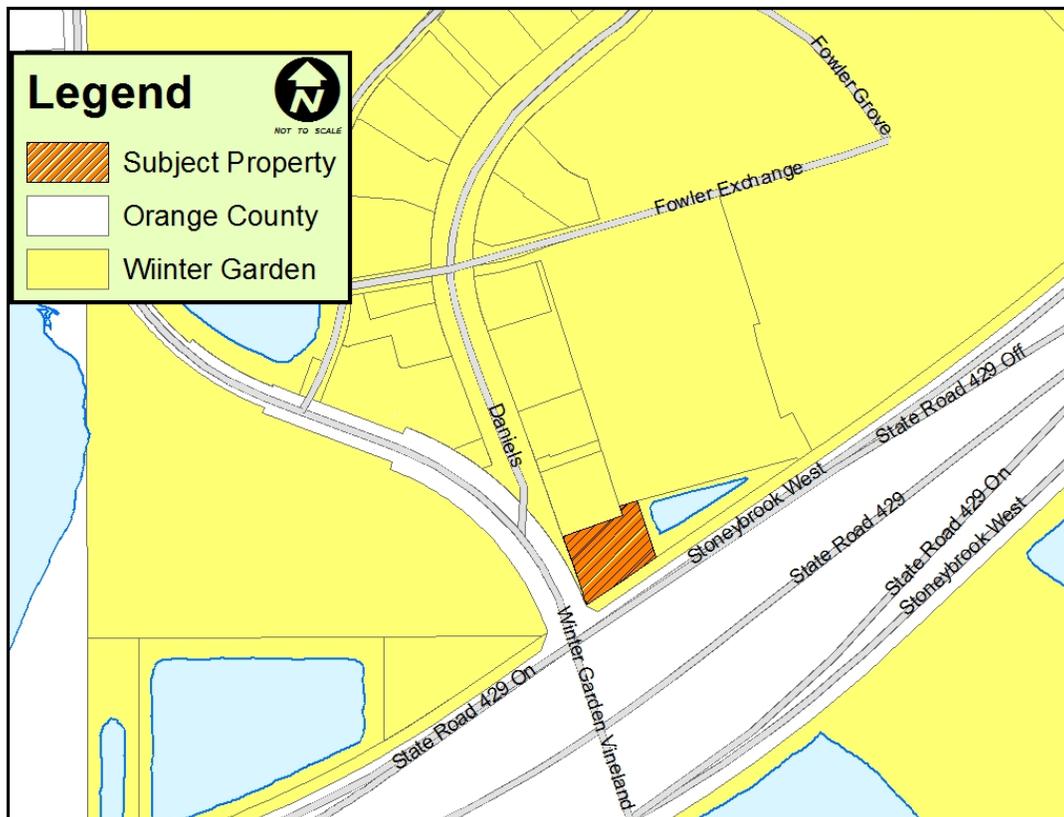
TO: PLANNING AND ZONING BOARD
PREPARED BY: STEVE PASH, SENIOR PLANNER
DATE: JULY 28, 2012
SUBJECT: SPECIAL EXCEPTION PERMIT
3337 Daniels Road (Firestone Automotive Service Center)
PARCEL ID # 35-22-27-9398-03-080

APPLICANT: Sembler Winter Garden Partnership # 1, Ltd.

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 generally located at the northeast corner of Stoneybrook West Parkway and Daniels Road / Winter Garden Vineland Road. The map below depicts the location of the subject property within the City of Winter Garden municipal limits:



The request is for a Special Exception Permit to allow for the development of a Firestone Automotive Service Center on the subject property. The subject property is located within the City of Winter Garden municipal limits, and carries the zoning designation PCD. The subject property is designated Southern Beltway on the Future Land Use Map of the Comprehensive Plan.

The front of the building is oriented toward Daniels with the rear of the building consisting of 10 bay doors (See "Proposed Site Plan"). The height of the building is 30 feet, and the applicant proposes to construct a buffer wall along the Stoneybrook Parkway frontage, however, with the elevation of the property the height of the building and the elevated 429, the wall will provide little buffering.

EXISTING/PROPOSED USE

The subject property is located within the Winter Garden Village Mall and is one of the last vacant pieces of land at the mall site. The approved PCD (Ordinance 05-24) allows for a variety of retail, restaurant, specialty stores, and related retail commercial uses. Section 2 d (2) of Ordinance 05-24 requires that a free standing tire installation facility apply for special exception to be permitted within the Winter Garden Village PCD. To date, no other properties within the PCD have requested special exception and all of the current uses that are adjacent to Daniels Road are permitted uses within the PCD.

During the initial review of the Mall for approval, a tire center was proposed by Sembler the original developer of the property. The tire center was to be located in the back of the mall and interior to the site. There was substantial neighborhood opposition to a tire center so it was not listed as a permitted use, but the developer was successful in listing tire center as a special exception. A tire center interior to the site may have been a permissible site, but the proposed location at the intersection for 429/Stoneybrook Parkway and Daniels Road is not.

Section 118-97 of the Winter Garden Code requires that *"any special exception use shall be permitted as specified in individual zoning district regulations, when such use is compatible with surrounding uses, will not create traffic hazards or parking problems, or does not deviate from the terms of Chapter 118."* The PCD further requires that all development shall comply with the general development standards of the C-2 zoning district or the West State Road 50 Overlay, whichever is more restrictive.

Section 118-1401 (3) of the Winter Garden Code states that part of the intent and purpose of the West State Road 50 Overlay Standards is *"prevents visual pollution caused by unplanned and uncoordinated uses, buildings and structures."*

Allowing a free standing tire care facility or auto center on Daniels Road / at the mall would establish inconsistent and incompatible uses at the mall and on Daniels Road. Currently this type of use does not exist on Daniels Road or on County Road 535 south of State Road 429. While the PCD does allow the applicant to request a special exception to build this facility at the mall, this type of use is better suited on major arterial roads such as State Road 50. If considered for approval at the mall, a tire center should only be located interior to site.

The proposed development is inconsistent with policies 1-2.3.4 and 1-2.1.17 in the Future Land Use Element of the City's Comprehensive Plan. These policies address the appropriate location of commercial uses to surrounding development. The request for a tire center at this location is inconsistent with Policy 1-2.3.10 Rezoning Criteria.

Policy 1-2.3.10: Rezoning Criteria. No petition for a rezoning may be approved unless evidence is presented to the City Commission's satisfaction that determines that:

- (1) The request is consistent with the Comprehensive Plan and the Future Land Use map, and
- (2) The Proposed rezoning will not substantially devalue or prevent reasonable use and enjoyment of the adjacent properties, and
- (3) Adequate facilities are available or a development agreement has been established that will provide these improvements in a reasonable time frame, and
- (4) The proposed rezoning will not allow a type or intensity of development that is premature or presently out of character in relationship to the surrounding area, and
- (5) The rezoning will not interfere with an adjacent property owner's reasonable expectation of use or enjoyment.
- (6) The rezoning will not significantly increase the vehicular traffic in adjacent residential neighborhoods.

Amended by Ordinance 99-18, 08/09/1999

The use of the property is inconsistent with criteria (2) in that it will interfere with the use and enjoyment of adjoining properties, criteria (4) in that it will allow intensity of development that is out of character with the surrounding area.

A community meeting was held on May 31, 2012 and a number of residents from the surrounding communities were in attendance. The majority of residents were there to voice their opposition to the proposed development of a Firestone Automotive Service Center.

Objections raised by the surrounding residents included;

- (1) Objection to use;
- (2) Objection to noise from this type of facility;
- (3) Compatibility issues with the other uses in the mall;
- (4) Compatibility issues with the surrounding residential area;
- (5) Concern that there are more appropriate locations for uses of this type and intensity.

The proposed site plan and special exception application have not been changed in any manner to address these concerns.

ADJACENT LAND USE AND ZONING

The properties located both north and east of the subject property are commercial properties, are parts of the Winter Garden Village Mall, zoned PCD, and in the City of Winter Garden. The property to the west is an active horse farm, zoned R-1 and in the City of Winter Garden. The property to the south is Stoneybrooke Parkway West and State Road 429.

RECOMMENDATION

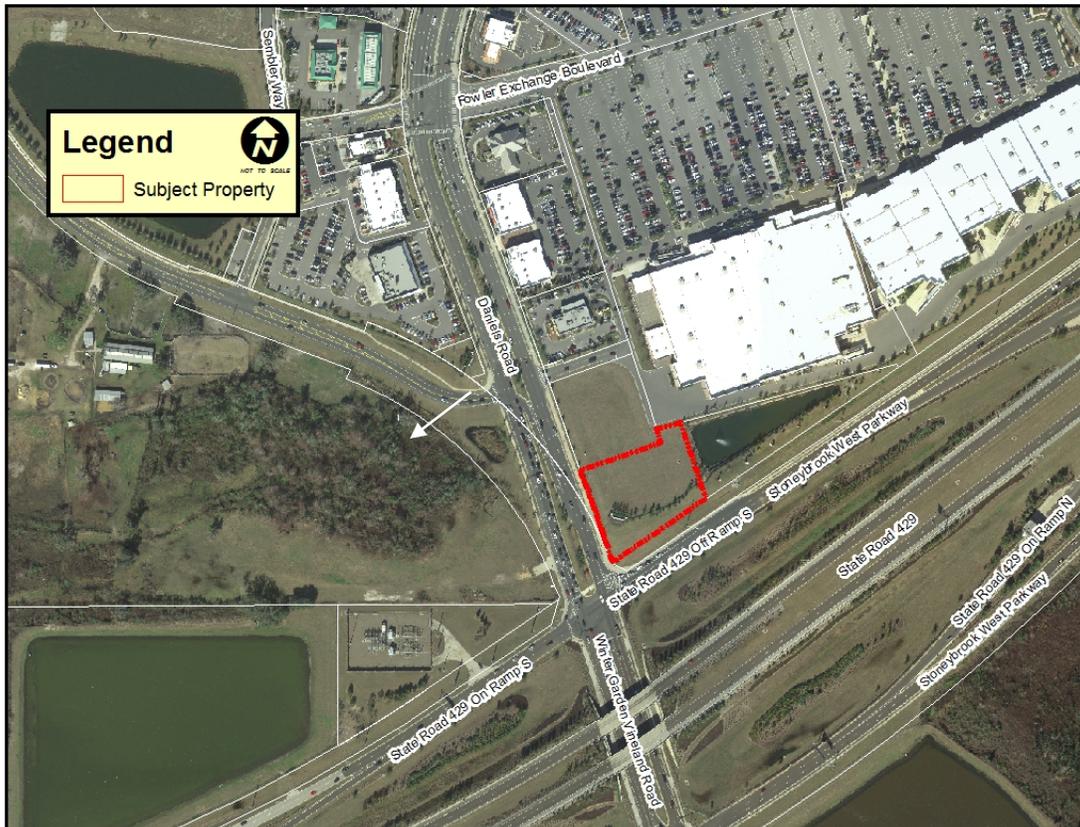
City Staff recommends denial of the special exception for the following reasons:

- (1) Inconsistent with policies of the adopted comprehensive plan. All development permits, including special exceptions, are required to be consistent with the comprehensive plan.
- (2) Inconsistent with the guideline for special exceptions in zoning code.
- (3) It would be the wrong use at wrong location:
 - a. It is a use and intensity that is out of character with the mall.
 - b. It is a use and intensity that is out of character with the surrounding residential area.
- (4) There are more appropriate locations for the use in the City.
- (5) More appropriate locations for the use and intensity would be interior to mall.

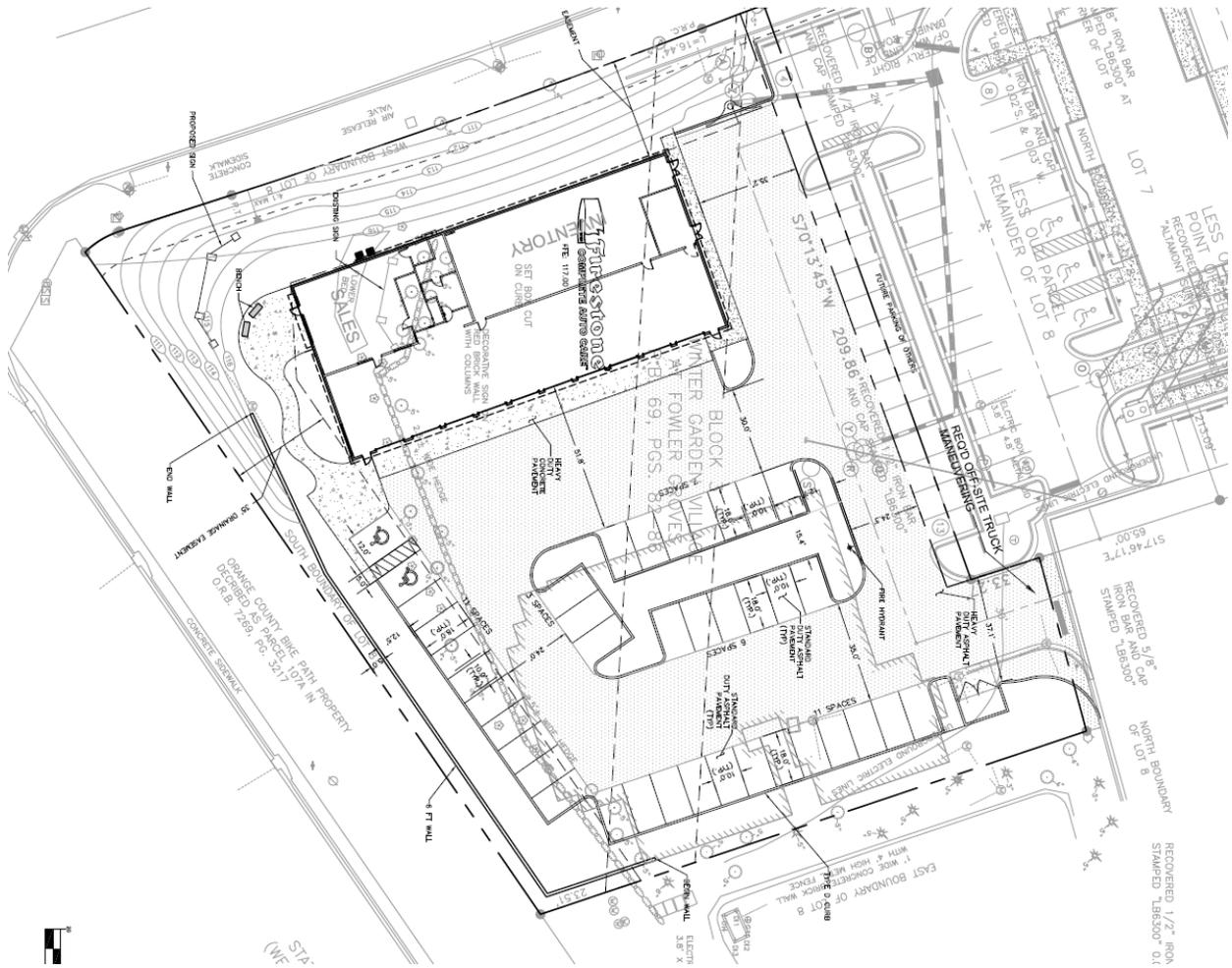
SUMMARY

City Staff recommends denial of the proposed special exception permit as the requested use is not compatible with the surrounding development, is not appropriate at this location, is the wrong use at the wrong location, and is not consistent with comprehensive plan policies for compatibility.

AERIAL PHOTO **3337 Daniels Road**



PROPOSED SITE PLAN
3337 Daniels Road



RENDERED SITE PLAN
3337 Daniels Road



ELEVATION RENDERING (FROM W. STONEYBROOKE PKWY)
3337 Daniels Road



NORTH ELEVATION RENDERING (FROM DANIELS ROAD)
3337 Daniels Road



SOUTH ELEVATION (FROM DANIELS ROAD)
3337 Daniels Road



END OF STAFF REPORT