



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

PLANNING & ZONING BOARD AGENDA

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

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

RE: Agenda – November 5, 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 OCTOBER 1, 2012 MEETING**

VARIANCE (PUBLIC HEARING)

4. 50 W. Garden Avenue – (Sansing, Mark)
Parcel ID #: 14-22-27-9392-02-530

SPECIAL EXCEPTION PERMIT (PUBLIC HEARING)

5. 32 E. Miller Street – (S & A Commercial)
Parcel ID #: 23-22-27-8900-01-140

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

6. 441 Lakeview Road (Asma, Charles)
Annexation / Rezoning / FLU Map Amendment
Parcel ID # : 22-22-27-0000-00-101
7. 1101 E. Plant Street (City of Winter Garden)
Annexation / Rezoning / FLU Map Amendment
Parcel ID # : 13-22-27-0000-00-009

8. 100 and 200 Avalon Road (City of Winter Garden)
Rezoning / FLU Map Amendment
Parcel ID # : 28-22-27-0000-00-010
Parcel ID # : 28-22-27-0000-00-035
9. 3017 Daniels Road (Winter Garden Village @ Fowlers Grove PCD)
PCD – DO Amendment
Parcel ID # : 02-23-27-0000-00-025
10. **ADJOURNMENT**

To the next regular Planning and Zoning Board meeting on Monday, December 3, 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
OCTOBER 1, 2012**

1. CALL TO ORDER/INVOCATION/PLEDGE OF ALLEGIANCE

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

2. ROLL CALL AND DETERMINATION OF QUORUM

The roll was called and a quorum was declared present at 6:32 p.m.

MEMBERS PRESENT:

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

MEMBERS ABSENT/ARRIVED LATE:

None

STAFF PRESENT:

City Attorney Kurt Ardaman, Community Development Director Ed Williams, Senior Planner Laura Smith, Senior Planner Stephen Pash, Planner I Alejandra Fazekas and Customer Service Representative Colene Rivera.

3. APPROVAL OF MINUTES

Approval of minutes from the regular meeting held September 10, 2012.

Motion by James Dunn to approve the September 10, 2012 minutes, seconded by Kent Horsley, the motion carried unanimously 7-0.

SPECIAL EXCEPTION PERMIT(Public Hearing)

4. 1297 Winter Garden Vineland Road – (United Cerebral Palsy) Charter School

Senior Planner Laura Smith presented the special exception for the United Cerebral Palsy which was tabled from the last Planning and Zoning Board meeting to finalize unresolved

issues. This request for a special exception permit is to allow for a charter school within a planned commercial development (PCD) district for enrollment of up to 105 students. The applicant agreed to contribute \$25,000 to assist in the construction of a north bound turn lane on Winter Garden Vineland Road at the project entrance. The City has agreed to design, permit and construct the turn lane. The applicant has also redesigned the parking facilities around the building to more adequately serve the site during student drop-off and pick-up times. Staff have reviewed this proposal and worked out all outstanding issues with the property owner and applicant and we recommend the approval of the special exception permit subject to the conditions outlined in the staff report.

Mathew Smith, real estate land use lawyer, 2105 Park Avenue North, Winter Park, FL, representing the applicant and owner of the property. Mr. Smith says the owner/applicant concur with the City's staff recommendations.

Citizen, Pamela M. Robb, 1311 Winter Garden Vineland Road, Winter Garden, FL 34787 – owner of the building south of the proposed project. Spoke with regard to the traffic flow in and out of his parking lot.

Community Development Director Ed Williams advised that the City Engineer is trying to design the turning lane in the existing right-of-way. The City does not have the ability to acquire any additional right-of-way. This center, where the project is located, has only a small portion built, and the traffic will still increase with its continued development. The City will continue to get the turn lane in as quick as it can. The City Engineer is working on the design and the options available to the City.

The Board had general discussion with City Staff regarding the traffic flow on Winter Garden Vineland Road and the timeline of the turning lane construction, the fencing with a landscape buffer of the playground area for the students and the other site improvements of the site.

Motion by Kent Horsley to approve the Special Exception Permit for 1297 Winter Garden Vineland Road – United Cerebral Palsy Charter School to allow for a charter school for a 105 student capacity subject to Staff recommendations (Attached Exhibit "A"). Seconded by James Dunn, the motion carried unanimously 7-0.

5. 12788 W. Colonial Drive – (Absolute Pawn, LLC)

Senior Planner Laura Smith presented a Special Exception Permit application to allow for automotive and motorcycle sales on property that is located in a C-2 zoning district. The subject property is located on the south side of West State Road 50 just east of 9th Street and has recently been opened by a company called "Absolute Pawn" as a pawn and gun shop. The applicant has requested the special exception permit so that they may display the automobiles and motorcycles that are not redeemed through their pawn process for sale. The automobiles and motorcycles be held by the business on pawn will be stored in the warehouse facility that is located in the existing building, and then when the automobile or motorcycle is not redeemed and the business owner is able to sell them he will display them on the northwest portion of the property. City Staff have reviewed this application for

special exception permit and recommend approval subject to the conditions of the Staff Report, specifically related to the number of vehicles allowed to be offered for sale and the limitation of the type of signage activity.

The Board had general discussion with City Staff regarding the number of the vehicles to be displayed and stored. Steven Sandvik, applicant, advised the Board they have an active auto dealers license. The vehicles will have tags while being stored but it will be surrendered to the pledge at the time the business claims ownership. The business will provide a dealers tag for the vehicles.

The Board expressed its concern that the business becomes or generates business as a “used car” lot. The City Attorney advised the Board that additional conditions or restrictions where the vehicles being sold or stored on site must have been subject to the pawn process of the business and not brought there for sale independently by the Owner or other person. The Owner of business advised that he does have customers that do come in and just want to sell their vehicle instead of pawning it so he does not want to be subject to these conditions or restrictions.

The Board and Staff had a general discussion of the use of pawn shops as an approved use in the state road 50 corridor and how City code designates the use.

Motion by Mack McKinney to approve the Special Exception for 12788 W. Colonial Drive to allow for the use of automotive and motorcycle sales as part of the existing pawn shop business subject to Staff recommendations (Attached Exhibit “B”). Seconded by Mark Maciel, the motion carried unanimously 7-0.

APPEAL OF ADMINISTRATIVE OFFICIALS DECISION(Public Hearing)

6. 3337 Daniels Road – (Firestone Winter Garden) Mays & Company

Community Development Director Ed Williams presented an appeal application to the Board on the administrative interpretation of the Firestone Automotive Service Center special exception permit application. Staff’s determination and representation at the prior Planning and Zoning Board meeting was that the Firestone Automotive Service Center applied for the use of a tire installation and service center but, in fact were to have the uses of major repair services, to include engine repair services, air conditioning repairs services, brake repair services, steering and suspension services. All of these automotive repair services were not anticipated in the freestanding tire installation facility. Staff has re-reviewed the meeting recordings of the original approval of the mall and the requests by the property owner at that time, Sembler, for this particular use as a permitted use. It was not acceptable by the City nor the residents who opposed this project to have automobile repair and service facilities in the mall. It was approved that if a “Sam’s Club” or “Costco” type business that has tire installation with it that would be appropriate and under special exception and review of a free standing tire installation facility may be appropriate.

Firestone submitted an application that identified it as a Firestone Automotive Service Center with Tire Installation. Nothing in the application identified or in the feasibility information

submitted that they would be doing engine repair, transmission repair, a/c repair, brake repair, or any other uses. As the project went along they had a feasibility meeting where Staff indicated they were not supportive of the project, they had numerous meetings with Staff, including the City Manager, where they were told that City Staff would not be supporting their request. They wished to go forward with the project so a community meeting was scheduled. There was opposition representation at the community meeting from the neighborhood citizens. The applicant in answering one of the questions indicated that over 70% of their revenue comes from repair services not tire installation. To staff this was a substantial disclosure that caused a great deal of concern. Staff then further reviewed the public record recordings of the community meeting to establish what was the intent of tire installation as a special exception use at this location, and came to the conclusion and determination that this facility with the amount of service and repair they are proposing is not a tire installation facility, it is in fact an automobile service and repair facility that also does some tire installation. This was brought to your attention at the last meeting they have filed an appeal which is the subject of this public hearing. Staff recommends that you deny the appeal as the use is not being consistent with what is a permitted use or permitted use by special exception in the PCD of the mall.

Miranda Fitzgerald, attorney with Lowndes, Drosdick, Doster, Canter and Reed Law Firm, 215 N. Eola Drive, Orlando, FL, representing the applicant, and Firestone, made a statement that the applicant disagrees with the position the City has taken and maintains the staff was aware of the specific uses of the business and that all issues could be addressed, and classifies the proposed auto service repairs to be that of preventative services not what would be classified as a heavy auto service facility. Ms. Fitzgerald also provided an overhead photograph of the proposed site improvements and further explained the applicant's proposal and the history of the applicant's application process with the City.

The Board had a general discussion with the applicant's representative with a determination of the arguments to justify the appeal and the decision before the Board this evening and not the presentation of the project itself.

Citizen, Dona Gussow, 13537 Glynshel Drive, Winter Garden, FL 34787 – adjacent property owner to the mall, spoke in opposition of the "Firestone" and an automotive service center use at the mall.

Applicant, Steve Meier with Mays & Company, represents "Firestone" made a statement to the Board that as the applicant they have always interpreted their use as a tire store with automotive services and was disappointed with how the City handled his application.

Citizen, Gregg McGowan, 14518 Tabago Bay Drive, Winter Garden, FL 34787 – agrees with the staff and the specifics of the ordinance and spoke in opposition of the use at the mall. Also advised that as the Board of Directors for his Home Owner's Association of 100 homes no one was in favor of the project.

Citizen, Ed DeCrosie, 13809 Glynshel Drive, Winter Garden, FL 34787 – spoke in opposition of the “Firestone” and an automotive service center use at the mall and relies up City Staff’s decision to up hold the administrative decision.

Citizen, Tom Reedy, 14217 Country Estates Drive, Winter Garden, FL 34787 – resident of Unincorporated Orange County adjacent property to the mall spoke in opposition of the use at the mall.

General discussion of the Board with City Attorney, and Staff to clarify the question before the Board, which is to overturn or support Community Development Director Ed Williams decision that the current application does not fall within the uses listed as a special exception under the City Ordinance.

Motion by Mac McKinney to uphold the administrative decision of the Community Development Director Ed Williams finding that the uses described by the applicant, Firestone Automotive Service Center is not subject to approval by special exception and are not permitted at the 3337 Daniels Road site. Seconded by Mark Maciel, the motion carried unanimously 7-0.

GENERAL STATEMENT: Senior Planner Laura Smith requested the Board meet for a special meeting of the Planning and Zoning Board on Monday, October 15, 2012 at 6:30 p.m. in City Hall Commission Chambers, 300 W. Plant Street due to an applicant in a time frame constraint, and if the applicant is not prepared or a quorum is not deemed the meeting will be canceled or continued. Board approved the October 15, 2012 meeting.

GENERAL STATEMENT: Kent Horsley requested his board package be in the form of a hard copy versus an electronic package.

7. ADJOURNMENT

There being no further business, the meeting was adjourned at 8:09 p.m. and scheduled to meet for a special meeting on October 15, 2012 at 6:30 p.m. in the City Hall Commission Chambers, 300 W. Plant Street.

APPROVED:

ATTEST:

Chairman James Gentry

Planning Technician 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

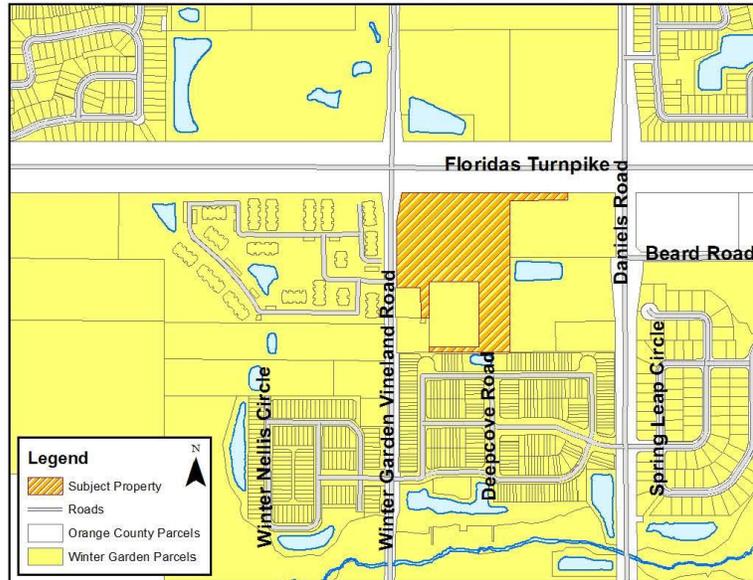
TO: PLANNING AND ZONING BOARD
PREPARED BY: LAURA SMITH, SENIOR PLANNER
DATE: SEPTEMBER 26, 2012
SUBJECT: SPECIAL EXCEPTION PERMIT
1297 Winter Garden Vineland Rd
(United Cerebral Palsy West Orange Charter School)
Winter Garden Business Center
PARCEL ID # 26-22-27-9147-00-010

APPLICANT: Hillcrest Properties III, Inc. & United Cerebral Palsy West Orange Charter School

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 on the east side of Winter Garden Vineland Road south of Florida's Turnpike, in the Winter Garden Business Center 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 charter school for enrollment of up to 105 students with up to 44 employees. The subject property is located within the City of Winter Garden municipal limits, and carries the zoning designation PCD. The subject property is designated Commercial on the Future Land Use Map of the Comprehensive Plan.

EXISTING USE

The property consists of three one-story commercial buildings, two of which are 10,000 square feet each and one which is 12,000 square feet and each building is divided into multiple tenant spaces. The property is zoned PCD and is approved for the construction of up to nine commercial buildings, three of which may be up to 10,000 square feet and six may be up to 12,000 square feet. The PCD for the property also allows for the construction of a self-storage facility with up to six buildings totaling 63,550 square feet on the south portion of the property. The PCD includes one other parcel on the south side of the property which is a 0.87 acre parcel permitted for commercial development.

ADJACENT LAND USE AND ZONING

The subject property is bordered by Florida's Turnpike on the north. Properties located south of the subject property are within the Daniels Landing townhome community zoned R-3 within the City of Winter Garden. The properties located to the west of the subject property include Southern Pines Condominiums zoned PUD and the Lake Apopka Natural Gas office site zoned C-2 in the City of Winter Garden. The properties located to the east of the subject property include a commercial subdivision which contains Bright Horizons Day Care Center zoned C-2 in the City of Winter Garden, and a parcel owned by the City of Winter Garden containing facilities for the City's water system which is zoned R-1 in the City of Winter Garden.

PROPOSED USE

The applicant proposes to open a charter school for enrollment of up to 105 students with 44 employees in 10,000 square feet of the 12,000 square foot building located at 1297 Winter Garden Vineland Road on the east side of the PCD property. The applicant proposed to construct a playground on the vacant building site located on the east side of the 12,000 square foot building located at 1297 Winter Garden Vineland Road, and to construct the 20 parking spaces which would have been constructed around the vacant building site located to the east of the building which they request to operate the school. The proposed school would enroll students ages Infant - 3rd Grade.

SUMMARY

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

- The charter school shall be limited to a maximum enrollment capacity of 105 students, expansion of the facility and/or enrollment of more than 105 students will require additional review and amendment to the special exception permit.
- Applicant must submit small scale site plan for all site improvements depicted on the attached conceptual plan. All improvements including parking, paving, fencing, playground construction and landscaping must be permitted and constructed prior to student occupancy of the facility.

- Staff has consulted with the applicant regarding the need for a northbound right turn lane on Winter Garden Vineland Road at the primary entrance to the property. The applicant has expressed their agreement with the City that the proposed use of a charter school requires safe and adequate ingress/egress to the property and that a northbound right turn lane on Winter Garden Vineland Road would support such need for the proposed use of a charter school. Staff has reviewed the feasibility of installing the turn lane and has come to an agreement with the applicant to share the responsibility of causing the construction of the northbound right turn lane. The City has compiled preliminary cost estimates for the construction of the turn lane and the applicant has agreed to pay a portion of the cost of the improvement that the City will construct. The applicant's portion of the cost of the improvement has been determined to be \$25,000.00 which must be paid to the City prior to the issuance of any building permits for the proposed charter school.
- Fence height around the playground depicted on the attached conceptual plan shall not exceed 6 feet in height and must be surrounded on the three sides that are visible from vehicular use areas by an opaque landscape hedge as shown on the attached conceptual plan. Plant material for the landscape hedge shall be minimum 3 gallon plants which shall be no less than 36 inches tall at time of planting, and shall be installed at equal spacing of at least 33 plants for each 100 linear feet which will reach 90% opacity within one year of planting.
- All necessary permits must be obtained prior to beginning any construction on or alterations to the site and/or facility.

MAPS/EXHIBITS

**AERIAL PHOTO
1297 Winter Garden Vineland Road**



Letter of Proposal



September 5, 2012

Ms. Laura Smith
Community Development Department
City of Winter Garden
300 West Plant Street
Winter Garden, FL 34787

Re: Special Exception Permit
United Cerebral Palsy West Orange Charter School
1297 Winter Garden Vineland Road

Dear Ms. Smith:

As you requested, we provide this letter in support of the Special Exception Application to allow United Cerebral Palsy of Central Florida ("UCP") to move our existing school in Winter Garden to the building referenced above.

Since 1955, UCP, a tuition-free public charter school and therapy center, has served children with special needs by providing support, education, and therapy services for children with and without disabilities. With seven locations throughout Central Florida, UCP annually supports more than 2,400 families with children diagnosed with disabilities including autism, spina bifida, speech delays, Down syndrome, neurological disorders and cerebral palsy with the following "S.E.T." of services:

Support:	family support, training and counseling;
Education:	early intervention education, before/after school care and summer camp, recreation and inclusion programs;
Therapy:	physical, occupational, speech and music therapies integrated into our education programs.

We believe all children should learn, play and eventually work together; as such, we serve children with and without disabilities at all of our campuses.

Our current facility in the City of Winter Garden is an Orange County Public School ("OCPS") Charter School located in a shopping center at 630 S. Dillard Street. When OCPS granted UCP a 10 year contract renewal to extend education services to children up to the third grade, we began to look for a larger building and better location for this school. We are thrilled about relocating our school to the building shown on the attached Site Plan (the "Building").

While our current enrollment is 75 students, the new facility is designed to accommodate a maximum enrollment of 105 students. For various health and family reasons, our average daily attendance is only 75% of our enrolled students, which equates to 56 students. Our future average daily attendance, utilizing the same 75%, is estimated to be approximately 79 students ($105 \times 75\% = 78.75$).

To support our student population, we currently employ 35 full and part-time team members. Our team members work varying schedules throughout the day and perform roles including administrative, educational, clinical and custodial. Correlated to our expected enrollment increases we anticipate our future maximum staff to increase to 38 in year 1, 41 in year 2 and 44 in year 3.

As a full time Charter school, the UCP West Orange campus operates from 7:30am – 6:00pm and follows the OCPS academic calendar. Our core education hours are 8:30am – 2:30pm, so the primary drop-off window is 8:15 – 8:45 am, while pick-up is 2:15 – 2:45 pm. Of the 56 students in attendance on an average day, 46 arrive between 8:15 and 8:45 (approximately 82%). Based on that information, once we reach the maximum

Administration Office
1221 W. Colonial Drive
Suite 500
Orlando, FL 32804
tel 407.852.3300
fax 407.852.3301

**Downtown Orlando/
Holloway Campus**
3305 S. Orange Avenue
Orlando, FL 32806
tel 407.852.3300
fax 407.852.3334

Osceola Campus
448 W. Donegan Avenue
Kissimmee, FL 34741
tel 407.852.3300
fax 407.932.3480

West Orange Campus
630 S. Dillard Street
Winter Garden, FL 34787
tel 407.852.3300
fax 407.905.0532

Pine Hills Campus
5800 Golf Club Parkway
Orlando, FL 32808
tel 407.852.3300
fax 407.299.5520

East Orange/Bailes Campus
12702 Science Drive
Orlando, FL 32826
tel 407.852.3300
fax 407.281.0422

Seminole Campus
3390 N. Highway 17-92
Suite 1058
Lake Mary, FL 32746
tel 407.852.3300
fax 407.322.5996

www.ucpcfll.org

enrollment in our new facility, 65 of the 79 students in attendance each day will arrive between 8:15 and 8:45 (79 x 82% = 65).

UCP also operates extended day programs for our families allowing for early drop off from 7:30 am – 8:30 am, and after school pick-up from 3:00 pm to 6:00 pm. Currently we have 10 students enrolled in the early extended day program, and they arrive at the campus prior to the typical drop-off window. We also have 10 students enrolled in the after school program, so they depart after the core day concludes (and after the typical pick-up time).

As the attached Site Plan shows, the Building has 78 parking spaces for UCP's use. The west 2,000 SF of the Building is currently vacant, so we have not included the 6 spaces at that end in our total. UCP staff (38-44 people) will be directed to use the 48 parking spaces labeled for "Staff Parking" on the Site Plan. Based on their varying work schedules, we would not expect to have all team members on campus at the same time. However, if that were to occur, we would still have 4 unused spaces in the Staff Parking Area.

The 30 parking spaces on the south side of the building will be designated as 10 minute drop-off and pick-up spaces for families between the hours of 8:15 am and 8:45 am and between 2:15 pm and 2:45 pm. Our experience operating schools makes us quite comfortable that the 30 parking spaces will be sufficient for drop-off and pick-up because the duration of each stay is so short. Even if we assume each parent parks for 10 minutes, the 30 spaces would accommodate 90 such parents in the 30 minute window. Pick-up times are more staggered than drop off times, so the 10 minute parking spaces will be more than adequate as described above. Finally, if parents do need to wait for a free parking space, the Site Plan illustrates that we have "stacking" for up to 23 vehicles just around the Building and play area.

While we believe the Site Plan provides ample parking for our use, UCP will use its experienced staff ensure smooth and efficient operations. For example, during peak drop off and pick up times, parents will be directed to enter from the southern entrance and to circulate around the north side of the building and approach the drop off parking spaces from the east. A staff member will hold cars at the beginning of the drop off area and direct the next car in line to the next available parking space. If necessary, UCP will implement other operational protocols to make sure our school works well for our families and the rest of the West Orange Business Center.

In hopes of addressing all of the City Staff's comments about the application, we are happy to confirm two issues regarding the site. First, the Site Plan reflects a "4' Tall Aluminum Fence", but based on the City Staff's recommendation, UCP is happy to make that a 60" fence. Second, the fence type proposed by UCP is based on the Crime Prevention Through Environmental Design ("CPTED") standards, but we understands the City Staff's desire for screening. Therefore, since the fence will be largely transparent, UCP agrees to plant and maintain a shrub screen around the perimeter of the play area to create a continuous landscape screen with a 90 percent opacity within one year of planting. The plant material (e.g. viburnum) will be at least 36 inches high at time of planting, and UCP will install thirty-three (33) three-gallon plants per 100 linear feet. These standards will govern over what is depicted on the Site Plan.

UCP is excited about moving our West Orange Charter School to the West Orange Business Center. The new location will be a significant improvement over our current shopping center location. With UCP's decades of experience operating our facilities in Central Florida and the input of the City staff and our consultants, we are sure this facility and location will allow UCP, our students, and their families to flourish.

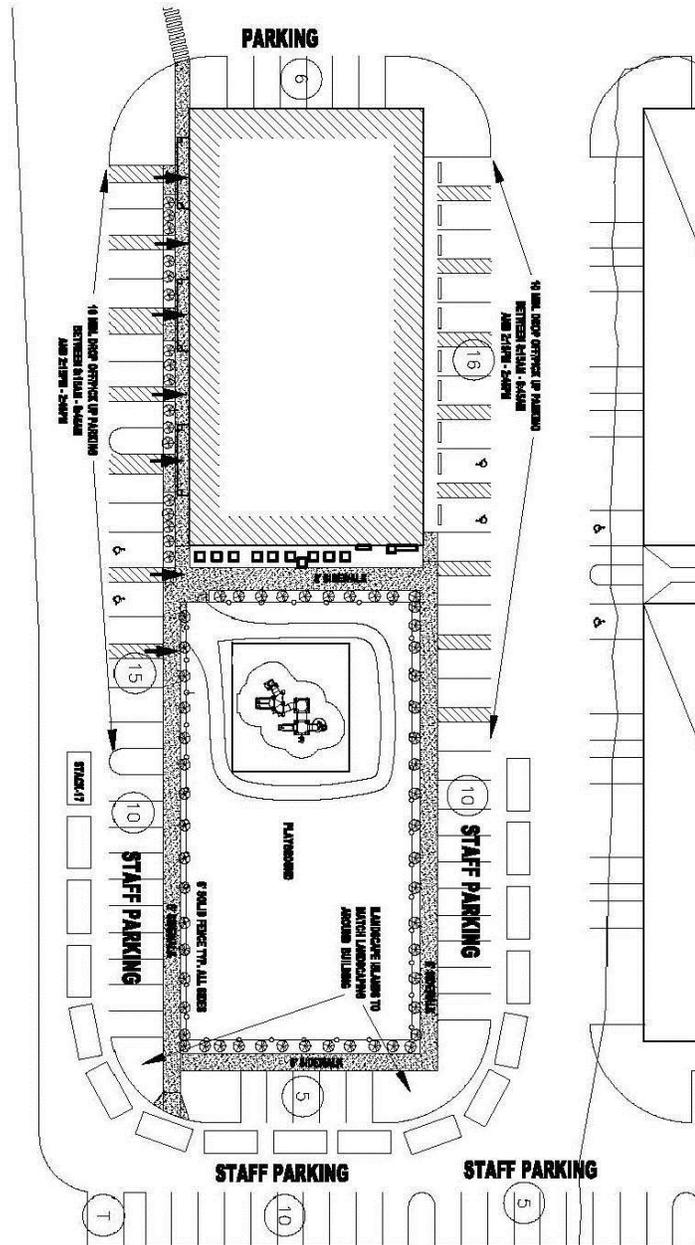
Thank you very much for your hard work and attention to our application. We look forward to working with you and the rest of the City to help us realize our vision for UCP's West Orange Charter School.

Sincerely,

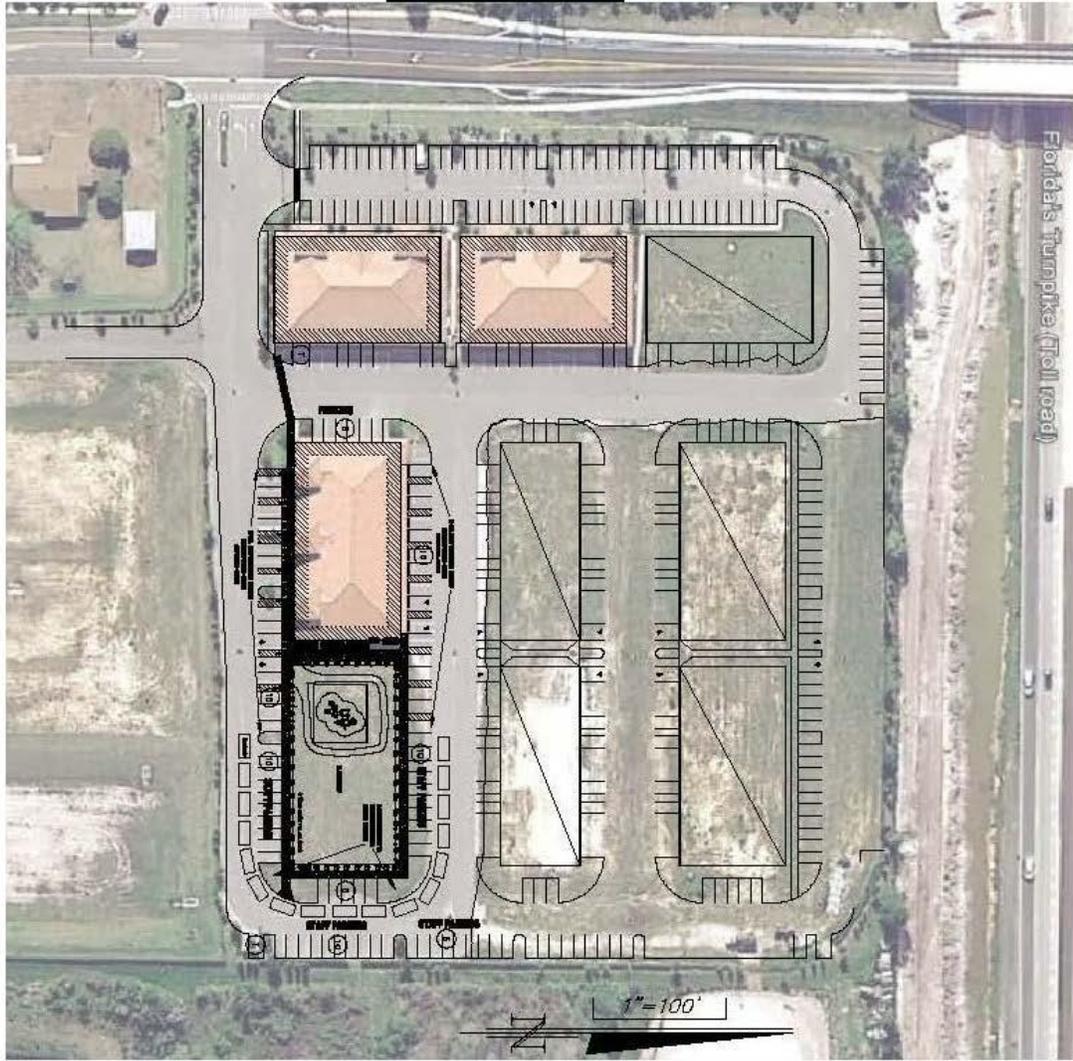


Dr. Ilene Wilkins
President/CEO
UCP of Central Florida

SITE PLAN



AERIAL SITE PLAN



END OF STAFF REPORT

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: ALEJANDRA FAZEKAS, PLANNER I
DATE: SEPTEMBER 26, 2012
SUBJECT: SPECIAL EXCEPTION PERMIT
12788 W Colonial Drive
(Absolute Pawn, LLC)
PARCEL ID # 12-22-27-6496-23-005

APPLICANT: Steven Sandvik, Business Owner

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 on the south side of West State Road 50 east of Gillard Ave and west of Partlow Drive. 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 Permit to allow automobile sales as part of a pawn and gun shop business in the north building on the subject property. The subject property is located within the City of Winter Garden municipal limits, carries the zoning designation C-2, is designated Commercial on the Future Land Use Map of the Comprehensive Plan and is located within the West State Road 50 Overlay.

EXISTING USE

The property consists of two commercial buildings on a 1.82 ± acre lot. One building is located on the north side of the property fronting on SR 50 and the other on the south side of the property. The applicant is currently occupying the entire north building which is approximately 4,240 square feet with 32 parking spaces for the pawn and gun shop business.

ADJACENT LAND USE AND ZONING

The property located to the north of the subject property is Quality Health of Orange County zoned C-2. The property located to the south is vacant unimproved land owned by WS Group zoned C-2. The commercial properties located to the east include Scooter's Car Wash owned by Classic Car Wash IV, LLC and Budget Insurance Office owned by Thomas Joyce both zoned C-2. The property located to the east is Walker Brothers Millworks, Inc zoned I-1. The adjacent properties to the subject property are within the City of Winter Garden.

PROPOSED USE

The applicant operates a pawn and gun shop business that includes automotive/motorcycle titled item pawn. The applicant is requesting permission to sell automotive/motorcycle items being held on pawn from the subject property that do not get redeemed.

The applicant proposes to store up to six vehicles that are on pawn in the existing warehouse in the back of the building, and the automotive/motorcycle items that do not get redeemed will be offered for sale, the applicant proposes to display the items outside on the north west side of the parking lot.

ANALYSIS

The north building on the subject property was previously approved by the Planning and Zoning Board to operate an automobile sales facility by Special Exception Permit on October 7, 2002 which subsequently expired. A Site Plan with the required landscaping, paving and parking striping was approved by the Planning and Zoning Board on February 3, 2003 and it was executed.

The proposed location of the business was a new and used automobile sales facility from 2001 to 2005 with different business owners. Because the automobile sales has not been operating for more than 365 days, a new Special Exception Permit must be approved to allow automobile sales as part of the pawn and gun shop business operation. The proposed location has been occupied by other permitted commercial businesses since 2005.

SUMMARY

City Staff recommends approval of the Special Exception Permit request to operate automotive/motorcycle sales as part of the pawn and gun shop business operations subject to the following conditions:

1. Automobile sales display area:

- i. The automobile sales display area shall be limited to the north west side parking area only for up to 10 vehicles.
- ii. The remaining parking spaces on the north east side of the subject property will be for customers and employees use only.

2. Signs:

a. Permitted Signs:

- i. The building can have one wall sign per frontage. Each sign may be a maximum of 36 square feet and a maximum of 2 feet tall.
- ii. Signs on vehicles to display price, options, etc. are permitted provided they cannot be read from the road.
- iii. Flags, other. Flags include any fabric or other flexible material attached to or designed to be flown from a flagpole or similar device. Standards for flags are as follows:
 1. Only two such flags shall be permitted.
 2. The flags shall not be flown higher than a 35-foot pole, measured from grade.
 3. Only one flag per pole up to six feet by ten feet, or two flags per pole up to four feet by six feet may be flown.
 4. The flag shall extend no closer than ten feet from the edge of any adjacent public right-of-way.
- iv. Grand opening sign. One on-site temporary sign announcing the opening of a newly licensed business, that does not exceed 16 square feet in copy area and that is not displayed for longer than 30 days after the issuance of the occupational tax for the new business shall be allowed.

b. Prohibited Signs:

- i. No sign, permanent or temporary, shall be erected or placed so that it interferes with a clear sight triangle distance per Florida Department of Transportation (FDOT) design standards.
- ii. Portable signs.
- iii. A-frame, T-framed signs.
- iv. Signs on trailer frames with or without mounted wheels.
- v. Vehicle signs or signs on or attached to vehicles which have a total copy area in excess of ten square feet, when the vehicle is not "regularly used in the conduct of the business" and (a) is visible from a street right-of-way within one hundred feet of the vehicle, and (b) is parked for more than two consecutive hours within one hundred feet of any street right-of-way. A vehicle shall not be considered "regularly used in the conduct of the business" if the vehicle is used primarily for advertising, or for the purpose of advertising.
- vi. Flashing, moving, animated coursing, blinker, racer-type, intermittent, rotating, moving or revolving signs, whirligig devices, inflatable signs and

tethered balloons, pennants, banners, ribbons, streamers, spinners, and other similar types of attention-getting devices except for changeable copy signs when in compliance with the applicable regulations of this chapter.

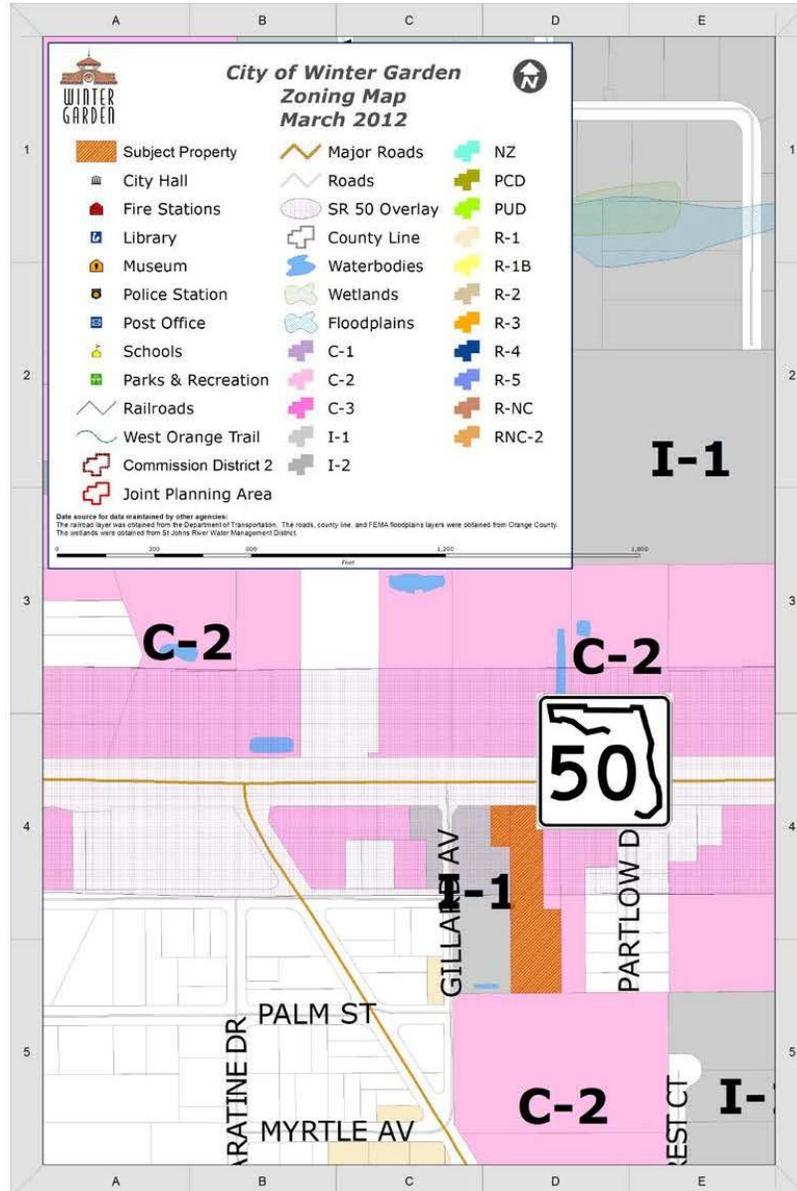
- vii. Signage used on bus transit shelters within the right-of-way.
 - viii. Bench signs.
 - ix. Roof sign.
 - x. Traffic sign replica.
 - xi. Pole signs.
 - xii. Pylon signs.
 - xiii. Changing sign (automatic).
 - xiv. "Stick-in" signs.
3. Parking:
- a. A minimum of one handicap parking space shall be provided on site.
 - b. One (1) customer parking space shall be provided for every five (5) vehicles for sale on the site.
 - c. No vehicles can be parked to prevent access to, from, or through the site.
 - d. The parking areas shall be restriped to define appropriately the parking spaces provided.
4. Vehicle Maintenance:
- a. All work on vehicles shall be done inside. No working on vehicles outdoors is allowed.
 - b. No outdoor storage of any materials is allowed.
 - c. Any vehicles stored outside must have active tags and be in operating condition at all times.

MAPS/EXHIBITS

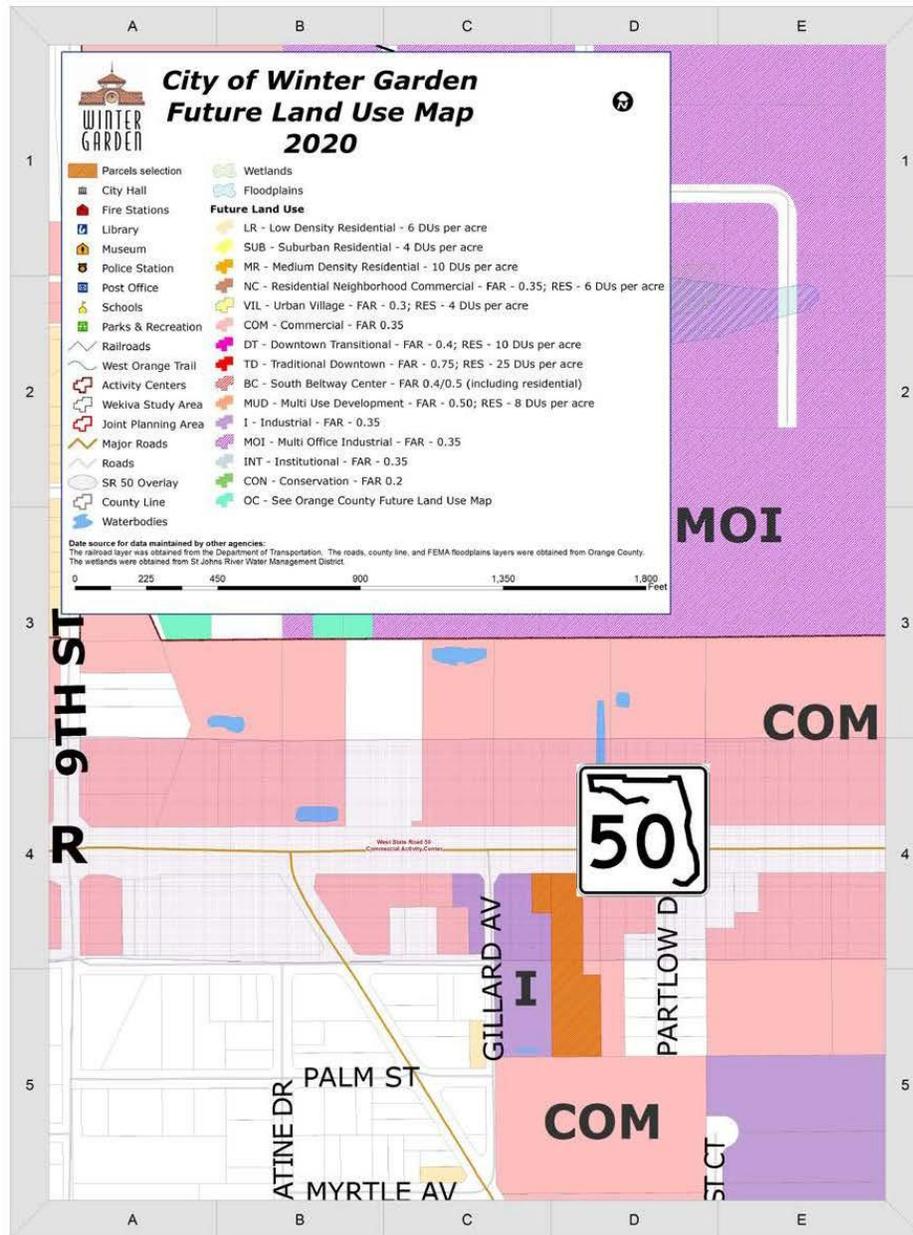
AERIAL PHOTO
12788 W Colonial Drive



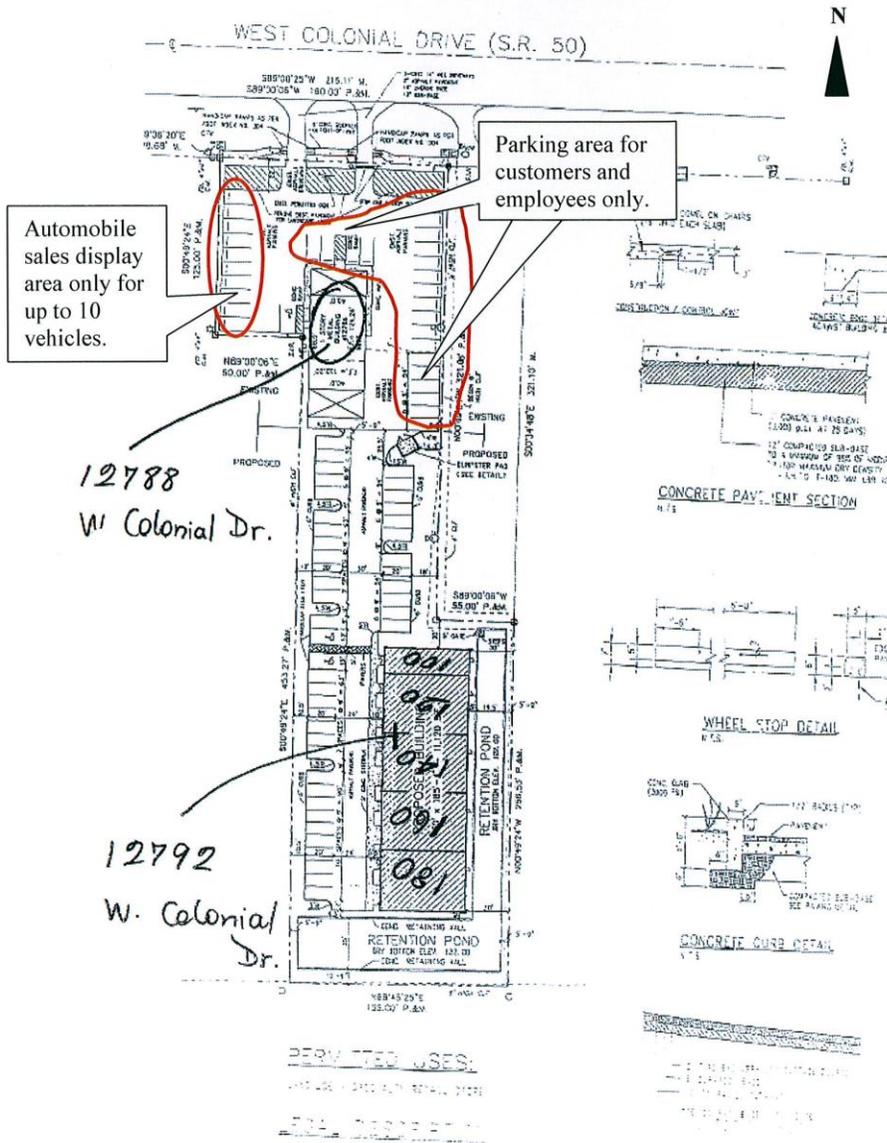
ZONING MAP
12788 W Colonial Drive



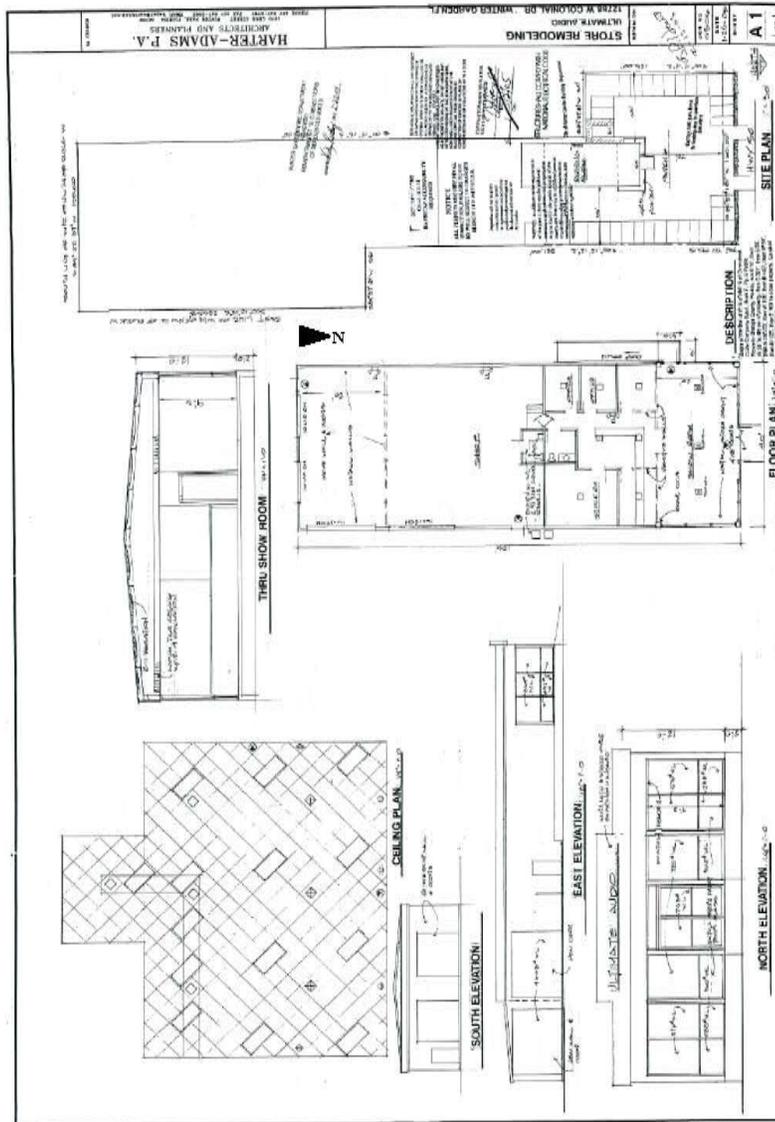
FUTURE LAND USE MAP
12788 W Colonial Drive



**EXISTING SITE PLAN
 12788 W Colonial Drive**



FLOOR PLAN OF NORTH BUILDING
12788 W Colonial Drive





North building



North west parking area

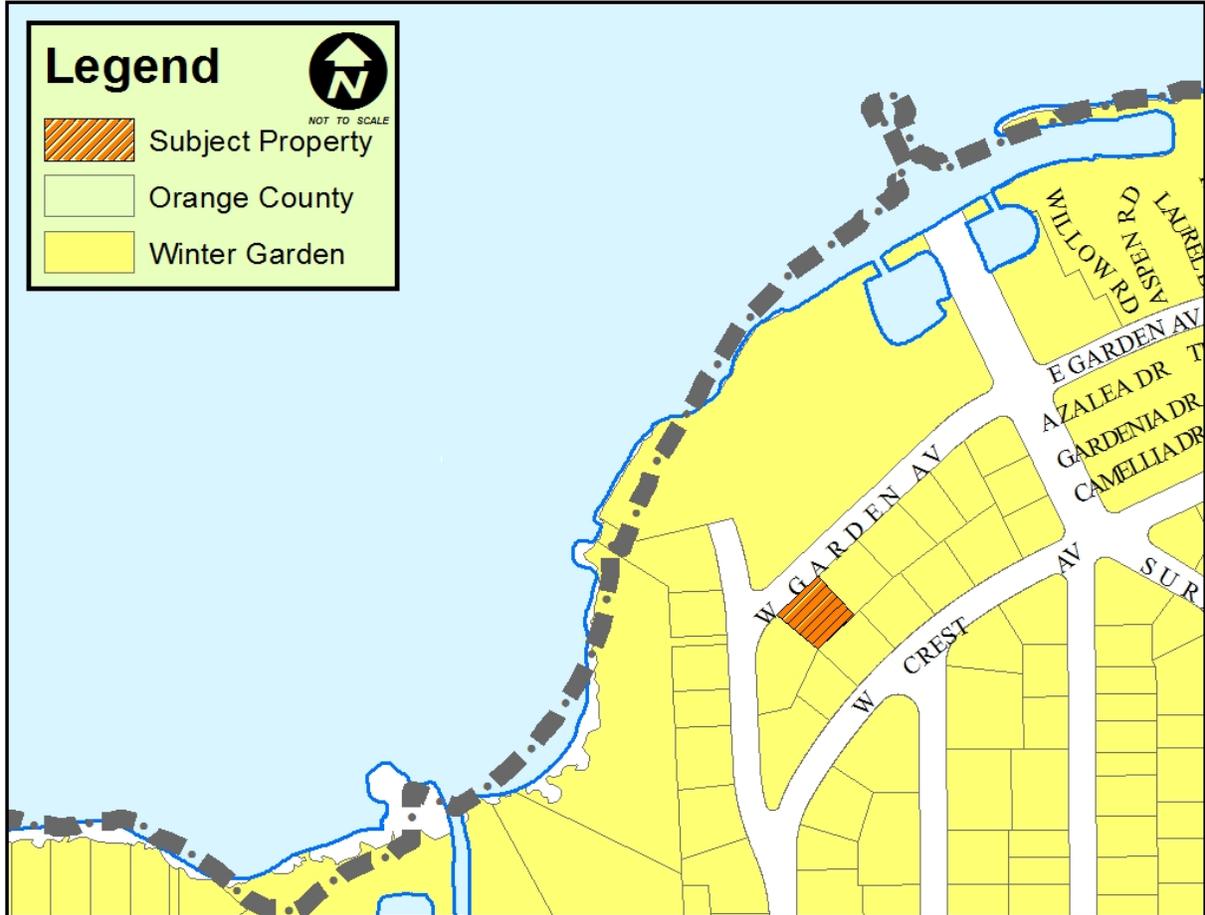


North east parking area

END OF STAFF REPORT

LOCATION MAP

50 W. Garden Avenue
Parcel ID # 14-22-27-9392-02-530



CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

STAFF REPORT

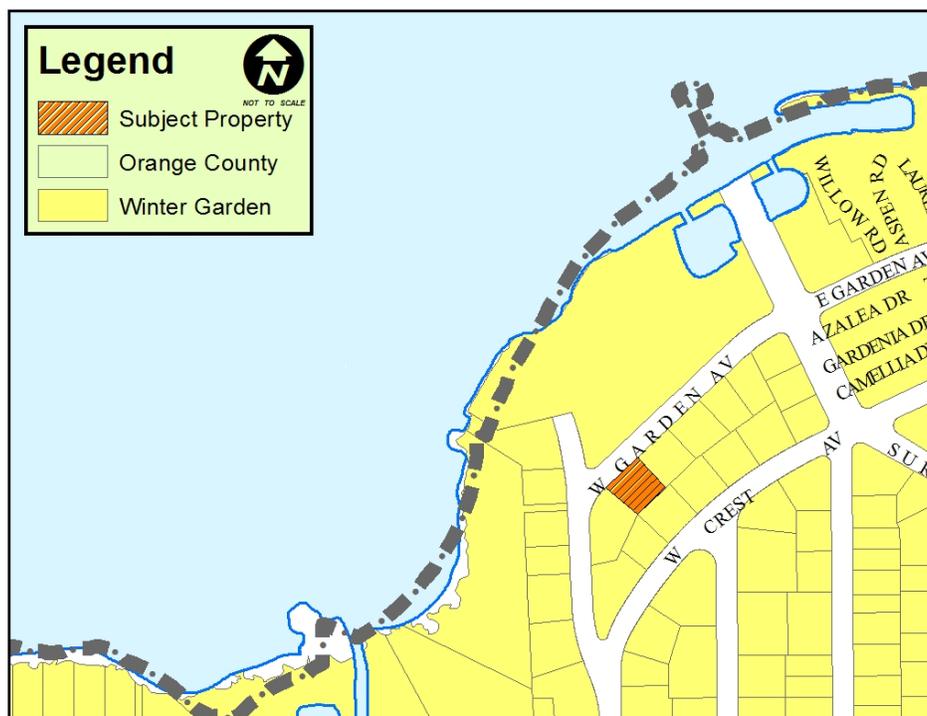
TO: PLANNING AND ZONING BOARD
PREPARED BY: STEVE PASH, SENIOR PLANNER
DATE: NOVEMBER 5, 2012
SUBJECT: VARIANCE
50 W. Garden Avenue (0.32+/- ACRES)
PARCEL ID # 14-22-27-9392-02-530

APPLICANT: Mark Sansing

INTRODUCTION

The purpose of this report is to evaluate the request for a side yard setback and a rear yard setback variance for property located at 50 W. Garden Avenue in Winter Garden, Florida. The request is for a 7 foot side setback in lieu of the required 10 foot side yard setback and for a 10.8 foot rear yard setback in lieu of the required 24 foot rear yard setback. If approved, this variance will allow an addition to the house that will contain a new dining room and a covered patio.

The subject property, located on W. Garden Avenue is approximately a 0.32± acre lot near the intersection of W. Garden Avenue and N. Lakeview Avenue. The map below depicts the location of the subject property within the City of Winter Garden municipal limits:



The subject property carries the zoning designation R-1 (Single-Family Residential District) and is designated LR (Low Density Residential) on the Future Land Use Map of the City's Comprehensive Plan.

EXISTING USE

The subject property presently consists of a 2,196 square foot single-family residential home with a screened pool positioned in the same general location as the proposed addition.

ADJACENT LAND USE AND ZONING

The adjacent properties to the south, east and west of the subject property are single-family residential homes, have the zoning designation R-1 (Single-Family Residential District) and the future land use designation of LR (Low Density Residential). The property to the north is Tanner Auditorium and a City of Winter Garden Park.

The property to the east (40 W. Garden Avenue) was granted several variances in 2007 to build an accessory structure with a 5 foot rear yard setback and a 5 foot side yard setback. The property located at 30 W. Garden Avenue, built in 1946 is constructed with a very minor (+/- 2 foot) rear yard setback.

PROPOSED USE

The applicant would like to demolish the existing pool and screen room and build an addition to the principal structure in the same general location as the pool. The proposed addition will consist of a new dining room and a covered patio.

CODE REFERENCE

Sec. 118-308 (1) of the City Code of Ordinances addresses minimum yard requirements. This section states in part that the minimum yard requirements in the R-1 Single-Family Residential District are *“front: 30 feet, side: 10 feet each, rear: 20% of depth of lot.”*

The applicant is seeking a variance to the minimum side yard and a variance to the minimum rear yard setbacks to allow the proposed addition to be built with a 7 foot side yard setback and a 10.8 foot rear yard setback. The application for variance does not include any removal of trees on the property.

CODE REQUIREMENTS /CRITERIA

Code Requirements/Criteria:

Section 118-131 of the City Code that relates to the review criteria states that, “A variance may be granted from land development regulations by the planning and zoning board if the planning and zoning board concludes that literal enforcement of the provisions of land development regulations would result in either practical difficulties (for setback and parking provisions) or unnecessary hardships (for all other land development regulations) for the property at issue.” The code also lists the following criteria that are to be addressed before a variance can be approved. Underlined text is Staff's comments concerning this particular petition.

- (1) *Granting the variance will not cause or allow interference with the reasonable enjoyment of adjacent or nearby property owners or negatively impact the standard of living of the citizens of the city;*

The proposed addition located 7 feet from the side property line and 10.8 feet from the rear property line should not negatively impact or interfere with the reasonable enjoyment of adjacent or nearby property owners as the existing pool and screen room are already located 4.2 feet from the side property line and at the same rear yard setback as the proposed addition.

- (2) *The variance will allow a reasonable use of the property, which use is not out of character with other properties in the same zoning category;*

The requested variances allowing a 7 foot side yard setback in lieu of the required 10 foot and a 10.8 foot rear yard setback in lieu of the required 24 foot will allow reasonable use of the property. The request is actually less of an impact than the existing structure. The existing structure is built with a 4.2 foot side yard setback and the proposed setbacks are in character with other structures located in the surrounding area.

- (3) *In the context presented, strict compliance with the land development regulation will not further any legitimate city objective or the benefits that would be achieved under the other variance criteria by the granting of the variance outweigh the benefits under this criteria if the variance were denied;*

Strict compliance with the City's land development regulations will not further any legitimate City objective. This request does not encroach into any recorded easement and does not expand the home any further into the setbacks than the existing structure already sits.

- (4) *The granting of the variance is consistent with the city's comprehensive plan; and*
The variance is consistent with the provisions of the City's Comprehensive Plan relating to single family residential neighborhood character.

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

The variances requested are the minimum variances that will make reasonable use of the land. The existing structure is already located at a side yard setback of 4.2 and a rear yard setback of 10.8 feet. The proposed addition removes the existing pool and screen room and replaces them with a structure that is located at the same rear yard setback, but further from the side yard. Denying this variance does not benefit the property owner or the City.

SUMMARY

City Staff recommends approval of a variance to Sections 118-308(1)b to allow a 7 foot side yard setback in lieu of the required 10 foot side yard setback and a approval of a variance to Section 118-308 (1)c to allow a 10.8 foot rear yard setback in lieu of the required 24 foot rear yard setback for the property to allow for the construction of the proposed addition.

NEXT STEP

Apply for the appropriate Building Permits.

ATTACHMENTS

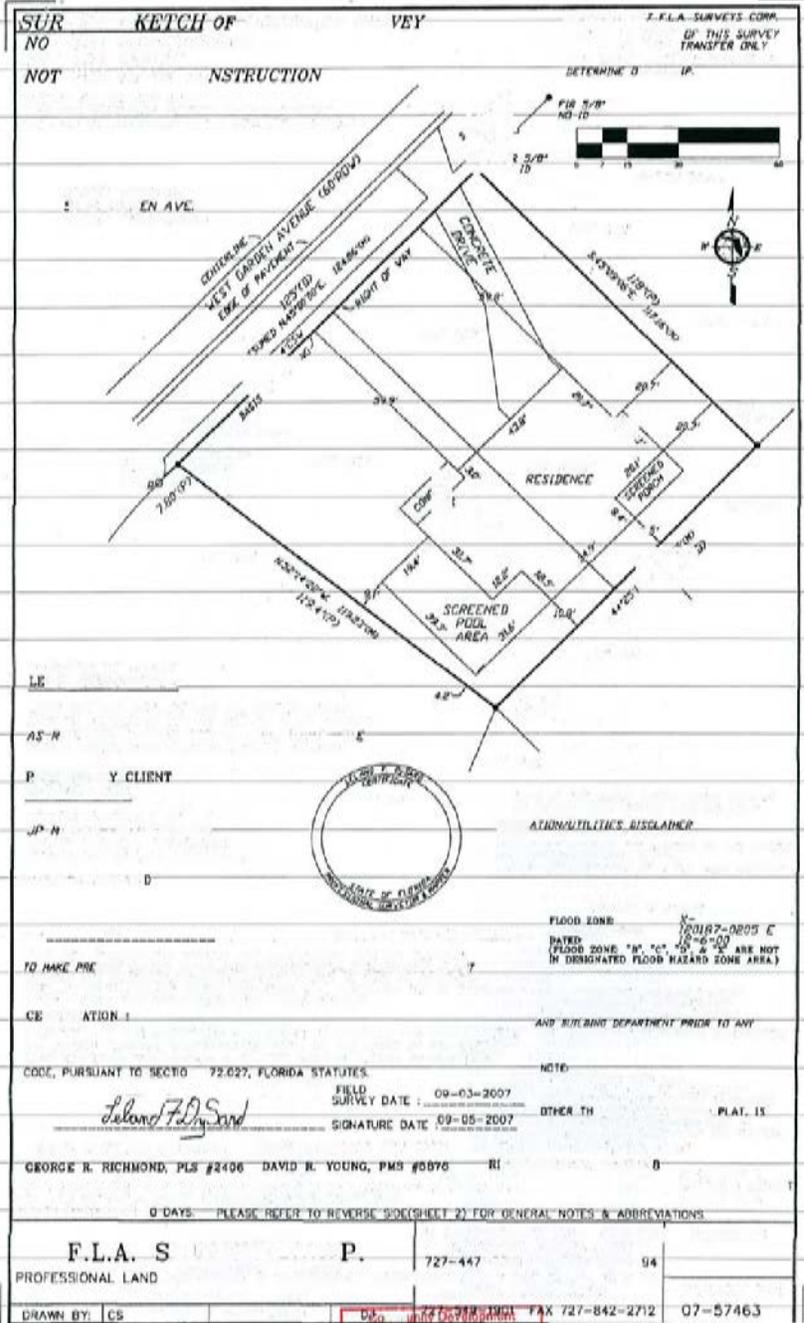
- Aerial Photos
- Survey
- Site Photos

AERIAL PHOTO
50 W. Garden Avenue



SURVEY
50 W. Garden Avenue

Current



Site Photos
50 W. Garden Avenue





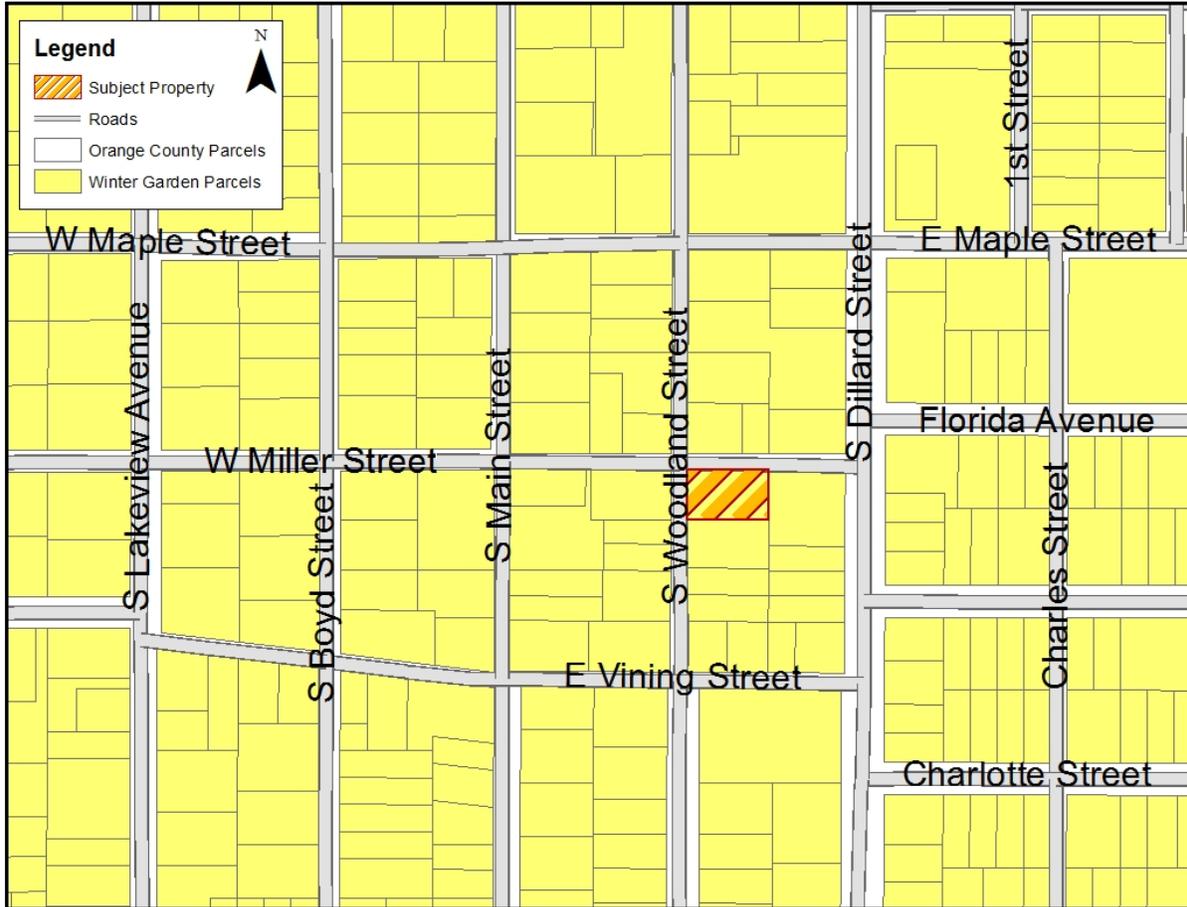




END OF STAFF REPORT

LOCATION MAP

32 E. Miller Street
Parcel ID # 23-22-27-8900-01-140



CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

STAFF REPORT

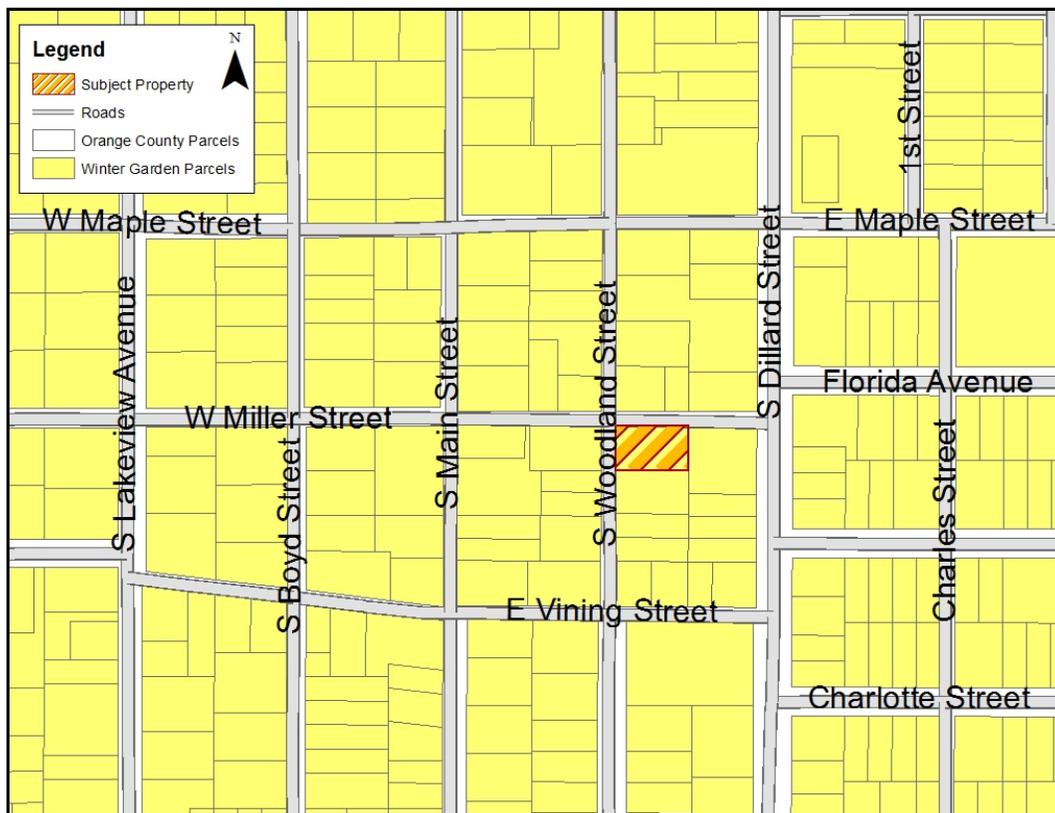
TO: PLANNING AND ZONING BOARD
PREPARED BY: LAURA SMITH, SENIOR PLANNER
DATE: NOVEMBER 1, 2012
SUBJECT: SPECIAL EXCEPTION PERMIT
32 East Miller Street (S & A Commercial LLC.)
PARCEL ID # 23-22-27-8900-01-140

APPLICANT: Alexia Clemens

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 32 East Miller Street. 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 the personal service use of a hair salon. The subject property is located within the City of Winter Garden municipal limits, and carries the zoning designation C-3. The subject property is designated Commercial on the Future Land Use Map of the Comprehensive Plan.

EXISTING USE

The property consists of one 1,472 square foot residential duplex structure which has been recently renovated and the site redeveloped for professional office use. The building is now divided into 2 tenant spaces and the site contains a total of 8 standard parking spaces and one handicapped parking space.

ADJACENT LAND USE AND ZONING

The properties located to the north of the subject property are both single family residential structures zoned R-2 within the City of Winter Garden. The property located to the east of the subject property is another commercial property that is owned and occupied by a Church and is zoned C-3 within the City of Winter Garden. The property located to the west of the subject property is a single family residential structure which is zoned R-2 within the City of Winter Garden. The property located to the south is a residential duplex zoned R-2 in the City of Winter Garden.

PROPOSED USE

The applicant proposes to open a hair salon in one of the two tenant spaces located at 32 East Miller Street for up to 3 operators with potential expansion into the other tenant space for an additional 3 operators.

SUMMARY

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

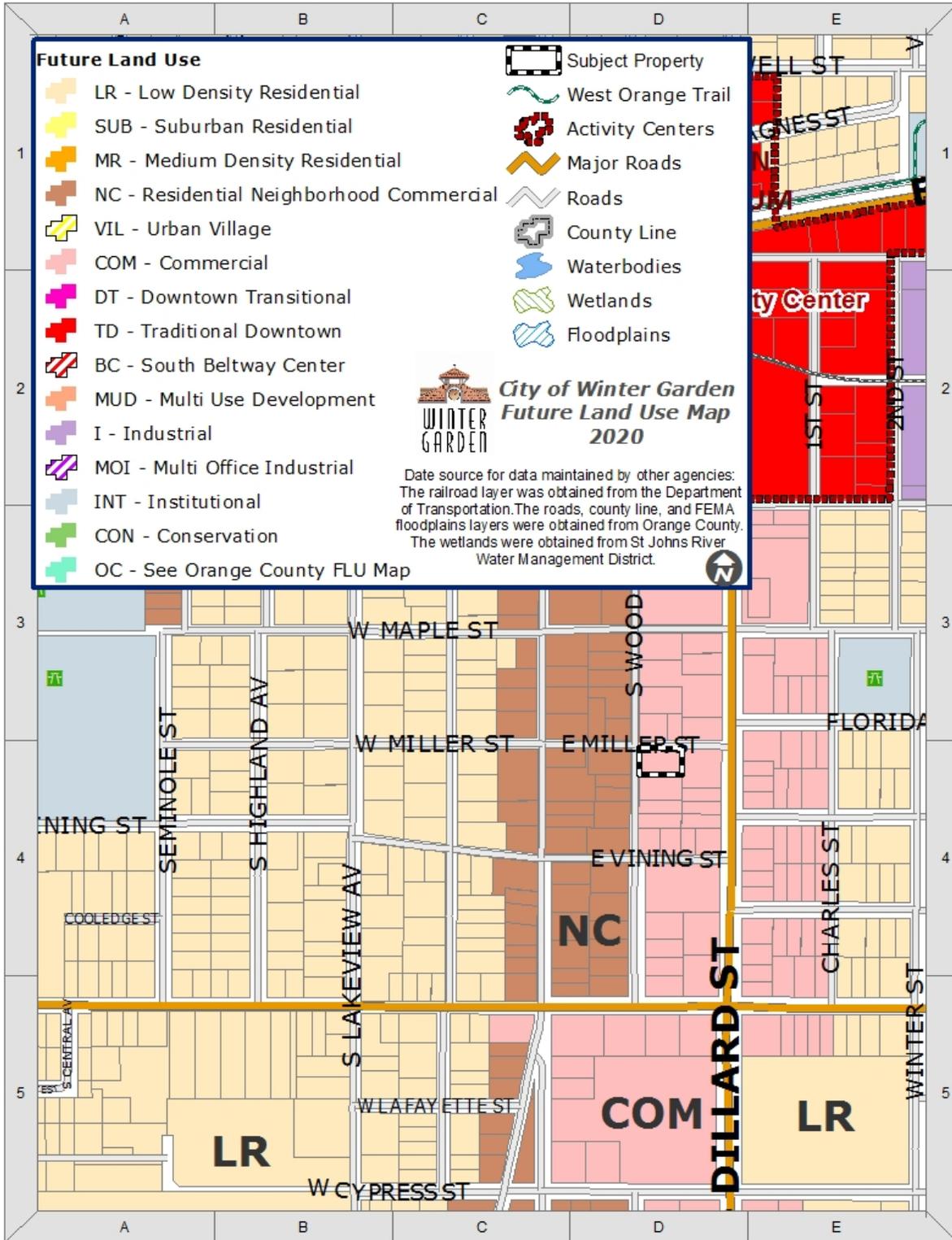
- The personal service uses permitted at the subject property are limited to those uses which are classified as one of the following: Barber Shop, Beauty Shop, Hair Salon and/or Health Spa.
- The maximum number of state licensed operators and/or service providers shall be limited to 3 per individual tenant space, and shall not exceed 6 such operators if both tenant spaces are occupied by the same business.
- All necessary permits must be obtained prior to beginning any construction on or alterations to the site and/or facility.

MAPS/EXHIBITS

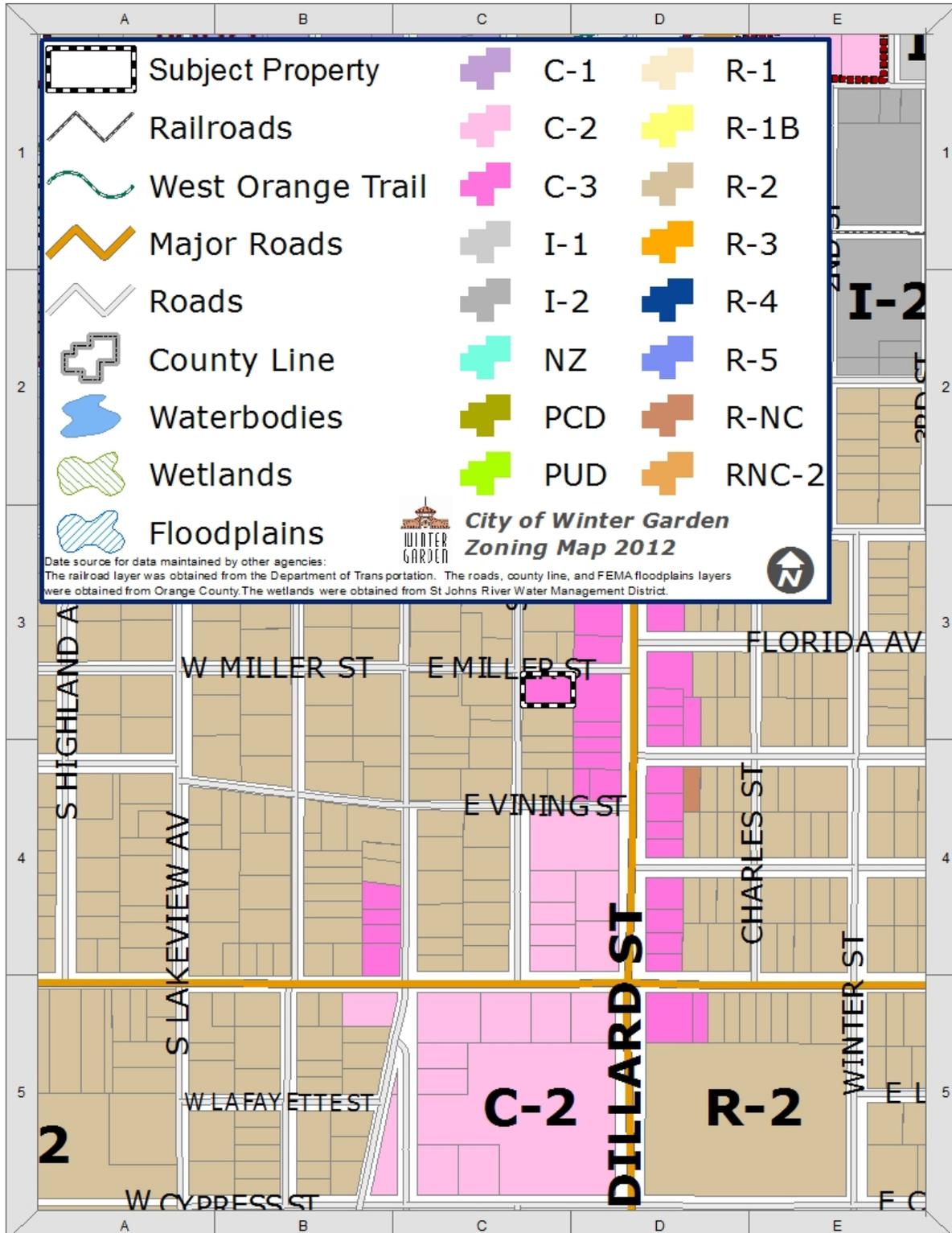
AERIAL PHOTO
32 East Miller Street



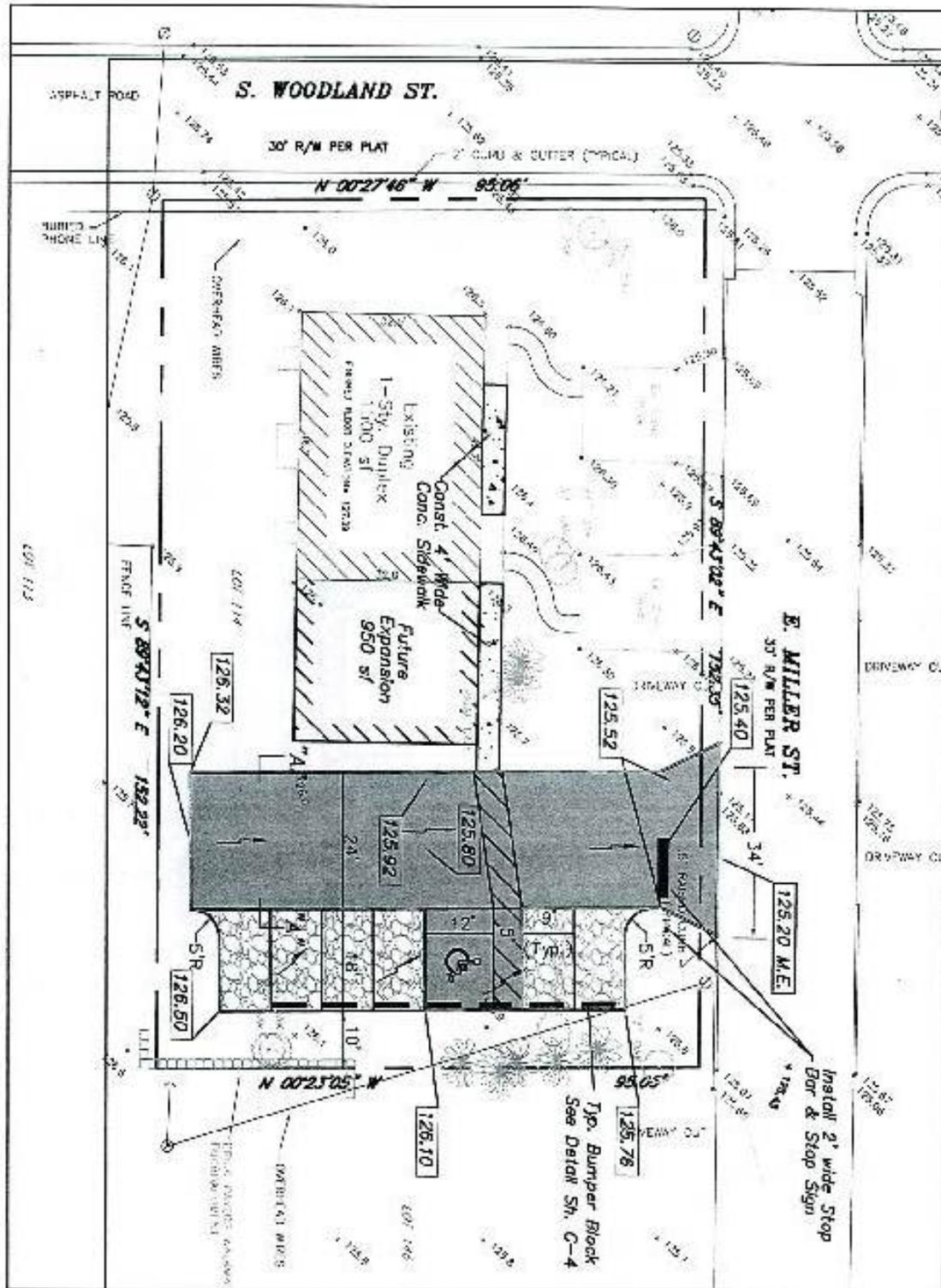
**Future Land Use Map
 32 East Miller Street**



Zoning Map
32 East Miller Street



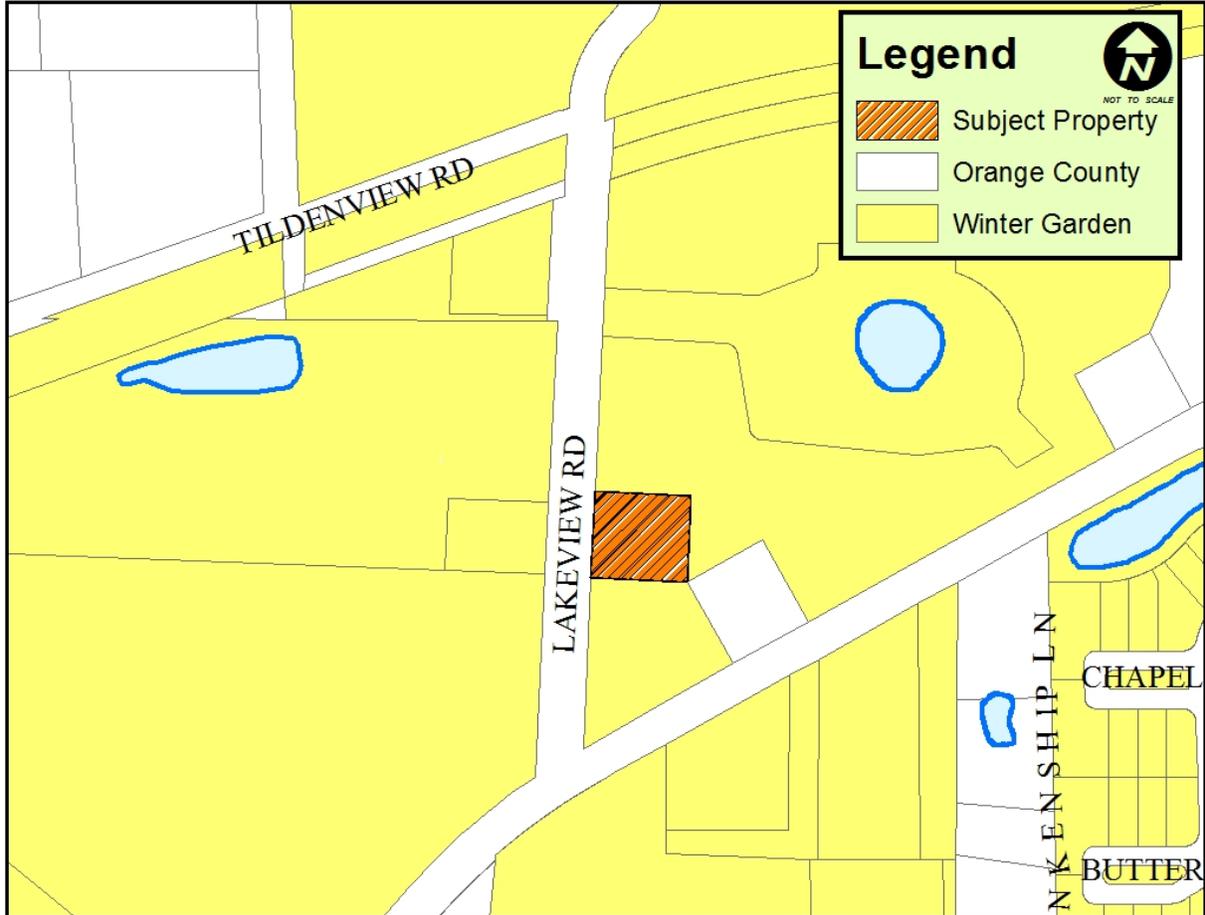
Site Plan
32 East Miller Street



END OF STAFF REPORT

LOCATION MAP

441 Lakeview Road
Parcel ID # 22-22-27-0000-00-101



ORDINANCE 12-49

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.57 ± ACRES LOCATED AT 441 LAKEVIEW ROAD ON THE EAST SIDE OF LAKEVIEW ROAD, NORTH OF WEST PLANT STREET AND SOUTH OF TILDENVIEW 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 0.57 ± acres located on the east side of Lakeview Road, north of West Plant Street and south of Tildenview Road and legally described in Section 2 of this Ordinance, which land is reasonably compact and contiguous to the corporate limits of the City of Winter Garden, Florida (“City”), has, pursuant to the prerequisites and standards set forth in § 171.044, Fla. Stat., petitioned the City Commission for voluntary annexation;

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

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

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

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

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

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

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

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

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

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

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

FIRST READING AND PUBLIC HEARING: _____, 2012.

SECOND READING AND PUBLIC HEARING: _____, 2012.

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

APPROVED:

JOHN REES, Mayor/Commissioner

ATTEST:

KATHY GOLDEN, City Clerk

ATTACHMENT "A"

LEGAL DESCRIPTION

PARCEL ID#: 22-22-27-0000-00-101

Commence at the Northeast corner of the SE ¼ of the NW ¼ of Section 22, Township 22 South, Range 27 East, run thence S 1°37'28" E along the East Boundary of said SE ¼ of the NW ¼, a distance of 288.44 feet to a point 33 feet Northerly, measured at right angle, from the center line of a public road, said point being the Northerly Right-of-Way line thereof; run thence S 60°54'15" W along said Northerly line, 624.60 feet; thence N 29°05'45" W 163.51 feet for a Point of Beginning; thence N 87°13'45" W 166.90 feet to a point 50 feet Easterly, measured at right angle, from the center line of Lakeview Road, said point being Easterly right of way line thereof; thence N 2°46'15" E along said Easterly line 150.00 feet; thence S 87°13'45" E 166.90 feet; thence S 2°46'15" W parallel with said Easterly line 150.00 feet to the Point of Beginning.

ORDINANCE 12-50

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 0.57 ± ACRES LOCATED AT 441 LAKEVIEW ROAD ON THE EAST SIDE OF LAKEVIEW ROAD, NORTH OF WEST PLANT STREET AND SOUTH OF TILDENVIEW 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 0.57 ± acres of land located at 441 Lakeview Road on the east side of Lakeview Road, north of West Plant Street and south of Tildenview 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 12-49, this Ordinance shall become effective 31 days after adoption, unless the Ordinance is timely challenged pursuant to § 163.3187(5), Fla. Stat., in which case, the Ordinance shall not be effective until the state land planning agency or the Administrative Commission, respectively, issues a final order

determining that the adopted Ordinance is in compliance.

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

FIRST READING AND PUBLIC HEARING: _____, 2012.

SECOND READING AND PUBLIC HEARING: _____, 2012.

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

APPROVED:

JOHN REES, Mayor/Commissioner

ATTEST:

KATHY GOLDEN, City Clerk

ATTACHMENT "A"

LEGAL DESCRIPTION

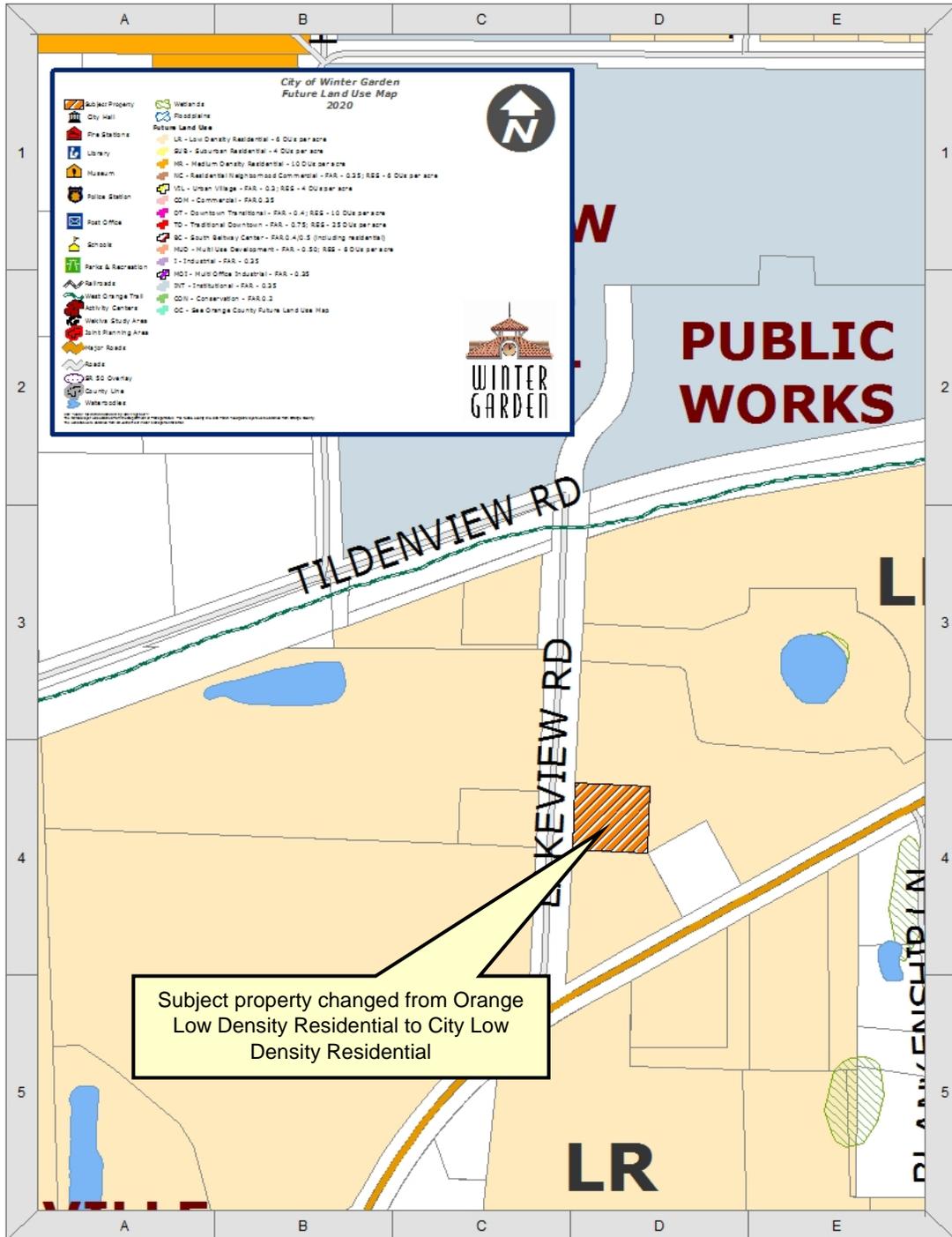
PARCEL ID#: 22-22-27-0000-00-101

Commence at the Northeast corner of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 22, Township 22 South, Range 27 East, run thence S $1^{\circ}37'28''$ E along the East Boundary of said SE $\frac{1}{4}$ of the NW $\frac{1}{4}$, a distance of 288.44 feet to a point 33 feet Northerly, measured at right angle, from the center line of a public road, said point being the Northerly Right-of-Way line thereof; run thence S $60^{\circ}54'15''$ W along said Northerly line, 624.60 feet; thence N $29^{\circ}05'45''$ W 163.51 feet for a Point of Beginning; thence N $87^{\circ}13'45''$ W 166.90 feet to a point 50 feet Easterly, measured at right angle, from the center line of Lakeview Road, said point being Easterly right of way line thereof; thence N $2^{\circ}46'15''$ E along said Easterly line 150.00 feet; thence S $87^{\circ}13'45''$ E 166.90 feet; thence S $2^{\circ}46'15''$ W parallel with said Easterly line 150.00 feet to the Point of Beginning.

ATTACHMENT "B"

FUTURE LAND USE MAP

441 Lakeview Road



ORDINANCE 12-51

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.57 ± ACRES OF REAL PROPERTY GENERALLY LOCATED AT 441 LAKEVIEW ROAD ON THE EAST SIDE OF LAKEVIEW ROAD, NORTH OF WEST PLANT STREET AND SOUTH OF TILDENVIEW ROAD FROM ORANGE COUNTY A-1 CITRUS RURAL DISTRICT TO CITY R-1 RESIDENTIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner of that certain real property generally described as 0.57 ± acres of land located on the east side of Lakeview Road, north of West Plant Street and south of Tildenview Road, and legally described in Section 1 of this ordinance has petitioned the City to rezone said property from Orange County A-1 Citrus Rural District to the City’s R-1 Residential District zoning classification, therefore; and

WHEREAS, after public notice and due consideration of public comment, the City Commission of the City of Winter Garden hereby finds and declares the rezoning approved by this Ordinance is consistent with the City of Winter Garden Comprehensive Plan; and

WHEREAS, further, the City Commission finds that based on competent, substantial evidence in the record, the rezoning approved by this Ordinance meets all applicable criteria for rezoning the Property to R-1 Residential District contained within the City of Winter Garden Comprehensive Plan and the Code of Ordinances.

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

SECTION 1: *Rezoning.* The above “Whereas” clauses constitute findings by the City Commission. After due notice and public hearing, the zoning classification of real property legally described on ATTACHMENT “A,” is hereby rezoned from Orange County A-1 Citrus Rural District to City R-1 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 12-50 which is an amendment to the Future Land Use Map of the City of Winter Garden Comprehensive Plan that allows the property described herein to be zoned as provided in this Ordinance.

FIRST READING AND PUBLIC HEARING: _____, 2012.

SECOND READING AND PUBLIC HEARING: _____, 2012.

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

APPROVED:

JOHN REES, Mayor/Commissioner

ATTEST:

KATHY GOLDEN, City Clerk

ATTACHMENT "A"

LEGAL DESCRIPTION

PARCEL ID#: 22-22-27-0000-00-101

Commence at the Northeast corner of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 22, Township 22 South, Range 27 East, run thence S $1^{\circ}37'28''$ E along the East Boundary of said SE $\frac{1}{4}$ of the NW $\frac{1}{4}$, a distance of 288.44 feet to a point 33 feet Northerly, measured at right angle, from the center line of a public road, said point being the Northerly Right-of-Way line thereof; run thence S $60^{\circ}54'15''$ W along said Northerly line, 624.60 feet; thence N $29^{\circ}05'45''$ W 163.51 feet for a Point of Beginning; thence N $87^{\circ}13'45''$ W 166.90 feet to a point 50 feet Easterly, measured at right angle, from the center line of Lakeview Road, said point being Easterly right of way line thereof; thence N $2^{\circ}46'15''$ E along said Easterly line 150.00 feet; thence S $87^{\circ}13'45''$ E 166.90 feet; thence S $2^{\circ}46'15''$ W parallel with said Easterly line 150.00 feet to the Point of Beginning.

CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

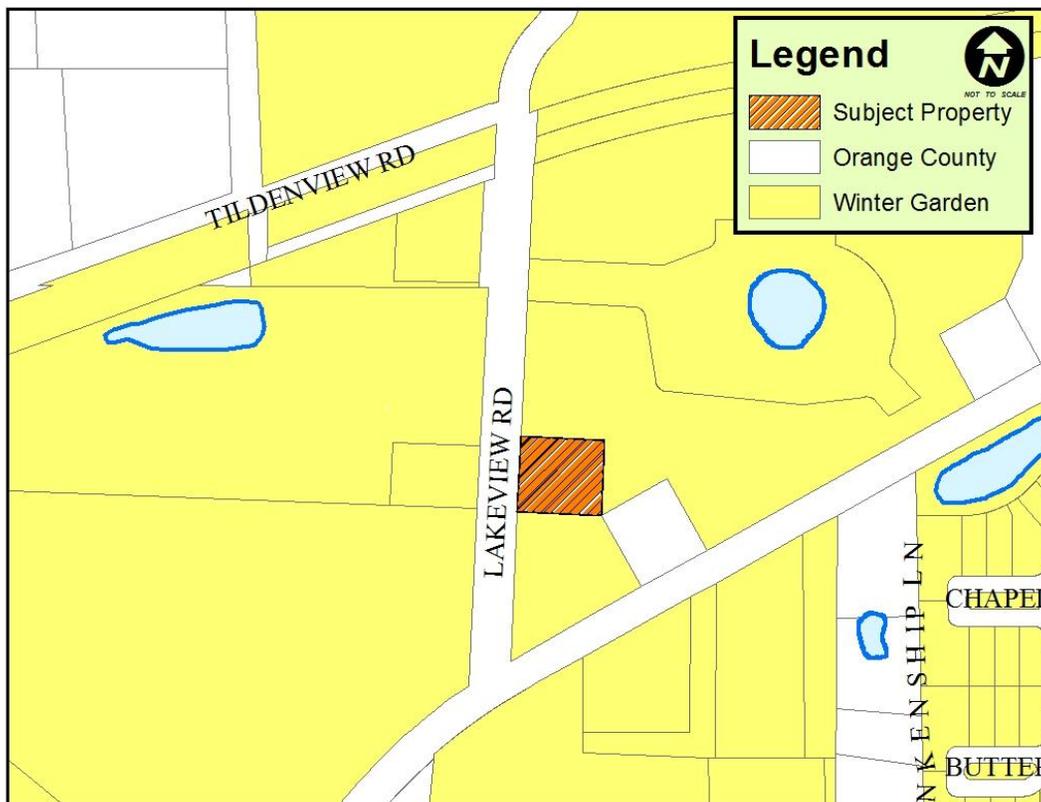
STAFF REPORT

TO: PLANNING AND ZONING BOARD
PREPARED BY: STEVE PASH, SENIOR PLANNER
DATE: NOVEMBER 5, 2012
SUBJECT: ANNEXATION – ZONING – FLU AMENDMENT
441 LAKEVIEW ROAD (0.57 +/- ACRES)
PARCEL ID #: 22-22-27-0000-00-101
APPLICANT: CHARLES N. ASMA 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 441 Lakeview Road and is approximately 0.57 ± 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-1 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 is currently developed with a single family home. The applicant intends to keep the existing single-family home once the annexation, FLU, and zoning process is complete.

ADJACENT LAND USE AND ZONING

The properties located to the north are an orange grove and single family house, zoned R-1 and located in the City. The properties located to the east are an orange grove, zoned R-1 and located in the City and a single family house, zoned A-1 and located in Orange County. The property to the south is a single family house, zoned R-1 and located in the City. The properties to the west are developed a single family home, a retirement home, and a church, zoned R-2 and located in the City.

PROPOSED USE

The owner is proposing to annex the property and keep the existing single-family home.

PUBLIC FACILITY ANALYSIS

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

SUMMARY

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

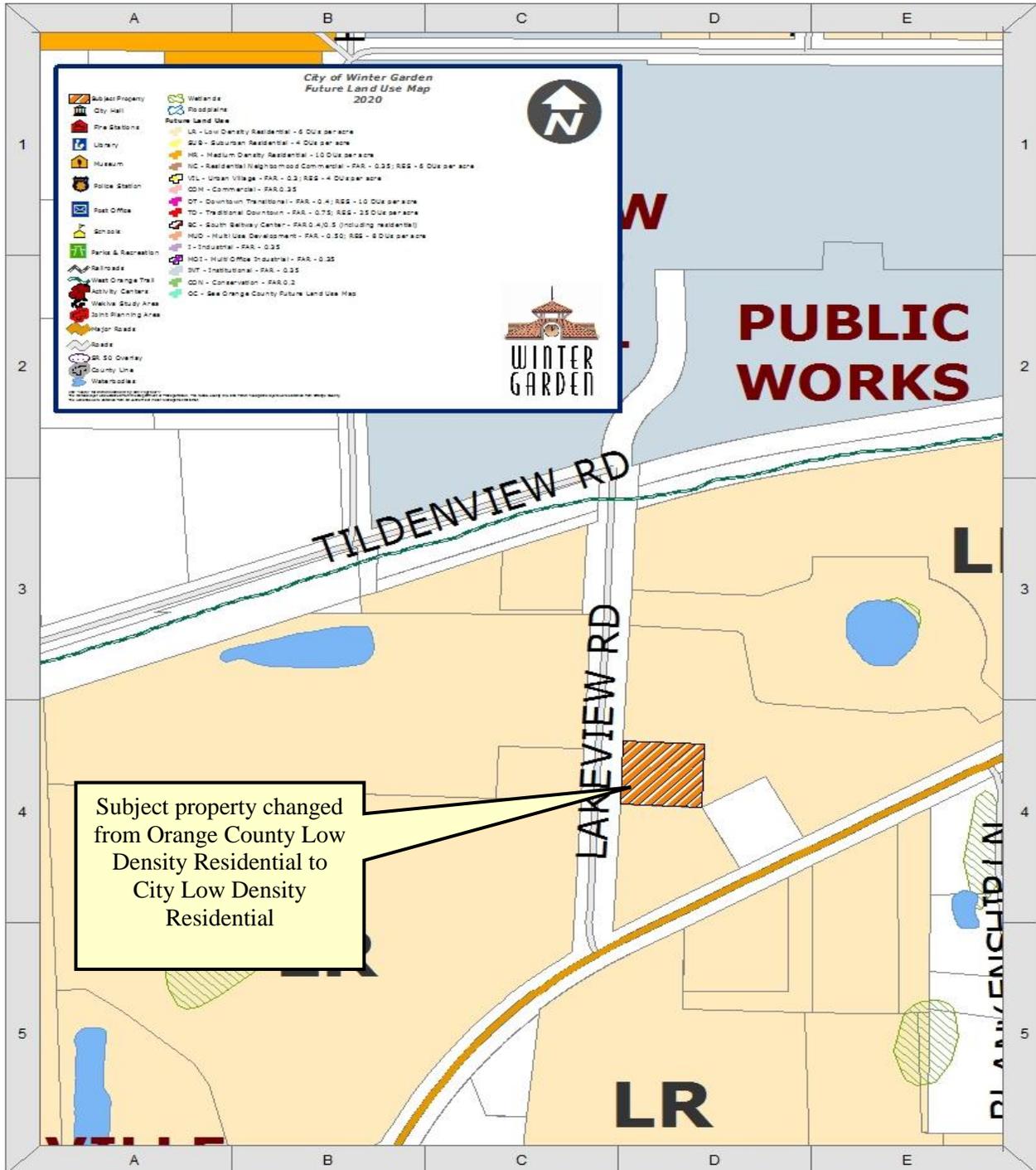
MAPS

AERIAL PHOTO

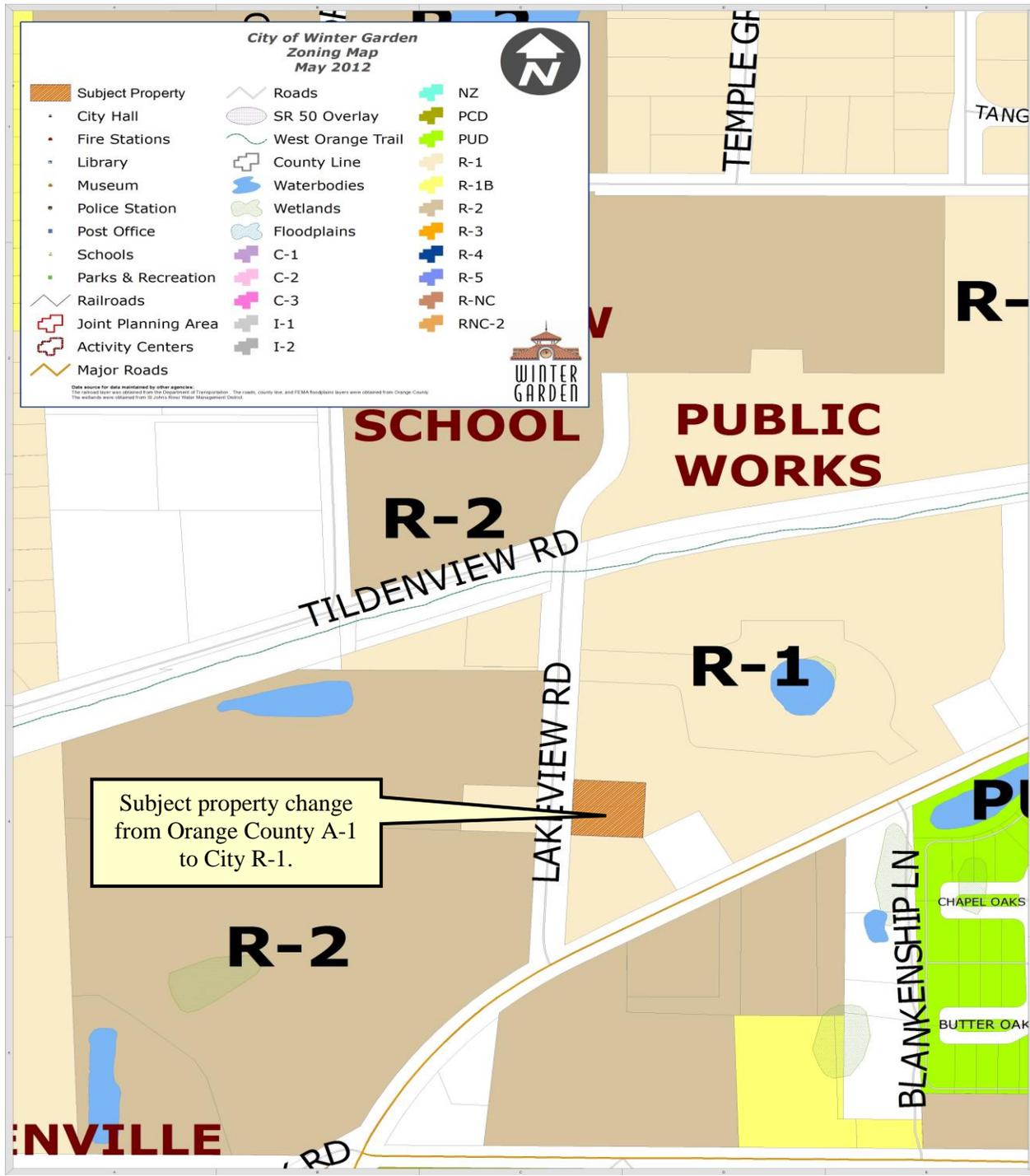
441 Lakeview Road



FUTURE LAND USE MAP
441 Lakeview Road



ZONING MAP
441 Lakeview Road



END OF STAFF REPORT

THE CITY OF WINTER GARDEN
PLANNING AND ZONING BOARD AGENDA ITEM

ITEM # 7 (Public Hearing)

DATE: October 17, 2012 **MEETING DATE:** November 5, 2012

SUBJECT: 1101 East Plant Street (ANNEXATION, ZONING, FLU)
PROJECT NAME Winter Garden Property
PARCEL ID# 13-22-27-0000-00-009

ISSUE: The applicant is requesting Annexation, Zoning, and Future Lands Use designation on property located at 1101 East Plant Street.

SUPPLEMENTAL MATERIAL/ANALYSIS:

OWNER/APPLICANT: City of Winter Garden

CURRENT ZONING: C-3 (Orange County)

PROPOSED ZONING: C-2

CURRENT FLU: Commercial (Orange County)

PROPOSED FLU: Commercial

SUMMARY:

The City encourages infill of its jurisdictional limits through voluntary annexation of enclaves. The subject property makes up a 0.44 ± acre enclave located at the northeast corner of East Plant Street and Hennis 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 Commercial, and Rezoning of the property to City C-2 Arterial Commercial District. (See attached Staff Report).

STAFF RECOMMENDATION(S):

Staff recommends approval of Ordinance 12-56, Ordinance 12-57 and Ordinance 12-58.

NEXT STEP(S):

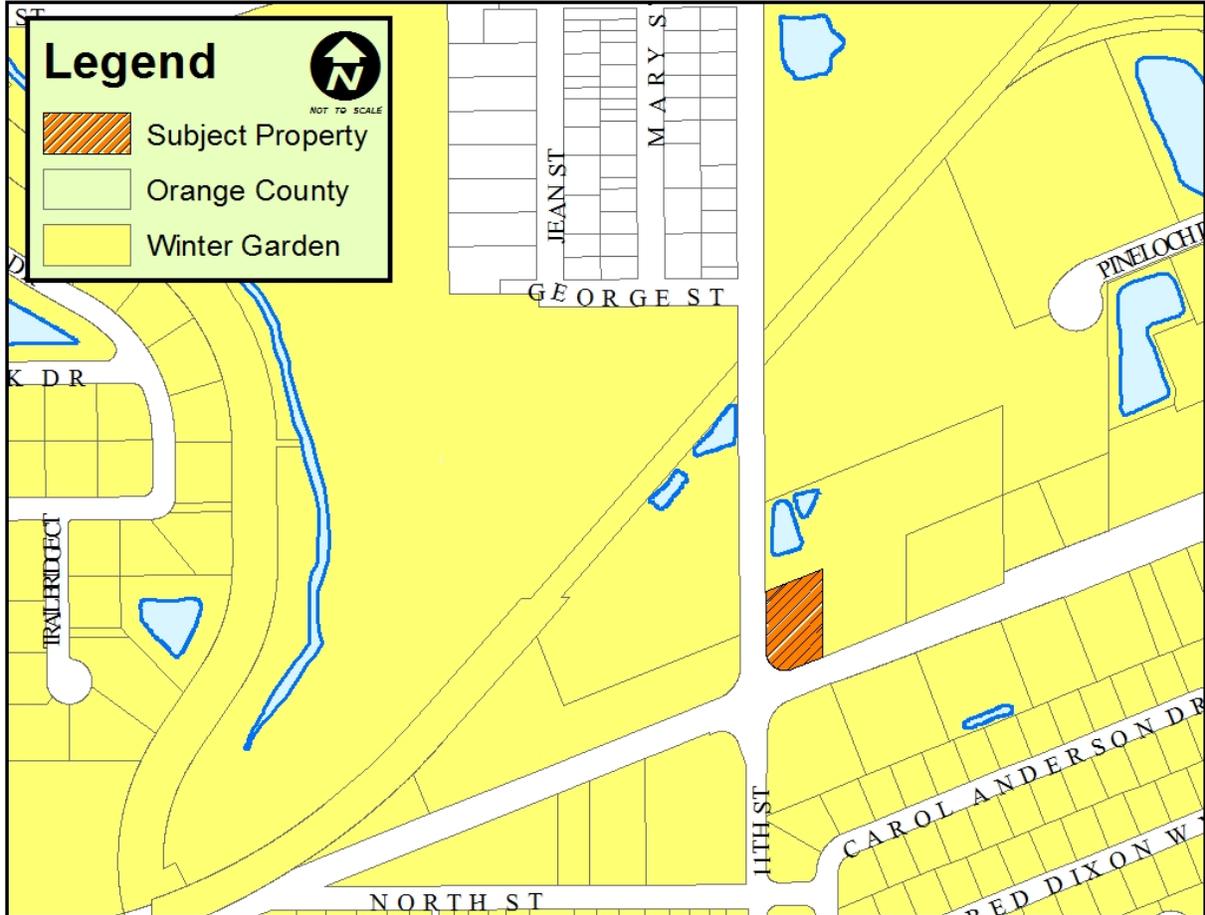
A public meeting for the first reading of the ordinances is scheduled for the City Commission on Thursday, November 8, 2012.

ATTACHMENT(S):

Location Map
Ordinance 12-56
Ordinance 12-57
Ordinance 12-58
Staff Report

LOCATION MAP

1101 E. Plant Street
Parcel ID # 13-22-27-0000-00-009



ORDINANCE 12-56

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.44 ± ACRES LOCATED AT 1101 EAST PLANT STREET AT THE NORTHEAST CORNER OF EAST PLANT STREET AND HENNIS 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 0.44 ± acres located at the northeast corner of East Plant Street and Hennis 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#: 13-22-27-0000-00-009

W 150 FT OF SE1/4 OF SW1/4 N OF RD (LESS W 30 FT RD R/W & RD R/W ON S & LESS BEG 1140.88 FT N & N 68 DEG E 32.33 FT FROM SW COR OF SE1/4 OF SW1/4 TH N 63.68 FT SELY 84.01 FT S 68 DEG W 63.68 FT TO POB TAKEN FOR RD R/W) & IN OVERSTREET CRATE CO F/9 W 130 FT OF FOLLOWING DESC AS BEG SW COR BLK E RUN N 68 DEG E 598.63 FT TH S TO S LINE OF BLK E TH WLY ALONG BLK LINE TO POB ALL IN SEC 13-22-27 & (LESS COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 13 THENCE ALONG THE NORTH LINE OF SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 13 NORTH 89-37-40 EAST 29.95 FEET TO THE EAST RIGHT OF WAY LINE OF HENNIS ROAD AS RECORDED IN OFFICIAL RECORDS BOOK 3905 PAGE 2432 AND OFFICIAL RECORDS BOOK 2025 PAGE 957 PUBLIC RECORDS OF ORANGE COUNTY FLORIDA THENCE ALONG SAID EAST RIGHT OF WAY LINE SOUTH 00-09-03-EAST 110.39 FEET TO THE POINT OF BEGINNING THENCE LEAVING SAID EAST RIGHT OF WAY LINE SOUTH 56-05-19 EAST 39.01 FEET TO A POINT ON A NON-TANGENT CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 9247.75 FEET A CENTRAL ANGLE OF 00-36-50 AND A CHORD BEARING AND DISTANCE OF NORTH 68-21-26 EAST 99.08 FEET THENCE ALONG THE ARC OF SAID CURVE 99.05 FEET TO THE EAST LINE OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 9079 PAGES 1060 THROUGH 1062 PUBLIC RECORDS OF ORANGE COUNTY FLORIDA THENCE ALONG SAID EAST LINE SOUTH 00-15-45 EAST 36.56 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF PLANT STREET (STATE ROAD 438) AS RECORDED IN FLORIDA DEPARTMENT OF TRANSPORTATION-RIGHT OF WAY MAP SECTION NUMBER 75230-2518 THENCE ALONG SAID NORTHERLY RIGHT OF WAY LINE SOUTH 67-54-15 WEST 70.59 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 43.00 FEET A CENTRAL ANGLE OF 111-56-42 AND A CHORD BEARING AND DISTANCE OF NORTH 56-07-24 WEST 71.27 FEET THENCE ALONG THE ARC OF SAID CURVE 84.01 FEET TO THE POINT OF TANGENCY SAID POINT ALSO BEING A POINT ON AFORESAID EAST RIGHT OF WAY LINE THENCE ALONG SAID EAST RIGHT OF WAY LINE NORTH 00-09-03 WEST 8.62 FEET TO THE POINT OF BEGINNING)

ORDINANCE 12-57

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 0.44 ± ACRES LOCATED AT 1101 EAST PLANT STREET AT THE NORTHEAST EAST PLANT STREET AND HENNIS ROAD 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 0.44 ± acres of land located at 1101 East Plant Street at the northeast corner of East Plant Street and Hennis 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 Commercial to City Commercial; and

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

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

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

SECTION II. *Effective Date.* Provided that the Property described herein is annexed into the City of Winter Garden pursuant to Ordinance 12-56, 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

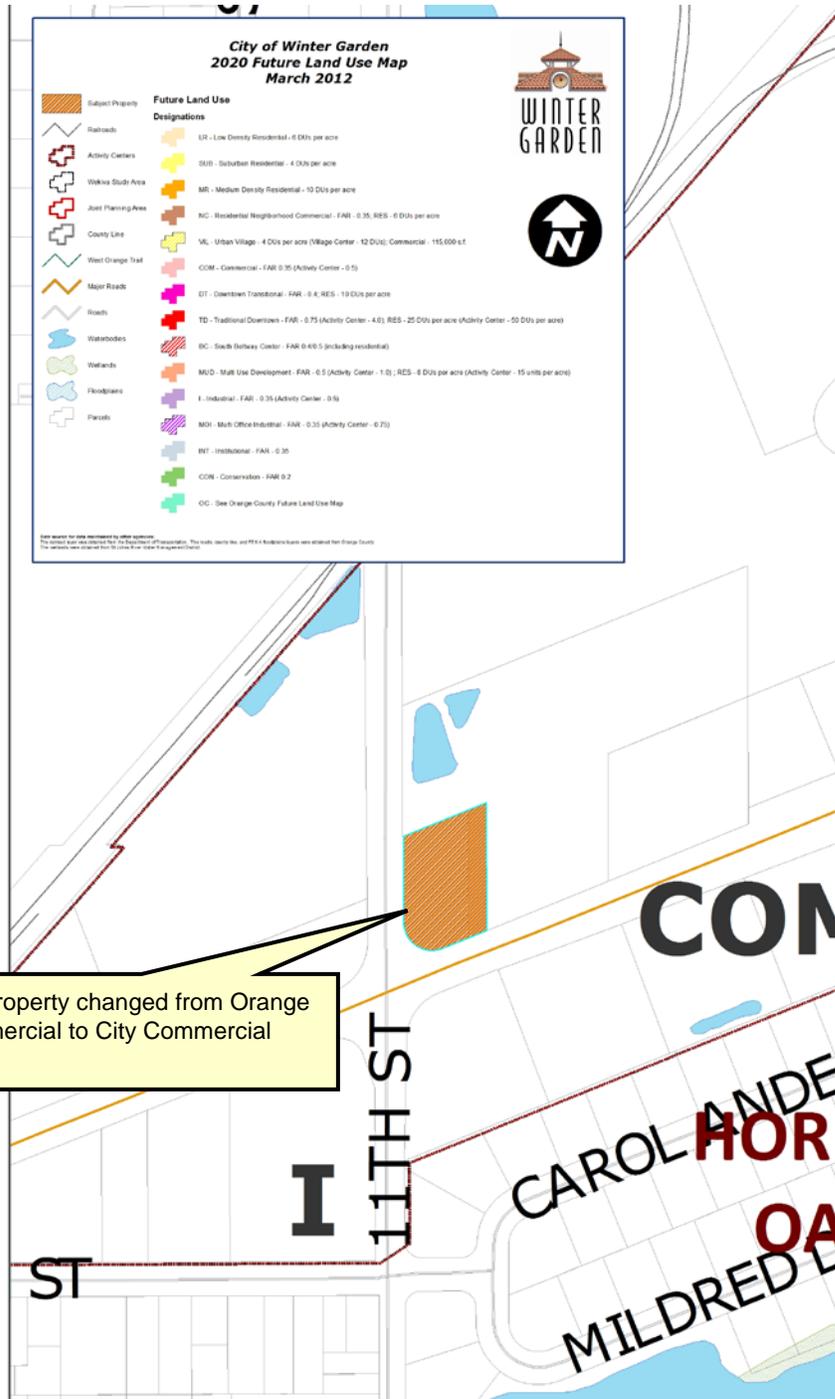
PARCEL ID#: 13-22-27-0000-00-009

W 150 FT OF SE1/4 OF SW1/4 N OF RD (LESS W 30 FT RD R/W & RD R/W ON S & LESS BEG 1140.88 FT N & N 68 DEG E 32.33 FT FROM SW COR OF SE1/4 OF SW1/4 TH N 63.68 FT SELY 84.01 FT S 68 DEG W 63.68 FT TO POB TAKEN FOR RD R/W) & IN OVERSTREET CRATE CO F/9 W 130 FT OF FOLLOWING DESC AS BEG SW COR BLK E RUN N 68 DEG E 598.63 FT TH S TO S LINE OF BLK E TH WLY ALONG BLK LINE TO POB ALL IN SEC 13-22-27 & (LESS COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 13 THENCE ALONG THE NORTH LINE OF SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 13 NORTH 89-37-40 EAST 29.95 FEET TO THE EAST RIGHT OF WAY LINE OF HENNIS ROAD AS RECORDED IN OFFICIAL RECORDS BOOK 3905 PAGE 2432 AND OFFICIAL RECORDS BOOK 2025 PAGE 957 PUBLIC RECORDS OF ORANGE COUNTY FLORIDA THENCE ALONG SAID EAST RIGHT OF WAY LINE SOUTH 00-09-03-EAST 110.39 FEET TO THE POINT OF BEGINNING THENCE LEAVING SAID EAST RIGHT OF WAY LINE SOUTH 56-05-19 EAST 39.01 FEET TO A POINT ON A NON-TANGENT CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 9247.75 FEET A CENTRAL ANGLE OF 00-36-50 AND A CHORD BEARING AND DISTANCE OF NORTH 68-21-26 EAST 99.08 FEET THENCE ALONG THE ARC OF SAID CURVE 99.05 FEET TO THE EAST LINE OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 9079 PAGES 1060 THROUGH 1062 PUBLIC RECORDS OF ORANGE COUNTY FLORIDA THENCE ALONG SAID EAST LINE SOUTH 00-15-45 EAST 36.56 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF PLANT STREET (STATE ROAD 438) AS RECORDED IN FLORIDA DEPARTMENT OF TRANSPORTATION-RIGHT OF WAY MAP SECTION NUMBER 75230-2518 THENCE ALONG SAID NORTHERLY RIGHT OF WAY LINE SOUTH 67-54-15 WEST 70.59 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 43.00 FEET A CENTRAL ANGLE OF 111-56-42 AND A CHORD BEARING AND DISTANCE OF NORTH 56-07-24 WEST 71.27 FEET THENCE ALONG THE ARC OF SAID CURVE 84.01 FEET TO THE POINT OF TANGENCY SAID POINT ALSO BEING A POINT ON AFORESAID EAST RIGHT OF WAY LINE THENCE ALONG SAID EAST RIGHT OF WAY LINE NORTH 00-09-03 WEST 8.62 FEET TO THE POINT OF BEGINNING)

ATTACHMENT "B"

FUTURE LAND USE MAP

1101 East Plant Street



ORDINANCE 12-58

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.44 ± ACRES OF REAL PROPERTY GENERALLY LOCATED AT 1101 EAST PLANT STREET AT THE NORTHEAST CORNER OF EAST PLANT STREET AND HENNIS ROAD 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 0.44 ± acres of land located at 1101 East Plant Street at the northeast corner of East Plant Street and Hennis Road, 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; and

WHEREAS, after public notice and due consideration of public comment, the City Commission of the City of Winter Garden hereby finds and declares the rezoning approved by this Ordinance is consistent with the City of Winter Garden Comprehensive Plan; and

WHEREAS, further, the City Commission finds that based on competent, substantial evidence in the record, the rezoning approved by this Ordinance meets all applicable criteria for rezoning the Property to C-2 Arterial Commercial District contained within the City of Winter Garden Comprehensive Plan and the Code of Ordinances.

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

SECTION 1: *Rezoning.* The above "Whereas" clauses constitute findings by the City Commission. After due notice and public hearing, the zoning classification of real property legally described on ATTACHMENT "A," is hereby rezoned from Orange 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 12-57 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#: 13-22-27-0000-00-009

W 150 FT OF SE1/4 OF SW1/4 N OF RD (LESS W 30 FT RD R/W & RD R/W ON S & LESS BEG 1140.88 FT N & N 68 DEG E 32.33 FT FROM SW COR OF SE1/4 OF SW1/4 TH N 63.68 FT SELY 84.01 FT S 68 DEG W 63.68 FT TO POB TAKEN FOR RD R/W) & IN OVERSTREET CRATE CO F/9 W 130 FT OF FOLLOWING DESC AS BEG SW COR BLK E RUN N 68 DEG E 598.63 FT TH S TO S LINE OF BLK E TH WLY ALONG BLK LINE TO POB ALL IN SEC 13-22-27 & (LESS COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 13 THENCE ALONG THE NORTH LINE OF SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 13 NORTH 89-37-40 EAST 29.95 FEET TO THE EAST RIGHT OF WAY LINE OF HENNIS ROAD AS RECORDED IN OFFICIAL RECORDS BOOK 3905 PAGE 2432 AND OFFICIAL RECORDS BOOK 2025 PAGE 957 PUBLIC RECORDS OF ORANGE COUNTY FLORIDA THENCE ALONG SAID EAST RIGHT OF WAY LINE SOUTH 00-09-03-EAST 110.39 FEET TO THE POINT OF BEGINNING THENCE LEAVING SAID EAST RIGHT OF WAY LINE SOUTH 56-05-19 EAST 39.01 FEET TO A POINT ON A NON-TANGENT CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 9247.75 FEET A CENTRAL ANGLE OF 00-36-50 AND A CHORD BEARING AND DISTANCE OF NORTH 68-21-26 EAST 99.08 FEET THENCE ALONG THE ARC OF SAID CURVE 99.05 FEET TO THE EAST LINE OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 9079 PAGES 1060 THROUGH 1062 PUBLIC RECORDS OF ORANGE COUNTY FLORIDA THENCE ALONG SAID EAST LINE SOUTH 00-15-45 EAST 36.56 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF PLANT STREET (STATE ROAD 438) AS RECORDED IN FLORIDA DEPARTMENT OF TRANSPORTATION-RIGHT OF WAY MAP SECTION NUMBER 75230-2518 THENCE ALONG SAID NORTHERLY RIGHT OF WAY LINE SOUTH 67-54-15 WEST 70.59 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 43.00 FEET A CENTRAL ANGLE OF 111-56-42 AND A CHORD BEARING AND DISTANCE OF NORTH 56-07-24 WEST 71.27 FEET THENCE ALONG THE ARC OF SAID CURVE 84.01 FEET TO THE POINT OF TANGENCY SAID POINT ALSO BEING A POINT ON AFORESAID EAST RIGHT OF WAY LINE THENCE ALONG SAID EAST RIGHT OF WAY LINE NORTH 00-09-03 WEST 8.62 FEET TO THE POINT OF BEGINNING)

CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

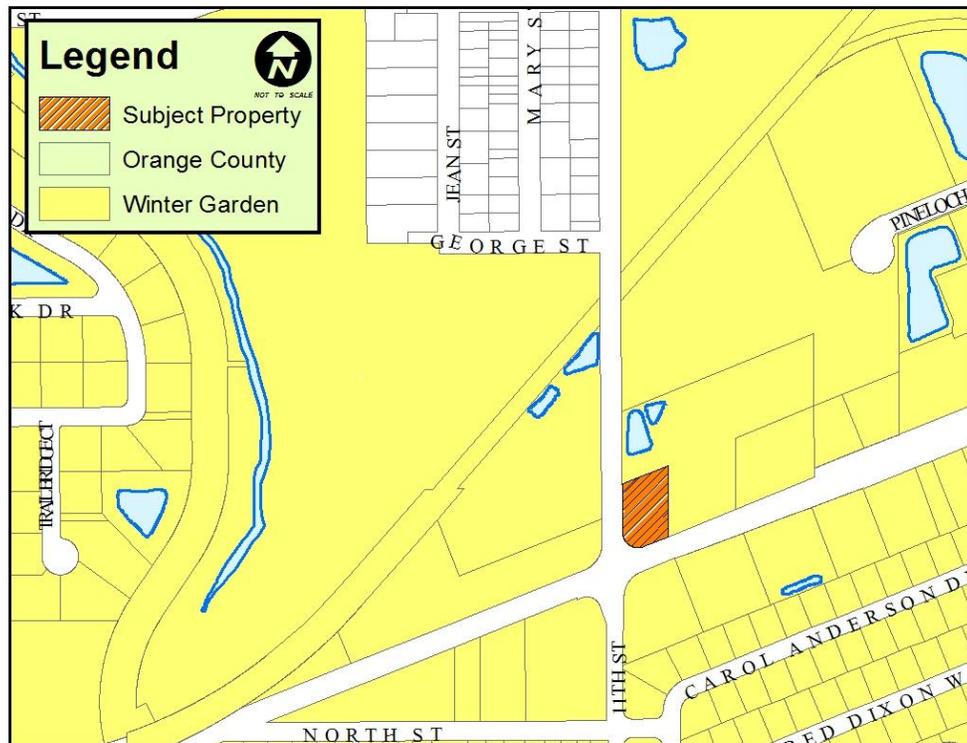
STAFF REPORT

TO: PLANNING AND ZONING BOARD
PREPARED BY: STEVE PASH, SENIOR PLANNER
DATE: NOVEMBER 5, 2012
SUBJECT: ANNEXATION – ZONING – FLU AMENDMENT
1101 EAST PLANT STREET (0.44 +/- ACRES)
PARCEL ID #: 13-22-27-0000-00-009
APPLICANT: CITY OF WINTER GARDEN

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 1101 East Plant Street and is approximately 0.44 ± 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 Arterial Commercial District.

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 a warehouse building that was an automotive service facility and convenience store, but is now vacant. The property also contains a non-conforming billboard which will remain. The applicant intends to use a portion of the property for the widening of Plant Street and demolish the building once the annexation, FLU, and zoning process is complete.

ADJACENT LAND USE AND ZONING

The property located to the north and east is a concrete plant, zoned I-2 and located in the City. The properties to the south are commercial buildings with a variety of businesses, zoned C-2 and located in the City. The property to the west is a concrete plant, zoned I-2 and located in the City.

PROPOSED USE

The owner is proposing to annex the property, use a portion of the land as right-of-way to widen Plant Street into 4 lanes, and demolish the existing building.

PUBLIC FACILITY ANALYSIS

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

SUMMARY

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

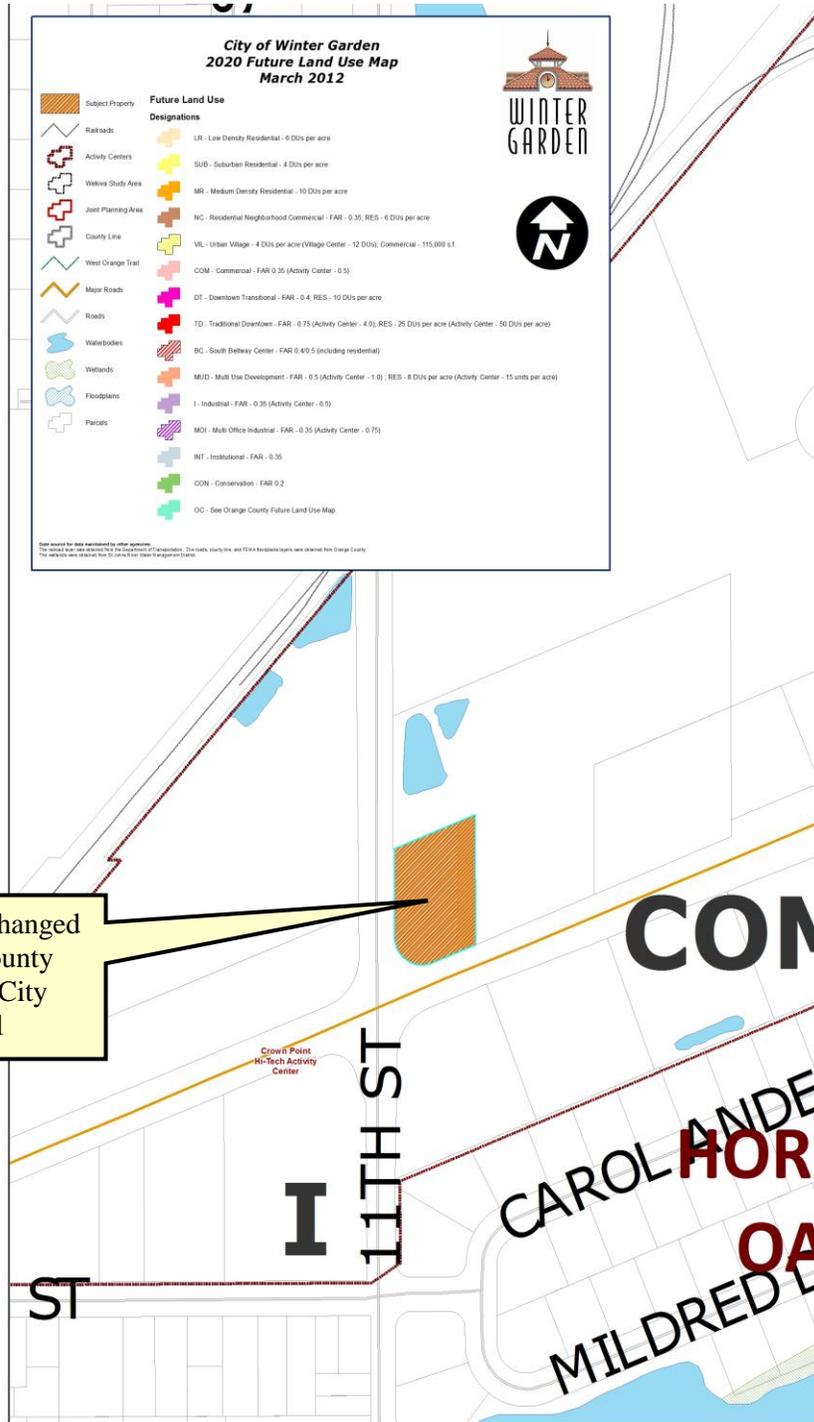
MAPS

AERIAL PHOTO

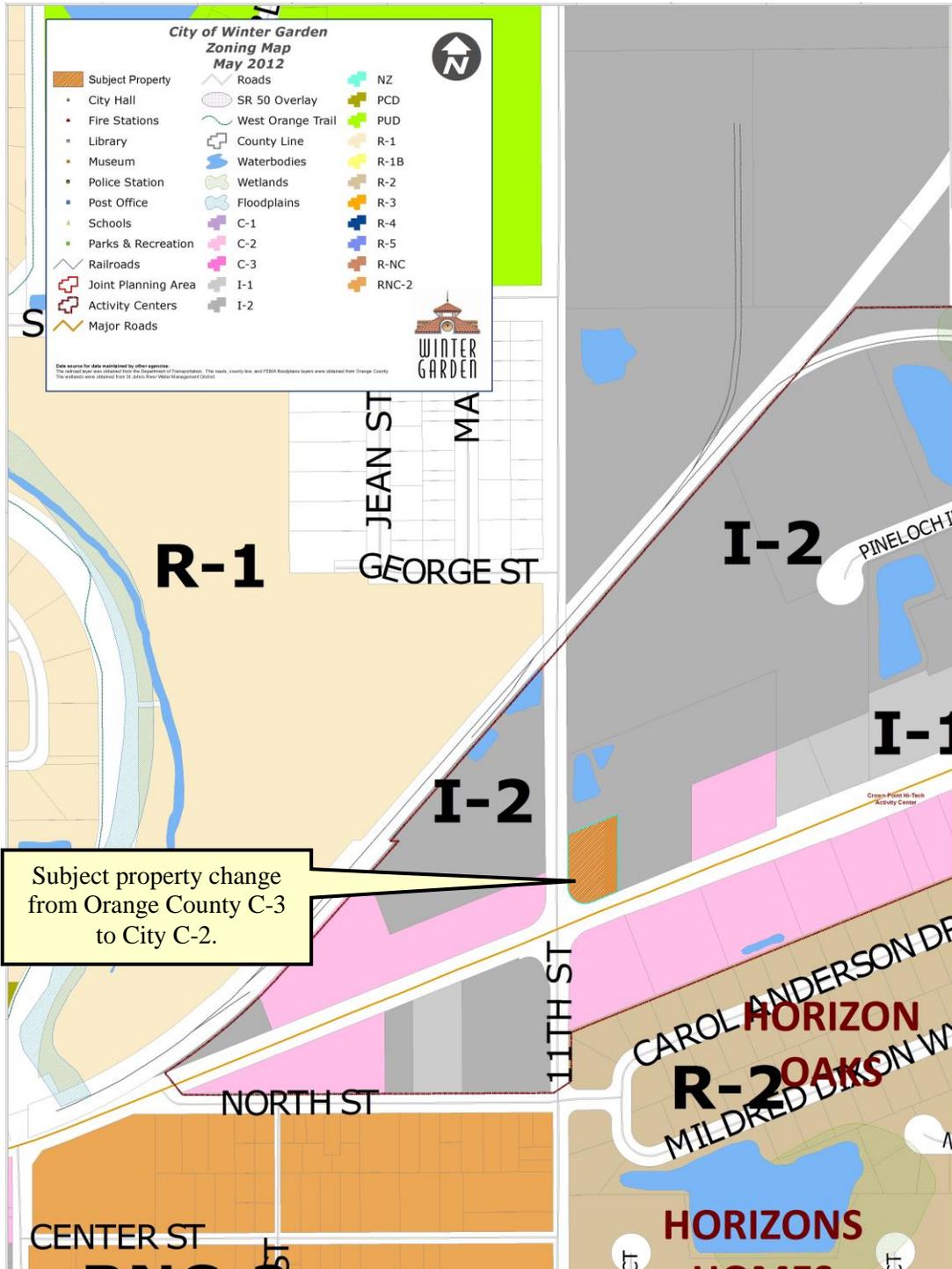
1101 East Plant Street



FUTURE LAND USE MAP
1101 East Plant Street

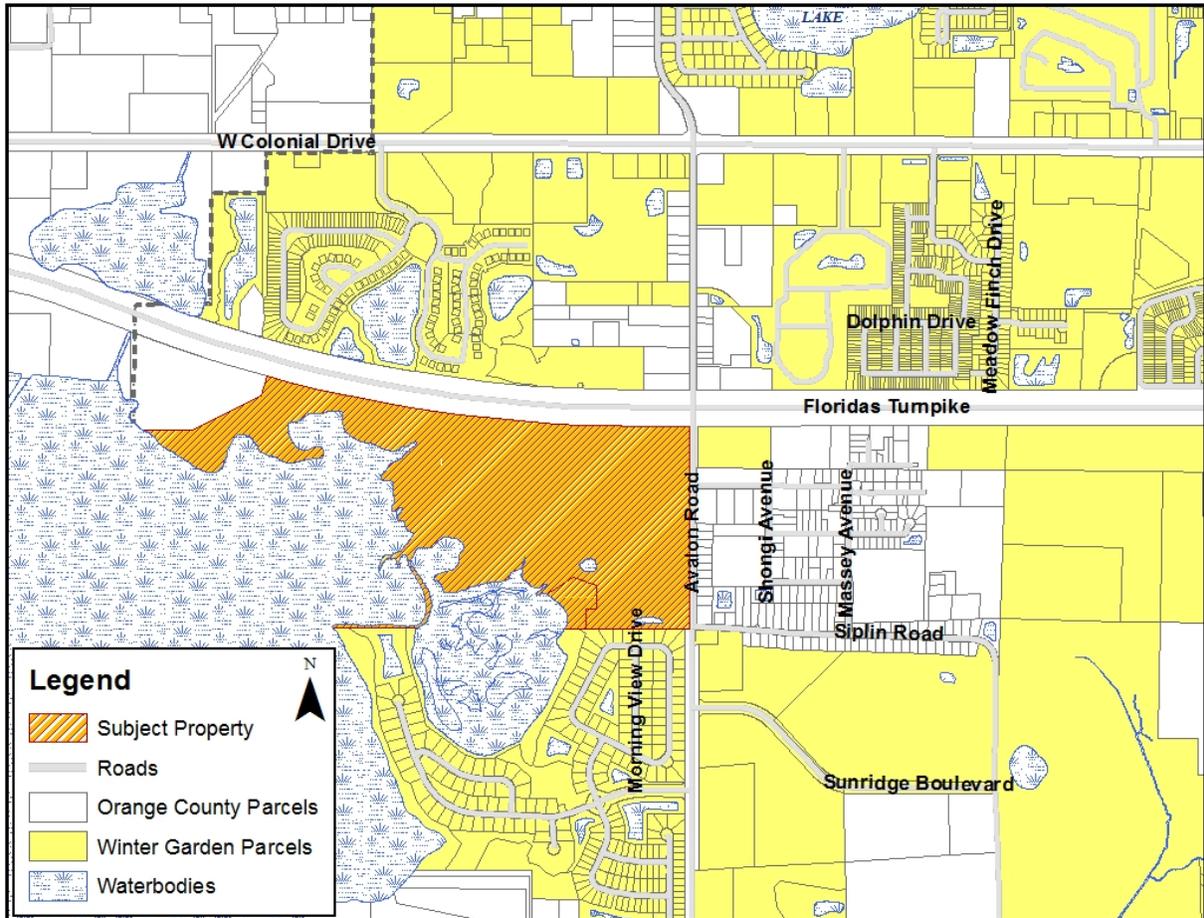


ZONING MAP
1101 East Plant Street



LOCATION MAP

100 and 200 Avalon Road
Parcel ID # 28-22-27-0000-00-010
Parcel ID # 28-22-27-0000-00-035



ORDINANCE 12-63

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE WINTER GARDEN COMPREHENSIVE PLAN BY CHANGING THE DESIGNATION FROM ORANGE COUNTY RURAL/AGRICULTURAL TO CITY CONSERVATION FOR PROPERTY GENERALLY DESCRIBED AS 209 ± ACRES LOCATED AT 100 AVALON ROAD ON THE WEST SIDE OF AVALON ROAD AND SOUTH OF THE FLORIDA TURNPIKE; 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 209 ± acres of land located at 100 Avalon Road, on the west side of Avalon Road south of the Florida Turnpike, 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 Rural/Agricultural to City Conservation; 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 Conservation as set forth in ATTACHMENT "B".

SECTION II. *Effective Date.* 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"

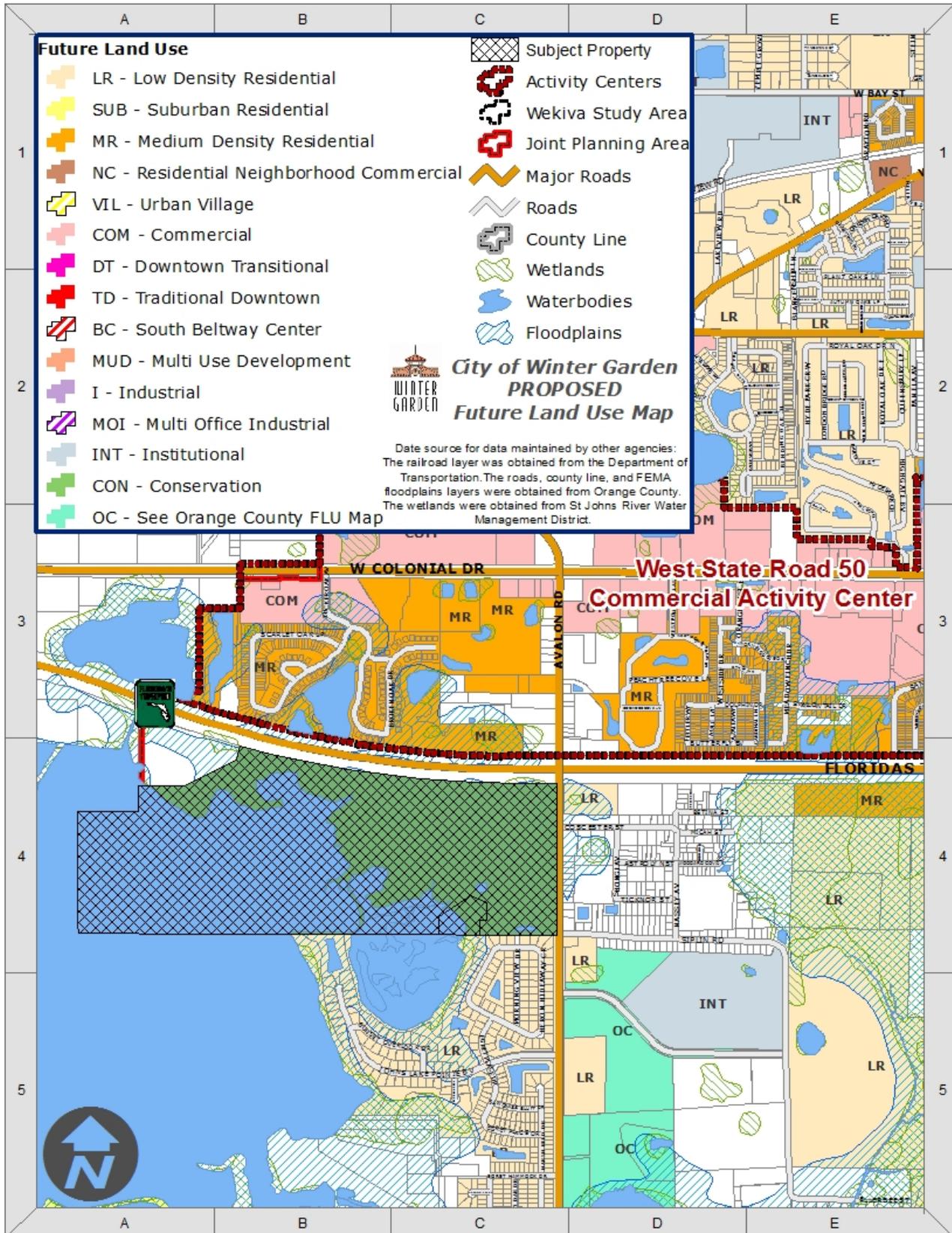
LEGAL DESCRIPTION

A tract of land lying in Section 28, Township 22 South, Range 27 East, Orange County, Florida and being more particularly described as follows:

Commence at the East 1/4 corner of said Section 28, Township 22 South, Range 27 East, Orange County, Florida; thence run North 89°36'43" West along the South line of the Northeast 1/4 of said Section 28 for a distance of 25.00 feet to a point on the Westerly right of way line of State Road No. 545 (Avalon Road) said point being the POINT OF BEGINNING; thence departing said South line of the Northeast 1/4 and run South 00°04'46" West along the aforesaid Westerly right of way line of State Road No. 545 for a distance of 1,333.42 feet to a point on the South line of the Northeast 1/4 of the Southeast 1/4 of said Section 28; thence run North 89°48'32" West along the aforesaid South line of the Northeast 1/4 of the Southeast 1/4 and the South line of the Northwest 1/4 of the Southeast 1/4 and the South line of the Northeast 1/4 of the Southwest 1/4 as established by the plat of Johns Lake Pointe as recorded in Plat Book 69, Page 121 of the Public Records of Orange County, Florida for a distance of 3948.69 feet; thence departing the North line of the aforesaid plat of Johns Lake Pointe and continue North 89°48'32" West along the South line of the Northwest 1/4 of the Southwest 1/4 of said Section 28 for a distance of 1341.45 feet to the Southwest corner of the Northwest 1/4 of the Southwest 1/4 of said Section 28; thence run North 00°02'08" East along the West line of the Northwest 1/4 of the Southwest 1/4 of said Section 28 for a distance of 1,351.60 feet to the West 1/4 corner of said Section 28; thence run South 89°36'43" East, along the North line of the Northwest 1/4 of the Southwest 1/4 of said Section 28 for a distance of 667.06 feet to the Southwest corner of the East 1/2 of the Southwest 1/4 of the Northwest 1/4 of Section 28; thence run North 00°18'20" East along the West line of the East 1/2 of the Southwest 1/4 of the Northwest 1/4 of Section 28 for a distance of 283.93 feet; thence departing said West line and run South 89°38'06" East along the Southerly right of way line of State Road 91 (Florida's Turnpike) as per the right of way map (Financial Project No. 406146) and along those parcels as described in the Warranty Deed recorded in Official Records Book 9630, Page 3891 of the Public Records of Orange County, Florida for a distance of 522.00 feet; thence run North 63°07'41" East, for a distance of 629.13 feet; thence North 15°17'00" East, for a distance of 165.66 feet to a point on the Southerly limited access right of way line of the aforesaid State Road 91; said point being on a curve concave Northerly and having a Tangent Bearing of South 74°43'00" East and a radius of 11,609.16 feet; thence run Easterly along said right of way line and along the arc of said curve through a central angle of 15°19'03" for a distance of 3,103.63 feet to the Point of Tangency; thence run North 89°57'56" East, for a distance of 429.08 feet to the aforesaid Westerly right of way line of State Road No. 545 (Avalon Road); thence run South 00°04'03" West along said Westerly right of way line being 25 feet West of and parallel to the East line of the Northeast 1/4 of said Section 28 for a distance of 345.78 feet to the POINT OF BEGINNING.

Containing 9,102,404 square feet or 208.962 Acres, more or less.

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: LAURA SMITH, SENIOR PLANNER

DATE: NOVEMBER 1, 2012

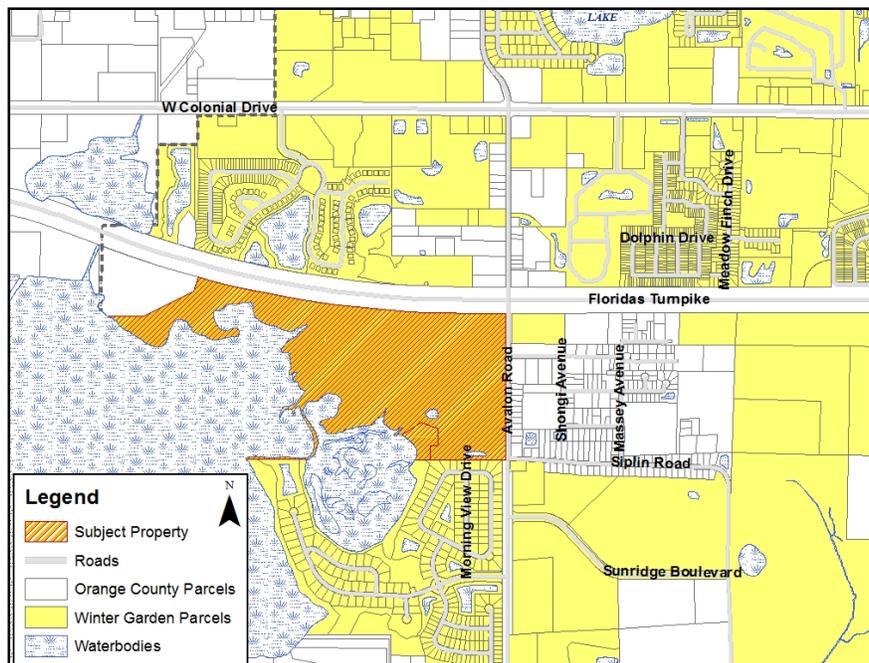
SUBJECT: FUTURE LAND USE MAP AMENDMENT
TUCKER RANCH PROPERTY (209 +/- ACRES)
Parcel ID # 28-22-27-0000-00-010
Parcel ID # 28-22-27-0000-00-035

APPLICANT: CITY OF WINTER GARDEN

INTRODUCTION

The purpose of this report is to evaluate the proposed future land use map amendment for compliance with the City of Winter Garden Code of Ordinances and Comprehensive Plan.

The subject property is located on the west side of Avalon Road and south of the Florida Turnpike and is approximately 209 +/- acres. The City purchased the property in January 2011 and was annexed into the City in October 2011. The map below depicts the location of the Tucker Ranch property within the City's jurisdictional limits:



As owner of the Tucker Ranch property, the City has annexed the land onto the City and now requests to amend the future land use designation of the property from Orange County Rural/Agricultural to City Conservation. At this time the property is not being considered for rezoning, however upon completion of the future land use map amendment for the Tucker Ranch property City staff will proceed with the rezoning process to ensure that all City laws and regulations apply to the land.

The City's Comprehensive Plan policy for the future land use designation of Conservation states:

Policy 1-1.2.11: Conservation. Properties designated with the Conservation land use category are required to be developed at a floor area ratio not greater than 0.2. Property assigned the Conservation land use designation shall be lands that are natural resources. It is the intent of this land use designation to provide for the long term protection and preservation of environmentally sensitive natural resources systems. Development shall be limited to passive recreation facilities such as boardwalk or conservation related facilities such monitoring facilities or educational trails. The developer of land adjacent to areas designated with the Conservation land use shall bear the burden of proof in determining that proposed development will not adversely impact conservation resources. The zoning classifications that is consistent with the Conservation classification is CON and INT.

EXISTING USE

The property is substantially vacant except for the single family residence that is located on the southernly portion of the land. The property was formerly used for a variety of agricultural and recreational uses. Most recently, the southeastern area of the site had a cattle ranch on approximately thirty (30) acres.

ADJACENT LAND USE AND ZONING

To the north of the property is the Florida Turnpike. To the south is the Johns Lake Pointe subdivision, which is actively being developed with single family residential homes under PUD Zoning. To the east is the Tildenville neighborhood that is located in unincorporated Orange County. To the west of the property is Johns Lake, of which a portion is part of the City's land. The surrounding zoning consists of PUD to the south and the Tildenville neighborhood to the east which is located in unincorporated Orange County and primarily zoned R-2 with some properties zoned R-3.

PROPOSED USE

The City purchased the property for a future park with the intent to create a unique nature park with a variety of passive recreational uses and activities, as well as, provide limited access to the lake. Also, the City is in the process of using a portion of the property for sustainable farming.

PUBLIC FACILITY ANALYSIS

The property's primary point of transportation access is from Avalon Road (County Road 545). The existing property access is along the southern edge of the property.

The City will provide water and sewer service to the property. The City has facilities adjacent to the property on the south side along Avalon Road (CR545). The City will provide utilities for the park office with the development of the property. The existing house currently utilizes a well and septic 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 Fire Department under the First Response system.

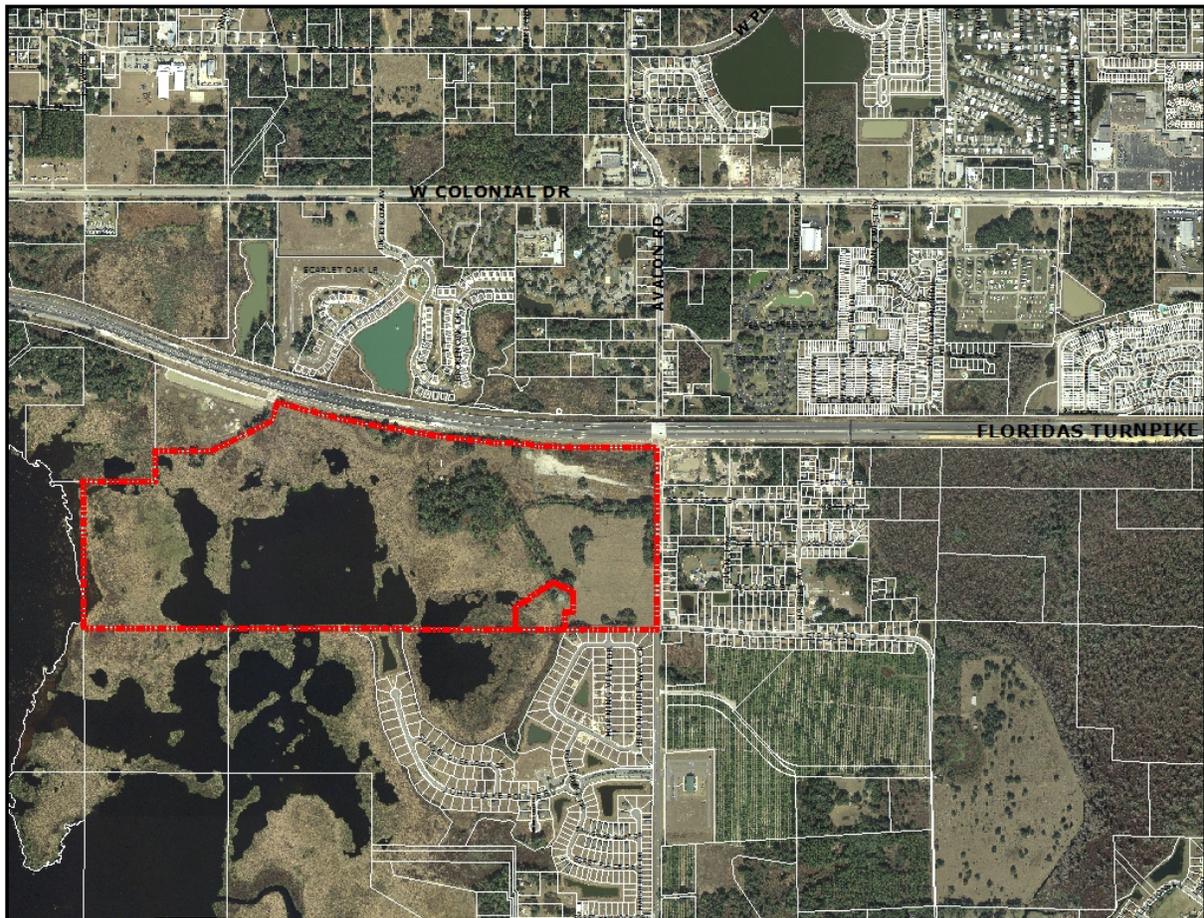
SUMMARY

The City Planning Department has reviewed the proposed ordinance and recommends approval.

MAPS

AERIAL PHOTO

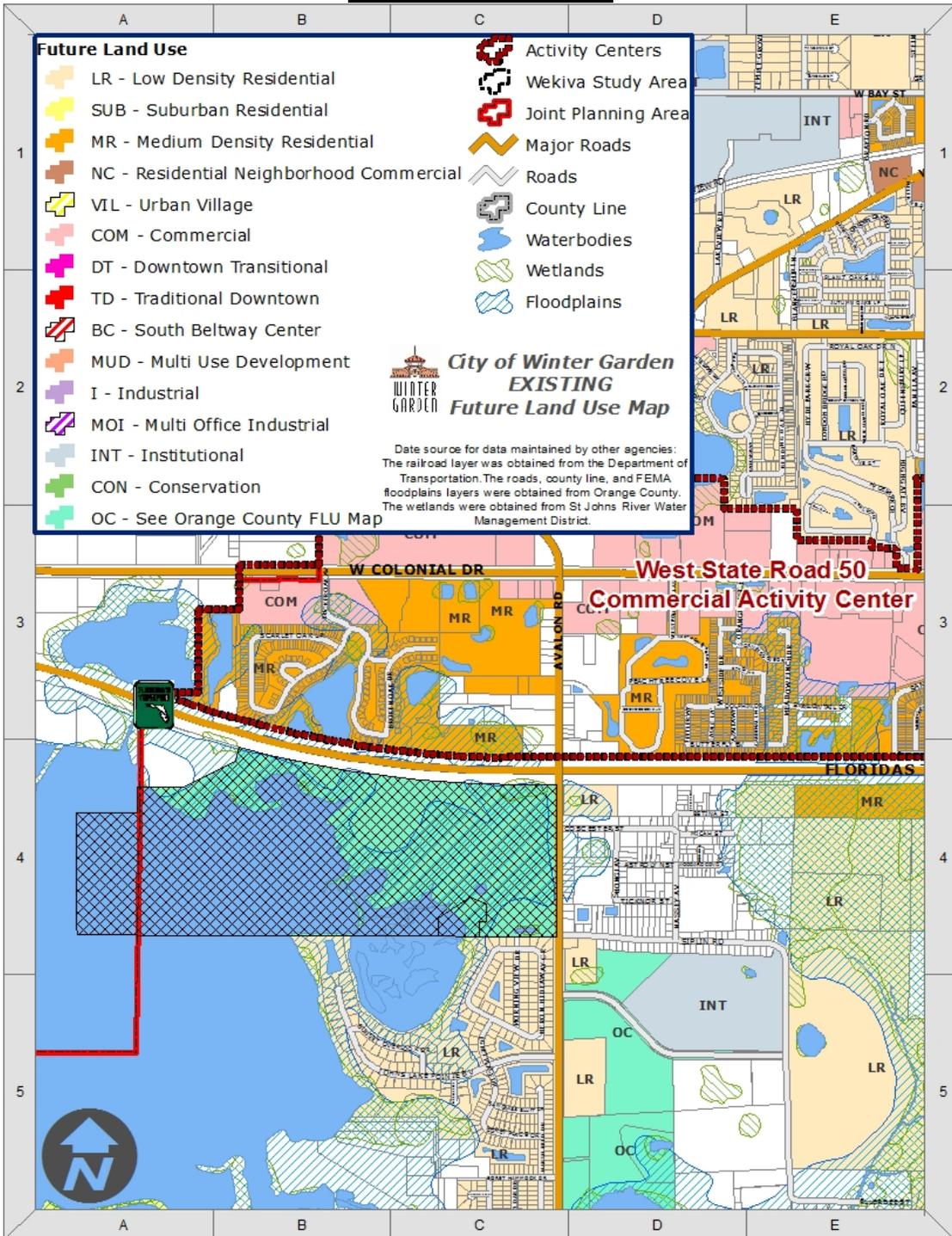
100 - 200 Avalon Road



**WINTER GARDEN
 FUTURE LAND USE MAP**

EXISTING

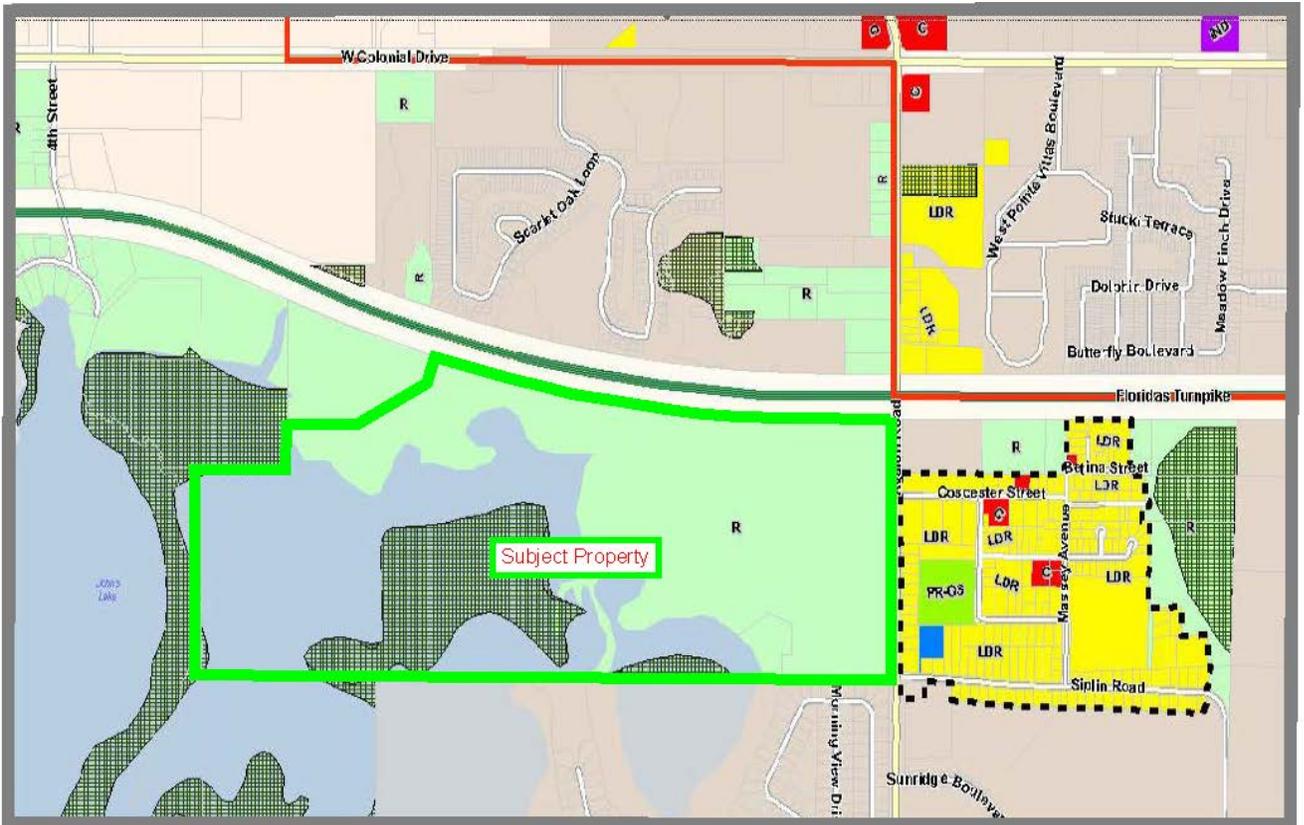
100 - 200 Avalon Road



**ORANGE COUNTY
 FUTURE LAND USE MAP**

EXISTING

100 - 200 Avalon Road

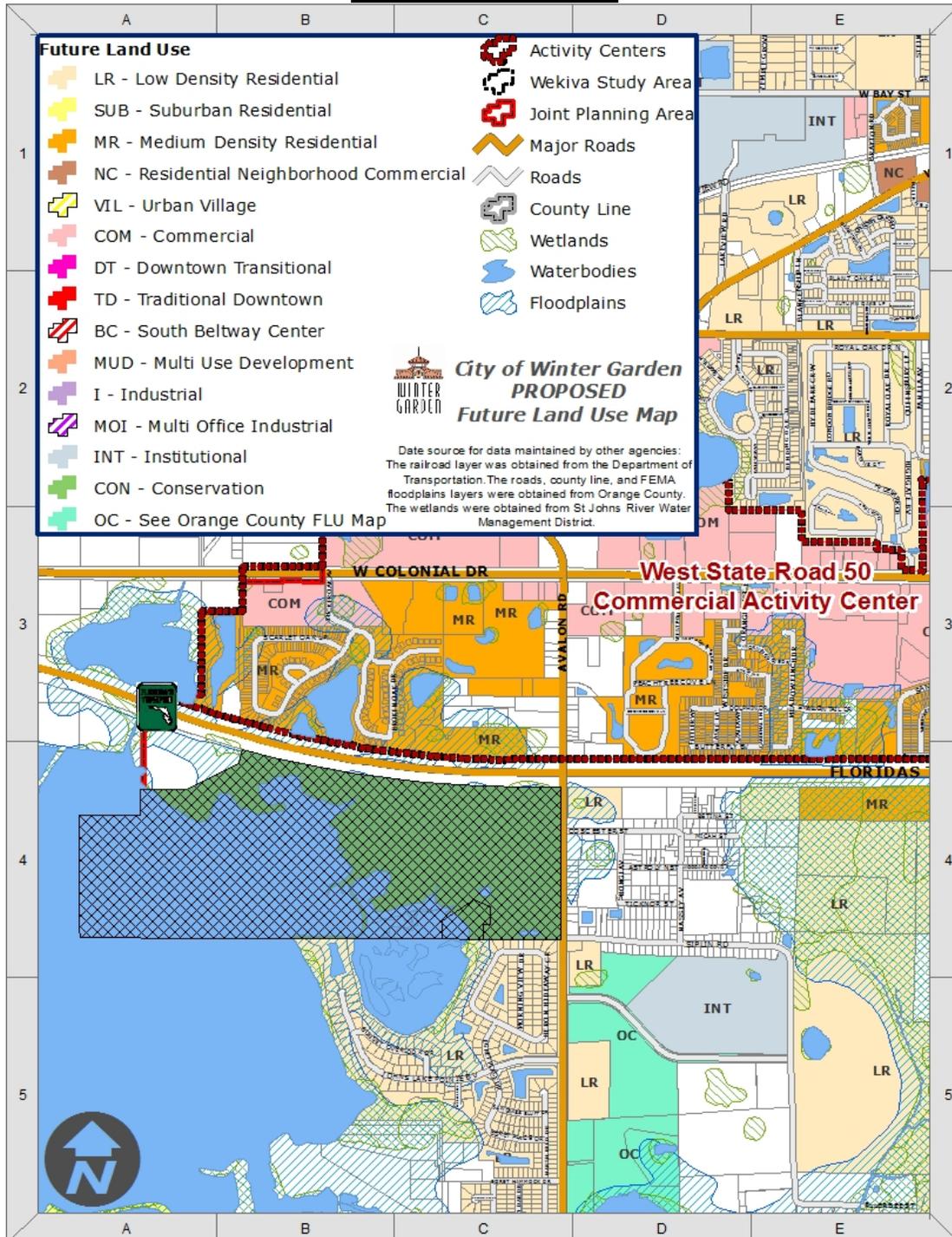


Rural	Low-Medium Density	Neighborhood Center	Village	Education
Rural 1/1	Medium Density Residential	Neighborhood Residential	Office	Parks/Recreation
Rural 1/2	High Density Residential	Activity Center Residential	Commercial	Preservation
Rural 1/5	Traditional Neighborhood	Activity Center Mixed Use	Industrial	Planned Development
Low Density Residential	Neighborhood Activity Corridor	Community Village Center	Institutional	Water Body

WINTER GARDEN FUTURE LAND USE MAP

PROPOSED

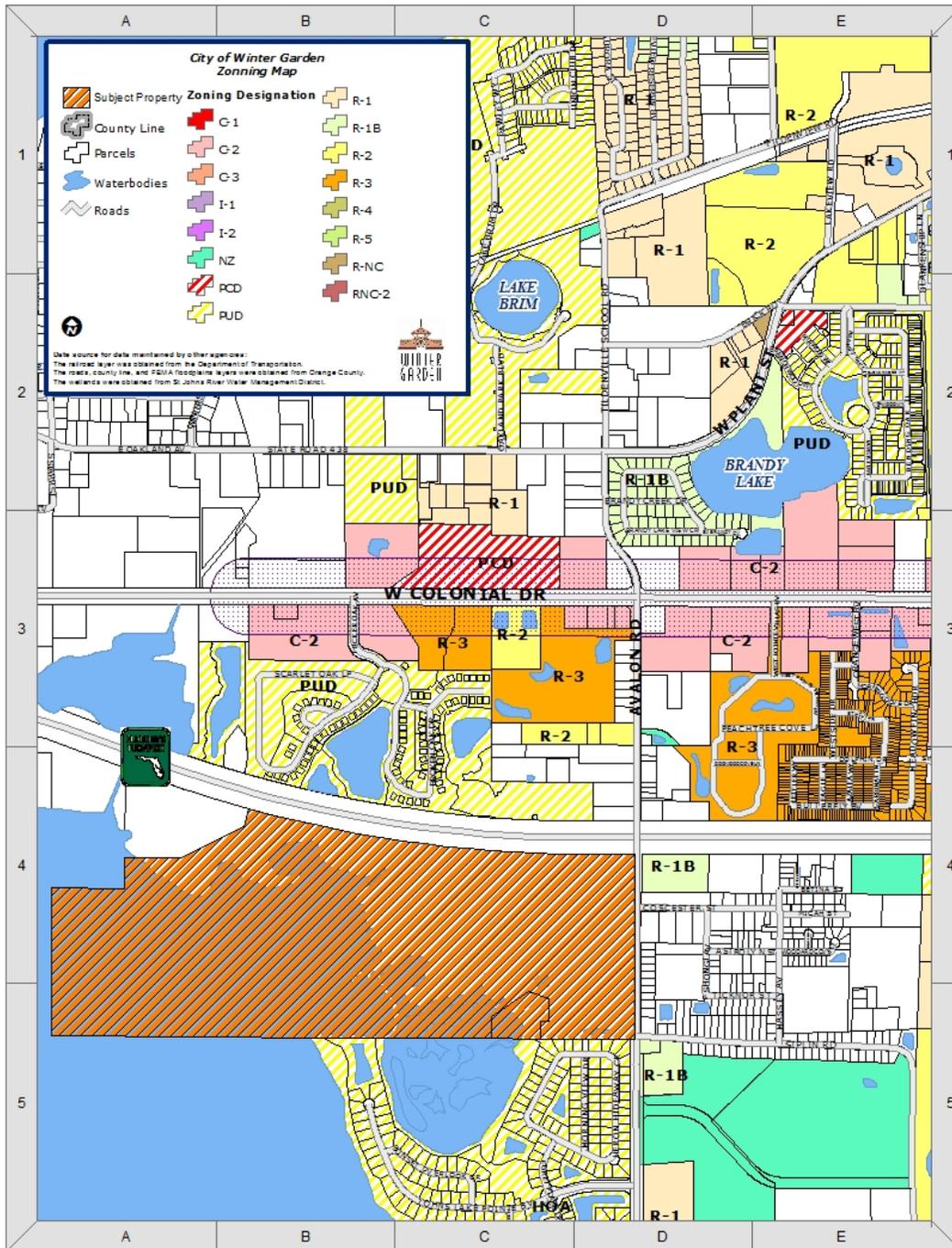
100 - 200 Avalon Road



WINTER GARDEN ZONING MAP

CURRENT

100 - 200 Avalon Road



END OF STAFF REPORT

