



**A REGULAR MEETING MINUTES  
PLANNING AND ZONING BOARD  
JUNE 3, 2013**

**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 6:33 p.m.

**MEMBERS PRESENT:**

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

**STAFF PRESENT:**

City Attorney Kurt Ardaman, Community Development Director Ed Williams, Senior Planner Laura Smith, Senior Planner Stephen Pash, Planner Kelly Carson and Customer Service Representative Maria Michaud.

**3. APPROVAL OF MINUTES**

Approval of minutes from the regular meeting held on May 6, 2013.

*Motion by Eric Weiss to approve the May 6, 2013 minutes, seconded by James Dunn, the motion carried unanimously 7-0.*

**ANNEXATION, REZONING, FUTURE LAND USE MAP AMENDMENT  
(Public Hearing)**

- 4. 315 E. Fullers Cross Road - (Highland Groves Subdivision)  
Rezoning  
Parcel ID # 11-22-27-0000-00-003**

Senior Planner Laura Smith presented a rezoning request for 315 E. Fullers Cross Road (Highland Groves Subdivision). Staff requests that this item be tabled to the July 1, 2013 Planning and Zoning Board Meeting to allow for additional Community Meetings.

Board Member Ken Horsley requested all adjacent subdivisions be invited for future meetings.

*Motion by Eric Weiss to table rezoning of 315 E. Fullers Cross Road (Highland Groves Subdivision) until the July 1<sup>st</sup> Planning & Zoning meeting. Seconded by Jimmy Dunn, the motion carried unanimously 7-0.*

**5. East Fullers Cross Road - (Maguire, Raymer)  
Annexation / FLU Map Amendment  
Parcel ID # 02-22-27-0000-00-002**

Senior Planner Steve Pash presented a request for annexation into the City for a 5.9-acre property located on the north side of East Fullers Cross, just north of the previous application.

The property owner has submitted for this voluntary annexation and a Land Use Designation of Low Density Residential. There will not be any zoning applied to the property at this time, as the applicant will be including it in their Planned Unit Development application. Staff recommends approval of Ordinance 13-30 and 13-31 to annex the property and to apply the Low Density Residential land use designation.

Board Member Mac McKinney inquired how the people were going to access that property once the other piece of property that's adjoining was developed.

Board members discussed who the owner of the property was, how they would access the property, and what the impact to the property's annexation would be in case the PUD was not approved.

Senior Planner Steve Pash clarified that the current owner is Raymer Maguire and that the owner is the applicant on this application. The other property is owned by the Roper Trust. In case the PUD is not approved, there will be no impact on this property. Even if this property is not annexed into the city, it will always require access since it's technically a landlocked piece. Through the process of rezoning or development of the properties, the City will require access to the landlocked property.

This 5.9 acre property is the only dry piece of land on the property owned by the Maguire family. They own another 32 acres north of it that consists of wetlands and the developer of the Roper property is under contract to buy that piece which will be annexed next month.

Board member Mac McKinney inquired if this particular piece of property was going to be included in the adjacent PUD. Senior Planner Steve Pash answered in the affirmative. Board

member Mac McKinney also wanted to know if this property would be developed at the same time and if we would have more houses going on there. Senior Planner Steve Pash stated that this property will be part of the PUD, but it won't increase the number of homes that are proposed. They are buying this property to eliminate the landlocked parcel and the need to provide access to a property owned by someone else.

Board Chairman James Gentry asked if there is anyone that would like to speak for or against this project.

Before making a motion, board member Mark Maciel inquired how is it that the City could do the annexation now but not the rezoning.

Senior Planner Steve Pash explained how the City often annexes land without applying an initial zoning and in this case the property will be included in the PUD, which is being reviewed.

***Motion by Mark Maciel to approve Ordinance 13-30 and Ordinance 13-31 with staff recommendations (Exhibit A). Seconded by Mac McKinney the motion carried 6-1. Kent Horsley opposed.***

**6. 17925 Marsh Road - (Cannon, Benjamin)  
Annexation / FLU Map Amendment  
Parcel ID # 06-23-27-4288-08-261**

Senior Planner Steve Pash presented a request to annex a 5.8 acre property located at 17925 Marsh Road.

The owners have requested annexation and a Land Use Designation of Urban Village. This area of the City is required to be zoned Urban Village Plan Unit Development so no zoning district will be applied at this time. If and when they decide to redevelop the property they will need to apply for zoning.

The property is currently used as an orange grove and their main home, which was annexed last month, is just north of this property.

Staff recommends approval of ordinance 13-28 to annex the property and 13-29 to assign that Land Use Designation of Urban Village.

Board Chairman James Gentry asked if there is anyone that would like to speak for or against this project.

***Motion by Eric Weiss to approve the annexation and future land use of 17925 Marsh Road, ordinance 13-28 and ordinance 13-29 with staff recommendations (Exhibit B). Seconded by Mark Maciel, the motion carried unanimously 7-0.***

**7. City of Winter Garden Code Updates  
Code Amendment: Chapter 118 – Zoning  
Ordinance 13-27**

Community Development Director Ed Williams presented ordinance 13-27, which makes amendments to the commercial zoning districts.

In the C-1 District, staff is proposing to eliminate communication towers and communication antennas from permitted uses and to change upper story residential from special exception to a permitted use. Staff proposes this to encourage mixed use projects.

In the C-1 district staff is proposing a change to the permitted accessory uses and structures for churches to include meeting hall, parsonage, baptismal fountains, and columbarium.

The Ordinance also changes the process for amendment to be more consistent with Florida Statutes.

Community Development Director Ed Williams mentioned that there's been a lot of controversy in the recent past about uses in churches that aren't specifically listed in the code. He stated that in the proposed ordinance those uses listed are clearly accessory uses that would logically be found in some religious institutions and should be approved as accessory uses.

However, educational facilities like schools in conjunction with churches because of their impact with vehicles and parking still need to be special exceptions, so staff is separating certain minor uses as accessory uses and keeping the uses that have a larger impact as a special exception.

Community Development Director Ed Williams asked if any of the Board members had any questions and stated that staff recommends approval of ordinance 13-27.

Board member Mac McKinney inquired about the C-1 District, item 4 upper-story residential and Community Development Director Williams mentioned that staff had moved that from special exceptions up to a permitted use.

Board member Mac McKinney inquired about the C-3 District having under special exception uses "permitted structures over 40 feet in height", but there is no maximum height there, so how high are we going?

Community Development Director Ed Williams stated that there's no limit mentioned, but if anyone wished to go over 40 feet, they would have to provide a very strong justification for whatever they propose.

Board Chairman James Gentry asked if there is anyone that would like to speak for or against this project.

David Kassander from 15155 Ovation Dr., Winter Garden 34787, had a question to follow up on the height restriction listed in the ordinances and floor area ratio.

Community Development Director Ed Williams mentioned that there are floor area ratios and there are impervious surface ratios that are established in each of the districts. In this particular district C-3, there is a provision to go higher than 40 feet but every other zoning district has a very specific height restriction.

David Kassander acknowledged.

Board member Eric Weiss inquired why the public notice in Section 118-7 was shortened from 15 days to 10 days.

Community Development Director Ed Williams answered that the reason was that the attorneys were trying to make it consistent with the State requirements: trying to be more careful to mirror what the State requirements are so there's never any conflict.

Board Chairman James Gentry asked for a motion.

*Motion by Mark Maciel to approve ordinance 13-27, amending Chapter 118 of Winter Garden City Code with Staff recommendations (Exhibit C). Seconded by Mac McKinney the motion carried unanimously 7-0.*

**8. ADJOURNMENT**

There being no further business, the meeting was adjourned at 6:54 p.m.

**APPROVED:**



Chairman James Gentry

**ATTEST:**



Customer Service Representative Maria Michaud

# Exhibit "A"

## CITY OF WINTER GARDEN PLANNING & ZONING DIVISION

300 West Plant Street - Winter Garden, Florida 34787-3011 • (407) 856-4111

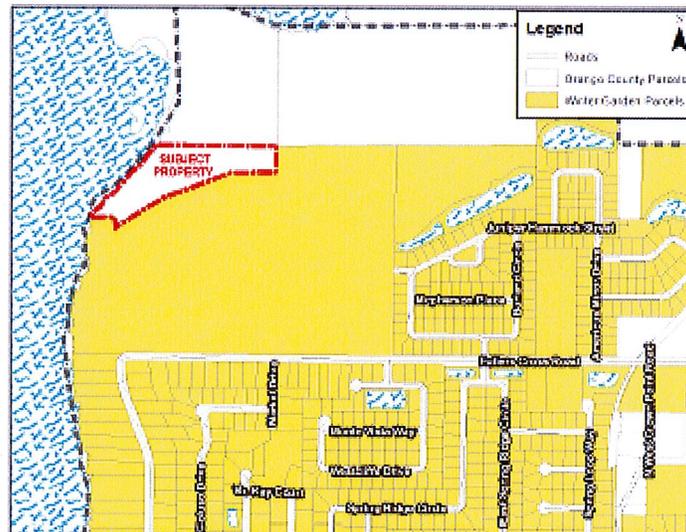
# STAFF REPORT

**TO:** PLANNING AND ZONING BOARD  
**PREPARED BY:** STEVE PASH, SENIOR PLANNER  
**DATE:** MAY 31, 2013  
**SUBJECT:** ANNEXATION - FLU AMENDMENT  
EAST FULLERS CROSS ROAD (5.9 +/- ACRES)  
PORTION OF PARCEL ID #: 03-23-27-0000-00-003  
**APPLICANT:** RAYMER MAQUIRE III

### 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 north of the intersection of North Fullers Cross Road and East Fullers Cross Road and is approximately 5.9 ± 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. The property will be included in a Planned Unit Development (PUD) zoning application to develop with a new single family neighborhood.

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 wooded vacant land.

#### **ADJACENT LAND USE AND ZONING**

The property located to the north is wooded wetland and Lake Apopka, zoned A-2, and located in Orange County. The property located to the east is undeveloped wooded wetland, zoned A-2 and located in Orange County. The property to the south is an orange grove, zoned R-1 (currently being rezoned to PUD), and located in Winter Garden. The property to the west is Lake Apopka.

#### **PROPOSED USE**

The applicant intends to annex the property and add it to their application for a Planned Unit Development to develop a new single family neighborhood with 186 new homes.

#### **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**

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. City Staff recommends approval of the proposed Ordinances.

MAPS

**AERIAL PHOTO**

**East Fullers Cross Road (Highland Groves)**



**FUTURE LAND USE MAP**  
**East Fullers Cross Road (Highland Groves)**



**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

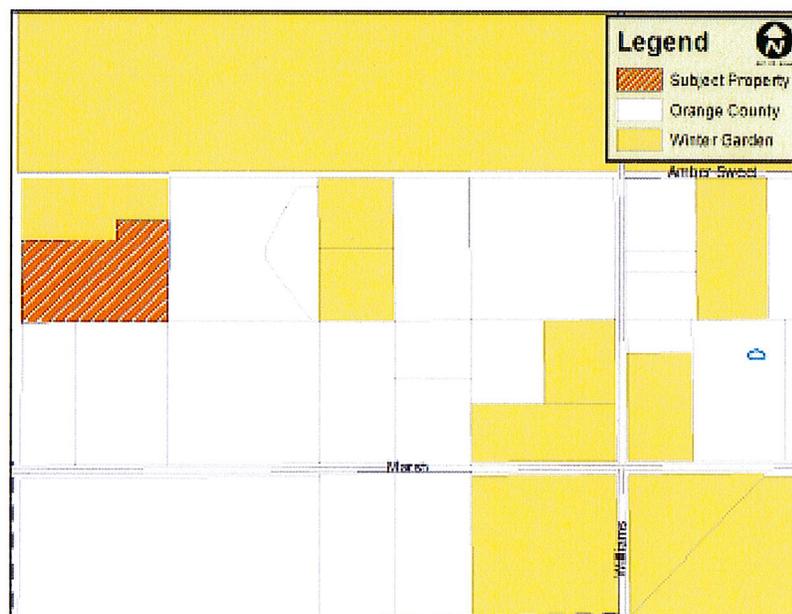
# STAFF REPORT

**TO:** PLANNING AND ZONING BOARD  
**PREPARED BY:** STEVE PASH, SENIOR PLANNER  
**DATE:** MAY 31, 2013  
**SUBJECT:** ANNEXATION – ZONING – FLU AMENDMENT  
17925 MARSH ROAD (5.826 +/- ACRES)  
PARCEL ID #: 06-23-27-4288-08-261  
**APPLICANT:** BENJAMIN & JUDY CANNON

#### 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 17925 Marsh Road and is approximately 5.826 ± acres. The map below depicts the proximity of the subject property to the City's jurisdictional limits:



The property is the last property on the western boundary of Orange County and is located within the Joint Planning Area with the City of Winter Garden and Orange County.

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 Urban Village. At this time, no zoning designation will be applied to the property as they will be required to submit for an Urban Village Planned Unit Development when they redevelop the property.

In accordance with the City's Comprehensive Plan, permitted uses within the Urban Village land use include residential, commercial, and natural land. The zoning classifications that are consistent with the Urban Village land use designation include UVPUD 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 an orange grove and contains no houses or buildings.

#### **ADJACENT LAND USE AND ZONING**

The property located to the north is a single-family home and located in the City. The property located to the east is undeveloped, zoned A-1 and located in Orange County. The properties to the south are single-family homes, zoned A-1 and located in Orange County. The property to the west is developed with a single-family house and located in Lake County.

#### **PROPOSED USE**

The applicant intends to annex the property and continue using it as an orange grove. Any additional development or redevelopment of the property will require the property owner to submit for an Urban Village Planned Unit Development.

#### **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.

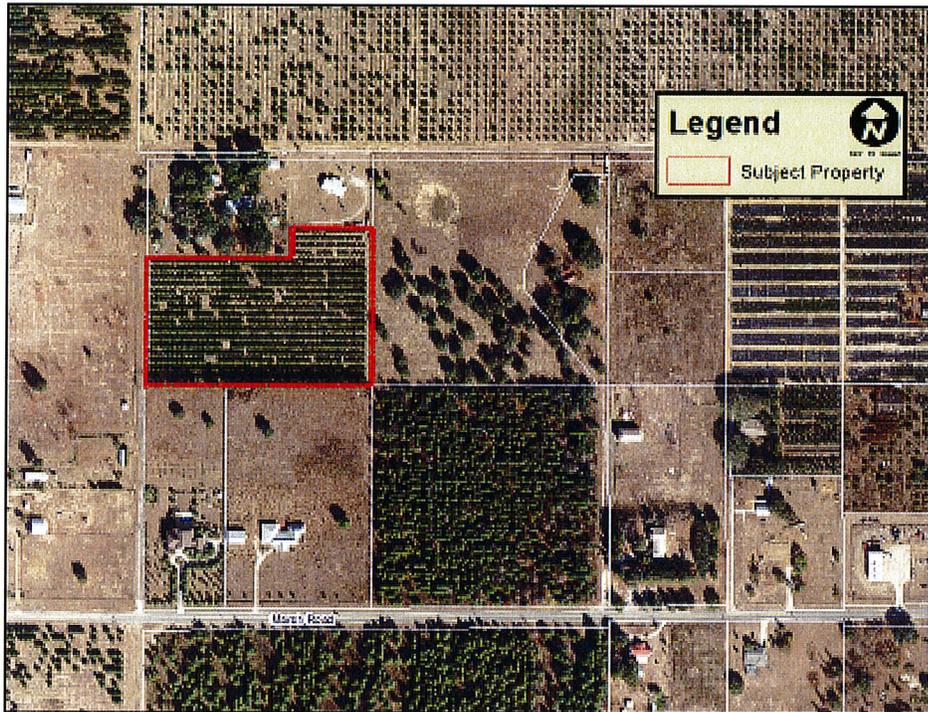
#### **SUMMARY**

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.

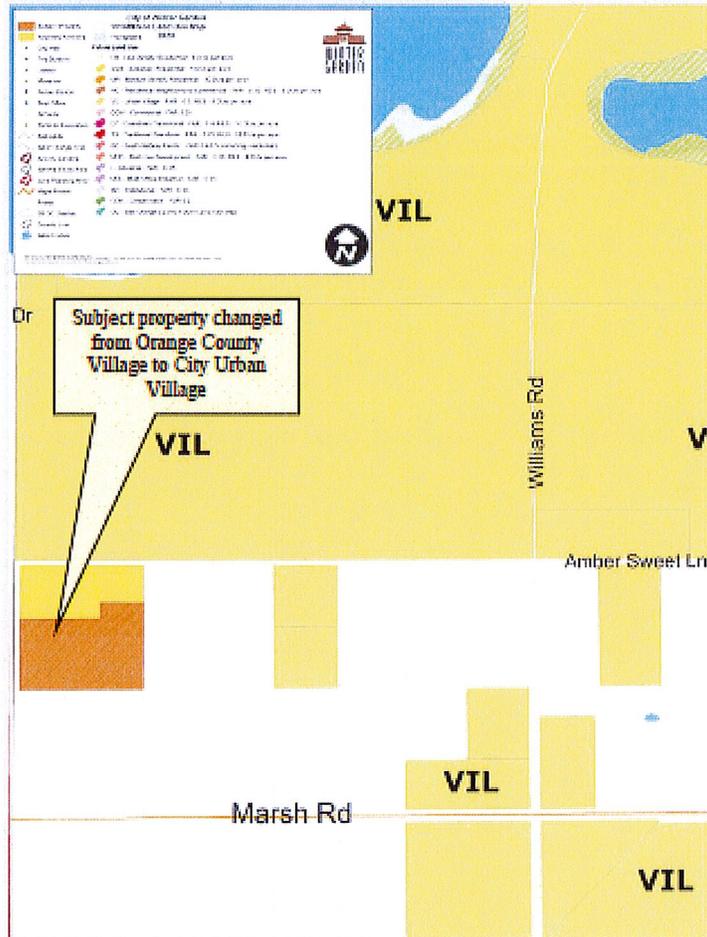
City Staff recommends approval of the proposed Ordinances.

**MAPS**

**AERIAL PHOTO**  
**17925 Marsh Road**



**FUTURE LAND USE MAP  
17925 Marsh Road**



**END OF STAFF REPORT**

# Exhibit "C"

**THE CITY OF WINTER GARDEN**  
**PLANNING AND ZONING BOARD AGENDA ITEM**  
**ITEM # 7 (Public Hearing)**

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**Date:** May 29, 2013 **Meeting date:** June 3, 2013  
**Subject:** Ordinance 13-27  
**Issue:** Amending sections 118-532, 118-533, 118-534, 118-579, and 118-629 of Chapter 118 of the Winter Garden Code of Ordinances concerning permitted uses and structures and special exceptions within the C-1 (Central Commercial District) Zoning District, special exception uses in the C-2 (Arterial Commercial District) and C-3 (Professional Office District) and amending Section 118-7 of Chapter 118 regarding the notice requirements for amending Chapter 118.

**Summary:**

An Ordinance of the City of Winter Garden, Florida amending Chapter 118 of the Winter Garden City Code; concerning permitted uses and structures and special exceptions within the C-1 (Central Commercial District) Zoning District, special exception uses in the C-2 (Arterial Commercial District) and C-3 (Professional Office District) and regarding the notice requirements for amending Chapter 118

**Staff recommendation(s):**

Staff recommends approval of ordinance 13-27 amending Chapter 118 of the Winter Garden City Code.

**Next step(s):**

A public hearing for the first reading of Ordinance 13-27 is scheduled for the City Commission on Thursday, June 13, 2013.

**Attachment(s):**

Ordinance 13-27