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**PLANNING & ZONING BOARD AGENDA**

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

Copy to: Mike Bollhoefer  
Dan Langley  
Kurt Ardaman  
Ed Williams  
Stephen Pash  
Laura Smith  
Kelly Carson

RE: Agenda – September 9, 2013 - 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 AUGUST 5, 2013 MEETING**  
**ANNEXATION, FUTURE LAND USE MAP AMENDMENT, REZONING (PUBLIC HEARING)**
  4. 14890 W Colonial Drive (Bello, Luis)  
**Annexation / FLU Map Amendment / Rezoning**  
Parcel ID # : 27-22-27-0000-00-066  
**SPECIAL EXCEPTION PERMIT (PUBLIC HEARING)**
  5. 16106 Marsh Road, Suites 102 & 103 (My Nite Out, LLC)  
Parcel ID # : 04-23-27-0302-03-000
  6. **ADJOURNMENT**

To the next regular Planning and Zoning Board meeting on Monday, October 7, 2013 at 6:30 p.m. in City Hall Commission Chambers, 300 W. Plant Street, 1<sup>st</sup> floor.



**A REGULAR MEETING MINUTES  
PLANNING AND ZONING BOARD  
AUGUST 5, 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 6:30 p.m. in the City Hall Commission Chambers. The invocation was given followed by the Pledge of Allegiance.

**2. ROLL CALL AND DETERMINATION OF QUORUM**

The roll was called and a quorum was declared present.

**MEMBERS PRESENT:**

Chairman James Gentry, Vice-Chairman James Dunn, Board Members: Kent Horsley, Mac McKinney, Mark Maciel, and Eric Weiss. (Rohan Ramlackhan arrived at 6:50pm)

**MEMBERS ABSENT:**

None

**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 Kathy Rathel.

**3. APPROVAL OF MINUTES**

Approval of minutes from the regular meeting held on July 1, 2013.

*Motion by Jimmy Dunn to approve the above minutes. Seconded by Kent Horsley, the motion carried unanimously 6-0.*

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

**4. 750 S. Park Avenue (Thomas & Dawn Deloach Trust)**

Senior Planner Stephen Pash presented a voluntary annexation application for a 0.22± acre single-family property located at 750 S. Park Avenue. The applicant has requested

annexation with an initial zoning of R-2 and a land use designation of Low Density Residential. It is consistent with the surrounding area and City Staff recommends approval of Ordinances 13-45, 13-46 and 13-47 subject to staff recommendations.

*Motion by Kent Horsley to recommend approval of Ordinances 13-45, 13-46 and 13-47 with staff recommendations (Attached Exhibit "A"). Seconded by Jimmy Dunn, the motion carried unanimously 6-0.*

**5. 1205 E Fullers Cross Road (Gilkey Organization, LLC)**

Senior Planner Stephen Pash presented a voluntary annexation application for an 11.1± acre parcel located on the north side of East Fullers Cross Road directly across the street from the entrance into the Tuscan neighborhood. The applicant has requested initial zoning of R-1B, which would allow 75' wide lots, and a land use designation of Low Density Residential. It is consistent with the surrounding area. Current proposal is for them to develop 26 single family lots. The applicant would still apply for the Preliminary Subdivision, Construction Plans, and a Final Subdivision Plan before everything can be approved. City Staff recommends approval of Ordinances 13-48, 13-49 and 13-50 subject to staff recommendations.

Board Member Kent Horsley mentioned that this was an item that had been on the books for a number of years but with a different owner and different plans. It has been planned for development for a number of years. This application is with a new developer and at the Public Meeting there were no objections from people in the neighborhood.

*Motion by Kent Horsley to recommend approval of Ordinances 13-48, 13-49 and 13-50 with staff recommendations (Attached Exhibit "B"). Seconded by Mark Maciel, the motion carried unanimously 6-0.*

**6. 950 Vineland Road (Carrasquillo, Crucita)**

Senior Planner Stephen Pash presented a voluntary annexation application for a 0.24± acre property located at 950 Vineland Road. It is currently developed with a single-family home. The applicant has requested annexation with an initial zoning of R-NC and a land use designation of Residential Neighborhood Commercial. It is consistent with the surrounding area. Recently annexed properties to the north have received the same zoning and land use. City Staff recommends approval of Ordinances 13-51, 13-52 and 13-53 subject to staff recommendations.

Board Member Kent Horsley questioned the R-NC zoning and his concerns regarded allowing commercial into residential area. Senior Planner Pash explained that the owners could do an office but it would be thru Special Exceptions and be brought back to the Board. There are some small types of light commercial things allowed but nothing major and most would have to come back thru Board hearings.

*Motion by Jimmy Dunn to recommend approval of Ordinances 13-51, 13-52 and 13-53 with staff recommendations (Attached Exhibit "C"). Seconded by Eric Weiss, the motion carried unanimously 6-0.*

**7. 948 Vineland Road (Goncalves, Antonio)**

Senior Planner Stephen Pash presented a rezoning application for a 0.55± acre property located at 948 Vineland Road just north of the previous application. It is already located within City limits with a zoning of R-2. The owner is requesting to rezone it to R-NC (Residential Neighborhood Commercial) which is consistent with the existing land use designation on the property and consistent with the surrounding area. City Staff recommends approval of Ordinances 13-54 subject to staff recommendations.

*Motion by Mark Maciel to recommend approval of Ordinance 13-54 with staff recommendations (Attached Exhibit "D"). Seconded by Kent Horsley, the motion carried unanimously 6-0.*

**8. 700 Garden Commerce Parkway (Winter Garden Commerce Center)**

Senior Planner Laura Smith presented a proposal for a rezoning of 44.14± acres from I-1 to PID (Planned Industrial District). The applicant is requesting rezoning of a portion of the Winter Garden Commerce Center, including an 18 acre parcel located just to the south, so outdoor storage can be included as a permitted accessory use within the subdivision. This project is located on Story Road which was platted several years ago and has not been developed since. There are 20 lots on the north portion in Phase I of this industrial subdivision that have not been built upon but the roads and all infrastructures are in place. The applicant has purchased or is in a contract to purchase 17 of the 20 lots and is requesting to rezone those lots to PID. City Staff has gone thru the process with the applicant and has worked hard to make sure the outdoor storage is consistent with a high-end business park. Staff feels that the conditions in place in this Ordinance will help allow this project to be developed, including outdoor storage, in a manner that is consistent with the covenants and restrictions that were originally put in place with this subdivision. PNC Bank owns the 18 acre parcel included in this rezoning request and when their property is developed in a future phase they can have the same uses and same conditions in place. City Staff recommends approval of Ordinance 13-42 subject to staff recommendations.

Board Member James Gentry questioned what was going to be allowed to be stored outside and if there were any restrictions other than the 20' height maximum. Senior Planner Smith stated there were none but the applicant mainly wanted to store semi-trailers. The minimum height of the surrounding wall was 6' but Staff put in very strict landscaping standards which required having one 12' to 14' canopy tree, at time of planting, every 50' along the wall with 2 understory trees between the canopy trees and this would be monitored by Code Enforcement. The landscaping would increase the line-of-sight so the stacked or stored items would not be visible from the right-of-way. This subdivision was also getting improved architectural standards on the buildings written specifically to create a look more like a high-end light industrial Business Park and less like an Industrial Subdivision. Board Member Kent Horsley stated a concern with the height of the outdoor storage and wanted to know what would keep another recycler from coming in and stacking their bundles. Senior Planner Smith clarified that recyclers were not allowed in the permitted uses of this PID district. She also stated when the lower 18 acres are developed, the road will be further developed and a cul-de-sac will be put in or the road would be extended to West Colonial depending on the access issues.

*Motion by Mark Maciel to recommend approval of Ordinance 13-42 rezoning approximately 44.14± acres from I-1 to PID subject to the conditions attached to Staff Report with the first reading by City Commission to be held on August 8, 2013, and with staff recommendations (Attached Exhibit “E”). Seconded by Eric Weiss, the motion carried 5-1 with Board Member Kent Horsley opposing.*

**FINAL PLAT / PRELIMINARY PLAT / LOT SPLIT (Public Hearing)**

**9. 315 E Fullers Cross Road (Highland Groves)**

Senior Planner Laura Smith presented a Preliminary Plat application for the Highland Groves Subdivision. This project came before the Board in July for rezoning to PUD. The applicant proposes to get the preliminary plat approval for 186 single family lots. This request is consistent with the comprehensive plan and the approved PUD zoning. City Staff recommends approval subject to staff recommendations.

City Attorney Kurt Ardaman stated this Preliminary Plat should have had a Developer’s Agreement executed and agreed upon between the City and the Developer and recorded prior to consideration for approval. The one included was executed improperly by the agent instead of the trustee of the LF Roper Trust and Raymer F. Maguire III as the owner and, if the Zoning Board was so inclined to approve the Preliminary Plat, recommended making the approval contingent and conditioned upon the Developer’s Agreement being fully executed and recorded prior to this being effective with a time specific of 30 days.

General discussion regarding the required setbacks which was stipulated in the zoning previously approved and the setbacks being shown are just house footprint examples.

(Rohan Ramlackhan arrived at 6:50pm)

*Motion by Jimmy Dunn to recommend approval of the preliminary plat for 315 E Fullers Cross Road contingent and conditioned upon the signing of the Highland Groves Developers Agreement as presented with the execution and recording of within 30 days and with staff recommendations (Attached Exhibit “F”). Seconded by Mark Maciel, the motion carried unanimously 7-0.*

**10. 16303 Marsh Road (Crooked Lake Preserve)**

Senior Planner Laura Smith presented a Preliminary Plat application for Crooked Lake Preserve located at 16303 Marsh Road. This project came before the Board in July for a rezoning to UVPUD. The applicant requests preliminary plat approval for 140 single family lots. This request is consistent with the comprehensive plan and the approved UVPUD zoning. City Staff recommends approval subject to staff recommendations.

Carol McGowin of 1613 Walkerton Court, Winter Garden Florida, was present on behalf of the Orange County Public Schools. Orange County Public Schools objects to the project going forward as there is no CEA or concurrency agreement in place as defined by the interlocal agreement or state statute. She further stated this project does not comport with local ordinances, the ILA, or the county charter agreement that was adopted by Orange County voters in November 2012.

Community Development Director Ed Williams replied that we appreciate any comments that come from the School Board whether it is for P & Z or City Council. He further stated the School Board's comments tonight were inappropriate in that this is a subdivision pre-plat approval and the time to voice objections would have been at the comprehensive plan amendment or the rezoning hearing. Community Development Director Williams asked the Planning Board to not consider the comments in their deliberations, but, if the board members approved or denied the preliminary plat based on the School Boards comments, the board member must state such for the record. Background: the High School does not have capacity. The problem has been around for 9 years and the reliever high school has been in the budget but the school board has been unsuccessful in getting the high school approved. Other developments in this area have been approved with agreements and allowed to go forward. This developer has been presented with an agreement that states he must pay the fees but cannot go forward until the high school is designed. In the interlocal agreement with the school board there is a dispute resolution provision that the school board has not availed themselves of yet. The City is willing to meet with the school board in an effort to find an agreement that treats this developer as fairly as the other developers and recommends the Board Members allow this project to go forward and allow the City to negotiate with the School Board.

*Motion by Eric Weiss to recommend approval of the Preliminary Plat for 16303 Marsh Road with staff recommendations (Attached Exhibit "G"). Seconded by Mark Maciel, the motion carried unanimously 6-0 with Jimmy Dunn recusing himself due to a conflict.*

## **CITY OF WINTER GARDEN COMPREHENSIVE PLAN AMENDMENT UPDATES**

### **11. Comprehensive Plan Amendment – Ordinance 13-55**

Senior Planner Laura Smith presented a text amendment to the Comprehensive Plan. The State recommended incorporating the acreage annexed in the Marsh Road area (approximately 146 acres) into the numbers shown for acreage within the UV Land Use description. The amendment also clarified some language within the same policy that previously had been a disconnect with another project.

*Motion by Mark Maciel to recommend approval of Ordinance 13-55 with the first reading by City Commission scheduled for August 8, 2013, and with staff recommendations. Seconded by Jimmy Dunn, the motion carried unanimously 7-0.*

### **14. ADJOURNMENT**

There being no further business, the meeting was adjourned at 7:16 p.m.

**APPROVED:**

**ATTEST:**

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**Chairman James Gentry**

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**Customer Service Rep Kathy Rathel**

# EXHIBIT "A"

## CITY OF WINTER GARDEN PLANNING & ZONING DIVISION

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

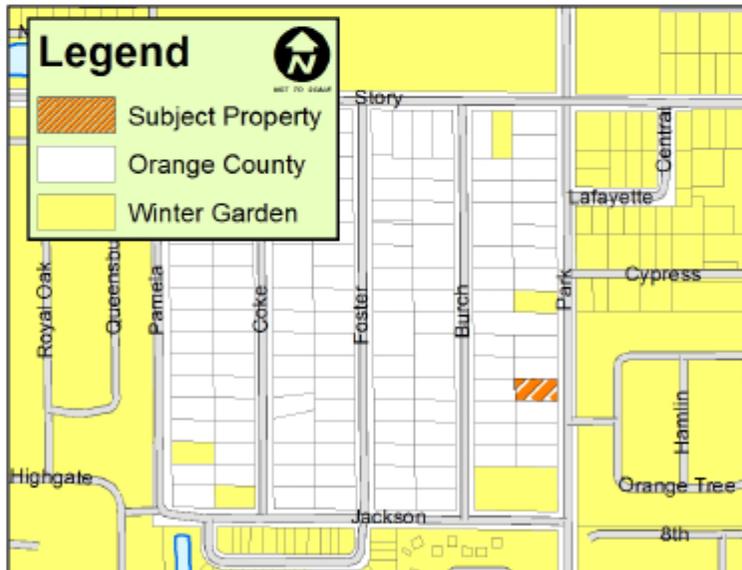
# STAFF REPORT

TO: PLANNING AND ZONING BOARD  
PREPARED BY: STEVE PASH, SENIOR PLANNER  
DATE: JULY 29, 2013  
SUBJECT: ANNEXATION – FLU AMENDMENT – ZONING  
750 SOUTH PARK AVENUE (0.22 +/- ACRES)  
PARCEL ID #: 22-22-27-1084-01-150  
APPLICANT: THOMAS & DAWN DELOACH 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 750 South Park Avenue and is approximately 0.22 ± acres. The map below depicts the proximity of the subject property to the City's jurisdictional limits:



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

In accordance with the City's Comprehensive Plan, permitted uses within the Low Density Residential land use include single family homes and churches and 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.

#### ADJACENT LAND USE AND ZONING

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

#### PROPOSED USE

The owner is proposing to leave the existing single family home and connect to City sewer and water once the annexation is complete.

#### 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.

MAPS

**AERIAL PHOTO**  
**750 South Park Avenue**





**ZONING MAP**  
**750 South Park Avenue**



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:** JULY 29, 2013  
**SUBJECT:** ANNEXATION – FLU AMENDMENT – ZONING  
1205 EAST FULLERS CROSS ROAD (11.1 +/- ACRES)  
PARCEL ID #: 12-22-27-0000-00-005  
**APPLICANT:** GILKEY ORGANIZATION, LLC

#### INTRODUCTION

The purpose of this report is to evaluate the proposed project for compliance with the City of Winter Garden Code of Ordinances and Comprehensive Plan.

The subject property is located at 1205 East Fullers Cross Road, on the north side of East Fullers Cross Road, east of North West Crown Point Road and west of East Crown Point Road and is approximately 11.1 ± acres. The map below depicts the proximity of the subject property to the City's jurisdictional limits:



The applicant has requested annexation into the City, amendment to the Future Land Use Map (FLUM) of the City's Comprehensive Plan to designate the property as Low Density Residential, and rezoning the property to R-1B Single-Family 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 currently contains one house, one manufactured home, and the remainder is wooded vacant land.

#### ADJACENT LAND USE AND ZONING

The property located to the north is developed with the Fullers Crossing single family neighborhood, zoned PUD, and located in Winter Garden. The property located to the east is 6 +/- acre property developed with a single family house, zoned R-1, and located in Winter Garden. The property to the south is developed with the Tuscany single family neighborhood, zoned R-1, and located in Winter Garden. The property to the west is 3.2 +/- acre property developed with a single family house and a citrus grove, zoned A-2, and located in Orange County.

#### PROPOSED USE

The applicant intends to annex the property and submit for a Preliminary Subdivision Plan, then Construction Plans to develop it with a single family neighborhood with approximately 26 lots.

#### 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.

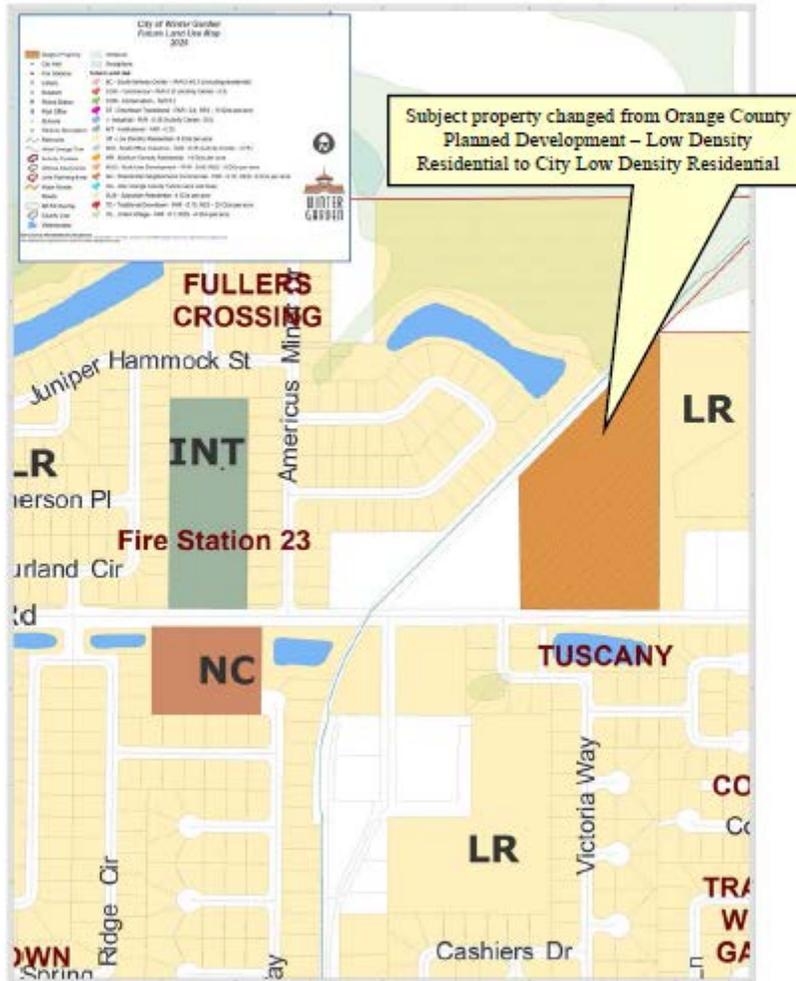
MAPS

**AERIAL PHOTO**

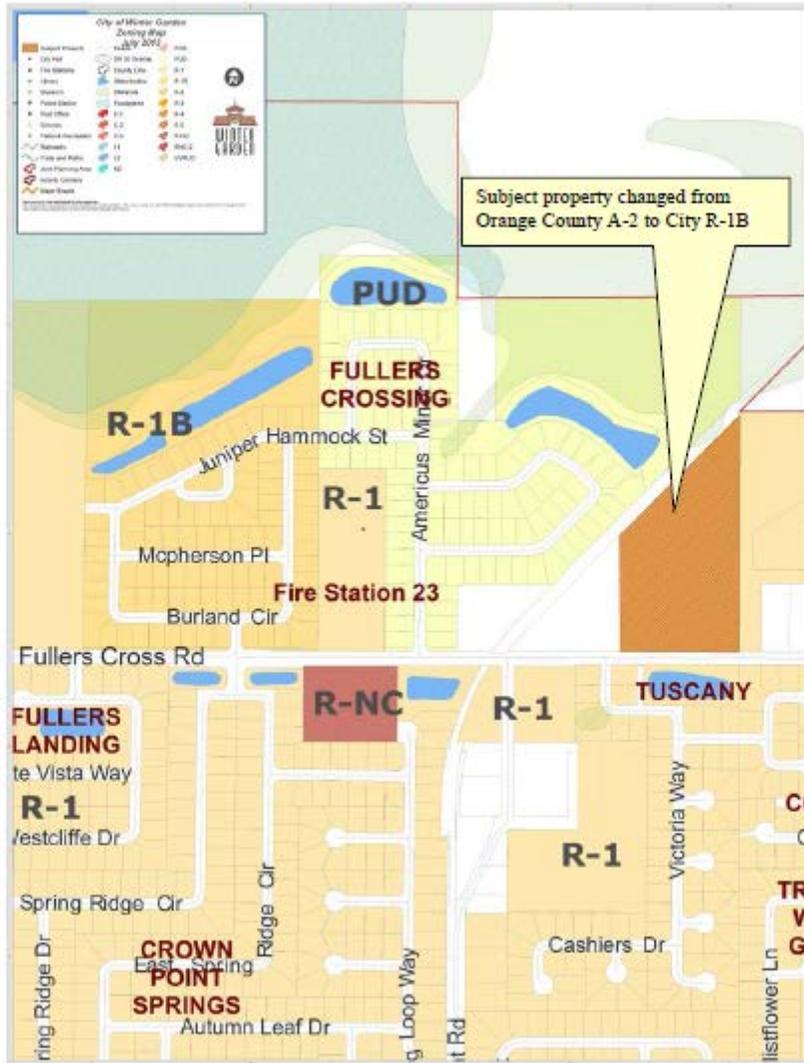
**1205 East Fullers Cross Road (Oak Trail)**



**FUTURE LAND USE MAP**  
**1205 East Fullers Cross Road (Oak Trail)**



**ZONING MAP**  
**1205 East Fullers Cross Road (Oak Trail)**



END OF STAFF REPORT

## EXHIBIT “C”

### CITY OF WINTER GARDEN PLANNING & ZONING DIVISION

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

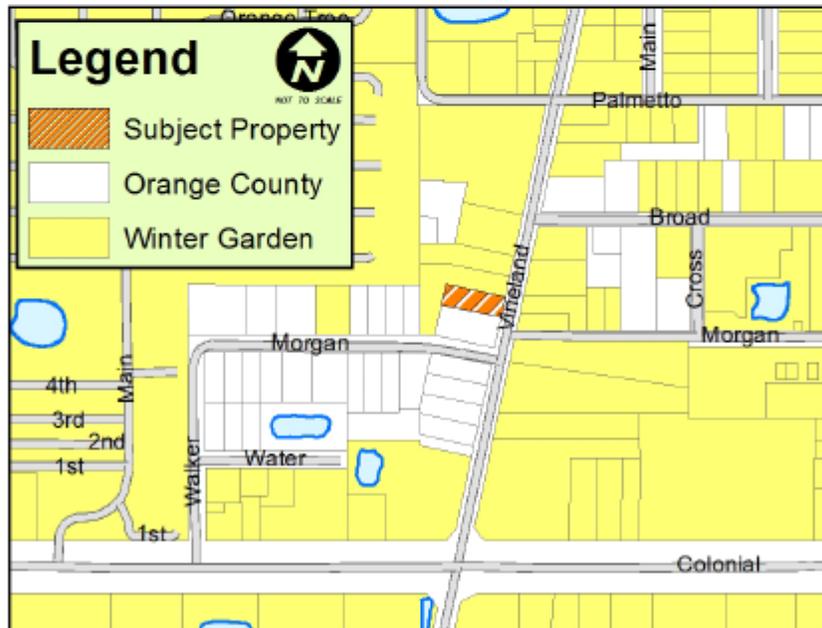
# STAFF REPORT

**TO:** PLANNING AND ZONING BOARD  
**PREPARED BY:** STEVE PASH, SENIOR PLANNER  
**DATE:** JULY 29, 2013  
**SUBJECT:** ANNEXATION – FLU AMENDMENT – ZONING  
950 VINELAND ROAD (0.24 +/- ACRES)  
PARCEL ID #: 23-22-27-8199-00-100  
**APPLICANT:** CRUCITA CARRASQUILLO

#### 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 950 Vineland Road and is approximately 0.24 ± acres. The map below depicts the proximity of the subject property to the City's jurisdictional limits:



The property is currently zoned R-2 in Orange County and carries a Future Land Use designation of Low Medium Density Residential. The existing zoning and land use allow single-family detached and attached dwellings.

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 Residential Neighborhood Commercial, and initial zoning of R-NC. This zoning and land use is consistent with the surrounding area.

Properties designated with the Residential-Neighborhood Commercial land use category are required to be developed at a floor area ratio not greater than 0.35. Gross residential density shall be not greater than 6 dwelling units per acre. All uses shall have a maximum height of 35 feet. This designation shall provide for permitted low density residential uses and neighborhood commercial and professional uses. The mix should have a minimum of 80% residential uses. Uses should be located on collector and minor arterial streets close to low density residential areas. The zoning classifications that are consistent with the Residential Neighborhood Commercial classification is RNC 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 and used as a single-family house.

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

The property located to the north and west is developed as a duplex, is currently requesting a rezoning to R-NC, and is located in the City. The property located to the east is developed with a pool construction company, zoned C-2 and located in the City. The property to the south is developed with a single family house, zoned R-2, and located in Orange County.

#### **PROPOSED USE**

The applicant intends to annex the property, continue using the single-family home, and later convert the home into an office. Converting the house into an office can be done through Special Exception process.

#### **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.

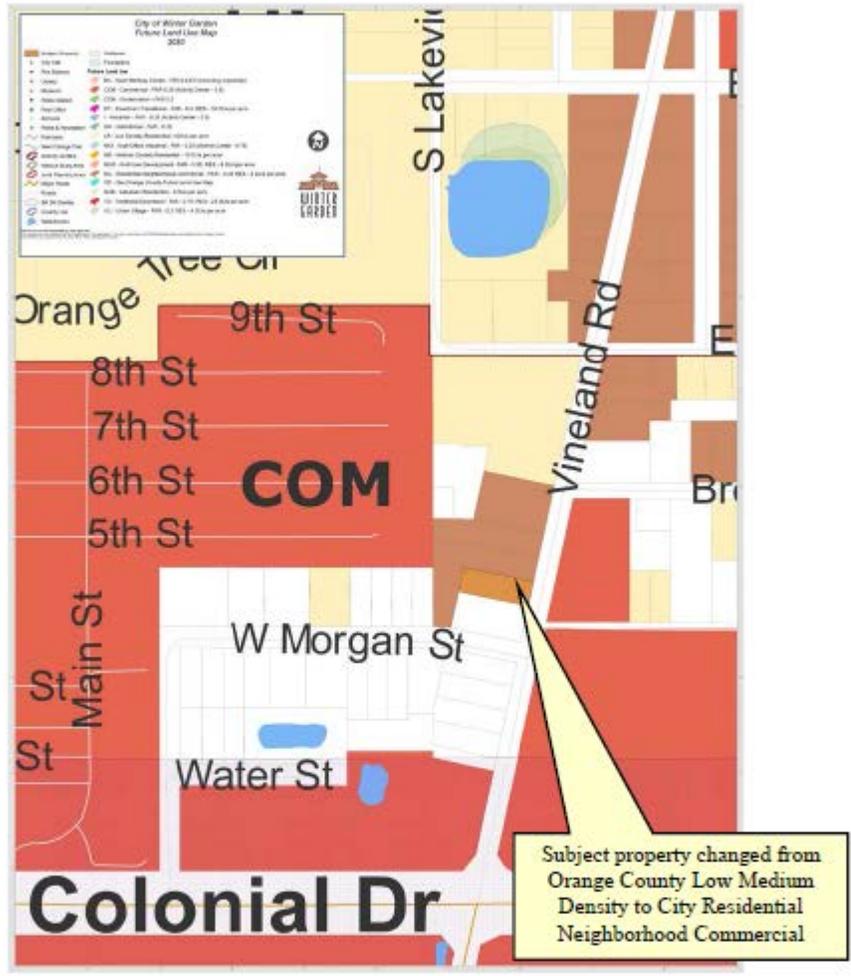
**MAPS**

**AERIAL PHOTO**

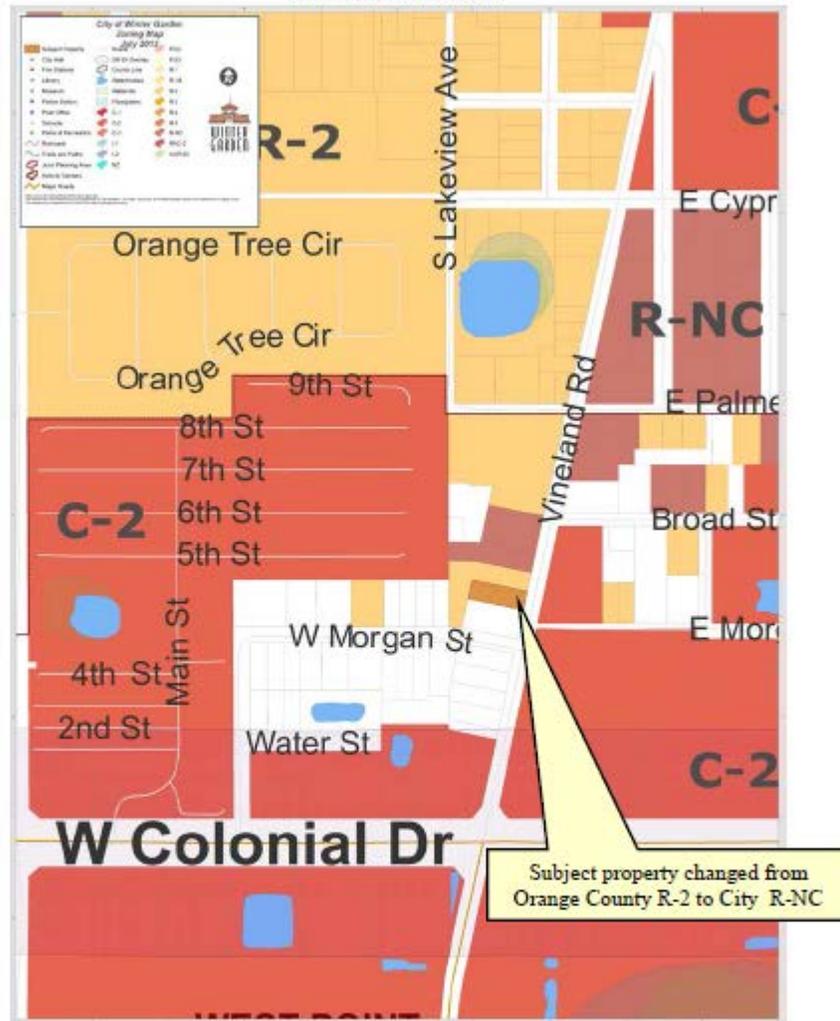
**950 Vineland Road**



**FUTURE LAND USE MAP**  
**950 Vineland Road**



**ZONING MAP**  
**950 Vineland Road**



**END OF STAFF REPORT**

## EXHIBIT "D"

### CITY OF WINTER GARDEN PLANNING & ZONING DIVISION

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

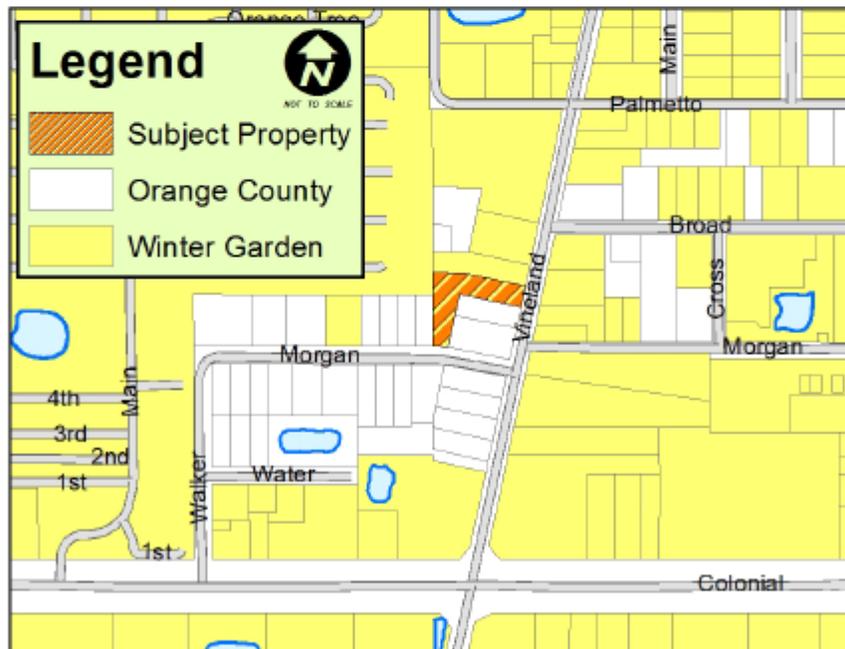
# STAFF REPORT

**TO:** PLANNING AND ZONING BOARD  
**PREPARED BY:** STEVE PASH, SENIOR PLANNER  
**DATE:** JULY 29, 2013  
**SUBJECT:** REZONING  
948 VINELAND ROAD (0.55 +/- ACRES)  
PARCEL ID #: 23-22-27-8199-00-090  
**APPLICANT:** ANTONIO GONCALVES

#### 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 948 Vineland Road and is approximately 0.55 ± acres. The map below depicts the proximity of the subject property to the City's jurisdictional limits:



The applicant is requesting to rezone the 0.55 ± acre property which is located within the City of Winter Garden and carries a Future Land Use Designation of R-NC (Residential Neighborhood Commercial) on the Future Land Use Map of the City's Comprehensive Plan from R-2 (Residential District) to R-NC (Residential Neighborhood Commercial District)..

#### **EXISTING USE**

The subject property is currently developed and used as a duplex.

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

The property located to the north is developed as a single family house, located in the City, and zoned R-NC. The property located to the east is developed with a pool construction company, zoned C-2 and located in the City. The property to the south is developed with a duplex, and currently being annexed into the City. The property to the west is developed with Winter Garden RV Resort, zoned C-2 and located in the City.

#### **PROPOSED USE**

The applicant intends to annex the property and at a later date convert it into an office. Converting the house into an office can be done through Special Exception process.

#### **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**

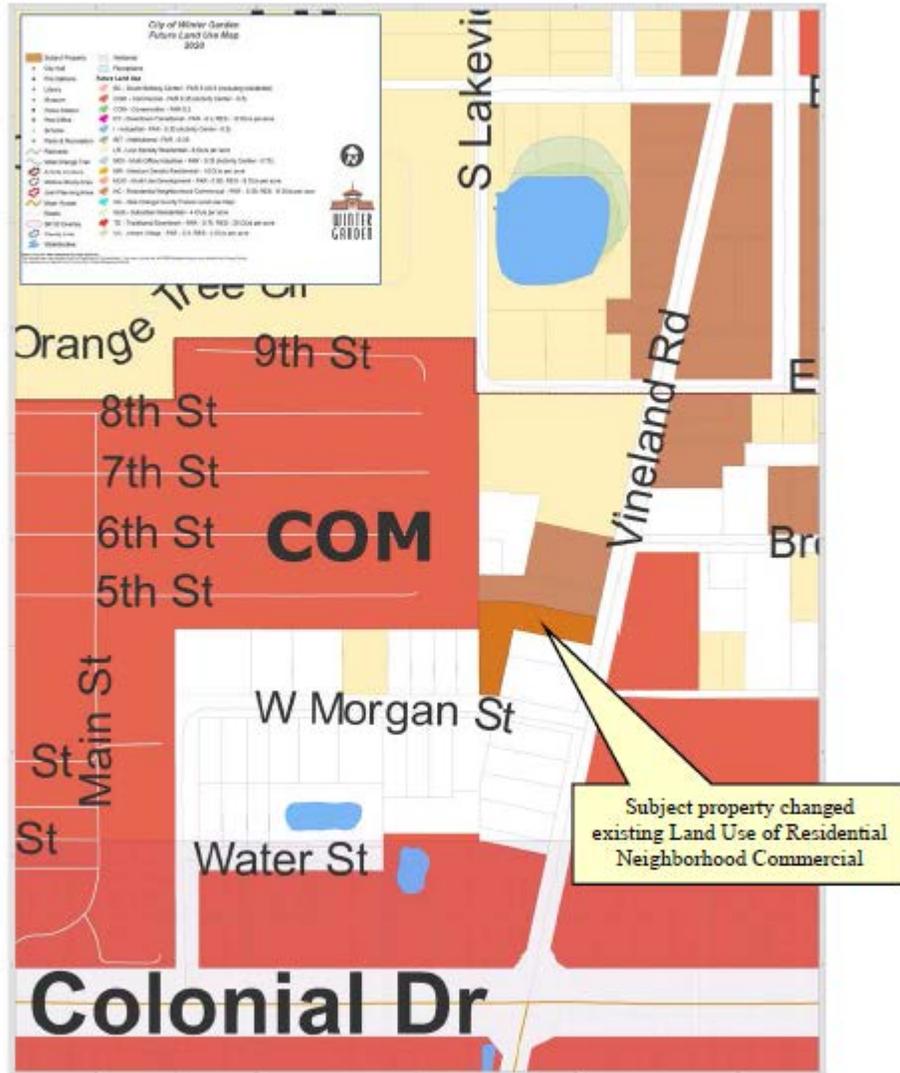
Annexation will provide a more efficient delivery of services to the property and further the goals and objectives of the City of Winter Garden's Comprehensive Plan to eliminate enclaves. City Staff recommends approval of the proposed Ordinances.

MAPS

AERIAL PHOTO  
948 Vineland Road



**FUTURE LAND USE MAP**  
**948 Vineland Road**



**ZONING MAP**  
**948 Vineland Road**



END OF STAFF REPORT

**EXHIBIT “E”**

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

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

**STAFF REPORT**

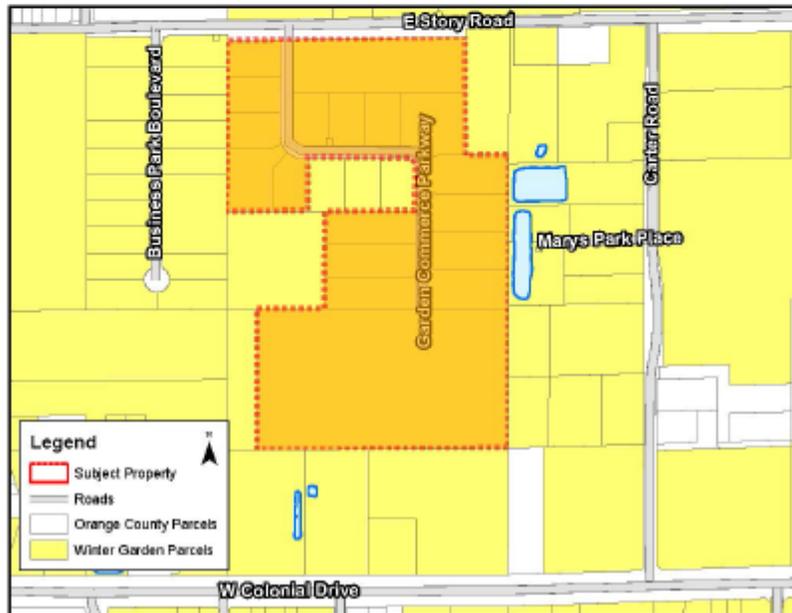
**TO:** PLANNING AND ZONING BOARD  
**PREPARED BY:** LAURA SMITH, SENIOR PLANNER  
**DATE:** AUGUST 1, 2013  
**SUBJECT:** REZONING – WINTER GARDEN COMMERCE CENTER  
Garden Commerce Pkwy (44.14+/- ACRES)  
PARCEL ID #

**APPLICANT:** PNC Bank, National Association

**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 properties, located on the Garden Commerce Parkway on the south side of Story Road, are approximately 44.14± acres. The map below depicts the location of the subject property within the City of Winter Garden municipal limits.



The applicant is requesting to rezone 44.14± acres of land. The subject property is located within the City of Winter Garden municipal limits, and carries the zoning designation I-1 (Light Industrial and Warehousing District). The subject property is designated Multi Office Industrial on the Future Land Use Map of the City's Comprehensive Plan and is located within the Story Road Industrial Activity Center (see attached map).

#### EXISTING USE

The subject properties were partially platted into an industrial subdivision of 20 lots, 17 of which are included in the proposed rezoning in addition to an 18 acre parcel which is a future phase of the partially platted industrial subdivision. The platted portion of the properties has been improved with roads, stormwater retention and utilities however the 18 acre parcel has not been improved. All lots including the 18 acre parcel are presently vacant with no existing structures.

The subdivision is also subject to the Covenants, Conditions and Restriction of the Winter Garden Commerce Center which were established and recorded with the platting of the 20 lots. The Covenants, Conditions and Restrictions were put in place to ensure higher standards of development for the subdivision through building and use restrictions.

#### ADJACENT LAND USE AND ZONING

The properties located on the north side of the subject properties are an orange grove with a single family home which is zoned C-2 in the City of Winter Garden and an I-1 zoned property containing approximately a 100,000 square feet of industrial manufacturing and warehousing. The properties located to the south of the subject properties are all zoned C-2 in the City of Winter Garden, one contains a 33,000 square foot building occupied by Quality Health Care, another is occupied by Independence RVs, and the third is a 7.73+/- acre vacant unimproved property. The properties located to the east of the subject properties are zoned I-2 within the City of Winter Garden and include 5 properties which are all developed and operating industrial manufacturing and warehouse type businesses. The properties located to the west of the subject properties are zoned I-1 in the City of Winter Garden, 8 of the neighboring properties are developed and operating light manufacturing and warehousing type businesses and 2 of the neighboring properties are vacant unimproved property.

Within the subject industrial subdivision there are 3 lots which are not owned by the applicant and are not included in the properties proposed for rezoning, those properties are vacant and do not contain any buildings and are zoned I-1 within the City of Winter Garden.

#### PROPOSED USE

The applicant proposes to develop the 17 lots within the industrial subdivision and the 18+/- acres parcel on the south side of the platted subdivision as an industrial business park. The applicant has requested rezoning because they seek to allow outdoor storage within the subdivision. Under the current zoning of I-1 the properties are prohibited from having outdoor storage of materials.

The applicant proposes rezone the properties to PID (Industrial Planned Unit Development) to include outdoor storage as a permitted use with specific screening and buffering regulations which include walls and landscape material with limitations on the maximum height of materials

stored outdoors. Additionally, the applicant has prohibited uses such as automobile repair to insure that the subdivision functions as an industrial business park and not a heavy industrial corridor.

#### **PUBLIC FACILITY ANALYSIS**

##### **Potable Water, Reclaimed Water, and Wastewater Services**

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

##### **Stormwater**

The stormwater retention/detention facilities designed to service the proposed development have been constructed and meet the LOS Standards stated in Policy 4-1.1.1 of the Public Facilities Element included in the City of Winter Garden Comprehensive Plan. In addition, the unimproved 18+/- acres parcel will also be required to comply with the LOS standards referenced above and all additional stormwater facilities will be designed in accordance with St. Johns River Water Management District and City of Winter Garden requirements.

##### **Transportation**

The subdivision is limited to a single access point on Story Road and access points to all lots within the subdivision will be from Garden Commerce Parkway.

##### **Other Services**

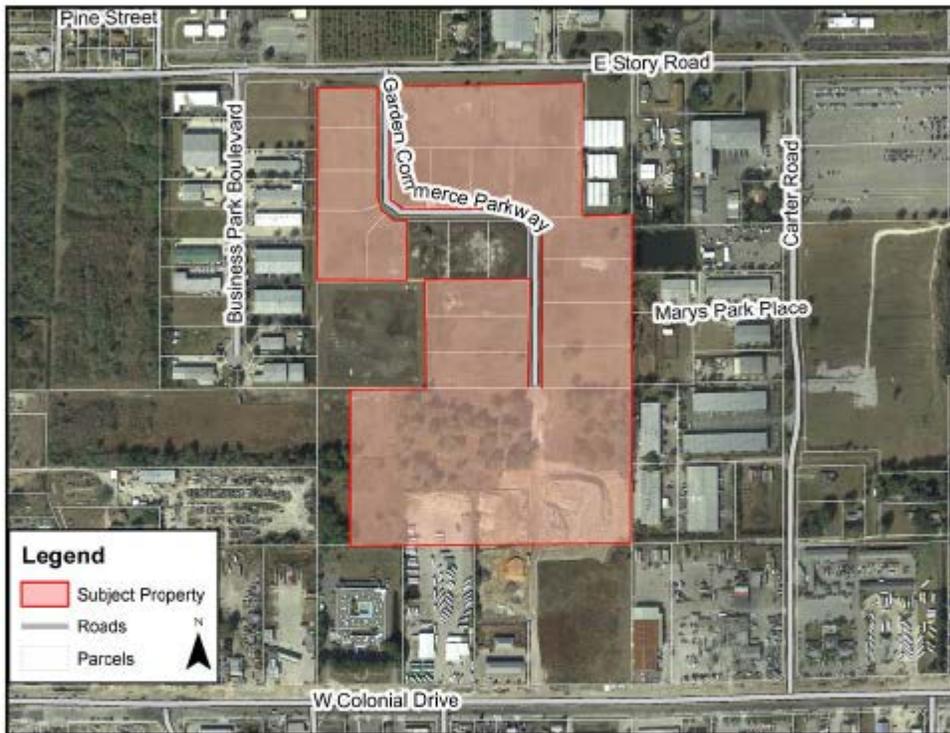
The City will provide garbage collection, police protection, and all other services regularly provided to City of Winter Garden residents including building permits. The property will be served by both Orange County Fire and Rescue and the City of Winter Garden Fire Department under the First Response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

#### **SUMMARY**

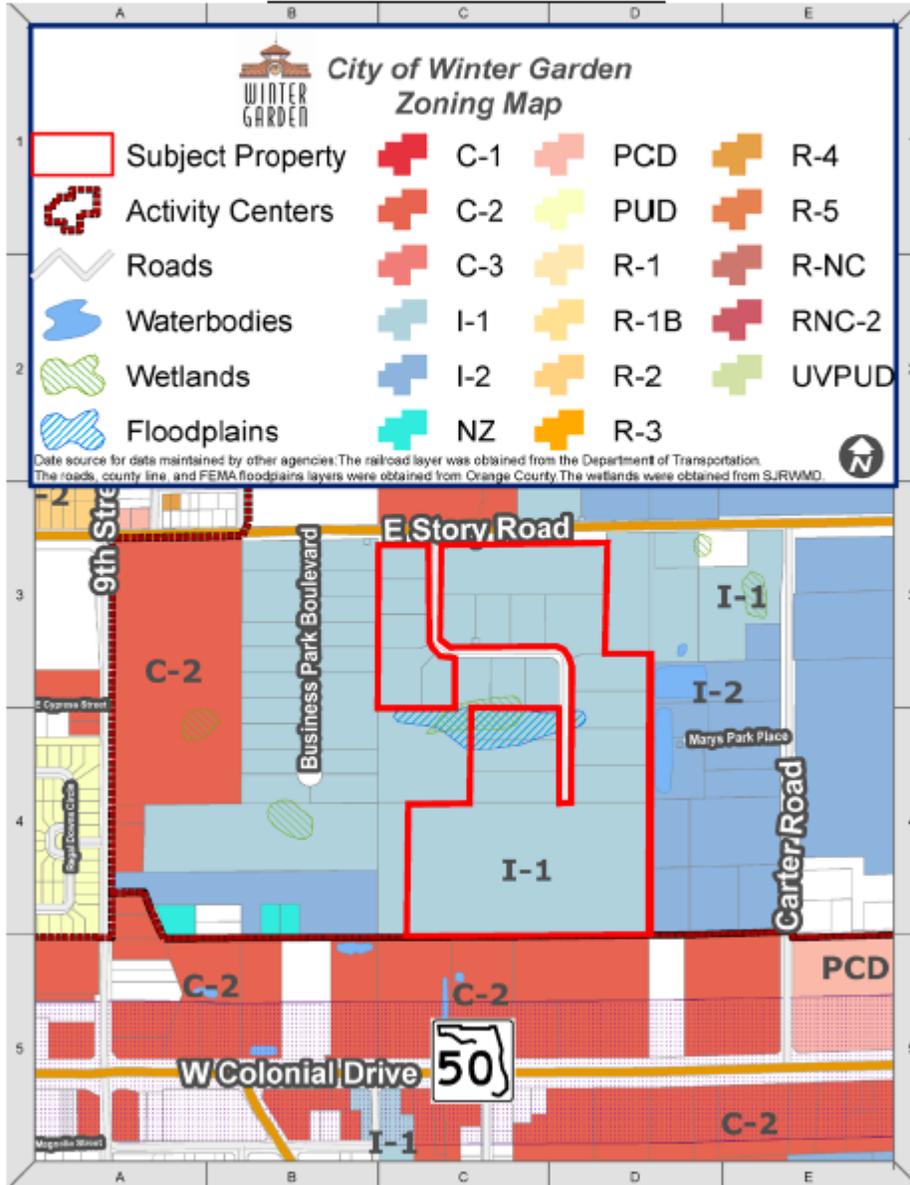
City Staff recommends approval of the proposed Ordinance subject to the conditions and restrictions contained within Ordinance 13-42 and other City development codes and regulations. Rezoning the subject property from City I-1 to City PID is consistent with the Future Land Use Map of the City's Comprehensive. The proposed PID is consistent with surrounding development in the area and is compatible with the uses in the surrounding area. The proposed development of the subject property is consistent with the goals, objectives and policies of the City's Comprehensive Plan and land development regulations.

MAPS

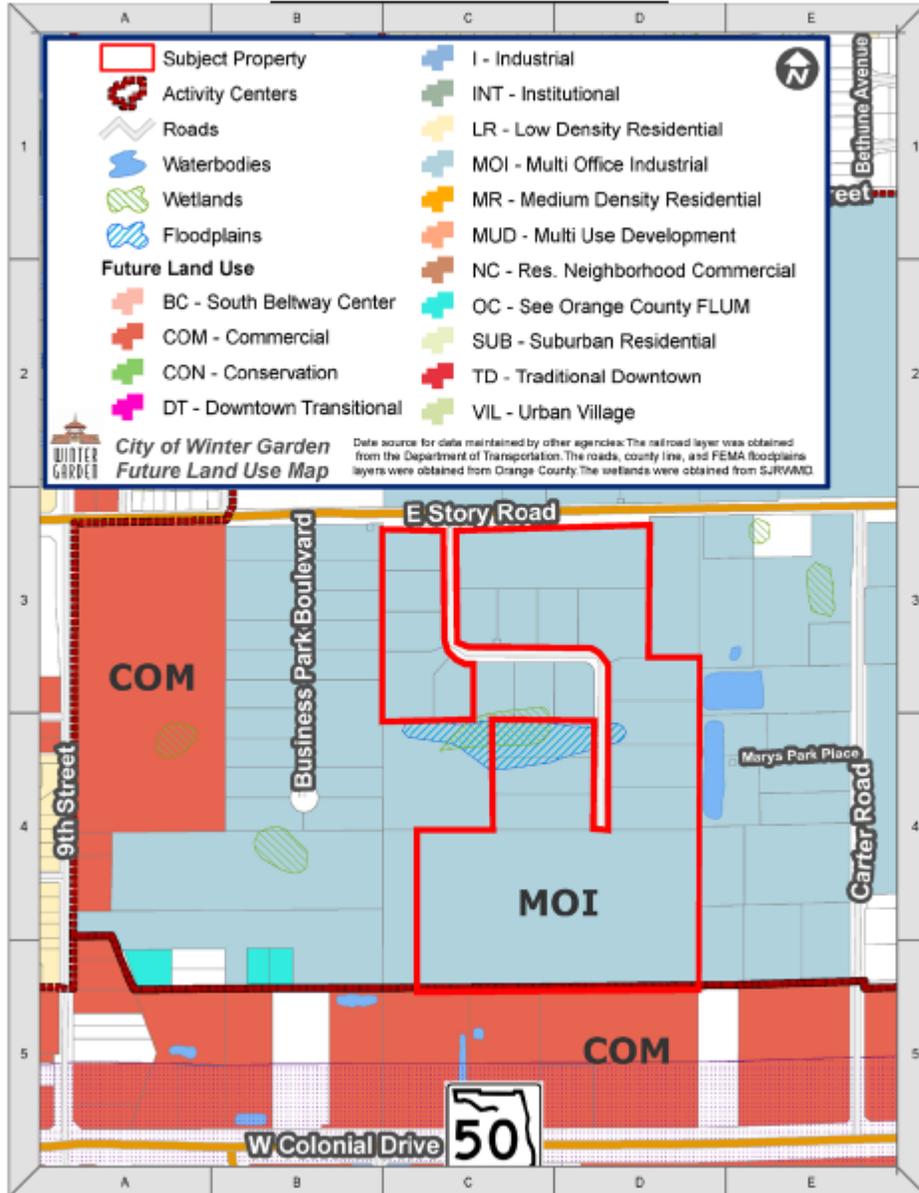
**AERIAL PHOTO**  
**WINTER GARDEN COMMERCE CENTER**



**ZONING MAP**  
**WINTER GARDEN COMMERCE CENTER**



**FUTURE LAND USE MAP  
 WINTER GARDEN COMMERCE CENTER**



END OF STAFF REPORT

# EXHIBIT “F”

## CITY OF WINTER GARDEN PLANNING & ZONING DIVISION

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

# STAFF REPORT

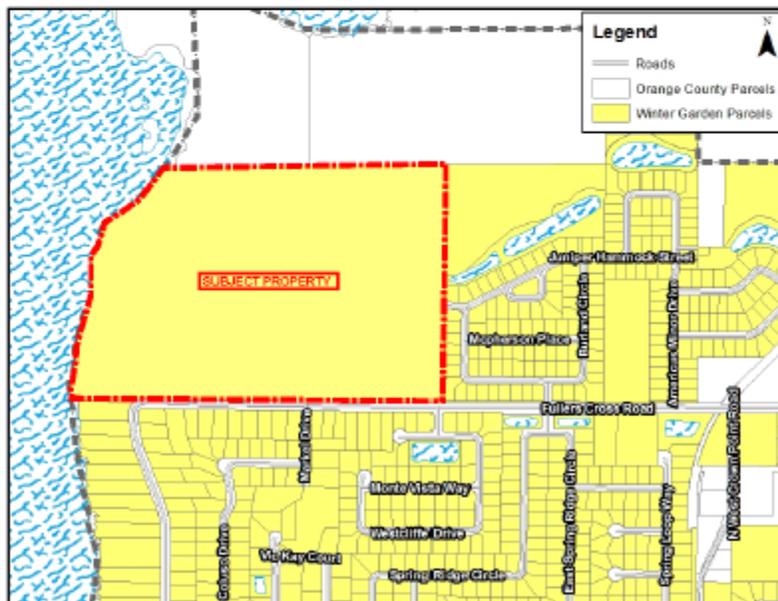
TO: PLANNING AND ZONING BOARD  
PREPARED BY: LAURA SMITH, SENIOR PLANNER  
DATE: AUGUST 1, 2013  
SUBJECT: PRELIMINARY PLAT  
315 East Fullers Cross Road (81+/- ACRES)  
PARCEL ID # 11-22-27-0000-00-003

APPLICANT: L.F. Roper Trust

### INTRODUCTION

The purpose of this report is to evaluate the proposed project for compliance with the City of Winter Garden Code of Ordinances and Comprehensive Plan.

The subject property, located on the north side of Fullers Cross Road, east of Lake Apopka and west of E. Crown Point Road, is approximately 81± acres. The map below depicts the location of the subject property within the City of Winter Garden municipal limits.



The applicant is requesting approval of Preliminary Plat of the 81± acre property which is the Highland Groves PUD Subdivision for 186 single family residential lots. The subject property is located within the City of Winter Garden municipal limits, and carries the zoning designation PUD (Planned Unit Development) in the City of Winter Garden. The subject property is designated Low Density Residential on the Future Land Use Map of the Comprehensive Plan.

**EXISTING USE**

The subject property is primarily used for agricultural purposes (citrus grove) and contains a pump house and fenced in storage area related to the agricultural activity.

**ADJACENT LAND USE AND ZONING**

The property located on the northwest side of the subject property is in the process of being annexed into the City of Winter Garden and proposed to be incorporated into the proposed PUD in the future, however presently it is unimproved vacant land located in un-incorporated Orange County with A-2 Zoning. The property located on the northeast side of the subject property is owned by the City of Ocoee and is also unimproved vacant land located in un-incorporated Orange County with A-2 Zoning. The properties located to the south are single family residential homes within the City of Winter Garden with R-1 Zoning. The property to the east is Fullers Crossing a single family residential community in the City of Winter Garden zoned R-1B. The subject property is bordered on the west by Lake Apopka.

**PROPOSED USE**

The applicant proposes to develop the 81 ± acre site into a residential planned unit development containing 186 single-family dwelling units ranging in size from 75'x115' to 100'x115'. The proposed lot size mixture is:

Lot Size	# of lots
100'x115'	13
95'x115'	24
90'x115'	9
80'x115'	12
75'x115'	128

The proposed subdivision will be a non-gated community with gross density proposed at 2.29 dwelling units per acre, the LR-Low Density Residential Future Land Use Designation allows up to 6 dwelling units per acre. The proposed subdivision will contain an active recreational park (tot-lot and ½ basketball court) and a passive recreation area (walking trails and open space) and 14.2+/- acres of wetlands preserved for conservation.

**SUMMARY**

City Staff recommends conditional approval of the proposed Preliminary Plat subject to the following conditions:

1. The environmental report states that gopher tortoises are active on site and that there is a possibility of sand skinks. Provide approvals from FFWCC prior to construction that these species have been addressed.

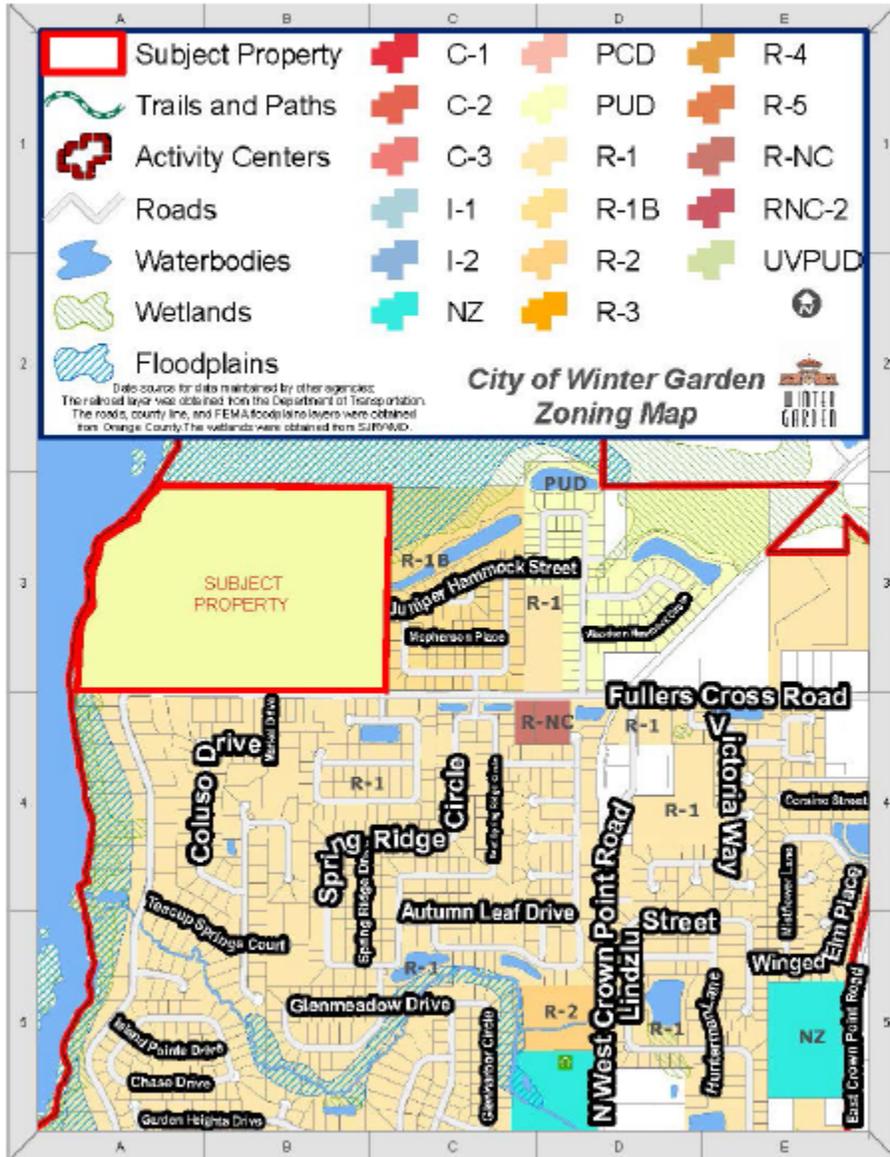
2. The geotechnical report states that organic soils are present near the lake shoreline. Provide the muck delineation overlay on the final construction plans to ensure that these areas will not fall on building lots without the muck being removed.
3. Walls and landscaping shall be located within a landscape and wall tract, to be maintained by the HOA; wall and landscape tract shall be outside of the existing R/W.
4. All proposed easements shall be 30' minimum width for sanitary, water and storm; improvements shall be centered within the easement. Common areas not abutting right-of-way shall include a tract (not easement) for access and maintenance.
5. Utilities: Minimum 8" potable water (internal), 8" reuse water, and minimum 6" sanitary force main are required. Utilities shall be extended the full property frontage per Code; Upsizing agreement may be necessary for extending the 16" water main on Fullers Cross Road; Water and Reuse lines shall be looped and connected into the existing stubouts in Fullers Crossing. Reuse main shall be extended on Fullers Cross Road to connect to the existing stubout approximately 640 feet east of the entrance. Force main shall be 6"; all internal water mains shall be 8" minimum (see comments from Public Services).
6. Minimum 5 ft wide utility and drainage easements shall be provided on each side lot line; 10' drainage and utility easements required adjacent to R/W.
7. Some of this property appears to be "A" type soils and may require adherence to the Wekiva protection regulations. Wekiva Protection requirements as outlined in the Comprehensive Plan shall be met, especially for drainage. Geotechnical report indicates an absence of Karst features.
8. Streetlighting shall be pursuant to City Code, including frontage on Fullers Cross Road, meeting dark skies requirements (Code Section 118-1536(k)). Submit streetlighting plan from Progress Energy prior to preconstruction meeting.
9. All irrigation on the site shall be designed to be supplied by reclaimed water (minimum 8" internal main size – as shown).
10. Permits from SJRWMD and FDEP (water, wastewater and NPDES) are required prior to issuance of site or building permits.
11. Sidewalks internal to the development shall be constructed adjacent to all lands not containing building lots prior to final acceptance. This shall include all retention, conservation, lift station, or recreation tracts, abutting roadways, pedestrian walkways, etc. Sidewalks external to the development shall be constructed upon final completion.
12. Docks: Response indicates that no docks are proposed with the initial development, but requests that each lakefront lot owner and/or HOA have the ability to permit and construction their own docks in the future if desired. Docks shall comply with City of Winter Garden Ordinance 11-20 and will require separate permit approval through the Building Department.

Conditional approval of the Preliminary Plat will allow the owner to proceed with development plans as well as the final plat.

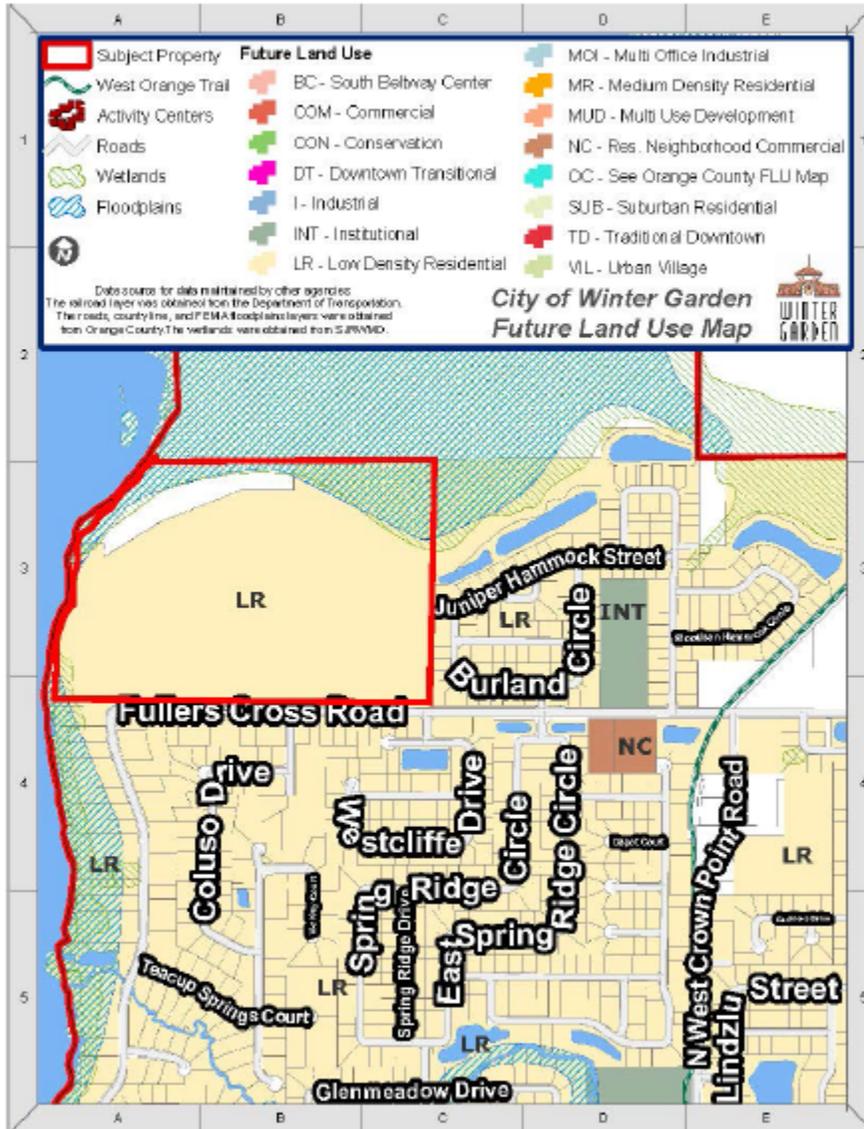
## MAPS

### AERIAL PHOTO





**FUTURE LAND USE MAP**  
Highland Groves



END OF STAFF REPORT

## EXHIBIT "G"

### CITY OF WINTER GARDEN PLANNING & ZONING DIVISION

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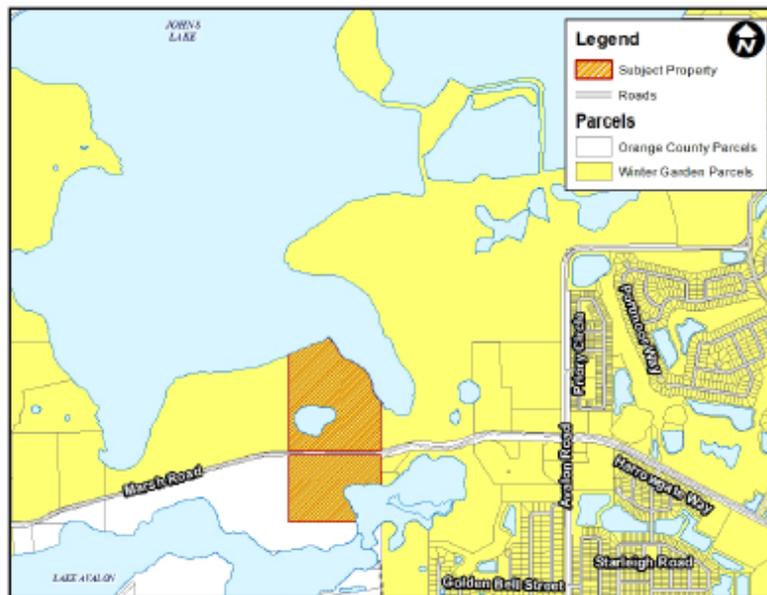
# STAFF REPORT

TO: PLANNING AND ZONING BOARD  
PREPARED BY: LAURA SMITH, SENIOR PLANNER  
DATE: AUGUST 1, 2013  
SUBJECT: PRELIMINARY PLAT  
16303 Marsh Road (105.68+/- ACRES)  
Parcel ID# 05-23-27-0000-00-005 & 05-23-27-0000-00-008

APPLICANT: Crooked Lake Holdings, LLC

#### INTRODUCTION

The purpose of this report is to evaluate the proposed project for compliance with the City of Winter Garden Land Development Regulations, Comprehensive Plan, and Future Land Use Map. The subject property, located on the north and south side of Marsh Road east of Williams Road and west of Avalon Road at 16303 Marsh Road, is approximately 78.29± acres. The map below depicts the location of the subject property within the City of Winter Garden municipal limits:



The applicant is requesting approval of Preliminary Plat of the 78.29± acre property which is Crooked Lake Preserve UVPUD Subdivision for 140 single family residential lots. The subject property is located within the City of Winter Garden municipal limits, and carries the zoning designation UVPUD (Urban Village Planned Unit Development) in the City of Winter Garden. The subject property is designated Urban Village on the Future Land Use Map of the Comprehensive Plan.

#### EXISTING USE

The subject property is vacant unimproved land presently used for agriculture (timberland) and does not contain any structures.

#### ADJACENT LAND USE AND ZONING

The subject property is bordered on the north side by John's Lake. The property located to the east of the subject property is the Hickory Hammock residential subdivision currently under site construction which is zoned PUD in the City of Winter Garden. The property located to the west of the subject property on the north side of Marsh Road is the Waterside at John's Lake residential subdivision currently under site construction which is zoned UVPUD in the City of Winter Garden. The property located to the south and west of the subject property on the south side of Marsh Road is vacant unimproved land presently used for agriculture (timberland & citrus grove), this property was recently annexed into the City and is presently the subject of a Future Land Use Map Amendment to designate the property as Urban Village on the City's Future Land Use Map however until that amendment is adopted the property retains its Orange County Future Land Use Designation of Village.

The subject property and surrounding properties to the west are all located within the JPA expansion area as adopted by the Sixth Amendment to the Restated Interlocal Agreement for Joint Planning Area between Orange County and the City of Winter Garden. Additionally, the subject property as well as many of the surrounding properties (a total of 596 acres) were annexed into the City of Winter Garden by Ordinance 07-34. At the time the properties were annexed into the City they were not assigned zoning or future land use designation in the City of Winter Garden. Subsequently, as part of the EAR based amendments to the City's Comprehensive Plan which were adopted in 2010, the subject property and many of the surrounding properties (a total of 642.73 acres) were assigned a future land use designation of Urban Village on the Future Land Use Map of the City's Comprehensive Plan.

#### PROPOSED USE

The applicant is requesting preliminary plat approval to move forward with development plans and the final plat. The applicant proposes to develop the 78.29 ± acre site into an urban village planned unit development (UVPUD) of 140 single family dwelling units, with 3 recreational park areas, and open space areas.

#### SUMMARY

City Staff recommends conditional approval of the proposed Preliminary Plat subject to the following conditions:

1. Proposed roundabout on Marsh Road: Size and configuration will be determined at time of final engineering; radius, number of lanes, etc. shall safely accommodate traffic and be reviewed by the City's Roundabout Consultant. Additional right-of-way may be required.

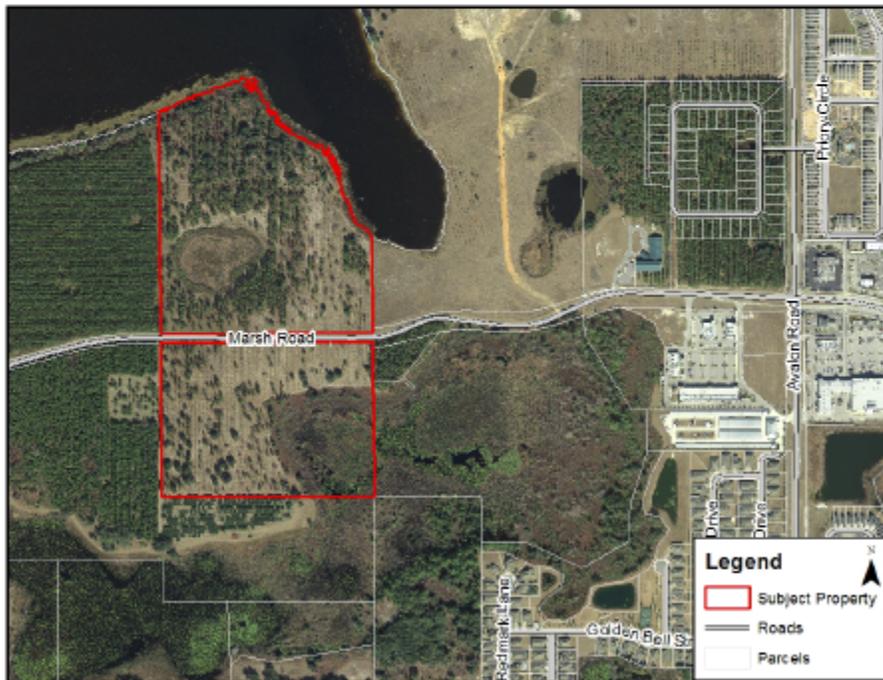
2. Utilities: As discussed, the project will need to install a minimum 16" water main, 12" sanitary force main, and a 12" reclaimed water main on Marsh Road to serve the development. These lines will need to be extended to proposed or existing stub-outs near the intersection of Avalon and Marsh Roads, at the Developer's expense – coordinate with the Waterside development immediately to the west. Participation in cost-sharing with other developments will be required as discussed at DRC.
3. Coordinate with the adjacent Waterside and Hickory Hammock developments on the proposed roadway connections.
4. Proposed 5 ft building setbacks will only be approved provided that no obstructions of any kind are allowed within the 5 ft setback area. Minimum 5 ft wide utility and drainage easements shall be provided on each side lot line.
5. If gated, the streets will be private and maintained by the HOA. While portions of the right-of-way may be dedicated to the City, maintenance of special pavements, landscaping, hardscaping, etc. shall be performed by the HOA under a R/W maintenance agreement. This would include the roundabout island. If street trees are allowed, the HOA will be responsible for their installation, maintenance and removal if necessary.
6. Docks shall comply with City of Winter Garden Ordinance 11-20 (as codified in Chapter 118 of the City Code).
7. Some of this property appears to be "A" type soils and may require adherence to the Wekiva protection regulations (along with the Karst feature). Wekiva Protection requirements as outlined in the Comprehensive Plan shall be met, especially for drainage and Karst protection.
8. The Lakefront water quality BMP will need further definition and detail on final construction plans (slopes, depth, location, maintenance entity, etc.). Typical section of Swale "D" has been provided, which shall be a tract/drainage easement maintained by the HOA.
9. Provide Sand Skink study and clearance from FFWCC.
10. As shown, the proposed stormwater pond for Marsh Road/CR 545 (Tract J) is to be granted to the City as a drainage easement, to be designed, constructed by, and maintained by, the City.
11. A Developers Agreement addressing the phasing, utilities and other commitments of the development's master plan has been approved by the City Commission and shall be recorded prior to the issuance of any site or building permits.
12. All irrigation on the site shall be designed to be supplied by reclaimed water (minimum 8" internal main size).
13. Typical Pavement Section & General Notes: Location and type of street trees will be reviewed with final plans. If allowed, street trees will be the responsibility of the HOA, not the City, regardless if the project is gated/private or public.

14. All proposed easements shall be 30' minimum width for sanitary, water and storm; improvements shall be centered within the easement. Common areas not abutting right-of-way shall include a tract (not easement) for access and maintenance. There will be no street trees permitted between the back of curb and sidewalk, all trees must be located on the individual lot behind the sidewalk.
15. The 100 year flood boundary is shown to encroach on many of the lots abutting Johns Lake. A LOMR shall be filed with FEMA as a condition of final plat approval for any areas requiring fill within the 100 year flood zone. Fill within the 100 year flood zone will only be allowed if compensating storage is provided.

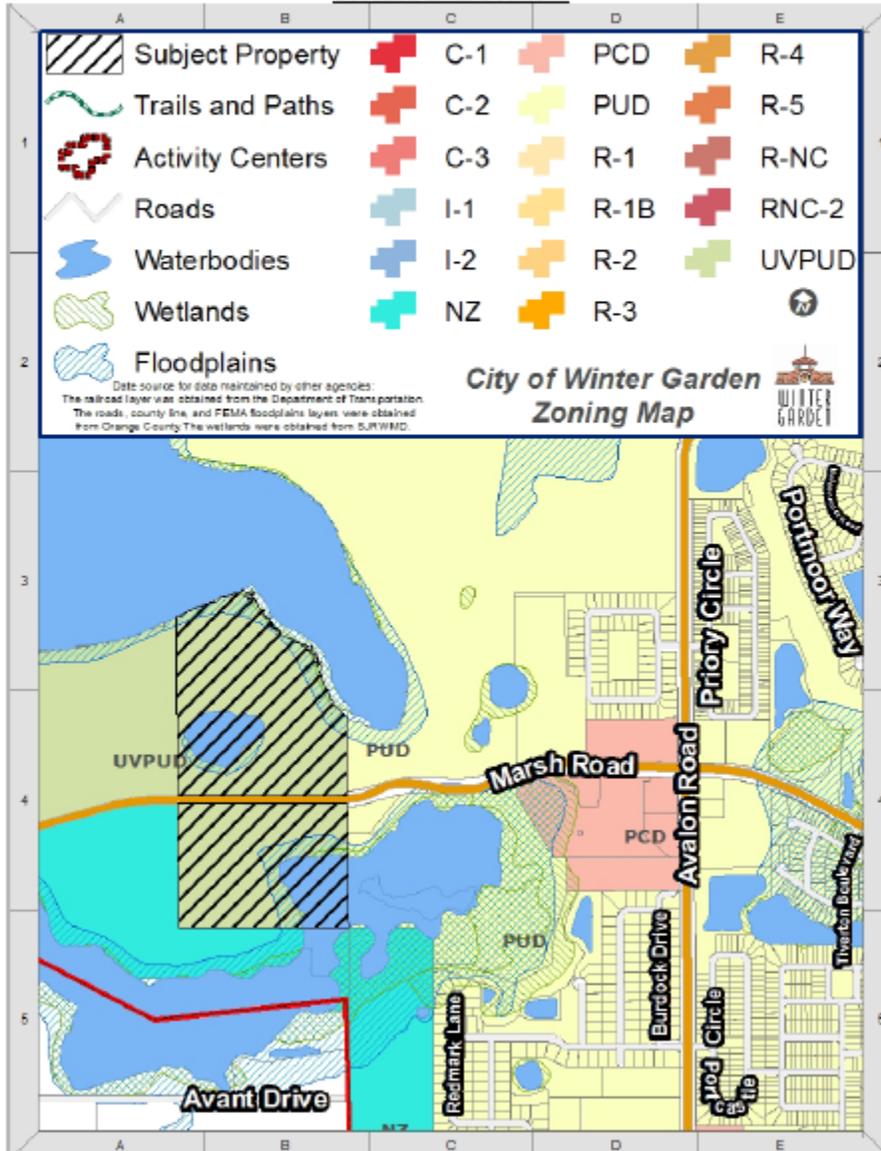
Conditional approval of the Preliminary Plat will allow the owner to proceed with development plans as well as the final plat.

MAPS

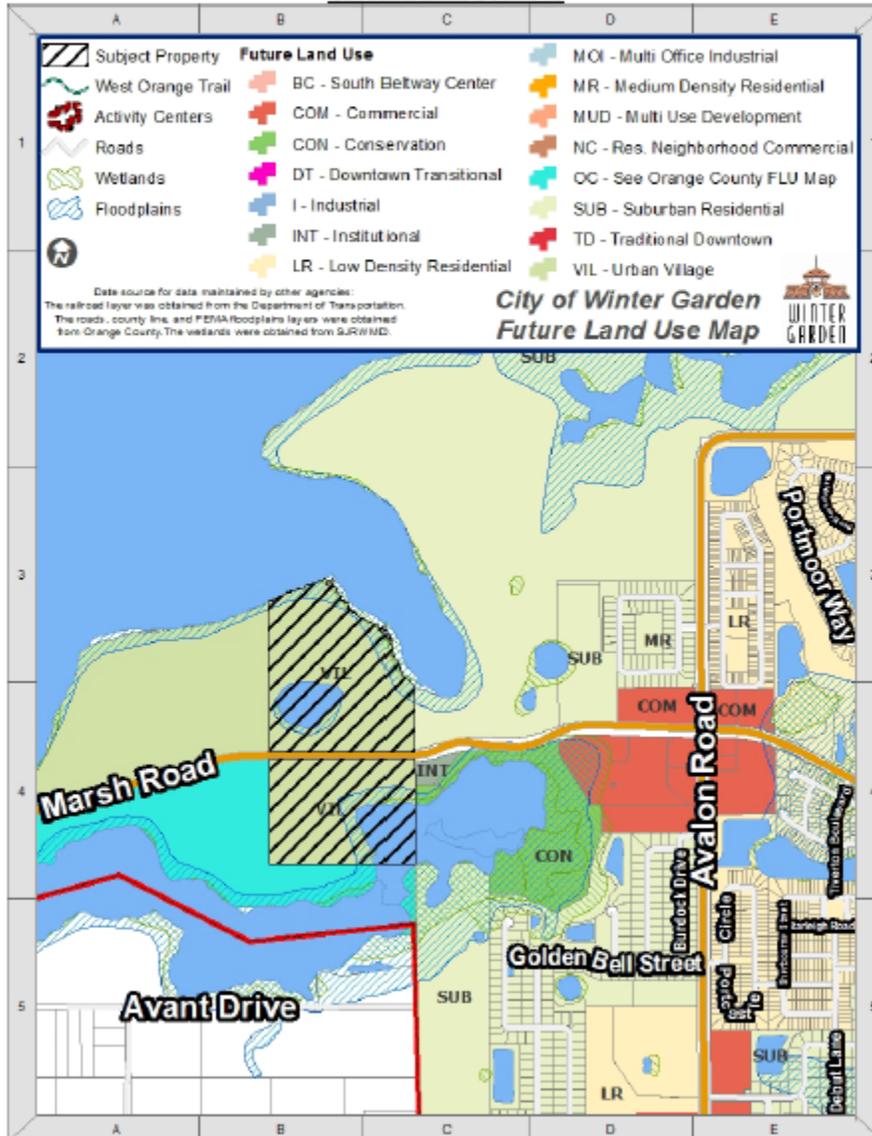
**AERIAL PHOTO**  
**Crooked Lake Preserve**



**ZONING MAP**  
**Crooked Lake Preserve**



**FUTURE LAND USE MAP  
 Crooked Lake Preserve**



END OF STAFF REPORT

**THE CITY OF WINTER GARDEN**  
**PLANNING AND ZONING BOARD AGENDA ITEM**

**ITEM # 4 (Public Hearing)**

---

**DATE:** September 5, 2013                      **MEETING DATE:** September 9, 2013

**SUBJECT:** 14890 W Colonial Drive Road (ANNEXATION, ZONING, FLU)  
**PROJECT NAME** Bello Annexation

**PARCEL ID#** 27-22-27-0000-00-066

**ISSUE:** The applicant is requesting Annexation, Zoning, and Future Lands Use designation on property located at 14890 W. Colonial Drive.

**SUPPLEMENTAL MATERIAL/ANALYSIS:**

**OWNER/APPLICANT:** Luis Bello

**CURRENT ZONING:** A-1 (Orange County)

**PROPOSED ZONING:** C-2

**CURRENT FLU:** Low Density Residential (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 0.74 ± acre enclave located on the south side of W. Colonial Drive east of Avalon Road and west of West Pointe Villas Boulevard. 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 13-56, Ordinance 13-57 and Ordinance 13-58.

**NEXT STEP(S):**

A public meeting for the first reading of the ordinances is scheduled for the City Commission on Thursday, September 12, 2013.

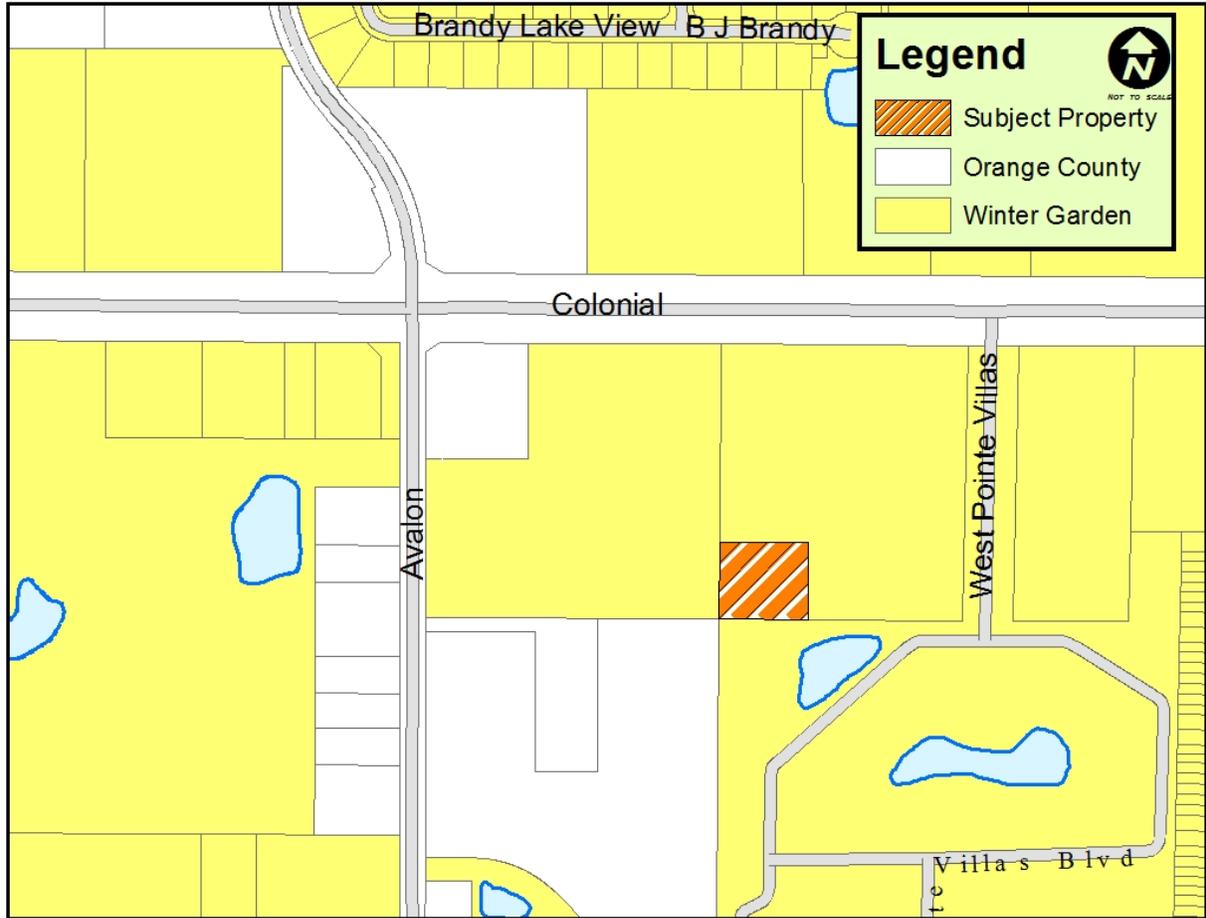
**ATTACHMENT(S):**

Location Map  
Ordinance 13-56  
Ordinance 13-57  
Ordinance 13-58  
Staff Report

# LOCATION MAP

14890 W Colonial Drive

ANNEXATION, FLU MAP AMENDMENT, REZONING



# CITY OF WINTER GARDEN

## PLANNING & ZONING DIVISION

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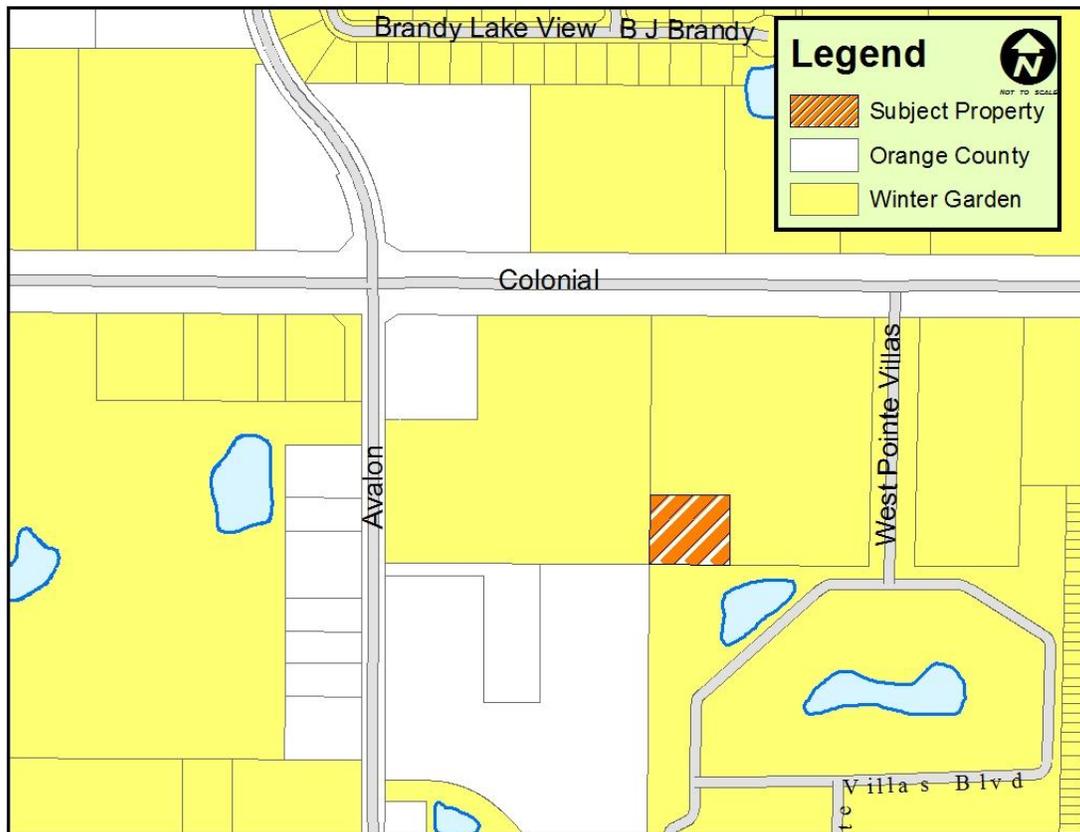
# STAFF REPORT

**TO:** PLANNING AND ZONING BOARD  
**PREPARED BY:** STEVE PASH, SENIOR PLANNER  
**DATE:** SEPTEMBER 9, 2013  
**SUBJECT:** ANNEXATION – ZONING – FLU AMENDMENT  
**14890 W. COLONIAL DRIVE (0.74 +/- ACRES)**  
**PARCEL ID #:** 27-22-27-0000-00-066  
**APPLICANT:** LUIS BELLO

### 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 14890 W. Colonial Drive and is approximately 0.74 ± 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. The subject property is located adjacent to the West State Road 50 Overlay District, which contains additional design standards.

In accordance with the City's Comprehensive Plan, permitted uses within the 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 manufactured home.

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

The property located to the north and east is vacant commercial land, zoned C-2 and located in the City. The property located to the south is developed with West Pointe Villas Apartment complex, zoned R-3 and located in the City. The property to the west is vacant commercial land, zoned C-2 and located in the City. The surrounding properties to the north, east, and west are also located with the West State Road 50 Overlay.

### **PROPOSED USE**

The owner is proposing to annex the property and keep the existing maunufactured home.

### **PUBLIC FACILITY ANALYSIS**

The City has sufficient capacity to 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.

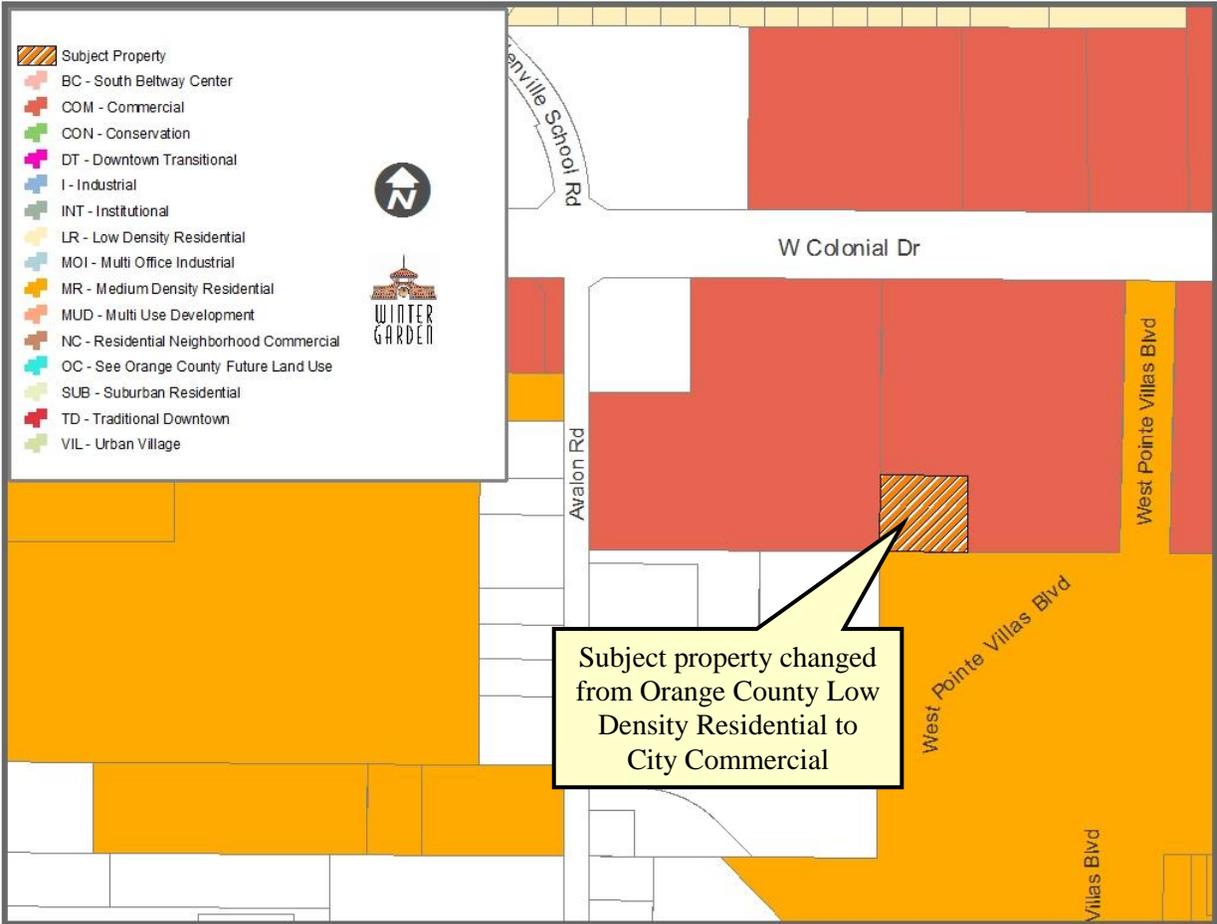
**MAPS**

**AERIAL PHOTO**

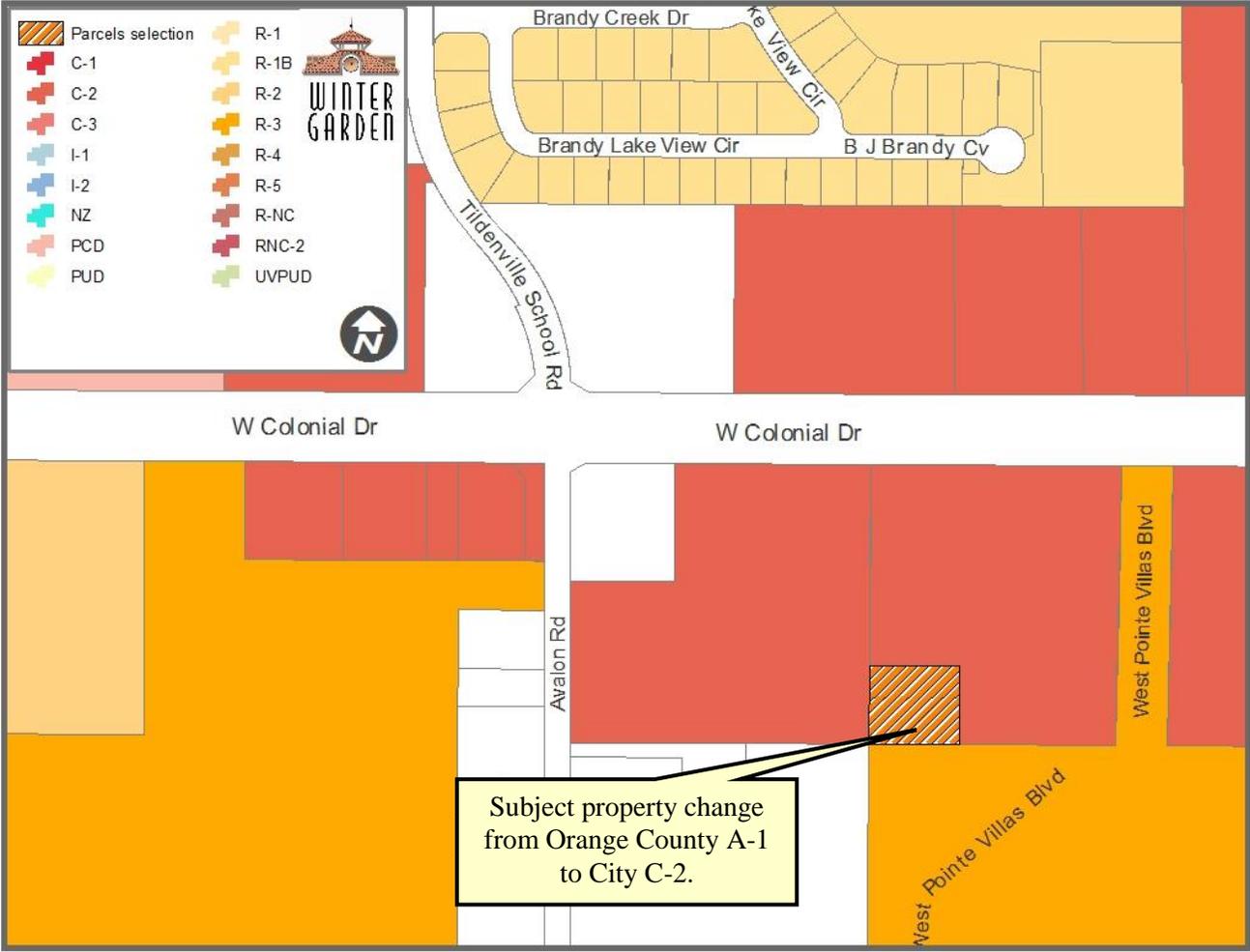
**14890 W. Colonial Drive**



**FUTURE LAND USE MAP**  
**14890 W. Colonial Drive**



**ZONING MAP**  
**14890 W. Colonial Drive**



**END OF STAFF REPORT**

ORDINANCE 13-56

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.74 ± ACRES LOCATED AT 14890 WEST COLONIAL DRIVE ON THE SOUTH SIDE OF WEST COLONIAL DRIVE, EAST OF AVALON ROAD AND WEST OF WEST POINTE VILLAS BOULEVARD 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 0.74 ± acres located on the south side of West Colonial Drive, east of Avalon Road and west of West Pointe Villas Boulevard 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:** \_\_\_\_\_, 2013.

**SECOND READING AND PUBLIC HEARING:** \_\_\_\_\_, 2013.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2013, by the City Commission of the City of Winter Garden, Florida.

**APPROVED:**

\_\_\_\_\_  
JOHN REES, Mayor/Commissioner

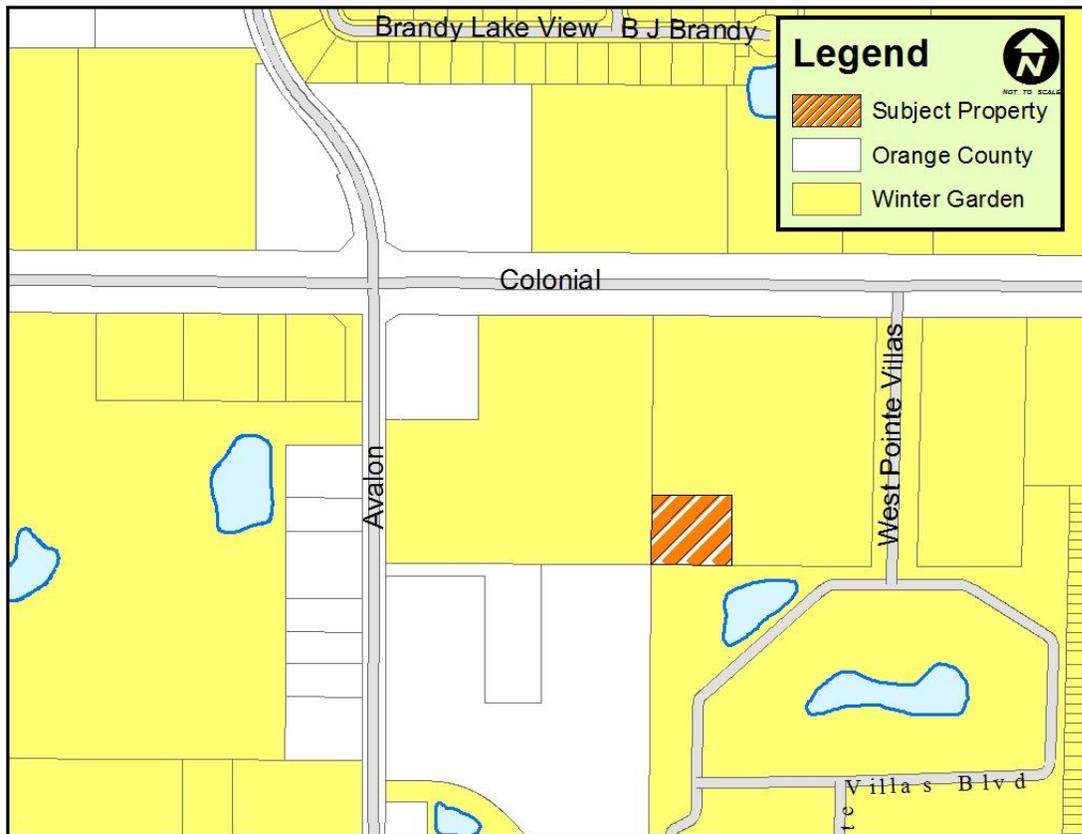
**ATTEST:**

\_\_\_\_\_  
KATHY GOLDEN, City Clerk

**ATTACHMENT "A"**  
**LEGAL DESCRIPTION**

PARCEL ID#: 27-22-27-0000-00-066

per Official Records Book 10292, Page 4203, Orange County, Florida.  
FROM THE NW CORNER OF THE NE 1/4 OF THE NW 1/4 OF THE NW 1/4 OF SECTION 27, TOWNSHIP 22 SOUTH, RANGE 27 EAST, RUN THENCE SOUTH ALONG THE WEST LINE OF SAID NE 1/4 OF THE NW 1/4 OF THE NW 1/4 497 FEET TO THE POINT OF BEGINNING; RUN THENCE SOUTH ALONG SAID LINE 167 FEET MORE OR LESS TO THE SOUTH LINE OF SAID NE 1/4 OF THE NW 1/4 OF THE NW 1/4; THENCE EAST ALONG SAID SOUTH LINE 192 FEET; THENCE NORTH 167 FEET; THENCE WEST 192 FEET TO THE POINT OF BEGINNING, TOGETHER WITH AN EASEMENT FOR INGRESS AND EGRESS RECORDED IN OFFICIAL RECORDS BOOK 1214, PAGE 215, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.



ORDINANCE 13-57

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 0.74 ± ACRES LOCATED AT 14890 WEST COLONIAL DRIVE ON THE SOUTH SIDE OF WEST COLONIAL DRIVE, EAST OF AVALON ROAD AND WEST OF WEST POINTE VILLAS BOULEVARD FROM ORANGE COUNTY LOW DENSITY RESIDENTIAL TO CITY COMMERCIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, on the 13<sup>th</sup> 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 24<sup>th</sup> 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 0.74 ± acres of land located at 14890 West Colonial Drive on the south side of West Colonial Drive, east of Avalon Road and west of West Pointe Villas Boulevard, 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 Commercial; and

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

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

**SECTION I.** *FLUM Amendment.* The City of Winter Garden hereby amends the Future Land Use Map of the City of Winter Garden Comprehensive Plan by designating the aforesaid Property to City Commercial 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 13-56, 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:** \_\_\_\_\_, 2013.

**SECOND READING AND PUBLIC HEARING:** \_\_\_\_\_, 2013.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2013, 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**

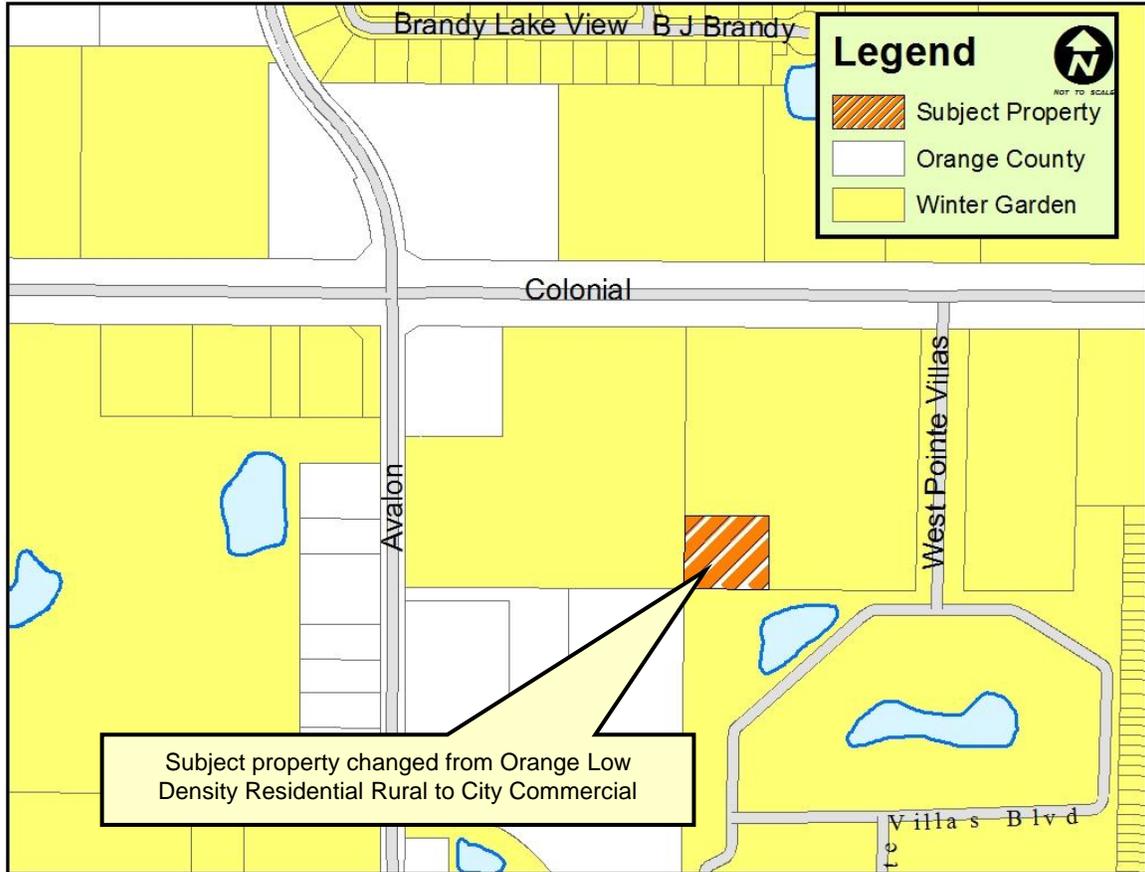
PARCEL ID#: 27-22-27-0000-00-066

per Official Records Book 10292, Page 4203, Orange County, Florida.  
FROM THE NW CORNER OF THE NE 1/4 OF THE NW 1/4 OF THE NW 1/4 OF SECTION 27, TOWNSHIP 22 SOUTH, RANGE 27 EAST, RUN THENCE SOUTH ALONG THE WEST LINE OF SAID NE 1/4 OF THE NW 1/4 OF THE NW 1/4 497 FEET TO THE POINT OF BEGINNING; RUN THENCE SOUTH ALONG SAID LINE 167 FEET MORE OR LESS TO THE SOUTH LINE OF SAID NE 1/4 OF THE NW 1/4 OF THE NW 1/4; THENCE EAST ALONG SAID SOUTH LINE 192 FEET; THENCE NORTH 167 FEET; THENCE WEST 192 FEET TO THE POINT OF BEGINNING, TOGETHER WITH AN EASEMENT FOR INGRESS AND EGRESS RECORDED IN OFFICIAL RECORDS BOOK 1214, PAGE 215, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

**ATTACHMENT "B"**

**FUTURE LAND USE MAP**

**14890 W. Colonial Drive**



ORDINANCE 13-58

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.74 ± ACRES LOCATED AT 14890 WEST COLONIAL DRIVE ON THE SOUTH SIDE OF WEST COLONIAL DRIVE, EAST OF AVALON ROAD AND WEST OF WEST POINTE VILLAS BOULEVARD FROM ORANGE COUNTY A-1 CITRUS RURAL 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 0.74 ± acres of land located on the south side of West Colonial Drive, east of Avalon Road and west of West Pointe Villas Boulevard, 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 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 County A-1 Citrus Rural 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 13-57 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:** \_\_\_\_\_, 2013.

**SECOND READING AND PUBLIC HEARING:** \_\_\_\_\_, 2013.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2013, 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#: 27-22-27-0000-00-066

per Official Records Book 10292, Page 4203, Orange County, Florida.  
FROM THE NW CORNER OF THE NE 1/4 OF THE NW 1/4 OF THE NW 1/4 OF SECTION 27, TOWNSHIP 22 SOUTH, RANGE 27 EAST, RUN THENCE SOUTH ALONG THE WEST LINE OF SAID NE 1/4 OF THE NW 1/4 OF THE NW 1/4 497 FEET TO THE POINT OF BEGINNING; RUN THENCE SOUTH ALONG SAID LINE 167 FEET MORE OR LESS TO THE SOUTH LINE OF SAID NE 1/4 OF THE NW 1/4 OF THE NW 1/4; THENCE EAST ALONG SAID SOUTH LINE 192 FEET; THENCE NORTH 167 FEET; THENCE WEST 192 FEET TO THE POINT OF BEGINNING, TOGETHER WITH AN EASEMENT FOR INGRESS AND EGRESS RECORDED IN OFFICIAL RECORDS BOOK 1214, PAGE 215, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.



# LOCATION MAP

16106 Marsh Road

SPECIAL EXCEPTION PERMIT



# 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:** SEPTEMBER 5, 2013  
**SUBJECT:** SPECIAL EXCEPTION PERMIT  
**16106 Marsh Road (Child Care Facility)**  
**PARCEL ID # 04-23-27-0302-03-000**

**APPLICANT:** My Nite Out, LLC/Daniel Thompson

### 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 16106 Marsh Road, Suites 102 and 103. The map below depicts the location of the subject property within the City of Winter Garden municipal limits:



The request is for a Special Exception Permit to allow a portion of the building (Suites 102 & 103) to be used for a night time child care facility. The subject property is located within the City of Winter Garden municipal limits, and carries the zoning designation PCD and is designated Commercial on the Future Land Use Map of the Comprehensive Plan.

### **EXISTING/PROPOSED USE**

The property contains multiple buildings with 46,958 square feet of buildings, which contain restaurants, a bank, and retail stores.

The applicant is proposing to rent the two suites which contain 2,400 square feet and open a child care facility for a maximum of 36 children. The child care facility being proposed will not be open during the day, but rather at night. The proposed business is meant to be a baby sitting type of service so parents can schedule a night out and have a professional service as the baby sitter. The proposed hours are from 6:00 PM to 1:30 AM on Friday and Saturday only.

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

The property located to the north is a vacant commercial land, zoned PCD, and in the City of Winter Garden. The property to the east is developed with multiple commercial uses including a bank, restaurants, and other retail shops, zoned PCD, and in the City of Winter Garden. The property to the south is developed with a storage facility, zoned PCD, and in the City of Winter Garden. The property to the west is vacant land owned by the City of Winter Garden with a Conservation Land Use designation, and in the City of Winter Garden.

### **SUMMARY**

City Staff recommends approval of the proposed special exception permit to operate the child care facility at 16106 Marsh Road, Suites 102 and 103 with the following conditions:

1. The child care facility shall be limited to a maximum capacity of 36 children, expansion of the facility and/or enrollment of additional children will require additional review and amendment to the special exception permit
2. The proposed child care facility is only approved to operate between the hours of 6:00 PM and 1:30 AM on Friday and Saturday. If the owner wants to change the hours and days of operation they will need to submit for an amendment to the Special Exception.
3. No outdoor activities can occur. All play equipment required by DCF shall be inside the building.
4. No outdoor displays of any kind are allowed.
5. This Special Exception is approved for this business (My Nite Out) only and shall expire if the business relocates or closes.
6. No additional signage is allowed, all signs shall be consistent with Code requirements.

**AERIAL PHOTO**  
**16106 Marsh Road**



**END OF STAFF REPORT**