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PLANNING & ZONING BOARD AGENDA

To: Eric Weiss – Chairman
Will Hawthorne – Vice Chairman
Mark DeFuso
Heather Gantt
Gerald Jowers
David Kassander
Mark Maciel

Copy to: Mike Bollhoefer
Dan Langley
Kurt Ardaman
Ed Williams
Stephen Pash
Kelly Carson
Nadine Avola

RE: Agenda – **March 2, 2015 at 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 FEBRUARY 2, 2015 MEETING**

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

4. 447 & 483 South Street (Lott Property) - **AZFA**
Parcel ID #26-22-27-8110-02-079 & -080

SPECIAL EXCEPTION PERMIT (PUBLIC HEARING)

5. 426 W Plant Street (Plant Street Market) - **SEP**
Parcel ID #23-22-27-2888-05-021

ADJOURN to the next regular Planning and Zoning Board meeting on Monday, **April 6, 2015 at 6:30 p.m.** in City Hall Commission Chambers, 300 W. Plant Street, 1st floor.



**PLANNING AND ZONING BOARD
REGULAR MEETING MINUTES
FEBRUARY 2, 2015**

1. CALL TO ORDER / PLEDGE OF ALLEGIANCE / INVOCATION

Chairman Eric Weiss 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. A moment of silence was 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 Eric Weiss, Vice-Chairman Will Hawthorne, and Board Members: Mark DeFuso, Heather Gantt, Gerald Jowers, and Mark Maciel

MEMBERS ABSENT:

David Kassander (excused)

STAFF PRESENT:

City Attorney Kurt Ardaman, Community Development Director Ed Williams, Community Development Manager Steve Pash, Planner II Kelly Carson, and CSR Kathleen Rathel

3. APPROVAL OF MINUTES

Motion by Mark Maciel to approve the regular meeting minutes of January 5, 2015 and seconded by Gerald Jowers. Motion carried unanimously 6 - 0.

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

4. 30 W Smith Street – Investor Nation, LLC (REZONING and FLU)

Planner II Carson presented a request for Rezoning and Future Land Use Amendment for the property located at 30 W Smith Street. The subject property consists of a 0.26 +/- acre lot located at the southwest corner of Smith Street and Boyd Street. The applicant is requesting to rezone from R-2 to R-NC and amend the Future Land Use designation from Low Density Residential to Residential Neighborhood Commercial. The new zoning is consistent with the Smith Street corridor growth trajectory for an Arts District. Staff has reviewed the application and recommends approval of Ordinances 15-19 and 15-20.

Board discussed the design proposal. Planner II Carson explained that, if approved, the project would be brought back for Special Exception approval. Applicant proposes to rehabilitate the existing two structures with the main structure to be used for office and the smaller structure turned into a live/work artist studio.

Resident - Greg Liskey of 223 S Lakeview Ave., Winter Garden FL, spoke against the rezoning stating it was spot zoning. He stated the north side of Smith Street should be zoned to commercial and to leave the south side as residential since it is an old established neighborhood and needs the buffer distance as there should not be the possibility of larger commercial projects coming in next to these homes.

General discussion ensued with clarification that the R-NC zoning permitted uses are residential only and a Special Exception has to be approved for any other use. Community Development Director Williams stated there would not be large retail commercial uses as there is not enough parking and that the R-NC zoning is primarily office uses and residential.

Applicant and Property Owner - Ryan Hinricher of 433 Lone Heron Way, Winter Garden FL, addressed the Board stating the R-NC is to become the buffer between hardline commercial and hardline residential. His intent is to keep the home and its character as the smaller guest house would remain residential with the larger structure used as office.

Motion by Gerald Jowers to recommend approval of the R-NC zoning [Ordinances 15-19 and 15-20] with Staff Recommendations (as provided in the agenda packet) and seconded by Will Hawthorne. Motion carried unanimously 6 - 0.

SPECIAL EXCEPTION (PUBLIC HEARING)

5. 404 Lakeview Road – Golden Pond Communities

Planner II Carson presented a request for a Special Exception Permit to allow construction of a three-story independent living retirement facility located at 404 Lakeview Road. The property currently contains five single story assisted living and memory care facilities. The property was granted a Special Exception in 1998 for the assisted living facility with approval for a two-story 30 unit/60 bed independent living facility being granted in 2007 but construction was placed on hold due to the economy. The applicant is now requesting a three-story building to provide more shared amenities such as dining facilities and activity rooms. Due to the change in intensity of usage it is being brought back to the Board. Staff recommends approval subject to the conditions listed in the Staff Report.

Board Member Jowers stated a three-story building would not be appropriate and had safety concerns for the elderly residents in a three-story building in case of fire or emergency.

Applicant – Tony Miles of 17630 Betanbob Lane, Montverde FL, explained he was the contractor that built the last building in 2007. The building approved in 2007 was for 30 units/60 beds but the revised proposal will have fewer beds as the bottom floor will be common area for the self-sufficient seniors.

Resident – Bill Asma of 441 Lakeview Road, Winter Garden FL, spoke on behalf of three neighboring properties against the request. He stated the three-story building was too tall and too much like an apartment complex which would not fit into the residential neighborhood. Lakeview Road has already seen an increase of traffic from Oakland Park and Lakeview Middle School and this facility would add to the traffic.

Board Member Maciel asked the applicant if they were willing to stay with a two-story building and have a community workshop to meet with the neighbors. Mr. Miles stated the three-story would only be 36 feet tall and a two-story would be at 30 feet tall but he does want to keep the neighbors happy. He also stated that most of the units would be single units.

Board Member Weiss stated that he is also the HOA president of Lakeview Reserve which is located to the north of 404 Lakeview Road and the HOA's main issue is the traffic increase.

Planner II Carson proposed a delay for one month in order to have a community meeting.

Motion by Will Hawthorne to table the Special Exception Permit [for 404 Lakeview Road] to the April 6, 2015 Planning & Zoning meeting and seconded by Gerald Jowers. Motion carried unanimously 6 - 0.

VARIANCE

6. 522 Palm Drive – Jeffrey Mikolaitis

Community Development Manager Pash presented a request for a Variance for the property located at 522 Palm Drive. The applicant is requesting a variance to the front yard setback to allow a 6 foot tall privacy fence to be constructed 8 feet from the front property line in lieu of the minimum required 30 foot setback. The property is a thru lot with frontages on both Palm Drive and Surprise Drive with the rear yard located on Surprise Drive but it is the front yard for the properties to the north and south on Surprise Drive. Staff recommends denial of the variance request because it does not meet the criteria for variance approval.

Community Development Manager Pash stated the fence would be located behind two large trees and the six foot tall privacy fence could pose sight visibility issues. The Board discussed the fence, setback requirements, and where the fence would be located.

Owner – Jeff Mikolaitis of 522 Palm Drive, Winter Garden FL, addressed the Board. He stated they are requesting the fence for safety and privacy reasons. A photo of a 20 foot truck parked in a driveway was distributed to show sight issues and letters of support from the neighboring properties were attached to the Staff Report.

Resident – Alex Wosgien of 502 Palm Drive, Winter Garden FL, spoke in opposition of the fence but upon further clarification that the proposed fence would be located on Surprise Drive withdrew his opposition.

Owner – Danielle Mikolaitis of 522 Palm Drive, Winter Garden FL, stated the road curves which helps with the site visibility and they plan on placing landscaping in front of the fence for security and privacy from the frequently used vacant property to the west.

A discussion ensued regarding possible fencing options, fence construction, and gate.

Resident – Connie McClure of 553 Palm Drive, Winter Garden FL, spoke in support of the fence but wants foliage in front of the fence and the stipulation that if the lot is split the fence would be removed.

Motion by Gerald Jowers to recommend approval of the Variance for 522 Palm Drive with the conditions to have applicable landscaping and if the lot is split and a home constructed facing Surprise Drive then the fence must be removed and adhere to normal setbacks along with Staff Recommendations (as provided in the agenda packet) and seconded by Mark DeFuso. Motion carried unanimously 6 - 0.

CITY CODE OF ORDINANCES (PUBLIC HEARING)

7. Ordinance 15-21 (Package Sale Vendor)

City Attorney Ardaman presented Ordinance 15-21. The Ordinance provides for a 5,000 foot separation between package sale vendors, which is the same requirement that exists in unincorporated Orange County except the proposed ordinance requires the separation whether the package sale vendor is in the City or in unincorporated Orange County.

Motion by Will Hawthorne to approve [Ordinance 15-21] and seconded by Heather Gantt. Motion carried unanimously 6 - 0.

ADJOURNMENT

There being no further business, the meeting was adjourned at 8:00 pm.

ATTEST:

APPROVED:

Customer Service Rep. Kathleen Rathel

Chairman Eric Weiss

THE CITY OF WINTER GARDEN
PLANNING AND ZONING BOARD AGENDA ITEM

ITEM # 4 (Public Hearing)

DATE: February 27, 2015 **MEETING DATE:** March 2, 2015

SUBJECT: 447 & 483 South Street – (ANNEXATION, ZONING, FLU)
PROJECT NAME Lott Property AZFA
PARCEL ID# 26-22-27-8110-02-079, 26-22-27-8110-02-080

ISSUE: The applicant is requesting Annexation, Zoning, and Future Land Use designation on property located at 447 & 483 South Street.

SUPPLEMENTAL MATERIAL/ANALYSIS:

OWNER/APPLICANT: Billy Lott

CURRENT ZONING: A-1 (Orange County)

PROPOSED ZONING: R-1 (City)

CURRENT FLU: Low Density Residential (Orange County)

PROPOSED FLU: Low Density Residential (City)

SUMMARY:

The City encourages infill of its jurisdictional limits through voluntary annexation of enclaves. The 1.493± acre subject property consists of two parcels located on the on the northeast corner of 5th Street and South Street. The applicant has requested Annexation into the City, Initial Zoning of R-1, and Amendment to the Future Land Use Map of the City's Comprehensive Plan to designate the property as Low Density Residential (See attached Staff Report).

STAFF RECOMMENDATION(S):

Staff recommends approval of Ordinance 15-22, Ordinance 15-23, Ordinance 15-24, Ordinance 15-25, Ordinance 15-26, and Ordinance 15-27.

NEXT STEP(S):

A public meeting for the first reading of the ordinances is scheduled for the City Commission on Thursday, March 12, 2015.

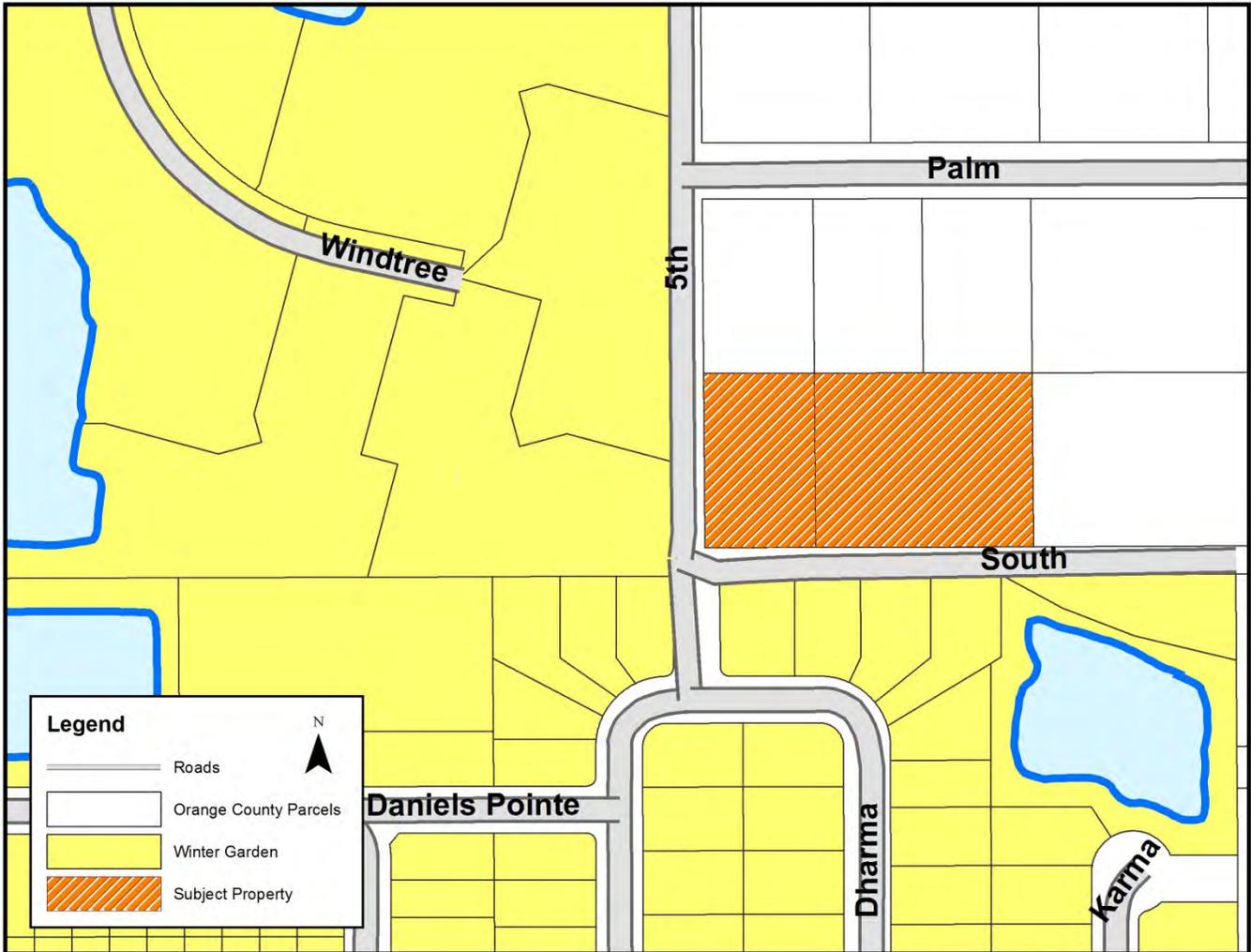
ATTACHMENT(S):

Location Map
Staff Report
Ordinance 15-22
Ordinance 15-23
Ordinance 15-24
Ordinance 15-25
Ordinance 15-26
Ordinance 15-27

LOCATION MAP

447 & 483 South Street

Annexation, Future Land Use, Zoning



CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

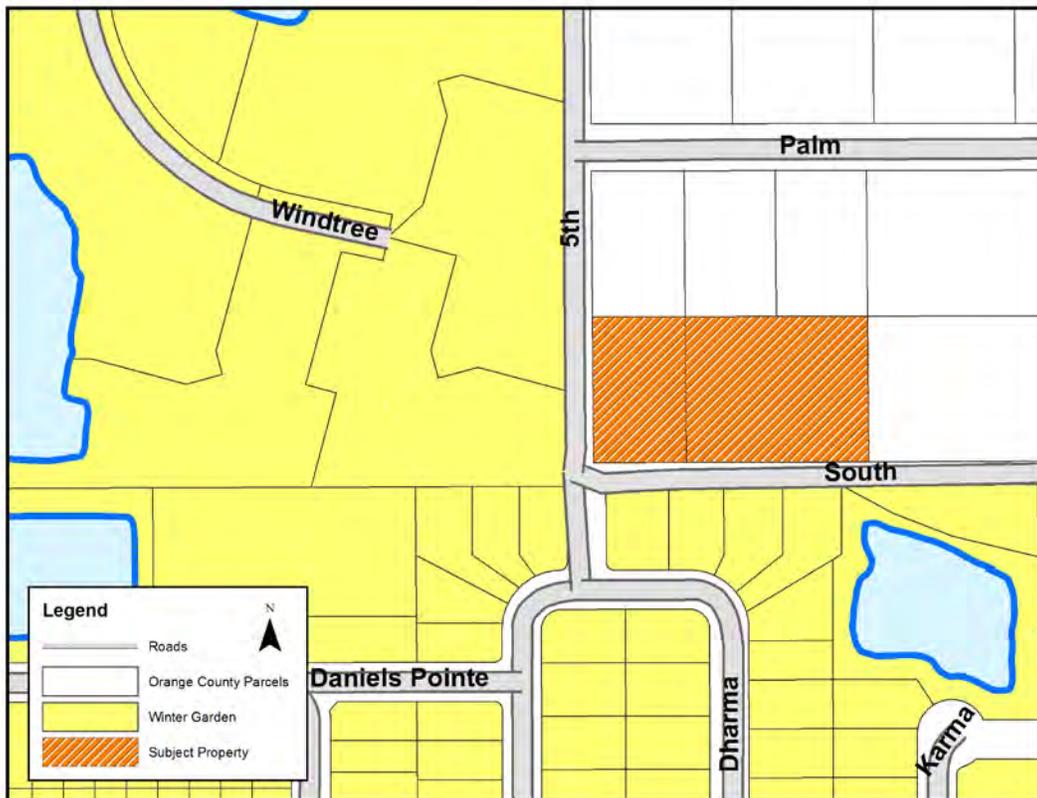
STAFF REPORT

TO: PLANNING AND ZONING BOARD
PREPARED BY: KELLY CARSON, PLANNER II
DATE: FEBRUARY 26, 2015
SUBJECT: ANNEXATION – FLU AMENDMENT – ZONING
447 & 483 SOUTH STREET (1.493 +/- ACRES)
PARCEL IDS #: 26-22-27-8110-02-079, 26-22-27-8110-02-080
APPLICANT: BILLY LOTT

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 consists of two parcels located at 447 & 483 South Street, on the northeast corner of 5th Street and South Street and is approximately 1.493 ± acres in size. The map below depicts the proximity of the subject property to the City’s jurisdictional limits:



The applicant has requested annexation into the City, amendment to the Future Land Use Map (FLUM) of the City’s Comprehensive Plan to designate the property as Low Density Residential, and rezoning the property to R-1 Single-Family Residential District.

In accordance with the City’s Comprehensive Plan, properties designated with the Low Density Residential land use category are required to be developed at a gross residential density between 2 to 6 dwelling units per gross acre and up to 9 units per gross acre for workforce/low income housing with a maximum of 10 acres and will be identified on the Future Land Use Map only in areas that have the urban services and public facilities that can accommodate a higher density of residential housing. Factors in determining the location of this land use category included proximity to natural resources and urban services, availability of public facilities and the characteristics of nearby existing and future neighborhoods. Churches and schools are allowable uses in the Low Density areas that are zoned R-2 and in specified areas of PUDs and via a Special Exception Permit in all other allowable zoning classifications. The zoning classifications that are consistent with the Low Density Residential classification are 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 two single family houses, featuring one single family house per parcel.

ADJACENT LAND USE AND ZONING

There are three properties located to the north of the subject property, each containing a single family residence, zoned A-1, and located in Unincorporated Orange County. The property located to the east is a vacant parcel zoned A-1 and located in Orange County. To the south is the Daniels Crossing Phase 3 subdivision, which features single family houses. These properties are zoned PUD and are located within the City of Winter Garden’s jurisdictional limits. The property to the west of the subject property is the Windtree Gardens subdivision, which is developed with multi-unit condominium buildings, zoned R-3, and is located in Winter Garden.

PROPOSED USE

The applicant intends to annex the subject property in order to connect the existing residences to City water and sewer services.

PUBLIC FACILITY ANALYSIS

The City will provide garbage collection, police protection, and all other services regularly provided to City of Winter Garden residents. The property will be served by both Orange County

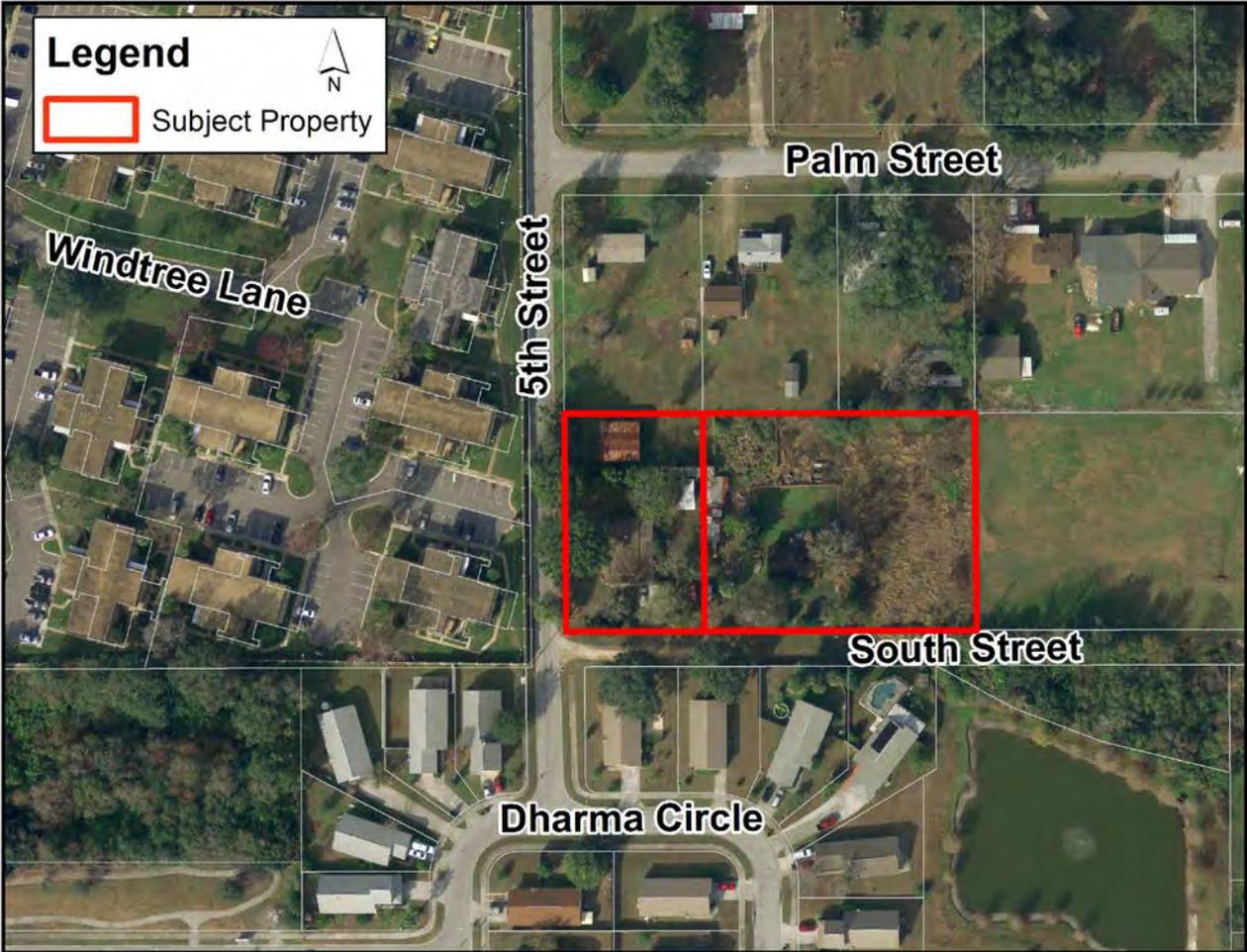
Fire and Rescue and the City of Winter Garden Fire Department under the First Response System.

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.

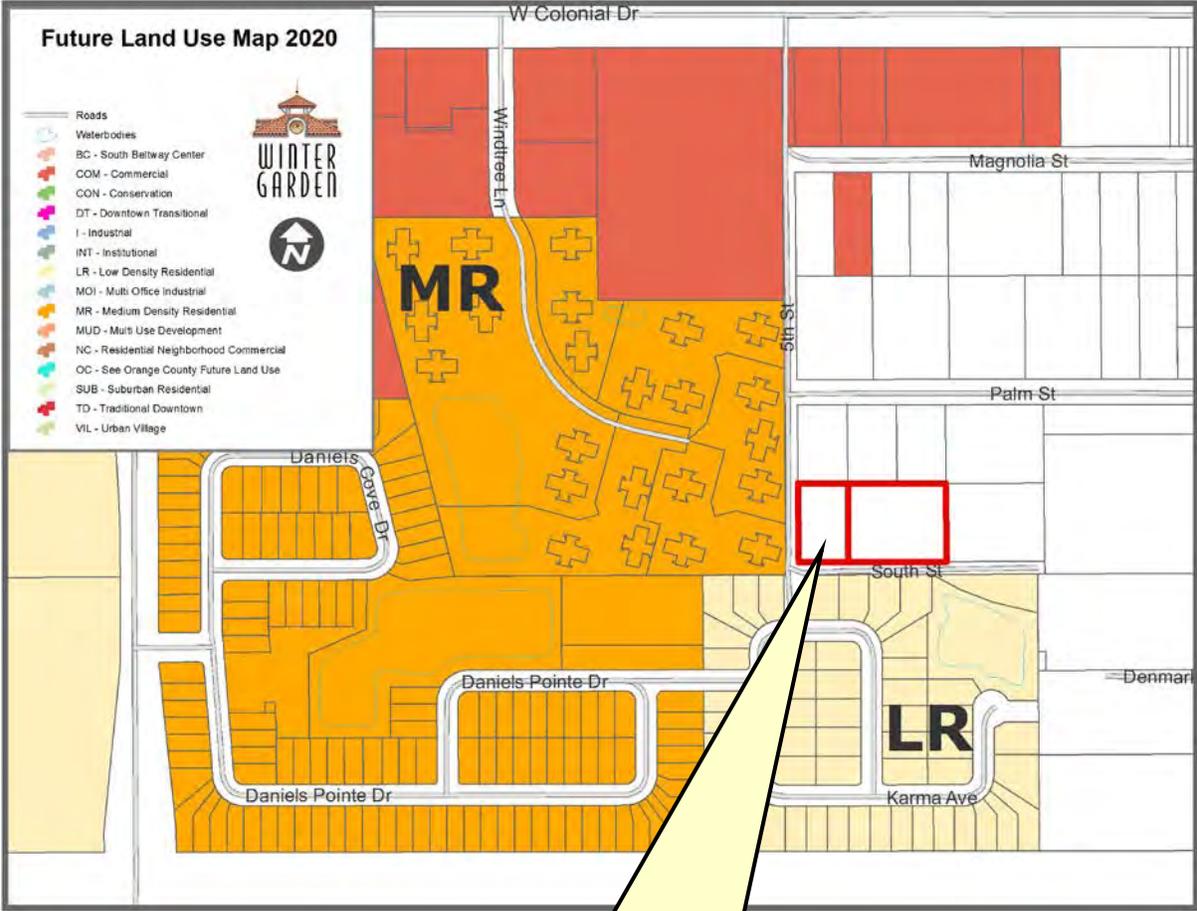
AERIAL PHOTO

447 & 483 South Street



FUTURE LAND USE MAP

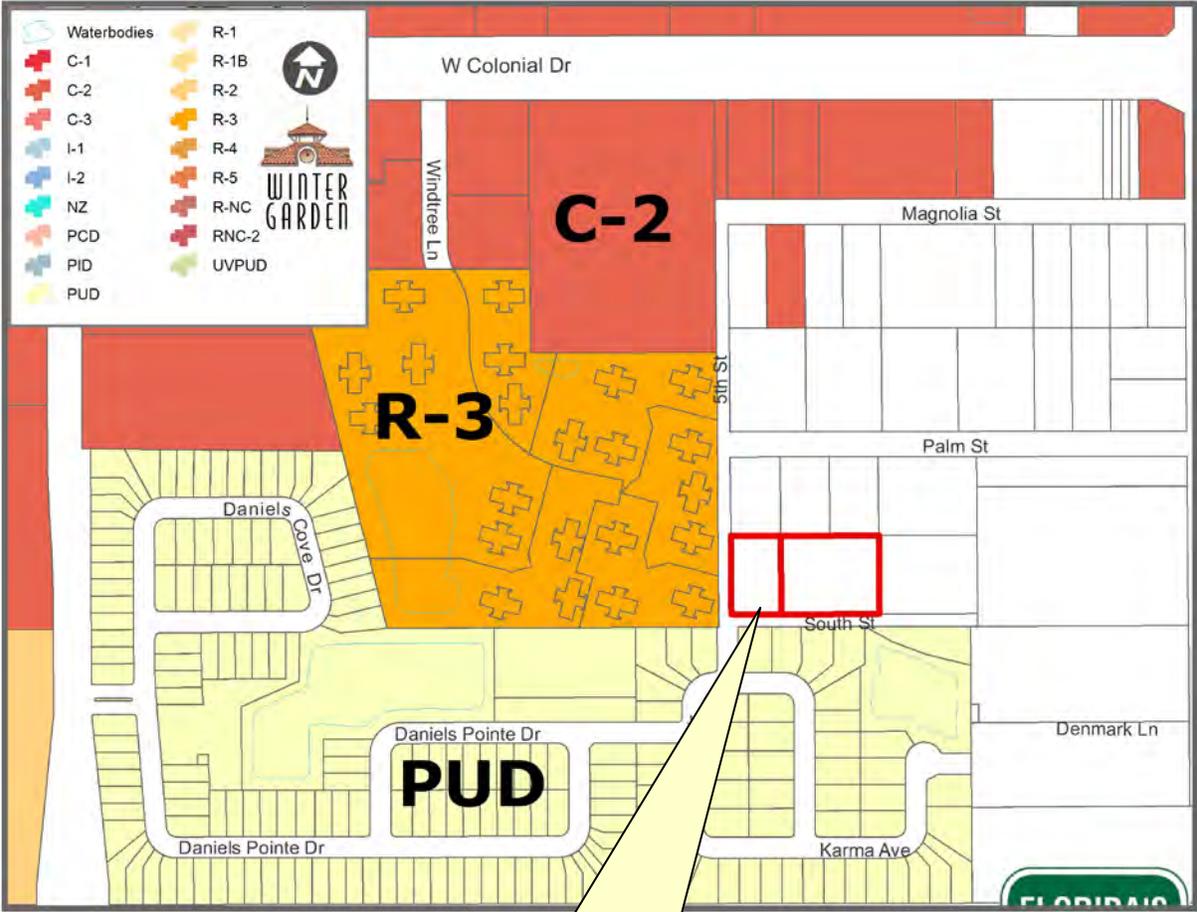
447 & 483 South Street



Subject property changed from Orange County Low Density Residential to City Low Density Residential

ZONING MAP

447 & 483 South Street



Subject property changed from
Orange County A-1 to City R-1

END OF STAFF REPORT

ORDINANCE 15-22

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.504 ± ACRES LOCATED AT 447 SOUTH STREET ON THE NORTHEAST CORNER OF 5TH STREET AND SOUTH STREET 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 0.504 ± acres located at 447 South Street on the northeast corner of 5th Street and South Street 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 in ATTACHMENT "B" 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: _____, 2015.

SECOND READING AND PUBLIC HEARING: _____, 2015.

ADOPTED this _____ day of _____, 2015, 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#: 26-22-27-8110-02-079

DESCRIPTION:

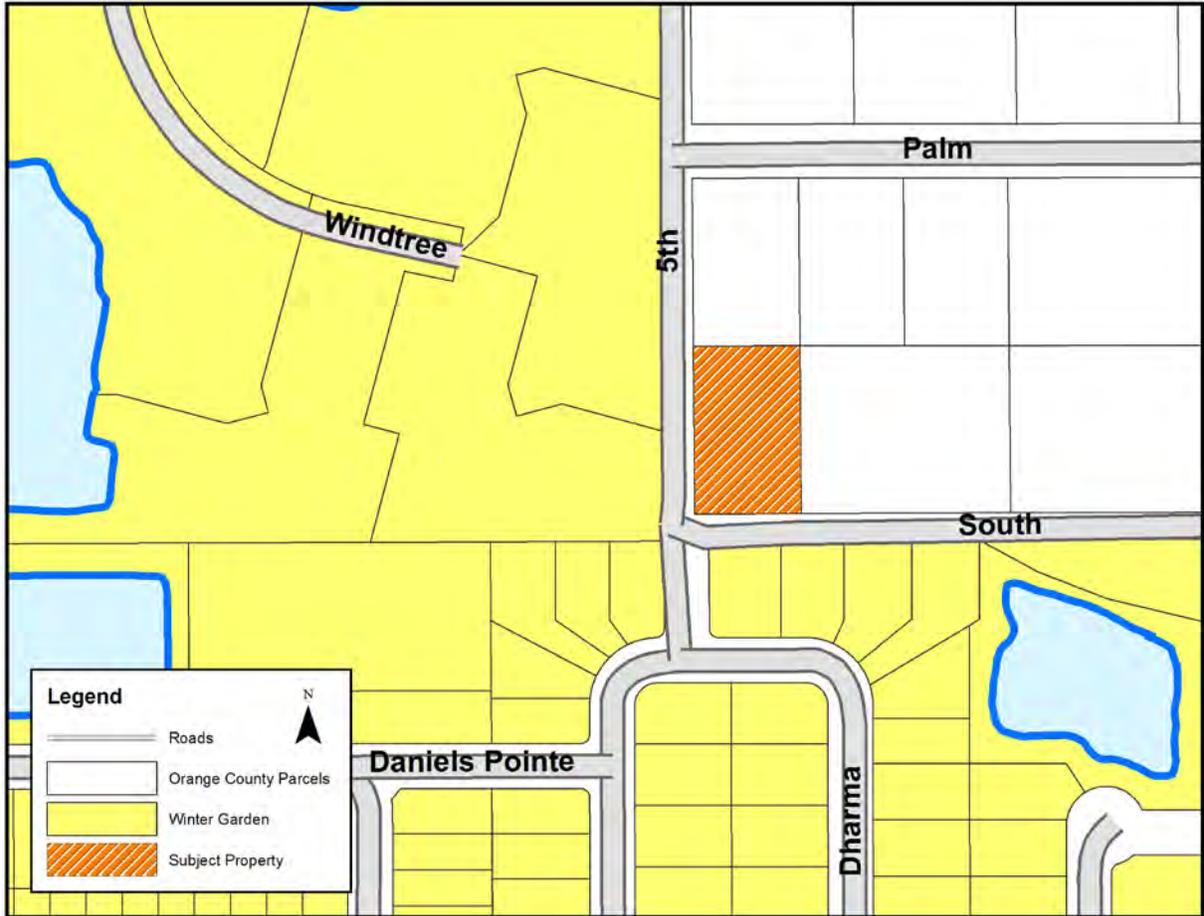
LOT 8, BLOCK B, G.T. SMITH SUBDIVISION NO. 7, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK Q, PAGE 129, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGIN AT THE SOUTHWEST CORNER OF LOT 8, BLOCK B, G.T. SMITH SUBDIVISION NO. 7, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK Q, PAGE 129, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE RUN NORTH 00°19'00" WEST 186.10 FEET TO THE NORTHWEST CORNER OF SAID LOT 8; THENCE SOUTH 89°53'30" EAST 118.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 8; THENCE SOUTH 00°19'00" EAST 185.88 FEET TO THE SOUTHEAST CORNER OF SAID LOT 8; THENCE NORTH 90°00'00" WEST 118.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.504 ACRES, MORE OR LESS.

ATTACHMENT "B"

LOCATION MAP

447 South Street



ORDINANCE 15-23

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 0.504 ± ACRES LOCATED AT 447 SOUTH STREET ON THE NORTHEAST CORNER OF 5TH STREET AND SOUTH STREET FROM ORANGE COUNTY LOW DENSITY RESIDENTIAL TO CITY LOW DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on the 13th of June, 1991, the City Commission of the City of Winter Garden adopted Ordinance 91-16 which adopted a new Comprehensive Plan for the City of Winter Garden, and on the 24th of June, 2010, the City Commission of the City of Winter Garden adopted Ordinance 10-19 readopting and amending the Comprehensive Plan for the City of Winter Garden;

WHEREAS, the owner of that certain real property generally described as approximately 0.504 ± acres located at 447 South Street on the northeast corner of 5th Street and South Street, and legally described in ATTACHMENT "A" (the "Property") has petitioned the City to amend the Winter Garden Comprehensive Plan to change the Future Land Use classification from Orange County Low Density Residential to City Low Density Residential; and

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

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

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

SECTION II. *Effective Date.* Provided that the Property described herein is annexed into the City of Winter Garden pursuant to Ordinance 15-22, 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: _____, 2015.

SECOND READING AND PUBLIC HEARING: _____, 2015.

ADOPTED this _____ day of _____, 2015, 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#: 26-22-27-8110-02-079

DESCRIPTION:

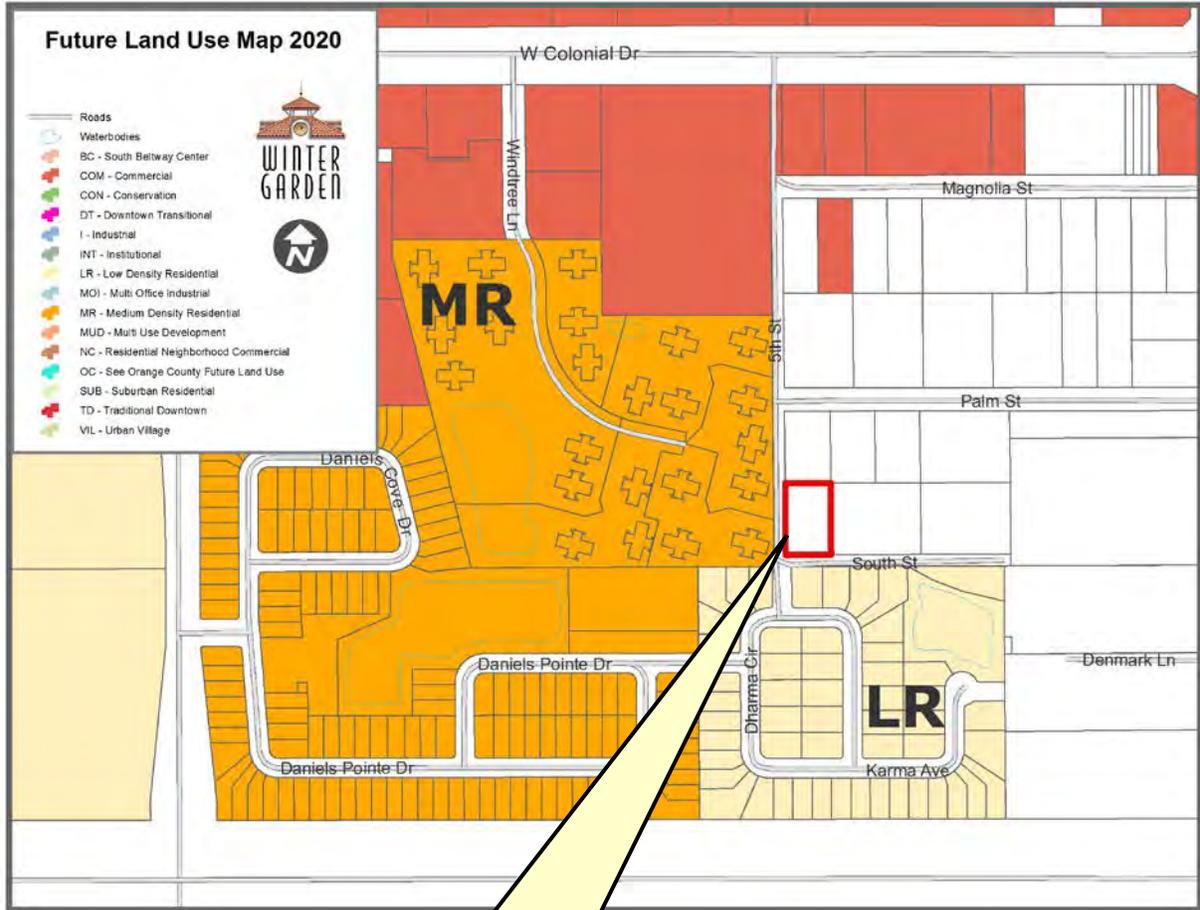
LOT 8, BLOCK B, G.T. SMITH SUBDIVISION NO. 7, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK Q, PAGE 129, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGIN AT THE SOUTHWEST CORNER OF LOT 8, BLOCK B, G.T. SMITH SUBDIVISION NO. 7, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK Q, PAGE 129, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE RUN NORTH 00°19'00" WEST 186.10 FEET TO THE NORTHWEST CORNER OF SAID LOT 8; THENCE SOUTH 89°53'30" EAST 118.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 8; THENCE SOUTH 00°19'00" EAST 185.88 FEET TO THE SOUTHEAST CORNER OF SAID LOT 8; THENCE NORTH 90°00'00" WEST 118.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.504 ACRES, MORE OR LESS.

ATTACHMENT "B"

FUTURE LAND USE MAP

447 South Street



Subject property changed from Orange County Low Density Residential to City Low Density Residential

ORDINANCE 15-24

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.504 ± ACRES LOCATED AT 447 SOUTH STREET ON THE NORTHEAST CORNER OF 5TH STREET AND SOUTH STREET FROM ORANGE COUNTY A-1 RURAL DISTRICT TO CITY R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner of that certain real property generally described as 0.504 ± acres located at 447 South Street on the northeast corner of 5th Street and South Street, and legally described in Section 1 of this ordinance has petitioned the City to rezone said property from Orange County A-1 Rural District to the City's R-1 Single-Family Residential District zoning classification, therefore; and

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

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

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

SECTION 1: *Rezoning.* The above "Whereas" clauses constitute findings by the City Commission. After due notice and public hearing, the zoning classification of real property legally described on ATTACHMENT "A," is hereby rezoned from Orange County A-1 Rural District to City R-1 Single-Family Residential District in the City of Winter Garden, Florida.

SECTION 2: *Zoning Map.* The City Planner is hereby authorized and directed to amend the Official Winter Garden Zoning Map in accordance with the provisions of this ordinance.

SECTION 3: *Non-Severability.* Should any portion of this Ordinance be held invalid, then the entire Ordinance shall be null and void.

SECTION 4: *Effective Date.* This Ordinance shall become effective simultaneously upon the effective date of Ordinance 15-23 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: _____, 2015.

SECOND READING AND PUBLIC HEARING: _____, 2015.

ADOPTED this _____ day of _____, 2015, 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#: 26-22-27-8110-02-079

DESCRIPTION:

LOT 8, BLOCK B, G.T. SMITH SUBDIVISION NO. 7, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK Q, PAGE 129, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGIN AT THE SOUTHWEST CORNER OF LOT 8, BLOCK B, G.T. SMITH SUBDIVISION NO. 7, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK Q, PAGE 129, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE RUN NORTH 00°19'00" WEST 186.10 FEET TO THE NORTHWEST CORNER OF SAID LOT 8; THENCE SOUTH 89°53'30" EAST 118.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 8; THENCE SOUTH 00°19'00" EAST 185.88 FEET TO THE SOUTHEAST CORNER OF SAID LOT 8; THENCE NORTH 90°00'00" WEST 118.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.504 ACRES, MORE OR LESS.

ORDINANCE 15-25

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.989 ± ACRES LOCATED AT 483 SOUTH STREET ON THE NORTH SIDE OF SOUTH STREET, EAST OF 5TH STREET AND SOUTH OF PALM STREET 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 0.989 ± acres located at 483 South Street on the north side of South Street, east of 5th Street and south of Palm Street 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 in ATTACHMENT “B” 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: _____, 2015.

SECOND READING AND PUBLIC HEARING: _____, 2015.

ADOPTED this _____ day of _____, 2015, 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#: 26-22-27-8110-02-080

DESCRIPTION:

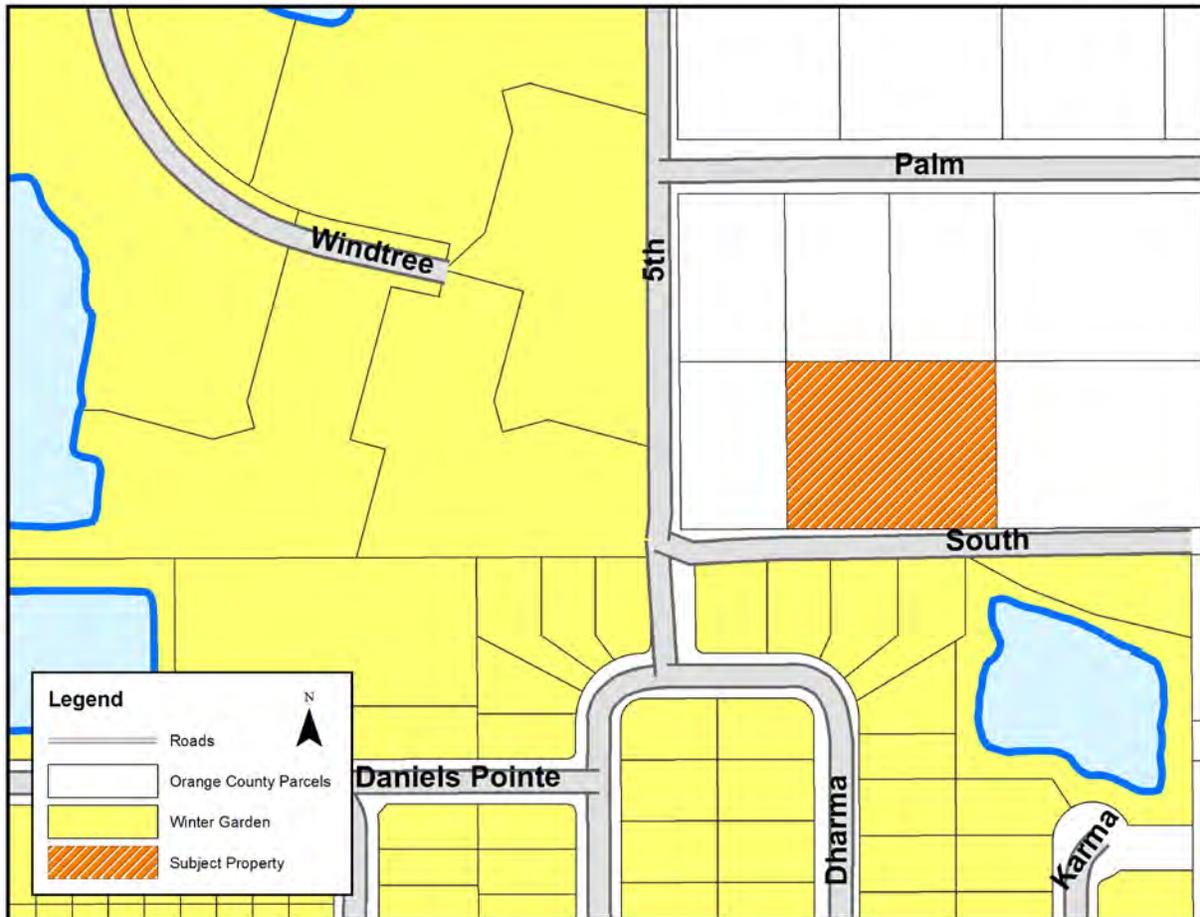
LOTS 9 AND 10, BLOCK B, G.T. SMITH SUBDIVISION NO. 7, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK Q, PAGE 129, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE SOUTHWEST CORNER OF LOT 8, BLOCK B, G.T. SMITH SUBDIVISION NO. 7, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK Q, PAGE 129, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE RUN NORTH 90°00'00" EAST 118.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 9 AND THE POINT OF BEGINNING; THENCE RUN NORTH 00°19'00" WEST 185.88 FEET TO THE NORTHWEST CORNER OF SAID LOT 9; THENCE SOUTH 89°53'30" EAST 232.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 10; THENCE SOUTH 00°19'00" EAST 185.44 FEET TO THE SOUTHEAST CORNER OF SAID LOT 10; THENCE NORTH 90°00'00" WEST 232.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.989 ACRES, MORE OR LESS.

ATTACHMENT "B"

LOCATION MAP

483 South Street



ORDINANCE 15-26

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 0.989 ± ACRES LOCATED AT 483 SOUTH STREET ON THE NORTH SIDE OF SOUTH STREET, EAST OF 5TH STREET AND SOUTH OF PALM STREET FROM ORANGE COUNTY LOW DENSITY RESIDENTIAL TO CITY LOW DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on the 13th of June, 1991, the City Commission of the City of Winter Garden adopted Ordinance 91-16 which adopted a new Comprehensive Plan for the City of Winter Garden, and on the 24th of June, 2010, the City Commission of the City of Winter Garden adopted Ordinance 10-19 readopting and amending the Comprehensive Plan for the City of Winter Garden;

WHEREAS, the owner of that certain real property generally described as approximately 0.989 ± acres located at 483 South Street on the north side of South Street, east of 5th Street and south of Palm Street, and legally described in ATTACHMENT "A" (the "Property") has petitioned the City to amend the Winter Garden Comprehensive Plan to change the Future Land Use classification from Orange County Low Density Residential to City Low Density Residential; and

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

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

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

SECTION II. *Effective Date.* Provided that the Property described herein is annexed into the City of Winter Garden pursuant to Ordinance 15-25, 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: _____, 2015.

SECOND READING AND PUBLIC HEARING: _____, 2015.

ADOPTED this _____ day of _____, 2015, 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#: 26-22-27-8110-02-080

DESCRIPTION:

LOTS 9 AND 10, BLOCK B, G.T. SMITH SUBDIVISION NO. 7, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK Q, PAGE 129, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE SOUTHWEST CORNER OF LOT 8, BLOCK B, G.T. SMITH SUBDIVISION NO. 7, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK Q, PAGE 129, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE RUN NORTH 90°00'00" EAST 118.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 9 AND THE POINT OF BEGINNING; THENCE RUN NORTH 00°19'00" WEST 185.88 FEET TO THE NORTHWEST CORNER OF SAID LOT 9; THENCE SOUTH 89°53'30" EAST 232.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 10; THENCE SOUTH 00°19'00" EAST 185.44 FEET TO THE SOUTHEAST CORNER OF SAID LOT 10; THENCE NORTH 90°00'00" WEST 232.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.989 ACRES, MORE OR LESS.

ORDINANCE 15-27

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.989 ± ACRES LOCATED AT 483 SOUTH STREET ON THE NORTH SIDE OF SOUTH STREET, EAST OF 5TH STREET AND SOUTH OF PALM STREET FROM ORANGE COUNTY A-1 RURAL DISTRICT TO CITY R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner of that certain real property generally described as 0.989 ± acres located at 483 South Street on the north side of South Street, east of 5th Street and south of Palm Street, and legally described in Section 1 of this ordinance has petitioned the City to rezone said property from Orange County A-1 Rural District to the City's R-1 Single-Family Residential District zoning classification, therefore; and

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

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

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

SECTION 1: *Rezoning.* The above "Whereas" clauses constitute findings by the City Commission. After due notice and public hearing, the zoning classification of real property legally described on ATTACHMENT "A," is hereby rezoned from Orange County A-1 Rural District to City R-1 Single-Family Residential District in the City of Winter Garden, Florida.

SECTION 2: *Zoning Map.* The City Planner is hereby authorized and directed to amend the Official Winter Garden Zoning Map in accordance with the provisions of this ordinance.

SECTION 3: *Non-Severability.* Should any portion of this Ordinance be held invalid, then the entire Ordinance shall be null and void.

SECTION 4: *Effective Date.* This Ordinance shall become effective simultaneously upon the effective date of Ordinance 15-26 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: _____, 2015.

SECOND READING AND PUBLIC HEARING: _____, 2015.

ADOPTED this _____ day of _____, 2015, 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#: 26-22-27-8110-02-080

DESCRIPTION:

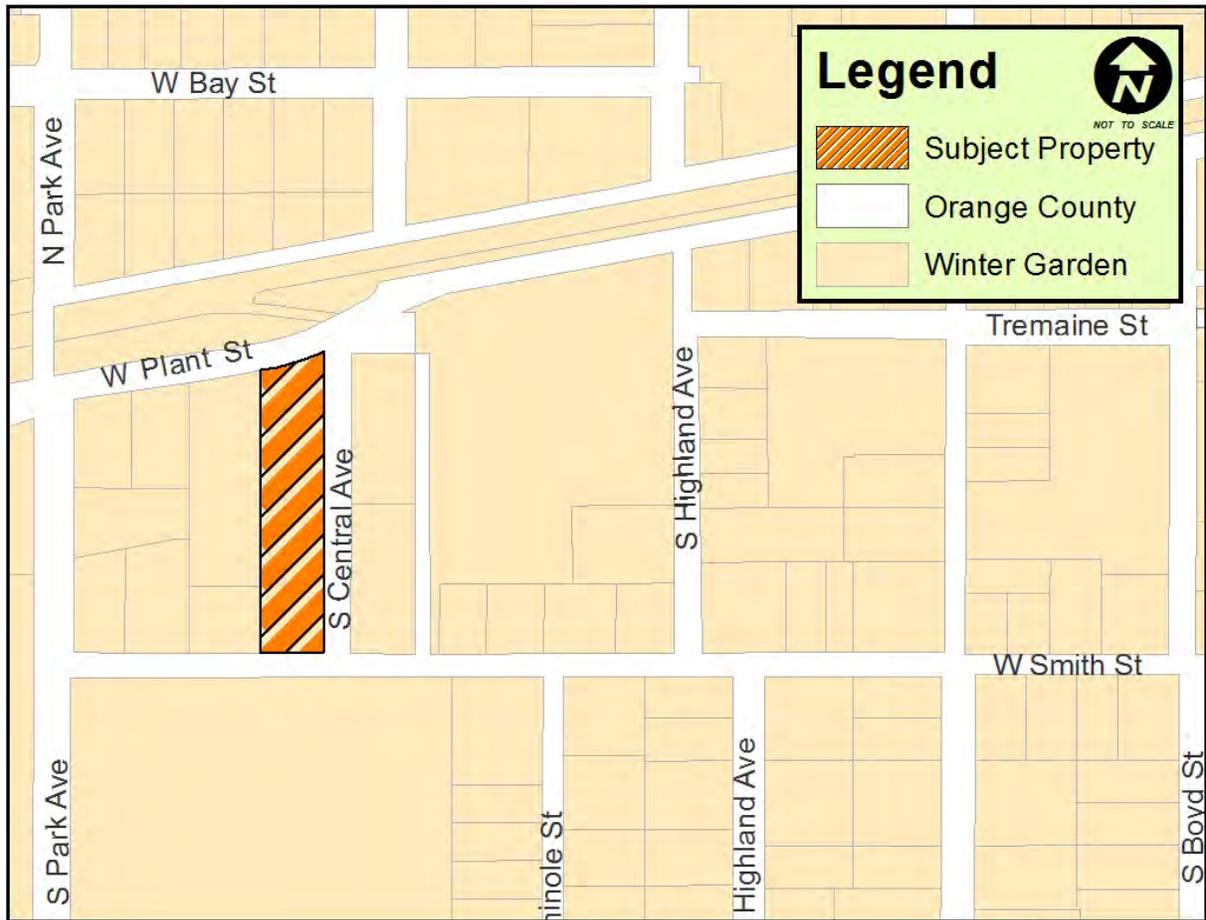
LOTS 9 AND 10, BLOCK B, G.T. SMITH SUBDIVISION NO. 7, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK Q, PAGE 129, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE SOUTHWEST CORNER OF LOT 8, BLOCK B, G.T. SMITH SUBDIVISION NO. 7, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK Q, PAGE 129, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE RUN NORTH 90°00'00" EAST 118.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 9 AND THE POINT OF BEGINNING; THENCE RUN NORTH 00°19'00" WEST 185.88 FEET TO THE NORTHWEST CORNER OF SAID LOT 9; THENCE SOUTH 89°53'30" EAST 232.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 10; THENCE SOUTH 00°19'00" EAST 185.44 FEET TO THE SOUTHEAST CORNER OF SAID LOT 10; THENCE NORTH 90°00'00" WEST 232.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.989 ACRES, MORE OR LESS.

LOCATION MAP

426 W Plant Street

SPECIAL EXCEPTION FOR ROOF SIGN



CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

STAFF REPORT

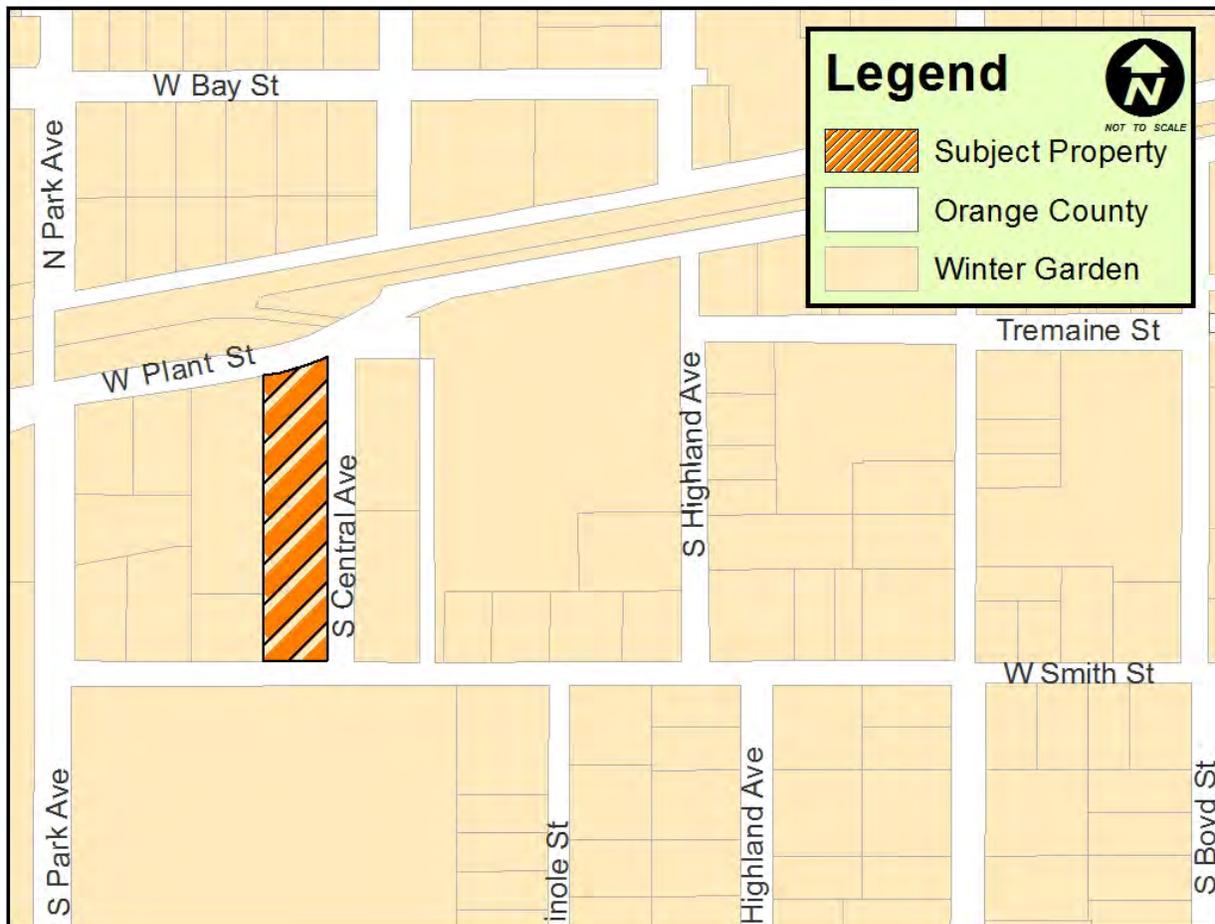
TO: PLANNING AND ZONING BOARD
PREPARED BY: STEVE PASH, COMMUNITY DEVELOPMENT MANAGER
DATE: FEBRUARY 24, 2015
SUBJECT: SPECIAL EXCEPTION PERMIT
426 West Plant Street (Roof Sign)
PARCEL ID # 23-22-27-2888-05-021

APPLICANT: Plant Street Market, LLC

INTRODUCTION

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

The subject property is located at 426 West Plant Street. The map below depicts the location of the subject property within the City of Winter Garden municipal limits:



The request is for a Special Exception Permit to allow a roof sign on the south side of the building. The subject property is located within the City of Winter Garden municipal limits, carries the zoning designation C-1, and is designated Commercial on the Future Land Use Map of the Comprehensive Plan.

EXISTING/PROPOSED USE

The site contains a +/- 12,000 square foot commercial building that is currently under construction. The building will contain a micro brewery, retail shops, and a restaurant.

The applicant is requesting this special exception to install a roof sign on the south side of the building (facing West Smith Street).

Section 102-161 c (3) of the City Code allows roof signs in commercial districts by Special Exception. The signs are limited to a height of 25% of the vertical height of the building façade parallel to the sign and are allowed to project above the height of the roof on flat roofed structures. Roof signs are prohibited from being electronic message centers.

The proposed roof sign is on the south side of the building and the building is 18.5 feet tall, which allows a sign to be constructed at a maximum height of 23.125 feet. The applicant has submitted this application for Special Exception to install the sign. The plans submitted show the sign at a height of 23.8 feet and the applicant has agreed to lower the sign to meet code requirements. The proposed sign is made of painted aluminum and will not be lighted.

ADJACENT LAND USE AND ZONING

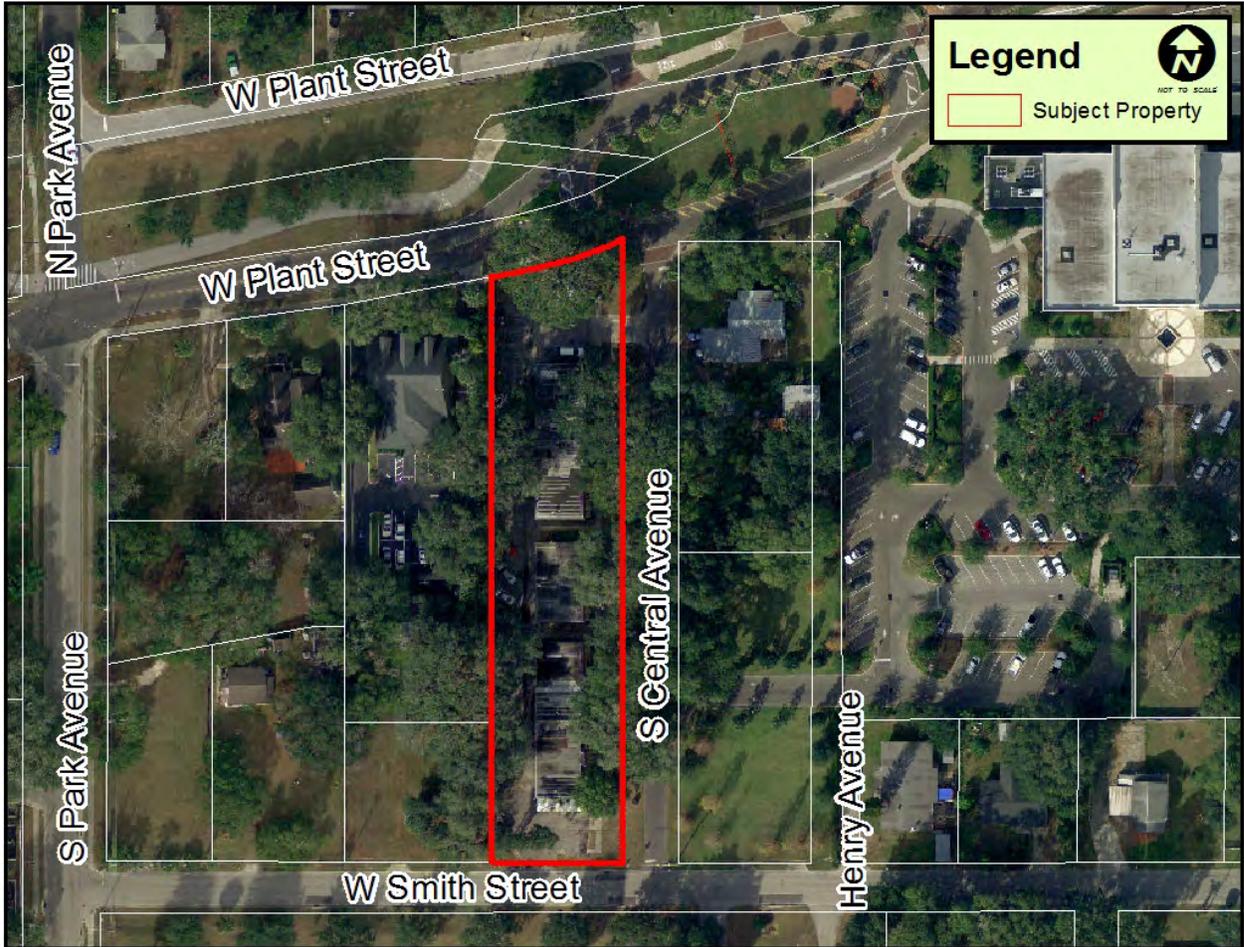
The properties located to the north of the subject property are single family residences, zoned R-2, and located in the City of Winter Garden. The property located to the east of the subject property is vacant land, zoned C-1, located in the City, and has been approved by the Architectural Review Historic Preservation Board to build a +/- 18,000 square foot building with office and retail space. The property to the west of the subject property is zoned R-NC and contains +/- 5,800 square feet of office space in two buildings. The property located to the south of the subject property is a city parking lot zoned R-NC.

SUMMARY

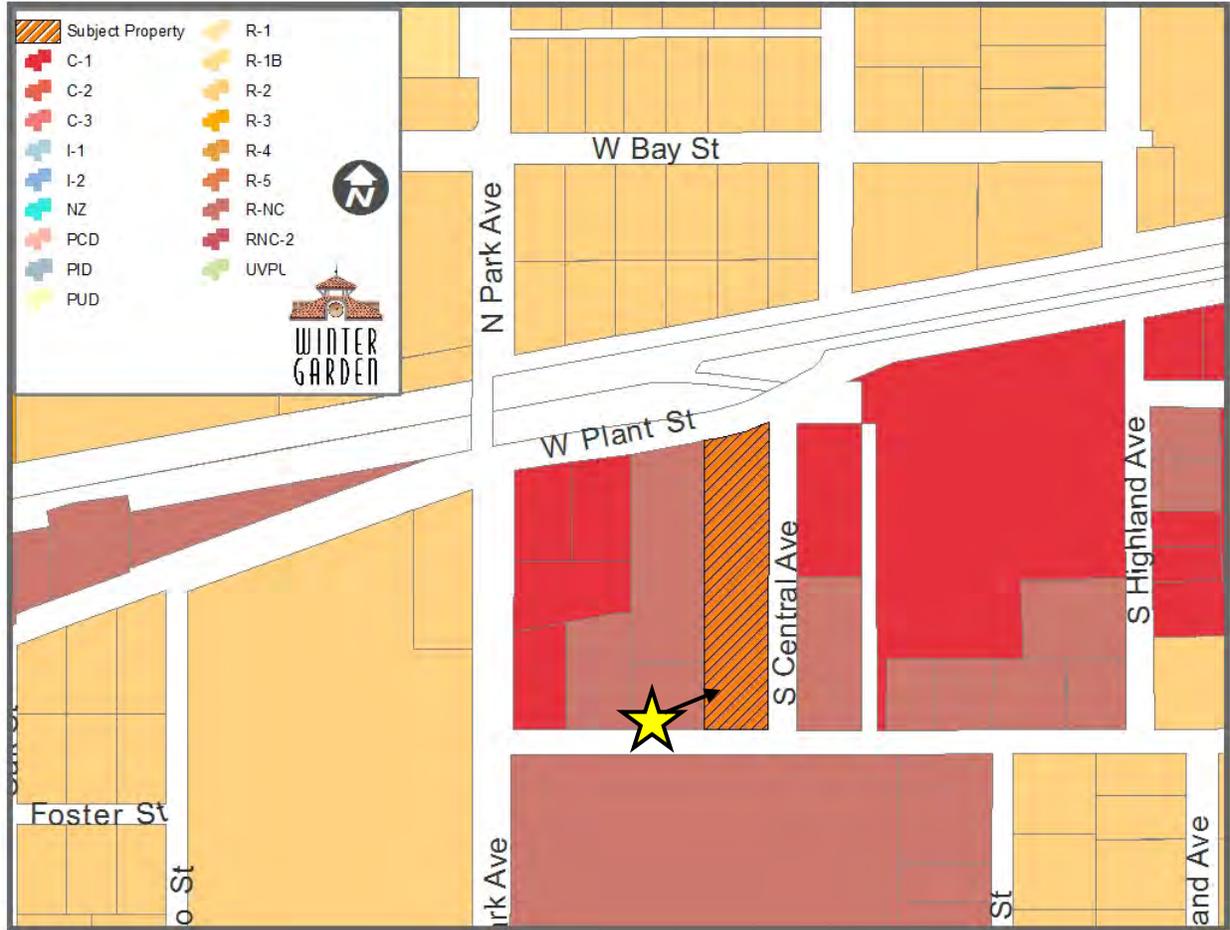
City Staff recommends approval of the proposed special exception permit to a roof sign at 426 West Plant Street on the south side of the building with the following conditions:

1. The sign shall not have any lighting.
2. The plans shall be amended so the sign is built at a maximum height of 23.125 feet.

AERIAL PHOTO
426 West Plant Street



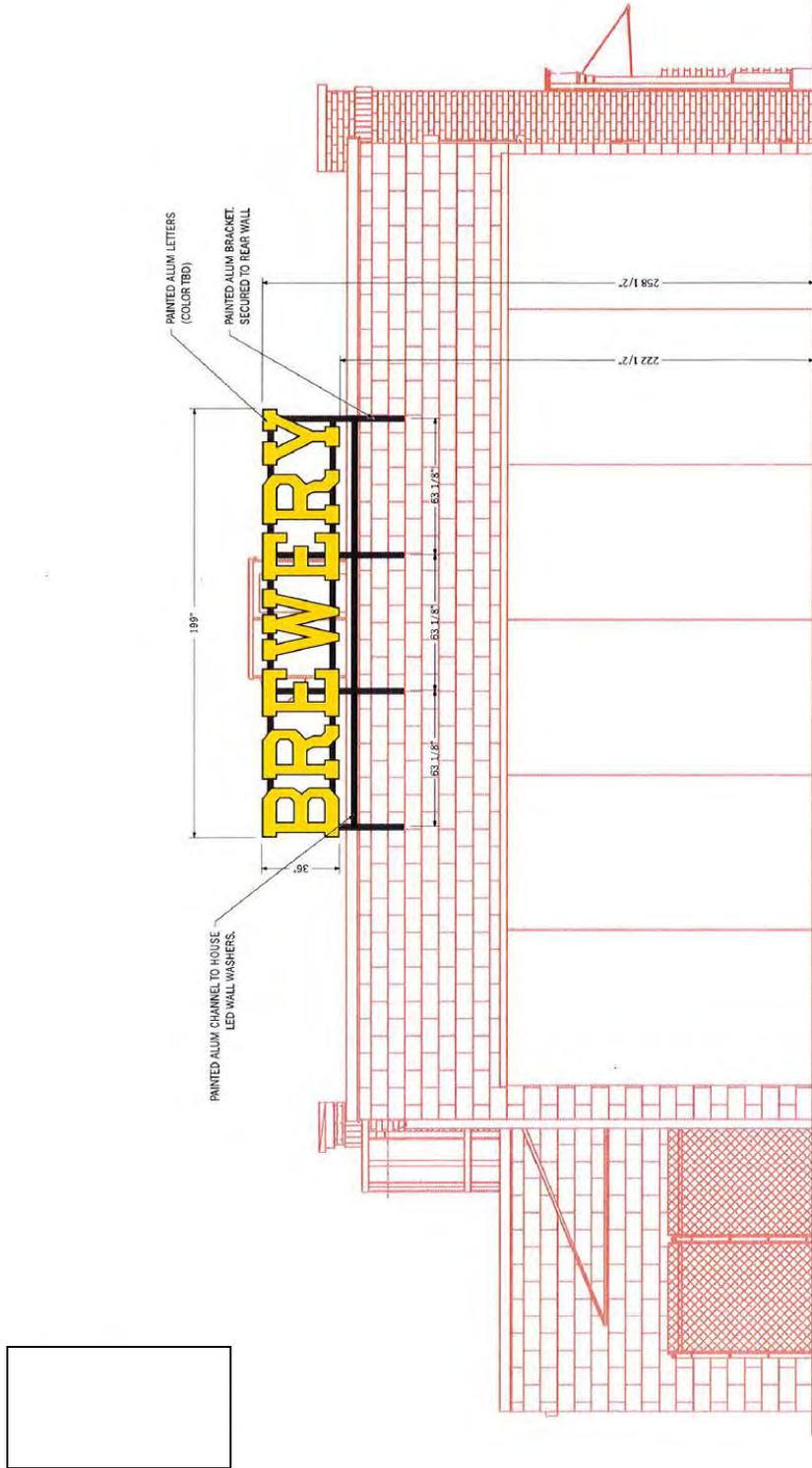
ZONING MAP
426 West Plant Street



FUTURE LAND USE MAP 426 West Plant Street



**PROPOSED ROOF SIGN
426 West Plant Street**



END OF STAFF REPORT